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UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
ONE HUNDRED FIFTEENTH CONGRESS
OF THE UNITED STATES OF AMERICA

2018

AND

PROCLAMATIONS

VOLUME 132

IN FOUR PARTS

PART 1

PUBLIC LAWS 115–118 THROUGH 115–183

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PUBLIC LAWS

ENACTED DURING

SECOND SESSION OF THE ONE HUNDRED FIFTEENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Wednesday, January 3, 2018, adjourned sine die on Thursday, January 3, 2019. DONALD J. TRUMP, *President;* MICHAEL R. PENCE, *Vice President;* PAUL D. RYAN, *Speaker of the House of Representatives.*

Public Law 115–118
115th Congress

An Act

To amend the Foreign Intelligence Surveillance Act of 1978 to improve foreign intelligence collection and the safeguards, accountability, and oversight of acquisitions of foreign intelligence, to extend title VII of such Act, and for other purposes.

Jan. 19, 2018
[S. 139]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FISA Amendments Reauthorization Act of 2017. 50 USC 1801 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FISA Amendments Reauthorization Act of 2017".

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

TITLE I—ENHANCEMENTS TO FOREIGN INTELLIGENCE COLLECTION AND SAFEGUARDS, ACCOUNTABILITY, AND OVERSIGHT

Sec. 101. Querying procedures required.
Sec. 102. Use and disclosure provisions.
Sec. 103. Congressional review and oversight of abouts collection.
Sec. 104. Publication of minimization procedures under section 702.
Sec. 105. Section 705 emergency provision.
Sec. 106. Compensation of amici curiae and technical experts.
Sec. 107. Additional reporting requirements.
Sec. 108. Improvements to Privacy and Civil Liberties Oversight Board.
Sec. 109. Privacy and civil liberties officers.
Sec. 110. Whistleblower protections for contractors of the intelligence community.
Sec. 111. Briefing on notification requirements.
Sec. 112. Inspector General report on queries conducted by Federal Bureau of Investigation.

TITLE II—EXTENSION OF AUTHORITIES, INCREASED PENALTIES, REPORTS, AND OTHER MATTERS

Sec. 201. Extension of title VII of FISA; effective dates.
Sec. 202. Increased penalty for unauthorized removal and retention of classified documents or material.
Sec. 203. Report on challenges to the effectiveness of foreign intelligence surveillance.
Sec. 204. Comptroller General study on the classification system and protection of classified information.
Sec. 205. Technical amendments and amendments to improve procedures of the Foreign Intelligence Surveillance Court of Review.
Sec. 206. Severability.

SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the

Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

TITLE I—ENHANCEMENTS TO FOREIGN INTELLIGENCE COLLECTION AND SAFEGUARDS, ACCOUNTABILITY, AND OVERSIGHT

SEC. 101. QUERYING PROCEDURES REQUIRED.

(a) QUERYING PROCEDURES.—

(1) IN GENERAL.—Section 702 (50 U.S.C. 1881a) is amended—

(A) by redesignating subsections (f) through (l) as subsections (g) through (m), respectively; and

(B) by inserting after subsection (e) the following new subsection:

"(f) QUERIES.—

Consultations.

"(1) PROCEDURES REQUIRED.—

"(A) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt querying procedures consistent with the requirements of the fourth amendment to the Constitution of the United States for information collected pursuant to an authorization under subsection (a).

"(B) RECORD OF UNITED STATES PERSON QUERY TERMS.—The Attorney General, in consultation with the Director of National Intelligence, shall ensure that the procedures adopted under subparagraph (A) include a technical procedure whereby a record is kept of each United States person query term used for a query.

"(C) JUDICIAL REVIEW.—The procedures adopted in accordance with subparagraph (A) shall be subject to judicial review pursuant to subsection (j).

"(2) ACCESS TO RESULTS OF CERTAIN QUERIES CONDUCTED BY FBI.—

"(A) COURT ORDER REQUIRED FOR FBI REVIEW OF CERTAIN QUERY RESULTS IN CRIMINAL INVESTIGATIONS UNRELATED TO NATIONAL SECURITY.—Except as provided by subparagraph (E), in connection with a predicated criminal investigation opened by the Federal Bureau of Investigation that does not relate to the national security of the United States, the Federal Bureau of Investigation may not access the contents of communications acquired under subsection (a) that were retrieved pursuant to a query made using a United States person query term that was not designed to find and extract foreign intelligence information unless—

"(i) the Federal Bureau of Investigation applies for an order of the Court under subparagraph (C); and

"(ii) the Court enters an order under subparagraph (D) approving such application.

"(B) JURISDICTION.—The Court shall have jurisdiction to review an application and to enter an order approving the access described in subparagraph (A).

"(C) APPLICATION.—Each application for an order under this paragraph shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subparagraph (B). Each application shall require the approval of the Attorney General based upon the finding of the Attorney General that the application satisfies the criteria and requirements of such application, as set forth in this paragraph, and shall include—

"(i) the identity of the Federal officer making the application; and

"(ii) an affidavit or other information containing a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant that the contents of communications described in subparagraph (A) covered by the application would provide evidence of—

"(I) criminal activity;

"(II) contraband, fruits of a crime, or other items illegally possessed by a third party; or

"(III) property designed for use, intended for use, or used in committing a crime.

"(D) ORDER.—Upon an application made pursuant to subparagraph (C), the Court shall enter an order approving the accessing of the contents of communications described in subparagraph (A) covered by the application if the Court finds probable cause to believe that such contents would provide any of the evidence described in subparagraph (C)(ii). Courts.

"(E) EXCEPTION.—The requirement for an order of the Court under subparagraph (A) to access the contents of communications described in such subparagraph shall not apply with respect to a query if the Federal Bureau of Investigation determines there is a reasonable belief that such contents could assist in mitigating or eliminating a threat to life or serious bodily harm.

"(F) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as—

"(i) limiting the authority of the Federal Bureau of Investigation to conduct lawful queries of information acquired under subsection (a);

"(ii) limiting the authority of the Federal Bureau of Investigation to review, without a court order, the results of any query of information acquired under subsection (a) that was reasonably designed to find and extract foreign intelligence information, regardless of whether such foreign intelligence information could also be considered evidence of a crime; or

"(iii) prohibiting or otherwise limiting the ability of the Federal Bureau of Investigation to access the results of queries conducted when evaluating whether to open an assessment or predicated investigation relating to the national security of the United States.

"(3) DEFINITIONS.—In this subsection:

"(A) The term 'contents' has the meaning given that term in section 2510(8) of title 18, United States Code.

"(B) The term 'query' means the use of one or more terms to retrieve the unminimized contents or noncontents

located in electronic and data storage systems of communications of or concerning United States persons obtained through acquisitions authorized under subsection (a).".

(2) APPLICATION.—Subsection (f) of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as added by paragraph (1), shall apply with respect to certifications submitted under subsection (h) of such section to the Foreign Intelligence Surveillance Court after January 1, 2018.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO SECTION 702 OF FISA.—Such section 702 is further amended—

(A) in subsection (a), by striking "with subsection (i)(3)" and inserting "with subsection (j)(3)";

(B) in subsection (c)—

(i) in paragraph (1)(B), by striking "with subsection (g)" and inserting "with subsection (h)";

(ii) in paragraph (2), by striking "to subsection (i)(3)" and inserting "to subsection (j)(3)"; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking "with subsection (g)" and inserting "with subsection (h)"; and

(II) in subparagraph (B)—

(aa) by striking "to subsection (i)(1)(C)" and inserting "to subsection (j)(1)(C)"; and

(bb) by striking "under subsection (i)" and inserting "under subsection (j)";

(C) in subsection (d)(2), by striking "to subsection (i)" and inserting "to subsection (j)";

(D) in subsection (e)(2), by striking "to subsection (i)" and inserting "to subsection (j)";

(E) in subsection (h), as redesignated by subsection (a)(1)—

(i) in paragraph (2)(A)(iii), by striking "with subsection (f)" and inserting "with subsection (g)";

(ii) in paragraph (3), by striking "with subsection (i)(1)(C)" and inserting "with subsection (j)(1)(C)"; and

(iii) in paragraph (6), by striking "to subsection (i)" and inserting "to subsection (j)";

(F) in subsection (j), as redesignated by subsection (a)(1)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "targeting and minimization procedures adopted in accordance with subsections (d) and (e)" and inserting "targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)";

(II) in subparagraph (B), by striking "targeting and minimization procedures adopted in accordance with subsections (d) and (e)" and inserting "targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)"; and

(III) in subparagraph (C), by striking "targeting and minimization procedures adopted in accordance with subsections (d) and (e)" and

inserting "targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "with subsection (g)" and inserting "with subsection (h)"; and

(II) by adding at the end the following:

"(D) QUERYING PROCEDURES.—The querying procedures adopted in accordance with subsection (f)(1) to assess whether such procedures comply with the requirements of such subsection.";

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking "with subsection (g)" and inserting "with subsection (h)"; and

(bb) by striking "targeting and minimization procedures adopted in accordance with subsections (d) and (e)" and inserting "targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)"; and

(II) in subparagraph (B), in the matter before clause (i)—

(aa) by striking "with subsection (g)" and inserting "with subsection (h)"; and

(bb) by striking "with subsections (d) and (e)" and inserting "with subsections (d), (e), and (f)(1)"; and

(iv) in paragraph (5)(A)—

(I) by striking "with subsection (g)" and inserting "with subsection (h)"; and

(II) by striking "with subsections (d) and (e)" and inserting "with subsections (d), (e), and (f)(1)"; and

(G) in subsection (m), as redesignated by subsection (a)(1)—

(i) in paragraph (1), in the matter before subparagraph (A)—

(I) by striking "targeting and minimization procedures adopted in accordance with subsections (d) and (e)" and inserting "targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)"; and

(II) by striking "with subsection (f)" and inserting "with subsection (g)"; and

(ii) in paragraph (2)(A)—

(I) by striking "targeting and minimization procedures adopted in accordance with subsections (d) and (e)" and inserting "targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)"; and

(II) by striking "with subsection (f)" and inserting "with subsection (g)".

(2) AMENDMENTS TO FISA.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(A) by striking "section 702(h)" each place it appears and inserting "section 702(i)";

(B) by striking "section 702(g)" each place it appears and inserting "section 702(h)"; and

(C) in section 707(b)(1)(G)(ii), by striking "subsections (d), (e), and (f)" and inserting "subsections (d), (e), (f)(1), and (g)".

(3) AMENDMENTS TO FISA AMENDMENTS ACT OF 2008.—Section 404 of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1801 note) is amended—

(A) in subsection (a)(7)(B)—

(i) by striking "under section 702(i)(3)" and inserting "under section 702(j)(3)"; and

(ii) by striking "of section 702(i)(4)" and inserting "of section 702(j)(4)";

(B) in subsection (b)—

(i) in paragraph (3)—

(I) in subparagraph (A), by striking "to section 702(h)" and inserting "to section 702(i)"; and

(II) in subparagraph (B)—

(aa) by striking "section 702(h)(3) of" and inserting "section 702(i)(3) of"; and

(bb) by striking "to section 702(h)" and inserting "to section 702(i)"; and

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking "and sections 702(l)" and inserting "and sections 702(m)"; and

(II) in subparagraph (B)(iv), by striking "or section 702(l)" and inserting "or section 702(m)".

SEC. 102. USE AND DISCLOSURE PROVISIONS.

(a) END USE RESTRICTION.—Section 706(a) (50 U.S.C. 1881e(a)) is amended—

(1) by striking "Information acquired" and inserting the following:

"(1) IN GENERAL.—Information acquired"; and

(2) by adding at the end the following:

"(2) UNITED STATES PERSONS.—

"(A) IN GENERAL.—Any information concerning a United States person acquired under section 702 shall not be used in evidence against that United States person pursuant to paragraph (1) in any criminal proceeding unless—

"(i) the Federal Bureau of Investigation obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2); or

Determination.

"(ii) the Attorney General determines that—

"(I) the criminal proceeding affects, involves, or is related to the national security of the United States; or

"(II) the criminal proceeding involves—

"(aa) death;

"(bb) kidnapping;

"(cc) serious bodily injury, as defined in section 1365 of title 18, United States Code;

"(dd) conduct that constitutes a criminal offense that is a specified offense against a minor, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911);

"(ee) incapacitation or destruction of critical infrastructure, as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));

"(ff) cybersecurity, including conduct described in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)) or section 1029, 1030, or 2511 of title 18, United States Code;

"(gg) transnational crime, including transnational narcotics trafficking and transnational organized crime; or

"(hh) human trafficking.

"(B) NO JUDICIAL REVIEW.—A determination by the Attorney General under subparagraph (A)(ii) is not subject to judicial review.".

(b) INTELLIGENCE COMMUNITY DISCLOSURE PROVISION.—Section 603 (50 U.S.C. 1873) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "good faith estimate of the number of targets of such orders;" and inserting the following: "good faith estimate of—

"(A) the number of targets of such orders;

"(B) the number of targets of such orders who are known to not be United States persons; and

"(C) the number of targets of such orders who are known to be United States persons;";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ", including pursuant to subsection (f)(2) of such section," after "section 702";

(ii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(iii) by inserting before subparagraph (B), as so redesignated, the following:

"(A) the number of targets of such orders;";

(iv) in subparagraph (B), as so redesignated, by striking "and" at the end; and

(v) by adding at the end the following:

"(D) the number of instances in which the Federal Bureau of Investigation opened, under the Criminal Investigative Division or any successor division, an investigation of a United States person (who is not considered a threat to national security) based wholly or in part on an acquisition authorized under such section;";

(C) in paragraph (3)(A), by striking "orders; and" and inserting the following: "orders, including—

"(i) the number of targets of such orders who are known to not be United States persons; and

"(ii) the number of targets of such orders who are known to be United States persons; and";

(D) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(E) by inserting after paragraph (3) the following:

"(4) the number of criminal proceedings in which the United States or a State or political subdivision thereof provided notice pursuant to subsection (c) or (d) of section 106 (including with respect to information acquired from an acquisition conducted under section 702) or subsection (d) or (e) of section 305 of the intent of the government to enter into evidence or otherwise use or disclose any information obtained or derived from electronic surveillance, physical search, or an acquisition conducted pursuant to this Act;"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "(4), or (5)" and inserting "(5), or (6)";

(B) in paragraph (2)(A)—

(i) by striking "Paragraphs (2)(A), (2)(B), and (5)(C)" and inserting "Paragraphs (2)(B), (2)(C), and (6)(C)"; and

(ii) by inserting before the period at the end the following: ", except with respect to information required under paragraph (2) relating to orders issued under section 702(f)(2)"; and

(C) in paragraph (3)(A), in the matter preceding clause (i), by striking "subsection (b)(2)(B)" and inserting "subsection (b)(2)(C)".

SEC. 103. CONGRESSIONAL REVIEW AND OVERSIGHT OF ABOUTS COLLECTION.

(a) IN GENERAL.—Section 702(b) (50 U.S.C. 1881a(b)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) may not intentionally acquire communications that contain a reference to, but are not to or from, a target of an acquisition authorized under subsection (a), except as provided under section 103(b) of the FISA Amendments Reauthorization Act of 2017; and".

50 USC 1881a note.

(b) CONGRESSIONAL REVIEW AND OVERSIGHT OF ABOUTS COLLECTION.—

(1) DEFINITIONS.—In this subsection:

(A) The term "abouts communication" means a communication that contains a reference to, but is not to or from, a target of an acquisition authorized under section 702(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(a)).

(B) The term "material breach" means significant noncompliance with applicable law or an order of the Foreign Intelligence Surveillance Court concerning any acquisition of abouts communications.

(2) SUBMISSION TO CONGRESS.—

Notice.

(A) REQUIREMENT.—Notwithstanding any other provision of law, and except as provided in paragraph (4), if

the Attorney General and the Director of National Intelligence intend to implement the authorization of the intentional acquisition of abouts communications, before the first such implementation after the date of enactment of this Act, the Attorney General and the Director of National Intelligence shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a written notice of the intent to implement the authorization of such an acquisition, and any supporting materials in accordance with this subsection.

(B) CONGRESSIONAL REVIEW PERIOD.—During the 30-day period beginning on the date written notice is submitted under subparagraph (A), the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives shall, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the written notice. Effective date. Hearings. Briefings.

(C) LIMITATION ON ACTION DURING CONGRESSIONAL REVIEW PERIOD.—Notwithstanding any other provision of law, and subject to paragraph (4), unless the Attorney General and the Director of National Intelligence make a determination pursuant to section 702(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(c)(2)), the Attorney General and the Director of National Intelligence may not implement the authorization of the intentional acquisition of abouts communications before the end of the period described in subparagraph (B). Determination.

(3) WRITTEN NOTICE.—Written notice under paragraph (2)(A) shall include the following: Records.

(A) A copy of any certification submitted to the Foreign Intelligence Surveillance Court pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), or amendment thereto, authorizing the intentional acquisition of abouts communications, including all affidavits, procedures, exhibits, and attachments submitted therewith. Certification.

(B) The decision, order, or opinion of the Foreign Intelligence Surveillance Court approving such certification, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion.

(C) A summary of the protections in place to detect any material breach.

(D) Data or other results of modeling, simulation, or auditing of sample data demonstrating that any acquisition method involving the intentional acquisition of abouts communications shall be conducted in accordance with title VII of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881 et seq.), if such data or other results exist at the time the written notice is submitted and were provided to the Foreign Intelligence Surveillance Court.

(E) Except as provided under paragraph (4), a statement that no acquisition authorized under subsection (a)

of such section 702 shall include the intentional acquisition of an abouts communication until after the end of the 30-day period described in paragraph (2)(B).

(4) EXCEPTION FOR EMERGENCY ACQUISITION.—

Deadline.

(A) NOTICE OF DETERMINATION.—If the Attorney General and the Director of National Intelligence make a determination pursuant to section 702(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(c)(2)) with respect to the intentional acquisition of abouts communications, the Attorney General and the Director of National Intelligence shall notify the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives as soon as practicable, but not later than 7 days after the determination is made.

(B) IMPLEMENTATION OR CONTINUATION.—

Certification. Determinations.

(i) IN GENERAL.—If the Foreign Intelligence Surveillance Court approves a certification that authorizes the intentional acquisition of abouts communications before the end of the 30-day period described in paragraph (2)(B), the Attorney General and the Director of National Intelligence may authorize the immediate implementation or continuation of that certification if the Attorney General and the Director of National Intelligence jointly determine that exigent circumstances exist such that without such immediate implementation or continuation intelligence important to the national security of the United States may be lost or not timely acquired.

Deadline.

(ii) NOTICE.—The Attorney General and the Director of National Intelligence shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives notification of a determination pursuant to clause (i) as soon as practicable, but not later than 3 days after the determination is made.

(5) REPORTING OF MATERIAL BREACH.—Subsection (m) of section 702 (50 U.S.C. 1881a), as redesignated by section 101, is amended—

(A) in the heading by striking "AND REVIEWS" and inserting "REVIEWS, AND REPORTING"; and

(B) by adding at the end the following new paragraph:

"(4) REPORTING OF MATERIAL BREACH.—

"(A) IN GENERAL.—The head of each element of the intelligence community involved in the acquisition of abouts communications shall fully and currently inform the Committees on the Judiciary of the House of Representatives and the Senate and the congressional intelligence committees of a material breach.

"(B) DEFINITIONS.—In this paragraph:

"(i) The term 'abouts communication' means a communication that contains a reference to, but is not to or from, a target of an acquisition authorized under subsection (a).

"(ii) The term 'material breach' means significant noncompliance with applicable law or an order of the Foreign Intelligence Surveillance Court concerning any acquisition of abouts communications.".

(6) APPOINTMENT OF AMICI CURIAE BY FOREIGN INTELLIGENCE SURVEILLANCE COURT.—For purposes of section 103(i)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(2)(A)), the Foreign Intelligence Surveillance Court shall treat the first certification under section 702(h) of such Act (50 U.S.C. 1881a(h)) or amendment thereto that authorizes the acquisition of abouts communications as presenting a novel or significant interpretation of the law, unless the court determines otherwise.

SEC. 104. PUBLICATION OF MINIMIZATION PROCEDURES UNDER SECTION 702.

Section 702(e) (50 U.S.C. 1881a(e)) is amended by adding at the end the following new paragraph:

"(3) PUBLICATION.—The Director of National Intelligence, in consultation with the Attorney General, shall— Consultation.

"(A) conduct a declassification review of any minimization procedures adopted or amended in accordance with paragraph (1); and

"(B) consistent with such review, and not later than 180 days after conducting such review, make such minimization procedures publicly available to the greatest extent practicable, which may be in redacted form.".

SEC. 105. SECTION 705 EMERGENCY PROVISION.

Section 705 (50 U.S.C. 1881d) is amended by adding at the end the following:

"(c) EMERGENCY AUTHORIZATION.—

"(1) CONCURRENT AUTHORIZATION.—If the Attorney General authorized the emergency employment of electronic surveillance or a physical search pursuant to section 105 or 304, the Attorney General may authorize, for the effective period of the emergency authorization and subsequent order pursuant to section 105 or 304, without a separate order under section 703 or 704, the targeting of a United States person subject to such emergency employment for the purpose of acquiring foreign intelligence information while such United States person is reasonably believed to be located outside the United States.

"(2) USE OF INFORMATION.—If an application submitted to the Court pursuant to section 104 or 303 is denied, or in any other case in which the acquisition pursuant to paragraph (1) is terminated and no order with respect to the target of the acquisition is issued under section 105 or 304, all information obtained or evidence derived from such acquisition shall be handled in accordance with section 704(d)(4).".

SEC. 106. COMPENSATION OF AMICI CURIAE AND TECHNICAL EXPERTS.

Subsection (i) of section 103 (50 U.S.C. 1803) is amended by adding at the end the following:

"(11) COMPENSATION.—Notwithstanding any other provision of law, a court established under subsection (a) or (b) may compensate an amicus curiae appointed under paragraph

(2) for assistance provided under such paragraph as the court considers appropriate and at such rate as the court considers appropriate.".

SEC. 107. ADDITIONAL REPORTING REQUIREMENTS.

(a) ELECTRONIC SURVEILLANCE.—Section 107 (50 U.S.C. 1807) is amended to read as follows:

"SEC. 107. REPORT OF ELECTRONIC SURVEILLANCE.

"(a) ANNUAL REPORT.—In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding calendar year—

"(1) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title;

"(2) the total number of such orders and extensions either granted, modified, or denied; and

"(3) the total number of subjects targeted by electronic surveillance conducted under an order or emergency authorization under this title, rounded to the nearest 500, including the number of such individuals who are United States persons, reported to the nearest band of 500, starting with 0–499.

"(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, to the extent consistent with national security. Not later than 7 days after the date on which the Attorney General submits each such report, the Attorney General shall make the report publicly available, or, if the Attorney General determines that the report cannot be made publicly available consistent with national security, the Attorney General may make publicly available an unclassified summary of the report or a redacted version of the report.".

Public information. Determination.

(b) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406 (50 U.S.C. 1846) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "; and" and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) a good faith estimate of the total number of subjects who were targeted by the installation and use of a pen register or trap and trace device under an order or emergency authorization issued under this title, rounded to the nearest 500, including—

"(A) the number of such subjects who are United States persons, reported to the nearest band of 500, starting with 0–499; and

"(B) of the number of United States persons described in subparagraph (A), the number of persons whose information acquired pursuant to such order was reviewed or accessed by a Federal officer, employee, or agent, reported to the nearest band of 500, starting with 0–499."; and

(2) by adding at the end the following new subsection:

"(c) Each report under subsection (b) shall be submitted in unclassified form, to the extent consistent with national security.

Not later than 7 days after the date on which the Attorney General submits such a report, the Attorney General shall make the report publicly available, or, if the Attorney General determines that the report cannot be made publicly available consistent with national security, the Attorney General may make publicly available an unclassified summary of the report or a redacted version of the report.".

Public information. Determination.

SEC. 108. IMPROVEMENTS TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) APPOINTMENT OF STAFF.—Subsection (j) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(j)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) APPOINTMENT IN ABSENCE OF CHAIRMAN.—If the position of chairman of the Board is vacant, during the period of the vacancy, the Board, at the direction of the unanimous vote of the serving members of the Board, may exercise the authority of the chairman under paragraph (1).".

(b) MEETINGS.—Subsection (f) of such section (42 U.S.C. 2000ee(f)) is amended—

(1) by striking "The Board shall" and inserting "The Board";

(2) in paragraph (1) by striking "make its" and inserting "shall make its"; and

(3) in paragraph (2)—

(A) by striking "hold public" and inserting "shall hold public"; and

(B) by inserting before the period at the end the following: ", but may, notwithstanding section 552b of title 5, United States Code, meet or otherwise communicate in any number to confer or deliberate in a manner that is closed to the public".

SEC. 109. PRIVACY AND CIVIL LIBERTIES OFFICERS.

Section 1062(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(a)) is amended by inserting ", the Director of the National Security Agency, the Director of the Federal Bureau of Investigation" after "the Director of the Central Intelligence Agency".

SEC. 110. WHISTLEBLOWER PROTECTIONS FOR CONTRACTORS OF THE INTELLIGENCE COMMUNITY.

(a) PROHIBITED PERSONNEL PRACTICES IN THE INTELLIGENCE COMMUNITY.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting "or a contractor employee" after "character)"; and

(B) by adding at the end the following new paragraph:

"(4) CONTRACTOR EMPLOYEE.—The term 'contractor employee' means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element.";

Definition.

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

"(c) CONTRACTOR EMPLOYEES.—(1) Any employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any contractor employee as a reprisal for a lawful disclosure of information by the contractor employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, the head of the contracting agency (or an employee designated by the head of that agency for such purpose), the appropriate inspector general of the contracting agency, a congressional intelligence committee, or a member of a congressional intelligence committee, which the contractor employee reasonably believes evidences—

"(A) a violation of any Federal law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(2) A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an agency official, unless the request takes the form of a nondiscretionary directive and is within the authority of the agency official making the request.";

(4) in subsection (b), by striking the heading and inserting "AGENCY EMPLOYEES.—"; and

(5) in subsection (e), as redesignated by paragraph (2), by inserting "contractor employee," after "any employee,".

5 USC 2303 note.

(b) FEDERAL BUREAU OF INVESTIGATION.—

(1) IN GENERAL.—Any employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of the Federal Bureau of Investigation who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to a contractor employee as a reprisal for a disclosure of information—

(A) made—

(i) to a supervisor in the direct chain of command of the contractor employee;

(ii) to the Inspector General;

(iii) to the Office of Professional Responsibility of the Department of Justice;

(iv) to the Office of Professional Responsibility of the Federal Bureau of Investigation;

(v) to the Inspection Division of the Federal Bureau of Investigation;

(vi) to the Office of Special Counsel; or

(vii) to an employee designated by any officer, employee, office, or division described in clauses (i) through (vii) for the purpose of receiving such disclosures; and

(B) which the contractor employee reasonably believes evidences—

(i) any violation of any law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(2) ACTIONS BY REQUEST.—A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an official of the Federal Bureau of Investigation, unless the request takes the form of a nondiscretionary directive and is within the authority of the official making the request.

(3) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action described in paragraph (1) shall not be taken against a contractor employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subparagraph (A) of such paragraph.

(4) ENFORCEMENT.—The President shall provide for the enforcement of this subsection. President.

(5) DEFINITIONS.—In this subsection:

(A) The term "contractor employee" means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of the Federal Bureau of Investigation.

(B) The term "personnel action" means any action described in clauses (i) through (x) of section 2302(a)(2)(A) of title 5, United States Code, with respect to a contractor employee.

(c) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)) is amended by adding at the end the following new paragraph:

"(8) INCLUSION OF CONTRACTOR EMPLOYEES.—In this subsection, the term 'employee' includes an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of an agency. With respect to such employees, the term 'employing agency' shall be deemed to be the contracting agency.".

SEC. 111. BRIEFING ON NOTIFICATION REQUIREMENTS.

Deadline. Consultation.

Not later than 180 days after the date of the enactment of this Act, the Attorney General, in consultation with the Director of National Intelligence, shall provide to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a briefing with respect to how the Department of Justice interprets the requirements under sections 106(c), 305(d), and 405(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(c), 1825(d), and 1845(c)) to notify an aggrieved person under such sections of the use of information obtained or derived from electronic surveillance, physical search, or the use of a pen register or trap and trace device. The briefing shall focus on how the Department interprets the phrase "obtained or derived from" in such sections.

SEC. 112. INSPECTOR GENERAL REPORT ON QUERIES CONDUCTED BY FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—Not later than 1 year after the date on which the Foreign Intelligence Surveillance Court first approves the querying procedures adopted pursuant to section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)), as added by section 101, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing a review by the Inspector General of the interpretation of, and compliance with, such procedures by the Federal Bureau of Investigation.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include, at a minimum, an assessment of the following:

(1) The interpretations by the Federal Bureau of Investigation and the National Security Division of the Department of Justice, respectively, relating to the querying procedures adopted under subsection (f) of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)), as added by section 101.

(2) The handling by the Federal Bureau of Investigation of individuals whose citizenship status is unknown at the time of a query conducted under such section 702.

(3) The practice of the Federal Bureau of Investigation with respect to retaining records of queries conducted under such section 702 for auditing purposes.

(4) The training or other processes of the Federal Bureau of Investigation to ensure compliance with such querying procedures.

(5) The implementation of such querying procedures with respect to queries conducted when evaluating whether to open an assessment or predicated investigation relating to the national security of the United States.

(6) The scope of access by the criminal division of the Federal Bureau of Investigation to information obtained pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including with respect to information acquired under subsection (a) of such section 702 based on queries conducted by the criminal division.

(7) The frequency and nature of the reviews conducted by the National Security Division of the Department of Justice and the Office of the Director of National Intelligence relating to the compliance by the Federal Bureau of Investigation with such querying procedures.

(8) Any impediments, including operational, technical, or policy impediments, for the Federal Bureau of Investigation to count—

(A) the total number of queries where the Federal Bureau of Investigation subsequently accessed information acquired under subsection (a) of such section 702;

(B) the total number of such queries that used known United States person identifiers; and

(C) the total number of queries for which the Federal Bureau of Investigation received an order of the Foreign

Intelligence Surveillance Court pursuant to subsection (f)(2) of such section 702.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form to the extent consistent with national security, but may include a classified annex.

TITLE II—EXTENSION OF AUTHORITIES, INCREASED PENALTIES, REPORTS, AND OTHER MATTERS

SEC. 201. EXTENSION OF TITLE VII OF FISA; EFFECTIVE DATES.

(a) EXTENSION.—Section 403(b) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2474) is amended—

(1) in paragraph (1)— 50 USC 1881 and note, 1881a–1881g.

(A) by striking "December 31, 2017" and inserting "December 31, 2023"; and

(B) by inserting "and by the FISA Amendments Reauthorization Act of 2017" after "section 101(a)"; and

(2) in paragraph (2) in the matter preceding subparagraph (A), by striking "December 31, 2017" and inserting "December 31, 2023". 50 USC 2511 note.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2476), as amended by section 101, is further amended— 50 USC 1801 note.

(1) in paragraph (1)—

(A) in the heading, by striking "DECEMBER 31, 2017" and inserting "DECEMBER 31, 2023"; and

(B) by inserting "and by the FISA Amendments Reauthorization Act of 2017" after "section 101(a)";

(2) in paragraph (2), by inserting "and by the FISA Amendments Reauthorization Act of 2017" after "section 101(a)"; and

(3) in paragraph (4)—

(A) by inserting "and amended by the FISA Amendments Reauthorization Act of 2017" after "as added by section 101(a)" both places it appears; and

(B) by inserting "and by the FISA Amendments Reauthorization Act of 2017" after "as amended by section 101(a)" both places it appears.

(c) EFFECTIVE DATE OF AMENDMENTS TO FAA.—The amendments made to the FISA Amendments Act of 2008 (Public Law 110–261) by this section shall take effect on December 31, 2017. 50 USC 1881 note.

SEC. 202. INCREASED PENALTY FOR UNAUTHORIZED REMOVAL AND RETENTION OF CLASSIFIED DOCUMENTS OR MATERIAL.

Section 1924(a) of title 18, United States Code, is amended by striking "one year" and inserting "five years".

SEC. 203. REPORT ON CHALLENGES TO THE EFFECTIVENESS OF FOREIGN INTELLIGENCE SURVEILLANCE.

(a) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Attorney General, in coordination with the Director of National Intelligence, shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate Coordination.

a report on current and future challenges to the effectiveness of the foreign intelligence surveillance activities of the United States authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

Recommendations.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include, at a minimum, the following:

(1) A discussion of any trends that currently challenge the effectiveness of the foreign intelligence surveillance activities of the United States, or could foreseeably challenge such activities during the decade following the date of the report, including with respect to—

(A) the extraordinary and surging volume of data occurring worldwide;

(B) the use of encryption;

(C) changes to worldwide telecommunications patterns or infrastructure;

(D) technical obstacles in determining the location of data or persons;

(E) the increasing complexity of the legal regime, including regarding requests for data in the custody of foreign governments;

(F) the current and future ability of the United States to obtain, on a compulsory or voluntary basis, assistance from telecommunications providers or other entities; and

(G) any other matters the Attorney General and the Director of National Intelligence determine appropriate.

(2) Recommendations for changes, including, as appropriate, fundamental changes, to the foreign intelligence surveillance activities of the United States to address the challenges identified under paragraph (1) and to ensure the long-term effectiveness of such activities.

(3) Recommendations for any changes to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that the Attorney General and the Director of National Intelligence determine necessary to address the challenges identified under paragraph (1).

(c) FORM.—The report under subsection (a) may be submitted in classified or unclassified form.

SEC. 204. COMPTROLLER GENERAL STUDY ON THE CLASSIFICATION SYSTEM AND PROTECTION OF CLASSIFIED INFORMATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the classification system of the United States and the methods by which the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) protects classified information.

(b) MATTERS INCLUDED.—The study under subsection (a) shall address the following:

(1) Whether sensitive information is properly classified.

(2) The effect of modern technology on the storage and protection of classified information, including with respect to—

(A) using cloud storage for classified information; and

(B) any technological means to prevent or detect unauthorized access to such information.

(3) Any ways to improve the classification system of the United States, including with respect to changing the levels

of classification used in such system and to reduce overclassification.

(4) How to improve the authorized sharing of classified information, including with respect to sensitive compartmented information.

(5) The value of polygraph tests in determining who is authorized to access classified information and in investigating unauthorized disclosures of classified information.

(6) Whether each element of the intelligence community—

(A) applies uniform standards in determining who is authorized to access classified information; and

(B) provides proper training with respect to the handling of classified information and the avoidance of overclassification.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the study under subsection (a).

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

SEC. 205. TECHNICAL AMENDMENTS AND AMENDMENTS TO IMPROVE PROCEDURES OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.

(a) TECHNICAL AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended as follows:

(1) In section 103(b) (50 U.S.C. 1803(b)), by striking "designate as the" and inserting "designated as the".

(2) In section 302(a)(1)(A)(iii) (50 U.S.C. 1822(a)(1)(A)(iii)), by striking "paragraphs (1) through (4)" and inserting "subparagraphs (A) through (D)".

(3) In section 406(b) (50 U.S.C. 1846(b)), by striking "and to the Committees on the Judiciary of the House of Representatives and the Senate".

(4) In section 604(a) (50 U.S.C. 1874(a))—

(A) in paragraph (1)(D), by striking "contents" and inserting "contents,"; and

(B) in paragraph (3), by striking "comply in the into" and inserting "comply into".

(5) In section 701 (50 U.S.C. 1881)—

(A) in subsection (a), by striking "The terms" and inserting "In this title, the terms"; and

(B) in subsection (b)—

(i) by inserting "In this title:" after the subsection heading; and

(ii) in paragraph (5), by striking "(50 U.S.C. 401a(4))" and inserting "(50 U.S.C. 3003(4))".

(6) In section 702(h)(2)(A)(i) (50 U.S.C. 1881a(h)(2)(A)(i)), as redesignated by section 101, by inserting "targeting" before "procedures in place".

(7) In section 801(7) (50 U.S.C. 1885(7)), by striking "(50 U.S.C. 401a(4))" and inserting "(50 U.S.C. 3003(4))".

(b) COURT-RELATED AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended as follows:

(1) In section 103 (50 U.S.C. 1803)—

(A) in subsection (b), by striking "immediately"; and

(B) in subsection (h), by striking "the court established under subsection (a)" and inserting "a court established under this section".

(2) In section 105(d) (50 U.S.C. 1805(d)), by adding at the end the following new paragraph:

"(4) A denial of the application made under section 104 may be reviewed as provided in section 103.".

(3) In section 302(d) (50 U.S.C. 1822(d)), by striking "immediately".

(4) In section 402(d) (50 U.S.C. 1842(d)), by adding at the end the following new paragraph:

"(3) A denial of the application made under this subsection may be reviewed as provided in section 103.".

(5) In section 403(c) (50 U.S.C. 1843(c)), by adding at the end the following new paragraph:

"(3) A denial of the application made under subsection (a)(2) may be reviewed as provided in section 103.".

(6) In section 501(c) (50 U.S.C. 1861(c)), by adding at the end the following new paragraph:

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.".

50 USC 1801 note.

SEC. 206. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, of any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

Approved January 19, 2018.

LEGISLATIVE HISTORY—S. 139 (H.R. 510):

HOUSE REPORTS: No. 115–117 (Comm. on the Judiciary) accompanying H.R. 510.
CONGRESSIONAL RECORD:
Vol. 163 (2017): May 16, considered and passed Senate.
Vol. 164 (2018): Jan. 11, considered and passed House, amended. Considered in Senate.
Jan. 16–18, Senate considered and concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Jan. 19, Presidential statement.

Public Law 115–119
115th Congress

An Act

To provide for the establishment and maintenance of a Family Caregiving Strategy, and for other purposes.

Jan. 22, 2018
[H.R. 3759]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Recognize, Assist, Include, Support, and Engage Family Caregivers Act of 2017.
42 USC 3030s note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recognize, Assist, Include, Support, and Engage Family Caregivers Act of 2017" or the "RAISE Family Caregivers Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "Advisory Council" means the Family Caregiving Advisory Council convened under section 4.

(2) FAMILY CAREGIVER.—The term "family caregiver" means an adult family member or other individual who has a significant relationship with, and who provides a broad range of assistance to, an individual with a chronic or other health condition, disability, or functional limitation.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) STRATEGY.—The term "Strategy" means the Family Caregiving Strategy set forth under section 3.

SEC. 3. FAMILY CAREGIVING STRATEGY.

Consultation.
Public information.
Web posting.

(a) IN GENERAL.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop jointly with the Advisory Council and submit to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, and make publicly available on the internet website of the Department of Health and Human Services, a Family Caregiving Strategy.

(b) CONTENTS.—The Strategy shall identify recommended actions that Federal (under existing Federal programs), State, and local governments, communities, health care providers, long-term services and supports providers, and others are taking, or may take, to recognize and support family caregivers in a manner that reflects their diverse needs, including with respect to the following:

(1) Promoting greater adoption of person- and family-centered care in all health and long-term services and supports settings, with the person receiving services and supports and

the family caregiver (as appropriate) at the center of care teams.

(2) Assessment and service planning (including care transitions and coordination) involving family caregivers and care recipients.

(3) Information, education and training supports, referral, and care coordination, including with respect to hospice care, palliative care, and advance planning services.

(4) Respite options.

(5) Financial security and workplace issues.

(6) Delivering services based on the performance, mission, and purpose of a program while eliminating redundancies.

(c) DUTIES OF THE SECRETARY.—The Secretary, in carrying out subsection (a), shall oversee the following:

(1) Collecting and making publicly available information submitted by the Advisory Council under section 4(d) to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, including evidence-based or promising practices and innovative models (both domestic and foreign) regarding the provision of care by family caregivers or support for family caregivers.

(2) Coordinating and assessing existing Federal Government programs and activities to recognize and support family caregivers while ensuring maximum effectiveness and avoiding unnecessary duplication.

(3) Providing technical assistance, as appropriate, such as disseminating identified best practices and information sharing based on reports provided under section 4(d), to State or local efforts to support family caregivers.

Publications.
Deadline.

(d) INITIAL STRATEGY; UPDATES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, develop, publish, and submit to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, an initial Strategy incorporating the items addressed in the Advisory Council's initial report under section 4(d) and other relevant information, including best practices, for recognizing and supporting family caregivers; and

(2) biennially update, republish, and submit to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs the Strategy, taking into account the most recent annual report submitted under section 4(d)(1)—

(A) to reflect new developments, challenges, opportunities, and solutions; and

(B) to review progress based on recommendations for recognizing and supporting family caregivers in the Strategy and, based on the results of such review, recommend priority actions for improving the implementation of such recommendations, as appropriate.

(e) PROCESS FOR PUBLIC INPUT.—The Secretary shall establish a process for public input to inform the development of, and updates to, the Strategy, including a process for the public to submit recommendations to the Advisory Council and an opportunity for public comment on the proposed Strategy. Recommendations.

(f) NO PREEMPTION.—Nothing in this Act preempts any authority of a State or local government to recognize or support family caregivers.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to permit the Secretary (through regulation, guidance, grant criteria, or otherwise) to—

(1) mandate, direct, or control the allocation of State or local resources;

(2) mandate the use of any of the best practices identified in the reports required under this Act; or

(3) otherwise expand the authority of the Secretary beyond that expressly provided to the Secretary in this Act.

SEC. 4. FAMILY CAREGIVING ADVISORY COUNCIL.

(a) CONVENING.—The Secretary shall convene a Family Caregiving Advisory Council to advise and provide recommendations, including identified best practices, to the Secretary on recognizing and supporting family caregivers. Recommendations.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Advisory Council shall consist of—

(A) the appointed members under paragraph (2); and

(B) the Federal members under paragraph (3).

(2) APPOINTED MEMBERS.—In addition to the Federal members under paragraph (3), the Secretary shall appoint not more than 15 voting members of the Advisory Council who are not representatives of Federal departments or agencies and who shall include at least 1 representative of each of the following:

(A) Family caregivers.

(B) Older adults with long-term services and supports needs.

(C) Individuals with disabilities.

(D) Health care and social service providers.

(E) Long-term services and supports providers.

(F) Employers.

(G) Paraprofessional workers.

(H) State and local officials.

(I) Accreditation bodies.

(J) Veterans.

(K) As appropriate, other experts and advocacy organizations engaged in family caregiving.

(3) FEDERAL MEMBERS.—The Federal members of the Advisory Council, who shall be nonvoting members, shall consist of the following:

(A) The Administrator of the Centers for Medicare & Medicaid Services (or the Administrator's designee).

(B) The Administrator of the Administration for Community Living (or the Administrator's designee who has experience in both aging and disability).

(C) The Secretary of Veterans Affairs (or the Secretary's designee).

(D) The heads of other Federal departments or agencies (or their designees), including relevant departments or agencies that oversee labor and workforce, economic, government financial policies, community service, and other impacted populations, as appointed by the Secretary or the Chair of the Advisory Council.

(4) DIVERSE REPRESENTATION.—The Secretary shall ensure that the membership of the Advisory Council reflects the diversity of family caregivers and individuals receiving services and supports.

Time period. Public information.

(c) MEETINGS.—The Advisory Council shall meet quarterly during the 1-year period beginning on the date of enactment of this Act and at least three times during each year thereafter. Meetings of the Advisory Council shall be open to the public.

(d) ADVISORY COUNCIL ANNUAL REPORTS.—

Public information. Web posting.

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Advisory Council shall submit to the Secretary, the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, and make publicly available on the internet website of the Department of Health and Human Services, a report concerning the development, maintenance, and updating of the Strategy, including a description of the outcomes of the recommendations and any priorities included in the initial report pursuant to paragraph (2), as appropriate.

(2) INITIAL REPORT.—The Advisory Council's initial report under paragraph (1) shall include—

Records. Assessment.

(A) an inventory and assessment of all federally funded efforts to recognize and support family caregivers and the outcomes of such efforts, including analyses of the extent to which federally funded efforts are reaching family caregivers and gaps in such efforts;

Recommendations.

(B) recommendations—

(i) to improve and better coordinate Federal programs and activities to recognize and support family caregivers, as well as opportunities to improve the coordination of such Federal programs and activities with State programs; and

(ii) to effectively deliver services based on the performance, mission, and purpose of a program while eliminating redundancies, avoiding unnecessary duplication and overlap, and ensuring the needs of family caregivers are met;

(C) the identification of challenges faced by family caregivers, including financial, health, and other challenges, and existing approaches to address such challenges; and

Evaluation.

(D) an evaluation of how family caregiving impacts the Medicare program, the Medicaid program, and other Federal programs.

(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 5. FUNDING.

No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using funds otherwise authorized.

SEC. 6. SUNSET PROVISION.

The authority and obligations established by this Act shall terminate on the date that is 3 years after the date of enactment of this Act.

Approved January 22, 2018.

LEGISLATIVE HISTORY—H.R. 3759 (S. 1028):

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 18, considered and passed House.
Vol. 164 (2018): Jan. 8, considered and passed Senate.

Public Law 115–120
115th Congress

An Act

Jan. 22, 2018
[H.R. 195]

Making further continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Register Printing Savings Act of 2017.

DIVISION A—FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017

44 USC 101 note.

SECTION 1. SHORT TITLE.

This division may be cited as the "Federal Register Printing Savings Act of 2017".

SEC. 2. RESTRICTIONS ON DISTRIBUTION OF FREE PRINTED COPIES OF FEDERAL REGISTER TO MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES.

(a) RESTRICTIONS.—Section 1506 of title 44, United States Code, is amended—

(1) by striking "The Administrative Committee" and inserting "(a) COMPOSITION; DUTIES.—The Administrative Committee";

(2) in subsection (a)(4), by striking "the number of copies" and inserting "subject to subsection (b), the number of copies"; and

(3) by adding at the end the following new subsection:

Regulations.

"(b) RESTRICTIONS ON DISTRIBUTION OF FREE PRINTED COPIES TO MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE UNITED STATES.—

"(1) PROHIBITING SUBSCRIPTION TO PRINTED COPIES WITHOUT REQUEST.—Under the regulations prescribed to carry out subsection (a)(4), the Director of the Government Publishing Office may not provide a printed copy of the Federal Register without charge to any Member of Congress or any other office of the United States during a year unless—

"(A) the Member or office requests a printed copy of a specific issue of the Federal Register; or

"(B) during that year or during the previous year, the Member or office requested a subscription to printed copies of the Federal Register for that year, as described in paragraph (2).

"(2) ADMINISTRATION OF SUBSCRIPTIONS.—The regulations prescribed to carry out subsection (a)(4) shall include—

"(A) provisions regarding notifications to offices of Members of Congress and other offices of the United States of the restrictions of paragraph (1); Notifications.

"(B) provisions describing the process by which Members and other offices may request a specific issue of the Federal Register for purposes of paragraph (1)(A); and

"(C) provisions describing the process by which Members and other offices may request a subscription to the Federal Register for purposes of paragraph (1)(B), except that such regulations shall limit the period for such a subscription to not longer than 1 year.". Time period.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect January 1, 2018. 44 USC 1506 note.

DIVISION B—EXTENSION OF CONTINUING APPROPRIATIONS ACT, 2018

Extension of Continuing Appropriations Act, 2018.

SEC. 2001. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is amended—

(1) by striking the date specified in section 106(3) and inserting "February 8, 2018"; and 131 Stat. 1141.

(2) by adding after section 147 the following: 131 Stat. 2045.

"SEC. 148. Funds appropriated by the Department of Defense Missile Defeat and Defense Enhancements Appropriations Act, 2018 (division B of Public Law 115–96) may be obligated and expended notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

"SEC. 149. Amounts made available by section 101 for 'Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs' to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May 2018.

"SEC. 150. Amounts made available by section 101 for 'National Aeronautics and Space Administration—Exploration' may be apportioned up to the rate for operations necessary to maintain the planned launch capability schedules for the Space Launch System launch vehicle, Exploration Ground Systems, and Orion Multi-Purpose Crew Vehicle programs.

"SEC. 151. Amounts made available by section 101 for 'Department of Energy—Energy Programs—Office of the Inspector General' may be apportioned up to the rate for operations necessary to sustain staffing levels achieved on June 30, 2017.

"SEC. 152. Amounts made available by section 101 for 'Small Business Administration—Business Loans Program Account' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

"SEC. 153. For 2018, the Secretary of Housing and Urban Development may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster in 2017 or 2018 under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise

result from the disaster and that would otherwise prevent a public housing agency from leasing up to its authorized level of units under contract (but not to exceed such level), upon request by and in consultation with a public housing agency and supported by documentation as required by the Secretary that demonstrates the need for the adjustment.

Furloughs.

"SEC. 154. (a) Employees furloughed as a result of any lapse in appropriations which begins on or about January 20, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

Definition.

"(b) For purposes of this section, 'employee' means:

"(1) a federal employee;

"(2) an employee of the District of Columbia Courts;

"(3) an employee of the Public Defender Service for the District of Columbia; or

"(4) a District of Columbia Government employee.

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

"SEC. 155. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

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

Reimbursement.

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

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

Definition.

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

Applicability.

"(c) The authority under this section applies with respect to any period in fiscal year 2018 (not limited to periods beginning or ending after the date of the enactment of this division) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section

with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.".

SEC. 2002. The Further Additional Continuing Appropriations Act, 2018 (division A of Public Law 115–96) is amended by striking section 1002.

50 USC 1881 note.

SEC. 2003. For the purposes of division D of Public Law 115–56, the time covered by such division shall be considered to include the period which began on or about January 20, 2018, during which there occurred a lapse in appropriations.

Time period.

This division may be cited as the "Extension of Continuing Appropriations Act, 2018".

DIVISION C—HEALTHY KIDS ACT

Helping Ensure Access for Little Ones, Toddlers, and Hopeful Youth by Keeping Insurance Delivery Stable Act.
42 USC 1305 note.

SEC. 3001. SHORT TITLE.

This division may be cited as the "Helping Ensure Access for Little Ones, Toddlers, and Hopeful Youth by Keeping Insurance Delivery Stable Act" or the "HEALTHY KIDS Act".

SEC. 3002. SIX-YEAR FUNDING EXTENSION OF THE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) FUNDING.—

(1) IN GENERAL.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)), as amended by section 3201(a) of the CHIP and Public Health Funding Extension Act (division C of Public Law 115–96), is amended—

(A) in paragraph (20)(B), by striking "; and" and inserting a semicolon;

(B) by striking paragraph (21) and inserting the following new paragraphs:

"(21) for fiscal year 2018, $21,500,000,000;

"(22) for fiscal year 2019, $22,600,000,000;

"(23) for fiscal year 2020, $23,700,000,000;

"(24) for fiscal year 2021, $24,800,000,000;

"(25) for fiscal year 2022, $25,900,000,000; and

"(26) for fiscal year 2023, for purposes of making two semi-annual allotments—

"(A) $2,850,000,000 for the period beginning on October 1, 2022, and ending on March 31, 2023; and

"(B) $2,850,000,000 for the period beginning on April 1, 2023, and ending on September 30, 2023.".

(2) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2018.—Notwithstanding any other provision of law, insofar as funds have been appropriated under subsection (a)(21) of section 2104 of the Social Security Act (42 U.S.C. 1397dd), as such subsection is in effect on the day before the date of the enactment of this Act, to provide allotments to States under the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) (whether implemented under title XIX, XXI, or both, of the Social Security Act) for fiscal year 2018—

(A) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act, are rescinded; and

(B) any amount provided for CHIP allotments to a State under this section (and the amendments made by this section) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(b) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)), as amended by section 3201(b) of the CHIP and Public Health Funding Extension Act (division C of Public Law 115–96), is amended—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking "(19)" and inserting "(25)";

(ii) in clause (i), by striking "and 2017" and inserting ", 2017, and 2023"; and

(iii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking "and paragraph (10)"; and

(II) in subclause (I), by inserting "(or, in the case of fiscal year 2018, under paragraph (4))" after "clause (i)";

(B) in paragraph (5), by striking "2018" and inserting "2023";

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "2017" and inserting "2023";

Deadline.

(ii) in subparagraph (B), in the matter preceding clause (i), by inserting "(or, in the case of fiscal year 2018, by not later than the date that is 60 days after the date of the enactment of the HEALTHY KIDS Act)" after "before the August 31 preceding the beginning of the fiscal year"; and

(iii) in the matter following subparagraph (B), by striking "or fiscal year 2016" and inserting "fiscal year 2016, fiscal year 2018, fiscal year 2020, or fiscal year 2022";

(D) in paragraph (9), by striking "2018" and inserting "2023"; and

(E) by amending paragraph (10) to read as follows:

Time period.

"(10) FOR FISCAL YEAR 2023.—

"(A) FIRST HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A) of paragraph (26) of subsection (a) for the semi-annual period described in such subparagraph, increased by the amount of the appropriation for such period under section 3002(b)(2) of the HEALTHY KIDS Act, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

"(B) SECOND HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (B) of paragraph (26) of subsection (a) for the semi-annual period described in such subparagraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory)

for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

"(i) the amount of the allotment to such State under subparagraph (A); to

"(ii) the total of the amount of all of the allotments made available under such subparagraph.

"(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2022 (including payments made to the State under subsection (n) for fiscal year 2022 as well as amounts redistributed to the State in fiscal year 2022), multiplied by the allotment increase factor under paragraph (6) for fiscal year 2023.

"(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

"(i) the sum of—

"(I) the amount made available under subsection (a)(26)(A); and

"(II) the amount of the appropriation for such period under section 3002(b)(2) of the HEALTHY KIDS Act; to

"(ii) the sum of—

"(I) the amount described in clause (i); and

"(II) the amount made available under subsection (a)(26)(B).".

(2) ONE-TIME APPROPRIATION FOR FISCAL YEAR 2023.—There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $20,200,000,000 to accompany the allotment made for the period beginning on October 1, 2022, and ending on March 31, 2023, under paragraph (26)(A) of section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) (as added by subsection (a)), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (10) of section 2104(m) of such Act (as added by paragraph (1)) for the first 6 months of fiscal year 2023 in the same manner as allotments are provided under subsection (a)(26)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(26)(A). Time periods.

(c) EXTENSION OF THE CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking "2010, 2011, 2012, 2013, 2014, and 2016" and inserting "2010 through 2014, 2016, and 2018 through 2022"; and

(ii) by striking "fiscal year 2015 and fiscal year 2017" and inserting "fiscal years 2015, 2017, and 2023"; and

(B) in subparagraph (B)—

(i) by striking "2010, 2011, 2012, 2013, 2014, and 2016" and inserting "2010 through 2014, 2016, and 2018 through 2022"; and

(ii) by striking "fiscal year 2015 and fiscal year 2017" and inserting "fiscal years 2015, 2017, and 2023"; and

(2) in paragraph (3)(A), in the matter preceding clause (i), by striking "or a semi-annual allotment period for fiscal year 2015 or 2017" and inserting "or in any of fiscal years 2018 through 2022 (or a semi-annual allotment period for fiscal year 2015, 2017, or 2023)".

(d) EXTENSION OF QUALIFYING STATES OPTION.—

(1) IN GENERAL.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(A) in the heading, by striking "THROUGH 2017" and inserting "THROUGH 2023"; and

(B) in subparagraph (A), by striking "2017" and inserting "2023".

(2) TECHNICAL AMENDMENTS.—Section 2104(f)(2)(B)(ii) of the Social Security Act (42 U.S.C. 1397dd(f)(2)(B)(ii)), as amended by section 3201(c) of the CHIP and Public Health Funding Extension Act (division C of Public Law 115–96), is amended—

(A) in subclause (I), by striking "for the month (as defined in subclause (II))" and inserting "(as defined in subclause (II)) for the month";

(B) in subclause (II), by inserting ", as in effect on the day before the date of the enactment of the HEALTHY KIDS Act," after "section 2105(g)(4)(A)"; and

(C) in subclause (VI)—

(i) by inserting ", as in effect on the day before the date of the enactment of the HEALTHY KIDS Act" after ", section 2105(g)(4)"; and

(ii) by inserting ", as so in effect" after "under section 2105(g)(4)".

(e) EXTENSION OF EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)) is amended by striking "2017" and inserting "2023".

(f) ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—

(1) IN GENERAL.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(A) in the paragraph heading, by striking "UNTIL OCTOBER 1, 2019" and inserting "THROUGH SEPTEMBER 30, 2023"; and

(B) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking "2019" and inserting "2023"; and

(ii) by striking "The preceding sentence shall not be construed as preventing a State during such period" and inserting "During the period that begins on October 1, 2019, and ends on September 30, 2023, the preceding sentence shall only apply with respect to children in families whose income does not exceed 300 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.

Time period.
Applicability.

The preceding sentences shall not be construed as preventing a State during any such periods".

(2) CONFORMING AMENDMENTS.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended—

(A) in the paragraph heading, by striking "UNTIL OCTOBER 1, 2019" and inserting "THROUGH SEPTEMBER 30, 2023"; and

(B) by striking "September 30, 2019," and inserting "September 30, 2023 (but during the period that begins on October 1, 2019, and ends on September 30, 2023, only with respect to children in families whose income does not exceed 300 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved)". Time period.

(g) CHIP LOOK-ALIKE PLANS.—

(1) BLENDING RISK POOLS.—Section 2107 of the Social Security Act (42 U.S.C. 1397gg) is amended by adding at the end the following:

"(g) USE OF BLENDED RISK POOLS.—

"(1) IN GENERAL.—Nothing in this title (or any other provision of Federal law) shall be construed as preventing a State from considering children enrolled in a qualified CHIP look-alike program and children enrolled in a State child health plan under this title (or a waiver of such plan) as members of a single risk pool.

"(2) QUALIFIED CHIP LOOK-ALIKE PROGRAM.—In this subsection, the term 'qualified CHIP look-alike program' means a State program— Definition.

"(A) under which children who are under the age of 19 and are not eligible to receive medical assistance under title XIX or child health assistance under this title may purchase coverage through the State that provides benefits that are at least identical to the benefits provided under the State child health plan under this title (or a waiver of such plan); and

"(B) that is funded exclusively through non-Federal funds, including funds received by the State in the form of premiums for the purchase of such coverage.".

(2) COVERAGE RULE.—

(A) IN GENERAL.—Section 5000A(f)(1) of the Internal Revenue Code of 1986 is amended in subparagraph (A)(iii), by inserting "or under a qualified CHIP look-alike program (as defined in section 2107(g) of the Social Security Act)" before the comma at the end. 26 USC 5000A.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply with respect to taxable years beginning after December 31, 2017. 26 USC 5000A note.

(h) AVAILABILITY OF UNUSED FISCAL YEAR 2018 REDISTRIBUTION AMOUNTS.—Any amounts that have been redistributed to States under subsection (f) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2018 that are not, or will not be, expended by the end of that fiscal year shall be—

(1) adjusted by the Secretary before the end of fiscal year 2018 to reflect an updated estimate of shortfalls under subsection (f)(2)(A) of such section; and

(2) available for redistribution under subsection (f) of such section for subsequent fiscal years.

SEC. 3003. EXTENSION OF CERTAIN PROGRAMS AND DEMONSTRATION PROJECTS.

(a) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—Section 1139A(e)(8) of the Social Security Act (42 U.S.C. 1320b–9a(e)(8)) is amended—

(1) by striking "and $10,000,000" and inserting ", $10,000,000"; and

(2) by inserting after "2017" the following: ", and $30,000,000 for the period of fiscal years 2018 through 2023".

(b) PEDIATRIC QUALITY MEASURES PROGRAM.—Section 1139A(i) of the Social Security Act (42 U.S.C. 1320b–9a(i)) is amended—

(1) by striking "Out of any" and inserting the following: "(1) IN GENERAL.—Out of any";

(2) by striking "there is appropriated for each" and inserting "there is appropriated—

"(A) for each";

(3) by striking ", and there is appropriated for the period" and inserting ";

"(B) for the period";

(4) by striking ". Funds appropriated under this subsection shall remain available until expended." and inserting "; and"; and

(5) by adding at the end the following:

Time period.

"(C) for the period of fiscal years 2018 through 2023, $90,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)).

"(2) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.".

SEC. 3004. EXTENSION OF OUTREACH AND ENROLLMENT PROGRAM.

(a) IN GENERAL.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(1) in subsection (a)(1), by striking "2017" and inserting "2023"; and

(2) in subsection (g)—

(A) by striking "and $40,000,000" and inserting ", $40,000,000"; and

Time period.

(B) by inserting after "2017" the following: ", and $120,000,000 for the period of fiscal years 2018 through 2023".

(b) MAKING ORGANIZATIONS THAT USE PARENT MENTORS ELIGIBLE TO RECEIVE GRANTS.—Section 2113(f) of the Social Security Act (42 U.S.C. 1397mm(f)) is amended—

(1) in paragraph (1)(E), by striking "or community-based doula programs" and inserting ", community-based doula programs, or parent mentors"; and

(2) by adding at the end the following new paragraph:

Definition.

"(5) PARENT MENTOR.—The term 'parent mentor' means an individual who—

"(A) is a parent or guardian of at least one child who is an eligible child under this title or title XIX; and

"(B) is trained to assist families with children who have no health insurance coverage with respect to improving the social determinants of the health of such children, including by providing—

"(i) education about health insurance coverage, including, with respect to obtaining such coverage,

eligibility criteria and application and renewal processes;

"(ii) assistance with completing and submitting applications for health insurance coverage;

"(iii) a liaison between families and representatives of State plans under title XIX or State child health plans under this title;

"(iv) guidance on identifying medical and dental homes and community pharmacies for children; and

"(v) assistance and referrals to successfully address social determinants of children's health, including poverty, food insufficiency, and housing.".

(c) EXCLUSION FROM MODIFIED ADJUSTED GROSS INCOME.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(1) in the first paragraph (14), relating to income determined using modified adjusted gross income, by adding at the end the following new subparagraph:

"(J) EXCLUSION OF PARENT MENTOR COMPENSATION FROM INCOME DETERMINATION.—Any nominal amount received by an individual as compensation, including a stipend, for participation as a parent mentor (as defined in paragraph (5) of section 2113(f)) in an activity or program funded through a grant under such section shall be disregarded for purposes of determining the income eligibility of such individual for medical assistance under the State plan or any waiver of such plan."; and

(2) by striking "(14) EXCLUSION" and inserting "(15) EXCLUSION".

SEC. 3005. EXTENSION AND REDUCTION OF ADDITIONAL FEDERAL FINANCIAL PARTICIPATION FOR CHIP.

Time period.

Section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) is amended in the second sentence by inserting "and during the period that begins on October 1, 2019, and ends on September 30, 2020, the enhanced FMAP determined for a State for a fiscal year (or for any portion of a fiscal year occurring during such period) shall be increased by 11.5 percentage points" after "23 percentage points,".

SEC. 3006. MEDICAID IMPROVEMENT FUND.

Section 1941 of the Social Security Act (42 U.S.C. 1396w–1) is amended—

(1) in subsection (a), in the first sentence, by inserting before the period at the end the following: ", and, in accordance with subsection (b)(3), for the purposes of subparagraph (B) of such subsection"; and

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the first sentence, by inserting "pursuant to paragraph (1)" after "in the Fund";

(ii) by inserting after the first sentence the following sentence: "Amounts in the Fund pursuant to paragraph (3) shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under such paragraph (3).."; and

(iii) in the last sentence, by striking "sentence" and inserting "sentences"; and

(B) by adding at the end the following new paragraph:

"(3) ADDITIONAL FUNDING FOR STATE ACTIVITIES RELATING TO MECHANIZED CLAIMS SYSTEMS.—

"(A) IN GENERAL.—In addition to the amount made available under paragraph (1), there shall be available to the Fund, for expenditures from the Fund in accordance with subparagraph (B), for fiscal year 2023 and thereafter, $980,000,000, to remain available until expended.

Effective date.

"(B) PURPOSES.—The Secretary shall use amounts made available to the Fund under subparagraph (A) to pay to each State which has a plan approved under this title, for each quarter beginning during or after fiscal year 2023 an amount equal to—

"(i) 100 percent minus the percent specified in clause (i) of section 1903(a)(3)(A) of so much of the sums expended by the State during such quarter as are attributable to the activities described in such clause;

"(ii) 100 percent minus the Federal medical assistance percentage applied under clause (iii) of such section of so much of the sums expended during such quarter (as found necessary by the Secretary under such clause) by the State as are attributable to the activities described in such clause; and

"(iii) 100 percent minus the percent specified in section 1903(a)(3)(B) of so much of the sums expended by the State during such quarter as are attributable to the activities described in such section.".

DIVISION D—SUSPENSION OF CERTAIN HEALTH-RELATED TAXES

SEC. 4001. EXTENSION OF MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

26 USC 4191.

(a) IN GENERAL.—Section 4191(c) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2017" and inserting "December 31, 2019".

26 USC 4191 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2017.

SEC. 4002. DELAY IN IMPLEMENTATION OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

26 USC 4980I note.

Section 9001(c) of the Patient Protection and Affordable Care Act is amended by striking "December 31, 2019" and inserting "December 31, 2021".

SEC. 4003. SUSPENSION OF ANNUAL FEE ON HEALTH INSURANCE PROVIDERS.

26 USC note prec. 4001.

(b) IN GENERAL.—Section 9010(j) of the Patient Protection and Affordable Care Act is amended—

(1) by striking "and" at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting ", and ending before January 1, 2019, and", and

(3) by adding at the end the following new paragraph:
"(3) beginning after December 31, 2019.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2018. 26 USC note prec. 4001.

DIVISION E—BUDGETARY EFFECTS

SEC. 5001. BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of division C and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division C and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division C and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved January 22, 2018.

LEGISLATIVE HISTORY—H.R. 195:

HOUSE REPORTS: No. 115–128, Pt. 1 (Comm. on Oversight and Government Reform).

SENATE REPORTS: No. 115–184 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 163 (2017): May 17, considered and passed House.
Dec. 21, considered and passed Senate, amended.

Vol. 164 (2018): Jan. 18, House concurred in Senate amendment with an amendment. Senate considered concurring in House amendment.
Jan. 19–21, Senate further considered concurring in House amendment.
Jan. 22, Senate concurred in House amendment with an amendment. House concurred in Senate amendment.

Public Law 115–121
115th Congress

An Act

Jan. 29, 2018
[H.R. 984]

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017".

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

Sec. 1. Short title; table of contents.
Sec. 2. Indian Child Welfare Act of 1978.

TITLE I—CHICKAHOMINY INDIAN TRIBE

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Federal recognition.
Sec. 104. Membership; governing documents.
Sec. 105. Governing body.
Sec. 106. Reservation of the Tribe.
Sec. 107. Hunting, fishing, trapping, gathering, and water rights.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Federal recognition.
Sec. 204. Membership; governing documents.
Sec. 205. Governing body.
Sec. 206. Reservation of the Tribe.
Sec. 207. Hunting, fishing, trapping, gathering, and water rights.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Federal recognition.
Sec. 304. Membership; governing documents.
Sec. 305. Governing body.
Sec. 306. Reservation of the Tribe.
Sec. 307. Hunting, fishing, trapping, gathering, and water rights.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

Sec. 401. Findings.
Sec. 402. Definitions.
Sec. 403. Federal recognition.
Sec. 404. Membership; governing documents.
Sec. 405. Governing body.
Sec. 406. Reservation of the Tribe.
Sec. 407. Hunting, fishing, trapping, gathering, and water rights.

TITLE V—MONACAN INDIAN NATION

Sec. 501. Findings.
Sec. 502. Definitions.
Sec. 503. Federal recognition.
Sec. 504. Membership; governing documents.
Sec. 505. Governing body.
Sec. 506. Reservation of the Tribe.
Sec. 507. Hunting, fishing, trapping, gathering, and water rights.

TITLE VI—NANSEMOND INDIAN TRIBE

Sec. 601. Findings.
Sec. 602. Definitions.
Sec. 603. Federal recognition.
Sec. 604. Membership; governing documents.
Sec. 605. Governing body.
Sec. 606. Reservation of the Tribe.
Sec. 607. Hunting, fishing, trapping, gathering, and water rights.

TITLE VII—EMINENT DOMAIN

Sec. 701. Limitation.

SEC. 2. INDIAN CHILD WELFARE ACT OF 1978.

Nothing in this Act affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was one of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide two bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was one of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.W. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as White or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, "as a matter largely of historical accident", but was "interested in them as descendants of the original inhabitants of the region";

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) in 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O.

Adkins to provide assistance in analyzing the status of the constitutional rights of Indians "in your area";

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with five other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Chickahominy Indian Tribe.

SEC. 103. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe. Effective date.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

Effective date.

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than 3 years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was one of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide two bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was one of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a one-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the one-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with five other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the "United Indians of Virginia" was formed; and

(27) Chief Marvin "Strongoak" Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

Effective date.

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or Effective date.

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than 3 years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE III—UPPER MATTAPONI TRIBE

SEC. 301. FINDINGS.

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as "the cliffs" on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony's census of Indian bowmen; and

(B) lived in "New Kent" County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the two groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as "the cliffs" (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the "Upper Mattaponi Indian Tribe" and "Chickahominy Indian Tribe", elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have "Adams" as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chickahominy Indians were "blended" with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as "Indians" in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as "Indians";

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a "colored" designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into "colored" units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe. Effective date.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

Effective date.

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than 3 years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

(1) during the initial months after Virginia was settled, the Rappahannock Indians had three encounters with Captain John Smith;

(2) the first encounter occurred when the Rappahannock weroance (headman)—

(A) traveled to Quiyocohannock (a principal town across the James River from Jamestown), where he met with Smith to determine whether Smith had been the "great man" who had previously sailed into the Rappahannock River, killed a Rappahannock weroance, and kidnapped Rappahannock people; and

(B) determined that Smith was too short to be that "great man";

(3) on a second meeting, during John Smith's captivity (December 16, 1607, to January 8, 1608), Smith was taken to the Rappahannock principal village to show the people that Smith was not the "great man";

(4) a third meeting took place during Smith's exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen three women from the Rappahannock King, Smith was prevailed upon to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the two Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the three stolen women he wanted;

(7) the Moraughtacund King was given second choice among the two remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, as the Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and the English wanted to "treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the county against the Pamunkeys";

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, "the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock";

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that "there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman";

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, "who were supposed to be her tributaries", but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council "that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers";

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres "about the town where they dwelt";

(22) the Rappahannock "town" was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian land act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26) in 1706, by order of Essex County, Lieutenant Richard Covington "escorted" the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King and Queen County where they settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation;

(27) during the 1760s, three Rappahannock girls were raised on Thomas Nelson's Bleak Hill Plantation in King William County;

(28) of those girls—

(A) one married a Saunders man;

(B) one married a Johnson man; and

(C) one had two children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29) in the 19th century, those Saunders, Johnson, and Nelson families are among the core Rappahannock families from which the modern Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as "Indians, having a great need for moral and Christian guidance";

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900s, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward

a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that "special instructions" were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were "flatly denying" his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as "Indian" only if Indian "blood" predominated and "Indian" identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all non-reservation Indians as "Negro", and it failed to see why "an exception should be made" for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, three Rappahannocks were convicted of violating the Federal draft laws and, after spending time in a Federal prison, were granted conscientious objector status and

served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, "Surviving Indian Groups of the Eastern United States", which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the State agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a White public school) by Executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term "Tribe" means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term "Tribe" does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

Effective date.

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, and King William County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

Effective date.

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King and Queen County, Stafford County, Spotsylvania County, Richmond County, Essex County, and Caroline County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King and Queen County, Richmond County, Lancaster County, King George County, Essex County, Caroline County, New Kent County, King William County, and James City County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than 3 years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act

(25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

(1) in 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian "Kings and Chief Men";

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as "white" with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the Commonwealth of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he "would be willing to accept these children in the Cherokee school";

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as "Monacan Co-operative Pottery" at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the Commonwealth of Virginia, which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

Effective date.

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

Effective date.

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of Amherst County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of Amherst County, Virginia, and those parcels in Rockbridge County, Virginia (subject to the consent of the local unit of government), owned by Mr. J. Poole, described as East 731 Sandbridge (encompassing approximately 4.74 acres) and East 731 (encompassing approximately 5.12 acres).

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than 3 years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were two sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief's family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the two Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the "Indian privileges" of clearing swamp land and bearing arms (which privileges were forbidden to other non-Whites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the Commonwealth of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

SEC. 602. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe. Effective date.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or Effective date.

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within

the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than 3 years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE VII—EMINENT DOMAIN

SEC. 701. LIMITATION.

Eminent domain may not be used to acquire lands in fee or in trust for an Indian tribe recognized under this Act.

Approved January 29, 2018.

LEGISLATIVE HISTORY—H.R. 984:

CONGRESSIONAL RECORD:
Vol. 163 (2017): May 17, considered and passed House.
Vol. 164 (2018): Jan. 11, considered and passed Senate.

Public Law 115–122
115th Congress

An Act

To designate a mountain peak in the State of Montana as "Alex Diekmann Peak".

Jan. 31, 2018
[S. 117]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alex Diekmann Peak Designation Act of 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alex Diekmann Peak Designation Act of 2017".

SEC. 2. DESIGNATION OF ALEX DIEKMANN PEAK, MONTANA.

(a) IN GENERAL.—The unnamed 9,765-foot peak located 2.2 miles west-northwest of Finger Mountain on the western boundary of the Lee Metcalf Wilderness, Montana (UTM coordinates Zone 12, 457966 E., 4982589 N.), shall be known and designated as "Alex Diekmann Peak".

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to "Alex Diekmann Peak".

Approved January 31, 2018.

LEGISLATIVE HISTORY—S. 117:

HOUSE REPORTS: No. 115–516 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–94 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 20, considered and passed Senate.
Vol. 164 (2018): Jan. 16, considered and passed House.

Public Law 115–123
115th Congress

An Act

Feb. 9, 2018
[H.R. 1892]

To amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bipartisan Budget Act of 2018.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bipartisan Budget Act of 2018".

DIVISION A—HONORING HOMETOWN HEROES ACT

Honoring Hometown Heroes Act.

4 USC 1 note.

SECTION 10101. SHORT TITLE.

This division may be cited as the "Honoring Hometown Heroes Act".

SEC. 10102. PERMITTING THE FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A FIRST RESPONDER SERVING IN THE LINE OF DUTY.

(a) AMENDMENT.—The sixth sentence of section 7(m) of title 4, United States Code, is amended—

(1) by striking "or" after "possession of the United States" and inserting a comma;

(2) by inserting "or the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty," after "while serving on active duty,";

(3) by striking "and" after "former officials of the District of Columbia" and inserting a comma; and

(4) by inserting before the period the following: ", and first responders working in the District of Columbia".

(b) FIRST RESPONDER DEFINED.—Such subsection is further amended—

(1) in paragraph (2), by striking ", United States Code; and" and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the term 'first responder' means a 'public safety officer' as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).".

Applicability.
4 USC 7 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.

DIVISION B—SUPPLEMENTAL APPROPRIATIONS, TAX RELIEF, AND MEDICAID CHANGES RELATING TO CERTAIN DISASTERS AND FURTHER EXTENSION OF CONTINUING APPROPRIATIONS

Subdivision 1—Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018

Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018.

The following sums in this subdivision are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018 and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

For an additional amount for the "Office of the Secretary", $2,360,000,000, which shall remain available until December 31, 2019, for necessary expenses related to crops, trees, bushes, and vine losses related to the consequences of Hurricanes Harvey, Irma, Maria, and other hurricanes and wildfires occurring in calendar year 2017 under such terms and conditions as determined by the Secretary: *Provided*, That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories: *Provided further*, That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 85 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the 2017 crop year, or 2018 crop year as applicable, under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the 2017 crop year, or 2018 crop year as applicable, under NAP for the crop incurring the losses shall not exceed 65 percent of the loss as determined by the Secretary: *Provided further*, That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: *Provided further*, That, not later than 90 days after the end of fiscal year 2018, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for

Reports.

further expenditure and include improvements that can be made to Federal Crop Insurance policies, either administratively or legislatively, to increase participation, particularly among underserved producers, in higher levels of coverage in future years for crops qualifying for assistance under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until expended, for oversight and audit of programs, grants, and activities funded by this subdivision and administered by the Department of Agriculture: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $22,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program", for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, $400,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, $541,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural Housing Insurance Fund Program Account", $18,672,000, to remain available until September 30, 2019, for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for the rehabilitation of section 515 rental housing (42 U.S.C. 1485) in areas impacted by Hurricanes Harvey, Irma, and Maria where owners were not required to carry national flood insurance: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the "Rural Water and Waste Disposal Program Account", $165,475,000, to remain available until expended, for grants to repair drinking water systems and sewer and solid waste disposal systems impacted by Hurricanes Harvey, Irma, and Maria: *Provided*, That not to exceed $2,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(22) of the Consolidated Farm and Rural Development Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children", $14,000,000, to remain available until September 30, 2019, for infrastructure grants to the Commonwealth of Puerto Rico and the U.S. Virgin Islands to assist in the repair and restoration of buildings, equipment, technology, and other infrastructure damaged as a consequence of Hurricanes Irma and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for "Commodity Assistance Program" for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a))

and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $24,000,000, to remain available until September 30, 2019, for necessary expenses of those jurisdictions that received a major disaster or emergency declaration pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) related to the consequences of Hurricanes Harvey, Irma, and Maria or due to wildfires in 2017: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983, the Secretary of Agriculture may provide resources to Puerto Rico, the Virgin Islands of the United States, and affected States, as determined by the Secretary, to assist affected families and individuals without regard to sections 204 and 214 of such Act (7 U.S.C. 7508, 7515) by allocating additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Buildings and Facilities", $7,600,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount may be transferred to "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses" for costs related to repair of facilities, for replacement of equipment, and for other increases in facility-related costs: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 20101. (a) Section 1501(b) of the Agricultural Act of 2014 (7 U.S.C. 9081(b)) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by inserting "sold livestock for a reduced sale price, or both" after "normal mortality,";

(2) in paragraph (2), by striking "applicable livestock on the day before the date of death of the livestock, as determined by the Secretary." and inserting the following:

"affected livestock, as determined by the Secretary, on, as applicable—

"(A) the day before the date of death of the livestock; or

"(B) the day before the date of the event that caused the harm to the livestock that resulted in a reduced sale price."; and

(3) by adding at the end the following new paragraph:

"(4) A payment made under paragraph (1) to an eligible producer on a farm that sold livestock for a reduced sale price shall—

"(A) be made if the sale occurs within a reasonable period following the event, as determined by the Secretary; and

"(B) be reduced by the amount that the producer received for the sale.".

(b) Section 1501(d)(1) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)(1)) is amended by striking "not more than $20,000,000 of".

(c) Section 1501(e)(4)(C) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)(4)(C)) is amended by striking "500 acres" and inserting "1,000 acres".

(d) Section 1501 of the Agricultural Act of 2014 (7 U.S.C. 9081) is amended—

(1) in subsection (e)(4)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C), as amended by subsection (c), as subparagraph (B); and

(2) in subsection (f)(2), by striking "subsection (e)" and inserting "subsections (b) and (e)".

(e) Section 1501 of the Agricultural Act of 2014 (7 U.S.C. 9081), as amended by this section, shall apply with respect to losses described in such section 1501 incurred on or after January 1, 2017.

Applicability.
Effective date.
7 USC 9081 note.

(f) The amounts provided by subsections (a) through (e) for fiscal year 2018 are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs" for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Harvey, Irma, and Maria, and of wildfires and other natural disasters occurring in calendar year 2017 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $600,000,000, to remain available until expended: *Provided*, That

the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That within the amount appropriated, up to 2 percent of funds may be transferred to the "Salaries and Expenses" account for administration and oversight activities: *Provided further*, That within the amount appropriated, $1,000,000 shall be transferred to the "Office of Inspector General" account for carrying out investigations and audits related to the funding provided under this heading.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $120,904,000, to remain available until September 30, 2019, as follows:

(1) $12,904,000 for repair and replacement of observing assets, Federal real property, and equipment;

(2) $18,000,000 for marine debris assessment and removal;

(3) $40,000,000 for mapping, charting, and geodesy services; and

(4) $50,000,000 to improve weather forecasting, hurricane intensity forecasting and flood forecasting and mitigation capabilities, including data assimilation from ocean observing platforms and satellites:

Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

Spending plan.
Deadline.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $79,232,000, to remain available until September 30, 2020, as follows:

(1) $29,232,000 for repair and replacement of Federal real property and observing assets; and

(2) $50,000,000 for improvements to operational and research weather supercomputing infrastructure and for improvement of satellite ground services used in hurricane intensity and track prediction:

Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

Spending plan.
Deadline.

FISHERIES DISASTER ASSISTANCE

For an additional amount for "Fisheries Disaster Assistance" for necessary expenses associated with the mitigation of fishery disasters, $200,000,000, to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce in calendar year 2017, as well those declared by the Secretary to be a direct result of Hurricanes Harvey, Irma, or Maria: *Provided further*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $2,500,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $21,200,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $11,500,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $16,000,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $34,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for "Construction and Environmental Compliance and Restoration" for repairs at National Aeronautics and Space Administration facilities damaged by hurricanes during 2017, $81,300,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and Related Activities" for necessary expenses to repair National Science Foundation radio observatory facilities damaged by hurricanes that occurred during 2017, $16,300,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Science Foundation shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

Spending plan. Deadline.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of the calendar year 2017 wildfires, $15,000,000: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricanes Harvey, Irma, and Maria and by the calendar year 2017 wildfires: *Provided further*, That such amount

is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this subdivision to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this subdivision to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2017 and 2018, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this subdivision, the Legal Services Corporation shall be considered an agency of the United States Government.

GENERAL PROVISION—THIS TITLE

SEC. 20201. (a) In recognition of the consistency of the Mid-Barataria Sediment Diversion, Mid-Breton Sound Sediment Diversion, and Calcasieu Ship Channel Salinity Control Measures projects, as selected by the 2017 Louisiana Comprehensive Master Plan for a Sustainable Coast, with the findings and policy declarations in section 2(6) of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq., as amended) regarding maintaining the health and stability of the marine ecosystem, within 120 days of the enactment of this section, the Secretary of Commerce shall issue a waiver pursuant to section 101(a)(3)(A) and this section to section 101(a) and section 102(a) of the Act, for such projects that will remain in effect for the duration of the construction, operations and maintenance of the projects. No rulemaking, permit, determination, or other condition or limitation shall be required when issuing a waiver pursuant to this section. Deadline. Waiver.

(b) Upon issuance of a waiver pursuant to this section, the State of Louisiana shall, in consultation with the Secretary of Commerce: Louisiana. Consultation.

(1) To the extent practicable and consistent with the purposes of the projects, minimize impacts on marine mammal species and population stocks; and

(2) Monitor and evaluate the impacts of the projects on such species and population stocks.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $20,110,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That

such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $267,796,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $17,920,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $20,916,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,650,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $12,500,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $2,922,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $5,770,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $55,471,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy" $18,000,000, to remain available until September 30, 2020, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds" for the Navy Working Capital Fund, $9,486,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for operation and maintenance for "Defense Health Program", $704,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

For an additional amount for "Investigations" for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, $135,000,000, to remain available until expended: *Provided*, That of such amount, not less than $75,000,000 is available for such studies in States and insular areas that were impacted by Hurricanes Harvey, Irma, and Maria: *Provided further*, That funds made available under this heading shall be for high-priority studies of projects in States and insular areas with more than one flood-related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading, beginning not later than 60 days after the enactment of this subdivision.

Reports.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages caused by natural disasters, to Corps of Engineers projects, $15,055,000,000, to remain available until expended: *Provided*, That of such amount, $15,000,000,000 is available to construct flood and storm damage reduction, including shore protection, projects which are currently authorized or which are authorized after the date of enactment of this subdivision, and flood and storm damage reduction, including shore protection, projects which have signed Chief's Reports as of the date of enactment of this subdivision or which are studied using funds provided under the heading "Investigations" if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable, in States and insular areas with more than one flood-related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017: *Provided further*, That of the amounts in the preceding proviso, not less than $10,425,000,000 shall be available for such projects within States and insular areas that were impacted by Hurricanes Harvey, Irma, and Maria: *Provided further*, That all repair, rehabilitation, study, design, and

Determination.

Puerto Rico.
Virgin Islands.

construction of Corps of Engineers projects in Puerto Rico and the United States Virgin Islands, using funds provided under this heading, shall be conducted at full Federal expense: *Provided further*, That for projects receiving funding under this heading, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further*, That the completion of ongoing construction projects receiving funds provided under this heading shall be at full Federal expense with respect to such funds: *Provided further*, That using funds provided under this heading, the non-Federal cash contribution for projects eligible for funding pursuant to the first proviso shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That up to $50,000,000 of the funds made available under this heading shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

Time period.

Reports.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters, $770,000,000, to remain available until expended: *Provided*, That of such amount, $400,000,000 is available to construct flood and storm damage reduction projects which are currently authorized or which are authorized after the date of enactment of this subdivision: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

Reports.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, $608,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

Reports.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, $810,000,000, to remain available until expended: *Provided*, That funding utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

Reports.

EXPENSES

For an additional amount for "Expenses" for necessary expenses to administer and oversee the obligation and expenditure of amounts provided in this title for the Corps of Engineers, $20,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this subdivision.

Reports.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for "Electricity Delivery and Energy Reliability", $13,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, including technical assistance related to electric grids: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STRATEGIC PETROLEUM RESERVE

For an additional amount for "Strategic Petroleum Reserve", $8,716,000, to remain available until expended, for necessary expenses related to damages caused by Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 20401. In fiscal year 2018, and each fiscal year thereafter, the Chief of Engineers of the U.S. Army Corps of Engineers shall transmit to the Congress, after reasonable opportunity for comment, but without change, by the Assistant Secretary of the Army for Civil Works, a monthly report, the first of which shall be transmitted to Congress not later than 2 days after the date of enactment of this subdivision and monthly thereafter, which includes detailed estimates of damages to each Corps of Engineers project, caused by natural disasters or otherwise. Reports. 33 USC 701n–2.

SEC. 20402. From the unobligated balances of amounts made available to the U.S. Army Corps of Engineers, $518,900,000 under the heading "Corps of Engineers—Civil, Flood Control and Coastal Emergencies" and $210,000,000 under the heading "Corps of Engineers—Civil, Operations and Maintenance" in title X of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2; 127 Stat. 25) shall be transferred to "Corps of Engineers—Civil, Construction", to remain available until expended, to rehabilitate, repair and construct Corps of Engineers projects: *Provided*, That those projects may only include construction expenses, including cost sharing, as described under the heading "Corps of Engineers—Civil, Construction" in title X of that Act or other construction expenses related to the consequences of Hurricane Sandy: *Provided further*, That amounts transferred pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and Reports.

obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the "Federal Buildings Fund", $126,951,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Maria, and Irma for repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That funds may be used to reimburse the "Federal Buildings Fund" for obligations incurred for this purpose prior to enactment of this subdivision: *Provided further*, That not more than $15,000,000 shall be available for tenant improvements in damaged U.S. courthouses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General", $7,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $1,652,000,000, to remain available until expended: *Provided*, That up to $618,000,000 may be transferred to and merged with "Salaries and Expenses" for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $25,000,000, to remain available until September 30, 2020, for audits and investigations of activities funded by this title: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $104,494,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That not more than $39,400,000 may be used to carry out U.S. Customs and Border Protection activities in fiscal year 2018 in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, including for the reconstruction of facilities affected, $45,000,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds are provided to carry out U.S. Customs and Border Protection activities in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

Puerto Rico.
Virgin Islands.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support" for necessary expenses related to the consequences of Hurricanes

Harvey, Irma, and Maria, $30,905,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $33,052,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $10,322,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $112,136,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for "Environmental Compliance and Restoration" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $4,038,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, Maria, and Matthew, $718,919,000, to remain available until September 30, 2022: *Provided*, That, not later than 60 days after enactment of this subdivision, the Secretary

Deadline. Expenditure plan.

of Homeland Security, or her designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $58,800,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $1,200,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

For an additional amount for "Disaster Relief Fund" for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $23,500,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Emergency Management Agency shall publish on the Agency's website not later than 5 days after an award of a public assistance grant under section 406 or 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172 or 5189f) that is in excess of $1,000,000, the specifics of each such grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of $1,000,000, not later than 5 days after the issuance of such mission assignment or mission assignment task order, the Administrator shall publish on the Agency's website the following: the name of the impacted State, the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: *Provided further*, That not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in the preceding proviso is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: *Provided further*, That for a disaster declaration related to Hurricanes Harvey, Irma,

Web postings.
Deadlines.
Missions.
Cost estimates.
Grants.

Updates.

Hurricane Harvey.
Hurricane Irma.
Hurricane Maria.

or Maria, the Administrator shall submit to the Committees on Appropriations of the House of Representatives and the Senate, not later than 5 days after the first day of each month beginning after the date of enactment of this subdivision, and shall publish on the Agency's website, not later than 10 days after the first day of each such month, an estimate or actual amount, if available, for the current fiscal year of the cost of the following categories of spending: public assistance, individual assistance, operations, mitigation, administrative, and any other relevant category (including emergency measures and disaster resources): *Provided, further*, That not later than 10 days after the first day of each month, the Administrator shall publish on the Agency's website the report (referred to as the Disaster Relief Monthly Report) as required by Public Law 114–4: *Provided further*, That of the amounts provided under this heading for the Disaster Relief Fund, up to $150,000,000 shall be transferred to the Disaster Assistance Direct Loan Program Account for the cost to lend a territory or possession of the United States that portion of assistance for which the territory or possession is responsible under the cost-sharing provisions of the major disaster declaration for Hurricanes Irma or Maria, as authorized under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): *Provided further*, That of the amount provided under this paragraph for transfer, up to $1,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for administrative expenses to carry out the Advance of Non-Federal Share program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $5,374,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $5,000,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 20601. The Administrator of the Federal Emergency Management Agency may provide assistance, pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for critical services as defined in section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the duration of the recovery for incidents DR–4336–PR, DR–4339–PR, DR–4340–USVI, and DR–4335–USVI to—

(1) replace or restore the function of a facility or system to industry standards without regard to the pre-disaster condition of the facility or system; and

(2) replace or restore components of the facility or system not damaged by the disaster where necessary to fully effectuate the replacement or restoration of disaster-damaged components to restore the function of the facility or system to industry standards.

SEC. 20602. Notwithstanding section 404 or 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c and 8187), for fiscal years 2017 and 2018, the President shall provide hazard mitigation assistance in accordance with such section 404 in any area in which assistance was provided under such section 420. President.

SEC. 20603. The third proviso of the second paragraph in title I of Public Law 115–72 under the heading "Federal Emergency Management Agency—Disaster Relief Fund" shall be amended by striking "180 days" and inserting "365 days": *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. 131 Stat. 1225.

SEC. 20604. (a) DEFINITION OF PRIVATE NONPROFIT FACILITY.—Section 102(11)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is amended to read as follows:

"(A) IN GENERAL.—The term 'private nonprofit facility' means private nonprofit educational (without regard to the religious character of the facility), utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.

"(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term 'private nonprofit facility' includes any private nonprofit facility that provides essential social services to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, broadcasting facilities, houses of worship, and facilities that provide health and safety services of a governmental nature), as defined by the President. No house of worship may be excluded from this definition because leadership or membership in the

organization operating the house of worship is limited to persons who share a religious faith or practice.".

(b) REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.—Section 406(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)) is amended by adding at the end the following:

"(C) RELIGIOUS FACILITIES.—A church, synagogue, mosque, temple, or other house of worship, educational facility, or any other private nonprofit facility, shall be eligible for contributions under paragraph (1)(B), without regard to the religious character of the facility or the primary religious use of the facility. No house of worship, educational facility, or any other private nonprofit facility may be excluded from receiving contributions under paragraph (1)(B) because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.".

42 USC 5122 note.

(c) APPLICABILITY.—This section and the amendments made by this section shall apply—

Effective date.

(1) to the provision of assistance in response to a major disaster or emergency declared on or after August 23, 2017; or

(2) with respect to—

(A) any application for assistance that, as of the date of enactment of this Act, is pending before Federal Emergency Management Agency; and

(B) any application for assistance that has been denied, where a challenge to that denial is not yet finally resolved as of the date of enactment of this Act.

SEC. 20605. (a) The Federal share of assistance, including direct Federal assistance, provided under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2017, shall be 90 percent of the eligible costs under such section.

Applicability. Effective date.

(b) The Federal share provided by subsection (a) shall apply to assistance provided before, on, or after the date of enactment of this Act.

FEDERAL COST-SHARE ADJUSTMENTS FOR REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

SEC. 20606. Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)) is amended by inserting after paragraph (2) the following:

"(3) INCREASED FEDERAL SHARE.—

"(A) INCENTIVE MEASURES.—The President may provide incentives to a State or Tribal government to invest in measures that increase readiness for, and resilience from, a major disaster by recognizing such investments through a sliding scale that increases the minimum Federal share to 85 percent. Such measures may include—

"(i) the adoption of a mitigation plan approved under section 322;

"(ii) investments in disaster relief, insurance, and emergency management programs;

"(iii) encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters;

"(iv) facilitating participation in the community rating system; and

"(v) funding mitigation projects or granting tax incentives for projects that reduce risk.

"(B) COMPREHENSIVE GUIDANCE.—Not later than 1 year after the date of enactment of this paragraph, the President, acting through the Administrator, shall issue comprehensive guidance to State and Tribal governments regarding the measures and investments, weighted appropriately based on actuarial assessments of eligible actions, that will be recognized for the purpose of increasing the Federal share under this section. Guidance shall ensure that the agency's review of eligible measures and investments does not unduly delay determining the appropriate Federal cost share. Deadline. President.

"(C) REPORT.—One year after the issuance of the guidance required by subparagraph (B), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the analysis of the Federal cost shares paid under this section.

"(D) SAVINGS CLAUSE.—Nothing in this paragraph prevents the President from increasing the Federal cost share above 85 percent.".

SEC. 20607. Division F of the Consolidated Appropriations Act, 2017, is amended by inserting the following at the end of Title V: 131 Stat. 433.

"SEC. 545. (a) PREMIUM PAY AUTHORITY.—During calendar year 2017, any premium pay that is funded, either directly or through reimbursement, by the 'Federal Emergency Management Agency—Disaster Relief Fund' shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

"(b) OVERTIME AUTHORITY.—During calendar year 2017, any overtime that is funded, either directly or through reimbursement, by the 'Federal Emergency Management Agency—Disaster Relief Fund' shall be exempted from any annual limit on the amount of overtime payable in a calendar or fiscal year.

"(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an employee's pay exceeds the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

"(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

"(e) EFFECTIVE DATE.—This section shall take effect as if enacted on December 31, 2016.".

TITLE VII

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $210,629,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $50,000,000, to remain available until September 30, 2019, including costs to States and territories necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $207,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and in those areas impacted by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to wildfires in 2017, $42,246,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for "Technical Assistance" for financial management expenses related to the consequences of Hurricanes Irma and Maria, $3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $2,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for "Hazardous Substance Superfund" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $6,200,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for "Leaking Underground Storage Tank Fund" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $7,000,000, to remain

available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria for the hazardous waste financial assistance grants program and for other solid waste management activities, $50,000,000, to remain available until expended: *Provided*, That none of these funds allocated within Region 2 shall be subject to cost share requirements under section 3011(b) of the Solid Waste Disposal Act: *Provided further,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—ENVIRONMENTAL PROTECTION AGENCY

Of amounts previously appropriated for capitalization grants for the State Revolving Funds under title VI of the Federal Water Pollution Control Act or under section 1452 of the Safe Drinking Water Act to a State or territory included as part of a disaster declaration related to Hurricanes Irma and Maria, all existing grant funds that are available but not drawn down shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act and shall be awarded to such state or territory: *Provided,* That, notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, the state or territory shall utilize the full amount of such funds, excluding existing loans, to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That such funds may be used for eligible projects whose purpose is to repair damage incurred as a result of Hurricanes Irma and Maria, reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or a public drinking water system under section 1452 of the Safe Drinking Water Act: *Provided further*, That any project involving the repair or replacement of a lead service line shall replace the entire lead service line, not just a portion.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry" for necessary expenses related to the consequences of Hurricanes

Harvey, Irma, and Maria, $7,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $20,652,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and the 2017 fire season, $91,600,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 20701. Agencies receiving funds appropriated by this title shall each provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds by account, beginning not later than 90 days after enactment of this Act.

Reports.
Deadline.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Training and Employment Services", $100,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Harvey, Maria, and Irma and those jurisdictions that received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to wildfires in 2017, which shall be available from the date of enactment of this subdivision through September 30, 2019: *Provided*, That the Secretary of Labor may transfer up to $2,500,000 of such funds to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities: *Provided further*, That these sums may be used to replace grant funds previously obligated to the impacted areas: *Provided further*, That of the amount provided, up to

$500,000, to remain available until expended, shall be transferred to "Office of Inspector General"for oversight of activities responding to such hurricanes and wildfires: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOB CORPS

For an additional amount for "Job Corps" for construction, rehabilitation and acquisition for Job Corps Centers in Puerto Rico, $30,900,000, which shall be available upon the date of enactment of this subdivision and remain available for obligation through June 30, 2021: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF LABOR

DEFERRAL OF INTEREST PAYMENTS FOR VIRGIN ISLANDS

Deadline.
Time period.

SEC. 20801. Notwithstanding any other provision of law, the interest payment of the Virgin Islands that was due under section 1202(b)(1) of the Social Security Act on September 29, 2017, shall not be due until September 28, 2018, and no interest shall accrue on such amount through September 28, 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLEXIBILITY IN USE OF FUNDS UNDER WIOA

SEC. 20802. (a) IN GENERAL.—Notwithstanding section 133(b)(4) of the Workforce Innovation and Opportunity Act, in States, as defined by section 3(56) of such Act, affected by Hurricanes Harvey, Irma, and Maria, a local board, as defined by section 3(33) of such Act, in a local area, as defined by section 3(32) of such Act, affected by such Hurricanes may transfer, if such transfer is approved by the Governor, up to 100 percent of the funds allocated to the local area for Program Years 2016 and 2017 for Youth Workforce Investment activities under paragraphs (2) or (3) of section 128(b) of such Act, for Adult employment and training activities under paragraphs (2)(A) or (3) of section 133(b) of such Act, or for Dislocated Worker employment and training activities under paragraph (2)(B) of section 133(b) of such Act among—

(1) adult employment and training activities;

(2) dislocated worker employment and training activities; and

(3) youth workforce investment activities.

(b) THE VIRGIN ISLANDS.—Except for the funds reserved to carry out required statewide activities under sections 127(b) and 134(a)(2) of the Workforce Innovation and Opportunity Act, the Governor of the Virgin Islands may authorize the transfer of up to 100 percent of the remaining funds provided to the Virgin Islands for Program Years 2016 and 2017 for Youth Workforce Investment activities under section 127(b)(1)(B) of such Act, for Adult employment and training activities under section 132(b)(1)(A) of such

Act, or for Dislocated Worker employment and training activities under section 133(b)(2)(A) of such Act among—

(1) adult employment and training activities;

(2) dislocated worker employment and training activities; and

(3) youth workforce investment activities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "CDC-Wide Activities and Program Support", $200,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: *Provided further*, That of the amount provided, not less than $6,000,000 shall be transferred to the "Buildings and Facilities" account for the purposes provided herein: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

For an additional amount for fiscal year 2018 for "Office of the Director", $50,000,000, to remain available until September 30, 2020, for response, recovery, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That obligations incurred for these purposes prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: *Provided further*, That funds appropriated by this paragraph may be used for construction grants or contracts under section 404I of the Public Health Service Act without regard to section 404I(c)(2): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", $650,000,000, to remain available until September 30, 2021, for Head Start programs, for necessary expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including making payments under the Head Start Act: *Provided*, That none of the funds appropriated in this paragraph shall be included in the calculation of the "base grant" in subsequent fiscal

years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That up to $12,500,000 shall be available for Federal administrative expenses: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the "Public Health and Social Services Emergency Fund", $162,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including activities authorized under section 319(a) of the Public Health Service Act (referred to in this subdivision as the "PHS Act"): *Provided*, That of the amount provided, $60,000,000 shall be transferred to "Health Resources and Services Administration—Primary Health Care", for expenses related to the consequences of Hurricanes Harvey, Irma, and Maria for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act: *Provided further*, That not less than $50,000,000, of amounts transferred under the preceding proviso, shall be available for alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by Hurricanes Harvey, Irma, and Maria: *Provided further*, That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: *Provided further*, That of the amount provided, not less than $20,000,000 shall be transferred to "Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support" for grants, contracts, and cooperative agreements for behavioral health treatment, crisis counseling, and other related helplines, and for other similar programs to provide support to individuals impacted by Hurricanes Harvey, Irma, and Maria: *Provided further*, That of the amount provided, up to $2,000,000, to remain available until expended, shall be transferred to "Office of the Secretary—Office of Inspector General" for oversight of activities responding to such hurricanes: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this heading: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-

insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIRECT HIRE AUTHORITY FOR CERTAIN EMERGENCY RESPONSE POSITIONS

SEC. 20803. (a) IN GENERAL.—As the Secretary of Health and Human Services determines necessary to respond to a critical hiring need for emergency response positions, after providing public notice and without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, the Secretary may appoint candidates directly to the following positions, consistent with subsection (b), to perform critical work directly relating to the consequences of Hurricanes Harvey, Irma, and Maria:

Determination. Notice.

(1) Intermittent disaster-response personnel in the National Disaster Medical System, under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11).

(2) Term or temporary related positions in the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response.

(b) EXPIRATION.—The authority under subsection (a) shall expire 270 days after the date of enactment of this section.

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Hurricane Education Recovery" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, or wildfires in 2017 for which a major disaster or emergency has been declared under sections 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5190) (referred to under this heading as "covered disaster or emergency"), $2,700,000,000, to remain available through September 30, 2022, for assisting in meeting the educational needs of individuals affected by a covered disaster or emergency: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That—

(1) such funds shall be used—

(A) to make awards to eligible entities for immediate aid to restart school operations, in accordance with paragraph (2);

(B) for temporary emergency impact aid for displaced students, in accordance with paragraph (2);

(C) for emergency assistance to institutions of higher education and students attending institutions of higher education in an area directly affected by a covered disaster or emergency in accordance with paragraph (3);

(D) for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education directly affected by a covered disaster or emergency, in accordance with paragraph (4); and

(E) to provide assistance to local educational agencies serving homeless children and youth in accordance with paragraph (5);

(2) immediate aid to restart school operations and temporary emergency impact aid for displaced students described in subparagraphs (A) and (B) of paragraph (1) shall be provided under the statutory terms and conditions that applied to assistance under sections 102 and 107 of title IV of division B of Public Law 109–148, respectively, except that such sections shall be applied so that—

(A) each reference to a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) shall be to a major disaster or emergency declared by the President in accordance with section 401 or 501, respectively, of such Act;

(B) each reference to Hurricane Katrina or Hurricane Rita shall be a reference to a covered disaster or emergency;

(C) each reference to August 22, 2005 shall be to the date that is one week prior to the date that the major disaster or emergency was declared for the area;

(D) each reference to the States of Louisiana, Mississippi, Alabama, and Texas shall be to the States or territories affected by a covered disaster or emergency, and each reference to the State educational agencies of Louisiana, Mississippi, Alabama, or Texas shall be a reference to the State educational agencies that serve the states or territories affected by a covered disaster or emergency;

(E) each reference to the 2005–2006 school year shall be to the 2017–2018 school year;

(F) the references in section 102(h)(1) of title IV of division B of Public Law 109–148 to the number of nonpublic and public elementary schools and secondary schools in the State shall be to the number of students in nonpublic and public elementary schools and secondary schools in the State, and the reference in such section to the National Center for Data Statistics Common Core of Data for the 2003–2004 school year shall be to the most recent and appropriate data set for the 2016–2017 school year;

(G) in determining the amount of immediate aid provided to restart school operations as described in section 102(b) of title IV of division B of Public Law 109–148, the Secretary shall consider the number of students enrolled, during the 2016–2017 school year, in elementary schools and secondary schools that were closed as a result of a covered disaster or emergency;

(H) in determining the amount of emergency impact aid that a State educational agency is eligible to receive under paragraph (1)(B), the Secretary shall, subject to section 107(d)(1)(B) of such title, provide—

(i) $9,000 for each displaced student who is an English learner, as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(ii) $10,000 for each displaced student who is a child with a disability (regardless of whether the child is an English learner); and

(iii) $8,500 for each displaced student who is not a child with a disability or an English learner;

(I) with respect to the emergency impact aid provided under paragraph (1)(B), the Secretary may modify the State educational agency and local educational agency application timelines in section 107(c) of such title; and

(J) each reference to a public elementary school may include, as determined by the local educational agency, a publicly-funded preschool program that enrolls children below the age of kindergarten entry and is part of an elementary school;

(3) $100,000,000 of the funds made available under this heading shall be for programs authorized under subpart 3 of Part A, part C of title IV and part B of title VII of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq., 1138 et seq.) for institutions located in an area affected by a covered disaster or emergency, and students enrolled in such institutions, except that—

(A) any requirements relating to matching, Federal share, reservation of funds, or maintenance of effort under such parts that would otherwise be applicable to that assistance shall not apply;

(B) such assistance may be used for student financial assistance;

(C) such assistance may also be used for faculty and staff salaries, equipment, student supplies and instruments, or any purpose authorized under the Higher Education Act of 1965, by institutions of higher education that are located in areas affected by a covered disaster or emergency; and

(D) the Secretary shall prioritize, to the extent possible, students who are homeless or at risk of becoming homeless as a result of displacement, and institutions that have sustained extensive damage, by a covered disaster or emergency;

(4) up to $75,000,000 of the funds made available under this heading shall be for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education at which operations have been disrupted by a covered disaster or emergency, in accordance with criteria established by the Secretary and made publicly available;

(5) $25,000,000 of the funds made available under this heading shall be available to provide assistance to local educational agencies serving homeless children and youths displaced by a covered disaster or emergency, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435) and with section 106 of title IV of division B of Public Law 109–148, except that funds shall be disbursed based on demonstrated need and the number

of homeless children and youth enrolled as a result of displacement by a covered disaster or emergency;

(6) section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, shall not apply to activities under this heading;

(7) $4,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to $3,000,000 of the funds made available under this heading shall be for program administration;

(8) up to $35,000,000 of the funds made available under this heading shall be to carry out activities authorized under section 4631(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7281(b)): *Provided*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this paragraph;

Waiver authority.

(9) the Secretary may waive, modify, or provide extensions for certain requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for affected individuals, affected students, and affected institutions in covered disaster or emergency areas in the same manner as the Secretary was authorized to waive, modify, or provide extensions for certain requirements of such Act under provisions of subtitle B of title IV of division B of Public Law 109–148 for affected individuals, affected students, and affected institutions in areas affected by Hurricane Katrina and Hurricane Rita, except that the cost associated with any action taken by the Secretary under this paragraph is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(10) if any provision under this heading or application of such provision to any person or circumstance is held to be unconstitutional, the remainder of the provisions under this heading and the application of such provisions to any person or circumstance shall not be affected thereby.

GENERAL PROVISION—DEPARTMENT OF EDUCATION

Loan forgiveness.

SEC. 20804. (a) Notwithstanding any other provision of law, the Secretary of Education is hereby authorized to forgive any outstanding balance owed to the Department of Education under the HBCU Hurricane Supplemental Loan program established pursuant to section 2601 of Public Law 109–234, as modified by section 307 of title III of division F of the Consolidated Appropriations Act, 2012 (Public Law 112–74), as carried forward by the Continuing Appropriations Resolution, 2013 (Public Law 112–175).

(b) There are authorized to be appropriated, and there are hereby appropriated, such sums as may be necessary to carry out subsection (a): *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balance Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 20805. Funds appropriated to the Department of Health and Human Services by this title may be transferred to, and merged with, other appropriation accounts under the headings "Centers for Disease Control and Prevention" and "Public Health and Social Services Emergency Fund" for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations in the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 115–31 or section 241(a) of the PHS Act.

Consultation.

Notification.

Determination.

SEC. 20806. Not later than 30 days after enactment of this subdivision, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.

Deadlines.
Spending plan.
Cost estimates.

Updates.

SEC. 20807. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.

TITLE IX

LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $14,000,000, to remain available until expended, for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $201,636,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of

the funds made available to the Navy and Marine Corps for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this subdivision shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this subdivision, the Secretary of the Navy, or his designee, shall submit to the Committees on Appropriations of House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", $519,345,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of the funds made available to the Army National Guard for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this subdivision shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this subdivision, the Director of the Army National Guard, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline. Expenditure plan.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $11,075,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL SUPPORT AND COMPLIANCE

For an additional amount for "Medical Support and Compliance", $3,209,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated

by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $75,108,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided,* That none of these funds shall be available for obligation until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Expenditure plan.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $4,088,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 21001. Notwithstanding section 18236(b) of title 10, United States Code, the Secretary of Defense shall contribute to Puerto Rico, 100 percent of the total cost of construction (including the cost of architectural, engineering and design services) for the acquisition, construction, expansion, rehabilitation, or conversion of the Arroyo readiness center under paragraph (5) of section 18233(a) of title 10, United States Code.

Puerto Rico.

TITLE XI

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Operations", $35,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and other hurricanes occurring in calendar year 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and Equipment", $79,589,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and other hurricanes occurring in calendar year 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

Applicability.

For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code, $1,374,000,000, to remain available until expended: *Provided*, That notwithstanding section 125(d)(4) of title 23, United States Code, no limitation on the total obligations for projects under section 125 of such title shall apply to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for fiscal year 2018 and fiscal year 2019: *Provided further*, That notwithstanding subsection (e) of section 120 of title 23, United States Code, for this fiscal year and hereafter, the Federal share for Emergency Relief funds made available under section 125 of such title to respond to damage caused by Hurricanes Irma and Maria, shall be 100 percent for Puerto Rico: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for the "Public Transportation Emergency Relief Program" as authorized under section 5324 of title 49, United States Code, $330,000,000 to remain available until expended, for transit systems affected by Hurricanes Harvey, Irma, and Maria with major disaster declarations in 2017: *Provided*, That not more than three-quarters of one percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of such title and shall be in addition to any other appropriations for such purpose: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for "Operations and Training", $10,000,000, to remain available until expended, for necessary expenses, including for dredging, related to damage to Maritime Administration facilities resulting from Hurricane Harvey: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 21101. Notwithstanding 49 U.S.C. 5302, for fiscal years 2018, 2019, and 2020 the Secretary of Transportation shall treat an area as an "urbanized area" for purposes of 49 U.S.C. 5307 and 5336(a) until the next decennial census following the enactment of this Act if the area was defined and designated as an "urbanized" area by the Secretary of Commerce in the 2000 decennial census and the population of such area fell below 50,000 after the 2000 decennial census as a result of a major disaster: *Provided*, That an area treated as an "urbanized area" for purposes of this section shall be assigned the population and square miles of the urbanized area designated by the Secretary of Commerce in the 2000 decennial census: *Provided further*, That the term "major disaster" has the meaning given such term in section 102(2) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(2)).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Community Development Fund", $28,000,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except as otherwise provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: *Provided further*, That of the amounts made available under this heading, up to $16,000,000,000 shall be allocated to meet unmet needs for grantees that have received or will receive allocations under this heading for major declared disasters that occurred in 2017 or under the same heading of Division B of Public Law 115–56, except that, of the amounts made available under this proviso, no less than $11,000,000,000 shall be allocated to the States and units

of local government affected by Hurricane Maria, and of such amounts allocated to such grantees affected by Hurricane Maria, $2,000,000,000 shall be used to provide enhanced or improved electrical power systems: *Provided further*, That to the extent amounts under the previous proviso are insufficient to meet all unmet needs, the allocation amounts related to infrastructure shall be reduced proportionally based on the total infrastructure needs of all grantees: *Provided further*, That of the amounts made available under this heading, no less than $12,000,000,000 shall be allocated for mitigation activities to all grantees of funding provided under this heading, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56, and that such mitigation activities shall be subject to the same terms and conditions under this subdivision, as determined by the Secretary: *Provided further*, That all such grantees shall receive an allocation of funds under the preceding proviso in the same proportion that the amount of funds each grantee received or will receive under the second proviso of this heading or the headings and sections specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso: *Provided further*, That of the amounts made available under the second and fourth provisos of this heading, the Secretary shall allocate to all such grantees an aggregate amount not less than 33 percent of each such amounts of funds provided under this heading within 60 days after the enactment of this subdivision based on the best available data (especially with respect to data for all such grantees affected by Hurricanes Harvey, Irma, and Maria), and shall allocate no less than 100 percent of the funds provided under this heading by no later than December 1, 2018: *Provided further*, That the Secretary shall not prohibit the use of funds made available under this heading and the same heading in division B of Public Law 115–56 for non-federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*, That of the amounts made available under this heading, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That with respect to any such duplication of benefits, the Secretary and any grantee under this section shall not take into consideration or reduce the amount provided to any applicant for assistance from the grantee where such applicant applied for and was approved, but declined assistance related to such major declared disasters that occurred in 2014, 2015, 2016, and 2017 from the Small Business Administration under section 7(b) of the Small Business Act (15 U.S.C. 636(b)): *Provided further*, That the

Determination.

Deadlines.

Certification.

Web posting.
Records.
Contracts.
Determination.

Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the sixth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (division B of Public Law 115–56) is amended by striking "State or subdivision thereof" and inserting "State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))": *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register

Plan.

131 Stat. 1138.

Waiver authority.

Notice.
Federal Register, publication.
Deadline.

any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That the eighth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (division B of Public Law 115–56) is amended by inserting "408(c)(4)," after "407,": *Provided further*, That of the amounts made available under this heading, up to $15,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115–56, or may receive similar allocations for disaster recovery in future appropriations Acts: *Provided further*, That of the amounts made available under this heading, up to $10,000,000 shall be transferred, in aggregate, to "Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development" for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That the amount specified in the preceding proviso shall be combined with funds appropriated under the same heading and for the same purpose in Public Law 115–56 and the aggregate of such amounts shall be available for any of the purposes specified under this heading or the same heading in Public Law 115–56 without limitation: *Provided further*, That, of the funds made available under this heading, $10,000,000 shall be transferred to the Office of the Inspector General for necessary costs of overseeing and auditing funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

131 Stat. 1138.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 21102. Any funds made available under the heading "Community Development Fund" under this subdivision that remain available, after the other funds under such heading have been allocated for necessary expenses for activities authorized under such heading, shall be used for additional mitigation activities in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2014, 2015, 2016 or 2017: *Provided*, That such remaining funds shall be awarded to grantees of funding provided for disaster relief under the heading "Community Development Fund" in this subdivision, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254),

section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56 subject to the same terms and conditions under this subdivision and such Acts respectively: *Provided further*, That each such grantee shall receive an allocation from such remaining funds in the same proportion that the amount of funds such grantee received under this subdivision and under the Acts specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso.

Consultation.

SEC. 21103. For 2018, the Secretary of Housing and Urban Development may make temporary adjustments to the section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies located in the most impacted and distressed areas in which a major Presidentially declared disaster occurred during 2017 under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster, or to facilitate leasing up to a public housing agency's authorized level of units under contract (but not to exceed such level), upon request by and in consultation with a public housing agency and supported by documentation as required by the Secretary that demonstrates the need for the adjustment.

TITLE XII

GENERAL PROVISIONS—THIS SUBDIVISION

SEC. 21201. Each amount appropriated or made available by this subdivision is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 21202. No part of any appropriation contained in this subdivision shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 21203. Unless otherwise provided for by this subdivision, the additional amounts appropriated by this subdivision to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.

President.

SEC. 21204. Each amount designated in this subdivision by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 21205. For purposes of this subdivision, the consequences or impacts of any hurricane shall include damages caused by the storm at any time during the entirety of its duration as a cyclone, as defined by the National Hurricane Center.

President.

SEC. 21206. Any amount appropriated by this subdivision, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this subdivision shall retain such designation.

Applicability.

SEC. 21207. The terms and conditions applicable to the funds provided in this subdivision, including those provided by this title, shall also apply to the funds made available in division B of Public Law 115–56 and in division A of Public Law 115–72.

SEC. 21208. (a) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115–72) is amended—

131 Stat. 1227.

(1) in subsection (a)—

Deadline.

(A) by striking "(1) Not later than December 31, 2017," and inserting "Not later than March 31, 2018,"; and

(B) by striking paragraph (2); and

(2) in subsection (b), by striking "receiving funds under this division" and inserting "expending more than $10,000,000 of funds provided by this division and division B of Public Law 115–56 in any one fiscal year".

Applicability.

(b) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115–72), as amended by this section, shall apply to funds appropriated by this division as if they had been appropriated by that division.

Disaster assistance.
Deadline.
Guidance.
31 USC 501 note.

(c) In order to proactively prepare for oversight of future disaster relief funding, not later than one year after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standard guidance for Federal agencies to use in designing internal control plans for disaster relief funding. This guidance shall leverage existing internal control review processes and shall include, at a minimum, the following elements:

Criteria.

(1) Robust criteria for identifying and documenting incremental risks and mitigating controls related to the funding.

(2) Guidance for documenting the linkage between the incremental risks related to disaster funding and efforts to address known internal control risks.

Reports.

SEC. 21209. Any agency or department provided funding in excess of $3,000,000,000 by this subdivision, including the Federal Emergency Management Agency, the Department of Housing and Urban Development, and the Corps of Engineers, is directed to provide a report to the Committees on Appropriations of the House of Representatives and the Senate regarding its efforts to provide adequate resources and technical assistance for small, low-income communities affected by natural disasters.

Coordination.
Puerto Rico.
Reports.
Plan.

SEC. 21210. (a) Not later than 180 days after the date of enactment of this subdivision and in coordination with the Administrator of the Federal Emergency Management Agency, with support and contributions from the Secretary of the Treasury, the Secretary of Energy, and other Federal agencies having responsibilities defined under the National Disaster Recovery Framework, the Governor of the Commonwealth of Puerto Rico shall submit to Congress a report describing the Commonwealth's 12- and 24-month economic and disaster recovery plan that—

(1) defines the priorities, goals, and expected outcomes of the recovery effort for the Commonwealth, based on damage assessments prepared pursuant to Federal law, if applicable, including—

(A) housing;

(B) economic issues, including workforce development and industry expansion and cultivation;

(C) health and social services;

(D) natural and cultural resources;

(E) governance and civic institutions;

(F) electric power systems and grid restoration;

(G) environmental issues, including solid waste facilities; and

(H) other infrastructure systems, including repair, restoration, replacement, and improvement of public infrastructure such water and wastewater treatment facilities, communications networks, and transportation infrastructure;

(2) is consistent with—

(A) the Commonwealth's fiscal capacity to provide long-term operation and maintenance of rebuilt or replaced assets;

(B) alternative procedures and associated programmatic guidance adopted by the Administrator of the Federal Emergency Management Agency pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189f); and

(C) actions as may be necessary to mitigate vulnerabilities to future extreme weather events and natural disasters and increase community resilience, including encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters;

(3) promotes transparency and accountability through appropriate public notification, outreach, and hearings;

(4) identifies performance metrics for assessing and reporting on the progress toward achieving the Commonwealth's recovery goals, as identified under paragraph (1);

(5) is developed in coordination with the Oversight Board established under PROMESA; and

(6) is certified by that Oversight Board to be consistent with the purpose set forth in section 101(a) of PROMESA (48 U.S.C. 2121(a)). Certification.

(b) At the end of every 30-day period before the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall provide to Congress interim status updates on progress developing such report. Time period. Updates.

(c) At the end of every 180-day period after the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall make public a report on progress achieving the goals set forth in such report. Time period.

(d) During the development, and after the submission, of the report required in subsection (a), the Oversight Board may provide to Congress reports on the status of coordination with the Governor of Puerto Rico.

(e) Amounts made available by this subdivision to a covered territory for response to or recovery from Hurricane Irma or Hurricane Maria in an aggregate amount greater than $10,000,000 may be reviewed by the Oversight Board under the Oversight Board's authority under 204(b)(2) of PROMESA (48 U.S.C. 2144(b)(2)).

Assessments.

(f) When developing a Fiscal Plan while the recovery plan required under subsection (a) is in development and in effect, the Oversight Board shall use and incorporate, to the greatest extent feasible, damage assessments prepared pursuant to Federal law.

(g) For purposes of this section, the terms "covered territory" and "Oversight Board" have the meaning given those term in section 5 of PROMESA (48 U.S.C. 2104).

This subdivision may be cited as the "Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018".

SUBDIVISION 2—TAX RELIEF AND MEDICAID CHANGES RELATING TO CERTAIN DISASTERS

TITLE I—CALIFORNIA FIRES

SEC. 20101. DEFINITIONS.

For purposes of this title—

(1) CALIFORNIA WILDFIRE DISASTER ZONE.—The term "California wildfire disaster zone" means that portion of the California wildfire disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of wildfires in California.

Time period. President.

(2) CALIFORNIA WILDFIRE DISASTER AREA.—The term "California wildfire disaster area" means an area with respect to which between January 1, 2017 through January 18, 2018 a major disaster has been declared by the President under section 401 of such Act by reason of wildfires in California.

SEC. 20102. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified wildfire distribution.

(2) AGGREGATE DOLLAR LIMITATION.—

(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified wildfire distributions for any taxable year shall not exceed the excess (if any) of—

(i) $100,000, over

(ii) the aggregate amounts treated as qualified wildfire distributions received by such individual for all prior taxable years.

(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified wildfire distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified wildfire distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986. Definition.

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

(A) IN GENERAL.—Any individual who receives a qualified wildfire distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be. Time period. Effective date.

(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified wildfire distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution. Deadline.

(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified wildfire distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution. Deadline.

(4) DEFINITIONS.—For purposes of this subsection—

(A) QUALIFIED WILDFIRE DISTRIBUTION.—Except as provided in paragraph (2), the term "qualified wildfire distribution" means any distribution from an eligible retirement plan made on or after October 8, 2017, and before January 1, 2019, to an individual whose principal place of abode during any portion of the period from October 8, 2017, Time periods.

to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of the wildfires to which the declaration of such area relates.

(B) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

(A) IN GENERAL.—In the case of any qualified wildfire distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

Applicability.

(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) SPECIAL RULES.—

(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified wildfire distributions shall not be treated as eligible rollover distributions.

(B) QUALIFIED WILDFIRE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes the Internal Revenue Code of 1986, a qualified wildfire distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) RECONTRIBUTIONS.—

Time period.

(A) IN GENERAL.—Any individual who received a qualified distribution may, during the period beginning on October 8, 2017, and ending on June 30, 2018, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

Applicability.

(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

Definition.

(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term "qualified distribution" means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986,

Time period.

(B) received after March 31, 2017, and before January 15, 2018, and

(C) which was to be used to purchase or construct a principal residence in the California wildfire disaster area but which was not so purchased or constructed on account of the wildfires to which the declaration of such area relates.

(c) LOANS FROM QUALIFIED PLANS.—

(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the period beginning on the date of the enactment of this Act and ending on December 31, 2018— Time period. Applicability.

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(B) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after October 8, 2017, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)— Effective date. Time periods.

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on October 8, 2017, and ending on December 31, 2018, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) shall be disregarded.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term "qualified individual" means any individual whose principal place of abode during any portion of the period from October 8, 2017, to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of wildfires to which the declaration of such area relates. Definition. Time period.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i). Applicability.

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and Regulation.

Effective date.

(ii) on or before the last day of the first plan year beginning on or after January 1, 2019, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

Time period.

(i) during the period—

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 20103. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY CALIFORNIA WILDFIRES.

(a) IN GENERAL.—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the California wildfire employee retention credit shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, the California wildfire employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

Effective date.
Time periods.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(A) which conducted an active trade or business on October 8, 2017, in the California wildfire disaster zone, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after October 8, 2017, and before January 1, 2018, as a result of damage sustained by reason of the wildfires to which such declaration of such area relates.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment on October 8, 2017, with such eligible employer was in the California wildfire disaster zone.

(3) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 8, 2017, and before January 1, 2018, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before the wildfires to which the declaration of the California wildfire disaster area relates, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986, shall apply.

(d) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

SEC. 20104. ADDITIONAL DISASTER-RELATED TAX RELIEF PROVISIONS.

Applicability.
Definitions.
Time periods.

(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of such section to other contributions.

(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) INDIVIDUALS.—In the case of an individual—

(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (H) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(B) CORPORATIONS.—In the case of a corporation—

(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of the Internal Revenue Code of 1986 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(4) QUALIFIED CONTRIBUTIONS.—

(A) IN GENERAL.—For purposes of this subsection, the term "qualified contribution" means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

(i) such contribution—

(I) is paid during the period beginning on October 8, 2017, and ending on December 31, 2018, in cash to an organization described in section 170(b)(1)(A) of such Code, and

(II) is made for relief efforts in the California wildfire disaster area,

(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8) of such Code) that such contribution was used (or is to be used) for relief efforts described in clause (i)(II), and

(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

(b) SPECIAL RULES FOR QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—

(1) IN GENERAL.—If an individual has a net disaster loss for any taxable year—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting "$500" for "$500 ($100 for taxable years beginning after December 31, 2009)",

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) NET DISASTER LOSS.—For purposes of this subsection, the term "net disaster loss" means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—For purposes of this subsection, the term "qualified disaster-related personal casualty losses" means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in the California wildfire disaster area on or after October 8, 2017, and which are attributable to the wildfires to which the declaration of such area relates.

(c) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(A) such earned income for the preceding taxable year, for

(B) such earned income for the taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017.

(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term "qualified individual" means any individual whose principal place of abode during any portion of the period from October 8, 2017, to December 31, 2017, was located—

(A) in the California wildfire disaster zone, or

(B) in the California wildfire disaster area (but outside the California wildfire disaster zone) and such individual was displaced from such principal place of abode by reason of the wildfires to which the declaration of such area relates.

(3) EARNED INCOME.—For purposes of this subsection, the term "earned income" has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(4) SPECIAL RULES.—

(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017—

(i) such paragraph shall apply if either spouse is a qualified individual, and

(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both

sections 24(d) and 32, of the Internal Revenue Code of 1986.

(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under paragraph (1).

TITLE II—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

SEC. 20201. TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA.

(a) MODIFICATION OF HURRICANES HARVEY AND IRMA DISASTER AREAS.—Subsections (a)(2) and (b)(2) of section 501 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1173) are both amended by striking "September 21, 2017" and inserting "October 17, 2017".

(b) EMPLOYEE RETENTION CREDIT.—Subsections (a)(3), (b)(3), and (c)(3) of section 503 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1181) are each amended by striking "sections 51(i)(1) and 52" and inserting "sections 51(i)(1), 52, and 280C(a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of title V of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 to which such amendments relate.

TITLE III—HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS

SEC. 20301. HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS.

(a) INCREASED CAPS.—Section 1108(g)(5) of the Social Security Act (42 U.S.C. 1308(g)(5)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B), (C), (D), and (E)"; and

(2) by adding at the end the following new subparagraphs:

Time period.

"(C) Subject to subparagraphs (D) and (E), for the period beginning January 1, 2018, and ending September 30, 2019—

"(i) the amount of the increase otherwise provided under subparagraphs (A) and (B) for Puerto Rico shall be further increased by $3,600,000,000; and

"(ii) the amount of the increase otherwise provided under subparagraph (A) for the Virgin Islands shall be further increased by $106,931,000.

Certifications.

"(D) For the period described in subparagraph (C), the amount of the increase otherwise provided under subparagraph (A)—

"(i) for Puerto Rico shall be further increased by $1,200,000,000 if the Secretary certifies that Puerto Rico has taken reasonable and appropriate steps during such period, in accordance with a timeline established by the Secretary, to—

"(I) implement methods, satisfactory to the Secretary, for the collection and reporting of reliable data to the Transformed Medicaid Statistical Information System (T–MSIS) (or a successor system); and

"(II) demonstrate progress in establishing a State medicaid fraud control unit described in section 1903(q); and

"(ii) for the Virgin Islands shall be further increased by $35,644,000 if the Secretary certifies that the Virgin Islands has taken reasonable and appropriate steps during such period, in accordance with a timeline established by the Secretary, to meet the conditions for certification specified in subclauses (I) and (II) of clause (i).

"(E) Notwithstanding any other provision of title XIX, during the period in which the additional funds provided under subparagraphs (C) and (D) are available for Puerto Rico and the Virgin Islands, respectively, with respect to payments from such additional funds for amounts expended by Puerto Rico and the Virgin Islands under such title, the Secretary shall increase the Federal medical assistance percentage or other rate that would otherwise apply to such payments to 100 percent.".

(b) DISREGARD OF CERTAIN EXPENDITURES FROM SPENDING CAP.—Section 1108(g)(4) of the Social Security Act (42 U.S.C. 1308(g)(4)) is amended—

(1) by inserting "for a calendar quarter of such fiscal year," after "section 1903(a)(3)"; and

(2) by striking "of such fiscal year for a calendar quarter of such fiscal year," and inserting "of such fiscal year, and with respect to fiscal years beginning with fiscal year 2018, if the Virgin Islands qualifies for a payment under section 1903(a)(6) for a calendar quarter (beginning on or after January 1, 2018) of such fiscal year,".

(c) REPORT TO CONGRESS.—Not later than July 1, 2018, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate that—

(1) describes the steps taken by Puerto Rico and the Virgin Islands to meet the conditions for certification specified in clauses (i) and (ii), respectively, of section 1108(g)(5)(D) of the Social Security Act (42 U.S.C. 1308(g)(5)(D)) (as amended by subsection (a) of this section); and

(2) specifies timelines for each such territory to, as a condition of eligibility for any additional increases in the amounts determined for Puerto Rico or the Virgin Islands, respectively, under subsection (g) of section 1108 of such Act (42 U.S.C. 1308) for purposes of payments under title XIX of such Act for fiscal year 2019, complete—

(A) implementation of methods, satisfactory to the Secretary, for the collection and reporting of reliable data to the Transformed Medicaid Statistical Information System (T–MSIS) (or a successor system); and

(B) the establishment of a State medicaid fraud control unit described in section 1903(q) of the Social Security Act (42 U.S.C. 1396d(q)).

TITLE IV—BUDGETARY EFFECTS

SEC. 20401. EMERGENCY DESIGNATION.

This subdivision is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

SEC. 20402. DESIGNATION IN SENATE.

In the Senate, this subdivision is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

Subdivision 3—Further Extension of Continuing Appropriations Act, 2018

Further Extension of Continuing Appropriations Act, 2018.
131 Stat. 1141.

SEC. 20101. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended by—

(1) striking the date specified in section 106(3) and inserting "March 23, 2018"; and

Ante, p. 30.

(2) inserting after section 155 the following new sections:

"SEC. 156. In addition to amounts provided by section 101, amounts are provided for 'Department of Commerce—Bureau of the Census—Periodic Census and Programs' at a rate for operations of $182,000,000 for an additional amount for the 2020 Decennial Census Program; and such amounts may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program.

Applicability.

"SEC. 157. Notwithstanding section 101, the matter preceding the first proviso and the first proviso under the heading 'Power Marketing Administrations—Operation and Maintenance, Southeastern Power Administration' in division D of Public Law 115–31 shall be applied by substituting '$6,379,000' for '$1,000,000' each place it appears.

42 USC 6241 note.

"SEC. 158. As authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed $350,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2018: *Provided*, That the proceeds from such drawdown and sale shall be deposited into the 'Energy Security and Infrastructure Modernization Fund' (in this section referred to as the 'Fund') during fiscal year 2018: *Provided further*, That in addition to amounts otherwise made available by section 101, any amounts deposited in the Fund shall be made available and shall remain available until expended at a rate for operations of $350,000,000, for necessary expenses in carrying out the Life Extension II project for the Strategic Petroleum Reserve.

"SEC. 159. Amounts made available by section 101 for 'The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners' may be apportioned up to the rate for operations necessary to accommodate increased juror usage.

"SEC. 160. Section 144 of the Continuing Appropriations Act, 2018 (division D of Public Law 115–56), as amended by the Further Additional Continuing Appropriations Act, 2018 (division A of Public Law 115–96), is amended by (1) striking '$11,761,000' and inserting '$22,247,000', and (2) striking '$1,104,000' and inserting '$1,987,000'. 131 Stat. 2044.

"SEC. 161. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied by substituting '2018' for '2017'. Applicability.

"SEC. 162. For the purpose of carrying out section 435(a)(2) of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1085(a)(2)), during the period covered by this Act the Secretary of Education may waive the requirement under section 435(a)(5)(A)(ii) of the HEA (20 U.S.C. 1085(a)(5)(A)(ii)) for an institution of higher education that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county that ranks in the lowest 5 percent of all counties in the United States based on a national index of county economic status: *Provided*, That this section shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part A of title IV of the HEA on or after the date of enactment of this Act due to the application of section 435(a)(2) of the HEA. Waiver authority. Applicability.

"SEC. 163. Notwithstanding any other provision of law, funds made available by this Act for military construction, land acquisition, and family housing projects and activities may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided*, That funds and authority provided by this section may be used notwithstanding sections 102 and 104: *Provided further*, That such funds may be used only for projects identified by the Department of the Air Force in its January 29, 2018, letter sent to the Committees on Appropriations of both Houses of Congress detailing urgently needed fiscal year 2018 construction requirements.

"SEC. 164. (a) Section 116(h)(3)(D) of title 49, United States Code, is amended—

"(1) in clause (i), by striking 'During the 2-year period beginning on the date of enactment of this section, the'; inserting 'The'; and inserting the following after the first sentence: 'Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.'; and

"(2) in clause (ii) by striking 'During the 2-year period beginning on the date of enactment of this section, the'; inserting 'The'; and inserting the following after the first sentence: 'Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.'.

"(b) Section 503(l)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823(l)(4)) is amended—

"(1) in the heading by striking 'Safety and operations account' and inserting 'National Surface Transportation and Innovative Finance Bureau account'; and

"(2) in subparagraph (A) by striking 'Safety and Operations account of the Federal Railroad Administration' and inserting 'National Surface Transportation and Innovative Finance Bureau account'.

Applicability.

"SEC. 165. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v) shall be applied by substituting the date specified in section 106(3) for 'September 30, 2017'.".

This subdivision may be cited as the "Further Extension of Continuing Appropriations Act, 2018".

DIVISION C—BUDGETARY AND OTHER MATTERS

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DIVISION C—BUDGETARY AND OTHER MATTERS

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TITLE I—BUDGET ENFORCEMENT

SEC. 30101. AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

Time periods.

(a) REVISED DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) for fiscal year 2018—

"(A) for the revised security category, $629,000,000,000 in new budget authority; and

"(B) for the revised nonsecurity category $579,000,000,000 in new budget authority;

"(6) for fiscal year 2019—

"(A) for the revised security category, $647,000,000,000 in new budget authority; and

"(B) for the revised nonsecurity category, $597,000,000,000 in new budget authority;".

(b) DIRECT SPENDING ADJUSTMENTS FOR FISCAL YEARS 2018 AND 2019.—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), is amended—

(1) in paragraph (5)(B), in the matter preceding clause (i), by striking "and (11)" and inserting ", (11), and (12)"; and

(2) by adding at the end the following:

"(12) IMPLEMENTING DIRECT SPENDING REDUCTIONS FOR FISCAL YEARS 2018 AND 2019.—(A) OMB shall make the calculations necessary to implement the direct spending reductions calculated pursuant to paragraphs (3) and (4) without regard to the amendment made to section 251(c) revising the discretionary spending limits for fiscal years 2018 and 2019 by the Bipartisan Budget Act of 2018.

"(B) Paragraph (5)(B) shall not be implemented for fiscal years 2018 and 2019.".

(c) EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2027.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking "for fiscal year 2022, for fiscal year 2023, for fiscal year 2024, and for fiscal year 2025" and inserting "for each of fiscal years 2022 through 2027"; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking "fiscal year 2025" and inserting "fiscal year 2027".

SEC. 30102. BALANCES ON THE PAYGO SCORECARDS.

Effective date.

Effective on the date of enactment of this Act, the balances on the PAYGO scorecards established pursuant to paragraphs (4) and (5) of section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)) shall be zero.

SEC. 30103. AUTHORITY FOR FISCAL YEAR 2019 BUDGET RESOLUTION IN THE SENATE.

Effective date. Applicability.

(a) FISCAL YEAR 2019.—For purposes of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) after April 15, 2018, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal years 2020 through 2028.

Time periods. Deadline.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—After April 15, 2018, but not later than May 15, 2018, the Chairman of the Committee on the Budget of the Senate shall file—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 consistent with discretionary spending limits set forth in section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(3) aggregate spending levels for fiscal year 2019 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642); and

(5) levels of Social Security revenues and outlays for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642).

(c) ADDITIONAL MATTER.—The filing referred to in subsection (b) may also include for fiscal year 2019 the deficit-neutral reserve funds contained in title III of H. Con. Res. 71 (115th Congress) updated by one fiscal year.

(d) EXPIRATION.—This section shall expire if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 30104. AUTHORITY FOR FISCAL YEAR 2019 BUDGET RESOLUTION IN THE HOUSE OF REPRESENTATIVES.

Deadline.

(a) FISCAL YEAR 2019.—If a concurrent resolution on the budget for fiscal year 2019 has not been adopted by April 15, 2018, for the purpose of enforcing the Congressional Budget Act of 1974, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the House of Representatives after April 15, 2018, in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal year 2019 and for fiscal years 2020 through 2028.

Applicability.
Effective date.

Congressional Record, publication.
Time periods.
Deadline.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—In the House of Representatives, the Chair of the Committee on the Budget shall submit a statement for publication in the Congressional Record after April 15, 2018, but not later than May 15, 2018, containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 for discretionary budget authority at the total level set forth in section 251(c)(6) of the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, and committee allocations for fiscal year 2019 for current law mandatory budget authority and outlays, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal year 2019 and for the period of fiscal years 2019 through 2028 at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974; and

(3) aggregate spending levels for fiscal year 2019 and aggregate revenue levels for fiscal year 2019 and for the period of fiscal years 2019 through 2028, at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974.

(c) ADDITIONAL MATTER.—The statement referred to in subsection (b) may also include for fiscal year 2019, the matter contained in the provisions referred to in subsection (f)(1).

(d) FISCAL YEAR 2019 ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS.—If the statement referred to in subsection (b) is not filed by May 15, 2018, then the matter referred to in subsection (b)(1) shall be submitted by the Chair of the Committee on the Budget for publication in the Congressional Record on the next day that the House of Representatives is in session.

Deadline. Congressional Record, publication.

(e) ADJUSTMENTS.—The chair of the Committee on the Budget of the House of Representatives may adjust the levels included in the statement referred to in subsection (b) to reflect the budgetary effects of any legislation enacted during the 115th Congress that reduces the deficit or as otherwise necessary.

(f) APPLICATION.—Upon submission of the statement referred to in subsection (b)—

(1) all references in sections 5101 through 5112, sections 5201 through 5205, section 5301, and section 5401 of House Concurrent Resolution 71 (115th Congress) to a fiscal year shall be considered for all purposes in the House to be references to the succeeding fiscal year; and

(2) all references in the provisions referred to in paragraph (1) to allocations, aggregates, or other appropriate levels in "this concurrent resolution", "the most recently agreed to concurrent resolution on the budget", or "this resolution" shall be considered for all purposes in the House to be references to the allocations, aggregates, or other appropriate levels contained in the statement referred to in subsection (b), as adjusted.

(g) EXPIRATION.—Subsections (a) through (f) shall no longer apply if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and House of Representatives.

SEC. 30105. EXERCISE OF RULEMAKING POWERS.

Sections 30103 and 30104 are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE II—OFFSETS

SEC. 30201. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking "January 14, 2026" and inserting "February 24, 2027"; and

(2) in subparagraph (B)(i), by striking "September 30, 2025" and inserting "September 30, 2027".

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking "January 14, 2026" and inserting "February 24, 2027".

SEC. 30202. AVIATION SECURITY SERVICE FEES.

Paragraph (4) of section 44940(i) of title 49, United States Code, is amended by adding at the end the following new subparagraphs:

"(M) $1,640,000,000 for fiscal year 2026.

"(N) $1,680,000,000 for fiscal year 2027.".

SEC. 30203. EXTENSION OF CERTAIN IMMIGRATION FEES.

(a) VISA WAIVER PROGRAM.—Section 217(h)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by striking "September 30, 2020" and inserting "September 30, 2027".

(b) L–1 AND H–1B VISAS.—Section 411 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by striking "September 30, 2025" each place it appears and inserting "September 30, 2027".

SEC. 30204. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

42 USC 6241 note.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve—

(A) 30,000,000 barrels of crude oil during the period of fiscal years 2022 through 2025;

(B) 35,000,000 barrels of crude oil during fiscal year 2026; and

(C) 35,000,000 barrels of crude oil during fiscal year 2027.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary of Energy may not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection. 42 USC 6241 note.

(c) STRATEGIC PETROLEUM DRAWDOWN CONDITIONS AND LIMITATIONS.—

(1) CONDITIONS.—Section 161(h)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(1)) is amended in subparagraph (B) by striking "shortage; and" and all that follows through "Secretary of" in subparagraph (C) and inserting the following: "shortage;

"(C) the Secretary has found that action taken under this subsection will not impair the ability of the United States to carry out obligations of the United States under the international energy program; and

"(D) the Secretary of".

(2) LIMITATIONS.—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking "450,000,000" each place it appears and inserting "350,000,000".

SEC. 30205. ELIMINATION OF SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking "$10,000,000,000" and inserting "$7,500,000,000".

SEC. 30206. REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.

(a) IN GENERAL.—Title III of the Social Security Act (42 U.S.C. 501 et seq.) is amended by adding at the end the following:

"SEC. 306. GRANTS TO STATES FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS. 42 USC 506.

"(a) IN GENERAL.—The Secretary of Labor (in this section referred to as the 'Secretary') shall award grants under this section for a fiscal year to eligible States to conduct a program of reemployment services and eligibility assessments for individuals referred to reemployment services as described in section 303(j) for weeks in such fiscal year for which such individuals receive unemployment compensation.

"(b) PURPOSES.—The purposes of this section are to accomplish the following goals:

"(1) To improve employment outcomes of individuals that receive unemployment compensation and to reduce the average duration of receipt of such compensation through employment.

"(2) To strengthen program integrity and reduce improper payments of unemployment compensation by States through the detection and prevention of such payments to individuals who are not eligible for such compensation.

"(3) To promote alignment with the broader vision of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101

et seq.) of increased program integration and service delivery for job seekers, including claimants for unemployment compensation.

"(4) To establish reemployment services and eligibility assessments as an entry point for individuals receiving unemployment compensation into other workforce system partner programs.

"(c) EVIDENCE-BASED STANDARDS.—

"(1) IN GENERAL.—In carrying out a State program of reemployment services and eligibility assessments using grant funds awarded to the State under this section, a State shall use such funds only for interventions demonstrated to reduce the number of weeks for which program participants receive unemployment compensation by improving employment outcomes for program participants.

Time period.

"(2) EXPANDING EVIDENCE-BASED INTERVENTIONS.—In addition to the requirement imposed by paragraph (1), a State shall—

"(A) for fiscal years 2023 and 2024, use no less than 25 percent of the grant funds awarded to the State under this section for interventions with a high or moderate causal evidence rating that show a demonstrated capacity to improve employment and earnings outcomes for program participants;

"(B) for fiscal years 2025 and 2026, use no less than 40 percent of such grant funds for interventions described in subparagraph (A); and

Effective date.

"(C) for fiscal years beginning after fiscal year 2026, use no less than 50 percent of such grant funds for interventions described in subparagraph (A).

"(d) EVALUATIONS.—

"(1) REQUIRED EVALUATIONS.—Any intervention without a high or moderate causal evidence rating used by a State in carrying out a State program of reemployment services and eligibility assessments under this section shall be under evaluation at the time of use.

"(2) FUNDING LIMITATION.—A State shall use not more than 10 percent of grant funds awarded to the State under this section to conduct or cause to be conducted evaluations of interventions used in carrying out a program under this section (including evaluations conducted pursuant to paragraph (1)).

"(e) STATE PLAN.—

"(1) IN GENERAL.—As a condition of eligibility to receive a grant under this section for a fiscal year, a State shall submit to the Secretary, at such time and in such manner as the Secretary may require, a State plan that outlines how the State intends to conduct a program of reemployment services and eligibility assessments under this section, including—

"(A) assurances that, and a description of how, the program will provide—

"(i) proper notification to participating individuals of the program's eligibility conditions, requirements, and benefits, including the issuance of warnings and simple, clear notifications to ensure that participating individuals are fully aware of the consequences of

failing to adhere to such requirements, including policies related to non-attendance or non-fulfillment of work search requirements; and

"(ii) reasonable scheduling accommodations to maximize participation for eligible individuals;

"(B) assurances that, and a description of how, the program will conform with the purposes outlined in subsection (b) and satisfy the requirement to use evidence-based standards under subsection (c), including—

"(i) a description of the evidence-based interventions the State plans to use to speed reemployment;

"(ii) an explanation of how such interventions are appropriate to the population served; and

"(iii) if applicable, a description of the evaluation structure the State plans to use for interventions without at least a moderate or high causal evidence rating, which may include national evaluations conducted by the Department of Labor or by other entities; and

"(C) a description of any reemployment activities and evaluations conducted in the prior fiscal year, and any data collected on—

"(i) characteristics of program participants;

"(ii) the number of weeks for which program participants receive unemployment compensation; and

"(iii) employment and other outcomes for program participants consistent with State performance accountability measures provided by the State unemployment compensation program and in section 116(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)).

"(2) APPROVAL.—The Secretary shall approve any State plan, that is timely submitted to the Secretary, in such manner as the Secretary may require, that satisfies the conditions described in paragraph (1).

"(3) DISAPPROVAL AND REVISION.—If the Secretary determines that a State plan submitted pursuant to this subsection fails to satisfy the conditions described in paragraph (1), the Secretary shall— Determination.

"(A) disapprove such plan;

"(B) provide to the State, not later than 30 days after the date of receipt of the State plan, a written notice of such disapproval that includes a description of any portion of the plan that was not approved and the reason for the disapproval of each such portion; and Deadline. Notice.

"(C) provide the State with an opportunity to correct any such failure and submit a revised State plan.

"(f) ALLOCATION OF FUNDS.—

"(1) BASE FUNDING.—

"(A) IN GENERAL.—For each fiscal year after fiscal year 2020, the Secretary shall allocate a percentage equal to the base funding percentage for such fiscal year of the funds made available for grants under this section among the States awarded such a grant for such fiscal year using a formula prescribed by the Secretary based on the rate of insured unemployment (as defined in section 203(e)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) in the State for Time periods. Determination.

a period to be determined by the Secretary. In developing such formula with respect to a State, the Secretary shall consider the importance of avoiding sharp reductions in grant funding to a State over time.

Definition.

"(B) BASE FUNDING PERCENTAGE.—For purposes of subparagraph (A), the term 'base funding percentage' means—

"(i) for fiscal years 2021 through 2026, 89 percent; and

"(ii) for fiscal years after 2026, 84 percent.

"(2) RESERVATION FOR OUTCOME PAYMENTS.—

"(A) IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reservation percentage for such fiscal year for outcome payments to increase the amount otherwise awarded to a State under paragraph (1). Such outcome payments shall be paid to States conducting reemployment services and eligibility assessments under this section that, during the previous fiscal year, met or exceeded the outcome goals provided in subsection (b)(1) related to reducing the average duration of receipt of unemployment compensation by improving employment outcomes.

Definition.

"(B) OUTCOME RESERVATION PERCENTAGE.—For purposes of subparagraph (A), the term 'outcome reservation percentage' means—

"(i) for fiscal years 2021 through 2026, 10 percent; and

"(ii) for fiscal years after 2026, 15 percent.

"(3) RESERVATION FOR RESEARCH AND TECHNICAL ASSISTANCE.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary may reserve not more than 1 percent to conduct research and provide technical assistance to States.

Deadline.

"(4) CONSULTATION AND PUBLIC COMMENT.—Not later than September 30, 2019, the Secretary shall—

"(A) consult with the States and seek public comment in developing the allocation formula under paragraph (1) and the criteria for carrying out the reservations under paragraph (2); and

Criteria.

"(B) make publicly available the allocation formula and criteria developed pursuant to subclause (A).

Deadline.

"(g) NOTIFICATION TO CONGRESS.—Not later than 90 days prior to making any changes to the allocation formula or the criteria developed pursuant to subsection (f)(5)(A), the Secretary shall submit to Congress, including to the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives and the Committee on Finance and the Committee on Appropriations of the Senate, a notification of any such change.

"(h) SUPPLEMENT NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would be expended to provide reemployment services and eligibility assessments to individuals receiving unemployment compensation, and in no case to supplant such Federal, State, or local public funds.

"(i) DEFINITIONS.—In this section:

"(1) CAUSAL EVIDENCE RATING.—The terms 'high causal evidence rating' and 'moderate causal evidence rating' shall have the meaning given such terms by the Secretary of Labor.

"(2) ELIGIBLE STATE.—The term 'eligible State' means a State that has in effect a State plan approved by the Secretary in accordance with subsection (e).

"(3) INTERVENTION.—The term 'intervention' means a service delivery strategy for the provision of State reemployment services and eligibility assessment activities under this section.

"(4) STATE.—The term 'State' has the meaning given the term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(5) UNEMPLOYMENT COMPENSATION.—The term unemployment compensation means 'regular compensation', 'extended compensation', and 'additional compensation' (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)).".

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Labor shall submit to Congress a report to describe promising interventions used by States to provide reemployment assistance.

(c) ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

"(E) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

"(i) IN GENERAL.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for grants to States under section 306 of the Social Security Act, then the adjustment for that fiscal year shall be the additional new budget authority provided in that Act for such grants for that fiscal year, but shall not exceed—

"(I) for fiscal year 2018, $0;

"(II) for fiscal year 2019, $33,000,000;

"(III) for fiscal year 2020, $58,000,000; and

"(IV) for fiscal year 2021, $83,000,000.

"(ii) DEFINITION.—As used in this subparagraph, the term 'additional new budget authority' means the amount provided for a fiscal year, in excess of $117,000,000, in an appropriation Act and specified to pay for grants to States under section 306 of the Social Security Act.".

(d) OTHER BUDGETARY ADJUSTMENTS.—Section 314 of the Congressional Budget Act of 1974 (2 U.S.C. 645) is amended by adding at the end the following:

"(g) ADJUSTMENT FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

"(1) IN GENERAL.—

"(A) ADJUSTMENTS.—If the Committee on Appropriations of either House reports an appropriation measure for any of fiscal years 2022 through 2027 that provides budget authority for grants under section 306 of the Social

Security Act, or if a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate shall make the adjustments referred to in subparagraph (B) to reflect the additional new budget authority provided for such grants in that measure or conference report and the outlays resulting therefrom, consistent with subparagraph (D).

"(B) TYPES OF ADJUSTMENTS.—The adjustments referred to in this subparagraph consist of adjustments to—

"(i) the discretionary spending limits for that fiscal year as set forth in the most recently adopted concurrent resolution on the budget;

"(ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under section 302(a); and

"(iii) the appropriate budget aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.

"(C) ENFORCEMENT.—The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

"(D) LIMITATION.—No adjustment may be made under this subsection in excess of—

"(i) for fiscal year 2022, $133,000,000;

"(ii) for fiscal year 2023, $258,000,000;

"(iii) for fiscal year 2024, $433,000,000;

"(iv) for fiscal year 2025, $533,000,000;

"(v) for fiscal year 2026, $608,000,000; and

"(vi) for fiscal year 2027, $633,000,000.

"(E) DEFINITION.—As used in this subsection, the term 'additional new budget authority' means the amount provided for a fiscal year, in excess of $117,000,000, in an appropriation measure or conference report (as the case may be) and specified to pay for grants to States under section 306 of the Social Security Act.

"(2) REPORT ON 302(B) LEVEL.—Following any adjustment made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to section 302(b) to carry out this subsection.".

TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

31 USC 3101 note.

SEC. 30301. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

Time period.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act and ending on March 1, 2019.

Effective date.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on March 2, 2019, the limitation

in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on March 2, 2019, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

(c) RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.—

(1) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before March 2, 2019.

(2) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in subsection (a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

TITLE IV—JOINT SELECT COMMITTEES

Subtitle A—Joint Select Committee on Solvency of Multiemployer Pension Plans

SEC. 30421. DEFINITIONS.

In this subtitle—

(1) the term "joint committee" means the Joint Select Committee on Solvency of Multiemployer Pension Plans established under section 30422(a); and

(2) the term "joint committee bill" means a bill consisting of the proposed legislative language of the joint committee recommended in accordance with section 30422(b)(2)(B)(ii) and introduced under section 30424(a).

SEC. 30422. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) ESTABLISHMENT OF JOINT SELECT COMMITTEE.—There is established a joint select committee of Congress to be known as the "Joint Select Committee on Solvency of Multiemployer Pension Plans".

(b) IMPLEMENTATION.—

(1) GOAL.—The goal of the joint committee is to improve the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation.

(2) DUTIES.—

(A) IN GENERAL.—The joint committee shall provide recommendations and legislative language that will significantly improve the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation. Recommendations.

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

Deadline.

(i) IN GENERAL.—Not later than November 30, 2018, the joint committee shall vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the joint committee; and

(II) proposed legislative language to carry out the recommendations described in subclause (I).

(ii) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—

(I) IN GENERAL.—The report of the joint committee and the proposed legislative language described in clause (i) shall only be approved upon receiving the votes of—

(aa) a majority of joint committee members appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate; and

(bb) a majority of joint committee members appointed by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

Public information. Web posting.

(II) AVAILABILITY.—The text of any report and proposed legislative language shall be publicly available in electronic form at least 24 hours prior to its consideration.

(iii) ADDITIONAL VIEWS.—A member of the joint committee who gives notice of an intention to file supplemental, minority, or additional views at the time of the final joint committee vote on the approval of the report and legislative language under clause (ii) shall be entitled to 2 calendar days after the day of such notice in which to file such views in writing with the co-chairs. Such views shall then be included in the joint committee report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the joint committee report may be printed and transmitted immediately without such views.

(iv) TRANSMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If the report and legislative language are approved by the joint committee pursuant to clause (ii), the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority leaders of each House of Congress not later than 15 calendar days after such approval.

Records.

(v) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of any vote, available to the public.

Deadlines.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The joint committee shall be composed of 16 members appointed pursuant to subparagraph (B).

(B) APPOINTMENT.—Members of the joint committee shall be appointed as follows:

(i) The Speaker of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(ii) The Minority Leader of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(iii) The Majority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(iv) The Minority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(C) CO-CHAIRS.—Two of the appointed members of the joint committee will serve as co-chairs. The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly appoint one co-chair, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(D) DATE.—Members of the joint committee shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(E) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the joint committee. Any vacancy in the joint committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original appointment was made. If a member of the joint committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the joint committee and a vacancy shall exist.

(4) ADMINISTRATION.—

(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, $500,000 to be allocated— Time periods.

(i) in total during the period October 1, 2017 through September 30, 2018; and

(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.

(C) QUORUM.—Nine members of the joint committee shall constitute a quorum for purposes of voting and

meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) VOTING.—No proxy voting shall be allowed on behalf of the members of the joint committee.

Deadlines.

(E) MEETINGS.—

(i) INITIAL MEETING.—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting.

(ii) AGENDA.—The co-chairs of the joint committee shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting.

(F) HEARINGS.—

(i) IN GENERAL.—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the joint committee considers advisable.

Time period.

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(I) ANNOUNCEMENT.—The co-chairs of the joint committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(II) EQUAL REPRESENTATION OF WITNESSES.—Each co-chair shall be entitled to select an equal number of witnesses for each hearing held by the joint committee.

(III) WRITTEN STATEMENT.—A witness appearing before the joint committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(G) MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.—The joint committee shall hold—

(i) not less than a total of 5 public meetings or public hearings; and

(ii) not less than 3 public hearings, which may include field hearings.

(H) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency, including legislative branch agencies, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(I) STAFFING.—

(i) DETAILS.—Employees of the legislative branch may be detailed to the joint committee on a nonreimbursable basis, consistent with the rules and regulations of the Senate.

(ii) STAFF DIRECTOR.—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(c) ETHICAL STANDARDS.—Members on the joint committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the joint committee shall comply with the ethics rules of the Senate.

(d) TERMINATION.—The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations pursuant to this section whichever occurs first.

SEC. 30423. FUNDING.

(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for "Expenses of Inquiries and Investigations" of the Senate, not more than $500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.

SEC. 30424. CONSIDERATION OF JOINT COMMITTEE BILL IN THE SENATE.

(a) INTRODUCTION.—Upon receipt of proposed legislative language approved in accordance with section 30422(b)(2)(B)(ii), the language shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate.

(b) COMMITTEE CONSIDERATION.—A joint committee bill introduced in the Senate under subsection (a) shall be jointly referred to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill. If either committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar. Deadline.

(c) MOTION TO PROCEED TO CONSIDERATION.—

(1) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a joint committee bill is reported or discharged from the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, for the Majority Leader of the Senate or the Majority Leader's designee to move to proceed to the consideration of the joint committee bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the joint committee bill at any time after the conclusion of such 2-day period. Deadline.

(2) CONSIDERATION OF MOTION.—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to further limit debate is in order, shall require an affirmative vote of three-fifths of Members duly chosen and sworn, and is not debatable.

(3) VOTE THRESHOLD.—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon an affirmative vote of three-fifths of Members duly chosen and sworn.

(4) LIMITATIONS.—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) DEADLINE.—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

Definition.

(6) COMPANION MEASURES.—For purposes of this subsection, the term "joint committee bill" includes a bill of the House of Representatives that is a companion measure to the joint committee bill introduced in the Senate.

(d) RULES OF SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint committee bill, and supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

Subtitle B—Joint Select Committee on Budget and Appropriations Process Reform

SEC. 30441. DEFINITIONS.

In this subtitle—

(1) the term "joint committee" means the Joint Select Committee on Budget and Appropriations Process Reform established under section 30442(a); and

(2) the term "joint committee bill" means a bill consisting of the proposed legislative language of the joint committee recommended in accordance with section 30442(b)(2)(B)(ii) and introduced under section 30444(a).

SEC. 30442. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) ESTABLISHMENT OF JOINT SELECT COMMITTEE.—There is established a joint select committee of Congress to be known as the "Joint Select Committee on Budget and Appropriations Process Reform".

(b) IMPLEMENTATION.—

(1) GOAL.—The goal of the joint committee is to reform the budget and appropriations process.

(2) DUTIES.—

(A) IN GENERAL.—The joint committee shall provide recommendations and legislative language that will significantly reform the budget and appropriations process.

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—Not later than November 30, 2018, the joint committee shall vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the joint committee; and

(II) proposed legislative language to carry out the recommendations described in subclause (I).

(ii) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—

(I) IN GENERAL.—The report of the joint committee and the proposed legislative language described in clause (i) shall only be approved upon receiving the votes of—

(aa) a majority of joint committee members appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate; and

(bb) a majority of joint committee members appointed by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

(II) AVAILABILITY.—The text of any report and proposed legislative language shall be publicly available in electronic form at least 24 hours prior to its consideration.

Public information. Web posting.

(iii) ADDITIONAL VIEWS.—A member of the joint committee who gives notice of an intention to file supplemental, minority, or additional views at the time of the final joint committee vote on the approval of the report and legislative language under clause (ii) shall be entitled to 2 calendar days after the day of such notice in which to file such views in writing with the co-chairs. Such views shall then be included in the joint committee report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the joint committee report may be printed and transmitted immediately without such views.

Time period.

(iv) TRANSMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If the report and legislative language are approved by the joint committee pursuant to clause (ii), the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House of Representatives, and the

majority and minority leaders of each House of Congress not later than 15 calendar days after such approval.

(v) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of any vote, available to the public.

Deadlines.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The joint committee shall be composed of 16 members appointed pursuant to subparagraph (B).

(B) APPOINTMENT.—Members of the joint committee shall be appointed as follows:

(i) The Speaker of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(ii) The Minority Leader of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(iii) The Majority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(iv) The Minority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(C) CO-CHAIRS.—Two of the appointed members of the joint committee will serve as co-chairs. The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly appoint one co-chair, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(D) DATE.—Members of the joint committee shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(E) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the joint committee. Any vacancy in the joint committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original appointment was made. If a member of the joint committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the joint committee and a vacancy shall exist.

(4) ADMINISTRATION.—

Time periods.

(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, $500,000 to be allocated—

(i) in total during the period October 1, 2017 through September 30, 2018; and

(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.

(C) QUORUM.—Nine members of the joint committee shall constitute a quorum for purposes of voting and meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) VOTING.—No proxy voting shall be allowed on behalf of the members of the joint committee.

(E) MEETINGS.—

(i) INITIAL MEETING.—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting. Deadline.

(ii) AGENDA.—The co-chairs of the joint committee shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting. Time period.

(F) HEARINGS.—

(i) IN GENERAL.—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the joint committee considers advisable.

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.— Time periods.

(I) ANNOUNCEMENT.—The co-chairs of the joint committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date. Public information.

(II) EQUAL REPRESENTATION OF WITNESSES.—Each co-chair shall be entitled to select an equal number of witnesses for each hearing held by the joint committee.

(III) WRITTEN STATEMENT.—A witness appearing before the joint committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(G) MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.—The joint committee shall hold—

(i) not less than a total of 5 public meetings or public hearings; and

(ii) not less than 3 public hearings, which may include field hearings.

(H) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency, including legislative branch agencies, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(I) STAFFING.—

(i) DETAILS.—Employees of the legislative branch may be detailed to the joint committee on a nonreimbursable basis, consistent with the rules and regulations of the Senate.

(ii) STAFF DIRECTOR.—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(c) ETHICAL STANDARDS.—Members on the joint committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the joint committee shall comply with the ethics rules of the Senate.

(d) TERMINATION.—The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations pursuant to this section whichever occurs first.

SEC. 30443. FUNDING.

(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for "Expenses of Inquiries and Investigations" of the Senate, not more than $500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.

SEC. 30444. CONSIDERATION OF JOINT COMMITTEE BILL IN THE SENATE.

(a) INTRODUCTION.—Upon receipt of proposed legislative language approved in accordance with section 30442(b)(2)(B)(ii), the language shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate.

Deadline.

(b) COMMITTEE CONSIDERATION.—A joint committee bill introduced in the Senate under subsection (a) shall be referred to the Committee on the Budget, which shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill. If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(c) MOTION TO PROCEED TO CONSIDERATION.—

Deadline.

(1) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a joint committee

bill is reported or discharged from the Committee on the Budget, for the Majority Leader of the Senate or the Majority Leader's designee to move to proceed to the consideration of the joint committee bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the joint committee bill at any time after the conclusion of such 2-day period.

(2) CONSIDERATION OF MOTION.—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to further limit debate is in order, shall require an affirmative vote of three-fifths of Members duly chosen and sworn, and is not debatable. Time period.

(3) VOTE THRESHOLD.—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon an affirmative vote of three-fifths of Members duly chosen and sworn.

(4) LIMITATIONS.—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. Waiver.

(5) DEADLINE.—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

(d) RULES OF SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint committee bill, and supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

DIVISION D—REVENUE MEASURES

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DIVISION D—REVENUE MEASURES

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TITLE I—EXTENSION OF EXPIRING PROVISIONS

Applicability.

SEC. 40101. AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Relief for Families and Individuals

SEC. 40201. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Section 108(a)(1)(E) is amended by striking "January 1, 2017" each place it appears and inserting "January 1, 2018". 26 USC 108.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2016. 26 USC 108 note.

SEC. 40202. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2016. 26 USC 163 note.

SEC. 40203. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222(e) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016. 26 USC 222 note.

Subtitle B—Incentives for Growth, Jobs, Investment, and Innovation

SEC. 40301. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016. 26 USC 45A note.

SEC. 40302. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Section 45G(f) is amended by striking "January 1, 2017" and inserting "January 1, 2018".

(b) EFFECTIVE DATE.— 26 USC 45G note.

(1) IN GENERAL.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2016.

Time period.
Deadline.

(2) SAFE HARBOR ASSIGNMENTS.—Assignments, including related expenditures paid or incurred, under paragraph (2) of section 45G(b) of the Internal Revenue Code of 1986 for taxable years ending after January 1, 2017, and before January 1, 2018, shall be treated as effective as of the close of such taxable year if made pursuant to a written agreement entered into no later than 90 days following the date of the enactment of this Act.

SEC. 40303. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

26 USC 45N.

(a) IN GENERAL.—Section 45N(e) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 45N note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 40304. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(A)(i) is amended—

(1) by striking "January 1, 2017" in subclause (I) and inserting "January 1, 2018", and

(2) by striking "December 31, 2016" in subclause (II) and inserting "December 31, 2017".

26 USC 168 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40305. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Section 168(i)(15)(D) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 168 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40306. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Section 168(j)(9) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 168 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40307. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 179E(g) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 179E note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40308. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN PRODUCTIONS.

(a) IN GENERAL.—Section 181(g) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 181 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2016.

26 USC 199 note.

SEC. 40309. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

For purposes of applying section 199(d)(8)(C) of the Internal Revenue Code of 1986 with respect to taxable years beginning during 2017, such section shall be applied—

(1) by substituting "first 12 taxable years" for "first 11 taxable years", and

(2) by substituting "January 1, 2018" for "January 1, 2017".

SEC. 40310. EXTENSION OF SPECIAL RULE RELATING TO QUALIFIED TIMBER GAIN.

26 USC 1201 note.

For purposes of applying section 1201(b) of the Internal Revenue Code of 1986 with respect to taxable years beginning during 2017, such section shall be applied by substituting "2016 or 2017" for "2016".

SEC. 40311. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—

(1) EXTENSION.—Section 1391(d)(1)(A)(i) is amended by striking "December 31, 2016" and inserting "December 31, 2017". 26 USC 1391.

(2) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide. 26 USC 1391 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 2016. 26 USC 1391 note.

SEC. 40312. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended— 26 USC 30A note.

(1) in subsection (d)—

(A) by striking "January 1, 2017" each place it appears and inserting "January 1, 2018",

(B) by striking "first 11 taxable years" in paragraph (1) and inserting "first 12 taxable years", and

(C) by striking "first 5 taxable years" in paragraph (2) and inserting "first 6 taxable years", and

(2) in subsection (e), by adding at the end the following: "References in this subsection to section 199 of the Internal Revenue Code of 1986 shall be treated as references to such section as in effect before its repeal.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016. 26 USC 30A note.

Subtitle C—Incentives for Energy Production and Conservation

SEC. 40401. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

26 USC 25C.

(a) IN GENERAL.—Section 25C(g)(2) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 25C note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40402. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY PROPERTY.

(a) IN GENERAL.—Section 25D(h) is amended by striking "December 31, 2016" and all that follows and inserting "December 31, 2021.".

(b) PHASEOUT.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "the sum of—" and all that follows and inserting "the sum of the applicable percentages of—

"(1) the qualified solar electric property expenditures,

"(2) the qualified solar water heating property expenditures,

"(3) the qualified fuel cell property expenditures,

"(4) the qualified small wind energy property expenditures, and

"(5) the qualified geothermal heat pump property expenditures,

made by the taxpayer during such year.".

(2) CONFORMING AMENDMENT.—Section 25D(g) is amended by striking "paragraphs (1) and (2) of".

26 USC 25D note.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40403. EXTENSION OF CREDIT FOR NEW QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 30B note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2016.

SEC. 40404. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Section 30C(g) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 30C note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40405. EXTENSION OF CREDIT FOR 2-WHEELED PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30D(g)(3)(E)(ii) is amended by striking "January 1, 2017" and inserting "January 1, 2018".

26 USC 30D note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after December 31, 2016.

SEC. 40406. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking "January 1, 2017" and inserting "January 1, 2018". 26 USC 40.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to qualified second generation biofuel production after December 31, 2016. 26 USC 40 note.

SEC. 40407. EXTENSION OF BIODIESEL AND RENEWABLE DIESEL INCENTIVES.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 40A is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2016. 26 USC 40A note.

(b) EXCISE TAX INCENTIVES.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(2) PAYMENTS.—Section 6427(e)(6)(B) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016. 26 USC 6426 note.

(4) SPECIAL RULE FOR 2017.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code. Time periods. Deadlines. 26 USC 6426 note. Guidance. Claims.

SEC. 40408. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES.

(a) IN GENERAL.—Section 45(e)(10)(A) is amended by striking "11-year period" each place it appears and inserting "12-year period".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coal produced after December 31, 2016. 26 USC 45 note.

SEC. 40409. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

26 USC 45.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking "January 1, 2017" each place it appears and inserting "January 1, 2018":

(1) Paragraph (2)(A).
(2) Paragraph (3)(A).
(3) Paragraph (4)(B).
(4) Paragraph (6).
(5) Paragraph (7).
(6) Paragraph (9).
(7) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking "January 1, 2017" and inserting "January 1, 2018".

26 USC 45 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2017.

SEC. 40410. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) IN GENERAL.—Section 45L(g) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 45L note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2016.

SEC. 40411. EXTENSION AND PHASEOUT OF ENERGY CREDIT.

(a) EXTENSION OF SOLAR AND THERMAL ENERGY PROPERTY.—Section 48(a)(3)(A) is amended—

(1) by striking "periods ending before January 1, 2017" in clause (ii) and inserting "property the construction of which begins before January 1, 2022", and

(2) by striking "periods ending before January 1, 2017" in clause (vii) and inserting "property the construction of which begins before January 1, 2022".

(b) PHASEOUT OF 30-PERCENT CREDIT RATE FOR FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a) is amended by adding at the end the following new paragraph:

"(7) PHASEOUT FOR FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND ENERGY PROPERTY.—

Time periods.

"(A) IN GENERAL.—Subject to subparagraph (B), in the case of any qualified fuel cell property, qualified small wind property, or energy property described in paragraph (3)(A)(ii), the energy percentage determined under paragraph (2) shall be equal to—

"(i) in the case of any property the construction of which begins after December 31, 2019, and before January 1, 2021, 26 percent, and

"(ii) in the case of any property the construction of which begins after December 31, 2020, and before January 1, 2022, 22 percent.

"(B) PLACED IN SERVICE DEADLINE.—In the case of any energy property described in subparagraph (A) which is not placed in service before January 1, 2024, the energy

percentage determined under paragraph (2) shall be equal to 0 percent.".

(2) CONFORMING AMENDMENT.—Section 48(a)(2)(A) is amended by striking "paragraph (6)" and inserting "paragraphs (6) and (7)". 26 USC 48.

(3) CLARIFICATION RELATING TO PHASEOUT FOR WIND FACILITIES.—Section 48(a)(5)(E) is amended by inserting "which is treated as energy property by reason of this paragraph" after "using wind to produce electricity".

(c) EXTENSION OF QUALIFIED FUEL CELL PROPERTY.—Section 48(c)(1)(D) is amended by striking "for any period after December 31, 2016" and inserting "the construction of which does not begin before January 1, 2022".

(d) EXTENSION OF QUALIFIED MICROTURBINE PROPERTY.—Section 48(c)(2)(D) is amended by striking "for any period after December 31, 2016" and inserting "the construction of which does not begin before January 1, 2022".

(e) EXTENSION OF COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48(c)(3)(A)(iv) is amended by striking "which is placed in service before January 1, 2017" and inserting "the construction of which begins before January 1, 2022".

(f) EXTENSION OF QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c)(4)(C) is amended by striking "for any period after December 31, 2016" and inserting "the construction of which does not begin before January 1, 2022".

(g) EFFECTIVE DATE.— 26 USC 48 note.

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2016, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) EXTENSION OF COMBINED HEAT AND POWER SYSTEM PROPERTY.—The amendment made by subsection (e) shall apply to property placed in service after December 31, 2016.

(3) PHASEOUTS AND TERMINATIONS.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 40412. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Section 168(l)(2)(D) is amended by striking "January 1, 2017" and inserting "January 1, 2018".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016. 26 USC 168 note.

SEC. 40413. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Section 179D(h) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016. 26 USC 179D note.

SEC. 40414. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

26 USC 451.

(a) IN GENERAL.—Section 451(k)(3), as amended by section 13221 of Public Law 115–97, is amended by striking "January 1, 2017" and inserting "January 1, 2018".

26 USC 451 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2016.

SEC. 40415. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking "December 31, 2016" and inserting "December 31, 2017".

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking "December 31, 2016" and inserting "December 31, 2017".

26 USC 6426 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

Time periods. Deadlines. 26 USC 6426 note.

(b) SPECIAL RULE FOR 2017.—Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

Guidance. Claims.

SEC. 40416. EXTENSION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4611(f)(2) is amended by striking "December 31, 2017" and inserting "December 31, 2018".

26 USC 4611 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

Subtitle D—Modifications of Energy Incentives

SEC. 40501. MODIFICATIONS OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—Section 45J(b) is amended— 26 USC 45J.

(1) by inserting "or any amendment to" after "enactment of" in paragraph (4), and

(2) by adding at the end the following new paragraph:

"(5) ALLOCATION OF UNUTILIZED LIMITATION.—

"(A) IN GENERAL.—Any unutilized national megawatt capacity limitation shall be allocated by the Secretary under paragraph (3) as rapidly as is practicable after December 31, 2020—

"(i) first to facilities placed in service on or before such date to the extent that such facilities did not receive an allocation equal to their full nameplate capacity, and

"(ii) then to facilities placed in service after such date in the order in which such facilities are placed in service.

"(B) UNUTILIZED NATIONAL MEGAWATT CAPACITY LIMITATION.—The term 'unutilized national megawatt capacity limitation' means the excess (if any) of— Definition.

"(i) 6,000 megawatts, over

"(ii) the aggregate amount of national megawatt capacity limitation allocated by the Secretary before January 1, 2021, reduced by any amount of such limitation which was allocated to a facility which was not placed in service before such date.

"(C) COORDINATION WITH OTHER PROVISIONS.—In the case of any unutilized national megawatt capacity limitation allocated by the Secretary pursuant to this paragraph—

"(i) such allocation shall be treated for purposes of this section in the same manner as an allocation of national megawatt capacity limitation, and

"(ii) subsection (d)(1)(B) shall not apply to any facility which receives such allocation.".

(b) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

(1) IN GENERAL.—Section 45J is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

"(e) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

"(1) IN GENERAL.—If, with respect to a credit under subsection (a) for any taxable year—

"(A) a qualified public entity would be the taxpayer (but for this paragraph), and

"(B) such entity elects the application of this paragraph for such taxable year with respect to all (or any portion specified in such election) of such credit,

the eligible project partner specified in such election, and not the qualified public entity, shall be treated as the taxpayer

for purposes of this title with respect to such credit (or such portion thereof).

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED PUBLIC ENTITY.—The term 'qualified public entity' means—

"(i) a Federal, State, or local government entity, or any political subdivision, agency, or instrumentality thereof,

"(ii) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2), or

"(iii) a not-for-profit electric utility which had or has received a loan or loan guarantee under the Rural Electrification Act of 1936.

"(B) ELIGIBLE PROJECT PARTNER.—The term 'eligible project partner' means any person who—

"(i) is responsible for, or participates in, the design or construction of the advanced nuclear power facility to which the credit under subsection (a) relates,

"(ii) participates in the provision of the nuclear steam supply system to such facility,

"(iii) participates in the provision of nuclear fuel to such facility,

"(iv) is a financial institution providing financing for the construction or operation of such facility, or

"(v) has an ownership interest in such facility.

"(3) SPECIAL RULES.—

"(A) APPLICATION TO PARTNERSHIPS.—In the case of a credit under subsection (a) which is determined at the partnership level—

"(i) for purposes of paragraph (1)(A), a qualified public entity shall be treated as the taxpayer with respect to such entity's distributive share of such credit, and

"(ii) the term 'eligible project partner' shall include any partner of the partnership.

"(B) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under paragraph (1), such credit shall be taken into account in the first taxable year of the eligible project partner ending with, or after, the qualified public entity's taxable year with respect to which the credit was determined.

"(C) TREATMENT OF TRANSFER UNDER PRIVATE USE RULES.—For purposes of section 141(b)(1), any benefit derived by an eligible project partner in connection with an election under this subsection shall not be taken into account as a private business use.".

(2) SPECIAL RULE FOR PROCEEDS OF TRANSFERS FOR MUTUAL OR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

26 USC 501.

"(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2), income received or accrued in connection with an election under section 45J(e)(1) shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.".

(c) EFFECTIVE DATES.—

26 USC 45J note.

(1) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MISCELLANEOUS PROVISIONS

Applicability.

SEC. 41101. AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 41102. MODIFICATIONS TO RUM COVER OVER.

(a) EXTENSION.—

(1) IN GENERAL.—Section 7652(f)(1) is amended by striking "January 1, 2017" and inserting "January 1, 2022". 26 USC 7652.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2016. 26 USC 7652 note.

(b) DETERMINATION OF TAXES ON RUM.—

(1) IN GENERAL.—Section 7652(e) is amended by adding at the end the following new paragraph:

"(5) DETERMINATION OF AMOUNT OF TAXES COLLECTED.—For purposes of this subsection, the amount of taxes collected under section 5001(a)(1) shall be determined without regard to section 5001(c).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2017. 26 USC 7652 note.

SEC. 41103. EXTENSION OF WAIVER OF LIMITATIONS WITH RESPECT TO EXCLUDING FROM GROSS INCOME AMOUNTS RECEIVED BY WRONGFULLY INCARCERATED INDIVIDUALS.

(a) IN GENERAL.—Section 304(d) of the Protecting Americans from Tax Hikes Act of 2015 (26 U.S.C. 139F note) is amended by striking "1-year" and inserting "3-year".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act. 26 USC 139F note.

SEC. 41104. INDIVIDUALS HELD HARMLESS ON IMPROPER LEVY ON RETIREMENT PLANS.

(a) IN GENERAL.—Section 6343 is amended by adding at the end the following new subsection:

"(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON RETIREMENT PLAN.—

"(1) IN GENERAL.—If the Secretary determines that an individual's account or benefit under an eligible retirement plan (as defined in section 402(c)(8)(B)) has been levied upon in a case to which subsection (b) or (d)(2)(A) applies and property or an amount of money is returned to the individual— Determination.

"(A) the individual may contribute such property or an amount equal to the sum of—

"(i) the amount of money so returned by the Secretary, and

"(ii) interest paid under subsection (c) on such amount of money,

into such eligible retirement plan if such contribution is permitted by the plan, or into an individual retirement plan (other than an endowment contract) to which a rollover contribution of a distribution from such eligible retirement plan is permitted, but only if such contribution is made not later than the due date (not including extensions) for filing the return of tax for the taxable year in which such property or amount of money is returned, and

"(B) the Secretary shall, at the time such property or amount of money is returned, notify such individual that a contribution described in subparagraph (A) may be made.

"(2) TREATMENT AS ROLLOVER.—The distribution on account of the levy and any contribution under paragraph (1) with respect to the return of such distribution shall be treated for purposes of this title as if such distribution and contribution were described in section 402(c), 402A(c)(3), 403(a)(4), 403(b)(8), 408(d)(3), 408A(d)(3), or 457(e)(16), whichever is applicable; except that—

"(A) the contribution shall be treated as having been made for the taxable year in which the distribution on account of the levy occurred, and the interest paid under subsection (c) shall be treated as earnings within the plan after the contribution and shall not be included in gross income, and

"(B) such contribution shall not be taken into account under section 408(d)(3)(B).

"(3) REFUND, ETC., OF INCOME TAX ON LEVY.—

"(A) IN GENERAL.—If any amount is includible in gross income for a taxable year by reason of a distribution on account of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover contribution under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a rollover contribution under this subsection which is made from an eligible retirement plan which is not a Roth IRA or a designated Roth account (within the meaning of section 402A) to a Roth IRA or a designated Roth account under an eligible retirement plan.

"(4) INTEREST.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.

"(5) TREATMENT OF INHERITED ACCOUNTS.—For purposes of paragraph (1)(A), section 408(d)(3)(C) shall be disregarded in determining whether an individual retirement plan is a

plan to which a rollover contribution of a distribution from the plan levied upon is permitted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2017. 26 USC 6343 note.

SEC. 41105. MODIFICATION OF USER FEE REQUIREMENTS FOR INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection: 26 USC 6159.

"(f) INSTALLMENT AGREEMENT FEES.—

"(1) LIMITATION ON FEE AMOUNT.—The amount of any fee imposed on an installment agreement under this section may not exceed the amount of such fee as in effect on the date of the enactment of this subsection.

"(2) WAIVER OR REIMBURSEMENT.—In the case of any taxpayer with an adjusted gross income, as determined for the most recent year for which such information is available, which does not exceed 250 percent of the applicable poverty level (as determined by the Secretary)—

"(A) if the taxpayer has agreed to make payments under the installment agreement by electronic payment through a debit instrument, no fee shall be imposed on an installment agreement under this section, and

"(B) if the taxpayer is unable to make payments under the installment agreement by electronic payment through a debit instrument, the Secretary shall, upon completion of the installment agreement, pay the taxpayer an amount equal to any such fees imposed.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date which is 60 days after the date of the enactment of this Act. 26 USC 6159 note.

SEC. 41106. FORM 1040SR FOR SENIORS. 26 USC 7805 note.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form, to be known as "Form 1040SR", for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available only to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3) of such Code), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after the date of the enactment of this Act.

SEC. 41107. ATTORNEYS FEES RELATING TO AWARDS TO WHISTLEBLOWERS.

26 USC 62.

(a) IN GENERAL.—Paragraph (21) of section 62(a) is amended to read as follows:

"(21) ATTORNEYS' FEES RELATING TO AWARDS TO WHISTLEBLOWERS.—

"(A) IN GENERAL.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under—

"(i) section 7623(b), or

"(ii) in the case of taxable years beginning after December 31, 2017, any action brought under—

"(I) section 21F of the Securities Exchange Act of 1934 (15 U.S.C. 78u–6),

"(II) a State false claims act, including a State false claims act with qui tam provisions, or

"(III) section 23 of the Commodity Exchange Act (7 U.S.C. 26).

"(B) MAY NOT EXCEED AWARD.—Subparagraph (A) shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of such award.".

26 USC 62 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41108. CLARIFICATION OF WHISTLEBLOWER AWARDS.

(a) DEFINITION OF PROCEEDS.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsection:

"(c) PROCEEDS.—For purposes of this section, the term 'proceeds' includes—

"(1) penalties, interest, additions to tax, and additional amounts provided under the internal revenue laws, and

"(2) any proceeds arising from laws for which the Internal Revenue Service is authorized to administer, enforce, or investigate, including—

"(A) criminal fines and civil forfeitures, and

"(B) violations of reporting requirements.".

(2) CONFORMING AMENDMENTS.—Paragraphs (1) and (2)(A) of section 7623(b) are each amended by striking "collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action" and inserting "proceeds collected as a result of the action".

(b) AMOUNT OF PROCEEDS DETERMINED WITHOUT REGARD TO AVAILABILITY.—Paragraphs (1) and (2)(A) of section 7623(b) are each amended by inserting "(determined without regard to whether such proceeds are available to the Secretary)" after "in response to such action".

(c) DISPUTED AMOUNT THRESHOLD.—Section 7623(b)(5)(B) is amended by striking "tax, penalties, interest, additions to tax, and additional amounts" and inserting "proceeds".

26 USC 7623 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to information provided before, on, or after the date

of the enactment of this Act with respect to which a final determination for an award has not been made before such date of enactment.

SEC. 41109. CLARIFICATION REGARDING EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—Subsection (b)(1) of section 4968, as added by section 13701(a) of Public Law 115–97, is amended— 26 USC 4968.

(1) by inserting "tuition-paying" after "500" in subparagraph (A), and

(2) by inserting "tuition-paying" after "50 percent of the" in subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 4968 note.

SEC. 41110. EXCEPTION FROM PRIVATE FOUNDATION EXCESS BUSINESS HOLDING TAX FOR INDEPENDENTLY-OPERATED PHILANTHROPIC BUSINESS HOLDINGS.

(a) IN GENERAL.—Section 4943 is amended by adding at the end the following new subsection:

"(g) EXCEPTION FOR CERTAIN HOLDINGS LIMITED TO INDEPENDENTLY-OPERATED PHILANTHROPIC BUSINESS.—

"(1) IN GENERAL.—Subsection (a) shall not apply with respect to the holdings of a private foundation in any business enterprise which meets the requirements of paragraphs (2), (3), and (4) for the taxable year.

"(2) OWNERSHIP.—The requirements of this paragraph are met if—

"(A) 100 percent of the voting stock in the business enterprise is held by the private foundation at all times during the taxable year, and

"(B) all the private foundation's ownership interests in the business enterprise were acquired by means other than by purchase.

"(3) ALL PROFITS TO CHARITY.—

"(A) IN GENERAL.—The requirements of this paragraph are met if the business enterprise, not later than 120 days after the close of the taxable year, distributes an amount equal to its net operating income for such taxable year to the private foundation.

"(B) NET OPERATING INCOME.—For purposes of this paragraph, the net operating income of any business enterprise for any taxable year is an amount equal to the gross income of the business enterprise for the taxable year, reduced by the sum of—

"(i) the deductions allowed by chapter 1 for the taxable year which are directly connected with the production of such income,

"(ii) the tax imposed by chapter 1 on the business enterprise for the taxable year, and

"(iii) an amount for a reasonable reserve for working capital and other business needs of the business enterprise.

"(4) INDEPENDENT OPERATION.—The requirements of this paragraph are met if, at all times during the taxable year—

"(A) no substantial contributor (as defined in section 4958(c)(3)(C)) to the private foundation or family member

(as determined under section 4958(f)(4)) of such a contributor is a director, officer, trustee, manager, employee, or contractor of the business enterprise (or an individual having powers or responsibilities similar to any of the foregoing),

"(B) at least a majority of the board of directors of the private foundation are persons who are not—

"(i) directors or officers of the business enterprise, or

"(ii) family members (as so determined) of a substantial contributor (as so defined) to the private foundation, and

"(C) there is no loan outstanding from the business enterprise to a substantial contributor (as so defined) to the private foundation or to any family member of such a contributor (as so determined).

"(5) CERTAIN DEEMED PRIVATE FOUNDATIONS EXCLUDED.—This subsection shall not apply to—

"(A) any fund or organization treated as a private foundation for purposes of this section by reason of subsection (e) or (f),

"(B) any trust described in section 4947(a)(1) (relating to charitable trusts), and

"(C) any trust described in section 4947(a)(2) (relating to split-interest trusts).".

26 USC 4943 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41111. RULE OF CONSTRUCTION FOR CRAFT BEVERAGE MODERNIZATION AND TAX REFORM.

(a) IN GENERAL.—Subpart A of part IX of subtitle C of title I of Public Law 115–97 is amended by adding at the end the following new section:

26 USC 263A note.

"SEC. 13809. RULE OF CONSTRUCTION.

"Nothing in this subpart, the amendments made by this subpart, or any regulation promulgated under this subpart or the amendments made by this subpart, shall be construed to preempt, supersede, or otherwise limit or restrict any State, local, or tribal law that prohibits or regulates the production or sale of distilled spirits, wine, or malt beverages.".

26 USC 263A note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in Public Law 115–97.

SEC. 41112. SIMPLIFICATION OF RULES REGARDING RECORDS, STATEMENTS, AND RETURNS.

Time period.

(a) IN GENERAL.—Subsection (a) of section 5555 is amended by adding at the end the following: "For calendar quarters beginning after the date of the enactment of this sentence, and before January 1, 2020, the Secretary shall permit a person to employ a unified system for any records, statements, and returns required to be kept, rendered, or made under this section for any beer produced in the brewery for which the tax imposed by section 5051 has been determined, including any beer which has been removed for consumption on the premises of the brewery.".

26 USC 5555 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar quarters beginning after the date of the enactment of this Act.

SEC. 41113. MODIFICATION OF RULES GOVERNING HARDSHIP DISTRIBUTIONS. 26 USC 401 note.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall modify Treasury Regulation section 1.401(k)–1(d)(3)(iv)(E) to— Deadline.

(1) delete the 6-month prohibition on contributions imposed by paragraph (2) thereof, and

(2) make any other modifications necessary to carry out the purposes of section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986.

(b) EFFECTIVE DATE.—The revised regulations under this section shall apply to plan years beginning after December 31, 2018.

SEC. 41114. MODIFICATION OF RULES RELATING TO HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) is amended by adding at the end the following: 26 USC 401.

"(14) SPECIAL RULES RELATING TO HARDSHIP WITHDRAWALS.—For purposes of paragraph (2)(B)(i)(IV)—

"(A) AMOUNTS WHICH MAY BE WITHDRAWN.—The following amounts may be distributed upon hardship of the employee:

"(i) Contributions to a profit-sharing or stock bonus plan to which section 402(e)(3) applies.

"(ii) Qualified nonelective contributions (as defined in subsection (m)(4)(C)).

"(iii) Qualified matching contributions described in paragraph (3)(D)(ii)(I).

"(iv) Earnings on any contributions described in clause (i), (ii), or (iii).

"(B) NO REQUIREMENT TO TAKE AVAILABLE LOAN.—A distribution shall not be treated as failing to be made upon the hardship of an employee solely because the employee does not take any available loan under the plan.".

(b) CONFORMING AMENDMENT.—Section 401(k)(2)(B)(i)(IV) is amended to read as follows:

"(IV) subject to the provisions of paragraph (14), upon hardship of the employee, or".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2018. 26 USC 401 note.

SEC. 41115. OPPORTUNITY ZONES RULE FOR PUERTO RICO.

(a) IN GENERAL.—Subsection (b) of section 1400Z–1 is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR PUERTO RICO.—Each population census tract in Puerto Rico that is a low- income community shall be deemed to be certified and designated as a qualified opportunity zone, effective on the date of the enactment of Public Law 115–97.". Certification. Effective date.

(b) CONFORMING AMENDMENT.—Section 1400Z–1(d)(1) is amended by inserting "and subsection (b)(3)" after "paragraph (2)".

SEC. 41116. TAX HOME OF CERTAIN CITIZENS OR RESIDENTS OF THE UNITED STATES LIVING ABROAD.

(a) IN GENERAL.—Paragraph (3) of section 911(d) is amended by inserting before the period at the end of the second sentence the following: ", unless such individual is serving in an area designated by the President of the United States by Executive order

as a combat zone for purposes of section 112 in support of the Armed Forces of the United States".

26 USC 911 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41117. TREATMENT OF FOREIGN PERSONS FOR RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

26 USC 6050W.

(a) IN GENERAL.—Section 6050W(d)(1)(B) is amended by adding at the end the following: "Notwithstanding the preceding sentence, a person with only a foreign address shall not be treated as a participating payee with respect to any payment settlement entity solely because such person receives payments from such payment settlement entity in dollars.".

26 USC 6050W note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for calendar years beginning after December 31, 2017.

SEC. 41118. REPEAL OF SHIFT IN TIME OF PAYMENT OF CORPORATE ESTIMATED TAXES.

26 USC 6655 note.

The Trade Preferences Extension Act of 2015 is amended by striking section 803 (relating to time for payment of corporate estimated taxes).

SEC. 41119. ENHANCEMENT OF CARBON DIOXIDE SEQUESTRATION CREDIT.

(a) IN GENERAL.—Section 45Q is amended to read as follows:

"SEC. 45Q. CREDIT FOR CARBON OXIDE SEQUESTRATION.

"(a) GENERAL RULE.—For purposes of section 38, the carbon oxide sequestration credit for any taxable year is an amount equal to the sum of—

"(1) $20 per metric ton of qualified carbon oxide which is—

"(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, and

"(B) disposed of by the taxpayer in secure geological storage and not used by the taxpayer as described in paragraph (2)(B),

"(2) $10 per metric ton of qualified carbon oxide which is—

"(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, and

"(B)(i) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project and disposed of by the taxpayer in secure geological storage, or

"(ii) utilized by the taxpayer in a manner described in subsection (f)(5),

Time period.

"(3) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon oxide which is—

"(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, during the 12-year period beginning on the date the equipment was originally placed in service, and

"(B) disposed of by the taxpayer in secure geological storage and not used by the taxpayer as described in paragraph (4)(B), and

"(4) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon oxide which is—

"(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, during the 12-year period beginning on the date the equipment was originally placed in service, and

"(B)(i) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project and disposed of by the taxpayer in secure geological storage, or

"(ii) utilized by the taxpayer in a manner described in subsection (f)(5).

"(b) APPLICABLE DOLLAR AMOUNT; ADDITIONAL EQUIPMENT; ELECTION.— Time periods.

"(1) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be an amount equal to—

"(i) for any taxable year beginning in a calendar year after 2016 and before 2027—

"(I) for purposes of paragraph (3) of subsection (a), the dollar amount established by linear interpolation between $22.66 and $50 for each calendar year during such period, and

"(II) for purposes of paragraph (4) of such subsection, the dollar amount established by linear interpolation between $12.83 and $35 for each calendar year during such period, and

"(ii) for any taxable year beginning in a calendar year after 2026—

"(I) for purposes of paragraph (3) of subsection (a), an amount equal to the product of $50 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2025' for '1990', and

"(II) for purposes of paragraph (4) of such subsection, an amount equal to the product of $35 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2025' for '1990'.

"(B) ROUNDING.—The applicable dollar amount determined under subparagraph (A) shall be rounded to the nearest cent.

"(2) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON EXISTING QUALIFIED FACILITY.—In the case of a qualified facility placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, for which additional carbon capture equipment is placed in service on or after the date of the enactment of such Act, the amount of qualified carbon oxide which is captured by the taxpayer shall be equal to—

"(A) for purposes of paragraphs (1)(A) and (2)(A) of subsection (a), the lesser of—

"(i) the total amount of qualified carbon oxide captured at such facility for the taxable year, or

"(ii) the total amount of the carbon dioxide capture capacity of the carbon capture equipment in service at such facility on the day before the date of the enactment of the Bipartisan Budget Act of 2018, and

"(B) for purposes of paragraphs (3)(A) and (4)(A) of such subsection, an amount (not less than zero) equal to the excess of—

"(i) the amount described in clause (i) of subparagraph (A), over

"(ii) the amount described in clause (ii) of such subparagraph.

"(3) ELECTION.—For purposes of determining the carbon oxide sequestration credit under this section, a taxpayer may elect to have the dollar amounts applicable under paragraph (1) or (2) of subsection (a) apply in lieu of the dollar amounts applicable under paragraph (3) or (4) of such subsection for each metric ton of qualified carbon oxide which is captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018.

Definition.

"(c) QUALIFIED CARBON OXIDE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified carbon oxide' means—

"(A) any carbon dioxide which—

"(i) is captured from an industrial source by carbon capture equipment which is originally placed in service before the date of the enactment of the Bipartisan Budget Act of 2018,

"(ii) would otherwise be released into the atmosphere as industrial emission of greenhouse gas or lead to such release, and

"(iii) is measured at the source of capture and verified at the point of disposal, injection, or utilization,

"(B) any carbon dioxide or other carbon oxide which—

"(i) is captured from an industrial source by carbon capture equipment which is originally placed in service on or after the date of the enactment of the Bipartisan Budget Act of 2018,

"(ii) would otherwise be released into the atmosphere as industrial emission of greenhouse gas or lead to such release, and

"(iii) is measured at the source of capture and verified at the point of disposal, injection, or utilization, or

"(C) in the case of a direct air capture facility, any carbon dioxide which—

"(i) is captured directly from the ambient air, and

"(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization.

"(2) RECYCLED CARBON OXIDE.—The term 'qualified carbon oxide' includes the initial deposit of captured carbon oxide used as a tertiary injectant. Such term does not include carbon oxide that is recaptured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process. Definition.

"(d) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility or direct air capture facility— Definition.

"(1) the construction of which begins before January 1, 2024, and—

"(A) construction of carbon capture equipment begins before such date, or

"(B) the original planning and design for such facility includes installation of carbon capture equipment, and

"(2) which captures—

"(A) in the case of a facility which emits not more than 500,000 metric tons of carbon oxide into the atmosphere during the taxable year, not less than 25,000 metric tons of qualified carbon oxide during the taxable year which is utilized in a manner described in subsection (f)(5),

"(B) in the case of an electricity generating facility which is not described in subparagraph (A), not less than 500,000 metric tons of qualified carbon oxide during the taxable year, or

"(C) in the case of a direct air capture facility or any facility not described in subparagraph (A) or (B), not less than 100,000 metric tons of qualified carbon oxide during the taxable year.

"(e) DEFINITIONS.—For purposes of this section—

"(1) DIRECT AIR CAPTURE FACILITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'direct air capture facility' means any facility which uses carbon capture equipment to capture carbon dioxide directly from the ambient air.

"(B) EXCEPTION.—The term 'direct air capture facility' shall not include any facility which captures carbon dioxide—

"(i) which is deliberately released from naturally occurring subsurface springs, or

"(ii) using natural photosynthesis.

"(2) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

"(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

"(f) SPECIAL RULES.—

"(1) ONLY QUALIFIED CARBON OXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO

Applicability.

ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon oxide the capture and disposal, use, or utilization of which is within—

"(A) the United States (within the meaning of section 638(1)), or

"(B) a possession of the United States (within the meaning of section 638(2)).

Consultation.

"(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of the Interior, shall establish regulations for determining adequate security measures for the geological storage of qualified carbon oxide under subsection (a) such that the qualified carbon oxide does not escape into the atmosphere. Such term shall include storage at deep saline formations, oil and gas reservoirs, and unminable coal seams under such conditions as the Secretary may determine under such regulations.

"(3) CREDIT ATTRIBUTABLE TO TAXPAYER.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or in any regulations prescribed by the Secretary, any credit under this section shall be attributable to—

"(i) in the case of qualified carbon oxide captured using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, the person that captures and physically or contractually ensures the disposal, utilization, or use as a tertiary injectant of such qualified carbon oxide, and

"(ii) in the case of qualified carbon oxide captured using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, the person that owns the carbon capture equipment and physically or contractually ensures the capture and disposal, utilization, or use as a tertiary injectant of such qualified carbon oxide.

"(B) ELECTION.—If the person described in subparagraph (A) makes an election under this subparagraph in such time and manner as the Secretary may prescribe by regulations, the credit under this section—

"(i) shall be allowable to the person that disposes of the qualified carbon oxide, utilizes the qualified carbon oxide, or uses the qualified carbon oxide as a tertiary injectant, and

"(ii) shall not be allowable to the person described in subparagraph (A).

"(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon oxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

"(5) UTILIZATION OF QUALIFIED CARBON OXIDE.—

Definition.

"(A) IN GENERAL.—For purposes of this section, utilization of qualified carbon oxide means—

"(i) the fixation of such qualified carbon oxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria,

"(ii) the chemical conversion of such qualified carbon oxide to a material or chemical compound in which such qualified carbon oxide is securely stored, or

"(iii) the use of such qualified carbon oxide for any other purpose for which a commercial market exists (with the exception of use as a tertiary injectant in a qualified enhanced oil or natural gas recovery project), as determined by the Secretary.

"(B) MEASUREMENT.—

"(i) IN GENERAL.—For purposes of determining the amount of qualified carbon oxide utilized by the taxpayer under paragraph (2)(B)(ii) or (4)(B)(ii) of subsection (a), such amount shall be equal to the metric tons of qualified carbon oxide which the taxpayer demonstrates, based upon an analysis of lifecycle greenhouse gas emissions and subject to such requirements as the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines appropriate, were— Determination. Consultation.

"(I) captured and permanently isolated from the atmosphere, or

"(II) displaced from being emitted into the atmosphere,

through use of a process described in subparagraph (A).

"(ii) LIFECYCLE GREENHOUSE GAS EMISSIONS.—For purposes of clause (i), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of the enactment of the Bipartisan Budget Act of 2018, except that 'product' shall be substituted for 'fuel' each place it appears in such subparagraph. Definition.

"(6) ELECTION FOR APPLICABLE FACILITIES.—

"(A) IN GENERAL.—For purposes of this section, in the case of an applicable facility, for any taxable year in which such facility captures not less than 500,000 metric tons of qualified carbon oxide during the taxable year, the person described in paragraph (3)(A)(ii) may elect to have such facility, and any carbon capture equipment placed in service at such facility, deemed as having been placed in service on the date of the enactment of the Bipartisan Budget Act of 2018.

"(B) APPLICABLE FACILITY.—For purposes of this paragraph, the term 'applicable facility' means a qualified facility— Definition.

"(i) which was placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, and

"(ii) for which no taxpayer claimed a credit under this section in regards to such facility for any taxable year ending before the date of the enactment of such Act.

"(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in paragraphs

(1) and (2) of subsection (a) an amount equal to the product of—

"(A) such dollar amount, multiplied by

"(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

Consultation. Certification. Time period.

"(g) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—In the case of any carbon capture equipment placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, the credit under this section shall apply with respect to qualified carbon oxide captured using such equipment before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that, during the period beginning after October 3, 2008, a total of 75,000,000 metric tons of qualified carbon oxide have been taken into account in accordance with—

"(1) subsection (a) of this section, as in effect on the day before the date of the enactment of the Bipartisan Budget Act of 2018, and

"(2) paragraphs (1) and (2) of subsection (a) of this section.

"(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section, including regulations or other guidance to—

"(1) ensure proper allocation under subsection (a) for qualified carbon oxide captured by a taxpayer during the taxable year ending after the date of the enactment of the Bipartisan Budget Act of 2018, and

Determination.

"(2) determine whether a facility satisfies the requirements under subsection (d)(1) during such taxable year.".

Applicability. 26 USC 45Q note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

DIVISION E—HEALTH AND HUMAN SERVICES EXTENDERS

Advancing Chronic Care, Extenders, and Social Services (ACCESS) Act.

SEC. 50100. SHORT TITLE; TABLE OF CONTENTS.

42 USC 1305 note.

(a) SHORT TITLE.—This division may be cited as the "Advancing Chronic Care, Extenders, and Social Services (ACCESS) Act"

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

DIVISION E—HEALTH AND HUMAN SERVICES EXTENDERS

Sec. 50100. Short title; table of contents.

TITLE I—CHIP

Sec. 50101. Funding extension of the Children's Health Insurance Program through fiscal year 2027.
Sec. 50102. Extension of pediatric quality measures program.
Sec. 50103. Extension of outreach and enrollment program.

TITLE II—MEDICARE EXTENDERS

Sec. 50201. Extension of work GPCI floor.
Sec. 50202. Repeal of Medicare payment cap for therapy services; limitation to ensure appropriate therapy.
Sec. 50203. Medicare ambulance services.
Sec. 50204. Extension of increased inpatient hospital payment adjustment for certain low-volume hospitals.
Sec. 50205. Extension of the Medicare-dependent hospital (MDH) program.
Sec. 50206. Extension of funding for quality measure endorsement, input, and selection; reporting requirements.

Sec. 50207. Extension of funding outreach and assistance for low-income programs; State health insurance assistance program reporting requirements.
Sec. 50208. Extension of home health rural add-on.

TITLE III—CREATING HIGH-QUALITY RESULTS AND OUTCOMES NECESSARY TO IMPROVE CHRONIC (CHRONIC) CARE

Subtitle A—Receiving High Quality Care in the Home

Sec. 50301. Extending the Independence at Home Demonstration Program.
Sec. 50302. Expanding access to home dialysis therapy.

Subtitle B—Advancing Team-Based Care

Sec. 50311. Providing continued access to Medicare Advantage special needs plans for vulnerable populations.

Subtitle C—Expanding Innovation and Technology

Sec. 50321. Adapting benefits to meet the needs of chronically ill Medicare Advantage enrollees.
Sec. 50322. Expanding supplemental benefits to meet the needs of chronically ill Medicare Advantage enrollees.
Sec. 50323. Increasing convenience for Medicare Advantage enrollees through telehealth.
Sec. 50324. Providing accountable care organizations the ability to expand the use of telehealth.
Sec. 50325. Expanding the use of telehealth for individuals with stroke.

Subtitle D—Identifying the Chronically Ill Population

Sec. 50331. Providing flexibility for beneficiaries to be part of an accountable care organization.

Subtitle E—Empowering Individuals and Caregivers in Care Delivery

Sec. 50341. Eliminating barriers to care coordination under accountable care organizations.
Sec. 50342. GAO study and report on longitudinal comprehensive care planning services under Medicare part B.

Subtitle F—Other Policies to Improve Care for the Chronically Ill

Sec. 50351. GAO study and report on improving medication synchronization.
Sec. 50352. GAO study and report on impact of obesity drugs on patient health and spending.
Sec. 50353. HHS study and report on long-term risk factors for chronic conditions among Medicare beneficiaries.
Sec. 50354. Providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes.

TITLE IV—PART B IMPROVEMENT ACT AND OTHER PART B ENHANCEMENTS

Subtitle A—Medicare Part B Improvement Act

Sec. 50401. Home infusion therapy services temporary transitional payment.
Sec. 50402. Orthotist's and prosthetist's clinical notes as part of the patient's medical record.
Sec. 50403. Independent accreditation for dialysis facilities and assurance of high quality surveys.
Sec. 50404. Modernizing the application of the Stark rule under Medicare.

Subtitle B—Additional Medicare Provisions

Sec. 50411. Making permanent the removal of the rental cap for durable medical equipment under Medicare with respect to speech generating devices.
Sec. 50412. Increased civil and criminal penalties and increased sentences for Federal health care program fraud and abuse.
Sec. 50413. Reducing the volume of future EHR-related significant hardship requests.
Sec. 50414. Strengthening rules in case of competition for diabetic testing strips.

TITLE V—OTHER HEALTH EXTENDERS

Sec. 50501. Extension for family-to-family health information centers.
Sec. 50502. Extension for sexual risk avoidance education.

Sec. 50503. Extension for personal responsibility education.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS EXTENDERS

Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home Visiting Program

Sec. 50601. Continuing evidence-based home visiting program.
Sec. 50602. Continuing to demonstrate results to help families.
Sec. 50603. Reviewing statewide needs to target resources.
Sec. 50604. Improving the likelihood of success in high-risk communities.
Sec. 50605. Option to fund evidence-based home visiting on a pay for outcome basis.
Sec. 50606. Data exchange standards for improved interoperability.
Sec. 50607. Allocation of funds.

Subtitle B—Extension of Health Professions Workforce Demonstration Projects

Sec. 50611. Extension of health workforce demonstration projects for low-income individuals.

TITLE VII—FAMILY FIRST PREVENTION SERVICES ACT

Subtitle A—Investing in Prevention and Supporting Families

Sec. 50701. Short title.
Sec. 50702. Purpose.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV–E

Sec. 50711. Foster care prevention services and programs.
Sec. 50712. Foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.
Sec. 50713. Title IV–E payments for evidence-based kinship navigator programs.

PART II—ENHANCED SUPPORT UNDER TITLE IV–B

Sec. 50721. Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care.
Sec. 50722. Reducing bureaucracy and unnecessary delays when placing children in homes across State lines.
Sec. 50723. Enhancements to grants to improve well-being of families affected by substance abuse.

PART III—MISCELLANEOUS

Sec. 50731. Reviewing and improving licensing standards for placement in a relative foster family home.
Sec. 50732. Development of a statewide plan to prevent child abuse and neglect fatalities.
Sec. 50733. Modernizing the title and purpose of title IV–E.
Sec. 50734. Effective dates.

PART IV—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

Sec. 50741. Limitation on Federal financial participation for placements that are not in foster family homes.
Sec. 50742. Assessment and documentation of the need for placement in a qualified residential treatment program.
Sec. 50743. Protocols to prevent inappropriate diagnoses.
Sec. 50744. Additional data and reports regarding children placed in a setting that is not a foster family home.
Sec. 50745. Criminal records checks and checks of child abuse and neglect registries for adults working in child-care institutions and other group care settings.
Sec. 50746. Effective dates; application to waivers.

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

Sec. 50751. Supporting and retaining foster families for children.
Sec. 50752. Extension of child and family services programs.
Sec. 50753. Improvements to the John H. Chafee foster care independence program and related provisions.

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

Sec. 50761. Reauthorizing adoption and legal guardianship incentive programs.

PART VII—TECHNICAL CORRECTIONS

Sec. 50771. Technical corrections to data exchange standards to improve program coordination.
Sec. 50772. Technical corrections to State requirement to address the developmental needs of young children.

PART VIII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

Sec. 50781. Delay of adoption assistance phase-in.
Sec. 50782. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.

TITLE VIII—SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS

Sec. 50801. Short title.
Sec. 50802. Social impact partnerships to pay for results.

TITLE IX—PUBLIC HEALTH PROGRAMS

Sec. 50901. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.
Sec. 50902. Extension for special diabetes programs.

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES

Sec. 51001. Home health payment reform.
Sec. 51002. Information to satisfy documentation of Medicare eligibility for home health services.
Sec. 51003. Technical amendments to Public Law 114–10.
Sec. 51004. Expanded access to Medicare intensive cardiac rehabilitation programs.
Sec. 51005. Extension of blended site neutral payment rate for certain long-term care hospital discharges; temporary adjustment to site neutral payment rates.
Sec. 51006. Recognition of attending physician assistants as attending physicians to serve hospice patients.
Sec. 51007. Extension of enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2017.
Sec. 51008. Allowing physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.
Sec. 51009. Transitional payment rules for certain radiation therapy services under the physician fee schedule.

TITLE XI—PROTECTING SENIORS' ACCESS TO MEDICARE ACT

Sec. 52001. Repeal of the Independent Payment Advisory Board.

TITLE XII—OFFSETS

Sec. 53101. Modifying reductions in Medicaid DSH allotments.
Sec. 53102. Third party liability in Medicaid and CHIP.
Sec. 53103. Treatment of lottery winnings and other lump-sum income for purposes of income eligibility under Medicaid.
Sec. 53104. Rebate obligation with respect to line extension drugs.
Sec. 53105. Medicaid Improvement Fund.
Sec. 53106. Physician fee schedule update.
Sec. 53107. Payment for outpatient physical therapy services and outpatient occupational therapy services furnished by a therapy assistant.
Sec. 53108. Reduction for non-emergency ESRD ambulance transports.
Sec. 53109. Hospital transfer policy for early discharges to hospice care.
Sec. 53110. Medicare payment update for home health services.
Sec. 53111. Medicare payment update for skilled nursing facilities.
Sec. 53112. Preventing the artificial inflation of star ratings after the consolidation of Medicare Advantage plans offered by the same organization.
Sec. 53113. Sunsetting exclusion of biosimilars from Medicare part D coverage gap discount program.
Sec. 53114. Adjustments to Medicare part B and part D premium subsidies for higher income individuals.
Sec. 53115. Medicare Improvement Fund.
Sec. 53116. Closing the Donut Hole for Seniors.
Sec. 53117. Modernizing child support enforcement fees.
Sec. 53118. Increasing efficiency of prison data reporting.
Sec. 53119. Prevention and Public Health Fund.

TITLE I—CHIP

SEC. 50101. FUNDING EXTENSION OF THE CHILDREN'S HEALTH INSURANCE PROGRAM THROUGH FISCAL YEAR 2027.

(a) IN GENERAL.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)), as amended by section 3002(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in paragraph (25), by striking "; and" and inserting a semicolon;

(2) in paragraph (26), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(27) for each of fiscal years 2024 through 2026, such sums as are necessary to fund allotments to States under subsections (c) and (m); and

"(28) for fiscal year 2027, for purposes of making two semi-annual allotments—

"(A) $7,650,000,000 for the period beginning on October 1, 2026, and ending on March 31, 2027; and

"(B) $7,650,000,000 for the period beginning on April 1, 2027, and ending on September 30, 2027.".

(b) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)), as amended by section 3002(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking "(25)" and inserting "(27)";

(ii) in clause (i), by striking "and 2023" and inserting ", 2023, and 2027"; and

(iii) in clause (ii)(I), by striking "(or, in the case of fiscal year 2018, under paragraph (4))" and inserting "(or, in the case of fiscal year 2018 or 2024, under paragraph (4) or (10), respectively)";

(B) in paragraph (5)—

(i) by striking "or (10)" and inserting "(10), or (11)"; and

(ii) by striking "or 2023," and inserting "2023, or 2027,";

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "2023" and inserting "2027,"; and

(ii) in the matter following subparagraph (B), by striking "or fiscal year 2022" and inserting "fiscal year 2022, fiscal year 2024, or fiscal year 2026";

(D) in paragraph (9)—

(i) by striking "or (10)" and inserting "(10), or (11)"; and

(ii) by striking "or 2023," and inserting "2023, or 2027,"; and

(E) by adding at the end the following:

Computations. States.

"(11) FOR FISCAL YEAR 2027.—

"(A) FIRST HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A)

of paragraph (28) of subsection (a) for the semi-annual period described in such subparagraph, increased by the amount of the appropriation for such period under section 50101(b)(2) of the Advancing Chronic Care, Extenders, and Social Services Act, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

"(B) SECOND HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (B) of paragraph (28) of subsection (a) for the semi-annual period described in such subparagraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

"(i) the amount of the allotment to such State under subparagraph (A); to

"(ii) the total of the amount of all of the allotments made available under such subparagraph.

"(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2026 (including payments made to the State under subsection (n) for fiscal year 2026 as well as amounts redistributed to the State in fiscal year 2026), multiplied by the allotment increase factor under paragraph (6) for fiscal year 2027.

"(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

"(i) the sum of—

"(I) the amount made available under subsection (a)(28)(A); and

"(II) the amount of the appropriation for such period under section 50101(b)(2) of the Advancing Chronic Care, Extenders, and Social Services Act; to

"(ii) the sum of—

"(I) the amount described in clause (i); and

"(II) the amount made available under subsection (a)(28)(B).".

(2) ONE-TIME APPROPRIATION FOR FISCAL YEAR 2027.—There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to fund allotments to States under subsections (c) and (m) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2027, taking into account the full year amounts calculated for States under paragraph (11)(C) of subsection (m) of such section (as added by paragraph (1)) and the amounts appropriated under subparagraphs (A) and (B) of subsection (a)(28) of such section (as added by subsection (a)). Such amount shall accompany the allotment

made for the period beginning on October 1, 2026, and ending on March 31, 2027, under paragraph (28)(A) of section 2104(a) of such Act (42 U.S.C. 1397dd(a)), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (11) of section 2104(m) of such Act for the first 6 months of fiscal year 2027 in the same manner as allotments are provided under subsection (a)(28)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(28)(A).

(c) EXTENSION OF THE CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)), as amended by section 3002(c) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking "and 2018 through 2022" and inserting "2018 through 2022, and 2024 through 2026"; and

(ii) by striking "and 2023" and inserting "2023, and 2027"; and

(B) in subparagraph (B)—

(i) by striking "and 2018 through 2022" and inserting "2018 through 2022, and 2024 through 2026"; and

(ii) by striking "and 2023" and inserting "2023, and 2027"; and

(2) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking "or in any of fiscal years 2018 through 2022" and inserting "fiscal years 2018 through 2022, or fiscal years 2024 through 2026"; and

(B) by striking "or 2023" and inserting "2023, or 2027".

(d) EXTENSION OF QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)), as amended by section 3002(d) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in the paragraph heading, by striking "THROUGH 2023" and inserting "THROUGH 2027"; and

(2) in subparagraph (A), by striking "2023" and inserting "2027".

(e) EXTENSION OF EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)), as amended by section 3002(e) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended by striking "2023" and inserting "2027".

(f) ASSURANCE OF ELIGIBILITY STANDARD FOR CHILDREN AND FAMILIES.—

(1) IN GENERAL.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)), as amended by section 3002(f)(1) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in the paragraph heading, by striking "THROUGH SEPTEMBER 30, 2023" and inserting "THROUGH SEPTEMBER 30, 2027"; and

(B) in subparagraph (A), in the matter preceding clause (i), by striking "2023" each place it appears and inserting "2027".

(2) CONFORMING AMENDMENTS.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)), as amended by section 3002(f)(2) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in the paragraph heading, by striking "THROUGH SEPTEMBER 30, 2023" and inserting "THROUGH SEPTEMBER 30, 2027"; and

(B) by striking "2023," each place it appears and inserting "2027".

SEC. 50102. EXTENSION OF PEDIATRIC QUALITY MEASURES PROGRAM.

(a) IN GENERAL.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)), as amended by section 3003(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in subparagraph (B), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) for the period of fiscal years 2024 through 2027, $60,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)).". Time period.

(b) MAKING REPORTING MANDATORY.—Section 1139A of the Social Security Act (42 U.S.C. 1320b–9a) is amended—

(1) in subsection (a)—

(A) in the heading for paragraph (4), by inserting "AND MANDATORY REPORTING" after "REPORTING";

(B) in paragraph (4)—

(i) by striking "Not later than" and inserting the following:

"(A) VOLUNTARY REPORTING.—Not later than"; and

(ii) by adding at the end the following:

"(B) MANDATORY REPORTING.—Beginning with the annual State report on fiscal year 2024 required under subsection (c)(1), the Secretary shall require States to use the initial core measurement set and any updates or changes to that set to report information regarding the quality of pediatric health care under titles XIX and XXI using the standardized format for reporting information and procedures developed under subparagraph (A)."; and Effective dates.

(C) in paragraph (6)(B), by inserting "and, beginning with the report required on January 1, 2025, and for each annual report thereafter, the status of mandatory reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set and any updates or changes to that set" before the semicolon; and

(2) in subsection (c)(1)(A), by inserting "and, beginning with the annual report on fiscal year 2024, all of the core measures described in subsection (a) and any updates or changes to those measures" before the semicolon. Effective date.

Time periods.

SEC. 50103. EXTENSION OF OUTREACH AND ENROLLMENT PROGRAM.

(a) IN GENERAL.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm), as amended by section 3004(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in subsection (a)(1), by striking "2023" and inserting "2027"; and

(2) in subsection (g)—

(A) by striking "and $120,000,000" and inserting ", $120,000,000"; and

(B) by inserting ", and $48,000,000 for the period of fiscal years 2024 through 2027" after "2023".

(b) ADDITIONAL RESERVED FUNDS.—Section 2113(a) of the Social Security Act (42 U.S.C. 1397mm(a)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) TEN PERCENT SET ASIDE FOR EVALUATING AND PROVIDING TECHNICAL ASSISTANCE TO GRANTEES.—For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts shall be used by the Secretary for the purpose of evaluating and providing technical assistance to eligible entities awarded grants under this section.".

(c) USE OF RESERVED FUNDS FOR NATIONAL ENROLLMENT AND RETENTION STRATEGIES.—Section 2113(h) of the Social Security Act (42 U.S.C. 1397mm(h)) is amended—

(1) in paragraph (5), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) the development of materials and toolkits and the provision of technical assistance to States regarding enrollment and retention strategies for eligible children under this title and title XIX; and".

TITLE II—MEDICARE EXTENDERS

SEC. 50201. EXTENSION OF WORK GPCI FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking "January 1, 2018" and inserting "January 1, 2020".

SEC. 50202. REPEAL OF MEDICARE PAYMENT CAP FOR THERAPY SERVICES; LIMITATION TO ENSURE APPROPRIATE THERAPY.

Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Subject to paragraphs (4) and (5)" and inserting "(A) Subject to paragraphs (4) and (5)";

(B) in the subparagraph (A), as inserted and designated by subparagraph (A) of this paragraph, by adding at the end the following new sentence: "The preceding sentence shall not apply to expenses incurred with respect to services furnished after December 31, 2017."; and

(C) by adding at the end the following new subparagraph:

"(B) With respect to services furnished during 2018 or a subsequent year, in the case of physical therapy services of the type described in section 1861(p), speech-language pathology services of the type described in such section through the application of section 1861(ll)(2), and physical therapy services and speech-language pathology services of such type which are furnished by a physician or as incident to physicians' services, with respect to expenses incurred in any calendar year, any amount that is more than the amount specified in paragraph (2) for the year shall not be considered as incurred expenses for purposes of subsections (a) and (b) unless the applicable requirements of paragraph (7) are met.";

(2) in paragraph (3)—

(A) by striking "Subject to paragraphs (4) and (5)" and inserting "(A) Subject to paragraphs (4) and (5)";

(B) in the subparagraph (A), as inserted and designated by subparagraph (A) of this paragraph, by adding at the end the following new sentence: "The preceding sentence shall not apply to expenses incurred with respect to services furnished after December 31, 2017."; and

(C) by adding at the end the following new subparagraph:.

"(B) With respect to services furnished during 2018 or a subsequent year, in the case of occupational therapy services (of the type that are described in section 1861(p) through the operation of section 1861(g) and of such type which are furnished by a physician or as incident to physicians' services), with respect to expenses incurred in any calendar year, any amount that is more than the amount specified in paragraph (2) for the year shall not be considered as incurred expenses for purposes of subsections (a) and (b) unless the applicable requirements of paragraph (7) are met.";

(3) in paragraph (5)—

(A) by redesignating subparagraph (D) as paragraph (8) and moving such paragraph to immediately follow paragraph (7), as added by paragraph (4) of this section; and

(B) in subparagraph (E)(iv), by inserting ", except as such process is applied under paragraph (7)(B)" before the period at the end; and

(4) by adding at the end the following new paragraph:

"(7) For purposes of paragraphs (1)(B) and (3)(B), with respect to services described in such paragraphs, the requirements described in this paragraph are as follows:

"(A) INCLUSION OF APPROPRIATE MODIFIER.—The claim for such services contains an appropriate modifier (such as the KX modifier described in paragraph (5)(B)) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

"(B) TARGETED MEDICAL REVIEW FOR CERTAIN SERVICES ABOVE THRESHOLD.—

"(i) IN GENERAL.—In the case where expenses that would be incurred for such services would exceed the threshold described in clause (ii) for the year, such services shall be subject to the process for medical review implemented under paragraph (5)(E).

"(ii) THRESHOLD.—The threshold under this clause for—

"(I) a year before 2028, is $3,000;

"(II) 2028, is the amount specified in subclause (I) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for 2028; and

"(III) a subsequent year, is the amount specified in this clause for the preceding year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year;

except that if an increase under subclause (II) or (III) for a year is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

"(iii) APPLICATION.—The threshold under clause (ii) shall be applied separately—

"(I) for physical therapy services and speech-language pathology services; and

"(II) for occupational therapy services.

Time period.

"(iv) FUNDING.—For purposes of carrying out this subparagraph, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account, of $5,000,000 for each fiscal year beginning with fiscal year 2018, to remain available until expended. Such funds may not be used by a contractor under section 1893(h) for medical reviews under this subparagraph.".

SEC. 50203. MEDICARE AMBULANCE SERVICES.

(a) EXTENSION OF CERTAIN GROUND AMBULANCE ADD-ON PAYMENTS.—

(1) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended by striking "2018" and inserting "2023" each place it appears.

(2) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended, in the first sentence, by striking "2018" and inserting "2023".

(b) REQUIRING GROUND AMBULANCE PROVIDERS OF SERVICES AND SUPPLIERS TO SUBMIT COST AND OTHER INFORMATION.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(17) SUBMISSION OF COST AND OTHER INFORMATION.—

"(A) DEVELOPMENT OF DATA COLLECTION SYSTEM.—The Secretary shall develop a data collection system (which may include use of a cost survey) to collect cost, revenue, utilization, and other information determined appropriate by the Secretary with respect to providers of services (in this paragraph referred to as 'providers') and suppliers of ground ambulance services. Such system shall be designed to collect information—

Evaluation.

"(i) needed to evaluate the extent to which reported costs relate to payment rates under this subsection;

"(ii) on the utilization of capital equipment and ambulance capacity, including information consistent with the type of information described in section 1121(a); and

"(iii) on different types of ground ambulance services furnished in different geographic locations,

including rural areas and low population density areas described in paragraph (12).

"(B) SPECIFICATION OF DATA COLLECTION SYSTEM.— Deadlines.

"(i) IN GENERAL.—The Secretary shall—

"(I) not later than December 31, 2019, specify the data collection system under subparagraph (A); and

"(II) identify the providers and suppliers of ground ambulance services that would be required to submit information under such data collection system, including the representative sample described in clause (ii).

"(ii) DETERMINATION OF REPRESENTATIVE SAMPLE.—

"(I) IN GENERAL.—Not later than December 31, 2019, with respect to the data collection for the first year under such system, and for each subsequent year through 2024, the Secretary shall determine a representative sample to submit information under the data collection system.

"(II) REQUIREMENTS.—The sample under subclause (I) shall be representative of the different types of providers and suppliers of ground ambulance services (such as those providers and suppliers that are part of an emergency service or part of a government organization) and the geographic locations in which ground ambulance services are furnished (such as urban, rural, and low population density areas).

"(III) LIMITATION.—The Secretary shall not include an individual provider or supplier of ground ambulance services in the sample under subclause (I) in 2 consecutive years, to the extent practicable.

"(C) REPORTING OF COST INFORMATION.—For each year, a provider or supplier of ground ambulance services identified by the Secretary under subparagraph (B)(i)(II) as being required to submit information under the data collection system with respect to a period for the year shall submit to the Secretary information specified under the system. Such information shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

"(D) PAYMENT REDUCTION FOR FAILURE TO REPORT.—

"(i) IN GENERAL.—Beginning January 1, 2022, subject to clause (ii), a 10 percent reduction to payments under this subsection shall be made for the applicable period (as defined in clause (ii)) to a provider or supplier of ground ambulance services that— Effective date.

"(I) is required to submit information under the data collection system with respect to a period under subparagraph (C); and

"(II) does not sufficiently submit such information, as determined by the Secretary.

"(ii) APPLICABLE PERIOD DEFINED.—For purposes of clause (i), the term 'applicable period' means, with respect to a provider or supplier of ground ambulance

services, a year specified by the Secretary not more than 2 years after the end of the period with respect to which the Secretary has made a determination under clause (i)(II) that the provider or supplier of ground ambulance services failed to sufficiently submit information under the data collection system.

"(iii) HARDSHIP EXEMPTION.—The Secretary may exempt a provider or supplier from the payment reduction under clause (i) with respect to an applicable period in the event of significant hardship, such as a natural disaster, bankruptcy, or other similar situation that the Secretary determines interfered with the ability of the provider or supplier of ground ambulance services to submit such information in a timely manner for the specified period.

"(iv) INFORMAL REVIEW.—The Secretary shall establish a process under which a provider or supplier of ground ambulance services may seek an informal review of a determination that the provider or supplier is subject to the payment reduction under clause (i).

"(E) ONGOING DATA COLLECTION.—

"(i) REVISION OF DATA COLLECTION SYSTEM.—The Secretary may, as the Secretary determines appropriate and, if available, taking into consideration the report (or reports) under subparagraph (F), revise the data collection system under subparagraph (A).

Time period.

"(ii) SUBSEQUENT DATA COLLECTION.—In order to continue to evaluate the extent to which reported costs relate to payment rates under this subsection and for other purposes the Secretary deems appropriate, the Secretary shall require providers and suppliers of ground ambulance services to submit information for years after 2024 as the Secretary determines appropriate, but in no case less often than once every 3 years.

"(F) GROUND AMBULANCE DATA COLLECTION SYSTEM STUDY.—

Assessment. Reports.

"(i) IN GENERAL.—Not later than March 15, 2023, and as determined necessary by the Medicare Payment Advisory Commission thereafter, such Commission shall assess, and submit to Congress a report on, information submitted by providers and suppliers of ground ambulance services through the data collection system under subparagraph (A), the adequacy of payments for ground ambulance services under this subsection, and geographic variations in the cost of furnishing such services.

Analysis.

"(ii) CONTENTS.—A report under clause (i) shall contain the following:

"(I) An analysis of information submitted through the data collection system.

"(II) An analysis of any burden on providers and suppliers of ground ambulance services associated with the data collection system.

Recommendation.

"(III) A recommendation as to whether information should continue to be submitted through such data collection system or if such

system should be revised under subparagraph (E)(i).

"(IV) Other information determined appropriate by the Commission.

"(G) PUBLIC AVAILABILITY.—The Secretary shall post information on the results of the data collection under this paragraph on the Internet website of the Centers for Medicare & Medicaid Services, as determined appropriate by the Secretary. Web posting.

"(H) IMPLEMENTATION.—The Secretary shall implement this paragraph through notice and comment rulemaking. Notice.

"(I) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the collection of information required under this subsection.

"(J) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the data collection system or identification of respondents under this paragraph.

"(K) FUNDING FOR IMPLEMENTATION.—For purposes of carrying out subparagraph (A), the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2018. Amounts transferred under this subparagraph shall remain available until expended.".

SEC. 50204. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking "fiscal year 2018" and inserting "fiscal year 2023";

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking "through 2017" the first place it appears and inserting "through 2022"; and

(ii) by striking " and has less than 800 discharges" and all that follows through the period at the end and inserting the following "and has—

"(I) with respect to each of fiscal years 2005 through 2010, less than 800 discharges during the fiscal year;

"(II) with respect to each of fiscal years 2011 through 2018, less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under part A during the fiscal year or portion of fiscal year;

"(III) with respect to each of fiscal years 2019 through 2022, less than 3,800 discharges during the fiscal year; and

"(IV) with respect to fiscal year 2023 and each subsequent fiscal year, less than 800 discharges during the fiscal year."; and

(B) in clause (ii)—

(i) by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)"; and

(ii) by inserting "(except as provided in clause (i)(II) and subparagraph (D)(i))" after "regardless"; and

(3) in subparagraph (D)—

(A) by striking "through 2017" and inserting "through 2022";

(B) by striking "hospitals with 200 or fewer" and inserting the following: "hospitals—

"(i) with respect to each of fiscal years 2011 through 2018, with 200 or fewer";

(C) by striking the period at the end and inserting "or portion of fiscal year; and"; and

(D) by adding at the end the following new clause:

Time period.

"(ii) with respect to each of fiscal years 2019 through 2022, with 500 or fewer discharges in the fiscal year to 0 percent for low-volume hospitals with greater than 3,800 discharges in the fiscal year.".

(b) MEDPAC REPORT ON EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.—

(1) IN GENERAL.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress a report on the extension of the increased inpatient hospital payment adjustment for certain low-volume hospitals under section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) under the provisions of, and amendments made by, this section.

(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of the effects of such extension on the following:

(A) Beneficiary utilization of inpatient hospital services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) The financial status of hospitals with a low volume of Medicare or total inpatient admissions.

(C) Program spending under such title XVIII.

(D) Other matters relevant to evaluating the effects of such extension.

SEC. 50205. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking "October 1, 2017" and inserting "October 1, 2022";

(2) in clause (ii)(II), by striking "October 1, 2017" and inserting "October 1, 2022"; and

(3) in clause (iv), by striking subclause (I) and inserting the following new subclause:

"(I) that is located in—

"(aa) a rural area; or

"(bb) a State with no rural area (as defined in paragraph (2)(D)) and satisfies any of the criteria in subclause (I), (II), or (III) of paragraph (8)(E)(ii),"; and

(4) by inserting after subclause (IV) the following new flush sentences:

"Subclause (I)(bb) shall apply for purposes of payment under clause (ii) only for discharges of a hospital occurring on or after the effective date of a determination of medicare-dependent small rural hospital status made by the Secretary with respect to the hospital after the date of the enactment of this sentence. For purposes of applying subclause (II) of paragraph (8)(E)(ii) under subclause (I)(bb), such subclause (II) shall be applied by inserting 'as of January 1, 2018,' after 'such State' each place it appears.". Applicability.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking "October 1, 2017" and inserting "October 1, 2022"; and

(B) in clause (iv), by striking "through fiscal year 2017" and inserting "through fiscal year 2022".

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking "through fiscal year 2017" and inserting "through fiscal year 2022".

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study on the medicare-dependent, small rural hospital program under section 1886(d) of the Social Security Act (42 U.S.C. 1395x(d)). Such study shall include an analysis of the following: Analysis.

(A) The payor mix of medicare-dependent, small rural hospitals (as defined in paragraph (5)(G)(iv) of such section 1886(d)), how such mix will trend in future years (based on current trends and projections), and whether or not the requirement under subclause (IV) of such paragraph should be revised.

(B) The characteristics of medicare-dependent, small rural hospitals that meet the requirement of such subclause (IV) through the application of paragraph (a)(iii)(A) or (a)(iii)(B) of section 412.108 of title 42, Code of Federal Regulations, including Medicare inpatient and outpatient utilization, payor mix, and financial status (including Medicare and total margins), and whether or not Medicare payments for such hospitals should be revised.

(C) Such other items related to medicare-dependent, small rural hospitals as the Comptroller General determines appropriate.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate. Recommendations.

SEC. 50206. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION; REPORTING REQUIREMENTS.

(a) EXTENSION OF FUNDING.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence—

(A) by striking "2014 and" and inserting "2014,"; and

(B) by inserting the following before the period: ", and $7,500,000 for each of fiscal years 2018 and 2019"; and

(2) by adding at the end the following new sentence: "Amounts transferred for each of fiscal years 2018 and 2019 shall be in addition to any unobligated funds transferred for a preceding fiscal year that are available under the preceding sentence."

(b) ANNUAL REPORT BY SECRETARY TO CONGRESS.—Section 1890 of the Social Security Act (42 U.S.C. 1395aaa) is amended by adding at the end the following new subsection:

Effective date.

"(e) ANNUAL REPORT BY SECRETARY TO CONGRESS.—By not later than March 1 of each year (beginning with 2019), the Secretary shall submit to Congress a report containing the following:

Plan.
Contracts.

"(1) A comprehensive plan that identifies the quality measurement needs of programs and initiatives of the Secretary and provides a strategy for using the entity with a contract under subsection (a) and any other entity the Secretary has contracted with or may contract with to perform work associated with section 1890A to help meet those needs, specifically with respect to the programs under this title and title XIX. In years after the first plan under this paragraph is submitted, the requirements of this paragraph may be met by providing an update to the plan.

Updates.

"(2) The amount of funding provided under subsection (d) for purposes of carrying out this section and section 1890A that has been obligated by the Secretary, the amount of funding provided that has been expended, and the amount of funding provided that remains unobligated.

"(3) With respect to the activities described under this section or section 1890A, a description of how the funds described in paragraph (2) have been obligated or expended, including how much of that funding has been obligated or expended for work performed by the Secretary, the entity with a contract under subsection (a), and any other entity the Secretary has contracted with to perform work.

"(4) A description of the activities for which the funds described in paragraph (2) were used, including task orders and activities assigned to the entity with a contract under subsection (a), activities performed by the Secretary, and task orders and activities assigned to any other entity the Secretary has contracted with to perform work related to carrying out section 1890A.

"(5) The amount of funding described in paragraph (2) that has been obligated or expended for each of the activities described in paragraph (4).

Estimate.
Time period.

"(6) Estimates for, and descriptions of, obligations and expenditures that the Secretary anticipates will be needed in the succeeding two year period to carry out each of the quality measurement activities required under this section and section 1890A, including any obligations that will require funds to be expended in a future year.".

(c) REVISIONS TO ANNUAL REPORT FROM CONSENSUS-BASED ENTITY TO CONGRESS AND THE SECRETARY.—

(1) IN GENERAL.—Section 1890(b)(5)(A) of the Social Security Act (42 U.S.C. 1395aaa(b)(5)(A)) is amended—

(A) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and moving the margins accordingly;

(B) in the matter preceding subclause (I), as redesignated by subparagraph (A), by striking "containing a description of—" and inserting "containing the following:

"(i) A description of—"; and

(C) by adding at the end the following new clauses:

"(ii) An itemization of financial information for the fiscal year ending September 30 of the preceding year, including—

"(I) annual revenues of the entity (including any government funding, private sector contributions, grants, membership revenues, and investment revenue);

"(II) annual expenses of the entity (including grants paid, benefits paid, salaries or other compensation, fundraising expenses, and overhead costs); and

"(III) a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity.

"(iii) Any updates or modifications of internal policies and procedures of the entity as they relate to the duties of the entity under this section, including—

"(I) specifically identifying any modifications to the disclosure of interests and conflicts of interests for committees, work groups, task forces, and advisory panels of the entity; and

"(II) information on external stakeholder participation in the duties of the entity under this section (including complete rosters for all committees, work groups, task forces, and advisory panels funded through government contracts, descriptions of relevant interests and any conflicts of interest for members of all committees, work groups, task forces, and advisory panels, and the total percentage by health care sector of all convened committees, work groups, task forces, and advisory panels.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to reports submitted for years beginning with 2019.

Applicability.
42 USC 1395aaa note.

(d) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on health care quality measurement efforts funded under sections 1890 and 1890A of the Social Security Act (42 U.S.C. 1395aaa; 1395aaa–1). Such study shall include an examination of the following:

Contracts.

(A) The extent to which the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") has set and prioritized objectives to be achieved for each of the quality measurement activities required under such sections 1890 and 1890A.

(B) The efforts that the Secretary has undertaken to meet quality measurement objectives associated with such sections 1890 and 1890A, including division of responsibilities for those efforts within the Department of Health and Human Services and through contracts with a consensus-based entity under subsection (a) of such section 1890 (in this subsection referred to as the "consensus-based entity") and other entities, and the extent of any overlap among the work performed by the Secretary, the consensus-based entity, the Measure Applications Partnership (MAP) convened by such entity to provide input to the Secretary on the selection of quality and efficiency measures, and any other entities the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A.

(C) The total amount of funding provided to the Secretary for purposes of carrying out such sections 1890 and 1890A, the amount of such funding that has been obligated or expended by the Secretary, and the amount of such funding that remains unobligated.

(D) How the funds described in subparagraph (C) have been allocated, including how much of the funding has been allocated for work performed by the Secretary, the consensus-based entity, and any other entity the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A, respectively, and descriptions of such work.

(E) The extent to which the Secretary has developed a comprehensive and long-term plan to ensure that it can achieve quality measurement objectives related to carrying out such sections 1890 and 1890A in a timely manner and with efficient use of available resources, including the roles of the consensus-based entity, the Measure Applications Partnership (MAP), and any other entity the Secretary has contracted with to perform work related to such sections 1890 and 1890A in helping the Secretary achieve those objectives.

Recommendations.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50207. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS; STATE HEALTH INSURANCE ASSISTANCE PROGRAM REPORTING REQUIREMENTS.

(a) FUNDING EXTENSIONS.—

(1) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), and section

208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10) is amended—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clauses:

"(viii) for fiscal year 2018, of $13,000,000; and

"(ix) for fiscal year 2019, of $13,000,000.".

(2) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by inserting after clause (vii) the following new clauses:

"(viii) for fiscal year 2018, of $7,500,000; and

"(ix) for fiscal year 2019, of $7,500,000.".

(3) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by inserting after clause (vii) the following new clauses:

"(viii) for fiscal year 2018, of $5,000,000; and

"(ix) for fiscal year 2019, of $5,000,000.".

(4) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by inserting after clause (vii) the following new clauses:

"(viii) for fiscal year 2018, of $12,000,000; and

"(ix) for fiscal year 2019, of $12,000,000.".

(b) STATE HEALTH INSURANCE ASSISTANCE PROGRAM REPORTING REQUIREMENTS.—Beginning not later than April 1, 2019, and biennially thereafter, the Agency for Community Living shall electronically post on its website the following information, with respect to grants to States for State health insurance assistance programs, (such information to be presented by State and by entity receiving funds from the State to carry out such a program funded by such grant):

Effective date. Web posting. Grants. 42 USC 1395b–3 note.

(1) The amount of Federal funding provided to each such State for such program for the period involved and the amount of Federal funding provided by each such State for such program to each such entity for the period involved.

(2) Information as the Secretary may specify, with respect to such programs carried out through such grants, consistent with the terms and conditions for receipt of such grants.

SEC. 50208. EXTENSION OF HOME HEALTH RURAL ADD-ON.

(a) EXTENSION.—

(1) IN GENERAL.—Section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C. 1395fff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), section 3131(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 428), and section 210 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 151) is amended—

(A) in subsection (a), by striking "January 1, 2018" and inserting "January 1, 2019" each place it appears;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(C) in each of subsections (c) and (d), as so redesignated, by striking "subsection (a)" and inserting "subsection (a) or (b)"; and

(D) by inserting after subsection (a) the following new subsection:

"(b) SUBSEQUENT TEMPORARY INCREASE.—

Determination.

"(1) IN GENERAL.—The Secretary shall increase the payment amount otherwise made under such section 1895 for home health services furnished in a county (or equivalent area) in a rural area (as defined in such section 1886(d)(2)(D)) that, as determined by the Secretary—

"(A) is in the highest quartile of all counties (or equivalent areas) based on the number of Medicare home health episodes furnished per 100 individuals who are entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title (but not enrolled in a plan under part C of such title)—

"(i) in the case of episodes and visits ending during 2019, by 1.5 percent; and

"(ii) in the case of episodes and visits ending during 2020, by 0.5 percent;

"(B) has a population density of 6 individuals or fewer per square mile of land area and is not described in subparagraph (A)—

"(i) in the case of episodes and visits ending during 2019, by 4 percent;

"(ii) in the case of episodes and visits ending during 2020, by 3 percent;

"(iii) in the case of episodes and visits ending during 2021, by 2 percent; and

"(iv) in the case of episodes and visits ending during 2022, by 1 percent; and

"(C) is not described in either subparagraph (A) or (B)—

"(i) in the case of episodes and visits ending during 2019, by 3 percent;

"(ii) in the case of episodes and visits ending during 2020, by 2 percent; and

"(iii) in the case of episodes and visits ending during 2021, by 1 percent.

Applicability.

"(2) RULES FOR DETERMINATIONS.—

"(A) NO SWITCHING.—For purposes of this subsection, the determination by the Secretary as to which subparagraph of paragraph (1) applies to a county (or equivalent area) shall be made a single time and shall apply for the duration of the period to which this subsection applies.

"(B) UTILIZATION.—In determining which counties (or equivalent areas) are in the highest quartile under paragraph (1)(A), the following rules shall apply:

"(i) The Secretary shall use data from 2015.

"(ii) The Secretary shall exclude data from the territories (and the territories shall not be described in such paragraph).

"(iii) The Secretary may exclude data from counties (or equivalent areas) in rural areas with a low volume of home health episodes (and if data is so excluded with respect to a county (or equivalent area), such county (or equivalent area) shall not be described in such paragraph).

"(C) POPULATION DENSITY.—In determining population density under paragraph (1)(B), the Secretary shall use data from the 2010 decennial Census.

"(3) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of determinations under paragraph (1).".

(2) REQUIREMENT TO SUBMIT COUNTY DATA ON CLAIM FORM.—Section 1895(c) of the Social Security Act (42 U.S.C. 1395fff(c)) is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) in the case of home health services furnished on or after January 1, 2019, the claim contains the code for the county (or equivalent area) in which the home health service was furnished.".

(b) HHS OIG ANALYSIS.—Not later than January 1, 2023, the Inspector General of the Department of Health and Human Services shall submit to Congress— Deadline.

(1) an analysis of the home health claims and utilization of home health services by county (or equivalent area) under the Medicare program; and

(2) recommendations the Inspector General determines appropriate based on such analysis. Recommendations.

TITLE III—CREATING HIGH-QUALITY RESULTS AND OUTCOMES NECESSARY TO IMPROVE CHRONIC (CHRONIC) CARE

Subtitle A—Receiving High Quality Care in the Home

SEC. 50301. EXTENDING THE INDEPENDENCE AT HOME DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Section 1866E of the Social Security Act (42 U.S.C. 1395cc–5) is amended—

(1) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "An agreement" and inserting "Agreements"; and

(ii) by striking "5-year" and inserting "7-year"; and

(B) in paragraph (5)—

(i) by striking "10,000" and inserting "15,000"; and

(ii) by adding at the end the following new sentence: "An applicable beneficiary that participates in the demonstration program by reason of the increase from 10,000 to 15,000 in the preceding sentence pursuant to the amendment made by section 50301(a)(1)(B)(i) of the Advancing Chronic Care, Extenders, and Social Services Act shall be considered in the spending target estimates under paragraph (1) of subsection (c) and the incentive payment calculations under paragraph (2) of such subsection for the sixth and seventh years of such program.";

(2) in subsection (g), in the first sentence, by inserting ", including, to the extent practicable, with respect to the use of electronic health information systems, as described in subsection (b)(1)(A)(vi)" after "under the demonstration program"; and

(3) in subsection (i)(1)(A), by striking "will not receive an incentive payment for the second of 2" and inserting "did not achieve savings for the third of 3".

42 USC 1395cc–5 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of Public Law 111–148.

SEC. 50302. EXPANDING ACCESS TO HOME DIALYSIS THERAPY.

(a) IN GENERAL.—Section 1881(b)(3) of the Social Security Act (42 U.S.C. 1395rr(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in clause (ii), as redesignated by paragraph (1), by striking "on a comprehensive" and insert "subject to subparagraph (B), on a comprehensive";

(3) by striking "With respect to" and inserting "(A) With respect to"; and

(4) by adding at the end the following new subparagraph:

"(B)(i) For purposes of subparagraph (A)(ii), subject to clause (ii), an individual determined to have end stage renal disease receiving home dialysis may choose to receive monthly end stage renal disease-related clinical assessments furnished on or after January 1, 2019, via telehealth.

Applicability. Time periods.

"(ii) Clause (i) shall apply to an individual only if the individual receives a face-to-face clinical assessment, without the use of telehealth—

"(I) in the case of the initial 3 months of home dialysis of such individual, at least monthly; and

"(II) after such initial 3 months, at least once every 3 consecutive months.".

(b) ORIGINATING SITE REQUIREMENTS.—

(1) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(A) in paragraph (4)(C)(ii), by adding at the end the following new subclauses:

"(IX) A renal dialysis facility, but only for purposes of section 1881(b)(3)(B).

"(X) The home of an individual, but only for purposes of section 1881(b)(3)(B).''; and

(B) by adding at the end the following new paragraph:

"(5) TREATMENT OF HOME DIALYSIS MONTHLY ESRD-RELATED VISIT.—The geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of section 1881(b)(3)(B), at an originating site described in subclause (VI), (IX), or (X) of paragraph (4)(C)(ii).".

(2) NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.—Section 1834(m)(2)(B) of the Social Security (42 U.S.C. 1395m(m)(2)(B)) is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), and indenting appropriately;

(B) in subclause (II), as redesignated by subparagraph (A), by striking "clause (i) or this clause" and inserting "subclause (I) or this subclause";

(C) by striking "SITE.—With respect to" and inserting "SITE.—

"(i) IN GENERAL.—Subject to clause (ii), with respect to"; and

(D) by adding at the end the following new clause:

"(ii) NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.—No facility fee shall be paid under this subparagraph to an originating site described in paragraph (4)(C)(ii)(X).".

(c) CLARIFICATION REGARDING TELEHEALTH PROVIDED TO BENEFICIARIES.—Section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended—

(1) in subparagraph (H), by striking "or" at the end;

(2) in subparagraph (I), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(J) the provision of telehealth technologies (as defined by the Secretary) on or after January 1, 2019, by a provider of services or a renal dialysis facility (as such terms are defined for purposes of title XVIII) to an individual with end stage renal disease who is receiving home dialysis

for which payment is being made under part B of such title, if—

"(i) the telehealth technologies are not offered as part of any advertisement or solicitation;

"(ii) the telehealth technologies are provided for the purpose of furnishing telehealth services related to the individual's end stage renal disease; and

"(iii) the provision of the telehealth technologies meets any other requirements set forth in regulations promulgated by the Secretary.".

(d) CONFORMING AMENDMENT.—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by striking "paragraph (3)(A)" and inserting "paragraph (3)(A)(i)".

Subtitle B—Advancing Team-Based Care

SEC. 50311. PROVIDING CONTINUED ACCESS TO MEDICARE ADVANTAGE SPECIAL NEEDS PLANS FOR VULNERABLE POPULATIONS.

(a) EXTENSION.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking "and for periods before January 1, 2019".

(b) INCREASED INTEGRATION OF DUAL SNPS.—

(1) IN GENERAL.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended—

(A) in paragraph (3), by adding at the end the following new subparagraph:

"(F) The plan meets the requirements applicable under paragraph (8)."; and

(B) by adding at the end the following new paragraph:

"(8) INCREASED INTEGRATION OF DUAL SNPS.—

"(A) DESIGNATED CONTACT.—The Secretary, acting through the Federal Coordinated Health Care Office established under section 2602 of Public Law 111–148, shall serve as a dedicated point of contact for States to address misalignments that arise with the integration of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this paragraph and, consistent with such role, shall establish—

"(i) a uniform process for disseminating to State Medicaid agencies information under this title impacting contracts between such agencies and such plans under this subsection; and

"(ii) basic resources for States interested in exploring such plans as a platform for integration, such as a model contract or other tools to achieve those goals.

"(B) UNIFIED GRIEVANCES AND APPEALS PROCESS.—

Deadline. Procedures.

"(i) IN GENERAL.—Not later than April 1, 2020, the Secretary shall establish procedures, to the extent feasible as determined by the Secretary, unifying grievances and appeals procedures under sections 1852(f), 1852(g), 1902(a)(3), 1902(a)(5), and 1932(b)(4) for items and services provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX. With respect

Applicability.

to items and services described in the preceding sentence, procedures established under this clause shall apply in place of otherwise applicable grievances and appeals procedures. The Secretary shall solicit comment in developing such procedures from States, plans, beneficiaries and their representatives, and other relevant stakeholders.

"(ii) PROCEDURES.—The procedures established under clause (i) shall be included in the plan contract under paragraph (3)(D) and shall—

"(I) adopt the provisions for the enrollee that are most protective for the enrollee and, to the extent feasible as determined by the Secretary, are compatible with unified timeframes and consolidated access to external review under an integrated process;

"(II) take into account differences in State plans under title XIX to the extent necessary;

"(III) be easily navigable by an enrollee; and

"(IV) include the elements described in clause (iii), as applicable.

"(iii) ELEMENTS DESCRIBED.—Both unified appeals and unified grievance procedures shall include, as applicable, the following elements described in this clause:

"(I) Single written notification of all applicable grievances and appeal rights under this title and title XIX. For purposes of this subparagraph, the Secretary may waive the requirements under section 1852(g)(1)(B) when the specialized MA plan covers items or services under this part or under title XIX.

Notification.

Waiver authority.

"(II) Single pathways for resolution of any grievance or appeal related to a particular item or service provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX.

"(III) Notices written in plain language and available in a language and format that is accessible to the enrollee, including in non-English languages that are prevalent in the service area of the specialized MA plan.

Notices.

"(IV) Unified timeframes for grievances and appeals processes, such as an individual's filing of a grievance or appeal, a plan's acknowledgment and resolution of a grievance or appeal, and notification of decisions with respect to a grievance or appeal.

"(V) Requirements for how the plan must process, track, and resolve grievances and appeals, to ensure beneficiaries are notified on a timely basis of decisions that are made throughout the grievance or appeals process and are able to easily determine the status of a grievance or appeal.

"(iv) CONTINUATION OF BENEFITS PENDING APPEAL.—The unified procedures under clause (i) shall, with respect to all benefits under parts A and B and

title XIX subject to appeal under such procedures, incorporate provisions under current law and implementing regulations that provide continuation of benefits pending appeal under this title and title XIX.

"(C) REQUIREMENT FOR UNIFIED GRIEVANCES AND APPEALS.—For 2021 and subsequent years, the contract of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) with a State Medicaid agency under paragraph (3)(D) shall require the use of unified grievances and appeals procedures as described in subparagraph (B).

Contracts.
Determinations.

"(D) REQUIREMENTS FOR INTEGRATION.—

"(i) IN GENERAL.—For 2021 and subsequent years, a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) shall meet one or more of the following requirements, to the extent permitted under State law, for integration of benefits under this title and title XIX:

"(I) The specialized MA plan must meet the requirements of contracting with the State Medicaid agency described in paragraph (3)(D) in addition to coordinating long-term services and supports or behavioral health services, or both, by meeting an additional minimum set of requirements determined by the Secretary through the Federal Coordinated Health Care Office established under section 2602 of the Patient Protection and Affordable Care Act based on input from stakeholders, such as notifying the State in a timely manner of hospitalizations, emergency room visits, and hospital or nursing home discharges of enrollees, assigning one primary care provider for each enrollee, or sharing data that would benefit the coordination of items and services under this title and the State plan under title XIX. Such minimum set of requirements must be included in the contract of the specialized MA plan with the State Medicaid agency under such paragraph.

"(II) The specialized MA plan must meet the requirements of a fully integrated plan described in section 1853(a)(1)(B)(iv)(II) (other than the requirement that the plan have similar average levels of frailty, as determined by the Secretary, as the PACE program), or enter into a capitated contract with the State Medicaid agency to provide long-term services and supports or behavioral health services, or both.

"(III) In the case of a specialized MA plan that is offered by a parent organization that is also the parent organization of a Medicaid managed care organization providing long term services and supports or behavioral services under a contract under section 1903(m), the parent organization must assume clinical and financial responsibility for benefits provided under this title and title XIX with respect to any individual who

is enrolled in both the specialized MA plan and the Medicaid managed care organization.

"(ii) SUSPENSION OF ENROLLMENT FOR FAILURE TO MEET REQUIREMENTS DURING INITIAL PERIOD.—During the period of plan years 2021 through 2025, if the Secretary determines that a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) has failed to comply with clause (i), the Secretary may provide for the application against the Medicare Advantage organization offering the plan of the remedy described in section 1857(g)(2)(B) in the same manner as the Secretary may apply such remedy, and in accordance with the same procedures as would apply, in the case of an MA organization determined by the Secretary to have engaged in conduct described in section 1857(g)(1). If the Secretary applies such remedy to a Medicare Advantage organization under the preceding sentence, the organization shall submit to the Secretary (at a time, and in a form and manner, specified by the Secretary) information describing how the plan will come into compliance with clause (i).

Determination.

Compliance.

"(E) STUDY AND REPORT TO CONGRESS.—

"(i) IN GENERAL.—Not later than March 15, 2022, and, subject to clause (iii), biennially thereafter through 2032, the Medicare Payment Advisory Commission established under section 1805, in consultation with the Medicaid and CHIP Payment and Access Commission established under section 1900, shall conduct (and submit to the Secretary and the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on) a study to determine how specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) perform among each other based on data from Healthcare Effectiveness Data and Information Set (HEDIS) quality measures, reported on the plan level, as required under section 1852(e)(3) (or such other measures or data sources that are available and appropriate, such as encounter data and Consumer Assessment of Healthcare Providers and Systems data, as specified by such Commissions as enabling an accurate evaluation under this subparagraph). Such study shall include, as feasible, the following comparison groups of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii):

Time period.
Consultation.
Determination.
Evaluation.

"(I) A comparison group of such plans that are described in subparagraph (D)(i)(I).

"(II) A comparison group of such plans that are described in subparagraph (D)(i)(II).

"(III) A comparison group of such plans operating within the Financial Alignment Initiative demonstration for the period for which such plan is so operating and the demonstration is in effect, and, in the case that an integration option that is not with respect to specialized MA plans for

special needs individuals is established after the conclusion of the demonstration involved.

"(IV) A comparison group of such plans that are described in subparagraph (D)(i)(III).

"(V) A comparison group of MA plans, as feasible, not described in a previous subclause of this clause, with respect to the performance of such plans for enrollees who are special needs individuals described in subsection (b)(6)(B)(ii).

Effective dates. Consultation.

"(ii) ADDITIONAL REPORTS.—Beginning with 2033 and every five years thereafter, the Medicare Payment Advisory Commission, in consultation with the Medicaid and CHIP Payment and Access Commission, shall conduct a study described in clause (i).".

(2) CONFORMING AMENDMENT TO RESPONSIBILITIES OF FEDERAL COORDINATED HEALTH CARE OFFICE.—Section 2602(d) of Public Law 111–148 (42 U.S.C. 1315b(d)) is amended by adding at the end the following new paragraphs:

"(6) To act as a designated contact for States under subsection (f)(8)(A) of section 1859 of the Social Security Act (42 U.S.C. 1395w–28) with respect to the integration of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) of such section.

"(7) To be responsible, subject to the final approval of the Secretary, for developing regulations and guidance related to the implementation of a unified grievance and appeals process as described in subparagraphs (B) and (C) of section 1859(f)(8) of the Social Security Act (42 U.S.C. 1395w–28(f)(8)).

"(8) To be responsible, subject to the final approval of the Secretary, for developing regulations and guidance related to the integration or alignment of policy and oversight under the Medicare program under title XVIII of such Act and the Medicaid program under title XIX of such Act regarding specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) of such section 1859.".

(c) IMPROVEMENTS TO SEVERE OR DISABLING CHRONIC CONDITION SNPS.—

(1) CARE MANAGEMENT REQUIREMENTS.—Section 1859(f)(5) of the Social Security Act (42 U.S.C. 1395w–28(f)(5)) is amended—

(A) by striking "ALL SNPS.—The requirements" and inserting "ALL SNPS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the requirements";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(C) in clause (ii), as redesignated by subparagraph (B), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately; and

(D) by adding at the end the following new subparagraph:

"(B) IMPROVEMENTS TO CARE MANAGEMENT REQUIREMENTS FOR SEVERE OR DISABLING CHRONIC CONDITION SNPS.—For 2020 and subsequent years, in the case of a specialized MA plan for special needs individuals described

in subsection (b)(6)(B)(iii), the requirements described in this paragraph include the following:

"(i) The interdisciplinary team under subparagraph (A)(ii)(III) includes a team of providers with demonstrated expertise, including training in an applicable specialty, in treating individuals similar to the targeted population of the plan.

"(ii) Requirements developed by the Secretary to provide face-to-face encounters with individuals enrolled in the plan not less frequently than on an annual basis.

"(iii) As part of the model of care under clause (i) of subparagraph (A), the results of the initial assessment and annual reassessment under clause (ii)(I) of such subparagraph of each individual enrolled in the plan are addressed in the individual's individualized care plan under clause (ii)(II) of such subparagraph.

"(iv) As part of the annual evaluation and approval of such model of care, the Secretary shall take into account whether the plan fulfilled the previous year's goals (as required under the model of care).

"(v) The Secretary shall establish a minimum benchmark for each element of the model of care of a plan. The Secretary shall only approve a plan's model of care under this paragraph if each element of the model of care meets the minimum benchmark applicable under the preceding sentence.".

(2) REVISIONS TO THE DEFINITION OF A SEVERE OR DISABLING CHRONIC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

(A) IN GENERAL.—Section 1859(b)(6)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)(B)(iii)) is amended—

(i) by striking "who have" and inserting "who—

"(I) before January 1, 2022, have";

(ii) in subclause (I), as added by clause (i), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subclause:

"(II) on or after January 1, 2022, have one or more comorbid and medically complex chronic conditions that is life threatening or significantly limits overall health or function, have a high risk of hospitalization or other adverse health outcomes, and require intensive care coordination and that is listed under subsection (f)(9)(A).".

(B) PANEL OF CLINICAL ADVISORS.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)), as amended by subsection (b), is amended by adding at the end the following new paragraph:

"(9) LIST OF CONDITIONS FOR CLARIFICATION OF THE DEFINITION OF A SEVERE OR DISABLING CHRONIC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

"(A) IN GENERAL.—Not later than December 31, 2020, and every 5 years thereafter, subject to subparagraphs (B) and (C), the Secretary shall convene a panel of clinical Deadlines.

advisors to establish and update a list of conditions that meet each of the following criteria:

"(i) Conditions that meet the definition of a severe or disabling chronic condition under subsection (b)(6)(B)(iii) on or after January 1, 2022.

"(ii) Conditions that require prescription drugs, providers, and models of care that are unique to the specific population of enrollees in a specialized MA plan for special needs individuals described in such subsection on or after such date and—

"(I) as a result of access to, and enrollment in, such a specialized MA plan for special needs individuals, individuals with such condition would have a reasonable expectation of slowing or halting the progression of the disease, improving health outcomes and decreasing overall costs for individuals diagnosed with such condition compared to available options of care other than through such a specialized MA plan for special needs individuals; or

"(II) have a low prevalence in the general population of beneficiaries under this title or a disproportionally high per-beneficiary cost under this title.

"(B) INCLUSION OF CERTAIN CONDITIONS.—The conditions listed under subparagraph (A) shall include HIV/AIDS, end stage renal disease, and chronic and disabling mental illness.

"(C) REQUIREMENT.—In establishing and updating the list under subparagraph (A), the panel shall take into account the availability of varied benefits, cost-sharing, and supplemental benefits under the model described in paragraph (2) of section 1859(h), including the expansion under paragraph (1) of such section.".

(d) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS AND DETERMINATION OF FEASABILITY OF QUALITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA PLANS.—Section 1853(o) of the Social Security Act (42 U.S.C. 1395w–23(o)) is amended by adding at the end the following new paragraphs:

"(6) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may require reporting of data under section 1852(e) for, and apply under this subsection, quality measures at the plan level for specialized MA plans for special needs individuals instead of at the contract level.

"(B) CONSIDERATIONS.—Prior to applying quality measurement at the plan level under this paragraph, the Secretary shall—

"(i) take into consideration the minimum number of enrollees in a specialized MA plan for special needs individuals in order to determine if a statistically significant or valid measurement of quality at the plan level is possible under this paragraph;

"(ii) take into consideration the impact of such application on plans that serve a disproportionate number of individuals dually eligible for benefits under this title and under title XIX;

"(iii) if quality measures are reported at the plan level, ensure that MA plans are not required to provide duplicative information; and

"(iv) ensure that such reporting does not interfere with the collection of encounter data submitted by MA organizations or the administration of any changes to the program under this part as a result of the collection of such data.

"(C) APPLICATION.—If the Secretary applies quality measurement at the plan level under this paragraph—

"(i) such quality measurement may include Medicare Health Outcomes Survey (HOS), Healthcare Effectiveness Data and Information Set (HEDIS), Consumer Assessment of Healthcare Providers and Systems (CAHPS) measures and quality measures under part D; and

"(ii) the Secretary shall consider applying administrative actions, such as remedies described in section 1857(g)(2), at the plan level.

"(7) DETERMINATION OF FEASIBILITY OF QUALITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA PLANS.—

"(A) DETERMINATION OF FEASIBILITY.—The Secretary shall determine the feasibility of requiring reporting of data under section 1852(e) for, and applying under this subsection, quality measures at the plan level for all MA plans under this part.

"(B) CONSIDERATION OF CHANGE.—After making a determination under subparagraph (A), the Secretary shall consider requiring such reporting and applying such quality measures at the plan level as described in such subparagraph".

(e) GAO STUDY AND REPORT ON STATE-LEVEL INTEGRATION BETWEEN DUAL SNPS AND MEDICAID.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study on State-level integration between specialized MA plans for special needs individuals described in subsection (b)(6) (B)(ii) of section 1859 of the Social Security Act (42 U.S.C. 1395w–28) and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.). Such study shall include an analysis of the following: Analysis.

(A) The characteristics of States in which the State agency responsible for administering the State plan under such title XIX has a contract with such a specialized MA plan and that delivers long-term services and supports under the State plan under such title XIX through a managed care program, including the requirements under such State plan with respect to long-term services and supports.

(B) The types of such specialized MA plans, which may include the following:

(i) A plan described in section 1853(a)(1)(B)(iv)(II) of such Act (42 U.S.C. 1395w–23(a)(1)(B)(iv)(II)).

(ii) A plan that meets the requirements described in subsection (f)(3)(D) of such section 1859.

(iii) A plan described in clause (ii) that also meets additional requirements established by the State.

(C) The characteristics of individuals enrolled in such specialized MA plans.

(D) As practicable, the following with respect to State programs for the delivery of long-term services and supports under such title XIX through a managed care program:

(i) Which populations of individuals are eligible to receive such services and supports.

(ii) Whether all such services and supports are provided on a capitated basis or if any of such services and supports are carved out and provided through fee-for service.

(E) As practicable, how the availability and variation of integration arrangements of such specialized MA plans offered in States affects spending, service delivery options, access to community-based care, and utilization of care.

(F) The efforts of State Medicaid programs to transition dually-eligible beneficiaries receiving long-term services and supports (LTSS) from institutional settings to home and community-based settings and related financial impacts of such transitions.

Recommendations.

(G) Barriers and opportunities for making further progress on dual integration, as well as recommendations for legislation or administrative action to expedite or refine pathways toward fully integrated care.

Recommendations.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

Subtitle C—Expanding Innovation and Technology

SEC. 50321. ADAPTING BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

"(h) NATIONAL TESTING OF MEDICARE ADVANTAGE VALUE-BASED INSURANCE DESIGN MODEL.—

Revision. Deadline.

"(1) IN GENERAL.—In implementing the Medicare Advantage Value-Based Insurance Design model that is being tested under section 1115A(b), the Secretary shall revise the testing of the model under such section to cover, effective not later than January 1, 2020, all States.

"(2) TERMINATION AND MODIFICATION PROVISION NOT APPLICABLE UNTIL JANUARY 1, 2022.—The provisions of section 1115A(b)(3)(B) shall apply to the Medicare Advantage Value-Based Insurance Design model, including such model as revised under paragraph (1), beginning January 1, 2022, but shall not apply to such model, as so revised, prior to such date.

"(3) FUNDING.—The Secretary shall allocate funds made available under section 1115A(f)(1) to design, implement, and evaluate the Medicare Advantage Value-Based Insurance Design model, as revised under paragraph (1).".

SEC. 50322. EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

(a) IN GENERAL.—Section 1852(a)(3) of the Social Security Act (42 U.S.C. 1395w–22(a)(3)) is amended—

(1) in subparagraph (A), by striking "Each" and inserting "Subject to subparagraph (D), each"; and

(2) by adding at the end the following new subparagraph:

"(D) EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL ENROLLEES.—

"(i) IN GENERAL.—For plan year 2020 and subsequent plan years, in addition to any supplemental health care benefits otherwise provided under this paragraph, an MA plan, including a specialized MA plan for special needs individuals (as defined in section 1859(b)(6)), may provide supplemental benefits described in clause (ii) to a chronically ill enrollee (as defined in clause (iii)).

"(ii) SUPPLEMENTAL BENEFITS DESCRIBED.—

"(I) IN GENERAL.—Supplemental benefits described in this clause are supplemental benefits that, with respect to a chronically ill enrollee, have a reasonable expectation of improving or maintaining the health or overall function of the chronically ill enrollee and may not be limited to being primarily health related benefits.

"(II) AUTHORITY TO WAIVE UNIFORMITY REQUIREMENTS.—The Secretary may, only with respect to supplemental benefits provided to a chronically ill enrollee under this subparagraph, waive the uniformity requirements under this part, as determined appropriate by the Secretary. Determination.

"(iii) CHRONICALLY ILL ENROLLEE DEFINED.—In this subparagraph, the term 'chronically ill enrollee' means an enrollee in an MA plan that the Secretary determines—

"(I) has one or more comorbid and medically complex chronic conditions that is life threatening or significantly limits the overall health or function of the enrollee;

"(II) has a high risk of hospitalization or other adverse health outcomes; and

"(III) requires intensive care coordination.".

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study on supplemental benefits provided to enrollees in Medicare Advantage plans under part C of title XVIII of the Social Security Act, including specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of such Act (42 U.S.C. 1395w–28(b)(6))). To the extend data are available, such study shall include an analysis of the following: Analysis.

(A) The type of supplemental benefits provided to such enrollees, the total number of enrollees receiving each

supplemental benefit, and whether the supplemental benefit is covered by the standard benchmark cost of the benefit or with an additional premium.

(B) The frequency in which supplemental benefits are utilized by such enrollees.

(C) The impact supplemental benefits have on—

(i) indicators of the quality of care received by such enrollees, including overall health and function of the enrollees;

(ii) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of such title XVIII by such enrollees; and

(iii) the amount of the bids submitted by Medicare Advantage Organizations for Medicare Advantage plans under such part C.

(2) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General shall, as necessary, consult with the Centers for Medicare & Medicaid Services and Medicare Advantage organizations offering Medicare Advantage plans.

Recommendations.

(3) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50323. INCREASING CONVENIENCE FOR MEDICARE ADVANTAGE ENROLLEES THROUGH TELEHEALTH.

(a) IN GENERAL.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended—

(1) in subsection (a)(1)(B)(i), by inserting ", subject to subsection (m)," after "means"; and

(2) by adding at the end the following new subsection:

"(m) PROVISION OF ADDITIONAL TELEHEALTH BENEFITS.—

"(1) MA PLAN OPTION.—For plan year 2020 and subsequent plan years, subject to the requirements of paragraph (3), an MA plan may provide additional telehealth benefits (as defined in paragraph (2)) to individuals enrolled under this part.

"(2) ADDITIONAL TELEHEALTH BENEFITS DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection and section 1854:

"(i) DEFINITION.—The term 'additional telehealth benefits' means services—

"(I) for which benefits are available under part B, including services for which payment is not made under section 1834(m) due to the conditions for payment under such section; and

"(II) that are identified for such year as clinically appropriate to furnish using electronic information and telecommunications technology when a physician (as defined in section 1861(r)) or practitioner (described in section 1842(b)(18)(C)) providing the service is not at the same location as the plan enrollee.

"(ii) EXCLUSION OF CAPITAL AND INFRASTRUCTURE COSTS AND INVESTMENTS.—The term 'additional telehealth benefits' does not include capital and infrastructure costs and investments relating to such benefits.

"(B) PUBLIC COMMENT.—Not later than November 30, 2018, the Secretary shall solicit comments on— Deadline.

"(i) what types of items and services (including those provided through supplemental health care benefits, such as remote patient monitoring, secure messaging, store and forward technologies, and other non-face-to-face communication) should be considered to be additional telehealth benefits; and

"(ii) the requirements for the provision or furnishing of such benefits (such as training and coordination requirements).

"(3) REQUIREMENTS FOR ADDITIONAL TELEHEALTH BENEFITS.—The Secretary shall specify requirements for the provision or furnishing of additional telehealth benefits, including with respect to the following:

"(A) Physician or practitioner qualifications (other than licensure) and other requirements such as specific training.

"(B) Factors necessary for the coordination of such benefits with other items and services including those furnished in-person.

"(C) Such other areas as determined by the Secretary. Determination.

"(4) ENROLLEE CHOICE.—If an MA plan provides a service as an additional telehealth benefit (as defined in paragraph (2))—

"(A) the MA plan shall also provide access to such benefit through an in-person visit (and not only as an additional telehealth benefit); and

"(B) an individual enrollee shall have discretion as to whether to receive such service through the in-person visit or as an additional telehealth benefit.

"(5) TREATMENT UNDER MA.—For purposes of this subsection and section 1854, if a plan provides additional telehealth benefits, such additional telehealth benefits shall be treated as if they were benefits under the original Medicare fee-for-service program option.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the requirement under subsection (a)(1) that MA plans provide enrollees with items and services (other than hospice care) for which benefits are available under parts A and B, including benefits available under section 1834(m).".

(b) CLARIFICATION REGARDING INCLUSION IN BID AMOUNT.—Section 1854(a)(6)(A)(ii)(I) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(A)(ii)(I)) is amended by inserting ", including, for plan year 2020 and subsequent plan years, the provision of additional telehealth benefits as described in section 1852(m)" before the semicolon at the end.

SEC. 50324. PROVIDING ACCOUNTABLE CARE ORGANIZATIONS THE ABILITY TO EXPAND THE USE OF TELEHEALTH.

(a) IN GENERAL.—Section 1899 of the Social Security Act (42 U.S.C. 1395jjj) is amended by adding at the end the following new subsection:

"(l) PROVIDING ACOS THE ABILITY TO EXPAND THE USE OF TELEHEALTH SERVICES.—

"(1) IN GENERAL.—In the case of telehealth services for which payment would otherwise be made under this title furnished on or after January 1, 2020, for purposes of this subsection only, the following shall apply with respect to such services furnished by a physician or practitioner participating in an applicable ACO (as defined in paragraph (2)) to a Medicare fee-for-service beneficiary assigned to the applicable ACO:

"(A) INCLUSION OF HOME AS ORIGINATING SITE.—Subject to paragraph (3), the home of a beneficiary shall be treated as an originating site described in section 1834(m)(4)(C)(ii).

"(B) NO APPLICATION OF GEOGRAPHIC LIMITATION.—The geographic limitation under section 1834(m)(4)(C)(i) shall not apply with respect to an originating site described in section 1834(m)(4)(C)(ii) (including the home of a beneficiary under subparagraph (A)), subject to State licensing requirements.

"(2) DEFINITIONS.—In this subsection:

"(A) APPLICABLE ACO.—The term 'applicable ACO' means an ACO participating in a model tested or expanded under section 1115A or under this section—

"(i) that operates under a two-sided model—

"(I) described in section 425.600(a) of title 42, Code of Federal Regulations; or

"(II) tested or expanded under section 1115A; and

"(ii) for which Medicare fee-for-service beneficiaries are assigned to the ACO using a prospective assignment method, as determined appropriate by the Secretary.

"(B) HOME.—The term 'home' means, with respect to a Medicare fee-for-service beneficiary, the place of residence used as the home of the beneficiary.

Applicability.

"(3) TELEHEALTH SERVICES RECEIVED IN THE HOME.—In the case of telehealth services described in paragraph (1) where the home of a Medicare fee-for-service beneficiary is the originating site, the following shall apply:

"(A) NO FACILITY FEE.—There shall be no facility fee paid to the originating site under section 1834(m)(2)(B).

"(B) EXCLUSION OF CERTAIN SERVICES.—No payment may be made for such services that are inappropriate to furnish in the home setting such as services that are typically furnished in inpatient settings such as a hospital.".

(b) STUDY AND REPORT.—

(1) STUDY.—

42 USC 1395jjj note.

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall conduct a study on the implementation of section 1899(l) of the Social Security Act, as added by subsection (a). Such study shall include an analysis of the utilization of, and expenditures for, telehealth services under such section.

Analysis.

(B) COLLECTION OF DATA.—The Secretary may collect such data as the Secretary determines necessary to carry out the study under this paragraph.

(2) REPORT.—Not later than January 1, 2026, the Secretary shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate. Recommendations. 42 USC 1395jjj note.

SEC. 50325. EXPANDING THE USE OF TELEHEALTH FOR INDIVIDUALS WITH STROKE.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), as amended by section 50302(b)(1), is amended—

(1) in paragraph (4)(C)(i), in the matter preceding subclause (I), by striking "The term" and inserting "Except as provided in paragraph (6), the term"; and

(2) by adding at the end the following new paragraph:

"(6) TREATMENT OF STROKE TELEHEALTH SERVICES.—

"(A) NON-APPLICATION OF ORIGINATING SITE REQUIREMENTS.—The requirements described in paragraph (4)(C) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of diagnosis, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary. Determination.

"(B) INCLUSION OF CERTAIN SITES.—With respect to telehealth services described in subparagraph (A), the term 'originating site' shall include any hospital (as defined in section 1861(e)) or critical access hospital (as defined in section 1861(mm)(1)), any mobile stroke unit (as defined by the Secretary), or any other site determined appropriate by the Secretary, at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system. Definition.

"(C) NO ORIGINATING SITE FACILITY FEE FOR NEW SITES.—No facility fee shall be paid under paragraph (2)(B) to an originating site with respect to a telehealth service described in subparagraph (A) if the originating site does not otherwise meet the requirements for an originating site under paragraph (4)(C).".

Subtitle D—Identifying the Chronically Ill Population

SEC. 50331. PROVIDING FLEXIBILITY FOR BENEFICIARIES TO BE PART OF AN ACCOUNTABLE CARE ORGANIZATION.

Section 1899(c) of the Social Security Act (42 U.S.C. 1395jjj(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking "ACOs.—The Secretary" and inserting "ACOs.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary"; and

(3) by adding at the end the following new paragraph:

"(2) PROVIDING FLEXIBILITY.—

"(A) CHOICE OF PROSPECTIVE ASSIGNMENT.—For each agreement period (effective for agreements entered into or renewed on or after January 1, 2020), in the case where an ACO established under the program is in a Track that Contracts.

provides for the retrospective assignment of Medicare fee-for-service beneficiaries to the ACO, the Secretary shall permit the ACO to choose to have Medicare fee-for-service beneficiaries assigned prospectively, rather than retrospectively, to the ACO for an agreement period.

"(B) ASSIGNMENT BASED ON VOLUNTARY IDENTIFICATION BY MEDICARE FEE-FOR-SERVICE BENEFICIARIES.—

Determination.

"(i) IN GENERAL.—For performance year 2018 and each subsequent performance year, if a system is available for electronic designation, the Secretary shall permit a Medicare fee-for-service beneficiary to voluntarily identify an ACO professional as the primary care provider of the beneficiary for purposes of assigning such beneficiary to an ACO, as determined by the Secretary.

"(ii) NOTIFICATION PROCESS.—The Secretary shall establish a process under which a Medicare fee-for-service beneficiary is—

"(I) notified of their ability to make an identification described in clause (i); and

"(II) informed of the process by which they may make and change such identification.

Determination.

"(iii) SUPERSEDING CLAIMS-BASED ASSIGNMENT.—A voluntary identification by a Medicare fee-for-service beneficiary under this subparagraph shall supersede any claims-based assignment otherwise determined by the Secretary.".

Subtitle E—Empowering Individuals and Caregivers in Care Delivery

SEC. 50341. ELIMINATING BARRIERS TO CARE COORDINATION UNDER ACCOUNTABLE CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1899 of the Social Security Act (42 U.S.C. 1395jjj), as amended by section 50324(a), is amended—

(1) in subsection (b)(2), by adding at the end the following new subparagraph:

Application.

"(I) An ACO that seeks to operate an ACO Beneficiary Incentive Program pursuant to subsection (m) shall apply to the Secretary at such time, in such manner, and with such information as the Secretary may require.";

(2) by adding at the end the following new subsection:

"(m) AUTHORITY TO PROVIDE INCENTIVE PAYMENTS TO BENEFICIARIES WITH RESPECT TO QUALIFYING PRIMARY CARE SERVICES.—

"(1) PROGRAM.—

"(A) IN GENERAL.—In order to encourage Medicare fee-for-service beneficiaries to obtain medically necessary primary care services, an ACO participating under this section under a payment model described in clause (i) or (ii) of paragraph (2)(B) may apply to establish an ACO Beneficiary Incentive Program to provide incentive payments to such beneficiaries who are furnished qualifying services in accordance with this subsection. The Secretary shall permit such an ACO to establish such a program at the Secretary's discretion and subject to such requirements,

including program integrity requirements, as the Secretary determines necessary.

"(B) IMPLEMENTATION.—The Secretary shall implement this subsection on a date determined appropriate by the Secretary. Such date shall be no earlier than January 1, 2019, and no later than January 1, 2020. Determination. Time period.

"(2) CONDUCT OF PROGRAM.—

"(A) DURATION.—Subject to subparagraph (H), an ACO Beneficiary Incentive Program established under this subsection shall be conducted for such period (of not less than 1 year) as the Secretary may approve.

"(B) SCOPE.—An ACO Beneficiary Incentive Program established under this subsection shall provide incentive payments to all of the following Medicare fee-for-service beneficiaries who are furnished qualifying services by the ACO: Determinations.

"(i) With respect to the Track 2 and Track 3 payment models described in section 425.600(a) of title 42, Code of Federal Regulations (or in any successor regulation), Medicare fee-for-service beneficiaries who are preliminarily prospectively or prospectively assigned (or otherwise assigned, as determined by the Secretary) to the ACO.

"(ii) With respect to any future payment models involving two-sided risk, Medicare fee-for-service beneficiaries who are assigned to the ACO, as determined by the Secretary.

"(C) QUALIFYING SERVICE.—For purposes of this subsection, a qualifying service is a primary care service, as defined in section 425.20 of title 42, Code of Federal Regulations (or in any successor regulation), with respect to which coinsurance applies under part B, furnished through an ACO by—

"(i) an ACO professional described in subsection (h)(1)(A) who has a primary care specialty designation included in the definition of primary care physician under section 425.20 of title 42, Code of Federal Regulations (or any successor regulation);

"(ii) an ACO professional described in subsection (h)(1)(B); or

"(iii) a Federally qualified health center or rural health clinic (as such terms are defined in section 1861(aa)).

"(D) INCENTIVE PAYMENTS.—An incentive payment made by an ACO pursuant to an ACO Beneficiary Incentive Program established under this subsection shall be—

"(i) in an amount up to $20, with such maximum amount updated annually by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year; Time period.

"(ii) in the same amount for each Medicare fee-for-service beneficiary described in clause (i) or (ii) of subparagraph (B) without regard to enrollment of such a beneficiary in a medicare supplemental policy (described in section 1882(g)(1)), in a State Medicaid plan under title XIX or a waiver of such a plan, or

in any other health insurance policy or health benefit plan;

"(iii) made for each qualifying service furnished to such a beneficiary described in clause (i) or (ii) of subparagraph (B) during a period specified by the Secretary; and

Deadline.

"(iv) made no later than 30 days after a qualifying service is furnished to such a beneficiary described in clause (i) or (ii) of subparagraph (B).

"(E) NO SEPARATE PAYMENTS FROM THE SECRETARY.—The Secretary shall not make any separate payment to an ACO for the costs, including incentive payments, of carrying out an ACO Beneficiary Incentive Program established under this subsection. Nothing in this subparagraph shall be construed as prohibiting an ACO from using shared savings received under this section to carry out an ACO Beneficiary Incentive Program.

"(F) NO APPLICATION TO SHARED SAVINGS CALCULATION.—Incentive payments made by an ACO under this subsection shall be disregarded for purposes of calculating benchmarks, estimated average per capita Medicare expenditures, and shared savings under this section.

"(G) REPORTING REQUIREMENTS.—An ACO conducting an ACO Beneficiary Incentive Program under this subsection shall, at such times and in such format as the Secretary may require, report to the Secretary such information and retain such documentation as the Secretary may require, including the amount and frequency of incentive payments made and the number of Medicare fee-for-service beneficiaries receiving such payments.

"(H) TERMINATION.—The Secretary may terminate an ACO Beneficiary Incentive Program established under this subsection at any time for reasons determined appropriate by the Secretary.

"(3) EXCLUSION OF INCENTIVE PAYMENTS.—Any payment made under an ACO Beneficiary Incentive Program established under this subsection shall not be considered income or resources or otherwise taken into account for purposes of—

"(A) determining eligibility for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds; or

"(B) any Federal or State laws relating to taxation.";

(3) in subsection (e), by inserting ", including an ACO Beneficiary Incentive Program under subsections (b)(2)(I) and (m)" after "the program"; and

(4) in subsection (g)(6), by inserting "or of an ACO Beneficiary Incentive Program under subsections (b)(2)(I) and (m)" after "under subsection (d)(4)".

(b) AMENDMENT TO SECTION 1128B.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (I);

(2) by striking the period at the end of subparagraph (J) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(K) an incentive payment made to a Medicare fee-for-service beneficiary by an ACO under an ACO Beneficiary Incentive Program established under subsection (m) of section 1899, if the payment is made in accordance with the requirements of such subsection and meets such other conditions as the Secretary may establish.".

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall conduct an evaluation of the ACO Beneficiary Incentive Program established under subsections (b)(2)(I) and (m) of section 1899 of the Social Security Act (42 U.S.C. 1395jjj), as added by subsection (a). The evaluation shall include an analysis of the impact of the implementation of the Program on expenditures and beneficiary health outcomes under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). Analysis.

(2) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the results of the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate. Recommendations.

SEC. 50342. GAO STUDY AND REPORT ON LONGITUDINAL COMPREHENSIVE CARE PLANNING SERVICES UNDER MEDICARE PART B.

(a) STUDY.—The Comptroller General shall conduct a study on the establishment under part B of the Medicare program under title XVIII of the Social Security Act of a payment code for a visit for longitudinal comprehensive care planning services. Such study shall include an analysis of the following to the extent such information is available: Analysis.

(1) The frequency with which services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers are furnishing those services, whether Medicare reimbursement is being received for those services, and, if so, through which codes those services are being reimbursed.

(2) Whether, and the extent to which, longitudinal comprehensive care planning services would overlap, and could therefore result in duplicative payment, with services covered under the hospice benefit as well as the chronic care management code, evaluation and management codes, or other codes that already exist under part B of the Medicare program.

(3) Any barriers to hospitals, skilled nursing facilities, hospice programs, home health agencies, and other applicable providers working with a Medicare beneficiary to engage in the care planning process and complete the necessary documentation to support the treatment and care plan of the beneficiary and provide such documentation to other providers and the beneficiary or the beneficiary's representative.

(4) Any barriers to providers, other than the provider furnishing longitudinal comprehensive care planning services, accessing the care plan and associated documentation for use related to the care of the Medicare beneficiary.

(5) Potential options for ensuring that applicable providers are notified of a patient's existing longitudinal care plan and that applicable providers consider that plan in making their

treatment decisions, and what the challenges might be in implementing such options.

(6) Stakeholder's views on the need for the development of quality metrics with respect to longitudinal comprehensive care planning services, such as measures related to—

(A) the process of eliciting input from the Medicare beneficiary or from a legally authorized representative and documenting in the medical record the patient-directed care plan;

(B) the effectiveness and patient-centeredness of the care plan in organizing delivery of services consistent with the plan;

(C) the availability of the care plan and associated documentation to other providers that care for the beneficiary; and

(D) the extent to which the beneficiary received services and support that is free from discrimination based on advanced age, disability status, or advanced illness.

(7) Stakeholder's views on how such quality metrics would provide information on—

(A) the goals, values, and preferences of the beneficiary;

(B) the documentation of the care plan;

(C) services furnished to the beneficiary; and

(D) outcomes of treatment.

(8) Stakeholder's views on—

(A) the type of training and education needed for applicable providers, individuals, and caregivers in order to facilitate longitudinal comprehensive care planning services;

(B) the types of providers of services and suppliers that should be included in the interdisciplinary team of an applicable provider; and

(C) the characteristics of Medicare beneficiaries that would be most appropriate to receive longitudinal comprehensive care planning services, such as individuals with advanced disease and individuals who need assistance with multiple activities of daily living.

(9) Stakeholder's views on the frequency with which longitudinal comprehensive care planning services should be furnished.

Recommendations.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE PROVIDER.—The term "applicable provider" means a hospice program (as defined in subsection (dd)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395ww)) or other provider of services (as defined in subsection (u) of such section) or supplier (as defined in subsection (d) of such section) that—

(A) furnishes longitudinal comprehensive care planning services through an interdisciplinary team; and

(B) meets such other requirements as the Secretary may determine to be appropriate.

(2) COMPTROLLER GENERAL.—The term "Comptroller General" means the Comptroller General of the United States.

(3) INTERDISCIPLINARY TEAM.—The term "interdisciplinary team" means a group that—

(A) includes the personnel described in subsection (dd)(2)(B)(i) of such section 1861;

(B) may include a chaplain, minister, or other clergy; and

(C) may include other direct care personnel.

(4) LONGITUDINAL COMPREHENSIVE CARE PLANNING SERVICES.—The term "longitudinal comprehensive care planning services" means a voluntary shared decisionmaking process that is furnished by an applicable provider through an interdisciplinary team and includes a conversation with Medicare beneficiaries who have received a diagnosis of a serious or life-threatening illness. The purpose of such services is to discuss a longitudinal care plan that addresses the progression of the disease, treatment options, the goals, values, and preferences of the beneficiary, and the availability of other resources and social supports that may reduce the beneficiary's health risks and promote self-management and shared decisionmaking.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

Subtitle F—Other Policies to Improve Care for the Chronically Ill

SEC. 50351. GAO STUDY AND REPORT ON IMPROVING MEDICATION SYNCHRONIZATION.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on the extent to which Medicare prescription drug plans (MA–PD plans and stand alone prescription drug plans) under part D of title XVIII of the Social Security Act and private payors use programs that synchronize pharmacy dispensing so that individuals may receive multiple prescriptions on the same day to facilitate comprehensive counseling and promote medication adherence. The study shall include a analysis of the following: Analysis.

(1) The extent to which pharmacies have adopted such programs.

(2) The common characteristics of such programs, including how pharmacies structure counseling sessions under such programs and the types of payment and other arrangements that Medicare prescription drug plans and private payors employ under such programs to support the efforts of pharmacies.

(3) How such programs compare for Medicare prescription drug plans and private payors.

(4) What is known about how such programs affect patient medication adherence and overall patient health outcomes, including if adherence and outcomes vary by patient subpopulations, such as disease state and socioeconomic status.

(5) What is known about overall patient satisfaction with such programs and satisfaction with such programs, including within patient subpopulations, such as disease state and socioeconomic status.

(6) The extent to which laws and regulations of the Medicare program support such programs.

(7) Barriers to the use of medication synchronization programs by Medicare prescription drug plans.

Recommendations.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50352. GAO STUDY AND REPORT ON IMPACT OF OBESITY DRUGS ON PATIENT HEALTH AND SPENDING.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall, to the extent data are available, conduct a study on the use of prescription drugs to manage the weight of obese patients and the impact of coverage of such drugs on patient health and on health care spending. Such study shall examine the use and impact of these obesity drugs in the non-Medicare population and for Medicare beneficiaries who have such drugs covered through an MA–PD plan (as defined in section 1860D–1(a)(3)(C) of the Social Security Act (42 U.S.C. 1395w–101(a)(3)(C))) as a supplemental health care benefit. The study shall include an analysis of the following:

Analysis.

(1) The prevalence of obesity in the Medicare and non-Medicare population.

(2) The utilization of obesity drugs.

(3) The distribution of Body Mass Index by individuals taking obesity drugs, to the extent practicable.

(4) What is known about the use of obesity drugs in conjunction with the receipt of other items or services, such as behavioral counseling, and how these compare to items and services received by obese individuals who do not take obesity drugs.

(5) Physician considerations and attitudes related to prescribing obesity drugs.

(6) The extent to which coverage policies cease or limit coverage for individuals who fail to receive clinical benefit.

(7) What is known about the extent to which individuals who take obesity drugs adhere to the prescribed regimen.

(8) What is known about the extent to which individuals who take obesity drugs maintain weight loss over time.

(9) What is known about the subsequent impact such drugs have on medical services that are directly related to obesity, including with respect to subpopulations determined based on the extent of obesity.

(10) What is known about the spending associated with the care of individuals who take obesity drugs, compared to the spending associated with the care of individuals who do not take such drugs.

Recommendations.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50353. HHS STUDY AND REPORT ON LONG-TERM RISK FACTORS FOR CHRONIC CONDITIONS AMONG MEDICARE BENEFICIARIES.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study on long-term cost drivers to the Medicare program, including obesity, tobacco use, mental health conditions, and other factors that may contribute to the deterioration of health conditions among individuals with chronic conditions in the Medicare population. The study shall include an analysis of any barriers to collecting and analyzing such information and how to remove any such barriers (including through legislation and administrative actions). Analysis.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate. The Secretary shall also post such report on the Internet website of the Department of Health and Human Services. Recommendations. Web posting.

SEC. 50354. PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

"(6) PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES.—

"(A) PROCESS.—Subject to subparagraph (B), the Secretary shall establish a process under which a PDP sponsor of a prescription drug plan may submit a request for the Secretary to provide the sponsor, on a periodic basis and in an electronic format, beginning in plan year 2020, data described in subparagraph (D) with respect to enrollees in such plan. Such data shall be provided without regard to whether such enrollees are described in clause (ii) of paragraph (2)(A).

"(B) PURPOSES.—A PDP sponsor may use the data provided to the sponsor pursuant to subparagraph (A) for any of the following purposes:

"(i) To optimize therapeutic outcomes through improved medication use, as such phrase is used in clause (i) of paragraph (2)(A).

"(ii) To improving care coordination so as to prevent adverse health outcomes, such as preventable emergency department visits and hospital readmissions.

"(iii) For any other purpose determined appropriate by the Secretary. Determination.

"(C) LIMITATIONS ON DATA USE.—A PDP sponsor shall not use data provided to the sponsor pursuant to subparagraph (A) for any of the following purposes:

"(i) To inform coverage determinations under this part.

"(ii) To conduct retroactive reviews of medically accepted indications determinations.

"(iii) To facilitate enrollment changes to a different prescription drug plan or an MA–PD plan offered by the same parent organization.

"(iv) To inform marketing of benefits.

Determination.

"(v) For any other purpose that the Secretary determines is necessary to include in order to protect the identity of individuals entitled to, or enrolled for, benefits under this title and to protect the security of personal health information.

Determination.

"(D) DATA DESCRIBED.—The data described in this clause are standardized extracts (as determined by the Secretary) of claims data under parts A and B for items and services furnished under such parts for time periods specified by the Secretary. Such data shall include data as current as practicable.".

TITLE IV—PART B IMPROVEMENT ACT AND OTHER PART B ENHANCEMENTS

Subtitle A—Medicare Part B Improvement Act

SEC. 50401. HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.

(a) IN GENERAL.—Section 1834(u) of the Social Security Act (42 U.S.C. 1395m(u)) is amended, by adding at the end the following new paragraph:

"(7) HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.—

"(A) TEMPORARY TRANSITIONAL PAYMENT.—

"(i) IN GENERAL.—The Secretary shall, in accordance with the payment methodology described in subparagraph (B) and subject to the provisions of this paragraph, provide a home infusion therapy services temporary transitional payment under this part to an eligible home infusion supplier (as defined in subparagraph (F)) for items and services described in subparagraphs (A) and (B) of section 1861(iii)(2)) furnished during the period specified in clause (ii) by such supplier in coordination with the furnishing of transitional home infusion drugs (as defined in clause (iii)).

"(ii) PERIOD SPECIFIED.—For purposes of clause (i), the period specified in this clause is the period beginning on January 1, 2019, and ending on the day before the date of the implementation of the payment system under paragraph (1)(A).

"(iii) TRANSITIONAL HOME INFUSION DRUG DEFINED.—For purposes of this paragraph, the term 'transitional home infusion drug' has the meaning given to the term 'home infusion drug' under section 1861(iii)(3)(C)), except that clause (ii) of such section shall not apply if a drug described in such clause

is identified in clauses (i), (ii), (iii) or (iv) of subparagraph (C) as of the date of the enactment of this paragraph.

"(B) PAYMENT METHODOLOGY.—For purposes of this paragraph, the Secretary shall establish a payment methodology, with respect to items and services described in subparagraph (A)(i). Under such payment methodology the Secretary shall—

"(i) create the three payment categories described in clauses (i), (ii), and (iii) of subparagraph (C);

"(ii) assign drugs to such categories, in accordance with such clauses;

"(iii) assign appropriate Healthcare Common Procedure Coding System (HCPCS) codes to each payment category; and

"(iv) establish a single payment amount for each such payment category, in accordance with subparagraph (D), for each infusion drug administration calendar day in the individual's home for drugs assigned to such category.

"(C) PAYMENT CATEGORIES.—

"(i) PAYMENT CATEGORY 1.—The Secretary shall create a payment category 1 and assign to such category drugs which are covered under the Local Coverage Determination on External Infusion Pumps (LCD number L33794) and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J0133, J0285, J0287, J0288, J0289, J0895, J1170, J1250, J1265, J1325, J1455, J1457, J1570, J2175, J2260, J2270, J2274, J2278, J3010, or J3285.

"(ii) PAYMENT CATEGORY 2.—The Secretary shall create a payment category 2 and assign to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J1555 JB, J1559 JB, J1561 JB, J1562 JB, J1569 JB, or J1575 JB.

"(iii) PAYMENT CATEGORY 3.—The Secretary shall create a payment category 3 and assign to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J9000, J9039, J9040, J9065, J9100, J9190, J9200, J9360, or J9370.

"(iv) INFUSION DRUGS NOT OTHERWISE INCLUDED.—With respect to drugs that are not included in payment category 1, 2, or 3 under clause (i), (ii), or (iii), respectively, the Secretary shall assign to the most appropriate of such categories, as determined by the Secretary, drugs which are— Determination.

"(I) covered under such local coverage determination and billed under HCPCS codes J7799 or J7999 (as identified as of July 1, 2017, and as subsequently modified by the Secretary); or

"(II) billed under any code that is implemented after the date of the enactment of this paragraph and included in such local coverage determination or included in subregulatory guidance as a home infusion drug described in subparagraph (A)(i).

"(D) PAYMENT AMOUNTS.—

"(i) IN GENERAL.—Under the payment methodology, the Secretary shall pay eligible home infusion suppliers, with respect to items and services described in subparagraph (A)(i) furnished during the period described in subparagraph (A)(ii) by such supplier to an individual, at amounts equal to the amounts determined under the physician fee schedule established under section 1848 for services furnished during the year for codes and units of such codes described in clauses (ii), (iii), and (iv) with respect to drugs included in the payment category under subparagraph (C) specified in the respective clause, determined without application of the geographic adjustment under subsection (e) of such section.

"(ii) PAYMENT AMOUNT FOR CATEGORY 1.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 1 described in subparagraph (C)(i), are one unit of HCPCS code 96365 plus three units of HCPCS code 96366 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

"(iii) PAYMENT AMOUNT FOR CATEGORY 2.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 2 described in subparagraph (C)(i), are one unit of HCPCS code 96369 plus three units of HCPCS code 96370 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

"(iv) PAYMENT AMOUNT FOR CATEGORY 3.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 3 described in subparagraph (C)(i), are one unit of HCPCS code 96413 plus three units of HCPCS code 96415 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

"(E) CLARIFICATIONS.—

"(i) INFUSION DRUG ADMINISTRATION DAY.—For purposes of this subsection, with respect to the furnishing of transitional home infusion drugs or home infusion drugs to an individual by an eligible home infusion supplier or a qualified home infusion therapy supplier, a reference to payment to such supplier for an infusion drug administration calendar day in the individual's home shall refer to payment only for the date on which professional services (as described in section 1861(iii)(2)(A)) were furnished to administer such drugs to such individual. For purposes of the previous sentence, an infusion drug administration calendar day shall include all such drugs administered to such individual on such day.

"(ii) TREATMENT OF MULTIPLE DRUGS ADMINISTERED ON SAME INFUSION DRUG ADMINISTRATION DAY.—In the case that an eligible home infusion supplier, with respect to an infusion drug administration calendar day in an individual's home, furnishes to such individual transitional home infusion drugs which are not all assigned to the same payment category under subparagraph (C), payment to such supplier for such infusion drug administration calendar day in the individual's home shall be a single payment equal to the amount of payment under this paragraph for the drug, among all such drugs so furnished to such individual during such calendar day, for which the highest payment would be made under this paragraph.

"(F) ELIGIBLE HOME INFUSION SUPPLIERS.—In this paragraph, the term 'eligible home infusion supplier' means a supplier that is enrolled under this part as a pharmacy that provides external infusion pumps and external infusion pump supplies and that maintains all pharmacy licensure requirements in the State in which the applicable infusion drugs are administered. Definition.

"(G) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.".

(b) CONFORMING AMENDMENTS.—(1) Section 1842(b)(6)(I) of the Social Security Act (42 U.S.C. 1395u(b)(6)(I)) is amended by inserting "or, in the case of items and services described in clause (i) of section 1834(u)(7)(A) furnished to an individual during the period described in clause (ii) of such section, payment shall be made to the eligible home infusion therapy supplier" after "payment shall be made to the qualified home infusion therapy supplier".

(2) Section 5012(d) of the 21st Century Cures Act is amended by inserting the following before the period at the end: ", except that the amendments made by paragraphs (1) and (2) of subsection (c) shall apply to items and services furnished on or after January 1, 2019". Applicability. 42 USC 1395*l* note.

SEC. 50402. ORTHOTIST'S AND PROSTHETIST'S CLINICAL NOTES AS PART OF THE PATIENT'S MEDICAL RECORD.

Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

"(5) DOCUMENTATION CREATED BY ORTHOTISTS AND PROSTHETISTS.—For purposes of determining the reasonableness and medical necessity of orthotics and prosthetics, documentation created by an orthotist or prosthetist shall be considered part of the individual's medical record to support documentation created by eligible professionals described in section 1848(k)(3)(B).". Determination.

SEC. 50403. INDEPENDENT ACCREDITATION FOR DIALYSIS FACILITIES AND ASSURANCE OF HIGH QUALITY SURVEYS. Deadlines.

(a) ACCREDITATION AND SURVEYS.—

(1) IN GENERAL.—Section 1865 of the Social Security Act (42 U.S.C. 1395bb) is amended—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking "or the conditions and requirements under section 1881(b)"; and

(ii) in paragraph (4), by inserting "(including a renal dialysis facility)" after "facility"; and

(B) by adding at the end the following new subsection:

"(e) With respect to an accreditation body that has received approval from the Secretary under subsection (a)(3)(A) for accreditation of provider entities that are required to meet the conditions and requirements under section 1881(b), in addition to review and oversight authorities otherwise applicable under this title, the Secretary shall (as the Secretary determines appropriate) conduct, with respect to such accreditation body and provider entities, any or all of the following as frequently as is otherwise required to be conducted under this title with respect to other accreditation bodies or other provider entities:

"(1) Validation surveys referred to in subsection (d).

"(2) Accreditation program reviews (as defined in section 488.8(c) of title 42 of the Code of Federal Regulations, or a successor regulation).

"(3) Performance reviews (as defined in section 488.8(a) of title 42 of the Code of Federal Regulations, or a successor regulation).".

42 USC 1395bb note.

(2) TIMING FOR ACCEPTANCE OF REQUESTS FROM ACCREDITATION ORGANIZATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall begin accepting requests from national accreditation bodies for a finding described in section 1865(a)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(a)(3)(A)) for purposes of accrediting provider entities that are required to meet the conditions and requirements under section 1881(b) of such Act (42 U.S.C. 1395rr(b)).

Effective date. Survey. Determination.

(b) REQUIREMENT FOR TIMING OF SURVEYS OF NEW DIALYSIS FACILITIES.—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by adding at the end the following new sentence: "Beginning 180 days after the date of the enactment of this sentence, an initial survey of a provider of services or a renal dialysis facility to determine if the conditions and requirements under this paragraph are met shall be initiated not later than 90 days after such date on which both the provider enrollment form (without regard to whether such form is submitted prior to or after such date of enactment) has been determined by the Secretary to be complete and the provider's enrollment status indicates approval is pending the results of such survey.".

Time periods.

SEC. 50404. MODERNIZING THE APPLICATION OF THE STARK RULE UNDER MEDICARE.

(a) CLARIFICATION OF THE WRITING REQUIREMENT AND SIGNATURE REQUIREMENT FOR ARRANGEMENTS PURSUANT TO THE STARK RULE.—

(1) WRITING REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)) is amended by adding at the end the following new subparagraph:

Determination.

"(D) WRITTEN REQUIREMENT CLARIFIED.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing, such requirement shall be satisfied by such means as determined by the Secretary, including by a collection of documents, including contemporaneous documents evidencing the course of conduct between the parties involved.".

(2) SIGNATURE REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)), as amended by paragraph (1), is further amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR SIGNATURE REQUIREMENTS.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing and signed by the parties, such signature requirement shall be met if—

"(i) not later than 90 consecutive calendar days immediately following the date on which the compensation arrangement became noncompliant, the parties obtain the required signatures; and

"(ii) the compensation arrangement otherwise complies with all criteria of the applicable exception.".

(b) INDEFINITE HOLDOVER FOR LEASE ARRANGEMENTS AND PERSONAL SERVICES ARRANGEMENTS PURSUANT TO THE STARK RULE.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(C) HOLDOVER LEASE ARRANGEMENTS.—In the case of a holdover lease arrangement for the lease of office space or equipment, which immediately follows a lease arrangement described in subparagraph (A) for the use of such office space or subparagraph (B) for the use of such equipment and that expired after a term of at least 1 year, payments made by the lessee to the lessor pursuant to such holdover lease arrangement, if—

"(i) the lease arrangement met the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment when the arrangement expired;

"(ii) the holdover lease arrangement is on the same terms and conditions as the immediately preceding arrangement; and

"(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment."; and

(2) in paragraph (3), by adding at the end the following new subparagraph:

"(C) HOLDOVER PERSONAL SERVICE ARRANGEMENT.—In the case of a holdover personal service arrangement, which immediately follows an arrangement described in subparagraph (A) that expired after a term of at least 1 year, remuneration from an entity pursuant to such holdover personal service arrangement, if—

"(i) the personal service arrangement met the conditions of subparagraph (A) when the arrangement expired;

"(ii) the holdover personal service arrangement is on the same terms and conditions as the immediately preceding arrangement; and

"(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A).".

Subtitle B—Additional Medicare Provisions

SEC. 50411. MAKING PERMANENT THE REMOVAL OF THE RENTAL CAP FOR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE WITH RESPECT TO SPEECH GENERATING DEVICES.

Section 1834(a)(2)(A)(iv) of the Social Security Act (42 U.S.C. 1395m(a)(2)(A)(iv)) is amended by striking "and before October 1, 2018,".

SEC. 50412. INCREASED CIVIL AND CRIMINAL PENALTIES AND INCREASED SENTENCES FOR FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.

(a) INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES.—

(1) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(A) in subsection (a), in the matter following paragraph (10)—

(i) by striking "$10,000" and inserting "$20,000" each place it appears;

(ii) by striking "$15,000" and inserting "$30,000"; and

(iii) by striking "$50,000" and inserting "$100,000" each place it appears; and

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking "$2,000" and inserting "$5,000";

(ii) in paragraph (2), by striking "$2,000" and inserting "$5,000"; and

(iii) in paragraph (3)(A)(i), by striking "$5,000" and inserting "$10,000".

(2) INCREASED CRIMINAL FINES.—Section 1128B of such Act (42 U.S.C. 1320a–7b) is amended—

(A) in subsection (a), in the matter following paragraph (6)—

(i) by striking "$25,000" and inserting "$100,000"; and

(ii) by striking "$10,000" and inserting "$20,000";

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(ii) in paragraph (2), in the flush text following subparagraph (B), by striking "$25,000" and inserting "$100,000";

(C) in subsection (c), by striking "$25,000" and inserting "$100,000";

(D) in subsection (d), in the flush text following paragraph (2), by striking "$25,000" and inserting "$100,000"; and

(E) in subsection (e), by striking "$2,000" and inserting "$4,000".

(b) INCREASED SENTENCES FOR FELONIES INVOLVING FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.—

(1) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in the matter following paragraph (6), by striking "not more than five years or both, or (ii)" and inserting "not more than 10 years or both, or (ii)".

(2) ANTIKICKBACK.—Section 1128B(b) of such Act (42 U.S.C. 1320a–7b(b)) is amended—

(A) in paragraph (1), in the flush text following subparagraph (B), by striking "not more than five years" and inserting "not more than 10 years"; and

(B) in paragraph (2), in the flush text following subparagraph (B), by striking "not more than five years" and inserting "not more than 10 years".

(3) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of such Act (42 U.S.C. 1320a–7b(c)) is amended by striking "not more than five years" and inserting "not more than 10 years".

(4) EXCESS CHARGES.—Section 1128B(d) of such Act (42 U.S.C. 1320a–7b(d)) is amended, in the flush text following paragraph (2), by striking "not more than five years" and inserting "not more than 10 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to acts committed after the date of the enactment of this Act.

Applicability.
42 USC 1320a–7a note.

SEC. 50413. REDUCING THE VOLUME OF FUTURE EHR-RELATED SIGNIFICANT HARDSHIP REQUESTS.

Section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A)) and section 1886(n)(3)(A) of such Act (42 U.S.C. 1395ww(n)(3)(A)) are each amended in the last sentence by striking "by requiring" and all that follows through "this paragraph".

SEC. 50414. STRENGTHENING RULES IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.

(a) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

(1) IN GENERAL.—Paragraph (10) of section 1847(b) of the Social Security Act (42 U.S.C. 1395w–3(b)) is amended—

(A) in subparagraph (A), by striking the second sentence and inserting the following new sentence: "With respect to bids to furnish such types of products on or after January 1, 2019, the volume for such types of products shall be determined by the Secretary through the use of multiple sources of data (from mail order and non-mail order Medicare markets), including market-based data measuring sales of diabetic testing strip products that are not exclusively sold by a single retailer from such markets."; and

Determination.

(B) by adding at the end the following new subparagraphs:

"(C) DEMONSTRATION OF ABILITY TO FURNISH TYPES OF DIABETIC TESTING STRIP PRODUCTS.—With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, an entity shall attest to the Secretary that the entity has the ability to obtain an inventory of the types and quantities of diabetic testing strip products

that will allow the entity to furnish such products in a manner consistent with its bid and—

"(i) demonstrate to the Secretary, through letters of intent with manufacturers, wholesalers, or other suppliers, or other evidence as the Secretary may specify, such ability; or

"(ii) demonstrate to the Secretary that it made a good faith attempt to obtain such a letter of intent or such other evidence.

"(D) USE OF UNLISTED TYPES IN CALCULATION OF PERCENTAGE.—With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, in determining under subparagraph (A) whether a bid submitted by an entity under such subparagraph covers 50 percent (or such higher percentage as the Secretary may specify) of all types of diabetic testing strip products, the Secretary may not attribute a percentage to types of diabetic testing strip products that the Secretary does not identify by brand, model, and market share volume.

"(E) ADHERENCE TO DEMONSTRATION.—

"(i) IN GENERAL.—In the case of an entity that is furnishing diabetic testing strip products on or after January 1, 2019, under a contract entered into under the competition conducted pursuant to paragraph (1), the Secretary shall establish a process to monitor, on an ongoing basis, the extent to which such entity continues to cover the product types included in the entity's bid.

Determination.

"(ii) TERMINATION.—If the Secretary determines that an entity described in clause (i) fails to maintain in inventory, or otherwise maintain ready access to (through requirements, contracts, or otherwise) a type of product included in the entity's bid, the Secretary may terminate such contract unless the Secretary finds that the failure of the entity to maintain inventory of, or ready access to, the product is the result of the discontinuation of the product by the product manufacturer, a market-wide shortage of the product, or the introduction of a newer model or version of the product in the market involved.".

(b) CODIFYING AND EXPANDING ANTI-SWITCHING RULE.—Section 1847(b) of the Social Security Act (42 U.S.C. 1395w–3(b)), as amended by subsection (a)(1), is further amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) ADDITIONAL SPECIAL RULES IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

"(A) IN GENERAL.—With respect to an entity that is furnishing diabetic testing strip products to individuals under a contract entered into under the competitive acquisition program established under this section, the entity shall furnish to each individual a brand of such products that is compatible with the home blood glucose monitor selected by the individual.

"(B) PROHIBITION ON INFLUENCING AND INCENTIVIZING.—An entity described in subparagraph (A) may not attempt to influence or incentivize an individual to switch the brand of glucose monitor or diabetic testing strip product selected by the individual, including by—

"(i) persuading, pressuring, or advising the individual to switch; or

"(ii) furnishing information about alternative brands to the individual where the individual has not requested such information.

"(C) PROVISION OF INFORMATION.—

"(i) STANDARDIZED INFORMATION.—Not later than January 1, 2019, the Secretary shall develop and make available to entities described in subparagraph (A) standardized information that describes the rights of an individual with respect to such an entity. The information described in the preceding sentence shall include information regarding— Deadline.

"(I) the requirements established under subparagraphs (A) and (B);

"(II) the right of the individual to purchase diabetic testing strip products from another mail order supplier of such products or a retail pharmacy if the entity is not able to furnish the brand of such product that is compatible with the home blood glucose monitor selected by the individual; and

"(III) the right of the individual to return diabetic testing strip products furnished to the individual by the entity.

"(ii) REQUIREMENT.—With respect to diabetic testing strip products furnished on or after the date on which the Secretary develops the standardized information under clause (i), an entity described in subparagraph (A) may not communicate directly to an individual until the entity has verbally provided the individual with such standardized information.

"(D) ORDER REFILLS.—With respect to diabetic testing strip products furnished on or after January 1, 2019, the Secretary shall require an entity furnishing diabetic testing strip products to an individual to contact and receive a request from the individual for such products not more than 14 days prior to dispensing a refill of such products to the individual.". Requirement. Time period.

(c) IMPLEMENTATION; NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.— 42 USC 1395w–3 note.

(1) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and amendments made by, this section by program instruction or otherwise.

(2) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to this section or the amendments made by this section.

TITLE V—OTHER HEALTH EXTENDERS

SEC. 50501. EXTENSION FOR FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c) of the Social Security Act (42 U.S.C. 701(c)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (v), by striking "and" at the end;

(B) in clause (vi), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause: "(vii) $6,000,000 for each of fiscal years 2018 and 2019.";

(2) in paragraph (3)(C), by inserting before the period the following: ", and with respect to fiscal years 2018 and 2019, such centers shall also be developed in all territories and at least one such center shall be developed for Indian tribes"; and

(3) by amending paragraph (5) to read as follows:

Definitions.

"(5) For purposes of this subsection—

"(A) the term 'Indian tribe' has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603);

"(B) the term 'State' means each of the 50 States and the District of Columbia; and

"(C) the term 'territory' means Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.".

SEC. 50502. EXTENSION FOR SEXUAL RISK AVOIDANCE EDUCATION.

(a) IN GENERAL.—Section 510 of the Social Security Act (42 U.S.C. 710) is amended to read as follows:

"SEC. 510. SEXUAL RISK AVOIDANCE EDUCATION.

"(a) IN GENERAL.—

"(1) ALLOTMENTS TO STATES.—For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 and 2019, allot to each State which has transmitted an application for the fiscal year under section 505(a) an amount equal to the product of—

"(A) the amount appropriated pursuant to subsection (e)(1) for the fiscal year, minus the amount reserved under subsection (e)(2) for the fiscal year; and

"(B) the proportion that the number of low-income children in the State bears to the total of such numbers of children for all the States.

"(2) OTHER ALLOTMENTS.—

"(A) OTHER ENTITIES.—For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 and 2019, for any State which has not transmitted an application for the fiscal year under section 505(a), allot to one or more entities in the State the amount that would have been allotted to the State under paragraph (1) if the State had submitted such an application.

Deadlines.

"(B) PROCESS.—The Secretary shall select the recipients of allotments under subparagraph (A) by means of a competitive grant process under which—

"(i) not later than 30 days after the deadline for the State involved to submit an application for the fiscal year under section 505(a), the Secretary publishes a notice soliciting grant applications; and Notice.

"(ii) not later than 120 days after such deadline, all such applications must be submitted.

"(b) PURPOSE.—

"(1) IN GENERAL.—Except for research under paragraph (5) and information collection and reporting under paragraph (6), the purpose of an allotment under subsection (a) to a State (or to another entity in the State pursuant to subsection (a)(2)) is to enable the State or other entity to implement education exclusively on sexual risk avoidance (meaning voluntarily refraining from sexual activity).

"(2) REQUIRED COMPONENTS.—Education on sexual risk avoidance pursuant to an allotment under this section shall—

"(A) ensure that the unambiguous and primary emphasis and context for each topic described in paragraph (3) is a message to youth that normalizes the optimal health behavior of avoiding nonmarital sexual activity;

"(B) be medically accurate and complete;

"(C) be age-appropriate;

"(D) be based on adolescent learning and developmental theories for the age group receiving the education; and

"(E) be culturally appropriate, recognizing the experiences of youth from diverse communities, backgrounds, and experiences.

"(3) TOPICS.—Education on sexual risk avoidance pursuant to an allotment under this section shall address each of the following topics:

"(A) The holistic individual and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decisionmaking, and a focus on the future.

"(B) The advantage of refraining from nonmarital sexual activity in order to improve the future prospects and physical and emotional health of youth.

"(C) The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity.

"(D) The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families.

"(E) How other youth risk behaviors, such as drug and alcohol usage, increase the risk for teen sex.

"(F) How to resist and avoid, and receive help regarding, sexual coercion and dating violence, recognizing that even with consent teen sex remains a youth risk behavior.

"(4) CONTRACEPTION.—Education on sexual risk avoidance pursuant to an allotment under this section shall ensure that—

"(A) any information provided on contraception is medically accurate and complete and ensures that students understand that contraception offers physical risk reduction, but not risk elimination; and

"(B) the education does not include demonstrations, simulations, or distribution of contraceptive devices.

"(5) RESEARCH.—

"(A) IN GENERAL.—A State or other entity receiving an allotment pursuant to subsection (a) may use up to 20 percent of such allotment to build the evidence base for sexual risk avoidance education by conducting or supporting research.

"(B) REQUIREMENTS.—Any research conducted or supported pursuant to subparagraph (A) shall be—

"(i) rigorous;

"(ii) evidence-based; and

"(iii) designed and conducted by independent researchers who have experience in conducting and publishing research in peer-reviewed outlets.

"(6) INFORMATION COLLECTION AND REPORTING.—A State or other entity receiving an allotment pursuant to subsection (a) shall, as specified by the Secretary—

"(A) collect information on the programs and activities funded through the allotment; and

"(B) submit reports to the Secretary on the data from such programs and activities.

"(c) NATIONAL EVALUATION.—

"(1) IN GENERAL.—The Secretary shall—

Consultation.

"(A) in consultation with appropriate State and local agencies, conduct one or more rigorous evaluations of the education funded through this section and associated data; and

Reports.

"(B) submit a report to the Congress on the results of such evaluations, together with a summary of the information collected pursuant to subsection (b)(6).

"(2) CONSULTATION.—In conducting the evaluations required by paragraph (1), including the establishment of rigorous evaluation methodologies, the Secretary shall consult with relevant stakeholders and evaluation experts.

"(d) APPLICABILITY OF CERTAIN PROVISIONS.—

"(1) Sections 503, 507, and 508 apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 502(c).

"(2) Sections 505 and 506 apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

"(e) DEFINITIONS.—In this section:

"(1) The term 'age-appropriate' means suitable (in terms of topics, messages, and teaching methods) to the developmental and social maturity of the particular age or age group of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

"(2) The term 'medically accurate and complete' means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

"(A) published in peer-reviewed journals, where applicable; or

"(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

"(3) The term 'rigorous', with respect to research or evaluation, means using—

"(A) established scientific methods for measuring the impact of an intervention or program model in changing behavior (specifically sexual activity or other sexual risk behaviors), or reducing pregnancy, among youth; or

"(B) other evidence-based methodologies established by the Secretary for purposes of this section.

"(4) The term 'youth' refers to one or more individuals who have attained age 10 but not age 20.

"(f) FUNDING.—

"(1) IN GENERAL.—To carry out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, $75,000,000 for each of fiscal years 2018 and 2019.

"(2) RESERVATION.—The Secretary shall reserve, for each of fiscal years 2018 and 2019, not more than 20 percent of the amount appropriated pursuant to paragraph (1) for administering the program under this section, including the conducting of national evaluations and the provision of technical assistance to the recipients of allotments.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if enacted on October 1, 2017. 42 USC 710 note.

SEC. 50503. EXTENSION FOR PERSONAL RESPONSIBILITY EDUCATION.

(a) IN GENERAL.—Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)(1)(A), by striking "2017" and inserting "2019"; and

(2) in subsection (a)(4)—

(A) in subparagraph (A), by striking "2017" each place it appears and inserting "2019"; and

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking "3-YEAR GRANTS" and inserting "COMPETITIVE PREP GRANTS"; and

(ii) in clause (i), by striking "solicit applications to award 3-year grants in each of fiscal years 2012 through 2017" and inserting "continue through fiscal year 2019 grants awarded for any of fiscal years 2015 through 2017";

(3) in subsection (c)(1), by inserting after "youth with HIV/AIDS," the following: "victims of human trafficking,"; and

(4) in subsection (f), by striking "2017" and inserting "2019".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on October 1, 2017. 42 USC 713 note.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS EXTENDERS

Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home Visiting Program

SEC. 50601. CONTINUING EVIDENCE-BASED HOME VISITING PROGRAM.

Section 511(j)(1)(H) of the Social Security Act (42 U.S.C. 711(j)(1)(H)) is amended by striking "fiscal year 2017" and inserting "each of fiscal years 2017 through 2022".

SEC. 50602. CONTINUING TO DEMONSTRATE RESULTS TO HELP FAMILIES.

(a) REQUIRE SERVICE DELIVERY MODELS TO DEMONSTRATE IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.—Section 511 of the Social Security Act (42 U.S.C. 711) is amended in each of subsections (d)(1)(A) and (h)(4)(A) by striking "each of".

(b) DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.—Section 511(d)(1) of such Act (42 U.S.C. 711(d)(1)) is amended by adding at the end the following:

Reports.

"(D) DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.—

Time period.

"(i) CONTINUED MEASUREMENT OF IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.—The eligible entity, after demonstrating improvements for eligible families as specified in subparagraphs (A) and (B), shall continue to track and report, not later than 30 days after the end of fiscal year 2020 and every 3 years thereafter, information demonstrating that the program results in improvements for the eligible families participating in the program in at least 4 of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve.

"(ii) CORRECTIVE ACTION PLAN.—If the eligible entity fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), as compared to eligible families who do not receive services under an early childhood home visitation program, the entity shall develop and implement a plan to improve outcomes in each of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve, subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and conduct continued oversight of the program, including through submission by the entity of regular reports to the Secretary.

"(iii) TECHNICAL ASSISTANCE.—The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the

plan. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

"(iv) NO IMPROVEMENT OR FAILURE TO SUBMIT REPORT.—If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan under clause (ii) has failed to demonstrate any improvement in at least 4 of the areas specified in subparagraph (A), or if the Secretary determines that an eligible entity has failed to submit the report required by clause (i), the Secretary shall terminate the grant made to the entity under this section and may include any unexpended grant funds in grants made to nonprofit organizations under subsection (h)(2)(B).". Determinations.

(c) INCLUDING INFORMATION ON APPLICABLE BENCHMARKS IN APPLICATION.—Section 511(e)(5) of such Act (42 U.S.C. 711(e)(5)) is amended by inserting "that the service delivery model or models selected by the entity are intended to improve" before the period at the end.

SEC. 50603. REVIEWING STATEWIDE NEEDS TO TARGET RESOURCES.

Updates. Deadline.

Section 511(b)(1) of the Social Security Act (42 U.S.C. 711(b)(1)) is amended by striking "Not later than" and all that follows through "section 505(a))" and inserting "Each State shall, as a condition of receiving payments from an allotment for the State under section 502, conduct a statewide needs assessment (which may be separate from but in coordination with the statewide needs assessment required under section 505(a) and which shall be reviewed and updated by the State not later than October 1, 2020)".

SEC. 50604. IMPROVING THE LIKELIHOOD OF SUCCESS IN HIGH-RISK COMMUNITIES.

Section 511(d)(4)(A) of the Social Security Act (42 U.S.C. 711(d)(4)(A)) is amended by inserting ", taking into account the staffing, community resource, and other requirements to operate at least one approved model of home visiting and demonstrate improvements for eligible families" before the period.

SEC. 50605. OPTION TO FUND EVIDENCE-BASED HOME VISITING ON A PAY FOR OUTCOME BASIS.

(a) IN GENERAL.—Section 511(c) of the Social Security Act (42 U.S.C. 711(c)) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following:

"(3) AUTHORITY TO USE GRANT FOR A PAY FOR OUTCOMES INITIATIVE.—An eligible entity to which a grant is made under paragraph (1) may use up to 25 percent of the grant for outcomes or success payments related to a pay for outcomes initiative that will not result in a reduction of funding for services delivered by the entity under a childhood home visitation program under this section while the eligible entity develops or operates such an initiative.".

(b) DEFINITION OF PAY FOR OUTCOMES INITIATIVE.—Section 511(k) of such Act (42 U.S.C. 711(k)) is amended by adding at the end the following:

"(4) PAY FOR OUTCOMES INITIATIVE.—The term 'pay for outcomes initiative' means a performance-based grant, contract,

cooperative agreement, or other agreement awarded by a public entity in which a commitment is made to pay for improved outcomes achieved as a result of the intervention that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

Study.

"(A) a feasibility study that describes how the proposed intervention is based on evidence of effectiveness;

Evaluation. Determination.

"(B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes as a result of the intervention;

Public information. Reports. Requirement.

"(C) an annual, publicly available report on the progress of the initiative; and

"(D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that this requirement shall not apply with respect to payments to a third party conducting the evaluation described in subparagraph (B).".

(c) EXTENDED AVAILABILITY OF FUNDS.—Section 511(j)(3) of such Act (42 U.S.C. 711(j)(3)) is amended—

(1) by striking "(3) AVAILABILITY.—Funds" and inserting the following:

"(3) AVAILABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds"; and

(2) by adding at the end the following:

Time period.

"(B) FUNDS FOR PAY FOR OUTCOMES INITIATIVES.—Funds made available to an eligible entity under this section for a fiscal year (or portion of a fiscal year) for a pay for outcomes initiative shall remain available for expenditure by the eligible entity for not more than 10 years after the funds are so made available.".

SEC. 50606. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Section 511(h) of the Social Security Act (42 U.S.C. 711(h)) is amended by adding at the end the following:

"(5) DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.—

"(A) DESIGNATION AND USE OF DATA EXCHANGE STANDARDS.—

Consultation.

"(i) DESIGNATION.—The head of the department or agency responsible for administering a program funded under this section shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, designate data exchange standards for necessary categories of information that a State agency operating the program is required to electronically exchange with another State agency under applicable Federal law.

"(ii) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standards designated under clause (i) shall, to the

extent practicable, be nonproprietary and interoperable.

"(iii) OTHER REQUIREMENTS.—In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate—

"(I) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget;

"(II) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

"(III) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance.

"(B) DATA EXCHANGE STANDARDS FOR FEDERAL REPORTING.—

"(i) DESIGNATION.—The head of the department or agency responsible for administering a program referred to in this section shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern Federal reporting and exchange requirements under applicable Federal law. Consultation.

"(ii) REQUIREMENTS.—The data exchange reporting standards required by clause (i) shall, to the extent practicable—

"(I) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

"(II) be consistent with and implement applicable accounting principles;

"(III) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

"(IV) be capable of being continually upgraded as necessary.

"(iii) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Mark up Language.

"(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require a change to existing data exchange standards for Federal reporting about a program referred to in this section, if the head of the department or agency responsible for administering the program finds the standards to be effective and efficient.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of enactment of this Act. 42 USC 711 note.

SEC. 50607. ALLOCATION OF FUNDS.

Section 511(j) of the Social Security Act (42 U.S.C. 711(j)) is amended by adding at the end the following:

Determination.

"(4) ALLOCATION OF FUNDS.—To the extent that the grant amount awarded under this section to an eligible entity is determined on the basis of relative population or poverty considerations, the Secretary shall make the determination using the most accurate Federal data available for the eligible entity.".

Subtitle B—Extension of Health Professions Workforce Demonstration Projects

SEC. 50611. EXTENSION OF HEALTH WORKFORCE DEMONSTRATION PROJECTS FOR LOW-INCOME INDIVIDUALS.

Section 2008(c)(1) of the Social Security Act (42 U.S.C. 1397g(c)(1)) is amended by striking "2017" and inserting "2019".

TITLE VII—FAMILY FIRST PREVENTION SERVICES ACT

Subtitle A—Investing in Prevention and Supporting Families

Bipartisan Budget Act of 2018.

42 USC 1305 note.

SEC. 50701. SHORT TITLE.

This subtitle may be cited as the "Bipartisan Budget Act of 2018".

42 USC 622 note.

SEC. 50702. PURPOSE.

The purpose of this subtitle is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV–E

SEC. 50711. FOSTER CARE PREVENTION SERVICES AND PROGRAMS.

(a) STATE OPTION.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in subsection (a)(1), by striking "and" and all that follows through the semicolon and inserting ", adoption assistance in accordance with section 473, and, at the option of the State, services or programs specified in subsection (e)(1) of this section for children who are candidates for foster care or who are pregnant or parenting foster youth and the parents or kin caregivers of the children, in accordance with the requirements of that subsection;"; and

(2) by adding at the end the following:

"(e) PREVENTION AND FAMILY SERVICES AND PROGRAMS.—

Time period.

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary may make a payment to a State for providing the following services or programs for a child

described in paragraph (2) and the parents or kin caregivers of the child when the need of the child, such a parent, or such a caregiver for the services or programs are directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care:

"(A) MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES.—Mental health and substance abuse prevention and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child.

"(B) IN-HOME PARENT SKILL-BASED PROGRAMS.—In-home parent skill-based programs for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child and that include parenting skills training, parent education, and individual and family counseling.

"(2) CHILD DESCRIBED.—For purposes of paragraph (1), a child described in this paragraph is the following:

"(A) A child who is a candidate for foster care (as defined in section 475(13)) but can remain safely at home or in a kinship placement with receipt of services or programs specified in paragraph (1).

"(B) A child in foster care who is a pregnant or parenting foster youth.

"(3) DATE DESCRIBED.—For purposes of paragraph (1), the dates described in this paragraph are the following:

"(A) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a child who is a candidate for foster care (as defined in section 475(13)).

"(B) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a pregnant or parenting foster youth in need of services or programs specified in paragraph (1).

"(4) REQUIREMENTS RELATED TO PROVIDING SERVICES AND PROGRAMS.—Services and programs specified in paragraph (1) may be provided under this subsection only if specified in advance in the child's prevention plan described in subparagraph (A) and the requirements in subparagraphs (B) through (E) are met:

"(A) PREVENTION PLAN.—The State maintains a written prevention plan for the child that meets the following requirements (as applicable):

"(i) CANDIDATES.—In the case of a child who is a candidate for foster care described in paragraph (2)(A), the prevention plan shall—

"(I) identify the foster care prevention strategy for the child so that the child may remain safely at home, live temporarily with a kin caregiver until reunification can be safely achieved, or live permanently with a kin caregiver;

"(II) list the services or programs to be provided to or on behalf of the child to ensure the success of that prevention strategy; and

"(III) comply with such other requirements as the Secretary shall establish. Compliance.

"(ii) PREGNANT OR PARENTING FOSTER YOUTH.—In the case of a child who is a pregnant or parenting foster youth described in paragraph (2)(B), the prevention plan shall—

"(I) be included in the child's case plan required under section 475(1);

"(II) list the services or programs to be provided to or on behalf of the youth to ensure that the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent;

"(III) describe the foster care prevention strategy for any child born to the youth; and

Compliance.

"(IV) comply with such other requirements as the Secretary shall establish.

"(B) TRAUMA-INFORMED.—The services or programs to be provided to or on behalf of a child are provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma's consequences and facilitate healing.

"(C) ONLY SERVICES AND PROGRAMS PROVIDED IN ACCORDANCE WITH PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES PERMITTED.—

"(i) IN GENERAL.—Only State expenditures for services or programs specified in subparagraph (A) or (B) of paragraph (1) that are provided in accordance with practices that meet the requirements specified in clause (ii) of this subparagraph and that meet the requirements specified in clause (iii), (iv), or (v), respectively, for being a promising, supported, or well-supported practice, shall be eligible for a Federal matching payment under section 474(a)(6)(A).

"(ii) GENERAL PRACTICE REQUIREMENTS.—The general practice requirements specified in this clause are the following:

"(I) The practice has a book, manual, or other available writings that specify the components of the practice protocol and describe how to administer the practice.

"(II) There is no empirical basis suggesting that, compared to its likely benefits, the practice constitutes a risk of harm to those receiving it.

"(III) If multiple outcome studies have been conducted, the overall weight of evidence supports the benefits of the practice.

"(IV) Outcome measures are reliable and valid, and are administrated consistently and accurately across all those receiving the practice.

"(V) There is no case data suggesting a risk of harm that was probably caused by the treatment and that was severe or frequent.

Study.

"(iii) PROMISING PRACTICE.—A practice shall be considered to be a 'promising practice' if the practice is superior to an appropriate comparison practice using

conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

"(I) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

"(II) utilized some form of control (such as an untreated group, a placebo group, or a wait list study).

"(iv) SUPPORTED PRACTICE.—A practice shall be considered to be a 'supported practice' if— Study.

"(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

"(aa) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

"(bb) was a rigorous random-controlled trial (or, if not available, a study using a rigorous quasi-experimental research design); and

"(cc) was carried out in a usual care or practice setting; and

"(II) the study described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 6 months beyond the end of the treatment. Time period.

"(v) WELL-SUPPORTED PRACTICE.—A practice shall be considered to be a 'well-supported practice' if— Studies.

"(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least two studies that—

"(aa) were rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

"(bb) were rigorous random-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

"(cc) were carried out in a usual care or practice setting; and

Time period.

"(II) at least one of the studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

"(D) GUIDANCE ON PRACTICES CRITERIA AND PRE-APPROVED SERVICES AND PROGRAMS.—

Deadlines.

"(i) IN GENERAL.—Not later than October 1, 2018, the Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidance shall include a pre-approved list of services and programs that satisfy the requirements.

"(ii) UPDATES.—The Secretary shall issue updates to the guidance required by clause (i) as often as the Secretary determines necessary.

Time periods. Determination.

"(E) OUTCOME ASSESSMENT AND REPORTING.—The State shall collect and report to the Secretary the following information with respect to each child for whom, or on whose behalf mental health and substance abuse prevention and treatment services or in-home parent skill-based programs are provided during a 12-month period beginning on the date the child is determined by the State to be a child described in paragraph (2):

"(i) The specific services or programs provided and the total expenditures for each of the services or programs.

"(ii) The duration of the services or programs provided.

Deadline.

"(iii) In the case of a child described in paragraph (2)(A), the child's placement status at the beginning, and at the end, of the 1-year period, respectively, and whether the child entered foster care within 2 years after being determined a candidate for foster care.

"(5) STATE PLAN COMPONENT.—

Plan.

"(A) IN GENERAL.—A State electing to provide services or programs specified in paragraph (1) shall submit as part of the State plan required by subsection (a) a prevention services and programs plan component that meets the requirements of subparagraph (B).

Time period.

"(B) PREVENTION SERVICES AND PROGRAMS PLAN COMPONENT.—In order to meet the requirements of this subparagraph, a prevention services and programs plan component, with respect to each 5-year period for which the plan component is in operation in the State, shall include the following:

"(i) How providing services and programs specified in paragraph (1) is expected to improve specific outcomes for children and families.

Assessments. Determination.

"(ii) How the State will monitor and oversee the safety of children who receive services and programs specified in paragraph (1), including through periodic risk assessments throughout the period in which the services and programs are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (4) for the provision of the services or programs if the State determines

the risk of the child entering foster care remains high despite the provision of the services or programs.

"(iii) With respect to the services and programs specified in subparagraphs (A) and (B) of paragraph (1), information on the specific promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description of—

"(I) the services or programs and whether the practices used are promising, supported, or well-supported;

"(II) how the State plans to implement the services or programs, including how implementation of the services or programs will be continuously monitored to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices;

"(III) how the State selected the services or programs;

"(IV) the target population for the services or programs; and

"(V) how each service or program provided will be evaluated through a well-designed and rigorous process, which may consist of an ongoing, cross-site evaluation approved by the Secretary. Evaluation.

"(iv) A description of the consultation that the State agencies responsible for administering the State plans under this part and part B engage in with other State agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family services, including community-based organizations, in order to foster a continuum of care for children described in paragraph (2) and their parents or kin caregivers. Consultation.

"(v) A description of how the State shall assess children and their parents or kin caregivers to determine eligibility for services or programs specified in paragraph (1). Assessment.

"(vi) A description of how the services or programs specified in paragraph (1) that are provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the State plans in effect under subparts 1 and 2 of part B.

"(vii) Descriptions of steps the State is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including—

"(I) ensuring that staff is qualified to provide services or programs that are consistent with the promising, supported, or well-supported practice models selected; and

"(II) developing appropriate prevention plans, and conducting the risk assessments required under clause (iii).

Assessment. Evaluation.

"(viii) A description of how the State will provide training and support for caseworkers in assessing what children and their families need, connecting to the families served, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services.

"(ix) A description of how caseload size and type for prevention caseworkers will be determined, managed, and overseen.

"(x) An assurance that the State will report to the Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraph (1), including information and data necessary to determine the performance measures for the State under paragraph (6) and compliance with paragraph (7).

"(C) REIMBURSEMENT FOR SERVICES UNDER THE PREVENTION PLAN COMPONENT.—

Evaluation.

"(i) LIMITATION.—Except as provided in subclause (ii), a State may not receive a Federal payment under this part for a given promising, supported, or well-supported practice unless (in accordance with subparagraph (B)(iii)(V)) the plan includes a well-designed and rigorous evaluation strategy for that practice.

"(ii) WAIVER OF LIMITATION.—The Secretary may waive the requirement for a well-designed and rigorous evaluation of any well-supported practice if the Secretary deems the evidence of the effectiveness of the practice to be compelling and the State meets the continuous quality improvement requirements included in subparagraph (B)(iii)(II) with regard to the practice.

"(6) PREVENTION SERVICES MEASURES.—

Time period.

"(A) ESTABLISHMENT; ANNUAL UPDATES.—Beginning with fiscal year 2021, and annually thereafter, the Secretary shall establish the following prevention services measures based on information and data reported by States that elect to provide services and programs specified in paragraph (1):

Time period.

"(i) PERCENTAGE OF CANDIDATES FOR FOSTER CARE WHO DO NOT ENTER FOSTER CARE.—The percentage of candidates for foster care for whom, or on whose behalf, the services or programs are provided who do not enter foster care, including those placed with a kin caregiver outside of foster care, during the 12-month period in which the services or programs are provided and through the end of the succeeding 12-month period.

"(ii) PER-CHILD SPENDING.—The total amount of expenditures made for mental health and substance abuse prevention and treatment services or in-home parent skill-based programs, respectively, for, or on behalf of, each child described in paragraph (2).

Deadline. Updates.

"(B) DATA.—The Secretary shall establish and annually update the prevention services measures—

"(i) based on the median State values of the information reported under each clause of subparagraph (A) for the 3 then most recent years; and

"(ii) taking into account State differences in the price levels of consumption goods and services using the most recent regional price parities published by the Bureau of Economic Analysis of the Department of Commerce or such other data as the Secretary determines appropriate. Determination.

"(C) PUBLICATION OF STATE PREVENTION SERVICES MEASURES.—The Secretary shall annually make available to the public the prevention services measures of each State. Deadline. Public information.

"(7) MAINTENANCE OF EFFORT FOR STATE FOSTER CARE PREVENTION EXPENDITURES.—

"(A) IN GENERAL.—If a State elects to provide services and programs specified in paragraph (1) for a fiscal year, the State foster care prevention expenditures for the fiscal year shall not be less than the amount of the expenditures for fiscal year 2014 (or, at the option of a State described in subparagraph (E), fiscal year 2015 or fiscal year 2016 (whichever the State elects)).

"(B) STATE FOSTER CARE PREVENTION EXPENDITURES.—The term 'State foster care prevention expenditures' means the following: Definition.

"(i) TANF; IV–B; SSBG.—State expenditures for foster care prevention services and activities under the State program funded under part A (including from amounts made available by the Federal Government), under the State plan developed under part B (including any such amounts), or under the Social Services Block Grant Programs under subtitle A of title XX (including any such amounts).

"(ii) OTHER STATE PROGRAMS.—State expenditures for foster care prevention services and activities under any State program that is not described in clause (i) (other than any State expenditures for foster care prevention services and activities under the State program under this part (including under a waiver of the program)).

"(C) STATE EXPENDITURES.—The term 'State expenditures' means all State or local funds that are expended by the State or a local agency including State or local funds that are matched or reimbursed by the Federal Government and State or local funds that are not matched or reimbursed by the Federal Government. Definition.

"(D) DETERMINATION OF PREVENTION SERVICES AND ACTIVITIES.—The Secretary shall require each State that elects to provide services and programs specified in paragraph (1) to report the expenditures specified in subparagraph (B) for fiscal year 2014 and for such fiscal years thereafter as are necessary to determine whether the State is complying with the maintenance of effort requirement in subparagraph (A). The Secretary shall specify the specific services and activities under each program referred to in subparagraph (B) that are 'prevention services and activities' for purposes of the reports. Requirement. Reports.

"(E) STATE DESCRIBED.—For purposes of subparagraph (A), a State is described in this subparagraph if the population of children in the State in 2014 was less than 200,000 (as determined by the United States Census Bureau).

"(8) PROHIBITION AGAINST USE OF STATE FOSTER CARE PREVENTION EXPENDITURES AND FEDERAL IV–E PREVENTION FUNDS FOR MATCHING OR EXPENDITURE REQUIREMENT.—A State that elects to provide services and programs specified in paragraph (1) shall not use any State foster care prevention expenditures for a fiscal year for the State share of expenditures under section 474(a)(6) for a fiscal year.

"(9) ADMINISTRATIVE COSTS.—Expenditures described in section 474(a)(6)(B)—

"(A) shall not be eligible for payment under subparagraph (A), (B), or (E) of section 474(a)(3); and

"(B) shall be eligible for payment under section 474(a)(6)(B) without regard to whether the expenditures are incurred on behalf of a child who is, or is potentially, eligible for foster care maintenance payments under this part.

"(10) APPLICATION.—

"(A) IN GENERAL.—The provision of services or programs under this subsection to or on behalf of a child described in paragraph (2) shall not be considered to be receipt of aid or assistance under the State plan under this part for purposes of eligibility for any other program established under this Act.

Time period.

"(B) CANDIDATES IN KINSHIP CARE.—A child described in paragraph (2) for whom such services or programs under this subsection are provided for more than 6 months while in the home of a kin caregiver, and who would satisfy the AFDC eligibility requirement of section 472(a)(3)(A)(ii)(II) but for residing in the home of the caregiver for more than 6 months, is deemed to satisfy that requirement for purposes of determining whether the child is eligible for foster care maintenance payments under section 472.".

(b) DEFINITION.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

"(13) The term 'child who is a candidate for foster care' means, a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child's home or in a kinship placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.".

(c) PAYMENTS UNDER TITLE IV–E.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(1) in paragraph (5), by striking the period at the end and inserting "; plus"; and

(2) by adding at the end the following:

"(6) subject to section 471(e)—

"(A) for each quarter—

"(i) subject to clause (ii)— Time periods.

"(I) beginning after September 30, 2019, and before October 1, 2026, an amount equal to 50 percent of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C); and

"(II) beginning after September 30, 2026, an amount equal to the Federal medical assistance percentage (which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C) (or, with respect to the payments made during the quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the 'tribal FMAP') if the Indian tribe, tribal organization, or tribal consortium made the payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State); except that

"(ii) not less than 50 percent of the total amount expended by a State under clause (i) for a fiscal year shall be for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices; plus

"(B) for each quarter specified in subparagraph (A), an amount equal to the sum of the following proportions of the total amount expended during the quarter—

"(i) 50 percent of so much of the expenditures as are found necessary by the Secretary for the proper and efficient administration of the State plan for the provision of services or programs specified in section 471(e)(1), including expenditures for activities approved by the Secretary that promote the development of necessary processes and procedures to establish and implement the provision of the services and

programs for individuals who are eligible for the services and programs and expenditures attributable to data collection and reporting; and

"(ii) 50 percent of so much of the expenditures with respect to the provision of services and programs specified in section 471(e)(1) as are for training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision and of the members of the staff of State-licensed or State-approved child welfare agencies providing services to children described in section 471(e)(2) and their parents or kin caregivers, including on how to determine who are individuals eligible for the services or programs, how to identify and provide appropriate services and programs, and how to oversee and evaluate the ongoing appropriateness of the services and programs.".

(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, AND DATA COLLECTION AND EVALUATIONS.—Section 476 of such Act (42 U.S.C. 676) is amended by adding at the end the following:

"(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, DATA COLLECTION, AND EVALUATIONS RELATING TO PREVENTION SERVICES AND PROGRAMS.—

Native Americans.

"(1) TECHNICAL ASSISTANCE AND BEST PRACTICES.—The Secretary shall provide to States and, as applicable, to Indian tribes, tribal organizations, and tribal consortia, technical assistance regarding the provision of services and programs described in section 471(e)(1) and shall disseminate best practices with respect to the provision of the services and programs, including how to plan and implement a well-designed and rigorous evaluation of a promising, supported, or well-supported practice.

Evaluation.

"(2) CLEARINGHOUSE OF PROMISING, SUPPORTED, AND WELL-SUPPORTED PRACTICES.—The Secretary shall, directly or through grants, contracts, or interagency agreements, evaluate research on the practices specified in clauses (iii), (iv), and (v), respectively, of section 471(e)(4)(C), and programs that meet the requirements described in section 427(a)(1), including culturally specific, or location- or population-based adaptations of the practices, to identify and establish a public clearinghouse of the practices that satisfy each category described by such clauses. In addition, the clearinghouse shall include information on the specific outcomes associated with each practice, including whether the practice has been shown to prevent child abuse and neglect and reduce the likelihood of foster care placement by supporting birth families and kinship families and improving targeted supports for pregnant and parenting youth and their children.

"(3) DATA COLLECTION AND EVALUATIONS.—The Secretary, directly or through grants, contracts, or interagency agreements, may collect data and conduct evaluations with respect to the provision of services and programs described in section 471(e)(1) for purposes of assessing the extent to which the provision of the services and programs—

"(A) reduces the likelihood of foster care placement;

"(B) increases use of kinship care arrangements; or

"(C) improves child well-being.

"(4) REPORTS TO CONGRESS.—

"(A) IN GENERAL.—The Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives periodic reports based on the provision of services and programs described in section 471(e)(1) and the activities carried out under this subsection.

"(B) PUBLIC AVAILABILITY.—The Secretary shall make the reports to Congress submitted under this paragraph publicly available.

"(5) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary $1,000,000 for fiscal year 2018 and each fiscal year thereafter to carry out this subsection.".

(e) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Section 479B of such Act (42 U.S.C. 679c) is amended—

(A) in subsection (c)(1)—

(i) in subparagraph (C)(i)—

(I) in subclause (II), by striking "and" after the semicolon;

(II) in subclause (III), by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

"(IV) at the option of the tribe, organization, or consortium, services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers, in accordance with section 471(e) and subparagraph (E).."; and

(ii) by adding at the end the following:

"(E) PREVENTION SERVICES AND PROGRAMS FOR CHILDREN AND THEIR PARENTS AND KIN CAREGIVERS.—

Requirements.

"(i) IN GENERAL.—In the case of a tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers under the plan, the Secretary shall specify the requirements applicable to the provision of the services and programs. The requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under section 471(e) and shall permit the provision of the services and programs in the form of services and programs that are adapted to the culture and context of the tribal communities served.

"(ii) PERFORMANCE MEASURES.—The Secretary shall establish specific performance measures for each tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1). The performance measures shall, to the greatest extent practicable, be consistent with the prevention services measures required for States under section 471(e)(6) but shall allow for consideration of factors unique to

the provision of the services by tribes, organizations, or consortia."; and

(B) in subsection (d)(1), by striking "and (5)" and inserting "(5), and (6)(A)".

(2) CONFORMING AMENDMENT.—The heading for subsection (d) of section 479B of such Act (42 U.S.C. 679c) is amended by striking "FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS".

(f) APPLICATION TO PROGRAMS OPERATED BY TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking "or 413(f)" and inserting "413(f), or 474(a)(6)".

SEC. 50712. FOSTER CARE MAINTENANCE PAYMENTS FOR CHILDREN WITH PARENTS IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.

(a) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672) is amended—

(1) in subsection (a)(2)(C), by striking "or" and inserting ", with a parent residing in a licensed residential family-based treatment facility, but only to the extent permitted under subsection (j), or in a"; and

(2) by adding at the end the following:

"(j) CHILDREN PLACED WITH A PARENT RESIDING IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.—

Time period.

"(1) IN GENERAL.—Notwithstanding the preceding provisions of this section, a child who is eligible for foster care maintenance payments under this section, or who would be eligible for the payments if the eligibility were determined without regard to paragraphs (1)(B) and (3) of subsection (a), shall be eligible for the payments for a period of not more than 12 months during which the child is placed with a parent who is in a licensed residential family-based treatment facility for substance abuse, but only if—

"(A) the recommendation for the placement is specified in the child's case plan before the placement;

"(B) the treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; and

"(C) the substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

"(2) APPLICATION.—With respect to children for whom foster care maintenance payments are made under paragraph (1), only the children who satisfy the requirements of paragraphs (1)(B) and (3) of subsection (a) shall be considered to be children with respect to whom foster care maintenance payments are made under this section for purposes of subsection (h) or section 473(b)(3)(B).".

(b) CONFORMING AMENDMENT.—Section 474(a)(1) of such Act (42 U.S.C. 674(a)(1)) is amended by inserting "subject to section 472(j)," before "an amount equal to the Federal" the first place it appears.

SEC. 50713. TITLE IV–E PAYMENTS FOR EVIDENCE-BASED KINSHIP NAVIGATOR PROGRAMS.

Section 474(a) of the Social Security Act (42 U.S.C. 674(a)), as amended by section 50711(c), is amended—

(1) in paragraph (6), by striking the period at the end and inserting "; plus"; and

(2) by adding at the end the following:

"(7) an amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for kinship navigator programs that meet the requirements described in section 427(a)(1) and that the Secretary determines are operated in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C), without regard to whether the expenditures are incurred on behalf of children who are, or are potentially, eligible for foster care maintenance payments under this part.". Determination.

PART II—ENHANCED SUPPORT UNDER TITLE IV–B

SEC. 50721. ELIMINATION OF TIME LIMIT FOR FAMILY REUNIFICATION SERVICES WHILE IN FOSTER CARE AND PERMITTING TIME-LIMITED FAMILY REUNIFICATION SERVICES WHEN A CHILD RETURNS HOME FROM FOSTER CARE.

(a) IN GENERAL.—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629a(a)(7)) is amended—

(1) in the paragraph heading, by striking "TIME-LIMITED FAMILY" and inserting "FAMILY"; and

(2) in subparagraph (A)—

(A) by striking "time-limited family" and inserting "family";

(B) by inserting "or a child who has been returned home" after "child care institution"; and

(C) by striking ", but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care" and inserting "and to ensure the strength and stability of the reunification. In the case of a child who has been returned home, the services and activities shall only be provided during the 15-month period that begins on the date that the child returns home". Time period.

(b) CONFORMING AMENDMENTS.—

(1) Section 430 of such Act (42 U.S.C. 629) is amended in the matter preceding paragraph (1), by striking "time-limited".

(2) Subsections (a)(4), (a)(5)(A), and (b)(1) of section 432 of such Act (42 U.S.C. 629b) are amended by striking "time-limited" each place it appears.

SEC. 50722. REDUCING BUREAUCRACY AND UNNECESSARY DELAYS WHEN PLACING CHILDREN IN HOMES ACROSS STATE LINES.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25)) is amended—

(1) by striking "provide" and inserting "provides"; and

Deadline.

(2) by inserting ", which, in the case of a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, or American Samoa, not later than October 1, 2027, shall include the use of an electronic interstate case-processing system" before the first semicolon.

(b) EXEMPTION OF INDIAN TRIBES.—Section 479B(c) of such Act (42 U.S.C. 679c(c)) is amended by adding at the end the following:

"(4) INAPPLICABILITY OF STATE PLAN REQUIREMENT TO HAVE IN EFFECT PROCEDURES PROVIDING FOR THE USE OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM.—The requirement in section 471(a)(25) that a State plan provide that the State shall have in effect procedures providing for the use of an electronic interstate case-processing system shall not apply to an Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part.".

(c) FUNDING FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

"(g) FUNDING FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—

"(1) PURPOSE.—The purpose of this subsection is to facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across State lines.

"(2) REQUIREMENTS.—A State that seeks funding under this subsection shall submit to the Secretary the following:

"(A) A description of the goals and outcomes to be achieved, which goals and outcomes must result in—

"(i) reducing the time it takes for a child to be provided with a safe and appropriate permanent living arrangement across State lines;

"(ii) improving administrative processes and reducing costs in the foster care system; and

"(iii) the secure exchange of relevant case files and other necessary materials in real time, and timely communications and placement decisions regarding interstate placements of children.

"(B) A description of the activities to be funded in whole or in part with the funds, including the sequencing of the activities.

"(C) A description of the strategies for integrating programs and services for children who are placed across State lines.

"(D) Such other information as the Secretary may require.

"(3) FUNDING AUTHORITY.—The Secretary may provide funds to a State that complies with paragraph (2). In providing funds under this subsection, the Secretary shall prioritize States that are not yet connected with the electronic interstate case-processing system referred to in paragraph (1).

"(4) USE OF FUNDS.—A State to which funding is provided under this subsection shall use the funding to support the State in connecting with, or enhancing or expediting services provided under, the electronic interstate case-processing system referred to in paragraph (1).

Public information. Reports. Web posting.

"(5) EVALUATIONS.—Not later than 1 year after the final year in which funds are awarded under this subsection, the Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

"(A) How using the electronic interstate case-processing system developed pursuant to paragraph (4) has changed the time it takes for children to be placed across State lines.

"(B) The number of cases subject to the Interstate Compact on the Placement of Children that were processed through the electronic interstate case-processing system, and the number of interstate child placement cases that were processed outside the electronic interstate case-processing system, by each State in each year.

"(C) The progress made by States in implementing the electronic interstate case-processing system.

"(D) How using the electronic interstate case-processing system has affected various metrics related to child safety and well-being, including the time it takes for children to be placed across State lines.

"(E) How using the electronic interstate case-processing system has affected administrative costs and caseworker time spent on placing children across State lines.

Consultation. Assessment.

"(6) DATA INTEGRATION.—The Secretary, in consultation with the Secretariat for the Interstate Compact on the Placement of Children and the States, shall assess how the electronic interstate case-processing system developed pursuant to paragraph (4) could be used to better serve and protect children that come to the attention of the child welfare system, by—

"(A) connecting the system with other data systems (such as systems operated by State law enforcement and judicial agencies, systems operated by the Federal Bureau of Investigation for the purposes of the Innocence Lost National Initiative, and other systems);

"(B) simplifying and improving reporting related to paragraphs (34) and (35) of section 471(a) regarding children or youth who have been identified as being a sex trafficking victim or children missing from foster care; and

"(C) improving the ability of States to quickly comply with background check requirements of section 471(a)(20), including checks of child abuse and neglect registries as required by section 471(a)(20)(B).".

(d) RESERVATION OF FUNDS TO IMPROVE THE INTERSTATE PLACEMENT OF CHILDREN.—Section 437(b) of such Act (42 U.S.C. 629g(b)) is amended by adding at the end the following:

"(4) IMPROVING THE INTERSTATE PLACEMENT OF CHILDREN.—The Secretary shall reserve $5,000,000 of the amount made available for fiscal year 2018 for grants under subsection (g), and the amount so reserved shall remain available through fiscal year 2022.".

SEC. 50723. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-BEING OF FAMILIES AFFECTED BY SUBSTANCE ABUSE.

Section 437(f) of the Social Security Act (42 U.S.C. 629g(f)) is amended—

(1) in the subsection heading, by striking "INCREASE THE WELL-BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY" and inserting "IMPLEMENT IV–E PREVENTION SERVICES, AND IMPROVE THE WELL-BEING OF, AND IMPROVE PERMANENCY OUTCOMES FOR, CHILDREN AND FAMILIES AFFECTED BY HEROIN, OPIOIDS, AND OTHER";

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

"(2) REGIONAL PARTNERSHIP DEFINED.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate, State, or intrastate basis) entered into by the following:

"(A) MANDATORY PARTNERS FOR ALL PARTNERSHIP GRANTS.—

"(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

"(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

"(B) MANDATORY PARTNERS FOR PARTNERSHIP GRANTS PROPOSING TO SERVE CHILDREN IN OUT-OF-HOME PLACEMENTS.—If the partnership proposes to serve children in out-of-home placements, the Juvenile Court or Administrative Office of the Court that is most appropriate to oversee the administration of court programs in the region to address the population of families who come to the attention of the court due to child abuse or neglect.

"(C) OPTIONAL PARTNERS.—At the option of the partnership, any of the following:

"(i) An Indian tribe or tribal consortium.

"(ii) Nonprofit child welfare service providers.

"(iii) For-profit child welfare service providers.

"(iv) Community health service providers, including substance abuse treatment providers.

"(v) Community mental health providers.

"(vi) Local law enforcement agencies.

"(vii) School personnel.

"(viii) Tribal child welfare agencies (or a consortia of the agencies).

"(ix) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under a State plan approved under this subpart.

"(D) EXCEPTION FOR REGIONAL PARTNERSHIPS WHERE THE LEAD APPLICANT IS AN INDIAN TRIBE OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters

into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

"(i) may (but is not required to) include the State child welfare agency as a partner in the collaborative agreement;

"(ii) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of the agencies); and

"(iii) if the condition described in paragraph (2)(B) applies, may include tribal court organizations in lieu of other judicial partners.";

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "2012 through 2016" and inserting "2017 through 2021"; and

(ii) by striking "$500,000 and not more than $1,000,000" and inserting "$250,000 and not more than $1,000,000";

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting "; PLANNING" after "APPROVAL";

(ii) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(iii) by adding at the end the following:

"(iii) SUFFICIENT PLANNING.—A grant awarded under this subsection shall be disbursed in two phases: a planning phase (not to exceed 2 years) and an implementation phase. The total disbursement to a grantee for the planning phase may not exceed $250,000, and may not exceed the total anticipated funding for the implementation phase."; and Time period.

(C) by adding at the end the following:

"(D) LIMITATION ON PAYMENT FOR A FISCAL YEAR.—No payment shall be made under subparagraph (A) or (C) for a fiscal year until the Secretary determines that the eligible partnership has made sufficient progress in meeting the goals of the grant and that the members of the eligible partnership are coordinating to a reasonable degree with the other members of the eligible partnership."; Determination.

(4) in paragraph (4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting ", parents, and families" after "children";

(ii) in clause (ii), by striking "safety and permanence for such children; and" and inserting "safe, permanent caregiving relationships for the children;";

(iii) in clause (iii), by striking "or" and inserting "increase reunification rates for children who have been placed in out-of-home care, or decrease"; and

(iv) by redesignating clause (iii) as clause (v) and inserting after clause (ii) the following:

"(iii) improve the substance abuse treatment outcomes for parents including retention in treatment and successful completion of treatment;

"(iv) facilitate the implementation, delivery, and effectiveness of prevention services and programs under section 471(e); and";

(B) in subparagraph (D), by striking "where appropriate,"; and

(C) by striking subparagraphs (E) and (F) and inserting the following:

"(E) A description of a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period, including through the use of prevention services and programs under section 471(e) and other funds provided to the State for child welfare and substance abuse prevention and treatment services.

Determination.

"(F) Additional information needed by the Secretary to determine that the proposed activities and implementation will be consistent with research or evaluations showing which practices and approaches are most effective.";

(5) in paragraph (5)(A), by striking "abuse treatment" and inserting "use disorder treatment including medication assisted treatment and in-home substance abuse disorder treatment and recovery";

(6) in paragraph (7)—

(A) by striking "and" at the end of subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health agencies; and";

(7) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking "establish indicators that will be" and inserting "review indicators that are"; and

(ii) by striking "in using funds made available under such grants to achieve the purpose of this subsection" and inserting "and establish a set of core indicators related to child safety, parental recovery, parenting capacity, and family well-being. In developing the core indicators, to the extent possible, indicators shall be made consistent with the outcome measures described in section 471(e)(6)"; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting "base the performance measures on lessons learned from prior rounds of regional partnership grants under this subsection, and" before "consult"; and

(ii) by striking clauses (iii) and (iv) and inserting the following:

"(iii) Other stakeholders or constituencies as determined by the Secretary.";

(8) in paragraph (9)(A), by striking clause (i) and inserting the following:

"(i) SEMIANNUAL REPORTS.—Not later than September 30 of each fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and every 6 months thereafter, the grant recipient shall submit to the Secretary a report on the services provided and activities carried out during the reporting period, progress made in achieving the

goals of the program, the number of children, adults, and families receiving services, and such additional information as the Secretary determines is necessary. The report due not later than September 30 of the last such fiscal year shall include, at a minimum, data on each of the performance indicators included in the evaluation of the regional partnership."; and

(9) in paragraph (10), by striking "2012 through 2016" and inserting "2017 through 2021".

PART III—MISCELLANEOUS

SEC. 50731. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

Deadlines.
42 USC 671 note.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2018, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes (as defined in section 472(c)(1) of the Social Security Act).

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (34)(B), by striking "and" after the semicolon;

(2) in paragraph (35)(B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(36) provides that, not later than April 1, 2019, the State shall submit to the Secretary information addressing—

"(A) whether the State licensing standards are in accord with model standards identified by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the State;

"(B) whether the State has elected to waive standards established in 471(a)(10)(A) for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

"(C) if the State has elected to waive standards specified in subparagraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in waiving nonsafety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

"(D) a description of the steps the State is taking to improve caseworker training or the process, if any; and".

SEC. 50732. DEVELOPMENT OF A STATEWIDE PLAN TO PREVENT CHILD ABUSE AND NEGLECT FATALITIES.

Section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)) is amended to read as follows:

"(19) document steps taken to track and prevent child maltreatment deaths by including—

"(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be reported by the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners, or coroners; and

"(B) a description of the steps the State is taking to develop and implement a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.".

SEC. 50733. MODERNIZING THE TITLE AND PURPOSE OF TITLE IV–E.

(a) PART HEADING.—The heading for part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

"PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMANENCY".

(b) PURPOSE.—The first sentence of section 470 of such Act (42 U.S.C. 670) is amended—

(1) by striking "1995) and" and inserting "1995),";

(2) by inserting "kinship guardianship assistance, and prevention services or programs specified in section 471(e)(1)," after "needs,"; and

(3) by striking "(commencing with the fiscal year which begins October 1, 1980)".

42 USC 622 note.

SEC. 50734. EFFECTIVE DATES.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), subject to subsection (b), the amendments made by parts I through III of this subtitle shall take effect on October 1, 2018.

(2) EXCEPTIONS.—The amendments made by sections 50711(d), 50731, and 50733 shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

Determination.

(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by parts I through III of this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by parts I through III of this subtitle (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements. Determination.

PART IV—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

SEC. 50741. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672), as amended by section 50712(a), is amended—

(A) in subsection (a)(2)(C), by inserting ", but only to the extent permitted under subsection (k)" after "institution"; and

(B) by adding at the end the following:

"(k) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

"(1) IN GENERAL.—Beginning with the third week for which foster care maintenance payments are made under this section on behalf of a child placed in a child-care institution, no Federal payment shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child unless— Effective date. Time period.

"(A) the child is placed in a child-care institution that is a setting specified in paragraph (2) (or is placed in a licensed residential family-based treatment facility consistent with subsection (j)); and

"(B) in the case of a child placed in a qualified residential treatment program (as defined in paragraph (4)), the requirements specified in paragraph (3) and section 475A(c) are met.

"(2) SPECIFIED SETTINGS FOR PLACEMENT.—The settings for placement specified in this paragraph are the following:

"(A) A qualified residential treatment program (as defined in paragraph (4)).

"(B) A setting specializing in providing prenatal, postpartum, or parenting supports for youth.

"(C) In the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently.

"(D) A setting providing high-quality residential care and supportive services to children and youth who have

been found to be, or are at risk of becoming, sex trafficking victims, in accordance with section 471(a)(9)(C).

"(3) ASSESSMENT TO DETERMINE APPROPRIATENESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—

"(A) DEADLINE FOR ASSESSMENT.—In the case of a child who is placed in a qualified residential treatment program, if the assessment required under section 475A(c)(1) is not completed within 30 days after the placement is made, no Federal payment shall be made to the State under section 474(a)(1) for any amounts expended for foster care maintenance payments on behalf of the child during the placement.

"(B) DEADLINE FOR TRANSITION OUT OF PLACEMENT.—If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court disapproves such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home, Federal payments shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child while the child remains in the qualified residential treatment program only during the period necessary for the child to transition home or to such a placement. In no event shall a State receive Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the end of the 30-day period that begins on the date a determination is made that the placement is no longer the recommended or approved placement for the child.

Definition.

"(4) QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—For purposes of this part, the term 'qualified residential treatment program' means a program that—

"(A) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under section 475A(c);

"(B) subject to paragraphs (5) and (6), has registered or licensed nursing staff and other licensed clinical staff who—

"(i) provide care within the scope of their practice as defined by State law;

"(ii) are on-site according to the treatment model referred to in subparagraph (A); and

"(iii) are available 24 hours a day and 7 days a week;

"(C) to extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

"(D) facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child;

"(E) documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

"(F) provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

"(G) is licensed in accordance with section 471(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

"(i) The Commission on Accreditation of Rehabilitation Facilities (CARF).

"(ii) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

"(iii) The Council on Accreditation (COA).

"(iv) Any other independent, not-for-profit accrediting organization approved by the Secretary.

"(5) ADMINISTRATIVE COSTS.—The prohibition in paragraph (1) on Federal payments under section 474(a)(1) shall not be construed as prohibiting Federal payments for administrative expenditures incurred on behalf of a child placed in a child-care institution and for which payment is available under section 474(a)(3).

"(6) RULE OF CONSTRUCTION.—The requirements in paragraph (4)(B) shall not be construed as requiring a qualified residential treatment program to acquire nursing and behavioral health staff solely through means of a direct employer to employee relationship.".

(2) CONFORMING AMENDMENT.—Section 474(a)(1) of the Social Security Act (42 U.S.C. 674(a)(1)), as amended by section 50712(b), is amended by striking "section 472(j)" and inserting "subsections (j) and (k) of section 472".

(b) DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.—Section 472(c) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

"(c) DEFINITIONS.—For purposes of this part:

"(1) FOSTER FAMILY HOME.—

"(A) IN GENERAL.—The term 'foster family home' means the home of an individual or family—

"(i) that is licensed or approved by the State in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

"(ii) in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State to be a foster parent—

"(I) that the State deems capable of adhering to the reasonable and prudent parent standard;

"(II) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

"(III) that provides the care for not more than six children in foster care.

"(B) STATE FLEXIBILITY.—The number of foster children that may be cared for in a home under subparagraph (A) may exceed the numerical limitation in subparagraph (A)(ii)(III), at the option of the State, for any of the following reasons:

"(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.

"(ii) To allow siblings to remain together.

"(iii) To allow a child with an established meaningful relationship with the family to remain with the family.

"(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.

"(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as prohibiting a foster parent from renting the home in which the parent cares for a foster child placed in the parent's care.

Definition. "(2) CHILD-CARE INSTITUTION.—

"(A) IN GENERAL.—The term 'child-care institution' means a private child-care institution, or a public child-care institution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved by the agency of the State responsible for licensing or approval of institutions of this type as meeting the standards established for the licensing.

"(B) SUPERVISED SETTINGS.—In the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations.

"(C) EXCLUSIONS.—The term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.".

(c) TRAINING FOR STATE JUDGES, ATTORNEYS, AND OTHER LEGAL PERSONNEL IN CHILD WELFARE CASES.—Section 438(b)(1) of such Act (42 U.S.C. 629h(b)(1)) is amended in the matter preceding subparagraph (A) by inserting "shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home," after "with respect to the child,".

(d) ASSURANCE OF NONIMPACT ON JUVENILE JUSTICE SYSTEM.—

(1) STATE PLAN REQUIREMENT.—Section 471(a) of such Act (42 U.S.C. 671(a)), as amended by section 50731, is further amended by adding at the end the following:

Certification. "(37) includes a certification that, in response to the limitation imposed under section 472(k) with respect to foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the State will not enact or advance policies or practices that would result in a significant increase in the population of youth in the State's juvenile justice system.".

Evaluations. (2) GAO STUDY AND REPORT.—The Comptroller General of the United States shall evaluate the impact, if any, on State juvenile justice systems of the limitation imposed under

section 472(k) of the Social Security Act (as added by section 50741(a)(1)) on foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, in accordance with the amendments made by subsections (a) and (b) of this section. In particular, the Comptroller General shall evaluate the extent to which children in foster care who also are subject to the juvenile justice system of the State are placed in a facility under the jurisdiction of the juvenile justice system and whether the lack of available congregate care placements under the jurisdiction of the child welfare systems is a contributing factor to that result. Not later than December 31, 2025, the Comptroller General shall submit to Congress a report on the results of the evaluation.

SEC. 50742. ASSESSMENT AND DOCUMENTATION OF THE NEED FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

Section 475A of the Social Security Act (42 U.S.C. 675a) is amended by adding at the end the following:

"(c) ASSESSMENT, DOCUMENTATION, AND JUDICIAL DETERMINATION REQUIREMENTS FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child: Applicability.

"(1)(A) Within 30 days of the start of each placement in such a setting, a qualified individual (as defined in subparagraph (D)) shall— Deadline.

"(i) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;

"(ii) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and Determination.

"(iii) develop a list of child-specific short- and long-term mental and behavioral health goals. Lists.

"(B)(i) The State shall assemble a family and permanency team for the child in accordance with the requirements of clauses (ii) and (iii). The qualified individual conducting the assessment required under subparagraph (A) shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment.

"(ii) The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the child in accordance with section 475(5)(C)(iv).

"(iii) The State shall document in the child's case plan—

"(I) the reasonable and good faith effort of the State to identify and include all the individuals described in clause (ii) on the child's family and permanency team;

"(II) all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;

"(III) evidence that meetings of the family and permanency team, including meetings relating to the assessment required under subparagraph (A), are held at a time and place convenient for family;

"(IV) if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;

"(V) evidence that the assessment required under subparagraph (A) is determined in conjunction with the family and permanency team;

"(VI) the placement preferences of the family and permanency team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and

"(VII) if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment under subparagraph (A), the reasons why the preferences of the team and of the child were not recommended.

Determination.

"(C) In the case of a child who the qualified individual conducting the assessment under subparagraph (A) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

Definition.

"(D)(i) Subject to clause (ii), in this subsection, the term 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

Certification.

"(ii) The Secretary may approve a request of a State to waive any requirement in clause (i) upon a submission by the State, in accordance with criteria established by the Secretary, that certifies that the trained professionals or licensed clinicians with responsibility for performing the assessments described in subparagraph (A) shall maintain objectivity with

respect to determining the most effective and appropriate placement for a child.

"(2) Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall— Deadline.

"(A) consider the assessment, determination, and documentation made by the qualified individual conducting the assessment under paragraph (1);

"(B) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and Determination.

"(C) approve or disapprove the placement.

"(3) The written documentation made under paragraph (1)(C) and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body under paragraph (2) shall be included in and made part of the case plan for the child.

"(4) As long as a child remains placed in a qualified residential treatment program, the State agency shall submit evidence at each status review and each permanency hearing held with respect to the child—

"(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

"(B) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

"(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

"(5) In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State agency shall submit to the Secretary— Time periods.

"(A) the most recent versions of the evidence and documentation specified in paragraph (4); and

"(B) the signed approval of the head of the State agency for the continued placement of the child in that setting.".

SEC. 50743. PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES.

(a) STATE PLAN REQUIREMENT.—Section 422(b)(15)(A) of the Social Security Act (42 U.S.C. 622(b)(15)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon;

(2) by redesignating clause (vii) as clause (viii); and

(3) by inserting after clause (vi) the following:

"(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and".

(b) EVALUATION.—Section 476 of such Act (42 U.S.C. 676), as amended by section 50711(d), is further amended by adding at the end the following:

"(e) EVALUATION OF STATE PROCEDURES AND PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES OF MENTAL ILLNESS OR OTHER CONDITIONS.—The Secretary shall conduct an evaluation of the procedures and protocols established by States in accordance with the requirements of section 422(b)(15)(A)(vii). The evaluation shall analyze the extent to which States comply with and enforce the procedures and protocols and the effectiveness of various State procedures and protocols and shall identify best practices. Not later than January 1, 2020, the Secretary shall submit a report on the results of the evaluation to Congress.".

Reports.

SEC. 50744. ADDITIONAL DATA AND REPORTS REGARDING CHILDREN PLACED IN A SETTING THAT IS NOT A FOSTER FAMILY HOME.

Section 479A(a)(7)(A) of the Social Security Act (42 U.S.C. 679b(a)(7)(A)) is amended by striking clauses (i) through (vi) and inserting the following:

"(i) with respect to each such placement—

"(I) the type of the placement setting, including whether the placement is shelter care, a group home and if so, the range of the child population in the home, a residential treatment facility, a hospital or institution providing medical, rehabilitative, or psychiatric care, a setting specializing in providing prenatal, post-partum, or parenting supports, or some other kind of child-care institution and if so, what kind;

"(II) the number of children in the placement setting and the age, race, ethnicity, and gender of each of the children;

"(III) for each child in the placement setting, the length of the placement of the child in the setting, whether the placement of the child in the setting is the first placement of the child and if not, the number and type of previous placements of the child, and whether the child has special needs or another diagnosed mental or physical illness or condition; and

"(IV) the extent of any specialized education, treatment, counseling, or other services provided in the setting; and

"(ii) separately, the number and ages of children in the placements who have a permanency plan of another planned permanent living arrangement; and".

SEC. 50745. CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)(ii), by striking "and" after the semicolon;

(2) in subparagraph (B)(iii), by striking "and"after the semicolon;

(3) in subparagraph (C), by adding "and" after the semicolon; and

(4) by inserting after subparagraph (C), the following new subparagraph:

"(D) provides procedures for any child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code), and checks described in subparagraph (B) of this paragraph, on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, unless the State reports to the Secretary the alternative criminal records checks and child abuse registry checks the State conducts on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the State;".

(b) TECHNICAL AMENDMENTS.—Subparagraphs (A) and (C) of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) are each amended by striking "section 534(e)(3)(A)" and inserting "section 534(f)(3)(A)".

SEC. 50746. EFFECTIVE DATES; APPLICATION TO WAIVERS.

42 USC 622 note.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2) and subsections (b), (c), and (d), the amendments made by this part shall take effect as if enacted on January 1, 2018.

Determination.

(2) TRANSITION RULE.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this part, the State plan shall not be regarded as failing to comply with the requirements of part B or E of title IV of such Act solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of

the session shall be deemed to be a separate regular session of the State legislature.

(b) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES AND RELATED PROVISIONS.—

Effective date.

(1) IN GENERAL.—The amendments made by sections 50741(a), 50741(b), 50741(d), and 50742 shall take effect on October 1, 2019.

(2) STATE OPTION TO DELAY EFFECTIVE DATE FOR NOT MORE THAN 2 YEARS.—If a State requests a delay in the effective date, the Secretary of Health and Human Services shall delay the effective date provided for in paragraph (1) with respect to the State for the amount of time requested by the State, not to exceed 2 years. If the effective date is so delayed for a period with respect to a State under the preceding sentence, then—

(A) notwithstanding section 50734, the date that the amendments made by section 50711(c) take effect with respect to the State shall be delayed for the period; and

Applicability.

(B) in applying section 474(a)(6) of the Social Security Act with respect to the State, "on or after the date this paragraph takes effect with respect to the State" is deemed to be substituted for "after September 30, 2019" in subparagraph (A)(i)(I) of such section.

(c) CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.—Subject to subsection (a)(2), the amendments made by section 50745 shall take effect on October 1, 2018.

Effective date.

(d) APPLICATION TO STATES WITH WAIVERS.—In the case of a State that, on the date of enactment of this Act, has in effect a waiver approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9), the amendments made by this part shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent the amendments are inconsistent with the terms of the waiver.

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

SEC. 50751. SUPPORTING AND RETAINING FOSTER FAMILIES FOR CHILDREN.

(a) SUPPORTING AND RETAINING FOSTER PARENTS AS A FAMILY SUPPORT SERVICE.—Section 431(a)(2)(B) of the Social Security Act (42 U.S.C. 631(a)(2)(B)) is amended by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively, and inserting after clause (ii) the following:

"(iii) To support and retain foster families so they can provide quality family-based settings for children in foster care.".

(b) SUPPORT FOR FOSTER FAMILY HOMES.—Section 436 of such Act (42 U.S.C. 629f) is amended by adding at the end the following:

Appropriation authorization.

"(c) SUPPORT FOR FOSTER FAMILY HOMES.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2018, $8,000,000 for the Secretary to make competitive grants to States, Indian tribes, or tribal consortia to support the recruitment and

retention of high-quality foster families to increase their capacity to place more children in family settings, focused on States, Indian tribes, or tribal consortia with the highest percentage of children in non-family settings. The amount appropriated under this subparagraph shall remain available through fiscal year 2022.".

SEC. 50752. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

(a) EXTENSION OF STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.—Section 425 of the Social Security Act (42 U.S.C. 625) is amended by striking "2012 through 2016" and inserting "2017 through 2021".

(b) EXTENSION OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM AUTHORIZATIONS.—

(1) IN GENERAL.—Section 436(a) of such Act (42 U.S.C. 629f(a)) is amended by striking all that follows "$345,000,000" and inserting "for each of fiscal years 2017 through 2021.".

(2) DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking "2012 through 2016" and inserting "2017 through 2021".

(c) EXTENSION OF FUNDING RESERVATIONS FOR MONTHLY CASEWORKER VISITS AND REGIONAL PARTNERSHIP GRANTS.—Section 436(b) of such Act (42 U.S.C. 629f(b)) is amended—

(1) in paragraph (4)(A), by striking "2012 through 2016" and inserting "2017 through 2021"; and

(2) in paragraph (5), by striking "2012 through 2016" and inserting "2017 through 2021".

(d) REAUTHORIZATION OF FUNDING FOR STATE COURTS.—

(1) EXTENSION OF PROGRAM.—Section 438(c)(1) of such Act (42 U.S.C. 629h(c)(1)) is amended by striking "2012 through 2016" and inserting "2017 through 2021".

(2) EXTENSION OF FEDERAL SHARE.—Section 438(d) of such Act (42 U.S.C. 629h(d)) is amended by striking "2012 through 2016" and inserting "2017 through 2021".

(e) REPEAL OF EXPIRED PROVISIONS.—Section 438(e) of such Act (42 U.S.C. 629h(e)) is repealed.

SEC. 50753. IMPROVEMENTS TO THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM AND RELATED PROVISIONS.

(a) AUTHORITY TO SERVE FORMER FOSTER YOUTH UP TO AGE 23.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended—

(1) in subsection (a)(5), by inserting "(or 23 years of age, in the case of a State with a certification under subsection (b)(3)(A)(ii) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with such subsection)" after "21 years of age";

(2) in subsection (b)(3)(A)—

(A) by inserting "(i)" before "A certification";

(B) by striking "children who have left foster care" and all that follows through the period and inserting "youths who have aged out of foster care and have not attained 21 years of age."; and

(C) by adding at the end the following:

"(ii) If the State has elected under section 475(8)(B) to extend eligibility for foster care to all children who have not attained 21 years of age, or if the Secretary determines that the State agency responsible for administering the State plans under this part and part B uses

Determination.

State funds or any other funds not provided under this part to provide services and assistance for youths who have aged out of foster care that are comparable to the services and assistance the youths would receive if the State had made such an election, the certification required under clause (i) may provide that the State will provide assistance and services to youths who have aged out of foster care and have not attained 23 years of age."; and

(3) in subsection (b)(3)(B), by striking "children who have left foster care" and all that follows through the period and inserting "youths who have aged out of foster care and have not attained 21 years of age (or 23 years of age, in the case of a State with a certification under subparagraph (A)(i) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with subparagraph (A)(ii)).".

(b) AUTHORITY TO REDISTRIBUTE UNSPENT FUNDS.—Section 477(d) of such Act (42 U.S.C. 677(d)) is amended—

(1) in paragraph (4), by inserting "or does not expend allocated funds within the time period specified under section 477(d)(3)" after "provided by the Secretary"; and

(2) by adding at the end the following:

"(5) REDISTRIBUTION OF UNEXPENDED AMOUNTS.—

Applicability.

"(A) AVAILABILITY OF AMOUNTS.—To the extent that amounts paid to States under this section in a fiscal year remain unexpended by the States at the end of the succeeding fiscal year, the Secretary may make the amounts available for redistribution in the second succeeding fiscal year among the States that apply for additional funds under this section for that second succeeding fiscal year.

"(B) REDISTRIBUTION.—

"(i) IN GENERAL.—The Secretary shall redistribute the amounts made available under subparagraph (A) for a fiscal year among eligible applicant States. In this subparagraph, the term 'eligible applicant State' means a State that has applied for additional funds for the fiscal year under subparagraph (A) if the Secretary determines that the State will use the funds for the purpose for which originally allotted under this section.

Definition.
Determination.

"(ii) AMOUNT TO BE REDISTRIBUTED.—The amount to be redistributed to each eligible applicant State shall be the amount so made available multiplied by the State foster care ratio, (as defined in subsection (c)(4), except that, in such subsection, 'all eligible applicant States (as defined in subsection (d)(5)(B)(i))' shall be substituted for 'all States').

"(iii) TREATMENT OF REDISTRIBUTED AMOUNT.—Any amount made available to a State under this paragraph shall be regarded as part of the allotment of the State under this section for the fiscal year in which the redistribution is made.

Definition.

"(C) TRIBES.—For purposes of this paragraph, the term 'State' includes an Indian tribe, tribal organization, or tribal consortium that receives an allotment under this section.".

(c) EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.—

(1) IN GENERAL.—Section 477(i)(3) of such Act (42 U.S.C. 677(i)(3)) is amended—

(A) by striking "on the date" and all that follows through "23" and inserting "to remain eligible until they attain 26"; and

(B) by inserting ", but in no event may a youth participate in the program for more than 5 years (whether or not consecutive)" before the period.

(2) CONFORMING AMENDMENT.—Section 477(i)(1) of such Act (42 U.S.C. 677(i)(1)) is amended by inserting "who have attained 14 years of age" before the period.

(d) OTHER IMPROVEMENTS.—Section 477 of such Act (42 U.S.C. 677), as amended by subsections (a), (b), and (c), is amended—

(1) in the section heading, by striking "**INDEPENDENCE PROGRAM**" and inserting "**PROGRAM FOR SUCCESSFUL TRANSITION TO ADULTHOOD**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services" and inserting "support all youth who have experienced foster care at age 14 or older in their transition to adulthood through transitional services";

(ii) by inserting "and post-secondary education" after "high school diploma"; and

(iii) by striking "training in daily living skills, training in budgeting and financial management skills" and inserting "training and opportunities to practice daily living skills (such as financial literacy training and driving instruction)";

(B) in paragraph (2), by striking "who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment" and inserting "who have experienced foster care at age 14 or older achieve meaningful, permanent connections with a caring adult";

(C) in paragraph (3), by striking "who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions" and inserting "who have experienced foster care at age 14 or older engage in age or developmentally appropriate activities, positive youth development, and experiential learning that reflects what their peers in intact families experience"; and

(D) by striking paragraph (4) and redesignating paragraphs (5) through (8) as paragraphs (4) through (7);

(3) in subsection (b)—

(A) in paragraph (2)(D), by striking "adolescents" and inserting "youth"; and

(B) in paragraph (3)—

(i) in subparagraph (D)—

(I) by inserting "including training on youth development" after "to provide training"; and

(II) by striking "adolescents preparing for independent living" and all that follows through the period and inserting "youth preparing for a successful transition to adulthood and making a permanent connection with a caring adult.";

(ii) in subparagraph (H), by striking "adolescents" each place it appears and inserting "youth"; and

(iii) in subparagraph (K)—

(I) by striking "an adolescent" and inserting "a youth"; and

(II) by striking "the adolescent" each place it appears and inserting "the youth"; and

(4) in subsection (f), by striking paragraph (2) and inserting the following:

Analyses.

"(2) REPORT TO CONGRESS.—Not later than October 1, 2019, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the National Youth in Transition Database and any other databases in which States report outcome measures relating to children in foster care and children who have aged out of foster care or left foster care for kinship guardianship or adoption. The report shall include the following:

"(A) A description of the reasons for entry into foster care and of the foster care experiences, such as length of stay, number of placement settings, case goal, and discharge reason of 17-year-olds who are surveyed by the National Youth in Transition Database and an analysis of the comparison of that description with the reasons for entry and foster care experiences of children of other ages who exit from foster care before attaining age 17.

"(B) A description of the characteristics of the individuals who report poor outcomes at ages 19 and 21 to the National Youth in Transition Database.

Determination.

"(C) Benchmarks for determining what constitutes a poor outcome for youth who remain in or have exited from foster care and plans the executive branch will take to incorporate these benchmarks in efforts to evaluate child welfare agency performance in providing services to children transitioning from foster care.

"(D) An analysis of the association between types of placement, number of overall placements, time spent in foster care, and other factors, and outcomes at ages 19 and 21.

"(E) An analysis of the differences in outcomes for children in and formerly in foster care at age 19 and 21 among States.".

(e) CLARIFYING DOCUMENTATION PROVIDED TO FOSTER YOUTH LEAVING FOSTER CARE.—Section 475(5)(I) of such Act (42 U.S.C. 675(5)(I)) is amended by inserting after "REAL ID Act of 2005" the following: ", and any official documentation necessary to prove that the child was previously in foster care".

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

SEC. 50761. REAUTHORIZING ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PROGRAMS.

42 USC 673b note.

(a) IN GENERAL.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking "2013 through 2015" and inserting "2016 through 2020";

(2) in subsection (h)(1)(D), by striking "2016" and inserting "2021"; and

(3) in subsection (h)(2), by striking "2016" and inserting "2021".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 1, 2017.

42 USC 673b note.

PART VII—TECHNICAL CORRECTIONS

SEC. 50771. TECHNICAL CORRECTIONS TO DATA EXCHANGE STANDARDS TO IMPROVE PROGRAM COORDINATION.

(a) IN GENERAL.—Section 440 of the Social Security Act (42 U.S.C. 629m) is amended to read as follows:

"SEC. 440. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

"(a) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part and part E—

Consultation. Establishment.

"(1) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

"(2) Federal reporting and data exchange required under applicable Federal law.

"(b) REQUIREMENTS.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

"(1) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the Extensible Markup Language;

"(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

"(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

"(4) be consistent with and implement applicable accounting principles;

"(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

"(6) be capable of being continually upgraded as necessary.

"(c) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.".

Deadline. Regulations. 42 USC 629m note. Determination.

(b) EFFECTIVE DATE.—Not later than the date that is 24 months after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a proposed rule that—

(1) identifies federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges; and

(2) specifies State implementation options and describes future milestones.

SEC. 50772. TECHNICAL CORRECTIONS TO STATE REQUIREMENT TO ADDRESS THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN.

Section 422(b)(18) of the Social Security Act (42 U.S.C. 622(b)(18)) is amended by striking "such children" and inserting "all vulnerable children under 5 years of age".

PART VIII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

SEC. 50781. DELAY OF ADOPTION ASSISTANCE PHASE-IN.

(a) IN GENERAL.—The table in section 473(e)(1)(B) of the Social Security Act (42 U.S.C. 673(e)(1)(B)) is amended by striking the last 2 rows and inserting the following:

"2017 through 2023	2
2024	2 (or, in the case of a child for whom an adoption assistance agreement is entered into under this section on or after July 1, 2024, any age)
2025 or thereafter	any age.".

42 USC 673 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if enacted on January 1, 2018.

SEC. 50782. GAO STUDY AND REPORT ON STATE REINVESTMENT OF SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE.

(a) STUDY.—The Comptroller General of the United States shall study the extent to which States are complying with the requirements of section 473(a)(8) of the Social Security Act (42 U.S.C. 673(a)(8)) relating to the effects of phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of the Social Security Act, as enacted by section 402 of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351; 122 Stat. 3975) and amended by section 206 of the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113–183; 128 Stat. 1919). In particular, the Comptroller General shall analyze the extent to which States are complying with the following requirements under section 473(a)(8)(D) of the Social Security Act:

Analysis.

(1) The requirement to spend an amount equal to the amount of the savings (if any) in State expenditures under part E of title IV of the Social Security Act resulting from phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of such Act to provide to children of families any service that may be provided under part B or E of title IV of such Act.

(2) The requirement that a State shall spend not less than 30 percent of the amount of any savings described in paragraph (1) on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State, with at least ⅔ of the spending by the State to comply with the 30 percent requirement being spent on post-adoption and post-guardianship services.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Secretary of Health and Human Services a report that contains the results of the study required by subsection (a), including recommendations to ensure compliance with laws referred to in subsection (a). Recommendations.

TITLE VIII—SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS

Social Impact Partnerships to Pay for Results Act.

SEC. 50801. SHORT TITLE. 42 USC 1305 note.

This subtitle may be cited as the "Social Impact Partnerships to Pay for Results Act".

SEC. 50802. SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS.

Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(1) in the title heading, by striking "TO STATES" and inserting "AND PROGRAMS"; and

(2) by adding at the end the following:

"Subtitle C—Social Impact Demonstration Projects

"PURPOSES

"SEC. 2051. The purposes of this subtitle are the following: 42 USC 1397n note.

"(1) To improve the lives of families and individuals in need in the United States by funding social programs that achieve real results.

"(2) To redirect funds away from programs that, based on objective data, are ineffective, and into programs that achieve demonstrable, measurable results.

"(3) To ensure Federal funds are used effectively on social services to produce positive outcomes for both service recipients and taxpayers.

"(4) To establish the use of social impact partnerships to address some of our Nation's most pressing problems.

"(5) To facilitate the creation of public-private partnerships that bundle philanthropic or other private resources with existing public spending to scale up effective social interventions already being implemented by private organizations, nonprofits, charitable organizations, and State and local governments across the country.

"(6) To bring pay-for-performance to the social sector, allowing the United States to improve the impact and effectiveness of vital social services programs while redirecting inefficient or duplicative spending.

"(7) To incorporate outcomes measurement and randomized controlled trials or other rigorous methodologies for assessing program impact.

"SOCIAL IMPACT PARTNERSHIP APPLICATION

Deadline. Consultation. Federal Register, publication. 42 USC 1397n–1 note.

"SEC. 2052. (a) NOTICE.—Not later than 1 year after the date of the enactment of this subtitle, the Secretary of the Treasury, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall publish in the Federal Register a request for proposals from States or local governments for social impact partnership projects in accordance with this section.

"(b) REQUIRED OUTCOMES FOR SOCIAL IMPACT PARTNERSHIP PROJECT.—To qualify as a social impact partnership project under this subtitle, a project must produce one or more measurable, clearly defined outcomes that result in social benefit and Federal, State, or local savings through any of the following:

"(1) Increasing work and earnings by individuals in the United States who are unemployed for more than 6 consecutive months.

"(2) Increasing employment and earnings of individuals who have attained 16 years of age but not 25 years of age.

"(3) Increasing employment among individuals receiving Federal disability benefits.

"(4) Reducing the dependence of low-income families on Federal means-tested benefits.

"(5) Improving rates of high school graduation.

"(6) Reducing teen and unplanned pregnancies.

"(7) Improving birth outcomes and early childhood health and development among low-income families and individuals.

"(8) Reducing rates of asthma, diabetes, or other preventable diseases among low-income families and individuals to reduce the utilization of emergency and other high-cost care.

"(9) Increasing the proportion of children living in two-parent families.

"(10) Reducing incidences and adverse consequences of child abuse and neglect.

"(11) Reducing the number of youth in foster care by increasing adoptions, permanent guardianship arrangements, reunifications, or placements with a fit and willing relative, or by avoiding placing children in foster care by ensuring they can be cared for safely in their own homes.

"(12) Reducing the number of children and youth in foster care residing in group homes, child care institutions, agency-operated foster homes, or other non-family foster homes, unless it is determined that it is in the interest of the child's long-term health, safety, or psychological well-being to not be placed in a family foster home.

"(13) Reducing the number of children returning to foster care.

"(14) Reducing recidivism among juvenile offenders, individuals released from prison, or other high-risk populations.

"(15) Reducing the rate of homelessness among our most vulnerable populations.

"(16) Improving the health and well-being of those with mental, emotional, and behavioral health needs.

"(17) Improving the educational outcomes of special-needs or low-income children.

"(18) Improving the employment and well-being of returning United States military members.

"(19) Increasing the financial stability of low-income families.

"(20) Increasing the independence and employability of individuals who are physically or mentally disabled.

"(21) Other measurable outcomes defined by the State or local government that result in positive social outcomes and Federal savings.

"(c) APPLICATION REQUIRED.—The notice described in subsection (a) shall require a State or local government to submit an application for the social impact partnership project that addresses the following:

"(1) The outcome goals of the project.

"(2) A description of each intervention in the project and anticipated outcomes of the intervention.

"(3) Rigorous evidence demonstrating that the intervention can be expected to produce the desired outcomes.

"(4) The target population that will be served by the project.

"(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

"(6) Projected Federal, State, and local government costs and other costs to conduct the project.

"(7) Projected Federal, State, and local government savings and other savings, including an estimate of the savings to the Federal Government, on a program-by-program basis and in the aggregate, if the project is implemented and the outcomes are achieved as a result of the intervention.

"(8) If savings resulting from the successful completion of the project are estimated to accrue to the State or local government, the likelihood of the State or local government to realize those savings.

"(9) A plan for delivering the intervention through a social impact partnership model.

"(10) A description of the expertise of each service provider that will administer the intervention, including a summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or demonstrating that the service provider has the expertise necessary to deliver the proposed intervention.

"(11) An explanation of the experience of the State or local government, the intermediary, or the service provider in raising private and philanthropic capital to fund social service investments.

"(12) The detailed roles and responsibilities of each entity involved in the project, including any State or local government

entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

"(13) A summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or a summary demonstrating the service provider has the expertise necessary to deliver the proposed intervention.

"(14) A summary of the unmet need in the area where the intervention will be delivered or among the target population who will receive the intervention.

"(15) The proposed payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

"(16) The project budget.

"(17) The project timeline.

"(18) The criteria used to determine the eligibility of an individual for the project, including how selected populations will be identified, how they will be referred to the project, and how they will be enrolled in the project.

"(19) The evaluation design.

"(20) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of the intervention and how the metrics will be measured.

"(21) An explanation of how the metrics used in the evaluation to determine whether the outcomes achieved as a result of the intervention are independent, objective indicators of impact and are not subject to manipulation by the service provider, intermediary, or investor.

"(22) A summary explaining the independence of the evaluator from the other entities involved in the project and the evaluator's experience in conducting rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials on the intervention or similar interventions.

"(23) The capacity of the service provider to deliver the intervention to the number of participants the State or local government proposes to serve in the project.

"(24) A description of whether and how the State or local government and service providers plan to sustain the intervention, if it is timely and appropriate to do so, to ensure that successful interventions continue to operate after the period of the social impact partnership.

"(d) PROJECT INTERMEDIARY INFORMATION REQUIRED.—The application described in subsection (c) shall also contain the following information about any intermediary for the social impact partnership project (whether an intermediary is a service provider or other entity):

"(1) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

"(2) The mission and goals.

"(3) Information on whether the intermediary is already working with service providers that provide this intervention or an explanation of the capacity of the intermediary to begin working with service providers to provide the intervention.

"(4) Experience working in a collaborative environment across government and nongovernmental entities.

"(5) Previous experience collaborating with public or private entities to implement evidence-based programs.

"(6) Ability to raise or provide funding to cover operating costs (if applicable to the project).

"(7) Capacity and infrastructure to track outcomes and measure results, including—

"(A) capacity to track and analyze program performance and assess program impact; and

"(B) experience with performance-based awards or performance-based contracting and achieving project milestones and targets.

"(8) Role in delivering the intervention.

"(9) How the intermediary would monitor program success, including a description of the interim benchmarks and outcome measures.

"(e) FEASIBILITY STUDIES FUNDED THROUGH OTHER SOURCES.—The notice described in subsection (a) shall permit a State or local government to submit an application for social impact partnership funding that contains information from a feasibility study developed for purposes other than applying for funding under this subtitle.

"AWARDING SOCIAL IMPACT PARTNERSHIP AGREEMENTS

"SEC. 2053. (a) TIMELINE IN AWARDING AGREEMENT.—Not later than 6 months after receiving an application in accordance with section 2052, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall determine whether to enter into an agreement for a social impact partnership project with a State or local government.

Deadline. Consultation. Determination. 42 USC 1397n–2 note.

"(b) CONSIDERATIONS IN AWARDING AGREEMENT.—In determining whether to enter into an agreement for a social impact partnership project (the application for which was submitted under section 2052) the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall consider each of the following:

"(1) The recommendations made by the Commission on Social Impact Partnerships.

"(2) The value to the Federal Government of the outcomes expected to be achieved if the outcomes specified in the agreement are achieved as a result of the intervention.

"(3) The likelihood, based on evidence provided in the application and other evidence, that the State or local government in collaboration with the intermediary and the service providers will achieve the outcomes.

"(4) The savings to the Federal Government if the outcomes specified in the agreement are achieved as a result of the intervention.

"(5) The savings to the State and local governments if the outcomes specified in the agreement are achieved as a result of the intervention.

"(6) The expected quality of the evaluation that would be conducted with respect to the agreement.

"(7) The capacity and commitment of the State or local government to sustain the intervention, if appropriate and timely and if the intervention is successful, beyond the period of the social impact partnership.

"(c) AGREEMENT AUTHORITY.— Determinations.

"(1) AGREEMENT REQUIREMENTS.—In accordance with this section, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, may enter into an agreement for a social impact partnership project with a State or local government if the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, determines that each of the following requirements are met:

"(A) The State or local government agrees to achieve one or more outcomes as a result of the intervention, as specified in the agreement and validated by independent evaluation, in order to receive payment.

"(B) The Federal payment to the State or local government for each specified outcome achieved as a result of the intervention is less than or equal to the value of the outcome to the Federal Government over a period not to exceed 10 years, as determined by the Secretary, in consultation with the State or local government.

"(C) The duration of the project does not exceed 10 years.

"(D) The State or local government has demonstrated, through the application submitted under section 2052, that, based on prior rigorous experimental evaluations or rigorous quasi-experimental studies, the intervention can be expected to achieve each outcome specified in the agreement.

"(E) The State, local government, intermediary, or service provider has experience raising private or philanthropic capital to fund social service investments (if applicable to the project).

"(F) The State or local government has shown that each service provider has experience delivering the intervention, a similar intervention, or has otherwise demonstrated the expertise necessary to deliver the intervention.

"(2) PAYMENT.—The Secretary shall pay the State or local government only if the independent evaluator described in section 2055 determines that the social impact partnership project has met the requirements specified in the agreement and achieved an outcome as a result of the intervention, as specified in the agreement and validated by independent evaluation.

Deadline. Federal Register, publication.

"(d) NOTICE OF AGREEMENT AWARD.—Not later than 30 days after entering into an agreement under this section the Secretary shall publish a notice in the Federal Register that includes, with regard to the agreement, the following:

"(1) The outcome goals of the social impact partnership project.

"(2) A description of each intervention in the project.

"(3) The target population that will be served by the project.

"(4) The expected social benefits to participants who receive the intervention and others who may be impacted.

"(5) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

"(6) The payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

"(7) The project budget.

"(8) The project timeline.

"(9) The project eligibility criteria. Criteria.

"(10) The evaluation design.

"(11) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of each intervention and how these metrics will be measured.

"(12) The estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved as a result of each intervention. Estimate.

"(e) AUTHORITY TO TRANSFER ADMINISTRATION OF AGREEMENT.—The Secretary may transfer to the head of another Federal agency the authority to administer (including making payments under) an agreement entered into under subsection (c), and any funds necessary to do so.

"(f) REQUIREMENT ON FUNDING USED TO BENEFIT CHILDREN.—Not less than 50 percent of all Federal payments made to carry out agreements under this section shall be used for initiatives that directly benefit children.

"FEASIBILITY STUDY FUNDING

"SEC. 2054. (a) REQUESTS FOR FUNDING FOR FEASIBILITY STUDIES.—The Secretary shall reserve a portion of the amount made available to carry out this subtitle to assist States or local governments in developing feasibility studies to apply for social impact partnership funding under section 2052. To be eligible to receive funding to assist with completing a feasibility study, a State or local government shall submit an application for feasibility study funding addressing the following: 42 USC 1397n–3 note.

"(1) A description of the outcome goals of the social impact partnership project.

"(2) A description of the intervention, including anticipated program design, target population, an estimate regarding the number of individuals to be served, and setting for the intervention.

"(3) Evidence to support the likelihood that the intervention will produce the desired outcomes.

"(4) A description of the potential metrics to be used.

"(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

"(6) Estimated costs to conduct the project. Cost estimate.

"(7) Estimates of Federal, State, and local government savings and other savings if the project is implemented and the outcomes are achieved as a result of each intervention. Estimates.

"(8) An estimated timeline for implementation and completion of the project, which shall not exceed 10 years. Time period.

"(9) With respect to a project for which the State or local government selects an intermediary to operate the project, any partnerships needed to successfully execute the project and the ability of the intermediary to foster the partnerships.

"(10) The expected resources needed to complete the feasibility study for the State or local government to apply for social impact partnership funding under section 2052.

Deadline. Consultation.

"(b) FEDERAL SELECTION OF APPLICATIONS FOR FEASIBILITY STUDY.—Not later than 6 months after receiving an application for feasibility study funding under subsection (a), the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall select State or local government feasibility study proposals for funding based on the following:

"(1) The recommendations made by the Commission on Social Impact Partnerships.

"(2) The likelihood that the proposal will achieve the desired outcomes.

"(3) The value of the outcomes expected to be achieved as a result of each intervention.

"(4) The potential savings to the Federal Government if the social impact partnership project is successful.

"(5) The potential savings to the State and local governments if the project is successful.

Deadline. Web posting.

"(c) PUBLIC DISCLOSURE.—Not later than 30 days after selecting a State or local government for feasibility study funding under this section, the Secretary shall cause to be published on the website of the Federal Interagency Council on Social Impact Partnerships information explaining why a State or local government was granted feasibility study funding.

"(d) FUNDING RESTRICTION.—

"(1) FEASIBILITY STUDY RESTRICTION.—The Secretary may not provide feasibility study funding under this section for more than 50 percent of the estimated total cost of the feasibility study reported in the State or local government application submitted under subsection (a).

"(2) AGGREGATE RESTRICTION.—Of the total amount made available to carry out this subtitle, the Secretary may not use more than $10,000,000 to provide feasibility study funding to States or local governments under this section.

"(3) NO GUARANTEE OF FUNDING.—The Secretary shall have the option to award no funding under this section.

Deadline.

"(e) SUBMISSION OF FEASIBILITY STUDY REQUIRED.—Not later than 9 months after the receipt of feasibility study funding under this section, a State or local government receiving the funding shall complete the feasibility study and submit the study to the Federal Interagency Council on Social Impact Partnerships.

"(f) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

"EVALUATIONS

Determination. 42 USC 1397n–4 note.

"SEC. 2055. (a) AUTHORITY TO ENTER INTO AGREEMENTS.—For each State or local government awarded a social impact partnership project approved by the Secretary under this subtitle, the head of the relevant agency, as recommended by the Federal Interagency Council on Social Impact Partnerships and determined by the Secretary, shall enter into an agreement with the State or local government to pay for all or part of the independent evaluation to determine whether the State or local government project has achieved a specific outcome as a result of the intervention in order for the State or local government to receive outcome payments under this subtitle.

"(b) EVALUATOR QUALIFICATIONS.—The head of the relevant agency may not enter into an agreement with a State or local government unless the head determines that the evaluator is independent of the other parties to the agreement and has demonstrated substantial experience in conducting rigorous evaluations of program effectiveness including, where available and appropriate, well-implemented randomized controlled trials on the intervention or similar interventions. Determination.

"(c) METHODOLOGIES TO BE USED.—The evaluation used to determine whether a State or local government will receive outcome payments under this subtitle shall use experimental designs using random assignment or other reliable, evidence-based research methodologies, as certified by the Federal Interagency Council on Social Impact Partnerships, that allow for the strongest possible causal inferences when random assignment is not feasible. Evaluation. Certification.

"(d) PROGRESS REPORT.—

"(1) SUBMISSION OF REPORT.—The independent evaluator shall—

"(A) not later than 2 years after a project has been approved by the Secretary and biannually thereafter until the project is concluded, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report summarizing the progress that has been made in achieving each outcome specified in the agreement; and

"(B) before the scheduled time of the first outcome payment and before the scheduled time of each subsequent payment, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation conducted to determine whether an outcome payment should be made along with information on the unique factors that contributed to achieving or failing to achieve the outcome, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

"(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

"(e) FINAL REPORT.—

"(1) SUBMISSION OF REPORT.—Within 6 months after the social impact partnership project is completed, the independent evaluator shall—

"(A) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement; and Evaluation.

"(B) submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation and the conclusion of the evaluator as to whether the State or local government has fulfilled each obligation of the agreement, along with information on the unique factors that contributed to the success or failure of the project, the challenges faced in attempting to achieve

the outcome, and information on the improved future delivery of this or similar interventions.

"(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

"(f) LIMITATION ON COST OF EVALUATIONS.—Of the amount made available under this subtitle for social impact partnership projects, the Secretary may not obligate more than 15 percent to evaluate the implementation and outcomes of the projects.

"(g) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

"FEDERAL INTERAGENCY COUNCIL ON SOCIAL IMPACT PARTNERSHIPS

42 USC 1397n–5 note.

"SEC. 2056. (a) ESTABLISHMENT.—There is established the Federal Interagency Council on Social Impact Partnerships (in this section referred to as the 'Council') to—

"(1) coordinate with the Secretary on the efforts of social impact partnership projects funded under this subtitle;

"(2) advise and assist the Secretary in the development and implementation of the projects;

"(3) advise the Secretary on specific programmatic and policy matter related to the projects;

"(4) provide subject-matter expertise to the Secretary with regard to the projects;

Certification.

"(5) certify to the Secretary that each State or local government that has entered into an agreement with the Secretary for a social impact partnership project under this subtitle and each evaluator selected by the head of the relevant agency under section 2055 has access to Federal administrative data to assist the State or local government and the evaluator in evaluating the performance and outcomes of the project;

"(6) address issues that will influence the future of social impact partnership projects in the United States;

"(7) provide guidance to the executive branch on the future of social impact partnership projects in the United States;

Certification.

"(8) prior to approval by the Secretary, certify that each State and local government application for a social impact partnership contains rigorous, independent data and reliable, evidence-based research methodologies to support the conclusion that the project will yield savings to the State or local government or the Federal Government if the project outcomes are achieved;

Certification.

"(9) certify to the Secretary, in the case of each approved social impact partnership that is expected to yield savings to the Federal Government, that the project will yield a projected savings to the Federal Government if the project outcomes are achieved, and coordinate with the relevant Federal agency to produce an after-action accounting once the project is complete to determine the actual Federal savings realized, and the extent to which actual savings aligned with projected savings; and

"(10) provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle. Reports. Public information.

"(b) COMPOSITION OF COUNCIL.—The Council shall have 11 members, as follows:

"(1) CHAIR.—The Chair of the Council shall be the Director of the Office of Management and Budget.

"(2) OTHER MEMBERS.—The head of each of the following entities shall designate one officer or employee of the entity to be a Council member:

"(A) The Department of Labor.

"(B) The Department of Health and Human Services.

"(C) The Social Security Administration.

"(D) The Department of Agriculture.

"(E) The Department of Justice.

"(F) The Department of Housing and Urban Development.

"(G) The Department of Education.

"(H) The Department of Veterans Affairs.

"(I) The Department of the Treasury.

"(J) The Corporation for National and Community Service.

"COMMISSION ON SOCIAL IMPACT PARTNERSHIPS

"SEC. 2057. (a) ESTABLISHMENT.—There is established the Commission on Social Impact Partnerships (in this section referred to as the 'Commission'). 42 USC 1397n–6 note.

"(b) DUTIES.—The duties of the Commission shall be to—

"(1) assist the Secretary and the Federal Interagency Council on Social Impact Partnerships in reviewing applications for funding under this subtitle;

"(2) make recommendations to the Secretary and the Federal Interagency Council on Social Impact Partnerships regarding the funding of social impact partnership agreements and feasibility studies; and Recommendations.

"(3) provide other assistance and information as requested by the Secretary or the Federal Interagency Council on Social Impact Partnerships.

"(c) COMPOSITION.—The Commission shall be composed of nine members, of whom—

"(1) one shall be appointed by the President, who will serve as the Chair of the Commission;

"(2) one shall be appointed by the Majority Leader of the Senate;

"(3) one shall be appointed by the Minority Leader of the Senate;

"(4) one shall be appointed by the Speaker of the House of Representatives;

"(5) one shall be appointed by the Minority Leader of the House of Representatives;

"(6) one shall be appointed by the Chairman of the Committee on Finance of the Senate;

"(7) one shall be appointed by the ranking member of the Committee on Finance of the Senate;

"(8) one member shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives; and

"(9) one shall be appointed by the ranking member of the Committee on Ways and Means of the House of Representatives.

"(d) QUALIFICATIONS OF COMMISSION MEMBERS.—The members of the Commission shall—

"(1) be experienced in finance, economics, pay for performance, or program evaluation;

"(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

"(3) be qualified to review applications for social impact partnership projects to determine whether the proposed metrics and evaluation methodologies are appropriately rigorous and reliant upon independent data and evidence-based research.

Deadlines.

"(e) TIMING OF APPOINTMENTS.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this subtitle, or, in the event of a vacancy, not later than 90 days after the date the vacancy arises. If a member of Congress fails to appoint a member by that date, the President may select a member of the President's choice on behalf of the member of Congress. Notwithstanding the preceding sentence, if not all appointments have been made to the Commission as of that date, the Commission may operate with no fewer than five members until all appointments have been made.

President.

"(f) TERM OF APPOINTMENTS.—

"(1) IN GENERAL.—The members appointed under subsection (c) shall serve as follows:

"(A) Three members shall serve for 2 years.

"(B) Three members shall serve for 3 years.

President.

"(C) Three members (one of which shall be Chair of the Commission appointed by the President) shall serve for 4 years.

"(2) ASSIGNMENT OF TERMS.—The Commission shall designate the term length that each member appointed under subsection (c) shall serve by unanimous agreement. In the event that unanimous agreement cannot be reached, term lengths shall be assigned to the members by a random process.

"(g) VACANCIES.—Subject to subsection (e), in the event of a vacancy in the Commission, whether due to the resignation of a member, the expiration of a member's term, or any other reason, the vacancy shall be filled in the manner in which the original appointment was made and shall not affect the powers of the Commission.

"(h) APPOINTMENT POWER.—Members of the Commission appointed under subsection (c) shall not be subject to confirmation by the Senate.

"LIMITATION ON USE OF FUNDS

42 USC 1397n–7 note.

"SEC. 2058. Of the amounts made available to carry out this subtitle, the Secretary may not use more than $2,000,000 in any fiscal year to support the review, approval, and oversight of social impact partnership projects, including activities conducted by—

"(1) the Federal Interagency Council on Social Impact Partnerships; and

"(2) any other agency consulted by the Secretary before approving a social impact partnership project or a feasibility study under section 2054.

"NO FEDERAL FUNDING FOR CREDIT ENHANCEMENTS

"SEC. 2059. No amount made available to carry out this subtitle may be used to provide any insurance, guarantee, or other credit enhancement to a State or local government under which a Federal payment would be made to a State or local government as the result of a State or local government failing to achieve an outcome specified in an agreement. 42 USC 1397n–8 note.

"AVAILABILITY OF FUNDS

"SEC. 2060. Amounts made available to carry out this subtitle shall remain available until 10 years after the date of the enactment of this subtitle. Termination date. 42 USC 1397n–9 note.

"WEBSITE

"SEC. 2061. The Federal Interagency Council on Social Impact Partnerships shall establish and maintain a public website that shall display the following: 42 USC 1397n–10 note.

"(1) A copy of, or method of accessing, each notice published regarding a social impact partnership project pursuant to this subtitle. Records.

"(2) A copy of each feasibility study funded under this subtitle.

"(3) For each State or local government that has entered into an agreement with the Secretary for a social impact partnership project, the website shall contain the following information:

"(A) The outcome goals of the project.

"(B) A description of each intervention in the project.

"(C) The target population that will be served by the project.

"(D) The expected social benefits to participants who receive the intervention and others who may be impacted.

"(E) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

"(F) The payment terms, methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

"(G) The project budget.

"(H) The project timeline.

"(I) The project eligibility criteria.

"(J) The evaluation design.

"(K) The metrics used to determine whether the proposed outcomes have been achieved and how these metrics are measured.

"(4) A copy of the progress reports and the final reports relating to each social impact partnership project.

"(5) An estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the Estimate.

aggregate, resulting from the successful completion of the social impact partnership project.

"REGULATIONS

Consultation.
42 USC
1397n–11 note.

"SEC. 2062. The Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, may issue regulations as necessary to carry out this subtitle.

"DEFINITIONS

42 USC
1397n–12 note.

"SEC. 2063. In this subtitle:

"(1) AGENCY.—The term 'agency' has the meaning given that term in section 551 of title 5, United States Code.

"(2) INTERVENTION.—The term 'intervention' means a specific service delivered to achieve an impact through a social impact partnership project.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(4) SOCIAL IMPACT PARTNERSHIP PROJECT.—The term 'social impact partnership project' means a project that finances social services using a social impact partnership model.

"(5) SOCIAL IMPACT PARTNERSHIP MODEL.—The term 'social impact partnership model' means a method of financing social services in which—

"(A) Federal funds are awarded to a State or local government only if a State or local government achieves certain outcomes agreed on by the State or local government and the Secretary; and

"(B) the State or local government coordinates with service providers, investors (if applicable to the project), and (if necessary) an intermediary to identify—

"(i) an intervention expected to produce the outcome;

"(ii) a service provider to deliver the intervention to the target population; and

"(iii) investors to fund the delivery of the intervention.

"(6) STATE.—The term 'State' means each State of the United States, the District of Columbia, each commonwealth, territory or possession of the United States, and each federally recognized Indian tribe.

"FUNDING

42 USC
1397n–13 note.

"SEC. 2064. Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated $100,000,000 for fiscal year 2018 to carry out this subtitle.".

TITLE IX—PUBLIC HEALTH PROGRAMS

SEC. 50901. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS FUNDING.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)), as amended by section 3101 of Public Law 115–96, is amended to read as follows:

"(F) $3,800,000,000 for fiscal year 2018 and $4,000,000,000 for fiscal year 2019.".

(b) OTHER COMMUNITY HEALTH CENTERS PROVISIONS.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking "abuse" and inserting "use disorder";

(2) in subsection (b)(2)(A), by striking "abuse" and inserting "use disorder";

(3) in subsection (c)—

(A) in paragraph (1), by striking subparagraphs (B) through (D);

(B) by striking "(1) IN GENERAL" and all that follows through "The Secretary" and inserting the following:

"(1) CENTERS.—The Secretary"; and

(C) in paragraph (1), as amended, by redesignating clauses (i) through (v) as subparagraphs (A) through (E) and moving the margin of each of such redesignated subparagraph 2 ems to the left;

(4) by striking subsection (d) and inserting the following:

"(d) IMPROVING QUALITY OF CARE.—

"(1) SUPPLEMENTAL AWARDS.—The Secretary may award supplemental grant funds to health centers funded under this section to implement evidence-based models for increasing access to high-quality primary care services, which may include models related to—

"(A) improving the delivery of care for individuals with multiple chronic conditions;

"(B) workforce configuration;

"(C) reducing the cost of care;

"(D) enhancing care coordination;

"(E) expanding the use of telehealth and technology-enabled collaborative learning and capacity building models;

"(F) care integration, including integration of behavioral health, mental health, or substance use disorder services; and

"(G) addressing emerging public health or substance use disorder issues to meet the health needs of the population served by the health center.

"(2) SUSTAINABILITY.—In making supplemental awards under this subsection, the Secretary may consider whether the health center involved has submitted a plan for continuing the activities funded under this subsection after supplemental funding is expended.

"(3) SPECIAL CONSIDERATION.—The Secretary may give special consideration to applications for supplemental funding under this subsection that seek to address significant barriers to access to care in areas with a greater shortage of health care providers and health services relative to the national average.";

(5) in subsection (e)(1)—

(A) in subparagraph (B)—

(i) by striking "2 years" and inserting "1 year"; and

(ii) by adding at the end the following: "The Secretary shall not make a grant under this paragraph

Grants.
Deadline.
Implementation plan.

unless the applicant provides assurances to the Secretary that within 120 days of receiving grant funding for the operation of the health center, the applicant will submit, for approval by the Secretary, an implementation plan to meet the requirements of subsection (k)(3). The Secretary may extend such 120-day period for achieving compliance upon a demonstration of good cause by the health center."; and

Time period.

(B) in subparagraph (C)—

(i) in the subparagraph heading, by striking "AND PLANS";

(ii) by striking "or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))";

(iii) by striking "or plan, including the purchase" and inserting the following: "including—

"(i) the purchase";

(iv) by inserting ", which may include data and information systems" after "of equipment";

(v) by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

"(ii) the provision of training and technical assistance; and

"(iii) other activities that—

"(I) reduce costs associated with the provision of health services;

"(II) improve access to, and availability of, health services provided to individuals served by the centers;

"(III) enhance the quality and coordination of health services; or

"(IV) improve the health status of communities.";

(6) in subsection (e)(5)(B)—

(A) in the heading of subparagraph (B), by striking "AND PLANS"; and

(B) by striking "and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a network or plan" and inserting "to a health center or to a network";

(7) in subsection (e), by adding at the end the following:

"(6) NEW ACCESS POINTS AND EXPANDED SERVICES.—

"(A) APPROVAL OF NEW ACCESS POINTS.—

"(i) IN GENERAL.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

"(ii) SPECIAL CONSIDERATION.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, or an area which has a level of unmet need that is higher relative to other applicants.

"(iii) CONSIDERATION OF APPLICATIONS.—In carrying out clause (i), the Secretary shall approve applications for grants in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by the applicants involved to the medically

underserved populations in urban areas which may be expected to use the services provided by the applicants is not less than two to three or greater than three to two.

"(iv) SERVICE AREA OVERLAP.—If in carrying out clause (i) the applicant proposes to serve an area that is currently served by another health center funded under this section, the Secretary may consider whether the award of funding to an additional health center in the area can be justified based on the unmet need for additional services within the catchment area.

"(B) APPROVAL OF EXPANDED SERVICE APPLICATIONS.—

"(i) IN GENERAL.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide required primary health services described in subsection (b)(1) or additional health services described in subsection (b)(2).

"(ii) PRIORITY EXPANSION PROJECTS.—In carrying out clause (i), the Secretary may give special consideration to expanded service applications that seek to address emerging public health or behavioral health, mental health, or substance abuse issues through increasing the availability of additional health services described in subsection (b)(2) in an area in which there are significant barriers to accessing care.

"(iii) CONSIDERATION OF APPLICATIONS.—In carrying out clause (i), the Secretary shall approve applications for grants in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by the applicants involved to the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two.";

(8) in subsection (h)—

(A) in paragraph (1), by striking "and children and youth at risk of homelessness" and inserting ", children and youth at risk of homelessness, homeless veterans, and veterans at risk of homelessness"; and

(B) in paragraph (5)—

(i) by striking subparagraph (B);

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

(iii) in subparagraph (B) (as so redesignated)—

(I) in the subparagraph heading, by striking "ABUSE" and inserting "USE DISORDER"; and

(II) by striking "abuse" and inserting "use disorder";

(9) in subsection (k)—

(A) in paragraph (2)—

(i) in the paragraph heading, by inserting "UNMET" before "NEED";

(ii) in the matter preceding subparagraph (A), by inserting "or subsection (e)(6)" after "subsection (e)(1)";

(iii) in subparagraph (A), by inserting "unmet" before "need for health services";

(iv) in subparagraph (B), by striking "and" at the end;

(v) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(vi) by adding after subparagraph (C) the following:

"(D) in the case of an application for a grant pursuant to subsection (e)(6), a demonstration that the applicant has consulted with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.";

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting "or subsection (e)(6)" after "subsection (e)(1)(B)";

(ii) in subparagraph (B), by striking "in the catchment area of the center" and inserting ", including other health care providers that provide care within the catchment area, local hospitals, and specialty providers in the catchment area of the center, to provide access to services not available through the health center and to reduce the non-urgent use of hospital emergency departments";

(iii) in subparagraph (H)(ii), by inserting "who shall be directly employed by the center" after "approves the selection of a director for the center";

(iv) in subparagraph (L), by striking "and" at the end;

(v) in subparagraph (M), by striking the period and inserting "; and"; and

(vi) by inserting after subparagraph (M), the following:

"(N) the center has written policies and procedures in place to ensure the appropriate use of Federal funds in compliance with applicable Federal statutes, regulations, and the terms and conditions of the Federal award."; and

(C) by striking paragraph (4);

(10) in subsection (l), by adding at the end the following: "Funds expended to carry out activities under this subsection and operational support activities under subsection (m) shall not exceed 3 percent of the amount appropriated for this section for the fiscal year involved.";

Waiver.
Time period.

(11) in subsection (q)(4), by adding at the end the following: "A waiver provided by the Secretary under this paragraph may not remain in effect for more than 1 year and may not be extended after such period. An entity may not receive more than one waiver under this paragraph in consecutive years.";

(12) in subsection (r)(3)—

(A) by striking "appropriate committees of Congress a report concerning the distribution of funds under this section" and inserting the following: "Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report including, at a minimum—

"(A) the distribution of funds for carrying out this section";

(B) by striking "populations. Such report shall include an assessment" and inserting the following: "populations;

"(B) an assessment";

(C) by striking "and the rationale for any substantial changes in the distribution of funds." and inserting a semicolon; and

(D) by adding at the end the following:

"(C) the distribution of awards and funding for new or expanded services in each of rural areas and urban areas;

"(D) the distribution of awards and funding for establishing new access points, and the number of new access points created;

"(E) the amount of unexpended funding for loan guarantees and loan guarantee authority under title XVI;

"(F) the rationale for any substantial changes in the distribution of funds;

"(G) the rate of closures for health centers and access points;

"(H) the number and reason for any grants awarded pursuant to subsection (e)(1)(B); and

"(I) the number and reason for any waivers provided pursuant to subsection (q)(4).";

(13) in subsection (r), by adding at the end the following new paragraph:

"(5) FUNDING FOR PARTICIPATION OF HEALTH CENTERS IN ALL OF US RESEARCH PROGRAM.—In addition to any amounts made available pursuant to paragraph (1) of this subsection, section 402A of this Act, or section 10503 of the Patient Protection and Affordable Care Act, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, to the Secretary $25,000,000 for fiscal year 2018 to support the participation of health centers in the All of Us Research Program under the Precision Medicine Initiative under section 498E of this Act."; and

Appropriation authorization.

(14) by striking subsection (s).

(c) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(F)), as amended by section 3101 of Public Law 115–96, is amended to read as follows:

"(F) $310,000,000 for each of fiscal years 2018 and 2019.".

(d) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—

(1) PAYMENTS.—Subsection (a) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended to read as follows:

"(a) PAYMENTS.—

"(1) IN GENERAL.—Subject to subsection (h)(2), the Secretary shall make payments under this section for direct expenses and indirect expenses to qualified teaching health centers that are listed as sponsoring institutions by the relevant accrediting body for, as appropriate—

"(A) maintenance of filled positions at existing approved graduate medical residency training programs;

"(B) expansion of existing approved graduate medical residency training programs; and

"(C) establishment of new approved graduate medical residency training programs.

"(2) PER RESIDENT AMOUNT.—In making payments under paragraph (1), the Secretary shall consider the cost of training residents at teaching health centers and the implications of the per resident amount on approved graduate medical residency training programs at teaching health centers.

"(3) PRIORITY.—In making payments under paragraph (1)(C), the Secretary shall give priority to qualified teaching health centers that—

"(A) serve a health professional shortage area with a designation in effect under section 332 or a medically underserved community (as defined in section 799B); or

"(B) are located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act).".

(2) FUNDING.—Paragraph (1) of section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)), as amended by section 3101 of Public Law 115–96, is amended by striking "and $30,000,000 for the period of the first and second quarters of fiscal year 2018," and inserting "and $126,500,000 for each of fiscal years 2018 and 2019,".

(3) ANNUAL REPORTING.—Subsection (h)(1) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating subparagraph (D) as subparagraph (H); and

(B) by inserting after subparagraph (C) the following:

"(D) The number of patients treated by residents described in paragraph (4).

"(E) The number of visits by patients treated by residents described in paragraph (4).

"(F) Of the number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents entering primary care practice (meaning any of the areas of practice listed in the definition of a primary care residency program in section 749A).

"(G) Of the number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents who entered practice at a health care facility—

"(i) primarily serving a health professional shortage area with a designation in effect under section 332 or a medically underserved community (as defined in section 799B); or

"(ii) located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act).".

(4) REPORT ON TRAINING COSTS.—Not later than March 31, 2019, the Secretary of Health and Human Services shall submit to the Congress a report on the direct graduate expenses of approved graduate medical residency training programs, and the indirect expenses associated with the additional costs of teaching residents, of qualified teaching health centers (as such

terms are used or defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)).

(5) DEFINITION.—Subsection (j) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) NEW APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'new approved graduate medical residency training program' means an approved graduate medical residency training program for which the sponsoring qualified teaching health center has not received a payment under this section for a previous fiscal year (other than pursuant to subsection (a)(1)(C)).".

(6) TECHNICAL CORRECTION.—Subsection (f) of section 340H (42 U.S.C. 256h) is amended by striking "hospital" each place it appears and inserting "teaching health center".

(7) PAYMENTS FOR PREVIOUS FISCAL YEARS.—The provisions of section 340H of the Public Health Service Act (42 U.S.C. 256h), as in effect on the day before the date of enactment of Public Law 115–96, shall continue to apply with respect to payments under such section for fiscal years before fiscal year 2018.

Applicability. 42 USC 256h note.

(e) APPLICATION.—Amounts appropriated pursuant to this section for fiscal year 2018 or 2019 are subject to the requirements contained in Public Law 115–31 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b–256).

(f) CONFORMING AMENDMENTS.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 3101 of Public Law 115–96, is amended by striking "and section 3101(d) of the CHIP and Public Health Funding Extension Act" and inserting "and section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act".

SEC. 50902. EXTENSION FOR SPECIAL DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAM FOR TYPE I DIABETES.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)), as amended by section 3102 of Public Law 115–96, is amended to read as follows:

"(D) $150,000,000 for each of fiscal years 2018 and 2019, to remain available until expended.".

(b) SPECIAL DIABETES PROGRAM FOR INDIANS.—Subparagraph (D) of section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)), as amended by section 3102 of Public Law 115–96, is amended to read as follows:

"(D) $150,000,000 for each of fiscal years 2018 and 2019, to remain available until expended.".

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES

SEC. 51001. HOME HEALTH PAYMENT REFORM.

Time periods.

(a) BUDGET NEUTRAL TRANSITION TO A 30-DAY UNIT OF PAYMENT FOR HOME HEALTH SERVICES.—Section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended—

(1) in paragraph (2)—

(A) by striking "PAYMENT.—In defining" and inserting "PAYMENT.—

"(A) IN GENERAL.—In defining"; and

(B) by adding at the end the following new subparagraph:

"(B) 30-DAY UNIT OF SERVICE.—For purposes of implementing the prospective payment system with respect to home health units of service furnished during a year beginning with 2020, the Secretary shall apply a 30-day unit of service as the unit of service applied under this paragraph.";

(2) in paragraph (3)—

(A) in subparagraph (A), by adding at the end the following new clause:

"(iv) BUDGET NEUTRALITY FOR 2020.—With respect to payments for home health units of service furnished that end during the 12-month period beginning January 1, 2020, the Secretary shall calculate a standard prospective payment amount (or amounts) for 30-day units of service (as described in paragraph (2)(B)) for the prospective payment system under this subsection. Such standard prospective payment amount (or amounts) shall be calculated in a manner such that the estimated aggregate amount of expenditures under the system during such period with application of paragraph (2)(B) is equal to the estimated aggregate amount of expenditures that otherwise would have been made under the system during such period if paragraph (2)(B) had not been enacted. The previous sentence shall be applied before (and not affect the application of) paragraph (3)(B). In calculating such amount (or amounts), the Secretary shall make assumptions about behavior changes that could occur as a result of the implementation of paragraph (2)(B) and the case-mix adjustment factors established under paragraph (4)(B) and shall provide a description of such assumptions in the notice and comment rulemaking used to implement this clause."; and

Applicability.

(B) by adding at the end the following new subparagraph:

"(D) BEHAVIOR ASSUMPTIONS AND ADJUSTMENTS.—

Notice.
Regulations.
Deadline.
Determination.

"(i) IN GENERAL.—The Secretary shall annually determine the impact of differences between assumed behavior changes (as described in paragraph (3)(A)(iv)) and actual behavior changes on estimated aggregate expenditures under this subsection with respect to years beginning with 2020 and ending with 2026.

"(ii) PERMANENT ADJUSTMENTS.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more permanent increases or decreases to the standard prospective payment amount (or amounts) for applicable years, on a prospective basis, to offset for such increases or decreases in estimated aggregate expenditures (as determined under clause (i)).

"(iii) TEMPORARY ADJUSTMENTS FOR RETROSPECTIVE BEHAVIOR.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more temporary increases or decreases to the payment amount for a unit of home health services (as determined under paragraph (4)) for applicable years, on a prospective basis, to offset for such increases or decreases in estimated aggregate expenditures (as determined under clause (i)). Such a temporary increase or decrease shall apply only with respect to the year for which such temporary increase or decrease is made, and the Secretary shall not take into account such a temporary increase or decrease in computing such amount under this subsection for a subsequent year."; and

Applicability.

(3) in paragraph (4)(B)—

(A) by striking "FACTORS.—The Secretary" and inserting "FACTORS.—

"(i) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following new clause:

"(ii) TREATMENT OF THERAPY THRESHOLDS.—For 2020 and subsequent years, the Secretary shall eliminate the use of therapy thresholds (established by the Secretary) in case mix adjustment factors established under clause (i) for calculating payments under the prospective payment system under this subsection.".

(b) TECHNICAL EXPERT PANEL.—

(1) IN GENERAL.—During the period beginning on January 1, 2018, and ending on December 31, 2018, the Secretary of Health and Human Services shall hold at least one session of a technical expert panel, the participants of which shall include home health providers, patient representatives, and other relevant stakeholders. The technical expert panel shall identify and prioritize recommendations with respect to the prospective payment system for home health services under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)), on the following:

Recommendations.

(A) The Home Health Groupings Model, as described in the proposed rule "Medicare and Medicaid Programs; CY 2018 Home Health Prospective Payment System Rate Update and Proposed CY 2019 Case-Mix Adjustment Methodology Refinements; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements" (82 Fed. Reg. 35294 through 35332 (July 28, 2017)).

(B) Alternative case-mix models to the Home Health Groupings Model that were submitted during 2017 as comments in response to proposed rule making, including patient-focused factors that consider the risks of hospitalization and readmission to a hospital, improvement or maintenance of functionality of individuals to increase the capacity for self-care, quality of care, and resource utilization.

(2) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the technical expert panel under paragraph (1).

(3) REPORT.—Not later than April 1, 2019, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the recommendations of such panel described in such paragraph.

Deadline.

(4) NOTICE AND COMMENT RULEMAKING.—Not later than December 31, 2019, the Secretary of Health and Human Services shall pursue notice and comment rulemaking on a case-mix system with respect to the prospective payment system for home health services under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)).

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress an interim report on the application of a 30-day unit of service as the unit of service applied under section 1895(b)(2) of the Social Security Act (42 U.S.C. 1395fff(b)(2)), as amended by subsection (a), including an analysis of the level of payments provided to home health agencies as compared to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

(2) FINAL REPORT.—Not later than March 15, 2026, such Commission shall submit to Congress a final report on such application and any such consequences.

Certification.

SEC. 51002. INFORMATION TO SATISFY DOCUMENTATION OF MEDICARE ELIGIBILITY FOR HOME HEALTH SERVICES.

(a) PART A.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended by inserting before "For purposes of paragraph (2)(C)," the following new sentence: "For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and made with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who so certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the home health agency from such a facility), the Secretary may use documentation in the medical record of the home health agency as supporting material, as appropriate to the case involved.".

(b) PART B.—Section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)) is amended by inserting before "For purposes of paragraph (2)(A)," the following new sentence: "For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and made with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who so certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the home health agency from such a facility), the Secretary may use documentation in the medical record of the home health agency as supporting material, as appropriate to the case involved.".

SEC. 51003. TECHNICAL AMENDMENTS TO PUBLIC LAW 114–10.

(a) MIPS TRANSITION.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (q)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "items and services" and inserting "covered professional services (as defined in subsection (k)(3)(A))"; and

(ii) in subparagraph (C)(iv)—

(I) by amending subclause (I) to read as follows:

"(I) The minimum number (as determined by the Secretary) of— Time periods.

"(aa) for performance periods beginning before January 1, 2018, individuals enrolled under this part who are treated by the eligible professional for the performance period involved; and

"(bb) for performance periods beginning on or after January 1, 2018, individuals enrolled under this part who are furnished covered professional services (as defined in subsection (k)(3)(A)) by the eligible professional for the performance period involved.";

(II) in subclause (II), by striking "items and services" and inserting "covered professional services (as defined in subsection (k)(3)(A))"; and

(III) by amending subclause (III) to read as follows:

"(III) The minimum amount (as determined by the Secretary) of— Time periods.

"(aa) for performance periods beginning before January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

"(bb) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.";

(B) in paragraph (5)(D)—

(i) in clause (i)(I), by inserting "subject to clause (iii)," after "clauses (i) and (ii) of paragraph (2)(A),"; and

(ii) by adding at the end the following new clause:

"(iii) TRANSITION YEARS.—For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, the performance score for the performance category described in paragraph (2)(A)(ii) shall not take into account the improvement of the professional involved.";

(C) in paragraph (5)(E)—

(i) in clause (i)(I)(bb)—

(I) in the heading by striking "FIRST 2 YEARS" and inserting "FIRST 5 YEARS"; and

(II) by striking "the first and second years" and inserting "each of the first through fifth years";

(ii) in clause (i)(II)(bb)—

(I) in the heading, by striking "2 YEARS" and inserting "5 YEARS"; and

(II) by striking the second sentence and inserting the following new sentences: "For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, not less than 10 percent and not more than 30 percent of such score shall be based on performance with respect to the category described in clause (ii) of paragraph (2)(A). Nothing in the previous sentence shall be construed, with respect to a performance period for a year described in the previous sentence, as preventing the Secretary from basing 30 percent of such score for such year with respect to the category described in such clause (ii), if the Secretary determines, based on information posted under subsection (r)(2)(I) that sufficient resource use measures are ready for adoption for use under the performance category under paragraph (2)(A)(ii) for such performance period.";

Determination.

(D) in paragraph (6)(D)—

(i) in clause (i), in the second sentence, by striking "Such performance threshold" and inserting "Subject to clauses (iii) and (iv), such performance threshold";

(ii) in clause (ii)—

(I) in the first sentence, by inserting "(beginning with 2019 and ending with 2024)" after "for each year of the MIPS"; and

(II) in the second sentence, by inserting "subject to clause (iii)," after "For each such year,";

(iii) in clause (iii)—

(I) in the heading, by striking "2" and inserting "5"; and

(II) in the first sentence, by striking "two years" and inserting "five years"; and

(iv) by adding at the end the following new clause:

"(iv) ADDITIONAL SPECIAL RULE FOR THIRD, FOURTH AND FIFTH YEARS OF MIPS.—For purposes of determining MIPS adjustment factors under subparagraph (A), in addition to the requirements specified in clause (iii), the Secretary shall increase the performance threshold with respect to each of the third, fourth, and fifth years to which the MIPS applies to ensure a gradual and incremental transition to the performance threshold described in clause (i) (as estimated by the Secretary) with respect to the sixth year to which the MIPS applies.";

Determination.

(E) in paragraph (6)(E)—

(i) by striking "In the case of items and services" and inserting "In the case of covered professional services (as defined in subsection (k)(3)(A))"; and

(ii) by striking "under this part with respect to such items and services" and inserting "under this part with respect to such covered professional services"; and

(F) in paragraph (7), in the first sentence, by striking "items and services" and inserting "covered professional services (as defined in subsection (k)(3)(A))";

(2) in subsection (r)(2), by adding at the end the following new subparagraph:

"(I) INFORMATION.—The Secretary shall, not later than December 31st of each year (beginning with 2018), post on the Internet website of the Centers for Medicare & Medicaid Services information on resource use measures in use under subsection (q), resource use measures under development and the time-frame for such development, potential future resource use measure topics, a description of stakeholder engagement, and the percent of expenditures under part A and this part that are covered by resource use measures."; and

Deadline.
Web posting.

(3) in subsection (s)(5)(B), by striking "section 1833(z)(2)(C)" and inserting "section 1833(z)(3)(D)".

(b) PHYSICIAN-FOCUSED PAYMENT MODEL TECHNICAL ADVISORY COMMITTEE PROVISION OF INITIAL PROPOSAL FEEDBACK.—Section 1868(c)(2)(C) of the Social Security Act (42 U.S.C. 1395ee(c)(2)(C)) is amended to read as follows:

"(C) COMMITTEE REVIEW OF MODELS SUBMITTED.—The Committee, on a periodic basis—

"(i) shall review models submitted under subparagraph (B);

"(ii) may provide individuals and stakeholder entities who submitted such models with—

"(I) initial feedback on such models regarding the extent to which such models meet the criteria described in subparagraph (A); and

"(II) an explanation of the basis for the feedback provided under subclause (I); and

"(iii) shall prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A) and submit such comments and recommendations to the Secretary.".

Recommendations.

SEC. 51004. EXPANDED ACCESS TO MEDICARE INTENSIVE CARDIAC REHABILITATION PROGRAMS.

Section 1861(eee)(4)(B) of the Social Security Act (42 U.S.C. 1395x(eee)(4)(B)) is amended—

(1) in clause (v), by striking "or" at the end;

(2) in clause (vi), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new clauses:

"(vii) stable, chronic heart failure (defined as patients with left ventricular ejection fraction of 35 percent or less and New York Heart Association (NYHA) class II to IV symptoms despite being on optimal heart failure therapy for at least 6 weeks); or

"(viii) any additional condition for which the Secretary has determined that a cardiac rehabilitation program shall be covered, unless the Secretary determines, using the same process used to determine that the condition is covered for a cardiac rehabilitation program, that such coverage is not supported by the clinical evidence.".

Determination.

SEC. 51005. EXTENSION OF BLENDED SITE NEUTRAL PAYMENT RATE FOR CERTAIN LONG-TERM CARE HOSPITAL DISCHARGES; TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.

(a) EXTENSION.—Section 1886(m)(6)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)(i)) is amended—

(1) in subclause (I), by striking "fiscal year 2016 or fiscal year 2017" and inserting "fiscal years 2016 through 2019"; and

(2) in subclause (II), by striking "2018" and inserting "2020".

(b) TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.—Section 1886(m)(6)(B) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

(1) in clause (ii), in the matter preceding subclause (I), by striking "In this paragraph" and inserting "Subject to clause (iv), in this paragraph"; and

(2) by adding at the end the following new clause:

"(iv) ADJUSTMENT.—For each of fiscal years 2018 through 2026, the amount that would otherwise apply under clause (ii)(I) for the year (determined without regard to this clause) shall be reduced by 4.6 percent.".

SEC. 51006. RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.

(a) RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.—

(1) IN GENERAL.—Section 1861(dd)(3)(B) of the Social Security Act (42 U.S.C. 1395x(dd)(3)(B)) is amended—

(A) by striking "or nurse" and inserting ", the nurse"; and

(B) by inserting ", or the physician assistant (as defined in such subsection)" after "subsection (aa)(5))".

(2) CLARIFICATION OF HOSPICE ROLE OF PHYSICIAN ASSISTANTS.—Section 1814(a)(7)(A)(i)(I) of the Social Security Act (42 U.S.C. 1395f(a)(7)(A)(i)(I)) is amended by inserting "or a physician assistant" after "a nurse practitioner".

Applicability. 42 USC 1395f note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2019.

SEC. 51007. EXTENSION OF ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS THROUGH 2017.

Section 1 of Public Law 113–198, as amended by section 1 of Public Law 114–112 and section 16004(a) of the 21st Century Cures Act (Public Law 114–255), is amended—

128 Stat. 2057.

(1) in the section heading, by striking "**2016**" and inserting "**2017**"; and

(2) by striking "and 2016" and inserting "2016, and 2017".

SEC. 51008. ALLOWING PHYSICIAN ASSISTANTS, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS TO SUPERVISE CARDIAC, INTENSIVE CARDIAC, AND PULMONARY REHABILITATION PROGRAMS.

(a) CARDIAC AND INTENSIVE CARDIAC REHABILITATION PROGRAMS.—Section 1861(eee) of the Social Security Act (42 U.S.C. 1395x(eee)) is amended—

(1) in paragraph (1)—

(A) by striking "physician-supervised"; and

(B) by inserting "under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))" before the period at the end;

(2) in paragraph (2)—

(A) in subparagraph (A)(iii), by striking the period at the end and inserting a semicolon; and

(B) in subparagraph (B), by striking "a physician" and inserting "a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))"; and

(3) in paragraph (4)(A), in the matter preceding clause (i)—

(A) by striking "physician-supervised"; and

(B) by inserting "under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))" after "paragraph (3)".

(b) PULMONARY REHABILITATION PROGRAMS.—Section 1861(fff)(1) of the Social Security Act (42 U.S.C. 1395x(fff)(1)) is amended—

(1) by striking "physician-supervised"; and

(2) by inserting "under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))" before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2024.

Applicability.
42 USC 1395x note.

SEC. 51009. TRANSITIONAL PAYMENT RULES FOR CERTAIN RADIATION THERAPY SERVICES UNDER THE PHYSICIAN FEE SCHEDULE.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)(11), by striking "2017 and 2018" and inserting "2017, 2018, and 2019"; and

(2) in subsection (c)(2)(K)(iv), by striking "2017 and 2018" and inserting "2017, 2018, and 2019".

TITLE XI—PROTECTING SENIORS' ACCESS TO MEDICARE ACT

SEC. 52001. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

(a) REPEAL.—Section 1899A of the Social Security Act (42 U.S.C. 1395kkk) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) LOBBYING COOLING-OFF PERIOD.—Paragraph (3) of section 207(c) of title 18, United States Code, is repealed.

(2) GAO STUDY AND REPORT.—Section 3403(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395kkk–1) is repealed.

(3) MEDPAC REVIEW AND COMMENT.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(C) by redesignating the paragraph (9) that was redesignated by section 3403(c)(1) of the Patient Protection and Affordable Care Act (Public Law 111–148) as paragraph (8).

(4) NAME CHANGE.—Section 10320(b) of the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed.

42 USC 1395kkk note.

(5) RULE OF CONSTRUCTION.—Section 10320(c) of the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed.

TITLE XII—OFFSETS

SEC. 53101. MODIFYING REDUCTIONS IN MEDICAID DSH ALLOTMENTS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking "2018" and inserting "2020"; and

(2) in clause (ii), by striking subclauses (I) through (VIII) and inserting the following:

"(I) $4,000,000,000 for fiscal year 2020; and

"(II) $8,000,000,000 for each of fiscal years 2021 through 2025.".

SEC. 53102. THIRD PARTY LIABILITY IN MEDICAID AND CHIP.

(a) MODIFICATION OF THIRD PARTY LIABILITY RULES RELATED TO SPECIAL TREATMENT OF CERTAIN TYPES OF CARE AND PAYMENTS.—

(1) IN GENERAL.—Section 1902(a)(25)(E) of the Social Security Act (42 U.S.C. 1396a(a)(25)(E)) is amended, in the matter preceding clause (i), by striking "prenatal or".

42 USC 1396a note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

(b) DELAY IN EFFECTIVE DATE AND REPEAL OF CERTAIN BIPARTISAN BUDGET ACT OF 2013 AMENDMENTS.—

Applicability.

(1) REPEAL.—Effective as of September 30, 2017, subsection (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) (including

any amendments made by such subsection) is repealed and the provisions amended by such subsection shall be applied and administered as if such amendments had never been enacted.

42 USC 1396a and note, 1396k, 1396p.

(2) DELAY IN EFFECTIVE DATE.—Subsection (c) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) is amended to read as follows:

"(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2019.".

42 USC 1396a note.

(3) EFFECTIVE DATE; TREATMENT.—The repeal and amendment made by this subsection shall take effect as if enacted on September 30, 2017, and shall apply with respect to any open claims, including claims pending, generated, or filed, after such date. The amendments made by subsections (a) and (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) that took effect on October 1, 2017, are null and void and section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) shall be applied and administered as if such amendments had not taken effect on such date.

Applicability.

(c) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate on the impacts of the amendments made by subsections (a)(1) and (b)(2), including—

(1) the impact, or potential effect, of such amendments on access to prenatal and preventive pediatric care (including early and periodic screening, diagnostic, and treatment services) covered under State plans under such title (or waivers of such plans);

(2) the impact, or potential effect, of such amendments on access to services covered under such plans or waivers for individuals on whose behalf child support enforcement is being carried out by a State agency under part D of title IV of such Act; and

(3) the impact, or potential effect, on providers of services under such plans or waivers of delays in payment or related issues that result from such amendments.

(d) APPLICATION TO CHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (R) as subparagraphs (C) through (S), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(a)(25) (relating to third party liability).".

(2) MANDATORY REPORTING.—Section 1902(a)(25)(I)(i) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by striking "medical assistance under the State plan" and inserting "medical assistance under a State plan (or under a waiver of the plan)";

(B) by striking "(and, at State option, child" and inserting "and child"; and

(C) by striking "title XXI)" and inserting "title XXI".

42 USC 1396a note.

SEC. 53103. TREATMENT OF LOTTERY WINNINGS AND OTHER LUMP-SUM INCOME FOR PURPOSES OF INCOME ELIGIBILITY UNDER MEDICAID.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(17), by striking "(e)(14), (e)(14)" and inserting "(e)(14), (e)(15)"; and

(2) in subsection (e)(14), by adding at the end the following new subparagraph:

"(K) TREATMENT OF CERTAIN LOTTERY WINNINGS AND INCOME RECEIVED AS A LUMP SUM.—

Determination. Time periods.

"(i) IN GENERAL.—In the case of an individual who is the recipient of qualified lottery winnings (pursuant to lotteries occurring on or after January 1, 2018) or qualified lump sum income (received on or after such date) and whose eligibility for medical assistance is determined based on the application of modified adjusted gross income under subparagraph (A), a State shall, in determining such eligibility, include such winnings or income (as applicable) as income received—

"(I) in the month in which such winnings or income (as applicable) is received if the amount of such winnings or income is less than $80,000;

"(II) over a period of 2 months if the amount of such winnings or income (as applicable) is greater than or equal to $80,000 but less than $90,000;

"(III) over a period of 3 months if the amount of such winnings or income (as applicable) is greater than or equal to $90,000 but less than $100,000; and

"(IV) over a period of 3 months plus 1 additional month for each increment of $10,000 of such winnings or income (as applicable) received, not to exceed a period of 120 months (for winnings or income of $1,260,000 or more), if the amount of such winnings or income is greater than or equal to $100,000.

Applicability.

"(ii) COUNTING IN EQUAL INSTALLMENTS.—For purposes of subclauses (II), (III), and (IV) of clause (i), winnings or income to which such subclause applies shall be counted in equal monthly installments over the period of months specified under such subclause.

Determination.

"(iii) HARDSHIP EXEMPTION.—An individual whose income, by application of clause (i), exceeds the applicable eligibility threshold established by the State, shall continue to be eligible for medical assistance to the extent that the State determines, under procedures established by the State (in accordance with standards specified by the Secretary), that the denial of eligibility of the individual would cause an undue medical or financial hardship as determined on the basis of criteria established by the Secretary.

"(iv) NOTIFICATIONS AND ASSISTANCE REQUIRED IN CASE OF LOSS OF ELIGIBILITY.—A State shall, with respect to an individual who loses eligibility for medical

assistance under the State plan (or a waiver of such plan) by reason of clause (i)—

"(I) before the date on which the individual loses such eligibility, inform the individual—

"(aa) of the individual's opportunity to enroll in a qualified health plan offered through an Exchange established under title I of the Patient Protection and Affordable Care Act during the special enrollment period specified in section 9801(f)(3) of the Internal Revenue Code of 1986 (relating to loss of Medicaid or CHIP coverage); and

"(bb) of the date on which the individual would no longer be considered ineligible by reason of clause (i) to receive medical assistance under the State plan or under any waiver of such plan and be eligible to reapply to receive such medical assistance; and

"(II) provide technical assistance to the individual seeking to enroll in such a qualified health plan.

"(v) QUALIFIED LOTTERY WINNINGS DEFINED.—In this subparagraph, the term 'qualified lottery winnings' means winnings from a sweepstakes, lottery, or pool described in paragraph (3) of section 4402 of the Internal Revenue Code of 1986 or a lottery operated by a multistate or multijurisdictional lottery association, including amounts awarded as a lump sum payment.

"(vi) QUALIFIED LUMP SUM INCOME DEFINED.—In this subparagraph, the term 'qualified lump sum income' means income that is received as a lump sum from monetary winnings from gambling (as defined by the Secretary and including gambling activities described in section 1955(b)(4) of title 18, United States Code).".

(b) RULES OF CONSTRUCTION.— 42 USC 1396a note.

(1) INTERCEPTION OF LOTTERY WINNINGS ALLOWED.—Nothing in the amendment made by subsection (a)(2) shall be construed as preventing a State from intercepting the State lottery winnings awarded to an individual in the State to recover amounts paid by the State under the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for medical assistance furnished to the individual.

(2) APPLICABILITY LIMITED TO ELIGIBILITY OF RECIPIENT OF LOTTERY WINNINGS OR LUMP SUM INCOME.—Nothing in the amendment made by subsection (a)(2) shall be construed, with respect to a determination of household income for purposes of a determination of eligibility for medical assistance under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan) made by applying modified adjusted gross income under subparagraph (A) of section 1902(e)(14) of such Act (42 U.S.C. 1396a(e)(14)), as limiting the eligibility for such medical assistance of any individual that is a member of the household other than the individual who received qualified lottery winnings or qualified lump-sum

income (as defined in subparagraph (K) of such section 1902(e)(14), as added by subsection (a)(2) of this section).

SEC. 53104. REBATE OBLIGATION WITH RESPECT TO LINE EXTENSION DRUGS.

(a) IN GENERAL.—Section 1927(c)(2)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(C)) is amended by striking "(C) TREATMENT OF NEW FORMULATIONS.—In the case" and all that follows through the period at the end of the first sentence and inserting the following:

"(C) TREATMENT OF NEW FORMULATIONS.—

"(i) IN GENERAL.—In the case of a drug that is a line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form, the rebate obligation for a rebate period with respect to such drug under this subsection shall be the greater of the amount described in clause (ii) for such drug or the amount described in clause (iii) for such drug.

"(ii) AMOUNT 1.—For purposes of clause (i), the amount described in this clause with respect to a drug described in clause (i) and rebate period is the amount computed under paragraph (1) for such drug, increased by the amount computed under subparagraph (A) and, as applicable, subparagraph (B) for such drug and rebate period.

"(iii) AMOUNT 2.—For purposes of clause (i), the amount described in this clause with respect to a drug described in clause (i) and rebate period is the amount computed under paragraph (1) for such drug, increased by the product of—

"(I) the average manufacturer price for the rebate period of the line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form;

"(II) the highest additional rebate (calculated as a percentage of average manufacturer price) under this paragraph for the rebate period for any strength of the original single source drug or innovator multiple source drug; and

"(III) the total number of units of each dosage form and strength of the line extension product paid for under the State plan in the rebate period (as reported by the State).".

Applicability.
42 USC 1396r–8 note.

(b) EFFECTIVE DATE.—The amendments made subsection (a) shall apply with respect to rebate periods beginning on or after October 1, 2018.

SEC. 53105. MEDICAID IMPROVEMENT FUND.

Section 1941(b) of the Social Security Act (42 U.S.C. 1396w–1(b)) is amended—

(1) in paragraph (1), by striking "$5,000,000" and inserting "$0"; and

(2) in paragraph (3)(A), by striking "$980,000,000" and inserting "$0".

SEC. 53106. PHYSICIAN FEE SCHEDULE UPDATE.

Section 1848(d)(18) of the Social Security Act (42 U.S.C. 1395w–4(d)(18)) is amended by striking "paragraph (1)(C)" and all that follows and inserting the following: "paragraph (1)(C)—

"(A) for 2016 and each subsequent year through 2018 shall be 0.5 percent; and

"(B) for 2019 shall be 0.25 percent.".

SEC. 53107. PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.

Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(v) PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.—

"(1) IN GENERAL.—In the case of an outpatient physical therapy service or outpatient occupational therapy service furnished on or after January 1, 2022, for which payment is made under section 1848 or subsection (k), that is furnished in whole or in part by a therapy assistant (as defined by the Secretary), the amount of payment for such service shall be an amount equal to 85 percent of the amount of payment otherwise applicable for the service under this part. Nothing in the preceding sentence shall be construed to change applicable requirements with respect to such services. Time period.

"(2) USE OF MODIFIER.—

"(A) ESTABLISHMENT.—Not later than January 1, 2019, the Secretary shall establish a modifier to indicate (in a form and manner specified by the Secretary), in the case of an outpatient physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined), that the service was furnished by a therapy assistant. Deadline.

"(B) REQUIRED USE.—Each request for payment, or bill submitted, for an outpatient physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined) on or after January 1, 2020, shall include the modifier established under subparagraph (A) for each such service.

"(3) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking.". Notice. Regulation.

SEC. 53108. REDUCTION FOR NON-EMERGENCY ESRD AMBULANCE TRANSPORTS.

Section 1834(l)(15) of the Social Security Act (42. U.S.C. 1395m(l)(15)) is amended by striking "on or after October 1, 2013" and inserting "during the period beginning on October 1, 2013, and ending on September 30, 2018, and by 23 percent for such services furnished on or after October 1, 2018".

SEC. 53109. HOSPITAL TRANSFER POLICY FOR EARLY DISCHARGES TO HOSPICE CARE.

(a) IN GENERAL.—Section 1886(d)(5)(J) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(J)) is amended—

(1) in clause (ii)—

(A) in subclause (III), by striking "or" at the end;

(B) by redesignating subclause (IV) as subclause (V); and

(C) by inserting after subclause (III) the following new subclause:

"(IV) for discharges occurring on or after October 1, 2018, is provided hospice care by a hospice program; or"; and

(2) in clause (iv)—

(A) by inserting after the first sentence the following new sentence: "The Secretary shall include in the proposed rule published for fiscal year 2019, a description of the effect of clause (ii)(IV)."; and

(B) in subclause (I), by striking "and (III)" and inserting "(III), and, in the case of proposed and final rules for fiscal year 2019 and subsequent fiscal years, (IV)".

(b) MEDPAC EVALUATION AND REPORT.—

(1) EVALUATION.—The Medicare Payment Advisory Commission (in this subsection referred to as the "Commission") shall conduct an evaluation of the effects of the amendments made by subsection (a), including the effects on—

(A) the numbers of discharges of patients from an inpatient hospital setting to a hospice program;

(B) the lengths of stays of patients in an inpatient hospital setting who are discharged to a hospice program;

(C) spending under the Medicare program under title XVIII of the Social Security Act; and

(D) other areas determined appropriate by the Commission.

(2) CONSIDERATION.—In conducting the evaluation under paragraph (1), the Commission shall consider factors such as whether the timely access to hospice care by patients admitted to a hospital has been affected through changes to hospital policies or behaviors made as a result of such amendments.

Deadline.

(3) PRELIMINARY RESULTS.—Not later than March 15, 2020, the Commission shall provide Congress with preliminary results on the evaluation being conducted under paragraph (1).

(4) REPORT.—Not later than March 15, 2021, the Commission shall submit to Congress a report on the evaluation conducted under paragraph (1).

SEC. 53110. MEDICARE PAYMENT UPDATE FOR HOME HEALTH SERVICES.

Section 1895(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (iii), in the last sentence, by inserting before the period at the end the following: "and for 2020 shall be 1.5 percent"; and

(2) in clause (vi), by inserting "and 2020" after "except 2018".

SEC. 53111. MEDICARE PAYMENT UPDATE FOR SKILLED NURSING FACILITIES.

Section 1888(e)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B)) is amended—

(1) in clause (i), by striking "and (iii)" and inserting ", (iii), and (iv)";

(2) in clause (ii), by striking "clause (iii)" and inserting "clauses (iii) and (iv)"; and

(3) by adding at the end the following new clause:

"(iv) SPECIAL RULE FOR FISCAL YEAR 2019.—For fiscal year 2019 (or other similar annual period specified in clause (i)), the skilled nursing facility market basket percentage, after application of clause (ii), is equal to 2.4 percent.".

SEC. 53112. PREVENTING THE ARTIFICIAL INFLATION OF STAR RATINGS AFTER THE CONSOLIDATION OF MEDICARE ADVANTAGE PLANS OFFERED BY THE SAME ORGANIZATION.

Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE TO PREVENT THE ARTIFICIAL INFLATION OF STAR RATINGS AFTER THE CONSOLIDATION OF MEDICARE ADVANTAGE PLANS OFFERED BY A SINGLE ORGANIZATION.—

"(i) IN GENERAL.—If— Contracts.

"(I) a Medicare Advantage organization has entered into more than one contract with the Secretary with respect to the offering of Medicare Advantage plans; and

"(II) on or after January 1, 2019, the Secretary approves a request from the organization to consolidate the plans under one or more contract (in this subparagraph referred to as a 'closed contract') with the plans offered under a separate contract (in this subparagraph referred to as the 'continuing contract'); Effective date.

with respect to the continuing contract, the Secretary shall adjust the quality rating under the 5-star rating system and any quality increase under this subsection and rebate amounts under section 1854 to reflect an enrollment-weighted average of scores or ratings for the continuing and closed contracts, as determined appropriate by the Secretary.

"(ii) APPLICATION.—An adjustment under clause (i) shall apply for any year for which the quality rating of the continuing contract is based primarily on a measurement period that is prior to the first year in which a closed contract is no longer offered.".

SEC. 53113. SUNSETTING EXCLUSION OF BIOSIMILARS FROM MEDICARE PART D COVERAGE GAP DISCOUNT PROGRAM.

Section 1860D–14A(g)(2)(A) of the Social Security Act (42 U.S.C. 1395w–114a(g)(2)(A)) is amended by inserting ", with respect to a plan year before 2019," after "other than".

SEC. 53114. ADJUSTMENTS TO MEDICARE PART B AND PART D PREMIUM SUBSIDIES FOR HIGHER INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1839(i)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(i)) is amended—

(1) in subclause (II), in the matter preceding the table, by striking "years beginning with"; and

(2) by adding at the end the following new subclause:

"(III) Subject to paragraph (5), for years beginning with 2019:

"If the modified adjusted gross income is:	The applicable percentage is:
More than $85,000 but not more than $107,000	35 percent
More than $107,000 but not more than $133,500	50 percent
More than $133,500 but not more than $160,000	65 percent
More than $160,000 but less than $500,000	80 percent
At least $500,000	85 percent.".

(b) JOINT RETURNS.—Section 1839(i)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(ii)) is amended by inserting before the period the following: "except, with respect to the dollar amounts applied in the last row of the table under subclause (III) of such clause (and the second dollar amount specified in the second to last row of such table), clause (i) shall be applied by substituting dollar amounts which are 150 percent of such dollar amounts for the calendar year". Applicability.

(c) INFLATION ADJUSTMENT.—Section 1839(i)(5) of the Social Security Act (42 U.S.C. 1395r(i)(5)) is amended—

(1) in subparagraph (A), by striking "In the case" and inserting "Subject to subparagraph (C), in the case";

(2) in subparagraph (B), by striking "subparagraph (A)" and inserting "subparagraph (A) or (C)"; and

(3) by adding at the end the following new subparagraph:

"(C) TREATMENT OF ADJUSTMENTS FOR CERTAIN HIGHER INCOME INDIVIDUALS.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to each dollar amount in paragraph (3) of $500,000.

"(ii) ADJUSTMENT BEGINNING 2028.—In the case of any calendar year beginning after 2027, each dollar amount in paragraph (3) of $500,000 shall be increased by an amount equal to— Time periods.

"(I) such dollar amount, multiplied by

"(II) the percentage (if any) by which the average of the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with August of the preceding calendar year exceeds such average for the 12-month period ending with August 2026.".

SEC. 53115. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking "$220,000,000" and inserting "$0".

SEC. 53116. CLOSING THE DONUT HOLE FOR SENIORS.

(a) CLOSING DONUT HOLE SOONER.—Section 1860D–2(b)(2)(D) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)(D))—

(1) in clause (i), by amending subclause (I) to read as follows:

"(I) equal to the difference between—

"(aa) the applicable gap percentage (specified in clause (ii) for the year); and

"(bb) the discount percentage specified in section 1860D–14A(g)(4)(A) for such applicable drugs (or, in the case of a year after 2018, 50 percent); or"; and

(2) in clause (ii)—

(A) in subclause (IV), by adding "and" at the end;

(B) by striking subclause (V); and

(C) in subclause (VI)—

(i) by striking "2020" and inserting "2019"; and

(ii) by redesignating such subclause as subclause (V).

(b) LOWERING DISCOUNTED PRICE.—Section 1860D–14A(g)(4)(A) of the Social Security Act (42 U.S.C. 1395w–114a(g)(4)(A)) is amended by inserting "(or, with respect to a plan year after plan year 2018, 30 percent)" after "50 percent".

SEC. 53117. MODERNIZING CHILD SUPPORT ENFORCEMENT FEES.

(a) IN GENERAL.—Section 454(6)(B)(ii) of the Social Security Act (42 U.S.C. 654(6)(B)(ii)) is amended—

(1) by striking "$25" and inserting "$35"; and

(2) by striking "$500" each place it appears and inserting "$550".

(b) EFFECTIVE DATE.— 42 USC 654 note.

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the 1st day of the 1st fiscal year that begins on or after the date of the enactment of this Act, and shall apply to payments under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) for calendar quarters beginning on or after such 1st day. Applicability.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.— If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) to meet the requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, if the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature. Determination. Time period.

SEC. 53118. INCREASING EFFICIENCY OF PRISON DATA REPORTING.

(a) IN GENERAL.—Section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) is amended by striking "30 days" each place it appears and inserting "15 days".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any payment made by the Commissioner of Social Security pursuant to section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) (as amended by such subsection) on or after the date that is 6 months after the date of enactment of this Act. Applicability. 42 USC 1382 note.

SEC. 53119. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)), as amended by section 3103 of Public Law 115–96, is amended by striking paragraphs (4) through (9) and inserting the following:

"(4) for fiscal year 2019, $900,000,000;

"(5) for each of fiscal years 2020 and 2021, $950,000,000;

"(6) for each of fiscal years 2022 and 2023, $1,000,000,000;

"(7) for each of fiscal years 2024 and 2025, $1,300,000,000;

"(8) for each of fiscal years 2026 and 2027, $1,800,000,000; and

"(9) for fiscal year 2028 and each fiscal year thereafter, $2,000,000,000.".

Improvements to Agriculture Programs Act of 2018.
7 USC 9011 note.

DIVISION F—IMPROVEMENTS TO AGRICULTURE PROGRAMS

SEC. 60101. (a) TREATMENT OF SEED COTTON.—

(1) DESIGNATION OF SEED COTTON AS A COVERED COMMODITY.—Section 1111(6) of the Agricultural Act of 2014 (7 U.S.C. 9011(6)) is amended—

(A) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(B) by adding at the end the following:

Effective date.

"(B) INCLUSION.—Effective beginning with the 2018 crop year, the term 'covered commodity' includes seed cotton.".

(2) REFERENCE PRICE FOR SEED COTTON.—Section 1111(18) of the Agricultural Act of 2014 (7 U.S.C. 9011(18)) is amended by adding at the end the following:

"(O) For seed cotton, $0.367 per pound.".

(3) DEFINITION OF SEED COTTON.—Section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011) is amended—

(A) by redesignating paragraphs (20) through (24) as paragraphs (21) through (25), respectively; and

(B) by inserting after paragraph (19) the following:

"(20) SEED COTTON.—The term 'seed cotton' means unginned upland cotton that includes both lint and seed.".

(4) PAYMENT YIELD.—Section 1113 of the Agricultural Act of 2014 (7 U.S.C. 9013) is amended by adding at the end the following:

"(e) PAYMENT YIELD FOR SEED COTTON.—

"(1) PAYMENT YIELD.—Subject to paragraph (2), the payment yield for seed cotton for a farm shall be equal to 2.4 times the payment yield for upland cotton for the farm established under section 1104(e)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714(e)(3)) (as in effect on September 30, 2013).

"(2) UPDATE.—At the sole discretion of the owner of a farm with a yield for upland cotton described in paragraph (1), the owner of the farm shall have a 1-time opportunity to update the payment yield for upland cotton for the farm, as provided in subsection (d), for the purpose of calculating the payment yield for seed cotton under paragraph (1).".

(5) PAYMENT ACRES.—Section 1114(b) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)) is amended by adding at the end the following:

"(4) SEED COTTON.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall require the owner of a farm to allocate all generic base acres on the farm under subparagraph (B) or (C), or both. Deadline.

"(B) NO RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm on which no covered commodities (including seed cotton) were planted or were prevented from being planted at any time during the 2009 through 2016 crop years, the owner of such farm shall allocate generic base acres on the farm to unassigned crop base for which no payments may be made under section 1116 or 1117.

"(C) RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm not described in subparagraph (B), the owner of such farm shall allocate generic base acres on the farm—

"(i) subject to subparagraph (D), to seed cotton base acres in a quantity equal to the greater of—

"(I) 80 percent of the generic base acres on the farm; or

"(II) the average number of seed cotton acres planted or prevented from being planted on the farm during the 2009 through 2012 crop years (not to exceed the total generic base acres on the farm); or

"(ii) to base acres for covered commodities (including seed cotton), by applying subparagraphs (B), (D), (E), and (F) of section 1112(a)(3).

"(D) TREATMENT OF RESIDUAL GENERIC BASE ACRES.—In the case of a farm on which generic base acres are allocated under subparagraph (C)(i), the residual generic base acres shall be allocated to unassigned crop base for which no payments may be made under section 1116 or 1117.

"(E) EFFECT OF FAILURE TO ALLOCATE.—In the case of a farm not described in subparagraph (B) for which the owner of the farm fails to make an election under subparagraph (C), the owner of the farm shall be deemed to have elected to allocate all generic base acres in accordance with subparagraph (C)(i).".

(6) RECORDKEEPING REGARDING UNASSIGNED CROP BASE.—Section 1114 of the Agricultural Act of 2014 (7 U.S.C. 9014) is amended by adding at the end the following:

"(f) UNASSIGNED CROP BASE.—The Secretary shall maintain information on generic base acres on a farm allocated as unassigned crop base under subsection (b)(4).".

(7) SPECIAL ELECTION PERIOD FOR PRICE LOSS COVERAGE OR AGRICULTURE RISK COVERAGE.—Section 1115 of the Agricultural Act of 2014 (7 U.S.C. 9015) is amended—

(A) in subsection (a), by striking "For" and inserting "Except as provided in subsection (g), for"; and

(B) by adding at the end the following:

"(g) SPECIAL ELECTION.—

"(1) IN GENERAL.—In the case of acres allocated to seed cotton on a farm, all of the producers on the farm shall be given the opportunity to make a new 1-time election under

subsection (a) to reflect the designation of seed cotton as a covered commodity for that crop year under section 1111(6)(B).

"(2) EFFECT OF FAILURE TO MAKE UNANIMOUS ELECTION.—If all the producers on a farm fail to make a unanimous election under paragraph (1), the producers on the farm shall be deemed to have elected price loss coverage under section 1116 for acres allocated on the farm to seed cotton.".

(8) EFFECTIVE PRICE.—Section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016) is amended by adding at the end the following:

"(h) EFFECTIVE PRICE FOR SEED COTTON.—

"(1) IN GENERAL.—The effective price for seed cotton under subsection (b) shall be equal to the marketing year average price for seed cotton, as calculated under paragraph (2).

"(2) CALCULATION.—The marketing year average price for seed cotton for a crop year shall be equal to the quotient obtained by dividing—

"(A) the sum obtained by adding—

"(i) the product obtained by multiplying—

"(I) the upland cotton lint marketing year average price; and

"(II) the total United States upland cotton lint production, measured in pounds; and

"(ii) the product obtained by multiplying—

"(I) the cottonseed marketing year average price; and

"(II) the total United States cottonseed production, measured in pounds; by

"(B) the sum obtained by adding—

"(i) the total United States upland cotton lint production, measured in pounds; and

"(ii) the total United States cottonseed production, measured in pounds.".

(9) DEEMED LOAN RATE FOR SEED COTTON.—Section 1202 of the Agricultural Act of 2014 (7 U.S.C. 9032) is amended by adding at the end the following:

"(c) SEED COTTON.—

"(1) IN GENERAL.—For purposes of section 1116(b)(2) and paragraphs (1)(B)(ii) and (2)(A)(ii)(II) of section 1117(b), the loan rate for seed cotton shall be deemed to be equal to $0.25 per pound.

"(2) EFFECT.—Nothing in this subsection authorizes any nonrecourse marketing assistance loan under this subtitle for seed cotton.".

(10) LIMITATION ON STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.—Section 508B of the Federal Crop Insurance Act (7 U.S.C. 1508b) is amended by adding at the end the following:

Effective date.

"(f) LIMITATION.—Effective beginning with the 2019 crop year, a farm shall not be eligible for the Stacked Income Protection Plan for upland cotton for a crop year for which the farm is enrolled in coverage for seed cotton under—

"(1) price loss coverage under section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016); or

"(2) agriculture risk coverage under section 1117 of that Act (7 U.S.C. 9017).".

(11) TECHNICAL CORRECTION.—Section 1114(b)(2) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)(2)) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraphs (1) and (2)".

(12) ADMINISTRATION.—The Secretary of Agriculture shall carry out the amendments made by this subsection in accordance with section 1601 of the Agricultural Act of 2014 (7 U.S.C. 9091). 7 USC 9011 note.

(13) APPLICATION.—Except as provided in paragraph (10), the amendments made by this subsection shall apply beginning with the 2018 crop year. Applicability. Effective date. 7 USC 9011 note.

(b) MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS.—

(1) MONTHLY CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—

(A) DEFINITIONS.—Section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(B) CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—Section 1402(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9052(b)(1)) is amended by striking "consecutive 2-month period" each place it appears and inserting "month".

(C) MARGIN PROTECTION PAYMENTS.—Section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) is amended—

(i) by striking "consecutive 2-month period" each place it appears and inserting "month"; and

(ii) in subsection (c)(2)(B), by striking "6" and inserting "12".

(2) PARTICIPATION OF DAIRY OPERATIONS IN MARGIN PROTECTION PROGRAM.—Section 1404 of the Agricultural Act of 2014 (7 U.S.C. 9054) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by inserting ", including the establishment of a date each calendar year by which a dairy operation shall register for the calendar year" before the period at the end;

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(iii) by inserting after paragraph (1) the following:

"(2) EXTENSION OF ELECTION PERIOD FOR 2018 CALENDAR YEAR.—The Secretary shall extend the election period for the 2018 calendar year by not less than 90 days after the date of enactment of the Bipartisan Budget Act of 2018 or such additional period as the Secretary determines is necessary for dairy operations to make new elections to participate for that calendar year, including dairy operations that elected to so participate before that date of enactment."; and Deadline. Determination.

(B) in subsection (c), by adding at the end the following:

"(4) EXEMPTION.—A limited resource, beginning, veteran, or socially disadvantaged farmer, as defined by the Secretary, shall be exempt from the administrative fee under this subsection.".

(3) PRODUCTION HISTORY OF PARTICIPATING DAIRY OPERATIONS.—Section 1405(a) of the Agricultural Act of 2014 (7 U.S.C. 9055(a)) is amended by adding at the end the following:

"(3) CONTINUED APPLICABILITY OF BASE PRODUCTION HISTORY.—A production history established for a dairy operation under paragraph (1) shall be the base production history for the dairy operation in subsequent years (as adjusted under paragraph (2)).".

(4) PREMIUMS FOR MARGIN PROTECTION PROGRAM.—Section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9057) is amended—

(A) in subsection (b)—

(i) by striking the subsection heading and inserting the following: "TIER I: PREMIUM PER HUNDREDWEIGHT FOR FIRST 5,000,000 POUNDS OF PRODUCTION.—";

(ii) in paragraph (1), by striking "4,000,000" and inserting "5,000,000"; and

(iii) in paragraph (2)—

(I) by striking "$0.010" and inserting "None";

(II) by striking "$0.025" and inserting "None";

(III) by striking "$0.040" and inserting "$0.009";

(IV) by striking "$0.055" and inserting "$0.016";

(V) by striking "$0.090" and inserting "$0.040";

(VI) by striking "$0.217" and inserting "$0.063";

(VII) by striking "$0.300" and inserting "$0.087"; and

(VIII) by striking "$0.475" and inserting "$0.142"; and

(B) in subsection (c)—

(i) by striking the subsection heading and inserting the following: "TIER II: PREMIUM PER HUNDREDWEIGHT FOR PRODUCTION IN EXCESS OF 5,000,000 POUNDS.—"; and

(ii) in paragraph (1), by striking "4,000,000" and inserting "5,000,000".

7 USC 9051 note.

(5) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2018 calendar year.

(c) LIMITATION ON CROP INSURANCE LIVESTOCK-RELATED EXPENDITURES.—

(1) IN GENERAL.—Section 523(b) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)) is amended by striking paragraph (10).

(2) CONFORMING AMENDMENTS.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended in subsections (a)(2)(C) and (b)(1)(D) by striking "subsections (a)(3)(E)(ii) and (b)(10) of section 523" each place it appears and inserting "subsection (a)(3)(E)(ii) of that section".

SEC. 60102. (a) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended by striking subsection (a) and inserting the following:

Time period.
Payments.
Contracts.

"(a) ESTABLISHMENT.—During each of the 2002 through 2019 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.".

(b) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "2018" and inserting "2018 (and fiscal year 2019 in the case of the program specified in paragraph (5))"; and

(B) in paragraph (5)(E), by striking "fiscal year 2018" and inserting "each of fiscal years 2018 through 2019"; and

(2) in subsection (b), by striking "2018" and inserting "2018 (and fiscal year 2019 in the case of the program specified in subsection (a)(5))".

This division may be cited as the "Improvements to Agriculture Programs Act of 2018".

DIVISION G—BUDGETARY EFFECTS

SEC. 70101. BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved February 9, 2018.

LEGISLATIVE HISTORY—H.R. 1892:

HOUSE REPORTS: No. 115–119 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 163 (2017): May 16, 18, considered and passed House.
Nov. 28, considered and passed Senate, amended.
Vol. 164 (2018): Feb. 6, House concurred in Senate amendment with an amendment.
Feb. 7, Senate considered concurring in House amendment with an amendment.
Feb. 8, Senate concurred in House amendment with an amendment. House concurred in Senate amendment.

Public Law 115–124
115th Congress

An Act

Feb. 9, 2018
[H.R. 1301]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Continuing Appropriations Amendments Act, 2018.
131 Stat. 1139, 1280, 2044; *Ante*, pp. 29, 120.

SEC. 101. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended by inserting after section 165 the following new section:

"SEC. 166. (a) Employees furloughed as a result of any lapse in appropriations which begins on or about February 9, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

Definition.

"(b) For purposes of this section, 'employee' means:

"(1) a Federal employee;

"(2) an employee of the District of Columbia Courts;

"(3) an employee of the Public Defender Service for the District of Columbia; or

"(4) a District of Columbia Government employee.

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

Time period.

SEC. 102. For the purposes of division D of Public Law 115–56, the time covered by such division shall be considered to include the period which began on or about February 9, 2018, during which there occurred a lapse in appropriations.

This Act may be cited as the "Continuing Appropriations Amendments Act, 2018".

Approved February 9, 2018.

LEGISLATIVE HISTORY—H.R. 1301:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Mar. 8, considered and passed House.
Vol. 164 (2018): Feb. 8, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 115–125
115th Congress

An Act

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.

Feb. 14, 2018
[H.R. 4708]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Homeland Security Blue Campaign Authorization Act.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Blue Campaign Authorization Act".

SEC. 2. ENHANCED DEPARTMENT OF HOMELAND SECURITY COORDINATION THROUGH THE BLUE CAMPAIGN.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

"SEC. 434. DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN. 6 USC 242.

"(a) DEFINITION.—In this section, the term 'human trafficking' means an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

"(b) ESTABLISHMENT.—There is established within the Department a program, which shall be known as the 'Blue Campaign'. The Blue Campaign shall be headed by a Director, who shall be appointed by the Secretary.

"(c) PURPOSE.—The purpose of the Blue Campaign shall be to unify and coordinate Department efforts to address human trafficking.

"(d) RESPONSIBILITIES.—The Secretary, working through the Director, shall, in accordance with subsection (e)—

"(1) issue Department-wide guidance to appropriate Department personnel;

"(2) develop training programs for such personnel;

"(3) coordinate departmental efforts, including training for such personnel; and

"(4) provide guidance and training on trauma-informed practices to ensure that human trafficking victims are afforded prompt access to victim support service providers, in addition to the assistance required under section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), to address their immediate and long-term needs.

"(e) GUIDANCE AND TRAINING.—The Blue Campaign shall provide guidance and training to Department personnel and other

Federal, State, tribal, and law enforcement personnel, as appropriate, regarding—

"(1) programs to help identify instances of human trafficking;

"(2) the types of information that should be collected and recorded in information technology systems utilized by the Department to help identify individuals suspected or convicted of human trafficking;

"(3) systematic and routine information sharing within the Department and among Federal, State, tribal, and local law enforcement agencies regarding—

"(A) individuals suspected or convicted of human trafficking; and

"(B) patterns and practices of human trafficking;

"(4) techniques to identify suspected victims of trafficking along the United States border and at airport security checkpoints;

"(5) methods to be used by the Transportation Security Administration and personnel from other appropriate agencies to—

"(A) train employees of the Transportation Security Administration to identify suspected victims of trafficking; and

"(B) serve as a liaison and resource regarding human trafficking prevention to appropriate State, local, and private sector aviation workers and the traveling public;

"(6) utilizing resources, such as indicator cards, fact sheets, pamphlets, posters, brochures, and radio and television campaigns to—

"(A) educate partners and stakeholders; and

"(B) increase public awareness of human trafficking;

"(7) leveraging partnerships with State and local governmental, nongovernmental, and private sector organizations to raise public awareness of human trafficking; and

"(8) any other activities the Secretary determines necessary to carry out the Blue Campaign.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following new item:

"Sec. 434. Department of Homeland Security Blue Campaign.".

Deadline.
6 USC 242 note.

SEC. 3. INFORMATION TECHNOLOGY SYSTEMS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure, in accordance with the Department of Homeland Security-wide guidance required under section 434(d) of the Homeland Security Act of 2002, as added by section 2 of this Act, the integration of information technology systems utilized within the Department to record and track information regarding individuals suspected or convicted of human trafficking (as such term is defined in such section).

SEC. 4. REPORT.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that—

(1) describes the status and effectiveness of the Department of Homeland Security Blue Campaign under section 434 of the Homeland Security Act of 2002, as added by section 2 of this Act; and

(2) provides a recommendation regarding the appropriate office within the Department of Homeland Security for the Blue Campaign. Recommendation.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $819,000 to carry out section 434 of the Homeland Security Act of 2002, as added by section 2.

Approved February 14, 2018.

LEGISLATIVE HISTORY—H.R. 4708:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Jan. 11, considered and passed House.
Jan. 30, considered and passed Senate.

Public Law 115–126
115th Congress

An Act

Feb. 14, 2018
[S. 534]

To prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017.
36 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017".

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

Sec. 1. Short title; table of contents.

TITLE I—PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE

Sec. 101. Required reporting of child and sexual abuse.
Sec. 102. Civil remedy for personal injuries.

TITLE II—UNITED STATES CENTER FOR SAFE SPORT AUTHORIZATION

Sec. 201. Expansion of the purposes of the corporation.
Sec. 202. Designation of the United States Center for Safe Sport.
Sec. 203. Additional requirements for granting sanctions for amateur athletic competitions.
Sec. 204. General requirements for youth-serving amateur sports organizations.

TITLE I—PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE

SEC. 101. REQUIRED REPORTING OF CHILD AND SEXUAL ABUSE.

(a) REPORTING REQUIREMENT.—Section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) is amended—

(1) in subsection (a)—

(A) by striking "A person who" and inserting the following:

"(1) COVERED PROFESSIONALS.—A person who"; and

(B) by adding at the end the following:

"(2) COVERED INDIVIDUALS.—A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "subsection (a)" and inserting "subsection (a)(1)";

(3) in subsection (c)—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

Definitions.

"(9) the term 'covered individual' means an adult who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization;

"(10) the term 'event' includes travel, lodging, practice, competition, and health or medical treatment;

"(11) the terms 'amateur athlete', 'amateur athletic competition', 'amateur sports organization', 'international amateur athletic competition', and 'national governing body' have the meanings given the terms in section 220501(b) of title 36, United States Code; and

"(12) the term 'as soon as possible' means within a 24-hour period.";

(4) in subsection (d), in the first sentence, by inserting "and for all covered individuals" after "reside";

(5) in subsection (f), in the first sentence—

(A) by striking "and on all" and inserting "on all"; and

(B) by inserting "and for all covered individuals," after "lands,";

(6) in subsection (h), by inserting "and all covered individuals," after "facilities,"; and

(7) by adding at the end the following:

"(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.".

(b) PENALTY FOR FAILURE TO REPORT.—Section 2258 of title 18, United States Code, is amended by inserting "or a covered individual as described in subsection (a)(2) of such section 226 who," after "facility,".

SEC. 102. CIVIL REMEDY FOR PERSONAL INJURIES.

Section 2255 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of $150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.";

Deadlines.

(2) in subsection (b), by striking "filed within" and all that follows through the end and inserting the following: "filed—

"(1) not later than 10 years after the date on which the plaintiff reasonably discovers the later of—

"(A) the violation that forms the basis for the claim; or

"(B) the injury that forms the basis for the claim; or

"(2) not later than 10 years after the date on which the victim reaches 18 years of age."; and

(3) by adding at the end the following:

"(c) VENUE; SERVICE OF PROCESS.—

"(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

"(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

"(A) is an inhabitant; or

"(B) may be found.".

TITLE II—UNITED STATES CENTER FOR SAFE SPORT AUTHORIZATION

SEC. 201. EXPANSION OF THE PURPOSES OF THE CORPORATION.

Section 220503 of title 36, United States Code, is amended—

(1) in paragraph (13), by striking "; and" and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(15) to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete.".

SEC. 202. DESIGNATION OF THE UNITED STATES CENTER FOR SAFE SPORT.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

36 USC prec. 220541.

"Subchapter III—United States Center for Safe Sport

36 USC 220541.

"§ 220541. Designation of United States Center for Safe Sport

"(a) IN GENERAL.—The United States Center for Safe Sport shall—

"(1) serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;

"(2) exercise jurisdiction over the corporation, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports;

"(3) maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies and paralympic sports organizations;

"(4) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution, pursuant to subsection (c), of alleged sexual abuse in violation of the Center's policies and procedures; and

"(5) ensure that the mechanisms under paragraph (4) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants.

"(b) POLICIES AND PROCEDURES.—The policies and procedures developed under subsection (a)(3) shall apply as though they were incorporated in and made a part of section 220524 of this title. Applicability.

"(c) BINDING ARBITRATION.—

"(1) IN GENERAL.—The Center may, in its discretion, utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction to determine the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official, who is the subject of such an allegation, to participate in amateur athletic competition.

"(2) PRESERVATION OF RIGHTS.—Nothing in this section shall be construed as altering, superseding, or otherwise affecting the right of an individual within the Center's jurisdiction to pursue civil remedies through the courts for personal injuries arising from abuse in violation of the Center's policies and procedures, nor shall the Center condition the participation of any such individual in a proceeding described in paragraph (1) upon an agreement not to pursue such civil remedies.

"(d) LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an applicable entity shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543.

"(2) EXCEPTION.—Paragraph (1) shall not apply in any action in which an applicable entity acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.

"(3) DEFINITION OF APPLICABLE ENTITY.—In this subsection, the term 'applicable entity' means—

"(A) the Center;

"(B) a national governing body;

"(C) a paralympic sports organization;

"(D) an amateur sports organization or other person sanctioned by a national governing body under section 220525;

"(E) an amateur sports organization reporting under section 220530;

"(F) any officer, employee, agent, or member of an entity described in subparagraph (A), (B), (C), (D), or (E); and

"(G) any individual participating in a proceeding pursuant to this section.

36 USC 220542.

"§ 220542. Additional duties.

"(a) IN GENERAL.—The Center shall—

"(1) develop training, oversight practices, policies, and procedures for implementation by a national governing body or paralympic sports organization to prevent the abuse, including emotional, physical, and sexual abuse, of any amateur athlete; and

"(2) include in the policies and procedures developed under section 220541(a)(3)—

"(A) a requirement that all adult members of a national governing body, a paralympic sports organization, or a facility under the jurisdiction of a national governing body or paralympic sports organization, and all adults authorized by such members to interact with an amateur athlete, report immediately any allegation of child abuse of an amateur athlete who is a minor to—

"(i) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse; and

"(ii) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);

"(B) a mechanism, approved by a trained expert on child abuse, that allows a complainant to report easily an incident of child abuse to the Center, a national governing body, law enforcement authorities, or other appropriate authorities;

"(C) reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of a national governing body or paralympic sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

"(D) procedures to prohibit retaliation, by any national governing body or paralympic sports organization, against any individual who makes a report under subparagraph (A) or subparagraph (B);

"(E) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with, and independent of, a national governing body or a paralympic sports organization of each national governing body and paralympic sports organization to ensure that policies and procedures developed under that section are followed correctly and that consistent training is offered and given to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention of child abuse; and

"(F) a mechanism by which a national governing body or paralympic sports organization can—

"(i) share confidentially a report of suspected child abuse of an amateur athlete who is a minor by a

member of a national governing body or paralympic sports organization, or an adult authorized by a national governing body, paralympic sports organization, or an amateur sports organization to interact with an amateur athlete who is a minor, with the Center, which in turn, may share with relevant national governing bodies, paralympic sports organizations, and other entities; and

"(ii) withhold providing to an adult who is the subject of an allegation of child abuse authority to interact with an amateur athlete who is a minor until the resolution of such allegation.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a national governing body or paralympic sports organization to impose an interim measure to prevent an individual who is the subject of an allegation of sexual abuse from interacting with an amateur athlete prior to the Center exercising its jurisdiction over a matter.

"§ 220543. Records, audits, and reports

36 USC 220543.

"(a) RECORDS.—The Center shall keep correct and complete records of account.

"(b) REPORT.—The Center shall submit an annual report to Congress, including—

"(1) an audit conducted and submitted in accordance with section 10101; and

"(2) a description of the activities of the Center.".

(b) CONFORMING AMENDMENT.—Section 220501(b) of title 36, United States Code, is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (3), the following:

Definitions.

"(4) 'Center' means the United States Center for Safe Sport designated under section 220541.

"(5) 'child abuse' has the meaning given the term in section 212 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20302).".

(c) TECHNICAL AMENDMENT.—The table of contents of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

36 USC prec. 220501.

"SUBCHAPTER III—UNITED STATES CENTER FOR SAFE SPORT

"220541. Designation of United States Center for Safe Sport.
"220542. Additional duties.
"220543. Records, audits, and reports.".

SEC. 203. ADDITIONAL REQUIREMENTS FOR GRANTING SANCTIONS FOR AMATEUR ATHLETIC COMPETITIONS.

Section 220525(b)(4) is amended—

(1) in subparagraph (E), by striking "; and" and inserting a semicolon;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) the amateur sports organization or person requesting sanction from a national governing body will implement and abide by the policies and procedures to prevent the abuse, including emotional, physical, and child

abuse, of amateur athletes participating in amateur athletic activities applicable to such national governing body.".

SEC. 204. GENERAL REQUIREMENTS FOR YOUTH-SERVING AMATEUR SPORTS ORGANIZATIONS.

(a) IN GENERAL.—Subchapter II of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

36 USC 220530.

"§ 220530. Other amateur sports organizations

"(a) IN GENERAL.—An applicable amateur sports organization shall—

"(1) comply with the reporting requirements of section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);

"(2) establish reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of the applicable amateur sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

"(3) offer and provide consistent training to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons; and

"(4) prohibit retaliation, by the applicable amateur sports organization, against any individual who makes a report under paragraph (1).

"(b) DEFINITION OF APPLICABLE AMATEUR SPORTS ORGANIZATION.—In this section, the term 'applicable amateur sports organization' means an amateur sports organization—

"(1) that is not otherwise subject to the requirements under subchapter III;

"(2) that participates in an interstate or international amateur athletic competition; and

"(3) whose membership includes any adult who is in regular contact with an amateur athlete who is a minor.".

(b) TECHNICAL AMENDMENT.—The table of contents of chapter 2205 of title 36, United States Code, is amended by inserting after the item relating to section 220529 the following:

36 USC prec. 220501.

"220530. Other amateur sports organizations.".

Approved February 14, 2018.

LEGISLATIVE HISTORY—S. 534 (H.R. 1973):

HOUSE REPORTS: No. 115–136, Pt. 1 (Comm. on the Judiciary) accompanying H.R. 1973.

CONGRESSIONAL RECORD:

Vol. 163 (2017): Nov. 14, considered and passed Senate.

Vol. 164 (2018): Jan. 29, considered and passed House, amended.

Jan. 30, Senate concurred in House amendment.

Public Law 115–127
115th Congress

An Act

To amend the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call to 9–1–1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

Feb. 16, 2018
[H.R. 582]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Kari's Law Act of 2017.
47 USC 609 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kari's Law Act of 2017".

SEC. 2. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9–1–1.

(a) IN GENERAL.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

47 USC 623 note.

"SEC. 721. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9–1–1.

"(a) SYSTEM MANUFACTURE, IMPORTATION, SALE, AND LEASE.—A person engaged in the business of manufacturing, importing, selling, or leasing multi-line telephone systems may not manufacture or import for use in the United States, or sell or lease or offer to sell or lease in the United States, a multi-line telephone system, unless such system is pre-configured such that, when properly installed in accordance with subsection (b), a user may directly initiate a call to 9–1–1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit '9', regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.

"(b) SYSTEM INSTALLATION, MANAGEMENT, AND OPERATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems may not install, manage, or operate for use in the United States such a system, unless such system is configured such that a user may directly initiate a call to 9–1–1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit '9', regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.

"(c) ON-SITE NOTIFICATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems shall, in installing, managing, or operating such a system for use in the United States, configure the system to provide a notification

to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to the hardware or software of the system.

"(d) EFFECT ON STATE LAW.—Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, if the exercise of such authority is not inconsistent with this Act.

"(e) ENFORCEMENT.—This section shall be enforced under title V, except that section 501 applies only to the extent that such section provides for the punishment of a fine. Applicability.

"(f) MULTI-LINE TELEPHONE SYSTEM DEFINED.—In this section, the term 'multi-line telephone system' has the meaning given such term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a multi-line telephone system that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed after the date that is 2 years after the date of the enactment of this Act. 47 USC 623 note.

Approved February 16, 2018.

LEGISLATIVE HISTORY—H.R. 582 (S. 123):

SENATE REPORTS: No. 115–124 (Comm. on Commerce, Science, and Transportation) accompanying S. 123.

CONGRESSIONAL RECORD:
Vol. 163 (2017): Jan. 23, considered and passed House.
Vol. 164 (2018): Feb. 5, considered and passed Senate, amended.
Feb. 8, House concurred in Senate amendment.

Public Law 115–128
115th Congress

An Act

Feb. 22, 2018
[S. 1438]

To redesignate the Jefferson National Expansion Memorial in the State of Missouri as the "Gateway Arch National Park".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Gateway Arch National Park Designation Act.
16 USC 450jj note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gateway Arch National Park Designation Act".

16 USC 450jj–10.

SEC. 2. DESIGNATION OF GATEWAY ARCH NATIONAL PARK.

(a) REDESIGNATION.—The Jefferson National Expansion Memorial established under the Act of May 17, 1954 (16 U.S.C. 450jj et seq.), shall be known and designated as the "Gateway Arch National Park".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Jefferson National Expansion Memorial shall be considered to be a reference to the "Gateway Arch National Park".

Approved February 22, 2018.

LEGISLATIVE HISTORY—S. 1438 (H.R. 3058):

HOUSE REPORTS: No. 115–534 (Comm. on Natural Resources) accompanying H.R. 3058.

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 21, considered and passed Senate.
Vol. 164 (2018): Feb. 5, 7, considered and passed House.

Public Law 115–129
115th Congress

An Act

To amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

Feb. 26, 2018
[S. 96]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Improving Rural Call Quality and Reliability Act of 2017.
47 USC 609 note.

This Act may be cited as the "Improving Rural Call Quality and Reliability Act of 2017".

SEC. 2. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

Part II of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq.) is amended by adding at the end the following:

"SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

47 USC 262.

"(a) REGISTRATION AND COMPLIANCE BY INTERMEDIATE PROVIDERS.—An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall—

"(1) register with the Commission; and

"(2) comply with the service quality standards for such transmission to be established by the Commission under subsection (c)(1)(B).

"(b) REQUIRED USE OF REGISTERED INTERMEDIATE PROVIDERS.—A covered provider may not use an intermediate provider to transmit covered voice communications unless such intermediate provider is registered under subsection (a)(1).

"(c) COMMISSION RULES.—

"(1) IN GENERAL.—

Deadlines.

"(A) REGISTRY.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate rules to establish a registry to record registrations under subsection (a)(1).

"(B) SERVICE QUALITY STANDARDS.—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.

"(2) REQUIREMENTS.—In promulgating the rules required by paragraph (1), the Commission shall—

"(A) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and

"(B) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

Web posting.

"(d) PUBLIC AVAILABILITY OF REGISTRY.—The Commission shall make the registry established under subsection (c)(1)(A) publicly available on the website of the Commission.

"(e) SCOPE OF APPLICATION.—The requirements of this section shall apply regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulatory classification of any communication or service.

"(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to preempt or expand the authority of a State public utility commission or other relevant State agency to collect data, or investigate and enforce State law and regulations, regarding the completion of intrastate voice communications, regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

"(h) EXCEPTION.—The requirement under subsection (a)(2) to comply with the service quality standards established under subsection (c)(1)(B) shall not apply to a covered provider that—

Effective date.
Certification.

"(1) on or before the date that is 1 year after the date of enactment of this section, has certified as a Safe Harbor provider under section 64.2107(a) of title 47, Code of Federal Regulations, or any successor regulation; and

"(2) continues to meet the requirements under such section 64.2107(a).

"(i) DEFINITIONS.—In this section:

"(1) COVERED PROVIDER.—The term 'covered provider' has the meaning given the term in section 64.2101 of title 47, Code of Federal Regulations, or any successor thereto.

"(2) COVERED VOICE COMMUNICATION.—The term 'covered voice communication' means a voice communication (including any related signaling information) that is generated—

"(A) from the placement of a call from a connection using a North American Numbering Plan resource or a call placed to a connection using such a numbering resource; and

"(B) through any service provided by a covered provider.

"(3) INTERMEDIATE PROVIDER.—The term 'intermediate provider' means any entity that—

"(A) enters into a business arrangement with a covered provider or other intermediate provider for the specific purpose of carrying, routing, or transmitting voice traffic that is generated from the placement of a call placed—

"(i) from an end user connection using a North American Numbering Plan resource; or

"(ii) to an end user connection using such a numbering resource; and

"(B) does not itself, either directly or in conjunction with an affiliate, serve as a covered provider in the context of originating or terminating a given call.".

Approved February 26, 2018.

LEGISLATIVE HISTORY—S. 96 (H.R. 460):

SENATE REPORTS: No. 115–6 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:
Vol. 163 (2017): Aug. 3, considered and passed Senate.
Vol. 164 (2018): Feb. 8, considered and passed House.

Public Law 115–130
115th Congress

An Act

Mar. 9, 2018
[H.R. 1725]

To direct the Secretary of Veterans Affairs to submit certain reports relating to medical evidence submitted in support of claims for benefits under the laws administered by the Secretary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT ON PROGRESS OF DEPARTMENT OF VETERANS AFFAIRS ACCEPTABLE CLINICAL EVIDENCE INITIATIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Acceptable Clinical Evidence initiative of the Department of Veterans Affairs in reducing the necessity for in-person disability examinations and other efforts to comply with the provisions of section 5125 of title 38, United States Code.

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

(1) The number of claims eligible for the Acceptable Clinical Evidence initiative during the period beginning on the date of the commencement of the initiative and ending on the date of the submittal of the report, disaggregated by fiscal year.

(2) The total number of claims eligible for the Acceptable Clinical Evidence initiative that required a medical examiner of the Department to supplement the evidence with information obtained during a telephone interview with a claimant.

(3) Information on any other initiatives or efforts of the Department to further encourage the use of private medical evidence and reliance upon reports of a medical examination administered by a private physician if the report is sufficiently complete to be adequate for the purposes of adjudicating a claim.

(4) The anticipated impact on the timeline and accuracy of a decision on a claim for benefits under chapter 11 or 15 of title 38, United States Code, if the Secretary were prohibited from requesting a medical examination in the case of a claim in support of which a claimant submits medical evidence and a medical opinion provided by a private physician that is competent, credible, probative, and otherwise adequate for the purpose of making a decision on that claim.

(5) Recommendations on how the Department can measure, track, and prevent the ordering of unnecessary medical examinations when the provision by a claimant of a medical

examination administered by a private physician in support of a claim for benefits under chapter 11 or 15 of title 38, United States Code, is adequate for the purpose of making a decision on that claim.

SEC. 2. ANNUAL REPORT ON SUBMITTAL OF PRIVATE MEDICAL EVIDENCE IN SUPPORT OF CLAIMS FOR DEPARTMENT OF VETERANS AFFAIRS BENEFITS.

Not later than March 1 of fiscal years 2018 through 2024, the Secretary of Veterans Affairs shall submit to Congress a report that includes, for the calendar year preceding the year in which the report is submitted, the following for each regional office of the Department of Veterans Affairs:

(1) The number of times a veteran who submitted private medical evidence in support of a claim for compensation or pension under the laws administered by the Secretary was scheduled for an examination performed by Department personnel because the private medical evidence submitted was determined to be unacceptable.

(2) The most common reasons why private medical evidence submitted in support of claims for benefits under the laws administered by the Secretary was determined to be unacceptable.

(3) The types of disabilities for which claims for benefits under the laws administered by the Secretary were mostly commonly denied when private medical evidence was submitted.

Approved March 9, 2018.

LEGISLATIVE HISTORY—H.R. 1725:

HOUSE REPORTS: No. 115–133 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): May 23, considered and passed House.
Vol. 164 (2018): Feb. 15, considered and passed Senate.

Public Law 115–131
115th Congress

An Act

To direct the Secretary of Veterans Affairs to include on the internet website of the Department of Veterans Affairs a warning regarding dishonest, predatory, or otherwise unlawful practices targeting individuals who are eligible for increased pension on the basis of need for regular aid and attendance, and for other purposes.

Mar. 9, 2018
[H.R. 3122]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Care Financial Protection Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Care Financial Protection Act of 2017".

SEC. 2. SECRETARY OF VETERANS AFFAIRS NOTICE OF DISHONEST, PREDATORY, OR OTHERWISE UNLAWFUL PRACTICES TARGETING INDIVIDUALS WHO ARE ELIGIBLE FOR INCREASED PENSION ON BASIS OF NEED FOR REGULAR AID AND ATTENDANCE.

38 USC 1501 note.

(a) NOTICE REQUIRED.—The Secretary of Veterans Affairs shall include on the internet website of the Department of Veterans Affairs a warning to veterans relating to dishonest, predatory, or otherwise unlawful practices targeting individuals who are eligible for increased pension under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance.

(b) GAO STUDY.—

Deadline.

(1) STUDY REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on financial exploitation of veterans. Such study shall include—

(A) an analysis of the types of standards used by Federal and State agencies intended to protect vulnerable populations from financial exploitation; and

(B) an analysis of the types of financial exploitation facing veterans who are eligible for increased pension under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance and any gaps in efforts to address these issues.

(2) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a preliminary report on the study required under paragraph (1).

(B) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller

General shall submit to Congress a final report on such study.

Approved March 9, 2018.

LEGISLATIVE HISTORY—H.R. 3122:

HOUSE REPORTS: No. 115–385 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 6, considered and passed House.
Vol. 164 (2018): Feb. 15, considered and passed Senate.

Public Law 115–132
115th Congress

An Act

Mar. 9, 2018
[H.R. 4533]

To designate the health care system of the Department of Veterans Affairs in Lexington, Kentucky, as the "Lexington VA Health Care System" and to make certain other designations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

Franklin Runyon Sousley.

(1)(A) Private First Class Franklin Runyon Sousley was born on September 19, 1925, in Hilltop, Kentucky. Sousley served as a marine in the United States Marine Corps during the period beginning on January 5, 1944, and ending March 21, 1945. Sousley graduated from Fleming County High School in May 1943 and chose to enlist in the United States Marine Corps. Upon completion of military basic training, he was assigned to Company E, 2d Battalion, 28th Marines, of the 5th Marines Division at Camp Pendleton, California, as an automatic rifleman.

(B) Private Sousley was promoted to a private first class on November 22, 1944. Pfc. Sousley landed on Iwo Jima on Friday, February 19, 1945, and actively fought in the battle for the islands. During the intense fighting, members of the United States Armed Forces secured Mount Suribachi and hoisted a United States flag on top of the summit on February 23, 1945. On February 23, 1945, Pfc. Sousley, alongside Corporal Harlon Block, HM John Bradley, Pfc. Rene Gagnon, Pfc. Ira Hayes, and Sergeant Michael Strank followed orders to raise a larger United States flag so it could be seen over the island. The iconic photograph taken of the six men, while they raised the United States flag attached to a heavy Japanese pipe has led to an immortalized symbol of American bravery, perseverance, and sacrifice endured by members of the United States Armed Forces during the intense battles of World War II. Pfc. Sousley was killed in combat by a Japanese sniper around Kitano Point on March 21, 1945.

(C) Originally buried in the 5th Marine Division Cemetery at Iwo Jima in plot 9, row 8, grave 2189, on March 22, 1945, his remains were returned to the United States on May 8, 1947, where he was finally laid to rest at Elizaville Cemetery in Fleming County, Kentucky. Pfc. Sousley was posthumously awarded the Purple Heart, the Combat Action Ribbon, the Presidential Unit Citation with 5/16″ Silver Star, the American Campaign Medal, the Asiatic-Pacific Campaign Medal with 3/16″ Bronze Star, and the World War II Victory Medal.

Troy Bowling.

(2)(A) Mr. Troy Bowling was born on July 2, 1926, in Hamilton, Ohio and completed his life's service on June, 17, 2017, at the age of 90 years old. At age 17, Mr. Bowling began his service as a United States Marine and was a proud member of the Easy Company, 2nd Battalion, 27th Marines, 5th Division. During the United States campaign to end the war against Japan, Mr. Bowling's unit was among the first to arrive on the beachheads of Iwo Jima.

(B) While attempting to secure Mt. Suribachi, his unit came under intense and concentrated fire, completely overwhelming his unit. Two projectiles struck Mr. Bowling in the chest and leg, leaving him critically wounded on the battlefield. At that moment, Mr. Bowling said he looked to the heavens and committed to serving mankind for the rest of his life if he survived.

(C) Miraculously, a combat photographer and medical team then carried Mr. Bowling to the safety of a landing craft where he witnessed the planting of the American flag atop Mt. Suribachi—an iconic image that persists as one of the most legendary and triumphant moments of the war. The United States Marines eventually took control of the island; however, this victory came at a heavy cost as more than 6,800 United States service members gave their lives during the battle of Iwo Jima.

(D) In keeping faith with his commitment to God made during that battle, Mr. Bowling devoted more than 78,000 hours of volunteer service to others at the Lexington VA Medical Center. For more than 66 years, Mr. Bowling has risen through the ranks within the Disabled American Veterans (DAV) organization, holding nearly every position possible, including State Commander. Mr. Bowling received the George H. Seal Award for outstanding volunteer, which he received at the 2005 National DAV Convention in Las Vegas and the Lifetime Service Achievement Award from the Department of Veteran Affairs. Mr. Bowling was also nominated and selected to be inducted in the Kentucky Veterans Hall of Fame for his lifetime of service to veterans.

SEC. 2. LEXINGTON VA HEALTH CARE SYSTEM.

(a) DESIGNATION.—The health care system of the Department of Veterans Affairs in Lexington, Kentucky, shall after the date of the enactment of this Act be known and designated as the "Lexington VA Health Care System".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the health care system referred to in subsection (a) shall be deemed to be a reference to the "Lexington VA Health Care System".

SEC. 3. TROY BOWLING CAMPUS.

(a) DESIGNATION.—The health care facility of the Department of Veterans Affairs located at 1101 Veterans Drive in Lexington, Kentucky, shall after the date of the enactment of this Act be known and designated as the "Troy Bowling Campus".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the health care facility referred to in subsection (a) shall be deemed to be a reference to the "Troy Bowling Campus".

SEC. 4. FRANKLIN R. SOUSLEY CAMPUS.

(a) DESIGNATION.—The health care facility of the Department of Veterans Affairs located at 2250 Leestown Road in Lexington, Kentucky, shall after the date of the enactment of this Act be known and designated as the "Franklin R. Sousley Campus".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the health care facility referred to in subsection (a) shall be deemed to be a reference to the "Franklin R. Sousley Campus".

Approved March 9, 2018.

LEGISLATIVE HISTORY—H.R. 4533:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 13, considered and passed House.
Feb. 15, considered and passed Senate.

Public Law 115–133
115th Congress

An Act

To designate the facility of the United States Postal Service located at 2700 Cullen Boulevard in Pearland, Texas, as the "Endy Nddiobong Ekpanya Post Office Building".

Mar. 16, 2018
[H.R. 294]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENDY NDDIOBONG EKPANYA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2700 Cullen Boulevard in Pearland, Texas, shall be known and designated as the "Endy Nddiobong Ekpanya Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Endy Nddiobong Ekpanya Post Office Building".

Approved March 16, 2018.

LEGISLATIVE HISTORY—H.R. 294:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 10, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–134
115th Congress

An Act

Mar. 16, 2018
[H.R. 452]

To designate the facility of the United States Postal Service located at 324 West Saint Louis Street in Pacific, Missouri, as the "Specialist Jeffrey L. White, Jr. Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST JEFFREY L. WHITE, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 324 West Saint Louis Street in Pacific, Missouri, shall be known and designated as the "Specialist Jeffrey L. White, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Jeffrey L. White, Jr. Post Office".

Approved March 16, 2018.

LEGISLATIVE HISTORY—H.R. 452:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 10, 11, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–135
115th Congress

An Act

To encourage visits between the United States and Taiwan at all levels, and for other purposes.

Mar. 16, 2018
[H.R. 535]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Taiwan Travel Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taiwan Travel Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Taiwan Relations Act (22 U.S.C. 3301 et seq.), enacted in 1979, has continued for 37 years to be a cornerstone of relations between the United States and Taiwan and has served as an anchor for peace and security in the Western Pacific area.

(2) The Taiwan Relations Act declares that peace and stability in the Western Pacific area are in the political, security, and economic interests of the United States and are matters of international concern.

(3) The United States considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.

(4) Taiwan has succeeded in a momentous transition to democracy beginning in the late 1980s and has been a beacon of democracy in Asia, and Taiwan's democratic achievements inspire many countries and people in the region.

(5) Visits to a country by United States Cabinet members and other high-ranking officials are an indicator of the breadth and depth of ties between the United States and such country.

(6) Since the enactment of the Taiwan Relations Act, relations between the United States and Taiwan have suffered from insufficient high-level communication due to the self-imposed restrictions that the United States maintains on high-level visits with Taiwan.

SEC. 3. SENSE OF CONGRESS; STATEMENT OF POLICY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should encourage visits between officials from the United States and Taiwan at all levels.

(b) STATEMENT OF POLICY.—It should be the policy of the United States to—

(1) allow officials at all levels of the United States Government, including Cabinet-level national security officials, general officers, and other executive branch officials, to travel to Taiwan to meet their Taiwanese counterparts;

(2) allow high-level officials of Taiwan to enter the United States, under conditions which demonstrate appropriate respect for the dignity of such officials, and to meet with officials of the United States, including officials from the Department of State and the Department of Defense and other Cabinet agencies; and

(3) encourage the Taipei Economic and Cultural Representative Office, and any other instrumentality established by Taiwan, to conduct business in the United States, including activities which involve participation by Members of Congress, officials of Federal, State, or local governments of the United States, or any high-level official of Taiwan.

Approved March 16, 2018.

LEGISLATIVE HISTORY—H.R. 535:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Jan. 9, considered and passed House.
Feb. 28, considered and passed Senate.

Public Law 115–136
115th Congress

An Act

To amend title 38, United States Code, to provide for a consistent eligibility date for provision of Department of Veterans Affairs memorial headstones and markers for eligible spouses and dependent children of veterans whose remains are unavailable.

Mar. 16, 2018
[H.R. 3656]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF VETERANS' SPOUSES AND DEPENDENT CHILDREN WHOSE REMAINS ARE UNAVAILABLE FOR DEPARTMENT OF VETERANS AFFAIRS MEMORIAL HEADSTONES AND MARKERS.

Section 2306(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (B), by striking "The" and inserting "An individual who dies on or after November 11, 1998, who is the"; and

(2) in subparagraph (C), by striking "An" and inserting "An individual who dies on or after November 11, 1998, who is an".

Approved March 16, 2018.

LEGISLATIVE HISTORY—H.R. 3656:

HOUSE REPORTS: No. 115–387 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 6, considered and passed House.
Vol. 164 (2018): Mar. 1, considered and passed Senate.

Public Law 115–137
115th Congress

An Act

Mar. 16, 2018
[S. 831]

To designate the facility of the United States Postal Service located at 120 West Pike Street in Canonsburg, Pennsylvania, as the "Police Officer Scott Bashioum Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POLICE OFFICER SCOTT BASHIOUM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 West Pike Street in Canonsburg, Pennsylvania, shall be known and designated as the "Police Officer Scott Bashioum Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Police Officer Scott Bashioum Post Office Building".

Approved March 16, 2018.

LEGISLATIVE HISTORY—S. 831:

CONGRESSIONAL RECORD:
Vol. 163 (2017): June 13, considered and passed Senate.
Vol. 164 (2018): Mar. 5, considered and passed House.

Public Law 115–138
115th Congress

An Act

To designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Office Building".

Mar. 20, 2018
[H.R. 1208]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSE VETERANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, shall be known and designated as the "Converse Veterans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Converse Veterans Post Office Building".

Approved March 20, 2018.

LEGISLATIVE HISTORY—H.R. 1208:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–139
115th Congress

An Act

Mar. 20, 2018
[H.R. 1858]

To designate the facility of the United States Postal Service located at 4514 Williamson Trail in Liberty, Pennsylvania, as the "Staff Sergeant Ryan Scott Ostrom Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFF SERGEANT RYAN SCOTT OSTROM POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4514 Williamson Trail in Liberty, Pennsylvania, shall be known and designated as the "Staff Sergeant Ryan Scott Ostrom Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Ryan Scott Ostrom Post Office".

Approved March 20, 2018.

LEGISLATIVE HISTORY—H.R. 1858:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 10, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–140
115th Congress

An Act

To designate the facility of the United States Postal Service located at 1730 18th Street in Bakersfield, California, as the "Merle Haggard Post Office Building".

Mar. 20, 2018
[H.R. 1988]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MERLE HAGGARD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1730 18th Street in Bakersfield, California, shall be known and designated as the "Merle Haggard Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Merle Haggard Post Office Building".

Approved March 20, 2018.

LEGISLATIVE HISTORY—H.R. 1988:

CONGRESSIONAL RECORD:
Vol. 163 (2017): July 11, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–141
115th Congress

An Act

To amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes.

Mar. 23, 2018
[H.R. 1625]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Consolidated Appropriations Act, 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2018".

SEC. 2. TABLE OF CONTENTS.

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Sec. 7. Adjustments to compensation.

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Title I—Departmental Management, Operations, Intelligence, and Oversight
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DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2018

Title I—Legislative Branch
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DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

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DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2018

Title I—Department of State and Related Agency
Title II—United States Agency for International Development
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Title IV—International Security Assistance
Title V—Multilateral Assistance
Title VI—Export and Investment Assistance
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DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

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DIVISION M—EXTENSIONS

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Title III—Keep Young Athletes Safe Act
Title IV—Consent of Congress to Amendments to the Constitution of the State of Arizona
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Title XI—FARM Act
Title XII—Tipped Employees
Title XIII—Revisions to Pass-Through Period and Payment Rules

DIVISION T—REVENUE PROVISIONS

DIVISION U—TAX TECHNICAL CORRECTIONS

DIVISION V—CLOUD ACT

1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about March 22, 2018, and submitted by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018.

SEC. 6. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 7. ADJUSTMENTS TO COMPENSATION. 2 USC 4501 note.

(a) Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2018.

(b) There is appropriated for payment to Emily Robin Minerva, heir of Louise McIntosh Slaughter, late a Representative from the State of New York, $174,000.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018.

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $46,532,000, of which not to exceed $5,051,000 shall be available for the immediate Office of the Secretary; not to exceed $800,000 shall be available for the Office of the Assistant to the Secretary for Rural Development: *Provided*, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed $1,496,000 shall be available for the Office of Homeland Security; not to exceed $4,711,000 shall be available for the Office of Partnerships and Public Engagement; not to exceed $23,105,000 shall be available for the Office of the Assistant Secretary for Administration, of which $22,301,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided further*, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed $3,869,000 shall be available for the Office of Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed $7,500,000 shall be available for the Office of Communications: *Provided further*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed $11,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise

provided for, as determined by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $19,786,000, of which $4,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155.

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, $15,222,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,525,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $58,950,000, of which not less than $33,000,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,028,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $901,000: *Provided*, That funds made available by this Act to an agency in the Civil Rights mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $24,206,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $64,414,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $3,503,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), $98,208,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97–98).

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $44,546,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, $4,136,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, $800,000: *Provided*, That

funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $86,757,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $191,717,000, of which up to $63,350,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,202,766,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $500,000, except for headhouses or greenhouses which shall each be limited to $1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed $1,100,000 each, and except for two buildings to be constructed at a cost not to exceed $3,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $500,000, whichever is greater: *Provided further*, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder

7 USC 2254.

shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $140,600,000 to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $887,171,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Research and Education Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: *Provided further,* That each institution eligible to receive funds under the Evans-Allen program receives no less than $1,000,000: *Provided further,* That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further,* That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 450i(b) may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $483,626,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Extension Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for facility improvements at 1890 institutions shall remain available until expended: *Provided further,* That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than $1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees' compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $37,000,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Integrated Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2019: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $901,000: *Provided*, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $981,893,000, of which $470,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which $11,520,000, to remain available until expended, shall be used for the cotton pests program

for cost share purposes or for debt retirement for active eradication zones; of which $37,857,000, to remain available until expended, shall be for Animal Health Technical Services; of which $705,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $62,840,000, to remain available until expended, shall be used to support avian health; of which $4,251,000, to remain available until expended, shall be for information technology infrastructure; of which $178,170,000, to remain available until expended, shall be for specialty crop pests; of which, $9,326,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $16,523,000, to remain available until expended, shall be for zoonotic disease management; of which $40,966,000, to remain available until expended, shall be for emergency preparedness and response; of which $56,000,000, to remain available until expended, shall be for tree and wood pests; of which $5,725,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That of amounts available under this heading for wildlife services methods development, $1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, $4,990,000 shall remain available until expended; of which $3,000,000, to remain available until expended, shall be for National Bio and Agro-Defense human capital development: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed five, of which two shall be for replacement only: *Provided further*, That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2018, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any

entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $151,595,000, of which $3,000,000 shall be available for the purposes of section 12306 of Public Law 113–79: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,227,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than $20,705,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87–128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,235,000.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $800,000: *Provided*, That funds made available by this Act to an agency in the Food Safety mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,056,844,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2018 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): *Provided further*, That not later than 180 days after the date of enactment of this Act, the Food Safety and Inspection Service shall issue equivalence determinations for all countries wishing to continue exporting Siluriformes to the United States: *Provided further*, That unless the requirements pursuant to the previous proviso have been met, thereafter, none of the funds made available by this or any other Act may be used to inspect, at point of entry, Siluriformes from countries exporting to the United States until all requirements under section 557.2 of title 9, Code of Federal Regulations have been met and a final determination of equivalence final rule has been published in the Federal Register adding such countries to the list under section 327.2 of title 9, Code of Federal Regulations: *Provided further*, That of the funds made available under this heading, $7,500,000 shall remain available until expended for public health veterinarian recruitment and retention incentives: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and

improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, $901,000: *Provided*, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

For necessary expenses of the Farm Production and Conservation Business Center, $1,028,000, to remain available until expended: *Provided*, That $145,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,202,146,000: *Provided*, That not more than 50 percent of the $78,013,000 made available under this heading for information technology related to farm program delivery, including the Modernize and Innovate the Delivery of Agricultural Systems and other farm program delivery systems, may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over $25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2018 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key

indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,904,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural

Credit Insurance Fund, as follows: $2,750,000,000 for guaranteed farm ownership loans and $1,500,000,000 for farm ownership direct loans; $1,960,000,000 for unsubsidized guaranteed operating loans and $1,530,000,000 for direct operating loans; emergency loans, $25,610,000; Indian tribe land acquisition loans, $20,000,000; guaranteed conservation loans, $150,000,000; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $60,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm operating loans, $61,812,000 for direct operating loans, $21,756,000 for unsubsidized guaranteed operating loans, emergency loans, $1,260,000 and $2,272,000 for Indian highly fractionated land loans to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $325,068,000: *Provided*, That of this amount, $314,998,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses", of which $8,000,000 shall be available until September 30, 2019.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, $74,829,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $874,107,000,

to remain available until September 30, 2019: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the amounts made available under this heading, $5,600,000, shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, $150,000,000, to remain available until expended: *Provided*, That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): *Provided further*, That of the amounts made available under this heading, $50,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $10,000,000 is provided: *Provided*, That of the amounts made available under this heading, $5,000,000 shall remain available until expended for watershed rehabilitation projects in states with high-hazard dams and other watershed structures and that have recently incurred flooding events which caused fatalities.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying

out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $230,835,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support Rural Development programs: *Provided further*, That in addition to any other funds appropriated for purposes authorized by section 502(i) of

the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $1,100,000,000 shall be for direct loans and $24,000,000,000 shall be for unsubsidized guaranteed loans; $28,000,000 for section 504 housing repair loans; $40,000,000 for section 515 rental housing; $230,000,000 for section 538 guaranteed multi-family housing loans; $10,000,000 for credit sales of single family housing acquired property; $5,000,000 for section 523 self-help housing land development loans; and $5,000,000 for section 524 site development loans: *Provided,* That section 514(f)(3)(A) of the Housing Act of 1949 (42 U.S.C. 1484(f)(3)(A)) is amended by striking "United States" and inserting "United States," and by inserting before the semicolon the following: ", or a person legally admitted to the United States and authorized to work in agriculture".

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $42,350,000 shall be for direct loans; section 504 housing repair loans, $3,452,000; section 523 self-help housing land development loans, $368,000; section 524 site development loans, $58,000; and repair, rehabilitation, and new construction of section 515 rental housing, $10,524,000: *Provided*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further*, That of the amounts available under this paragraph for section 502 direct loans, no less than $5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2018: *Provided further*, That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit

entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as "Asset Management Fee" of up to $7,500 per property.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), $14,710,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $412,254,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $1,345,293,000, of which $40,000,000 shall be available until September 30, 2019; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2018 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further*, That except as provided in the third proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2018 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $47,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $25,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $22,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $30,000,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, $40,000,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $2,800,000,000 for direct loans and $148,287,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $4,849,000, to remain available until expended.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $43,778,000, to remain available until expended: *Provided*, That $4,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $5,778,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, $77,342,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $6,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), $18,889,000.

For the cost of direct loans, $4,361,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which $557,000 shall be available through June 30, 2018, for Federally Recognized Native American Tribes; and of which $1,072,000 shall be available through June 30, 2018, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, $4,468,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $45,000,000.

The cost of grants authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed $10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $27,550,000, of which $2,750,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $16,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a), of which $1,000,000 shall be for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107–171.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $293,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $560,263,000, to remain available until expended, of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided,* That not to exceed $15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act and such grants may not exceed $1,000,000 notwithstanding section 306A(f)(1) of such Act: *Provided further,* That $68,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided*

further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further,* That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further,* That not to exceed $40,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $8,000,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further,* That not to exceed $19,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That not to exceed $4,000,000 shall be for solid waste management grants: *Provided further,* That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further,* That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305, 306, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g) shall be made as follows: loans made pursuant to sections 305, 306, and 317, notwithstanding 317(c), of that Act, rural electric, $5,500,000,000; guaranteed underwriting loans pursuant to section 313A, $750,000,000; 5 percent rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $690,000,000: *Provided*, That up to $2,000,000,000 shall be used for the construction, acquisition,

or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, $863,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $33,270,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $29,851,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $32,000,000, to remain available until expended: *Provided*, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $5,000,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $30,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, $800,000: *Provided*, That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $24,254,139,000 to remain available

through September 30, 2019, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That of the total amount available, $17,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, $30,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than $1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, $28,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further*, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "2010 through 2017" and inserting "2010 through 2018": *Provided further*, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking "for fiscal year 2017" and inserting "for fiscal year 2018": *Provided further*, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking "for fiscal year 2017" and inserting "for fiscal year 2018".

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,175,000,000, to remain available through September 30, 2019, of which $25,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deemed necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than $60,000,000 shall be used for breastfeeding peer counselors and other related activities, and $14,000,000 shall be used for infrastructure: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $74,013,499,000, of which $3,000,000,000, to remain available through December 31, 2019, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, $998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available through September 30, 2019: *Provided further*, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2019: *Provided further*, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $322,139,000, to remain available through September 30, 2019: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2018 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2019: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 15 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $153,841,000: *Provided*, That of the funds provided herein, $2,000,000 shall be used for the purposes of section 4404 of Public

Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, $875,000: *Provided*, That funds made available by this Act to any agency in the Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CODEX ALIMENTARIUS

For necessary expenses of the Office of Codex Alimentarius, $3,796,000.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $199,666,000, of which no more than 6 percent shall remain available until September 30, 2019, for overseas operations to include the payment of locally employed staff: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $149,000, shall be transferred to and

merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,600,000,000, to remain available until expended: *Provided*, That the Administrator of the United States Agency for International Development shall in each instance notify in writing the Committees on Appropriations of both Houses of Congress, the Committee on Agriculture of the House, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House, and the Committee on Agriculture, Nutrition, and Forestry of the Senate and make publicly available online the amount and use of authority in section 202(a) of the Food for Peace Act (7 U.S.C. 1722(a)) to notwithstand the minimum level of nonemergency assistance required by section 412(e)(2) of the Food for Peace Act (7 U.S.C. 1736f(e)(2)) not later than 15 days after the date of such action.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $207,626,000, to remain available until expended, of which $1,000,000 is for the use of recently developed potable water technologies in school feeding projects: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That of the amount made available under this heading, $10,000,000, shall remain available until expended for necessary expenses to carry out the provisions of section 3207 of the Agricultural Act of 2014 (7 U.S.C. 1726c).

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, $8,845,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,382,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $2,463,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114–255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $5,138,041,000: *Provided*, That of the amount provided under this heading, $911,346,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; $193,291,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $493,600,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; $40,214,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; $18,093,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; $9,419,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; $672,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal year 2018 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2018, including any such fees collected prior to fiscal year 2018 but credited for fiscal year 2018, shall be subject to the fiscal year 2018 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2018 of user fees specified under this heading and authorized for fiscal year 2019,

prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2019 for which the Secretary accepts payment in fiscal year 2018 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $1,041,615,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $1,617,881,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $359,614,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $197,252,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $487,197,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $63,331,000 shall be for the National Center for Toxicological Research; (7) $625,646,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $172,003,000 shall be for Rent and Related activities, of which $50,559,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $237,671,000 shall be for payments to the General Services Administration for rent; and (10) $335,831,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: *Provided further*, That of the amounts that are made available under this heading for "other activities", and that are not derived from user fees, $1,500,000 shall be transferred to and merged with the appropriation for "Department of Health and Human Services—Office of Inspector General" for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further*, That of the total amount made available under this heading, $1,500,000 shall be used by the Commissioner of Food and Drugs, in coordination with the Secretary of Agriculture, for consumer outreach and education regarding agricultural biotechnology and biotechnology-derived food products and animal feed, including through publication and distribution of science-based educational information on the environmental, nutritional, food safety, economic, and humanitarian impacts of such biotechnology, food products, and feed: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), and medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,788,000, to remain available until expended.

FDA INNOVATION ACCOUNT, CURES ACT

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading "Salaries and Expenses", $60,000,000, to remain available until expended: *Provided*, That amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses" solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, $249,000,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than $48,000,000, to remain available until September 30, 2019, shall be for the purchase of information technology and of which not less than $2,700,000 shall be for expenses of the Office of the Inspector General: *Provided*, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under

this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a new no-year account in the Treasury, which may be established for the sole purpose of recording adjustments for and liquidating such unpaid obligations: *Provided further*, That if any furlough or reduction-in-force of personnel at the Commission occurs as a result of an action under 5 U.S.C. 7119, the Commission shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate no later than 30 days after the furlough or reduction-in-force occurs detailing the agency's reasoning for conducting a furlough or reduction-in-force: *Provided further*, That in the report the Commission shall explain why the furlough or reduction-in-force was the only reasonable course of action in response to an action taken under 5 U.S.C. 7119: *Provided further*, That after the conclusion of any furlough or reduction-in-force of the Commission in response to an action taken under 5 U.S.C. 7119, the Comptroller General shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that describes (1) the long-term cost of any pay increases the Commission must make in response to an action taken under 5 U.S.C. 7119; and (2) the operational impact of the furlough or reduction-in-force.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $70,600,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 71 passenger motor vehicles of which 68 shall be for replacement only, and for the hire of such vehicles: *Provided*, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 717 of this Act: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, or functions of the offices of the Chief Financial Officer or any personnel from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 717 of this Act: *Provided further*, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform technology upgrades: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center:

Provided further, That the Secretary of Agriculture shall conduct and submit a detailed cost benefit analysis to the Committees on Appropriations that includes a complete analysis of the National Finance Center data center and two other operationally comparable data centers in both size and complexity in supported applications that details and provides: (1) the cost effectiveness of each center; (2) a security analysis of each center; and (3) each center's Federal Risk and Authorization Management Program (FedRAMP) certifications status and the center's demonstrated history record and ability for maintaining Continuity of Operations Plan (COOP) functions and not miss critical operations: *Provided further*, That the cost-benefit analysis shall be submitted no later than 90 days after enactment of this Act to the Committees on Appropriations: *Provided further*, That not later than 90 days after submission of the cost-benefit analysis, the Comptroller General of the United States shall submit to the Committees on Appropriations a sufficiency review of the cost-benefit analysis, including any findings and recommendations relating to such review.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over $25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to $250,000 based upon

the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 709. Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2019, for information technology expenses: *Provided*, That except as otherwise specifically provided by law, unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2019, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than $2,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total

Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 714. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 715. Notwithstanding subsection (b) of section 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this section referred to as "section 14222"), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as "section 32") in excess of $1,266,582,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities— $465,000,000; State Option Contracts— $5,000,000; Removal of Defective Commodities— $2,500,000; Administration of Section 32 Commodity Purchases—$35,853,000: *Provided*, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2018, such unobligated balances shall carryover into the next fiscal year and shall remain available until expended for any of the three stated purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed $350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That, with the exception of any available carryover funds authorized in the first proviso of this section to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

SEC. 716. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2019 appropriations Act.

SEC. 717. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of $500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request; unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 718. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, non-Commodity Futures Trading Commission, or non-Farm Credit Administration employee.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. (a) There is hereby established in the Treasury of the United States a Working Capital Fund (the Fund) to be administered by the Food and Drug Administration (FDA), without fiscal year limitation, for the payment of salaries, travel, and other expenses necessary to the maintenance and operation of (1) a supply service for the purchase, storage, handling, issuance, packing, or shipping of stationery, supplies, materials, equipment, and blank forms, for which stocks may be maintained to meet, in whole or in part, the needs of the FDA and requisitions of other Government Offices, and (2) such other services as the Commissioner of the FDA, subject to review by the Secretary of Health and Human Services, determines may be performed more advantageously as central services. The Fund shall be reimbursed from applicable discretionary resources, notwithstanding any otherwise applicable purpose limitations, available when services are performed or stock furnished, or in advance, on a basis of rates which shall include estimated or actual charges for personal services, materials, equipment, information technology, and other expenses. Charges for equipment and information technology shall include costs associated with maintenance, repair, and depreciation (including improvement and replacement). 21 USC 399i.

(b) Of any discretionary resources appropriated in this Act for fiscal year 2018 for "Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses", not to exceed $5,000,000 of amounts available as of September 30 may be transferred to and merged with the Fund established under subsection (a), notwithstanding any otherwise applicable purpose limitations.

(c) No amounts may be transferred pursuant to this section that are designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 723. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 724. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $800,000,000 are hereby rescinded.

SEC. 725. The Secretary shall continue an intermediary loan packaging program based on the pilot program in effect for fiscal year 2013 for packaging and reviewing section 502 single family direct loans. The Secretary shall continue agreements with current intermediary organizations and with additional qualified intermediary organizations. The Secretary shall work with these organizations to increase effectiveness of the section 502 single family direct loan program in rural communities and shall set aside and make available from the national reserve section 502 loans an amount necessary to support the work of such intermediaries and provide a priority for review of such loans.

SEC. 726. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: *Provided*, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

SEC. 727. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: *Provided*, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture.

SEC. 728. None of the funds made available by this Act may be used to implement, administer, or enforce the "variety" requirements of the final rule entitled "Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)" published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term "variety" as de fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and "variety" as applied in the definition of the term "staple food" as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: *Provided*, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).

SEC. 729. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940); or

(2) to prohibit the transportation, processing, sale, or use of industrial hemp, or seeds of such plant, that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014, within or outside the State in which the industrial hemp is grown or cultivated.

SEC. 730. Funds provided by this or any prior Appropriations Act for the Agriculture and Food Research Initiative under 7 U.S.C. 450i(b) shall be made available without regard to section 7128 of the Agricultural Act of 2014 (7 U.S.C. 3371 note), under the matching requirements in laws in effect on the date before the date of enactment of such section: *Provided*, That the requirements of 7 U.S.C. 450i(b)(9) shall continue to apply.

SEC. 731. For tree assistance payments under section 1501(e) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)) to eligible orchardists or nursery tree growers (as defined in such section) of pecan trees with a tree mortality rate that exceeds 7.5 percent (adjusted for normal mortality) and is less than 15 percent (adjusted for normal mortality), $15,000,000, to be available until expended, for losses incurred during the period beginning January 1, 2017 and ending December 31, 2017.

SEC. 732. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 733. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

SEC. 734. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 735. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated by the Food and Drug Administration and put into effect November 16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.

SEC. 736. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 737. There is hereby appropriated $1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 738. No partially hydrogenated oils as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.) shall be deemed unsafe within the meaning of section 409(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(a)) and no food that

is introduced or delivered for introduction into interstate commerce that bears or contains a partially hydrogenated oil shall be deemed adulterated under sections 402(a)(1) or 402(a)(2)(C)(i) of this Act by virtue of bearing or containing a partially hydrogenated oil until the compliance date as specified in such order (June 18, 2018).

SEC. 739. For the cost of refinancing a loan pursuant to section 749 of division A of Public Law 115–31, and in addition to amounts provided by that section, for any borrower identified by the Federal Financing Bank for refinancing a loan where the modification calculation methodology used for such refinancing pursuant to section 185 of Office of Management and Budget Circular No. A–11 results in a cost to the pilot program, $5,000,000, to remain available until expended: *Provided*, That these funds shall also be available for refinancing a loan pursuant to any extension or expansion of this pilot program that is enacted subsequent to this Act for those same borrowers.

SEC. 740. None of the funds made available by this Act may be used by the Secretary of Agriculture, acting through the Food and Nutrition Service, to commence any new research and evaluation projects until the Secretary submits to the Committees on Appropriations of both Houses of Congress a research and evaluation plan for fiscal year 2018, prepared in coordination with the Research, Education, and Economics mission area of the Department of Agriculture, and a period of 30 days beginning on the date of the submission of the plan expires to permit Congressional review of the plan.

SEC. 741. There is hereby appropriated $8,000,000, to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary may allow eligible entities to offer loans to customers in any part of their service territory and to offer loans to replace a manufactured housing unit with another manufactured housing unit, if replacement would be more cost effective in saving energy: *Provided further*, That funds provided in section 769 of division A, Public Law 115–31, shall remain available until September 30, 2019.

SEC. 742. (a) The Secretary of Agriculture shall—

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable—

(A) veterinary control and oversight;

(B) disease history and vaccination practices;

(C) livestock demographics and traceability;

(D) epidemiological separation from potential sources of infection;

(E) surveillance practices;

(F) diagnostic laboratory capabilities; and

(G) emergency preparedness and response; and

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1).

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 743. There is hereby appropriated $1,000,000 for the Secretary to carry out a pilot program that provides forestry inventory analysis, forest management and economic outcomes modelling for certain currently enrolled Conservation Reserve Program participants. The Secretary shall allow the Commodity Credit Corporation

to enter into agreements with and provide grants to qualified nonprofit organizations dedicated to conservation, forestry and wildlife habitats, that also have experience in conducting accurate forest inventory analysis through the use of advanced, cost-effective technology. The Secretary shall focus the analysis on lands enrolled for at least eight years and located in areas with a substantial concentration of acres enrolled under conservation practices devoted to multiple bottomland hardwood tree species including CP03, CP03A, CP11, CP22, CP31 and CP40.

SEC. 744. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

SEC. 745. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated $4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301–1311).

SEC. 746. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the "Secretary") or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for "Rural Utilities Service—Rural Water and Waste Disposal Program Account" for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

(g) For purposes of this section, the terms "United States" and "State" shall include each of the several States, the District of Columbia, and each federally recognized Indian tribe.

SEC. 747. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2018, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 748. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

SEC. 749. There is hereby appropriated $1,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

SEC. 750. Beginning on the date of enactment of this Act through fiscal year 2019, notwithstanding any other provision of law, any fee issued by the State's Electronic Benefit Transfer contractor and subcontractors, including Affiliates of the contractor or subcontractor, related to the switching or routing of benefits for Department of Agriculture domestic food assistance programs shall be prohibited: *Provided*, That for purposes of this provision, the term "switching" means the routing of an intrastate or interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in one State to the issuer of the card that may be in the same or different State.

SEC. 751. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 752. (a) The Secretary of Agriculture (referred to in this section as the "Secretary") shall carry out a pilot program during fiscal year 2018 with respect to the 2017 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), that provides all or some of the State Farm Service Agency offices in each State the opportunity to provide agricultural producers in the State a supplemental payment described in subsection (c) based on the alternate calculation method described in subsection (b) for 1 or more counties in a State if the office for that State determines that the alternate calculation method is necessary to ensure that, to the maximum extent practicable, there are not significant yield calculation disparities between comparable counties in the State.

(b) The alternate calculation method referred to in subsection (a) is a method of calculating the actual yield for the 2017 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), under which—

(1) county data of the National Agricultural Statistics Service (referred to in this section as "NASS data") is used for the calculations;

(2) if there is insufficient NASS data for a county (as determined under standards of the Secretary in effect as of the date of enactment of this Act) or the available NASS data produces a substantially disparate result, the calculation of the county yield is determined using comparable contiguous county NASS data as determined by the Farm Service Agency office in the applicable State; and

(3) if there is insufficient NASS data for a comparable contiguous county (as determined under standards of the Secretary in effect as of the date of enactment of this Act), the calculation of the county yield is determined using reliable yield data from other sources, such as Risk Management Agency data, National Agricultural Statistics Service district data, National Agricultural Statistics Service State yield data, or other data as determined by the Farm Service Agency office in the applicable State.

(c)(1) A supplemental payment made under the pilot program established under this section may be made to an agricultural producer who is subject to the alternate calculation method described in subsection (b) if that agricultural producer would otherwise receive a county-level agriculture risk coverage payment for the 2017 crop year in an amount that is less than the payment that the agricultural producer would receive under the alternate calculation method.

(2) The amount of a supplemental payment to an agricultural producer under this section may not exceed the difference between—

(A) the payment that the agricultural producer would have received without the alternate calculation method described in subsection (b); and

(B) the payment that the agricultural producer would receive using the alternate calculation method.

(d)(1) There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2019, to carry out the pilot program described in this section.

(2) Of the funds appropriated, the Secretary shall use not more than $5,000,000 to carry out the pilot program described in this section.

(e)(1) To the maximum extent practicable, the Secretary shall select States to participate in the pilot program under this section so the cost of the pilot program equals the amount provided under subsection (d).

(2) To the extent that the cost of the pilot program exceeds the amount made available, the Secretary shall reduce all payments under the pilot program on a pro rata basis.

(f) Nothing in this section affects the calculation of actual yield for purposes of county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)) other than payments made in accordance with the pilot program under this section.

(g) A calculation of actual yield made using the alternate calculation method described in subsection (b) shall not be used as a basis for any agriculture risk coverage payment determinations under section 1117 of the Agricultural Act of 2014 (7 U.S.C. 9017) other than for purposes of the pilot program under this section.

SEC. 753. For an additional amount for "National Institute of Food and Agriculture—Research and Education Activities", $6,000,000, to be available until expended, for relocation expenses and for the alteration and repair of leased buildings and improvements pursuant to 7 U.S.C. 2250: *Provided*, That not later than 60 days after enactment of this Act, the Secretary of Agriculture shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of this funding.

SEC. 754. The Secretary of Agriculture and the Secretary's designees are hereby granted the same access to information and subject to the same requirements applicable to the Secretary of Housing and Urban Development as provided in section 453 of the Social Security Act (42 U.S.C. 653) and section 6103(1)(7)(D)(ix) of the Internal Revenue Code of 1986 (26 U.S.C. 1603(1)(7)(D)(ix)) to verify the income for individuals participating in sections 502, 504, 521, and 524 of the Housing Act of 1949 (42 U.S.C. 1972, 1474, 1490a, and 1490r), notwithstanding section 453(l)(1) of the Social Security Act.

SEC. 755. In addition to amounts otherwise made available by this Act under the heading "Domestic Food Programs—Food and Nutrition Services—Child Nutrition Programs", there is appropriated $2,000,000, to remain available until September 30, 2019, to allow allied professional associations to develop a training program for school nutrition personnel that focuses on school food service meal preparation and workforce development.

SEC. 756. None of the funds made available by this Act may be used to procure raw or processed poultry products imported into the United States from the People's Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 757. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 758. Section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), is amended by striking paragraph (1) and inserting the following:

"(1) AUTHORITY; MAXIMUM AMOUNT.—To the extent provided in advance in appropriations Acts, the Secretary may assess and collect a fee for a lender to access the automated underwriting systems of the Department in connection with such lender's participation in the single family loan program under this section and only in an amount necessary to cover the costs of information technology enhancements, improvements, maintenance, and development for automated underwriting systems used in connection with the single family loan program under this section, except that such fee shall not exceed $50 per loan.".

SEC. 759. Of the total amounts made available by this Act for direct loans and grants in the following headings: "Rural Housing Service—Rural Housing Insurance Fund Program Account"; "Rural Housing Service—Mutual and Self-Help Housing Grants"; "Rural Economic Infrastructure Grants"; "Rural Housing Service—Rural Community Facilities Program Account"; "Rural Business-Cooperative Service—Rural Business Program Account"; "Rural Business-Cooperative Service—Rural Economic Development Loans Program Account"; "Rural Business-Cooperative Service—Rural Cooperative Development Grants"; "Rural Utilities Service—Rural Water and Waste Disposal Program Account"; and "Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account", at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: *Provided*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average: *Provided further*, That with respect to specific activities for which program levels have been made available by this Act that are not supported by budget authority, the requirements of this section shall be applied to such program level.

SEC. 760. (a) No funds shall be used to finalize the proposed rule entitled "Eligibility of the People's Republic of China (PRC) to Export to the United States Poultry Products from Birds Slaughtered in the PRC" published in the Federal Register by the Department of Agriculture on June 16, 2017 (82 Fed. Reg. 27625), unless the Secretary of Agriculture shall—

(1) ensure that the poultry slaughter inspection system for the PRC is equivalent to that of the United States;

(2) ensure that, before any poultry products can enter the United States from any such poultry plant, such poultry products comply with all other applicable requirements for poultry products in interstate commerce in the United States;

(3) conduct periodic verification reviews and audits of any such plants in the PRC intending to export into the United States processed poultry products;

(4) conduct re-inspection of such poultry products at United States ports-of-entry to check the general condition of such products, for the proper certification and labeling of such products, and for any damage to such products that may have occurred during transportation; and

(5) ensure that shipments of any such poultry products selected to enter the United States are subject to additional re-inspection procedures at appropriate levels to verify that the products comply with relevant Federal regulations or standards, including examinations for product defects and laboratory analyses to detect harmful chemical residues or pathogen testing appropriate for the products involved.

(b) This section shall be applied in a manner consistent with obligations of the United States under any trade agreement to which the United States is a party.

SEC. 761. (a) Section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) is amended in the matter following paragraph (3) by striking "$5,000,000" and inserting "$25,000,000".

(b) Section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005) is amended—

(1) in paragraph (3), by striking "$5,000,000" and inserting "$25,000,000"; and

(2) in paragraph (4), by striking "$5,000,000" and inserting "$25,000,000".

SEC. 762. In addition to funds appropriated in this Act, there is hereby appropriated $116,000,000, to remain available until expended, under the heading "Food for Peace Title II Grants": *Provided*, That the funds made available under this section shall be used for the purposes set forth in the Food for Peace Act for both emergency and non-emergency purposes.

SEC. 763. In addition to any other funds made available in this Act or any other Act, there is appropriated $5,000,000 to carry out section 18(g)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)), to remain available until expended.

SEC. 764. None of the funds made available by this Act may be used by the Food and Drug Administration to develop, issue, promote, or advance any regulations applicable to food manufacturers for population-wide sodium reduction actions or to develop, issue, promote or advance final guidance applicable to food manufacturers for long term population-wide sodium reduction actions until the date on which a dietary reference intake report with respect to sodium is completed.

SEC. 765. Pursuant to section 185 of Public Law 114–223 (as added by Public Law 114–254 (130 Stat. 1018)), the Secretary of Agriculture may provide financial and technical assistance to remove and dispose of debris and sediment that could adversely affect health and safety on non-Federal land in a flood-affected county or parish: *Provided*, That such assistance may be used to restore pre-disaster hydraulic capacity of the watershed: *Provided*

further, That such assistance may not be used to correct an operation and maintenance issue that existed prior to the disaster.

SEC. 766. Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended by adding at the end the following:

"(m) EXEMPTION FROM CERTAIN REPORTING REQUIREMENTS.—

"(1) DEFINITION OF EXEMPTED PRODUCER.—In this subsection, the term 'exempted producer' means a producer or landowner eligible to participate in any conservation program administered by the Secretary.

"(2) EXEMPTION.—Notwithstanding the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note), the requirements of parts 25 and 170 of title 2, Code of Federal Regulations (and any successor regulations), shall not apply with respect to assistance received by an exempted producer from the Secretary, acting through the Natural Resources Conservation Service.".

SEC. 767. There is hereby appropriated $600,000 for the purposes of section 727 of division A of Public Law 112–55.

SEC. 768. None of the funds made available by this Act may be used in contravention of—

(1) section 9(b)(10) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(10)); or

(2) section 245.8 of title 7, Code of Federal Regulations.

SEC. 769. There is hereby appropriated $1,000,000, to remain available until September 30, 2019, for the cost of loans and grants that is consistent with section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities.

SEC. 770. During fiscal year 2018, the Food and Drug Administration shall not allow the introduction or delivery for introduction into interstate commerce of any food that contains genetically engineered salmon until the FDA publishes final labeling guidelines for informing consumers of such content.

SEC. 771. For an additional amount for "Animal and Plant Health Inspection Service—Salaries and Expenses", $7,500,000, to remain available until September 30, 2019, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 772. (a) The Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6931) is amended—

(1) by striking "Subtitle B—Farm and Foreign Agricultural Services" and inserting "Subtitle B—Farm Production and Conservation"; and

(2) by revising section 225 to read as follows:

"SEC. 225. UNDER SECRETARY OF AGRICULTURE FOR FARM PRODUCTION AND CONSERVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Farm Production and Conservation.

"(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Farm Production and Conservation authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) FUNCTIONS OF UNDERSECRETARY.—The Under Secretary of Agriculture for Farm Production and Conservation shall perform such functions and duties as the Secretary shall prescribe.

"(d) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for Farm and Foreign Agricultural Services on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a).".

(b) Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for Farm and Foreign Agricultural Services." and inserting "Under Secretary of Agriculture for Farm Production and Conservation." and "Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.".

SEC. 773. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption," and published on November 27, 2015, with respect to the regulation of the production, distribution, sale, or receipt of grape varietals that are grown, harvested and used solely for wine and receive commercial processing that adequately reduces the presence of microorganisms of public health significance.

SEC. 774. None of the funds made available by this Act may be used to revoke an exception made—

(1) pursuant to the rule entitled "Exceptions to Geographic Areas for Official Agencies Under the USGSA" published by the Department of Agriculture in the Federal Register on April 18, 2003 (68 Fed. Reg. 19137, 19139); and

(2) on a date before April 14, 2017.

SEC. 775. There is hereby appropriated $20,000,000, to remain available until expended, for an additional amount for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C 950aaa et seq., to help address the opioid epidemic in rural America.

SEC. 776. For school year 2018–2019, only a school food authority that had a negative balance in the nonprofit school food service account as of January 31, 2018, shall be required to establish a price for paid lunches in accordance with Section 12(p) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(p).

SEC. 777. There is hereby appropriated $5,000,000, to remain available until September 30, 2019, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

SEC. 778. For an additional amount for "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses", $94,000,000, to remain available until expended, in addition to amounts otherwise made available for necessary expenses of processing opioid and other articles imported or offered for import through international mail facilities of the U.S. Postal Service: *Provided*, That such additional amounts shall also be available for expanding and enhancing inspection capacity related to such processing activity (including but not limited to increasing staffing, obtaining necessary equipment and supplies, and expanding and upgrading infrastructure, laboratory facilities, and data libraries): *Provided further*, That amounts appropriated under this section

shall be in addition to amounts otherwise made available for research and criminal investigations related to such import articles, and be available for enhancing such research and investigations: *Provided further*, That the Secretary of Health and Human Services shall provide quarterly reports to the Committees on Appropriations of the House and Senate on the obligation of amounts appropriated under this section.

SEC. 779. For an additional amount for "Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program", $600,000,000, to remain available until expended, for the Secretary of Agriculture to conduct a new broadband loan and grant pilot program under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.): *Provided*, That for the purpose of the new pilot program, the authorities provided in such Act shall include the authority to make grants for such purposes, as described in section 601(a) of such Act: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That at least 90 percent of the households to be served by a project receiving a loan or grant under the pilot program shall be in a rural area without sufficient access to broadband, defined for this pilot program as 10 Mbps downstream, and 1 Mbps upstream, which shall be reevaluated and redetermined, as necessary, on an annual basis by the Secretary of Agriculture: *Provided further*, That an entity to which a loan or grant is made under the pilot program shall not use the loan or grant to overbuild or duplicate broadband expansion efforts made by any entity that has received a broadband loan from the Rural Utilities Service: *Provided further*, That in addition to other available funds, not more than four percent of the funds can be used for administrative costs to carry out this pilot program and up to three percent may be utilized for technical assistance and predevelopment planning activities to support the most rural communities, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses": *Provided further*, That the Rural Utility Service is directed to expedite program delivery methods that would implement this section: *Provided further*, That for purposes of this section, the Secretary shall adhere to the notice, reporting and service area assessment requirements set forth in sections 6104(a)(2)(D) and 6104(a)(2)(E) of the Agricultural Act of 2014 (7 U.S.C. 950bb(d)(5), and 950bb(d)(8) and 950bb(d)(10)).

SEC. 780. For an additional amount for the cost of direct loans and grants made under the "Rural Water and Waste Disposal Program Account", $500,000,000, to remain available until expended, of which not to exceed $495,000,000 shall be for grants.

SEC. 781. The Secretary of Agriculture and the Commissioner of Food and Drugs shall—

(1) post on a public Website in a searchable format information on competitive grant awards made using funds made available under an appropriations Act (other than funds appropriated to the Commodity Credit Corporation, the Forest Service, or funds provided under the heading "Food for Peace Title II Grants") that includes, with respect to each such award, the Congressional District corresponding to the State, District, Tribal jurisdiction, or territory of the United States in which the recipient of the funds is geographically located; and

(2) not provide advance notification of such grant awards to any person outside of the Department of Agriculture or the Food and Drug Administration except potential awardees, until such information is posted, as described in paragraph (1).

SEC. 782. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

SEC. 783. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111).

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018".

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Department of Commerce Appropriations Act, 2018.

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $495,000,000, to remain available until September 30, 2019, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of

title 31, United States Code: *Provided*, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $113,500,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $262,500,000, to remain available until expended, of which $21,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $39,000,000:

Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $39,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $99,000,000, to remain available until September 30, 2019.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $270,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That the Bureau of the Census shall collect and analyze data for the Annual Social and Economic Supplement to the Current Population Survey using the same health insurance questions included in previous years, in addition to the revised questions implemented in the Current Population Survey beginning in February 2014.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, $2,544,000,000, to remain available until September 30, 2020: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, $2,580,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census: *Provided further*, That not more than 50 percent of the amounts made available under this heading for information technology related to 2020 census delivery, including the Census Enterprise Data Collection and Processing (CEDCaP) program, may be obligated until the Secretary updates the previous expenditure plan and resubmits to the Committees on Appropriations of the House of Representatives and the Senate a plan for expenditure that: (1) identifies

for each CEDCaP project/investment over $25,000: (A) the functional and performance capabilities to be delivered and the mission benefits to be realized; (B) an updated estimated lifecycle cost, including cumulative expenditures to date by fiscal year, and all revised estimates for development, maintenance, and operations; (C) key milestones to be met; and (D) impacts of cost variances on other Census programs; (2) details for each project/investment: (A) reasons for any cost and schedule variances; and (B) top risks and mitigation strategies; and (3) has been submitted to the Government Accountability Office.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $39,500,000, to remain available until September 30, 2019: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended: *Provided further*, That $7,500,000 shall be to update the national broadband availability map in coordination with the Federal Communications Commission and using partnerships previously developed with the States.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,500,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2018, so as to result in a fiscal year 2018 appropriation from the general

fund estimated at $0: *Provided further*, That during fiscal year 2018, should the total amount of such offsetting collections be less than $3,500,000,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $3,500,000,000 in fiscal year 2018 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office "Salaries and Expenses" account: *Provided further*, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2018 for official reception and representation expenses: *Provided further*, That in fiscal year 2018 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, $1,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), $724,500,000, to remain available until

expended, of which not to exceed $9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed $20,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $155,000,000, to remain available until expended, of which $140,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $15,000,000 shall be for the National Network for Manufacturing Innovation (also known as "Manufacturing USA").

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $319,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

15 USC 1513b note.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; pilot programs for state-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,536,331,000, to remain available until September 30, 2019, except that funds provided for cooperative enforcement shall remain available until September 30, 2020: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, $144,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", which shall only be used for fishery activities related to the Saltonstall-Kennedy

Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: *Provided further*, That of the $3,697,831,000 provided for in direct obligations under this heading, $3,536,331,000 is appropriated from the general fund, $144,000,000 is provided by transfer, and $17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $2,290,684,000, to remain available until September 30, 2020, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: *Provided*, That of the $2,303,684,000 provided for in direct obligations under this heading, $2,290,684,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, $1,302,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

15 USC 1513a note.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2019: *Provided*, That, of the funds provided herein,

the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $349,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERY DISASTER ASSISTANCE

For the necessary expenses associated with the mitigation of fishery disasters, $20,000,000 to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters as declared by the Secretary of Commerce.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2018, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $63,000,000.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of the Herbert C. Hoover Building, $45,130,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $32,744,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

33 USC 878a note.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2018: *Provided*, That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $10,828,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.).

SEC. 110. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" and shall remain available until September 30, 2020, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 111. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

This title may be cited as the "Department of Commerce Appropriations Act, 2018".

Department of Justice Appropriations Act, 2018.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $114,000,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $35,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to $35,400,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, $504,500,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account: *Provided*, That not to exceed $35,000,000 of the total amount made available under this heading shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $97,250,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $13,308,000: *Provided*, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, $897,500,000, of which not to exceed $20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $10,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $164,977,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $126,000,000 in fiscal year 2018), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2018, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at $38,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $2,136,750,000: *Provided*, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $225,908,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees collected pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees collected in fiscal year 2018, net of amounts necessary to pay refunds due depositors, exceed $225,908,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2018, net of amounts necessary to pay refunds due depositors, (estimated at $231,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,409,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $15,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, $15,500,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,311,492,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $53,400,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,536,000,000, to remain available until expended: *Provided*, That not to exceed $20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading "General Administration, Detention Trustee" shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, $101,031,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, $542,850,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $9,030,202,000, of which not to exceed $216,900,000 shall remain available until expended: *Provided*, That not to exceed $184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $370,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,190,326,000, of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,293,776,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $7,114,000,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts

42 USC 250a.

with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2019: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $161,571,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of

facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); and the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) ("the 2015 Act"); and for related victims services, $492,000,000, to remain available until expended, which shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $35,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,500,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(4) $11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*,

That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) $53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;

(6) $35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $40,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(15) $500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) $4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) $1,500,000 for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); and other programs, $90,000,000, to remain available until expended, of which—

(1) $48,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $5,000,000 is for a nationwide incident-based crime statistics program; and

(2) $42,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act, of which $4,000,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473);

the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) ("CARA"); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); and other programs, $1,677,500,000, to remain available until expended as follows—

(1) $415,500,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $10,000,000 is for the Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), $5,000,000 is for an initiative to support evidence-based policing, $2,500,000 is for an initiative to enhance prosecutorial decision-making, $2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, $2,500,000 is for a national training initiative to improve police-based responses to people with mental illness or developmental disabilities, $20,000,000 is for competitive and evidence-based programs to reduce gun crime and gang violence, $2,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315, $15,500,000 is for prison rape prevention and prosecution grants to states and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), and $16,000,000 is for emergency law enforcement assistance for events occurring during or after fiscal year 2018, as authorized by section 609M of the Justice Assistance Act of 1984 (34 U.S.C. 50101);

(2) $240,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $77,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) $3,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(5) $14,000,000 for economic, high technology, white collar and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(6) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(7) $22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's

Office of Law Enforcement Standards for research, testing and evaluation programs;

(8) $1,000,000 for the National Sex Offender Public Website;

(9) $75,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than $25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(10) $30,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(11) $130,000,000 for DNA-related and forensic programs and activities, of which—

(A) $120,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) $6,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(12) $47,500,000 for a grant program for community-based sexual assault response reform;

(13) $12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(14) $35,000,000 for assistance to Indian tribes;

(15) $85,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, $5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and $4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(16) $75,000,000 for the Comprehensive School Safety Initiative;

(17) $65,000,000 for initiatives to improve police-community relations, of which $22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement, $25,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, and $17,500,000 is for an Edward Byrne Memorial criminal justice innovation program; and

(18) $330,000,000 for comprehensive opioid abuse reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid abuse reduction consistent with underlying program authorities—

(A) $75,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(B) $30,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(C) $30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) $20,000,000 for a veterans treatment courts program;

(E) $30,000,000 for a program to monitor prescription drugs and scheduled listed chemical products; and

(F) $145,000,000 for a comprehensive opioid abuse program:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Justice for All Reauthorization Act of 2016 (Public Law 114-324); and other juvenile justice programs, $282,500,000, to remain available until expended as follows—

(1) $60,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants

process: *Provided*, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) $94,000,000 for youth mentoring grants;

(3) $27,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $5,000,000 shall be for the Tribal Youth Program;

(B) $4,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(C) $500,000 shall be for an Internet site providing information and resources on children of incarcerated parents;

(D) $2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(E) $8,000,000 shall be for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence; and

(F) $8,000,000 shall be for an opioid-affected youth initiative;

(4) $21,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) $76,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(6) $2,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(7) $2,000,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (3) and (6) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $24,800,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding

for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"), $275,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) $225,500,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph, $30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, anti-methamphetamine activities, and anti-opioid activities: *Provided further*, That of the amounts appropriated under this paragraph, $10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That of the amounts appropriated under this paragraph $36,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with "Research, Evaluation, and Statistics" for administration by the Office of Justice Programs;

(2) $10,000,000 is for activities authorized by the POLICE Act of 2016 (Public Law 114–199);

(3) $8,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) $32,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*,

That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information

technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2015 through 2018 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2976(g)(1) of such part (34 U.S.C. 10631(g)(1)).

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2978(e)(1) and (2) of such part (34 U.S.C. 10633(e)(1) and (2)).

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (34 U.S.C. 10581), the requirements under the second sentence of section 2901(f) of such part (34 U.S.C. 10581(f)).

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2018, except up to $40,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed $30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2018, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed $10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2018, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

SEC. 217. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal years 2017 and 2018.

This title may be cited as the "Department of Justice Appropriations Act, 2018".

Science Appropriations Act, 2018.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,544,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, in carrying out the purposes of Title V of Public Law 100-685 and Executive Order 13803, hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, $1,965,000: *Provided*, That notwithstanding any other provision of law, the National Space Council may accept personnel support from Federal agencies, departments, and offices, and such Federal agencies, departments, and offices may detail staff without reimbursement to the National Space Council for purposes provided herein.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $6,221,500,000, to remain available until September 30, 2019: *Provided*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104: *Provided further*, That, of the amounts provided, $595,000,000 is for an orbiter and a lander to meet the science goals for the Jupiter Europa mission as outlined in the most recent planetary science decadal survey: *Provided further*, That the National Aeronautics and Space

Administration shall use the Space Launch System as the launch vehicles for the Jupiter Europa mission, plan for an orbiter launch no later than 2022 and a lander launch no later than 2024, and include in the fiscal year 2020 budget the 5-year funding profile necessary to achieve these goals.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $685,000,000, to remain available until September 30, 2019.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $760,000,000, to remain available until September 30, 2019: *Provided*, That $130,000,000 shall be for RESTORE.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,790,000,000, to remain available until September 30, 2019: *Provided*, That not less than $1,350,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than $2,150,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously: *Provided further*, That of the amounts provided for SLS, not less than $300,000,000 shall be for Exploration Upper Stage development: *Provided further*, That $895,000,000 shall be for Exploration Ground Systems, including $350,000,000 for a second mobile launch platform and associated

SLS activities: *Provided further*, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the Space Launch System, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure an Exploration Mission-2 crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence beyond the initial crewed test launch: *Provided further*, That acquisition of Orion crew vehicles, SLS launch vehicles, Exploration Ground Systems, mobile launch platforms, and their associated components may be funded incrementally in fiscal year 2018 and thereafter: *Provided further*, That $395,000,000 shall be for exploration research and development.

51 USC 20301 note.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,751,500,000, to remain available until September 30, 2019.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $100,000,000, to remain available until September 30, 2019, of which $18,000,000 shall be for the Established Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire

of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,826,900,000, to remain available until September 30, 2019.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $562,240,000, to remain available until September 30, 2023: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2018 in an amount not to exceed $9,470,300: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

51 USC 20145 note.

51 USC 30103 note.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $39,000,000, of which $500,000 shall remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until a prize is claimed or the offer is withdrawn.

51 USC 20144 note.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $6,334,476,000, to remain available until September 30, 2019, of which not to exceed $544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $182,800,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $902,000,000, to remain available until September 30, 2019.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $328,510,000: *Provided*, That not to exceed $8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2018 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference

rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,370,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $15,200,000, of which $400,000 shall remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The Director of the National Science Foundation shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the National Science Foundation.

This title may be cited as the "Science Appropriations Act, 2018".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,700,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $379,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $93,700,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $410,000,000, of which $376,000,000 is for basic field programs and required independent audits; $5,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $19,400,000 is for management and grants oversight; $4,000,000 is for client self-help and information technology; $4,500,000 is for a Pro Bono Innovation Fund; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996d(d)): *Provided further*, That the

authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2017 and 2018, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,431,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $57,600,000, of which $1,000,000 shall remain available until expended: *Provided*, That of the total amount made available under this heading, not to exceed $124,000 shall be available for official reception and representation expenses.

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, $15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided*, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2019: *Provided*, That not to exceed $2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act,

the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment,

suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term "promotional items" has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

34 USC 20101 note.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101) in any fiscal year in excess of $4,436,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) $10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes; and (2) 3 percent shall be available to the Office for Victims of Crime for grants,

consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 514. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard

Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST, the FBI, and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

SEC. 515. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 516. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 517. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 518. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States–Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States–Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States–Morocco Free Trade Agreement.

SEC. 519. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

SEC. 520. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more

than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 521. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for fiscal year 2018.

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 523. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce, Economic Development Administration, Economic Development Assistance Programs, $10,000,000 is rescinded not later than September 30, 2018.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2018, from the following accounts in the specified amounts—

(1) "Working Capital Fund", $154,768,000;

(2) "Federal Bureau of Investigation, Salaries and Expenses", $127,291,000 including from, but not limited to, fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;

(3) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", $15,000,000;

(4) "State and Local Law Enforcement Activities, Office of Justice Programs", $40,000,000;

(5) "State and Local Law Enforcement Activities, Community Oriented Policing Services", $10,000,000; and

(6) "Legal Activities, Assets Forfeiture Fund", $304,000,000, is permanently rescinded.

(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2018, specifying the amount of each rescission made pursuant to subsections (a) and (b).

SEC. 524. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 525. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 526. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 527. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 528. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in

its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 529. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP, after consultation with the Federal Bureau of Investigation, have certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

SEC. 530. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 531. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless

such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 532. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, the National Space Council, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 533. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 534. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

SEC. 535. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively, for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: *Provided*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates.

SEC. 536. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 537. None of the funds made available by this Act may be used in contravention of section 7606 ("Legitimacy of Industrial Hemp Research") of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

SEC. 538. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York,

North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

16 USC 1855.

SEC. 539. Not later than 30 days after the enactment of this Act, the Secretary of Commerce (Secretary) shall lift the stay on the effective date of the final rule for the seafood import monitoring program published by the Secretary on December 9, 2016, (81 Fed. Reg. 88975 et seq.) for the species described in section 300.324(a)(3) of title 50, Code of Federal Regulations: *Provided*, That the compliance date for the species described in section 300.324(a)(3) of title 50, Code of Federal Regulations, shall occur not later than December 31, 2018: *Provided further*, That not later than December 31, 2018, the Secretary shall establish a traceability program for United States inland, coastal, and marine aquaculture of shrimp and abalone from point of production to entry into United States commerce: *Provided further*, That the Secretary shall promulgate such regulations as are necessary and appropriate to establish and implement the program: *Provided further*, That information collected pursuant to a regulation promulgated under this section shall be confidential and not be disclosed except for the information disclosed under section 401(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)): *Provided further*, That any regulations promulgated under this section shall be enforced as if this section were a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the regulations were promulgated under such Act.

SEC. 540. For an additional amount for "Department of Justice, State and Local Law Enforcement Activities, Office of Justice Programs, State and Local Law Enforcement Assistance", $2,500,000 to keep young athletes safe.

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018".

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2018

Department of Defense Appropriations Act, 2018.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,628,855,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,772,118,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,231,114,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,790,440,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,715,608,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section

12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,988,362,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $764,903,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,802,554,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $8,264,626,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or

other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,408,817,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $38,816,957,000: *Provided*, That not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $45,384,353,000: *Provided*, That not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $6,605,546,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $39,544,193,000: *Provided*, That not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $34,059,257,000: *Provided*, That not more than $15,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential

military purposes: *Provided further*, That of the funds provided under this heading, not less than $38,458,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $9,385,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That of the funds provided under this heading, $631,670,000, of which $157,917,000, to remain available until September 30, 2019, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,877,104,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,069,707,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $284,837,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,202,307,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,284,170,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,900,798,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,538,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $235,809,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made

available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $365,883,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $352,549,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $19,002,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $248,673,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $129,900,000, to remain available until September 30, 2019.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $350,000,000, to remain available until September 30, 2020.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $500,000,000, to remain available for obligation until September 30, 2019: *Provided*, That no other amounts may be otherwise credited or transferred to the Fund, or deposited into the Fund, in fiscal year 2018 pursuant to section 1705(d) of title 10, United States Code: *Provided further*, That within 60 days after the date of enactment of this Act, the Secretary of Defense shall transfer to the Treasury from amounts made available under this heading an amount equal to any amounts transferred to the Fund for fiscal year 2018 before the date of the enactment of this Act pursuant to section 1705(d)(3) of title 10, United States Code, or any other provision of law: *Provided further*, That amounts so transferred shall be deposited in the Treasury as miscellaneous receipts.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,535,794,000, to remain available for obligation until September 30, 2020.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,196,910,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment

and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,391,573,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,548,740,000, to remain available for obligation until September 30, 2020.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,298,418,000, to remain available for obligation until September 30, 2020.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $19,957,380,000, to remain available for obligation until September 30, 2020.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,510,590,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $804,335,000, to remain available for obligation until September 30, 2020.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine (AP), $861,853,000;
Carrier Replacement Program (CVN 80), $1,569,646,000;
Carrier Replacement Program (CVN 79), $2,561,058,000;
Virginia Class Submarine, $3,305,315,000;
Virginia Class Submarine (AP), $2,145,596,000;
CVN Refueling Overhauls, $1,569,669,000;
CVN Refueling Overhauls (AP), $75,897,000;
DDG–1000 Program, $216,968,000;
DDG–51 Destroyer, $3,357,079,000;
DDG–51 Destroyer (AP), $90,336,000;
Littoral Combat Ship, $1,566,971,000;
Amphibious Ship Replacement, $1,800,000,000;
Expeditionary Sea Base, $635,000,000;
LHA Replacement, $1,710,927,000;
Expeditionary Fast Transport, $225,000,000;
TAO Fleet Oiler, $457,988,000;
TAO Fleet Oiler (AP), $75,068,000;

Towing, Salvage, and Rescue Ship, $76,204,000;
T–AGS Oceanographic Survey Ship, $180,000,000;
Ship to Shore Connector, $524,554,000;
Service Craft, $62,994,000;
For outfitting, post delivery, conversions, and first destination transportation, $489,073,000;
Completion of Prior Year Shipbuilding Programs, $117,542,000; and
Polar Icebreakers, $150,000,000.

In all: $23,824,738,000, to remain available for obligation until September 30, 2022: *Provided*, That additional obligations may be incurred after September 30, 2022, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That funds appropriated or otherwise made available by this Act for production of the common missile compartment of nuclear-powered vessels may be available for multiyear procurement of critical components to support continuous production of such compartments only in accordance with the provisions of subsection (i) of section 2218a of title 10, United States Code (as added by section 1023 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328)).

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $7,941,018,000, to remain available for obligation until September 30, 2020.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,942,737,000, to remain available for obligation until September 30, 2020.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $18,504,556,000, to remain available for obligation until September 30, 2020.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,207,747,000, to remain available for obligation until September 30, 2020.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,552,175,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, $1,651,977,000, to remain available for obligation until September 30, 2020.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $20,503,273,000, to remain available for obligation until September 30, 2020.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $5,429,270,000, to remain available for obligation until September 30, 2020.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $67,401,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,647,426,000, to remain available for obligation until September 30, 2019.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment,

$18,010,754,000, to remain available for obligation until September 30, 2019: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $37,428,078,000, to remain available for obligation until September 30, 2019.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $22,010,975,000, to remain available for obligation until September 30, 2019: *Provided*, That, of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $210,900,000, to remain available for obligation until September 30, 2019.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,685,596,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $34,428,167,000; of which $31,521,850,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2019, and of which up to $15,349,700,000 may be available for contracts entered into under the TRICARE program; of which $867,002,000, to remain available for obligation until September 30, 2020, shall be for procurement; and of which $2,039,315,000, to remain available for obligation until September 30, 2019, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than $1,095,100,000 shall be made available to the United States Army Medical Research and Materiel Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $961,732,000, of which $104,237,000 shall be for operation and maintenance, of which no less than $49,401,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $21,045,000 for activities on military installations and $28,356,000, to remain available until September 30, 2019, to assist State and local governments; $18,081,000 shall be for procurement, to remain available until September 30, 2020, of which $16,787,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments and $1,294,000 for activities on military installations; and $839,414,000, to remain available until September 30, 2019, shall be for research, development, test and evaluation, of which $831,900,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $934,814,000, of which $552,648,000 shall be for counter-narcotics support; $120,813,000 shall be for the drug demand reduction program; $236,353,000 shall be for the National Guard counter-drug program; and $25,000,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $321,887,000, of which $319,087,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $2,800,000, to remain available until September 30, 2019, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $537,600,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 25 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,250,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the

item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2018: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2018: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

(1) "Environmental Restoration, Army";

(2) "Environmental Restoration, Navy";

(3) "Environmental Restoration, Air Force";

(4) "Environmental Restoration, Defense-Wide";

(5) "Environmental Restoration, Formerly Used Defense Sites"; and

(6) "Drug Interdiction and Counter-drug Activities, Defense".

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

10 USC 2306b note.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows: V–22 Osprey aircraft variants; up to 13 SSN Virginia Class Submarines and Government-furnished equipment; and DDG–51 Arleigh Burke class Flight III guided missile destroyers, the MK41 Vertical Launching Systems, and associated Government-furnished systems and subsystems: *Provided*, That the term of any multiyear procurement contract for V–22 Osprey aircraft variants entered into for use of any part of any appropriation contained in this Act may not exceed 5 years.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2019 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2019 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2019.

(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army

Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(d) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and

wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. Of the funds made available in this Act, $20,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than $43,100,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $30,800,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $10,600,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $1,700,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2018, not more than 6,030 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2019 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $131,000,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives. 10 USC 2731 note.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country. 41 USC 8304 note.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary

of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2018. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8032. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program

in accordance with the information paper of the Department of the Army titled "Army Senior Reserve Officer's Training Corps (SROTC) Program Review and Criteria", dated January 27, 2014.

SEC. 8033. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided,* That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States. 10 USC 2484 note.

SEC. 8034. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2019 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2019 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2019 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8035. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2019: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2019. 50 USC 3521 note.

SEC. 8036. Up to $10,322,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may

not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8037. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8038. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8040. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

"Other Procurement, Army", 2016/2018, $5,517,000;

"Aircraft Procurement, Navy", 2016/2018, $172,000,000;

"Aircraft Procurement, Air Force", 2016/2018, $56,900,000;

"Procurement of Ammunition, Air Force", 2016/2018, $5,000,000;

"Procurement, Defense-wide", 2016/2018, $7,264,000;

"Missile Procurement, Army", 2017/2019, $19,319,000;

"Aircraft Procurement, Army", 2017/2019, $17,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", 2017/2019, $7,064,000;

"Procurement of Ammunition, Army", 2017/2019, $15,507,000;

"Other Procurement, Army", 2017/2019, $12,535,000;

"Aircraft Procurement, Navy", 2017/2019, $45,900,000;

"Weapons Procurement, Navy", 2017/2019, $32,200,000;

"Shipbuilding and Conversion, Navy: Carrier Replacement Program", 2017/2021, $14,000,000;

"Aircraft Procurement, Air Force", 2017/2019, $78,347,000;

"Missile Procurement, Air Force", 2017/2019, $31,639,000;

"Space Procurement, Air Force", 2017/2019, $34,900,000;

"Procurement of Ammunition, Air Force", 2017/2019, $18,000,000;

"Other Procurement, Air Force", 2017/2019, $136,691,000;

"Research, Development, Test and Evaluation, Army", 2017/2018, $62,331,000;

"Research, Development, Test and Evaluation, Navy", 2017/2018, $9,128,000;

"Research, Development, Test and Evaluation, Air Force", 2017/2018, $131,000,000; and

"Defense Health Program: Research, Development, Test and Evaluation", 2017/2018, $30,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard,

Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law. 10 USC 274 note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law. 50 USC 3506 note.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. Of the amounts appropriated for "Working Capital Fund, Army", $99,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8048. None of the funds made available by this Act for Evolved Expendable Launch Vehicle service competitive procurements may be used unless the competitive procurements are open for award to all certified providers of Evolved Expendable Launch Vehicle-class systems: *Provided*, That the award shall be made to the provider that offers the best value to the government.

SEC. 8049. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the

national interest, the Secretary shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8050. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8051. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

SEC. 8052. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8053. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8054. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative

unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8055. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8056. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the House and Senate Appropriations Committees: *Provided further*, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further*, That any proposed modification shall not preclude the ability of the commander of United States Pacific Command to meet operational requirements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8057. Of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-wide", $35,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8058. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That the Secretary of Defense shall, not later than 60 days after enactment of this Act, submit a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That

the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8061. Of the amounts appropriated for "Operation and Maintenance, Navy", up to $1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction

on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $66,881,780 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)–(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

SEC. 8069. In addition to amounts provided elsewhere in this Act, $10,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

10 USC 2302 note.

SEC. 8070. Any notice that is required to be submitted to the Committees on Appropriations of the Senate and the House of Representatives under section 806(c)(4) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", $705,800,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $92,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $221,500,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $120,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; $310,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $120,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for Arrow 3 Upper Tier, as amended, of which $105,000,000 shall be for testing of the upper-tier component to the Israeli Missile Defense Architecture in the United States; and $82,300,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $117,542,000 shall be available until September 30, 2018, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading "Shipbuilding and Conversion, Navy", 2008/2018: Carrier Replacement Program $20,000,000;

(2) Under the heading "Shipbuilding and Conversion, Navy", 2012/2018: DDG–51 Destroyer $19,436,000;

(3) Under the heading "Shipbuilding and Conversion, Navy", 2012/2018: Littoral Combat Ship $6,394,000;

(4) Under the heading "Shipbuilding and Conversion, Navy", 2012/2018: LHA Replacement $14,200,000;

(5) Under the heading "Shipbuilding and Conversion, Navy", 2013/2018: DDG–51 Destroyer $31,941,000;

(6) Under the heading "Shipbuilding and Conversion, Navy", 2014/2018: Litoral Combat Ship $20,471,000; and

(7) Under the heading "Shipbuilding and Conversion, Navy", 2015/2018: LCAC $5,100,000.

SEC. 8073. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are

deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for Fiscal Year 2018.

SEC. 8074. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

10 USC 221.

SEC. 8075. The budget of the President for fiscal year 2019 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8076. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8077. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by $4,000,000.

SEC. 8078. The Secretary of Defense may use up to $800,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense for the rapid acquisition and deployment of supplies and associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note): *Provided*, That the Secretary of Defense shall notify the congressional defense committees promptly of all uses of this authority.

SEC. 8079. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8080. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during

the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8081. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8082. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2019.

SEC. 8083. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8084. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2018: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8085. None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command—New Jersey or make disproportionate personnel reductions at any Army Contracting Command—New Jersey sites without 30-day prior notification to the congressional defense committees.

SEC. 8086. Notwithstanding any other provision of law, any transfer of funds, appropriated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) Title 10 U.S.C. shall be made in accordance with sections 8005 or 9002 of this Act, as applicable.

SEC. 8087. Any transfer of amounts appropriated to, credited to, or deposited in the Department of Defense Acquisition Workforce Development Fund in or for fiscal year 2018 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to sections 8005 or 9002 of this Act, as applicable.

SEC. 8088. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8089. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations,

unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

50 USC 3103 note.

SEC. 8090. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8091. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8092. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8093. None of the funds appropriated by this Act may be available for the purpose of making remittances to the Department of Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8094. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8095. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or

independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $115,519,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided,* That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further,* That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8097. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8098. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8099. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence

Program: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further,* That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2018.

SEC. 8100. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8101. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8102. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1034 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SEC. 8103. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary

of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8105. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

SEC. 8106. The Secretary of Defense, in consultation with the Service Secretaries, shall submit two reports to the congressional defense committees, not later than March 1, 2018, and not later than September 1, 2018, detailing the submission of records during the previous 6 months to databases accessible to the National Instant Criminal Background Check System (NICS), including the Interstate Identification Index (III), the National Crime Information Center (NCIC), and the NICS Index, as required by Public Law 110–180: *Provided*, That such reports shall provide the number and category of records submitted by month to each such database, by Service or Component: *Provided further*, That such reports shall identify the number and category of records submitted by month to those databases for which the Identification for Firearm Sales (IFFS) flag or other database flags were used to pre-validate the records and indicate that such persons are prohibited from receiving or possessing a firearm: *Provided further*, That such reports shall describe the steps taken during the previous 6 months, by Service or Component, to ensure complete and accurate submission and appropriate flagging of records of individuals prohibited from gun possession or receipt pursuant to 18 U.S.C. 922(g) or (n) including applicable records involving proceedings under the Uniform Code of Military Justice.

10 USC 2731 note.

SEC. 8107. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is

incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the "Foreign Claims Act"); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8108. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8109. The Secretary of Defense shall post grant awards on a public Website in a searchable format.

SEC. 8110. The Secretary of each military department, in reducing each research, development, test and evaluation and procurement account of the military department as required under paragraph (1) of section 828(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note), as amended by section 825(a)(3) of the National Defense Authorization Act for Fiscal Year 2018, shall allocate the percentage

reduction determined under paragraph (2) of such section 828(d) proportionally from all programs, projects, or activities under such account: *Provided*, That the authority under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to transfer amounts available in the Rapid Prototyping Fund shall be subject to section 8005 or 9002 of this Act, as applicable.

SEC. 8111. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: *Provided*, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8112. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8113. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 8114. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8115. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

SEC. 8116. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers

Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8117. None of the funds provided in this Act for the T–AO(X) program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

SEC. 8118. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by $110,780,000.

SEC. 8119. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8120. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

SEC. 8121. Of the amounts appropriated in this Act for "Operation and Maintenance, Navy", $289,255,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8122. Of the amounts appropriated in this Act, the Secretary of Defense may use up to $46,000,000 under the heading "Operation and Maintenance, Defense-Wide", and up to $45,000,000 under the heading "Research, Development, Test and Evaluation, Defense-Wide" to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management or other Federal agency responsible for conducting such investigations: *Provided*, That the Secretary may transfer additional amounts into these headings or into "Procurement, Defense-Wide" using established reprogramming procedures prescribed in the Department of Defense Financial Management Regulation 7000.14, Volume 3, Chapter 6, dated September 2015: *Provided further*, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8123. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8124. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 8125. Notwithstanding any other provision of law, any transfer of funds appropriated or otherwise made available by this Act to the Global Engagement Center established by section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 22 U.S.C. 2656 note) shall be made in accordance with section 8005 or 9002 of this Act, as applicable.

SEC. 8126. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Fund may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

SEC. 8127. In addition to amounts provided elsewhere in this Act, there is appropriated $235,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That as a condition of receiving funds under this section a local educational agency or State shall provide a matching share as described in the notice titled "Department of Defense Program for Construction, Renovation, Repair or Expansion of Public Schools Located on Military Installations" published by the Department of Defense in the Federal Register on September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided further*, That these provisions apply to funds provided under this section, and to funds previously provided by Congress to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at

such schools to the extent such funds remain unobligated on the date of enactment of this section.

SEC. 8128. In carrying out the program described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such memorandum, the Secretary of Defense shall apply such policy and guidance, except that—

(1) the limitation on periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(2) the term "assisted reproductive technology" shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

SEC. 8129. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

SEC. 8130. None of the funds made available by this Act may be used to purchase heavy water from Iran.

SEC. 8131. Section 316(a)(2) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended by striking "the study under this subsection" and inserting "the study and assessment under this section".

SEC. 8132. Notwithstanding any other provision of law, from funds made available to the Department of Defense in title II of this Act under the heading "Operation and Maintenance, Defense-Wide", $15,000,000 shall be available for a project in a country designated by the Secretary of Defense: *Provided*, That in furtherance of the project the Department of Defense is authorized to acquire services, including services performed pursuant to a grant agreement, from another Federal agency, on an advance of funds or reimbursable basis: *Provided further*, That an order for services placed under this section is deemed to be an obligation in the same manner that a similar order placed under a contract with a private contractor is an obligation.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $2,683,694,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $377,857,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $103,979,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $914,119,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $24,942,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $9,091,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $2,328,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $20,569,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $184,589,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $5,004,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,352,994,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $6,449,404,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,401,536,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $10,873,895,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $7,575,195,000: *Provided*, That of the funds provided under this heading, not to exceed $1,000,000,000, to remain available until September 30, 2019, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the

appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Government of Jordan, in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: *Provided further*, That of the funds provided under this heading, not to exceed $750,000,000, to remain available until September 30, 2019, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $24,699,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $23,980,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $3,367,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $53,523,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $108,111,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $15,400,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $4,666,815,000, to remain available until September 30, 2019: *Provided*, That such funds shall be available to the Secretary of Defense for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading "Afghanistan Infrastructure Fund" in prior Acts: *Provided further*, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: *Provided further*, That the Secretary may not use more than $50,000,000 under the authority provided in this section: *Provided further*, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this

heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not less than $10,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTER-ISIS TRAIN AND EQUIP FUND

For the "Counter-Islamic State of Iraq and Syria Train and Equip Fund", $1,769,000,000, to remain available until September 30, 2019: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: *Provided further*, That these funds may be used in such amounts as the Secretary of Defense may determine to enhance the border security of nations adjacent to conflict areas including Jordan, Lebanon, Egypt, and Tunisia resulting from actions of the Islamic State of Iraq and Syria: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense committees of such designation: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes:

Provided further, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $420,086,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $709,283,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,191,139,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $191,836,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $405,575,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $157,300,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $130,994,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $233,406,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $239,359,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $64,307,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $503,938,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $481,700,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SPACE PROCUREMENT, AIR FORCE

For an additional amount for "Space Procurement, Air Force", $2,256,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $551,509,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,324,590,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $517,041,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $1,300,000,000, to remain available for obligation until September 30, 2020: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $235,368,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $167,565,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $129,608,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War

on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $394,396,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $148,956,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $395,805,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $196,300,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", $24,692,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2018.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $2,250,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $5,000,000 of the amounts appropriated by this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided,* That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $2,000,000: *Provided further,* That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further,* That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further,* That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to allied forces participating in a combined operation with the armed forces of the United States and coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the "Afghanistan Security Forces Fund" (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of

$50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9011. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in "Operation and Maintenance, Defense-Wide" may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9012. None of the funds made available by this Act under the heading "Counter-ISIS Train and Equip Fund" may be used to procure or transfer man-portable air defense systems.

SEC. 9013. For the "Ukraine Security Assistance Initiative", $200,000,000 is hereby appropriated, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal weapons of a defensive nature; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or defensive articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9014. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9013 of this Act.

SEC. 9015. None of the funds made available by this Act under section 9013 for "Assistance and Sustainment to the Military and National Security Forces of Ukraine" may be used to procure or transfer man-portable air defense systems.

SEC. 9016. (a) None of the funds appropriated or otherwise made available by this Act under the heading "Operation and Maintenance, Defense-Wide" for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9017. In addition to amounts otherwise made available in this Act, $770,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: *Provided further*, That the funds

provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the authority to provide funding under this section shall terminate on September 30, 2018.

SEC. 9018. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 9019. None of the funds in this Act may be made available for the transfer of additional C–130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force until the Department of Defense provides a report to the congressional defense committees of the Afghanistan Air Force's medium airlift requirements. The report should identify Afghanistan's ability to utilize and maintain existing medium lift aircraft in the inventory and the best alternative platform, if necessary, to provide additional support to the Afghanistan Air Force's current medium airlift capacity.

(RESCISSIONS)

SEC. 9020. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

"Operation and Maintenance, Defense-Wide: Coalition Support Fund", 2017/2018, $500,000,000;

"Operation and Maintenance, Defense-Wide: DSCA Security Cooperation", 2017/2018, $250,000,000;

"Afghanistan Security Forces Fund", 2017/2018, $100,000,000;

"Counter-ISIL Train and Equip Fund", 2017/2018, $80,000,000;

"Other Procurement, Air Force", 2017/2019, $25,100,000; and

"Counter-ISIL Overseas Contingency Operations Transfer Fund", XXXX, $1,610,000,000.

SEC. 9021. (a) Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the United States strategy to defeat Al-Qaeda, the Taliban, the Islamic State of Iraq and Syria (ISIS), and their associated forces and co-belligerents.

(b) The report required under subsection (a) shall include the following:

(1) An analysis of the adequacy of the existing legal framework to accomplish the strategy described in subsection (a), particularly with respect to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note).

(2) An analysis of the budgetary resources necessary to accomplish the strategy described in subsection (a).

(c) Not later than 30 days after the date on which the President submits to the appropriate congressional committees the report required by subsection (a), the Secretary of State and the Secretary of Defense shall testify at any hearing held by any of the appropriate congressional committees on the report and to which the Secretary is invited.

(d) In this section, the term "appropriate congressional committees" means—

(1) the Committees on Foreign Relations, Armed Services and Appropriations of the Senate; and

(2) the Committees on Foreign Affairs, Armed Services and Appropriations of the House of Representatives.

SEC. 9022. Funds available for the Afghanistan Security Forces Fund may be used to provide limited training, equipment, and other assistance that would otherwise be prohibited by 10 U.S.C. 362 to a unit of the security forces of Afghanistan only if the Secretary certifies to the congressional defense committees, within 30 days of a decision to provide such assistance, that (1) a denial of such assistance would present significant risk to U.S. or coalition forces or significantly undermine United States national security objectives in Afghanistan; and (2) the Secretary has sought a commitment by the Government of Afghanistan to take all necessary corrective steps: *Provided*, That such certification shall be accompanied by a report describing: (1) the information relating to the gross violation of human rights; (2) the circumstances that necessitated the provision of such assistance; (3) the Afghan security force unit involved; (4) the assistance provided and the assistance withheld; and (5) the corrective steps to be taken by the Government of Afghanistan: *Provided further*, That every 120 days after the initial report an additional report shall be submitted detailing the status of any corrective steps taken by the Government of Afghanistan: *Provided further*, That if the Government of Afghanistan has not initiated necessary corrective steps within one year of the certification, the authority under this section to provide assistance to such unit shall no longer apply: *Provided further*, That the Secretary shall submit a report to such committees detailing the final disposition of the case by the Government of Afghanistan.

This division may be cited as the "Department of Defense Appropriations Act, 2018".

Energy and Water Development and Related Agencies Appropriations Act, 2018.

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $123,000,000, to remain available until expended: *Provided*, That the Secretary shall initiate six new study starts during fiscal year 2018: *Provided further*, That the new study starts shall consist of five studies where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one study where the majority of benefits are derived from environmental restoration: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,085,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland

waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*, That the Secretary shall initiate five new construction starts during fiscal year 2018: *Provided further*, That the new construction starts shall consist of four projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than September 30, 2018: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $425,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary shall initiate one new study start during fiscal year 2018.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $3,630,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs,

projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2019.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $139,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $35,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $185,000,000, to remain available until September 30, 2019, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2019: *Provided*, That not more than 75 percent of such amount may be obligated or expended until

the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title (as designated under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act)) to specific programs, projects, or activities.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2018, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: *Provided*

further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), including the determination and designation of new starts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Provided*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps

of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 106. None of the funds made available in this title may be used for any acquisition of buoy chain that is not consistent with 48 CFR 225.7007, subsections (a)(1) and (a)(2).

SEC. 107. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 108. None of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SEC. 109. Relative to the Rough River Lake Flowage Easement Encroachment Resolution Plan, the Chief of Engineers shall submit to the Committees on Appropriations of both Houses of Congress, not later than 180 days after the date of enactment of this Act, a report that includes an inventory of habitable structures and improvements built, installed, or established in the flowage easement boundary; whether each such structure or improvement in the inventory was built, installed or established within the flowage easement boundary before or after the surveys conducted by the Corps of Engineers in 2013, 2014, and 2015; and what notice landowners had of the flowage easement boundary prior to those surveys.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $10,500,000, to remain available until expended, of which $898,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, $1,450,000 shall be available until September 30, 2019, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2018, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,332,124,000, to remain available until expended, of which $67,693,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided further*, That in accordance with section 4009(c) of Public Law 114–322 and as recommended by the Secretary in a letter dated November 21, 2017, funding provided for such purpose in fiscal year 2017 shall be made available to the North Valley Regional Recycled Water Program, the Orange County Sanitation District Effluent Reuse Implementation Project—Headworks Segregation, and the Groundwater Reliability Improvement Program (GRIP) Recycled Water Project: *Provided further*, That in accordance with section 4007 of Public Law 114–322 and as recommended by the Secretary in a letter dated February 23, 2018, funding provided for such purpose in fiscal year 2017 shall be made available to the Shasta Dam and Reservoir Enlargement Project, the North-of-Delta Offstream Storage Investigation/Sites Reservoir Storage Project, the Upper San Joaquin River Basin Storage Investigation, the Friant-Kern Canal Subsidence Challenges Project, the Boise River Basin Feasibility Study, the Yakima River Basin Water Enhancement Project—Cle Elum Pool Raise, and the Upper Yakima System Storage Feasibility Study.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $41,376,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the

full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2019, $59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2018, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior

approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "2017" and inserting "2020".

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by—

(1) striking "2017" and inserting "2020"; and

(2) striking "$90,000,000" and inserting "$120,000,000".

SEC. 204. Notwithstanding any other provision of law, during the period from November 1 through April 30, water users may use their diversion structures for the purpose of recharging the Eastern Snake Plain Aquifer, when the Secretary, in consultation with the Advisory Committee and Water District 1 watermaster, determines there is water available in excess of that needed to satisfy existing Minidoka Project storage and hydropower rights and ensure operational flexibility.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,321,778,000, to remain available until expended: *Provided*, That of such amount, $162,500,000 shall be available until September 30, 2019, for program direction.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $248,329,000, to remain available until expended: *Provided*, That of such amount, $28,500,000 shall be available until September 30, 2019, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,205,056,000, to remain available until

expended: *Provided*, That of such amount, $80,000,000 shall be available until September 30, 2019, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $726,817,000, to remain available until expended: *Provided*, That of such amount $60,000,000 shall be available until September 30, 2019, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $4,900,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $252,000,000, to remain available until expended: *Provided*, That, as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed $350,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2018: *Provided further*, That the proceeds from such drawdown and sale shall be deposited into the "Energy Security and Infrastructure Modernization Fund" during fiscal year 2018: *Provided further*, That such amounts shall remain available until expended for necessary expenses to carry out the Life Extension II project for the Strategic Petroleum Reserve: *Provided further*, That section 158 of the Continuing Appropriations Act, 2018 (division D of Public Law 115–56), as amended by the Further Extension of Continuing Appropriations Act, 2018 (subdivision 3 of division B of Public Law 115–123), shall no longer apply.

42 USC 6241 note.

SPR PETROLEUM ACCOUNT

For the acquisition, transportation, and injection of petroleum products, and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), sections 403 and 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note), and section 5010 of the 21st Century Cures Act (Public Law 114–255), $8,400,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $125,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $298,400,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $840,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $35,732,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 16 passenger motor vehicles for replacement only, including one ambulance and one bus, $6,259,903,000, to remain available until expended: *Provided*, That of such amount, $183,000,000 shall be available until September 30, 2019, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $353,314,000, to remain available until expended: *Provided*, That of such amount, $29,250,000 shall be available until September 30, 2019, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, $33,000,000 is appropriated from fees collected in prior years pursuant to section 1702(h) of the Energy Policy Act of 2005 which are not otherwise appropriated, to remain available until September 30, 2019: *Provided further*, That if the amount in the previous proviso is not available from such fees, an amount for such purposes is also appropriated from the general fund so as to result in a total amount appropriated for such purpose of no more than $23,000,000: *Provided further*, That fees collected pursuant to such section 1702(h) for fiscal year 2018 shall be credited as offsetting collections under this heading and shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2019.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, $1,000,000, to remain available until September 30, 2019.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $285,652,000, to remain available until September 30, 2019, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $96,000,000 in fiscal year 2018 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the

fiscal year so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than $189,652,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $49,000,000, to remain available until September 30, 2019.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $10,642,138,000, to remain available until expended: *Provided*, That of such amount, $105,600,000 shall be available until September 30, 2019, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,048,219,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $49,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL REACTORS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,620,000,000, to remain available until expended, of which, $85,500,000 shall be transferred to "Department of Energy—Energy

Programs—Nuclear Energy", for the Advanced Test Reactor: *Provided*, That of such amount, $47,651,000 shall be available until September 30, 2019, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $407,595,000, to remain available until September 30, 2019, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $5,988,048,000, to remain available until expended: *Provided*, That of such amount, $300,000,000 shall be available until September 30, 2019, for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $840,000,000, to remain available until expended: *Provided*, That of such amount, $284,653,000 shall be available until September 30, 2019, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: *Provided*, That during fiscal year 2018, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $6,379,000, including official reception and representation expenses in an amount not

to exceed $1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $6,379,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $51,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $30,288,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $18,888,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than $11,400,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and

other related activities including conservation and renewable resources programs as authorized, $223,276,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $221,251,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $129,904,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than $93,372,000, of which $91,347,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $209,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,176,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,948,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2018 appropriation estimated at not more than $228,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2018, the Administrator of the Western Area Power Administration may accept up to $872,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund,

and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $367,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $367,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2018 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than $0.

42 USC 7171 note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Final Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under

paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for fiscal year 2018.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 305. (a) None of the funds made available in this or any prior Act under the heading "Defense Nuclear Nonproliferation" may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.

(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

SEC. 306. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

(5) the estimate of the total inventory of the reserve.

SEC. 307. The Secretary of Energy may not transfer more than $274,833,000 from the amounts made available under this title to the working capital fund established under section 653

of the Department of Energy Organization Act (42 U.S.C. 7263): *Provided*, That the Secretary may transfer additional amounts to the working capital fund after the Secretary provides notification in advance of any such transfer to the Committees on Appropriations of both Houses of Congress: *Provided further*, That any such notification shall identify the sources of funds by program, project, or activity: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress before adding or removing any activities from the fund.

SEC. 308. Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of Energy, in consultation with the Office of Management and Budget, shall submit to the Committees on Appropriations of both Houses of Congress a report that provides a detailed explanation, using specific receipts data and legal authorities, of how each of the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration are executing current receipt authority provided in this and prior year appropriations Acts to create carryover of unobligated balances for purchase power and wheeling expenditures.

SEC. 309. (a) Funds provided by this Act for Project 99–D–143, Mixed Oxide Fuel Fabrication Facility, and any funds provided by prior Acts for such Project that remain unobligated, may be made available only for construction and project support activities for such Project.

(b) The Secretary of Energy shall not be subject to the requirements of subsection (a) if the Secretary waives the requirements of section 3121(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) in accordance with subsection (b) of such section.

(c) If the Secretary waives the requirements of section 3121(a) of the National Defense Authorization Act for Fiscal Year 2018, the Secretary—

(1) shall concurrently submit to the Committees on Appropriations of both Houses of Congress the lifecycle cost estimate used to make the certification under section 3121(b) of such Act; and

(2) may not use funds provided for the Project to eliminate such Project until the date that is 30 days after the submission of the lifecycle cost estimate required under paragraph (1).

SEC. 310. The unappropriated receipts currently in the Uranium Supply and Enrichment Activities account shall be transferred to and merged with the Uranium Enrichment Decontamination and Decommissioning Fund and shall be available only to the extent provided in advance in appropriations Acts.

SEC. 311. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation

Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $155,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $31,000,000, to remain available until September 30, 2019.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382F(d), 382M, and 382N of said Act, $25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $30,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $15,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code: *Provided further*, That during fiscal year 2018, the duties and authority of the Federal Cochairperson shall be assumed by the Northern Border Regional Commission Program Director if the position of the Federal Cochairperson and Alternate Federal Cochairperson is vacant.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $909,137,000, including official representation expenses not to exceed $25,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than $9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2019, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $779,768,032 in fiscal year 2018 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than $10,000,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear technologies, and $16,200,000 shall be for international activities, except that the amounts provided under this proviso shall not be derived from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation estimated at not more than $129,300,892: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to the Commission's mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and

engineering: *Provided further*, That $68,076.04 of unobligated balances from the funds transferred to the Nuclear Regulatory Commission from the United States Agency for International Development pursuant to section 632(a) of the Foreign Assistance Act of 1961 are rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,859,000, to remain available until September 30, 2019: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,555,000 in fiscal year 2018 shall be retained and be available until September 30, 2019, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation estimated at not more than $2,304,000: *Provided further*, That of the amounts appropriated under this heading, $1,131,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2019.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later

than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for "Nuclear Regulatory Commission—Salaries and Expenses" shall be expended as directed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any

authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2018".

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2018

Financial Services and General Government Appropriations Act, 2018.

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Department of the Treasury Appropriations Act, 2018.

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman's Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to Puerto Rico; and Treasury-wide management policies and programs activities, $201,751,000: *Provided*, That of the amount appropriated under this heading—

(1) not to exceed $350,000 is for official reception and representation expenses;

(2) not to exceed $258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary's certificate; and

(3) not to exceed $24,000,000 shall remain available until September 30, 2019, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements;

(E) operations and maintenance of facilities; and

(F) international operations.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, money launderers, drug kingpins, and other national security threats, $141,778,000: *Provided*, That of the amount appropriated under this heading: (1) up to $32,000,000 may be transferred to the Departmental Offices Salaries and Expenses appropriation and shall be available for administrative support to the Office of Terrorism and Financial Intelligence; and (2) up to $5,000,000 shall remain available until September 30, 2019.

CYBERSECURITY ENHANCEMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, $24,000,000, to remain available until September 30, 2020: *Provided*, That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further*, That the Chief Information Officer of the individual offices and bureaus shall submit a spend plan for each investment to the Treasury Chief Information Officer for approval: *Provided further*, That the submitted spend plan shall be reviewed and approved by the Treasury Chief Information Officer prior to the obligation of funds under this heading: *Provided further*, That of the total amount made available under this heading $1,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further*, That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, $4,426,000, to remain available until September 30, 2020: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That none of the funds appropriated under this heading shall be used to support or supplement

"Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $37,044,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to $2,800,000 to remain available until September 30, 2019, shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed $1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $169,634,000, of which $5,000,000 shall remain available until September 30, 2019; of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $34,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed $10,000 for official reception and representation expenses; and for

assistance to Federal law enforcement agencies, with or without reimbursement, $115,003,000, of which not to exceed $34,335,000 shall remain available until September 30, 2020.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $702,000,000 are hereby permanently rescinded not later than September 30, 2018.

(INCLUDING RETURN OF FUNDS)

In addition, of amounts in the Treasury Forfeiture Fund, $38,800,000 from funds paid to the United States Government by BNP Paribas S.A. as part of, or related to, a plea agreement dated June 27, 2014, entered into between the Department of Justice and BNP Paribas S.A., and subject to a consent order entered by the United States District Court for the Southern District of New York on May 1, 2015, in United States *v.* BNPP, No. 14 Cr. 460 (S.D.N.Y.), are hereby returned to the General Fund of the Treasury.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, $338,280,000; of which not to exceed $4,210,000, to remain available until September 30, 2020, is for information systems modernization initiatives; and of which $5,000 shall be available for official reception and representation expenses.

In addition, $165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $111,439,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, $5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further*, That of the amount appropriated under this heading, $5,000,000, to remain available until September 30, 2019, shall be for the costs associated with enforcement of the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2018 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $30,000,000.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvements Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–3, $250,000,000. Of the amount appropriated under this heading—

(1) not less than $160,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2019, for financial assistance, technical assistance, training, and outreach under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to $2,680,000 may be used for the cost of direct loans, and of which up to $3,000,000, notwithstanding subsection (d) of section 108 of Public Law 103–325 (12 U.S.C. 4707 (d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities: *Provided,* That the cost of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000;

(2) not less than $16,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)), is available until September 30, 2019, for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers;

(3) not less than $25,000,000 is available until September 30, 2019, for the Bank Enterprise Award program;

(4) not less than $22,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2019, for

a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) up to $27,000,000 is available until September 30, 2018, for administrative expenses, including administration of CDFI fund programs and the New Markets Tax Credit Program, of which not less than $1,000,000 is for development of tools to better assess and inform CDFI investment performance, and up to $300,000 is for administrative expenses to carry out the direct loan program; and

(6) during fiscal year 2018, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed $500,000,000: *Provided further*, That such section 114A shall remain in effect until December 31, 2018: *Provided further*, That of the funds awarded under this heading, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for the purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the 2011–2015 5-year data series available from the American Community Survey of the Census Bureau.

12 USC 4713a note.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,506,554,000, of which not less than $9,890,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $12,000,000 shall be available for low-income taxpayer clinic grants, and of which not less than $15,000,000, to remain available until September 30, 2019, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than $206,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than $5,500,000 shall be for identity theft casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal

revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,860,000,000, of which not to exceed $50,000,000 shall remain available until September 30, 2019, and of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,634,000,000, of which not to exceed $50,000,000 shall remain available until September 30, 2019; of which not to exceed $10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2020, for research; of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2019, a summary of cost and schedule performance information for its major information technology systems.

26 USC 7801 note.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $110,000,000, to remain available until September 30, 2020, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for major information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks

26 USC 7801 note.

of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. None of the funds made available to the Internal Revenue Service by this Act may be used to make a video unless the Service-Wide Video Editorial Board determines in advance that making the video is appropriate, taking into account the cost, topic, tone, and purpose of the video.

SEC. 106. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 107. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 108. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 109. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/

Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013–10–037).

SEC. 110. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee, unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 111. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

SEC. 112. Except to the extent provided in section 6014, 6020, or 6201(d) of the Internal Revenue Code of 1986, no funds in this or any other Act shall be available to the Secretary of the Treasury to provide to any person a proposed final return or statement for use by such person to satisfy a filing or reporting requirement under such Code.

SEC. 113. In addition to the amounts otherwise made available in this Act for the Internal Revenue Service, $320,000,000, to be available until September 30, 2019, shall be transferred by the Commissioner to the "Taxpayer Services", "Enforcement", or "Operations Support" accounts of the Internal Revenue Service for an additional amount to be used solely for carrying out Public Law 115–97: *Provided*, That such funds shall not be available until the Commissioner submits to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 114. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 115. Not to exceed 2 percent of any appropriations in this title made available under the headings "Departmental Offices—Salaries and Expenses", "Office of Inspector General", "Special Inspector General for the Troubled Asset Relief Program", "Financial Crimes Enforcement Network", "Bureau of the Fiscal Service", and "Alcohol and Tobacco Tax and Trade Bureau" may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from the "Bureau of the Fiscal Service-Salaries and Expenses" to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 119. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 121. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for Fiscal Year 2018.

SEC. 122. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 123. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

SEC. 124. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.

SEC. 125. During fiscal year 2018—

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

SEC. 126. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 127. Notwithstanding paragraph (2) of section 402(c) of the Helping Families Save their Homes Act of 2009, in utilizing funds made available by paragraph (1) of section 402(c) of such Act, the Special Inspector General for the Troubled Asset Relief Program shall prioritize the performance of audits or investigations of any program that is funded in whole or in part by funds appropriated under the Emergency Economic Stabilization Act of 2008, to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General.

This title may be cited as the "Department of the Treasury Appropriations Act, 2018".

Executive Office of the President Appropriations Act, 2018.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $55,000,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, $12,917,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest

and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), $750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,187,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $11,800,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $100,000,000, of which not to exceed $12,800,000 shall remain available until expended

for continued modernization of information resources within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, $101,000,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That of the funds made available for the Office of Management and Budget by this Act, no less than three full-time equivalent senior staff position shall be dedicated solely to the Office of the Intellectual Property Enforcement Coordinator: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research,

or public organizations or agencies, with or without reimbursement, $18,400,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702 note.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $280,000,000, to remain available until September 30, 2019, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $2,700,000 may be used for auditing services and associated activities: *Provided further,* That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2016 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2017, shall be funded at not less than the fiscal year 2017 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2018 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $117,093,000, to remain available until expended, which shall be available as follows: $99,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $2,000,000 for drug

court training and technical assistance; $9,500,000 for anti-doping activities; $2,343,000 for the United States membership dues to the World Anti-Doping Agency; and $1,250,000 shall be made available as directed by section 1105 of Public Law 109–469; and $3,000,000, to remain available until expended, shall be for activities authorized by section 103 of Public Law 114–198: *Provided,* That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $798,000, to remain available until September 30, 2019.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, $19,000,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,288,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 pursuant to 3 U.S.C. 106(b)(2), $302,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. Within 90 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203). Such report shall include—

(1) the estimated mandatory and discretionary obligations of funds through fiscal year 2019, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and

(2) the estimated receipts through fiscal year 2019 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—

(A) the methodology and data sources used to calculate such estimated collections; and

(B) the specific section of such Act that authorizes the collection of funds.

SEC. 203. (a) During fiscal year 2018, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

(b) Any such statement shall include—

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed

by Federal agency, for each year in the 5-fiscal year period beginning in fiscal year 2018; and

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2018.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2018 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of $100,000,000.

This title may be cited as the "Executive Office of the President Appropriations Act, 2018".

Judiciary Appropriations Act, 2018.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $82,028,000, of which $1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $16,153,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, $31,291,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $18,889,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, $5,099,061,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $8,230,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,078,713,000 to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $50,944,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $586,999,000, of which not to exceed $20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $90,423,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $29,265,000; of which $1,800,000 shall remain available through September 30, 2019, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $18,699,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph 12—

(1) in the second sentence (relating to the District of Kansas), by striking "26 years and 6 months" and inserting "27 years and 6 months"; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking "21 years and 6 months" and inserting "24 years and 6 months".

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking "24 years and 6 months" and inserting "25 years and 6 months".

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking "15 years" and inserting "16 years";

(2) in the second sentence (relating to the central District of California), by striking "14 years and 6 months" and inserting "15 years and 6 months"; and

(3) in the third sentence (relating to the western district of North Carolina), by striking "13 years" and inserting "14 years".

SEC. 307. (a) Section 1871(b) of title 28, United States Code, is amended in paragraph (1) by striking "$40" and inserting "$50".

28 USC 1871 note.

(b) EFFECTIVE DATE.—The amendment made in subsection (a) shall take effect 45 days after the date of enactment of this Act.

This title may be cited as the "Judiciary Appropriations Act, 2018".

District of Columbia Appropriations Act, 2018.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees

on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $13,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $265,400,000 to be allocated as follows: for the District of Columbia Court of Appeals, $14,000,000, of which not to exceed $2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, $121,000,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $71,500,000, of which not to exceed $2,500 is for official reception and representation expenses; and $58,900,000, to remain available until September 30, 2019, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $6,000,000 of the funds provided under this heading among the items and entities funded under this heading: *Provided further*, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

(INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments

for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $49,890,000, to remain available until expended: *Provided*, That not more than $20,000,000 in unobligated funds provided in this account may be transferred to and merged with funds made available under the heading "Federal Payment to the District of Columbia Courts," to be available for the same period and purposes as funds made available under that heading for capital improvements to District of Columbia courthouse facilities: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $244,298,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $180,840,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; and of which $63,458,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $41,829,000: *Provided*,

That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2019, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $270,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $45,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10): *Provided,* That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further,* That within funds provided for opportunity scholarships $3,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) and 3009 of the Act.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $435,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $5,000,000.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund") for programs and activities set forth under the heading "PART A—SUMMARY OF EXPENSES" and at the rate set forth under such heading, as included in D.C. Bill 22–242, as amended as of the date of enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section

1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2018 under this heading shall not exceed the estimates included in D.C. Bill 22–242, as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2018, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $14,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

This title may be cited as the "District of Columbia Appropriations Act, 2018".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $3,100,000, to remain available until September 30, 2019, of which not to exceed $1,000 is for official reception and representation expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $8,000 for official reception and representation

expenses, $126,000,000, of which $1,100,000 shall remain available until expended to carry out the program, including administrative costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110–140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. During fiscal year 2018, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as "ROV") rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

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

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $10,100,000, of which $1,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

ELECTION REFORM PROGRAM

Notwithstanding section 104(c)(2)(B) of the Help America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)), $380,000,000 is provided

to the Election Assistance Commission for necessary expenses to make payments to States for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized by sections 101, 103, and 104 of such Act: *Provided*, That each reference to the "Administrator of General Services" or the "Administrator" in sections 101 and 103 shall be deemed to refer to the "Election Assistance Commission": *Provided further*, That each reference to "$5,000,000" in section 103 shall be deemed to refer to "$3,000,000" and each reference to "$1,000,000" in section 103 shall be deemed to refer to "$600,000": *Provided further*, That not later than 45 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to states under this heading: *Provided further*, That not later than two years after receiving a payment under this heading, a state shall make available funds for such activities in an amount equal to 5 percent of the total amount of the payment made to the State under this heading.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $322,035,000, to remain available until expended: *Provided*, That $322,035,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation estimated at $0: *Provided further*, That any offsetting collections received in excess of $322,035,000 in fiscal year 2018 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2017, shall not be available for obligation: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $111,150,000 for fiscal year 2018: *Provided further*, That, of the amount appropriated under this heading, not less than $11,020,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service

regarding single connection or primary line restrictions on universal service support payments.

SEC. 511. Section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452) is amended by adding at the end the following:

"(j) RESERVE SOURCE FOR PAYMENT OF RELOCATION COSTS.—

"(1) FUNDING.—There are hereby authorized to be appropriated, and appropriated, to the TV Broadcaster Relocation Fund established by subsection (d), out of any monies in the Treasury not otherwise appropriated—

"(A) for fiscal year 2018, $600,000,000, to remain available, notwithstanding subsection (d)(4), until not later than July 3, 2023, pursuant to this subsection; and

"(B) for fiscal year 2019, $400,000,000, to remain available, notwithstanding subsection (d)(4), until not later than July 3, 2023, pursuant to this subsection.

"(2) AVAILABILITY OF FUNDS.—

"(A) IN GENERAL.—If the Commission makes the certification described in subparagraph (B), amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall be available to the Commission to make—

"(i) reimbursements pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii), including not more than $350,000,000 for this purpose from funds made available by paragraph (1)(A);

"(ii) payments required by subsection (k), including not more than $150,000,000 for this purpose from funds made available by paragraph (1)(A);

"(iii) payments required by subsection (l), including not more than $50,000,000 for this purpose from funds made available by paragraph (1)(A); and

"(iv) payments solely for the purposes of consumer education relating to the reorganization of broadcast television spectrum under subsection (b), including $50,000,000 for this purpose from funds made available by paragraph (1)(A).

"(B) CERTIFICATION.—The certification described in this subparagraph is a certification from the Commission to the Secretary of the Treasury that the funds available prior to the date of enactment of this subsection in the TV Broadcaster Relocation Fund are likely to be insufficient to reimburse reasonably incurred costs described in subsection (b)(4)(A)(i) or (b)(4)(A)(ii).

"(C) AVAILABILITY FOR PAYMENTS AFTER APRIL 13, 2020.—

"(i) FOR PAYMENTS TO BROADCAST TELEVISION LICENSEES AND MVPDS.—Notwithstanding subsection (b)(4)(D), the Commission may make payments pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii) from amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) after April 13, 2020, if, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse reasonably incurred costs described in such subsection.

"(ii) FOR PAYMENTS TO TELEVISION TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—

Amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall not be available to the Commission to make payments required by subsection (k) after April 13, 2020, unless, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse costs reasonably incurred by a television translator station or low power television station (as such terms are defined in subsection (k)) on or after January 1, 2017, in order for such station to relocate its television service from one channel to another channel or otherwise modify its facility as a result of the reorganization of broadcast television spectrum under subsection (b).

"(iii) FOR PAYMENTS TO FM BROADCAST STATIONS.—Amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall not be available to the Commission to make payments required by subsection (l) after April 13, 2020, unless, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse costs reasonably incurred by an FM broadcast station (as defined in subsection (l)) for facilities necessary for such station to reasonably minimize disruption of service as a result of the reorganization of broadcast television spectrum under subsection (b).

"(3) UNUSED FUNDS RESCINDED AND DEPOSITED INTO THE GENERAL FUND OF THE TREASURY.—

"(A) RESCISSION AND DEPOSIT.—If any unobligated amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) remain in the Fund after the date described in subparagraph (B), such amounts shall be rescinded and deposited into the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

"(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

"(i) the date of a certification by the Commission under subparagraph (C) that all reimbursements pursuant to subsections (b)(4)(A)(i) and (b)(4)(A)(ii) have been made and that all reimbursements pursuant to subsections (k) and (l) have been made; or

"(ii) July 3, 2023.

"(C) CERTIFICATION.—If all reimbursements pursuant to subsections (b)(4)(A)(i) and (b)(4)(A)(ii) and all reimbursements pursuant to subsections (k) and (l) have been made before July 3, 2023, the Commission shall submit to the Secretary of the Treasury a certification that all such reimbursements have been made.

"(4) ADMINISTRATIVE COSTS.—The amount of auction proceeds that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), including from the proceeds of the forward auction under this section, shall be sufficient to cover the administrative costs incurred by the Commission in making any reimbursements out of the TV

Broadcaster Relocation Fund from amounts made available to that Fund by paragraph (1).

"(k) PAYMENT OF RELOCATION COSTS OF TELEVISION TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—

"(1) PAYMENT REQUIRED.—From amounts made available under subsection (j)(2), the Commission shall reimburse costs reasonably incurred by a television translator station or low power television station on or after January 1, 2017, in order for such station to relocate its television service from one channel to another channel or otherwise modify its facility as a result of the reorganization of broadcast television spectrum under subsection (b). Only stations that are eligible to file and do file an application in the Commission's Special Displacement Window are eligible to seek reimbursement under this paragraph.

"(2) LIMITATION.—The Commission may not make reimbursements under paragraph (1) for lost revenues.

"(3) DUPLICATIVE PAYMENTS PROHIBITED.—In the case of a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations—

"(A) if the licensee of such station has received reimbursement with respect to such station under subsection (b)(4)(A)(i) (including from amounts made available under subsection (j)(2)(A)(i)), or from any other source, such station may not receive reimbursement under paragraph (1); and

"(B) if such station has received reimbursement under paragraph (1), the licensee of such station may not receive reimbursement with respect to such station under subsection (b)(4)(A)(i).

"(4) ADDITIONAL LIMITATION.—The Commission may not make reimbursement under paragraph (1) for costs incurred to resolve mutually exclusive applications, including costs incurred in any auction of available channels.

"(5) DEFINITIONS.—In this subsection:

"(A) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station (as defined in section 74.701 of title 47, Code of Federal Regulations) that was licensed and transmitting for at least 9 of the 12 months prior to April 13, 2017. For purposes of the preceding sentence, the operation of analog and digital companion facilities may be combined.

"(B) TELEVISION TRANSLATOR STATION.—The term 'television translator station' means a television broadcast translator station (as defined in section 74.701 of title 47, Code of Federal Regulations) that was licensed and transmitting for at least 9 of the 12 months prior to April 13, 2017. For purposes of the preceding sentence, the operation of analog and digital companion facilities may be combined.

"(l) PAYMENT OF RELOCATION COSTS OF FM BROADCAST STATIONS.—

"(1) PAYMENT REQUIRED.—

"(A) IN GENERAL.—From amounts made available under subsection (j)(2), the Commission shall reimburse costs reasonably incurred by an FM broadcast station for

facilities necessary for such station to reasonably minimize disruption of service as a result of the reorganization of broadcast television spectrum under subsection (b).

"(B) LIMITATION.—The Commission may not make reimbursements under subparagraph (A) for lost revenues.

"(C) DUPLICATIVE PAYMENTS PROHIBITED.—If an FM broadcast station has received a payment for interim facilities from the licensee of a television broadcast station that was reimbursed for such payment under subsection (b)(4)(A)(i) (including from amounts made available under subsection (j)(2)(A)(i)), or from any other source, such FM broadcast station may not receive any reimbursements under subparagraph (A).

"(2) FM BROADCAST STATION DEFINED.—In this subsection, the term 'FM broadcast station' has the meaning given such term in section 73.310 of title 47, Code of Federal Regulations, and includes an FM translator, which has the meaning given the term 'FM translator' in section 74.1201 of such title.

"(m) RULEMAKING.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall complete a rulemaking to implement subsections (k) and (l).

"(2) MATTERS FOR INCLUSION.—The rulemaking completed under paragraph (1) shall include the development of lists of reasonable eligible costs to be reimbursed by the Commission pursuant to subsections (k) and (l), and procedures for the submission and review of cost estimates and other materials related to those costs consistent with the regulations developed by the Commission pursuant to subsection (b)(4).

"(n) RULE OF CONSTRUCTION.—

"(1) Nothing in subsections (j) through (m) shall alter the final transition phase completion date established by the Commission for full power and Class A television stations.".

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $39,136,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $71,250,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $26,200,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $306,317,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $126,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $16,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2018, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than $164,317,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $9,073,938,000, of which—

(1) $692,069,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) as follows:

(A) $132,979,000 shall be for the Alexandria Bay, New York, Land Port of Entry;

(B) $121,848,000 shall be for the San Diego, California, Otay Mesa Land Port of Entry;

(C) $137,242,000 shall be for the Harrisburg, Pennsylvania, United States Courthouse, as requested by the Federal Judiciary;

(D) $110,000,000 shall be for the Huntsville, Alabama, United States Courthouse, as requested by the Federal Judiciary;

(E) $190,000,000 shall be for the Fort Lauderdale, Florida, United States Courthouse, as requested by the Federal Judiciary:

Provided, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount;

(2) $666,335,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) $289,245,000 is for Major Repairs and Alterations;

(B) $312,090,000 is for Basic Repairs and Alterations; and

(C) $65,000,000 is for Special Emphasis Programs, of which—

(i) $25,000,000 is for Fire and Life Safety;

(ii) $20,000,000 is for Judiciary Capital Security; and

(iii) $20,000,000 is for Consolidation Activities: *Provided*, That consolidation projects result in reduced annual rent paid by the tenant agency: *Provided further*, That no consolidation project exceed $10,000,000 in costs: *Provided further*, That consolidation projects are approved by each of the committees specified in section 3307(a) of title 40, United States Code: *Provided further*, That preference is given to consolidation projects that achieve a utilization rate of 130 usable square feet or less per person for office space: *Provided further*, That the obligation of funds under this paragraph for consolidation activities may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken, including estimated savings, has been submitted to the Committees on Appropriations of the House of Representatives and the Senate:

Provided, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further,* That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects;

(3) $5,493,768,000 for rental of space to remain available until expended; and

(4) $2,221,766,000 for building operations to remain available until expended, of which $1,146,089,000 is for building services, and $1,075,677,000 is for salaries and expenses: *Provided*, That not to exceed 5 percent of any appropriation made

available under this paragraph for building operations may be transferred between and merged with such appropriations upon notification to the Committees on Appropriations of the House of Representatives and the Senate, but no such appropriation shall be increased by more than 5 percent by any such transfers: *Provided further*, That section 521 of this title shall not apply with respect to funds made available under this heading for building operations: *Provided further*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2018, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $53,499,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; and services as authorized by 5 U.S.C. 3109; $45,645,000, of which $24,357,000 is for Real and Personal Property Management and Disposal; $21,288,000 is for the Office of the Administrator, of which not to exceed $7,500 is for official reception and representation expenses.

CIVILIAN BOARD OF CONTRACT APPEALS

For expenses authorized by law, not otherwise provided for, for the activities associated with the Civilian Board of Contract Appeals, $8,795,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $65,000,000: *Provided*, That not to exceed $50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $4,754,000.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Products and Programs, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; $50,000,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed $100,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2018 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That any appropriations provided to the Electronic Government Fund that remain unobligated may be transferred to the Federal Citizen Services Fund: *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

TECHNOLOGY MODERNIZATION FUND

For the Technology Modernization Fund, $100,000,000, to remain available until expended, for technology-related modernization activities.

ASSET PROCEEDS AND SPACE MANAGEMENT FUND

For carrying out the purposes of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), $5,000,000, to be deposited into the Asset Proceeds and Space Management Fund, to remain available until expended.

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

For necessary expenses of the Environmental Review Improvement Fund established pursuant to 42 U.S.C. 4370m-8(d), $1,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2018 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2019 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading Federal Buildings Fund, Limitations on Availability of Revenue, claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to

the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. With respect to each project funded under the heading "Major Repairs and Alterations" or "Judiciary Capital Security Program", and with respect to E-Government projects funded under the heading "Federal Citizen Services Fund", the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

SEC. 527. Section 16 of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287) is amended— 40 USC 1303 note.

(1) by inserting the following at the end of subparagraph (a)(1): "The Account shall be under the custody and control of the Chairperson of the Board and deposits in the Account shall remain available until expended.";

(2) by striking subparagraph (b)(1) and inserting in lieu thereof the following:

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the 'Public Buildings Reform Board—Asset Proceeds and Space Management Fund' (in this subsection referred to as the 'Fund'). The Fund shall be under the custody and control of the Administrator of General Services and deposits in the Fund shall remain available until expended.".

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $1,000,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $44,490,000, to remain available until September 30, 2019, and in addition not to exceed $2,345,000, to remain available until September 30, 2019, for administrative expenses to adjudicate

retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $1,975,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289); and (2) up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): *Provided*, That of the total amount made available under this heading $200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,366,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, $384,911,000, of which $7,500,000 shall remain available until expended for the repair, alteration, and improvement of an additional leased facility to provide adequate storage for holdings of the House of Representatives and the Senate.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,801,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $7,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $6,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $2,000,000 shall be available until September 30, 2019, for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Stop Trading on Congressional Knowledge Act of 2012, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $16,439,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $129,341,000: *Provided*, That of the total amount made available under this heading, not to exceed $21,000,000 shall

remain available until September 30, 2019, for information technology infrastructure modernization and Trust Fund Federal Financial System migration or modernization, and shall be in addition to funds otherwise made available for such purposes upon submitting to the Committees on Appropriations of the Senate and House of Representatives the plan of expenditure as required by the "Consolidated Appropriations Act, 2017": *Provided further*, That the amount made available by the previous proviso may not be obligated until the Director of the Office of Personnel Management submits to the Committees on Appropriations of the Senate and the House of Representatives within 90 days of enactment a plan for expenditure of such amount, prepared in consultation with the Director of the Office of Management and Budget, the Administrator of the United States Digital Service, and the Secretary of Homeland Security, that—

(1) identifies the full scope and cost of the IT systems remediation and stabilization project;

(2) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(3) includes a Major IT Business Case under the requirements established by the Office of Management and Budget Exhibit 300;

(4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Government;

(5) complies with all Office of Management and Budget, Department of Homeland Security and National Institute of Standards and Technology requirements related to securing the agency's information system as described in 44 U.S.C. 3554; and

(6) is reviewed and commented upon within 60 days of plan development by the Inspector General of the Office of Personnel Management, and such comments are submitted to the Director of the Office of Personnel Management before the date of such submission:

Provided further, That of the total amount made available under this heading, $584,000 may be made available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition $131,414,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal

year 2018, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $5,000,000, and in addition, not to exceed $25,000,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12) as amended by Public Law 107–304, the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199), and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $26,535,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $15,200,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), $8,000,000, to remain available until September 30, 2019.

PUBLIC BUILDINGS REFORM BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Public Buildings Reform Board in carrying out the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), $5,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,652,000,000, to remain available until expended; of which funding for information technology initiatives shall be increased over the fiscal year 2017 level by not less than $45,000,000; of which not less than $14,748,358 shall be for the Office of Inspector General; of which not to exceed $75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence; and of which not less than $68,950,000 shall be for the Division of Economic and Risk Analysis.

In addition to the foregoing appropriation, for costs associated with relocation under a replacement lease for the Commission's headquarters facilities, not to exceed $244,507,052, to remain available until expended: *Provided*, That for purposes of calculating the fee rate under section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)) for fiscal year 2018, all amounts appropriated under this heading shall be deemed to be the regular appropriation to the Commission for fiscal year 2018: *Provided further*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,652,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account and not to exceed $244,507,052 of such offsetting collections shall be available until expended for costs under this heading associated

with relocation under a replacement lease for the Commission's headquarters facilities: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2018 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2018 appropriation from the general fund estimated at not more than $0: *Provided further*, That if any amount of the appropriation for costs associated with relocation under a replacement lease for the Commission's headquarters facilities is subsequently de-obligated by the Commission, such amount that was derived from the general fund shall be returned to the general fund, and such amounts that were derived from fees or assessments collected for such purpose shall be paid to each national securities exchange and national securities association, respectively, in proportion to any fees or assessments paid by such national securities exchange or national securities association under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year 2018.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,900,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed $3,500 for official reception and representation expenses, $268,500,000, of which not less than $12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further,* That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2018: *Provided further,* That $6,100,000

shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2019: *Provided further*, That $3,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, $247,100,000, to remain available until September 30, 2019: *Provided*, That $130,000,000 shall be available to fund grants for performance in fiscal year 2018 or fiscal year 2019 as authorized by section 21 of the Small Business Act: *Provided further*, That $31,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That $18,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $19,900,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,438,172, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2018 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2018 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $29,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2018 commitments for loans authorized under subparagraph (C) of section 502(7) of The Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2018 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $4,000,000,000: *Provided further*, That during fiscal year 2018, guarantees of trust certificates authorized by section 5(g) of the

Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $152,782,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. Of the unobligated balances available for the Immediate Disaster Assistance Program authorized by section 42 of the Small Business Act (15 U.S. C. 657n) and the Expedited Disaster Assistance Loan Program authorized by section 12085 of Public Law 110–246, $2,600,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 532. Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended by striking "25 percent" each place such term appears and inserting "50 percent".

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $58,118,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $245,000,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $50,739,887, of which $500,000 shall remain available until expended: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity

that has been convicted of violating chapter 83 of title 41, United States Code.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018 from appropriations made available for salaries and expenses for fiscal year 2018 in this Act, shall remain available through September 30, 2019, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act

may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term "Executive agency covered by this Act" means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 619. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

SEC. 620. In addition to amounts made available in prior fiscal years, the Public Company Accounting Oversight Board (Board) shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an amount not to exceed $1,000,000 of funds collected by the Board between January 1, 2017 and December 31, 2017, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2018 shall remain available until expended.

SEC. 621. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled "Interagency Working Group on Food Marketed to

Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts" unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 622. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

SEC. 623. None of the funds in this Act may be used for the Director of the Office of Personnel Management to award a contract, enter an extension of, or exercise an option on a contract to a contractor conducting the final quality review processes for background investigation fieldwork services or background investigation support services that, as of the date of the award of the contract, are being conducted by that contractor.

SEC. 624. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 625. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 626. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 627. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II.

SEC. 628. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the

department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 629. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

SEC. 630. Section 633(a) of title VI of division E of the Consolidated Appropriations Act, 2017 (Public Law 115–31) is amended— 131 Stat. 376.

(1) by inserting "and" at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 631. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

SEC. 632. (a) The United States courthouse located at 501 East Court Street in Jackson, Mississippi, shall be known and designated as the "Thad Cochran United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Thad Cochran United States Courthouse".

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2018 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as

defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

31 USC 1343 note.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at $19,947 except station wagons for which the maximum shall be $19,997: *Provided*, That these limits may be exceeded by not to exceed $7,250 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

5 USC 3101 note.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United

States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country. 5 USC 3101 note.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13693 (March 19, 2015), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of

employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such as mailing, telephone or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

SEC. 719. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the United States Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency

shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed $17,000,000 for Government-Wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of "General Services Administration, Government-wide Policy" during fiscal year 2018 shall remain available for obligation through September 30, 2019: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the

budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2018, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms "contribution", "expenditure", "independent expenditure", "electioneering communication", "candidate", "election", and "Federal office" has the meaning given such term in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2018, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code— 5 USC 5343 note.

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2018, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2018, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2018 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2018 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2017, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2017, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2017.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in

fiscal year 2018 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as "Rest of United States" pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2017.

5 USC 5303 note.

SEC. 738. (a) The Vice President may not receive a pay raise in calendar year 2018, notwithstanding the rate adjustment made under section 104 of title 3, United States Code, or any other provision of law.

(b) An employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, may not receive a pay rate increase in calendar year 2018, notwithstanding schedule adjustments made under section 5318 of title 5, United States Code, or any other provision of law, except as provided in subsection (g), (h), or (i). This subsection applies only to employees who are holding a position under a political appointment.

(c) A chief of mission or ambassador at large may not receive a pay rate increase in calendar year 2018, notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, except as provided in subsection (g), (h), or (i).

(d) Notwithstanding sections 5382 and 5383 of title 5, United States Code, a pay rate increase may not be received in calendar year 2018 (except as provided in subsection (g), (h), or (i)) by—

(1) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above level IV of the Executive Schedule; or

(2) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above level IV of the Executive Schedule.

(e) Any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase in calendar year 2018, notwithstanding any other provision of law, except as provided in subsection (g), (h), or (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, or to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) A career appointee in the Senior Executive Service who receives a Presidential appointment and who makes an election to retain Senior Executive Service basic pay entitlements under section 3392 of title 5, United States Code, is not subject to this section.

(h) A member of the Senior Foreign Service who receives a Presidential appointment to any position in the executive branch and who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) is not subject to this section.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position with higher-level duties and a pre-established higher level or range of pay, except that any such increase must be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(k) If an employee affected by subsections (b) through (e) is subject to a biweekly pay period that begins in calendar year 2018 but ends in calendar year 2019, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

SEC. 739. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2018 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2018 for which the cost to the United States Government was more than $20,000.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 740. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 741. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 743. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 744. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does

not contain the following provisions: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 746. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 747. (a) During fiscal year 2018, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.

(b) Any notification required by this section shall be made available on the Bureau's public Web site.

SEC. 748. If, for fiscal year 2018, new budget authority provided in appropriations Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2018 shall be made by the Director of the Office of Management and Budget in the amount of the excess but the total of all such adjustments shall not exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.

SEC. 749. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2018.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2018 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise

and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2018 in this Act, shall remain available through September 30, 2019, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

SEC. 816. (a)(1) During fiscal year 2019, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2019 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2019 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1–204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2019 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2019.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2019 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2019 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2018".

DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2018

Department of Homeland Security Appropriations Act, 2018.

TITLE I

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Secretary and for executive management for operations and support, $139,602,000: *Provided*, That not to exceed $30,000 shall be for official reception and representation expenses: *Provided further*, That of the funds provided under this heading, $2,000,000 shall be withheld from obligation until the Secretary complies with section 107 of this Act.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, $710,297,000, of which $227,516,000 shall remain available until September 30, 2019: *Provided*, That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $29,569,000, to remain available until September 30, 2019.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Management Directorate for research and development, $2,545,000, to remain available until September 30, 2019.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, $245,905,000, of which $77,915,000 shall remain available until September 30, 2019: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Inspector General for operations and support, $168,000,000: *Provided*, That not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

6 USC 454 note.

SEC. 101. Hereafter, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454).

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

SEC. 103. (a) Notwithstanding section 518 of division F of the Consolidated Appropriations Act, 2016 (Public Law 114–113), the Secretary of Homeland Security shall submit a report not later than October 15, 2018, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2017 and 2018.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2019.

SEC. 104. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

SEC. 105. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703(g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfers.

SEC. 106. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 107. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives, a report for fiscal year 2017 on visa overstay data by country as required by section 1376 of title 8, United States Code: *Provided*, That the report on visa overstay data shall also include—

(1) overstays from all nonimmigrant visa categories under the immigration laws, delineated by each of the classes and sub-classes of such categories; and

(2) numbers as well as rates of overstays for each class and sub-class of such nonimmigrant categories on a per-country basis.

(b) The Secretary of Homeland Security shall publish on the Department's website the metrics developed to measure the effectiveness of security between the ports of entry, including the methodology and data supporting the resulting measures.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type

vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $11,485,164,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $681,441,500 shall be available until September 30, 2019; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed $34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed $15,000,000 may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations, as required by the Border Patrol: *Provided further*, That not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, $2,281,357,000, of which $846,343,000 shall remain available until September 30, 2020, and of which $1,435,014,000 shall remain available until September 30, 2022.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; $6,993,975,000; of which $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which $33,700,000 shall remain available until September 30, 2019; of which not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than $9,000,000 shall be available for facilities repair and maintenance projects; of which not less than $84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than $4,110,337,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed $11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided*

further, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the amounts made available under this heading, $5,000,000 shall be withheld from obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives the report required under section 212 of this Act.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, $81,899,000, to remain available until September 30, 2020; of which not less than $29,000,000 shall be available for facilities repair and maintenance projects.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $7,207,851,000, to remain available until September 30, 2019: *Provided*, That not to exceed $7,650 shall be for official reception and representation expenses: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2018 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $4,737,851,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $167,314,000, to remain available until September 30, 2020.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $20,190,000, to remain available until September 30, 2019.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operations and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent

and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase or lease of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,373,313,000; of which $503,000,000 shall be for defense-related activities, of which $163,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress; and of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That not to exceed $23,000 shall be for official reception and representation expenses: *Provided further*, That $25,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment plan for fiscal years 2019 through 2023 is submitted to the Committees on Appropriations of the Senate and the House of Representatives pursuant to section 220 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,397,000, to remain available until September 30, 2022.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve; operations and maintenance of the Coast Guard Reserve Program; personnel and training costs; and equipment and services; $114,875,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for acquisition, construction, renovation, and improvement of aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), vessels, and aircraft, including equipment related thereto, $2,694,745,000; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which $2,573,000,000 shall be available until September 30, 2022, of which $95,000,000 shall be immediately available and allotted to contract for long lead time materials for the eleventh National Security Cutter notwithstanding the availability of funds for production or post-production costs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses of the Coast Guard for research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $29,141,000, to remain available until September 30, 2020, of which $500,000

shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,676,117,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $1,915,794,000; of which $39,692,000 shall remain available until September 30, 2019, of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which $9,866,000 shall be for premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as amended by the Secret Service Recruitment and Retention Act of 2018: *Provided*, That not to exceed $19,125 shall be for official reception and representation expenses: *Provided further*, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, $90,480,000, to remain available until September 30, 2020.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $250,000, to remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) For fiscal year 2018, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $45,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

(b) None of the funds made available by this Act for the following accounts shall be available to compensate any employee for overtime in an annual amount in excess of $45,000:

(1) "U.S. Immigration and Customs Enforcement—Operations and Support", except that the Secretary of Homeland Security, or the designee of the Secretary, may waive such amount as necessary for national security purposes and in cases of immigration emergencies.

(2) "United States Secret Service—Operations and Support", except that the Secretary of Homeland Security, or the designee of the Secretary, may waive such amount as necessary for national security purposes.

SEC. 202. Funding made available under the heading "U.S. Customs and Border Protection—Operations and Support" and "U.S. Customs and Border Protection—Procurement, Construction, and Improvements" shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico in addition to funding provided by 48 U.S.C. 740.

6 USC 211 note.

SEC. 203. Hereafter, no U.S. Customs and Border Protection aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security without prior notice to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 204. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 205. For an additional amount for "U.S. Customs and Border Protection—Operations and Support", $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2018 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act

of 2015 (Public Law 114–25), or other such authorizing language: *Provided*, That to the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 206. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 207. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

SEC. 208. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) In this section, the term "border crossing fee" means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 209. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to "U.S. Immigration and Customs Enforcement—Operations and Support" as necessary to ensure the detention of aliens prioritized for removal.

SEC. 210. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue a delegation of law enforcement authority

authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

SEC. 211. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system.

SEC. 212. The Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives that (a) identifies any instance during fiscal year 2017 or 2018 in which payments have been made by U.S. Immigration and Customs Enforcement, or employees of U.S. Immigration and Customs Enforcement have erroneously entered into financial obligations, for activities in violation of subpart D of part 550 of title 5, Code of Federal Regulations; (b) includes specific actions the Office of the Chief Financial Officer and the Office of the Principal Legal Advisor will take to improve agency-wide understanding of such subpart D; and (c) includes a certification by the Director of U.S. Immigration and Customs Enforcement that the Office of the Chief Financial Officer and the Office of the Principal Legal Advisor have developed a plan and implemented training necessary for strengthening internal controls necessary to avoid violations of such subpart D.

SEC. 213. (a) Notwithstanding any other provision of law, for employees of U.S. Immigration and Customs Enforcement and their dependents eligible for Payments During Evacuation in accordance with title 5, Code of Federal Regulations, part 550, from August 23, 2017, through December 1, 2017, as a result of Hurricanes Harvey, Irma, and Maria, the requirement of section 550.405(b)(2) of such title to reduce subsistence expenses to 60 percent of the applicable rate shall not apply.

(b) The Secretary of Homeland Security may authorize reimbursement for lodging, meals, and incidental expenses for such employees and their dependents using the actual expense method set forth in subpart D of part 301–11 of title 41, Code of Federal Regulations, subject to the cap of 300 percent of the applicable maximum per diem rate, as provided in such section.

SEC. 214. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SEC. 215. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

SEC. 216. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2018, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

SEC. 217. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 218. None of the funds made available by this Act under the heading "Coast Guard—Operating Expenses" shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading "Coast Guard—Operating Expenses": *Provided*, That to the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 219. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to $10,000,000 may be reprogrammed to or from the Military Pay and Allowances funding category within "Coast Guard—Operating Expenses" in accordance with subsection (a) of section 503 of this Act.

SEC. 220. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives a future-years capital investment plan as described in the second proviso under the heading "Coast Guard—Acquisition, Construction, and Improvements" in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), which shall be subject to the requirements in the third and fourth provisos under such heading.

SEC. 221. None of the funds in this Act shall be used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 222. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 223. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil

engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 224. Funds made available for Overseas Contingency Operations/Global War on Terrorism under the heading "Coast Guard—Operating Expenses" may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 225. Section 423 of title 14, United States Code, is amended by inserting after subsection (c) the following:

"(d) In addition to amounts computed pursuant to subsections (a) through (c) of this section, a full TSP member (as defined in section 8440e(a) of title 5) of the Coast Guard is entitled to continuation pay pursuant to section 356 of title 37.".

SEC. 226. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading "United States Secret Service—Operations and Support" at the end of the fiscal year.

SEC. 227. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

SEC. 228. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within "United States Secret Service—Operations and Support".

SEC. 229. Funding made available in this Act for "United States Secret Service—Operations and Support" is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

SEC. 230. (a) Of the amount made available in this Act under "U.S. Customs and Border Protection—Procurement, Construction, and Improvements", $1,571,000,000 shall be available only as follows:

(1) $251,000,000 for approximately 14 miles of secondary fencing, all of which provides for cross-barrier visual situational awareness, along the southwest border in the San Diego Sector;

(2) $445,000,000 for 25 miles of primary pedestrian levee fencing along the southwest border in the Rio Grande Valley Sector;

(3) $196,000,000 for primary pedestrian fencing along the southwest border in the Rio Grande Valley Sector;

(4) $445,000,000 for replacement of existing primary pedestrian fencing along the southwest border;

(5) $38,000,000 for border barrier planning and design; and

(6) $196,000,000 for acquisition and deployment of border security technology.

(b) The amounts designated in subsection (a)(2) through (a)(4) shall only be available for operationally effective designs deployed as of the date of the Consolidated Appropriations Act, 2017, (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety.

(c) None of the funds provided in this or any other Act shall be obligated for construction of a border barrier in the Santa Ana National Wildlife Refuge.

SEC. 231. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a risk-based plan for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology, to include—

(1) A statement of goals, objectives, activities, and milestones for the plan.

(2) A detailed implementation schedule for the plan with estimates for the planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestone-based delivery of specific—

(A) capabilities and services;

(B) mission benefits and outcomes;

(C) program management capabilities; and

(D) lifecycle cost estimates.

(3) A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.

(4) An identification of the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology, under the plan.

(5) A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes—

(A) analyses of alternatives, including comparative costs and benefits;

(B) an assessment of effects on communities and property owners near areas of infrastructure deployment; and

(C) a description of other factors critical to the decision-making process.

(6) An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.

(7) A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investments.

(8) A description of the status of the actions of the Department of Homeland Security to address open recommendations by the Office of Inspector General and the Government Accountability Office relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.

(9) A plan to consult State and local elected officials on the eminent domain and construction process relating to physical barriers;

(10) An analysis, following consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts, including on

wildlife, of the construction and placement of physical barriers planned along the Southwest border, including in the Santa Ana National Wildlife Refuge; and

(11) Certifications by the Under Secretary of Homeland Security for Management, that—

(A) the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and

(B) all activities under the plan comply with Federal acquisition rules, requirements, guidelines, and practices.

(b) The Secretary shall concurrently submit the plan required in subsection (a) to the Comptroller General of the United States, who shall evaluate the plan and report to the Committees on Appropriations of the Senate and the House of Representatives on the strengths and weaknesses of such plan not later than 120 days after receiving such plan.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the National Protection and Programs Directorate for operations and support, $1,482,165,000, of which $8,912,000 shall remain available until September 30, 2019: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the National Protection and Programs Directorate for procurement, construction, and improvements, $414,111,000, to remain available until September 30, 2019.

RESEARCH AND DEVELOPMENT

For necessary expenses of the National Protection and Programs Directorate for research and development, $15,126,000, to remain available until September 30, 2019.

OFFICE OF HEALTH AFFAIRS

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Health Affairs for operations and support, $121,569,000, of which $14,020,000 shall remain available until September 30, 2019.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,030,135,000: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $85,276,000, to remain available until September 30, 2019.

FEDERAL ASSISTANCE

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $3,293,932,000, which shall be allocated as follows:

(1) $507,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $85,000,000 shall be for Operation Stonegarden, and $10,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under such 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2018, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $630,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which $50,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $100,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) $100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(5) $700,000,000, to remain available until September 30, 2019, of which $350,000,000 shall be for Assistance to Firefighter Grants and $350,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) $350,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) $249,200,000 for the National Predisaster Mitigation Fund under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), to remain available until expended.

(8) $262,531,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(9) $120,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(10) $275,201,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $7,900,720,000, to remain available until expended, of which $7,366,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $203,500,000, to remain available until September 30, 2019, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $13,573,000 shall be available for mission support associated with flood management;

and of which $189,927,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2018, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) $165,224,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) $1,123,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e), and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under "Federal Emergency Management Agency—Federal Assistance", may be used by the grantee for expenses directly related to administration of the grant.

SEC. 302. Applications for grants under the heading "Federal Emergency Management Agency—Federal Assistance", for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

SEC. 303. Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) through (4), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

SEC. 304. Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) and

(2), the installation of communications towers is not considered construction of a building or other physical facility.

SEC. 305. Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading "Federal Emergency Management Agency—Federal Assistance" for grants under paragraph (1) in this Act, or under the heading "Federal Emergency Management Agency—State and Local Programs" in Public Law 114–4, division F of Public Law 113–76, or division D of Public Law 113–6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred between January 1, 2014, and December 31, 2014, or during the award period of performance.

SEC. 306. The reporting requirements in paragraphs (1) and (2) under the heading "Federal Emergency Management Agency—Disaster Relief Fund" in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2018 with respect to budget year 2019 and current fiscal year 2018, respectively—

(1) in paragraph (1) by substituting "fiscal year 2019" for "fiscal year 2016"; and

(2) in paragraph (2) by inserting "business" after "fifth".

SEC. 307. In making grants under the heading "Firefighter Assistance Grants", the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 308. The aggregate charges assessed during fiscal year 2018, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2018, and remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the E-Verify Program, $108,856,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Citizenship and Immigration Services for procurement, construction, and improvements of the E-Verify Program, $22,657,000, to remain available until September 30, 2020.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $254,000,000, of which $62,701,000 shall remain available until September 30, 2019: *Provided*, That not to exceed $7,180 shall be for official reception and representation expenses.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $331,113,000, of which $196,361,000 shall remain available until September 30, 2019: *Provided*, That not to exceed $7,650 shall be for official reception and representation expenses.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $509,830,000, to remain available until September 30, 2020.

DOMESTIC NUCLEAR DETECTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Domestic Nuclear Detection Office for operations and support, $54,664,000: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Domestic Nuclear Detection Office for procurement, construction, and improvements, $89,096,000, to remain available until September 30, 2020.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Domestic Nuclear Detection Office for research and development, $145,661,000, to remain available until September 30, 2020.

FEDERAL ASSISTANCE

For necessary expenses of the Domestic Nuclear Detection Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $46,019,000, to remain available until September 30, 2020.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided*, That the Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds made available in this Act may be used by U.S. Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by U.S. Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 403. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 404. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, up to $10,000,000 may be allocated by U.S. Citizenship and Immigration Services in fiscal year 2018 for the purpose of providing an Immigrant Integration grants program.

(b) None of the funds made available to U.S. Citizenship and Immigration Services for grants for immigrant integration under subsection (a) may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 405. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

SEC. 406. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 407. (a) There is to be established a "Federal Law Enforcement Training Centers—Procurement, Construction, and Improvements" appropriations account for planning, operational development, engineering, and purchases prior to sustainment and for information technology-related procurement, construction, and

improvements, including non-tangible assets of the Federal Law Enforcement Training Centers.

(b) The Director of the Federal Law Enforcement Training Centers may accept transfers to the account established by subsection (a) from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of such facilities.

SEC. 408. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2018 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (c), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

(f) Notwithstanding subsection (c), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 5 days in advance of such transfer.

31 USC 501 note.

SEC. 504. Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), related to the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2019, from appropriations for "Operations and Support" and for "Coast Guard—Operating Expenses", and salaries and expenses for "Coast Guard—Acquisition, Construction, and Improvements" and "Coast Guard—Reserve Training" for fiscal year 2018 in this Act shall remain available through September 30, 2019, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2018 until the enactment of an Act authorizing intelligence activities for fiscal year 2018.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000;

(2) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

(3) making a sole-source grant award; or

(4) announcing publicly the intention to make or award items under paragraph (1), (2), or (3), including a contract covered by the Federal Acquisition Regulation.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act: *Provided*, That for purposes of the preceding sentence, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. Section 519 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 514. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of

the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

SEC. 515. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 516. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 517. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 518. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 519. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 520. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

49 USC 44901 note.

SEC. 521. Hereafter, in developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 523. (a) For an additional amount for financial systems modernization, $41,800,000, to remain available until September 30, 2019.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 524. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 525. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 526. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations: *Provided further*, That the total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.

SEC. 527. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 528. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 529. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 530. (a) Funding provided in this Act for "Operations and Support" and funding provided in this Act for "Coast Guard—Operating Expenses" may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), "minor" refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.

SEC. 531. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 532. For fiscal year 2018, the Secretary of Homeland Security may provide, out of discretionary funds available to the Department of Homeland Security, for the primary and secondary schooling of dependents of Department of Homeland Security personnel who are stationed outside the continental United States and for the transportation of such dependents in the same manner and to the same extent that, pursuant to section 544 of title 14, United States Code, the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of, and the transportation of, dependents of Coast Guard personnel stationed outside the continental United States: *Provided*, That no amounts may be provided from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That no amounts may be provided from amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 533. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2019 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2018.

SEC. 534. (a) For an additional amount for "Federal Emergency Management Agency—Federal Assistance", $41,000,000, to remain available until September 30, 2019, exclusively for providing reimbursement of extraordinary law enforcement personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

(b) Funds under subsection (a) shall be available only for costs that a State or local agency—

(1) incurs on or after October 1, 2017, and before October 1, 2018;

(2) can demonstrate to the Administrator as being—

(A) in excess of the costs of normal and typical law enforcement operations;

(B) directly attributable to the provision of protection described herein; and

(C) associated with a non-governmental property designated or identified to be secured by the United States Secret Service pursuant to section 3 or section 4 of the Presidential Protection Assistance Act of 1976 (Public Law 94–524); and

(3) certifies to the Administrator as being for protection activities requested by the Director of the United States Secret Service.

(c) For purposes of subsection (a), a designation or identification of a property to be secured under subsection (b)(2)(C) made after incurring otherwise eligible costs shall apply retroactively to October 1, 2017.

(d) The Administrator may establish written criteria consistent with subsections (a) and (b).

(e) None of the funds provided shall be for hiring new or additional personnel.

(f) The Inspector General of the Department of Homeland Security shall audit reimbursements made under this section.

SEC. 535. (a) The Secretary of Homeland Security may include in the President's budget proposal for Coast Guard for fiscal year 2019, submitted pursuant to section 1105(a) of title 31, United States Code, and accompanying justification materials, an account structure established by section 563 of Division F of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

(b) Not earlier than October 1, 2018, the accounts designated under subsection (a) may be established, and the Secretary of Homeland Security may execute appropriations of the Department as provided pursuant to such subsection, including any continuing appropriations made available for fiscal year 2019 before enactment of a regular appropriations Act.

(c) Notwithstanding any other provision of law, the Secretary of Homeland Security may transfer any appropriation made available to the Department of Homeland Security by any appropriations Acts to the accounts created pursuant to subsection (b) to carry out the requirements of such subsection, and shall notify the Committees on Appropriations of the Senate and the House of Representatives within 5 days of each transfer.

(d)(1) Not later than November 1, 2018, the Secretary of Homeland Security shall establish the preliminary baseline for application of reprogramming and transfer authorities and submit the report specified in paragraph (2) to the Committees on Appropriations of the Senate and the House of Representatives.

(2) The report required in this subsection shall include—

(A) a delineation of the amount and account of each transfer made pursuant to subsection (b) or (c);

(B) a table for each appropriation with a separate column to display the President's budget proposal, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, adjustments made pursuant to the transfer authority in subsection (b) or (c), and the fiscal year level;

(C) a delineation in the table for each appropriation, adjusted as described in paragraph (2), both by budget

activity and program, project, and activity as detailed in the Budget Appendix; and

(D) an identification of funds directed for a specific activity.

(e) The Secretary shall not exercise the authority provided in subsections (b), (c), and (d) unless, not later than June 1, 2018, the Chief Financial Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives—

(1) technical assistance on new legislative language in the account structure under subsection (a); and

(2) comparison tables of fiscal years 2017, 2018, and 2019 in the account structure under subsection (a).

SEC. 536. (a) None of the funds appropriated by this or previous appropriations Acts or otherwise made available to the Department of Homeland Security may be used to establish accounts in the Treasury of the United States for the Countering Weapons of Mass Destruction Office or the Cybersecurity and Infrastructure Security Agency until Congress has enacted a law that specifically authorizes such Office or Agency and such authorization identifies the functions that are authorized to be transferred to such Office or Agency.

(b) Subject to the limitation in subsection (a), if Congress enacts a law on or after the date of enactment of this Act that specifically authorizes the Countering Weapons of Mass Destruction Office or the Cybersecurity and Infrastructure Security Agency and such authorization identifies the functions that are authorized to be transferred to such Office or Agency, the Secretary of Homeland Security may—

(1) not earlier than October 1, 2018, establish accounts in the Treasury of the United States necessary to carry out the functions of the Office or Agency as authorized;

(2) execute appropriations of the Department of Homeland Security as provided in subparagraph (1), including any continuing appropriations made available for fiscal year 2019, before enactment of a regular appropriations Act; and

(3) transfer any funds made available to the Department of Homeland Security by any appropriations Acts to the accounts created in subparagraph (1) for functions that are authorized to be transferred to such Office or Agency and to be used for the purpose of executing authorization of such Office or Agency.

(c) The authority provided in subsection (b)(3) shall only be available if the Secretary has notified the Committees on Appropriations of the Senate and the House of Representatives at least 15 days in advance of each such transfer.

SEC. 537. Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950), as amended, shall be applied in subsection (b) by substituting "September 30, 2018" for "September 30, 2017".

6 USC 391 note.

SEC. 538. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied—

(1) In subsection (a), by substituting "September 30, 2018," for "September 30, 2017,"; and

(2) In subsection (c)(1), by substituting "September 30, 2018," for "September 30, 2017".

(b) The Secretary of Homeland Security, under the authority of section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)), may carry out prototype projects under section 2371b of

title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.

(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional government contractor as defined in section 2371b(e) of title 10, United States Code.

(RESCISSIONS)

SEC. 539. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) $44,557,000 from Public Law 115–31 under the heading "Transportation Security Administration—Operations and Support";

(2) $1,785,697 from Public Law 108–334 under the heading "Coast Guard—Alteration of Bridges";

(3) $1,920,100 from Public Law 109–90 under the heading "Coast Guard—Alteration of Bridges";

(4) $1,791,454 from Public Law 109–295 under the heading "Coast Guard—Alteration of Bridges";

(5) $3,221,594 from Public Law 110–161 under the heading "Coast Guard—Alteration of Bridges";

(6) $3,680,885 from Public Law 111–83 under the heading "Coast Guard—Alteration of Bridges";

(7) $25,000,000 from Public Law 114–113 under the heading "Coast Guard—Acquisition, Construction, and Improvements";

(8) $2,000,000 from Public Law 114–113 under the heading "Science and Technology—Research, Development, Acquisition, and Operations";

(9) $2,000,000 from Public Law 115–31 under the heading "Science and Technology Directorate—Operations and Support" account 70 17/18 0800;

(10) $6,000,000 from Public Law 115–31 under the heading "Science and Technology Directorate—Research and Development"; and

(11) $4,307,000 from Public Law 115–31 under the heading "Intelligence, Analysis, and Operations Coordination—Operations and Support".

(RESCISSIONS)

SEC. 540. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $66,024 from "Coast Guard—Acquisition, Construction, and Improvements" account 70x0613;

(2) $2,400 from "Transportation Security Administration—Salaries and Expenses" account 70x0508; and

(3) $31,948 from "U.S. Customs and Border Protection" account 70x0503.

(RESCISSIONS)

SEC. 541. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2017 (Public Law 115–31) are rescinded:

(1) $2,941,804 from "U.S. Customs and Border Protection—Operations and Support";

(2) $24,337,865 from "Coast Guard—Operating Expenses";

(3) $260,584 from "Coast Guard—Reserve Training";

(4) $308,974 from "Coast Guard—Acquisition, Construction, and Improvements";

(5) $106,894 from "Federal Emergency Management Agency—Operations and Support"; and

(6) $23,938 from "Office of Health Affairs—Operations and Support".

(RESCISSION)

SEC. 542. From the unobligated balances available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code (added by section 638 of Public Law 102–393), $364,162,000 shall be permanently rescinded not later than September 30, 2018.

SEC. 543. Notwithstanding section 5170c(b)(2)(B)(ii) of title 42, United States Code, the Administrator of the Federal Emergency Management Agency shall allow flood protection systems constructed in 2016 on property acquired with hazard mitigation assistance provided under section 5170c of title 42, United States Code, in an inadvertent violation of the terms and conditions of such assistance to remain in place on such property: *Provided*, That no new or additional structure may be erected on the property unless the new or additional structure complies with section 5170c(b)(2)(B)(ii) of title 42, United States Code: *Provided further*, That this provision does not otherwise excuse compliance with all other applicable laws including statutes, executive orders, regulations, and program and grant legal requirements pertaining to the floodwall structure or the acquired property.

SEC. 544. Section 545 of title V of division F of the Consolidated Appropriations Act, 2017, as added by section 20607 of title VI of subdivision 1 of division B of the Bipartisan Budget Act of 2018, is amended to read as follows:

"SEC. 545. (a) PREMIUM PAY AUTHORITY.—During calendar year 2017, any premium pay that is funded, either directly or through reimbursement, by the 'Federal Emergency Management Agency—Disaster Relief Fund' shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

"(b) OVERTIME AUTHORITY.—During calendar year 2017, any overtime pay that is funded, either directly or through reimbursement, by the 'Federal Emergency Management Agency—Disaster Relief Fund' and that is payable under an authority outside of title 5, United States Code, shall be exempted from any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

"(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an employee's aggregate pay exceeds the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

"(d) LIMITATION OF PAY AUTHORITY.—

"(1) Pay exempted from otherwise applicable limits under subsection (a) or (b) shall not cause the aggregate of basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

"(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, 'premium pay' means the premium pay paid under the provisions of law cited in section 5547(a).

"(3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

"(e) EFFECTIVE DATE.—This section shall take effect as if enacted on December 31, 2016.

"(f) TREATMENT OF ADDITIONAL PAY.—If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

"(1) be considered to be basic pay of the covered employee for any purpose; or

"(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.".

This division may be cited as the "Department of Homeland Security Appropriations Act, 2018".

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018.

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), $1,183,043,000, to remain available

until expended, including all such amounts as are collected from permit processing fees, as authorized but made subject to future appropriation by section 35(d)(3)(A)(i) of the Mineral Leasing Act (30 U.S.C. 191), except that amounts from permit processing fees may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations.

In addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2018, so as to result in a final appropriation estimated at not more than $1,183,043,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $24,916,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,985,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

43 USC 1735 note.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards:

Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,279,002,000, to remain available until September 30, 2019: *Provided*, That not to exceed $18,818,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)).

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; $66,540,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $63,839,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 200306 of title 54, United States Code, not more than $10,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $320,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), $53,495,000, to remain available until expended, of which $33,857,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which $19,638,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), $40,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), $3,910,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), $11,061,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $63,571,000, to remain available until expended: *Provided*, That of the amount provided herein, $4,209,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $6,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $10,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the

amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2018 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2019, shall be reapportioned, together with funds appropriated in 2020, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading "United States Fish and Wildlife Service—Resource Management" and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,477,969,000, of which $10,032,000 for planning and interagency coordination in support of Everglades restoration and $134,461,000 for maintenance, repair, or rehabilitation projects for constructed assets shall remain available until September 30,

2019: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $63,638,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), $96,910,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2019, of which $13,000,000 shall be for Save America's Treasures grants for preservation of national significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided*, That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That of the funds provided for the Historic Preservation Fund, $500,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary, $13,000,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement, $5,000,000 is for grants to Historically Black Colleges and Universities, and $5,000,000 is for competitive grants for the restoration of historic properties of national, State and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act: *Provided further*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code, to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, $359,704,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2018 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further*,

That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $180,941,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $124,006,000 is for the State assistance program and of which $10,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, $23,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation,

for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,148,457,000, to remain available until September 30, 2019; of which $78,537,000 shall remain available until expended for satellite operations; and of which $15,164,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities. 43 USC 50.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort

claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $171,000,000, of which $114,166,000 is to remain available until September 30, 2019, and of which $56,834,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2018 appropriation estimated at not more than $114,166,000: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $136,411,000, of which $108,540,000 is to remain available until September 30, 2019, and of which $27,871,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2018 appropriation estimated at not more than $108,540,000.

For an additional amount, $50,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from

non-refundable inspection fees collected in fiscal year 2018, as provided in this Act: *Provided*, That to the extent that amounts realized from such inspection fees exceed $50,000,000, the amounts realized in excess of $50,000,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2018, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $115,804,000, to remain available until September 30, 2019: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training. 30 USC 1211 note.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), $40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2018 appropriation estimated at not more than $115,804,000. 30 USC 1257 note.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $24,672,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must

be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, $115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, $75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, $30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and $10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: *Provided further*, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $2,411,200,000, to remain available until September 30, 2019, except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $76,000,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed $673,425,000 for school operations costs of Bureau-funded schools and other education programs shall

become available on July 1, 2018, and shall remain available until September 30, 2019: *Provided further*, That not to exceed $53,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed $81,036,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2018: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2019, may be transferred during fiscal year 2020 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2020: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: *Provided further*, That the Bureau of Indian Affairs may accept transfers of funds from U.S. Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs for fiscal year 2018, such sums as may be necessary, which shall be available for obligation through September 30, 2019: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483; $354,113,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis:

Provided further, That for fiscal year 2018, in implementing new construction, replacement facilities construction, or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in part 12 of title 43, Code of Federal Regulations, as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of title 43, Code of Federal Regulations; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by section 1125(b) of title XI of Public Law 95–561 (25 U.S.C. 2005(b)), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in section 5206(f) of Public Law 100–297 (25 U.S.C. 2504(f)): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in section 5208(e) of Public Law 107–110 (25 U.S.C. 2507(e)): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 111–11, 111–291, and 114–322, and for implementation of other land and water rights settlements, $55,457,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $9,272,000, of which $1,252,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $123,565,389.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding Public Law 87–279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K-2 grade structure on October 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate

and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term "satellite school" means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

Of the prior year unobligated balances available for the "Operation of Indian Programs" account, $8,000,000 are permanently rescinded.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, $124,182,000, to remain available until September 30, 2019; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $10,242,000 for the Office of Valuation Services is to be derived

from the Land and Water Conservation Fund and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

For fiscal year 2018, up to $400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of title 31, United States Code: *Provided further*, That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized by that chapter to all units of local government, then the payment to each local government shall be made proportionally: *Provided further*, That the Secretary may make adjustments to payment to individual units of local government to correct for prior overpayments or underpayments: *Provided further*, That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than $100.

31 USC 6093 note.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $96,870,000, of which: (1) $87,422,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,448,000 shall be available until September 30, 2019, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to

42 USC 1469b.

timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non–Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $3,363,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $66,675,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $51,023,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $119,400,000, to remain available until expended, of which not to exceed $18,990,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs and Bureau of Indian Education, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2018, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of $15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than $500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103–412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least five years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department

of the Interior, $948,087,000, to remain available until expended, of which not to exceed $18,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided $184,000,000 is for fuels management activities: *Provided further*, That of the funds provided $20,470,000 is for burned area rehabilitation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or microbusinesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided

for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), $10,010,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., $7,767,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, $62,370,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That

all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, $137,757,000, to remain available until September 30, 2019; of which $41,727,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, $15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-

over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire suppression" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2018. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2018, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the "Offshore Safety and Environmental Enforcement" account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2018 shall be:

(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2018. Fees for fiscal year 2018 shall be:

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

SEC. 108. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 109. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary. 16 USC 1336 note.

MASS MARKING OF SALMONIDS

SEC. 110. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

EXHAUSTION OF ADMINISTRATIVE REVIEW

SEC. 111. Paragraph (1) of section 122(a) of division E of Public Law 112–74 (125 Stat. 1013) is amended by striking "through 2020," in the first sentence and inserting "through 2022,".

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 112. Notwithstanding any other provision of law, during fiscal year 2018, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

HUMANE TRANSFER OF EXCESS ANIMALS

SEC. 113. Notwithstanding any other provision of law, the Secretary of the Interior may transfer excess wild horses or burros that have been removed from the public lands to other Federal, State, and local government agencies for use as work animals:

Provided, That the Secretary may make any such transfer immediately upon request of such Federal, State, or local government agency: *Provided further*, That any excess animal transferred under this provision shall lose its status as a wild free-roaming horse or burro as defined in the Wild Free-Roaming Horses and Burros Act: *Provided further*, That any Federal, State, or local government agency receiving excess wild horses or burros as authorized in this section shall not: destroy the horses or burros in a way that results in their destruction into commercial products; sell or otherwise transfer the horses or burros in a way that results in their destruction for processing into commercial products; or euthanize the horses or burros except upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age.

REPUBLIC OF PALAU

SEC. 114. There is appropriated $123,824,000 for an additional amount for "Compact of Free Association", which shall remain available until expended for use in meeting the financial obligations of the Government of the United States under the Agreement between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, signed on September 3, 2010, with the funding schedule therein modified by the Parties as necessary and appropriate ("Compact Review Agreement"): *Provided*, That funds may not be made available under this section prior to the Compact Review Agreement and its appendices entering into force.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

SEC. 115. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

JAY S. HAMMOND WILDERNESS

16 USC 1132 note.

SEC. 116. (a) DESIGNATION.—The approximately 2,600,000 acres of National Wilderness Preservation System land located within the Lake Clark National Park and Preserve designated by section 701(6) of the Alaska National Interest Lands Conservation Act

(16 U.S.C. 1132 note; Public Law 96–487) shall be known and designated as the "Jay S. Hammond Wilderness".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness area referred to in subsection (a) shall be deemed to be a reference to the "Jay S. Hammond Wilderness".

EXTENSION OF AUTHORITIES

SEC. 117. (a) Division II of Public Law 104–333 (54 U.S.C. 320101 note), as amended by section 116(b)(2) of Public Law 114–113, is amended in each of sections 203, 310, and 607, by striking "2017" and inserting "2019".

(b) Section 140(j) of the Department of the Interior and Related Agencies Appropriations Act, 2004 (54 U.S.C. 320101 note; Public Law 108–108; 117 Stat. 1280) is amended by striking "15 years" and inserting "17 years".

PAYMENTS IN LIEU OF TAXES (PILT)

SEC. 118. Section 6906 of title 31, United States Code, is amended by striking "each of fiscal years 2008 through 2014" and inserting "fiscal year 2018".

MORRISTOWN NATIONAL HISTORICAL PARK

SEC. 119. The first section of the Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended—

(1) by inserting ", from a willing owner only," after "the Secretary of the Interior is authorized to procure"; and

(2) by striking "615" each place it appears and inserting "715".

SAGE-GROUSE

SEC. 120. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (*Centrocercus urophasianus*);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

INCORPORATION BY REFERENCE

*SEC. 121. (a) The following provisions of S. 1460 (Energy and Natural Resources Act of 2017) of the 115th Congress, as placed on the calendar of the Senate on June 29, 2017, are hereby enacted into law:

(1) Section 7130 (Modification of the Second Division Memorial). 40 USC 8903 note.

(2) Section 7134 (Ste. Genevieve National Historical Park). 16 USC 460cccc.

(b) H.R. 1281 as introduced in the 115th Congress (A bill to extend the authorization of the Highlands Conservation Act) and H.R. 4134 as introduced in the 115th Congress (Cecil D. 16 USC 1132 note.

*See Endnote on 132 Stat. 1225.

Andrus-White Clouds Wilderness Redesignation Act) are hereby enacted into law.

1 USC 112 note.

(c) In publishing this Act in slip form and in the United States Statutes at large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the sections of the bill and the bills referred to in subsections (a) and (b), respectively.

MINERAL WITHDRAWAL SUBJECT TO VALID EXISTING RIGHTS

SEC. 122. (a) The mineral estate identified in Bureau of Land Management contracts number CA 20139 and CA 22901 is hereby withdrawn from all forms of mineral entry authority of the Secretary, subject to valid existing rights.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $713,823,000, to remain available until September 30, 2019: *Provided*, That of the funds included under this heading, $4,100,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of unobligated balances from appropriations made available under this heading, $7,350,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Research: National Priorities.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed $19,000 for official reception and representation expenses, $2,643,299,000, to remain available until September 30, 2019: *Provided*, That of the funds

included under this heading, $12,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds included under this heading, $447,857,000 shall be for Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the unobligated balances from appropriations made available under this heading, $45,300,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Environmental Protection: National Priorities, from amounts made available in the second proviso for Geographic Programs, or from the National Estuary Program (33 U.S.C. 1330).

In addition, $10,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to that section of that Act and deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2018 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2018 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2018, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent that amounts realized from such receipts exceed $10,000,000, those amount in excess of $10,000,000 shall be deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2018, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, $3,674,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections under such section 3024 are received during fiscal year 2018, which shall remain available until expended and be used for necessary expenses in this appropriation, so as to result in a final fiscal year 2018 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent such offsetting collections received in fiscal year 2018 exceed $3,674,000, those excess amounts shall remain available until expended and be used for necessary expenses in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $41,489,000, to remain available until September 30, 2019.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,467,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,091,947,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2017, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,091,947,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $8,778,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2019, and $15,496,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2019.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, $91,941,000, to remain available until expended, of which $66,572,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; $25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,562,161,000, to remain available until expended, of which—

(1) $1,393,887,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which $863,233,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That for fiscal year 2018, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2018, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2018 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2018, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2018, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial

establishments: *Provided further*, That for fiscal year 2018, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of $2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: *Provided further*, That for fiscal year 2018, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92–203: *Provided further*, That for fiscal year 2018, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or $30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or $20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2018, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2018, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal

drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

(2) $10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) $20,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) $80,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That not more than 25 percent of the amount appropriated to carry out section 104(k) of CERCLA shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II) of CERCLA: *Provided further*, That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates;

(5) $75,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) $40,000,000 shall be for targeted airshed grants in accordance with the terms and conditions in the explanatory

statement described in section 4 (in the matter preceding division A of this consolidated Act);

(7) $4,000,000 shall be to carry out the water quality program authorized in section 5004(d) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322); and

(8) $1,076,041,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: $47,745,000 shall be for carrying out section 128 of CERCLA; $9,646,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; $1,498,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; $17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs; $10,000,000 shall be for multipurpose grants, including interagency agreements: *Provided*, That hereafter, notwithstanding other applicable provisions of law, the funds appropriated for the Indian Environmental General Assistance Program shall be available to federally recognized tribes for solid waste and recovered materials collection, transportation, backhaul, and disposal services.

42 USC 4368b note.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, $5,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $610,000,000.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, $5,000,000, to remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For fiscal year 2018, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 112–177, the Pesticide Registration Improvement Extension Act of 2012.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2018.

The Administrator is authorized to transfer up to $300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed $150,000 per project.

For fiscal year 2018, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

The Administrator is authorized to use the amounts appropriated under the heading "Environmental Programs and Management" for fiscal year 2018 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Of the unobligated balances available for the "State and Tribal Assistance Grants" account, $96,198,000 are hereby permanently rescinded: *Provided*, That no amounts may be rescinded from

amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 or from amounts that were made available by subsection (a) of section 196 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254).

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than $1,000,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $875,000: *Provided*, That funds made available by this Act to any agency in the Natural Resources and Environment mission area for salaries and expenses are available to fund up to one administrative support staff for the office.

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $297,000,000, to remain available through September 30, 2021: *Provided*, That of the funds provided, $77,000,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, and conducting an international program as authorized, $335,525,000, to remain available through September 30, 2021, as authorized by law; of which $67,025,000 is to be derived from the Land and Water Conservation Fund to be used for the Forest Legacy Program, to remain available until expended.

Of the unobligated balances from amounts made available for the Forest Legacy Program and derived from the Land and Water Conservation Fund, $5,938,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects that had funds returned: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress

as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, $1,923,750,000, to remain available through September 30, 2021: *Provided*, That of the funds provided, $40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That of the funds provided, $366,000,000 shall be for forest products: *Provided further*, That of the funds provided, $430,000,000 shall be for hazardous fuels management activities, of which not to exceed $15,000,000 may be used to make grants, using any authorities available to the Forest Service under the "State and Private Forestry" appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That $15,000,000 may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forestry Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the "State and Private Forestry" appropriations: *Provided further*, That notwithstanding section 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred. And, that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary.

43 USC 1751 note.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $449,000,000, to remain available through September 30, 2021, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available

in fiscal year 2018 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $64,337,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St. Francis and Ouachita National Forests, Arkansas; as authorized by law, $850,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2021, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available through September 30, 2021, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $45,000, to remain available through September 30, 2021, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), $2,500,000, to remain available through September 30, 2021.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,880,338,000, to remain available through September 30, 2021: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the "National Forest System" account: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That funds provided shall be available for support to Federal emergency response: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That funds designated for wildfire suppression, shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: *Provided further*, That the $65,000,000 made available under this heading in the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) for the purpose of acquiring aircraft for the next-generation airtanker fleet shall instead be available until expended for the purpose of enhancing firefighting mobility, effectiveness, efficiency, and safety.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the heading "Wildland Fire Management" will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Not more than $50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the National Forest System Account, or reprogram funds to be used for the purposes of hazardous fuels management and urgent rehabilitation of burned-over National Forest System lands and water, such transferred funds shall remain available through September 30, 2021: *Provided*, That none of the funds transferred pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That this section does not apply to funds appropriated to the FLAME Wildfire Suppression Reserve Fund or funds derived from the Land and Water Conservation Fund.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

16 USC 556i.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257),

section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Not more than $82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center and the Department of Agriculture's International Technology Service.

Of the funds available to the Forest Service, up to $5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made available by the Forest Service on at least a one-for-one basis: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

The Forest Service shall not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar matters unrelated to civil litigation. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of this Act, through the Office of Budget and Program Analysis, the Forest Service shall report no later than 30 business days following the close of each fiscal quarter all current and prior year unobligated balances, by fiscal year, budget line item and account, to the House and Senate Committees on Appropriations.

The Forest Service shall submit, through the Office of Budget and Program Analysis, to the Office of Management and Budget a proposed system of administrative control of funds for its accounts, as described in 31 U.S.C. 1514, not later than June 21, 2018.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,952,290,000, together with payments received during the fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b), 238b), for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $2,000,000 shall be available

for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: *Provided further*, That $962,695,000 for Purchased/Referred Care, including $53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That of the funds provided, up to $36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That of the funds provided, $11,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service, and $58,000,000 shall be for costs related to or resulting from accreditation emergencies, of which up to $4,000,000 may be used to supplement amounts otherwise available for Purchased/Referred Care: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of that Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided further*, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for aftercare pilot programs at Youth Regional Treatment Centers, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants for which the performance period falls within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health

facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): *Provided further*, That of the funds provided, $72,280,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That the accreditation emergency funds may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2018, such sums as may be necessary: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $867,504,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed $500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $2,700,000 from this account and the "Indian Health Services" account may be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5321 et seq. (title I), 5381 et seq. (title V)), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That with respect to functions transferred by the Indian Health Service

to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods, services, or technical assistance: *Provided further*, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $77,349,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, $74,691,000: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2018, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,000,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

5 USC app. 8G note.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,431,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a

new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716).

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), $9,835,000, which shall become available on July 1, 2018, and shall remain available until September 30, 2019.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $731,444,000, to remain available until September 30, 2019, except as otherwise provided herein; of which not to exceed $6,908,000 for the instrumentation program, collections acquisition, exhibition reinstallation, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $311,903,000, to remain available until expended, of which not to exceed $10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $141,790,000, to remain available until September 30, 2019, of which not to exceed $3,620,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $24,203,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $23,740,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,775,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $12,000,000, to remain available until September 30, 2019.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $152,849,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $152,848,000 to remain available until expended, of which $141,548,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $11,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including $9,100,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small

grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, $2,762,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: *Provided further*, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), $2,750,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), $6,400,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,099,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $59,000,000, of which $1,715,000 shall remain available until September 30, 2020, for the Museum's equipment replacement program; and of which $4,000,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Dwight D. Eisenhower Memorial Commission, $1,800,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $45,000,000, to remain available until expended: *Provided*, That the contract with respect to the procurement shall contain the "availability of funds" clause described in section 52.232.18 of title 48, Code of Federal Regulations: *Provided further*, That the funds appropriated herein shall be deemed to satisfy the criteria for issuing a permit contained in 40 U.S.C. 8906(a)(4) and (b).

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Women's Suffrage Centennial Commission, as authorized by the Women's Suffrage Centennial Commission Act (section 431(a)(3) of division G of Public Law 115–31), $1,000,000, to remain available until expended.

WORLD WAR I CENTENNIAL COMMISSION

SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as authorized by the World War I Centennial Commission Act (Public Law 112–272) and the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), for necessary expenses of the World War I Centennial Commission, $7,000,000, to remain available until expended: *Provided*, That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2019, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2018.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2018 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2018 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2018 with the Bureau of Indian Affairs or the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

16 USC 1604 note.

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of section 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the

Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

SEC. 410. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

PROHIBITION ON NO-BID CONTRACTS

SEC. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 412. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 413. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 414. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 415. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

PROHIBITION ON USE OF FUNDS

SEC. 416. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 417. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 418. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

CONTRACTING AUTHORITIES

SEC. 419. Section 412 of Division E of Public Law 112–74 is amended by striking "fiscal year 2017" and inserting "fiscal year 2019".

CHESAPEAKE BAY INITIATIVE

SEC. 420. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312; 16 U.S.C. 461 note) is amended by striking "2017" and inserting "2019". 54 USC 320101 note.

EXTENSION OF GRAZING PERMITS

SEC. 421. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration

under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2018.

FUNDING PROHIBITION

SEC. 422. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT ACT

SEC. 423. Section 503(f) of the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109–54) is amended by striking "2016" and inserting "2018".

USE OF AMERICAN IRON AND STEEL

SEC. 424. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term "iron and steel" products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the "Administrator") finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

MIDWAY ISLAND

SEC. 425. None of the funds made available by this Act may be used to destroy any buildings or structures on Midway Island that have been recommended by the United States Navy for inclusion in the National Register of Historic Places (54 U.S.C. 302101).

JOHN F. KENNEDY CENTER REAUTHORIZATION

SEC. 426. Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H), $23,740,000 for fiscal year 2018.

"(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1), $16,775,000 for fiscal year 2018.".

LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

SEC. 427. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department's wildland fire management program to such organizations.

ALASKA NATIVE REGIONAL HEALTH ENTITIES

SEC. 428. Section 424 of the Consolidated Appropriations Act, 2014 (Public Law 113–76) is amended by striking "2018" and inserting "2019".

TREATMENT OF CERTAIN HOSPITALS

SEC. 429. Section 1886(d)(12)(C) of the Social Security Act (42 U.S.C. 1395ww(d)(12)(C)) is amended by adding at the end the following new clause:

"(iii) TREATMENT OF INDIAN HEALTH SERVICE AND NON-INDIAN HEALTH SERVICE FACILITIES.—For purposes of determining whether—

"(I) a subsection (d) hospital of the Indian Health Service (whether operated by such Service or by an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act)), or

"(II) a subsection (d) hospital other than a hospital of the Indian Health Service meets the mileage criterion under clause (i) with respect to fiscal year 2011 or a succeeding fiscal year, the Secretary shall apply the policy described in the regulation at part 412.101(e) of title 42, Code of Federal Regulations (as in effect on the date of enactment of this clause).".

INFRASTRUCTURE

SEC. 430. (a) For an additional amount for "Environmental Protection Agency—Hazardous Substance Superfund", $63,000,000, of which $54,389,000 shall be for the Superfund Remedial program and $8,611,000 shall be for the Superfund Emergency Response and Removal program, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2017, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $63,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA.

(b) For an additional amount for "Environmental Protection Agency—State and Tribal Assistance Grants," for environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $650,000,000 to remain available until expended, of which—

(1) $300,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which $300,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act;

(2) $20,000,000 shall be for grants for small and disadvantaged communities authorized in section 2104 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322);

(3) $20,000,000 shall be for grants for lead testing in school and child care program drinking water authorized in section 2107 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322);

(4) $10,000,000 shall be for grants for reducing lead in drinking water authorized in section 2105 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322).

(c) For an additional amount for "Environmental Protection Agency—Water Infrastructure Finance and Innovation Program Account", $53,000,000, to remain available until expended, for the cost of direct loans, for the cost of guaranteed loans, and for administrative expenses to carry out the direct and guaranteed loan programs, of which $3,000,000, to remain available until September 30, 2019, may be used for such administrative expenses: *Provided*, That these additional funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $6,100,000,000.

POLICIES RELATING TO BIOMASS ENERGY

SEC. 431. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use.

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

CLARIFICATION OF EXEMPTIONS

SEC. 432. None of the funds made available in this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SMALL REMOTE INCINERATORS

SEC. 433. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as "small, remote incinerator" units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulations in effect prior to such date.

This division may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018".

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2018.
Department of Labor Appropriations Act, 2018.

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as "WIOA"), the Second Chance Act of 2007, and the National Apprenticeship Act, $3,486,200,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,789,832,000 as follows:

(A) $845,556,000 for adult employment and training activities, of which $133,556,000 shall be available for the period July 1, 2018 through June 30, 2019, and of which $712,000,000 shall be available for the period October 1, 2018 through June 30, 2019;

(B) $903,416,000 for youth activities, which shall be available for the period April 1, 2018 through June 30, 2019; and

(C) $1,040,860,000 for dislocated worker employment and training activities, of which $180,860,000 shall be available for the period July 1, 2018 through June 30, 2019, and of which $860,000,000 shall be available for the period October 1, 2018 through June 30, 2019:

Provided, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, $696,368,000 as follows:

(A) $220,859,000 for the dislocated workers assistance national reserve, of which $20,859,000 shall be available for the period July 1, 2018 through September 30, 2019, and of which $200,000,000 shall be available for the period October 1, 2018 through September 30, 2019: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as "Secretary") may reserve not more than 10 percent of such

funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, $30,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA for workers in the Appalachian region, as defined by 40 U.S.C. 14102(a)(1) and workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100–460, 102 Stat. 2246; 7 U.S.C. 2009aa(2));

(B) $54,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2018 through June 30, 2019;

(C) $87,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including $81,447,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,922,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $527,000 for other discretionary purposes, which shall be available for the period July 1, 2018 through June 30, 2019: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $89,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2018 through June 30, 2019;

(E) $93,079,000 for ex-offender activities, under the authority of section 169 of the WIOA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2018 through June 30, 2019: *Provided*, That of this amount, $25,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(F) $6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2018 through June 30, 2019; and

(G) $145,000,000 to expand opportunities relating to apprenticeship programs registered under the National Apprenticeship Act, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, which shall be available for the period April 1, 2018 through June 30, 2019.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor

vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, $1,718,655,000, plus reimbursements, as follows:

(1) $1,603,325,000 for Job Corps Operations, which shall be available for the period July 1, 2018 through June 30, 2019;

(2) $83,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2018 through June 30, 2021, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2019: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

(3) $32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2017 through September 30, 2018:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as "OAA"), $400,000,000, which shall be available for the period April 1, 2018 through June 30, 2019, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2018 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, $790,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2018: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $84,066,000, together with not to exceed $3,380,625,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,639,600,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $120,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and to provide reemployment services and referrals to training as appropriate, for claimants of unemployment insurance for ex-service members under 5 U.S.C. 8521 et. seq. and for claimants of regular unemployment compensation, including those who are profiled as most likely to exhaust their benefits in each State: *Provided*, That such activities shall not be subject to section 306 of the Social Security Act; and $9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2018, except that funds used for automation shall be available for Federal obligation through December 31, 2018, and for State obligation through September 30, 2020, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2023, and for expenditure through September 30, 2024, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2018, and for obligation by the States through September 30, 2020, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2019, and funds used for unemployment insurance workloads experienced through September 30, 2018 shall be available for Federal obligation through December 31, 2018;

(2) $13,897,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $645,000,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2018 through June 30, 2019;

(4) $19,818,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) $62,310,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $48,028,000 shall be available for the Federal administration of such activities, and $14,282,000 shall be available for grants to States for the administration of such activities; and

(6) $62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2018 through June 30, 2019:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2018 is projected by the Department of Labor to exceed 2,246,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to

such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2019, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2019.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $108,674,000, together with not to exceed $49,982,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $181,000,000, of which up to $3,000,000 shall be made available through September 30, 2019, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2018, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2018 shall be available for obligations for

administrative expenses in excess of $424,417,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2018, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2019, for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further,* That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $227,500,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $40,187,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $103,476,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $115,424,000, together with $2,177,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and

benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $220,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2017, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2018: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $71,188,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $24,540,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $22,968,000;

(3) For periodic roll disability management and medical review, $21,946,000;

(4) For program integrity, $1,734,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $54,319,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2019, $15,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $59,846,000, to remain available until expended: *Provided*, That the Secretary may

require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

26 USC 9501 note.

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2018 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $38,246,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed $31,994,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $330,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $552,787,000, including not to exceed $100,850,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2018, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within

a category having a Days Away, Restricted, or Transferred ("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,537,000 shall be available for Susan Harwood training grants, of which the Secretary shall reserve not less than $4,500,000 for Susan Harwood Training Capacity Building Developmental grants, as described in Funding Opportunity Number SHTG–GY–16–02 (referenced in the notice of availability of funds published in the Federal Register on May 3, 2016 (81 Fed. Reg. 30568)) for program activities starting not later than September 30, 2018 and lasting for a period of 12 months: *Provided further*, That not less than $3,500,000 shall be for Voluntary Protection Programs.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $373,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: *Provided*, That amounts available for State assistance grants may be used for the purchase and maintenance of new equipment required by the final rule entitled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors" published by the Department of Labor in the Federal Register on May 1, 2014 (79 Fed. Reg. 24813 et seq.), for operators that demonstrate financial need as determined by the Secretary: *Provided*

further, That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to $2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

30 USC 966 note.

30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $547,000,000, together with not to exceed $65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $38,203,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $337,536,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the

Unemployment Trust Fund: *Provided*, That $59,825,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2018: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than $53,825,000 shall be for programs to combat exploitative child labor internationally and not less than $6,000,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That $8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2019: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women's Bureau, $994,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $245,041,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

(1) $180,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the States through December 31, 2018, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $19,500,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) $42,127,000 is for Federal administration of chapters 41, 42, and 43 of title 38, United States Code; and

(4) $3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, $50,000,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2018, to provide services under such section: *Provided further*, That services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, as amended herein, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: *Provided*, That such sums shall be in addition to any other funds available for such purposes, including funds available under paragraph (3) of this heading: *Provided further*, That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 38 U.S.C. 4100 note) shall not apply.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $20,769,000, which shall be available through September 30, 2019.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $83,487,000, together with not to exceed $5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year

for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to "Program Administration" when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to "Program Administration" in order to carry out program integrity activities relating to any of the programs or activities

that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the "Office of Job Corps" account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2019.

(TRANSFER OF FUNDS)

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2019: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: "Training and Employment Services", "Job Corps", "Community Service Employment for Older Americans", "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", "Office of Disability Employment Policy", funding made available to the "Bureau of International Labor Affairs" and "Women's Bureau" within the "Departmental Management, Salaries and Expenses" account, and "Veterans Employment and Training".

SEC. 108. Notwithstanding any other provision of law, beginning October 1, 2017, the Secretary of Labor, in consultation with the Secretary of Agriculture may select an entity to operate a Civilian Conservation Center on a competitive basis in accordance with section 147 of the WIOA, if the Secretary of Labor determines such Center has had consistently low performance under the performance accountability system in effect for the Job Corps program prior to July 1, 2016, or with respect to expected levels of performance established under section 159(c) of such Act beginning July 1, 2016.

SEC. 109. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

"(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

"(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or

marketing property, casualty, or liability insurance policies or contracts;

"(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

"(C) whose duties include any of the following:

"(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

"(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

"(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

"(iv) negotiating settlements; or

"(v) making recommendations regarding litigation.

"(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

"(3) For purposes of this subsection—

"(A) the term 'major disaster' means any disaster or catastrophe declared or designated by any State or Federal agency or department;

"(B) the term 'employee employed to adjust or evaluate claims resulting from or relating to such major disaster' means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

"(C) the term 'affiliate' means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.".

(b) This section shall be effective on the date of enactment of this Act.

(RESCISSION)

SEC. 110. Of the funds made available under the heading "Employment and Training Administration–Training and Employment Services" in division H of Public Law 115–31, $12,500,000 is rescinded, to be derived from the amount made available in paragraph (2)(A) under such heading for the period October 1, 2017, through September 30, 2018.

SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time

during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term "H–2B nonimmigrants" means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

SEC. 112. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

SEC. 113. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H–2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

SEC. 114. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to $2,000,000 of excess personal property to apprenticeship programs for the purpose of training apprentices in those programs.

SEC. 115. The proviso at the end of paragraph (1) under the heading "Department of Labor—Employment and Training

Administration—State Unemployment Insurance and Employment Service Operations" in title I of division G of Public Law 113–235 shall be applied in fiscal year 2018 by substituting "seven" for "six".

SEC. 116. Section 5(b) of the HIRE Vets Act (division O of Public Law 115–31) is amended to read as follows:

38 USC 4100 note.

"(b) To the extent provided in advance in appropriations Acts, the Secretary may assess a reasonable fee on employers that apply for receipt of a HIRE Vets Medallion Award and the Secretary shall deposit such fees into the HIRE Vets Medallion Award Fund. The Secretary shall establish the amount of the fee such that the amounts collected as fees and deposited into the Fund are sufficient to cover the costs associated with carrying out this division.".

SEC. 117. (a) The Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

"SEC. 12. SECURITY DETAIL.

"(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

"(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

"(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

"(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

"(4) provide protection to the Deputy Secretary of Labor or another senior officer representing the Secretary of Labor at a public event if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary.

"(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection (a), for the purpose of performing the duties authorized under subsection (a), to—

"(1) carry firearms;

"(2) make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

"(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

"(4) coordinate with local law enforcement agencies; and

"(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

"(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

"(1) guidelines issued by the Attorney General; and

"(2) guidelines prescribed by the Secretary of Labor.".

(b) This section shall be effective on the date of enactment of this Act.

SEC. 118. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property, including but not limited to Subchapter III of Chapter 5 of Title 40 of the United States Code and Subchapter V of Chapter 119 of Title 42 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program.

This title may be cited as the "Department of Labor Appropriations Act, 2018".

Department of Health and Human Services Appropriations Act, 2018.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the "PHS Act") with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,626,522,000: *Provided*, That no more than $1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than $114,893,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as "HHS") pertaining to administrative claims made under such law: *Provided further*, That the ninth provisos under the heading "Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services" in Public Laws 104–208 and 105–78 are amended by striking "$80,000,000" and inserting "$152,700,000" in each such ninth proviso and by adding at the end of each such ninth proviso the following new proviso: "*Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974:": *Provided further*, That of funds provided for the Health Centers program, as defined by section 330 of the PHS Act, by this Act or any other Act for fiscal year 2018, not less than $200,000,000 shall be obligated in fiscal year 2018 for improving quality of care or expanded service grants under section 330 of the PHS Act to support and enhance behavioral health, mental health, or substance use disorder services.

Of the funds made available under this heading, $20,000,000 shall remain available until expended for the cost of guaranteed

loans, as authorized under part A of title XVI of the PHS Act, for non-Federal lenders for the construction, renovation, and modernization of medical facilities that are operated by health centers: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $743,494,000.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $1,060,695,000, of which $111,916,000 shall remain available through September 30, 2019 to carry out sections 755 and 756 of the PHS Act: *Provided*, That sections 747(c)(2), 751(j)(2), 762(k), and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the "Secretary") may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections: *Provided further*, That $105,000,000 shall remain available until expended, for the purposes of providing primary health services, be used to assign National Health Service Corps ("NHSC") members to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: *Provided further*, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term "primary health services" includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors.

42 USC 294a note.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, $886,789,000, of which $10,000,000 shall remain available through September 30, 2022 to carry out section 330M of the PHS Act: *Provided*, That notwithstanding sections 502(a)(1) and

502(b)(1) of the Social Security Act, not more than $83,593,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,318,781,000, of which $1,970,881,000 shall remain available to the Secretary through September 30, 2020, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $111,693,000, of which $122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, $290,794,000, of which $49,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $15,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $10,000,000 shall be available for State Offices of Rural Health: *Provided further*, That $15,000,000 shall remain available through September 30, 2020 to support the Rural Residency Development Program: *Provided further*, That $100,000,000 shall remain available through September 30, 2022, for the Rural Communities Opioids Response Program.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: *Provided,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended

for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $155,000,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Care Systems", and "Rural Health".

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the "Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $9,200,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $474,055,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,127,278,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $562,572,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $915,346,000: *Provided*, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be available to continue and expand community specific extension and outreach programs to

combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $140,560,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $490,397,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $188,750,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $648,559,000, of which $475,579,000 shall remain available until September 30, 2019 for an evidence-based opioid drug overdose prevention program.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $335,200,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $488,621,000, of which (1) $128,421,000 shall remain available through September 30, 2019 for international HIV/AIDS and (2) $50,000,000 shall remain available through September 30, 2020 for Global Disease Detection and Emergency Response: *Provided,* That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $1,450,000,000, of which $610,000,000 shall remain available until expended for the Strategic National Stockpile: *Provided*, That in the event the Director of the Centers for Disease Control and Prevention (referred to in this title as "CDC") activates the Emergency Operations Center, the Director of the CDC may detail CDC staff without reimbursement for up to 90 days to support the work of the CDC Emergency Operations Center, so long as the Director provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, demolition, and renovation of facilities, $270,000,000, which shall remain available until September 30, 2022, of which $240,000,000 shall be for a CDC biosafety level 4 laboratory: *Provided*, That in addition to the amount provided, $240,000,000 shall be for a CDC biosafety level 4 laboratory for the purposes described in the previous proviso and shall be derived by transfer from the Fund established by Public Law 110–161, division G, title II, section 223 and shall remain available until September 30, 2022: *Provided further*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, $113,570,000: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS

Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2019.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $5,664,800,000, of which up to $30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,383,201,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $447,735,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,970,797,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $2,145,149,000: *Provided*, That $250,000,000 shall be available until September 30, 2019 for research related to opioid addiction, development of opioid alternatives, pain management, and addiction treatment: *Provided further*, That each for-profit recipient of funds provided in the previous proviso shall be subject to a matching requirement of funds or documented in-kind contributions of not less than 50 percent of the total funds awarded to such entity.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $5,260,210,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,785,400,000, of which $922,871,000 shall be from funds available under section 241 of the PHS Act: *Provided*, That not less than $350,575,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,452,006,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $772,317,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $751,143,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $2,574,091,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $586,661,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $459,974,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $158,033,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $509,573,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,383,603,000: *Provided*, That $250,000,000 shall be available until September 30, 2019 for

research related to opioid addiction, development of opioid alternatives, pain management, and addiction treatment: *Provided further*, That each for-profit recipient of funds provided in the previous proviso shall be subject to a matching requirement of funds or documented in-kind contributions of not less than 50 percent of the total funds awarded to such entity.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,711,775,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $556,881,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $377,871,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, $142,184,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $303,200,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $75,733,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $428,553,000: *Provided*, That of the amounts available for improvement of information systems, $4,000,000 shall be available until September 30, 2019: *Provided further*, That in fiscal year 2018, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as "NIH").

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $742,354,000: *Provided*, That up to $25,835,000 shall be available to implement section 480

of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least $542,771,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,803,293,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That $165,000,000 shall be for the National Children's Study Follow-on: *Provided further*, That $588,116,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $128,863,000, to remain available through September 30, 2022.

NIH INNOVATION ACCOUNT, CURES ACT

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, $496,000,000, to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $1,453,972,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further,* That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That up to 10 percent of the amounts made available to carry out the Children's Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2018: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That $100,000,000 shall be available until September 30, 2020 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of Public Law 113-93: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, $3,182,306,000: *Provided*, That $1,000,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided further*, That of such amount $50,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further*, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: *Provided further*, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further*, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations

to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: *Provided further*, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 30 days prior to publishing a Funding Opportunity Announcement: *Provided further*, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: *Provided further*, That each State, as well as the District of Columbia, shall receive not less than $4,000,000: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: *Provided further,* That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $248,219,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $128,830,000: *Provided*, That in addition to amounts provided herein, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(m) of the PHS Act shall remain available through September 30, 2019: *Provided further,* That funds made available under this heading may be used to supplement program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention".

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $334,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2018: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2019.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $284,798,384,000, to remain available until expended.

For making, after May 31, 2018, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2018 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2019, $134,847,759,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $323,497,300,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed $3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the

Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2018 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $745,000,000, to remain available through September 30, 2019, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $500,368,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which $84,398,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which $84,398,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities, and of which $75,836,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2018 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, $311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $434,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: *Provided further*, That the Secretary shall provide not less than $17,621,000 for the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act

of July 5, 1960, $2,995,400,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2019, $1,400,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,640,304,000: *Provided*, That all but $678,500,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2018 was less than $1,975,000,000: *Provided further*, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $2,988,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as non-profit organizations.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 ("TVPA"), and the Torture Victims Relief Act of 1998, $1,864,936,000, of which $1,830,446,000 shall remain available through September 30, 2020 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting "10 percent" for "3 percent".

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), $5,226,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such

section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: *Provided further*, That in addition to the amounts required to be reserved by the Secretary under section 658O(a)(2)(A) of such Act, $156,780,000 shall be for Indian tribes and tribal organizations.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act ("CSBG Act"); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, the Child Care and Development Block Grant Act of 1990, the Assets for Independence Act, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $12,022,225,000, of which $75,000,000, to remain available through September 30, 2019, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2018: *Provided*, That $9,863,095,000 shall be for making payments under the Head Start Act: *Provided further*, That of the amount in the previous proviso, $8,823,095,000 shall be available for payments under section 640 of the Head Start Act, of which $216,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act: *Provided further*, That notwithstanding such section 640, of the amount in the second preceding proviso, $260,000,000 (of which up to one percent may be reserved for research and evaluation) shall be available through March 31, 2019 for award by the Secretary to grantees that apply for supplemental funding to increase their hours of program operations and for training and technical assistance for such activities: *Provided further*, That of the amount provided for making payments under the Head Start Act, $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Provided further*, That notwithstanding such section 640, of the amount provided for making payments under the Head

Start Act, and in addition to funds otherwise available under such section 640 for such purposes, $755,000,000 shall be available through March 31, 2019 for Early Head Start programs as described in section 645A of such Act, for conversion of Head Start services to Early Head Start services as described in section 645(a)(5)(A) of such Act, for discretionary grants for high quality infant and toddler care through Early Head Start-Child Care Partnerships, to entities defined as eligible under section 645A(d) of such Act, for training and technical assistance for such activities, and for up to $16,000,000 in Federal costs of administration and evaluation, and, notwithstanding section 645A(c)(2) of such Act, these funds are available to serve children under age 4: *Provided further*, That funds described in the preceding two provisos shall not be included in the calculation of "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act: *Provided further*, That $250,000,000 shall be available until December 31, 2018 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That up to 3 percent of the funds in the preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further,* That $742,883,000 shall be for making payments under the CSBG Act: *Provided further,* That $28,233,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $19,883,000 shall be for section 680(a)(2) and not less than $8,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further,* That, notwithstanding section 675C(a)(3) of such Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further,* That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further,* That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further,* That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $160,000,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which $5,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further*, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further* That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal

42 USC 9921 note.

costs of administering the system: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, $99,765,000: *Provided*, That of the funds available to carry out section 437, $59,765,000 shall be allocated consistent with subsections (b) through (d) of such section (as such section shall be so in effect on October 1, 2018): *Provided further*, That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4)(C) (as such section shall be so in effect on October 1, 2018), $20,000,000 shall be for grants to each State, territory, and Indian tribe operating title IV–E plans for developing, enhancing, or evaluating kinship navigator programs, as described in section 427(a)(1) of such Act, and $20,000,000, in addition to funds otherwise appropriated in section 436 for such purposes, shall be for competitive grants to regional partnerships as described in section 437(f): *Provided further*, That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting "5 percent" for "3.3 percent", and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating practices to meet the criteria specified in section 471(e)(4)(C) (as such section shall be so in effect on October 1, 2018): *Provided further*, That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further*, That the minimum grant award for kinship navigator programs in the case of States and territories shall be $200,000, and, in the case of tribes, shall be $25,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $6,225,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2019, $2,700,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of

2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $2,095,100,000, together with $49,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further,* That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso

apply in the case of individuals who are a ward of the State or subject to public guardianship.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $470,629,000, together with $64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, $53,900,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, $101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, $25,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this

Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

ACCOUNT FOR THE STATE RESPONSE TO THE OPIOID ABUSE CRISIS, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1003(c) of the 21st Century Cures Act, $500,000,000 to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1003(b)(3) of such Act, are to be derived from amounts transferred under section 1003(b)(2)(A) of such Act, and may be transferred by the Secretary of Health and Human Services to other accounts of the Department solely for the purposes provided in such Act: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, $182,381,000 shall remain available until September 30, 2019, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $60,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $80,000,000: *Provided,* That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments

under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $993,458,000, of which $536,700,000 shall remain available through September 30, 2019, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further*, That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2020.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $710,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $250,000,000; of which $215,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized

under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year 2018 under section 338B of such Act.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic

and environmental disease, and other health activities abroad during fiscal year 2018:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 216. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority ("BARDA") may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

SEC. 219. (a) The Secretary shall publish in the fiscal year 2020 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

SEC. 220. The Secretary shall publish, as part of the fiscal year 2020 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2020. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading "Health Insurance Exchange Transparency" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 221. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 222. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the "Centers for Medicare and Medicaid Services—Program Management" account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

SEC. 223. The Secretary shall include in the fiscal year 2020 budget justification an analysis of how section 2713 of the PHS Act will impact eligibility for discretionary HHS programs.

(TRANSFER OF FUNDS)

SEC. 224. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading "Prevention and Public Health Fund" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

SEC. 225. Effective during the period beginning on November 1, 2015 and ending January 1, 2020, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

SEC. 226. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

SEC. 227. In addition to the amounts otherwise available for "Centers for Medicare and Medicaid Services, Program Management", the Secretary of Health and Human Services may transfer up to $305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

(TRANSFER OF FUNDS)

SEC. 228. The NIH Director may transfer funds specifically appropriated for opioid addiction, opioid alternatives, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations: *Provided*, That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

SEC. 229. None of the funds made available by this Act to carry out the Child Care and Development Block Grant Act of 1990 may be provided to any child care provider if a list of providers (as mentioned in part 98 of title 45 of the Code of Federal Regulations, applicable to the Department of Health and Human Services, Administration of Children and Families, and in the final rule published in the Federal Register, Vol. 81, No. 190, on Sept. 30, 2016) indicates that a serious injury or death occurred at the provider due to a substantiated health or safety violation.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2018".

TITLE III

Department of Education Appropriations Act, 2018.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as "ESEA") and section 418A of the Higher Education Act of 1965 (referred to in this Act as "HEA"), $16,443,790,000, of which $5,525,990,000 shall become available on July 1, 2018, and shall remain available through September 30, 2019, and of which $10,841,177,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019, for academic year 2018–2019: *Provided*, That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as "Secretary") on October 1, 2017, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $3,969,050,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $3,969,050,000 shall be for education finance incentive grants under section 1125A of the

ESEA: *Provided further*, That $217,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That $44,623,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,414,112,000, of which $1,270,242,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $17,406,000 shall be for construction under section 7007(a), $73,313,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2017–2018, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,158,467,000, of which $3,329,902,000 shall become available on July 1, 2018, and remain available through September 30, 2019, and of which $1,681,441,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019, for academic year 2018–2019: *Provided*, That $378,000,000 shall be for part B of title I: *Provided further*, That $1,211,673,000 shall be for part B of title IV: *Provided further*, That $36,397,000 shall be for part B of title VI and may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That $35,453,000 shall be for part C of title VI and shall be awarded on a competitive basis, and also may be used for construction: *Provided further*, That $52,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That $16,699,000 shall be available to carry out the Supplemental Education Grants

program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That $180,840,000 shall be for part B of title V: *Provided further*, That $1,100,000,000 shall be available for grants under subpart 1 of part A of title IV.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, $180,239,000, of which $67,993,000 shall be for subpart 2 of part A of title VI and $6,865,000 shall be for subpart 3 of part A of title VI.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, $982,256,000: *Provided*, That $278,515,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That $583,741,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*, That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further*, That of the funds available for part C of title IV, the Secretary shall use $50,000,000 to carry out section 4304, of which not more than $10,000,000 shall be available to carry out section 4304(k), $120,000,000, to remain available through March 31, 2019, to carry out section 4305(b), and not more than $14,000,000 to carry out the activities in section 4305(a)(3): *Provided further*, That notwithstanding section 4601(b), $120,000,000 shall be available through December 31, 2018 for subpart 1 of part F of title IV.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, $185,754,000: *Provided*, That $90,000,000 shall be available for section 4631, of which up to $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program: *Provided further*, That $17,500,000 shall be available for section 4625: *Provided further*, That $78,254,000 shall be available through December 31, 2018, for section 4624: *Provided further*, That section 4623(b) of the ESEA shall apply to funds appropriated for Promise Neighborhoods under this heading in prior appropriations acts: *Provided further*, That, no later than June 1, 2018, the Secretary shall award extension grants under such section on a competitive basis to implementation grantees that have demonstrated the ability to collect, track, and report longitudinal data on performance indicators established by the Department and required to be reported on annually as part of the initial implementation grant; demonstrated the most positive and promising results during their initial implementation grant based on

such indicators, emphasizing getting children ready to learn; demonstrated a commitment to operating in the most underserved and under-resourced, including rural, areas; and propose continuing to pursue ambitious goals during an extension of that grant.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $737,400,000, which shall become available on July 1, 2018, and shall remain available through September 30, 2019, except that 6.5 percent of such amount shall be available on October 1, 2017, and shall remain available through September 30, 2019, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $13,366,184,000, of which $3,845,585,000 shall become available on July 1, 2018, and shall remain available through September 30, 2019, and of which $9,283,383,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019, for academic year 2018–2019: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2017, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2017: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed five, until the entire reduction is applied: *Provided further*, That

20 USC 1411 note.

20 USC 1411 note.

the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart.

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $3,587,130,000, of which $3,452,931,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income ("SSI") and their families that may result in long-term improvement in the SSI child recipient's economic status and self-sufficiency: *Provided further,* That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further,* That any funds made available subsequent to reallotment for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2019.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to promote the Education of the Blind of March 3, 1879, $27,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $73,000,000: *Provided,* That from the total amount available, the Institute may

at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $128,000,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act ("AEFLA"), $1,830,686,000, of which $1,039,686,000 shall become available on July 1, 2018, and shall remain available through September 30, 2019, and of which $791,000,000 shall become available on October 1, 2018, and shall remain available through September 30, 2019: *Provided*, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,445,352,000, which shall remain available through September 30, 2019.

20 USC 1070a note.

The maximum Pell Grant for which a student shall be eligible during award year 2018–2019 shall be $5,035.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, $1,678,943,000, to remain available through September 30, 2019: *Provided*, That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further*, That the Secretary shall, no later than September 30, 2017, allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan under the current student loan servicing contracts: *Provided further*, That in order to promote accountability and high-quality service to borrowers, the Secretary shall not award funding for any contract solicitation for a new Federal student loan servicing environment, including the solicitation for the FSA Next Generation Processing and Servicing Environment as amended by the Department of Education on February 20, 2018, unless such an environment provides for the participation of multiple student loan servicers that contract directly with the Department of Education to manage a unique portfolio of borrower accounts and the full

20 USC 1087f note.

life-cycle of loans from disbursement to pay-off with certain limited exceptions, and allocates student loan borrower accounts to eligible student loan servicers based on performance: *Provided further*, That such servicers described in the previous proviso shall be evaluated based on their ability to meet contract requirements, future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further*, That to the extent Federal Student Aid (FSA) permits student loan servicing subcontracting, FSA shall hold such subcontractors accountable for meeting the requirements of the contract: *Provided further*, That FSA shall create a fee structure with contractors that provides more support to borrowers at risk of being distressed.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,246,551,000: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation.

HOWARD UNIVERSITY

For partial support of Howard University, $232,518,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2019: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed

$313,863,000: *Provided further,* That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, $10,000,000 shall be made available to provide for the deferment of loans made under part D of title III of the HEA to eligible institutions that are private Historically Black Colleges and Universities, which apply for the deferment of such a loan and demonstrate financial need for such deferment by having a score of 2.6 or less on the Department of Education's financial responsibility test: *Provided*, That during the period of deferment of such a loan, interest on the loan will not accrue or be capitalized, and the period of deferment shall be for at least a period of 3-fiscal years and not more than 6-fiscal years: *Provided further*, That when determining priority for such institutions to receive such a deferment, the Secretary shall give priority to institutions that operated in a financial deficit for at least one of the previous 5 years according to audits provided to the Department, or were sanctioned for financial related reasons by the agency or association that accredited such institutions: *Provided further*, That the Secretary shall create and execute an outreach plan to work with States and the Capital Financing Advisory Board to improve outreach to States and help additional public Historically Black Colleges and Universities participate in the program.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $613,462,000, which shall remain available through September 30, 2019: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $430,000,000: *Provided*, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating

to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $117,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $61,143,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

48 USC 1921d note.

SEC. 305. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2018" for "2017".

SEC. 306. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2018, through September 30, 2019.

SEC. 307. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2018 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 308. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking "2017" and inserting "2018".

SEC. 309. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking "2017" and inserting "2018".

(RESCISSION)

SEC. 310. Section 401(b)(7)(A)(iv)(VIII) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(VIII)) is amended by striking "$1,382,000,000" and inserting "$1,334,000,000".

20 USC 7703 note.

SEC. 311. (a) Notwithstanding any other provision of law except as provided under subsection (c), with respect to a local educational agency that was notified by the Secretary in fiscal year 2017 of the agency's eligibility to receive a basic support payment pursuant to section 7003(b)(2)(B)(i)(III) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(III)) for fiscal year 2017 but did not receive a payment under section 7003(b)(2) of such Act for fiscal year 2017, in addition to payments received by the local educational agency under section 7003(b)(1) of such Act, the Secretary shall reserve from funds appropriated to carry out section 7003(b) of such Act and make payments from such funds to such local educational agency for fiscal years 2017, 2018, 2019, and 2020 in the following amounts:

(1) $3,000,000 for fiscal year 2017.
(2) $5,000,000 for fiscal year 2018.
(3) $4,000,000 for fiscal year 2019.
(4) $4,000,000 for fiscal year 2020.

(b) For fiscal year 2017, a local educational agency described in subsection (a) shall not be eligible for a basic support payment pursuant to section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

(c) For fiscal year 2018 and succeeding fiscal years, if a local educational agency described in subsection (a) is eligible to receive a basic support payment pursuant to section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), the payment received by the local educational agency shall be calculated under section 7003(b)(2) of such Act and not under subsection (a).

(d) Section 7003(b)(2)(B) of the Elementary and Secondary Education Act (20 U.S.C. 7703(b)(2)(B)) is amended—

(1) in clause (i)(III)—

(A) in item (aa), by striking "and" after the semicolon;
(B) in item (bb)(BB)—
(i) by inserting "and received assistance for fiscal year 2017 pursuant to subparagraph (G)" after "not less than 65 percent"; and
(ii) by inserting "and" after the semicolon; and
(C) by adding at the end the following:
"(cc) received assistance under subparagraph (A) of section 8003(b)(2), as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), for a fiscal year prior to fiscal year 2017;"; and

(2) by striking clause (iii) and inserting the following:
"(iii) ELIGIBILITY.—
"(I) FIRST TIME.—A local educational agency seeking a payment under this paragraph for the first time shall apply for and be determined eligible under clause (i) for 2 consecutive years before receiving such a payment, and shall not receive such a payment for the first year of eligibility.
"(II) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.".

(e) Section 579(c)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2145) is amended, in the matter preceding subparagraph (A), by striking "for fiscal year 2017, 2018, or 2019," and inserting "for fiscal year 2017 and any succeeding fiscal year,". 20 USC 7703 note.

SEC. 312. For the purpose of providing temporary emergency impact aid for displaced students under the Hurricane Education Recovery heading in title VIII of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123), paragraph (2)(E) under such heading is amended by inserting before the semicolon at the end the following: "and each reference to the end of the 2005–2006 school year in section 107(f) of title IV of division B of Public Law 109–148, shall be to December 31, 2018".

SEC. 313. (a) Notwithstanding the limitations on sharing data described in paragraph (3)(E) of section 483(a) of the HEA, an institution of higher education may, with explicit written consent of an applicant who has completed a FAFSA under such section 483(a), provide such information collected from the applicant's FAFSA as is necessary to a scholarship granting organization, including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), designated by the applicant to assist the applicant in applying for and receiving financial assistance for the applicant's cost of attendance (defined in section 472 of the HEA) at that institution.

(b) An organization that receives information pursuant to subsection (a) shall not sell or otherwise share such information.

(c) This section shall be in effect until title IV of the HEA is reauthorized.

20 USC 1085 note.

SEC. 314. (a) IN GENERAL.—For the purpose of carrying out section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)), the Secretary of Education may waive the requirements under sections 435(a)(5)(A)(i) and 435(a)(5)(A)(ii) of such Act (20 U.S.C. 1085(a)(5)(A)(i) and 20 U.S.C. 1085(a)(5)(A)(ii))—

(1) for an institution of higher education that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county that ranks in the lowest 5 percent of all counties in the United States based on a national index of county economic status; and

(2) for an institution—

(A) that is a public institution of higher education or a Tribal College or University (as defined in section 316(b) of such Act (20 U.S.C. 1059c)); and

(B) whose fall enrollment for the most recently completed academic year was comprised of a majority of students who are Indian (as defined in such section) or Alaska Natives (as defined in section 317(b) of such Act (20 U.S.C. 1059d(b)).

(b) APPLICABILITY.—Subsection (a) shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part A of title IV of the Higher Education Act of 1965 on or after the date of enactment of this Act due to the application of section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)).

(c) COVERAGE.—This section shall be in effect for the period covered by this Act and for the succeeding fiscal year.

SEC. 315. For an additional amount for "Department of Education—Federal Direct Student Loan Program Account", $350,000,000, to remain available until expended, shall be for the cost, as defined under section 502 of the Congressional Budget Act of 1974, of the Secretary of Education providing loan cancellation in the same manner as under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made under part D of title IV of such Act who would qualify for loan cancellation under section 455(m) except some, or all, of the 120 required payments under section 455(m)(1)(A) do not qualify for purposes of the program because they were monthly payments made in accordance with graduated or extended repayment plans as described under subparagraph (B) or (C) of section 455(d)(1) or the corresponding repayment plan for a consolidation loan made under section 455(g) and that were less than the amount calculated under section 455(d)(1)(A), based on a 10-year repayment period: *Provided*, That the monthly payment made 12 months before the borrower applied for loan cancellation as described in the matter preceding this proviso and the most recent monthly payment made by the borrower at the time of such application were each not less than the monthly amount that would be calculated under, and for which the borrower would otherwise qualify for, clause (i) or (iv) of section 455(m)(1)(A) regarding income-based or income-contingent repayment plans, with exception for a borrower who would have otherwise been eligible under this section but demonstrates an unusual fluctuation of income over the past 5 years:

Provided further, That the total loan volume, including outstanding principal, fees, capitalized interest, or accrued interest, at application that is eligible for such loan cancellation by such borrowers shall not exceed $500,000,000: *Provided further*, That the Secretary shall develop and make available a simple method for borrowers to apply for loan cancellation under this section within 60 days of enactment of this Act: *Provided further*, That the Secretary shall provide loan cancellation under this section to eligible borrowers on a first-come, first-serve basis, based on the date of application and subject to both the limitation on total loan volume at application for such loan cancellation specified in the second proviso and the availability of appropriations under this section: *Provided further*, That no borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428J, 428K, 428L, or 460 of such Act.

SEC. 316. Of the amounts made available under this title under the heading "Student Aid Administration", $2,300,000 shall be used by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided*, That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further*, That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic communications, ensuring prominent access to program requirements and benefits on each servicer's website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website.

CHILDREN OF FALLEN HEROES SCHOLARSHIP ACT

SEC. 317. Section 473(b) of the Higher Education Act of 1965 (20 U.S.C. 1087mm(b)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "(in the case of a student who meets the requirement of subparagraph (B)(i)), or academic year 2018–2019 (in the case of a student who meets the requirement of subparagraph (B)(ii))," after "academic year 2009–2010"; and

(B) by amending subparagraph (B) to read as follows: "(B) whose parent or guardian was—

"(i) a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; or

"(ii) actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and";

(2) in paragraph (3)—

(A) by striking "Notwithstanding" and inserting the following:

"(A) ARMED FORCES.—Notwithstanding";

(B) by striking "paragraph (2)" and inserting "subparagraphs (A), (B)(i), and (C) of paragraph (2)"; and

(C) by adding at the end the following:

"(B) PUBLIC SAFETY OFFICERS.—Notwithstanding any other provision of law, unless the Secretary establishes an alternate method to adjust the expected family contribution, for each student who meets the requirements of subparagraphs (A), (B)(ii), and (C) of paragraph (2), a financial aid administrator shall—

"(i) verify with the student that the student is eligible for the adjustment;

"(ii) adjust the expected family contribution in accordance with this subsection; and

"(iii) notify the Secretary of the adjustment and the student's eligibility for the adjustment."; and

(3) by adding at the end the following:

"(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d–1), in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officers' Benefits program under subpart 2 of part L of title I of such Act.

"(5) DEFINITION OF PUBLIC SAFETY OFFICER.—For purposes of this subsection, the term 'public safety officer' means—

"(A) a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b); or

"(B) a fire police officer, defined as an individual who—

"(i) is serving in accordance with State or local law as an officially recognized or designated member of a legally organized public safety agency;

"(ii) is not a law enforcement officer, a firefighter, a chaplain, or a member of a rescue squad or ambulance crew; and

"(iii) provides scene security or directs traffic—

"(I) in response to any fire drill, fire call, or other fire, rescue, or police emergency; or

"(II) at a planned special event.".

SEC. 318. Notwithstanding any other provision of law funds awarded under part D of title IV of the Elementary and Secondary Education Act of 1965 for fiscal years 2017 and 2018 may be used for the purposes in section 4407(a)(9) of such Act.

This title may be cited as the "Department of Education Appropriations Act, 2018".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code, $8,250,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform contract requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement entered into under the preceding proviso shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under this heading in the explanatory statement accompanying Public Law 114–113: *Provided further*, That a fee may not be charged under section 51–3.5 of title 41, Code of Federal Regulations, unless such fee is under the terms of the written agreement between the Committee and any such central nonprofit agency: *Provided further*, That no less than $1,250,000 shall be available for the Office of Inspector General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as "CNCS") to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as "1973 Act") and the National and Community Service Act of 1990 (referred to in this title as "1990 Act"), $767,629,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $17,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) $32,000,000 shall be available to carry out subtitle E of the 1990 Act; and (4) $5,400,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $206,842,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $83,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $5,750,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2018, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

42 USC 12571 note.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered "qualified entities" under section 3 of the National Child Protection Act of 1993 ("NCPA");

(2) individuals described in such section shall be considered "volunteers" under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2020, $445,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: *Provided further*, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system and other technologies and services that create infrastructure and efficiencies within the public media system, $20,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,650,000, including up to $900,000

to remain available through September 30, 2019, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,184,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $240,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $8,480,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $12,545,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 407. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,800,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $13,225,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $22,000,000, which shall include amounts becoming available in fiscal year 2018 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2019, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $123,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: *Provided further*, That $10,000,000, to remain available until expended, shall be used to supplement, not supplant, existing resources devoted to operations and improvements for the Board's Information Technology Investment Initiatives.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $11,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, $11,400,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $38,487,277,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further,* That not more than $101,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2020.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2019, $19,500,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $12,753,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than $2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That $280,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization: *Provided further*, That $100,000,000 shall remain available through September 30, 2019, for activities to address the disability hearings backlog within the Office of Hearings Operations: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2018 not needed for fiscal year 2018 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Of the total amount made available under this heading, not more than $1,735,000,000, to remain available through March 31, 2019, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency

Deficit Control Act of 1985, as amended, and $1,462,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $118,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2018 exceed $118,000,000, the amounts shall be available in fiscal year 2019 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $30,000,000, together with not to exceed $75,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for

the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules

of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such

reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2018 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) or the fiscal year 2018 budget request.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2018, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim

for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 520. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

SEC. 521. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 522. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 523. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 524. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 525. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to

10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting "FISCAL YEAR 2018" for "FISCAL YEAR 2014" in the title of subsection (b) and by substituting "September 30, 2022" for "September 30, 2018" each place it appears: *Provided*, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and section 525 of division H of Public Law 115–31.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

31 USC 1502 note.

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: *Provided,* That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

(RESCISSION)

SEC. 527. Of any available amounts appropriated under section 2104(a)(21) of the Social Security Act (42 U.S.C. 1397dd) that are unobligated as of September 25, 2018, $3,572,000,000 are hereby rescinded as of such date.

SEC. 528. Amounts deposited in the Child Enrollment Contingency Fund prior to the beginning of fiscal year 2018 under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

SEC. 529. Of the amounts deposited in the Child Enrollment Contingency Fund for fiscal year 2018 under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, $1,967,678,000 shall not be available for obligation in this fiscal year.

(RESCISSION)

SEC. 530. Of the funds made available for purposes of carrying out section 2105(a)(3) of the Social Security Act, $88,613,000 are hereby rescinded.

(RESCISSION)

SEC. 531. Any unobligated balances of available amounts appropriated under section 108 of Public Law 111–3, as amended, other than amounts subject to section 210(f) of the Social Security Act, are hereby rescinded.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2018".

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2018

Legislative Branch Appropriations Act, 2018.
2 USC 60a note.

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $18,760; the President Pro Tempore of the Senate, $37,520; Majority Leader of the Senate, $39,920; Minority Leader of the Senate, $39,920; Majority Whip of the Senate, $9,980; Minority Whip of the Senate, $9,980; President Pro Tempore Emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $4,690 for each Chairman; in all, $189,840.

For representation allowances of the Majority and Minority Leaders of the Senate, $14,070 for each such Leader; in all, $28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $194,867,812, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,417,248.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $723,466.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, $309,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,255,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,359,424.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,142,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,658,000 for each such committee; in all, $3,316,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $817,402.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,692,905 for each such committee; in all, $3,385,810.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $436,886.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,132,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $78,565,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,810,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $54,198,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,115,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,147,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,110; Sergeant at Arms and Doorkeeper of the Senate, $7,110; Secretary for the Majority of the Senate, $7,110; Secretary for the Minority of the Senate, $7,110; in all, $28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $133,265,000, of which $26,650,000 shall remain available until September 30, 2020.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $508,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $10,536,000 of which $7,036,000 shall remain available until September 30, 2022 and of which $4,100,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $130,076,000, which shall remain available until September 30, 2022.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,870,349 which shall remain available until September 30, 2020.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $424,000,000 of which $20,128,950 shall remain available until September 30, 2020.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading "GENERAL PROVISION" under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

SENATE PROCUREMENTS

SEC. 102. Section 6102 of title 41, United States Code, is amended by adding at the end the following:

"(i) SENATE.—Section 6101 of this title does not apply to agreements, contracts or purchases by any office of the Senate.".

STUDENT LOAN REPAYMENT FOR EMPLOYEES OF DEPARTING SENATORS AND VICE PRESIDENTS

SEC. 103. (a) Section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 4579) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (3) through (7), respectively;

(B) by inserting before paragraph (3), as so redesignated, the following:

"(1) DEPARTURE DATE.—The term 'departure date' means the earlier of—

"(A) the date on which the term of a departing Senator or Vice President ends; or

"(B) the date on which the departing Senator or Vice President will retire or resign.

"(2) DEPARTING SENATOR OR VICE PRESIDENT.—The term 'departing Senator or Vice President' means a Senator or Vice President who will not serve in the next term due to retirement, resignation, a decision to not seek reelection, or a failure to secure reelection."; and

(C) in paragraph (3)(B), as so redesignated, by striking "rate of basic pay for an employee for a position at ES-1" and all that follows and inserting "rate of basic pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.";

(2) in subsection (b)(1)(A)(ii), by striking "1-year";

(3) in subsection (c)(1)—

(A) by striking "The term" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term"; and

(B) by adding at the end the following:

"(B) DEPARTING SENATORS AND VICE PRESIDENTS.—After the date that is 1 year before the departure date of a departing Senator or Vice President, the departing Senator or Vice President may enter into a service agreement under this section with an eligible employee of the office of the Senator or Vice President (including an eligible employee who has completed a required period of employment under a previous service agreement) that includes a required period of employment that—

"(i) is less than 1 year; and

"(ii) shall end on the last day of the last full pay period ending on or before the departure date of the departing Senator or Vice President.";

(4) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in subparagraph (B), by striking "under subsection (f)(7)." and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) the agreement is terminated as provided under subsection (f)(7)(A); or

"(D) the employee separates from service with the office of a departing Senator or Vice President."; and

(B) in paragraph (3), by inserting "(including a required period of employment described in subsection (c)(1)(B))" after "required period of employment"; and

(5) in subsection (f), by striking paragraph (7) and inserting the following:

"(7) CHANGE IN PAYMENTS.—

"(A) REDUCTION.—

"(i) IN GENERAL.—Notwithstanding the terms of a service agreement under this section, the head of an employing office may reduce the amount of student loan payments made under the agreement if adequate funds are not available to such office.

"(ii) NOTICE.—If the head of an employing office decides to reduce the amount of student loan payments to an eligible employee under clause (i)—

"(I) the employing office shall concurrently notify the eligible employee and the Secretary of the Senate of the reduction; and

"(II) not later than 30 days after the date of the concurrent notice, the eligible employee may terminate the service agreement.

"(B) INCREASE.—Notwithstanding the terms of a service agreement under this section, the head of an employing office, with the consent of an eligible employee, may increase the amount of student loan payments made under the agreement with the eligible employee, if—

"(i) the office has adequate funds available for the purpose of agreements under this section;

"(ii) the amount of the increased payment does not exceed the limitations under this section; and

"(iii) the total amount of the loan payments to be made (including such increase) during the remainder of the required period of employment does not exceed the amount of student loan indebtedness of the eligible employee as of the date of the increase.".

2 USC 4579 note.

(b) The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to a service agreement under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 4579) that is in effect on the date of enactment of this Act or entered into on or after the date of enactment of this Act.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,200,000,766, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $22,278,891, including: Office of the Speaker, $6,645,417, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,180,048, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $7,114,471, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,886,632, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,459,639, including $5,000 for official expenses of the Minority Whip; Republican Conference, $1,505,426; Democratic Caucus, $1,487,258: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2018 until January 2, 2019.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $562,632,498.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $127,053,373: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2018, except that $3,150,200 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $23,226,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2018.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $204,356,000, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than $25,000 for official representation and reception expenses, of which not more than $20,000 is for the Family Room and not more than $2,000 is for the Office of the Chaplain, $27,945,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $20,505,000 of which $6,696,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $132,865,000, of which $2,108,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,968,000; for salaries and expenses of the Office of General Counsel, $1,492,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,037,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,209,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $9,937,000; for salaries and expenses of the Office of Interparliamentary Affairs, $814,000; for other authorized employees, $584,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $260,454,004, including: supplies, materials, administrative costs and Federal tort claims, $3,625,000; official mail for committees, leadership offices, and administrative offices of the House, $190,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $233,040,004, to remain available until March 31, 2019; Business Continuity and Disaster Recovery, $16,186,000 of which $5,000,000 shall remain available until expended; transition activities for new members and staff, $2,273,000, to remain available until expended; Wounded Warrior Program $2,750,000, to remain available until expended; Office of Congressional Ethics, $1,670,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $720,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 110. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2018. Any amount remaining after all payments are made under such allowances for fiscal year 2018 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

DELIVERY OF BILLS AND RESOLUTIONS

SEC. 111. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

DELIVERY OF CONGRESSIONAL RECORD

SEC. 112. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 113. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

LIMITATION ON PRINTED COPIES OF U.S. CODE TO HOUSE

SEC. 114. None of the funds made available by this Act may be used to provide an aggregate number of more than 50 printed copies of any edition of the United States Code to all offices of the House of Representatives.

DELIVERY OF REPORTS OF DISBURSEMENTS

SEC. 115. None of the funds made available by this Act may be used to deliver a printed copy of the report of disbursements for the operations of the House of Representatives under section

106 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5535) to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

DELIVERY OF DAILY CALENDAR

SEC. 116. None of the funds made available by this Act may be used to deliver to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) a printed copy of the Daily Calendar of the House of Representatives which is prepared by the Clerk of the House of Representatives.

DELIVERY OF CONGRESSIONAL PICTORIAL DIRECTORY

SEC. 117. None of the funds made available by this Act may be used to deliver a printed copy of the Congressional Pictorial Directory to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

AMENDING THE HOUSE SERVICES REVOLVING FUND

SEC. 118. (a) COLLECTION OF CERTAIN SERVICE FEES.—Section 105(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 5545(a)) is amended by adding at the end the following new paragraph:

"(7) The collection of a service fee from vendors of the Master Web Services Agreement or the Technology Services Contract for failure to abide by and maintain House of Representatives security policies.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act. 2 USC 5545 note.

TRANSFER OF FUNDS

SEC. 119. (a) Notwithstanding any other provision of law, upon completion of the second fiscal year which begins after the end of the period during which amounts appropriated under any of the items under the heading "House of Representatives, Salaries and Expenses" are available for obligation or expenditure, any such amounts which remain unobligated and unexpended shall be transferred to the heading "House of Representatives, Salaries and Expenses, Allowances and Expenses" and shall be available until expended for purposes of House of Representatives Business Continuity and Disaster Recovery. 2 USC 5511.

(b) Subsection (a) does not apply to amounts appropriated under the heading "House of Representatives, Salaries and Expenses, Members' Representational Allowances".

(c) The Chief Administrative Officer of the House of Representatives shall notify the Committee on Appropriations of the House of Representatives prior to the obligation or expenditure of any amounts transferred under subsection (a).

(d) This section shall apply with respect to amounts appropriated for fiscal year 2018 or any succeeding fiscal year.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,203,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,169,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of $2,175 per month to the Attending Physician;

(2) an allowance of $1,300 per month to the Senior Medical Officer;

(3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

(5) $2,780,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,838,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,444,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $351,700,000 of which overtime shall not exceed $45,000,000 unless the Committee on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $74,800,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2018 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,959,000, of which $450,000 shall remain available until September 30, 2019: *Provided*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $49,945,000.

ADMINISTRATIVE PROVISION

CONTRACTING PARITY

SEC. 130. In fiscal year 2018 and thereafter, for all contracts for goods and services to which the Congressional Budget Office is a party, the following Federal Acquisition Regulation (FAR) clauses will apply: FAR 52.232–39 and FAR 52.233–4. 2 USC 605a.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities

under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $93,478,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $45,300,000, of which $19,458,000 shall remain available until September 30, 2022.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $13,333,000, of which $3,195,000 shall remain available until September 30, 2022.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $101,614,000, of which $38,937,000 shall remain available until September 30, 2022.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $197,294,000, of which $73,130,000 shall remain available until September 30, 2022, and of which $62,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $10,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $106,694,000, of which $28,057,000 shall remain available until September 30, 2022:

Provided, That not more than $9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2018.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $74,873,000, of which $47,500,000 shall remain available until September 30, 2022.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, $34,249,000, of which $13,300,000 shall remain available until September 30, 2022.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $13,800,000, of which $3,000,000 shall remain available until September 30, 2022: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $21,470,000.

ADMINISTRATIVE PROVISIONS

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

SEC. 140. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

SCRIMS

SEC. 141. None of the funds made available by this Act may be used for scrims containing photographs of building facades during

restoration or construction projects performed by the Architect of the Capitol.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $477,017,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2018, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2018 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $8,653,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $1,300,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further*, That of the total amount appropriated, $10,000,000 is provided to enhance public exhibits and visitor services at the Library; of which $2,000,000 shall remain available until September 30, 2020 for planning, including developing direct and indirect cost estimates in conjunction with the Architect of the Capitol; and of which $8,000,000, to remain available until expended, may be obligated and expended only upon written approval by the Chair and ranking minority member of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives and by the Chair and ranking minority member of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the Senate, following review of a project budget justification and cost estimate.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $72,011,000, of which not more than $35,218,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2018 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,087,000 shall be derived from collections during fiscal year 2018 under sections 111(d)(2), 119(b)(3), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $41,305,000: *Provided further*, That $2,260,000 shall be derived from prior year unobligated balances: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $119,279,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That this prohibition does not apply to publication of non-confidential Congressional Research Service (CRS) products: *Provided further*, That a non-confidential CRS product includes any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business

and does not include material prepared in response to Congressional requests for confidential analysis or research.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $51,498,000: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 150. (a) IN GENERAL.—For fiscal year 2018, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $190,642,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

REVOLVING FUNDS UPDATE

SEC. 151. The Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182a et seq.; Public Law 106–481) is amended—

(1) in section 102 (2 U.S.C. 182b)—

(A) in the section heading, by striking the heading and inserting "Revolving fund for sales shop and other services"; and

(B) in subsection (a), by adding at the end the following: "(5) Training."; and

(2) in section 103(f)(1) (2 U.S.C. 182c(f)(1)), by inserting "tribal governments (as defined in 40 U.S.C. 502(c)(2)(B))" after "Federal Government,".

GIFTS

SEC. 152. The first undesignated paragraph of section 4 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 160), is amended—

(1) in the first sentence—

(A) by striking "of money for immediate disbursement"; and

(B) by striking the period at the end and inserting ", of the following: (1) nonpersonal services; (2) voluntary and uncompensated personal services not to exceed $10,000 per person, per year in value; and (3) gifts or bequests of money for immediate disbursement."; and

(2) by adding the following sentence at the end of the first paragraph: "The Librarian shall make an annual public report regarding gifts accepted under this section.".

APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 TO THE LIBRARY OF CONGRESS; ELECTION OF PROCEEDING

SEC. 153. (a) APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 TO THE LIBRARY OF CONGRESS.—

(1) APPLICATION THROUGH DEFINITIONS.—

(A) IN GENERAL.—Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) is amended—

(i) in paragraph (3)—

(I) in subparagraph (H), by striking "or" at the end;

(II) in subparagraph (I), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(J) the Library of Congress, except for section 220."; and

(ii) in paragraph (9)—

(I) in subparagraph (C), by striking "or" at the end;

(II) in subparagraph (D), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(E) the Library of Congress, except for section 220.".

(B) PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1331(a)) is amended—

(i) in paragraph (9), by striking "and" at the end;

(ii) in paragraph (10), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(11) the Library of Congress.".

(C) LABOR-MANAGEMENT REGULATIONS.—Section 220(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1351(a)) is amended—

(i) in paragraph (2), in the paragraph heading, by striking "(2) DEFINITION.—" and inserting "(2) APPLICATION.—" ; and

(ii) by adding at the end the following:

"(3) DEFINITIONS.—For purposes of this section, the term 'covered employee' does not include an employee of the Library of Congress, and the term 'employing office' does not include the Library of Congress.".

(2) CONFORMING AMENDMENTS TO ACT.—The Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended—

(A) in section 204(a)(2) (2 U.S.C. 1314(a)(2)), by striking "and the Library of Congress" each place it appears;

(B) in section 205(a)(2) (2 U.S.C. 1315(a)(2)), by striking "and the Library of Congress" each place it appears;

(C) in section 206(a)(2) (2 U.S.C. 1316(a)(2))—

(i) in subparagraph (B), by striking "and the Library of Congress"; and

(ii) in subparagraph (C), by striking "and the Library of Congress";

(D) in section 215(a)(2) (2 U.S.C. 1341(a)(2))—

(i) in subparagraph (C), by striking ", the Library of Congress,"; and

(ii) in subparagraph (D), by striking "and the Library of Congress"; and

(E) in section 415(a) (2 U.S.C. 1415(a))—

(i) by striking the comma after "General Accounting Office" and inserting "or"; and

(ii) by striking ", or the Library of Congress".

(b) ELECTION OF PROCEEDING.—

(1) PROCEDURE.—Section 401(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1401(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking "either";

(B) in subparagraph (A), by striking "or" at the end;

(C) in subparagraph (B), by striking the period and inserting ", or"; and

(D) by adding at the end the following:

"(C) in the case of an Library claimant (as defined in section 404(a)), a proceeding described in section 404(b)(3) that relates to the violation at issue.".

(2) ELECTION.—Section 404 of the Congressional Accountability Act of 1995 (2 U.S.C. 1404) is amended—

(A) by striking "Not" and inserting the following:

"(b) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER THIS ACT.—Not"; and

(B) by inserting after the section heading the following:

"(a) DEFINITIONS.—In this section:

"(1) DIRECT ACT.—The term 'direct Act' means an Act (other than this Act), or provision of the Revised Statutes, that is specified in section 201, 202, 203, or 210.

"(2) DIRECT PROVISION.—The term 'direct provision' means a provision (including a definitional provision) of a direct Act that applies the rights or protections of a direct Act (including rights and protections relating to nonretaliation or noncoercion) to a library claimant.

"(3) LIBRARY CLAIMANT.—The term 'Library claimant' means—

"(A) with respect to a direct provision (other than a provision described in subparagraph (B)), an employee of the Library of Congress who is covered by that direct provision, and

"(B) with respect to a direct provision that applies the rights or protections of title II or III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq., 12181 et seq.), an individual who is eligible to provide services for or receive services from the Library of Congress and who is covered by that provision.";

(C) in subsection (b), as added by subparagraph (A) of this paragraph—

(i) in the matter preceding paragraph (1), by striking "may either" and inserting "who initially requested counseling and mediation under this title may elect to";

(ii) in paragraph (1), by striking "or" at the end;

(iii) in paragraph (2), by striking the period and inserting ", or"; and

"(3) in the case of a Library claimant, bring the claim, complaint, or charge that is brought for a proceeding before

the corresponding Federal agency, under the corresponding direct provision."; and

(D) by adding at the end the following:

"(c) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER OTHER CIVIL RIGHTS OR LABOR LAW.—A library claimant who initially brings a claim, complaint, or charge under a direct provision for a proceeding before a Federal agency may, prior to requesting a hearing under the agency's procedures, elect to—

"(1) bring any civil action relating to the claim, complaint, or charge, that is available to the Library claimant,

"(2) file a complaint with the Office in accordance with section 405, or

"(3) file a civil action in accordance with section 408 in the United States district court for the district in which the employee is employed or for the District of Columbia.".

(c) PROSPECTIVE APPLICABILITY.—This section and the amendments made by this section— 2 USC 1301 note.

(1) shall take effect on the date of enactment of this section; and

(2) shall apply to any charge, complaint, or claim, that is made on or after the date of enactment of this section, of a violation of—

(A) section 201, 202, 203, 207, or 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1311 et seq.); or

(B) a direct provision as defined in section 404(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1404) (as added by subsection (b)).

EQUAL ACCESS TO CONGRESSIONAL RESEARCH SERVICE REPORTS

SEC. 154. (a) DEFINITIONS.— 2 USC 166a.

(1) CRS PRODUCT.—In this section, the term "CRS product" means any final written work product of CRS containing research or analysis in any format that is available for general congressional access on the CRS Congressional Intranet.

(2) CRS REPORT.—

(A) IN GENERAL.—In this section, the term "CRS Report" means any written CRS product, including an update to a previous written CRS product, consisting of—

(i) a Congressional Research Service Report; or

(ii) a Congressional Research Service Authorization of Appropriations Product and Appropriations Product, which is available for general congressional access on the CRS Congressional Intranet.

(B) EXCLUSIONS.—The term "CRS Report" does not include—

(i) any CRS product that is determined by the CRS Director to be a confidential product or service because it was prepared in response to a congressional request or requests for confidential analysis or research and is not available for general congressional access on the CRS Congressional Intranet;

(ii) any Congressional Research Service Report or any Congressional Research Service Authorization of Appropriations Product and Appropriations Product reported or produced before the effective date of this

Act which, as of such effective date, is not available for general congressional access on the CRS Congressional Intranet; or

(iii) a written CRS product that has been made available by CRS for publication on a public website maintained by the GPO Director (other than the Website) or the Library of Congress.

(3) OTHER DEFINITIONS.—In this section—

(A) the term "CRS" means the Congressional Research Service;

(B) the term "CRS Congressional Intranet" means the Website maintained by CRS at www.crs.gov, or a successor website, for the purpose of providing to Members and employees of Congress access to information from CRS;

(C) the term "CRS Director" means the Director of CRS;

(D) the term "Librarian of Congress" means the Librarian of Congress appointed pursuant to 2 U.S.C. 136–1;

(E) the term "Member of Congress" includes a Delegate or Resident Commissioner to Congress; and

(F) the term "Website" means the website established and maintained under subsection (b).

(b) AVAILABILITY OF CRS REPORTS THROUGH LIBRARY OF CONGRESS WEBSITE.—

(1) WEBSITE.—

(A) ESTABLISHMENT AND MAINTENANCE.—The Librarian of Congress, in consultation with the CRS Director, shall establish and maintain a public website containing CRS Reports and an index of all CRS Reports contained on the website, in accordance with this subsection.

(B) FORMAT.—On the Website, CRS Reports shall be searchable, sortable, and downloadable, including downloadable in bulk.

(C) FREE ACCESS.—Notwithstanding any other provision of law, the Librarian of Congress may not charge a fee for access to the Website.

(2) UPDATES; DISCLAIMER.—The Librarian of Congress, in consultation with the CRS Director, shall ensure that the Website—

(A) is updated contemporaneously, automatically, and electronically to include each new or updated CRS Report released on or after the effective date of this section;

(B) shows the status of each CRS Report as new, updated, or archived; and

(C) displays the following statement in reference to the CRS Reports included on the Website: "These documents were prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States.

Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.".

(3) FURNISHING OF NECESSARY INFORMATION AND TECHNOLOGY.—The CRS Director shall consult with and provide assistance to the Librarian of Congress to ensure—

(A) that the Librarian of Congress is provided with all of the information necessary to carry out this section, including all of the information described in clauses (i) through (iv) of subsection (c)(1)(A), in such format and manner as the Librarian of Congress considers appropriate; and

(B) that CRS makes available any information and assistance as may be necessary to facilitate the contemporaneous, automatic, and electronic provision of CRS Reports to the Librarian of Congress as required under this section.

(4) NONEXCLUSIVITY.—The Librarian of Congress may publish other information on the Website.

(5) ALTERNATIVE TECHNIQUES.—The Librarian of Congress and the CRS Director may use additional techniques to make CRS Reports available to the public, if such techniques are consistent with this section and any other applicable laws.

(6) ADDITIONAL INFORMATION.—The CRS Director is encouraged to make additional CRS products that are not confidential products or services available to the Librarian of Congress for publication on the Website, and the Librarian of Congress is encouraged to publish such CRS products on the Website.

(7) EXPANSION OF CONTENTS OF ANNUAL REPORT TO CONGRESS TO INCLUDE INFORMATION ON EFFORTS TO MAKE ADDITIONAL PRODUCTS AVAILABLE ON WEBSITE.—Section 203(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(i)) is amended by striking the period at the end and inserting the following: ", and shall include in the report a description of the efforts made by the Director to make additional Congressional Research Service products that are not confidential products or services available to the Librarian of Congress for publication on the website established and maintained under section 124 of the Legislative Branch Appropriations Act, 2018.".

(c) WEBSITE CONTENTS.—

(1) SPECIFIC REQUIREMENTS FOR REPORTS POSTED ON WEBSITE.—

(A) RESPONSIBILITIES OF LIBRARIAN OF CONGRESS.—With respect to each CRS Report included on the Website, the Librarian of Congress shall include—

(i) the name and identification number of the CRS Report;

(ii) an indication as to whether the CRS Report is new, updated, or archived;

(iii) the date of release of the CRS Report; and

(iv) any other information the Librarian of Congress, in consultation with the CRS Director, considers appropriate.

(B) RESPONSIBILITIES OF CRS DIRECTOR.—With respect to each CRS Report included on the Website, the CRS Director shall, prior to transmitting the Report to the Librarian of Congress—

(i) at the discretion of the CRS Director, remove the name of and any contact information for any employee of CRS; and

(ii) include in the CRS Report the following written statement: "This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as this CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.".

(2) SPECIFIC REQUIREMENTS FOR INDEX ON WEBSITE.—The Librarian of Congress shall ensure that the index of all CRS Reports published on the Website is—

(A) comprehensive;

(B) contemporaneously updated;

(C) searchable;

(D) sortable;

(E) maintained in a human-readable format;

(F) maintained in a structured data format;

(G) downloadable; and

(H) inclusive of each item of information described in paragraph (1)(A) with respect to each CRS Report.

(d) CONFORMING AMENDMENT TO DUTIES OF CRS.—Section 203(d) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(d)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) to comply with the requirements of, and provide information and technological assistance consistent with, section 124 of the Legislative Branch Appropriations Act, 2018.".

(e) RULES OF CONSTRUCTION.—

(1) NO EFFECT ON SPEECH OR DEBATE CLAUSE.—Nothing in this section may be construed to diminish, qualify, condition, waive, or otherwise affect the applicability of clause 1 of section 6 of article I of the Constitution of the United States (commonly known as the "Speech or Debate Clause") or any other privilege available to Congress or Members, offices, or employees of Congress with respect to any CRS Report made available online under this section.

(2) CONFIDENTIAL COMMUNICATIONS.—Nothing in this section may be construed to waive the requirement that any confidential communication by CRS to a Member, office, or committee of Congress shall remain under the custody and control of Congress and may be released only by Congress and its Houses, Members, offices, and committees, in accordance with the rules and privileges of each House and the requirements of this section.

(3) DISSEMINATION OF CRS PRODUCTS.—Nothing in this section may be construed to limit or otherwise affect the ability of a Member, office, or committee of Congress to disseminate CRS products on a website of the Member, office, or committee or to otherwise provide CRS products to the public, including as part of constituent service activities.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2)(C), this section and the amendments made by this section shall take effect 90 days after the date on which the Librarian of Congress submits the certification described in paragraph (2)(B).

(2) PROVISION OF INFORMATION AND TECHNOLOGY.—

(A) CRS DEADLINE.—Not later than 90 days after the date of enactment of this Act, the CRS Director shall provide the Librarian of Congress with the information necessary for the Librarian of Congress to begin the initial operation of the Website.

(B) CERTIFICATION.—Upon provision of the information described in subparagraph (A), the Librarian of Congress shall submit to Congress a certification that the CRS Director has provided the information necessary for the Librarian of Congress to begin the initial operation of the Website.

(C) TECHNICAL DELAYS.—In the event of technical difficulties encountered in planning or implementing the requirements of this section and the amendments made by this section, upon providing a detailed report submitted by the Librarian of Congress or the CRS Director to the Committees on Appropriations of the House and the Senate detailing the nature of the technical difficulties and the timeline for resolving such technical difficulties, the effective date established by subsection (f)(1) shall be extended for up to 90 additional days.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $79,528,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident

Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,000,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2016 and 2017 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, $8,540,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts

and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further*, That the Business Operations Revolving Fund and the funds provided under the heading "Public Information Programs of the Superintendent of Documents" may not be used for contracted security services at Government Publishing Office's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $578,916,653: *Provided*, That of this amount $10,000,000 is provided for information technology investments and building facility projects to remain available until September 30, 2019: *Provided further*, That, in addition, $23,800,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective

Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation shall be available to transfer amounts to the Department of the Army for the construction of an Army facility at Redstone Arsenal for the sole, unlimited use of GAO: *Provided further*, That hereafter, amounts appropriated for the salaries and expenses of the Government Accountability Office shall be available to transfer to the Department of the Army for the maintenance of such facility.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $5,600,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2018 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with

respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LBFMC

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate, unless through regulations as authorized by section 402(b)(8) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242(b)(8)).

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This division may be cited as the "Legislative Branch Appropriations Act, 2018".

Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018.

DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $923,994,000, to remain available until September 30, 2022: *Provided*, That, of this amount, not to exceed $101,470,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,553,275,000, to remain available until September 30, 2022: *Provided*, That, of this amount, not to exceed $219,069,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,543,558,000, to remain available until September 30, 2022: *Provided*, That, of this amount, not to exceed $97,852,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,811,513,000, to remain available until September 30, 2022: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That, of the amount, not to exceed $210,717,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the Director of the Missile Defense Agency shall provide quarterly reports to the congressional defense committees on the construction timeline and obligations for the Poland Aegis Ashore complex.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $220,652,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed $16,271,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $171,491,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed $18,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $83,712,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed $6,887,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $95,271,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed $24,430,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $73,535,000, to remain available until September 30, 2022: *Provided*, That, of the amount, not to exceed $4,725,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That, the Chief of the Air Force Reserve shall take immediate action to address unfunded military construction requirements for access control points and security issues at Air Force Reserve facilities.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code,

and Military Construction Authorization Acts, $177,932,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $310,000,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $182,662,000, to remain available until September 30, 2022: *Provided*, That none of the funds provided under this heading for family housing construction may be expended for family housing improvements on Kwajalein Atoll until the Secretary of the Army certifies to the congressional defense committees that the new housing units represent the best value to the taxpayer and that no reasonable alternatives exist at a lower cost.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $348,907,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $83,682,000, to remain available until September 30, 2022.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $328,282,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $85,062,000, to remain available until September 30, 2022.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $318,324,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $59,169,000.

DEPARTMENT OF DEFENSE

FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,726,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE

MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, $623,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or

(3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency

for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

10 USC 2821 note.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation

is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further,* That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2022:

"Military Construction, Army", $93,800,000, of which $25,000,000 is for planning and design;

"Military Construction, Navy and Marine Corps", $202,130,000, of which $25,000,000 is for planning and design;

"Military Construction, Air Force", $138,100,000, of which $25,000,000 is for planning and design;

"Military Construction, Army National Guard", $113,500,000, of which $20,000,000 is for planning and design;

"Military Construction, Air National Guard", $52,000,000, of which $20,000,000 is for planning and design;

"Military Construction, Army Reserve", $76,000,000, of which $20,000,000 is for planning and design; and

"Military Construction, Air Force Reserve", $64,100,000, of which $20,000,000 is for planning and design:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2018 submitted to Congress: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

(RESCISSIONS OF FUNDS)

SEC. 126. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"NATO Security Investment Program", $25,000,000; and

"Family Housing Construction, Army", $18,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

10 USC 221 note.

SEC. 127. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 128. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 129. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes

an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress ("the Committees") a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term "United States" in this section does not include any territory or possession of the United States.

SEC. 130. All amounts appropriated to "Department of Defense—Military Construction, Defense-Wide" pursuant to the authorization of appropriations in section 2403 of Public Law 115–91, as specified for fiscal year 2018 in the funding table in section 4601 of that Act, shall be immediately available and allotted to contract for the full scope of authorized projects.

SEC. 131. For an additional amount for "Military Construction, Army", for the Defense Access Road Program, $20,000,000, to remain available until expended: *Provided*, That amounts made available under this section may not be obligated or expended until the Secretary of the Army submits to the Committees on Appropriations of the Senate and House of Representatives a detailed expenditure plan 30 days after enactment of this Act.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $95,768,462,000, to remain available until expended and to become available on October 1, 2018: *Provided*, That not to exceed $17,882,000 of the amount made available for fiscal year 2019 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of

individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $11,832,175,000, to remain available until expended and to become available on October 1, 2018: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $121,529,000, to remain available until expended, of which $109,090,000 shall become available on October 1, 2018.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2018, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $178,626,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $30,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,356,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $395,000, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,163,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,910,000,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2019.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code; $1,962,984,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition, $49,161,165,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, $1,400,000,000 shall remain available until September 30, 2020: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing

of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $419,176,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition, $8,384,704,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, $2,000,000,000 shall remain available until September 30, 2022.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $100,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition, $7,239,156,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, $100,000,000 shall remain available until September 30, 2020.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $707,000,000, to remain available until September 30, 2019, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2017; and, in addition,

$5,914,288,000, plus reimbursements, shall become available on October 1, 2018, and shall remain available until September 30, 2019: *Provided*, That, of the amount made available on October 1, 2018, under this heading, $250,000,000 shall remain available until September 30, 2020.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $722,262,000, plus reimbursements, shall remain available until September 30, 2019: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $306,193,000, of which not to exceed 10 percent shall remain available until September 30, 2019.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $335,891,000, of which not to exceed 10 percent shall remain available until September 30, 2019: *Provided*, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $161,048,000, of which not to exceed 10 percent shall remain available until September 30, 2019.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information

systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,055,500,000, plus reimbursements: *Provided,* That $1,230,320,000 shall be for pay and associated costs, of which not to exceed 5 percent shall remain available until September 30, 2019: *Provided further,* That $2,496,650,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2019: *Provided further,* That $328,530,000 shall be for information technology systems development, and shall remain available until September 30, 2019: *Provided further,* That amounts made available for information technology systems development may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further,* That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further,* That amounts made available for the "Information Technology Systems" account for development may be transferred among projects or to newly defined projects: *Provided further,* That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, $782,000,000, to remain available until September 30, 2020: *Provided*, That the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility: *Provided further*, That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $164,000,000, of which not to exceed 10 percent shall remain available until September 30, 2019.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $512,430,000, of which $432,430,000 shall remain available until September 30, 2022, and of which $80,000,000 shall remain available until expended: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That funds made available under this heading for fiscal year 2018, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2018; and (2) by the awarding of a construction contract by September 30, 2019: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That, of the amount made available under this heading, $117,300,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of $100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114–58; and

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $342,570,000, to remain available until September 30, 2022, along with unobligated balances of previous "Construction, Minor Projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $110,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2018 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2018, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts: *Provided*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical Facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, Major Projects", and "Construction, Minor Projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical Services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2017.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and Pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2018, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General Operating Expenses, Veterans Benefits Administration" and "Information Technology Systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2018 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2018 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, the Office of Employment Discrimination Complaint Adjudication, the Office of Accountability and Whistleblower Protection, and the Office of Diversity and Inclusion for all services provided at rates which will recover actual costs but not to exceed $47,668,000 for the Office of Resolution Management, $3,932,000 for the Office of Employment Discrimination Complaint Adjudication, $17,620,000 for the Office of Accountability and Whistleblower Protection, and $2,973,000 for the Office of Diversity and Inclusion: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received

shall be credited to the "General Administration" and "Information Technology Systems" accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, Major Projects" and "Construction, Minor Projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, Major Projects" and "Construction, Minor Projects".

SEC. 213. Amounts made available under "Medical Services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical Services" and "Medical Community Care" accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, Major Projects" and "Construction, Minor Projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled "Quarterly reporting", under the heading "General Administration" in the joint explanatory statement accompanying Public Law 114–223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "General Operating Expenses, Veterans Benefits Administration", "Board of Veterans Appeals", "General Administration", and "National Cemetery Administration" accounts for fiscal year 2018 may be transferred to or from the "Information Technology Systems" account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the "Information Technology Systems" account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2018 for "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "Construction, Minor Projects", and "Information Technology Systems", up to $297,137,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further,* That section 222 of title II of division A of Public Law 114–223 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2018, for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", up to $306,378,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 224. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all

bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further,* That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 225. None of the funds made available for "Construction, Major Projects" may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 226. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled "Disability claims backlog", under the heading "General Operating Expenses, Veterans Benefits Administration" in the joint explanatory statement accompanying Public Law 114–223: *Provided further*, That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

SEC. 227. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 228. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 229. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the "Medical Services" account any discretionary appropriations made available for fiscal year 2018 in this title (except appropriations made to the "General Operating Expenses, Veterans Benefits Administration" account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2018, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency

Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 230. Amounts made available for the Department of Veterans Affairs for fiscal year 2018, under the "Board of Veterans Appeals" and the "General Operating Expenses, Veterans Benefits Administration" accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 231. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 232. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

(2) In this subsection—

(A) the term "civil service" has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term "Executive action" includes—

(i) any Executive order, presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

SEC. 233. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations

of both Houses of Congress a report including the following elements:

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Services Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

(3) a cost versus benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided,* That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 234. Section 8109(b) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) notwithstanding subsection (a) of section 1344 of title 31, may use a passenger carrier (as such term is defined in subsection (h)(1) of such section) to transport such an employee between a parking facility and the medical facility of the Department at which the employee works.".

SEC. 235. None of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the "Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration's Screening for Breast Cancer Guidance" published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

SEC. 236. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the "Medical Services" account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

(1) The term "service-connected" has the meaning given such term in section 101 of title 38, United States Code.

(2) The term "covered veteran" means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term "assisted reproductive technology" means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member except that—

(A) the time periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(B) such term includes embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

(4) The term "adoption reimbursement" means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2017 (Public Law 115–31).

(RESCISSION OF FUNDS)

SEC. 237. Of the unobligated balance of funds made available in the sixth proviso under the heading "Department of Veterans Affairs—Veterans Health Administration—Medical Services" in title II of Division J of the Consolidated Appropriations Act, 2016 (Public Law 114–113), $751,000,000 is hereby rescinded.

SEC. 238. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 239. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code,

or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

38 USC note prec. 5701.

SEC. 240. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than 5 years after the date of the enactment of this Act.

(2) For all individuals not described in paragraph (1), not later than 8 years after the date of the enactment of this Act.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

SEC. 241. For funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and 2019 for "Medical Services", section 239 of Division A of Public Law 114–223 shall apply.

SEC. 242. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

(RESCISSIONS OF FUNDS)

SEC. 243. (a) Of the unobligated balance of funds made available through September 30, 2018, under the heading "Construction, Major Projects" in division J of the Consolidated Appropriations Act, 2014 (Public Law 113–76), $10,000,000 is hereby rescinded.

(b) For an additional amount for "Construction, Major Projects", $10,000,000, to remain available until September 30, 2023.

(c) Of the unobligated balance of funds made available through September 30, 2019, under the heading "Construction, Major Projects" in division I of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235), $410,000,000 is hereby rescinded.

(d) For an additional amount for "Construction, Major Projects", $410,000,000, to remain available until September 30, 2024.

SEC. 244. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and fiscal year 2019 for "Medical Services", funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 245. (a) Section 204(c) of the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 (Public Law 107–135; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(1)" before "The program"; and

(2) by adding at the end the following new paragraph:

"(2) The program shall be carried out at not fewer than two medical centers or clinics in each Veterans Integrated Service Network by not later than December 31, 2019, and

at not fewer than 50 percent of all medical centers in each Veterans Integrated Service Network by not later than December 31, 2021.".

(b)(1) Paragraph (6) of section 1701 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(H) Chiropractic services.".

(2) Paragraph (8) of such section is amended by inserting "chiropractic," after "counseling,".

(3) Paragraph (9) of such section is amended—

(A) by redesignating subparagraphs (F) through (K) as subparagraphs (G) through (L), respectively; and

(B) by inserting after subparagraph (E) the following new subparagraph (F):

"(F) chiropractic examinations and services;".

38 USC 7601 note.

SEC. 246. (a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out a pilot program to provide educational assistance to certain former members of the Armed Forces for education and training as physician assistants of the Department of Veterans Affairs.

(b) ELIGIBLE INDIVIDUALS.—An individual is eligible to participate in the pilot program if the individual—

(1) has medical or military health experience gained while serving as a member of the Armed Forces;

(2) has received a certificate, associate degree, baccalaureate degree, master's degree, or postbaccalaureate training in a science relating to health care; or

(3) has participated in the delivery of healthcare services or related medical services, including participation in military training relating to the identification, evaluation, treatment, and prevention of diseases and disorders.

(c) DURATION.—The pilot program shall be carried out during the 5-year period beginning on the date that is 180 days after the date of the enactment of this Act.

(d) SELECTION.—

(1) The Secretary shall select eligible individuals under subsection (b) to participate in the pilot program.

(2) In selecting individuals to participate in the pilot program under paragraph (1), the Secretary shall give priority to individuals who agree to be employed as a physician assistant for the Veterans Health Administration at a medical facility of the Department located in a community that—

(A) is designated as a medically underserved population under section 330(b)(3)(A) of the Public Health Service Act (42 U.S.C. 254b(b)(3)(A)); and

(B) is in a State with a per capita population of veterans of more than 5 percent according to the National Center for Veterans Analysis and Statistics and the United States Census Bureau.

(e) EDUCATIONAL ASSISTANCE.—In carrying out the pilot program, the Secretary shall provide educational assistance to individuals participating in the pilot program, including through the use of scholarships, to cover the costs to such individuals of obtaining a master's degree in physician assistant studies or a similar master's degree.

(f) PERIOD OF OBLIGATED SERVICE.—The Secretary shall enter into an agreement with each individual participating in the pilot

program in which such individual agrees to be employed as a physician assistant for the Veterans Health Administration for a period of obligated service to be determined by the Secretary.

(g) BREACH.—An individual who participates in the pilot program and fails to satisfy the period of obligated service under subsection (f) shall be liable to the United States, in lieu of such obligated service, for the amount that has been paid or is payable to or on behalf of the individual under the pilot program, reduced by the proportion that the number of days served for completion of the period of obligated service bears to the total number of days in the period of obligated service of such individual.

(h) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the Secretary of Labor, the Secretary of Defense, and the Secretary of Health and Human Services, shall submit to Congress a report on the pilot program's effectiveness of helping to meet the shortage of physician assistants employed by the Department.

SEC. 247. For funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and 2019, section 248 of Division A of Public Law 114–223 shall apply.

SEC. 248. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

(1) an assessment of the veteran-to-staff ratio for each such program; and

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 249. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 250. For funds provided to the Department of Veterans Affairs for each of fiscal year 2018 and 2019, section 258 of Division A of Public Law 114–223 shall apply.

SEC. 251. (a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(10) Any individual—

"(A) who—

"(i) was naturalized pursuant to section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note); and

"(ii) at the time of the individual's death resided in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act. 38 USC 2402 note.

SEC. 252. The Secretary may carry out a 2-year pilot program making grants to nonprofit veterans services organizations recognized by the Secretary in accordance with section 5902 of title 38, United States Code, to upgrade, through construction and repair, VSO community facilities into health and wellness centers and to promote and expand complementary and integrative wellness programs: *Provided*, That no single grant may exceed a total of $500,000: *Provided further*, That the Secretary may not provide more than 20 grants during the 2-year pilot program: *Provided further*, That the recipient of a grant under this section may not use the grant to purchase real estate or to carry out repair of facilities leased by the recipient or to construct facilities on property leased by the recipient: *Provided further*, That the Secretary ensures that the grant recipients use grant funds to construct or repair facilities located in at least 10 different geographic locations in economically depressed areas or areas designated as highly rural that are not in close proximity to Department of Veterans Affairs medical centers: *Provided further*, That the Secretary shall report to the Committees on Appropriations of both Houses of Congress no later than 180 days after enactment of this Act, on the grant program established under this section. 38 USC 1701 note.

SEC. 253. None of the funds appropriated in this or any other Act for "Grants for Construction of State Extended Care Facilities" may be used to award grants for applications included in priority one of the priority list for the first time which have been assigned a higher priority ranking for fiscal year 2018 than unfunded applications which met the eligibility requirements defined in section 8135(c) of title 38, United States Code, in fiscal year 2017 and continue to meet those requirements in fiscal year 2018: *Provided*, That the Secretary may award grants for new applications in fiscal year 2018 for projects that did not meet eligibility requirements defined in section 8135(c) of title 38, United States Code, in fiscal year 2017 only after applications which met priority one eligibility requirements in fiscal year 2017 and continue to meet those requirements defined in section 8135(c) of title 38, United States Code, have been funded: *Provided further*, That nothing in this section shall preclude the Secretary from assigning a higher priority ranking or funding a grant application to correct conditions that threaten the life or safety of patients which meet the criteria laid out in section 8135(c) of title 38, United States Code.

SEC. 254. None of the funds appropriated or otherwise made available by this Act may be used to conduct research using canines unless: the scientific objectives of the study can only be met by research with canines; the study has been directly approved by the Secretary; and the study is consistent with the revised Department of Veterans Affairs canine research policy document released on December 18, 2017: *Provided*, That not later than 180 days after enactment of this Act, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a detailed report outlining under what circumstances canine research may be needed if there are no other alternatives, how often it was used during that time period, and what protocols are in place to determine both the safety and efficacy of the research.

SEC. 255. For an additional amount for the Department of Veterans Affairs, $2,000,000,000 to remain available until expended, for infrastructure improvements, including new construction, and in addition to amounts otherwise made available in this act for such purpose, of which:

(1) $1,000,000,000 shall be for "Veterans Health Administration—Medical Facilities" to be used for non-recurring maintenance;

(2) $425,000,000 shall be for "Departmental Administration—Construction, Minor Projects"; and,

(3) $575,000,000 shall be for "Departmental Administration—Grants for Construction of State Extended Care Facilities";

Provided, That the additional amounts appropriated for the purposes of non-recurring maintenance and minor construction may be used to carry out critical life-safety projects identified in the Department's annual facility condition assessments; sustainment projects; modernization projects; infrastructure repair; renovations at existing Veterans Health Administration medical centers and outpatient clinics; and projects included in the Strategic Capital Investment Process plan: *Provided further*, That the additional amounts appropriated under this section may not be obligated or expended until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a detailed expenditure plan, including project descriptions and costs, for any non-recurring maintenance, minor construction or State extended care facility project being funded with the additional amounts made available in this administrative provision.

38 USC 5101 note.

SEC. 256. Subsection (d) of section 504 of the Veterans' Benefits Improvement Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note), as amended, is further amended to read as follows:

"(c) SOURCE OF FUNDS.—Expenses of carrying out the pilot program under this section, including payments for pilot program examination travel and incidental expenses under the terms and conditions set forth by 38 U.S.C. 111, shall be reimbursed to the accounts available for the general operating expenses of the Veterans Benefits Administration and information technology systems from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.".

SEC. 257. None of the funds made available by this Act may be used to charge a veteran a fee for a veterans identification card pursuant to section 5706(c) of title 38, United States Code.

SEC. 258. (a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 1712I.

"§ 1712I. Mental and behavioral health care for certain former members of the Armed Forces

"(a) IN GENERAL.—The Secretary shall furnish to former members of the Armed Forces described in subsection (b)—

"(1) an initial mental health assessment; and

"(2) the mental healthcare or behavioral healthcare services authorized under this chapter that are required to treat the mental or behavioral health care needs of the former service members, including risk of suicide or harming others.

"(b) ELIGIBLE INDIVIDUALS.—A former member of the Armed Forces described in this subsection is an individual who—

"(1) is a former member of the Armed Forces, including the reserve components;

"(2) while serving in the active military, naval, or air service, was discharged or released therefrom under a condition that is not honorable but not—

"(A) a dishonorable discharge; or

"(B) a discharge by court-martial;

"(3) is not otherwise eligible to enroll in the health care system established by section 1705 of this title; and

"(4)(A)(i) served in the Armed Forces for a period of more than 100 cumulative days; and

"(ii) was deployed in a theater of combat operations, in support of a contingency operation, or in an area at a time during which hostilities are occurring in that area during such service, including by controlling an unmanned aerial vehicle from a location other than such theater or area; or

"(B) while serving in the Armed Forces, was the victim of a physical assault of a sexual nature, a battery of a sexual nature, or sexual harassment (as defined in section 1720D(f) of this title).

"(c) NON-DEPARTMENT CARE.—(1) In furnishing mental or behavioral health care services to an individual under this section, the Secretary may provide such mental or behavioral health care services at a non-Department facility if—

"(A) in the judgment of a mental health professional employed by the Department, the receipt of mental or behavioral health care services by that individual in facilities of the Department would be clinically inadvisable; or

"(B) facilities of the Department are not capable of furnishing such mental or behavioral health care services to that individual economically because of geographical inaccessibility.

"(2) The Secretary shall carry out paragraph (1) pursuant to section 1703 of this title or any other provision of law authorizing the Secretary to enter into contracts or agreements to furnish hospital care and medical services to veterans at non-Department facilities.

"(d) SETTING AND REFERRALS.—In furnishing mental and behavioral health care services to individuals under this section, the Secretary shall—

"(1) seek to ensure that such services are furnished in settings that are therapeutically appropriate, taking into account the circumstances that resulted in the need for such services; and

"(2) provide referral services to assist former members who are not eligible for services under this chapter to obtain services from sources outside the Department.

"(e) INFORMATION.—The Secretary shall provide information on the mental and behavioral health care services available under this section. Efforts by the Secretary to provide such information—

"(1) shall include notification of each eligible individual described in subsection (b) about the eligibility of the individual for covered mental and behavioral health care under this section not later than the later of—

"(A) 180 days after the date of the enactment of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018; or

"(B) 180 days after the date on which the individual was discharged or released from the active military, naval, or air service;

"(2) shall include availability of a toll-free telephone number (commonly referred to as an 800 number);

"(3) shall ensure that information about the mental health care services available under this section—

"(A) is revised and updated as appropriate;

"(B) is made available and visibly posted at appropriate facilities of the Department; and

"(C) is made available to State veteran agencies and through appropriate public information services; and

"(4) shall include coordination with the Secretary of Defense seeking to ensure that members of the Armed Forces and individuals who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for mental health care services under this section.

"(f) ANNUAL REPORTS.—(1) Not less frequently than once each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the mental and behavioral health care services provided under this section.

"(2) Each report submitted under paragraph (1) shall include, with respect to the year preceding the submittal of the report, the following:

"(A) The number of eligible individuals who were furnished mental or behavioral health care services under this section, disaggregated by the number of men who received such services and the number of women who received such services.

"(B) The number of individuals who requested an initial mental health assessment under subsection (a)(1).

"(C) Such other information as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 1720H the following new item:

38 USC prec. 1701.

"1720I. Mental and behavioral health care for certain former members of the Armed Forces.".

SEC. 259. (a) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5303A the following new section:

38 USC 5303B.

"§ 5303B. Character of service determinations

"(a) DETERMINATION.—The Secretary shall establish a process by which an individual who served in the Armed Forces and was discharged or dismissed therefrom may seek a determination from the Secretary with respect to whether such discharge or release was under a condition that bars the right of such individual to a benefit under the laws administered by the Secretary based upon the period of service from which discharged or dismissed.

"(b) PROVISION OF INFORMATION.—If the Secretary determines under subsection (a) that an individual is barred to a benefit under the laws administered by the Secretary, the Secretary shall provide to such individual information regarding the ability of the individual to address such condition, including pursuant to section 5303 of this title and chapter 79 of title 10.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5303A the following new item:

38 USC prec. 5301.

"5303B. Character of service determinations.".

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $42,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $79,000,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $33,600,000: *Provided*, That, of the amount, up to $800,000 may be transferred to the General Services Administration for planning and design of a courthouse, to include a feasibility study: *Provided further*, That $2,580,000 shall be available for the purpose of providing financial assistance as described and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $2,000 for official reception and representation expenses, $80,800,000, of which not to exceed $15,000,000 shall remain available until September 30, 2020. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

CONSTRUCTION

For necessary expenses for planning and design and construction at Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, $167,000,000, to remain available until expended, for planning and design and construction associated with the Southern Expansion project at Arlington National Cemetery.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $64,300,000, of which $1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading "Department of Defense—Civil, Cemeterial Expenses, Army", may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $146,100,000, to remain available until September 30, 2022, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $33,248,000, to remain available until September 30, 2022, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" $546,352,000, to remain available until September 30, 2022, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $24,300,000, to remain available until September 30, 2022, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

SEC. 401. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 402. Notwithstanding any other provision of law, the Secretary of Defense is directed to provide the congressional defense committees a future years defense program for funds appropriated to the Department of Defense for construction projects related to European Reassurance Initiative and European Deterrence Initiative beginning in fiscal year 2018 and each subsequent fiscal year

10 USC 221 note.

that funding is requested for either initiative. Further, the Secretary of Defense is directed to submit the future years defense program with each fiscal year budget submission.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E–Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency

or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the "Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018".

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2018

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018.

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $5,744,440,000, of which up to $654,553,000 may remain available until September 30, 2019, and of which up to $1,380,752,000 may remain available until

expended for Worldwide Security Protection: *Provided*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,770,673,000, of which up to $476,879,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,253,799,000.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $794,561,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $925,407,000, of which up to $903,873,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Funds appropriated under this heading that are designated for Worldwide Security Protection shall continue

to be made available for support of security-related training at sites in existence prior to the enactment of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, $103,400,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $77,629,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspections: *Provided*, That of the funds appropriated under this heading, $11,644,000 may remain available until September 30, 2019.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $646,143,000, to remain available until expended, of which not less than $240,000,000 shall be for the Fulbright Program and not less than $111,360,000 shall be for Citizen Exchange Program, including $4,125,000 for the Congress-Bundestag Youth Exchange: *Provided,* That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further*, That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: *Provided further*, That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

REPRESENTATION EXPENSES

For representation expenses as authorized, $8,030,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $30,890,000, to remain available until September 30, 2019.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $765,459,000, to remain available until expended, of which not to exceed $25,000 may be used for domestic and overseas representation expenses as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available

for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $1,477,237,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2018.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, $7,885,000, to remain available until expended, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,300,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,440,856.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $31,963,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed $1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), and, in addition, as authorized by section 5 of such Act, $743,000, to be derived from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a note.

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress, $1,371,168,000: *Provided*, That the Secretary of State shall, at

the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That not later than June 1, 2018, and 30 days after the end of fiscal year 2018, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including from the United Nations Tax Equalization Fund, and provide updated fiscal year 2018 and fiscal year 2019 assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any such credits shall only be available for United States assessed contributions to the United Nations regular budget, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $414,624,000, of which 15 percent shall remain available until September 30, 2019: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that

will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the Web site of the United Nations: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That not later than June 1, 2018, and 30 days after the end of fiscal year 2018, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including those resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund, and provide updated fiscal year 2018 and fiscal year 2019 assessment costs including offsets from available credits: *Provided further*, That any such credits shall only be available for United States assessed contributions to United Nations peacekeeping missions, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs, including offsets from available credits: *Provided further*, That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall work with the United Nations and members of the United Nations Security Council to evaluate and prioritize

peacekeeping missions, and to consider a draw down when mission goals have been substantially achieved.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows: 22 USC 268a note.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $48,134,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $29,400,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by the North American Free Trade Agreement Implementation Act (Public Law 103–182), $13,258,000: *Provided,* That of the amount provided under this heading for the International Joint Commission, up to $500,000 may remain available until September 30, 2019, and $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $46,356,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio,

Internet, and television broadcasting to the Middle East, $797,986,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to $34,508,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than $13,800,000 shall be for Internet freedom programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed $35,000 may be used for representation expenses, of which $10,000 may be used for such expenses within the United States as authorized, and not to exceed $30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the BBG that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the entity's journalistic code of ethics: *Provided further*, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $5,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such purposes, $9,700,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), $37,884,000, to remain available until September 30, 2019, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2018, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2018, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2018, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), $170,000,000, to remain available until expended, of which $117,500,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $52,500,000 shall be for democracy programs.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $675,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2018: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom (USCIRF), as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), $4,500,000, to remain available until September 30, 2019, including not more than $4,000 for representation expenses: *Provided*, That prior to the obligation of $1,000,000 of the funds appropriated under this heading, the Commission shall consult with the appropriate congressional committees on the steps taken to implement the recommendations of the Independent Review of USCIRF Mission Effectiveness that was conducted pursuant to the United States Commission on International Religious Freedom Reauthorization Act of 2015 (Public Law 114–71), and such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304 (22 U.S.C. 3001 et seq.), $2,579,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2019.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), $2,000,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2019.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,500,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2019: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2018 and shall apply to funds appropriated under this heading as if included in this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,189,609,000, of which up to $178,441,000 may remain available until September 30, 2019: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses, and not to exceed $100,500 shall be for official residence expenses, for USAID during the current fiscal year.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section

667 of the Foreign Assistance Act of 1961, $197,100,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $72,800,000, of which up to $10,920,000 may remain available until September 30, 2019, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $3,020,000,000, to remain available until September 30, 2019, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent, prepare for, and respond to, unanticipated and emerging global health threats; and (8) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later

than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling

about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,670,000,000, to remain available until September 30, 2022, which shall be apportioned directly to the Department of State: *Provided*, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That the amount of such contribution should be $1,350,000,000: *Provided further*, That clauses (i) and (vi) of section 202(d)(4)(A) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622) shall be applied with respect to such funds made available for fiscal years 2015 through 2018 by substituting "2004" for "2009": *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2018 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to $17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $3,000,000,000, to remain available until September 30, 2019.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $2,696,534,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, $30,000,000, to remain available until expended, to support transition to democracy and long-term development of countries in crisis: *Provided*, That such support may include assistance to

develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to support programs and activities to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, $10,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available on such terms and conditions as are appropriate and necessary for the purposes of preventing or responding to such challenges and crises, except that no funds shall be made available for lethal assistance or to respond to natural disasters: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be used for administrative expenses, in addition to funds otherwise available for such purposes, except that such expenses may not exceed 5 percent of the funds appropriated under this heading: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days prior to the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $55,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That funds provided under this paragraph and funds provided as a gift that are used for purposes of this paragraph pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro- and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That funds provided as a gift that are used for purposes of this paragraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That

such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, and funds used for such cost, including if the cost results in a negative subsidy, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed $300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $1,750,000,000.

In addition, for administrative expenses to carry out credit programs administered by USAID, $10,000,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2020.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $1,816,731,000, to remain available until September 30, 2019.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C. 4411), $150,375,000, to remain available until September 30, 2019, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State: *Provided*, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise available by this Act for such purposes: *Provided further*, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the obligation of funds appropriated under this paragraph.

For an additional amount for such purposes, $65,125,000, to remain available until September 30, 2019, which shall be made available for the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public

Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), $750,334,000, to remain available until September 30, 2019, which shall be available, notwithstanding any other provision of law, except section 7070 of this Act, for assistance and related programs for countries identified in section 3 of Public Law 102–511 (22 U.S.C. 5801) and section 3(c) of Public Law 101–179 (22 U.S.C. 5402), in addition to funds otherwise available for such purposes: *Provided*, That funds appropriated by this Act under the headings "Global Health Programs", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of Public Law 102–511 and section 601 of Public Law 101–179: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $927,802,000, to remain available until expended, of which not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements, and $7,500,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $1,000,000, to remain available until expended: *Provided*, That amounts in excess of the limitation contained in paragraph (2) of such section shall be transferred to, and merged with, funds made available by this Act under the heading "Migration and Refugee Assistance".

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $410,000,000, of which

$5,500,000 is for the Office of Inspector General, to remain available until September 30, 2019: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $104,000 may be available for representation expenses, of which not to exceed $4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), $905,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (MCC): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the MCA for fiscal year 2018: *Provided further*, That section 605(e) of the MCA shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the MCC Chief Executive Officer shall notify the Committees on Appropriations not later than 15 days prior to commencing negotiations for any country compact or threshold country program; signing any such compact or threshold program; or terminating or suspending any such compact or threshold program: *Provided further*, That funds appropriated under this heading by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are available to implement section 609(g) of the MCA shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification

procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That notwithstanding section 606(a)(2) of the MCA, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That notwithstanding section 606(b)(1) of the MCA, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That any MCC candidate country under section 606 of the MCA with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year and the 2 subsequent fiscal years: *Provided further*, That publication in the Federal Register of a notice of availability of a copy of a Compact on the MCC Web site shall be deemed to satisfy the requirements of section 610(b)(2) of the MCA for such Compact: *Provided further*, That none of the funds made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be available for a threshold program in a country that is not currently a candidate country: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2019: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the African Development Foundation Act (title V of Public Law 96–533; 22 U.S.C. 290h et seq.), $30,000,000, to remain available until September 30, 2019, of which not to exceed $2,000 may be available for representation expenses: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further,* That interest earned shall be used only for the purposes for which the grant was made: *Provided further,* That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h–3(a)(2)), in

exceptional circumstances the Board of Directors of the USADF may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further,* That the USADF shall submit a report to the appropriate congressional committees after each time such waiver authority is exercised: *Provided further,* That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further*, That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $30,000,000, to remain available until September 30, 2020: *Provided*, That amounts made available under this heading may be made available to contract for services as described in section 129(d)(3)(A) of the Foreign Assistance Act of 1961, without regard to the location in which such services are performed.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $950,845,000, to remain available until September 30, 2019: *Provided*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, and other judicial authorities, utilizing regional partners: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess

of $5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $655,467,000, to remain available until September 30, 2019, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act, or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That the Secretary of State shall inform the appropriate congressional committees of information regarding any separate arrangements relating to the "Road-map for the Clarification of Past and Present Outstanding Issues Regarding Iran's Nuclear Program" between the IAEA and the Islamic Republic of Iran, in classified form if necessary, if such information becomes known to the Department of State: *Provided further*, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $212,712,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That

of the funds appropriated under this heading, not less than $31,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $110,875,000, of which up to $11,000,000 may remain available until September 30, 2019: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,671,613,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than $3,100,000,000 shall be available for grants only for Israel which shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $815,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular

notification procedures of section 7015 of this Act: *Provided further,* That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $75,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation expenses: *Provided further*, That not more than $950,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2018 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973 (Public Law 93–188; 87 Stat. 713), $339,000,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $139,575,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,097,010,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $47,395,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $32,418,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $171,300,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,700,000, of which up to $855,000 may remain available until September 30, 2019.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31,

United States Code, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $110,000,000, of which up to $16,500,000 may remain available until September 30, 2019: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945 (Public Law 79–173) and the Federal Credit Reform Act of 1990, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That amounts collected in fiscal year 2018 in excess of obligations, up to $10,000,000 shall become available on September 1, 2018, and shall remain available until September 30, 2021.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided

by section 9104 of title 31, United States Code, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided,* That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $79,200,000: *Provided further,* That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961, $20,000,000, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account, to remain available until September 30, 2020: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds so obligated in fiscal year 2018 remain available for disbursement through 2026; funds obligated in fiscal year 2019 remain available for disbursement through 2027; and funds obligated in fiscal year 2020 remain available for disbursement through 2028: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $79,500,000, to remain available until September 30, 2019: *Provided*, That of the funds appropriated under this heading, not more than $5,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and

for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2018 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

DIPLOMATIC FACILITIES

SEC. 7004. (a) CAPITAL SECURITY COST SHARING INFORMATION.—The Secretary of State shall promptly inform the Committees on Appropriations of each instance in which a Federal department or agency is delinquent in providing the full amount of funding required by section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).

(b) EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), a project to construct a facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) NEW DIPLOMATIC FACILITIES.—For the purposes of calculating the fiscal year 2018 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the contribution of the Department of State for this purpose: *Provided*, That funds appropriated by this Act that are made available for departments and agencies of the United States Government shall be made available for the Capital Security Cost Sharing Program and the Maintenance Cost Sharing Program at levels not less than the prior fiscal year.

(d) CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2018, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading "Embassy Security, Construction, and Maintenance" in House Report 115–253 and Senate Report 114–290: *Provided further*, That any such notification for a new diplomatic facility justified to the Committees on Appropriations in the Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2018, or not previously justified to such Committees, shall also include confirmation that the Department of State has completed the requisite value engineering studies required pursuant to OMB Circular A–131, Value Engineering December 31, 2013 and the Bureau of Overseas Building Operations Policy and Procedure Directive, P&PD, Cost 02: Value Engineering.

(e) INTERIM AND TEMPORARY FACILITIES ABROAD.—

(1) SECURITY VULNERABILITIES.—Funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance" may be made available, following consultation with the appropriate congressional committees, to address security vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing, except that the amount of funds made available for such purposes from this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be a minimum of $25,000,000.

(2) CONSULTATION.—Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

(f) TRANSFER OF FUNDS AUTHORITY.—Funds appropriated under the heading "Diplomatic and Consular Programs", including for Worldwide Security Protection, and under the heading "Embassy Security, Construction, and Maintenance" in this Act may be transferred to, and merged with, funds appropriated under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law.

(g) SOFT TARGETS.—Funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance" may be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States

diplomatic personnel and their dependents, except that the amount made available for such purposes shall be a minimum of $10,000,000.

(h) SECURE RESUPPLY AND MAINTENANCE.—The Secretary of State may not grant final approval for the construction of a new facility or substantial construction to improve or expand an existing facility in the United States by or for the Government of the People's Republic of China until the Secretary certifies and reports to the appropriate congressional committees that an agreement has been concluded between the Governments of the United States and the People's Republic of China that permits secure resupply, maintenance, and new construction of United States Government facilities in the People's Republic of China.

(i) NEW EMBASSY COMPOUND KINSHASA.—Of the funds appropriated by this Act under the heading "Peacekeeping Operations" that are made available for the central Government of the Democratic Republic of the Congo, 25 percent shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that such Government has fully vacated the property purchased by the United States in Kinshasa for the construction of a New Embassy Compound.

(j) REPORTS.—

(1) None of the funds appropriated under the heading "Embassy Security, Construction, and Maintenance" in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, made available through Federal agency Capital Security Cost Sharing contributions and reimbursements, or generated from the proceeds of real property sales, other than from real property sales located in London, United Kingdom, may be made available for site acquisition and mitigation, planning, design, or construction of the New London Embassy: *Provided*, That the reporting requirement contained in section 7004(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall remain in effect during fiscal year 2018.

(2) Within 45 days of enactment of this Act and every 4 months thereafter until September 30, 2019, the Secretary of State shall submit to the Committees on Appropriations a report on the new Mexico City Embassy, New Delhi Embassy, and Beirut Embassy projects: *Provided*, That such report shall include, for each of the projects—

(A) a detailed breakout of the project factors that formed the basis of the initial cost estimate used to justify such project to the Committees on Appropriations, as described under the heading "Embassy Security, Construction, and Maintenance" in House Report 115–253;

(B) a comparison of the current project factors as compared to the project factors submitted pursuant to subparagraph (A) of this subsection, and an explanation of any changes; and

(C) the impact of currency exchange rate fluctuations on project costs.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

DEPARTMENT OF STATE MANAGEMENT

SEC. 7006. (a) FINANCIAL SYSTEMS IMPROVEMENT.—Funds appropriated by this Act for the operations of the Department of State under the headings "Diplomatic and Consular Programs" and "Capital Investment Fund" shall be made available to implement the recommendations contained in the Foreign Assistance Data Review Findings Report (FADR) and the Office of Inspector General (OIG) report entitled "Department Financial Systems Are Insufficient to Track and Report on Foreign Assistance Funds": *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an update to the plan required under section 7006 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) for implementing the FADR and OIG recommendations: *Provided further*, That such funds may not be obligated for enhancements to, or expansions of, the Budget System Modernization Financial System, Central Resource Management System, Joint Financial Management System, or Foreign Assistance Coordination and Tracking System until such updated plan is submitted to the Committees on Appropriations: *Provided further*, That such funds may not be obligated for new, or expansion of existing, ad hoc electronic systems to track commitments, obligations, or expenditures of funds unless the Secretary of State, following consultation with the Chief Information Officer of the Department of State, has reviewed and certified that such new system or expansion is consistent with the FADR and OIG recommendations.

(b) WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the service centers included in the Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2018: *Provided*, That the amounts for such service centers shall be the amounts included in such budget justification, except as provided in section 7015(b) of this Act: *Provided further*, That Federal agency components shall be charged only for their direct usage of each Working Capital Fund service: *Provided further*, That prior to increasing the percentage charged to Department of State bureaus and offices for procurement-related activities, the Secretary of State shall include the proposed increase in the Department of State budget justification or, at least 60 days prior to the increase, provide the Committees on Appropriations a justification for such increase, including a detailed assessment of the cost

and benefit of the services provided by the procurement fee: *Provided further*, That Federal agency components may only pay for Working Capital Fund services that are consistent with the purpose and authorities of such components: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service.

(c) CERTIFICATION.—

(1) Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the management and oversight of such funds, the Secretary of State shall certify and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial and grants management policies, procedures, and regulations, as applicable.

(2) When making a certification required by paragraph (1), the Secretary of State shall consider the capacity of a bureau or office to—

(A) account for the obligated funds at the country and program level, as appropriate;

(B) identify risks and develop mitigation and monitoring plans;

(C) establish performance measures and indicators;

(D) review activities and performance; and

(E) assess final results and reconcile finances.

(3) If the Secretary of State is unable to make a certification required by paragraph (1), the Secretary shall submit a plan and timeline detailing the steps to be taken to bring such bureau or office into compliance.

(4) The report accompanying a certification required by paragraph (1) shall include the requirements contained under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) REPORT ON SOLE SOURCE AWARDS.—Not later than December 31, 2018, the Secretary of State shall submit a report to the appropriate congressional committees detailing all sole-source awards made by the Department of State during the previous fiscal year in excess of $2,000,000: *Provided*, That such report should be posted on the Department of State Web site.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date

of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) DEPARTMENT OF STATE.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading "Representation Expenses".

(2) BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) TREATMENT AS REPROGRAMMING.—Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) TITLE VI AGENCIES.—Not to exceed 5 percent of any appropriation, other than for administrative expenses made available for fiscal year 2018, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) IN GENERAL.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) ALLOCATION AND TRANSFERS.—Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry

out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) NOTIFICATION.—Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

(f) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit a report to the Committees on Appropriations detailing all transfers to another agency of the United States Government made pursuant to sections 632(a) and 632(b) of the Foreign Assistance Act of 1961 with funds provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) as of the date of enactment of this Act: *Provided*, That such reports shall include a list of each transfer made pursuant to such sections with the respective funding level, appropriation account, and the receiving agency.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit Web sites: *Provided*, That nothing in this subsection shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency, or any other entity carrying out the following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such Web sites undertaken as part of official business.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act should be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided,* That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Development Credit Authority" and "Assistance for Europe, Eurasia and Central Asia" shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the availability of funds pursuant to the previous proviso shall not be applicable to such funds until the Secretary of State submits the report required under section 7011 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113): *Provided further,* That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That the Secretary of State shall provide a report to the Committees on Appropriations not later than October 30, 2018, detailing by account

and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultation with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2018 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly or through grantees, contractors, and subcontractors, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2019 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program, as applicable, if, not later than September 30, 2019, such taxes have not been reimbursed: *Provided*, That the Secretary of State shall report to the Committees on Appropriations by such date on the foreign governments and entities that have not reimbursed such taxes, including any amount of funds withheld pursuant to this subsection.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

(1) IN GENERAL.—The provisions of this section shall not apply to any foreign government or entity that assesses such

taxes if the Secretary of State reports to the Committees on Appropriations that—

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue and update rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section:

(1) BILATERAL AGREEMENT.—The term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) TAXES AND TAXATION.—The term "taxes and taxation" shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

(h) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the heads of other relevant agencies of the United States Government, shall submit a report to the Committees on Appropriations on the requirements contained under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as

appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

(1) create new programs;

(2) suspend or eliminate a program, project, or activity;

(3) close, suspend, open, or reopen a mission or post;

(4) create, close, reorganize, downsize, or rename bureaus, centers, or offices; or

(5) contract out or privatize any functions or activities presently performed by Federal employees;

unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, to the departments and agencies funded under titles I and II of this Act that remain available for obligation in fiscal year 2018, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that—

(1) augments or changes existing programs, projects, or activities;

(2) relocates an existing office or employees;

(3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(4) results from any general savings, including savings from a reduction in personnel, which would result in a change

in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings "Global Health Programs", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Peacekeeping Operations", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing Program", "International Military Education and Training", and "Peace Corps", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance of such obligation: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations should be informed at the earliest opportunity and to the extent practicable.

(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUNDING NOTIFICATIONS.—

(1) PROGRAMS.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to support or continue any program initially funded under any authority of title 10, United States Code, or any Act making or authorizing appropriations for the Department of Defense, unless the Secretary of State, in consultation with the Secretary of Defense and in accordance with the regular notification procedures of the Committees on Appropriations, submits a justification to such Committees that includes a description of, and the estimated costs associated with, the support or continuation of such program.

(2) FUNDING.—Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with,

funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) WAIVER.—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) COUNTRY NOTIFICATION REQUIREMENTS.—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Pakistan, Philippines, the Russian Federation, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) TRUST FUNDS.—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds available for the Department of State, foreign operations, and related programs that are made available for a trust fund held by an international financial institution as defined by section 7034(r)(3) of this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That such notification shall include the information specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(h) OTHER PROGRAM NOTIFICATION REQUIREMENT.—

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—Funds appropriated under title I of this Act under the heading "Diplomatic and Consular Programs" that are made available for a pilot program for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) OTHER PROGRAMS.—Funds appropriated by this Act that are made available for the following programs and activities shall be subject to the regular notification procedures of the Committees on Appropriations—

(A) The Global Engagement Center, except that the Secretary of State shall consult with the appropriate congressional committees prior to submitting such notification;

(B) The Power Africa initiative, or any successor program;

(C) Community-based police assistance conducted pursuant to the authority of section 7049 of this Act;

(D) Programs to counter foreign fighters and extremist organizations, pursuant to section 7073(a) of this Act;

(E) The Relief and Recovery Fund;

(F) The Global Security Contingency Fund; and

(G) Programs to end modern slavery.

(i) WITHHOLDING OF FUNDS.—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

(j) REQUIREMENT TO INFORM, COORDINATE, AND CONSULT.—

(1) The Secretary of State shall promptly inform the appropriate congressional committees of each instance in which funds appropriated by this Act for assistance for Iraq, Libya, Somalia, and Syria, the Counterterrorism Partnership Fund, the Relief and Recovery Fund, and to counter extremism and foreign fighters abroad, have been diverted or destroyed, to include the type and amount of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State or USAID, as appropriate: *Provided*, That the Secretary shall ensure such funds are coordinated with, and complement, the programs of other United States Government departments and agencies and international partners in such countries and on such activities.

(2) The Secretary of State shall consult with the Committees on Appropriations at least seven days prior to informing a government of, or publically announcing a decision on, the suspension of assistance to a country or a territory from funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles

I and III through V of this Act, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2019: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS AND REPORTS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available in the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961.

(b) AUTHORIZED DEVIATIONS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may only deviate up to 4 percent from the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such percentage may be exceeded only to respond to significant, exigent, or unforeseen events, or to address other exceptional circumstances directly related to the national interest: *Provided further*, That deviations pursuant to the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by

section 653(a) of the Foreign Assistance Act of 1961, no deviations authorized by subsection (b) may take place until submission of such report.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for "International Military Education and Training" in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and

(B) funds for which the initial period of availability has expired.

(2) The authority in subsection (b) to deviate below amounts designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall not apply to the table included under the heading "Global Health Programs" in such explanatory statement.

(e) REPORTS.—The Secretary of State and the USAID Administrator, as appropriate, shall submit the reports required, in the manner described, in House Report 115–253, Senate Report 115–152, and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless directed otherwise in such explanatory statement.

REPRESENTATION AND ENTERTAINMENT EXPENSES

SEC. 7020. (a) USES OF FUNDS.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests, and—

(1) are primarily for fostering relations outside of the Executive Branch;

(2) are principally for meals and events of a protocol nature;

(3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(b) LIMITATIONS.—None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available by titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interest of the United States.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interest.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and

1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; and for the development assistance accounts of the United States Agency for International Development, "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

(2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days after the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing

commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions, as defined in section 7034(r)(3) of this Act, to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity. 22 USC 262h note.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.— 22 USC 2362 note.

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORT.—The USAID Administrator shall report as part of the congressional budget justification submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the

Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2018, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO COMPETITION FOR LOCAL ENTITIES.—Funds appropriated by this Act that are made available to the United States Agency for International Development may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) REPORT.—In addition to the requirements of subsection (a)(1), the USAID Administrator shall report to the appropriate congressional committees not later than 45 days after the end of fiscal year 2018 on all awards subject to limited or no competition for local entities: *Provided*, That such report shall be posted on the USAID Web site: *Provided further*, That the requirements of this subsection shall only apply to awards in excess of $3,000,000 and sole source awards to local entities in excess of $2,000,000.

(c) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2018.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) EVALUATIONS AND REPORT.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution adopts and implements a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 25 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution's goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2017 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

(b) SAFEGUARDS.—

(1) The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for

Reconstruction and Development and the International Development Association to vote against any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to vote against loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation; cultural protection; and empowerment of local populations, including free, prior and informed consent of affected indigenous communities;

(C) do not provide incentives for, or facilitate, forced displacement; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution conducts rigorous human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution: *Provided*, That prior to voting on any such loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violation of human rights.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to promote in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such

institution collects, verifies, and publishes, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2017 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that each such institution is effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(1) protection against retaliation for internal and lawful public disclosure;

(2) legal burdens of proof;

(3) statutes of limitation for reporting retaliation;

(4) access to independent adjudicative bodies, including external arbitration; and

(5) results that eliminate the effects of proven retaliation.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if—

(A)(i) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed;

(ii) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(iii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iv) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes;

(v) no level of acceptable fraud is assumed; and

(vi) the government of the recipient country is taking steps to publicly disclose on an annual basis its national budget, to include income and expenditures;

(B) the recipient government is in compliance with the principles set forth in section 7013 of this Act;

(C) the recipient agency or ministry is not headed or controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(D) the Government of the United States and the government of the recipient country have agreed, in writing, on clear and achievable objectives for the use of such assistance, which should be made available on a cost-reimbursable basis; and

(E) the recipient government is taking steps to protect the rights of civil society, including freedoms of expression, association, and assembly.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), no funds may be made available for direct government-to-government assistance without prior consultation with, and notification of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2019 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) REPORT.—Not later than 90 days after the enactment of this Act and every 6 months thereafter until September 30, 2019, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in paragraph (1) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a reimbursable basis.

(6) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution: *Provided*, That for purposes of this paragraph, the term "international financial institution" has the meaning given the term in section 7034(r)(3) of this Act.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the "minimum requirements of fiscal transparency" for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(2) DEFINITION.—For purposes of paragraph (1), "minimum requirements of fiscal transparency" are requirements consistent with those in subsection (a)(1), and the public disclosure of national budget documentation (to include receipts and expenditures by ministry) and government contracts and licenses for natural resource extraction (to include bidding and concession allocation practices).

(3) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any determination of "significant progress" or "no significant progress" in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual "Fiscal Transparency Report" to be posted on the Department of State Web site: *Provided*, That the Secretary shall identify the significant progress made by each such government to publicly disclose national budget documentation, contracts, and licenses which are additional to such information disclosed in previous fiscal years, and include specific recommendations of short- and long-term steps such government should take to improve fiscal transparency: *Provided further*, That the annual report shall include a detailed description of how funds appropriated by this Act are being used to improve fiscal transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise available for such purposes: *Provided further*, That a description of the uses of such funds shall be included in the annual "Fiscal Transparency Report" required by paragraph (3).

8 USC 1182 note.

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

(1) INELIGIBILITY.—

(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction

of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(B) The Secretary shall also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) WAIVER.—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) REPORT.—Not later than 6 months after enactment of this Act, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committees on Appropriations and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) POSTING OF REPORT.—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State Web site.

(6) CLARIFICATION.—For purposes of paragraphs (1)(B), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) NETWORKS OF CORRUPTION.—If the Secretary of State has credible information of networks of corruption involving the participation of, or support from, a senior official in a country that receives assistance funded by this Act under titles III or IV, the Secretary shall update the report on such networks required by section 7031(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31).

(e) EXTRACTION OF NATURAL RESOURCES.—

(1) ASSISTANCE.—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and the amendments made by such section, and to prevent the sale of conflict diamonds,

and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2) UNITED STATES POLICY.—

(A) The Secretary of the Treasury shall inform the management of the international financial institutions, and post on the Department of the Treasury Web site, that it is the policy of the United States to vote against any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered for—

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(f) FOREIGN ASSISTANCE WEB SITE.—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the Department of State foreign assistance Web site: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request, to the Department of State.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) IN GENERAL.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $2,308,517,000 shall be made available for democracy programs.

(2) PROGRAMS.—Of the funds made available for democracy programs pursuant to paragraph (1), the Bureau of Democracy, Human Rights, and Labor, Department of State, shall administer an amount not less than the amount administered in fiscal year 2017 under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia".

(b) AUTHORITY.—Funds made available by this Act for democracy programs may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term "democracy programs" means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law, as determined by the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate.

(e) RESTRICTION ON PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the USAID Administrator, shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(f) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs: *Provided*, That nothing in this paragraph shall be construed to affect the ability of any entity, including United States small businesses, from competing for proposals for USAID-funded civil society and political competition and consensus building programs.

(g) COUNTRY STRATEGY REVIEWS.—Prior to the obligation of funds made available by this Act for Department of State and USAID democracy programs for a nondemocratic or democratic transitioning country for which a country strategy has been concluded after the date of enactment of this Act, as required by section 2111(c)(1) of the ADVANCE Democracy Act of 2007 (title XXI of Public Law 110–53; 22 U.S.C. 8211) or similar provision of law or regulation, the Under Secretary for Civilian Security, Democracy and Human Rights, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall review such strategy to ensure that it includes—

(1) specific goals and objectives for such program, including a specific plan and timeline to measure impacts;

(2) an assessment of the risks associated with the conduct of such program to intended beneficiaries and implementers, including steps to support and protect such individuals; and

(3) the funding requirements to initiate and sustain such program in fiscal year 2018 and subsequent fiscal years, as appropriate:

Provided, That for the purposes of this subsection, the term "non-democratic or democratic transitioning country" shall have the same meaning as in section 2104(6) of the ADVANCE Democracy Act of 2007.

(h) COMMUNICATION AND REPORTS.—

(1) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the National Endowment for Democracy of democracy programs that are planned and supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(2) REPORTS.—

(A) FUNDING INSTRUMENTS.—Not later than September 30, 2018, the Secretary of State and USAID Administrator shall each submit to the Committees on Appropriations a report detailing the use of contracts, grants, and cooperative agreements in the conduct of democracy programs with funds made available by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31), which shall include funding level, account, program sector and subsector, and a brief summary of purpose.

(B) PROGRAM CHANGES.—The Secretary of State or the USAID Administrator, as appropriate, shall report to the appropriate congressional committees within 30 days of a decision to significantly change the objectives or the content of a democracy program or to close such a program due to the increasingly repressive nature of the host country government: *Provided*, That the report shall also include a strategy for continuing support for democracy promotion, if such programming is feasible, and may be submitted in classified form, if necessary.

(i) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND JOURNALISTS.—

(1) PLAN.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a diplomatic and programmatic action plan to support and protect civil society activists and journalists who have been threatened, harassed, or attacked for peacefully exercising their rights of free expression, association, or assembly: *Provided*, That the Assistant Secretary for Democracy, Human Rights, and Labor (DRL), Department of State, shall develop such action plan in coordination with the relevant bureaus and offices of the Department of State and USAID.

(2) FUNDS.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "Democracy Fund", not less than $10,000,000 shall be made available for programs

and activities to implement the action plan described in paragraph (1): *Provided*, That such funds may only be made available following consultation with the Committees on Appropriations: *Provided further*, That such funds shall be allocated to, and administered by, DRL and relevant bureaus and offices of the Department of State and USAID, and are in addition to amounts otherwise made available for such purposes.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE AND SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM.—

(1) OPERATIONS.—Funds appropriated by this Act under the heading "Diplomatic and Consular Programs" shall be made available for the Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, Department of State, the Office of the Ambassador-at-Large for International Religious Freedom, and the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia, as authorized in the Near East and South Central Asia Religious Freedom Act of 2014 (Public Law 113–161), including for support staff at not less than the amounts specified for such offices in the table under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) CURRICULUM.—Funds appropriated under the heading "Diplomatic and Consular Programs" and designated for the Office of International Religious Freedom shall be made available for the development and implementation of an international religious freedom curriculum in accordance with section 708(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)(2)).

(b) ASSISTANCE.—

(1) INTERNATIONAL RELIGIOUS FREEDOM PROGRAMS.—Of the funds appropriated by this Act under the heading "Democracy Fund" and available for the Human Rights and Democracy Fund, not less than $10,000,000 shall be made available for international religious freedom programs: *Provided*, That the Ambassador-at-Large for International Religious Freedom shall consult with the Committees on Appropriations on the uses of such funds.

(2) PROTECTION AND INVESTIGATION PROGRAMS.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $10,000,000 shall be made available for programs to protect vulnerable and persecuted religious minorities: *Provided*, That a portion of such funds shall be made available for programs to investigate the persecution of such minorities by governments and non-state actors and for the public dissemination of information collected on such persecution, including on the Department of State Web site.

(3) HUMANITARIAN PROGRAMS.—Funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" shall be made available for humanitarian assistance for vulnerable and persecuted religious minorities, including victims of genocide designated by the Secretary of State and other groups that have suffered crimes against humanity and ethnic cleansing, to—

(A) facilitate the implementation of an immediate, coordinated, and sustained response to provide humanitarian assistance;

(B) enhance protection of conflict victims, including those facing a dire humanitarian crisis and severe persecution because of their faith or ethnicity; and

(C) improve access to secure locations for obtaining humanitarian and resettlement services.

(4) TRANSITIONAL JUSTICE, RECONCILIATION, AND REINTEGRATION PROGRAMS.—Of the funds appropriated by this Act that are made available for the Relief and Recovery Fund, not less than $5,000,000 shall be made available to support transitional justice, reconciliation, and reintegration programs for vulnerable and persecuted religious minorities, including in the Middle East and North Africa regions: *Provided*, That such funds shall be matched, to the maximum extent practicable, from sources other than the United States Government.

(5) RESPONSIBILITY FOR FUNDS.—Funds made available by paragraphs (1) and (2) shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials.

(c) INTERNATIONAL BROADCASTING.—Funds appropriated by this Act under the heading "Broadcasting Board of Governors, International Broadcasting Operations" shall be made available for programs related to international religious freedom, including reporting on the condition of vulnerable and persecuted religious groups.

(d) ATROCITIES PREVENTION.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", not less than $5,000,000 shall be made available for programs to prevent atrocities, including to implement recommendations of the Atrocities Prevention Board: *Provided*, That the Under Secretary for Civilian Security, Democracy, and Human Rights, Department of State, shall be responsible for providing the strategic policy direction for, and policy oversight of, funds made available pursuant to this subsection to the Bureaus of International Narcotics and Law Enforcement Affairs and Democracy, Human Rights, and Labor, Department of State: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) FUNDING CLARIFICATION.—Funds made available pursuant to subsections (b) and (d) are in addition to amounts otherwise made available for such purposes.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) LAW ENFORCEMENT AND SECURITY.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) CROWD CONTROL ITEMS.—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries undergoing democratic transition.

(3) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2018.

(4) FORENSIC ASSISTANCE.—

(A) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $8,000,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes, crimes against humanity, and genocide, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided*, That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

(B) Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement", not less than $6,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

(5) INTERNATIONAL PRISON CONDITIONS.—Section 7065 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2018.

(6) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(7) SECURITY ASSISTANCE REPORT.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2017, by country and purpose of assistance, under the headings "Peacekeeping Operations", "International Military Education and Training", and "Foreign Military Financing Program".

(8) FOREIGN MILITARY SALES AND FOREIGN MILITARY FINANCING PROGRAM.—

(A) AVAILABILITY.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" for the general costs of administering military assistance and sales shall be made available to increase the efficiency and effectiveness of programs authorized by Chapter 2 of the Arms Export Control Act: *Provided*, That prior to the obligation of funds for such purposes, the Secretary of State shall consult with the Committees on Appropriations.

(B) QUARTERLY STATUS REPORT.—Following the submission of the quarterly report required by section 36 of Public Law 90–629 (22 U.S.C. 2776), the Secretary of State, in coordination with the Secretary of Defense, shall submit to the Committees on Appropriations a status report that contains the information described under the heading "Foreign Military Financing Program" in House Report 115–253.

(9) VETTING REPORT.—

(A) IN GENERAL.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on foreign assistance cases submitted for vetting for purposes of section 620M of the Foreign Assistance Act of 1961 during the preceding fiscal year, including—

(i) the total number of cases submitted, approved, suspended, or rejected for human rights reasons; and

(ii) for cases rejected, a description of the steps taken to assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice, in accordance with section 620M(c) of the Foreign Assistance Act of 1961.

(B) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(10) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term "military training provided to foreign military personnel by the Department of Defense and the Department of State" shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act as a major non-NATO ally.

(11) ASSISTANCE TO ELIMINATE TORTURE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

(12) COMBAT CASUALTY CARE.—

(A) Consistent with the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, funds appropriated by this Act under the headings "Peacekeeping Operations" and "Foreign Military Financing Program" shall be made available for combat casualty training and equipment.

(B) The Secretary of State shall offer combat casualty care training and equipment as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings "Peacekeeping Operations" and "Foreign Military Financing Program": *Provided*, That the requirement of this paragraph shall apply to a country in conflict, unless the Secretary determines that such country has in place, to the maximum extent practicable,

functioning combat casualty care treatment and equipment that meets or exceeds the standards recommended by the Committee on Tactical Combat Casualty Care: *Provided further*, That any such training and equipment for combat casualty care shall be made available through an open and transparent process.

(c) WORLD FOOD PROGRAMME.—

(1) CONTRIBUTION.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(2) PROGRAM TO LEVERAGE ADDITIONAL CONTRIBUTIONS.—Funds appropriated by this Act shall be made available to leverage additional contributions for the World Food Programme from sources other than the United States Government: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations on implementation of this paragraph.

(d) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

(2) GENOCIDE VICTIMS MEMORIAL SITES.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

(3) ADDITIONAL AUTHORITIES.—Of the amounts made available by title I of this Act under the heading "Diplomatic and Consular Programs", up to $500,000 may be made available for grants pursuant to section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d), including to facilitate collaboration with indigenous communities, and up to $1,000,000 may be made available for grants to carry out the activities of the Cultural Antiquities Task Force.

(4) INNOVATION.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards: *Provided*, That each individual award may not exceed $100,000: *Provided further*, That no more than 10 such awards may be made during fiscal year 2018: *Provided further*, That for purposes of this paragraph the term "innovation incentive award" means the provision of funding on a competitive basis that—

(A) encourages and rewards the development of solutions for a particular, well-defined problem related to the alleviation of poverty; or

(B) helps identify and promote a broad range of ideas and practices facilitating further development of an idea or practice by third parties.

(5) EXCHANGE VISITOR PROGRAM.—None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961, as amended, (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedures Act and notwithstanding the exceptions to such rulemaking process in such Act: *Provided*, That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States.

(6) REPORT.—The report required by section 502(d) of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115–31; 22 U.S.C. 254a note) shall be provided to the Committees on Appropriations.

(e) PARTNER VETTING.—The Secretary of State and USAID Administrator may initiate a partner vetting program to mitigate the risk of diversion of foreign assistance, or make significant modifications to any existing partner vetting program, only following consultation with the Committees on Appropriations: *Provided*, That the Secretary and Administrator should provide a direct vetting option for prime awardees in any partner vetting program initiated after the date of the enactment of this Act.

(f) CONTINGENCIES.—During fiscal year 2018, the President may use up to $125,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

(h) CULTURAL PRESERVATION PROJECT DETERMINATION.—None of the funds appropriated in titles I and III of this Act may be used for the preservation of religious sites unless the Secretary of State or the USAID Administrator, as appropriate, determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

(i) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading "Protection of Foreign Missions and Officials" unobligated balances of expired funds appropriated under the heading "Diplomatic and Consular Programs" for fiscal year 2018, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than $50,000,000 may be transferred.

(j) AUTHORITY TO COUNTER EXTREMISM.—Funds made available by this Act under the heading "Economic Support Fund" to counter extremism may be made available notwithstanding any other provision of law restricting assistance to foreign countries, except sections 502B and 620A of the Foreign Assistance Act of 1961: *Provided*, That the use of the authority of this subsection shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(k) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—Section 7034(k) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2018.

(l) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting "September 30, 2018" for "September 30, 2010". 22 USC 214 note.

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2018.

(3) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting "September 30, 2018" for "October 1, 2010" in subparagraph (B). 22 USC 2385 note.

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2018.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(5) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking "and 2017" and inserting "2017, and 2018"; and

(ii) in subsection (e), by striking "2017" each place it appears and inserting "2018"; and

(B) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "2017" and inserting "2018".

(6) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2018.

(7) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking "2018" and inserting "2019".

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking "and 2018" and inserting "2018, and 2019".

22 USC 4831 note.

(8) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall be in effect for facilities in Afghanistan through September 30, 2018, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.

(m) MONITORING AND EVALUATION.—Funds appropriated by this Act that are available for monitoring and evaluation of assistance under the headings "Development Assistance", "International Disaster Assistance" and "Migration and Refugee Assistance" shall, as appropriate, be made available for the regular collection of feedback obtained directly from beneficiaries on the quality and relevance of such assistance: *Provided*, That the Department of State and USAID shall, as appropriate, require implementing partners that receive funds under such headings to establish procedures for regularly collecting and responding to such feedback, inform the Department of State and USAID of such procedures, and report to the Department of State and USAID on actions taken in response to the feedback received: *Provided further*, That the Department of State and USAID shall conduct regular oversight to ensure that such feedback is collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance.

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–447) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

(o) LOANS AND ENTERPRISE FUNDS.—

(1) LOAN GUARANTEES.—Funds appropriated under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" by this Act and prior Acts making appropriations for the Department of State, foreign operations,

and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Egypt, Jordan, Iraq, Tunisia, and Ukraine, which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) ENTERPRISE FUNDS.—Funds appropriated under the heading "Economic Support Fund" in this Act may be made available to establish and operate one or more enterprise funds for Egypt, Jordan, and Tunisia: *Provided*, That the first, third and fifth provisos under section 7041(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall apply to funds appropriated by this Act under the heading "Economic Support Fund" for an enterprise fund or funds to the same extent and in the same manner as such provision of law applied to funds made available under such section (except that the clause excluding subsection (d)(3) of section 201 of the SEED Act shall not apply): *Provided further*, That in addition to the previous proviso, the authorities in the matter preceding the first proviso of such section may apply to any such enterprise fund or funds: *Provided further*, That the authority of any such enterprise fund or funds to provide assistance shall cease to be effective on December 31, 2028.

(3) DESIGNATION REQUIREMENT.—Funds made available pursuant to paragraph (1) from prior Acts making appropriations for the Department of State, foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(4) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees, and subject to the regular notification procedures of the Committees on Appropriations.

(p) LOCAL WORKS.— 22 USC 2152i note.

(1) The "Small Grants Program" established pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall hereafter be referred to as "Local Works".

(2) Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia", not less than $47,000,000 shall be made available for Local Works pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), which may remain available until September 30, 2022.

(3) For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), "eligible entities" shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of $5,000,000 from USAID over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

(q) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department of State may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) on a case-by-case basis for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

(r) DEFINITIONS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term "funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs" means funds that remain available for obligation, and have not expired.

22 USC 262h note.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act "international financial institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) SOUTHERN KORDOFAN REFERENCE.—Any reference to Southern Kordofan in this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include portions of Western Kordofan that were previously part of Southern Kordofan prior to the 2013 division of Southern Kordofan.

22 USC 2152i note.

(5) USAID.—In this Act, the term "USAID" means the United States Agency for International Development.

(6) SPEND PLAN.—In this Act, the term "spend plan" means a plan for the uses of funds appropriated for a particular entity, country, program, purpose, or account and which shall include, at a minimum, a description of—

(A) realistic and sustainable goals, criteria for measuring progress, and a timeline for achieving such goals;

(B) amounts and sources of funds by account;

(C) how such funds will complement other ongoing or planned programs; and

(D) implementing partners, to the maximum extent practicable.

(7) CLARIFICATION.—In this Act, the terms "Assistant Secretary" and "Under Secretary" shall include individuals appointed by the President and confirmed by the Senate to serve in such designated positions, as well as individuals serving in acting capacities or performing functions pursuant to alter ego delegations with such designated "Assistant Secretary" and "Under Secretary" positions.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in

the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act ("Limitation on Assistance for the Palestinian Authority").

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2018, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for—

(A) the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism; and

(B) any educational institution located in the West Bank or Gaza that is named after an individual who the Secretary of State determines has committed an act of terrorism.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act, up to $1,000,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, investigations, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2018 under the heading "Economic Support Fund", and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) REPORT.—Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for

the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be

made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—

(A) FUNDING.—Of the funds appropriated by this Act under the heading "Economic Support Fund", up to $112,500,000 may be made available for assistance for Egypt, of which not less than $35,000,000 should be made available for higher education programs including not less than $10,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education: *Provided*, That such funds shall be made available for democracy programs, and for development programs in the Sinai: *Provided further*, That such funds may not be made available for cash transfer assistance or budget support unless the Secretary of State certifies and reports to the appropriate congressional committees that the Government of Egypt is taking consistent and effective steps to stabilize the economy and implement market-based economic reforms.

(B) WITHHOLDING.—The Secretary of State shall withhold from obligation funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Egypt, an amount of such funds that the Secretary determines to be equivalent to that expended by the United States Government for bail, and by nongovernmental organizations for legal and court fees, associated with democracy-related trials in Egypt until the Secretary certifies and reports to the Committees on Appropriations that the Government of Egypt has dismissed the convictions issued by the Cairo Criminal Court on June 4, 2013, in "Public Prosecution Case No. 1110 for the Year 2012".

(C) LIMITATION.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Economic Support Fund" may be made available for a contribution, voluntary or otherwise, to the "Civil Associations and Foundations Support Fund", or any similar fund, established pursuant to Law 70 on Associations and Other Foundations Working in the Field of Civil Work published in the Official Gazette of Egypt on May 29, 2017.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", up to $1,300,000,000, to remain available until September 30, 2019, may be made available for assistance for Egypt: *Provided*, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees

on Appropriations: *Provided further*, That $300,000,000 of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking sustained and effective steps to—

(i) advance democracy and human rights in Egypt, including to govern democratically and protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference;

(iii) release political prisoners and provide detainees with due process of law;

(iv) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights;

(v) investigate and prosecute cases of extrajudicial killings and forced disappearances; and

(vi) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

Provided further, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met, and including an assessment of the compliance of the Government of Egypt with United Nations Security Council Resolution 2270 and other such resolutions regarding North Korea: *Provided*, That the report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(4) OVERSIGHT REQUIREMENT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Egypt.

(5) CONSULTATION REQUIREMENT.—Not later than 90 days after enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations on any plan to restructure military assistance for Egypt.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings "Diplomatic and Consular Programs", "Economic Support Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be used by the Secretary of State—

(A) to support the United States policy to prevent Iran from achieving the capability to produce or otherwise obtain a nuclear weapon;

(B) to support an expeditious response to any violation of the Joint Comprehensive Plan of Action or United Nations Security Council Resolution 2231;

(C) to support the implementation and enforcement of sanctions against Iran for support of terrorism, human rights abuses, and ballistic missile and weapons proliferation; and

(D) for democracy programs for Iran, to be administered by the Assistant Secretary for Near Eastern Affairs, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(2) CONTINUATION OF PROHIBITION.—The terms and conditions of section 7041(c)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2018.

(3) REPORTS.—

(A) SEMI-ANNUAL REPORT.—The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 135 of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(4)), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17).

(B) SANCTIONS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on the status of the implementation and enforcement of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce such sanctions against Iran: *Provided*, That the report shall also include any entities involved in providing significant support for the development of a ballistic missile by the Government of Iran after October 1, 2015, including shipping and financing, and note whether such entities are currently under United States sanctions: *Provided further*, That such report shall be submitted in an unclassified form, but may contain a classified annex if necessary.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated by this Act shall be made available for assistance for Iraq to promote governance and security, and for stabilization programs, including in the Kurdistan Region of Iraq and other areas impacted by the conflict in Syria, and among religious and ethnic minority populations in Iraq: *Provided*, That such assistance shall be provided in accordance with the Constitution of Iraq: *Provided further*, That funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" should be made available for assistance for the Kurdistan Region of Iraq to address the needs of internally

displaced persons and refugees: *Provided further*, That the Secretary of State shall consult with the Committees on Appropriations prior to obligating funds made available for the Kurdistan Region of Iraq.

(2) BASING RIGHTS AGREEMENT.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) JORDAN.—Of the funds appropriated by this Act under titles III and IV, not less than $1,525,000,000 shall be made available for assistance for Jordan, of which: not less than $1,082,400,000 shall be made available under the heading "Economic Support Fund", of which not less than $745,100,000 shall be made available for budget support for the Government of Jordan; and not less than $425,000,000 shall be made available under the heading "Foreign Military Financing Program".

(e) LEBANON.—

(1) LIMITATION.—None of the funds appropriated by this Act may be made available for the Lebanese Internal Security Forces (ISF) or the Lebanese Armed Forces (LAF) if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) CONSULTATION.—Funds appropriated by this Act under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" that are available for assistance for Lebanon may be made available for programs and equipment for the ISF and the LAF to address security and stability requirements in areas affected by the conflict in Syria, following consultation with the appropriate congressional committees.

(3) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Lebanon may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(4) FOREIGN MILITARY FINANCING PROGRAM.—In addition to the activities described in paragraph (2), funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be obligated for assistance for the LAF until the Secretary of State submits to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is only used for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2018: *Provided further*, That any notification submitted pursuant to such sections shall

include any funds specifically intended for lethal military equipment.

(f) LIBYA.—

(1) FUNDING.—Funds appropriated by titles III and IV of this Act shall be made available for assistance for Libya for programs to strengthen governing institutions and civil society, improve border security, and promote stability in Libya, and for activities to address the humanitarian needs of the people of Libya: *Provided*, That section 7015(j) of this Act regarding notification of assistance diverted or destroyed shall apply to funds made available for assistance for Libya.

(2) LIMITATIONS.—

(A) COOPERATION ON THE SEPTEMBER 2012 ATTACK ON UNITED STATES PERSONNEL AND FACILITIES.—None of the funds appropriated by this Act may be made available for assistance for the central Government of Libya unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is cooperating with United States Government efforts to investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012: *Provided*, That the limitation in this paragraph shall not apply to funds made available for the purpose of protecting United States Government personnel or facilities.

(B) INFRASTRUCTURE PROJECTS.—The limitation on the uses of funds in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to funds appropriated by this Act that are made available for assistance for Libya.

(3) CERTIFICATION.—Prior to the initial obligation of funds made available by this Act for assistance for Libya, the Secretary of State shall certify and report to the Committees on Appropriations that all practicable steps have been taken to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Libya.

(g) MOROCCO.—

(1) AVAILABILITY AND CONSULTATION REQUIREMENT.—Funds appropriated under title III of this Act shall be made available for assistance for the Western Sahara: *Provided*, That not later than 90 days after enactment of this Act and prior to the obligation of such funds, the Secretary of State, in consultation with the USAID Administrator, shall consult with the Committees on Appropriations on the proposed uses of such funds.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Morocco may only be used for the purposes requested in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2017.

(h) REFUGEE ASSISTANCE IN NORTH AFRICA.—Not later than 45 days after enactment of this Act, the Secretary of State, after consultation with the United Nations High Commissioner for Refugees and the Executive Director of the World Food Programme, shall submit a report to the Committees on Appropriations

describing steps taken to strengthen monitoring of the delivery of humanitarian assistance provided for refugees in North Africa, including any steps taken to ensure that all vulnerable refugees are receiving such assistance.

(i) NORTH AFRICA STRATEGY.—Not later than 60 days after enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a strategy for United States engagement in North Africa, which shall include detailed information on how diplomatic engagement and assistance will be prioritized for such region, including to address economic and security needs.

(j) RELIEF AND RECOVERY FUND.—

(1) FUNDS AND TRANSFER AUTHORITY.—Of the funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Peacekeeping Operations", and "Foreign Military Financing Program", not less than $500,000,000 shall be made available for the Relief and Recovery Fund for assistance for areas liberated from, at risk from, or under the control of, the Islamic State of Iraq and Syria, other terrorist organizations, or violent extremist organizations in the Middle East and Africa, including for stabilization assistance for vulnerable ethnic and religious minority communities affected by conflict: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes and to amounts specifically designated in this Act or in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for assistance for countries: *Provided further*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

(2) TRANSITIONAL JUSTICE.—Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" that are made available for the Relief and Recovery Fund, not less than $5,000,000 shall be made available for programs to promote accountability in Iraq and Syria for genocide, crimes against humanity, and war crimes, which shall be in addition to any other funds made available by this Act for such purposes: *Provided*, That such programs shall include components to develop local investigative and judicial skills, and to collect and preserve evidence and maintain the chain of custody of evidence, including for use in prosecutions: *Provided further*, That such funds shall be administered by the Special Coordinator for the Office of Global Criminal Justice, Department of State: *Provided further*, That funds made available by this paragraph shall only be made available on an open and competitive basis.

(3) COST-MATCHING BASIS.—Funds appropriated pursuant to paragraph (1) shall be made available to the maximum extent practicable on a cost-matching basis from sources other than the United States Government.

(k) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Peacekeeping Operations" shall be made available, to the extent practicable and notwithstanding any other provision of law, for non-lethal assistance to address the needs of civilians affected by conflict in Syria, and programs that seek to—

(A) establish local governance in Syria that is representative, inclusive, and accountable;

(B) empower women through political and economic programs, and address the psychosocial needs of women and their families in Syria and neighboring countries;

(C) develop and implement political processes that are democratic, transparent, and strengthen the rule of law;

(D) further the legitimacy and viability of the Syrian opposition, including local government structures in Syria and through cross-border programs;

(E) develop and sustain civil society and independent media in Syria;

(F) promote stability and economic development in Syria;

(G) document, investigate, and prosecute human rights violations in Syria, including through transitional justice programs and support for nongovernmental organizations;

(H) expand the role of women in negotiations to end the violence and in any political transition in Syria;

(I) assist Syrian refugees whose education has been interrupted by the ongoing conflict to complete higher education requirements at universities and other academic institutions in the region, and through distance learning;

(J) assist vulnerable populations in Syria and in neighboring countries;

(K) protect and preserve the cultural identity of the people of Syria as a counterbalance to extremism, particularly those living in neighboring countries and among youth;

(L) protect and preserve cultural heritage sites in Syria, particularly those damaged and destroyed by extremists;

(M) counter extremism in Syria; and

(N) facilitate the return of displaced persons to liberated areas in Syria.

(2) DEMINING AND UNEXPLODED ORDNANCE CLEARANCE.—Funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" for assistance for Syria shall be made available for demining and unexploded ordnance clearance programs.

(3) STRATEGY AND SYRIAN ORGANIZATIONS.—Funds appropriated by this Act that are made available for assistance for Syria pursuant to the authority of this subsection—

(A) may only be made available after the Secretary of State, in consultation with the heads of relevant United States Government agencies, submits, in classified form if necessary, an update to the comprehensive strategy required in section 7041(i)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76); and

(B) shall be made available, on an open and competitive basis, to continue a program to strengthen the capability of Syrian civil society organizations to address the immediate and long-term needs of the Syrian people in Syria in a manner that supports the sustainability of such organizations in implementing Syrian-led humanitarian and development programs: *Provided*, That funds made available by this paragraph shall be administered by the Bureau for Democracy, Human Rights, and Labor, Department of State.

(4) LIMITATION.—None of the funds appropriated by this Act for assistance for Syria may be made available for a project or activity that supports or otherwise legitimizes the Government of Iran, foreign terrorist organizations (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a proxy of Iran in Syria.

(5) MONITORING, OVERSIGHT, CONSULTATION, AND NOTIFICATION.—

(A) Prior to the obligation of funds appropriated by this Act and made available for assistance for Syria, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such assistance inside Syria.

(B) Section 7015(j) of this Act regarding the notification of assistance diverted or destroyed shall apply to funds made available for assistance for Syria.

(C) Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(l) TUNISIA.—Of the funds appropriated under titles III and IV of this Act, not less than $165,400,000 shall be made available for assistance for Tunisia.

(m) WEST BANK AND GAZA.—

(1) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;

(B) improve security in the region;

(C) continue support for transparent and accountable government institutions;

(D) promote a private sector economy; or

(E) address urgent humanitarian needs.

(2) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading "Economic Support Fund" in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act—

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) initiated or actively supported an ICC investigation against Israeli nationals for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) REDUCTION.—The Secretary of State shall reduce the amount of assistance made available by this Act under the heading "Economic Support Fund" for the Palestinian Authority by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year: *Provided*, That the Secretary shall report to

the Committees on Appropriations on the amount reduced for fiscal year 2018 prior to the obligation of funds for the Palestinian Authority.

(4) SECURITY REPORT.—The reporting requirements in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(5) INCITEMENT REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and coexistence with Israel.

AFRICA

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act under the heading "International Military Education and Training" for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

(b) BOKO HARAM.—Funds appropriated by this Act that are made available for assistance for Cameroon, Chad, Niger, and Nigeria—

(1) shall be made available for assistance for women and girls who are targeted by the terrorist organization Boko Haram, consistent with the provisions of section 7059 of this Act, and for individuals displaced by Boko Haram violence; and

(2) may be made available for counterterrorism programs to combat Boko Haram.

(c) CENTRAL AFRICAN REPUBLIC.—Funds made available by this Act for assistance for the Central African Republic shall be made available for reconciliation and peacebuilding programs, including activities to promote inter-faith dialogue at the national and local levels, and for programs to prevent crimes against humanity.

(d) ETHIOPIA.—

(1) FORCED EVICTIONS.—

(A) Funds appropriated by this Act for assistance for Ethiopia may not be made available for any activity that supports forced evictions.

(B) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Ethiopia only if such projects are developed and carried out in accordance with the requirements of section 7029(b)(2) of this Act.

(2) CONSULTATION.—Programs and activities to improve livelihoods shall include prior consultation with, and the participation of, affected communities, including in the South Omo and Gambella regions.

(3) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the report under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) LAKE CHAD BASIN COUNTRIES.—Funds appropriated by this Act that are made available for assistance for Cameroon, Chad, Niger, and Nigeria should be made available, following consultation with the Committees on Appropriations, for—

(1) democracy programs, including to protect freedom of expression, association, assembly, and religion, including support for independent journalists, civil society, and democratic political parties;

(2) assistance for governments of such countries to strengthen accountability and the rule of law, including within the security forces; and

(3) health and development programs.

(f) LORD'S RESISTANCE ARMY.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord's Resistance Army (LRA) consistent with the goals of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

(g) MALAWI.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $56,000,000 shall be made available for assistance for Malawi, of which up to $10,000,000 shall be made available for higher education programs.

(h) SOUTH SUDAN.—

(1) STRATEGY UPDATE.—Not later than 60 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, shall submit an update to the strategy required in section 7042(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31).

(2) CERTIFICATION.—None of the funds appropriated by this Act that are available for assistance for the central Government of South Sudan may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking effective steps to—

(A) end hostilities and pursue good faith negotiations for a political settlement of the conflict;

(B) provide access for humanitarian organizations;

(C) end the recruitment and use of child soldiers;

(D) protect freedoms of expression, association, and assembly;

(E) reduce corruption related to the extraction and sale of oil and gas;

(F) establish democratic institutions;

(G) establish accountable military and police forces under civilian authority; and

(H) investigate and prosecute individuals credibly alleged to have committed gross violations of human rights,

including at the Terrain compound in Juba, South Sudan on July 11, 2016.

(3) EXCLUSIONS.—The limitation of paragraph (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and

(C) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement and mutual arrangements related to such Agreement.

(4) CONSULTATION.—Prior to the initial obligation of funds made available for the central Government of South Sudan pursuant to paragraphs (3)(B) and (C), the Secretary of State shall consult with the Committees on Appropriations on the intended uses of such funds, steps taken by such government to advance or implement a peace agreement, and progress made by the Government of South Sudan in meeting the requirements in paragraph (2).

(i) SUDAN.—

(1) LIMITATIONS.—

(A) ASSISTANCE.—Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) LOANS.—None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) EXCLUSIONS.—The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for democracy programs;

(C) assistance for the Darfur region, Southern Kordofan State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other internationally recognized viable peace agreement in Sudan.

(j) ZIMBABWE.—

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly. 22 USC 2151 note.

(2) LIMITATION.—None of the funds appropriated by this Act shall be made available for assistance for the central

Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1), and funds may be made available for macroeconomic growth assistance if the Secretary reports to the Committees on Appropriations that such government is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) BURMA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—

(A) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Burma may be made available notwithstanding any other provision of law, except for this subsection, and following consultation with the appropriate congressional committees.

(B) USES.—Funds appropriated under title III of this Act for assistance for Burma—

(i) shall be made available to strengthen civil society organizations in Burma and for programs to strengthen independent media;

(ii) shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading "Migration and Refugee Assistance";

(iii) shall be made available for programs to promote ethnic and religious tolerance and to combat gender-based violence, including in Rakhine, Shan, Kachin, and Karen states;

(iv) shall be made available to promote rural economic development in Burma, including through microfinance programs;

(v) shall be made available to increase opportunities for foreign direct investment by strengthening the rule of law, transparency, and accountability;

(vi) shall be made available for programs to investigate and document allegations of ethnic cleansing and other gross violations of human rights committed against the Rohingya people in Rakhine state at not less than the amount specified for such programs in the table under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such funds shall be made available for civil society organizations in Bangladesh and Burma for such purposes: *Provided further*, That prior to the obligation of such funds, the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall ensure the establishment of a standard documentation format and documentation procedures for use by such organizations, and shall identify an appropriate repository for such information: *Provided further*, That such

sums shall be in addition to funds otherwise made available for such purposes;

(vii) shall be made available for programs to investigate and document allegations of gross violations of human rights committed in Burma, particularly in areas of conflict: *Provided*, That such funds shall be made available for civil society and international organizations, including those in countries bordering Burma, at not less than the amount specified for such programs in the table under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(viii) shall be made available to support the implementation of the August 2017 Final Report of the Advisory Commission on Rakhine State entitled "Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine";

(ix) may not be made available to any individual or organization if the Secretary of State has credible information that such individual or organization has committed a gross violation of human rights, including against Rohingya and other minority groups, or that advocates violence against ethnic or religious groups or individuals in Burma;

(x) may not be made available to any organization or entity controlled by the armed forces of Burma;

(xi) may be made available for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose; and

(xii) may only be made available for programs to support the return of Rohingya, Karen, and other refugees and internally displaced persons to their locations of origin or preference in Burma if such returns are voluntary and consistent with international law.

(C) REGIONAL PROGRAMS.—Funds appropriated under title III of this Act shall be made available for regional programs to address violent extremism, which shall be administered by the Mission Director of the Regional Development Mission for Asia, USAID.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Burma: *Provided*, That the Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response in a manner consistent with the prior fiscal year, and following consultation with the appropriate congressional committees.

(3) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Burma only if such projects are developed and carried out in accordance with the requirements of section 7029(b)(2) of this Act.

(4) CERTIFICATION AND WAIVER.—

(A) Notwithstanding any provision of this subsection, of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for Burma, 15 percent may not be obligated until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Burma—

(i) has terminated military cooperation with North Korea;

(ii) is respecting human rights and the rule of law, including the arrest and prosecution of journalists and two Kachin pastors in December 2016;

(iii) is revising, updating, or repealing colonial-era and other oppressive laws that are used in such prosecutions, including the Unlawful Associations Act; and

(iv) is credibly investigating the murder of U Ko Ni, and is taking steps to protect and defend the security and safety of other activists.

(B) The Secretary of State may waive the requirements of this paragraph if the Secretary determines and reports to the Committees on Appropriations that do so is in the national interest.

(5) PROGRAMS, POSITION, AND RESPONSIBILITIES.—

(A) Any new program or activity in Burma initiated in fiscal year 2018 shall be subject to prior consultation with the appropriate congressional committees.

(B) Section 7043(b)(7) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2018.

(C) The United States Chief of Mission in Burma, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall be responsible for democracy and human rights programs in Burma.

(b) CAMBODIA.—

(1) ASSISTANCE.—

(A) None of the funds appropriated by this Act that are made available for assistance for the Government of Cambodia may be obligated or expended unless the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea; and

(ii) respect the rights and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993, including through the—

(I) restoration of the civil and political rights of the opposition Cambodia National Rescue Party, media, and civil society organizations;

(II) restoration of all elected officials to their elected offices; and

(III) release of all political prisoners, including journalists, civil society activists, and members of the opposition political party.

(B) Funds appropriated under title III of this Act for assistance for Cambodia shall be made available for—

(i) democracy programs, including research and education programs associated with the Khmer Rouge in Cambodia, except that no funds for such purposes may be made available to the Extraordinary Chambers in the Court of Cambodia; and

(ii) programs in the Khmer language to counter the influence of the People's Republic of China in Cambodia.

(2) VISA RESTRICTION.—Funds appropriated under title I of this Act shall be made available to continue to implement the policy announced by the Department of State on December 6, 2017, to restrict the issuance of visas to enter the United States to individuals involved in undermining democracy in Cambodia, including the family members of such individuals, as appropriate: *Provided*, That not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the implementation of such policy.

(c) NORTH KOREA.—

(1) CYBERSECURITY.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central government of a country the Secretary of State determines and reports to the appropriate congressional committees engages in significant transactions contributing materially to the malicious cyber-intrusion capabilities of the Government of North Korea: *Provided*, That the Secretary of State shall submit the report required by section 209 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C. 9229), as amended, to the Committees on Appropriations in the manner described in subparagraph (2)(A) of such section: *Provided further*, That the Secretary of State may waive the application of the restriction in this paragraph with respect to assistance for the central government of a country if the Secretary determines and reports to the appropriate congressional committees that to do so is important to the national security interest of the United States, including a description of such interest served.

(2) BROADCASTS.—Funds appropriated by this Act under the heading "International Broadcasting Operations" shall be made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(3) REFUGEES.—Funds appropriated by this Act under the heading "Migration and Refugee Assistance" should be made available for assistance for refugees from North Korea, including protection activities in the People's Republic of China and other countries in Asia.

(4) HUMAN RIGHTS PROMOTION, DATABASE, AND LIMITATION ON USE OF FUNDS.—

(A) HUMAN RIGHTS PROMOTION.—Of the funds appropriated by this Act under the headings "Economic Support

Fund" and "Democracy Fund", not less than $8,000,000 shall be made available for the promotion of human rights in North Korea: *Provided*, That such funds shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided further*, That the authority of section 7032(b) of this Act shall apply to such funds.

(B) DATABASE.—Funds appropriated by this Act under title III shall be made available to maintain a database of prisons and gulags in North Korea, in accordance with section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(C) LIMITATION.—None of the funds made available by this Act under the heading "Economic Support Fund" may be made available for assistance for the Government of North Korea.

(d) PEOPLE'S REPUBLIC OF CHINA.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) PEOPLE'S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) COUNTER INFLUENCE PROGRAMS.—Funds appropriated by this Act for public diplomacy under title I and for assistance under titles III and IV shall be made available to counter the influence of the PRC, in accordance with the strategy required by section 7043(e)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76), following consultation with the Committees on Appropriations.

(4) AUTHORITY AND NOTIFICATION REQUIREMENT.—

(A) AUTHORITY.—The uses of funds made available by this Act for the promotion of democracy in the PRC, except for funds made available under subsection (f), shall be the responsibility of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(B) NOTIFICATION.—Funds appropriated by this Act that are made available for trilateral programs conducted with the PRC shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) PHILIPPINES.—Funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement"

may be made available for counternarcotics assistance for the Philippine National Police only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of the Philippines has adopted and is implementing a counternarcotics strategy that is consistent with international human rights standards, including investigating and prosecuting individuals who are credibly alleged to have ordered, committed, or covered up extrajudicial killings and other gross violations of human rights in the conduct of counternarcotics operations: *Provided*, That the limitation of this paragraph shall not apply to funds made available for drug demand reduction or maritime programs, or to support for the development of such counternarcotics strategy following consultation with the appropriate congressional committees.

(f) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—

(A) TIBET AUTONOMOUS REGION.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $8,000,000 shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China.

(B) INDIA AND NEPAL.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $6,000,000 shall be made available for programs to promote and preserve Tibetan culture, development, and the resilience of Tibetan communities in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(C) TIBETAN GOVERNANCE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $3,000,000 shall be made available for programs to strengthen the capacity of Tibetan institutions and governance.

(g) VIETNAM.—

(1) DIOXIN REMEDIATION.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $20,000,000 shall be made available for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

(2) HEALTH AND DISABILITY PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $10,000,000 shall be made available for health and disability programs in areas sprayed with Agent Orange and otherwise contaminated with dioxin, to assist individuals with severe upper or lower body mobility impairment or cognitive or developmental disabilities.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) ASSISTANCE AND CONDITIONS.—

(A) FUNDING AND LIMITATIONS.—Funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" may be made available for assistance for Afghanistan: *Provided*, That such funds may not be obligated for any project or activity that—

(i) includes the participation of any Afghan individual or organization, including government entity, if the Secretary of State has credible information that such individual, organization, or entity is involved in corrupt practices, illicit narcotics production or trafficking, or a violation of human rights;

(ii) cannot be sustained, as appropriate, by the Government of Afghanistan or another Afghan entity;

(iii) is not regularly accessible for the purposes of conducting effective oversight in accordance with applicable Federal statutes and regulations;

(iv) initiates any new, major infrastructure development; or

(v) is conducted in areas where project and resource disbursement monitoring cannot be performed, unless the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees describing such interest, including how such project or activity does not legitimize the Taliban or other extremist organizations.

(B) CERTIFICATION AND REPORT.—Prior to the initial obligation of funds made available by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" for assistance for the central Government of Afghanistan, the Secretary of State shall certify and report to the Committees on Appropriations, after consultation with the Government of Afghanistan, that—

(i) goals and benchmarks for the specific uses of such funds have been established by the Governments of the United States and Afghanistan;

(ii) conditions are in place that increase the transparency and accountability of the Government of Afghanistan for funds obligated under the New Development Partnership or other incentive-based programs;

(iii) the Government of Afghanistan is implementing laws and policies to govern democratically and protect the rights of individuals, civil society, and the media;

(iv) the Government of Afghanistan is taking consistent steps to protect and advance the rights of women and girls in Afghanistan;

(v) the Government of Afghanistan is effectively implementing a whole-of-government, anti-corruption strategy that has been endorsed by the High Council on Rule of Law and Anti-Corruption, as agreed to at the Brussels Conference on Afghanistan in October 2016, and is prosecuting individuals alleged to be involved in corrupt or illegal activities in Afghanistan;

(vi) monitoring and oversight frameworks for programs implemented with such funds are in accordance with all applicable audit policies of the Department of State and USAID, including in areas under the control of the Taliban or other extremist organizations;

(vii) the necessary policies and procedures are in place to ensure Government of Afghanistan compliance with section 7013 of this Act, "Prohibition on Taxation of United States Assistance"; and

(viii) the Government of Afghanistan is publicly reporting its national budget, including revenues and expenditures.

(C) WAIVER.—The Secretary of State may waive the certification requirement of subparagraph (B) if the Secretary determines that to do so is important to the national security interest of the United States and the Secretary submits a report to the Committees on Appropriations, in classified form if necessary, on the justification for the waiver and the reasons why any of the requirements of subparagraph (B) cannot be met.

(D) PROGRAMS.—Funds appropriated by this Act that are made available for assistance for Afghanistan shall be made available—

(i) for programs that protect and strengthen the rights of women and girls and promote the political and economic empowerment of women, including their meaningful inclusion in political processes: *Provided*, That such assistance to promote economic empowerment of women shall be made available as grants to Afghan organizations, to the maximum extent practicable;

(ii) for programs in South and Central Asia to expand linkages between Afghanistan and countries in the region; and

(iii) to assist the Government of Afghanistan to develop transparent budgetary processes, including executing a consistently applied system of legitimate revenue generation and expenditure.

(E) TAXATION.—None of the funds appropriated by this Act for assistance for Afghanistan may be made available for direct government-to-government assistance unless the Secretary of State certifies and reports to the Committees on Appropriations that—

(i) the United States Government and the Government of Afghanistan have in place the agreements necessary to ensure compliance with the principles set forth in section 7013 of this Act; and

(ii) United States companies and organizations that are implementing United States assistance programs in Afghanistan in a manner consistent with United States laws and regulations are not subjected by the Government of Afghanistan to taxes or other fees in contravention of the agreements referenced in clause (i), and are not subjected to retaliation by the Government of Afghanistan for the nonpayment of such taxes or fees imposed in the past: *Provided*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an assessment of the dollar value of improper taxes or fees levied by such government against such companies and organizations in fiscal year 2017.

(2) GOALS AND BENCHMARKS.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing the goals and benchmarks required in paragraph (1)(B)(i): *Provided*, That not later than 6 months after the submission of such report and every 6 months thereafter until September 30, 2019, the Secretary of State shall submit a report to such committees on the status of achieving such goals and benchmarks: *Provided further*, That the Secretary of State should suspend assistance for the Government of Afghanistan if any report required by this paragraph indicates that such government is failing to make measurable progress in meeting such goals and benchmarks.

(3) AUTHORITIES.—

(A) Funds appropriated by this Act under title III through VI that are made available for assistance for Afghanistan may be made available—

(i) notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961;

(ii) for reconciliation programs and disarmament, demobilization, and reintegration activities for former combatants who have renounced violence against the Government of Afghanistan, in accordance with section 7046(a)(2)(B)(ii) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74); and

(iii) for an endowment to empower women and girls.

(B) Section 7046(a)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall apply to funds appropriated by this Act for assistance for Afghanistan.

(4) BASING RIGHTS AGREEMENT.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(b) NEPAL.—

(1) ASSISTANCE.—Not less than $121,480,000 of the funds appropriated by this Act under the headings "Global Health Programs", "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for assistance for Nepal, including for earthquake recovery and reconstruction programs.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" shall only be made available for humanitarian and disaster relief and reconstruction activities in Nepal, and in support of international peacekeeping operations: *Provided*, That such funds may only be made available for any additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases.

(c) PAKISTAN.—

(1) INTERNATIONAL SECURITY ASSISTANCE.—

(A) LIMITATION.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan.

(B) CONSULTATION.—Not later than 30 days after enactment of this Act, and prior to the submission of the report required by section 653(a) of the Foreign Assistance Act of 1961, the Secretary of State shall consult with the Committees on Appropriations on the amount of funds appropriated by this Act under the heading "Foreign Military Financing Program" that is anticipated to be subject to the January 2018 policy decision of the United States to suspend security assistance for Pakistan: *Provided*, That the Secretary shall promptly inform the appropriate congressional committees in writing of any changes to such policy, the justification for such changes, and the progress made by the Government of Pakistan in meeting the counterterrorism objectives described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(C) REPROGRAMMING.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Foreign Military Financing Program" for assistance for Pakistan that are withheld from obligation or expenditure by the Department of State may be reprogrammed by the Secretary of State, except that no such funds may be reprogrammed that are required to complete payment on existing and previously approved contracts: *Provided*, That such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) BILATERAL ECONOMIC ASSISTANCE REPORT.—Prior to the obligation of funds made available by this Act under the heading "Economic Support Fund" for assistance for the central

Government of Pakistan, the Secretary of State shall submit a report to the appropriate congressional committees detailing—

(A) the amount of financing and other support, if any, provided by the Government of Pakistan to schools supported by, affiliated with, or run by the Taliban or any domestic or foreign terrorist organization in Pakistan;

(B) the extent of cooperation by such government in issuing visas in a timely manner for United States visitors, including officials and representatives of nongovernmental organizations, engaged in assistance and security programs in Pakistan; and

(C) the extent to which such government is providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by conflict in Pakistan and the region.

(3) AUTHORITY AND USES OF FUNDS.—

(A) Funds appropriated by this Act for assistance for Pakistan may be made available notwithstanding any other provision of law, except for section 620M of the Foreign Assistance Act of 1961.

(B) Funds appropriated by this Act for assistance for Pakistan that are made available for infrastructure projects shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(C) The authorities and directives of section 7044(d)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) regarding scholarships for women shall apply to funds appropriated by this Act for assistance for Pakistan, following consultation with the Committees on Appropriations.

(D) Funds appropriated by this Act under the headings "Economic Support Fund" and "Nonproliferation, Anti-terrorism, Demining and Related Programs" that are made available for assistance for Pakistan shall be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices and for agriculture extension programs that encourage alternative fertilizer use among Pakistani farmers to decrease the dual use of fertilizer in the manufacturing of improvised explosive devices.

(E) Funds appropriated by this Act for assistance for Pakistan shall be made available for border security programs, following consultation with the Committees on Appropriations.

(F) Funds appropriated by title III of this Act shall be made available for programs to promote democracy in Pakistan.

(4) WITHHOLDING.—Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Pakistan, $33,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charges relating to the assistance provided to the United States in locating Osama bin Laden.

(5) OVERSIGHT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Pakistan: *Provided*, That the Secretary shall inform the Committees on Appropriations of such steps in a timely manner.

(d) SRI LANKA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $35,000,000 shall be made available for assistance for Sri Lanka for economic development and democracy programs, particularly in areas recovering from ethnic and religious conflict: *Provided*, That such funds shall be made available for programs to assist in the identification and resolution of cases of missing persons.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Sri Lanka is—

(A) repealing laws that do not comply with international standards for arrest and detention by security forces, and ensuring that any successor legislation meets such standards;

(B) increasing accountability and transparency in governance;

(C) investigating allegations of arbitrary arrest and torture, and supporting a credible justice mechanism in compliance with United Nations Human Rights Council Resolution (A/HCR/30/L.29) of October 2015;

(D) returning military occupied private lands in former conflict zones to their rightful owners or compensating those whose land was confiscated without due process, which includes legal steps and surveys to determine proper title to disputed lands, and which is in addition to steps taken during the previous calendar year;

(E) establishing a functioning office of missing persons and assisting its investigations of cases of missing persons from Sri Lanka's internal armed conflicts, and publishing lists of all persons who surrendered to such Government after the end of the civil war in May 2009; and

(F) substantially reducing the presence of the armed forces in former conflict zones and implementing a plan for restructuring and reducing the size of the armed forces to adopt a peacetime role that contributes to post-conflict reconciliation and regional security.

(3) INTERNATIONAL SECURITY ASSISTANCE.—Funds appropriated under title IV of this Act that are available for assistance for Sri Lanka shall be subject to the following conditions—

(A) not to exceed $500,000 under the heading "Foreign Military Financing Program" may only be made available for programs to support humanitarian and disaster response preparedness and maritime security; and

(B) funds under the heading "Peacekeeping Operations" may only be made available for training and equipment related to international peacekeeping operations, and only if the Government of Sri Lanka is taking effective

steps to bring to justice Sri Lankan peacekeeping troops who have engaged in sexual exploitation and abuse.

(e) REGIONAL PROGRAMS.—

(1) CROSS BORDER PROGRAMS.—Funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Afghanistan and Pakistan may be provided, notwithstanding any other provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan, or between either country and the Central Asian countries.

(2) SECURITY AND JUSTICE PROGRAMS.—Funds appropriated by this Act that are made available for assistance for countries in South and Central Asia shall be made available to accelerate the recruitment and enhance the retention and professionalism of women in the judiciary, police, and other security forces.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) FUNDING.—Subject to the requirements of this subsection, of the funds appropriated under titles III and IV of this Act, up to $615,000,000 may be made available for assistance for countries in Central America to implement the United States Strategy for Engagement in Central America (the Strategy): *Provided*, That such funds shall be made available to the maximum extent practicable on a cost-matching basis.

(2) PRE-OBLIGATION REQUIREMENTS.—Prior to the obligation of funds made available pursuant to paragraph (1), the Secretary of State shall submit to the Committees on Appropriations an updated multi-year spend plan as described under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(3) ASSISTANCE FOR THE CENTRAL GOVERNMENTS OF EL SALVADOR, GUATEMALA, AND HONDURAS.—Of the funds made available pursuant to paragraph (1) that are available for assistance for each of the central governments of El Salvador, Guatemala, and Honduras, except for funds made available for the International Commission against Impunity in Guatemala or the Mission to Support the Fight against Corruption and Impunity in Honduras, the following amounts shall be withheld from obligation and may only be made available as follows:

(A) 25 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is—

(i) informing its citizens of the dangers of the journey to the southwest border of the United States;

(ii) combating human smuggling and trafficking;

(iii) improving border security, including preventing illegal migration, human smuggling and trafficking, and trafficking of illicit drugs and other contraband; and

(iv) cooperating with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of

the United States who do not qualify for asylum, consistent with international law.

(B) An additional 50 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is—

(i) working cooperatively with an autonomous, publicly accountable entity to provide oversight of the Plan of the Alliance for Prosperity in the Northern Triangle in Central America (the Plan);

(ii) combating corruption, including investigating and prosecuting current and former government officials credibly alleged to be corrupt;

(iii) implementing reforms, policies, and programs to improve transparency and strengthen public institutions, including increasing the capacity and independence of the judiciary and the Office of the Attorney General;

(iv) implementing a policy to ensure that local communities, civil society organizations (including indigenous and other marginalized groups), and local governments are consulted in the design, and participate in the implementation and evaluation of, activities of the Plan that affect such communities, organizations, and governments;

(v) countering the activities of criminal gangs, drug traffickers, and organized crime;

(vi) investigating and prosecuting in the civilian justice system government personnel, including military and police personnel, who are credibly alleged to have violated human rights, and ensuring that such personnel are cooperating in such cases;

(vii) cooperating with commissions against corruption and impunity and with regional human rights entities;

(viii) supporting programs to reduce poverty, expand education and vocational training for at-risk youth, create jobs, and promote equitable economic growth, particularly in areas contributing to large numbers of migrants;

(ix) implementing a plan that includes goals, benchmarks, and timelines to create a professional, accountable civilian police force and end the role of the military in internal policing, and make such plan available to the Department of State;

(x) protecting the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(xi) increasing government revenues, including by implementing tax reforms and strengthening customs agencies; and

(xii) resolving commercial disputes, including the confiscation of real property, between United States entities and such government.

(4) DETERMINATIONS AND IMPACT ON ASSISTANCE.—

(A) INSUFFICIENT PROGRESS.—The Secretary of State shall periodically review the progress of each of the central governments of El Salvador, Guatemala, and Honduras in meeting the requirements of paragraphs (3)(A) and (3)(B): *Provided*, That if the Secretary determines and reports to the appropriate congressional committees that sufficient progress has not been made by such government in meeting such requirements, the Secretary shall suspend, in whole or in part, assistance for such government for programs supporting such requirement, and shall notify the appropriate congressional committees in writing of such action: *Provided further*, That the Secretary may resume such assistance if the Secretary determines and reports to such committees that corrective measures have been taken by such government.

(B) EXTRAORDINARY PROGRESS.—The Secretary of State may, notwithstanding section 7019 of this Act, increase assistance for El Salvador, Guatemala, or Honduras if the Secretary determines and reports to the appropriate congressional committees that the central government of such country has made extraordinary progress in meeting the requirements of paragraphs (3)(A) and (3)(B): *Provided*, That such increase shall be provided in the amounts designated as Award for Extraordinary Progress in the table under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That such determination may be made for not more than one country and following the submission of the reports for such country submitted pursuant to paragraphs (3)(A) and (3)(B).

(C) CHANGE IN NATIONAL GOVERNMENT.—Not later than 90 days following a change of national government in El Salvador, Guatemala, or Honduras, the Secretary of State shall determine whether or not such government is meeting the requirements of paragraphs (3)(A) and (3)(B) and submit a report to the appropriate congressional committees detailing the reasons for such determination: *Provided*, That if the Secretary determines that such government is not meeting such requirements, then the Secretary shall suspend, in whole or in part, assistance for such central government until such time as such determination and report can be made.

(D) REPROGRAMMING.—

(i) Assistance suspended pursuant to subparagraphs (A) or (C) may be reprogrammed if the Secretary of State determines that corrective measures have not been taken.

(ii) If the Secretary is unable to make a determination pursuant to subparagraph (B) within 180 days after enactment of this Act, amounts designated under such subparagraph may be reprogrammed.

(iii) Any reprogramming made pursuant to clauses (i) or (ii) shall only be made available for assistance for other countries in Latin America and the Caribbean and shall be subject to the regular notification procedures of the Committees on Appropriations.

(5) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations not less than 14 days prior to submitting any certification made pursuant to subsection (a)(3) and any suspension or reprogramming made pursuant to subsection (a)(4).

(6) LIMITATION.—None of the funds made available by this subsection for assistance for countries in Central America may be made available for direct government-to-government assistance or for major infrastructure projects.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, not less than $391,253,000 shall be made available for assistance for Colombia, including to support the efforts of the Government of Colombia to—

(A) conduct a unified campaign against narcotics trafficking, organizations designated as foreign terrorist organizations pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), and other criminal or illegal armed groups: *Provided*, That aircraft supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of alternative development programs and investigations by civilian judicial authorities;

(B) enhance security and stability in Colombia and the region;

(C) strengthen and expand governance, the rule of law, and access to justice throughout Colombia;

(D) promote economic and social development, including by improving access to areas impacted by conflict through demining programs; and

(E) implement a peace agreement between the Government of Colombia and illegal armed groups, in accordance with constitutional and legal requirements in Colombia: *Provided*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

(3) PRE-OBLIGATION REQUIREMENTS.—Prior to the initial obligation of funds made available pursuant to paragraph (1), the Secretary of State, in consultation with the USAID Administrator, shall submit to the Committees on Appropriations an updated multi-year spend plan as described under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(4) APPORTIONMENT AND TRANSFER.—Funds made available by this Act under the heading "Economic Support Fund" for assistance for Colombia shall be apportioned directly to USAID,

except that not less than $7,000,000 of such funds shall be transferred to, and merged with, funds appropriated by this Act under the heading "Migration and Refugee Assistance" for assistance for Colombian refugees in neighboring countries.

(5) COUNTERNARCOTICS.—Of the funds made available by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" for counternarcotics assistance for Colombia, 25 percent may be obligated only after the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Colombia has reduced overall illicit drug cultivation, production, and trafficking.

(6) HUMAN RIGHTS.—Of the funds made available by this Act under the heading "Foreign Military Financing Program" for assistance for Colombia, 20 percent may be obligated only in accordance with the conditions set forth under section 7045 in Senate Report 115–152.

(7) EXCEPTIONS.—The limitations of paragraphs (5) and (6) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(c) HAITI.—

(1) CERTIFICATION.—Funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund" that are made available for assistance for Haiti may not be made available for assistance for the central Government of Haiti unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking effective steps, which are in addition to steps taken since the certification and report submitted during the prior year, if applicable, to—

(A) strengthen the rule of law in Haiti, including by—

(i) selecting judges in a transparent manner based on merit;

(ii) reducing pre-trial detention;

(iii) respecting the independence of the judiciary; and

(iv) improving governance by implementing reforms to increase transparency and accountability, including through the penal and criminal codes;

(B) combat corruption, including by implementing the anti-corruption law enacted in 2014 and prosecuting corrupt officials;

(C) increase government revenues, including by implementing tax reforms, and increasing expenditures on public services; and

(D) resolve commercial disputes between United States entities and the Government of Haiti.

(2) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) VENEZUELA.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available for programs to promote democracy and the rule of law in Venezuela.

EUROPE AND EURASIA

SEC. 7046. (a) ASSISTANCE.—

(1) GEORGIA.—Of the funds appropriated by this Act under titles III and IV, not less than $105,325,000 shall be made available for assistance for Georgia.

(2) UKRAINE.—Of the funds appropriated by this Act under titles III and IV, not less than $420,700,000 shall be made available for assistance for Ukraine.

(b) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if such government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7070(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in the previous proviso, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act (22 U.S.C. 5812 note) shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act (22 U.S.C. 5851 et seq.) and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945 (Public Law 79–173); or

(6) humanitarian assistance.

(d) TURKEY.—None of the funds made available by this Act may be used to facilitate or support the sale of defense articles or defense services to the Turkish Presidential Protection Directorate (TPPD) under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.), unless the Secretary of State determines and reports to the appropriate congressional committees that members of the TPPD named in the July 17, 2017 indictment by the Superior Court of the District of Columbia have returned to the United States to stand trial in connection with the offenses contained in such indictment or have otherwise been brought to justice: *Provided*, That the limitation in this paragraph shall not apply to the use of funds made available by this Act for border security

purposes, for North Atlantic Treaty Organization or coalition operations, or to enhance the protection of United States officials and facilities in Turkey.

WAR CRIMES TRIBUNALS

SEC. 7047. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) RESTRICTIONS.—Of the funds appropriated under title I and under the heading "International Organizations and Programs" in title V of this Act that are available for contributions to the United Nations (including the Department of Peacekeeping Operations), any United Nations agency, or the Organization of American States, 15 percent may not be obligated for such organization, department, or agency until the Secretary of State determines and reports to the Committees on Appropriations that the organization, department, or agency is—

(A) posting on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits;

(B) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(i) protection against retaliation for internal and lawful public disclosures;

(ii) legal burdens of proof;

(iii) statutes of limitation for reporting retaliation;

(iv) access to independent adjudicative bodies, including external arbitration; and

(v) results that eliminate the effects of proven retaliation; and

(C) effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first class and business class travel.

(2) WAIVER.—The restrictions imposed by or pursuant to paragraph (1) may be waived on a case-by-case basis if the

Secretary of State determines and reports to the Committees on Appropriations that such waiver is necessary to avert or respond to a humanitarian crisis.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) RESTRICTIONS ON UNITED STATES DELEGATIONS.—None of the funds made available by this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) RESTRICTIONS ON CONTRIBUTIONS.—None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) WAIVER.—The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States, including a description of the national interest served.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that such Council is taking significant steps to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2018, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United Nations Relief and Works Agency (UNRWA), and not later than 45 days after enactment of this Act, the Secretary of State shall submit a report in writing to the Committees on Appropriations on whether UNRWA is—

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) CAPITAL PROJECTS.—None of the funds made available by this Act may be used for the design, renovation, or construction of the United Nations Headquarters in New York: *Provided*, That any operating plan submitted pursuant to this Act for funds made available under the heading "Contributions to International Organizations" shall include information on capital projects, as described under such heading in House Report 115–253.

(g) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2018 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further*, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall

be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(h) SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.—

(1) IN GENERAL.—Funds appropriated by this Act shall be made available to implement section 301 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323).

(2) WITHHOLDING OF FUNDS.—The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to bring the responsible members of such unit to justice and to prevent future incidents: *Provided*, That the Secretary shall promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made: *Provided further*, That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice.

(3) TRANSFER OF FUNDS.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $1,000,000 shall be transferred to, and merged with, funds appropriated under the heading "International Organizations and Programs" for the United Nations Office of the Special Coordinator on Improving the UN Response to Sexual Exploitation and Abuse: *Provided*, That such transfer authority shall be exercised not later than 60 days after enactment of this Act.

(i) ADDITIONAL AVAILABILITY.—Funds appropriated under titles I and V of this Act which are returned or not made available due to the implementation of subsection (a) or the second proviso under the heading "Contributions for International Peacekeeping Activities" of such title shall remain available for obligation until September 30, 2019.

(j) NATIONAL SECURITY INTEREST WITHHOLDING.—

(1) WITHHOLDING.—The Secretary of State shall withhold 5 percent of the funds appropriated by this Act under the heading "Contributions to International Organizations" for a specialized agency or other entity of the United Nations if the Secretary, in consultation with the United States Ambassador to the United Nations, determines and reports to the Committees on Appropriations that such agency or entity has taken an official action that is against the national security interest of the United States or an ally of the United States, including Israel.

(2) RELEASE OF FUNDS.—The Secretary of State, in consultation with the United States Ambassador to the United Nations, may release funds withheld pursuant to paragraph (1) if the Secretary determines and reports to the Committees on Appropriations that such agency or entity is taking steps to address the action that resulted in the withholding of such funds.

(3) REPROGRAMMING.—Should the Secretary of State be unable to make a determination pursuant to paragraph (2) regarding the release of withheld funds, such funds may be reprogrammed for other purposes under the heading "Contributions to International Organizations".

(4) WAIVER.—The Secretary of State, following consultation with the Committees on Appropriations, may waive the requirements of this subsection if the Secretary determines that to do so in the national interest.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7049. Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

DISABILITY PROGRAMS

SEC. 7050. (a) ASSISTANCE.—Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used for USAID for management, oversight, and technical support.

INTERNATIONAL CONFERENCES

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", and "Andean Counterdrug Programs" may be used for any other program and in any region.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) AUTHORITY.—The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State in connection with the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) SCOPE.—The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111–117) shall apply to this Act: *Provided*, That the date "September 30, 2009" in subsection (f)(2)(B) of such section shall be deemed to be "September 30, 2017".

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States

Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(2) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by Congress: *Provided*, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 22 U.S.C. 2151a note).

CONTINUOUS SUPERVISION AND GENERAL DIRECTION OF ECONOMIC AND MILITARY ASSISTANCE

SEC. 7056. (a) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, law enforcement and justice sector assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(b) Consistent with section 481(b) of the Foreign Assistance Act of 1961, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking: *Provided*, That the provision of assistance by the Department of Defense which is comparable to assistance that may be made available by this Act under the heading "International Narcotics Control and Law Enforcement" shall be provided in a manner consistent with the requirements of section 333(b) of title 10, United States Code, as added by section 1241 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

SEC. 7057. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used by the United States Agency for International Development to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949). 22 USC 3948 note.

(b) RESTRICTIONS.— 22 USC 3948 note.

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2019.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", are eliminated. 22 USC 3948 note.

(d) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading "Operating Expenses". 22 USC 3948 note.

(e) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section. 22 USC 3948 note.

(f) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed

by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111–117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading "Global Health Programs" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) GLOBAL FUND.—Of the funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Global Fund is—

(1) maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(2) providing sufficient resources to maintain an independent OIG that—

(A) reports directly to the Board of the Global Fund;

(B) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(C) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, subrecipients, and Local Fund Agents;

(3) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to independent adjudicative bodies, including external arbitration; and

(E) results that eliminate the effects of proven retaliation; and

(4) implementing the recommendations contained in the Consolidated Transformation Plan approved by the Board of the Global Fund on November 21, 2011:

Provided, That such withholding shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2018 pursuant to the application of any other provision contained in this or any other Act.

(c) CONTAGIOUS INFECTIOUS DISEASE OUTBREAKS.—

(1) EXTRAORDINARY MEASURES.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, funds appropriated by this Act under the headings "Global Health Programs", "Development Assistance", "International Disaster Assistance", "Complex Crises Fund", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Migration and Refugee Assistance", and "Millennium Challenge Corporation" may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

(2) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

(3) GLOBAL HEALTH SECURITY.—Not later than 180 days after enactment of this Act, a global health security strategy shall be submitted to the appropriate congressional committees in the manner described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) REPURPOSED FUNDS.—(1) Of the unobligated balances available under the heading "Bilateral Economic Assistance" in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235)—

(A) $35,000,000 shall be made available for the Emergency Reserve Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided*, That such funds may only be made available if the USAID Administrator determines and reports to the Committees on Appropriations that it is in the national interest

to respond to an emerging health threat that poses severe threats to human health;

(B) $100,000,000 shall be for programs to accelerate the capabilities of targeted countries to prevent, detect, and respond to infectious disease outbreaks; and

(C) $10,000,000 shall be made available for support of a multi-partner trust fund or other multilateral efforts to assist communities in Haiti affected by cholera resulting from the United Nations Stabilization Mission in Haiti: *Provided*, That prior to the obligation of such funds, the Secretary of State shall ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) Funds made available pursuant to this subsection are in addition to funds otherwise made available for such purposes.

(3) Funds made available pursuant to this subsection under the headings "Global Health Programs" and "International Disaster Assistance" may be transferred to, and merged with, funds made available under such headings: *Provided*, That such transfer authority is in addition to any other transfer authority provided by law.

(4) The amounts repurposed under this subsection are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

GENDER EQUALITY

SEC. 7059. (a) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

(b) WOMEN'S LEADERSHIP.—Of the funds appropriated by title III of this Act, not less than $50,000,000 shall be made available to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women's political status, expanding women's participation in political parties and elections, and increasing women's opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1)(A) Of the funds appropriated by titles III and IV of this Act, not less than $150,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(B) Funds appropriated by titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall

promote the integration of women into the police and other security forces.

(2) Department of State and United States Agency for International Development gender programs shall incorporate coordinated efforts to combat a variety of forms of gender-based violence, including child marriage, rape, female genital cutting and mutilation, and domestic violence, among other forms of gender-based violence in conflict and non-conflict settings.

(d) WOMEN, PEACE, AND SECURITY.—Funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement" should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

(e) WOMEN AND GIRLS AT RISK FROM EXTREMISM.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available to support women and girls who are at risk from extremism and conflict, and for activities to—

(A) empower women and girls to counter extremism;

(B) address the needs of women and girls adversely impacted by extremism and conflict;

(C) document crimes committed by extremists against women and girls, and support investigations and prosecutions of such crimes, as appropriate;

(D) increase the participation and influence of women in formal and informal political processes and institutions at the local level and within traditional governing structures;

(E) support reconciliation programs between impacted minority, religious, and ethnic groups and the broader community;

(F) develop and implement legal reforms and protections for women and girls at the national and local government levels; and

(G) create and sustain networks for women and girls to collectively safeguard their rights on a regional basis.

(2) CLARIFICATION AND NOTIFICATION.—Funds made available pursuant to paragraph (1)—

(A) are in addition to amounts otherwise available by this Act for such purposes; and

(B) shall be made available following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated under title III of this Act, not less than $800,000,000 shall be made available for assistance for basic education, and such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided*, That such funds should be used to implement the objectives of basic education programs for each Country Development Cooperation Strategy or similar strategy regarding basic education established by the United States Agency for International Development: *Provided further*, That such funds may also be used for secondary education activities: *Provided further*, That the USAID Administrator, following consultation with the Committees on Appropriations, may reprogram such funds between countries.

(B) Not later than 30 days after enactment of this Act, the USAID Administrator shall report to the Committees on Appropriations on the status of cumulative unobligated balances and obligated, but unexpended, balances in each country where USAID provides basic education assistance and such report shall also include details on the types of contracts and grants provided and the goals and objectives of such assistance: *Provided*, That the USAID Administrator shall update such report on a quarterly basis until September 30, 2019: *Provided further*, That if the USAID Administrator determines that any unobligated balances of funds specifically designated for assistance for basic education in prior Acts making appropriations for the Department of State, foreign operations, and related programs are in excess of the absorptive capacity of recipient countries, such funds may be made available for other programs authorized under chapter 1 of part I of the Foreign Assistance Act of 1961, notwithstanding such funding designation: *Provided further*, That the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(C) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than $87,500,000 shall be made available for a contribution to multilateral partnerships that support education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $235,000,000 shall be made available for assistance for higher education: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of such amount, not less than $35,000,000 shall be made available for human and institutional capacity building partnerships between higher education institutions in the United States and developing countries, of which not less than $15,000,000 shall be for new partnerships which should be competed and awarded not later than one year after enactment of this Act: *Provided further*, That not later than 45 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of funds for such partnerships.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $28,000,000 shall be made available for the American Schools and Hospitals Abroad program, and not less than $12,000,000 shall be made available for cooperative development programs of USAID.

(c) ENVIRONMENT PROGRAMS.—

(1) AUTHORITY AND NOTIFICATION.—

(A) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, except for the provisions of this subsection, to support environment programs.

(B) Funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(C) None of the funds in this Act are appropriated or otherwise made available for a contribution, grant, or any other payment for the Green Climate Fund.

(2) CONSERVATION PROGRAMS AND LIMITATIONS.—

(A) Of the funds appropriated under title III of this Act, not less than $269,000,000 shall be made available for biodiversity conservation programs.

(B) Not less than $90,664,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.

(C) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the appropriate congressional committees that to do so is in the national security interest of the United States.

(D) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institutions (IFI) to vote against any financing of any such activity.

(3) LARGE DAMS.—The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to vote in relation to any loan, grant, strategy, or policy of such institution to support the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.

(4) SUSTAINABLE LANDSCAPES.—Of the funds appropriated under title III of this Act, not less than $123,500,000 shall be made available for sustainable landscapes programs.

(d) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than $1,000,600,000 shall be made available for food security and agricultural development programs to carry out the purposes of the Global

Food Security Act of 2016 (Public Law 114–195), of which not less than $315,960,000 shall be made available for the Bureau for Food Security, USAID, including not less than $55,000,000 for the Feed the Future Innovation Labs: *Provided*, That funds may be made available for a contribution as authorized by section 3202 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by section 3206 of the Agricultural Act of 2014 (Public Law 113–79).

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than $265,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $65,000,000 shall be made available for activities to combat trafficking in persons internationally, of which not less than $40,000,000 shall be from funds made available under the heading "International Narcotics Control and Law Enforcement": *Provided*, That funds appropriated by this Act that are made available for programs to end modern slavery shall be in addition to funds made available by this subsection to combat trafficking in persons.

(g) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "Development Assistance", not less than $30,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil strife and war: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government: *Provided further*, That such funds shall be administered by the Office of Conflict Management and Mitigation, USAID.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than $400,000,000 shall be made available for water supply and sanitation projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than $145,000,000 shall be for programs in sub-Saharan Africa, and of which not less than $15,000,000 shall be made available to support initiatives by local communities in developing countries to build and maintain safe latrines.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7061. (a) TRANSFER OF FUNDS.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided,* That such funds shall not be available for administrative expenses of the

Overseas Private Investment Corporation: *Provided further,* That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2018. 22 USC 2194 note.

ARMS TRADE TREATY

SEC. 7062. None of the funds appropriated by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

INSPECTORS GENERAL

SEC. 7063. (a) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access of such Inspector General.

(b) TIMELY ACCESS.—A department or agency of the United States Government covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) COMPLIANCE.—Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) REPORT.—Each Inspector General covered by this section shall report to the Committees on Appropriations within 5 calendar days of any failure by any department or agency of the United States Government to provide its Inspector General access to all requested records, documents, and other materials.

REPORTING REQUIREMENTS CONCERNING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTÁNAMO BAY, CUBA

SEC. 7064. Not later than 5 days after the conclusion of an agreement with a country, including a state with a compact of free association with the United States, to receive by transfer or release individuals detained at United States Naval Station, Guantánamo Bay, Cuba, the Secretary of State shall notify the Committees on Appropriations in writing of the terms of the agreement, including whether funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs will be made available for assistance for such country pursuant to such agreement.

MULTI-YEAR PLEDGES

SEC. 7065. None of the funds appropriated by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

(1) previously justified, including the projected future year costs, in a congressional budget justification;

(2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or

(4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

PROHIBITION ON USE OF TORTURE

SEC. 7066. None of the funds made available in this Act may be used to support or justify the use of torture, cruel, or inhumane treatment by any official or contract employee of the United States Government.

EXTRADITION

SEC. 7067. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Disaster Assistance", "Complex Crises Fund", "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interest of the United States.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7068. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt, and the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing

with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

JOINT STRATEGIC PLAN, BUDGET, AND TRANSITIONS

SEC. 7069. (a) JOINT STRATEGIC PLAN AND BUDGET.—Not later than 180 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committees on Appropriations a five year budget estimate that details by each fiscal year the funds necessary to implement, by agency, each of the four goals identified in the "Joint Strategic Plan for the Department of State and the United States Agency for International Development, FY 2018–2022" (Joint Strategic Plan), required by section 306 of title 5, United States Code, and published on February 12, 2018: *Provided*, That the Secretary and the Administrator shall inform the appropriate congressional committees not later than September 30, 2018 of any changes to the Joint Strategic Plan.

(b) STRATEGIC TRANSITIONS.—

(1) The USAID Administrator shall regularly consult with the appropriate congressional committees and development stakeholders on efforts to transition nations from assistance recipients to enduring diplomatic, economic, and security partners: *Provided*, That such consultations shall include the guiding principles and metrics being developed to support such efforts, and any other matters related to the implementation plan required in paragraph (2).

(2) Not later than 180 days after enactment of this Act, the USAID Administrator shall submit to the appropriate congressional committees an implementation plan on country transitions from assistance that includes—

(A) the conditions and related benchmarks under which countries may transition from assistance provided by this Act and subsequent Acts making appropriations for the Department of State, foreign operations, and related programs;

(B) the actions required by USAID to facilitate or support country efforts toward such transition, including consultation with civil society, other donors, multilateral organizations, and implementing partners;

(C) a description of the costs and number of personnel associated with strategic transitions, including investments to increase public and private domestic resource mobilization; and

(D) the plans to ensure post-transition development progress.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7070. (a) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF CRIMEA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea or other territory in Ukraine: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea or other territory in Ukraine;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

(4) The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea and other territory in Ukraine under the control of Russian-backed separatists.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided*, That the Secretary shall publish on the Department of State Web site a list of any such central governments in a timely manner: *Provided further*, That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

(2) None of the funds appropriated by this Act may be made available to support the Russian occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

(d) ASSISTANCE TO COUNTER INFLUENCE AND AGGRESSION.—

(1) Of the funds appropriated by this Act under the headings "Assistance for Europe, Eurasia and Central Asia", "International Narcotics Control and Law Enforcement", "International Military Education and Training", and "Foreign Military Financing Program", not less than $250,000,000 shall be made available to carry out the purposes of the Countering Russian Influence Fund, as authorized by section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 22 U.S.C. 9543), and programs to enhance the capacity of law enforcement and security forces in countries in Europe and Eurasia and strengthen security cooperation between such countries and the United States and the North Atlantic Treaty Organization, as appropriate.

(2) Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation, including to promote Internet freedom, and shall also be made available to support the democracy and rule of law strategy required by section 7071(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

INTERNATIONAL MONETARY FUND

SEC. 7071. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

SPECIAL DEFENSE ACQUISITION FUND

SEC. 7072. Not to exceed $900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2020: *Provided,* That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

STABILITY AND DEVELOPMENT IN REGIONS IMPACTED BY EXTREMISM AND CONFLICT

SEC. 7073. (a) COUNTERING FOREIGN FIGHTERS AND EXTREMIST ORGANIZATIONS.—Funds appropriated under titles III and IV of this Act shall be made available for programs and activities to counter and defeat violent extremism and foreign fighters abroad, consistent with the strategy required by section 7073(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided*, That the Secretary of State shall ensure such programs are coordinated with and complement the efforts of other United States Government agencies and international partners, and that information gained through the conduct of such programs is shared in a timely manner with relevant departments and agencies of the United States Government, other international partners, and the appropriate congressional committees, as appropriate.

(b) COUNTRIES IMPACTED BY SIGNIFICANT REFUGEE POPULATIONS OR INTERNALLY DISPLACED PERSONS.—

(1) USES OF FUNDS.—Funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund" shall be made available for programs in countries affected by significant populations of internally displaced persons or refugees to—

(A) expand and improve host government social services and basic infrastructure to accommodate the needs of such populations and persons;

(B) alleviate the social and economic strains placed on host communities, including through programs to promote livelihoods, vocational training, and formal and informal education;

(C) improve coordination of such assistance in a more effective and sustainable manner; and

(D) leverage increased assistance from donors other than the United States Government for central governments and local communities in such countries:

Provided, That the Secretary of State shall periodically inform the appropriate congressional committees of the amounts and specific uses of funds made available for the purposes of this subsection.

(2) CONCESSIONAL FINANCE FACILITY.—Funds appropriated under title III of this Act under the heading "Economic Support Fund" may be made available for the Concessional Finance Facility of the World Bank to provide financing to support refugees and host communities: *Provided*, That such funds shall be in addition to funds made available for bilateral assistance in the report required by section 653(a) of the Foreign Assistance Act of 1961, and may only be made available subject to prior consultation with the Committees on Appropriations.

(c) FRAGILE STATES AND EXTREMISM.—Funds appropriated by this Act shall be made available for the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31), subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUNDS

SEC. 7074. (a) NOTIFICATION.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7075. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

BUDGET DOCUMENTS

SEC. 7076. (a) OPERATING AND REORGANIZATION PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2018, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That if such department, agency, or organization receives an additional amount under the same heading in title VIII of this Act, operating plans required by this subsection shall include consolidated information on all such funds: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

(b) SPEND PLANS.—

(1) Prior to the initial obligation of funds, the Secretary of State or Administrator of the United States Agency for

International Development, as appropriate, shall submit to the Committees on Appropriations a spend plan for funds made available by this Act, for—

(A) assistance for Afghanistan, Iraq, Lebanon, Pakistan, and the West Bank and Gaza;

(B) assistance made available pursuant to section 7070(d) of this Act to counter Russian influence and aggression, except that such plan shall be on a country-by-country basis;

(C) Power Africa and the regional security initiatives listed under this section in Senate Report 115–152: *Provided*, That the spend plan for such initiatives shall include the amount of assistance planned for each country by account, to the maximum extent practicable; and

(D) democracy programs, programs to support section 7073(a) of this Act, and sectors enumerated in subsections (a), (c), (d), (e), (f), and (h) of section 7060 of this Act.

(2) Not later than 45 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading "Department of the Treasury, International Affairs Technical Assistance" in title III.

(3) Notwithstanding paragraph (1), up to 10 percent of the funds contained in a spend plan required by this subsection may be obligated prior to the submission of such spend plan if the Secretary of State or the USAID Administrator, as appropriate, determines that the obligation of such funds is necessary to avoid significant programmatic disruption: *Provided*, That not less than seven days prior to such obligation, the Secretary or Administrator, as appropriate, shall consult with the Committees on Appropriations on the justification for such obligation and the proposed uses of such funds.

(c) SPENDING REPORT.—Not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a detailed report on spending of funds made available during fiscal year 2017 under the heading "Development Credit Authority".

(d) CLARIFICATION.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(e) CONGRESSIONAL BUDGET JUSTIFICATION.—

(1) The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President's budget for fiscal year 2019: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter.

(2) The Secretary of State and the USAID Administrator shall include in the congressional budget justification a detailed justification for multi-year availability for any funds requested under the headings "Diplomatic and Consular Programs" and "Operating Expenses".

REPORTS AND RECORDS MANAGEMENT

SEC. 7077. (a) PUBLIC POSTING OF REPORTS.—

(1) REQUIREMENT.—Any agency receiving funds made available by this Act shall, subject to paragraphs (2) and (3), post on the publicly available Web site of such agency any report required by this Act to be submitted to the Committees on Appropriations, upon a determination by the head of such agency that to do so is in the national interest.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a report if—

(A) the public posting of such report would compromise national security, including the conduct of diplomacy; or

(B) the report contains proprietary, privileged, or sensitive information.

(3) TIMING AND INTENTION.—The head of the agency posting such report shall, unless otherwise provided for in this Act, do so only after such report has been made available to the Committees on Appropriations for not less than 45 days: *Provided*, That any report required by this Act to be submitted to the Committees on Appropriations shall include information from the submitting agency on whether such report will be publicly posted.

(b) REQUESTS FOR DOCUMENTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(c) RECORDS MANAGEMENT.—

(1) LIMITATION.—None of the funds appropriated by this Act under the headings "Diplomatic and Consular Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II that are made available to the Department of State and USAID may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(2) DIRECTIVES.—The Secretary of State and USAID Administrator shall—

(A) update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(B) use funds appropriated by this Act under the headings "Diplomatic and Consular Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and

33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(C) direct departing employees that all Federal records generated by such employees, including senior officials, belong to the Federal Government; and

(D) significantly improve the response time for identifying and retrieving Federal records, including requests made pursuant to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(3) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State and USAID Administrator shall each submit a report to the Committees on Appropriations and to the National Archives and Records Administration detailing, as appropriate and where applicable—

(A) any updates or modifications made to the policy of each agency regarding the use or the establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program since the submission to the Committees on Appropriations of the report required by section 7077(c)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31);

(B) the extent to which each agency is in compliance with applicable Federal records management statutes, regulations, and policies, including meeting Directive goal 1.2 of the Managing Government Records Directive (M–12–18) by December 31, 2017; and

(C) any steps taken since the submission of the report referenced in subparagraph (A) to—

(i) comply with paragraph (1)(B) of this subsection;

(ii) ensure that all employees at every level have been instructed in procedures and processes to ensure that the documentation of their official duties is captured, preserved, managed, protected, and accessible in official Government systems of the Department of State and USAID;

(iii) implement recommendation 1 made by the Office of Inspector General (OIG), Department of State, in the January 2016 Evaluation of the Department of State's FOIA Process for Requests Involving the Office of the Secretary (ESP-16-01);

(iv) reduce the backlog of Freedom of Information Act (FOIA) and Congressional oversight requests, and measurably improve the response time for answering such requests; and

(v) strengthen cyber security measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain, improve the process to identify and remove inactive user accounts, update and enforce guidance related to the control of national security information, and implement the recommendations of the corresponding reports of the OIG as detailed under this

section in House Report 115–253 and contained in other relevant reports issued by the OIG.

(4) OPERATING PLANS.—The operating plans required by section 7076(a) of this Act for funds appropriated under the headings listed in paragraph (1) shall include funds planned for—

(A) implementing the recommendations of the OIG reports referenced in clauses (iii) and (v); and

(B) measurably reducing the FOIA and Congressional oversight requests backlog.

GLOBAL INTERNET FREEDOM

SEC. 7078. (a) FUNDING.—Of the funds available for obligation during fiscal year 2018 under the headings "International Broadcasting Operations", "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia", not less than $55,500,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interest of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) REQUIREMENTS.—

(1) Funds appropriated by this Act under the headings "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia" that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) for programs to implement the May 2011, International Strategy for Cyberspace; the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114–113); and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship

techniques: *Provided*, That the Secretary of State, in consultation with the Chief Executive Officer (CEO) of the Broadcasting Board of Governors (BBG), shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) made available only after the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, concurs that such funds are allocated consistent with—

(i) the strategies referenced in subparagraph (B) of this paragraph;

(ii) best practices regarding security for, and oversight of, Internet freedom programs; and

(iii) sufficient resources and support for the development and maintenance of anti-censorship technology and tools.

(2) Funds appropriated by this Act under the heading "International Broadcasting Operations" that are made available pursuant to subsection (a) shall be—

(A) made available only for tools and techniques to securely develop and distribute BBG digital content; facilitate audience access to such content on Web sites that are censored; coordinate the distribution of BBG digital content to targeted regional audiences; and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated with programs funded by this Act under the heading "International Broadcasting Operations", and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the BBG CEO to provide Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the BBG and in a manner consistent with the BBG Internet freedom strategy; and

(D) made available for the research and development of new tools or techniques authorized in paragraph (A) only after the BBG CEO, in consultation with the Secretary of State and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools or techniques, and establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the BBG CEO shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and USAID offices and bureaus.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7079. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers' rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to—

(A) the third proviso of subsection 7079(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117);

(B) the modification proposed by the Overseas Private Investment Corporation in November 2013 to the Corporation's Environmental and Social Policy Statement relating to coal; or

(C) the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013,

when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which is to: (i) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and (ii) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

UNITED STATES CITIZENS AND NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD

SEC. 7080. (a) REVIEW.—The Special Presidential Envoy for Hostage Affairs, in consultation with the Assistant Secretary for Consular Affairs, Department of State, shall review the practices of United States consular officers regarding assistance for citizens and nationals of the United States who are detained in countries where the Department of State's Country Reports on Human Rights

Practices indicate that arbitrary arrest or the denial of due process is common, or the judicial system is not independent or is susceptible to corruption, to—

(1) assess whether consular officers routinely seek to determine if—

(A) the detained individual has presented credible information of factual innocence to United States officials;

(B) credible information exists that the individual is detained solely or substantially because he or she is a citizen or national of the United States;

(C) credible information exists that the individual is being detained as a result of exercising his or her right to freedom of expression, association, assembly, or religion;

(D) credible information exists that the individual has been detained arbitrarily and denied due process or a fair trial;

(E) independent nongovernmental organizations or journalists have raised concerns about the innocence or the conditions of confinement of the detained individual;

(F) the detained individual has presented credible information that his or her detention is a pretext; and

(G) the individual is detained in inhumane conditions; and

(2) identify what, if any, diplomatic or other actions are taken by the Department on behalf of a detained individual if the consular officer determines that the answer to any of the questions specified in paragraph (1) is affirmative.

(b) RECOMMENDATIONS, GUIDANCE, AND REPORT.—Not later than 180 days after enactment of this Act and after completion of the review required under subsection (a), the Special Presidential Envoy for Hostage Affairs, after consultation with the Assistant Secretary for Consular Affairs, Department of State, shall—

(1) provide recommendations to the Secretary of State for modifying the guidance concerning the arrest and detention of United States citizens abroad in the Foreign Affairs Manual and Foreign Affairs Handbook to better assist the Department of State in identifying cases where such detention is unlawful or wrongful and to enhance diplomatic engagements with foreign governments and other actions on behalf of such citizens and nationals; and

(2) submit a report to the appropriate congressional committees detailing the findings of the review required pursuant to subsection (a) and the recommendations provided pursuant to paragraph (1) of this subsection.

REORGANIZATION AND REDESIGN

SEC. 7081. (a) OVERSIGHT.—

(1) PRIOR CONSULTATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may not be used to implement a reorganization, redesign, or other plan described in paragraph (2) by the Department of State, the United States Agency for International Development, or any other Federal department, agency, or organization funded by

this Act without prior consultation by the head of such department, agency, or organization with the appropriate congressional committees.

(2) DESCRIPTION OF ACTIVITIES.—Pursuant to paragraph (1), a reorganization, redesign, or other plan shall include any action to—

(A) expand, eliminate, consolidate, or downsize covered departments, agencies, or organizations, including bureaus and offices within or between such departments, agencies, or organizations, including the transfer to other agencies of the authorities and responsibilities of such bureaus and offices;

(B) expand, eliminate, consolidate, or downsize the United States official presence overseas including at bilateral, regional, and multilateral diplomatic facilities and other platforms; and

(C) expand or reduce the size of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the on-board levels as of December 31, 2017: *Provided*, That not less than 30 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit to the appropriate congressional committees such on-board levels.

(3) NOTIFICATION.—Funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for the activities described in paragraph (2) shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That any such notification submitted to such Committees shall include a detailed justification for any proposed action, including the information specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(4) OPERATING PLANS.—Operating plans submitted pursuant to section 7076(a) of this Act shall detail, as applicable, amounts for the bureaus, offices, and organizations detailed under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) ADDITIONAL REQUIREMENTS.—

(1) PERSONNEL.—

(A) Not later than 90 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit a report to the appropriate congressional committees detailing the personnel requirements necessary to implement the December 2017 "National Security Strategy of the United States" and the February 2018 "Joint Strategic Plan for the Department of State and the United States Agency for International Development, FY 2018–2022".

(B) Not later than 30 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit to the appropriate congressional committees an analysis and justification for the reduction of Department of State and USAID personnel during calendar

year 2017, to include an explanation of how such reductions support the missions of each agency.

(C) Not later than 60 days after enactment of this Act and every 60 days thereafter until September 30, 2019, the Secretary of State, in the case of the Department of State, and the USAID Administrator, in the case of USAID, shall report to the appropriate congressional committees on the on-board personnel levels, hiring, and attrition of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID, as appropriate, on an operating unit-by-operating unit basis.

(2) ADMINISTRATION OF FUNDS.—Funds appropriated by this Act—

(A) under the heading "Migration and Refugee Assistance" shall be administered by the Assistant Secretary for Population, Refugees, and Migration, Department of State; and

(B) that are made available for the Office of Global Women's Issues shall be administered by the United States Ambassador-at-Large for Global Women's Issues.

(3) INFORMATION TECHNOLOGY PLATFORM.—

(A) None of the funds appropriated in title I of this Act under the heading "Administration of Foreign Affairs" may be made available for a new major information technology investment without the concurrence of the Chief Information Officer, Department of State.

(B) In complying with the requirements of this paragraph, the Chief Information Officer, Department of State, shall consider whether a new major information technology investment—

(i) is consistent with the Department Information Technology Strategic Plan;

(ii) maintains consolidated control over enterprise IT functions or improves operational maintenance;

(iii) improves Department of State resiliency to a cyber-attack;

(iv) reduces Department of State IT costs over the long-term; and

(v) is in accordance with the Federal Acquisition Regulation (FAR), including FAR Part 6 regarding competition requirements.

(C) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing the conclusions and recommendations from the Information Technology (IT) Platform Planning workstream of the Department of State redesign initiative.

(4) REGIONAL DEVELOPMENT MISSION FOR ASIA.—Funds appropriated by this Act and made available for the Regional Development Mission for Asia, USAID, in the table included under title II of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall be subject to section 7019 of this Act.

UNITED NATIONS POPULATION FUND

SEC. 7082. (a) CONTRIBUTION.—Of the funds made available under the heading "International Organizations and Programs" in this Act for fiscal year 2018, $32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "Global Health Programs" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

SEC. 7083. (a) The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"SEC. 36. ELEVENTH REPLENISHMENT. 22 USC 285gg.

"(a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $189,580,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $189,580,000 for payment by the Secretary of the Treasury.".

(b) The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

22 USC 284bb.

"SEC. 30. EIGHTEENTH REPLENISHMENT.

"(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $3,291,030,000 to the eighteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $3,291,030,000 for payment by the Secretary of the Treasury.".

(c) The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

22 USC 290g–24.

"SEC. 225. FOURTEENTH REPLENISHMENT.

"(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $513,900,000 to the fourteenth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $513,900,000 for payment by the Secretary of the Treasury.".

RESCISSIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 7084. (a) Of the unobligated balances available to the President under the heading "Development Assistance", as identified by Treasury Appropriation Fund Symbol 72 X 1021, $23,766,000 are rescinded.

(b) Of the unobligated balances available under the heading "Export and Investment Assistance, Export-Import Bank of the United States" for carryover under the heading "Receipts Collected" in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $10,000,000 are rescinded.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $2,975,971,000, to remain available until September 30, 2019, of which $2,376,122,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to $5,000,000 of the total funds made available under this heading to any other appropriation of

any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That any such transfer shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $68,100,000, to remain available until September 30, 2019, of which $54,900,000 shall be for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight: *Provided*, That printing and reproduction costs of SIGAR shall not exceed amounts for such costs during fiscal year 2017: *Provided further*, That notwithstanding any other provision of law, any employee of SIGAR who completes at least 12 months of continuous service after the date of enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $71,778,000, to remain available until expended, for Worldwide Security Upgrades, acquisition, and construction as authorized: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $96,240,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $967,456,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $158,067,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $1,588,778,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for "Transition Initiatives", $62,043,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPLEX CRISES FUND

For an additional amount for "Complex Crises Fund", $20,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,152,122,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" to respond to refugee crises, including in Africa, the Near East, South and Central Asia, and Europe and Eurasia, $2,431,198,000, to remain available until expended, except that such funds shall not be made available for the resettlement costs of refugees in the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $417,951,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-terrorism, Demining and Related Programs", $220,583,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $325,213,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds available for obligation under this heading in this Act may be used to pay assessed expenses of international peacekeeping activities in Somalia, subject to the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $460,000,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

ADDITIONAL APPROPRIATIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2018.

EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

COUNTERTERRORISM PARTNERSHIPS FUND

SEC. 8003. Funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for the Counterterrorism Partnerships Fund for programs in areas liberated from, under the influence of, or adversely affected by, the Islamic State of Iraq and Syria or other terrorist organizations: *Provided*, That such areas shall include the Kurdistan Region of Iraq: *Provided further*, That prior to the obligation of funds made available pursuant to this section, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That section 7015(j) of this Act regarding notification of assistance diverted or destroyed shall apply to funds made available for the Counterterrorism Partnerships Fund: *Provided further*, That funds made available pursuant to this section shall be subject to prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

TRANSFER OF FUNDS

SEC. 8004. (a) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—

(1) Funds appropriated by this title in this Act under the headings "Transition Initiatives", "Complex Crises Fund", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" may be transferred to, and merged with, funds appropriated by this title under such headings.

(2) Funds appropriated by this title in this Act under the headings "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Peacekeeping Operations", and "Foreign Military

Financing Program" may be transferred to, and merged with, funds appropriated by this title under such headings.

(b) GLOBAL SECURITY CONTINGENCY FUND.—Notwithstanding any other provision of this section, not to exceed $7,500,000 from funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Peacekeeping Operations", and "Foreign Military Financing Program" by this title in this Act may be transferred to, and merged with, funds previously made available under the heading "Global Security Contingency Fund".

(c) LIMITATION.—The transfer authority provided in subsection (a) may only be exercised to address contingencies.

(d) NOTIFICATION.—The transfer authority provided by this section shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act of 1961 which may be exercised by the Secretary of State for the purposes of this title.

This division may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018".

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Department of Transportation Appropriations Act, 2018.

For necessary expenses of the Office of the Secretary, $112,813,000, of which not to exceed $3,001,000 shall be available for the immediate Office of the Secretary; not to exceed $1,040,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $20,555,000 shall be available for the Office of the General Counsel; not to exceed $10,331,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $14,019,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $29,356,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,142,000 shall be available for the Office of Public Affairs; not to exceed $1,760,000 shall be available for the Office of the Executive Secretariat; not to exceed $11,318,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed $16,745,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 7 percent shall

be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $23,465,109, of which $2,618,000 shall remain available until September 30, 2020, and of which $15,000,000, to remain available until expended, is for new competitive grants under 49 U.S.C. 5505 to a national center for congestion research and a national center for infrastructure research: *Provided*, That such amounts are in addition to amounts previously provided for such program: *Provided further*, That such amounts for additional national centers are provided notwithstanding 49 U.S.C. 5505(c)(2)(A): *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

49 USC 112 note.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $1,500,000,000, to remain available through September 30, 2020: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant local or regional impact: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments (including inland port infrastructure and land ports of entry): *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed $15,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *Provided further*, That grants awarded under the previous proviso shall not be subject to a minimum grant size: *Provided further*, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this

paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than $5,000,000 and not greater than $25,000,000: *Provided further*, That not more than 10 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further,* That not less than 30 percent of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to $25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: *Provided further*, That none of the funds provided in the previous proviso may be used to hire additional personnel: *Provided further*, That the Secretary shall not use the Federal share as a selection criteria in awarding projects: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity under the previous proviso no later than 60 days after enactment of this Act: *Provided further*, That the Notice of Funding Opportunity shall require application submissions 90 days after the publishing of such Notice: *Provided further*, That of the applications submitted under the previous two provisos, the Secretary shall make grants no later than 270 days after enactment of this Act in such amounts that the Secretary determines.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses for the administration of the National Surface Transportation and Innovative Finance Bureau (the Bureau) within the Office of the Secretary of Transportation, $3,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall use such amount for the necessary expenses to fulfill the responsibilities of the Bureau, as detailed in section 9001 of the Fixing America's Surface Transportation (FAST) Act (Public Law 114–94) (49 U.S.C. 116): *Provided further*, That the Secretary is required to receive the

advance approval of the House and Senate Committees on Appropriations prior to exercising the authorities of 49 U.S.C. 116(h): *Provided further*, That the program be available to other Federal agencies, States, municipalities and project sponsors seeking Federal transportation expertise in obtaining financing.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and reengineering business processes, $6,000,000, to remain available through September 30, 2020.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, and implementation of enhanced security controls on network devices, $15,000,000, to remain available through September 30, 2019.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,500,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $14,000,000: *Provided*, That of such amount, $1,500,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department as provided for under the previous proviso.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $202,245,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the

Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For necessary expenses of the Minority Business Resource Center, the provision of financial education outreach activities to eligible transportation-related small businesses, the monitoring of existing loans in the guaranteed loan program, and the modification of such loans of the Minority Business Resource Center, $500,301, as authorized by 49 U.S.C. 332; *Provided*, That notwithstanding that section, these funds may be for business opportunities related to any mode of transportation.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, $4,646,000, to remain available until September 30, 2019: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $155,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than 40 miles from the nearest small hub airport before the Secretary has negotiated with the community over a local cost share: *Provided further*, That amounts authorized to be distributed for the essential air service program under subsection 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further*, That such reserve will not exceed one month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further*, That the Working Capital Fund will be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 112–95, $10,211,754,000, to remain available until September 30, 2019, of which $8,851,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,692,786,000 shall be available for air traffic organization activities; not to exceed $1,310,000,000 shall be available for aviation safety activities; not to exceed $22,587,000 shall be available for commercial space transportation activities; not to exceed $801,506,000 shall be available for finance and management activities; not to exceed $60,000,000 shall be available for NextGen and operations planning activities; not to exceed $112,622,000 shall be available for security and hazardous materials safety; and not

to exceed $212,253,000 shall be available for staff offices: *Provided*, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 5 percent: *Provided further*, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $165,000,000 shall be used to fund direct operations of the current 253 air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of Transportation shall transmit to Congress the final disposition of the Benefit Cost Analysis for applications for participation in the Contract Tower Program and for reevaluation of Cost-share Program participants pending as of January 1, 2016, as mandated by section 119C of division K of the Consolidated Appropriations Act, 2017 (Public Law 115–31): *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through,

49 USC 44506 note.

49 USC 44502 note.

the Working Capital Fund: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $3,250,000,000, of which $498,000,000 shall remain available until September 30, 2019, $2,602,000,000 shall remain available until September 30, 2020, and $150,000,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That no later than March 31, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2019 through 2023, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $188,926,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2020: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,000,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000 in fiscal year 2018, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further,* That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further,* That notwithstanding any other provision of law, of funds limited under this heading, not more than $111,863,000 shall be available for administration, not less than $15,000,000 shall be available for the Airport Cooperative Research Program, not less than $33,210,000 shall be available for Airport Technology Research, and $10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-In-Aid for Airports", to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, $1,000,000,000,

to remain available through September 30, 2020: *Provided*, That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: *Provided further*, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports: *Provided further*, That the Secretary shall give priority consideration to projects at (a) nonprimary airports that are classified as Regional, Local, or Basic airports and are not located within a Metropolitan or Micropolitan Statistical Area as defined by the Office of Management and Budget, or (b) primary airports that are classified as Small or Nonhub airports: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading to a nonprimary airport shall be 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2018.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration

to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 117. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 118. None of the funds in this Act shall be available for salaries and expenses of more than eight political and Presidential appointees in the Federal Aviation Administration.

SEC. 119. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order 13642.

SEC. 119A. None of the funds in this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119C. None of the funds provided under this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants, pending as of January 1, 2016, as long as the Federal Aviation Administration has received an application from the airport, and as long as the Administrator determines such tower is eligible using the factors set forth in the Federal Aviation Administration report, Establishment and Discontinuance Criteria for Airport Traffic Control Towers (FAA–APO–90–7 as of August, 1990).

SEC. 119D. Notwithstanding any other provision of law, none of the funds made available in this Act may be obligated or expended to limit the use of an Organization Designation Authorization's (ODA) delegated functions documented in its procedures manual on a type certification project unless the Administrator documents a systemic airworthiness noncompliance performance issue as a result of inspection or oversight that the safety of air commerce requires a limitation with regard to a specific authorization or where an ODA's capability has not been previously established in terms of a new compliance method or design feature: *Provided*,

That in such cases FAA shall work with the ODA holder if requested to develop the capability to execute that function safely, efficiently and effectively.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $439,443,925, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration. In addition, $3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

23 USC 104 note.

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation Act shall not exceed total obligations of $44,234,212,000 for fiscal year 2018: *Provided*, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, $44,973,212,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

There is hereby appropriated to the Secretary of Transportation $2,525,000,000: *Provided*, That the amounts made available under this heading shall be derived from the general fund, shall be in

addition to any funds provided for fiscal year 2018 in this or any other Act for "Federal-aid Highways" under chapter 1 of title 23, United States Code, and shall not affect the distribution or amount of funds provided in any other Act: *Provided further*, That section 1101(b) of Public Law 114–94 shall apply to funds made available under this heading: *Provided further*, That of the funds made available under this heading, $1,980,000,000 shall be set aside for activities eligible under section 133(b)(1)(A) of title 23, United States Code, $15,800,000 shall be set aside for activities eligible under the Puerto Rico Highway Program as described in section 165(b)(2)(C) of such title, $4,200,000 shall be set aside for activities eligible under the Territorial Highway Program, as described in section 165(c)(6) of such title, and $300,000,000 shall be set aside for the nationally significant Federal lands and tribal projects program under section 1123 of the Fixing America's Surface Transportation (FAST) Act (Public Law 114–94): *Provided further*, That the funds made available under this heading for activities eligible under section 133(b)(1)(A) of title 23, United States Code, shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2018 is distributed among the States in section 120(a)(5) of this Act: *Provided further*, That the funds made available under this heading for activities eligible under section 133(b)(1)(A) of title 23, United States Code, shall be suballocated in the manner described in section 133(d) of such title, except that the set-aside described in section 133(h) of such title shall not apply to funds made available under this heading: *Provided further*, That the funds made available under this heading for activities eligible under section 133(b)(1)(A) of such title shall be administered as if apportioned under chapter 1 of such title and shall remain available through September 30, 2021: *Provided further*, That, except as provided in the following proviso, the funds made available under this heading for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of such title and shall remain available through September 30, 2021: *Provided further*, That the funds made available under this heading for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of such title: *Provided further*, That notwithstanding section 1123(h) of the FAST Act, the funds made available under this heading for the nationally significant Federal lands and tribal projects program in section 1123 of such Act shall remain available until expended: *Provided further*, That of the funds made available under this heading, $225,000,000, to remain available through September 30, 2021, shall be set aside for a competitive highway bridge program for States that have a population density of less than 100 individuals per square mile: *Provided further*, That the funds made available by the previous proviso shall be (1) used for highway bridge replacement or rehabilitation projects on public roads that demonstrate cost savings by bundling multiple highway bridge projects and (2) administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That for purpose of the previous two provisos, the Secretary shall calculate population density figures based on the latest available data from the decennial census conducted under section 141(a) of title 13, United States Code.

23 USC 104 note.

SEC. 120. (a) For fiscal year 2018, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from

the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2018, only in an amount equal to $639,000,000).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment

of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of the Fixing America's Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.

23 USC 313 note.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to

provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided*, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 124. None of the funds in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: *Provided*, That the written notification required in the previous proviso shall be made no later than 180 days after enactment of this Act.

SEC. 125. For this fiscal year, the Federal Highway Administration shall reinstate Interim Approval IA–5, relating to the provisional use of an alternative lettering style on certain highway guide signs, as it existed before its termination, as announced in the Federal Register on January 25, 2016 (81 Fed. Reg. 4083).

SEC. 126. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: *Provided*, That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

(b) In this section, the term "earmarked amount" means—

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10

percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 50 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

SEC. 127. Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(u) VEHICLES IN NORTH DAKOTA.—A vehicle limited or prohibited under this section from operating on a segment of the Interstate System in the State of North Dakota may operate on such a segment if such vehicle—

"(1) has a gross vehicle weight of 129,000 pounds or less;

"(2) other than gross vehicle weight, complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

"(3) is authorized to operate on such segment under North Dakota State law.".

SEC. 128. Section 1105(c)(89) of Public Law 102–240, as amended, is amended to read as follows:

"(89) I–57 Corridor Extension as follows: In Arkansas, the corridor shall follow United States Route 67 in North Little Rock, Arkansas, from I–40 to United States Route 412, then continuing generally northeast to the State line, and in Missouri, the corridor shall continue generally north from the Arkansas State line to Poplar Bluff, Missouri, and then follow United States Route 60 to I–57.".

SEC. 129. Section 1012(e) of Public Law 102–240 is amended by inserting "(1)" before "Notwithstanding" and adding at the end the following:

"(2) Upon the request of any State Department of Transportation that was authorized to enter into a tolling agreement under section 120(c) of Public Law 100–17 (101 STAT. 159), the Secretary is authorized to modify the agreement entered into under Public Law 100–17, as follows. The Secretary shall authorize the use of excess toll revenues for any other purpose for which Federal funds may be obligated under title 23, United States Code, provided the State—

"(A) certifies annually that the tolled facility is being adequately maintained; and

"(B) agrees to comply with the audit requirements in section 129(a)(3)(B) of title 23, United States Code.

"(3) For the purposes of paragraph (2), 'excess toll revenues' means revenues in excess of amounts necessary for operation and maintenance; debt service; reasonable return on investment of any private person or entity that may be authorized by the State to operate and maintain the facility; and any cost necessary for improvement, including reconstruction, resurfacing, restoration, and rehabilitation.".

SEC. 129A. Section 127(a)(10) of title 23, United States Code, is amended to read—

"(10) With respect to Interstate Routes 89, 93, and 95 in the State of New Hampshire—

"(A) State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection; and

"(B) effective June 30, 2016, a combination of truck-tractor and dump trailer equipped with 6 axles or more with a gross weight of up to 99,000 pounds shall be permitted if the distances between the extreme axles, excluding the steering axle, is 28 feet or more.".

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, $283,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of $283,000,000 for "Motor Carrier Safety Operations and Programs" for fiscal year 2018, of which $9,073,000, to remain available for obligation until September 30, 2020, is for the research and technology program, and of which $34,824,000, to remain available for obligation until September 30, 2020, is for information management.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, $374,800,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of $374,800,000 in fiscal year 2018 for "Motor Carrier Safety Grants"; of which $298,900,000 shall be available

for the motor carrier safety assistance program, $31,800,000 shall be available for the commercial driver's license program implementation program, $43,100,000 shall be available for the high priority activities program, and $1,000,000 shall be available for the commercial motor vehicle operators grant program: *Provided further*, That of the unobligated amounts provided for Commercial Vehicle Information Systems Network Development or other Motor Carrier Safety grants in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA-LU (Public Law 109–59), or other appropriation or authorization acts prior to fiscal year 2017, $87,000,000 in additional obligation limitation is provided for the modernization and maintenance of border facilities, and shall remain available until September 30, 2022: *Provided further*, That of the unobligated amounts provided for Commercial Vehicle Information Systems Network Development or other Motor Carrier Safety grants in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriation or authorization acts prior to fiscal year 2017, $100,000,000 in additional obligation limitation is provided for a highly automated vehicle research and development program and shall remain available until expended, of which not less than $60,000,000 shall be for demonstration grants, and of which not less than $38,000,000 shall be for research activities: *Provided further*, That the activities funded by the previous proviso may be accomplished through direct expenditure, direct research activities, grants, cooperative agreements, contracts, intra or interagency agreements, or other agreements with public organizations: *Provided further*, That such amounts, payments, and obligation limitation as may be necessary to carry out highly automated vehicle research and development program activities may be transferred and credited to appropriate accounts of other participating Federal agencies: *Provided further*, That $187,000,000 for payment of obligations incurred in carrying out this section shall be derived from the Highway Trust Fund (other than the Mass Transit Account), to be available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28.

SEC. 131. The Federal Motor Carrier Safety Administration shall send notice of 49 CFR section 385.308 violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 132. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, $189,075,000, of which $40,000,000 shall remain available through September 30, 2019.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, section 4011 of the FAST Act (Public Law 114–94), and chapter 303 of title 49, United States Code, $149,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2018, are in excess of $149,000,000, of which $143,700,000 shall be for programs authorized under 23 U.S.C. 403 and $5,300,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the $149,000,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2019, and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, to remain available until expended, $597,629,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2018, are in excess of $597,629,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, of which $261,200,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $280,200,000 shall be for "National Priority Safety Programs" under 23 U.S.C. 405; $29,900,000 shall be for "High Visibility Enforcement Program" under 23 U.S.C. 404; $26,329,000 shall be for "Administrative Expenses" under section 4001(a)(6) of the Fixing America's Surface Transportation Act: *Provided further*, That none of these

funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for "National Priority Safety Programs" under 23 U.S.C. 405 for "Impaired Driving Countermeasures" (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the "Transfers" provision under 23 U.S.C. 405(a)(8), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(8) within 5 days.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds made available by this Act may be used to obligate or award funds for the National Highway Traffic Safety Administration's National Roadside Survey.

SEC. 143. None of the funds made available by this Act may be used to mandate global positioning system (GPS) tracking in private passenger motor vehicles without providing full and appropriate consideration of privacy concerns under 5 U.S.C. chapter 5, subchapter II.

SEC. 144. In addition to the amounts made available under the heading, "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" for carrying out the provisions of section 403 of title 23, United States Code, $11,500,000, to remain available until September 30, 2019, shall be made available to the National Highway Traffic Safety Administration from the general fund, of which not to exceed $5,000,000 shall be available to provide funding for grants, pilot program activities, and innovative solutions to reduce alcohol-impaired-driving fatalities and other causes of the recent increase in highway fatalities from impaired driving in collaboration with eligible entities under section 403 of title 23, United States Code, and not to exceed $6,500,000 shall be available to continue a high visibility enforcement paid-media campaign regarding highway-rail grade crossing safety in collaboration with the Federal Railroad Administration.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $221,698,000, of which $15,900,000 shall remain available until expended, and of which up to $350,000 shall be available for the Secretary of Transportation to assist Class II and Class III railroads in preparing to apply and applying for direct loans and loan guarantees for eligible projects pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210) to also remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $40,600,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

For the cost of direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, $25,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That the Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding: *Provided further*, That, for direct loans and loan guarantees issued pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, the Secretary, in consultation with the Director of the Office of Management and Budget, not later than 120 days after the date of enactment of this Act, shall define each cohort as the loans provided for that fiscal year, creating individual fiscal year cohorts for each fiscal year in which a loan was provided from the date of enactment of Public Law 105–178 to the date of enactment of Public Law 114–94: *Provided further*, That, when all obligations attached to a cohort as defined under the previous proviso have been satisfied, the Secretary shall repay the credit risk premiums of loans in the cohort, with interest accrued thereon, not later than 180 days after the date of enactment of this Act or, for a cohort with obligations that have not yet been satisfied, not later than 60 days after the date on which all obligations attached to the cohort have been satisfied: *Provided further*, That the Secretary shall not treat the repayment of a loan after the date of enactment of Public Law 114–94 as precluding, limiting, or negatively affecting the satisfaction of the obligation of its cohort for a fiscal year prior to the enactment of Public Law 114–94.

FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911 of title 49, United States Code, $250,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code: *Provided further*, That section 24911(e)(1) of title 49, United States Code, is amended by striking "transportation" and inserting "transportation at the eligible project location".

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 24407 of title 49, United States Code, $592,547,000, to remain available until expended, of which $250,000,000 shall be available for eligible projects under section 24407(c)(1) of title 49, United States Code, for the implementation of positive train control systems, and of which $35,547,000 shall be available for eligible projects under section 24407(c)(2) of title 49, United States Code, that contribute to the initiation or restoration of intercity passenger rail service: *Provided*, That the Secretary shall not preclude projects from consideration for funding under the previous proviso due to a lack of agreement among the funding recipients, operator, and host railroad regarding access to and use of the host railroad facilities, if an agreement or order for the use of such facilities may occur under section 24308 of title 49, United States Code: *Provided further*, That section 24405(f) of title 49, United States Code, shall not apply to projects for the implementation of positive train control systems otherwise eligible under section 24407(c)(1) of title 49, United States Code: *Provided further*, That amounts available under this heading for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: *Provided further*, That the Secretary shall not limit eligible projects from consideration for funding for planning, engineering, environmental, construction, and design elements of the same project in the same application: *Provided further*, That unobligated balances remaining after four years from the date of enactment may be used for any eligible project under section 24407(c) of title 49, United States Code: *Provided further*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24407 of title 49, United States Code.

RESTORATION AND ENHANCEMENT

For necessary expenses related to Restoration and Enhancement Grants, as authorized by section 24408 of title 49, United States Code, $20,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the funds provided under this heading to fund the costs of award and project management and oversight.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), $650,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114–94: *Provided further*, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114–94, the Secretary may retain up to an additional $5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: *Provided further*, That of the amounts made available under this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading, not less than $50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), $1,291,600,000, to remain available until expended: *Provided*, That the Secretary may retain up to an additional $2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code: *Provided further*, That up to $5,000,000 of the amount provided under this heading shall be available for costs associated with any matters Amtrak may elect to bring before the Surface Transportation Board related to passenger rail service: *Provided further*, That at least $50,000,000 of the amount provided under this heading shall be available for the development, installation and operation of railroad safety technology, including the implementation of a positive train control system, on State-supported routes as defined under section 24102(13) of title 49, United States Code, on which positive train control systems are not required by law or regulation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the previous proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency

of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations each quarter within 30 days of such quarter of the calendar year on waivers granted to employees and amounts paid above the cap for each month within such quarter and delineate the reasons each waiver was granted: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act, a summary of all overtime payments incurred by the Corporation for 2017 and the three prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2017 and for the three prior calendar years.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $113,165,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2019 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations for fiscal year 2019.

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, $10,300,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of $9,733,353,407 in fiscal year 2018: *Provided further*, That the Federal share of the cost of activities carried out under section 5312 shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339 of title 49, United States Code, state of good repair grants under section 5337 of such title, high density state apportionments under section 5340(d) of such title, and the bus testing facilities under sections 5312 and 5318 of such title, $834,000,000 to remain available until expended: *Provided*, That $400,000,000 shall be available for grants as authorized under section 5339 of such title, of which $209,104,000 shall be available for the buses and bus facilities formula grants as authorized under section 5339(a) of such title, $161,446,000 shall be available for the buses and bus facilities competitive grants as authorized under section 5339(b) of such title, and $29,450,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: *Provided further*, That $400,000,000 shall be available for the state of good repair grants as authorized under section 5337 of such title: *Provided further*, That $30,000,000 shall be available for the high density state apportionments as authorized under section 5340(d) of such title: *Provided further*, That $2,000,000 shall be available for the bus testing facility as authorized under section 5318 of such title: *Provided further*, That notwithstanding section 5318(a) of such title, $2,000,000 shall be available for the operation and maintenance of bus testing facilities by institutions of higher education selected pursuant to section 5312(h) of such title: *Provided further*, That the Secretary shall enter into a contract or cooperative agreement with, or make a grant to, each institution of higher education selected pursuant to section 5312(h) of such title, to operate and maintain a facility to conduct the testing of low or no emission vehicle new bus models using the standards established pursuant to section 5318(e)(2) of such title: *Provided further*, That the term "low or no emission vehicle" has the meaning given the term in section 5312(e)(6) of such title: *Provided further*, That the Secretary shall pay 80 percent of the cost of testing a low or no emission vehicle new bus model at each selected institution of higher education: *Provided further*, That the entity having the vehicle tested shall pay 20 percent of the cost of testing: *Provided further*, That a low or no emission vehicle new bus model tested that receives a passing aggregate test score in accordance with the standards established under section 5318(e)(2) of such title, shall be deemed to be in compliance with the requirements of section 5318(e) of such title: *Provided further*, That amounts made available by this heading shall be derived from the general fund: *Provided further*, That the amounts made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314, $5,000,000.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, $2,644,960,000 to remain available until September 30, 2021: *Provided*, That of the amounts made available under this heading, $2,252,508,586 shall be obligated by December 31, 2019: *Provided*

further, That $5,050,000 from unobligated amounts appropriated for the buses and bus facilities program under section 5309 of such title from fiscal years 2000 to 2005 shall remain available until September 30, 2021 to carry out section 5309: *Provided further*, That of the amounts made available under this heading, $1,506,910,000 shall be available for projects authorized under section 5309(d) of such title, $715,700,000 shall be available for projects authorized under section 5309(e) of such title, $400,900,000 shall be available for projects authorized under section 5309(h) of such title: *Provided further*, That the Secretary shall continue to administer the capital investment grant program in accordance with the procedural and substantive requirements of section 5309 of such title.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall certify that the Washington Metropolitan Area Transit Authority is making progress to improve its safety management system in response to the Federal Transit Administration's 2015 safety management inspection: *Provided further*, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of division B of Public Law 110–432.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, any funds appropriated before October 1, 2017, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 162. (a) Except as provided in subsection (b), none of the funds in this or any other Act may be available to advance in any way a new light or heavy rail project towards a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

(b) The Metropolitan Transit Authority of Harris County, Texas, may attempt to construct or construct a new fixed guideway capital

project, including light rail, in the locations referred to in subsection (a) if—

(1) voters in the jurisdiction that includes such locations approve a ballot proposition that specifies routes on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas; and

(2) the proposed construction of such routes is part of a comprehensive, multi-modal, service-area wide transportation plan that includes multiple additional segments of fixed guideway capital projects, including light rail for the jurisdiction set forth in the ballot proposition. The ballot language shall include reasonable cost estimates, sources of revenue to be used and the total amount of bonded indebtedness to be incurred as well as a description of each route and the beginning and end point of each proposed transit project.

SEC. 163. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 51 percent.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $40,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662: *Provided*, That of the amounts made available under this heading, not less than $19,500,000 shall be used on asset renewal activities and shall remain available through September 30, 2020.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $300,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $513,642,000, of which $22,000,000 shall remain available until expended for maintenance and repair of training

ships at State Maritime Academies, and of which $300,000,000 shall remain available until expended for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, and design of school ships in accordance with section 3505 of Public Law 114–328, as applicable, with unobligated balances from previous appropriations for the National Security Multi-Mission Vessel Program also available for and merged into this appropriation; and of which $2,400,000 shall remain available through September 30, 2019, for the Student Incentive Program at State Maritime Academies, and of which $1,800,000 shall remain available until expended for training ship fuel assistance payments, and of which $52,000,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy, and of which $3,000,000 shall remain available through September 30, 2019, for Maritime Environment and Technology Assistance program authorized under section 50307 of title 46, United States Code, and of which $7,000,000 shall remain available until expended for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided*, That not later than January 12, 2019, the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3507 of Public Law 110–417.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, as amended by Public Law 113–281, $20,000,000 to remain available until expended.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $116,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $30,000,000, of which $27,000,000 shall remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That not to exceed $3,000,000 shall be for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriations for "Operations and Training", Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy

involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet: *Provided*, That such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398: *Provided further*, That nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 54 U.S.C. 308704, section 3502, or otherwise authorized under the Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $23,000,000: *Provided*, That the Secretary of Transportation shall issue a final rule to expand the applicability of comprehensive oil spill response plans within 5 days of enactment of this Act.

49 USC 60102 note.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $59,000,000, of which $7,570,000 shall remain available until September 30, 2020: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety

program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $162,000,000, of which $23,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2020; and of which $131,000,000 shall be derived from the Pipeline Safety Fund, of which $64,736,000 shall remain available until September 30, 2020; and of which $8,000,000 shall be derived from fees collected under 49 U.S.C. 60302 and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out 49 U.S.C. 60141 and shall remain available until September 30, 2020: *Provided*, That not less than $1,058,000 of the funds provided under this heading shall be for the One-Call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

Notwithstanding the fiscal year limitation specified in 49 U.S.C. 5116, not more than $28,318,000 shall be made available for obligation in fiscal year 2018 from amounts made available by 49 U.S.C. 5116(h), and 5128(b) and (c): *Provided*, That notwithstanding 49 U.S.C. 5116(h)(4), not more than 4 percent of the amounts made available from this account shall be available to pay administrative costs: *Provided further*, That none of the funds made available by 49 U.S.C. 5116(h), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $92,152,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the Department's, or its operating administrations', missions.

(c) Any unmanned aircraft system purchased or procured by the Department prior to the enactment of this Act shall be deemed authorized.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 183. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. (a) None of the funds provided in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, or full funding grant agreement is announced by the Department or its modal administrations: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

(b) In addition to the notification required in subsection (a), none of the funds made available in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, cooperative agreement or discretionary grant unless the Secretary of Transportation provides the House and Senate Committees on Appropriations a comprehensive list of all such loans, loan guarantees, lines of credit, cooperative agreement or discretionary grants that will be announced not less the 3 full business days before such announcement: *Provided*, That the

requirement to provide a list in this subsection does not apply to any "quick release" of funds from the emergency relief program: *Provided further*, That no list shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: *Provided*, That amounts made available in this Act shall be available until expended; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments" has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been

approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 190. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 191. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

This title may be cited as the "Department of Transportation Appropriations Act, 2018".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Department of Housing and Urban Development Appropriations Act, 2018.

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, $14,708,000: *Provided*, That not to exceed $19,876 of the amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, $518,303,000, of which $52,200,000 shall be available for the Office of the Chief Financial Officer; $95,400,000 shall be available for the Office of the General Counsel; $204,253,000 shall be available for the Office of Administration; $39,300,000 shall be available for the Office of the Chief Human Capital Officer; $53,500,000 shall be available for the Office of Field Policy and Management; $19,500,000 shall be available for the Office of the Chief Procurement Officer; $3,800,000 shall be available for the Office of Departmental Equal Employment Opportunity; $4,950,000 shall be available for the Office of Strategic Planning and Management; and $45,400,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress: *Provided further*, That within 30 days of enactment of this Act, the Secretary shall submit to the House and Senate Committees on Appropriations organization charts reflecting the Department's and each office's structure (to the branch level) on October 1, 2017 and on the date of enactment of this Act.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $216,633,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development, $107,554,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, $383,000,000.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, $24,065,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $69,808,000.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For necessary salaries and expenses of the Office of Lead Hazard Control and Healthy Homes, $7,600,000.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the "Fund"), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred to the Fund under this heading shall be available for Federal shared services used by offices and agencies of the Department, and for such portion of any office or agency's printing, records management, space renovation, furniture, or supply services as the Secretary determines shall be derived from centralized sources made available by the Department to all offices and agencies and funded through the Fund: *Provided*, That of the amounts made available in this title for salaries and expenses under the headings "Executive Offices", "Administrative Support Offices", "Program Office Salaries and Expenses", and "Government National Mortgage Association", the Secretary shall transfer to the Fund such amounts, to remain available until expended, as are necessary to fund services, specified in the matter preceding the first proviso, for which the appropriation would otherwise have been available, and may transfer not to exceed an additional $5,000,000, in aggregate, from all such appropriations, to be merged with the Fund and to remain available until expended for use for any office or agency: *Provided further*, That amounts in the Fund shall be the only amounts available to each office or agency of the Department for the services, or portion of services, specified in the matter preceding the first proviso: *Provided further*, That with respect to the Fund, the authorities and conditions under this heading shall supplement the authorities and conditions provided under section 7(f).

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $18,015,000,000, to remain available until expended, shall be available on October 1, 2017 (in addition to the $4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2017), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2018: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $19,600,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts

(including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2018 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, HOPE VI, and Choice Neighborhoods vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the MTW demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2018: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2018 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2017 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2018 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to $75,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application

for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers; and (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding: *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary;

(2) $85,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI and Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, $5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement

the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 60 days of the enactment of this Act: *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the "Project-Based Rental Assistance" heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further*, That to the extent that the Secretary determines that such units are not feasible for continued rental assistance payments or transfer of the subsidy contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and used to reimburse amounts used under this paragraph for rental assistance under the preceding proviso;

(3) $1,760,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other special purpose incremental vouchers: *Provided*, That no less than $1,730,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2018 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of

tenant-based rental assistance authorized under section 8, including related development activities;

(4) $505,000,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further*, That any amounts provided under this paragraph in this Act or prior Acts, remaining available after funding renewals and administrative expenses under this paragraph, shall be available for incremental tenant-based assistance contracts under such section 811, including necessary administrative expenses;

(5) $5,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD–VA Supportive Housing to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided*, That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the Tribal HUD–VA Supportive Housing program: *Provided further*, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: *Provided further*, That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD–VASH program: *Provided further*, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further*, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: *Provided further*, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under prior acts;

(6) $40,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the

Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) $20,000,000 shall be made available for new incremental voucher assistance through the family unification program as authorized by section 8(x) of the Act: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such program; and

(8) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2018 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") $2,750,000,000, to remain available until September 30, 2021: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2018, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $8,300,000 shall be to support ongoing public housing financial and physical assessment activities: *Provided further*, That up to $1,000,000 shall be to support the costs of administrative and judicial receiverships: *Provided further*, That of the total amount provided under this heading, not to exceed $21,500,000 shall be available for the Secretary to make grants, notwithstanding section 203 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2018: *Provided further*, That of the amount made available under the previous proviso, not less than $5,000,000 shall be for safety and security measures: *Provided further*, That in addition to the amount in the previous proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2019, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures: *Provided further*, That of the total amount provided under this heading, up to $35,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount made available under this heading, $15,000,000 shall be for a Jobs-Plus initiative modeled after the Jobs-Plus demonstration: *Provided further*, That funding provided under the previous proviso shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998, and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 as necessary to implement the Jobs-Plus program, on such terms

and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice: *Provided further*, That for funds provided under this heading, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further*, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further*, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2018 to public housing agencies that are designated high performers: *Provided further*, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act.

PUBLIC HOUSING OPERATING FUND

For 2018 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,550,000,000, to remain available until September 30, 2019.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $150,000,000, to remain available until September 30, 2020: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That the use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further*, That of the amount provided,

not less than $75,000,000 shall be awarded to public housing agencies: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than $5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further*, That unobligated balances, including recaptures, remaining from funds appropriated under the heading "Revitalization of Severely Distressed Public Housing (HOPE VI)" in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Secretary shall issue the Notice of Funding Availability for funds made available under this heading no later than 60 days after enactment of this Act: *Provided further*, That the Secretary shall make grant awards no later than 270 days after enactment of this Act in such amounts that the Secretary determines.

FAMILY SELF-SUFFICIENCY

For the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937, to promote the development of local strategies to coordinate the use of assistance under sections 8(o) and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency, $75,000,000, to remain available until September 30, 2019: *Provided*, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections b(3), b(4), b(5), or c(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary: *Provided further*, That owners of a privately owned multifamily property with a section 8 contract may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the previous proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $655,000,000, to remain available until September 30, 2022: *Provided*, That, notwithstanding NAHASDA, to determine

the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $7,000,000 shall be for providing training and technical assistance to Indian housing authorities and tribally designated housing entities, to support the inspection of Indian housing units, contract expertise, and for training and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: *Provided further*, That of the funds made available under the previous provisos, not less than $2,000,000 shall be made available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That amounts made available under the previous two provisos may be used, contracted, or competed as determined by the Secretary: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,391,304: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act: *Provided further*, That for an additional amount for the Native American Housing Block Grants program, as authorized under title I of NAHASDA, $100,000,000 to remain available until September 30, 2022: *Provided further*, That the Secretary shall obligate this additional amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: *Provided further*, That in awarding this additional amount, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation: *Provided further*, That up to 1 percent of this additional amount may be transferred, in aggregate, to "Program Office Salaries and Expenses—Public and Indian Housing" for necessary costs of administering and overseeing the obligation and expenditure of this additional amount: *Provided further*, That any funds transferred pursuant to the previous proviso shall remain available until September 30, 2023.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $1,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $270,270,270, to remain available until expended: *Provided*

further, That up to $750,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $2,000,000 to remain available until September 30, 2022: *Provided*, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts provided under this heading in investment securities and other obligations: *Provided further*, That the language under the first proviso under the heading "Native Hawaiian Housing Block Grant" in the Department of Housing and Urban Development Appropriations Act, 2015 (Public Law 113–235) is amended by striking "Hawaii-based": *Provided further*, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law. 128 Stat. 2738.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $375,000,000, to remain available until September 30, 2019, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2020: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,365,000,000, to remain available until September 30, 2020, unless otherwise specified: *Provided*, That of the total amount provided, $3,300,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended ("the Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That a metropolitan city, urban county, unit of general local government, Indian tribe, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all

or any portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: *Provided further*, That notwithstanding section 105(e)(1) of the Act, no funds provided under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2): *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the total amount provided under this heading, $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2018, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of $300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: *Provided*, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,362,000,000, to remain available until September 30, 2021: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocations of such amount: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $50,000,000, to remain available until September 30, 2020: *Provided*, That of the total amount provided under this heading, $10,000,000 shall be made available to the Self-Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That of the total amount provided under this heading, $35,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000

shall be made available for rural capacity building activities: *Provided further*, That of the total amount provided under this heading, $5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofits, local governments, and Indian Tribes serving high need rural communities: *Provided further*, That an additional $4,000,000, to remain available until expended, shall be for a program to rehabilitate and modify homes of disabled or low-income veterans, as authorized under section 1079 of Public Law 113–291.

HOMELESS ASSISTANCE GRANTS

For the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the Continuum of Care program as authorized under subtitle C of title IV of such Act; and the Rural Housing Stability Assistance program as authorized under subtitle D of title IV of such Act, $2,513,000,000, to remain available until September 30, 2020: *Provided*, That any rental assistance amounts that are recaptured under such Continuum of Care program shall remain available until expended: *Provided further*, That not less than $270,000,000 of the funds appropriated under this heading shall be available for such Emergency Solutions Grants program: *Provided further*, That not less than $2,106,000,000 of the funds appropriated under this heading shall be available for such Continuum of Care and Rural Housing Stability Assistance programs: *Provided further*, That of the amounts made available under this heading, up to $50,000,000 shall be made available for grants for rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, and stalking: *Provided further*, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That up to $7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That all funds awarded for supportive services under the Continuum of Care program and the Rural Housing Stability Assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall collect system performance measures for each continuum of care, and that relative to fiscal year 2015, under the Continuum of Care competition with respect to funds made available under this heading, the Secretary shall base an increasing share of the score on performance criteria: *Provided further*, That none of the funds provided under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that

projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible: *Provided further*, That any unobligated amounts remaining from funds appropriated under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Continuum of Care renewals in fiscal year 2018: *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program within 60 days of enactment of this Act: *Provided further,* That up to $80,000,000 of the funds appropriated under this heading shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities, including at least eight communities with substantial rural populations, can dramatically reduce youth homelessness: *Provided further*, That of the amount made available under the previous proviso, up to $5,000,000 shall be available to provide technical assistance on youth homelessness, and collection, analysis, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further,* That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $11,115,000,000, to remain available until expended, shall be available on October 1, 2017 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2017), and $400,000,000, to remain available until expended, shall be available on October 1, 2018: *Provided*, That the amounts

made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed $285,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund", may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD or a Housing Finance Agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act,

including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, $678,000,000 to remain available until September 30, 2021, of which $105,000,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until September 30, 2021: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended, and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1–year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $229,600,000, to remain available until September 30, 2021, of which $82,600,000 shall be for capital advance and project rental assistance awards: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, in this fiscal year, upon the request of the Secretary of Housing

and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract and that upon termination of such contract are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to be available until September 30, 2021: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $55,000,000, to remain available until September 30, 2019, including up to $4,500,000 for administrative contract services: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, $14,000,000, to remain available until expended: *Provided*, That such amount, together with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such sections of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such sections of law.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $11,000,000, to remain available until expended, of which $11,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed

the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2018 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2019: *Provided*, That during fiscal year 2018, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $5,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That for administrative contract expenses of the Federal Housing Administration, $130,000,000, to remain available until September 30, 2019: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2018, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000: *Provided further*, That during fiscal year 2018 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero: *Provided further*, That for fiscal years 2018 and 2019, the Secretary shall not take any action against a lender solely on the basis of compare ratios that have been adversely affected by defaults on mortgages secured by properties in areas where a major disaster was declared in 2017 or 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2019: *Provided*, That during fiscal year 2018, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $5,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2019: *Provided*, That $27,000,000 shall be available for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed $155,000,000,000 on or before April 1, 2018, an additional $100 for necessary salaries and expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, $89,000,000, to remain available until September 30, 2019: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, State or local governments and their agencies, or colleges or universities for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for noncompetitive agreements entered into in accordance with the previous

two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions: *Provided further*, That prior to obligation of technical assistance funding, the Secretary shall submit a plan, for approval, to the House and Senate Committees on Appropriations on how it will allocate funding for this activity: *Provided further*, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $65,300,000, to remain available until September 30, 2019: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, $300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $230,000,000, to remain available until September 30, 2019, of which $45,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That not less than $95,000,000 of the amounts made available under this heading for the award of grants pursuant to section

1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 shall be provided to areas with the highest lead-based paint abatement needs: *Provided further*, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

INFORMATION TECHNOLOGY FUND

For the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $267,000,000, of which $250,000,000 shall remain available until September 30, 2019, and of which $17,000,000 shall remain available until September 30, 2020: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: *Provided further*, That not more than 10 percent of the funds made available under this heading for development, modernization and enhancement may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; and (B) demonstrates that each modernization project is: (i) compliant with the Department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the Department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $128,082,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSION)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2018 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without

regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2018 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 208. The President's formal budget request for fiscal year 2019, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 209. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 210. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2018 and 2019, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current

market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

(F) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

SEC. 211. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 212. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 213. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2018, insure and enter into commitments to insure mortgages under such section 255.

SEC. 214. Notwithstanding any other provision of law, in fiscal year 2018, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 215. The commitment authority funded by fees as provided under the heading "Community Development Loan Guarantees Program Account" may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 216. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

42 USC 1437g note.

SEC. 217. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 218. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD sub-office under the accounts "Executive Offices" and "Administrative Support Offices," as well as each account receiving appropriations for "Program Office Salaries and Expenses", "Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account", and "Office of Inspector General" within the Department of Housing and Urban Development.

42 USC 3545a note.

SEC. 219. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2018, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2018, the Secretary may make the NOFA available only on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

SEC. 220. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General

Counsel shall include any such projected litigation costs for attorney fees as a separate line item request. No funds provided in this title may be used to pay any such litigation costs for attorney fees until the Department submits for review a spending plan for such costs to the House and Senate Committees on Appropriations.

SEC. 221. The Secretary is authorized to transfer up to 10 percent or $5,000,000, whichever is less, of funds appropriated for any office under the heading "Administrative Support Offices" or for any account under the general heading "Program Office Salaries and Expenses" to any other such office or account: *Provided*, That no appropriation for any such office or account shall be increased or decreased by more than 10 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees three business days in advance of any such transfers under this section up to 10 percent or $5,000,000, whichever is less.

SEC. 222. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary of Housing and Urban Development (in this section referred to as the "Secretary"), and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(c)(1) Within 15 days of the issuance of the REAC inspection, the Secretary must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at

applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

(d) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA"); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times;

(2) actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

This report shall be due to the Senate and House Committees on Appropriations no later than 30 days after the enactment of this Act, and on the first business day of each Federal fiscal year quarter thereafter while this section remains in effect.

SEC. 223. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2018.

SEC. 224. Notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary of Housing and Urban Development may, until September 30, 2018, obligate any available unobligated balances made available under the heading "Choice Neighborhoods Initiative" in this Act or any prior Act.

SEC. 225. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 226. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 227. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Administration, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 228. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 229. Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research in the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and which are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation,

or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 230. None of the funds provided in this Act or any other act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development who has been subject to administrative discipline in fiscal years 2017 or 2018, including suspension from work.

SEC. 231. Funds made available in this title under the heading "Homeless Assistance Grants" may be used by the Secretary to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2018: *Provided*, That such participation shall be limited to no more than 10 continuums of care and housing activities to improve outcomes for disconnected youth.

SEC. 232. With respect to grant amounts awarded under the heading "Homeless Assistance Grants" for fiscal years 2015, 2016, 2017, and 2018 for the continuum of care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient's matching requirements, provided the costs are eligible CoC costs that supplement the recipient's CoC program.

SEC. 233. (a) From amounts made available under this title under the heading "Homeless Assistance Grants", the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

(b) No more than 50 percent of each transition grant may be used for costs of eligible activities of the program component originally funded.

(c) Transition grants made under this section are eligible for renewal in subsequent fiscal years for the eligible activities of the new program component.

(d) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the Continuum of Care and meet standards determined by the Secretary.

SEC. 234. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled "Affirmatively Furthering Fair Housing" (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled "Affirmatively Furthering Fair Housing Assessment Tool" (79 Fed. Reg. 57949 (September 26, 2014)).

SEC. 235. Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, 2019, or 2020 under that section.

SEC. 236. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "October 1, 2017" each place it appears and inserting in lieu thereof "October 1, 2022".

SEC. 237. The language under the heading "Rental Assistance Demonstration" in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112–55), as amended by Public Law 113–76, Public Law 113–235, Public Law 114–113, and Public Law 115–31, is amended—

42 USC 1437f note.

(1) in the second proviso, by striking "September 30, 2020" and inserting "September 30, 2024";

(2) in the matter preceding the first proviso, by inserting the following before the colon: "(herein the 'First Component')";

(3) in the fourth proviso, by striking "225,000" and inserting "455,000";

(4) in the fourteenth proviso, by—

(A) inserting "or nonprofit" before "entity, then a capable entity,"; and

(B) striking "preserves its interest" and inserting "or a nonprofit entity preserves an interest";

(5) in the eighteenth proviso, by—

(A) inserting "or with a project rental assistance contract under section 202(c)(2) of the Housing Act of 1959," after "section 8(o) of the Act,";

(B) inserting "the subordination, restructuring, or both, of any capital advance documentation, including any note, mortgage, use agreement or other agreements, evidencing or securing a capital advance previously provided by the Secretary under section 202(c)(1) of the Housing Act of 1959 as necessary to facilitate the conversion of assistance while maintaining the affordability period and the designation of the property as serving elderly persons, and," following "including but not limited to";

(C) inserting "or assistance contracts" after "for such vouchers";

(D) striking "of Housing and Urban Development" after "Secretary"; and

(E) inserting the following before the colon: "(herein the 'Second Component')";

(6) by inserting the following provisos after the eighteenth proviso:

"*Provided further*, That contracts provided to properties converting assistance from section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act located in high-cost areas shall have initial rents set at comparable market rents for the market area: *Provided further*, That conversions of assistance under the Second Component may not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration and such a family shall not be considered a new admission for any purpose, including compliance with income targeting:";

(7) in the twenty-first proviso, as reordered above, by striking "the previous proviso" and all that follows through the end of the proviso and inserting "the Second Component, except for conversion of section 202 project rental assistance contracts, shall be available for project-based subsidy contracts entered into pursuant to the Second Component:";

(8) in the twenty-second proviso, as reordered above, by striking "the previous two provisos" and inserting "the Second Component, except for conversion of section 202 project rental assistance contracts,";

(9) in the twenty-third proviso, as reordered above, by striking "the three previous provisos" and inserting "the Second Component, except for conversion of section 202 project rental assistance contracts,"; and

(10) by inserting the following proviso before the final proviso:

"*Provided further*, That the Secretary may transfer amounts made available under the heading 'Housing for the Elderly' to the accounts under the headings 'Project-Based Rental Assistance' or 'Tenant-Based Rental Assistance' to facilitate any section 202 project rental assistance contract conversions under the Second Component, and any increase in cost for 'Project-Based Rental Assistance' or 'Tenant-Based Rental Assistance' associated with such conversion shall be equal to amounts so transferred:".

SEC. 238. None of the funds made available under this Act may be used to interfere with State and local inspections of public housing dwelling units.

SEC. 239. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary of Housing and Urban Development in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

SEC. 240. Section 153 of the Continuing Appropriations Act, 2018 (as added by section 2001(2) of Public Law 115–120) is repealed.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2018".

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $8,190,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $27,490,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $23,274,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the Corporation: *Provided further*, That concurrent with the President's budget request for fiscal year 2018, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2018 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $110,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $140,000,000, of which $5,000,000 shall be for a multi-family rental housing program.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $37,100,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2018, to result in a final appropriation from the general fund estimated at no more than $35,850,000.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,600,000: *Provided,* That title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended by striking "October 1, 2018" in section 209 and inserting "October 1, 2020". 42 USC 11319 note.

TITLE IV

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSIONS)

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2018, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include—

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2018 from appropriations made available for salaries and expenses for fiscal year 2018 in this Act, shall remain available through September 30, 2019, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the "Buy American Act").

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of

sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 415. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 416. None of the funds made available by this Act may be used by the Department of Transportation, the Department of Housing and Urban Development, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 417. (a) All unobligated balances, including recaptures and carryover, remaining from funds appropriated in division K of Public Law 115–31 for "Department of Transportation-Office of the Secretary-Salaries and Expenses", "Department of Transportation-Office of the Secretary-Office of Civil Rights", "Department of Transportation-Office of the Secretary-Small and Disadvantaged Business Utilization and Outreach", "Department of Transportation-Federal Transit Administration-Administrative Expenses", "Department of Transportation-Pipeline and Hazardous Materials Safety Administration-Operational Expenses", "Access Board-Salaries and Expenses", "Federal Maritime Commission-Salaries and Expenses", "National Railroad Passenger Corporation-Office of Inspector General-Salaries and Expenses", "National Transportation Safety Board-Salaries and Expenses", and "United States Interagency Council on Homelessness-Operating Expenses" are rescinded.

(b) All unobligated balances, including recaptures and carryover, remaining from funds appropriated in division K of Public Law 115–31 for accounts under the headings "Department of Housing and Urban Development-Management and Administration" and "Department of Housing and Urban Development-Program Office Salaries and Expenses" are rescinded.

SEC. 418. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 419. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 420. (a) TERMINAL AERODROME FORECAST.—The Administrator shall permit an air carrier operation under part 121 of title 14, Code of Federal Regulations, to operate to a destination determined to be under visual flight rules without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if a current Area Forecast, supplemented by other local weather observations or reports, is available, and an alternate airport that has an available Terminal Aerodome Forecast and weather report is specified. The air carrier shall have approved procedures for dispatch and enroute weather evaluation and shall operate under instrument flight rules enroute to the destination.

(b) LIMITATION.—Without a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operation specification, policy, or guidance document that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.

SEC. 421. Section 149(m) of title 23, United States Code, is amended by adding "or on a State-Supported Amtrak route with a valid cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 and no current nonattainment areas under subsection (d)," after "2012,".

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018".

DIVISION M—EXTENSIONS

TITLE I—AIRPORT AND AIRWAY EXTENSION ACT OF 2018

Airport and Airway Extension Act of 2018.

26 USC 1 note.

SECTION 1. SHORT TITLE.

This title may be cited as the "Airport and Airway Extension Act of 2018".

Subtitle A—Federal Aviation Programs

SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(a) of title 49, United States Code, is amended by striking "2012" and all that follows through the period at the end and inserting "2012 through 2018.".

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking "March 31, 2018," and inserting "September 30, 2018,".

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking "April 1, 2018" and inserting "October 1, 2018".

(b) Section 47115(j) of title 49, United States Code, is amended by striking "2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018" and inserting "2018".

(c) Section 47124(b)(3)(E) of title 49, United States Code, is amended by striking "2012" and all that follows through "2018," and inserting "2012 through 2018".

(d) Section 47141(f) of title 49, United States Code, is amended by striking "March 31, 2018" and inserting "September 30, 2018".

(e) Section 186(d) of the Vision 100–Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking "2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018," and inserting "2018".

(f) Section 409(d) of the Vision 100–Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "March 31, 2018" and inserting "September 30, 2018".

(g) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking "March 31, 2018" and inserting "September 30, 2018".

(h) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking "March 31, 2018" and inserting "September 30, 2018".

(i) Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (130 Stat. 641) is amended by striking "April 1, 2018" and inserting "October 1, 2018".

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (F) and inserting the following:

"(F) $10,025,852,000 for fiscal year 2018."; and

(2) in paragraph (3) by striking "2017 and for the period beginning on October 1, 2017, and ending on March 31, 2018" and inserting "2018".

SEC. 104. SMALL COMMUNITY AIR SERVICE.

(a) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742(a)(2) of title 49, United States Code, is amended by striking "2016" and all that follows through "2018," and inserting "2016 and 2017, and $150,000,000 for fiscal year 2018".

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743(e)(2) of title 49, United States Code, is amended by striking "2012" and all that follows through "2018," and inserting "2012 through 2017 and $10,000,000 for fiscal year 2018".

SEC. 105. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) in paragraph (5) by striking "2016 and 2017" and inserting "2016 through 2018"; and

(2) by striking paragraph (6).

SEC. 106. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(10) of title 49, United States Code, is amended to read as follows:

"(10) $176,500,000 for fiscal year 2018.".

SEC. 107. FUNDING FOR AVIATION PROGRAMS.

The budget authority authorized in this title, including the amendments made by this title, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for fiscal year 2018.

SEC. 108. CONTROLLER HIRING.

Section 44506(f) of title 49, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following:

"(C) SPECIAL RULE.—

"(i) IN GENERAL.—Notwithstanding subparagraph (B), after giving preferential consideration to applicants under subparagraph (A) and if, after consulting with the labor organization recognized as the exclusive representative of air traffic controllers under section 7111 of title 5, the Administrator determines there are unique circumstances affecting a covered facility that warrant a vacancy announcement with a limited area of consideration, the Administrator may consider applicants for the position of air traffic controller who apply under a vacancy announcement recruiting from the local commuting area for that covered facility.

"(ii) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment with respect to an applicant under this subparagraph who would otherwise qualify as a Pool 1 applicant under subparagraph (B)(ii).

"(iii) COVERED FACILITY DEFINED.—In this subparagraph the term 'covered facility' means a radar facility with at least 1,000,000 operations annually that is located in a metropolitan statistical area (as defined by the Office of Management and Budget) with a population estimate by the Bureau of the Census of more than 15,000,000 (as of July 1, 2016)."; and

(2) in paragraph (3)—

(A) by inserting "except for individuals covered by the program described in paragraph (4)," after "section 3307 of title 5,"; and

(B) by adding at the end the following:

"(4) RETIRED MILITARY CONTROLLERS.—The Administrator may establish a program to provide an original appointment to a position as an air traffic controller for individuals who—

"(A) are on terminal leave pending retirement from active duty military service or have retired from active duty military service within 5 years of applying for the appointment; and

"(B) have held either an air traffic certification or air traffic control facility rating according to Administration standards within 5 years of applying for the appointment.".

Subtitle B—Aviation Revenue Provisions

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

26 USC 9502.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A) by striking "April 1, 2018" and inserting "October 1, 2018"; and

(2) in subparagraph (A) by striking the semicolon at the end and inserting "or the Airport and Airway Extension Act of 2018;".

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking "April 1, 2018" and inserting "October 1, 2018".

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2018" and inserting "September 30, 2018".

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking "March 31, 2018" and inserting "September 30, 2018".

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking "March 31, 2018" and inserting "September 30, 2018".

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking "April 1, 2018" and inserting "October 1, 2018".

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking "March 31, 2018" and inserting "September 30, 2018". 26 USC 4261.

TITLE II—IMMIGRATION EXTENSIONS

SEC. 201. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting "September 30, 2018" for "September 30, 2015". 8 USC 1324a note.

SEC. 202. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by substituting "September 30, 2018" for "September 30, 2015". 8 USC 1101 note.

SEC. 203. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting "September 30, 2018" for "September 30, 2015". 8 USC 1182 note.

SEC. 204. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting "September 30, 2018" for "September 30, 2015". 8 USC 1153 note.

SEC. 205. Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2018 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

TITLE III—NATIONAL FLOOD INSURANCE PROGRAM EXTENSION

SEC. 301. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting "July 31, 2018" for "September 30, 2017". 42 USC 4026 note.

TITLE IV—PESTICIDE REGISTRATION IMPROVEMENT ACT EXTENSION

SEC. 401. (a) The following sections of the Federal Insecticide, Fungicide, and Rodenticide Act shall continue in effect through September 30, 2018— 7 USC 136a–1 note.

(1) subparagraphs (C) through (E) of section 4(i)(1) (7 U.S.C. 136a–1(i)(1)(C)–(E));

(2) section 4(k)(3) (7 U.S.C. 136a–1(k)(3));

(3) section 4(k)(4) (7 U.S.C. 136a–1(k)(4)); and

(4) section 33(c)(3)(B) (7 U.S.C. 136w–8(c)(3)(B)).

7 USC 136a–1 note.

(b)(1) Section 4(i)(1)(I) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(1)(I)) shall be applied by substituting "September 30, 2018" for "September 30, 2017".

7 USC 136w–8 note.

(2) Notwithstanding section 33(m)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)(2)), section 33(m)(1) of such Act (7 U.S.C. 136w–8(m)(1)) shall be applied by substituting "September 30, 2018" for "September 30, 2017".

21 USC 346a note.

(c) Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) shall be applied by substituting "September 30, 2018" for "September 30, 2017".

TITLE V—GENERALIZED SYSTEM OF PREFERENCES

SEC. 501. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "December 31, 2017" and inserting "December 31, 2020".

19 USC 2465 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to articles entered on or after the 30th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of a covered article to which duty-free treatment or other preferential treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied if the entry had been made on December 31, 2017, that was made—

(i) after December 31, 2017, and

(ii) before the effective date specified in paragraph (1),

shall be liquidated or reliquidated as though such entry occurred on the effective date specified in paragraph (1).

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a covered article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(3) DEFINITIONS.—In this subsection:

(A) COVERED ARTICLE.—The term "covered article" means an article from a country that is a beneficiary developing country under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) as of the effective date specified in paragraph (1).

(B) ENTER; ENTRY.—The terms "enter" and "entry" include a withdrawal from warehouse for consumption.

(c) ANNUAL REPORT ON ENFORCEMENT OF ELIGIBILITY CRITERIA.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter through December 31, 2020, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on efforts to ensure that countries designated as beneficiary developing countries under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) are meeting the eligibility criteria set forth in section 502(c) of such Act (19 U.S.C. 2462(c)).

SEC. 502. TECHNICAL MODIFICATION TO PROCEDURES FOR COMPETITIVE NEED LIMITATION AND WAIVERS.

Section 503 of the Trade Act of 1974 (19 U.S.C. 2463) is amended—

(1) in subsection (c)(2)—

(A) in the matter following subparagraph (A)(i)(II), by striking "July 1" and inserting "November 1"; and

(B) in subparagraph (E), by striking "on January 1, 1995" and inserting "in any of the preceding 3 calendar years"; and

(2) in subsection (d), by striking "July 1" each place it appears and inserting "November 1".

SEC. 503. CUSTOMS USER FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "February 24, 2027" and inserting "July 21, 2027".

TITLE VI—JUDICIAL REDACTION AUTHORITY EXTENSION

SEC. 601. EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION.

Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "2017" both places it appears and inserting "2027".

TITLE VII—BUDGETARY EFFECTS

SEC. 701. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on any

PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

DIVISION N—BUILD ACT

Brownfields Utilization, Investment, and Local Development Act of 2018.
42 USC 9601 note.

SECTION 1. SHORT TITLE.

This division may be cited as the "Brownfields Utilization, Investment, and Local Development Act of 2018" or the "BUILD Act".

SEC. 2. REDEVELOPMENT CERTAINTY FOR GOVERNMENTAL ENTITIES.

Section 101(20)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)) is amended by striking "ownership or control" and all that follows through "by virtue" and inserting "ownership or control through seizure or otherwise in connection with law enforcement activity, or through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government acquires title by virtue".

SEC. 3. ALASKA NATIVE VILLAGE AND NATIVE CORPORATION RELIEF.

Section 101(20) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)) is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively;

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

"(E) EXCLUSION OF CERTAIN ALASKA NATIVE VILLAGES AND NATIVE CORPORATIONS.—

"(i) IN GENERAL.—The term 'owner or operator' does not include, with respect to a facility conveyed to a Native village or Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act) under the Alaska Native Claims Settlement Act—

"(I) the Native village or Native Corporation that received the facility from the United States Government; or

"(II) a successor in interest to which the facility was conveyed under section 14(c) of such Act.

"(ii) LIMITATION.—The exclusion provided under this subparagraph shall not apply to any entity described in clause (i) that causes or contributes to

a release or threatened release of a hazardous substance from the facility conveyed as described in such clause.";

(3) in subparagraph (G) (as so redesignated), in the matter preceding clause (i), by striking "subparagraph (E)" and inserting "subparagraph (F)"; and

(4) in clause (i)(II) of subparagraph (H) (as so redesignated), by striking "1813)" and inserting "1813))".

SEC. 4. PETROLEUM BROWNFIELD ENHANCEMENT.

Section 101(39)(D)(ii)(II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)(D)(ii)(II)) is amended by amending item (bb) to read as follows:

"(bb) is a site for which there is no viable responsible party and that is determined by the Administrator or the State, as appropriate, to be a site that will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site under this Act or any other law pertaining to the cleanup of petroleum products; and".

SEC. 5. PROSPECTIVE PURCHASERS AND LESSEES.

(a) BONA FIDE PROSPECTIVE PURCHASER.—Section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(40)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(B) in subclause (I) (as so redesignated), by striking "clauses (ii) and (iii)" and inserting "subclauses (II) and (III)";

(C) in subclause (II) (as so redesignated), by striking "subparagraph" and inserting "clause"; and

(D) in subclause (III) (as so redesignated), by striking "subparagraph" and inserting "clause";

(2) in subparagraph (D), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(3) in subparagraph (F), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(4) in subparagraph (H)—

(A) in clause (i)—

(i) in subclause (II), by inserting ", by a tenancy, by the instruments by which a leasehold interest in the facility is created," after "financed"; and

(ii) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately; and

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(5) by redesignating subparagraphs (B) through (H) as clauses (ii) through (viii), respectively, and indenting appropriately; and

(6) by striking the paragraph designation and heading and all that follows through "All disposal of" in subparagraph (A) and inserting the following:

"(40) BONA FIDE PROSPECTIVE PURCHASER.—

"(A) IN GENERAL.—The term 'bona fide prospective purchaser' means, with respect to a facility—

"(i) a person who—

"(I) acquires ownership of the facility after January 11, 2002; and

"(II) establishes by a preponderance of the evidence each of the criteria described in clauses (i) through (viii) of subparagraph (B); and

"(ii) a person—

"(I) who acquires a leasehold interest in the facility after January 11, 2002;

"(II) who establishes by a preponderance of the evidence that the leasehold interest is not designed to avoid liability under this Act by any person; and

"(III) with respect to whom any of the following conditions apply:

"(aa) The owner of the facility that is subject to the leasehold interest is a person described in clause (i).

"(bb)(AA) The owner of the facility that is subject to the leasehold interest was a person described in clause (i) at the time the leasehold interest was acquired, but can no longer establish by a preponderance of the evidence each of the criteria described in clauses (i) through (viii) of subparagraph (B) due to circumstances unrelated to any action of the person who holds the leasehold interest; and

"(BB) the person who holds the leasehold interest establishes by a preponderance of the evidence each of the criteria described in clauses (i), (iii), (iv), (v), (vi), (vii), and (viii) of subparagraph (B).

"(cc) The person who holds the leasehold interest establishes by a preponderance of the evidence each of the criteria described in clauses (i) through (viii) of subparagraph (B).

"(B) CRITERIA.—The criteria described in this subparagraph are as follows:

"(i) DISPOSAL PRIOR TO ACQUISITION.—All disposal of".

(b) LIMITATION ON LIABILITY.—Section 107(r)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(r)(1)) is amended by striking "purchaser's" and inserting "bona fide prospective purchaser".

SEC. 6. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking "or" after the semicolon;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;

"(J) a limited liability corporation in which all managing members are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I);

"(K) a limited partnership in which all general partners are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I); or

"(L) a qualified community development entity (as defined in section 45D(c)(1) of the Internal Revenue Code of 1986).".

SEC. 7. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding paragraph (5)(B)(iii), an eligible entity described in any of subparagraphs (A) through (H) of paragraph (1) may receive a grant under this paragraph for property acquired by that eligible entity prior to January 11, 2002, even if the eligible entity does not qualify as a bona fide prospective purchaser, so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property."; and

(2) in paragraph (3), by adding at the end the following:

"(E) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding paragraph (5)(B)(iii), an eligible entity described in any of subparagraphs (A) through (H) of paragraph (1) may receive a grant or loan under this paragraph for property acquired by that eligible entity prior to January 11, 2002, even if the eligible entity does not qualify as a bona fide prospective purchaser, so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.".

SEC. 8. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking "$200,000 for each site to be remediated" and inserting "$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of $650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site".

SEC. 9. MULTIPURPOSE BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively;

(2) in paragraph (3)(A), in the matter preceding clause (i), by striking "Subject to paragraphs (4) and (5)" and inserting "Subject to paragraphs (5) and (6)";

(3) by inserting after paragraph (3) the following:

"(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

"(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the criteria under subparagraph (C) and the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in an area proposed by the eligible entity.

"(B) GRANT AMOUNTS.—

"(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed $1,000,000.

"(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fiscal year under this paragraph may not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

"(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which the eligible entity is able—

"(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

"(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

"(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

"(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant by not later than the date that is 5 years after the date on which the grant is awarded to the eligible entity, unless the Administrator provides an extension.

"(E) OWNERSHIP.—An eligible entity that receives a grant under this paragraph may not expend any of the grant funds for the remediation of a brownfield site unless the eligible entity owns the brownfield site."; and

(4) by striking "paragraph (2) or (3)" each place it appears and inserting "paragraph (2), (3), or (4)".

SEC. 10. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) PROHIBITION.—No part of a grant or loan under this subsection may be used for the payment of—

"(i) a penalty or fine;

"(ii) a Federal cost-share requirement;

"(iii) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

"(iv) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)), excluding the cost of compliance with laws applicable to the cleanup."; and

(2) by adding at the end the following:

"(E) ADMINISTRATIVE COSTS.—

"(i) IN GENERAL.—An eligible entity may use up to 5 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

"(ii) RESTRICTION.—For purposes of clause (i), the term 'administrative costs' does not include—

"(I) investigation and identification of the extent of contamination of a brownfield site;

"(II) design and performance of a response action; or

"(III) monitoring of a natural resource.".

SEC. 11. GRANT APPLICATIONS.

(a) WATERFRONT BROWNFIELDS GRANTS; CLEAN ENERGY ON BROWNFIELD SITES.—Paragraph (6)(C) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended by adding at the end the following:

"(xi) The extent to which a grant would address a site adjacent to a body of water or a federally designated flood plain.

"(xii) The extent to which a grant would facilitate—

"(I) the location at a brownfield site of a facility that generates renewable electricity from wind, solar, or geothermal energy; or

"(II) any energy efficiency improvement project at a brownfield site, including a project for a combined heat and power system or a district energy system.".

(b) REPORT ON RANKING CRITERIA.—Paragraph (6) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended by adding at the end the following:

"(D) REPORT ON RANKING CRITERIA.—Not later than September 30, 2022, the Administrator shall submit to Congress a report regarding the Administrator's use of the ranking criteria described in subparagraph (C) in awarding grants under this subsection.".

SEC. 12. AUDITS.

Paragraph (8) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended by striking "3 years after the date of the enactment of this subsection" and inserting "September 30, 2022".

SEC. 13. BROWNFIELDS FUNDING.

Paragraph (13) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 9 of this Act) is amended to read as follows:

"(13) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000,000 for each of fiscal years 2019 through 2023.".

SEC. 14. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 128(a)(1)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(1)(B)) is amended—

(1) in clause (ii)—

(A) in subclause (I), by striking "; or" and inserting a semicolon;

(B) in subclause (II), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(III) assist small communities, Indian tribes, rural areas, or disadvantaged areas in carrying out activities described in section 104(k)(7)(A) with respect to brownfield sites."; and

(2) by adding at the end the following:

"(iii) SMALL COMMUNITIES, INDIAN TRIBES, RURAL AREAS, AND DISADVANTAGED AREAS.—

"(I) IN GENERAL.—To make grants to States or Indian tribes under clause (ii)(III), the Administrator may use, in addition to amounts available to carry out this subsection, not more than $1,500,000 of the amounts made available to carry out section 104(k)(7) in each fiscal year.

"(II) LIMITATION.—Each grant made under subclause (I) may be not more than $20,000.

"(III) INCLUSION IN OTHER GRANTS.—The Administrator may, at the request of a State or Indian tribe, include a grant under this clause in any other grant to the State or Indian tribe made under this subsection.

"(iv) DEFINITIONS.—In this subparagraph:

"(I) DISADVANTAGED AREA.—The term 'disadvantaged area' means a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as determined by the President based on the latest available decennial census.

"(II) SMALL COMMUNITY.—The term 'small community' means a community with a population of not more than 15,000 individuals, as determined by the President based on the latest available decennial census.".

(b) CONFORMING AMENDMENT.—Section 104(g)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(g)(1)) is amended by inserting "or section 128(a)(1)(B)(ii)(III)" after "under this section".

SEC. 15. STATE RESPONSE PROGRAM FUNDING.

Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended to read as follows:

"(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2019 through 2023.".

DIVISION O—WILDFIRE SUPPRESSION FUNDING AND FOREST MANAGEMENT ACTIVITIES ACT

Wildfire Suppression Funding and Forest Management Activities Act.

SEC. 101. SHORT TITLE.

43 USC 1701 note.

This division may be cited as the "Wildfire Suppression Funding and Forest Management Activities Act".

TITLE I—WILDFIRE AND DISASTER FUNDING ADJUSTMENT

SEC. 102. WILDFIRE AND DISASTER FUNDING ADJUSTMENT.

(a) Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(1) in subparagraph (D)(i), by striking subclauses (I) and (II) and inserting the following—

"(I) the average over the previous 10 years (excluding the highest and lowest years) of the sum of the funding provided for disaster relief (as that term is defined on the date immediately before the date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act);

"(II) notwithstanding clause (iv), starting in fiscal year 2018, five percent of the total appropriations provided after fiscal year 2011 or in the previous 10 years, whichever is less, net of any rescissions of budget authority enacted in the same period, with respect to amounts provided for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and designated by the Congress and the President as an emergency pursuant to subparagraph (A)(i) of this paragraph; and

"(III) the cumulative net total of the unused carryover for fiscal year 2018 and all subsequent fiscal years, where the unused carryover for each fiscal year is calculated as the sum of the amounts in subclauses (I) and (II) less the enacted appropriations for that fiscal year that have been designated as being for disaster relief.";

(2) in subparagraph (D)(ii), by striking "not later than 30 days after the date of enactment of the Budget Control Act of 2011" and inserting "not later than 30 days after the

date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act"; and

(3) by adding at the end the following:

"(F) WILDFIRE SUPPRESSION.—

"(i) ADDITIONAL NEW BUDGET AUTHORITY.—If, for fiscal years 2020 through 2027, a bill or joint resolution making appropriations for a fiscal year is enacted that provides an amount for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for wildfire suppression operations for that fiscal year, but shall not exceed—

"(I) for fiscal year 2020, $2,250,000,000;

"(II) for fiscal year 2021, $2,350,000,000;

"(III) for fiscal year 2022, $2,450,000,000;

"(IV) for fiscal year 2023, $2,550,000,000;

"(V) for fiscal year 2024, $2,650,000,000;

"(VI) for fiscal year 2025, $2,750,000,000;

"(VII) for fiscal year 2026, $2,850,000,000; and

"(VIII) for fiscal year 2027, $2,950,000,000.

"(ii) DEFINITIONS.—In this subparagraph:

"(I) ADDITIONAL NEW BUDGET AUTHORITY.—The term 'additional new budget authority' means the amount provided for a fiscal year in an appropriation Act that is in excess of the average costs for wildfire suppression operations as reported in the budget of the President submitted under section 1105(a) of title 31, United States Code, for fiscal year 2015 and are specified to pay for the costs of wildfire suppression operations in an amount not to exceed the amount specified for that fiscal year in clause (i).

"(II) WILDFIRE SUPPRESSION OPERATIONS.—The term 'wildfire suppression operations' means the emergency and unpredictable aspects of wildland firefighting, including—

"(aa) support, response, and emergency stabilization activities;

"(bb) other emergency management activities; and

"(cc) the funds necessary to repay any transfers needed for the costs of wildfire suppression operations.".

2 USC 901 note.

(b) The amendment made by paragraph (1) of subsection (a) shall begin to apply in fiscal year 2019.

43 USC 1748a–1.

SEC. 103. REQUEST FOR ADDITIONAL WILDFIRE SUPPRESSION FUNDS.

If the amount provided for wildfire suppression operations for that fiscal year will be exhausted within 30 calendar days, the Secretary of the Interior or the Secretary of Agriculture (as applicable), in consultation with the Director of the Office of Management and Budget, shall promptly submit a request to Congress for supplemental appropriations.

SEC. 104. REPORTING REQUIREMENTS. 43 USC 1748a–2.

(a) IN GENERAL.—Not later than 90 days after the end of the fiscal year for which additional new budget authority is used, pursuant to section 251(b)(2)(F)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(F)(i)), as added by section 102 of this division, the Secretary of the Interior or the Secretary of Agriculture (as applicable), in consultation with the Director of the Office of Management and Budget, shall—

(1) prepare an annual report with respect to the additional new budget authority;

(2) submit to the Committees on Appropriations, the Budget, and Natural Resources of the House of Representatives and the Committees on Appropriations, the Budget, and Energy and Natural Resources of the Senate the annual report prepared under paragraph (1); and

(3) make the report prepared under paragraph (1) available to the public.

(b) COMPONENTS.—The annual report prepared under subsection (a)(1) shall—

(1) document obligations and outlays of the additional new budget authority for wildfire suppression operations;

(2) identify risk-based factors that influenced management decisions with respect to wildfire suppression operations;

(3) analyze a statistically significant sample of large fires, including an analysis for each fire of—

(A) cost drivers;

(B) the effectiveness of risk management techniques and whether fire operations strategy tracked the risk assessment;

(C) any resulting ecological or other benefits to the landscape;

(D) the impact of investments in wildfire suppression operations preparedness;

(E) effectiveness of wildfire suppression operations, including an analysis of resources lost versus dollars invested;

(F) effectiveness of any fuel treatments on fire behavior and suppression expenditures;

(G) levels of exposure experienced by firefighters;

(H) suggested corrective actions; and

(I) any other factors the Secretary of the Interior or Secretary of Agriculture (as applicable) determines to be appropriate;

(4) include an accounting of overall fire management and spending by the Department of the Interior or the Department of Agriculture, which shall be analyzed by fire size, cost, regional location, and other factors;

(5) describe any lessons learned in the conduct of wildfire suppression operations; and

(6) include any other elements that the Secretary of the Interior or the Secretary of Agriculture (as applicable) determines to be necessary.

TITLE II—FOREST MANAGEMENT ACTIVITIES

16 USC 6591c note.

SEC. 201. DEFINITIONS.

In this title:

(1) NATIONAL FOREST SYSTEM.—The term "National Forest System" has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

SEC. 202. WILDFIRE RESILIENCE PROJECTS.

Insert at the end of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511) the following new section:

16 USC 6591d.

"SEC. 605. WILDFIRE RESILIENCE PROJECTS.

"(a) IN GENERAL.—Hazardous fuels reduction projects, as defined in the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(2)) may be—

"(1) carried out in accordance with subsections (b), (c), and (d) of section 102 and sections 104 and 105;

"(2) considered an action categorically excluded from the requirements of Public Law 91–190 (42 U.S.C. 4321 et seq.); and

"(3) exempt from the special administrative review process under section 105.

"(b) COLLABORATIVE RESTORATION PROJECT.—

"(1) IN GENERAL.—A project referred to in subsection (a) is a project to carry out forest restoration treatments that—

"(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires;

"(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

"(C) is developed and implemented through a collaborative process that—

"(i) includes multiple interested persons representing diverse interests; and

"(ii)(I) is transparent and nonexclusive; or

"(II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

"(2) INCLUSION.—A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

"(c) LIMITATIONS.—

"(1) PROJECT SIZE.—A project under this section may not exceed 3000 acres.

"(2) LOCATION.—A project under this section shall be—

"(A) Prioritized within the wildland-urban interface;

"(B) If located outside the wildland-urban interface, limited to areas within Condition Classes 2 or 3 in Fire Regime Groups I, II, or III that contain very high wildfire hazard potential; and

"(C) Limited to areas designated under section 602(b) as of the date of enactment of this Act.

"(3) ROADS.—

"(A) PERMANENT ROADS.—

"(i) PROHIBITION ON ESTABLISHMENT.—A project under this section shall not include the establishment of permanent roads.

"(ii) EXISTING ROADS.—The Secretary may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

"(B) TEMPORARY ROADS.—The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

"(4) EXTRAORDINARY CIRCUMSTANCES.—The Secretary shall apply the extraordinary circumstances procedures under section 220.6 of title 36, code of Federal regulations (or successor regulations), when using the categorical exclusion under this section.

"(d) EXCLUSIONS.—This section does not apply to—

"(1) a component of the National Wilderness Preservation System;

"(2) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

"(3) a congressionally designated wilderness study area; or

"(4) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

"(e) FOREST MANAGEMENT PLANS.—All projects and activities carried out under this section shall be consistent with the land and resource management plan established under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for the unit of the National Forest System containing the projects and activities.

"(f) PUBLIC NOTICE AND SCOPING.—The Secretary shall conduct public notice and scoping for any project or action proposed in accordance with this section.

"(g) ACCOUNTABILITY.—

"(1) IN GENERAL.—The Secretary shall prepare an annual report on the use of categorical exclusions under this section

that includes a description of all acres (or other appropriate unit) treated through projects carried out under this section.

"(2) SUBMISSION.—Not later than 1 year after the date of enactment of this section, and each year thereafter, the Secretary shall submit the reports required under paragraph (1) to—

"(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(B) the Committee on Environment and Public Works of the Senate;

"(C) the Committee on Agriculture of the House of Representatives;

"(D) the Committee on Natural Resources of the House of Representatives; and

"(E) the Government Accountability Office.".

SEC. 203. INSTALLATION OF FUEL BREAKS AND FIREBREAKS FOR HAZARDOUS FUEL REDUCTION ON FEDERAL LAND.

Section 101(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(2)) is amended—

(1) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(B) INCLUSION.—The term 'authorized hazardous fuel reduction project' includes, using the measures and methods described in subparagraph (A), the installation of—

"(i) a natural or manmade change in fuel characteristics that affects fire behavior such that a fire can be more readily controlled (commonly known as a 'fuel break'); and

"(ii) a natural or constructed barrier used to stop or check a fire or to provide a control line from which to work to stop or check a fire (commonly known as a 'firebreak').".

SEC. 204. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT CONTRACTING PROJECTS.

Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

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

"(h) CANCELLATION CEILINGS.—

"(1) IN GENERAL.—Notwithstanding section 3903(b)(1) of title 41, United States Code, the Chief and the Director may obligate funds in stages that are economically or programmatically viable to cover any potential cancellation or termination costs for an agreement or contract under subsection (b).

"(2) ADVANCE NOTICE TO CONGRESS OF CANCELLATION CEILING IN EXCESS OF $25,000,000.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to that cancellation ceiling, the Chief or the Director, as applicable, shall submit to the Committee on Energy and Natural Resources

and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

"(A) a description of the cancellation ceiling amounts proposed for each program year in the agreement or contract;

"(B) the reasons why the cancellation ceiling amounts described under subparagraph (A) were selected;

"(C) a description of the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

"(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

"(3) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2), the Chief or the Director, as appropriate, shall transmit a copy of the notice to the Director of the Office of Management and Budget.".

SEC. 205. EXCESS OFFSET VALUE.

Section 604(g)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

"(B) if there are no outstanding liabilities described in subparagraph (A), apply the excess to other authorized stewardship projects.".

SEC. 206. SUBMISSION OF EXISTING ANNUAL REPORT.

Subsection (j) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) (as redesignated by section 204 of this Act), is amended by striking "report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives" and inserting "submit to the congressional committees described in subsection (h)(2) a report".

SEC. 207. 20-YEAR STEWARDSHIP CONTRACTING. 16 USC 6591c.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior may award contracts or agreements under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511), for terms not to exceed 20 years on areas where the majority of Federal lands are in Fire Regime Groups I, II, or III.

(b) PREFERENCE.—In awarding a contract under this section, the Secretary concerned may, notwithstanding the Federal Acquisition Regulations, give a procurement preference to a contractor that would, as part of the contract, promote an innovative use of forest products, including cross-laminated timber.

SEC. 208. CONSULTATION UNDER FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.

(a) CONSULTATION REGARDING LAND MANAGEMENT PLANS.—Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is amended—

(1) by striking "(d) The Secretary" and inserting the following:

"(d) PUBLIC PARTICIPATION AND CONSULTATION.—

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding any other provision of law, the Secretary shall not be required to engage in consultation under this section or any other provision of law (including section 7 of Public Law 93–205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)) with respect to—

"(i) the listing of a species as threatened or endangered, or a designation of critical habitat pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), if a land management plan has been adopted by the Secretary as of the date of listing or designation; and

"(ii) any provision of a land management plan adopted as described in clause (i).

"(B) EXCEPTION.—Subparagraph (A) shall not apply if—

"(i) 15 years have passed since the date on which the Secretary adopted the land management plan described in clause (i) of that subparagraph; and

"(ii) 5 years have passed since the date of enactment of this section or the date of the listing of a species as threatened or endangered for a species known to occur on the unit or the designation of critical habitat within the unit as described in clause (i) of that subparagraph, whichever is later.

"(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

"(i) regarding any project carried out, or proposed to be carried out, to implement a land management plan pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of cumulative impacts of completed, ongoing, and planned projects; or

"(ii) with respect to—

"(I) the development of a modification to a land management plan; or

"(II) an amendment or revision to a land management plan in accordance with paragraph (4) or (5) of subsection (f).".

(b) DEFINITION OF SECRETARY; CONFORMING AMENDMENTS.—

(1) DEFINITION OF SECRETARY.—Section 3(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(a)) is amended, in the first sentence of the matter preceding paragraph (1), by inserting "(referred to in this Act as the 'Secretary')" after "Secretary of Agriculture".

(2) CONFORMING AMENDMENTS.—The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) is amended, in sections 4 through 9, 12, 13, and 15,

16 USC 1602–1607, 1610, 1611, 1613.

by striking "Secretary of Agriculture" each place it appears and inserting "Secretary".

SEC. 209. OREGON AND CALIFORNIA RAILROAD REVESTED LANDS AND COOS BAY WAGON ROAD RECONVEYED LANDS. 43 USC 2606.

(a) IN GENERAL.—Notwithstanding any other provision of law, with respect to the Oregon and California Railroad grant land revested in the United States by the Act of June 9, 1916 (39 Stat. 218, chapter 137), and the Coos Bay Wagon Road grant land reconveyed to the United States by the first section of the Act of February 26, 1919 (40 Stat. 1179, chapter 47), that is managed under the Act of August 28, 1937 (43 U.S.C. 2601 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall not be required to engage in consultation under any law (including section 7 of Public Law 93–205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)), with respect to—

(1) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary of the Interior as of the date of listing or designation; and

(2) any provision of a land use plan adopted as described in paragraph (1).

(b) EFFECT OF SECTION.—Nothing in this section affects any applicable requirement of the Secretary of the Interior to consult with the head of any other Federal department or agency—

(1) regarding a project carried out, or proposed to be carried out, pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of the cumulative impacts of completed, ongoing, and planned projects; or

(2) with respect to the development of a new land use plan or the revision of or other significant change to an existing land use plan.

SEC. 210. WILDFIRE HAZARD SEVERITY MAPPING FOR COMMUNITIES. 16 USC 6501 note.

(a) MAP REQUIRED.—Not later than 2 years after the date of the enactment of this section, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(1) develop and publish a geospatial map appropriate for community-level use that depicts wildfire hazard severity to inform at-risk communities that are—

(A) adjacent to National Forest System lands; or

(B) affected by wildland fire, as determined by the Secretary; and

(2) disseminate the information under paragraph (1) in an appropriate, web-based format for use by such communities to—

(A) improve understanding of their risk profile;

(B) clarify thinking on the nature and effect of wildfire risks; and

(C) develop plans to manage and mitigate those risks.

(b) PURPOSES OF MAP.—The purposes of the map required under subsection (a) are as follows:

(1) To inform evaluations of wildfire risk.

(2) To prioritize fuels management needs.

(3) To depict the relative potential for wildfire that could be difficult for suppression resources to contain and that could cause ignitions to structures.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary of Agriculture and Chief of the Forest Service shall consult with—

(1) the Secretary of the Interior;

(2) the Administrator of the Federal Emergency Management Agency;

(3) other appropriate Federal agencies;

(4) States;

(5) relevant colleges, universities, and institutions of higher education with relevant expertise; and

(6) other entities, as appropriate.

(d) AT-RISK COMMUNITY DEFINED.—The term "at-risk community" has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 211. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.

(a) IN GENERAL.—Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) is amended by adding at the end the following:

43 USC 1772.

"SEC. 512. VEGETATION MANAGMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.

"(a) DEFINITIONS.—In this section:

"(1) HAZARD TREE.—The term 'hazard tree' means any tree or part thereof (whether located inside or outside a right-of-way) that has been designated, prior to tree failure, by a certified or licensed arborist or forester under the supervision of the Secretary concerned or the owner or operator of a transmission or distribution facility to be—

"(A) dead, likely to die within the routine vegetation management cycle, or likely to fail within the routine vegetation management cycle; and

"(B) if the tree or part of the tree failed, likely to—

"(i) cause substantial damage or disruption to a transmission or distribution facility; or

"(ii) come within 10 feet of an electric power line.

"(2) OWNER; OPERATOR.—The terms 'owner' and 'operator' include contractors or other agents engaged by the owner or operator of an electric transmission or distribution facility.

"(3) PLAN.—The term 'plan' means a vegetation management, facility inspection, and operation and maintenance plan that—

"(A) is prepared by the owner or operator of 1 or more electric transmission or distribution facilities to cover 1 or more electric transmission and distribution rights-of-way; and

"(B) provides for the long-term, cost-effective, efficient, and timely management of facilities and vegetation within the width of the right-of-way and abutting Federal land,

including hazard trees, to enhance electric reliability, promote public safety, and avoid fire hazards.

"(4) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary, with respect to public lands; and

"(B) the Secretary of Agriculture, with respect to National Forest System land.

"(b) GUIDANCE.—

"(1) IN GENERAL.—To enhance the reliability of the electric grid and reduce the threat of wildfire damage to, and wildfire caused by vegetation-related conditions within, electric transmission and distribution rights-of-way and abutting Federal land, including hazard trees, the Secretary concerned shall issue and periodically update guidance to ensure that provisions are appropriately developed and implemented for utility vegetation management, facility inspection, and operation and maintenance of rights-of-way, regardless of the means by which the rights-of-way are established (including by grant, special use authorization, and easement).

"(2) LIMITATION.—The guidance issued under paragraph (1) shall be compatible with mandatory reliability standards established by the Electric Reliability Organization.

"(3) CONSIDERATIONS.—The guidance issued under paragraph (1) shall take into account—

"(A) all applicable law, including fire safety and electric system reliability requirements (including reliability standards established by the Electric Reliability Organization under section 215 of the Federal Power Act (16 U.S.C. 824o)); and

"(B) the Memorandum of Understanding on Vegetation Management for Powerline Rights-of-Way between the Edison Electric Institute, Utility Arborist Association, the Department of the Interior, the Department of Agriculture, and the Environmental Protection Agency signed in 2016.

"(4) REQUIREMENTS.—The guidance issued under paragraph (1) shall—

"(A) be developed in consultation with the owners of transmission and distribution facilities that hold rights-of-way;

"(B) seek to minimize the need for case-by-case approvals for —

"(i) routine vegetation management, facility inspection, and operation and maintenance activities; and

"(ii) utility vegetation management activities that are necessary to control hazard trees; and

"(C) provide for prompt and timely review of requests to conduct vegetation management activities that require approval of the Secretary concerned, especially activities requiring expedited or immediate action.

"(c) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—

"(1) DEVELOPMENT AND SUBMISSION.—Consistent with subsection (b), the Secretary concerned shall provide owners and operators of electric transmission or distribution facilities located on public lands and National Forest System land, as applicable, with the option to develop and submit a plan.

"(2) ERO STANDARDS.—Owners and operators subject to mandatory reliability standards established by the Electric Reliability Organization (or superseding standards) may use those standards as part of the plan.

"(3) PLAN REQUIREMENTS.—A plan developed under paragraph (1) shall—

"(A) identify the applicable transmission or distribution facilities to be maintained;

"(B) take into account operations and maintenance plans for the applicable transmission or distribution line;

"(C) describe the vegetation management, inspection, and operation and maintenance methods that may be used to comply with all applicable law, including fire safety requirements and reliability standards established by the Electric Reliability Organization;

"(D) include schedules for—

"(i) the applicable owner or operator to notify the Secretary concerned about routine and major maintenance;

"(ii) the applicable owner or operator to request approval from the Secretary concerned about undertaking routine and major maintenance; and

"(iii) the Secretary concerned to respond to a request by an owner or operator under clause (ii); and

"(E) describe processes for—

"(i) identifying changes in conditions; and

"(ii) modifying the approved plan, if necessary.

"(4) REVIEW AND APPROVAL PROCESS.—

"(A) IN GENERAL.—The Secretary concerned shall jointly develop a consolidated and coordinated process for the review and approval of plans submitted under paragraph (1) that—

"(i) includes timelines and benchmarks for—

"(I) the submission of agency comments on the plans and schedules for final decision; and

"(II) the timely review of modifications of the plans in cases in which modifications are necessary;

"(ii) is consistent with applicable law; and

"(iii) includes a process for modifications to a plan in a prompt manner if changed conditions necessitate a modification to a plan; and

"(iv) ensures, to the maximum extent practicable, a prompt review and approval process not to exceed 120 days.

"(B) PLAN MODIFICATION.—Upon reasonable advance notice to an owner or operator of an electric transmission or distribution facility of any changed conditions that warrant a modification to a plan, the Secretary concerned shall—

"(i) provide an opportunity for the owner or operator to submit a proposed plan modification, consistent with the process described under subparagraph (A)(iii), to address the changed condition identified by the Secretary concerned;

"(ii) consider the proposed plan modification consistent with the process described under paragraph (4)(A); and

"(iii) allow the owner or operator to continue to implement any element of the approved plan that does not directly and adversely affect the condition precipitating the need for modification.

"(5) CATEGORIES OF ACTIONS NOT REQUIRING ENVIRONMENTAL ANALYSIS.—With respect to the development and approval of plans submitted under paragraph (1), as well as with respect to actions carried out under such plans, the Secretary concerned shall identify categories of actions for which neither an environmental impact statement nor an environmental assessment shall be required under section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation).

"(d) CERTAIN OWNERS AND OPERATORS.—

"(1) IN GENERAL.—The owner or operator of an electric transmission or distribution facility that is not subject to the mandatory reliability standards established by the Electric Reliability Organization or that sold less than or equal to 1,000,000 megawatt hours of electric energy for purposes other than resale during each of the 3 calendar years immediately preceding the date of enactment of this section may enter into an agreement with the Secretary concerned in lieu of a plan under subsection (c).

"(2) MINIMUM REQUIREMENTS.—The Secretary concerned shall ensure that the minimum requirements for an agreement under paragraph (1)—

"(A) reflect the relative financial resources of the applicable owner or operator compared to other owners or operators of an electric transmission or distribution facility;

"(B) include schedules as described in subsection (c)(3)(D);

"(C) are subject to modification requirements as described in subsection (c)(4)(B); and

"(D) comply with applicable law.

"(e) EMERGENCY CONDITIONS.—If vegetation or hazard trees have contacted or present an imminent danger of contacting an electric transmission or distribution line from within or adjacent to an electric transmission or distribution right-of-way, the owner or operator of the electric transmission or distribution lines—

"(1) may prune or remove the vegetation or hazard tree—

"(A) to avoid the disruption of electric service; and

"(B) to eliminate immediate fire and safety hazards; and

"(2) shall notify the appropriate local agent of the Secretary concerned not later than 1 day after the date of the response to emergency conditions.

"(f) ACTIVITIES THAT REQUIRE APPROVAL.—

"(1) IN GENERAL.—Except as provided under paragraph (3), the owner or operator of an electric transmission or distribution facility may conduct vegetation management activities that require approval of the Secretary concerned in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d) only with the approval of the Secretary concerned.

"(2) REQUIREMENT TO RESPOND.—The Secretary concerned shall respond to a request for approval to conduct vegetation management activities in accordance with the applicable schedules in a plan approved under subsection (c) or an agreement entered into under subsection (d).

"(3) AUTHORIZED ACTIVITIES.—The owner or operator of an electric transmission or distribution facility may conduct vegetation management activities that require approval of the Secretary concerned in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d) without the approval of the Secretary concerned if—

"(A) the owner or operator submitted a request to the Secretary concerned in accordance with the applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d);

"(B) the vegetation management activities, including the removal of hazard trees, proposed in the request under subparagraph (A) are in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d); and

"(C) the Secretary concerned fails to respond to the request under subparagraph (A) in accordance with the applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d).

"(g) LIABILITY.—

"(1) IN GENERAL.—The Secretary concerned shall not impose strict liability for damages or injury resulting from—

"(A) the Secretary concerned unreasonably withholding or delaying—

"(i) approval of a plan under subsection (c); or

"(ii) entrance into an agreement under subsection (d); or

"(B) the Secretary concerned unreasonably failing to adhere to an applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d).

"(2) DAMAGES.—For the period ending 10 years after the date of the enactment of this subsection, the Secretary concerned shall not impose strict liability in an amount greater than $500,000 per incident for damages or injury resulting from activities conducted by an owner or operator in accordance with an approved agreement under subsection (d).

"(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to effect any liability imposed by the Secretary concerned under section 251.56(d) of title 36, Code of Federal Regulations (as in effect on the date of the enactment of this section) and section 2807.12 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this section), for activities conducted by an owner or operator in accordance with an approved plan under subsection (c).

"(h) REPORTING REQUIREMENT.—

"(1) ACTIVITIES THAT REQUIRE APPROVAL.—The Secretary concerned shall report requests and actions made under subsection (f) annually on the website of the Secretary concerned.

"(2) LIABILITY.—Not later than four years after the date of enactment of this subsection, the Secretary concerned shall prepare and submit a report to the Committee on Natural

Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that describes the effect on the Treasury of the strict liability limitation established by subsection (g)(2).

"(i) TRAINING AND GUIDANCE.—In consultation with the electric utility industry, the Secretary concerned is encouraged to develop a program to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to electric transmission and distribution facilities to ensure that the personnel—

"(1) understand electric system reliability requirements as the requirements relate to vegetation management of transmission and distribution rights-of-way on Federal land, including reliability standards established by the Electric Reliability Organization and fire safety requirements;

"(2) assist owners and operators of electric transmission and distribution facilities in complying with applicable electric reliability and fire safety requirements;

"(3) encourage and assist willing owners and operators of electric transmission and distribution facilities to incorporate on a voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife if the practices are compatible with the integrated vegetation management practices necessary for reliability and safety; and

"(4) understand how existing and emerging unmanned technologies can help electric utilities, the Federal Government, State and local governments, and private landowners—

"(A) to more efficiently identify vegetation management needs;

"(B) to reduce the risk of wildfires; and

"(C) to lower ratepayer energy costs.

"(j) IMPLEMENTATION.—The Secretary concerned shall—

"(1) not later than 1 year after the date of enactment of this section, propose regulations, or amend existing regulations, to implement this section; and

"(2) not later than 2 years after the date of enactment of this section, finalize regulations, or amend existing regulations, to implement this section.

"(k) EXISTING VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section requires an owner or operator to develop and submit a new plan under this section if a plan consistent with this section has already been approved by the Secretary concerned before the date of enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), is amended by inserting after the item relating to section 511 the following new item:

"Sec. 512. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.".

SEC. 212. GOOD NEIGHBOR AUTHORITY IMPROVEMENT.

Section 8206(a) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) is amended—

(1) in paragraph (3)(B)(i), by striking "areas; or" and inserting the following: "areas, other than the reconstruction, repair, or restoration of a National Forest System road that is—

"(I) necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

"(II) in the case of a National Forest System road that is determined to be unneeded in accordance with section 212.5(b)(2) of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Good Neighbor Authority Improvement Act), decommissioned in accordance with subparagraph (A)(iii)—

"(aa) in a manner that is consistent with the applicable travel management plan; and

"(bb) not later than 3 years after the date on which the applicable authorized restoration services project is completed; or";

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

"(6) NATIONAL FOREST SYSTEM ROAD.—The term 'National Forest System road' has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Good Neighbor Authority Improvement Act).".

Federal Land Transaction Facilitation Act Reauthorization of 2018.

TITLE III—FEDERAL LAND TRANSACTION FACILITATION REAUTHORIZATION

43 USC 2301 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Land Transaction Facilitation Act Reauthorization of 2018".

SEC. 302. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(1) (43 U.S.C. 2302(1)), by striking "cultural, or" and inserting "cultural, recreational access and use, or other";

(2) in section 203(2) (43 U.S.C. 2302(2))—

(A) in the matter preceding subparagraph (A), by striking "on the date of enactment of this Act was" and inserting "is";

(B) by amending subparagraph (A) to read as follows:

"(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, priority species and habitats designated in a land use plan in accordance with subpart E (entitled "Fish and Wildlife") of part I of Appendix C

of Bureau of Land Management Land Use Planning Handbook H-1601-1 (Rel 1-1693), a special recreation management area, or a national natural landmark managed by the Bureau of Land Management;"; and

(C) by amending subparagraph (D) to read as follows:

"(D) a National Forest or National Grassland in the National Forest System; or";

(3) in section 203 (43 U.S.C. 2302), by inserting the following paragraph after section 203(2) (and redesignating the following paragraphs accordingly):

"(3) INACCESSIBLE LANDS THAT ARE OPEN TO PUBLIC HUNTING, FISHING, RECREATIONAL SHOOTING, OR OTHER RECREATIONAL PURPOSES.—The term 'inaccessible lands that are open to public hunting, fishing, recreational shooting, or other recreational purposes' means public lands in Alaska and the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) consisting of at least 640 contiguous acres on which the public is allowed under Federal or State law to hunt, fish, target shoot or use the land for other recreational purposes but—

"(A) to which there is no public access or egress; or

"(B) to which public access or egress to the land is significantly restricted, as determined by the Secretary."; and

(4) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking "section 206" and all that follows through the period and inserting the following: "section 206—

"(1) to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

"(2) not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization of 2018, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and

"(3) to maintain the database referred to in paragraph (2)."; and

(B) by striking subsection (d);

(5) in section 206(c)(2) (43 U.S.C. 2305(c)(2))—

(A) in subparagraph(A)(i), by striking "inholdings; and" and inserting "inholdings;";

(B) in subparagraph (A)(ii), by striking "exceptional resources." and inserting "exceptional resources; or";

(C) in subparagraph (A), by inserting after clause (ii), "(iii) adjacent to inaccessible lands open to public hunting, fishing, recreational shooting, or other recreational purposes."; and

(D) by adding at the end the following:

"(E) Any funds made available under subparagraph (D) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange

of land that generated the funds may be expended in any State.";

(6) in section 206(c)(3) (43 U.S.C. 2305(c)(3))—

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

"(B) the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;"; and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D);

(7) by striking section 206(f) (43 U.S.C. 2305(f)); and

(8) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking "96–568" and inserting "96–586"; and

(ii) by striking "; or" and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting "Public Law 105–263;" before "112 Stat."; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

"(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

"(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

"(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

"(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

"(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).".

TITLE IV—EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

SEC. 401. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act (16 U.S.C. 7102(11)) is amended—

(A) in subparagraph (B), by striking "and";

(B) in subparagraph (C)—

(i) by striking "and each fiscal year thereafter" and inserting "through fiscal year 2015"; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(D) for fiscal year 2017, the amount that is equal to 95 percent of the full funding amount for fiscal year 2015; and

"(E) for fiscal year 2018 and each fiscal year thereafter, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year.".

(2) SECURE PAYMENTS.—

(A) IN GENERAL.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking "2015" each place it appears and inserting "2015, 2017, and 2018".

(B) SPECIAL RULE FOR FISCAL YEAR 2017 PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by adding at the end the following:

"(d) SPECIAL RULE FOR FISCAL YEAR 2017 PAYMENTS.—

"(1) STATE PAYMENT.—If an eligible county in a State that will receive a share of the State payment for fiscal year 2017 has already received, or will receive, a share of the 25-percent payment for fiscal year 2017 distributed to the State before the date of enactment of this subsection, the amount of the State payment shall be reduced by the amount of the share of the eligible county of the 25-percent payment.

"(2) COUNTY PAYMENT.—If an eligible county that will receive a county payment for fiscal year 2017 has already received a 50-percent payment for fiscal year 2017, the amount of the county payment shall be reduced by the amount of the 50-percent payment.

"(3) PROMPT PAYMENT.—Not later than 45 days after the date of enactment of this subsection, the Secretary of the Treasury shall make all payments under this title for fiscal year 2017.".

(3) PAYMENTS TO STATES AND COUNTIES.—

(A) ELECTION TO RECEIVE PAYMENT AMOUNT.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(i) in paragraph (1), by adding after subparagraph (C) the following:

"(D) PAYMENTS FOR FISCAL YEARS 2017 AND 2018.—The election otherwise required by subparagraph (A) shall not apply for fiscal years 2017 or 2018."; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting "and for fiscal years 2017 and 2018" after "2015"; and

(II) in subparagraph (B), by inserting "and for fiscal years 2017 and 2018" after "2015".

(B) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—Section 102(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)) is amended—

(i) in paragraph (1), by adding after subparagraph (E) the following:

"(F) PAYMENTS FOR FISCAL YEARS 2017 AND 2018.—The election made by an eligible county under subparagraph (B), (C), or (D) for fiscal year 2013, or deemed to be made

by the county under paragraph (3)(B) for that fiscal year, shall be effective for fiscal years 2017 and 2018."; and

(ii) in paragraph (3)—

(I) in subparagraph (B)(ii), by striking "purpose described in section 202(b)" and inserting "purposes described in section 202(b), section 203(c), or section 204(a)(5)"; and

(II) by adding after subparagraph (C) the following:

"(D) PAYMENTS FOR FISCAL YEARS 2017 AND 2018.—This paragraph does not apply for fiscal years 2017 and 2018.".

(C) ELECTIONS AS TO ALLOCATION OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(i) in subparagraph (B)(ii), by striking "not more than 7 percent of the total share for the eligible county of the State payment or the county payment" and inserting "any portion of the balance"; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which $350,000 or more is distributed for any fiscal year pursuant to paragraph (1)(B) or (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

"(i) Reserve any portion of the balance for projects in accordance with title II.

"(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

"(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.".

(D) TREATMENT AS SUPPLEMENTAL FUNDING.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended by adding at the end the following:

"(f) TREATMENT AS SUPPLEMENTAL FUNDING.—

"(1) IN GENERAL.—None of the funds made available to an eligible county under this Act may be used in lieu of, or to otherwise offset, a State funding source for a local school, facility, or educational purpose.

"(2) CONTINUATION OF DIRECT PAYMENTS.—Payments to States made under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.) and 25-percent payments made to States and Territories under the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500), shall continue to be made as direct payments and not as Federal financial assistance.".

(E) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking "2015" and inserting "and for fiscal years 2017 and 2018".

(b) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) REPEAL OF CONTRACTING PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(2) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking "2012" each place it appears and inserting "2018".

(3) AVAILABILITY OF PROJECT FUNDS.—Section 207(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(d)(2)) is amended by striking "subparagraph (B)" and inserting "subparagraph (B)(i), (B)(ii),".

(4) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking "2017" and inserting "2020"; and

(B) in subsection (b), by striking "2018" and inserting "2021".

(c) TERMINATION OF AUTHORITY.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking "2017" and inserting "2020"; and

(2) in subsection (b), by striking "2018" and inserting "2021".

SEC. 402. ADDITIONAL AUTHORIZED USE OF RESERVED FUNDS FOR TITLE III COUNTY PROJECTS.

Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "and law enforcement patrols" after "including firefighting"; and

(B) by striking "and" at the end;

(2) in paragraph (3), by inserting "and carry out" after "develop";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and".

TITLE V—STRATEGIC PETROLEUM RESERVE DRAWDOWN

SEC. 501. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

42 USC 6241 note.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell 10,000,000 barrels of crude oil from the

Strategic Petroleum Reserve during the period of fiscal years 2020 through 2021.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary of Energy may not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) STRATEGIC PETROLEUM DRAWDOWN LIMITATIONS.—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking "350,000,000" each place it appears and inserting "340,000,000".

DIVISION P—RAY BAUM'S ACT OF 2018

Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018.
47 USC 609 note.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018" or the "RAY BAUM'S Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. Commission defined.

TITLE I—FCC REAUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Application and regulatory fees.
Sec. 103. Effective date.

TITLE II—APPLICATION OF ANTIDEFICIENCY ACT

Sec. 201. Application of Antideficiency Act to Universal Service Program.

TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

Sec. 301. Study on network resiliency.
Sec. 302. Access to essential service providers during federally declared emergencies.
Sec. 303. Definitions.

TITLE IV—FCC CONSOLIDATED REPORTING

Sec. 401. Communications marketplace report.
Sec. 402. Consolidation of redundant reports; conforming amendments.
Sec. 403. Effect on authority.
Sec. 404. Other reports.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Independent Inspector General for FCC.
Sec. 502. Authority of Chief Information Officer.
Sec. 503. Spoofing prevention.
Sec. 504. Report on promoting broadband Internet access service for veterans.
Sec. 505. Methodology for collection of mobile service coverage data.
Sec. 506. Accuracy of dispatchable location for 9–1–1 calls.
Sec. 507. NTIA study on interagency process following cybersecurity incidents.
Sec. 508. Tribal digital access.
Sec. 509. Terms of office and vacancies.
Sec. 510. Joint board recommendation.
Sec. 511. Disclaimer for press releases regarding notices of apparent liability.
Sec. 512. Reports related to spectrum auctions.

TITLE VI—MOBILE NOW

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Identifying 255 megahertz.
Sec. 604. Millimeter wave spectrum.
Sec. 605. 3 gigahertz spectrum.
Sec. 606. Communications facilities deployment on Federal property.
Sec. 607. Broadband infrastructure deployment.
Sec. 608. Communications facilities installation.
Sec. 609. Reallocation incentives.
Sec. 610. Bidirectional sharing study.
Sec. 611. Unlicensed services in guard bands.
Sec. 612. Pre-auction funding.
Sec. 613. Immediate transfer of funds.
Sec. 614. Amendments to the Spectrum Pipeline Act of 2015.
Sec. 615. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
Sec. 616. Rulemaking related to partitioning or disaggregating licenses.
Sec. 617. Unlicensed spectrum policy.
Sec. 618. National plan for unlicensed spectrum.
Sec. 619. Spectrum challenge prize.
Sec. 620. Wireless telecommunications tax and fee collection fairness.
Sec. 621. Rules of construction.
Sec. 622. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.
Sec. 623. No additional funds authorized.

SEC. 2. COMMISSION DEFINED.

47 USC 155a note.

In this division, the term "Commission" means the Federal Communications Commission.

TITLE I—FCC REAUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to the Commission to carry out the functions of the Commission $333,118,000 for fiscal year 2019 and $339,610,000 for fiscal year 2020.

"(b) OFFSETTING COLLECTIONS.—The sum appropriated in any fiscal year to carry out the activities described in subsection (a), to the extent and in the amounts provided for in Appropriations Acts, shall be derived from fees authorized by section 9.".

(b) DEPOSITS OF BIDDERS TO BE DEPOSITED IN TREASURY.—Section 309(j)(8)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

(1) in the first sentence, by striking "an interest bearing account" and all that follows and inserting "the Treasury.";

(2) in clause (i)—

(A) by striking "paid to the Treasury" and inserting "deposited in the general fund of the Treasury (where such deposits shall be used for the sole purpose of deficit reduction)"; and

(B) by striking the semicolon and inserting "; and";

(3) in clause (ii), by striking "; and" and inserting ", and payments representing the return of such deposits shall not be subject to administrative offset under section 3716(c) of title 31, United States Code."; and

(4) by striking clause (iii).

(c) ELIMINATION OF DUPLICATIVE AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 710 of the Telecommunications Act of 1996 (Public Law 104–104) is repealed.

47 USC 156 note.

(2) CONFORMING AMENDMENT.—The table of contents in section 2 of such Act is amended by striking the item relating to section 710.

(d) TRANSFER OF FUNDS.—On the effective date described in section 103 of this title, any amounts in the account providing appropriations to carry out the functions of the Commission that were collected in excess of the amounts provided for in Appropriations Acts in any fiscal year prior to such date shall be transferred to the general fund of the Treasury of the United States for the sole purpose of deficit reduction.

SEC. 102. APPLICATION AND REGULATORY FEES.

(a) APPLICATION FEES.—Section 8 of the Communications Act of 1934 (47 U.S.C. 158) is amended to read as follows:

"SEC. 8. APPLICATION FEES.

"(a) GENERAL AUTHORITY; ESTABLISHMENT OF SCHEDULE.—The Commission shall assess and collect application fees at such rates as the Commission shall establish in a schedule of application fees to recover the costs of the Commission to process applications.

"(b) ADJUSTMENT OF SCHEDULE.—

"(1) IN GENERAL.—In every even-numbered year, the Commission shall review the schedule of application fees established under this section and, except as provided in paragraph (2), set a new amount for each fee in the schedule that is equal to the amount of the fee on the date when the fee was established or the date when the fee was last amended under subsection (c), whichever is later—

"(A) increased or decreased by the percentage change in the Consumer Price Index during the period beginning on such date and ending on the date of the review; and

"(B) rounded to the nearest $5 increment.

"(2) THRESHOLD FOR ADJUSTMENT.—The Commission may not adjust a fee under paragraph (1) if—

"(A) in the case of a fee the current amount of which is less than $200, the adjustment would result in a change in the current amount of less than $10; or

"(B) in the case of a fee the current amount of which is $200 or more, the adjustment would result in a change in the current amount of less than 5 percent.

"(3) CURRENT AMOUNT DEFINED.—In paragraph (2), the term 'current amount' means, with respect to a fee, the amount of the fee on the date when the fee was established, the date when the fee was last adjusted under paragraph (1), or the date when the fee was last amended under subsection (c), whichever is latest.

"(c) AMENDMENTS TO SCHEDULE.—In addition to the adjustments required by subsection (b), the Commission shall by rule amend the schedule of application fees established under this section if the Commission determines that the schedule requires amendment—

"(1) so that such fees reflect increases or decreases in the costs of processing applications at the Commission; or

"(2) so that such schedule reflects the consolidation or addition of new categories of applications.

"(d) EXCEPTIONS.—

"(1) PARTIES TO WHICH FEES ARE NOT APPLICABLE.—The application fees established under this section shall not be applicable to—

"(A) a governmental entity;

"(B) a nonprofit entity licensed in the Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, Public Safety, or Special Emergency Radio radio services; or

"(C) a noncommercial radio station or noncommercial television station.

"(2) COST OF COLLECTION.—If, in the judgment of the Commission, the cost of collecting an application fee established under this section would exceed the amount collected, the Commission may by rule eliminate such fee.

"(e) DEPOSIT OF COLLECTIONS.—Moneys received from application fees established under this section shall be deposited in the general fund of the Treasury.".

(b) REGULATORY FEES.—Section 9 of the Communications Act of 1934 (47 U.S.C. 159) is amended to read as follows:

"SEC. 9. REGULATORY FEES.

"(a) GENERAL AUTHORITY.—The Commission shall assess and collect regulatory fees to recover the costs of carrying out the activities described in section 6(a) only to the extent, and in the total amounts, provided for in Appropriations Acts.

"(b) ESTABLISHMENT OF SCHEDULE.—The Commission shall assess and collect regulatory fees at such rates as the Commission shall establish in a schedule of regulatory fees that will result in the collection, in each fiscal year, of an amount that can reasonably be expected to equal the amounts described in subsection (a) with respect to such fiscal year.

"(c) ADJUSTMENT OF SCHEDULE.—

"(1) IN GENERAL.—For each fiscal year, the Commission shall by rule adjust the schedule of regulatory fees established under this section to—

"(A) reflect unexpected increases or decreases in the number of units subject to the payment of such fees; and

"(B) result in the collection of the amount required by subsection (b).

"(2) ROUNDING.—In making adjustments under this subsection, the Commission may round fees to the nearest $5 increment.

"(d) AMENDMENTS TO SCHEDULE.—In addition to the adjustments required by subsection (c), the Commission shall by rule amend the schedule of regulatory fees established under this section if the Commission determines that the schedule requires amendment so that such fees reflect the full-time equivalent number of employees within the bureaus and offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities. In making an amendment under this subsection, the Commission may not change the total amount of regulatory fees required by subsection (b) to be collected in a fiscal year.

"(e) EXCEPTIONS.—

"(1) PARTIES TO WHICH FEES ARE NOT APPLICABLE.—The regulatory fees established under this section shall not be applicable to—

"(A) a governmental entity or nonprofit entity;

"(B) an amateur radio operator licensee under part 97 of the Commission's rules (47 CFR part 97); or

"(C) a noncommercial radio station or noncommercial television station.

"(2) COST OF COLLECTION.—If, in the judgment of the Commission, the cost of collecting a regulatory fee established under this section from a party would exceed the amount collected from such party, the Commission may exempt such party from paying such fee.

"(f) DEPOSIT OF COLLECTIONS.—

"(1) IN GENERAL.—Amounts received from fees authorized by this section shall be deposited as an offsetting collection in, and credited to, the account through which funds are made available to carry out the activities described in section 6(a).

"(2) DEPOSIT OF EXCESS COLLECTIONS.—Any regulatory fees collected in excess of the total amount of fees provided for in Appropriations Acts for a fiscal year shall be deposited in the general fund of the Treasury of the United States for the sole purpose of deficit reduction.".

(c) PROVISIONS APPLICABLE TO APPLICATION AND REGULATORY FEES.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 9 the following:

47 USC 159a.

"SEC. 9A. PROVISIONS APPLICABLE TO APPLICATION AND REGULATORY FEES.

"(a) JUDICIAL REVIEW PROHIBITED.—Any adjustment or amendment to a schedule of fees under subsection (b) or (c) of section 8 or subsection (c) or (d) of section 9 is not subject to judicial review.

"(b) NOTICE TO CONGRESS.—The Commission shall transmit to Congress notification—

"(1) of any adjustment under section 8(b) or 9(c) immediately upon the adoption of such adjustment; and

"(2) of any amendment under section 8(c) or 9(d) not later than 90 days before the effective date of such amendment.

"(c) ENFORCEMENT.—

"(1) PENALTIES FOR LATE PAYMENT.—The Commission shall by rule prescribe an additional penalty for late payment of fees under section 8 or 9. Such additional penalty shall be 25 percent of the amount of the fee that was not paid in a timely manner.

"(2) INTEREST ON UNPAID FEES AND PENALTIES.—The Commission shall charge interest, at a rate determined under section 3717 of title 31, United States Code, on a fee under section 8 or 9 or an additional penalty under this subsection that is not paid in a timely manner. Such section 3717 shall not otherwise apply with respect to such a fee or penalty.

"(3) DISMISSAL OF APPLICATIONS OR FILINGS.—The Commission may dismiss any application or other filing for failure to pay in a timely manner any fee under section 8 or 9 or any interest or additional penalty under this subsection.

"(4) REVOCATIONS.—

"(A) IN GENERAL.—In addition to or in lieu of the penalties and dismissals authorized by this subsection, the Commission may revoke any instrument of authorization held by any licensee that has not paid in a timely manner a regulatory fee assessed under section 9 or any related interest or penalty.

"(B) NOTICE.—Revocation action may be taken by the Commission under this paragraph after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice shall provide the licensee at least 30 days to either pay the fee, interest, and any penalty or show cause why the fee, interest, or penalty does not apply to the licensee or should otherwise be waived or payment deferred.

"(C) HEARING.—

"(i) GENERALLY NOT REQUIRED.—A hearing is not required under this paragraph unless the licensee's response presents a substantial and material question of fact.

"(ii) EVIDENCE AND BURDENS.—In any case where a hearing is conducted under this paragraph, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee.

"(iii) COSTS.—Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing.

"(D) OPPORTUNITY TO PAY PRIOR TO REVOCATION.—Any Commission order adopted under this paragraph shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked.

"(E) FINALITY.—No order of revocation under this paragraph shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5).

"(d) WAIVER, REDUCTION, AND DEFERMENT.—The Commission may waive, reduce, or defer payment of a fee under section 8 or 9 or an interest charge or penalty under this section in any specific instance for good cause shown, where such action would promote the public interest.

"(e) PAYMENT RULES.—The Commission shall by rule permit payment—

"(1) in the case of fees under section 8 or 9 in large amounts, by installments; and

"(2) in the case of fees under section 8 or 9 in small amounts, in advance for a number of years not to exceed the term of the license held by the payor.

"(f) ACCOUNTING SYSTEM.—The Commission shall develop accounting systems necessary to make the amendments authorized by sections 8(c) and 9(d).".

(d) TRANSITIONAL RULES.—

(1) APPLICATION FEES.—An application fee established under section 8 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this title, shall remain in effect under section

47 USC 158 note.

8 of the Communications Act of 1934, as amended by subsection (a) of this section, until such time as the Commission adjusts or amends such fee under subsection (b) or (c) of such section 8, as so amended.

47 USC 159 note.

(2) REGULATORY FEES.—A regulatory fee established under section 9 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this title, shall remain in effect under section 9 of the Communications Act of 1934, as amended by subsection (b) of this section, until such time as the Commission adjusts or amends such fee under subsection (c) or (d) of such section 9, as so amended.

(e) RULEMAKING TO AMEND SCHEDULE OF REGULATORY FEES.—

47 USC 159 note.

(1) IN GENERAL.—Not later than 1 year after the effective date described in section 103 of this title, the Commission shall complete a rulemaking proceeding under subsection (d) of section 9 of the Communications Act of 1934, as amended by subsection (b) of this section.

(2) REPORT TO CONGRESS.—If the Commission has not completed the rulemaking proceeding required by paragraph (1) by the date that is 6 months after the effective date described in section 103 of this title, the Commission shall submit to Congress a report on the progress of such rulemaking proceeding.

47 USC 156 note.

SEC. 103. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on October 1, 2018.

TITLE II—APPLICATION OF ANTIDEFICIENCY ACT

SEC. 201. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

Section 302 of Public Law 108–494 (118 Stat. 3998) is amended by striking "December 31, 2018" each place it appears and inserting "December 31, 2019".

TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

SEC. 301. STUDY ON NETWORK RESILIENCY.

Not later than 36 months after the date of enactment of this Act, the Commission shall submit to Congress, and make publically available on the Commission's website, a study on the public safety benefits and technical feasibility and cost of—

(1) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9–1–1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable;

(2) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9–1–1 services during times of emergency when mobile service is unavailable; and

(3) other alternative means of providing the public with access to 9–1–1 services during times of emergency when mobile service is unavailable.

SEC. 302. ACCESS TO ESSENTIAL SERVICE PROVIDERS DURING FEDERALLY DECLARED EMERGENCIES.

Section 427(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189e(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "telecommunications service" and inserting "wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service";

(B) in subparagraph (E), by striking the semicolon and inserting "; or";

(C) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively; and

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

"(B) is a tower owner or operator;"; and

(2) by striking "(1) provides" and inserting "(1)(A) provides".

SEC. 303. DEFINITIONS.

As used in this title—

(1) the term "mobile service" means commercial mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

(2) the term "WiFi access point" means wireless Internet access using the standard designated as 802.11 or any variant thereof; and

(3) the term "times of emergency" means either an emergency as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), or an emergency as declared by the governor of a State or territory of the United States.

TITLE IV—FCC CONSOLIDATED REPORTING

SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

"SEC. 13. COMMUNICATIONS MARKETPLACE REPORT. 47 USC 163.

"(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

"(b) CONTENTS.—Each report required by subsection (a) shall—

"(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

"(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment;

"(3) assess whether laws, regulations, regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or foreign governments), or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services;

"(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3); and

"(5) describe the actions that the Commission has taken in pursuit of the agenda described pursuant to paragraph (4) in the previous report submitted under this section.

"(c) EXTENSION.—If the President designates a Commissioner as Chairman of the Commission during the last quarter of an even-numbered year, the portion of the report required by subsection (b)(4) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as an addendum during the first quarter of the following odd-numbered year.

"(d) SPECIAL REQUIREMENTS.—

"(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

"(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability.

"(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and regulatory barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).".

SEC. 402. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat. 57) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109–34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103(b)(1) of the Broadband Data Improvement Act (47 U.S.C. 1303(b)(1)) is amended by striking "the assessment and report" and all that follows through "Federal Communications Commission" and inserting "its report under section 13 of the Communications Act of 1934, the Federal Communications Commission".

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section 623(k) of the Communications Act of 1934 (47 U.S.C. 543(k)) is amended—

(1) in paragraph (1), by striking "annually publish" and inserting "publish with its report under section 13"; and

(2) in the heading of paragraph (2), by striking "ANNUAL".

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENT.—Section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) is amended by striking the last sentence.

(i) ADDITIONAL OUTDATED REPORTS.—The Communications Act of 1934 is further amended—

(1) in section 4—

(A) in subsection (b)(2)(B)(ii), by striking "and shall furnish notice of such action" and all that follows through "subject of the waiver"; and

(B) in subsection (g), by striking paragraph (2);

(2) in section 215—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(3) in section 227(e), by striking paragraph (4);

(4) in section 309(j)—

(A) by striking paragraph (12); and

(B) in paragraph (15)(C), by striking clause (iv);

(5) in section 331(b), by striking the last sentence;

(6) in section 336(e), by amending paragraph (4) to read as follows:

"(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.";

(7) in section 339(c), by striking paragraph (1);

(8) in section 396—

(A) by striking subsection (i);

(B) in subsection (k)—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (3)(B)(iii), by striking subclause (V);

(C) in subsection (l)(1)(B), by striking "shall be included" and all that follows through "The audit report"; and

(D) by striking subsection (m);

(9) in section 398(b)(4), by striking the third sentence;

(10) in section 624A(b)(1)—

(A) by striking "REPORT; REGULATIONS" and inserting "REGULATIONS";

(B) by striking "Within 1 year after" and all that follows through "on means of assuring" and inserting "The Commission shall issue such regulations as are necessary to assure"; and

(C) by striking "Within 180 days after" and all that follows through "to assure such compatibility."; and

(11) in section 713, by striking subsection (a).

47 USC 154 note.

SEC. 403. EFFECT ON AUTHORITY.

Nothing in this title or the amendments made by this title shall be construed to expand or contract the authority of the Commission.

47 USC 154 note.

SEC. 404. OTHER REPORTS.

Nothing in this title or the amendments made by this title shall be construed to prohibit or otherwise prevent the Commission from producing any additional reports otherwise within the authority of the Commission.

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. INDEPENDENT INSPECTOR GENERAL FOR FCC.

(a) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2), by striking "the Federal Communications Commission,"; and

(2) in section 12—

(A) in paragraph (1), by inserting ", the Federal Communications Commission," after "the Chairman of the Nuclear Regulatory Commission"; and

(B) in paragraph (2), by inserting "the Federal Communications Commission," after "the Environmental Protection Agency,".

5 USC app. 3 note.

(b) TRANSITION RULE.—An individual serving as Inspector General of the Commission on the date of the enactment of this Act

pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(1) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Commission consistent with the amendments made by subsection (a); and

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the date of the enactment of this Act, applied with respect to the Inspector General of the Commission and suffer no reduction in pay.

SEC. 502. AUTHORITY OF CHIEF INFORMATION OFFICER.

47 USC 155a.

(a) IN GENERAL.—The Commission shall ensure that the Chief Information Officer of the Commission has a significant role in—

(1) the decision-making process for annual and multi-year planning, programming, budgeting, and execution decisions, related reporting requirements, and reports related to information technology;

(2) the management, governance, and oversight processes related to information technology; and

(3) the hiring of personnel with information technology responsibilities.

(b) CIO APPROVAL.—The Chief Information Officer of the Commission, in consultation with the Chief Financial Officer of the Commission and budget officials, shall specify and approve the allocation of amounts appropriated to the Commission for information technology, consistent with the provisions of appropriations Acts, budget guidelines, and recommendations from the Director of the Office of Management and Budget.

SEC. 503. SPOOFING PREVENTION.

(a) EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking "in connection with any telecommunications service or IP-enabled voice service" and inserting "or any person outside the United States if the recipient is within the United States, in connection with any voice service or text messaging service".

(2) COVERAGE OF TEXT MESSAGES AND VOICE SERVICES.—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(A) in subparagraph (A), by striking "telecommunications service or IP-enabled voice service" and inserting "voice service or a text message sent using a text messaging service";

(B) in the first sentence of subparagraph (B), by striking "telecommunications service or IP-enabled voice service" and inserting "voice service or a text message sent using a text messaging service"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) TEXT MESSAGE.—The term 'text message'—

"(i) means a message consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving

or transmitting device by means of a 10-digit telephone number or N11 service code;

"(ii) includes a short message service (commonly referred to as 'SMS') message and a multimedia message service (commonly referred to as 'MMS') message; and

"(iii) does not include—

"(I) a real-time, two-way voice or video communication; or

"(II) a message sent over an IP-enabled messaging service to another user of the same messaging service, except a message described in clause (ii).

"(D) TEXT MESSAGING SERVICE.—The term 'text messaging service' means a service that enables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

"(E) VOICE SERVICE.—The term 'voice service'—

"(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

"(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.".

(3) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) is amended in the heading by inserting "MISLEADING OR" before "INACCURATE".

(4) REGULATIONS.—

(A) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking "Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission" and inserting "The Commission".

47 USC 227 note.

(B) DEADLINE.—The Commission shall prescribe regulations to implement the amendments made by this subsection not later than 18 months after the date of enactment of this Act.

47 USC 227 note.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date on which the Commission prescribes regulations under paragraph (4).

47 USC 227a.

(b) CONSUMER EDUCATION MATERIALS ON HOW TO AVOID SCAMS THAT RELY UPON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) DEVELOPMENT OF MATERIALS.—Not later than 1 year after the date of enactment of this Act, the Commission, in coordination with the Federal Trade Commission, shall develop consumer education materials that provide information about—

(A) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and

(B) existing technologies, if any, that a consumer can use to protect against such scams and other fraudulent activity.

(2) CONTENTS.—In developing the consumer education materials under paragraph (1), the Commission shall—

(A) identify existing technologies, if any, that can help consumers guard themselves against scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information, including—

(i) descriptions of how a consumer can use the technologies to protect against such scams and other fraudulent activity; and

(ii) details on how consumers can access and use the technologies; and

(B) provide other information that may help consumers identify and avoid scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information.

(3) UPDATES.—The Commission shall ensure that the consumer education materials required under paragraph (1) are updated on a regular basis.

(4) WEBSITE.—The Commission shall include the consumer education materials developed under paragraph (1) on its website.

(c) GAO REPORT ON COMBATING THE FRAUDULENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Commission have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

(2) REQUIRED CONSIDERATIONS.—In conducting the study under paragraph (1), the Comptroller General shall examine—

(A) trends in the types of scams that rely on misleading or inaccurate caller identification information;

(B) previous and current enforcement actions by the Commission and the Federal Trade Commission to combat the practices prohibited by section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1));

(C) current efforts by industry groups and other entities to develop technical standards to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and

(D) whether there are additional actions the Commission, the Federal Trade Commission, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under paragraph (1), including any recommendations

regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

47 USC 227 note.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to modify, limit, or otherwise affect any rule or order adopted by the Commission in connection with—

(1) the Telephone Consumer Protection Act of 1991 (Public Law 102–243; 105 Stat. 2394) or the amendments made by that Act; or

(2) the CAN–SPAM Act of 2003 (15 U.S.C. 7701 et seq.).

SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET ACCESS SERVICE FOR VETERANS.

(a) VETERAN DEFINED.—In this section, the term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

(b) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on promoting broadband Internet access service for veterans, in particular low-income veterans and veterans residing in rural areas. In such report, the Commission shall—

(1) examine such access and how to promote such access; and

(2) provide findings and recommendations for Congress with respect to such access and how to promote such access.

(c) PUBLIC NOTICE AND OPPORTUNITY TO COMMENT.—In preparing the report required by subsection (b), the Commission shall provide the public with notice and an opportunity to comment on broadband Internet access service for veterans, in particular low-income veterans and veterans residing in rural areas, and how to promote such access.

47 USC 254 note.

SEC. 505. METHODOLOGY FOR COLLECTION OF MOBILE SERVICE COVERAGE DATA.

(a) DEFINITIONS.—In this section—

(1) the term "commercial mobile data service" has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401);

(2) the term "commercial mobile service" has the meaning given the term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d));

(3) the term "coverage data" means, if commercial mobile service or commercial mobile data service is available, general information about the service, which may include available speed tiers, radio frequency signal levels, and network and performance characteristics; and

(4) the term "Universal Service program" means the universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) and the regulations issued under that section.

(b) METHODOLOGY ESTABLISHED.—Not later than 180 days after the conclusion of the Mobility Fund Phase II Auction, the Commission shall promulgate regulations to establish a methodology that shall apply to the collection of coverage data by the Commission for the purposes of—

(1) the Universal Service program; or

(2) any other similar program.

(c) REQUIREMENTS.—The methodology established under subsection (b) shall—

(1) contain standard definitions for different available technologies such as 2G, 3G, 4G, and 4G LTE;

(2) enhance the consistency and robustness of how the data are collected by different parties;

(3) improve the validity and reliability of coverage data; and

(4) increase the efficiency of coverage data collection.

SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9–1–1 CALLS. 47 USC 615 note.

(a) PROCEEDING REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopting rules to ensure that the dispatchable location is conveyed with a 9–1–1 call, regardless of the technological platform used and including with calls from multi-line telephone systems (as defined in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471)).

(b) RELATIONSHIP TO OTHER PROCEEDINGS.—In conducting the proceeding required by subsection (a), the Commission may consider information and conclusions from other Commission proceedings regarding the accuracy of the dispatchable location for a 9–1–1 call, but nothing in this section shall be construed to require the Commission to reconsider any information or conclusion from a proceeding regarding the accuracy of the dispatchable location for a 9–1–1 call in which the Commission has adopted rules or issued an order before the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) 9–1–1 CALL.—The term "9–1–1 call" means a voice call that is placed, or a message that is sent by other means of communication, to a public safety answering point (as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222)) for the purpose of requesting emergency services.

(2) DISPATCHABLE LOCATION.—The term "dispatchable location" means the street address of the calling party, and additional information such as room number, floor number, or similar information necessary to adequately identify the location of the calling party.

SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOLLOWING CYBERSECURITY INCIDENTS.

(a) IN GENERAL.—The Assistant Secretary of Commerce for Communications and Information shall complete a study on how the National Telecommunications and Information Administration can best coordinate the interagency process following cybersecurity incidents.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the findings and recommendations of the study conducted under subsection (a).

SEC. 508. TRIBAL DIGITAL ACCESS. 47 USC 1301 note.

(a) TRIBAL BROADBAND DATA REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit

to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating broadband coverage in Indian country (as defined in section 1151 of title 18, United States Code) and on land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act.

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

(A) An assessment of areas of Indian country (as so defined) and land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act that have adequate broadband coverage.

(B) An assessment of unserved areas of Indian country (as so defined) and land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act.

(b) TRIBAL BROADBAND PROCEEDING.—Not later than 30 months after the date of the enactment of this Act, the Commission shall complete a proceeding to address the unserved areas identified in the report under subsection (a).

SEC. 509. TERMS OF OFFICE AND VACANCIES.

Section 4(c) of the Communications Act of 1934 (47 U.S.C. 154(c)) is amended to read as follows:

"(c)(1) A commissioner—

"(A) shall be appointed for a term of 5 years;

"(B) except as provided in subparagraph (C), may continue to serve after the expiration of the fixed term of office of the commissioner until a successor is appointed and has been confirmed and taken the oath of office; and

"(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner.

"(2) Any person chosen to fill a vacancy in the Commission—

"(A) shall be appointed for the unexpired term of the commissioner that the person succeeds;

"(B) except as provided in subparagraph (C), may continue to serve after the expiration of the fixed term of office of the commissioner that the person succeeds until a successor is appointed and has been confirmed and taken the oath of office; and

"(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner that the person succeeds.

"(3) No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.".

SEC. 510. JOINT BOARD RECOMMENDATION.

The Commission may not modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 511. DISCLAIMER FOR PRESS RELEASES REGARDING NOTICES OF APPARENT LIABILITY.

47 USC 503 note.

The Commission shall include in any press release regarding the issuance of a notice of apparent liability under section 503(b)(4) of the Communications Act of 1934 (47 U.S.C. 503(b)(4)) a disclaimer informing consumers that—

(1) the issuance of a notice of apparent liability should be treated only as allegations; and

(2) the amount of any forfeiture penalty proposed in a notice of apparent liability represents the maximum penalty that the Commission may impose for the violations alleged in the notice of apparent liability.

SEC. 512. REPORTS RELATED TO SPECTRUM AUCTIONS.

47 USC 309a.

(a) ESTIMATE OF UPCOMING AUCTIONS.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following:

"(18) ESTIMATE OF UPCOMING AUCTIONS.—

"(A) Not later than September 30, 2018, and annually thereafter, the Commission shall make publicly available an estimate of what systems of competitive bidding authorized under this subsection may be initiated during the upcoming 12-month period.

"(B) The estimate under subparagraph (A) shall, to the extent possible, identify the bands of frequencies the Commission expects to be included in each such system of competitive bidding.".

(b) AUCTION EXPENDITURE JUSTIFICATION REPORT.—Not later than April 1, 2019, and annually thereafter, the Commission shall provide to the appropriate committees of Congress a report containing a detailed justification for the use of proceeds retained by the Commission under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) for the costs of developing and implementing the program required by section 309(j) of that Act.

(c) DEFINITION.—For purposes of this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

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

TITLE VI—MOBILE NOW

Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act.
47 USC 1501 note.

SEC. 601. SHORT TITLE.

This title may be cited as the "Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act" or the "MOBILE NOW Act".

SEC. 602. DEFINITIONS.

47 USC 1501.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) each committee of the Senate or of the House of Representatives with jurisdiction over a Federal entity affected by the applicable section in which the term appears.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) FEDERAL ENTITY.—The term "Federal entity" has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(4) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(5) OMB.—The term "OMB" means the Office of Management and Budget.

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

47 USC 1502.

SEC. 603. IDENTIFYING 255 MEGAHERTZ.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Not later than December 31, 2022, the Secretary, working through the NTIA, and the Commission shall identify a total of at least 255 megahertz of Federal and non-Federal spectrum for mobile and fixed wireless broadband use.

(2) UNLICENSED AND LICENSED USE.—Of the spectrum identified under paragraph (1), not less than—

(A) 100 megahertz below the frequency of 8000 megahertz shall be identified for use on an unlicensed basis;

(B) 100 megahertz below the frequency of 6000 megahertz shall be identified for use on an exclusive, licensed basis for commercial mobile use, pursuant to the Commission's authority to implement such licensing in a flexible manner, and subject to potential continued use of such spectrum by incumbent Federal entities in designated geographic areas indefinitely or for such length of time stipulated in transition plans approved by the Technical Panel under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) for those incumbent entities to be relocated to alternate spectrum; and

(C) 55 megahertz below the frequency of 8000 megahertz shall be identified for use on either a licensed or unlicensed basis, or a combination of licensed and unlicensed.

(3) NON-ELIGIBLE SPECTRUM.—For purposes of satisfying the requirement under paragraph (1), the following spectrum shall not be counted:

(A) The frequencies between 1695 and 1710 megahertz.

(B) The frequencies between 1755 and 1780 megahertz.

(C) The frequencies between 2155 and 2180 megahertz.

(D) The frequencies between 3550 and 3700 megahertz.

(E) Spectrum that the Commission determines had more than de minimis mobile or fixed wireless broadband operations within the band on the day before the date of enactment of this Act.

(4) TREATMENT OF CERTAIN OTHER SPECTRUM.—Spectrum identified pursuant to this section may include eligible spectrum, if any, identified after the date of enactment of this Act pursuant to title X of the Bipartisan Budget Act of 2015 (Public Law 114–74).

(5) SPECTRUM MADE AVAILABLE ON AND AFTER FEBRUARY 11, 2016.—Any spectrum that has been made available for licensed or unlicensed use on and after February 11, 2016, and that otherwise satisfies the requirements of this section may be counted towards the requirements of this subsection.

(6) RELOCATION PRIORITIZED OVER SHARING.—This section shall be carried out in accordance with section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(7) CONSIDERATIONS.—In identifying spectrum for use under this section, the Secretary, working through the NTIA, and Commission shall consider—

(A) the need to preserve critical existing and planned Federal Government capabilities;

(B) the impact on existing State, local, and tribal government capabilities;

(C) the international implications;

(D) the need for appropriate enforcement mechanisms and authorities; and

(E) the importance of the deployment of wireless broadband services in rural areas of the United States.

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(2) to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security; or

(3) to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, or any other relevant statutory requirement applicable to the reallocation of Federal spectrum.

SEC. 604. MILLIMETER WAVE SPECTRUM. 47 USC 1503.

(a) FCC PROCEEDING.—Not later than 2 years after the date of enactment of this Act, the Commission shall publish a notice of proposed rulemaking to consider service rules to authorize mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the radio frequency band between 42000 and 42500 megahertz.

(b) CONSIDERATIONS.—In conducting a rulemaking under subsection (a), the Commission shall—

(1) consider how the band described in subsection (a) may be used to provide commercial wireless broadband service, including whether—

(A) such spectrum may be best used for licensed or unlicensed services, or some combination thereof; and

(B) to permit additional licensed operations in such band on a shared basis; and

(2) include technical characteristics under which the band described in subsection (a) may be employed for mobile or fixed terrestrial wireless operations, including any appropriate coexistence requirements.

(c) SPECTRUM MADE AVAILABLE ON AND AFTER FEBRUARY 11, 2016.—Any spectrum that has been made available for licensed or unlicensed use on or after February 11, 2016, and that otherwise satisfies the requirements of section 603 of this title may be counted towards the requirements of section 603(a) of this title.

SEC. 605. 3 GIGAHERTZ SPECTRUM.

(a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGAHERTZ.—Not later than 24 months after the date of enactment of this Act, and in consultation with the Commission and the head of each affected Federal agency (or a designee thereof), the Secretary, working through the NTIA, shall submit to the Commission and the appropriate committees of Congress a report evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to share use of the frequencies between 3100 megahertz and 3550 megahertz.

(b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGAHERTZ.—Not later than 18 months after the date of enactment of this Act, after notice and an opportunity for public comment, and in consultation with the Secretary, working through the NTIA, and the head of each affected Federal agency (or a designee thereof), the Commission shall submit to the Secretary and the appropriate committees of Congress a report evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share use of the frequencies between 3700 megahertz and 4200 megahertz.

(c) REQUIREMENTS.—A report under subsection (a) or (b) shall include the following:

(1) An assessment of the operations of Federal entities that operate Federal Government stations authorized to use the frequencies described in that subsection.

(2) An assessment of the possible impacts of such sharing on Federal and non-Federal users already operating on the frequencies described in that subsection.

(3) The criteria that may be necessary to ensure shared licensed or unlicensed services would not cause harmful interference to Federal or non-Federal users already operating in the frequencies described in that subsection.

(4) If such sharing is feasible, an identification of which of the frequencies described in that subsection are most suitable for sharing with commercial wireless services through the assignment of new licenses by competitive bidding, for sharing with unlicensed operations, or through a combination of licensing and unlicensed operations.

(d) COMMISSION ACTION.—The Commission, in consultation with the NTIA, shall seek public comment on the reports required under subsections (a) and (b), including regarding the bands identified in such report as feasible pursuant to subsection (c)(4).

SEC. 606. COMMUNICATIONS FACILITIES DEPLOYMENT ON FEDERAL PROPERTY.

(a) IN GENERAL.—Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) is amended by striking subsections (b), (c), and (d) and inserting the following:

"(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND LEASES.—

"(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, subject to paragraph (3), an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

"(2) APPLICATION.—

"(A) IN GENERAL.—The Administrator of General Services shall develop a common form for applications for easements, rights-of-way, and leases under paragraph (1) for all executive agencies that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings or other property of each such agency.

"(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form developed by the Administrator of General Services shall not apply to an executive agency if the head of an executive agency notifies the Administrator that the executive agency uses a substantially similar application.

"(3) TIMELY CONSIDERATION OF APPLICATIONS.—

"(A) IN GENERAL.—Not later than 270 days after the date on which an executive agency receives a duly filed application for an easement, right-of-way, or lease under this subsection, the executive agency shall—

"(i) grant or deny, on behalf of the Federal Government, the application; and

"(ii) notify the applicant of the grant or denial.

"(B) EXPLANATION OF DENIAL.—If an executive agency denies an application under subparagraph (A), the executive agency shall notify the applicant in writing, including a clear statement of the reasons for the denial.

"(C) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in this paragraph shall be construed to relieve an executive agency of the requirements of division A of subtitle III of title 54, United States Code, or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(D) POINT OF CONTACT.—Upon receiving an application under subparagraph (A), an executive agency shall designate one or more appropriate individuals within the executive agency to act as a point of contact with the applicant.

"(c) MASTER CONTRACTS FOR COMMUNICATIONS FACILITY INSTALLATION SITINGS.—

"(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat.

151) or any other provision of law, the Administrator of General Services shall—

"(A) develop one or more master contracts that shall govern the placement of communications facility installations on buildings and other property owned by the Federal Government; and

"(B) in developing the master contract or contracts, standardize the treatment of the placement of communications facility installations on building rooftops or facades, the placement of communications facility installations on rooftops or inside buildings, the technology used in connection with communications facility installations placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

"(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a communications facility installation on a specific building or other property warrant nonstandard treatment of such building or other property.

"(3) APPLICATION.—

"(A) IN GENERAL.—The Administrator of General Services shall develop a common form or set of forms for communications facility installation siting applications that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings and other property of each such agency.

"(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form or set of forms developed by the Administrator of General Services shall not apply to an executive agency if the head of the executive agency notifies the Administrator that the executive agency uses a substantially similar application.

"(d) DEFINITIONS.—In this section:

"(1) COMMUNICATIONS FACILITY INSTALLATION.—The term 'communications facility installation' includes—

"(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

"(B) any antenna or apparatus that—

"(i) is designed for the purpose of emitting radio frequency;

"(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission or is using duly authorized devices that do not require individual licenses; and

"(iii) is added to a tower, building, or other structure.

"(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given such term in section 102 of title 40, United States Code.".

(b) SAVINGS PROVISION.—An application for an easement, right-of-way, or lease that was made or granted under section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) before the date of enactment of this Act shall continue, subject to that section as in effect on the day before such date of enactment. 47 USC 1455 note.

(c) STREAMLINING BROADBAND FACILITY APPLICATIONS.—

(1) DEFINITION OF COMMUNICATIONS FACILITY INSTALLATION.—In this subsection, the term "communications facility installation" has the meaning given the term in section 6409(d) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(d)), as amended by subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the NTIA, in coordination with the Department of the Interior, the Department of Agriculture, the Department of Defense, the Department of Transportation, OMB, and the General Services Administration, shall develop recommendations to streamline the process for considering applications by those agencies under section 6409(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)), as amended by subsection (a).

(B) REQUIREMENTS FOR RECOMMENDATIONS.—The recommendations developed under subparagraph (A) shall include—

(i) procedures for the tracking of applications described in subparagraph (A);

(ii) methods by which to reduce the amount of time between the receipt of an application and the issuance of a final decision on an application;

(iii) policies to expedite renewals of an easement, license, or other authorization to locate communications facility installations on land managed by the agencies described in subparagraph (A); and

(iv) policies that would prioritize or streamline a permit for construction in a previously-disturbed right-of-way.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date on which the recommendations required under subparagraph (A) are developed, the NTIA shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Oversight and Government Reform of the House of Representatives a report that describes—

(i) the status of the implementation of the recommendations developed under subparagraph (A); and

(ii) any improvements to the process for considering applications described in subparagraph (A) that have resulted from those recommendations, including

in particular the speed at which such applications are reviewed and a final determination is issued.

47 USC 1455 note.

(d) ADDITIONAL SAVINGS PROVISIONS.—

(1) REAL PROPERTY AUTHORITIES.—Nothing in this section, or the amendments made by this section, shall be construed as providing any executive agency with any new leasing or other real property authorities not existing prior to the date of enactment of this Act.

(2) EFFECT ON OTHER LAWS.—Nothing in this section, or the amendments made by this section, and no actions taken pursuant to this section, or the amendments made by this section, shall impact a decision or determination by any executive agency to sell, dispose of, declare excess or surplus, lease, reuse, or redevelop any Federal real property pursuant to title 40, United States Code, the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), or any other law governing real property activities of the Federal Government. No agreement entered into pursuant to this section, or the amendments made by this section, may obligate the Federal Government to hold, control, or otherwise retain or use real property that may otherwise be deemed as excess, surplus, or that could be otherwise sold, leased, or redeveloped.

47 USC 1504.

SEC. 607. BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE STATE AGENCY.—The term "appropriate State agency" means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and carry out projects relating to the proper and effective installation and operation of broadband infrastructure.

(2) BROADBAND INFRASTRUCTURE.—The term "broadband infrastructure" means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, video, data, graphics, or any combination thereof.

(3) BROADBAND INFRASTRUCTURE ENTITY.—The term "broadband infrastructure entity" means any entity that—

(A) installs, owns, or operates broadband infrastructure; and

(B) provides broadband services in a manner consistent with the public interest, convenience, and necessity, as determined by the State.

(4) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(b) BROADBAND INFRASTRUCTURE DEPLOYMENT.—To facilitate the installation of broadband infrastructure, the Secretary of Transportation shall promulgate regulations to ensure that each State that receives funds under chapter 1 of title 23, United States Code, meets the following requirements:

(1) BROADBAND CONSULTATION.—The State department of transportation, in consultation with appropriate State agencies, shall—

(A) identify a broadband utility coordinator, that may have additional responsibilities, whether in the State

department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State;

(B) establish a process for the registration of broadband infrastructure entities that seek to be included in those broadband infrastructure right-of-way facilitation efforts within the State;

(C) establish a process to electronically notify broadband infrastructure entities identified under subparagraph (B) of the State transportation improvement program on an annual basis and provide additional notifications as necessary to achieve the goals of this section; and

(D) coordinate initiatives carried out under this section with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve the installation of broadband infrastructure in a right-of-way.

(2) PRIORITY.—If a State chooses to provide for the installation of broadband infrastructure in the right-of-way of an applicable Federal-aid highway project under this subsection, the State department of transportation shall carry out any appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to other broadband infrastructure entities, with respect to the program under this subsection.

(c) EFFECT OF SECTION.—This section applies only to activities for which Federal obligations or expenditures are initially approved on or after the date regulations under subsection (b) become effective. Nothing in this section establishes a mandate or requirement that a State install or allow the installation of broadband infrastructure in a highway right-of-way. Nothing in this section authorizes the Secretary of Transportation to withhold or reserve funds or approval of a project under title 23, United States Code.

SEC. 608. COMMUNICATIONS FACILITIES INSTALLATION.

(a) IN GENERAL.—Section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note) is amended—

(1) in subsection (b), by adding at the end the following:

"(8) The ability of the Federal real property to support a communications facility installation."; and

(2) by adding at the end the following:

"(f) DEFINITION OF COMMUNICATIONS FACILITY INSTALLATION.—In this section, the term 'communications facility installation' means—

"(1) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of any kind; and

"(2) any antenna or apparatus that—

"(A) is designed for the purpose of emitting radio frequency;

"(B) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal

Communications Commission or is using duly authorized devices that do not require individual licenses; and

"(C) is added to a tower, building, or other structure.".

40 USC 1303 note.

(b) PUBLIC COMMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of General Services shall issue a notice for public comment regarding the inclusion of a communications facility installation under section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), as amended by subsection (a) of this section.

(2) CONTENTS.—In seeking public comment under paragraph (1), the Administrator shall include a request for recommendations on—

(A) the criteria that make Federal real property capable of supporting communications facility installations;

(B) the types of information related to the Federal real property that should be included in the database; and

(C) other matters that the Administrator determines necessary.

40 USC 1303 note.

(c) PROVISION OF INFORMATION.—

(1) IN GENERAL.—Not later than 90 days after the period for public comment under subsection (b)(1) ends, the Administrator of General Services shall notify the head of each Executive agency of the manner and format for submitting such information as the Administrator determines appropriate to the database established under section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), as amended by subsection (a) of this section.

(2) SUBMISSION.—Not later than 90 days after the date of the notification under paragraph (1), the head of an Executive agency shall submit the information required under paragraph (1).

(d) STATE AND LOCAL GOVERNMENTS.—

(1) IN GENERAL.—The Administrator of General Services, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, and the Director of OMB, shall study—

(A) how to incentivize State and local governments to provide the Administrator with information, similar to the information required under subsection (c)(1), for inclusion in the database described in that subsection; and

(B) the feasibility of establishing or operating a database to which State and local governments can voluntarily submit such information.

(2) REPORT ON INCENTIVIZING PARTICIPATION BY STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of General Services, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, and the Director of OMB, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security

and Governmental Affairs of the Senate, and the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on Oversight and Government Reform of the House of Representatives a report on the findings of the study under paragraph (1), including recommendations, if any, consistent with this section.

(B) CONSIDERATIONS.—The Administrator of General Services, in preparing the report under subparagraph (A), shall—

(i) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide the information described in paragraph (1), including utilizing and leveraging State broadband initiatives and programs; and

(ii) make recommendations on ways the Federal Government can assist State and local governments in collecting and providing the information described in paragraph (1).

(e) SAVINGS PROVISIONS.— 40 USC 1303 note.

(1) REAL PROPERTY AUTHORITIES.—Nothing in this section, or an amendment made by this section, shall be construed as providing any Executive agency with any new leasing or other real property authority that did not exist prior to the date of enactment of this Act.

(2) EFFECT ON OTHER LAWS.—Nothing in this section, or an amendment made by this section, and no information submitted pursuant to this section, or pursuant to an amendment made by this section, shall be used to prevent or otherwise restrict a decision or determination by any Executive agency to sell, dispose of, declare excess or surplus, lease, reuse or redevelop any Federal real property pursuant to—

(A) title 40 of the United States Code;

(B) the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note); or

(C) any other law governing real property activities of the Federal Government.

SEC. 609. REALLOCATION INCENTIVES.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information, in consultation with the Commission, the Director of OMB, and the head of each affected Federal agency (or a designee thereof), after notice and an opportunity for public comment, shall submit to the appropriate committees of Congress a report that includes legislative or regulatory recommendations to incentivize a Federal entity to relinquish, or share with Federal or non-Federal users, Federal spectrum for the purpose of allowing commercial wireless broadband services to operate on that Federal spectrum.

(b) POST-AUCTION PAYMENTS.—

(1) REPORT.—In preparing the report under subsection (a), the Assistant Secretary of Commerce for Communications and Information shall—

(A) consider whether permitting eligible Federal entities that are implementing a transition plan submitted under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) to accept payments could result in access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use sooner than would otherwise occur without such payments; and

(B) include the findings under subparagraph (A), including the analysis under paragraph (2) and any recommendations for legislation, in the report.

(2) ANALYSIS.—In considering payments under paragraph (1)(A), the Assistant Secretary of Commerce for Communications and Information shall conduct an analysis of whether and how such payments would affect—

(A) bidding in auctions conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of such eligible frequencies; and

(B) receipts collected from the auctions described in subparagraph (A).

(3) DEFINITIONS.—In this subsection:

(A) PAYMENT.—The term "payment" means a payment in cash or in-kind by any auction winner, or any person affiliated with an auction winner, of eligible frequencies during the period after eligible frequencies have been reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but prior to the completion of relocation or sharing transition of such eligible frequencies per transition plans approved by the Technical Panel.

(B) ELIGIBLE FREQUENCIES.—The term "eligible frequencies" has the meaning given the term in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)).

SEC. 610. BIDIRECTIONAL SHARING STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, including an opportunity for public comment, the Commission, in collaboration with the NTIA, shall—

(1) conduct a bidirectional sharing study to determine the best means of providing Federal entities flexible access to non-Federal spectrum on a shared basis across a range of short-, mid-, and long-range timeframes, including for intermittent purposes like emergency use; and

(2) submit to Congress a report on the study under paragraph (1), including any recommendations for legislation or proposed regulations.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Commission shall—

(1) consider the regulatory certainty that commercial spectrum users and Federal entities need to make longer-term investment decisions for shared access to be viable; and

(2) evaluate any barriers to voluntary commercial arrangements in which non-Federal users could provide access to Federal entities.

SEC. 611. UNLICENSED SERVICES IN GUARD BANDS. 47 USC 1505.

(a) IN GENERAL.—After public notice and comment, and in consultation with the Assistant Secretary of Commerce for Communications and Information and the head of each affected Federal agency (or a designee thereof), with respect to frequencies allocated for Federal use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies allocated after the date of enactment of this Act by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including spectrum that acts as a duplex gap between transmit and receive frequencies.

(b) LIMITATION.—The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the Commission or the Assistant Secretary of Commerce for Communications and Information from otherwise making spectrum available for licensed or unlicensed use in any frequency band in addition to guard bands, including under section 603 of this title, consistent with their statutory jurisdictions.

SEC. 612. PRE-AUCTION FUNDING.

Section 118(d)(3)(B)(i)(II) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by striking "5 years" and inserting "8 years".

SEC. 613. IMMEDIATE TRANSFER OF FUNDS.

Section 118(e)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)) is amended by adding at the end the following:

"(D) At the request of an eligible Federal entity, the Director of the Office of Management and Budget (in this subsection referred to as 'OMB') may transfer the amount under subparagraph (A) immediately—

"(i) after the frequencies are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

"(ii) in the case of an incumbent Federal entity that is incurring relocation or sharing costs to accommodate sharing spectrum frequencies with another Federal entity, after the frequencies from which the other eligible Federal entity is relocating are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), without regard to the availability of such sums in the Fund.

"(E) Prior to the deposit of proceeds into the Fund from an auction, the Director of OMB may borrow from the Treasury the amount under subparagraph (A) for a transfer under subparagraph (D). The Treasury shall immediately be reimbursed, without interest, from funds deposited into the Fund.".

SEC. 614. AMENDMENTS TO THE SPECTRUM PIPELINE ACT OF 2015.

Section 1008 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 584) is amended in the matter preceding

paragraph (1) by inserting ", after notice and an opportunity for public comment," after "the Commission".

SEC. 615. GAO ASSESSMENT OF UNLICENSED SPECTRUM AND WI-FI USE IN LOW-INCOME NEIGHBORHOODS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to evaluate the availability of broadband Internet access using unlicensed spectrum and wireless networks in low-income neighborhoods.

(2) REQUIREMENTS.—In conducting the study under paragraph (1), the Comptroller General shall consider and evaluate—

(A) the availability of wireless Internet hot spots and access to unlicensed spectrum in low-income neighborhoods, particularly for elementary and secondary school-aged children in such neighborhoods;

(B) any barriers preventing or limiting the deployment and use of wireless networks in low-income neighborhoods;

(C) how to overcome any barriers described in subparagraph (B), including through incentives, policies, or requirements that would increase the availability of unlicensed spectrum and related technologies in low-income neighborhoods; and

(D) how to encourage home broadband adoption by households with elementary and secondary school-age children that are in low-income neighborhoods.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) summarizes the findings of the study conducted under subsection (a); and

(2) makes recommendations with respect to potential incentives, policies, and requirements that could help achieve the goals described in subparagraphs (C) and (D) of subsection (a)(2).

47 USC 1506.

SEC. 616. RULEMAKING RELATED TO PARTITIONING OR DISAGGREGATING LICENSES.

(a) DEFINITIONS.—In this section:

(1) COVERED SMALL CARRIER.—The term "covered small carrier" means a carrier (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that—

(A) has not more than 1,500 employees (as determined under section 121.106 of title 13, Code of Federal Regulations, or any successor thereto); and

(B) offers services using the facilities of the carrier.

(2) RURAL AREA.—The term "rural area" means any area other than—

(A) a city, town, or incorporated area that has a population of more than 20,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to assess whether to establish a program, or modify existing programs, under which a licensee that receives a license for the exclusive use of spectrum in a specific geographic area under section 301 of the Communications Act of 1934 (47 U.S.C. 301) may partition or disaggregate the license by sale or long-term lease—

(A) in order to—

(i) provide services consistent with the license; and

(ii) make unused spectrum available to—

(I) an unaffiliated covered small carrier; or

(II) an unaffiliated carrier to serve a rural area; and

(B) if the Commission finds that such a program would promote—

(i) the availability of advanced telecommunications services in rural areas; or

(ii) spectrum availability for covered small carriers.

(2) CONSIDERATIONS.—In conducting the rulemaking proceeding under paragraph (1), the Commission shall consider, with respect to the program proposed to be established under that paragraph—

(A) whether reduced performance requirements with respect to spectrum obtained through the program would facilitate deployment of advanced telecommunications services in the areas covered by the program;

(B) what conditions may be needed on transfers of spectrum under the program to allow covered small carriers that obtain spectrum under the program to build out the spectrum in a reasonable period of time;

(C) what incentives may be appropriate to encourage licensees to lease or sell spectrum, including—

(i) extending the term of a license granted under section 301 of the Communications Act of 1934 (47 U.S.C. 301); or

(ii) modifying performance requirements of the license relating to the leased or sold spectrum; and

(D) the administrative feasibility of—

(i) the incentives described in subparagraph (C); and

(ii) other incentives considered by the Commission that further the goals of this section.

(3) FORFEITURE OF SPECTRUM.—If a party fails to meet any build out requirements set by the Commission for any spectrum sold or leased under this section, the right to the spectrum shall be forfeited to the Commission unless the Commission finds that there is good cause for the failure of the party.

(4) REQUIREMENT.—The Commission may offer a licensee incentives or reduced performance requirements under this section only if the Commission finds that doing so would likely result in increased availability of advanced telecommunications services in a rural area.

47 USC 1507.

SEC. 617. UNLICENSED SPECTRUM POLICY.

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

(1) to maximize the benefit to the people of the United States of the spectrum resources of the United States;

(2) to advance innovation and investment in wireless broadband services; and

(3) to promote spectrum policy that makes available on an unlicensed basis radio frequency bands to address consumer demand for unlicensed wireless broadband operations.

(b) COMMISSION RESPONSIBILITIES.—The Commission shall ensure that the efforts of the Commission related to spectrum allocation and assignment made available on an unlicensed basis radio frequency bands to address demand for unlicensed wireless broadband operations if doing so is, after taking into account the future needs of homeland security, national security, and other spectrum users—

(1) reasonable; and

(2) in the public interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section confers any additional rights on unlicensed users or users licensed by rule under part 96 of title 47, Code of Federal Regulations, to protection from harmful interference.

47 USC 1508.

SEC. 618. NATIONAL PLAN FOR UNLICENSED SPECTRUM.

(a) DEFINITIONS.—In this section:

(1) SPECTRUM RELOCATION FUND.—The term "Spectrum Relocation Fund" means the Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(2) UNLICENSED OR LICENSED BY RULE OPERATIONS.—The term "unlicensed or licensed by rule operations" means the use of spectrum on a non-exclusive basis under—

(A) part 15 of title 47, Code of Federal Regulations; or

(B) licensing by rule under part 96 of title 47, Code of Federal Regulations.

(b) NATIONAL PLAN.—Not later than 18 months after the date of enactment of this Act, the Commission, in consultation with the NTIA, shall develop a national plan for making additional radio frequency bands available for unlicensed or licensed by rule operations.

(c) REQUIREMENTS.—The plan developed under this section shall—

(1) identify an approach that ensures that consumers have access to additional spectrum to conduct unlicensed or licensed by rule operations in a range of radio frequencies to meet consumer demand;

(2) recommend specific actions by the Commission and the NTIA to permit unlicensed or licensed by rule operations in additional radio frequency ranges that the Commission finds—

(A) are consistent with the statement of policy under section 617(a) of this title;

(B) will—

(i) expand opportunities for unlicensed or licensed by rule operations in a spectrum band; or

(ii) otherwise improve spectrum utilization and intensity of use of bands where unlicensed or licensed by rule operations are already permitted;

(C) will not cause harmful interference to Federal or non-Federal users of such bands; and

(D) will not significantly impact homeland security or national security communications systems; and

(3) examine additional ways, with respect to existing and planned databases or spectrum access systems designed to promote spectrum sharing and access to spectrum for unlicensed or licensed by rule operations—

(A) to improve accuracy and efficacy;

(B) to reduce burdens on consumers, manufacturers, and service providers; and

(C) to protect sensitive Government information.

(d) SPECTRUM RELOCATION FUND.—To be included as an appendix as part of the plan developed under this section, the NTIA, in consultation with the Director of the Office of Management and Budget, shall share with the Commission recommendations about how to reform the Spectrum Relocation Fund—

(1) to address costs incurred by Federal entities related to sharing radio frequency bands with radio technologies conducting unlicensed or licensed by rule operations; and

(2) to ensure the Spectrum Relocation Fund has sufficient funds to cover—

(A) the costs described in paragraph (1); and

(B) other expenditures allowed of the Spectrum Relocation Fund under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report that describes the plan developed under this section, including any recommendations for legislative change.

(2) PUBLICATION ON COMMISSION WEBSITE.—Not later than the date on which the Commission submits the report under paragraph (1), the Commission shall make the report publicly available on the website of the Commission.

(f) RULE OF CONSTRUCTION.—Nothing in this section confers any additional rights on unlicensed users or users licensed by rule under part 96 of title 47, Code of Federal Regulations, to protection from harmful interference.

SEC. 619. SPECTRUM CHALLENGE PRIZE.

Spectrum Challenge Prize Act. 47 USC 1509.

(a) SHORT TITLE.—This section may be cited as the "Spectrum Challenge Prize Act".

(b) DEFINITION OF PRIZE COMPETITION.—In this section, the term "prize competition" means a prize competition conducted by the Secretary under subsection (c)(1).

(c) SPECTRUM CHALLENGE PRIZE.—

(1) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information and the Under Secretary of Commerce for Standards and Technology, shall, subject to the availability of funds for prize competitions under this section—

(A) conduct prize competitions to dramatically accelerate the development and commercialization of technology that improves spectrum efficiency and is capable of cost-effective deployment; and

(B) define a measurable set of performance goals for participants in the prize competitions to demonstrate their solutions on a level playing field while making a significant advancement over the current state of the art.

(2) AUTHORITY OF SECRETARY.—In carrying out paragraph (1), the Secretary may—

(A) enter into a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity to administer the prize competitions;

(B) invite the Defense Advanced Research Projects Agency, the Commission, the National Aeronautics and Space Administration, the National Science Foundation, or any other Federal agency to provide advice and assistance in the design or administration of the prize competitions; and

(C) award not more than $5,000,000, in the aggregate, to the winner or winners of the prize competitions.

(d) CRITERIA.—Not later than 180 days after the date on which funds for prize competitions are made available pursuant to this section, the Commission shall publish a technical paper on spectrum efficiency providing criteria that may be used for the design of the prize competitions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Wireless Telecommunications Tax and Fee Collection Fairness Act. 47 USC 1510.

SEC. 620. WIRELESS TELECOMMUNICATIONS TAX AND FEE COLLECTION FAIRNESS.

(a) SHORT TITLE.—This section may be cited as the "Wireless Telecommunications Tax and Fee Collection Fairness Act".

(b) DEFINITIONS.—In this section:

(1) FINANCIAL TRANSACTION.—The term "financial transaction" means a transaction in which the purchaser or user of a wireless telecommunications service upon whom a tax, fee, or surcharge is imposed gives cash, credit, or any other exchange of monetary value or consideration to the person who is required to collect or remit the tax, fee, or surcharge.

(2) LOCAL JURISDICTION.—The term "local jurisdiction" means a political subdivision of a State.

(3) STATE.—The term "State" means any of the several States, the District of Columbia, and any territory or possession of the United States.

(4) STATE OR LOCAL JURISDICTION.—The term "State or local jurisdiction" includes any governmental entity or person acting on behalf of a State or local jurisdiction that has the authority to assess, impose, levy, or collect taxes or fees.

(5) WIRELESS TELECOMMUNICATIONS SERVICE.—The term "wireless telecommunications service" means a commercial mobile radio service, as defined in section 20.3 of title 47, Code of Federal Regulations, or any successor thereto.

(c) FINANCIAL TRANSACTION REQUIREMENT.—

(1) IN GENERAL.—A State, or a local jurisdiction of a State, may not require a person who is neither a resident of such

State or local jurisdiction nor an entity having its principal place of business in such State or local jurisdiction to collect from, or remit on behalf of, any other person a State or local tax, fee, or surcharge imposed on a purchaser or user with respect to the purchase or use of any wireless telecommunications service within the State unless the collection or remittance is in connection with a financial transaction.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the right of a State or local jurisdiction to require the collection of any tax, fee, or surcharge in connection with a financial transaction.

(d) ENFORCEMENT.—

(1) PRIVATE RIGHT OF ACTION.—Any person aggrieved by a violation of subsection (c) may bring a civil action in an appropriate district court of the United States for equitable relief in accordance with paragraph (2) of this subsection.

(2) JURISDICTION OF DISTRICT COURTS.—Notwithstanding section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to the amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of subsection (c).

SEC. 621. RULES OF CONSTRUCTION. 47 USC 1511.

(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

(b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.—Nothing in this title shall be construed to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 622. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012. 47 USC 1512.

Nothing in this title shall be construed to limit, restrict, or circumvent in any way the implementation of the nationwide public safety broadband network defined in section 6001 of title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401) or any rules implementing that network under title VI of that Act (47 U.S.C. 1401 et seq.).

SEC. 623. NO ADDITIONAL FUNDS AUTHORIZED. 47 USC 1513.

No additional funds are authorized to be appropriated to carry out this title, or the amendments made by this title. This title, and the amendments made by this title, shall be carried out using amounts otherwise authorized.

DIVISION Q—KEVIN AND AVONTE'S LAW

Kevin and Avonte's Law of 2018. 34 USC 10101 note.

SECTION 1. SHORT TITLE.

This division may be cited as the "Kevin and Avonte's Law of 2018".

Missing Americans Alert Program Act of 2018.

TITLE I—MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM REAUTHORIZATION

34 USC 10101 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Missing Americans Alert Program Act of 2018".

SEC. 102. REAUTHORIZATION OF THE MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) AMENDMENTS.—Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621) is amended—

(1) in the section header, by striking "**ALZHEIMER'S DISEASE PATIENT**" and inserting "**AMERICANS**";

(2) by striking subsection (a) and inserting the following:

"(a) GRANT PROGRAM TO REDUCE INJURY AND DEATH OF MISSING AMERICANS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES.—Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services—

"(1) shall award competitive grants to health care agencies, State and local law enforcement agencies, or public safety agencies and nonprofit organizations to assist such entities in planning, designing, establishing, or operating locally based, proactive programs to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism, who, due to their condition, wander from safe environments, including programs that—

"(A) provide prevention and response information, including online training resources, and referrals to families or guardians of such individuals who, due to their condition, wander from a safe environment;

"(B) provide education and training, including online training resources, to first responders, school personnel, clinicians, and the public in order to—

"(i) increase the safety and reduce the incidence of wandering of persons, who, due to their dementia or developmental disabilities, may wander from safe environments;

"(ii) facilitate the rescue and recovery of individuals who, due to their dementia or developmental disabilities, wander from safe environments; and

"(iii) recognize and respond to and appropriately interact with endangered missing individuals with dementia or developmental disabilities who, due to their condition, wander from safe environments;

"(C) provide prevention and response training and emergency protocols for school administrators, staff, and families or guardians of individuals with dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism, to help reduce the risk of wandering by such individuals; and

"(D) develop, operate, or enhance a notification or communications systems for alerts, advisories, or dissemination of other information for the recovery of missing individuals with forms of dementia, such as Alzheimer's Disease, or with developmental disabilities, such as autism; and

"(2) shall award grants to health care agencies, State and local law enforcement agencies, or public safety agencies to assist such agencies in designing, establishing, and operating locative tracking technology programs for individuals with forms of dementia, such as Alzheimer's Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments.";

(3) in subsection (b)—

(A) by inserting "competitive" after "to receive a";

(B) by inserting "agency or" before "organization" each place it appears; and

(C) by adding at the end the following: "The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice."; and

(4) by striking subsections (c) and (d) and inserting the following:

"(c) PREFERENCE.—In awarding grants under subsection (a)(1), the Attorney General shall give preference to law enforcement or public safety agencies that partner with nonprofit organizations that appropriately use person-centered plans minimizing restrictive interventions and that have a direct link to individuals, and families of individuals, with forms of dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2018 through 2022.

"(e) GRANT ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

"(1) AUDIT REQUIREMENT.—

"(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

"(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

"(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning

after the end of the 12-month period described in subparagraph (A).

"(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

"(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

"(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

"(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

"(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

"(A) DEFINITION OF NONPROFIT ORGANIZATION.—For purposes of this paragraph and the grant programs under this section, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

"(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

"(3) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

"(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost

of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

"(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

"(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

"(A) indicating whether—

"(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

"(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

"(iii) all reimbursements required under paragraph (1)(E) have been made; and

"(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

"(f) PREVENTING DUPLICATIVE GRANTS.—

"(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded by the Attorney General to determine if grant awards are or have been awarded for a similar purpose.

"(2) REPORT.—If the Attorney General awards grants to the same applicant for a similar purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

"(A) a list of all such grants awarded, including the total dollar amount of any such grants awarded; and

"(B) the reason the Attorney General awarded multiple grants to the same applicant for a similar purpose.".

(b) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the Missing Americans Alert Program, as amended by subsection (a), which shall address— 34 USC 12622.

(1) the number of individuals who benefitted from the Missing Americans Alert Program, including information such as the number of individuals with reduced unsafe wandering, the number of people who were trained through the program, and the estimated number of people who were impacted by the program;

(2) the number of State, local, and tribal law enforcement or public safety agencies that applied for funding under the Missing Americans Alert Program;

(3) the number of State, local, and tribal local law enforcement or public safety agencies that received funding under the Missing Americans Alert Program, including—

(A) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for training; and

(B) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for designing, establishing, or operating locative tracking technology;

(4) the companies, including the location (city and State) of the headquarters and local offices of each company, for which their locative tracking technology was used by State, local, and tribal law enforcement or public safety agencies;

(5) the nonprofit organizations, including the location (city and State) of the headquarters and local offices of each organization, that State, local, and tribal law enforcement or public safety agencies partnered with and the result of each partnership;

(6) the number of missing children with autism or another developmental disability with wandering tendencies or adults with Alzheimer's being served by the program who went missing and the result of the search for each such individual; and

(7) any recommendations for improving the Missing Americans Alert Program.

(c) TABLE OF CONTENTS.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the item relating to section 240001 and inserting the following:

"Sec. 240001. Missing Americans Alert Program.".

TITLE II—EDUCATION AND OUTREACH

SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 404(b)(1)(H) of the Missing Children's Assistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by inserting ", including cases involving children with developmental disabilities such as autism" before the semicolon.

TITLE III—PRIVACY PROTECTIONS

34 USC 12623 note.

SEC. 301. DEFINITIONS.

In this title:

(1) CHILD.—The term "child" means an individual who is less than 18 years of age.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(3) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(4) NON-INVASIVE AND NON-PERMANENT.—The term "non-invasive and non-permanent" means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device, such as a microchip, or other trackable items.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(6) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF NON-INVASIVE AND NON-PERMANENT TRACKING DEVICES. 34 USC 12623.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services and leading research, advocacy, self-advocacy, and service organizations, shall establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology, where a guardian or parent has determined that a non-invasive and non-permanent tracking device is the least restrictive alternative, to locate individuals as described in subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(2) REQUIREMENTS.—In establishing the standards and best practices required under paragraph (1), the Attorney General shall—

(A) determine—

(i) the criteria used to determine which individuals would benefit from the use of a tracking device;

(ii) the criteria used to determine who should have direct access to the tracking system; and

(iii) which non-invasive and non-permanent types of tracking devices can be used in compliance with the standards and best practices; and

(B) establish standards and best practices the Attorney General determines are necessary to the administration of a tracking system, including procedures to—

(i) safeguard the privacy of the data used by the tracking device such that—

(I) access to the data is restricted to law enforcement and health agencies determined necessary by the Attorney General; and

(II) collection, use, and retention of the data is solely for the purpose of preventing injury to or death of the individual wearing the tracking device;

(ii) establish criteria to determine whether use of the tracking device is the least restrictive alternative in order to prevent risk of injury or death before issuing the tracking device, including the previous consideration of less restrictive alternatives;

(iii) provide training for law enforcement agencies to recognize signs of abuse during interactions with applicants for tracking devices;

(iv) protect the civil rights and liberties of the individuals who use tracking devices, including their rights under the Fourth Amendment to the Constitution of the United States and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(v) establish a complaint and investigation process to address—

(I) incidents of noncompliance by recipients of grants under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, with the best practices established by the Attorney General or other applicable law; and

(II) use of a tracking device over the objection of an individual; and

(vi) determine the role that State agencies should have in the administration of a tracking system.

(3) EFFECTIVE DATE.—The standards and best practices established pursuant to paragraph (1) shall take effect 90 days after publication of such standards and practices by the Attorney General.

(b) REQUIRED COMPLIANCE.—

(1) IN GENERAL.—Each entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, shall comply with any standards and best practices relating to the use of tracking devices established by the Attorney General in accordance with subsection (a).

(2) DETERMINATION OF COMPLIANCE.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall determine whether an entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, acts in compliance with the standards and best practices described in paragraph (1).

(c) APPLICABILITY OF STANDARDS AND BEST PRACTICES.—The standards and best practices established by the Attorney General under subsection (a) shall apply only to the grant programs authorized under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(d) LIMITATIONS ON PROGRAM.—

(1) DATA STORAGE.—Any tracking data provided by tracking devices issued under this program may not be used by a Federal entity to create a database.

(2) VOLUNTARY PARTICIPATION.—Nothing in this Act may be construed to require that a parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian's supervision if the parent or guardian

does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

DIVISION R—TARGET ACT

Targeted Rewards for the Global Eradication of Human Trafficking.
22 USC 2651 note.
22 USC 2708 note.

SECTION 1. SHORT TITLES.

This division may be cited as the "Targeted Rewards for the Global Eradication of Human Trafficking" or the "TARGET Act".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Trafficking in persons is a major transnational crime, as recognized by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.; division A of Public Law 106–386).

(2) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises.

(3) Combating trafficking in persons requires a global approach to identifying and apprehending the world's worst human trafficking rings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State's rewards program is a powerful tool in combating sophisticated international crime and that the Department of State and Federal law enforcement should work in concert to offer rewards that target human traffickers who prey on the most vulnerable people around the world.

SEC. 3. REWARDS FOR JUSTICE.

Section 36(k)(5) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking "means";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as redesignated, 2 ems to the right;

(3) by inserting before clause (i), as redesignated, the following:

"(A) means—";

(4) in clause (ii), as redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end following:

"(B) includes severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving at least 1 jurisdiction outside of the United States.".

DIVISION S—OTHER MATTER

TITLE I—CHILD PROTECTION IMPROVEMENTS ACT

SEC. 101. NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.

(a) IN GENERAL.—The National Child Protection Act of 1993 (34 U.S.C. 40101 et seq.) is amended—

(1) in section 3 (34 U.S.C. 40102)—

(A) by striking "provider" each place it appears and inserting "covered individual";

(B) by striking "provider's" each place it appears and inserting "covered individual's";

(C) by amending subsection (a)(3) to read as follows:

"(3)(A) The Attorney General shall establish a program, in accordance with this section, to provide qualified entities located in States that do not have in effect procedures described in paragraph (1), or qualified entities located in States that do not prohibit the use of the program established under this paragraph, with access to national criminal history background checks on, and criminal history reviews of, covered individuals. In any case where the use of a Federal national criminal history background check program is required pursuant to Federal law as of the effective date of this subparagraph, the program under this subparagraph may not be used.

"(B) A qualified entity described in subparagraph (A) may submit to the appropriate designated entity a request for a national criminal history background check on, and a criminal history review of, a covered individual. Qualified entities making a request under this paragraph shall comply with the guidelines set forth in subsection (b), and with any additional applicable procedures set forth by the Attorney General or by the State in which the entity is located.";

(D) in subsection (b)—

(i) in paragraph (1)(E), by striking "unsupervised";

(ii) by amending paragraph (2) to read as follows:

"(2) that the State, or in a State that does not have in effect procedures described in subsection (a)(1), the designated entity, ensures that—

"(A) each covered individual who is the subject of a background check under subsection (a) is entitled to obtain a copy of any background check report;

"(B) each covered individual who is the subject of a background check under subsection (a) is provided a process by which the covered individual may appeal the results of the background check to challenge the accuracy or completeness of the information contained in the background report of the covered individual and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;

"(C)(i) each covered individual described in subparagraph (B) is given notice of the opportunity to appeal;

"(ii) each covered individual described in subparagraph (B) will receive instructions on how to complete the appeals process if the covered individual wishes to challenge the accuracy or completeness of the information contained in the background report of the covered individual; and

"(iii) the appeals process is completed in a timely manner for each covered individual described in subparagraph (B);

"(iv) the appeals process is consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

"(D) an authorized agency, upon receipt of a background check report lacking disposition data, shall conduct

research in whatever State and local recordkeeping systems are available in order to obtain complete data;";

(iii) in paragraph (3), by inserting "or designated entity, as applicable," after "authorized agency"; and

(iv) in paragraph (4), by inserting "or designated entity, as applicable," after "authorized agency";

(E) in subsection (d), by inserting ", nor shall any designated entity nor any officer or employee thereof," after "officer or employee thereof,";

(F) by amending subsection (e) to read as follows:

"(e) FEES.—

"(1) STATE PROGRAM.—In the case of a background check conducted pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a covered individual, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints.

"(2) FEDERAL PROGRAM.—In the case of a national criminal history background check and criminal history review conducted pursuant to the procedures established pursuant to subsection (a)(3), the fees collected by a designated entity shall be set at a level that will ensure the recovery of the full costs of providing all such services. The designated entity shall remit the appropriate portion of such fee to the Attorney General, which amount is in accordance with the amount published in the Federal Register to be collected for the provision of a criminal history background check by the Federal Bureau of Investigation.

"(3) ENSURING FEES DO NOT DISCOURAGE VOLUNTEERS.—A fee system under this subsection shall be established in a manner that ensures that fees to qualified entities for background checks do not discourage volunteers from participating in programs to care for children, the elderly, or individuals with disabilities. A fee charged to a qualified entity that is not organized under section 501(c)(3) of the Internal Revenue Code of 1986 may not be less than the total sum of the costs of the Federal Bureau of Investigation and the designated entity."; and

(G) by inserting after subsection (e) the following:

"(f) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.—

"(1) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK.—Upon a designated entity receiving notice of a request submitted by a qualified entity pursuant to subsection (a)(3), the designated entity shall forward the request to the Attorney General, who shall, acting through the Director of the Federal Bureau of Investigation, complete a fingerprint-based check of the national criminal history background check system, and provide the information received in response to such national criminal history background check to the appropriate designated entity. The designated entity may, upon request from a qualified entity, complete a check of a State criminal history database.

"(2) CRIMINAL HISTORY REVIEW.—

"(A) DESIGNATED ENTITIES.—The Attorney General shall designate, and enter into an agreement with, one or more entities to make determinations described in

subparagraph (B). The Attorney General may not designate and enter into an agreement with a Federal agency under this subparagraph.

"(B) DETERMINATIONS.—A designated entity shall, upon the receipt of the information described in paragraph (1), make a determination of fitness described in subsection (b)(4), using the criteria described in subparagraph (C).

"(C) CRIMINAL HISTORY REVIEW CRITERIA.—The Attorney General shall, by rule, establish the criteria for use by designated entities in making a determination of fitness described in subsection (b)(4). Such criteria shall be based on the criteria established pursuant to section 108(a)(3)(G)(i) of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (34 U.S.C. 40102 note) and section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).''; and

(2) in section 5 (34 U.S.C. 40104)—

(A) by amending paragraph (9) to read as follows: "(9) the term 'covered individual' means an individual—

"(A) who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity; and

"(B) who—

"(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity; or

"(ii) owns or operates, or seeks to own or operate, a qualified entity;'';

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by inserting after paragraph (11) the following: "(12) the term 'designated entity' means an entity designated by the Attorney General under section 3(f)(2)(A).''.

34 USC 40102 note.

(b) IMPLEMENTATION.—The Attorney General shall ensure that this section and the amendments made by this section are fully implemented not later than 1 year after the date of enactment of this section.

TITLE II—SAVE AMERICA'S PASTIME ACT

SEC. 201. APPLICATION OF THE FAIR LABOR STANDARDS ACT OF 1938 TO MINOR LEAGUE BASEBALL PLAYERS.

(a) IN GENERAL.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(1) in paragraph (18), by striking the period and inserting "; or"; and

(2) by adding at the end the following:

"(19) any employee employed to play baseball who is compensated pursuant to a contract that provides for a weekly salary for services performed during the league's championship season (but not spring training or the off season) at a rate that is not less than a weekly salary equal to the minimum wage under section 6(a) for a workweek of 40 hours, irrespective

of the number of hours the employee devotes to baseball related activities.".

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date of enactment of this Act. 29 USC 213 note.

TITLE III—KEEP YOUNG ATHLETES SAFE ACT

Keep Young Athletes Safe Act of 2018.

SEC. 301. SHORT TITLE. 36 USC 101 note.

This title may be cited as the "Keep Young Athletes Safe Act of 2018".

SEC. 302. GRANT TO PROTECT YOUNG ATHLETES FROM ABUSE.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—GRANT TO KEEP YOUNG ATHLETES SAFE 36 USC prec. 220531.

"§ 220531. Grant to protect young athletes from abuse 36 USC 220531.

"(a) AUTHORITY.—The Attorney General may award a grant to an eligible nonprofit nongovernmental entity in order to support oversight of the United States Olympic Committee, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports.

"(b) APPLICATIONS.—To be eligible to receive a grant under this section, a nonprofit nongovernmental entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including information that demonstrates that the entity has—

"(1) nationally recognized expertise in preventing and investigating emotional, physical, and sexual abuse in the athletic programs of the United States Olympic Committee, each national governing body, and each paralympic sports organization; and

"(2) the capacity to oversee regular and random audits to ensure that the policies and procedures used by the United States Olympic Committee, each national governing body, and each paralympic sports organization to prevent and identify the abuse of an amateur athlete are followed correctly.

"(c) USE OF GRANT AMOUNT.—An entity that receives a grant under this section may use such funds—

"(1) to develop and test new training materials for emotional, physical, and sexual abuse prevention and identification education in youth athletic programs;

"(2) for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to the United States Olympic Committee, each national governing body, each paralympic sports organization, and other amateur sports organizations information about safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports; and

"(3) to oversee the administration of the procedures described in subsection (b)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,500,000 for each of the fiscal years 2018 through 2022.

"(2) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.".

36 USC prec. 220501.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2205 of title 36, United States Code, is amended by inserting after the item related to section 220529 the following:

"SUBCHAPTER III—GRANT TO KEEP YOUNG ATHLETES SAFE

"220531. Grant to protect young athletes from abuse.".

TITLE IV—CONSENT OF CONGRESS TO AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ARIZONA

SEC. 401. CONSENT OF CONGRESS TO AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ARIZONA.

Congress consents to the amendments to the Constitution of the State of Arizona proposed by House Concurrent Resolution 2001 of the 52nd Legislature of the State of Arizona, First Special Session, 2015, entitled "A Concurrent Resolution Proposing an Amendment to the Constitution of Arizona; Amending Article X, Section 7, Constitution of Arizona; Amending Article XI, Constitution of Arizona, by Adding Section 11; Relating to Education Finance", approved by the voters of the State of Arizona at the special election held on May 17, 2016.

TITLE V—STOP SCHOOL VIOLENCE ACT

Student, Teachers, and Officers Preventing School Violence Act of 2018. 34 USC 10101 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Student, Teachers, and Officers Preventing School Violence Act of 2018" or the "STOP School Violence Act of 2018".

SEC. 502. GRANT PROGRAM FOR SCHOOL SECURITY.

Part AA of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10551 et seq.) is amended—

(1) in section 2701 (34 U.S.C. 10551)—

(A) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) COPS GRANTS.—The Director of the Office of Community Oriented Policing Services (referred to in this part as the 'COPS Director') is authorized to make grants to States, units of local government, and Indian tribes for the purposes described in paragraphs (5) through (9) of subsection (b).

"(2) BJA GRANTS.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'BJA Director') is authorized to make grants to States, units of local government, and Indian tribes for the purposes described in paragraphs (1) through (4) of subsection (b).";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting "evidence-based school safety programs that may include" after "through"; and

(ii) by striking paragraphs (1) through (6) and inserting the following:

"(1) Training school personnel and students to prevent student violence against others and self.

"(2) The development and operation of anonymous reporting systems for threats of school violence, including mobile telephone applications, hotlines, and Internet websites.

"(3) The development and operation of—

"(A) school threat assessment and intervention teams that may include coordination with law enforcement agencies and school personnel; and

"(B) specialized training for school officials in responding to mental health crises.

"(4) Any other measure that, in the determination of the BJA Director, may provide a significant improvement in training, threat assessments and reporting, and violence prevention.

"(5) Coordination with local law enforcement.

"(6) Training for local law enforcement officers to prevent student violence against others and self.

"(7) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

"(8) Acquisition and installation of technology for expedited notification of local law enforcement during an emergency.

"(9) Any other measure that, in the determination of the COPS Director, may provide a significant improvement in security.";

(C) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively;

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

"(c) CONTRACTS AND SUBAWARDS.—A State, unit of local government, or Indian tribe may, in using a grant under this part for purposes authorized under subsection (b), use the grant to contract with or make 1 or more subawards to 1 or more—

"(1) local educational agencies;

"(2) nonprofit organizations, excluding schools; or

"(3) units of local government or tribal organizations.

"(d) SERVICES AND BENEFITS FOR SCHOOLS.—An entity that receives a subaward or contract under subsection (c) may use such funds to provide services or benefits described under subsection (b) to 1 or more schools.";

(E) in subsection (e), as so redesignated—

(i) by striking "Director" and inserting "COPS Director and the BJA Director";

(ii) by striking "and has" and inserting "has"; and

(iii) by inserting before the period at the end the following: ", and will use evidence-based strategies and programs, such as those identified by the Comprehensive School Safety Initiative of the Department of Justice";

(F) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking "50 percent" and inserting "75 percent"; and

(ii) in paragraph (3), by striking "Director may" and inserting "COPS Director and the BJA Director may each";

(G) in subsection (g), as so redesignated, by striking "Director shall" and inserting "COPS Director and the BJA shall each"; and

(H) in subsection (h), as so redesignated, by striking "Director may" and inserting "COPS Director and the BJA Director may each";

(2) in section 2702 (34 U.S.C. 10552)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking "the Director" the first place it appears and inserting "the COPS Director or the BJA Director, as the case may be,"; and

(II) by striking "the Director may" and inserting "the COPS Director or the BJA Director may";

(ii) in paragraph (1)(B), by striking "and" at the end;

(iii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "child psychologists" and inserting "licensed mental health professionals"; and

(II) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(3) include an assurance that the applicant shall maintain and report such data, records, and information (programmatic and financial) as the COPS Director or the BJA Director may reasonably require;

"(4) include a certification, made in a form acceptable to the COPS Director or the BJA Director, as the case may be, that—

"(A) the programs to be funded by the grant meet all the requirements of this part;

"(B) all the information contained in the application is correct; and

"(C) the applicant will comply with all provisions of this part and all other applicable Federal laws."; and

(B) in subsection (b)—

(i) by striking "this part" and inserting "the STOP School Violence Act of 2018"; and

(ii) by striking "Director shall" and inserting "COPS Director and the BJA Director shall each";

(3) in section 2703 (34 U.S.C. 10553)—

(A) in the section heading, by inserting after "congress" the following: "; grant accountability";

(B) by striking "Not later" and inserting the following: "(a) ANNUAL REPORT.—Not later";

(C) by striking "Director shall" and inserting "COPS Director and the BJA Director shall each"; and

(D) by adding at the end the following:

"(b) GRANT ACCOUNTABILITY.—Section 3026 (relating to grant accountability) shall apply to grants awarded by the COPS Director and the BJA Director under this part. For purposes of the preceding sentence, any references in section 3026 to the Attorney General

shall be considered references to the COPS Director or the BJA Director, as appropriate, and any references in that section to part LL shall be considered references to part AA.";

(4) in section 2704 (34 U.S.C. 10554)—

(A) in paragraph (1)—

(i) by striking "a public" and inserting "an"; and

(ii) by inserting ", including a Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021))" after "secondary school";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(4) the term 'evidence-based' means a program, practice, technology, or equipment that—

"(A) demonstrates a statistically significant effect on relevant outcomes based on—

"(i) strong evidence from not less than 1 well-designed and well-implemented experimental study;

"(ii) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; or

"(iii) promising evidence from not less than 1 well-designed and well-implemented correlational study with statistical controls for selection bias;

"(B) demonstrates a rationale based on high-quality research findings or positive evaluation that such program, practice, technology, or equipment is likely to improve relevant outcomes, and includes ongoing efforts to examine the effects of the program, practice, technology, or equipment; or

"(C) in the case of technology or equipment, demonstrates that use of the technology or equipment is—

"(i) consistent with best practices for school security, including—

"(I) applicable standards for school security established by a Federal or State government agency; and

"(II) findings and recommendations of public commissions and task forces established to make recommendations or set standards for school security; and

"(ii) compliant with all applicable codes, including building and life safety codes; and

"(5) the term 'tribal organization' has the same meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l)).";

(5) by striking section 2705 and inserting the following: 42 USC 3797e.

"SEC. 2705. AUTHORIZATION OF APPROPRIATIONS. 34 USC 10555.

"(a) IN GENERAL.—There are authorized to be appropriated—

"(1) $75,000,000 for fiscal year 2018, of which—

"(A) $50,000,000 shall be made available to the BJA Director to carry out this part; and

"(B) $25,000,000 shall be made available to the COPS Director to carry out this part; and

"(2) $100,000,000 for each of fiscal years 2019 through 2028, of which, for each fiscal year—

"(A) $67,000,000 shall be made available to the BJA Director to carry out this part; and

"(B) $33,000,000 shall be made available to the COPS Director to carry out this part.

"(b) OFFSET.—Any funds appropriated for the Comprehensive School Safety Initiative of the National Institute of Justice in fiscal year 2018 shall instead be used for the purposes in subsection (a)."; and

(6) by adding at the end the following:

34 USC 10556.

"SEC. 2706. RULES OF CONSTRUCTION.

"(a) NO FUNDS TO PROVIDE FIREARMS OR TRAINING.—No amounts provided as a grant under this part may be used for the provision to any person of a firearm or training in the use of a firearm.

"(b) NO EFFECT ON OTHER LAWS.—Nothing in this part may be construed to preclude or contradict any other provision of law authorizing the provision of firearms or training in the use of firearms.".

Fix NICS Act of 2018.

TITLE VI—FIX NICS ACT

34 USC 10101 note.

SEC. 601. SHORT TITLE.

This title may be cited as the "Fix NICS Act of 2018".

SEC. 602. ACCOUNTABILITY FOR FEDERAL DEPARTMENTS AND AGENCIES.

Section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) is amended—

(1) in subsection (e)(1), by adding at the end the following:

"(F) SEMIANNUAL CERTIFICATION AND REPORTING.—

"(i) IN GENERAL.—The head of each Federal department or agency shall submit a semiannual written certification to the Attorney General indicating whether the department or agency is in compliance with the record submission requirements under subparagraph (C).

"(ii) SUBMISSION DATES.—The head of a Federal department or agency shall submit a certification to the Attorney General under clause (i)—

"(I) not later than July 31 of each year, which shall address all relevant records, including those that have not been transmitted to the Attorney General, in possession of the department or agency during the period beginning on January 1 of the year and ending on June 30 of the year; and

"(II) not later than January 31 of each year, which shall address all relevant records, including those that have not been transmitted to the Attorney General, in possession of the department or agency during the period beginning on July 1 of the previous year and ending on December 31 of the previous year.

"(iii) CONTENTS.—A certification required under clause (i) shall state, for the applicable period—

"(I) the total number of records of the Federal department or agency demonstrating that a person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code;

"(II) for each category of records described in subclause (I), the total number of records of the Federal department or agency that have been provided to the Attorney General; and

"(III) the efforts of the Federal department or agency to ensure complete and accurate reporting of relevant records, including efforts to monitor compliance and correct any reporting failures or inaccuracies.

"(G) IMPLEMENTATION PLAN.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, the head of each Federal department or agency, in coordination with the Attorney General, shall establish a plan to ensure maximum coordination and automated reporting or making available of records to the Attorney General as required under subparagraph (C), and the verification of the accuracy of those records, including the pre-validation of those records, where appropriate, during a 4-year period specified in the plan. The records shall be limited to those of an individual described in subsection (g) or (n) of section 922 of title 18, United States Code.

"(ii) BENCHMARK REQUIREMENTS.—Each plan established under clause (i) shall include annual benchmarks to enable the Attorney General to assess implementation of the plan, including—

"(I) qualitative goals and quantitative measures;

"(II) measures to monitor internal compliance, including any reporting failures and inaccuracies;

"(III) a needs assessment, including estimated compliance costs; and

"(IV) an estimated date by which the Federal department or agency will fully comply with record submission requirements under subparagraph (C).

"(iii) COMPLIANCE DETERMINATION.—Not later than the end of each fiscal year beginning after the date of the establishment of a plan under clause (i), the Attorney General shall determine whether the applicable Federal department or agency has achieved substantial compliance with the benchmarks included in the plan.

"(H) ACCOUNTABILITY.—The Attorney General shall publish, including on the website of the Department of Justice, and submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a semiannual report that discloses—

"(i) the name of each Federal department or agency that has failed to submit a required certification under subparagraph (F);

"(ii) the name of each Federal department or agency that has submitted a required certification under subparagraph (F), but failed to certify compliance with the record submission requirements under subparagraph (C);

"(iii) the name of each Federal department or agency that has failed to submit an implementation plan under subparagraph (G);

"(iv) the name of each Federal department or agency that is not in substantial compliance with an implementation plan under subparagraph (G);

"(v) a detailed summary of the data, broken down by department or agency, contained in the certifications submitted under subparagraph (F);

"(vi) a detailed summary of the contents and status, broken down by department or agency, of the implementation plans established under subparagraph (G); and

"(vii) the reasons for which the Attorney General has determined that a Federal department or agency is not in substantial compliance with an implementation plan established under subparagraph (G).

"(I) NONCOMPLIANCE PENALTIES.—For each of fiscal years 2019 through 2022, each political appointee of a Federal department or agency that has failed to certify compliance with the record submission requirements under subparagraph (C), and is not in substantial compliance with an implementation plan established under subparagraph (G), shall not be eligible for the receipt of bonus pay, excluding overtime pay, until the department or agency—

"(i) certifies compliance with the record submission requirements under subparagraph (C); or

"(ii) achieves substantial compliance with an implementation plan established under subparagraph (G).

"(J) TECHNICAL ASSISTANCE.—The Attorney General may use funds made available for the national instant criminal background check system established under subsection (b) to provide technical assistance to a Federal department or agency, at the request of the department or agency, in order to help the department or agency comply with the record submission requirements under subparagraph (C).

"(K) APPLICATION TO FEDERAL COURTS.—For purposes of this paragraph—

"(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

"(ii) the Director of the Administrative Office of the United States Courts shall perform, for a Federal court, the functions assigned to the head of a department or agency."; and

(2) in subsection (g), by adding at the end the following: "For purposes of the preceding sentence, not later than 60 days after the date on which the Attorney General receives such information, the Attorney General shall determine whether or not the prospective transferee is the subject of an erroneous record and remove any records that are determined to be erroneous. In addition to any funds made available under subsection (k), the Attorney General may use such sums as are necessary and otherwise available for the salaries and expenses of the Federal Bureau of Investigation to comply with this subsection.".

SEC. 603. REAUTHORIZATION OF NICS ACT RECORD IMPROVEMENT PROGRAM.

(a) REQUIREMENTS TO OBTAIN WAIVER.—Section 102 of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40912) is amended—

(1) in subsection (a), in the first sentence—

(A) by striking "the Crime Identification Technology Act of 1988 (42 U.S.C. 14601)" and inserting "section 102 of the Crime Identification Technology Act of 1998 (34 U.S.C. 40301)"; and

(B) by inserting "is in compliance with an implementation plan established under subsection (b) or" before "provides at least 90 percent of the information described in subsection (c)"; and

(2) in subsection (b)(1)(B), by inserting "or has established an implementation plan under section 107" after "the Attorney General".

(b) IMPLEMENTATION ASSISTANCE TO STATES.—Section 103 of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40913) is amended—

(1) in subsection (b)(3), by inserting before the semicolon at the end the following: ", including through increased efforts to pre-validate the contents of those records to expedite eligibility determinations";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "and"; and

(ii) by inserting before the period at the end the following: ", and $125,000,000 for each of fiscal years 2018 through 2022"; and

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

"(2) DOMESTIC ABUSE AND VIOLENCE PREVENTION INITIATIVE.—

"(A) ESTABLISHMENT.—For each of fiscal years 2018 through 2022, the Attorney General shall create a priority area under the NICS Act Record Improvement Program (commonly known as 'NARIP') for a Domestic Abuse and Violence Prevention Initiative that emphasizes the need for grantees to identify and upload all felony conviction records and domestic violence records.

"(B) FUNDING.—The Attorney General—

"(i) may use not more than 50 percent of the amounts made available under this subsection for each

of fiscal years 2018 through 2022 to carry out the initiative described in subparagraph (A); and

"(ii) shall give a funding preference under NARIP to States that—

"(I) have established an implementation plan under section 107; and

"(II) will use amounts made available under this subparagraph to improve efforts to identify and upload all felony conviction records and domestic violence records described in clauses (i), (v), and (vi) of section 102(b)(1)(C) by not later than September 30, 2022."; and

(3) by adding at the end the following:

"(g) TECHNICAL ASSISTANCE.—The Attorney General shall direct the Office of Justice Programs, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Federal Bureau of Investigation to—

"(1) assist States that are not currently eligible for grants under this section to achieve compliance with all eligibility requirements; and

"(2) provide technical assistance and training services to grantees under this section.".

SEC. 604. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM.

(a) STATE GRANT PROGRAM FOR CRIMINAL JUSTICE IDENTIFICATION, INFORMATION, AND COMMUNICATION.—Section 102 of the Crime Identification Technology Act of 1998 (34 U.S.C. 40301) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following:

"(C) identification of all individuals who have been convicted of a crime punishable by imprisonment for a term exceeding 1 year";

(2) in subsection (b)(6)—

(A) by striking "(18 U.S.C. 922 note)" and inserting "(34 U.S.C. 40901(b))"; and

(B) by inserting before the semicolon at the end the following: ", including through increased efforts to prevalidate the contents of felony conviction records and domestic violence records to expedite eligibility determinations, and measures and resources necessary to establish and achieve compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007";

(3) in subsection (d), by inserting after "unless" the following: "the State has achieved compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007 or"; and

(4) in subsection (e)(1), by striking "2002 through 2007" and inserting "2018 through 2022".

(b) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—Section 106(b)(1) of the Brady Handgun Violence Prevention Act (34 U.S.C. 40302(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "as of the date of enactment of this Act" and inserting ", as of the date of enactment of the Fix NICS Act of 2018,"; and

(B) by striking "files," and inserting the following: "files and that will utilize funding under this subsection to prioritize the identification and transmittal of felony conviction records and domestic violence records,";

(2) in subparagraph (B), by striking "and" at the end;

(3) in subparagraph (C)—

(A) by striking "upon establishment of the national system,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following—

"(D) to establish and achieve compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007.".

SEC. 605. IMPROVING INFORMATION SHARING WITH THE STATES.

(a) IN GENERAL.—Title I of the NICS Improvement Amendments Act of 2007 (34 U.S. 40911 et seq.) is amended by adding at the end the following:

"SEC. 107. IMPLEMENTATION PLAN. 34 USC 40917.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Fix NICS Act of 2018, the Attorney General, in coordination with the States and Indian tribal governments, shall establish, for each State or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting or making available of appropriate records to the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) and the verification of the accuracy of those records during a 4-year period specified in the plan. The records shall be limited to those of an individual described in subsection (g) or (n) of section 922 of title 18, United States Code

"(b) BENCHMARK REQUIREMENTS.—Each plan established under this section shall include annual benchmarks to enable the Attorney General to assess the implementation of the plan, including—

"(1) qualitative goals and quantitative measures; and

"(2) a needs assessment, including estimated compliance costs.

"(c) COMPLIANCE DETERMINATION.—Not later than the end of each fiscal year beginning after the date of the establishment of an implementation plan under this section, the Attorney General shall determine whether each State or Indian tribal government has achieved substantial compliance with the benchmarks included in the plan.

"(d) ACCOUNTABILITY.—The Attorney General—

"(1) shall disclose and publish, including on the website of the Department of Justice—

"(A) the name of each State or Indian tribal government that received a determination of failure to achieve substantial compliance with an implementation plan under subsection (c) for the preceding fiscal year; and

"(B) a description of the reasons for which the Attorney General has determined that the State or Indian tribal government is not in substantial compliance with the

implementation plan, including, to the greatest extent possible, a description of the types and amounts of records that have not been submitted; and

"(2) if a State or Indian tribal government described in paragraph (1) subsequently receives a determination of substantial compliance, shall—

"(A) immediately correct the applicable record; and

"(B) not later than 3 days after the determination, remove the record from the website of the Department of Justice and any other location where the record was published.

"(e) INCENTIVES.—For each of fiscal years 2018 through 2022, the Attorney General shall give affirmative preference to all Bureau of Justice Assistance discretionary grant applications of a State or Indian tribal government that received a determination of substantial compliance under subsection (c) for the fiscal year in which the grant was solicited.".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the NICS Improvement Amendments Act of 2007 (Public Law 110–180; 121 Stat. 2559) is amended by inserting after the item relating to section 106 the following:

"Sec. 107. Implementation plan.".

TITLE VII—STATE SEXUAL RISK AVOIDANCE EDUCATION PROGRAM

SEC. 701. FULL PAYMENT BY SECRETARY FOR STATE SEXUAL RISK AVOIDANCE EDUCATION PROGRAM.

(a) IN GENERAL.—Paragraph (1) of section 510(d) of the Social Security Act (42 U.S.C. 710(d)) is amended by inserting before the period at the end the following: ", except that section 503(a) shall be applied by substituting 'the total of the sums' for 'four-sevenths of the total of the sums'".

(b) TECHNICAL CORRECTIONS.—Section 510(a)(1)(A) of the Social Security Act (42 U.S.C. 710(a)(1)(A)) is amended—

(1) by striking "subsection (e)(1)" and inserting "subsection (f)(1)"; and

(2) by striking "subsection (e)(2)" and inserting "subsection (f)(2)".

Small Business Credit Availability Act.

TITLE VIII—SMALL BUSINESS CREDIT AVAILABILITY ACT

15 USC 80a–51 note.

SEC. 801. SHORT TITLE.

This title may be cited as the "Small Business Credit Availability Act".

SEC. 802. EXPANDING ACCESS TO CAPITAL FOR BUSINESS DEVELOPMENT COMPANIES.

(a) IN GENERAL.—Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–60(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by striking paragraph (1) and inserting the following:

"(1) Except as provided in paragraph (2), the asset coverage requirements of subparagraphs (A) and (B) of section 18(a)(1) (and any related rule promulgated under this Act) applicable to business development companies shall be 200 percent.

"(2) The asset coverage requirements of subparagraphs (A) and (B) of section 18(a)(1) and of subparagraphs (A) and (B) of section 18(a)(2) (and any related rule promulgated under this Act) applicable to a business development company shall be 150 percent if—

"(A) not later than 5 business days after the date on which those asset coverage requirements are approved under subparagraph (D) of this paragraph, the business development company discloses that the requirements were approved, and the effective date of the approval, in—

"(i) any filing submitted to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a); 78o(d)); and

"(ii) a notice on the website of the business development company;

"(B) the business development company discloses, in each periodic filing required under section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a))—

"(i) the aggregate outstanding principal amount or liquidation preference, as applicable, of the senior securities issued by the business development company and the asset coverage percentage as of the date of the business development company's most recent financial statements included in that filing;

"(ii) that the business development company, under subparagraph (D), has approved the asset coverage requirements under this paragraph; and

"(iii) the effective date of the approval described in clause (ii);

"(C) with respect to a business development company that is an issuer of common equity securities, each periodic filing of the company required under section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) includes disclosures that are reasonably designed to ensure that shareholders are informed of—

"(i) the amount of senior securities (and the associated asset coverage ratios) of the company, determined as of the date of the most recent financial statements of the company included in that filing; and

"(ii) the principal risk factors associated with the senior securities described in clause (i), to the extent that risk is incurred by the company; and

"(D) the company—

"(i)(I) through a vote of the required majority (as defined in section 57(o)), approves the application of this paragraph to the company, to become effective on the date that is 1 year after the date of the approval; or

"(II) obtains, at a special or annual meeting of shareholders or partners at which a quorum is present, the approval of more than 50 percent of the votes

cast for the application of this paragraph to the company, to become effective on the first day after the date of the approval; and

"(ii) if the company is not an issuer of common equity securities that are listed on a national securities exchange, extends, to each person that is a shareholder as of the date of an approval described in subclause (I) or (II) of clause (i), as applicable, the opportunity (which may include a tender offer) to sell the securities held by that shareholder as of that applicable approval date, with 25 percent of those securities to be repurchased in each of the 4 calendar quarters following the calendar quarter in which that applicable approval date takes place.".

(b) CONFORMING AMENDMENTS.—

(1) INVESTMENT ADVISERS ACT OF 1940.—Section 205(b)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5(b)(3)) is amended—

(A) by striking "section 61(a)(3)(B)(iii)" and inserting "section 61(a)(4)(B)(iii)"; and

(B) by striking "section 61(a)(3)(B)" and inserting "section 61(a)(4)(B)".

(2) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(A) in section 57 (15 U.S.C. 80a–56)—

(i) in subsection (j)(1), by striking "section 61(a)(3)(B)" and inserting "section 61(a)(4)(B)"; and

(ii) in subsection (n)(2), by striking "section 61(a)(3)(B)" and inserting "section 61(a)(4)(B)"; and

(B) in section 63(3) (15 U.S.C. 80a–62(3)), by striking "section 61(a)(3)" and inserting "section 61(a)(4)".

15 USC 80a–53 note.

SEC. 803. PARITY FOR BUSINESS DEVELOPMENT COMPANIES REGARDING OFFERING AND PROXY RULES.

(a) DEFINITIONS.—In this section—

(1) the term "business development company" has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a));

(2) the term "Commission" means the Securities and Exchange Commission;

(3) the term "Form N–2" means the form described in section 239.14 of title 17, Code of Federal Regulations;

(4) the term "Form S–3" means the form described in section 239.13 of title 17, Code of Federal Regulations; and

(5) the term "Schedule 14A" means the information required under section 240.14a–101 of title 17, Code of Federal Regulations.

(b) REVISION TO RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall make the revisions described in paragraph (2) to allow a business development company that has filed an election under section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53) to use the securities offering and proxy rules that are available to other issuers that are required to file reports under section 13(a) or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a); 78o(d)).

(2) REQUIRED REVISIONS.—The revisions described in this paragraph are revisions to—

(A) section 230.405 of title 17, Code of Federal Regulations—

(i) to remove the exclusion of a business development company from the definition of the term "well-known seasoned issuer" under that section; and

(ii) to add a registration statement filed on Form N–2 to the definition of the term "automatic shelf registration statement" under that section;

(B) sections 230.168 and 230.169 of title 17, Code of Federal Regulations, to remove the exclusion of a business development company from an issuer that is eligible for the exemptions under those sections;

(C) section 230.163 of title 17, Code of Federal Regulations, to remove a business development company from the list of issuers that are ineligible for the exemption under that section;

(D) section 230.163A of title 17, Code of Federal Regulations, to remove the communications made by a business development company from the list of communications that are ineligible for the exemption under that section;

(E) section 230.134 of title 17, Code of Federal Regulations, to remove the exclusion of a communication relating to a business development company from the application of that section;

(F) sections 230.138 and 230.139 of title 17, Code of Federal Regulations, to specifically include a business development company as an issuer to which those sections apply;

(G) section 230.156 of title 17, Code of Federal Regulations, to provide that nothing in that section may be construed to prevent a business development company from qualifying for an exemption under section 230.168 or 230.169 of title 17, Code of Federal Regulations, as amended by the Commission in accordance with the requirements of this section;

(H) section 230.164 of title 17, Code of Federal Regulations, to remove a business development company from the list of issuers that are excluded under that section;

(I) section 230.433 of title 17, Code of Federal Regulations, to specifically include a business development company that is a well-known seasoned issuer as an issuer to which that section applies;

(J) section 230.415 of title 17, Code of Federal Regulations to state that the registration for securities under section 230.415(a)(1)(x) of title 17, Code of Federal Regulations, includes securities registered on Form N–2 by a business development company that would otherwise meet the eligibility requirements of Form S–3;

(K) section 230.497 of title 17, Code of Federal Regulations, to include a process for a business development company to file a form of prospectus in the same manner as the process for filing a form of prospectus under section 230.424(b) of title 17, Code of Federal Regulations;

(L) sections 230.172 and 230.173 of title 17, Code of Federal Regulations, to remove the exclusion of an offering

of a business development company from the application of those sections;

(M) section 230.418 of title 17, Code of Federal Regulations, to provide that a business development company that would otherwise meet the eligibility requirements of Form S–3 shall be exempt from paragraph (a)(3) of that section;

(N) Schedule 14A to revise item 13(b)(1) of that Schedule to include a business development company that would otherwise meet the requirements of note E of that Schedule as an issuer to which that item applies;

(O) section 243.103 of title 17, Code of Federal Regulations, to provide that paragraph (a) of that section applies for the purposes of Form N–2; and

(P) item 34 on Form N–2 to require a business development company to provide undertakings that are no more restrictive than the undertakings that are required of a registrant under section 229.512 of title 17, Code of Federal Regulations.

(c) REVISION TO FORM N–2.—Not later than 1 year after the date of enactment of this Act, the Commission shall revise Form N–2—

(1) to include an item or instruction that is similar to item 12 on Form S–3 to provide that a business development company that would otherwise meet the requirements of Form S–3 shall incorporate by reference the reports and documents filed by the business development company under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) into the registration statement of the business development company filed on Form N–2; and

(2) to include an item or instruction that is similar to the instruction regarding automatic shelf offerings by well-known seasoned issuers on Form S–3 to provide that a business development company that is a well-known seasoned issuer may file automatic shelf offerings on Form N–2.

(d) TREATMENT IF REVISIONS NOT COMPLETED IN TIMELY MANNER.—If the Commission fails to complete the revisions required under subsections (b) and (c) by the dates described in those subsections, a business development company, during the period beginning on the date that is 1 day after 1 year after the date of enactment of this Act and ending on the date that the Commission completes those revisions, may deem those revisions to have been completed in accordance with the actions required to be taken by the Commission under those subsections.

(e) RULES OF CONSTRUCTION.—

(1) TREATMENT OF SUCCESSOR REGULATIONS AND FORMS.—Any reference in this section to a regulation or form shall be construed as a reference to—

(A) that regulation or form, as in effect on the day before the date of enactment of this Act; or

(B) any successor to that regulation or form.

(2) DISTRIBUTION OF SALES MATERIAL.—Nothing in this section, or in the amendments made pursuant to the requirements of this section, may be construed to prevent a business development company from distributing sales material under section 230.482 of title 17, Code of Federal Regulations.

TITLE IX—SMALL BUSINESS ACCESS TO CAPITAL AFTER A NATURAL DISASTER ACT

Small Business Access to Capital After a Natural Disaster Act.

SEC. 901. SHORT TITLE.

15 USC 78a note.

This title may be cited as the "Small Business Access to Capital After a Natural Disaster Act".

SEC. 902. EXPANDING ACCESS TO CAPITAL FOR SMALL BUSINESSES IMPACTED BY A NATURAL DISASTER.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended—

(1) in subsection (j)(4)(C), by striking "minority-owned and women-owned small businesses" and inserting "minority-owned small businesses, women-owned small businesses, and small businesses affected by hurricanes or other natural disasters"; and

(2) in subsection (j)(6)(B)(iii), by striking "minority-owned and women-owned small businesses" and inserting "minority-owned small businesses, women-owned small businesses, and small businesses affected by hurricanes or other natural disasters".

TITLE X—TAYLOR FORCE ACT

Taylor Force Act.

SEC. 1001. SHORT TITLE.

22 USC 2151 note.

This title may be cited as the "Taylor Force Act".

SEC. 1002. FINDINGS.

22 USC 2378c–1 note.

Congress makes the following findings:

(1) The Palestinian Authority's practice of paying salaries to terrorists serving in Israeli prisons, as well as to the families of deceased terrorists, is an incentive to commit acts of terror.

(2) The United States does not provide direct budgetary support to the Palestinian Authority. The United States does pay certain debts held by the Palestinian Authority and funds programs for which the Palestinian Authority would otherwise be responsible.

(3) The United States Government supports community-based programs in the West Bank and Gaza that provide for basic human needs, such as food, water, health, shelter, protection, education, and livelihoods, and that promote peace and development.

(4) Since fiscal year 2015, annual appropriations legislation has mandated the reduction of Economic Support Fund aid for the Palestinian Authority as a result of their payments for acts of terrorism including, in fiscal year 2017, a reduction "by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year".

SEC. 1003. SENSE OF CONGRESS.

Congress—

(1) calls on the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations to stop payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism and to repeal the laws authorizing such payments;

(2) calls on all donor countries providing budgetary assistance to the Palestinian Authority to cease direct budgetary support until the Palestinian Authority stops all payments incentivizing terror;

(3) urges the Palestinian Authority to develop programs to provide essential public services and support to any individual in need within its jurisdictional control, rather than to provide payments contingent on perpetrating acts of violence;

(4) urges the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to highlight the issue of Palestinian Authority payments for acts of terrorism and to urge other Member States to apply pressure upon the Palestinian Authority to immediately cease such payments; and

(5) urges the Department of State to use its bilateral and multilateral engagements with all governments and organizations committed to the cause of peace between Israel and the Palestinians to highlight the issue of Palestinian Authority payments for acts of terrorism and to urge such governments and organizations to join the United States in calling on the Palestinian Authority to immediately cease such payments.

22 USC 2378c–1.

SEC. 1004. LIMITATION ON ASSISTANCE TO THE WEST BANK AND GAZA.

(a) LIMITATION.—

(1) IN GENERAL.—Funds authorized to be appropriated or otherwise made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) and available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority may only be made available for such purpose if, except as provided in subsection (d), not later than 30 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State certifies in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations—

(A) are taking credible steps to end acts of violence against Israeli citizens and United States citizens that are perpetrated or materially assisted by individuals under their jurisdictional control, such as the March 2016 attack that killed former United States Army officer Taylor Force, a veteran of the wars in Iraq and Afghanistan;

(B) have terminated payments for acts of terrorism against Israeli citizens and United States citizens to any individual, after being fairly tried, who has been imprisoned for such acts of terrorism and to any individual who died committing such acts of terrorism, including to a family member of such individuals;

(C) have revoked any law, decree, regulation, or document authorizing or implementing a system of compensation for imprisoned individuals that uses the sentence or period of incarceration of an individual imprisoned for an act of terrorism to determine the level of compensation paid, or have taken comparable action that has the effect of invalidating any such law, decree, regulation, or document; and

(D) are publicly condemning such acts of violence and are taking steps to investigate or are cooperating in investigations of such acts to bring the perpetrators to justice.

(2) ADDITIONAL CERTIFICATION REQUIREMENT.—The Secretary of State shall include in the certification required under paragraph (1) the definition of "acts of terrorism" that the Secretary used for purposes of making the determination in subparagraph (B) of such paragraph.

(b) EXCEPTION.—

(1) IN GENERAL.—Subject to paragraph (2), the limitation on assistance under subsection (a) shall not apply to—

(A) payments made to the East Jerusalem Hospital Network;

(B) assistance for wastewater projects not exceeding $5,000,000 in any one fiscal year; and

(C) assistance for any other program, project, or activity that provides vaccinations to children not exceeding $500,000 in any one fiscal year.

(2) NOTIFICATION.—The Secretary of State shall notify in writing the appropriate congressional committees not later than 15 days prior to making funds available for assistance under subparagraph (A), (B), or (C) of paragraph (1).

(c) RULE OF CONSTRUCTION.—Funds withheld pursuant to this section—

(1) shall be deemed to satisfy any similar withholding or reduction required under any other provision of law relating to the Palestinian Authority's payments for acts of terrorism; and

(2) shall be in an amount that is not less than the total amount required by such other provision of law.

(d) INITIAL USE AND DISPOSITION OF WITHHELD FUNDS.—

(1) PERIOD OF AVAILABILITY.—Funds withheld pursuant to this section are authorized to remain available for an additional 2 years from the date on which the availability of such funds would otherwise have expired.

(2) USE OF FUNDS.—Funds withheld pursuant to this section may be made available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority upon a certification by the Secretary of State that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions set forth in subsection (a). Except as provided in paragraph (3), such funds may not be made available for any purpose other than for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority.

(3) DISPOSITION OF UNUSED FUNDS.—Beginning on the date that is 180 days after the last day on which the initial availability of funds withheld pursuant to this section would otherwise have expired, such funds are authorized to be made available to the Department of State for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) in the following manner—

(A) 50 percent for purposes of assistance other than that deemed benefiting the Palestinian Authority; and

(B) 50 percent for purposes other than assistance for the West Bank and Gaza.

(e) REPORT.—

(1) IN GENERAL.—If the Secretary of State is unable to certify in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions described in subsection (a), the Secretary shall, not later than 15 days after the date on which the Secretary is unable to make such certification, submit to the appropriate congressional committees a report that contains the following:

(A) The reasons why the Secretary was unable to certify in writing that such organizations have met such requirements.

(B) The definition of "acts of terrorism" that the Secretary used for purposes of making the determination in subparagraph (B) of subsection (a)(1).

(C) The total amount of funds to be withheld.

(2) FORM.—The report required by this subsection shall be submitted in unclassified form but may include a classified annex.

(f) LIST OF CRITERIA.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a list of the criteria that the Secretary uses to determine whether assistance for the West Bank and Gaza is assistance that directly benefits the Palestinian Authority for purposes of carrying out this section.

(2) UPDATE.—The Secretary of State shall submit to the appropriate congressional committees an updated list under paragraph (1) not later than 15 days after the date on which the Secretary makes any modification to the list.

SEC. 1005. INITIAL REPORT.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing those programs, projects, and activities funded by the United States Government that have been or will be suspended by reason of withholding of funds under section 1004.

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

SEC. 1006. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 6 years,

the Secretary of State shall submit to the appropriate congressional committees a report including at a minimum the following elements:

(1) An estimate of the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations during the previous calendar year as payments for acts of terrorism by individuals who are imprisoned for such acts.

(2) An estimate of the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations during the previous calendar year as payments to the families of deceased individuals who committed an act of terrorism.

(3) An overview of Palestinian laws, decrees, regulations, or documents in effect the previous calendar year that authorize or implement any payments reported under paragraphs (1) and (2).

(4) A description of United States Government policy, efforts, and engagement with the Palestinian Authority in order to confirm the revocation of any law, decree, regulation, or document in effect the previous calendar year that authorizes or implements any payments reported under paragraphs (1) and (2).

(5) A description of United States Government policy, efforts, and engagement with other governments, and at the United Nations, to highlight the issue of Palestinian payments for acts of terrorism and to urge other nations to join the United States in calling on the Palestinian Authority to immediately cease such payments.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 1007. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

22 USC 2378c–1 note.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

TITLE XI—FARM ACT

Fair Agricultural Reporting Method Act. 42 USC 9601 note.

SEC. 1101. SHORT TITLE.

This title may be cited as the "Fair Agricultural Reporting Method Act" or the "FARM Act".

SEC. 1102. EXEMPTIONS FROM CERTAIN NOTICE REQUIREMENTS AND PENALTIES.

Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603) is amended by striking subsection (e) and inserting the following:

"(e) APPLICABILITY TO REGISTERED PESTICIDE PRODUCTS AND AIR EMISSIONS FROM ANIMAL WASTE AT FARMS.—

"(1) IN GENERAL.—This section shall not apply to—

"(A) the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or the handling and storage

of such a pesticide product by an agricultural producer; or

"(B) air emissions from animal waste (including decomposing animal waste) at a farm.

"(2) DEFINITIONS.—In this subsection:

"(A) ANIMAL WASTE.—

"(i) IN GENERAL.—The term 'animal waste' means feces, urine, or other excrement, digestive emission, urea, or similar substances emitted by animals (including any form of livestock, poultry, or fish).

"(ii) INCLUSIONS.—The term 'animal waste' includes animal waste that is mixed or commingled with bedding, compost, feed, soil, or any other material typically found with such waste.

"(B) FARM.—The term 'farm' means a site or area (including associated structures) that—

"(i) is used for—

"(I) the production of a crop; or

"(II) the raising or selling of animals (including any form of livestock, poultry, or fish); and

"(ii) under normal conditions, produces during a farm year any agricultural products with a total value equal to not less than $1,000.".

42 USC 9603 note.

SEC. 1103. APPLICATION.

Nothing in this title or an amendment made by this title affects, or supersedes or modifies the responsibility or authority of any Federal official or employee to comply with or enforce, any requirement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), other than the hazardous substance notification requirements under section 103 of that Act (42 U.S.C. 9603) with respect to air emissions from animal waste at farms.

TITLE XII—TIPPED EMPLOYEES

SEC. 1201. TIPPED EMPLOYEES.

(a) PROHIBITION ON KEEPING TIPS.—Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) by redesignating paragraphs (1) and (2) as clauses (i) and (ii), respectively;

(2) by inserting "(1)" after "(m)";

(3) by striking "any employee. In determining" and inserting the following: "any employee.

"(2)(A) In determining";

(4) in clause (ii) of paragraph (2)(A) (as so redesignated), by striking "paragraph (1)" and inserting "clause (i)"; and

(5) by adding at the end the following:

"(B) An employer may not keep tips received by its employees for any purposes, including allowing managers or supervisors to keep any portion of employees' tips, regardless of whether or not the employer takes a tip credit.".

(b) PENALTIES.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b)—

(A) by inserting after the second sentence the following: "Any employer who violates section 3(m)(2)(B) shall be liable to the employee or employees affected in the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages."; and

(B) by striking "either of";

(2) in subsection (c), by adding at the end the following: "The authority and requirements described in this subsection shall apply with respect to a violation of section 3(m)(2)(B), as appropriate, and the employer shall be liable for the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and an additional equal amount as liquidated damages."; and

(3) in subsection (e)(2), by adding at the end the following: "Any person who violates section 3(m)(2)(B) shall be subject to a civil penalty not to exceed $1,100 for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept, and an additional equal amount as liquidated damages, as described in subsection (b).".

(c) EFFECT ON REGULATIONS.—The portions of the final rule promulgated by the Department of Labor entitled "Updating Regulations Issued Under the Fair Labor Standards Act" (76 Fed. Reg. 18832 (April 5, 2011)) that revised sections 531.52, 531.54, and 531.59 of title 29, Code of Federal Regulations (76 Fed. Reg. 18854–18856) and that are not addressed by section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) (as such section was in effect on April 5, 2011), shall have no further force or effect until any future action taken by the Administrator of the Wage and Hour Division of the Department of Labor. 29 USC 203 note.

TITLE XIII—REVISIONS TO PASS-THROUGH PERIOD AND PAYMENT RULES

SEC. 1301. REVISIONS TO PASS-THROUGH PERIOD AND PAYMENT RULES UNDER OPPS FOR CERTAIN NEW DRUGS AND BIOLOGICALS.

(a) REVISIONS TO PASS-THROUGH PERIOD AND PAYMENT RULES.—

(1) IN GENERAL.—Section 1833(t)(6) of the Social Security Act (42 U.S.C. 1395l(t)(6)) is amended—

(A) in subparagraph (C)(i), in the matter preceding subclause (I), by striking "The payment" and inserting "Subject to subparagraph (G), the payment";

(B) in subparagraph (D)(i), by inserting "subject to subparagraph (H)," before "in the case"; and

(C) by adding at the end the following new subparagraphs:

"(G) PASS-THROUGH EXTENSION FOR CERTAIN DRUGS AND BIOLOGICALS.—In the case of a drug or biological whose period of pass-through status under this paragraph ended on December 31, 2017, and for which payment under this subsection was packaged into a payment for a covered

OPD service (or group of services) furnished beginning January 1, 2018, such pass-through status shall be extended for a 2-year period beginning on October 1, 2018.

"(H) TEMPORARY PAYMENT RULE FOR CERTAIN DRUGS AND BIOLOGICALS.—In the case of a drug or biological whose period of pass-through status under this paragraph ended on December 31, 2017, and for which payment under this subsection was packaged into a payment for a covered OPD service (or group of services) furnished beginning January 1, 2018, the payment amount for such drug or biological under this subsection that is furnished during the period beginning on October 1, 2018, and ending on March 31, 2019, shall be the greater of—

"(i) the payment amount that would otherwise apply under subparagraph (D)(i) for such drug or biological during such period; or

"(ii) the payment amount that applied under such subparagraph (D)(i) for such drug or biological on December 31, 2017.

"(I) SPECIAL PAYMENT ADJUSTMENT RULES FOR LAST QUARTER OF 2018.—In the case of a drug or biological whose period of pass-through status under this paragraph ended on December 31, 2017, and for which payment under this subsection was packaged into a payment amount for a covered OPD service (or group of services) beginning January 1, 2018, the following rules shall apply with respect to payment amounts under this subsection for covered a OPD service (or group of services) furnished during the period beginning on October 1, 2018, and ending on December 31, 2018:

"(i) The Secretary shall remove the packaged costs of such drug or biological (as determined by the Secretary) from the payment amount under this subsection for the covered OPD service (or group of services) with which it is packaged.

"(ii) The Secretary shall not make any adjustments to payment amounts under this subsection for a covered OPD service (or group of services) for which no costs were removed under clause (i).".

(2) NONAPPLICATION OF LIMIT ON AGGREGATE ANNUAL ADJUSTMENT FOR 2018.—Section 1833(t)(6)(E)(i) of the Social Security Act (42 U.S.C. 1395l(t)(6)(E)(i)) is amended by adding at the end the following new sentence: "This clause shall not apply for 2018.".

42 USC 1395*l* note.

(3) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by paragraphs (1) and (2) by program instruction or otherwise.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study on the policy for packaging high cost drugs and biologicals after their pass-through status under subsection (t)(6) of section 1833 of the Social Security Act (42 U.S.C. 1395l) has expired under the payment systems for hospital outpatient department services under section subsection (t) of such section and for surgical services furnished

in an ambulatory surgical center under subsection (i) of such section. Such study shall include an analysis of—

(A) the impact of such policy on—

(i) the utilization of such drugs and biologicals;

(ii) the availability of treatment options, including consultations with physicians and hospitals; and

(iii) to the extent practicable, the health outcomes of Medicare beneficiaries; and

(B) the impact of the amendments made by subsection (a), including the impact on price competition and cost-sharing.

(2) REPORT.—Not later than March 1, 2021, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

DIVISION T—REVENUE PROVISIONS

SEC. 101. MODIFICATION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME OF A COOPERATIVE AND ITS PATRONS.

(a) DEDUCTION FOR QUALIFIED PRODUCTION ACTIVITIES INCOME.—

(1) IN GENERAL.—Subsection (g) of section 199A of the Internal Revenue Code of 1986 is amended to read as follows: 26 USC 199A.

"(g) DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES OF SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVES.—

"(1) ALLOWANCE OF DEDUCTION.—

"(A) IN GENERAL.—In the case of a taxpayer which is a specified agricultural or horticultural cooperative, there shall be allowed as a deduction an amount equal to 9 percent of the lesser of—

"(i) the qualified production activities income of the taxpayer for the taxable year, or

"(ii) the taxable income of the taxpayer for the taxable year.

"(B) LIMITATION.—

"(i) IN GENERAL.—The deduction allowable under subparagraph (A) for any taxable year shall not exceed 50 percent of the W-2 wages of the taxpayer for the taxable year.

"(ii) W-2 WAGES.—For purposes of this subparagraph, the W-2 wages of the taxpayer shall be determined in the same manner as under subsection (b)(4) (without regard to subparagraph (B) thereof and after application of subsection (b)(5)), except that such wages shall not include any amount which is not properly allocable to domestic production gross receipts for purposes of paragraph (3)(A).

"(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this subsection, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends,

per-unit retain allocations, and nonpatronage distributions).

"(2) DEDUCTION ALLOWED TO PATRONS.—

"(A) IN GENERAL.—In the case of any eligible taxpayer who receives a qualified payment from a specified agricultural or horticultural cooperative, there shall be allowed as a deduction for the taxable year in which such payment is received an amount equal to the portion of the deduction allowed under paragraph (1) to such cooperative which is—

"(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

"(ii) identified by such cooperative in a written notice mailed to such taxpayer during the payment period described in section 1382(d).

"(B) LIMITATION BASED ON TAXABLE INCOME.—The deduction allowed to any taxpayer under this paragraph shall not exceed the taxable income of the taxpayer determined without regard to the deduction allowed under this paragraph and after taking into account any deduction allowed to the taxpayer under subsection (a) for the taxable year.

"(C) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

"(D) ELIGIBLE TAXPAYER.—For purposes of this paragraph, the term 'eligible taxpayer' means—

"(i) a taxpayer other than a corporation, or

"(ii) a specified agricultural or horticultural cooperative.

"(E) QUALIFIED PAYMENT.—For purposes of this section, the term 'qualified payment' means, with respect to any eligible taxpayer, any amount which—

"(i) is described in paragraph (1) or (3) of section 1385(a),

"(ii) is received by such taxpayer from a specified agricultural or horticultural cooperative, and

"(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under paragraph (1).

"(3) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified production activities income' for any taxable year means an amount equal to the excess (if any) of—

"(i) the taxpayer's domestic production gross receipts for such taxable year, over

"(ii) the sum of—

"(I) the cost of goods sold that are allocable to such receipts, and

"(II) other expenses, losses, or deductions (other than the deduction allowed under this subsection), which are properly allocable to such receipts.

"(B) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in subparagraph (A) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.

"(C) SPECIAL RULES FOR DETERMINING COSTS.—

"(i) IN GENERAL.—For purposes of determining costs under subclause (I) of subparagraph (A)(ii), any item or service brought into the United States shall be treated as acquired by purchase, and its cost shall be treated as not less than its value immediately after it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

"(ii) EXPORTS FOR FURTHER MANUFACTURE.—In the case of any property described in clause (i) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under clause (i) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

"(D) DOMESTIC PRODUCTION GROSS RECEIPTS.—

"(i) IN GENERAL.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from any lease, rental, license, sale, exchange, or other disposition of any agricultural or horticultural product which was manufactured, produced, grown, or extracted by the taxpayer (determined after the application of paragraph (4)(B)) in whole or significant part within the United States. Such term shall not include gross receipts of the taxpayer which are derived from the lease, rental, license, sale, exchange, or other disposition of land.

"(ii) RELATED PERSONS.—

"(I) IN GENERAL.—The term 'domestic production gross receipts' shall not include any gross receipts of the taxpayer derived from property leased, licensed, or rented by the taxpayer for use by any related person.

"(II) RELATED PERSON.—For purposes of subclause (I), a person shall be treated as related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

"(4) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this section—

"(A) IN GENERAL.—The term 'specified agricultural or horticultural cooperative' means an organization to which part I of subchapter T applies which is engaged—

"(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

"(ii) in the marketing of agricultural or horticultural products.

"(B) APPLICATION TO MARKETING COOPERATIVES.—A specified agricultural or horticultural cooperative described in subparagraph (A)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any agricultural or horticultural product marketed by the specified agricultural or horticultural cooperative which its patrons have so manufactured, produced, grown, or extracted.

"(5) DEFINITIONS AND SPECIAL RULES.—

"(A) SPECIAL RULE FOR AFFILIATED GROUPS.—

"(i) IN GENERAL.—All members of an expanded affiliated group shall be treated as a single corporation for purposes of this subsection.

"(ii) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of paragraph (3)(D), if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.

"(iii) EXPANDED AFFILIATED GROUP.—For purposes of this subsection, the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

"(I) by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears, and

"(II) without regard to paragraphs (2) and (4) of section 1504(b).

"(iv) ALLOCATION OF DEDUCTION.—Except as provided in regulations, the deduction under paragraph (1) shall be allocated among the members of the expanded affiliated group in proportion to each member's respective amount (if any) of qualified production activities income.

"(B) SPECIAL RULE FOR COOPERATIVE PARTNERS.—In the case of a specified agricultural or horticultural cooperative which is a partner in a partnership, rules similar to the rules of subsection (f)(1) shall apply for purposes of this subsection.

"(C) TRADE OR BUSINESS REQUIREMENT.—This subsection shall be applied by only taking into account items which are attributable to the actual conduct of a trade or business.

"(D) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, this section shall be applied by substituting 'unrelated business taxable income' for 'taxable income' each place it appears in this section (other than this subparagraph).

"(E) SPECIAL RULE FOR COOPERATIVE WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

"(i) IN GENERAL.—If a specified agricultural or horticultural cooperative has oil related qualified production activities income for any taxable year, the amount otherwise allowable as a deduction under paragraph (1) shall be reduced by 3 percent of the least of—

"(I) the oil related qualified production activities income of the cooperative for the taxable year,

"(II) the qualified production activities income of the cooperative for the taxable year, or

"(III) taxable income.

"(ii) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this subparagraph, the term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof (within the meaning of section 927(a)(2)(C), as in effect before its repeal) during such taxable year.

"(6) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this subsection, including regulations which prevent more than 1 taxpayer from being allowed a deduction under this subsection with respect to any activity described in paragraph (3)(D)(i). Such regulations shall be based on the regulations applicable to cooperatives and their patrons under section 199 (as in effect before its repeal).".

(2) CONFORMING AMENDMENTS.—

(A) Sections 63(b)(3), 63(d)(3), 199A(e)(1), and 6662(d)(1)(C) of such Code are each amended by striking "the deduction" and inserting "any deduction". 26 USC 63, 199A, 6662.

(B) The last sentence of section 62(a) of such Code and section 172(d)(8) of such Code are each amended by striking "The deduction" and inserting "Any deduction".

(C) Section 199A(e)(1) of such Code is amended by striking "Taxable income" and inserting "Except as otherwise provided in subsection (g)(2)(B), taxable income".

(D) Section 613(a) of such Code is amended by striking "the deduction under section 199A" and inserting "any deduction under section 199A".

(b) MODIFICATIONS RELATED TO PAYMENTS FROM COOPERATIVES.—

(1) REPEAL OF SPECIAL DEDUCTION FOR QUALIFIED COOPERATIVE DIVIDENDS.—Subsection (a) of section 199A of such Code is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer other than a corporation, there shall be allowed as a deduction for any taxable year an amount equal to the lesser of—

"(1) the combined qualified business income amount of the taxpayer, or

"(2) an amount equal to 20 percent of the excess (if any) of—

"(A) the taxable income of the taxpayer for the taxable year, over

"(B) the net capital gain (as defined in section 1(h)) of the taxpayer for such taxable year.".

(2) REPEAL OF RULE EXCLUDING QUALIFIED COOPERATIVE DIVIDENDS FROM QUALIFIED BUSINESS INCOME.—

26 USC 199A.

(A) IN GENERAL.—Section 199A(c)(1) of such Code is amended by striking ", qualified cooperative dividends,".

(B) CONFORMING AMENDMENTS.—

(i) Section 199A(c)(3)(B) of such Code is amended—

(I) by striking "investment" in the matter preceding clause (i), and

(II) by adding at the end of clause (ii) the following: "Any amount described in section 1385(a)(1) shall not be treated as described in this clause.".

(ii) Section 199A(e) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(3) REDUCTION OF QUALIFIED BUSINESS INCOME WITH RESPECT TO INCOME RECEIVED FROM COOPERATIVES.—Section 199A(b) of such Code is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE WITH RESPECT TO INCOME RECEIVED FROM COOPERATIVES.—In the case of any qualified trade or business of a patron of a specified agricultural or horticultural cooperative, the amount determined under paragraph (2) with respect to such trade or business shall be reduced by the lesser of—

"(A) 9 percent of so much of the qualified business income with respect to such trade or business as is properly allocable to qualified payments received from such cooperative, or

"(B) 50 percent of so much of the W-2 wages with respect to such trade or business as are so allocable.".

(c) APPLICATION OF SECTION 199 TO CERTAIN QUALIFIED PAYMENTS PAID AFTER 2017.—Subsection (c) of section 13305 of Public Law 115–97 is amended to read as follows:

26 USC 74 note.

"(c) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

"(2) TRANSITION RULE FOR QUALIFIED PAYMENTS OF PATRONS OF COOPERATIVES.—

"(A) IN GENERAL.—The amendments made by this section shall not apply to a qualified payment received by a taxpayer from a specified agricultural or horticultural cooperative in a taxable year of the taxpayer beginning after December 31, 2017, which is attributable to qualified production activities income with respect to which a deduction is allowable to the cooperative under section 199 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this section) for a taxable year of the cooperative beginning before January 1, 2018. Any term used in this subparagraph which is also used in section 199 of such Code (as so in effect) shall have the same meaning as when used in such section.

"(B) COORDINATION WITH SECTION 199A.—No deduction shall be allowed under section 199A of such Code for any qualified payment to which subparagraph (A) applies.".

(d) EFFECTIVE DATE.— 26 USC 62 note.

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in section 11011 of Public Law 115–97.

(2) APPLICATION OF SECTION 199 TO CERTAIN QUALIFIED PAYMENTS PAID AFTER 2017.—The amendment made by subsection (c) shall take effect as if included in section 13305 of Public Law 115–97.

SEC. 102. INCREASE IN STATE HOUSING CREDIT CEILING FOR , 2019, 2020, 2021.

(a) IN GENERAL.—Section 42(h)(3)(I) of the Internal Revenue Code of 1986 is amended to read as follows: 26 USC 42.

"(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2018, 2019, 2020, AND 2021.—In the case of calendar years 2018, 2019, 2020, and 2021, each of the dollar amounts in effect under clauses (I) and (II) of subparagraph (C)(ii) for any calendar year (after any increase under subparagraph (H)) shall be increased by multiplying such dollar amount by 1.125.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after December 31, 2017. 26 USC 42 note.

SEC. 103. AVERAGE INCOME TEST FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 42(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)", and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) AVERAGE INCOME TEST.—

"(i) IN GENERAL.—The project meets the minimum requirements of this subparagraph if 40 percent or more (25 percent or more in the case of a project described in section 142(d)(6)) of the residential units in such project are both rent-restricted and occupied by individuals whose income does not exceed the imputed income limitation designated by the taxpayer with respect to the respective unit.

"(ii) SPECIAL RULES RELATING TO INCOME LIMITATION.—For purposes of clause (i)—

"(I) DESIGNATION.—The taxpayer shall designate the imputed income limitation of each unit taken into account under such clause.

"(II) AVERAGE TEST.—The average of the imputed income limitations designated under subclause (I) shall not exceed 60 percent of area median gross income.

"(III) 10-PERCENT INCREMENTS.—The designated imputed income limitation of any unit under subclause (I) shall be 20 percent, 30 percent, 40 percent, 50 percent, 60 percent, 70 percent, or 80 percent of area median gross income.".

(b) RULES RELATING TO NEXT AVAILABLE UNIT.—Subparagraph (D) of section 42(g)(2) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i), by striking "clause (ii)" and inserting "clauses (ii), (iii), and (iv)",

(2) in clause (ii)—

(A) by striking "If" and inserting "In the case of a project with respect to which the taxpayer elects the requirements of subparagraph (A) or (B) of paragraph (1), if",

(B) by striking the second sentence, and

(C) by striking "NEXT AVAILABLE UNIT MUST BE RENTED TO LOW-INCOME TENANT IF INCOME RISES ABOVE 140 PERCENT OF INCOME LIMIT" in the heading and inserting "RENTAL OF NEXT AVAILABLE UNIT IN CASE OF 20–50 OR 40–60 TEST", and

(3) by adding at the end the following new clauses:

"(iii) RENTAL OF NEXT AVAILABLE UNIT IN CASE OF AVERAGE INCOME TEST.—In the case of a project with respect to which the taxpayer elects the requirements of subparagraph (C) of paragraph (1), if the income of the occupants of the unit increases above 140 percent of the greater of—

"(I) 60 percent of area median gross income, or

"(II) the imputed income limitation designated with respect to the unit under paragraph (1)(C)(ii)(I),

clause (i) shall cease to apply to any such unit if any residential rental unit in the building (of a size comparable to, or smaller than, such unit) is occupied by a new resident whose income exceeds the limitation described in clause (v).

"(iv) DEEP RENT SKEWED PROJECTS.—In the case of a project described in section 142(d)(4)(B), clause (ii) or (iii), whichever is applicable, shall be applied by substituting '170 percent' for '140 percent', and—

"(I) in the case of clause (ii), by substituting 'any low-income unit in the building is occupied by a new resident whose income exceeds 40 percent of area median gross income' for 'any residential rental unit' and all that follows in such clause, and

"(II) in the case of clause (iii), by substituting 'any low-income unit in the building is occupied by a new resident whose income exceeds the lesser of 40 percent of area median gross income or the imputed income limitation designated with respect to such unit under paragraph (1)(C)(ii)(I)' for 'any residential rental unit' and all that follows in such clause.

"(v) LIMITATION DESCRIBED.—For purposes of clause (iii), the limitation described in this clause with respect to any unit is—

"(I) the imputed income limitation designated with respect to such unit under paragraph (1)(C)(ii)(I), in the case of a unit which was taken into account as a low-income unit prior to becoming vacant, and

"(II) the imputed income limitation which would have to be designated with respect to such unit under such paragraph in order for the project

to continue to meet the requirements of paragraph (1)(C)(ii)(II), in the case of any other unit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to elections made under section 42(g)(1) of the Internal Revenue Code of 1986 after the date of the enactment of this Act. 26 USC 42 note.

DIVISION U—TAX TECHNICAL CORRECTIONS

Tax Technical Corrections Act of 2018.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; ETC.

(a) SHORT TITLE.—This division may be cited as the "Tax Technical Corrections Act of 2018". 26 USC 1 note.

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; table of contents; etc.

TITLE I—TAX TECHNICAL CORRECTIONS

Sec. 101. Amendments relating to Protecting Americans from Tax Hikes Act of 2015.
Sec. 102. Amendment relating to Consolidated Appropriations Act, 2016.
Sec. 103. Amendments relating to Fixing America's Surface Transportation Act.
Sec. 104. Amendments relating to Surface Transportation and Veterans Health Care Choice Improvement Act of 2015.
Sec. 105. Amendments relating to Stephen Beck, Jr., ABLE Act of 2014.
Sec. 106. Amendment relating to American Taxpayer Relief Act of 2012.
Sec. 107. Amendment relating to United States-Korea Free Trade Agreement Implementation Act.
Sec. 108. Amendment relating to SAFETEA–LU.
Sec. 109. Amendments relating to the American Jobs Creation Act of 2004.

TITLE II—TECHNICAL CORRECTIONS RELATED TO PARTNERSHIP AUDIT RULES

Sec. 201. Scope of adjustments subject to partnership audit rules.
Sec. 202. Determination of imputed underpayments.
Sec. 203. Alternative procedure to filing amended returns for purposes of modifying imputed underpayment.
Sec. 204. Treatment of passthrough partners in tiered structures.
Sec. 205. Treatment of failure of partnership to pay imputed underpayment.
Sec. 206. Other technical corrections related to partnership audit rules.
Sec. 207. Effective date.

TITLE III—OTHER CORRECTIONS

Sec. 301. Amendments relating to the Bipartisan Budget Act of 2015.
Sec. 302. Amendments relating to the Energy Policy Act of 2005.

TITLE IV—CLERICAL CORRECTIONS AND DEADWOOD

Sec. 401. Clerical corrections and deadwood-related provisions.

TITLE I—TAX TECHNICAL CORRECTIONS

SEC. 101. AMENDMENTS RELATING TO PROTECTING AMERICANS FROM TAX HIKES ACT OF 2015.

(a) AMENDMENT RELATING TO SECTION 103.—

26 USC 32.

(1) Section 32(b)(2) is amended—

(A) by striking clauses (ii) and (iii) of subparagraph (B), and

(B) by striking so much of subparagraph (B) as precedes "In the case of a joint return" and inserting the following:

"(B) JOINT RETURNS.—".

(2) Section 32(j)(1) is amended—

(A) in the matter preceding subparagraph (A) by striking "after 1996" and inserting "after 2015",

(B) in subparagraph (B) by inserting "by substituting in subparagraph (A)(ii) thereof" after ", determined" ,

(C) in subparagraph (B)(i) by striking "by substituting" and "in subparagraph (A)(ii) thereof",

(D) in subparagraph (B)(ii)—

(i) by striking "by substituting" and "in subparagraph (A)(ii) of such section 1",

(ii) by striking "$3,000" and inserting "$5,000",

(iii) by striking "(b)(2)(B)(iii)" and inserting "(b)(2)(B)", and

(iv) by striking "2007" and inserting "2008".

(b) AMENDMENT RELATING TO SECTION 105.—Section 132(f)(6)(A) is amended by striking the second sentence.

(c) AMENDMENTS RELATING TO SECTION 121.—Section 41(c) is amended—

(1) by striking paragraph (4),

(2) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively, and

(3) by striking the last sentence of paragraph (4)(C) (as so redesignated).

(d) AMENDMENTS RELATING TO SECTION 143.—

(1) Section 168(k)(2)(B)(i)(III) is amended by inserting "binding" before "contract".

(2) Section 168(k)(5)(B)(ii) is amended—

(A) by inserting "crop or" after "more than one", and

(B) by inserting "a marketable crop or yield of" after "begins bearing".

26 USC 168 note.

(3) For purposes of applying section 168(k) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of Public Law 115-97, with respect to property acquired before September 28, 2017, paragraph (6) thereof shall be treated as reading as follows (and as having been included in section 143 of the Protecting Americans from Tax Hikes Act of 2015):

"(6) PHASE-DOWN.—In the case of qualified property placed in service by the taxpayer after December 31, 2017 (December 31, 2018, in the case of property described in subparagraph (B) or (C) of paragraph (2)), paragraph (1)(A) shall be applied by substituting for '50 percent'—

"(A) '40 percent' in the case of—

"(i) property placed in service in 2018 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

"(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2019, and

"(B) '30 percent' in the case of—

"(i) property placed in service in 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

"(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2020.".

(4) Section 168(k)(7) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of Public Law 115-97, shall be applied— 26 USC 168 note.

(A) by substituting "paragraphs (1), (2)(F), and (4)" for "paragraphs (1) and (2)(F)", and

(B) as if the application of such substitution had been included in section 143 of the Protecting Americans from Tax Hikes Act of 2015.

(e) AMENDMENTS RELATING TO SECTION 167.—

(1) Section 168(j)(3) is amended by striking "property to which paragraph (1) applies" and inserting "qualified Indian reservation property". 26 USC 168.

(2) Section 168(j)(8) is amended by striking "this subsection" and inserting "paragraph (1)".

(f) AMENDMENTS RELATING TO SECTION 202.—

(1) Section 6722(c)(3)(A) is amended—

(A) by striking "any information return" in clause (iii) and inserting "the payee statement", and

(B) by striking "filed" in the flush matter at the end and inserting "furnished".

(2) Section 6721(c)(3)(A) is amended by striking "any information return" and inserting "the information return".

(3) Section 202(e) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking "provided" and inserting "furnished". 26 USC 6045 note.

(g) AMENDMENTS RELATING TO SECTION 203.—

(1) Section 6109(i)(1)(A)(i) is amended by striking "community-based certified acceptance agent" and inserting "community-based certifying acceptance agent".

(2) Section 6109(i)(1)(B) is amended by striking "Internal Revenue Service" and inserting "Internal Revenue Service, a community-based certifying acceptance agent approved by the Secretary,".

(3) Section 6109(i)(3) is amended—

(A) in subparagraph (A)—

(i) by inserting "ending after the issuance of such number" before the period at the end of the first sentence, and

(ii) by striking "on the last day of such third consecutive taxable year" and inserting "on the day after the due date for the return of tax for such third consecutive taxable year", and

(B) by striking subparagraph (B)(ii) and inserting the following:

"(ii) if the individual does not file a return of tax (or is not included as a dependent on the return of tax of another taxpayer) for 3 consecutive taxable years at least one of which ends after December 18, 2015, the due date for the return of tax for such third consecutive taxable year.".

(4) Section 203(c) of the Protecting Americans from Tax Hikes Act of 2015 is amended— 26 USC 6109 note.

(A) by striking "section 6109(i)(1)(A)(i)" and inserting "section 6109(i)(1)",

(B) by striking "community-based certified acceptance agents" and inserting "community-based certifying acceptance agents", and

(C) by striking "CERTIFIED" in the heading thereof and inserting "CERTIFYING".

(5) Section 203(f) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking "The amendments" and inserting "Except to the extent provided in section 6109(i)(3) of the Internal Revenue Code of 1986, the amendments".

(h) AMENDMENTS RELATING TO SECTION 204.—Section 204(b) of the Protecting Americans from Tax Hikes Act of 2015 is amended— 26 USC 32 note.

(1) by striking paragraph (2), and

(2) by striking so much as precedes "amendment made by this section" and inserting the following: "(b) EFFECTIVE DATE.—The".

(i) AMENDMENTS RELATING TO SECTION 205.—

(1) Section 24(e)(2) is amended by striking "identifying number" and inserting "taxpayer identification number". 26 USC 24.

(2) Section 205(c) of the Protecting Americans from Tax Hikes Act of 2015 is amended— 26 USC 24 note.

(A) by striking paragraph (2), and

(B) by striking so much as precedes "shall apply to any return of tax" and inserting the following: "(c) EFFECTIVE DATE.—The amendments made by this section".

(j) AMENDMENTS RELATING TO SECTION 206.—Section 206(b) of the Protecting Americans from Tax Hikes Act of 2015 is amended— 26 USC 25A note.

(1) by striking "Except as provided in paragraph (2), the amendment" in paragraph (1) and inserting "The amendment", and

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(k) AMENDMENT RELATING TO SECTION 209.—Section 209(d)(2) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking "amendment made by subsection (b)" and inserting "amendments made by subsections (b) and (c)". 26 USC 6676 note.

(l) AMENDMENTS RELATED TO SECTIONS 102, 206, 207, 208, AND 211.—

(1) Section 25A(b)(1) is amended—

(A) in subparagraph (A) by striking "$1,000" and inserting "$2,000", and

(B) in subparagraph (B)—

(i) by striking "50 percent" and inserting "25 percent",

(ii) by striking "$1,000" and inserting "$2,000", and

(iii) by striking "the applicable limit" and inserting "$4,000".

(2) Subparagraphs (A) and (C) of section 25A(b)(2) are amended by striking "2" in the heading and text of each subparagraph and inserting "4". 26 USC 25A.

(3) Section 25A(b)(4) is amended to read as follows:

"(4) RESTRICTIONS ON TAXPAYERS WHO IMPROPERLY CLAIMED AMERICAN OPPORTUNITY TAX CREDIT IN PRIOR YEARS.—

"(A) TAXPAYERS MAKING PRIOR FRAUDULENT OR RECKLESS CLAIMS.—

"(i) IN GENERAL.—No American Opportunity Tax Credit shall be allowed under this section for any taxable year in the disallowance period.

"(ii) DISALLOWANCE PERIOD.—For purposes of subparagraph (A), the disallowance period is—

"(I) the period of 10 taxable years after the most recent taxable year for which there was a final determination that the taxpayer's claim of the American Opportunity Tax Credit under this section was due to fraud, and

"(II) the period of 2 taxable years after the most recent taxable year for which there was a final determination that the taxpayer's claim of the American Opportunity Tax Credit under this section was due to reckless or intentional disregard of rules and regulations (but not due to fraud).

"(B) TAXPAYERS MAKING IMPROPER PRIOR CLAIMS.—In the case of a taxpayer who is denied the American Opportunity Tax Credit under this section for any taxable year as a result of the deficiency procedures under subchapter B of chapter 63, no American Opportunity Tax Credit shall be allowed under this section for any subsequent taxable year unless the taxpayer provides such information as the Secretary may require to demonstrate eligibility for such credit.".

(4) Section 25A(d) is amended to read as follows:

"(d) LIMITATIONS BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(1) AMERICAN OPPORTUNITY TAX CREDIT.—The American Opportunity Tax Credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

"(A) the excess of—

"(i) the taxpayer's modified adjusted gross income for such taxable year, over

"(ii) $80,000 ($160,000 in the case of a joint return), bears to

"(B) $10,000 ($20,000 in the case of a joint return).

"(2) LIFETIME LEARNING CREDIT.—The Lifetime Learning Credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

"(A) the excess of—

"(i) the taxpayer's modified adjusted gross income for such taxable year, over

"(ii) $40,000 ($80,000 in the case of a joint return), bears to

"(B) $10,000 ($20,000 in the case of a joint return).

"(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.".

26 USC 25A.

(5) Section 25A(f)(1) is amended by adding at the end the following new subparagraph:

"(D) REQUIRED COURSE MATERIALS TAKEN INTO ACCOUNT FOR AMERICAN OPPORTUNITY TAX CREDIT.—For purposes of determining the American Opportunity Tax Credit, subparagraph (A) shall be applied by substituting 'tuition, fees, and course materials' for 'tuition and fees'.".

(6) Section 25A(g)(1) is amended—

(A) by striking "No credit" and inserting the following:

"(A) IN GENERAL.—No credit", and

(B) by adding at the end the following new subparagraph:

"(B) ADDITIONAL IDENTIFICATION REQUIREMENTS WITH RESPECT TO AMERICAN OPPORTUNITY TAX CREDIT.—

"(i) STUDENT.—The requirements of subparagraph (A) shall not be treated as met with respect to the American Opportunity Tax Credit unless the individual's taxpayer identification number was issued on or before the due date for filing the return of tax for the taxable year.

"(ii) TAXPAYER.—No American Opportunity Tax Credit shall be allowed under this section if the taxpayer identification number of the taxpayer was issued after the due date for filing the return for the taxable year.

"(iii) INSTITUTION.—No American Opportunity Tax Credit shall be allowed under this section unless the taxpayer includes the employer identification number of any institution to which qualified tuition and related expenses were paid with respect to the individual.".

(7) Section 25A(h) is amended to read as follows:

"(h) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of a taxable year beginning after 2001, the $40,000 and $80,000 amounts in subsection (d)(2) shall each be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.".

(8) Section 25A(i) is amended to read as follows:

"(i) PORTION OF AMERICAN OPPORTUNITY TAX CREDIT MADE REFUNDABLE.—Forty percent of so much of the credit allowed under

subsection (a) as is attributable to the American Opportunity Tax Credit (determined after application of subsection (d) and without regard to this paragraph and section 26(a)) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.".

(9) The heading of section 25A is amended by striking "hope" and inserting "american opportunity". 26 USC 25A.

(10) The item relating to section 25A in the table of contents for subpart A of part IV of subchapter A of chapter 1 is amended to read as follows: 26 USC prec. 21.

"Sec. 25A. American Opportunity and Lifetime Learning credits.".

(11) The heading of section 25A(b) is amended by striking "HOPE SCHOLARSHIP CREDIT" and inserting "AMERICAN OPPORTUNITY TAX CREDIT".

(12) The heading of section 25A(b)(2) is amended by striking "HOPE SCHOLARSHIP CREDIT" and inserting "AMERICAN OPPORTUNITY TAX CREDIT".

(13) The heading of section 25A(c)(2)(A) is amended by striking "HOPE SCHOLARSHIP" and inserting "AMERICAN OPPORTUNITY TAX CREDIT".

(14) Section 25A, as amended by the preceding provisions of this Act, is amended by striking "Hope Scholarship Credit" each place it appears in the text and inserting "American Opportunity Tax Credit".

(15) The heading of section 529(c)(3)(B)(v) is amended by striking "HOPE" and inserting "AMERICAN OPPORTUNITY".

(16) The heading of section 530(d)(2)(C) is amended by striking "HOPE" and inserting "AMERICAN OPPORTUNITY".

(17) Section 6211(b)(4)(A), as amended by this Act, is amended by striking "subsection (i)(5)" and inserting "subsection (i)".

(18) Section 6213(g)(2)(Q) is amended to read as follows:

"(Q) an omission of information required by section 25A(b)(4)(B) or an entry on the return claiming the American Opportunity Tax Credit for a taxable year for which such credit is disallowed under section 25A(b)(4)(A).".

(19) Section 207(b)(1) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking "the American opportunity tax credit under section 25A(i) of such Code" and inserting "the American Opportunity Tax Credit under section 25A of such Code". 129 Stat. 3082.

(m) AMENDMENT RELATING TO SECTION 311.—

(1) The last sentence of section 355(h)(2)(B) is amended by striking "80 percent" both places it appears and inserting "at least 80 percent".

(2) Section 355(h)(2) is amended—

(A) by striking "SPINOFFS" in the heading of such paragraph and inserting "DISTRIBUTIONS", and

(B) by striking "SPINOFFS" in the headings of subparagraphs (A) and (B) and inserting "DISTRIBUTIONS".

(n) AMENDMENT RELATING TO SECTION 318.—

(1) Section 856(c)(9)(A) is amended—

(A) by striking "Personal property" and inserting the following:

"(i) IN GENERAL.—Personal property", and

(B) by adding at the end the following new clause:

"(ii) TREATMENT OF GAIN ON DISPOSITION.—If—

"(I) personal property is leased under, or in connection with, a lease of real property, for a period of not less than 1 year, and rents attributable to such personal property are treated as rents from real property under subsection (d)(1)(C),

"(II) any portion of such personal property and any portion of such real property are sold, or otherwise disposed of, in a single disposition (or contemporaneously in separate dispositions), and

"(III) the fair market value of the personal property so sold or contemporaneously disposed of (determined at the time of disposition) does not exceed 15 percent of the total fair market value of all of the personal and real property so sold or contemporaneously disposed of (determined at the time of disposition),

any gain from such dispositions shall be treated for purposes of paragraphs (2)(H) and (3)(H) as gain from the disposition of a real estate asset.".

26 USC 856.

(2) Section 856(c)(9)(B) is amended to read as follows:

"(B) CERTAIN PERSONAL PROPERTY MORTGAGED IN CONNECTION WITH REAL PROPERTY.—

"(i) IN GENERAL.—In the case of an obligation secured by a mortgage on both real property and personal property, if the fair market value of such personal property does not exceed 15 percent of the total fair market value of all such property, such obligation shall be treated—

"(I) for purposes of paragraph (3)(B), as an obligation described therein,

"(II) for purposes of paragraph (4)(A), as a real estate asset, and

"(III) for purposes of paragraphs (2)(D) and (3)(C), as a mortgage on real property.

"(ii) DETERMINATION OF FAIR MARKET VALUE.—

"(I) IN GENERAL.—Except as provided in subclause (II), the fair market value of all such property shall be determined for purposes of clause (i) in the same manner as the fair market value of real property is determined for purposes of apportioning interest income between real property and personal property under paragraph (3)(B).

"(II) GAIN ON DISPOSITION.—For purposes of applying clause (i)(III), fair market value shall be determined at the time of sale or other disposition.".

(o) AMENDMENT RELATED TO SECTION 302(b).—Section 529A(c)(1) is amended by striking subparagraph (D).

(p) AMENDMENTS RELATING TO SECTION 322.—

(1) Section 897(k)(2) is amended—

(A) by striking so much of subparagraph (B) as precedes "amounts realized by the qualified shareholder" and inserting the following:

"(B) EXCEPTION.—In the case of a qualified shareholder with one or more applicable investors—

"(i) subparagraph (A)(i) shall not apply to the applicable percentage of the stock of the real estate investment trust held by the qualified shareholder, and

"(ii) the applicable percentage of the", and

(B) by adding at the end the following new subparagraph:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (B), the term 'applicable percentage' means the percentage of the value of the interests (other than interests held solely as a creditor) in the qualified shareholder held by applicable investors.".

(2) Section 897(k)(2)(D) is amended by striking "paragraph" and inserting "subsection". 26 USC 897.

(3) Section 897(k)(2)(E) is amended by striking "and (C) and paragraph (4)" and inserting "and (D)".

(4) Section 897(k)(3)(B)(i) is amended by striking so much as precedes "for a reduced rate of withholding" and inserting the following:

"(i) which—

"(I) is eligible for benefits under the comprehensive income tax treaty described in subparagraph (A)(i)(I), but only if the dividends article of such treaty imposes conditions on the benefits allowable in the case of dividends paid by a real estate investment trust, and

"(II) is eligible under such treaty".

(5) Section 897(k)(3)(B)(ii) is amended—

(A) by adding "and" at the end of subclause (II), and

(B) by striking "United States corporation" in subclause (III) and inserting "domestic corporation".

(6) Section 322 of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking subsections (b)(2) and (c)(3), and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments made thereby, had never been enacted. 26 USC 897 note.

(7) Section 322(c)(2) of such Act is amended by striking "take effect on" and inserting the following: "apply with respect to testing periods (as defined in section 897(h)(4)(D) of the Internal Revenue Code of 1986) ending on or after".

(q) AMENDMENTS RELATED TO SECTION 323.—

(1) So much of subsection (l) of section 897 as precedes paragraph (2) thereof is amended to read as follows:

"(l) EXCEPTION FOR QUALIFIED FOREIGN PENSION FUNDS.—

"(1) IN GENERAL.—For purposes of this section, a qualified foreign pension fund shall not be treated as a nonresident alien individual or a foreign corporation. For purposes of the preceding sentence, an entity all the interests of which are held by a qualified foreign pension fund shall be treated as such a fund.".

(2) Subparagraph (B) of section 897(l)(2) is amended to read as follows:

"(B) which is established—

"(i) by such country (or one or more political subdivisions thereof) to provide retirement or pension

benefits to participants or beneficiaries that are current or former employees (including self-employed individuals) or persons designated by such employees, as a result of services rendered by such employees to their employers, or

"(ii) by one or more employers to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (including self-employed individuals) or persons designated by such employees in consideration for services rendered by such employees to such employers,".

26 USC 897.

(3) Section 897(l)(2)(D) is amended by striking "provides annual information reporting about its beneficiaries to the relevant tax authorities" and inserting "with respect to which annual information about its beneficiaries is provided, or is otherwise available, to the relevant tax authorities".

(4) Section 897(l)(2)(E) is amended—

(A) by striking "such entity" in clause (i) and inserting "such entity or arrangement", and

(B) by striking "or such income is taxed at a reduced rate" in clause (ii) and inserting ", or such income is excluded from the gross income of such entity or arrangement or is taxed at a reduced rate".

(r) AMENDMENTS RELATING TO SECTION 333.—

(1) Section 831(b)(2)(B)(i)(II) is amended by striking "specified assets" and inserting "relevant specified assets"

(2) Section 831(b)(2)(B) is amended by redesignating clause (ii) as clause (iv) and by inserting after clause (i) the following new clauses:

"(ii) AGGREGATION OF CERTAIN SPOUSAL INTERESTS.—For purposes of clause (i)(II), any interest in the insurance company referred to in such clause which is held (directly or indirectly) by an individual who is a spouse of the specified holder, and who is a citizen of the United States, shall be treated as held by the specified holder.

"(iii) SPECIFIED HOLDER.—For purposes of this subparagraph, the term 'specified holder' means, with respect to any insurance company, any individual who holds (directly or indirectly) an interest in such insurance company and who—

"(I) is a lineal descendent (including by adoption) of an individual who holds an interest (directly or indirectly) in the specified assets with respect to such insurance company or of such individual's spouse,

"(II) is a spouse of any lineal descendent described in subclause (I), or

"(III) is not a citizen of the United States and is a spouse of an individual who holds an interest (directly or indirectly) in the specified assets with respect to such insurance company.".

(3) Section 831(b)(2)(B)(iv), as redesignated by paragraph (2), is amended—

(A) by striking "clause (i)(II)" in the matter preceding subclause (I) and inserting "this subparagraph", and

(B) by amending subclause (I) to read as follows:

"(I) RELEVANT SPECIFIED ASSETS.—The term 'relevant specified assets' means, with respect to any specified holder with respect to any insurance company, the aggregate amount of the specified assets, with respect to such insurance company, any interest in which is held (directly or indirectly) by any spouse or specified relation of such specified holder. Such term shall not include any specified asset solely by reason of an interest in such asset which was acquired by such spouse or specified relation by bequest, devise, or inheritance from a decedent during the taxable year of the insurance company or the preceding taxable year. For purposes of this subclause, the term 'specified relation' means any individual with respect to whom the specified holder bears a relationship described in subclause (I) or (II) of clause (iii).".

(4) Section 831(b)(2) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph: 26 USC 831.

"(D) LOOK-THROUGH OF REINSURANCE AND FRONTING ARRANGEMENTS.—In the case of reinsurance or any fronting, intermediary, or similar arrangement, the term 'policyholder' means each policyholder of the underlying direct written insurance with respect to such reinsurance or arrangement.".

(s) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Protecting Americans from Tax Hikes Act of 2015 to which they relate. 26 USC 24 note.

SEC. 102. AMENDMENT RELATING TO CONSOLIDATED APPROPRIATIONS ACT, 2016. 26 USC 199 note.

(a) AMENDMENT RELATING TO SECTION 305 OF DIVISION P.—For purposes of applying section 199(c)(3)(C)(i) of the Internal Revenue Code of 1986 (as in effect before its repeal by Public Law 115-97) to taxable years beginning after December 31, 2015, and before January 1, 2018, such section shall be applied—

(1) by inserting "who elects the application of this clause for any taxable year," after "In the case of any taxpayer",

(2) by substituting ", and who" for "and who",

(3) by substituting "such taxable year" for "the taxable year", and

(4) by substituting "(as defined in subsection (d)(9)(B))" for "under subsection (d)(9)(B)".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 305 of division P of the Consolidated Appropriations Act, 2016.

SEC. 103. AMENDMENTS RELATING TO FIXING AMERICA'S SURFACE TRANSPORTATION ACT.

(a) AMENDMENTS RELATING TO SECTION 32101.—

(1) Section 7345(e)(1) is amended—

(A) by striking "or the Tax Court" and inserting ", or against the Commissioner in the Tax Court,", and

(B) by adding at the end the following: "For purposes of the preceding sentence, the court first acquiring jurisdiction over such an action shall have sole jurisdiction.".

26 USC 7345.

(2) Section 7345(f) is amended by striking "subsection (a)" and inserting "subsection (b)(1)(B)".

26 USC 7345 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 32101 of the Fixing America's Surface Transportation Act.

SEC. 104. AMENDMENTS RELATING TO SURFACE TRANSPORTATION AND VETERANS HEALTH CARE CHOICE IMPROVEMENT ACT OF 2015.

(a) AMENDMENT RELATING TO SECTION 2004.—Section 6662(k) is amended to read as follows:

"(k) INCONSISTENT ESTATE BASIS REPORTING.—For purposes of this section, the term 'inconsistent estate basis' means any portion of an underpayment attributable to the failure to comply with section 1014(f).".

(b) AMENDMENTS RELATING TO SECTION 2008.—Section 9503(e)(2) is amended—

(1) by striking "per gallon" in subparagraph (C) and inserting "per energy equivalent of a gallon of diesel (as defined in section 4041(a)(2)(D))", and

(2) by striking "per gallon" in subparagraph (D) and inserting "per energy equivalent of a gallon of gasoline (as defined in section 4041(a)(2)(C))".

26 USC 6662 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 to which they relate.

SEC. 105. AMENDMENTS RELATING TO STEPHEN BECK, JR., ABLE ACT OF 2014.

(a) AMENDMENTS RELATING TO SECTION 208.—Section 208(h) of the Stephen Beck, Jr., ABLE Act of 2014 is amended—

26 USC 6651 note.

(1) by striking so much as precedes "made by this section" and inserting the following:

"(h) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments",

(2) by inserting ", and statements required to be furnished," after "returns required to be filed", and

(3) by adding at the end the following new paragraph:

"(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to returns or claims for refund filed after December 31, 2014.".

26 USC 6651 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 208 of the Stephen Beck, Jr., ABLE Act of 2014.

SEC. 106. AMENDMENT RELATING TO AMERICAN TAXPAYER RELIEF ACT OF 2012.

(a) AMENDMENT RELATING TO SECTION 104.—Section 6211(b)(4)(A) is amended by striking "subsection (i)(6)" and inserting "subsection (i)(5)".

26 USC 6211 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 104 of the American Taxpayer Relief Act of 2012.

SEC. 107. AMENDMENT RELATING TO UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT.

(a) AMENDMENT RELATING TO SECTION 501.—Section 501(b) of the United States-Korea Free Trade Agreement Implementation Act is amended by striking "returns required to be filed" and inserting "documents prepared". 19 USC 3805 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 501 of the United States-Korea Free Trade Agreement Implementation Act. 19 USC 3805 note.

SEC. 108. AMENDMENT RELATING TO SAFETEA–LU.

(a) AMENDMENT RELATING TO SECTION 11125.—Section 5681(b) is amended by striking "who has paid the special tax (or who is exempt from payment of such special tax by reason of the provisions of section 5113(a))" and inserting "who meets the requirements of section 5121(a) and section 5124 (or who is exempt from such requirements by reason of section 5121(b))". 26 USC 5681.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11125 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. 26 USC 5681 note.

SEC. 109. AMENDMENTS RELATING TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENT RELATING TO SECTION 233.—Section 1361(c)(2)(B)(vi) is amended by striking "a shareholder" and inserting "the shareholder".

(b) AMENDMENT RELATING TO SECTION 319.—Section 501(c)(12)(E) is amended by striking "means the Federal Energy Regulatory Commission" and all that follows and inserting: "means—

"(i) the Federal Energy Regulatory Commission, or

"(ii) in the case of any utility with respect to which all of the electricity generated, transmitted, or distributed by such utility is generated, transmitted, distributed, and consumed in the same State, the State agency of such State with the authority to regulate electric utilities.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 319 of the American Jobs Creation Act of 2004. 26 USC 501 note.

TITLE II—TECHNICAL CORRECTIONS RELATED TO PARTNERSHIP AUDIT RULES

SEC. 201. SCOPE OF ADJUSTMENTS SUBJECT TO PARTNERSHIP AUDIT RULES.

(a) IN GENERAL.—Section 6241(2) is amended to read as follows:

"(2) PARTNERSHIP ADJUSTMENT.—

"(A) IN GENERAL.—The term 'partnership adjustment' means any adjustment to a partnership-related item.

"(B) PARTNERSHIP-RELATED ITEM.—The term 'partnership-related item' means—

"(i) any item or amount with respect to the partnership (without regard to whether or not such item or amount appears on the partnership's return and including an imputed underpayment and any item or amount relating to any transaction with, basis in, or liability of, the partnership) which is relevant (determined without regard to this subchapter) in determining the tax liability of any person under chapter 1, and

"(ii) any partner's distributive share of any item or amount described in clause (i).".

(b) COORDINATION WITH OTHER CHAPTERS.—

26 USC 6241.

(1) IN GENERAL.—Section 6241 is amended by adding at the end the following new paragraph:

"(9) COORDINATION WITH OTHER CHAPTERS.—

"(A) IN GENERAL.—This subchapter shall not apply with respect to any tax imposed (including any amount required to be deducted or withheld) under chapter 2, 2A, 3, or 4, except that any partnership adjustment determined under this subchapter for purposes of chapter 1 shall be taken into account for purposes of determining any such tax to the extent that such adjustment is relevant to such determination.

"(B) TIMING OF WITHHOLDING.—In the case of any tax imposed (including any amount required to be deducted or withheld) under chapter 3 or 4, which is determined with respect to an adjustment described in subparagraph (A), such tax—

"(i) shall be so determined with respect to the reviewed year, and

"(ii) shall be so imposed (or so required to be deducted or withheld) with respect to the adjustment year.

"(C) STATUTE OF LIMITATION ON ASSESSMENT.—For special rule with respect to limitation on assessment of taxes under chapter 2 or 2A which are attributable to any partnership adjustment, see section 6501(c)(12).".

(2) SPECIAL RULE.—Section 6501(c) is amended by adding at the end the following new paragraph:

"(12) CERTAIN TAXES ATTRIBUTABLE TO PARTNERSHIP ADJUSTMENTS.—In the case of any partnership adjustment determined under subchapter C of chapter 63, the period for assessment of any tax imposed under chapter 2 or 2A which is attributable to such adjustment shall not expire before the date that is 1 year after—

"(A) in the case of an adjustment pursuant to the decision of a court in a proceeding brought under section 6234, such decision becomes final, or

"(B) in any other case, 90 days after the date on which the notice of the final partnership adjustment is mailed under section 6231.".

(c) CONFORMING AMENDMENTS.—

(1) Section 6211(c) is amended to read as follows:

"(c) COORDINATION WITH SUBCHAPTER C.—In determining the amount of any deficiency for purposes of this subchapter, adjustments to partnership-related items shall be made only as provided in subchapter C.".

(2) Section 6221(a) is amended to read as follows: 26 USC 6221.

"(a) IN GENERAL.—Any adjustment to a partnership-related item shall be determined, and any tax attributable thereto shall be assessed and collected, and the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to any such item shall be determined, at the partnership level, except to the extent otherwise provided in this subchapter.".

(3) Section 6222(a) is amended to read as follows:

"(a) IN GENERAL.—A partner shall, on the partner's return, treat any partnership-related item in a manner which is consistent with the treatment of such item on the partnership return.".

(4) Section 6226(a)(2) is amended by striking "any adjustment to income, gain, loss, deduction, or credit" and inserting "any adjustment to a partnership-related item".

(5) Section 6227(a) is amended by striking "items of income, gain, loss, deduction, or credit of the partnership" and inserting "partnership-related items".

(6) Section 6231(a)(1) is amended by striking "any item of income, gain, loss, deduction, or credit of a partnership for a partnership taxable year" and inserting "any partnership-related item for any partnership taxable year".

(7) Section 6234(c) is amended by striking "all items of income, gain, loss, deduction, or credit of the partnership" and inserting "all partnership-related items".

(8) Section 7485(b) is amended by striking "partnership items" and inserting "partnership-related items (as defined in section 6241)".

SEC. 202. DETERMINATION OF IMPUTED UNDERPAYMENTS.

(a) IN GENERAL.—Section 6225(b) is amended to read as follows:

"(b) DETERMINATION OF IMPUTED UNDERPAYMENTS.—For purposes of this subchapter—

"(1) IN GENERAL.—Except as otherwise provided in this section, any imputed underpayment with respect to any reviewed year shall be determined by the Secretary by—

"(A) appropriately netting all partnership adjustments with respect to such reviewed year, and

"(B) applying the highest rate of tax in effect for the reviewed year under section 1 or 11.

"(2) ADJUSTMENTS TO DISTRIBUTIVE SHARES OF PARTNERS NOT NETTED.—In the case of any adjustment which reallocates the distributive share of any item from one partner to another, such adjustment shall be taken into account by disregarding so much of such adjustment as results in a decrease in the amount of the imputed underpayment.

"(3) ADJUSTMENTS SEPARATELY NETTED BY CATEGORY.—For purposes of paragraph (1)(A), partnership adjustments for any reviewed year shall first be separately determined (and netted as appropriate) within each category of items that are required to be taken into account separately under section 702(a) or other provision of this title.

"(4) LIMITATION ON ADJUSTMENTS THAT MAY BE TAKEN INTO ACCOUNT.—If any adjustment would (but for this paragraph)—

"(A) result in a decrease in the amount of the imputed underpayment, and

"(B) could be subject to any additional limitation under the provisions of this title (or not allowed, in whole or

in part, against ordinary income) if such adjustment were taken into account by any person,

such adjustment shall not be taken into account under paragraph (1)(A) except to the extent otherwise provided by the Secretary.".

(b) MODIFICATIONS OF IMPUTED UNDERPAYMENTS.—

26 USC 6225.

(1) Section 6225(c)(3) is amended by striking "without regard to the portion thereof" and inserting "without regard to the portion of the adjustment".

(2) Section 6225(c)(4)(A) is amended by striking "with respect to any portion of the imputed underpayment" and inserting "with respect to any portion of the adjustment".

(3) Section 6225(c)(5)(A)(i) is amended by striking "without regard to the portion thereof" and inserting "without regard to the portion of the adjustment".

(c) CONFORMING AMENDMENTS.—

(1) Section 6225(a) is amended to read as follows:

"(a) IN GENERAL.—In the case of any adjustments by the Secretary to any partnership-related items with respect to any reviewed year of a partnership—

"(1) if such adjustments result in an imputed underpayment, the partnership shall pay an amount equal to such imputed underpayment in the adjustment year as provided in section 6232, and

"(2) if such adjustments do not result in an imputed underpayment, such adjustments shall be taken into account by the partnership in the adjustment year.".

(2) Section 6225(c) is amended by adding at the end the following new paragraph:

"(9) MODIFICATION OF ADJUSTMENTS NOT RESULTING IN AN IMPUTED UNDERPAYMENT.—The Secretary shall establish procedures under which the adjustments described in subsection (a)(2) may be modified in such manner as the Secretary determines appropriate.".

SEC. 203. ALTERNATIVE PROCEDURE TO FILING AMENDED RETURNS FOR PURPOSES OF MODIFYING IMPUTED UNDERPAYMENT.

(a) IN GENERAL.—Section 6225(c)(2) is amended to read as follows:

"(2) PROCEDURES FOR PARTNERS TO TAKE ADJUSTMENTS INTO ACCOUNT.—

"(A) AMENDED RETURNS OF PARTNERS.—Such procedures shall provide that if—

"(i) one or more partners file returns for the taxable year of the partners which includes the end of the reviewed year of the partnership (and for any taxable year with respect to which any tax attribute is affected by reason of any adjustment referred to in clause (ii)),

"(ii) such returns take into account all adjustments under subsection (a) properly allocable to such partners (and the effect of such adjustments on any tax attributes), and

"(iii) payment of any tax due is included with such returns,

then the imputed underpayment amount shall be determined without regard to the portion of the adjustments so taken into account.

"(B) ALTERNATIVE PROCEDURE TO FILING AMENDED RETURNS.—Such procedures shall provide that, with respect to any partner referred to in subparagraph (A), the requirements of subparagraph (A) shall be treated as satisfied with respect to adjustments properly allocable to such partner if, in lieu of filing the returns described in such subparagraph—

"(i) the amounts described in subparagraph (A)(iii) are paid by the partner,

"(ii) the partner agrees to take into account, in the form and manner prescribed by the Secretary, the adjustments to the tax attributes of such partner referred to in subparagraph (A)(ii), and

"(iii) such partner provides, in the form and manner specified by the Secretary (including, if the Secretary so specifies, in the same form as on an amended return), such information as the Secretary may require to carry out this subparagraph.

"(C) REALLOCATION OF DISTRIBUTIVE SHARE.—In the case of any adjustment which reallocates the distributive share of any item from one partner to another, this paragraph shall apply with respect to any such partner only if the requirements of subparagraph (A) or (B) are satisfied with respect to all partners affected by such adjustment.

"(D) APPLICATION OF STATUTE OF LIMITATIONS.—In the case of adjustments referred to in subparagraph (A)(ii), sections 6501 and 6511 shall not apply with respect to any return filed for purposes of subparagraph (A)(i) or any amount paid under subparagraph (A)(iii) or (B)(i).

"(E) ADJUSTMENTS TO TAX ATTRIBUTES BINDING FOR AFFECTED TAXABLE YEARS OF PARTNER.—The adjustments to the tax attributes of any partner provided for in subparagraph (A)(ii) or (B)(ii) shall be binding with respect to the taxable year of the partner which includes the end of the reviewed year of the partnership and any taxable years for which any tax attribute is affected by such adjustment. Any failure to so treat any such tax attribute shall be treated for purposes of this title in the same manner as a failure to treat a partnership-related item in a manner which is consistent with the treatment of such item on the partnership return within the meaning of section 6222.

"(F) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS IN TIERED STRUCTURES.—

"(i) IN GENERAL.—In the case of any partnership any partner of which is a partnership, subparagraph (A) or (B) may apply with respect to any partner (hereafter in this subparagraph referred to as the 'relevant partner') in the chain of ownership of such partnerships if—

"(I) such information as the Secretary may require is furnished to the Secretary for purposes of carrying out this paragraph with respect to such

partnerships (including any information the Secretary may require with respect to any chain of ownership of the relevant partner), and

"(II) to such extent as the Secretary may require, each partnership in the chain of ownership between the relevant partner and the audited partnership satisfies the requirements of subparagraph (A) or (B).

"(ii) TREATMENT OF S CORPORATIONS.—For purposes of clause (i), an S corporation and its shareholders shall be treated in the same manner as a partnership and its partners.".

26 USC 6201.

(b) CONFORMING AMENDMENT.—Section 6201(a)(1) is amended by inserting "(or payments under section 6225(c)(2)(B)(i))" after "returns or lists".

SEC. 204. TREATMENT OF PASSTHROUGH PARTNERS IN TIERED STRUCTURES.

(a) IN GENERAL.—Section 6226(b) is amended by adding at the end the following new paragraph:

"(4) TREATMENT OF PARTNERSHIPS AND S CORPORATIONS IN TIERED STRUCTURES.—

"(A) IN GENERAL.—If a partner which receives a statement under subsection (a)(2) is a partnership or an S corporation, such partner shall, with respect to the partner's share of the adjustment—

"(i) file with the Secretary a partnership adjustment tracking report which includes such information as the Secretary may require, and

"(ii)(I) furnish statements under rules similar to the rules of subsection (a)(2), or

"(II) if no such statements are furnished, compute and pay an imputed underpayment under rules similar to the rules of section 6225 (other than paragraphs (2), (7), and (9) of subsection (c) thereof).

"(B) DUE DATE.—For purposes of subparagraph (A), with respect to a partner's share of the adjustment, the partnership adjustment tracking report shall be filed, and the imputed underpayment shall be paid or statements shall be furnished, not later than the due date for the return for the adjustment year of the audited partnership.

"(C) PARTNERSHIP PAYMENT OF TAX IF ELECTED OUT OF SUBCHAPTER.—In the case of a partnership which has elected the application of section 6221(b) with respect to the taxable year of the partnership which includes the end of the reviewed year of the audited partnership, this paragraph shall apply notwithstanding such election.

"(D) AUDITED PARTNERSHIP.—For purposes of this paragraph, the term 'audited partnership' means, with respect to any partner described in subparagraph (A), the partnership in the chain of ownership originally electing the application of this section.

"(E) TREATMENT OF TRUSTS.—The Secretary shall prescribe such rules as may be necessary with respect to trusts which receive a statement under subsection (a)(2).".

(b) CONFORMING AMENDMENTS.—

(1) Section 6226(b)(1) is amended by striking "Each partner's" and inserting "Except as provided in paragraph (4), each partner's". 26 USC 6226.

(2) Section 6226(c)(2) is amended by inserting "or which is described in subsection (b)(4)(A)(ii)(I)," after "is elected,".

SEC. 205. TREATMENT OF FAILURE OF PARTNERSHIP TO PAY IMPUTED UNDERPAYMENT.

(a) IN GENERAL.—Section 6232 is amended by adding at the end the following new subsection:

"(f) FAILURE TO PAY IMPUTED UNDERPAYMENT.—

"(1) IN GENERAL.—If any amount of any imputed underpayment to which section 6225 applies or any specified similar amount (or any interest or penalties with respect to any such amount) has not been paid by the date which is 10 days after the date on which the Secretary provides notice and demand for such payment—

"(A) section 6621(a)(2)(B) shall be applied by substituting '5 percentage points' for '3 percentage points' with respect to such amount, and

"(B) the Secretary may assess upon each partner of the partnership (determined as of the close of the adjustment year or, if the partnership has ceased to exist as of such time, the former partners of the partnership as determined for purposes of section 6241(7)) a tax equal to such partner's proportionate share of such amount (including any such interest or penalties, determined after application of subparagraph (A)).

"(2) SPECIFIED SIMILAR AMOUNT.—For purposes of this subsection, the term 'specified similar amount' means—

"(A) the amount described in subclause (II) of section 6226(b)(4)(A)(ii) (including any failure to satisfy the requirement of subclause (I) of such section which is treated as a failure to pay such amount under section 6651(i)), and

"(B) any amount assessed under paragraph (1)(B) upon a partner which is a partnership.

"(3) PROPORTIONATE SHARE.—For purposes of paragraph (1), a partner's proportionate share is such percentage as the Secretary may determine on the basis of such partner's distributive share. The Secretary shall make determinations under the preceding sentence such that the aggregate proportionate shares so determined total 100 percent.

"(4) COORDINATION WITH PARTNERSHIP LIABILITY.—The liability of the partnership for any amount with respect to which a partner is made liable under paragraph (1) shall be reduced upon payment by the partner of such amount. Paragraph (1)(B) shall not apply with respect to any amount after the date on which such amount is paid by the partnership.

"(5) S CORPORATIONS.—For purposes of this subsection, an S corporation and its shareholders shall be treated in the same manner as a partnership and its partners.

"(6) RULES RELATED TO ASSESSMENT AND COLLECTION.—

"(A) DEFICIENCY PROCEDURES NOT APPLICABLE.—Subchapter B shall not apply to any assessment or collection under this paragraph.

"(B) LIMITATION ON ASSESSMENT.—Except as otherwise provided in this subtitle, no assessment may be made (or proceeding in court begun without assessment) with respect to any partner with respect to an amount under paragraph (1) after the date which is 2 years after the date on which the Secretary provides the notice and demand referred to in paragraph (1) with respect to such amount.".

16 USC 6501.

(b) CONFORMING AMENDMENT.—Section 6501(c)(4)(A) is amended by striking "in this section".

SEC. 206. OTHER TECHNICAL CORRECTIONS RELATED TO PARTNERSHIP AUDIT RULES.

(a) LIMITATION ON AMENDMENT OF STATEMENTS FURNISHED TO PARTNERS NOT APPLICABLE TO PARTNERSHIPS ELECTING OUT OF PARTNERSHIP AUDIT RULES.—Section 6031(b) is amended by striking the last sentence and inserting the following: "Information required to be furnished by the partnership under this subsection may not be amended after the due date of the return under subsection (a) to which such information relates, except—

"(1) in the case of a partnership which has elected the application of section 6221(b) for the taxable year,

"(2) as provided in the procedures under section 6225(c),

"(3) with respect to statements under section 6226, or

"(4) as otherwise provided by the Secretary.".

(b) ADMINISTRATIVE ADJUSTMENT REQUEST AND PARTNERSHIP ADJUSTMENT TRACKING REPORT NOT TREATED AS AMENDED RETURN FOR PURPOSES OF MODIFICATION OF IMPUTED UNDERPAYMENTS.—Section 6225(c)(2), as amended by the preceding provisions of this Act, is amended by adding at the end the following new subparagraph:

"(F) ADJUSTMENTS NOT TREATED AS AMENDED RETURN.—An administrative adjustment request under section 6227 and a partnership adjustment tracking report under section 6226(b)(4)(A) shall not be treated as a return for purposes of this paragraph.".

(c) AUTHORITY TO REQUIRE E-FILING OF MATERIALS IN CONNECTION WITH MODIFICATION OF IMPUTED UNDERPAYMENTS, ETC.—Section 6241, as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(10) AUTHORITY TO REQUIRE ELECTRONIC FILING.—Notwithstanding section 6011(e), the Secretary may require that anything required to be filed or submitted under section 6225(c), or to be furnished to or filed with the Secretary under section 6226, be so filed, submitted, or furnished by magnetic media or in other machine-readable form.".

(d) CLARIFICATION OF ASSESSMENT AUTHORITY.—Section 6226(a) is amended by inserting "(and no assessment of tax, levy, or proceeding in any court for the collection of such underpayment shall be made against such partnership)" after "section 6225 shall not apply with respect to such underpayment".

(e) TREATMENT OF PARTNERSHIP ADJUSTMENTS THAT RESULT IN DECREASE IN TAX IN CASE OF ELECTION TO PUSH OUT ADJUSTMENTS.—Section 6226(b) is amended—

(1) by striking "increased" in paragraph (1) and inserting "adjusted",

(2) by striking "adjustment amounts" each place it appears in paragraphs (1) and (2) and inserting "correction amounts",

(3) by striking "increase" each place it appears in subparagraphs (A) and (B) of paragraph (2) and inserting "increase or decrease",

(4) by striking "plus" at the end of paragraph (2)(A) and inserting "and", and

(5) by striking "ADJUSTMENT AMOUNTS" in the heading of paragraph (2) and inserting "CORRECTION AMOUNTS".

(f) COORDINATION OF STATUTE OF LIMITATION ON FILING ADMINISTRATION ADJUSTMENT REQUEST WITH ADJUSTMENTS RELATED TO FOREIGN TAX CREDITS.—Section 6227 is amended by adding at the end the following new subsection: 10 USC 6227.

"(d) COORDINATION WITH ADJUSTMENTS RELATED TO FOREIGN TAX CREDITS.—The Secretary shall issue regulations or other guidance which provide for the proper coordination of this section and section 905(c).".

(g) CLARIFICATION OF ASSESSMENT OF IMPUTED UNDERPAYMENTS.—

(1) IN GENERAL.—Section 6232(a) is amended by striking "except that in the case of" and all that follows and inserting the following: "except that—

"(1) subchapter B of chapter 63 shall not apply, and

"(2) in the case of an administrative adjustment request to which section 6227(b)(1) applies, the underpayment shall be paid and may be assessed when the request is filed.".

(2) CONFORMING AMENDMENT.—Section 6232(b) is amended—

(A) by striking "assessment of a deficiency" and inserting "assessment of an imputed underpayment", and

(B) by adding at the end the following new flush matter:

"The preceding sentence shall not apply in the case of a specified similar amount (as defined in subsection (f)(2)).".

(h) TIME LIMITATION FOR NOTICE OF PROPOSED ADJUSTMENT.—

(1) IN GENERAL.—Section 6231 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"(b) TIMING OF NOTICES.—

"(1) NOTICE OF PROPOSED PARTNERSHIP ADJUSTMENT.—Any notice of a proposed partnership adjustment shall not be mailed later than the date determined under section 6235 (determined without regard to paragraphs (2) and (3) of subsection (a) thereof).

"(2) NOTICE OF FINAL PARTNERSHIP ADJUSTMENT.—

"(A) IN GENERAL.—Except to the extent that the partnership elects to waive the application of this subparagraph, any notice of a final partnership adjustment shall not be mailed earlier than 270 days after the date on which the notice of the proposed partnership adjustment is mailed.

"(B) STATUTE OF LIMITATIONS ON ADJUSTMENT.—For the period of limitations on making adjustments, see section 6235.".

(2) CONFORMING AMENDMENT.—Section 6231(a) is amended by striking "Any notice of a final partnership adjustment" and all that follows through "Such notices" and inserting "Any notice of a final partnership adjustment".

26 USC 6233.

(i) DEPOSIT TO SUSPEND INTEREST ON IMPUTED UNDERPAYMENT.—Section 6233 is amended by adding at the end the following new subsection:

"(c) DEPOSIT TO SUSPEND INTEREST.—For rules allowing deposits to suspend running of interest on potential underpayments, see section 6603.".

(j) DEPOSIT TO MEET JURISDICTIONAL REQUIREMENT.—The first sentence of section 6234(b) is amended by striking "the amount of the imputed underpayment (as of the date of the filing of the petition)" and inserting "the amount of (as of the date of the filing of the petition) the imputed underpayment, penalties, additions to tax, and additional amounts with respect to such imputed underpayment".

(k) CORRECTIONS RELATED TO PERIOD OF LIMITATION ON MAKING ADJUSTMENTS.—

(1) Section 6235(a) is amended—

(A) by inserting "or section 905(c)" after "Except as otherwise provided in this section", and

(B) by striking "subpart" and inserting "subchapter".

(2) Section 6235(a)(3) is amended by striking "section 6225(c)(7)" and inserting "section 6225(c)(7))".

(3) Section 6235(c)(2) is amended by striking "section 6501(e)(1)(A)" and inserting "subparagraph (A) or (C) of section 6501(e)(1)".

(4) Section 6235(c) is amended by adding at the end the following new subparagraphs:

"(5) INFORMATION REQUIRED TO BE REPORTED.—In the case of a partnership that is required to report any information described in section 6501(c)(8), the time for making any adjustment under this subchapter with respect to any tax return, event, or period to which such information relates shall not expire before the date that is determined under section 6501(c)(8).

"(6) LISTED TRANSACTIONS.—If a partnership fails to include on any return or statement any information with respect to a listed transaction as described in section 6501(c)(10), the time for making any adjustment under this subchapter with respect to such transaction shall not expire before the date that is determined under section 6501(c)(10).".

(5) Section 6235 is amended by striking subsection (d).

(l) TREATMENT OF SPECIAL ENFORCEMENT MATTERS.—Section 6241, as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(11) TREATMENT OF SPECIAL ENFORCEMENT MATTERS.—

"(A) IN GENERAL.—In the case of partnership-related items which involve special enforcement matters, the Secretary may prescribe regulations pursuant to which—

"(i) this subchapter (or any portion thereof) does not apply to such items, and

"(ii) such items are subject to such special rules (including rules related to assessment and collection) as the Secretary determines to be necessary for the effective and efficient enforcement of this title.

"(B) SPECIAL ENFORCEMENT MATTERS.—For purposes of subparagraph (A), the term 'special enforcement matters' means—

"(i) failure to comply with the requirements of section 6226(b)(4)(A)(ii),

"(ii) assessments under section 6851 (relating to termination assessments of income tax) or section 6861 (relating to jeopardy assessments of income, estate, gift, and certain excise taxes),

"(iii) criminal investigations,

"(iv) indirect methods of proof of income,

"(v) foreign partners or partnerships, and

"(vi) other matters that the Secretary determines by regulation present special enforcement considerations.".

(m) UNITED STATES SHAREHOLDERS AND CERTAIN OTHER PERSONS TREATED AS PARTNERS.—Section 6241, as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph: 26 USC 6241.

"(12) UNITED STATES SHAREHOLDERS AND CERTAIN OTHER PERSONS TREATED AS PARTNERS.—

"(A) IN GENERAL.—Except as otherwise provided by the Secretary, in the case of any controlled foreign corporation (as defined in section 957 or 953(c)(1)) which is a partner of a partnership, each United States shareholder (as defined in section 951(b) or 953(c)(1)) with respect to such controlled foreign corporation shall be treated for purposes of this subchapter as a partner of such partnership. For purposes of the preceding sentence, any distributive share of any such United States shareholder with respect to such partnership shall, except as otherwise provided by the Secretary, be equal to such United States shareholder's pro rata share with respect to such controlled foreign corporation (determined under rules similar to the rules of section 951(a)(2)).

"(B) PASSIVE FOREIGN INVESTMENT COMPANIES.—For purposes of subparagraph (A), in the case of a passive foreign investment company (as defined in section 1297), each taxpayer that makes an election under section 1295 with respect to such company shall be treated in the same manner as United States shareholders under subparagraph (A), except that such taxpayer's pro rata share with respect to the passive foreign investment company shall be determined under rules similar to the rules of section 1293(b).

"(C) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations which apply the rules of subparagraph (A) in similar circumstances or with respect to similarly situated persons.".

(n) PENALTIES RELATED TO ADMINISTRATIVE ADJUSTMENT REQUESTS AND PARTNERSHIP ADJUSTMENT TRACKING REPORTS.—

(1) FAILURE TO PAY.—Section 6651 is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) APPLICATION TO IMPUTED UNDERPAYMENT.—For purposes of this section, any failure to comply with section 6226(b)(4)(A)(ii) shall be treated as a failure to pay the amount described in subclause (II) thereof and such amount shall be treated for purposes

of this section as an amount shown as tax on a return specified in subsection (a)(1).".

(2) FAILURE TO FILE PARTNERSHIP ADJUSTMENT TRACKING REPORT.—Section 6698(a) is amended— 26 USC 6698.

(A) in the matter preceding paragraph (1) by inserting ", or a partnership adjustment tracking report under section 6226(b)(4)(A)," after "under section 6031",

(B) in paragraph (1) by inserting ", or such report," after "such return", and

(C) in paragraph (2)—

(i) by inserting "or a report" after "a return", and

(ii) by inserting "or 6226(b)(4)(A), respectively" before the comma at the end.

(3) TAX RETURN PREPARER RELATED PENALTIES.—Section 6696(e)(1) is amended by inserting ", any administrative adjustment request under section 6227, and any partnership adjustment tracking report under section 6226(b)(4)(A)" before the period at the end.

(4) FRIVOLOUS TAX SUBMISSIONS.—Section 6702 is amended by adding at the end the following new subsection:

"(f) PARTNERSHIP ADJUSTMENTS.—An administrative adjustment request under section 6227 and a partnership adjustment tracking report under section 6226(b)(4)(A) shall be treated as a return for purposes of this section.".

(o) ADJUSTED SCHEDULE K–1 TREATED AS PAYEE STATEMENT.—Section 6724(d)(2) is amended by striking "or" at the end of subparagraph (HH), by striking the period at the end of subparagraph (II) and inserting ", or", and by inserting after subparagraph (II) the following new subparagraph:

"(JJ) section 6226(a)(2) (relating to statements relating to alternative to payment of imputed underpayment by partnership) or under any other provision of this title which provides for the application of rules similar to such section.".

(p) OTHER CLERICAL CORRECTIONS.—

(1) Section 6225(c)(7) is amended by striking "submitted pursuant to paragraph (1)" and inserting "filed or submitted under this subsection".

(2) Section 6227(b) is amended by striking "is made" both places it appears and inserting "is filed".

(3) Section 6227(b)(1) is amended by striking "paragraphs (2), (6), and (7)" and inserting "paragraphs (2), (7), and (9)".

(4) Section 6232(b) is amended by striking "this chapter" and inserting "this subtitle (other than subchapter B of this chapter)".

(5) Section 6232(d)(1)(A) is amended by striking "a item" and inserting "an item".

(6) Section 6232(e) is amended by striking "thereof".

(7) Section 6241(5) is amended by striking "sections 6234" and inserting "section 6234".

(8) Section 7485(b) is amended by striking "a partner" and inserting "the partnership".

(9) The heading of the first part of subchapter C of chapter 63 is amended to read as follows: 26 USC prec. 6221.

"PART I—IN GENERAL".

(10) The heading of the second part of subchapter C of chapter 63 is amended to read as follows: 26 USC prec. 6225.

"PART II—PARTNERSHIP ADJUSTMENTS".

(11) The heading of the third part of subchapter C of chapter 63 is amended to read as follows: 26 USC prec. 6231.

"PART III—PROCEDURE".

(12) The heading of the fourth part of subchapter C of chapter 63 is amended to read as follows: 26 USC prec. 6241.

"PART IV—DEFINITIONS AND SPECIAL RULES".

SEC. 207. EFFECTIVE DATE. 26 USC 6031 note.

The amendments made by this title shall take effect as if included in section 1101 of the Bipartisan Budget Act of 2015.

TITLE III—OTHER CORRECTIONS

SEC. 301. AMENDMENTS RELATING TO THE BIPARTISAN BUDGET ACT OF 2015.

(a) AMENDMENTS RELATING TO SECTION 1101.—

(1) Section 6011(e) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULES FOR PARTNERSHIPS.—

"(A) PARTNERSHIPS PERMITTED TO BE REQUIRED TO FILE ON MAGNETIC MEDIA.—In the case of a partnership, paragraph (2)(A) shall be applied by substituting for '250' the following amount:

"(i) In the case of returns and statements relating to calendar year 2018, '200'.

"(ii) In the case of returns and statements relating to calendar year 2019, '150'.

"(iii) In the case of returns and statements relating to calendar year 2020, '100'.

"(iv) In the case of returns and statements relating to calendar year 2021, '50'.

"(v) In the case of returns and statements relating to calendar years after 2021, '20'.

"(B) PARTNERSHIPS REQUIRED TO FILE ON MAGNETIC MEDIA.—Notwithstanding subparagraph (A) and paragraph (2)(A), the Secretary shall require partnerships having more than 100 partners to file returns on magnetic media.".

(2) Section 6011(e)(2) is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1101 of the Bipartisan Budget Act of 2015. 26 USC 6011 note.

SEC. 302. AMENDMENTS RELATING TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENTS RELATING TO SECTION 1253.—

26 USC 168.

(1) Subclause (II) of section 168(e)(3)(B)(vi) is amended by striking "is a qualifying small power production facility" and all that follows and inserting "has a power production capacity of not greater than 80 megawatts, or".

(2) The last sentence of section 168(e)(3)(B) is amended by striking "clause (vi)(I)" and all that follows and inserting "subclause (I) or (II) of clause (vi) by reason of being public utility property.".

26 USC 168 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

TITLE IV—CLERICAL CORRECTIONS AND DEADWOOD

SEC. 401. CLERICAL CORRECTIONS AND DEADWOOD-RELATED PROVISIONS.

(a) CLERICAL CORRECTIONS.—

26 USC prec. 1.

(1) The table of subchapters for chapter 1 is amended by moving the item relating to subchapter R before the item relating to subchapter S.

(2)(A) Sections 22(c)(3)(A)(i)(III), 104(b)(2)(D), 140(a)(3), and 149(b)(3)(A)(i) are each amended by striking "Veterans' Administration" and inserting "Department of Veterans Affairs".

(B) The heading of section 4980H(c)(2)(F) is amended by striking "VETERANS ADMINISTRATION" and inserting "DEPARTMENT OF VETERANS AFFAIRS".

(C) Section 6050H(h)(3)(B)(i) is amended by striking "Veterans Administration" and inserting "Department of Veterans Affairs".

(3) Section 24(d) is amended by redesignating paragraph (5) as paragraph (3).

(4) Section 25C(b)(2) is amended by striking "subsection (c)(2)(B)" and inserting "subsection (c)(3)(B)".

(5) Section 25C(d)(3) is amended—

(A) by striking the period at the end of subparagraph (B) and inserting a comma, and

(B) by striking the period at the end of subparagraph (D) and inserting ", and".

(6) Section 25C(g)(2) is amended by striking "2017.." and inserting "2017.".

26 USC prec. 38.

(7) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended—

(A) by striking the item relating to section 41 which relates to the employee stock ownership credit, and

(B) by moving the item relating to section 45K after the item relating to section 45J.

(8) Section 38(b)(34) is amended by adding a comma at the end.

(9) The heading of section 40(g)(2) is amended by striking "AGGREGRATION" and inserting "AGGREGATION".

(10) The heading of section 42(e)(2)(B) is amended by striking "ETC," and inserting "ETC.,".

(11)(A) Section 42(d)(4)(C)(i) is amended by striking "as defined in paragraph (5)(C)" and inserting "as defined in paragraph (5)(B)(ii)". 26 USC 42.

(B) Section 42(f)(5)(B)(ii)(I) is amended by striking "(d)(6)(C)" and inserting "(d)(6)(B)".

(C) Section 42(k)(2)(B) is amended—

(i) by striking "(d)(6)(B)" and inserting "(d)(6)(C)", and

(ii) by striking "building.." in clause (ii) and inserting "building.".

(D) Section 42(m)(1)(B)(ii)(III) is amended by striking "as defined in subsection (d)(5)(C)" and inserting "as defined in subsection (d)(5)(B)(ii)".

(12) Section 42(h)(5)(C)(ii) is amended by striking "; and" and inserting ", and".

(13) Section 42(i)(3)(D)(ii)(I) is amended by striking the period at the end.

(14) Section 45(c)(6) is amended by striking "section 2(27)" and inserting "section 1004(27)".

(15) Section 45(c)(7)(A)(i)(II) is amended by striking "for purpose" and inserting "for the purpose".

(16) Section 45(c)(7)(A)(i)(III) is amended by striking the period at the end and inserting ", or".

(17) Section 45C(b)(2)(A)(ii)(II) is amended by striking "; and" and inserting ", and".

(18) Section 45D(f)(1)(F) is amended by adding ", and" at the end.

(19) Section 45H(d) is amended by striking "purposes this" and inserting "purposes of this".

(20) Section 48(a)(1) is amended by striking "(3)(B), and (4)(B)" and inserting "and (3)(B)".

(21) Section 48(a)(6)(B) is amended by striking "property energy property" and inserting "energy property".

(22) Section 48(c)(2)(B) is amended by striking "equal $200" and inserting "equal to $200".

(23) Section 48(d)(3) is amended—

(A) by striking "shall" in the matter that precedes subparagraph (A), and

(B) by inserting "shall" before "not" in subparagraph (A).

(24) Section 49(a)(1)(D)(iii) is amended by striking "shareholder" in the last sentence and inserting "shareholder".

(25) Section 50(b)(2)(A) is amended by striking the period at the end and inserting a semicolon.

(26) Section 51(c)(4) is amended by adding a period at the end.

(27) Section 51(d)(3)(A)(ii)(II) is amended by adding a comma at the end.

(28) Section 51(d)(8) is amended by striking "FOOD STAMP RECIPIENT" in the heading thereof and inserting "SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS RECIPIENT".

(29) Section 51(i)(1)(A) is amended by striking "entity," and inserting "entity".

(30) Section 58(a)(2)(A) is amended by striking "461(j)" and inserting "461(k)".

(31) Section 62(a)(20) is amended by inserting a comma after "United States Code".

26 USC 62.

(32) Section 62(e)(1) is amended by striking "(2 U.S.C. 1202)" and inserting "(42 U.S.C. 2000e–16b)".

(33) Section 68(b)(2) is amended by striking "shall be shall be" and inserting "shall be".

(34) The heading of section 82 is amended by striking "for expenses of moving" and inserting "of moving expenses".

(35) The heading of section 84 is amended by striking "political organization" and inserting "political organizations".

(36) Section 105(h)(7)(B) is amended by striking "subparagraph (A)" and inserting "subparagraph (A))".

(37) Section 125(e)(2) is amended by striking "subparagraphs" and inserting "subparagraph".

(38) Section 132(c)(4) is amended by striking "peforming" and inserting "performing".

(39) Section 134(b)(6) is amended by striking "an combat" and inserting "a combat".

(40) Section 137(c) is amended by striking "section 514" in the second sentence and inserting "section 541".

(41) Section 139(c)(2) is amended by striking "federally" and inserting "a federally".

(42) Section 139E(c)(1) is amended by striking "(43 U.S.C. 1601, et seq.)" and inserting "(43 U.S.C. 1601 et seq.)".

(43) Section 139E(c)(3) is amended by striking "2013" and inserting "2014".

26 USC 139E note.

(44) Section 3(a) of the Tribal General Welfare Exclusion Act of 2014 is amended by striking "subsection" and inserting "section".

26 USC prec. 141.

(45) Section 4(c) of such Act is amended by striking "subsection" and inserting "section".

(46) The item relating to section 143 in the table of sections for subpart A of part IV of subchapter B of chapter 1 is amended to read as follows:

"Sec. 143. Mortgage revenue bonds; qualified mortgage bond and qualified veterans' mortgage bond.".

(47) Section 142(d)(2)(C) is amended by inserting "section" before "42(i)(3)(D)".

(48) Section 163(e)(5)(C)(ii) is amended by inserting "in" before "subsection (i)(1)(B)".

(49) Section 168(d)(3)(B)(i) is amended by inserting a comma after "real property".

(50) Section 168(e)(3)(C)(i) is amended by striking "and".

(51) Section 169(d)(5)(B) is amended by inserting "a" before "facility".

(52) Section 170(b)(1)(A)(ix) is amended by inserting "National" before "Agricultural".

(53) Section 172(d)(5) is amended by striking "section 243" and inserting "sections 243".

(54) Section 179D(d)(1)(B) is amended by striking "which" and inserting "such that".

(55) Section 219(f)(1) is amended by striking "term compensation includes" in the last sentence and inserting "term 'compensation' includes".

(56) Section 219(g)(8) is amended by striking "shall each be" and inserting "shall be".

(57) Section 223(c)(2)(C) is amended by striking "section 1871" and inserting "section 1861".

(58) Section 223(d)(2)(A) is amended by striking "section 213(d)" and inserting "section 213(d))". 26 USC 223.

(59) The item relating to section 280H in the table of sections for part IX of subchapter B of chapter 1 is amended to read as follows: 26 USC prec. 261.

"Sec. 280H. Limitation on certain amounts paid to employee-owners by personal service corporations electing alternative taxable years.".

(60) Subparagraphs (F) and (G) of section 263(a)(1) are each amended by striking the semicolon at the end and inserting a comma.

(61) Section 263(a)(1) is amended by redesignating subparagraphs (I) through (L) as subparagraphs (H) through (K), respectively.

(62) Section 280C(a) is amended by striking "and 1396(a)," and inserting "1396(a),".

(63) The heading of section 331 is amended by striking "shareholders" and inserting "shareholder".

(64) Section 338(h)(3)(A)(iii) is amended by striking "paragaraph" and inserting "paragraph".

(65) The second sentence of section 355(h)(2)(B) is amended by striking "of assets".

(66) The heading of subpart C of part III of subchapter C of chapter 1 is amended by striking "**Corporation**" and inserting "**Corporations**". 26 USC prec. 361.

(67) Section 362(a) is amended by striking the comma after "acquired".

(68) Section 368(a)(2)(F)(vii) is amended by striking "(15 U.S.C. 80a-2(36))" and inserting "(15 U.S.C. 80a–2(a)(36))".

(69) Section 401(a)(2) is amended by striking "determination).;" and inserting "determination));".

(70) Section 401(a)(15) is amended by striking "a trust" and inserting "A trust".

(71) Section 401(a)(32)(A) is amended by striking "section section" both places it appears and inserting "section".

(72) Section 401(c)(2)(A)(iii) is amended by striking "sections 3121(d)(3)(A), (C), or (D), without regard to paragraph (2) of section 1402(c)" and inserting "subparagraph (A), (C), or (D) of section 3121(d)(3), without regard to section 1402(c)(2)".

(73) Section 402(i) is amended by striking "subparagraph (A) of subsection (d)(4)" and inserting "subsection (e)(4)(D)(i)".

(74) Section 404A(c)(4)(B) is amended by striking "and" at the end.

(75) Section 408(a)(1) is amended by inserting "or" after "subsection (d)(3)".

(76) Section 408(m)(3)(B) is amended by striking "section 7" and inserting "section 5".

(77) Section 408A(d)(3)(B) is amended by adding a period at the end.

(78) Section 408A(e)(2)(B) is amended by striking "the subparagraph (A)" and inserting "subparagraph (A)".

(79) Section 409(n)(1)(A)(i) is amended by striking "securities,,," and inserting "securities,".

(80) Section 409A(b)(3)(B)(i) is amended by striking the semicolon at the end and inserting a comma.

26 USC prec. 410.

(81) The item relating to section 413 in the table of sections for subpart B of part I of subchapter D of chapter 1 is amended to read as follows:

"Sec. 413. Collectively bargained plans, etc.".

26 USC 411.

(82) Section 411(a)(4)(A) is amended by striking the comma at the end and inserting a semicolon.

(83) Section 412(c)(1)(A) is amended by adding a period at the end.

(84) Section 412(c)(4)(B) is amended by inserting "section" before "433(d)".

(85) Section 412(c)(7)(B)(iii) is amended by striking the comma after "subchapter D".

(86) Section 413(b)(6) is amended by striking "and the last sentence of section 4971(a)" in the last sentence and inserting "and section 4971(e)".

(87) Section 414(l)(2)(G) is amended by striking "BANKS" in the heading thereof and inserting "DEPOSITORY INSTITUTIONS".

(88) Section 414(u)(6) is amended by striking "section 457(b))" and inserting "section 457(b)))".

(89) Section 414(x)(1) is amended by striking "are" and inserting "is".

(90) Section 414(y)(1)(C)(i) is amended by striking "of such Code".

(91) Section 414(y)(2) is amended by striking "subparagraph" and inserting "subparagraphs".

(92) Section 418E is amended by striking "subsection 432(b)(2)" each place it appears and inserting "section 432(b)(2)".

(93) Section 418E(d)(1), as amended by the preceding paragraph, is amended—

(A) by striking "section 432(b)(2),," and inserting "section 432(b)(2),",

(B) by striking "section 432(b)(2),)" and inserting "section 432(b)(2))", and

(C) by striking "compare the value of plan assets" and all that follows through "for that plan year with" and inserting "compare the value of plan assets for that plan year with".

(94) Section 418E(e)(1)(A) is amended to read as follows:

"(A) notify the Secretary and the parties described in section 101(f)(1) of the Employee Retirement Income Security Act of 1974 of that determination, and".

26 USC prec. 401.

(95) The table of subparts for part I of subchapter D of chapter 1 is amended by striking the item relating to subpart C and inserting the following:

"SUBPART C—INSOLVENT PLANS".

(96) Section 419A(c)(6)(B) is amended by striking "(42 U.S.C. 300gg-91(d)(3))" and inserting "(42 U.S.C. 300gg–91(d)(3)))".

(97) Section 420(c)(1)(A) is amended by striking "subsection (e)(1)(D)" and inserting "subsection (e)(1)(E)".

(98) Section 424(g) is amended by striking "section 422(a)(2)" and inserting "sections 422(a)(2)".

(99) Section 430(c)(7)(E)(v)(II) is amended by inserting "the" after "title I of". 26 USC 430.

(100) Section 430(h)(2)(F) is amended by striking "section 417(e)(3)(D)(i)" and inserting "section 417(e)(3)(D)".

(101) Section 431(d)(2)(B)(i) is amended by striking "this Act" and inserting "the Pension Protection Act of 2006".

(102) Section 432(b)(3)(A)(i) is amended by striking "in endangered status for such plan year" and all that follows through ", whether or not" and inserting the following: "in endangered status for such plan year, or would be in endangered status for such plan year but for paragraph (5), whether or not".

(103) Section 432(b)(3)(B) is amended by redesignating the clause (iv) relating to projections of critical and declining status as clause (v).

(104) Section 432(b)(3)(D)(iv) is amended by inserting a comma after "Labor".

(105) Section 432(e)(8)(C)(iii) is amended by striking "the Secretary shall" and inserting "The Secretary shall".

(106) So much of the text of section 432(f)(3) as precedes subparagraph (A) is amended to read as follows: "During the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the date of the adoption of a rehabilitation plan—".

(107) Section 432(g)(1) is amended by striking "subsection (e)(9))" and inserting "subsection (e)(9)".

(108) Section 433(c)(5)(C)(ii)(II) is amended by inserting "of such Act" after "title IV".

(109)(A) The heading for section 433 is amended by inserting "for csec plans" after "funding standards".

(B) The table of sections for subpart A of part III of subchapter D of chapter 1 is amended by adding at the end the following new item: 26 USC prec. 430.

"Sec. 433. Minimum funding standards for CSEC plans.".

(110) The item relating to section 436 in the table of sections for subpart B of part III of subchapter D of chapter 1 is amended to read as follows: 26 USC prec. 436.

"Sec. 436. Funding-based limits on benefits and benefit accruals under single-employer plans.".

(111) The heading of section 453B is amended by striking "loss disposition" and inserting "loss on disposition".

(112) Section 457(f)(4)(C)(i) is amended—

(A) by striking "section 9101" and inserting "section 8101", and

(B) by striking "7801)," and inserting "7801)),".

(113) Section 457A(d)(4) is amended—

(A) by striking "case a foreign" and inserting "case of a foreign", and

(B) by striking "had been" and inserting "been".

(114) Section 458(b)(9) is amended by striking "REPURCHASED" in the heading thereof and inserting "REPURCHASE".

(115) Section 458(c)(1) is amended by striking "regulations prescribed" and inserting "regulations prescribe".

(116) Section 460(b)(2)(A) is amended by inserting a comma after "first".

26 USC 461.

(117)(A) Section 461 is amended by redesignating the second subsection (j) (relating to farming syndicate defined) as subsection (k).

(B) Section 461(i)(4) is amended by striking "subsection (j)" and inserting "subsection (k)".

(118) The heading of section 464 is amended by inserting "expenses" after "farming".

(119) Section 464(d)(2)(B)(iii) is amended by striking "subsection (c)(2)(E)" and inserting "section 461(k)(2)(E)".

(120) Section 470(d)(2)(B) is amended by striking "clause (ii)" and inserting "subparagraph (A)(ii)".

26 USC prec. 501.

(121) The item relating to part VIII in the table of parts for subchapter F of chapter 1 is amended to read as follows:

"PART VIII. CERTAIN SAVINGS ENTITIES".

(122) Section 501(c)(14)(B)(iv) is amended by adding a period at the end.

(123) Section 501(c)(19)(B) is amended by striking "widows,," and inserting "widows,".

(124) Section 501(f)(3)(B) is amended by striking "section 115(a)" and inserting "section 115".

26 USC prec. 511.

(125) The item relating to section 511 in the table of sections for part III of subchapter F of chapter 1 is amended to read as follows:

"Sec. 511. Imposition of tax on unrelated business income of charitable, etc., organizations.".

(126) Section 512(b)(19)(H)(iii) is amended by striking "clause (i)(II)" and inserting "clause (i)".

(127) Section 529(c)(6) is amended by striking "an Coverdell" and inserting "a Coverdell".

(128) Section 529(e)(3)(A) is amended—

(A) by striking the semicolon at the end of clause (i) and inserting a comma, and

(B) by adding ", and" at the end of clause (ii).

(129) Section 529A(d)(4) is amended by striking "Achieving a Better Life Experience Act of 2014" and inserting "Stephen Beck, Jr., ABLE Act of 2014".

(130) Section 529A(e)(4) is amended by striking "subparagraph section" and inserting "section".

(131) Section 530(d)(9)(B) is amended by striking "by the" and inserting "by".

(132) Section 542(c)(5) is amended by striking the comma at the end and inserting a semicolon.

(133) Section 542(c)(7) is amended by striking "A small" and inserting "a small".

(134) Section 543(a)(2)(B)(ii) is amended by striking "section 563(d)" and inserting "section 563(c)".

(135) Section 543(d)(5)(A)(ii) is amended by striking "section 563(d)" and inserting "section 563(c)".

(136) Section 613A(c)(7)(B) is amended by striking "taxpayers" and inserting "taxpayer's".

(137) Section 642(c)(1) is amended by striking "other then" and inserting "other than".

(138) The item relating to section 661 in the table of sections for subpart C of part I of subchapter J of chapter 1 is amended to read as follows:

26 USC prec. 661.

"Sec. 661. Deduction for estates and trusts accumulating income or distributing corpus.".

(139) Section 706(b)(5) is amended by striking "section 584(h)" and inserting "section 584(i)". 26 USC 706.

(140) Section 751(c) is amended by striking "and, sections" both places it appears and inserting "and sections".

(141) Section 807(e)(5)(A)(i) is amended by striking "subparagraph (C)" and inserting "subparagraph (B)".

(142) Section 831(c) is amended by striking "section 816(a))." and inserting "section 816(a).".

(143) Section 832(b)(7)(E)(ii)(II) is amended by striking the comma at the end and inserting a period.

(144) Section 852(a)(1)(B) is amended by striking "265," and inserting "265 and".

(145) Section 852(b)(2)(D) is amended by striking "the deduction" and inserting "The deduction".

(146) Subparagraphs (A) and (B) of section 856(c)(7) are each amended by striking "paragraph (4)(B)(iii)" and inserting "paragraph (4)(B)(iv)".

(147) Paragraphs (1), (3), (4), and (5) of section 856(m) are each amended by striking "subsection (c)(4)(B)(iii)" and inserting "subsection (c)(4)(B)(iv)".

(148) Section 857(b)(6)(J) is amended by striking "section 856(c)(8)" and inserting "section 856(c)(10)".

(149) Section 860(f)(2)(A)(ii) is amended by striking "decreased" and inserting "decrease".

(150) Section 860(i) is amended by striking "willfull" and inserting "willful".

(151) Section 860G(a)(3)(A)(iii)(III) is amended by striking the period at the end and inserting a comma.

(152) Section 864(d)(8) is amended by striking "section 956(b)(3)" and inserting "section 956(c)(3)".

(153) Section 877(d)(4)(B)(i) is amended by striking "in 957" and inserting "in section 957".

(154) Section 877A(g)(6) is amended by striking "220(e)(4)" and inserting "220(f)(4)".

(155) Section 897(a)(1)(A) is amended by striking "section 871(B)(1)" and inserting "section 871(b)(1)".

(156) The heading of section 897(k)(2) is amended by striking "USRPI" and inserting "UNITED STATES REAL PROPERTY INTEREST".

(157) Section 904(d)(2)(B)(ii) is amended—

(A) by striking ", except as provided in subparagraph (E)(iii) or paragraph (3)(I),", and

(B) by inserting "subparagraph (E)(ii), or paragraph (3)(H)," after "Except as provided in clause (iii),"

(158) Section 907(c)(3)(C) is amended by striking the period after "partnerships" and inserting a comma.

(159) Section 907(f)(1) is amended by striking "year," and inserting "years,".

(160) Section 911(d)(8)(B)(i) is amended by striking "(50 U.S.C. App. 1 et seq.)" and inserting "(50 U.S.C. 4301 et seq.)".

26 USC 912.

(161) Section 912(1)(B) is amended by striking "(50 U.S.C., sec. 403e)" and inserting "(50 U.S.C. 3505)".

(162) Section 956(c)(2)(E) is amended by striking "which are not contracts described in section 953(a)(1)" and inserting "which are contracts described in section 953(e)(2)".

(163) Section 956(e) is amended by striking "provisons" and inserting "provisions".

(164) Section 957(b) is amended by striking "contracts described in section 953(a)(1)" and inserting "contracts not described in section 953(e)(2)".

(165) The heading of section 993 is amended by inserting "and special rules" after "definitions".

(166) Section 1016(a)(3)(D) is amended by inserting "as in effect prior to its repeal by the Tax Reform Act of 1986" before "(or the corresponding provisions of prior income tax laws)".

(167) Section 1033(h)(2) is amended by inserting "is" before "located".

(168) Section 1035(a)(1) is amended by striking "; or" and inserting a semicolon.

(169) Section 1059(d)(3) is amended by striking "; except that" and all that follows and inserting "and there shall not be taken into account any day which is more than 2 years after the date on which such share becomes ex-dividend.".

(170) Section 1092(a)(2)(B) is amended by striking "with respect other" in the last sentence and inserting "with respect to other".

(171) Section 1092(c)(4)(E) is amended by striking "(other than subparagraph (B) thereof)".

26 USC prec. 1221.

(172) The item relating to section 1222 in the table of sections for part III of subchapter P of chapter 1 is amended to read as follows:

"Sec. 1222. Other terms relating to capital gains and losses.".

26 USC prec. 1231.

(173) The item relating to section 1252 in the table of sections for part IV of subchapter P of chapter 1 is amended to read as follows:

"Sec. 1252. Gain from disposition of farm land.".

(174) Section 1250(d)(3) is amended by striking "paragraph (9)" and inserting "paragraph (6)".

(175) Section 1255(b)(2) is amended by striking "170(e)," and inserting "170(e)".

(176)(A) Subparagraphs (B) and (C) of section 1256(e)(3) are each amended by striking "section 464(e)(2)" and inserting "section 461(k)(4)".

(B) Section 1258(d)(5)(C) is amended by striking "section 464(e)(2)" and inserting "section 461(k)(4)".

(177) Section 1257(c)(1) is amended—

(A) by striking "section 1201(4)" and inserting "section 1201(a)(7)", and

(B) by striking "16 U.S.C. 3801(4)" and inserting "16 U.S.C. 3801(7)".

(178) Section 1257(c)(2) is amended—

(A) by striking "section 1201(6)" and inserting "section 1201(a)(10)", and

(B) by striking "16 U.S.C. 3801(6)" and inserting "16 U.S.C. 3801(10)".

(179) Section 1274(b)(3)(B)(i) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 6662(d)(2)(C)(ii)". 26 USC 1274.

(180) Section 1276(a)(4) is amended by striking "871(a),," and inserting "871(a),".

(181) Section 1278(b)(1) is amended by striking "871(a),," and inserting "871(a),".

(182) Section 1286(f) is amended by striking "and 305(e)," and inserting "and section 305(e),".

(183) Section 1291(e) is amended by striking "subsections (c) and (d) (e)," and inserting "subsections (c), (d), and (e)".

(184) Section 1298(b)(5)(B) is amended by striking "section 951(f)" and inserting "section 951(c)".

(185) Section 1298(d)(2)(A) is amended by striking "section 1296(a)(2)" and inserting "section 1297(a)(2)".

(186) Section 1298(e)(2)(B)(ii) is amended by striking "provisons" and inserting "provisions".

(187) Section 1355(f)(3) is amended by striking "of which" and inserting "on which".

(188) Section 1358(b)(1) is amended by striking "section 1352(a)(2)" and inserting "section 1352(2)".

(189) Section 1358(c)(2) is amended by striking "an person's" and inserting "a person's".

(190) Sections 1361(f)(2), 1362(d)(3)(C)(v), and 4975(d)(16)(A) are each amended by striking "1813(w)(1))," and inserting "1813(w)(1))),".

(191) Section 1362(f) is amended by striking "may be during" and inserting "may be, during".

(192) Section 1366(e) is amended by striking "section 704(e)(3)" and inserting "section 704(e)(2)".

(193) Section 1368(f)(2) is amended by striking "in included" and inserting "is included".

(194) Section 1391(g)(3)(E)(ii) is amended by striking "Interior" and inserting "the Interior".

(195) Section 1394(b)(3)(B)(i)(II) is amended by striking "subsection" and inserting "subsections".

(196) Section 1397C(d)(5)(B) is amended by striking "subparagraphs (A) or (B)" and inserting "subparagraph (A) or (B)".

(197) Section 1402(a)(1) is amended—

(A) by striking "section 1233(2)" and inserting "section 1233(a)(2)", and

(B) by striking "16 U.S.C. 3833(2)" and inserting "16 U.S.C. 3833(a)(2)".

(198) Section 1402(b) is amended by striking "3211,." and inserting "3211.".

(199) The heading of section 1446 is amended by striking "withholding tax" in the heading and inserting "withholding of tax".

(200) Section 2031(c)(1) is amended by striking all that follows subparagraph (A) and inserting the following:

"(B) $500,000.".

(201) Section 2031(c)(2) is amended by striking "paragraph (5))." and inserting "paragraph (5))).".

(202) Section 2055(e)(3)(G) is amended by striking "subparagraph (J)" and inserting "subparagraph (J))".

26 USC 2106.

(203) Section 2106(a)(4) is amended by inserting "section" before "2058(a)".

(204) Section 2522(c)(1) is amended by striking "to of for" and inserting "to or for".

(205) Section 2523(g)(1) is amended by striking "noncharitable beneficiary" and inserting "beneficiary who is not a charitable beneficiary".

(206) Section 2523(g)(2) is amended by striking "noncharitable" and inserting "charitable".

(207) Section 3101(a) is amended by adding a period at the end.

(208) Section 3111(e)(5)(B) is amended by inserting "the" before "meaning".

(209) Section 3121(b)(5)(B)(i)(V) is amended by striking "section 105(e)(2)" and inserting "section 104(e)(2)".

(210) Section 3121(b)(5)(H)(i) is amended by striking "1997" and inserting "1997,".

(211) Section 3304(a)(4)(G)(ii) is amended by striking "section 6402(f)(4)(B)" and inserting "section 6402(f)(4)(C)".

(212) Section 3306(b)(5)(F) is amended by striking the semicolon at the end and inserting a comma.

(213) Section 3306(c)(19) is amended by striking "Service" and inserting "service".

(214) Section 3306(u) is amended by striking "25 U.S.C. 450b(e)" and inserting "25 U.S.C. 5304(e)".

(215) Section 3306(v) is amended by striking "this part" and inserting "this section".

(216) Section 3309(d) is amended by striking "25 U.S.C. 450b(e)" and inserting "25 U.S.C. 5304(e)".

(217)(A) Paragraphs (1), (2), (3), (4)(B), (5), (6), (8)(A)(ii), (8)(B), (8)(D), (9), (10)(B), (11), (12)(A), (12)(B), (12)(C), (13), (14), and (15) of section 3401(a) are each amended by striking "; or" at the end and inserting a comma.

(B) Paragraphs (4)(A), (8)(A)(i), (8)(C), (10)(A), (12)(D), and (22) of section 3401(a) are each amended by striking "; or" at the end and inserting ", or".

(C) Section 3401(a)(12)(E) is amended by striking ", or" at the end and inserting a comma.

(D) Paragraphs (16)(A), (16)(B), (17), (18), (19), (20), and (21) of section 3401(a) are each amended by striking the semicolon at the end and inserting a comma.

(218) Section 3509(d)(1)(C) is amended by striking "sections" and inserting "section".

(219) Section 4051(a)(3) is amended by striking "Secretary." and inserting "Secretary).".

(220) Section 4104(a)(1) is amended by striking "section" and inserting "sections".

(221) Section 4221(a) is amended by striking "section 4051," and inserting "section 4051".

26 USC prec. 4261.

(222) The item relating to part III in the table of parts for subchapter C of chapter 33 is amended by striking "relating" and inserting "applicable".

(223) Section 4612(e)(2)(B)(ii)(I) is amended by striking "tranferred" and inserting "transferred".

(224) Section 4958(f)(1)(D) is amended by striking the period at the end and inserting a comma.

(225) Section 4971(b) is amended by striking "minimum required contribution," and all that follows through "whichever is applicable" and inserting the following: "minimum required contribution, accumulated funding deficiency, or CSEC accumulated funding deficiency, whichever is applicable". 26 USC 4971.

(226) Section 4971(c)(3) is amended by striking "applicable and" and inserting "applicable, and".

(227) Section 4971(f) is amended by striking "applicable for" and inserting "applicable, for".

(228) Section 4971(g)(4)(C)(ii) is amended by striking "section 432(i)(9)" and inserting "section 432(j)(9)".

(229) Section 4975(d)(3) is amended by striking "an leveraged" and inserting "a leveraged".

(230) Section 4975(d)(17) is amended by striking "Any" and inserting "any".

(231) Section 4975(d)(21) is amended by striking "person person" and inserting "person".

(232) Section 4975(f)(8)(C)(iv)(II) is amended by inserting "subsection" before "(d)(17)(A)(ii)".

(233) Section 4975(f)(8)(F)(i)(I) is amended by striking "adviser," and inserting "adviser".

(234) Section 4975(f)(8)(F)(i)(V) is amended by inserting "of" before "the manner".

(235) Section 4980B(f)(1) is amended by striking "section 2162 of the Public Health Service Act" and inserting "section 1928(h)(6) of the Social Security Act (42 U.S.C. 1396s(h)(6))".

(236) Section 4980B(f)(5)(C)(iii) is amended by striking "section 2701(c)(2)" and inserting "section 2704(c)(2)".

(237) Section 4980I(b)(3)(C)(iv) is amended by striking the comma at the end and inserting a period.

(238) Section 4980I(b)(3)(C)(v) is amended by striking "for for" and inserting "for".

(239) Section 5054(a)(3)(B) is amended by striking "sections" and inserting "section".

(240) Section 5066(d) is amended by striking "section 5001(a)(5)" and inserting "section 5001(a)(4)".

(241) The item relating to subpart C in the table of subparts for part II of subchapter A of chapter 51 is amended to read as follows: 26 USC prec. 5101.

"SUBPART C. RECORDKEEPING AND REGISTRATION BY DEALERS".

(242) The item relating to section 5178 in the table of sections for subchapter B of chapter 51 is amended to read as follows: 26 USC prec. 5171.

"Sec. 5178. Premises of distilled spirits plants.".

(243) Section 5182 is amended by striking "section 5112" and inserting "section 5121".

(244) Section 5273(e)(2) is amended by striking "section 5001(a)(6)" and inserting "section 5001(a)(5)".

(245) Section 5314(a)(2) is amended by striking "section 5001(a)(10)" and inserting "section 5001(a)(9)".

(246) Section 5392(f) is amended by striking "section 17(a)(5)" and inserting "section 117(a)(5)".

(247) Section 5512 is amended by striking "section 5001(a)(7)" and inserting "section 5001(a)(6)".

26 USC 5601.

(248) Section 5601(a)(15) is amended by striking "Withdraws," and inserting "withdraws,".

(249) The heading of section 5603 is amended by inserting a comma after "returns".

(250) Section 5701(e) is amended by striking "manufacturered" and inserting "manufactured".

26 USC prec. 5841.

(251) The item relating to section 5847 in the table of sections for part I of subchapter B of chapter 53 is amended to read as follows:

"Sec. 5847. Effect on other laws.".

(252) Section 5847 is amended by striking "section 414 of the Mutual Security Act of 1954" and inserting "section 38 of the Arms Export Control Act (22 U.S.C. 2778)".

26 USC prec. 5851.

(253) The item relating to section 5852 in the table of sections for part II of subchapter B of chapter 53 is amended to read as follows:

"Sec. 5852. General transfer and making tax exemption.".

26 USC prec. 5851.

(254) The item relating to section 5853 in the table of sections for part II of subchapter B of chapter 53 is amended to read as follows:

"Sec. 5853. Transfer and making tax exemption available to certain governmental entities.".

(255) Section 6012(a)(6) is amended by striking "and" at the end.

(256) Section 6012(a)(7) is amended by striking the period at the end and inserting "; and".

(257) Section 6012(a)(8) is amended by striking "section 63(c)(2)(D)." and inserting "section 63(c)(2)(C);".

(258) Section 6033(b)(15) is amended by striking the period at the end and inserting ", and".

(259) Section 6039(d)(2) is amended to read as follows:

"(2) the term 'employee stock purchase plan', see section 423(b).".

(260) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6041 the following new item:

"Sec. 6041A. Returns regarding payments of remuneration for services and direct sales.".

26 USC prec. 6041.

(261) The item relating to section 6050I in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended to read as follows:

"Sec. 6050I. Returns relating to cash received in trade or business, etc.".

26 USC prec. 6041.

(262) The item relating to section 6050W in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended to read as follows:

"Sec. 6050W. Returns relating to payments made in settlement of payment card and third party network transactions.".

26 USC prec. 6041.

(263) Section 6050H(h)(3)(B)(i) is amended by striking "Rural Housing Administration" and inserting "Rural Housing Service".

(264) Section 6058(e) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(265) Section 6059(b)(3)(B) is amended—

(A) by striking "the requirements" and inserting "that the requirements", and

(B) by striking the period at the end and inserting a comma.

(266) Section 6091(b)(2)(B)(ii) is amended by striking "and" at the end.

(267) Section 6103(l)(7) is amended by striking "OF 1977" in the heading thereof.

(268) Section 6103(l)(10)(A) is amended by striking "request made under subsection (f)(5)" and inserting "notice submitted under subsection (f)(5)(C)".

(269) Section 6103(l)(10) is amended by striking so much of subparagraph (B) as precedes "Any" and inserting the following:

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—(i)".

(270) Section 6103(l)(16)(A) is amended by striking "subsection 6103(b)(6)" and inserting "section 6103(b)(6)".

(271) Section 6103(p)(3)(A) is amended by striking "subsections" and inserting "subsection".

(272) Section 6103(p)(3)(C)(ii) is amended by striking the comma at the end and inserting a period.

(273) Section 6103(p)(4) is amended by striking "7(A)(ii)" in the matter preceding subparagraph (A) and inserting "(7)(A)(ii)".

(274) Section 6103(p)(4)(F)(ii) is amended—

(A) by striking "subsections" and inserting "subsection", and

(B) by striking "subsection (l)(21),,," and inserting "subsection (l)(21),".

(275) Section 6103(p)(4) is amended by striking "subsection (l)(21),," both places it appears in the flush matter at the end and inserting "subsection (l)(21),".

(276) Section 6109(f) is amended by striking "OF 1977" in the heading thereof.

(277) Section 6213(g)(2)(O) is amended by adding a comma at the end.

(278) Section 6213(g)(2)(P) is amended—

(A) by striking "section 24(h)(2)" and inserting "section 24(g)(2)", and

(B) by striking "subsection (h)(1)" and inserting "subsection (g)(1)".

(279) Section 6302(e)(2)(A) is amended by striking "sections" and inserting "section".

(280) Section 6311(d)(3)(D) is amended—

(A) by striking "section 103(f)" and inserting "section 103(g)", and

(B) by striking "1602(f)" and inserting "1602(g)".

(281) Section 6330(c) is amended by striking "subsection (d)(2)(B)" in the last sentence and inserting "subsection (d)(3)(B)".

(282) Section 6330(d)(2) is amended by striking ", and" at the end and inserting a period.

26 USC 6334.

(283) Section 6334(a)(10)(A) is amended by striking "V,," and inserting "V,".

(284) Section 6342(a) is amended by striking "subsection (c)(2)" and inserting "subsection (d)(2)".

(285) Section 6402(a) is amended by striking "(f) refund" and inserting "(f), refund".

(286) Section 6402(c) is amended by striking "of of" and inserting "of".

(287) Section 6402(d)(2) is amended by striking "section 402(a)(26) of the Social Security Act" and inserting "section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3))".

(288) Section 6404(g)(2)(E) is amended by striking "section 6664(d)(2)(A)" and inserting "section 6664(d)(3)(A)".

(289) Section 6420(i)(4) is amended by striking "State and" and inserting "State (and".

(290) Section 6421(c) is amended by striking "(4) (5)" and inserting "(4), (5)".

(291) Section 6421(j)(3) is amended by striking "State and" and inserting "State (and".

(292) Section 6422 is amended—

(A) by striking paragraph (7),

(B) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively, and

(C) by striking "for credit" in paragraph (10) as so redesignated and inserting "For credit".

(293) Section 6425(c)(1)(A) is amended by striking "The sum" and inserting "the sum".

(294) Section 6426(b)(2)(A)(ii) is amended by striking "cents.." and inserting "cents.".

(295) Section 6501(m) is amended by striking "any election" and all that follows through "(or any" and inserting the following: "any election under section 30B(h)(9), 30C(e)(4), 30D(e)(4), 35(g)(11), 40(f), 43, 45B, 45C(d)(4), 45H(g), or 51(j) (or any".

(296) Section 6503(a)(1) is amended by striking "section 6230(a))." and inserting "section 6230(a))".

(297) Section 6612(c) is amended—

(A) by inserting "sections" before "2014(e)", and

(B) by striking "and 6420" and inserting "6420".

26 USC prec. 6651.

(298) The item relating to section 6651 in the table of sections for part I of subchapter A of chapter 68 is amended to read as follows:

"Sec. 6651. Failure to file tax return or to pay tax.".

(299) Each of the following sections are amended by inserting "an amount equal to" after "increased by" and by inserting "for the calendar year" after "section 1(f)(3)":

(A) Section 6651(i).

(B) Section 6652(c)(7)(A).

(C) Section 6695(h)(1).

(D) Section 6698(e)(1).

(E) Section 6699(e)(1).

(F) Section 6721(f)(1).

(G) Section 6722(f)(1).

(300) Section 6652(e) is amended by striking "section 6724(d)(2)(Y)" in the last sentence and inserting "section 6724(d)(2)(AA)".

(301) Section 6654(a) is amended by striking "chapter 1 the tax" and inserting "chapter 1, the tax". 26 USC 6654.

(302) Section 6654(f)(3) is amended by striking "taxes" and inserting "tax".

(303) Section 6662(d)(3) is amended by striking "section 6664(d)(2)" and inserting "section 6664(d)(3)".

(304) Section 6662 is amended by moving subsection (i) before subsection (j).

(305) The heading of section 6676(c) is amended by striking "REASONABLE BASIS" and inserting "REASONABLE CAUSE".

(306) The item relating to section 6684 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows: 26 USC prec. 6671.

"Sec. 6684. Assessable penalties with respect to liability for tax under chapter 42.".

(307) The item relating to section 6686 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows: 26 USC prec. 6671.

"Sec. 6686. Failure to file returns or supply information by DISC or former FSC.".

(308) Section 6679(a)(1) is amended by striking "section 6046 and 6046A" and inserting "section 6046 or 6046A".

(309) Section 6695(h)(2) is amended by striking "subparagraph (A)" and inserting "paragraph (1)".

(310) Section 6695(h)(2)(B) is amended by striking "clause (i)" and inserting "subparagraph (A)".

(311) Section 6696(a) is amended by striking "section 6694," and inserting "sections 6694,".

(312) Section 6696(d)(1) is amended by striking "section 6695," and inserting "6695,".

(313) Section 6698(b)(2) is amended by adding a period at the end.

(314) Section 6700(a) is amended by striking "the $1,000" and inserting "$1,000".

(315) Section 6724(d)(1)(B)(xx) is amended by striking "or" at the end.

(316) Section 6724(d)(1)(B)(xxi) is amended by striking "and" at the end.

(317) Section 6724(d)(1) is amended by striking "Such term also includes" and inserting the following:

"Such term also includes".

(318) Section 6724(d)(2)(F) is amended by striking the period at the end and inserting a comma.

(319) Section 6724(d)(2)(M) is amended by striking "(h)(2) relating" and inserting "(h)(2) (relating".

(320) Section 6724(d)(2)(DD) is amended by adding a comma at the end.

(321) Section 6863(a) is amended by striking "6852,," and inserting "6852,".

(322) Section 6901(a)(1)(B) is amended by striking "Code in" and inserting "Code, in".

(323) Section 7275(b)(2) is amended by striking "taxes, shall" and inserting "taxes,".

(324) Section 7421(b)(2) is amended by striking "Code in" and inserting "Code, in".

(325)(A) Subsections (e) and (i) of section 7422 and sections 3121(b)(5)(E), 6110(j)(1)(B), 7428(a), and 7430(c)(6) are each

amended by striking "United States Claims Court" and inserting "United States Court of Federal Claims".

(B) Subsections (a), (b), and (c)(1)(C)(iii) of section 7428 are each amended by striking "Claims Court" and inserting "Court of Federal Claims". 26 USC 7428.

(C) The heading of section 4961(c)(1) is amended by striking "UNITED STATES CLAIMS COURT" and inserting "UNITED STATES COURT OF FEDERAL CLAIMS".

(D) Section 6672(c)(2) is amended by striking "Court of Claims" and inserting "Court of Federal Claims".

(326) The item relating to section 7448 in the table of sections for part I of subchapter C of chapter 76 is amended to read as follows: 26 USC prec. 7441.

"Sec. 7448. Annuities to surviving spouses and dependent children of judges and special trial judges.".

(327) Section 7448(j)(1)(A) is amended by striking "Code,)," and inserting "Code),".

(328) Section 7448(m) is amended by striking "Code," and inserting "Code),".

(329) Section 7454(b) is amended by striking "4955),," and inserting "4955),".

(330) Section 7654(d)(1) is amended by striking "50 App. U.S.C. 501 et seq." and inserting "50 U.S.C. 3901 et seq.".

(331) Section 7701(a)(36)(B) is amended by striking "an 'tax" and inserting "a 'tax".

(332) Section 7701(e)(5)(B) is amended by striking "Reconcilation" and inserting "Reconciliation".

(333) Section 7801(a)(2)(B) is amended—

(A) by striking "this Act" and inserting "the Homeland Security Act of 2002", and

(B) by striking "effective date of the Homeland Security Act of 2002" and inserting "effective date of such Act".

(334) Section 7809(c)(1) is amended by striking "Work" and inserting "work".

(335) Section 7851(a)(1)(A) is amended by striking ", 4".

(336) Section 7851(a)(1)(B) is amended by striking "Chapters 3 and 5" and inserting "Chapter 3".

(337) Section 7871(c)(3)(D)(ii)(II) is amended by striking "calender" and inserting "calendar".

(338) Section 9003(b)(2) is amended by striking "section 9006(d)" and inserting "section 9006(c)".

(339) Section 9011(b)(1) is amended by striking "contrue" and inserting "construe".

(340) Section 9502(d)(2) is amended by striking "farms," and inserting "farms),".

(341) Section 9503(c)(5) is amended by striking "and before October 1, 2011,".

(342) Section 9508(c)(1) is amended by striking "the Public" and inserting "Public".

(343) Section 9701(a)(4) is amended by striking "section 9713A" and inserting "section 9712".

(344) Section 9704(d)(2)(B) is amended by striking "1232))," and inserting "1232),".

(345) Section 9705(b)(1) is amended by striking "1232(h)" and inserting "1232".

(346) Section 9705(b)(2) is amended by striking "Acts" and inserting "Act". 26 USC 9705.

(347) Section 9711(c)(4)(B) is amended by striking "paragraph (4)(C)" and inserting "paragraph (3)(C)".

(348) Section 9712(a)(4)(A) is amended by inserting "section 402 of" after "subsections (h) and (i) of".

(349) Section 9812(a)(3)(B)(i) is amended by striking the comma at the end and inserting a period.

(350) Section 302 of division P of the Consolidated Appropriations Act, 2016 is amended— 26 USC 48.

(A) in subsection (a), by inserting "of the Internal Revenue Code of 1986" after "section 48(a)(5)(C)", and

(B) in subsection (b), by inserting "of such Code" after "section 48(a)".

(351) Section 32103(a) of the Fixing America's Surface Transportation Act is amended by striking "section 52106" and inserting "section 32102". 26 USC 6303.

(352) Section 7518(i) is amended—

(A) by striking "section 607(k) of the Merchant Marine Act, 1936" and inserting "chapter 535 of title 46, United States Code,", and

(B) by striking "such section 607(k)" and inserting "such chapter".

(b) GENERAL DEADWOOD-RELATED PROVISIONS.—

(1) Section 25A(c)(1) is amended by striking "($5,000 in the case of taxable years beginning before January 1, 2003)".

(2) Section 26(b)(2) is amended by striking subparagraph (P).

(3) Section 30C(e) is amended by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(4) Section 32(l) is amended by striking ", and any payment made to such individual (or such spouse) by an employer under section 3507,".

(5)(A) Section 38(c)(5) is amended—

(i) by striking all that precedes subparagraph (C) thereof and inserting the following:

"(5) RULES RELATED TO ELIGIBLE SMALL BUSINESSES.—",

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively, and

(iii) by amending subparagraph (B) (as so redesignated) to read as follows:

"(B) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—For purposes of paragraph (4)(B)(ii), any credit determined under section 41 with respect to a partnership or S corporation shall not be treated as a specified credit by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (A) for the taxable year in which such credit is treated as a current year business credit.".

(B) Section 38(c)(2)(A)(ii)(II) is amended by striking "the eligible small business credits,".

(C) Section 38(c)(4)(A)(ii)(II) is amended by striking "the eligible small business credits and".

(D) Section 38(c)(4)(B)(ii) is amended by striking "(as defined in paragraph (5)(C), after application of rules similar to the rules of paragraph (5)(D))" and inserting "(as defined

in paragraph (5)(A) after application of the rules of paragraph (5)(B))".

26 USC 39.

(E) Section 39(a) is amended by striking paragraph (4).

(F) Section 39(a)(3)(A) is amended by striking "or the eligible small business credits".

(6) Section 41(c)(4)(A), as amended by the preceding provisions of this Act, is amended by striking "(12 percent in the case of taxable years ending before January 1, 2009)".

(7) Section 56(b)(1)(E) is amended by striking the last sentence.

(8) Section 56(d)(1)(A)(ii)(I) is amended by inserting "(as in effect before its repeal by the Tax Increase Prevention Act of 2014)" after "section 172(b)(1)(H)".

(9) Section 126(a) is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(10)(A) Section 139(c)(2) is amended by striking "section 165(h)(3)(C)(i)" and inserting "section 165(i)(5)(A)".

(B) Section 7508A(a) is amended by striking "section 165(h)(3)(C)(i)" and inserting "section 165(i)(5)(A)".

(11) Section 140(a) is amended by striking paragraph (2) and by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(12) Section 163(d)(4) is amended by striking subparagraph (E).

(13)(A) Section 168 is amended by striking subsection (n).

26 USC 168 note.

(B) The amendment made by this paragraph shall not apply to property placed in service before the date of the enactment of this Act.

(14) Section 170(e)(3) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(15)(A) Section 179 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(B) Section 179(d)(1)(B)(ii) is amended by striking "subsection (f)" and inserting "subsection (e)".

26 USC 179 note.

(C) The amendments made by this paragraph shall not apply to property placed in service before the date of the enactment of this Act.

(16) Section 196(d) is amended—

(A) by striking "in the case of—" and all that follows and inserting "in the case of the investment credit determined under section 46 (other than the rehabilitation credit).", and

(B) by striking "AND RESEARCH CREDIT" in the heading thereof.

(17) Section 246A(b)(1) is amended by striking "without regard to section 243(d)(4)".

(18) Section 381(c)(16) is amended by striking the second sentence.

(19) Section 411(a)(3)(F)(i) is amended by striking "under section 418D or".

(20) Section 415(g) is amended by striking "subsection (f)(3)" and inserting "subsection (f)(2)".

(21)(A) Section 419(e)(3)(A) is amended by striking "(17), or (20)" and inserting "or (17)".

(B) Section 419A(g)(1) is amended by striking "(17), or (20)" and inserting "or (17)".

(C) Section 419A(g)(2) is amended by striking "(17), or (20)" and inserting "or (17)". 26 USC 419A.

(D) Section 505 is amended—

(i) in the heading thereof, by striking "paragraph (9), (17), or (20)" and inserting "paragraph (9) or (17)",

(ii) in the heading of subsection (a), by striking "PARAGRAPH (9) OR (20) OF SECTION 501(c)" and inserting "SECTION 501(c)(9)",

(iii) in subsection (a)(1), by striking "paragraph (9) or (20) of subsection (c) of section 501" and inserting "section 501(c)(9)", and

(iv) in subsection (c)(1), by striking "paragraph (9), (17), or (20)" and inserting "paragraph (9) or (17)".

(E) Subparagraphs (A), (C), and (D) of section 512(a)(3) are each amended in the text thereof by striking "(17), or (20)" and inserting "or (17)".

(F) Subparagraphs (B)(ii) and (E) of section 512(a)(3) are each amended in the text thereof by striking ", (17), or (20)" and inserting "or (17)".

(G) The heading of section 512(a)(3) is amended by striking "(17), OR (20)" and inserting "OR (17)".

(H) The heading of section 512(a)(3)(E) is amended by striking ", (17), OR (20)" and inserting "OR (17)".

(I) The item relating to section 505 in the table of sections for part I of subchapter F of chapter 1 is amended to read as follows: 26 USC prec. 501.

"Sec. 505. Additional requirements for organizations described in paragraph (9) or (17) of section 501(c).".

(22) Section 501(p)(4) is amended by striking ", 556(b)(2)".

(23) Section 530(b)(3) is amended—

(A) by striking "(as defined in section 170(e)(6)(F)(i))" in subparagraph (A)(iii), and

(B) by adding at the end the following new subparagraph:

"(C) COMPUTER TECHNOLOGY OR EQUIPMENT.—The term 'computer technology or equipment' means computer software (as defined by section 197(e)(3)(B)), computer or peripheral equipment (as defined by section 168(i)(2)(B)), and fiber optic cable related to computer use.".

(24) Section 593(b)(2)(D)(iv) is amended by striking "(determined without regard to section 596)".

(25) Section 597(c)(1) is amended by striking "or section 21A of the Federal Home Loan Bank Act".

(26) Section 613A(c)(6) is amended by striking subparagraph (H).

(27) Section 664(g)(3)(E) is amended by striking "limitations under sections 415(c) and (e)" and inserting "limitation under section 415(c)".

(28) Section 856(m) is amended by striking paragraph (6).

(29) Section 871(a)(3) is amended by striking the last sentence thereof.

(30) Section 992(d) is amended by striking paragraph (6), by inserting "or" at the end of paragraph (5), and by redesignating paragraph (7) as paragraph (6).

(31) Section 1245(a)(3)(C) is amended by striking ", 185".

26 USC 1252.

(32)(A) Section 1252(a)(1) is amended by striking "during a taxable year beginning".

(B) Section 1252(a)(1)(A) is amended—

(i) by striking "sections" and inserting "section", and

(ii) by striking "and 182" and all that follows through "for expenditures" and inserting "for expenditures".

(C) Section 1252(a)(2) is amended—

(i) by striking "sections" and inserting "section", and

(ii) by striking "or 182" and all that follows and inserting a period.

(33) Section 1374(d)(2)(B) is amended by striking the last sentence.

(34) Section 3111 is amended by striking subsection (d).

(35) Section 3127(b)(3) is amended by striking "or 222(b)".

(36) Section 3221 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(37) Section 3301 is amended by striking "equal to—" and all that follows and inserting "equal to 6 percent of the total wages (as defined in section 3306(b)) paid by such employer during the calendar year with respect to employment (as defined in section 3306(c)).".

(38) Section 3302(c)(2) is amended by striking the next to last sentence.

(39) Section 3302(f)(2) is amended—

(A) by striking "(or, for purposes of applying this subparagraph to taxable year 1983, September 30, 1981)" in subparagraph (D), and

(B) by striking the last sentence.

(40) Section 4042(b)(1) is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(41) Section 4042(b)(2) is amended by striking subparagraph (C).

(42) Section 4261(b)(1) is amended by striking "a tax in the amount" and all that follows and inserting "a tax in the amount of $3.00.".

(43) Section 4481(d) is amended to read as follows:

"(d) ONE TAX LIABILITY PER PERIOD.—To the extent that the tax imposed by this section is paid with respect to any highway motor vehicle for any taxable period, no further tax shall be imposed by this section for such taxable period with respect to such vehicle.".

(44) Section 4971(d) is amended by striking the last sentence.

(45) Section 6050G(a)(2) is amended by striking "(to the extent not previously taken into account under section 72(d)(1))".

(46) Section 6215(b) is amended by striking paragraph (5) and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(47) Section 6601(b) is amended by striking paragraph (2) and by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(48) Section 6654(d)(1)(C)(i) is amended by striking "by substituting" and all that follows and inserting "by substituting '110 percent' for '100 percent'.".

(49) Section 6654(d)(1) is amended by striking subparagraph (D). 26 USC 6654.

(50) Part II of subchapter C of chapter 75 is amended by striking section 7326 (and by striking the item relating to such section in the table of sections for such part). 26 USC prec. 7321.

(51) Section 7448(a)(5) is amended by striking ", whether or not performing judicial duties under section 7443B".

(52) Section 7448(a)(6) is amended by striking ", and compensation received under section 7443B".

(53) Section 7448(d) is amended by striking "at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter" and inserting "at 3 percent per annum".

(54) Section 7701(a)(19)(A) is amended by striking "either (i)" and all that follows through "(ii)".

(55) Section 7701(a)(32)(A) is amended to read as follows:

"(A) is subject by law to supervision and examination by State or Federal authority having supervision over such institutions, and".

(56) Section 8021 is amended by striking subsection (f).

(57) Section 8022(3) is amended by striking subparagraph (C).

(c) REPEAL OF CERTAIN OBSOLETE BOND PROVISIONS.—

(1) CERTAIN RULES WITH RESPECT TO BONDS ISSUED BEFORE JULY 2, 1982.—

(A) Section 1271 is amended—

(i) by striking subsection (c) and by redesignating subsection (d) as subsection (c), and

(ii) by striking "(and paragraph (2) of subsection (c))" in subsection (a)(2)(B).

(B) Section 1272 is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(C) Section 163(e)(1) is amended by striking "In the case of any debt instrument issued after July 1, 1982, the portion of the original issue discount with respect to such debt instrument which is" and inserting "The portion of the original issue discount with respect to any debt instrument which is".

(D) Section 1271(a)(2)(A)(ii) is amended by striking "subsection (a)(7) or (b)(4) of section 1272" and inserting "section 1272(a)(7)".

(E) Section 1271(b)(1) is amended to read as follows:

"(1) IN GENERAL.—This section shall not apply to any obligation issued by a natural person before June 9, 1997.".

(F) Section 1272(a) is amended—

(i) by striking "ON DEBT INSTRUMENTS ISSUED AFTER JULY 1, 1982," in the heading, and

(ii) by striking "issued after July 1, 1982" in paragraph (1).

(G) Section 1278(a)(4)(B) is amended by striking "or (b)(4)".

(H) The amendments made by this paragraph shall apply to debt instruments issued on or after July 2, 1982. 26 USC 163 note.

(2) CERTAIN RULES WITH RESPECT TO STRIPPED BONDS PURCHASED BEFORE JULY 2, 1982.—

(A) Section 1286, as amended by this section, is amended by striking subsection (c) and by redesignating

subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

26 USC 1286.

(B) Subsections (a) and (b) of section 1286 are each amended by striking "after July 1, 1982,".

(C) Section 1286(d)(5), as redesignated by subparagraph (A), is amended by striking the last sentence.

(D) Section 305(e)(7) is amended by striking "1286(f)" and inserting "1286(e)".

26 USC 305 note.

(E) The amendments made by this paragraph shall apply to bonds purchased on or after July 2, 1982.

(3) CERTAIN RULES WITH RESPECT TO OBLIGATIONS ISSUED BEFORE MARCH 2, 1984.—

(A) Section 1272(a)(2) is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(B) Section 163(e)(4) is amended to read as follows:

"(4) EXCEPTION.—This subsection shall not apply to any debt instrument described in section 1272(a)(2)(D) (relating to loans between natural persons).".

26 USC 163 note.

(C) The amendments made by this paragraph shall apply to obligations issued on or after March 2, 1984.

(d) DEADWOOD PROVISIONS INVOLVING REPEAL OF ONE OR MORE SECTIONS.—

(1) PUERTO RICO ECONOMIC ACTIVITY CREDIT; PUERTO RICO AND POSSESSION TAX CREDIT.—

(A) POSSESSION TAX CREDIT.—Section 27 is amended to read as follows:

"SEC. 27. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF THE UNITED STATES.

"The amount of taxes imposed by foreign countries and possessions of the United States shall be allowed as a credit against the tax imposed by this chapter to the extent provided in section 901".

26 USC prec. 27.

(B) PUERTO RICO ECONOMIC ACTIVITY CREDIT.—Subpart C of part IV of subchapter A of chapter 1 is amended by striking section 30A (and by striking the item relating to such section in the table of sections for such subpart).

26 USC prec. 931.

(C) PUERTO RICO AND POSSESSION TAX CREDIT.—Subpart C of part III of subchapter N of chapter 1 is amended by striking section 936 (and by striking the item relating to such section in the table of sections for such subpart).

(D) CONFORMING AMENDMENTS.—

(i) The item relating to section 27 in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

26 USC prec. 27.

"Sec. 27. Taxes of foreign countries and possessions of the United States.".

(ii) Sections 26(a)(1), 59(a)(1), 469(c)(3)(B), and 469(d)(2)(A)(ii) are each amended by striking "27(a)" and inserting "27".

(iii) Section 45C(d)(2) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and moving such subparagraphs (as so redesignated) 2 ems to the left, and

(III) by striking "IN GENERAL.—" and all that precedes it and inserting the following:

"(2) SPECIAL LIMITATIONS ON FOREIGN TESTING.—".

(iv) Section 168(g)(4)(G) is amended by striking "(other than a corporation which has an election in effect under section 936)". 26 USC 168.

(v) Section 243(b)(1)(B) is amended to read as follows:

"(B) if such dividend is distributed out of the earnings and profits of a taxable year of the distributing corporation which ends after December 31, 1963, and on each day of which the distributing corporation and the corporation receiving the dividend were members of such affiliated group.".

(vi) Section 246 is amended by striking subsection (e).

(vii) Section 338(h)(6)(B)(i) is amended by striking ", a DISC, or a corporation to which an election under section 936 applies" and inserting "or a DISC".

(viii)(I) Section 367(d) is amended by adding at the end the following new paragraph:

"(4) INTANGIBLE PROPERTY.—For purposes of this subsection, the term 'intangible property' means any—

"(A) patent, invention, formula, process, design, pattern, or know-how,

"(B) copyright, literary, musical, or artistic composition,

"(C) trademark, trade name, or brand name,

"(D) franchise, license, or contract,

"(E) method, program, system, procedure, campaign, survey, study, forecast, estimate, customer list, or technical data,

"(F) goodwill, going concern value, or workforce in place (including its composition and terms and conditions (contractual or otherwise) of its employment), or

"(G) other item the value or potential value of which is not attributable to tangible property or the services of any individual.".

(II) Section 367(d)(1) is amended by striking "(within the meaning of section 936(h)(3)(B))".

(III) Sections 482 and 1298(e)(2)(A) are each amended by striking "section 936(h)(3)(B)" and inserting "section 367(d)(4)".

(ix) Section 861(a)(2)(A) is amended by striking "other than a corporation which has an election in effect under section 936".

(x) Section 864(d)(5) is amended to read as follows:

"(5) CERTAIN PROVISIONS NOT TO APPLY.—The following provisions shall not apply to any amount treated as interest under paragraph (1) or (6):

"(A) Section 904(d)(2)(B)(iii)(I) (relating to exceptions for export financing interest).

"(B) Subparagraph (A) of section 954(b)(3) (relating to exception where foreign base company income is less than 5 percent or $1,000,000).

"(C) Subparagraph (B) of section 954(c)(2) (relating to certain export financing).

"(D) Clause (i) of section 954(c)(3)(A) (relating to certain income received from related persons).".

26 USC 865.

(xi) Section 865(j)(3) is amended by striking ", 933, and 936" and inserting "and 933".

(xii) Section 901(g)(2) is amended by inserting "(as in effect on the day before the date of the enactment of the Tax Technical Corrections Act of 2018)" after "section 936".

(xiii) Section 904(b) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(xiv) Section 904(f)(1) is amended by striking "and section 936".

(xv) Section 1202(e)(4) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(xvi) Section 1361(b)(2) is amended by adding "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(xvii)(I) Section 1504(b) is amended by striking paragraph (4) and by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively.

(II) Section 243(b)(2) is amended by striking ", 1504(b)(4),".

(III) Section 332(d)(2)(B) is amended by striking "paragraphs (2) and (4)" and inserting "paragraph (2)".

(IV) Section 864(e)(5)(A) is amended by striking "(determined without regard to paragraph (4) of section 1504(b))".

(V) Section 864(f) is amended in paragraphs (1)(C)(i) and (2) by striking "paragraphs (2) and (4)" and inserting "paragraph (2)".

(xviii) Section 6091(b)(2)(B) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(xix) Section 6654(d)(2)(D) is amended—

(I) by striking "936(h) or" in clause (i), and

(II) by striking "AND SECTION 936" in the heading.

(xx) Section 6655(e)(4) is amended—

(I) by striking "936(h) or" in subparagraph (A), and

(II) by striking "AND SECTION 936" in the heading.

(2) ENERGY EFFICIENT APPLIANCE CREDIT.—

26 USC prec. 30.

(A) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking section 45M (and by striking the item relating to such section in the table of sections for such subpart).

(B) CONFORMING AMENDMENT.—Section 38(b), as amended by the preceding provisions of this Act, is amended by striking paragraph (24) and by redesignating paragraphs (25) through (37) as paragraphs (24) through (36), respectively.

(3) QUALIFYING THERAPEUTIC DISCOVERY PROJECT CREDIT.—

(A) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by striking section 48D (and by striking the item relating to such section in the table of sections for such subpart). 26 USC prec. 46.

(B) CONFORMING AMENDMENTS.—

(i) Section 49(a)(1)(C) is amended by adding "and" at the end of clause (iv), by striking ", and" at the end of clause (v) and inserting a period, and by striking clause (vi). 26 USC 49.

(ii) Section 50(a)(2)(E) is amended by striking "48C(b)(2), or 48D(b)(4)" and inserting "or 48C(b)(2)".

(iii) Section 280C is amended by striking the subsection (g) which relates to the qualifying therapeutic discovery project credit.

(C) SAVINGS PROVISION.—In the case of the repeal of section 48D(e)(1) of the Internal Revenue Code of 1986, the amendments made by this paragraph shall not apply to expenditures made in taxable years beginning before January 1, 2011. 26 USC 48D note.

(4) DC ZONE PROVISIONS.—

(A) IN GENERAL.—Chapter 1 is amended by striking subchapter W (and by striking the item relating to such subchapter in the table of subchapters for such chapter). 26 USC prec. 1.

(B) CONFORMING AMENDMENTS.—

(i) Section 23(c)(1) is amended by striking "sections 25D and 1400C" and inserting "section 25D".

(ii) Section 25(e)(1)(C) is amended by striking "sections 23, 25D, and 1400C" and inserting "sections 23 and 25D".

(iii) Section 45D(h) is amended by striking "sections 1202, 1400B, and 1400F" and inserting "section 1202".

(iv) Section 1016(a) is amended by striking paragraph (27).

(v) Section 1202(a)(2)(B) is amended by inserting "(as in effect before its repeal)" after "1400B(b)".

(vi) Section 1223(13) is amended by striking "sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b)" and inserting "subsections (a)(2) and (c)(2)(A) of section 1202".

(vii) Section 1397B(b)(1) is amended by striking subparagraph (B).

(C) SAVINGS PROVISIONS.—The amendments made by this paragraph shall not apply to— 26 USC 1400A note.

(i) in the case of the repeal of section 1400A of the Internal Revenue Code of 1986, obligations described in section 1394 of such Code (as in effect before its repeal) which were issued before January 1, 2012,

(ii) in the case of the repeal of section 1400B of such Code, DC Zone assets (as defined in such section, as in effect before its repeal) which were acquired by the taxpayer before January 1, 2012, and

(iii) in the case of the repeal of section 1400C of such Code, principal residences acquired before January 1, 2012.

(5) RENEWAL COMMUNITY PROVISIONS.—

26 USC prec. 1.

(A) IN GENERAL.—Chapter 1 is amended by striking subchapter X (and by striking the item relating to such subchapter in the table of subchapters for such chapter).

(B) CONFORMING AMENDMENTS.—

26 USC 469.

(i) Section 469(i)(3) is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(ii) Section 469(i)(3)(D), as so redesignated, is amended to read as follows:

"(D) ORDERING RULE.—Paragraph (1) shall be applied for any taxable year—

"(i) first, to the passive activity loss,

"(ii) second, to the portion of the passive activity credit to which subparagraph (B) and (C) does not apply,

"(iii) third, to the portion of such credit to which subparagraph (B) applies, and

"(iv) then, to the portion of such credit to which subparagraph (C) applies.".

(iii) Section 469(i)(6)(B) is amended—

(I) by striking ", REHABILITATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION" in the heading and inserting "OR REHABILITATION CREDIT",

(II) by adding "or" at the end of clause (i),

(III) by striking ", or" at the end of clause (ii) and inserting a comma, and

(IV) by striking clause (iii).

(iv) Section 1397B(b)(1), as amended by the preceding provisions of this Act, is amended by adding at the end the following new subparagraph:

"(B) REFERENCES.—Any reference in this paragraph to section 1400F shall be treated as reference to such section before its repeal.".

(v) Section 1397B(b)(5) is amended by striking "which is sold—" and all that follows and inserting "which is sold, the taxpayer's holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1223.".

26 USC 1400F note.

(C) SAVINGS PROVISIONS.—The amendments made by this paragraph shall not apply to—

(i) in the case of the repeal of section 1400F of the Internal Revenue Code of 1986, qualified community assets (as defined in such section, as in effect before its repeal) which were acquired by the taxpayer before January 1, 2010,

(ii) in the case of the repeal section 1400H of such Code, wages paid or incurred before January 1, 2010,

(iii) in the case of the repeal of section 1400I of such Code, qualified revitalization buildings (as defined in such section, as in effect before its repeal) which were placed in service before January 1, 2010, and

(iv) in the case of the repeal of section 1400J of such Code, property acquired before January 1, 2010.

(6) SHORT-TERM REGIONAL BENEFITS.—

(A) IN GENERAL.—Chapter 1 is amended by striking subchapter Y (and by striking the item relating to such subchapter in the table of subchapters for such chapter). 26 USC prec. 1.

(B) CONFORMING AMENDMENTS.—

(i) Section 38(b), as amended by the preceding provisions of this Act, is amended by striking paragraphs (26), (27), (28), and (29) and by redesignating paragraphs (30) through (36) as paragraphs (26) through (32), respectively. 26 USC 38.

(ii) Section 38(c)(2)(A)(ii)(II), as amended by the preceding provisions of this Act, is amended by striking ", the New York Liberty Zone business employee credit,".

(iii) Section 38(c) is amended by striking paragraph (3).

(iv) Section 280C(a), as amended by the preceding provisions of this Act, is amended by striking "1396(a), 1400P(b), and 1400R" and inserting "and 1396(a)".

(v) Section 6033(b)(14) is amended by striking "including the amount and use of qualified contributions to which section 1400S(a) applies,".

(vi) Section 6049(d)(8)(A) is amended—

(I) by striking "or 1400N(l)(6)", and

(II) by striking "or 1400N(l)(2)(D), as the case may be".

(C) SAVINGS PROVISIONS.—The amendments made by this paragraph shall not apply to— 26 USC 1400L note.

(i) in the case of the repeal of section 1400L(a) of the Internal Revenue Code of 1986, qualified wages (as defined in such section, as in effect before its repeal) which were paid or incurred before January 1, 2004,

(ii) in the case of the repeal of subsections (b) and (f) of section 1400L of such Code, qualified New York Liberty Zone property (as defined in section 1400L(b) of such Code, as in effect before its repeal) placed in service before January 1, 2010,

(iii) in the case of the repeal of section 1400L(c) of such Code, qualified New York Liberty Zone leasehold improvement property (as defined in such section, as in effect before its repeal) placed in service before January 1, 2007,

(iv) in the case of the repeal of section 1400L(d) of such Code, qualified New York Liberty bonds (as defined in such section, as in effect before its repeal) issued before January 1, 2014,

(v) in the case of the repeal of section 1400L(e) of such Code, advanced refundings before January 1, 2006,

(vi) in the case of the repeal of section 1400L(g) of such Code, property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001,

(vii) in the case of the repeal of section 1400N(a) of such Code, obligations issued before January 1, 2012,

(viii) in the case of the repeal of section 1400N(b) of such Code, advanced refundings before January 1, 2011,

(ix) in the case of the repeal of section 1400N(d) of such Code, property placed in service before January 1, 2012,

(x) in the case of the repeal of section 1400N(e) of such Code, property placed in service before January 1, 2009,

(xi) in the case of the repeal of subsections (f) and (g) of section 1400N of such Code, amounts paid or incurred before January 1, 2008,

(xii) in the case of the repeal of section 1400N(h) of such Code, amounts paid or incurred before January 1, 2012,

(xiii) in the case of the repeal of section 1400N(k)(1)(B) of such Code, losses arising in taxable years beginning before January 1, 2008,

(xiv) in the case of the repeal of section 1400N(l) of such Code, bonds issued before January 1, 2007,

(xv) in the case of the repeal of section 1400Q(a) of such Code, distributions before January 1, 2007,

(xvi) in the case of the repeal of section 1400Q(b) of such Code, contributions before March 1, 2006,

(xvii) in the case of the repeal of section 1400Q(c) of such Code, loans made before January 1, 2007,

(xviii) in the case of the repeal of section 1400R of such Code, wages paid or incurred before January 1, 2006,

(xix) in the case of the repeal of section 1400S(a) of such Code, contributions paid before January 1, 2006,

(xx) in the case of the repeal of section 1400T of such Code, financing provided before January 1, 2011, and

(xxi) in the case of the repeal of part III of subchapter Y of chapter 1 of such Code, obligations issued before January 1, 2011.

(7) PROVISIONS RELATED TO COBRA PREMIUM ASSISTANCE.—

26 USC prec. 6411.

(A) IN GENERAL.—Subchapter B of chapter 65 is amended by striking section 6432 (and by striking the item relating to such section in the table of sections for such subchapter).

26 USC prec. 6671.

(B) NOTIFICATION REQUIREMENT.—Part I of subchapter B of chapter 68 is amended by striking section 6720C (and by striking the item relating to such section in the table of sections for such part).

26 USC prec. 101.

(C) EXCLUSION FROM GROSS INCOME.—Part III of subchapter B of chapter 1 is amended by striking section 139C (and by striking the item relating to such section in the table of sections for such part).

26 USC prec. 9001.

(8) EFFECTIVE DATE OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—Chapter 95 is amended by striking section 9013 (and by striking the item relating to such section in the table of sections for such chapter).

26 USC 23 note.

(e) GENERAL SAVINGS PROVISION WITH RESPECT TO DEADWOOD PROVISIONS.—If—

(1) any provision amended or repealed by the amendments made by subsection (b) or (d) applied to—

(A) any transaction occurring before the date of the enactment of this Act,

(B) any property acquired before such date of enactment, or

(C) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

(2) the treatment of such transaction, property, or item under such provision would (without regard to the amendments or repeals made by such subsection) affect the liability for tax for periods ending after such date of enactment,

nothing in the amendments or repeals made by this section shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.

DIVISION V—CLOUD ACT

Clarifying Lawful Overseas Use of Data Act.
18 USC 1 note.

SEC. 101. SHORT TITLE.

This division may be cited as the "Clarifying Lawful Overseas Use of Data Act" or the "CLOUD Act".

SEC. 102. CONGRESSIONAL FINDINGS.

18 USC 2523 note.

Congress finds the following:

(1) Timely access to electronic data held by communications-service providers is an essential component of government efforts to protect public safety and combat serious crime, including terrorism.

(2) Such efforts by the United States Government are being impeded by the inability to access data stored outside the United States that is in the custody, control, or possession of communications-service providers that are subject to jurisdiction of the United States.

(3) Foreign governments also increasingly seek access to electronic data held by communications-service providers in the United States for the purpose of combating serious crime.

(4) Communications-service providers face potential conflicting legal obligations when a foreign government orders production of electronic data that United States law may prohibit providers from disclosing.

(5) Foreign law may create similarly conflicting legal obligations when chapter 121 of title 18, United States Code (commonly known as the " Stored Communications Act"), requires disclosure of electronic data that foreign law prohibits communications-service providers from disclosing.

(6) International agreements provide a mechanism for resolving these potential conflicting legal obligations where the United States and the relevant foreign government share a common commitment to the rule of law and the protection of privacy and civil liberties.

SEC. 103. PRESERVATION OF RECORDS; COMITY ANALYSIS OF LEGAL PROCESS.

(a) REQUIRED PRESERVATION AND DISCLOSURE OF COMMUNICATIONS AND RECORDS.—

(1) AMENDMENT.—Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

18 USC 2713.

"§ 2713. Required preservation and disclosure of communications and records

"A provider of electronic communication service or remote computing service shall comply with the obligations of this chapter to preserve, backup, or disclose the contents of a wire or electronic communication and any record or other information pertaining to a customer or subscriber within such provider's possession, custody, or control, regardless of whether such communication, record, or other information is located within or outside of the United States.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 121 of title 18, United States Code, is amended by inserting after the item relating to section 2712 the following:

18 USC prec. 2701.

"2713. Required preservation and disclosure of communications and records.".

(b) COMITY ANALYSIS OF LEGAL PROCESS SEEKING CONTENTS OF WIRE OR ELECTRONIC COMMUNICATION.—Section 2703 of title 18, United States Code, is amended by adding at the end the following:

"(h) COMITY ANALYSIS AND DISCLOSURE OF INFORMATION REGARDING LEGAL PROCESS SEEKING CONTENTS OF WIRE OR ELECTRONIC COMMUNICATION.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'qualifying foreign government' means a foreign government—

"(i) with which the United States has an executive agreement that has entered into force under section 2523; and

"(ii) the laws of which provide to electronic communication service providers and remote computing service providers substantive and procedural opportunities similar to those provided under paragraphs (2) and (5); and

"(B) the term 'United States person' has the meaning given the term in section 2523.

"(2) MOTIONS TO QUASH OR MODIFY.—(A) A provider of electronic communication service to the public or remote computing service, including a foreign electronic communication service or remote computing service, that is being required to disclose pursuant to legal process issued under this section the contents of a wire or electronic communication of a subscriber or customer, may file a motion to modify or quash the legal process where the provider reasonably believes—

"(i) that the customer or subscriber is not a United States person and does not reside in the United States; and

"(ii) that the required disclosure would create a material risk that the provider would violate the laws of a qualifying foreign government.

Such a motion shall be filed not later than 14 days after the date on which the provider was served with the legal process, absent agreement with the government or permission from the court to extend the deadline based on an application made within the 14 days. The right to move to quash is without prejudice to any other grounds to

move to quash or defenses thereto, but it shall be the sole basis for moving to quash on the grounds of a conflict of law related to a qualifying foreign government.

"(B) Upon receipt of a motion filed pursuant to subparagraph (A), the court shall afford the governmental entity that applied for or issued the legal process under this section the opportunity to respond. The court may modify or quash the legal process, as appropriate, only if the court finds that—

"(i) the required disclosure would cause the provider to violate the laws of a qualifying foreign government;

"(ii) based on the totality of the circumstances, the interests of justice dictate that the legal process should be modified or quashed; and

"(iii) the customer or subscriber is not a United States person and does not reside in the United States.

"(3) COMITY ANALYSIS.—For purposes of making a determination under paragraph (2)(B)(ii), the court shall take into account, as appropriate—

"(A) the interests of the United States, including the investigative interests of the governmental entity seeking to require the disclosure;

"(B) the interests of the qualifying foreign government in preventing any prohibited disclosure;

"(C) the likelihood, extent, and nature of penalties to the provider or any employees of the provider as a result of inconsistent legal requirements imposed on the provider;

"(D) the location and nationality of the subscriber or customer whose communications are being sought, if known, and the nature and extent of the subscriber or customer's connection to the United States, or if the legal process has been sought on behalf of a foreign authority pursuant to section 3512, the nature and extent of the subscriber or customer's connection to the foreign authority's country;

"(E) the nature and extent of the provider's ties to and presence in the United States;

"(F) the importance to the investigation of the information required to be disclosed;

"(G) the likelihood of timely and effective access to the information required to be disclosed through means that would cause less serious negative consequences; and

"(H) if the legal process has been sought on behalf of a foreign authority pursuant to section 3512, the investigative interests of the foreign authority making the request for assistance.

"(4) DISCLOSURE OBLIGATIONS DURING PENDENCY OF CHALLENGE.—A service provider shall preserve, but not be obligated to produce, information sought during the pendency of a motion brought under this subsection, unless the court finds that immediate production is necessary to prevent an adverse result identified in section 2705(a)(2).

"(5) DISCLOSURE TO QUALIFYING FOREIGN GOVERNMENT.—(A) It shall not constitute a violation of a protective order issued under section 2705 for a provider of electronic communication service to the public or remote computing service to disclose to the entity within a qualifying foreign government,

designated in an executive agreement under section 2523, the fact of the existence of legal process issued under this section seeking the contents of a wire or electronic communication of a customer or subscriber who is a national or resident of the qualifying foreign government.

"(B) Nothing in this paragraph shall be construed to modify or otherwise affect any other authority to make a motion to modify or quash a protective order issued under section 2705.".

18 USC 2703 note.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, shall be construed to modify or otherwise affect the common law standards governing the availability or application of comity analysis to other types of compulsory process or to instances of compulsory process issued under section 2703 of title 18, United States Code, as amended by this section, and not covered under subsection (h)(2) of such section 2703.

SEC. 104. ADDITIONAL AMENDMENTS TO CURRENT COMMUNICATIONS LAWS.

Title 18, United States Code, is amended—

(1) in chapter 119—

(A) in section 2511(2), by adding at the end the following:

"(j) It shall not be unlawful under this chapter for a provider of electronic communication service to the public or remote computing service to intercept or disclose the contents of a wire or electronic communication in response to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523."; and

(B) in section 2520(d), by amending paragraph (3) to read as follows:

"(3) a good faith determination that section 2511(3), 2511(2)(i), or 2511(2)(j) of this title permitted the conduct complained of;";

(2) in chapter 121—

(A) in section 2702—

(i) in subsection (b)—

(I) in paragraph (8), by striking the period at the end and inserting "; or"; and

(II) by adding at the end the following:

"(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523."; and

(ii) in subsection (c)—

(I) in paragraph (5), by striking "or" at the end;

(II) in paragraph (6), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(7) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523."; and

(B) in section 2707(e), by amending paragraph (3) to read as follows:

"(3) a good faith determination that section 2511(3), section 2702(b)(9), or section 2702(c)(7) of this title permitted the conduct complained of;"; and

(3) in chapter 206—

(A) in section 3121(a), by inserting before the period at the end the following: "or an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523"; and

(B) in section 3124—

(i) by amending subsection (d) to read as follows:

"(d) NO CAUSE OF ACTION AGAINST A PROVIDER DISCLOSING INFORMATION UNDER THIS CHAPTER.—No cause of action shall lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with a court order under this chapter, request pursuant to section 3125 of this title, or an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523."; and

(ii) by amending subsection (e) to read as follows:

"(e) DEFENSE.—A good faith reliance on a court order under this chapter, a request pursuant to section 3125 of this title, a legislative authorization, a statutory authorization, or a good faith determination that the conduct complained of was permitted by an order from a foreign government that is subject to executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523, is a complete defense against any civil or criminal action brought under this chapter or any other law.".

SEC. 105. EXECUTIVE AGREEMENTS ON ACCESS TO DATA BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Chapter 119 of title 18, United States Code, is amended by adding at the end the following:

"§ 2523. Executive agreements on access to data by foreign governments

18 USC 2523.

"(a) DEFINITIONS.—In this section—

"(1) the term 'lawfully admitted for permanent residence' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

"(2) the term 'United States person' means a citizen or national of the United States, an alien lawfully admitted for permanent residence, an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation that is incorporated in the United States.

"(b) EXECUTIVE AGREEMENT REQUIREMENTS.—For purposes of this chapter, chapter 121, and chapter 206, an executive agreement governing access by a foreign government to data subject to this chapter, chapter 121, or chapter 206 shall be considered to satisfy the requirements of this section if the Attorney General, with the concurrence of the Secretary of State, determines, and submits a written certification of such determination to Congress, including

a written certification and explanation of each consideration in paragraphs (1), (2), (3), and (4), that—

"(1) the domestic law of the foreign government, including the implementation of that law, affords robust substantive and procedural protections for privacy and civil liberties in light of the data collection and activities of the foreign government that will be subject to the agreement, if—

"(A) such a determination under this section takes into account, as appropriate, credible information and expert input; and

"(B) the factors to be met in making such a determination include whether the foreign government—

"(i) has adequate substantive and procedural laws on cybercrime and electronic evidence, as demonstrated by being a party to the Convention on Cybercrime, done at Budapest November 23, 2001, and entered into force January 7, 2004, or through domestic laws that are consistent with definitions and the requirements set forth in chapters I and II of that Convention;

"(ii) demonstrates respect for the rule of law and principles of nondiscrimination;

"(iii) adheres to applicable international human rights obligations and commitments or demonstrates respect for international universal human rights, including—

"(I) protection from arbitrary and unlawful interference with privacy;

"(II) fair trial rights;

"(III) freedom of expression, association, and peaceful assembly;

"(IV) prohibitions on arbitrary arrest and detention; and

"(V) prohibitions against torture and cruel, inhuman, or degrading treatment or punishment;

"(iv) has clear legal mandates and procedures governing those entities of the foreign government that are authorized to seek data under the executive agreement, including procedures through which those authorities collect, retain, use, and share data, and effective oversight of these activities;

"(v) has sufficient mechanisms to provide accountability and appropriate transparency regarding the collection and use of electronic data by the foreign government; and

"(vi) demonstrates a commitment to promote and protect the global free flow of information and the open, distributed, and interconnected nature of the Internet;

"(2) the foreign government has adopted appropriate procedures to minimize the acquisition, retention, and dissemination of information concerning United States persons subject to the agreement;

"(3) the terms of the agreement shall not create any obligation that providers be capable of decrypting data or limitation that prevents providers from decrypting data; and

"(4) the agreement requires that, with respect to any order that is subject to the agreement—

"(A) the foreign government may not intentionally target a United States person or a person located in the United States, and shall adopt targeting procedures designed to meet this requirement;

"(B) the foreign government may not target a non-United States person located outside the United States if the purpose is to obtain information concerning a United States person or a person located in the United States;

"(C) the foreign government may not issue an order at the request of or to obtain information to provide to the United States Government or a third-party government, nor shall the foreign government be required to share any information produced with the United States Government or a third-party government;

"(D) an order issued by the foreign government—

"(i) shall be for the purpose of obtaining information relating to the prevention, detection, investigation, or prosecution of serious crime, including terrorism;

"(ii) shall identify a specific person, account, address, or personal device, or any other specific identifier as the object of the order;

"(iii) shall be in compliance with the domestic law of that country, and any obligation for a provider of an electronic communications service or a remote computing service to produce data shall derive solely from that law;

"(iv) shall be based on requirements for a reasonable justification based on articulable and credible facts, particularity, legality, and severity regarding the conduct under investigation;

"(v) shall be subject to review or oversight by a court, judge, magistrate, or other independent authority prior to, or in proceedings regarding, enforcement of the order; and

"(vi) in the case of an order for the interception of wire or electronic communications, and any extensions thereof, shall require that the interception order—

"(I) be for a fixed, limited duration; and

"(II) may not last longer than is reasonably necessary to accomplish the approved purposes of the order; and

"(III) be issued only if the same information could not reasonably be obtained by another less intrusive method;

"(E) an order issued by the foreign government may not be used to infringe freedom of speech;

"(F) the foreign government shall promptly review material collected pursuant to the agreement and store any unreviewed communications on a secure system accessible only to those persons trained in applicable procedures;

"(G) the foreign government shall, using procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), segregate, seal, or delete, and not disseminate material found not to be information that is, or is necessary to understand

or assess the importance of information that is, relevant to the prevention, detection, investigation, or prosecution of serious crime, including terrorism, or necessary to protect against a threat of death or serious bodily harm to any person;

"(H) the foreign government may not disseminate the content of a communication of a United States person to United States authorities unless the communication may be disseminated pursuant to subparagraph (G) and relates to significant harm, or the threat thereof, to the United States or United States persons, including crimes involving national security such as terrorism, significant violent crime, child exploitation, transnational organized crime, or significant financial fraud;

"(I) the foreign government shall afford reciprocal rights of data access, to include, where applicable, removing restrictions on communications service providers, including providers subject to United States jurisdiction, and thereby allow them to respond to valid legal process sought by a governmental entity (as defined in section 2711) if foreign law would otherwise prohibit communications-service providers from disclosing the data;

"(J) the foreign government shall agree to periodic review of compliance by the foreign government with the terms of the agreement to be conducted by the United States Government; and

"(K) the United States Government shall reserve the right to render the agreement inapplicable as to any order for which the United States Government concludes the agreement may not properly be invoked.

"(c) LIMITATION ON JUDICIAL REVIEW.—A determination or certification made by the Attorney General under subsection (b) shall not be subject to judicial or administrative review.

"(d) EFFECTIVE DATE OF CERTIFICATION.—

"(1) NOTICE.—Not later than 7 days after the date on which the Attorney General certifies an executive agreement under subsection (b), the Attorney General shall provide notice of the determination under subsection (b) and a copy of the executive agreement to Congress, including—

"(A) the Committee on the Judiciary and the Committee on Foreign Relations of the Senate; and

"(B) the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives.

"(2) ENTRY INTO FORCE.—An executive agreement that is determined and certified by the Attorney General to satisfy the requirements of this section shall enter into force not earlier than the date that is 180 days after the date on which notice is provided under paragraph (1), unless Congress enacts a joint resolution of disapproval in accordance with paragraph (4).

"(3) REQUESTS FOR INFORMATION.—Upon request by the Chairman or Ranking Member of a congressional committee described in paragraph (1), the head of an agency shall promptly furnish a summary of factors considered in determining that the foreign government satisfies the requirements of this section.

"(4) CONGRESSIONAL REVIEW.—

"(A) JOINT RESOLUTION DEFINED.—In this paragraph, the term 'joint resolution' means only a joint resolution—

"(i) introduced during the 180-day period described in paragraph (2);

"(ii) which does not have a preamble;

"(iii) the title of which is as follows: 'Joint resolution disapproving the executive agreement signed by the United States and ____.', the blank space being appropriately filled in; and

"(iv) the matter after the resolving clause of which is as follows: 'That Congress disapproves the executive agreement governing access by _____ to certain electronic data as submitted by the Attorney General on _____', the blank spaces being appropriately filled in.

"(B) JOINT RESOLUTION ENACTED.—Notwithstanding any other provision of this section, if not later than 180 days after the date on which notice is provided to Congress under paragraph (1), there is enacted into law a joint resolution disapproving of an executive agreement under this section, the executive agreement shall not enter into force.

"(C) INTRODUCTION.—During the 180-day period described in subparagraph (B), a joint resolution of disapproval may be introduced—

"(i) in the House of Representatives, by the majority leader or the minority leader; and

"(ii) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

"(5) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a joint resolution of disapproval has been referred has not reported the joint resolution within 120 days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

"(6) CONSIDERATION IN THE SENATE.—

"(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred jointly—

"(i) to the Committee on the Judiciary; and

"(ii) to the Committee on Foreign Relations.

"(B) REPORTING AND DISCHARGE.—If a committee to which a joint resolution of disapproval was referred has not reported the joint resolution within 120 days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

"(C) PROCEEDING TO CONSIDERATION.—It is in order at any time after both the Committee on the Judiciary and the Committee on Foreign Relations report a joint resolution of disapproval to the Senate or have been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the

joint resolution (and against consideration of the joint resolution) are waived. The motion is not debatable or subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

"(D) CONSIDERATION IN THE SENATE.—In the Senate, consideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

"(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(7) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

"(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of disapproval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

"(i) The joint resolution shall be referred to the appropriate committees.

"(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 7 days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

"(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled

by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

"(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

"(i) If, before the passage by the Senate of a joint resolution of disapproval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

"(I) That joint resolution shall not be referred to a committee.

"(II) With respect to that joint resolution—

"(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

"(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

"(ii) If, following passage of a joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

"(iii) If a joint resolution of disapproval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

"(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of disapproval that is a revenue measure.

"(8) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) RENEWAL OF DETERMINATION.—

"(1) IN GENERAL.—The Attorney General, with the concurrence of the Secretary of State, shall review and may renew a determination under subsection (b) every 5 years.

"(2) REPORT.—Upon renewing a determination under subsection (b), the Attorney General shall file a report with the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives describing—

"(A) the reasons for the renewal;

"(B) any substantive changes to the agreement or to the relevant laws or procedures of the foreign government since the original determination or, in the case of a second or subsequent renewal, since the last renewal; and

"(C) how the agreement has been implemented and what problems or controversies, if any, have arisen as a result of the agreement or its implementation.

"(3) NONRENEWAL.—If a determination is not renewed under paragraph (1), the agreement shall no longer be considered to satisfy the requirements of this section.

"(f) REVISIONS TO AGREEMENT.—A revision to an agreement under this section shall be treated as a new agreement for purposes of this section and shall be subject to the certification requirement under subsection (b), and to the procedures under subsection (d), except that for purposes of a revision to an agreement—

"(1) the applicable time period under paragraphs (2), (4)(A)(i), (4)(B), and (4)(C) of subsection (d) shall be 90 days after the date notice is provided under subsection (d)(1); and

"(2) the applicable time period under paragraphs (5) and (6)(B) of subsection (d) shall be 60 days after the date notice is provided under subsection (d)(1).

"(g) PUBLICATION.—Any determination or certification under subsection (b) regarding an executive agreement under this section, including any termination or renewal of such an agreement, shall be published in the Federal Register as soon as is reasonably practicable.

"(h) MINIMIZATION PROCEDURES.—A United States authority that receives the content of a communication described in subsection (b)(4)(H) from a foreign government in accordance with an executive agreement under this section shall use procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) to appropriately protect nonpublicly available information concerning United States persons.".

18 USC prec. 2510.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 119 of title 18, United States Code, is amended by inserting after the item relating to section 2522 the following:

"2523. Executive agreements on access to data by foreign governments.".

18 USC 2520 note.

SEC. 106. RULE OF CONSTRUCTION.

Nothing in this division, or the amendments made by this division, shall be construed to preclude any foreign authority from obtaining assistance in a criminal investigation or prosecution pursuant to section 3512 of title 18, United States Code, section

1782 of title 28, United States Code, or as otherwise provided by law.

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 1625:

CONGRESSIONAL RECORD:
Vol. 163 (2017): May 22, considered and passed House.
Vol. 164 (2018): Feb. 28, considered and passed Senate, amended.
Mar. 22, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Mar. 23, Presidential remarks.

ENDNOTE: The following appendixes were added pursuant to the provisions of section 121 of Division G of this Act (132 Stat. 661).

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APPENDIX A—SECTION 7130—S. 1460

SEC. 7130. MODIFICATION OF THE SECOND DIVISION MEMORIAL.

(a) AUTHORIZATION.—The Second Indianhead Division Association, Inc., Scholarship and Memorials Foundation, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code, may place additional commemorative elements or engravings on the raised platform or stone work of the existing Second Division Memorial located in President's Park, between 17th Street Northwest and Constitution Avenue in the District of Columbia, to further honor the members of the Second Infantry Division who have given their lives in service to the United States.

(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act"), shall apply to the design and placement of the commemorative elements or engravings authorized under subsection (a).

(c) FUNDING.—Federal funds may not be used for modifications of the Second Division Memorial authorized under subsection (a).

APPENDIX B—SECTION 7134—S. 1460

SEC. 7134. STE. GENEVIEVE NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) HISTORIC DISTRICT.—The term "Historic District" means the Ste. Genevieve Historic District National Historic Landmark, as generally depicted on the Map.

(2) HISTORICAL PARK.—The term "Historical Park" means the Ste. Genevieve National Historical Park established by subsection (b).

(3) MAP.—The term "Map" means the map entitled "Ste. Genevieve National Historical Park Proposed Boundary", numbered 571/132,626, and dated May 2016.

(4) SPECIAL RESOURCE STUDY.—The term "special resource study" means the study entitled "Ste. Genevieve Final Special Resources Study and Environmental Assessment, Missouri" and dated May 2016.

(5) STATE.—The term "State" means the State of Missouri.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established the Ste. Genevieve National Historical Park in the State as a unit of the National Park System to preserve, protect, and interpret for the benefit of present and future generations the themes of French settlement, vernacular architecture, and community form and farming on the frontier associated with Ste. Genevieve.

(2) CONDITIONS FOR ESTABLISHMENT.—The Historical Park shall not be established until the date on which the Secretary determines that—

(A) sufficient land has been acquired for the Historical Park to constitute a manageable unit; and

(B) the Secretary has entered into a written agreement providing that land owned by the State, the City of Ste. Genevieve, or other entity within the Historic District shall be managed consistent with the purposes of this section.

(c) BOUNDARIES.—The boundaries of the Historical Park shall be the boundaries generally depicted on the Map.

(d) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land located within the boundary of the Historical Park or any nationally significant property identified in the special resource study within the Historic District by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange.

(2) BOUNDARY REVISION.—On the acquisition of any property within the Historic District under paragraph (1), the Secretary shall revise the boundary of the Historical Park to include the property.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(ii) chapter 3201 of title 54, United States Code.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available to prepare a general management plan for the Historical Park, the Secretary shall prepare the general management plan in accordance with section 100502 of title 54, United States Code.

(B) SUBMISSION TO CONGRESS.—On completion of the general management plan under subparagraph (A), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the general management plan.

(3) RELATED SITES.—The Secretary may provide interpretative tours and educational programs at related historic and cultural sites within the Historic District associated with the purposes for which the Historical Park is established.

(g) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and enter into cooperative agreements with the owner of a nationally significant property within the Historical Park or the Historic District, to identify, mark, interpret, improve, and restore the property.

(2) RIGHT OF ACCESS.—A cooperative agreement entered into under paragraph (1) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(A) conducting visitors through the property; and

(B) interpreting the property for the public.

(3) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under a cooperative agreement entered into under this subsection shall be not more than 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of an activity carried out under a cooperative agreement entered into under this subsection may be in the form of donated property, goods, or services fairly valued.

(4) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any property or project covered by a cooperative agreement entered into under paragraph (1) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(5) CONVERSION, USE, OR DISPOSAL.—Any payment by the Secretary under this subsection shall be subject to an agreement that the conversion, use, or disposal of a property or project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in any amount equal to the greater of—

(A) the amounts made available to the property or project by the United States; or

(B) the portion of the increased value of the property or project attributable to the amounts made available under this subsection, as determined at the time of the conversion, use, or disposal.

(h) LIMITED ROLE OF THE SECRETARY.—Nothing in this section authorizes the Secretary to assume overall financial responsibility for the operation, maintenance, or management of the Historic District.

APPENDIX C—H.R. 1281

SECTION 1. EXTENSION OF HIGHLANDS CONSERVATION ACT.

Section 4(e) of the Highlands Conservation Act (Public Law 108–421; 118 Stat. 2377) is amended by striking "2014" and inserting "2021".

APPENDIX D—H.R. 4134

SECTION 1. SHORT TITLE.

Cecil D. Andrus-White Clouds Wilderness Redesignation Act.

This Act may be cited as the "Cecil D. Andrus-White Clouds Wilderness Redesignation Act".

SEC. 2. REDESIGNATION OF WHITE CLOUDS WILDERNESS, SAWTOOTH AND CHALLIS NATIONAL FORESTS, IDAHO.

(a) REDESIGNATION.—Section 101(b) of the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act (16 U.S.C. 1132 note; 129 Stat. 477) is amended—

(1) in the subsection heading, by striking "WHITE" and inserting "CECIL D. ANDRUS-WHITE"; and

(2) in the text, by striking "White" the second place it appears and inserting "Cecil D. Andrus-White".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the White Clouds Wilderness. shall be deemed to be a reference to the Cecil D. Andrus-White Clouds Wilderness.

Public Law 115–142
115th Congress

An Act

Mar. 23, 2018
[H.R. 2254]

To designate the facility of the United States Postal Service located at 2635 Napa Street in Vallejo, California, as the "Janet Capello Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JANET CAPELLO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2635 Napa Street in Vallejo, California, shall be known and designated as the "Janet Capello Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Janet Capello Post Office Building".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 2254:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 10, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–143
115th Congress

An Act

To designate the facility of the United States Postal Service located at 259 Nassau Street, Suite 2 in Princeton, New Jersey, as the "Dr. John F. Nash, Jr. Post Office".

Mar. 23, 2018
[H.R. 2302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. JOHN F. NASH, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 259 Nassau Street, Suite 2 in Princeton, New Jersey, shall be known and designated as the "Dr. John F. Nash, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. John F. Nash, Jr. Post Office".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 2302:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 11, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–144
115th Congress

An Act

Mar. 23, 2018
[H.R. 2464]

To designate the facility of the United States Postal Service located at 25 New Chardon Street Lobby in Boston, Massachusetts, as the "John Fitzgerald Kennedy Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN FITZGERALD KENNEDY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 25 New Chardon Street Lobby in Boston, Massachusetts, shall be known and designated as the "John Fitzgerald Kennedy Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Fitzgerald Kennedy Post Office".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 2464:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 10, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–145
115th Congress

An Act

To designate the facility of the United States Postal Service located at 520 Carter Street in Fairview, Illinois, as the "Sgt. Douglas J. Riney Post Office".

Mar. 23, 2018
[H.R. 2672]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SGT. DOUGLAS J. RINEY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 520 Carter Street in Fairview, Illinois, shall be known and designated as the "Sgt. Douglas J. Riney Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sgt. Douglas J. Riney Post Office".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 2672:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–146
115th Congress

An Act

Mar. 23, 2018
[H.R. 2815]

To designate the facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, as the "Gunnery Sergeant John Basilone Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GUNNERY SERGEANT JOHN BASILONE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, shall be known and designated as the "Gunnery Sergeant John Basilone Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gunnery Sergeant John Basilone Post Office".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 2815:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, 14, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–147
115th Congress

An Act

To designate the facility of the United States Postal Service located at 207 Glenside Avenue in Wyncote, Pennsylvania, as the "Staff Sergeant Peter Taub Post Office Building".

Mar. 23, 2018
[H.R. 2873]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFF SERGEANT PETER TAUB POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 207 Glenside Avenue in Wyncote, Pennsylvania, shall be known and designated as the "Staff Sergeant Peter Taub Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Peter Taub Post Office Building".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 2873:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–148
115th Congress

An Act

Mar. 23, 2018
[H.R. 3109]

To designate the facility of the United States Postal Service located at 1114 North 2nd Street in Chillicothe, Illinois, as the "Sr. Chief Ryan Owens Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SR. CHIEF RYAN OWENS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1114 North 2nd Street in Chillicothe, Illinois, shall be known and designated as the "Sr. Chief Ryan Owens Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sr. Chief Ryan Owens Post Office Building".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 3109:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, 16, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–149
115th Congress

An Act

To designate the facility of the United States Postal Service located at 225 North Main Street in Spring Lake, North Carolina, as the "Howard B. Pate, Jr. Post Office".

Mar. 23, 2018
[H.R. 3369]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOWARD B. PATE, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 225 North Main Street in Spring Lake, North Carolina, shall be known and designated as the "Howard B. Pate, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Howard B. Pate, Jr. Post Office".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 3369:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–150
115th Congress

An Act

Mar. 23, 2018
[H.R. 3638]

To designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RUTLEDGE PEARSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, shall be known and designated as the "Rutledge Pearson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Rutledge Pearson Post Office Building".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 3638:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–151
115th Congress

An Act

To designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the "Dr. Walter S. McAfee Post Office Building".

Mar. 23, 2018
[H.R. 3655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. WALTER S. MCAFEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, shall be known and designated as the "Dr. Walter S. McAfee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Walter S. McAfee Post Office Building".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 3655:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–152
115th Congress

An Act

Mar. 23, 2018
[H.R. 3821]

To designate the facility of the United States Postal Service located at 430 Main Street in Clermont, Georgia, as the "Zack T. Addington Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ZACK T. ADDINGTON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 430 Main Street in Clermont, Georgia, shall be known and designated as the "Zack T. Addington Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Zack T. Addington Post Office".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 3821:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–153
115th Congress

An Act

To designate the facility of the United States Postal Service located at 100 Mathe Avenue in Interlachen, Florida, as the "Robert H. Jenkins, Jr. Post Office".

Mar. 23, 2018
[H.R. 3893]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT H. JENKINS, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Mathe Avenue in Interlachen, Florida, shall be known and designated as the "Robert H. Jenkins, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert H. Jenkins, Jr. Post Office".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 3893:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–154
115th Congress

An Act

Mar. 23, 2018
[H.R. 4042]

To designate the facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, as the "Borinqueneers Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BORINQUENEERS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, shall be known and designated as the "Borinqueneers Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Borinqueneers Post Office Building".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 4042:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, 14, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–155
115th Congress

An Act

To designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the "James C. 'Billy' Johnson Post Office Building".

Mar. 23, 2018
[H.R. 4285]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES C. "BILLY" JOHNSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, shall be known and designated as the "James C. 'Billy' Johnson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "James C. 'Billy' Johnson Post Office Building".

Approved March 23, 2018.

LEGISLATIVE HISTORY—H.R. 4285:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate.

Public Law 115–156
115th Congress

An Act

Mar. 26, 2018
[H.R. 1177]

To direct the Secretary of Agriculture to release on behalf of the United States the condition that certain lands conveyed to the City of Old Town, Maine, be used for a municipal airport, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Removing Outdated Restrictions to Allow for Job Growth Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Removing Outdated Restrictions to Allow for Job Growth Act".

SEC. 2. RELEASE OF REVERSIONARY INTEREST.

(a) RELEASE.—Notwithstanding section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)), if the City of Old Town, Maine, makes a written request to the Secretary of Agriculture, the Secretary shall release, convey, and quitclaim, without monetary consideration, all rights, title, and interest of the United States in and to the lands specified in subsection (b).

(b) LANDS SPECIFIED.—The lands subject to subsection (a) include only the lands—

(1) conveyed by the United States to the City of Old Town, Maine, under section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)) by the deed dated June 5, 1941;

(2) proposed for conveyance by the City of Old Town, Maine, for the purpose of economic development; and

(3) described in the written request submitted by the City of Old Town, Maine, to the Secretary of Agriculture pursuant to subsection (a).

Approved March 26, 2018.

LEGISLATIVE HISTORY—H.R. 1177:

HOUSE REPORTS: No. 115–124 (Comm. on Agriculture).
CONGRESSIONAL RECORD:
Vol. 163 (2017): May 17, considered and passed House.
Vol. 164 (2018): Mar. 8, considered and passed Senate.

Public Law 115–157
115th Congress

An Act

To rename the Red River Valley Agricultural Research Center in Fargo, North Dakota, as the Edward T. Schafer Agricultural Research Center.

Mar. 27, 2018
[H.R. 2154]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING OF THE RED RIVER VALLEY AGRICULTURAL RESEARCH CENTER IN FARGO, NORTH DAKOTA AS THE EDWARD T. SCHAFER AGRICULTURAL RESEARCH CENTER.

(a) RENAMING.—The Red River Valley Agricultural Research Center in Fargo, North Dakota, shall hereafter be known and designated as the "Edward T. Schafer Agricultural Research Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be considered to be a reference to the Edward T. Schafer Agricultural Research Center.

Approved March 27, 2018.

LEGISLATIVE HISTORY—H.R. 2154:

HOUSE REPORTS: No. 115–125 (Comm. on Agriculture).
CONGRESSIONAL RECORD:
Vol. 163 (2017): May 17, considered and passed House.
Vol. 164 (2018): Mar. 14, considered and passed Senate.

Public Law 115–158
115th Congress

An Act

Mar. 27, 2018
[S. 188]

To amend title 31, United States Code, to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Eliminating Government-funded Oil-painting Act. 31 USC 1301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eliminating Government-funded Oil-painting Act" or the "EGO Act".

SEC. 2. PROHIBITION ON USE OF FUNDS FOR PORTRAITS.

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following:

31 USC 1355.

"§ 1355. Prohibition on use of funds for portraits

"(a) No funds appropriated or otherwise made available to the Federal Government may be used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a Member of Congress, the head of an executive agency, or the head of an office of the legislative branch.

Definitions.

"(b) In this section—

"(1) the term 'executive agency' has the meaning given the term in section 133 of title 41; and

"(2) the term 'Member of Congress' includes a Delegate or Resident Commissioner to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by

adding after the item relating to section 1354 the following new item:

"1355. Prohibition on use of funds for portraits.".

Approved March 27, 2018.

LEGISLATIVE HISTORY—S. 188 (H.R. 1701):

HOUSE REPORTS: No. 115–511, Pt. 1 (Comm. on Oversight and Government Reform) accompanying H.R. 1701.
SENATE REPORTS: No. 115–28 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Sept. 18, considered and passed Senate.
Vol. 164 (2018): Mar. 6, considered and passed House, amended.
Mar. 14, Senate concurred in House amendments.

Public Law 115–159
115th Congress

An Act

Mar. 27, 2018
[S. 324]

To amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

State Veterans Home Adult Day Health Care Improvement Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Veterans Home Adult Day Health Care Improvement Act of 2017".

SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.

(a) IN GENERAL.—Section 1745 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

"(d)(1) The Secretary shall enter into an agreement with each State home for payment by the Secretary for medical supervision model adult day health care provided to a veteran described in subsection (a)(1) on whose behalf the State home is not in receipt of payment for nursing home care from the Secretary.

"(2)(A) Payment under each agreement between the Secretary and a State home under paragraph (1) for each veteran who receives medical supervision model adult day health care under such agreement shall be made at a rate established through regulations prescribed by the Secretary to adequately reimburse the State home for the care provided by the State home, including necessary transportation expenses.

"(B) The Secretary shall consult with the State homes in prescribing regulations under subparagraph (A).

"(C) The rate established through regulations under subparagraph (A) shall not take effect until the date that is 30 days after the date on which those regulations are published in the Federal Register.

"(3) Payment by the Secretary under paragraph (1) to a State home for medical supervision model adult day health care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.

"(4) In this subsection, the term 'medical supervision model adult day health care' means adult day health care that includes the coordination of physician services, dental services, nursing services, the administration of drugs, and such other requirements as determined appropriate by the Secretary."; and

(2) in the section heading, by inserting "**, adult day health care,**" after "**home care**".

(b) INITIAL RATE.—Before the Secretary of Veterans Affairs establishes a payment rate under subsection (d)(2)(A) of section 1745 of such title, as added by subsection (a), the Secretary shall pay to a State home that has entered into an agreement with the Secretary for medical supervision model adult day health care (as defined in subsection (d)(4) of such section) an amount equal to 65 percent of the rate the Secretary would pay under subsection (a)(2) of such section to the State home for nursing home care provided to the veteran. 38 USC 1745 note.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1745 and inserting the following new item: 38 USC prec. 1701.

"1745. Nursing home care, adult day health care, and medications for veterans with service-connected disabilities.".

Approved March 27, 2018.

LEGISLATIVE HISTORY—S. 324 (H.R. 1005):

HOUSE REPORTS: No. 115–148 (Comm. on Veterans' Affairs) accompanying H.R. 1005.

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 9, considered and passed Senate.
Vol. 164 (2018): Mar. 13, considered and passed House.

Public Law 115–160
115th Congress

An Act

Apr. 3, 2018
[H.R. 3731]

To provide overtime pay for employees of the United States Secret Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Secret Service Recruitment and Retention Act of 2018.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secret Service Recruitment and Retention Act of 2018".

SEC. 2. EXTENSION OF OVERTIME PAY EXCEPTION THROUGH 2018 FOR PROTECTIVE SERVICES.

(a) AMENDMENTS.—

(1) IN GENERAL.—Section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note) is amended—

(A) in the section heading, by striking "**IN 2016**" and inserting "**DURING 2016 THROUGH 2018**";

(B) in subsection (a), by striking "2016" and inserting "2016, 2017, or 2018"; and

(C) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Notwithstanding any other provision of law, including section 5547(a) of title 5, United States Code, and only to the extent that an appropriation is provided specifically in an appropriations Act for premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a), any covered employee may receive premium pay during 2016, 2017, and 2018, to the extent provided under section 118 of the Treasury and General Government Appropriations Act, 2001 (5 U.S.C. 5547 note).".

(2) CLARIFYING PROVISION.—Section 118 of the Treasury and General Government Appropriations Act, 2001 (5 U.S.C. 5547 note) is amended, in the first sentence, by inserting "or 3056A" after "section 3056(a)".

5 USC 5547 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on December 31, 2016.

(c) REPORT ON EXTENSIONS.—Not later than January 30, 2018, and January 30, 2019, the Director of the Secret Service shall submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the effects of the amendment made by subsection (a)(2). The report shall include, with respect to the previous calendar year—

(1) the total number of United States Secret Service personnel receiving premium pay above the premium pay limitation in subsection (a) of section 5547 of title 5, United States Code;

(2) the total amount of premium pay for that calendar year paid to United States Secret Service personnel above the premium pay limitation in such subsection;

(3) the mean and median amount of premium pay paid to United States Secret Service personnel above the premium pay limitation in such subsection;

(4) the greatest amount paid to United States Secret Service personnel above the premium pay limitation in such subsection and the number of employees who received that amount;

(5) notwithstanding the amendments made by subsection (a), the total number of United States Secret Service personnel who were not fully compensated for service because of the premium pay earnings limitation in section 118 of the Treasury and General Government Appropriations Act, 2001 (5 U.S.C. 5547 note);

(6) the total amount of premium pay United States Secret Service personnel would have been paid but for the premium pay earnings limitation in such section; and

(7) a list of United States Secret Service personnel who, within the calendar year, received premium pay above the premium pay limitation in subsection (a) of section 5547 of title 5, United States Code, and separated from the agency, including the type of separation in each case. Lists.

SEC. 3. REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.

Not later than 1 year after the effective date of this section, the Comptroller General of the United States shall complete a study and submit to the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the extent of the progress made by the United States Secret Service in implementing the recommendations of the United States Secret Service Protective Mission Panel, including in particular those items pertaining to training and personnel enumerated in the Executive Summary to Report from the United States Secret Service Protective Mission

Panel to the Secretary of Homeland Security dated December 15, 2014.

Approved April 3, 2018.

LEGISLATIVE HISTORY—H.R. 3731:

HOUSE REPORTS: No. 115–435, Pt. 1 (Comm. on Oversight and Government Reform).

CONGRESSIONAL RECORD:

Vol. 163 (2017): Dec. 5, considered and passed House.

Vol. 164 (2018): Mar. 19, considered and passed Senate, amended.

Mar. 21, House concurred in Senate amendment.

Public Law 115–161
115th Congress

An Act

To deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020, and for other purposes.

Apr. 3, 2018
[S. 2030]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ceiling Fan Energy Conservation Harmonization Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ceiling Fan Energy Conservation Harmonization Act".

SEC. 2. COMPLIANCE DATE FOR AMENDED ENERGY CONSERVATION STANDARDS FOR CEILING FAN LIGHT KITS.

(a) IN GENERAL.—The compliance date for the amended energy conservation standards established for ceiling fan light kits in the final rule entitled "Energy Conservation Program: Energy Conservation Standards for Ceiling Fan Light Kits" (81 Fed. Reg. 580 (January 6, 2016)) is deemed to be January 21, 2020.

(b) CONFORMING CHANGES.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall make such technical and conforming changes to any regulation, guidance document, or procedure as may be necessary to implement subsection (a).

Approved April 3, 2018.

LEGISLATIVE HISTORY—S. 2030:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 21, considered and passed Senate.
Vol. 164 (2018): Mar. 19, considered and passed House.

Public Law 115–162
115th Congress

An Act

Apr. 3, 2018
[S. 2040]

To designate the facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, as the "Amelia Earhart Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMELIA EARHART POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, shall be known and designated as the "Amelia Earhart Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Amelia Earhart Post Office Building".

Approved April 3, 2018.

LEGISLATIVE HISTORY—S. 2040:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 7, considered and passed Senate.
Mar. 20, considered and passed House.

Public Law 115–163
115th Congress

An Act

To establish the Kennedy-King National Commemorative Site in the State of Indiana, and for other purposes.

Apr. 4, 2018
[H.R. 4851]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Kennedy–King National Commemorative Site Act.
54 USC 320101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kennedy–King National Commemorative Site Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) SITE.—The term "Site" means the Kennedy-King National Commemorative Site as designated by section 3(a).

(3) STATE.—The term "State" means the State of Indiana.

SEC. 3. NATIONAL COMMEMORATIVE SITE.

(a) DESIGNATION.—The Landmark for Peace Memorial in Martin Luther King, Jr. Park in Indianapolis, in the State, is hereby designated as the Kennedy-King National Commemorative Site.

(b) AFRICAN AMERICAN CIVIL RIGHTS NETWORK.—The Site shall be part of the African American Civil Rights Network established under Public Law 115–104.

(c) ADMINISTRATION.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public or private entities for interpretative and educational purposes related to the Site.

(2) EFFECT OF DESIGNATION.—The Site shall not be a unit of the National Park System.

(3) LIMITATIONS.—Nothing in this Act—

(A) authorizes the Secretary to interfere with the rights of any person with respect to private property or any local zoning ordinance or land use plan of the State or any political subdivision thereof; or

(B) authorizes the Secretary to acquire land or interests in land through condemnation or otherwise.

Approved April 4, 2018.

LEGISLATIVE HISTORY—H.R. 4851:

HOUSE REPORTS: No. 115–612 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 19, considered and passed House.
Mar. 22, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 115–164
115th Congress

An Act

To amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

Apr. 11, 2018
[H.R. 1865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Allow States and Victims to Fight Online Sex Trafficking Act of 2017.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Allow States and Victims to Fight Online Sex Trafficking Act of 2017".

47 USC 230 note.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) section 230 of the Communications Act of 1934 (47 U.S.C. 230; commonly known as the "Communications Decency Act of 1996") was never intended to provide legal protection to websites that unlawfully promote and facilitate prostitution and websites that facilitate traffickers in advertising the sale of unlawful sex acts with sex trafficking victims;

(2) websites that promote and facilitate prostitution have been reckless in allowing the sale of sex trafficking victims and have done nothing to prevent the trafficking of children and victims of force, fraud, and coercion; and

(3) clarification of such section is warranted to ensure that such section does not provide such protection to such websites.

SEC. 3. PROMOTION OF PROSTITUTION AND RECKLESS DISREGARD OF SEX TRAFFICKING.

(a) PROMOTION OF PROSTITUTION.—Chapter 117 of title 18, United States Code, is amended by inserting after section 2421 the following:

18 USC 2421A.

"§ 2421A. Promotion or facilitation of prostitution and reckless disregard of sex trafficking

"(a) IN GENERAL.—Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service (as such term is defined in defined in section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f))), or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another person shall be fined under this title, imprisoned for not more than 10 years, or both.

"(b) AGGRAVATED VIOLATION.—Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate

or foreign commerce, owns, manages, or operates an interactive computer service (as such term is defined in defined in section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f))), or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another person and—

"(1) promotes or facilitates the prostitution of 5 or more persons; or

"(2) acts in reckless disregard of the fact that such conduct contributed to sex trafficking, in violation of 1591(a),

shall be fined under this title, imprisoned for not more than 25 years, or both.

"(c) CIVIL RECOVERY.—Any person injured by reason of a violation of section 2421A(b) may recover damages and reasonable attorneys' fees in an action before any appropriate United States district court.

"(d) MANDATORY RESTITUTION.—Notwithstanding sections 3663 or 3663A and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any violation of subsection (b)(2). The scope and nature of such restitution shall be consistent with section 2327(b).

"(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a), or subsection (b)(1) where the defendant proves, by a preponderance of the evidence, that the promotion or facilitation of prostitution is legal in the jurisdiction where the promotion or facilitation was targeted.".

18 USC prec. 2421.

(b) TABLE OF CONTENTS.—The table of contents for such chapter is amended by inserting after the item relating to section 2421 the following:

"2421A. Promotion or facilitation of prostitution and reckless disregard of sex trafficking.".

SEC. 4. ENSURING ABILITY TO ENFORCE FEDERAL AND STATE CRIMINAL AND CIVIL LAW RELATING TO SEX TRAFFICKING.

(a) IN GENERAL.—Section 230(e) of the Communications Act of 1934 (47 U.S.C. 230(e)) is amended by adding at the end the following:

"(5) NO EFFECT ON SEX TRAFFICKING LAW.—Nothing in this section (other than subsection (c)(2)(A)) shall be construed to impair or limit—

"(A) any claim in a civil action brought under section 1595 of title 18, United States Code, if the conduct underlying the claim constitutes a violation of section 1591 of that title;

"(B) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 1591 of title 18, United States Code; or

"(C) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 2421A of title 18, United States Code, and promotion or facilitation of prostitution is illegal in the jurisdiction where the defendant's promotion or facilitation of prostitution was targeted.".

Applicability. 47 USC 230 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and the amendment made by subsection (a) shall apply regardless of

whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after such date of enactment.

SEC. 5. ENSURING FEDERAL LIABILITY FOR PUBLISHING INFORMATION DESIGNED TO FACILITATE SEX TRAFFICKING OR OTHERWISE FACILITATING SEX TRAFFICKING.

Section 1591(e) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) The term 'participation in a venture' means knowingly assisting, supporting, or facilitating a violation of subsection (a)(1).". Definition.

SEC. 6. ACTIONS BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Section 1595 of title 18, United States Code, is amended by adding at the end the following:

"(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as parens patriae, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1595 of title 18, United States Code, is amended—

(1) in subsection (b)(1), by striking "this section" and inserting "subsection (a)"; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking "this section" and inserting "subsection (a)".

SEC. 7. SAVINGS CLAUSE. 47 USC 230 note.

Nothing in this Act or the amendments made by this Act shall be construed to limit or preempt any civil action or criminal prosecution under Federal law or State law (including State statutory law and State common law) filed before or after the day before the date of enactment of this Act that was not limited or preempted by section 230 of the Communications Act of 1934 (47 U.S.C. 230), as such section was in effect on the day before the date of enactment of this Act.

SEC. 8. GAO STUDY. Time period. Reports.

On the date that is 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report which includes the following:

(1) Information on each civil action brought pursuant to section 2421A(c) of title 18, United States Code, that resulted in an award of damages, including the amount claimed, the nature or description of the losses claimed to support the amount claimed, the losses proven, and the nature or description of the losses proven to support the amount awarded.

(2) Information on each civil action brought pursuant to section 2421A(c) of title 18, United States Code, that did not result in an award of damages, including—

(A) the amount claimed and the nature or description of the losses claimed to support the amount claimed; and

(B) whether the case was dismissed, and if the case was dismissed, information describing the reason for the dismissal.

(3) Information on each order of restitution entered pursuant to section 2421A(d) of title 18, United States Code, including—

(A) whether the defendant was a corporation or an individual;

(B) the amount requested by the Government and the justification for, and calculation of, the amount requested, if restitution was requested; and

(C) the amount ordered by the court and the justification for, and calculation of, the amount ordered.

(4) For each defendant convicted of violating section 2421A(b) of title 18, United States Code, that was not ordered to pay restitution—

(A) whether the defendant was a corporation or an individual;

(B) the amount requested by the Government, if restitution was requested; and

(C) information describing the reason that the court did not order restitution.

Approved April 11, 2018.

LEGISLATIVE HISTORY—H.R. 1865:

HOUSE REPORTS: No. 115–572, Pt. 1 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 27, considered and passed House.
Mar. 21, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Apr. 11, Presidential remarks.

Public Law 115–165
115th Congress

An Act

To amend titles II, VIII, and XVI of the Social Security Act to improve and strengthen the representative payment program.

Apr. 13, 2018
[H.R. 4547]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strengthening Protections for Social Security Beneficiaries Act of 2018.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Protections for Social Security Beneficiaries Act of 2018".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—STRENGTHENING OVERSIGHT AND BENEFICIARY PROTECTION

Sec. 101. Stronger monitoring of representative payees.
Sec. 102. Reducing the burden on families.
Sec. 103. Protecting beneficiaries through information sharing.
Sec. 104. Clarifying overpayment liability for child in child welfare system.
Sec. 105. Reports.

TITLE II—IMPROVING PAYEE SELECTION AND QUALITY

Sec. 201. Advance designation of representative payees.
Sec. 202. Prohibition on individuals convicted of certain crimes serving as representative payees.
Sec. 203. Prohibition on individuals with representative payees serving as representative payees.
Sec. 204. Reassessment of payee selection and replacement policies.

TITLE I—STRENGTHENING OVERSIGHT AND BENEFICIARY PROTECTION

SEC. 101. STRONGER MONITORING OF REPRESENTATIVE PAYEES.

Grants.
Reviews.

(a) PROTECTION AND ADVOCACY FOR BENEFICIARIES WITH REPRESENTATIVE PAYEES.—Section 205(j)(6) of the Social Security Act (42 U.S.C. 405(j)(6)) is amended by adding at the end the following:

"(C)(i) The Commissioner of Social Security shall make annual grants directly to the protection and advocacy system serving each of the States and the American Indian consortium for the purpose of conducting reviews of representative payees in accordance with this subparagraph. The total amount used by the Commissioner for such grants each year—

Intergovernmental relations.
Native Americans.

"(I) shall be an amount sufficient, as determined by the Commissioner in consultation with each of the protection and advocacy systems, to carry out all of the activities described in clause (ii); and

Consultation.

"(II) shall not be less than $25,000,000.

"(ii) A protection and advocacy system awarded a grant under this subparagraph shall use the grant funds to—

"(I) conduct all periodic onsite reviews pursuant to this paragraph and such other reviews of representative payees as the Commissioner may request, including reviews conducted in response to allegations or concerns about the performance or suitability of the payee;

"(II) conduct additional reviews that the protection and advocacy system has reason to believe are warranted;

Plans. "(III) develop corrective action plans to assist representative payees in conforming to requirements specified by the Commissioner;

Reports. "(IV) submit a report to the Commissioner on each completed review containing such information as the Commissioner shall require; and

Assessments. "(V) conduct an initial onsite assessment of any organization that begins collecting a fee for its services as a representative payee to ensure that such organization is established as such a representative payee in accordance with requirements specified by the Commissioner.

A protection and advocacy system may refer beneficiaries to other programs or services as the protection and advocacy system considers appropriate.

"(iii) To be eligible to receive grants under this section, a protection and advocacy system shall submit an initial application to the Commissioner at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(iv)(I) Subject to subclause (II), the Commissioner shall ensure that any funds used for grants under clause (i) shall be allocated to the protection and advocacy systems serving each of the States and the American Indian consortium in a manner such that the amount provided to each protection and advocacy system bears the same ratio to the total of such funds as the number of represented beneficiaries in the State or American Indian consortium in which such protection and advocacy system is located bears to the total number of represented beneficiaries.

"(II) The amount of an annual grant to a protection and advocacy system under clause (i) shall—

Territories. "(aa) in the case of a protection and advocacy system serving American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, or the American Indian consortium, not be less than $30,000; and

"(bb) in the case of a protection and advocacy system serving any other State, not be less than $60,000.

Time periods. "(III) Funds provided to a protection and advocacy system through a grant under clause (i) for a 1-year period shall remain available through the end of the following 1-year period.

"(IV) For purposes of this clause, the term 'represented beneficiary' means an individual—

"(aa) who is entitled to benefits under this title, title VIII, or title XVI; and

"(bb) whose benefits have been certified for payment to a representative payee.

"(v)(I) The Commissioner shall make annual grants, in an amount equal to 4 percent of the total amount of grants awarded each year under clause (i), to an eligible national association for the provision of training and technical assistance, administrative support, and data collection services to protection and advocacy systems in connection with grants awarded under clause (i).

"(II) In this clause, the term 'eligible national association' means a national disability association with extensive knowledge and demonstrated experience in providing training, technical assistance, and administrative oversight to protection and advocacy systems that monitor representative payees. Definition.

"(vi) In conducting reviews under this section, a protection and advocacy system shall have the same authorities, including access to records, facilities, and persons, as such system would have for purposes of providing services under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

"(vii) Whenever benefit amounts under this title are increased by any percentage effective with any month after November 2018 as a result of a determination made under section 215(i), each of the dollar amounts specified in clauses (i)(II) and (iv)(II) shall be increased by the same percentage. Effective date.

"(viii) No additional funds are authorized to be appropriated to carry out the requirements of this subparagraph. Such requirements shall be carried out using amounts otherwise authorized.

"(ix) In this subparagraph: Definitions.

"(I) The term 'American Indian consortium' means a consortium established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

"(II) The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

"(III) The term 'State' means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) EXPANSION OF PERIODIC ONSITE REVIEW REQUIREMENTS.—Section 205(j)(6)(A) of the Social Security Act (42 U.S.C. 405(j)(6)(A)) is amended—

(1) in clause (ii), by striking "or";

(2) in clause (iii), by striking the period and inserting "; or";

(3) by adding after clause (iii) the following:

"(iv) the representative payee collects a fee for its services."; and

(4) by adding after clause (iv) (as added by paragraph (3)) the following flush text:

"The Commissioner shall also conduct periodic onsite reviews of individual and organizational payees, including payees who are related to the beneficiary and primarily reside in the same household, selected on the basis of risk-factors for potential misuse or unsuitability associated with such payees or beneficiaries.".

(c) AVAILABILITY OF GRANT FUNDS.— 42 USC 405 note.

Award dates.
Reimbursement.
Time period.

(1) PROTECTION AND ADVOCACY SYSTEM GRANTS.—Grants described under clause (i) of subparagraph (C) of section 205(j)(6) of the Social Security Act (as added by subsection (a)) shall be awarded on August 1, 2018, and annually thereafter, and funds provided by such grants to a protection and advocacy system may be used to reimburse the protection and advocacy system for amounts expended by the protection and advocacy system during the period beginning on May 1, 2018, and ending on such date for hiring and start-up costs in preparation to carry out reviews of representative payees in accordance with such subparagraph.

(2) NATIONAL ASSOCIATION GRANTS.—Grants described under clause (v) of such subparagraph shall be awarded on May 1, 2018, and annually thereafter.

SEC. 102. REDUCING THE BURDEN ON FAMILIES.

(a) TITLE II.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by inserting after subparagraph (C) the following:

"(D)(i) Subparagraph (A) shall not apply in any case where the other person to whom such payment is made is—

"(I) a parent, or other individual who is a legal guardian of, a minor child entitled to such payment who primarily resides in the same household;

"(II) a parent of an individual entitled to such payment who is under a disability (as defined in section 223(d)) who primarily resides in the same household; or

"(III) the spouse of the individual entitled to such payment.

Procedures.
Determination.

"(ii) The Commissioner of Social Security shall establish and implement procedures as necessary for the Commissioner to determine the eligibility of such parties for the exemption provided in clause (i). The Commissioner shall prescribe such regulations as may be necessary to determine eligibility for such exemption.";

Regulations.

(3) in subparagaph (E) (as so redesignated), by striking "and (C)" and inserting "(C), and (D)"; and

(4) in subparagraph (F) (as so redesignated), by striking "(D)" each place it appears and inserting "(E)".

(b) TITLE VIII.—Section 807(h) of the Social Security Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3)(A) Paragraph (1) shall not apply in any case where the other person to whom such payment is made is the spouse of the individual entitled to such payment.

Procedures.
Determination.

"(B) The Commissioner of Social Security shall establish and implement procedures as necessary for the Commissioner to determine the eligibility of such parties for the exemption

provided in subparagraph (A). The Commissioner shall prescribe such regulations as may be necessary to determine eligibility for such exemption.". Regulations.

(c) TITLE XVI.—Section 1631(a)(2)(C) of the Social Security Act (42 U.S.C. 1383(a)(2)(C)) is amended—

(1) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(2) by inserting after clause (iii) the following:

"(iv)(I) Clause (i) shall not apply in any case where the representative payee is—

"(aa) a parent, or other individual who is a legal guardian of, a minor child entitled to such payment who primarily resides in the same household;

"(bb) a parent of an individual entitled to such payment who is under a disability who primarily resides in the same household; or

"(cc) the spouse of the individual entitled to such payment.

"(II) The Commissioner of Social Security shall establish and implement procedures as necessary for the Commissioner to determine the eligibility of such parties for the exemption provided in subclause (I). The Commissioner shall prescribe such regulations as may be necessary to determine eligibility for such exemption."; Procedures. Determination.

(3) in clause (v) (as so redesignated), by striking "and (iii)" and inserting "(iii), and (iv)"; and

(4) in clause (vi) (as so redesignated), by striking "(iv)" each time it appears and inserting "(v)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 42 USC 405 note.

SEC. 103. PROTECTING BENEFICIARIES THROUGH INFORMATION SHARING.

(a) INFORMATION SHARING TO DETERMINE STATE FOSTER CARE STATUS.—

(1) IN GENERAL.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended by adding at the end the following:

"(11)(A) The Commissioner of Social Security shall—

"(i) enter into agreements with each State with a plan approved under part E of title IV for the purpose of sharing and matching data, on an automated monthly basis, in the system of records of the Social Security Administration with each Statewide and Tribal Automated Child Welfare Information System to identify represented minor beneficiaries who are in foster care under the responsibility of the State for such month; and Contracts. Plan. Records.

"(ii) in any case in which a represented minor beneficiary has entered or exited foster care or changed foster care placement in such month, redetermine the appropriate representative payee for such individual.

"(B) For purposes of this paragraph— Definitions.

"(i) the term 'State' has the meaning given such term for purposes of part E of title IV;

"(ii) the term 'Statewide and Tribal Automated Child Welfare Information System' means a statewide mechanized data collection and information retrieval system described in section 474(a)(3)(C); and

"(iii) the term 'represented minor beneficiary', with respect to an individual for a month, means a child (as defined for purposes of section 475(8)) entitled to benefits under this title for such month whose benefits are certified for payment to a representative payee.".

(2) CONFORMING CHANGE.—Section 471(a)(8)(A) of the Social Security Act (42 U.S.C. 671(a)(8)(A)) is amended by inserting "the program established by title II," after "XX,".

(3) GAO STUDY AND REPORT.—

(A) EVALUATION.—As soon as possible after the date of the enactment of this Act, the Comptroller General shall evaluate—

(i) the number of represented minor beneficiaries in foster care under the responsibility of a State for each month during the previous year;

(ii) whether the representative payee for each represented minor beneficiary is—

(I) a governmental child welfare agency;

(II) an organizational payee that is not a governmental child welfare agency;

(III) a foster parent or child-care institution (within the meaning of part E of title IV); or

(IV) another individual; and

(iii) whether funds were conserved, used for direct expenses of the minor beneficiary, or used to reimburse the State for foster care maintenance costs.

(B) REPORT TO CONGRESS.—Not later than 36 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the evaluation required under subparagraph (A).

(C) DEFINITIONS.—For purposes of this paragraph—

(i) the term "State" has the meaning given such term for purposes of part E of title IV of the Social Security Act; and

(ii) the term "represented minor beneficiary", with respect to an individual for a month, means a child (as defined for purposes of section 475(8) of the Social Security Act) entitled to benefits under title II of such Act for such month whose benefits are certified for payment to a representative payee.

Applicability.
Time period.
42 USC 405 note.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply with respect to months beginning on or after the date that is 1 year after the date of the enactment of this Act.

Plan.
Determination.
Time period.

(B) EXCEPTION IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part E of title IV of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made under this subsection, such plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins

after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(b) IMPROVING COORDINATION WITH ADULT PROTECTIVE SERVICES.—

(1) IN GENERAL.—The Commissioner of Social Security shall study and test the administrative feasibility of improving information sharing, in partnership with State agencies that provide adult protective services, with respect to— Study.

(A) the assessment of an individual's need for a representative payee in connection with benefits to which the individual is entitled under title II or title XVI of the Social Security Act; and Assessment.

(B) oversight of individuals and organizations serving as representative payees.

(2) REPORT.—Not later than June 30, 2022, the Commissioner of Social Security shall conclude the study described in paragraph (1) and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of such study.

(c) STUDY ON POTENTIAL TO COORDINATE WITH STATE COURTS.—

(1) IN GENERAL.—The Commissioner of Social Security shall enter into an agreement with the Administrative Conference of the United States to conduct a study that includes— Contracts.

(A) an overview of potential opportunities for information sharing between the Social Security Administration and State courts and relevant State agencies;

(B) a detailed analysis of the barriers to such information sharing, including any Federal or State statutory barriers; Analysis.

(C) a description of how such information sharing would be implemented, including any additional infrastructure needed; and

(D) a description of any risks or other factors that the Social Security Administration and the Congress should consider before implementing such information sharing.

(2) REPORT.—Not later than June 30, 2020, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and make publicly available a report on the results of the study conducted under paragraph (1). Public information.

SEC. 104. CLARIFYING OVERPAYMENT LIABILITY FOR CHILD IN CHILD WELFARE SYSTEM.

(a) AMENDMENT TO TITLE II.—Section 204(a) of the Social Security Act (42 U.S.C. 404(a)) is amended by adding at the end the following:

"(3)(A) When any payment of more than the correct amount is made on behalf of an individual who is a represented minor beneficiary for a month in which such individual is in foster care under the responsibility of a State and the State is the representative payee of such individual, the State shall be liable for the repayment of the overpayment, and there shall be no adjustment

of payments to, or recovery by the United States from, such individual.

Definition.

"(B) For purposes of this paragraph, the term 'represented minor beneficiary' has the meaning given such term in subsection (j)(11)(B)(iii).".

(b) AMENDMENT TO TITLE XVI.—Section 1631(b) of the Social Security Act (42 U.S.C. 1683(b)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3)(A) When any payment of more than the correct amount is made on behalf of an individual who is a represented minor beneficiary for a month in which such individual is in foster care under the responsibility of a State and the State is the representative payee of such individual, the State shall be liable for the repayment of the overpayment, and there shall be no adjustment of payments to, or recovery by the United States from, such individual.

Definition.

"(B) For purposes of this paragraph, the term 'represented minor beneficiary', with respect to an individual for a month, means a child (as defined for purposes of section 475(8)) entitled to benefits under this title for such month whose benefits are certified for payment to a representative payee.".

Applicability.
42 USC 404 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to overpayment determinations made on or after the date of the enactment of this Act and to any other overpaid amounts that have not been recovered as of such date.

SEC. 105. REPORTS.

(a) REPORT ON BENEFITS MISUSED.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)), as amended by section 103(a), is further amended—

(1) in paragraph (6)—

(A) by striking "(A) In addition to" and inserting "In addition to"; and

(B) by striking subparagraph (B); and

(2) by adding at the end the following:

"(12)(A) Not later than January 31 of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the total number of individuals entitled to benefits under titles II, VIII, and XVI, respectively, (and the number of individuals concurrently entitled to benefits under more than one such title) who have a representative payee, the total number of such representative payees, and the results of all reviews of representative payees conducted during the previous fiscal year in connection with benefits under this title, title VIII, or title XVI. Such report shall summarize problems identified in such reviews and corrective actions taken or planned to be taken to correct such problems, and shall include—

"(i) the number of such reviews;

"(ii) the results of such reviews;

"(iii) the number of cases in which the representative payee was changed and why;

"(iv) the number of reviews conducted in response to allegations or concerns about the performance or suitability of the payee;

"(v) the number of cases discovered in which there was a misuse of funds, and the total dollar amount of benefits determined by the Commissioner during such fiscal year to have been misused by a representative payee (regardless of the fiscal year in which such misuse occurred); Determination.

"(vi) the number of cases discovered in which such misuse of funds resulted from the negligent failure of the Commissioner to investigate or monitor a representative payee;

"(vii) the final disposition of such cases of misuse of funds, including—

"(I) any criminal, civil, and administrative penalties imposed;

"(II) the total dollar amount of misused benefits repaid to beneficiaries and alternative representative payees under each of—

"(aa) paragraph (5) (on the basis of a negligent failure of the Commissioner described in such paragraph);

"(bb) paragraph (5) (on any other basis); and

"(cc) paragraph (7);

"(III) the total dollar amount of misused benefits recovered under each of—

"(aa) paragraph (5); and

"(bb) paragraph (7);

"(viii) any updates to prior year reports necessary to reflect subsequent recoveries and repayments pertaining to misuse determinations made in prior years; and

"(ix) such other information as the Commissioner deems appropriate.

"(B) Each report required under this paragraph for a fiscal year shall include the information described in clauses (i) through (ix) of subparagraph (A) with respect to—

"(i) all representative payees reviewed during such fiscal year;

"(ii) all such representative payees that are organizations, separated by whether such organization collects a fee for its services as a representative payee;

"(iii) all such representative payees that are individuals serving 15 or more individuals; and

"(iv) all such representative payees that are individuals serving less than 15 individuals, separated by whether such representative payee is a family member.".

(b) REPORT ON ELIMINATION OF THE ACCOUNTING FORM.—The Commissioner shall—

(1) conduct a study on the changes made by the amendments made by section 102 of the Strengthening Protections for Social Security Beneficiaries Act of 2018, which shall include the impact of such changes on families, beneficiaries, and the operations of the Social Security Administration; and Study.

(2) not later than January 1, 2021, submit a report on the results of such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) REPORT ON THE ADVANCED DESIGNATION POLICY.—The Commissioner shall—

(1) conduct a study on the changes made by the amendments made by section 201 of the Strengthening Protections Study.

for Social Security Beneficiaries Act of 2018, which shall include the impact of such changes on beneficiaries and the operations of the Social Security Administration; and

(2) not later than January 1, 2025, submit a report on the results of such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE II—IMPROVING PAYEE SELECTION AND QUALITY

SEC. 201. ADVANCE DESIGNATION OF REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 205(j)(1) of the Social Security Act (42 U.S.C. 405(j)(1)) is amended by adding at the end the following:

Determinations. Certifications.

"(C)(i) An individual who is entitled to or is an applicant for a benefit under this title, title VIII, or title XVI, who has attained 18 years of age or is an emancipated minor, may, at any time, designate one or more other individuals to serve as a representative payee for such individual in the event that the Commissioner of Social Security determines under subparagraph (A) that the interest of such individual would be served by certification for payment of such benefits to which the individual is entitled to a representative payee. If the Commissioner of Social Security makes such a determination with respect to such individual at any time after such designation has been made, the Commissioner shall—

"(I) certify payment of such benefits to the designated individual, subject to the requirements of paragraph (2); or

"(II) if the Commissioner determines that certification for payment of such benefits to the designated individual would not satisfy the requirements of paragraph (2), that the designated individual is unwilling or unable to serve as representative payee, or that other good cause exists, certify payment of such benefits to another individual or organization, in accordance with paragraph (1).

"(ii) An organization may not be designated to serve as a representative payee under this subparagraph.".

42 USC 405 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of the enactment of this section.

Deadline. 42 USC 405 note.

(c) REGULATIONS.—Not later than 18 months after the date of the enactment of this section, the Commissioner of Social Security shall promulgate regulations specifying the information an individual is required to provide to the Commissioner in order to designate another individual to serve as the individual's representative payee under section 205(j)(1)(C) of the Social Security Act (as added by subsection (a)).

Deadline. 42 USC 405 note.

(d) NOTIFICATION TO BENEFICIARIES.—Not later than January 1, 2020, and annually thereafter, the Commissioner of Social Security shall notify each individual entitled to a benefit under title II, VIII, or XVI of the Social Security Act of the name of any individual designated to serve as the individual's representative payee under section 205(j)(1)(C) of such Act (as added by subsection (a)).

SEC. 202. PROHIBITION ON INDIVIDUALS CONVICTED OF CERTAIN CRIMES SERVING AS REPRESENTATIVE PAYEES.

(a) AMENDMENTS TO TITLE II.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) in subclause (V), by striking "and" at the end;

(ii) in subclause (VI), by striking the period and inserting ", and"; and

(iii) by adding at the end the following:

"(VII) determine whether such person has been convicted (and not subsequently exonerated), under Federal or State law, of a felony provided under clause (iv), or of an attempt or a conspiracy to commit such a felony."; and Determinations.

(B) by adding at the end the following:

"(iv) The felony crimes provided under this clause, whether an offense under State or Federal law, are the following:

"(I) Human trafficking, including as prohibited under sections 1590 and 1591 of title 18, United States Code.

"(II) False imprisonment, including as prohibited under section 1201 of title 18, United States Code.

"(III) Kidnapping, including as prohibited under section 1201 of title 18, United States Code.

"(IV) Rape and sexual assault, including as prohibited under sections 2241, 2242, 2243, and 2244 of title 18, United States Code.

"(V) First-degree homicide, including as prohibited under section 1111 of title 18, United States Code.

"(VI) Robbery, including as prohibited under section 2111 of title 18, United States Code.

"(VII) Fraud to obtain access to government assistance, including as prohibited under sections 287, 1001, and 1343 of title 18, United States Code.

"(VIII) Fraud by scheme, including as prohibited under section 1343 of title 18, United States Code.

"(IX) Theft of government funds or property, including as prohibited under section 641 of title 18, United States Code.

"(X) Abuse or neglect, including as prohibited under sections 111, 113, 114, 115, 116, or 117 of title 18, United States Code.

"(XI) Forgery, including as prohibited under section 642 and chapter 25 (except section 512) of title 18, United States Code.

"(XII) Identity theft or identity fraud, including as prohibited under sections 1028 and 1028A of title 18, United States Code.

The Commissioner of Social Security may promulgate regulations to provide for additional felony crimes under this clause.

"(v)(I) For the purpose of carrying out the activities required under subparagraph (B)(i) as part of the investigation under subparagraph (A)(i), the Commissioner may conduct a background check of any individual seeking to serve as a representative payee under this subsection and may disqualify from service as a representative payee any such individual who fails to grant permission for the Commissioner to conduct such a background check.

"(II) The Commissioner may revoke certification of payment of benefits under this subsection to any individual serving as a Certification. Effective date.

representative payee on or after January 1, 2019 who fails to grant permission for the Commissioner to conduct such a background check."; and

(2) in subparagraph (C)—

(A) in clause (i)—

(i) in subclause (IV), by striking "or" at the end;

(ii) in subclause (V), by striking the period at the end and inserting ", or"; and

(iii) by adding at the end the following:

"(VI) except as provided in clause (vi), such person has previously been convicted (and not subsequently exonerated) as described in subparagraph (B)(i)(VII)."; and

(B) by adding at the end the following:

"(vi)(I) With respect to any person described in subclause (II)—

"(aa) subparagraph (B)(i)(VII) shall not apply; and

Exemption. Determination.

"(bb) the Commissioner may grant an exemption from the provisions of clause (i)(VI) if the Commissioner determines that such exemption is in the best interest of the individual entitled to benefits.

"(II) A person is described in this subclause if the person—

"(aa) is the custodial parent of a minor child for whom the person applies to serve;

"(bb) is the custodial spouse of the beneficiary for whom the person applies to serve;

"(cc) is the custodial parent of a beneficiary who is under a disability (as defined in section 223(d)) which began before the beneficiary attained the age of 22, for whom the person applies to serve;

"(dd) is the custodial court appointed guardian of the beneficiary for whom the person applies to serve;

"(ee) is the custodial grandparent of a minor grandchild for whom the person applies to serve;

"(ff) is the parent who was previously representative payee for his or her minor child who has since turned 18 and continues to be eligible for such benefit; or

"(gg) received a presidential or gubernatorial pardon for the relevant conviction.".

(b) AMENDMENTS TO TITLE VIII.—Section 807 of the Social Security Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (E), by striking "and" at the end;

(ii) in subparagraph (F), by striking the period and inserting ", and"; and

(iii) by adding at the end the following:

Determination.

"(G) determine whether such person has been convicted (and not subsequently exonerated), under Federal or State law, of a felony provided under paragraph (4), or of an attempt or a conspiracy to commit such a felony."; and

(B) by adding at the end the following:

"(4) The felony crimes provided under this paragraph, whether an offense under State or Federal law, are the following:

"(A) Human trafficking, including as prohibited under sections 1590 and 1591 of title 18, United States Code.

"(B) False imprisonment, including as prohibited under section 1201 of title 18, United States Code.

"(C) Kidnapping, including as prohibited under section 1201 of title 18, United States Code.

"(D) Rape and sexual assault, including as prohibited under sections 2241, 2242, 2243, and 2244 of title 18, United States Code.

"(E) First-degree homicide, including as prohibited under section 1111 of title 18, United States Code.

"(F) Robbery, including as prohibited under section 2111 of title 18, United States Code.

"(G) Fraud to obtain access to government assistance, including as prohibited under sections 287, 1001, and 1343 of title 18, United States Code.

"(H) Fraud by scheme, including as prohibited under section 1343 of title 18, United States Code.

"(I) Theft of government funds or property, including as prohibited under section 641 of title 18, United States Code.

"(J) Abuse or neglect, including as prohibited under sections 111, 113, 114, 115, 116, or 117 of title 18, United States Code.

"(K) Forgery, including as prohibited under section 642 and chapter 25 (except section 512) of title 18, United States Code.

"(L) Identity theft or identity fraud, including as prohibited under sections 1028 and 1028A of title 18, United States Code.

The Commissioner of Social Security may promulgate regulations to provide for additional felony crimes under this clause.

"(5)(A) For the purpose of carrying out the activities required under paragraph (2) as part of the investigation under paragraph (1)(A), the Commissioner may conduct a background check of any individual seeking to serve as a representative payee under this subsection and may disqualify from service as a representative payee any such individual who fails to grant permission for the Commissioner to conduct such a background check.

"(B) The Commissioner may revoke certification of payment of benefits under this subsection to any individual serving as a representative payee on or after January 1, 2019 who fails to grant permission for the Commissioner to conduct such a background check."; and

Certification.
Effective date.

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "or" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting ", or"; and

(iii) by adding at the end the following:

"(F) except as provided in paragraph (2)(D), such person has previously been convicted (and not subsequently exonerated) as described in subsection (b)(2)(G)."; and

(B) in paragraph (2), by adding at the end the following:

"(D)(i) With respect to any person described in clause (II)—

"(I) subsection (b)(2)(G) shall not apply; and

"(II) the Commissioner may grant an exemption from the provisions of paragraph (1)(F) if the Commissioner determines that such

Exemption.
Determination.

exemption is in the best interest of the individual entitled to benefits.

"(ii) A person is described in this clause if the person—

"(I) is the custodial spouse of the beneficiary for whom the person applies to serve;

"(II) is the custodial court appointed guardian of the beneficiary for whom the person applies to serve; or

"(III) received a presidential or gubernatorial pardon for the relevant conviction.".

(c) AMENDMENTS TO TITLE XVI.—Section 1631(a)(2)(B) of the Social Security Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) in subclause (V), by striking "and" at the end;

(B) in subclause (VI), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

Determination.

"(VII) determine whether such person has been convicted (and not subsequently exonerated), under Federal or State law, of a felony provided under clause (xv), or of an attempt or a conspiracy to commit such a felony.";

(2) in clause (iii)—

(A) in subclause (IV), by striking "or" at the end;

(B) in subclause (V), by striking the period at the end and inserting ", or"; and

(C) by adding at the end the following:

"(VI) except as provided in clause (xvii), such person has previously been convicted (and not subsequently exonerated) as described in clause (ii)(VII)."; and

(3) by adding at the end the following:

"(xv) The felony crimes provided under this clause, whether an offense under State or Federal law, are the following:

"(I) Human trafficking, including as prohibited under sections 1590 and 1591 of title 18, United States Code.

"(II) False imprisonment, including as prohibited under section 1201 of title 18, United States Code.

"(III) Kidnapping, including as prohibited under section 1201 of title 18, United States Code.

"(IV) Rape and sexual assault, including as prohibited under sections 2241, 2242, 2243, and 2244 of title 18, United States Code.

"(V) First-degree homicide, including as prohibited under section 1111 of title 18, United States Code.

"(VI) Robbery, including as prohibited under section 2111 of title 18, United States Code.

"(VII) Fraud to obtain access to government assistance, including as prohibited under sections 287, 1001, and 1343 of title 18, United States Code.

"(VIII) Fraud by scheme, including as prohibited under section 1343 of title 18, United States Code.

"(IX) Theft of government funds or property, including as prohibited under section 641 of title 18, United States Code.

"(X) Abuse or neglect, including as prohibited under sections 111, 113, 114, 115, 116, or 117 of title 18, United States Code.

"(XI) Forgery, including as prohibited under section 642 and chapter 25 (except section 512) of title 18, United States Code.

"(XII) Identity theft or identity fraud, including as prohibited under sections 1028 and 1028A of title 18, United States Code.

The Commissioner of Social Security may promulgate regulations to provide for additional felony crimes under this clause.

"(xvi)(I) For the purpose of carrying out the activities required under clause (ii) as part of the investigation under clause (i)(I), the Commissioner may conduct a background check of any individual seeking to serve as a representative payee under this subsection and may disqualify from service as a representative payee any such individual who fails to grant permission for the Commissioner to conduct such a background check.

"(II) The Commissioner may revoke certification of payment of benefits under this subsection to any individual serving as a representative payee on or after January 1, 2019 who fails to grant permission for the Commissioner to conduct such a background check. Certification. Effective date.

"(xvii)(I) With respect to any person described in subclause (II)—

"(aa) clause (ii)(VII) shall not apply; and

"(bb) the Commissioner may grant an exemption from the provisions of clause (iii)(VI) if the Commissioner determines that such exemption is in the best interest of the individual entitled to benefits. Exemption. Determination.

"(II) A person is described in this subclause if the person—

"(aa) is the custodial parent of a minor child for whom the person applies to serve;

"(bb) is the custodial spouse of the beneficiary for whom the person applies to serve;

"(cc) is the custodial parent of a beneficiary who is under a disability which began before the beneficiary attained the age of 22, for whom the person applies to serve;

"(dd) is the custodial court appointed guardian of the beneficiary for whom the person applies to serve;

"(ee) is the custodial grandparent of a minor grandchild for whom the person applies to serve;

"(ff) is the parent who was previously representative payee for his or her minor child who has since turned 18 and continues to be eligible for such benefit; or

"(gg) received a presidential or gubernatorial pardon for the relevant conviction.".

(d) APPLICATION TO NEW APPOINTMENTS.—Subject to subsection (e), the amendments made by subsections (a), (b), and (c) shall apply with respect to any individual appointed to serve as a representative payee pursuant to section 205(j), 807, or 1631(a)(2) of the Social Security Act on or after January 1, 2019. Effective date. 42 USC 405 note.

(e) APPLICATION TO PRIOR APPOINTMENTS.— 42 USC 405 note.

(1) IN GENERAL.—Not later than January 1, 2024, the Commissioner of Social Security shall conduct a review of each individual serving as a representative payee pursuant to 205(j), 807, or 1631(a)(2) of the Social Security Act, to determine whether such individual has been convicted of a felony as described in section 205(j)(2)(B)(i)(VII), 807(b)(2)(G), or 1631(a)(2)(B)(ii)(VII), respectively (as such provisions are added by this section). Except as provided in section 205(j)(2)(C)(vi), 807(d)(2)(D), or 1631(a)(2)(B)(xvii) (as so added), any individual determined by the Commissioner to have been so convicted Deadline. Review. Determination. Effective date.

may not serve as a representative payee on or after the date of such determination.

(2) PRIORITY.—In conducting reviews under paragraph (1), the Commissioner shall prioritize reviews of the following categories of individuals, in the following order:

(A) An individual serving as representative payee for 15 or more individuals.

(B) An individual serving as representative payee for an individual who is not related to the representative payee.

(C) An individual serving as representative payee for an individual who has attained the age of 18 and is not the spouse of the representative payee.

Deadline. Regulations. Time period. Determination. 42 USC 405 note.

(f) PERIODIC REVIEW.—Not later than 1 year after the date of enactment of this section, the Commissioner of Social Security shall issue regulations to establish a process for reviewing each individual serving as a representative payee pursuant to section 205(j), 807, or 1631(a)(2) of the Social Security Act (other than individuals with respect to whom an exemption has been granted under section 205(j)(2)(C)(vi), 807(d)(2)(D), or 1631(a)(2)(B)(xvii)) not less than once every 5 years to determine whether any such individual has been convicted of a felony as described in subsection (e)(1) of this section.

SEC. 203. PROHIBITION ON INDIVIDUALS WITH REPRESENTATIVE PAYEES SERVING AS REPRESENTATIVE PAYEES.

(a) AMENDMENT TO TITLE II.—Section 205(j)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(j)(2)(C)(i)), as amended by section 202(a)(2), is further amended—

(1) in subclause (V), by striking "or" at the end;

(2) in subclause (VI), by striking the period and inserting ", or"; and

(3) by adding at the end the following:

Certification.

"(VII) such person's benefits under this title, title VIII, or title XVI are certified for payment to a representative payee during the period for which the individual's benefits would be certified for payment to another person.".

(b) AMENDMENT TO TITLE VIII.—Section 807(d)(1) of the Social Security Act (42 U.S.C. 1007(d)(1)), as amended by section 202(b)(2), is further amended—

(1) in subparagraph (E), by striking "or" at the end;

(2) in subparagraph (F), by striking the period and inserting ", or"; and

(3) by adding at the end the following:

Certification.

"(G) such person's benefits under this title, title II, or title XVI are certified for payment to a representative payee during the period for which the individual's benefits would be certified for payment to another person.".

(c) AMENDMENT TO TITLE XVI.—Section 1631(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1383(a)(2)(B)(iii)), as amended by section 202(c)(2), is further amended—

(1) in subclause (V), by striking "or" at the end;

(2) in subclause (VI), by striking the period and inserting ", or"; and

(3) by adding at the end the following:

Certification.

"(VII) such person's benefits under this title, title II, or title VIII are certified for payment to a representative payee

during the period for which the individual's benefits would be certified for payment to another person.".

(d) EFFECTIVE DATE.— 42 USC 405 note.

(1) NEW APPOINTMENTS.—Subject to paragraph (2), the amendments made by this section shall apply with respect to any individual appointed to serve as a representative payee under title II, title VIII, or title XVI of the Social Security Act on or after January 1, 2019. Applicability

(2) PRIOR APPOINTMENTS.—With respect to individuals serving as a representative payee whose benefits under this title, title VIII, or title XVI are certified for payment to another representative payee as of January 1, 2019, the Commissioner shall take any steps necessary to terminate such individual's service as a representative payee as soon as possible, but no later than January 1, 2024. Certification. Termination date.

SEC. 204. REASSESSMENT OF PAYEE SELECTION AND REPLACEMENT POLICIES.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct, with opportunity for public comment, a review and reassessment of— Public comment. Review.

(1) the appropriateness of its order of preference for selecting representative payees, including payees who may be creditors of the beneficiary or who are private, for-profit institutions; and

(2) the effectiveness of its policy and operational procedures in properly determining when to change a representative payee, including—

(A) from a payee that has a higher order of preference (such as a family member) to a payee that has a lower order of preference (such as a creditor); or

(B) when a request to change payees arises from someone other than the beneficiary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and make publicly available a report on the results of the review and reassessment under subsection (a).

Approved April 13, 2018.

LEGISLATIVE HISTORY—H.R. 4547:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 5, considered and passed House.
Mar. 22, considered and passed Senate.

Public Law 115–166
115th Congress

An Act

Apr. 13, 2018
[S. 772]

To amend the PROTECT Act to make Indian tribes eligible for AMBER Alert grants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ashlynne Mike AMBER Alert in Indian Country Act.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ashlynne Mike AMBER Alert in Indian Country Act".

SEC. 2. AMBER ALERT GRANTS FOR INDIAN TRIBES.

Section 304 of the PROTECT Act (34 U.S.C. 20504) is amended—

(1) by amending subsection (a) to read as follows:

"(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States and Indian tribes for—

"(1) the development or enhancement of programs and activities for the support of AMBER Alert communications plans; and

"(2) the integration of tribal AMBER Alert systems into State AMBER Alert systems.";

(2) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) the integration of State or regional AMBER Alert communication plans with an Indian tribe; and";

(3) in subsection (c)—

(A) by striking "The Federal" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal"; and

(B) by adding at the end the following:

Determination.

"(2) WAIVER OF FEDERAL SHARE.—If the Attorney General determines that an Indian tribe does not have sufficient funds available to comply with the Federal share requirement under paragraph (1) for the cost of activities funded by a grant for the purpose described in subsection (b)(4), the Attorney General may increase the Federal share of the costs for such activities to the extent the Attorney General determines necessary.";

(4) in subsection (e), by striking "for grants under" and inserting "and standards to improve accountability and transparency for grants awarded under";

(5) by redesignating subsection (f) as subsection (g);

(6) by inserting after subsection (e) the following:

"(f) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' means a federally recognized Indian tribe or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))."; and

(7) in subsection (g)(1), as so redesignated—

(A) by striking "2004" each place it appears and inserting "2019"; and

(B) by striking "subsection (b)(3)" and inserting "paragraphs (3) and (4) of subsection (b)".

SEC. 3. REPORT TO CONGRESS.

Evaluation.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report evaluating the readiness, education, and training needs, technological challenges, and specific obstacles encountered by Indian tribes in the integration of State or regional AMBER Alert communication plans to—

(1) the Committee on Indian Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

Approved April 13, 2018.

LEGISLATIVE HISTORY—S. 772:

SENATE REPORTS: No. 115–147 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 29, considered and passed Senate.
Vol. 164 (2018): Feb. 26, considered and passed House, amended.
Mar. 22, Senate concurred in House amendment.

Public Law 115–167
115th Congress

An Act

Apr. 23, 2018
[H.R. 3445]

To enhance the transparency and accelerate the impact of programs under the African Growth and Opportunity Act and the Millennium Challenge Corporation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

African Growth and Opportunity Act and Millennium Challenge Act Modernization Act.
19 USC 3701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Growth and Opportunity Act and Millennium Challenge Act Modernization Act" or the "AGOA and MCA Modernization Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ENHANCEMENT OF THE AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 101. Statement of policy.
Sec. 102. Definitions.
Sec. 103. Activities in support of transparency.
Sec. 104. Activities in support of trade capacity building.

TITLE II—MODERNIZATION OF THE MILLENNIUM CHALLENGE CORPORATION

Sec. 201. Candidacy status.
Sec. 202. Carryover authority for private-sector members of board of directors.
Sec. 203. Additional reporting to the board on the treatment of civil society in an eligible country.
Sec. 204. Concurrent compacts under the Millennium Challenge Act of 2003.
Sec. 205. Public notification of entering into a compact.
Sec. 206. Disclosure.
Sec. 207. Restriction on the use of assistance under section 616.
Sec. 208. Study on subnational compacts.

TITLE I—ENHANCEMENT OF THE AFRICAN GROWTH AND OPPORTUNITY ACT

19 USC 3701 note.

SEC. 101. STATEMENT OF POLICY.

It is the policy of the United States to support efforts to—

(1) improve the rule of law, promote free and fair elections, strengthen and expand the private sector, and fight corruption in sub-Saharan Africa; and

(2) promote the role of women in social, political, and economic development in sub-Saharan Africa.

SEC. 102. DEFINITIONS.

19 USC 3707 note.

In this title—

(1) AGOA WEBSITE.—The term "AGOA Website" means the website established pursuant to section 103(a).

(2) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term "eligible sub-Saharan African country" means a country that the President has determined meets the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act (19 U.S.C. 3703).

SEC. 103. ACTIVITIES IN SUPPORT OF TRANSPARENCY.

President. 19 USC 3707.

(a) AGOA WEBSITE.—

(1) IN GENERAL.—The President shall establish a publicly available website for the collection and dissemination of information regarding the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(2) CONTENTS.—The President shall publish on the AGOA Website the information described in paragraph (1), including— Web posting.

(A) information and technical assistance provided at United States Agency for International Development regional trade hubs; and

(B) a link to the websites of United States embassies located in eligible sub-Saharan African countries.

(3) ACTIONS BY UNITED STATES EMBASSIES.—The Secretary of State should direct United States embassies located in eligible sub-Saharan African countries to—

(A) encourage individuals and businesses in such countries to use the benefits available under the African Growth and Opportunity Act; and

(B) include a link to the AGOA Website on the websites of such diplomatic missions.

(b) AGOA FORUM.—After each meeting of the United States–Sub-Saharan Africa Trade and Economic Cooperation Forum, the President should publish on the AGOA Website the following:

(1) The outcomes of the meeting of the Forum, including any commitments made by member countries and the private sector.

(2) An assessment of progress made with respect to any commitments made by member countries and the private sector from the previous meeting of the Forum.

(c) OTHER INFORMATION.—The President should disseminate the information required under this section in a digital format to the public and publish such information on the AGOA Website.

SEC. 104. ACTIVITIES IN SUPPORT OF TRADE CAPACITY BUILDING.

The President should—

(1) develop and implement policies that—

(A) encourage and facilitate cross-boundary cooperation among eligible sub-Saharan African countries in order to facilitate trade; and

(B) encourage the provision of technical assistance to eligible sub-Saharan African countries to establish and sustain adequate trade capacity development;

(2) provide specific training for businesses in eligible sub-Saharan African countries and government trade officials of such countries on accessing the benefits under the African

Growth and Opportunity Act and other trade preference programs;

(3) provide capacity building for African entrepreneurs and trade associations on production strategies, quality standards, formation of cooperatives, market research, and market development;

(4) provide capacity building training to promote diversification of African products and value-added processing; and

(5) provide capacity building and technical assistance funding for African businesses and institutions to help such businesses and institutions comply with United States counterterrorism initiatives and policies.

TITLE II—MODERNIZATION OF THE MILLENNIUM CHALLENGE CORPORATION

SEC. 201. CANDIDACY STATUS.

(a) LOW INCOME COUNTRIES.—Section 606(a) of the Millennium Challenge Act of 2003 (22 U.S.C. 7705(a)) is amended—

(1) in paragraph (1)(B), by striking "(3)" and inserting "(4)";

(2) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: "FISCAL YEARS 2005 THROUGH 2012"; and

(B) by striking "fiscal year 2005 or a subsequent fiscal year" and inserting "each of fiscal years 2005 through 2012";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) FISCAL YEAR 2013 AND SUBSEQUENT FISCAL YEARS.—A country shall be a candidate country for purposes of eligibility for assistance for fiscal year 2013 or a subsequent fiscal year if the country—

"(A) has a per capita income not greater than the lower middle income country threshold established by the International Bank for Reconstruction and Development for such fiscal year;

"(B) is among the 75 countries identified by the International Bank for Reconstruction and Development as having the lowest per capita income; and

"(C) meets the requirements under paragraph (1)(B).".

(b) LOWER MIDDLE INCOME COUNTRIES.—Section 606(b) of the Millennium Challenge Act of 2003 (22 U.S.C. 7705(b)) is amended—

(1) in paragraph (1)—

(A) by amending the paragraph heading to read as follows: "FISCAL YEARS 2006 THROUGH 2012"; and

(B) in the matter preceding subparagraph (A), by striking "fiscal year 2006 or a subsequent fiscal year" and inserting "fiscal years 2006 through 2012";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) FISCAL YEAR 2013 AND SUBSEQUENT FISCAL YEARS.—In addition to the countries described in subsection (a), a country shall be a candidate country for purposes of eligibility

for assistance for fiscal year 2013 or a subsequent fiscal year if the country—

"(A) has a per capita income not greater than the lower middle income country threshold established by the International Bank for Reconstruction and Development for the fiscal year;

"(B) is not among the 75 countries identified by the International Bank for Reconstruction and Development as having the lowest per capita income; and

"(C) meets the requirements under subsection (a)(1)(B).".

(c) RECLASSIFICATION.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended—

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

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

"(c) TREATMENT OF COUNTRIES WITH PER CAPITA INCOME CHANGES.—A country qualifying for candidate status under this section with a per capita income that changes during the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for such fiscal year and the 2 subsequent fiscal years.".

SEC. 202. CARRYOVER AUTHORITY FOR PRIVATE-SECTOR MEMBERS OF BOARD OF DIRECTORS.

Section 604(c)(4)(B) of the Millennium Challenge Act of 2003 (22 U.S.C. 7703(c)(4)(B)) is amended to read as follows:

"(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B)—

"(i) shall be appointed for a term of 3 years;

"(ii) may be reappointed for a term of an additional 2 years; and

"(iii) may continue to serve in each such appointment until the earlier of—

"(I) the date on which his or her successor is appointed; or

"(II) the date that is 1 year after the expiration of his or her appointment or reappointment, as the case may be.".

SEC. 203. ADDITIONAL REPORTING TO THE BOARD ON THE TREATMENT OF CIVIL SOCIETY IN AN ELIGIBLE COUNTRY.

Section 607 of the Millennium Challenge Act of 2003 (22 U.S.C. 7706) is amended—

(1) in subsection (a), by adding at the end the following: "A determination whether a country is eligible for a subsequent, non-concurrent Millennium Challenge Compact shall also be based, to the extent practicable, on significantly improved performance across the criteria in subsection (b) that, at a minimum, are relevant to the preceding Compact, compared to the country's performance with respect to such criteria when selected for such preceding Compact."

(2) in subsection (b)(1)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by adding "and" at the end; and

(C) by adding at the end the following:

"(F) the quality of the civil society enabling environment;";

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (c) the following:

Time period. Classified information.

"(d) REPORTING ON TREATMENT OF CIVIL SOCIETY.—For the 7-year period beginning on the date of the enactment of this subsection, before the Board selects an eligible country for a Compact under subsection (c), the Corporation shall provide information to the Board regarding the country's treatment of civil society, including classified information, as appropriate. The information shall include an assessment and analysis of factors including—

Assessment. Analysis.

"(1) any relevant laws governing the formation or establishment of a civil society organization, particularly laws intended to curb the activities of foreign civil society organizations;

"(2) any relevant laws governing the operations of a civil society organization, particularly those laws seeking to define or otherwise regulate the actions of foreign civil society organizations;

"(3) laws relating to the legal status of civil society organizations, including laws which effectively discriminate against foreign civil society organizations as compared to similarly situated domestic organizations;

"(4) laws regulating the freedom of expression and peaceful assembly; and

"(5) laws regulating the usage of the Internet, particularly by foreign civil society organizations.".

SEC. 204. CONCURRENT COMPACTS UNDER THE MILLENNIUM CHALLENGE ACT OF 2003.

(a) IN GENERAL.—Section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708) is amended—

(1) by striking the first sentence of subsection (k);

(2) by redesignating subsection (k) (as so amended) as subsection (l); and

(3) by inserting after subsection (j) the following:

"(k) CONCURRENT COMPACTS.—An eligible country that has entered into and has in effect a Compact under this section may enter into and have in effect at the same time not more than one additional Compact in accordance with the requirements of this title if—

"(1) one or both of the Compacts are or will be for purposes of regional economic integration, increased regional trade, or cross-border collaborations; and

Determination.

"(2) the Board determines that the country is making considerable and demonstrable progress in implementing the terms of the existing Compact and supplementary agreements thereto.".

(b) CONFORMING AMENDMENT.—Section 613(b)(2)(A) of such Act (22 U.S.C. 7712(b)(2)(A)) is amended by striking "the" before "Compact" and inserting "any".

22 USC 7708 note.

(c) APPLICABILITY.—The amendments made by this section apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 before, on, or after the date of the enactment of this Act.

SEC. 205. PUBLIC NOTIFICATION OF ENTERING INTO A COMPACT.

Section 610 of the Millennium Challenge Act of 2003 (22 U.S.C. 7709) is amended to read as follows:

"SEC. 610. CONGRESSIONAL AND PUBLIC NOTIFICATION. Deadlines.

"(a) CONGRESSIONAL CONSULTATIONS AND NOTIFICATIONS.—

"(1) IN GENERAL.—The Board, acting through the Chief Executive Officer, shall consult with and notify the appropriate congressional committees not later than 15 days before taking any of the actions described in paragraph (2).

"(2) ACTIONS DESCRIBED.—The actions described in this paragraph are—

"(A) providing assistance for an eligible country under section 609(g);

"(B) commencing negotiations with an eligible country to provide assistance for—

"(i) a Compact under section 605; or

"(ii) an agreement under section 616;

"(C) signing such a Compact or agreement; and

"(D) terminating assistance under such a Compact or agreement.

"(3) ECONOMIC JUSTIFICATION.—Any notification relating to the intent to negotiate or sign a Compact shall include a report describing the projected economic justification for the Compact, including, as applicable— Reports.

"(A) the expected economic rate of return of the Compact;

"(B) a cost-benefit analysis of the Compact;

"(C) a description of the impact on beneficiary populations;

"(D) the likelihood that the investment will catalyze private sector investments; and

"(E) any other applicable economic factors that justify each project to be funded under such a Compact to the extent practicable and appropriate.

"(4) RISK MANAGEMENT PLAN.—Not later than 60 days before signing each concurrent Compact, as authorized under section 609, the Board, acting through the Chief Executive Officer, shall consult with and provide to the appropriate congressional committees— Assessments.

"(A) an assessment and, as appropriate, the identification of potential measures to mitigate risks, of—

"(i) the countries' commitment to regional integration and cross-border cooperation and capacity to carry out commitments;

"(ii) political and policy risks, including risks that could affect country eligibility;

"(iii) risks associated with realizing economic returns;

"(iv) time and completion risks; and

"(v) cost and financial risks; and

"(B) an assessment of measures to be taken to mitigate any identified risks, including—

"(i) securing other potential donors to finance projects or parts of projects as needed; and

"(ii) partnering with regional organizations to support and oversee effective cross-border cooperation.

Web posting.

"(b) CONGRESSIONAL AND PUBLIC NOTIFICATION AFTER ENTERING INTO A COMPACT.—Not later than 10 days after entering into a Compact with an eligible country, the Board, acting through the Chief Executive Officer, shall—

"(1) publish the text of the Compact on the website of the Corporation;

Summary.

"(2) provide the appropriate congressional committees with a detailed summary of the Compact and, upon request, the text of the Compact; and

Federal Register, publication.

"(3) publish in the Federal Register a detailed summary of the Compact and a notice of availability of the text of the Compact on the website of the Corporation.".

SEC. 206. DISCLOSURE.

(a) REQUIREMENT FOR TIMELY DISCLOSURE.—Section 612(a) of the Millennium Challenge Act of 2003 (22 U.S.C. 7711(a)) is amended—

(1) in the subsection heading, by inserting "TIMELY" before "DISCLOSURE"; and

(2) in the matter preceding paragraph (1)—

Deadline.

(A) by striking "The Corporation" and inserting "Not later than 90 days after the last day of each fiscal quarter, the Corporation"; and

(B) by striking "on at least a quarterly basis,".

(b) DISSEMINATION.—Section 612(b) of the Millennium Challenge Act of 2003 (22 U.S.C. 7711(b)) is amended to read as follows:

Public information.

"(b) DISSEMINATION.—The Board, acting through the Chief Executive Officer, shall make the information required to be disclosed under subsection (a) available to the public—

Web posting.

"(1) by publishing it on the website of the Corporation;

Notification.

"(2) by providing notice of the availability of such information in the Federal Register; and

Federal Register, publication.

"(3) by any other methods that the Board determines to be appropriate.".

SEC. 207. RESTRICTION ON THE USE OF ASSISTANCE UNDER SECTION 616.

Section 616(d) of the Millennium Challenge Act of 2003 (22 U.S.C. 7715(d)) is amended to read as follows:

"(d) FUNDING.—

"(1) LIMITATION.—Not more than 10 percent of the amounts made available to carry out this Act for a fiscal year may be made available to carry out this section.

"(2) RESTRICTION RELATING TO ASSISTANCE.—None of the funds authorized to carry out the purposes of this Act shall be available for assistance under this section to a country that does not qualify as a candidate country under section 606 for the fiscal year during which such assistance is provided.".

SEC. 208. STUDY ON SUBNATIONAL COMPACTS.

Deadline. Assessments.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Board of the Millennium Challenge Corporation, acting through the Chief Executive Officer, shall submit a study to the appropriate congressional committees that assesses the feasibility and desirability of developing partnerships at the subnational level within candidate countries that would be complementary to, and, as applicable, concurrent with, any

Millennium Challenge Corporation national-level or regional investments.

(b) CONTENT.—The study required under subsection (a) shall examine—

(1) the extent to which targeting investments at the subnational level might provide new opportunities for reducing poverty through economic growth;

(2) the extent to which traditional approaches to defining poverty may not adequately capture the nature of poverty within a country;

(3) the types of subnational entities that might be appropriate partners for subnational Millennium Challenge Corporation compacts;

(4) how candidates for subnational partners might best be identified; and

(5) what role each national government should play in creating or implementing a subnational partnership.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means— Definition.

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

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

Approved April 23, 2018.

LEGISLATIVE HISTORY—H.R. 3445 (S. 832):

HOUSE REPORTS: No. 115–484 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Jan. 17, considered and passed House.
Apr. 9, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Apr. 23, Presidential statement.

Public Law 115–168
115th Congress

An Act

Apr. 23, 2018
[H.R. 3979]

To amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer services, community partnership, and refuge education programs of the National Wildlife Refuge System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Keep America's Refuges Operational Act.
16 USC 742a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keep America's Refuges Operational Act".

SEC. 2. REAUTHORIZATION OF NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER SERVICES, COMMUNITY PARTNERSHIP, AND REFUGE EDUCATION PROGRAMS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended in subsection (g), by striking "2011 through 2014" and inserting "2018 through 2022".

Approved April 23, 2018.

LEGISLATIVE HISTORY—H.R. 3979:

HOUSE REPORTS: No. 115–438 (Comm. on Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 18, considered and passed House.
Vol. 164 (2018): Apr. 9, considered and passed Senate.

Public Law 115–169
115th Congress

An Act

To designate a National Memorial to Fallen Educators at the National Teachers Hall of Fame in Emporia, Kansas.

Apr. 30, 2018
[S. 167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Memorial to Fallen Educators Act.
54 USC 320301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Memorial to Fallen Educators Act".

SEC. 2. DESIGNATION.

(a) IN GENERAL.—The memorial to fallen educators located at the National Teachers Hall of Fame in Emporia, Kansas, is designated as the "National Memorial to Fallen Educators".

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System and the designation of the National Memorial to Fallen Educators shall not require or permit Federal funds to be expended for any purpose related to that national memorial.

Approved April 30, 2018.

LEGISLATIVE HISTORY—S. 167 (H.R. 2711):

HOUSE REPORTS: No. 115–533 (Comm. on Natural Resources) accompanying H.R. 2711.
SENATE REPORTS: No. 115–95 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 21, considered and passed Senate.
Vol. 164 (2018): Apr. 16, considered and passed House.

Public Law 115–170
115th Congress

An Act

May 7, 2018
[H.R. 4300]

To authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Admiral Lloyd R. 'Joe' Vasey Pacific War Commemorative Display Establishment Act.
Hawaii.
54 USC 320301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Admiral Lloyd R. 'Joe' Vasey Pacific War Commemorative Display Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSOCIATION.—The term "Association" means Pacific Historic Parks, a corporation that is—

(A) a cooperating association with the National Park Service;

(B) organized under the laws of the State of Hawaii; and

(C) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(3) COMMEMORATIVE DISPLAY.—The term "commemorative display" means the Pacific Theater of World War II Commemorative Display authorized to be established under section 4(a).

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) honor the brave members of the United States Armed Forces who fought on behalf of the United States of America in the Pacific Theater during World War II;

(2) provide a place to mourn the more than 150,000 American and allied lives lost in the Pacific Theater during World War II; and

(3) educate the public about United States battles in the Pacific Theater and its role in World War II.

SEC. 4. PACIFIC THEATER COMMEMORATIVE DISPLAY.

(a) AUTHORIZATION TO ESTABLISH COMMEMORATIVE DISPLAY.—The Association may establish and maintain a commemorative display to honor the members of the United States Armed Forces and Allies who served in the Pacific Theater during World War II.

(b) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to design, procure, prepare, install, or maintain the commemorative display, but the Director may accept and expend contributions of non-Federal funds and resources for such purposes.

(c) LOCATION OF COMMEMORATIVE DISPLAY.—

(1) IN GENERAL.—The Director may allow the commemorative display to be established at a suitable location at the Pearl Harbor site of the World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

(2) CONDITION.—The commemorative display may not be established at any location under the jurisdiction of the Director until the Director determines that an assured source of non-Federal funding has been established for the design, procurement, installation, and maintenance of the commemorative display. Determination.

(d) DESIGN OF THE COMMEMORATIVE DISPLAY.—The final design of the commemorative display shall be subject to the approval of the Director.

Approved May 7, 2018.

LEGISLATIVE HISTORY—H.R. 4300 (S. 2213):

HOUSE REPORTS: No. 115–450 (Comm. on Natural Resources).
SENATE REPORTS: Nos. 115–216 and 115–215, accompanying S. 2213, (both from Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 7, considered and passed House.
Vol. 164 (2018): Apr. 23, considered and passed Senate.

Public Law 115–171
115th Congress

An Act

May 9, 2018
[S. 447]

To require reporting on acts of certain foreign countries on Holocaust era assets and related issues.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Justice for Uncompensated Survivors Today (JUST) Act of 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Uncompensated Survivors Today (JUST) Act of 2017".

SEC. 2. REPORT ON HOLOCAUST ERA ASSETS AND RELATED ISSUES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(2) COVERED COUNTRIES.—The term "covered countries" means participants in the 2009 Holocaust Era Assets Conference that are determined by the Secretary of State, or the Secretary's designee, in consultation with expert nongovernmental organizations, to be countries of particular concern relative to the issues listed in subsection (b).

(3) WRONGFULLY SEIZED OR TRANSFERRED.—The term "wrongfully seized or transferred" includes confiscations, expropriations, nationalizations, forced sales or transfers, and sales or transfers under duress during the Holocaust era or the period of Communist rule of a covered country.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that assesses and describes the nature and extent of national laws and enforceable policies of covered countries regarding the identification and the return of or restitution for wrongfully seized or transferred Holocaust era assets consistent with, and evaluated with respect to, the goals and objectives of the 2009 Holocaust Era Assets Conference, including—

(1) the return to the rightful owner of any property, including religious or communal property, that was wrongfully seized or transferred;

(2) if return of any property described in paragraph (1) is no longer possible, the provision of comparable substitute

property or the payment of equitable compensation to the rightful owner in accordance with principles of justice and through an expeditious claims-driven administrative process that is just, transparent, and fair;

(3) in the case of heirless property, the provision of property or compensation to assist needy Holocaust survivors, to support Holocaust education, and for other purposes;

(4) the extent to which such laws and policies are implemented and enforced in practice, including through any applicable administrative or judicial processes; and

(5) to the extent practicable, the mechanism for and an overview of progress toward the resolution of claims for United States citizen Holocaust survivors and United States citizen family members of Holocaust victims.

(c) SENSE OF CONGRESS.—It is the sense of Congress that after the submission of the report described in subsection (b), the Secretary of State should continue to report to Congress on Holocaust era assets and related issues in a manner that is consistent with the manner in which the Department of State reported on such matters before the date of the enactment of the Act.

Approved May 9, 2018.

LEGISLATIVE HISTORY—S. 447:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, considered and passed Senate.
Vol. 164 (2018): Apr. 24, considered and passed House.

Public Law 115–172
115th Congress

Joint Resolution

May 21, 2018
[S.J. Res. 57]

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act" (CFPB Bulletin 2013–02 (March 21, 2013), and printed in the Congressional Record on December 6, 2017, on pages S7888–S7889, along with a letter of opinion from the Government Accountability Office dated December 5, 2017, that the Bulletin is a rule under the Congressional Review Act), and such rule shall have no force or effect.

Approved May 21, 2018.

LEGISLATIVE HISTORY—S.J. Res. 57:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Apr. 17, 18, considered and passed Senate.
May 8, considered and passed House.

Public Law 115–173
115th Congress

An Act

To require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes.

May 22, 2018
[H.R. 3210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Securely Expediting Clearances Through Reporting Transparency Act of 2018. 5 USC 11001 note.

This Act may be cited as the "Securely Expediting Clearances Through Reporting Transparency Act of 2018" or the "SECRET Act of 2018".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Bureau" means the National Background Investigations Bureau of the Office;

(2) the term "Director" means the Director of National Intelligence acting as the Security Executive Agent; and

(3) the term "Office" means the Office of Personnel Management acting as the Suitability and Credentialing Executive Agent.

SEC. 3. REPORT ON BACKLOG OF PERSONNEL SECURITY CLEARANCE INVESTIGATIONS.

Time period. Coordination.

Not later than 90 days after the date of enactment of this Act, and quarterly thereafter for 5 years, the Director of the Bureau, in coordination with the Director, shall submit to Congress a report on the backlog of personnel security clearance investigations at the Bureau for the most recent full calendar quarter, which shall include—

(1) the size of the backlog of personnel security clearance investigations of the Bureau, including, for each sensitivity level—

(A) the number of interim clearances granted;

(B) the number of initial investigations for Federal employees;

(C) the number of periodic reinvestigations for Federal employees;

(D) the number of initial investigations for employees of Federal contractors;

(E) the number of periodic reinvestigations for employees of Federal contractors;

(F) the number of initial investigations for employees of, and employees of contractors of, the Department of Defense;

(G) the number of periodic reinvestigations for employees of and employees of contractors of the Department of Defense;

(H) the number of employees of the Bureau conducting background investigations for the Bureau; and

(I) the number of employees of contractors of the Bureau conducting background investigations for the Bureau;

(2) the average length of time, for each sensitivity level, for the Bureau to carry out an initial investigation and a periodic reinvestigation;

(3) a discussion of the factors contributing to the average length of time to carry out an initial investigation and a periodic reinvestigation;

Plan.

(4) a backlog mitigation plan, which shall include—

Recommendations.

(A) the identification of the cause of, and recommendations to remedy, the backlog at the Bureau;

(B) the steps the Director of the Bureau shall take to reduce the backlog;

(C) process reforms to improve efficiencies in, and the quality of, background investigations by the Bureau; and

(D) a projection of when the backlog at the Bureau will be sufficiently reduced to meet required timeliness standards; and

(5) a description of improvements in the information and data security of the Bureau.

Coordination.

SEC. 4. REPORT ON SECURITY CLEARANCE INVESTIGATIONS OF PERSONNEL OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

Not later than 90 days after the date of enactment of this Act, the Director of the Office of Administration of the Executive Office of the President, in coordination with the Director and the Director of the Office, shall submit to Congress a report that explains the process for conducting and adjudicating security clearance investigations for personnel of the Executive Office of the President, including personnel of the White House Office.

Consultation.

SEC. 5. REPORT ON COSTS ASSOCIATED WITH BIFURCATED BACKGROUND INVESTIGATION SYSTEMS.

Not later than 120 days after the date of enactment of this Act, the Director of the Office, in consultation with the other members of the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103) and the Under Secretary of Defense for Intelligence, shall submit to Congress a report on the cost of maintaining comprehensive background investigations capability within the Office under the control or direction of the Bureau and a background investigations capability for Department of Defense personnel under the control or direction of the Department of Defense for implementation of the plan referenced in section 925 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), as compared to the cost of sustaining a single Government-wide background investigations enterprise.

SEC. 6. REPORTS ON CONTINUOUS EVALUATION, RECIPROCITY, AND TIMELINESS MEASURES.

Not later than 120 days after the date of enactment of this Act, the Director shall submit to Congress reports that provide—

(1) the status of implementing continuous evaluation Government-wide, including—

(A) the number of agencies with continuous evaluation programs and how many of those programs are currently conducting automated records checks of the required data sources as identified by the Director; and

(B) a discussion of the barriers for agencies to implement continuous evaluation programs, including any requirement under a statute, regulation, Executive Order, or other administrative requirement;

(2) a detailed explanation of efforts by agencies to meet requirements for reciprocal recognition to access classified information, including—

(A) the range of the length of time for agencies to grant reciprocal recognition to access classified information;

(B) additional requirements for reinvestigations or readjudications, by agency; and

(C) any other barriers to the timely granting of reciprocity, by agency, including any requirement under a statute, regulation, Executive Order, or other administrative requirement; and

(3) a review of whether the schedule for processing security clearances under section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) should be modified. Review.

SEC. 7. REVIEW AND UPDATE OF POSITION DESIGNATION GUIDANCE.

(a) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given the term in Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto;

(2) the term "appropriate congressional committees" means—

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

(B) the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives;

(3) the term "background investigation" means any investigation required for the purpose of determining the—

(A) eligibility of a covered individual for logical and physical access to Federally controlled facilities or information systems;

(B) suitability or fitness of a covered individual for Federal employment;

(C) eligibility of a covered individual for access to classified information or to hold a national security sensitive position; or

(D) fitness of a covered individual to perform work for or on behalf of the United States Government as a contractor employee; and

(4) the term "covered individual"—

(A) means a person who performs work for or on behalf of the executive branch or seeks to perform work for or on behalf of the executive branch;

(B) is not limited to Federal employees;

(C) includes all persons, not excluded under subparagraph (D), who require eligibility for access to classified information or eligibility to hold a sensitive position, including, but not limited to, contractors, subcontractors, licensees, certificate holders, grantees, experts, consultants, and government employees; and

(D) does not include—

(i) the President;

(ii) employees of the President under section 105 or 107 of title 3, United States Code (except to the extent otherwise directed by the President);

(iii) the Vice President; or

(iv) employees of the Vice President under section 106 of title 3, United States Code, or an annual legislative branch appropriations Act (except to the extent otherwise directed by the Vice President).

Determinations.

(b) REVIEW AND UPDATING.—

Deadline. Recommendations.

(1) INITIAL REVIEW AND UPDATE OF GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director and the Director of the Office shall review and make recommendations to Congress and the President as appropriate to issue guidance to assist agencies in determining—

(A) position sensitivity designation; and

(B) the appropriate background investigation to initiate for each position designation.

Time period. President.

(2) REVIEWS AND REVISIONS OF POSITION DESIGNATIONS.—Not less frequently than every 4 years, the President, acting through relevant agencies (as determined by the President) and in accordance with the guidance described in paragraph (1), shall review and, if necessary, revise the position designation of positions within agencies.

President.

(c) REPORTS TO CONGRESS.—Not later than 30 days after completing a review under subsection (b)(2), the President shall submit to the appropriate congressional committees a report on—

(1) any issues identified in the review; and

(2) the number of position designations revised as a result of the review.

(d) NO CHANGE IN AUTHORITY.—Nothing in this section limits or expands the authority of any agency to designate a position as sensitive or as requiring its occupant to have access to classified information.

Approved May 22, 2018.

LEGISLATIVE HISTORY—H.R. 3210:

HOUSE REPORTS: No. 115–258 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 115–185 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): July 26, considered and passed House.
Vol. 164 (2018): Mar. 15, considered and passed Senate, amended.
May 7, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
May 22, Presidential statement.

Public Law 115–174
115th Congress

An Act

May 24, 2018
[S. 2155]

To promote economic growth, provide tailored regulatory relief, and enhance consumer protections, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Economic Growth, Regulatory Relief, and Consumer Protection Act. 15 USC 1601 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Growth, Regulatory Relief, and Consumer Protection Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—IMPROVING CONSUMER ACCESS TO MORTGAGE CREDIT

Sec. 101. Minimum standards for residential mortgage loans.
Sec. 102. Safeguarding access to habitat for humanity homes.
Sec. 103. Exemption from appraisals of real property located in rural areas.
Sec. 104. Home Mortgage Disclosure Act adjustment and study.
Sec. 105. Credit union residential loans.
Sec. 106. Eliminating barriers to jobs for loan originators.
Sec. 107. Protecting access to manufactured homes.
Sec. 108. Escrow requirements relating to certain consumer credit transactions.
Sec. 109. No wait for lower mortgage rates.

TITLE II—REGULATORY RELIEF AND PROTECTING CONSUMER ACCESS TO CREDIT

Sec. 201. Capital simplification for qualifying community banks.
Sec. 202. Limited exception for reciprocal deposits.
Sec. 203. Community bank relief.
Sec. 204. Removing naming restrictions.
Sec. 205. Short form call reports.
Sec. 206. Option for Federal savings associations to operate as covered savings associations.
Sec. 207. Small bank holding company policy statement.
Sec. 208. Application of the Expedited Funds Availability Act.
Sec. 209. Small public housing agencies.
Sec. 210. Examination cycle.
Sec. 211. International insurance capital standards accountability.
Sec. 212. Budget transparency for the NCUA.
Sec. 213. Making online banking initiation legal and easy.
Sec. 214. Promoting construction and development on Main Street.
Sec. 215. Reducing identity fraud.
Sec. 216. Treasury report on risks of cyber threats.
Sec. 217. Discretionary surplus funds.

TITLE III—PROTECTIONS FOR VETERANS, CONSUMERS, AND HOMEOWNERS

Sec. 301. Protecting consumers' credit.
Sec. 302. Protecting veterans' credit.
Sec. 303. Immunity from suit for disclosure of financial exploitation of senior citizens.

Sec. 304. Restoration of the Protecting Tenants at Foreclosure Act of 2009.
Sec. 305. Remediating lead and asbestos hazards.
Sec. 306. Family self-sufficiency program.
Sec. 307. Property Assessed Clean Energy financing.
Sec. 308. GAO report on consumer reporting agencies.
Sec. 309. Protecting veterans from predatory lending.
Sec. 310. Credit score competition.
Sec. 311. GAO report on Puerto Rico foreclosures.
Sec. 312. Report on children's lead-based paint hazard prevention and abatement.
Sec. 313. Foreclosure relief and extension for servicemembers.

TITLE IV—TAILORING REGULATIONS FOR CERTAIN BANK HOLDING COMPANIES

Sec. 401. Enhanced supervision and prudential standards for certain bank holding companies.
Sec. 402. Supplementary leverage ratio for custodial banks.
Sec. 403. Treatment of certain municipal obligations.

TITLE V—ENCOURAGING CAPITAL FORMATION

Sec. 501. National securities exchange regulatory parity.
Sec. 502. SEC study on algorithmic trading.
Sec. 503. Annual review of government-business forum on capital formation.
Sec. 504. Supporting America's innovators.
Sec. 505. Securities and Exchange Commission overpayment credit.
Sec. 506. U.S. territories investor protection.
Sec. 507. Encouraging employee ownership.
Sec. 508. Improving access to capital.
Sec. 509. Parity for closed-end companies regarding offering and proxy rules.

TITLE VI—PROTECTIONS FOR STUDENT BORROWERS

Sec. 601. Protections in the event of death or bankruptcy.
Sec. 602. Rehabilitation of private education loans.
Sec. 603. Best practices for higher education financial literacy.

SEC. 2. DEFINITIONS.

12 USC 5365 note.

In this Act:

(1) APPROPRIATE FEDERAL BANKING AGENCY; COMPANY; DEPOSITORY INSTITUTION; DEPOSITORY INSTITUTION HOLDING COMPANY.—The terms "appropriate Federal banking agency", "company", "depository institution", and "depository institution holding company" have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(2) BANK HOLDING COMPANY.—The term "bank holding company" has the meaning given the term in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

TITLE I—IMPROVING CONSUMER ACCESS TO MORTGAGE CREDIT

SEC. 101. MINIMUM STANDARDS FOR RESIDENTIAL MORTGAGE LOANS.

Section 129C(b)(2) of the Truth in Lending Act (15 U.S.C. 1639c(b)(2)) is amended by adding at the end the following:

"(F) SAFE HARBOR.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'covered institution' means an insured depository institution or an insured credit union that, together with its affiliates, has less than $10,000,000,000 in total consolidated assets;

"(II) the term 'insured credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

"(III) the term 'insured depository institution' has the meaning given the term in section 3 of

the Federal Deposit Insurance Act (12 U.S.C. 1813);

"(IV) the term 'interest-only' means that, under the terms of the legal obligation, one or more of the periodic payments may be applied solely to accrued interest and not to loan principal; and

"(V) the term 'negative amortization' means payment of periodic payments that will result in an increase in the principal balance under the terms of the legal obligation.

"(ii) SAFE HARBOR.—In this section—

"(I) the term 'qualified mortgage' includes any residential mortgage loan—

"(aa) that is originated and retained in portfolio by a covered institution;

"(bb) that is in compliance with the limitations with respect to prepayment penalties described in subsections (c)(1) and (c)(3);

"(cc) that is in compliance with the requirements of clause (vii) of subparagraph (A);

"(dd) that does not have negative amortization or interest-only features; and

"(ee) for which the covered institution considers and documents the debt, income, and financial resources of the consumer in accordance with clause (iv); and

"(II) a residential mortgage loan described in subclause (I) shall be deemed to meet the requirements of subsection (a).

"(iii) EXCEPTION FOR CERTAIN TRANSFERS.—A residential mortgage loan described in clause (ii)(I) shall not qualify for the safe harbor under clause (ii) if the legal title to the residential mortgage loan is sold, assigned, or otherwise transferred to another person unless the residential mortgage loan is sold, assigned, or otherwise transferred—

"(I) to another person by reason of the bankruptcy or failure of a covered institution;

"(II) to a covered institution so long as the loan is retained in portfolio by the covered institution to which the loan is sold, assigned, or otherwise transferred;

"(III) pursuant to a merger of a covered institution with another person or the acquisition of a covered institution by another person or of another person by a covered institution, so long as the loan is retained in portfolio by the person to whom the loan is sold, assigned, or otherwise transferred; or

"(IV) to a wholly owned subsidiary of a covered institution, provided that, after the sale, assignment, or transfer, the residential mortgage loan is considered to be an asset of the covered institution for regulatory accounting purposes.

"(iv) CONSIDERATION AND DOCUMENTATION REQUIREMENTS.—The consideration and documentation requirements described in clause (ii)(I)(ee) shall—

"(I) not be construed to require compliance with, or documentation in accordance with, appendix Q to part 1026 of title 12, Code of Federal Regulations, or any successor regulation; and

"(II) be construed to permit multiple methods of documentation.".

SEC. 102. SAFEGUARDING ACCESS TO HABITAT FOR HUMANITY HOMES.

Section 129E(i)(2) of the Truth in Lending Act (15 U.S.C. 1639e(i)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(2) in the matter preceding clause (i), as so redesignated, by striking "For purposes of" and inserting the following:

"(A) IN GENERAL.—For purposes of"; and

(3) by adding at the end the following:

"(B) RULE OF CONSTRUCTION RELATED TO APPRAISAL DONATIONS.—If a fee appraiser voluntarily donates appraisal services to an organization eligible to receive tax-deductible charitable contributions, such voluntary donation shall be considered customary and reasonable for the purposes of paragraph (1).".

SEC. 103. EXEMPTION FROM APPRAISALS OF REAL PROPERTY LOCATED IN RURAL AREAS.

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) is amended by adding at the end the following:

"SEC. 1127. EXEMPTION FROM APPRAISALS OF REAL ESTATE LOCATED IN RURAL AREAS. 12 USC 3356.

"(a) DEFINITIONS.—In this section—

"(1) the term 'mortgage originator' has the meaning given the term in section 103 of the Truth in Lending Act (15 U.S.C. 1602); and

"(2) the term 'transaction value' means the amount of a loan or extension of credit, including a loan or extension of credit that is part of a pool of loans or extensions of credit.

"(b) APPRAISAL NOT REQUIRED.—Except as provided in subsection (d), notwithstanding any other provision of law, an appraisal in connection with a federally related transaction involving real property or an interest in real property is not required if—

"(1) the real property or interest in real property is located in a rural area, as described in section 1026.35(b)(2)(iv)(A) of title 12, Code of Federal Regulations;

"(2) not later than 3 days after the date on which the Closing Disclosure Form, made in accordance with the final rule of the Bureau of Consumer Financial Protection entitled 'Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)' (78 Fed. Reg. 79730 (December 31, 2013)), relating to the federally related transaction is given to the consumer, the mortgage originator or its agent, directly or indirectly— Deadline.

"(A) has contacted not fewer than 3 State certified appraisers or State licensed appraisers, as applicable, on the mortgage originator's approved appraiser list in the market area in accordance with part 226 of title 12, Code of Federal Regulations; and

Time period.

"(B) has documented that no State certified appraiser or State licensed appraiser, as applicable, was available within 5 business days beyond customary and reasonable fee and timeliness standards for comparable appraisal assignments, as documented by the mortgage originator or its agent;

"(3) the transaction value is less than $400,000; and

"(4) the mortgage originator is subject to oversight by a Federal financial institutions regulatory agency.

"(c) SALE, ASSIGNMENT, OR TRANSFER.—A mortgage originator that makes a loan without an appraisal under the terms of subsection (b) shall not sell, assign, or otherwise transfer legal title to the loan unless—

"(1) the loan is sold, assigned, or otherwise transferred to another person by reason of the bankruptcy or failure of the mortgage originator;

"(2) the loan is sold, assigned, or otherwise transferred to another person regulated by a Federal financial institutions regulatory agency, so long as the loan is retained in portfolio by the person;

"(3) the sale, assignment, or transfer is pursuant to a merger of the mortgage originator with another person or the acquisition of the mortgage originator by another person or of another person by the mortgage originator; or

"(4) the sale, loan, or transfer is to a wholly owned subsidiary of the mortgage originator, provided that, after the sale, assignment, or transfer, the loan is considered to be an asset of the mortgage originator for regulatory accounting purposes.

"(d) EXCEPTION.—Subsection (b) shall not apply if—

"(1) a Federal financial institutions regulatory agency requires an appraisal under section 225.63(c), 323.3(c), 34.43(c), or 722.3(e) of title 12, Code of Federal Regulations; or

"(2) the loan is a high-cost mortgage, as defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(e) ANTI-EVASION.—Each Federal financial institutions regulatory agency shall ensure that any mortgage originator that the Federal financial institutions regulatory agency oversees that makes a significant amount of loans under subsection (b) is complying with the requirements of subsection (b)(2) with respect to each loan.".

SEC. 104. HOME MORTGAGE DISCLOSURE ACT ADJUSTMENT AND STUDY.

(a) IN GENERAL.—Section 304 of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803) is amended—

(1) by redesignating subsection (i) as paragraph (3) and adjusting the margins accordingly;

(2) by inserting before paragraph (3), as so redesignated, the following:

Time periods.

"(i) EXEMPTIONS.—

"(1) CLOSED-END MORTGAGE LOANS.—With respect to an insured depository institution or insured credit union, the requirements of paragraphs (5) and (6) of subsection (b) shall not apply with respect to closed-end mortgage loans if the insured depository institution or insured credit union originated fewer than 500 closed-end mortgage loans in each of the 2 preceding calendar years.

"(2) OPEN-END LINES OF CREDIT.—With respect to an insured depository institution or insured credit union, the requirements of paragraphs (5) and (6) of subsection (b) shall not apply with respect to open-end lines of credit if the insured depository institution or insured credit union originated fewer than 500 open-end lines of credit in each of the 2 preceding calendar years.

"(3) REQUIRED COMPLIANCE.—Notwithstanding paragraphs (1) and (2), an insured depository institution shall comply with paragraphs (5) and (6) of subsection (b) if the insured depository institution has received a rating of 'needs to improve record of meeting community credit needs' during each of its 2 most recent examinations or a rating of 'substantial noncompliance in meeting community credit needs' on its most recent examination under section 807(b)(2) of the Community Reinvestment Act of 1977 (12 U.S.C. 2906(b)(2))."; and

(3) by adding at the end the following:

"(o) DEFINITIONS.—In this section—

"(1) the term 'insured credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); and

"(2) the term 'insured depository institution' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).".

(b) LOOKBACK STUDY.—

(1) STUDY.—Not earlier than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to evaluate the impact of the amendments made by subsection (a) on the amount of data available under the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) at the national and local level. Time period.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1).

(c) TECHNICAL CORRECTION.—Section 304(i)(3) of the Home Mortgage Disclosure Act of 1975, as so redesignated by subsection (a)(1), is amended by striking "section 303(2)(A)" and inserting "section 303(3)(A)".

SEC. 105. CREDIT UNION RESIDENTIAL LOANS.

(a) REMOVAL FROM MEMBER BUSINESS LOAN LIMITATION.—Section 107A(c)(1)(B)(i) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1)(B)(i)) is amended by striking "that is the primary residence of a member".

(b) RULE OF CONSTRUCTION.—Nothing in this section or the amendment made by this section shall preclude the National Credit 12 USC 1757a note.

Union Administration from treating an extension of credit that is fully secured by a lien on a 1- to 4-family dwelling that is not the primary residence of a member as a member business loan for purposes other than the member business loan limitation requirements under section 107A of the Federal Credit Union Act (12 U.S.C. 1757a).

SEC. 106. ELIMINATING BARRIERS TO JOBS FOR LOAN ORIGINATORS.

(a) IN GENERAL.—The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) is amended by adding at the end the following:

12 USC 5117.

"SEC. 1518. EMPLOYMENT TRANSITION OF LOAN ORIGINATORS.

"(a) DEFINITIONS.—In this section:

"(1) APPLICATION STATE.—The term 'application State' means a State in which a registered loan originator or a State-licensed loan originator seeks to be licensed.

"(2) STATE-LICENSED MORTGAGE COMPANY.—The term 'State-licensed mortgage company' means an entity that is licensed or registered under the law of any State to engage in residential mortgage loan origination and processing activities.

"(b) TEMPORARY AUTHORITY TO ORIGINATE LOANS FOR LOAN ORIGINATORS MOVING FROM A DEPOSITORY INSTITUTION TO A NON-DEPOSITORY INSTITUTION.—

"(1) IN GENERAL.—Upon becoming employed by a State-licensed mortgage company, an individual who is a registered loan originator shall be deemed to have temporary authority to act as a loan originator in an application State for the period described in paragraph (2) if the individual—

"(A) has not had—

"(i) an application for a loan originator license denied; or

"(ii) a loan originator license revoked or suspended in any governmental jurisdiction;

"(B) has not been subject to, or served with, a cease and desist order—

"(i) in any governmental jurisdiction; or

"(ii) under section 1514(c);

"(C) has not been convicted of a misdemeanor or felony that would preclude licensure under the law of the application State;

"(D) has submitted an application to be a State-licensed loan originator in the application State; and

Time period.

"(E) was registered in the Nationwide Mortgage Licensing System and Registry as a loan originator during the 1-year period preceding the date on which the information required under section 1505(a) is submitted.

"(2) PERIOD.—The period described in this paragraph shall begin on the date on which an individual described in paragraph (1) submits the information required under section 1505(a) and shall end on the earliest of the date—

"(A) on which the individual withdraws the application to be a State-licensed loan originator in the application State;

"(B) on which the application State denies, or issues a notice of intent to deny, the application;

"(C) on which the application State grants a State license; or

"(D) that is 120 days after the date on which the individual submits the application, if the application is listed on the Nationwide Mortgage Licensing System and Registry as incomplete.

"(c) TEMPORARY AUTHORITY TO ORIGINATE LOANS FOR STATE-LICENSED LOAN ORIGINATORS MOVING INTERSTATE.—

"(1) IN GENERAL.—A State-licensed loan originator shall be deemed to have temporary authority to act as a loan originator in an application State for the period described in paragraph (2) if the State-licensed loan originator—

"(A) meets the requirements of subparagraphs (A), (B), (C), and (D) of subsection (b)(1);

"(B) is employed by a State-licensed mortgage company in the application State; and

"(C) was licensed in a State that is not the application State during the 30-day period preceding the date on which the information required under section 1505(a) was submitted in connection with the application submitted to the application State. Time period.

"(2) PERIOD.—The period described in this paragraph shall begin on the date on which the State-licensed loan originator submits the information required under section 1505(a) in connection with the application submitted to the application State and end on the earliest of the date—

"(A) on which the State-licensed loan originator withdraws the application to be a State-licensed loan originator in the application State;

"(B) on which the application State denies, or issues a notice of intent to deny, the application;

"(C) on which the application State grants a State license; or

"(D) that is 120 days after the date on which the State-licensed loan originator submits the application, if the application is listed on the Nationwide Mortgage Licensing System and Registry as incomplete.

"(d) APPLICABILITY.—

"(1) EMPLOYER OF LOAN ORIGINATORS.—Any person employing an individual who is deemed to have temporary authority to act as a loan originator in an application State under this section shall be subject to the requirements of this title and to applicable State law to the same extent as if that individual was a State-licensed loan originator licensed by the application State.

"(2) ENGAGING IN MORTGAGE LOAN ACTIVITIES.—Any individual who is deemed to have temporary authority to act as a loan originator in an application State under this section and who engages in residential mortgage loan origination activities shall be subject to the requirements of this title and to applicable State law to the same extent as if that individual was a State-licensed loan originator licensed by the application State.".

(b) TABLE OF CONTENTS AMENDMENT.—Section 1(b) of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 4501 note)

is amended by inserting after the item relating to section 1517 the following:

"Sec. 1518. Employment transition of loan originators.".

(c) CIVIL LIABILITY.—Section 1513 of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5112) is amended by striking "persons who are loan originators or are applying for licensing or registration as loan originators." and inserting "persons who—

"(1) have applied, are applying, or are licensed or registered through the Nationwide Mortgage Licensing System and Registry; and

"(2) work in an industry with respect to which persons were licensed or registered through the Nationwide Mortgage Licensing System and Registry on the date of enactment of the Economic Growth, Regulatory Relief, and Consumer Protection Act.".

12 USC 5112 note.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 107. PROTECTING ACCESS TO MANUFACTURED HOMES.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) by redesignating the second subsection (cc) (relating to definitions relating to mortgage origination and residential mortgage loans) and subsection (dd) as subsections (dd) and (ee), respectively; and

(2) in paragraph (2) of subsection (dd), as so redesignated, by striking subparagraph (C) and inserting the following:

"(C) does not include any person who is—

"(i) not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph; or

"(ii) a retailer of manufactured or modular homes or an employee of the retailer if the retailer or employee, as applicable—

"(I) does not receive compensation or gain for engaging in activities described in subparagraph (A) that is in excess of any compensation or gain received in a comparable cash transaction;

"(II) discloses to the consumer—

"(aa) in writing any corporate affiliation with any creditor; and

"(bb) if the retailer has a corporate affiliation with any creditor, at least 1 unaffiliated creditor; and

"(III) does not directly negotiate with the consumer or lender on loan terms (including rates, fees, and other costs).".

SEC. 108. ESCROW REQUIREMENTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

Section 129D of the Truth in Lending Act (15 U.S.C. 1639d) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the margins accordingly;

(B) in the matter preceding subparagraph (A), as so redesignated, by striking "The Board" and inserting the following:

"(1) IN GENERAL.—The Bureau";

(C) in paragraph (1), as so redesignated, by striking "the Board" each place that term appears and inserting "the Bureau"; and

(D) by adding at the end the following:

"(2) TREATMENT OF LOANS HELD BY SMALLER INSTITUTIONS.—The Bureau shall, by regulation, exempt from the requirements of subsection (a) any loan made by an insured depository institution or an insured credit union secured by a first lien on the principal dwelling of a consumer if—

"(A) the insured depository institution or insured credit union has assets of $10,000,000,000 or less;

"(B) during the preceding calendar year, the insured depository institution or insured credit union and its affiliates originated 1,000 or fewer loans secured by a first lien on a principal dwelling; and

"(C) the transaction satisfies the criteria in sections 1026.35(b)(2)(iii)(A), 1026.35(b)(2)(iii)(D), and 1026.35(b)(2)(v) of title 12, Code of Federal Regulations, or any successor regulation."; and

(2) in subsection (i), by adding at the end the following: Definitions.

"(3) INSURED CREDIT UNION.—The term 'insured credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

"(4) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).".

SEC. 109. NO WAIT FOR LOWER MORTGAGE RATES.

(a) IN GENERAL.—Section 129(b) of the Truth in Lending Act (15 U.S.C. 1639(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) NO WAIT FOR LOWER RATE.—If a creditor extends to a consumer a second offer of credit with a lower annual percentage rate, the transaction may be consummated without regard to the period specified in paragraph (1) with respect to the second offer.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that, whereas the Bureau of Consumer Financial Protection issued a final rule entitled "Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)" (78 Fed. Reg. 79730 (December 31, 2013)) (in this subsection referred to as the "TRID Rule") to combine the disclosures a consumer receives in connection with applying for and closing on a mortgage loan, the Bureau of Consumer Financial Protection should endeavor to provide clearer, authoritative guidance on—

(1) the applicability of the TRID Rule to mortgage assumption transactions;

(2) the applicability of the TRID Rule to construction-to-permanent home loans, and the conditions under which those loans can be properly originated; and

(3) the extent to which lenders can rely on model disclosures published by the Bureau of Consumer Financial Protection without liability if recent changes to regulations are not reflected in the sample TRID Rule forms published by the Bureau of Consumer Financial Protection.

TITLE II—REGULATORY RELIEF AND PROTECTING CONSUMER ACCESS TO CREDIT

12 USC 5371 note.

SEC. 201. CAPITAL SIMPLIFICATION FOR QUALIFYING COMMUNITY BANKS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY BANK LEVERAGE RATIO.—The term "Community Bank Leverage Ratio" means the ratio of the tangible equity capital of a qualifying community bank, as reported on the qualifying community bank's applicable regulatory filing with the qualifying community bank's appropriate Federal banking agency, to the average total consolidated assets of the qualifying community bank, as reported on the qualifying community bank's applicable regulatory filing with the qualifying community bank's appropriate Federal banking agency.

(2) GENERALLY APPLICABLE LEVERAGE CAPITAL REQUIREMENTS; GENERALLY APPLICABLE RISK-BASED CAPITAL REQUIREMENTS.—The terms "generally applicable leverage capital requirements" and "generally applicable risk-based capital requirements" have the meanings given those terms in section 171(a) of the Financial Stability Act of 2010 (12 U.S.C. 5371(a)).

(3) QUALIFYING COMMUNITY BANK.—

(A) ASSET THRESHOLD.—The term "qualifying community bank" means a depository institution or depository institution holding company with total consolidated assets of less than $10,000,000,000.

(B) RISK PROFILE.—The appropriate Federal banking agencies may determine that a depository institution or depository institution holding company (or a class of depository institutions or depository institution holding companies) described in subparagraph (A) is not a qualifying community bank based on the depository institution's or depository institution holding company's risk profile, which shall be based on consideration of—

(i) off-balance sheet exposures;

(ii) trading assets and liabilities;

(iii) total notional derivatives exposures; and

(iv) such other factors as the appropriate Federal banking agencies determine appropriate.

Notice.

(b) COMMUNITY BANK LEVERAGE RATIO.—The appropriate Federal banking agencies shall, through notice and comment rule making under section 553 of title 5, United States Code—

(1) develop a Community Bank Leverage Ratio of not less than 8 percent and not more than 10 percent for qualifying community banks; and

(2) establish procedures for treatment of a qualifying community bank that has a Community Bank Leverage Ratio that falls below the percentage developed under paragraph (1) after exceeding the percentage developed under paragraph (1). Procedures.

(c) CAPITAL COMPLIANCE.—

(1) IN GENERAL.—Any qualifying community bank that exceeds the Community Bank Leverage Ratio developed under subsection (b)(1) shall be considered to have met—

(A) the generally applicable leverage capital requirements and the generally applicable risk-based capital requirements;

(B) in the case of a qualifying community bank that is a depository institution, the capital ratio requirements that are required in order to be considered well capitalized under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o) and any regulation implementing that section; and

(C) any other capital or leverage requirements to which the qualifying community bank is subject.

(2) EXISTING AUTHORITIES.—Nothing in paragraph (1) shall limit the authority of the appropriate Federal banking agencies as in effect on the date of enactment of this Act.

(d) CONSULTATION.—The appropriate Federal banking agencies shall—

(1) consult with the applicable State bank supervisors in carrying out this section; and

(2) notify the applicable State bank supervisor of any qualifying community bank that it supervises that exceeds, or does not exceed after previously exceeding, the Community Bank Leverage ratio developed under subsection (b)(1). Notification.

SEC. 202. LIMITED EXCEPTION FOR RECIPROCAL DEPOSITS.

(a) IN GENERAL.—Section 29 of the Federal Deposit Insurance Act (12 U.S.C. 1831f) is amended by adding at the end the following:

"(i) LIMITED EXCEPTION FOR RECIPROCAL DEPOSITS.—

"(1) IN GENERAL.—Reciprocal deposits of an agent institution shall not be considered to be funds obtained, directly or indirectly, by or through a deposit broker to the extent that the total amount of such reciprocal deposits does not exceed the lesser of—

"(A) $5,000,000,000; or

"(B) an amount equal to 20 percent of the total liabilities of the agent institution.

"(2) DEFINITIONS.—In this subsection:

"(A) AGENT INSTITUTION.—The term 'agent institution' means an insured depository institution that places a covered deposit through a deposit placement network at other insured depository institutions in amounts that are less than or equal to the standard maximum deposit insurance amount, specifying the interest rate to be paid for such amounts, if the insured depository institution—

"(i)(I) when most recently examined under section 10(d) was found to have a composite condition of outstanding or good; and

"(II) is well capitalized;

"(ii) has obtained a waiver pursuant to subsection (c); or

"(iii) does not receive an amount of reciprocal deposits that causes the total amount of reciprocal deposits held by the agent institution to be greater than the average of the total amount of reciprocal deposits held by the agent institution on the last day of each of the 4 calendar quarters preceding the calendar quarter in which the agent institution was found not to have a composite condition of outstanding or good or was determined to be not well capitalized.

"(B) COVERED DEPOSIT.—The term 'covered deposit' means a deposit that—

"(i) is submitted for placement through a deposit placement network by an agent institution; and

"(ii) does not consist of funds that were obtained for the agent institution, directly or indirectly, by or through a deposit broker before submission for placement through a deposit placement network.

"(C) DEPOSIT PLACEMENT NETWORK.—The term 'deposit placement network' means a network in which an insured depository institution participates, together with other insured depository institutions, for the processing and receipt of reciprocal deposits.

"(D) NETWORK MEMBER BANK.—The term 'network member bank' means an insured depository institution that is a member of a deposit placement network.

"(E) RECIPROCAL DEPOSITS.—The term 'reciprocal deposits' means deposits received by an agent institution through a deposit placement network with the same maturity (if any) and in the same aggregate amount as covered deposits placed by the agent institution in other network member banks.

"(F) WELL CAPITALIZED.—The term 'well capitalized' has the meaning given the term in section 38(b)(1).".

(b) INTEREST RATE RESTRICTION.—Section 29 of the Federal Deposit Insurance Act (12 U.S.C. 1831f) is amended by striking subsection (e) and inserting the following:

"(e) RESTRICTION ON INTEREST RATE PAID.—

"(1) DEFINITIONS.—In this subsection—

"(A) the terms 'agent institution', 'reciprocal deposits', and 'well capitalized' have the meanings given those terms in subsection (i); and

"(B) the term 'covered insured depository institution' means an insured depository institution that—

"(i) under subsection (c) or (d), accepts funds obtained, directly or indirectly, by or through a deposit broker; or

"(ii) while acting as an agent institution under subsection (i), accepts reciprocal deposits while not well capitalized.

"(2) PROHIBITION.—A covered insured depository institution may not pay a rate of interest on funds or reciprocal deposits described in paragraph (1) that, at the time that the funds or reciprocal deposits are accepted, significantly exceeds the limit set forth in paragraph (3).

"(3) LIMIT ON INTEREST RATES.—The limit on the rate of interest referred to in paragraph (2) shall be—

"(A) the rate paid on deposits of similar maturity in the normal market area of the covered insured depository institution for deposits accepted in the normal market area of the covered insured depository institution; or

"(B) the national rate paid on deposits of comparable maturity, as established by the Corporation, for deposits accepted outside the normal market area of the covered insured depository institution.".

SEC. 203. COMMUNITY BANK RELIEF.

Section 13(h)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(h)(1)) is amended—

(1) in subparagraph (D), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(2) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(3) in the matter preceding clause (i), as so redesignated, in the second sentence, by striking "institution that functions solely in a trust or fiduciary capacity, if—" and inserting the following: "institution—

"(A) that functions solely in a trust or fiduciary capacity, if—";

(4) in clause (iv)(II), as so redesignated, by striking the period at the end and inserting "; or"; and

(5) by adding at the end the following:

"(B) that does not have and is not controlled by a company that has—

"(i) more than $10,000,000,000 in total consolidated assets; and

"(ii) total trading assets and trading liabilities, as reported on the most recent applicable regulatory filing filed by the institution, that are more than 5 percent of total consolidated assets.".

SEC. 204. REMOVING NAMING RESTRICTIONS.

Section 13 of the Bank Holding Company Act of 1956 (12 U.S.C. 1851) is amended—

(1) in subsection (d)(1)(G)(vi), by inserting before the semicolon the following: ", except that the hedge fund or private equity fund may share the same name or a variation of the same name as a banking entity that is an investment adviser to the hedge fund or private equity fund, if—

"(I) such investment adviser is not an insured depository institution, a company that controls an insured depository institution, or a company that is treated as a bank holding company for purposes of section 8 of the International Banking Act of 1978 (12 U.S.C. 3106);

"(II) such investment adviser does not share the same name or a variation of the same name as an insured depository institution, any company that controls an insured depository institution, or any company that is treated as a bank holding

company for purposes of section 8 of the International Banking Act of 1978 (12 U.S.C. 3106); and

"(III) such name does not contain the word 'bank'"; and

(2) in subsection (h)(5)(C), by inserting before the period the following: ", except as permitted under subsection (d)(1)(G)(vi)".

SEC. 205. SHORT FORM CALL REPORTS.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following:

"(12) SHORT FORM REPORTING.—

Regulations.

"(A) IN GENERAL.—The appropriate Federal banking agencies shall issue regulations that allow for a reduced reporting requirement for a covered depository institution when the institution makes the first and third report of condition for a year, as required under paragraph (3).

"(B) DEFINITION.—In this paragraph, the term 'covered depository institution' means an insured depository institution that—

"(i) has less than $5,000,000,000 in total consolidated assets; and

"(ii) satisfies such other criteria as the appropriate Federal banking agencies determine appropriate.".

SEC. 206. OPTION FOR FEDERAL SAVINGS ASSOCIATIONS TO OPERATE AS COVERED SAVINGS ASSOCIATIONS.

The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 (12 U.S.C. 1464) the following:

12 USC 1464a.

"SEC. 5A. ELECTION TO OPERATE AS A COVERED SAVINGS ASSOCIATION.

"(a) DEFINITION.—In this section, the term 'covered savings association' means a Federal savings association that makes an election that is approved under subsection (b).

Effective dates.

"(b) ELECTION.—

"(1) IN GENERAL.—In accordance with the rules issued under subsection (f), a Federal savings association with total consolidated assets equal to or less than $20,000,000,000, as reported by the association to the Comptroller as of December 31, 2017, may elect to operate as a covered savings association by submitting a notice to the Comptroller of that election.

Notification.

"(2) APPROVAL.—A Federal savings association shall be deemed to be approved to operate as a covered savings association beginning on the date that is 60 days after the date on which the Comptroller receives the notice submitted under paragraph (1), unless the Comptroller notifies the Federal savings association that the Federal savings association is not eligible.

"(c) RIGHTS AND DUTIES.—Notwithstanding any other provision of law, and except as otherwise provided in this section, a covered savings association shall—

"(1) have the same rights and privileges as a national bank that has the main office of the national bank situated in the same location as the home office of the covered savings association; and

"(2) be subject to the same duties, restrictions, penalties, liabilities, conditions, and limitations that would apply to a national bank described in paragraph (1).

"(d) TREATMENT OF COVERED SAVINGS ASSOCIATIONS.—A covered savings association shall be treated as a Federal savings association for the purposes—

"(1) of governance of the covered savings association, including incorporation, bylaws, boards of directors, shareholders, and distribution of dividends;

"(2) of consolidation, merger, dissolution, conversion (including conversion to a stock bank or to another charter), conservatorship, and receivership; and

"(3) determined by regulation of the Comptroller. Determination.

"(e) EXISTING BRANCHES.—A covered savings association may continue to operate any branch or agency that the covered savings association operated on the date on which an election under subsection (b) is approved.

"(f) RULE MAKING.—The Comptroller shall issue rules to carry out this section—

"(1) that establish streamlined standards and procedures that clearly identify required documentation and timelines for an election under subsection (b);

"(2) that require a Federal savings association that makes an election under subsection (b) to identify specific assets and subsidiaries that—

"(A) do not conform to the requirements for assets and subsidiaries of a national bank; and

"(B) are held by the Federal savings association on the date on which the Federal savings association submits a notice of the election;

"(3) that establish—

"(A) a transition process for bringing the assets and subsidiaries described in paragraph (2) into conformance with the requirements for a national bank; and

"(B) procedures for allowing the Federal savings association to submit to the Comptroller an application to continue to hold assets and subsidiaries described in paragraph (2) after electing to operate as a covered savings association;

"(4) that establish standards and procedures to allow a covered savings association to—

"(A) terminate an election under subsection (b) after an appropriate period of time; and

"(B) make a subsequent election under subsection (b) after terminating an election under subparagraph (A);

"(5) that clarify requirements for the treatment of covered savings associations, including the provisions of law that apply to covered savings associations; and

"(6) as the Comptroller determines necessary in the interests of safety and soundness. Determination.

"(g) GRANDFATHERED COVERED SAVINGS ASSOCIATIONS.—Subject to the rules issued under subsection (f), a covered savings association may continue to operate as a covered savings association if, after the date on which the election is made under subsection (b), the covered savings association has total consolidated assets greater than $20,000,000,000.".

SEC. 207. SMALL BANK HOLDING COMPANY POLICY STATEMENT.

12 USC 5371 note.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(2) SAVINGS AND LOAN HOLDING COMPANY.—The term "savings and loan holding company" has the meaning given the term in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).

12 USC 5371 note.

Deadline.

(b) CHANGES REQUIRED TO SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.—Not later than 180 days after the date of enactment of this Act, the Board shall revise appendix C to part 225 of title 12, Code of Federal Regulations (commonly known as the "Small Bank Holding Company and Savings and Loan Holding Company Policy Statement"), to raise the consolidated asset threshold under that appendix from $1,000,000,000 to $3,000,000,000 for any bank holding company or savings and loan holding company that—

(1) is not engaged in significant nonbanking activities either directly or through a nonbank subsidiary;

(2) does not conduct significant off-balance sheet activities (including securitization and asset management or administration) either directly or through a nonbank subsidiary; and

(3) does not have a material amount of debt or equity securities outstanding (other than trust preferred securities) that are registered with the Securities and Exchange Commission.

12 USC 5371 note.

(c) EXCLUSIONS.—The Board may exclude any bank holding company or savings and loan holding company, regardless of asset size, from the revision under subsection (b) if the Board determines that such action is warranted for supervisory purposes.

(d) CONFORMING AMENDMENT.—Section 171(b)(5) of the Financial Stability Act of 2010 (12 U.S.C. 5371(b)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) any bank holding company or savings and loan holding company that is subject to the application of appendix C to part 225 of title 12, Code of Federal Regulations (commonly known as the 'Small Bank Holding Company and Savings and Loan Holding Company Policy Statement').".

SEC. 208. APPLICATION OF THE EXPEDITED FUNDS AVAILABILITY ACT.

(a) IN GENERAL.—The Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) is amended—

(1) in section 602 (12 U.S.C. 4001)—

(A) in paragraph (20), by inserting ", located in the United States," after "ATM";

(B) in paragraph (21), by inserting "American Samoa, the Commonwealth of the Northern Mariana Islands, Guam," after "Puerto Rico,"; and

(C) in paragraph (23), by inserting "American Samoa, the Commonwealth of the Northern Mariana Islands, Guam," after "Puerto Rico,"; and

(2) in section 603(d)(2)(A) (12 U.S.C. 4002(d)(2)(A)), by inserting "American Samoa, the Commonwealth of the Northern Mariana Islands, Guam," after "Puerto Rico,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date of enactment of this Act.

SEC. 209. SMALL PUBLIC HOUSING AGENCIES.

(a) SMALL PUBLIC HOUSING AGENCIES.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 38. SMALL PUBLIC HOUSING AGENCIES.

42 USC 1437z–10.

"(a) DEFINITIONS.—In this section:

"(1) HOUSING VOUCHER PROGRAM.—The term 'housing voucher program' means a program for tenant-based assistance under section 8.

"(2) SMALL PUBLIC HOUSING AGENCY.—The term 'small public housing agency' means a public housing agency—

"(A) for which the sum of the number of public housing dwelling units administered by the agency and the number of vouchers under section 8(o) administered by the agency is 550 or fewer; and

"(B) that predominantly operates in a rural area, as described in section 1026.35(b)(2)(iv)(A) of title 12, Code of Federal Regulations.

"(3) TROUBLED SMALL PUBLIC HOUSING AGENCY.—The term 'troubled small public housing agency' means a small public housing agency designated by the Secretary as a troubled small public housing agency under subsection (c)(3).

"(b) APPLICABILITY.—Except as otherwise provided in this section, a small public housing agency shall be subject to the same requirements as a public housing agency.

"(c) PROGRAM INSPECTIONS AND EVALUATIONS.—

"(1) PUBLIC HOUSING PROJECTS.—

"(A) FREQUENCY OF INSPECTIONS BY SECRETARY.—The Secretary shall carry out an inspection of the physical condition of a small public housing agency's public housing projects not more frequently than once every 3 years, unless the agency has been designated by the Secretary as a troubled small public housing agency based on deficiencies in the physical condition of its public housing projects. Nothing contained in this subparagraph relieves the Secretary from conducting lead safety inspections or assessments in accordance with procedures established by the Secretary under section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822).

Time periods.

"(B) STANDARDS.—The Secretary shall apply to small public housing agencies the same standards for the acceptable condition of public housing projects that apply to projects assisted under section 8.

"(2) HOUSING VOUCHER PROGRAM.—Except as required by section 8(o)(8)(F), a small public housing agency administering assistance under section 8(o) shall make periodic physical inspections of each assisted dwelling unit not less frequently than once every 3 years to determine whether the unit is maintained in accordance with the requirements under section 8(o)(8)(A). Nothing contained in this paragraph relieves a small public housing agency from conducting lead safety inspections or assessments in accordance with procedures established by

Time periods. Determinations.

the Secretary under section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822).

"(3) TROUBLED SMALL PUBLIC HOUSING AGENCIES.—

Determination.

"(A) PUBLIC HOUSING PROGRAM.—Notwithstanding any other provision of law, the Secretary may designate a small public housing agency as a troubled small public housing agency with respect to the public housing program of the small public housing agency if the Secretary determines that the agency has failed to maintain the public housing units of the small public housing agency in a satisfactory physical condition, based upon an inspection conducted by the Secretary.

Determination.

"(B) HOUSING VOUCHER PROGRAM.—Notwithstanding any other provision of law, the Secretary may designate a small public housing agency as a troubled small public housing agency with respect to the housing voucher program of the small public housing agency if the Secretary determines that the agency has failed to comply with the inspection requirements under paragraph (2).

"(C) APPEALS.—

"(i) ESTABLISHMENT.—The Secretary shall establish an appeals process under which a small public housing agency may dispute a designation as a troubled small public housing agency.

"(ii) OFFICIAL.—The appeals process established under clause (i) shall provide for a decision by an official who has not been involved, and is not subordinate to a person who has been involved, in the original determination to designate a small public housing agency as a troubled small public housing agency.

"(D) CORRECTIVE ACTION AGREEMENT.—

Deadline.

"(i) AGREEMENT REQUIRED.—Not later than 60 days after the date on which a small public housing agency is designated as a troubled public housing agency under subparagraph (A) or (B), the Secretary and the small public housing agency shall enter into a corrective action agreement under which the small public housing agency shall undertake actions to correct the deficiencies upon which the designation is based.

"(ii) TERMS OF AGREEMENT.—A corrective action agreement entered into under clause (i) shall—

Time period.

"(I) have a term of 1 year, and shall be renewable at the option of the Secretary;

"(II) provide, where feasible, for technical assistance to assist the public housing agency in curing its deficiencies;

"(III) provide for—

"(aa) reconsideration of the designation of the small public housing agency as a troubled small public housing agency not less frequently than annually; and

Determination.

"(bb) termination of the agreement when the Secretary determines that the small public housing agency is no longer a troubled small public housing agency; and

"(IV) provide that in the event of substantial noncompliance by the small public housing agency under the agreement, the Secretary may—

"(aa) contract with another public housing agency or a private entity to manage the public housing of the troubled small public housing agency;

"(bb) withhold funds otherwise distributable to the troubled small public housing agency;

"(cc) assume possession of, and direct responsibility for, managing the public housing of the troubled small public housing agency;

"(dd) petition for the appointment of a receiver, in accordance with section 6(j)(3)(A)(ii); and

"(ee) exercise any other remedy available to the Secretary in the event of default under the public housing annual contributions contract entered into by the small public housing agency under section 5.

"(E) EMERGENCY ACTIONS.—Nothing in this paragraph may be construed to prohibit the Secretary from taking any emergency action necessary to protect Federal financial resources or the health or safety of residents of public housing projects.

"(d) REDUCTION OF ADMINISTRATIVE BURDENS.—

"(1) EXEMPTION.—Notwithstanding any other provision of law, a small public housing agency shall be exempt from any environmental review requirements with respect to a development or modernization project having a total cost of not more than $100,000.

"(2) STREAMLINED PROCEDURES.—The Secretary shall, by rule, establish streamlined procedures for environmental reviews of small public housing agency development and modernization projects having a total cost of more than $100,000.".

(b) ENERGY CONSERVATION.—Section 9(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)(2)) is amended by adding at the end the following:

"(D) FREEZE OF CONSUMPTION LEVELS.—

"(i) IN GENERAL.—A small public housing agency, as defined in section 38(a), may elect to be paid for its utility and waste management costs under the formula for a period, at the discretion of the small public housing agency, of not more than 20 years based on the small public housing agency's average annual consumption during the 3-year period preceding the year in which the election is made (in this subparagraph referred to as the 'consumption base level'). Time periods.

"(ii) INITIAL ADJUSTMENT IN CONSUMPTION BASE LEVEL.—The Secretary shall make an initial one-time adjustment in the consumption base level to account for differences in the heating degree day average over the most recent 20-year period compared to the average in the consumption base level. Time period.

"(iii) ADJUSTMENTS IN CONSUMPTION BASE LEVEL.—The Secretary shall make adjustments in the consumption base level to account for an increase or reduction in units, a change in fuel source, a change in resident controlled electricity consumption, or for other reasons.

"(iv) SAVINGS.—All cost savings resulting from an election made by a small public housing agency under this subparagraph—

"(I) shall accrue to the small public housing agency; and

"(II) may be used for any public housing purpose at the discretion of the small public housing agency.

"(v) THIRD PARTIES.—A small public housing agency making an election under this subparagraph—

"(I) may use, but shall not be required to use, the services of a third party in its energy conservation program; and

"(II) shall have the sole discretion to determine the source, and terms and conditions, of any financing used for its energy conservation program.".

42 USC 1437k note.

(c) REPORTING BY AGENCIES OPERATING IN CONSORTIA.—Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall develop and deploy all electronic information systems necessary to accommodate full consolidated reporting by public housing agencies, as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)), electing to operate in consortia under section 13(a) of such Act (42 U.S.C. 1437k(a)).

42 USC 1437g note.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 60 days after the date of enactment of this Act.

Deadline. Web posting. Guidance. 42 USC 1437d note.

(e) SHARED WAITING LISTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall make available to interested public housing agencies and owners of multifamily properties receiving assistance from the Department of Housing and Urban Development 1 or more software programs that will facilitate the voluntary use of a shared waiting list by multiple public housing agencies or owners receiving assistance, and shall publish on the website of the Department of Housing and Urban Development procedural guidance for implementing shared waiting lists that includes information on how to obtain the software.

SEC. 210. EXAMINATION CYCLE.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) in paragraph (4)(A), by striking "$1,000,000,000" and inserting "$3,000,000,000"; and

(2) in paragraph (10), by striking "$1,000,000,000" and inserting "$3,000,000,000".

31 USC 313 note.

SEC. 211. INTERNATIONAL INSURANCE CAPITAL STANDARDS ACCOUNTABILITY.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of the Treasury, Board of Governors of the Federal Reserve System, and Director of the Federal Insurance Office shall support increasing transparency at any global insurance or international standard-setting regulatory or supervisory forum in which they participate, including supporting and advocating for greater public observer access to working groups and committee meetings of the International Association of Insurance Supervisors; and

(2) to the extent that the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office take a position or reasonably intend to take a position with respect to an insurance proposal by a global insurance regulatory or supervisory forum, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office shall achieve consensus positions with State insurance regulators through the National Association of Insurance Commissioners, when they are United States participants in negotiations on insurance issues before the International Association of Insurance Supervisors, Financial Stability Board, or any other international forum of financial regulators or supervisors that considers such issues.

(b) INSURANCE POLICY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established the Insurance Policy Advisory Committee on International Capital Standards and Other Insurance Issues at the Board of Governors of the Federal Reserve System.

(2) MEMBERSHIP.—The Committee shall be composed of not more than 21 members, all of whom represent a diverse set of expert perspectives from the various sectors of the United States insurance industry, including life insurance, property and casualty insurance and reinsurance, agents and brokers, academics, consumer advocates, or experts on issues facing underserved insurance communities and consumers.

(c) REPORTS.—

(1) REPORTS AND TESTIMONY BY SECRETARY OF THE TREASURY AND CHAIRMAN OF THE FEDERAL RESERVE.—

(A) IN GENERAL.—The Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, or their designee, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, an annual report and provide annual testimony to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives on the efforts of the Secretary and the Chairman with the National Association of Insurance Commissioners with respect to global insurance regulatory or supervisory forums, including—

(i) a description of the insurance regulatory or supervisory standard-setting issues under discussion at international standard-setting bodies, including the Financial Stability Board and the International Association of Insurance Supervisors;

(ii) a description of the effects that proposals discussed at international insurance regulatory or supervisory forums of insurance could have on consumer and insurance markets in the United States;

(iii) a description of any position taken by the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office in international insurance discussions; and

(iv) a description of the efforts by the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office to increase transparency at the Financial Stability Board with respect to insurance proposals and the International Association of Insurance Supervisors, including efforts to provide additional public access to working groups and committees of the International Association of Insurance Supervisors.

(B) TERMINATION.—This paragraph shall terminate on December 31, 2024.

(2) REPORTS AND TESTIMONY BY NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.—The National Association of Insurance Commissioners may provide testimony to Congress on the issues described in paragraph (1)(A).

(3) JOINT REPORT BY THE CHAIRMAN OF THE FEDERAL RESERVE AND THE DIRECTOR OF THE FEDERAL INSURANCE OFFICE.—

Consultation.
Study.

(A) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office shall, in consultation with the National Association of Insurance Commissioners, complete a study on, and submit to Congress a report on the results of the study, the impact on consumers and markets in the United States before supporting or consenting to the adoption of any final international insurance capital standard.

(B) NOTICE AND COMMENT.—

(i) NOTICE.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office shall provide public notice before the date on which drafting a report required under subparagraph (A) is commenced and after the date on which the draft of the report is completed.

Time period.

(ii) OPPORTUNITY FOR COMMENT.—There shall be an opportunity for public comment for a period beginning on the date on which the report is submitted under subparagraph (A) and ending on the date that is 60 days after the date on which the report is submitted.

(C) REVIEW BY COMPTROLLER GENERAL.—The Secretary of the Treasury, Chairman of the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office shall submit to the Comptroller General of the United States the report described in subparagraph (A) for review.

(4) REPORT ON INCREASE IN TRANSPARENCY.—Not later than 180 days after the date of enactment of this Act, the Chairman of the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, or their designees, shall submit to Congress a report and provide testimony to Congress on the efforts of the Chairman and the Secretary to increase transparency at meetings of the International Association of Insurance Supervisors.

SEC. 212. BUDGET TRANSPARENCY FOR THE NCUA.

Section 209(b) of the Federal Credit Union Act (12 U.S.C. 1789(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following:

"(1) on an annual basis and prior to the submission of the detailed business-type budget required under paragraph (2)—

"(A) make publicly available and publish in the Federal Register a draft of the detailed business-type budget; and

"(B) hold a public hearing, with public notice provided of the hearing, during which the public may submit comments on the draft of the detailed business-type budget;"; and

Public information. Federal Register, publication.

(3) in paragraph (2), as so redesignated—

(A) by inserting "detailed" after "submit a"; and

(B) by inserting ", which shall address any comment submitted by the public under paragraph (1)(B)" after "Control Act".

SEC. 213. MAKING ONLINE BANKING INITIATION LEGAL AND EASY.

12 USC 1829c.

(a) DEFINITIONS.—In this section:

(1) AFFILIATE.—The term "affiliate" has the meaning given the term in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

(2) DRIVER'S LICENSE.—The term "driver's license" means a license issued by a State to an individual that authorizes the individual to operate a motor vehicle on public streets, roads, or highways.

(3) FEDERAL BANK SECRECY LAWS.—The term "Federal bank secrecy laws" means—

(A) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b);

(B) section 123 of Public Law 91–508 (12 U.S.C. 1953); and

(C) subchapter II of chapter 53 of title 31, United States Code.

(4) FINANCIAL INSTITUTION.—The term "financial institution" means—

(A) an insured depository institution;

(B) an insured credit union; or

(C) any affiliate of an insured depository institution or insured credit union.

(5) FINANCIAL PRODUCT OR SERVICE.—The term "financial product or service" has the meaning given the term in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

(6) INSURED CREDIT UNION.—The term "insured credit union" has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(7) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(8) ONLINE SERVICE.—The term "online service" means any Internet-based service, such as a website or mobile application.

(9) PERSONAL IDENTIFICATION CARD.—The term "personal identification card" means an identification document issued by a State or local government to an individual solely for the purpose of identification of that individual.

(10) PERSONAL INFORMATION.—The term "personal information" means the information displayed on or electronically encoded on a driver's license or personal identification card that is reasonably necessary to fulfill the purpose and uses permitted by subsection (b).

(11) SCAN.—The term "scan" means the act of using a device or software to decipher, in an electronically readable format, personal information displayed on or electronically encoded on a driver's license or personal identification card.

(12) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the United States.

(b) USE OF A DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CARD.—

(1) IN GENERAL.—When an individual initiates a request through an online service to open an account with a financial institution or obtain a financial product or service from a financial institution, the financial institution may record personal information from a scan of the driver's license or personal identification card of the individual, or make a copy or receive an image of the driver's license or personal identification card of the individual, and store or retain such information in any electronic format for the purposes described in paragraph (2).

(2) USES OF INFORMATION.—Except as required to comply with Federal bank secrecy laws, a financial institution may only use the information obtained under paragraph (1)—

(A) to verify the authenticity of the driver's license or personal identification card;

(B) to verify the identity of the individual; and

(C) to comply with a legal requirement to record, retain, or transmit the personal information in connection with opening an account or obtaining a financial product or service.

(3) DELETION OF IMAGE.—A financial institution that makes a copy or receives an image of a driver's license or personal identification card of an individual in accordance with paragraphs (1) and (2) shall, after using the image for the purposes described in paragraph (2), permanently delete—

(A) any image of the driver's license or personal identification card, as applicable; and

(B) any copy of any such image.

(4) DISCLOSURE OF PERSONAL INFORMATION.—Nothing in this section shall be construed to amend, modify, or otherwise

affect any State or Federal law that governs a financial institution's disclosure and security of personal information that is not publicly available.

(c) RELATION TO STATE LAW.—The provisions of this section shall preempt and supersede any State law that conflicts with a provision of this section, but only to the extent of such conflict.

SEC. 214. PROMOTING CONSTRUCTION AND DEVELOPMENT ON MAIN STREET.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 51. CAPITAL REQUIREMENTS FOR CERTAIN ACQUISITION, DEVELOPMENT, OR CONSTRUCTION LOANS. 12 USC 1831bb.

"(a) IN GENERAL.—The appropriate Federal banking agencies may only require a depository institution to assign a heightened risk weight to a high volatility commercial real estate (HVCRE) exposure (as such term is defined under section 324.2 of title 12, Code of Federal Regulations, as of October 11, 2017, or if a successor regulation is in effect as of the date of the enactment of this section, such term or any successor term contained in such successor regulation) under any risk-based capital requirement if such exposure is an HVCRE ADC loan.

"(b) HVCRE ADC LOAN DEFINED.—For purposes of this section and with respect to a depository institution, the term 'HVCRE ADC loan'— Definition.

"(1) means a credit facility secured by land or improved real property that, prior to being reclassified by the depository institution as a non-HVCRE ADC loan pursuant to subsection (d)—

"(A) primarily finances, has financed, or refinances the acquisition, development, or construction of real property;

"(B) has the purpose of providing financing to acquire, develop, or improve such real property into income-producing real property; and

"(C) is dependent upon future income or sales proceeds from, or refinancing of, such real property for the repayment of such credit facility;

"(2) does not include a credit facility financing—

"(A) the acquisition, development, or construction of properties that are—

"(i) one- to four-family residential properties;

"(ii) real property that would qualify as an investment in community development; or

"(iii) agricultural land;

"(B) the acquisition or refinance of existing income-producing real property secured by a mortgage on such property, if the cash flow being generated by the real property is sufficient to support the debt service and expenses of the real property, in accordance with the institution's applicable loan underwriting criteria for permanent financings;

"(C) improvements to existing income-producing improved real property secured by a mortgage on such property, if the cash flow being generated by the real property is sufficient to support the debt service and expenses of the real property, in accordance with the

institution's applicable loan underwriting criteria for permanent financings; or

"(D) commercial real property projects in which—

"(i) the loan-to-value ratio is less than or equal to the applicable maximum supervisory loan-to-value ratio as determined by the appropriate Federal banking agency;

"(ii) the borrower has contributed capital of at least 15 percent of the real property's appraised, 'as completed' value to the project in the form of—

"(I) cash;

"(II) unencumbered readily marketable assets;

"(III) paid development expenses out-of-pocket; or

"(IV) contributed real property or improvements; and

"(iii) the borrower contributed the minimum amount of capital described under clause (ii) before the depository institution advances funds (other than the advance of a nominal sum made in order to secure the depository institution's lien against the real property) under the credit facility, and such minimum amount of capital contributed by the borrower is contractually required to remain in the project until the credit facility has been reclassified by the depository institution as a non-HVCRE ADC loan under subsection (d);

"(3) does not include any loan made prior to January 1, 2015; and

"(4) does not include a credit facility reclassified as a non-HVCRE ADC loan under subsection (d).

"(c) VALUE OF CONTRIBUTED REAL PROPERTY.—For purposes of this section, the value of any real property contributed by a borrower as a capital contribution shall be the appraised value of the property as determined under standards prescribed pursuant to section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339), in connection with the extension of the credit facility or loan to such borrower.

"(d) RECLASSIFICATION AS A NON-HVRCE ADC LOAN.—For purposes of this section and with respect to a credit facility and a depository institution, upon—

"(1) the substantial completion of the development or construction of the real property being financed by the credit facility; and

"(2) cash flow being generated by the real property being sufficient to support the debt service and expenses of the real property,

in accordance with the institution's applicable loan underwriting criteria for permanent financings, the credit facility may be reclassified by the depository institution as a Non-HVCRE ADC loan.

"(e) EXISTING AUTHORITIES.—Nothing in this section shall limit the supervisory, regulatory, or enforcement authority of an appropriate Federal banking agency to further the safe and sound operation of an institution under the supervision of the appropriate Federal banking agency.".

SEC. 215. REDUCING IDENTITY FRAUD. 42 USC 405b.

(a) PURPOSE.—The purpose of this section is to reduce the prevalence of synthetic identity fraud, which disproportionally affects vulnerable populations, such as minors and recent immigrants, by facilitating the validation by permitted entities of fraud protection data, pursuant to electronically received consumer consent, through use of a database maintained by the Commissioner.

(b) DEFINITIONS.—In this section:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Social Security Administration.

(2) FINANCIAL INSTITUTION.—The term "financial institution" has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

(3) FRAUD PROTECTION DATA.—The term "fraud protection data" means a combination of the following information with respect to an individual:

(A) The name of the individual (including the first name and any family forename or surname of the individual).

(B) The social security number of the individual.

(C) The date of birth (including the month, day, and year) of the individual.

(4) PERMITTED ENTITY.—The term "permitted entity" means a financial institution or a service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution.

(c) EFFICIENCY.—

(1) RELIANCE ON EXISTING METHODS.—The Commissioner shall evaluate the feasibility of making modifications to any database that is in existence as of the date of enactment of this Act or a similar resource such that the database or resource—

(A) is reasonably designed to effectuate the purpose of this section; and

(B) meets the requirements of subsection (d).

(2) EXECUTION.—The Commissioner shall make the modifications necessary to any database that is in existence as of the date of enactment of this Act or similar resource, or develop a database or similar resource, to effectuate the requirements described in paragraph (1).

(d) PROTECTION OF VULNERABLE CONSUMERS.—The database or similar resource described in subsection (c) shall—

(1) compare fraud protection data provided in an inquiry by a permitted entity against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided;

(2) be scalable and accommodate reasonably anticipated volumes of verification requests from permitted entities with commercially reasonable uptime and availability; and

(3) allow permitted entities to submit—

(A) 1 or more individual requests electronically for real-time machine-to-machine (or similar functionality) accurate responses; and

(B) multiple requests electronically, such as those provided in a batch format, for accurate electronic responses within a reasonable period of time from submission, not to exceed 24 hours.

Deadline.

(e) CERTIFICATION REQUIRED.—Before providing confirmation of fraud protection data to a permitted entity, the Commissioner shall ensure that the Commissioner has a certification from the permitted entity that is dated not more than 2 years before the date on which that confirmation is provided that includes the following declarations:

(1) The entity is a permitted entity.

(2) The entity is in compliance with this section.

(3) The entity is, and will remain, in compliance with its privacy and data security requirements, as described in title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), with respect to information the entity receives from the Commissioner pursuant to this section.

Time period.

(4) The entity will retain sufficient records to demonstrate its compliance with its certification and this section for a period of not less than 2 years.

(f) CONSUMER CONSENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, a permitted entity may submit a request to the database or similar resource described in subsection (c) only—

(A) pursuant to the written, including electronic, consent received by a permitted entity from the individual who is the subject of the request; and

(B) in connection with a credit transaction or any circumstance described in section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).

(2) ELECTRONIC CONSENT REQUIREMENTS.—For a permitted entity to use the consent of an individual received electronically pursuant to paragraph (1)(A), the permitted entity must obtain the individual's electronic signature, as defined in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(3) EFFECTUATING ELECTRONIC CONSENT.—No provision of law or requirement, including section 552a of title 5, United States Code, shall prevent the use of electronic consent for purposes of this subsection or for use in any other consent based verification under the discretion of the Commissioner.

(g) COMPLIANCE AND ENFORCEMENT.—

(1) AUDITS AND MONITORING.—The Commissioner may—

(A) conduct audits and monitoring to—

(i) ensure proper use by permitted entities of the database or similar resource described in subsection (c); and

(ii) deter fraud and misuse by permitted entities with respect to the database or similar resource described in subsection (c); and

(B) terminate services for any permitted entity that prevents or refuses to allow the Commissioner to carry out the activities described in subparagraph (A).

(2) ENFORCEMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of law, including the matter preceding paragraph (1) of section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)), any violation of this section and any certification made under this section shall be enforced in accordance

with paragraphs (1) through (7) of such section 505(a) by the agencies described in those paragraphs.

(B) RELEVANT INFORMATION.—Upon discovery by the Commissioner, pursuant to an audit described in paragraph (1), of any violation of this section or any certification made under this section, the Commissioner shall forward any relevant information pertaining to that violation to the appropriate agency described in subparagraph (A) for evaluation by the agency for purposes of enforcing this section.

(h) RECOVERY OF COSTS.—

(1) IN GENERAL.—

(A) IN GENERAL.—Amounts obligated to carry out this section shall be fully recovered from the users of the database or verification system by way of advances, reimbursements, user fees, or other recoveries as determined by the Commissioner. The funds recovered under this paragraph shall be deposited as an offsetting collection to the account providing appropriations for the Social Security Administration, to be used for the administration of this section without fiscal year limitation.

(B) PRICES FIXED BY COMMISSIONER.—The Commissioner shall establish the amount to be paid by the users under this paragraph, including the costs of any services or work performed, such as any appropriate upgrades, maintenance, and associated direct and indirect administrative costs, in support of carrying out the purposes described in this section, by reimbursement or in advance as determined by the Commissioner. The amount of such prices shall be periodically adjusted by the Commissioner to ensure that amounts collected are sufficient to fully offset the cost of the administration of this section.

(2) INITIAL DEVELOPMENT.—The Commissioner shall not begin development of a verification system to carry out this section until the Commissioner determines that amounts equal to at least 50 percent of program start-up costs have been collected under paragraph (1).

(3) EXISTING RESOURCES.—The Commissioner may use funds designated for information technology modernization to carry out this section.

(4) ANNUAL REPORT.—The Commissioner shall annually submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the amount of indirect costs to the Social Security Administration arising as a result of the implementation of this section.

SEC. 216. TREASURY REPORT ON RISKS OF CYBER THREATS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the risks of cyber threats to financial institutions and capital markets in the United States, including—

(1) an assessment of the material risks of cyber threats to financial institutions and capital markets in the United States; Assessment.

(2) the impact and potential effects of material cyber attacks on financial institutions and capital markets in the United States;

Analysis.

(3) an analysis of how the appropriate Federal banking agencies and the Securities and Exchange Commission are addressing the material risks of cyber threats described in paragraph (1), including—

(A) how the appropriate Federal banking agencies and the Securities and Exchange Commission are assessing those threats;

(B) how the appropriate Federal banking agencies and the Securities and Exchange Commission are assessing the cyber vulnerabilities and preparedness of financial institutions;

Coordination.

(C) coordination amongst the appropriate Federal banking agencies and the Securities and Exchange Commission, and their coordination with other government agencies (including with respect to regulations, examinations, lexicon, duplication, and other regulatory tools); and

(D) areas for improvement; and

Recommendations.

(4) a recommendation of whether any appropriate Federal banking agency or the Securities and Exchange Commission needs additional legal authorities or resources to adequately assess and address the material risks of cyber threats described in paragraph (1), given the analysis required by paragraph (3).

SEC. 217. DISCRETIONARY SURPLUS FUNDS.

Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking "$7,500,000,000" and inserting "$6,825,000,000".

TITLE III—PROTECTIONS FOR VETERANS, CONSUMERS, AND HOMEOWNERS

SEC. 301. PROTECTING CONSUMERS' CREDIT.

(a) IN GENERAL.—Section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c–1) is amended—

(1) in subsection (a)(1)(A), by striking "90 days" and inserting "1 year"; and

(2) by adding at the end the following:

"(i) NATIONAL SECURITY FREEZE.—

"(1) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'consumer reporting agency' means a consumer reporting agency described in section 603(p).

"(B) The term 'proper identification' has the meaning of such term as used under section 610.

"(C) The term 'security freeze' means a restriction that prohibits a consumer reporting agency from disclosing the contents of a consumer report that is subject to such security freeze to any person requesting the consumer report.

Deadline.

"(2) PLACEMENT OF SECURITY FREEZE.—

"(A) IN GENERAL.—Upon receiving a direct request from a consumer that a consumer reporting agency place a security freeze, and upon receiving proper identification from the consumer, the consumer reporting agency shall, free of charge, place the security freeze not later than—

"(i) in the case of a request that is by toll-free telephone or secure electronic means, 1 business day after receiving the request directly from the consumer; or

"(ii) in the case of a request that is by mail, 3 business days after receiving the request directly from the consumer.

"(B) CONFIRMATION AND ADDITIONAL INFORMATION.—Not later than 5 business days after placing a security freeze under subparagraph (A), a consumer reporting agency shall—

"(i) send confirmation of the placement to the consumer; and

"(ii) inform the consumer of—

"(I) the process by which the consumer may remove the security freeze, including a mechanism to authenticate the consumer; and

"(II) the consumer's right described in section 615(d)(1)(D).

"(C) NOTICE TO THIRD PARTIES.—A consumer reporting agency may advise a third party that a security freeze has been placed with respect to a consumer under subparagraph (A).

"(3) REMOVAL OF SECURITY FREEZE.—

"(A) IN GENERAL.—A consumer reporting agency shall remove a security freeze placed on the consumer report of a consumer only in the following cases:

"(i) Upon the direct request of the consumer.

"(ii) The security freeze was placed due to a material misrepresentation of fact by the consumer.

"(B) NOTICE IF REMOVAL NOT BY REQUEST.—If a consumer reporting agency removes a security freeze under subparagraph (A)(ii), the consumer reporting agency shall notify the consumer in writing prior to removing the security freeze.

"(C) REMOVAL OF SECURITY FREEZE BY CONSUMER REQUEST.—Except as provided in subparagraph (A)(ii), a security freeze shall remain in place until the consumer directly requests that the security freeze be removed. Upon receiving a direct request from a consumer that a consumer reporting agency remove a security freeze, and upon receiving proper identification from the consumer, the consumer reporting agency shall, free of charge, remove the security freeze not later than— Deadlines.

"(i) in the case of a request that is by toll-free telephone or secure electronic means, 1 hour after receiving the request for removal; or

"(ii) in the case of a request that is by mail, 3 business days after receiving the request for removal.

"(D) THIRD-PARTY REQUESTS.—If a third party requests access to a consumer report of a consumer with respect to which a security freeze is in effect, where such request

is in connection with an application for credit, and the consumer does not allow such consumer report to be accessed, the third party may treat the application as incomplete.

"(E) TEMPORARY REMOVAL OF SECURITY FREEZE.—Upon receiving a direct request from a consumer under subparagraph (A)(i), if the consumer requests a temporary removal of a security freeze, the consumer reporting agency shall, in accordance with subparagraph (C), remove the security freeze for the period of time specified by the consumer.

"(4) EXCEPTIONS.—A security freeze shall not apply to the making of a consumer report for use of the following:

"(A) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owed by the consumer to that person or entity, or a prospective assignee of a financial obligation owed by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owed for the account, contract, or negotiable instrument. For purposes of this subparagraph, 'reviewing the account' includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

"(B) Any Federal, State, or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena.

"(C) A child support agency acting pursuant to part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).

"(D) A Federal agency or a State or its agents or assigns acting to investigate fraud or acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities, provided such responsibilities are consistent with a permissible purpose under section 604.

"(E) By a person using credit information for the purposes described under section 604(c).

"(F) Any person or entity administering a credit file monitoring subscription or similar service to which the consumer has subscribed.

"(G) Any person or entity for the purpose of providing a consumer with a copy of the consumer's consumer report or credit score, upon the request of the consumer.

"(H) Any person using the information in connection with the underwriting of insurance.

"(I) Any person using the information for employment, tenant, or background screening purposes.

"(J) Any person using the information for assessing, verifying, or authenticating a consumer's identity for purposes other than the granting of credit, or for investigating or preventing actual or potential fraud.

"(5) NOTICE OF RIGHTS.—At any time a consumer is required to receive a summary of rights required under section 609, the following notice shall be included:

"'CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

"'You have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

"'As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

"'A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.'.

"(6) WEBPAGE.—

"(A) CONSUMER REPORTING AGENCIES.—A consumer reporting agency shall establish a webpage that—

"(i) allows a consumer to request a security freeze;

"(ii) allows a consumer to request an initial fraud alert;

"(iii) allows a consumer to request an extended fraud alert;

"(iv) allows a consumer to request an active duty fraud alert;

"(v) allows a consumer to opt-out of the use of information in a consumer report to send the consumer a solicitation of credit or insurance, in accordance with section 615(d); and

"(vi) shall not be the only mechanism by which a consumer may request a security freeze.

"(B) FTC.—The Federal Trade Commission shall establish a single webpage that includes a link to each webpage established under subparagraph (A) within the Federal Trade Commission's website www.Identitytheft.gov, or a successor website.

"(j) NATIONAL PROTECTION FOR FILES AND CREDIT RECORDS OF PROTECTED CONSUMERS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) The term 'consumer reporting agency' means a consumer reporting agency described in section 603(p).

"(B) The term 'protected consumer' means an individual who is—

"(i) under the age of 16 years at the time a request for the placement of a security freeze is made; or

"(ii) an incapacitated person or a protected person for whom a guardian or conservator has been appointed.

"(C) The term 'protected consumer's representative' means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

"(D) The term 'record' means a compilation of information that—

"(i) identifies a protected consumer;

"(ii) is created by a consumer reporting agency solely for the purpose of complying with this subsection; and

"(iii) may not be created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

"(E) The term 'security freeze' means a restriction that prohibits a consumer reporting agency from disclosing the contents of a consumer report that is the subject of such security freeze or, in the case of a protected consumer for whom the consumer reporting agency does not have a file, a record that is subject to such security freeze to any person requesting the consumer report for the purpose of opening a new account involving the extension of credit.

"(F) The term 'sufficient proof of authority' means documentation that shows a protected consumer's representative has authority to act on behalf of a protected consumer and includes—

"(i) an order issued by a court of law;

"(ii) a lawfully executed and valid power of attorney;

"(iii) a document issued by a Federal, State, or local government agency in the United States showing proof of parentage, including a birth certificate; or

"(iv) with respect to a protected consumer who has been placed in a foster care setting, a written communication from a county welfare department or its agent or designee, or a county probation department or its agent or designee, certifying that the protected consumer is in a foster care setting under its jurisdiction.

"(G) The term 'sufficient proof of identification' means information or documentation that identifies a protected consumer and a protected consumer's representative and includes—

"(i) a social security number or a copy of a social security card issued by the Social Security Administration;

"(ii) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate; or

"(iii) a copy of a driver's license, an identification card issued by the motor vehicle administration, or any other government issued identification.

"(2) PLACEMENT OF SECURITY FREEZE FOR A PROTECTED CONSUMER.—

"(A) IN GENERAL.—Upon receiving a direct request from a protected consumer's representative that a consumer reporting agency place a security freeze, and upon receiving sufficient proof of identification and sufficient proof of authority, the consumer reporting agency shall, free of charge, place the security freeze not later than— Deadlines.

"(i) in the case of a request that is by toll-free telephone or secure electronic means, 1 business day after receiving the request directly from the protected consumer's representative; or

"(ii) in the case of a request that is by mail, 3 business days after receiving the request directly from the protected consumer's representative.

"(B) CONFIRMATION AND ADDITIONAL INFORMATION.— Not later than 5 business days after placing a security freeze under subparagraph (A), a consumer reporting agency shall— Deadline.

"(i) send confirmation of the placement to the protected consumer's representative; and

"(ii) inform the protected consumer's representative of the process by which the protected consumer may remove the security freeze, including a mechanism to authenticate the protected consumer's representative.

"(C) CREATION OF FILE.—If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a direct request under subparagraph (A), the consumer reporting agency shall create a record for the protected consumer.

"(3) PROHIBITION ON RELEASE OF RECORD OR FILE OF PROTECTED CONSUMER.—After a security freeze has been placed under paragraph (2)(A), and unless the security freeze is removed in accordance with this subsection, a consumer reporting agency may not release the protected consumer's consumer report, any information derived from the protected consumer's consumer report, or any record created for the protected consumer.

"(4) REMOVAL OF A PROTECTED CONSUMER SECURITY FREEZE.—

"(A) IN GENERAL.—A consumer reporting agency shall remove a security freeze placed on the consumer report of a protected consumer only in the following cases:

"(i) Upon the direct request of the protected consumer's representative.

"(ii) Upon the direct request of the protected consumer, if the protected consumer is not under the age of 16 years at the time of the request.

"(iii) The security freeze was placed due to a material misrepresentation of fact by the protected consumer's representative.

"(B) NOTICE IF REMOVAL NOT BY REQUEST.—If a consumer reporting agency removes a security freeze under subparagraph (A)(iii), the consumer reporting agency shall notify the protected consumer's representative in writing prior to removing the security freeze.

Deadlines.

"(C) REMOVAL OF FREEZE BY REQUEST.—Except as provided in subparagraph (A)(iii), a security freeze shall remain in place until a protected consumer's representative or protected consumer described in subparagraph (A)(ii) directly requests that the security freeze be removed. Upon receiving a direct request from the protected consumer's representative or protected consumer described in subparagraph (A)(ii) that a consumer reporting agency remove a security freeze, and upon receiving sufficient proof of identification and sufficient proof of authority, the consumer reporting agency shall, free of charge, remove the security freeze not later than—

"(i) in the case of a request that is by toll-free telephone or secure electronic means, 1 hour after receiving the request for removal; or

"(ii) in the case of a request that is by mail, 3 business days after receiving the request for removal.

"(D) TEMPORARY REMOVAL OF SECURITY FREEZE.—Upon receiving a direct request from a protected consumer or a protected consumer's representative under subparagraph (A)(i), if the protected consumer or protected consumer's representative requests a temporary removal of a security freeze, the consumer reporting agency shall, in accordance with subparagraph (C), remove the security freeze for the period of time specified by the protected consumer or protected consumer's representative.".

(b) CONFORMING AMENDMENT.—Section 625(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1)) is amended—

(1) in subparagraph (H), by striking "or" at the end; and

(2) by adding at the end the following:

"(J) subsections (i) and (j) of section 605A relating to security freezes; or".

15 USC 1681c–1 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 120 days after the date of enactment of this Act.

SEC. 302. PROTECTING VETERANS' CREDIT.

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

(1) to rectify problematic reporting of medical debt included in a consumer report of a veteran due to inappropriate or delayed payment for hospital care, medical services, or extended care services provided in a non-Department of Veterans Affairs facility under the laws administered by the Secretary of Veterans Affairs; and

(2) to clarify the process of debt collection for such medical debt.

(b) AMENDMENTS TO FAIR CREDIT REPORTING ACT.—

(1) VETERAN'S MEDICAL DEBT DEFINED.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

"(z) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.

"(aa) VETERAN'S MEDICAL DEBT.—The term 'veteran's medical debt'—

"(1) means a medical collection debt of a veteran owed to a non-Department of Veterans Affairs health care provider that was submitted to the Department for payment for health care authorized by the Department of Veterans Affairs; and

"(2) includes medical collection debt that the Department of Veterans Affairs has wrongfully charged a veteran.".

(2) EXCLUSION FOR VETERAN'S MEDICAL DEBT.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following:

"(7) With respect to a consumer reporting agency described in section 603(p), any information related to a veteran's medical debt if the date on which the hospital care, medical services, or extended care services was rendered relating to the debt antedates the report by less than 1 year if the consumer reporting agency has actual knowledge that the information is related to a veteran's medical debt and the consumer reporting agency is in compliance with its obligation under section 302(c)(5) of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

"(8) With respect to a consumer reporting agency described in section 603(p), any information related to a fully paid or settled veteran's medical debt that had been characterized as delinquent, charged off, or in collection if the consumer reporting agency has actual knowledge that the information is related to a veteran's medical debt and the consumer reporting agency is in compliance with its obligation under section 302(c)(5) of the Economic Growth, Regulatory Relief, and Consumer Protection Act.".

(3) REMOVAL OF VETERAN'S MEDICAL DEBT FROM CONSUMER REPORT.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended—

(A) in subsection (a)(1)(A), by inserting "and except as provided in subsection (g)" after "subsection (f)"; and

(B) by adding at the end the following:

"(g) DISPUTE PROCESS FOR VETERAN'S MEDICAL DEBT.—

"(1) IN GENERAL.—With respect to a veteran's medical debt, the veteran may submit a notice described in paragraph (2), proof of liability of the Department of Veterans Affairs for payment of that debt, or documentation that the Department of Veterans Affairs is in the process of making payment for authorized hospital care, medical services, or extended care services rendered to a consumer reporting agency or a reseller to dispute the inclusion of that debt on a consumer report of the veteran.

"(2) NOTIFICATION TO VETERAN.—The Department of Veterans Affairs shall submit to a veteran a notice that the Department of Veterans Affairs has assumed liability for part or all of a veteran's medical debt.

"(3) DELETION OF INFORMATION FROM FILE.—If a consumer reporting agency receives notice, proof of liability, or documentation under paragraph (1), the consumer reporting agency shall delete all information relating to the veteran's medical debt from the file of the veteran and notify the furnisher and the veteran of that deletion.".

15 USC 1681c note.

(c) VERIFICATION OF VETERAN'S MEDICAL DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "consumer reporting agency" means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)); and

(B) the terms "veteran" and "veteran's medical debt" have the meanings given those terms in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as added by subsection (b)(1).

Deadline.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Veterans Affairs shall establish a database to allow consumer reporting agencies to verify whether a debt furnished to a consumer reporting agency is a veteran's medical debt.

(3) DATABASE FEATURES.—The Secretary of Veterans Affairs shall ensure that the database established under paragraph (2), to the extent permitted by law, provides consumer reporting agencies with—

(A) sufficiently detailed and specific information to verify whether a debt being furnished to the consumer reporting agency is a veteran's medical debt;

(B) access to verification information in a secure electronic format;

(C) timely access to verification information; and

(D) any other features that would promote the efficient, timely, and secure delivery of information that consumer reporting agencies could use to verify whether a debt is a veteran's medical debt.

Federal Register, publication. Notice.

(4) STAKEHOLDER INPUT.—Prior to establishing the database for verification under paragraph (2), the Secretary of Veterans Affairs shall publish in the Federal Register a notice and request for comment that solicits input from consumer reporting agencies and other stakeholders.

(5) VERIFICATION.—Provided the database established under paragraph (2) is fully functional and the data available to consumer reporting agencies, a consumer reporting agency shall use the database as a means to identify a veteran's medical debt pursuant to paragraphs (7) and (8) of section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)), as added by subsection (b)(2).

(d) CREDIT MONITORING.—

(1) IN GENERAL.—Section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c–1), as amended by section 301(a), is amended by adding at the end the following:

"(k) CREDIT MONITORING.—

"(1) DEFINITIONS.—In this subsection:

"(A) The term 'active duty military consumer' includes a member of the National Guard.

"(B) The term 'National Guard' has the meaning given the term in section 101(c) of title 10, United States Code.

"(2) CREDIT MONITORING.—A consumer reporting agency described in section 603(p) shall provide a free electronic credit monitoring service that, at a minimum, notifies a consumer of material additions or modifications to the file of the consumer at the consumer reporting agency to any consumer who provides to the consumer reporting agency— Notification.

"(A) appropriate proof that the consumer is an active duty military consumer; and

"(B) contact information of the consumer.

"(3) RULEMAKING.—Not later than 1 year after the date of enactment of this subsection, the Federal Trade Commission shall promulgate regulations regarding the requirements of this subsection, which shall at a minimum include— Deadline.

"(A) a definition of an electronic credit monitoring service and material additions or modifications to the file of a consumer; and

"(B) what constitutes appropriate proof.

"(4) APPLICABILITY.—

"(A) Sections 616 and 617 shall not apply to any violation of this subsection.

"(B) This subsection shall be enforced exclusively under section 621 by the Federal agencies and Federal and State officials identified in that section.".

(2) CONFORMING AMENDMENT.—Section 625(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1)), as amended by section 301(b), is amended by adding at the end the following:

"(K) subsection (k) of section 605A, relating to credit monitoring for active duty military consumers, as defined in that subsection;".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act. 15 USC 1681a note.

SEC. 303. IMMUNITY FROM SUIT FOR DISCLOSURE OF FINANCIAL EXPLOITATION OF SENIOR CITIZENS. 12 USC 3423.

(a) IMMUNITY.—

(1) DEFINITIONS.—In this section—

(A) the term "Bank Secrecy Act officer" means an individual responsible for ensuring compliance with the requirements mandated by subchapter II of chapter 53 of title 31, United States Code (commonly known as the "Bank Secrecy Act");

(B) the term "broker-dealer" means a broker and a dealer, as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a));

(C) the term "covered agency" means—

(i) a State financial regulatory agency, including a State securities or law enforcement authority and a State insurance regulator;

(ii) each of the Federal agencies represented in the membership of the Financial Institutions Examination Council established under section 1004 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303);

(iii) a securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3);

(iv) the Securities and Exchange Commission;

(v) a law enforcement agency; or

(vi) a State or local agency responsible for administering adult protective service laws;

(D) the term "covered financial institution" means—

(i) a credit union;

(ii) a depository institution;

(iii) an investment adviser;

(iv) a broker-dealer;

(v) an insurance company;

(vi) an insurance agency; or

(vii) a transfer agent;

(E) the term "credit union" has the meaning given the term in section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301);

(F) the term "depository institution" has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(G) the term "exploitation" means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or a fiduciary, that—

(i) uses the resources of a senior citizen for monetary or personal benefit, profit, or gain; or

(ii) results in depriving a senior citizen of rightful access to or use of benefits, resources, belongings, or assets;

(H) the term "insurance agency" means any business entity that sells, solicits, or negotiates insurance coverage;

(I) the term "insurance company" has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a));

(J) the term "insurance producer" means an individual who is required under State law to be licensed in order to sell, solicit, or negotiate insurance coverage;

(K) the term "investment adviser" has the meaning given the term in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a));

(L) the term "investment adviser representative" means an individual who—

(i) is employed by, or associated with, an investment adviser; and

(ii) does not perform solely clerical or ministerial acts;

(M) the term "registered representative" means an individual who represents a broker-dealer in effecting or attempting to effect a purchase or sale of securities;

(N) the term "senior citizen" means an individual who is not younger than 65 years of age;

(O) the term "State" means each of the several States, the District of Columbia, and any territory or possession of the United States;

(P) the term "State insurance regulator" has the meaning given the term in section 315 of the Gramm-Leach-Bliley Act (15 U.S.C. 6735);

(Q) the term "State securities or law enforcement authority" has the meaning given the term in section

24(f)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78x(f)(4)); and

(R) the term "transfer agent" has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(2) IMMUNITY FROM SUIT.—

(A) IMMUNITY FOR INDIVIDUALS.—An individual who has received the training described in subsection (b) shall not be liable, including in any civil or administrative proceeding, for disclosing the suspected exploitation of a senior citizen to a covered agency if the individual, at the time of the disclosure—

(i) served as a supervisor or in a compliance or legal function (including as a Bank Secrecy Act officer) for, or, in the case of a registered representative, investment adviser representative, or insurance producer, was affiliated or associated with, a covered financial institution; and

(ii) made the disclosure—

(I) in good faith; and

(II) with reasonable care.

(B) IMMUNITY FOR COVERED FINANCIAL INSTITUTIONS.—A covered financial institution shall not be liable, including in any civil or administrative proceeding, for a disclosure made by an individual described in subparagraph (A) if—

(i) the individual was employed by, or, in the case of a registered representative, insurance producer, or investment adviser representative, affiliated or associated with, the covered financial institution at the time of the disclosure; and

(ii) before the time of the disclosure, each individual described in subsection (b)(1) received the training described in subsection (b).

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed to limit the liability of an individual or a covered financial institution in a civil action for any act, omission, or fraud that is not a disclosure described in subparagraph (A).

(b) TRAINING.—

(1) IN GENERAL.—A covered financial institution or a third party selected by a covered financial institution may provide the training described in paragraph (2)(A) to each officer or employee of, or registered representative, insurance producer, or investment adviser representative affiliated or associated with, the covered financial institution who—

(A) is described in subsection (a)(2)(A)(i);

(B) may come into contact with a senior citizen as a regular part of the professional duties of the individual; or

(C) may review or approve the financial documents, records, or transactions of a senior citizen in connection with providing financial services to a senior citizen.

(2) CONTENT.—

(A) IN GENERAL.—The content of the training that a covered financial institution or a third party selected by the covered financial institution may provide under paragraph (1) shall—

(i) be maintained by the covered financial institution and made available to a covered agency with examination authority over the covered financial institution, upon request, except that a covered financial institution shall not be required to maintain or make available such content with respect to any individual who is no longer employed by, or affiliated or associated with, the covered financial institution;

(ii) instruct any individual attending the training on how to identify and report the suspected exploitation of a senior citizen internally and, as appropriate, to government officials or law enforcement authorities, including common signs that indicate the financial exploitation of a senior citizen;

(iii) discuss the need to protect the privacy and respect the integrity of each individual customer of the covered financial institution; and

(iv) be appropriate to the job responsibilities of the individual attending the training.

(B) TIMING.—The training under paragraph (1) shall be provided—

(i) as soon as reasonably practicable; and

(ii) with respect to an individual who begins employment, or becomes affiliated or associated, with a covered financial institution after the date of enactment of this Act, not later than 1 year after the date on which the individual becomes employed by, or affiliated or associated with, the covered financial institution in a position described in subparagraph (A), (B), or (C) of paragraph (1).

(C) RECORDS.—A covered financial institution shall—

(i) maintain a record of each individual who—

(I) is employed by, or affiliated or associated with, the covered financial institution in a position described in subparagraph (A), (B), or (C) of paragraph (1); and

(II) has completed the training under paragraph (1), regardless of whether the training was—

(aa) provided by the covered financial institution or a third party selected by the covered financial institution;

(bb) completed before the individual was employed by, or affiliated or associated with, the covered financial institution; and

(cc) completed before, on, or after the date of enactment of this Act; and

(ii) upon request, provide a record described in clause (i) to a covered agency with examination authority over the covered financial institution.

(c) RELATIONSHIP TO STATE LAW.—Nothing in this section shall be construed to preempt or limit any provision of State law, except only to the extent that subsection (a) provides a greater level of protection against liability to an individual described in subsection (a)(2)(A) or to a covered financial institution described in subsection (a)(2)(B) than is provided under State law.

SEC. 304. RESTORATION OF THE PROTECTING TENANTS AT FORECLOSURE ACT OF 2009.

(a) REPEAL OF SUNSET PROVISION.—Section 704 of the Protecting Tenants at Foreclosure Act of 2009 (12 U.S.C. 5201 note; 12 U.S.C. 5220 note; 42 U.S.C. 1437f note) is repealed.

(b) RESTORATION.—Sections 701 through 703 of the Protecting Tenants at Foreclosure Act of 2009, the provisions of law amended by such sections, and any regulations promulgated pursuant to such sections, as were in effect on December 30, 2014, are restored and revived. 12 USC 5201 note, 5220 note; 42 USC 1437f and note.

(c) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the date that is 30 days after the date of enactment of this Act. 42 USC 1437f note.

SEC. 305. REMEDIATING LEAD AND ASBESTOS HAZARDS.

Section 109(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219(a)(1)) is amended, in the second sentence, by inserting "and to remediate lead and asbestos hazards in residential properties" before the period at the end.

SEC. 306. FAMILY SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(1) in subsection (a)—

(A) by striking "public housing and"; and

(B) by striking "the certificate and voucher programs under section 8" and inserting "sections 8 and 9";

(2) by amending subsection (b) to read as follows:

"(b) CONTINUATION OF PRIOR REQUIRED PROGRAMS.—

"(1) IN GENERAL.—Each public housing agency that was required to administer a local Family Self-Sufficiency program on the date of enactment of the Economic Growth, Regulatory Relief, and Consumer Protection Act shall operate such local program for, at a minimum, the number of families the agency was required to serve on the date of enactment of such Act, subject only to the availability under appropriations Acts of sufficient amounts for housing assistance and the requirements of paragraph (2).

"(2) REDUCTION.—The number of families for which a public housing agency is required to operate such local program under paragraph (1) shall be decreased by 1 for each family from any supported rental housing program administered by such agency that, after October 21, 1998, fulfills its obligations under the contract of participation.

"(3) EXCEPTION.—The Secretary shall not require a public housing agency to carry out a mandatory program for a period of time upon the request of the public housing agency and upon a determination by the Secretary that implementation is not feasible because of local circumstances, which may include—

"(A) lack of supportive services accessible to eligible families, which shall include insufficient availability of resources for programs under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(B) lack of funding for reasonable administrative costs;

"(C) lack of cooperation by other units of State or local government; or

"(D) any other circumstances that the Secretary may consider appropriate.";

(3) by striking subsection (i);

(4) by redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (d), (e), (f), (g), (h), and (i) respectively;

(5) by inserting after subsection (b), as amended, the following:

"(c) ELIGIBILITY.—

"(1) ELIGIBLE FAMILIES.—A family is eligible to participate in a local Family Self-Sufficiency program under this section if—

"(A) at least 1 household member seeks to become and remain employed in suitable employment or to increase earnings; and

"(B) the household member receives direct assistance under section 8 or resides in a unit assisted under section 8 or 9.

"(2) ELIGIBLE ENTITIES.—The following entities are eligible to administer a local Family Self-Sufficiency program under this section:

"(A) A public housing agency administering housing assistance to or on behalf of an eligible family under section 8 or 9.

"(B) The owner or sponsor of a multifamily property receiving project-based rental assistance under section 8, in accordance with the requirements under subsection (l).";

(6) in subsection (d), as so redesignated—

(A) in paragraph (1)—

(i) by striking "public housing agency" the first time it appears and inserting "eligible entity";

(ii) in the first sentence, by striking "each leaseholder receiving assistance under the certificate and voucher programs of the public housing agency under section 8 or residing in public housing administered by the agency" and inserting "a household member of an eligible family"; and

(iii) by striking the third sentence and inserting the following: "Housing assistance may not be terminated as a consequence of either successful completion of the contract of participation or failure to complete such contract. A contract of participation shall remain in effect until the participating family exits the Family Self-Sufficiency program upon successful graduation or expiration of the contract of participation, or for other good cause.";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence—

(aa) by striking "A local program under this section" and inserting "An eligible entity";

(bb) by striking "provide" and inserting "coordinate"; and

(cc) by striking "to" and inserting "for"; and

(II) in the second sentence—

(aa) by striking "provided during" and inserting "coordinated for";

(bb) by striking "under section 8 or residing in public housing" and inserting "pursuant to section 8 or 9 and for the duration of the contract of participation"; and

(cc) by inserting ", but are not limited to" after "may include";

(ii) in subparagraph (D), by inserting "or attainment of a high school equivalency certificate" after "high school";

(iii) by striking subparagraph (G);

(iv) by redesignating subparagraphs (E), (F), and (J) as subparagraphs (F), (G), and (K) respectively;

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

"(E) education in pursuit of a post-secondary degree or certification;";

(vi) in subparagraph (H), by inserting "financial literacy, such as training in financial management, financial coaching, and asset building, and" after "training in";

(vii) in subparagraph (I), by striking "and" at the end; and

(viii) by inserting after subparagraph (I) the following:

"(J) homeownership education and assistance; and"; and

(C) in paragraph (3)—

(i) in the first sentence, by inserting "the first recertification of income after" after "not later than 5 years after"; and

(ii) in the second sentence—

(I) by striking "public housing agency" and inserting "eligible entity"; and

(II) by striking "of the agency";

(D) by amending paragraph (4) to read as follows:

"(4) EMPLOYMENT.—The contract of participation shall require 1 household member of the participating family to seek and maintain suitable employment."; and

(E) by adding at the end the following:

"(5) NONPARTICIPATION.—Assistance under section 8 or 9 for a family that elects not to participate in a Family Self-Sufficiency program shall not be delayed by reason of such election.";

(7) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "whose monthly adjusted income does not exceed 50 percent" and all that follows through the period at the end of the third sentence and inserting "shall be calculated under the rental provisions of section 3 or section 8(o), as applicable.";

(B) in paragraph (2)—

(i) by striking the first sentence and inserting the following: "For each participating family, an amount equal to any increase in the amount of rent paid by the family in accordance with the provisions of section 3 or 8(o), as applicable, that is attributable to increases in earned income by the participating family, shall

be placed in an interest-bearing escrow account established by the eligible entity on behalf of the participating family. Notwithstanding any other provision of law, an eligible entity may use funds it controls under section 8 or 9 for purposes of making the escrow deposit for participating families assisted under, or residing in units assisted under, section 8 or 9, respectively, provided such funds are offset by the increase in the amount of rent paid by the participating family.";

(ii) by striking the second sentence and inserting the following: "All Family Self-Sufficiency programs administered under this section shall include an escrow account.";

(iii) in the fourth sentence, by striking "subsection (c)" and inserting "subsection (d)"; and

(iv) in the last sentence—

(I) by striking "A public housing agency" and inserting "An eligible entity"; and

(II) by striking "the public housing agency" and inserting "such eligible entity"; and

(C) by amending paragraph (3) to read as follows:

"(3) FORFEITED ESCROW.—Any amount placed in an escrow account established by an eligible entity for a participating family as required under paragraph (2), that exists after the end of a contract of participation by a household member of a participating family that does not qualify to receive the escrow, shall be used by the eligible entity for the benefit of participating families in good standing.";

(8) in subsection (f), as so redesignated, by striking ", unless the income of the family equals or exceeds 80 percent of the median income of the area (as determined by the Secretary with adjustments for smaller and larger families)";

(9) in subsection (g), as so redesignated—

(A) in paragraph (1)—

(i) by striking "public housing agency" and inserting "eligible entity";

(ii) by striking "the public housing agency" and inserting "such eligible entity"; and

(iii) by striking "subsection (g)" and inserting "subsection (h)"; and

(B) in paragraph (2)—

(i) by striking "public housing agency" and inserting "eligible entity" each place that term appears;

(ii) by striking "or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act";

(iii) by inserting "primary, secondary, and postsecondary" after "public and private"; and

(iv) in the second sentence, by inserting "and tenants served by the program" after "the unit of general local government";

(10) in subsection (h), as so redesignated—

(A) in paragraph (1)—

(i) by striking "public housing agency" and inserting "eligible entity";

(ii) by striking "participating in the" and inserting "carrying out a"; and

(iii) by striking "to the Secretary";

(B) in paragraph (2)—

(i) by striking "public housing agency" and inserting "eligible entity";

(ii) by striking "subsection (f)" and inserting "subsection (g)";

(iii) by striking "residents of the public housing" and inserting "the current and prospective participants of the program"; and

(iv) by striking "or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act"; and

(C) in paragraph (3)—

(i) in subparagraph (C)—

(I) by striking "subsection (c)(2)" and inserting "subsection (d)(2)";

(II) by striking "provided to" and inserting "coordinated on behalf of participating";

(III) by inserting "direct" before "assistance"; and

(IV) by striking "the section 8 and public housing programs" and inserting "sections 8 and 9";

(ii) in subparagraph (D)—

(I) by striking "subsection (d)" and inserting "subsection (e)"; and

(II) by striking "public housing agency" and inserting "eligible entity";

(iii) in subparagraph (E), by striking "deliver" and inserting "coordinate";

(iv) in subparagraph (H), by striking "the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act and"; and

(v) in subparagraph (I), by striking "public housing or section 8 assistance" and inserting "assistance under section 8 or 9";

(11) by amending subsection (i), as so redesignated, to read as follows:

"(i) FAMILY SELF-SUFFICIENCY AWARDS.—

"(1) IN GENERAL.—Subject to appropriations, the Secretary shall establish a formula by which annual funds shall be awarded or as otherwise determined by the Secretary for the costs incurred by an eligible entity in administering the Family Self-Sufficiency program under this section.

"(2) ELIGIBILITY FOR AWARDS.—The award established under paragraph (1) shall provide funding for family self-sufficiency coordinators as follows:

"(A) BASE AWARD.—An eligible entity serving 25 or more participants in the Family Self-Sufficiency program under this section is eligible to receive an award equal to the costs, as determined by the Secretary, of 1 full-time family self-sufficiency coordinator position. The Secretary may, by regulation or notice, determine the policy concerning the award for an eligible entity serving fewer than 25 such participants, including providing prorated

awards or allowing such entities to combine their programs under this section for purposes of employing a coordinator.

"(B) ADDITIONAL AWARD.—An eligible entity that meets performance standards set by the Secretary is eligible to receive an additional award sufficient to cover the costs of filling an additional family self-sufficiency coordinator position if such entity has 75 or more participating families, and an additional coordinator for each additional 50 participating families, or such other ratio as may be established by the Secretary based on the award allocation evaluation under subparagraph (E).

"(C) STATE AND REGIONAL AGENCIES.—For purposes of calculating the award under this paragraph, each administratively distinct part of a State or regional eligible entity may be treated as a separate agency.

"(D) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether an eligible entity meets a specific threshold for funding pursuant to this paragraph, the Secretary shall consider the number of participants enrolled by the eligible entity in its Family Self-Sufficiency program as well as other criteria determined by the Secretary.

Reports.
Recommendations.
Time periods.

"(E) AWARD ALLOCATION EVALUATION.—The Secretary shall submit to Congress a report evaluating the award allocation under this subsection, and make recommendations based on this evaluation and other related findings to modify such allocation, within 4 years after the date of enactment of the Economic Growth, Regulatory Relief, and Consumer Protection Act, and not less frequently than every 4 years thereafter. The report requirement under this subparagraph shall terminate after the Secretary has submitted 2 such reports to Congress.

"(3) RENEWALS AND ALLOCATION.—

"(A) IN GENERAL.—Funds allocated by the Secretary under this subsection shall be allocated in the following order of priority:

"(i) FIRST PRIORITY.—Renewal of the full cost of all coordinators in the previous year at each eligible entity with an existing Family Self-Sufficiency program that meets applicable performance standards set by the Secretary.

"(ii) SECOND PRIORITY.—New or incremental coordinator funding authorized under this section.

"(B) GUIDANCE.—If the first priority, as described in subparagraph (A)(i), cannot be fully satisfied, the Secretary may prorate the funding for each eligible entity, as long as—

"(i) each eligible entity that has received funding for at least 1 part-time coordinator in the prior fiscal year is provided sufficient funding for at least 1 part-time coordinator as part of any such proration; and

"(ii) each eligible entity that has received funding for at least 1 full-time coordinator in the prior fiscal year is provided sufficient funding for at least 1 full-time coordinator as part of any such proration.

Determination.

"(4) RECAPTURE OR OFFSET.—Any awards allocated under this subsection by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year or

such other time period as determined by the Secretary may be recaptured by the Secretary and shall be available for providing additional awards pursuant to paragraph (2)(B), or may be offset as determined by the Secretary. Funds appropriated pursuant to this section shall remain available for 3 years in order to facilitate the re-use of any recaptured funds for this purpose.

"(5) PERFORMANCE REPORTING.—Programs under this section shall be required to report the number of families enrolled and graduated, the number of established escrow accounts and positive escrow balances, and any other information that the Secretary may require. Program performance shall be reviewed periodically as determined by the Secretary.

"(6) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 5 percent of the amounts made available under this subsection to provide support to or reward Family Self-Sufficiency programs based on the rate of successful completion, increased earned income, or other factors as may be established by the Secretary.";

(12) in subsection (j)—

(A) by striking "public housing agency" and inserting "eligible entity";

(B) by striking "public housing" before "units";

(C) by striking "in public housing projects administered by the agency";

(D) by inserting "or coordination" after "provision"; and

(E) by striking the last sentence;

(13) in subsection (k), by striking "public housing agencies" and inserting "eligible entities";

(14) by striking subsection (n);

(15) by striking subsection (o);

(16) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively;

(17) by inserting after subsection (k) the following:

"(l) PROGRAMS FOR TENANTS IN PRIVATELY OWNED PROPERTIES WITH PROJECT-BASED ASSISTANCE.—

"(1) VOLUNTARY AVAILABILITY OF FSS PROGRAM.—The owner of a privately owned property may voluntarily make a Family Self-Sufficiency program available to the tenants of such property in accordance with procedures established by the Secretary. Such procedures shall permit the owner to enter into a cooperative agreement with a local public housing agency that administers a Family Self-Sufficiency program or, at the owner's option, operate a Family Self-Sufficiency program on its own or in partnership with another owner. An owner, who voluntarily makes a Family Self-Sufficiency program available pursuant to this subsection, may access funding from any residual receipt accounts for the property to hire a family self-sufficiency coordinator or coordinators for their program.

"(2) COOPERATIVE AGREEMENT.—Any cooperative agreement entered into pursuant to paragraph (1) shall require the public housing agency to open its Family Self-Sufficiency program waiting list to any eligible family residing in the owner's property who resides in a unit assisted under project-based rental assistance.

"(3) TREATMENT OF FAMILIES ASSISTED UNDER THIS SUBSECTION.—A public housing agency that enters into a cooperative agreement pursuant to paragraph (1) may count any family participating in its Family Self-Sufficiency program as a result of such agreement as part of the calculation of the award under subsection (i).

"(4) ESCROW.—

"(A) COOPERATIVE AGREEMENT.—A cooperative agreement entered into pursuant to paragraph (1) shall provide for the calculation and tracking of the escrow for participating residents and for the owner to make available, upon request of the public housing agency, escrow for participating residents, in accordance with paragraphs (2) and (3) of subsection (e), residing in units assisted under section 8.

"(B) CALCULATION AND TRACKING BY OWNER.—The owner of a privately owned property who voluntarily makes a Family Self-Sufficiency program available pursuant to paragraph (1) shall calculate and track the escrow for participating residents and make escrow for participating residents available in accordance with paragraphs (2) and (3) of subsection (e).

"(5) EXCEPTION.—This subsection shall not apply to properties assisted under section 8(o)(13).

"(6) SUSPENSION OF ENROLLMENT.—In any year, the Secretary may suspend the enrollment of new families in Family Self-Sufficiency programs under this subsection based on a determination that insufficient funding is available for this purpose.";

(18) in subsection (m), as so redesignated—

(A) in paragraph (1)—

(i) in the first sentence, by striking "Each public housing agency" and inserting "Each eligible entity";

(ii) in the second sentence, by striking "The report shall include" and inserting "The contents of the report shall include"; and

(iii) in subparagraph (D)—

(I) by striking "public housing agency" and inserting "eligible entity"; and

(II) by striking "local"; and

(B) in paragraph (2), by inserting "and describing any additional research needs of the Secretary to evaluate the effectiveness of the program" after "under paragraph (1)";

(19) in subsection (n), as so redesignated, by striking "may" and inserting "shall"; and

(20) by adding at the end the following:

"(o) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that meets the requirements under subsection (c)(2) to administer a Family Self-Sufficiency program under this section.

"(2) ELIGIBLE FAMILY.—The term 'eligible family' means a family that meets the requirements under subsection (c)(1) to participate in the Family Self-Sufficiency program under this section.

"(3) PARTICIPATING FAMILY.—The term 'participating family' means an eligible family that is participating in the Family Self-Sufficiency program under this section.".

(b) EFFECTIVE DATE.—Not later than 360 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations to implement this section and any amendments made by this section, and this section and any amendments made by this section shall take effect upon such issuance. 42 USC 1437u note.

SEC. 307. PROPERTY ASSESSED CLEAN ENERGY FINANCING.

Section 129C(b)(3) of the Truth in Lending Act (15 U.S.C. 1639c(b)(3)) is amended by adding at the end the following:

"(C) CONSIDERATION OF UNDERWRITING REQUIREMENTS FOR PROPERTY ASSESSED CLEAN ENERGY FINANCING.—

"(i) DEFINITION.—In this subparagraph, the term 'Property Assessed Clean Energy financing' means financing to cover the costs of home improvements that results in a tax assessment on the real property of the consumer.

"(ii) REGULATIONS.—The Bureau shall prescribe regulations that carry out the purposes of subsection (a) and apply section 130 with respect to violations under subsection (a) of this section with respect to Property Assessed Clean Energy financing, which shall account for the unique nature of Property Assessed Clean Energy financing.

"(iii) COLLECTION OF INFORMATION AND CONSULTATION.—In prescribing the regulations under this subparagraph, the Bureau—

"(I) may collect such information and data that the Bureau determines is necessary; and

"(II) shall consult with State and local governments and bond-issuing authorities.".

SEC. 308. GAO REPORT ON CONSUMER REPORTING AGENCIES.

(a) DEFINITIONS.—In this section, the terms "consumer", "consumer report", and "consumer reporting agency" have the meanings given those terms in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a comprehensive report that includes— Review.

(1) a review of the current legal and regulatory structure for consumer reporting agencies and an analysis of any gaps in that structure, including, in particular, the rulemaking, supervisory, and enforcement authority of State and Federal agencies under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), the Gramm-Leach-Bliley Act (Public Law 106–102; 113 Stat. 1338), and any other relevant statutes;

(2) a review of the process by which consumers can appeal and expunge errors on their consumer reports;

(3) a review of the causes of consumer reporting errors;

(4) a review of the responsibilities of data furnishers to ensure that accurate information is initially reported to consumer reporting agencies and to ensure that such information continues to be accurate;

(5) a review of data security relating to consumer reporting agencies and their efforts to safeguard consumer data;

(6) a review of who has access to, and may use, consumer reports;

(7) a review of who has control or ownership of a consumer's credit data;

Analysis.

(8) an analysis of—

(A) which Federal and State regulatory agencies supervise and enforce laws relating to how consumer reporting agencies protect consumer data; and

(B) all laws relating to data security applicable to consumer reporting agencies; and

Recommendations.

(9) recommendations to Congress on how to improve the consumer reporting system, including legislative, regulatory, and industry-specific recommendations.

SEC. 309. PROTECTING VETERANS FROM PREDATORY LENDING.

(a) PROTECTING VETERANS FROM PREDATORY LENDING.—

(1) IN GENERAL.—Subchapter I of chapter 37 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 3709.

"§ 3709. Refinancing of housing loans

"(a) FEE RECOUPMENT.—Except as provided in subsection (d) and notwithstanding section 3703 of this title or any other provision of law, a loan to a veteran for a purpose specified in section 3710 of this title that is being refinanced may not be guaranteed or insured under this chapter unless—

Certification.

"(1) the issuer of the refinanced loan provides the Secretary with a certification of the recoupment period for fees, closing costs, and any expenses (other than taxes, amounts held in escrow, and fees paid under this chapter) that would be incurred by the borrower in the refinancing of the loan;

"(2) all of the fees and incurred costs are scheduled to be recouped on or before the date that is 36 months after the date of loan issuance; and

"(3) the recoupment is calculated through lower regular monthly payments (other than taxes, amounts held in escrow, and fees paid under this chapter) as a result of the refinanced loan.

"(b) NET TANGIBLE BENEFIT TEST.—Except as provided in subsection (d) and notwithstanding section 3703 of this title or any other provision of law, a loan to a veteran for a purpose specified in section 3710 of this title that is refinanced may not be guaranteed or insured under this chapter unless—

"(1) the issuer of the refinanced loan provides the borrower with a net tangible benefit test;

"(2) in a case in which the original loan had a fixed rate mortgage interest rate and the refinanced loan will have a fixed rate mortgage interest rate, the refinanced loan has a mortgage interest rate that is not less than 50 basis points less than the previous loan;

"(3) in a case in which the original loan had a fixed rate mortgage interest rate and the refinanced loan will have an adjustable rate mortgage interest rate, the refinanced loan has a mortgage interest rate that is not less than 200 basis points less than the previous loan; and

"(4) the lower interest rate is not produced solely from discount points, unless—

"(A) such points are paid at closing; and

"(B) such points are not added to the principal loan amount, unless—

"(i) for discount point amounts that are less than or equal to one discount point, the resulting loan balance after any fees and expenses allows the property with respect to which the loan was issued to maintain a loan to value ratio of 100 percent or less; and

"(ii) for discount point amounts that are greater than one discount point, the resulting loan balance after any fees and expenses allows the property with respect to which the loan was issued to maintain a loan to value ratio of 90 percent or less.

"(c) LOAN SEASONING.—Except as provided in subsection (d) and notwithstanding section 3703 of this title or any other provision of law, a loan to a veteran for a purpose specified in section 3710 of this title that is refinanced may not be guaranteed or insured under this chapter until the date that is the later of—

"(1) the date that is 210 days after the date on which the first monthly payment is made on the loan; and

"(2) the date on which the sixth monthly payment is made on the loan.

"(d) CASH-OUT REFINANCES.—(1) Subsections (a) through (c) shall not apply in a case of a loan refinancing in which the amount of the principal for the new loan to be guaranteed or insured under this chapter is larger than the payoff amount of the refinanced loan.

"(2) Not later than 180 days after the date of the enactment of this section, the Secretary shall promulgate such rules as the Secretary considers appropriate with respect to refinancing described in paragraph (1) to ensure that such refinancing is in the financial interest of the borrower, including rules relating to recoupment, seasoning, and net tangible benefits.". Deadline. Regulations.

(2) REGULATIONS.— 39 USC 3709 note.

(A) IN GENERAL.—In prescribing any regulation to carry out section 3709 of title 38, United States Code, as added by paragraph (1), the Secretary of Veterans Affairs may waive the requirements of sections 551 through 559 of title 5, United States Code, if— Waiver authority.

(i) the Secretary determines that urgent or compelling circumstances make compliance with such requirements impracticable or contrary to the public interest;

(ii) the Secretary submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives, and publishes in the Federal Register, notice of such waiver, including a description of the determination made under clause (i); and Federal Register, publication.

(iii) a period of 10 days elapses following the notification under clause (ii). Time period.

Time period.

(B) PUBLIC NOTICE AND COMMENT.—If a regulation prescribed pursuant to a waiver made under subparagraph (A) is in effect for a period exceeding 1 year, the Secretary shall provide the public an opportunity for notice and comment regarding such regulation.

(C) EFFECTIVE DATE.—This paragraph shall take effect on the date of the enactment of this Act.

(D) TERMINATION DATE.—The authorities under this paragraph shall terminate on the date that is 1 year after the date of the enactment of this Act.

(3) REPORT ON CASH-OUT REFINANCES.—

Consultation.

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in consultation with the President of the Ginnie Mae, submit to Congress a report on refinancing—

(i) of loans—

(I) made to veterans for purposes specified in section 3710 of title 38, United States Code; and

(II) that were guaranteed or insured under chapter 37 of such title; and

(ii) in which the amount of the principal for the new loan to be guaranteed or insured under such chapter is larger than the payoff amount of the refinanced loan.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

Assessment.

(i) An assessment of whether additional requirements, including a net tangible benefit test, fee recoupment period, and loan seasoning requirement, are necessary to ensure that the refinancing described in subparagraph (A) is in the financial interest of the borrower.

Recommendations.

(ii) Such recommendations as the Secretary may have for additional legislative or administrative action to ensure that refinancing described in subparagraph (A) is carried out in the financial interest of the borrower.

38 USC prec. 3701.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3709 the following new item:

"3709. Refinancing of housing loans.".

(b) LOAN SEASONING FOR GINNIE MAE MORTGAGE-BACKED SECURITIES.—Section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(g)(1)) is amended by inserting "The Association may not guarantee the timely payment of principal and interest on a security that is backed by a mortgage insured or guaranteed under chapter 37 of title 38, United States Code, and that was refinanced until the later of the date that is 210 days after the date on which the first monthly payment is made on the mortgage being refinanced and the date on which 6 full monthly payments have been made on the mortgage being refinanced." after "Act of 1992.".

(c) REPORT ON LIQUIDITY OF THE DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN PROGRAM.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Housing and Urban Development and the President of the Ginnie Mae shall submit to the appropriate committees of Congress a report on the liquidity of the housing loan program under chapter 37 of title 38, United States Code, in the secondary mortgage market, which shall—

(A) assess the loans provided under that chapter that collateralize mortgage-backed securities that are guaranteed by Ginnie Mae; and — Assessment.

(B) include recommendations for actions that Ginnie Mae should take to ensure that the liquidity of that housing loan program is maintained. — Recommendations.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(i) the Committee on Veterans' Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(ii) the Committee on Veterans' Affairs and the Committee on Financial Services of the House of Representatives.

(B) GINNIE MAE.—The term "Ginnie Mae" means the Government National Mortgage Association.

(d) ANNUAL REPORT ON DOCUMENT DISCLOSURE AND CONSUMER EDUCATION.—Not less frequently than once each year, the Secretary of Veterans Affairs shall issue a publicly available report that— — 38 USC 3707 note.

(1) examines, with respect to loans provided to veterans under chapter 37 of title 38, United States Code—

(A) the refinancing of fixed-rate mortgage loans to adjustable rate mortgage loans;

(B) whether veterans are informed of the risks and disclosures associated with that refinancing; and

(C) whether advertising materials for that refinancing are clear and do not contain misleading statements or assertions; and

(2) includes findings based on any complaints received by veterans and on an ongoing assessment of the refinancing market by the Secretary. — Assessment.

SEC. 310. CREDIT SCORE COMPETITION.

(a) USE OF CREDIT SCORES BY FANNIE MAE IN PURCHASING RESIDENTIAL MORTGAGES.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following:

"(7)(A) DEFINITIONS.—In this paragraph—

"(i) the term 'credit score' means a numerical value or a categorization created by a third party derived from a statistical tool or modeling system used by a person who makes or arranges a loan to predict the likelihood of certain credit behaviors, including default; and

"(ii) the term 'residential mortgage' has the meaning given the term in section 302 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451).

"(B) USE OF CREDIT SCORES.—The corporation shall condition purchase of a residential mortgage by the corporation under this

subsection on the provision of a credit score for the borrower only if—

"(i) the credit score is derived from any credit scoring model that has been validated and approved by the corporation under this paragraph; and

"(ii) the corporation provides for the use of the credit score by all of the automated underwriting systems of the corporation and any other procedures and systems used by the corporation to purchase residential mortgages that use a credit score.

Criteria.

"(C) VALIDATION AND APPROVAL PROCESS.—The corporation shall establish a validation and approval process for the use of credit score models, under which the corporation may not validate and approve a credit score model unless the credit score model—

"(i) satisfies minimum requirements of integrity, reliability, and accuracy;

"(ii) has a historical record of measuring and predicting default rates and other credit behaviors;

"(iii) is consistent with the safe and sound operation of the corporation;

Compliance.

"(iv) complies with any standards and criteria established by the Director of the Federal Housing Finance Agency under section 1328(1) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992; and

"(v) satisfies any other requirements, as determined by the corporation.

"(D) REPLACEMENT OF CREDIT SCORE MODEL.—If the corporation has validated and approved 1 or more credit score models under subparagraph (C) and the corporation validates and approves an additional credit score model, the corporation may determine that—

"(i) the additional credit score model has replaced the credit score model or credit score models previously validated and approved; and

"(ii) the credit score model or credit score models previously validated and approved shall no longer be considered validated and approved for the purposes of subparagraph (B).

"(E) PUBLIC DISCLOSURE.—Upon establishing the validation and approval process required under subparagraph (C), the corporation shall make publicly available a description of the validation and approval process.

Deadline.

"(F) APPLICATION.—Not later than 30 days after the effective date of this paragraph, the corporation shall solicit applications from developers of credit scoring models for the validation and approval of those models under the process required under subparagraph (C).

"(G) TIMEFRAME FOR DETERMINATION; NOTICE.—

"(i) IN GENERAL.—The corporation shall make a determination with respect to any application submitted under subparagraph (F), and provide notice of that determination to the applicant, before a date established by the corporation that is not later than 180 days after the date on which an application is submitted to the corporation.

"(ii) EXTENSIONS.—The Director of the Federal Housing Finance Agency may authorize not more than 2 extensions of the date established under clause (i), each of which shall not exceed 30 days, upon a written request and a showing of good cause by the corporation.

"(iii) STATUS NOTICE.—The corporation shall provide notice to an applicant regarding the status of an application submitted under subparagraph (F) not later than 60 days after the date on which the application was submitted to the corporation. Deadline.

"(iv) REASONS FOR DISAPPROVAL.—If an application submitted under subparagraph (F) is disapproved, the corporation shall provide to the applicant the reasons for the disapproval not later than 30 days after a determination is made under this subparagraph. Deadline.

"(H) AUTHORITY OF DIRECTOR.—If the corporation elects to use a credit score model under this paragraph, the Director of the Federal Housing Finance Agency shall require the corporation to periodically review the validation and approval process required under subparagraph (C) as the Director determines necessary to ensure that the process remains appropriate and adequate and complies with any standards and criteria established pursuant to section 1328(1) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992. Review.

"(I) EXTENSION.—If, as of the effective date of this paragraph, a credit score model has not been approved under subparagraph (C), the corporation may use a credit score model that was in use before the effective date of this paragraph, if necessary to prevent substantial market disruptions, until the earlier of—

"(i) the date on which a credit score model is validated and approved under subparagraph (C); or

"(ii) the date that is 2 years after the effective date of this paragraph.".

(b) USE OF CREDIT SCORES BY FREDDIE MAC IN PURCHASING RESIDENTIAL MORTGAGES.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following:

"(d)(1) DEFINITION.—In this subsection, the term 'credit score' means a numerical value or a categorization created by a third party derived from a statistical tool or modeling system used by a person who makes or arranges a loan to predict the likelihood of certain credit behaviors, including default.

"(2) USE OF CREDIT SCORES.—The Corporation shall condition purchase of a residential mortgage by the Corporation under this section on the provision of a credit score for the borrower only if—

"(A) the credit score is derived from any credit scoring model that has been validated and approved by the Corporation under this subsection; and

"(B) the Corporation provides for the use of the credit score by all of the automated underwriting systems of the Corporation and any other procedures and systems used by the Corporation to purchase residential mortgages that use a credit score.

"(3) VALIDATION AND APPROVAL PROCESS.—The Corporation shall establish a validation and approval process for the use of credit score models, under which the Corporation may not validate and approve a credit score model unless the credit score model—

"(A) satisfies minimum requirements of integrity, reliability, and accuracy;

"(B) has a historical record of measuring and predicting default rates and other credit behaviors;

"(C) is consistent with the safe and sound operation of the corporation;

Compliance.
Criteria.

"(D) complies with any standards and criteria established by the Director of the Federal Housing Finance Agency under section 1328(1) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992; and

"(E) satisfies any other requirements, as determined by the Corporation.

"(4) REPLACEMENT OF CREDIT SCORE MODEL.—If the Corporation has validated and approved 1 or more credit score models under paragraph (3) and the Corporation validates and approves an additional credit score model, the Corporation may determine that—

"(A) the additional credit score model has replaced the credit score model or credit score models previously validated and approved; and

"(B) the credit score model or credit score models previously validated and approved shall no longer be considered validated and approved for the purposes of paragraph (2).

"(5) PUBLIC DISCLOSURE.—Upon establishing the validation and approval process required under paragraph (3), the Corporation shall make publicly available a description of the validation and approval process.

Deadline.

"(6) APPLICATION.—Not later than 30 days after the effective date of this subsection, the Corporation shall solicit applications from developers of credit scoring models for the validation and approval of those models under the process required under paragraph (3).

"(7) TIMEFRAME FOR DETERMINATION; NOTICE.—

"(A) IN GENERAL.—The Corporation shall make a determination with respect to any application submitted under paragraph (6), and provide notice of that determination to the applicant, before a date established by the Corporation that is not later than 180 days after the date on which an application is submitted to the Corporation.

"(B) EXTENSIONS.—The Director of the Federal Housing Finance Agency may authorize not more than 2 extensions of the date established under subparagraph (A), each of which shall not exceed 30 days, upon a written request and a showing of good cause by the Corporation.

"(C) STATUS NOTICE.—The Corporation shall provide notice to an applicant regarding the status of an application submitted under paragraph (6) not later than 60 days after the date on which the application was submitted to the Corporation.

"(D) REASONS FOR DISAPPROVAL.—If an application submitted under paragraph (6) is disapproved, the Corporation shall provide to the applicant the reasons for the disapproval not later than 30 days after a determination is made under this paragraph.

Compliance.

"(8) AUTHORITY OF DIRECTOR.—If the Corporation elects to use a credit score under this subsection, the Director of the Federal Housing Finance Agency shall require the Corporation to periodically review the validation and approval process required under paragraph (3) as the Director determines necessary to ensure that the process remains appropriate and adequate and complies with any standards and criteria established pursuant to section 1328(1)

of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

"(9) EXTENSION.—If, as of the effective date of this subsection, a credit score model has not been approved under paragraph (3), the Corporation may use a credit score model that was in use before the effective date of this subsection, if necessary to prevent substantial market disruptions, until the earlier of—

"(A) the date on which a credit score model is validated and approved under paragraph (3); or

"(B) the date that is 2 years after the effective date of this subsection.".

(c) AUTHORITY OF THE DIRECTOR.—Subpart A of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by adding at the end the following: 12 USC 4548.

"SEC. 1328. REGULATIONS FOR USE OF CREDIT SCORES.

"The Director shall—

"(1) by regulation, establish standards and criteria for any process used by an enterprise to validate and approve credit scoring models pursuant to section 302(b)(7) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(7)) and section 305(d) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(d)); and

"(2) ensure that any credit scoring model that is validated and approved by an enterprise under section 302(b)(7) (12 U.S.C. 1717(b)(7)) of the Federal National Mortgage Association Charter Act or section 305(d) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(d)) meets the requirements of clauses (i), (ii), and (iii) of section 302(b)(7)(C) of the Federal National Mortgage Association Charter Act and subparagraphs (A), (B), and (C) of section 305(d)(3) of the Federal Home Loan Mortgage Corporation Act, respectively.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of enactment of this Act. 12 USC 1454 note.

SEC. 311. GAO REPORT ON PUERTO RICO FORECLOSURES.

Not earlier than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on foreclosures in the Commonwealth of Puerto Rico, including—

(1) the rate of foreclosures in the Commonwealth of Puerto Rico before and after Hurricane Maria;

(2) the rate of return for housing developers in the Commonwealth of Puerto Rico before and after Hurricane Maria;

(3) the rate of delinquency in the Commonwealth of Puerto Rico before and after Hurricane Maria;

(4) the rate of homeownership in the Commonwealth of Puerto Rico before and after Hurricane Maria; and

(5) the rate of defaults on federally insured mortgages in the Commonwealth of Puerto Rico before and after Hurricane Maria.

SEC. 312. REPORT ON CHILDREN'S LEAD-BASED PAINT HAZARD PREVENTION AND ABATEMENT.

(a) DEFINITIONS.—In this section—

(1) the term "Department" means the Department of Housing and Urban Development; and

(2) the term "public housing agency" has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

Recommendations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a report that includes—

(1) an overview of existing policies and enforcement of the Department, including public outreach, relating to lead-based paint hazard prevention and abatement;

(2) recommendations and best practices for the Department, public housing agencies, and landlords for improving lead-based paint hazard prevention standards and Federal lead prevention and abatement policies to protect the environmental health and safety of children, including within housing receiving assistance from or occupied by families receiving housing assistance from the Department; and

(3) recommendations for legislation to improve lead-based paint hazard prevention and abatement.

SEC. 313. FORECLOSURE RELIEF AND EXTENSION FOR SERVICEMEMBERS.

Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended by striking paragraphs (1) and (3).

TITLE IV—TAILORING REGULATIONS FOR CERTAIN BANK HOLDING COMPANIES

SEC. 401. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR CERTAIN BANK HOLDING COMPANIES.

(a) IN GENERAL.—Section 165 of the Financial Stability Act of 2010 (12 U.S.C. 5365) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "$50,000,000,000" and inserting "$250,000,000,000"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "may" and inserting "shall";

(ii) in subparagraph (B), by striking "$50,000,000,000" and inserting "the applicable threshold"; and

(iii) by adding at the end the following:

Regulations. Applicability.

"(C) RISKS TO FINANCIAL STABILITY AND SAFETY AND SOUNDNESS.—The Board of Governors may by order or rule promulgated pursuant to section 553 of title 5, United States Code, apply any prudential standard established under this section to any bank holding company or bank holding companies with total consolidated assets equal to

or greater than $100,000,000,000 to which the prudential standard does not otherwise apply provided that the Board of Governors—

"(i) determines that application of the prudential standard is appropriate—

"(I) to prevent or mitigate risks to the financial stability of the United States, as described in paragraph (1); or

"(II) to promote the safety and soundness of the bank holding company or bank holding companies; and

"(ii) takes into consideration the bank holding company's or bank holding companies' capital structure, riskiness, complexity, financial activities (including financial activities of subsidiaries), size, and any other risk-related factors that the Board of Governors deems appropriate.";

(2) in subsection (b)(1)—

(A) in subparagraph (A)(iv), by striking "and credit exposure report"; and

(B) in subparagraph (B)(ii), by inserting ", including credit exposure reports" before the semicolon at the end;

(3) in subsection (d)(2), in the matter preceding subparagraph (A), by striking "shall" and inserting "may";

(4) in subsection (h)(2), by striking "$10,000,000,000" each place that term appears and inserting "$50,000,000,000";

(5) in subsection (i)—

(A) in paragraph (1)(B)(i)—

(i) by striking "3" and inserting "2"; and

(ii) by striking ", adverse,"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the first sentence, by striking "semi-annual" and inserting "periodic"; and

(II) in the second sentence—

(aa) by striking "$10,000,000,000" and inserting "$250,000,000,000"; and

(bb) by striking "annual" and inserting "periodic"; and

(ii) in subparagraph (C)(ii)—

(I) by striking "3" and inserting "2"; and

(II) by striking ", adverse,"; and

(6) in subsection (j)(1), in the first sentence, by striking "$50,000,000,000" and inserting "$250,000,000,000".

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit— 12 USC 5365 note.

(1) the authority of the Board of Governors of the Federal Reserve System, in prescribing prudential standards under section 165 of the Financial Stability Act of 2010 (12 U.S.C. 5365) or any other law, to tailor or differentiate among companies on an individual basis or by category, taking into consideration their capital structure, riskiness, complexity, financial activities (including financial activities of their subsidiaries), size, and any other risk-related factors that the Board of Governors deems appropriate; or

(2) the supervisory, regulatory, or enforcement authority of an appropriate Federal banking agency to further the safe

and sound operation of an institution under the supervision of the appropriate Federal banking agency.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) FINANCIAL STABILITY ACT OF 2010.—The Financial Stability Act of 2010 (12 U.S.C. 5311 et seq.) is amended—

(A) in section 115(a)(2)(B) (12 U.S.C. 5325(a)(2)(B)), by striking "$50,000,000,000" and inserting "the applicable threshold";

(B) in section 116(a) (12 U.S.C. 5326(a)), in the matter preceding paragraph (1), by striking "$50,000,000,000" and inserting "$250,000,000,000";

(C) in section 121(a) (12 U.S.C. 5331(a)), in the matter preceding paragraph (1), by striking "$50,000,000,000" and inserting "$250,000,000,000";

(D) in section 155(d) (12 U.S.C. 5345(d)), by striking "50,000,000,000" and inserting "$250,000,000,000";

(E) in section 163(b) (12 U.S.C. 5363(b)), by striking "$50,000,000,000" each place that term appears and inserting "$250,000,000,000"; and

(F) in section 164 (12 U.S.C. 5364), by striking "$50,000,000,000" and inserting "$250,000,000,000".

(2) FEDERAL RESERVE ACT.—The second subsection (s) (relating to assessments) of section 11 of the Federal Reserve Act (12 U.S.C. 248(s)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "$50,000,000,000" and inserting "$100,000,000,000"; and

(ii) in subparagraph (B), by striking "$50,000,000,000" and inserting "$100,000,000,000"; and

(B) by adding at the end the following:

"(3) TAILORING ASSESSMENTS.—In collecting assessments, fees, or other charges under paragraph (1) from each company described in paragraph (2) with total consolidated assets of between $100,000,000,000 and $250,000,000,000, the Board shall adjust the amount charged to reflect any changes in supervisory and regulatory responsibilities resulting from the Economic Growth, Regulatory Relief, and Consumer Protection Act with respect to each such company.".

12 USC 5365 note.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date that is 18 months after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the amendments made by this section shall take effect on the date of enactment of this Act with respect to any bank holding company with total consolidated assets of less than $100,000,000,000.

(3) ADDITIONAL AUTHORITY.—Before the effective date described in paragraph (1), the Board of Governors of the Federal Reserve System may by order exempt any bank holding company with total consolidated assets of less than $250,000,000,000 from any prudential standard under section 165 of the Financial Stability Act of 2010 (12 U.S.C. 5365).

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Board of Governors of the Federal Reserve System from issuing an order or rule making under section 165(a)(2)(C) of the Financial Stability Act of 2010 (12 U.S.C. 5365(a)(2)(C)), as added by this section, before the effective date described in paragraph (1).

(e) SUPERVISORY STRESS TEST.—Beginning on the effective date described in subsection (d)(1), the Board of Governors of the Federal Reserve System shall, on a periodic basis, conduct supervisory stress tests of bank holding companies with total consolidated assets equal to or greater than $100,000,000,000 and total consolidated assets of less than $250,000,000,000 to evaluate whether such bank holding companies have the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions. 12 USC 5365 note.

(f) GLOBAL SYSTEMICALLY IMPORTANT BANK HOLDING COMPANIES.—Any bank holding company, regardless of asset size, that has been identified as a global systemically important BHC under section 217.402 of title 12, Code of Federal Regulations, shall be considered a bank holding company with total consolidated assets equal to or greater than $250,000,000,000 with respect to the application of standards or requirements under— 12 USC 5365 note.

(1) this section;

(2) sections 116(a), 121(a), 155(d), 163(b), 164, and 165 of the Financial Stability Act of 2010 (12 U.S.C. 5326(a), 5331(a), 5345(d), 5363(b), 5364, 5365); and

(3) paragraph (2)(A) of the second subsection (s) (relating to assessments) of section 11 of the Federal Reserve Act (12 U.S.C. 248(s)(2)).

(g) CLARIFICATION FOR FOREIGN BANKS.—Nothing in this section shall be construed to— 12 USC 53658 note.

(1) affect the legal effect of the final rule of the Board of Governors of the Federal Reserve System entitled "Enhanced Prudential Standards for Bank Holding Companies and Foreign Banking Organizations" (79 Fed. Reg. 17240 (March 27, 2014)) as applied to foreign banking organizations with total consolidated assets equal to or greater than $100,000,000,000; or

(2) limit the authority of the Board of Governors of the Federal Reserve System to require the establishment of an intermediate holding company under, implement enhanced prudential standards with respect to, or tailor the regulation of a foreign banking organization with total consolidated assets equal to or greater than $100,000,000,000.

SEC. 402. SUPPLEMENTARY LEVERAGE RATIO FOR CUSTODIAL BANKS. 12 USC 1831o note.

(a) DEFINITION.—In this section, the term "custodial bank" means any depository institution holding company predominantly engaged in custody, safekeeping, and asset servicing activities, including any insured depository institution subsidiary of such a holding company.

(b) REGULATIONS.—

(1) DEFINITION.—In this subsection, the term "central bank" means—

(A) the Federal Reserve System;

(B) the European Central Bank; and

(C) central banks of member countries of the Organisation for Economic Co-operation and Development, if—

(i) the member country has been assigned a zero percent risk weight under sections 3.32, 217.32, and 324.32 of title 12, Code of Federal Regulations, or any successor regulation; and

(ii) the sovereign debt of such member country is not in default or has not been in default during the previous 5 years.

(2) REGULATIONS.—The appropriate Federal banking agencies shall promulgate regulations to amend sections 3.10, 217.10, and 324.10 of title 12, Code of Federal Regulations, to specify that—

(A) subject to subparagraph (B), funds of a custodial bank that are deposited with a central bank shall not be taken into account when calculating the supplementary leverage ratio as applied to the custodial bank; and

(B) with respect to the funds described in subparagraph (A), any amount that exceeds the total value of deposits of the custodial bank that are linked to fiduciary or custodial and safekeeping accounts shall be taken into account when calculating the supplementary leverage ratio as applied to the custodial bank.

(c) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to limit the authority of the appropriate Federal banking agencies to tailor or adjust the supplementary leverage ratio or any other leverage ratio for any company that is not a custodial bank.

SEC. 403. TREATMENT OF CERTAIN MUNICIPAL OBLIGATIONS.

(a) IN GENERAL.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by moving subsection (z) so that it appears after subsection (y); and

(2) by adding at the end the following:

"(aa) TREATMENT OF CERTAIN MUNICIPAL OBLIGATIONS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'investment grade', with respect to an obligation, has the meaning given the term in section 1.2 of title 12, Code of Federal Regulations, or any successor thereto;

"(B) the term 'liquid and readily-marketable' has the meaning given the term in section 249.3 of title 12, Code of Federal Regulations, or any successor thereto; and

"(C) the term 'municipal obligation' means an obligation of—

"(i) a State or any political subdivision thereof; or

"(ii) any agency or instrumentality of a State or any political subdivision thereof.

"(2) MUNICIPAL OBLIGATIONS.—For purposes of the final rule entitled 'Liquidity Coverage Ratio: Liquidity Risk Measurement Standards' (79 Fed. Reg. 61439 (October 10, 2014)), the final rule entitled 'Liquidity Coverage Ratio: Treatment of U.S. Municipal Securities as High-Quality Liquid Assets' (81 Fed. Reg. 21223 (April 11, 2016)), and any other regulation that

incorporates a definition of the term 'high-quality liquid asset' or another substantially similar term, the appropriate Federal banking agencies shall treat a municipal obligation as a high-quality liquid asset that is a level 2B liquid asset if that obligation is, as of the date of calculation—

"(A) liquid and readily-marketable; and

"(B) investment grade.".

(b) AMENDMENT TO LIQUIDITY COVERAGE RATIO REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Comptroller of the Currency shall amend the final rule entitled "Liquidity Coverage Ratio: Liquidity Risk Measurement Standards" (79 Fed. Reg. 61439 (October 10, 2014)) and the final rule entitled "Liquidity Coverage Ratio: Treatment of U.S. Municipal Securities as High-Quality Liquid Assets" (81 Fed. Reg. 21223 (April 11, 2016)) to implement the amendments made by this section. Deadline. 12 USC 1828 note.

TITLE V—ENCOURAGING CAPITAL FORMATION

SEC. 501. NATIONAL SECURITIES EXCHANGE REGULATORY PARITY.

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) by striking subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting "a security designated as qualified for trading in the national market system pursuant to section 11A(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78k–1(a)(2)) that is" before "listed"; and

(B) by striking "that has listing standards that the Commission determines by rule (on its own initiative or on the basis of a petition) are substantially similar to the listing standards applicable to securities described in subparagraph (A)";

(3) in subparagraph (C), by striking "or (B)"; and

(4) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 502. SEC STUDY ON ALGORITHMIC TRADING.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the staff of the Securities and Exchange Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the risks and benefits of algorithmic trading in capital markets in the United States. Reports.

(b) MATTERS REQUIRED TO BE INCLUDED.—The matters covered by the report required by subsection (a) shall include the following: Assessment.

(1) An assessment of the effect of algorithmic trading in equity and debt markets in the United States on the provision of liquidity in stressed and normal market conditions.

(2) An assessment of the benefits and risks to equity and debt markets in the United States by algorithmic trading.

Analysis.

(3) An analysis of whether the activity of algorithmic trading and entities that engage in algorithmic trading are subject to appropriate Federal supervision and regulation.

Recommendations.

(4) A recommendation of whether—

(A) based on the analysis described in paragraphs (1), (2), and (3), any changes should be made to regulations; and

(B) the Securities and Exchange Commission needs additional legal authorities or resources to effect the changes described in subparagraph (A).

SEC. 503. ANNUAL REVIEW OF GOVERNMENT-BUSINESS FORUM ON CAPITAL FORMATION.

Section 503 of the Small Business Investment Incentive Act of 1980 (15 U.S.C. 80c–1) is amended by adding at the end the following:

"(e) The Commission shall—

"(1) review the findings and recommendations of the forum; and

"(2) each time the forum submits a finding or recommendation to the Commission, promptly issue a public statement—

"(A) assessing the finding or recommendation of the forum; and

"(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.".

SEC. 504. SUPPORTING AMERICA'S INNOVATORS.

Section 3(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or, in the case of a qualifying venture capital fund, 250 persons)" after "one hundred persons"; and

(2) by adding at the end the following:

"(C)(i) The term 'qualifying venture capital fund' means a venture capital fund that has not more than $10,000,000 in aggregate capital contributions and uncalled committed capital, with such dollar amount to be indexed for inflation once every 5 years by the Commission, beginning from a measurement made by the Commission on a date selected by the Commission, rounded to the nearest $1,000,000.

"(ii) The term 'venture capital fund' has the meaning given the term in section 275.203(l)–1 of title 17, Code of Federal Regulations, or any successor regulation.".

15 USC 78ee note.

SEC. 505. SECURITIES AND EXCHANGE COMMISSION OVERPAYMENT CREDIT.

(a) DEFINITIONS.—In this section—

(1) the term "Commission" means the Securities and Exchange Commission;

(2) the term "national securities association" means an association that is registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3); and

(3) the term "national securities exchange" means an exchange that is registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(b) CREDIT FOR OVERPAYMENT OF FEES.—Notwithstanding section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)), and subject to subsection (c) of this section, if a national securities exchange or a national securities association has paid fees and assessments to the Commission in an amount that is more than the amount that the exchange or association was required to pay under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) and, not later than 10 years after the date of such payment, the exchange or association informs the Commission about the payment of such excess amount, the Commission shall offset future fees and assessments due by that exchange or association in an amount that is equal to the difference between the amount that the exchange or association paid and the amount that the exchange or association was required to pay under such section 31. Deadline.

(c) APPLICABILITY.—Subsection (b) shall apply only to fees and assessments that a national securities exchange or a national securities association was required to pay to the Commission before the date of enactment of this Act.

SEC. 506. U.S. TERRITORIES INVESTOR PROTECTION.

(a) IN GENERAL.—Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(a)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(b) EFFECTIVE DATE AND SAFE HARBOR.— 15 USC 80a–6 note.

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SAFE HARBOR.—With respect to a company that is exempt under section 6(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(a)(1)) on the day before the date of enactment of this Act, the amendment made by subsection (a) shall take effect on the date that is 3 years after the date of enactment of this Act.

(3) EXTENSION OF SAFE HARBOR.—The Securities and Exchange Commission, by rule or regulation upon its own motion, or by order upon application, may conditionally or unconditionally, under section 6(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(c)), further delay the effective date for a company described in paragraph (2) for a maximum of 3 years following the initial 3-year period if, before the end of the initial 3-year period, the Commission determines that such a rule, regulation, motion, or order is necessary or appropriate in the public interest and for the protection of investors.

SEC. 507. ENCOURAGING EMPLOYEE OWNERSHIP. 15 USC 77e note.

Not later than 60 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise section 230.701(e) of title 17, Code of Federal Regulations, so as to increase from $5,000,000 to $10,000,000 the aggregate sales price or amount of securities sold during any consecutive 12-month period in excess of which the issuer is required under such section to deliver an additional disclosure to investors. The Commission shall index for inflation such aggregate sales price or amount every 5 years to reflect the change in the Consumer Price Index for Deadline. Time period.

All Urban Consumers published by the Bureau of Labor Statistics, rounding to the nearest $1,000,000.

15 USC 78m note.

SEC. 508. IMPROVING ACCESS TO CAPITAL.

The Securities and Exchange Commission shall amend—

(1) section 230.251 of title 17, Code of Federal Regulations, to remove the requirement that the issuer not be subject to section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) immediately before the offering; and

(2) section 230.257 of title 17, Code of Federal Regulations, with respect to an offering described in section 230.251(a)(2) of title 17, Code of Federal Regulations, to deem any issuer that is subject to section 13 or 15(d) of the Securities Exchange Act of 1934 as having met the periodic and current reporting requirements of section 230.257 of title 17, Code of Federal Regulations, if such issuer meets the reporting requirements of section 13 of the Securities Exchange Act of 1934.

15 USC 80a–23 note.

SEC. 509. PARITY FOR CLOSED-END COMPANIES REGARDING OFFERING AND PROXY RULES.

Deadlines.

(a) REVISION TO RULES.—Not later than the end of the 1-year period beginning on the date of enactment of this Act, the Securities and Exchange Commission shall propose and, not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall finalize any rules, as appropriate, to allow any closed-end company, as defined in section 5(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–5), that is registered as an investment company under such Act, and is listed on a national securities exchange or that makes periodic repurchase offers pursuant to section 270.23c–3 of title 17, Code of Federal Regulations, to use the securities offering and proxy rules, subject to conditions the Commission determines appropriate, that are available to other issuers that are required to file reports under section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m; 78o(d)). Any action that the Commission takes pursuant to this subsection shall consider the availability of information to investors, including what disclosures constitute adequate information to be designated as a "well-known seasoned issuer".

(b) TREATMENT IF REVISIONS NOT COMPLETED IN A TIMELY MANNER.—If the Commission fails to complete the revisions required by subsection (a) by the time required by such subsection, any registered closed-end company that is listed on a national securities exchange or that makes periodic repurchase offers pursuant to section 270.23c–3 of title 17, Code of Federal Regulations, shall be deemed to be an eligible issuer under the final rule of the Commission titled "Securities Offering Reform" (70 Fed. Reg. 44722; published August 3, 2005).

(c) RULES OF CONSTRUCTION.—

(1) NO EFFECT ON RULE 482.—Nothing in this section or the amendments made by this section shall be construed to impair or limit in any way a registered closed-end company from using section 230.482 of title 17, Code of Federal Regulations, to distribute sales material.

(2) REFERENCES.—Any reference in this section to a section of title 17, Code of Federal Regulations, or to any form or schedule means such rule, section, form, or schedule, or any successor to any such rule, section, form, or schedule.

TITLE VI—PROTECTIONS FOR STUDENT BORROWERS

SEC. 601. PROTECTIONS IN THE EVENT OF DEATH OR BANKRUPTCY.

(a) IN GENERAL.—Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) the term 'cosigner'—

"(A) means any individual who is liable for the obligation of another without compensation, regardless of how designated in the contract or instrument with respect to that obligation, other than an obligation under a private education loan extended to consolidate a consumer's preexisting private education loans;

"(B) includes any person the signature of which is requested as condition to grant credit or to forbear on collection; and

"(C) does not include a spouse of an individual described in subparagraph (A), the signature of whom is needed to perfect the security interest in a loan."; and

(2) by adding at the end the following:

"(g) ADDITIONAL PROTECTIONS RELATING TO BORROWER OR COSIGNER OF A PRIVATE EDUCATION LOAN.—

"(1) PROHIBITION ON AUTOMATIC DEFAULT IN CASE OF DEATH OR BANKRUPTCY OF NON-STUDENT OBLIGOR.—With respect to a private education loan involving a student obligor and 1 or more cosigners, the creditor shall not declare a default or accelerate the debt against the student obligor on the sole basis of a bankruptcy or death of a cosigner.

"(2) COSIGNER RELEASE IN CASE OF DEATH OF BORROWER.—

"(A) RELEASE OF COSIGNER.—The holder of a private education loan, when notified of the death of a student obligor, shall release within a reasonable timeframe any cosigner from the obligations of the cosigner under the private education loan.

"(B) NOTIFICATION OF RELEASE.—A holder or servicer of a private education loan, as applicable, shall within a reasonable time-frame notify any cosigners for the private education loan if a cosigner is released from the obligations of the cosigner for the private education loan under this paragraph.

"(C) DESIGNATION OF INDIVIDUAL TO ACT ON BEHALF OF THE BORROWER.—Any lender that extends a private education loan shall provide the student obligor an option to designate an individual to have the legal authority to act on behalf of the student obligor with respect to the private education loan in the event of the death of the student obligor.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall only apply to private education loan agreements entered into on or after the date that is 180 days after the date of enactment of this Act.

Time period.
15 USC 1650 note.

SEC. 602. REHABILITATION OF PRIVATE EDUCATION LOANS.

(a) IN GENERAL.—Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the end the following:

"(E) REHABILITATION OF PRIVATE EDUCATION LOANS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this section, a consumer may request a financial institution to remove from a consumer report a reported default regarding a private education loan, and such information shall not be considered inaccurate, if—

Assessment.

"(I) the financial institution chooses to offer a loan rehabilitation program which includes, without limitation, a requirement of the consumer to make consecutive on-time monthly payments in a number that demonstrates, in the assessment of the financial institution offering the loan rehabilitation program, a renewed ability and willingness to repay the loan; and

"(II) the requirements of the loan rehabilitation program described in subclause (I) are successfully met.

"(ii) BANKING AGENCIES.—

"(I) IN GENERAL.—If a financial institution is supervised by a Federal banking agency, the financial institution shall seek written approval concerning the terms and conditions of the loan rehabilitation program described in clause (i) from the appropriate Federal banking agency.

Deadline.

"(II) FEEDBACK.—An appropriate Federal banking agency shall provide feedback to a financial institution within 120 days of a request for approval under subclause (I).

"(iii) LIMITATION.—

"(I) IN GENERAL.—A consumer may obtain the benefits available under this subsection with respect to rehabilitating a loan only 1 time per loan.

"(II) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to require a financial institution to offer a loan rehabilitation program or to remove any reported default from a consumer report as a consideration of a loan rehabilitation program, except as described in clause (i).

"(iv) DEFINITIONS.—For purposes of this subparagraph—

"(I) the term 'appropriate Federal banking agency' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

"(II) the term 'private education loan' has the meaning given the term in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).".

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study, in consultation with the appropriate Federal banking agencies, regarding— Consultation.

(A) the implementation of subparagraph (E) of section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) (referred to in this paragraph as "the provision"), as added by subsection (a);

(B) the estimated operational, compliance, and reporting costs associated with the requirements of the provision;

(C) the effects of the requirements of the provision on the accuracy of credit reporting;

(D) the risks to safety and soundness, if any, created by the loan rehabilitation programs described in the provision; and

(E) a review of the effectiveness and impact on the credit of participants in any loan rehabilitation programs described in the provision and whether such programs improved the ability of participants in the programs to access credit products.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains all findings and determinations made in conducting the study required under paragraph (1).

SEC. 603. BEST PRACTICES FOR HIGHER EDUCATION FINANCIAL LITERACY.

Section 514(a) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9703(a)) is amended by adding at the end the following:

"(3) BEST PRACTICES FOR TEACHING FINANCIAL LITERACY.—

"(A) IN GENERAL.—After soliciting public comments and consulting with and receiving input from relevant parties, including a diverse set of institutions of higher education and other parties, the Commission shall, by not later than 1 year after the date of enactment of the Economic Growth, Regulatory Relief, and Consumer Protection Act, establish best practices for institutions of higher education regarding methods to— Deadline.

"(i) teach financial literacy skills; and

"(ii) provide useful and necessary information to assist students at institutions of higher education when making financial decisions related to student borrowing.

"(B) BEST PRACTICES.—The best practices described in subparagraph (A) shall include the following:

"(i) Methods to ensure that each student has a clear sense of the student's total borrowing obligations, including monthly payments, and repayment options.

"(ii) The most effective ways to engage students in financial literacy education, including frequency and timing of communication with students.

"(iii) Information on how to target different student populations, including part-time students, first-time students, and other nontraditional students.

"(iv) Ways to clearly communicate the importance of graduating on a student's ability to repay student loans.

"(C) MAINTENANCE OF BEST PRACTICES.—The Commission shall maintain and periodically update the best practices information required under this paragraph and make the best practices available to the public.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require an institution of higher education to adopt the best practices required under this paragraph.".

Approved May 24, 2018.

LEGISLATIVE HISTORY—S. 2155:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 7, 8, 12–14, considered and passed Senate.
May 22, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
May 24, Presidential remarks and statement.

Public Law 115–175
115th Congress

An Act

To transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

May 25, 2018
[S. 35]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Black Hills National Cemetery Boundary Expansion Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Hills National Cemetery Boundary Expansion Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CEMETERY.—The term "Cemetery" means the Black Hills National Cemetery in Sturgis, South Dakota.

(2) FEDERAL LAND.—The term "Federal land" means the approximately 200 acres of Bureau of Land Management land adjacent to the Cemetery, generally depicted as "Proposed National Cemetery Expansion" on the map entitled "Proposed Expansion of Black Hills National Cemetery-South Dakota" and dated June 16, 2016.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND FOR CEMETERY USE.

(a) CONDUCT OF DUE DILIGENCE ACTIVITIES BY THE SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Before the transfer of administrative jurisdiction and withdrawal of the Federal land under subsections (b) and (c), respectively, and subject to paragraph (2), the Secretary of Veterans Affairs shall complete any appropriate environmental, cultural resource, and other due diligence activities on the Federal land that would enable the Secretary of Veterans Affairs to confirm that the Federal land is suitable for cemetery purposes.

(2) NOTICE; REQUIRED COORDINATION.—The Secretary of Veterans Affairs shall— Determinations.

(A) before conducting any due diligence activities under paragraph (1), notify the Secretary of the activities to be conducted;

(B) as the Secretary of Veterans Affairs determines to be necessary in the conduct of the due diligence activities under paragraph (1), coordinate the activities with the Secretary; and

(C) if the Secretary of Veterans Affairs determines, on completion of the due diligence activities under paragraph (1), that the Federal land is suitable for cemetery purposes, submit written notice of the determination to the Secretary.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) TRANSFER.—

(A) IN GENERAL.—On receipt by the Secretary of written notice of a determination that the Federal land is suitable for cemetery purposes under subsection (a)(2)(C), except as provided in subparagraph (B), and subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(B) EXCLUSION.—The transfer of administrative jurisdiction over the Federal land under subparagraph (A) shall not include the land located within 100 feet of the center of the Centennial Trail, as generally depicted on the map entitled "Proposed Expansion of Black Hills National Cemetery-South Dakota" and dated June 16, 2016.

(2) LEGAL DESCRIPTIONS.—

Federal Register, publication. Notice.

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(B) EFFECT.—A legal description published under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical and typographical errors in the legal description.

Public information.

(C) AVAILABILITY.—Copies of the legal description published under subparagraph (A) shall be available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the National Cemetery Administration.

Reimbursement.

(D) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary for the costs incurred by the Secretary in carrying out this paragraph, including the costs of any surveys and other reasonable costs.

(c) WITHDRAWAL.—On receipt by the Secretary of written notice of a determination that the Federal land is suitable for cemetery purposes under subsection (a)(2)(C) and subject to valid existing rights, the Federal land—

(1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws; and

(2) shall be treated as property as defined under section 102(9) of title 40, United States Code.

(d) BOUNDARY MODIFICATION.—The boundary of the Cemetery is modified to include the Federal land.

(e) MODIFICATION OF PUBLIC LAND ORDER.—Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the Federal land.

Approved May 25, 2018.

LEGISLATIVE HISTORY—S. 35:

HOUSE REPORTS: No. 115–626, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–35 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 21, considered and passed Senate.
Vol. 164 (2018): May 15, 16, considered and passed House.

Public Law 115–176
115th Congress

An Act

May 30, 2018
[S. 204]

To authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017.
21 USC 301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017".

SEC. 2. USE OF UNAPPROVED INVESTIGATIONAL DRUGS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 561A (21 U.S.C. 360bbb–0) the following:

21 USC 360bbb–0a.

"SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'eligible patient' means a patient—

"(A) who has been diagnosed with a life-threatening disease or condition (as defined in section 312.81 of title 21, Code of Federal Regulations (or any successor regulations));

"(B) who has exhausted approved treatment options and is unable to participate in a clinical trial involving the eligible investigational drug, as certified by a physician, who—

"(i) is in good standing with the physician's licensing organization or board; and

"(ii) will not be compensated directly by the manufacturer for so certifying; and

"(C) who has provided to the treating physician written informed consent regarding the eligible investigational drug, or, as applicable, on whose behalf a legally authorized representative of the patient has provided such consent;

"(2) the term 'eligible investigational drug' means an investigational drug (as such term is used in section 561)—

"(A) for which a Phase 1 clinical trial has been completed;

"(B) that has not been approved or licensed for any use under section 505 of this Act or section 351 of the Public Health Service Act;

"(C)(i) for which an application has been filed under section 505(b) of this Act or section 351(a) of the Public Health Service Act; or

"(ii) that is under investigation in a clinical trial that—

"(I) is intended to form the primary basis of a claim of effectiveness in support of approval or licensure under section 505 of this Act or section 351 of the Public Health Service Act; and

"(II) is the subject of an active investigational new drug application under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act, as applicable; and

"(D) the active development or production of which is ongoing and has not been discontinued by the manufacturer or placed on clinical hold under section 505(i); and

"(3) the term 'phase 1 trial' means a phase 1 clinical investigation of a drug as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations).

"(b) EXEMPTIONS.—Eligible investigational drugs provided to eligible patients in compliance with this section are exempt from sections 502(f), 503(b)(4), 505(a), and 505(i) of this Act, section 351(a) of the Public Health Service Act, and parts 50, 56, and 312 of title 21, Code of Federal Regulations (or any successor regulations), provided that the sponsor of such eligible investigational drug or any person who manufactures, distributes, prescribes, dispenses, introduces or delivers for introduction into interstate commerce, or provides to an eligible patient an eligible investigational drug pursuant to this section is in compliance with the applicable requirements set forth in sections 312.6, 312.7, and 312.8(d)(1) of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs.

"(c) USE OF CLINICAL OUTCOMES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Public Health Service Act, or any other provision of Federal law, the Secretary may not use a clinical outcome associated with the use of an eligible investigational drug pursuant to this section to delay or adversely affect the review or approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act unless—

"(A) the Secretary makes a determination, in accordance with paragraph (2), that use of such clinical outcome is critical to determining the safety of the eligible investigational drug; or

Determination.

"(B) the sponsor requests use of such outcomes.

"(2) LIMITATION.—If the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the sponsor, including a public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall not be delegated below the director of the agency center that is charged with the premarket review of the eligible investigational drug.

Notice.
Records.

"(d) REPORTING.—

"(1) IN GENERAL.—The manufacturer or sponsor of an eligible investigational drug shall submit to the Secretary an annual summary of any use of such drug under this section. The summary shall include the number of doses supplied, the

Regulations.

number of patients treated, the uses for which the drug was made available, and any known serious adverse events. The Secretary shall specify by regulation the deadline of submission of such annual summary and may amend section 312.33 of title 21, Code of Federal Regulations (or any successor regulations) to require the submission of such annual summary in conjunction with the annual report for an applicable investigational new drug application for such drug.

"(2) POSTING OF INFORMATION.—The Secretary shall post an annual summary report of the use of this section on the internet website of the Food and Drug Administration, including the number of drugs for which clinical outcomes associated with the use of an eligible investigational drug pursuant to this section was—

"(A) used in accordance with subsection (c)(1)(A);

"(B) used in accordance with subsection (c)(1)(B); and

"(C) not used in the review of an application under section 505 of this Act or section 351 of the Public Health Service Act.".

21 USC 360bbb–0a note.

(b) NO LIABILITY.—

(1) ALLEGED ACTS OR OMISSIONS.—With respect to any alleged act or omission with respect to an eligible investigational drug provided to an eligible patient pursuant to section 561B of the Federal Food, Drug, and Cosmetic Act and in compliance with such section, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

(B) a prescriber, dispenser, or other individual entity (other than a sponsor or manufacturer), unless the relevant conduct constitutes reckless or willful misconduct, gross negligence, or an intentional tort under any applicable State law.

(2) DETERMINATION NOT TO PROVIDE DRUG.—No liability shall lie against a sponsor manufacturer, prescriber, dispenser or other individual entity for its determination not to provide access to an eligible investigational drug under section 561B of the Federal Food, Drug, and Cosmetic Act.

(3) LIMITATION.—Except as set forth in paragraphs (1) and (2), nothing in this section shall be construed to modify or otherwise affect the right of any person to bring a private action under any State or Federal product liability, tort, consumer protection, or warranty law.

21 USC 360bbb–0a note.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that section 561B of the Federal Food, Drug, and Cosmetic Act, as added by section 2—

(1) does not establish a new entitlement or modify an existing entitlement, or otherwise establish a positive right to any party or individual;

(2) does not establish any new mandates, directives, or additional regulations;

(3) only expands the scope of individual liberty and agency among patients, in limited circumstances;

(4) is consistent with, and will act as an alternative pathway alongside, existing expanded access policies of the Food and Drug Administration;

(5) will not, and cannot, create a cure or effective therapy where none exists;

(6) recognizes that the eligible terminally ill patient population often consists of those patients with the highest risk of mortality, and use of experimental treatments under the criteria and procedure described in such section 561A involves an informed assumption of risk; and

(7) establishes national standards and rules by which investigational drugs may be provided to terminally ill patients.

Approved May 30, 2018.

LEGISLATIVE HISTORY—S. 204:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Aug. 3, considered and passed Senate.
Vol. 164 (2018): May 22, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
May 30, Presidential remarks.

Public Law 115–177
115th Congress

An Act

June 1, 2018
[H.R. 3562]

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVEMENTS TO AUTHORITIES FOR PROVISION OF ASSISTANCE FOR ADAPTATIONS OF RESIDENCES OF VETERANS IN REHABILITATION PROGRAMS.

(a) IN GENERAL.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102A the following new section:

38 USC 2102b.

"§ 2102B. Adaptations to residences of veterans in rehabilitation programs

Determination.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may assist a veteran who is entitled to services and assistance under chapter 31 of this title and is pursuing a rehabilitation program under such chapter in acquiring such adaptations to such veteran's residence as are determined necessary by the Secretary to accomplish the purposes of such rehabilitation program.

Effective dates.
Waiver authority.
Determination.

"(b) AMOUNT.—(1) The aggregate amount of assistance available to a veteran under subsection (a) may not exceed $77,307. The Secretary may waive this limitation for a veteran if the Secretary determines a waiver is necessary for the rehabilitation program of the veteran.

"(2) Effective on October 1 of each year (beginning in 2017), the Secretary shall increase the amount described in paragraph (1) by the percentage calculated under section 2102(e)(2) of this title.

Reports.

"(3) Beginning on October 1, 2019, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a biennial report on the use of the waiver authority under paragraph (1).

"(c) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

"(d) REHABILITATION PROGRAM DEFINED.—In this section, the term 'rehabilitation program' has the meaning given such term in section 3101 of this title.".

Notice.
Criteria.
38 USC 2102b note.

(b) REGULATIONS.—The Secretary may provide assistance under section 2102B of such title, as added by subsection (a), in advance of regulations by issuing notice specifying the criteria for the application, approval, and oversight processes relating to the provision of assistance under such section.

(c) CONFORMING AMENDMENTS.—

(1) SCOPE OF SERVICES AND ASSISTANCE FOR TRAINING AND REHABILITATION.—Section 3104 of such title is amended by adding at the end the following new subsection:

"(d) The Secretary may not assist a veteran in acquiring adaptations to the residence of the veteran under this chapter. Any such assistance may be furnished only under section 2102B of this title.".

(2) MEMBERS OF THE ARMED FORCES RESIDING OUTSIDE THE UNITED STATES.—Section 2101A of such title is amended—

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

(B) by inserting after subsection (b) the following new subsection (c):

"(c) LIMITATION.—Notwithstanding subsections (a) and (b), this section shall not apply to the provision of assistance under section 2102B of this title.".

(3) BENEFITS ADDITIONAL TO BENEFITS UNDER OTHER LAWS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking "; however" and all that follows through "once";

(B) in subsection (b), by striking the second sentence; and

(C) by adding at the end the following new subsection:

"(c) The Secretary may not provide assistance to a veteran under this chapter if the Secretary determines such assistance would result in a duplication of benefits under this title to the veteran.". Determination.

(4) EXCEPTION TO MANDATORY LIFE INSURANCE.—Section 2106(a) of such title is amended to read as follows:

"(a) The Secretary shall insure any individual under 70 years of age who has received assistance under this chapter against the death of the individual except for an individual who—

"(1) elects in writing to not receive insurance under this section;

"(2) fails to respond in a timely manner to a request from the Secretary for information on which the premium for such insurance can be based; or

"(3) receives such assistance under section 2102B of this title.".

38 USC prec. 2101.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of such title is amended by inserting after the item relating to section 2102A the following new item:

"2102B. Adaptations to residences of veterans in rehabilitation programs.".

Approved June 1, 2018.

LEGISLATIVE HISTORY—H.R. 3562:

HOUSE REPORTS: No. 115–386 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 6, considered and passed House.
Vol. 164 (2018): May 16, considered and passed Senate.

Public Law 115–178
115th Congress

An Act

To authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia.

June 1, 2018
[H.R. 4009]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Smithsonian National Zoological Park Central Parking Facility Authorization Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian National Zoological Park Central Parking Facility Authorization Act".

SEC. 2. FACILITY FOR IMPROVED VISITOR EXPERIENCE AND ACCESS AT THE NATIONAL ZOOLOGICAL PARK.

(a) IN GENERAL.—In order to improve visitor experience and multi-modal access to the Smithsonian National Zoological Park, the Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia.

(b) CENTRAL PARKING FACILITY.—The facility authorized under this section may include parking, transportation improvements, visitor amenities including restrooms, a pedestrian bridge to a midpoint entry of the National Zoological Park, and ancillary works to accommodate alternative uses of the facility.

(c) FUNDING.—Construction of the facility described in this section shall be conducted with funds from nonappropriated sources.

Approved June 1, 2018.

LEGISLATIVE HISTORY—H.R. 4009:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Apr. 25, considered and passed House.
May 16, considered and passed Senate.

Public Law 115–179
115th Congress

An Act

To allow the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians of Oregon, the Confederated Tribes of Warm Springs, the Cow Creek Band of Umpqua Tribe of Indians, the Klamath Tribes, and the Burns Paiute Tribes to lease or transfer certain lands.

June 1, 2018
[S. 1285]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Oregon Tribal Economic Development Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Tribal Economic Development Act".

SEC. 2. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians of Oregon, the Confederated Tribes of Warm Springs, the Cow Creek Band of Umpqua Tribe of Indians, the Klamath Tribes, and the Burns Paiute Tribes may lease, sell, convey, warrant, or otherwise transfer all or any part of its interests in any real property that is not held in trust by the United States for the benefit of such tribe.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section shall—

(1) authorize the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians of Oregon, the Confederated Tribes of Warm Springs, the Cow Creek Band of Umpqua Tribe of Indians, the Klamath Tribes, and the Burns Paiute Tribes to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of such tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

Approved June 1, 2018.

LEGISLATIVE HISTORY—S. 1285 (H.R. 3225):

HOUSE REPORTS: Nos. 115–507 and 115–564, accompanying H.R. 3225, (both from Comm. on Natural Resources).
SENATE REPORTS: No. 115–175 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 29, considered and passed Senate.
Vol. 164 (2018): May 15, considered and passed House.

Public Law 115–180
115th Congress

An Act

June 5, 2018
[S. 292]

To maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018" or the "Childhood Cancer STAR Act".

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

Sec. 1. Short title; table of contents.

TITLE I—MAXIMIZING RESEARCH THROUGH DISCOVERY

Subtitle A—Caroline Pryce Walker Conquer Childhood Cancer Reauthorization Act

Sec. 101. Children's cancer biorepositories and biospecimen research.
Sec. 102. Improving Childhood Cancer Surveillance.

Subtitle B—Pediatric Expertise at NIH

Sec. 111. Inclusion of at least one pediatric oncologist on the National Cancer Advisory Board.
Sec. 112. Sense of Congress regarding pediatric expertise at the National Cancer Institute.

Subtitle C—NIH Reporting on Childhood Cancer Activities

Sec. 121. Reporting on childhood cancer research projects.

TITLE II—MAXIMIZING DELIVERY: CARE, QUALITY OF LIFE, SURVIVORSHIP, AND CAREGIVER SUPPORT

Sec. 201. Cancer survivorship programs.
Sec. 202. Grants to improve care for pediatric cancer survivors.
Sec. 203. Best practices for long-term follow-up services for pediatric cancer survivors.
Sec. 204. Technical amendment.

TITLE I—MAXIMIZING RESEARCH THROUGH DISCOVERY

Subtitle A—Caroline Pryce Walker Conquer Childhood Cancer Reauthorization Act

SEC. 101. CHILDREN'S CANCER BIOREPOSITORIES AND BIOSPECIMEN RESEARCH.

Section 417E of the Public Health Service Act (42 U.S.C. 285a–11) is amended—

(1) in the section heading, by striking "**RESEARCH AND AWARENESS**" and inserting "**RESEARCH, AWARENESS, AND SURVIVORSHIP**";

(2) by striking subsection (a) and inserting the following:

"(a) CHILDREN'S CANCER BIOREPOSITORIES.—

"(1) AWARD.—The Secretary, acting through the Director of NIH, may make awards to an entity or entities described in paragraph (4) to build upon existing research efforts to collect biospecimens and clinical and demographic information of children, adolescents, and young adults with selected cancer subtypes (and their recurrences) for which current treatments are least effective, in order to achieve a better understanding of the causes of such cancer subtypes (and their recurrences), and the effects and outcomes of treatments for such cancers.

"(2) USE OF FUNDS.—Amounts received under an award under paragraph (1) may be used to carry out the following:

"(A) Collect and store high-quality, donated biospecimens and associated clinical and demographic information on children, adolescents, and young adults diagnosed with cancer in the United States, focusing on children, adolescents, and young adults with cancer enrolled in clinical trials for whom current treatments are least effective. Activities under this subparagraph may include storage of biospecimens and associated clinical and demographic data at existing biorepositories supported by the National Cancer Institute.

"(B) Maintain an interoperable, secure, and searchable database on stored biospecimens and associated clinical and demographic data from children, adolescents, and young adults with cancer for the purposes of research by scientists and qualified health care professionals.

"(C) Establish and implement procedures for evaluating applications for access to such biospecimens and clinical and demographic data from researchers and other qualified health care professionals. Procedures.

"(D) Provide access to biospecimens and clinical and demographic data from children, adolescents, and young adults with cancer to researchers and qualified health care professionals for peer-reviewed research—

"(i) consistent with the procedures established pursuant to subparagraph (C);

"(ii) only to the extent permitted by applicable Federal and State law; and

"(iii) in a manner that protects personal privacy to the extent required by applicable Federal and State privacy law, at minimum.

"(3) NO REQUIREMENT.—No child, adolescent, or young adult with cancer shall be required under this subsection to contribute a specimen to a biorepository or share clinical or demographic data.

"(4) APPLICATION; CONSIDERATIONS.—

"(A) APPLICATION.—To be eligible to receive an award under paragraph (1) an entity shall submit an application to the Secretary at such a time, in such manner, and containing such information as the Secretary may reasonably require.

"(B) CONSIDERATIONS.—In evaluating applications submitted under subparagraph (A), the Secretary shall consider the existing infrastructure of the entity that would allow for the timely capture of biospecimens and related clinical and demographic information for children, adolescents, and young adults with cancer for whom current treatments are least effective.

"(5) PRIVACY PROTECTIONS AND INFORMED CONSENT.—

"(A) IN GENERAL.—The Secretary may not make an award under paragraph (1) to an entity unless the Secretary ensures that such entity—

"(i) collects biospecimens and associated clinical and demographic information only from participants who have given their informed consent in accordance with Federal and State law; and

"(ii) protects personal privacy to the extent required by applicable Federal and State law, at minimum.

"(B) INFORMED CONSENT.—The Secretary shall ensure biospecimens and associated clinical and demographic information are collected with informed consent, as described in subparagraph (A)(i).

"(6) GUIDELINES AND OVERSIGHT.—The Secretary shall develop and disseminate appropriate guidelines for the development and maintenance of the biorepositories supported under this subsection, including appropriate oversight, to facilitate further research on select cancer subtypes (and their recurrences) in children, adolescents, and young adults with such cancers (and their recurrences).

"(7) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of federally supported efforts with respect to the activities described in this subsection, the Secretary shall ensure the appropriate coordination of programs supported under this section with existing federally supported cancer registry programs and the activities under section 399E–1, as appropriate.

"(8) SUPPLEMENT NOT SUPPLANT.—Funds provided under this subsection shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

"(9) REPORT.—Not later than 4 years after the date of enactment of the Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018, the Secretary shall submit to Congress a report on—

"(A) the number of biospecimens and corresponding clinical demographic data collected through the biospecimen research efforts supported under paragraph (1);

"(B) the number of biospecimens and corresponding clinical demographic data requested for use by researchers;

"(C) barriers to the collection of biospecimens and corresponding clinical demographic data;

"(D) barriers experienced by researchers or health care professionals in accessing the biospecimens and corresponding clinical demographic data necessary for use in research; and

"(E) recommendations with respect to improving the biospecimen and biorepository research efforts under this subsection. Recommendations.

"(10) DEFINITIONS.—For purposes of this subsection:

"(A) AWARD.—The term 'award' includes a grant, contract, or cooperative agreement determined by the Secretary.

"(B) BIOSPECIMEN.—The term 'biospecimen' includes—

"(i) solid tumor tissue or bone marrow;

"(ii) normal or control tissue;

"(iii) blood and plasma;

"(iv) DNA and RNA extractions;

"(v) familial DNA; and

"(vi) any other sample relevant to cancer research, as required by the Secretary.

"(C) CLINICAL AND DEMOGRAPHIC INFORMATION.—The term 'clinical and demographic information' includes—

"(i) date of diagnosis;

"(ii) age at diagnosis;

"(iii) the patient's sex, race, ethnicity, and environmental exposures;

"(iv) extent of disease at enrollment;

"(v) site of metastases;

"(vi) location of primary tumor coded;

"(vii) histologic diagnosis;

"(viii) tumor marker data when available;

"(ix) treatment and outcome data;

"(x) information related to specimen quality; and

"(xi) any other applicable information required by the Secretary."; and

(3) in subsection (c), by striking "(42 U.S.C. 202 note)".

SEC. 102. IMPROVING CHILDHOOD CANCER SURVEILLANCE.

(a) IN GENERAL.—Section 399E–1 of the Public Health Service Act (42 U.S.C. 280e–3a) is amended—

(1) in subsection (a)—

(A) by striking "shall award a grant" and inserting "may make awards to State cancer registries"; and

(B) by striking "track the epidemiology of pediatric cancer into a comprehensive nationwide registry of actual occurrences of pediatric cancer" and inserting "collect information to better understand the epidemiology of cancer in children, adolescents, and young adults"; and

(C) by striking the second sentence and inserting "Such registries may be updated to include each occurrence of

such cancers within a period of time designated by the Secretary.";

(2) by redesignating subsection (b) as subsection (d);

(3) by inserting after subsection (a) the following:

"(b) ACTIVITIES.—The grants described in subsection (a) may be used for—

"(1) identifying, recruiting, and training potential sources for reporting childhood, adolescent, and young adult cancer cases;

"(2) developing practices to ensure early inclusion of childhood, adolescent, and young adult cancer cases in State cancer registries through the use of electronic reporting;

"(3) collecting and submitting deidentified data to the Centers for Disease Control and Prevention for inclusion in a national database that includes information on childhood, adolescent, and young adult cancers; and

"(4) improving State cancer registries and the database described in paragraph (3), as appropriate, including to support the early inclusion of childhood, adolescent, and young adult cancer cases.

"(c) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of federally supported efforts with respect to the activities described in this section, the Secretary shall ensure the appropriate coordination of programs supported under this section with other federally supported cancer registry programs and the activities under section 417E(a), as appropriate."; and

(4) in subsection (d), as so redesignated, by striking "registry established pursuant to subsection (a)" and inserting "activities described in this section".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 417E(d) of the Public Health Service Act (42 U.S.C. 285a–11(d)) is amended—

(1) by striking "2009 through 2013" and inserting "2019 through 2023"; and

(2) by striking the second sentence.

Subtitle B—Pediatric Expertise at NIH

SEC. 111. INCLUSION OF AT LEAST ONE PEDIATRIC ONCOLOGIST ON THE NATIONAL CANCER ADVISORY BOARD.

Clause (iii) of section 406(h)(2)(A) of the Public Health Service Act (42 U.S.C. 284a(h)(2)(A)) is amended—

(1) by striking "Board not less than five" and inserting "Board—

"(I) not less than 5";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(II) not less than one member shall be an individual knowledgeable in pediatric oncology;".

SEC. 112. SENSE OF CONGRESS REGARDING PEDIATRIC EXPERTISE AT THE NATIONAL CANCER INSTITUTE.

It is the sense of Congress that the Director of the National Cancer Institute should ensure that all applicable study sections, committees, advisory groups, and panels at the National Cancer Institute include one or more qualified pediatric oncologists, as appropriate.

Subtitle C—NIH Reporting on Childhood Cancer Activities

SEC. 121. REPORTING ON CHILDHOOD CANCER RESEARCH PROJECTS.

The Director of the National Institutes of Health shall ensure that childhood cancer research projects conducted or supported by the National Institutes of Health are included in appropriate reports to Congress, which may include the Pediatric Research Initiative report.

TITLE II—MAXIMIZING DELIVERY: CARE, QUALITY OF LIFE, SURVIVORSHIP, AND CAREGIVER SUPPORT

SEC. 201. CANCER SURVIVORSHIP PROGRAMS.

42 USC 285a–11 note.

(a) PILOT PROGRAMS TO EXPLORE MODEL SYSTEMS OF CARE FOR PEDIATRIC CANCER SURVIVORS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") may make awards to eligible entities to establish pilot programs to develop, study, or evaluate model systems for monitoring and caring for childhood cancer survivors throughout their lifespan, including evaluation of models for transition to adult care and care coordination.

(2) AWARDS.—

(A) TYPES OF ENTITIES.—In making awards under this subsection, the Secretary shall, to the extent practicable, include—

(i) small, medium, and large-sized eligible entities; and

(ii) sites located in different geographic areas, including rural and urban areas.

(B) ELIGIBLE ENTITIES.—In this subsection, the term "eligible entity" means—

(i) a medical school;

(ii) a children's hospital;

(iii) a cancer center;

(iv) a community-based medical facility; or

(v) any other entity with significant experience and expertise in treating survivors of childhood cancers.

(3) USE OF FUNDS.—Funds awarded under this subsection may be used—

(A) to develop, study, or evaluate one or more models for monitoring and caring for cancer survivors; and

(B) in developing, studying, and evaluating such models, to give special emphasis to—

(i) design of models of follow-up care, monitoring, and other survivorship programs (including peer support and mentoring programs);

(ii) development of models for providing multidisciplinary care;

(iii) dissemination of information to health care providers about culturally and linguistically appropriate follow-up care for cancer survivors and their families, as appropriate and practicable;

(iv) development of psychosocial and support programs to improve the quality of life of cancer survivors and their families, which may include peer support and mentoring programs;

(v) design of systems for the effective transfer of treatment information and care summaries from cancer care providers to other health care providers (including risk factors and a plan for recommended follow-up care);

(vi) dissemination of the information and programs described in clauses (i) through (v) to other health care providers (including primary care physicians and internists) and to cancer survivors and their families, where appropriate and in accordance with Federal and State law; and

(vii) development of initiatives that promote the coordination and effective transition of care between cancer care providers, primary care physicians, mental health professionals, and other health care professionals, as appropriate, including models that use a team-based or multi-disciplinary approach to care.

(b) WORKFORCE DEVELOPMENT FOR HEALTH CARE PROVIDERS ON MEDICAL AND PSYCHOSOCIAL CARE FOR CHILDHOOD CANCER SURVIVORS.—

Deadline. Review.

(1) IN GENERAL.—The Secretary shall, not later than 1 year after the date of enactment of this Act, conduct a review of the activities of the Department of Health and Human Services related to workforce development for health care providers who treat pediatric cancer patients and survivors. Such review shall include—

Assessment.

(A) an assessment of the effectiveness of supportive psychosocial care services for pediatric cancer patients and survivors, including pediatric cancer survivorship care patient navigators and peer support programs;

(B) identification of existing models relevant to providing medical and psychosocial services to individuals surviving pediatric cancers, and programs related to training for health professionals who provide such services to individuals surviving pediatric cancers; and

Recommendations.

(C) recommendations for improving the provision of psychosocial care for pediatric cancer survivors and patients.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and Committee on Energy and Commerce of the House of Representatives, a report concerning the findings and recommendations from the review conducted under paragraph (1).

SEC. 202. GRANTS TO IMPROVE CARE FOR PEDIATRIC CANCER SURVIVORS.

(a) IN GENERAL.—Section 417E of the Public Health Service Act (42 U.S.C. 285a–11), as amended by section 101, is further amended by striking subsection (b) and inserting the following:

"(b) IMPROVING CARE FOR PEDIATRIC CANCER SURVIVORS.—

"(1) RESEARCH ON PEDIATRIC CANCER SURVIVORSHIP.—The Director of NIH, in coordination with ongoing research activities, may continue to conduct or support pediatric cancer survivorship research including in any of the following areas: Coordination.

"(A) Outcomes of pediatric cancer survivors, including within minority or other medically underserved populations and with respect to health disparities of such outcomes.

"(B) Barriers to follow-up care for pediatric cancer survivors, including within minority or other medically underserved populations.

"(C) The impact of relevant factors, which may include familial, socioeconomic, and other environmental factors, on treatment outcomes and survivorship.

"(D) The development of indicators used for long-term follow-up and analysis of the late effects of cancer treatment for pediatric cancer survivors.

"(E) The identification of, as applicable—

"(i) risk factors associated with the late effects of cancer treatment;

"(ii) predictors of adverse neurocognitive and psychosocial outcomes; and

"(iii) the molecular basis of long-term complications.

"(F) The development of targeted interventions to reduce the burden of morbidity borne by cancer survivors in order to protect such cancer survivors from the late effects of cancer.

"(2) BALANCED APPROACH.—In conducting or supporting research under paragraph (1)(A)(i) on pediatric cancer survivors within minority or other medically underserved populations, the Director of NIH shall ensure that such research addresses both the physical and the psychological needs of such survivors, as appropriate.".

SEC. 203. BEST PRACTICES FOR LONG-TERM FOLLOW-UP SERVICES FOR PEDIATRIC CANCER SURVIVORS.

42 USC 285a–11 note.

The Secretary of Health and Human Services may facilitate the identification of best practices for childhood and adolescent cancer survivorship care, and, as appropriate, may consult with individuals who have expertise in late effects of disease and treatment of childhood and adolescent cancers, which may include— Consultation.

(1) oncologists, which may include pediatric oncologists;

(2) primary care providers engaged in survivorship care;

(3) survivors of childhood and adolescent cancer;

(4) parents of children and adolescents who have been diagnosed with and treated for cancer and parents of long-term survivors;

(5) nurses and social workers;

(6) mental health professionals;

(7) allied health professionals, including physical therapists and occupational therapists; and

(8) others, as the Secretary determines appropriate.

SEC. 204. TECHNICAL AMENDMENT.

42 USC 285a–10.

(a) IN GENERAL.—Section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107–172; 116 Stat. 541) is amended by striking "section 419C" and inserting "section 417C".

42 USC 285a–10 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107–172; 116 Stat. 541).

Approved June 5, 2018.

LEGISLATIVE HISTORY—S. 292:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 22, considered and passed Senate.
May 22, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
June 5, Presidential remarks.

Public Law 115–181
115th Congress

An Act

To redesignate certain clinics of the Department of Veterans Affairs located in Montana.

June 5, 2018
[S. 1282]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF CERTAIN DEPARTMENT OF VETERANS AFFAIRS CLINICS IN MONTANA.

(a) DAVID J. THATCHER VA CLINIC.—

(1) DESIGNATION.—The clinic of the Department of Veterans Affairs located at 2687 Palmer Street in Missoula, Montana, shall after the date of the enactment of this Act be known and designated as the "David J. Thatcher VA Clinic".

(2) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the clinic referred to in paragraph (1) shall be considered to be a reference to the David J. Thatcher VA Clinic.

(b) DR. JOSEPH MEDICINE CROW VA CLINIC.—

(1) DESIGNATION.—The clinic of the Department of Veterans Affairs located at 1775 Spring Creek Lane in Billings, Montana, shall after the date of the enactment of this Act be known and designated as the "Dr. Joseph Medicine Crow VA Clinic".

(2) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the clinic referred to in paragraph (1) shall be considered to be a reference to the Dr. Joseph Medicine Crow VA Clinic.

(3) PUBLIC DISPLAY OF NAME.—

(A) IN GENERAL.—Any local public display of the name of the clinic referred to in paragraph (1) carried out by the United States or through the use of Federal funds shall include the English name, Dr. Joseph Medicine Crow, and the Crow name, Dakaak Baako, of Dr. Joseph Medicine Crow.

(B) LOCAL DISPLAY.—For purposes of subparagraph (A), a local public display of the name of the clinic referred to in paragraph (1) includes a display inside the clinic, on the campus of the clinic, and in the community surrounding the clinic, such as signs directing individuals to the clinic.

(c) BENJAMIN CHARLES STEELE VA CLINIC.—

(1) DESIGNATION.—The clinic of the Department of Veterans Affairs located at 1766 Majestic Lane in Billings, Montana, shall after the date of the enactment of this Act be known and designated as the "Benjamin Charles Steele VA Clinic".

(2) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the clinic referred to in paragraph (1) shall be considered to be a reference to the Benjamin Charles Steele VA Clinic.

Approved June 5, 2018.

LEGISLATIVE HISTORY—S. 1282:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Aug. 2, considered and passed Senate.
Vol. 164 (2018): May 21, considered and passed House.

Public Law 115–182
115th Congress

An Act

To establish a permanent community care program for veterans, to establish a commission for the purpose of making recommendations regarding the modernization or realignment of facilities of the Veterans Health Administration, to improve construction of the Department of Veterans Affairs, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to the home loan program of the Department of Veterans Affairs, and for other purposes.

June 6, 2018
[S. 2372]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018" or the "VA MISSION Act of 2018".

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

Sec. 1. Short title; table of contents.

TITLE I—CARING FOR OUR VETERANS

Sec. 100. Short title; references to title 38, United States Code.

Subtitle A—Developing an Integrated High-Performing Network

CHAPTER 1—ESTABLISHING COMMUNITY CARE PROGRAMS

Sec. 101. Establishment of Veterans Community Care Program.
Sec. 102. Authorization of agreements between Department of Veterans Affairs and non-Department providers.
Sec. 103. Conforming amendments for State veterans homes.
Sec. 104. Access standards and standards for quality.
Sec. 105. Access to walk-in care.
Sec. 106. Strategy regarding the Department of Veterans Affairs High-Performing Integrated Health Care Network.
Sec. 107. Applicability of Directive of Office of Federal Contract Compliance Programs.
Sec. 108. Prevention of certain health care providers from providing non-Department health care services to veterans.
Sec. 109. Remediation of medical service lines.

CHAPTER 2—PAYING PROVIDERS AND IMPROVING COLLECTIONS

Sec. 111. Prompt payment to providers.
Sec. 112. Authority to pay for authorized care not subject to an agreement.
Sec. 113. Improvement of authority to recover the cost of services furnished for non-service-connected disabilities.
Sec. 114. Processing of claims for reimbursement through electronic interface.

CHAPTER 3—EDUCATION AND TRAINING PROGRAMS

Sec. 121. Education program on health care options.
Sec. 122. Training program for administration of non-Department of Veterans Affairs health care.

Sec. 123. Continuing medical education for non-Department medical professionals.

CHAPTER 4—OTHER MATTERS RELATING TO NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

Sec. 131. Establishment of processes to ensure safe opioid prescribing practices by non-Department of Veterans Affairs health care providers.
Sec. 132. Improving information sharing with community providers.
Sec. 133. Competency standards for non-Department of Veterans Affairs health care providers.
Sec. 134. Department of Veterans Affairs participation in national network of State-based prescription drug monitoring programs.

CHAPTER 5—OTHER NON-DEPARTMENT HEALTH CARE MATTERS

Sec. 141. Plans for Use of Supplemental Appropriations Required.
Sec. 142. Veterans Choice Fund flexibility.
Sec. 143. Sunset of Veterans Choice Program.
Sec. 144. Conforming amendments.

Subtitle B—Improving Department of Veterans Affairs Health Care Delivery

Sec. 151. Licensure of health care professionals of the Department of Veterans Affairs providing treatment via telemedicine.
Sec. 152. Authority for Department of Veterans Affairs Center for Innovation for Care and Payment.
Sec. 153. Authorization to provide for operations on live donors for purposes of conducting transplant procedures for veterans.

Subtitle C—Family Caregivers

Sec. 161. Expansion of family caregiver program of Department of Veterans Affairs.
Sec. 162. Implementation of information technology system of Department of Veterans Affairs to assess and improve the family caregiver program.
Sec. 163. Modifications to annual evaluation report on caregiver program of Department of Veterans Affairs.

TITLE II—VA ASSET AND INFRASTRUCTURE REVIEW

Subtitle A—Asset and Infrastructure Review

Sec. 201. Short title.
Sec. 202. The Commission.
Sec. 203. Procedure for making recommendations.
Sec. 204. Actions regarding infrastructure and facilities of the Veterans Health Administration.
Sec. 205. Implementation.
Sec. 206. Department of Veterans Affairs Asset and Infrastructure Review Account.
Sec. 207. Congressional consideration of Commission report.
Sec. 208. Other matters.
Sec. 209. Definitions.

Subtitle B—Other Infrastructure Matters

Sec. 211. Improvement to training of construction personnel.
Sec. 212. Review of enhanced use leases.
Sec. 213. Assessment of health care furnished by the Department to veterans who live in the Pacific territories.

TITLE III—IMPROVEMENTS TO RECRUITMENT OF HEALTH CARE PROFESSIONALS

Sec. 301. Designated scholarships for physicians and dentists under Department of Veterans Affairs Health Professional Scholarship Program.
Sec. 302. Increase in maximum amount of debt that may be reduced under Education Debt Reduction Program of Department of Veterans Affairs.
Sec. 303. Establishing the Department of Veterans Affairs Specialty Education Loan Repayment Program.
Sec. 304. Veterans healing veterans medical access and scholarship program.
Sec. 305. Bonuses for recruitment, relocation, and retention.
Sec. 306. Inclusion of Vet Center employees in Education Debt Reduction Program of Department of Veterans Affairs.

TITLE IV—HEALTH CARE IN UNDERSERVED AREAS

Sec. 401. Development of criteria for designation of certain medical facilities of the Department of Veterans Affairs as underserved facilities and plan to address problem of underserved facilities.

Sec. 402. Pilot program to furnish mobile deployment teams to underserved facilities.
Sec. 403. Pilot program on graduate medical education and residency.

TITLE V—OTHER MATTERS

Sec. 501. Annual report on performance awards and bonuses awarded to certain high-level employees of the department.
Sec. 502. Role of podiatrists in Department of Veterans Affairs.
Sec. 503. Definition of major medical facility project.
Sec. 504. Authorization of certain major medical facility projects of the Department of Veterans Affairs.
Sec. 505. Department of Veterans Affairs personnel transparency.
Sec. 506. Program on establishment of peer specialists in patient aligned care team settings within medical centers of Department of Veterans Affairs.
Sec. 507. Department of Veterans Affairs medical scribe pilot program.
Sec. 508. Extension of requirement to collect fees for housing loans guaranteed by Secretary of Veterans Affairs.
Sec. 509. Extension of reduction in amount of pension furnished by Department of Veterans Affairs for certain veterans covered by Medicaid plans for services furnished by nursing facilities.
Sec. 510. Appropriation of amounts.
Sec. 511. Technical correction.
Sec. 512. Budgetary effects.

TITLE I—CARING FOR OUR VETERANS

Caring for Our Veterans Act of 2018.

SEC. 100. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

38 USC 101 note.

(a) SHORT TITLE.—This title may be cited as the "Caring for Our Veterans Act of 2018".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Subtitle A—Developing an Integrated High-Performing Network

CHAPTER 1—ESTABLISHING COMMUNITY CARE PROGRAMS

SEC. 101. ESTABLISHMENT OF VETERANS COMMUNITY CARE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Section 1703 is amended to read as follows:

"§ 1703. Veterans Community Care Program

"(a) IN GENERAL.—(1) There is established a program to furnish hospital care, medical services, and extended care services to covered veterans through health care providers specified in subsection (c).

"(2) The Secretary shall coordinate the furnishing of hospital care, medical services, and extended care services under this section to covered veterans, including coordination of, at a minimum, the following:

Coordination.

"(A) Ensuring the scheduling of medical appointments in a timely manner and the establishment of a mechanism to receive medical records from non-Department providers.

"(B) Ensuring continuity of care and services.

"(C) Ensuring coordination among regional networks if the covered veteran accesses care and services in a different network than the regional network in which the covered veteran resides.

"(D) Ensuring that covered veterans do not experience a lapse in care resulting from errors or delays by the Department or its contractors or an unusual or excessive burden in accessing hospital care, medical services, or extended care services.

"(3) A covered veteran may only receive care or services under this section upon the authorization of such care or services by the Secretary.

"(b) COVERED VETERANS.—For purposes of this section, a covered veteran is any veteran who—

"(1) is enrolled in the system of annual patient enrollment established and operated under section 1705 of this title; or

"(2) is not enrolled in such system but is otherwise entitled to hospital care, medical services, or extended care services under subsection (c)(2) of such section.

"(c) HEALTH CARE PROVIDERS SPECIFIED.—Health care providers specified in this subsection are the following:

"(1) Any health care provider that is participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including any physician furnishing services under such a program.

"(2) The Department of Defense.

"(3) The Indian Health Service.

"(4) Any Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

Criteria.

"(5) Any health care provider not otherwise covered under any of paragraphs (1) through (4) that meets criteria established by the Secretary for purposes of this section.

"(d) CONDITIONS UNDER WHICH CARE IS REQUIRED TO BE FURNISHED THROUGH NON-DEPARTMENT PROVIDERS.—(1) The Secretary shall, subject to the availability of appropriations, furnish hospital care, medical services, and extended care services to a covered veteran through health care providers specified in subsection (c) if—

"(A) the Department does not offer the care or services the veteran requires;

"(B) the Department does not operate a full-service medical facility in the State in which the covered veteran resides;

"(C)(i) the covered veteran was an eligible veteran under section 101(b)(2)(B) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) as of the day before the date of the enactment of the Caring for Our Veterans Act of 2018;

"(ii) continues to reside in a location that would qualify the veteran for eligibility under such section; and

"(iii) either—

"(I) resides in one of the five States with the lowest population density as determined by data from the 2010 decennial census; or

"(II) resides in a State not described in subclause (I) and—

"(aa) received care or services under this title in the year preceding the enactment of the Caring for Our Veterans Act of 2018; and

"(bb) is seeking care or services within 2 years of the date of the enactment of the Caring for Our Veterans Act of 2018;

"(D) the covered veteran has contacted the Department to request care or services and the Department is not able to furnish such care or services in a manner that complies with designated access standards developed by the Secretary under section 1703B of this title; or

"(E) the covered veteran and the covered veteran's referring clinician agree that furnishing care and services through a non-Department entity or provider would be in the best medical interest of the covered veteran based upon criteria developed by the Secretary. Criteria.

"(2) The Secretary shall ensure that the criteria developed under paragraph (1)(E) include consideration of the following:

"(A) The distance between the covered veteran and the facility that provides the hospital care, medical services, or extended care services the veteran needs.

"(B) The nature of the hospital care, medical services, or extended care services required.

"(C) The frequency that the hospital care, medical services, or extended care services needs to be furnished.

"(D) The timeliness of available appointments for the hospital care, medical services, or extended care services the veteran needs.

"(E) Whether the covered veteran faces an unusual or excessive burden to access hospital care, medical services, or extended care services from the Department medical facility where a covered veteran seeks hospital care, medical services, or extended care services, which shall include consideration of the following:

"(i) Whether the covered veteran faces an excessive driving distance, geographical challenge, or environmental factor that impedes the access of the covered veteran.

"(ii) Whether the hospital care, medical services, or extended care services sought by the veteran is provided by a medical facility of the Department that is reasonably accessible to a covered veteran.

"(iii) Whether a medical condition of the covered veteran affects the ability of the covered veteran to travel.

"(iv) Whether there is compelling reason, as determined by the Secretary, that the veteran needs to receive hospital care, medical services, or extended care services from a medical facility other than a medical facility of the Department.

"(v) Such other considerations as the Secretary considers appropriate.

"(3) If the Secretary has determined that the Department does not offer the care or services the covered veteran requires under subparagraph (A) of paragraph (1), that the Department does not operate a full-service medical facility in the State in which the covered veteran resides under subparagraph (B) of such paragraph,

that the covered veteran is described under subparagraph (C) of such paragraph, or that the Department is not able to furnish care or services in a manner that complies with designated access standards developed by the Secretary under section 1703B of this title under subparagraph (D) of such paragraph, the decision to receive hospital care, medical services, or extended care services under such subparagraphs from a health care provider specified in subsection (c) shall be at the election of the veteran.

"(e) CONDITIONS UNDER WHICH CARE IS AUTHORIZED TO BE FURNISHED THROUGH NON-DEPARTMENT PROVIDERS.—(1)(A) The Secretary may furnish hospital care, medical services, or extended care services through a health care provider specified in subsection (c) to a covered veteran served by a medical service line of the Department that the Secretary has determined is not providing care that complies with the standards for quality the Secretary shall establish under section 1703C.

"(B) In carrying out subparagraph (A), the Secretary shall—

"(i) measure timeliness of the medical service line at a facility of the Department when compared with the same medical service line at different Department facilities; and

"(ii) measure quality at a medical service line of a facility of the Department by comparing it with two or more distinct and appropriate quality measures at non-Department medical service lines.

"(C)(i) The Secretary may not concurrently furnish hospital care, medical services, or extended care services under subparagraph (A) with respect to more than three medical service lines described in such subparagraph at any one health care facility of the Department.

"(ii) The Secretary may not concurrently furnish hospital care, medical services, or extended care services under subparagraph (A) with respect to more than 36 medical service lines nationally described in such subparagraph.

"(2) The Secretary may limit the types of hospital care, medical services, or extended care services covered veterans may receive under paragraph (1) in terms of the length of time such care and services will be available, the location at which such care and services will be available, and the clinical care and services that will be available.

"(3)(A) Except as provided for in subparagraph (B), the hospital care, medical services, and extended care services authorized under paragraph (1) with respect to a medical service line shall cease when the remediation described in section 1706A with respect to such medical service line is complete.

Coordination.

"(B) The Secretary shall ensure continuity and coordination of care for any veteran who elects to receive care or services under paragraph (1) from a health care provider specified in subsection (c) through the completion of an episode of care.

Federal Register, publication. Notice. Time period. Regulations.

"(4) The Secretary shall publish in the Federal Register, and shall take all reasonable steps to provide direct notice to covered veterans affected under this subsection, at least once each year stating the time period during which such care and services will be available, the location or locations where such care and services will be available, and the clinical services available at each location under this subsection in accordance with regulations the Secretary shall prescribe.

"(5) When the Secretary exercises the authority under paragraph (1), the decision to receive care or services under such paragraph from a health care provider specified in subsection (c) shall be at the election of the covered veteran.

"(f) REVIEW OF DECISIONS.—The review of any decision under subsection (d) or (e) shall be subject to the Department's clinical appeals process, and such decisions may not be appealed to the Board of Veterans' Appeals.

"(g) TIERED NETWORK.—(1) To promote the provision of high-quality and high-value hospital care, medical services, and extended care services under this section, the Secretary may develop a tiered provider network of eligible providers based on criteria established by the Secretary for purposes of this section. Criteria.

"(2) In developing a tiered provider network of eligible providers under paragraph (1), the Secretary shall not prioritize providers in a tier over providers in any other tier in a manner that limits the choice of a covered veteran in selecting a health care provider specified in subsection (c) for receipt of hospital care, medical services, or extended care services under this section.

"(h) CONTRACTS TO ESTABLISH NETWORKS OF HEALTH CARE PROVIDERS.—(1) The Secretary shall enter into consolidated, competitively bid contracts to establish networks of health care providers specified in paragraphs (1) and (5) of subsection (c) for purposes of providing sufficient access to hospital care, medical services, or extended care services under this section.

"(2)(A) The Secretary shall, to the extent practicable, ensure that covered veterans are able to make their own appointments using advanced technology.

"(B) To the extent practicable, the Secretary shall be responsible for the scheduling of appointments for hospital care, medical services, and extended care services under this section.

"(3)(A) The Secretary may terminate a contract with an entity entered into under paragraph (1) at such time and upon such notice to the entity as the Secretary may specify for purposes of this section, if the Secretary notifies the appropriate committees of Congress that, at a minimum— Notification.

"(i) the entity—

"(I) failed to comply substantially with the provisions of the contract or with the provisions of this section and the regulations prescribed under this section;

"(II) failed to comply with the access standards or the standards for quality established by the Secretary;

"(III) is excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))) under section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 and 1320a–7a);

"(IV) is identified as an excluded source on the list maintained in the System for Award Management, or any successor system; or

"(V) has been convicted of a felony or other serious offense under Federal or State law and the continued participation of the entity would be detrimental to the best interests of veterans or the Department;

"(ii) it is reasonable to terminate the contract based on the health care needs of veterans; or

"(iii) it is reasonable to terminate the contract based on coverage provided by contracts or sharing agreements entered into under authorities other than this section.

"(B) Nothing in subparagraph (A) may be construed to restrict the authority of the Secretary to terminate a contract entered into under paragraph (1) under any other provision of law.

Reports.

"(4) Whenever the Secretary provides notice to an entity that the entity is failing to meet contractual obligations entered into under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such failure. Such report shall include the following:

"(A) An explanation of the reasons for providing such notice.

"(B) A description of the effect of such failure, including with respect to cost, schedule, and requirements.

"(C) A description of the actions taken by the Secretary to mitigate such failure.

"(D) A description of the actions taken by the contractor to address such failure.

"(E) A description of any effect on the community provider market for veterans in the affected area.

Effective date.

"(5)(A) The Secretary shall instruct each entity awarded a contract under paragraph (1) to recognize and accept, on an interim basis, the credentials and qualifications of health care providers who are authorized to furnish hospital care and medical services to veterans under a community care program of the Department in effect as of the day before the date of the enactment of the Caring for Our Veterans Act of 2018, including under the Patient-Centered Community Care Program and the Veterans Choice Program under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note), as qualified providers under the program established under this section.

Determination. Criteria.

"(B) The interim acceptance period under subparagraph (A) shall be determined by the Secretary based on the following criteria:

"(i) With respect to a health care provider, when the current certification agreement for the health care provider expires.

"(ii) Whether the Department has enacted certification and eligibility criteria and regulatory procedures by which non-Department providers will be authorized under this section.

"(6) The Secretary shall establish a system or systems for monitoring the quality of care provided to covered veterans through a network under this subsection and for assessing the quality of hospital care, medical services, and extended care services furnished through such network before the renewal of the contract for such network.

"(i) PAYMENT RATES FOR CARE AND SERVICES.—(1) Except as provided in paragraph (2), and to the extent practicable, the rate paid for hospital care, medical services, or extended care services under any provision in this title may not exceed the rate paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XI or title XVIII of the Social Security Act (42 U.S.C. 1301 et seq.), including section 1834 of such Act (42 U.S.C. 1395m), for the same care or services.

"(2)(A) A higher rate than the rate paid by the United States as described in paragraph (1) may be negotiated with respect to the furnishing of care or services to a covered veteran who resides in a highly rural area.

"(B) In this paragraph, the term 'highly rural area' means an area located in a county that has fewer than seven individuals residing in that county per square mile. Definition.

"(3) With respect to furnishing care or services under this section in Alaska, the Alaska Fee Schedule of the Department of Veterans Affairs shall be followed, except for when another payment agreement, including a contract or provider agreement, is in effect. Alaska.

"(4) With respect to furnishing hospital care, medical services, or extended care services under this section in a State with an All-Payer Model Agreement under section 1814(b)(3) of the Social Security Act (42 U.S.C. 1395f(b)(3)) that became effective on or after January 1, 2014, the Medicare payment rates under paragraph (2)(A) shall be calculated based on the payment rates under such agreement.

"(5) Notwithstanding paragraph (1), the Secretary may incorporate, to the extent practicable, the use of value-based reimbursement models to promote the provision of high-quality care.

"(6) With respect to hospital care, medical services, or extended care services for which there is not a rate paid under the Medicare program as described in paragraph (1), the rate paid for such care or services shall be determined by the Secretary.

"(j) TREATMENT OF OTHER HEALTH PLAN CONTRACTS.—In any case in which a covered veteran is furnished hospital care, medical services, or extended care services under this section for a non-service-connected disability described in subsection (a)(2) of section 1729 of this title, the Secretary shall recover or collect reasonable charges for such care or services from a health plan contract described in section 1729 in accordance with such section.

"(k) PAYMENT BY VETERAN.—A covered veteran shall not pay a greater amount for receiving care or services under this section than the amount the veteran would pay for receiving the same or comparable care or services at a medical facility of the Department or from a health care provider of the Department.

"(l) TRANSPLANT AUTHORITY FOR IMPROVED ACCESS.—(1) In the case of a covered veteran described in paragraph (2), the Secretary shall determine whether to authorize an organ or bone marrow transplant for that covered veteran at a non-Department facility.

"(2) A covered veteran described in this paragraph—

"(A) requires an organ or bone marrow transplant; and

"(B) has, in the opinion of the primary care provider of the veteran, a medically compelling reason to travel outside the region of the Organ Procurement and Transplantation Network, established under section 372 of the National Organ Transplantation Act (Public Law 98–507; 42 U.S.C. 274), in which the veteran resides, to receive such transplant.

"(m) MONITORING OF CARE PROVIDED.—(1)(A) Not later than 540 days after the date of the enactment of the Caring for Our Veterans Act of 2018, and not less frequently than annually thereafter, the Secretary shall submit to appropriate committees of Congress a review of the types and frequency of care sought under subsection (d). Deadlines. Review.

Assessment.

"(B) The review submitted under subparagraph (A) shall include an assessment of the following:

"(i) The top 25 percent of types of care and services most frequently provided under subsection (d) due to the Department not offering such care and services.

"(ii) The frequency such care and services were sought by covered veterans under this section.

Analysis.

"(iii) An analysis of the reasons the Department was unable to provide such care and services.

"(iv) Any steps the Department took to provide such care and services at a medical facility of the Department.

"(v) The cost of such care and services.

Assessments.

"(2) In monitoring the hospital care, medical services, and extended care services furnished under this section, the Secretary shall do the following:

"(A) With respect to hospital care, medical services, and extended care services furnished through provider networks established under subsection (i)—

Data.

"(i) compile data on the types of hospital care, medical services, and extended care services furnished through such networks and how many patients used each type of care and service;

"(ii) identify gaps in hospital care, medical services, or extended care services furnished through such networks;

"(iii) identify how such gaps may be fixed through new contracts within such networks or changes in the manner in which hospital care, medical services, or extended care services are furnished through such networks;

"(iv) assess the total amounts spent by the Department on hospital care, medical services, and extended care services furnished through such networks;

"(v) assess the timeliness of the Department in referring hospital care, medical services, and extended care services to such networks; and

"(vi) assess the timeliness of such networks in—

"(I) accepting referrals; and

"(II) scheduling and completing appointments.

Reports.

"(B) Report the number of medical service lines the Secretary has determined under subsection (e)(1) not to be providing hospital care, medical services, or extended care services that comply with the standards for quality established by the Secretary.

"(C) Assess the use of academic affiliates and centers of excellence of the Department to furnish hospital care, medical services, and extended care services to covered veterans under this section.

"(D) Assess the hospital care, medical services, and extended care services furnished to covered veterans under this section by medical facilities operated by Federal agencies other than the Department.

Reports.

"(3) Not later than 540 days after the date of the enactment of the Caring for Our Veterans Act of 2018 and not less frequently than once each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the information gathered under paragraph (2).

"(n) PROHIBITION ON CERTAIN LIMITATIONS.—(1) The Secretary shall not limit the types of hospital care, medical services, or extended care services covered veterans may receive under this section if it is in the best medical interest of the veteran to receive such hospital care, medical services, or extended care services, as determined by the veteran and the veteran's health care provider.

"(2) No provision in this section may be construed to alter or modify any other provision of law establishing specific eligibility criteria for certain hospital care, medical services, or extended care services.

"(o) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

"(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

"(2) The term 'medical service line' means a clinic within a Department medical center.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking the item relating to section 1703 and inserting the following new item: 38 USC prec. 1701.

"1703. Veterans Community Care Program.".

(b) EFFECTIVE DATE.—Section 1703 of title 38, United States Code, as amended by subsection (a), shall take effect on the later of— 38 USC 1703 note.

(1) the date that is 30 days after the date on which the Secretary of Veterans Affairs submits the report required under section 101(q)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note); or

(2) the date on which the Secretary promulgates regulations pursuant to subsection (c).

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall promulgate regulations to carry out section 1703 of title 38, United States Code, as amended by subsection (a) of this section. Deadline.

(2) UPDATES.—

(A) PERIODIC.—Before promulgating the regulations required under paragraph (1), the Secretary shall provide to the appropriate committees of Congress periodic updates to confirm the progress of the Secretary toward developing such regulations.

(B) FIRST UPDATE.—The first update under subparagraph (A) shall occur no later than 120 days from the date of the enactment of this Act. Deadline.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term "appropriate committees of Congress" means—

(i) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(ii) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(d) CONTINUITY OF EXISTING AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding section 1703 of title 38, United States Code, as amended by subsection (a), the Secretary of Veterans Affairs shall continue all contracts, memorandums of understanding, memorandums of agreements, and other arrangements that were in effect on the day before the date of the enactment of this Act between the Department of Veterans Affairs and the American Indian and Alaska Native health care systems as established under the terms of the Department of Veterans Affairs and Indian Health Service Memorandum of Understanding, signed October 1, 2010, the National Reimbursement Agreement, signed December 5, 2012, arrangements under section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645), and agreements entered into under sections 102 and 103 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146).

(2) MODIFICATIONS.—Paragraph (1) shall not be construed to prohibit the Secretary and the parties to the contracts, memorandums of understanding, memorandums of agreements, and other arrangements described in such paragraph from making such changes to such contracts, memorandums of understanding, memorandums of agreements, and other arrangements as may be otherwise authorized pursuant to other provisions of law or the terms of the contracts, memorandums of understanding, memorandums of agreements, and other arrangements.

SEC. 102. AUTHORIZATION OF AGREEMENTS BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT PROVIDERS.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1703 the following new section:

38 USC 1703A.

"§ 1703A. Agreements with eligible entities or providers; certification processes

"(a) AGREEMENTS AUTHORIZED.—(1)(A) When hospital care, a medical service, or an extended care service required by a veteran who is entitled to such care or service under this chapter is not feasibly available to the veteran from a facility of the Department or through a contract or sharing agreement entered into pursuant to another provision of law, the Secretary may furnish such care or service to such veteran through an agreement under this section with an eligible entity or provider to provide such hospital care, medical service, or extended care service.

"(B) An agreement entered into under this section to provide hospital care, a medical service, or an extended care service shall be known as a 'Veterans Care Agreement'.

"(C) For purposes of subparagraph (A), hospital care, a medical service, or an extended care service may be considered not feasibly available to a veteran from a facility of the Department or through a contract or sharing agreement described in such subparagraph when the Secretary determines the veteran's medical condition, the travel involved, the nature of the care or services required, or a combination of these factors make the use of a facility of the Department or a contract or sharing agreement described in such subparagraph impracticable or inadvisable.

"(D) A Veterans Care Agreement may be entered into by the Secretary or any Department official authorized by the Secretary.

"(2)(A) Subject to subparagraph (B), the Secretary shall review each Veterans Care Agreement of material size, as determined by the Secretary or set forth in paragraph (3), for hospital care, a medical service, or an extended care service to determine whether it is feasible and advisable to provide such care or service within a facility of the Department or by contract or sharing agreement entered into pursuant to another provision of law and, if so, take action to do so. Reviews. Determination.

"(B)(i) The Secretary shall review each Veterans Care Agreement of material size that has been in effect for at least 6 months within the first 2 years of its taking effect, and not less frequently than once every 4 years thereafter. Time periods.

"(ii) If a Veterans Care Agreement has not been in effect for at least 6 months by the date of the review required by subparagraph (A), the agreement shall be reviewed during the next cycle required by subparagraph (A), and such review shall serve as its review within the first 2 years of its taking effect for purposes of clause (i).

"(3)(A) In fiscal year 2019 and in each fiscal year thereafter, in addition to such other Veterans Care Agreements as the Secretary may determine are of material size, a Veterans Care Agreement for the purchase of extended care services that exceeds $5,000,000 annually shall be considered of material size. Time periods.

"(B) From time to time, the Secretary may publish a notice in the Federal Register to adjust the dollar amount specified in subparagraph (A) to account for changes in the cost of health care based upon recognized health care market surveys and other available data.

"(b) ELIGIBLE ENTITIES AND PROVIDERS.—For purposes of this section, an eligible entity or provider is—

"(1) any provider of services that has enrolled and entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)) and any physician or other supplier who has enrolled and entered into a participation agreement under section 1842(h) of such Act (42 U.S.C. 1395u(h));

"(2) any provider participating under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.);

"(3) an Aging and Disability Resource Center, an area agency on aging, or a State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002));

"(4) a center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)); or

"(5) any entity or provider not described in paragraph (1) or (2) of this subsection that the Secretary determines to be eligible pursuant to the certification process described in subsection (c).

"(c) ELIGIBLE ENTITY OR PROVIDER CERTIFICATION PROCESS.—The Secretary shall establish by regulation a process for the certification of eligible entities or providers or recertification of eligible entities or providers under this section. Such a process shall, at a minimum— Regulations.

"(1) establish deadlines for actions on applications for certification;

"(2) set forth standards for an approval or denial of certification, duration of certification, revocation of an eligible entity

or provider's certification, and recertification of eligible entities or providers;

Determination.

"(3) require the denial of certification if the Secretary determines the eligible entity or provider is excluded from participation in a Federal health care program under section 1128 or section 1128A of the Social Security Act (42 U.S.C. 1320a–7 or 1320a–7a) or is currently identified as an excluded source on the System for Award Management Exclusions list described in part 9 of title 48, Code of Federal Regulations, and part 180 of title 2 of such Code, or successor regulations;

Procedures.

"(4) establish procedures for screening eligible entities or providers according to the risk of fraud, waste, and abuse that are similar to the standards under section 1866(j)(2)(B) of the Social Security Act (42 U.S.C. 1395cc(j)(2)(B)) and section 9.104 of title 48, Code of Federal Regulations, or successor regulations; and

"(5) incorporate and apply the restrictions and penalties set forth in chapter 21 of title 41 and treat this section as a procurement program only for purposes of applying such provisions.

"(d) RATES.—To the extent practicable, the rates paid by the Secretary for hospital care, medical services, and extended care services provided under a Veterans Care Agreement shall be in accordance with the rates paid by the United States under section 1703(i) of this title.

"(e) TERMS OF VETERANS CARE AGREEMENTS.—(1) Pursuant to regulations promulgated under subsection (k), the Secretary may define the requirements for providers and entities entering into agreements under this section based upon such factors as the number of patients receiving care or services, the number of employees employed by the entity or provider furnishing such care or services, the amount paid by the Secretary to the provider or entity, or other factors as determined by the Secretary.

"(2) To furnish hospital care, medical services, or extended care services under this section, an eligible entity or provider shall agree—

"(A) to accept payment at the rates established in regulations prescribed under this section;

Deadline.

"(B) that payment by the Secretary under this section on behalf of a veteran to a provider of services or care shall, unless rejected and refunded by the provider within 30 days of receipt, constitute payment in full and extinguish any liability on the part of the veteran for the treatment or care provided, and no provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate this requirement;

"(C) to provide only the care and services authorized by the Department under this section and to obtain the prior written consent of the Department to furnish care or services outside the scope of such authorization;

"(D) to bill the Department in accordance with the methodology outlined in regulations prescribed under this section;

"(E) to not seek to recover or collect from a health plan contract or third party, as those terms are defined in section 1729 of this title, for any care or service that is furnished or paid for by the Department;

"(F) to provide medical records to the Department in the time frame and format specified by the Department; and

"(G) to meet such other terms and conditions, including quality of care assurance standards, as the Secretary may specify in regulation.

"(f) DISCONTINUATION OR NONRENEWAL OF A VETERANS CARE AGREEMENT.—(1) An eligible entity or provider may discontinue a Veterans Care Agreement at such time and upon such notice to the Secretary as may be provided in regulations prescribed under this section. Notices.

"(2) The Secretary may discontinue a Veterans Care Agreement with an eligible entity or provider at such time and upon such reasonable notice to the eligible entity or provider as may be specified in regulations prescribed under this section, if an official designated by the Secretary— Determinations.

"(A) has determined that the eligible entity or provider failed to comply substantially with the provisions of the Veterans Care Agreement, or with the provisions of this section or regulations prescribed under this section;

"(B) has determined the eligible entity or provider is excluded from participation in a Federal health care program under section 1128 or section 1128A of the Social Security Act (42 U.S.C. 1320a–7 or 1320a–7a) or is identified on the System for Award Management Exclusions list as provided in part 9 of title 48, Code of Federal Regulations, and part 180 of title 2 of such Code, or successor regulations;

"(C) has ascertained that the eligible entity or provider has been convicted of a felony or other serious offense under Federal or State law and determines the eligible entity or provider's continued participation would be detrimental to the best interests of veterans or the Department; or

"(D) has determined that it is reasonable to terminate the agreement based on the health care needs of a veteran.

"(g) QUALITY OF CARE.—The Secretary shall establish a system or systems for monitoring the quality of care provided to veterans through Veterans Care Agreements and for assessing the quality of hospital care, medical services, and extended care services furnished by eligible entities and providers before the renewal of Veterans Care Agreements. Assessments.

"(h) DISPUTES.—(1) The Secretary shall promulgate administrative procedures for eligible entities and providers to present all disputes arising under or related to Veterans Care Agreements. Procedures.

"(2) Such procedures constitute the eligible entities' and providers' exhaustive and exclusive administrative remedies.

"(3) Eligible entities or providers must first exhaust such administrative procedures before seeking any judicial review under section 1346 of title 28 (known as the 'Tucker Act').

"(4) Disputes under this section must pertain to either the scope of authorization under the Veterans Care Agreement or claims for payment subject to the Veterans Care Agreement and are not claims for the purposes of such laws that would otherwise require application of sections 7101 through 7109 of title 41, United States Code.

"(i) APPLICABILITY OF OTHER PROVISIONS OF LAW.—(1) A Veterans Care Agreement may be authorized by the Secretary or any Department official authorized by the Secretary, and such action shall not be treated as—

"(A) an award for the purposes of such laws that would otherwise require the use of competitive procedures for the furnishing of care and services; or

"(B) a Federal contract for the acquisition of goods or services for purposes of any provision of Federal law governing Federal contracts for the acquisition of goods or services except section 4706(d) of title 41.

"(2)(A) Except as provided in the agreement itself, in subparagraph (B), and unless otherwise provided in this section or regulations prescribed pursuant to this section, an eligible entity or provider that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any law to which providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) are not subject.

"(B) An eligible entity or provider that enters into an agreement under this section is subject to—

"(i) all laws regarding integrity, ethics, or fraud, or that subject a person to civil or criminal penalties; and

"(ii) all laws that protect against employment discrimination or that otherwise ensure equal employment opportunities.

"(3) Notwithstanding paragraph (2)(B)(i), an eligible entity or provider that enters into an agreement under this section shall not be treated as a Federal contractor or subcontractor for purposes of chapter 67 of title 41 (commonly known as the 'McNamara-O'Hara Service Contract Act of 1965').

"(j) PARITY OF TREATMENT.—Eligibility for hospital care, medical services, and extended care services furnished to any veteran pursuant to a Veterans Care Agreement shall be subject to the same terms as though provided in a facility of the Department, and provisions of this chapter applicable to veterans receiving such care and services in a facility of the Department shall apply to veterans treated under this section.

"(k) RULEMAKING.—The Secretary shall promulgate regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1703 the following new item:

38 USC prec. 1701.

"1703A. Agreements with eligible entities or providers; certification processes.".

SEC. 103. CONFORMING AMENDMENTS FOR STATE VETERANS HOMES.

(a) IN GENERAL.—Section 1745(a) is amended—

(1) in paragraph (1), by striking "(or agreement under section 1720(c)(1) of this title)" and inserting "(or an agreement)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) An agreement under this section may be authorized by the Secretary or any Department official authorized by the Secretary, and any such action is not an award for purposes of such laws that would otherwise require the use of competitive procedures for the furnishing of hospital care, medical services, and extended care services.

"(B)(i) Except as provided in the agreement itself, in clause (ii), and unless otherwise provided in this section or regulations prescribed pursuant to this section, a State home that enters into an agreement under this section is not subject to, in the carrying out of the agreement, any provision of law to which providers

of services and suppliers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) are not subject.

"(ii) A State home that enters into an agreement under this section is subject to—

"(I) all provisions of law regarding integrity, ethics, or fraud, or that subject a person to civil or criminal penalties;

"(II) all provisions of law that protect against employment discrimination or that otherwise ensure equal employment opportunities; and

"(III) all provisions in subchapter V of chapter 17 of this title.

"(iii) Notwithstanding subparagraph (B)(ii)(I), a State home that enters into an agreement under this section may not be treated as a Federal contractor or subcontractor for purposes of chapter 67 of title 41 (known as the 'McNamara-O'Hara Service Contract Act of 1965').".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to care provided on or after the effective date of regulations issued by the Secretary of Veterans Affairs to carry out this section. 38 USC 1745 note.

SEC. 104. ACCESS STANDARDS AND STANDARDS FOR QUALITY.

(a) IN GENERAL.—Subchapter I of chapter 17, as amended by section 102, is further amended by inserting after section 1703A the following new sections:

"§ 1703B. Access standards 38 USC 1703B.

"(a)(1) The Secretary shall establish access standards for furnishing hospital care, medical services, or extended care services to covered veterans for the purposes of section 1703(d).

"(2) The Secretary shall ensure that the access standards established under paragraph (1) define such categories of care to cover all care and services within the medical benefits package of the Department of Veterans Affairs.

"(b) The Secretary shall ensure that the access standards provide covered veterans, employees of the Department, and health care providers in the network established under section 1703(h) with relevant comparative information that is clear, useful, and timely, so that covered veterans can make informed decisions regarding their health care.

"(c) The Secretary shall consult with all pertinent Federal entities (including the Department of Defense, the Department of Health and Human Services, and the Centers for Medicare & Medicaid Services), entities in the private sector, and other nongovernmental entities in establishing access standards. Consultation.

"(d)(1) Not later than 270 days after the date of the enactment of the Caring for Our Veterans Act of 2018, the Secretary shall submit to the appropriate committees of Congress a report detailing the access standards. Reports.

"(2)(A) Before submitting the report required under paragraph (1), the Secretary shall provide periodic updates to the appropriate committees of Congress to confirm the Department's progress towards developing the access standards required by this section.

"(B) The first update under subparagraph (A) shall occur no later than 120 days from the date of the enactment of the Caring for Our Veterans Act of 2018.

"(3) Not later than 540 days after the date on which the Secretary implements the access standards established under subsection (a), the Secretary shall submit to the appropriate committees of Congress a report detailing the implementation of and compliance with such access standards by Department and non-Department entities or providers.

Deadline.
Time period.

"(e) Not later than 3 years after the date on which the Secretary establishes access standards under subsection (a) and not less frequently than once every 3 years thereafter, the Secretary shall—

Review.

"(1) conduct a review of such standards; and

Reports.

"(2) submit to the appropriate committees of Congress a report on the findings and any modification to the access standards with respect to the review conducted under paragraph (1).

Compliance.

"(f) The Secretary shall ensure health care providers specified under section 1703(c) are able to comply with the applicable access standards established by the Secretary.

Federal Register, publication.
Web posting.

"(g) The Secretary shall publish in the Federal Register and on an internet website of the Department the designated access standards established under this section for purposes of section 1703(d)(1)(D).

Compliance.

"(h)(1) Consistent with paragraphs (1)(D) and (3) of section 1703(d), covered veterans may contact the Department at any time to request a determination regarding whether they are eligible to receive care and services from a non-Department entity or provider based on the Department being unable to furnish such care and services in a manner that complies with the designated access standards established under this section.

Review process.

"(2) The Secretary shall establish a process to review such requests from covered veterans to determine whether—

"(A) the requested care is clinically necessary; and

Compliance.

"(B) the Department is able to provide such care in a manner that complies with designated access standards established under this section.

"(3) The Secretary shall promptly respond to any such request by a covered veteran.

Definitions.

"(i)(1) The term 'appropriate committees of Congress' means—

"(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

"(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

"(2) The term 'covered veterans' refers to veterans described in section 1703(b) of this title.

38 USC 1703C.

"§ 1703C. Standards for quality

"(a) IN GENERAL.—(1) The Secretary shall establish standards for quality regarding hospital care, medical services, and extended care services furnished by the Department pursuant to this title, including through non-Department health care providers pursuant to section 1703 of this title.

"(2) In establishing standards for quality under paragraph (1), the Secretary shall consider existing health quality measures that are applied to public and privately sponsored health care systems with the purpose of providing covered veterans relevant comparative information to make informed decisions regarding their health care.

"(3) The Secretary shall collect and consider data for purposes of establishing the standards under paragraph (1). Such data collection shall include— Data.

"(A) after consultation with veterans service organizations and other key stakeholders on survey development or modification of an existing survey, a survey of veterans who have used hospital care, medical services, or extended care services furnished by the Veterans Health Administration during the most recent 2-year period to assess the satisfaction of the veterans with service and quality of care; and Consultation. Survey. Time period.

"(B) datasets that include, at a minimum, elements relating to the following:

"(i) Timely care.

"(ii) Effective care.

"(iii) Safety, including, at a minimum, complications, readmissions, and deaths.

"(iv) Efficiency.

"(4) The Secretary shall consult with all pertinent Federal entities (including the Department of Defense, the Department of Health and Human Services, and the Centers for Medicare & Medicaid Services), entities in the private sector, and other non-governmental entities in establishing standards for quality. Consultation.

"(5)(A) Not later than 270 days after the date of the enactment of the Caring for Our Veterans Act of 2018, the Secretary shall submit to the appropriate committees of Congress a report detailing the standards for quality. Reports.

"(B)(i) Before submitting the report required under subparagraph (A), the Secretary shall provide periodic updates to the appropriate committees of Congress to confirm the Department's progress towards developing the standards for quality required by this section.

"(ii) The first update under clause (i) shall occur no later than 120 days from the date of the enactment of the Caring for Our Veterans Act of 2018.

"(b) PUBLICATION AND CONSIDERATION OF PUBLIC COMMENTS.—(1) Not later than 1 year after the date on which the Secretary establishes standards for quality under subsection (a), the Secretary shall publish the quality rating of medical facilities of the Department in the publicly available Hospital Compare website through the Centers for Medicare & Medicaid Services for the purpose of providing veterans with information that allows them to compare performance measure information among Department and non-Department health care providers. Deadlines. Web posting.

"(2) Not later than 2 years after the date on which the Secretary establishes standards for quality under subsection (a), the Secretary shall consider and solicit public comment on potential changes to the measures used in such standards to ensure that they include the most up-to-date and applicable industry measures for veterans.

"(c)(1) The term 'appropriate committees of Congress' means— Definitions.

"(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

"(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

"(2) The term 'covered veterans' refers to veterans described in section 1703(b) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, as amended by section 102, is further amended 38 USC prec. 1701.

by inserting after the item relating to section 1703A the following new items:

"1703B. Access standards.
"1703C. Standards for quality.".

SEC. 105. ACCESS TO WALK-IN CARE.

(a) IN GENERAL.—Chapter 17 is amended by inserting after section 1725 the following new section:

38 USC 1725A.

"§ 1725A. Access to walk-in care

"(a) PROCEDURES TO ENSURE ACCESS TO WALK-IN CARE.—The Secretary shall develop procedures to ensure that eligible veterans are able to access walk-in care from qualifying non-Department entities or providers.

"(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any individual who—

"(1) is enrolled in the health care system established under section 1705(a) of this title; and

"(2) has received care under this chapter within the 24-month period preceding the furnishing of walk-in care under this section.

"(c) QUALIFYING NON-DEPARTMENT ENTITIES OR PROVIDERS.—For purposes of this section, a qualifying non-Department entity or provider is a non-Department entity or provider that has entered into a contract or other agreement with the Secretary to furnish services under this section.

"(d) FEDERALLY-QUALIFIED HEALTH CENTERS.—Whenever practicable, the Secretary may use a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) to carry out this section.

"(e) CONTINUITY OF CARE.—The Secretary shall ensure continuity of care for those eligible veterans who receive walk-in care services under this section, including through the establishment of a mechanism to receive medical records from walk-in care providers and provide pertinent patient medical records to providers of walk-in care.

"(f) COPAYMENTS.—(1)(A) The Secretary may require an eligible veteran to pay the United States a copayment for each episode of hospital care or medical services provided under this section if the eligible veteran would be required to pay a copayment under this title.

"(B) An eligible veteran not required to pay a copayment under this title may access walk-in care without a copayment for the first two visits in a calendar year. For any additional visits, a copayment at an amount determined by the Secretary may be required.

"(C) An eligible veteran required to pay a copayment under this title may be required to pay a regular copayment for the first two walk-in care visits in a calendar year. For any additional visits, a higher copayment at an amount determined by the Secretary may be required.

"(2) After the first two episodes of care furnished to an eligible veteran under this section, the Secretary may adjust the copayment required of the veteran under this subsection based upon the priority group of enrollment of the eligible veteran, the number of episodes of care furnished to the eligible veteran during a year,

and other factors the Secretary considers appropriate under this section.

"(3) The amount or amounts of the copayments required under this subsection shall be prescribed by the Secretary by rule. Regulations.

"(4) Section 8153(c) of this title shall not apply to this subsection.

"(g) REGULATIONS.—Not later than 1 year after the date of the enactment of the Caring for Our Veterans Act of 2018, the Secretary shall promulgate regulations to carry out this section. Deadline.

"(h) WALK-IN CARE DEFINED.—In this section, the term 'walk-in care' means non-emergent care provided by a qualifying non-Department entity or provider that furnishes episodic care and not longitudinal management of conditions and is otherwise defined through regulations the Secretary shall promulgate.".

(b) EFFECTIVE DATE.—Section 1725A of title 38, United States Code, as added by subsection (a) shall take effect on the date upon which final regulations implementing such section take effect. 38 USC 1725A note.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1725 the following new item: 38 USC prec. 1701.

"1725A. Access to walk-in care.".

SEC. 106. STRATEGY REGARDING THE DEPARTMENT OF VETERANS AFFAIRS HIGH-PERFORMING INTEGRATED HEALTH CARE NETWORK.

(a) IN GENERAL.—Subchapter II of chapter 73 is amended by inserting after section 7330B the following new section:

"§ 7330C. Quadrennial Veterans Health Administration review 38 USC 7330C.

"(a) MARKET AREA ASSESSMENTS.—(1) Not less frequently than every 4 years, the Secretary of Veterans Affairs shall perform market area assessments regarding the health care services furnished under the laws administered by the Secretary. Time period.

"(2) Each market area assessment established under paragraph (1) shall include the following:

"(A) An assessment of the demand for health care from the Department, disaggregated by geographic market areas as determined by the Secretary, including the number of requests for health care services under the laws administered by the Secretary.

"(B) An inventory of the health care capacity of the Department of Veterans Affairs across the Department's system of facilities. Inventory.

"(C) An assessment of the health care capacity to be provided through contracted community care providers and providers who entered into a provider agreement with the Department under section 1703A of title 38, as added by section 102, including the number of providers, the geographic location of the providers, and categories or types of health care services provided by the providers.

"(D) An assessment obtained from other Federal direct delivery systems of their capacity to provide health care to veterans.

"(E) An assessment of the health care capacity of non-contracted providers where there is insufficient network supply.

"(F) An assessment of the health care capacity of academic affiliates and other collaborations of the Department as it relates to providing health care to veterans.

"(G) An assessment of the effects on health care capacity of the access standards and standards for quality established under sections 1703B and 1703C of this title.

"(H) The number of appointments for health care services under the laws administered by the Secretary, disaggregated by—

"(i) appointments at facilities of the Department of Veterans Affairs; and

"(ii) appointments with non-Department health care providers.

"(3)(A) The Secretary shall submit to the appropriate committees of Congress the market area assessments established in paragraph (1).

Effective date.

"(B) The Secretary also shall submit to the appropriate committees of Congress the market area assessments completed by or being performed on the day before the date of the enactment of the Caring for Our Veterans Act of 2018.

"(4)(A) The Secretary shall use the market area assessments established under paragraph (1) to—

"(i) determine the capacity of the health care provider networks established under section 1703(h) of this title;

"(ii) inform the Department budget, in accordance with subparagraph (B); and

Recommendations.

"(iii) inform and assess the appropriateness of the access standards established under section 1703B of this title and standards for quality under section 1703C and to make recommendations for any changes to such standards.

"(B) The Secretary shall ensure that the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) reflects the findings of the Secretary with respect to the most recent market area assessments under paragraph (1) and health care utilization data from the Department and non-Department entities or providers furnishing care and services to covered veterans as described in section 1703(b).

Deadlines. Time period.

"(b) STRATEGIC PLAN TO MEET HEALTH CARE DEMAND.—(1) Not later than 1 year after the date of the enactment of the Caring for Our Veterans Act of 2018 and not less frequently than once every 4 years thereafter, the Secretary shall submit to the appropriate committees of Congress a strategic plan that specifies a 4-year forecast of—

"(A) the demand for health care from the Department, disaggregated by geographic area as determined by the Secretary;

"(B) the health care capacity to be provided at each medical center of the Department; and

"(C) the health care capacity to be provided through community care providers.

"(2) In preparing the strategic plan under paragraph (1), the Secretary shall—

Assessment.

"(A) assess the access standards and standards for quality established under sections 1703B and 1703C of this title;

Assessment.

"(B) assess the market area assessments established under subsection (a);

"(C) assess the needs of the Department based on identified services that provide management of conditions or disorders related to military service for which there is limited experience or access in the national market, the overall health of veterans throughout their lifespan, or other services as the Secretary determines appropriate; Assessment.

"(D) consult with key stakeholders within the Department, the heads of other Federal agencies, and other relevant governmental and nongovernmental entities, including State, local, and tribal government officials, members of Congress, veterans service organizations, private sector representatives, academics, and other policy experts; Consultation.

"(E) identify emerging issues, trends, problems, and opportunities that could affect health care services furnished under the laws administered by the Secretary;

"(F) develop recommendations regarding both short- and long-term priorities for health care services furnished under the laws administered by the Secretary; Recommendations.

"(G) after consultation with veterans service organizations and other key stakeholders on survey development or modification of an existing survey, consider a survey of veterans who have used hospital care, medical services, or extended care services furnished by the Veterans Health Administration during the most recent 2-year period to assess the satisfaction of the veterans with service and quality of care; Survey. Time period.

"(H) conduct a comprehensive examination of programs and policies of the Department regarding the delivery of health care services and the demand of health care services for veterans in future years; Examination.

"(I) assess the remediation of medical service lines of the Department as described in section 1706A in conjunction with the utilization of non-Department entities or providers to offset remediation; and Assessment.

"(J) consider such other matters as the Secretary considers appropriate.

"(c) RESPONSIBILITIES.—The Secretary shall be responsible for—

"(1) overseeing the transformation and organizational change across the Department to achieve such high performing integrated health care network;

"(2) developing the capital infrastructure planning and procurement processes, whether minor or major construction projects or leases; and

"(3) developing a multi-year budget process that is capable of forecasting future year budget requirements and projecting the cost of delivering health care services under a high-performing integrated health care network.

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

"(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

"(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7330B the following new item: 38 USC prec. 7301.

"7330C. Quadrennial Veterans Health Administration review.".

38 USC 1703A note.

SEC. 107. APPLICABILITY OF DIRECTIVE OF OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.

(a) IN GENERAL.—Notwithstanding the treatment of certain laws under subsection (i) of section 1703A of title 38, United States Code, as added by section 102 of this title, Directive 2014–01 of the Office of Federal Contract Compliance Programs of the Department of Labor (effective as of May 7, 2014) shall apply to any entity entering into an agreement under such section 1703A or section 1745 of such title, as amended by section 103, in the same manner as such directive applies to subcontractors under the TRICARE program for the duration of the moratorium provided under such directive.

(b) APPLICABILITY PERIOD.—The directive described in subsection (a), and the moratorium provided under such directive, shall not be altered or rescinded before May 7, 2019.

(c) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

38 USC 1701 note.

SEC. 108. PREVENTION OF CERTAIN HEALTH CARE PROVIDERS FROM PROVIDING NON-DEPARTMENT HEALTH CARE SERVICES TO VETERANS.

Effective date. Determinations.

(a) IN GENERAL.—On and after the date that is 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall deny or revoke the eligibility of a health care provider to provide non-Department health care services to veterans if the Secretary determines that the health care provider—

(1) was removed from employment with the Department of Veterans Affairs due to conduct that violated a policy of the Department relating to the delivery of safe and appropriate health care; or

(2) violated the requirements of a medical license of the health care provider that resulted in the loss of such medical license.

Effective date.

(b) PERMISSIVE ACTION.—On and after the date that is 1 year after the date of the enactment of this Act, the Secretary may deny, revoke, or suspend the eligibility of a health care provider to provide non-Department health care services if the Secretary determines such action is necessary to immediately protect the health, safety, or welfare of veterans and the health care provider is under investigation by the medical licensing board of a State in which the health care provider is licensed or practices.

(c) SUSPENSION.—The Secretary shall suspend the eligibility of a health care provider to provide non-Department health care services to veterans if the health care provider is suspended from serving as a health care provider of the Department.

(d) COMPTROLLER GENERAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation by the Secretary of this section, including the following:

(1) The aggregate number of health care providers denied or suspended under this section from participation in providing non-Department health care services.

Evaluation.

(2) An evaluation of any impact on access to health care for patients or staffing shortages in programs of the Department providing non-Department health care services.

(3) An explanation of the coordination of the Department with the medical licensing boards of States in implementing this section, the amount of involvement of such boards in such implementation, and efforts by the Department to address any concerns raised by such boards with respect to such implementation.

(4) Such recommendations as the Comptroller General considers appropriate regarding harmonizing eligibility criteria between health care providers of the Department and health care providers eligible to provide non-Department health care services.

Recommendations.

(e) NON-DEPARTMENT HEALTH CARE SERVICES DEFINED.—In this section, the term "non-Department health care services" means services—

(1) provided under subchapter I of chapter 17 of title 38, United States Code, at non-Department facilities (as defined in section 1701 of such title);

(2) provided under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note);

(3) purchased through the Medical Community Care account of the Department; or

(4) purchased with amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014.

SEC. 109. REMEDIATION OF MEDICAL SERVICE LINES.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1706 the following new section:

"§ 1706A. Remediation of medical service lines

38 USC 1706A.

"(a) IN GENERAL.—Not later than 30 days after determining under section 1703(e)(1) that a medical service line of the Department is providing hospital care, medical services, or extended care services that does not comply with the standards for quality established by the Secretary, the Secretary shall submit to Congress an assessment of the factors that led the Secretary to make such determination and a plan with specific actions, and the time to complete them, to be taken to comply with such standards for quality, including the following:

Deadline. Assessment. Determination. Plan.

"(1) Increasing personnel or temporary personnel assistance, including mobile deployment teams.

"(2) Special hiring incentives, including the Education Debt Reduction Program under subchapter VII of chapter 76 of this title and recruitment, relocation, and retention incentives.

"(3) Utilizing direct hiring authority.

"(4) Providing improved training opportunities for staff.

"(5) Acquiring improved equipment.

"(6) Making structural modifications to the facility used by the medical service line.

"(7) Such other actions as the Secretary considers appropriate.

"(b) RESPONSIBLE PARTIES.—In each assessment submitted under subsection (a) with respect to a medical service line, the Secretary shall identify the individuals at the Central Office of the Veterans Health Administration, the facility used by the medical service line, and the central office of the relevant Veterans

Integrated Service Network who are responsible for overseeing the progress of that medical service line in complying with the standards for quality established by the Secretary.

Compliance.

"(c) INTERIM REPORTS.—Not later than 180 days after submitting an assessment under subsection (a) with respect to a medical service line, the Secretary shall submit to Congress a report on the progress of that medical service line in complying with the standards for quality established by the Secretary and any other measures the Secretary will take to assist the medical service line in complying with such standards for quality.

"(d) ANNUAL REPORTS.—Not less frequently than once each year, the Secretary shall—

Analysis. Compliance.

"(1) submit to Congress an analysis of the remediation actions and costs of such actions taken with respect to each medical service line with respect to which the Secretary submitted an assessment and plan under paragraph (1) in the preceding year, including an update on the progress of each such medical service line in complying with the standards for quality and timeliness established by the Secretary and any other actions the Secretary is undertaking to assist the medical service line in complying with standards for quality as established by the Secretary; and

Web posting.

"(2) publish such analysis on the internet website of the Department.".

38 USC prec. 1701.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1706 the following new item:

"1706A. Remediation of medical service lines.".

CHAPTER 2—PAYING PROVIDERS AND IMPROVING COLLECTIONS

SEC. 111. PROMPT PAYMENT TO PROVIDERS.

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1703C, as added by section 104 of this title, the following new section:

38 USC 1703D.

"§ 1703D. Prompt payment standard

Deadlines.

"(a) IN GENERAL.—(1) Notwithstanding any other provision of this title or of any other provision of law, the Secretary shall pay for hospital care, medical services, or extended care services furnished by health care entities or providers under this chapter within 45 calendar days upon receipt of a clean paper claim or 30 calendar days upon receipt of a clean electronic claim.

Notification.

"(2) If a claim is denied, the Secretary shall, within 45 calendar days of denial for a paper claim and 30 calendar days of denial for an electronic claim, notify the health care entity or provider of the reason for denying the claim and what, if any, additional information is required to process the claim.

"(3) Upon the receipt of the additional information, the Secretary shall ensure that the claim is paid, denied, or otherwise adjudicated within 30 calendar days from the receipt of the requested information.

"(4) This section shall only apply to payments made on an invoice basis and shall not apply to capitation or other forms of periodic payment to entities or providers.

"(b) SUBMITTAL OF CLAIMS BY HEALTH CARE ENTITIES AND PROVIDERS.—A health care entity or provider that furnishes hospital care, a medical service, or an extended care service under this chapter shall submit to the Secretary a claim for payment for furnishing the hospital care, medical service, or extended care service not later than 180 days after the date on which the entity or provider furnished the hospital care, medical service, or extended care service. Deadline.

"(c) FRAUDULENT CLAIMS.—(1) Sections 3729 through 3733 of title 31 shall apply to fraudulent claims for payment submitted to the Secretary by a health care entity or provider under this chapter. Applicability.

"(2) Pursuant to regulations prescribed by the Secretary, the Secretary shall bar a health care entity or provider from furnishing hospital care, medical services, and extended care services under this chapter when the Secretary determines the entity or provider has submitted to the Secretary fraudulent health care claims for payment by the Secretary. Regulations.

"(d) OVERDUE CLAIMS.—(1) Any claim that has not been denied with notice, made pending with notice, or paid to the health care entity or provider by the Secretary shall be overdue if the notice or payment is not received by the entity provider within the time periods specified in subsection (a).

"(2)(A) If a claim is overdue under this subsection, the Secretary may, under the requirements established by subsection (a) and consistent with the provisions of chapter 39 of title 31 (commonly referred to as the 'Prompt Payment Act'), require that interest be paid on clean claims.

"(B) Interest paid under subparagraph (A) shall be computed at the rate of interest established by the Secretary of the Treasury under section 3902 of title 31 and published in the Federal Register. Federal Register, publication.

"(3) Not less frequently than annually, the Secretary shall submit to Congress a report on payment of overdue claims under this subsection, disaggregated by paper and electronic claims, that includes the following: Time period. Reports.

"(A) The amount paid in overdue claims described in this subsection, disaggregated by the amount of the overdue claim and the amount of interest paid on such overdue claim.

"(B) The number of such overdue claims and the average number of days late each claim was paid, disaggregated by facility of the Department and Veterans Integrated Service Network region.

"(e) OVERPAYMENT.—(1) The Secretary shall deduct the amount of any overpayment from payments due a health care entity or provider under this chapter.

"(2) Deductions may not be made under this subsection unless the Secretary has made reasonable efforts to notify a health care entity or provider of the right to dispute the existence or amount of such indebtedness and the right to request a compromise of such indebtedness. Notification.

"(3) The Secretary shall make a determination with respect to any such dispute or request prior to deducting any overpayment unless the time required to make such a determination before making any deductions would jeopardize the Secretary's ability to recover the full amount of such indebtedness. Determination.

"(f) INFORMATION AND DOCUMENTATION REQUIRED.—(1) The Secretary shall provide to all health care entities and providers

participating in a program to furnish hospital care, medical services, or extended care services under this chapter a list of information and documentation that is required to establish a clean claim under this section.

Consultation.

"(2) The Secretary shall consult with entities in the health care industry, in the public and private sector, to determine the information and documentation to include in the list under paragraph (1).

Notification. Deadline.

"(3) If the Secretary modifies the information and documentation included in the list under paragraph (1), the Secretary shall notify all health care entities and providers described in paragraph (1) not later than 30 days before such modifications take effect.

"(g) PROCESSING OF CLAIMS.—(1) In processing a claim for compensation for hospital care, medical services, or extended care services furnished by a non-Department health care entity or provider under this chapter, the Secretary may act through—

"(A) a non-Department entity that is under contract or agreement for the program established under section 1703(a) of this title; or

"(B) a non-Department entity that specializes in such processing for other Federal agency health care systems.

Contracts. Review.

"(2) The Secretary shall seek to contract with a third party to conduct a review of claims described in paragraph (3) that includes—

Assessment.

"(A) a feasibility assessment to determine the capacity of the Department to process such claims in a timely manner; and

Analysis.

"(B) a cost benefit analysis comparing the capacity of the Department to a third party entity capable of processing such claims.

Applicability.

"(3) The review required under paragraph (2) shall apply to claims for hospital care, medical services, or extended care services furnished under section 1703 of this Act, as amended by the Caring for Our Veterans Act of 2018, that are processed by the Department.

"(h) REPORT ON ENCOUNTER DATA SYSTEM.—(1) Not later than 90 days after the date of the enactment of the Caring for Our Veterans Act of 2018, the Secretary shall submit to the appropriate committees of Congress a report on the feasibility and advisability of adopting a funding mechanism similar to what is utilized by other Federal agencies to allow a contracted entity to act as a fiscal intermediary for the Federal Government to distribute, or pass through, Federal Government funds for certain non-underwritten hospital care, medical services, or extended care services.

"(2) The Secretary may coordinate with the Department of Defense, the Department of Health and Human Services, and the Department of the Treasury in developing the report required by paragraph (1).

"(i) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

"(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

"(2) The term 'clean electronic claim' means the transmission of data for purposes of payment of covered health care expenses that is submitted to the Secretary which contains substantially all of the required data elements necessary for

accurate adjudication, without obtaining additional information from the entity or provider that furnished the care or service, submitted in such format as prescribed by the Secretary in regulations for the purpose of paying claims for care or services.

"(3) The term 'clean paper claim' means a paper claim for payment of covered health care expenses that is submitted to the Secretary which contains substantially all of the required data elements necessary for accurate adjudication, without obtaining additional information from the entity or provider that furnished the care or service, submitted in such format as prescribed by the Secretary in regulations for the purpose of paying claims for care or services.

"(4) The term 'fraudulent claims' means the knowing misrepresentation of a material fact or facts by a health care entity or provider made to induce the Secretary to pay a claim that was not legally payable to that provider.

"(5) The term 'health care entity or provider' includes any non-Department health care entity or provider, but does not include any Federal health care entity or provider.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1703C, as added by section 104 of this title, the following new item: 38 USC prec. 1701.

"1703D. Prompt payment standard.".

SEC. 112. AUTHORITY TO PAY FOR AUTHORIZED CARE NOT SUBJECT TO AN AGREEMENT.

(a) IN GENERAL.—Subchapter IV of chapter 81 is amended by adding at the end the following new section:

"§ 8159. Authority to pay for services authorized but not subject to an agreement 38 USC 8159.

"(a) IN GENERAL.—If, in the course of furnishing hospital care, a medical service, or an extended care service authorized by the Secretary and pursuant to a contract, agreement, or other arrangement with the Secretary, a provider who is not a party to the contract, agreement, or other arrangement furnishes hospital care, a medical service, or an extended care service that the Secretary considers necessary, the Secretary may compensate the provider for the cost of such care or service.

"(b) NEW CONTRACTS AND AGREEMENTS.—The Secretary shall take reasonable efforts to enter into a contract, agreement, or other arrangement with a provider described in subsection (a) to ensure that future care and services authorized by the Secretary and furnished by the provider are subject to such a contract, agreement, or other arrangement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8158 the following new item: 38 USC prec. 8101.

"8159. Authority to pay for services authorized but not subject to an agreement.".

SEC. 113. IMPROVEMENT OF AUTHORITY TO RECOVER THE COST OF SERVICES FURNISHED FOR NON-SERVICE-CONNECTED DISABILITIES.

(a) BROADENING SCOPE OF APPLICABILITY.—Section 1729 is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A)—

(i) by striking "the veteran's" and inserting "the individual's"; and

(ii) by striking "the veteran" and inserting "the individual"; and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "the veteran" and inserting "the individual"; and

(ii) in subparagraph (A), by striking "the veteran's" and inserting "the individual's";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "the veteran" and inserting "the individual"; and

(ii) by striking "the veteran's" and inserting "the individual's"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "the veteran" and inserting "the individual"; and

(II) by striking "the veteran's" and inserting "the individual's"; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking "the veteran" and inserting "the individual"; and

(II) in clause (ii)—

(aa) by striking "the veteran" and inserting "the individual"; and

(bb) by striking "the veteran's" each place it appears and inserting "the individual's";

(3) in subsection (e), by striking "A veteran" and inserting "An individual"; and

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "a veteran" and inserting "an individual";

(ii) in subparagraph (A), by striking "the veteran" and inserting "the individual"; and

(iii) in subparagraph (B), by striking "the veteran" and inserting "the individual"; and

(B) in paragraph (2)—

(i) by striking "A veteran" and inserting "An individual";

(ii) by striking "a veteran" and inserting "an individual"; and

(iii) by striking "the veteran" and inserting "the individual".

(b) MODIFICATION OF AUTHORITY.—Subsection (a)(1) of such section is amended by striking "(1) Subject" and all that follows through the period and inserting the following: "(1) Subject to the provisions of this section, in any case in which the United States is required by law to furnish or pay for care or services under this chapter for a non-service-connected disability described in paragraph (2) of this subsection, the United States has the right to recover or collect from a third party the reasonable charges of care or services so furnished or paid for to the extent that

the recipient or provider of the care or services would be eligible to receive payment for such care or services from such third party if the care or services had not been furnished or paid for by a department or agency of the United States.".

(c) MODIFICATION OF ELIGIBLE INDIVIDUALS.—Subparagraph (D) of subsection (a)(2) of such section is amended to read as follows:

"(D) that is incurred by an individual who is entitled to care (or payment of the expenses of care) under a health-plan contract.".

SEC. 114. PROCESSING OF CLAIMS FOR REIMBURSEMENT THROUGH ELECTRONIC INTERFACE.

38 USC 1703D note.

The Secretary of Veterans Affairs may enter into an agreement with a third-party entity to process, through the use of an electronic interface, claims for reimbursement for health care provided under the laws administered by the Secretary.

CHAPTER 3—EDUCATION AND TRAINING PROGRAMS

SEC. 121. EDUCATION PROGRAM ON HEALTH CARE OPTIONS.

38 USC 1701 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall develop and administer an education program that teaches veterans about their health care options through the Department of Veterans Affairs.

(b) ELEMENTS.—The program under subsection (a) shall—

(1) teach veterans about—

(A) eligibility criteria for care from the Department set forth under sections 1703, as amended by section 101 of this title, and 1710 of title 38, United States Code;

(B) priority groups for enrollment in the system of annual patient enrollment under section 1705(a) of such title;

(C) the copayments and other financial obligations, if any, required of certain individuals for certain services; and

(D) how to utilize the access standards and standards for quality established under sections 1703B and 1703C of such title;

(2) teach veterans about the interaction between health insurance (including private insurance, Medicare, Medicaid, the TRICARE program, the Indian Health Service, tribal health programs, and other forms of insurance) and health care from the Department; and

(3) provide veterans with information on what to do when they have a complaint about health care received from the Department (whether about the provider, the Department, or any other type of complaint).

(c) ACCESSIBILITY.—In developing the education program under this section, the Secretary shall ensure that materials under such program are accessible—

(1) to veterans who may not have access to the internet; and

(2) to veterans in a manner that complies with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

Compliance.

(d) ANNUAL EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall develop a method to evaluate the effectiveness of the education program under

this section and evaluate the program using the method not less frequently than once each year.

(2) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the most recent evaluation conducted by the Secretary under paragraph (1).

(e) DEFINITIONS.—In this section:

(1) MEDICAID.—The term "Medicaid" means the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) MEDICARE.—The term "Medicare" means the Medicare program under title XVIII of such Act (42 U.S.C. 1395 et seq.).

(3) TRICARE PROGRAM.—The term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

38 USC 1701 note.

SEC. 122. TRAINING PROGRAM FOR ADMINISTRATION OF NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Veterans Affairs shall develop and implement a training program to train employees and contractors of the Department of Veterans Affairs on how to administer non-Department health care programs, including the following:

(1) Reimbursement for non-Department emergency room care.

(2) The Veterans Community Care Program under section 1703 of such title, as amended by section 101.

(3) Management of prescriptions pursuant to improvements under section 131.

(b) ANNUAL EVALUATION AND REPORT.—The Secretary shall—

(1) develop a method to evaluate the effectiveness of the training program developed and implemented under subsection (a);

(2) evaluate such program not less frequently than once each year; and

(3) not less frequently than once each year, submit to Congress the findings of the Secretary with respect to the most recent evaluation carried out under paragraph (2).

38 USC 1701 note.

SEC. 123. CONTINUING MEDICAL EDUCATION FOR NON-DEPARTMENT MEDICAL PROFESSIONALS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish a program to provide continuing medical education material to non-Department medical professionals.

(2) EDUCATION PROVIDED.—The program established under paragraph (1) shall include education on the following:

(A) Identifying and treating common mental and physical conditions of veterans and family members of veterans.

(B) The health care system of the Department of Veterans Affairs.

(C) Such other matters as the Secretary considers appropriate.

(b) MATERIAL PROVIDED.—The continuing medical education material provided to non-Department medical professionals under the program established under subsection (a) shall be the same material provided to medical professionals of the Department to

ensure that all medical professionals treating veterans have access to the same materials, which supports core competencies throughout the community.

(c) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall administer the program established under subsection (a) to participating non-Department medical professionals through an internet website of the Department of Veterans Affairs. Website.

(2) CURRICULUM AND CREDIT PROVIDED.—The Secretary shall determine the curriculum of the program and the number of hours of credit to provide to participating non-Department medical professionals for continuing medical education.

(3) ACCREDITATION.—The Secretary shall ensure that the program is accredited in as many States as practicable.

(4) CONSISTENCY WITH EXISTING RULES.—The Secretary shall ensure that the program is consistent with the rules and regulations of the following:

(A) The medical licensing agency of each State in which the program is accredited.

(B) Such medical credentialing organizations as the Secretary considers appropriate.

(5) USER COST.—The Secretary shall carry out the program at no cost to participating non-Department medical professionals.

(6) MONITORING, EVALUATION, AND REPORT.—The Secretary shall monitor the utilization of the program established under subsection (a), evaluate its effectiveness, and report to Congress on utilization and effectiveness not less frequently than once each year.

(d) NON-DEPARTMENT MEDICAL PROFESSIONAL DEFINED.—In this section, the term "non-Department medical professional" means any individual who is licensed by an appropriate medical authority in the United States and is in good standing, is not an employee of the Department of Veterans Affairs, and provides care to veterans or family members of veterans under the laws administered by the Secretary of Veterans Affairs.

CHAPTER 4—OTHER MATTERS RELATING TO NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

SEC. 131. ESTABLISHMENT OF PROCESSES TO ENSURE SAFE OPIOID PRESCRIBING PRACTICES BY NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROVIDERS.

38 USC 1701 note.

(a) RECEIPT AND REVIEW OF GUIDELINES.—The Secretary of Veterans Affairs shall ensure that all covered health care providers are provided a copy of and certify that they have reviewed the evidence-based guidelines for prescribing opioids set forth by the Opioid Safety Initiative of the Department of Veterans Affairs. Certification.

(b) INCLUSION OF MEDICAL HISTORY AND CURRENT MEDICATIONS.—The Secretary shall implement a process to ensure that, if care of a veteran by a covered health care provider is authorized under the laws administered by the Secretary, the document authorizing such care includes the available and relevant medical history of the veteran and a list of all medications prescribed to the veteran as known by the Department.

(c) SUBMITTAL OF MEDICAL RECORDS AND PRESCRIPTIONS.—

(1) IN GENERAL.—The Secretary shall, consistent with section 1703(a)(2)(A), as amended by section 101 of this title, and section 1703A(e)(2)(F), as added by section 102 of this title, require each covered health care provider to submit medical records of any care or services furnished, including records of any prescriptions for opioids, to the Department in the timeframe and format specified by the Secretary.

(2) RESPONSIBILITY OF DEPARTMENT FOR RECORDING AND MONITORING.—In carrying out paragraph (1) and upon the receipt by the Department of the medical records described in paragraph (1), the Secretary shall—

(A) ensure the Department is responsible for the recording of the prescription in the electronic health record of the veteran; and

(B) enable other monitoring of the prescription as outlined in the Opioid Safety Initiative of the Department.

(3) REPORT.—Not less frequently than annually, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report evaluating the compliance of covered health care providers with the requirements under this section.

(d) USE OF OPIOID SAFETY INITIATIVE GUIDELINES.—

Determination.

(1) IN GENERAL.—If the Secretary determines that the opioid prescribing practices of a covered health care provider, when treating covered veterans, satisfy a condition described in paragraph (3), the Secretary shall take such action as the Secretary considers appropriate to ensure the safety of all veterans receiving care from that health care provider, including removing or directing the removal of any such health care provider from provider networks or otherwise refusing to authorize care of veterans by such health care provider in any program authorized under the laws administered by the Secretary.

(2) INCLUSION IN CONTRACTS.—The Secretary shall ensure that any contracts, agreements, or other arrangements entered into by the Secretary with third parties involved in administering programs that provide care in the community to veterans under the laws administered by the Secretary specifically grant the authority set forth in paragraph (1) to such third parties and to the Secretary, as the case may be.

(3) CONDITIONS FOR EXCLUSION OR LIMITATION.—The Secretary shall take such action as is considered appropriate under paragraph (1) when the opioid prescribing practices of a covered health care provider when treating covered veterans—

(A) conflict with or are otherwise inconsistent with the standards of appropriate and safe care;

(B) violate the requirements of a medical license of the health care provider; or

(C) may place at risk the veterans receiving health care from the provider.

(e) COVERED HEALTH CARE PROVIDER DEFINED.—In this section, the term "covered health care provider" means a non-Department of Veterans Affairs health care provider who provides health care to veterans under the laws administered by the Secretary of Veterans Affairs, but does not include a health care provider employed by another agency of the Federal Government.

SEC. 132. IMPROVING INFORMATION SHARING WITH COMMUNITY PROVIDERS.

Section 7332(b)(2) is amended by striking subparagraph (H) and inserting the following new subparagraphs:

"(H)(i) To a non-Department entity (including private entities and other Federal agencies) for purposes of providing health care, including hospital care, medical services, and extended care services, to patients or performing other health care-related activities or functions.

"(ii) An entity to which a record is disclosed under this subparagraph may not disclose or use such record for a purpose other than that for which the disclosure was made or as permitted by law.

"(I) To a third party in order to recover or collect reasonable charges for care furnished to, or paid on behalf of, a patient in connection with a non-service connected disability as permitted by section 1729 of this title or for a condition for which recovery is authorized or with respect to which the United States is deemed to be a third party beneficiary under the Act entitled 'An Act to provide for the recovery from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States' (Public Law 87–693; 42 U.S.C. 2651 et seq.; commonly known as the 'Federal Medical Care Recovery Act').".

SEC. 133. COMPETENCY STANDARDS FOR NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROVIDERS.

38 USC 1701 note.

(a) ESTABLISHMENT OF STANDARDS AND REQUIREMENTS.—The Secretary of Veterans Affairs shall establish standards and requirements for the provision of care by non-Department of Veterans Affairs health care providers in clinical areas for which the Department of Veterans Affairs has special expertise, including post-traumatic stress disorder, military sexual trauma-related conditions, and traumatic brain injuries.

(b) CONDITION FOR ELIGIBILITY TO FURNISH CARE.—(1) Each non-Department of Veterans Affairs health care provider shall, to the extent practicable as determined by the Secretary or otherwise provided for in paragraph (2), meet the standards and requirements established pursuant to subsection (a) before furnishing care pursuant to a contract, agreement, or other arrangement with the Department of Veterans Affairs. Non-Department of Veterans Affairs health care providers furnishing care pursuant to a contract, agreement, or other arrangement shall, to the extent practicable as determined by the Secretary, fulfill training requirements established by the Secretary on how to deliver evidence-based treatments in the clinical areas for which the Department of Veterans Affairs has special expertise.

Contracts. Deadline.

(2) Each non-Department of Veterans Affairs health care provider who enters into a contract, agreement, or other arrangement after the effective date identified in subsection (c) shall, to the extent practicable, meet the standards and requirements established pursuant to subsection (a) within 6 months of the contract, agreement, or other arrangement taking effect.

(c) EFFECTIVE DATE.—This section shall take effect on the day that is 1 year after the date of the enactment of this Act.

SEC. 134. DEPARTMENT OF VETERANS AFFAIRS PARTICIPATION IN NATIONAL NETWORK OF STATE-BASED PRESCRIPTION DRUG MONITORING PROGRAMS.

(a) IN GENERAL.—Chapter 17 is amended by inserting after section 1730A the following new section:

38 USC 1730B.

"§ 1730B. Access to State prescription drug monitoring programs

"(a) ACCESS TO PROGRAMS.—(1) Any licensed health care provider or delegate of such a provider shall be considered an authorized recipient or user for the purpose of querying and receiving data from the national network of State-based prescription drug monitoring programs to support the safe and effective prescribing of controlled substances to covered patients.

"(2) Under the authority granted by paragraph (1)—

"(A) licensed health care providers or delegates of such providers shall query such network in accordance with applicable regulations and policies of the Veterans Health Administration; and

"(B) notwithstanding any general or specific provision of law, rule, or regulation of a State, no State may restrict the access of licensed health care providers or delegates of such providers from accessing that State's prescription drug monitoring programs.

"(3) No State shall deny or revoke the license, registration, or certification of a licensed health care provider or delegate who otherwise meets that State's qualifications for holding the license, registration, or certification on the basis that the licensed health care provider or delegate queried or received data, or attempted to query or receive data, from the national network of State-based prescription drug monitoring programs under this section.

"(b) COVERED PATIENTS.—For purposes of this section, a covered patient is a patient who—

"(1) receives a prescription for a controlled substance; and

"(2) is not receiving palliative care or enrolled in hospice care.

"(c) DEFINITIONS.—In this section:

"(1) The term 'controlled substance' has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) The term 'delegate' means a person or automated system accessing the national network of State-based prescription monitoring programs at the direction or under the supervision of a licensed health care provider.

"(3) The term 'licensed health care provider' means a health care provider employed by the Department who is licensed, certified, or registered within any State to fill or prescribe medications within the scope of his or her practice as a Department employee.

"(4) The term 'national network of State-based prescription monitoring programs' means an interconnected nation-wide system that facilitates the transfer to State prescription drug monitoring program data across State lines.

"(5) The term 'State' means a State, as defined in section 101(20) of this title, or a political subdivision of a State.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1730A the following new item: 38 USC prec. 1701.

"1730B. Access to State prescription drug monitoring programs.".

CHAPTER 5—OTHER NON-DEPARTMENT HEALTH CARE MATTERS

SEC. 141. PLANS FOR USE OF SUPPLEMENTAL APPROPRIATIONS REQUIRED. Deadline. Certification. 38 USC 303 note.

Whenever the Secretary submits to Congress a request for supplemental appropriations or any other appropriation outside the standard budget process to address a budgetary issue affecting the Department of Veterans Affairs, the Secretary shall, not later than 45 days before the date on which such budgetary issue would start affecting a program or service, submit to Congress a justification for the request, including a plan that details how the Secretary intends to use the requested appropriation and how long the requested appropriation is expected to meet the needs of the Department and certification that the request was made using an updated and sound actuarial analysis.

SEC. 142. VETERANS CHOICE FUND FLEXIBILITY. 38 USC 1701 note.

Section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "by paragraph (3)" and inserting "in paragraphs (3) and (4)"; and

(B) by adding at the end the following new paragraph:

"(4) PERMANENT AUTHORITY FOR OTHER USES.—Beginning on March 1, 2019, amounts remaining in the Veterans Choice Fund may be used to furnish hospital care, medical services, and extended care services to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, including pursuant to non-Department provider programs other than the program established by section 101. Such amounts shall be available in addition to amounts available in other appropriations accounts for such purposes."; and Effective date.

(2) in subsection (d)(1), by striking "to subsection (c)(3)" and inserting "to paragraphs (3) and (4) of subsection (c)".

SEC. 143. SUNSET OF VETERANS CHOICE PROGRAM. 38 USC 1701 note.

Subsection (p) of section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended to read as follows:

"(p) AUTHORITY TO FURNISH CARE AND SERVICES.—The Secretary may not use the authority under this section to furnish care and services after the date that is 1 year after the date of the enactment of the Caring for Our Veterans Act of 2018.".

SEC. 144. CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) TITLE 38.—Title 38, United States Code, is amended—

(A) in section 1712(a)—

(i) in paragraph (3), by striking "under clause (1), (2), or (5) of section 1703(a) of this title" and inserting "or entered an agreement"; and

(ii) in paragraph (4)(A), by striking "under the provisions of this subsection and section 1703 of this title";

(B) in section 1712A(e)(1)—

(i) by inserting "or agreements" after "contracts"; and

(ii) by striking "(under sections 1703(a)(2) and 1710(a)(1)(B) of this title)"; and

(C) in section 2303(a)(2)(B)(i), by striking "with section 1703" and inserting "with sections 1703A, 8111, and 8153".

(2) SOCIAL SECURITY ACT.—Section 1866(a)(1)(L) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(L)) is amended by striking "under section 603" and inserting "under chapter 17".

(3) VETERANS' BENEFITS IMPROVEMENTS ACT OF 1994.—Section 104(a)(4)(A) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking "in section 1703" and inserting "in sections 1703A, 8111, and 8153".

38 USC 1712 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date described in section 101(b).

Subtitle B—Improving Department of Veterans Affairs Health Care Delivery

SEC. 151. LICENSURE OF HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF VETERANS AFFAIRS PROVIDING TREATMENT VIA TELEMEDICINE.

(a) IN GENERAL.—Chapter 17 is amended by inserting after section 1730B, as added by section 134, the following new section:

38 USC 1730C.

"§ 1730C. Licensure of health care professionals providing treatment via telemedicine

"(a) IN GENERAL.—Notwithstanding any provision of law regarding the licensure of health care professionals, a covered health care professional may practice the health care profession of the health care professional at any location in any State, regardless of where the covered health care professional or the patient is located, if the covered health care professional is using telemedicine to provide treatment to an individual under this chapter.

Definition.

"(b) COVERED HEALTH CARE PROFESSIONALS.—For purposes of this section, a covered health care professional is any health care professional who—

"(1) is an employee of the Department appointed under the authority under section 7306, 7401, 7405, 7406, or 7408 of this title or title 5;

"(2) is authorized by the Secretary to provide health care under this chapter;

"(3) is required to adhere to all standards for quality relating to the provision of medicine in accordance with applicable policies of the Department; and

"(4) has an active, current, full, and unrestricted license, registration, or certification in a State to practice the health care profession of the health care professional.

"(c) PROPERTY OF FEDERAL GOVERNMENT.—Subsection (a) shall apply to a covered health care professional providing treatment

to a patient regardless of whether the covered health care professional or patient is located in a facility owned by the Federal Government during such treatment.

"(d) RELATION TO STATE LAW.—(1) The provisions of this section shall supersede any provisions of the law of any State to the extent that such provision of State law are inconsistent with this section.

"(2) No State shall deny or revoke the license, registration, or certification of a covered health care professional who otherwise meets the qualifications of the State for holding the license, registration, or certification on the basis that the covered health care professional has engaged or intends to engage in activity covered by subsection (a).

"(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to remove, limit, or otherwise affect any obligation of a covered health care professional under the Controlled Substances Act (21 U.S.C. 801 et seq.).

"(f) STATE DEFINED.—In this section, the term 'State' means a State, as defined in section 101(20) of this title, or a political subdivision of a State.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1730B, as added by section 134, the following new item: 38 USC prec. 1701.

"1730C. Licensure of health care professionals providing treatment via telemedicine.".

(c) REPORT ON TELEMEDICINE.—

(1) IN GENERAL.—Not later than 1 year after the earlier of the date on which services provided under section 1730B of title 38, United States Code, as added by subsection (a), first occur or regulations are promulgated to carry out such section, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effectiveness of the use of telemedicine by the Department of Veterans Affairs. Regulations.

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

(A) The satisfaction of veterans with telemedicine furnished by the Department.

(B) The satisfaction of health care providers in providing telemedicine furnished by the Department.

(C) The effect of telemedicine furnished by the Department on the following:

(i) The ability of veterans to access health care, whether from the Department or from non-Department health care providers.

(ii) The frequency of use by veterans of telemedicine.

(iii) The productivity of health care providers.

(iv) Wait times for an appointment for the receipt of health care from the Department.

(v) The use by veterans of in-person services at Department facilities and non-Department facilities.

(D) The types of appointments for the receipt of telemedicine furnished by the Department that were provided Time period.

during the 1-year period preceding the submittal of the report.

(E) The number of appointments for the receipt of telemedicine furnished by the Department that were requested during such period, disaggregated by medical facility.

(F) Savings by the Department, if any, including travel costs, from furnishing health care through the use of telemedicine during such period.

SEC. 152. AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS CENTER FOR INNOVATION FOR CARE AND PAYMENT.

(a) IN GENERAL.—Subchapter I of chapter 17, as amended by this title, is further amended by inserting after section 1703D, as added by section 111, the following new section:

38 USC 1703E.

"§ 1703E. Center for Innovation for Care and Payment

"(a) IN GENERAL.—(1) There is established within the Department a Center for Innovation for Care and Payment (in this section referred to as the 'Center').

"(2) The Secretary, acting through the Center, may carry out such pilot programs the Secretary determines to be appropriate to develop innovative approaches to testing payment and service delivery models in order to reduce expenditures while preserving or enhancing the quality of care furnished by the Department.

"(3) The Secretary, acting through the Center, shall test payment and service delivery models to determine whether such models—

"(A) improve access to, and quality, timeliness, and patient satisfaction of care and services; and

"(B) create cost savings for the Department.

"(4)(A) The Secretary shall test a model in a location where the Secretary determines that the model will addresses deficits in care (including poor clinical outcomes or potentially avoidable expenditures) for a defined population.

"(B) The Secretary shall focus on models the Secretary expects to reduce program costs while preserving or enhancing the quality of care received by individuals receiving benefits under this chapter.

"(C) The models selected may include those described in section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)).

"(5) In selecting a model for testing, the Secretary may consider, in addition to other factors identified in this subsection, the following factors:

"(A) Whether the model includes a regular process for monitoring and updating patient care plans in a manner that is consistent with the needs and preferences of individuals receiving benefits under this chapter.

"(B) Whether the model places the individual receiving benefits under this chapter (including family members and other caregivers of such individual) at the center of the care team of such individual.

"(C) Whether the model uses technology or new systems to coordinate care over time and across settings.

"(D) Whether the model demonstrates effective linkage with other public sector payers, private sector payers, or statewide payment models.

"(6)(A) Models tested under this section may not be designed in such a way that would allow the United States to recover or collect reasonable charges from a Federal health care program for care or services furnished by the Secretary to a veteran under pilot programs carried out under this section.

"(B) In this paragraph, the term 'Federal health care program' means— Definition.

"(i) an insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j);

"(ii) a State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.); or

"(iii) a TRICARE program operated under sections 1075, 1075a, 1076, 1076a, 1076c, 1076d, 1076e, or 1076f of title 10.

"(b) DURATION.—Each pilot program carried out by the Secretary under this section shall terminate no later than 5 years after the date of the commencement of the pilot program.

"(c) LOCATION.—The Secretary shall ensure that each pilot program carried out under this section occurs in an area or areas appropriate for the intended purposes of the pilot program. To the extent practicable, the Secretary shall ensure that the pilot programs are located in geographically diverse areas of the United States.

"(d) BUDGET.—Funding for each pilot program carried out by the Secretary under this section shall come from appropriations—

"(1) provided in advance in appropriations acts for the Veterans Health Administration; and

"(2) provided for information technology systems.

"(e) NOTICE.—The Secretary shall—

"(1) publish information about each pilot program under this section in the Federal Register; and Federal Register, publication.

"(2) take reasonable actions to provide direct notice to veterans eligible to participate in such pilot programs.

"(f) WAIVER OF AUTHORITIES.—(1) Subject to reporting under paragraph (2) and approval under paragraph (3), in implementing a pilot program under this section, the Secretary may waive such requirements in subchapters I, II, and III of this chapter as the Secretary determines necessary solely for the purposes of carrying out this section with respect to testing models described in subsection (a).

"(2) Before waiving any authority under paragraph (1), the Secretary shall submit to the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, and each standing committee with jurisdiction under the rules of the Senate and of the House of Representatives to report a bill to amend the provision or provisions of law that would be waived by the Department, a report on a request for waiver that describes in detail the following: Reports.

"(A) The specific authorities to be waived under the pilot program.

"(B) The standard or standards to be used in the pilot program in lieu of the waived authorities.

"(C) The reasons for such waiver or waivers.

"(D) A description of the metric or metrics the Secretary will use to determine the effect of the waiver or waivers upon

the access to and quality, timeliness, or patient satisfaction of care and services furnished through the pilot program.

"(E) The anticipated cost savings, if any, of the pilot program.

"(F) The schedule for interim reports on the pilot program describing the results of the pilot program so far and the feasibility and advisability of continuing the pilot program.

"(G) The schedule for the termination of the pilot program and the submission of a final report on the pilot program describing the result of the pilot program and the feasibility and advisability of making the pilot program permanent.

Budget estimate.

"(H) The estimated budget of the pilot program.

Reports.

"(3)(A) Upon receipt of a report submitted under paragraph (2), each House of Congress shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision or provisions of law that would be waived by the Department under this subsection.

"(B) The waiver requested by the Secretary under paragraph (2) shall be considered approved under this paragraph if there is enacted into law a joint resolution approving such request in its entirety.

Definition.

"(C) For purposes of this paragraph, the term 'joint resolution' means only a joint resolution which is introduced within the period of five legislative days beginning on the date on which the Secretary transmits the report to the Congress under such paragraph (2), and—

"(i) which does not have a preamble; and

"(ii) the matter after the resolving clause of which is as follows: 'that Congress approves the request for a waiver under section 1703E(f) of title 38, United States Code, as submitted by the Secretary on _____', the blank space being filled with the appropriate date.

Deadline.

"(D)(i) Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House without amendment not later than 15 legislative days after the date of introduction thereof. If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution.

"(ii) It shall be in order at any time after the third legislative day after each committee authorized to consider a joint resolution has reported or has been discharged from consideration of a joint resolution, to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on a joint resolution addressing a particular submission. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(iii) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the

proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

"(E)(i) A joint resolution introduced in the Senate shall be referred to the Committee on Veterans' Affairs.

"(ii) Any committee of the Senate to which a joint resolution is referred shall report it to the Senate without amendment not later than 15 session days after the date of introduction of a joint resolution described in paragraph (C). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the calendar. Deadline.

"(iii)(I) Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the third session day on which the Committee on Veterans' Affairs has reported or has been discharged from consideration of a joint resolution described in paragraph (C) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

"(II) Consideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than two hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

"(III) If the Senate has voted to proceed to a joint resolution, the vote on passage of the joint resolution shall occur immediately following the conclusion of consideration of the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

"(IV) Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

"(F) A joint resolution considered pursuant to this paragraph shall not be subject to amendment in either the House of Representatives or the Senate.

"(G)(i) If, before the passage by one House of the joint resolution of that House, that House receives the joint resolution from the other House, then the following procedures shall apply: Procedures. Applicability.

"(I) The joint resolution of the other House shall not be referred to a committee.

"(II) With respect to the joint resolution of the House receiving the joint resolution—

"(aa) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(bb) the vote on passage shall be on the joint resolution of the other House.

"(ii) If the Senate fails to introduce or consider a joint resolution under this paragraph, the joint resolution of the House shall be entitled to expedited floor procedures under this subparagraph.

"(iii) If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

"(H) This subparagraph is enacted by Congress—

"(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(g) LIMITATIONS.—(1) The Secretary may not carry out more than 10 pilot programs concurrently.

"(2)(A) Subject to subparagraph (B), the Secretary may not expend more than $50,000,000 in any fiscal year from amounts under subsection (d).

"(B) The Secretary may expend more than the amount in subparagraph (A) if—

Determination.

"(i) the Secretary determines that the additional expenditure is necessary to carry out pilot programs under this section;

Reports.

"(ii) the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report setting forth the amount of the additional expenditure and a justification for the additional expenditure; and

"(iii) the Chairmen of the Committees on Veterans' Affairs of the Senate and the House of Representatives transmit to the Secretary a letter approving of the additional expenditure.

Deadline.

"(3) The waiver provisions in subsection (f) shall not apply unless the Secretary, in accordance with the requirements in subsection (f), submits the first proposal for a pilot program not later than 18 months after the date of the enactment of the Caring for Our Veterans Act of 2018.

"(4) Notwithstanding section 502 of this title, decisions by the Secretary under this section shall, consistent with section 511 of this title, be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

Determination.

"(5)(A) If the Secretary determines that a pilot program is not improving the quality of care or producing cost savings, the Secretary shall—

Reports.

"(i) propose a modification to the pilot program in the interim report that shall also be considered a report under subsection (f)(2) and shall be subject to the terms and conditions of subsection (f)(2); or

Deadline.

"(ii) terminate such pilot program not later than 30 days after submitting the interim report to Congress.

"(B) If the Secretary terminates a pilot program under subparagraph (A)(ii), for purposes of subparagraphs (F) and (G) of subsection (f)(2), such interim report will also serve as the final report for that pilot program.

"(h) EVALUATION AND REPORTING REQUIREMENTS.—(1) The Secretary shall conduct an evaluation of each model tested, which shall include, at a minimum, an analysis of— Analysis.

"(A) the quality of care furnished under the model, including the measurement of patient-level outcomes and patient-centeredness criteria determined appropriate by the Secretary; and

"(B) the changes in spending by reason of that model.

"(2) The Secretary shall make the results of each evaluation under this subsection available to the public in a timely fashion and may establish requirements for other entities participating in the testing of models under this section to collect and report information that the Secretary determines is necessary to monitor and evaluate such models. Public information.

"(i) COORDINATION AND ADVICE.—(1) The Secretary shall obtain advice from the Under Secretary for Health and the Special Medical Advisory Group established pursuant to section 7312 of this title in the development and implementation of any pilot program operated under this section.

"(2) In carrying out the duties under this section, the Secretary shall consult representatives of relevant Federal agencies, and clinical and analytical experts with expertise in medicine and health care management. The Secretary shall use appropriate mechanisms to seek input from interested parties. Consultation.

"(j) EXPANSION OF SUCCESSFUL PILOT PROGRAMS.—Taking into account the evaluation under subsection (f), the Secretary may, through rulemaking, expand (including implementation on a nationwide basis) the duration and the scope of a model that is being tested under subsection (a) to the extent determined appropriate by the Secretary, if— Regulations. Determination.

"(1) the Secretary determines that such expansion is expected to—

"(A) reduce spending without reducing the quality of care; or

"(B) improve the quality of patient care without increasing spending; and

"(2) the Secretary determines that such expansion would not deny or limit the coverage or provision of benefits for individuals receiving benefits under this chapter.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter, as amended by this title, is further amended by inserting after the item relating to section 1703D the following new item: 38 USC prec. 1701.

"1703E. Center for Innovation for Care and Payment.".

SEC. 153. AUTHORIZATION TO PROVIDE FOR OPERATIONS ON LIVE DONORS FOR PURPOSES OF CONDUCTING TRANSPLANT PROCEDURES FOR VETERANS.

(a) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

38 USC 1788.

"§ 1788. Transplant procedures with live donors and related services

"(a) IN GENERAL.—Subject to subsections (b) and (c), in a case in which a veteran is eligible for a transplant procedure from the Department, the Secretary may provide for an operation on a live donor to carry out such procedure for such veteran, notwithstanding that the live donor may not be eligible for health care from the Department.

"(b) OTHER SERVICES.—Subject to the availability of appropriations for such purpose, the Secretary shall furnish to a live donor any care or services before and after conducting the transplant procedure under subsection (a) that may be required in connection with such procedure.

"(c) USE OF NON-DEPARTMENT FACILITIES.—In carrying out this section, the Secretary may provide for the operation described in subsection (a) on a live donor and furnish to the live donor the care and services described in subsection (b) at a non-Department facility pursuant to an agreement entered into by the Secretary under this chapter. The live donor shall be deemed to be an individual eligible for hospital care and medical services at a non-Department facility pursuant to such an agreement solely for the purposes of receiving such operation, care, and services at the non-Department facility.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1787 the following new item:

38 USC prec. 1701.

"1788. Transplant procedures with live donors and related services.".

Subtitle C—Family Caregivers

SEC. 161. EXPANSION OF FAMILY CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FAMILY CAREGIVER PROGRAM.—

(1) EXPANSION OF ELIGIBILITY.—

(A) IN GENERAL.—Subparagraph (B) of subsection (a)(2) of section 1720G is amended to read as follows:

Certification. Time periods.

"(B) for assistance provided under this subsection—

"(i) before the date on which the Secretary submits to Congress a certification that the Department has fully implemented the information technology system required by section 162(a) of the Caring for Our Veterans Act of 2018, has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001;

"(ii) during the 2-year period beginning on the date on which the Secretary submitted to Congress the certification described in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service—

"(I) on or before May 7, 1975; or

"(II) on or after September 11, 2001; or

"(iii) after the date that is 2 years after the date on which the Secretary submits to Congress the certification described in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service; and".

Deadline. 38 USC 1720G note.

(B) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date on which the Secretary of Veterans Affairs submits to Congress the certification described in subsection (a)(2)(B)(i) of section 1720G of such title, as amended by subparagraph (A) of this paragraph, the Secretary shall publish the date specified in such subsection in the Federal Register.

(2) EXPANSION OF NEEDED SERVICES IN ELIGIBILITY CRITERIA.—Subsection (a)(2)(C) of such section is amended—

(A) in clause (ii), by striking "; or" and inserting a semicolon;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause (iii):

"(iii) a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired; or".

(3) EXPANSION OF SERVICES PROVIDED.—Subsection (a)(3)(A)(ii) of such section is amended—

(A) in subclause (IV), by striking "; and" and inserting a semicolon;

(B) in subclause (V), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subclause:

"(VI) through the use of contracts with, or the provision of grants to, public or private entities—

"(aa) financial planning services relating to the needs of injured veterans and their caregivers; and

"(bb) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers.".

(4) MODIFICATION OF STIPEND CALCULATION.—Subsection (a)(3)(C) of such section is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause (iii):

"(iii) In determining the amount and degree of personal care services provided under clause (i) with respect to an eligible veteran whose need for personal care services is based in whole or in part on a need for supervision or protection under paragraph (2)(C)(ii) or regular instruction or supervision under paragraph (2)(C)(iii), the Secretary shall take into account the following:

"(I) The assessment by the family caregiver of the needs and limitations of the veteran.

"(II) The extent to which the veteran can function safely and independently in the absence of such supervision, protection, or instruction.

"(III) The amount of time required for the family caregiver to provide such supervision, protection, or instruction to the veteran.".

(5) PERIODIC EVALUATION OF NEED FOR CERTAIN SERVICES.—Subsection (a)(3) of such section is amended by adding at the end the following new subparagraph:

"(D) In providing instruction, preparation, and training under subparagraph (A)(i)(I) and technical support under subparagraph (A)(i)(II) to each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6), the Secretary shall periodically evaluate the needs of the eligible veteran and the skills of the family caregiver of such veteran to determine if additional instruction, preparation, training, or technical support under those subparagraphs is necessary.".

(6) USE OF PRIMARY CARE TEAMS.—Subsection (a)(5) of such section is amended, in the matter preceding subparagraph (A), by inserting "(in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)" after "evaluate".

(7) ASSISTANCE FOR FAMILY CAREGIVERS.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

"(11)(A) In providing assistance under this subsection to family caregivers of eligible veterans, the Secretary may enter into contracts, provider agreements, and memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.

"(B) The Secretary may provide assistance under this paragraph only if such assistance is reasonably accessible to the family caregiver and is substantially equivalent or better in quality to similar services provided by the Department.

"(C) The Secretary may provide fair compensation to Federal agencies, States, and other entities that provide assistance under this paragraph.".

(b) MODIFICATION OF DEFINITION OF PERSONAL CARE SERVICES.—Subsection (d)(4) of such section is amended—

(1) in subparagraph (A), by striking "independent";

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) the following new subparagraphs:

"(B) Supervision or protection based on symptoms or residuals of neurological or other impairment or injury.

"(C) Regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.".

38 USC 1720G note.

SEC. 162. IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS TO ASSESS AND IMPROVE THE FAMILY CAREGIVER PROGRAM.

(a) IMPLEMENTATION OF NEW SYSTEM.—

Deadline.

(1) IN GENERAL.—Not later than October 1, 2018, the Secretary of Veterans Affairs shall implement an information technology system that fully supports the Program and allows for data assessment and comprehensive monitoring of the Program.

(2) ELEMENTS OF SYSTEM.—The information technology system required to be implemented under paragraph (1) shall include the following:

(A) The ability to easily retrieve data that will allow all aspects of the Program (at the medical center and

aggregate levels) and the workload trends for the Program to be assessed and comprehensively monitored.

(B) The ability to manage data with respect to a number of caregivers that is more than the number of caregivers that the Secretary expects to apply for the Program.

(C) The ability to integrate the system with other relevant information technology systems of the Veterans Health Administration.

(b) ASSESSMENT OF PROGRAM.—Not later than 180 days after implementing the system described in subsection (a), the Secretary shall, through the Under Secretary for Health, use data from the system and other relevant data to conduct an assessment of how key aspects of the Program are structured and carried out. Deadline.

(c) ONGOING MONITORING OF AND MODIFICATIONS TO PROGRAM.—

(1) MONITORING.—The Secretary shall use the system implemented under subsection (a) to monitor and assess the workload of the Program, including monitoring and assessment of data on—

(A) the status of applications, appeals, and home visits in connection with the Program; and

(B) the use by caregivers participating in the Program of other support services under the Program such as respite care.

(2) MODIFICATIONS.—Based on the monitoring and assessment conducted under paragraph (1), the Secretary shall identify and implement such modifications to the Program as the Secretary considers necessary to ensure the Program is functioning as intended and providing veterans and caregivers participating in the Program with services in a timely manner.

(d) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General of the United States a report that includes—

(i) the status of the planning, development, and deployment of the system required to be implemented under subsection (a), including any changes in the timeline for the implementation of the system; and

(ii) an assessment of the needs of family caregivers of veterans described in subparagraph (B), the resources needed for the inclusion of such family caregivers in the Program, and such changes to the Program as the Secretary considers necessary to ensure the successful expansion of the Program to include such family caregivers.

(B) VETERANS DESCRIBED.—Veterans described in this subparagraph are veterans who are eligible for the Program under clause (ii) or (iii) of section 1720G(a)(2)(B) of title 38, United States Code, as amended by section 161(a)(1) of this title, solely due to a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in

the active military, naval, or air service before September 11, 2001.

Review.

(2) NOTIFICATION BY COMPTROLLER GENERAL.—The Comptroller General shall review the report submitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in—

(A) fully implementing the system required under subsection (a); and

(B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2).

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than October 1, 2019, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

Certification.

(i) A certification by the Secretary that the information technology system described in subsection (a) has been implemented.

(ii) A description of how the Secretary has implemented such system.

(iii) A description of the modifications to the Program, if any, that were identified and implemented under subsection (c)(2).

(iv) A description of how the Secretary is using such system to monitor the workload of the Program.

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term "active military, naval, or air service" has the meaning given that term in section 101 of title 38, United States Code.

(2) PROGRAM.—The term "Program" means the program of comprehensive assistance for family caregivers under section 1720G(a) of title 38, United States Code, as amended by section 161 of this title.

38 USC 1720G note.

SEC. 163. MODIFICATIONS TO ANNUAL EVALUATION REPORT ON CAREGIVER PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) BARRIERS TO CARE AND SERVICES.—Subparagraph (A)(iv) of section 101(c)(2) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1720G note) is amended by inserting ", including a description of any barriers to accessing and receiving care and services under such programs" before the semicolon.

(b) SUFFICIENCY OF TRAINING FOR FAMILY CAREGIVER PROGRAM.—Subparagraph (B) of such section is amended—

(1) in clause (i), by striking "; and" and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iii) an evaluation of the sufficiency and consistency of the training provided to family caregivers under such program in preparing family caregivers to provide care to veterans under such program.".

TITLE II—VA ASSET AND INFRASTRUCTURE REVIEW

Subtitle A—Asset and Infrastructure Review

VA Asset and Infrastructure Review Act of 2018. 38 USC 8122 note.

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "VA Asset and Infrastructure Review Act of 2018".

SEC. 202. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Asset and Infrastructure Review Commission" (in this subtitle referred to as the "Commission").

(b) DUTIES.—The Commission shall carry out the duties specified for it in this subtitle.

(c) APPOINTMENT.— President.

(1) IN GENERAL.—

(A) APPOINTMENT.—The Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate.

(B) TRANSMISSION OF NOMINATIONS.—The President shall transmit to the Senate the nominations for appointment to the Commission not later than May 31, 2021. Deadline.

(2) CONSULTATION IN SELECTION PROCESS.—In selecting individuals for nominations for appointments to the Commission, the President shall consult with—

(A) the Speaker of the House of Representatives;

(B) the majority leader of the Senate;

(C) the minority leader of the House of Representatives;

(D) the minority leader of the Senate; and

(E) congressionally chartered, membership based veterans service organizations concerning the appointment of three members.

(3) DESIGNATION OF CHAIR.—At the time the President nominates individuals for appointment to the Commission under paragraph (1)(B), the President shall designate one such individual who shall serve as Chair of the Commission and one such individual who shall serve as Vice Chair of the Commission.

(4) MEMBER REPRESENTATION.—In nominating individuals under this subsection, the President shall ensure that—

(A) veterans, reflecting current demographics of veterans enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code, are adequately represented in the membership of the Commission;

(B) at least one member of the Commission has experience working for a private integrated health care system that has annual gross revenues of more than $50,000,000;

(C) at least one member has experience as a senior manager for an entity specified in clause (ii), (iii), or (iv) of section 101(a)(1)(B) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note);

(D) at least one member—

(i) has experience with capital asset management for the Federal Government; and

(ii) is familiar with trades related to building and real property, including construction, engineering, architecture, leasing, and strategic partnerships; and

(E) at least three members represent congressionally chartered, membership-based, veterans service organizations.

(d) MEETINGS.—

Time period.

(1) IN GENERAL.—The Commission shall meet only during calendar years 2022 and 2023.

(2) PUBLIC NATURE OF MEETINGS AND PROCEEDINGS.—

(A) PUBLIC MEETINGS.—Each meeting of the Commission shall be open to the public.

(B) OPEN PARTICIPATION.—All the proceedings, information, and deliberations of the Commission shall be available for review by the public.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(f) PAY.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) OFFICERS OR EMPLOYEES OF THE UNITED STATES.—Each member of the Commission who is an officer or employee of the United States shall serve without compensation in addition to that received for service as an officer or employee of the United States.

(3) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) DIRECTOR OF STAFF.—

(1) APPOINTMENT.—The Commission shall appoint a Director who—

Time period.

(A) has not served as an employee of the Department of Veterans Affairs during the 1-year period preceding the date of such appointment; and

(B) is not otherwise barred or prohibited from serving as Director under Federal ethics laws and regulations, by reason of post-employment conflict of interest.

(2) RATE OF PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) STAFF.—

(1) PAY OF PERSONNEL.—Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) EXEMPTION FROM CERTAIN REQUIREMENTS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS–15 of the General Schedule.

(3) DETAILEES.—

(A) LIMITATION ON NUMBER.—Not more than two-thirds of the personnel employed by or detailed to the Commission may be on detail from the Department of Veterans Affairs.

(B) PROFESSIONAL ANALYSTS.—Not more than half of the professional analysts of the Commission staff may be persons detailed from the Department of Veterans Affairs to the Commission.

(C) PROHIBITION ON DETAIL OF CERTAIN PERSONNEL.—A person may not be detailed from the Department of Veterans Affairs to the Commission if, within 6 months before the detail is to begin, that person participated personally and substantially in any matter within the Department of Veterans Affairs concerning the preparation of recommendations regarding facilities of the Veterans Health Administration. Time period.

(4) AUTHORITY TO REQUEST DETAILED PERSONNEL.—Subject to paragraph (3), the head of any Federal department or agency, upon the request of the Director, may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(5) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information the Commission considers necessary to carry out this subtitle. Upon request of the Chair, the head of such agency shall furnish such information to the Commission.

(i) OTHER AUTHORITY.—

(1) TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) LEASING AND ACQUISITION OF PROPERTY.—To the extent funds are available, the Commission may lease real property and acquire personal property either of its own accord or in consultation with the General Services Administration. Consultation.

(j) TERMINATION.—The Commission shall terminate on December 31, 2023.

(k) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person may restrict an employee of the Department of Veterans Affairs in communicating with the Commission.

(2) UNLAWFUL COMMUNICATIONS.—Paragraph (1) does not apply to a communication that is unlawful.

SEC. 203. PROCEDURE FOR MAKING RECOMMENDATIONS.

(a) SELECTION CRITERIA.—

Deadline. Consultation. Federal Register, publication.

(1) PUBLICATION.—The Secretary shall, not later than February 1, 2021, and after consulting with veterans service organizations, publish in the Federal Register and transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the criteria proposed to be used by the Department of Veterans Affairs in assessing and making recommendations regarding the modernization or realignment of facilities of the Veterans Health Administration under this subtitle. Such criteria shall include the preferences of veterans regarding health care furnished by the Department.

Time period. Notice.

(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment on the proposed criteria under paragraph (1) for a period of at least 90 days and shall include notice of that opportunity in the publication required under such paragraph.

Deadline. Federal Register, publication.

(3) PUBLICATION OF FINAL CRITERIA.—The Secretary shall, not later than May 31, 2021, publish in the Federal Register and transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the final criteria to be used in making recommendations regarding the closure, modernization, or realignment of facilities of the Veterans Health Administration under this subtitle.

(b) RECOMMENDATIONS OF THE SECRETARY.—

Consultation. Reports.

(1) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall, not later than January 31, 2022, and after consulting with veterans service organizations, publish in the Federal Register and transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and to the Commission a report detailing the recommendations regarding the modernization or realignment of facilities of the Veterans Health Administration on the basis of the final criteria referred to in subsection (a)(2) that are applicable.

(2) FACTORS FOR CONSIDERATION.—In making recommendations under this subsection, the Secretary shall consider each of the following factors:

(A) The degree to which any health care delivery or other site for providing services to veterans reflect the metrics of the Department of Veterans Affairs regarding market area health system planning.

(B) The provision of effective and efficient access to high-quality health care and services for veterans.

(C) The extent to which the real property that no longer meets the needs of the Federal Government could be reconfigured, repurposed, consolidated, realigned, exchanged, outleased, replaced, sold, or disposed.

(D) The need of the Veterans Health Administration to acquire infrastructure or facilities that will be used for the provision of health care and services to veterans.

(E) The extent to which the operating and maintenance costs are reduced through consolidating, colocating, and reconfiguring space, and through realizing other operational efficiencies.

(F) The extent and timing of potential costs and savings, including the number of years such costs or savings will be incurred, beginning with the date of completion of the proposed recommendation.

(G) The extent to which the real property aligns with the mission of the Department of Veterans Affairs.

(H) The extent to which any action would impact other missions of the Department (including education, research, or emergency preparedness).

(I) Local stakeholder inputs and any factors identified through public field hearings.

(J) The assessments under paragraph (3).

(K) The extent to which the Veterans Health Administration has appropriately staffed the medical facility, including determinations whether there has been insufficient resource allocation or deliberate understaffing. Determinations.

(L) Any other such factors the Secretary determines appropriate.

(3) CAPACITY AND COMMERCIAL MARKET ASSESSMENTS.—

(A) ASSESSMENTS.—The Secretary shall assess the capacity of each Veterans Integrated Service Network and medical facility of the Department to furnish hospital care or medical services to veterans under chapter 17 of title 38, United States Code. Each such assessment shall—

(i) identify gaps in furnishing such care or services at such Veterans Integrated Service Network or medical facility;

(ii) identify how such gaps can be filled by—

(I) entering into contracts or agreements with network providers under this section or with entities under other provisions of law; Contracts.

(II) making changes in the way such care and services are furnished at such Veterans Integrated Service Network or medical facility, including—

(aa) extending hours of operation;

(bb) adding personnel; or

(cc) expanding space through the construction, leasing, or sharing of health care facilities; and

(III) the building or realignment of Department resources or personnel;

(iii) forecast, based on future projections and historical trends, both the short- and long-term demand in furnishing care or services at such Veterans Integrated Service Network or medical facility and assess how such demand affects the needs to use such network providers;

(iv) include a commercial health care market assessment of designated catchment areas in the United States conducted by a non-governmental entity; and

(v) consider the unique ability of the Federal Government to retain a presence in an area otherwise devoid of commercial health care providers or from which such providers are at risk of leaving.

(B) CONSULTATION.—In carrying out the assessments under subparagraph (A), the Secretary shall consult with

veterans service organizations and veterans served by each such Veterans Integrated Service Network and medical facility.

Public information.

(C) SUBMITTAL.—The Secretary shall submit such assessments to the Committees on Veterans' Affairs of the House of Representatives and the Senate with the recommendations of the Secretary under this subsection and make the assessments publicly available.

(4) SUMMARY OF SELECTION PROCESS.—The Secretary shall include, with the list of recommendations published and transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation for each facility of the Veterans Health Administration, including a justification for each recommendation. The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Commission of the report referred to in paragraph (1).

Deadline.

(5) TREATMENT OF FACILITIES.—In assessing facilities of the Veterans Health Administration, the Secretary shall consider all such facilities equally without regard to whether the facility has been previously considered or proposed for reuse, closure, modernization, or realignment by the Department of Veterans Affairs.

(6) AVAILABILITY OF INFORMATION TO CONGRESS.—In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or Member of Congress), the Secretary shall also make such information available to the Commission and the Comptroller General of the United States.

(7) CERTIFICATION OF ACCURACY.—

(A) IN GENERAL.—Each person referred to in subparagraph (B), when submitting information to the Secretary or the Commission concerning the modernization or realignment of a facility of the Veterans Health Administration, shall certify that such information is accurate and complete to the best of that person's knowledge and belief.

(B) COVERED PERSONS.—Subparagraph (A) applies to the following persons:

(i) Each Under Secretary of the Department of Veterans Affairs.

(ii) Each director of a Veterans Integrated Service Network.

(iii) Each director of a medical center of the Department of Veterans Affairs.

(iv) Each director of a program office of the Department of Veterans Affairs.

(v) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the modernization or realignment of facilities of the Veterans Health Administration.

(c) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—

(1) PUBLIC HEARINGS.—

(A) IN GENERAL.—After receiving the recommendations from the Secretary pursuant to subsection (b), the Commission shall conduct public hearings on the recommendations.

(B) LOCATIONS.—The Commission shall conduct public hearings in regions affected by a recommendation of the Secretary to close a facility of the Veterans Health Administration. To the greatest extent practicable, the Commission shall conduct public hearings in regions affected by a recommendation of the Secretary to modernize or realign such a facility.

(C) REQUIRED WITNESSES.—Witnesses at each public hearing shall include at a minimum—

(i) a veteran—

(I) enrolled under section 1705 of title 38, United States Code; and

(II) identified by a local veterans service organization; and

(ii) a local elected official.

(2) TRANSMITTAL TO PRESIDENT.—

(A) IN GENERAL.—The Commission shall, not later than January 31, 2023, transmit to the President a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary, together with the Commission's recommendations, for modernizations and realignments of facilities of the Veterans Health Administration.

Reports. Analysis.

(B) AUTHORITY TO MAKE CHANGES TO RECOMMENDATIONS.—Subject to subparagraph (C), in making its recommendations, the Commission may change any recommendation made by the Secretary if the Commission—

Determinations.

(i) determines that the Secretary deviated substantially from the final criteria referred to in subsection (a)(2) in making such recommendation;

(ii) determines that the change is consistent with the final criteria referred to in subsection (a)(2);

(iii) publishes a notice of the proposed change in the Federal Register not less than 45 days before transmitting its recommendations to the President pursuant to subparagraph (A); and

Notice. Federal Register, publication. Time period.

(iv) conducts public hearings on the proposed change.

(3) JUSTIFICATION FOR CHANGES.—The Commission shall explain and justify in its report submitted to the President pursuant to paragraph (2) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (b). The Commission shall transmit a copy of such report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the same date on which it transmits its recommendations to the President under paragraph (2).

Reports.

(4) PROVISION OF INFORMATION TO CONGRESS.—After the Commission transmits its report to the President, the Commission shall promptly provide, upon request, to any Member of Congress, information used by the Commission in making its recommendations.

(d) REVIEW BY THE PRESIDENT.—

(1) REPORT.—The President shall, not later than February 15, 2023, transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commission's recommendations.

Certification.

(2) PRESIDENTIAL APPROVAL.—If the President approves all the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of such approval.

Deadlines.

(3) PRESIDENTIAL DISAPPROVAL.—If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and the Congress, not later than March 1, 2023, the reasons for that disapproval. The Commission, after consideration of the President's reasons for disapproval, shall then transmit to the President, not later than March 15, 2023, a report containing—

Reports.

(A) the Commission's findings and conclusions based on a review and analysis of those reasons for disapproval provided by the President; and

(B) recommendations that the Commission determines are appropriate for modernizations and realignments of facilities of the Veterans Health Administration.

Certification.

(4) TRANSMITTAL OF RECOMMENDATIONS TO CONGRESS.—If the President approves all recommendations of the Commission transmitted to the President under paragraph (3), the President shall transmit a copy of such recommendations to the Congress, together with a certification of such approval.

Deadline.

(5) FAILURE TO TRANSMIT.—If the President does not transmit to the Congress an approval and certification described in paragraph (2) or (4) by March 30, 2023, the process by which facilities of the Veterans Health Administration may be selected for modernization or realignment under this subtitle shall be terminated.

SEC. 204. ACTIONS REGARDING INFRASTRUCTURE AND FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

Deadline.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall begin to implement the recommended modernizations and realignments in the report under section 203(d) not later than 3 years after the date on which the President transmits such report to Congress. In any fiscal year, such implementation includes—

(1) the planning of modernizations and realignments of facilities of the Veterans Health Administration as recommended in such report; and

(2) providing detailed information on the budget for such modernizations or realignments in documents submitted to Congress by the Secretary in support of the President's budget for that fiscal year.

(b) CONGRESSIONAL DISAPPROVAL.—

(1) IN GENERAL.—The Secretary may not carry out any modernization or realignment recommended by the Commission in a report transmitted from the President pursuant to section 203(d) if a joint resolution is enacted, in accordance with the provisions of section 207, disapproving such recommendations of the Commission before the earlier of—

Time period.

(A) the end of the 45-day period beginning on the date on which the President transmits such report; or

(B) the adjournment of Congress sine die for the session during which such report is transmitted.

(2) COMPUTATION OF PERIOD.—For purposes of paragraph (1) and subsections (a) and (c) of section 207, the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of a period.

SEC. 205. IMPLEMENTATION.

(a) IN GENERAL.—

(1) MODERNIZING AND REALIGNING FACILITIES.—In modernizing or realigning any facility of the Veterans Health Administration under this subtitle, the Secretary may—

(A) take such actions as may be necessary to modernize or realign any such facility, including the alteration of such facilities, the acquisition of such land, the leasing or construction of such replacement facilities, the disposition of such land or facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a facility of the Veterans Health Administration to another such facility, and may use for such purpose funds in the Account or funds appropriated to the Department of Veterans Affairs for such purposes;

(B) carry out activities for the purposes of environmental mitigation, abatement, or restoration at any such facility, and shall use for such purposes funds in the Account;

(C) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Veterans Affairs and available for such purpose; and

Reimbursement.

(D) exercise the authority of the Secretary under subchapter V of chapter 81 of title 38, United States Code.

(2) ENVIRONMENTAL RESTORATION; HISTORIC PRESERVATION.—In carrying out any closure or realignment under this subtitle, the Secretary, with regards to any property made excess to the needs of the Department of Veterans Affairs as a result of such closure or realignment, shall carry out, as soon as possible with funds available for such purpose, any of the following for which the Secretary is responsible:

(A) Environmental mitigation.

(B) Environmental abatement.

(C) Environmental restoration.

(D) Compliance with historic preservation requirements.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

(1) EXISTING DISPOSAL AUTHORITIES.—To transfer or dispose of surplus real property or infrastructure located at any facility of the Veterans Health Administration that is modernized or realigned under this title, the Secretary may exercise the authorities of the Secretary under subchapters I and II of chapter 81 of title 38, United States Code, or the authorities delegated to the Secretary by the Administrator of General

Services under subchapter III of chapter 5 of title 40, United States Code.

(2) EFFECTS ON LOCAL COMMUNITIES.—

(A) CONSULTATION WITH STATE AND LOCAL GOVERNMENT.—Before any action may be taken with respect to the disposal of any surplus real property or infrastructure located at any facility of the Veterans Health Administration to be closed or realigned under this subtitle, the Secretary of Veterans Affairs shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(B) TREATMENT OF ROADS.—If infrastructure or a facility of the Veterans Health Administration to be closed or realigned under this subtitle includes a road used for public access through, into, or around the facility, the Secretary—

Consultation.

(i) shall consult with the Government of the State and the heads of the local governments concerned for the purpose of considering the continued availability of the road for public use after the recommended action is complete; and

(ii) may exercise the authority of the Secretary under section 8108 of title 38, United States Code.

(3) LEASES; CERCLA.—

(A) LEASE AUTHORITY.—

(i) TRANSFER TO REDEVELOPMENT AUTHORITY FOR LEASE.—The Secretary may transfer title to a facility of the Veterans Health Administration approved for closure or realignment under this subtitle (including property at a facility of the Veterans Health Administration approved for realignment which will be retained by the Department of Veterans Affairs or another Federal agency after realignment) to the redevelopment authority for the facility if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government.

(ii) TERM OF LEASE.—A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

(iii) LIMITATION.—A lease under clause (i) may not require rental payments by the United States.

(iv) TREATMENT OF REMAINDERED LEASE TERMS.—A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

Consultation.

(v) FACILITY SERVICES.—Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the facility, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(B) APPLICATION OF CERCLA.—The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(C) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.

(4) APPLICATION OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—Nothing in this subtitle shall limit or otherwise affect the application of the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) to facilities of the Veterans Health Administration closed under this subtitle.

(c) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

(1) IN GENERAL.—The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President, the Commission, and, except as provided in paragraph (2), the Department of Veterans Affairs in carrying out this subtitle.

(2) DEPARTMENT OF VETERANS AFFAIRS.—

(A) COVERED ACTIVITIES.—The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Veterans Affairs under this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a facility of the Veterans Health Administration being closed or realigned to another facility after the receiving facility has been selected but before the functions are relocated.

(B) OTHER ACTIVITIES.—In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary shall not have to consider—

(i) the need for closing or realigning the facility of the Veterans Health Administration as recommended by the Commission;

(ii) the need for transferring functions to any facility of the Veterans Health Administration which has been selected as the receiving facility; or

(iii) facilities of the Veterans Health Administration alternative to those recommended or selected.

(d) WAIVER.—

(1) RESTRICTIONS ON USE OF FUNDS.—The Secretary may close or realign facilities of the Veterans Health Administration under this subtitle without regard to any provision of law restricting the use of funds for closing or realigning facilities of the Veterans Health Administration included in any appropriation or authorization Act.

(2) RESTRICTIONS ON AUTHORITIES.—The Secretary may close or realign facilities of the Veterans Health Administration under this subtitle without regard to the restrictions of section 8110 of title 38, United States Code.

(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

(1) IN GENERAL.—

(A) TRANSFER BY DEED.—Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed a facility of the Veterans Health Administration with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) ADDITIONAL TERMS OR CONDITIONS.—The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

Certification.

(2) LIMITATION.—A transfer of a facility of the Veterans Health Administration may be made under paragraph (1) only if the Secretary certifies to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the facility of the Veterans Health Administration are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the facility of the Veterans Health Administration, the recipient of such transfer agrees to pay the difference between the fair market value and such costs.

(3) PAYMENT BY THE SECRETARY FOR CERTAIN TRANSFERS.—In the case of a facility of the Veterans Health Administration covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such facility an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of the facility of the Veterans Health Administration for all environmental restoration, waste, management,

and environmental compliance activities with respect to such facility exceed the fair market value of such property as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such facility of the Veterans Health Administration exceed the fair market value of property as so specified.

(4) DISCLOSURE.—As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the facility of the Veterans Health Administration will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the facility of the Veterans Health Administration. The Secretary shall provide such information before entering into the agreement.

(5) APPLICABILITY OF CERTAIN ENVIRONMENTAL LAWS.—Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 206. DEPARTMENT OF VETERANS AFFAIRS ASSET AND INFRASTRUCTURE REVIEW ACCOUNT.

(a) ESTABLISHMENT.—There is hereby established in the ledgers of the Treasury an account to be known as the "Department of Veterans Affairs Asset and Infrastructure Review Account" which shall be administered by the Secretary as a single account.

(b) CREDITS TO ACCOUNT.—There shall be credited to the Account the following:

(1) Funds authorized for and appropriated to the Account.

(2) Proceeds received from the lease, transfer, or disposal of any property at a facility of the Veterans Health Administration closed or realigned under this subtitle.

(c) USE OF ACCOUNT.—The Secretary may use the funds in the Account only for the following purposes:

(1) To carry out this subtitle.

(2) To cover property management and disposal costs incurred at facilities of the Veterans Health Administration closed, modernized, or realigned under this subtitle.

(3) To cover costs associated with supervision, inspection, overhead, engineering, and design of construction projects undertaken under this subtitle, and subsequent claims, if any, related to such activities.

(4) Other purposes that the Secretary determines support the mission and operations of the Department of Veterans Affairs.

(d) CONSOLIDATED BUDGET JUSTIFICATION DISPLAY FOR ACCOUNT.—

(1) CONSOLIDATED BUDGET INFORMATION REQUIRED.—The Secretary shall establish a consolidated budget justification display in support of the Account that for each fiscal year—

(A) details the amount and nature of credits to, and expenditures from, the Account during the preceding fiscal year;

(B) separately details the environmental remediation costs associated with facility of the Veterans Health Administration for which a budget request is made;

(C) specifies the transfers into the Account and the purposes for which these transferred funds will be further obligated, to include caretaker and environment remediation costs associated with each facility of the Veterans Health Administration; and

(D) details any intra-budget activity transfers within the Account that exceeded $1,000,000 during the preceding fiscal year or that are proposed for the next fiscal year and will exceed $1,000,000.

(2) SUBMISSION.—The Secretary shall include the information required by paragraph (1) in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code.

(e) CLOSURE OF ACCOUNT; TREATMENT OF REMAINING FUNDS.—

(1) CLOSURE.—The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code, except that unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred to the Secretary of Veterans Affairs by law after the Committees on Veterans' Affairs of the Senate and the House of Representatives receive the final report transmitted under paragraph (2).

(2) FINAL REPORT.—No later than 60 days after the closure of the Account under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Committees on Appropriations of the House of Representatives and the Senate a report containing an accounting of—

(A) all the funds credited to and expended from the Account or otherwise expended under this subtitle; and

(B) any funds remaining in the Account.

SEC. 207. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

Definition.
Time period.

(a) DISAPPROVAL RESOLUTION.—For purposes of this subtitle, the term "joint resolution" means only a joint resolution which is introduced within the 5-day period beginning on the date on which the President transmits the report to the Congress under section 203(d), and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "that Congress disapproves the recommendations of the VHA Asset and Infrastructure Review Commission as submitted by the President on _____", the blank space being filled with the appropriate date; and

(3) the title of which is as follows: "Joint resolution disapproving the recommendations of the VHA Asset and Infrastructure Review Commission.".

(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House without amendment not later than 15 legislative days after the date of introduction thereof. If a committee fails to report the joint resolution within that

period, the committee shall be discharged from further consideration of the joint resolution.

(2) PROCEEDING TO CONSIDERATION.—It shall be in order at any time after the third legislative day after each committee authorized to consider a joint resolution has reported or has been discharged from consideration of a joint resolution, to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on a joint resolution addressing a particular submission. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(3) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(c) CONSIDERATION IN THE SENATE.—

(1) REFERRAL.—A joint resolution introduced in the Senate shall be referred to the Committee on Veterans' Affairs.

(2) REPORTING AND DISCHARGE.—Any committee of the Senate to which a joint resolution is referred shall report it to the Senate without amendment not later than 15 session days after the date of introduction of a joint resolution described in subsection (a). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the calendar.

(3) FLOOR CONSIDERATION.—

(A) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the third session day on which the Committee on Veterans' Affairs has reported or has been discharged from consideration of a joint resolution described in subsection (a) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(B) CONSIDERATION.—Consideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment

to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(C) VOTE ON PASSAGE.—If the Senate has voted to proceed to a joint resolution, the vote on passage of the joint resolution shall occur immediately following the conclusion of consideration of the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(d) AMENDMENT NOT IN ORDER.—A joint resolution of disapproval considered pursuant to this section shall not be subject to amendment in either the House of Representatives or the Senate.

(e) COORDINATION WITH ACTION BY OTHER HOUSE.—

Procedures. Applicability.

(1) IN GENERAL.—If, before the passage by one House of the joint resolution of that House, that House receives the joint resolution from the other House, then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to the joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on passage shall be on the joint resolution of the other House.

(2) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If the Senate fails to introduce or consider a joint resolution under this section, the joint resolution of the House shall be entitled to expedited floor procedures under this section.

(3) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(f) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 208. OTHER MATTERS.

(a) ONLINE PUBLICATION OF COMMUNICATIONS.—

Deadline.

(1) IN GENERAL.—Not later than 24 hours after the transmission or receipt of any communication under this subtitle

that is transmitted or received by a party specified in paragraph (2), the Secretary of Veterans Affairs shall publish such communication online.

(2) PARTIES SPECIFIED.—The parties specified under this paragraph are the following:

(A) The Secretary of Veterans Affairs.

(B) The Commission.

(C) The President.

(b) CONTINUATION OF EXISTING CONSTRUCTION PROJECTS AND PLANNING.—During activities that the Commission, President, or Congress carry out under this subtitle, the Secretary of Veterans Affairs may not stop, solely because of such activities—

(1) a construction or leasing project of the Veterans Health Administration;

(2) long term planning regarding infrastructure and assets of the Veterans Health Administration; or

(3) budgetary processes for the Veterans Health Administration.

(c) RECOMMENDATIONS FOR FUTURE ASSET REVIEWS.—The Secretary of Veterans Affairs may, after consulting with veterans service organizations, include in budget submissions the Secretary submits after the termination of the Commission recommendations for future such commissions or other capital asset realignment and management processes. Consultation.

SEC. 209. DEFINITIONS.

In this subtitle:

(1) The term "Account" means the Department of Veterans Affairs Asset and Infrastructure Review Account established by section 206(a).

(2) The term "Commission" means the Commission established by section 202.

(3) The term "date of approval", with respect to a modernization or realignment of a facility of the Veterans Health Administration, means the date on which the authority of Congress to disapprove a recommendation of modernization or realignment, as the case may be, of such facility under this subtitle expires.

(4) The term "facility of the Veterans Health Administration"—

(A) means any land, building, structure, or infrastructure (including any medical center, nursing home, domiciliary facility, outpatient clinic, center that provides readjustment counseling, or leased facility) that is—

(i) under the jurisdiction of the Department of Veterans Affairs;

(ii) under the control of the Veterans Health Administration; and

(iii) not under the control of the General Services Administration; or

(B) with respect to a colocated facility of the Department of Veterans Affairs, includes any land, building, or structure—

(i) under the jurisdiction of the Department of Veterans Affairs;

(ii) under the control of another administration of the Department of Veterans Affairs; and

(iii) not under the control of the General Services Administration.

(5) The term "infrastructure" means improvements to land other than buildings or structures.

(6) The term "modernization" includes—

(A) any action, including closure, required to align the form and function of a facility of the Veterans Health Administration to the provision of modern day health care, including utilities and environmental control systems;

(B) the construction, purchase, lease, or sharing of a facility of the Veterans Health Administration; and

(C) realignments, disposals, exchanges, collaborations between the Department of Veterans Affairs and other Federal entities, and strategic collaborations between the Department and non-Federal entities, including tribal organizations.

(7) The term "realignment", with respect to a facility of the Veterans Health Administration, includes—

(A) any action that changes the numbers of or relocates services, functions, and personnel positions;

(B) disposals or exchanges between the Department of Veterans Affairs and other Federal entities, including the Department of Defense; and

(C) strategic collaborations between the Department of Veterans Affairs and non-Federal entities, including tribal organizations.

(8) The term "redevelopment authority", in the case of a facility of the Veterans Health Administration closed or modernized under this subtitle, means any entity (including an entity established by a State or local government) recognized by the Secretary of Veterans Affairs as the entity responsible for developing the redevelopment plan with respect to the facility or for directing the implementation of such plan.

(9) The term "redevelopment plan" in the case of a facility of the Veterans Health Administration to be closed or realigned under this subtitle, means a plan that—

(A) is agreed to by the local redevelopment authority with respect to the facility; and

(B) provides for the reuse or redevelopment of the real property and personal property of the facility that is available for such reuse and redevelopment as a result of the closure or realignment of the facility.

(10) The term "Secretary" means the Secretary of Veterans Affairs.

(11) The term "tribal organization" has the meaning given such term in section 3765 of title 38, United States Code.

Subtitle B—Other Infrastructure Matters

SEC. 211. IMPROVEMENT TO TRAINING OF CONSTRUCTION PERSONNEL.

Subsection (g) of section 8103 of title 38, United States Code, is amended to read as follows:

Deadline.

"(g)(1)(A) Not later than September 30 of the fiscal year following the fiscal year during which the VA Asset and Infrastructure

Review Act of 2018 is enacted, the Secretary shall implement the covered training curriculum and the covered certification program.

"(B) In designing and implementing the covered training curriculum and the covered certification program under paragraph (1), the Secretary shall use as models existing training curricula and certification programs that have been established under chapter 87 of title 10, United States Code, as determined relevant by the Secretary.

"(2) The Secretary may develop the training curriculum under paragraph (1)(A) in a manner that provides such training in any combination of—

"(A) training provided in person;

"(B) training provided over an internet website; or

"(C) training provided by another department or agency of the Federal Government.

"(3) The Secretary may develop the certification program under paragraph (1)(A) in a manner that uses—

"(A) one level of certification; or

"(B) more than one level of certification, as determined appropriate by the Secretary with respect to the level of certification for different grades of the General Schedule.

"(4) The Secretary may enter into a contract with an appropriate entity to provide the covered training curriculum and the covered certification program under paragraph (1)(A). Contracts.

"(5)(A) Not later than September 30 of the second fiscal year following the fiscal year during which the VA Asset and Infrastructure Review Act of 2018 is enacted, the Secretary shall ensure that the majority of employees subject to the covered certification program achieve the certification or the appropriate level of certification pursuant to paragraph (3), as the case may be. Deadline.

"(B) After carrying out subparagraph (A), the Secretary shall ensure that each employee subject to the covered certification program achieves the certification or the appropriate level of certification pursuant to paragraph (3), as the case may be, as quickly as practicable.

"(6) In this subsection: Definitions.

"(A) The term 'covered certification program' means, with respect to employees of the Department of Veterans Affairs who are members of occupational series relating to construction or facilities management, or employees of the Department who award or administer contracts for major construction, minor construction, or nonrecurring maintenance, including as contract specialists or contracting officers' representatives, a program to certify knowledge and skills relating to construction or facilities management and to ensure that such employees maintain adequate expertise relating to industry standards and best practices for the acquisition of design and construction services.

"(B) The term 'covered training curriculum' means, with respect to employees specified in subparagraph (A), a training curriculum relating to construction or facilities management.".

SEC. 212. REVIEW OF ENHANCED USE LEASES.

Section 8162(b)(6) is amended to read as follows:

"(6) The Office of Management and Budget shall review each enhanced-use lease before the lease goes into effect to determine whether the lease is in compliance with paragraph (5).".

SEC. 213. ASSESSMENT OF HEALTH CARE FURNISHED BY THE DEPARTMENT TO VETERANS WHO LIVE IN THE PACIFIC TERRITORIES.

Reports.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report regarding health care furnished by the Department of Veterans Affairs to veterans who live in the Pacific territories.

(b) ELEMENTS.—The report under subsection (a) shall include assessments of the following:

(1) The ability of the Department to furnish to veterans who live in the Pacific territories the following:

(A) Hospital care.

(B) Medical services.

(C) Mental health services.

(D) Geriatric services.

(2) The feasibility of establishing a community-based outpatient clinic of the Department in any Pacific territory that does not contain such a facility.

(c) DEFINITION.—In this section, the term "Pacific territories" means American Samoa, Guam, and the Northern Mariana Islands.

TITLE III—IMPROVEMENTS TO RECRUITMENT OF HEALTH CARE PROFESSIONALS

SEC. 301. DESIGNATED SCHOLARSHIPS FOR PHYSICIANS AND DENTISTS UNDER DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) SCHOLARSHIPS FOR PHYSICIANS AND DENTISTS.—Section 7612(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) Of the scholarships awarded under this subchapter, the Secretary shall ensure that not less than 50 scholarships are awarded each year to individuals who are accepted for enrollment or enrolled (as described in section 7602 of this title) in a program of education or training leading to employment as a physician or dentist until such date as the Secretary determines that the staffing shortage of physicians and dentists in the Department is less than 500.

"(B) After such date, the Secretary shall ensure that of the scholarships awarded under this subchapter, a number of scholarships is awarded each year to individuals referred to in subparagraph (A) in an amount equal to not less than ten percent of the staffing shortage of physicians and dentists in the Department, as determined by the Secretary.

"(C) Notwithstanding subsection (c)(1), the agreement between the Secretary and a participant in the Scholarship Program who receives a scholarship pursuant to this paragraph shall provide the following:

"(i) The Secretary's agreement to provide the participant with a scholarship under this subchapter for a specified number (from two to four) of school years during which the participant

is pursuing a course of education or training leading to employment as a physician or dentist.

"(ii) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the 'period of obligated service') of 18 months for each school year or part thereof for which the participant was provided a scholarship under the Scholarship Program. Time period.

"(D) In providing scholarships pursuant to this paragraph, the Secretary may provide a preference for applicants who are veterans.

"(E) On an annual basis, the Secretary shall provide to appropriate educational institutions informational material about the availability of scholarships under this paragraph.". Time period.

(b) BREACH OF AGREEMENT.—Section 7617 of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) In the case of a participant who is enrolled in a program or education or training leading to employment as a physician, the participant fails to successfully complete postgraduate training leading to eligibility for board certification in a specialty.".

(c) EXTENSION OF PROGRAM.—Section 7619 of such title is amended by striking "December 31, 2019" and inserting "December 31, 2033".

SEC. 302. INCREASE IN MAXIMUM AMOUNT OF DEBT THAT MAY BE REDUCED UNDER EDUCATION DEBT REDUCTION PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) INCREASE IN AMOUNT.—Section 7683(d)(1) is amended—

(1) by striking "$120,000" and inserting "$200,000"; and

(2) by striking "$24,000" and inserting "$40,000".

(b) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall— Deadline.

(A) conduct a study on the demand for education debt reduction under subchapter VII of chapter 76 of title 38, United States Code; and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to the study carried out under subparagraph (A). Reports.

(2) CONSIDERATIONS.—In carrying out the study required by paragraph (1)(A), the Secretary shall consider the following:

(A) The total number of vacancies within the Veterans Health Administration whose applicants are eligible to participate in the Education Debt Reduction Program pursuant to section 7682(a) of such title.

(B) The types of medical professionals in greatest demand in the United States.

(C) Projections by the Secretary of the numbers and types of medical professions that meet the needs of veterans.

SEC. 303. ESTABLISHING THE DEPARTMENT OF VETERANS AFFAIRS SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.

38 USC prec. 7691.

(a) IN GENERAL.—Chapter 76 of title 38, United States Code, is amended by inserting after subchapter VII the following new subchapter:

"SUBCHAPTER VIII—SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM

38 USC 7691.

"§ 7691. Establishment

"As part of the Educational Assistance Program, the Secretary may carry out a student loan repayment program under section 5379 of title 5. The program shall be known as the Department of Veterans Affairs Specialty Education Loan Repayment Program (in this chapter referred to as the 'Specialty Education Loan Repayment Program').

38 USC 7692.

"§ 7692. Purpose

"The purpose of the Specialty Education Loan Repayment Program is to assist, through the establishment of an incentive program for certain individuals employed in the Veterans Health Administration, in meeting the staffing needs of the Veterans Health Administration for physicians in medical specialties for which the Secretary determines recruitment or retention of qualified personnel is difficult.

38 USC 7693.

"§ 7693. Eligibility; preferences; covered costs

"(a) ELIGIBILITY.—An individual is eligible to participate in the Specialty Education Loan Repayment Program if the individual—

"(1) is hired under section 7401 of this title to work in an occupation described in section 7692 of this title;

"(2) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a course of education or training which led to a degree that qualified the individual for the position referred to in paragraph (1); and

"(3) is—

"(A) recently graduated from an accredited medical or osteopathic school and matched to an accredited residency program in a medical specialty described in section 7692 of this title; or

"(B) a physician in training in a medical specialty described in section 7692 of this title with more than 2 years remaining in such training.

"(b) PREFERENCES.—In selecting individuals for participation in the Specialty Education Loan Repayment Program under this subchapter, the Secretary may give preference to the following:

"(1) Individuals who are, or will be, participating in residency programs in health care facilities—

"(A) located in rural areas;

"(B) operated by Indian tribes, tribal organizations, or the Indian Health Service; or

"(C) affiliated with underserved health care facilities of the Department.

"(2) Veterans.

"(c) COVERED COSTS.—For purposes of subsection (a)(2), costs relating to a course of education or training include—

"(1) tuition expenses;

"(2) all other reasonable educational expenses, including expenses for fees, books, equipment, and laboratory expenses; and

"(3) reasonable living expenses.

"§ 7694. Specialty education loan repayment

38 USC 7694.

"(a) IN GENERAL.—Payments under the Specialty Education Loan Repayment Program shall consist of payments for the principal and interest on loans described in section 7682(a)(2) of this title for individuals selected to participate in the Program to the holders of such loans.

"(b) FREQUENCY OF PAYMENT.—The Secretary shall make payments for any given participant in the Specialty Education Loan Repayment Program on a schedule determined appropriate by the Secretary.

"(c) MAXIMUM AMOUNT; WAIVER.—(1) The amount of payments made for a participant under the Specialty Education Loan Repayment Program may not exceed $160,000 over a total of 4 years of participation in the Program, of which not more than $40,000 of such payments may be made in each year of participation in the Program.

Time period.

"(2)(A) The Secretary may waive the limitations under paragraph (1) in the case of a participant described in subparagraph (B). In the case of such a waiver, the total amount of payments payable to or for that participant is the total amount of the principal and the interest on the participant's loans referred to in subsection (a).

Waiver authority.

"(B) A participant described in this subparagraph is a participant in the Program who the Secretary determines serves in a position for which there is a shortage of qualified employees by reason of either the location or the requirements of the position.

"§ 7695. Choice of location

38 USC 7695.

"Each participant in the Specialty Education Loan Repayment Program who completes residency may select, from a list of medical facilities of the Veterans Health Administration provided by the Secretary, at which such facility the participant will work in a medical specialty described in section 7692 of this title.

"§ 7696. Term of obligated service

38 USC 7696.

"(a) IN GENERAL.—In addition to any requirements under section 5379(c) of title 5, a participant in the Specialty Education Loan Repayment Program must agree, in writing and before the Secretary may make any payment to or for the participant, to—

"(1) obtain a license to practice medicine in a State;

"(2) successfully complete post-graduate training leading to eligibility for board certification in a specialty;

"(3) serve as a full-time clinical practice employee of the Veterans Health Administration for 12 months for every $40,000 in such benefits that the employee receives, but in no case for fewer than 24 months; and

Time periods.

"(4) except as provided in subsection (b), to begin such service as a full-time practice employee by not later than 60 days after completing a residency.

Deadline.

Deadline.

"(b) FELLOWSHIP.—In the case of a participant who receives an accredited fellowship in a medical specialty other than a medical specialty described in section 7692 of this title, the Secretary, on written request of the participant, may delay the term of obligated service under subsection (a) for the participant until after the participant completes the fellowship, but in no case later than 60 days after completion of such fellowship.

"(c) PENALTY.—(1) An employee who does not complete a period of obligated service under this section shall owe the Federal Government an amount determined in accordance with the following formula: $A = B \times ((T - S) \div T)$.

"(2) In the formula in paragraph (1):

"(A) '*A*' is the amount the employee owes the Federal Government.

"(B) '*B*' is the sum of all payments to or for the participant under the Specialty Education Loan Repayment Program.

"(C) '*T*' is the number of months in the period of obligated service of the employee.

"(D) '*S*' is the number of whole months of such period of obligated service served by the employee.

38 USC 7697.

"§ 7697. Relationship to Educational Assistance Program

"Assistance under the Specialty Education Loan Repayment Program may be in addition to other assistance available to individuals under the Educational Assistance Program.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) Section 7601(a) of title 38, United States Code, is amended—

(i) in paragraph (4), by striking "and";

(ii) in paragraph (5), by striking the period and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(6) the specialty education loan repayment program provided for in subchapter VIII of this chapter.".

(B) Section 7603(a)(1) of title 38, United States Code, is amended by striking "or VI" and inserting "VI, or VIII".

(C) Section 7604 of title 38, United States Code, is amended by striking "or VI" each place it appears and inserting "VI, or VIII".

(D) Section 7631 of title 38, United States Code, is amended—

(i) in subsection (a)(1)—

(I) by striking "and" after "scholarship amount,"; and

(II) by inserting ", and the maximum specialty education loan repayment amount" after "reduction payments amount"; and

(ii) in subsection (b) by adding at the end the following new paragraph:

Definition.

"(7) The term 'specialty education loan repayment amount' means the maximum amount of specialty education loan repayment payments payable to or for a participant in the Department of Veterans Affairs Specialty Education Loan Repayment Program under subchapter VIII of this chapter, as specified in section

7694(c)(1) of this title and as previously adjusted (if at all) in accordance with this section.".

(E) Section 7632 of title 38, United States Code, is amended—

(i) in paragraph (1), by striking "and the Education Debt Reduction Program" and inserting "the Education Debt Reduction Program, and the Specialty Education Loan Repayment Program"; and

(ii) in paragraph (4), by striking "and per participant in the Education Debt Reduction Program" and inserting "per participant in the Education Debt Reduction Program, and per participant in the Specialty Education Loan Repayment Program".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 76 of such title is amended by inserting after the items relating to subchapter VII the following: 38 USC prec. 7601.

"SUBCHAPTER VIII—SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM

"7691. Establishment.
"7692. Purpose.
"7693. Eligibility; preferences; covered costs.
"7694. Specialty education loan repayment.
"7695. Choice of location.
"7696. Term of obligated service.
"7697. Relationship to Educational Assistance Program.".

(c) NEEDS OF THE VHA.—In making determinations each year under section 7692 of title 38, United States Code, as enacted by subsection (a), the Secretary of Veterans Affairs shall consider the anticipated needs of the Veterans Health Administration during the period 2 to 6 years in the future. 38 USC 7692 note.

(d) PREFERENCE.—In granting preference under section 7693 of title 38, United States Code, as enacted by subsection (a), the Secretary of Veterans Affairs shall determine whether a facility of the Department is underserved based on the criteria developed under section 401 of this Act. 38 USC 7693 note.

(e) OFFER DEADLINE.—In the case of an applicant who applies before receiving a residency match and whom the Secretary of Veterans Affairs selects for participation in the Specialty Education Loan Repayment Program established by subsection (a), the Secretary shall offer participation to the applicant not later than 28 days after— 38 USC 7691 note.

(1) the applicant matches with a residency in a medical specialty described in section 7692 of title 38, United States Code, as enacted by subsection (a); and

(2) such match is published.

(f) PUBLICITY.—The Secretary of Veterans Affairs shall take such steps as the Secretary determines are appropriate to publicize the Specialty Education Loan Repayment Program established under subchapter VIII of chapter 76 of title 38, United States Code, as enacted by subsection (a). 38 USC 7691 note.

SEC. 304. VETERANS HEALING VETERANS MEDICAL ACCESS AND SCHOLARSHIP PROGRAM. 38 USC 7601 note.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs, acting through the Office of Academic Affiliations of the Department of Veterans Affairs, shall carry out a pilot program under which the Secretary shall provide funding for the medical education of a total of 18 eligible veterans. Such funding shall be provided

for two veterans enrolled in each covered medical schools in accordance with this section.

(b) ELIGIBLE VETERANS.—To be eligible to receive funding for medical education under this section, a veteran shall—

Time period.

(1) have been discharged from the Armed Forces not more than 10 years before the date of application for admission to a covered medical school;

(2) not be entitled to educational assistance under chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(3) apply for admission to a covered medical school for the entering class of 2019;

(4) indicate on such application for admission that the veteran would like to be considered for an award of funding under this section;

(5) meet the minimum admissions criteria for the covered medical school to which the veteran applies; and

(6) enter into an agreement described in subsection (e).

(c) AWARD OF FUNDING.—

(1) IN GENERAL.—Each covered medical school that opts to participate in the program under this section shall reserve two seats in the entering class of 2019 for eligible veterans who receive funding under such program. Such funding shall be awarded to the two eligible veterans with the highest admissions rankings for such class at such school.

(2) AMOUNT OF FUNDING.—Each eligible veteran who receives funding under this section shall receive an amount equal to the actual cost of—

(A) tuition at the covered medical school at which the veteran enrolls for 4 years;

(B) books, fees, and technical equipment;

(C) fees associated with the National Residency Match Program;

(D) two away rotations performed during the fourth year at a Department of Veterans Affairs medical facility; and

(E) a monthly stipend for the 4-year period during which the veteran is enrolled in medical school in an amount to be determined by the Secretary.

(3) DISTRIBUTION OF FUNDING.—In the event that two or more eligible veterans do not apply for admission at one of the covered medical schools for the entering class of 2019, the Secretary shall distribute the available funding to eligible veterans who applied for admission at other covered medical schools.

(d) AGREEMENT.—

(1) TERMS OF AGREEMENT.—Each eligible veteran who accepts funding for medical education under this section shall enter into an agreement with the Secretary that provides that the veteran agrees—

(A) to maintain enrollment and attendance in the medical school;

(B) while enrolled in such medical school, to maintain an acceptable level of academic standing (as determined by the medical school under regulations prescribed by the Secretary);

(C) to complete post-graduate training leading to eligibility for board certification in a speciality applicable to the Department of Veterans Affairs, as determined by the Secretary;

(D) after completion of medical school, to obtain a license to practice medicine in a State; and

(E) after completion of medical school and post-graduate training, to serve as a full-time clinical practice employee in the Veterans Health Administration for a period of 4 years. Time period.

(2) BREACH OF AGREEMENT.—If an eligible veteran who accepts funding under this section breaches the terms of the agreement described in paragraph (1), the United States shall be entitled to recover damages in an amount equal to the total amount of such funding received by the veteran. 38 USC 7611 note.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent any covered medical school from accepting more than two eligible veterans for the entering class of 2019.

(f) REPORT TO CONGRESS.—Not later than December 31, 2020, and annually thereafter for the subsequent 3 years, the Secretary shall submit to Congress a report on the pilot program under this section. Such report shall include the evaluation of the Secretary of the success of the pilot program, including the number of veterans who received funding under the program who matriculated and an evaluation of the academic progress of such veterans. Evaluation.

(g) COVERED MEDICAL SCHOOLS.—In this section, the term "covered medical school" means any of the following: Definition.

(1) The Teague-Cranston medical schools, consisting of—

(A) Texas A&M College of Medicine;

(B) Quillen College of Medicine at East Tennessee State University;

(C) Boonshoft School of Medicine at Wright State University;

(D) Joan C. Edwards School of Medicine at Marshall University; and

(E) University of South Carolina School of Medicine.

(2) Charles R Drew University of Medicine and Science.

(3) Howard University College of Medicine.

(4) Meharry Medical College.

(5) Morehouse School of Medicine.

SEC. 305. BONUSES FOR RECRUITMENT, RELOCATION, AND RETENTION.

Section 705(a) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended—

(1) in paragraph (1), by striking "$230,000,000" and inserting "$250,000,000, of which not less than $20,000,000 shall be for recruitment, relocation, and retention bonuses"; and

(2) in paragraph (2), by striking "$225,000,000" and inserting "$290,000,000, of which not less than $20,000,000 shall be for recruitment, relocation, and retention bonuses".

38 USC 7682 note.

SEC. 306. INCLUSION OF VET CENTER EMPLOYEES IN EDUCATION DEBT REDUCTION PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that clinical staff working at Vet Centers are eligible to participate in the Education Debt Reduction Program of the Department of Veterans Affairs under subchapter VII of chapter 76 of title 38, United States Code.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the number of participants in the Education Debt Reduction Program of the Department under such subchapter who work at Vet Centers.

(c) VET CENTER DEFINED.—In this section, the term "Vet Center" has the meaning given that term in section 1712A(h) of title 38, United States Code.

TITLE IV—HEALTH CARE IN UNDERSERVED AREAS

38 USC 8110 note.

SEC. 401. DEVELOPMENT OF CRITERIA FOR DESIGNATION OF CERTAIN MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS AS UNDERSERVED FACILITIES AND PLAN TO ADDRESS PROBLEM OF UNDERSERVED FACILITIES.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop criteria to designate medical centers, ambulatory care facilities, and community based outpatient clinics of the Department of Veterans Affairs as underserved facilities.

(b) CONSIDERATION.—Criteria developed under subsection (a) shall include consideration of the following with respect to a facility:

(1) The ratio of veterans to health care providers of the Department of Veterans Affairs for a standardized geographic area surrounding the facility, including a separate ratio for general practitioners and specialists.

(2) The range of clinical specialties covered by such providers in such area.

(3) Whether the local community is medically underserved.

(4) The type, number, and age of open consults.

(5) Whether the facility is meeting the wait-time goals of the Department.

(6) Such other criteria as the Secretary considers important in determining which facilities are not adequately serving area veterans.

Time period.

(c) ANALYSIS OF FACILITIES.—Not less frequently than annually, directors of Veterans Integrated Service Networks of the Department shall perform an analysis to determine which facilities within that Veterans Integrated Service Network qualify as underserved facilities pursuant to criteria developed under subsection (a).

(d) ANNUAL PLAN TO ADDRESS UNDERSERVED FACILITIES.—

Deadline.

(1) PLAN REQUIRED.—Not later than 1 year after the date of the enactment of this Act and not less frequently than once each year, the Secretary shall submit to Congress a plan

to address the problem of underserved facilities of the Department, as designated pursuant to criteria developed under subsection (a).

(2) CONTENTS.—Each plan submitted under paragraph (1) shall address the following:

(A) Increasing personnel or temporary personnel assistance, including mobile deployment teams furnished under section 407 of this Act.

(B) Providing special hiring incentives, including under the Education Debt Reduction Program under subchapter VII of chapter 76 of title 38, United States Code, and recruitment, relocation, and retention incentives.

(C) Using direct hiring authority.

(D) Improving training opportunities for staff.

(E) Such other actions as the Secretary considers appropriate.

SEC. 402. PILOT PROGRAM TO FURNISH MOBILE DEPLOYMENT TEAMS TO UNDERSERVED FACILITIES.

38 USC 8110 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to furnish mobile deployment teams of medical personnel to underserved facilities.

(b) ELEMENTS.—In furnishing mobile deployment teams under subsection (a), the Secretary shall consider the following elements:

(1) The medical positions of greatest need at underserved facilities.

(2) The size and composition of teams to be deployed.

(3) Such other elements as the Secretary considers necessary for effective oversight of the program established under subsection (a).

(c) USE OF ANNUAL ANALYSIS.—The Secretary shall use the results of the annual analysis conducted under section 401(c) of this Act to form mobile deployment teams under subsection (a) that are composed of the most needed medical personnel for underserved facilities.

(d) REPORTING.—

(1) PROGRESS REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the implementation of the pilot program under this section.

(2) FINAL REPORT.—Not later than the termination of the pilot program under this section, the Secretary shall submit a final report to Congress that contains the recommendations of the Secretary regarding the feasibility and advisability of—

Recommendations.

(A) extending or expanding the pilot program; and

(B) making the pilot program (or any aspect thereof) permanent.

(e) DURATION.—The pilot program under this section shall terminate 3 years after the date of the enactment of this Act.

(f) UNDERSERVED FACILITY DEFINED.—In this section, the term "underserved facility" means a medical center, ambulatory care facility, or community based outpatient clinic of the Department of Veterans Affairs designated by the Secretary of Veterans Affairs as underserved pursuant to criteria developed under section 401 of this Act.

38 USC 7302 note.

SEC. 403. PILOT PROGRAM ON GRADUATE MEDICAL EDUCATION AND RESIDENCY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (5), the Secretary of Veterans Affairs shall establish a pilot program to establish medical residency positions authorized under section 301(b)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 7302 note) at covered facilities.

(2) COVERED FACILITIES.—For purposes of this section, a covered facility is any of the following:

(A) A health care facility of the Department of Veterans Affairs.

(B) A health care facility operated by an Indian tribe or a tribal organization, as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(C) A health care facility operated by the Indian Health Service.

(D) A Federally-qualified health center, as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(E) A health care facility operated by the Department of Defense.

(F) Such other health care facility as the Secretary considers appropriate for purposes of this section.

(3) AGREEMENTS.—To carry out the pilot program under this section, the Secretary may enter into agreements with entities that operate covered facilities in which the Secretary places residents under paragraph (1).

(4) PARAMETERS FOR LOCATION, AFFILIATE SPONSOR, AND DURATION.—When determining in which covered facilities to place residents under paragraph (1), the Secretary shall consider the extent to which there is a clinical need for providers in an area, as determined by the following:

(A) The ratio of veterans to health care providers of the Department for a standardized geographic area surrounding a facility, including a separate ratio for general practitioners and specialists.

(B) The range of clinical specialties of providers in standardized geographic areas surrounding a facility.

(C) Whether the specialty of a provider is included in the most recent staffing shortage determination of the Department under section 7412 of title 38, United States Code.

(D) Whether the local community is designated by the Secretary of Veterans Affairs as underserved pursuant to criteria developed under section 401 of this Act.

(E) Whether the facility is located in a community that is designated by the Secretary of Health and Human Services as a health professional shortage area under section 332 of the Public Health Service Act (42 U.S.C. 254e).

(F) Whether the facility is located in a rural or remote area.

(G) Such other criteria as the Secretary considers important in determining which facilities are not adequately serving area veterans.

(5) PRIORITY IN PLACEMENTS.—During the pilot program under this section, the Secretary shall place no fewer than 100 residents in covered facilities—

(A) operated by the Indian Health Service;

(B) operated by an Indian tribe;

(C) operated by a tribal organization; or

(D) located in communities designated by the Secretary as underserved pursuant to criteria developed under section 401 of this Act.

(6) STIPENDS AND BENEFITS.—The Secretary may pay stipends and provide benefits for residents in positions under paragraph (1), regardless of whether they have been assigned in a Department facility.

(b) REIMBURSEMENT.—If a covered facility establishes a new residency program in which the Secretary places a resident under the pilot program, the Secretary shall reimburse that covered facility for costs of the following:

(1) Curriculum development.

(2) Recruitment and retention of faculty.

(3) Accreditation of the program by the Accreditation Council for Graduate Medical Education.

(4) The portion of faculty salaries attributable to duties under an agreement subsection (a)(3).

(5) Expenses relating to educating a resident under the pilot program.

(c) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and not less frequently than once each year thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report on the implementation of the pilot program.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following with regard to the immediately preceding year, and in comparison to the year immediately preceding that year:

(A) The number of veterans who received care from residents under the pilot program.

(B) The number of veterans who received care from each resident per position described in subsection (a)(1) under the pilot program.

(C) The number of veterans who received care from residents under the pilot program expressed as a percentage of all individuals who received care from such residents.

(D) The number of clinical appointments for veterans conducted by each resident under the pilot program.

(E) The number of clinical appointments for veterans conducted by residents per position described in subsection (a)(1) under the pilot program.

(F) The number of clinical appointments for veterans expressed as a percentage of all clinical appointments conducted by residents under the pilot program.

(G) The number of positions described in subsection (a)(1) at each covered facility under the pilot program.

(H) For each position described in subsection (a)(1) in a residency program affiliated with a health care facility of the Department, the time a resident under the pilot program spent training at that facility of the Department,

expressed as a percentage of the total training time for that resident position.

(I) For each residency program affiliated with a health care facility of the Department, the time all residents under the pilot program spent training at that facility of the Department, expressed as a percentage of the total training time for those residents.

(J) The time that all residents under the pilot program who are assigned to programs affiliated with health care facilities of the Department spent training at facilities of the Department, expressed as a percentage of the total training time for those residents.

(K) The cost to the Department of Veterans Affairs under the pilot program in the year immediately preceding the report and since the beginning of the pilot program.

(L) The cost to the Department of Veterans Affairs per resident placed under the pilot program at each covered facility.

(M) The number of residents under the pilot program hired by the Secretary to work in the Veterans Health Administration after completion of residency in the year immediately preceding the report and since the beginning of the pilot program.

(N) The medical specialties pursued by residents under the pilot program.

(d) DURATION.—The pilot program under this section shall terminate on August 7, 2024.

TITLE V—OTHER MATTERS

SEC. 501. ANNUAL REPORT ON PERFORMANCE AWARDS AND BONUSES AWARDED TO CERTAIN HIGH-LEVEL EMPLOYEES OF THE DEPARTMENT.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 726.

"§ 726. Annual report on performance awards and bonuses awarded to certain high-level employees

"(a) IN GENERAL.—Not later than 100 days after the end of each fiscal year, the Secretary shall submit to the appropriate committees of Congress a report that contains, for the most recent fiscal year ending before the submittal of the report, a description of all performance awards or bonuses awarded to each of the following:

"(1) Regional Office Director of the Department.

"(2) Director of a Medical Center of the Department.

"(3) Director of a Veterans Integrated Service Network.

"(4) Senior executive of the Department.

"(b) ELEMENTS.—Each report submitted under subsection (a) shall include the following with respect to each performance award or bonus awarded to an individual described in such subsection:

"(1) The amount of each award or bonus.

"(2) The job title of the individual awarded the award or bonus.

"(3) The location where the individual awarded the award or bonus works.

"(c) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives.

"(2) The term 'senior executive' means—

"(A) a career appointee; or

"(B) an individual—

"(i) in an administrative or executive position; and

"(ii) appointed under section 7306(a) or section 7401(1) of this title.

"(3) The term 'career appointee' has the meaning given that term in section 3132(a) of title 5, United States Code.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 725 the following new item: 38 USC prec. 701.

"726. Annual report on performance awards and bonuses awarded to certain high-level employees.".

SEC. 502. ROLE OF PODIATRISTS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) INCLUSION AS PHYSICIAN.—

(1) IN GENERAL.—Subchapter I of chapter 74 is amended by adding at the end the following new section:

"§ 7413. Treatment of podiatrists; clinical oversight standards 38 USC 7413.

"(a) PODIATRISTS.—Except as provided by subsection (b), a doctor of podiatric medicine who is appointed as a podiatrist under section 7401(1) of this title is eligible for any supervisory position in the Veterans Health Administration to the same degree that a physician appointed under such section is eligible for the position.

"(b) ESTABLISHMENT OF CLINICAL OVERSIGHT STANDARDS.—The Secretary, in consultation with appropriate stakeholders, shall establish standards to ensure that specialists appointed in the Veterans Health Administration to supervisory positions do not provide direct clinical oversight for purposes of peer review or practice evaluation for providers of other clinical specialties.". Consultation.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7412 the following new item: 38 USC prec. 7401.

"7413. Treatment of podiatrists; clinical oversight standards.".

(b) MODIFICATION AND CLARIFICATION OF PAY GRADE.—

(1) GRADE.—The list in section 7404(b) of such title is amended—

(A) by striking "PHYSICIAN AND DENTIST SCHEDULE" and inserting "PHYSICIAN AND SURGEON (MD/DO), PODIATRIC SURGEON (DPM), AND DENTIST AND ORAL SURGEON (DDS, DMD) SCHEDULE";

(B) by striking "Physician grade" and inserting "Physician and surgeon grade"; and

(C) by striking "PODIATRIST, CHIROPRACTOR, AND" and inserting "CHIROPRACTOR AND".

(2) APPLICATION.—The amendments made by paragraph (1) shall apply with respect to a pay period of the Department of Veterans Affairs beginning on or after the date that is 30 days after the date of the enactment of this Act. Time period. 38 USC 7404 note.

SEC. 503. DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.

(a) MODIFICATION OF DEFINITION OF MEDICAL FACILITY.—Section 8101(3) is amended by striking "Secretary" and all that follows through "nursing home," and inserting "Secretary, or as otherwise authorized by law, for the provision of health-care services (including hospital, outpatient clinic, nursing home,".

(b) MODIFICATION OF DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.—Paragraph (3) of section 8104(a) is amended to read as follows:

"(3) For purposes of this subsection, the term 'major medical facility project' means a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $20,000,000, but such term does not include an acquisition by exchange, nonrecurring maintenance projects of the Department, or the construction, alteration, or acquisition of a shared Federal medical facility for which the Department's estimated share of the project costs does not exceed $20,000,000.".

SEC. 504. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

California.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out the following major medical facility project, to be carried out in an amount not to exceed the amount specified for that project: Construction of the new East Bay Community Based Outpatient Clinic and all associated site work, utilities, parking, and landscaping, construction of the Central Valley Engineering and Logistics support facility, and enhanced flood plain mitigation at the Central Valley and East Bay Community Based Outpatient Clinics as part of the realignment of medical facilities in Livermore, California, in an amount not to exceed $117,300,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2018 or the year in which funds are appropriated for the Construction, Major Projects account, $117,300,000 for the project authorized in subsection (a).

Deadline.

(c) SUBMITTAL OF INFORMATION.—Not later than 90 days after the date of the enactment of this Act, for the project authorized in subsection (a), the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the following information:

(1) A line item accounting of expenditures relating to construction management carried out by the Department of Veterans Affairs for such project.

(2) The future amounts that are budgeted to be obligated for construction management carried out by the Department for such project.

(3) A justification for the expenditures described in paragraph (1) and the future amounts described in paragraph (2).

(4) Any agreement entered into by the Secretary regarding a non-Department of Veterans Affairs Federal entity providing management services relating to such project, including reimbursement agreements and the costs to the Department for such services.

SEC. 505. DEPARTMENT OF VETERANS AFFAIRS PERSONNEL TRANSPARENCY. 38 USC 301 note.

(a) PUBLICATION OF STAFFING AND VACANCIES.—

(1) WEBSITE REQUIRED.—Subject to paragraph (2) and not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall make publicly available on an Internet website of the Department of Veterans Affairs the following information, which shall, subject to subparagraph (D), be displayed by departmental component or, in the case of information relating to Veterans Health Administration positions, by medical facility: Deadline.

(A) The number of personnel encumbering positions.

(B) The number of accessions and separation actions processed during the quarter preceding the date of the publication of the information.

(C) The number of vacancies, by occupation.

(D) The percentage of new hires for the Department who were hired within the time-to-hire target of the Office of Personnel Management, disaggregated by administration.

(2) EXCEPTIONS.—The Secretary may withhold from publication under paragraph (1) information relating to law enforcement, information security, or such positions in the Department that the Secretary determines to be sensitive.

(3) UPDATE OF INFORMATION.—The Secretary shall update the information on the website required under paragraph (1) on a quarterly basis.

(4) TREATMENT OF CONTRACTOR POSITIONS.—Any Department of Veterans Affairs position that is filled with a contractor may not be treated as a Department position for purposes of the information required to be published under paragraph (1).

(5) INSPECTOR GENERAL REVIEW.—On a semi-annual basis, the Inspector General of the Department shall review the administration of the website required under paragraph (1) and make recommendations relating to the improvement of such administration. Time period.

(b) REPORT TO CONGRESS.—The Secretary of Veterans Affairs shall submit to Congress an annual report on the steps the Department is taking to achieve full staffing capacity. Each such report shall include the amount of additional funds necessary to enable the Department to reach full staffing capacity.

SEC. 506. PROGRAM ON ESTABLISHMENT OF PEER SPECIALISTS IN PATIENT ALIGNED CARE TEAM SETTINGS WITHIN MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS. 38 USC 1701 note.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program to establish not fewer than two peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs to promote the use and integration of services for mental health, substance use disorder, and behavioral health in a primary care setting.

(b) TIMEFRAME FOR ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out the program at medical centers of the Department as follows: Deadlines.

(1) Not later than May 31, 2019, at not fewer than 15 medical centers of the Department.

(2) Not later than May 31, 2020, at not fewer than 30 medical centers of the Department.

(c) SELECTION OF LOCATIONS.—

(1) IN GENERAL.—The Secretary shall select medical centers for the program as follows:

(A) Not fewer than five shall be medical centers of the Department that are designated by the Secretary as polytrauma centers.

(B) Not fewer than 10 shall be medical centers of the Department that are not designated by the Secretary as polytrauma centers.

(2) CONSIDERATIONS.—In selecting medical centers for the program under paragraph (1), the Secretary shall consider the feasibility and advisability of selecting medical centers in the following areas:

(A) Rural areas and other areas that are underserved by the Department.

(B) Areas that are not in close proximity to an active duty military installation.

(C) Areas representing different geographic locations, such as census tracts established by the Bureau of the Census.

(d) GENDER-SPECIFIC SERVICES.—In carrying out the program at each location selected under subsection (c), the Secretary shall ensure that—

(1) the needs of female veterans are specifically considered and addressed; and

(2) female peer specialists are made available to female veterans who are treated at each location.

(e) ENGAGEMENT WITH COMMUNITY PROVIDERS.—At each location selected under subsection (c), the Secretary shall consider ways in which peer specialists can conduct outreach to health care providers in the community who are known to be serving veterans to engage with those providers and veterans served by those providers.

(f) REPORTS.—

(1) PERIODIC REPORTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter until the Secretary determines that the program is being carried out at the last location to be selected under subsection (c), the Secretary shall submit to Congress a report on the program.

Assessments.

(B) ELEMENTS.—Each report required by subparagraph (A) shall, with respect to the 180-day period preceding the submittal of the report, include the following:

(i) The findings and conclusions of the Secretary with respect to the program.

(ii) An assessment of the benefits of the program to veterans and family members of veterans.

(iii) An assessment of the effectiveness of peer specialists in engaging under subsection (e) with health care providers in the community and veterans served by those providers.

Recommendations.

(2) FINAL REPORT.—Not later than 180 days after the Secretary determines that the program is being carried out at

the last location to be selected under subsection (c), the Secretary shall submit to Congress a report detailing the recommendations of the Secretary as to the feasibility and advisability of expanding the program to additional locations.

SEC. 507. DEPARTMENT OF VETERANS AFFAIRS MEDICAL SCRIBE PILOT PROGRAM.

38 USC 1701 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a 2-year pilot program under which the Secretary shall increase the use of medical scribes at Department of Veterans Affairs medical centers.

Time period.

(b) LOCATIONS.—The Secretary shall carry out the pilot program at the 10 medical centers of the Department as follows:

(1) At least four such medical centers located in rural areas.

(2) At least four such medical centers located in urban areas.

(3) Two such medical centers located in areas with need for increased access or increased efficiency, as determine by the Secretary.

(c) MEDICAL SCRIBES.—

(1) HIRING.—Under the pilot program the Secretary shall—

(A) hire 20 new Department of Veterans Affairs term employees as medical scribes; and

(B) seek to enter into contracts with appropriate entities for the employment of 20 additional medical scribes.

(2) DISTRIBUTION.—The Secretary shall assign four medical scribes to each of the 10 medical centers of the Department where the Secretary carries out the pilot program as follows:

(A) Two scribes shall be assigned to each of two physicians.

(B) Thirty percent of the scribes shall be employed in the provision of emergency care.

(C) Seventy percent of the scribes shall be employed in the provision of speciality care in specialties with the longest patient wait times or lowest efficiency ratings, as determined by the Secretary.

(d) REPORTS.—

(1) REPORTS TO CONGRESS.—Not later than 180 days after the commencement of the pilot program required under this section, and every 180 days thereafter for the duration of the pilot program, the Secretary of Veterans Affairs shall submit to Congress a report on the pilot program. Each such report shall include each of the following:

Analyses.

(A) A separate analysis of each the following with respect to medical scribes employed by the Department of Veterans Affairs and medical scribes performing Department of Veterans Affairs functions under a contract:

(i) Provider efficiency.

(ii) Patient satisfaction.

(iii) Average wait time.

(iv) The number of patients seen per day by each physician or practitioner.

(v) The amount of time required to hire and train an employee to perform medical scribe functions under the pilot program.

Data.
Evaluation.

(B) Metrics and data for analyzing the effects of the pilot program, including an evaluation of the each of the elements under clauses (i) through (iv) of subparagraph (A) at medical centers who employed scribes under the pilot program for an appropriate period preceding the hiring of such scribes.

(2) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the termination of the pilot program under this section, the Comptroller General of the United States shall submit to Congress a report on the pilot program. Such report shall include a comparison of the pilot program with similar programs carried out in the private sector.

(e) DEFINITIONS.—In this section:

(1) The term "medical scribe" means an unlicensed individual hired to enter information into the electronic health record or chart at the direction of a physician or licensed independent practitioner whose responsibilities include the following:

(A) Assisting the physician or practitioner in navigating the electronic health record.

(B) Responding to various messages as directed by the physician or practitioner.

(C) Entering information into the electronic health record, as directed by the physician or practitioner.

(2) The terms "urban" and "rural" have the meanings given such terms under the rural-urban commuting codes developed by the Secretary of Agriculture and the Secretary of Health and Human Services.

(f) FUNDING.—The pilot program under this section shall be carried out using amounts otherwise authorized to be appropriated for the Department of Veterans Affairs. No additional amounts are authorized to be appropriated to carry out such program.

SEC. 508. EXTENSION OF REQUIREMENT TO COLLECT FEES FOR HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.

Section 3729(b)(2) of title 38, United States Code, is amended by striking "2027" each place it appears and inserting "2028".

SEC. 509. EXTENSION OF REDUCTION IN AMOUNT OF PENSION FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking "September 30, 2027" and inserting "September 30, 2028".

SEC. 510. APPROPRIATION OF AMOUNTS.

(a) VETERANS CHOICE PROGRAM.—There is authorized to be appropriated, and is appropriated, to the Secretary of Veterans Affairs, out of any funds in the Treasury not otherwise appropriated, $5,200,000,000 to be deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note).

(b) AVAILABILITY OF AMOUNTS.—The amounts appropriated under subsection (a) shall be available for obligation or expenditure without fiscal year limitation.

SEC. 511. TECHNICAL CORRECTION.

Section 1712I of title 38, United States Code, is redesignated as section 1720I of such title.

SEC. 512. BUDGETARY EFFECTS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

Approved June 6, 2018.

LEGISLATIVE HISTORY—S. 2372 (H.R. 4910) (H.R. 5674):

HOUSE REPORTS: No. 115–671, Pt. 1 (Comm. on Veterans' Affairs) accompanying H.R. 5674.

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 1, considered and passed Senate.
May 16, considered and passed House, amended.
May 17, 22, 23, Senate considered and concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
June 6, Presidential remarks and statement.

Public Law 115–183
115th Congress

An Act

June 15, 2018
[H.R. 3663]

To designate the medical center of the Department of Veterans Affairs in Huntington, West Virginia, as the Hershel "Woody" Williams VA Medical Center.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HERSHEL "WOODY" WILLIAMS VA MEDICAL CENTER IN HUNTINGTON, WEST VIRGINIA.

(a) DESIGNATION.—The medical center of the Department of Veterans Affairs in Huntington, West Virginia, shall after the date of the enactment of this Act be known and designated as the "Hershel 'Woody' Williams VA Medical Center".

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Hershel "Woody" Williams VA Medical Center.

Approved June 15, 2018.

LEGISLATIVE HISTORY—H.R. 3663:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 21, considered and passed House.
May 24, considered and passed Senate.

Public Law 115–184
115th Congress

An Act

To amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.

June 15, 2018
[H.R. 4910]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Cemetery Benefit Correction Act.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Cemetery Benefit Correction Act".

SEC. 2. PROVISION OF OUTER BURIAL RECEPTACLES FOR REMAINS BURIED IN NATIONAL PARKS.

Section 2306(e) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" before "The Secretary of Veterans";

(B) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking "The Secretary of the Army" and inserting the following:

"(B) The Secretary of the Army"; and

(C) by adding at the end the following new subparagraph:

"(C) The Secretary of the Interior shall provide an outer burial receptacle for each such a grave in an open national cemetery administered by the National Park Service.";

(2) in paragraph (2)—

(A) by striking "or in the Arlington National Cemetery" and inserting ", in the Arlington National Cemetery, or in a national cemetery administered by the National Park Service"; and

(B) by striking "or Secretary of the Army" and inserting ", the Secretary of the Army, or the Secretary of the Interior";

(3) in paragraph (3)(B)(ii), by striking "or, with respect to Arlington National Cemetery, the Secretary of the Army" and inserting "or the Secretary of the Army with respect to Arlington National Cemetery or the Secretary of the Interior with respect to a national cemetery administered by the National Park Service"; and

(4) in paragraph (4), by striking "or, with respect to Arlington National Cemetery, the Secretary of the Army" and inserting "or the Secretary of the Army with respect to Arlington National Cemetery or the Secretary of the Interior

with respect to a national cemetery administered by the National Park Service".

Approved June 15, 2018.

LEGISLATIVE HISTORY—H.R. 4910 (S. 2372):

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 7, considered and passed House.
May 24, considered and passed Senate.

Public Law 115–185
115th Congress

An Act

To authorize the Project Safe Neighborhoods Grant Program, and for other purposes.

June 18, 2018
[H.R. 3249]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Project Safe Neighborhoods Grant Program Authorization Act of 2018.
34 USC 10101 note.

This Act may be cited as the "Project Safe Neighborhoods Grant Program Authorization Act of 2018".

SEC. 2. DEFINITIONS.

34 USC 60701.

For the purposes of this Act—

(1) the term "firearms offenses" means an offense under section 922 or 924 of title 18, United States Code;

(2) the term "Program" means the Project Safe Neighborhoods Block Grant Program established under section 3; and

(3) the term "transnational organized crime group" has the meaning given such term in section 36(k)(6) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(6)).

SEC. 3. ESTABLISHMENT.

34 USC 60702.

The Attorney General of the United States is authorized to establish and carry out a program, to be known as the "Project Safe Neighborhoods Block Grant Program" within the Office of Justice Programs at the Department of Justice.

SEC. 4. PURPOSE.

34 USC 60703.

(a) PROJECT SAFE NEIGHBORHOODS BLOCK GRANT PROGRAM.—The purpose of the Program is to foster and improve existing partnerships between Federal, State, and local agencies, including the United States Attorney in each Federal judicial district, entities representing members of the community affected by increased violence, victims' advocates, and researchers to create safer neighborhoods through sustained reductions in violent crimes by—

(1) developing and executing comprehensive strategic plans to reduce violent crimes, including the enforcement of gun laws, and prioritizing efforts focused on identified subsets of individuals or organizations responsible for increasing violence in a particular geographic area;

(2) developing evidence-based and data-driven intervention and prevention initiatives, including juvenile justice projects and activities which may include street-level outreach, conflict mediation, provision of treatment and social services, and the changing of community norms, in order to reduce violence; and

(3) collecting data on outcomes achieved through the Program, including the effect on the violent crime rate, incarceration rate, and recidivism rate of the jurisdiction.

(b) ADDITIONAL PURPOSE AREAS.—In addition to the purpose described in subsection (a), the Attorney General may use funds authorized under this Act for any of the following purposes—

(1) competitive and evidence-based programs to reduce gun crime and gang violence;

(2) the Edward Byrne criminal justice innovation program;

(3) community-based violence prevention initiatives; or

(4) gang and youth violence education, prevention and intervention, and related activities.

34 USC 60704.

SEC. 5. RULES AND REGULATIONS.

(a) IN GENERAL.—The Attorney General shall issue guidance to create, carry out, and administer the Program in accordance with this section.

(b) FUNDS TO BE DIRECTED TO LOCAL CONTROL.—Amounts made available as grants under the Program shall be, to the greatest extent practicable, locally controlled to address problems that are identified locally.

(c) TASK FORCES.—Thirty percent of the amounts made available as grants under the Program each fiscal year shall be granted to Gang Task Forces in regions experiencing a significant or increased presence of criminal or transnational organizations engaging in high levels of violent crime, firearms offenses, human trafficking, and drug trafficking.

(d) PRIORITY.—Amounts made available as grants under the Program shall be used to prioritize the investigation and prosecution of individuals who have an aggravating or leadership role in a criminal or transnational organization described in subsection (c).

34 USC 60705.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out the Program $50,000,000 for each of fiscal years 2019 through 2021.

Approved June 18, 2018.

LEGISLATIVE HISTORY—H.R. 3249:

HOUSE REPORTS: No. 115–597 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 14, considered and passed House.
May 16, considered and passed Senate, amended.
June 6, House concurred in Senate amendment.

Public Law 115–186
115th Congress

An Act

To designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, and for other purposes.

June 21, 2018
[H.R. 1900]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Veterans Memorial and Museum Act. 54 USC 320301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Veterans Memorial and Museum Act".

SEC. 2. DESIGNATION OF NATIONAL VETERANS MEMORIAL AND MUSEUM.

(a) DESIGNATION.—Subject to the condition described in subsection (b), the memorial and museum that is, as of the date of the enactment of this Act, being constructed on an approximately 7-acre area on West Broad Street, Columbus, Ohio, bounded by the Scioto River and the Scioto Greenway, shall be designated as the "National Veterans Memorial and Museum".

(b) WITHDRAWAL OF DESIGNATION.—The designation under subsection (a) may be withdrawn no earlier than 5 years after the date on which the museum opens the public, pursuant to an Act of Congress, if the progress and operation of the museum are found to be unsatisfactory based on the report submitted under subsection (c). Deadline.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—As a condition of the designation under subsection (a), the director of the memorial and museum described in that subsection shall submit to Congress a report on the memorial and museum by not later than the date specified in paragraph (2). Such report shall include each of the following:

(A) The projected budget for the memorial and museum for the 5-year period beginning on the date the memorial and museum is expected to open to the public. Time period. Effective date.

(B) A description of the outreach conducted by the memorial and museum to veterans across the United States to receive input about the design and contents of the memorial and museum.

(C) A description of the process by which decisions are made about the contents of the exhibits displayed at the memorial and museum.

(D) A description of the organizational structure of the memorial and museum.

(E) A copy of the bylaws and rules of the memorial and museum. Records.

Lists.

(F) A list of any organizations or entities that have accredited the memorial and museum.

(2) DEADLINE FOR REPORT.—The date specified in this paragraph is the earlier of the following dates:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 30 days before the date on which the memorial and museum is first open to the public.

(d) EFFECT OF DESIGNATION.—The national memorial and museum designated by subsection (a) is not a unit of the National Park System, and the designation of the national memorial and museum shall not be construed to require Federal funds to be expended for any purpose related to the national memorial and museum.

Approved June 21, 2018.

LEGISLATIVE HISTORY—H.R. 1900:

HOUSE REPORTS: No. 115–399, Pt. 1 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 115–304 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 7, considered and passed House.
Vol. 164 (2018): June 6, considered and passed Senate.

Public Law 115–187
115th Congress

An Act

To amend the Small Business Investment Act of 1958 to increase the amount of leverage made available to small business investment companies.

June 21, 2018
[H.R. 2333]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business Investment Opportunity Act of 2017.
15 USC 661 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Opportunity Act of 2017".

SEC. 2. INDIVIDUAL SBIC LEVERAGE LIMIT INCREASE.

Section 303(b)(2)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(A)(ii)) is amended by striking "$150,000,000" and inserting "$175,000,000".

Approved June 21, 2018.

LEGISLATIVE HISTORY—H.R. 2333:

HOUSE REPORTS: No. 115–215 (Comm. on Small Business).
CONGRESSIONAL RECORD:
Vol. 163 (2017): July 24, considered and passed House.
Vol. 164 (2018): June 5, considered and passed Senate.

Public Law 115–188
115th Congress

An Act

June 21, 2018
[H.R. 2772]

To amend title 38, United States Code, to provide for requirements relating to the reassignment of Department of Veterans Affairs senior executive employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Veterans Affairs Senior Executive Accountability Act of 2018.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Senior Executive Accountability Act of 2018" or the "SEA Act of 2018".

SEC. 2. SEMIANNUAL REPORTS ON REASSIGNMENT OF DEPARTMENT OF VETERANS AFFAIRS SENIOR EXECUTIVE EMPLOYEES.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 727.

"§ 727. Reassignment of senior executives

"(a) APPROVAL OF REASSIGNMENTS.—No individual employed in a senior executive position at the Department may be reassigned to another such position at the Department unless such reassignment is approved in writing and signed by the Secretary.

"(b) SEMIANNUAL REPORTS REQUIRED.—(1) Not later than June 30 and December 31 of each year, the Secretary shall submit to Congress a report on the reassignment of individuals employed in senior executive positions at the Department to other such positions at the Department during the period covered by the report.

"(2) Each report submitted under paragraph (1) shall describe the purpose of each reassignment and the costs associated with such reassignment.

"(3) For purposes of paragraph (2), costs associated with a reassignment may only include the following:

"(A) A salary increase.

"(B) Temporary travel expenses for the individual or the family of the individual.

"(C) Moving expenses.

"(D) A paid incentive.

"(c) SENIOR EXECUTIVE POSITION DEFINED.—In this section, the term 'senior executive position' has the meaning given such term in section 713(d) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 725 the following new item:

38 USC prec. 701.

"727. Reassignment of senior executives.".

Approved June 21, 2018.

LEGISLATIVE HISTORY—H.R. 2772:

HOUSE REPORTS: No. 115–248 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): July 28, considered and passed House.
Vol. 164 (2018): May 16, considered and passed Senate, amended.
June 7, House concurred in Senate amendment.

Public Law 115–189
115th Congress

An Act

June 21, 2018
[H.R. 4743]

To amend the Small Business Act to strengthen the Office of Credit Risk Management within the Small Business Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business 7(a) Lending Oversight Reform Act of 2018.
15 USC 631 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business 7(a) Lending Oversight Reform Act of 2018".

15 USC 657t note.

SEC. 2. DEFINITIONS.

In this Act, the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

SEC. 3. CODIFICATION OF THE OFFICE OF CREDIT RISK MANAGEMENT AND THE LENDER OVERSIGHT COMMITTEE.

15 USC 631 note.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 47 as section 49; and

(2) by inserting after section 46 the following new sections:

15 USC 657t.

"SEC. 47. OFFICE OF CREDIT RISK MANAGEMENT.

"(a) ESTABLISHMENT.—There is established within the Administration the Office of Credit Risk Management (in this section referred to as the 'Office').

"(b) DUTIES.—The Office shall be responsible for supervising—

"(1) any lender making loans under section 7(a) (in this section referred to as a '7(a) lender');

"(2) any Lending Partner or Intermediary participant of the Administration in a lending program of the Office of Capital Access of the Administration; and

"(3) any small business lending company or a non-Federally regulated lender without regard to the requirements of section 23.

"(c) DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by the Director of the Office of Credit Risk Management (in this section referred to as the 'Director'), who shall be a career appointee in the Senior Executive Service (as defined in section 3132 of title 5, United States Code).

"(2) DUTIES.—The Director shall be responsible for oversight of the lenders and participants described in subsection (b), including by conducting periodic reviews of the compliance and performance of such lenders and participants.

"(d) SUPERVISION DUTIES FOR 7(a) LENDERS.—With respect to 7(a) lenders, an employee of the Office shall—

"(1) be present for and supervise any such review that is conducted by a contractor of the Office on the premise of the 7(a) lender; and

"(2) supervise any such review that is not conducted on the premise of the 7(a) lender.

"(e) ENFORCEMENT AUTHORITY AGAINST 7(a) LENDERS.—

"(1) INFORMAL ENFORCEMENT AUTHORITY.—The Director may take an informal enforcement action against a 7(a) lender if the Director finds that the 7(a) lender has violated a statutory or regulatory requirement under section 7(a) or any requirement in a Standard Operating Procedures Manual or Policy Notice related to a program or function of the Office of Capital Access.

"(2) FORMAL ENFORCEMENT AUTHORITY.—

"(A) IN GENERAL.—With the approval of the Lender Oversight Committee established under section 48, the Director may take a formal enforcement action against any 7(a) lender if the Director finds that the 7(a) lender has violated—

"(i) a statutory or regulatory requirement under section 7(a), including a requirement relating to credit elsewhere; or

"(ii) any requirement described in a Standard Operating Procedures Manual or Policy Notice, related to a program or function of the Office of Capital Access.

"(B) ENFORCEMENT ACTIONS.—An enforcement action imposed on a 7(a) lender by the Director under subparagraph (A) shall be based on the severity or frequency of the violation and may include assessing a civil monetary penalty against the 7(a) lender in an amount that is not greater than $250,000.

"(3) APPEAL BY LENDER.—A 7(a) lender may appeal an enforcement action imposed by the Director described in this subsection to the Office of Hearings and Appeals established under section 5(i) or to an appropriate district court of the United States.

"(f) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Administrator shall issue regulations, after opportunity for notice and comment, to carry out subsection (e). Deadline.

"(g) SERVICING AND LIQUIDATION RESPONSIBILITIES.—During any period during which a 7(a) lender is suspended or otherwise prohibited from making loans under section 7(a), the 7(a) lender shall remain obligated to maintain all servicing and liquidation activities delegated to the lender by the Administrator, unless otherwise specified by the Director.

"(h) PORTFOLIO RISK ANALYSIS OF 7(a) LOANS.—

"(1) IN GENERAL.—The Director shall annually conduct a risk analysis of the portfolio of the Administration with respect to all loans guaranteed under section 7(a).

"(2) REPORT TO CONGRESS.—On December 1, 2018, and every December 1 thereafter, the Director shall submit to Congress a report containing the results of each portfolio risk analysis conducted under paragraph (1) during the fiscal year preceding the submission of the report, which shall include— Analyses.

"(A) an analysis of the overall program risk of loans guaranteed under section 7(a);

"(B) an analysis of the program risk, set forth separately by industry concentration;

"(C) without identifying individual 7(a) lenders by name, a consolidated analysis of the risk created by the individual 7(a) lenders responsible for not less than 1 percent of the gross loan approvals set forth separately for the year covered by the report by—

"(i) the dollar value of the loans made by such 7(a) lenders; and

"(ii) the number of loans made by such 7(a) lenders;

"(D) steps taken by the Administrator to mitigate the risks identified in subparagraphs (A), (B), and (C);

"(E) the number of 7(a) lenders, the number of loans made, and the gross and net dollar amount of loans made;

"(F) the number and dollar amount of total losses, the number and dollar amount of total purchases, and the percentage and dollar amount of recoveries at the Administration;

"(G) the number and type of enforcement actions recommended by the Director;

"(H) the number and type of enforcement actions approved by the Lender Oversight Committee established under section 48;

"(I) the number and type of enforcement actions disapproved by the Lender Oversight Committee; and

"(J) the number and dollar amount of civil monetary penalties assessed.

"(i) BUDGET SUBMISSION AND JUSTIFICATION.—The Director shall annually provide, in writing, a fiscal year budget submission for the Office and a justification for such submission to the Administrator. Such submission and justification shall—

"(1) include salaries and expenses of the Office and the charge for the lender oversight fees;

"(2) be submitted at or about the time of the budget submission by the President under section 1105(a) of title 31; and

Public information. Time period.

"(3) be maintained in an indexed form and made available for public review for a period of not less than 5 years beginning on the date of submission and justification.

15 USC 657u.

"SEC. 48. LENDER OVERSIGHT COMMITTEE.

"(a) ESTABLISHMENT.—There is established within the Administration the Lender Oversight Committee (in this section referred to as the 'Committee').

"(b) MEMBERSHIP.—The Committee shall consist of at least 8 members selected by the Administrator, of which—

"(1) 3 members shall be voting members, 2 of whom shall be career appointees in the Senior Executive Service (as defined in section 3132 of title 5, United States Code); and

"(2) the remaining members shall be nonvoting members who shall serve in an advisory capacity on the Committee.

"(c) DUTIES.—The Committee shall—

"(1) review reports on lender oversight activities;

"(2) review formal enforcement action recommendations of the Director of the Office of Credit Risk Management with respect to any lender making loans under section 7(a) and

any Lending Partner or Intermediary participant of the Administration in a lending program of the Office of Capital Access of the Administration;

"(3) in carrying out paragraph (2) with respect to formal enforcement actions taken under subsection (d) or (e) of section 23, vote to recommend or not recommend action to the Administrator or a designee of the Administrator; Recommendations.

"(4) in carrying out paragraph (2) with respect to any formal enforcement action not specified under subsection (d) or (e) of section 23, vote to approve, disapprove, or modify the action;

"(5) review, in an advisory capacity, any lender oversight, portfolio risk management, or program integrity matters brought by the Director; and

"(6) take such other actions and perform such other functions as may be delegated to the Committee by the Administrator.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Committee shall meet as necessary, but not less frequently than on a quarterly basis.

"(2) REPORTS.—The Committee shall submit to the Administrator a report detailing each meeting of the Committee, including if the Committee does or does not vote to approve a formal enforcement action of the Director of the Office of Credit Risk Management with respect to a lender.".

(b) SUPERVISION DUTIES FOR 7(A) LENDERS.—Effective January 1, 2019, subsection (d) of section 47 (as added by subsection (a)) is amended to read as follows: 15 USC 657t note.

"(d) SUPERVISION DUTIES FOR 7(A) LENDERS.—

"(1) REVIEWS.—With respect to 7(a) lenders, an employee of the Office shall—

"(A) be present for and supervise any such review that is conducted by a contractor of the Office on the premise of the 7(a) lender; and

"(B) supervise any such review that is not conducted on the premise of the 7(a) lender.

"(2) REVIEW REPORT TIMELINE.—

"(A) IN GENERAL.—Notwithstanding any other requirements of the Office or the Administrator, the Administrator shall develop and implement a review report timeline which shall—

"(i) require the Administrator to—

"(I) deliver a written report of the review to the 7(a) lender not later than 60 business days after the date on which the review is concluded; or

"(II) if the Administrator expects to submit the report after the end of the 60-day period described in clause (i), notify the 7(a) lender of the expected date of submission of the report and the reason for the delay; and Notification.

"(ii) if a response by the 7(a) lender is requested in a report submitted under subparagraph (A), require the 7(a) lender to submit responses to the Administrator not later than 45 business days after the date on which the 7(a) lender receives the report.

"(B) EXTENSION.—The Administrator may extend the time frame described in subparagraph (A)(i)(II) with respect to a 7(a) lender as the Administrator determines necessary.".

(c) TRANSFER OF FUNCTIONS.—

15 USC 657t note.

(1) OFFICE OF CREDIT RISK MANAGEMENT.—All functions of the Office of Credit Risk Management of the Small Business Administration, including the personnel, assets, and obligation of the Office of Credit Risk Management, as in existence on the day before the date of the enactment of this Act, shall be transferred to the Office of Credit Risk Management established under section 47 of the Small Business Act, as added by subsection (a).

15 USC 657u note.

(2) LENDER OVERSIGHT COMMITTEE.—All functions of the Lender Oversight Committee of the Small Business Administration, including the personnel, assets, and obligations of the Lender Oversight Committee, as in existence on the day before the date of the enactment of this Act, shall be transferred to the Lender Oversight Committee established under section 48 of the Small Business Act, as added by subsection (a).

(d) DEEMING OF NAME.—

15 USC 657t note.

(1) OFFICE OF CREDIT RISK MANAGEMENT.—Any reference in a law, regulation, guidance, document, paper, or other record of the United States to the Office of Credit Risk Management of the Small Business Administration shall be deemed a reference to the Office of Credit Risk Management, established under section 47 of the Small Business Act, as added by subsection (a).

15 USC 657u note.

(2) LENDER OVERSIGHT COMMITTEE.—Any reference in a law, regulation, guidance, document, paper, or other record of the United States to the Lender Oversight Committee of the Small Business Administration shall be deemed a reference to the Lender Oversight Committee, established under section 48 of the Small Business Act, as added by subsection (a).

(e) TECHNICAL AMENDMENT.—Section 3(r)(2) of the Small Business Act (15 U.S.C. 632(r)(2)) is amended by striking "regulated SBA lender" each place it appears in heading and text and inserting "regulated lender".

SEC. 4. DEFINITION OF CREDIT ELSEWHERE.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 3(h) (15 U.S.C. 632(h)) and inserting the following:

"(h) The term 'credit elsewhere' means—

"(1) for the purposes of this Act (except as used in section 7(b)), the availability of credit on reasonable terms and conditions to the individual loan applicant from non-Federal, non-State, or non-local government sources, considering factors associated with conventional lending practices, including—

"(A) the business industry in which the loan applicant operates;

"(B) whether the loan applicant is an enterprise that has been in operation for a period of not more than 2 years;

"(C) the adequacy of the collateral available to secure the requested loan;

"(D) the loan term necessary to reasonably assure the ability of the loan applicant to repay the debt from the actual or projected cash flow of the business; and

"(E) any other factor relating to the particular credit application, as documented in detail by the lender, that cannot be overcome except through obtaining a Federal loan guarantee under prudent lending standards; and

"(2) for the purposes of section 7(b), the availability of credit on reasonable terms and conditions from non-Federal sources taking into consideration the prevailing rates and terms in the community in or near where the applicant business concern transacts business, or the applicant homeowner resides, for similar purposes and periods of time."; and

(2) in section 7(a)(1)(A)(i) (15 U.S.C. 636(a)(1)(A)(i)), by inserting "The Administrator has the authority to direct, and conduct oversight for, the methods by which lenders determine whether a borrower is able to obtain credit elsewhere." before "No financial assistance".

(b) TECHNICAL AMENDMENT.—Section 18(b) of the Small Business Act (15 U.S.C. 647(b)) is amended to read as follows:

"(b) As used in this Act, the term 'agricultural enterprises' means those small business concerns engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural-related industries.". Definition.

SEC. 5. AUTHORITY FOR ADMINISTRATOR TO INCREASE AMOUNT FOR GENERAL BUSINESS LOANS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by redesignating subsection (j) as subsection (f); and

(2) by adding at the end the following new subsection:

"(g) AUTHORITY TO INCREASE AMOUNT OF GENERAL BUSINESS LOANS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3) and with respect to fiscal year 2019 and each fiscal year thereafter, if the Administrator determines that the amount of commitments by the Administrator for general business loans authorized under section 7(a) for a fiscal year could exceed the limit on the total amount of commitments the Administrator may make for those loans under this Act, an appropriations Act, or any other provision of law, the Administrator may make commitments for those loans for that fiscal year in an aggregate amount equal to not more than 115 percent of that limit. Determination.

"(2) NOTICE REQUIRED BEFORE EXERCISING AUTHORITY.—Not later than 30 days before the date on which the Administrator intends to exercise the authority under paragraph (1), the Administrator shall submit notice of intent to exercise the authority to— Deadline.

"(A) the Committee on Small Business and Entrepreneurship and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate; and

"(B) the Committee on Small Business and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives.

"(3) LIMITATION.—The Administrator shall not exercise the authority under paragraph (1) more than once during any fiscal year.".

15 USC 657t note.

SEC. 6. ESTABLISHING A PROCESS FOR WAIVERS.

(a) IN GENERAL.—If the Administrator exercises statutory or regulatory authority to waive a regulation or a requirement in the Standard Operating Procedures Manual or Policy Notice related to a program or function of the Office of Capital Access of the Administration, the waiver shall be in writing and be maintained in an indexed form.

(b) NO NEW WAIVER AUTHORITY.—Nothing in subsection (a) shall be construed as creating new authority for the Administrator to waive regulations of the Administration.

SEC. 7. REPEAL OF SMALL BUSINESS LOAN LOSS REPORT.

Subsection (b) of section 10 of the Small Business Act (15 U.S.C. 639(b)) is repealed.

Approved June 21, 2018.

LEGISLATIVE HISTORY—H.R. 4743 (S. 2283):

HOUSE REPORTS: No. 115–655 (Comm. on Small Business).
SENATE REPORTS: No. 115–265 (Comm. on Small Business and Entrepreneurship) accompanying S. 2283.
CONGRESSIONAL RECORD, Vol. 164 (2018):
May 8, considered and passed House.
June 5, considered and passed Senate.

Public Law 115–190
115th Congress

An Act

To authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land, and for other purposes.

June 22, 2018
[H.R. 1397]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERAGENCY TRANSFER OF LAND ALONG GEORGE WASHINGTON MEMORIAL PARKWAY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "Map" means the map entitled "George Washington Memorial Parkway—Claude Moore Farm Proposed Boundary Adjustment", numbered 850__130815, and dated February 2016.

(2) RESEARCH CENTER.—The term "Research Center" means the Turner-Fairbank Highway Research Center of the Federal Highway Administration.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) TRANSFER OF JURISDICTION.—

(A) GEORGE WASHINGTON MEMORIAL PARKWAY LAND.—Administrative jurisdiction over the approximately 0.342 acres of Federal land under the jurisdiction of the Secretary within the boundary of the George Washington Memorial Parkway, as generally depicted as "B" on the Map, is transferred from the Secretary to the Secretary of Transportation.

(B) RESEARCH CENTER LAND.—Administration jurisdiction over the approximately 0.479 acres of Federal land within the boundary of the Research Center land under the jurisdiction of the Secretary of Transportation adjacent to the boundary of the George Washington Memorial Parkway, as generally depicted as "A" on the Map, is transferred from the Secretary of Transportation to the Secretary.

(2) USE RESTRICTION.—The Secretary shall restrict the use of 0.139 acres of Federal land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the perimeter fence of the Research Center, generally depicted as "C" on the Map, by prohibiting the storage, construction, or installation of any item that may interfere with the access of the Research Center to the restricted land for security and maintenance purposes.

(3) REIMBURSEMENT OR CONSIDERATION.—The transfers of administrative jurisdiction under this subsection shall not be subject to reimbursement or consideration.

(4) COMPLIANCE WITH AGREEMENT.—

(A) AGREEMENT.—The National Park Service and the Federal Highway Administration shall comply with all terms and conditions of the agreement entered into by the parties on September 11, 2002, regarding the transfer of administrative jurisdiction, management, and maintenance of the land described in the agreement.

(B) ACCESS TO RESTRICTED LAND.—Subject to the terms of the agreement described in subparagraph (A), the Secretary shall allow the Research Center—

(i) to access the Federal land described in paragraph (1)(B) for purposes of transportation to and from the Research Center; and

(ii) to access the Federal land described in paragraphs (1)(B) and (2) for purposes of maintenance in accordance with National Park Service standards, including grass mowing, weed control, tree maintenance, fence maintenance, and maintenance of the visual appearance of the Federal land.

(c) MANAGEMENT OF TRANSFERRED LAND.—

(1) INTERIOR LAND.—The Federal land transferred to the Secretary under subsection (b)(1)(B) shall be—

(A) included in the boundary of the George Washington Memorial Parkway; and

(B) administered by the Secretary as part of the George Washington Memorial Parkway, subject to applicable laws (including regulations).

(2) TRANSPORTATION LAND.—The Federal land transferred to the Secretary of Transportation under subsection (b)(1)(A) shall be—

(A) included in the boundary of the Research Center land; and

(B) removed from the boundary of the George Washington Memorial Parkway.

(3) RESTRICTED-USE LAND.—The Federal land that the Secretary has designated for restricted use under subsection (b)(2) shall be maintained by the Research Center.

(d) MAP ON FILE.—The Map shall be available for public inspection in the appropriate offices of the National Park Service.

Approved June 22, 2018.

LEGISLATIVE HISTORY—H.R. 1397 (S. 1460):

HOUSE REPORTS: No. 115–206, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–257 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): July 11, considered and passed House.
Vol. 164 (2018): June 6, considered and passed Senate.

Public Law 115–191
115th Congress

An Act

To authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic Site, and for other purposes.

June 22, 2018
[H.R. 1719]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

John Muir National Historic Site Expansion Act.
54 USC 320101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "John Muir National Historic Site Expansion Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HISTORIC SITE.—The term "Historic Site" means the John Muir National Historic Site in Martinez, California, established by Public Law 88–547 (78 Stat. 753).

(2) MAP.—The term "map" means the map entitled "John Muir National Historic Site Proposed Boundary Expansion", numbered 426/127150, and dated November 2014.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. JOHN MUIR NATIONAL HISTORIC SITE LAND ACQUISITION.

(a) ACQUISITION.—The Secretary may acquire by donation the approximately 44 acres of land and any interests in the land that is identified on the map.

(b) BOUNDARY.—On the acquisition of the land authorized under subsection (a), the Secretary shall adjust the boundaries of the Historic Site to include the acquired land.

(c) ADMINISTRATION.—The land and any interests in land acquired under subsection (a) shall be administered as part of the National Historic Site.

Approved June 22, 2018.

LEGISLATIVE HISTORY—H.R. 1719 (S. 729):

HOUSE REPORTS: No. 115–208 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–47 (Comm. on Energy and Natural Resources) accompanying S. 729.
CONGRESSIONAL RECORD:
Vol. 163 (2017): July 11, considered and passed House.
Vol. 164 (2018): June 6, considered and passed Senate.

Public Law 115–192
115th Congress

An Act

June 25, 2018
[S. 1869]

To reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Whistleblower Protection Coordination Act. 5 USC app. 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Whistleblower Protection Coordination Act".

SEC. 2. REAUTHORIZATION.

(a) IN GENERAL.—Section 3(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1)(C)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(B) by striking "Ombudsman who shall educate agency employees—" and inserting the following: "Coordinator who shall—

"(i) educate agency employees—";

(C) in subclause (I), as so redesignated, by striking "on retaliation" and inserting "against retaliation";

(D) in subclause (II), as so redesignated, by striking the period at the end and inserting the following: ", including—

"(aa) the means by which employees may seek review of any allegation of reprisal, including the roles of the Office of the Inspector General, the Office of Special Counsel, the Merit Systems Protection Board, and any other relevant entities; and

"(bb) general information about the timeliness of such cases, the availability of any alternative dispute mechanisms, and avenues for potential relief."; and

(E) by adding at the end the following:

"(ii) assist the Inspector General in promoting the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal, to the extent practicable, by the Inspector General; and

"(iii) assist the Inspector General in facilitating communication and coordination with the Special Counsel, the Council of the Inspectors General on Integrity and Efficiency, the establishment, Congress, and any other relevant

entity regarding the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, rules, and regulations.";

(2) in paragraph (2), by striking "Ombudsman" and inserting "Coordinator";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) The Whistleblower Protection Coordinator shall have direct access to the Inspector General as needed to accomplish the requirements of this subsection.".

(b) RESPONSIBILITIES OF CIGIE.—Section 11(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(5) ADDITIONAL RESPONSIBILITIES RELATING TO WHISTLEBLOWER PROTECTION.—The Council shall—

"(A) facilitate the work of the Whistleblower Protection Coordinators designated under section 3(d)(C); and

"(B) in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators from the member offices of the Inspector General, develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, in accordance with Federal law.". Consultation.

(c) REPORTING.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a), by amending paragraph (20) to read as follows:

"(20)(A) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation; and

"(B) what, if any, consequences the establishment actually imposed to hold the official described in subparagraph (A) accountable;"; and

(2) in subsection (b)—

(A) in paragraph (3)(D), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) whether the establishment entered into a settlement agreement with the official described in subsection (a)(20)(A), which shall be reported regardless of any confidentiality agreement relating to the settlement agreement; and".

(d) REPEAL OF SUNSET.—

(1) IN GENERAL.—Subsection (c) of section 117 of the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199; 126 Stat. 1475) is repealed.

5 USC app. 3 note.

(2) RETROACTIVE EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on November 26, 2017.

Approved June 25, 2018.

LEGISLATIVE HISTORY—S. 1869 (H.R. 4043):

HOUSE REPORTS: No. 115–510 (Comm. on Oversight and Government Reform) accompanying H.R. 4043.
SENATE REPORTS: No. 115–196 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 15, considered and passed Senate.
June 7, considered and passed House.

Public Law 115–193
115th Congress

An Act

To designate the health care center of the Department of Veterans Affairs in Tallahassee, Florida, as the Sergeant Ernest I. "Boots" Thomas VA Clinic, and for other purposes.

June 25, 2018
[S. 2246]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF A DEPARTMENT OF VETERANS AFFAIRS CLINIC IN FLORIDA.

(a) DESIGNATION.—The Health Care Center of the Department of Veterans Affairs located at 2181 Orange Avenue in Tallahassee, Florida, shall after the date of the enactment of this Act be known and designated as the "Sergeant Ernest I. 'Boots' Thomas VA Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the clinic referred to in paragraph (1) shall be considered to be a reference to the Sergeant Ernest I. "Boots" Thomas VA Clinic.

Approved June 25, 2018.

LEGISLATIVE HISTORY—S. 2246:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 14, considered and passed Senate.
June 7, considered and passed House.

Public Law 115–194
115th Congress

An Act

July 7, 2018
[H.R. 931]

To require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Firefighter Cancer Registry Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the Firefighter Cancer Registry Act of 2018.

42 USC 280e–5.

SEC. 2. VOLUNTARY REGISTRY FOR FIREFIGHTER CANCER INCIDENCE.

Coordination.
Grants.
Contracts.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the Secretary), acting through the Director of the Centers for Disease Control and Prevention and in coordination with other agencies as the Secretary determines appropriate, shall develop and maintain, directly or through a grant or cooperative agreement, a voluntary registry of firefighters (referred to in this section as the Firefighter Registry) to collect relevant health and occupational information of such firefighters for purposes of determining cancer incidence.

(b) USE OF FIREFIGHTER REGISTRY.—The Firefighter Registry may be used for the following purposes:

(1) To improve data collection and data coordination activities related to the nationwide monitoring of the incidence of cancer among firefighters.

(2) To collect, consolidate, and maintain, consistent with subsection (g), epidemiological information and analyses related to cancer incidence and trends among firefighters

(c) RELEVANT DATA.—

(1) DATA COLLECTION.—In carrying out the voluntary data collection for purposes of inclusion under the Firefighter Registry, the Secretary may collect the following:

Determination.

(A) Information, as determined by the Secretary under subsection (d)(1), of volunteer, paid-on-call, and career firefighters, independent of cancer status or diagnosis.

(B) Individual risk factors and occupational history of firefighters.

(C) Information, if available, related to—

(i) basic demographic information, including—

(I) the age of the firefighter involved during the relevant dates of occupation as a firefighter; and

(II) the age of cancer diagnosis;

(ii) the status of the firefighter as either volunteer, paid-on-call, or career firefighter;

(iii) the total number of years of occupation as a firefighter and a detailing of additional employment experience, whether concurrent, before, or anytime thereafter;

(iv)(I) the approximate number of fire incidents attended, including information related to the type of fire incidents and the role of the firefighter in responding to the incident; or

(II) in the case of a firefighter for whom information on such number and type is unavailable, an estimate of such number and type based on the method developed under subsection (d)(1)(D); and Estimate.

(v) other medical information and health history, including additional risk factors, as appropriate, and other information relevant to a cancer incidence study of firefighters.

(2) INFORMATION ON DIAGNOSES AND TREATMENT.—In carrying out paragraph (1), with respect to diagnoses and treatment of firefighters with cancer, the Secretary shall, as appropriate, enable the Firefighter Registry to electronically connect to State-based cancer registries, for a purpose described by clause (vi) or (vii) of section 399B(c)(2)(D) of the Public Health Service Act (42 U.S.C. 280e(c)(2)(D)), to obtain—

(A) date of diagnoses and source of information; and

(B) pathological data characterizing the cancer, including cancer site, state of disease (pursuant to Staging Guide), incidence, and type of treatment.

(d) FIREFIGHTER REGISTRY COORDINATION STRATEGY.— Consultation.

(1) REQUIRED STRATEGY.—The Secretary shall, in consultation with the relevant stakeholders identified in subsection (e), including epidemiologists and pathologists, develop a strategy to coordinate data collection activities, including within existing State registries, for inclusion in the Firefighter Registry established under this Act. The strategy may include the following:

(A) Increasing awareness of the Firefighter Registry and encouraging participation among volunteer, paid-on-call, and career firefighters.

(B) Consideration of unique data collection needs that may arise to generate a statistically reliable representation of minority, female, and volunteer firefighters, including methods, as needed, to encourage participation from such populations.

(C) Information on how the Secretary will store data described in subsection (c)(1) and provide electronic access to relevant health information described in subsection (c)(2).

(D) Working in consultation with the experts described in subsection (e), a reliable and standardized method for estimating the number of fire incidents attended by a firefighter as well as the type of fire incident so attended in the case such firefighter is unable to provide such information.

(2) REPORT TO CONGRESS.—The Secretary shall submit the strategy described in paragraph (1) to the Committee on Energy

and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate not later than 30 days after the date of the completion of the strategy.

(3) GUIDANCE FOR INCLUSION AND MAINTENANCE OF DATA ON FIREFIGHTERS.—The Secretary shall develop, in consultation with the stakeholders identified in subsection (e), State health agencies, State departments of homeland security, and volunteer, paid-on-call, combination, and career firefighting agencies, a strategy for inclusion of firefighters in the registry that are representative of the general population of firefighters, that outlines the following:

(A) How new information about firefighters will be submitted to the Firefighter Registry for inclusion.

(B) How information about firefighters will be maintained and updated in the Firefighter Registry over time.

(C) A method for estimating the number of fire incidents attended by a firefighter as well as the type of fire incident so attended in the case such firefighter is unable to provide such information.

(D) Further information, as deemed necessary by the Secretary.

(e) CONSULTATION AND REPORT.—The Secretary shall consult with non-Federal experts on the Firefighter Registry established under this section, and shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes, as appropriate, information on goals achieved and improvements needed to strengthen the Firefighter Registry. Such non-Federal experts shall include the following:

(1) Public health experts with experience in developing and maintaining cancer registries.

(2) Epidemiologists with experience in studying cancer incidence.

(3) Clinicians with experience in diagnosing and treating cancer incidence.

(4) Active and retired volunteer, paid-on-call, and career firefighters as well as relevant national fire and emergency response organizations.

Public information.

(f) RESEARCH AVAILABILITY.—Subject to subsection (g), the Secretary shall ensure that information and analysis in the Firefighter Registry are available, as appropriate, to the public, including researchers, firefighters, and national fire service organizations.

(g) PRIVACY.—In carrying out this Act, the Secretary shall ensure that information in and analysis of the Firefighter Registry are made available in a manner that, at a minimum, protects personal privacy to the extent required by applicable Federal and State privacy law.

(h) AUTHORIZATION OF FUNDS.—To carry out this section, there are authorized to be appropriated $2,500,000 for each of the fiscal years 2018 through 2022.

Approved July 7, 2018.

LEGISLATIVE HISTORY—H.R. 931 (S. 382):

HOUSE REPORTS: No. 115–301 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Sept. 12, considered and passed House.
Vol. 164 (2018): May 10, considered and passed Senate, amended.
June 22, House concurred in Senate amendment.

Public Law 115–195
115th Congress

An Act

July 7, 2018
[H.R. 2229]

To amend title 5, United States Code, to provide permanent authority for judicial review of certain Merit Systems Protection Board decisions relating to whistleblowers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

All Circuit Review Act.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "All Circuit Review Act".

SEC. 2. JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS RELATING TO WHISTLEBLOWERS.

(a) IN GENERAL.—Section 7703(b)(1)(B) of title 5, United States Code, is amended by striking "During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition" and inserting "A petition".

(b) DIRECTOR REVIEW.—Section 7703(d)(2) of such title is amended by striking "During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph" and inserting "This paragraph".

5 USC 7703 note.

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 26, 2017.

Approved July 7, 2018.

LEGISLATIVE HISTORY—H.R. 2229:

HOUSE REPORTS: No. 115–337, Pt. 1 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 115–229 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 11, considered and passed House.
Vol. 164 (2018): June 12, considered and passed Senate, amended.
June 22, House concurred in Senate amendment.

Public Law 115–196
115th Congress

An Act

To establish a Federal Advisory Council to Support Grandparents Raising Grandchildren.

July 7, 2018
[S. 1091]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Supporting Grandparents Raising Grandchildren Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Grandparents Raising Grandchildren Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) More than 2,500,000 grandparents in the United States are the primary caretaker of their grandchildren, and experts report that such numbers are increasing as the opioid epidemic expands.

(2) Between 2009 and 2016, the incidence of parental alcohol or other drug use as a contributing factor for children's out-of-home placement rose from 25.4 to 37.4 percent.

(3) When children cannot remain safely with their parents, placement with relatives is preferred over placement in foster care with nonrelatives because placement with relatives provides stability for children and helps them maintain family connections.

(4) The number of foster children placed with a grandparent or other relative increased from 24 percent in 2006 to 32 percent in 2016, according to data from the Department of Health and Human Services.

(5) Grandparents' lives are enhanced by caring for their grandchildren; the overwhelming majority of grandparents report experiencing significant benefits in serving as their grandchildren's primary caregivers.

(6) Providing full-time care to their grandchildren may decrease grandparents' ability to address their own physical and mental health needs and personal well-being.

(7) Grandparents would benefit from better coordination and dissemination of information and resources available to support them in their caregiving responsibilities.

SEC. 3. ADVISORY COUNCIL TO SUPPORT GRANDPARENTS RAISING GRANDCHILDREN.

(a) ESTABLISHMENT.—There is established an Advisory Council to Support Grandparents Raising Grandchildren.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Council shall be composed of the following members, or their designee:

(A) The Secretary of Health and Human Services.

(B) The Secretary of Education.

(C) The Administrator of the Administration for Community Living.

(D) The Director of the Centers for Disease Control and Prevention.

(E) The Assistant Secretary for Mental Health and Substance Use.

(F) The Assistant Secretary for the Administration for Children and Families.

(G) A grandparent raising a grandchild.

(H) An older relative caregiver of children.

(I) As appropriate, the head of other Federal departments, or agencies, identified by the Secretary of Health and Human Services as having responsibilities, or administering programs, relating to current issues affecting grandparents or other older relatives raising children.

(2) LEAD AGENCY.—The Department of Health and Human Services shall be the lead agency for the Advisory Council.

(c) DUTIES.—

(1) IN GENERAL.—

Public information.

(A) INFORMATION.—The Advisory Council shall identify, promote, coordinate, and disseminate to the public information, resources, and the best practices available to help grandparents and other older relatives—

(i) meet the health, educational, nutritional, and other needs of the children in their care; and

(ii) maintain their own physical and mental health and emotional well-being.

(B) OPIOIDS.—In carrying out the duties described in subparagraph (A), the Advisory Council shall consider the needs of those affected by the opioid crisis.

(C) NATIVE AMERICANS.—In carrying out the duties described in subparagraph (A), the Advisory Council shall consider the needs of members of Native American tribes.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Council shall submit a report to—

(i) the appropriate committees;

(ii) the State agencies that are responsible for carrying out family caregiver programs; and

(iii) the public online in an accessible format.

(B) REPORT FORMAT.—The report shall include—

(i) best practices, resources, and other useful information for grandparents and other older relatives raising children identified under paragraph (1)(A) including, if applicable, any information related to the needs of children who have been impacted by the opioid epidemic;

(ii) an identification of any gaps in items under clause (i); and

(iii) where applicable, identification of any additional Federal legislative authority necessary to implement the activities described in clause (i) and (ii).

(3) FOLLOW-UP REPORT.—Not later than 2 years after the date on which the report required under paragraph (2)(A) is submitted, the Advisory Council shall submit a follow-up report that includes the information identified in paragraph (2)(B) to—

(A) the appropriate committees;

(B) the State agencies that are responsible for carrying out family caregiver programs; and

(C) the public online in an accessible format.

Public information. Web posting.

(4) PUBLIC INPUT.—

(A) IN GENERAL.—The Advisory Council shall establish a process for public input to inform the development of, and provide updates to, the best practices, resources, and other information described in paragraph (1) that shall include—

(i) outreach to States, local entities, and organizations that provide information to, or support for, grandparents or other older relatives raising children; and

(ii) outreach to grandparents and other older relatives with experience raising children.

(B) NATURE OF OUTREACH.—Such outreach shall ask individuals to provide input on—

(i) information, resources, and best practices available, including identification of any gaps and unmet needs; and

Recommendations.

(ii) recommendations that would help grandparents and other older relatives better meet the health, educational, nutritional, and other needs of the children in their care, as well as maintain their own physical and mental health and emotional well-being.

(d) FACA.—The Advisory Council shall be exempt from the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) FUNDING.—No additional funds are authorized to be appropriated to carry out this Act.

(f) SUNSET.—The Advisory Council shall terminate on the date that is 3 years after the date of enactment of this Act.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—In this Act, the term "Advisory Council" means the Advisory Council to Support Grandparents Raising Grandchildren that is established under section 3.

(2) APPROPRIATE COMMITTEES.—In this Act, the term "appropriate committees" means the following:

(A) The Special Committee on Aging of the Senate.

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

(C) The Committee on Education and the Workforce of the House of Representatives.

(D) The Committee on Energy and Commerce of the House of Representatives.

Approved July 7, 2018.

LEGISLATIVE HISTORY—S. 1091:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 22, considered and passed Senate.
June 13, considered and passed House, amended.
June 21, Senate concurred in House amendments.

Public Law 115–197
115th Congress

An Act

To require the Secretary of the Treasury to mint coins in recognition of American innovation and significant innovation and pioneering efforts of individuals or groups from each of the 50 States, the District of Columbia, and the United States territories, to promote the importance of innovation in the United States, the District of Columbia, and the United States territories, and for other purposes.

July 20, 2018
[H.R. 770]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

American Innovation $1 Coin Act.
31 USC 5101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Innovation $1 Coin Act".

SEC. 2. AMERICAN INNOVATION $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (v) the following new subsection:

"(w) REDESIGN AND ISSUANCE OF $1 COINS HONORING INNOVATION AND INNOVATORS FROM EACH STATE, THE DISTRICT OF COLUMBIA, AND EACH TERRITORY.—

"(1) REDESIGN BEGINNING IN 2019.—

"(A) IN GENERAL.—Notwithstanding subsection (d)(1) and subsection (d)(2) and in accordance with the provisions of this subsection, during the 14-year period beginning on January 1, 2019 (or such later date as provided under subparagraph (B)(ii)), the Secretary of the Treasury shall mint and issue $1 coins to be known as 'American Innovation $1 coins', that— Time period.

"(i) have designs on the obverse selected in accordance with paragraph (2)(A); and

"(ii) have a design on the reverse selected in accordance with paragraph (2)(B).

"(B) CONTINUITY PROVISIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins honoring Native Americans and their contributions in accordance with subsection (r).

"(ii) FIRST COIN.—Notwithstanding subparagraph (A), if the Secretary finds that it is feasible and cost-effective, the Secretary may mint and issue a $1 coin in 2018 to introduce the series of coins described in this subsection, that—

"(I) has the obverse described under paragraph (2)(A);

"(II) has a reverse that bears the inscription 'United States of America' and 'American

Innovators' and a representation of the signature of President George Washington on the first United States patent issued;

"(III) has the edge-incusing described under paragraph (2)(C); and

"(IV) the design for which has reviewed by the Citizens Coinage Advisory Committee.

"(C) DEFINITION OF TERRITORY.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(2) DESIGN REQUIREMENTS.—Notwithstanding subsection (d)(1) and subsection (d)(2), the $1 coins issued in accordance with paragraph (1)(A) shall meet the following design requirements:

"(A) COIN OBVERSE.—The common design on the obverse of each coin issued under this subsection shall contain—

"(i) a likeness of the Statue of Liberty extending to the rim of the coin and large enough to provide a dramatic representation of Liberty;

"(ii) the inscription '$1'; and

"(iii) the inscription 'In God We Trust'.

"(B) COIN REVERSE.—The design on the reverse of each coin issued under this subsection shall bear the following:

"(i) An image or images emblematic of one of the following from one of the 50 States, the District of Columbia, or the territories of the United States:

"(I) A significant innovation.

"(II) An innovator.

"(III) A group of innovators.

"(ii) The name of the State, the District of Columbia, or territory, as applicable.

"(iii) The inscription 'United States of America'.

"(C) EDGE-INCUSED INSCRIPTIONS.—

"(i) IN GENERAL.—The inscription of the year of minting or issuance of the coin, the mint mark, and the inscription 'E Pluribus Unum' shall be edge-incused into the coin.

"(ii) PRESERVATION OF DISTINCTIVE EDGE.—The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

"(3) ISSUANCE OF COINS COMMEMORATING INNOVATION OR INNOVATORS.—

"(A) ORDER OF ISSUANCE.—

"(i) IN GENERAL.—The coins issued under this subsection commemorating either an innovation, an individual innovator, or a group of innovators, from each State, the District of Columbia, or a territory shall be issued in the following order:

"(I) STATE.—With respect to each State, the coins shall be issued in the order in which the

States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

"(II) DISTRICT OF COLUMBIA AND TERRITORIES.—After all coins are issued under subclause (I), the coins shall be issued for the District of Columbia and the territories in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(ii) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—Notwithstanding clause (i), if any additional State is admitted into the Union before the end of the 14-year period referred to in paragraph (1), the Secretary of the Treasury may issue a $1 coin with respect to the additional State in accordance with clause (i)(I). Time period.

"(iii) APPLICATION IN THE EVENT OF INDEPENDENCE OR ADDING OF A TERRITORY.—Notwithstanding clause (i)—

"(I) if any territory becomes independent or otherwise ceases to be a territory of the United States before $1 coins are minted pursuant to this subsection, the subsection shall cease to apply with respect to such territory; and

"(II) if any new territory is added to the United States, $1 coins shall be issued for such territories in the order in which the new the territories are added, beginning after the $1 coin is issued for the Commonwealth of the Northern Mariana Islands.

"(B) ISSUANCE OF COINS COMMEMORATING FOUR INNOVATIONS OR INNOVATORS DURING EACH OF 14 YEARS.—

"(i) IN GENERAL.—Four $1 coin designs as described in this subsection shall be issued during each year of the period referred to in paragraph (1) until 1 coin featuring 1 innovation, an individual innovator, or a group of innovators, from each of the States, the District of Columbia, and territories has been issued.

"(ii) NUMBER OF COINS OF EACH DESIGN.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of $1 coins that shall be issued with each of the designs selected for each year of the period referred to in paragraph (1). Determination.

"(4) SELECTION OF CONCEPT AND DESIGN.—

"(A) CONCEPT.—With respect to each State, the District of Columbia, and each territory to be honored with a coin under this subsection, the selection of the significant innovation, innovator, or group of innovators to be borne on the reverse of such coin shall be made by the Secretary of the Treasury, after consultation with the Governor or other chief executive of the State, the District of Columbia, or territory with respect to which a coin is to be issued under this subsection. Consultation.

"(B) DESIGN.—Each of the designs required under this subsection shall be selected by the Secretary after—

Consultation.

"(i) consultation with—

"(I) the Governor or other chief executive of the State, the District of Columbia, or territory with respect to which a coin is to be issued under this subsection; and

"(II) the Commission of Fine Arts; and

Review.

"(ii) review by the Citizens Coinage Advisory Committee.

"(C) SELECTION AND APPROVAL PROCESS.—Proposals for designs for $1 coins under this subsection may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any $1 coin minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person and no portrait of a living person may be included in the design of any coin issued under this subsection.

"(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all $1 coins minted under this subsection shall be considered to be numismatic items.

"(6) ISSUANCE OF NUMISMATIC COINS.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(7) TERMINATION OF PROGRAM.—The issuance of coins under this subsection shall terminate when one innovation, an individual innovator, or a group of innovators, from each State, the District of Columbia, and each territory has been honored and may not be resumed except by an Act of Congress.".

Approved July 20, 2018.

LEGISLATIVE HISTORY—H.R. 770:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Jan. 16, considered and passed House.
June 20, considered and passed Senate, amended.
June 27, House concurred in Senate amendment.

Public Law 115–198
115th Congress

An Act

To reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

July 20, 2018
[H.R. 2061]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

North Korean Human Rights Reauthorization Act of 2017.
22 USC 7801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korean Human Rights Reauthorization Act of 2017".

22 USC 7801 note.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In 2014, the United Nations Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea (DPRK) found that the grave human rights violations still being perpetrated against the people of North Korea, due to policies established at the highest level of the state, amount to crimes against humanity. Crimes include forced starvation, sexual violence against women and children, restrictions on freedom of movement, arbitrary detention, torture, executions, and enforced disappearances, among other hardships.

(2) The COI also noted that the Government of the People's Republic of China is aiding and abetting in crimes against humanity by forcibly repatriating North Korean refugees back to the DPRK. Upon repatriation, North Koreans are sent to prison camps, tortured, or even executed. The Government of the People's Republic of China's forcible repatriation of North Korean refugees violates its obligation to uphold the principle of non-refoulement, under the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(3) Estimates from the COI suggest that between 80,000 and 120,000 people are believed to be imprisoned in political prison camps in North Korea. Another 70,000 are believed to be held at other detention facilities. Prisoners in both situations are subject to harsh conditions, limited food, sexual abuse, and in most cases hard labor.

(4) One of the findings of the COI report was the persecution of religious minorities, especially Christians. There is effectively no freedom of religion in North Korea, only worship of the Kim family. Christians are subjected to particularly acute persecution. It has been reported that Christians in North Korea have been tortured, forcibly detained, and even executed for possessing a Bible or professing Christianity.

(5) North Korea profits from its human rights abuses. A 2014 report from the Asian Institute for Policy Studies suggests that there are nearly 50,000 North Korean workers forced to labor overseas, sometimes without compensation, and for as much as 20 hours at a time. Workers that received compensation were not to be paid more than $150 per month, which is between 10 to 20 percent of the value of the labor they performed. Based on this report, the regime may profit as much as $360,000,000 annually from just 50,000 laborers.

(6) On July 6, 2016, the United States imposed sanctions on North Korean leader Kim Jong Un and other senior North Korean officials for human rights violations as required by the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122). This was the first time that the United States had designated North Korean officials for human rights abuses.

(7) The North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122) requires the President to impose mandatory penalties under United States law on any person that "knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea".

(8) Although the United States Refugee Admissions Program remains the largest in the world by far, the United States has only resettled 212 refugees from North Korea since the date of the enactment of the North Korea Human Rights Act of 2004 (Public Law 108–333).

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue to make it a priority to improve information access in North Korea by exploring the use of new and emerging technologies and expanding nongovernmental radio broadcasting to North Korea, including news and information;

(2) the United Nations has a significant role to play in promoting and improving human rights in North Korea and should press for access for the Special Rapporteur on the situation of human rights in North Korea as well as the United Nations High Commissioner for Human Rights;

(3) because North Koreans fleeing into China face a well-founded fear of persecution upon their forcible repatriation, the United States should urge China to—

(A) immediately halt the forcible repatriation of North Koreans;

(B) allow the United Nations High Commissioner for Refugees unimpeded access to North Koreans inside China to determine whether such North Koreans require protection as refugees;

(C) fulfill its obligations under the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (signed December 1, 1995);

(D) address the concerns of the United Nations Committee against Torture by incorporating the principle of non-refoulement into Chinese domestic legislation; and

(E) recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public services in accordance with Chinese law and international standards;

(4) the President should continue to designate all individuals found to have committed violations described in section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 2914(a)), regarding complicity in censorship and human right abuses;

(5) the United States currently blocks United States passports from being used to travel to North Korea without a special validation from the Department of State, and the Department of State should continue to take steps to increase public awareness about the risks and dangers of travel by United States citizens to North Korea;

(6) the United States should continue to seek cooperation from all foreign governments to allow the United Nations High Commissioner for Refugees (UNHCR) access to process North Korean refugees overseas for resettlement and to allow United States officials access to process refugees for resettlement in the United States (if that is the destination country of the refugees' choosing); and

(7) the Secretary of State, through diplomacy by senior officials, including United States ambassadors to Asia-Pacific countries, and in close cooperation with South Korea, should make every effort to promote the protection of North Korean refugees and defectors.

SEC. 4. RADIO BROADCASTING TO NORTH KOREA.

Section 103(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7813(a)) is amended—

(1) by striking "that the United States should facilitate" and inserting the following: "that the United States should—

"(1) facilitate";

(2) in paragraph (1), as redesignated by paragraph (1) of this section—

(A) by striking "radio broadcasting" and inserting "broadcasting, including news rebroadcasting,"; and

(B) by striking "increase broadcasts" and inserting "increase such broadcasts, including news rebroadcasts,"; and

(C) by striking "Voice of America." and inserting the following: "Voice of America; and"; and

(3) by adding at the end the following:

"(2) expand funding for nongovernmental organization broadcasting efforts, prioritizing organizations that engage North Korean defectors in programming and broadcast services.".

SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

Section 104(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)) is amended—

(1) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President";

(2) by inserting ", USB drives, micro SD cards, audio players, video players, cell phones, wi-fi, wireless internet, web pages, internet, wireless telecommunications, and other electronic media that shares information" before the period at the end; and

(3) by adding at the end the following:

President. Grants.

"(2) DISTRIBUTION.—In accordance with the sense of Congress described in section 103, the President, acting through the Secretary of State, is authorized to distribute or provide grants to distribute information receiving devices, electronically readable devices, and other informational sources into North Korea, including devices and informational sources specified in paragraph (1). To carry out this paragraph, the President is authorized to issue regulations to facilitate the free-flow of information into North Korea.

Regulations.

President.

"(3) RESEARCH AND DEVELOPMENT GRANT PROGRAM.—In accordance with the authorization described in paragraphs (1) and (2) to increase the availability and distribution of sources of information inside North Korea, the President, acting through the Secretary of State, is authorized to establish a grant program to make grants to eligible entities to develop or distribute (or both) new products or methods to allow North Koreans easier access to outside information. Such program may involve public-private partnerships.

"(4) CULTURE.—In accordance with the sense of Congress described in section 103, the Broadcasting Board of Governors may broadcast American, Korean, Chinese, and other popular music, television, movies, and popular cultural references as part of its programming.

"(5) RIGHTS AND LAWS.—In accordance with the sense of Congress described in section 103, the Broadcasting Board of Governors should broadcast to North Korea in the Korean language information on rights, laws, and freedoms afforded through the North Korean Constitution, the Universal Declaration of Human Rights, the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, and any other applicable treaties or international agreements to which North Korea is bound.

"(6) RELIGIOUS MINORITIES.—Efforts to improve information access under this subsection should include religious communities and should be coordinated with the Office of International Religious Freedom to ensure maximum impact in improving the rights of religious persons in North Korea.

Consultation. Plan.

"(7) BROADCASTING REPORT.—Not later than—

"(A) 180 days after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Broadcasting Board of Governors, shall submit to the appropriate congressional committees a report that sets forth a detailed plan for improving broadcasting content for the purpose of targeting new audiences and increasing listenership; and

Time period.

"(B) 1 year after the date of the enactment of this paragraph, and annually thereafter for each of the next 5 years, the Secretary of State, in consultation with the Broadcasting Board of Governors, shall submit to the appropriate congressional committees a report including—

"(i) a description of the effectiveness of actions taken pursuant to this section, including data reflecting audience and listenership, device distribution and usage, and technological development and advancement usage;

"(ii) the amount of funds expended by the United States Government pursuant to section 403; and

"(iii) other appropriate information necessary to fully inform Congress of efforts related to this section.".

SEC. 6. SENSE OF CONGRESS ON HUMANITARIAN COORDINATION RELATED TO THE KOREAN PENINSULA.

Title III of the North Korean Human Rights Act of 2004 (22 U.S.C. 7841 et seq.) is amended by adding at the end the following:

"SEC. 306. SENSE OF CONGRESS ON HUMANITARIAN COORDINATION RELATED TO THE KOREAN PENINSULA. 22 USC 7846.

"It is the sense of Congress that—

"(1) any instability on the Korean Peninsula could have significant humanitarian and strategic impact on the region and for United States national interests; and

"(2) as such, the United States Government should work with countries sharing a land or maritime border with North Korea to develop long-term whole-of-government plans to coordinate efforts related to humanitarian assistance and human rights promotion and to effectively assimilate North Korean defectors.".

SEC. 7. REAUTHORIZATION PROVISIONS.

(a) SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.—Section 102 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended—

(1) in subsection (a), by adding at the end the following: "The President is also authorized to provide grants to entities to undertake research on North Korea's denial of human rights, including on the political and military chains of command responsible for authorizing and implementing systemic human rights abuses, including at prison camps and detention facilities where political prisoners are held."; and President. Grants.

(2) in subsection (b)(1), by striking "2017" and inserting "2022".

(b) ACTIONS TO PROMOTE FREEDOM OF INFORMATION.—Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended—

(1) in subsection (b)(1)—

(A) by striking "$2,000,000" and inserting "$3,000,000"; and

(B) by striking "2017" and inserting "2022"; and

(2) in subsection (c), by striking "2017" and inserting "2022".

(c) REPORT BY SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.—Section 107(d) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817(d)) is amended by striking "2017" and inserting "2022".

(d) REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.—Section 201 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7831 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "2017" and inserting "2022";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) NEEDS ASSESSMENT.—The report shall include a needs assessment to inform the distribution of humanitarian assistance inside North Korea.".

(e) ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.—Section 203(c)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended by striking "2013 through 2017" and inserting "2018 through 2022".

(f) ANNUAL REPORTS.—Section 305(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7845(a)) is amended, in the matter preceding paragraph (1) by striking "2017" and inserting "2022".

SEC. 8. REPORT BY BROADCASTING BOARD OF GOVERNORS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report that—

(1) describes the status of current United States broadcasting to North Korea and the extent to which the Board has achieved the goal of 12-hour-per-day broadcasting to North Korea, in accordance with section 103(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7813(a)); and

Strategy.

(2) includes a strategy to overcome obstacles to such communication with the North Korean people, including through unrestricted, unmonitored, and inexpensive electronic means.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex.

Definition.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

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

SEC. 9. REPEAL OF DUPLICATIVE AUTHORIZATIONS.

Section 403 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C. 9253) is hereby repealed.

Approved July 20, 2018.

LEGISLATIVE HISTORY—H.R. 2061:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Sept. 25, considered and passed House.
Vol. 164 (2018): Apr. 24, considered and passed Senate, amended.
June 27, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
July 20, Presidential statement.

Public Law 115–199
115th Congress

Joint Resolution

July 20, 2018
[S.J. Res. 60]

Providing for the reappointment of Barbara M. Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Barbara M. Barrett of Arizona on January 10, 2019, is filled by the reappointment of the incumbent. The reappointment is for a term of 6 years, beginning on the later of January 11, 2019, or the date of the enactment of this joint resolution.

Time period.
Effective date.

Approved July 20, 2018.

LEGISLATIVE HISTORY—S.J. Res. 60:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 17, considered and passed Senate.
June 28, considered and passed House.

Public Law 115–200
115th Congress

An Act

To correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

July 20, 2018
[H.R. 219]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Swan Lake Hydroelectric Project Boundary Correction Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Swan Lake Hydroelectric Project Boundary Correction Act".

SEC. 2. CONVEYANCE OF FEDERAL LAND WITHIN THE SWAN LAKE HYDROELECTRIC PROJECT BOUNDARY.

Deadline.

Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of Agriculture, shall—

(1) survey the exterior boundaries of the tract of Federal land within the project boundary of the Swan Lake Hydroelectric Project (FERC No. 2911) as generally depicted and labeled "Lost Creek" on the map entitled "Swan Lake Project Boundary—Lot 2" and dated February 1, 2016; and

(2) issue a patent to the State of Alaska for the tract described in paragraph (1) in accordance with—

(A) the survey authorized under paragraph (1);

(B) section 6(a) of the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85–508); and

(C) section 24 of the Federal Power Act (16 U.S.C. 818).

Approved July 20, 2018.

LEGISLATIVE HISTORY—H.R. 219 (S. 267):

HOUSE REPORTS: No. 115–532 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–98 (Comm. on Energy and Natural Resources) accompanying S. 267.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 5, 6, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–201
115th Congress

An Act

July 20, 2018
[H.R. 220]

To authorize the expansion of an existing hydroelectric project, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERROR LAKE HYDROELECTRIC PROJECT UPPER HIDDEN BASIN DIVERSION AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) TERROR LAKE HYDROELECTRIC PROJECT.—The term "Terror Lake Hydroelectric Project" means the project identified in section 1325 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3212), and which is Federal Energy Regulatory Commission project number 2743.

(3) UPPER HIDDEN BASIN DIVERSION EXPANSION.—The term "Upper Hidden Basin Diversion Expansion" means the expansion of the Terror Lake Hydroelectric Project as generally described in Exhibit E to the Upper Hidden Basin Grant Application dated July 2, 2014, and submitted to the Alaska Energy Authority Renewable Energy Fund Round VIII by Kodiak Electric Association, Inc.

(b) AUTHORIZATION.—The licensee for the Terror Lake Hydroelectric Project may occupy not more than 20 acres of Federal land to construct, operate, and maintain the Upper Hidden Basin Diversion Expansion without further authorization of the Secretary of the Interior or under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(c) SAVINGS CLAUSE.—The Upper Hidden Basin Diversion Expansion shall be subject to appropriate terms and conditions included in an amendment to a license issued by the Commission pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), including section 4(e) of that Act (16 U.S.C. 797(e)), following an

environmental review by the Commission under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Approved July 20, 2018.

LEGISLATIVE HISTORY—H.R. 220 (S. 214):

HOUSE REPORTS: No. 115–154 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–105 (Comm. on Energy and Natural Resources) accompanying S. 214.
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 27, considered and passed House.
Vol. 164 (2018): June 28, considered and passed Senate.

Public Law 115–202
115th Congress

An Act

July 23, 2018
[H.R. 446]

To extend the deadline for commencement of construction of a hydroelectric project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

Time period.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12737, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

Effective dates.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license for the project effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

Approved July 23, 2018.

LEGISLATIVE HISTORY—H.R. 446:

HOUSE REPORTS: No. 115–169 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 12, considered and passed House.
Vol. 164 (2018): June 28, considered and passed Senate.

Public Law 115–203
115th Congress

An Act

To extend the deadline for commencement of construction of a hydroelectric project.

July 23, 2018
[H.R. 447]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12740, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission. Time period.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license for the project effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration. Effective dates.

Approved July 23, 2018.

LEGISLATIVE HISTORY—H.R. 447:

HOUSE REPORTS: No. 115–170 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 12, considered and passed House.
Vol. 164 (2018): June 28, considered and passed Senate.

Public Law 115–204
115th Congress

An Act

July 23, 2018
[H.R. 951]

To extend the deadline for commencement of construction of a hydroelectric project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

Time period.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12642, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

Effective dates.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

Approved July 23, 2018.

LEGISLATIVE HISTORY—H.R. 951:

HOUSE REPORTS: No. 115–172 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 12, considered and passed House.
Vol. 164 (2018): June 28, considered and passed Senate.

Public Law 115–205
115th Congress

An Act

To reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam.

July 23, 2018
[H.R. 2122]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT AND EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING JENNINGS RANDOLPH DAM.

(a) EXTENSION OF TIME.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12715 (referred to in this section as the "project"), the Federal Energy Regulatory Commission (referred to in this section as the "Commission") may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of, and the procedures of the Commission under, that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods that begin on the date of the expiration of the extension originally issued by the Commission.

(b) OBLIGATION OF LICENSEE.—Any obligation of the licensee for the project for the payment of annual charges under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) shall commence on the expiration of the time period to commence construction of the project, as extended by the Commission under subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.— Effective dates.

(1) IN GENERAL.—If the period required for the commencement of construction of the project has expired before the date of enactment of this Act, the Commission may reinstate the license effective as of the date of the expiration of the license.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of the expiration of the license.

Approved July 23, 2018.

LEGISLATIVE HISTORY—H.R. 2122 (S. 710):

HOUSE REPORTS: No. 115–175 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 115–103 (Comm. on Energy and Natural Resources) accompanying S. 710.
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 12, considered and passed House.
Vol. 164 (2018): June 28, considered and passed Senate.

Public Law 115–206
115th Congress

An Act

To extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam.

July 23, 2018
[H.R. 2292]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR A FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 13287, the Federal Energy Regulatory Commission (referred to in this section as the "Commission") may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for up to 4 consecutive 2-year periods after the required date of the commencement of construction described in Article 301 of the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.— Effective dates.

(1) IN GENERAL.—If the required date of the commencement of construction described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

Approved July 23, 2018.

LEGISLATIVE HISTORY—H.R. 2292 (S. 734):

HOUSE REPORTS: No. 115–174 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 115–83 (Comm. on Energy and Natural Resources) accompanying S. 734.
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 12, considered and passed House.
Vol. 164 (2018): June 28, considered and passed Senate.

Public Law 115–207
115th Congress

An Act

July 24, 2018
[H.R. 1496]

To designate the facility of the United States Postal Service located at 3585 South Vermont Avenue in Los Angeles, California, as the "Marvin Gaye Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARVIN GAYE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3585 South Vermont Avenue in Los Angeles, California, shall be known and designated as the "Marvin Gaye Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Marvin Gaye Post Office".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 1496:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 7, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–208
115th Congress

An Act

To designate the facility of the United States Postal Service located at 514 Broadway Street in Pekin, Illinois, as the "Lance Corporal Jordan S. Bastean Post Office".

July 24, 2018
[H.R. 2673]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL JORDAN S. BASTEAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 514 Broadway Street in Pekin, Illinois, shall be known and designated as the "Lance Corporal Jordan S. Bastean Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Jordan S. Bastean Post Office".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 2673:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 5, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–209
115th Congress

An Act

July 24, 2018
[H.R. 3183]

To designate the facility of the United States Postal Service located at 13683 James Madison Highway in Palmyra, Virginia, as the "U.S. Navy Seaman Dakota Kyle Rigsby Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. U.S. NAVY SEAMAN DAKOTA KYLE RIGSBY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 13683 James Madison Highway in Palmyra, Virginia, shall be known and designated as the "U.S. Navy Seaman Dakota Kyle Rigsby Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "U.S. Navy Seaman Dakota Kyle Rigsby Post Office".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 3183:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 5, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–210
115th Congress

An Act

To designate the facility of the United States Postal Service located at 201 Tom Hall Street in Fort Mill, South Carolina, as the "J. Elliott Williams Post Office Building".

July 24, 2018
[H.R. 4301]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J. ELLIOTT WILLIAMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 201 Tom Hall Street in Fort Mill, South Carolina, shall be known and designated as the "J. Elliott Williams Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "J. Elliott Williams Post Office Building".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4301:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 7, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–211
115th Congress

An Act

July 24, 2018
[H.R. 4406]

To designate the facility of the United States Postal Service located at 99 Macombs Place in New York, New York, as the "Tuskegee Airmen Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TUSKEGEE AIRMEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 99 Macombs Place in New York, New York, shall be known and designated as the "Tuskegee Airmen Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tuskegee Airmen Post Office Building".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4406:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 5, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–212
115th Congress

An Act

To designate the facility of the United States Postal Service located at 6 Doyers Street in New York, New York, as the "Mabel Lee Memorial Post Office".

July 24, 2018
[H.R. 4463]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MABEL LEE MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6 Doyers Street in New York, New York, shall be known and designated as the "Mabel Lee Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mabel Lee Memorial Post Office".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4463:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 20, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–213
115th Congress

An Act

July 24, 2018
[H.R. 4574]

To designate the facility of the United States Postal Service located at 108 West Schick Road in Bloomingdale, Illinois, as the "Bloomingdale Veterans Memorial Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLOOMINGDALE VETERANS MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 108 West Schick Road in Bloomingdale, Illinois, shall be known and designated as the "Bloomingdale Veterans Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Bloomingdale Veterans Memorial Post Office Building".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4574:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 7, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–214
115th Congress

An Act

To designate the facility of the United States Postal Service located at 1900 Corporate Drive in Birmingham, Alabama, as the "Lance Corporal Thomas E. Rivers, Jr. Post Office Building".

July 24, 2018
[H.R. 4646]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL THOMAS E. RIVERS, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1900 Corporate Drive in Birmingham, Alabama, shall be known and designated as the "Lance Corporal Thomas E. Rivers, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Thomas E. Rivers, Jr. Post Office Building".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4646:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 5, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–215
115th Congress

An Act

July 24, 2018
[H.R. 4685]

To designate the facility of the United States Postal Service located at 515 Hope Street in Bristol, Rhode Island, as the "First Sergeant P. Andrew McKenna Jr. Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRST SERGEANT P. ANDREW MCKENNA JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 515 Hope Street in Bristol, Rhode Island, shall be known and designated as the "First Sergeant P. Andrew McKenna Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "First Sergeant P. Andrew McKenna Jr. Post Office".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4685:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 5, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–216
115th Congress

An Act

To designate the facility of the United States Postal Service located at 111 Market Street in Saugerties, New York, as the "Maurice D. Hinchey Post Office Building".

July 24, 2018
[H.R. 4722]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAURICE D. HINCHEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 111 Market Street in Saugerties, New York, shall be known and designated as the "Maurice D. Hinchey Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Maurice D. Hinchey Post Office Building".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4722:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 7, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–217
115th Congress

An Act

July 24, 2018
[H.R. 4840]

To designate the facility of the United States Postal Service located at 567 East Franklin Street in Oviedo, Florida, as the "Sergeant First Class Alwyn Crendall Cashe Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT FIRST CLASS ALWYN CRENDALL CASHE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 567 East Franklin Street in Oviedo, Florida, shall be known and designated as the "Sergeant First Class Alwyn Crendall Cashe Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant First Class Alwyn Crendall Cashe Post Office Building".

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 4840:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 7, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–218
115th Congress

An Act

To incentivize the hiring of United States workers in the Commonwealth of the Northern Mariana Islands, and for other purposes.

July 24, 2018
[H.R. 5956]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Northern Mariana Islands U.S. Workforce Act of 2018.
48 USC 1801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Mariana Islands U.S. Workforce Act of 2018".

48 USC 1806 note.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to increase the percentage of United States workers (as defined in section 6(i) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes" (48 U.S.C. 1806)) in the total workforce of the Commonwealth of the Northern Mariana Islands, while maintaining the minimum number of workers who are not United States workers to meet the changing demands of the Northern Mariana Islands' economy;

(2) to encourage the hiring of United States workers into such workforce; and

(3) to ensure that no United States worker—

(A) is at a competitive disadvantage for employment compared to a worker who is not a United States worker; or

(B) is displaced by a worker who is not a United States worker.

SEC. 3. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes" (48 U.S.C. 1806) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "2019" and inserting "2029"; and

(B) by amending paragraph (6) to read as follows:

"(6) FEES FOR TRAINING UNITED STATES WORKERS.—

"(A) SUPPLEMENTAL FEE.—

"(i) IN GENERAL.—In addition to fees imposed pursuant to section 286(m) of the Immigration and

Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of adjudication services, the Secretary shall impose an annual supplemental fee of $200 per nonimmigrant worker on each prospective employer who is issued a permit under subsection (d)(3) during the transition program. A prospective employer that is issued a permit with a validity period of longer than 1 year shall pay the fee for each year of requested validity at the time the permit is requested.

Time period.

"(ii) INFLATION ADJUSTMENT.—Beginning in fiscal year 2020, the Secretary, through notice in the Federal Register, may annually adjust the supplemental fee imposed under clause (i) by a percentage equal to the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

Effective date.
Notice.
Federal Register, publication.

"(iii) USE OF FUNDS.—Amounts collected pursuant to clause (i) shall be deposited into the Treasury of the Commonwealth Government for the sole and exclusive purpose of funding vocational education, apprenticeships, or other training programs for United States workers.

"(iv) FRAUD PREVENTION AND DETECTION FEE.—In addition to the fees described in clause (i), the Secretary—

"(I) shall impose, on each prospective employer filing a petition under this subsection for one or more nonimmigrant workers, a $50 fraud prevention and detection fee; and

"(II) shall deposit and use the fees collected under subclause (I) for the sole purpose of preventing and detecting immigration benefit fraud in the Northern Mariana Islands, in accordance with section 286(v)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(B)).

Deadlines.
Effective date.

"(B) PLAN FOR THE EXPENDITURE OF FUNDS.—Not later than 120 days before the first day of fiscal year 2020, and annually thereafter, the Governor of the Commonwealth Government shall submit to the Secretary of Labor—

"(i) a plan for the expenditures of amounts deposited under subparagraph (A)(iii);

"(ii) a projection of the effectiveness of such expenditures in the placement of United States workers into jobs held by non-United States workers; and

Reports.

"(iii) a report on the changes in employment of United States workers attributable to expenditures of such amounts during the previous year.

"(C) DETERMINATION AND REPORT.—Not later than 120 days after receiving each expenditure plan under subparagraph (B)(i), the Secretary of Labor shall—

"(i) issue a determination on the plan; and

"(ii) submit a report to Congress that describes the effectiveness of the Commonwealth Government at meeting the goals set forth in such plan.

"(D) PAYMENT RESTRICTION.—Payments may not be made in a fiscal year from amounts deposited under subparagraph (A)(iii) before the Secretary of Labor has approved the expenditure plan submitted under subparagraph (B)(i) for that fiscal year.";

(2) in subsection (b), by adding at the end the following:

"(3) REPORT.—Not later than December 1, 2027, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on the Judiciary of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that—

"(A) projects the number of asylum claims the Secretary anticipates following the termination of the transition period; and

"(B) describes the efforts of the Secretary to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.";

(3) in subsection (d)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

"(2) PROTECTION FOR UNITED STATES WORKERS.—

"(A) TEMPORARY LABOR CERTIFICATION.—

"(i) IN GENERAL.—Beginning with petitions filed with employment start dates in fiscal year 2020, a petition to import a nonimmigrant worker under this subsection may not be approved by the Secretary unless the petitioner has applied to the Secretary of Labor for a temporary labor certification confirming that— Effective date.

"(I) there are not sufficient United States workers in the Commonwealth who are able, willing, qualified, and available at the time and place needed to perform the services or labor involved in the petition; and

"(II) employment of the nonimmigrant worker will not adversely affect the wages and working conditions of similarly employed United States workers.

"(ii) PETITION.—After receiving a temporary labor certification under clause (i), a prospective employer may submit a petition to the Secretary for a Commonwealth Only Transitional Worker permit on behalf of the nonimmigrant worker.

"(B) PREVAILING WAGE SURVEY.—

"(i) IN GENERAL.—In order to effectuate the requirement for a temporary labor certification under subparagraph (A)(i), the Secretary of Labor shall use, or make available to employers, an occupational wage survey conducted by the Governor that the Secretary of Labor has determined meets the statistical standards for determining prevailing wages in the Commonwealth on an annual basis. Determination.

"(ii) ALTERNATIVE METHOD FOR DETERMINING THE PREVAILING WAGE.—In the absence of an occupational

wage survey approved by the Secretary of Labor under clause (i), the prevailing wage for an occupation in the Commonwealth shall be the arithmetic mean of the wages of workers similarly employed in the territory of Guam according to the wage component of the Occupational Employment Statistics Survey conducted by the Bureau of Labor Statistics.

"(C) MINIMUM WAGE.—An employer shall pay each Commonwealth Only Transitional Worker a wage that is not less than the greater of—

"(i) the statutory minimum wage in the Commonwealth;

"(ii) the Federal minimum wage; or

"(iii) the prevailing wage in the Commonwealth for the occupation in which the worker is employed.";

(C) by amending paragraph (3), as redesignated, to read as follows:

"(3) PERMITS.—

"(A) IN GENERAL.—The Secretary shall establish, administer, and enforce a system for allocating and determining terms and conditions of permits to be issued to prospective employers for each nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(B) NUMERICAL CAP.—The number of permits issued under subparagraph (A) may not exceed—

"(i) 13,000 for fiscal year 2019;

"(ii) 12,500 for fiscal year 2020;

"(iii) 12,000 for fiscal year 2021;

"(iv) 11,500 for fiscal year 2022;

"(v) 11,000 for fiscal year 2023;

"(vi) 10,000 for fiscal year 2024;

"(vii) 9,000 for fiscal year 2025;

"(viii) 8,000 for fiscal year 2026;

"(ix) 7,000 for fiscal year 2027;

"(x) 6,000 for fiscal year 2028;

"(xi) 5,000 for fiscal year 2029; and

"(xii) 1,000 for the first quarter of fiscal year 2030.

"(C) REPORTS REGARDING THE PERCENTAGE OF UNITED STATES WORKERS.—

"(i) BY GOVERNOR.—Not later than 60 days before the end of each calendar year, the Governor shall submit a report to the Secretary that identifies the ratio between United States workers and other workers in the Commonwealth's workforce based on income tax filings with the Commonwealth for the tax year.

Time period.

"(ii) BY GAO.—Not later than December 31, 2019, and biennially thereafter, the Comptroller General of the United States shall submit a report to the Chair and Ranking Member of the Committee on Energy and Natural Resources of the Senate, the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives, the Chair and Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate and the

Chair and Ranking Member of the Committee on Education and the Workforce of the House of Representatives that identifies the ratio between United States workers and other workers in the Commonwealth's workforce during each of the previous 5 calendar years.

"(D) PETITION; ISSUANCE OF PERMITS.—

"(i) SUBMISSION.—A prospective employer may submit a petition for a permit under this paragraph not earlier than— Time periods.

"(I) 120 days before the date on which the prospective employer needs the beneficiary's services; or

"(II) if the petition is for the renewal of an existing permit, not earlier than 180 days before the expiration of such permit.

"(ii) EMPLOYMENT VERIFICATION.—The Secretary shall establish a system for each employer of a Commonwealth Only Transitional Worker to submit a semiannual report to the Secretary and the Secretary of Labor that provides evidence to verify the continuing employment and payment of such worker under the terms and conditions set forth in the permit petition that the employer filed on behalf of such worker. Reports.

"(iii) REVOCATION.—

"(I) IN GENERAL.—The Secretary, in the Secretary's discretion, may revoke a permit approved under this paragraph for good cause, including if— Deadlines.

"(aa) the employer fails to maintain the continuous employment of the subject worker, fails to pay the subject worker, fails to timely file a semiannual report required under this paragraph, commits any other violation of the terms and conditions of employment, or otherwise ceases to operate as a legitimate business (as defined in clause (iv)(II));

"(bb) the beneficiary of such petition does not apply for admission to the Commonwealth by the date that is 10 days after the period of petition validity begins, if the employer has requested consular processing; or

"(cc) the employer fails to provide a former, current, or prospective Commonwealth Only Transitional Worker, not later than 21 business days after receiving a written request from such worker, with the original (or a certified copy of the original) of all petitions, notices, and other written communication related to the worker (other than sensitive financial or proprietary information of the employer, which may be redacted) that has been exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department.

"(II) REALLOCATION OF REVOKED PETITION.—Notwithstanding subparagraph (C), for each

permit revoked under subclause (I) in a fiscal year, an additional permit shall be made available for use in the subsequent fiscal year.

"(iv) LEGITIMATE BUSINESS.—

"(I) IN GENERAL.—A permit may not be approved for a prospective employer that is not a legitimate business.

"(II) DEFINED TERM.—In this clause, the term 'legitimate business' means a real, active, and operating commercial or entrepreneurial undertaking that the Secretary, in the Secretary's sole discretion, determines—

"(aa) produces services or goods for profit, or is a governmental, charitable, or other validly recognized nonprofit entity;

"(bb) meets applicable legal requirements for doing business in the Commonwealth;

"(cc) has substantially complied with wage and hour laws, occupational safety and health requirements, and all other Federal, Commonwealth, and local requirements related to employment during the preceding 5 years;

"(dd) does not directly or indirectly engage in, or knowingly benefit from, prostitution, human trafficking, or any other activity that is illegal under Federal, Commonwealth, or local law;

"(ee) is a participant in good standing in the E-Verify program;

"(ff) does not have, as an owner, investor, manager, operator, or person meaningfully involved with the undertaking, any individual who has been the owner, investor, manager, operator, or otherwise meaningfully involved with an undertaking that does not comply with item (cc) or (dd), or is the agent of such an individual; and

"(gg) is not a successor in interest to an undertaking that does not comply with item (cc) or (dd).

"(v) CONSTRUCTION OCCUPATIONS.—A permit for Construction and Extraction Occupations (as defined by the Department of Labor as Standard Occupational Classification Group 47–0000) may not be issued for any worker other than a worker described in paragraph (7)(B).";

(D) in paragraph (4), as redesignated, by inserting "or to Guam for the purpose of transit only" after "except admission to the Commonwealth";

(E) in paragraph (5), as redesignated, by adding at the end the following: "Approval of a petition filed by the new employer with a start date within the same fiscal year as the current permit shall not count against the numerical limitation for that period."; and

(F) by adding at the end the following:

Time periods.

"(7) REQUIREMENT TO REMAIN OUTSIDE OF THE UNITED STATES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) a permit for a Commonwealth Only Transitional Worker—

"(I) shall remain valid for a period that may not exceed 1 year; and

"(II) may be renewed for not more than two consecutive, 1-year periods; and

"(ii) at the expiration of the second renewal period, an alien may not again be eligible for such a permit until after the alien has remained outside of the United States for a continuous period of at least 30 days prior to the submission of a renewal petition on their behalf.

"(B) LONG-TERM WORKERS.—An alien who was admitted to the Commonwealth as a Commonwealth Only Transitional Worker during fiscal year 2015, and during every subsequent fiscal year beginning before the date of the enactment of the Northern Mariana Islands U.S. Workforce Act of 2018, may receive a permit for a Commonwealth Only Transitional Worker that is valid for a period that may not exceed 3 years and may be renewed for additional 3-year periods during the transition period. A permit issued under this subparagraph shall be counted toward the numerical cap for each fiscal year within the period of petition validity."; and

(4) by adding at the end the following:

"(i) DEFINITIONS.—In this section:

"(1) COMMONWEALTH.—The term 'Commonwealth' means the Commonwealth of the Northern Mariana Islands.

"(2) COMMONWEALTH ONLY TRANSITION WORKER.—The term 'Commonwealth Only Transition Worker' means an alien who has been admitted into the Commonwealth under the transition program and is eligible for a permit under subsection (d)(3).

"(3) GOVERNOR.—The term 'Governor' means the Governor of the Commonwealth of the Northern Mariana Islands.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(5) TAX YEAR.—The term 'tax year' means the fiscal year immediately preceding the current fiscal year.

"(6) UNITED STATES WORKER.—The term 'United States worker' means any worker who is—

"(A) a citizen or national of the United States;

"(B) an alien who has been lawfully admitted for permanent residence; or

"(C) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau (known collectively as the 'Freely Associated States') who has been lawfully admitted to the United States pursuant to—

"(i) section 141 of the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1921 note); or

"(ii) section 141 of the Compact of Free Association between the United States and the Government of Palau (48 U.S.C. 1931 note).".

Federal Register, publication. Deadlines. 48 USC 1806 note.

(b) RULEMAKING.—

(1) SECRETARY OF HOMELAND SECURITY.—Notwithstanding the requirements under section 553(b) of title 5, United States Code, the Secretary of Homeland Security shall publish in the Federal Register, not later than 180 days after the date of the enactment of this Act, an interim final rule that specifies how the Secretary intends to implement the amendments made by subsection (a) that relate to the responsibilities of the Secretary.

(2) SECRETARY OF LABOR.—Notwithstanding the requirements under section 553(b) of title 5, United States Code, the Secretary of Labor shall publish in the Federal Register, not later than 180 days after the date of the enactment of this Act, an interim final rule that specifies how the Secretary intends to implement the amendments made by subsection (a) that relate to the responsibilities of the Secretary.

(3) RECOMMENDATIONS OF THE GOVERNOR.—In developing the interim final rules under paragraphs (1) and (2), the Secretary of Homeland Security and the Secretary of Labor—

(A) shall each consider, in good faith, any written public recommendations regarding the implementation of this Act that are submitted by the Governor of the Commonwealth not later than 60 days after the date of the enactment of this Act; and

(B) may include provisions in such rule that are responsive to any recommendation of the Governor that is not inconsistent with this Act, including a recommendation to reserve a number of permits each year for occupational categories necessary to maintain public health or safety in the Commonwealth.

Deadlines. Reports. 48 USC 1807 note.

(c) DEPARTMENT OF THE INTERIOR TECHNICAL ASSISTANCE.—Not later than October 1, 2019, and biennially thereafter, the Secretary of the Interior shall submit a report to Congress that describes the fulfillment of the Department of the Interior's responsibilities to the Commonwealth of the Northern Mariana Islands—

(1) to identify opportunities for economic growth and diversification;

(2) to provide assistance in recruiting, training, and hiring United States workers; and

(3) to provide such other technical assistance and consultation as outlined in section 702(e) of the Consolidated Natural Resources Act of 2008 (48 U.S.C. 1807).

Deadline. 48 USC 1806 note.

(d) OUTREACH AND TRAINING.—Not later than 120 days after the date on which the Secretary of Labor publishes an interim final rule in the Federal Register in accordance with subsection (b)(2), the Secretary shall conduct outreach and training in the Commonwealth of the Northern Mariana Islands for employers and workers on the foreign labor certification process set forth in section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", as amended by subsection (b), including the minimum wage requirement set forth in subsection (d)(2)(C) of such section.

48 USC 1806 note.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as specifically otherwise provided, this Act and the amendments made by this Act—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to petitions for Commonwealth Only Transitional Workers filed on or after such date. Applicability.

(2) AUTHORITY OF SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security, in the Secretary's discretion, may delay the effective date of any provision of this Act relating to Commonwealth Only Transition Workers until the effective date of the interim final rule described in subsection (b), except for provisions providing annual numerical caps for such workers.

Approved July 24, 2018.

LEGISLATIVE HISTORY—H.R. 5956:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 5, considered and passed House.
June 28, considered and passed Senate.

Public Law 115–219
115th Congress

An Act

July 27, 2018
[S. 490]

To reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Gibson Dam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT AND EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING GIBSON DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12478–003, the Federal Energy Regulatory Commission (referred to in this section as the "Commission") may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of, and the procedures of the Commission under, that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

Effective dates.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the period required for the commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

Approved July 27, 2018.

LEGISLATIVE HISTORY—S. 490:

SENATE REPORTS: No. 115–100 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
June 28, considered and passed Senate.
July 16, considered and passed House.

Public Law 115–220
115th Congress

An Act

July 27, 2018
[S. 931]

To designate the facility of the United States Postal Service located at 4910 Brighton Boulevard in Denver, Colorado, as the "George Sakato Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE SAKATO POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4910 Brighton Boulevard in Denver, Colorado, shall be known and designated as the "George Sakato Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "George Sakato Post Office".

Approved July 27, 2018.

LEGISLATIVE HISTORY—S. 931:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 7, considered and passed Senate.
July 16, considered and passed House.

Public Law 115–221
115th Congress

An Act

To designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse".

July 27, 2018
[S. 2734]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, shall be known and designated as the "George P. Kazen Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "George P. Kazen Federal Building and United States Courthouse".

Approved July 27, 2018.

LEGISLATIVE HISTORY—S. 2734:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 7, considered and passed Senate.
July 16, considered and passed House.

Public Law 115–222
115th Congress

An Act

July 30, 2018
[H.R. 6042]

To amend title XIX of the Social Security Act to delay the reduction in Federal medical assistance percentage for Medicaid personal care services furnished without an electronic visit verification system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELAY IN REDUCTION OF FMAP FOR MEDICAID PERSONAL CARE SERVICES FURNISHED WITHOUT AN ELECTRONIC VISIT VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 1903(l) of the Social Security Act (42 U.S.C. 1396b(l)) is amended—

(1) in paragraph (1)—

(A) by striking "January 1, 2019" and inserting "January 1, 2020"; and

(B) in subparagraph (A)(i), by striking "2019 and"; and

(2) in paragraph (4)(A)(i), by striking "calendar quarters in 2019" and inserting "calendar quarters in 2020".

(b) SENSE OF CONGRESS ON STAKEHOLDER INPUT REGARDING ELECTRONIC VISIT VERIFICATION SYSTEMS.—It is the sense of Congress that—

(1) the Centers for Medicare & Medicaid Services should—

(A) convene at least one public meeting in 2018 for the purpose of soliciting ongoing feedback from Medicaid stakeholders on guidance issued by the Centers for Medicare & Medicaid Services on May 16, 2018, regarding electronic visit verification; and

(B) communicate with such stakeholders regularly and throughout the implementation process in a clear and transparent manner to monitor beneficiary protections;

(2) such stakeholders should include State Medicaid directors, beneficiaries, family caregivers, individuals and entities who provide personal care services or home health care services, Medicaid managed care organizations, electronic visit verification vendors, and other stakeholders, as determined by the Centers for Medicare & Medicaid Services; and

(3) taking into account stakeholder input on the implementation of the electronic visit verification requirement under the Medicaid program is vital in order to ensure that the Centers for Medicare & Medicaid Services is aware and able to mitigate any adverse outcomes with the implementation of this policy.

Approved July 30, 2018.

LEGISLATIVE HISTORY—H.R. 6042:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 19, considered and passed House.
July 17, considered and passed Senate.

Public Law 115–223
115th Congress

An Act

July 30, 2018
[S. 2692]

To designate the facility of the United States Postal Service located at 4558 Broadway in New York, New York, as the "Stanley Michels Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY MICHELS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4558 Broadway in New York, New York, shall be known and designated as the "Stanley Michels Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Stanley Michels Post Office Building".

Approved July 30, 2018.

LEGISLATIVE HISTORY—S. 2692:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 28, considered and passed Senate.
July 16, considered and passed House.

Public Law 115–224
115th Congress

An Act

To reauthorize the Carl D. Perkins Career and Technical Education Act of 2006.

July 31, 2018
[H.R. 2353]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strengthening Career and Technical Education for the 21st Century Act. 20 USC 2301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Career and Technical Education for the 21st Century Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Effective date.
Sec. 5. Table of contents of the Carl D. Perkins Career and Technical Education Act of 2006.
Sec. 6. Purpose.
Sec. 7. Definitions.
Sec. 8. Transition provisions.
Sec. 9. Prohibitions.
Sec. 10. Authorization of appropriations.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

Sec. 110. Reservations and State allotment.
Sec. 111. Within State allocation.
Sec. 112. Accountability.
Sec. 113. National activities.
Sec. 114. Assistance for the outlying areas.
Sec. 115. Native American Programs.
Sec. 116. Tribally controlled postsecondary career and technical institutions.
Sec. 117. Occupational and employment information.

PART B—STATE PROVISIONS

Sec. 121. State administration.
Sec. 122. State plan.
Sec. 123. Improvement plans.
Sec. 124. State leadership activities.

PART C—LOCAL PROVISIONS

Sec. 131. Distribution of funds to secondary education programs.
Sec. 132. Special rules for career and technical education.
Sec. 133. Local application for career and technical education programs.
Sec. 134. Local uses of funds.

TITLE II—GENERAL PROVISIONS

Sec. 201. Federal and State administrative provisions.

TITLE III—AMENDMENTS TO OTHER LAWS

Sec. 301. Amendments to the Wagner-Peyser Act.

Sec. 302. Amendments to the Elementary and Secondary Education Act of 1965.
Sec. 303. Amendment to the Workforce Innovation and Opportunity Act.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

20 USC 2301 note.

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect beginning on July 1, 2019.

SEC. 5. TABLE OF CONTENTS OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.

Section 1(b) is amended to read as follows:

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

"Sec. 1. Short title; table of contents.
"Sec. 2. Purpose.
"Sec. 3. Definitions.
"Sec. 4. Transition provisions.
"Sec. 5. Privacy.
"Sec. 6. Limitation.
"Sec. 7. Special rule.
"Sec. 8. Prohibitions.
"Sec. 9. Authorization of appropriations.

"TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

"Sec. 111. Reservations and State allotment.
"Sec. 112. Within State allocation.
"Sec. 113. Accountability.
"Sec. 114. National activities.
"Sec. 115. Assistance for the outlying areas.
"Sec. 116. Native American programs.
"Sec. 117. Tribally controlled postsecondary career and technical institutions.

"PART B—STATE PROVISIONS

"Sec. 121. State administration.
"Sec. 122. State plan.
"Sec. 123. Improvement plans.
"Sec. 124. State leadership activities.

"PART C—LOCAL PROVISIONS

"Sec. 131. Distribution of funds to secondary education programs.
"Sec. 132. Distribution of funds for postsecondary education programs.
"Sec. 133. Special rules for career and technical education.
"Sec. 134. Local application for career and technical education programs.
"Sec. 135. Local uses of funds.

"TITLE II—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

"Sec. 211. Fiscal requirements.
"Sec. 212. Authority to make payments.
"Sec. 213. Construction.
"Sec. 214. Voluntary selection and participation.
"Sec. 215. Limitation for certain students.
"Sec. 216. Federal laws guaranteeing civil rights.
"Sec. 217. Participation of private school personnel and children.
"Sec. 218. Limitation on Federal regulations.

"Sec. 219. Study on programs of study aligned to high-skill, high-wage occupations.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"Sec. 221. Joint funding.
"Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
"Sec. 223. State administrative costs.
"Sec. 224. Student assistance and other Federal programs.".

SEC. 6. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "academic and career and technical skills" and inserting "academic knowledge and technical and employability skills"; and

(B) by inserting "and programs of study" after "technical education programs";

(2) in paragraph (1), by striking "high demand occupations" and inserting "in-demand occupations";

(3) in paragraph (3), by striking ", including tech prep education";

(4) in paragraph (4), by inserting "and programs of study" after "technical education programs";

(5) in paragraph (6), by striking "and" after the semicolon;

(6) in paragraph (7), by striking the period at the end and inserting "; and"; and

(7) by adding at the end the following:

"(8) increasing the employment opportunities for populations who are chronically unemployed or underemployed, including individuals with disabilities, individuals from economically disadvantaged families, out-of-workforce individuals, youth who are in, or have aged out of, the foster care system, and homeless individuals.".

SEC. 7. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (10), (16), (23), (24), (25), (26), and (32);

(2) by redesignating paragraphs (8), (9), (11), (12), (13), (14), (15), (17), (18), (19), (20), (21), (22), (27), (28), (29), (30), (31), (33), and (34) as paragraphs (9), (10), (17), (18), (20), (21), (24), (28), (30), (31), (33), (34), (39), (44), (45), (48), (49), (50), (51), and (52), respectively;

(3) in paragraph (2), by striking ", including information as described in section 118".

(4) in paragraph (3)—

(A) in subparagraph (B), by striking "5 different occupational fields to individuals who are available for study in preparation for entering the labor market" and inserting "3 different fields that are available to all students, especially in high-skill, high-wage, or in-demand industry sectors or occupations"; and

(B) in subparagraph (D), by striking "not fewer than 5 different occupational fields" and inserting "not fewer than 3 different occupational fields";

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) by amending clause (i) to read as follows:

"(i) provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions, which may include high-skill, high-wage, or in-demand industry sectors or occupations, which shall be, at the secondary level, aligned with the challenging State academic standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;";

(ii) in clause (ii), by striking ", an industry-recognized credential, a certificate, or an associate degree" and inserting "or a recognized postsecondary credential, which may include an industry-recognized credential, a certificate, or an associate degree"; and

(iii) in clause (iii), by striking "and" at the end;

(B) in subparagraph (B)—

(i) by inserting ", work-based, or other" after "competency-based";

(ii) by striking "contributes to the" and inserting "supports the development of";

(iii) by striking "general"; and

(iv) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) to the extent practicable, coordinate between secondary and postsecondary education programs through programs of study, which may include coordination through articulation agreements, early college high school programs, dual or concurrent enrollment program opportunities, or other credit transfer agreements that provide postsecondary credit or advanced standing; and

"(D) may include career exploration at the high school level or as early as the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965).";

(6) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking "(and parents, as appropriate)" and inserting "(and, as appropriate, parents and out-of-school youth)";

(ii) by inserting "exploration opportunities" after "regarding career awareness"; and

(iii) by striking "and" after the semicolon;

(B) in subparagraph (B)—

(i) by inserting "to students (and, as appropriate, parents and out-of-school youth)" after "provides information"; and

(ii) by striking "financial aid," and all that follows through the end of the subparagraph and inserting "financial aid, job training, secondary and postsecondary options (including associate and baccalaureate degree programs), dual or concurrent enrollment programs, work-based learning opportunities, early college high schools, financial literacy, and support services, as appropriate; and"; and

(C) by adding at the end the following:

"(C) may provide assistance for special populations with respect to direct support services that enable students to persist in and complete career and technical education, programs of study, or career pathways.";

(7) by inserting after paragraph (7) the following:

"(8) CAREER PATHWAYS.—The term 'career pathways' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).";

(8) by inserting after paragraph (10) (as redesignated by paragraph (2)) the following:

"(11) CREDIT TRANSFER AGREEMENT.—The term 'credit transfer agreement' means a formal agreement, such as an articulation agreement, among and between secondary and postsecondary education institutions or systems that grant students transcripted postsecondary credit, which may include credit granted to students in dual or concurrent enrollment programs or early college high school, dual credit, articulated credit, and credit granted on the basis of performance on technical or academic assessments.

"(12) CTE CONCENTRATOR.—The term 'CTE concentrator' means—

"(A) at the secondary school level, a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study; and

"(B) at the postsecondary level, a student enrolled in an eligible recipient who has—

"(i) earned at least 12 credits within a career and technical education program or program of study; or

"(ii) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.

"(13) CTE PARTICIPANT.—The term 'CTE participant' means an individual who completes not less than one course in a career and technical education program or program of study of an eligible recipient.

"(14) DIRECTOR.—The term 'Director' means the Director of the Institute of Education Sciences.

"(15) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(16) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.";

(9) by inserting after paragraph (18) (as redesignated by paragraph (2)) the following:

"(19) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium that includes the following:

"(A) Representatives of not less than 2 of the following categories of entities, 1 of which shall serve as the fiscal agent for the consortium:

"(i) A local educational agency or a consortium of such agencies.

"(ii) An educational service agency serving secondary school students.

"(iii) An area career and technical education school or a consortium of such schools.

"(iv) An Indian Tribe, Tribal organization, or Tribal educational agency.

"(v) An institution of higher education whose most common degree awarded is an associate degree, or a consortium of such institutions.

"(vi) An institution of higher education whose most common degree awarded is a bachelor's or higher degree, or a consortium of such institutions.

"(vii) A State educational agency.

"(B) One or more business or industry representative partners, which may include representatives of local or regional businesses or industries, including industry or sector partnerships in the local area, local workforce development boards, or labor organizations.

"(C) One or more stakeholders, which may include—

"(i) parents and students;

"(ii) representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

"(iii) representatives of Indian tribes and Tribal organizations, where applicable;

"(iv) representatives of minority-serving institutions (as described in paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), where applicable;

"(v) representatives of special populations;

"(vi) representatives of adult career and technical education providers; or

"(vii) other relevant community stakeholders.";

(10) by amending paragraph (20) (as redesignated by paragraph (2)) to read as follows:

"(20) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) a consortium of 2 or more of the entities described in subparagraphs (B) through (F);

"(B) a public or nonprofit private institution of higher education that offers and will use funds provided under this title in support of career and technical education courses that lead to technical skill proficiency or a recognized postsecondary credential, including an industry-recognized credential, a certificate, or an associate degree;

"(C) a local educational agency providing education at the postsecondary level;

"(D) an area career and technical education school providing education at the postsecondary level;

"(E) an Indian Tribe, Tribal organization, or Tribal education agency that operates a school or may be present in the State;

"(F) a postsecondary educational institution controlled by the Bureau of Indian Education or operated by or on behalf of any Indian Tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education

Assistance Act (25 U.S.C. 5301 et seq.) or the Act of April 16, 1934 (25 U.S.C. 5342 et seq.);

"(G) a tribally controlled college or university; or

"(H) an educational service agency.";

(11) in paragraph (21) (as redesignated by paragraph (2)), by inserting "an Indian Tribe, Tribal organization, or Tribal educational agency" after "service agency,";

(12) by inserting after paragraph (21) (as redesignated by paragraph (2)) the following:

"(22) ENGLISH LEARNER.—The term 'English learner' means—

"(A) a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965; or

"(B) an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

"(i) whose native language is a language other than English; or

"(ii) who lives in a family environment or community in which a language other than English is the dominant language.

"(23) EVIDENCE-BASED.—The term 'evidence-based' has the meaning given the term in section 8101(21)(A) of the Elementary and Secondary Education Act of 1965.";

(13) by inserting after paragraph (24) (as redesignated by paragraph (2)) the following:

"(25) HIGH SCHOOL.—The term 'high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(26) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—The term 'in-demand industry sector or occupation' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(27) INDIAN; INDIAN TRIBE.—The terms 'Indian' and 'Indian Tribe' have the meanings given the terms 'Indian' and 'Indian tribe', respectively, in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).";

(14) by inserting after paragraph (28) (as redesignated by paragraph (2)) the following:

"(29) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).";

(15) by inserting after paragraph (31) (as redesignated by paragraph (2)) the following:

"(32) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term 'local workforce development board' means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3122).";

(16) in paragraph (33) (as redesignated by paragraph (2)), by striking "including" and inserting "such as";

(17) by inserting after paragraph (34) (as redesignated by paragraph (2)) the following:

"(35) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(36) OUT-OF-WORKFORCE INDIVIDUAL.—The term 'out-of-workforce individual' means—

"(A) an individual who is a displaced homemaker, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or

"(B) an individual who—

"(i)(I) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; or

"(II) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and

"(ii) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

"(37) PARAPROFESSIONAL.—The term 'paraprofessional' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(38) PAY FOR SUCCESS INITIATIVE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'pay for success initiative' means a performance-based grant, contract, or cooperative agreement awarded by a State or local public entity (such as a local educational agency) to a public or private nonprofit entity—

"(i) in which a commitment is made to pay for improved outcomes that result in increased public value and social benefit to students and the public sector, such as improved student outcomes as evidenced by the indicators of performance described in section 113(b)(2) and direct cost savings or cost avoidance to the public sector; and

"(ii) that includes—

"(I) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;

"(II) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;

"(III) an annual, publicly available report on the progress of the initiative; and

"(IV) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that the entity may make payments to the third party conducting the evaluation described in subclause (II).

"(B) EXCLUSION.—The term 'pay for success initiative' does not include any initiative that—

"(i) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act; or

"(ii) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.".

(18) in paragraph (39)(C) (as redesignated by paragraph (2)), by striking "apprenticeship" and inserting "other skilled training";

(19) by inserting after paragraph (39) (as redesignated by paragraph (2)) the following:

"(40) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

"(A) are an integral part of eligible agency, eligible recipient, institution, or school strategies for providing educators (including teachers, principals, other school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals) with the knowledge and skills necessary to enable students to succeed in career and technical education, to meet challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act, or to achieve academic skills at the postsecondary level; and

"(B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, to the extent practicable evidence-based, and may include activities that—

"(i) improve and increase educators'—

"(I) knowledge of the academic and technical subjects;

"(II) understanding of how students learn; and

"(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

"(ii) are an integral part of eligible recipients' improvement plans;

"(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

"(iv) support the recruitment, hiring, and training of effective educators, including educators who became certified through State and local alternative routes to certification;

"(v) advance educator understanding of—

"(I) effective instructional strategies that are evidence-based; and

"(II) strategies for improving student academic and technical achievement or substantially increasing the knowledge and teaching skills of educators;

"(vi) are developed with extensive participation of educators, parents, students, and representatives of Indian Tribes (as applicable), of schools and institutions served under this Act;

"(vii) are designed to give educators of students who are English learners in career and technical education programs or programs of study the knowledge and skills to provide instruction and appropriate language and academic support services to those students, including the appropriate use of curricula and assessments;

"(viii) as a whole, are regularly evaluated for their impact on increased educator effectiveness and improved student academic and technical achievement, with the findings of the evaluations used to improve the quality of professional development;

"(ix) are designed to give educators of individuals with disabilities in career and technical education programs or programs of study the knowledge and skills to provide instruction and academic support services to those individuals, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

"(x) include instruction in the use of data and assessments to inform and instruct classroom practice;

"(xi) include instruction in ways that educators may work more effectively with parents and families;

"(xii) provide follow-up training to educators who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the educators are implemented in the classroom;

"(xiii) promote the integration of academic knowledge and skills and relevant technical knowledge and skills, including programming jointly delivered to academic and career and technical education teachers; or

"(xiv) increase the ability of educators providing career and technical education instruction to stay current with industry standards.

"(41) PROGRAM OF STUDY.—The term 'program of study' means a coordinated, nonduplicative sequence of academic and technical content at the secondary and postsecondary level that—

"(A) incorporates challenging State academic standards, including those adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

"(B) addresses both academic and technical knowledge and skills, including employability skills;

"(C) is aligned with the needs of industries in the economy of the State, region, Tribal community, or local area;

"(D) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction);

"(E) has multiple entry and exit points that incorporate credentialing; and

"(F) culminates in the attainment of a recognized postsecondary credential.

"(42) QUALIFIED INTERMEDIARY.—The term 'qualified intermediary' means a nonprofit entity, which may be part of an industry or sector partnership, that demonstrates expertise in building, connecting, sustaining, and measuring partnerships with entities such as employers, schools, community-based organizations, postsecondary institutions, social service organizations, economic development organizations, Indian tribes or Tribal organizations, and workforce systems to broker services, resources, and supports to youth and the organizations and systems that are designed to serve youth, including—

"(A) connecting employers to classrooms;

"(B) assisting in the design and implementation of career and technical education programs and programs of study;

"(C) delivering professional development;

"(D) connecting students to internships and other work-based learning opportunities; and

"(E) developing personalized student supports.

"(43) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).";

(20) by inserting after paragraph (45) (as redesignated by paragraph (2)) the following:

"(46) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(47) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.";

(21) in paragraph (48) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking "foster children" and inserting "low-income youth and adults";

(B) by striking subparagraph (E) and inserting the following:

"(E) out-of-workforce individuals;";

(C) in subparagraph (F), by striking "individuals with limited English proficiency." and inserting "English learners;"; and

(D) by adding at the end the following:

"(G) homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

"(H) youth who are in, or have aged out of, the foster care system; and

"(I) youth with a parent who—

"(i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and

"(ii) is on active duty (as such term is defined in section 101(d)(1) of such title).";

(22) in paragraph (50) (as redesignated by paragraph (2)), by inserting "(including paraprofessionals and specialized instructional support personnel)" after "supportive personnel";

(23) in paragraph (52) (as redesignated by paragraph (2))—

(A) in subparagraph (A), by striking "Indian tribe or Indian tribes" and inserting "Indian Tribe or Indian Tribes"; and

(B) in subparagraph (D)—

(i) by striking "tribal" and inserting "Tribal"; and

(ii) by inserting "or tribal lands" after "reservations"; and

(24) by adding at the end the following:

"(53) TRIBAL ORGANIZATION.—The term 'Tribal organization' has the meaning given the term 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(54) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(55) WORK-BASED LEARNING.—The term 'work-based learning' means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.".

SEC. 8. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended—

(1) by striking "the Secretary determines to be appropriate" and inserting "are necessary";

(2) by striking "Carl D. Perkins Career and Technical Education Improvement Act of 2006" each place it appears and inserting "Strengthening Career and Technical Education for the 21st Century Act"; and

(3) by striking "1998" and inserting "2006".

SEC. 9. PROHIBITIONS.

Section 8 (20 U.S.C. 2306a) is amended—

(1) in subsection (a), by striking "Federal Government to mandate," and all that follows through the period at the end and inserting "Federal Government—

"(1) to condition or incentivize the receipt of any grant, contract, or cooperative agreement, or the receipt of any priority or preference under such grant, contract, or cooperative agreement, upon a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards);

"(2) through grants, contracts, or other cooperative agreements, to mandate, direct, or control a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State

Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards); or

"(3) except as required under sections 112(b), 211(b), and 223—

"(A) to mandate, direct, or control the allocation of State or local resources; or

"(B) to mandate that a State or a political subdivision of a State spend any funds or incur any costs not paid for under this Act.";

(2) by amending subsection (d) to read as follows:

"(d) RULE OF CONSTRUCTION.—Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code, (commonly known as the "Administrative Procedure Act") or chapter 8 of title 5, United States Code, commonly known as the "Congressional Review Act").''; and

(3) by adding at the end the following:

"(f) CONGRESSIONAL NOTICE AND COMMENT.—

"(1) NOTICE TO CONGRESS.—Not less than 15 business days prior to issuing a notice of proposed rulemaking related to this Act in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include— Deadline. Regulations. Federal Register, publication.

"(A) a copy of the proposed regulation;

"(B) the need to issue the regulation;

"(C) a description of how the regulation is consistent with the scope of this Act;

"(D) the anticipated burden (including the time, cost, and paperwork burden) the regulation will impose on an eligible agency, institution, or recipient that may be impacted by the regulation, including the potential impact on rural areas;

"(E) the anticipated benefits to an eligible agency, institution, or recipient that may be impacted by the regulation, including in rural areas; and

"(F) any regulations that will be repealed when the new regulation is issued.

"(2) COMMENT PERIOD FOR CONGRESS.—The Secretary shall—

"(A) before issuing any notice of proposed rulemaking under this subsection, provide Congress with a comment period of 15 business days to make comments on the proposed regulation, beginning on the date that the Secretary provides the notice of intent to the appropriate committees of Congress under paragraph (1); and

"(B) include and seek to address all comments submitted by members of Congress in the public rulemaking record for the regulation published in the Federal Register.

"(3) COMMENT AND REVIEW PERIOD; EMERGENCY SITUATIONS.—The comment and review period for any proposed regulation shall be not less than 60 days unless an emergency requires a shorter period, in which case the Secretary shall— Regulations.

"(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice to Congress under paragraph (1);

Federal Register, publication.

"(B) publish the length of the comment and review period in such notice and in the Federal Register; and

"(C) conduct immediately thereafter regional meetings to review such proposed regulation before issuing any final regulation.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (20 U.S.C. 2307) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act (other than sections 114 and 117)—

"(1) $1,229,568,538 for fiscal year 2019;
"(2) $1,246,782,498 for fiscal year 2020;
"(3) $1,264,237,452 for fiscal year 2021;
"(4) $1,281,936,777 for fiscal year 2022;
"(5) $1,299,883,892 for fiscal year 2023; and
"(6) $1,318,082,266 for fiscal year 2024.".

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

SEC. 110. RESERVATIONS AND STATE ALLOTMENT.

Section 111 (20 U.S.C. 2321) is amended to read as follows:

"SEC. 111. RESERVATIONS AND STATE ALLOTMENT.

"(a) RESERVATIONS AND STATE ALLOTMENT.—

"(1) RESERVATIONS.—From the amount appropriated under section 9 for each fiscal year, the Secretary shall reserve—

"(A) 0.13 percent to carry out section 115; and

"(B) 1.50 percent to carry out section 116, of which—

"(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

"(ii) 0.25 percent of the sum shall be available to carry out section 116(h).

"(2) FOUNDATIONAL GRANT.—

"(A) IN GENERAL.—From the remainder of the amount appropriated under section 9 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year an amount equal to the amount the State received in fiscal year 2018.

"(B) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

"(3) ADDITIONAL FUNDS.—Subject to paragraph (4), from the additional funds remaining from the amount appropriated under section 9 and not expended under paragraphs (1) and (2) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

"(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

"(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

"(C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

"(D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

"(4) MINIMUM ALLOTMENT FOR YEARS WITH ADDITIONAL FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), for a fiscal year for which there are additional funds described in paragraph (3), no State shall receive for such fiscal year under paragraph (3) less than 1/2 of 1 percent of the additional funds available for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

"(B) SPECIAL RULE.—In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

"(i) 1/2 of 1 percent of the additional funds available for such fiscal year; and

"(ii) the product of—

"(I) 1/3 of the additional funds; multiplied by

"(II) the quotient of—

"(aa) the qualifying State's ratio described in subparagraph (C) for the fiscal year for which the determination is made; divided by

"(bb) the sum of all such ratios for all qualifying States for the fiscal year for which the determination is made.

"(C) RATIO.—For purposes of subparagraph (B)(ii)(II)(aa), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

"(i) the amount the qualifying State is allotted under paragraph (3) for the fiscal year; divided by

"(ii) 1/2 of 1 percent of the amount appropriated under paragraph (3) for the fiscal year for which the determination is made.

"(D) DEFINITIONS.—In this paragraph, the term 'qualifying State' means a State (except the United States Virgin Determination.

Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (3) (without the application of this paragraph), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

Determination.

"(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which the funds were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

Criteria.
Regulations.

"(c) ALLOTMENT RATIO.—

"(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

"(A) 0.50; and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

"(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

"(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

Time period.

"(2) PROMULGATION.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

"(3) DEFINITION OF PER CAPITA INCOME.—For the purpose of this section, the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

"(d) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.".

SEC. 111. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "10 percent" and inserting "15 percent";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "1 percent" and inserting "2 percent";

(II) by striking "State correctional institutions and institutions" and inserting "State correctional institutions, juvenile justice facilities, and educational institutions"; and

(III) by striking "and" after the semicolon; and

(ii) by inserting after subparagraph (B) the following:

"(C) an amount shall be made available for the recruitment of special populations to enroll in career and technical education programs, which shall be not less than the lesser of—

"(i) an amount equal to 0.1 percent; or

"(ii) $50,000; and";

(C) in paragraph (3)(B), by striking "a local plan;" and inserting "local applications;"; and

(2) in subsection (c), by striking "section 135" and all that follows through the end and inserting "section 135—

"(1) in—

"(A) rural areas;

"(B) areas with high percentages of CTE concentrators or CTE participants;

"(C) areas with high numbers of CTE concentrators or CTE participants; and

"(D) areas with disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II); and

"(2) in order to—

"(A) foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include programs, practices, and strategies that prepare individuals for nontraditional fields; or

"(B) promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified high-skill, high-wage, or in-demand occupations or industries.".

SEC. 112. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "DETERMINED" after "STATE";

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "State determined" before "performance";

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(iii) in subparagraph (A), by inserting "and" after the semicolon; and

(iv) in subparagraph (B), as so redesignated—

(I) by striking "a State adjusted level of performance" and inserting "a State determined level of performance"; and

(II) by striking ", and State levels of performance described in paragraph (3)(B) for each additional indicator of performance"; and

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

"(2) INDICATORS OF PERFORMANCE.—

"(A) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

"(i) The percentage of CTE concentrators who graduate high school, as measured by—

"(I) the four-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

"(II) at the State's discretion, the extended-year adjusted cohort graduation rate defined in such section 8101.

"(ii) CTE concentrator proficiency in the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as measured by the academic assessments described in section 1111(b)(2) of such Act.

"(iii) The percentage of CTE concentrators who, in the second quarter after exiting from secondary education, are in postsecondary education or advanced training, military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are employed.

"(iv) Indicators of career and technical education program quality as follows:

"(I) That shall include at least 1 of the following:

"(aa) The percentage of CTE concentrators graduating from high school having attained a recognized postsecondary credential.

"(bb) The percentage of CTE concentrators graduating from high school having attained postsecondary credits in the relevant career and technical education program or program of study earned through a dual or concurrent enrollment program or another credit transfer agreement.

"(cc) The percentage of CTE concentrators graduating from high school having participated in work-based learning.

"(II) That may include any other measure of student success in career and technical education

that is statewide, valid, and reliable, and comparable across the State.

"(v) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.

"(B) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

"(i) The percentage of CTE concentrators who, during the second quarter after program completion, remain enrolled in postsecondary education, are in advanced training, military service, or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are placed or retained in employment.

"(ii) The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.

"(iii) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.

"(C) ALIGNMENT OF PERFORMANCE INDICATORS.—In developing core indicators of performance under subparagraphs (A) and (B), an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, may be used to meet the requirements of this section.";

(D) in paragraph (3)—

(i) in the paragraph heading, by inserting "DETERMINED" after "STATE";

(ii) by amending subparagraph (A) to read as follows:

"(A) STATE DETERMINED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

"(i) IN GENERAL.—

"(I) LEVELS DETERMINED BY THE ELIGIBLE AGENCY.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, for each year covered by the State plan, State determined levels of performance for each of the core indicators described under subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The level of performance for a core indicator shall be the same for all CTE concentrators in the State.

"(II) TECHNICAL ASSISTANCE.—The Secretary may assist an eligible agency in establishing the State determined levels of performance under this subparagraph only at the request of that eligible agency.

"(III) REQUIREMENTS.—Such State determined levels of performance shall, at a minimum—

"(aa) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable;

"(bb) require the State to continually make meaningful progress toward improving the performance of all career and technical education students, including the subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48); and

"(cc) have been subject to the public comment process described in subparagraph (B), and the eligible agency has provided a written response;

"(dd) when being adjusted pursuant to clause (ii), take into account how the levels of performance involved compare with the State levels of performance established for other States, considering factors including the characteristics of actual (as opposed to anticipated) CTE concentrators when the CTE concentrators entered the program, and the services or instruction to be provided;

"(ee) when being adjusted pursuant to clause (ii), be higher than the average actual performance of the 2 most recently completed program years, except in the case of unanticipated circumstances that require revisions in accordance with clause (iii); and

"(ff) take into account the extent to which the State determined levels of performance advance the eligible agency's goals, as set forth in the State plan.

"(ii) ALLOWABLE ADJUSTMENT OF STATE DETERMINED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third program year covered by the State plan, each eligible agency may revise the State determined levels of performance for any of the core indicators of performance for the subsequent program years covered by the State plan, and submit the revised State determined levels of performance to the Secretary. If the eligible agency adjusts any levels of performance, the eligible agency shall adjust those levels in accordance with clause (i), and address written comments of stakeholders as described in subparagraph (B). The Secretary shall approve those revised levels of performance if those levels meet the requirements described in subclause (III) of clause (i). The State determined adjusted levels of performance identified under this clause shall be considered to be the State determined levels of performance for the State for such years and shall be incorporated into the State plan.

"(iii) UNANTICIPATED CIRCUMSTANCES.—If unanticipated circumstances arise in a State or changes occur related to improvements in data or measurement approaches, the eligible agency, at the end of the program year, may revise the State determined levels of performance required under this subparagraph. After public comment, as described in subparagraph (B), the eligible agency shall submit such revised levels of performance to the Secretary with evidence supporting the revision. The Secretary shall approve any such revision if that revision meets the requirements of clause (ii).";

(iii) by striking subparagraph (B) and inserting the following:

"(B) PUBLIC COMMENT.—

"(i) IN GENERAL.—Each eligible agency shall develop the levels of performance under subparagraph (A) in consultation with the stakeholders identified in section 122(c)(1)(A). Consultation.

"(ii) WRITTEN COMMENTS.—Not less than 60 days prior to submission of the State plan, the eligible agency shall provide such stakeholders with the opportunity to provide written comments to the eligible agency, which shall be included in the State plan, regarding how the levels of performance described under subparagraph (A)— Deadline.

"(I) meet the requirements of the law;

"(II) support the improvement of performance of all CTE concentrators, including subgroups of students, as described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48); and

"(III) support the needs of the local education and business community.

"(iii) ELIGIBLE AGENCY RESPONSE.—Each eligible agency shall provide, in the State plan, a written response to the comments provided by stakeholders under clause (ii).";

and

(iv) by adding at the end the following:

"(C) STATE REPORT.—

"(i) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

"(I) the progress of the State in achieving the State determined levels of performance on the core indicators of performance; and

"(II) the actual levels of performance for all CTE concentrators, and for each of the subgroups of students, as described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48).

"(ii) DATA.—Except as provided in subparagraph (E), each eligible agency that receives an allotment under section 111 shall—

"(I) disaggregate data for each of the indicators of performance under paragraph (2)—

"(aa) for subgroups of students, as described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48), that are served under this Act; and

"(bb) by the career and technical education programs or programs of study of the CTE concentrators, except that in a case in which reporting by such program or program of study is impractical, the data may be disaggregated by the career clusters of the CTE concentrators, if appropriate;

"(II) identify and quantify any disparities or gaps in performance on the State determined levels of performance under subparagraph (A) between any such subgroup or special population and the performance of all CTE concentrators served by the eligible agency under this Act, which shall include a quantifiable description of the progress each such subgroup or special population of students served by the eligible agency under this Act has made in meeting the State determined levels of performance; and

"(III) for CTE concentrators described in paragraph (2)(A)(iii) and paragraph (2)(B)(i), disaggregate data, to the extent such data is available, by each of the following:

"(aa) Individuals enrolled in postsecondary education (disaggregated by postsecondary award level, including certificate, associate, or baccalaureate degree).

"(bb) Individuals in advanced training.

"(cc) Individuals in military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) or volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)).

"(dd) Individuals in employment (including those individuals who are employed in a high-skill, high-wage, or in-demand sector or occupation).

"(iii) NONDUPLICATION.—The Secretary shall ensure that each eligible agency does not report duplicative information under this section.

Public information.

"(iv) INFORMATION DISSEMINATION.—The Secretary shall—

"(I) make the information contained in such reports available to the general public through a variety of formats, including electronically through the Internet;

"(II) disseminate State-by-State comparisons of the information contained in such reports; and

"(III) provide the appropriate committees of Congress with copies of such reports.

"(D) STATE DISSEMINATION OF ACTUAL LEVELS OF PERFORMANCE.—At the end of each program year, the eligible agency shall disseminate the actual levels of performance described in subparagraph (C)(i)(II)—

"(i) widely, including to students, parents, and educators;

"(ii) through a variety of formats, including electronically through the Internet; and

"(iii) in user-friendly formats and languages that are easily accessible, as determined by the eligible agency.

"(E) RULES FOR REPORTING DATA.—The disaggregation of data under this paragraph shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student."; and

(E) in paragraph (4)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking "ADJUSTED";

(II) by striking clauses (iii) and (v), and redesignating clauses (iv) and (vi) as clauses (iii) and (v), respectively;

(III) in clause (i)—

(aa) in the matter preceding subclause (I)—

(AA) by striking "State adjusted levels of performance" and inserting "State determined levels of performance for each year of the plan"; and

(BB) by striking "local adjusted levels" and inserting "local levels" each place the term appears;

(bb) in subclause (I)—

(AA) by striking "consistent with the State levels of performance established under paragraph (3), so as" and inserting "consistent with the form expressed in the State determined levels, so as"; and

(BB) by striking "and" after the semicolon; and

(cc) in subclause (II), by striking "continually make progress toward improving the performance of career and technical education students." and inserting "continually make meaningful progress toward improving the performance of all CTE concentrators, including subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 and special populations, as described in section 3(48);"; and

(dd) by adding at the end the following:

"(III) when being adjusted as described in clause (iii), be higher than the average actual performance levels of the previous 2 program years, except in a case in which unanticipated circumstances arise with respect to the eligible recipient and that eligible recipient meets the requirements for revisions under clause (iv);

"(IV) when being adjusted as described in clause (iii), take into account how the local levels of performance compare with the local levels of performance established for other eligible recipients, considering factors including the characteristics of actual (as opposed to anticipated) CTE concentrators at the time those CTE concentrators entered the program, and the services or instruction to be provided; and

"(V) set the local levels of performance using valid and reliable data that measures—

"(aa) the differences within the State in actual economic conditions (including differences in unemployment rates and job losses or gains in particular industries); and

"(bb) the abilities of the State and the eligible recipient to collect and access valid, reliable, and cost-effective data.";

(IV) in clause (ii)—

(aa) in the clause heading, by striking "PLAN" and inserting "APPLICATION";

(bb) by striking "plan" and inserting "application"; and

(cc) by striking "the first 2" and inserting "each of the";

(V) by amending clause (iii), as redesignated by subclause (II), to read as follows:

"(iii) ALLOWABLE ADJUSTMENTS OF LOCAL LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third program year covered by the local application, the eligible recipient may, if the eligible recipient reaches an agreement with the eligible agency, adjust the local levels of performance for any of the core indicators of performance for the subsequent program years covered by the local application, in accordance with that agreement and with this subparagraph. The local adjusted levels of performance agreed to under this clause shall be considered to be the local levels of performance for the eligible recipient for such years and shall be incorporated into the local application."; and

(VI) in clause (v), as redesignated by subclause (II), by striking "If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised." and inserting "If unanticipated circumstances arise, or changes occur related to improvements

in data or measurement approaches, the eligible recipient may request that the local levels of performance agreed to under clauses (i) and (iii) be revised.";

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B), as redesignated by clause (ii)—

(I) in clause (i), by striking "the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance" and inserting "the data on the actual performance levels described in clause (ii), including the progress of such recipient in achieving the local levels of performance";

(II) in clause (ii)—

(aa) in subclause (I)—

(AA) by striking "section 1111(h)(1)(C)(i)" and inserting "section 1111(h)(1)(C)(ii)";

(BB) by striking "section 3(29)" and inserting "section 3(48)"; and

(CC) by striking "and" after the semicolon; and

(bb) in subclause (II)—

(AA) by inserting ", as described in paragraph 3(C)(ii)(II)," after "gaps in performance";

(BB) by inserting "as described in subclause (I) (including special populations)" after "category of students";

(CC) by striking "all students" and inserting "all CTE concentrators"; and

(DD) by adding at the end the following:

"(III) disaggregate data by the career and technical education programs or programs of study of the CTE concentrators, except that in a case in which reporting by such program or program of study is impractical, the data may be disaggregated by the career clusters of the CTE concentrators, if appropriate; and

"(IV) for CTE concentrators described in paragraph (2)(A)(iii) and paragraph (2)(B)(i), disaggregate data, to the extent such data is available, by each of the following:

"(aa) Individuals enrolled in postsecondary education (disaggregated by postsecondary award level, including certificate, associate, or baccalaureate degree).

"(bb) Individuals in advanced training.

"(cc) Individuals in military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) or volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)).

"(dd) Individuals in employment (including those individuals who are employed in a high-skill, high-wage, or in-demand sector or occupation).";

(III) in clause (iii), by striking "subsection (c)(3)" and inserting "paragraph (3)(C)(iii)";

(IV) in clause (iv), by striking "clause (ii)" and inserting "this paragraph"; and

(V) by striking clause (v) and inserting the following:

Reports. Public information.

"(v) AVAILABILITY.—The report described in clause (i) shall be made available by the eligible recipient through a variety of formats, including electronically through the Internet, to students, parents, educators, and the public, and the information contained in such report shall be in a format that is understandable and uniform, and to the extent practicable, provided in a language that students, parents, and educators can understand."; and

(2) by striking subsection (c).

SEC. 113. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) in subsection (a)(1)—

Consultation.

(A) by striking "The Secretary shall" the first place it appears and inserting "The Secretary shall, in consultation with the Director,"; and

(B) by inserting "from eligible agencies under section 113(b)(3)(C)" after "pursuant to this title";

(2) by amending subsection (b) to read as follows:

"(b) REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics and the Office of Career, Technical, and Adult Education shall determine the methodology to be used and the frequency with which such information is to be collected.";

Consultation. Determination.

(3) in subsection (c)—

(A) in paragraph (1), by striking "Secretary may" and inserting "Secretary shall";

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting ", acting through the Director," after "describe how the Secretary"; and

(ii) in subparagraph (C), by inserting ", in consultation with the Director," after "Secretary";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting ", acting through the Director," after "The Secretary";

(II) by inserting "and the plan developed under subsection (c)" after "described in paragraph (2)"; and

(III) by striking "assessment" each place such term appears and inserting "evaluation";

(ii) in subparagraph (B)—

(I) in clause (v), by striking "; and" and inserting a semicolon;

(II) in clause (vi)—

(aa) by inserting "qualified" before "intermediaries"; and

(bb) by striking the period at the end and inserting ", which may include individuals with expertise in addressing inequities in access to, and in opportunities for, academic and technical skill attainment;"; and

(III) by adding at the end the following:

"(vii) representatives of Indian Tribes and Tribal organizations; and

"(viii) representatives of special populations."; and

(iii) in subparagraph (C)—

(I) by inserting "the Director," after "the Secretary,"; and

(II) by striking "assessment" and inserting "evaluation";

(B) in paragraph (2)—

(i) in the heading, by striking "AND ASSESSMENT";

(ii) in subparagraph (A)—

(I) by striking "subsection (e), the Secretary" and inserting "subsection (f), the Secretary, acting through the Director,";

(II) by striking "an independent evaluation and assessment" and inserting "a series of research and evaluation initiatives for each year for which funds are appropriated to carry out this Act, which are aligned with the plan in subsection (c)(2),";

(III) by striking "Carl D. Perkins Career and Technical Education Improvement Act of 2006" and inserting "Strengthening Career and Technical Education for the 21st Century Act"; and

(IV) by adding at the end the following: "Whenever possible, data used for the evaluation for a fiscal year shall be data from the most recent fiscal year for which such data are available, and from the 5-year period preceding that fiscal year."; and

(iii) by amending subparagraph (B) to read as follows:

"(B) CONTENTS.—The evaluation required under subparagraph (A) shall include descriptions and evaluations of—

"(i) the extent and success of the integration of challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students, including— Review.

"(I) the number of such students that receive a regular high school diploma, as such term is defined under section 8101 of the Elementary and Secondary Education Act of 1965 or a State-defined

alternative diploma described in section 8101(25)(A)(ii)(I)(bb) of such Act;

"(II) the number of such students that are high school students that receive a recognized postsecondary credential; and

"(III) the number of such students that are high school students that earn credit toward a recognized postsecondary credential;

"(ii) the extent to which career and technical education programs and programs of study prepare students, including special populations, for subsequent employment in high-skill, high-wage occupations (including those in which mathematics and science skills are critical, which may include computer science), or for participation in postsecondary education;

"(iii) employer involvement in, benefit from, and satisfaction with, career and technical education programs and programs of study and career and technical education students' preparation for employment;

"(iv) efforts to expand access to career and technical education programs of study for all students;

"(v) innovative approaches to work-based learning programs that increase participation and alignment with employment in high-growth industries, including in rural and low-income areas;

"(vi) the effectiveness of different delivery systems and approaches for career and technical education, including comprehensive high schools, technical high schools, area technical centers, career academies, community and technical colleges, early college high schools, pre-apprenticeship programs, voluntary afterschool programs, and individual course offerings, including dual or concurrent enrollment program courses, as well as communication strategies for promoting career and technical education opportunities involving teachers, school counselors, and parents or other guardians;

"(vii) the extent to which career and technical education programs supported by this Act are grounded on evidence-based research;

"(viii) the impact of the amendments to this Act made under the Strengthening Career and Technical Education for the 21st Century Act, including comparisons, where appropriate, of—

"(I) the use of the comprehensive needs assessment under section 134(c);

"(II) the implementation of programs of study; and

"(III) coordination of planning and program delivery with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Elementary and Secondary Education Act of 1965;

"(ix) changes in career and technical education program accountability as described in section 113 and any effects of such changes on program delivery and program quality;

"(x) changes in student enrollment patterns; and

"(xi) efforts to reduce disparities or performance gaps described in section 113(b)(3)(C)(ii)(II).''; and

(iv) in subparagraph (C)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by inserting ", in consultation with the Director," after "The Secretary"; and Consultation.

(bb) by striking subclauses (I) and (II) and inserting the following:

"(I) not later than 2 years after the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act, an interim report regarding the evaluation and summary of research activities carried out under this section that builds on studies and analyses existing as of such date of enactment; Reports. Analyses.

"(II) not later than 4 years after the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act, a final report summarizing the studies and analyses that relate to the evaluation and summary of research activities carried out under this section; and Reports. Analyses.

"(III) a biennial update to such final report for succeeding years."; Time period. Reports.

(II) in clause (ii), by inserting "the Director," after "the President, the Secretary," each place the term appears; and

(III) by adding after clause (ii) the following:

"(iii) DISSEMINATION.—In addition to submitting the reports required under clause (i), the Secretary shall disseminate the results of the evaluation widely and on a timely basis in order to increase the understanding among State and local officials and educators of the effectiveness of programs and activities supported under the Act and of the career and technical education programs and programs of study that are most likely to produce positive educational and employment outcomes."; Reports.

(C) in subparagraph (3)(A), by striking "State adjusted levels of performance described in section 113(b)" and inserting "State determined levels of performance described in section 113(b), as long as such information does not reveal any personally identifiable information"; and

(D) by striking paragraphs (4) and (5) and inserting the following:

"(4) RESEARCH.—

"(A) IN GENERAL.—From amounts made available under subsection (f), the Secretary, after consultation with the Director, the Commissioner for Education Research, and the States, and with input from the independent advisory panel established under subsection (d)(1)(A), shall award a grant, contract, or cooperative agreement, on a competitive basis, to an institution of higher education or to a consortium of one or more institutions of higher education and one or more private nonprofit organizations Consultation.

or agencies, to carry out one or more of the activities described in subparagraph (B).

"(B) GRANT ACTIVITIES.—An institution or consortium receiving a grant under this paragraph shall use grant funds to carry out one or more of the following activities:

"(i) Evidence-based research and evaluation for the purpose of developing, improving, and identifying the most successful methods for—

"(I) eliminating inequities in access to, and in opportunities for, learning, skill development, or effective teaching in career and technical education programs; and

"(II) addressing the education, employment, and training needs of CTE participants, including special populations, in career and technical education programs or programs of study.

"(ii) Research on, and evaluation of, the impact of changes made by the Strengthening Career and Technical Education for the 21st Century Act, including State-by-State comparisons, where appropriate, of—

"(I) the use of the needs assessment under section 134(c);

"(II) the implementation of programs of study;

"(III) how States have implemented provisions of the Act, including both fiscal and programmatic elements;

"(IV) career and technical education funding and finance models; and

"(V) coordination with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Elementary and Secondary Education Act of 1965, and the Higher Education Act of 1965.

"(iii) Evidence-based research and analyses that provide longitudinal information with respect to career and technical education programs and programs of study and student achievement.

"(iv) The implementation of, evaluation of, or evidence-based research of, innovative methods that support high-quality implementation of career and technical education programs and programs of study and student achievement related to career and technical education, including—

"(I) creating or expanding dual or concurrent enrollment program activities and early college high schools;

"(II) awarding of academic credit or academic alignment for industry recognized credentials, competency-based education, or work-based learning;

"(III) making available open, searchable, and comparable information on the quality of industry recognized credentials, including the related skills or competencies, attainment by CTE concentrators, related employment and earnings outcomes, labor market value, and use by employers; or

"(IV) initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including barriers affecting rural students and special populations.

"(C) REPORT.—The institution or consortium receiving a grant under this paragraph shall annually prepare a report containing information about the key research findings of such entity under this paragraph and shall submit copies of the report to the Secretary and the Director. The Secretary shall submit copies of the report to the relevant committees of Congress, the Library of Congress, and each eligible agency.

"(D) DISSEMINATION.—The institution or consortium receiving a grant under this paragraph shall conduct dissemination and training activities based on the research carried out under this paragraph on a timely basis, including through dissemination networks and, as appropriate and relevant, technical assistance providers within the Department.";

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following:

"(e) INNOVATION AND MODERNIZATION.—

"(1) GRANT PROGRAM.—To identify, support, and rigorously evaluate evidence-based and innovative strategies and activities to improve and modernize career and technical education and align workforce skills with labor market needs as part of the State plan under section 122 and local application under section 134 and the requirements of this subsection, the Secretary may use not more than 20 percent of the amounts appropriated under subsection (f) to award grants to eligible entities, eligible institutions, or eligible recipients to carry out the activities described in paragraph (7).

"(2) NON-FEDERAL MATCH.—

"(A) MATCHING FUNDS REQUIRED.—Except as provided under subparagraph (B), to receive a grant under this subsection, an eligible entity, eligible institution, or eligible recipient shall, through cash or in-kind contributions, provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the funds provided under such grant.

"(B) EXCEPTION.—The Secretary may waive the matching fund requirement under subparagraph (A) if the eligible entity, eligible institution, or eligible recipient demonstrates exceptional circumstances. Waiver authority.

"(3) APPLICATION.—To receive a grant under this subsection, an eligible entity, eligible institution, or eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

"(A) an identification and designation of the agency, institution, or school responsible for the administration and supervision of the program assisted under this paragraph;

"(B) a description of the budget for the project, the source and amount of the matching funds required under

paragraph (2)(A), and how the applicant will continue the project after the grant period ends, if applicable;

"(C) a description of how the applicant will use the grant funds, including how such funds will directly benefit students, including special populations, served by the applicant;

"(D) a description of how the program assisted under this subsection will be coordinated with the activities carried out under section 124 or 135;

"(E) a description of how the career and technical education programs or programs of study to be implemented with grant funds reflect the needs of regional, State, or local employers, as demonstrated by the comprehensive needs assessment under section 134(c);

"(F) a description of how the program assisted under this subsection will be evaluated and how that evaluation may inform the report described in subsection (d)(2)(C); and

"(G) an assurance that the applicant will—

"(i) provide information to the Secretary, as requested, for evaluations that the Secretary may carry out; and

"(ii) make data available to third parties for validation, in accordance with applicable data privacy laws, including section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974').

"(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applications from eligible entities, eligible institutions, or eligible recipients that will predominantly serve students from low-income families.

"(5) GEOGRAPHIC DIVERSITY.—

"(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall award no less than 25 percent of the total available funds for any fiscal year to eligible entities, eligible institutions, or eligible recipients proposing to fund career and technical education activities that serve—

"(i) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

"(ii) an institution of higher education primarily serving the one or more areas served by such a local educational agency;

"(iii) a consortium of such local educational agencies or such institutions of higher education;

"(iv) a partnership between—

"(I) an educational service agency or a nonprofit organization; and

"(II) such a local educational agency or such an institution of higher education; or

"(v) a partnership between—

"(I) a grant recipient described in clause (i) or (ii); and

"(II) a State educational agency.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary shall reduce the amount of funds made available under such clause if the Secretary does not receive a sufficient number of applications of sufficient quality.

"(6) DURATION.—

"(A) IN GENERAL.—Grants awarded under this subsection shall be for a period of not more than 3 years.

"(B) EXTENSION.—The Secretary may extend such grants for not more than 1 additional 2-year period if the grantee demonstrates to the Secretary that the grantee is achieving the grantee's program objectives and, as applicable, has improved education outcomes for career and technical education students, including special populations.

"(7) USES OF FUNDS.—An eligible entity, eligible institution, or eligible recipient that is awarded a grant under this subsection shall use the grant funds to create, develop, implement, replicate, or take to scale evidence-based, field-initiated innovations to modernize and improve effectiveness and alignment of career and technical education and to improve student outcomes in career and technical education, and rigorously evaluate such innovations, through one or more of the following activities:

"(A) Designing and implementing courses or programs of study aligned to labor market needs in new or emerging fields and working with industry to upgrade equipment, technology, and related curriculum used in career and technical education programs, which is needed for the development, expansion, and implementation of State-approved career and technical education programs of study, including—

"(i) the development or acquisition of instructional materials associated with the equipment and technology purchased by an eligible entity, eligible institution, or eligible recipient through the grant; or

"(ii) efforts to expand, develop, or implement programs designed to increase opportunities for students to take rigorous courses in coding or computer science subject areas, and support for statewide efforts to increase access and implementation of coding or computer science courses in order to meet local labor market needs in occupations that require skills in those subject areas.

"(B) Improving career and technical education outcomes of students served by eligible entities, eligible institutions, or eligible recipients through activities such as—

"(i) supporting the development and enhancement of innovative delivery models for career and technical education related work-based learning, including school-based simulated work sites, mentoring, work site visits, job shadowing, project-based learning, and skills-based and paid internships;

"(ii) increasing the effective use of technology within career and technical education programs and programs of study;

"(iii) supporting new models for integrating academic content at the secondary and postsecondary level in career and technical education; or

"(iv) integrating science, technology, engineering, and mathematics fields, including computer science education, with career and technical education.

"(C) Improving the transition of students—

"(i) from secondary education to postsecondary education or employment through programs, activities, or services that may include the creation, development, or expansion of dual or concurrent enrollment programs, articulation agreements, credit transfer agreements, and competency-based education; or

"(ii) from the completion of one postsecondary program to another postsecondary program that awards a recognized postsecondary credential.

"(D) Supporting the development and enhancement of innovative delivery models for career and technical education.

"(E) Working with industry to design and implement courses or programs of study aligned to labor market needs in new or emerging fields.

"(F) Supporting innovative approaches to career and technical education by redesigning the high school experience for students, which may include evidence-based transitional support strategies for students who have not met postsecondary education eligibility requirements.

"(G) Creating or expanding recruitment, retention, or professional development activities for career and technical education teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals, which may include—

"(i) providing resources and training to improve instruction for, and provide appropriate accommodations to, special populations;

"(ii) externships or site visits with business and industry;

"(iii) the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies;

"(iv) mentoring by experienced teachers;

"(v) providing resources or assistance with meeting State teacher licensure and credential requirements; or

"(vi) training for career guidance and academic counselors at the secondary level to improve awareness of postsecondary education and postsecondary career options, and improve the ability of such counselors to communicate to students the career opportunities and employment trends.

"(H) Improving CTE concentrator employment outcomes in non-traditional fields.

"(I) Supporting the use of career and technical education programs and programs of study in a coordinated strategy to address identified employer needs and workforce shortages, such as shortages in the early childhood, elementary school, and secondary school education workforce.

"(J) Providing integrated student support that addresses the comprehensive needs of students, such as incorporating accelerated and differentiated learning opportunities supported by evidence-based strategies for special populations.

"(K) Establishing an online portal for career and technical education students, including special populations, preparing for postsecondary career and technical education, which may include opportunities for mentoring, gaining financial literacy skills, and identifying career opportunities and interests, and a platform to establish online savings accounts to be used exclusively for postsecondary career and technical education programs and programs of study.

"(L) Developing and implementing a pay for success initiative.

"(8) EVALUATION.—Each eligible entity, eligible institution, or eligible recipient receiving a grant under this subsection shall provide for an independent evaluation of the activities carried out using such grant and submit to the Secretary an annual report that includes—

"(A) a description of how funds received under this paragraph were used;

"(B) the performance of the eligible entity, eligible institution, or eligible recipient with respect to, at a minimum, the performance indicators described under section 113, as applicable, and disaggregated by—

"(i) subgroups of students described in section 1111(c)(2)(B) of the Elementary and Secondary Education Act of 1965;

"(ii) special populations; and

"(iii) as appropriate, each career and technical education program and program of study; and

"(C) a quantitative analysis of the effectiveness of the project carried out under this paragraph."; and

(7) by amending subsection (f), as redesignated by paragraph (5), to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $7,651,051 for fiscal year 2019;

"(2) $7,758,166 for fiscal year 2020;

"(3) $7,866,780 for fiscal year 2021;

"(4) $7,976,915 for fiscal year 2022;

"(5) $8,088,592 for fiscal year 2023; and

"(6) $8,201,832 for fiscal year 2024.".

SEC. 114. ASSISTANCE FOR THE OUTLYING AREAS.

Section 115 (20 U.S.C. 2325) is amended—

(1) in subsection (a)(3), by striking "subject to subsection (d)" and inserting "subject to subsection (b)";

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

SEC. 115. NATIVE AMERICAN PROGRAMS.

Section 116 (20 U.S.C. 2326) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the paragraph heading, by striking "NATIVE" and inserting "NATIVE";

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(D) in paragraph (3) (as redesignated by subparagraph (C)), in the paragraph heading, by striking "HAWAIIAN" and inserting "HAWAIIAN"; and

(E) in paragraph (4) (as redesignated by subparagraph (C))—

(i) in the paragraph heading, by striking "HAWAIIAN" and inserting "HAWAIIAN"; and

(ii) by inserting "(20 U.S.C. 7517)" after "Act";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "tribes" and inserting "Tribes"; and

(ii) by striking "tribal" and inserting "Tribal";

(B) in paragraph (2)—

(i) by striking the paragraph heading and inserting "INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—";

(ii) by striking "Indian tribe or tribal organization" and inserting "Indian Tribe or Tribal organization";

(iii) by striking "450f" and inserting "5321"; and

(iv) by striking "455–457" and inserting "5345–5347";

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "BUREAU OF INDIAN AFFAIRS" and inserting "BUREAU OF INDIAN EDUCATION";

(ii) by striking "tribe" and inserting "Tribe";

(iii) by striking "tribal" and inserting "Tribal"; and

(iv) by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education";

(D) in paragraph (4)—

(i) by striking "Bureau of Indian Affairs" each place the term appears and inserting "Bureau of Indian Education"; and

(ii) by striking "Assistant Secretary of the Interior for Indian Affairs" and inserting "Director of the Bureau of Indian Education";

(E) in paragraph (5)(A), by striking "Indian tribes, tribal organizations, and individual tribal members" and inserting "Indian Tribes, Tribal organizations, and individual Tribal members"; and

(F) in paragraph (6)—

(i) by striking "tribe" each place the term appears and inserting "Tribe"; and

(ii) by striking "tribal" each place the term appears and inserting "Tribal";

(3) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) SPECIAL RULE.—Notwithstanding section 3(5)(A)(iii), funds made available under this section may be used to provide preparatory, refresher, and remedial education services that are designed to enable students to achieve success in career and technical education programs or programs of study.";

(4) in subsection (d), by striking "tribe" each place the term appears and inserting "Tribe";

(5) in subsection (e)(1), by striking "tribal" and inserting "Tribal";

(6) in subsection (f), by striking "tribe" and inserting "Tribe"; and

(7) in subsection (g), by striking "tribe" each place the term appears and inserting "Tribe".

SEC. 116. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

Section 117 (20 U.S.C. 2327) is amended—

(1) in subsection (a)(2), by striking "(25 U.S.C. 640a et seq.)" and inserting "(Public Law 92–189; 85 Stat. 646)";

(2) in subsection (d), by striking "(25 U.S.C. 640a et seq.)" and inserting "(Public Law 92–189; 85 Stat. 646)";

(3) in subsection (f)(3), by striking "tribe" each place the term appears and inserting "Tribe";

(4) in subsection (h)—

(A) in the paragraph heading, by striking "INDIAN TRIBE" and inserting "INDIAN TRIBE"; and

(B) by striking "terms 'Indian' and 'Indian tribe' have the meanings given the terms in" and inserting "terms 'Indian' and 'Indian Tribe' have the meanings given the terms 'Indian' and 'Indian tribe', respectively, in"; and

(5) by striking subsection (i) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $9,762,539 for fiscal year 2019;

"(2) $9,899,215 for fiscal year 2020;

"(3) $10,037,804 for fiscal year 2021;

"(4) $10,178,333 for fiscal year 2022;

"(5) $10,320,829 for fiscal year 2023; and

"(6) $10,465,321 for fiscal year 2024.".

SEC. 117. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

Section 118 (20 U.S.C. 2328) is repealed. Repeal.

PART B—STATE PROVISIONS

SEC. 121. STATE ADMINISTRATION.

Section 121(a)(2) (20 U.S.C. 2341(a)(2)) is amended by striking "parents" and all that follows through the end of the paragraph and inserting "teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, representatives of business (including small businesses), labor organizations, eligible recipients, local program administrators, State and local officials, Indian Tribes or Tribal organizations present in the State, parents, students, and community organizations;".

SEC. 122. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "6-year period," and inserting "4-year period, consistent with subsection (b) and paragraph (5),"; and

(ii) by striking "Carl D. Perkins Career and Technical Education Improvement Act of 2006" and inserting "Strengthening Career and Technical Education for the 21st Century Act";

(B) in paragraph (2)(B), by striking "6-year period" and inserting "4-year period";

(C) in paragraph (3), by striking "(including charter school" and all that follows through "and community organizations)" and inserting "(including teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, labor organizations, parents, students, Indian Tribes and Tribal organizations that may be present in the State, and community organizations)"; and

(D) by adding at the end the following:

Time period.

"(4) PUBLIC COMMENT.—Each eligible agency shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. In the plan the eligible agency files under this subsection, the eligible agency shall provide an assurance that public comments were taken into account in the development of the State plan.

Deadline.

"(5) OPTIONAL SUBMISSION OF SUBSEQUENT PLANS.—An eligible agency may, after the first 4-year State plan is submitted under this section, submit subsequent 4-year plans not later than 120 days prior to the end of the 4-year period covered by the preceding State plan or, if an eligible agency chooses not to submit a State plan for a subsequent 4-year period, the eligible agency shall submit, and the Secretary shall approve, annual revisions to the State determined levels of performance in the same manner as revisions submitted and approved under section 113(b)(3)(A)(ii).''; and

(2) by striking subsections (b) through (e) and inserting the following:

"(b) OPTIONS FOR SUBMISSION OF STATE PLAN.—

"(1) COMBINED PLAN.—The eligible agency may submit a combined plan that meets the requirements of this section and the requirements of section 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3113).

"(2) NOTICE TO SECRETARY.—The eligible agency shall inform the Secretary of whether the eligible agency intends to submit a combined plan described in paragraph (1) or a single plan.

"(c) PLAN DEVELOPMENT.—

"(1) IN GENERAL.—The eligible agency shall—

Consultation.

"(A) develop the State plan in consultation with—

"(i) representatives of secondary and postsecondary career and technical education programs, including

eligible recipients and representatives of 2-year minority-serving institutions and historically Black colleges and universities and tribally controlled colleges or universities in States where such institutions are in existence, adult career and technical education providers, and charter school representatives in States where such schools are in existence, which shall include teachers, faculty, school leaders, specialized instructional support personnel, career and academic guidance counselors, and paraprofessionals;

"(ii) interested community representatives, including parents, students, and community organizations;

"(iii) representatives of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) (referred to in this section as the 'State board');

"(iv) members and representatives of special populations;

"(v) representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State, as appropriate, and representatives of labor organizations in the State;

"(vi) representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth, including the State Coordinator for Education of Homeless Children and Youths established or designated under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

"(vii) representatives of Indian Tribes and Tribal organizations located in, or providing services in, the State; and

"(viii) individuals with disabilities; and

Consultation.

"(B) consult the Governor of the State, and the heads of other State agencies with authority for career and technical education programs that are not the eligible agency, with respect to the development of the State plan.

"(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

"(3) CONSULTATION WITH THE GOVERNOR.—The consultation described in paragraph (1)(B) shall include meetings of officials from the eligible agency and the Governor's office and shall occur—

"(A) during the development of such plan; and

"(B) prior to submission of the plan to the Secretary.

"(d) PLAN CONTENTS.—The State plan shall include—

Summary.

"(1) a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State's career and technical education programs and programs of study are aligned with

and address the education and skill needs of the employers in the State identified by the State board;

"(2) the State's strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in existing and emerging in-demand industry sectors and occupations as identified by the State, and how the State's career and technical education programs will help to meet these goals;

Strategy.

"(3) a strategy for any joint planning, alignment, coordination, and leveraging of funds—

"(A) between the State's career and technical education programs and programs of study with the State's workforce development system, to achieve the strategic vision and goals described in paragraph (2), including the core programs defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102) and the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B)); and

"(B) for programs carried out under this title with other Federal programs, which may include programs funded under the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965;

"(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved at the State level, including descriptions of—

"(A) the programs of study to be developed at the State level and made available for adoption by eligible recipients;

"(B) the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs and the criteria to assess the extent to which the local application under section 132 will—

"(i) promote continuous improvement in academic achievement and technical skill attainment;

"(ii) expand access to career and technical education for special populations; and

"(iii) support the inclusion of employability skills in programs of study and career pathways;

"(C) how the eligible agency will—

"(i) make information on approved programs of study and career pathways (including career exploration, work-based learning opportunities, early college high schools, and dual or concurrent enrollment program opportunities) and guidance and advisement resources, available to students (and parents, as appropriate), representatives of secondary and postsecondary education, and special populations, and to the extent practicable, provide that information and those resources in a language students, parents, and educators can understand;

"(ii) facilitate collaboration among eligible recipients in the development and coordination of career and technical education programs and programs of

study and career pathways that include multiple entry and exit points;

"(iii) use State, regional, or local labor market data to determine alignment of eligible recipients' programs of study to the needs of the State, regional, or local economy, including in-demand industry sectors and occupations identified by the State board, and to align career and technical education with such needs, as appropriate;

"(iv) ensure equal access to approved career and technical education programs of study and activities assisted under this Act for special populations;

"(v) coordinate with the State board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards, as appropriate;

"(vi) support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers to provide students with experience in, and understanding of, all aspects of an industry, which may include work-based learning such as internships, mentorships, simulated work environments, and other hands-on or inquiry-based learning activities; and

"(vii) improve outcomes and reduce performance gaps for CTE concentrators, including those who are members of special populations; and

"(D) how the eligible agency may include the opportunity for secondary school students to participate in dual or concurrent enrollment programs, early college high school, or competency-based education;

"(5) a description of the criteria and process for how the eligible agency will approve eligible recipients for funds under this Act, including how—

"(A) each eligible recipient will promote academic achievement;

"(B) each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized postsecondary credential; and

"(C) each eligible recipient will ensure the comprehensive needs assessment under section 134(c) takes into consideration local economic and education needs, including, where appropriate, in-demand industry sectors and occupations;

"(6) a description of how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, school principals, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support, including professional development that provides the knowledge and skills needed to work with and improve instruction for special populations;

"(7) a description of how the eligible agency will use State leadership funds under section 124;

"(8) a description of how funds received by the eligible agency through the allotment made under section 111 will be distributed—

"(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and

"(B) among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace;

"(9) a description of the eligible agency's program strategies for special populations, including a description of how individuals who are members of special populations—

"(A) will be provided with equal access to activities assisted under this Act;

"(B) will not be discriminated against on the basis of status as a member of a special population;

"(C) will be provided with programs designed to enable individuals who are members of special populations to meet or exceed State determined levels of performance described in section 113, and prepare special populations for further learning and for high-skill, high-wage, or in-demand industry sectors or occupations;

"(D) will be provided with appropriate accommodations; and

"(E) will be provided instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment;

"(10) a description of the procedure the eligible agency will adopt for determining State determined levels of performance described in section 113, which, at a minimum, shall include—

"(A) a description of the process for public comment under section 113(b)(3)(B) as part of the development of the State determined levels of performance under section 113(b);

"(B) an explanation of the State determined levels of performance; and

"(C) a description of how the State determined levels of performance set by the eligible agency align with the levels, goals, and objectives of other Federal and State laws;

"(11) a description of how the eligible agency will address disparities or gaps in performance, as described in section 113(b)(3)(C)(ii)(II), in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions the eligible agency will take to eliminate these disparities or gaps;

"(12) describes how the eligible agency will involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), labor organizations, and representatives of Indian Tribes and Tribal organizations, as appropriate, in the planning, development, implementation, and evaluation of such career and technical education programs; and

"(13) assurances that—

"(A) the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act, which may be included as part of an audit of other Federal or State programs; Compliance.

"(B) none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

"(C) the eligible agency will use the funds to promote preparation for high-skill, high-wage, or in-demand industry sectors or occupations and non-traditional fields, as identified by the eligible agency;

"(D) the eligible agency will use the funds provided under this Act to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities; and

"(E) the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and performance in career and technical education programs; and

"(14) a description of the opportunities for the public to comment in person and in writing on the State plan under this subsection.

"(e) CONSULTATION.—

"(1) IN GENERAL.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with—

"(A) the State agency responsible for supervision of community colleges, technical institutes, other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, or, where applicable, institutions of higher education that are engaged in providing postsecondary career and technical education as part of their mission;

"(B) the State agency responsible for secondary education; and

"(C) the State agency responsible for adult education.

"(2) OBJECTIONS OF STATE AGENCIES.—If a State agency other than the eligible agency finds that a portion of the final State plan is objectionable, that objection shall be filed together with the State plan. The eligible agency shall respond to any objections of such State agency in the State plan submitted to the Secretary.

"(3) JOINT SIGNATURE AUTHORITY.—A Governor shall have 30 days prior to the eligible agency submitting the State plan to the Secretary to sign such plan. If the Governor has not Time period.

signed the plan within 30 days of delivery by the eligible agency to the Governor, the eligible agency shall submit the plan to the Secretary without such signature.

"(f) PLAN APPROVAL.—

Deadline. Determination.

"(1) IN GENERAL.—Not later than 120 days after the eligible agency submits its State plan, the Secretary shall approve such State plan, or a revision of the plan under subsection (a)(2) (including a revision of State determined levels of performance in accordance with section 113(b)(3)(A)(iii)), if the Secretary determines that the State has submitted in its State plan State determined levels of performance that meet the criteria established in section 113(b)(3), including the minimum requirements described in section 113(b)(3)(A)(i)(III), unless the Secretary—

"(A) determines that the State plan does not meet the requirements of this Act, including the minimum requirements as described in section 113(b)(3)(A)(i)(III); and

"(B) meets the requirements of paragraph (2) with respect to such plan.

"(2) DISAPPROVAL.—The Secretary—

"(A) shall have the authority to disapprove a State plan only if the Secretary—

"(i) determines how the State plan fails to meet the requirements of this Act; and

"(ii) provides to the eligible agency, in writing, notice of such determination and the supporting information and rationale to substantiate such determination; and

"(B) shall not finally disapprove a State plan, except after making the determination and providing the information described in subparagraph (A), and giving the eligible agency notice and an opportunity for a hearing.".

SEC. 123. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "percent of an agreed upon" and inserting "percent of the";

(ii) by striking "State adjusted level of performance" and inserting "State determined level of performance" each place the term appears;

(iii) by striking "section 113(b)(3)" and inserting "113(b)(2) for all CTE concentrators";

(iv) by striking "(with special consideration to performance gaps identified under section 113(c)(2))" and inserting "(that includes an analysis of the performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions that will be taken to address such gaps)";

(B) in paragraph (2)—

(i) by striking "State's adjusted levels of performance" and inserting "State determined levels of performance"; and

(ii) by striking "purposes of this Act" and inserting "purposes of this section, including after implementation of the improvement plan described in paragraph (1),";

(C) in paragraph (3)(A)—

(i) in clause (i), by inserting "or" after the semicolon; and

(ii) by striking clauses (ii) and (iii) and inserting the following:

"(ii) with respect to any specific core indicator of performance that was identified in a program improvement plan under paragraph (1), fails to meet at least 90 percent of a State determined level of performance for such core indicator for 2 consecutive years after the eligible agency has been identified for improvement under such paragraph."; and

(D) by adding at the end the following:

"(5) ADJUSTMENTS PROHIBITED.—An eligible agency shall not be eligible to adjust performance levels while executing an improvement plan under this section."; and

(2) in subsection (b)—

(A) by striking "adjusted" each place the term appears;

(B) in paragraph (2)—

(i) by inserting "for all CTE concentrators" after "section 113(b)(4)"; and

(ii) by striking "(with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II) in consultation with the eligible agency," and inserting "(that includes an analysis of the performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions that will be taken to address such gaps) in consultation with local stakeholders described in section 134(d)(1), the eligible agency, and";

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting "or" after the semicolon; and

(II) by striking clauses (ii) and (iii) and inserting the following:

"(ii) with respect to any specific core indicator of performance that was identified in a program improvement plan under paragraph (2), fails to meet at least 90 percent of the local level of performance for such core indicator for 2 consecutive years after the eligible recipient has been identified for improvement under such paragraph."; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking "or" after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) in response to a public request from an eligible recipient, if the eligible agency determines that the requirements described in clause (i) or (ii) have been met."; and

(D) by adding at the end the following:

"(6) ADJUSTMENTS PROHIBITED.—An eligible recipient shall not be eligible to adjust performance levels while executing an improvement plan under this section.".

SEC. 124. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) in subsection (a), by striking "shall conduct State leadership activities." and inserting "shall—

"(1) conduct State leadership activities to improve career and technical education, which shall include support for—

"(A) preparation for non-traditional fields in current and emerging professions, programs for special populations, and other activities that expose students, including special populations, to high-skill, high-wage, and in-demand occupations;

"(B) individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;

"(C) recruiting, preparing, or retaining career and technical education teachers, faculty, specialized instructional support personnel, or paraprofessionals, such as preservice, professional development, or leadership development programs; and

"(D) technical assistance for eligible recipients; and

Reports.

"(2) report on the effectiveness of such use of funds in achieving the goals described in section 122(d)(2) and the State determined levels of performance described in section 113(b)(3)(A), and reducing disparities or performance gaps as described in section 113(b)(3)(C)(ii)(II).";

(2) in subsection (b)—

(A) in the subsection heading, by striking "REQUIRED" and inserting "PERMISSIBLE";

(B) in the matter preceding paragraph (1), by striking "shall" and inserting "may"; and

(C) by striking paragraphs (1) through (9) and inserting the following:

"(1) developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;

"(2) approving locally developed programs of study that meet the requirements established in section 122(d)(4)(B);

"(3) establishing statewide articulation agreements aligned to approved programs of study;

"(4) establishing statewide industry or sector partnerships among local educational agencies, institutions of higher education, adult education providers, Indian Tribes and Tribal organizations that may be present in the State, employers, including small businesses, and parents, as appropriate to—

"(A) develop and implement programs of study aligned to State and local economic and education needs, including, as appropriate, in-demand industry sectors and occupations;

"(B) facilitate the establishment, expansion, and integration of opportunities for students at the secondary level to—

"(i) successfully complete coursework that integrates rigorous and challenging technical and academic instruction aligned with the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

"(ii) earn a recognized postsecondary credential or credit toward a recognized postsecondary credential, which may be earned through a dual or concurrent enrollment program or early college high school, at no cost to the student or the student's family; and

"(C) facilitate work-based learning opportunities (including internships, externships, and simulated work environments) into programs of study;

"(5) for teachers, faculty, specialized instructional support personnel, and paraprofessionals providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable, grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965), including programming that—

"(A) promotes the integration of the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and relevant technical knowledge and skills, including programming jointly delivered to academic and career and technical education teachers;

"(B) prepares career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support; and

"(C) increases the ability of teachers, faculty, specialized instructional support personnel, and paraprofessionals providing career and technical education instruction to stay current with industry standards and earn an industry-recognized credential or license, as appropriate, including by assisting those with relevant industry experience in obtaining State teacher licensure or credential requirements;

"(6) supporting eligible recipients in eliminating inequities in student access to—

"(A) high-quality programs of study that provide skill development; and

"(B) effective teachers, faculty, specialized instructional support personnel, and paraprofessionals;

Grants.

"(7) awarding incentive grants to eligible recipients—

"(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—

"(i) eligible recipients exceeding the local level of performance on a core indicator of performance established under section 113(b)(4)(A) in a manner that reflects sustained or significant improvement;

"(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

"(iii) the integration of academic and technical standards;

"(iv) eligible recipients' progress in closing achievement gaps among subpopulations who participate in programs of study; or

"(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or

"(B) if an eligible recipient elects to use funds as permitted under section 135(c);

"(8) providing support for—

"(A) the adoption and integration of recognized postsecondary credentials and work-based learning into programs of study, and for increasing data collection associated with recognized postsecondary credentials and employment outcomes; or

Consultation.
Coordination.

"(B) consultation and coordination with other State agencies for the identification and examination of licenses or certifications that—

"(i) pose an unwarranted barrier to entry into the workforce for career and technical education students; and

"(ii) do not protect the health, safety, or welfare of consumers;

"(9) the creation, implementation, and support of pay for success initiatives leading to a recognized postsecondary credential;

"(10) support for career and technical education programs for adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting;

"(11) the creation, evaluation, and support of competency-based curricula;

"(12) support for the development, implementation, and expansion of programs of study or career pathways in areas declared to be in a state of emergency under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

"(13) partnering with qualified intermediaries to improve training, the development of public-private partnerships, systems development, capacity-building, and scalability of the delivery of high-quality career and technical education;

"(14) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

"(15) support for the integration of employability skills into career and technical education programs and programs of study;

"(16) support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science, coding, and architecture), support for the integration of arts and design skills, and support for hands-on learning, particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations;

"(17) support for career and technical student organizations, especially with respect to efforts to increase the participation of students in nontraditional fields and students who are members of special populations;

"(18) support for establishing and expanding work-based learning opportunities that are aligned to career and technical education programs and programs of study;

"(19) integrating and aligning programs of study and career pathways;

"(20) supporting the use of career and technical education programs and programs of study aligned with State, regional, or local high-skill, high-wage, or in-demand industry sectors or occupations identified by the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) or local workforce development boards;

"(21) making all forms of instructional content widely available, which may include use of open educational resources;

Assessments.

"(22) developing valid and reliable assessments of competencies and technical skills and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

"(23) support for accelerated learning programs, as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965, in the case of any such program that is part of a career and technical education program of study;

"(24) support for career academies to implement a postsecondary education and workforce-ready curriculum at the secondary education level that integrates rigorous academic, technical, and employability contents through career and technical education programs and programs of study that address needs described in the comprehensive needs assessment under section 134(c); and

"(25) other State leadership activities that improve career and technical education.";

(3) by striking subsection (c);

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

(5) in subsection (c), as redesignated by paragraph (4), by striking the period at the end and inserting ", unless expressly authorized under subsection (a).".

PART C—LOCAL PROVISIONS

SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY EDUCATION PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) in subsection (a)(3)(B), by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education";

(2) in subsection (c)(2)(A)(ii), by inserting "or programs of study" after "technical education programs";

(3) in subsection (g), by inserting "and programs of study" after "technical education programs"; and

(4) in subsection (h), by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education".

SEC. 132. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

Section 133 (20 U.S.C. 2353) is amended by inserting "or programs of study" after "career and technical education programs" each place the term appears.

SEC. 133. LOCAL APPLICATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 134 (20 U.S.C. 2354) is amended—

(1) in the section heading, by striking "**LOCAL PLAN**" and inserting "**LOCAL APPLICATION**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "LOCAL PLAN" and inserting "LOCAL APPLICATION";

(B) by striking "submit a local plan" and inserting "submit a local application"; and

(C) by striking "Such local plan" and inserting "Such local application"; and

(3) by striking subsection (b) and inserting the following:

"(b) CONTENTS.—The eligible agency shall determine the requirements for local applications, except that each local application shall contain—

"(1) a description of the results of the comprehensive needs assessment conducted under subsection (c);

"(2) information on the career and technical education course offerings and activities that the eligible recipient will provide with funds under this part, which shall include not less than 1 program of study approved by a State under section 124(b)(2), including—

"(A) how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded;

"(B) a description of any new programs of study the eligible recipient will develop and submit to the State for approval; and

"(C) how students, including students who are members of special populations, will learn about their school's career and technical education course offerings and whether each course is part of a career and technical education program of study;

"(3) a description of how the eligible recipient, in collaboration with local workforce development boards and other local

workforce agencies, one-stop delivery systems described in section 121(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(e)(2)), and other partners, will provide—

"(A) career exploration and career development coursework, activities, or services;

"(B) career information on employment opportunities that incorporate the most up-to-date information on high-skill, high-wage, or in-demand industry sectors or occupations, as determined by the comprehensive needs assessment described in subsection (c); and

"(C) an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program;

"(4) a description of how the eligible recipient will improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in the subjects that constitute a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965);

"(5) a description of how the eligible recipient will—

"(A) provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency;

"(B) prepare CTE participants for non-traditional fields;

"(C) provide equal access for special populations to career and technical education courses, programs, and programs of study; and

"(D) ensure that members of special populations will not be discriminated against on the basis of their status as members of special populations;

"(6) a description of the work-based learning opportunities that the eligible recipient will provide to students participating in career and technical education programs and how the recipient will work with representatives from employers to develop or expand work-based learning opportunities for career and technical education students, as applicable;

"(7) a description of how the eligible recipient will provide students participating in career and technical education programs with the opportunity to gain postsecondary credit while still attending high school, such as through dual or concurrent enrollment programs or early college high school, as practicable;

"(8) a description of how the eligible recipient will coordinate with the eligible agency and institutions of higher education to support the recruitment, preparation, retention, and training, including professional development, of teachers, faculty, administrators, and specialized instructional support personnel and paraprofessionals who meet applicable State certification and licensure requirements (including any requirements met through alternative routes to certification), including individuals from groups underrepresented in the teaching profession; and

"(9) a description of how the eligible recipient will address disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II) in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions such recipient will take to eliminate those disparities or gaps.

"(c) COMPREHENSIVE NEEDS ASSESSMENT.—

Assessments.

"(1) IN GENERAL.—To be eligible to receive financial assistance under this part, an eligible recipient shall—

"(A) conduct a comprehensive local needs assessment related to career and technical education and include the results of the needs assessment in the local application submitted under subsection (a); and

Deadline.

"(B) not less than once every 2 years, update such comprehensive local needs assessment.

"(2) REQUIREMENTS.—The comprehensive local needs assessment described in paragraph (1) shall include each of the following:

Evaluation.

"(A) An evaluation of the performance of the students served by the eligible recipient with respect to State determined and local levels of performance established pursuant to section 113, including an evaluation of performance for special populations and each subgroup described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965.

"(B) A description of how career and technical education programs offered by the eligible recipient are—

"(i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and

"(ii)(I) aligned to State, regional, Tribal, or local in-demand industry sectors or occupations identified by the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) (referred to in this section as the 'State board') or local workforce development board, including career pathways, where appropriate; or

"(II) designed to meet local education or economic needs not identified by State boards or local workforce development boards.

"(C) An evaluation of progress toward the implementation of career and technical education programs and programs of study.

"(D) A description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career guidance and academic counselors, including individuals in groups underrepresented in such professions.

"(E) A description of progress toward implementation of equal access to high-quality career and technical education courses and programs of study for all students, including—

"(i) strategies to overcome barriers that result in lower rates of access to, or performance gaps in, the courses and programs for special populations;

"(ii) providing programs that are designed to enable special populations to meet the local levels of performance; and

"(iii) providing activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations in competitive, integrated settings that will lead to self-sufficiency.

"(d) CONSULTATION.—In conducting the comprehensive needs assessment under subsection (c), and developing the local application described in subsection (b), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum— Assessment.

"(1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers, career guidance and academic counselors, principals and other school leaders, administrators, and specialized instructional support personnel and paraprofessionals;

"(2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;

"(3) representatives of the State board or local workforce development boards and a range of local or regional businesses or industries;

"(4) parents and students;

"(5) representatives of special populations;

"(6) representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965);

"(7) representatives of Indian Tribes and Tribal organizations in the State, where applicable; and

"(8) any other stakeholders that the eligible agency may require the eligible recipient to consult.

"(e) CONTINUED CONSULTATION.—An eligible recipient receiving financial assistance under this part shall consult with stakeholders described in subsection (d) on an ongoing basis, as determined by the eligible agency. This may include consultation in order to—

"(1) provide input on annual updates to the comprehensive needs assessment required under subsection (c)(1)(B);

"(2) ensure programs of study are—

"(A) responsive to community employment needs;

"(B) aligned with employment priorities in the State, regional, tribal, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;

"(C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

"(D) designed to meet current, intermediate, or long-term labor market projections; and

"(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure such programs of study align with skills required by local employment opportunities,

including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

"(3) identify and encourage opportunities for work-based learning; and

"(4) ensure funding under this part is used in a coordinated manner with other local resources.".

SEC. 134. LOCAL USES OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended to read as follows:

"SEC. 135. LOCAL USES OF FUNDS.

"(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).

"(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective and that—

"(1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—

"(A) introductory courses or activities focused on career exploration and career awareness, including non-traditional fields;

"(B) readily available career and labor market information, including information on—

"(i) occupational supply and demand;

"(ii) educational requirements;

"(iii) other information on careers aligned to State, local, or Tribal (as applicable) economic priorities; and

"(iv) employment sectors;

"(C) programs and activities related to the development of student graduation and career plans;

"(D) career guidance and academic counselors that provide information on postsecondary education and career options;

"(E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including non-traditional fields; or

"(F) providing students with strong experience in, and comprehensive understanding of, all aspects of an industry;

"(2) provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, which may include—

"(A) professional development on supporting individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curricula;

"(B) professional development on ensuring labor market information is used to inform the programs, guidance, and advisement offered to students, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 49l–2(e)(2)(C));

"(C) providing teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;

"(D) supporting school leaders and administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such school leaders or administrators;

"(E) supporting the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs;

"(F) providing teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, principals, school leaders, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;

"(G) training teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, to provide appropriate accommodations for individuals with disabilities, and students with disabilities who are provided accommodations under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act;

"(H) training teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals in frameworks to effectively teach students, including a particular focus on students with disabilities and English learners, which may include universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support; or

"(I) training for the effective use of community spaces that provide access to tools, technology, and knowledge for learners and entrepreneurs, such as makerspaces or libraries;

"(3) provide within career and technical education the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations;

"(4) support integration of academic skills into career and technical education programs and programs of study to support—

"(A) CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and

Secondary Education Act of 1965 by the State in which the eligible recipient is located; and

"(B) CTE participants at the postsecondary level in achieving academic skills;

"(5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance established under section 113, which may include—

"(A) a curriculum aligned with the requirements for a program of study;

"(B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area, where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study with skills that are in demand in the State, regional, or local economy, and in collaboration with business outreach staff in one-stop centers, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), and other appropriate organizations, including community-based and youth-serving organizations;

"(C) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)), including dual or concurrent enrollment programs, early college high schools, and the development or implementation of articulation agreements as part of a career and technical education program of study;

"(D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;

"(E) a continuum of work-based learning opportunities, including simulated work environments;

"(F) industry-recognized certification examinations or other assessments leading toward a recognized postsecondary credential;

"(G) efforts to recruit and retain career and technical education program teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals;

Coordination.

"(H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act;

"(I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;

"(J) expanding opportunities for students to participate in competency-based education programs;

"(K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

"(L) supporting the integration of employability skills into career and technical education programs and programs of study, including through family and consumer science programs;

"(M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science and architecture) for students who are members of groups underrepresented in such subject fields;

"(N) providing career and technical education, in a school or other educational setting, for adults or out-of-school youth to complete secondary school education or upgrade technical skills;

"(O) supporting career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curricula;

"(P) making all forms of instructional content widely available, which may include use of open educational resources;

"(Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;

"(R) partnering with a qualified intermediary to improve training, the development of public-private partnerships, systems development, capacity-building, and scalability of the delivery of high-quality career and technical education;

"(S) support to reduce or eliminate out-of-pocket expenses for special populations participating in career and technical education, including those participating in dual or concurrent enrollment programs or early college high school programs, and supporting the costs associated with fees, transportation, child care, or mobility challenges for those special populations; or

"(T) other activities to improve career and technical education programs; and

Assessment.

"(6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(B).

"(c) POOLING FUNDS.—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to one or more eligible recipients to support implementation of programs of study through the activities described in subsection (b)(2).

"(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of such funds for costs associated with the administration of activities under this section.".

TITLE II—GENERAL PROVISIONS

SEC. 201. FEDERAL AND STATE ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—The Act (20 U.S.C. 2301 et seq.) is amended—

(1) in section 311—

(A) in subsection (a), by striking "and tech prep program activities"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Except as provided in subparagraph (B), (C), or (D), in order for a State to receive its full allotment of funds under this Act for any fiscal year, the Secretary must find that the State's fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year was not less than the fiscal effort per student, or the aggregate expenditures of such State, for the second preceding fiscal year.";

(II) in subparagraph (B), by striking "shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs." and inserting "shall, at the request of the State, exclude competitive or incentive-based programs established by the State, capital expenditures, special one-time project costs, and the cost of pilot programs."; and

(III) by adding at the end the following:

"(D) ESTABLISHING THE STATE BASELINE.—For purposes of applying subparagraph (A) for years which require the calculation of the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education for the first full fiscal year following the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act, the State may determine the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education for such first full fiscal year by—

"(i) continuing to use the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, as was in effect on the day before the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act; or

"(ii) establishing a new level of fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, which is not less than 95 percent of the State's fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year.";

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

"(2) FAILURE TO MEET.—

"(A) IN GENERAL.—The Secretary shall reduce the amount of a State's allotment of funds under this Act for any fiscal year in the exact proportion by which the State fails to meet the requirement of paragraph (1) by falling below the State's fiscal effort per student or the State's aggregate expenditures (using the measure most favorable to the State), if the State failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

"(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVER.—The Secretary may waive paragraph (2) due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirement of paragraph (1) such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.";

(2) in section 314(1), by striking "career path or major" and inserting "career pathway or program of study";

(3) in section 315—

(A) by inserting "or programs of study" after "career and technical education programs"; and

(B) by striking "seventh grade" and inserting "the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965)";

(4) in section 317(b)—

(A) in paragraph (1)—

(i) by inserting ", including programs of study," after "activities"; and

(ii) by striking "who reside in the geographical area served by" and inserting "in areas served by"; and

(B) in paragraph (2)—

(i) by striking "the geographical area" and inserting "areas"; and

(ii) by inserting ", including programs of study," after "activities";

(5) by striking title II and redesignating title III as title II; 20 USC 2391–2398, 2411–2414.

(6) by redesignating sections 311 through 318, as amended by this section, as sections 211 through 218, respectively; 20 USC 2391–2398.

(7) by redesignating sections 321 through 324 as sections 221 through 224, respectively; and 20 USC 2411–2414.

(8) by inserting after section 218 (as so redesignated) the following:

"SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS. 20 USC 2399.

"(a) SCOPE OF STUDY.—The Comptroller General of the United States shall conduct a study to evaluate—

"(1) the strategies, components, policies, and practices used by eligible agencies or eligible recipients receiving funding under this Act to successfully assist—

"(A) all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations; and

"(B) any special population or specific subgroup of students identified in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 in pursuing and completing programs of study aligned to high-skill, high-wage occupations in fields in which such special population or subgroup is underrepresented; and

"(2) any challenges associated with replication of such strategies, components, policies, and practices.

"(b) CONSULTATION.—In carrying out the study conducted under subsection (a), the Comptroller General of the United States shall consult with a geographically diverse (including urban, suburban, and rural) representation of—

"(1) students and parents;

"(2) eligible agencies and eligible recipients;

"(3) teachers, faculty, specialized instructional support personnel, and paraprofessionals, including those with expertise in preparing career and technical education students for nontraditional fields;

"(4) Indian Tribes and Tribal organizations;

"(5) special populations; and

"(6) representatives of business and industry.

"(c) SUBMISSION.—Upon completion, the Comptroller General of the United States shall submit the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.".

(b) CONFORMING AMENDMENT.—Section 8(a) (20 U.S.C. 2306a(a)) is amended by striking "311(b), and 323" and inserting "211(b), and 223".

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER ACT.

Section 15(e)(2) of the Wagner-Peyser Act (29 U.S.C. 49l–2(e)(2)) is amended—

(1) by striking subparagraph (B) and inserting the following:

Consultation.

"(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies, and local educational agencies concerning the provision of workforce and labor market information in order to—

"(i) meet the needs of secondary school and postsecondary school students who seek such information; and

Time period.

"(ii) annually inform the development and implementation of programs of study defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), and career pathways;";

(2) in subparagraph (G), by striking "and" after the semicolon;

(3) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(I) provide, on an annual and timely basis to each eligible agency (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the data and information described in subparagraphs (A) and (B) of subsection (a)(1).".

SEC. 302. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(1) Section 1111(h)(1)(C)(xiv) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(xiv)) is amended by striking "attaining career and technical proficiencies (as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)) and reported by States only in a manner consistent with section 113(c) of such Act (20 U.S.C. 2323(c))" and inserting "meeting State determined levels of performance for core indicators, as defined by section 113(b)(3)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)(3)(A)), and reported by States only in a manner consistent with section 113(b)(3)(C) of such Act (20 U.S.C. 2323(b)(3)(C))".

(2) Section 6115(b)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7425(b)(6)) is amended by striking "tech-prep education, mentoring," and inserting "mentoring".

(3) Section 6304(a)(3)(K) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7544(a)(3)(K)) is amended by striking "tech-prep,".

SEC. 303. AMENDMENT TO THE WORKFORCE INNOVATION AND OPPORTUNITY ACT.

Section 134(c)(2)(A)(vii) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(2)(A)(vii)) is amended by striking "school dropouts" and inserting "out-of-school youth".

Approved July 31, 2018.

LEGISLATIVE HISTORY—H.R. 2353 (S. 3217):

HOUSE REPORTS: No. 115–164 (Comm. on Education and the Workforce).
SENATE REPORTS: No. 115–434 (Comm. on Health, Education, Labor, and Pensions) accompanying S. 3217.
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 22, considered and passed House.
Vol. 164 (2018): July 23, considered and passed Senate, amended.
July 25, House concurred in Senate amendment.

Public Law 115–225
115th Congress

An Act

July 31, 2018
[S. 1182]

To extend the National Flood Insurance Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Flood Insurance Program Extension Act of 2018.
42 USC 4001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Extension Act of 2018".

SEC. 2. PROGRAM EXTENSION.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "September 30, 2017" and inserting "November 30, 2018".

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 2017" and inserting "November 30, 2018".

Approved July 31, 2018.

LEGISLATIVE HISTORY—S. 1182:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Aug. 3, considered and passed Senate.
Vol. 164 (2018): July 24, 25, considered and passed House, amended.
July 26, 31, Senate considered and concurred in House amendments.

Public Law 115–226
115th Congress

An Act

To include New Zealand in the list of foreign states whose nationals are eligible for admission into the United States as E–1 and E–2 nonimmigrants if United States nationals are treated similarly by the Government of New Zealand.

Aug. 1, 2018
[S. 2245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Knowledgeable Innovators and Worthy Investors Act.
8 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Knowledgeable Innovators and Worthy Investors Act" or the "KIWI Act".

8 USC 1101 note.

SEC. 2. NONIMMIGRANT TRADERS AND INVESTORS.

For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), New Zealand shall be considered to be a foreign state described in such section if the Government of New Zealand provides similar nonimmigrant status to nationals of the United States.

Approved August 1, 2018.

LEGISLATIVE HISTORY—S. 2245:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 28, considered and passed Senate.
July 23, considered and passed House.

Public Law 115–227
115th Congress

An Act

Aug. 1, 2018
[S. 2850]

To amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF FUNDS IN WMAT SETTLEMENT FUND FOR WMAT RURAL WATER SYSTEM.

(a) AUTHORIZATION OF WMAT RURAL WATER SYSTEM.—Section 307(a) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3080) is amended in the matter preceding paragraph (1) by inserting ", (b)(2)," after "subsections (a)".

(b) FUNDING.—Section 312(b)(2)(C)(i)(III) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3093) is amended by striking the period at the end and inserting the following: ", including the planning, design, and construction of the WMAT rural water system, in accordance with section 307(a).".

SEC. 2. EXPANSION OF PUEBLO OF SANTA CLARA LAND ELIGIBLE FOR 99-YEAR LEASE.

Subsection (a) of the first section of the Act of August 9, 1955 (commonly known as the "Long-Term Leasing Act") (25 U.S.C. 415(a)), is amended—

(1) by striking "Indians,," and inserting "Indians,";

(2) by inserting "Ohkay Owingeh pueblo," after "Cochiti,";

(3) by inserting "the pueblo of Santa Clara," after "Pojoaque,";

(4) by striking "the the lands" and inserting "the land";

(5) by striking "lands held in trust for the Pueblo of Santa Clara,"; and

(6) by striking "lands held in trust for Ohkay Owingeh Pueblo".

Approved August 1, 2018.

LEGISLATIVE HISTORY—S. 2850:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 18, considered and passed Senate.
July 23, considered and passed House.

Public Law 115–228
115th Congress

An Act

Aug. 2, 2018
[H.R. 4528]

To make technical amendments to certain marine fish conservation statutes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BILLFISH CONSERVATION ACT OF 2012.

Section 4(c)(1) of the Billfish Conservation Act of 2012 (16 U.S.C. 1827a(c)(1)) is amended by inserting "and retained" after "landed".

SEC. 2. SHARK CONSERVATION ACT OF 2010.

The Act entitled "An Act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks", approved January 4, 2011 (Public Law 111–348; 124 Stat. 3668), is amended—

(1) by striking section 104 and inserting the following:

16 USC 1826i note.

"SEC. 104. RULE OF CONSTRUCTION.

"Nothing in this title or the amendments made by this title shall be construed as affecting, altering, or diminishing in any way the authority of the Secretary of Commerce to establish such conservation and management measures as the Secretary considers necessary and appropriate under sections 302(a)(3) and 304(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(3), 1854(g)).''; and

(2) in section 1, by striking the item relating to section 104 and inserting the following:

"Sec. 104. Rule of construction.".

Approved August 2, 2018.

LEGISLATIVE HISTORY—H.R. 4528:

HOUSE REPORTS: No. 115–775 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
June 25, considered and passed House.
July 26, considered and passed Senate.

Public Law 115–229
115th Congress

An Act

To amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System.

Aug. 2, 2018
[H.R. 4645]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

East Rosebud Wild and Scenic Rivers Act.
16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "East Rosebud Wild and Scenic Rivers Act".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) East Rosebud Creek is cherished by the people of Montana and visitors from across the United States for its clean water, spectacular natural setting, and outstanding recreational opportunities;

(2) recreational activities, including fishing, hunting, camping, paddling, hiking, rock climbing, and wildlife watching, on East Rosebud Creek and the surrounding land generate millions of dollars annually for the local economy;

(3) East Rosebud Creek—

(A) is a national treasure;

(B) possesses outstandingly remarkable values; and

(C) merits the high level of protection afforded by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in order to maintain the benefits provided by the Creek, as described in paragraphs (1) and (2), for future generations to enjoy; and

(4) designation of select public land segments of East Rosebud Creek under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) would recognize the importance of maintaining the values of the Creek while preserving public access, respecting private property rights, allowing appropriate maintenance of existing infrastructure, and allowing historical uses of the Creek to continue.

(b) PURPOSE.—The purpose of this Act is to designate East Rosebud Creek in the State of Montana as a component of the National Wild and Scenic Rivers System to preserve and protect for present and future generations the outstandingly remarkable scenic, recreational, and geologic values of the Creek.

SEC. 3. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(213) EAST ROSEBUD CREEK, MONTANA.—The portions of East Rosebud Creek in the State of Montana, consisting of—

"(A) the 13-mile segment exclusively on public land within the Custer National Forest from the source in the Absaroka-Beartooth Wilderness downstream to the point at which the Creek enters East Rosebud Lake, including the stream reach between Twin Outlets Lake and Fossil Lake, to be administered by the Secretary of Agriculture as a wild river; and

"(B) the 7-mile segment exclusively on public land within the Custer National Forest from immediately below, but not including, the outlet of East Rosebud Lake downstream to the point at which the Creek enters private property for the first time, to be administered by the Secretary of Agriculture as a recreational river.".

16 USC 1274 note.

(b) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in paragraph (213) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) creates a protective perimeter or buffer zone outside the designated boundary of the river segment designated by that paragraph.

(2) OUTSIDE ACTIVITIES.—The fact that an otherwise authorized activity or use can be seen or heard within the boundary of the river segment designated by paragraph (213) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) shall not preclude the activity or use outside the boundary of the river segment.

Approved August 2, 2018.

LEGISLATIVE HISTORY—H.R. 4645 (S. 501):

HOUSE REPORTS: No. 115–666 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–42 (Comm. on Energy and Natural Resources) accompanying S. 501.
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 17, considered and passed House.
July 25, considered and passed Senate.

Public Law 115–230
115th Congress

An Act

To restrict the department in which the Coast Guard is operating from implementing any rule requiring the use of biometric readers for biometric transportation security cards until after submission to Congress of the results of an assessment of the effectiveness of the transportation security card program.

Aug. 2, 2018
[H.R. 5729]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Transportation Worker Identification Credential Accountability Act of 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Worker Identification Credential Accountability Act of 2018".

SEC. 2. RESTRICTION ON IMPLEMENTATION OF TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL BIOMETRIC READER RULE.

The department in which the Coast Guard is operating may not implement the rule entitled "Transportation Worker Identification Credential (TWIC)–Reader Requirements" (81 Fed. Reg. 57651), and may not propose or issue a notice of proposed rulemaking for any revision to such rule except to extend its effective date, or for any other rule requiring the use of biometric readers for biometric transportation security cards under section 70105(k)(3) of title 46, United States Code, before the end of the 60-day period beginning on the date of the submission under paragraph (5) of section 1(b) of Public Law 114–278 (130 Stat. 1411 to 1412) of the results of the assessment required by that section.

SEC. 3. PROGRESS UPDATES.

Deadlines. Reports.

Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until the submission under paragraph (5) of section 1(b) of Public Law 114–278 (130 Stat. 1411 et seq.) of the results of the assessment required by that section, the Secretary of Homeland Security shall report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the implementation of that section.

Approved August 2, 2018.

LEGISLATIVE HISTORY—H.R. 5729:

HOUSE REPORTS: No. 115–790, Pt. 1 (Comm. on Homeland Security).
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 10, considered and passed House.
July 26, considered and passed Senate.

Public Law 115–231
115th Congress

An Act

Aug. 8, 2018
[S. 2779]

To amend the Zimbabwe Democracy and Economic Recovery Act of 2001.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Zimbabwe Democracy and Economic Recovery Amendment Act of 2018.
22 USC 2151 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Zimbabwe Democracy and Economic Recovery Amendment Act of 2018".

Patrick Nabanyama.
Itai Dzamara.
Paul Chizuze.
22 USC 2151 note.

SEC. 2. RECONSTRUCTION AND REBUILDING OF ZIMBABWE.

Section 2 of the Zimbabwe Democracy and Economic Recovery Act of 2001 (22 U.S.C. 2151 note; Public Law 107–99) is amended by striking "and restore the rule of law" and inserting "restore the rule of law, reconstruct and rebuild Zimbabwe, and come to terms with the past through a process of genuine reconciliation that acknowledges past human rights abuses and orders inquiries into disappearances, including the disappearance of human rights activists, such as Patrick Nabanyama, Itai Dzamara, and Paul Chizuze".

SEC. 3. FINDINGS.

22 USC 2151 note.

Section 4(a) of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended—

(1) in paragraph (1), by striking "costly deployment of troops to the Democratic Republic of the Congo" and inserting "private appropriation of public assets"; and

(2) by adding at the end the following:

"(6) In October 2016, the Government of Zimbabwe cleared a small hurdle in its longstanding public sector arrears with the IMF.".

SEC. 4. PROVISIONS RELATED TO MULTILATERAL DEBT RELIEF AND OTHER FINANCIAL ASSISTANCE.

22 USC 2151 note.

Section 4(b)(2) of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended—

(1) in subparagraph (A), by striking "to propose that the bank should undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank" and inserting "to support efforts to reevaluate plans to restructure, rebuild, reschedule, or eliminate Zimbabwe's sovereign debt held by that bank and provide an analysis based on reasonable financial options to achieve those goals"; and

(2) in subparagraph (B), by striking "dollar" and inserting "currency".

SEC. 5. SENSE OF CONGRESS ON THE UNITED STATES-ZIMBABWE BILATERAL RELATIONSHIP.

It is the sense of Congress that the United States should seek to forge a stronger bilateral relationship with Zimbabwe, including in the areas of trade and investment, if the following conditions are satisfied:

(1) The Government of Zimbabwe takes the concrete, tangible steps outlined in paragraphs (1) through (4) of section 4(d) of the Zimbabwe Democracy and Economic Recovery Act of 2001, as amended by section 6 of this Act.

(2) The Government of Zimbabwe takes concrete, tangible steps towards—

(A) good governance, including respect for the opposition, rule of law, and human rights;

(B) economic reforms that promote growth, address unemployment and underdevelopment, restore livelihoods, ensure respect for contracts and private property rights, and promote significant progress toward monetary policy reforms, particularly with the Reserve Bank of Zimbabwe, and currency exchange reforms; and

(C) identification and recovery of stolen private and public assets within Zimbabwe and in other countries.

(3) The Government of Zimbabwe holds an election that is widely accepted as free and fair, based on the following pre- and post-election criteria or conditions:

(A) Establishment and public release, without cost, of a provisional and a final voter registration roll.

(B) The Zimbabwe Electoral Commission is permitted to entirely carry out the functions assigned to it under section 239 of Zimbabwe's 2013 Constitution in an independent manner, and the chairperson meets and consults regularly with representatives of political parties represented in the parliament of Zimbabwe and the parties contesting the elections.

(C) Consistent with Zimbabwe's 2013 Constitution, the Defence Forces of Zimbabwe—

(i) are neither permitted to actively participate in campaigning for any candidate nor to intimidate voters;

(ii) are required to verifiably and credibly uphold their constitutionally-mandated duty to respect the fundamental rights and freedoms of all persons and to be nonpartisan in character; and

(iii) are not permitted to print, transfer, or control ballots or transmit the results of elections.

(D) International observers, including observers from the United States, the African Union, the Southern African Development Community, and the European Union—

(i) are permitted to observe the entire electoral process prior to, on, and following voting day, including by monitoring polling stations and tabulation centers; and

(ii) are able to independently access and analyze vote tallying tabulation and the transmission and content of voting results.

(E) Candidates are allowed access to public broadcasting media during the election period, consistent with

Zimbabwe's Electoral Act and are able to campaign in an environment that is free from intimidation and violence.

(F) Civil society organizations are able to freely and independently carry out voter and civic education and monitor the entire electoral process, including by observing, recording, and transmitting publicly-posted or announced voting results at the ward, constituency, and all higher levels of the vote tallying process.

(4) Laws enacted prior to the passage of Zimbabwe's March 2013 Constitution that are inconsistent with the new Constitution are amended, repealed, or subjected to a formal process for review and correction so that such laws are consistent with the new Constitution.

(5) The Government of Zimbabwe—

(A) has made significant progress on the implementation of all elements of the new Constitution; and

(B) has demonstrated its commitment to sustain such efforts in achieving full implementation of the new Constitution.

(6) Traditional leaders of Zimbabwe observe section 281 of the 2013 Constitution and are not using humanitarian assistance provided by outside donor organizations or countries in a politicized manner to intimidate or pressure voters during the campaign period.

SEC. 6. CERTIFICATION REQUIREMENTS.

22 USC 2151 note.

Section 4(d) of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended—

(1) in paragraph (3), by striking "consistent with" and all that follows through "September 1998";

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 7. REMOVAL OF AUTHORITY TO PAY LAND ACQUISITION COSTS.

22 USC 2151 note.

Section 5(a) of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended—

(1) in paragraph (2), by striking ", including the payment of costs" and all that follows through "thereto; and" and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) identify and recover stolen public assets.".

SEC. 8. INCLUSION OF AUSTRALIA, THE UNITED KINGDOM, THE AFRICAN UNION, AND THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY IN CONSULTATIONS ABOUT ZIMBABWE.

22 USC 2151 note.

Section 6 of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended by inserting "Australia, the United Kingdom, the African Union, the Southern African Development Community," after "Canada,".

SEC. 9. SENSE OF CONGRESS ON ENFORCEMENT OF SOUTHERN AFRICAN DEVELOPMENT COMMUNITY TRIBUNAL RULINGS.

It is the sense of Congress that the Government of Zimbabwe and the Southern African Development Community (referred to in this section as "SADC") should enforce the SADC tribunal rulings issued between 2007 to 2010, including 18 disputes involving

employment, commercial, and human rights cases surrounding dispossessed Zimbabwean commercial farmers and agricultural companies.

Approved August 8, 2018.

LEGISLATIVE HISTORY—S. 2779:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 25, considered and passed Senate and House.

Public Law 115–232
115th Congress

An Act

Aug. 13, 2018
[H.R. 5515]

To authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

John S. McCain National Defense Authorization Act for Fiscal Year 2019.

SECTION 1. SHORT TITLE.

(a) IN GENERAL.—This Act may be cited as the "John S. McCain National Defense Authorization Act for Fiscal Year 2019".

(b) REFERENCES.—Any reference in this or any other Act to the "National Defense Authorization Act for Fiscal Year 2019" shall be deemed to be a reference to the "John S. McCain National Defense Authorization Act for Fiscal Year 2019".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. National Guard and reserve component equipment report.
Sec. 112. Deployment by the Army of an interim cruise missile defense capability.

Subtitle C—Navy Programs

Sec. 121. Procurement authority for Ford class aircraft carrier program.
Sec. 122. Full ship shock trial for Ford class aircraft carrier.
Sec. 123. Sense of Congress on accelerated production of aircraft carriers.
Sec. 124. Multiyear procurement authority for standard missile–6.
Sec. 125. Multiyear procurement authority for E–2D aircraft.
Sec. 126. Multiyear procurement authority for F/A–18E/F aircraft and EA–18G aircraft.

Sec. 127. Modifications to F/A–18 aircraft to mitigate physiological episodes.
Sec. 128. Frigate class ship program.
Sec. 129. Contract requirement for Virginia class submarine program.
Sec. 130. Prohibition on availability of funds for Navy port waterborne security barriers.
Sec. 131. Extension of limitation on use of sole-source shipbuilding contracts for certain vessels.
Sec. 132. Limitation on availability of funds for M27 Infantry Automatic Rifle program.
Sec. 133. Report on degaussing standards for DDG–51 destroyers.

Subtitle D—Air Force Programs

Sec. 141. Inventory requirement for air refueling tanker aircraft; limitation on retirement of KC–10A aircraft.
Sec. 142. Multiyear procurement authority for C–130J aircraft program.
Sec. 143. Contract for logistics support for VC–25B aircraft.
Sec. 144. Retirement date for VC–25A aircraft.
Sec. 145. Repeal of funding restriction for EC–130H Compass Call Recapitalization Program.
Sec. 146. Limitation on use of funds for KC–46A aircraft pending submittal of certification.
Sec. 147. Limitation on availability of funds for retirement of E–8 JSTARS Aircraft.
Sec. 148. Report on modernization of B–52H aircraft systems.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

Sec. 151. Procurement authority for additional icebreaker vessels.
Sec. 152. Buy-to-budget acquisition of F–35 aircraft.
Sec. 153. Certification on inclusion of technology to minimize physiological episodes in certain aircraft.
Sec. 154. Armored commercial passenger-carrying vehicles.
Sec. 155. Quarterly updates on the F–35 Joint Strike Fighter program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of authority to carry out certain prototype projects.
Sec. 212. Extension of directed energy prototype authority.
Sec. 213. Prohibition on availability of funds for the Weather Common Component program.
Sec. 214. Limitation on availability of funds for F–35 continuous capability development and delivery.
Sec. 215. Limitation on availability of funds pending report on agile software development and software operations.
Sec. 216. Limitation on availability of funds for certain high energy laser advanced technology.
Sec. 217. Plan for the Strategic Capabilities Office of the Department of Defense.
Sec. 218. National Defense Science and Technology Strategy.
Sec. 219. Modification of CVN–73 to support fielding of MQ–25 unmanned aerial vehicle.
Sec. 220. Establishment of innovators information repository in the Department of Defense.
Sec. 221. Strategic plan for Department of Defense test and evaluation resources.
Sec. 222. Collaboration between Defense laboratories, industry, and academia; open campus program.
Sec. 223. Permanent extension and codification of authority to conduct technology protection features activities during research and development of defense systems.
Sec. 224. Codification and reauthorization of Defense Research and Development Rapid Innovation Program.
Sec. 225. Procedures for rapid reaction to emerging technology.
Sec. 226. Activities on identification and development of enhanced personal protective equipment against blast injury.
Sec. 227. Human factors modeling and simulation activities.
Sec. 228. Expansion of mission areas supported by mechanisms for expedited access to technical talent and expertise at academic institutions.
Sec. 229. Advanced manufacturing activities.
Sec. 230. National security innovation activities.
Sec. 231. Partnership intermediaries for promotion of defense research and education.

Sec. 232. Limitation on use of funds for Surface Navy Laser Weapon System.
Sec. 233. Expansion of coordination requirement for support for national security innovation and entrepreneurial education.
Sec. 234. Defense quantum information science and technology research and development program.
Sec. 235. Joint directed energy test activities.
Sec. 236. Requirement for establishment of arrangements for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions.
Sec. 237. Authority for Joint Directed Energy Transition Office to conduct research relating to high powered microwave capabilities.
Sec. 238. Joint artificial intelligence research, development, and transition activities.

Subtitle C—Reports and Other Matters

Sec. 241. Report on survivability of air defense artillery.
Sec. 242. T–45 aircraft physiological episode mitigation actions.
Sec. 243. Report on efforts of the Air Force to mitigate physiological episodes affecting aircraft crewmembers.
Sec. 244. Report on Defense Innovation Unit Experimental.
Sec. 245. Modification of funding criteria under Historically Black Colleges and Universities and minority institutions program.
Sec. 246. Report on OA–X light attack aircraft applicability to partner nation support.
Sec. 247. Reports on comparative capabilities of adversaries in key technology areas.
Sec. 248. Report on active protection systems for armored combat and tactical vehicles.
Sec. 249. Next Generation Combat Vehicle.
Sec. 250. Modification of reports on mechanisms to provide funds to defense laboratories for research and development of technologies for military missions.
Sec. 251. Briefings on Mobile Protected Firepower and Future Vertical Lift programs.
Sec. 252. Improvement of the Air Force supply chain.
Sec. 253. Review of guidance on blast exposure during training.
Sec. 254. Competitive acquisition strategy for Bradley Fighting Vehicle transmission replacement.
Sec. 255. Independent assessment of electronic warfare plans and programs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Explosive Ordnance Disposal Defense Program.
Sec. 312. Further improvements to energy security and resilience.
Sec. 313. Use of proceeds from sales of electrical energy derived from geothermal resources for projects at military installations where resources are located.
Sec. 314. Operational energy policy.
Sec. 315. Funding of study and assessment of health implications of per- and polyfluoroalkyl substances contamination in drinking water by agency for toxic substances and disease registry.
Sec. 316. Extension of authorized periods of permitted incidental takings of marine mammals in the course of specified activities by Department of Defense.
Sec. 317. Department of Defense environmental restoration programs.
Sec. 318. Joint study on the impact of wind farms on weather radars and military operations.
Sec. 319. Core sampling at Joint Base San Antonio, Texas.
Sec. 320. Production and use of natural gas at Fort Knox, Kentucky.

Subtitle C—Logistics and Sustainment

Sec. 321. Authorizing use of working capital funds for unspecified minor military construction projects related to revitalization and recapitalization of defense industrial base facilities.
Sec. 322. Examination of Navy vessels.
Sec. 323. Limitation on length of overseas forward deployment of naval vessels.
Sec. 324. Temporary modification of workload carryover formula.
Sec. 325. Limitation on use of funds for implementation of elements of master plan for redevelopment of Former Ship Repair Facility in Guam.

Sec. 326. Business case analysis for proposed relocation of J85 Engine Regional Repair Center.
Sec. 327. Report on pilot program for micro-reactors.
Sec. 328. Limitation on modifications to Navy Facilities Sustainment, Restoration, and Modernization structure and mechanism.

Subtitle D—Reports

Sec. 331. Reports on readiness.
Sec. 332. Matters for inclusion in quarterly reports on personnel and unit readiness.
Sec. 333. Annual Comptroller General reviews of readiness of Armed Forces to conduct full spectrum operations.
Sec. 334. Surface warfare training improvement.
Sec. 335. Report on optimizing surface Navy vessel inspections and crew certifications.
Sec. 336. Report on depot-level maintenance and repair.
Sec. 337. Report on wildfire suppression capabilities of active and reserve components.
Sec. 338. Report on relocation of steam turbine production from Nimitz-class and Ford-class aircraft carriers and Virginia-class and Columbia-class submarines.
Sec. 339. Report on Specialized Undergraduate Pilot Training production, resourcing, and locations.
Sec. 340. Report on Air Force airfield operational requirements.
Sec. 341. Report on Navy surface ship repair contract costs.

Subtitle E—Other Matters

Sec. 351. Coast Guard representation on explosive safety board.
Sec. 352. Transportation to continental United States of retired military working dogs outside the continental United States that are suitable for adoption in the United States.
Sec. 353. Scope of authority for restoration of land due to mishap.
Sec. 354. Repurposing and reuse of surplus Army firearms.
Sec. 355. Study on phasing out open burn pits.
Sec. 356. Notification requirements relating to changes to uniform of members of the uniformed services.
Sec. 357. Reporting on future years budgeting by subactivity group.
Sec. 358. Limitation on availability of funds for service-specific Defense Readiness Reporting Systems.
Sec. 359. Prioritization of environmental impacts for facilities sustainment, restoration, and modernization demolition.
Sec. 360. Sense of Congress relating to Soo Locks, Sault Sainte Marie, Michigan.
Sec. 361. U.S. Special Operations Command Civilian Personnel.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revisions in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Repeal of requirement for ability to complete 20 years of service by age 62 as qualification for original appointment as a regular commissioned officer.
Sec. 502. Enhancement of availability of constructive service credit for private sector training or experience upon original appointment as a commissioned officer.
Sec. 503. Standardized temporary promotion authority across the military departments for officers in certain grades with critical skills.

Sec. 504. Authority for promotion boards to recommend officers of particular merit be placed higher on a promotion list.
Sec. 505. Authority for officers to opt out of promotion board consideration.
Sec. 506. Applicability to additional officer grades of authority for continuation on active duty of officers in certain military specialties and career tracks.
Sec. 507. Alternative promotion authority for officers in designated competitive categories of officers.
Sec. 508. Attending Physician to the Congress.
Sec. 509. Matters relating to satisfactory service in grade for purposes of retirement grade of officers in highest grade of satisfactory service.
Sec. 510. Grades of Chiefs of Chaplains.
Sec. 511. Repeal of original appointment qualification requirement for warrant officers in the regular Army.
Sec. 512. Reduction in number of years of active naval service required for permanent appointment as a limited duty officer.
Sec. 513. Authority to designate certain reserve officers as not to be considered for selection for promotion.
Sec. 514. GAO review of surface warfare career paths.

Subtitle B—Reserve Component Management

Sec. 515. Authorized strength and distribution in grade.
Sec. 516. Repeal of prohibition on service on Army Reserve Forces Policy Committee by members on active duty.
Sec. 517. Expansion of personnel subject to authority of the Chief of the National Guard Bureau in the execution of functions and missions of the National Guard Bureau.
Sec. 518. Authority to adjust effective date of promotion in the event of undue delay in extending Federal recognition of promotion.
Sec. 519. National Guard Youth Challenge Program.
Sec. 520. Extension of authority for pilot program on use of retired senior enlisted members of the Army National Guard as Army National Guard recruiters.

Subtitle C—General Service Authorities and Correction of Military Records

Sec. 521. Enlistments vital to the national interest.
Sec. 522. Statement of benefits.
Sec. 523. Modification to forms of support that may be accepted in support of the mission of the Defense POW/MIA Accounting Agency.
Sec. 524. Assessment of Navy standard workweek and related adjustments.
Sec. 525. Notification on manning of afloat naval forces.
Sec. 526. Navy watchstander records.
Sec. 527. Qualification experience requirements for certain Navy watchstations.

Subtitle D—Military Justice

Sec. 531. Inclusion of strangulation and suffocation in conduct constituting aggravated assault for purposes of the Uniform Code of Military Justice.
Sec. 532. Punitive article on domestic violence under the Uniform Code of Military Justice.
Sec. 533. Authorities of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.
Sec. 534. Report on feasibility of expanding services of the Special Victims' Counsel to victims of domestic violence.
Sec. 535. Uniform command action form on disposition of unrestricted sexual assault cases involving members of the Armed Forces.
Sec. 536. Standardization of policies related to expedited transfer in cases of sexual assault or domestic violence.

Subtitle E—Other Legal Matters

Sec. 541. Clarification of expiration of term of appellate military judges of the United States Court of Military Commission Review.
Sec. 542. Security clearance reinvestigation of certain personnel who commit certain offenses.
Sec. 543. Development of oversight plan for implementation of Department of Defense harassment prevention and response policy.
Sec. 544. Oversight of registered sex offender management program.
Sec. 545. Development of resource guides regarding sexual assault for the military service academies.
Sec. 546. Improved crime reporting.
Sec. 547. Report on victims of sexual assault in reports of military criminal investigative organizations.

Subtitle F—Member Education, Training, Resilience, and Transition

Sec. 551. Permanent career intermission program.

Sec. 552. Improvements to Transition Assistance Program.
Sec. 553. Repeal of program on encouragement of postseparation public and community service.
Sec. 554. Clarification of application and honorable service requirements under the Troops-to-Teachers Program to members of the Retired Reserve.
Sec. 555. Employment and compensation of civilian faculty members at the Joint Special Operations University.
Sec. 556. Program to assist members of the Armed Forces in obtaining professional credentials.
Sec. 557. Enhancement of authorities in connection with Junior Reserve Officers' Training Corps programs.
Sec. 558. Expansion of period of availability of Military OneSource program for retired and discharged members of the Armed Forces and their immediate families.
Sec. 559. Prohibition on use of funds for attendance of enlisted personnel at senior level and intermediate level officer professional military education courses.

Subtitle G—Defense Dependents' Education

Sec. 561. Assistance to schools with military dependent students.
Sec. 562. Department of Defense Education Activity policies and procedures on sexual harassment of students of Activity schools.
Sec. 563. Department of Defense Education Activity misconduct database.
Sec. 564. Assessment and report on active shooter threat mitigation at schools located on military installations.

Subtitle H—Military Family Readiness Matters

Sec. 571. Department of Defense Military Family Readiness Council matters.
Sec. 572. Enhancement and clarification of family support services for family members of members of special operations forces.
Sec. 573. Temporary expansion of authority for noncompetitive appointments of military spouses by Federal agencies.
Sec. 574. Improvement of My Career Advancement Account program for military spouses.
Sec. 575. Assessment and report on the effects of permanent changes of station on employment among military spouses.
Sec. 576. Provisional or interim clearances to provide childcare services at military childcare centers.
Sec. 577. Multidisciplinary teams for military installations on child abuse and other domestic violence.
Sec. 578. Pilot program for military families: prevention of child abuse and training on safe childcare practices.
Sec. 579. Assessment and report on small business activities of military spouses on military installations in the United States.

Subtitle I—Decorations and Awards

Sec. 581. Atomic veterans service certificate.
Sec. 582. Award of medals or other commendations to handlers of military working dogs.
Sec. 583. Authorization for award of distinguished-service cross to Justin T. Gallegos for acts of valor during Operation Enduring Freedom.

Subtitle J—Miscellaneous Reports and Other Matters

Sec. 591. Annual defense manpower requirements report matters.
Sec. 592. Burial of unclaimed remains of inmates at the United States Disciplinary Barracks Cemetery, Fort Leavenworth, Kansas.
Sec. 593. Standardization of frequency of academy visits of the Air Force Academy Board of Visitors with academy visits of boards of other military service academies.
Sec. 594. National Commission on Military, National, and Public Service matters.
Sec. 595. Public availability of top-line numbers of deployed members of the Armed Forces.
Sec. 596. Report on general and flag officer costs.
Sec. 597. Study on active service obligations for medical training with other service obligations for education or training and health professional recruiting.
Sec. 598. Criteria for interment at Arlington National Cemetery.
Sec. 599. Limitation on use of funds pending submittal of report on Army Marketing and Advertising Program.
Sec. 600. Proof of period of military service for purposes of interest rate limitation under the Servicemembers Civil Relief Act.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Repeal of authority for payment of personal money allowances to Navy officers serving in certain positions.
Sec. 602. Eligibility of reserve component members for high-deployment allowance for lengthy or numerous deployments and frequent mobilizations.
Sec. 603. Prohibition on per diem allowance reductions based on the duration of temporary duty assignment or civilian travel.
Sec. 604. Extension of parking expenses allowance to civilian employees at recruiting facilities.
Sec. 605. Eligibility of reserve component members for nonreduction in pay while serving in the uniformed services or National Guard.
Sec. 606. Military Housing Privatization Initiative.

Subtitle B—Bonuses and Special Incentive Pays

Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
Sec. 612. Report on imminent danger pay and hostile fire pay.

Subtitle C—Other Matters

Sec. 621. Extension of certain morale, welfare, and recreation privileges to certain veterans and their caregivers.
Sec. 622. Technical corrections in calculation and publication of special survivor indemnity allowance cost of living adjustments.
Sec. 623. Authority to award damaged personal protective equipment to members separating from the Armed Forces and veterans as mementos of military service.
Sec. 624. Space-available travel on Department of Defense aircraft for veterans with service-connected disabilities rated as total.
Sec. 625. Mandatory increase in insurance coverage under Servicemembers' Group Life Insurance for members deployed to combat theaters of operation.
Sec. 626. Access to military installations for certain surviving spouses and other next of kin of members of the Armed Forces who die while on active duty or certain reserve duty.
Sec. 627. Study and report on development of a single defense resale system.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Cessation of requirement for mental health assessment of members after redeployment from a contingency operation upon discharge or release from the Armed Forces.
Sec. 702. Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma.

Subtitle B—Health Care Administration

Sec. 711. Improvement of administration of the Defense Health Agency and military medical treatment facilities.
Sec. 712. Organizational framework of the military healthcare system to support the medical requirements of the combatant commands.
Sec. 713. Administration of TRICARE dental plans through the Federal Employees Dental and Vision Insurance Program.
Sec. 714. Streamlining of TRICARE Prime beneficiary referral process.
Sec. 715. Sharing of information with State prescription drug monitoring programs.
Sec. 716. Pilot program on opioid management in the military health system.
Sec. 717. Wounded warrior policy review.
Sec. 718. Medical simulation technology and live tissue training within the Department of Defense.
Sec. 719. Improvements to trauma center partnerships.
Sec. 720. Improvement to notification to Congress of hospitalization of combat-wounded members of the Armed Forces.

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10 USC 101 note.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been

submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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Sec. 131. Extension of limitation on use of sole-source shipbuilding contracts for certain vessels.
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Subtitle A—Authorization Of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT REPORT.

(a) IN GENERAL.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) A joint assessment by the Chief of Staff of the Army and the Chief of the National Guard Bureau on the efforts of the Army to achieve parity among the active component, the Army Reserve, and the Army National Guard with respect to equipment and capabilities. Each assessment shall include a comparison of the inventory of high priority items of equipment available to each component of the Army described in preceding sentence, including—

"(A) AH–64 Attack Helicopters;

"(B) UH–60 Black Hawk Utility Helicopters;

"(C) Abrams Main Battle Tanks;

"(D) Bradley Infantry Fighting Vehicles;

"(E) Stryker Combat Vehicles; and

"(F) any other items of equipment identified as high priority by the Chief of Staff of the Army or the Chief of the National Guard Bureau.".

10 USC 10541 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports required to be submitted under section 10541 of title 10, United States Code, after the date of the enactment of this Act.

SEC. 112. DEPLOYMENT BY THE ARMY OF AN INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees whether there is a need for the Army to deploy an interim missile defense capability.

(b) DEPLOYMENT.—

(1) IN GENERAL.—If the Secretary of Defense certifies that there is a need for the Army to deploy an interim missile defense capability under subsection (a), the Secretary of the Army shall deploy the capability as follows:

(A) Two batteries of the capability shall be deployed by not later than September 30, 2020.

(B) Two additional batteries of the capability shall be deployed by not later than September 30, 2023.

(2) ACHIEVEMENT OF DEPLOYMENT DEADLINES.—In order to meet the deadlines for deployment specified in paragraph (1) the Secretary of the Army may—

(A) deploy systems that require the least amount of development;

(B) procure non-developmental air and missile defense systems currently in production to ensure rapid delivery of capability;

(C) use existing systems, components, and capabilities already in the Joint Force inventory, including rockets and missiles as available;

(D) use operational information technology for communication, detection, and fire control that is certified to work

with existing joint information technology systems to ensure interoperability;

(E) engage and collaborate with officials, organizations, and activities of the Department of Defense with responsibilities relating to science and technology, engineering, testing, and acquisition, including the Defense Innovation United Experimental, the Director of Operational Test and Evaluation, the Defense Digital Service, the Strategic Capabilities Office, and the Rapid Capabilities offices, to accelerate the development, testing, and deployment of existing systems;

(F) use institutional and operational basing to facilitate rapid training and fielding;

(G) consider a range of direct energy weapon systems to compete for the 2023 deployment specified in paragraph (1)(B); and

(H) carry out such other activities as the Secretary determines to be appropriate.

(3) AUTHORITIES.—In carrying out paragraphs (1) and (2), Secretary of the Army may use any authority of the Secretary relating to acquisition, technology transfer, and personnel management that the Secretary considers appropriate, including rapid acquisition and rapid prototyping authorities, to resource and procure an interim missile defense capability.

(4) WAIVER.—The Secretary of the Army may waive the deadlines for deployment specified in paragraph (1) if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadlines.

(c) IN GENERAL.—If the Secretary of the Army will deploy an interim missile defense capability pursuant to subsection (b), then, by not later than March 1, 2019, the Secretary, in consultation with the Chief of Staff of the Army, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) recommendations identifying any interim missile defense capabilities to be deployed and a proposed rapid acquisition schedule for such capabilities;

(2) a plan to rapidly resource any identified shortfalls for any such capability selected for deployment; and

(3) a schedule and timeline for the fielding and deployment of any such capability.

(d) INTERIM MISSILE DEFENSE CAPABILITY DEFINED.—In this section, the term "interim missile defense capability" means a fixed-site, cruise missile defense capability that may be deployed before the Indirect Fire Protection Capability of the Army becomes fully operational.

Subtitle C—Navy Programs

SEC. 121. PROCUREMENT AUTHORITY FOR FORD CLASS AIRCRAFT CARRIER PROGRAM.

(a) CONTRACT AUTHORITY.—

(1) PROCUREMENT AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts, beginning with the fiscal year 2019 program year, for the procurement of one Ford class aircraft carrier to be designated CVN–81.

(2) PROCUREMENT IN CONJUNCTION WITH CVN–80.—The aircraft carrier authorized to be procured under paragraph (1) may be procured as an addition to the contract covering the Ford class aircraft carrier designated CVN–80 that is authorized to be constructed under section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104).

(b) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of Defense certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for the Ford class aircraft carrier program:

(1) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(A) the estimated obligations and expenditures by fiscal year for CVN–80 and CVN–81, by hull, without the authority provided in subsection (a);

(B) the estimated obligations and expenditures by fiscal year for CVN–80 and CVN–81, by hull, with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year for CVN–80 and CVN–81, by hull, with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

(E) the contractual actions that will ensure the estimated cost savings are realized.

(2) There is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation.

(3) There is a stable design for the property to be acquired and that the technical risks associated with such property are not excessive.

(4) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

(5) The use of such a contract will promote the national security of the United States.

(6) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program (as defined under section 221 of title 10, United States Code) for such fiscal year will include the funding required to execute the program without cancellation.

(7) The contract will be a fixed price type contract.

(c) USE OF INCREMENTAL FUNDING.—With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract. No such payments may be obligated after the date that is 11 months after the date on which the fitting out of the aircraft carrier associated with the contract is completed.

(d) LIABILITY.—A contract entered into under subsection (a) shall provide that the total liability to the Government for termination of the contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(e) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(f) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term "milestone decision authority" has the meaning given that term in section 2366a(d) of title 10, United States Code.

SEC. 122. FULL SHIP SHOCK TRIAL FOR FORD CLASS AIRCRAFT CARRIER.

The Secretary of the Navy shall ensure that full ship shock trials results are incorporated into the construction of the Ford class aircraft carrier designated CVN–81.

SEC. 123. SENSE OF CONGRESS ON ACCELERATED PRODUCTION OF AIRCRAFT CARRIERS.

It is the sense of Congress that the United States should accelerate the production of aircraft carriers to rapidly achieve the Navy's goal of having 12 operational aircraft carriers.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR STANDARD MISSILE–6.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of up to 625 standard missile–6 missiles at a rate of not more than 125 missiles per year during the covered period.

(b) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary may enter into one or more contracts for advance procurement associated with the missiles (including economic order quantity) for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2019 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) COVERED PERIOD DEFINED.—In this section, the term "covered period" means the 5-year period beginning with the fiscal year 2019 program year and ending with the fiscal year 2023 program year.

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR E–2D AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of up to 24 E–2D aircraft.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2019 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E/F AIRCRAFT AND EA–18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of the following:

(1) F/A–18E/F aircraft.

(2) EA–18G aircraft.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2019 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(c) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2019, for advance procurement associated with the aircraft for which authorization to enter into a multiyear procurement contract is provided under subsection (a), which may include one or more contracts for the procurement of economic order quantities of material and equipment for such aircraft.

SEC. 127. MODIFICATIONS TO F/A–18 AIRCRAFT TO MITIGATE PHYSIOLOGICAL EPISODES.

(a) MODIFICATIONS REQUIRED.—The Secretary of the Navy shall modify the F/A–18 aircraft to reduce the occurrence of, and mitigate the risk posed by, physiological episodes affecting crewmembers of the aircraft. The modifications shall include, at minimum—

(1) replacement of the F/A–18 cockpit altimeter;

(2) upgrade of the F/A–18 onboard oxygen generation system;

(3) redesign of the F/A–18 aircraft life support systems required to meet onboard oxygen generation system input specifications; and

(4) installation of equipment associated with improved F/A–18 physiological monitoring and alert systems.

(b) REPORT REQUIRED.—Not later than February 1, 2019, and annually thereafter through February 1, 2021, the Secretary of the Navy shall submit to the congressional defense committees a written update on the status of all modifications to the F/A–18 aircraft carried out by the Secretary pursuant to subsection (a).

(c) WAIVER.—The Secretary of the Navy may waive the requirement to make a modification under subsection (a) if the Secretary certifies to the congressional defense committees that the specific modification is inadvisable and provides a detailed justification for excluding the modification from the Navy's planned upgrades for the F/A–18 aircraft.

SEC. 128. FRIGATE CLASS SHIP PROGRAM.

(a) IN GENERAL.—As part of the solicitation for proposals for the procurement of any frigate class ship in any of fiscal years 2019, 2020, or 2021, the Secretary of the Navy shall require that offerors submit proposals under which the offeror agrees to convey technical data to the Federal Government in the event the offeror is awarded the frigate construction contract associated with the proposal.

(b) TECHNICAL DATA DEFINED.—In this section, the term "technical data" means a compilation of detailed engineering plans and specifications for the construction of a frigate class ship.

SEC. 129. CONTRACT REQUIREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Section 124 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended— 131 Stat. 1311.

(1) by redesignating subsection (d) through (f) as subsections (e) through (g), respectively; and

(2) by inserting after subsection (c), the following:

"(d) CONTRACT REQUIREMENT.—

"(1) IN GENERAL.—The Secretary of the Navy shall ensure that a contract entered into under subsection (a) includes an option to procure a Virginia class submarine in each of fiscal years 2022 and 2023.

"(2) OPTION DEFINED.—In this subsection, the term 'option' has the meaning given that term in part 2.101 of the Federal Acquisition Regulation.".

SEC. 130. PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY PORT WATERBORNE SECURITY BARRIERS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2019 may be obligated or expended to procure legacy waterborne security barriers for Navy ports.

(b) WAIVER.—The Secretary of the Navy may waive the prohibition in subsection (a) not less than 30 days after submitting to the congressional defense committees—

(1) a Navy requirements document that specifies key performance parameters and key system attributes for new waterborne security barriers for Navy ports;

(2) a certification that the level of capability specified under paragraph (1) will meet or exceed that of legacy waterborne security barriers for Navy ports;

(3) the acquisition strategy for the recapitalization of legacy waterborne security barriers for Navy ports, which shall meet or exceed the requirements specified under paragraph (1); and

(4) a certification that any contract for new waterborne security barriers for a Navy port will be awarded in accordance with the requirements for full and open competition set forth in section 2304 of title 10, United States Code.

(c) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The sustainment, refurbishment, and replacement of portions of existing waterborne security barriers at Navy ports due to normal wear and tear.

(2) The procurement of new waterborne security barriers for Navy ports due to exigent circumstances.

SEC. 131. EXTENSION OF LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.

Section 124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as amended by section 127 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is further amended by striking "or fiscal year 2018" and inserting ", fiscal year 2018, or fiscal year 2019". 131 Stat. 1313.

SEC. 132. LIMITATION ON AVAILABILITY OF FUNDS FOR M27 INFANTRY AUTOMATIC RIFLE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the M27 Infantry Automatic Rifle program of the Marine Corps, not more than 80 percent may be obligated or expended until the date on which the Commandant of the Marine Corps submits to the Committees on Armed Services of the Senate and the House of Representatives the assessment described in subsection (b).

(b) ASSESSMENT.—The assessment described in this subsection is a written summary of the views of the Marine Corps with respect to the Small Arms Ammunition Configuration Study of the Army, including—

(1) an explanation of how the study informs the future small arms modernization requirements of the Marine Corps; and

(2) near-term and long-term modernization strategies for the small arms weapon systems of the Marine Corps, including associated funding and schedule profiles.

SEC. 133. REPORT ON DEGAUSSING STANDARDS FOR DDG–51 DESTROYERS.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of the Navy shall submit to the congressional defense committees a report on degaussing standards for the DDG–51 destroyer.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a detailed description of the current degaussing standards for the DDG–51 destroyer;

(2) a plan for incorporating such standards into the destroyer construction program; and

(3) an assessment of the requirement to backfit such standards to in-service destroyers.

Subtitle D—Air Force Programs

SEC. 141. INVENTORY REQUIREMENT FOR AIR REFUELING TANKER AIRCRAFT; LIMITATION ON RETIREMENT OF KC–10A AIRCRAFT.

(a) INVENTORY REQUIREMENT.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Except as provided in paragraph (2), effective October 1, 2019, the Secretary of the Air Force shall maintain a total

aircraft inventory of air refueling tanker aircraft of not less than 479 aircraft.

"(2) The Secretary of the Air Force may reduce the number of air refueling tanker aircraft in the total aircraft inventory of the Air Force below 479 only if—

"(A) the Secretary certifies to the congressional defense committees that such reduction is justified by the results of the mobility capability and requirements study conducted under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91); and

"(B) a period of 30 days has elapsed following the date on which the certification is made to the congressional defense committees under subparagraph (A).

"(3) In this subsection:

"(A) The term 'air refueling tanker aircraft' means an aircraft that has as its primary mission the refueling of other aircraft.

"(B) The term 'total aircraft inventory' means aircraft authorized to a flying unit for operations or training.".

(b) LIMITATION ON RETIREMENT OF KC–10A.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for any fiscal year for the Air Force may be obligated or expended to retire, or to prepare to retire, any KC–10A aircraft until the date that is 30 days after the date on which the Secretary of the Air Force certifies to the congressional defense committees that Secretary has met the minimum inventory requirement under section 8062(j) of title 10, United States Code, as added by subsection (a) of this section.

(2) EXCEPTION FOR CERTAIN AIRCRAFT.—The requirement of paragraph (1) does not apply to individual KC–10A aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

SEC. 142. MULTIYEAR PROCUREMENT AUTHORITY FOR C–130J AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Air Force may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of—

(1) C–130J aircraft for the Air Force; and

(2) C–130J aircraft for the Navy and the Marine Corps pursuant to the agreement described in subsection (b).

(b) AGREEMENT DESCRIBED.—The agreement described in this subsection is the agreement between the Secretary of the Navy and the Secretary of the Air Force under which the Secretary of the Air Force acts as the executive agent for the Department of the Navy for purposes of procuring C–130J aircraft for such Department.

(c) AUTHORITY FOR ADVANCE PROCUREMENT AND ECONOMIC ORDER QUANTITY.—The Secretary of the Air Force may enter into one or more contracts for advance procurement associated with the C–130J aircraft, including economic order quantity, for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2019 is subject to the availability of appropriations for that purpose for such later fiscal year.

(e) TREATMENT OF FISCAL YEAR 2018 AIRCRAFT.—The multiyear contract authority under subsection (a) includes C–130J aircraft for which funds were appropriated for fiscal year 2018.

SEC. 143. CONTRACT FOR LOGISTICS SUPPORT FOR VC–25B AIRCRAFT.

The Secretary of the Air Force shall—

(1) ensure that the total period of any contract awarded for logistics support for the VC–25B aircraft does not exceed five years, as required under part 17.204(e) of the Federal Acquisition Regulation, unless otherwise approved in accordance with established procedures; and

(2) comply with section 2304 of title 10, United States Code, regarding full and open competition through the use of competitive procedures for the award of any logistics support contract following the initial five-year contract period.

SEC. 144. RETIREMENT DATE FOR VC–25A AIRCRAFT.

(a) IN GENERAL.—For purposes of the application of section 2244a of title 10, United States Code, the retirement date of the covered aircraft is deemed to be not later than December 31, 2025.

(b) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means the two VC–25A aircraft of the Air Force that are in service as of the date of the enactment of this Act.

SEC. 145. REPEAL OF FUNDING RESTRICTION FOR EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

Section 131 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2037) is repealed.

SEC. 146. LIMITATION ON USE OF FUNDS FOR KC–46A AIRCRAFT PENDING SUBMITTAL OF CERTIFICATION.

(a) CERTIFICATION REQUIRED.—The Secretary of the Air Force shall submit to the congressional defense committees certification that, as of the date of the certification—

(1) the supplemental type certification and the military type certification for the KC–46A aircraft have been approved; and

(2) the Air Force has accepted the delivery of the first KC–46A aircraft.

(b) LIMITATION ON USE OF FUNDS.—

(1) LIMITATION.—Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated or otherwise made available by this Act for fiscal year 2019 for Aircraft Procurement, Air Force, may be obligated or expended to procure the covered aircraft until the Secretary of the Air Force submits the certification required under subsection (a).

(2) COVERED AIRCRAFT DEFINED.—In this subsection, the term "covered aircraft" means three of the KC–46A aircraft authorized to be procured by this Act.

SEC. 147. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E–8 JSTARS AIRCRAFT.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 or any subsequent fiscal year for the Air Force may be obligated or expended to retire, or prepare to retire, any E–8 Joint Surveillance Target Attack Radar System aircraft until the date on which the Secretary of the Defense certifies to the congressional defense committees that Increment 2 of the Advanced Battle-Management System of the Air Force has declared initial operational capability as defined in the Capability Development Document for the System.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to individual E–8C Joint Surveillance Target Attack Radar System aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps, other damage, or being uneconomical to repair.

(c) CERTIFICATION REQUIRED.—Not later than March 1, 2019, the Secretary of Defense, on a nondelegable basis, shall certify to the congressional defense committees that—

(1) the Secretary of the Air Force is taking all reasonable steps to ensure the legacy E–8C Joint Surveillance Target Radar System aircraft that the Air Force continues to operate meet all safety requirements;

(2) the Secretary of the Air Force has developed and implemented a funding strategy to increase the operational and maintenance availability of the legacy E–8C Joint Surveillance Target Radar System aircraft that the Air Force continues to operate;

(3) the Advanced Battle-Management System Increment 1, 2, and 3 acquisition and fielding strategy is executable and that sufficient funds will be available to achieve all elements of the System as described in the Capability Development Document for the System; and

(4) in coordination with each separate geographic combatant commander, that the Secretary of the Air Force is implementing defined and measurable actions to meet the operational planning and steady-state force presentation requirements for Ground-Moving Target Indicator intelligence and Battle-Management, Command and Control towards a moderate level of risk until Increment 2 of the Advanced Battle-Management System declares initial operational capability.

(d) GAO REPORT AND BRIEFING.—

(1) REPORT REQUIRED.—Not later than March 1, 2020, the Comptroller General of the United States shall submit to the congressional defense committees a report on Increment I, Increment 2, and Increment 3 of the 21st Century Advanced Battle Management System of Systems capability of the Air Force. The report shall include a review of—

(A) the technologies that compose the capability and the level of maturation of such technologies;

(B) the resources budgeted for the capability;

(C) the fielding plan for the capability;

(D) any risk assessments associated with the capability; and

(E) the overall acquisition strategy for the capability.

(2) INTERIM BRIEFING.—Not later than March 1, 2019, the Comptroller General of the United States shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the topics to be covered by the report under paragraph (1), including any preliminary data and any issues or concerns of the Comptroller General relating to the report.

(e) AIR FORCE REPORT.—Not later than February 5, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on the legacy fleet of E–8C Joint Surveillance Target Attack Radar System aircraft that includes—

(1) the modernization and sustainment strategy, and associated costs, for the airframe and mission systems that will be used to maintain the legacy fleet of such aircraft until the planned retirement of the aircraft; and

(2) a plan that will provide combatant commanders with an increased level of E–8C force support.

(f) E–8C FORCE PRESENTATION REQUIREMENT.—

(1) IN GENERAL.—Beginning not later than October 1, 2020, and until the retirement of the E–8C aircraft fleet, the Secretary of the Air Force shall provide not fewer than 6 dedicated E–8C aircraft each fiscal year for allocation to the geographical combatant commanders through the Intelligence, Surveillance, and Reconnaissance Global Force Management Allocation Process.

(2) EXCEPTION.—If the Secretary of the Air Force is unable to meet the requirements of paragraph (1), the Secretary of Defense, on a nondelegable basis, may waive the requirements for a fiscal year and shall provide to the congressional defense committees a notice of waiver issuance and justification.

(g) AIR FORCE BRIEFING REQUIREMENT.—Beginning not later than October 1, 2018, and on a quarterly basis thereafter, the Secretary of the Air Force shall provide to the congressional defense committees a program update briefing on the Advanced Battle-Management System of the Air Force, and all associated technologies.

SEC. 148. REPORT ON MODERNIZATION OF B–52H AIRCRAFT SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the long term modernization of the B–52H aircraft.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an estimated timeline for the modernization of the B–52H aircraft; and

(2) modernization requirements with respect to the integrated systems of the aircraft, including—

(A) electronic warfare and defensive systems;

(B) communications, including secure jam resistant capability;

(C) radar replacement;

(D) engine replacement;

(E) future weapons and targeting capability; and

(F) mission planning systems.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

SEC. 151. PROCUREMENT AUTHORITY FOR ADDITIONAL ICEBREAKER VESSELS.

(a) PROCUREMENT AUTHORITY.—

(1) IN GENERAL.—In addition to the icebreaker vessel authorized to be procured under section 122(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), the Secretary of the department in which the Coast Guard is operating may enter into one or more contracts for the procurement of up to five additional polar-class icebreaker vessels.

(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2019 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Coast Guard should maintain an inventory of not fewer than six polar-class icebreaker vessels beginning not later than fiscal year 2029 and, to achieve such inventory, should—

(1) award a contract for the first new polar-class icebreaker not later than fiscal year 2019;

(2) deliver the first new polar-class icebreaker not later than fiscal year 2023;

(3) start construction on the second through sixth new polar-class icebreakers at a rate of one vessel per year in fiscal years 2022 through 2026; and

(4) accept delivery of the second through sixth new polar-class icebreakers at a rate of one vessel per year in fiscal years 2025 through 2029.

SEC. 152. BUY-TO-BUDGET ACQUISITION OF F–35 AIRCRAFT.

Subject to section 2308 of title 10, United States Code, using funds authorized to be appropriated by this Act for the procurement of F–35 aircraft, the Secretary of Defense may procure a quantity of F–35 aircraft in excess of the quantity authorized by this Act if such additional procurement does not require additional funds to be authorized to be appropriated because of production efficiencies or other cost reductions.

SEC. 153. CERTIFICATION ON INCLUSION OF TECHNOLOGY TO MINIMIZE PHYSIOLOGICAL EPISODES IN CERTAIN AIRCRAFT.

(a) CERTIFICATION REQUIRED.—Not later than 15 days before entering into a contract for the procurement of a covered aircraft, the Secretary concerned shall submit to the congressional defense committees a written statement certifying that the aircraft to be procured under the contract will include the most recent technological advancements necessary to minimize the impact of physiological episodes on aircraft crewmembers.

(b) WAIVER.—The Secretary concerned may waive the requirement of subsection (a) if the Secretary—

(1) determines the waiver is required in the interest of national security; and

(2) not later than 15 days before entering into a contract for the procurement of a covered aircraft, notifies the congressional defense committees of the rationale for the waiver.

(c) TERMINATION.—The requirement to submit a certification under subsection (a) shall terminate on September 30, 2021.

(d) DEFINITIONS.—In this section:

(1) The term "covered aircraft" means a fighter aircraft, an attack aircraft, or a fixed wing trainer aircraft.

(2) The term "Secretary concerned" means—

(A) the Secretary of the Navy, with respect to covered aircraft of Navy; and

(B) the Secretary of the Air Force, with respect to covered aircraft of the Air Force.

10 USC 2302 note.

SEC. 154. ARMORED COMMERCIAL PASSENGER-CARRYING VEHICLES.

(a) IMPLEMENTATION OF GAO RECOMMENDATIONS.—In accordance with the recommendations of the Government Accountability Office in the report titled "Armored Commercial Vehicles: DOD Has Procurement Guidance, but Army Could Take Actions to Enhance Inspections and Oversight" (GAO-17-513), not later than 180 days after the date of the enactment of this Act, the Secretary of Army shall—

(1) ensure that in-progress inspections are conducted at the armoring vendor's facility for each procurement of an armored commercial passenger-carrying vehicles until the date on which the Secretary of Defense approves and implements an updated armoring and inspection standard for such vehicles; and

(2) designate a central point of contact for collecting and reporting information on armored commercial passenger-carrying vehicles (such as information on contracts execution and vehicle inspections).

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the progress of the Secretary in implementing Department of Defense Instruction O–2000.16 Volume 1, dated November 2016, with respect to armored commercial passenger-carrying vehicles, including—

(1) whether criteria for the procurement of such vehicles have been established and distributed to the relevant components of the Department; and

(2) whether a process is in place for ensuring that the relevant components of the Department incorporate those criteria into contracts for such vehicles.

SEC. 155. QUARTERLY UPDATES ON THE F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) IN GENERAL.—Beginning not later than October 1, 2018, and on a quarterly basis thereafter through October 1, 2022, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the congressional defense committees a briefing on the progress of the F–35 Joint Strike Fighter program.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the F–35 Joint Strike Fighter program, the following elements:

(1) An overview of the program schedule.

(2) A description of each contract awarded under the program, including a description of the type of contract and the status of the contract.

(3) An assessment of the status of the program with respect to—

(A) modernization;
(B) modification;
(C) testing;
(D) delivery;
(E) sustainment;
(F) program management; and
(G) efforts to ensure that excessive sustainment costs do not threaten the ability of the Department of Defense to purchase the required number of aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of authority to carry out certain prototype projects.
Sec. 212. Extension of directed energy prototype authority.
Sec. 213. Prohibition on availability of funds for the Weather Common Component program.
Sec. 214. Limitation on availability of funds for F–35 continuous capability development and delivery.
Sec. 215. Limitation on availability of funds pending report on agile software development and software operations.
Sec. 216. Limitation on availability of funds for certain high energy laser advanced technology.
Sec. 217. Plan for the Strategic Capabilities Office of the Department of Defense.
Sec. 218. National Defense Science and Technology Strategy.
Sec. 219. Modification of CVN–73 to support fielding of MQ–25 unmanned aerial vehicle.
Sec. 220. Establishment of innovators information repository in the Department of Defense.
Sec. 221. Strategic plan for Department of Defense test and evaluation resources.
Sec. 222. Collaboration between Defense laboratories, industry, and academia; open campus program.
Sec. 223. Permanent extension and codification of authority to conduct technology protection features activities during research and development of defense systems.
Sec. 224. Codification and reauthorization of Defense Research and Development Rapid Innovation Program.
Sec. 225. Procedures for rapid reaction to emerging technology.
Sec. 226. Activities on identification and development of enhanced personal protective equipment against blast injury.
Sec. 227. Human factors modeling and simulation activities.
Sec. 228. Expansion of mission areas supported by mechanisms for expedited access to technical talent and expertise at academic institutions.
Sec. 229. Advanced manufacturing activities.
Sec. 230. National security innovation activities.
Sec. 231. Partnership intermediaries for promotion of defense research and education.
Sec. 232. Limitation on use of funds for Surface Navy Laser Weapon System.
Sec. 233. Expansion of coordination requirement for support for national security innovation and entrepreneurial education.
Sec. 234. Defense quantum information science and technology research and development program.
Sec. 235. Joint directed energy test activities.
Sec. 236. Requirement for establishment of arrangements for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions.

Sec. 237. Authority for Joint Directed Energy Transition Office to conduct research relating to high powered microwave capabilities.
Sec. 238. Joint artificial intelligence research, development, and transition activities.

Subtitle C—Reports and Other Matters

Sec. 241. Report on survivability of air defense artillery.
Sec. 242. T–45 aircraft physiological episode mitigation actions.
Sec. 243. Report on efforts of the Air Force to mitigate physiological episodes affecting aircraft crewmembers.
Sec. 244. Report on Defense Innovation Unit Experimental.
Sec. 245. Modification of funding criteria under Historically Black Colleges and Universities and minority institutions program.
Sec. 246. Report on OA–X light attack aircraft applicability to partner nation support.
Sec. 247. Reports on comparative capabilities of adversaries in key technology areas.
Sec. 248. Report on active protection systems for armored combat and tactical vehicles.
Sec. 249. Next Generation Combat Vehicle.
Sec. 250. Modification of reports on mechanisms to provide funds to defense laboratories for research and development of technologies for military missions.
Sec. 251. Briefings on Mobile Protected Firepower and Future Vertical Lift programs.
Sec. 252. Improvement of the Air Force supply chain.
Sec. 253. Review of guidance on blast exposure during training.
Sec. 254. Competitive acquisition strategy for Bradley Fighting Vehicle transmission replacement.
Sec. 255. Independent assessment of electronic warfare plans and programs.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 2371b of title 10, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), in the matter before clause (i), by striking "(for a prototype project)" and inserting "for a prototype project, and any follow-on production contract or transaction that is awarded pursuant to subsection (f),";

(B) in subparagraph (B)—

(i) in the matter before clause (i), by striking "(for a prototype project)" and inserting "for a prototype project, and any follow-on production contract or transaction that is awarded pursuant to subsection (f),"; and

(ii) in clause (i), in the matter before subclause (I), by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under

Secretary of Defense for Research and Engineering or the Under Secretary of Defense for Acquisition and Sustainment";

(C) in paragraph (3), by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under Secretaries of Defense";

(2) in subsection (b)(2), by inserting "the prototype" after "carry out"; and

(3) in subsection (f)—

(A) by redesignating paragraph (3) as paragraph (5); and

(B) by inserting after paragraph (2) the following new paragraphs:

"(3) A follow-on production contract or transaction may be awarded, pursuant to this subsection, when the Department determines that an individual prototype or prototype subproject as part of a consortium is successfully completed by the participants.

"(4) Award of a follow-on production contract or transaction pursuant to the terms under this subsection is not contingent upon the successful completion of all activities within a consortium as a condition for an award for follow-on production of a successfully completed prototype or prototype subproject within that consortium.".

SEC. 212. EXTENSION OF DIRECTED ENERGY PROTOTYPE AUTHORITY.

Section 219(c)(4) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended—

(1) in subparagraph (A), by striking "Except as provided in subparagraph (B)" and inserting "Except as provided in subparagraph (C)";

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

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

"(B) Except as provided in subparagraph (C) and subject to the availability of appropriations for such purpose, of the funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2019 or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, defense-wide, up to $100,000,000 may be available to the Under Secretary to allocate to the military departments, the defense agencies, and the combatant commands to carry out the program established under paragraph (1)."; and

(4) in subparagraph (C), as so redesignated, by striking "made available under subparagraph (A)" and inserting "made available under subparagraph (A) or subparagraph (B)".

SEC. 213. PROHIBITION ON AVAILABILITY OF FUNDS FOR THE WEATHER COMMON COMPONENT PROGRAM.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, Air Force, for weather service (PE 0305111F, Project 672738) for product development, test and evaluation, and management services associated with the Weather Common Component program may be obligated or expended.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on technologies and capabilities that—

(A) provide real-time or near real-time meteorological situational awareness data through the use of sensors installed on manned and unmanned aircraft; and

(B) were developed primarily using funds of the Department of Defense.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of all technologies and capabilities described in paragraph (1) that exist as of the date on which the report is submitted;

(B) a description of any testing activities that have been completed for such technologies and capabilities, and the results of those testing activities;

(C) the total amount of funds used by the Department of Defense for the development of such technologies and capabilities;

(D) a list of capability gaps or shortfalls in any major commands of the Air Force relating to the gathering, processing, exploitation, and dissemination of real-time or near real-time meteorological situational awareness data for unmanned systems;

(E) an explanation of how such gaps or shortfalls may be remedied to supplement the weather forecasting capabilities of the Air Force and to enhance the efficiency or effectiveness of combat air power; and

(F) a plan for fielding existing technologies and capabilities to mitigate such gaps or shortfalls.

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR F–35 CONTINUOUS CAPABILITY DEVELOPMENT AND DELIVERY.

(a) LIMITATION.—Except as provided in subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the F–35 continuous capability development and delivery program, not more than 75 percent may be obligated or expended until a period of 15 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees a detailed cost estimate and baseline schedule for the program, which shall include any information required for a major defense acquisition program under section 2435 of title 10, United States Code.

(b) EXCEPTION.—The limitation in subsection (a) does not apply to any funds authorized to be appropriated or otherwise made available for the development of the F–35 dual capable aircraft capability.

SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT ON AGILE SOFTWARE DEVELOPMENT AND SOFTWARE OPERATIONS.

(a) LIMITATION.—Of the of funds described in subsection (d), not more than 80 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Secretary of the Air Force submits the report required under subsection (b).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation

with the Director of Defense Pricing/Defense Procurement and Acquisition Policy and the Director of the Defense Digital Service, shall submit to the congressional defense committees a report that includes a description of each of the following:

(1) How cost estimates in support of modernization and upgrade activities for Air and Space Operations Centers are being conducted and using what methods.

(2) The contracting strategy and types of contracts being used to execute Agile Software Development and Software Operations (referred to in this section as "Agile DevOps") activities.

(3) How intellectual property ownership issues associated with software applications developed with Agile DevOps processes will be addressed to ensure future sustainment, maintenance, and upgrades to software applications after the applications are fielded.

(4) A description of the tools and software applications that have been developed for the Air and Space Operations Centers and the costs and cost categories associated with each.

(5) Challenges the Air Force has faced in executing acquisition activities modernizing the Air and Space Operations Centers and how the Air Force plans to address the challenges identified.

(6) The Secretary's strategy for ensuring that software applications developed for Air Operations Centers are transportable and translatable among all the Centers to avoid any duplication of efforts.

(c) REVIEW.—Before submitting the report under subsection (b), the Secretary of the Air Force shall ensure that the report is reviewed and approved by the Director of Defense Pricing/Defense Procurement and Acquisition Policy.

(d) FUNDS DESCRIBED.—The funds described in this subsection are the following:

(1) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, Air Force, for Air and Space Operations Centers (PE 0207410F, Project 674596).

(2) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for other procurement, Air Force, for Air and Space Operations Centers.

SEC. 216. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN HIGH ENERGY LASER ADVANCED TECHNOLOGY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense for High Energy Laser Advanced Technology (PE 0603924D8Z), not more than 50 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a roadmap and detailed assessment of the high energy laser programs of the Department of Defense, which shall include plans for coordination across the Department and transition to programs of record.

(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to apply to any other high energy laser program of the Department of Defense other than the program element specified in such subsection.

SEC. 217. PLAN FOR THE STRATEGIC CAPABILITIES OFFICE OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees a plan—

(1) to eliminate the Strategic Capabilities Office of the Department of Defense by not later than October 1, 2020;

(2) to transfer the functions of the Strategic Capabilities Office to another organization or element of the Department by not later than October 1, 2020; or

(3) to retain the Strategic Capabilities Office.

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

(1) A timeline for the potential elimination, transfer, or retention of some or all of the activities, functions, programs, plans, and resources of the Strategic Capabilities Office.

(2) A strategy for mitigating risk to the programs of the Strategic Capabilities Office.

(3) A strategy for implementing the lessons learned and best practices of the Strategic Capabilities Office across the organizations and elements of the Department of Defense to promote enterprise-wide innovation.

(4) An assessment of the transition outcomes, research portfolio, and mission accomplishment in the key functions of the Strategic Capabilities Office described in subsection (c).

(5) An assessment of the relationship of the Strategic Capabilities Office with—

(A) the acquisition and rapid capabilities programs of the military departments;

(B) Department laboratories;

(C) the Defense Advanced Research Projects Agency; and

(D) other research and development activities.

(6) Assessment of management and bureaucratic challenges to the effective and efficient execution of the Strategic Capabilities Office missions, especially with respect to contracting and personnel management.

(c) KEY FUNCTIONS DESCRIBED.—The key functions described in this subsection are the following:

(1) Repurposing existing Government and commercial systems for new technological advantage.

(2) Developing novel concepts of operation that are lower cost, more effective, and more responsive to changing threats than traditional concepts of operation.

(3) Developing joint systems and concepts of operations to meet emerging threats and military requirements based on partnerships with the military departments and combatant commanders.

(4) Developing prototypes and new concepts of operations that can inform the development of requirements and the establishment of acquisition programs.

(d) FORM OF PLAN.—The plan required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 218. NATIONAL DEFENSE SCIENCE AND TECHNOLOGY STRATEGY.

(a) ANNUAL STRATEGY.—

(1) IN GENERAL.—Not later than February 4, 2019, the Secretary of Defense shall develop a strategy—

(A) to articulate the science and technology priorities, goals, and investments of the Department of Defense; and

(B) to make recommendations on the future of the defense research and engineering enterprise and its continued success in an era of strategic competition.

(2) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) be aligned with the National Defense Strategy and Governmentwide strategic science and technology priorities, including the defense budget priorities of the Office of Science and Technology Policy of the President;

(B) link the priorities, goals, and outcomes in paragraph (1)(A) with needed critical enablers to specific programs, or broader portfolios, including—

(i) personnel and workforce capabilities;

(ii) facilities for research and test infrastructure;

(iii) relationships with academia, the acquisition community, the operational community, and the commercial sector; and

(iv) funding, investments, personnel, facilities, and relationships with departments, agencies, or other Federal entities outside the Department of Defense without which defense capabilities would be severely degraded;

(C) evaluate the coordination of acquisition priorities, programs, and timelines of the Department with the activities of the defense research and engineering enterprise; and

(D) include recommendations for changes in authorities, regulations, policies, or any other relevant areas, that would support the achievement of the goals set forth in the strategy.

(3) ANNUAL UPDATES.—Not less frequently than once each year, the Secretary shall revise and update the strategy required by paragraph (1).

(4) ANNUAL REPORTS.—(A) Not later than February 4, 2019, and not less frequently than once each year thereafter through December 31, 2021, the Secretary shall submit to the congressional defense committees the strategy required by paragraph (1), as may be revised and updated in accordance with paragraph (3).

(B) The reports submitted pursuant to subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(5) BRIEFING.—Not later than 14 days after the date on which the strategy under paragraph (1) is completed, the Secretary shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the implementation of the strategy.

(6) DESIGNATION.—The strategy developed under paragraph (1) shall be known as the "National Defense Science and Technology Strategy".

(b) ASSESSMENT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than February 4, 2019, the Secretary shall submit to the congressional defense committees a report with an assessment and recommendations on the future of major elements of the defense research and engineering enterprise, evaluating warfighting contributions, portfolio management and coordination, workforce management including special hiring authorities, facilities and test infrastructure, relationships with private sector and interagency partners, and governance, including a comparison with the enterprises of other countries and the private sector.

(2) MAJOR ELEMENTS OF THE DEFENSE RESEARCH AND ENGINEERING ENTERPRISE.—The major elements of the defense research and engineering enterprise referred to in paragraph (1) include the following:

(A) The science and technology elements of the military departments.

(B) The Department of Defense laboratories.

(C) The test ranges and facilities of the Department.

(D) The Defense Advanced Research Projects Agency (DARPA).

(E) The Defense Innovation Unit Experimental (DIU(x)).

(F) The Strategic Capabilities Office of the Department.

(G) The Small Business Innovation Research program of the Department.

(H) The Small Business Technology Transfer program of the Department.

(I) Such other elements, offices, programs, and activities of the Department as the Secretary considers appropriate for purposes of the this section.

(3) CONSULTATION AND COMMENTS.—In making recommendations under paragraph (1), the Secretary shall consult with and seek comments from groups and entities relevant to the recommendations, such as the military departments, the combatant commands, the federally funded research and development centers (FFRDCs), commercial partners of the Department (including small business concerns), or any advisory committee established by the Department that the Secretary determines is appropriate based on the duties of the advisory committee and the expertise of its members.

(4) FORM OF SUBMISSION.—The report submitted pursuant to paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 219. MODIFICATION OF CVN–73 TO SUPPORT FIELDING OF MQ–25 UNMANNED AERIAL VEHICLE.

The Secretary of the Navy shall—

(1) modify the compartments and infrastructure of the aircraft carrier designated CVN–73 to support the fielding of the MQ–25 unmanned aerial vehicle before the date on which the refueling and complex overhaul of the aircraft carrier is completed; and

(2) ensure such modification is sufficient to complete the full installation of MQ–25 in no more than a single maintenance period after such overhaul.

SEC. 220. ESTABLISHMENT OF INNOVATORS INFORMATION REPOSITORY IN THE DEPARTMENT OF DEFENSE.

10 USC 2364 note.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Defense Technical Information Center, establish an innovators information repository within the Department of Defense in accordance with this section.

(b) MAINTENANCE OF INFORMATION REPOSITORY.—The Under Secretary of Defense for Research and Engineering shall maintain the information repository and ensure that it is periodically updated.

(c) ELEMENTS OF INFORMATION REPOSITORY.—The information repository established under subsection (a) shall—

(1) be coordinated across the Department of Defense enterprise to focus on small business innovators that are small, independent United States businesses, including those participating in the Small Business Innovation Research program or the Small Business Technology Transfer program;

(2) include appropriate information about each participant, including a description of—

(A) the need or requirement applicable to the participant;

(B) the participant's technology with appropriate technical detail and appropriate protections of proprietary information or data;

(C) any prior business of the participant with the Department; and

(D) whether the participant's technology was incorporated into a program of record; and

(3) incorporate the appropriate classification due to compilation of information.

(d) USE OF INFORMATION REPOSITORY.—After the information repository is established under subsection (a), the Secretary shall encourage use of the information repository by Department organizations involved in technology development and protection, including program offices, before initiating a Request for Information or a Request for Proposal to determine whether an organic technology exists or is being developed currently by a an entity supported by the Department (which may include a company, academic consortium, or other entity).

SEC. 221. STRATEGIC PLAN FOR DEPARTMENT OF DEFENSE TEST AND EVALUATION RESOURCES.

Section 196(d) of title 10, United States Code, is amended—

(1) by amending paragraph (1) to read as follows: "(1) Not less often than once every two fiscal years, the Under Secretary of Defense for Research and Engineering, in coordination with the Director of the Department of Defense Test Resources Management Center, the Director of Operational Test and Evaluation, the Director of the Defense Intelligence Agency, the Secretaries of the military departments, and the heads of Defense Agencies with test and evaluation responsibilities, shall complete a strategic plan reflecting the future needs of the Department of Defense with respect to test and evaluation facilities and resources. Each strategic plan shall cover the period of thirty fiscal years beginning with the fiscal year

in which the plan is submitted under paragraph (3). The strategic plan shall be based on a comprehensive review of both funded and unfunded test and evaluation requirements of the Department, future threats to national security, and the adequacy of the test and evaluation facilities and resources of the Department to meet those future requirements and threats."; and

(2) in paragraph (2)(C), by striking "needed to meet such requirements" and inserting "needed to meet current and future requirements based on current and emerging threats".

10 USC 2364 note.

SEC. 222. COLLABORATION BETWEEN DEFENSE LABORATORIES, INDUSTRY, AND ACADEMIA; OPEN CAMPUS PROGRAM.

(a) COLLABORATION.—The Secretary of Defense may carry out activities to prioritize innovative collaboration between Department of Defense science and technology reinvention laboratories, industry, and academia.

(b) OPEN CAMPUS PROGRAM.—In carrying out subsection (a), the Secretary, acting through the Commander of the Air Force Research Laboratory, the Commander of the Army Research, Development and Engineering Command, and the Chief of Naval Research, or such other officials of the Department as the Secretary considers appropriate, may develop and implement an open campus program for the Department science and technology reinvention laboratories which shall be modeled after the open campus program of the Army Research Laboratory.

SEC. 223. PERMANENT EXTENSION AND CODIFICATION OF AUTHORITY TO CONDUCT TECHNOLOGY PROTECTION FEATURES ACTIVITIES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting before section 2358 the following new section:

10 USC 2357.

"§ 2357. Technology protection features activities

"(a) ACTIVITIES.—The Secretary of Defense shall carry out activities to develop and incorporate technology protection features in a designated system during the research and development phase of such system.

"(b) COST-SHARING.—Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system, either for the development of program protection strategies for the system or the design and incorporation of exportability features into the system, shall include a cost-sharing provision that requires the contractor to bear half of the cost of such activities, or such other portion of such cost as the Secretary considers appropriate upon showing of good cause.

"(c) DEFINITIONS.—In this section:

"(1) The term 'designated system' means any system (including a major system, as defined in section 2302(5) of title 10, United States Code) that the Under Secretary of Defense for Acquisition and Sustainment designates for purposes of this section.

"(2) The term 'technology protection features' means the technical modifications necessary to protect critical program

information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by inserting before the item relating to section 2358 the following new item: 10 USC prec. 2351.

"2357. Technology protection features activities.".

(c) CONFORMING REPEAL.—Section 243 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2358 note) is repealed.

SEC. 224. CODIFICATION AND REAUTHORIZATION OF DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

(a) CODIFICATION.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359 the following new section:

"§ 2359a. Defense Research and Development Rapid Innovation Program 10 USC 2359a.

"(a) PROGRAM ESTABLISHED.—(1) The Secretary of Defense shall establish a competitive, merit-based program to accelerate the fielding of technologies developed pursuant to phase II Small Business Innovation Research Program projects, technologies developed by the defense laboratories, and other innovative technologies (including dual use technologies).

"(2) The purpose of this program is to stimulate innovative technologies and reduce acquisition or lifecycle costs, address technical risks, improve the timeliness and thoroughness of test and evaluation outcomes, and rapidly insert such products directly in support of primarily major defense acquisition programs, but also other defense acquisition programs that meet critical national security needs.

"(b) GUIDELINES.—The Secretary shall issue guidelines for the operation of the program. At a minimum such guidance shall provide for the following:

"(1) The issuance of one or more broad agency announcements or the use of any other competitive or merit-based processes by the Department of Defense for candidate proposals in support of defense acquisition programs as described in subsection (a).

"(2) The review of candidate proposals by the Department of Defense and by each military department and the merit-based selection of the most promising cost-effective proposals for funding through contracts, cooperative agreements, and other transactions for the purposes of carrying out the program.

"(3) The total amount of funding provided to any project under the program from funding provided under subsection (d) shall not exceed $3,000,000, unless the Secretary, or the Secretary's designee, approves a larger amount of funding for the project.

"(4) No project shall receive more than a total of two years of funding under the program from funding provided

under subsection (d), unless the Secretary, or the Secretary's designee, approves funding for any additional year.

"(5) Mechanisms to facilitate transition of follow-on or current projects carried out under the program into defense acquisition programs, through the use of the authorities of section 2302e of this title or such other authorities as may be appropriate to conduct further testing, low rate production, or full rate production of technologies developed under the program.

"(6) Projects are selected using merit-based selection procedures and the selection of projects is not subject to undue influence by Congress or other Federal agencies.

"(c) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

"(d) FUNDING.—Subject to the availability of appropriations for such purpose, the amounts authorized to be appropriated for research, development, test, and evaluation for a fiscal year may be used for such fiscal year for the program established under subsection (a).

"(e) TRANSFER AUTHORITY.—(1) The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to a proposal, or any part of a proposal, that the Secretary determines would directly support the purposes of the program.

"(2) The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2359 the following new item:

10 USC prec. 2351.

"2359a. Defense Research and Development Rapid Innovation Program.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF OLD PROVISION.—Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2359 note) is hereby repealed.

(2) REPEAL OF OLD TABLE OF CONTENTS ITEM.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1073.

10 USC 2358 note.

SEC. 225. PROCEDURES FOR RAPID REACTION TO EMERGING TECHNOLOGY.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering shall prescribe procedures for the designation and development of technologies that are—

(1) urgently needed—

(A) to react to a technological development of an adversary of the United States; or

(B) to respond to a significant and urgent emerging technology; and

(2) not receiving appropriate research funding or attention from the Department of Defense.

(b) ELEMENTS.—The procedures prescribed under subsection (a) shall include the following:

(1) A process for streamlined communications between the Under Secretary, the Joint Chiefs of Staff, the commanders of the combatant commands, the science and technology executives within each military department, and the science and technology community, including—

(A) a process for the commanders of the combatant commands and the Joint Chiefs of Staff to communicate their needs to the science and technology community; and

(B) a process for the science and technology community to propose technologies that meet the needs communicated by the combatant commands and the Joint Chiefs of Staff.

(2) Procedures for the development of technologies proposed pursuant to paragraph (1)(B), including—

(A) a process for demonstrating performance of the proposed technologies on a short timeline;

(B) a process for developing a development strategy for a technology, including integration into future budget years; and

(C) a process for making investment determinations based on information obtained pursuant to subparagraphs (A) and (B).

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall provide to the congressional defense committees a briefing on the procedures required by subsection (a).

SEC. 226. ACTIVITIES ON IDENTIFICATION AND DEVELOPMENT OF ENHANCED PERSONAL PROTECTIVE EQUIPMENT AGAINST BLAST INJURY.

10 USC 2302 note.

(a) ACTIVITIES REQUIRED.—During calendar year 2019, the Secretary of the Army shall, in consultation with the Director of Operational Test and Evaluation, carry out a set of activities to identify and develop personal equipment to provide enhanced protection against injuries caused by blasts in combat and training.

(b) ACTIVITIES.—

(1) CONTINUOUS EVALUATION PROCESS.—For purposes of the activities required by subsection (a), the Secretary shall establish a process to continuously solicit from government, industry, academia, and other appropriate entities personal protective equipment that is ready for testing and evaluation in order to identify and evaluate equipment or clothing that is more effective in protecting members of the Armed Forces from the harmful effects of blast injuries, including traumatic brain injuries, and would be suitable for expedited procurement and fielding.

(2) GOALS.—The goals of the activities shall include:

(A) Development of streamlined requirements for procurement of personal protective equipment.

(B) Appropriate testing of personal protective equipment prior to procurement and fielding.

(C) Development of expedited mechanisms for deployment of effective personal protective equipment.

(D) Identification of areas of research in which increased investment has the potential to improve the quality of personal protective equipment and the capability of the industrial base to produce such equipment.

(E) Such other goals as the Secretary considers appropriate.

(3) PARTNERSHIPS FOR CERTAIN ASSESSMENTS.—As part of the activities, the Secretary should continue to establish partnerships with appropriate academic institutions for purposes of assessing the following:

(A) The ability of various forms of personal protective equipment to protect against common blast injuries, including traumatic brain injuries.

(B) The value of real-time data analytics to track the effectiveness of various forms of personal protective equipment to protect against common blast injuries, including traumatic brain injuries.

(C) The availability of commercial-off the-shelf personal protective technology to protect against traumatic brain injury resulting from blasts.

(D) The extent to which the equipment determined through the assessment to be most effective to protect against common blast injuries is readily modifiable for different body types and to provide lightweight material options to enhance maneuverability.

(c) AUTHORITIES.—In carrying out activities under subsection (a), the Secretary may use any authority as follows:

(1) Experimental procurement authority under section 2373 of title 10, United States Code.

(2) Other transactions authority under section 2371 and 2371b of title 10, United States Code.

(3) Authority to award technology prizes under section 2374a of title 10, United States Code.

(4) Authority under the Defense Acquisition Challenge Program under section 2359b of title 10, United States Code.

(5) Any other authority on acquisition, technology transfer, and personnel management that the Secretary considers appropriate.

(d) CERTAIN TREATMENT OF ACTIVITIES.—Any activities under this section shall be deemed to have been through the use of competitive procedures for the purposes of section 2304 of title 10, United States Code.

(e) ON-GOING ASSESSMENT FOLLOWING ACTIVITIES.—After the completion of activities under subsection (a), the Secretary shall, on an on-going basis, do the following:

(1) Evaluate the extent to which personal protective equipment identified through the activities would—

(A) enhance survivability of personnel from blasts in combat and training; and

(B) enhance prevention of brain damage, and reduction of any resultant chronic brain dysfunction, from blasts in combat and training.

(2) In the case of personal protective equipment so identified that would provide enhancements as described in paragraph (1), estimate the costs that would be incurred to procure

such enhanced personal protective equipment, and develop a schedule for the procurement of such equipment.

(3) Estimate the potential health care cost savings that would occur from expanded use of personal protective equipment described in paragraph (2).

(f) REPORT.—Not later than December 1, 2019, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the activities under subsection (a) as of the date of the report.

(g) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2019 by this Act for research, development, test, and evaluation, as specified in the funding tables in division D, $10,000,000 may be used to carry out this section.

SEC. 227. HUMAN FACTORS MODELING AND SIMULATION ACTIVITIES.

10 USC 2358 note.

(a) ACTIVITIES REQUIRED.—The Secretary of Defense shall develop and provide for the carrying out of human factors modeling and simulation activities designed to do the following:

(1) Provide warfighters and civilians with personalized assessment, education, and training tools.

(2) Identify and implement effective ways to interface and team warfighters with machines.

(3) Result in the use of intelligent, adaptive augmentation to enhance decision making.

(4) Result in the development of techniques, technologies, and practices to mitigate critical stressors that impede warfighter and civilian protection, sustainment, and performance.

(b) PURPOSE.—The overall purpose of the activities shall be to accelerate research and development that enhances capabilities for human performance, human-systems integration, and training for the warfighter.

(c) PARTICIPANTS IN ACTIVITIES.—Participants in the activities may include the following:

(1) Elements of the Department of Defense engaged in science and technology activities.

(2) Program Executive Offices of the Department.

(3) Academia.

(4) The private sector.

(5) Such other participants as the Secretary considers appropriate.

SEC. 228. EXPANSION OF MISSION AREAS SUPPORTED BY MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS.

Section 217(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended—

(1) by redesignating paragraph (23) as paragraph (27); and

(2) by inserting after paragraph (22) the following new paragraphs:

"(23) Space.

"(24) Infrastructure resilience.

"(25) Photonics.

"(26) Autonomy.".

10 USC 2521 note.

SEC. 229. ADVANCED MANUFACTURING ACTIVITIES.

(a) DESIGNATION.—The Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Research and Engineering shall jointly, in coordination with Secretaries of the military departments, establish at least one activity per military service to demonstrate advanced manufacturing techniques and capabilities at depot-level activities or military arsenal facilities of the military departments.

(b) PURPOSES.—The activities established pursuant to subsection (a) shall—

(1) support efforts to implement advanced manufacturing techniques and capabilities;

(2) identify improvements to sustainment methods for component parts and other logistics needs;

(3) identify and implement appropriate information security protections to ensure security of advanced manufacturing;

(4) aid in the procurement of advanced manufacturing equipment and support services;

(5) enhance partnerships between the defense industrial base and Department of Defense laboratories, academic institutions, and industry; and

(6) to the degree practicable, include an educational or training component to build an advanced manufacturing workforce.

(c) COOPERATIVE AGREEMENTS AND PARTNERSHIPS.—

(1) IN GENERAL.—The Under Secretaries may enter into a cooperative agreement and use public-private and public-public partnerships to facilitate development of advanced manufacturing techniques in support of the defense industrial base.

(2) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) and a partnership used under such paragraph shall facilitate—

(A) development and implementation of advanced manufacturing techniques and capabilities;

(B) appropriate sharing of information in the adaptation of advanced manufacturing, including technical data rights;

(C) implementation of appropriate information security protections into advanced manufacturing tools and techniques; and

(D) support of necessary workforce development.

(d) AUTHORITIES.—In carrying out this section, the Under Secretaries may use the following authorities:

(1) Section 2196 of title 10, United States Code, relating to the Manufacturing Engineering Education Program.

(2) Section 2368 of such title, relating to centers for science, technology, and engineering partnership.

(3) Section 2374a of such title, relating to prizes for advanced technology achievements.

(4) Section 2474 of such title, relating to centers of industrial and technical excellence.

(5) Section 2521 of such title, relating to the Manufacturing Technology Program.

(6) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

(7) Such other authorities as the Under Secretaries considers appropriate.

SEC. 230. NATIONAL SECURITY INNOVATION ACTIVITIES.

10 USC 2358 note.

(a) ESTABLISHMENT.—The Under Secretary of Defense for Research and Engineering shall establish activities to develop interaction between the Department of Defense and the commercial technology industry and academia with regard to emerging hardware products and technologies with national security applications.

(b) ELEMENTS.—The activities required by subsection (a) shall include the following:

(1) Informing and encouraging private investment in specific hardware technologies of interest to future defense technology needs with unique national security applications.

(2) Funding research and technology development in hardware-intensive capabilities that private industry has not sufficiently supported to meet rapidly emerging defense and national security needs.

(3) Contributing to the development of policies, policy implementation, and actions to deter strategic acquisition of industrial and technical capabilities in the private sector by foreign entities that could potentially exclude companies from participating in the Department of Defense technology and industrial base.

(4) Identifying promising emerging technology in industry and academia for the Department of Defense for potential support or research and development cooperation.

(c) TRANSFER OF PERSONNEL AND RESOURCES.—

(1) IN GENERAL.—Subject to paragraph (2), the Under Secretary may transfer such personnel, resources, and authorities that are under the control of the Under Secretary as the Under Secretary considers appropriate to carry out the activities established under subsection (a) from other elements of the Department under the control of the Under Secretary or upon approval of the Secretary of Defense.

(2) CERTIFICATION.—The Under Secretary may only make a transfer of personnel, resources, or authorities under paragraph (1) upon certification by the Under Secretary that the activities established under paragraph (a) can attract sufficient private sector investment, has personnel with sufficient technical and management expertise, and has identified relevant technologies and systems for potential investment in order to carry out the activities established under subsection (a), independent of further government funding beyond this authorization.

(d) ESTABLISHMENT OF NONPROFIT ENTITY.—The Under Secretary may establish or fund a nonprofit entity to carry out the program activities under subsection (a).

(e) PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a detailed plan to carry out this section.

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

(A) A description of the additional authorities needed to carry out the activities set forth in subsection (b).

(B) Plans for transfers under subsection (c), including plans for private fund-matching and investment mechanisms, oversight, treatment of rights relating to technical data developed, and relevant dates and goals of such transfers.

(C) Plans for attracting the participation of the commercial technology industry and academia and how those plans fit into the current Department of Defense research and engineering enterprise.

(f) AUTHORITIES.—In carrying out this section, the Under Secretary may use the following authorities:

(1) Section 1711 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), relating to a pilot program on strengthening manufacturing in the defense industrial base.

(2) Section 1599g of title 10 of the United States Code, relating to public-private talent exchanges.

(3) Section 2368 of such title, relating to Centers for Science, Technology, and Engineering Partnerships.

(4) Section 2374a of such title, relating to prizes for advanced technology achievements.

(5) Section 2474 of such title, relating to Centers of Industrial and Technical Excellence.

(6) Section 2521 of such title, relating to the Manufacturing Technology Program.

(7) Subchapter VI of chapter 33 of title 5, United States Code, relating to assignments to and from States.

(8) Chapter 47 of such title, relating to personnel research programs and demonstration projects.

(9) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

(10) Such other authorities as the Under Secretary considers appropriate.

(g) NOTICE REQUIRED.—Not later than 15 days before the date on which the Under Secretary first exercises the authority granted under subsection (d) and not later than 15 days before the date on which the Under Secretary first obligates or expends any amount authorized under subsection (h), the Under Secretary shall notify the congressional defense committees of such exercise, obligation, or expenditure, as the case may be.

(h) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2019 for the Department of Defense by section 201 and subject to the availability of appropriations, up to $75,000,000 may be available to carry out this section.

SEC. 231. PARTNERSHIP INTERMEDIARIES FOR PROMOTION OF DEFENSE RESEARCH AND EDUCATION.

Section 2368 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) USE OF PARTNERSHIP INTERMEDIARIES TO PROMOTE DEFENSE RESEARCH AND EDUCATION.—(1) Subject to the approval of the Secretary or the head of the another department or agency

of the Federal Government concerned, the Director of a Center may enter into a contract, memorandum of understanding or other transition with a partnership intermediary that provides for the partnership intermediary to perform services for the Department of Defense that increase the likelihood of success in the conduct of cooperative or joint activities of the Center with industry or academic institutions.

"(2) In this subsection, the term 'partnership intermediary' means an agency of a State or local government, or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government, that assists, counsels, advises, evaluates, or otherwise cooperates with industry or academic institutions that need or can make demonstrably productive use of technology-related assistance from a Center.".

SEC. 232. LIMITATION ON USE OF FUNDS FOR SURFACE NAVY LASER WEAPON SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available by this Act may be used to exceed, in fiscal year 2019, a procurement quantity of one Surface Navy Laser Weapon System, also known as the High Energy Laser and Integrated Optical-dazzler with Surveillance (HELIOS), unless the Secretary of the Navy submits to the congressional defense committees a report on such system with the elements set forth in subsection (b).

(b) ELEMENTS.—The elements set forth in this subsection are, with respect to the system described in subsection (a), the following:

(1) A document setting forth the requirements for the system, including desired performance characteristics.

(2) An acquisition plan that includes the following:

(A) A program schedule to accomplish design completion, technology maturation, risk reduction, and other activities, including dates of key design reviews (such as Preliminary Design Review and Critical Design Review) and program initiation decision (such as Milestone B) if applicable.

(B) A contracting strategy, including requests for proposals, the extent to which contracts will be competitively awarded, option years, option quantities, option prices, and ceiling prices.

(C) The fiscal years of procurement and delivery for each engineering development model, prototype, or similar unit planned to be acquired.

(D) A justification for the fiscal years of procurement and delivery for each engineering development model, prototype, or similar unit planned to be acquired.

(3) A test plan and schedule sufficient to achieve operational effectiveness and operational suitability determinations (such as Early Operational Capability and Initial Operational Capability) related to the requirements set forth in paragraph (1).

(4) Associated funding and item quantities, disaggregated by fiscal year and appropriation, requested in the Fiscal Year 2019 Future Years Defense Program.

(5) An estimate of the acquisition costs, including the total costs for procurement, research, development, test, and evaluation.

SEC. 233. EXPANSION OF COORDINATION REQUIREMENT FOR SUPPORT FOR NATIONAL SECURITY INNOVATION AND ENTREPRENEURIAL EDUCATION.

Section 225(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2359 note) is amended by adding at the end the following new paragraphs:

"(16) The National Security Technology Accelerator.

"(17) The I-Corps Program.".

10 USC 2358 note.

SEC. 234. DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a quantum information science and technology research and development program.

(b) PURPOSES.—The purposes of the program required by subsection (a) are as follows:

(1) To ensure global superiority of the United States in quantum information science necessary for meeting national security requirements.

(2) To coordinate all quantum information science and technology research and development within the Department of Defense and to provide for interagency cooperation and collaboration on quantum information science and technology research and development between the Department of Defense and other departments and agencies of the United States and appropriate private sector entities that are involved in quantum information science and technology research and development.

(3) To develop and manage a portfolio of fundamental and applied quantum information science and technology and engineering research initiatives that is stable, consistent, and balanced across scientific disciplines.

(4) To accelerate the transition and deployment of technologies and concepts derived from quantum information science and technology research and development into the Armed Forces, and to establish policies, procedures, and standards for measuring the success of such efforts.

(5) To collect, synthesize, and disseminate critical information on quantum information science and technology research and development.

(6) To establish and support appropriate research, innovation, and industrial base, including facilities and infrastructure, to support the needs of Department of Defense missions and systems related to quantum information science and technology.

(c) ADMINISTRATION.—In carrying out the program required by subsection (a), the Secretary shall act through the Under Secretary of Defense for Research and Engineering, who shall supervise the planning, management, and coordination of the program. The Under Secretary, in consultation with the Secretaries of the military departments and the heads of participating Defense Agencies and other departments and agencies of the United States, shall—

(1) prescribe a set of long-term challenges and a set of specific technical goals for the program, including—

(A) optimization of analysis of national security data sets;

(B) development of defense related quantum computing algorithms;

(C) design of new materials and molecular functions;

(D) secure communications and cryptography, including development of quantum communications protocols;

(E) quantum sensing and metrology;

(F) development of mathematics relating to quantum enhancements to sensing, communications, and computing; and

(G) processing and manufacturing of low-cost, robust, and reliable quantum information science and technology-enabled devices and systems;

(2) develop a coordinated and integrated research and investment plan for meeting the near-, mid-, and long-term challenges with definitive milestones while achieving the specific technical goals that builds upon the Department's increased investment in quantum information science and technology research and development, commercial sector and global investments, and other United States Government investments in the quantum sciences;

(3) not later than 180 days after the date of the enactment of this Act, develop and continuously update guidance, including classification and data management plans for defense-related quantum information science and technology activities, and policies for control of personnel participating on such activities to minimize the effects of loss of intellectual property in basic and applied quantum science and information considered sensitive to the leadership of the United States in the field of quantum information science and technology; and

(4) develop memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2020, the Secretary shall submit to the congressional defense committees a report on the program, in both classified and unclassified format.

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

(A) A description of the knowledge-base of the Department with respect to quantum sciences, plans to defend against quantum based attacks, and any plans of the Secretary to enhance such knowledge-base.

(B) A plan that describes how the Secretary intends to use quantum sciences for military applications and to meet other needs of the Department.

(C) An assessment of the efforts of foreign powers to use quantum sciences for military applications and other purposes.

(D) A description of activities undertaken consistent with this section, including funding for activities consistent with the section.

(E) Such other matters as the Secretary considers appropriate.

SEC. 235. JOINT DIRECTED ENERGY TEST ACTIVITIES.

(a) TEST ACTIVITIES.—The Under Secretary of Defense for Research and Engineering shall, in the Under Secretary's capacity as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department of Defense pursuant to section 219(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note), develop, establish, and coordinate directed energy testing activities adequate to ensure the achievement by the Department of Defense of goals of the Department for developing and deploying directed energy systems to match national security needs.

(b) ELEMENTS.—The activity established under subsection (a) shall include the following:

(1) The High Energy Laser System Test Facility of the Army Test and Evaluation Command.

(2) Such other test resources and activities as the Under Secretary may designate for purposes of this section.

(c) DESIGNATION.—The test activities established under subsection (a) shall be considered part of the Major Range and Test Facility Base (as defined in 196(i) of title 10, United States Code).

(d) PRIORITIZATION OF EFFORT.—In developing and coordinating testing activities pursuant to subsection (a), the Under Secretary shall prioritize efforts consistent with the following:

(1) Paragraphs (2) through (5) of section 219(a) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2431 note).

(2) Enabling the standardized collection and evaluation of testing data to establish testing references and benchmarks.

(3) Concentrating sufficient personnel expertise of directed energy weapon systems in order to validate the effectiveness of new weapon systems against a variety of targets.

(4) Consolidating modern state-of-the-art testing infrastructure including telemetry, sensors, and optics to support advanced technology testing and evaluation.

(5) Formulating a joint lethality or vulnerability information repository that can be accessed by any of the military departments of Defense Agencies, similar to a Joint Munitions Effectiveness Manuals (JMEMs).

(6) Reducing duplication of directed energy weapon testing.

(7) Ensuring that an adequate workforce and adequate testing facilities are maintained to support missions of the Department of Defense.

10 USC 2358 note.

SEC. 236. REQUIREMENT FOR ESTABLISHMENT OF ARRANGEMENTS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS TO SUPPORT DEPARTMENT OF DEFENSE MISSIONS.

(a) IN GENERAL.—Subsection (a)(1) of section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended by striking "and each secretary of a military department may establish one or more" and inserting "shall, acting through the secretaries of the military departments, establish not fewer than three".

(b) EXTENSION.—Subsection (f) of such section is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 237. AUTHORITY FOR JOINT DIRECTED ENERGY TRANSITION OFFICE TO CONDUCT RESEARCH RELATING TO HIGH POWERED MICROWAVE CAPABILITIES.

Section 219(b)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended by inserting ", including high-powered microwaves," after "energy systems and technologies".

SEC. 238. JOINT ARTIFICIAL INTELLIGENCE RESEARCH, DEVELOPMENT, AND TRANSITION ACTIVITIES.

10 USC 2358 note.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a set of activities within the Department of Defense to coordinate the efforts of the Department to develop, mature, and transition artificial intelligence technologies into operational use.

(2) EMPHASIS.—The set of activities established under paragraph (1) shall apply artificial intelligence and machine learning solutions to operational problems and coordinate activities involving artificial intelligence and artificial intelligence enabled capabilities within the Department.

(b) DESIGNATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall designate a senior official of the Department with principal responsibility for the coordination of activities relating to the development and demonstration of artificial intelligence and machine learning for the Department.

(c) DUTIES.—The duties of the official designated under subsection (b) shall include the following:

(1) STRATEGIC PLAN.—Developing a detailed strategic plan to develop, mature, adopt, and transition artificial intelligence technologies into operational use. Such plan shall include the following:

(A) A strategic roadmap for the identification and coordination of the development and fielding of artificial intelligence technologies and key enabling capabilities.

(B) The continuous evaluation and adaptation of relevant artificial intelligence capabilities developed both inside the Department and in other organizations for military missions and business operations.

(2) ACCELERATION OF DEVELOPMENT AND FIELDING OF ARTIFICIAL INTELLIGENCE.—To the degree practicable, the designated official shall—

(A) use the flexibility of regulations, personnel, acquisition, partnerships with industry and academia, or other relevant policies of the Department to accelerate the development and fielding of artificial intelligence capabilities;

(B) ensure engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions;

(C) provide technical advice and support to entities in the Department and the military departments to optimize the use of artificial intelligence and machine learning technologies to meet Department missions;

(D) support the development of requirements for artificial intelligence capabilities that address the highest priority capability gaps of the Department and technical feasibility;

(E) develop and support capabilities for technical analysis and assessment of threat capabilities based on artificial intelligence;

(F) ensure that the Department has appropriate workforce and capabilities at laboratories, test ranges, and within the organic defense industrial base to support the artificial intelligence capabilities and requirements of the Department;

(G) develop classification guidance for all artificial intelligence related activities of the Department;

(H) work with appropriate officials to develop appropriate ethical, legal, and other policies for the Department governing the development and use of artificial intelligence enabled systems and technologies in operational situations; and

(I) ensure—

(i) that artificial intelligence programs of each military department and of the Defense Agencies are consistent with the priorities identified under this section; and

(ii) appropriate coordination of artificial intelligence activities of the Department with interagency, industry, and international efforts relating to artificial intelligence, including relevant participation in standards setting bodies.

(3) GOVERNANCE AND OVERSIGHT OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING POLICY.—Regularly convening appropriate officials across the Department—

(A) to integrate the functional activities of the organizations and elements of the Department with respect to artificial intelligence and machine learning;

(B) to ensure there are efficient and effective artificial intelligence and machine learning capabilities throughout the Department; and

(C) to develop and continuously improve research, innovation, policy, joint processes, and procedures to facilitate the development, acquisition, integration, advancement, oversight, and sustainment of artificial intelligence and machine learning throughout the Department.

(d) ACCESS TO INFORMATION.—The Secretary shall ensure that the official designated under subsection (b) has access to such information on programs and activities of the military departments and other Defense Agencies as the Secretary considers appropriate to carry out the coordination described in subsection (b) and the duties set forth in subsection (c).

(e) STUDY ON ARTIFICIAL INTELLIGENCE TOPICS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the official designated under subsection (b) shall—

(A) complete a study on past and current advances in artificial intelligence and the future of the discipline, including the methods and means necessary to advance the development of the discipline, to comprehensively

address the national security needs and requirements of the Department; and

(B) submit to the congressional defense committees a report on the findings of the designated official with respect to the study completed under subparagraph (A).

(2) CONSULTATION WITH EXPERTS.—In conducting the study required by paragraph (1)(A), the designated official shall consult with experts within the Department, other Federal agencies, academia, any advisory committee established by the Secretary that the Secretary determines appropriate based on the duties of the advisory committee and the expertise of its members, and the commercial sector, as the Secretary considers appropriate.

(3) ELEMENTS.—The study required by paragraph (1)(A) shall include the following:

(A) A comprehensive and national-level review of—

(i) advances in artificial intelligence, machine learning, and associated technologies relevant to the needs of the Department and the Armed Forces; and

(ii) the competitiveness of the Department in artificial intelligence, machine learning, and such technologies.

(B) Near-term actionable recommendations to the Secretary for the Department to secure and maintain technical advantage in artificial intelligence, including ways—

(i) to more effectively organize the Department for artificial intelligence;

(ii) to educate, recruit, and retain leading talent; and

(iii) to most effectively leverage investments in basic and advanced research and commercial progress in these technologies.

(C) Recommendations on the establishment of Departmentwide data standards and the provision of incentives for the sharing of open training data, including those relevant for research into systems that integrate artificial intelligence and machine learning with human teams.

(D) Recommendations for engagement by the Department with relevant agencies that will be involved with artificial intelligence in the future.

(E) Recommendations for legislative action relating to artificial intelligence, machine learning, and associated technologies, including recommendations to more effectively fund and organize the Department.

(f) DELINEATION OF DEFINITION OF ARTIFICIAL INTELLIGENCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall delineate a definition of the term "artificial intelligence" for use within the Department.

(g) ARTIFICIAL INTELLIGENCE DEFINED.—In this section, the term "artificial intelligence" includes the following:

(1) Any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets.

(2) An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring

human-like perception, cognition, planning, learning, communication, or physical action.

(3) An artificial system designed to think or act like a human, including cognitive architectures and neural networks.

(4) A set of techniques, including machine learning, that is designed to approximate a cognitive task.

(5) An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision making, and acting.

Subtitle C—Reports and Other Matters

SEC. 241. REPORT ON SURVIVABILITY OF AIR DEFENSE ARTILLERY.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Army to improve the survivability of air defense artillery, with a particular focus on the efforts of the Army to improve passive and active nonkinetic capabilities and training with respect to such artillery.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An analysis of the utility of relevant passive and active non-kinetic integrated air and missile defense capabilities, including tactical mobility, new passive and active sensors, signature reduction, concealment, and deception systems, and electronic warfare and high-powered radio frequency systems.

(2) An analysis of the utility of relevant active kinetic capabilities, such as a new, long-range counter-maneuvering threat missile and additional indirect fire protection capability units to defend Patriot and Terminal High Altitude Area Defense batteries.

(c) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 242. T–45 AIRCRAFT PHYSIOLOGICAL EPISODE MITIGATION ACTIONS.

Section 1063(b) of the National Defense Authorization Act for Fiscal Year 2018 (131 Stat. 1576; Public Law 115–91) is amended by adding at the end the following new paragraphs:

"(5) A list of all modifications to the T–45 aircraft and associated ground equipment carried out during fiscal years 2017 through 2019 to mitigate the risk of physiological episodes among T–45 crewmembers.

"(6) The results achieved by the modifications listed pursuant to paragraph (5), as determined by relevant testing and operational activities.

"(7) The cost of the modifications listed pursuant to paragraph (5).

"(8) Any plans of the Navy for future modifications to the T–45 aircraft that are intended to mitigate the risk of physiological episodes among T–45 crewmembers.".

SEC. 243. REPORT ON EFFORTS OF THE AIR FORCE TO MITIGATE PHYSIOLOGICAL EPISODES AFFECTING AIRCRAFT CREWMEMBERS.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on all efforts of the Air Force to reduce the occurrence of, and mitigate the risk posed by, physiological episodes affecting crewmembers of covered aircraft.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) information on the rate of physiological episodes affecting crewmembers of covered aircraft;

(2) a description of the specific actions carried out by the Air Force to address such episodes, including a description of any upgrades or other modifications made to covered aircraft to address such episodes;

(3) schedules and cost estimates for any upgrades or modifications identified under paragraph (3); and

(4) an explanation of any organizational or other changes to the Air Force carried out to address such physiological episodes.

(c) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means—

(1) F–35A aircraft of the Air Force;

(2) T–6A aircraft of the Air Force; and

(3) any other aircraft of the Air Force as determined by the Secretary of the Air Force.

SEC. 244. REPORT ON DEFENSE INNOVATION UNIT EXPERIMENTAL.

Not later than May 1, 2019, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a report on Defense Innovation Unit Experimental (in this section referred to as the "Unit"). Such a report shall include the following:

(1) The integration of the Unit into the broader Department of Defense research and engineering community to coordinate and de-conflict activities of the Unit with similar activities of the military departments, Defense Agencies, Department of Defense laboratories, the Defense Advanced Research Project Agency, the Small Business Innovation Research Program, and other entities.

(2) The metrics used to measure the effectiveness of the Unit and the results of these metrics.

(3) The number and types of transitions by the Unit to the military departments or fielded to the warfighter.

(4) The impact of the Unit's initiatives, outreach, and investments on Department of Defense access to technology leaders and technology not otherwise accessible to the Department including—

(A) identification of—

(i) the number of non-traditional defense contractors with Department of Defense contracts or other transactions resulting directly from the Unit's initiatives, investments, or outreach; and

(ii) the number of traditional defense contractors with contracts or other transactions resulting directly from the Unit's initiatives;

(B) the number of innovations delivered into the hands of the warfighter; and

(C) how the Department is notifying its internal components about participation in the Unit.

(5) The workforce strategy of the Unit, including whether the Unit has appropriate personnel authorities to attract and retain talent with technical and business expertise.

(6) How the Department of Defense is documenting and institutionalizing lessons learned and best practices of the Unit to alleviate the systematic problems with technology access and timely contract or other transaction execution.

(7) An assessment of management and bureaucratic challenges to the effective and efficient execution of the Unit's missions, especially with respect to contracting and personnel management.

SEC. 245. MODIFICATION OF FUNDING CRITERIA UNDER HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS PROGRAM.

Section 2362(d) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "PRIORITY" and inserting "CRITERIA"; and

(2) by striking "give priority in providing" and inserting "limit".

SEC. 246. REPORT ON OA–X LIGHT ATTACK AIRCRAFT APPLICABILITY TO PARTNER NATION SUPPORT.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on the OA–X light attack aircraft experiment and how the program incorporates partner nation requirements.

(b) ELEMENTS.—The report under subsection (a) shall include a description of—

(1) how the OA–X light attack experiment will support partner nations' low-cost counter terrorism light attack capability;

(2) the extent to which the attributes of affordability, interoperability, sustainability, and simplicity of maintenance and operations are included in the requirements for the OA–X; and

(3) how Federal Aviation Administration certification and a reasonable path for military type certifications for commercial derivative aircraft are factored into foreign military sales for a partner nation.

SEC. 247. REPORTS ON COMPARATIVE CAPABILITIES OF ADVERSARIES IN KEY TECHNOLOGY AREAS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of the Defense Intelligence Agency, submit to the appropriate committees of Congress a set of classified reports that set forth a direct comparison between the capabilities of the United States in emerging technology areas and the capabilities of adversaries of the United States in such areas.

(b) ELEMENTS.—The reports required by subsection (a) shall include, for each technology area covered, the following:

(1) An evaluation of spending by the United States and adversaries on such technology.

(2) An evaluation of the quantity and quality of research on such technology.

(3) An evaluation of the test infrastructure and workforce supporting such technology.

(4) An assessment of the technological progress of the United States and adversaries on such technology.

(5) Descriptions of timelines for operational deployment of such technology.

(6) An assessment of the intent or willingness of adversaries to use such technology.

(c) TECHNICAL AREAS.—The Secretary shall ensure that the reports submitted under subsection (a) cover the following:

(1) Hypersonics.

(2) Artificial intelligence.

(3) Quantum information science.

(4) Directed energy weapons.

(5) Such other emerging technical areas as the Secretary considers appropriate.

(d) COORDINATION.—The Secretary shall prepare the reports in coordination with other appropriate officials of the intelligence community and with such other partners in the technology areas covered by the reports as the Secretary considers appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 248. REPORT ON ACTIVE PROTECTION SYSTEMS FOR ARMORED COMBAT AND TACTICAL VEHICLES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on technologies related to active protection systems (APS) for armored combat and tactical vehicles.

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

(1) With respect to the active protection systems that the Army has recently tested on the M1A2 Abrams, the M2A3 Bradley, and the STRYKER, the following:

(A) An assessment of the effectiveness of such systems.

(B) Plans of the Secretary to further test such systems.

(C) Proposals for future development of such systems.

(D) A timeline for fielding such systems.

(2) Plans for how the Army will incorporate active protection systems into new armored combat and tactical vehicle designs, such as Mobile Protection Firepower (MPF), Armored Multi-Purpose Vehicle (AMPV), and Next Generation Combat Vehicle (NGCV).

SEC. 249. NEXT GENERATION COMBAT VEHICLE.

(a) PROTOTYPE.—The Secretary of the Army shall take appropriate actions to ensure that all necessary resources are planned

and programmed for accelerated prototyping, component development, testing, or acquisition for the Next Generation Combat Vehicle (NGCV).

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2019, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the development of the Next Generation Combat Vehicle.

(2) ANALYSIS.—

(A) IN GENERAL.—The report required by paragraph (1) shall include a thorough analysis of the requirements of the Next Generation Combat Vehicle.

(B) RELEVANCE TO NATIONAL DEFENSE STRATEGY.—In carrying out subparagraph (A), the Secretary shall ensure that the requirements are relevant to the most recently published National Defense Strategy.

(C) THREATS AND TERRAIN.—The Secretary shall ensure that the analysis includes consideration of threats and terrain.

(D) COMPONENT TECHNOLOGIES.—The Secretary shall ensure that the analysis includes consideration of the latest enabling component technologies developed by the Tank Automotive, Research, Development, Engineering Center of the Army that have the potential to dramatically change basic combat vehicle design and improve lethality, protection, mobility, range, and sustainment.

(c) LIMITATION.—Of the funds authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, testing, and evaluation, Army, for the Next Generation Combat Vehicle, not more than 90 percent may be obligated or expended until the Secretary submits the report required by subsection (b).

SEC. 250. MODIFICATION OF REPORTS ON MECHANISMS TO PROVIDE FUNDS TO DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

Subsection (c) of section 2363 of title 10, United States Code, is amended to read as follows:

"(c) RELEASE AND DISSEMINATION OF INFORMATION ON CONTRIBUTIONS FROM USE OF AUTHORITY TO MILITARY MISSIONS.—

"(1) COLLECTION OF INFORMATION.—The Secretary shall establish and maintain mechanisms for the continuous collection of information on achievements, best practices identified, lessons learned, and challenges arising in the exercise of the authority in this section.

"(2) RELEASE OF INFORMATION.—The Secretary shall establish and maintain mechanisms as follows:

"(A) Mechanisms for the release to the public of information on achievements and best practices described in paragraph (1) in unclassified form.

"(B) Mechanisms for dissemination to appropriate civilian and military officials of information on achievements and best practices described in paragraph (1) in classified form.".

SEC. 251. BRIEFINGS ON MOBILE PROTECTED FIREPOWER AND FUTURE VERTICAL LIFT PROGRAMS.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of the Army shall provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the requirements of the Army for Mobile Protected Firepower (MPF) and Future Vertical Lift (FVL).

(b) CONTENTS.—The briefing provided pursuant to subsection (a) shall include the following:

(1) With respect to the Mobile Protected Firepower program, the following:

(A) An explanation of how Mobile Protected Firepower could survive against the effects of anti-armor and anti-aircraft networks established within anti-access, area-denial defenses.

(B) An explanation of how Mobile Protected Firepower would improve offensive overmatch against a peer adversary.

(C) Details regarding the total number of Mobile Protected Firepower systems needed by the Army.

(D) An explanation of how the Mobile Protected Firepower system will be logistically supported within light formations.

(E) Plans to integrate active protection systems into the designs of the Mobile Protected Firepower program.

(2) With respect to the Future Vertical Lift program, the following:

(A) An explanation of how Future Vertical Lift could survive against the effects of anti-aircraft networks established within anti-access, area-denial defenses.

(B) An explanation of how Future Vertical Lift would improve offensive overmatch against a peer adversary.

(C) A review of the doctrine, organization, training, materiel, leadership, education, personnel, and facilities applicable to determine the total number of Future Vertical Lift Capability Set 1 or Future Attack Reconnaissance Aircraft (FARA), required by the Army.

(D) An implementation plan for the establishment of Future Vertical Lift, including a timeline for achieving initial and full operational capability.

(E) A description of the budget requirements for Future Vertical Lift to reach full operational capability, including an identification and cost of any infrastructure and equipment requirements.

(F) A detailed list of all analysis used to determine the priority of Future Vertical Lift and which programs were terminated, extended, de-scoped, or delayed in order to fund Future Vertical Lift Capability Set 1 or Future Attack Reconnaissance Aircraft in the Future Year's Defense Plan.

(G) An assessment of the analysis of alternatives on the Future Vertical Lift Capability Set 3 program.

(H) An identification of any additional authorities that may be required for achieving full operational capability of Future Vertical Lift.

(I) Any other matters deemed relevant by the Secretary.

SEC. 252. IMPROVEMENT OF THE AIR FORCE SUPPLY CHAIN.

(a) IN GENERAL.—The Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics may use funds described in subsection (b) as follows:

(1) For nontraditional technologies and sustainment practices (such as additive manufacturing, artificial intelligence, predictive maintenance, and other software-intensive and software-defined capabilities) to—

(A) increase the availability of aircraft to the Air Force; and

(B) decrease backlogs and lead times for the production of parts for such aircraft.

(2) To advance the qualification, certification, and integration of additive manufacturing into the Air Force supply chain.

(3) To otherwise identify and reduce supply chain risk for the Air Force.

(4) To define workforce development requirements and training for personnel who implement and support additive manufacturing for the Air Force at the warfighter, end-item designer and equipment operator, and acquisition officer levels.

(b) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2019 by section 201 for research, development, test, and evaluation for the Air Force and available for Tech Transition Program (Program Element (0604858F)), up to $42,800,000 may be available as described in subsection (a).

10 USC note prec. 2001.

SEC. 253. REVIEW OF GUIDANCE ON BLAST EXPOSURE DURING TRAINING.

(a) INITIAL REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review the decibel level exposure, concussive effects exposure, and the frequency of exposure to heavy weapons fire of an individual during training exercises to establish appropriate limitations on such exposures.

(b) ELEMENTS.—The review required by subsection (a) shall take into account current data and evidence on the cognitive effects of blast exposure and shall include consideration of the following:

(1) The impact of exposure over multiple successive days of training.

(2) The impact of multiple types of heavy weapons being fired in close succession.

(3) The feasibility of cumulative annual or lifetime exposure limits.

(4) The minimum safe distance for observers and instructors.

(c) UPDATED TRAINING GUIDANCE.—Not later than 180 days after the date of the completion of the review under subsection (a), each Secretary of a military department shall update any relevant training guidance to account for the conclusions of the review.

(d) UPDATED REVIEW.—

(1) IN GENERAL.—Not later than two years after the initial review conducted under subsection (a), and not later than two years thereafter, the Secretary of Defense shall conduct an updated review under such subsection, including consideration

of the matters set forth under subsection (b), and update training guidance under subsection (c).

(2) CONSIDERATION OF NEW RESEARCH AND EVIDENCE.—Each updated review conducted under paragraph (1) shall take into account new research and evidence that has emerged since the previous review.

(e) BRIEFING REQUIRED.—The Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on a summary of the results of the initial review under subsection (a), each updated review conducted under subsection (d), and any updates to training guidance and procedures resulting from any such review or updated review.

SEC. 254. COMPETITIVE ACQUISITION STRATEGY FOR BRADLEY FIGHTING VEHICLE TRANSMISSION REPLACEMENT.

(a) PLAN REQUIRED.—The Secretary of the Army shall develop a strategy to competitively procure a new transmission for the Bradley Fighting Vehicle family of vehicles.

(b) ADDITIONAL STRATEGY REQUIREMENTS.—The plan required by subsection (a) shall include the following:

(1) An analysis of the potential cost savings and performance improvements associated with developing or procuring a new transmission common to the Bradley Fighting Vehicle family of vehicles, including the Armored Multipurpose Vehicle and the Paladin Integrated Management artillery system.

(2) A plan to use full and open competition as required by the Federal Acquisition Regulation.

(c) TIMELINE.—Not later than February 15, 2019, the Secretary of the Army shall submit to the congressional defense committees the strategy developed under subsection (a).

(d) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2019 by this Act for Weapons and Tracked Combat Vehicles, Army, may be obligated or expended to procure a Bradley Fighting Vehicle replacement transmission until the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees the plan required by subsection (a).

SEC. 255. INDEPENDENT ASSESSMENT OF ELECTRONIC WARFARE PLANS AND PROGRAMS.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the private scientific advisory group known as "JASON" to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 120 days after the date of the enactment of this Act.

(b) INDEPENDENT ASSESSMENT.—Under an agreement between the Secretary and JASON under this section, JASON shall—

(1) assess the strategies, programs, order of battle, and doctrine of the Department of Defense related to the electronic warfare mission area and electromagnetic spectrum operations;

(2) assess the strategies, programs, order of battle, and doctrine of potential adversaries, such as China, Iran, and the Russian Federation, related to the same;

(3) develop recommendations for improvements to the strategies, programs, and doctrine of the Department of Defense

in order to enable the United States to achieve and maintain superiority in the electromagnetic spectrum in future conflicts; and

(4) develop recommendations for the Secretary, Congress, and such other Federal entities as JASON considers appropriate, including recommendations for—

(A) closing technical, policy, or resource gaps;

(B) improving cooperation and appropriate integration within the Department of Defense entities;

(C) improving cooperation between the United States and other countries and international organizations as appropriate; and

(D) such other important matters identified by JASON that are directly relevant to the strategies of the Department of Defense described in paragraph (3).

(c) LIAISONS.—The Secretary shall appoint appropriate liaisons to JASON to support the timely conduct of the services covered by this section.

(d) MATERIALS.—The Secretary shall provide access to JASON to materials relevant to the services covered by this section, consistent with the protection of sources and methods and other critically sensitive information.

(e) CLEARANCES.—The Secretary shall ensure that appropriate members and staff of JASON have the necessary clearances, obtained in an expedited manner, to conduct the services covered by this section.

(f) REPORT.—Not later than October 1, 2019, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of JASON with respect to the assessments carried out under subsection (b); and

(2) the recommendations developed by JASON pursuant to such subsection.

(g) ALTERNATE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable within the period prescribed in paragraph (2) of subsection (a) to enter into an agreement described in paragraph (1) of such subsection with JASON on terms acceptable to the Secretary, the Secretary shall seek to enter into such agreement with another appropriate scientific organization that—

(A) is not part of the government; and

(B) has expertise and objectivity comparable to that of JASON.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to JASON shall be treated as a reference to the other organization.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Explosive Ordnance Disposal Defense Program.
Sec. 312. Further improvements to energy security and resilience.

Sec. 313. Use of proceeds from sales of electrical energy derived from geothermal resources for projects at military installations where resources are located.
Sec. 314. Operational energy policy.
Sec. 315. Funding of study and assessment of health implications of per- and polyfluoroalkyl substances contamination in drinking water by agency for toxic substances and disease registry.
Sec. 316. Extension of authorized periods of permitted incidental takings of marine mammals in the course of specified activities by Department of Defense.
Sec. 317. Department of Defense environmental restoration programs.
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Subtitle C—Logistics and Sustainment

Sec. 321. Authorizing use of working capital funds for unspecified minor military construction projects related to revitalization and recapitalization of defense industrial base facilities.
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Subtitle D—Reports

Sec. 331. Reports on readiness.
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Sec. 337. Report on wildfire suppression capabilities of active and reserve components.
Sec. 338. Report on relocation of steam turbine production from Nimitz-class and Ford-class aircraft carriers and Virginia-class and Columbia-class submarines.
Sec. 339. Report on Specialized Undergraduate Pilot Training production, resourcing, and locations.
Sec. 340. Report on Air Force airfield operational requirements.
Sec. 341. Report on Navy surface ship repair contract costs.

Subtitle E—Other Matters

Sec. 351. Coast Guard representation on explosive safety board.
Sec. 352. Transportation to continental United States of retired military working dogs outside the continental United States that are suitable for adoption in the United States.
Sec. 353. Scope of authority for restoration of land due to mishap.
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Sec. 357. Reporting on future years budgeting by subactivity group.
Sec. 358. Limitation on availability of funds for service-specific Defense Readiness Reporting Systems.
Sec. 359. Prioritization of environmental impacts for facilities sustainment, restoration, and modernization demolition.
Sec. 360. Sense of Congress relating to Soo Locks, Sault Sainte Marie, Michigan.
Sec. 361. U.S. Special Operations Command Civilian Personnel.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PROGRAM.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, as amended by section 851, is further amended by inserting after section 2283, as added by such section 851, the following new section:

10 USC 2284.

"SEC. 2284. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PROGRAM.

"(a) IN GENERAL.—The Secretary of Defense shall carry out a program to be known as the 'Explosive Ordnance Disposal Defense Program' (in this section referred to as the 'Program') under which the Secretary shall ensure close and continuous coordination between military departments on matters relating to explosive ordnance disposal support for commanders of geographic and functional combatant commands.

"(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The plan under subsection (a) shall include provisions under which—

"(1) the Secretary of Defense shall—

"(A) assign the responsibility for the direction, coordination, integration of the Program within the Department of Defense to an Assistant Secretary of Defense;

"(B) the Assistant Secretary of Defense to whom responsibility is assigned under paragraph (1) shall serve as the key individual for the Program responsible for developing and overseeing policy, plans, programs, and budgets, and issuing guidance and providing direction on Department of Defense explosive ordnance disposal activities;

"(C) designate the Secretary of the Navy, or a designee of the Secretary's choice, as the executive agent for the Department of Defense responsible for providing oversight of the joint program executive officer who coordinates and integrates joint requirements for explosive ordnance disposal and carries out joint research, development, test, and evaluation and procurement activities on behalf of the military departments and combatant commands with respect to explosive ordnance disposal;

"(D) designate a combat support agency to exercise fund management responsibility of the Department of Defense-wide program element for explosive ordnance disposal research, development, test, and evaluation, transactions other than contracts, cooperative agreements, and grants related to section 2371 of this title during research projects including rapid prototyping and limited procurement urgent activities, and acquisition; and

"(E) designate an Army explosive ordnance disposal-qualified general officer from the combat support agency designated under subparagraph (D) to serve as the Chairman of the Department of Defense explosive ordnance disposal defense program board; and

"(2) the Secretary of each military department shall assess the needs of the military department concerned with respect to explosive ordnance disposal and may carry out research, development, test, and evaluation activities, including other transactions and procurement activities to address military department unique needs such as weapon systems, manned and unmanned vehicles and platforms, cyber and communication equipment, and the integration of explosive ordnance disposal sets, kits and outfits and explosive ordnance disposal tools, equipment, sets, kits, and outfits developed by the department.

"(c) ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—

"(1) For fiscal year 2021 and each fiscal year thereafter, the Secretary of Defense shall submit to Congress with the defense budget materials a consolidated budget justification display, in classified and unclassified form, that includes all of activities of the Department of Defense relating to the Program.

"(2) The budget display under paragraph (1) for a fiscal year shall include a single program element for each of the following:

"(A) Civilian and military pay.

"(B) Research, development, test, and evaluation.

"(C) Procurement.

"(D) Other transaction agreements.

"(E) Military construction.

"(3) The budget display shall include funding data for each of the military department's respective activities related to explosive ordnance disposal, including—

"(A) operation and maintenance; and

"(B) overseas contingency operations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 851, is further amended by inserting after the item relating to section 2283, as added by such section 851, the following new section:

10 USC prec. 2281.

"2284. Explosive Ordnance Disposal Defense Program.".

SEC. 312. FURTHER IMPROVEMENTS TO ENERGY SECURITY AND RESILIENCE.

(a) ENERGY POLICY AUTHORITY.—Section 2911(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

"(1) establish metrics and standards for the assessment of energy resilience;

"(2) require the Secretary of a military department to perform mission assurance and readiness assessments of energy power systems for mission critical assets and supporting infrastructure, applying uniform mission standards established by the Secretary of Defense;".

(b) REPORTING ON ENERGY SECURITY AND RESILIENCE GOALS.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall include the energy security and resilience goals of the Department of Defense in the installation energy report submitted under section 2925(a) of this title for fiscal year 2018 and every fiscal year thereafter. In the development of energy security and resilience goals, the Department of Defense shall conform with the definitions of energy security and resilience under this title. The report shall include the amount of critical energy load, together with the level of availability and reliability by fiscal year the Department of Defense deems necessary to achieve energy security and resilience.".

(c) REPORTING ON INSTALLATIONS ENERGY MANAGEMENT, ENERGY RESILIENCE, AND MISSION ASSURANCE.—Section 2925(a) of title 10, United States Code, is amended—

(1) by inserting ", including progress on energy resilience at military installations according to metrics developed by the Secretary" after "under section 2911 of this title";

(2) in paragraph (3), by striking "the mission requirements associated with disruption tolerances based on risk to mission" and inserting "the downtimes (in minutes or hours) these missions can afford based on their mission requirements and risk tolerances";

(3) in paragraph (4), by inserting "(including critical energy loads in megawatts and the associated downtime tolerances for critical energy loads)" after "energy requirements and critical energy requirements";

(4) by redesignating paragraph (5) as paragraph (7); and

(5) by inserting after paragraph (4) the following new paragraphs:

"(5) A list of energy resilience projects awarded by the Department of Defense by military department and military installation, whether appropriated or alternative financed for the reporting fiscal year, including project description, award date, the critical energy requirements serviced (including critical energy loads in megawatts), expected reliability of the project (as indicated in the awarded contract), life cycle costs, savings to investment, fuel type, and the type of appropriation or alternative financing used.

"(6) A list of energy resilience projects planned by the Department of Defense by military department and military installation, whether appropriated or alternative financed for the next two fiscal years, including project description, fuel type, expected award date, and the type of appropriation or alternative financing expected for use.".

(d) INCLUSION OF ENERGY SECURITY AND RESILIENCE AS PRIORITIES IN CONTRACTS FOR ENERGY OR FUEL FOR MILITARY INSTALLATIONS.—Section 2922a(d) of title 10, United States Code, is amended to read as follows:

"(d) The Secretary concerned shall ensure energy security and resilience are prioritized and included in the provision and operation of energy production facilities under this section.".

(e) CONVEYANCE AUTHORITY FOR UTILITY SYSTEMS.—Section 2688 of title 10, United States Code, is amended—

(1) in subsection (d)(2), by adding at the end the following: "The business case analysis must also demonstrate how a

privatized system will operate in a manner consistent with subsection (g)(3).''; and

(2) in subsection (g)(3)—

(A) by striking ''may require'' and inserting ''shall require''; and

(B) by striking ''consistent with energy resilience requirements and metrics'' and inserting ''consistent with energy resilience and cybersecurity requirements and associated metrics''.

(f) MODIFICATION OF ENERGY RESILIENCE DEFINITION.—Section 101(e)(6) of title 10, United States Code, is amended by striking ''task critical assets and other''.

(g) AUTHORITY TO ACCEPT ENERGY PERFORMANCE FINANCIAL INCENTIVES FROM STATE AND LOCAL GOVERNMENTS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''a State or local government'' after ''generally available from''.

(h) USE OF ENERGY COST SAVINGS TO IMPLEMENT ENERGY RESILIENCE AND ENERGY CONSERVATION CONSTRUCTION PROJECTS.—Section 2912(b)(1) of title 10, United States Code, is amended by inserting '', including energy resilience and energy conservation construction projects,'' after ''energy security measures''.

(i) ADDITIONAL BASIS FOR PRESERVATION OF PROPERTY IN THE VICINITY OF MILITARY INSTALLATIONS IN AGREEMENTS WITH NON-FEDERAL ENTITIES ON USE OF SUCH PROPERTY.—Section 2684a(a)(2)(B) of title 10, United States Code, is amended—

(1) by striking ''(B)'' and inserting ''(B)(i)''; and

(2) by adding at the end of the following new clause:

''(ii) maintains or improves military installation resilience; or''.

SEC. 313. USE OF PROCEEDS FROM SALES OF ELECTRICAL ENERGY DERIVED FROM GEOTHERMAL RESOURCES FOR PROJECTS AT MILITARY INSTALLATIONS WHERE RESOURCES ARE LOCATED.

Subsection (b) of section 2916 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''Proceeds'' and inserting ''Except as provided in paragraph (3), proceeds''; and

(2) by adding at the end the following new paragraph:

''(3) In the case of proceeds from a sale of electrical energy generated from any geothermal energy resource—

''(A) 50 percent shall be credited to the appropriation account described in paragraph (1); and

''(B) 50 percent shall be deposited in a special account in the Treasury established by the Secretary concerned which shall be available, for military construction projects described in paragraph (2) or for installation energy or water security projects directly coordinated with local area energy or groundwater governing authorities, for the military installation in which the geothermal energy resource is located.''.

SEC. 314. OPERATIONAL ENERGY POLICY.

(a) IN GENERAL.—Section 2926 of title 10, United States Code, is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (c), (d), (e), (f), respectively;

(2) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

"(a) OPERATIONAL ENERGY POLICY.—In carrying out section 2911(a) of this title, the Secretary of Defense shall ensure the types, availability, and use of operational energy promote the readiness of the armed forces for their military missions.

"(b) AUTHORITIES.—The Secretary of Defense may—

"(1) require the Secretary of a military department or the commander of a combatant command to assess the energy supportability of systems, capabilities, and plans;

"(2) authorize the use of energy security, cost of backup power, and energy resilience as factors in the cost-benefit analysis for procurement of operational equipment; and

"(3) in selecting equipment that will use operational energy, give favorable consideration to the acquisition of equipment that enhances energy security, energy resilience, energy conservation, and reduces logistical vulnerabilities."; and

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

(A) in the subsection heading, by striking "ALTERNATIVE FUEL ACTIVITIES" and inserting "FUNCTIONS OF THE ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT";

(B) by striking "heads of the military departments and the Assistant Secretary of Defense for Research and Engineering" and inserting "heads of the appropriate Department of Defense components";

(C) in paragraph (1), by striking "lead the alternative fuel activities" and inserting "oversee the operational energy activities";

(D) in paragraph (2), by striking "regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense" and inserting "regarding the policies and investments that affect the use of operational energy across the Department of Defense";

(E) in paragraph (3), by striking "prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense" and inserting "recommend to the Secretary policy to improve warfighting capability through energy security and energy resilience"; and

(F) in paragraph (5), by striking "subsection (c)(4)" and inserting "subsection (e)(4)".

(b) CONFORMING AMENDMENTS.—(1) Section 2925(b)(1) of title 10, United States Code, is amended by striking "section 2926(b)" and inserting "section 2926(d)".

(2) Section 1061(c)(55) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) is amended by striking "Section 2926(c)(4)" and inserting "Section 2926(e)(4)".

SEC. 315. FUNDING OF STUDY AND ASSESSMENT OF HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

(a) FUNDING.—Paragraph (2) of section 316(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended to read as follows:

"(2) FUNDING.—

"(A) SOURCE OF FUNDS.—The study and assessment performed pursuant to this section may be paid for using funds authorized to be appropriated to the Department of Defense under the heading 'Operation and Maintenance, Defense-Wide'.

"(B) TRANSFER AUTHORITY.—(i) Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2018, not more than $10,000,000 shall be transferred by the Secretary of Defense, without regard to section 2215 of title 10, United States Code, to the Secretary of Health and Human Services to pay for the study and assessment required by this section.

"(ii) Without regard to section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $10,000,000 a year during fiscal years 2019 and 2020 to the Secretary of Health and Human Services to pay for the study and assessment required by this section.

"(C) EXPENDITURE AUTHORITY.—Amounts transferred to the Secretary of Health and Human Services shall be used to carry out the study and assessment under this section through contracts, cooperative agreements, or grants. In addition, such funds may be transferred by the Secretary of Health and Human Services to other accounts of the Department for the purposes of carrying out this section.

"(D) RELATIONSHIP TO OTHER TRANSFER AUTHORITIES.—The transfer authority provided under this paragraph is in addition to any other transfer authority available to the Department of Defense.".

(b) REPORT TO CONGRESS ON DEPARTMENT OF DEFENSE ASSESSMENT AND REMEDIATION PLAN.—Not later than 180 days after the date on which the Administrator of the Environmental Protection Agency establishes a maximum contaminant level for per- and polyfluoroalkyl substances (PFAS) contamination in drinking water in a national primary drinking water regulation under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1), the Secretary of Defense shall submit to the congressional defense committees a report containing a plan to—

(1) assess any contamination at Department of Defense installations and surrounding communities that may have occurred from PFAS usage by the Department of Defense;

(2) identify any remediation actions the Department plans to undertake using the maximum contaminant level established by the Environmental Protection Agency;

(3) provide an estimate of the cost of such remediation and a schedule for accomplishing such remediation; and

(4) provide an assessment of past expenditures by local water authorities to address contamination before the Environmental Protection Agency established a maximum contaminant level and an estimate of the cost to reimburse communities that remediated water to a level not greater than such level.

(c) ASSESSMENT OF HEALTH EFFECTS OF PFAS EXPOSURE.—The Secretary of Defense shall conduct an assessment of the human health implications of PFAS exposure. Such assessment shall include—

(1) a meta-analysis that considers the current scientific evidence base linking the health effects of PFAS on individuals who served as members of the Armed Forces and were exposed to PFAS at military installations;

(2) an estimate of the number of members of the Armed Forces and veterans who may have been exposed to PFAS while serving in the Armed Forces;

(3) the development of a process that would facilitate the transfer between the Department of Defense and the Department of Veterans Affairs of health information of individuals who served in the Armed Forces and may have been exposed to PFAS during such service; and

(4) a description of the amount of funding that would be required to administer a potential registry of individuals who may have been exposed to PFAS while serving in the Armed Forces.

SEC. 316. EXTENSION OF AUTHORIZED PERIODS OF PERMITTED INCIDENTAL TAKINGS OF MARINE MAMMALS IN THE COURSE OF SPECIFIED ACTIVITIES BY DEPARTMENT OF DEFENSE.

Section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(A)) is amended—

(1) in clause (i), by striking "Upon request" and inserting "Except as provided by clause (ii), upon request";

(2) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(3) by inserting after clause (i) the following new clause (ii):

"(ii) In the case of a military readiness activity (as defined in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 16 U.S.C. 703 note), clause (i) shall be applied—

"(I) in the matter preceding clause (I), by substituting 'seven consecutive years' for 'five consecutive years'; and

"(II) in clause (I), by substituting 'seven-year' for 'five-year'.".

SEC. 317. DEPARTMENT OF DEFENSE ENVIRONMENTAL RESTORATION PROGRAMS.

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

(1) The Department of Defense has identified nearly 39,500 sites that fall under the installation restoration program sites and munitions response sites.

(2) The installation response program addresses contamination from hazardous substances, pollutants, or contaminants and active military installations, formerly used defense site properties, and base realignment and closure locations in the United States.

(3) Munitions response sites are known or suspected to contain unexploded ordnance, discarded military munitions, or munitions constitutes are addressed through the military munitions response program.

(4) The installation restoration program sites and munitions response sites have had significant impacts on state and local governments that have had to bear the increased costs of environmental degradation, notably groundwater contamination, and local populations that have had to live with the consequences of contaminated drinking, including increased health concerns and decreasing property values.

(5) Through the end of fiscal year 2017, the Department of Defense had achieved response complete at 86 percent of installation restoration program sites and munitions response sites, but projects that it will fall short of meeting its goal of 90 percent by the end of fiscal year 2018.

(6) The fiscal year 2019 budget request for environmental restoration and base realignment and closure amounted to nearly $1,318,320,000, a decrease of $53,429,000 from the amount authorized in the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the environmental restoration and base realignment and closure programs are important for the protection of the environment, the health of the military and civilian personnel and their families who live and work on military installations, to ensure that current and legacy military operations do not adversely affect the health or environments of surrounding communities;

(2) the Department of Defense and the Armed Forces should seek to reduce the financial burden on state and local government who are bearing significant costs of cleanup stemming from defense related activities;

(3) the Department of Defense and the Armed Forces should expedite and streamline cleanup at locations where contamination is having a direct impact on civilian access to clean drinking water;

(4) the Department of Defense and the Armed Forces should continue to engage with and help allay local community concerns about the safety of the drinking water due to environmental degradation caused by defense related activities; and

(5) the Department of Defense should seek opportunities to accelerate environmental restoration efforts where feasible, to include programming additional resources for response actions, investing in technology solutions that may expedite response actions, improving contracting procedures, increasing contracting capacity, and seeking opportunities for partnerships and other cooperative approaches.

SEC. 318. JOINT STUDY ON THE IMPACT OF WIND FARMS ON WEATHER RADARS AND MILITARY OPERATIONS.

(a) IN GENERAL.—The Secretary of Defense shall enter into an arrangement with the National Oceanic and Atmospheric Administration to conduct a study on how to improve existing National Oceanic and Atmospheric Administration and National Weather Service tools to reflect the latest data and policies to improve consistency in weather radars, with a focus on a research

and development and field test evaluation program to validate existing mitigation options and develop additional options for weather radar impact, in collaboration with the National Weather Service, the Department of Energy, and the Federal Aviation Administration, and with input from academia and industry.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall include the following:

(1) The potential impacts of wind farms on NEXRAD radars and other Federal radars for weather forecasts and warnings used by the Department of Defense, the National Oceanic and Atmospheric Administration, and the National Weather Service.

(2) Recommendations to reduce, mitigate, or eliminate the potential impacts.

(3) Recommendations for addressing the impacts to NEXRADs and weather radar due to increasing turbine heights.

(4) Recommendations to ensure wind farms do not impact the ability of the National Oceanic and Atmospheric Administration and the National Weather Service to warn or forecast hazardous weather.

(5) The cumulative impacts of multiple wind farms near a single radar on the ability of the National Oceanic and Atmospheric Administration and the National Weather Service to warn or forecast hazardous weather.

(6) An analysis of whether certain wind turbine projects, based on project layout, turbine orientation, number of turbines, density of turbines, proximity to radar, or turbine height result in greater impacts to the missions of Department of Defense, the National Oceanic and Atmospheric Administration, and the National Weather Service, and if so, how can those projects be better cited to reduce or eliminate NEXRAD impacts.

(7) Case studies where the Department of Defense, the National Weather Service, and industry have worked together to implement solutions.

(8) Mitigation options, including software and hardware upgrades, which the National Oceanic and Atmospheric Administration and the National Weather Service have researched and analyzed, and the results of such research and analysis.

(9) A review of mitigation research performed to date by the Government and or academia.

(10) Identification of future research opportunities, requirements, and recommendations for the SENSR program to mitigate energy development.

(c) SUBMITTAL TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted pursuant to subsection (a).

SEC. 319. CORE SAMPLING AT JOINT BASE SAN ANTONIO, TEXAS.

(a) SITE INVESTIGATION REQUIRED.—The Secretary of the Air Force shall conduct a core sampling study along the proposed route of the W–6 wastewater treatment line on Air Force real property, in compliance with best engineering practices, to determine if any regulated or hazardous substances are present in the soil along the proposed route.

(b) REPORT REQUIRED.—Not later than 15 months after the date of the enactment of this Act, the Secretary of the Air Force

shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the core samples taken pursuant to subsection (a).

SEC. 320. PRODUCTION AND USE OF NATURAL GAS AT FORT KNOX, KENTUCKY.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Army is authorized to continue production, treatment, management, and use of the natural gas from covered wells at Fort Knox, without regard to section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), with the limitation that the Secretary of the Army shall comply with the Mineral Leasing Act, Mineral Leasing Act for Acquired Lands, and the Federal Oil and Gas Royalty Management Act, for additional oil or natural gas drilling operations and production activities beyond the production from the covered wells at Fort Knox.

(2) CONTRACT AUTHORITY.—The Secretary is authorized to enter into a contract with an appropriate entity to carry out paragraph (1), with the limitation that the authority provided in this section does not affect or authorize any interference with the Muldraugh Gas Storage Facility at Fort Knox.

(b) ROYALTIES TO THE STATE OF KENTUCKY.—

(1) IN GENERAL.—In implementing this section—

(A) The Secretary of the Interior shall calculate the value of royalty payments, calculated on a calendar year basis beginning on the date of enactment of this section, that the State of Kentucky would have received under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352) for future natural gas produced at Fort Knox under the authority of this section as though the natural gas had been produced under the Mineral Leasing Act for Acquired Lands, and provide the calculation to the Secretary of the Army.

(B) Upon request of the Secretary of the Interior, the Secretary of the Army or its contractor shall promptly provide all information, documents, or other materials the Secretary of the Interior deems necessary to conduct this calculation.

(C) The Secretary of the Army shall pay to the Treasury of the United States the value of royalty calculated under this section upon receipt of the calculation from the Secretary of the Interior.

(D) The Secretary of the Interior shall disburse the sums collected from the Secretary of the Army pursuant to this paragraph to the State of Kentucky as though the funds were being disbursed to the State under section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355) no later than 6 months after the date of the enactment of this Act.

(E) Regardless of the value of the royalty payments calculated under subparagraph (A), in no case may the amount of the sums disbursed under subparagraph (D) for any calendar year exceed $49,000.

(2) WAIVER AUTHORITY.—The Governor of Kentucky may waive paragraph (1) by providing written notice to the Secretary of the Interior to that effect.

(c) OWNERSHIP OF FACILITIES.—The Secretary of the Army may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from an entity with which the Secretary has entered into a contract under subsection (a) in accordance with the terms of the contract. The Secretary of the Interior shall have no responsibility for the plugging and abandonment of the covered wells at Fort Knox, the reclamation of the covered wells at Fort Knox, or any environmental damage caused or associated with the production of the covered wells at Fort Knox.

(d) APPLICABILITY.—The authority of the Secretary of the Army under this section is effective as of August 2, 2007.

(e) LIMITATION ON USES.—Any natural gas produced under the authority of this section may be used only to support energy security and energy resilience at Fort Knox. For purposes of this section, energy security and energy resilience include maintaining and continuing to produce natural gas from the covered wells at Fort Knox, and enhancing the Fort Knox energy grid through acquisition and maintenance of battery storage, loop transmission lines and pipelines, sub-stations, and automated circuitry.

(f) SAFETY STANDARDS FOR GAS WELLS.—The covered wells at Fort Knox shall meet the same technical installation and operating standards that they would have had to meet had they been installed under a lease pursuant to the Mineral Leasing Act for Acquired Lands. Such standards include the gas measurement requirements in the Federal Oil and Gas Royalty Management Act and the operational standards in the Onshore Oil and Gas Operating and Production regulations issued by the Bureau of Land Management. The Bureau of Land Management shall inspect and enforce the Army's and its contractor's compliance with the standards of the Mineral Leasing Act for Acquired Lands, the Federal Oil and Gas Royalty Management Act, and the Bureau of Land Management Onshore Oil and Gas Operating and Production regulations.

(g) COVERED WELLS AT FORT KNOX.—In this section, the term "covered wells at Fort Knox" means the 26 wells located at Fort Knox, Kentucky, as of the date of the enactment of this Act.

Subtitle C—Logistics and Sustainment

SEC. 321. AUTHORIZING USE OF WORKING CAPITAL FUNDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS RELATED TO REVITALIZATION AND RECAPITALIZATION OF DEFENSE INDUSTRIAL BASE FACILITIES.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(u) USE FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS TO REVITALIZE AND RECAPITALIZE DEFENSE INDUSTRIAL BASE FACILITIES.—(1) The Secretary of a military department may use a working capital fund of the department under this section to carry out an unspecified minor military construction project under section 2805 for the revitalization and recapitalization of a defense industrial base facility owned by the United States and under the jurisdiction of the Secretary.

"(2) Section 2805 shall apply with respect to a project carried out with a working capital fund under the authority of this subsection in the same manner as such section applies to any unspecified minor military construction project under section 2805.

"(3) In this subsection, the term 'defense industrial base facility' means any Department of Defense depot, arsenal, shipyard, or plant located within the United States.

"(4) The authority to use a working capital fund to carry out a project under the authority of this subsection expires on September 30, 2023.".

SEC. 322. EXAMINATION OF NAVY VESSELS.

(a) NOTICE OF EXAMINATIONS.—Subsection (a) of section 7304 of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), any naval vessel examined under this section on or after January 1, 2020, shall be examined with minimal notice provided to the crew of the vessel.

"(B) Subparagraph (A) shall not apply to a vessel undergoing necessary trials before acceptance into the fleet.".

(b) ANNUAL REPORT.—Such section is further amended by adding at the end the following new subsection:

"(d) ANNUAL REPORT.—(1) Not later than March 1 each year, the board designated under subsection (a) shall submit to the congressional defense committees a report setting forth the following:

"(A) An overall narrative summary of the material readiness of Navy ships as compared to established material requirements standards.

"(B) The overall number and types of vessels inspected during the preceding fiscal year.

"(C) For in-service vessels, material readiness trends by inspected functional area as compared to the previous five years.

"(2) Each report under this subsection shall be submitted in an unclassified form that is releasable to the public without further redaction.

"(3) No report shall be required under this subsection after October 1, 2021.".

SEC. 323. LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF NAVAL VESSELS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7320. Limitation on length of overseas forward deployment of naval vessels

10 USC 7320.

"(a) LIMITATION.—The Secretary of the Navy shall ensure that no naval vessel specified in subsection (b) that is listed in the Naval Vessel Register is forward deployed overseas for a period in excess of ten years. At the end of a period of overseas forward deployment, the vessel shall be assigned a homeport in the United States.

"(b) VESSELS SPECIFIED.—A naval vessel specified in this subsection is any of the following:

"(1) Aircraft carrier.

"(2) Amphibious ship.

"(3) Cruiser.

"(4) Destroyer.

"(5) Frigate.

"(6) Littoral Combat Ship.

"(c) WAIVER.—The Secretary of the Navy may waive the limitation under subsection (a) with respect to a naval vessel if the Secretary submits to the congressional defense committees notice in writing of—

"(1) the waiver of such limitation with respect to the vessel;

"(2) the date on which the period of overseas forward deployment of the vessel is expected to end; and

"(3) the factors used by the Secretary to determine that a longer period of deployment would promote the national defense or be in the public interest.".

10 USC prec. 7291.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new section:

"7320. Limitation on length of overseas forward deployment of naval vessels.".

10 USC 7320 note.

(b) TREATMENT OF CURRENTLY DEPLOYED VESSELS.—In the case of any naval vessel that has been forward deployed overseas for a period in excess of ten years as of the date of the enactment of this Act, the Secretary of the Navy shall ensure that such vessel is assigned a homeport in the United States by not later than three years after the date of the enactment of this Act.

(c) CONGRESSIONAL BRIEFING.—Not later than October 1, 2020, the Secretary of the Navy shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the plan of the Secretary for the rotation of forward deployed naval vessels.

SEC. 324. TEMPORARY MODIFICATION OF WORKLOAD CARRYOVER FORMULA.

During the period beginning on the date of the enactment of this Act and ending on September 30, 2021, in carrying out chapter 9, volume 2B (relating to Instructions for the Preparation of Exhibit Fund-11a Carryover Reconciliation) of Department of Defense regulation 7000.14-R, entitled "Financial Management Regulation (FMR)", in addition to any other applicable exemptions, the Secretary of Defense shall ensure that with respect to each military department depot or arsenal, outlay rates—

(1) reflect the timing of when during a fiscal year appropriations have historically funded workload; and

(2) account for the varying repair cycle times of the workload supported.

SEC. 325. LIMITATION ON USE OF FUNDS FOR IMPLEMENTATION OF ELEMENTS OF MASTER PLAN FOR REDEVELOPMENT OF FORMER SHIP REPAIR FACILITY IN GUAM.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the Navy for fiscal year 2019 may be obligated or expended for any construction, alteration, repair, or development

of the real property consisting of the Former Ship Repair Facility in Guam.

(b) EXCEPTION.—The limitation under subsection (a) does not apply to any project that directly supports depot-level ship maintenance capabilities, including the mooring of a floating dry dock.

(c) FORMER SHIP REPAIR FACILITY IN GUAM.—In this section, the term "Former Ship Repair Facility in Guam" means the property identified by that name under the base realignment and closure authority carried out under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 326. BUSINESS CASE ANALYSIS FOR PROPOSED RELOCATION OF J85 ENGINE REGIONAL REPAIR CENTER.

(a) BUSINESS CASE ANALYSIS.—The Secretary of the Air Force shall prepare a business case analysis on the proposed relocation of the J85 Engine Regional Repair Center. Such analysis shall include each of the following:

(1) An overview of each alternative considered for the J85 Engine Regional Repair Center.

(2) The one-time and annual costs associated with each such alternative.

(3) The effect of each such alternative on workload capacity, capability, schedule, throughput, and costs.

(4) The effect of each such alternative on Government-furnished parts, components, and equipment, including mitigation strategies to address known limitations to T38 production throughput, especially such limitations caused by Government-furnished parts, equipment, or transportation.

(5) The effect of each such alternative on the transition of the Air Force to the T-X training aircraft.

(6) A detailed rationale for the selection of an alternative considered as part of the business case analysis under this section.

(b) LIMITATION ON USE OF FUNDS FOR RELOCATION.—None of the funds authorized to be appropriated by this Act, or otherwise made available for the Air Force, may be obligated or expended for any action to relocate the J85 Engine Regional Repair Center until the date that is 150 days after the date on which the Secretary of the Air Force provides to the Committees on Armed Services of the Senate and House of Representatives a briefing on the business case analysis required by subsection (a).

SEC. 327. REPORT ON PILOT PROGRAM FOR MICRO-REACTORS.

(a) REPORT REQUIRED.—Not later than 12 months after the date of enactment of this Act, the Secretary shall develop and submit to the Committee on Armed Services and the Committee on Energy and Commerce in the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources in the Senate a report describing the requirements for, and components of, a pilot program to provide resilience for critical national security infrastructure at Department of Defense facilities with high energy intensity and currently expensive utility rates and Department of Energy facilities by contracting with a commercial entity to site, construct, and operate at least one licensed micro-reactor at a facility identified under the report by December 31, 2027.

(b) CONSULTATION.—As necessary to develop the report required under subsection (a), the Secretary shall consult with—

(1) the Secretary of Defense;

(2) the Nuclear Regulatory Commission; and

(3) the Administrator of the General Services Administration.

(c) CONTENTS.—The report required under subsection (a) shall include—

(1) identification of potential locations to site, construct, and operate a micro-reactor at a Department of Defense or Department of Energy facility that contains critical national security infrastructure that the Secretary determines may not be energy resilient;

(2) assessments of different nuclear technologies to provide energy resiliency for critical national security infrastructure;

(3) a survey of potential commercial stakeholders with which to enter into a contract under the pilot program to construct and operate a licensed micro-reactor;

(4) options to enter into long-term contracting, including various financial mechanisms for such purpose;

(5) identification of requirements for micro-reactors to provide energy resilience to mission-critical functions at facilities identified under paragraph (1);

(6) an estimate of the costs of the pilot program;

(7) a timeline with milestones for the pilot program;

(8) an analysis of the existing authority of the Department of Energy and Department of Defense to permit the siting, construction, and operation of a micro-reactor; and

(9) recommendations for any legislative changes to the authorities analyzed under paragraph (8) necessary for the Department of Energy and the Department of Defense to permit the siting, construction, and operation of a micro-reactor.

(d) DEFINITIONS.—In this section:

(1) The term "critical national security infrastructure" means any site or installation that the Secretary of Energy or the Secretary of Defense determines supports critical mission functions of the national security enterprise.

(2) The term "licensed" means holding a license under section 103 or 104 of the Atomic Energy Act of 1954.

(3) The term "micro-reactor" means a nuclear reactor that has a power production capacity that is not greater than 50 megawatts.

(4) The term "pilot program" means the pilot program described in subsection (a).

(5) The term "Secretary" means Secretary of Energy.

(e) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified appendix.

(f) LIMITATIONS.—This Act does not authorize the Department of Energy or Department of Defense to enter into a contract with respect to the pilot program.

SEC. 328. LIMITATION ON MODIFICATIONS TO NAVY FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION STRUCTURE AND MECHANISM.

10 USC 8013 note.

The Secretary of the Navy may not make any modification to the existing Navy Facilities Sustainment, Restoration, and Modernization structure or mechanism that would modify duty relationships or significantly alter the existing structure until 90 days after providing notice of the proposed modification to the congressional defense committees.

Subtitle D—Reports

SEC. 331. REPORTS ON READINESS.

(a) UNIFORM APPLICABILITY OF READINESS REPORTING SYSTEM.—Subsection (b) of section 117 of title 10, United States Code, is amended—

(1) by inserting "and maintaining" after "establishing";

(2) in paragraph (1), by striking "reporting system is applied uniformly throughout the Department of Defense" and inserting "reporting system and associated policies are applied uniformly throughout the Department of Defense, including between and among the joint staff and each of the armed forces";

(3) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) that is the single authoritative readiness reporting system for the Department, and that there shall be no military service specific systems;

"(3) that readiness assessments are accomplished at an organizational level at, or below, the level at which forces are employed;

"(4) that the reporting system include resources information, force posture, and mission centric capability assessments, as well as predicted changes to these attributes;"; and

(5) in paragraph (5), as redesignated by paragraph (3) of this subsection, by inserting ", or element of a unit," after "readiness status of a unit".

(b) CAPABILITIES OF READINESS REPORTING SYSTEM.—Such section is further amended in subsection (c)—

(1) in paragraph (1)—

(A) by striking "Measure, on a monthly basis, the capability of units" and inserting "Measure the readiness of units"; and

(B) by striking "conduct their assigned wartime missions" and inserting "conduct their designed and assigned missions";

(2) in paragraph (2)—

(A) by striking "Measure, on an annual basis," and inserting "Measure"; and

(B) by striking "wartime missions" and inserting "designed and assigned missions";

(3) in paragraph (3)—

(A) by striking "Measure, on an annual basis," and inserting "Measure"; and

(B) by striking "wartime missions" and inserting "designed and assigned missions";

(4) in paragraph (4), by striking "Measure, on a monthly basis," and inserting "Measure";

(5) in paragraph (5), by striking "Measure, on an annual basis," and inserting "Measure";

(6) by striking paragraphs (6) and (8) and redesignating paragraph (7) as paragraph (6); and

(7) in paragraph (6), as so redesignated, by striking "Measure, on a quarterly basis," and inserting "Measure".

(c) SEMI-ANNUAL AND MONTHLY JOINT READINESS REVIEWS.—Such section is further amended in subsection (d)(1)(A) by inserting ", which includes a validation of readiness data currency and accuracy" after "joint readiness review".

(d) QUARTERLY REPORT ON CHANGE IN CURRENT STATE OF UNIT READINESS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) QUARTERLY REPORT ON MONTHLY CHANGES IN CURRENT STATE OF READINESS OF UNITS.—For each quarter that begins after the date of the enactment of this subsection and ends on or before September 30, 2023, the Secretary shall submit to the congressional defense committees a report on each monthly upgrade or downgrade of the current state of readiness of a unit that was issued by the commander of a unit during the previous quarter, together with the rationale of the commander for the issuance of such upgrade or downgrade.".

(e) ANNUAL REPORT TO CONGRESS ON OPERATIONAL CONTRACT SUPPORT.—Such section is further amended by inserting after the new subsection (f), as added by subsection (d)(2) of this section, the following new subsection:

"(g) ANNUAL REPORT ON OPERATIONAL CONTRACT SUPPORT.—The Secretary shall each year submit to the congressional defense committees a report in writing containing the results of the most recent annual measurement of the capability of operational contract support to support current and anticipated wartime missions of the armed forces. Each such report shall be submitted in unclassified form, but may include a classified annex.".

(f) REGULATIONS.—Such section is further amended in subsection (h), as redesignated by subsection (d)(1) of this section, by striking "prescribe the units that are subject to reporting in the readiness reporting system, what type of equipment is subject to such reporting" and inserting "prescribe the established information technology system for Department of Defense reporting, specifically authorize exceptions to a single-system architecture, and identify the organizations, units, and entities that are subject to reporting in the readiness reporting system, what organization resources are subject to such reporting".

(g) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Such section is further amended in the section heading by striking "**: establishment; reporting to congressional committees**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 2 is amended by striking the item relating to section 117 and inserting the following new item:

10 USC prec. 111.

"117. Readiness reporting system.".

SEC. 332. MATTERS FOR INCLUSION IN QUARTERLY REPORTS ON PERSONNEL AND UNIT READINESS.

Section 482 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "deficiency" the following: "in the ground, sea, air, space, and cyber forces, and in such other such areas as determined by the Secretary of Defense,"; and

(2) in subsection (d)—

(A) in the subsection heading, by striking "ASSIGNED MISSION";

(B) by striking paragraph (3);

(C) by redesignating paragraphs (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph (2):

"(2) A report for the second or fourth quarter of a calendar year under this section shall also include an assessment by each commander of a geographic or functional combatant command of the readiness of the command to conduct operations in a multidomain battle that integrates ground, air, sea, space, and cyber forces.".

SEC. 333. ANNUAL COMPTROLLER GENERAL REVIEWS OF READINESS OF ARMED FORCES TO CONDUCT FULL SPECTRUM OPERATIONS.

(a) REVIEWS REQUIRED.—For each of calendar years 2018 through 2021, the Comptroller General of the United States shall conduct an annual review of the readiness of the Armed Forces to conduct each of the following types of full spectrum operations:

(1) Ground.

(2) Sea.

(3) Air.

(4) Space.

(5) Cyber.

(b) ELEMENTS OF REVIEW.—In conducting a review under subsection (a), the Comptroller General shall—

(1) use standard methodology and reporting formats in order to show changes over time;

(2) evaluate, using fiscal year 2017 as the base year of analysis—

(A) force structure;

(B) the ability of major operational units to conduct operations; and

(C) the status of equipment, manning, and training; and

(3) provide reasons for any variances in readiness levels, including changes in funding, availability in parts, training opportunities, and operational demands.

(c) METRICS.—For purposes of the reviews required by this section, the Secretary of Defense shall identify and establish metrics for measuring readiness for the operations covered by subsection (a). In the first review conducted under this section, the Comptroller General shall evaluate and determine the validity of such metrics.

(d) ACCESS TO RELEVANT DATA.—For purposes of this section, the Secretary of Defense shall ensure that the Comptroller General has access to all relevant data, including—

(1) any assessments of the ability of the Department of Defense and the Armed Forces to execute operational and contingency plans;

(2) any internal Department readiness and force structure assessments; and

(3) the readiness databases of the Department and the Armed Forces.

(e) REPORTS.—

(1) ANNUAL REPORT.—Not later than February 28, 2019, and annually thereafter until 2022, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on the review conducted under subsection (a) for the year preceding the year during which the report is submitted.

(2) ADDITIONAL REPORTS.—At the discretion of the Comptroller General, the Comptroller General may submit to the Committees on Armed Services of the Senate and House of Representatives additional reports addressing specific mission areas within the operations covered by subsection (a) in order to provide an independent assessment of readiness in the areas of equipping, mapping, and training.

SEC. 334. SURFACE WARFARE TRAINING IMPROVEMENT.

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

(1) In 2017, there were three collisions and one grounding involving United States Navy ships in the Western Pacific. The two most recent mishaps involved separate incidents of a Japan-based United States Navy destroyer colliding with a commercial merchant vessel, resulting in the combined loss of 17 sailors.

(2) The causal factors in these four mishaps are linked directly to a failure to take sufficient action in accordance with the rules of good seamanship.

(3) Because risks are high in the maritime environment, there are widely accepted standards for safe seamanship and navigation. In the United States, the International Convention on Standards of Training, Certification and Watchkeeping (hereinafter in this section referred to as the "STCW") for Seafarers, standardizes the skills and foundational knowledge a maritime professional must have in seamanship and navigation.

(4) Section 568 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2139) endorsed the STCW process and required the Secretary of Defense to maximize the extent to which Armed Forces service, training, and qualifications are creditable toward meeting merchant mariner licenses and certifications.

(5) The Surface Warfare Officer Course Curriculum is being modified to include ten individual Go/No Go Mariner Assessments/Competency Check Milestones to ensure standardization and quality of the surface warfare community.

(6) The Military-to-Mariner Transition report of September 2017 notes the Army maintains an extensive STCW qualifications program and that a similar Navy program does not exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of the Navy should establish a comprehensive individual proficiency assessment process and include such

an assessment prior to all operational surface warfare officer tour assignments; and

(2) the Secretary of the Navy should significantly expand the STCW qualifications process to improve seamanship and navigation individual skills training for surface warfare candidates, surface warfare officers, quartermasters and operations specialists to include an increased set of courses that directly correspond to STCW standards.

(c) REPORT.—Not later than March 1, 2019, the Secretary of the Navy shall submit to the congressional defense committees a report that includes each of the following:

(1) A detailed description of the surface warfare officer assessments process.

(2) A list of programs that have been approved for credit toward merchant mariner credentials.

(3) A complete gap analysis of the existing surface warfare training curriculum and STCW.

(4) A complete gap analysis of the existing surface warfare training curriculum and the 3rd mate unlimited licensing requirement.

(5) An assessment of surface warfare options to complete the 3rd mate unlimited license and the STCW qualification.

SEC. 335. REPORT ON OPTIMIZING SURFACE NAVY VESSEL INSPECTIONS AND CREW CERTIFICATIONS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on optimizing surface Navy vessel inspections and crew certifications to reduce the burden of inspection type visits that vessels undergo. Such report shall include—

(1) an audit of all surface Navy vessel inspections, certifications, and required and recommended assist visits;

(2) an analysis of such inspections, certifications, and visits for redundancies, as well as any necessary items not covered;

(3) recommendations to streamline surface vessel inspections, certifications, and required and recommended assist visits to optimize effectiveness, improve material readiness, and restore training readiness; and

(4) recommendations for congressional action to address the needs of the Navy as identified in the report.

(b) CONGRESSIONAL BRIEFING.—Not later than January 31, 2019, the Secretary of the Navy shall provide to the Senate Committee on Armed Services and the House Committee on Armed Services an interim briefing on the matters to be included in the report required by subsection (a).

SEC. 336. REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

The Secretary of Defense, in consultation with the heads of each of the military departments and the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a report on labor hours and depot maintenance, which shall include—

(1) the amount of public and private funding of depot-level maintenance and repair (as defined in section 2460 of title 10 United States Code) for the Department of Defense,

Army, Navy, Marine Corps, Air Force, Special Operations Command, and any other unified command identified by the Secretary, expressed by commodity group by percentage and actual numbers in terms of dollars and direct labor hours;

(2) within each category of depot level maintenance and repair for each entities, the amount of the subset of depot maintenance workload that meets the description under section 2464 of title 10, United States Code, that is performed in the public and private sectors by direct labor hours and by dollars;

(3) of the subset referred to in paragraph (2), the amount of depot maintenance workload performed in the public and private sector by direct labor hour and by dollars for each entity that would otherwise be considered core workload under such section 2464, but is not considered core because a weapon system or equipment has not been declared a program of record; and

(4) the projections for the upcoming future years defense program, including the distinction between the Navy and the Marine Corps for the Department of the Navy, as well as any unified command, including the Special Operations Command.

SEC. 337. REPORT ON WILDFIRE SUPPRESSION CAPABILITIES OF ACTIVE AND RESERVE COMPONENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that wildfires endanger national security.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the wildfire suppression capabilities within the active and reserve components of the Armed Forces, including the Modular Airborne Fire Fighting System Program, and interagency cooperation with the Forest Service and the Department of the Interior.

SEC. 338. REPORT ON RELOCATION OF STEAM TURBINE PRODUCTION FROM NIMITZ-CLASS AND FORD-CLASS AIRCRAFT CARRIERS AND VIRGINIA-CLASS AND COLUMBIA-CLASS SUBMARINES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Assistant Secretary of the Navy for Research, Development, and Acquisition, shall develop and submit to Congress a report describing the potential impacts on national defense and the manufacturing base resulting from contractors or subcontractors relocating steam turbine production for Nimitz-class and Ford-class aircraft carriers and Virginia-class and Columbia-class submarines. Such report shall address each of the following:

(1) The overall risk of moving production on the national security of the United States, including the likelihood of production delay or reduction in quality of steam turbines.

(2) The impact on national security from a delay in production of aircraft carriers and submarines.

(3) The impacts on regional suppliers the current production of steam turbines draw on and their ability to perform other contracts should a relocation happen.

(4) The impact on the national industrial and manufacturing base and loss of a critically skilled workforce resulting from a relocation of production.

(5) The risk of moving production on total cost of the acquisition.

SEC. 339. REPORT ON SPECIALIZED UNDERGRADUATE PILOT TRAINING PRODUCTION, RESOURCING, AND LOCATIONS.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on existing Specialized Undergraduate Pilot Training (SUPT) production, resourcing, and locations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the strategy of the Air Force for utilizing existing SUPT locations to produce the number of pilots the Air Force requires.

(2) The number of pilots that each SUPT location has graduated, by year, over the previous 5 fiscal years.

(3) The forecast number of pilots that each SUPT location will produce for fiscal year 2019.

(4) The maximum production capacity of each SUPT location.

(5) The extent to which existing SUPT installations are operating at maximum capacity in terms of pilot production.

(6) A cost estimate of the resources required for each SUPT location to reach maximum production capacity.

(7) A determination as to whether increasing production capacity at existing SUPT locations will satisfy the Air Force's SUPT requirement.

(8) A timeline and cost estimation of establishing a new SUPT location.

(9) A discussion of whether the Air Force plans to operate existing SUPT installations at maximum capacity over the future years defense program.

(10) A business case analysis comparing the establishment of a new SUPT location to increasing production capacity at existing SUPT locations.

SEC. 340. REPORT ON AIR FORCE AIRFIELD OPERATIONAL REQUIREMENTS.

(a) IN GENERAL.—Not later than February 1, 2019, the Secretary of the Air Force shall conduct an assessment and submit to the congressional defense committees a report detailing the operational requirements for Air Force airfields.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the state of airfields where runway degradation currently poses a threat to operations and airfields where such degradation threatens operations in the next five and ten years.

(2) A description of the operational requirements for airfields, including an assessment of the impact to operations, cost to repair, cost to replace, remaining useful life, and the required daily maintenance to ensure runways are acceptable for full operations.

(3) A description of any challenges with infrastructure acquisition methods and processes.

(4) An assessment of the operational impact in the event a runway were to become inoperable due to a major degradation incident, such as a crack or fracture resulting from lack of maintenance and repair.

(5) A plan to address any shortfalls associated with the Air Force's runway infrastructure.

(c) FORM.—The report required under subsection (a) shall be in unclassified form but may contain a classified annex as necessary.

SEC. 341. REPORT ON NAVY SURFACE SHIP REPAIR CONTRACT COSTS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on Navy surface ship repair contract costs.

(b) ELEMENTS.—The report required under subsection (a) shall include, for each private sector maintenance availability for a conventionally-powered Navy surface ship for the prior two completed fiscal years, the following elements:

(1) Name of the ship.

(2) Location of the availability.

(3) Prime contractor performing the availability.

(4) Date of the contract award.

(5) Type of contract used, such as firm-fixed-price or cost-plus-fixed-fee.

(6) Solicitation number.

(7) Number of offers received in response to the solicitation.

(8) Contract target cost at the date of contract award.

(9) Contract ceiling cost of the contract at the date of contract award.

(10) Duration of the availability in days, including start and end dates, at the date of contract award.

(11) Final contract cost.

(12) Final delivery cost.

(13) Actual duration of the availability in days, including start and end dates.

(14) Description of growth work that was added after the contract award, including the associated cost.

(15) Explanation of why the growth work described in paragraph (14) was not included in the scope of work associated with the original contract award.

Subtitle E—Other Matters

SEC. 351. COAST GUARD REPRESENTATION ON EXPLOSIVE SAFETY BOARD.

Section 172(a) of title 10, United States Code, is amended—

(1) by striking "and Marine Corps" and inserting "Marine Corps, and Coast Guard"; and

(2) by adding at the end the following new sentence: "When the Coast Guard is not operating as a service in the Department of the Navy, the Secretary of Homeland Security shall appoint an officer of the Coast Guard to serve as a voting member of the board.".

SEC. 352. TRANSPORTATION TO CONTINENTAL UNITED STATES OF RETIRED MILITARY WORKING DOGS OUTSIDE THE CONTINENTAL UNITED STATES THAT ARE SUITABLE FOR ADOPTION IN THE UNITED STATES.

Section 2583(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) In the case of a military working dog located outside the continental United States at the time of retirement that is suitable for adoption at that time, the Secretary of the military department concerned shall undertake transportation of the dog to the continental United States (including transportation by contract at United States expense) for adoption under this section unless—

"(i) the dog is adopted as described in paragraph (2)(A); or

"(ii) transportation of the dog to the continental United States would not be in the best interests of the dog for medical reasons.

"(B) Nothing in this paragraph shall be construed to alter the preference in adoption of retired military working dogs for former handlers as set forth in subsection (g).".

SEC. 353. SCOPE OF AUTHORITY FOR RESTORATION OF LAND DUE TO MISHAP.

Subsection (e) of section 2691 of title 10, United States Code, as added by section 2814 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1849), is amended by adding at the end the following new paragraph:

"(3) The authority under paragraphs (1) and (2) includes activities and expenditures necessary to complete restoration to meet the regulations of the Federal department or agency with administrative jurisdiction over the affected land, which may be different than the regulations of the Department of Defense.".

SEC. 354. REPURPOSING AND REUSE OF SURPLUS ARMY FIREARMS.

Section 348(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1365) is amended by inserting "shredded or" before "melted and repurposed".

10 USC note prec. 4681.

SEC. 355. STUDY ON PHASING OUT OPEN BURN PITS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that includes—

(1) details of any ongoing use of open burn pits; and

(2) the feasibility of phasing out the use of open burn pits by using technology incinerators.

(b) OPEN BURN PIT DEFINED.—In this section, the term "open burn pit" means an area of land—

(1) that is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(2) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

10 USC note prec. 771.

SEC. 356. NOTIFICATION REQUIREMENTS RELATING TO CHANGES TO UNIFORM OF MEMBERS OF THE UNIFORMED SERVICES.

(a) DLA NOTIFICATION.—The Secretary of a military department shall notify the Commander of the Defense Logistics Agency of any plan to implement a change to any uniform or uniform component of a member of the uniformed services. Such notification shall be made not less than three years prior to the implementation of such change.

(b) CONTRACTOR NOTIFICATION.—The Commander of the Defense Logistics Agency shall notify a contractor when one of the uniformed services plans to make a change to a uniform component that is provided by that contractor. Such a notification shall be made not less than 12 months prior to any announcement of a public solicitation for the manufacture of the new uniform component.

(c) WAIVER.—If the Secretary of a military department or the Commander of the Defense Logistics Agency determines that the notification requirement under subsection (a) would adversely affect operational safety, force protection, or the national security interests of the United States, the Secretary or the Commander may waive such requirement.

10 USC 221 note.

SEC. 357. REPORTING ON FUTURE YEARS BUDGETING BY SUBACTIVITY GROUP.

Along with the budget for each fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense and the Secretaries of the military departments shall include in the OP-5 Justification Books, as detailed by Department of Defense Financial Management Regulation 7000.14–R, the amount for each individual subactivity group, as detailed in the Department's future years defense program pursuant to section 221 of title 10, United States Code.

10 USC 117 note.

SEC. 358. LIMITATION ON AVAILABILITY OF FUNDS FOR SERVICE-SPECIFIC DEFENSE READINESS REPORTING SYSTEMS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2019 for research, development, test, and evaluation or procurement, and available to develop service-specific Defense Readiness Reporting Systems (referred to in this section as "DRRS") may be made available for such purpose except for required maintenance and in order to facilitate the transition to DRRS-Strategic (referred to in this section as "DRRS-S").

(b) PLAN.—Not later than February 1, 2019, the Under Secretary for Personnel and Readiness shall submit to the congressional defense committees a resource and funding plan to include a schedule with relevant milestones on the elimination of service-specific DRRS and the migration of the military services and other organizations to DRRS-S.

(c) TRANSITION.—The military services shall complete the transition to DRRS-S not later than October 1, 2019. The Secretary of Defense shall notify the congressional defense committees upon the complete transition of the services.

(d) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Under Secretary for Personnel and Readiness, the Under Secretary for Acquisition and Sustainment, and the Under Secretary for Research and

Engineering, in coordination with the Secretaries of the military departments and other organizations with relevant technical expertise, shall establish a working group including individuals with expertise in application or software development, data science, testing, and development and assessment of performance metrics to assess the current process for collecting, analyzing, and communicating readiness data, and develop a strategy for implementing any recommended changes to improve and establish readiness metrics using the current DRRS-Strategic platform.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include—

(A) identification of modern tools, methods, and approaches to readiness to more effectively and efficiently collect, analyze, and make decision based on readiness data; and

(B) consideration of cost and schedule.

(3) SUBMISSION TO CONGRESS.—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees the assessment conducted pursuant to paragraph (1).

(e) DEFENSE READINESS REPORTING REQUIREMENTS.—To the maximum extent practicable, the Secretary of Defense shall meet defense readiness reporting requirements consistent with the recommendations of the working group established under subsection (d)(1).

SEC. 359. PRIORITIZATION OF ENVIRONMENTAL IMPACTS FOR FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION DEMOLITION.

10 USC 2661 note.

The Secretary of Defense shall establish prioritization metrics for facilities deemed eligible for demolition within the Facilities Sustainment, Restoration, and Modernization (FSRM) process. Those metrics shall include full spectrum readiness and environmental impacts, including the removal of contamination.

SEC. 360. SENSE OF CONGRESS RELATING TO SOO LOCKS, SAULT SAINTE MARIE, MICHIGAN.

It is the sense of Congress that—

(1) the Soo Locks in Sault Ste. Marie, Michigan, are of critical importance to the national security of the United States;

(2) the Soo Locks are the only waterway connection from Lake Superior to the Lower Great Lakes and the St. Lawrence Seaway;

(3) only the Poe Lock is of sufficient size to allow for the passage of the largest cargo vessels that transport well over 90 percent of all iron ore mined in the United States, and this lock is nearing the end of its 50-year useful lifespan;

(4) a report issued by the Office of Cyber and Infrastructure Analysis of the Department of Homeland Security concluded that an unscheduled 6-month outage of the Poe Lock would cause—

(A) a dramatic increase in national and regional unemployment; and

(B) 75 percent of Great Lakes steel production, and nearly all North American appliance, automobile, railcar, and construction, farm, and mining equipment production to cease;

(5) the Corps of Engineers is reevaluating a past economic evaluation report to update the benefit-to-cost ratio for building a new lock at the Soo Locks; and

(6) the Secretary of the Army and all relevant Federal agencies should—

(A) expedite the completion of the report described in paragraph (5) and ensure the analysis adequately reflects the critical importance of the Soo Locks infrastructure to the national security and economy of the United States; and

(B) expedite all other necessary reviews, analysis, and approvals needed to speed the required upgrades at the Soo Locks.

SEC. 361. U.S. SPECIAL OPERATIONS COMMAND CIVILIAN PERSONNEL.

Notwithstanding section 143 of title 10, United States Code, of the funds authorized to be appropriated by this Act for Operation and Maintenance, Defense-wide for United States Special Operations Command civilian personnel, not less than $4,000,000 shall be used to fund additional civilian personnel in or directly supporting the office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to support the Assistant Secretary in fulfilling the additional responsibilities of the Assistant Secretary that were added by the amendments to sections 138(b)(4), 139b, and 167 of title 10, United States Code, made by section 922 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revisions in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2019, as follows:

(1) The Army, 487,500.

(2) The Navy, 335,400.

(3) The Marine Corps, 186,100.

(4) The Air Force, 329,100.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 487,500.
"(2) For the Navy, 335,400.
"(3) For the Marine Corps, 186,100.
"(4) For the Air Force, 329,100.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2019, as follows:

(1) The Army National Guard of the United States, 343,500.
(2) The Army Reserve, 199,500.
(3) The Navy Reserve, 59,100.
(4) The Marine Corps Reserve, 38,500.
(5) The Air National Guard of the United States, 107,100.
(6) The Air Force Reserve, 70,000.
(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2019, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,595.
(2) The Army Reserve, 16,386.
(3) The Navy Reserve, 10,110.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 19,861.

(6) The Air Force Reserve, 3,849.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2019 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 22,294.

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 15,861.

(4) For the Air Force Reserve, 8,880.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2019, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2019.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Repeal of requirement for ability to complete 20 years of service by age 62 as qualification for original appointment as a regular commissioned officer.
Sec. 502. Enhancement of availability of constructive service credit for private sector training or experience upon original appointment as a commissioned officer.
Sec. 503. Standardized temporary promotion authority across the military departments for officers in certain grades with critical skills.
Sec. 504. Authority for promotion boards to recommend officers of particular merit be placed higher on a promotion list.
Sec. 505. Authority for officers to opt out of promotion board consideration.
Sec. 506. Applicability to additional officer grades of authority for continuation on active duty of officers in certain military specialties and career tracks.

Sec. 507. Alternative promotion authority for officers in designated competitive categories of officers.
Sec. 508. Attending Physician to the Congress.
Sec. 509. Matters relating to satisfactory service in grade for purposes of retirement grade of officers in highest grade of satisfactory service.
Sec. 510. Grades of Chiefs of Chaplains.
Sec. 511. Repeal of original appointment qualification requirement for warrant officers in the regular Army.
Sec. 512. Reduction in number of years of active naval service required for permanent appointment as a limited duty officer.
Sec. 513. Authority to designate certain reserve officers as not to be considered for selection for promotion.
Sec. 514. GAO review of surface warfare career paths.

Subtitle B—Reserve Component Management

Sec. 515. Authorized strength and distribution in grade.
Sec. 516. Repeal of prohibition on service on Army Reserve Forces Policy Committee by members on active duty.
Sec. 517. Expansion of personnel subject to authority of the Chief of the National Guard Bureau in the execution of functions and missions of the National Guard Bureau.
Sec. 518. Authority to adjust effective date of promotion in the event of undue delay in extending Federal recognition of promotion.
Sec. 519. National Guard Youth Challenge Program.
Sec. 520. Extension of authority for pilot program on use of retired senior enlisted members of the Army National Guard as Army National Guard recruiters.

Subtitle C—General Service Authorities and Correction of Military Records

Sec. 521. Enlistments vital to the national interest.
Sec. 522. Statement of benefits.
Sec. 523. Modification to forms of support that may be accepted in support of the mission of the Defense POW/MIA Accounting Agency.
Sec. 524. Assessment of Navy standard workweek and related adjustments.
Sec. 525. Notification on manning of afloat naval forces.
Sec. 526. Navy watchstander records.
Sec. 527. Qualification experience requirements for certain Navy watchstations.

Subtitle D—Military Justice

Sec. 531. Inclusion of strangulation and suffocation in conduct constituting aggravated assault for purposes of the Uniform Code of Military Justice.
Sec. 532. Punitive article on domestic violence under the Uniform Code of Military Justice.
Sec. 533. Authorities of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.
Sec. 534. Report on feasibility of expanding services of the Special Victims' Counsel to victims of domestic violence.
Sec. 535. Uniform command action form on disposition of unrestricted sexual assault cases involving members of the Armed Forces.
Sec. 536. Standardization of policies related to expedited transfer in cases of sexual assault or domestic violence.

Subtitle E—Other Legal Matters

Sec. 541. Clarification of expiration of term of appellate military judges of the United States Court of Military Commission Review.
Sec. 542. Security clearance reinvestigation of certain personnel who commit certain offenses.
Sec. 543. Development of oversight plan for implementation of Department of Defense harassment prevention and response policy.
Sec. 544. Oversight of registered sex offender management program.
Sec. 545. Development of resource guides regarding sexual assault for the military service academies.
Sec. 546. Improved crime reporting.
Sec. 547. Report on victims of sexual assault in reports of military criminal investigative organizations.

Subtitle F—Member Education, Training, Resilience, and Transition

Sec. 551. Permanent career intermission program.
Sec. 552. Improvements to Transition Assistance Program.
Sec. 553. Repeal of program on encouragement of postseparation public and community service.

Sec. 554. Clarification of application and honorable service requirements under the Troops-to-Teachers Program to members of the Retired Reserve.
Sec. 555. Employment and compensation of civilian faculty members at the Joint Special Operations University.
Sec. 556. Program to assist members of the Armed Forces in obtaining professional credentials.
Sec. 557. Enhancement of authorities in connection with Junior Reserve Officers' Training Corps programs.
Sec. 558. Expansion of period of availability of Military OneSource program for retired and discharged members of the Armed Forces and their immediate families.
Sec. 559. Prohibition on use of funds for attendance of enlisted personnel at senior level and intermediate level officer professional military education courses.

Subtitle G—Defense Dependents' Education

Sec. 561. Assistance to schools with military dependent students.
Sec. 562. Department of Defense Education Activity policies and procedures on sexual harassment of students of Activity schools.
Sec. 563. Department of Defense Education Activity misconduct database.
Sec. 564. Assessment and report on active shooter threat mitigation at schools located on military installations.

Subtitle H—Military Family Readiness Matters

Sec. 571. Department of Defense Military Family Readiness Council matters.
Sec. 572. Enhancement and clarification of family support services for family members of members of special operations forces.
Sec. 573. Temporary expansion of authority for noncompetitive appointments of military spouses by Federal agencies.
Sec. 574. Improvement of My Career Advancement Account program for military spouses.
Sec. 575. Assessment and report on the effects of permanent changes of station on employment among military spouses.
Sec. 576. Provisional or interim clearances to provide childcare services at military childcare centers.
Sec. 577. Multidisciplinary teams for military installations on child abuse and other domestic violence.
Sec. 578. Pilot program for military families: prevention of child abuse and training on safe childcare practices.
Sec. 579. Assessment and report on small business activities of military spouses on military installations in the United States.

Subtitle I—Decorations and Awards

Sec. 581. Atomic veterans service certificate.
Sec. 582. Award of medals or other commendations to handlers of military working dogs.
Sec. 583. Authorization for award of distinguished-service cross to Justin T. Gallegos for acts of valor during Operation Enduring Freedom.

Subtitle J—Miscellaneous Reports and Other Matters

Sec. 591. Annual defense manpower requirements report matters.
Sec. 592. Burial of unclaimed remains of inmates at the United States Disciplinary Barracks Cemetery, Fort Leavenworth, Kansas.
Sec. 593. Standardization of frequency of academy visits of the Air Force Academy Board of Visitors with academy visits of boards of other military service academies.
Sec. 594. National Commission on Military, National, and Public Service matters.
Sec. 595. Public availability of top-line numbers of deployed members of the Armed Forces.
Sec. 596. Report on general and flag officer costs.
Sec. 597. Study on active service obligations for medical training with other service obligations for education or training and health professional recruiting.
Sec. 598. Criteria for interment at Arlington National Cemetery.
Sec. 599. Limitation on use of funds pending submittal of report on Army Marketing and Advertising Program.
Sec. 600. Proof of period of military service for purposes of interest rate limitation under the Servicemembers Civil Relief Act.

Subtitle A—Officer Personnel Policy

SEC. 501. REPEAL OF REQUIREMENT FOR ABILITY TO COMPLETE 20 YEARS OF SERVICE BY AGE 62 AS QUALIFICATION FOR ORIGINAL APPOINTMENT AS A REGULAR COMMISSIONED OFFICER.

(a) REPEAL.—Subsection (a) of section 532 of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to original appointments of regular commissioned officers of the Armed Forces made on or after that date. 10 USC 532 note.

SEC. 502. ENHANCEMENT OF AVAILABILITY OF CONSTRUCTIVE SERVICE CREDIT FOR PRIVATE SECTOR TRAINING OR EXPERIENCE UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) REGULAR OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 533 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

"(D) Additional credit for special training or experience in a particular officer career field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned."; and

(B) in paragraph (2)—

(i) by striking "Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount" and inserting "The amount"; and

(ii) by striking "in the grade of major in the Army, Air Force, or Marine Corps or lieutenant commander in the Navy" and inserting "in the grade of colonel in the Army, Air Force, or Marine Corps or captain in the Navy".

(2) REPEAL OF TEMPORARY AUTHORITY FOR SERVICE CREDIT FOR CRITICALLY NECESSARY CYBERSPACE-RELATED EXPERIENCE.—Such section is further amended—

(A) in subsections (a)(2) and (c), by striking "or (g)"; and

(B) by striking subsection (g).

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 12207 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

"(D) Additional credit for special training or experience in a particular officer career field as designated by the Secretary

concerned, if such training or experience is directly related to the operational needs of the armed force concerned."; and

(B) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) The amount of constructive service credit credited to an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of colonel or as a reserve officer of the Navy in the grade of captain.".

(2) REPEAL OF TEMPORARY AUTHORITY FOR SERVICE CREDIT FOR CRITICALLY NECESSARY CYBERSPACE-RELATED EXPERIENCE.—Such section is further amended—

(A) by striking subsection (e);

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(C) in subsection (e), as redesignated by subparagraph (B), by striking ", (d), or (e)" and inserting "or (d)".

SEC. 503. STANDARDIZED TEMPORARY PROMOTION AUTHORITY ACROSS THE MILITARY DEPARTMENTS FOR OFFICERS IN CERTAIN GRADES WITH CRITICAL SKILLS.

(a) STANDARDIZED TEMPORARY PROMOTION AUTHORITY.—

(1) IN GENERAL.—Chapter 35 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 605.

"§ 605. Promotion to certain grades for officers with critical skills: colonel, lieutenant colonel, major, captain; captain, commander, lieutenant commander, lieutenant

"(a) IN GENERAL.—An officer in the grade of first lieutenant, captain, major, or lieutenant colonel in the Army, Air Force, or Marine Corps, or lieutenant (junior grade), lieutenant, lieutenant commander, or commander in the Navy, who is described in subsection (b) may be temporarily promoted to the grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy, as applicable, under regulations prescribed by the Secretary of the military department concerned. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

"(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

"(1) has a skill in which the armed force concerned has a critical shortage of personnel (as determined by the Secretary of the military department concerned); and

"(2) is serving in a position (as determined by the Secretary of the military department concerned) that—

"(A) is designated to be held by a captain, major, lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy, as applicable; and

"(B) requires that an officer serving in such position have the skill possessed by such officer.

"(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—An appointment under this section does not change

the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

"(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary of the military department concerned for the purpose of recommending officers for such promotions.

"(e) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section from the date the appointment is made.

"(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

"(1) on the date the officer who received the appointment is promoted to the permanent grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy; or

"(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of captain, major, lieutenant colonel, or colonel in the Army, Air Force, or Marine Corps, or lieutenant, lieutenant commander, commander, or captain in the Navy, in which case the appointment terminates on the date the officer is promoted to that grade.

"(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary of the military department concerned for the purposes of this section. The number of positions so designated may not exceed the following:

"(1) In the case of the Army—
"(A) as captain, 120;
"(B) as major, 350;
"(C) as lieutenant colonel, 200; and
"(D) as colonel, 100.

"(2) In the case of the Air Force—
"(A) as captain, 100;
"(B) as major, 325;
"(C) as lieutenant colonel, 175; and
"(D) as colonel, 80.

"(3) In the case of the Marine Corps—
"(A) as captain, 50;
"(B) as major, 175;
"(C) as lieutenant colonel, 100; and
"(D) as colonel, 50.

"(4) In the case of the Navy—
"(A) as lieutenant, 100;
"(B) as lieutenant commander, 325;
"(C) as commander, 175; and
"(D) as captain, 80.".

10 USC prec. 601.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of such title is amended by adding at the end the following new item:

"605. Promotion to certain grades for officers with critical skills: colonel, lieutenant colonel, major, captain; captain, commander, lieutenant commander, lieutenant.".

(b) REPEAL OF SUPERSEDED AUTHORITY APPLICABLE TO NAVY LIEUTENANTS.—

10 USC prec. 5721.

(1) REPEAL.—Chapter 544 of title 10, United States Code, is repealed.

10 USC prec. 5001.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of subtitle C of such title, are each amended by striking the item relating to chapter 544.

SEC. 504. AUTHORITY FOR PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED HIGHER ON A PROMOTION LIST.

(a) IN GENERAL.—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) In selecting the officers to be recommended for promotion, a selection board may, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, from among those officers selected for promotion, to be placed higher on the promotion list established by the Secretary under section 624(a)(1) of this title.

"(2) An officer may be recommended to be placed higher on a promotion list under paragraph (1) only if the officer receives the recommendation of at least a majority of the members of the board, unless the Secretary concerned establishes an alternative requirement. Any such alternative requirement shall be furnished to the board as part of the guidelines furnished to the board under section 615 of this title.

"(3) For the officers recommended to be placed higher on a promotion list under paragraph (1), the board shall recommend the order in which those officers should be placed on the list.".

(b) PROMOTION SELECTION BOARD REPORTS RECOMMENDING OFFICERS OF PARTICULAR MERIT BE PLACED HIGHER ON PROMOTION LIST.—Section 617 of such title is amended by adding at the end the following new subsection:

"(d) A selection board convened under section 611(a) of this title shall, when authorized under section 616(g) of this title, include in its report to the Secretary concerned the names of those officers recommended by the board to be placed higher on the promotion list and the order in which the board recommends that those officers should be placed on the list.".

(c) OFFICERS OF PARTICULAR MERIT APPEARING HIGHER ON PROMOTION LIST.—Section 624(a)(1) of such title is amended in the first sentence by adding at the end "or based on particular merit, as determined by the promotion board".

SEC. 505. AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION BOARD CONSIDERATION.

(a) ACTIVE-DUTY LIST OFFICERS.—Section 619 of title 10, United States Code, is amended—

(1) in subsection (d), by adding at the end the following new paragraph:

"(6) An officer excluded under subsection (e)."; and

(2) by adding at the end the following new subsection:

"(e) AUTHORITY TO ALLOW OFFICERS TO OPT OUT OF SELECTION BOARD CONSIDERATION.—(1) The Secretary of a military department may provide that an officer under the jurisdiction of the Secretary may, upon the officer's request and with the approval of the Secretary, be excluded from consideration by a selection board convened under section 611(a) of this title to consider officers for promotion to the next higher grade.

"(2) The Secretary concerned may only approve a request under paragraph (1) if—

"(A) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Department, or a career progression requirement delayed by the assignment or education;

"(B) the Secretary determines the exclusion from consideration is in the best interest of the military department concerned; and

"(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.".

(b) RESERVE ACTIVE-STATUS LIST OFFICERS.—Section 14301 of such title is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking "PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE" and inserting "CERTAIN OFFICERS NOT"; and

(B) by adding at the end the following new paragraph:

"(6) An officer excluded under subsection (j)."; and

(2) by adding at the end the following new subsection:

"(j) AUTHORITY TO ALLOW OFFICERS TO OPT OUT OF SELECTION BOARD CONSIDERATION.—(1) The Secretary of a military department may provide that an officer under the jurisdiction of the Secretary may, upon the officer's request and with the approval of the Secretary, be excluded from consideration by a selection board convened under section 14101(a) of this title to consider officers for promotion to the next higher grade.

"(2) The Secretary concerned may only approve a request under paragraph (1) if—

"(A) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Department, or a career progression requirement delayed by the assignment or education;

"(B) the Secretary determines the exclusion from consideration is in the best interest of the military department concerned; and

"(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.".

SEC. 506. APPLICABILITY TO ADDITIONAL OFFICER GRADES OF AUTHORITY FOR CONTINUATION ON ACTIVE DUTY OF OFFICERS IN CERTAIN MILITARY SPECIALTIES AND CAREER TRACKS.

Section 637a(a) of title 10, United States Code, is amended—

(1) by striking "grade O–4" and inserting "grade O–2"; and

(2) by inserting "632," before "633,".

SEC. 507. ALTERNATIVE PROMOTION AUTHORITY FOR OFFICERS IN DESIGNATED COMPETITIVE CATEGORIES OF OFFICERS.

(a) ALTERNATIVE PROMOTION AUTHORITY.—

(1) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by adding at the end the following new subchapter:

10 USC prec. 649a.

"SUBCHAPTER VI—ALTERNATIVE PROMOTION AUTHORITY FOR OFFICERS IN DESIGNATED COMPETITIVE CATEGORIES

"Sec.
"649a. Officers in designated competitive categories.
"649b. Selection for promotion.
"649c. Eligibility for consideration for promotion.
"649d. Opportunities for consideration for promotion.
"649e. Promotions.
"649f. Failure of selection for promotion.
"649g. Retirement: retirement for years of service; selective early retirement.
"649h. Continuation on active duty.
"649i. Continuation on active duty: officers in certain military specialties and career tracks.
"649j. Other administrative authorities.
"649k. Regulations.

10 USC 649a.

"§ 649a. Officers in designated competitive categories

"(a) AUTHORITY TO DESIGNATE COMPETITIVE CATEGORIES OF OFFICERS.—Each Secretary of a military department may designate one or more competitive categories for promotion of officers under section 621 of this title that are under the jurisdiction of such Secretary as a competitive category of officers whose promotion, retirement, and continuation on active duty shall be subject to the provisions of this subchapter.

"(b) LIMITATION ON EXERCISE OF AUTHORITY.—The Secretary of a military department may not designate a competitive category of officers for purposes of this subchapter until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the designation of the competitive category. The report on the designation of a competitive category shall set forth the following:

"(1) A detailed description of officer requirements for officers within the competitive category.

"(2) An explanation of the number of opportunities for consideration for promotion to each particular grade, and an estimate of promotion timing, within the competitive category.

"(3) An estimate of the size of the promotion zone for each grade within the competitive category.

"(4) A description of any other matters the Secretary considered in determining to designate the competitive category for purposes of this subchapter.

10 USC 649b.

"§ 649b. Selection for promotion

"(a) IN GENERAL.—Except as provided in this section, the selection for promotion of officers in any competitive category of officers designated for purposes of this subchapter shall be governed by the provisions of subchapter I of this chapter.

"(b) NO RECOMMENDATION FOR PROMOTION OF OFFICERS BELOW PROMOTION ZONE.—Section 616(b) of this title shall not apply to the selection for promotion of officers described in subsection (a).

"(c) RECOMMENDATION FOR OFFICERS TO BE EXCLUDED FROM FUTURE CONSIDERATION FOR PROMOTION.—In making recommendations pursuant to section 616 of this title for purposes of the administration of this subchapter, a selection board convened under section 611(a) of this title may recommend that an officer considered by the board be excluded from future consideration for promotion under this chapter.

"§ 649c. Eligibility for consideration for promotion 10 USC 649c.

"(a) IN GENERAL.—Except as provided by this section, eligibility for promotion of officers in any competitive category of officers designated for purposes of this subchapter shall be governed by the provisions of section 619 of this title.

"(b) INAPPLICABILITY OF CERTAIN TIME-IN-GRADE REQUIREMENTS.—Paragraphs (2) through (4) of section 619(a) of this title shall not apply to the promotion of officers described in subsection (a).

"(c) INAPPLICABILITY TO OFFICERS ABOVE AND BELOW PROMOTION ZONE.—The following provisions of section 619(c) of this title shall not apply to the promotion of officers described in subsection (a):

"(1) The reference in paragraph (1) of that section to an officer above the promotion zone.

"(2) Paragraph (2)(A) of that section.

"(d) INELIGIBILITY OF CERTAIN OFFICERS.—The following officers are not eligible for promotion under this subchapter:

"(1) An officer described in section 619(d) of this title.

"(2) An officer not included within the promotion zone.

"(3) An officer who has failed of promotion to a higher grade the maximum number of times specified for opportunities for promotion for such grade within the competitive category concerned pursuant to section 649d of this title.

"(4) An officer recommended by a selection board to be removed from consideration for promotion in accordance with section 649b(c) of this title.

"§ 649d. Opportunities for consideration for promotion 10 USC 649d.

"(a) SPECIFICATION OF NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—In designating a competitive category of officers pursuant to section 649a of this title, the Secretary of a military department shall specify the number of opportunities for consideration for promotion to be afforded officers of the armed force concerned within the category for promotion to each grade above the grade of first lieutenant or lieutenant (junior grade), as applicable.

"(b) LIMITED AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of a military department may modify the number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as previously specified by the Secretary pursuant subsection (a) or this subsection, not more frequently than once every five years.

"(c) DISCRETIONARY AUTHORITY OF SECRETARY OF DEFENSE TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of Defense may modify the number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as previously specified or modified pursuant to any provision of this section, at the discretion of the Secretary.

"(d) LIMITATION ON NUMBER OF OPPORTUNITIES SPECIFIED.—The number of opportunities for consideration for promotion to be afforded officers of an armed force within a competitive category for promotion to a particular grade, as specified or modified pursuant to any provision of this section, may not exceed five opportunities.

"(e) EFFECT OF CERTAIN REDUCTION IN NUMBER OF OPPORTUNITIES SPECIFIED.—If, by reason of a reduction in the number of opportunities for consideration for promotion under this section, an officer would no longer have one or more opportunities for consideration for promotion that were available to the officer before the reduction, the officer shall be afforded one additional opportunity for consideration for promotion after the reduction.

10 USC 649e.

"§ 649e. Promotions

"Sections 620 through 626 of this title shall apply in promotions of officers in competitive categories of officers designated for purposes of this subchapter.

10 USC 649f.

"§ 649f. Failure of selection for promotion

"(a) IN GENERAL.—Except as provided in this section, sections 627 through 632 of this title shall apply to promotions of officers in competitive categories of officers designated for purposes of this subchapter.

"(b) INAPPLICABILITY OF FAILURE OF SELECTION FOR PROMOTION TO OFFICERS ABOVE PROMOTION ZONE.—The reference in section 627 of this title to an officer above the promotion zone shall not apply in the promotion of officers described in subsection (a).

"(c) SPECIAL SELECTION BOARD MATTERS.—The reference in section 628(a)(1) of this title to a person above the promotion zone shall not apply in the promotion of officers described in subsection (a).

"(d) EFFECT OF FAILURE OF SELECTION.—In the administration of this subchapter pursuant to subsection (a)—

"(1) an officer described in subsection (a) shall not be deemed to have failed twice of selection for promotion for purposes of section 629(e)(2) of this title until the officer has failed selection of promotion to the next higher grade the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned pursuant to section 649d of this title; and

"(2) any reference in section 631(a) or 632(a) of this title to an officer who has failed of selection for promotion to the next higher grade for the second time shall be deemed to refer instead to an officer described in subsection (a) who has failed of selection for promotion to the next higher grade for the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned pursuant to such section 649d.

"§ 649g. Retirement: retirement for years of service; selective early retirement

10 USC 649g.

"(a) RETIREMENT FOR YEARS OF SERVICES.—Sections 633 through 636 of this title shall apply to the retirement of officers in competitive categories of officers designated for purposes of this subchapter.

"(b) SELECTIVE EARLY RETIREMENT.—Sections 638 and 638a of this title shall apply to the retirement of officers described in subsection (a).

"§ 649h. Continuation on active duty

10 USC 649h.

"(a) IN GENERAL.—An officer subject to discharge or retirement pursuant to this subchapter may, subject to the needs of the service, be continued on active duty if the officer is selected for continuation on active duty in accordance with this section by a selection board convened under section 611(b) of this title.

"(b) IDENTIFICATION OF POSITIONS FOR OFFICERS CONTINUED ON ACTIVE DUTY.—

"(1) IN GENERAL.—Officers may be selected for continuation on active duty pursuant to this section only for assignment to positions identified by the Secretary of the military department concerned for which vacancies exist or are anticipated to exist.

"(2) IDENTIFICATION.—Before convening a selection board pursuant to section 611(b) of this title for purposes of selection of officers for continuation on active duty pursuant to this section, the Secretary of the military department concerned shall specify for purposes of the board the positions identified by the Secretary to which officers selected for continuation on active duty may be assigned.

"(c) RECOMMENDATION FOR CONTINUATION.—A selection board may recommend an officer for continuation on active duty pursuant to this section only if the board determines that the officer is qualified for assignment to one or more positions identified pursuant to subsection (b) on the basis of skills, knowledge, and behavior required of an officer to perform successfully in such position or positions.

"(d) APPROVAL OF SECRETARY OF MILITARY DEPARTMENT.—Continuation of an officer on active duty under this section pursuant to the action of a selection board is subject to the approval of the Secretary of the military department concerned.

"(e) NONACCEPTANCE OF CONTINUATION.—An officer who is selected for continuation on active duty pursuant to this section, but who declines to continue on active duty, shall be discharged or retired, as appropriate, in accordance with section 632 of this title.

"(f) PERIOD OF CONTINUATION.—

"(1) IN GENERAL.—An officer continued on active duty pursuant to this section shall remain on active duty, and serve in the position to which assigned (or in another position to which assigned with the approval of the Secretary of the military department concerned), for a total of not more than three years after the date of assignment to the position to which first so assigned.

"(2) ADDITIONAL CONTINUATION.—An officer whose continued service pursuant to this section would otherwise expire pursuant to paragraph (1) may be continued on active duty

if selected for continuation on active duty in accordance with this section before the date of expiration pursuant to that paragraph.

"(g) EFFECT OF EXPIRATION OF CONTINUATION.—Each officer continued on active duty pursuant to this subsection who is not selected for continuation on active duty pursuant to subsection (f)(2) at the completion of the officer's term of continued service shall, unless sooner discharged or retired under another provision of law—

"(1) be discharged upon the expiration of the term of continued service; or

"(2) if eligible for retirement under another other provision of law, be retired under that law on the first day of the first month following the month in which the officer completes the term of continued service.

"(h) TREATMENT OF DISCHARGE OR RETIREMENT.—The discharge or retirement of an officer pursuant to this section shall be considered to be an involuntary discharge or retirement for purposes of any other provision of law.

10 USC 649i.

"§ 649i. Continuation on active duty: officers in certain military specialties and career tracks

"In addition to continuation on active duty provided for in section 649h of this title, an officer to whom section 637a of this title applies may be continued on active duty in accordance with the provisions of such section 637a.

10 USC 649j.

"§ 649j. Other administrative authorities

"(a) IN GENERAL.—The following provisions of this title shall apply to officers in competitive categories of officers designated for purposes of this subchapter:

"(1) Section 638b, relating to voluntary retirement incentives.

"(2) Section 639, relating to continuation on active duty to complete disciplinary action.

"(3) Section 640, relating to deferment of retirement or separation for medical reasons.

10 USC 649k.

"§ 649k. Regulations

"The Secretary of Defense shall prescribe regulations regarding the administration of this subchapter. The elements of such regulations shall include mechanisms to clarify the manner in which provisions of other subchapters of this chapter shall be used in the administration of this subchapter in accordance with the provisions of this subchapter.".

(2) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 36 of such title is amended by adding at the end the following new item:

10 USC prec. 611.

"VI. Alternative Promotion Authority for Officers in Designated Competitive Categories ..... 649a".

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the

authorities in subchapter VI of chapter 36 of title 10, United States Code (as added by subsection (a)).

(2) ELEMENTS.—The report shall include the following:

(A) A detailed analysis and assessment of the manner in which the exercise of the authorities in subchapter VI of chapter 36 of title 10, United States Code (as so added), will effect the career progression of commissioned officers in the Armed Forces.

(B) A description of the competitive categories of officers that are anticipated to be designated as competitive categories of officers for purposes of such authorities.

(C) A plan for implementation of such authorities.

(D) Such recommendations for legislative or administrative action as the Secretary of Defense considers appropriate to improve or enhance such authorities.

SEC. 508. ATTENDING PHYSICIAN TO THE CONGRESS.

(a) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting before section 716 the following new section:

"§ 715. Attending Physician to the Congress: grade

10 USC 715.

"A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral (upper half).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 716 the following new item:

10 USC prec. 711.

"715. Attending Physician to the Congress: grade".

SEC. 509. MATTERS RELATING TO SATISFACTORY SERVICE IN GRADE FOR PURPOSES OF RETIREMENT GRADE OF OFFICERS IN HIGHEST GRADE OF SATISFACTORY SERVICE.

(a) CONDITIONAL DETERMINATIONS OF GRADE OF SATISFACTORY SERVICE.—

(1) IN GENERAL.—Subsection (a)(1) of section 1370 of title 10, United States Code, is amended by adding at the end the following new sentences: "When an officer is under investigation for alleged misconduct at the time of retirement, the Secretary concerned may conditionally determine the highest grade of satisfactory service of the officer pending completion of the investigation. Such grade is subject to resolution under subsection (b)(3).".

(2) OFFICERS IN O–9 AND O–10 GRADES.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense may make a conditional certification regarding satisfactory service in grade under paragraph (1) with respect to an officer under that paragraph notwithstanding the fact that there is pending the disposition of an adverse personnel action against the officer for alleged misconduct. The retired grade of an officer following such a conditional certification is subject to resolution under subsection (b)(3).".

(3) RESERVE OFFICERS.—Subsection (d)(1) of such section is amended by adding at the end the following new sentences: "When an officer is under investigation for alleged misconduct

at the time of retirement, the Secretary concerned may conditionally determine the highest grade of satisfactory service of the officer pending completion of the investigation. Such grade is subject to resolution under subsection (b)(3).".

(b) CODIFICATION OF LOWERED GRADE FOR RETIRED OFFICERS OR PERSONS WHO COMMITTED MISCONDUCT IN A LOWER GRADE.—

(1) IN GENERAL.—Subsection (b) of such section is amended—

(A) in the heading, by striking "NEXT";

(B) by inserting "(1)" before "An"; and

(C) by adding at the end the following new paragraphs:

"(2) In the case of an officer or person whom the Secretary concerned determines committed misconduct in a lower grade, the Secretary concerned may determine the officer or person has not served satisfactorily in any grade equal to or higher than that lower grade.

"(3) A determination or certification of the retired grade of an officer shall be resolved following a conditional determination under subsection (a)(1) or (d)(1) or conditional certification under subsection (c)(4), if the investigation of or personnel action against the officer, as applicable, results in adverse findings. If the retired grade of an officer is reduced, the retired pay of the officer under chapter 71 of this title shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction in retired grade.".

(2) CONFORMING AMENDMENTS.—Such section is amended—

(A) in subsection (a)(1)—

(i) by striking "higher" and inserting "different"; and

(ii) by striking "except as provided in paragraph (2)" and inserting "subject to paragraph (2) and subsection (b)";

(B) in subsection (c)(1), by striking "An officer" and inserting "Subject to subsection (b), an officer"; and

(C) in subsection (d)(1)—

(i) by striking "higher" each place it appears and inserting "different"; and

(ii) by inserting ", subject to subsection (b)," before "shall".

(c) FINALITY OF RETIRED GRADE DETERMINATIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) FINALITY OF RETIRED GRADE DETERMINATIONS.—(1) Except as otherwise provided by law, a determination or certification of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened.

"(2) A determination or certification of the retired grade of an officer may be reopened as follows:

"(A) If the retirement or retired grade of the officer was procured by fraud.

"(B) If substantial evidence comes to light after the retirement that could have led to a lower retired grade under this section if known by competent authority at the time of retirement.

"(C) If a mistake of law or calculation was made in the determination of the retired grade.

"(D) In the case of a retired grade following a conditional determination under subsection (a)(1) or (d)(1) or conditional certification under subsection (c)(4), if the investigation of or personnel action against the officer, as applicable, results in adverse findings.

"(E) If the Secretary concerned determines, pursuant to regulations prescribed by the Secretary of Defense, that good cause exists to reopen the determination or certification.

"(3) If a determination or certification of the retired grade of an officer is reopened, the Secretary concerned—

"(A) shall notify the officer of the reopening; and

"(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis of the reopening.

"(4) If a certification of the retired grade of an officer covered by subsection (c) is reopened, the Secretary concerned shall also notify the President and Congress of the reopening.

"(5) If the retired grade of an officer is reduced through the reopening of the officer's retired grade, the retired pay of the officer under chapter 71 of this title shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction of the officer's retired grade.".

SEC. 510. GRADES OF CHIEFS OF CHAPLAINS.

(a) ARMY.—Section 3073 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following new subsection:

"(b) The Chief of Chaplains, while so serving, holds the grade of major general.".

(b) NAVY.—Section 5142 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) The Chief of Chaplains, while so serving, holds the grade of rear admiral (upper half).".

(c) AIR FORCE.—Section 8039 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) GRADE OF CHIEF OF CHAPLAINS.—The Chief of Chaplains, while so serving, holds the grade of major general.".

SEC. 511. REPEAL OF ORIGINAL APPOINTMENT QUALIFICATION REQUIREMENT FOR WARRANT OFFICERS IN THE REGULAR ARMY.

(a) IN GENERAL.—Section 3310 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 335 of such title is amended by striking the item relating to section 3310.

10 USC prec. 3281.

SEC. 512. REDUCTION IN NUMBER OF YEARS OF ACTIVE NAVAL SERVICE REQUIRED FOR PERMANENT APPOINTMENT AS A LIMITED DUTY OFFICER.

Section 5589(d) of title 10, United States Code, is amended by striking "10 years" and inserting "8 years".

SEC. 513. AUTHORITY TO DESIGNATE CERTAIN RESERVE OFFICERS AS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, as amended by section 505, is further amended by adding at the end the following new subsection:

"(k) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the military department concerned may provide that an officer who is in an active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component), shall not be considered for selection for promotion until completion of two years of service in such duty status. Any such officer may remain on the reserve active-status list.".

SEC. 514. GAO REVIEW OF SURFACE WARFARE CAREER PATHS.

(a) GAO REVIEW.—The Comptroller General of the United States shall conduct a review of Navy surface warfare career paths.

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

(1) A description of current and previous career paths for officers in the regular and reserve components of the Navy that are related to surface warfare, including career paths for—

(A) unrestricted line officers;
(B) limited duty officers;
(C) engineering duty officers; and
(D) warrant officers.

(2) Any prior study that examined career paths described in paragraph (1).

(3) The current and historical personnel levels (fit/fill rates) and deployment tempos aboard naval vessels for each of the career paths described in paragraph (1).

(4) A comparison of the career paths of surface warfare officers with the career paths of surface warfare officers of foreign navies including—

(A) initial training;
(B) follow-on training;
(C) career milestones;
(D) qualification standards; and
(E) watch standing requirements.

(5) Any other matter the Comptroller General determines appropriate.

(c) DEADLINES.—Not later than March 1, 2019, the Comptroller General shall brief the congressional defense committees on the preliminary findings of the study under this section. The Comptroller General shall submit a final report to the congressional defense committees as soon as practicable after such briefing.

Subtitle B—Reserve Component Management

SEC. 515. AUTHORIZED STRENGTH AND DISTRIBUTION IN GRADE.

(a) STRENGTH AND GRADE AUTHORIZATIONS.—Section 12011(a) of title 10, United States Code is amended by striking those parts

of the table pertaining to the Air National Guard and inserting the following:

"Air National Guard:

	Major	Lieutenant Colonel	Colonel
10,000	763	745	333
12,000	915	923	377
14,000	1,065	1,057	402
16,000	1,211	1,185	426
18,000	1,347	1,313	450
20,000	1,463	1,440	468
22,000	1,606	1,569	494
24,000	1,739	1,697	517
26,000	1,872	1,825	539
28,000	2,005	1,954	562
30,000	2,138	2,082	585
32,000	2,271	2,210	608
34,000	2,404	2,338	630
36,000	2,537	2,466	653
38,000	2,670	2,595	676
40,000	2,803	2,723	698".

(b) STRENGTH AND GRADE AUTHORIZATIONS.—Section 12012(a) of title 10, United States Code is amended by striking those parts of the table pertaining to the Air National Guard and inserting the following:

"Air National Guard:

	E-8	E-9
10,000	1,350	550
12,000	1,466	594
14,000	1,582	636
16,000	1,698	676
18,000	1,814	714
20,000	1,930	752
22,000	2,046	790
24,000	2,162	828
26,000	2,278	866
28,000	2,394	904
30,000	2,510	942
32,000	2,626	980
34,000	2,742	1,018
36,000	2,858	1,056
38,000	2,974	1,094
40,000	3,090	1,132".

SEC. 516. REPEAL OF PROHIBITION ON SERVICE ON ARMY RESERVE FORCES POLICY COMMITTEE BY MEMBERS ON ACTIVE DUTY.

Section 10302 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "not on active duty" each place it appears; and

(2) in subsection (c)—

(A) by inserting "of the reserve components" after "among the members"; and

(B) by striking "not on active duty".

SEC. 517. EXPANSION OF PERSONNEL SUBJECT TO AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU IN THE EXECUTION OF FUNCTIONS AND MISSIONS OF THE NATIONAL GUARD BUREAU.

Section 10508(b)(1) of title 10, United States Code, is amended by striking "sections 2103," and all that follows through "of title 32," and inserting "sections 2102, 2103, 2105, and 3101 of title 5, subchapter IV of chapter 53 of title 5, or section 328 of title 32,".

SEC. 518. AUTHORITY TO ADJUST EFFECTIVE DATE OF PROMOTION IN THE EVENT OF UNDUE DELAY IN EXTENDING FEDERAL RECOGNITION OF PROMOTION.

(a) IN GENERAL.—Section 14308(f) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The effective date of promotion"; and

(2) by adding at the end the following new paragraph:

"(2) If the Secretary concerned determines that there was an undue delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force, and the delay was not attributable to the action (or inaction) of such officer, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion.".

10 USC 14308 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to promotions of officers whose State effective date is on or after that date.

SEC. 519. NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Section 509(h) of title 32, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Equipment and facilities of the Department of Defense may be used by the National Guard for purposes of carrying out the Program.".

SEC. 520. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON USE OF RETIRED SENIOR ENLISTED MEMBERS OF THE ARMY NATIONAL GUARD AS ARMY NATIONAL GUARD RECRUITERS.

10 USC 3013 note.

Section 514 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended—

(1) in subsection (d), by striking "2020" and inserting "2021"; and

(2) in subsection (f), by striking "2019" and inserting "2020".

Subtitle C—General Service Authorities and Correction of Military Records

SEC. 521. ENLISTMENTS VITAL TO THE NATIONAL INTEREST.

(a) IN GENERAL.—Section 504(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "and subject to paragraph (3)," after "Notwithstanding paragraph (1),";

(B) by striking "enlistment is vital to the national interest." and inserting "person possesses a critical skill or expertise—"; and

(C) by adding at the end the following new subparagraphs:

"(A) that is vital to the national interest; and

"(B) that the person will use in the primary daily duties of that person as a member of the armed forces."; and

(2) by adding at the end the following new paragraph (3):

"(3)(A) No person who enlists under paragraph (2) may report to initial training until after the Secretary concerned has completed all required background investigations and security and suitability screening as determined by the Secretary of Defense regarding that person.

"(B) A Secretary concerned may not authorize more than 1,000 enlistments under paragraph (2) per military department in a calendar year until after—

"(i) the Secretary of Defense submits to Congress written notice of the intent of that Secretary concerned to authorize more than 1,000 such enlistments in a calendar year; and

"(ii) a period of 30 days has elapsed after the date on which Congress receives the notice.".

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2019, and annually thereafter for each of the subsequent four years, the Secretary concerned shall submit a report to the Committees on Armed Services and the Judiciary of the Senate and the House of Representatives regarding persons who enter into enlistment contracts under section 504(b)(2) of title 10, United States Code, as amended by subsection (a).

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) The number of such persons who have entered into such contracts during the preceding calendar year.

(B) How many such persons have successfully completed background investigations and vetting procedures.

(C) How many such persons have begun initial training.

(D) The skills that are vital to the national interest that such persons possess.

SEC. 522. STATEMENT OF BENEFITS.

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 1155.

"§ 1155. Statement of benefits

"(a) BEFORE SEPARATION.—Not later than 30 days before a member retires, is released, is discharged, or otherwise separates from the armed forces (or as soon as is practicable in the case of an unanticipated separation), the Secretary concerned shall provide that member with a current assessment of all benefits to which that member may be entitled under laws administered by—

"(1) the Secretary of Defense; and

"(2) the Secretary of Veterans Affairs.

"(b) STATEMENT FOR RESERVES.—The Secretary concerned shall provide a member of a reserve component with a current assessment of benefits described in subsection (a) upon release of that member from active duty.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1154 the following new item:

10 USC prec. 1141.

"1155. Statement of benefits.".

SEC. 523. MODIFICATION TO FORMS OF SUPPORT THAT MAY BE ACCEPTED IN SUPPORT OF THE MISSION OF THE DEFENSE POW/MIA ACCOUNTING AGENCY.

(a) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection (a) of section 1501a of title 10, United States Code, is amended by adding at the end the following new sentence: "An employee of an entity outside the Government that has entered into a public-private partnership, cooperative agreement, or a grant arrangement with, or in direct support of, the designated Defense Agency under this section shall be considered to be an employee of the Federal Government by reason of participation in such partnership, cooperative agreement, or grant, only for the purposes of section 552a of title 5 (relating to maintenance of records on individuals).".

(b) AUTHORITY TO ACCEPT GIFTS IN SUPPORT OF MISSION TO ACCOUNT FOR MISSING PERSONS FROM PAST CONFLICTS.—Such section is further amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following new subsection (e):

"(e) ACCEPTANCE OF GIFTS.—

"(1) AUTHORITY TO ACCEPT.—Subject to subsection (f)(2), the Secretary may accept, hold, administer, spend, and use any gift of personal property, money, or services made on the condition that the gift be used for the purpose of facilitating accounting for missing persons pursuant to section 1501(a)(2)(C) of this title.

"(2) GIFT FUNDS.—Gifts and bequests of money accepted under this subsection shall be deposited in the Treasury in the Department of Defense General Gift Fund.

"(3) USE OF GIFTS.—Personal property and money accepted under this subsection may be used by the Secretary, and services accepted under this subsection may be performed, without further specific authorization in law.

"(4) EXPENSES OF TRANSFER.—The Secretary may pay all necessary expenses in connection with the conveyance or transfer of a gift accepted under this subsection.

"(5) EXPENSES OF CARE.—The Secretary may pay all reasonable and necessary expenses in connection with the care of a gift accepted under this subsection."; and

(3) by adding at the end of subsection (g), as redesignated by paragraph (1) of this subsection, the following new paragraph:

"(3) GIFT.—The term 'gift' includes a devise or bequest.".

(c) CONFORMING AMENDMENT.—Subsection (a) of such section is further amended by striking "subsection (e)(1)" and inserting "subsection (f)(1)".

SEC. 524. ASSESSMENT OF NAVY STANDARD WORKWEEK AND RELATED ADJUSTMENTS.

(a) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall—

(1) complete a comprehensive assessment of the standard workweek of the Navy;

(2) carry out the activities required under subsections (b) and (c).

(b) ADJUSTMENTS.—The Secretary of the Navy shall—

(1) update instruction 1000.16L of the Office of the Chief of Naval Operations titled "Navy Total Force Manpower Policies and Procedures" in order to—

(A) analyze and quantify current in-port workloads; and

(B) based on the analysis carried out pursuant to subparagraph (A), identify the manpower necessary to execute in-port workloads for all surface ship classes;

(2) update the criteria set forth in the instruction that are used to reassess the factors for calculating manpower requirements periodically or when conditions change; and

(3) taking into account the updates required by paragraphs (1) and (2), identify personnel needs and costs associated with the planned larger size of the Navy fleet.

(c) ADDED DEMANDS.—The Secretary of the Navy shall identify and quantify any increased or new requirements with respect to Navy ship crews, including Ready, Relevant Learning training periods and additional work that affects readiness and technical qualifications for Navy ship crews.

SEC. 525. NOTIFICATION ON MANNING OF AFLOAT NAVAL FORCES.

10 USC 8013 note.

(a) IN GENERAL.—The Secretary of the Navy shall notify the congressional defense committees, in writing, not later than 15 days after any of the following conditions are met:

(1) The manning fit for a covered ship is less than 87 percent.

(2) The manning fill for a covered ship is less than 90 percent.

(b) NOTIFICATION REQUIRED.—The notification required by subsection (a) shall include, with respect to a covered ship, the following:

(1) The name and hull number of the ship.

(2) The homeport location of the ship.

(3) The current manning fit and fill of the ship.

(4) The lowest levels of manning fit and fill projected for the ship and the date on which such levels are expected to occur.

(5) The projected date on which the Navy will achieve a manning fit and fill at least 87 percent and 90 percent, respectively, for the ship.

(6) The projected date on which the Navy will achieve a manning fit and fill of at least 92 percent and 95 percent, respectively, for the ship.

(7) A description of any reasons the Navy will not achieve manning fit and fill of at least 87 percent and 90 percent, respectively, for the ship, including a detailed description of the specific ratings or skillset areas that must be manned to achieve those percentages.

(8) A description of corrective actions the Navy is taking to improve manning fit or manning fill on the ship.

(c) SPECIAL RULE.—For purposes of determining whether a percentage of manning fit or manning fill has been achieved, a sailor in a more senior paygrade may count as filling the billet of a more junior paygrade, but a sailor in a more junior paygrade may not count as filling the billet of a more senior paygrade.

(d) DEFINITIONS.—In this section:

(1) MANNING FIT.—The term "manning fit" means the skills (rating), specialty skills (Navy Enlisted Classifications), and experience (paygrade) for the ship as compared with the billets authorized for such skills and experience.

(2) MANNING FILL.—The term "manning fill", in the case of a ship, means the total number of military personnel assigned to the ship by rating when compared with the billets authorized for the ship by rating.

(3) COVERED SHIP.—The term "covered ship" means a commissioned battle force ship that is included in the battle force count of the Naval Vessel Register.

10 USC 8013 note.

SEC. 526. NAVY WATCHSTANDER RECORDS.

(a) IN GENERAL.—The Secretary of the Navy shall require that, commencing not later than 180 days after the date of the enactment of this Act, key watchstanders on Navy surface ships shall maintain a career record of watchstanding hours and specific operational evolutions.

(b) KEY WATCHSTANDER DEFINED.—In this section, the term "key watchstander" means each of the following:

(1) Officer of the Deck.

(2) Engineering Officer of the Watch.

(3) Conning Officer or Piloting Officer.

(4) Any other officer specified by the Secretary for purposes of this section.

(c) BRIEFINGS OF CONGRESS.—

(1) INITIAL BRIEFING.—Not later than 150 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the plan of the Secretary for the maintenance of watchstander records, including updates to policy documents.

(2) UPDATE BRIEFINGS.—Not later than one year after the briefing pursuant to paragraph (1), and annually thereafter for the next two years, the Secretary shall provide to the committees of Congress referred to in that paragraph an update briefing on the status of the implementation of the plan described in that paragraph.

SEC. 527. QUALIFICATION EXPERIENCE REQUIREMENTS FOR CERTAIN NAVY WATCHSTATIONS.

(a) IN GENERAL.—Not later than 180 days after the date the of enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of individual training for certain watchstations, including any planned or recommended changes in qualification standards for such watchstations.

(b) WATCHSTATIONS.—The watchstations covered by the report required by subsection (a) are the following:

(1) Officer of the Deck.
(2) Combat Information Center Watch Officer.
(3) Tactical Action Officer.
(4) Engineering Officer of the Watch.
(5) Conning Officer or Piloting Officer.

Subtitle D—Military Justice

SEC. 531. INCLUSION OF STRANGULATION AND SUFFOCATION IN CONDUCT CONSTITUTING AGGRAVATED ASSAULT FOR PURPOSES OF THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—Subsection (b) of section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by adding "or" after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) who commits an assault by strangulation or suffocation;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2019, immediately after the coming into effect of the amendment made by section 5441 of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2954) as provided in section 5542 of that Act (130 Stat. 2967; 10 U.S.C. 801 note). 10 USC 928 note.

SEC. 532. PUNITIVE ARTICLE ON DOMESTIC VIOLENCE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PUNITIVE ARTICLE.—

(1) IN GENERAL.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 928a (article 128a) the following new section (article):

"§ 928b. Art. 128b. 10 USC 928b note.

"Any person who—

"(1) commits a violent offense against a spouse, an intimate partner, or an immediate family member of that person;

"(2) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person—

"(A) commits an offense under this chapter against any person; or

"(B) commits an offense under this chapter against any property, including an animal;

"(3) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person, violates a protection order;

"(4) with intent to commit a violent offense against a spouse, an intimate partner, or an immediate family member of that person, violates a protection order; or

"(5) assaults a spouse, an intimate partner, or an immediate family member of that person by strangling or suffocating; shall be punished as a court-martial may direct.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after the item relating to section 928a (article 128a) the following new item:

10 USC prec. 877.

"928b. 128b. Domestic violence.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2019, immediately after the coming into effect of the amendments made by the Military Justice Act of 2016 (division E of Public Law 114–328) as provided in section 5542 of that Act (130 Stat. 2967; 10 U.S.C. 801 note).

10 USC 928b note.

SEC. 533. AUTHORITIES OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) AUTHORITIES.—

"(1) HEARINGS.—The Advisory Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the committee considers appropriate to carry out its duties under this section.

"(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of the Advisory Committee, a department or agency of the Federal Government shall provide information that the Advisory Committee considers necessary to carry out its duties under this section. In carrying out this paragraph, the department or agency shall take steps to prevent the unauthorized disclosure of personally identifiable information.".

SEC. 534. REPORT ON FEASIBILITY OF EXPANDING SERVICES OF THE SPECIAL VICTIMS' COUNSEL TO VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall submit a report to the Committees on Armed Services of the Senate and House of Representatives regarding the feasibility and advisability of expanding eligibility for the Special Victims' Counsel programs under section 1044e of title 10, United States Code (hereinafter referred to as "the SVC programs"), to include victims of domestic violence.

(b) ELEMENTS.—The report under this section shall include the following:

(1) The current workload of the SVC programs.

(2) An analysis of the current personnel authorizations for the SVC programs.

(3) The optimal personnel levels for the SVC programs.

(4) An analysis of the effects that the expansion described in subsection (a) would have on the SVC programs, including—

(A) the estimated increase in workload;

(B) the estimated number of additional personnel that would be required to accommodate such increase; and

(C) the ability of the military departments to fill any additionally authorized billets for SVC programs with qualified judge advocates who possess military justice experience.

SEC. 535. UNIFORM COMMAND ACTION FORM ON DISPOSITION OF UNRESTRICTED SEXUAL ASSAULT CASES INVOLVING MEMBERS OF THE ARMED FORCES.

10 USC 1561 note.

The Secretary of Defense shall establish a uniform command action form, applicable across the Armed Forces, for reporting the final disposition of cases of sexual assault in which—

(1) the alleged offender is a member of the Armed Forces; and

(2) the victim files an unrestricted report on the alleged assault.

SEC. 536. STANDARDIZATION OF POLICIES RELATED TO EXPEDITED TRANSFER IN CASES OF SEXUAL ASSAULT OR DOMESTIC VIOLENCE.

10 USC 673 note.

(a) POLICIES FOR MEMBERS.—The Secretary of Defense shall modify, in accordance with section 673 of title 10, United States Code, all policies that the Secretary determines necessary to establish a standardized expedited transfer process for a member of the Army, Navy, Air Force, or Marine Corps who is the alleged victim of—

(1) sexual assault (regardless of whether the case is handled under the Sexual Assault Prevention and Response Program or Family Advocacy Program); or

(2) physical domestic violence (as defined by the Secretary in regulations prescribed under this section) committed by the spouse or intimate partner of the member, regardless of whether the spouse or intimate partner is a member of the Armed Forces.

(b) POLICY FOR DEPENDENTS OF MEMBERS.—The Secretary of Defense shall establish a policy to allow the transfer of a member of the Army, Navy, Air Force, or Marine Corps whose dependent is the victim of sexual assault perpetrated by a member of the Armed Forces who is not related to the victim.

Subtitle E—Other Legal Matters

SEC. 541. CLARIFICATION OF EXPIRATION OF TERM OF APPELLATE MILITARY JUDGES OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW.

(a) IN GENERAL.—Section 950f(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The term of an appellate military judge assigned to the Court under paragraph (2) or appointed to the Court under paragraph (3) shall expire on the earlier of the date on which—

"(A) the judge leaves active duty; or

"(B) the judge is reassigned to other duties in accordance with section 949b(b)(4) of this title.".

10 USC 950f note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to each judge of the United States Court of Military Commission Review serving on that court on the date of the enactment of this Act and each judge assigned or appointed to that court on or after such date.

SEC. 542. SECURITY CLEARANCE REINVESTIGATION OF CERTAIN PERSONNEL WHO COMMIT CERTAIN OFFENSES.

Section 1564 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsection (d), (e), (f), and (g), respectively; and

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

"(c) REINVESTIGATION OR READJUDICATION OF CERTAIN INDIVIDUALS.—(1) The Secretary of Defense shall conduct an investigation or adjudication under subsection (a) of any individual described in paragraph (2) upon—

"(A) conviction of that individual by a court of competent jurisdiction for—

"(i) sexual assault;

"(ii) sexual harassment;

"(iii) fraud against the United States; or

"(iv) any other violation that the Secretary determines renders that individual susceptible to blackmail or raises serious concern regarding the ability of that individual to hold a security clearance; or

"(B) determination by a commanding officer that that individual has committed an offense described in subparagraph (A).

"(2) An individual described in this paragraph in an individual who has a security clearance and is—

"(A) a flag officer;

"(B) a general officer; or

"(C) an employee of the Department of Defense in the Senior Executive Service.

"(3) The Secretary shall ensure that relevant information on the conviction or determination described in paragraph (1) of an individual described in paragraph (2) during the preceding year, regardless of whether the individual has retired or resigned or has been discharged, released, or otherwise separated from the armed forces, is reported into Federal law enforcement records and security clearance databases, and that such information is transmitted, as appropriate, to other Federal agencies.

"(4) In this subsection:

"(A) The term 'sexual assault' includes rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit such offenses, as those terms are defined in chapter 47 of this title (the Uniform Code of Military Justice).

"(B) The term 'sexual harassment' has the meaning given that term in section 1561 of this title.

"(C) The term 'fraud against the United States' means a violation of section 932 of this title (article 132 of the Uniform Code of Military Justice).".

SEC. 543. DEVELOPMENT OF OVERSIGHT PLAN FOR IMPLEMENTATION OF DEPARTMENT OF DEFENSE HARASSMENT PREVENTION AND RESPONSE POLICY.

(a) DEVELOPMENT.—The Secretary of Defense shall develop a plan for overseeing the implementation of the instruction titled "Harassment Prevention and Response in the Armed Forces", published on February 8, 2018 (DODI–1020.03).

(b) ELEMENTS.—The plan under subsection (a) shall require the military services and other components of the Department of Defense to take steps by certain dates to implement harassment prevention and response programs under such instruction, including no less than the following:

(1) Submitting implementation plans to the Director, Force Resiliency.

(2) Incorporating performance measures that assess the effectiveness of harassment prevention and response programs.

(3) Adopting compliance standards for promoting, supporting, and enforcing policies, plans, and programs.

(4) Tracking, collecting, and reporting data and information on sexual harassment incidents based on standards established by the Secretary.

(5) Instituting anonymous complaint mechanisms.

(c) REPORT.—Not later than July 1, 2019, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the oversight plan developed under this section. The report shall include, for each military service and component of the Department of Defense, the implementation status of each element of the oversight plan.

SEC. 544. OVERSIGHT OF REGISTERED SEX OFFENDER MANAGEMENT PROGRAM. 10 USC 131 note.

(a) DESIGNATION OF OFFICIAL OR ENTITY.—The Secretary of Defense shall designate a single official or existing entity within the Office of the Secretary of Defense to serve as the official or entity (as the case may be) with principal responsibility in the Department of Defense for providing oversight of the registered sex offender management program of the Department.

(b) DUTIES.—The official or entity designated under subsection (a) shall—

(1) monitor compliance with Department of Defense Instruction 5525.20 and other relevant polices;

(2) compile data on members serving in the military departments who have been convicted of a qualifying sex offense, including data on the sex offender registration status of each such member;

(3) maintain statistics on the total number of active duty service members in each military department who are required to register as sex offenders; and

(4) perform such other duties as the Secretary of Defense determines to be appropriate.

(c) BRIEFING REQUIRED.—Not later than June 1, 2019, the Secretary of Defense shall provide to the Committee on Armed Services of the House of Representatives a briefing on—

(1) the compliance of the military departments with the policies of the Department of Defense relating to registered sex offenders;

(2) the results of the data compilation described in subsection (b)(2); and

(3) any other matters the Secretary determines to be appropriate.

(d) MILITARY DEPARTMENTS DEFINED.—In this section, the term "military departments" has the meaning given that term in section 101(a)(8) of title 10, United States Code.

10 USC 7461 note.

SEC. 545. DEVELOPMENT OF RESOURCE GUIDES REGARDING SEXUAL ASSAULT FOR THE MILITARY SERVICE ACADEMIES.

(a) DEVELOPMENT.—Not later than 30 days after the date of the enactment of this Act, each Superintendent of a military service academy shall develop and maintain a resource guide for students at the respective military service academies regarding sexual assault.

(b) ELEMENTS.—Each guide developed under this section shall include the following information with regards to the relevant military service academy:

(1) PROCESS OVERVIEW AND DEFINITIONS.—

(A) An explanation of prohibited conduct, including examples.

(B) An explanation of consent.

(C) Victims' rights.

(D) Clearly described complaint process, including to whom a complaint may be filed.

(E) Explanations of restricted and unrestricted reporting.

(F) List of mandatory reporters.

(G) Protections from retaliation.

(H) Assurance that leadership will take appropriate corrective action.

(I) References to specific policies.

(J) Resources for survivors.

(2) EMERGENCY SERVICES.—

(A) Contact information.

(B) Location.

(3) SUPPORT AND COUNSELING.—Contact information for the following support and counseling resources:

(A) The Sexual Assault Prevention and Response Victim Advocate or other equivalent advocate or counselor available to students in cases of sexual assault.

(B) The Sexual Harassment/Assault Response and Prevention Resource Program Center.

(C) Peer counseling.

(D) Medical care.

(E) Legal counsel.

(F) Hotlines.

(G) Chaplain or other spiritual representatives.

(c) DISTRIBUTION.—Each Superintendent shall provide the current guide developed by that Superintendent under this section—

(1) not later than 30 days after completing development under subsection (a) to each student who is enrolled at the military service academy of that Superintendent on the date of the enactment of this Act;

(2) at the beginning of each academic year after the date of the enactment of this Act to each student who enrolls at the military service academy of that Superintendent; and

(3) as soon as practicable to a student at the military service academy of that Superintendent who reports that such student is a victim of sexual assault.

SEC. 546. IMPROVED CRIME REPORTING.

10 USC 113 note.

(a) TRACKING PROCESS.—The Secretary of Defense, in consultation with the secretaries of the military departments, shall establish a consolidated tracking process for the Department of Defense to ensure increased oversight of the timely submission of crime reporting data to the Federal Bureau of Investigation under section 922(g) of title 18, United States Code, and Department of Defense Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements". The tracking process shall, to the maximum extent possible, standardize and automate reporting and increase the ability of the Department to track such submissions.

(b) LETTER REQUIRED.—Not later than July 1, 2019, the Secretary of Defense shall submit a letter to the Committees on Armed Services of the Senate and House of Representatives that details the tracking process under subsection (a).

SEC. 547. REPORT ON VICTIMS OF SEXUAL ASSAULT IN REPORTS OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.

10 USC 1561 note.

(a) REPORT.—Not later than September 30, 2019, and not less frequently than once every two years thereafter, the Secretary of Defense, acting through the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces shall submit to the congressional defense committees a report that includes, with respect to the period of two years preceding the date of the submittal of the report, the following:

(1) The number of instances in which a covered individual was accused of misconduct or crimes considered collateral to the investigation of a sexual assault committed against the individual.

(2) The number of instances in which adverse action was taken against a covered individual who was accused of collateral misconduct or crimes as described in paragraph (1).

(3) The percentage of investigations of sexual assaults that involved an accusation or adverse action against a covered individual as described in paragraphs (1) and (2).

(b) COVERED INDIVIDUAL DEFINED.—In this section, the term "covered individual" means an individual who is identified as a victim of a sexual assault in the case files of a military criminal investigative organization.

Subtitle F—Member Education, Training, Resilience, and Transition

SEC. 551. PERMANENT CAREER INTERMISSION PROGRAM.

(a) CODIFICATION AND PERMANENT AUTHORITY.—Chapter 40 of title 10, United States Code, is amended by adding at the end the following new section 710:

10 USC 710.

"§ 710. Career flexibility to enhance retention of members

"(a) PROGRAMS AUTHORIZED.—Each Secretary of a military department may carry out programs under which members of the regular components and members on Active Guard and Reserve duty of the armed forces under the jurisdiction of such Secretary may be inactivated from active service in order to meet personal or professional needs and returned to active service at the end of such period of inactivation from active service.

"(b) PERIOD OF INACTIVATION FROM ACTIVE SERVICE; EFFECT OF INACTIVATION.—(1) The period of inactivation from active service under a program under this section of a member participating in the program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the member under subsection (c), except that such period may not exceed three years.

"(2) Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of this title.

"(3) Any period of participation of a member in a program under this section shall not count toward—

"(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of this title; or

"(B) computation of retired or retainer pay under chapter 71 or 1223 of this title.

"(c) AGREEMENT.—Each member of the armed forces who participates in a program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

"(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the armed force concerned during the period of the inactivation of the member from active service under the program.

"(2) To undergo during the period of the inactivation of the member from active service under the program such inactive service training as the Secretary concerned shall require in order to ensure that the member retains proficiency, at a level determined by the Secretary concerned to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active service.

"(3) Following completion of the period of the inactivation of the member from active service under the program, to serve two months as a member of the armed forces on active service for each month of the period of the inactivation of the member from active service under the program.

"(d) CONDITIONS OF RELEASE.—The Secretary of Defense shall prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active service.

"(e) ORDER TO ACTIVE SERVICE.—Under regulations prescribed by the Secretary of the military department concerned, a member

of the armed forces participating in a program under this section may, in the discretion of such Secretary, be required to terminate participation in the program and be ordered to active service.

"(f) PAY AND ALLOWANCES.—(1) During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active service in the grade and years of service of the member when the member commences participation in the program.

"(2)(A) A member who participates in a program shall not, while participating in the program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37 that is in force when the member commences participation in the program.

"(B) The inactivation from active service of a member participating in a program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37 that is in force when the member commences participation in the program.

"(3)(A) Subject to subparagraph (B), upon the return of a member to active service after completion by the member of participation in a program—

"(i) any agreement entered into by the member under chapter 5 of title 37 for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the program; and

"(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

"(B)(i) Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active service as described in that subparagraph—

"(I) such pay or bonus is no longer authorized by law; or

"(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active service.

"(ii) Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

"(C) A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

"(D) Any service required of a member under an agreement covered by this paragraph after the member returns to active service

as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

"(4)(A) Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

"(i) travel performed from the residence of the member, at the time of release from active service to participate in the program, to the location in the United States designated by the member as his residence during the period of participation in the program; and

"(ii) travel performed to the residence of the member upon return to active service at the end of the participation of the member in the program.

"(B) An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

"(5) A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of this title, but not to exceed 60 days.

"(g) PROMOTION.—(1)(A) An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under chapter 36 or 1405 of this title.

"(B) Upon the return of an officer to active service after completion by the officer of participation in a program—

"(i) the Secretary of the military department concerned shall adjust the date of rank of the officer in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

"(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

"(2) An enlisted member participating in a program shall not be eligible for consideration for promotion during the period that—

"(A) begins on the date of the inactivation of the member from active service under the program; and

"(B) ends at such time after the return of the member to active service under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the program.

"(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the armed forces on active duty for a period of more than 30 days for purposes of—

"(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of this title; and

"(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 709a the following new item:

10 USC prec. 701.

"710. Career flexibility to enhance retention of members.".

(2) CONFORMING REPEAL.—Section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is repealed.

SEC. 552. IMPROVEMENTS TO TRANSITION ASSISTANCE PROGRAM.

(a) PATHWAYS FOR TAP.—

(1) IN GENERAL.—Section 1142 of title 10, United States Code, is amended—

(A) in the section heading by striking "**medical**" and inserting "**certain**";

(B) in subsection (a)—

(i) in paragraph (1), by inserting "(regardless of character of discharge)" after "discharge";

(ii) in paragraph (3)(A)—

(I) by striking "as soon as possible during the 12-month period preceding" and inserting "not later than 365 days before";

(II) by striking "90 days" and inserting "365 days"; and

(III) by striking "discharge or release" and inserting "retirement or other separation"; and

(iii) in paragraph (3)(B)—

(I) by striking "90" and inserting "365"; and

(II) by striking "90-day" and inserting "365-day";

(C) by redesignating subsection (c) as subsection (d);

(D) by inserting after subsection (b) the following new subsection (c):

"(c) COUNSELING PATHWAYS.—(1) Each Secretary concerned, in consultation with the Secretaries of Labor and Veterans Affairs, shall establish at least three pathways for members of the military department concerned receiving individualized counseling under this section. The Secretaries shall design the pathways to address the needs of members, based on the following factors:

"(A) Rank.

"(B) Term of service.

"(C) Gender.

"(D) Whether the member was a member of a regular or reserve component of an armed force.

"(E) Disability.

"(F) Character of discharge (including expedited discharge and discharge under conditions other than honorable).

"(G) Health (including mental health).

"(H) Military occupational specialty.

"(I) Whether the member intends, after separation, retirement, or discharge, to—

"(i) seek employment;

"(ii) enroll in a program of higher education;

"(iii) enroll in a program of vocational training; or

"(iv) become an entrepreneur.

"(J) The educational history of the member.

"(K) The employment history of the member.

"(L) Whether the member has secured—

"(i) employment;

"(ii) enrollment in a program of education; or

"(iii) enrollment in a program of vocational training.

"(M) Other factors the Secretary of Defense and the Secretary of Homeland Security, in consultation with the Secretaries of Labor and Veterans Affairs, determine appropriate.

"(2) Each member described in subsection (a) shall meet in person or by video conference with a counselor before beginning counseling under this section to—

"(A) take a self-assessment designed by the Secretary concerned (in consultation with the Secretaries of Labor and Veterans Affairs) to ensure that the Secretary concerned places the member in the appropriate pathway under this subsection;

"(B) receive information from the counselor regarding reenlistment in the armed forces; and

"(C) receive information from the counselor regarding resources (including resources regarding military sexual trauma)—

"(i) for members of the armed forces separated, retired, or discharged;

"(ii) located in the community in which the member will reside after separation, retirement, or discharge.

"(3) At the meeting under paragraph (2), the member may elect to have the Secretary concerned (in consultation with the Secretaries of Labor and Veterans Affairs) provide the contact information of the member to the resources described in paragraph (2)(B)."; and

(E) by adding at the end the following new subsection:

"(e) JOINT SERVICE TRANSCRIPT.—The Secretary concerned shall provide a copy of the joint service transcript of a member described in subsection (a) to—

"(1) that member—

"(A) at the meeting with a counselor under subsection (c)(2); and

"(B) on the day the member separates, retires, or is discharged; and

"(2) the Secretary of Veterans Affairs on the day the member separates, retires, or is discharged.".

10 USC 1142 note.

(2) DEADLINE.—Each Secretary concerned shall carry out subsection (c) of such section, as amended by paragraph (1), not later than 1 year after the date of the enactment of this Act.

(3) GAO STUDY.—Not later than 1 year after the Secretaries concerned carry out subsection (c) of such section, as amended by paragraph (1), the Comptroller General of the United States shall submit to Congress a review of the pathways for the Transition Assistance Program established under such subsection (c).

(b) CONTENTS OF TAP.—

(1) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "Such services" and inserting "Subject to subsection (f)(2), such services"; and

(B) by amending subsection (f) to read as follows:

"(f) PROGRAM CONTENTS.—(1) The program carried out under this section shall consist of instruction as follows:

"(A) One day of preseparation training specific to the armed force concerned, as determined by the Secretary concerned.

"(B) One day of instruction regarding—

"(i) benefits under laws administered by the Secretary of Veterans Affairs; and

"(ii) other subjects determined by the Secretary concerned.

"(C) One day of instruction regarding preparation for employment.

"(D) Two days of instruction regarding a topic selected by the member from the following subjects:

"(i) Preparation for employment.

"(ii) Preparation for education.

"(iii) Preparation for vocational training.

"(iv) Preparation for entrepreneurship.

"(v) Other options determined by the Secretary concerned.

"(2) The Secretary concerned may permit a member to attend training and instruction under the program established under this section—

"(A) before the time periods established under section 1142(a)(3) of this title;

"(B) in addition to such training and instruction required during such time periods.".

(2) DEADLINE.—The Transition Assistance Program shall comply with the requirements of section 1144(f) of title 10, United States Code, as amended by paragraph (1), not later than 1 year after the date of the enactment of this Act. 10 USC 1144 note.

(3) ACTION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit an action plan to the congressional defense committees that—

(A) details how the Secretary shall implement the requirements of section 1144(f) of title 10, United States Code, as amended by paragraph (1); and

(B) details how the Secretary, in consultation with the Secretaries of Veterans Affairs and Labor, shall establish standardized performance metrics to measure Transition Assistance Program participation and outcome-based objective benchmarks in order to—

(i) provide feedback to the Departments of Defense, Veterans Affairs, and Labor;

(ii) improve the curriculum of the Transition Assistance Program;

(iii) share best practices;

(iv) facilitate effective oversight of the Transition Assistance Program; and

(v) ensure members obtain sufficient financial literacy to effectively leverage conferred benefits and opportunities for employment, education, vocational training, and entrepreneurship.

(4) REPORT.—On the date that is 2 years after the date of the enactment of this Act and annually thereafter for the subsequent 4 years, the Secretary of Defense shall submit to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives, the Committee

on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a report regarding members of the Armed Forces who have attended Transition Assistance Program counseling during the preceding year. The report shall detail the following:

(A) The total number of members who attended Transition Assistance Program counseling.

(B) The number of members who attended Transition Assistance Program counseling under paragraph (1) of section 1144(f) of title 10, as amended by paragraph (1).

(C) The number of members who attended Transition Assistance Program counseling under paragraph (2) of such section.

(D) The number of members who elected to attend each two-day instruction under paragraph (1)(D) of such section.

SEC. 553. REPEAL OF PROGRAM ON ENCOURAGEMENT OF POSTSEPARATION PUBLIC AND COMMUNITY SERVICE.

(a) REPEAL.—

(1) IN GENERAL.—Section 1143a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1143a.

10 USC prec. 1141.

(b) CONFORMING AMENDMENTS.—

(1) Section 1144(b) of title 10, United States Code, is amended—

(A) by striking paragraph (8); and

(B) by redesignating paragraphs (9), (10), and (11) as paragraphs (8), (9), and (10), respectively.

(2) Section 1142(b)(4)(C) of such title is amended by striking "the public and community service jobs program carried out under section 1143a of this title, and".

(3) Section 159(c)(2)(D) of the National and Community Service Act of 1990 (42 U.S.C. 12619(c)(2)(D)) is amended by striking "and as employment with a public service or community service organization for purposes of section 4464 of that Act".

(4) Section 162(a)(2) of such Act (42 U.S.C. 12622(a)(2)) is amended by striking "shall" and all that follows through "provide other" and inserting "shall provide".

(5) Subsection (c) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note) is amended to read as follows:

"(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—During the period specified in subsection (i)(2), this section does not apply as follows:

"(1) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1293 note).

"(2) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1293 note).".

(c) CONFORMING REPEAL.—

(1) REPEAL.—Section 4464 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1143a note) is repealed.

(2) APPLICABILITY.—The repeal made under paragraph (1) shall apply with respect to an individual who retires from the Armed Forces on or after the date of the enactment of this Act.

SEC. 554. CLARIFICATION OF APPLICATION AND HONORABLE SERVICE REQUIREMENTS UNDER THE TROOPS-TO-TEACHERS PROGRAM TO MEMBERS OF THE RETIRED RESERVE.

(a) IN GENERAL.—Paragraph (2)(B) of section 1154(d) of title 10, United States Code, is amended—

(1) by inserting "(A)(iii)," after "(A)(i),";

(2) by inserting "transferred to the Retired Reserve, or" after "member is retired,"; and

(3) by striking "separated," and inserting "separated".

(b) CONFORMING AMENDMENTS.—The second sentence of paragraph (3)(D) of such section is amended—

(1) by inserting ", the transfer of the member to the Retired Reserve," after "retirement of the member"; and

(2) by inserting "transfer," after "after the retirement,".

SEC. 555. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS AT THE JOINT SPECIAL OPERATIONS UNIVERSITY.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The Joint Special Operations University.".

SEC. 556. PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

Section 2015(a) of title 10, United States Code, is amended by striking "related to military training" and all that follows through the period at the end of paragraph (2) and inserting "that translate into civilian occupations.".

SEC. 557. ENHANCEMENT OF AUTHORITIES IN CONNECTION WITH JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) FLEXIBILITY IN AUTHORITIES FOR MANAGEMENT OF PROGRAMS AND UNITS.—

(1) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2035. Flexibility in authorities for management of programs and units

10 USC 2035.

"(a) AUTHORITY TO CONVERT OTHERWISE CLOSING UNITS TO NATIONAL DEFENSE CADET CORPS PROGRAM UNITS.—If the Secretary of a military department is notified by a local educational agency of the intent of the agency to close its Junior Reserve Officers' Training Corps, the Secretary shall offer the agency the option of converting the unit to a National Defense Cadet Corps (NDCC) program unit in lieu of closing the unit.

"(b) FLEXIBILITY IN ADMINISTRATION OF INSTRUCTORS.—

"(1) IN GENERAL.—The Secretaries of the military departments may, without regard to any other provision of this

chapter, undertake initiatives designed to promote flexibility in the hiring and compensation of instructors for the Junior Reserve Officers' Training Corps program under the jurisdiction of such Secretaries.

"(2) ELEMENTS.—The initiatives undertaken pursuant to this subsection may provide for one or more of the following:

"(A) Termination of the requirement for a waiver as a condition of the hiring of well-qualified non-commissioned officers with a bachelor's degree for senior instructor positions within the Junior Reserve Officers' Training Corps.

"(B) Specification of a single instructor as the minimum number of instructors required to found and operate a Junior Reserve Officers' Training Corps unit.

"(C) Authority for Junior Reserve Officers' Training Corps instructors to undertake school duties, in addition to Junior Reserve Officers' Training Corps duties, at small schools.

"(D) Authority for the payment of instructor compensation for a limited number of Junior Reserve Officers' Training Corps instructors on a 10-month per year basis rather than a 12-month per year basis.

"(E) Such other actions as the Secretaries of the military departments consider appropriate.

"(c) FLEXIBILITY IN ALLOCATION AND USE OF TRAVEL FUNDING.—The Secretaries of the military departments shall take appropriate actions to provide so-called regional directors of the Junior Reserve Officers' Training Corps programs located at remote rural schools enhanced discretion in the allocation and use of funds for travel in connection with Junior Reserve Officers' Training Corps activities.

"(d) STANDARDIZATION OF PROGRAM DATA.—The Secretary of Defense shall take appropriate actions to standardize the data collected and maintained on the Junior Reserve Officers' Training Corps programs in order to facilitate and enhance the collection and analysis of such data. Such actions shall include a requirement for the use of the National Center for Education Statistics (NCES) identification code for each school with a unit under a Junior Reserve Officers' Training Corps program in order to facilitate identification of such schools and their units under the Junior Reserve Officers' Training Corps programs.".

10 USC prec. 2031.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 102 of such title is amended by adding at the end the following new item:

"2035. Flexibility in authorities for management of programs and units.".

(b) AUTHORITY FOR ADDITIONAL UNITS.—The Secretaries of the military departments may, using amounts authorized to be appropriated by this Act and available in the funding tables in sections 4301 and 4401 for purposes of the Junior Reserve Officers' Training Corps programs, establish an aggregate of not more than 100 units under the Junior Reserve Officers' Training Corps programs in low-income and rural areas of the United States and areas of the United States currently underserved by the Junior Reserve Officers' Training Corps programs.

SEC. 558. EXPANSION OF PERIOD OF AVAILABILITY OF MILITARY ONESOURCE PROGRAM FOR RETIRED AND DISCHARGED MEMBERS OF THE ARMED FORCES AND THEIR IMMEDIATE FAMILIES.

10 USC 1781 note.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the period of eligibility for the Military OneSource program of the Department of Defense of an eligible individual retired, discharged, or otherwise released from the Armed Forces, and for the eligible immediate family members of such an individual, shall be the one-year period beginning on the date of the retirement, discharge, or release, as applicable, of such individual.

(b) INFORMATION TO FAMILIES.—The Secretary shall, in such manner as the Secretary considers appropriate, inform military families and families of veterans of the Armed Forces of the wide range of benefits available through the Military OneSource program.

SEC. 559. PROHIBITION ON USE OF FUNDS FOR ATTENDANCE OF ENLISTED PERSONNEL AT SENIOR LEVEL AND INTERMEDIATE LEVEL OFFICER PROFESSIONAL MILITARY EDUCATION COURSES.

(a) PROHIBITION.—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense may be obligated or expended for the purpose of the attendance of enlisted personnel at senior level and intermediate level officer professional military education courses.

(b) SENIOR LEVEL AND INTERMEDIATE LEVEL OFFICER PROFESSIONAL MILITARY EDUCATION COURSES DEFINED.—In this section, the term "senior level and intermediate level officer professional military education courses" means any course for officers offered by a school specified in paragraph (1) or (2) of section 2151(b) of title 10, United States Code.

(c) REPEAL OF SUPERSEDED LIMITATION.—

(1) IN GENERAL.—Section 547 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is repealed.

(2) PRESERVATION OF CERTAIN REPORTING REQUIREMENT.—The repeal in paragraph (1) shall not be interpreted to terminate the requirement of the Comptroller General of the United States to submit the report required by subsection (c) of section 547 of the National Defense Authorization Act for Fiscal Year 2018.

Subtitle G—Defense Dependents' Education

SEC. 561. ASSISTANCE TO SCHOOLS WITH MILITARY DEPENDENT STUDENTS.

(a) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2019 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 20 U.S.C. 7703a).

(2) USE OF CERTAIN AMOUNT.—Of the amount available under paragraph (1) for payments as described in that paragraph, $5,000,000 shall be available for such payments to local educational agencies determined by the Secretary of Defense, in the discretion of the Secretary, to have higher concentrations of military children with severe disabilities.

(b) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2019 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $40,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

10 USC 921 note.

SEC. 562. DEPARTMENT OF DEFENSE EDUCATION ACTIVITY POLICIES AND PROCEDURES ON SEXUAL HARASSMENT OF STUDENTS OF ACTIVITY SCHOOLS.

(a) APPLICABILITY OF TITLE IX PROTECTIONS.—The provisions of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (in this section referred to as "title IX") with respect to education programs or activities receiving Federal financial assistance shall apply equally to education programs and activities administered by the Department of Defense Education Activity (DODEA).

(b) POLICIES AND PROCEDURES.—Not later than March 31, 2019, the Department of Defense Education Activity shall establish policies and procedures to protect students at schools of the Activity who are victims of sexual harassment. Such policies and procedures shall afford protections at least comparable to the protections afforded under title IX.

(c) ELEMENTS.—The policies and procedures required by subsection (b) shall include, at a minimum, the following:

(1) A policy addressing sexual harassment of students at the schools of the Department of Defense Education Activity that uses and incorporates terms, procedures, protections, investigation standards, and standards of evidence consistent with title IX.

(2) A procedure by which—

(A) a student of a school of the Activity, or a parent of such a student, may file a complaint with the school alleging an incident of sexual harassment at the school; and

(B) such a student or parent may appeal the decision of the school regarding such complaint.

(3) A procedure and mechanisms for the appointment and training of, and allocation of responsibility to, a coordinator at each school of the Activity for sexual harassment matters involving students from the military community served by such school.

(4) Training of employees of the Activity, and volunteers at schools of the Activity, on the policies and procedures.

(5) Mechanisms for the broad distribution and display of the policy described in paragraph (1), including on the Internet website of the Activity and on Internet websites of schools of the Activity, in printed and online versions of student handbooks, and in brochures and flyers displayed on school bulletin boards and in guidance counselor offices.

(6) Reporting and recordkeeping requirements designed to ensure that—

(A) complaints of sexual harassment at schools of the Activity are handled—

(i) with professionalism and consistency; and

(ii) in a manner that permits coordinators referred to in paragraph (3) to track trends in incidents of sexual harassment and to identify repeat offenders of sexual harassment; and

(B) appropriate members of the local leadership of military communities are held accountable for acting upon complaints of sexual harassment at schools of the Activity.

SEC. 563. DEPARTMENT OF DEFENSE EDUCATION ACTIVITY MISCONDUCT DATABASE.

10 USC 921 note.

(a) COMPREHENSIVE DATABASE.—The Secretary of Defense shall consolidate the various databases and mechanisms for the reporting and tracking of juvenile misconduct in Department of Defense Education Activity (hereinafter in this section referred to as "DODEA") schools into one comprehensive database for DODEA juvenile misconduct. The comprehensive database shall include all unresolved and all substantiated allegations of juvenile-on-juvenile sexual misconduct.

(b) POLICY.—The Secretary shall establish a comprehensive policy regarding the reporting and tracking of juvenile misconduct cases occurring in DODEA schools, including policies establishing appropriate safeguards to prevent unauthorized disclosure of sensitive information contained in the comprehensive database required by subsection (a).

SEC. 564. ASSESSMENT AND REPORT ON ACTIVE SHOOTER THREAT MITIGATION AT SCHOOLS LOCATED ON MILITARY INSTALLATIONS.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of strategies that may be used to address any security threat posed by active shooter incidents at public elementary schools and secondary schools located on the grounds of Federal military installations.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the assessment conducted under subsection (a).

Subtitle H—Military Family Readiness Matters

SEC. 571. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL MATTERS.

(a) MEMBER MATTERS.—

(1) MEMBERSHIP.—Paragraph (1)(B) of subsection (b) of section 1781a of title 10, United States Code, is amended—

(A) in clause (i), by striking "a member of the armed force to be represented" and inserting "a member or civilian employee of the armed force to be represented"; and

(B) by striking clause (ii) and inserting the following new clause (ii):

"(ii) One representative, who shall be a member or civilian employee of the National Guard Bureau, to represent both the Army National Guard and the Air National Guard.".

(2) TERMS.—Paragraph (2) of such subsection is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "clauses (i) and (iii) of"; and

(ii) by striking the second sentence; and

(B) in subparagraph (B), by striking "three years" and inserting "two years".

(b) DUTIES.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking "military family readiness by the Department of Defense" and inserting "military family readiness programs and activities of the Department of Defense"; and

(2) by adding at the end the following new paragraph:

"(4) To make recommendations to the Secretary of Defense to improve collaboration, awareness, and promotion of accurate and timely military family readiness information and support services by policy makers, service providers, and targeted beneficiaries.".

(c) ANNUAL REPORTS.—Subsection (e) of such section is amended by striking "February 1" and inserting "July 1".

10 USC 1781a note.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY OF MEMBERSHIP AND TERM AMENDMENTS.—The amendments made by subsection (a) shall apply to members of the Department of Defense Military Family Readiness Council appointed after the date of the enactment of this Act.

SEC. 572. ENHANCEMENT AND CLARIFICATION OF FAMILY SUPPORT SERVICES FOR FAMILY MEMBERS OF MEMBERS OF SPECIAL OPERATIONS FORCES.

Section 1788a of title 10, United States Code, is amended—

(1) by striking "activities" each place it appears and inserting "services";

(2) in subsection (b)(2), by striking "activity" and inserting "service";

(3) in subsection (c), by striking "$5,000,000" and inserting "$10,000,000"; and

(4) in subsection (e), by adding at the end the following new paragraph:

"(4) The term 'family support services' includes costs of transportation, food, lodging, child care, supplies, fees, and training materials for immediate family members of members of the armed forces assigned to special operations forces while participating in programs under subsection (a).".

SEC. 573. TEMPORARY EXPANSION OF AUTHORITY FOR NONCOMPETITIVE APPOINTMENTS OF MILITARY SPOUSES BY FEDERAL AGENCIES.

(a) EXPANSION TO INCLUDE ALL SPOUSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 3330d of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (3), (4), and (5); and

(B) by redesignating paragraph (6) as paragraph (3);

(2) by striking subsections (b) and (c) and inserting the following new subsection (b):

"(b) APPOINTMENT AUTHORITY.—The head of an agency may appoint noncompetitively—

"(1) a spouse of a member of the Armed Forces on active duty; or

"(2) a spouse of a disabled or deceased member of the Armed Forces.";

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

(4) in subsection (c), as so redesignated, by striking "subsection (a)(6)" in paragraph (1) and inserting "subsection (a)(3)".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by striking the item relating to section 3330d and inserting the following new item: 5 USC prec. 3301.

"3330d. Appointment of military spouses.".

(c) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3330d. Appointment of military spouses".

(d) OPM LIMITATION AND REPORTS.— 5 USC 3330d note.

(1) RELOCATING SPOUSES.—With respect to the noncompetitive appointment of a relocating spouse of a member of the Armed Forces under subsection (b)(1) of section 3330d of title 5, United States Code, as amended by subsection (a), the Director of the Office of Personnel Management—

(A) shall monitor the number of such appointments;

(B) shall require the head of each agency with authority to make such appointments under such section to submit an annual report to the Director on such appointments, including information on the number of individuals so appointed, the types of positions filled, and the effectiveness of the authority for such appointments; and

(C) not later than 18 months after the date of the enactment of this Act, shall submit a report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate on the use and effectiveness of such authority.

(2) NON-RELOCATING SPOUSES.—With respect to the noncompetitive appointment of a spouse of a member of the Armed Forces other than a relocating spouse described in paragraph (1), the Director of the Office of Personnel Management—

(A) shall treat the spouse as a relocating spouse under paragraph (1); and

(B) may limit the number of such appointments.

(e) SUNSET.—Effective on the date that is 5 years after the date of the enactment of this Act— 5 USC 3330d note.

(1) the authority provided by this section, and the amendments made by this section, shall expire; and

(2) the provisions of section 3330d of title 5, United States Code, amended or repealed by such section are restored or revived as if such section had not been enacted.

10 USC 1784a note.

SEC. 574. IMPROVEMENT OF MY CAREER ADVANCEMENT ACCOUNT PROGRAM FOR MILITARY SPOUSES.

(a) OUTREACH ON AVAILABILITY OF PROGRAM.—The Secretary of Defense shall take appropriate actions to ensure that military spouses who are eligible for participation in the My Career Advancement Account program of the Department of Defense are, to the extent practicable, made aware of the program.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such recommendations as the Comptroller General considers appropriate regarding the following:

(1) Mechanisms to increase awareness of the My Career Advancement Account program of the Department of Defense among military spouses who are eligible to participate in the program.

(2) Mechanisms to increase participation in the My Career Advancement Account program among military spouses who are eligible to participate in the program.

(c) TRAINING FOR INSTALLATION CAREER COUNSELORS ON PROGRAM.—The Secretaries of the military departments shall take appropriate actions to ensure that career counselors at military installations receive appropriate training and current information on eligibility for and use of benefits under the My Career Advancement Account program, including financial assistance to cover costs associated with professional recertification, portability of occupational licenses, professional credential exams, and other mechanisms in connection with the portability of professional licenses.

SEC. 575. ASSESSMENT AND REPORT ON THE EFFECTS OF PERMANENT CHANGES OF STATION ON EMPLOYMENT AMONG MILITARY SPOUSES.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the effects of frequent, permanent changes of station on the stability of employment among spouses of members of the Armed Forces.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) An assessment of how frequent, permanent changes of station may contribute to unemployment or underemployment among spouses of members of the Armed Forces.

(2) An assessment of how unemployment and underemployment among military spouses may affect force readiness.

(3) Such recommendations as the Secretary considers appropriate regarding legislative or administration actions that may be carried out to achieve force readiness and stabilization through the minimization of the impacts of frequent, permanent changes in station on the stability of employment among military spouses.

(c) REPORT.—Not later than February 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services

of the Senate and the House of Representatives a report that includes the results of the assessment with respect to each element described in subsection (b).

SEC. 576. PROVISIONAL OR INTERIM CLEARANCES TO PROVIDE CHILDCARE SERVICES AT MILITARY CHILDCARE CENTERS.

10 USC 1792 note.

(a) IN GENERAL.—The Secretary of Defense shall implement a policy to permit the issuance on a provisional or interim basis of clearances for the provision of childcare services at military childcare centers.

(b) ELEMENTS.—The policy required by subsection (a) shall provide for the following:

(1) Any clearance issued under the policy shall be temporary and contingent upon the satisfaction of such requirements for the issuance of a clearance on a permanent basis as the Secretary considers appropriate.

(2) Any individual issued a clearance on a provisional or interim basis under the policy shall be subject to such supervision in the provision of childcare services using such clearance as the Secretary considers appropriate.

(c) CLEARANCE DEFINED.—In this section, the term "clearance", with respect to an individual and the provision of childcare services, means the formal approval of the individual, after appropriate background checks and other review, to provide childcare services to children at a military childcare center of the Department of Defense.

SEC. 577. MULTIDISCIPLINARY TEAMS FOR MILITARY INSTALLATIONS ON CHILD ABUSE AND OTHER DOMESTIC VIOLENCE.

10 USC note prec. 1561.

(a) MULTIDISCIPLINARY TEAMS REQUIRED.—

(1) IN GENERAL.—Under regulations prescribed by each Secretary concerned, there shall be established and maintained for each military installation, except as provided in paragraph (2), one or more multidisciplinary teams on child abuse and other domestic violence for the purposes specified in subsection (b).

(2) SINGLE TEAM FOR PROXIMATE INSTALLATIONS.—A single multidisciplinary team described in paragraph (1) may be established and maintained under this subsection for two or more military installations in proximity with one another if the Secretary concerned determines, in consultation with the Secretary of Defense, that a single team for such installations suffices to carry out the purposes of such teams under subsection (b) for such installations.

(b) PURPOSES.—The purposes of each multidisciplinary team maintained pursuant to subsection (a) shall be as follows:

(1) To provide for the sharing of information among such team and other appropriate personnel on the installation or installations concerned regarding the progress of investigations into and resolutions of incidents of child abuse and other domestic violence involving members of the Armed Forces stationed at or otherwise assigned to the installation or installations.

(2) To provide for and enhance collaborative efforts among such team and other appropriate personnel of the installation or installations regarding investigations into and resolutions of such incidents.

(3) To enhance the social services available to military families at the installation or installations in connection with such incidents, including through the enhancement of cooperation among specialists and other personnel providing such services to such military families in connection with such incidents.

(4) To carry out such other duties regarding the response to child abuse and other domestic violence at the installation or installations as the Secretary concerned considers appropriate for such purposes.

(c) PERSONNEL.—

(1) IN GENERAL.—Each multidisciplinary team maintained pursuant to subsection (a) shall be composed of the following:

(A) One or more judge advocates.

(B) Appropriate personnel of one or more military criminal investigation services.

(C) Appropriate mental health professionals.

(D) Appropriate medical personnel.

(E) Family advocacy case workers.

(F) Such other personnel as the Secretary or Secretaries concerned consider appropriate.

(2) EXPERTISE AND TRAINING.—Any individual assigned to a multidisciplinary team shall possess such expertise, and shall undertake such training as is required to maintain such expertise, as the Secretary concerned shall specify for purposes of this section in order to ensure that members of the team remain appropriately qualified to carry out the purposes of the team under this section. The training and expertise so specified shall include training and expertise on special victims' crimes, including child abuse and other domestic violence.

(d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

(1) USE OF COMMUNITY RESOURCES SERVING INSTALLATIONS.—In providing under this section for a multidisciplinary team for a military installation or installations that benefit from services or resources on child abuse or other domestic violence that are provided by civilian entities in the vicinity of the installation or installations, the Secretary concerned may take the availability of such services or resources to the installation or installations into account in providing for the composition and duties of the team.

(2) BEST PRACTICES.—The Secretaries concerned shall take appropriate actions to ensure that multidisciplinary teams maintained pursuant to subsection (a) remain fully and currently apprised of best practices in the civilian sector on investigations into and resolutions of incidents of child abuse and other domestic violence and on the social services provided in connection with such incidents.

(3) COLLABORATION.—In providing for the enhancement of social services available to military families in accordance with subsection (b)(3), the Secretaries concerned shall permit, facilitate, and encourage multidisciplinary teams to collaborate with appropriate civilian agencies in the vicinity of the military installations concerned with regard to availability, provision, and use of such services to and by such families.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2020 through 2022, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House

of Representatives a report on the activities of multidisciplinary teams maintained pursuant to subsection (a) under the jurisdiction of such Secretary during the preceding year. Each report shall set forth, for the period covered by such report, the following:

(1) A summary description of the activities of the multidisciplinary teams concerned, including the number and composition of such teams, the recurring activities of such teams, and any notable achievements of such teams.

(2) A description of any impediments to the effectiveness of such teams.

(3) Such recommendations for legislative or administrative action as such Secretary considers appropriate in order to improve the effectiveness of such teams.

(4) Such other matters with respect to such teams as such Secretary considers appropriate.

(f) SECRETARY CONCERNED.—

(1) DEFINITION.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(2) USAGE WITH RESPECT TO MULTIPLE INSTALLATIONS.—For purposes of this section, any reference to "Secretary concerned" with respect to a single multidisciplinary team established and maintained pursuant to subsection (a) for two or more military installations that are under the jurisdiction of different Secretaries concerned, shall be deemed to refer to each Secretary concerned who has jurisdiction of such an installation, acting jointly.

SEC. 578. PILOT PROGRAM FOR MILITARY FAMILIES: PREVENTION OF CHILD ABUSE AND TRAINING ON SAFE CHILDCARE PRACTICES.

10 USC 1788 note.

(a) PILOT PROGRAM.—

(1) PURPOSE.—In order to reduce child abuse and fatalities due to abuse or neglect in covered households, the Secretary of Defense, acting through the Defense Health Agency, shall carry out a pilot program to—

(A) provide information regarding safe childcare practices to covered households;

(B) identify and assess risk factors for child abuse in covered households; and

(C) facilitate connections between covered households and community resources.

(2) PROHIBITION ON DELEGATION.—The Secretary may not carry out the pilot program through the Family Advocacy Program.

(3) LOCATIONS.—The Secretary shall carry out the pilot program at no fewer than five military installations that reflect a range of characteristics including the following:

(A) Urban location.
(B) Rural location.
(C) Large population.
(D) Small population.
(E) High incidence of child abuse, neglect, or both.
(F) Low incidence of child abuse, neglect, or both.
(G) Presence of a hospital or clinic.
(H) Lack of a hospital or clinic.
(I) Joint installation.

(J) Serving only one Armed Force.

(4) TERM.—The pilot program shall terminate two years after implementation.

(5) DESIGN.—The Secretary shall design the pilot program in consultation with military family groups to respond to the needs of covered households.

(6) ELEMENTS.—The pilot program shall include the following elements:

(A) Postnatal services, including screening to identify family needs and potential risk factors, and make referrals to appropriate community services with the use of the electronic data described in subparagraphs (F) and (G).

(B) The Secretary shall identify at least three approaches to screening, identification, and referral under subparagraph (A) that empirically improve outcomes for parents and infants.

(C) Services and resources designed for a covered household by the Secretary after considering the information gained from the screening and identification under subparagraph (A). Such services and resources may include or address the following:

(i) General maternal and infant health exam.

(ii) Safe sleeping environments.

(iii) Feeding and bathing.

(iv) Adequate child supervision.

(v) Common hazards.

(vi) Self-care.

(vii) Postpartum depression, substance abuse, or domestic violence.

(viii) Community violence.

(ix) Skills for management of infant crying.

(x) Other positive parenting skills and practices.

(xi) The importance of participating in ongoing healthcare for an infant and for treating postpartum depression.

(xii) Finding, qualifying for, and participating in available community resources with respect to infant care, childcare, parenting support, and home visits.

(xiii) Planning for parenting or guardianship of children during deployment and reintegration.

(xiv) Such other matters as the Secretary, in consultation with military families, considers appropriate.

(D) Home visits to provide support, screening and referral services shall be offered as needed. The number of visits offered shall be guided by parental interest and family need, but in general is expected to be no more than three.

(E) If a parent is deployed at the time of birth—

(i) the first in-home visit under subparagraph (D) shall, to the extent practicable, incorporate both parents, in person with the local parent and by electronic means with the deployed parent; and

(ii) another such home visit shall be offered upon the return of the parent from deployment, and shall include both parents, if determined in the best interest of the family.

(F) An electronic directory of community resources available to covered households and pilot program personnel to help covered households access such resources.

(G) An electronic integrated data system to—

(i) help pilot program personnel refer eligible covered beneficiaries to services and resources under the pilot program;

(ii) track usage of such services and resources and interactions between such personnel and covered households; and

(iii) evaluate the implementation, outcomes, and effectiveness of the pilot program.

(b) VOLUNTARY PARTICIPATION.—Participation in the pilot program shall be at the election of a covered beneficiary in an eligible household.

(c) OUTREACH.—

(1) IN GENERAL.—Not later than 30 days after implementing the pilot program, the Secretary shall notify each covered household of the services provided under subsection (b).

(2) COVERED HOUSEHOLDS WITH NEWBORNS.—No later than 30 days after a birth in a covered household, the Secretary shall contact such covered household to encourage participation in the pilot program.

(d) ASSESSMENTS.—

(1) NUMBER.—The Secretary shall carry out no fewer than five assessments of the pilot program.

(2) COMPARISON INSTALLATIONS.—For purposes of this subsection, the Secretary shall also select such number of other military installations the Secretary determines appropriate as comparison installations for purposes of assessing the outcomes of the pilot.

(3) ASSESSMENT.—The Secretary shall assess each of the following:

(A) Success in contacting covered households for participation in the pilot.

(B) The percentage of covered households that elect to participate in the pilot program.

(C) The extent to which covered households participating in the pilot program are connected to services and resources under the pilot program.

(D) The extent to which covered households participating in the pilot program use services and resources under the pilot program.

(E) Compliance of pilot program personnel with pilot program protocols.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program under this section. The report shall include a comprehensive description of the assessments under subsection (d), as well as the following:

(A) Which installations the Secretary selected for the pilot program under subsection (a)(2).

(B) Why the Secretary selected the installations described in subparagraph (A).

(C) Names of the installations the Secretary selected as comparison installations under subsection (d)(2).

(D) How the pilot program is carried out, including strategy and metrics for evaluating effectiveness of the pilot program.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the Secretary shall submit to the committees specified in paragraph (1) a final report on the pilot program. The report shall include the following:

(A) A comprehensive description of, and findings of, the assessments under subsection (d).

(B) A comprehensive description and assessment of the pilot.

(C) Such recommendations for legislative or administrative action the Secretary determines appropriate, including whether to—

(i) extend the term of the pilot program;

(ii) expand the pilot program to additional installations; or

(iii) make the pilot program permanent.

(f) DEPARTMENTAL IMPLEMENTATION.—If the Secretary determines that any element of the pilot program is effective, the Secretary shall implement such element permanently for the Department of Defense.

(g) DEFINITIONS.—In this section:

(1) The term "covered household" means a household that—

(A) contains an eligible covered beneficiary; and

(B) is located at a location selected by the Secretary for the pilot program.

(2) The term "eligible covered beneficiary" means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who obtains prenatal or obstetrical care in a military medical treatment facility in connection with a birth covered by the pilot program.

(3) With respect to a military installation, the term "community" means the catchment area for community services of the installation, including services provided on the installation by the Secretary and services provided by State, county, and local jurisdictions in which the installation is located, or in the vicinity of the installation.

SEC. 579. ASSESSMENT AND REPORT ON SMALL BUSINESS ACTIVITIES OF MILITARY SPOUSES ON MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the feasibility and advisability of permitting military spouses to engage in small business activities on military installations in the United States and in partnership with commissaries, exchange stores, and other morale, welfare, and recreation facilities of the Armed Forces in the United States.

(b) ELEMENTS.—The assessment required under subsection (a) shall—

(1) take into account the usage by military spouses of installation facilities, utilities, and other resources in the conduct of small business activities on military installations in

the United States and such other matters in connection with the conduct of such business activities by military spouses as the Secretary considers appropriate; and

(2) seek to identify mechanisms to ensure that costs and fees associated with the usage by military spouses of such facilities, utilities, and other resources in connection with such business activities does not meaningfully curtail or eliminate the opportunity for military spouses to profit reasonably from such business activities.

(c) REPORT.—Not later than March 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the assessment, including the results with respect to each element described in subsection (b).

Subtitle I—Decorations and Awards

SEC. 581. ATOMIC VETERANS SERVICE CERTIFICATE.

10 USC note prec. 1121.

(a) SERVICE CERTIFICATE REQUIRED.—The Secretary of Defense shall design and produce a military service certificate, to be known as the "Atomic Veterans Service Certificate", to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).

(b) DISTRIBUTION OF CERTIFICATE.—

(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Certificate to the veteran.

(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a radiation-exposed veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Certificate to the next-of-kin of the person.

SEC. 582. AWARD OF MEDALS OR OTHER COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS.

10 USC note prec. 1121.

(a) PROGRAM OF AWARD REQUIRED.—Each Secretary of a military department shall carry out a program to provide for the award of one or more medals or other commendations to handlers of military working dogs under the jurisdiction of such Secretary to recognize valor or meritorious achievement by such handlers and dogs.

(b) MEDALS AND COMMENDATIONS.—Any medal or commendation awarded pursuant to a program under subsection (a) shall be of such design, and include such elements, as the Secretary of the military department concerned shall specify. The Secretary concerned may use an existing award to carry out such program.

(c) PRESENTATION AND ACCEPTANCE.—Any medal or commendation awarded pursuant to a program under subsection (a) may be presented to and accepted by the handler concerned on behalf of the handler and the military working dog concerned.

(d) REGULATIONS.—Medals and commendations shall be awarded under programs under subsection (a) in accordance with regulations prescribed by the Secretary of Defense for purposes of this section.

SEC. 583. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JUSTIN T. GALLEGOS FOR ACTS OF VALOR DURING OPERATION ENDURING FREEDOM.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitations with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to Justin T. Gallegos for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Justin T. Gallegos on October 3, 2009, as a member of the Army in the grade of Staff Sergeant, serving in Afghanistan with the 61st Cavalry Regiment, 4th Brigade Combat Team, 4th Infantry Division.

Subtitle J—Miscellaneous Reports and Other Matters

SEC. 591. ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT MATTERS.

(a) DATE OF SUBMITTAL.—Subsection (a) of section 115a of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking "not later than 45 days after the date on which" and inserting "on the date on which".

(b) SPECIFICATION OF ANTICIPATED OPPORTUNITIES FOR PROMOTION OF COMMISSIONED OFFICERS.—Subsection (d) of such section is amended by adding the following new paragraph:

"(4) The opportunities for promotion of commissioned officers anticipated to be estimated pursuant to section 623(b)(4) of this title for the fiscal year in which such report is submitted for purposes of promotion selection boards convened pursuant to section 611 of this title during such fiscal year.".

SEC. 592. BURIAL OF UNCLAIMED REMAINS OF INMATES AT THE UNITED STATES DISCIPLINARY BARRACKS CEMETERY, FORT LEAVENWORTH, KANSAS.

Section 985 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "A person who is ineligible" in the matter preceding paragraph (1) and inserting "Except as provided in subsection (c), a person who is ineligible";

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

(3) by inserting after subsection (b) the following new subsection (c):

"(c) UNCLAIMED REMAINS OF MILITARY PRISONERS.—Subsection (b) shall not preclude the burial at the United States Disciplinary Barracks Cemetery at Fort Leavenworth, Kansas, of a military prisoner, including a military prisoner who is a person described in section 2411(b) of title 38, who dies while in custody of a military department and whose remains are not claimed by the person authorized to direct disposition of the remains or by other persons legally authorized to dispose of the remains.".

SEC. 593. STANDARDIZATION OF FREQUENCY OF ACADEMY VISITS OF THE AIR FORCE ACADEMY BOARD OF VISITORS WITH ACADEMY VISITS OF BOARDS OF OTHER MILITARY SERVICE ACADEMIES.

Section 9355 of title 10, United States Code, is amended by striking subsection (d) and inserting the following new subsection:

"(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Air Force, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.".

SEC. 594. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE MATTERS.

(a) DEFINITIONS.—Section 551(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2130) is amended—

(1) in paragraph (1), by inserting after "United States Code)" the following: "or active status (as that term is defined in subsection (d)(4) of such section)";

(2) in paragraph (2)—

(A) by striking "'national service'" and inserting "'public service'"; and

(B) by striking "or State Government" and inserting ", State, Tribal, or local government";

(3) in paragraph (3)—

(A) by striking "'public service'" and inserting "'national service'"; and

(B) by striking "employment" and inserting "participation"; and

(4) by adding at the end the following new paragraph:

"(4) The term 'establishment date' means September 19, 2017.".

(b) EXCEPTION TO PAPERWORK REDUCTION ACT.—Section 555(e) of that Act (130 Stat. 2134) is amended by adding at the end the following new paragraph:

"(4) PAPERWORK REDUCTION ACT.—For purposes of developing its recommendations, the information collection of the Commission may be treated as a pilot project under section 3505(a) of title 44, United States Code. In addition, the Commission shall not be subject to the requirements of section 3506(c)(2)(A) of such title.".

SEC. 595. PUBLIC AVAILABILITY OF TOP-LINE NUMBERS OF DEPLOYED MEMBERS OF THE ARMED FORCES.

10 USC 122a note.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Defense shall make publicly available, on a quarterly basis, on a website of the Department the top-line numbers of members of the Armed Forces deployed for each country as of the date of the submittal of the report and the total number of members of the Armed Forces so deployed during the quarter covered by the report.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary may waive the requirement under subsection (a) in the case of a sensitive military operation if—

(A) the Secretary determines the public disclosure of the number of deployed members of the Armed Forces could reasonably be expected to provide an operational military advantage to an adversary; or

(B) members of the Armed Forces are deployed for a period that does not exceed 30 days.

(2) NOTICE.— If the Secretary issues a waiver under this subsection, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a notice of the waiver; and

(B) the reasons for the determination to issue the waiver.

(c) SENSITIVE MILITARY OPERATION DEFINED.—The term "sensitive military operation" has the meaning given that term in section 130f(d) of title 10, United States Code.

SEC. 596. REPORT ON GENERAL AND FLAG OFFICER COSTS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on general and flag officer costs.

(b) ELEMENTS.—The report required under subsection (a) shall include cost estimates for direct and indirect costs associated with general and flag officers generally and for specific positions in accordance with the recommendations of the report of the Office of the Secretary of Defense, Office of Cost Assessment and Program Evaluation titled "Defining General and Flag Officer Costs" dated December 2017, including—

(1) direct compensation for all general and flag officers and for specific general and flag officer positions, using the full cost of manpower model to estimate where possible;

(2) personal money allowances for positions that receive an allowance;

(3) deferred compensation and health care costs for all general and flag officers and for specific general and flag officer positions;

(4) costs associated with providing security details for specific general and flag officer positions that merit continuous security;

(5) costs associated with Government and commercial travel for general and flag officers who qualify for tier one or two travel, including commercial travel costs using defense travel system data;

(6) general flag officer per diems for specific positions, based on average travel per diem costs;

(7) costs for enlisted and officer aide housing for general and flag officers generally and for specific general and flag officer positions, including basic housing assistance costs for staff;

(8) on a case-by-case basis, costs associated with enlisted and officer aide travel, taking into consideration the cost of data collection;

(9) costs associated with additional support staff for general and flag officers and their travel, equipment, and per diem

costs for all general and flag officers and specific general and flag officer positions based on the average numbers per general or flag officer and estimations using the full cost of manpower model;

(10) costs associated with the upkeep and maintenance of official residences not captured by basic housing assistance; and

(11) costs associated with training for general and flag officers generally and specific general and flag officer positions using estimations from the full cost of manpower model.

SEC. 597. STUDY ON ACTIVE SERVICE OBLIGATIONS FOR MEDICAL TRAINING WITH OTHER SERVICE OBLIGATIONS FOR EDUCATION OR TRAINING AND HEALTH PROFESSIONAL RECRUITING.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing and report on the effects of consecutive service on active duty service obligations for medical training as they relate to other service obligations for education or training.

(b) MATTERS INCLUDED.—The briefing and report under subsection (a) shall include the following:

(1) The extent to which consecutive active duty service obligations for medical education and training may affect recruiting and retention of health professionals in the military health system.

(2) The extent to which the military departments and the Department of Defense use incentive pay authority to recruit and retain health professionals.

(3) The extent to which the military departments and the Department of Defense consider geographic location and competition in the civilian health professional marketplace when developing incentive pay and competitive salaries.

(4) A comparison of salaries for—

(A) military physicians and dentists with critical medical and dental skills; and

(B) civilian physicians and dentists with comparable skills.

(5) The extent to which consecutive service obligations may result in unintended consequences relating to—

(A) general medical officers;

(B) residency training;

(C) enrollment at the Uniformed Services University; and

(D) other matters related to consecutive service obligations on medical training.

(6) Any other matter the Comptroller General determines is appropriate.

SEC. 598. CRITERIA FOR INTERMENT AT ARLINGTON NATIONAL CEMETERY.

38 USC 2402 note.

(a) CRITERIA.—The Secretary of the Army, in consultation with the Secretary of Defense, shall prescribe revised criteria for interment at Arlington National Cemetery that preserve Arlington National Cemetery as an active burial ground "well into the future," as that term is used in the report submitted by the Secretary

of the Army to the Committees on Veterans' Affairs and the Committees on Armed Services of the House of Representatives and the Senate, dated February 14, 2017, and titled "The Future of Arlington National Cemetery: Report on the Cemetery's Interment and Inurnment Capacity 2017".

(b) DEADLINE.—The Secretary of the Army shall establish the criteria under subsection (a) not later than September 30, 2019.

SEC. 599. LIMITATION ON USE OF FUNDS PENDING SUBMITTAL OF REPORT ON ARMY MARKETING AND ADVERTISING PROGRAM.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the recommendations contained in the audit conducted by the Army Audit Agency of the Army's Marketing and Advertising Program concerning contract oversight and return on investment.

(2) CONTENTS.—The report required by paragraph (1) shall address each of the following:

(A) The mitigation and oversight measures implemented to assure improved program return and contract management including the establishment of specific goals to measure long-term effects of investments in marketing efforts.

(B) The establishment of a review process to regularly evaluate the effectiveness and efficiency of marketing efforts including efforts to better support the accessions missions of the Army.

(C) The increase of acquisition and marketing experience within the Army Marketing and Research Group (hereafter in this section referred to as the "AMRG").

(D) A workforce analysis of the AMRG in cooperation with the Office of Personnel Management and industry experts assessing the AMRG organizational structure, staffing, and training, including an assessment of the workplace climate and culture internal to the AMRG.

(E) The establishment of an Army Marketing and Advisory Board comprised of senior Army and marketing and advertising leaders and an assessment of industry and service marketing and advertising best practices, including a plan to incorporate relevant practices.

(F) The status of the implementation of contracting practices recommended by the Army Audit Agency's audit of contracting oversight of the AMRG contained in Audit Report A–2018–0033–MTH.

(b) LIMITATION ON USE OF FUNDS.—Not more than 60 percent of the amounts authorized to be appropriated or otherwise made available in this Act for the AMRG for fiscal year 2019 for advertising and marketing activities may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

(c) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall conduct a review of the results and implementation of the recommendations of the Army Audit Agency Audits of the AMRG on contract oversight

and return on investment. Such review shall include an assessment of the effects of the implementation of the recommendations on the AMRG leadership, workforce and business practices, and return on investment.

SEC. 600. PROOF OF PERIOD OF MILITARY SERVICE FOR PURPOSES OF INTEREST RATE LIMITATION UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT.

Section 207(b)(1) of the Servicemembers Civil Relief Act (50 U.S.C. 3937(b)(1)) is amended to read as follows:

"(1) PROOF OF MILITARY SERVICE.—

"(A) IN GENERAL.—Not later than 180 days after the date of a servicemember's termination or release from military service, in order for an obligation or liability of the servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor written notice and a copy of—

"(i) the military orders calling the servicemember to military service and any orders further extending military service; or

"(ii) any other appropriate indicator of military service, including a certified letter from a commanding officer.

"(B) INDEPENDENT VERIFICATION BY CREDITOR.—

"(i) IN GENERAL.—A creditor may use, in lieu of notice and documentation under subparagraph (A), information retrieved from the Defense Manpower Data Center through the creditor's normal business reviews of such Center for purposes of obtaining information indicating that the servicemember is on active duty.

"(ii) SAFE HARBOR.—A creditor that uses the information retrieved from the Defense Manpower Data Center under clause (i) with respect to a servicemember has not failed to treat the debt of the servicemember in accordance with subsection (a) if—

"(I) such information indicates that, on the date the creditor retrieves such information, the servicemember is not on active duty; and

"(II) the creditor has not, by the end of the 180-day period under subparagraph (A), received the written notice and documentation required under that subparagraph with respect to the servicemember.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Repeal of authority for payment of personal money allowances to Navy officers serving in certain positions.
Sec. 602. Eligibility of reserve component members for high-deployment allowance for lengthy or numerous deployments and frequent mobilizations.
Sec. 603. Prohibition on per diem allowance reductions based on the duration of temporary duty assignment or civilian travel.
Sec. 604. Extension of parking expenses allowance to civilian employees at recruiting facilities.

Sec. 605. Eligibility of reserve component members for nonreduction in pay while serving in the uniformed services or National Guard.
Sec. 606. Military Housing Privatization Initiative.

Subtitle B—Bonuses and Special Incentive Pays

Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
Sec. 612. Report on imminent danger pay and hostile fire pay.

Subtitle C—Other Matters

Sec. 621. Extension of certain morale, welfare, and recreation privileges to certain veterans and their caregivers.
Sec. 622. Technical corrections in calculation and publication of special survivor indemnity allowance cost of living adjustments.
Sec. 623. Authority to award damaged personal protective equipment to members separating from the Armed Forces and veterans as mementos of military service.
Sec. 624. Space-available travel on Department of Defense aircraft for veterans with service-connected disabilities rated as total.
Sec. 625. Mandatory increase in insurance coverage under Servicemembers' Group Life Insurance for members deployed to combat theaters of operation.
Sec. 626. Access to military installations for certain surviving spouses and other next of kin of members of the Armed Forces who die while on active duty or certain reserve duty.
Sec. 627. Study and report on development of a single defense resale system.

Subtitle A—Pay and Allowances

SEC. 601. REPEAL OF AUTHORITY FOR PAYMENT OF PERSONAL MONEY ALLOWANCES TO NAVY OFFICERS SERVING IN CERTAIN POSITIONS.

(a) REPEAL.—Section 414 of title 37, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

37 USC 414 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on December 31, 2018, and shall apply with respect to personal money allowances payable under section 414 of title 37, United States Code, for years beginning after that date.

SEC. 602. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR HIGH-DEPLOYMENT ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS AND FREQUENT MOBILIZATIONS.

Section 436(a)(2)(C)(ii) of title 37, United States Code, is amended by inserting "section 12304b of title 10 or" after "under" the first place it appears.

SEC. 603. PROHIBITION ON PER DIEM ALLOWANCE REDUCTIONS BASED ON THE DURATION OF TEMPORARY DUTY ASSIGNMENT OR CIVILIAN TRAVEL.

(a) MEMBERS.—Section 474(d)(3) of title 37, United States Code, is amended by adding at the end the following new sentence: "The Secretary of a military department shall not alter the amount of the per diem allowance, or the maximum amount of reimbursement, for a locality based on the duration of the temporary duty assignment in the locality of a member of the armed forces under the jurisdiction of the Secretary.".

(b) CIVILIAN EMPLOYEES.—Section 5702(a)(2) of title 5, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense shall not alter the amount

of the per diem allowance, or the maximum amount of reimbursement, for a locality based on the duration of the travel in the locality of an employee of the Department.".

(c) REPEALS.—

(1) EXISTING POLICY AND REGULATIONS.—The policy, and any regulations issued pursuant to such policy, implemented by the Secretary of Defense on November 1, 2014, with respect to reductions in per diem allowances based on duration of temporary duty assignment or civilian travel shall have no force or effect. 37 USC 474 note.

(2) ATTEMPTED STATUTORY FIX.—Section 672 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 37 U.S.C. 474 note; 130 Stat. 2178) is repealed.

SEC. 604. EXTENSION OF PARKING EXPENSES ALLOWANCE TO CIVILIAN EMPLOYEES AT RECRUITING FACILITIES.

Section 481i(b)(1) of title 37, United States Code, is amended by striking "as a recruiter for any" and inserting "at a recruiting facility".

SEC. 605. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR NON-REDUCTION IN PAY WHILE SERVING IN THE UNIFORMED SERVICES OR NATIONAL GUARD.

Section 5538(a) of title 5, United States Code, is amended in the matter preceding paragraph (1) by inserting "section 12304b of title 10 or" after "under".

SEC. 606. MILITARY HOUSING PRIVATIZATION INITIATIVE. 10 USC 2871 note.

(a) PAYMENT AUTHORITY.—Each month beginning on the first month after the date of the enactment of this Act, the Secretary shall pay a lessor of covered housing 5 percent of the amount calculated under section 403(b)(3)(A)(i) of title 37, United States Code, for the area in which the covered housing exists. Any such payment shall be in addition to any other payment made by the Secretary to that lessor.

(b) PLAN FOR MHPI HOUSING.—Not later than December 1, 2018, the Secretary shall submit to the congressional defense committees a long-range plan to develop measures to consistently address the future sustainment, recapitalization, and financial condition of MHPI housing. The plan shall include—

(1) efforts to mitigate the losses incurred by MHPI housing projects because of the reductions to BAH under section 603 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 37 U.S.C. 403(b)(3)(B)); and

(2) a full assessment of the effects of such reductions (in relation to calculations of market rates for rent and utilities) on the financial condition of MHPI housing.

(c) REPORTING.—The Secretary shall direct the Assistant Secretary of Defense for Energy, Installations, and Environment to take the following steps regarding reports under section 2884(c) of title 10, United States Code:

(1) Provide additional contextual information on MHPI housing to identify any differences in the calculation of debt coverage ratios and any effect of such differences on their comparability.

(2) Immediately resume issuing such reports on the financial condition of MHPI housing.

(3) Revise Department of Defense guidance on MHPI housing—

(A) to ensure that relevant financial data (such as debt coverage ratios) in such reports are consistent and comparable in terms of the time periods of the data collected;

(B) to include a requirement that the secretary of each military department includes measures of future sustainment into each assessments of MHPI housing projects; and

(C) to require the secretary of each military department to define risk tolerance regarding the future sustainability of MHPI housing projects.

(4) Report financial information on future sustainment of each MHPI housing project in such reports.

(5) Provide Department of Defense guidance to the secretaries of the military departments to—

(A) assess the significance of the specific risks to individual MHPI housing projects from the reduction in BAH; and

(B) identify methods to mitigate such risks based on their significance.

(6) Not later than December 1, 2018, finalize Department of Defense guidance that clearly defines—

(A) the circumstances in which the military departments shall provide notification of housing project changes to the congressional defense committees; and

(B) which types of such changes require prior notification to or prior approval from the congressional defense committees.

(d) DEFINITIONS.—In this section:

(1) The term "BAH" means the basic allowance for housing under section 403 of title 37, United States Code.

(2) The term "covered housing" means a unit of MHPI housing that is leased to a member of a uniformed service who resides in such unit.

(3) The term "MHPI housing" means housing acquired or constructed under the alternative authority of subchapter IV of chapter 169 of title 10, United States Code (known as the Military Housing Privatization Initiative) on or before September 30, 2014.

Subtitle B—Bonuses and Special Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking "December 31, 2018" and inserting "December 31, 2019":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

(d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2018" and inserting "December 31, 2019":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

SEC. 612. REPORT ON IMMINENT DANGER PAY AND HOSTILE FIRE PAY.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report examining the current processes for awarding imminent danger pay and hostile fire pay to members of the Armed Forces.

(b) ELEMENTS.—This report under this section shall include the following:

(1) An analysis of difficulties in implementing the current system.

(2) An explanation of how geographic regions are selected to be eligible for such pay and the criteria used to define these regions.

(3) An examination of whether the current geographic model is the most appropriate way to award such pay, including the following:

(A) A discussion of whether the current model most accurately reflects the realities of modern warfare and is responsive enough to the needs of members.

(B) Whether the Secretary believes it would be appropriate to tie such pay to specific authorizations for deployments (including deployments of special operations forces) in addition to geographic criteria.

(C) A description of any change the Secretary would consider to update such pay to reflect the current operational environment.

(D) How the Secretary would implement each change under subparagraph (C).

(E) Recommendations of the Secretary for related regulations or legislative action.

Subtitle C—Other Matters

Purple Heart and Disabled Veterans Equal Access Act of 2018.
10 USC 101 note.

SEC. 621. EXTENSION OF CERTAIN MORALE, WELFARE, AND RECREATION PRIVILEGES TO CERTAIN VETERANS AND THEIR CAREGIVERS.

(a) SHORT TITLE.—This section may be cited as the "Purple Heart and Disabled Veterans Equal Access Act of 2018".

(b) COMMISSARY STORES AND MWR FACILITIES PRIVILEGES FOR CERTAIN VETERANS AND VETERAN CAREGIVERS.—

(1) EXTENSION OF PRIVILEGES.—Chapter 54 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 1065.

"§ 1065. Use of commissary stores and MWR facilities: certain veterans and caregivers for veterans

"(a) ELIGIBILITY OF VETERANS AWARDED THE PURPLE HEART.—A veteran who was awarded the Purple Heart shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(b) ELIGIBILITY OF VETERANS WHO ARE MEDAL OF HONOR RECIPIENTS.—A veteran who is a Medal of Honor recipient shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(c) ELIGIBILITY OF VETERANS WHO ARE FORMER PRISONERS OF WAR.—A veteran who is a former prisoner of war shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(d) ELIGIBILITY OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.—A veteran with a service-connected disability shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(e) ELIGIBILITY OF CAREGIVERS FOR VETERANS.—A caregiver or family caregiver shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

"(f) USER FEE AUTHORITY.—(1) The Secretary of Defense shall prescribe regulations that impose a user fee on individuals who are eligible solely under this section to purchase merchandise at a commissary store or MWR retail facility.

"(2) The Secretary shall set the user fee under this subsection at a rate that the Secretary determines will offset any increase in expenses arising from this section borne by the Department of the Treasury on behalf of commissary stores associated with the use of credit or debit cards for customer purchases, including expenses related to card network use and related transaction processing fees.

"(3) The Secretary shall deposit funds collected pursuant to a user fee under this subsection in the General Fund of the Treasury.

"(4) Any fee under this subsection is in addition to the uniform surcharge under section 2484(d) of this title.

"(g) DEFINITIONS.—In this section:

"(1) The term 'MWR facilities' includes—

"(A) MWR retail facilities, as that term is defined in section 1063(e) of this title; and

"(B) military lodging operated by the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

"(2) The term 'Medal of Honor recipient' has the meaning given that term in section 1074h(c) of this title.

"(3) The terms 'veteran', 'former prisoner of war', and 'service-connected' have the meanings given those terms in section 101 of title 38.

"(4) The terms 'caregiver' and 'family caregiver' have the meanings given those terms in section in section 1720G(d) of title 38.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of title 10, United States Code, is amended by adding at the end the following new item: 10 USC prec. 1061.

"1065. Use of commissary stores and MWR facilities: certain veterans and caregivers for veterans.".

(3) EFFECTIVE DATE.—Section 1065 of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2020. 10 USC 1065 note.

(4) BRIEFING REQUIRED.—Not later than October 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a briefing on the plan of the Secretary to implement section 1065 of title 10, United States Code, as added by paragraph (1).

SEC. 622. TECHNICAL CORRECTIONS IN CALCULATION AND PUBLICATION OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE COST OF LIVING ADJUSTMENTS.

(a) MONTHS FOR WHICH ADJUSTMENT APPLICABLE.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (I), by striking "December" and inserting "November"; and

(2) in subparagraph (J), by striking "for months during any calendar year after 2018" and inserting "for months after November 2018".

(b) COST OF LIVING ADJUSTMENT.—Paragraph (6) of such section is amended—

(1) in the paragraph heading, by striking "AFTER 2018" and inserting "AFTER NOVEMBER 2018"; and

(2) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) IN GENERAL.—Whenever retired pay is increased for a month under section 1401a of this title (or any other provision of law), the amount of the allowance payable under paragraph (1) for that month shall also be increased.

"(B) AMOUNT OF INCREASE.—With respect to an eligible survivor of a member of the uniformed services, the increase for a month shall be—

"(i) the amount payable pursuant to paragraph (2) for months during the preceding 12-month period; plus

"(ii) an amount equal to a percentage of the amount determined pursuant to clause (i), which percentage is the percentage by which the retired pay of the member would have increased for the month, as described in subparagraph (A), if the member was alive (and otherwise entitled to such pay).

"(C) ROUNDING DOWN.—The monthly amount of an allowance payable under this subsection, if not a multiple of $1, shall be rounded to the next lower multiple of $1.

"(D) PUBLIC NOTICE ON AMOUNT OF ALLOWANCE PAYABLE.—Whenever an increase in the amount of the allowance payable under paragraph (1) is made pursuant to this paragraph, the Secretary of Defense shall publish the amount of the allowance so payable by reason of such increase, including the months for which payable.".

10 USC 1450 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2018.

SEC. 623. AUTHORITY TO AWARD DAMAGED PERSONAL PROTECTIVE EQUIPMENT TO MEMBERS SEPARATING FROM THE ARMED FORCES AND VETERANS AS MEMENTOS OF MILITARY SERVICE.

(a) IN GENERAL.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2568a.

"§ 2568a. Damaged personal protective equipment: award to members separating from the Armed Forces and veterans

"(a) IN GENERAL.—The Secretary of a military department, acting through a disposition service distribution center of the Defense Logistics Agency, may award to a covered individual the demilitarized PPE of that covered individual. The award of PPE under this section shall be without cost to the covered individual.

"(b) DEFINITIONS.—In this section:

"(1) The term 'covered individual' means—

"(A) a member of the armed forces—

"(i) under the jurisdiction of the Secretary concerned; and

"(ii) who is separating from the armed forces; or

"(B) a veteran who was under the jurisdiction of the Secretary concerned while a member of the armed forces.

"(2) The term 'PPE' means personal protective equipment that was damaged in combat or otherwise—

"(A) during the deployment of a covered individual; and

"(B) after September 11, 2001.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 152 of such title is amended by adding at the end the following new item:

10 USC prec. 2551.

"2568a. Damaged personal protective equipment: award to members separating from the armed forces and veterans.".

SEC. 624. SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.

(a) IN GENERAL.—Subsection (c) of section 2641b of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Subject to subsection (f), veterans with a permanent service-connected disability rated as total.".

(b) CONDITIONS AND LIMITATIONS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.—(1) Travel may not be provided under this section to a veteran eligible for travel pursuant to subsection (c)(4) in priority over any member eligible for travel under subsection (c)(1) or any dependent of such a member eligible for travel under this section.

"(2) The authority in subsection (c)(4) may not be construed as affecting or in any way imposing on the Department of Defense, any armed force, or any commercial company with which they contract an obligation or expectation that they will retrofit or alter, in any way, military aircraft or commercial aircraft, or related equipment or facilities, used or leased by the Department or such armed force to accommodate passengers provided travel under such authority on account of disability.

"(3) The authority in subsection (c)(4) may not be construed as preempting the authority of a flight commander to determine who boards the aircraft and any other matters in connection with safe operation of the aircraft.".

SEC. 625. MANDATORY INCREASE IN INSURANCE COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE FOR MEMBERS DEPLOYED TO COMBAT THEATERS OF OPERATION.

Section 1967(a)(3) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)"; and

(2) by adding at the end the following new subparagraph:

"(D) In the case of a member who elects under paragraph (2)(A) not to be insured under this section, or who elects under subparagraph (B) to be insured for an amount less than the maximum amount provided under subparagraph (A), and who is deployed to a combat theater of operations the member—

"(i) shall be insured under this subchapter for the maximum amount provided under subparagraph (A) for the period of such deployment; and

"(ii) upon the end of such deployment—

"(I) shall be insured in the amount elected by the member under subparagraph (B); or

"(II) shall not be insured, if so elected under paragraph (2)(A).".

10 USC 113 note.

SEC. 626. ACCESS TO MILITARY INSTALLATIONS FOR CERTAIN SURVIVING SPOUSES AND OTHER NEXT OF KIN OF MEMBERS OF THE ARMED FORCES WHO DIE WHILE ON ACTIVE DUTY OR CERTAIN RESERVE DUTY.

(a) PROCEDURES FOR ACCESS OF SURVIVING SPOUSES REQUIRED.—The Secretary of Defense, acting jointly with the Secretary of Homeland Security, shall establish procedures by which an eligible surviving spouse may obtain unescorted access, as appropriate, to military installations in order to receive benefits to which the eligible surviving spouse may be entitled by law or policy.

(b) PROCEDURES FOR ACCESS OF NEXT OF KIN AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense, acting jointly with the Secretary of Homeland Security, may establish procedures by which the next of kin of a covered member of the Armed Forces, in addition to an eligible surviving spouse, may obtain access to military installations for such purposes and under such conditions as the Secretaries jointly consider appropriate.

(2) NEXT OF KIN.—If the Secretaries establish procedures pursuant to paragraph (1), the Secretaries shall jointly specify the individuals who shall constitute next of kin for purposes of such procedures.

(c) CONSIDERATIONS.—Any procedures established under this section shall—

(1) be applied consistently across the Department of Defense and the Department of Homeland Security, including all components of the Departments;

(2) minimize any administrative burden on a surviving spouse or dependent child, including through the elimination of any requirement for a surviving spouse to apply as a personal agent for continued access to military installations in accompaniment of a dependent child;

(3) take into account measures required to ensure the security of military installations, including purpose and eligibility for access and renewal periodicity; and

(4) take into account such other factors as the Secretary of Defense or the Secretary of Homeland Security considers appropriate.

(d) DEADLINE.—The procedures required by subsection (a) shall be established by the date that is not later than one year after the date of the enactment of this Act.

(e) DEFINITIONS.—In this section:

(1) The term "eligible surviving spouse" means an individual who is a surviving spouse of a covered member of the Armed Forces, without regard to whether the individual remarries after the death of the covered member of the Armed Forces.

(2) The term "covered member of the Armed Forces" means a member of the Armed Forces who dies while serving—

(A) on active duty; or

(B) on such reserve duty as the Secretary of Defense and the Secretary of Homeland Security may jointly specify for purposes of this section.

SEC. 627. STUDY AND REPORT ON DEVELOPMENT OF A SINGLE DEFENSE RESALE SYSTEM.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility of consolidating the military resale entities into a single defense resale system. Such study shall include the following:

(1) A financial assessment of consolidation of the military resale entities.

(2) A business case analysis of consolidation of the military resale entities.

(3) Organizational, operational, and business model integration plans for consolidation of the military resale entities.

(4) Determinations of which back-office processes and systems associated with finance and payment processing technologies the Secretary could convert to common technologies.

(b) REPORT.—Not later than January 1, 2019, the Secretary shall submit a report to the congressional defense committees regarding the study under subsection (a). That report shall contain the following:

(1) Details of the internal and external organizational structures of a consolidated defense resale system.

(2) Recommendations of the Secretaries of each of the military departments regarding the plan to consolidate the military resale entities.

(3) The costs and associated plan for the merger of technologies or implementation of new technology from a third-party provider to standardize financial management and accounting processes of a consolidated defense resale system.

(4) Best practices to maximize reductions in costs associated with back-office retail payment processing for a consolidated defense resale system.

(5) A timeline for converting the Defense Commissary Agency into a non-appropriated fund instrumentality under section 2484(j) of title 10, United States Code.

(6) A determination whether the business case analysis supports consolidation of the military resale entities.

(7) Recommendations of the Secretary for legislation related to consolidation of the military resale entities.

(8) Other elements the Secretary determines are necessary for a successful evaluation of a consolidation of the military resale entities.

(c) PROHIBITION ON USE OF FUNDS.—None of the amounts authorized to be appropriated or otherwise made available in this Act may be obligated or expended for the purpose of implementing consolidation of the military resale entities until October 1, 2019.

(d) MILITARY RESALE ENTITIES DEFINED.—In this section the term "military resale entities" means—

(1) the Defense Commissary Agency;

(2) the Army and Air Force Exchange Service;

(3) the Navy Exchange; and

(4) the Marine Corps Exchange.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Cessation of requirement for mental health assessment of members after redeployment from a contingency operation upon discharge or release from the Armed Forces.
Sec. 702. Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma.

Subtitle B—Health Care Administration

Sec. 711. Improvement of administration of the Defense Health Agency and military medical treatment facilities.
Sec. 712. Organizational framework of the military healthcare system to support the medical requirements of the combatant commands.
Sec. 713. Administration of TRICARE dental plans through the Federal Employees Dental and Vision Insurance Program.
Sec. 714. Streamlining of TRICARE Prime beneficiary referral process.
Sec. 715. Sharing of information with State prescription drug monitoring programs.
Sec. 716. Pilot program on opioid management in the military health system.
Sec. 717. Wounded warrior policy review.
Sec. 718. Medical simulation technology and live tissue training within the Department of Defense.
Sec. 719. Improvements to trauma center partnerships.
Sec. 720. Improvement to notification to Congress of hospitalization of combat-wounded members of the Armed Forces.

Subtitle C—Reports and Other Matters

Sec. 731. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
Sec. 732. Joint forces medical capabilities development and standardization.
Sec. 733. Inclusion of gambling disorder in health assessments of members of the Armed Forces and related research efforts.
Sec. 734. Report on requirement for certain former members of the Armed Forces to enroll in Medicare Part B to be eligible for TRICARE for Life.
Sec. 735. Pilot program on earning by special operations forces medics of credit toward a physician assistant degree.
Sec. 736. Strategic medical research plan.
Sec. 737. Comptroller General of the United States review of Defense Health Agency oversight of transition between managed care support contractors for the TRICARE program.
Sec. 738. Comptroller General study on availability of long-term care options for veterans from Department of Veterans Affairs.
Sec. 739. Increase in number of appointed members of the Henry M. Jackson Foundation for the Advancement of Military Medicine.

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. CESSATION OF REQUIREMENT FOR MENTAL HEALTH ASSESSMENT OF MEMBERS AFTER REDEPLOYMENT FROM A CONTINGENCY OPERATION UPON DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)(C), by striking "Once" and inserting "Subject to subsection (d), once"; and

(2) in subsection (d), by striking "subsection (a)(1)(D)" and inserting "subparagraph (C) or (D) of subsection (a)(1)".

10 USC 1092 note.

SEC. 702. PILOT PROGRAM ON TREATMENT OF MEMBERS OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER RELATED TO MILITARY SEXUAL TRAUMA.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using

intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance abuse, depression, and other issues related to such conditions.

(b) DISCHARGE THROUGH PARTNERSHIPS.—The pilot program authorized by subsection (a) shall be carried out through partnerships with public, private, and non-profit health care organizations, universities, and institutions that—

(1) provide health care to members of the Armed Forces;

(2) provide evidence-based treatment for psychological and neurological conditions that are common among members of the Armed Forces, including post-traumatic stress disorder, traumatic brain injury, substance abuse, and depression;

(3) provide health care, support, and other benefits to family members of members of the Armed Forces; and

(4) provide health care under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

(c) PROGRAM ACTIVITIES.—Each organization or institution that participates in a partnership under the pilot program authorized by subsection (a) shall—

(1) carry out intensive outpatient programs of short duration to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance abuse, depression, and other issues related to such conditions;

(2) use evidence-based and evidence-informed treatment strategies in carrying out such programs;

(3) share clinical and outreach best practices with other organizations and institutions participating in the pilot program; and

(4) annually assess outcomes for members of the Armed Forces individually and among the organizations and institutions participating in the pilot program with respect to the treatment of conditions described in paragraph (1).

(d) EVALUATION METRICS.—Before commencement of the pilot program, the Secretary shall establish metrics to be used to evaluate the effectiveness of the pilot program and the activities under the pilot program.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program authorized by subsection (a). The report shall include a description of the pilot program and such other matters on the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the cessation of the pilot program under subsection (f), the Secretary shall submit to the committees of Congress referred to in paragraph (1) a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including the partnerships under the pilot program as described in subsection (b).

(B) An assessment of the effectiveness of the pilot program and the activities under the pilot program.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program, including recommendations for extension or making permanent the authority for the pilot program.

(f) TERMINATION.—The Secretary may not carry out the pilot program authorized by subsection (a) after the date that is three years after the date of the enactment of this Act.

Subtitle B—Health Care Administration

SEC. 711. IMPROVEMENT OF ADMINISTRATION OF THE DEFENSE HEALTH AGENCY AND MILITARY MEDICAL TREATMENT FACILITIES.

(a) ADMINISTRATION OF FACILITIES BY DIRECTOR OF DEFENSE HEALTH AGENCY.—

(1) IN GENERAL.—Subsection (a) of section 1073c of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "Beginning October 1, 2018," and inserting "In accordance with paragraph (4), by not later than September 30, 2021,";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (5), respectively;

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) In addition to the responsibilities set forth in paragraph (1), the Director of the Defense Health Agency shall, commencing when the Director begins to exercise responsibilities under that paragraph, have the authority—

"(A) to direct, control, and serve as the primary rater of the performance of commanders or directors of military medical treatment facilities;

"(B) to direct and control any intermediary organizations between the Defense Health Agency and military medical treatment facilities;

"(C) to determine the scope of medical care provided at each military medical treatment facility to meet the military personnel readiness requirements of the senior military operational commander of the military installation;

"(D) to determine total workforce requirements at each military medical treatment facility;

"(E) to direct joint manning at military medical treatment facilities and intermediary organizations;

"(F) to address personnel staffing shortages at military medical treatment facilities; and

"(G) to select among service nominations for commanders or directors of military medical treatment facilities.";

(D) by inserting after paragraph (3), as redesignated by subparagraph (B), the following new paragraph (4):

"(4) The Secretary of Defense shall establish a timeline to ensure that each Secretary of a military department transitions the administration of military medical treatment facilities from such Secretary to the Director of the Defense Health Agency pursuant to paragraph (1) by the date specified in such paragraph."; and

(E) in paragraph (5), as so redesignated, by striking "subsection (a)" and inserting "paragraphs (1) and (2)".

(2) COMBAT SUPPORT RESPONSIBILITIES.—Subsection (d)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) Ensuring that the Defense Health Agency meets the military medical readiness requirements of the senior military operational commanders of the military installations.".

10 USC 1073c note.

(3) LIMITATION ON CLOSURES AND DOWNSIZINGS IN CONNECTION WITH TRANSITION OF ADMINISTRATION.—In carrying out the transition of responsibility for the administration of military medical treatment facilities pursuant to subsection (a) of section 1073c of title 10, United States Code (as amended by paragraph (1)), and in addition to any other applicable requirements under section 1073d of that title, the Secretary of Defense may not close any military medical treatment facility, or downsize any medical center, hospital, or ambulatory care center (as specified in section 1073d of that title), that addresses the medical needs of beneficiaries and the community in the vicinity of such facility, center, hospital, or care center until the Secretary submits to the congressional defense committees a report setting forth the following:

(A) A description of the methodology and criteria to be used by the Secretary to make decisions to close any military medical treatment facility, or to downsize any medical center, hospital, or ambulatory care center, in connection with the transition, including input from the military department concerned.

(B) A requirement that no closure of a military medical treatment facility, or downsizing of a medical center, hospital, or ambulatory care center, in connection with the transition will occur until 90 days after the date on which Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the closure or downsizing.

(b) ADDITIONAL DEFENSE HEALTH AGENCY ORGANIZATIONS.—

(1) IN GENERAL.—Section 1073c of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) ADDITIONAL DHA ORGANIZATIONS.—Not later than September 30, 2022, the Secretary of Defense shall, acting though the Director of the Defense Health Agency, establish within the Defense Health Agency the following:

"(1) A subordinate organization, to be called the Defense Health Agency Research and Development—

"(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Research and Development);

"(B) comprised of the Army Medical Research and Materiel Command and such other medical research organizations and activities of the armed forces as the Secretary considers appropriate; and

"(C) responsible for coordinating funding for Defense Health Program Research, Development, Test, and Evaluation, the Congressionally Directed Medical Research Program, and related Department of Defense medical research.

"(2) A subordinate organization, to be called the Defense Health Agency Public Health—

"(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Public Health); and

"(B) comprised of the Army Public Health Command, the Navy–Marine Corps Public Health Command, Air Force public health programs, and any other related defense health activities that the Secretary considers appropriate, including overseas laboratories focused on preventive medicine, environmental health, and similar matters.".

(2) REPORT ON FEASIBILITY OF FURTHER ADDITIONAL ORGANIZATION IN DHA.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary for purposes of the report, of the feasibility of establishing with the Defense Health Agency a subordinate organization, to be called the Defense Health Agency Education and Training, to be led by the President of the Uniformed Services University of the Health Sciences and to be comprised of the current Medical Education and Training Campus, the Uniformed Services University of the Health Sciences, the medical education and training commands of the Armed Forces, and such other elements, facilities, and commands of the Department of Defense as the Secretary considers appropriate.

(c) REPORT ON FEASIBILITY OF SUPERSEDING ORGANIZATION FOR DHA.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary for purposes of the report, of the feasibility of establishing a command, to be called the Defense Health Command, as a superseding organization to the Defense Health Agency.

(2) ELEMENTS.—If the Secretary determines in the report under paragraph (1) that a command as a superseding organization to the Defense Health Agency is feasible, the report shall include the following:

(A) A description of the required responsibilities of the commander of the command.

(B) A description of any current organizations that support the Defense Health Agency to be included in the command.

(C) A description of any authorities required for the leadership and direction of the command.

(D) Any other matters in the connection with the establishment, operations, and activities of the command that the Secretary considers appropriate.

SEC. 712. ORGANIZATIONAL FRAMEWORK OF THE MILITARY HEALTHCARE SYSTEM TO SUPPORT THE MEDICAL REQUIREMENTS OF THE COMBATANT COMMANDS.

10 USC 1073c note.

(a) ORGANIZATIONAL FRAMEWORK REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, acting through the Director of the Defense Health Agency, implement an organizational framework for the military healthcare system that most effectively implements chapter 55 of title 10, United States Code, in a manner that maximizes interoperability and fully integrates medical capabilities of the Armed Forces in order to enhance joint military medical operations in support of requirements of the combatant commands.

(2) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The organizational framework, as implemented, shall comply with all requirements of section 1073c of title 10, United States Code, except for the implementation date specified in subsection (a) of such section.

(b) DEFENSE HEALTH REGIONS IN CONUS.—The organizational framework required by subsection (a) shall meet the requirements as follows:

(1) DEFENSE HEALTH REGIONS.—There shall be not more than two defense health regions in the continental United States.

(2) LEADERS.—Each region under paragraph (1) shall be led by a commander or director who is a member of the Armed Forces serving in a grade not higher than major general or rear admiral, and who—

(A) shall be selected by the Director of the Defense Health Agency from among members of the Armed Forces recommended by the Secretaries of the military departments for service in such position; and

(B) shall be under the authority, direction, and control of the Director while serving in such position.

(c) DEFENSE HEALTH REGIONS OCONUS.—The organizational framework required by subsection (a) shall provide for the establishment of not more than two defense health regions outside the continental United States in order—

(1) to enhance joint military medical operations in support of the requirements of the combatant commands in such region or regions, with a specific focus on current and future contingency and operational plans;

(2) to ensure the provision of high-quality healthcare services to beneficiaries; and

(3) to improve the interoperability of healthcare delivery systems in the defense health regions (whether under this subsection, subsection (b), or both).

(d) PLANNING AND COORDINATION.—

(1) SUSTAINMENT OF CLINICAL COMPETENCIES AND STAFFING.—The Director of the Defense Health Agency shall—

(A) provide in each defense health region under this section healthcare delivery venues for uniformed medical and dental personnel to obtain operational clinical competencies; and

(B) coordinate with the military departments to ensure that staffing at military medical treatment facilities in each region supports readiness requirements for members of the Armed Forces and military medical personnel.

(2) OVERSIGHT AND ALLOCATION OF RESOURCES.—

(A) IN GENERAL.—The Director shall, consistent with section 193 of title 10, United States Code, coordinate with the Chairman of the Joint Chiefs of Staff, through the Joint Staff Surgeon, to conduct oversight and direct resources to support requirements related to readiness and operational medicine support that are validated by the Joint Staff.

(B) SUPPLY AND DEMAND FOR MEDICAL SERVICES.—Based on operational medical force readiness requirements of the combatant commands validated by the Joint Staff, the Director shall—

(i) validate supply and demand requirements for medical and dental services at each military medical treatment facility;

(ii) in coordination with the Surgeons General of the Armed Forces, provide currency workload for uniformed medical and dental personnel at each such facility to maintain skills proficiency; and

(iii) if workload is insufficient to meet requirements, identify alternative training and clinical practice sites for uniformed medical and dental personnel, and establish military-civilian training partnerships, to provide such workload.

(e) ADDITIONAL DUTIES OF SURGEONS GENERAL OF THE ARMED FORCES.—

(1) IN GENERAL.—The Surgeons General of the Armed Forces shall have the duties as follows:

(A) To assign uniformed medical and dental personnel of the military department concerned to military medical treatment facilities for training activities specific to such military department and for operational and training missions, during which assignment such personnel shall be under the operational control of the commander or director of the military medical treatment facility concerned, subject to the authority, direction, and control of the Director of the Defense Health Agency.

(B) To ensure the readiness for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

(C) To provide logistical support for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

(D) To oversee mobilization and demobilization in connection with the operational deployment of medical and dental personnel of the Armed Force or Armed Forces concerned.

(E) To carry out operational medical and dental force development for the military department concerned.

(F) In coordination with the Secretary concerned, to ensure that the operational medical force readiness organizations of the Armed Forces support the medical and dental readiness responsibilities of the Director.

(G) To develop operational medical capabilities required to support the warfighter, and to develop policy relating to such capabilities.

(H) To provide health professionals to serve in leadership positions across the military healthcare system.

(2) MEDICAL FORCE REQUIREMENTS OF THE COMBATANT COMMANDS.—The Surgeon General of each Armed Force shall, on behalf of the Secretary concerned, ensure that the uniformed medical and dental personnel serving in such Armed Force receive training and clinical practice opportunities necessary to ensure that such personnel are capable of meeting the operational medical force requirements of the combatant commands applicable to such personnel. Such training and practice opportunities shall be provided through programs and activities of the Defense Health Agency and by such other mechanisms as the Secretary of Defense shall designate for purposes of this paragraph.

(3) CONSTRUCTION OF DUTIES.—The duties of a Surgeon General of the Armed Forces under this subsection are in addition to the duties of such Surgeon General under section 3036, 5137, or 8036 of title 10, United States Code, as applicable.

(f) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth the following:

(1) A description of the organizational structure of the office of each Surgeon General of the Armed Forces, and of any subordinate organizations of the Armed Forces that will support the functions and responsibilities of a Surgeon General of the Armed Forces.

(2) The manning documents for staffing in support of the organizational structures described pursuant to paragraph (1), including manning levels before and after such organizational structures are implemented.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in connection with the implementation of such organizational structures and, in particular, to avoid duplication of functions and tasks between the organizations in such organizational structures and the Defense Health Agency.

SEC. 713. ADMINISTRATION OF TRICARE DENTAL PLANS THROUGH THE FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) ELIGIBILITY OF ADDITIONAL BENEFICIARIES UNDER FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.—Section 8951(8) of title 5, United States Code, is amended by striking "1076c" and inserting "1076a or 1076c".

(b) ADMINISTRATION OF TRICARE DENTAL PLANS.—Subsection (b) of section 1076a of title 10, United States Code, is amended to read as follows:

"(b) ADMINISTRATION OF PLANS.—The plans established under this section shall be administered by the Secretary of Defense through an agreement with the Director of the Office of Personnel Management to allow persons described in subsection (a) to enroll in an insurance plan under chapter 89A of title 5, in accordance

with terms prescribed by the Secretary, including terms, to the extent practical, as defined by the Director through regulation, consistent with subsection (d) and, to the extent practicable in relation to such chapter 89A, other provisions of this section.".

5 USC 8951 note.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to the first contract year for chapter 89A of title 5, United States Code, that begins on or after January 1, 2022.

10 USC 1076a note.

(d) TRANSITION.—To ensure a successful transition pursuant to the amendments made by this section in the administration of the TRICARE dental plans under section 1076a of title 10, United States Code, the Secretary of Defense shall ensure that the contractor for such plans provides claims information under such plans to carriers providing dental coverage under chapter 89A of title 5, United States Code, after the transition.

(e) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the transition in the administration of the TRICARE dental insurance plan for retirees from administration by the Department of Defense as the TRICARE Retiree Dental Plan to administration by the Office of Personnel Management as part of the Federal Employees Dental and Vision Insurance Program.

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

(A) A description of lessons learned from the transition of the administration of the TRICARE dental insurance plan for retirees from administration by the Department as the TRICARE Retiree Dental Plan to administration by the Office of Personnel Management as part of the Federal Employees Dental and Vision Insurance Program.

(B) An assessment of the effectiveness of the transition.

(C) A timeline for the implementation plan for the transition of the administration of the TRICARE dental plans under section 1076a of title 10, United States Code, to administration as part of the Federal Employees Dental and Vision Insurance Program pursuant to the amendments made by this section.

10 USC 1095f note.

SEC. 714. STREAMLINING OF TRICARE PRIME BENEFICIARY REFERRAL PROCESS.

(a) IN GENERAL.—The Secretary of Defense shall streamline the process under section 1095f of title 10, United States Code, by which beneficiaries enrolled in TRICARE Prime are referred to the civilian provider network for inpatient or outpatient care under the TRICARE program.

(b) OBJECTIVES.—In carrying out the requirement in subsection (a), the Secretary shall meet the following objectives:

(1) The referral process shall model best industry practices for referrals from primary care managers to specialty care providers.

(2) The process shall limit administrative requirements for enrolled beneficiaries.

(3) Beneficiary preferences for communications relating to appointment referrals using state-of-the-art information technology shall be used to expedite the process.

(4) There shall be effective and efficient processes to determine the availability of appointments at military medical treatment facilities and, when unavailable, to make prompt referrals to network providers under the TRICARE program.

(c) DEADLINE FOR IMPLEMENTATION.—The requirement in subsection (a) shall be implemented for referrals under TRICARE Prime in calendar year 2019.

(d) EVALUATION AND IMPROVEMENT.—After 2019, the Secretary shall—

(1) evaluate the referral process described in subsection (a) not less often than annually; and

(2) make appropriate improvements to the process in light of such evaluations.

(e) DEFINITIONS.—In this section, the terms "TRICARE program" and "TRICARE Prime" have the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 715. SHARING OF INFORMATION WITH STATE PRESCRIPTION DRUG MONITORING PROGRAMS.

(a) IN GENERAL.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) SHARING OF INFORMATION WITH STATE PRESCRIPTION DRUG MONITORING PROGRAMS.—(1) The Secretary of Defense shall establish and maintain a program (to be known as the 'Military Health System Prescription Drug Monitoring Program') in accordance with this subsection. The program shall include a special emphasis on drugs provided through facilities of the uniformed services.

"(2) The program shall be—

"(A) comparable to prescription drug monitoring programs operated by States, including such programs approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3); and

"(B) applicable to designated controlled substance prescriptions under the pharmacy benefits program.

"(3)(A) The Secretary shall establish appropriate procedures for the bi-directional sharing of patient-specific information regarding prescriptions for designated controlled substances between the program and State prescription drug monitoring programs.

"(B) The purpose of sharing of information under this paragraph shall be to prevent misuse and diversion of opioid medications and other designated controlled substances.

"(C) Any disclosure of patient-specific information by the Secretary under this paragraph is an authorized disclosure for purposes of the health information privacy regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

"(4)(A) Any procedures developed pursuant to paragraph (3)(A) shall include appropriate safeguards, as determined by the Secretary, concerning cyber security of Department of Defense systems and operational security of Department personnel.

"(B) To the extent the Secretary considers appropriate, the program may be treated as comparable to a State program for purposes of bi-directional sharing of controlled substance prescription information.

"(5) For purposes of this subsection, any reference to a program operated by a State includes any program operated by a county, municipality, or other subdivision within that State.".

(b) CONFORMING AMENDMENT.—Section 1079(q) of such title is amended by striking "section 1074g(g)" and inserting "section 1074g(h)".

10 USC 1090 note.

SEC. 716. PILOT PROGRAM ON OPIOID MANAGEMENT IN THE MILITARY HEALTH SYSTEM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Director of the Defense Health Agency shall implement a comprehensive pilot program to assess the feasability and advisability of mechanisms to minimize early exposure of beneficiaries under the TRICARE program to opioids and to prevent the progression of beneficiaries to misuse or abuse of opioid medications.

(2) OPIOID SAFETY ACROSS CONTINUUM OF CARE.—The pilot program shall include elements to maximize opioid safety across the entire continuum of care consisting of patient, physician or dentist, and pharmacist.

(b) ELEMENTS OF PILOT PROGRAM.—The pilot program shall include the following:

(1) Identification of potential misuse or abuse of opioid medications in pharmacies of military treatment facilities, retail network pharmacies, and the home delivery pharmacy, and the transmission of alerts regarding such potential misuse or abuse of opioids to prescribing physicians and dentists.

(2) Direct engagement with, education for, and management of beneficiaries under the TRICARE program to help such beneficiaries avoid misuse or abuse of opioid medications.

(3) Proactive outreach by specialist pharmacists to beneficiaries under the TRICARE program when identifying potential misuse or abuse of opioid medications.

(4) Monitoring of beneficiaries under the TRICARE program through the use of predictive analytics to identify the potential for opioid abuse and addiction before beneficiaries begin an opioid prescription.

(5) Detection of fraud, waste, and abuse in connection with opioids.

(c) DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director shall carry out the pilot program for a period of not more than three years.

(2) EXPANSION.—The Director may carry out the pilot program on a permanent basis if the Director determines that the mechanisms under the pilot program successfully reduce

early opioid exposure in beneficiaries under the TRICARE program and prevent the progression of beneficiaries to misuse or abuse of opioid medications.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days before completion of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

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

(A) A description of the pilot program, including outcome measures developed to determine the overall effectiveness of the mechanisms under the pilot program.

(B) A description of the ability of the mechanisms under the pilot program to identify misuse and abuse of opioid medications among beneficiaries under the TRICARE program in each pharmacy venue of the pharmacy program of the military health system.

(C) A description of the impact of the use of predictive analytics to monitor beneficiaries under the TRICARE program in order to identify the potential for opioid abuse and addiction before beneficiaries begin an opioid prescription.

(D) A description of any reduction in the misuse or abuse of opioid medications among beneficiaries under the TRICARE program as a result of the pilot program.

(e) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 717. WOUNDED WARRIOR POLICY REVIEW.

10 USC 1071 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review and update policies and procedures relating to the care and management of recovering service members. In conducting such review, the Secretary shall consider best practices—

(1) in the care of recovering service members;

(2) in the administrative management relating to such care;

(3) to carry out applicable provisions of Federal law; and

(4) recommended by the Comptroller General of the United States in the report titled "Army Needs to Improve Oversight of Warrior Transition Units".

(b) SCOPE OF POLICY.—In carrying out subsection (a), the Secretary shall update policies of the Department of Defense with respect to each of the following:

(1) The case management coordination of members of the Armed Forces between the military departments and the military medical treatment facilities administered by the Director of the Defense Health Agency pursuant to section 1073c of title 10, United States Code, including with respect to the coordination of—

(A) appointments;

(B) rehabilitative services;

(C) recuperation in an outpatient status;

(D) contract care provided by a private health care provider outside of a military medical treatment facility;

(E) the disability evaluation system; and

(F) other administrative functions relating to the military department.

(2) The transition of a member of the Armed Forces who is retired under chapter 61 of title 10, United States Code, from receiving treatment furnished by the Secretary of Defense to treatment furnished by the Secretary of Veterans Affairs.

(3) Facility standards related to lodging and accommodations for recovering service members and the family members and non-medical attendants of recovering service members.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and Secretaries of the military departments shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under subsection (a), including a description of the policies updated pursuant to subsection (b).

(d) DEFINITIONS.—In this section, the terms "disability evaluation system", "outpatient status", and "recovering service members" have the meaning given those terms in section 1602 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note).

10 USC 1071 note.

SEC. 718. MEDICAL SIMULATION TECHNOLOGY AND LIVE TISSUE TRAINING WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—

(1) USE OF SIMULATION TECHNOLOGY.—Except as provided by paragraph (2), the Secretary of Defense shall use medical simulation technology, to the maximum extent practicable, before the use of live tissue training to train medical professionals and combat medics of the Department of Defense.

(2) DETERMINATION.—The use of live tissue training within the Department of Defense may be used as determined necessary by the medical chain of command.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate on the use and benefit of medical simulation technology and live tissue training within the Department of Defense to train medical professionals, combat medics, and members of the Special Operations Forces.

(c) ELEMENTS.—The briefing under subsection (b) shall include the following:

(1) A discussion of the benefits and needs of both medical simulation technology and live tissue training.

(2) Ways and means to enhance and advance the use of simulation technologies in training.

(3) An assessment of current medical simulation technology requirements, gaps, and limitations.

(4) An overview of Department of Defense medical training programs, as of the date of the briefing, that use live tissue training and medical simulation technologies.

(5) Any other matters the Secretary determines appropriate.

SEC. 719. IMPROVEMENTS TO TRAUMA CENTER PARTNERSHIPS.

Section 708(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note) is amended—

(1) in paragraph (1), by striking "large metropolitan teaching hospitals that have level I civilian";

(2) in paragraph (2)—

(A) by striking "with civilian academic medical centers and large metropolitan teaching hospitals"; and

(B) by striking "the trauma centers of the medical centers and hospitals" and inserting "trauma centers"; and

(3) in paragraph (3), by striking "large metropolitan teaching hospitals" and inserting "trauma centers".

SEC. 720. IMPROVEMENT TO NOTIFICATION TO CONGRESS OF HOSPITALIZATION OF COMBAT-WOUNDED MEMBERS OF THE ARMED FORCES.

Section 1074l(a) of title 10, United States Code, is amended by striking "admitted to a military treatment facility within the United States" and inserting "admitted to any military medical treatment facility".

Subtitle C—Reports and Other Matters

SEC. 731. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as most recently amended by section 719 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1440), is further amended by striking "September 30, 2019" and inserting "September 30, 2020".

SEC. 732. JOINT FORCES MEDICAL CAPABILITIES DEVELOPMENT AND STANDARDIZATION.

(a) PROCESS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, develop a process to establish required joint force medical capabilities for members of the Armed Forces that meet the operational planning requirements of the combatant commands.

(b) PROCESS ELEMENTS.—The process developed under subsection (a) shall include the following:

(1) A joint medical estimate to determine the medical requirements for treating members of the Armed Forces who are wounded, ill, or injured during military operations, including with respect to environmental health and force health protection.

(2) A process to review and revise military health related mission essential tasks in order to ensure that such tasks are aligned with health professional knowledge, skills, and abilities.

(3) A process to standardize the interoperability of medical equipment and capabilities to support the joint force.

(c) REPORT.—Not later than June 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the process developed under subsection (a).

10 USC 1071 note.

SEC. 733. INCLUSION OF GAMBLING DISORDER IN HEALTH ASSESSMENTS OF MEMBERS OF THE ARMED FORCES AND RELATED RESEARCH EFFORTS.

(a) INCLUSION IN NEXT ANNUAL PERIODIC HEALTH ASSESSMENTS.—The Secretary of Defense shall incorporate medical screening questions specific to gambling disorder into the Annual Periodic Health Assessments of members of the Armed Forces conducted by the Department of Defense during the one-year period beginning 180 days after the date of the enactment of this Act.

(b) INCLUSION IN CERTAIN SURVEYS.—The Secretary shall incorporate into ongoing research efforts of the Department questions on gambling disorder, as appropriate, including by restoring such questions to the following:

(1) The first Health Related Behaviors Survey of Active Duty Military Personnel conducted after the date of the enactment of this Act.

(2) The first Health Related Behaviors Survey of Reserve Component Personnel conducted after that date.

(c) REPORTS.—Not later than one year after the date of the completion of the assessment referred to in subsection (a), and of each survey referred to in subsection (b), as modified pursuant to this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the assessment or survey in connection with the prevalence of gambling disorder among members of the Armed Forces.

SEC. 734. REPORT ON REQUIREMENT FOR CERTAIN FORMER MEMBERS OF THE ARMED FORCES TO ENROLL IN MEDICARE PART B TO BE ELIGIBLE FOR TRICARE FOR LIFE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Health and Human Services, and the Commissioner of Social Security shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate a report on the findings of a study, conducted by the Secretaries for purposes of the report, on the requirement that a covered individual enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) in order to be eligible for TRICARE for Life.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An analysis of whether the requirement described in such subsection affects covered individuals from returning to work.

(2) The number of individuals who—

(A) are retired from the Armed Forces under chapter 61 of title 10, United States Code;

(B) are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant

to receiving benefits for 24 months as described in subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)); and

(C) because of such entitlement, are no longer enrolled in TRICARE Standard, TRICARE Prime, TRICARE Extra, or TRICARE Select.

(3) The number of covered individuals who would potentially enroll in TRICARE for Life but not enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) if able.

(c) DEFINITIONS.—In this section:

(1) The term "covered individual" means an individual—

(A) who is under 65 years of age;

(B) who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

(C) whose entitlement to a benefit described in subparagraph (A) of such section has terminated due to performance of substantial gainful activity; and

(D) who is retired under chapter 61 of title 10, United States Code.

(2) The terms "TRICARE for Life", "TRICARE Extra", "TRICARE Standard", "TRICARE Select", and "TRICARE Prime" have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 735. PILOT PROGRAM ON EARNING BY SPECIAL OPERATIONS FORCES MEDICS OF CREDIT TOWARD A PHYSICIAN ASSISTANT DEGREE.

10 USC 2015 note.

(a) IN GENERAL.—The Assistant Secretary of Defense for Health Affairs may conduct a pilot program to assess the feasibility and advisability of partnerships between special operations forces and institutions of higher education, and health care systems if determined appropriate by the Assistant Secretary for purposes of the pilot program, through which special operations forces medics earn credit toward the master's degree of physician assistant for military operational work and training performed by the medics.

(b) DURATION.—The Assistant Secretary shall conduct the pilot program for a period not to exceed five years.

(c) CLINICAL TRAINING.—Partnerships under subsection (a) shall permit medics participating in the pilot program to conduct clinical training at medical facilities of the Department of Defense and the civilian sector.

(d) EVALUATION.—The evaluation of work and training performed by medics for which credits are earned under the pilot program shall comply with civilian clinical evaluation standards applicable to the awarding of the master's degree of physician assistant.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program that shall include the following:

(A) A comprehensive framework for the military education to be provided to special operations forces medics

under the pilot program, including courses of instruction at institutions of higher education and any health care systems participating in the pilot program.

(B) Metrics to be used to assess the effectiveness of the pilot program.

(C) A description of the mechanisms to be used by the Department, medics, or both to cover the costs of education received by medics under the pilot program through institutions of higher education or health care systems, including payment by the Department in return for a military service commitment, tuition or other educational assistance by the Department, use by medics of post-9/11 educational assistance available through the Department of Veterans Affairs, and any other mechanisms the Secretary considers appropriate for purposes of the pilot program.

(2) FINAL REPORT.—Not later than 180 days after completion of the pilot program, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a final report on the pilot program. The report shall include the following:

(A) An evaluation of the pilot program using the metrics of assessment set forth pursuant to paragraph (1)(B).

(B) An assessment of the utility of the funding mechanisms set forth pursuant to paragraph (1)(C).

(C) An assessment of the effects of the pilot program on recruitment and retention of medics for special operations forces.

(D) An assessment of the feasibility and advisability of extending one or more authorities for joint professional military education under chapter 107 of title 10, United States Code, to warrant officers or enlisted personnel, and if the Secretary considers the extension of any such authorities feasible and advisable, recommendations for legislative or administrative action to so extend such authorities.

(f) CONSTRUCTION OF AUTHORITIES.—Nothing in this section may be construed to—

(1) authorize an officer or employee of the Federal Government to create, endorse, or otherwise incentivize a particular curriculum or degree track; or

(2) require, direct, review, or control a State or educational institution, or the instructional content, curriculum, and related activities of a State or educational institution.

SEC. 736. STRATEGIC MEDICAL RESEARCH PLAN.

(a) PLAN.—Not later than 30 days after the date on which the budget of the President for fiscal year 2020 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall submit to the congressional defense committees a comprehensive strategic medical research plan.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A description of all medical research focus areas of the Department of Defense and a description of the coordination

process to ensure the focus areas are linked to military readiness, joint force requirements, and relevance to individuals eligible for care at military medical treatment facilities or through the TRICARE program.

(2) A description of the medical research projects funded under the Defense Health Program account and the projects under the Congressional Directed Medical Research Program.

(3) A description of the process to ensure synergy across the military medical research community in order to address gaps in military medical research, minimize duplication of research, and promote collaboration within research focus areas.

(4) A description of the efforts of the Secretary to coordinate with other departments and agencies of the Federal Government to increase awareness of complementary medical research efforts that are being carried out through the Federal Government.

SEC. 737. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF DEFENSE HEALTH AGENCY OVERSIGHT OF TRANSITION BETWEEN MANAGED CARE SUPPORT CONTRACTORS FOR THE TRICARE PROGRAM.

10 USC 1073a note.

(a) BRIEFING AND REPORT ON CURRENT TRANSITION.—

(1) IN GENERAL.—The Comptroller General of the United States shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing and a report on a review by the Comptroller General of the oversight conducted by the Defense Health Agency with respect to the current transition between managed care support contractors for the TRICARE program. The briefing shall be provided by not later than July 1, 2019.

(2) ELEMENTS.—The briefing and report under paragraph (1) shall each include the following:

(A) A description and assessment of the extent to which the Defense Health Agency provided guidance and oversight to the outgoing and incoming managed care support contractors for the TRICARE program during the transition described in paragraph (1) and before the start of health care delivery by the incoming contractor.

(B) A description and assessment of any issues with health care delivery under the TRICARE program as a result of or in connection with the transition, and, with respect to such issues—

(i) the effect, if any, of the guidance and oversight provided by the Defense Health Agency during the transition on such issues; and

(ii) the solutions developed by the Defense Health Agency for remediating any deficiencies in managed care support for the TRICARE program in connection with such issues.

(C) A description and assessment of the extent to which the Defense Health Agency has reviewed any lessons learned from past transitions between managed care support contractors for the TRICARE program, and incorporated such lessons into the transition.

(D) A review of the Department of Defense briefing provided in accordance with the provisions of the Report

of the Committee on Armed Services of the House of Representatives to Accompany H.R. 5515 (115th Congress; House Report 115–676) on TRICARE Managed Care Support Contractor Reporting.

(b) REPORT ON FUTURE TRANSITIONS.—Not later than 270 days after the completion of any future transition between managed care support contractors for the TRICARE program, the Comptroller General shall submit to the committees of Congress referred to in subsection (a)(1) a report on a review by the Comptroller General of the oversight conducted by the Defense Health Agency with respect to such transition. The report shall include each description and assessment specified in subparagraphs (A) through (C) of subsection (a)(2) with respect to such transition.

(c) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 738. COMPTROLLER GENERAL STUDY ON AVAILABILITY OF LONG-TERM CARE OPTIONS FOR VETERANS FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the availability of long-term care options from the Department of Veterans Affairs for veterans with combat-related disabilities, including veterans who served in the Armed Forces after September 11, 2001.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) determine the potential demand for long-term care by veterans eligible for health care from the Department;

(2) determine the capacity of the Department for providing all four levels of long-term care, which are independent living, assisted living, nursing home care, and memory care;

(3) identify the number of veterans with combat-related disabilities who require a personal care assistant and which facilities of the Department provide this service; and

(4) examine the value of long-term care benefits provided by the Department, including personal care assistant services, to identify the potential elements of a pilot program that affords aging veterans the choice of receiving long-term care benefits at nonprofit continuing care retirement communities.

(c) REPORT.—Not later than January 1, 2020, the Comptroller General shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives a report on the study conducted under this section.

SEC. 739. INCREASE IN NUMBER OF APPOINTED MEMBERS OF THE HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.

Section 178(c)(1)(C) of title 10, United States Code, is amended by striking "four members" and inserting "six members".

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 800. Effective dates; coordination of amendments.

Subtitle A—Streamlining of Defense Acquisition Statutes and Regulations

PART I—CONSOLIDATION OF DEFENSE ACQUISITION STATUTES IN NEW PART V OF SUBTITLE A OF TITLE 10, UNITED STATES CODE

Sec. 801. Framework for new part V of subtitle A.

PART II—REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLES B, C, AND D TO PROVIDE ROOM FOR NEW PART V OF SUBTITLE A

Sec. 806. Redesignation of sections and chapters of subtitle D of title 10, United States Code—Air Force.
Sec. 807. Redesignation of sections and chapters of subtitle C of title 10, United States Code—Navy and Marine Corps.
Sec. 808. Redesignation of sections and chapters of subtitle B of title 10, United States Code—Army.
Sec. 809. Cross references to redesignated sections and chapters.

PART III—REPEALS OF CERTAIN PROVISIONS OF DEFENSE ACQUISITION LAW

Sec. 811. Amendment to and repeal of statutory requirements for certain positions or offices in the Department of Defense.
Sec. 812. Repeal of certain defense acquisition laws.
Sec. 813. Repeal of certain Department of Defense reporting requirements.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 816. Modification of limitations on single source task or delivery order contracts.
Sec. 817. Preliminary cost analysis requirement for exercise of multiyear contract authority.
Sec. 818. Revision of requirement to submit information on services contracts to Congress.
Sec. 819. Data collection and inventory for services contracts.
Sec. 820. Report on clarification of services contracting definitions.
Sec. 821. Increase in micro-purchase threshold applicable to Department of Defense.
Sec. 822. Department of Defense contracting dispute matters.
Sec. 823. Inclusion of best available information regarding past performance of subcontractors and joint venture partners.
Sec. 824. Subcontracting price and approved purchasing systems.
Sec. 825. Modification of criteria for waivers of requirement for certified cost and price data.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

Sec. 831. Revisions in authority relating to program cost targets and fielding targets for major defense acquisition programs.
Sec. 832. Implementation of recommendations of the Independent Study on Consideration of Sustainment in Weapons Systems Life Cycle.
Sec. 833. Comptroller General assessment of acquisition programs and related initiatives.

Subtitle D—Provisions Relating to Commercial Items

Sec. 836. Revision of definition of commercial item for purposes of Federal acquisition statutes.
Sec. 837. Limitation on applicability to Department of Defense commercial contracts of certain provisions of law.
Sec. 838. Modifications to procurement through commercial e-commerce portals.
Sec. 839. Review of Federal acquisition regulations on commercial products, commercial services, and commercially available off-the-shelf items.

Subtitle E—Industrial Base Matters

Sec. 841. Report on limited sourcing of specific components for Naval vessels.

Sec. 842. Removal of national interest determination requirements for certain entities.
Sec. 843. Pilot program to test machine-vision technologies to determine the authenticity and security of microelectronic parts in weapon systems.
Sec. 844. Limitation on certain procurements application process.
Sec. 845. Report on defense electronics industrial base.
Sec. 846. Support for defense manufacturing communities to support the defense industrial base.
Sec. 847. Limitation on procurement of certain items for T–AO–205 program.

Subtitle F—Small Business Matters

Sec. 851. Department of Defense small business strategy.
Sec. 852. Prompt payments of small business contractors.
Sec. 853. Increased participation in the Small Business Administration microloan program.
Sec. 854. Amendments to Small Business Innovation Research Program and Small Business Technology Transfer Program.
Sec. 855. Construction contract administration.
Sec. 856. Comptroller General study of impact of broadband speed and price on small businesses.
Sec. 857. Consolidated budget display for the Department of Defense Small Business Innovation Research Program and Small Business Technology Transfer Program.
Sec. 858. Funding for procurement technical assistance program.
Sec. 859. Authorization for payment of certain costs relating to procurement technical assistance centers.
Sec. 860. Commercialization Assistance Pilot Program.
Sec. 861. Puerto Rico businesses.
Sec. 862. Opportunities for employee-owned business concerns through Small Business Administration loan programs.

Subtitle G—Provisions Related to Software and Technical Data Matters

Sec. 865. Validation of proprietary and technical data.
Sec. 866. Continuation of technical data rights during challenges.
Sec. 867. Requirement for negotiation of technical data price before sustainment of major weapon systems.
Sec. 868. Implementation of recommendations of the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems.
Sec. 869. Implementation of pilot program to use agile or iterative development methods required under section 873 of the National Defense Authorization Act for Fiscal Year 2018.
Sec. 870. Report on requiring access to digital technical data in future acquisitions of combat, combat service, and combat support systems.

Subtitle H—Other Matters

Sec. 871. Prohibition on acquisition of sensitive materials from non-allied foreign nations.
Sec. 872. Extension of prohibition on providing funds to the enemy.
Sec. 873. Data, policy, and reporting on the use of other transactions.
Sec. 874. Standardization of formatting and public accessibility of Department of Defense reports to Congress.
Sec. 875. Promotion of the use of Government-wide and other interagency contracts.
Sec. 876. Increasing competition at the task order level.
Sec. 877. Individual acquisition for commercial leasing services.
Sec. 878. Procurement administrative lead time definition and plan.
Sec. 879. Briefing on funding of product support strategies.
Sec. 880. Use of lowest price technically acceptable source selection process.
Sec. 881. Permanent Supply Chain Risk Management Authority.
Sec. 882. Review of market research.
Sec. 883. Establishment of integrated review team on defense acquisition industry-government exchange.
Sec. 884. Exchange program for acquisition workforce employees.
Sec. 885. Process to limit foreign access to technology.
Sec. 886. Procurement of telecommunications supplies for experimental purposes.
Sec. 887. Access by developmental and operational testing activities to data regarding modeling and simulation activity.
Sec. 888. Instruction on pilot program regarding employment of persons with disabilities.
Sec. 889. Prohibition on certain telecommunications and video surveillance services or equipment.
Sec. 890. Pilot program to accelerate contracting and pricing processes.

SEC. 800. EFFECTIVE DATES; COORDINATION OF AMENDMENTS.

10 USC note prec. 3001.

(a) EFFECTIVE DATES.—

(1) PARTS I AND II.—Parts I and II of this subtitle, and the redesignations and amendments made by such parts, shall take effect on February 1, 2019.

(2) PART III.—Part III of this subtitle shall take effect on the date of the enactment of this Act.

(b) COORDINATION OF AMENDMENTS.—The redesignations and amendments made by part II of this subtitle shall be executed before the amendments made by part I of this subtitle.

(c) RULE FOR CERTAIN REDESIGNATIONS.—In the case of a redesignation specified in part II of this subtitle (1) that is to be made to a section of subtitle B, C, or D of title 10, United States Code, for which the current section designation consists of a four-digit number and a letter, and (2) that is directed to be made by the addition of a specified number to the current section designation, the new section designation shall consist of a new four-digit number and the same letter, with the new four-digit number being the number that is the sum of the specified number and the four-digit number in the current section designation.

Subtitle A—Streamlining of Defense Acquisition Statutes and Regulations

PART I—CONSOLIDATION OF DEFENSE ACQUISITION STATUTES IN NEW PART V OF SUBTITLE A OF TITLE 10, UNITED STATES CODE

SEC. 801. FRAMEWORK FOR NEW PART V OF SUBTITLE A.

(a) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by adding at the end the following new part:

"PART V—ACQUISITION

10 USC prec. 3001.

"Chap. Sec.

''subpart a—general

"201. Definitions 3001
"203. General Matters 3021
"205. Defense Acquisition System 3051
"207. Budgeting and Appropriations Matters 3101
"209. Operational Contract Support 3151

''subpart b—acquisition planning

"221. Planning and Solicitation Generally 3201
"223. Planning and Solicitation Relating to Particular Items or Services 3251

''subpart c—contracting methods and contract types

"241. Awarding of Contracts 3301
"243. Specific Types of Contracts 3351
"245. Task and Delivery Order Contracts (Multiple Award Contracts) 3401
"247. Acquisition of Commercial Items 3451
"249. Multiyear Contracts 3501
"251. Simplified Acquisition Procedures 3551
"253. Emergency and Rapid Acquisitions 3601

''subpart d—general contracting requirements

"271. Truthful Cost or Pricing Data 3701
"273. Allowable Costs 3741
"275. Proprietary Contractor Data and Technical Data 3771
"277. Contract Financing 3801
"279. Contractor Audits and Accounting 3841
"281. Claims and Disputes 3861
"283. Foreign Acquisitions 3881
"285. Small Business Programs 3901
"287. Socioeconomic Programs 3961

''subpart e—special categories of contracting: major defense acquisition programs and major systems

"301. Major Defense Acquisition Programs 4001
"303. Weapon Systems Development and Related Matters 4071
"305. Other Matters Relating to Major Systems 4121

''subpart f—special categories of contracting: research, development, test, and evaluation

"321. Research and Development Generally 4201
"323. Innovation 4301
"325. Department of Defense Laboratories 4351
"327. Research and Development Centers and Facilities 4401
"329. Operational Test and Evaluation; Developmental Test and Evaluation 4451

''subpart g—other special categories of contracting

"341. Contracting for Performance of Civilian Commercial or Industrial Type Functions 4501
"343. Acquisition of Services 4541
"345. Acquisition of Information Technology 4571

''subpart h—contract management

"361. Contract Administration 4601
"363. Prohibitions and Penalties 4651
"365. Contractor Workforce 4701
"367. Other Administrative and Miscellaneous Provisions 4751

''subpart i—defense industrial base

"381. Defense Industrial Base Generally 4801
"383. Loan Guarantee Programs 4861
"385. Procurement Technical Assistance Cooperative Agreement Program 4881

10 USC prec. 3001.

"Subpart A—General

10 USC prec. 3001.

"CHAPTER 201—DEFINITIONS

"§ 3001. [Reserved]

[Reserved]

10 USC prec. 3021.

"CHAPTER 203—GENERAL MATTERS

"§ 3021. [Reserved]

[Reserved]

10 USC prec. 3051.

"CHAPTER 205—DEFENSE ACQUISITION SYSTEM

"§ 3051. [Reserved]

[Reserved]

10 USC prec. 3101.

"CHAPTER 207—BUDGETING AND APPROPRIATIONS MATTERS

"§ 3101. [Reserved]

[Reserved]

"CHAPTER 209—OPERATIONAL CONTRACT SUPPORT 10 USC prec. 3151.

"§ 3151. [Reserved]

[Reserved]

"Subpart B—Acquisition Planning 10 USC prec. 3201.

"CHAPTER 221—PLANNING AND SOLICITATION GENERALLY 10 USC prec. 3201.

"§ 3201. [Reserved]

[Reserved]

"CHAPTER 223—PLANNING AND SOLICITATION RELATING TO PARTICULAR ITEMS OR SERVICES 10 USC prec. 3251.

"§ 3251. [Reserved]

[Reserved]

"Subpart C—Contracting Methods and Contract Types 10 USC prec. 3301.

"CHAPTER 241—AWARDING OF CONTRACTS 10 USC prec. 3301.

"§ 3301. [Reserved]

[Reserved]

"CHAPTER 243—SPECIFIC TYPES OF CONTRACTS 10 USC prec. 3351.

"§ 3351. [Reserved]

[Reserved]

"CHAPTER 245—TASK AND DELIVERY ORDER CONTRACTS (MULTIPLE AWARD CONTRACTS) 10 USC prec. 3401.

"§ 3401. [Reserved]

[Reserved]

"CHAPTER 247—ACQUISITION OF COMMERCIAL ITEMS 10 USC prec. 3451.

"§ 3451. [Reserved]

[Reserved]

"CHAPTER 249—MULTIYEAR CONTRACTS 10 USC prec. 3501.

"§ 3501. [Reserved]

[Reserved]

"CHAPTER 251—SIMPLIFIED ACQUISITION PROCEDURES 10 USC prec. 3551.

"§ 3551. [Reserved]

[Reserved]

10 USC prec. 3601.

"CHAPTER 253—EMERGENCY AND RAPID ACQUISITIONS

"§ 3601. [Reserved]

[Reserved]

10 USC prec. 3651.

"CHAPTER 255—CONTRACTING WITH OR THROUGH OTHER AGENCIES

"§ 3651. [Reserved]

[Reserved]

10 USC prec. 3701.

"Subpart D—General Contracting Requirements

10 USC prec. 3701.

"CHAPTER 271—TRUTHFUL COST OR PRICING DATA

"§ 3701. [Reserved]

[Reserved]

10 USC prec. 3741.

"CHAPTER 273—ALLOWABLE COSTS

"§ 3741. [Reserved]

[Reserved]

10 USC prec. 3771.

"CHAPTER 275—PROPRIETARY CONTRACTOR DATA AND TECHNICAL DATA

"§ 3771. [Reserved]

[Reserved]

10 USC prec. 3801.

"CHAPTER 277—CONTRACT FINANCING

"§ 3801. [Reserved]

[Reserved]

10 USC prec. 3841.

"CHAPTER 279—CONTRACTOR AUDITS AND ACCOUNTING

"§ 3841. [Reserved]

[Reserved]

10 USC prec. 3861.

"CHAPTER 281—CLAIMS AND DISPUTES

"§ 3861. [Reserved]

[Reserved]

10 USC prec. 3881.

"CHAPTER 283—FOREIGN ACQUISITIONS

"§ 3881. [Reserved]

[Reserved]

10 USC prec. 3901.

"CHAPTER 285—SMALL BUSINESS PROGRAMS

"§ 3901. [Reserved]

[Reserved]

"CHAPTER 287—SOCIOECONOMIC PROGRAMS 10 USC prec. 3961.

"§ 3961. [Reserved]
[Reserved]

"Subpart E—Special Categories of Contracting: Major Defense Acquisition Programs and Major Systems 10 USC prec. 4001.

"CHAPTER 301—MAJOR DEFENSE ACQUISITION PROGRAMS 10 USC prec. 4001.

"§ 4001. [Reserved]
[Reserved]

"CHAPTER 303—WEAPON SYSTEMS DEVELOPMENT AND RELATED MATTERS 10 USC prec. 4071

"§ 4071. [Reserved]
[Reserved]

"CHAPTER 305—OTHER MATTERS RELATING TO MAJOR SYSTEMS 10 USC prec. 4121.

"§ 4121. [Reserved]
[Reserved]

"Subpart F—Special Categories of Contracting: Research, Development, Test, and Evaluation 10 USC prec. 4201.

"CHAPTER 321—RESEARCH AND DEVELOPMENT GENERALLY 10 USC prec. 4201.

"§ 4201. [Reserved]
[Reserved]

"CHAPTER 323—INNOVATION 10 USC prec. 4301.

"§ 4301. [Reserved]
[Reserved]

"CHAPTER 325—DEPARTMENT OF DEFENSE LABORATORIES 10 USC prec. 4351.

"§ 4351. [Reserved]
[Reserved]

"CHAPTER 327—RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES 10 USC prec. 4401.

"§ 4401. [Reserved]
[Reserved]

10 USC prec. 4451.

"CHAPTER 329—OPERATIONAL TEST AND EVALUATION; DEVELOPMENTAL TEST AND EVALUATION

"§ 4451. [Reserved]

[Reserved]

10 USC prec. 4501.

"Subpart G—Other Special Categories Of Contracting

10 USC prec. 4501.

"CHAPTER 341—CONTRACTING FOR PERFORMANCE OF CIVILIAN COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS

"§ 4501. [Reserved]

[Reserved]

10 USC prec. 4541.

"CHAPTER 343—ACQUISITION OF SERVICES

"§ 4541. [Reserved]

[Reserved]

10 USC prec. 4571.

"CHAPTER 345—ACQUISITION OF INFORMATION TECHNOLOGY

"§ 4571. [Reserved]

[Reserved]

10 USC prec. 4601.

"Subpart H—Contract Management

10 USC prec. 4601.

"CHAPTER 361—CONTRACT ADMINISTRATION

"§ 4601. [Reserved]

[Reserved]

10 USC prec. 4651.

"CHAPTER 363—PROHIBITIONS AND PENALTIES

"§ 4651. [Reserved]

[Reserved]

10 USC prec. 4701.

"CHAPTER 365—CONTRACTOR WORKFORCE

"§ 4701. [Reserved]

[Reserved]

10 USC prec. 4751.

"CHAPTER 367—OTHER ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

"§ 4751. [Reserved]

[Reserved]

"Subpart I—Defense Industrial Base

10 USC prec. 4801.

"CHAPTER 381—DEFENSE INDUSTRIAL BASE GENERALLY

10 USC prec. 4801.

"§ 4801. [Reserved]

[Reserved**]**

"CHAPTER 383—LOAN GUARANTEE PROGRAMS

10 USC prec. 4801.

"§ 4861. [Reserved]

[Reserved**]**

"CHAPTER 385—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

10 USC prec. 4801.

"§ 4881. [Reserved]

"**[**Reserved**]**".

(b) TABLE OF CHAPTERS AMENDMENT.—The table of chapters at the beginning of subtitle A is amended by adding at the end the following new items:

10 USC prec. 101.

''Part V—ACQUISITION

''subpart a—general

"201. Definitions 3001
"203. General Matters 3021
"205. Defense Acquisition System 3051
"207. Budgeting and Appropriations Matters 3101
"209. Operational Contract Support 3151

''subpart b—acquisition planning

"221. Planning and Solicitation Generally 3201
"223. Planning and Solicitation Relating to Particular Items or Services 3251

''subpart c—contracting methods and contract types

"241. Awarding of Contracts 3301
"243. Specific Types of Contracts 3351
"245. Task and Delivery Order Contracts (Multiple Award Contracts) 3401
"247. Acquisition of Commercial Items 3451
"249. Multiyear Contracts 3501
"251. Simplified Acquisition Procedures 3551
"253. Emergency and Rapid Acquisitions 3601
"255. Contracting With or Through Other Agencies 3651

''subpart d—general contracting requirements

"271. Truthful Cost or Pricing Data 3701
"273. Allowable Costs 3741
"275. Proprietary Contractor Data and Technical Data 3771
"277. Contract Financing 3801
"279. Contractor Audits and Accounting 3841
"281. Claims and Disputes 3861
"283. Foreign Acquisitions 3881
"285. Small Business Programs 3901
"287. Socioeconomic Programs 3961

''subpart e—special categories of contracting: major defense acquisition programs and major systems

"301. Major Defense Acquisition Programs 4001
"303. Weapon Systems Development and Related Matters 4071
"305. Other Matters Relating to Major Systems 4121

''subpart f—special categories of contracting: research, development, test, and evaluation

"321. Research and Development Generally 4201
"323. Innovation 4301

"325. Department of Defense Laboratories 4351
"327. Research and Development Centers and Facilities 4401
"329. Operational Test and Evaluation; Developmental Test and Evaluation 4451

''subpart g—other special categories of contracting

"341. Contracting for Performance of Civilian Commercial or Industrial Type Functions 4501
"343. Acquisition of Services 4541
"345. Acquisition of Information Technology 4571

''subpart h—contract management

"361. Contract Administration 4601
"363. Prohibitions and Penalties 4651
"365. Contractor Workforce 4701
"367. Other Administrative and Miscellaneous Provisions 4751

''subpart i—defense industrial base

"381. Defense Industrial Base Generally 4801
"383. Loan Guarantee Programs 4861
"385. Procurement Technical Assistance Cooperative Agreement Program ..... 4881".

PART II—REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLES B, C, AND D TO PROVIDE ROOM FOR NEW PART V OF SUBTITLE A

SEC. 806. REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLE D OF TITLE 10, UNITED STATES CODE—AIR FORCE.

(a) SUBTITLE D, PART III, SECTION NUMBERS.—The sections in part III of subtitle D of title 10, United States Code, are redesignated as follows:

10 USC 9481–9498.

(1) CHAPTER 909.—Each section in chapter 909 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 50.

10 USC 9481–9484, 9487.

(2) CHAPTER 907.—Each section in chapter 907 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 70.

10 USC 9401–9406, 9414–9415, 9417, 9419, 9420, 9431–9436, 9438, 9441–9443, 9446–9457, 9459–9462.

(3) CHAPTERS 901 AND 903.—Each section in chapter 901 and chapter 903 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 100.

(b) SUBTITLE D, PART II, SECTION NUMBERS.—The sections in part II of such subtitle are redesignated as follows:

(1) CHAPTER 831.—Section 8210 is redesignated as section 9110.

(2) CHAPTER 833.—Sections 8251, 8252, 8257, and 8258 are redesignated as sections 9131, 9132, 9137, and 9138, respectively.

(3) CHAPTER 835.—Sections 8281 and 8310 are redesignated as sections 9151 and 9160, respectively.

(4) CHAPTER 839.—Section 8446 is redesignated as section 9176.

(5) CHAPTER 841.—Sections 8491 and 8503 are redesignated as sections 9191 and 9203, respectively.

(6) CHAPTER 843.—Sections 8547 and 8548 are redesignated as sections 9217 and 9218, respectively.

(7) CHAPTER 845.—Sections 8572, 8575, 8579, 8581, and 8583 are redesignated as sections 9222, 9225, 9229, 9231, and 9233, respectively.

(8) CHAPTER 849.—Section 8639 is redesignated as section 9239.

(9) CHAPTER 853.—Sections 8681, 8684, and 8691 are redesignated as sections 9251, 9252, and 9253, respectively.

(10) CHAPTER 855.—Section 8723 is redesignated as section 9263.

(11) CHAPTER 857.—Each section in chapter 857 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 530.

(12) CHAPTER 861.—Section 8817 is redesignated as section 9307.

(13) CHAPTER 867.—Each section in chapter 867 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 400.

(14) CHAPTER 869.—Sections 8961, 8962, 8963, 8964, 8965, and 8966 are redesignated as sections 9341, 9342, 9343, 9344, 9345, and 9346, respectively.

(15) CHAPTER 871.—Sections 8991 and 8992 are redesignated as sections 9361 and 9362, respectively.

(16) CHAPTER 873.—Sections 9021, 9025, and 9027 are redesignated as sections 9371, 9375, and 9377, respectively.

(17) CHAPTER 875.—Section 9061 is redesignated as section 9381.

(c) SUBTITLE D, PART I, SECTION NUMBERS.—Each section in part I of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,000.

10 USC prec. 9511, prec. 9531, prec. 9561, prec. 9591, prec. 9621, prec. 9651, prec. 9681, prec. 9711, prec. 9741, prec. 9771, prec. 9801, prec. 9831.

(d) SUBTITLE D CHAPTER NUMBERS.—

(1) PART IV CHAPTER NUMBERS.—Each chapter in part IV of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 30.

10 USC prec. 9401, prec. 9431, prec. 9481, prec. 9491.

(2) PART III CHAPTER NUMBERS.—Each chapter in part III of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 50.

10 USC prec. 9110, prec. 9131, prec. 9151, prec. 9176, prec. 9191, prec. 9217, prec. 9222, prec. 9239, prec. 9251, prec. 9263, prec. 9271.

(3) PART II CHAPTER NUMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each chapter in part II of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 80.

10 USC prec. 9307.

(B) OTHER CHAPTERS.—

(i) Chapter 861 is redesignated as chapter 939.

(ii) Chapters 867, 869, 871, 873, and 875 are each redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 74.

10 USC prec. 9311, prec. 9341, prec. 9361, prec. 9371, prec. 9381.

(4) PART I CHAPTER NUMBERS.—Each chapter in part I of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 100.

10 USC prec. 9011, prec. 9011, prec. 9031, prec. 9061.

(e) SUBTITLE D TABLES OF SECTIONS AND TABLES OF CHAPTERS.—

(1) TABLES OF SECTIONS.—The tables of sections at the beginning of the chapters of such subtitle are revised so as to conform the section references in those tables to the redesignations made by subsections (a), (b), and (c).

10 USC prec. 9011, prec. 9031, prec. 9061, prec. 9110, prec. 9131, prec. 9151, prec. 9176, prec. 9191, prec. 9217, prec. 9222, prec. 9239, prec. 9251, prec. 9263, prec. 9271, prec. 9307, prec. 9311, prec. 9341, prec. 9361, prec. 9371, prec. 9381, prec. 9401, prec. 9431, prec. 9481, prec. 9491.

10 USC prec. 9011, prec. 9110, prec. 9401, prec. 9511.

(2) TABLES OF CHAPTERS.—The table of chapters at the beginning of such subtitle, and the tables of chapters at the beginning of each part of such subtitle, are revised so as to conform the chapter references and section references in those tables to the redesignations made by this section.

SEC. 807. REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLE C OF TITLE 10, UNITED STATES CODE—NAVY AND MARINE CORPS.

(a) SUBTITLE C, PART I, SECTION NUMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each section in part I of subtitle C of title 10, United States Code, is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,000.

10 USC 8001, 8011–8020, 8022–8028, 8031–8033, 8035–8038, 8041–8047, 8061–8063.

(2) CHAPTER 513.—For sections in chapter 513, each section is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,940.

(b) SUBTITLE C, PART II, SECTION NUMBERS.—The sections in part II of such subtitle are redesignated as follows:

10 USC 8071, 8072; 8075; 8077, 8078, 8079, 8081, 8082, 8082a, 8083, 8084, 8088, 8089, 8090.

(1) CHAPTER 533.—Sections 5441, 5450, and 5451 are redesignated as sections 8101, 8102, and 8103, respectively.

(2) CHAPTER 535.—Sections 5501, 5502, 5503, and 5508 are redesignated as sections 8111, 8112, 8113, and 8118, respectively.

(3) CHAPTER 537.—Section 5540 is redesignated as section 8120.

(4) CHAPTER 539.—Sections 5582, 5585, 5587, 5587a, 5589, and 5596 are redesignated as sections 8132, 8135, 8137, 8138, 8139, and 8146, respectively.

10 USC 8162–8169, 8171, 8172.

(5) CHAPTER 551.—Each section in chapter 551 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,220.

(6) CHAPTER 553.—Sections 5983, 5985, and 5986 are redesignated as sections 8183, 8185, and 8186, respectively.

(7) CHAPTER 555.—The sections in chapter 555 are redesignated as follows:

Section	Redesignated Section
6011	8211
6012	8212
6013	8213
6014	8214
6019	8215
6021	8216
6022	8217

Section	Redesignated Section
6024	8218
6027	8219
6029	8220
6031	8221
6032	8222
6035	8225
6036	8226

(8) CHAPTER 557.—Each section in chapter 557 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,160. 10 USC 8241–8247.

(9) CHAPTER 559.—Section 6113 is redesignated as section 8253.

(10) CHAPTER 561.—The sections in chapter 561 are redesignated as follows:

Section	Redesignated Section
6141	8261
6151	8262
6152	8263
6153	8264
6154	8265
6155	8266
6156	8267
6160	8270
6161	8271

(11) CHAPTER 563.—Sections 6201, 6202, and 6203 are redesignated as sections 8281, 8282, and 8283, respectively.

(12) CHAPTER 565.—Sections 6221 and 6222 are redesignated as sections 8286 and 8287, respectively.

10 USC 8291–8308.

(13) CHAPTER 567.—Each section in chapter 567 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,050.

(14) CHAPTER 569.—Section 6292 is redesignated as section 8317.

10 USC 8321–8336.

(15) CHAPTER 571.—Each section in chapter 571 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 2,000.

(16) CHAPTER 573.—Sections 6371, 6383, 6389, 6404, and 6408 are redesignated as sections 8371, 8372, 8373, 8374, and 8375, respectively.

(17) CHAPTER 575.—Sections 6483, 6484, 6485, and 6486 are redesignated as sections 8383, 8384, 8385, and 8386, respectively.

(18) CHAPTER 577.—Section 6522 is redesignated as section 8392.

(c) SUBTITLE C, PART III, SECTION NUMBERS.—

10 USC 8411–8413, 8415, 8431, 8451–8456, 8458–8481, 8541–8550, 8581–8588.

(1) IN GENERAL.—Except as provided in paragraph (2), each section in part III of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,500.

(2) CHAPTER 609.—Sections 7101, 7102, 7103, and 7104 are redesignated as sections 8591, 8592, 8593, and 8594, respectively.

(d) SUBTITLE C, PART IV, SECTION NUMBERS.—The sections in part IV of such subtitle are redesignated as follows:

10 USC 8604, 8605, 8607, 8611, 8612, 8614, 8616, 8619–8629, 8631, 8633–8635.

(1) CHAPTER 631.—Each section in chapter 631 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,400.

(2) CHAPTER 633.—Each section in chapter 633 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,370.

10 USC 8661–8664, 8667, 8669–8671, 8673–8690.

(3) CHAPTER 637.—Sections 7361, 7362, 7363, and 7364 are redesignated as sections 8701, 8702, 8703, and 8704, respectively.

(4) CHAPTER 639.—Sections 7395 and 7396 are redesignated as sections 8715 and 8716, respectively.

10 USC 8720–8725, 8727–8733, 8735–8739.

(5) CHAPTER 641.—Each section in chapter 641 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,300.

(6) CHAPTER 643.—Sections 7472, 7473, 7476, 7477, 7478, 7479, 7479a, and 7480 are redesignated as sections 8742, 8743, 8746, 8747, 8748, 8749, 8749a, and 8750, respectively.

(7) CHAPTER 645.—Sections 7522, 7523, and 7524 are redesignated as sections 8752, 8753, and 8754, respectively.

(8) CHAPTER 647.—The sections in chapter 647 are redesignated as follows:

Section	**Redesignated Section**
7541	8761
7541a	8761a

Section	Redesignated Section
7541b	8761b
7542	8762
7543	8763
7544	8764
7545	8765
7546	8766
7547	8767

(9) CHAPTERS 649, 651, 653, AND 655.—Each section in chapters 649, 651, 653, and 655 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,200.

(10) CHAPTER 657.—Each section in chapter 657 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 1,170.

(11) CHAPTER 659.—Sections 7851, 7852, 7853, and 7854 are redesignated as sections 8901, 8902, 8903, and 8904, respectively.

(12) CHAPTER 661.—Sections 7861, 7862, and 7863 are redesignated as sections 8911, 8912, and 8913, respectively.

(13) CHAPTER 663.—Section 7881 is redesignated as section 8921.

(14) CHAPTER 665.—Sections 7901, 7902, and 7903 are redesignated as sections 8931, 8932, and 8933, respectively.

(15) CHAPTER 667.—Sections 7912 and 7913 are redesignated as sections 8942 and 8943, respectively.

(16) CHAPTER 669.—Section 7921 is redesignated as section 8951.

(e) SUBTITLE C CHAPTER NUMBERS.—

(1) PART I CHAPTER NUMBERS.—Each chapter in part I of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 300, except that chapter 513 is redesignated as chapter 809.

(2) PART II CHAPTER NUMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each chapter in part II of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 270.

(B) OTHER CHAPTERS.—Chapter 533 is redesignated as chapter 811, chapter 535 is redesignated as chapter 812, chapter 537 is redesignated as chapter 813, and chapter 539 is redesignated as chapter 815.

(3) PART III CHAPTER NUMBERS.—Each chapter in part III of such subtitle is redesignated so that the number of the

10 USC 8771–8773, 8776, 8777, 8779–8782, 8801–8806, 8821–8823, 8851–8881.
10 USC 8891–8900.

10 USC prec. 8001, prec. 8011, prec. 8031, prec. 8041, prec. 8061, prec. 8071.

10 USC prec. 8162, prec. 8183, prec. 8211, prec. 8241, prec. 8253, prec. 8261, prec. 8281, prec. 8286, prec. 8291, prec. 8317, prec. 8321, prec. 8371, prec. 8383, prec. 8392.
10 USC prec. 8411, prec. 8431, prec. 8451, prec. 8541, prec. 8581, prec. 8591.

chapter, as redesignated, is the number equal to the previous number plus 250.

(4) PART IV CHAPTER NUMBERS.—Each chapter in part IV of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 228, except that chapter 631 is redesignated as chapter 861 and chapter 633 is redesignated as chapter 863.

10 USC prec. 8604, prec. 8661, prec. 8701, prec. 8715, prec. 8720, prec. 8742, prec. 8752, prec. 8761, prec. 8771, prec. 8801, prec. 8821, prec. 8851, prec. 8891, prec. 8901, prec. 8911, prec. 8921, prec. 8931, prec. 8942, prec. 8951.

(f) SUBTITLE C TABLES OF SECTIONS AND TABLES OF CHAPTERS.—

(1) TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of such subtitle is revised so as to conform the section references in the table to the redesignations made by subsections (a), (b), (c), and (d).

(2) TABLES OF CHAPTERS.—The table of chapters at the beginning of such subtitle, and the tables of chapters at the beginning of each part of such subtitle, are revised so as to conform the chapter references and section references in those tables to the redesignations made by this section.

10 USC prec. 8001, prec. 8011, prec. 8031, prec. 8041, prec. 8061, prec. 8071, prec. 8101, prec. 8111, prec. 8120, prec. 8132, prec. 8162, prec. 8183, prec. 8211, prec. 8241, prec. 8253, prec. 8261, prec. 8281, prec. 8286, prec. 8291, prec. 8317, prec. 8321, prec. 8371, prec. 8383, prec. 8392, prec. 8411, prec. 8431, prec. 8451, prec. 8541, prec. 8581, prec. 8591, prec. 8604, prec. 8661, prec. 8701, prec. 8715, prec. 8720, prec. 8742, prec. 8752, prec. 8761, prec. 8771, prec. 8801, prec. 8821, prec. 8851, prec. 8891, prec. 8901, prec. 8911, prec. 8921, prec. 8931, prec. 8942, prec. 8951.

SEC. 808. REDESIGNATION OF SECTIONS AND CHAPTERS OF SUBTITLE B OF TITLE 10, UNITED STATES CODE—ARMY.

(a) SUBTITLE B, PART I, SECTION NUMBERS.—Each section in part I of subtitle B of title 10, United States Code, is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 4,000.

(b) SUBTITLE B, PART II, SECTION NUMBERS.—The sections in part II of such subtitle are redesignated as follows:

(1) CHAPTER 331.—Sections 3201 and 3210 are redesignated as sections 7101 and 7110, respectively.

(2) CHAPTER 333.—Sections 3251, 3258, and 3262 are redesignated as sections 7131, 7138, and 7142, respectively.

(3) CHAPTER 335.—Sections 3281, 3282, and 3283 are redesignated as sections 7151, 7152, and 7153, respectively.

(4) CHAPTER 339.—Section 3446 is redesignated as sections 7176.

(5) CHAPTER 341.—Sections 3491 and 3503 are redesignated as sections 7191 and 7203, respectively.

(6) CHAPTER 343.—Sections 3533, 3534, 3536, 3547 and 3548 are redesignated as sections 7213, 7214, 7216, 7217, and 7218, respectively.

(7) CHAPTER 345.—Sections 3572, 3575, 3579, 3581, and 3583 are redesignated as sections 7222, 7225, 7229, 7231, and 7233, respectively.

(8) CHAPTER 349.—Section 3639 is redesignated as section 7239.

(9) CHAPTER 353.—Sections 3681, 3684, and 3691 are redesignated as sections 7251, 7252, and 7253, respectively.

(10) CHAPTER 355.—Section 3723 is redesignated as section 7263.

(11) CHAPTER 357.—Each section in chapter 357 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,530.

(12) CHAPTER 367.—Each section in chapter 367 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,400.

10 USC prec. 8001, prec. 8101, prec. 8411, prec. 8604.

10 USC 7001, 7011–7024, 7031–7038, 7061–7065, 7067–7070, 7032–7035, 7081, 7083, 7084.

10 USC 7271–7286.

10 USC 7311, 7314, 7317, 7318, 7320, 7321, 7324–7326, 7329.

(13) CHAPTER 369.—Sections 3961, 3962, 3963, 3964, 3965, and 3966 are redesignated as sections 7341, 7342, 7343, 7344, 7345, and 7346, respectively.

(14) CHAPTER 371.—Sections 3991 and 3992 are redesignated as sections 7361 and 7362, respectively.

(15) CHAPTER 373.—Sections 4021, 4024, 4025, and 4027 are redesignated as sections 7371, 7374, 7375, and 7377, respectively.

(16) CHAPTER 375.—Section 4061 is redesignated as section 7381.

(c) SUBTITLE B, PART III, SECTION NUMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each section in part III of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,100. 10 USC 7401–7403, 7406, 7409, 7414, 7415, 7417–7421, 7431–7438, 7440–7443, 7446–7462.

(2) CHAPTER 407.—Each section in chapter 407 is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,070. 10 USC 7481–7484, 7486, 7487.

(d) SUBTITLE B, PART IV, SECTION NUMBERS.—Each section in part IV of such subtitle is redesignated so that the number of the section, as redesignated, is the number equal to the previous number plus 3,000. 10 USC 7532, 7536, 7540–7544, 7551–7555, 7561–7565, 7591–7595, 7621, 7622, 7624–7629, 7652–7657, 7682–7690, 7712, 7714, 7721–7727, 7749, 7771, 7772, 7776–7781, 7801–7804, 7806, 7831, 7837–7842.

(e) SUBTITLE B CHAPTER NUMBERS.—

(1) PART I CHAPTER NUMBERS.—Each chapter in part I of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 400.

(2) PART II CHAPTER NUMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each chapter in part II of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 380.

(B) OTHER CHAPTERS.—Chapters 367, 369, 371, 373, and 375 are each redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 374.

(3) PART III CHAPTER NUMBERS.—Each chapter in part III of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 350. 10 USC prec. 7401, prec. 7431, prec. 7481.

(4) PART IV CHAPTER NUMBERS.—Each chapter in part IV of such subtitle is redesignated so that the number of the chapter, as redesignated, is the number equal to the previous number plus 330. 10 USC prec. 7532, prec. 7551, prec. 7561, prec. 7591, prec. 7621, prec. 7652, prec. 7682, prec. 7712, prec. 7721, prec. 7749, prec. 7771, prec. 7801, prec. 7831.

(f) SUBTITLE B TABLES OF SECTIONS AND TABLES OF CHAPTERS.—

*(1) TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of such subtitle is revised so as to conform the section references in the table to the redesignations made by subsections (a), (b), (c), and (d).

(2) TABLES OF CHAPTERS.—The table of chapters at the beginning of such subtitle, and the tables of chapters at the beginning of each part of such subtitle, are revised so as to conform the chapter references and section references in those tables to the redesignations made by this section. 10 USC prec. 7001, prec. 7101, prec. 7401, prec. 7532.

*Note: Classifications for section 808(f)(1): 10 USC prec. 7001, prec. 7011, prec. 7031, prec. 7061, prec. 7101, prec. 7131, prec. 7151, prec. 7176, prec. 7191, prec. 7213, prec. 7222, prec. 7239, prec. 7251, prec. 7263, prec. 7271, prec. 7311, prec. 7341, prec. 7361, prec. 7371, prec. 7381, prec. 7401, prec. 7431, prec. 7481, prec. 7532, prec. 7551, prec. 7561, prec. 7591, prec. 7621, prec. 7652, prec. 7682, prec. 7712, prec. 7721, prec. 7749, prec. 7771, prec. 7801, prec. 7831.

SEC. 809. CROSS REFERENCES TO REDESIGNATED SECTIONS AND CHAPTERS.

(a) TITLE 10, UNITED STATES CODE.—Each provision of title 10, United States Code (including the table of subtitles preceding subtitle A), that contains a reference to a section or chapter redesignated by this part is amended so that the reference refers to the number of the section or chapter as redesignated.

10 USC prec. 101, 125, 162, 347, 532, 616, 624, 631–634, 637–638b, 641, 652, 688, 1074h, 1134a, 1135, 1174, 1176, 1370, 1402, 1402a, 1406, 1407, 1409, 1447, 1488, 1552, 2208, 2218, 2433, 2474, 2522, 2547, 2563, 2575, 2780, 7023, 7032, 7033, 7036, 7278, 7282, 7285, 7311, 7314, 7317, 7318, 7324, 7325, 7326, 7329, 7343, 7345, 7361, 7362, 7433a, 7442, 7443, 7482–7484, 7629, 7722, 7806, 8023, 8027, 8032, 8033, 8036, 8037, 8042, 8043, 8083, 8084, 8089, 8139, 8146, 8219, 8243, 8286, 8298, 8307, 8323, 8325–8327, 8330, 8331, 8333, 8335, 8336, 8371, 8372, 8451a, 8454, 8456, 8458, 8470a, 8474, 8476, 8481, 8545, 8549, 8585–8587, 8675, 8686, 8722, 8723, 8725, 8730, 8731, 8737, 8766, 8855, 8859, 8860, 8881, 8892–8894, 8897, 9023, 9032, 9033, 9039, 9062, 9081, 9229, 9278, 9282, 9285, 9311, 9314, 9317, 9318, 9324–9326, 9329, 9343, 9345, 9361, 9362, 9414a, 9415, 9417, 9433a, 9442, 9443, 9482–9484, 9491m, 9494, 9496, 9498, 10154, 10171–10174, 12009, 12645–12647, 12741, 14108, 14311.

(b) LAWS CLASSIFIED AS TITLE 10, UNITED STATES CODE, NOTE SECTIONS.—

(1) Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 143 note) is amended by striking "sections 143, 194, 3014, 5014, and 8014" in subsections (a) and (b) and inserting "sections 143, 194, 7014, 8014, and 9014".

(2) Section 4403(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "section 3911" and inserting "section 7311"; and

(ii) in subparagraph (B), by striking "section 3914" and inserting "section 7314";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "section 6323" and inserting "section 8323"; and

(ii) in subparagraph (B), by striking "section 6330" and inserting "section 8330"; and

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "section 8911" and inserting "section 9311"; and

(ii) in subparagraph (B), by striking "section 8914" and inserting "section 9314".

(3) Section 598(d)(4) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 1561 note) is amended by striking "sections 4361, 6980, and 9361" and inserting "sections 7461, 8480, and 9461".

(4) Section 549(a)(2)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 1580 note prec.) is amended by striking "section 4348, 6959, or 9348" and inserting "section 7448, 8459, or 9448".

(5) Section 505(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 3201 note) is amended by striking "section 3201" and inserting "section 7101".

(6) Section 586(g)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 3741 note) is amended by striking "section 3744, 6248, or 8744" and inserting "section 7274, 8296, or 9274".

(7) Section 2 of Public Law 89–650 (10 U.S.C. 4343 note) is amended—

(A) by striking "sections 4342(b)(1), 6954(b), and 9342(b)(1)" and inserting "sections 7442(b)(1), 8454(b), and 9442(b)(1) of title 10, United States Code,"; and

(B) by striking "sections 4343, 6956, and 9343 of title 10, United States Code" and inserting "sections 7443, 8456, and 9443 of such title".

(8) Section 323 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 4551 note) is amended by striking "section 4551(2)" and inserting "section 7551(2)".

(9) Section 343 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 4554 note) is amended by striking "section 4554(a)(3)(A)" and inserting "section 7554(a)(3)(A)".

(10) Section 589(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 7049 note) is amended by striking "sections 7049(a) and 9314a(a)" and inserting "sections 8549(a) and 9414a(a)".

(11) Section 131(d) of the National Defense Authorization Act for Fiscal Year (Public Law 115–91; 10 U.S.C. 8062 note) is amended by striking "section 8062" and inserting "section 9062".

(12) Section 2 of Public Law 86–593 (10 U.S.C. 8744 note) is amended by striking "sections 8744(a) and 8750(b)" and inserting "sections 9274(a) and 9280(b)".

(c) TITLE 5, UNITED STATES CODE.—

(1) Section 5102(c) of title 5, United States Code, is amended—

(A) in paragraph (10)—

(i) by striking "section 1595, 4021, 7478, or 9021 of title 10" and inserting "section 1595, 7371, 8748, or 9371 of title 10";

(ii) by striking "sections 4338, 6952, and 9338, respectively, of title 10" and inserting "sections 7438, 8452, and 9438, respectively, of title 10";

(iii) by striking "section 7044 of title 10" and inserting "section 8544 of title 10"; and

(iv) by striking "section 7043 of title 10" and inserting "section 8543 of title 10"; and

(B) in paragraph (28), by striking "section 9314 of title 10" and inserting "section 9414 of title 10".

(2) Section 504(c) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 5 U.S.C. 5102 note), is amended by striking "Section 9314(b)(2) of title 10, United States Code" and inserting "Section 9414(b)(2) of title 10, United States Code".

(3) Section 5514(c) of title 5, United States Code, is amended by striking "section 4837(d) or 9837(d) of title 10" and inserting "section 7837(d) or 9837(d) of title 10".

(4) Section 8150(b) of title 5, United States Code, is amended by striking "section 9441 of title 10" and inserting "section 9491 of title 10".

(d) LAWS CLASSIFIED IN TITLE 7, UNITED STATES CODE.—The 7th proviso in the paragraph under the heading "SALARIES" in the Department of Agriculture Appropriation Act, 1937 (7 U.S.C. 2238), is amended by striking "the Act of March 3, 1879 (20 Stat. 412)" and inserting "section 7655 of title 10, United States Code".

(e) TITLE 18, UNITED STATES CODE.—

(1) Section 704 of title 18, United States Code, is amended—

(A) in subsection (c)(2)—

(i) by striking "section 3741, 6241, or 8741 of title 10" in subparagraph (A) and inserting "section 7271, 8291, or 9271 of title 10";

(ii) by striking "section 3754, 6256, or 8754 of title 10" in subparagraph (B) and inserting "section 7284, 8306, or 9284 of title 10"; and

(iii) by striking "section 3747, 6253, or 8747 of title 10" in subparagraph (C) and inserting "section 7277, 8303, or 9277 of title 10"; and

(B) in subsection (d)(1)—

(i) by striking "section 3742 of title 10" and inserting "section 7272 of title 10";

(ii) by striking "section 6242 of title 10" and inserting "section 8292 of title 10";

(iii) by striking "section 8742 of section 10" and inserting "section 9272 of title 10"; and

(iv) by striking "section 3746, 6244, or 8746 of title 10" and inserting "section 7276, 8294, or 9276 of title 10".

18 USC 921.

(2) Section 921(a)(4) of such title is amended by striking "section 4684(2), 4685, or 4686 of title 10" in the matter after subparagraph (C) and inserting "section 7684(2), 7685, or 7686 of title 10"

(3) Section 925(d)(1) of such title is amended by striking "chapter 401 of title 10" and inserting "chapter 751 of title 10".

(f) LAWS CLASSIFIED IN TITLE 22, UNITED STATES CODE.—Section 44 of the Arms Export Control Act (22 U.S.C. 2793) is amended by striking "section 7307 of title 10 of the United States Code" and inserting "section 8677 of title 10, United States Code".

(g) LAWS CLASSIFIED IN TITLE 24, UNITED STATES CODE.—Section 1520(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 420(a)) is amended by striking "sections 4712(f) and 9712(f) of title 10, United States Code" in the matter before paragraph (1) and inserting "sections 7712(f) and 9712(f) of title 10, United States Code".

(h) LAWS CLASSIFIED IN TITLE 26, UNITED STATES CODE.—

26 USC 170.

(1) Section 170(p)(6) of the Internal Revenue Code of 1986 is amended by striking "section 6973 of title 10, United States Code" and inserting "section 8473 of title 10, United States Code".

(2) Section 2055(g) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (4), by striking "section 7222 of title 10, United States Code" and inserting "section 8622 of title 10, United States Code";

(B) in paragraph (9), by striking "section 6973 of title 10, United States Code" and inserting "section 8473 of title 10, United States Code"; and

(C) in paragraph (10), by striking "section 6974 of title 10, United States Code" and inserting "section 8474 of title 10, United States Code".

(3) Section 5845(f) of the Internal Revenue Code of 1986 is amended by striking "section 4684(2), 4685, or 4686 of title 10 of the United States Code" and inserting "section 7684(2), 7685, or 7686 of title 10, United States Code".

(i) LAWS CLASSIFIED IN TITLE 30, UNITED STATES CODE.—

(1) Section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)) is amended by striking "the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252)" before the period at the end of the first sentence and inserting "section 8733(b) of title 10, United States Code".

(2) Section 4 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 353) is amended by striking "the Act of June 30, 1938 (32 Stat. 1252), amending the Act of June 4, 1920 (41 Stat. 813)" before the period at the end and inserting "chapter 869 of title 10, United States Code".

(j) TITLE 32, UNITED STATES CODE.—Section 113(b)(1)(A) of title 32, United States Code, is amended by striking "section 3013(b) of title 10" and inserting "section 7013(b) of title 10".

(k) LAWS CLASSIFIED IN TITLE 33, UNITED STATES CODE.—

(1) Section 902(c)(2) of the Oceans and Human Health Act (33 U.S.C. 3101(c)(2)) is amended by striking "(10 U.S.C. 7902(a))" and inserting "(10 U.S.C. 8932(a))".

(2) Section 12406(a)(3) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3705(a)(3)) is amended by striking "section 7901 of title 10, United States Code" and inserting "section 8931 of title 10, United States Code".

(l) TITLE 36, UNITED STATES CODE.—

(1) Section 903(b) of title 36, United States Code, is amended by striking "sections 3755, 6257, and 8755 of title 10" and inserting "sections 7285, 8307, and 9285 of title 10".

(2) Section 40303(b) of such title is amended by striking "section 9447 of title 10" and inserting "section 9497 of title 10".

(m) TITLE 37, UNITED STATES CODE.—

(1) Section 207(c) of title 37, United States Code, is amended by striking "section 6222 of title 10" and inserting "section 8287 of title 10".

(2) Section 301a(a)(6)(D) of such title is amended by striking "section 6911 of title 10" and inserting "section 8411 of title 10".

(3) Section 334(h)(4) of such title is amended by striking "section 6911 of title 10" and inserting "section 8411 of title 10".

(4) Section 424(c) of such title is amended by striking "section 6222 of title 10" and inserting "section 8287 of title 10".

(n) TITLE 38, UNITED STATES CODE.—

(1) The following provisions of chapter 17 of title 38, United States Code, are amended by striking "section 3741, 6241, or 8741 of title 10" and inserting "section 7271, 8291, or 9271 of title 10":

(A) Section 1705(a)(1).

(B) Section 1710(a)(2)(D).

(C) Section 1710B(c)(2)(D).

(D) Section 1722A(a)(3)(D).

(2) Section 2306(d)(5) of such title is amended by striking "section 3741, 6241, or 8741 of title 10" in subparagraphs (C)(iii) and (D) and inserting "section 7271, 8291, or 9271 of title 10".

38 USC 3311.

(3) Section 3311(d)(2) of such title is amended by striking "section 4348, 6959, or 9348 of title 10" and inserting "section 7448, 8459, or 9448 of title 10".

(n) LAWS CLASSIFIED IN TITLE 42, UNITED STATES CODE.—

(1) Section 106 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506) is amended by striking "section 7430 of title 10, United States Code" and inserting "section 8730 of title 10, United States Code".

(2) Section 3022 of the Solid Waste Disposal Act (42 U.S.C. 6939d) is amended—

(A) in subsection (c)(2), by striking "section 7293 and sections 7304 through 7308 of title 10, United States Code" and inserting "section 8663 and sections 8674 through 8678 of title 10, United States Code"; and

(B) in subsection (d), by striking "section 7311 of title 10, United States Code" and inserting "section 8681 of title 10, United States Code".

(3) The Department of Energy Organization Act is amended—

(A) in section 307 (42 U.S.C. 7156), by striking "chapter 641 of title 10, United States Code" in the matter before paragraph (1) and inserting "chapter 869 of title 10, United States Code"; and

(B) in section 625(a) (42 U.S.C. 7235(a)), by striking "chapter 641 of title 10, United States Code" and inserting "chapter 869 of title 10, United States Code".

(4) Section 102(f)(3) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(f)(3)) is amended by striking "(10 U.S.C. 7420 note; Public Law 105–261)" in the matter before subparagraph (A) and inserting "(10 U.S.C. 8720 note; Public Law 105–261)".

(p) LAWS CLASSIFIED IN TITLE 43, UNITED STATES CODE.—Section 2(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601(e)) is amended by striking "sections 7421 through 7438 of title 10 of the United States Code" and inserting "sections 8721 through 8738 of title 10, United States Code,".

(q) TITLE 46, UNITED STATES CODE.—Section 57100(d)(1) of title 46, United States Code, is amended by striking "section 7310 of title 10, United States Code," and inserting "section 8680 of title 10".

(r) LAWS CLASSIFIED IN TITLE 50, UNITED STATES CODE.—Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 3095(a)(2)(B)(i)) is amended by striking "(including a law enacted pursuant to section 7307(a) of that title)" and inserting "(including a law enacted pursuant to section 8677(a) of title 10)".

(s) TITLE 54, UNITED STATES CODE.—Section 303102 of title 54, United States Code, is amended by striking "section 7433(b) of title 10" and inserting "section 8733(b) of title 10".

10 USC 7001 note.

(t) DEEMING RULE FOR OTHER REFERENCES.—Any reference in a provision of law (other than a provision amended by this section) to a section or chapter redesignated by this part shall be deemed to refer to the section or chapter as so redesignated.

PART III—REPEALS OF CERTAIN PROVISIONS OF DEFENSE ACQUISITION LAW

SEC. 811. AMENDMENT TO AND REPEAL OF STATUTORY REQUIREMENTS FOR CERTAIN POSITIONS OR OFFICES IN THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT RELATING TO DIRECTOR OF CORROSION POLICY AND OVERSIGHT.—Section 2228(a) of title 10, United States Code, is amended—

(1) by striking ", Technology, and Logistics" and inserting "and Sustainment" both places it appears; and

(2) by striking "The Director shall report directly to the Under Secretary" at the end of paragraph (2).

(b) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE OF TECHNOLOGY TRANSITION.—

(1) REPEAL.—Section 2515 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 148 of such title is amended by striking the item relating to section 2515.

10 USC prec. 2511.

(c) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR FOREIGN DEFENSE CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT.—

(1) REPEAL.—Section 2517 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 148 of such title is amended by striking the item relating to section 2517.

(d) REPEAL OF STATUTORY REQUIREMENT FOR DEFENSE LOGISTICS AGENCY ADVOCATE FOR COMPETITION.—

(1) REPEAL.—Section 2318 of title 10, United States Code, is amended—

(A) by striking subsection (a); and

(B) by striking "(b)" before "Each advocate".

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) by striking "advocate for competition of" and inserting "advocate for competition designated pursuant to section 1705(a) of title 41 for"; and

(B) by striking "a grade GS–16 or above under the General Schedule (or in a comparable or higher position under another schedule)" and inserting "in a position classified above GS–15 pursuant to section 5108 of title 5".

(e) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF INDIVIDUAL TO SERVE AS PRIMARY LIAISON BETWEEN THE PROCUREMENT AND RESEARCH AND DEVELOPMENT ACTIVITIES OF THE UNITED STATES ARMED FORCES AND THOSE OF THE STATE OF ISRAEL.—Section 1006 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2040; 10 U.S.C. 133a note) is repealed.

(f) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL TO COORDINATE AND MANAGE HUMAN SYSTEMS INTEGRATION ACTIVITIES RELATED TO ACQUISITION PROGRAMS.—Section 231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 45; 10 U.S.C. 1701 note) is amended—

(1) by striking "(a) IN GENERAL.—"; and

(2) by striking subsections (b), (c), and (d).

(g) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.—Section 902 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1865; 10 U.S.C. 2302 note) is repealed.

(h) REPEAL OF STATUTORY REQUIREMENT FOR DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR DUAL-USE PROJECTS UNDER DUAL-USE SCIENCE AND TECHNOLOGY PROGRAM.—Section 203 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2511 note) is amended by striking subsection (c).

10 USC 2228 note.

(i) SUBMISSION OF NOTICE AND PLAN TO CONGRESS.—Not less than 30 days before reorganizing, restructuring, or eliminating any position or office specified in this section, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of such reorganization, restructuring, or elimination together with a plan to ensure that mission requirements are met and appropriate oversight is conducted in carrying out such reorganization, restructuring, or elimination. Such plan shall address how user needs will be met and how associated roles and responsibilities will be accomplished for each position or office that the Secretary determines requiring reorganization, restructuring, or elimination.

SEC. 812. REPEAL OF CERTAIN DEFENSE ACQUISITION LAWS.

(a) TITLE 10, UNITED STATES CODE.—

(1) SECTION 167A.—

(A) REPEAL.—Section 167a of title 10, United States Code, is repealed.

10 USC prec. 161.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by striking the item relating to section 167a.

(C) CONFORMING AMENDMENT.—Section 905(a)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 133a note) is amended by striking "166b, 167, or 167a" and inserting "166b or 167".

(2) SECTION 2323.—

(A) REPEAL.—Section 2323 of title 10, United States Code, is repealed.

10 USC prec. 2301.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2323.

(C) CONFORMING AMENDMENTS.—

(i) Section 853(c) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2302 note) is amended by striking "section 2323 of title 10, United States Code, and".

(ii) Section 831(n) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(I) in paragraph (4), by inserting ", as in effect on March 1, 2018" after "section 2323 of title 10, United States Code"; and

(II) in paragraph (6), by striking "section 2323 of title 10, United States Code, and".

(iii) Section 8304(1) of the Federal Acquisition Streamlining Act of 1994 (10 U.S.C. 2375 note) is amended by striking "section 2323 of title 10, United States Code, or".

(iv) Section 10004(a)(1) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 1122 note) is amended by striking "section 2323 of title 10, United States Code, or".

(v) Section 2304(b)(2) of title 10, United States Code, is amended by striking "and concerns other than" and all that follows through "this title".

(vi) Section 2304e(b) of title 10, United States Code, is amended—

(I) by striking "other than—" and all that follows through "small" and inserting "other than small";

(II) by striking "; or" and inserting a period; and

(III) by striking paragraph (2).

(vii) Section 2323a(a) of title 10, United States Code, is amended by striking "section 2323 of this title and".

(viii) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(I) in subsection (j)(3), by striking "section 2323 of title 10, United States Code,";

(II) in subsection (k)(10)—

(aa) by striking "or section 2323 of title 10, United States Code," and all that follows through "subsection (m),"; and

(bb) by striking "subsection (a)," and inserting "subsection (a) or"; and

(III) by amending subsection (m) to read as follows:

"(m) ADDITIONAL DUTIES OF PROCUREMENT CENTER REPRESENTATIVES.—All procurement center representatives (including those referred to in subsection (k)(6)), in addition to such other duties as may be assigned by the Administrator, shall increase, insofar as possible, the number and dollar value of procurements that may be used for the programs established under this section and section 8(a).".

(ix) Section 1902(b)(1) of title 41, United States Code, is amended by striking ", section 2323 of title 10,".

(3) SECTION 2332.—

(A) REPEAL.—Section 2332 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2332.

10 USC prec. 2301.

(b) OTHER PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 934 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2223a note).

(2) Section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2223a note).

(3) Section 804 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2302 note).

(4) Section 829 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2302 note).

(5) Section 818(g) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2302 note).

(6) Section 815(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note).

(7) Section 141 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2302 note).

(8) Section 801(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2302 note).

(9) Section 352 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note).

(10) Section 9004 of the Department of Defense Appropriations Act, 1990 (Public Law 101–165; 10 U.S.C. 2302 note).

(11) Section 802 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2304 note).

(12) Section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2304 note).

(13) Section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2304 note).

(14) Section 927(b) of Public Laws 99–500, 99–591, and 99–661 (10 U.S.C. 2304 note).

(15) Section 1222(b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 10 U.S.C. 2304 note).

(16) Section 814(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2304a note).

(17) Section 834 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2304b note).

(18) Section 803 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2306a note).

(19) Section 1075 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2315 note).

(20) Section 818 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2324 note).

(21) Sections 908(a), (b), (c), and (e) of Public Laws 99–500, 99–591, and 99–661 (10 U.S.C. 2326 note).

(22) Section 807 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2330 note).

(23) Section 808(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2330 note).

(24) Section 812(b)–(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2330 note).

(25) Section 801(d)–(f) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2330 note).

(26) Section 802 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2330 note).

(27) Section 831 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2330a note).

(28) Section 1032 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note).

(29) Section 241 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note).

(30) Section 913(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2364 note).

(31) Sections 234(a) and (b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 10 U.S.C. 2364 note).

(32) Section 943(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2366a note).

(33) Section 801 of the National Defense Authorization Act for Fiscal Year 1990 (Public Law 101–189; 10 U.S.C. 2399 note).

(34) Section 8133 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 10 U.S.C. 2401a note).

(35) Section 807(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2410p note).

(36) Section 1058 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2430 note).

(37) Section 838 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2430 note).

(38) Section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2430 note).

(39) Section 833 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2430 note).

(40) Section 839 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2430 note).

(41) Section 819 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2430 note).

(42) Section 5064 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 10 U.S.C. 2430 note).

(43) Section 803 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2430 note).

(44) Section 328 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2458 note).

(45) Section 347 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2458 note).

(46) Section 349 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2458 note).

(47) Section 395 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2458 note).

(48) Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note).

(49) Section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2461 note).

(50) Section 353(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2461 note).

(51) Section 353(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2461 note).

(52) Section 356 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2461 note).

(53) Section 1010 of the USA Patriot Act of 2001 (Public Law 107–56; 10 U.S.C. 2465 note).

(54) Section 4101 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2500 note).

(55) Section 852 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2504 note).

(56) Section 823 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2521 note).

(57) Section 823 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2533b note).

(58) Section 804(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2533b note).

(59) Section 842(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2533b note).

(60) Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 4551 note).

SEC. 813. REPEAL OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) SECTION 231A.—

(A) REPEAL.—Section 231a is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 231a. 10 USC prec. 221.

(2) SECTION 2276.—Section 2276 is amended by striking subsection (e).

(b) NDAA FOR FY 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in section 911(f) (10 U.S.C. 2271 note)—

(A) in the subsection heading, by striking "; BIENNIAL UPDATE";

(B) in paragraph (3), by striking ", and each update required by paragraph (2),"; and

(C) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(2) in section 1034— 10 USC 272 note.

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(c) NDAA FOR FY 2009.—Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2366b note) is amended—

(1) in the subsection heading, by striking "BANDWIDTH" and all that follows through "The Secretary" and inserting "BANDWIDTH REQUIREMENTS.—The Secretary"; and

(2) by striking paragraph (2).

(d) NDAA FOR FY 2010.—Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 22 U.S.C. 1928 note) is amended by striking subsection (d).

(e) NDAA FOR FY 2011.—Section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 22 U.S.C. 7513 note) is amended by striking subsection (i).

(f) NDAA FOR FY 2013.—Section 524 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1723; 10 U.S.C. 1222 note) is amended by striking subsection (c).

(g) NDAA FOR FY 2015.—Section 1026(d) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3490) is repealed.

(h) MILITARY CONSTRUCTION AUTHORIZATION ACT, 1982.—Section 703 of the Military Construction Authorization Act, 1982 (Public Law 97–99; 95 Stat. 1376) is amended by striking subsection (g).

(i) CONFORMING AMENDMENTS.—

(1) NDAA FOR FY 2017.—Section 1061 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) is amended—

(A) in subsection (c), by striking paragraphs (16) and (41);

(B) in subsection (d), by striking paragraph (3);

(C) in subsection (f), by striking paragraph (1);

(D) in subsection (g), by striking paragraph (3);

(E) in subsection (h), by striking paragraph (3); and

(F) in subsection (i), by striking paragraphs (15), (17), and (24).

(2) NDAA FOR FY 2000.—Section 1031 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 749; 31 U.S.C. 1113 note) is amended by striking paragraph (32).

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 816. MODIFICATION OF LIMITATIONS ON SINGLE SOURCE TASK OR DELIVERY ORDER CONTRACTS.

Section 2304a(d)(3)(A) of title 10, United States Code, is amended by striking "reasonably perform the work" and inserting "efficiently perform the work".

SEC. 817. PRELIMINARY COST ANALYSIS REQUIREMENT FOR EXERCISE OF MULTIYEAR CONTRACT AUTHORITY.

Section 2306b(i)(2)(B) of title 10, United States Code, is amended—

(1) by striking "made after the completion of a cost analysis" and inserting "supported by a preliminary cost analysis"; and

(2) by striking "for the purpose of section 2334(e)(1) of this title, and that the analysis supports those preliminary findings".

SEC. 818. REVISION OF REQUIREMENT TO SUBMIT INFORMATION ON SERVICES CONTRACTS TO CONGRESS.

(a) REVISION.—Section 2329(b) of title 10, United States Code, is amended—

(1) by striking "October 1, 2022" and inserting "October 1, 2021"; and

(2) in paragraph (1)—

(A) by striking "at or about" and inserting "at or before"; and

(B) by inserting "or on the date on which the future-years defense program is submitted to Congress under section 221 of this title" after "title 31";

(3) in paragraph (3), by striking "and" at the end;

(4) in paragraph (4), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(5) be included in the future-years defense program submitted to Congress under section 221 of this title.".

(b) BRIEFING REQUIREMENT ON SERVICES CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the requirements of section

2329(b) of title 10, United States Code, are met, the Under Secretary of Defense for Acquisition and Sustainment shall brief the congressional defense committees on the progress of Department of Defense efforts to meet the requirements of such section, including relevant information on the methodology and implementation plans for future compliance.

SEC. 819. DATA COLLECTION AND INVENTORY FOR SERVICES CONTRACTS.

Section 2330a of title 10, United States Code, is amended in subsection (c)(1)—

(1) by inserting "and contracts closely associated with inherently governmental functions" after "staff augmentation contracts"; and

(2) by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "Under Secretary of Defense for Acquisition and Sustainment".

SEC. 820. REPORT ON CLARIFICATION OF SERVICES CONTRACTING DEFINITIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report clarifying the definitions of and relationships between terms used by the Department of Defense related to services contracting, including the appropriate use of personal services contracts and nonpersonal services contracts, and the responsibilities of individuals in the acquisition workforce with respect to such contracts.

SEC. 821. INCREASE IN MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2338 of title 10, United States Code, is amended by striking "Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000" and inserting "The micro-purchase threshold for the Department of Defense is $10,000".

(b) CONFORMING AMENDMENT.—Section 1902(a)(1) of title 41, United States Code, is amended by striking "sections 2338 and 2339 of title 10 and".

(c) REPEAL OF OBSOLETE AUTHORITY.—

(1) IN GENERAL.—Section 2339 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking the item relating to section 2339.

10 USC prec. 2301.

SEC. 822. DEPARTMENT OF DEFENSE CONTRACTING DISPUTE MATTERS.

10 USC 2302 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a study of the frequency and effects of bid protests involving the same contract award or proposed award that have been filed at both the Government Accountability Office and the United States Court of Federal Claims. The study shall cover Department of Defense contracts and include, at a minimum—

(1) the number of protests that have been filed with both tribunals and results;

(2) the number of such protests where the tribunals differed in denying or sustaining the action;

(3) the length of time, in average time and median time—

(A) from initial filing at the Government Accountability Office to decision in the United States Court of Federal Claims;

(B) from filing with each tribunal to decision by such tribunal;

(C) from the time at which the basis of the protest is known to the time of filing in each tribunal; and

(D) in the case of an appeal from a decision of the United States Court of Federal Claims, from the date of the initial filing of the appeal to decision in the appeal;

(4) the number of protests where performance was stayed or enjoined and for how long;

(5) if performance was stayed or enjoined, whether the requirement was obtained in the interim through another vehicle or in-house, or whether during the period of the stay or enjoining the requirement went unfulfilled;

(6) separately for each tribunal, the number of protests where performance was stayed or enjoined and monetary damages were awarded, which shall include for how long performance was stayed or enjoined and the amount of monetary damages;

(7) whether the protestor was a large or small business; and

(8) whether the protestor was the incumbent in a prior contract for the same or similar product or service.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the results of the study, along with related recommendations for improving the expediency of the bid protest process. In preparing the report, the Secretary shall consult with the Attorney General of the United States, the Comptroller General of the United States, and the United States Court of Federal Claims.

(c) ONGOING DATA COLLECTION.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall establish and continuously maintain a data repository to collect on an ongoing basis the information described in subsection (a) and any additional relevant bid protest data the Secretary determines necessary and appropriate to allow the Department of Defense, the Government Accountability Office, and the United States Court of Federal Claims to assess and review bid protests over time.

(d) ESTABLISHMENT OF EXPEDITED PROCESS FOR SMALL VALUE CONTRACTS.—

(1) IN GENERAL.—Not later than December 1, 2019, the Secretary of Defense shall develop a plan and schedule for an expedited bid protest process for Department of Defense contracts with a value of less than $100,000.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary of Defense may consult with the Government Accountability Office and the United States Court of Federal Claims

to the extent such entities may establish a similar process at their election.

(3) REPORT.—Not later than May 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on the plan and schedule for implementation of the expedited bid protest process, which shall include a request for any additional authorities the Secretary determines appropriate for such efforts.

SEC. 823. INCLUSION OF BEST AVAILABLE INFORMATION REGARDING PAST PERFORMANCE OF SUBCONTRACTORS AND JOINT VENTURE PARTNERS.

10 USC 2305 note.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Federal Acquisition Regulatory Council and the Administrator for Federal Procurement Policy, shall develop policies for the Department of Defense to ensure the best information regarding past performance of certain subcontractors and joint venture partners is available when awarding Department of Defense contracts. The policies shall include proposed revisions to the Defense Federal Acquisition Regulation Supplement as follows:

(1) Required performance evaluations, as part of a government-wide evaluation reporting tool, for first-tier subcontractors on construction and architect-engineer contracts performing a portion of the contract valued at the threshold set forth in section 42.1502(e) of the Federal Acquisition Regulation, or 20 percent of the value of the prime contract, whichever is higher, provided—

(A) the information included in rating the subcontractor is not inconsistent with the information included in the rating for the prime contractor;

(B) the subcontractor evaluation is conducted consistent with the provisions of section 42.15 of the Federal Acquisition Regulation;

(C) negative evaluations of a subcontractor in no way obviate the prime contractor's responsibility for successful completion of the contract and management of its subcontractors; and

(D) that in the judgment of the contracting officer, the overall execution of the work is impacted by the performance of the subcontractor or subcontractors.

(2) Required performance evaluations, as part of a government-wide evaluation reporting tool, of individual partners of joint venture-awarded construction and architect-engineer contracts valued at the threshold set forth in section 42.1502(e) of the Federal Acquisition Regulation, to ensure that past performance on joint venture projects is considered in future awards to individual joint venture partners, provided—

(A) at a minimum, the rating for joint ventures includes an identification that allows the evaluation to be retrieved for each partner of the joint venture;

(B) each partner, through the joint venture, is given the same opportunity to submit comments, rebutting statements, or additional information, consistent with the provisions of section 42.15 of the Federal Acquisition Regulation; and

(C) the rating clearly identifies the responsibilities of joint venture partners for discrete elements of the work where the partners are not jointly and severally responsible for the project.

(3) Processes to request exceptions from the annual evaluation requirement under section 42.1502(a) of the Federal Acquisition Regulation for construction and architect-engineer contracts where submission of the annual evaluations would not provide the best representation of the performance of a contractor, including subcontractors and joint venture partners, including—

(A) where no severable element of the work has been completed;

(B) where the contracting officer determines that—

(i) an insubstantial portion of the contract work has been completed in the preceding year; and

(ii) the lack of performance is at no fault to the contractor; or

(C) where the contracting officer determines that there is an issue in dispute which, until resolved, would likely cause the annual rating to inaccurately reflect the past performance of the contractor.

SEC. 824. SUBCONTRACTING PRICE AND APPROVED PURCHASING SYSTEMS.

(a) AMENDMENT.—Section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended—

(1) in subsection (g), by adding at the end the following new paragraph:

"(5) The term 'approved purchasing system' has the meaning given the term in section 44.101 of the Federal Acquisition Regulation (or any similar regulation)."; and

(2) by adding at the end the following new subsection:

"(i) CONSENT TO SUBCONTRACT.—If the contractor on a Department of Defense contract requiring a contracting officer's written consent prior to the contractor entering into a subcontract has an approved purchasing system, the contracting officer may not withhold such consent without the written approval of the program manager.".

10 USC 2302 note.

(b) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Federal Acquisition Regulation Supplement to conform with the amendments to section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) made by this section.

SEC. 825. MODIFICATION OF CRITERIA FOR WAIVERS OF REQUIREMENT FOR CERTIFIED COST AND PRICE DATA.

Section 817(b)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2306a note) is amended by striking "; and" and inserting "; or".

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. REVISIONS IN AUTHORITY RELATING TO PROGRAM COST TARGETS AND FIELDING TARGETS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVISIONS IN AUTHORITY RELATING TO PROGRAM COST AND FIELDING TARGETS.—Section 2448a of title 10, United States Code, is amended—

(1) in subsection (a), by striking "Secretary of Defense" and inserting "designated milestone decision authority for the program";

(2) by striking "the milestone decision authority for the major defense acquisition program approves a program that" and inserting "the program";

(3) by striking subsection (b); and

(4) by redesignating subsection (c) as subsection (b).

(b) CONFORMING AMENDMENTS.—

(1) Section 181(b) of title 10, United States Code, is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively.

(2) Section 2366a(c)(1)(A) of such title is amended by striking "by the Secretary of Defense".

(3) Section 2366b of such title is amended—

(A) in subsection (a)(3)(D), by striking "Secretary of Defense after a request for such increase or delay by the"; and

(B) in subsection (c)(1)(A), by striking "by the Secretary of Defense".

(4) Section 925(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2361; 10 U.S.C. 2448a note) is amended by striking "Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff" and inserting "designated milestone decision authority for the major defense acquisition program and the Vice Chief of Staff of the armed force concerned or, in the case of a program for which an alternate milestone decision authority is designated under section 2430(d)(2) of such title, the Vice Chairman of the Joint Chiefs of Staff".

SEC. 832. IMPLEMENTATION OF RECOMMENDATIONS OF THE INDEPENDENT STUDY ON CONSIDERATION OF SUSTAINMENT IN WEAPONS SYSTEMS LIFE CYCLE.

10 USC 2443 note.

(a) IMPLEMENTATION REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall, except as provided under subsection (b), commence implementation of each recommendation submitted as part of the independent assessment produced under section 844 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2290).

(b) EXCEPTIONS.—

(1) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described under subsection (a) later than the date required under such

subsection if the Secretary provides the congressional defense committees with a specific justification for the delay in implementation of such recommendation.

(2) NONIMPLEMENTATION.—The Secretary of Defense may opt not to implement a recommendation described under subsection (a) if the Secretary provides to the congressional defense committees—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of the alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(c) IMPLEMENTATION PLANS.—For each recommendation that the Secretary is implementing, or that the Secretary plans to implement, the Secretary shall submit to the congressional defense committees—

(1) a summary of actions that have been taken to implement the recommendation; and

(2) a schedule, with specific milestones, for completing the implementation of the recommendation.

SEC. 833. COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED INITIATIVES.

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2229b.

"§ 2229b. Comptroller General assessment of acquisition programs and initiatives

"(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall submit to the congressional defense committees an annual assessment of selected acquisition programs and initiatives of the Department of Defense by March 30th of each year from 2020 through 2023.

"(b) ANALYSES TO BE INCLUDED.—The assessment required under subsection (a) shall include—

"(1) a macro analysis of how well acquisition programs and initiatives are performing and reasons for that performance;

"(2) a summary of organizational and legislative changes and emerging assessment methodologies since the last assessment, and a discussion of the implications for execution and oversight of programs and initiatives; and

"(3) specific analyses of individual acquisition programs and initiatives.

"(c) ACQUISITION PROGRAMS AND INITIATIVES TO BE CONSIDERED.—The assessment required under subsection (a) shall consider the following programs and initiatives:

"(1) Selected weapon systems, as determined appropriate by the Comptroller General.

"(2) Selected information technology systems and initiatives, including defense business systems, networks, and software-intensive systems, as determined appropriate by the Comptroller General.

"(3) Selected prototyping and rapid fielding activities and initiatives, as determined appropriate by the Comptroller General.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2229a the following new item: 10 USC prec. 2201.

"2229b. Comptroller General assessment of acquisition programs and related initiatives.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 883(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2222 note) is amended by striking paragraph (1), effective on January 1, 2020. 10 USC 2222 note.

Subtitle D—Provisions Relating to Commercial Items

SEC. 836. REVISION OF DEFINITION OF COMMERCIAL ITEM FOR PURPOSES OF FEDERAL ACQUISITION STATUTES.

(a) DEFINITIONS IN CHAPTER 1 OF TITLE 41, UNITED STATES CODE.—

(1) SEPARATION OF "COMMERCIAL ITEM" DEFINITION INTO DEFINITIONS OF "COMMERCIAL PRODUCT" AND "COMMERCIAL SERVICE".—Chapter 1 of title 41, United States Code, is amended by striking section 103 and inserting the following new sections:

"§ 103. Commercial product 41 USC 103.

"In this subtitle, the term 'commercial product' means any of the following:

"(1) A product, other than real property, that—

"(A) is of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes; and

"(B) has been sold, leased, or licensed, or offered for sale, lease, or license, to the general public.

"(2) A product that—

"(A) evolved from a product described in paragraph (1) through advances in technology or performance; and

"(B) is not yet available in the commercial marketplace but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Federal Government solicitation.

"(3) A product that would satisfy the criteria in paragraph (1) or (2) were it not for—

"(A) modifications of a type customarily available in the commercial marketplace; or

"(B) minor modifications made to meet Federal Government requirements.

"(4) Any combination of products meeting the requirements of paragraph (1), (2), or (3) that are of a type customarily combined and sold in combination to the general public.

"(5) A product, or combination of products, referred to in paragraphs (1) through (4), even though the product, or combination of products, is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

"(6) A nondevelopmental item if the procuring agency determines, in accordance with conditions in the Federal Acquisition Regulation, that—

"(A) the product was developed exclusively at private expense; and

"(B) has been sold in substantial quantities, on a competitive basis, to multiple State and local governments or to multiple foreign governments.

41 USC 103a.

"§ 103a. Commercial service

"In this subtitle, the term 'commercial service' means any of the following:

"(1) Installation services, maintenance services, repair services, training services, and other services if—

"(A) those services are procured for support of a commercial product, regardless of whether the services are provided by the same source or at the same time as the commercial product; and

"(B) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;

"(2) Services of a type offered and sold competitively, in substantial quantities, in the commercial marketplace—

"(A) based on established catalog or market prices;

"(B) for specific tasks performed or specific outcomes to be achieved; and

"(C) under standard commercial terms and conditions.

"(3) A service described in paragraph (1) or (2), even though the service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.".

(2) CONFORMING AMENDMENTS TO TITLE 41 DEFINITIONS.—

(A) DEFINITION OF COMMERCIAL COMPONENT.—Section 102 of such title is amended by striking "commercial item" and inserting "commercial product".

(B) DEFINITION OF COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM.—Section 104(1)(A) is amended by striking "commercial item" and inserting "commercial product".

(C) DEFINITION OF NONDEVELOPMENTAL ITEM.—Section 110(1) of such title is amended by striking "commercial item" and inserting "commercial product".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 41, United States Code, is amended by striking the item relating to section 103 and inserting the following new items:

41 USC prec. 101.

"103. Commercial product.

"103a. Commercial service.".

(b) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF TITLE 41, UNITED STATES CODE.—Title 41, United States Code, is further amended as follows:

(1) Section 1502(b) is amended—

(A) in paragraph (1)(A), by striking "commercial items" and inserting "commercial products or commercial services";

(B) in paragraph (1)(C)(i), by striking "commercial item" and inserting "commercial product or commercial service"; and

(C) in paragraph (3)(A)(i), by striking "commercial items" and inserting "commercial products or commercial services".

(2) Section 1705(c) is amended by striking "commercial items" and inserting "commercial products and commercial services". 41 USC 1705.

(3) Section 1708 is amended by striking "commercial items" in subsections (c)(6) and (e)(3) and inserting "commercial products or commercial services".

(4) Section 1901 is amended—

(A) in subsection (a)(2), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in subsection (e)—

(i) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES"; and

(ii) by striking "commercial items" and inserting "commercial products or commercial services".

(5) Section 1903(c) is amended—

(A) in the subsection heading, by striking "COMMERCIAL ITEM" and inserting "COMMERCIAL PRODUCT OR COMMERCIAL SERVICE";

(B) in paragraph (1), by striking "as a commercial item" and inserting "as a commercial product or a commercial service"; and

(C) in paragraph (2), by striking "for an item or service treated as a commercial item" and inserting "for a product or service treated as a commercial product or a commercial service".

(6)(A) Section 1906 is amended by striking "commercial items" each place it appears in subsections (b), (c), and (d) and inserting "commercial products or commercial services".

(B)(i) The heading of such section is amended to read as follows:

"§ 1906. List of laws inapplicable to procurements of commercial products and commercial services".

(ii) The table of sections at the beginning of chapter 19 is amended by striking the item relating to section 1906 and inserting the following new item: 41 USC prec. 1901.

"1906. List of laws inapplicable to procurements of commercial products and commercial services.".

(7) Section 3304 is amended by striking "commercial item" in subsections (a)(5) and (e)(4)(B) and inserting "commercial product".

(8) Section 3305(a)(2) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(9) Section 3306(b) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(10)(A) Section 3307 is amended—

(i) in subsection (a)—

(I) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES";

(II) in paragraph (1), by striking "commercial items" and inserting "commercial products and commercial services"; and

(III) in paragraph (2), by striking "a commercial item" and inserting "a commercial product or commercial service";

(ii) in subsection (b)—

(I) in paragraph (2), by striking "commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial products"; and

(II) in paragraph (3), by striking "commercial items and nondevelopmental items other than commercial items" and inserting "commercial services, commercial products, and nondevelopmental items other than commercial products";

(iii) in subsection (c)—

(I) in paragraphs (1) and (2), by striking "commercial items or nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or nondevelopmental items other than commercial products";

(II) in paragraphs (3) and (4), by striking "commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial products"; and

(III) in paragraphs (5) and (6), by striking "commercial items" and inserting "commercial products and commercial services";

(iv) in subsection (d)(2), by striking "commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial products"; and

(v) in subsection (e)—

(I) in paragraph (1), by inserting "103a, 104," after "sections 102, 103,";

(II) in paragraph (2)(A), by striking "commercial items" and inserting "commercial products or commercial services";

(III) in the first sentence of paragraph (2)(B), by striking "commercial end items" and inserting "end items that are commercial products";

(IV) in paragraphs (2)(B)(i), (2)(C)(i) and (2)(D), by striking "commercial items or commercial components" and inserting "commercial products, commercial components, or commercial services";

(V) in paragraph (2)(C), in the matter preceding clause (i), by striking "commercial items" and inserting "commercial products or commercial services";

(VI) in paragraph (4)(A), by striking "commercial items" and inserting "commercial products or commercial services";

(VII) in paragraph (4)(C)(i), by striking "commercial item, as described in section 103(5)" and inserting "commercial product, as described in section 103a(1)"; and

(VIII) in paragraph (5), by striking "items" each place it appears and inserting "products".

(B)(i) The heading of such section is amended to read as follows: 41 USC 3307.

"§ 3307. Preference for commercial products and commercial services".

(ii) The table of sections at the beginning of chapter 33 is amended by striking the item relating to section 3307 and inserting the following new item: 41 USC prec. 3301.

"3307. Preference for commercial products and commercial services.".

(11) Section 3501 is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(iii) in paragraph (2) (as so redesignated), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in subsection (b)—

(i) by striking "ITEM" in the heading for paragraph (1); and

(ii) by striking "commercial items" in paragraphs (1) and (2)(A) and inserting "commercial services".

(12) Section 3503 is amended—

(A) in subsection (a)(2), by striking "a commercial item" and inserting "a commercial product or a commercial service"; and

(B) in subsection (b)—

(i) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS OR COMMERCIAL SERVICES"; and

(ii) by striking "a commercial item" each place it appears and inserting "a commercial product or a commercial service".

(13) Section 3505(b) is amended by striking "commercial items" each place it appears and inserting "commercial products or commercial services".

41 USC 3509.

(14) Section 3509(b) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(15) Section 3704(c)(5) is amended by striking "commercial item" and inserting "commercial product".

(16) Section 3901(b)(3) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(17) Section 4301(2) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(18)(A) Section 4505 is amended by striking "commercial items" in subsections (a) and (c) and inserting "commercial products or commercial services".

(B)(i) The heading of such section is amended to read as follows:

"§ 4505. Payments for commercial products and commercial services".

41 USC prec. 4501.

(ii) The table of sections at the beginning of chapter 45 is amended by striking the item relating to section 4505 and inserting the following new item:

"4505. Payments for commercial products and commercial services.".

(19) Section 4704(d) is amended by striking "commercial items" both places it appears and inserting "commercial products or commercial services".

(20) Sections 8102(a)(1), 8703(d)(2), and 8704(b) are amended by striking "commercial items (as defined in section 103 of this title)" and inserting "commercial products or commercial services (as defined in sections 103 and 103a, respectively, of this title)".

(c) AMENDMENTS TO CHAPTER 137 OF TITLE 10, UNITED STATES CODE.—Chapter 137 of title 10, United States Code, is amended as follows:

(1) Section 2302(3) is amended—

(A) by redesignating subparagraphs (J), (K), and (L) as subparagraphs (K), (L), and (M); and

(B) by striking subparagraph (I) and inserting the following new subparagraphs (I) and (J):

"(I) The term 'commercial product'.

"(J) The term 'commercial service'.".

(2) Section 2304 is amended—

(A) in subsections (c)(5) and (f)(2)(B), by striking "brand-name commercial item" and inserting "brand-name commercial product";

(B) in subsection (g)(1)(B), by striking "commercial items" and inserting "commercial products or commercial services"; and

(C) in subsection (i)(3), by striking "commercial items" and inserting "commercial products".

(3) Section 2305 is amended—

(A) in subsection (a)(2), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in subsection (b)(5)(B)(v), by striking "commercial item" and inserting "commercial product".

(4) Section 2306(b) is amended by striking "commercial items" and inserting "commercial products or commercial services". 10 USC 2306.

(5) Section 2306a is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B), by striking "a commercial item" and inserting "a commercial product or a commercial service";

(ii) in paragraph (2)—

(I) by striking "COMMERCIAL ITEMS" in the paragraph heading and inserting "COMMERCIAL PRODUCTS OR COMMERCIAL SERVICES"; and

(II) by striking "commercial item" each place it appears and inserting "commercial product or commercial services";

(iii) in paragraph (3)—

(I) by striking "COMMERCIAL ITEMS" in the paragraph heading and inserting "COMMERCIAL PRODUCTS"; and

(II) by striking "item" each place it appears and inserting "product"; and

(iv) in paragraph (4)—

(I) by striking "COMMERCIAL ITEM" in the paragraph heading and inserting "COMMERCIAL PRODUCT OR COMMERCIAL SERVICE";

(II) by striking "commercial item" in subparagraph (A) after "applying the";

(III) by striking "prior commercial item determination" in subparagraph (A) and inserting "prior commercial product or commercial service determination";

(IV) by striking "of such item" in subparagraph (A) and inserting "of such product or service";

(V) by striking "of an item previously determined to be a commercial item" in subparagraph (B) and inserting "of a product or service previously determined to be a commercial product or a commercial service";

(VI) by striking "of a commercial item," in subparagraph (B) and inserting "of a commercial product or a commercial service, as the case may be,";

(VII) by striking "the commercial item determination" in subparagraph (B) and inserting "the commercial product or commercial service determination"; and

(VIII) by striking "commercial item" in subparagraph (C); and

(v) in paragraph (5), by striking "commercial items" and inserting "commercial products or commercial services";

(B) in subsection (d)(2), by striking "commercial items" each place it appears and inserting "commercial products or commercial services"; and

(C) in subsection (h)—

(i) in paragraph (2), by striking "commercial items" and inserting "commercial products or commercial services"; and

(ii) by striking paragraph (3).

10 USC 2307.

(6) Section 2307(f) is amended—

(A) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES"; and

(B) by striking "commercial items" in paragraphs (1) and (2) and inserting "commercial products and commercial services".

(7) Section 2320(b) is amended—

(A) in paragraph (1), by striking "a commercial item, the item" and inserting "a commercial product, the product"; and

(B) in paragraph (9)(A), by striking "any noncommercial item or process" and inserting "any noncommercial product or process".

(8) Section 2321(f) is amended—

(A) in paragraph (1)—

(i) by striking "commercial items" and inserting "commercial products"; and

(ii) by striking "the item" both places it appears and inserting "commercial products"; and

(B) in paragraph (2)(A), in clauses (i) and (ii), by striking "commercial item" and inserting "commercial product".

(9) Section 2324(l)(1)(A) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(10) Section 2335(b) is amended by striking "commercial items" and inserting "commercial products and commercial services".

(d) AMENDMENTS TO CHAPTER 140 OF TITLE 10, UNITED STATES CODE.—Chapter 140 of title 10, United States Code, is amended as follows:

(1) Section 2375 is amended—

(A) in subsection (a), by striking "commercial item" in paragraphs (1) and (2) and inserting "commercial product or commercial service";

(B) in subsections (b) and (c)—

(i) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES"; and

(ii) by striking "commercial items" each place it appears and inserting "commercial products and commercial services"; and

(C) in subsection (e)(3), by striking "commercial items" and inserting "commercial products and commercial services".

(2) Section 2376(1) is amended—

(A) by striking "terms 'commercial item'," and inserting "terms 'commercial product', 'commercial service',"; and

(B) by striking "chapter 1 of title 41" and inserting "sections 103, 103a, 110, 105, and 102, respectively, of title 41".

(3) Section 2377 is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the agency's needs are not available, nondevelopmental items other than commercial products"; and

(ii) in paragraph (3), by striking "commercial items and nondevelopmental items other than commercial items" and inserting "commercial services, commercial products, and nondevelopmental items other than commercial products";

(B) in subsection (b)—

(i) in paragraphs (1) and (2), by striking "commercial items or nondevelopmental items other than commercial items" and inserting "commercial services, commercial products, or nondevelopmental items other than commercial products";

(ii) in paragraphs (3) and (4), by striking "commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the agency's needs are not available, nondevelopmental items other than commercial products"; and

(iii) in paragraphs (5) and (6), by striking "commercial items" and inserting "commercial products and commercial services";

(C) in subsection (c)—

(i) in paragraph (2), by striking "commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items" and inserting "commercial services or commercial products or, to the extent that commercial products suitable to meet the agency's needs are not available, nondevelopmental items other than commercial products"; and

(ii) in paragraph (4), by striking "items other than commercial items" and inserting "products other than commercial products or services other than commercial services";

(D) in subsection (d)—

(i) in the first sentence, by striking "commercial items" and inserting "commercial products or commercial services";

(ii) in paragraph (1), by striking "items" and inserting "products or services"; and

(iii) in paragraph (2), by striking "items" and inserting "products or services"; and

(E) in subsection (e)(1), by striking "commercial items" and inserting "commercial products and commercial services".

10 USC 2379.

(4) Section 2379 is amended—

(A) by striking "COMMERCIAL ITEMS" in the headings of subsections (b) and (c) and inserting "COMMERCIAL PRODUCTS";

(B) in subsections (a)(1)(A), (b)(2), and (c)(1)(B), by striking ", as defined in section 103 of title 41"; and

(C) by striking "commercial item" and "commercial items" each place they appear and inserting "commercial product" and "commercial products", respectively.

(5) Section 2380 is amended—

(A) in subsection (a), by striking "commercial item determinations" in paragraphs (1) and (2) and inserting "commercial product and commercial service determinations"; and

(B) in subsection (b) (as added by section 848 of the National Defense Authorization Act for Fiscal Year 2018)—

(i) by striking "ITEM" in the subsection heading;

(ii) by striking "an item" each place it appears and inserting "a product or service";

(iii) by striking "item" after "using commercial" each place it appears;

(iv) by striking "prior commercial item determination" and inserting "prior commercial product or service determination";

(v) by striking "such item" and inserting "such product or service"; and

(vi) by striking "the item" both places it appears and inserting "the product or service".

(6) Section 2380a is amended—

(A) in subsection (a)—

(i) by striking "items and" and inserting "products and"; and

(ii) by striking "commercial items" and inserting "commercial products and commercial services, respectively,"; and

(B) in subsection (b), by striking "commercial items" and inserting "commercial services".

(7) Section 2380B is amended by striking "commercial item" and inserting "commercial product".

(8) AMENDMENTS TO HEADINGS, ETC.—

10 USC prec. 2375.

(A) The heading of such chapter is amended to read as follows:

"CHAPTER 140—PROCUREMENT OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES".

(B) The heading of section 2375 is amended to read as follows:

"§ 2375. Relationship of other provisions of law to procurement of commercial products and commercial services".

(C) The heading of section 2377 is amended to read as follows:

"§ 2377. Preference for commercial products and commercial services".

(D) The heading of section 2379 is amended to read as follows: 10 USC 2379.

"§ 2379. Procurement of a major weapon system as a commercial product: requirement for prior determination by Secretary of Defense and notification to Congress".

(E) The heading of section 2380 is amended to read as follows:

"§ 2380. Commercial product and commercial service determinations by Department of Defense".

(F) The heading of section 2380a is amended to read as follows:

"§ 2380a. Treatment of certain products and services as commercial products and commercial services".

(G) Section 2380B is redesignated as section 2380b and the heading of that section is amended to read as follows:

"§ 2380b. Treatment of commingled items purchased by contractors as commercial products".

(H) The table of sections at the beginning of such chapter is amended to read as follows: 10 USC prec. 2375.

"2375. Relationship of other provisions of law to procurement of commercial products and commercial services.
"2376. Definitions.
"2377. Preference for commercial products and commercial services.
"2379. Procurement of a major weapon system as a commercial product: requirement for prior determination by Secretary of Defense and notification to Congress.
"2380. Commercial product and commercial service determinations by Department of Defense.
"2380a. Treatment of certain products and services as commercial products and commercial services.
"2380b. Treatment of commingled items purchased by contractors as commercial products.".

(e) OTHER AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is further amended as follows:

(1) Section 2226(b) is amended by striking "for services" and all that follows through "deliverable items" and inserting "for services or deliverable items".

(2) Section 2384(b)(2) is amended by striking "commercial items" and inserting "commercial products".

(3) Section 2393(d) is amended by striking "commercial items (as defined in section 103 of title 41)" and inserting "commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)".

(4) Section 2402(d) is amended—

(A) in paragraph (1), by striking "commercial items" both places it appears and inserting "commercial products or commercial services"; and

(B) in paragraph (2), by striking "the term" and all that follows and inserting "the terms 'commercial product' and 'commercial service' have the meanings given those terms in sections 103 and 103a, respectively, of title 41.".

10 USC 2408.

(5) Section 2408(a)(4)(B) is amended by striking "commercial items (as defined in section 103 of title 41)" and inserting "commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)".

(6) Section 2410b(c) is amended by striking "commercial items" and inserting "commercial products".

(7) Section 2410g(d)(1) is amended by striking "Commercial items (as defined in section 103 of title 41)" and inserting "Commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)".

(8) Section 2447a is amended—

(A) in subsection (a)(2), by striking "commercial items and technologies" and inserting "commercial products and technologies"; and

(B) in subsection (c), by inserting before the period at the end the following: "and the term 'commercial product' has the meaning given that term in section 103 of title 41".

(9) Section 2451(d) is amended by striking "commercial items" and inserting "commercial products (as defined in section 103 of title 41)".

(10) Section 2464 is amended—

(A) in subsection (a)—

(i) in paragraph (3), by striking "commercial items" and inserting "commercial products or commercial services"; and

(ii) in paragraph (5), by striking "The commercial items covered by paragraph (3) are commercial items" and inserting "The commercial products or commercial services covered by paragraph (3) are commercial products (as defined in section 103 of title 41) or commercial services (as defined in section 103a of such title)"; and

(B) in subsection (c)—

(i) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS OR COMMERCIAL SERVICES"; and

(ii) by striking "commercial item" and inserting "commercial product or commercial service".

(11) Section 2484(f) is amended—

(A) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS"; and

(B) by striking "commercial item" and inserting "commercial product".

(12) The items relating to chapter 140 in the tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, are amended to read as follows:

10 USC prec. 101, prec. 2201.

"140. Procurement of Commercial Products and Commercial Services ..... 2377".

(f) AMENDMENTS TO PROVISIONS OF NATIONAL DEFENSE AUTHORIZATION ACTS.—

(1) Section 806(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2302 note) is amended by striking "commercial items (as defined in section 103 of title 41, United States Code)" and inserting "commercial products or commercial services (as

defined in sections 103 and 103a, respectively, of title 41, United States Code)".

(2) Section 821(e) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 2302 note) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Section 821(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note) is amended—

(A) in paragraph (1), by striking "a commercial item" and inserting "a commercial product or a commercial service";

(B) in paragraph (2), by striking "commercial item" and inserting "commercial product"; and

(C) by adding at the end the following new paragraph:

"(3) The term 'commercial service' has the meaning provided by section 103a of title 41, United States Code.".

(4) Section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2306a note) is amended—

(A) in paragraph (1), by striking "commercial item exceptions" and inserting "commercial product-commercial service exceptions"; and

(B) in paragraph (2), by striking "commercial item exception" and inserting "commercial product-commercial service exception";

(5) Section 852(b)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2324 note) is amended by striking "a commercial item, as defined in section 103 of title 41" and inserting "a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41".

(6) Section 805 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2330 note) is amended—

(A) in subsection (b), by striking "commercial items" in paragraphs (1) and (2)(A) and inserting "commercial services"; and

(B) in subsection (c)—

(i) by striking "ITEM" in the headings for paragraphs (1) and (2) and inserting "SERVICES";

(ii) in the matter in paragraph (1) preceding subparagraph (A), by striking "commercial item" and inserting "commercial service";

(iii) in paragraph (1)(A), by striking "a commercial item, as described in section 103(5) of title 41" and inserting "a service, as described in section 103a(1) of title 41";

(iv) in paragraph (1)(C)(i), by striking "section 103(6) of title 41" and inserting "section 103a(2) of title 41"; and

(v) in paragraph (2), by striking "item" and inserting "service".

(7) Section 849(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2377 note) is amended—

(A) by striking "commercial items" in paragraph (1) and inserting "commercial products";

(B) by striking "commercial item" in paragraph (3)(B)(i) and inserting "commercial product"; and

(C) by adding at the end the following new paragraph:

"(5) DEFINITION.—In this subsection, the term 'commercial product' has the meaning given that term in section 103 of title 41.".

(8) Section 856(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2377 note) is amended by striking "commercial items or services" and inserting "a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41,".

(9) Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note) is amended—

(A) in the section heading, by striking "**COMMERCIAL ITEMS**" and inserting "**COMMERCIAL PRODUCTS**";

(B) in subsection (a), by striking "commercial items" and inserting "commercial products";

(C) in subsection (c)(3)—

(i) by striking "COMMERCIAL ITEMS" in the paragraph heading and inserting "COMMERCIAL PRODUCTS OR COMMERCIAL SERVICES"; and

(ii) by striking "commercial items" and inserting "commercial products or commercial services"; and

(D) in subsection (e)(2), by striking "item" in subparagraphs (A) and (B) and inserting "products".

(10) Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 41 U.S.C. 3301 note) is amended by striking "commercial items" in subsection (a)(1) and inserting "commercial products".

(g) CONFORMING AMENDMENTS TO OTHER STATUTES.—

(1) Section 604(g) of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b(g)) is amended—

(A) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS";

(B) by striking "procurement of commercial" in the first sentence and all that follows through "items listed" and inserting "procurement of commercial products notwithstanding section 1906 of title 41, United States Code, with the exception of commercial products listed"; and

(C) in the second sentence—

(i) by inserting "product" after "commercial"; and

(ii) by striking "in the" and all that follows and inserting "in section 103 of title 41, United States Code.".

(2) Section 142 of the Higher Education Act of 1965 (20 U.S.C. 1018a) is amended—

(A) in subsection (e)—

(i) by striking "COMMERCIAL ITEMS" in the subsection heading and inserting "COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES";

(ii) by striking "that commercial items" and inserting "that commercial products or commercial services";

(iii) by striking "special rules for commercial items" and inserting "special rules for commercial products and commercial services";

(iv) by striking "without regard to—" and all that follows through "dollar limitation" and inserting "without regard to any dollar limitation";

(v) by striking "; and" and inserting a period; and

(vi) by striking paragraph (2);

(B) in subsection (f)—

(i) by striking "ITEMS" in the subsection heading and inserting "PRODUCTS AND SERVICES";

(ii) by striking "ITEMS" in the heading of paragraph (2) and inserting "PRODUCTS AND SERVICES"; and

(iii) by striking "a commercial item" in paragraph (2) and inserting "a commercial product or a commercial service";

(C) in subsection (h)—

(i) by striking "ITEMS" in the subsection heading and inserting "SERVICES"; and

(ii) by striking "commercial items" in paragraph (1) and inserting "commercial services"; and

(D) in subsection (l)—

(i) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

(ii) by striking paragraph (1) and inserting the following new paragraphs:

"(1) COMMERCIAL PRODUCT.—The term 'commercial product' has the meaning given the term in section 103 of title 41, United States Code.

"(2) COMMERCIAL SERVICE.—The term 'commercial service' has the meaning given the term in section 103a of title 41, United States Code.";

(iii) in paragraph (3), as so redesignated, by striking "in section" and all that follows and inserting "in section 152 of title 41, United States Code.";

(iv) in paragraph (5), as so redesignated—

(I) by striking "COMMERCIAL ITEMS" in the paragraph heading and inserting "COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES";

(II) by striking "commercial items" and inserting "commercial products and commercial services"; and

(III) by striking "pursuant to" and all that follows and inserting "pursuant to sections 1901 and 3305(a) of title 41, United States Code."; and

(v) in paragraph (6), as so redesignated, by striking "pursuant to" and all that follows and inserting "pursuant to sections 1901(a)(1) and 3305(a)(1) of title 41, United States Code.".

(3) Section 3901(a)(4)(A)(ii)(II) of title 31, United States Code, is amended by striking "commercial item" and inserting "commercial product".

(4) Section 2455(c)(1) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by striking "commercial items" and inserting "commercial products".

(5) Section 508(f) of the Federal Water Pollution Control Act (33 U.S.C. 1368(f)) is amended—

(A) in paragraph (1), by striking "commercial items" and inserting "commercial products or commercial services"; and

(B) in paragraph (2), by striking "the term" and all that follows and inserting "the terms 'commercial product' and 'commercial service' have the meanings given those terms in sections 103 and 103a, respectively, of title 41, United States Code.".

(6) Section 3707 of title 40, United States Code, is amended by striking "a commercial item (as defined in section 103 of title 41)" and inserting "a commercial product (as defined in section 103 of title 41) or a commercial service (as defined in section 103a of title 41)".

(7) Subtitle III of title 40, United States Code, is amended—

(A) in section 11101(1), by striking "COMMERCIAL ITEM.—The term 'commercial item' has" and inserting "COMMERCIAL PRODUCT.—The term 'commercial product' has"; and

(B) in section 11314(a)(3), by striking "items" each place it appears and inserting "products".

(8) Section 8301(g) of the Federal Acquisition Streamlining Act of 1994 (42 U.S.C. 7606 note) is amended by striking "commercial items" and inserting "commercial products or commercial services".

(9) Section 40118(f) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking "commercial items" and inserting "commercial products"; and

(B) in paragraph (2), by striking "commercial item" and inserting "commercial product".

(10) Chapter 501 of title 51, United States Code, is amended—

(A) in section 50113(c)—

(i) by striking "COMMERCIAL ITEM" in the subsection heading and inserting "COMMERCIAL PRODUCT OR COMMERCIAL SERVICE"; and

(ii) by striking "commercial item" in the second sentence and inserting "commercial product or commercial service"; and

(B) in section 50115(b)—

(i) by striking "COMMERCIAL ITEM" in the subsection heading and inserting "COMMERCIAL PRODUCT OR COMMERCIAL SERVICE"; and

(ii) by striking "commercial item" in the second sentence and inserting "commercial product or commercial service"; and

(C) in section 50132(a)—

(i) by striking "COMMERCIAL ITEM" in the subsection heading and inserting "COMMERCIAL SERVICE"; and

(ii) by striking "commercial item" in the second sentence and inserting "commercial service".

6 USC 453b note.

(h) EFFECTIVE DATE AND SAVINGS PROVISION.—The amendments made by subsections (a) through (g) shall take effect on January 1, 2020. Any provision of law that on the day before such effective date is on a list of provisions of law included in the Federal Acquisition Regulation pursuant to section 1907 of

title 41, United States Code, shall be deemed as of that effective date to be on a list of provisions of law included in the Federal Acquisition Regulation pursuant to section 1906 of such title.

(i) IMPLEMENTATION PLAN REQUIRED.—Not later than April 1, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with members of the Defense Business Board, the Defense Science Board, and the Defense Innovation Board as appropriate, shall submit to the Committees on Armed Services of the Senate and the House of Representatives an implementation plan that contains the following elements:

(1) An implementation timeline and schedule, to include substantive, technical, and conforming changes to the law that the Under Secretary deems appropriate and necessary, to include revising definitions or categories of items, products, and services.

(2) A review of recommendations by the independent panel created under section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 889) pertaining to commercial items.

(3) A review of commercial item provisions from the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), and other relevant legislation.

(4) An analysis of the extent to which the Department of Defense should treat commercial service contracts and commercial products in a similar manner.

(5) Such other matters with respect to commercial item procurement as the Under Secretary considers appropriate.

SEC. 837. LIMITATION ON APPLICABILITY TO DEPARTMENT OF DEFENSE COMMERCIAL CONTRACTS OF CERTAIN PROVISIONS OF LAW.

(a) SECTION 2375.—Section 2375(b)(2) of title 10, United States Code, is amended by striking "January 1, 2015" and inserting "October 13, 1994".

(b) SECTION 2533A.—Section 2533a(i) of such title is amended—

(1) in the subsection heading, by striking "ITEMS" and inserting "PRODUCTS"; and

(2) by striking "commercial items" and inserting "commercial products".

(c) SECTION 2533B.—Section 2533b(h) of such title is amended—

(1) in the subsection heading, by striking "ITEMS" and inserting "PRODUCTS"; and

(2) by striking "commercial items" each place it appears and inserting "commercial products".

SEC. 838. MODIFICATIONS TO PROCUREMENT THROUGH COMMERCIAL E-COMMERCE PORTALS.

(a) IN GENERAL.—Section 846 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 41 U.S.C. 1901 note) is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

"(5) A procurement of a product made through a commercial e-commerce portal under the program established pursuant to subsection (a) is deemed to satisfy requirements for full

and open competition pursuant to section 2304 of title 10, United States Code, and section 3301 of title 41, United States Code, if—

"(A) there are offers from two or more suppliers of such a product or similar product with substantially the same physical, functional, or performance characteristics on the online marketplace; and

"(B) the Administrator establishes procedures to implement subparagraph (A) and notifies Congress at least 30 days before implementing such procedures."; and

(2) in subsection (h), by striking paragraph (3) and inserting the following:

"(3) agree not to use, for pricing, marketing, competitive, or other purposes, any information, including any Government-owned data, such as purchasing trends or spending habits, related to a product from a third-party supplier featured on the commercial e-commerce portal or the transaction of such product, except as necessary to comply with the requirements of the program established in subsection (a).".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the implementation of any e-commerce portal under such section 846 to procure commercial products will be done in a manner that will enhance competition, expedite procurement, and ensure reasonable pricing of commercial products;

(2) the implementation of the e-commerce portal will be completed with multiple contracts with multiple commercial e-commerce portal providers; and

(3) the Administrator of the General Services Administration should require any e-commerce portal provider to take the necessary precautions to safeguard data of all other e-commerce portal providers and any third-party suppliers.

SEC. 839. REVIEW OF FEDERAL ACQUISITION REGULATIONS ON COMMERCIAL PRODUCTS, COMMERCIAL SERVICES, AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) REVIEW OF DETERMINATIONS NOT TO EXEMPT CONTRACTS FOR COMMERCIAL PRODUCTS, COMMERCIAL SERVICES, AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS FROM CERTAIN LAWS AND REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall—

(1) review each determination of the Federal Acquisition Regulatory Council pursuant to section 1906(b)(2), section 1906(c)(3), or section 1907(a)(2) of title 41, United States Code, not to exempt contracts or subcontracts from laws which such contracts and subcontracts would otherwise be exempt from under section 1906(d) of title 41, United States Code; and

(2) propose revisions to the Federal Acquisition Regulation to provide an exemption from each law subject to such determination unless the Council determines that there is a specific reason not to provide the exemptions pursuant to section 1906 of such title or the Administrator for Federal Procurement Policy determines there is a specific reason not to provide the exemption pursuant to section 1907 of such title.

(b) REVIEW OF CERTAIN CONTRACT CLAUSE REQUIREMENTS APPLICABLE TO COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES CONTRACTS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall—

(1) review the Federal Acquisition Regulation to assess all regulations that require a specific contract clause for a contract using commercial product or commercial services acquisition procedures under part 12 of the Federal Acquisition Regulation, except for regulations required by law or Executive order; and

(2) propose revisions to the Federal Acquisition Regulation to eliminate regulations reviewed under paragraph (1) unless the Federal Acquisition Regulatory Council determines on a case-by-case basis that there is a specific reason not to eliminate the regulation.

(c) ELIMINATION OF CERTAIN CONTRACT CLAUSE REGULATIONS APPLICABLE TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM SUBCONTRACTS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall—

(1) review the Federal Acquisition Regulation to assess all regulations that require a prime contractor to include a specific contract clause in a subcontract for commercially available off-the-shelf items unless the inclusion of such clause is required by law or Executive order; and

(2) propose revisions to the Federal Acquisition Regulation to eliminate regulations reviewed under paragraph (1) unless the Federal Acquisition Regulatory Council determines on a case-by-case basis that there is a specific reason not to eliminate the regulation.

(d) REPORT TO CONGRESS.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall submit to the committees listed in paragraph (2) a report on the results of the reviews under this section.

(2) COMMITTEES LISTED.—The committees listed in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

Subtitle E—Industrial Base Matters

SEC. 841. REPORT ON LIMITED SOURCING OF SPECIFIC COMPONENTS FOR NAVAL VESSELS.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of the Navy shall submit to the congressional defense committees a report that provides, for the components described in subsection (b), a market survey, a cost assessment, national security considerations, and a recommendation regarding whether competition for the procurement of the components should be limited to sources in the national technology and industrial base (as defined in section 2500 of title 10, United States Code).

(b) COMPONENTS.—The components described in this subsection are the following:

(1) Naval vessel components listed in section 2534(a)(3) of title 10, United States Code.

(2) The following components for auxiliary ships:

(A) Auxiliary equipment, including pumps.

(B) Propulsion system components, including engines, reduction gears, and propellers.

(C) Shipboard cranes.

(D) Spreaders for shipboard cranes.

10 USC 2536 note.

SEC. 842. REMOVAL OF NATIONAL INTEREST DETERMINATION REQUIREMENTS FOR CERTAIN ENTITIES.

(a) IN GENERAL.—Effective October 1, 2020, a covered NTIB entity operating under a special security agreement pursuant to the National Industrial Security Program shall not be required to obtain a national interest determination as a condition for access to proscribed information.

(b) ACCELERATION AUTHORIZED.—Notwithstanding the effective date of this section, the Secretary of Defense, in consultation with the Director of the Information Security Oversight Office, may waive the requirement to obtain a national interest determination for a covered NTIB entity operating under such a special security agreement that has—

(1) a demonstrated successful record of compliance with the National Industrial Security Program; and

(2) previously been approved for access to proscribed information.

(c) DEFINITIONS.—In this section:

(1) COVERED NTIB ENTITY.—The term "covered NTIB entity" means a person that is a subsidiary located in the United States—

(A) for which the ultimate parent company and any intermediate parent companies of such subsidiary are located in a country that is part of the national technology and industrial base (as defined in section 2500 of title 10, United States Code); and

(B) that is subject to the foreign ownership, control, or influence requirements of the National Industrial Security Program.

(2) PROSCRIBED INFORMATION.—The term "proscribed information" means information that is—

(A) classified at the level of top secret;

(B) communications security information (excluding controlled cryptographic items when un-keyed or utilized with unclassified keys);

(C) restricted data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(D) special access program information under section 4.3 of Executive Order No. 13526 (75 Fed. Reg. 707; 50 U.S.C. 3161 note) or successor order; or

(E) designated as sensitive compartmented information.

10 USC 2302 note.

SEC. 843. PILOT PROGRAM TO TEST MACHINE-VISION TECHNOLOGIES TO DETERMINE THE AUTHENTICITY AND SECURITY OF MICROELECTRONIC PARTS IN WEAPON SYSTEMS.

(a) PILOT PROGRAM AUTHORIZED.—The Undersecretary of Defense for Research and Engineering, in coordination with the Defense Microelectronics Activity, shall establish a pilot program

to test the feasibility and reliability of using machine-vision technologies to determine the authenticity and security of microelectronic parts in weapon systems.

(b) OBJECTIVES OF PILOT PROGRAM.—The Undersecretary of Defense for Research and Engineering, in coordination with the Defense Microelectronics Activity, shall design any pilot program conducted under this section to determine the following:

(1) The effectiveness and technology readiness level of machine-vision technologies to determine the authenticity of microelectronic parts at the time of the creation of such part through final insertion of such part into weapon systems.

(2) The best method of incorporating machine-vision technologies into the process of developing, transporting, and inserting microelectronics into weapon systems.

(3) The rules, regulations, or processes that hinder the development and incorporation of machine-vision technologies, and the application of such rules, regulations, or processes to mitigate counterfeit microelectronics proliferation throughout the Department of Defense.

(c) CONSULTATION.—To develop the pilot program under this section, the Undersecretary of Defense for Research and Engineering, in coordination with the Defense Microelectronics Activity, may consult with the following entities:

(1) Manufacturers of semiconductors or electronics.

(2) Industry associations relating to semiconductors or electronics.

(3) Original equipment manufacturers of products for the Department of Defense.

(4) Nontraditional defense contractors (as defined in section 2302(9) of title 10, United States Code) that are machine vision companies.

(5) Federal laboratories (as defined in section 2500(5) of title 10, United States Code).

(6) Other elements of the Department of Defense that fall under the authority of the Undersecretary of Defense for Research and Engineering.

(d) COMMENCEMENT AND DURATION.—The pilot program established under this section shall be established not later than April 1, 2019, and all activities under such pilot program shall terminate not later than December 31, 2020.

SEC. 844. LIMITATION ON CERTAIN PROCUREMENTS APPLICATION PROCESS.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(k) LIMITATION ON CERTAIN PROCUREMENTS APPLICATION PROCESS.—

"(1) IN GENERAL.—The Secretary of Defense shall administer a process to analyze and assess potential items for consideration to be required to be procured from a manufacturer that is part of the national technology and industrial base.

"(2) ELEMENTS.—The application process required under paragraph (1) shall include the following elements:

"(A) The Secretary shall designate an official within the Office of the Secretary of Defense responsible for administration of the limitation on certain procurements application process and associated policy.

"(B) A person or organization that meets the definition of national technology and industrial base under section 2500(1) of this title shall have the opportunity to apply for status as an item required to be procured from a manufacturer that is part of the national technology and industrial base. The application shall include, at a minimum, the following information:

"(i) Information demonstrating the applicant meets the criteria of a manufacturer in the national technology and industrial base under section 2500(1) of this title.

"(ii) For each item the applicant seeks to be required to be procured from a manufacturer that is part of the national technology and industrial base, the applicant shall include the following information:

"(I) The extent to which such item has commercial applications.

"(II) The number of such items to be procured by current programs of record.

"(III) The criticality of such item to a military unit's mission accomplishment.

"(IV) The estimated cost and other considerations of reconstituting the manufacturing capability of such item, if not maintained in the national technology and industrial base.

"(V) National security regulations or restrictions imposed on such item that may not be imposed on a non-national technology and industrial base competitor.

"(VI) Non-national security-related Federal, State, and local government regulations imposed on such item that may not be imposed on a non-national technology and industrial base competitor.

"(VII) The extent to which such item is fielded in current programs of record.

"(VIII) The extent to which cost and pricing data for such item has been deemed fair and reasonable.

"(3) CONSIDERATION OF APPLICATIONS.—

"(A) RESPONSIBILITY OF DESIGNATED OFFICIAL.—The official designated pursuant to paragraph (2)(A) shall be responsible for providing complete applications submitted pursuant to this subsection to the appropriate component acquisition executive for consideration not later than 15 days after receipt of such application.

"(B) REVIEW.—Not later than 120 days after receiving a complete application, the component acquisition executive shall review such application, make a determination, and return the application to the official designated pursuant to paragraph (2)(A).

"(C) ELEMENTS OF DETERMINATION.—The determination required under subparagraph (B) shall, for each item proposed pursuant to paragraph (2)(B)(ii)—

"(i) recommend inclusion under this section;

"(ii) recommend inclusion under this section with further modifications; or

"(iii) not recommend inclusion under this section.

"(D) JUSTIFICATION.—The determination required under subparagraph (B) shall also include the rationale and justification for the determination.

"(4) RECOMMENDATIONS FOR LEGISLATION.—For applications recommended under subsection (3), the official designated pursuant to paragraph (2)(A) shall be responsible for preparing a legislative proposal for consideration by the Secretary.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect one year after the date of the enactment of this Act. 10 USC 2534 note.

SEC. 845. REPORT ON DEFENSE ELECTRONICS INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than January 31, 2019, the Secretary of Defense, in consultation with the Executive Agent for Printed Circuit Board and Interconnect Technology and the Director of the Office of Management and Budget, shall submit to Congress a report examining the health of the defense electronics industrial base, including analog and passive electronic parts, substrates, printed boards, assemblies, connectors, cabling, and related areas, both domestically and within the national technology and industrial base.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An examination of current and planned partnerships with the commercial industry.

(2) Analysis of the current and future defense electronics industrial base.

(3) Threat assessment related to system security.

(4) An assessment of the health of the engineering and production workforce.

(5) A description of the electronics supply chain requirements of defense systems integral to meeting the goals of the 2018 National Defense Strategy.

(6) Recommended actions to address areas deemed deficient or vulnerable, and a plan to formalize long-term resourcing for the Executive Agent.

(7) Any other areas matters determined relevant by the Secretary.

SEC. 846. SUPPORT FOR DEFENSE MANUFACTURING COMMUNITIES TO SUPPORT THE DEFENSE INDUSTRIAL BASE. 10 USC 2501 note.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, in coordination with the Secretary of Commerce and working in coordination with the defense manufacturing institutes, establish within the Department of Defense a program to make long-term investments in critical skills, facilities, research and development, and small business support in order to strengthen the national security innovation base by designating and supporting consortiums as defense manufacturing communities.

(2) DESIGNATION.—The program authorized by this section shall be known as the "Defense Manufacturing Community Support Program" (in this section referred to as the "Program").

(b) DESIGNATION OF DEFENSE MANUFACTURING COMMUNITIES COMPLEMENTARY TO DEFENSE MANUFACTURING INSTITUTES.—

(1) IN GENERAL.—The Secretary of Defense may designate eligible consortiums as defense manufacturing communities

through a competitive process, and in coordination with the defense manufacturing institutes.

(2) ELIGIBLE CONSORTIUMS.—The Secretary may establish eligibility criteria for a consortium to participate in the Program. In developing such criteria, the Secretary may consider the merits of—

(A) including members from academia, defense industry, commercial industry, and State and local government organizations;

(B) supporting efforts in geographical regions that have capabilities in key technologies or industrial base supply chains that are determined critical to national security;

(C) optimal consortium composition and size to promote effectiveness, collaboration, and efficiency; and

(D) complementarity with defense manufacturing institutes.

(3) DURATION.—Each designation under paragraph (1) shall be for a period of five years.

(4) RENEWAL.—

(A) IN GENERAL.—The Secretary may renew a designation made under paragraph (1) for up to two additional two-year periods. Any designation as a defense manufacturing community or renewal of such designation that is in effect before the date of the enactment of this Act shall count toward the limit set forth in this subparagraph.

(B) EVALUATION FOR RENEWAL.—The Secretary shall establish criteria for the renewal of a consortium. In establishing such criteria, the Secretary may consider—

(i) the performance of the consortium in meeting the established goals of the Program;

(ii) the progress the consortium has made with respect to project-specific metrics, particularly with respect to those metrics that were designed to help communities track their own progress;

(iii) whether any changes to the composition of the eligible consortium or revisions of the plan for the consortium would improve the capabilities of the defense industrial base;

(iv) the effectiveness of coordination with defense manufacturing institutes; and

(v) such other criteria as the Secretary considers appropriate.

(5) APPLICATION FOR DESIGNATION.—An eligible consortium seeking a designation under paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may require. In developing such procedures, the Secretary may consider the inclusion of—

(A) a description of the regional boundaries of the consortium, and the defense manufacturing capacity of the region;

(B) an evidence-based plan for enhancing the defense industrial base through the efforts of the consortium;

(C) the investments the consortium proposes and the strategy of the consortium to address gaps in the defense industrial base;

(D) a description of the outcome-based metrics, benchmarks, and milestones that will track and the evaluation

methods that will be used to gauge performance of the consortium;

(E) how the initiatives will complement defense manufacturing institutes; and

(F) such other matters as the Secretary considers appropriate.

(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Under the Program, the Secretary of Defense may award financial or technical assistance to a member of a consortium designated as a defense manufacturing community under the Program as appropriate for purposes of the Program.

(2) USE OF FUNDS.—A recipient of financial or technical assistance under the Program may use such financial or technical assistance to support an investment that will improve the defense industrial base.

(3) INVESTMENTS SUPPORTED.—Investments supported under this subsection may include activities not already provided for by defense manufacturing institutes on—

(A) equipment or facility upgrades;

(B) workforce training, retraining, or recruitment and retention, including that of women and underrepresented minorities;

(C) business incubators;

(D) advanced research and commercialization, including with Federal laboratories and depots;

(E) supply chain development; and

(F) small business assistance.

(d) RECEIPT OF TRANSFERRED FUNDS.—The Secretary of Defense may accept amounts transferred to the Secretary from the head of another agency or a State or local governmental organization to carry out this section.

SEC. 847. LIMITATION ON PROCUREMENT OF CERTAIN ITEMS FOR T–AO–205 PROGRAM.

Effective during fiscal year 2019, the Secretary of Defense may procure the following items for the T–AO–205 program only if the manufacturer of the item is in the United States:

(1) Auxiliary equipment, including pumps, for all shipboard services.

(2) Propulsion system components, including engines, reduction gears, and propellers.

(3) Shipboard cranes.

(4) Spreaders for shipboard cranes.

Subtitle F—Small Business Matters

SEC. 851. DEPARTMENT OF DEFENSE SMALL BUSINESS STRATEGY.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2283. Department of Defense small business strategy

10 USC 2283.

"(a) IN GENERAL.—The Secretary of Defense shall implement a small business strategy for the Department of Defense that meets the requirements of this section.

"(b) UNIFIED MANAGEMENT STRUCTURE.—As part of the small business strategy described in subsection (a), the Secretary shall

ensure that there is a unified management structure within the Department for the functions of the Department relating to—

"(1) programs and activities related to small business concerns (as defined in section 3 of the Small Business Act);

"(2) manufacturing and industrial base policy; and

"(3) any procurement technical assistance program established under chapter 142 of this title.

"(c) PURPOSE OF SMALL BUSINESS PROGRAMS.—The Secretary shall ensure that programs and activities of the Department of Defense related to small business concerns are carried out so as to further national defense programs and priorities and the statements of purpose for Department of Defense acquisition set forth in section 801 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1449).

"(d) POINTS OF ENTRY INTO DEFENSE MARKET.—The Secretary shall ensure—

"(1) that opportunities for small business concerns to contract with the Department of Defense are identified clearly; and

"(2) that small business concerns are able to have access to program managers, contracting officers, and other persons using the products or services of such concern to the extent necessary to inform such persons of emerging and existing capabilities of such concerns.

"(e) ENHANCED OUTREACH UNDER PROCUREMENT TECHNICAL ASSISTANCE PROGRAM MARKET.—The Secretary shall enable and promote activities to provide coordinated outreach to small business concerns through any procurement technical assistance program established under chapter 142 of this title to facilitate small business contracting with the Department of Defense.".

10 USC 2283 note.

(b) IMPLEMENTATION.—

(1) DEADLINE.—The Secretary of Defense shall develop the small business strategy required by section 2283 of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

(2) NOTICE TO CONGRESS AND PUBLICATION.—Upon completion of the development of the small business strategy pursuant to paragraph (1), the Secretary shall—

(A) transmit the strategy to Congress; and

(B) publish the strategy on a public website of the Department of Defense.

10 USC prec. 2281.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2283. Department of Defense small business strategy.".

SEC. 852. PROMPT PAYMENTS OF SMALL BUSINESS CONTRACTORS.

Section 2307(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "The head of any agency may—" and inserting "(1) The head of any agency may"; and

(3) by adding at the end the following new paragraph:

"(2)(A) For a prime contractor (as defined in section 8701 of title 41) that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), the Secretary of Defense shall, to the fullest extent permitted by law, establish

an accelerated payment date with a goal of 15 days after receipt of a proper invoice for the amount due if a specific payment date is not established by contract.

"(B) For a prime contractor that subcontracts with a small business concern, the Secretary of Defense shall, to the fullest extent permitted by law, establish an accelerated payment date with a goal of 15 days after receipt of a proper invoice for the amount due if—

"(i) a specific payment date is not established by contract; and

"(ii) the prime contractor agrees to make payments to the subcontractor in accordance with the accelerated payment date, to the maximum extent practicable, without any further consideration from or fees charged to the subcontractor.".

SEC. 853. INCREASED PARTICIPATION IN THE SMALL BUSINESS ADMINISTRATION MICROLOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) The term "intermediary" has the meaning given that term in section 7(m)(11) of the Small Business Act (15 U.S.C. 636(m)(11)).

(2) The term "microloan program" means the program established under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

(b) MICROLOAN INTERMEDIARY LENDING LIMIT INCREASED.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$5,000,000" and inserting "$6,000,000".

(c) SBA STUDY OF MICROENTERPRISE PARTICIPATION.—Not later than one year after the date of the enactment of this section, the Administrator of the Small Business Administration shall conduct a study and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on—

(1) the operations (including services provided, structure, size, and area of operation) of a representative sample of—

(A) intermediaries that are eligible to participate in the microloan program and that do participate; and

(B) intermediaries that are eligible to participate in the microloan program and that do not participate;

(2) the reasons why eligible intermediaries described in paragraph (1)(B) choose not to participate in the microloan program;

(3) recommendations on how to encourage increased participation in the microloan program by eligible intermediaries described in paragraph (1)(B); and

(4) recommendations on how to decrease the costs associated with participation in the microloan program for eligible intermediaries.

(d) GAO STUDY ON MICROLOAN INTERMEDIARY PRACTICES.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report evaluating—

(1) oversight of the microloan program by the Small Business Administration, including oversight of intermediaries participating in the microloan program; and

(2) the specific processes used by the Small Business Administration to ensure—

(A) compliance by intermediaries participating in the microloan program; and

(B) the overall performance of the microloan program.

SEC. 854. AMENDMENTS TO SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) EXTENSION OF PILOT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (cc), by striking "2017" and inserting "2022";

(2) in subsection (gg)(7), by striking "2017" and inserting "2022";

(3) in subsection (jj)—

(A) in paragraph (4)(A), by striking "3" and inserting "4"; and

(B) in paragraph (7), by striking "2017" and inserting "2022";

(4) in subsection (mm)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "2017" and inserting "2022";

(ii) in subparagraph (I), by striking "and" at the end;

(iii) in subparagraph (J), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(K) funding for improvements that increase commonality across data systems, reduce redundancy, and improve data oversight and accuracy."; and

(5) by adding at the end the following:

"(tt) OUTSTANDING REPORTS AND EVALUATIONS.—

"(1) IN GENERAL.—Not later than March 30, 2019, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Science, Space, and Technology of the House of Representatives—

"(A) each report, evaluation, or analysis, as applicable, described in subsection (b)(7), (g)(9), (o)(10), (y)(6)(C), (gg)(6), (jj)(6), and (mm)(6); and

"(B) metrics regarding, and an evaluation of, the authority provided to the National Institutes of Health, the Department of Defense, and the Department of Education under subsection (cc).

"(2) INFORMATION REQUIRED.—Not later than December 31, 2018, the head of each agency that is responsible for carrying out a provision described in subparagraph (A) or (B) of paragraph (1) shall submit to the Administrator any information that is necessary for the Administrator to carry out the responsibilities of the Administrator under that paragraph.".

(b) ACCELERATING SBIR AND STTR AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (hh)—

(A) by striking "Federal agencies" and inserting the following:

"(1) IN GENERAL.—Federal agencies";

(B) in paragraph (1), as so designated, by striking "attempt to"; and

(C) by adding at the end the following:

"(2) PILOT PROGRAM TO ACCELERATE DEPARTMENT OF DEFENSE SBIR AND STTR AWARDS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Under Secretary of Defense for Research and Engineering, acting through the Director of Defense Procurement and Acquisition Policy of the Department of Defense, shall establish a pilot program to reduce the time for awards under the SBIR and STTR programs of the Department of Defense, under which the Department of Defense shall—

"(i) develop simplified and standardized procedures and model contracts throughout the Department of Defense for Phase I, Phase II, and Phase III SBIR awards;

"(ii) for Phase I SBIR and STTR awards, reduce the amount of time between solicitation closure and award;

"(iii) for Phase II SBIR and STTR awards, reduce the amount of time between the end of a Phase I award and the start of the Phase II award;

"(iv) for Phase II SBIR and STTR awards that skip Phase I, reduce the amount of time between solicitation closure and award;

"(v) for sequential Phase II SBIR and STTR awards, reduce the amount of time between Phase II awards; and

"(vi) reduce the award times described in clauses (ii), (iii), (iv), and (v) to be as close to 90 days as possible.

"(B) CONSULTATION.—In carrying out the pilot program under subparagraph (A), the Director of Defense Procurement and Acquisition Policy of the Department of Defense shall consult with the Director of the Office of Small Business Programs of the Department of Defense.

"(C) TERMINATION.—The pilot program under subparagraph (A) shall terminate on September 30, 2022."; and

(2) in subsection (ii)—

(A) by striking "Federal agencies" and inserting the following:

"(1) IN GENERAL.—Federal agencies"; and

(B) by adding at the end the following:

"(2) COMPTROLLER GENERAL REPORTS.—The Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Armed Services of the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Armed Services of the House of Representatives—

"(A) not later than 1 year after the date of enactment of this paragraph, and every year thereafter for 3 years, a report that—

"(i) provides the average and median amount of time that each component of the Department of Defense with an SBIR or STTR program takes to review and make a final decision on proposals submitted under the program; and

"(ii) compares that average and median amount of time with that of other Federal agencies participating in the SBIR or STTR program; and

"(B) not later than December 5, 2021, a report that—

"(i) includes the information described in subparagraph (A);

"(ii) assesses where each Federal agency participating in the SBIR or STTR program needs improvement with respect to the proposal review and award times under the program;

"(iii) identifies best practices for shortening the proposal review and award times under the SBIR and STTR programs, including the pros and cons of using contracts compared to grants; and

"(iv) analyzes the efficacy of the pilot program established under subsection (hh)(2).".

(c) IMPROVEMENTS TO TECHNICAL AND BUSINESS ASSISTANCE.—

(1) IN GENERAL.—Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(A) in the subsection heading, by inserting "AND BUSINESS" after "TECHNICAL";

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "a vendor selected under paragraph (2)" and inserting "1 or more vendors selected under paragraph (2)(A)";

(II) by inserting "and business" before "assistance services"; and

(III) by inserting "assistance with product sales, intellectual property protections, market research, market validation, and development of regulatory plans and manufacturing plans," after "technologies,"; and

(ii) in subparagraph (D), by inserting ", including intellectual property protections" before the period at the end;

(C) in paragraph (2)—

(i) in the first sentence, by striking "Each agency may select a vendor to assist small business concerns to meet" and inserting the following:

"(A) IN GENERAL.—Each agency may select 1 or more vendors from which small business concerns may obtain assistance in meeting"; and

(ii) by adding at the end the following:

"(B) SELECTION BY SMALL BUSINESS CONCERN.—A small business concern may, by contract or otherwise, select 1 or more vendors to assist the small business concern in meeting the goals listed in paragraph (1)."; and

(D) in paragraph (3)—

(i) by inserting "(A)" after "paragraph (2)" each place that term appears;

(ii) in subparagraph (A), by striking "$5,000 per year" each place that term appears and inserting "$6,500 per year";

(iii) in subparagraph (B)—

(I) by striking "$5,000 per year" each place that term appears and inserting "$50,000 per project"; and

(II) in clause (ii), by striking "which shall be in addition to the amount of the recipient's award" and inserting "which may, as determined appropriate by the head of the Federal agency, be included as part of the recipient's award or be in addition to the amount of the recipient's award";

(iv) in subparagraph (C)—

(I) by inserting "or business" after "technical";

(II) by striking "the vendor" and inserting "a vendor"; and

(III) by adding at the end the following: "Business-related services aimed at improving the commercialization success of a small business concern may be obtained from an entity, such as a public or private organization or an agency of or other entity established or funded by a State that facilitates or accelerates the commercialization of technologies or assists in the creation and growth of private enterprises that are commercializing technology.";

(v) in subparagraph (D)—

(I) by inserting "or business" after "technical" each place that term appears; and

(II) in clause (i), by striking "the vendor" and inserting "1 or more vendors"; and

(vi) by adding at the end the following:

"(E) MULTIPLE AWARD RECIPIENTS.—The Administrator shall establish a limit on the amount of technical and business assistance services that may be received or purchased under subparagraph (B) by a small business concern that has received multiple Phase II SBIR or STTR awards for a fiscal year."; and

(E) by adding at the end the following:

"(4) ANNUAL REPORTING.—

"(A) IN GENERAL.—A small business concern that receives technical or business assistance from a vendor under this subsection during a fiscal year shall submit to the Federal agency contracting with the vendor a description of the technical or business assistance provided and the benefits and results of the technical or business assistance provided.

"(B) USE OF EXISTING REPORTING MECHANISM.—The information required under subparagraph (A) shall be collected by a Federal agency as part of a report required to be submitted by small business concerns engaged in SBIR or STTR projects of the Federal agency for which the requirement was in effect on the date of enactment of this paragraph.".

(2) REVIEW.—Not later than the end of fiscal year 2019, the Administrator of the Small Business Administration shall—

(A) conduct a survey of vendors providing technical or business assistance under section 9(q) of the Small Business Act (15 U.S.C. 638(q)), as amended by paragraph (1), and small business concerns receiving the technical or business assistance; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report reviewing the efficacy of the provision of the technical or business assistance.

SEC. 855. CONSTRUCTION CONTRACT ADMINISTRATION.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(w) SOLICITATION NOTICE REGARDING ADMINISTRATION OF CHANGE ORDERS FOR CONSTRUCTION.—

"(1) IN GENERAL.—With respect to any solicitation for the award of a contract for construction anticipated to be awarded to a small business concern, the agency administering such contract shall provide a notice along with the solicitation to prospective bidders and offerors that includes—

"(A) information about the agency's policies or practices in complying with the requirements of the Federal Acquisition Regulation relating to the timely definitization of requests for an equitable adjustment; and

"(B) information about the agency's past performance in definitizing requests for equitable adjustments in accordance with paragraph (2).

"(2) REQUIREMENTS FOR AGENCIES.—An agency shall provide the past performance information described under paragraph (1)(B) as follows:

"(A) For the 3-year period preceding the issuance of the notice, to the extent such information is available.

"(B) With respect to an agency that, on the date of the enactment of this subsection, has not compiled the information described under paragraph (1)(B)—

"(i) beginning 1 year after the date of the enactment of this subsection, for the 1-year period preceding the issuance of the notice;

"(ii) beginning 2 years after the date of the enactment of this subsection, for the 2-year period preceding the issuance of the notice; and

"(iii) beginning 3 years after the date of the enactment of this subsection and each year thereafter, for the 3-year period preceding the issuance of the notice.

"(3) FORMAT OF PAST PERFORMANCE INFORMATION.—In the notice required under paragraph (1), the agency shall ensure that the past performance information described under paragraph (1)(B) is set forth separately for each definitization action that was completed during the following periods:

"(A) Not more than 30 days after receipt of a request for an equitable adjustment.

"(B) Not more than 60 days after receipt of a request for an equitable adjustment.

"(C) Not more than 90 days after receipt of a request for an equitable adjustment.

"(D) Not more than 180 days after receipt of a request for an equitable adjustment.

"(E) Not more than 365 days after receipt of a request for an equitable adjustment.

"(F) More than 365 days after receipt of a request for an equitable adjustment.

"(G) After the completion of the performance of the contract through a contract modification addressing all undefinitized requests for an equitable adjustment received during the term of the contract.".

SEC. 856. COMPTROLLER GENERAL STUDY OF IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) STUDY REQUIRED.—Subject to appropriations, the Comptroller General of the United States shall conduct a study evaluating the impact of broadband speed and price on small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

(b) REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives a report on the results of the study under subsection (a), including—

(1) a survey of broadband speeds available to small business concerns;

(2) a survey of the cost of broadband speeds available to small business concerns;

(3) a survey of the type of broadband technology used by small business concerns; and

(4) any policy recommendations that may improve the access of small business concerns to comparable broadband services at comparable rates in all regions of the United States.

SEC. 857. CONSOLIDATED BUDGET DISPLAY FOR THE DEPARTMENT OF DEFENSE SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) BUDGET DISPLAY SUBMISSION.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall include in the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for each fiscal year (as submitted to Congress under section 1105 of title 31, United States Code), a budget display for the funds assessed for the Small Business Innovation Research Program or the Small Business Technology Transfer Program (as such terms are defined, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e))) of the Department of Defense during the previous fiscal year.

(b) BUDGET DISPLAY REQUIREMENTS.—The budget display under subsection (a) shall include—

(1) for funds assessed, the amount obligated and expended, by appropriation and functional area, for the Small Business Innovation Research Program or the Small Business Technology Transfer Program;

(2) information, by military department and other awarding organizations, on Phase I, II, and III awards;

(3) to the extent practicable, specific processes, products, technologies, or services that were transitioned to acquisition programs of record, or other follow-on contracts; and

(4) an estimate of the Small Business Innovation Research Program and the Small Business Technology Transfer Program funding to be assessed during the period covered by the current future-years defense program (as defined under section 221 of title 10, United States Code).

(c) FIRST SUBMISSION.—The first budget display under subsection (a) shall be included with the budget for the President for fiscal year 2020.

(d) CONGRESSIONAL COMMITTEES.—The budget display under subsection (a) shall be submitted to the congressional defense committees, with copies provided to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(e) TERMINATION.—The requirements of this section shall terminate on December 31, 2022.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify or otherwise affect the requirement to expend amounts for the Small Business Innovation Research Program and the Small Business Technology Transfer Program of the Department of Defense under subsections (f) and (n) of section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 858. FUNDING FOR PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AMOUNT OF ASSISTANCE FROM SECRETARY.—Section 2413(b) of title 10, United States Code, is amended—

(1) by striking "not more than 65 percent" and inserting "not more than 75 percent"; and

(2) in paragraph (1), by striking "more than 65 percent, but not more than 75 percent" and inserting "more than 75 percent, but not more than 85 percent".

(b) FUNDING FOR ELIGIBLE ENTITIES.—Section 2414(a) of such title is amended—

(1) in paragraph (1), by striking "$750,000" and inserting "$1,000,000";

(2) in paragraph (2), by striking "$450,000" and inserting "$750,000";

(3) in paragraph (3), by striking "$300,000" and inserting "$450,000"; and

(4) in paragraph (4), by striking "$750,000" and inserting "$1,000,000".

SEC. 859. AUTHORIZATION FOR PAYMENT OF CERTAIN COSTS RELATING TO PROCUREMENT TECHNICAL ASSISTANCE CENTERS.

(a) AUTHORIZATION TO PAY COSTS RELATING TO MEETINGS OF ELIGIBLE ENTITIES.—Section 2417 of title 10, United States Code, is amended—

(1) in the heading, by inserting "**and other**" after "**Administrative**";

(2) by striking "chapter, an amount" and inserting "chapter—

"(1) an amount";

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(2) an amount determined appropriate by the Director to assist eligible entities in payment of costs of eligible entities —

"(A) for meetings to discuss best practices for the improvement of the operations of procurement technical assistance centers; and

"(B) for membership dues for any association of such centers created by eligible entities, training fees and associated travel for training to carry out the purposes of this chapter, and voluntary participation on any committees or board of such an association.".

(b) BRIEFING.—Not later than six months after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall brief the congressional defense committees on the recognition or lack of recognition by the Department of Defense of procurement technical assistance center associations and the rationale for the recognition or lack of recognition, including a discussion of whether the Department needs authority to recognize such associations.

SEC. 860. COMMERCIALIZATION ASSISTANCE PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

"(uu) COMMERCIALIZATION ASSISTANCE PILOT PROGRAMS.—

"(1) PILOT PROGRAMS IMPLEMENTED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than one year after the date of the enactment of this subsection, a covered agency shall implement a commercialization assistance pilot program, under which an eligible entity may receive a subsequent Phase II SBIR award.

"(B) EXCEPTION.—If the Administrator determines that a covered agency has a program that is sufficiently similar to the commercialization assistance pilot program established under this subsection, such covered agency shall not be required to implement a commercialization assistance pilot program under this subsection.

"(2) PERCENT OF AGENCY FUNDS.—The head of each covered agency may allocate not more than 5 percent of the funds allocated to the SBIR program of the covered agency for the purpose of making a subsequent Phase II SBIR award under the commercialization assistance pilot program.

"(3) TERMINATION.—A commercialization assistance pilot program established under this subsection shall terminate on September 30, 2022.

"(4) APPLICATION.—To be selected to receive a subsequent Phase II SBIR award under a commercialization assistance pilot program, an eligible entity shall submit to the covered agency implementing such pilot program an application at such time, in such manner, and containing such information as the covered agency may require, including—

"(A) an updated Phase II commercialization plan; and

"(B) the source and amount of the matching funding required under paragraph (5).

"(5) MATCHING FUNDING.—

"(A) IN GENERAL.—The Administrator shall require, as a condition of any subsequent Phase II SBIR award made to an eligible entity under this subsection, that a matching amount (excluding any fees collected by the eligible entity receiving such award) equal to the amount of such award be provided from an eligible third-party investor.

"(B) INELIGIBLE SOURCES.—An eligible entity may not use funding from ineligible sources to meet the matching requirement of subparagraph (A).

"(6) AWARD.—A subsequent Phase II SBIR award made to an eligible entity under this subsection—

"(A) may not exceed the limitation described under subsection (aa)(1); and

"(B) shall be disbursed during Phase II.

"(7) USE OF FUNDS.—The funds awarded to an eligible entity under this subsection may only be used for research and development activities that build on eligible entity's Phase II program and ensure the research funded under such Phase II is rapidly progressing towards commercialization.

"(8) SELECTION.—In selecting eligible entities to participate in a commercialization assistance pilot program under this subsection, the head of a covered agency shall consider—

"(A) the extent to which such award could aid the eligible entity in commercializing the research funded under the eligible entity's Phase II program;

"(B) whether the updated Phase II commercialization plan submitted under paragraph (4) provides a sound approach for establishing technical feasibility that could lead to commercialization of such research;

"(C) whether the proposed activities to be conducted under such updated Phase II commercialization plan further improve the likelihood that such research will provide societal benefits;

"(D) whether the small business concern has progressed satisfactorily in Phase II to justify receipt of a subsequent Phase II SBIR award;

"(E) the expectations of the eligible third-party investor that provides matching funding under paragraph (5); and

"(F) the likelihood that the proposed activities to be conducted under such updated Phase II commercialization plan using matching funding provided by such eligible third-party investor will lead to commercial and societal benefit.

"(9) EVALUATION REPORT.—Not later than 6 years after the date of the enactment of this subsection, the Comptroller General of the United States shall submit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate, a report including—

"(A) a summary of the activities of commercialization assistance pilot programs carried out under this subsection;

"(B) a detailed compilation of results achieved by such commercialization assistance pilot programs, including the number of eligible entities that received awards under such programs;

"(C) the rate at which each eligible entity that received a subsequent Phase II SBIR award under this subsection commercialized research of the recipient;

"(D) the growth in employment and revenue of eligible entities that is attributable to participation in a commercialization assistance pilot program;

"(E) a comparison of commercialization success of eligible entities participating in a commercialization assistance pilot program with recipients of an additional Phase II SBIR award under subsection (ff);

"(F) demographic information, such as ethnicity and geographic location, of eligible entities participating in a commercialization assistance pilot program;

"(G) an accounting of the funds used at each covered agency that implements a commercialization assistance pilot program under this subsection;

"(H) the amount of matching funding provided by eligible third-party investors, set forth separately by source of funding;

"(I) an analysis of the effectiveness of the commercialization assistance pilot program implemented by each covered agency; and

"(J) recommendations for improvements to the commercialization assistance pilot program.

"(10) DEFINITIONS.—For purposes of this subsection:

"(A) COVERED AGENCY.—The term 'covered agency' means a Federal agency required to have an SBIR program.

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a small business concern that has received a Phase II award under an SBIR program and an additional Phase II SBIR award under subsection (ff) from the covered agency to which such small business concern is applying for a subsequent Phase II SBIR award.

"(C) ELIGIBLE THIRD-PARTY INVESTOR.—The term 'eligible third-party investor' means a small business concern other than an eligible entity, a venture capital firm, an individual investor, a non-SBIR Federal, State or local government, or any combination thereof.

"(D) INELIGIBLE SOURCES.—The term 'ineligible sources' means the following:

"(i) The eligible entity's internal research and development funds.

"(ii) Funding in forms other than cash, such as in-kind or other intangible assets.

"(iii) Funding from the owners of the eligible entity, or the family members or affiliates of such owners.

"(iv) Funding attained through loans or other forms of debt obligations.

"(E) SUBSEQUENT PHASE II SBIR AWARD.—The term 'subsequent Phase II SBIR award' means an award granted to an eligible entity under this subsection to carry out further commercialization activities for research conducted pursuant to an SBIR program.".

SEC. 861. PUERTO RICO BUSINESSES.

(a) DEFINITION OF PUERTO RICO BUSINESS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(ee) PUERTO RICO BUSINESS.—In this Act, the term 'Puerto Rico business' means a small business concern that has its principal office located in the Commonwealth of Puerto Rico.".

(b) SMALL BUSINESS CREDIT FOR PUERTO RICO BUSINESSES.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(x) SMALL BUSINESS CREDIT FOR PUERTO RICO BUSINESSES.—

"(1) CREDIT FOR MEETING CONTRACTING GOALS.—If an agency awards a prime contract to Puerto Rico business during the period beginning on the date of enactment of this subsection and ending on the date that is 4 years after such date of enactment, the value of the contract shall be doubled for purposes of determining compliance with the goals for procurement contracts under subsection (g)(1)(A)(i) during such period.

"(2) REPORT.—Along with the report required under subsection (h)(1), the head of each Federal agency shall submit to the Administrator, and make publicly available on the scorecard described in section 868(b) of the National Defense Authorization Act for Fiscal Year 2016 (15 U.S.C. 644 note), an analysis of the number and dollar amount of prime contracts awarded pursuant to paragraph (1) for each fiscal year of the period described in such paragraph.".

(c) PRIORITY FOR SURPLUS PROPERTY TRANSFERS.—Section 7(j)(13)(F) of the Small Business Act (15 U.S.C. 636(j)(13)(F)) is amended by adding at the end the following new clause:

"(iii)(I) In this clause, the term 'covered period' means the period beginning on the date of enactment of this clause and ending on the date on which the Oversight Board established under section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2121) terminates.

"(II) The Administrator may transfer technology or surplus property under clause (i) to a Puerto Rico business if the Puerto Rico business meets the requirements for such a transfer, without regard to whether the Puerto Rico business is a Program Participant.".

(d) CONTRACTING INCENTIVES FOR PROTEGE FIRMS THAT ARE PUERTO RICO BUSINESSES.—

(1) IN GENERAL.—Section 45(a) of the Small Business Act (15 U.S.C. 657r(a)) is amended by adding at the end the following new paragraph:

"(3) PUERTO RICO BUSINESSES.—During the period beginning on the date of enactment of this paragraph and ending on the date on which the Oversight Board established under section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2121) terminates, the Administrator shall identify potential incentives to a covered mentor that awards a subcontract to its covered protege, including—

"(A) positive consideration in any past performance evaluation of the covered mentor; and

"(B) the application of costs incurred for providing training to such covered protege to the subcontracting plan

(as required under paragraph (4) or (5) of section 8(d)) of the covered mentor.".

(2) DEFINITIONS.—Section 45(d) of the Small Business Act (15 U.S.C. 657r(d)) is amended by adding at the end the following new paragraphs:

"(4) COVERED MENTOR.—The term 'covered mentor' means a mentor that enters into an agreement under this Act, or under any mentor-protege program approved under subsection (b)(1), with a covered protege.

"(5) COVERED PROTEGE.—The term 'covered protege' means a protege of a covered mentor that is a Puerto Rico business.".

(e) ADDITIONAL MENTOR-PROTEGE RELATIONSHIPS FOR PROTEGE FIRMS THAT ARE PUERTO RICO BUSINESSES.—Section 45(b)(3)(A) of the Small Business Act (15 U.S.C. 657r(b)(3)(A)) is amended by inserting ", except that such restrictions shall not apply to up to 2 mentor-protege relationships if such relationships are between a covered protege and covered mentor" after "each participant".

SEC. 862. OPPORTUNITIES FOR EMPLOYEE-OWNED BUSINESS CONCERNS THROUGH SMALL BUSINESS ADMINISTRATION LOAN PROGRAMS.

15 USC 648 note.

(a) DEFINITIONS.—In this Act—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "cooperative" means an entity that is determined to be a cooperative by the Administrator, in accordance with applicable Federal and State laws and regulations;

(3) the term "employee-owned business concern" means—

(A) a cooperative; and

(B) a qualified employee trust;

(4) the terms "qualified employee trust" and "small business concern" have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632); and

(5) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

(b) EXPANSION OF 7(A) LOANS.—

(1) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(A) in paragraph (15)—

(i) in subparagraph (A)—

(I) by striking "this subsection to qualified employee trusts" and inserting "this subsection—

"(i) to qualified employee trusts";

(II) in clause (i), as so designated—

(aa) by inserting ", and for any transaction costs associated with purchasing," after "purchasing";

(bb) by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

"(ii) to a small business concern under a plan approved by the Administrator, if the proceeds from the loan are only used to make a loan to a qualified employee trust, and for any transaction costs associated with making that

loan, that results in the qualified employee trust owning at least 51 percent of the small business concern.";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "or by the small business concern" after "the trustee of such trust";

(II) in clause (ii), by striking "and" at the end;

(III) in clause (iii), by striking the period at the end and inserting ", and"; and

(IV) by adding at the end the following:

"(iv) with respect to a loan made to a trust, or to a cooperative in accordance with paragraph (35)—

"(I) a seller of the small business concern may remain involved as an officer, director, or key employee of the small business concern when a qualified employee trust or cooperative has acquired 100 percent of ownership of the small business concern; and

"(II) any seller of the small business concern who remains as an owner of the small business concern, regardless of the percentage of ownership interest, shall be required to provide a personal guarantee by the Administration."; and

(iii) by adding at the end the following:

"(F) A small business concern that makes a loan to a qualified employee trust under subparagraph (A)(ii) is not required to contain the same terms and conditions as the loan made to the small business concern that is guaranteed by the Administration under such subparagraph.

"(G) With respect to a loan made to a qualified employee trust under this paragraph, or to a cooperative in accordance with paragraph (35), the Administrator may, as deemed appropriate, elect to not require any mandatory equity to be provided by the qualified employee trust or cooperative to make the loan."; and

(B) by adding at the end the following:

"(35) LOANS TO COOPERATIVES.—

"(A) DEFINITION.—In this paragraph, the term 'cooperative' means an entity that is determined to be a cooperative by the Administrator, in accordance with applicable Federal and State laws and regulation.

"(B) AUTHORITY.—The Administration shall guarantee loans made to a cooperative for the purpose described in paragraph (15).".

(2) DELEGATION OF AUTHORITY TO PREFERRED LENDERS.—Section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)) is amended by inserting ", including loans guaranteed under paragraph (15) or (35) of section 7(a)" after "deferred participation loans".

15 USC 648 note.

(c) SMALL BUSINESS INVESTMENT COMPANY PROGRAM OUTREACH.—The Administrator shall provide outreach and educational materials to companies licensed under section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)) to increase the use of funds to make investments in company transitions to employee-owned business concerns.

15 USC 648 note.

(d) SMALL BUSINESS MICROLOAN PROGRAM OUTREACH.—The Administrator shall provide outreach and educational materials

to intermediaries under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) to increase the use of funds to make loans to employee-owned business concerns, including transitions to employee-owned business concerns.

(e) SMALL BUSINESS DEVELOPMENT CENTER OUTREACH AND ASSISTANCE.— 15 USC 648 note.

(1) ESTABLISHMENT.—The Administrator shall establish a Small Business Employee Ownership and Cooperatives Promotion Program to offer technical assistance and training on the transition to employee ownership through cooperatives and qualified employee trusts.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the program established under subsection (a), the Administrator shall enter into agreements with small business development centers under which the centers shall—

(i) provide access to information and resources on employee ownership through cooperatives or qualified employee trusts as a business succession strategy;

(ii) conduct training and educational activities; and

(iii) carry out the activities described in subparagraph (U) of section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)).

(B) ADDITIONAL SERVICES.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(i) in subparagraph (S), by striking "and" at the end;

(ii) in subparagraph (T), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(U) encouraging and assisting the provision of succession planning to small business concerns with a focus on transitioning to cooperatives, as defined in section 7(a)(35), and qualified employee trusts (collectively referred to in this subparagraph as 'employee-owned business concerns'), including by—

"(i) providing training to individuals to promote the successful management, governance, or operation of a business purchased by those individuals in the formation of an employee-owned business concern;

"(ii) assisting employee-owned business concerns that meet applicable size standards established under section 3(a) with education and technical assistance with respect to financing and contracting programs administered by the Administration;

"(iii) coordinating with lenders on conducting outreach on financing through programs administered by the Administration that may be used to support the transition of ownership to employees;

"(iv) supporting small business concerns in exploring or assessing the possibility of transitioning to an employee-owned business concern; and

"(v) coordinating with the cooperative development centers of the Department of Agriculture, the land grant extension network, the Manufacturing Extension Partnership, community development financial institutions, employee

ownership associations and service providers, and local, regional and national cooperative associations.".

(f) AMENDMENT TO REPORT TO CONGRESS ON STATUS OF EMPLOYEE-OWNED FIRMS.—Section 7(a)(15)(E) of the Small Business Act (15 U.S.C. 636(a)(15)(E)) is amended by striking "Administration." and inserting "Administration, which shall include—

"(i) the total number of loans made to employee-owned business concerns that were guaranteed by the Administrator under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696), including the number of loans made—

"(I) to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(II) to cooperatives;

"(ii) the total number of financings made to employee-owned business concerns by companies licensed under section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 696(c)), including the number of financings made—

"(I) to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(II) to cooperatives; and

"(iii) any outreach and educational activities conducted by the Administration with respect to employee-owned business concerns.".

(g) REPORT ON COOPERATIVE LENDING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that cooperatives have a unique business structure and are unable to access the lending programs of the Administration effectively due to loan guarantee requirements that are incompatible with the business structure of cooperatives.

(2) STUDY AND REPORT.—

(A) STUDY.—The Administrator, in coordination with lenders, stakeholders, and Federal agencies, shall study and recommend practical alternatives for cooperatives that will satisfy the loan guarantee requirements of the Administration.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress the recommendations developed under paragraph (1) and a plan to implement such recommendations.

(h) AMENDMENT TO DEFINITION OF QUALIFIED EMPLOYEE TRUST.—Section 3(c)(2)(A)(ii) of the Small Business Act (15 U.S.C. 632(c)(2)(A)(ii)) is amended to read as follows:

"(ii) which provides that each participant is entitled to direct the plan trustee as to the manner of how to vote the qualified employer securities (as defined in section 4975(e)(8) of the Internal Revenue Code of 1986), which are allocated to the account of such participant with respect to a corporate matter which (by law or charter) must be decided by a vote conducted in accordance with section 409(e) of the Internal Revenue Code of 1986; and".

Subtitle G—Provisions Related to Software and Technical Data Matters

SEC. 865. VALIDATION OF PROPRIETARY AND TECHNICAL DATA.

Section 2321(f) of title 10, United States Code, is amended—

(1) by striking "(1) Except as provided in paragraph (2), in" and inserting "In"; and

(2) by striking paragraph (2).

SEC. 866. CONTINUATION OF TECHNICAL DATA RIGHTS DURING CHALLENGES.

(a) EXERCISE OF RIGHTS IN TECHNICAL DATA BEFORE FINAL DISPOSITION OF A CHALLENGE.—Section 2321(i) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "PRIOR TO AND" after "RIGHTS AND LIABILITY";

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) Upon filing of a suit or appeal under the contract dispute statute by a contractor or subcontractor in an agency Board of Contract Appeals or United States Claims Court related to a decision made by a contracting officer under subsection (g), the Secretary of Defense, or a Secretary of a military department for programs for which milestone decision authority has been delegated, on a nondelegable basis, may, following notice to the contractor or subcontractor, authorize use of the technical data in dispute if the Secretary determines in writing that compelling mission readiness requirements will not permit awaiting the final decision by the agency Board of Contract Appeals or the United States Claims Court.".

(b) REVISION OF THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Federal Acquisition Regulation Supplement, by interim or final rule, to implement the amendments made by subsection (a). 10 USC 2321 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and the revision required by subsection (b) shall become effective on the date of publication of the interim or final rule (whichever is earlier) required by subsection (b) and shall apply to solicitations issued by Department of Defense contracting activities after that date unless the senior procurement executive of the agency concerned grants a waiver on a case-by-case basis. 10 USC 2321 note.

(d) GUIDANCE ON TECHNICAL DATA RIGHT NEGOTIATION.—The Secretary of Defense shall develop policies on the negotiation of technical data rights for noncommercial software that reflects the Department of Defense's needs for technical data rights in the event of a protest or replacement of incumbent contractor to meet defense requirements in the most cost effective manner. 10 USC 2321 note.

SEC. 867. REQUIREMENT FOR NEGOTIATION OF TECHNICAL DATA PRICE BEFORE SUSTAINMENT OF MAJOR WEAPON SYSTEMS.

Section 2439 of title 10, United States Code, is amended—

(1) by inserting ", to the maximum extent practicable," after "shall ensure";

(2) by striking "or for the production of a major weapon system" and inserting "production of a major weapon system, or sustainment of a major weapon system";

(3) by striking "or production" and inserting ", production, or sustainment"; and

(4) in the heading, by striking "**or production**" and inserting "**, production, or sustainment**".

10 USC 2223a note.

SEC. 868. IMPLEMENTATION OF RECOMMENDATIONS OF THE FINAL REPORT OF THE DEFENSE SCIENCE BOARD TASK FORCE ON THE DESIGN AND ACQUISITION OF SOFTWARE FOR DEFENSE SYSTEMS.

(a) IMPLEMENTATION REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall, except as provided under subsection (b), commence implementation of each recommendation submitted as part of the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems.

(b) EXCEPTIONS.—

(1) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described under subsection (a) later than the date required under such subsection if the Secretary provides the congressional defense committees with a specific justification for the delay in implementation of such recommendation.

(2) NONIMPLEMENTATION.—The Secretary of Defense may opt not to implement a recommendation described under subsection (a) if the Secretary provides to the congressional defense committees—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of the alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(c) IMPLEMENTATION PLANS.—For each recommendation that the Secretary is implementing, or that the Secretary plans to implement, the Secretary shall submit to the congressional defense committees—

(1) a summary of actions that have been taken to implement the recommendation; and

(2) a schedule, with specific milestones, for completing the implementation of the recommendation.

10 USC 2223a note.

SEC. 869. IMPLEMENTATION OF PILOT PROGRAM TO USE AGILE OR ITERATIVE DEVELOPMENT METHODS REQUIRED UNDER SECTION 873 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall include the following systems in the pilot program to use agile or iterative development methods pursuant to section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223a note):

(1) Defense Retired and Annuitant Pay System 2 (DRAS2), Defense Logistics Agency.

(2) Army Integrated Air and Missile Defense (AIAMD), Army.

(3) Army Contract Writing System (ACWS), Army.

(4) Defense Enterprise Accounting and Management System (DEAMS) Inc2, Air Force.

(5) Item Master, Air Force.

(b) ADDITIONS TO LIST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall identify three additional systems for participation in the pilot program pursuant to section 873 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223a note) and notify the congressional defense committees of the additions.

(c) COMMUNITY OF PRACTICE ADVISING ON AGILE OR ITERATIVE DEVELOPMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall establish a Community of Practice on agile or iterative methods so that programs that have been incorporating agile or iterative methods can share with programs participating in the pilot the lessons learned, best practices, and recommendations for improvements to acquisition and supporting processes. The Service Acquisition Executives of the military departments shall send representation from the following programs, which have reported using agile or iterative methods:

(1) Air and Space Operations Center (AOC).

(2) Command Control Battle Management and Communications (C2BMC).

(3) The family of Distributed Common Ground Systems.

(4) The family of Global Command and Control Systems.

(5) Navy Personnel and Pay (NP2).

(6) Other programs and activities as appropriate.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on the status of the pilot program and each system participating in the pilot. The report shall include the following elements:

(1) A description of how cost and schedule estimates in support of the program are being conducted and using what methods.

(2) The contracting strategy and types of contracts that will be used in executing the program.

(3) A description of how intellectual property ownership issues associated with software applications developed with agile or iterative methods will be addressed to ensure future sustainment, maintenance, and upgrades to software applications after the applications are fielded.

(4) A description of the tools and software applications that are expected to be developed for the program and the costs and cost categories associated with each.

(5) A description of challenges the program has faced in realigning the program to use agile or iterative methods.

(e) MODIFICATIONS TO PILOT PROGRAM SELECTION CRITERIA.—Section 873(a)(3)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223a note) is amended—

(1) by inserting "or subsystems" after "In selecting systems";

(2) in clause (i)(II), by striking "; and" and inserting "; or"; and

(3) in clause (ii)(II), by striking "; and" and inserting "; or".

SEC. 870. REPORT ON REQUIRING ACCESS TO DIGITAL TECHNICAL DATA IN FUTURE ACQUISITIONS OF COMBAT, COMBAT SERVICE, AND COMBAT SUPPORT SYSTEMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of requiring access to digital technical data in all future acquisitions by the Department of Defense of combat, combat service, and combat support systems, including front-end negotiations for such access. Such report shall include a digital data standard for technical data for use by equipment manufacturers and the Department with regard to three-dimensional printed parts.

Subtitle H—Other Matters

SEC. 871. PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

(a) IN GENERAL.—Subchapter V of chapter 148 of title 10, United States Code, is amended by inserting after section 2533b the following new section:

10 USC 2533c.

"§ 2533c. Prohibition on acquisition of sensitive materials from non-allied foreign nations

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense may not—

"(1) procure any covered material melted or produced in any covered nation, or any end item that contains a covered material manufactured in any covered nation, except as provided by subsection (c); or

"(2) sell any covered material from the National Defense Stockpile, if the National Defense Stockpile Manager determines that such a sale is not in the national interests of the United States, to—

"(A) any covered nation; or

"(B) any third party that the Secretary reasonably believes is acting as a broker or agent for a covered nation or an entity in a covered nation.

"(b) APPLICABILITY.—Subsection (a) shall apply to prime contracts and subcontracts at any tier.

"(c) EXCEPTIONS.—Subsection (a) does not apply under the following circumstances:

"(1) If the Secretary of Defense determines that covered materials of satisfactory quality and quantity, in the required form, cannot be procured as and when needed at a reasonable price.

"(2) To the procurement of an end item described in subsection (a)(1) or the sale of any covered material described under subsection (a)(1) by the Secretary outside of the United States for use outside of the United States.

"(3) To the purchase by the Secretary of an end item containing a covered material that is—

"(A) a commercially available off-the-shelf item (as defined in section 104 of title 41), other than—

"(i) a commercially available off-the-shelf item that is 50 percent or more tungsten by weight; or

"(ii) a mill product, such as bar, billet, slab, wire, cube, sphere, block, blank, plate, or sheet, that has not been incorporated into an end item, subsystem, assembly, or component;

"(B) an electronic device, unless the Secretary of Defense, upon the recommendation of the Strategic Materials Protection Board pursuant to section 187 of this title, determines that the domestic availability of a particular electronic device is critical to national security; or

"(C) a neodymium-iron-boron magnet manufactured from recycled material if the milling of the recycled material and sintering of the final magnet takes place in the United States.

"(d) DEFINITIONS.—In this section:

"(1) COVERED MATERIAL.—The term 'covered material' means—

"(A) samarium-cobalt magnets;

"(B) neodymium-iron-boron magnets;

"(C) tungsten metal powder; and

"(D) tungsten heavy alloy or any finished or semi-finished component containing tungsten heavy alloy.

"(2) COVERED NATION.—The term 'covered nation' means—

"(A) the Democratic People's Republic of North Korea;

"(B) the People's Republic of China;

"(C) the Russian Federation; and

"(D) the Islamic Republic of Iran.

"(3) END ITEM.—The term 'end item' has the meaning given in section 2533b(m) of this title.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such subchapter is amended by inserting after the item relating to section 2533b the following item:

10 USC prec. 2531.

"2533c. Prohibition on acquisition of sensitive materials from non-allied foreign nations.".

SEC. 872. EXTENSION OF PROHIBITION ON PROVIDING FUNDS TO THE ENEMY.

Section 841(n) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3455; 10 U.S.C. 2302 note) is amended by striking "December 31, 2019" and inserting "December 31, 2021".

SEC. 873. DATA, POLICY, AND REPORTING ON THE USE OF OTHER TRANSACTIONS.

10 USC 2371 note.

(a) COLLECTION AND STORAGE.—The Service Acquisition Executives of the military departments shall collect data on the use of other transactions by their respective departments, and the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment shall collect data on all other use by the Department of Defense of other transactions, including use by the Defense Agencies. The data shall be stored in a manner that allows the Assistant Secretary of Defense for Acquisition and other appropriate officials access at any time.

(b) USE OF DATA.—The Assistant Secretary of Defense for Acquisition shall analyze and leverage the data collected under subsection (a) to update policy and guidance related to the use of other transactions.

(c) REPORT REQUIRED.—Not later than December 31, 2018, and each December 31 thereafter through December 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report covering the preceding fiscal year on the Department's use of other transaction authority. Each report shall summarize and display the data collected under subsection (a) on the nature and extent of the use of the authority, including a summary and detail showing—

(1) organizations involved, quantities, amounts of payments, and purpose, description, and status of projects; and

(2) highlights of successes and challenges using the authority, including case examples.

SEC. 874. STANDARDIZATION OF FORMATTING AND PUBLIC ACCESSIBILITY OF DEPARTMENT OF DEFENSE REPORTS TO CONGRESS.

(a) REPORT FORMATTING PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall provide a plan to the congressional defense committees on activities to standardize the formatting of unclassified Department of Defense reports required by Congress. Such plan shall include—

(1) a description of the method for ensuring that reports are created in a platform-independent, machine-readable format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications; and

(2) a cost estimate and schedule for implementation of the activities under paragraph (1), with a completion date of not later than March 1, 2020.

(b) ONLINE REPOSITORY PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall provide a briefing to the congressional defense committees on the feasibility of developing a publically accessible online repository of unclassified reports of the Department of Defense issued since January 1, 2010. Such briefing shall include—

(1) protocols for inclusion of unclassified reports that, as determined by the Secretary, may not be appropriate for public release in their entirety; and

(2) a cost estimate and schedule for implementation and maintenance of the online repository.

SEC. 875. PROMOTION OF THE USE OF GOVERNMENT-WIDE AND OTHER INTERAGENCY CONTRACTS.

Section 865(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 31 U.S.C. 1535 note) is amended—

(1) by striking "that all interagency acquisitions—" and inserting "that—";

(2) in subparagraph (A)—

(A) by inserting "all interagency assisted acquisitions" before "include"; and

(B) by inserting "and" after the semicolon;

(3) by striking subparagraph (B); and

(4) by redesignating subparagraph (C) as subparagraph (B), and in that subparagraph by inserting "all interagency assisted acquisitions" before "include".

SEC. 876. INCREASING COMPETITION AT THE TASK ORDER LEVEL.

Section 3306(c) of title 41, United States Code, is amended—

(1) in paragraph (1), by inserting "except as provided in paragraph (3)," in subparagraphs (B) and (C) after the subparagraph designation; and

(2) by adding at the end the following new paragraphs:

"(3) EXCEPTIONS FOR CERTAIN INDEFINITE DELIVERY, INDEFINITE QUANTITY MULTIPLE-AWARD CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS FOR SERVICES ACQUIRED ON AN HOURLY RATE.—If an executive agency issues a solicitation for one or more contracts for services to be acquired on an hourly rate basis under the authority of sections 4103 and 4106 of this title or section 152(3) of this title and section 501(b) of title 40 and the executive agency intends to make a contract award to each qualifying offeror and the contract or contracts will feature individually competed task or delivery orders based on hourly rates—

"(A) the contracting officer need not consider price as an evaluation factor for contract award; and

"(B) if, pursuant to subparagraph (A), price is not considered as an evaluation factor for contract award, cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to sections 4106(c) and 152(3) of this title of any task or delivery order under any contract resulting from the solicitation.

"(4) DEFINITION.—In paragraph (3), the term 'qualifying offeror' means an offeror that—

"(A) is determined to be a responsible source;

"(B) submits a proposal that conforms to the requirements of the solicitation;

"(C) meets all technical requirements; and

"(D) is otherwise eligible for award.".

SEC. 877. INDIVIDUAL ACQUISITION FOR COMMERCIAL LEASING SERVICES.

41 USC 3302 note.

(a) IN GENERAL.—For the purpose of section 863 of Public Law 110–417, an individual acquisition for commercial leasing services shall not be construed as a purchase of property or services if such individual acquisition is made on a no cost basis and pursuant to a multiple award contract awarded in accordance with requirements for full and open competition.

(b) AUDIT.—The Comptroller General of the United States shall—

(1) conduct biennial audits of the General Services Administration National Broker Contract to determine—

(A) whether brokers selected under the program provide lower lease rental rates than rates negotiated by General Services Administration staff; and

(B) the impact of the program on the length of time of lease procurements;

(2) conduct a review of whether the application of section 863 of Public Law 110–417 to acquisitions for commercial

leasing services resulted in rental cost savings for the Government during the years in which such section was applicable prior to the date of enactment of this section; and

(3) not later than September 30, 2019, and September 30, 2021, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(A) summarizes the results of the audit and review required by paragraphs (1) and (2);

(B) includes an assessment of whether the National Broker Contract provides greater efficiencies and savings than the use of General Services Administration staff; and

(C) includes recommendations for improving General Services Administration lease procurements.

(c) TERMINATION.—This section shall terminate on December 31, 2022.

41 USC 1122 note.

SEC. 878. PROCUREMENT ADMINISTRATIVE LEAD TIME DEFINITION AND PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop, make available for public comment, and finalize—

(1) a definition of the term "Procurement administrative lead time" or "PALT", to be applied Government-wide, that describes the amount of time from the date on which a solicitation for a contract or task order is issued to the date of an initial award of the contract or task order; and

(2) a plan for measuring and publicly reporting data on PALT for Federal Government contracts and task orders in amounts greater than the simplified acquisition threshold.

(b) REQUIREMENT FOR DEFINITION.—Unless the Administrator determines otherwise, the amount of time in the definition of PALT developed under subsection (a) shall—

(1) begin on the date on which an initial solicitation is issued by a Federal department or agency for a contract or task order; and

(2) end on the date of the award of the contract or task order.

(c) COORDINATION.—In developing the definition of PALT, the Administrator shall coordinate with—

(1) the senior procurement executives of Federal agencies;

(2) the Secretary of Defense; and

(3) the Administrator of the General Services Administration on modifying the existing data system of the Federal Government to determine the date on which the initial solicitation is issued.

(d) USE OF EXISTING PROCUREMENT DATA SYSTEM.—In developing the plan for measuring and publicly reporting data on PALT required by subsection (a), the Administrator shall, to the maximum extent practicable, rely on the information contained in the Federal procurement data system established pursuant to section 1122(a)(4) of title 41, United States Code, including any modifications to that system.

SEC. 879. BRIEFING ON FUNDING OF PRODUCT SUPPORT STRATEGIES.

(a) BRIEFING REQUIRED.—For each of the fiscal years 2020, 2021, and 2022, the Secretary of Defense shall provide an annotated

briefing to the congressional defense committees regarding the funding for product support strategies for major weapon systems.

(b) CONTENTS.—The briefing shall include for each major weapon system—

(1) a current estimate of the total funding required for the product support strategy for specific costs of the weapons system over its expected lifecycle;

(2) a current estimate of the funding required for the product support strategy per year over the future years defense program for the specific product support costs of the weapon system;

(3) a summary of the funding requested for the product support strategy in the future years defense program per year specifically for the weapon system;

(4) a summary of the amounts expended to support costs specific to the weapon system as described in the product support strategy of the weapon system during the prior fiscal year; and

(5) a summary of improvements made to data collection and analysis capabilities of the Department of Defense, including in the military services, to improve the analysis and cost estimation of lifecycle costs, improve the analysis and identification of cost drivers, reduce lifecycle cost variance, identify common and shared costs for multiple weapons systems, and isolate the lifecycle costs attributable to specific individual weapons systems.

SEC. 880. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

41 USC 3701 note.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States Government to avoid using lowest price technically acceptable source selection criteria in circumstances that would deny the Government the benefits of cost and technical tradeoffs in the source selection process.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that, for solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, lowest price technically acceptable source selection criteria are used only in situations in which—

(1) an executive agency is able to comprehensively and clearly describe the minimum requirements expressed in terms of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the executive agency would realize no, or minimal, value from a contract proposal exceeding the minimum technical or performance requirements set forth in the request for proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(4) the executive agency has a high degree of confidence that a review of technical proposals of offerors other than the lowest bidder would not result in the identification of factors that could provide value or benefit to the executive agency;

(5) the contracting officer has included a justification for the use of a lowest price technically acceptable evaluation methodology in the contract file; and

(6) the executive agency has determined that the lowest price reflects full life-cycle costs, including for operations and support.

(c) AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN CERTAIN PROCUREMENTS.—To the maximum extent practicable, the use of lowest price technically acceptable source selection criteria shall be avoided in the case of a procurement that is predominately for the acquisition of—

(1) information technology services, cybersecurity services, systems engineering and technical assistance services, advanced electronic testing, audit or audit readiness services, health care services and records, telecommunications devices and services, or other knowledge-based professional services;

(2) personal protective equipment; or

(3) knowledge-based training or logistics services in contingency operations or other operations outside the United States, including in Afghanistan or Iraq.

(d) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for two years, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the number of instances in which lowest price technically acceptable source selection criteria is used for a contract exceeding $5,000,000, including an explanation of how the situations listed in subsection (b) were considered in making a determination to use lowest price technically acceptable source selection criteria.

(e) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 102 of title 40, United States Code, except that the term does not include the Department of Defense.

(2) CONTINGENCY OPERATION.—The term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 881. PERMANENT SUPPLY CHAIN RISK MANAGEMENT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—

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

10 USC 2339a.

"§ 2339a. Requirements for information relating to supply chain risk

"(a) AUTHORITY.—Subject to subsection (b), the head of a covered agency may—

"(1) carry out a covered procurement action; and

"(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

"(b) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (a) only after—

"(1) obtaining a joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, on the basis of a risk assessment by the Under Secretary of Defense for Intelligence, that there is a significant supply chain risk to a covered system;

"(2) making a determination in writing, in unclassified or classified form, with the concurrence of the Under Secretary of Defense for Acquisition and Sustainment, that—

"(A) use of the authority in subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

"(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

"(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (a)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information; and

"(3) providing a classified or unclassified notice of the determination made under paragraph (2) to the appropriate congressional committees, which notice shall include—

"(A) the information required by section 2304(f)(3) of this title;

"(B) the joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense as specified in paragraph (1);

"(C) a summary of the risk assessment by the Under Secretary of Defense for Intelligence that serves as the basis for the joint recommendation specified in paragraph (1); and

"(D) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

"(c) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (a) or the responsibility to make a determination under subsection (b) to an official below the level of the service acquisition executive for the agency concerned.

"(d) LIMITATION ON DISCLOSURE.—If the head of a covered agency has exercised the authority provided in subsection (a)(2) to limit disclosure of information—

"(1) no action undertaken by the agency head under such authority shall be subject to review in a bid protest before the Government Accountability Office or in any Federal court; and

"(2) the agency head shall—

"(A) notify appropriate parties of a covered procurement action and the basis for such action only to the

extent necessary to effectuate the covered procurement action;

"(B) notify other Department of Defense components or other Federal agencies responsible for procurements that may be subject to the same or similar supply chain risk, in a manner and to the extent consistent with the requirements of national security; and

"(C) ensure the confidentiality of any such notifications.

"(e) DEFINITIONS.—In this section:

"(1) HEAD OF A COVERED AGENCY.—The term 'head of a covered agency' means each of the following:

"(A) The Secretary of Defense.

"(B) The Secretary of the Army.

"(C) The Secretary of the Navy.

"(D) The Secretary of the Air Force.

"(2) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

"(A) The exclusion of a source that fails to meet qualification standards established in accordance with the requirements of section 2319 of this title for the purpose of reducing supply chain risk in the acquisition of covered systems.

"(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

"(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

"(3) COVERED PROCUREMENT.—The term 'covered procurement' means—

"(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 2305(a)(1)(C)(ii) of this title, or an evaluation factor, as provided in section 2305(a)(2)(A) of this title, relating to supply chain risk;

"(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 2304c(d)(3) of this title, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

"(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

"(4) SUPPLY CHAIN RISK.—The term 'supply chain risk' means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

"(5) COVERED SYSTEM.—The term 'covered system' means a national security system, as that term is defined in section 3542(b) of title 44.

"(6) COVERED ITEM OF SUPPLY.—The term 'covered item of supply' means an item of information technology (as that term is defined in section 11101 of title 40) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

"(7) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) in the case of a covered system included in the National Intelligence Program or the Military Intelligence Program, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the congressional defense committees; and

"(B) in the case of a covered system not otherwise included in subparagraph (A), the congressional defense committees.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2339 the following new item: 10 USC prec. 2301.

"2339a. Requirements for information relating to supply chain risk.".

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note) is hereby repealed.

SEC. 882. REVIEW OF MARKET RESEARCH.

Not later than February 1, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Under Secretary of Defense for Research and Engineering, shall review the guidance of the Department of Defense with regard to those portions of the Federal Acquisition Regulation regarding commercially available market research, including sections 10.001(a)(2)(vi) and 10.002(b), and market research practices. The review shall, at a minimum—

(1) assess the impact that conducting market research has on the Department's resources;

(2) ensure that commercially available market research is considered among other sources of research, as appropriate, and reviewed prior to developing new requirements documents for an acquisition by the Department;

(3) assess the extent to which the legal or regulatory definitions of market research should be made consistent, revised, or expanded;

(4) assess the extent to which guidance pertaining to market research should be revised or expanded; and

(5) evaluate best practices in market research in public and private organizations, including use of information technologies to support such research.

SEC. 883. ESTABLISHMENT OF INTEGRATED REVIEW TEAM ON DEFENSE ACQUISITION INDUSTRY-GOVERNMENT EXCHANGE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Business Board to convene an integrated review team (in this section referred to as the "exchange team") to undertake a study on facilitating the exchange of defense industry personnel on term assignments within the Department of Defense.

(2) MEMBER PARTICIPATION.—

(A) DEFENSE BUSINESS BOARD.—The Chairman of the Defense Business Board shall select six members from the membership of the Board to participate on the exchange team, including one member to lead the team.

(B) DEFENSE INNOVATION BOARD.—The Chairman of the Defense Innovation Board shall select five appropriate members from the membership of their Board to participate on the exchange team.

(C) DEFENSE SCIENCE BOARD.—The Chairman of the Defense Science Board shall select five appropriate members from the membership of their Board to participate on the exchange team.

(D) REQUIRED EXPERIENCE.—The Chairmen referred to in subparagraphs (A) through (C) shall ensure that members have significant legislative or regulatory expertise and reflect diverse experiences in the public and private sector.

(3) SCOPE.—The study conducted pursuant to paragraph (1) shall—

(A) review legal, ethical, and financial disclosure requirements for industry-government exchanges;

(B) review existing or previous industry-government exchange programs such as the Department of State's Franklin Fellows Program and the Information Technology Exchange Program;

(C) review how the military departments address legal, ethical, and financial requirements for members of the reserve components who also maintain civilian employment in the defense industry;

(D) produce specific and detailed recommendations for any legislation, including the amendment or repeal of regulations, as well as non-legislative approaches, that the members of the exchange team conducting the study determine necessary to—

(i) reduce barriers to industry-government exchange to encourage the flow of acquisition best practices;

(ii) ensure continuing financial and ethical integrity; and

(iii) protect the best interests of the Department of Defense; and

(E) produce such additional recommendations for legislation as the members consider appropriate.

(4) ACCESS TO INFORMATION.—The Secretary of Defense shall provide the exchange team with timely access to appropriate information, data, resources, and analysis so that the exchange team may conduct a thorough and independent analysis as required under this subsection.

(b) BRIEFING.—Not later than December 31, 2018, the exchange team shall provide an interim briefing to the congressional defense committees on the study conducted under subsection (a)

(c) FINAL REPORT.—Not later than March 1, 2019, the exchange team shall submit a final report on the study to the Under Secretary of Defense for Acquisition and Sustainment and the congressional defense committees.

SEC. 884. EXCHANGE PROGRAM FOR ACQUISITION WORKFORCE EMPLOYEES.

10 USC 1701 note.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense shall establish an exchange program under which the Under Secretary of Defense for Acquisition and Sustainment shall arrange for the temporary assignment of civilian personnel in the Department of Defense acquisition workforce.

(b) PURPOSES.—The purposes of the exchange program established pursuant to subsection (a) are—

(1) to familiarize personnel from the acquisition workforce with the equities, priorities, processes, culture, and workforce of the acquisition-related defense agencies;

(2) to enable participants in the exchange program to return the expertise gained through their exchanges to their original organizations; and

(3) to improve communication between and integration of the organizations that support the policy, implementation, and oversight of defense acquisition through lasting relationships.

(c) PARTICIPANTS.—

(1) NUMBER OF PARTICIPANTS.—The Under Secretary shall select not less than 10 and no more than 20 participants per year for participation in the exchange program established under subsection (a).

(2) CRITERIA FOR SELECTION.—The Under Secretary shall select participants for the exchange program established under subsection (a) from among mid-career employees and based on—

(A) the qualifications and desire to participate in the program of the employee; and

(B) the technical needs and capacities of the acquisition workforce, as applicable.

(d) TERMS.—Exchanges pursuant to the exchange program established under subsection (a) shall be for terms of one to two years, as determined and negotiated by the Under Secretary. The terms may begin and end on a rolling basis.

(e) GUIDANCE AND IMPLEMENTATION.—

(1) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall develop and submit to the congressional defense committees interim guidance on the form and contours of the exchange program established under subsection (a).

(2) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall implement the guidance developed under paragraph (1).

SEC. 885. PROCESS TO LIMIT FOREIGN ACCESS TO TECHNOLOGY.

(a) PROCESS AND PROCEDURES.—The Secretary of Defense shall develop a process and procedures for limiting foreign access to technology through contracts, grants, cooperative agreements, or

other transactions, when such limitation is in the interest of national security.

(b) REPORT.—Not later than September 1, 2019, the Secretary shall submit to the congressional defense committees a report on the process and procedures developed pursuant to subsection (a). The report shall include the following elements:

(1) An assessment of the Department of Defense's ability through existing authorities to limit foreign access to technology through contracts, grants, cooperative agreements, or other transactions.

(2) An assessment of the Department's need to implement a process to limit foreign access to technology.

(3) Recommendations for penalties for violations of access, including intellectual property forfeiture.

(c) CONSIDERATIONS.—The process and procedures developed under subsection (a) shall be consistent with all existing law, including laws relating to trade agreements, individual protections, export controls, and the National Technology and Industrial Base (NTIB).

SEC. 886. PROCUREMENT OF TELECOMMUNICATIONS SUPPLIES FOR EXPERIMENTAL PURPOSES.

Section 2373(a) of title 10, United States Code, is amended by inserting "telecommunications," after "space-flight,".

SEC. 887. ACCESS BY DEVELOPMENTAL AND OPERATIONAL TESTING ACTIVITIES TO DATA REGARDING MODELING AND SIMULATION ACTIVITY.

(a) IN GENERAL.—Section 139(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Director shall have prompt access to all data regarding modeling and simulation activity proposed to be used by military departments and defense agencies in support of operational or live fire test and evaluation of military capabilities. This access shall include data associated with verification, validation, and accreditation activities.".

10 USC 139 note.

(b) ADDITIONAL TESTING DATA.—Developmental Test and Evaluation activities under the leadership of the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment shall have prompt access to all data regarding modeling and simulation activity proposed to be used by military departments and defense agencies in support of developmental test and evaluation of military capabilities. This access shall include data associated with verification, validation, and accreditation activities.

10 USC 2302 note.

SEC. 888. INSTRUCTION ON PILOT PROGRAM REGARDING EMPLOYMENT OF PERSONS WITH DISABILITIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update the Defense Federal Acquisition Regulatory Supplement to include an instruction on the pilot program regarding employment of persons with disabilities authorized under section 853 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2302 note).

SEC. 889. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT.

41 USC note prec. 3901.

(a) PROHIBITION ON USE OR PROCUREMENT.—(1) The head of an executive agency may not—

(A) procure or obtain or extend or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or

(B) enter into a contract (or extend or renew a contract) with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(2) Nothing in paragraph (1) shall be construed to—

(A) prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(B) cover telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(b) PROHIBITION ON LOAN AND GRANT FUNDS.—(1) The head of an executive agency may not obligate or expend loan or grant funds to procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain the equipment, services, or systems described in subsection (a).

(2) In implementing the prohibition in paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs, including the heads of the Federal Communications Commission, the Department of Agriculture, the Department of Homeland Security, the Small Business Administration, and the Department of Commerce, shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(3) Nothing in this subsection shall be construed to—

(A) prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(B) cover telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) EFFECTIVE DATES.—The prohibition under subsection (a)(1)(A) shall take effect one year after the date of the enactment of this Act, and the prohibitions under subsections (a)(1)(B) and (b)(1) shall take effect two years after the date of the enactment of this Act.

(d) WAIVER AUTHORITY.—

(1) EXECUTIVE AGENCIES.—The head of an executive agency may, on a one-time basis, waive the requirements under subsection (a) with respect to an entity that requests such a waiver. The waiver may be provided, for a period of not more than two years after the effective dates described in subsection (c), if the entity seeking the waiver—

(A) provides a compelling justification for the additional time to implement the requirements under such subsection, as determined by the head of the executive agency; and

(B) submits to the head of the executive agency, who shall not later than 30 days thereafter submit to the appropriate congressional committees, a full and complete laydown of the presences of covered telecommunications or video surveillance equipment or services in the entity's supply chain and a phase-out plan to eliminate such covered telecommunications or video surveillance equipment or services from the entity's systems.

(2) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence may provide a waiver on a date later than the effective dates described in subsection (c) if the Director determines the waiver is in the national security interests of the United States.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees'" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Oversight and Government Reform of the House of Representatives.

(2) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means the People's Republic of China.

(3) COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES.—The term "covered telecommunications equipment or services" means any of the following:

(A) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(B) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(C) Telecommunications or video surveillance services provided by such entities or using such equipment.

(D) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(4) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 133 of title 41, United States Code.

SEC. 890. PILOT PROGRAM TO ACCELERATE CONTRACTING AND PRICING PROCESSES.

10 USC 2306a note.

(a) IN GENERAL.—The Secretary of Defense shall establish a pilot program to reform and accelerate the contracting and pricing processes associated with contracts in excess of $50,000,000 by—

(1) basing price reasonableness determinations on actual cost and pricing data for purchases of the same or similar products for the Department of Defense; and

(2) reducing the cost and pricing data to be submitted in accordance with section 2306a of title 10, United States Code.

(b) LIMITATION.—The pilot program authorized under subsection (a) may include no more than ten contracts, and none of the selected contracts may be part of a major defense acquisition program (as that term is defined under section 2430 of title 10, United States Code).

(c) REPORT.—Not later than January 30, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the pilot program authorized under subsection (a) and an assessment of whether the program should be continued or expanded.

(d) SUNSET.—The authority to carry out the pilot program under this section shall expire on January 2, 2021.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Sec. 901. Report on allocation of former responsibilities of the Under Secretary of Defense for Acquisition, Technology, and Logistics.
Sec. 902. Modification of responsibilities of the Under Secretary of Defense for Policy.
Sec. 903. Clarification of responsibilities and duties of the Chief Information Officer of the Department of Defense.
Sec. 904. Technical corrections to Department of Defense Test Resource Management Center authority.
Sec. 905. Specification of certain duties of the Defense Technical Information Center.

Subtitle B—Organization and Management of Other Department of Defense Offices and Elements

Sec. 911. Comprehensive review of operational and administrative chains-of-command and functions of the Department of the Navy.
Sec. 912. Modification of certain responsibilities of the Chairman of the Joint Chiefs of Staff relating to joint force concept development.
Sec. 913. Clarification of certain risk assessment requirements of the Chairman of the Joint Chiefs of Staff in connection with the National Military Strategy.
Sec. 914. Assistant Secretary of Defense for Special Operations and Low Intensity Conflict review of United States Special Operations Command.
Sec. 915. Expansion of principal duties of Assistant Secretary of the Navy for Research, Development, and Acquisition.
Sec. 916. Qualifications for appointment as Deputy Chief Management Officer of a military department.
Sec. 917. Deadline for completion of full implementation of requirements in connection with organization of the Department of Defense for management of special operations forces and special operations.

Sec. 918. Cross-functional teams in the Department of Defense.
Sec. 919. Limitation on transfer of the Chemical, Biological, and Radiological Defense Division of the Navy.

Subtitle C—Comprehensive Pentagon Bureaucracy Reform and Reduction

Sec. 921. Authorities and responsibilities of the Chief Management Officer of the Department of Defense.
Sec. 922. Analysis of Department of Defense business management and operations datasets to promote savings and efficiencies.
Sec. 923. Periodic review of the Defense Agencies and Department of Defense Field Activities by the Chief Management Officer of the Department of Defense.
Sec. 924. Actions to increase the efficiency and transparency of the Defense Logistics Agency.
Sec. 925. Review of functions of Defense Contract Audit Agency and Defense Contract Management Agency.
Sec. 926. Review and improvement of the operations of the Defense Finance and Accounting Service.
Sec. 927. Assessment of chief information officer functions in connection with transition to enterprise-wide management of information technology and computing.
Sec. 928. Comptroller General of the United States report on cross-enterprise activities of the Inspectors General of the Department of Defense.
Sec. 929. General provisions.

Subtitle D—Other Department of Defense Organization and Management Matters

Sec. 931. Limitation on availability of funds for major headquarters activities of the Department of Defense.
Sec. 932. John S. McCain Strategic Defense Fellows Program.
Sec. 933. Performance of civilian functions by military personnel.
Sec. 934. Report on implementation of requirements on estimation and comparison of costs of civilian and military manpower and contract support for the Department of Defense.
Sec. 935. Review of foreign currency exchange rates and analysis of Foreign Currency Fluctuations, Defense appropriation.
Sec. 936. Responsibility for policy on civilian casualty matters.
Sec. 937. Additional matters in connection with background and security investigations for Department of Defense personnel.
Sec. 938. Research and development to advance capabilities of the Department of Defense in data integration and advanced analytics in connection with personnel security.

Subtitle E—Other Matters

Sec. 941. Trusted information provider program for national security positions and positions of trust.
Sec. 942. Report on expedited processing of security clearances for mission-critical positions.
Sec. 943. Report on clearance in person concept.

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. REPORT ON ALLOCATION OF FORMER RESPONSIBILITIES OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Not later than March 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A list of each provision of law, whether within or outside title 10, United States Code, in force as of the date of the report that, as of that date, assigns a duty, responsibility, or other requirement to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) For each duty, responsibility, or other requirement specified in a provision of law listed pursuant to paragraph

(1), the allocation of such duty, responsibility, or requirement within the Department of Defense, including—

(A) solely to the Under Secretary of Defense for Research and Engineering;

(B) solely to the Under Secretary of Defense for Acquisition and Sustainment;

(C) on a shared basis between the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment;

(D) solely to another official or organization of the Department;

(E) on a shared basis between other officials and organizations of the Department; or

(F) not allocated.

SEC. 902. MODIFICATION OF RESPONSIBILITIES OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) GENERAL RESPONSIBILITIES.—Paragraph (2) of section 134(b) of title 10, United States Code, is amended to read as follows:

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall be responsible and have overall direction and supervision for—

"(A) the development, implementation, and integration across the Department of Defense of the National Defense Strategy (as described by section 113 of this title) and strategic policy guidance for the activities of the Department of Defense across all geographic regions and military functions and domains;

"(B) the integration of the activities of the Department into the National Security Strategy of the United States;

"(C) the development of policy guidance for the preparation of campaign and contingency plans by the combatant commands, and for the review of such plans;

"(D) the preparation of policy guidance for the development of the global force posture; and

"(E) the development of the Defense Planning Guidance that guides the formulation of program and budget requests by the military departments and other elements of the Department.".

(b) RESPONSIBILITIES IN CONNECTION WITH JOINT FORCE CAPABILITIES AND READINESS.—Such section is further amended by adding at the end the following new paragraph:

"(5) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall coordinate with the Chairman of the Joint Chiefs of Staff and the Director of Cost Assessment and Program Evaluation to—

"(A) develop planning scenarios that describe the present and future strategic and operational environments by which to assess joint force capabilities and readiness; and

"(B) develop specific objectives that the joint force should be ready to achieve, and conduct assessments of the capability (in terms of both capacity and readiness) of the joint force to achieve such objectives.".

SEC. 903. CLARIFICATION OF RESPONSIBILITIES AND DUTIES OF THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.

Section 142(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting "(other than with respect to business systems and management)" after "sections 3506(a)(2)";

(2) in subparagraph (B), by striking "section 11315 of title 40" and inserting "sections 11315 and 11319 of title 40 (other than with respect to business systems and management)"; and

(3) in subparagraph (C), by striking "sections 2222, 2223(a), and 2224 of this title" and inserting "sections 2223(a) (other than with respect to business systems and management) and 2224 of this title".

SEC. 904. TECHNICAL CORRECTIONS TO DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER AUTHORITY.

Section 196 of title 10, United States Code, is amended in subsections (c)(1)(B) and (g) by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under Secretary of Defense for Research and Engineering".

10 USC 2364 note.

SEC. 905. SPECIFICATION OF CERTAIN DUTIES OF THE DEFENSE TECHNICAL INFORMATION CENTER.

(a) IN GENERAL.—In addition to any other duties specified for the Defense Technical Information Center by law, regulation, or Department of Defense directive or instruction, the duties of the Center shall include the following:

(1) To execute the Global Research Watch Program under section 2365 of title 10, United States Code.

(2) To develop and maintain datasets and other data repositories on research and engineering activities being conducted within the Department.

(b) ACTION PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan of action for the commencement by the Defense Technical Information Center of the duties specified in subsection (a).

Subtitle B—Organization and Management of Other Department of Defense Offices and Elements

SEC. 911. COMPREHENSIVE REVIEW OF OPERATIONAL AND ADMINISTRATIVE CHAINS-OF-COMMAND AND FUNCTIONS OF THE DEPARTMENT OF THE NAVY.

(a) IN GENERAL.—The Secretary of the Navy shall conduct a comprehensive review of the operational and administrative chains-of-command and functions of the Department of the Navy.

(b) ELEMENTS.—In conducting the review required by subsection (a), the Secretary shall consider options to do each of the following:

(1) Increase visibility of unit-level readiness at senior levels.

(2) Reduce so-called "double-hatting" and "triple-hatting" commanders.

(3) Clarify organizations responsible and accountable for training and certification at the unit, group, and fleet level.

(4) Simplify reporting requirements applicable to commanding officers.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the following:

(A) The results of the review, including any findings of the Secretary as a result of the review.

(B) Any organizational changes in operational or administrative chains-of-command or functions of the Department undertaken or to be undertaken by the Secretary in light of the review.

(C) Any recommendations for legislative or administration action with respect to the operational or administrative chains-of-command or functions of the Department the Secretary considers appropriate in light of the review.

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

SEC. 912. MODIFICATION OF CERTAIN RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO JOINT FORCE CONCEPT DEVELOPMENT.

Subparagraph (D) of section 153(a)(6) of title 10, United States Code, is amended to read as follows:

"(D) formulating policies for development and experimentation on both urgent and long-term concepts for joint force employment, including establishment of a process within the Joint Staff for analyzing and prioritizing gaps in capabilities that could potentially be addressed by joint concept development using existing or modified joint force capabilities;".

SEC. 913. CLARIFICATION OF CERTAIN RISK ASSESSMENT REQUIREMENTS OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF IN CONNECTION WITH THE NATIONAL MILITARY STRATEGY.

Section 153(b) of title 10, United States Code, is amended—

(1) in paragraph (1)(D)(iii), by striking "military strategic and operational risks" and inserting "military risk"; and

(2) in paragraph (2)(B)(ii), by striking "military strategic and operational risks to United States interests and the military strategic and operational risks in executing the National Military Strategy (or update)" and inserting "military strategic risks to United States interests and military risks in executing the National Military Strategy (or update)".

SEC. 914. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT REVIEW OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) REVIEW REQUIRED.—The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall, in coordination with the Commander of the United States Special Operations Command, conduct a comprehensive review of the United States Special Operations Command for purposes of ensuring that the institutional and operational capabilities of special operations forces are appropriate to counter anticipated future threats across the spectrum of conflict.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall include, at a minimum, the following:

(1) An assessment of the adequacy of special operations forces doctrine, organization, training, materiel, education, personnel, and facilities to implement the 2018 National Defense Strategy, and recommendations, if any, for modifications for that purpose.

(2) An assessment of the roles and responsibilities of special operations forces as assigned by law, Department of Defense guidance, or other formal designation, and recommendations, if any, for additions to or divestitures of such roles or responsibilities.

(3) An assessment of the adequacy of the processes through which the United States Special Operations Command evaluates and prioritizes the requirements at the geographic combatant commands for special operations forces and special operations-unique capabilities and makes recommendations on the allocation of special operations forces and special operations-unique capabilities to meet such requirements, and recommendations, if any, for modifications of such processes.

(4) Any other matters the Assistant Secretary considers appropriate.

(c) DEADLINES.—

(1) COMPLETION OF REVIEW.—The review required by subsection (a) shall be completed by not later than 270 days after the date of the enactment of this Act.

(2) REPORT.—Not later than 30 days after completion of the review, the Assistant Secretary shall submit to the congressional defense committees a report on the review, including the findings and any recommendations of the Assistant Secretary as a result of the review.

SEC. 915. EXPANSION OF PRINCIPAL DUTIES OF ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.

Section 5016(b)(4)(A) of title 10, United States Code, is amended by striking "and acquisition matters" and inserting "acquisition, and sustainment (including maintenance) matters".

10 USC 132a note.

SEC. 916. QUALIFICATIONS FOR APPOINTMENT AS DEPUTY CHIEF MANAGEMENT OFFICER OF A MILITARY DEPARTMENT.

(a) DEPARTMENT OF THE ARMY.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Army unless the individual—

(1) has significant experience in business operations or management in the public sector; or

(2) has significant experience managing an enterprise in the private sector.

(b) DEPARTMENT OF THE NAVY.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Navy unless the individual—

(1) has significant experience in business operations or management in the public sector; or

(2) has significant experience managing an enterprise in the private sector.

(c) DEPARTMENT OF THE AIR FORCE.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Air Force unless the individual—

(1) has significant experience in business operations or management in the public sector; or

(2) has significant experience managing an enterprise in the private sector.

SEC. 917. DEADLINE FOR COMPLETION OF FULL IMPLEMENTATION OF REQUIREMENTS IN CONNECTION WITH ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

10 USC 138 note.

The Secretary of Defense shall ensure that the implementation of section 922 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2354) and the amendments made by that section is fully complete by not later than 90 days after the date of the enactment of this Act.

SEC. 918. CROSS-FUNCTIONAL TEAMS IN THE DEPARTMENT OF DEFENSE.

10 USC 111 note.

(a) CROSS-FUNCTIONAL TEAM ON ELECTRONIC WARFARE.—

(1) IN GENERAL.—Among the cross-functional teams established by the Secretary of Defense pursuant to subsection (c) of section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2345; 10 U.S.C. 111 note) in support of the organizational strategy for the Department of Defense required by subsection (a) of that section, the Secretary shall establish a cross-functional team on electronic warfare.

(2) ESTABLISHMENT AND ACTIVITIES.—The cross-functional team established pursuant to paragraph (1) shall be established in accordance with subsection (c) of section 911 of the National Defense Authorization Act for Fiscal Year 2017, and shall be governed in its activities in accordance with the provisions of such subsection (c).

(3) DEADLINE FOR ESTABLISHMENT.—The cross-functional team required by paragraph (1) shall be established by not later than 90 days after the date of the enactment of this Act.

(b) ADDITIONAL CROSS-FUNCTIONAL TEAMS MATTERS.—

(1) CRITERIA FOR DISTINGUISHING AMONG CROSS-FUNCTIONAL TEAMS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue criteria that distinguish cross-functional teams under section 911 of the National Defense Authorization Act for Fiscal Year 2017 from other types of cross-functional working groups, committees, integrated product teams, and task forces of the Department.

(2) PRIMARY RESPONSIBILITY FOR IMPLEMENTATION OF TEAMS.—The Deputy Secretary of Defense shall establish or designate an office within the Department that shall have primary responsibility for implementing section 911 of the National Defense Authorization Act for Fiscal Year 2017.

SEC. 919. LIMITATION ON TRANSFER OF THE CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL DEFENSE DIVISION OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes the following:

(1) A detailed timeline for the proposed transfer of the Chemical, Biological, and Radiological Defense Division of the Navy from Virginia to another location.

(2) A full accounting of the costs associated with the proposed transfer, including—

(A) all personnel costs;

(B) all equipment costs; and

(C) all facility renovation costs for the existing facilities of the Division and the facilities to which the Division is proposed to be transferred.

(3) A risk assessment of the operational impact of the transfer during the transition period.

(4) An explanation of the operational benefit expected to be achieved by collocating all Chemical, Biological, and Radiological elements of the Department of the Navy.

(b) LIMITATION.—The Secretary may not transfer, or prepare to transfer, the Chemical, Biological, and Radiological Defense Division of the Navy from Dahlgren, Virginia, to another location until a period of 45 days has elapsed following the date on which the report is submitted to the congressional defense committees under subsection (a).

Subtitle C—Comprehensive Pentagon Bureaucracy Reform and Reduction

SEC. 921. AUTHORITIES AND RESPONSIBILITIES OF THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORITIES AND RESPONSIBILITIES.—

(1) IN GENERAL.—Subsection (b) of section 132a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) Serving as the official with principal responsibility in the Department for minimizing the duplication of efforts, maximizing efficiency and effectiveness, and establishing metrics for performance among and for all organizations and elements of the Department.".

(2) BUDGET AUTHORITY.—

(A) IN GENERAL.—Such section is further amended—

(i) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(ii) by inserting after subsection (b) the following new subsection (c):

"(c) BUDGET AUTHORITY.—(1)(A) Beginning in fiscal year 2020, the Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require the head of each Defense Agency and Department of Defense Field Activity specified by the Secretary for purposes of this subsection to transmit the proposed budget of such Agency or Activity for enterprise business operations for a fiscal year, and for the period covered by the future-years defense program submitted to Congress under section 221 of this title for that fiscal year, to the Chief Management Officer for review under subparagraph (B) at the same time the proposed budget is submitted to the Under Secretary of Defense (Comptroller).

"(B) The Chief Management Officer shall review each proposed budget transmitted under subparagraph (A) and, not later than January 31 of the year preceding the fiscal year for which the budget is proposed, shall submit to the Secretary a report containing the comments of the Chief Management Officer with respect to all such proposed budgets, together with the certification of the Chief Management Officer regarding whether each such proposed budget achieves the required level of efficiency and effectiveness for enterprise business operations, consistent with guidance for budget review established by the Chief Management Officer.

"(C) Not later than March 31 each year, the Secretary shall submit to Congress a report that includes the following:

"(i) Each proposed budget for the enterprise business operations of a Defense Agency or Department of Defense Field Activity that was transmitted to the Chief Management Officer under subparagraph (A).

"(ii) Identification of each proposed budget contained in the most recent report submitted under subparagraph (B) that the Chief Management Officer did not certify as achieving the required level of efficiency and effectiveness for enterprise business operations.

"(iii) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets identified in the report.

"(iv) Any additional comments that the Secretary considers appropriate regarding inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets.

"(2) Nothing in this subsection shall be construed to modify or interfere with the budget-related responsibilities of the Director of National Intelligence.".

(B) EXECUTION OF AUTHORITY.—In order to execute the authority in subsection (c) of section 132a of title 10, United States Code (as amended by subparagraph (A)), the Chief Management Officer of the Department of Defense shall do the following: 10 USC 132a note.

(i) By April 1, 2019, develop an assessment of cost and expertise requirements to execute such authority.

(ii) By September 1, 2019, develop guidance for Defense Agencies and Department of Defense Field Activities to delineate spending on enterprise business operations and develop a process to determine the adequacy of their budgets for such operations.

(b) REFORM OF BUSINESS ENTERPRISE OPERATIONS IN SUPPORT OF CERTAIN ACTIVITIES ACROSS DEPARTMENT OF DEFENSE.— 10 USC 2222 note.

(1) PERIODIC REFORM.—

(A) IN GENERAL.—Not later than January 1, 2020, and not less frequently than once every five years thereafter, the Secretary of Defense shall, acting through the Chief Management Officer of the Department of Defense, reform enterprise business operations of the Department of

Defense, through reductions, eliminations, or improvements, across all organizations and elements of the Department with respect to covered activities in order to increase effectiveness and efficiency of mission execution.

(B) CMO REPORTS.—Not later than January 1 of every fifth calendar year beginning with January 1, 2025, the Chief Management Officer shall submit to the congressional defense committees a report that describes the activities carried out by the Chief Management Officer under this subsection during the preceding five years, including an estimate of any cost savings achieved as a result of such activities.

(2) COVERED ACTIVITIES DEFINED.—In this subsection, the term "covered activities" means any activity relating to civilian resources management, logistics management, services contracting, or real estate management.

(3) REPORTING FRAMEWORK.—Not later than January 1, 2020, the Chief Management Officer shall establish a consistent reporting framework to establish a baseline for the costs to perform all covered activities, and shall submit to Congress a report that, for each individual covered activity performed in fiscal year 2019, identifies the following:

(A) The component or components of the Department responsible for performing such activity, and a business process map of such activity, in fiscal year 2019.

(B) The number of the military, civilian, and contractor personnel of the component or components of the Department who performed such activity in that fiscal year.

(C) The manpower requirements for such activity as of that fiscal year.

(D) The systems and other resources associated with such activity as of that fiscal year.

(E) The cost in dollars of performing such activity in fiscal year 2019.

(4) INITIAL PLAN.—Not later than February 1, 2019, the Chief Management Officer shall submit to the congressional defense committees a plan, schedule, and cost estimate for conducting the reforms required under paragraph (1)(A).

(5) CERTIFICATION OF COST SAVINGS.—Not later than January 1, 2020, the Chief Management Officer shall certify to the congressional defense committees that the savings and costs incurred as a result of activities carried out under paragraph (1) will achieve savings in fiscal year 2020 against the total amount obligated and expended for covered activities in fiscal year 2019 of—

(A) not less than 25 percent of the cost in dollars of performing covered activities in fiscal year 2019 as specified pursuant to paragraph (3)(E); or

(B) if the Chief Management Officer determines that achievement of savings of 25 percent or more will create overall inefficiencies for the Department, notice and justification will be submitted to the congressional defense committees specifying a lesser percentage of savings that the Chief Management Officer determines to be necessary to achieve efficiencies in the delivery of covered activities, which notice and justification shall be submitted by not

later than October 1, 2019, together with a description of the efficiencies to be achieved.

(6) COMPTROLLER GENERAL REPORTS.—The Comptroller General of the United States shall submit to the congressional defense committees the following:

(A) Not later than 90 days after the submittal of the plan under paragraph (4), a report that verifies whether the plan is feasible.

(B) Not later than 270 days after the date of enactment of this Act, a report setting forth an assessment of the actions taken under paragraph (1)(A) since the date of the enactment of this Act.

(C) Not later than 270 days after the submittal of the reporting framework under paragraph (3), a report that verifies whether the baseline established in the framework is accurate.

(D) Not later than 270 days after the submittal of the report under paragraph (5), a report that verifies—

(i) whether the activities described in the report were carried out; and

(ii) whether any cost savings estimated in the report are accurate.

SEC. 922. ANALYSIS OF DEPARTMENT OF DEFENSE BUSINESS MANAGEMENT AND OPERATIONS DATASETS TO PROMOTE SAVINGS AND EFFICIENCIES.

10 USC 2222 note.

(a) IN GENERAL.—The Chief Management Officer of the Department of Defense shall develop a policy on analysis of Department of Defense datasets on business management and business operations by the public for purposes of accessing data analysis capabilities that would promote savings and efficiencies and otherwise enhance the utility of such datasets to the Department.

(b) INITIAL DISCHARGE OF POLICY.—

(1) IN GENERAL.—The Chief Management Officer shall commence the discharge of the policy required pursuant to subsection (a) by—

(A) identifying one or more matters—

(i) that are of significance to the Department of Defense;

(ii) that are currently unresolved; and

(iii) whose resolution from a business management or business operations dataset of the Department could benefit from a method or technique of analysis not currently familiar to the Department;

(B) identifying between three and five business management or business operations datasets of the Department not currently available to the public whose evaluation could result in novel data analysis solutions toward management or operations problems of the Department identified by the Chief Management Officer; and

(C) encouraging, whether by competition or other mechanisms, the evaluation of the datasets described in subparagraph (B) by appropriate persons and entities in the public or private sector (including academia).

(2) PROTECTION OF SECURITY AND CONFIDENTIALITY.—In providing for the evaluation of datasets pursuant to this subsection, the Chief Management Officer shall take appropriate

actions to protect the security and confidentiality of any information contained in the datasets, including through special precautions to ensure that any personally identifiable information is not included and no release of information will adversely affect national security missions.

SEC. 923. PERIODIC REVIEW OF THE DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES BY THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) PERIODIC REVIEW.—Subsection (c) of section 192 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

"(1)(A) Not later than January 1, 2020, and periodically (but not less frequently than every four years) thereafter, the Chief Management Officer of the Department of Defense shall conduct a review of the efficiency and effectiveness of each Defense Agency and Department of Defense Field Activity. Each review shall, to the maximum extent practicable, be conducted in coordination with other ongoing efforts in connection with business enterprise reform.

"(B) As part of each review under this paragraph, the Chief Management Officer shall identify each activity of an Agency or Activity that is substantially similar to, or duplicative of, an activity carried out by another organization or element of the Department of Defense, or is not being performed to an adequate level to meet Department needs.

"(C) For purposes of conducting reviews under this paragraph, the Chief Management Officer shall develop internal guidance that defines requirements for such reviews and provides clear direction for conducting and recording the results of reviews.

"(2)(A) Not later than 90 days after the completion of a review under paragraph (1), the Chief Management Officer shall submit to the congressional defense committees a report that sets forth the results of the review.

"(B) The report on a review under this paragraph shall, based on the results of the review, include the following:

"(i) A list of each Defense Agency and Department of Defense Field Activity that the Chief Management Officer has determined—

"(I) operates efficiently and effectively; and

"(II) does not carry out any function that is substantially similar to, or duplicative of, a function carried out by another organization or element of the Department of Defense.

"(ii) With respect to each Agency or Activity not included on the list under clause (i), a plan, aimed at better meeting Department needs, for—

"(I) rationalizing the functions within such Agency or Activity; or

"(II) transferring some or all of the functions of such Agency or Activity to another organization or element of the Department.

"(iii) Recommendations for functions, if any, currently conducted separately by the military departments that should be consolidated into an Agency or Activity.".

(b) REPEAL OF SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—Such section is further amended by striking subsection (e).

(c) LIMITATION ON TERMINATION.—Such section is further amended by adding at the end the following new subsection (e):

"(e) LIMITATION ON TERMINATION.—The Secretary of Defense may not terminate a Defense Agency or Department of Defense Field Activity until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the following:

"(1) Notice of the intent of the Secretary to terminate the Agency or Activity.

"(2) Such recommendations for legislative action as the Secretary considers appropriate in connection with the termination of the Agency or Activity.".

SEC. 924. ACTIONS TO INCREASE THE EFFICIENCY AND TRANSPARENCY OF THE DEFENSE LOGISTICS AGENCY.

10 USC 191 note.

(a) SYSTEM AND CAPABILITY.—Not later than January 1, 2020, the Director of the Defense Logistics Agency and the Chief Management Officer of the Department of Defense shall jointly, in consultation with the customers served by the Agency, develop and implement—

(1) a comprehensive system that enables customers of the Agency to view—

(A) the inventory of items and materials available to customers from the Agency; and

(B) the delivery status of items and materials that are in transit to customers; and

(2) a predictive analytics capability designed to increase the efficiency of the system described in paragraph (1) by identifying emerging customer needs with respect to items and materials supplied by the Agency, including any emerging needs arising from the use of new weapon systems by customers.

(b) ACTIONS TO INCREASE EFFICIENCY.—Not later than January 1, 2020, the Director and the Chief Management Officer shall jointly—

(1) develop a plan to reduce the rates charged by the Agency to customers, in aggregate—

(A) by not less than 10 percent; or

(B) if the Chief Management Officer determines that a reduction of rates in aggregate of 10 percent or more will create overall inefficiencies for the Department, by such percentage less than 10 percent as the Chief Management Officer considers appropriate to avoid such inefficiencies, but only after notifying the congressional defense committees of such lesser percentage in reduction of rates pursuant to this subparagraph;

(2) eliminate the duplication of services within the Agency; and

(3) establish specific goals and metrics to ensure that the Agency is fulfilling its mission of providing items and materials to customers with sufficient speed and in sufficient quantities to ensure the lethality and readiness of warfighters.

(c) PLAN REQUIRED.—Not later than February 1, 2019, the Director and the Chief Management Officer shall jointly submit to the congressional defense committees a plan that describes how

the Director and the Chief Management Officer will achieve compliance with the requirements of subsections (a) and (b).

SEC. 925. REVIEW OF FUNCTIONS OF DEFENSE CONTRACT AUDIT AGENCY AND DEFENSE CONTRACT MANAGEMENT AGENCY.

(a) REVIEW.—The Secretary of Defense shall, acting through the Chief Management Officer of the Department of Defense, direct the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense (Comptroller) to conduct a joint review of the functions of the Defense Contract Audit Agency and the Defense Contract Management Agency. The review shall include the following:

(1) A validation of the missions and functions of each Agency.

(2) An assessment of the effectiveness of each Agency in performing designated functions, including identification and analysis of qualitative and quantitative metrics of performance.

(3) An assessment of the adequacy of the resources, authorities, workforce training, and size of each Agency to perform designated functions.

(4) An assessment of cost savings or avoidance attributable to the conduct of the activities of each Agency.

(5) A determination whether functions performed by either Agency could be performed more appropriately and effectively by any combination of the following:

(A) The other Agency.

(B) Any other organization or element of the Department of Defense, including the military departments.

(C) Commercial providers.

(6) A validation of the continued need for two separate Agencies with oversight for defense contracting.

(b) REPORT.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the results of the review conducted under subsection (a).

SEC. 926. REVIEW AND IMPROVEMENT OF THE OPERATIONS OF THE DEFENSE FINANCE AND ACCOUNTING SERVICE.

(a) IN GENERAL.—Not later than March 1, 2020, the Chief Management Officer of the Department of Defense and the Under Secretary of Defense (Comptroller) shall conduct a joint review of the activities of the Defense Finance and Accounting Service. The review shall include the following:

(1) A validation of the missions and functions of the Service.

(2) An assessment of the effectiveness of the Service in performing designated functions, including identification and analysis of qualitative and quantitative metrics of performance.

(3) An assessment of the resources, authorities, workforce training, and size of the Service to perform designated functions.

(4) An assessment of changes required to the mission and activities of the Service based on the availability and application of current and potential future information technology capabilities.

(5) A determination whether any functions currently performed by the Service could be performed more appropriately and effectively by any combination of the following:

(A) Any other organization or element of the Department of Defense, including the military departments.

(B) Commercial providers.

(6) A determination whether any functions currently performed by other organizations or elements of the Department could be consolidated within the Service in order to promote effectiveness and reduce duplicative effort.

(b) REPORT.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review conducted under subsection (a).

SEC. 927. ASSESSMENT OF CHIEF INFORMATION OFFICER FUNCTIONS IN CONNECTION WITH TRANSITION TO ENTERPRISE-WIDE MANAGEMENT OF INFORMATION TECHNOLOGY AND COMPUTING.

(a) ASSESSMENT REQUIRED.—The Chief Information Officer of the Department of Defense shall, in conjunction with the Chief Management Officer of the Department of Defense, conduct an assessment of chief information officer functions in the Department of Defense with a view toward the rationalization of such functions across the Defense Agencies and Department of Defense Field Activities in a manner consistent with the plans of the Department for a transition to enterprise-wide management of information technology (IT) networks and computing.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall result in the following:

(1) A determination of the number, duties and responsibilities, and grades of personnel performing management and oversight of information technology activities.

(2) Recommendations for the role the Chief Information Officer in managing the information technology workforce in the Office of the Secretary of Defense, and for selecting and approving personnel for the information technology workforces of the military departments, Defense Agencies, and Department of Defense Field Activities.

(c) REPORT REQUIRED.—Not later than February 1, 2019, the Chief Information Officer and the Chief Management Officer shall jointly submit to the congressional defense committees a report that sets forth a description of the results of the assessment conducted pursuant to subsection (a), including a description of any actions proposed as a result of the assessment to achieve enterprise-wide efficiencies in the management of information technology networks and computing.

(d) PLAN REQUIRED.—Not later than January 1, 2020, the Chief Information Officer and the Chief Management Officer shall jointly submit to the congressional defense committees a report setting forth a plan to carry out the proposed actions described in subsection (c).

SEC. 928. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON CROSS-ENTERPRISE ACTIVITIES OF THE INSPECTORS GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on cross-enterprise activities of the Inspectors General of the organizations and elements of the Department of Defense, including public affairs, human

resources, services contracting, other contracting, and any other cross-enterprise activities of the Inspectors General the Comptroller General considers appropriate for purposes of the report.

(b) ELEMENTS.—The report under subsection (a) shall identify with respect to the activities referred to in that subsection the following:

(1) Opportunities to maximize efficiency.

(2) Opportunities to minimize duplication of effort, including through reduction or elimination of duplicative functions.

(3) Any other matters the Comptroller General considers appropriate.

SEC. 929. GENERAL PROVISIONS.

(a) CONSOLIDATED REPORT.—The plans and reports required to be submitted to the congressional defense committees under this subtitle on or before March 1, 2020, may be combined and submitted in the form of a single, consolidated document.

(b) DEFINITIONS.—In this subtitle, the terms "Defense Agency", "Department of Defense Field Activity", and "military departments" have the meanings given the terms in section 101(a) of title 10, United States Code.

Subtitle D—Other Department of Defense Organization and Management Matters

SEC. 931. LIMITATION ON AVAILABILITY OF FUNDS FOR MAJOR HEADQUARTERS ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) CERTIFICATION ON AVERAGE AMOUNTS EXPENDED ON MAJOR HEADQUARTERS ACTIVITIES.—Not later than February 1, 2019, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report that certifies each of the following percentages in connection with amounts expended on major headquarters activities:

(1) The average percentage of the amount authorized to be appropriated for the Department of Defense per fiscal year, during the 10 fiscal years ending with fiscal year 2018, that has been expended on major headquarters activities.

(2) The average percentage of the amount authorized to be appropriated for the Department of Defense per fiscal year, during the 10 fiscal years ending with fiscal year 2018, that has been expended on major headquarters activities of the Office of the Secretary of Defense.

(3) The average percentage of the amount authorized to be appropriated for each military department per fiscal year, during the 10 fiscal years ending with fiscal year 2018, that has been expended on major headquarters activities of such military department.

(4) The average percentage of the amount authorized to be appropriated for the Department of Defense per fiscal year, during the 10 fiscal years ending with fiscal year 2018, and available for the combatant commands that has been spent on major headquarters activities of the combatant commands.

(b) OVERALL LIMITATION.—In fiscal year 2021, the aggregate amount that may be obligated and expended on major headquarters

activities may not exceed an amount equal to the percentage specified in subsection (a)(1) of the amount authorized to be appropriated for the Department of Defense for that fiscal year.

(c) LIMITATION FOR PARTICULAR ACTIVITIES.—Within the amount available for fiscal year 2021 pursuant to subsection (b), amounts shall be available as follows:

(1) For major headquarters activities of the Office of the Secretary of Defense, not more than an amount equal to the percentage specified in subsection (a)(2) of the amount authorized to be appropriated for the Department of Defense for fiscal year 2021.

(2) For major headquarters activities of each military department, not more than an amount equal to the percentage specified in subsection (a)(3) with respect to such military department of the amount authorized to be appropriated for such military department for fiscal year 2021.

(3) For major headquarters activities of the combatant commands, not more than an amount equal to the percentage specified in subsection (a)(4) of the amount authorized to be appropriated for the Department of Defense for fiscal year 2021 and available for the combatant commands.

(d) DEFINITIONS.—In this section:

(1) The term "major headquarters activities" has the meaning given the term "major Department of Defense headquarters activities" in section 346(b)(3) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 111 note).

(2) The term "major headquarters activities of a military department" means the following:

(A) In the case of the Army, the Office of the Secretary of the Army and the Army Staff.

(B) In the case of the Navy, the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and Headquarters, Marine Corps.

(C) In the case of the Air Force, the Office of the Secretary of the Air Force and the Air Staff.

(3) The term "Office of the Secretary of Defense" includes the Joint Staff.

SEC. 932. JOHN S. MCCAIN STRATEGIC DEFENSE FELLOWS PROGRAM.

10 USC note prec. 1580.

(a) FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a civilian fellowship program designed to provide leadership development and the commencement of a career track toward senior leadership in the Department.

(2) DESIGNATION.—The fellowship program shall be known as the "John S. McCain Strategic Defense Fellows Program" (in this section referred to as the "fellows program").

(b) ELIGIBILITY.—An individual is eligible for participation in the fellows program if the individual—

(1) is a citizen of the United States or a lawful permanent resident of the United States in the year in which the individual applies for participation in the fellows program; and

(2) either—

(A) possesses a graduate degree from an accredited institution of higher education in the United States that

was awarded not later than two years before the date of the acceptance of the individual into the fellows program; or

(B) will be awarded a graduate degree from an accredited institution of higher education in the United States not later than six months after the date of the acceptance of the individual into the fellows program.

(c) APPLICATION.—

(1) APPLICATION REQUIRED.—Each individual seeking to participate in the fellows program shall submit to the Secretary of Defense an application therefor at such time and in such manner as the Secretary shall specify.

(2) ELEMENTS.—Each application of an individual under this subsection shall include the following:

(A) Transcripts of educational achievement at the undergraduate and graduate level.

(B) A resume.

(C) Proof of citizenship or lawful permanent residence.

(D) An endorsement from the applicant's graduate institution of higher education.

(E) An academic writing sample.

(F) Letters of recommendation addressing the applicant's character, academic ability, and any extracurricular activities.

(G) A personal statement by the applicant explaining career areas of interest and motivations for service in the Department.

(H) Such other information as the Secretary considers appropriate.

(d) SELECTION.—

(1) IN GENERAL.—Each year, the Secretary of Defense shall select participants in the fellows program from among applicants for the fellows program for such year who qualify for participation in the fellows program based on character, commitment to public service, academic achievement, extracurricular activities, and such other qualifications for participation in the fellows program as the Secretary considers appropriate.

(2) NUMBER.—The number of individuals selected to participate in the fellows program in any year may not exceed the numbers as follows:

(A) Ten individuals from each geographic region of the United States as follows:

(i) The Northeast.

(ii) The Southeast.

(iii) The Midwest.

(iv) The Southwest.

(v) The West.

(B) Ten additional individuals.

(3) BACKGROUND INVESTIGATION.—An individual selected to participate in the fellows program may not participate in the program unless the individual successfully undergoes a background investigation applicable to the position to which the individual will be assigned under the fellows program and otherwise meets such requirements applicable to assignment to a sensitive position within the Department that the Secretary considers appropriate.

(e) ASSIGNMENT.—

(1) IN GENERAL.—Each individual who participates in the fellows program shall be assigned to a position in one of the following:

(A) The Office of the Secretary of Defense.

(B) An office of the Secretary of a military department.

(2) POSITION REQUIREMENTS.—Each Secretary of a military department, and each Under Secretary of Defense and Director of a Defense Agency who reports directly to the Secretary of Defense, shall submit to the Secretary of Defense each year the qualifications and skills to be demonstrated by participants in the fellows program to qualify for assignment under this subsection for service in a position of the office of such Secretary, Under Secretary, or Director.

(3) ASSIGNMENT TO POSITIONS.—The Secretary of Defense shall each year assign participants in the fellows program to positions in the offices of the Secretaries of the military departments, and the offices of the Under Secretaries and Directors described in paragraph (2). In making such assignments, the Secretary of Defense shall seek to best match the qualifications and skills of participants in the fellows program with the requirements of positions available for assignment. Each participant so assigned shall serve as a special assistant to the Secretary, Under Secretary, or Director to whom assigned.

(4) LIMITATION ON NUMBER ASSIGNABLE TO SECRETARIES OF MILITARY DEPARTMENTS.—The number of participants in the fellows program who are assigned to the office of a Secretary of a military department in any year may not exceed five participants.

(5) TERM.—The term of each assignment under the fellows program shall be one year.

(6) PAY AND BENEFITS.—An individual assigned to a position under the fellows program shall be compensated at the rate of compensation for employees at level GS–10 of the General Schedule, and shall be treated as an employee of the United States during the term of assignment, including for purposes of eligibility for health care benefits and retirement benefits available to employees of the United States.

(7) EDUCATION LOAN REPAYMENT.—To the extent that funds are provided in advance in appropriations Acts, the Secretary of Defense may repay any loan of a participant in the fellows program if the loan is described by subparagraph (A), (B), or (C) of section 16301(a)(1) of title 10, United States Code. Any repayment of loans under this paragraph shall be on a first-come, first-served basis.

(f) CAREER DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that participants in the fellows program—

(A) receive opportunities and support appropriate for the commencement of a career track within the Department leading toward a future position of senior leadership within the Department, including ongoing mentorship support through appropriate personnel from entities within the Department such as the Defense Business Board and the Defense Innovation Board; and

(B) are provided appropriate opportunities for employment and advancement within the Department upon

successful completion of the fellows program, including, if appropriate, opportunities to work at Department installations or Field Activities for between 12 and 24 months.

(2) RESERVATION OF POSITIONS.—In carrying out paragraph (1)(B), the Secretary shall reserve for participants who successfully complete the fellows program not fewer than 30 positions in the excepted service within the Department that are suitable for the commencement of a career track toward senior leadership within the Department. Any position so reserved shall not be subject to or covered by any reduction in headquarters personnel required under any other provision of law.

(3) NONCOMPETITIVE APPOINTMENT.—Upon the successful completion of the assignment of a participant in the fellows program in a position pursuant to subsection (e), the Secretary may, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, appoint the participant to a position reserved pursuant to paragraph (2) if the Secretary determines that such appointment will contribute to the development of highly qualified future senior leaders for the Department.

(4) PUBLICATION OF SELECTION.—The Secretary shall publish on an Internet website of the Department available to the public the names of the individuals selected to participate in the fellows program.

(g) OUTREACH.—The Secretary of Defense shall undertake appropriate outreach to inform potential participants in the fellows program of the nature and benefits of participation in the fellows program.

(h) REGULATIONS.—The Secretary of Defense shall carry out this section in accordance with such regulations as the Secretary may prescribe for purposes of this section.

(i) FUNDING.—Of the amounts authorized to be appropriated for each fiscal year for the Department of Defense for operation and maintenance, Defense-wide, $10,000,000 may be available to carry out the fellows program in such fiscal year.

SEC. 933. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.

Section 129a(g)(1)(A) of title 10, United States Code, is amended by striking ", including a permanent conversion" and all that follows through the semicolon and inserting "is cost-effective, taking into account the fully-burdened costs of the civilian, military, and contractor workforces, including the impact of the performance of such functions on military career progression or when required by military necessity;".

SEC. 934. REPORT ON IMPLEMENTATION OF REQUIREMENTS ON ESTIMATION AND COMPARISON OF COSTS OF CIVILIAN AND MILITARY MANPOWER AND CONTRACT SUPPORT FOR THE DEPARTMENT OF DEFENSE.

Not later than March 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Instruction 7041.04. The report shall include an assessment whether the Department of Defense is properly using civilian personnel in its workforce in the most cost-efficient manner when compared to its use of military and contractor personnel in its workforce.

SEC. 935. REVIEW OF FOREIGN CURRENCY EXCHANGE RATES AND ANALYSIS OF FOREIGN CURRENCY FLUCTUATIONS, DEFENSE APPROPRIATION.

(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall, in coordination with the Comptrollers of the military departments, conduct a review of the exchange rates for foreign currency used when making a disbursement pursuant to any expenditure or expense made by the Department of Defense in order to determine whether cost-savings could be achieved through a more consistent selection of cost-effective rates in the making of such disbursements. The review shall include an analysis of realized and projected losses on foreign currency exchange in order to determine an appropriate balance for the "Foreign Currency Fluctuations, Defense" account.

(b) REPORT.—Not later than January 31, 2019, the Under Secretary shall submit to the congressional defense committees a report setting forth a summary of the review conducted pursuant to subsection (a).

SEC. 936. RESPONSIBILITY FOR POLICY ON CIVILIAN CASUALTY MATTERS.

10 USC 134 note.

(a) DESIGNATION OF SENIOR CIVILIAN OFFICIAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy shall designate a senior civilian official of the Department of Defense within the Office of the Secretary of Defense at or above the level of Assistant Secretary of Defense to develop, coordinate, and oversee compliance with the policy of the Department relating to civilian casualties resulting from United States military operations.

(b) RESPONSIBILITIES.—The senior civilian official designated under subsection (a) shall ensure that the policy referred to in that subsection provides for—

(1) uniform processes and standards across the combatant commands for accurately recording kinetic strikes by the United States military;

(2) the development and dissemination of best practices for reducing the likelihood of civilian casualties from United States military operations;

(3) the development of publicly available means, including an Internet-based mechanism, for the submittal to the United States Government of allegations of civilian casualties resulting from United States military operations;

(4) uniform processes and standards across the combatant commands for reviewing and investigating allegations of civilian casualties resulting from United States military operations, including the consideration of relevant information from all available sources;

(5) uniform processes and standards across the combatant commands for—

(A) acknowledging the responsibility of the United States military for civilian casualties resulting from United States military operations; and

(B) offering ex gratia payments to civilians who have been injured, or to the families of civilians killed, as a result of United States military operations, as determined to be necessary by the designated senior civilian official;

(6) regular engagement with relevant intergovernmental and nongovernmental organizations;

(7) public affairs guidance with respect to matters relating to civilian casualties alleged or confirmed to have resulted from United States military operations; and

(8) such other matters with respect to civilian casualties resulting from United States military operations as the designated senior civilian official considers appropriate.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the senior civilian official designated under subsection (a) shall submit to the congressional defense committees a report that describes—

(1) the policy developed by the senior civilian official under that subsection; and

(2) the efforts of the Department to implement such policy.

SEC. 937. ADDITIONAL MATTERS IN CONNECTION WITH BACKGROUND AND SECURITY INVESTIGATIONS FOR DEPARTMENT OF DEFENSE PERSONNEL.

10 USC 1564 note.

Section 925(k)(3) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended—

(1) by redesignating subparagraphs (H) through (L) as subparagraphs (I) through (M), respectively; and

(2) by inserting after subparagraph (G) the following new subparagraph (H):

"(H) The number of denials or revocations of a security clearance by each authorized adjudicative agency that occurred separately from a periodic reinvestigation.".

SEC. 938. RESEARCH AND DEVELOPMENT TO ADVANCE CAPABILITIES OF THE DEPARTMENT OF DEFENSE IN DATA INTEGRATION AND ADVANCED ANALYTICS IN CONNECTION WITH PERSONNEL SECURITY.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Intelligence shall develop a plan on research and development activities to advance the capabilities of the Department of Defense in data integration and advanced analytics in connection with personnel security activities of the Department. The plan shall, to the extent practicable, provide for the leveraging of the capabilities of other government entities, institutions of higher education, and private sector entities with advanced, leading-edge expertise in data integration and analytics applicable to the challenges faced by the Department in connection with personnel security.

(b) COORDINATION.—Any activities under the plan may be carried out in coordination with the Defense Digital Service and the Defense Innovation Board.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall provide to the appropriate committees of Congress a briefing on the plan.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle E—Other Matters

SEC. 941. TRUSTED INFORMATION PROVIDER PROGRAM FOR NATIONAL SECURITY POSITIONS AND POSITIONS OF TRUST.

50 USC 3161 note.

(a) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability/Credentialing Executive Agent shall establish and implement a program (to be known as the "Trusted Information Provider Program") to share between and among agencies of the Federal Government and industry partners of the Federal Government relevant background information regarding individuals applying for and currently occupying national security positions and positions of trust, in order to ensure the Federal Government maintains a trusted workforce.

(b) PRIVACY SAFEGUARDS.—The Security Executive Agent and the Suitability/Credentialing Executive Agent shall ensure that the program required by subsection (a) includes such safeguards for privacy as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate.

(c) PROVISION OF INFORMATION TO THE FEDERAL GOVERNMENT.—The program required by subsection (a) shall include requirements that enable Investigative Service Providers and agencies of the Federal Government to leverage certain pre-employment information gathered during the employment or military recruiting process, and other relevant security or human resources information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

(d) INFORMATION AND RECORDS.—The information and records considered under the program required by subsection (a) shall include the following:

(1) Date and place of birth.

(2) Citizenship or immigration and naturalization information.

(3) Education records.

(4) Employment records.

(5) Employment or social references.

(6) Military service records.

(7) State and local law enforcement checks.

(8) Criminal history checks.

(9) Financial records or information.

(10) Foreign travel, relatives or associations.

(11) Social media checks.

(12) Any other information or records relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

(e) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability/Credentialing Executive Agent shall jointly submit to Congress a plan for the implementation of the program required by subsection (a).

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

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability/Credentialing Executive Agent consider appropriate to carry out or improve the program.

(f) DEFINITIONS.—In this section:

(1) The term "Security Executive Agent" means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

(2) The term "Suitability/Credentialing Executive Agent" means the Director of the Office of Personnel Management acting as the Suitability/Credentialing Executive Agent in accordance with Executive Order 13467.

SEC. 942. REPORT ON EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR MISSION-CRITICAL POSITIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to Congress a report on the feasibility and advisability of, and existing barriers to, programs for expedited processing of security clearances for mission-critical positions, whether filled by Government or contract employees.

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

(1) Recommendations for the establishment by Government agencies of programs designed to prioritize processing of security clearances among their Government and contract employees seeking security clearances.

(2) Proposed timeliness for the implementation of programs recommended pursuant to paragraph (1).

(3) Recommendations for legislative or administrative actions to enable and improve programs of Government agencies for the expedited processing of security clearances for mission-critical positions.

(c) SECURITY EXECUTIVE AGENT DEFINED.—In this section, the term "Security Executive Agent" means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

SEC. 943. REPORT ON CLEARANCE IN PERSON CONCEPT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate committees of Congress a report on the requirements, feasibility, and advisability of implementing a clearance in person concept as described in subsection (b) for maintaining access to classified information.

(b) CLEARANCE IN PERSON CONCEPT.—

(1) IN GENERAL.—Implementation of a clearance in person concept as described in this subsection would permit an individual who has been granted a national security clearance to maintain eligibility for access to classified information, networks, and facilities after the individual has separated from service to the Federal Government or transferred to a position that no longer requires access to classified information.

(2) RECOGNITION AS CURRENT.—The concept described in paragraph (1) would also ensure that, unless otherwise directed by the Security Executive Agent, the individual's security clearance would be recognized as current, regardless of employment status, with no further need for investigation or revalidation until the individual obtains a position requiring access to classified information.

(c) CONTENTS.—The report required by subsection (a) shall address the following:

(1) Requirements for continuous vetting.

(2) Appropriate safeguards for privacy.

(3) An appropriate funding model.

(4) Fairness to small business concerns and independent contractors.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "Security Executive Agent" means the Director of National Intelligence acting as the Security Executive Agent in accordance with Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note).

TITLE X—GENERAL PROVISIONS

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Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2019 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. EXPERTISE IN AUDIT REMEDIATION.

(a) TECHNICAL CORRECTIONS.—

(1) ELIMINATION OF DUPLICATIVE SECTION NUMBERS.—

(A) IN GENERAL.—Chapter 9A of title 10, United States Code, is amended by redesignating sections 251 through 254b as sections 240a through 240f, respectively. 10 USC 240a–240f.

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 251 through 254b and inserting the following new items: 10 USC prec. 240a.

"240a. Audit of Department of Defense financial statements.
"240b. Financial Improvement and Audit Remediation Plan.
"240c. Audit: consolidated corrective action plan; centralized reporting system.
"240d. Audits: audit of financial statements of Department of Defense components by independent external auditors.
"240e. Audits: use of commercial data integration and analysis products in preparing audits.
"240f. Audits: selection of service providers for audit services.".

(2) OTHER TECHNICAL CORRECTION.—Section 240b of title 10, United States Code, as redesignated by paragraph (1), is amended in subsection (a)(2) by redesignating the second clause (iii) and clause (iv) as clauses (iv) and (v), respectively.

(b) ADDITIONAL REQUIREMENTS FOR SEMIANNUAL BRIEFING ON THE FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.—Paragraph (2) of subsection (b) of section 240b of title 10, United States Code, as redesignated by subsection (a), is amended by adding at the end the following new sentence: "Such briefing shall include both the absolute number and percentage of personnel performing the amount of auditing or audit remediation services being performed by professionals meeting the qualifications described in section 240d(b) of this title.".

(c) ADDITIONAL REPORTING REQUIREMENTS.—Paragraph (1) of such subsection is amended—

(1) in subparagraph (B), by adding at the end the following new clauses:

"(vii) If less than 50 percent of the auditing services or if less than 50 percent of the audit remediation services under contract, as described in the briefing required under paragraph (2), are being performed by professionals meeting the qualifications described in section 240d(b) of this title, a detailed description of the risks associated with the risks of the acquisition strategy of the Department with respect to conducting audits and audit remediation activities and an explanation of how the strategy complies with the policies expressed by Congress.

"(viii) If less than 25 percent of the auditing services or if less than 25 percent of the audit remediation services under contract, as described in the briefing required under paragraph (2), are being performed by professionals meeting the qualifications described in section 240d(b) of this title, a written certification that the staffing ratio complies with commercial best practices and presents no increased risk of delay in the Department's ability to achieve a clean audit opinion."; and

(2) by adding at the end the following new subparagraph:

"(C) ADDITIONAL REQUIREMENTS.—

"(i) UNCLASSIFIED FORM.—A description submitted pursuant to clause (vii) of subparagraph (B) or a certification submitted pursuant to clause (viii) of such subparagraph shall be submitted in unclassified form, but may contain a classified annex.

"(ii) DELEGATION.—The Secretary may not delegate the submission of a certification pursuant to clause (viii) of subparagraph (B) to any official other than the Deputy Secretary of Defense, the Chief Management Officer, or the Under Secretary of Defense (Comptroller).".

SEC. 1003. AUTHORITY TO TRANSFER FUNDS TO DIRECTOR OF NATIONAL INTELLIGENCE FOR CAPNET.

During fiscal year 2019, the Secretary of Defense may transfer to the Director of National Intelligence, under the authority in section 1001 of this Act, an amount that does not exceed $2,000,000

to provide support for the operation of the classified network known as CAPNET.

SEC. 1004. AUDIT OF FINANCIAL SYSTEMS OF THE DEPARTMENT OF DEFENSE.

10 USC 2222 note.

The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) or an appropriate official of a military department, shall ensure that each major implementation of, or modification to, a business system that contributes to financial information of the Department of Defense is reviewed by professional accountants with experience reviewing Federal financial systems to validate that such financial system will meet any applicable Federal requirements. The Secretary of Defense shall ensure that such accountants—

(1) are provided all necessary data and records; and

(2) report independently on their findings.

SEC. 1005. REPORT ON AUDITABLE FINANCIAL STATEMENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law. The report should not include information otherwise available in other reports to Congress.

SEC. 1006. TRANSPARENCY OF ACCOUNTING FIRMS USED TO SUPPORT DEPARTMENT OF DEFENSE AUDIT.

10 USC 240d note.

For all contract actions (including awards, renewals, and amendments) occurring more than 180 days after the date of the enactment of this Act, the Secretary of Defense shall require any accounting firm providing financial statement auditing or audit remediation services to the Department of Defense in support of the audit required under section 3521 of title 31, United States Code, to provide the Department with a statement setting forth the details of any disciplinary proceedings with respect to the accounting firm or its associated persons before any entity with the authority to enforce compliance with rules or laws applying to audit services offered by accounting firms.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. INCLUSION OF OPERATION AND SUSTAINMENT COSTS IN ANNUAL NAVAL VESSEL CONSTRUCTION PLANS.

Section 231(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The estimated operations and sustainment costs required to support the vessels delivered under the naval vessel construction plan.".

SEC. 1012. PURCHASE OF VESSELS USING FUNDS IN NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f)(3) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by striking "two" and inserting "seven"; and

(B) by striking "ships" and inserting "vessels";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) The Secretary may not use the authority under this paragraph to procure more than two foreign constructed vessels unless the Secretary submits to Congress, by not later than the second week of February of the fiscal year during which the Secretary plans to use such authority, a certification that—

"(i) the Secretary has initiated an acquisition strategy for the construction in United States shipyards of not less than ten new sealift vessels; and

"(ii) of such new sealift vessels, the lead ship is anticipated to be delivered by not later than 2026.".

SEC. 1013. PURCHASE OF VESSELS BUILT IN FOREIGN SHIPYARDS WITH FUNDS IN NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f)(3) of title 10, United States Code, as amended by section 1012, is further amended—

(1) in subparagraph (F), as redesignated by such section 1012—

(A) by striking "30 days after" and inserting "30 days before";

(B) in clause (i), by inserting "proposed" before "date";

(C) in clause (ii), by striking "was" and inserting "would be"; and

(D) by adding at the end the following new clause:

"(viii) A detailed account of the criteria used to make the determination under subparagraph (B).."; and

(2) by inserting after subparagraph (F), as so redesignated, the following new subparagraph:

"(G) The Secretary may not finalize or execute the final purchase of any vessel using the authority under this paragraph until 30 days after the date on which a report under subparagraph (E) is submitted with respect to such purchase.".

SEC. 1014. DATE OF LISTING OF VESSELS AS BATTLE FORCE SHIPS IN THE NAVAL VESSEL REGISTER AND OTHER FLEET INVENTORY MEASURES.

(a) IN GENERAL.—Section 7301 of title 10, United States Code, is amended—

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

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

"(c) LISTING AS BATTLE FORCE SHIP IN NAVAL VESSEL REGISTER.—A covered vessel may not be listed in the Naval Vessel Register or other fleet inventory measures as a battle force ship until the delivery date specified in subsection (a).".

(b) DEFINITIONS.—Such section is further amended by striking subsection (d), as redesignated by subsection (a)(1) of this section, and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'covered vessel' means any vessel of the Navy that is under construction or constructed using amounts authorized to be appropriated for the Department of Defense for shipbuilding and conversion, Navy.

"(2) The term 'battle force ship' means the following:

"(A) A commissioned United States Ship warship capable of contributing to combat operations.

"(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.".

SEC. 1015. TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 633 OF TITLE 10, UNITED STATES CODE, AND OTHER PROVISIONS OF LAW REGARDING NAVAL VESSELS.

(a) MODEL BASIN; INVESTIGATION OF HULL DESIGNS.—Section 7303 of title 10, United States Code, is amended by striking "(a) An office" and all that follows through "(b) The Secretary" and inserting "The Secretary".

(b) REPEAL OF UNDER-AGE VESSELS PROVISION.—

(1) IN GENERAL.—Section 7295 of title 10, United States Code, is repealed:

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 633 of such title is amended by striking the item relating to section 7295.

10 USC prec. 7291.

(c) OTHER PROVISIONS OF LAW.—

(1) REPEAL OF POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.—Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303; 10 U.S.C. 7291 note) is repealed.

(2) REPEAL OF ALTERNATIVE TECHNOLOGIES FOR FUTURE SURFACE COMBATANTS.—Section 128 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2109; 10 U.S.C. 7291 note) is repealed.

(3) REPEAL OF PROVISION ON CONSIDERATION OF VESSEL LOCATION FOR AWARD OF LAYBERTH CONTRACTS FOR SEALIFT VESSELS.—Section 375 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2385; 10 U.S.C. 7291 note) is repealed.

(4) REPEAL OF PROVISION ON REVITALIZATION OF UNITED STATES SHIPBUILDING INDUSTRY.—Section 1031 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2489; 10 U.S.C. 7291 note) is repealed.

(5) REPEAL OF FAST SEALIFT PROGRAM.—Section 1021 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2485; 10 U.S.C. 7291 note) is repealed.

(6) REPEAL OF OBSOLETE REQUIREMENT FOR REPORTS ON EFFECTS OF NAVAL SHIPBUILDING PLANS ON MARITIME INDUSTRIES.—Section 1227 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2055; 10 U.S.C. 7291 note) is repealed.

(7) REPEAL OF PROHIBITION ON USE OF PUBLIC AND PRIVATE SHIPYARDS FOR CONVERSION, OVERHAUL, OR REPAIR WORK UNDER CERTAIN PROGRAMS.—Section 811 of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95–485; 92 Stat. 1624; 10 U.S.C. 7291 note) is repealed.

(8) REPEAL OF OBSOLETE REQUIREMENT TO SUBMIT A FIVE-YEAR NAVAL SHIP NEW CONSTRUCTION AND CONVERSION PROGRAM.—Section 808 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94–106; 89 Stat. 539; 10 U.S.C. 7291 note) is repealed.

SEC. 1016. DISMANTLEMENT AND DISPOSAL OF NUCLEAR-POWERED AIRCRAFT CARRIERS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, as amended by section 323, is further amended by adding after section 7320, as added by such section 323, the following new section:

10 USC 7321.

"§ 7321. Nuclear-powered aircraft carriers: dismantlement and disposal

"(a) IN GENERAL.—Not less than 90 days before the award of a contract for the dismantlement and disposal of a nuclear-powered aircraft carrier, or the provision of funds to a naval shipyard for the dismantlement and disposal of a nuclear-powered aircraft carrier, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

"(1) A cost and schedule baseline for the dismantlement and disposal approved by the service acquisition executive of the Department of the Navy and the Chief of Naval Operations.

"(2) A description of the regulatory framework applicable to the management of radioactive materials in connection with the dismantlement and disposal, including, in cases in which the Navy intends to have another government entity serve as the regulatory enforcement authority—

"(A) a certification from that entity of its agreement to serve as the regulatory enforcement authority; and

"(B) a description of the legal basis for the authority of that entity to serve as the regulatory enforcement authority.

"(b) SUPPLEMENTAL INFORMATION WITH BUDGETS.—In the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for a fiscal year (as submitted to Congress under section 1105(a) of title 31), the Secretary of the Navy shall include information on each dismantlement and disposal of a nuclear-powered aircraft carrier occurring or planned to occur during the period of the future-years defense program submitted to Congress with that budget. Such information shall include, by ship concerned, the following:

"(1) A summary of activities and significant developments in connection with such dismantlement and disposal.

"(2) If applicable, a detailed description of cost and schedule performance against the baseline for such dismantlement and disposal established pursuant to subsection (a), including a description of and explanation for any variance from such baseline.

"(3) A description of the amounts requested, or intended or estimated to be requested, for such dismantlement and disposal for each of the following:

"(A) Each fiscal year covered by the future-years defense program.

"(B) Any fiscal years before the fiscal years covered by the future-years defense program.

"(C) Any fiscal years after the end of the period of the future-years defense program.

"(c) FUTURE-YEARS DEFENSE PROGRAM DEFINED.—In this section, the term 'future-years defense program' means the future-years defense program required by section 221 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title, as amended by section 323, is further amended by adding at the end the following new item:

"7321. Nuclear-powered aircraft carriers: dismantlement and disposal.".

SEC. 1017. LIMITATION ON USE OF FUNDS FOR RETIREMENT OF HOSPITAL SHIPS.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Navy may be obligated or expended to retire, prepare to retire, transfer, or place in storage any hospital ship.

(b) WAIVER.—The Secretary of the Navy may waive the limitation in subsection (a) with respect to a hospital ship if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability, and the necessary quantity of systems, to meet all hospital ship requirements of the combatant commands that are currently being met by such hospital ship;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability in order to continue to meet or exceed all requirements of the combatant commands that are currently being met by such hospital ship.

SEC. 1018. INCLUSION OF AIRCRAFT CARRIER REFUELING OVERHAUL BUDGET REQUEST IN ANNUAL BUDGET JUSTIFICATION MATERIALS.

10 USC 221 note.

The Secretary of Defense shall include in the budget justification materials submitted to Congress by the Secretary in support of the budget of the President for fiscal year 2020 and each subsequent fiscal year, as part of the budget request for Shipbuilding and Conversion, Navy, a detailed aircraft carrier refueling overhaul budget request, by hull number, including all funding requested for reactor power units and reactor components.

SEC. 1019. BUSINESS CASE ANALYSIS OF READY RESERVE FORCE RECAPITALIZATION OPTIONS.

(a) BUSINESS CASE ANALYSIS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall, in consultation with the Administrator of the Maritime Administration and the Commander of United States Transportation Command, submit to the congressional defense committees a report setting forth a business case analysis of recapitalization options for the Ready Reserve Force.

(b) ELEMENTS.—The business case analysis required by subsection (a) shall include the following:

(1) Each sealift capability area, and the associated capacity, for which Ready Reserve Force vessels are required to be recapitalized through fiscal year 2048.

(2) The categories of vessels being considered in each area specified pursuant to paragraph (1), including the following:

(A) United States purpose-built vessels (such as Common Hull Auxiliary Multi-mission Platform).

(B) United States non-purpose built vessels (such as vessels formerly engaged in Jones Act trade).

(C) Foreign-built vessels that participated in the Maritime Security Program.

(D) Foreign-built vessels that did not participate in the Maritime Security Program.

(E) Foreign-designed, United States-built vessels.

(3) For each category of vessel specified pursuant to paragraph (2), the following:

(A) Anticipated availability of vessels within such category in the timeframe needed to meet United States Transportation Command sealift requirements.

(B) Anticipated purchase price, if applicable.

(C) Anticipated cost and scope of modernization.

(D) Anticipated duration of modernization period.

(E) Anticipated service life as a Ready Reserve Force vessel.

(F) Anticipated military utility.

(G) Ability of one such vessel to replace more than one existing Ready Reserve Force vessel.

(4) A cost-benefit determination on the mix of capabilities and vessels identified pursuant to paragraphs (1) through (3) that could ensure United States Transportation Command sealift requirements are met through fiscal year 2048, which determination shall include a comparison of the useful service life of each category of vessels specified pursuant to paragraph (2) with the costs of such category of vessels.

SEC. 1020. TRANSFER OF EXCESS NAVAL VESSEL TO BAHRAIN.

(a) TRANSFER BY GRANT.—The President is authorized to transfer to the Government of Bahrain the OLIVER HAZARD PERRY class guided missile frigate ex-USS ROBERT G. BRADLEY (FFG–49) on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANT NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of the vessel transferred to the Government of Bahrain on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) COSTS OF TRANSFER.—Any expense incurred by the United States in connection with the transfer authorized by this section shall be charged to the Government of Bahrain notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the Government of Bahrain have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the three-year period beginning on the date of the enactment of this Act.

Subtitle C—Counterterrorism

SEC. 1031. DEFINITION OF SENSITIVE MILITARY OPERATION.

(a) IN GENERAL.—Subsection (d) of section 130f of title 10, United States Code, is amended to read as follows:

"(d) SENSITIVE MILITARY OPERATION DEFINED.—(1) Except as provided in paragraph (2), in this section, the term 'sensitive military operation' means—

"(A) a lethal operation or capture operation conducted by the armed forces or conducted by a foreign partner in coordination with the armed forces that targets a specific individual or individuals; or

"(B) an operation conducted by the armed forces in self-defense or in defense of foreign partners, including during a cooperative operation.

"(2) For purposes of this section, the term 'sensitive military operation' does not include any operation conducted within Afghanistan, Syria, or Iraq.".

(b) COLLECTIVE SELF-DEFENSE NOTIFICATION.—Such section is further amended by adding at the end the following new subsection:

"(f) COLLECTIVE SELF-DEFENSE NOTIFICATION REQUIREMENT.—Not later than 48 hours after the date on which a foreign partner force has been designated as eligible for the provision of collective self-defense by the armed forces for the purposes of subsection (d)(1)(B), the Secretary of Defense shall provide to the congressional defense committees notice in writing of such designation.".

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(1) a list of any instance in which a member of the Armed Forces has engaged or been engaged by enemy forces, used self-defense, or provided collective self-defense of foreign partner forces in a country other than Afghanistan, Iraq, or Syria since December 26, 2013; and

(2) a list of all foreign partner forces outside of Afghanistan, Iraq, and Syria for which the United States Armed Forces are authorized to provide collective self-defense.

SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended by inserting "or 2019" after "fiscal year 2018". 131 Stat. 1551.

SEC. 1033. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2019, to transfer, release, or assist in the transfer of or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1034. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2019, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term "individual detained at Guantanamo" has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S.C. 801 note).

SEC. 1035. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2019, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Libya.
(2) Somalia.
(3) Syria.
(4) Yemen.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1041. STRATEGIC GUIDANCE DOCUMENTS WITHIN THE DEPARTMENT OF DEFENSE.

Section 113(g) of title 10, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following new paragraphs (2) through (4):

"(2)(A) In implementing the requirement in paragraph (1), the Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall each year provide to the officials and officers referred in paragraph (1)(A) written guidance (to be known as 'Defense

Planning Guidance') establishing goals, priorities, and objectives, including fiscal constraints, to direct the preparation and review of the program and budget recommendations of all elements of the Department, including—

"(i) the priority military missions of the Department, including the assumed force planning scenarios and constructs;

"(ii) the force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support the strategy required by paragraph (1);

"(iii) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective; and

"(iv) a discussion of any changes in the strategy required by paragraph (1) and assumptions underpinning the strategy, as required by paragraph (1).

"(B) The guidance required by this paragraph shall be produced in February each year in order to support the planning and budget process. A comprehensive briefing on the guidance shall be provided to the congressional defense committees at the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105(a) of title 31) for the fiscal year beginning in the year in which such guidance is produced.

"(3)(A) In implementing the requirement in paragraph (1) and in conjunction with the reporting requirement in section 2687a of this title, the Secretary, with the approval of the President and the advice of the Chairman of the Joint Chiefs of Staff, shall, on the basis provided in subparagraph (E), provide to the officials and officers referred to in paragraph (1)(A) written guidance (to be known as 'Contingency Planning Guidance' or 'Guidance for Employment of the Force') on the preparation and review of contingency and campaign plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities.

"(B) The guidance required by this paragraph shall include the following:

"(i) A description of the manner in which limited existing forces and resources shall be prioritized and apportioned to achieve the objectives described in the strategy required by paragraph (1).

"(ii) A description of the relative priority of contingency and campaign plans, specific force levels, and supporting resource levels projected to be available for the period of time for which such plans are to be effective.

"(C) The guidance required by this paragraph shall include the following:

"(i) Prioritized global, regional, and functional policy objectives that the armed forces should plan to achieve, including plans for deliberate and contingency scenarios.

"(ii) Policy and strategic assumptions that should guide military planning, including the role of foreign partners.

"(iii) Guidance on global posture and global force management.

"(iv) Security cooperation priorities.

"(v) Specific guidance on United States and Department nuclear policy.

"(D) The guidance required by this paragraph shall be the primary source document to be used by the Chairman of the Joint Chiefs of Staff in—

"(i) executing the global military integration responsibilities described in section 153 of this title; and

"(ii) developing implementation guidance for the Joint Chiefs of Staff and the commanders of the combatant commands.

"(E) The guidance required by this paragraph shall be produced every two years, or more frequently as needed.

"(4)(A) In implementing the requirement in paragraph (1), the Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall each year produce, and submit to the congressional defense committees, a report (to be known as the 'Global Defense Posture Report') that shall include the following:

"(i) A description of major changes to United States forces, capabilities, and equipment assigned and allocated outside the United States, focused on significant alterations, additions, or reductions to such global defense posture that are required to execute the strategy and plans of the Department.

"(ii) A description of the supporting network of infrastructure, facilities, pre-positioned stocks, and war reserve materiel required for execution of major contingency plans of the Department.

"(iii) A list of all enduring locations, including main operating bases, forward operating sites, and cooperative security locations.

"(iv) A description of the status of treaty, access, cost-sharing, and status-protection agreements with foreign nations.

"(v) A summary of the priority posture initiatives for each region by the commanders of the combatant commands.

"(vi) For each military department, a summary of the implications for overseas posture of any force structure changes.

"(vii) A description of the costs incurred outside the United States during the preceding fiscal year in connection with operating, maintaining, and supporting United States forces outside the United States for each military department, broken out by country, and whether for operation and maintenance, infrastructure, or transportation.

"(viii) A description of the amount of direct support for the stationing of United States forces provided by each host nation during the preceding fiscal year.

"(B) The report required by this paragraph shall be submitted to the congressional defense committees as required by subparagraph (A) by not later than April 30 each year.

"(C) In this paragraph, the term 'United States', when used in a geographic sense, includes the territories and possessions of the United States.".

SEC. 1042. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 1055 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "; and" and inserting a semicolon;

(B) in paragraph (2)(B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraphs:

"(3) has been requested by the head of a non-Department of Defense Federal department or agency who has certified to the Secretary that the department or agency has reasonably attempted to use capabilities and resources internal to the department or agency."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(4) REVERSE DEFENSE SENSITIVE SUPPORT REQUEST.—The Secretary shall notify the congressional defense committees (and the congressional intelligence committees with respect to matters relating to members of the intelligence community) of requests made by the Secretary to a non-Department of Defense Federal department or agency for support that requires special protection from disclosure in the same manner and containing the same information as the Secretary notifies such committees of defense sensitive support requests under paragraphs (1) and (3).".

SEC. 1043. COORDINATING UNITED STATES RESPONSE TO MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.

(a) IN GENERAL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) coordinate, without assuming operational authority, the United States Government response to malign foreign influence operations and campaigns."; and

(2) by adding at the end the following new subsections:

"(g) COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—

"(1) IN GENERAL.—The President shall designate an employee of the National Security Council to be responsible for the coordination of the interagency process for combating malign foreign influence operations and campaigns.

"(2) CONGRESSIONAL BRIEFING.—

"(A) IN GENERAL.—Not less frequently than twice each year, the employee designated under this subsection, or the employee's designee, shall provide to the congressional committees specified in subparagraph (B) a briefing on the responsibilities and activities of the employee designated under this subsection.

"(B) COMMITTEES SPECIFIED.—The congressional committees specified in this subparagraph are the following:

"(i) The Committees on Armed Services, Foreign Affairs, and Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(ii) The Committees on Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

"(h) DEFINITION OF MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—In this section, the term 'malign foreign influence operations and campaigns' means the coordinated, direct or indirect application of national diplomatic, informational, military, economic, business, corruption, educational, and other capabilities by hostile foreign powers to affect attitudes, behaviors, decisions, or outcomes within the United States.".

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the President, acting through the National Security Council, shall submit to the congressional committees specified in paragraph (2) a strategy to counter malign foreign influence operations and campaigns (as such term is defined in section 101(h) of the National Security Act of 1947 (50 U.S.C. 3021), as added by subsection (a)).

(2) COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are the following:

(A) The Committees on Armed Services, Foreign Affairs, and Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) The Committees on Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

50 USC 3021 note.

(c) DEADLINE FOR APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall designate the employee of the National Security Council to be responsible for the coordination of the interagency process for combating malign foreign influence operations and campaigns pursuant to subsection (g)(1) of section 101 of the National Security Act of 1947 (50 U.S.C. 3021), as added by subsection (a)(2).

SEC. 1044. CLARIFICATION OF REIMBURSABLE ALLOWED COSTS OF FAA MEMORANDA OF AGREEMENT.

Section 47504(c)(2) of title 49, United States Code, is amended—

(1) in subparagraph (D) by striking "and" at the end;

(2) in subparagraph (E) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) to carry out a project to mitigate noise, if the project—

"(i) consists of—

"(I) replacement windows, doors, and the installation of through-the-wall air conditioning units; or

"(II) a contribution of the equivalent costs to be used for reconstruction if reconstruction is the preferred local solution;

"(ii) is located at a school near the airport; and

"(iii) is included in a memorandum of agreement entered into before September 30, 2002, even if the airport has not met the requirements of part 150 of title 14,

Code of Federal Regulations, and only if the financial limitations of the memorandum are applied.".

SEC. 1045. WORKFORCE ISSUES FOR MILITARY REALIGNMENTS IN THE PACIFIC.

(a) IN GENERAL.—Section 6(b) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1806(b)) is amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) H-2B WORKERS.—In the case of an alien described in subparagraph (A) who seeks admission under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)), the alien, if otherwise qualified, may, before December 31, 2023, be admitted under such section, notwithstanding the requirement of such section that the service or labor be temporary, for a period of up to 3 years—

"(i) to perform service or labor on Guam or in the Commonwealth pursuant to any agreement entered into by a prime contractor or subcontractor calling for services or labor required for performance of a contact or subcontract for construction, repairs, renovations, or facility services that is directly connected to, or associated with, the military realignment occurring on Guam and in the Commonwealth; or

"(ii) to perform service or labor as a health care worker (such as a nurse, physician assistant, or allied health professional) at a facility that jointly serves members of the Armed Forces, dependents, and civilians on Guam or in the Commonwealth, subject to the education, training, licensing, and other requirements of section 212(a)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(C)), as applicable, except that this clause shall not be construed to include graduates of medical schools coming to Guam or the Commonwealth to perform service or labor as members of the medical profession."; and

(2) by amending paragraph (2) to read as follows:

"(2) LOCATIONS.—Paragraph (1) does not apply with respect to the performance of services of labor at a location other than Guam or the Commonwealth.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act. 48 USC 1806 note.

SEC. 1046. MITIGATION OF OPERATIONAL RISKS POSED TO CERTAIN MILITARY AIRCRAFT BY AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST EQUIPMENT. 49 USC 40101 note.

(a) IN GENERAL.—The Secretary of Transportation may not—

(1) directly or indirectly require the installation of automatic dependent surveillance-broadcast (hereinafter in this section referred to as "ADS-B") equipment on fighter aircraft, bomber aircraft, or other special mission aircraft owned or operated by the Department of Defense;

(2) deny or reduce air traffic control services in United States airspace or international airspace delegated to the

United States to any aircraft described in paragraph (1) on the basis that such aircraft is not equipped with ADS-B equipment; or

(3) restrict or limit airspace access for aircraft described in paragraph (1) on the basis such aircraft are not equipped with ADS-B equipment.

(b) TERMINATION.—Subsection (a) shall cease to be effective on the date that the Secretary of Transportation and the Secretary of Defense jointly submit to the appropriate congressional committees notice that the Secretaries have entered into a memorandum of agreement or other similar agreement providing that fighter aircraft, bomber aircraft, and other special mission aircraft owned or operated by the Department of Defense that are not equipped or not yet equipped with ADS-B equipment will be reasonably accommodated for safe operations in the National Airspace System and provided with necessary air traffic control services.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49, United States Code, or any other provision of law;

(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under title 10, United States Code, or any other provision of law; or

(3) limit the authority or discretion of the Secretary of Transportation or the Administrator of the Federal Aviation Administration to operate air traffic control services to ensure the safe minimum separation of aircraft in flight and the efficient use of airspace.

(d) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall provide to the Secretary of Transportation notification of any aircraft the Secretary of Defense designates as a special mission aircraft pursuant to subsection (e)(3).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term "air traffic control services" means services used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information.

(3) The term "special mission aircraft" means an aircraft the Secretary of Defense designates for a unique mission to which ADS-B equipment creates a unique risk.

SEC. 1047. LIMITATION ON AVAILABILITY OF FUNDS FOR UNMANNED SURFACE VEHICLES.

(a) LIMITATION.—Not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense for the Strategic Capabilities Office ghost fleet overlord unmanned surface vehicle program may be obligated or expended until the Undersecretary

of Defense for Research and Engineering, in coordination with the Secretary of the Navy, certifies to the congressional defense committees that—

(1) such project accelerates development of the future unmanned surface vehicle program of the Navy; and

(2) the desired procurement strategy for the ghost fleet overlord project is properly coordinated and not duplicative of the unmanned surface vehicle sea hunter program of the Navy.

(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to apply to any other unmanned surface vehicle program of the Department of Defense other than the program element specified in such subsection.

SEC. 1048. PILOT PROGRAM FOR DEPARTMENT OF DEFENSE CONTROLLED UNCLASSIFIED INFORMATION IN THE HANDS OF INDUSTRY.

10 USC 428 note.

(a) IN GENERAL.—The Secretary of Defense—

(1) shall establish and implement a pilot program for oversight of designated Department of Defense controlled unclassified information in the hands of defense contractors with foreign ownership, control, or influence concerns; and

(2) may designate an entity within the Department to be responsible for the pilot program under paragraph (1).

(b) PROGRAM REQUIREMENTS.—The pilot program under subsection (a) shall have the following elements:

(1) The use of a capability to rapidly identify companies subject to foreign ownership, control, or influence that are processing designated controlled unclassified information, including unclassified controlled technical information.

(2) The use, in consultation with the Chief of Information Officer of the Department, of a capability or means for assessing industry compliance with Department cybersecurity standards.

(3) A means of demonstrating whether and under what conditions the risk to national security posed by access to Department controlled unclassified information, including unclassified controlled technical information, by a company under foreign ownership, control, or influence company can be mitigated and how such mitigation could be enforced.

(c) BRIEFING REQUIRED.—By not later than 30 days after the completion of the pilot program under this section, but in no case later than December 1, 2019, the Secretary shall provide to the congressional defense committees a briefing on the results of the pilot program and any decisions about whether to implement the pilot program on a Department-wide basis.

SEC. 1049. CRITICAL TECHNOLOGIES LIST.

10 USC 113 note.

(a) LIST REQUIRED.—The Secretary of Defense shall establish and maintain a list of acquisition programs, technologies, manufacturing capabilities, and research areas that are critical for maintaining the national security technological advantage of the United States over foreign countries of special concern. The list shall be accompanied by a justification for inclusion of items on the list, including specific performance and technical figures of merit.

(b) USE OF LIST.—The Secretary may use the list required under subsection (a) to—

(1) guide the recommendations of the Secretary in any interagency determinations conducted pursuant to Federal law relating to technology protection, including relating to export licensing, deemed exports, technology transfer, and foreign direct investment;

(2) inform the Secretary while engaging in interagency processes on promotion and protection activities involving acquisition programs and technologies that are necessary to achieve and maintain the national security technology advantage of the United States and that are supportive of military requirements and strategies;

(3) inform the Department's activities to integrate acquisition, intelligence, counterintelligence and security, and law enforcement to inform requirements, acquisition, programmatic, and strategic courses of action for technology protection;

(4) inform development of research investment strategies and activities and develop innovation centers and an emerging technology industrial base through the employment of financial assistance from the United States Government through appropriate statutory authorities and programs;

(5) identify opportunities for alliances and partnerships in key research and development areas to achieve and maintain a national security technology advantage; and

(6) carry out such other purposes as identified by the Secretary.

(c) PUBLICATION.—The Secretary shall—

(1) publish the list required under subsection (a) by not later than December 31, 2018; and

(2) update such list at least annually.

38 USC 527 note.

SEC. 1050. AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY.

(a) EDUCATION CAMPAIGN.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense shall carry out an annual education campaign to inform individuals who may be eligible to enroll in the Airborne Hazards and Open Burn Pit Registry of such eligibility. Each such campaign shall include at least one electronic method and one physical mailing method to provide such information.

(b) AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY DEFINED.—In this section, the term "Airborne Hazards and Open Burn Pit Registry" means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

SEC. 1051. NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch an independent Commission to review advances in artificial intelligence, related machine learning developments, and associated technologies.

(2) TREATMENT.—The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(3) DESIGNATION.—The Commission established under paragraph (1) shall be known as the "National Security Commission on Artificial Intelligence".

(4) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 15 members appointed as follows:

(i) The Secretary of Defense shall appoint 2 members.

(ii) The Secretary of Commerce shall appoint 1 member.

(iii) The Chairman of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.

(iv) The Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.

(v) The Chairman of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.

(vi) The Ranking Member of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.

(vii) The Chairman of the Committee on Armed Services of the Senate shall appoint 1 member.

(viii) The Ranking Member of the Committee on Armed Services of the Senate shall appoint 1 member.

(ix) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(x) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(xi) The Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(xii) The Vice Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(xiii) The Chairman of the Permanent Select Committee on Intelligence of the House of Representatives shall appoint 1 member.

(xiv) The Ranking Member of the Permanent Select Committee Intelligence of the House of Representatives shall appoint 1 member.

(B) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the Commission establishment date.

(C) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

(5) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(6) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect

its powers, and shall be filled in the same manner as the original appointment was made.

(7) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall carry out the review described in paragraph (2). In carrying out such review, the Commission shall consider the methods and means necessary to advance the development of artificial intelligence, machine learning, and associated technologies by the United States to comprehensively address the national security and defense needs of the United States.

(2) SCOPE OF THE REVIEW.—In conducting the review paragraph (1), the Commission shall consider the following:

(A) The competitiveness of the United States in artificial intelligence, machine learning, and other associated technologies, including matters related to national security, defense, public-private partnerships, and investments.

(B) Means and methods for the United States to maintain a technological advantage in artificial intelligence, machine learning, and other associated technologies related to national security and defense.

(C) Developments and trends in international cooperation and competitiveness, including foreign investments in artificial intelligence, related machine learning, and computer science fields that are materially related to national security and defense.

(D) Means by which to foster greater emphasis and investments in basic and advanced research to stimulate private, public, academic and combined initiatives in artificial intelligence, machine learning, and other associated technologies, to the extent that such efforts have application materially related to national security and defense.

(E) Workforce and education incentives to attract and recruit leading talent in artificial intelligence and machine learning disciplines, including science, technology, engineering, and math programs.

(F) Risks associated with United States and foreign country advances in military employment of artificial intelligence and machine learning, including international law of armed conflict, international humanitarian law, and escalation dynamics.

(G) Associated ethical considerations related to artificial intelligence and machine learning as it will be used for future applications related to national security and defense.

(H) Means to establish data standards, and incentivize the sharing of open training data within related national security and defense data-driven industries.

(I) Consideration of the evolution of artificial intelligence and appropriate mechanism for managing such technology related to national security and defense.

(J) Any other matters the Commission deems relevant to the common defense of the Nation.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress an initial report on the findings of the Commission and such recommendations that the Commission may have for action by the executive branch and Congress related to artificial intelligence, machine learning, and associated technologies, including recommendations to more effectively organize the Federal Government.

(2) ANNUAL COMPREHENSIVE REPORTS.—Not later than one year after the date of this enactment of this Act, and every year thereafter annually, until the date specified in subsection (e), the Commission shall submit a comprehensive report on the review required under subsection (b).

(3) FORM OF REPORTS.—Reports submitted under this subsection shall be made publically available, but may include a classified annex.

(d) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2019 for the Department of Defense, not more than $10,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(e) TERMINATION.—The Commission shall terminate on October 1, 2020.

(f) DEFINITION OF ARTIFICIAL INTELLIGENCE.—In this section, the term "artificial intelligence" includes each of the following:

(1) Any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets.

(2) An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

(3) An artificial system designed to think or act like a human, including cognitive architectures and neural networks.

(4) A set of techniques, including machine learning that is designed to approximate a cognitive task.

(5) An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision-making, and acting.

SEC. 1052. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) TRANSFER AUTHORITY.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) LIMITATION ON AMOUNTS.—Not more than $15,000,000 may be transferred in fiscal year 2019 under the authority in subsection (a).

(c) SOURCE OF FUNDS.—The Secretary of Defense may transfer funds appropriated to the Department of Defense for "Operation

and Maintenance, Defense-wide" under the authority in subsection (a).

(d) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided under subsection (a) is in addition to any other transfer authority available to the Department of Defense.

10 USC 113 note.

SEC. 1053. GUIDANCE ON THE ELECTRONIC WARFARE MISSION AREA AND JOINT ELECTROMAGNETIC SPECTRUM OPERATIONS.

(a) PROCESSES AND PROCEDURES FOR INTEGRATION.—The Secretary of Defense shall—

(1) establish processes and procedures to develop, integrate, and enhance the electronic warfare mission area and the conduct of joint electromagnetic spectrum operations in all domains across the Department of Defense; and

(2) ensure that such processes and procedures provide for integrated defense-wide strategy, planning, and budgeting with respect to the conduct of such operations by the Department, including activities conducted to counter and deter such operations by malign actors.

(b) DESIGNATED SENIOR OFFICIAL.—

(1) IN GENERAL.—The Secretary shall designate a senior official of the Department of Defense (hereinafter referred to as the "designated senior official"), who shall implement and oversee the processes and procedures established under subsection (a). The designated senior official shall be designated by the Secretary from among individuals serving in the Department as civilian employees or members of the Armed Forces who are, equivalent in grade or rank, at or below the level of Under Secretary of Defense. The designated senior official shall oversee the cross-functional team established pursuant to subsection (c) and serve as an ex-officio member of the Electronic Warfare Executive Committee established in March 2015.

(2) RESPONSIBILITIES.—The designated senior official shall have, with respect to the implementation and oversight of the processes and procedures established under subsection (a), the following responsibilities:

(A) Overseeing the implementation of the strategy developed by the Electronic Warfare Executive Committee for the conduct and execution of the electronic warfare mission area and joint electromagnetic spectrum operations by the Department, coordinated across all relevant elements of the Department, including both near-term and long-term guidance for the conduct of such operations.

(B) Providing recommendations to the Electronic Warfare Executive Committee on resource allocation to support the capability development and investment in the electronic warfare and joint electromagnetic spectrum operation mission areas.

(C) Proposing electronic warfare governance, management, organizational, and operational reforms to Secretary of Defense, after review and comment by the Electronic Warfare Executive Committee.

(3) ANNUAL CERTIFICATION ON BUDGETING FOR CERTAIN CAPABILITIES.—Each budget for fiscal years 2020 through 2024 submitted by the President to Congress pursuant to section 1105(a) of title 31, United States Code, shall include the same

information that was required to be submitted annually under section 1053(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2459) for each of fiscal years 2011 through 2015 and an assessment by the senior designated official as to whether sufficient funds are requested in such budget for anticipated activities in such fiscal year for each of the following:

(A) The development of an electromagnetic battle management capability for joint electromagnetic spectrum operations.

(B) The establishment and operation of associated joint electromagnetic spectrum operations cells.

(c) CROSS-FUNCTIONAL TEAM FOR ELECTRONIC WARFARE.—

(1) ESTABLISHMENT REQUIRED.—The Secretary shall, in accordance with section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2345; 10 U.S.C. 111 note), establish a cross-functional team for electronic warfare in order to identify gaps in electronic warfare and joint electromagnetic spectrum operations, capabilities, and capacities within the Department across personnel, procedural, and equipment areas.

(2) SPECIFIC DUTIES.—The cross-functional team established pursuant to paragraph (1) shall provide recommendations to the senior designated official to address gaps identified as described in that paragraph.

(d) PLANS AND REQUIREMENTS FOR ELECTRONIC WARFARE.—

(1) IN GENERAL.—The Secretary shall require the designated senior official to task the cross-functional team established pursuant to subsection (c) to develop requirements and specific plans for addressing personnel, capability, and capacity gaps in the electronic warfare mission area, and plans for future warfare in that domain (including maintaining a roadmap for the current future-years defense program under section 221 of title 10, United States Code).

(2) UPDATE OF STRATEGY.—Not later than 180 days after the date of the enactment of this Act, and biennially thereafter, the Electronic Warfare Executive Committee, in coordination with the cross-functional team shall—

(A) update the strategy of the Department of Defense entitled "The DOD Electronic Warfare Strategy" and dated June 2017, to include the roadmap developed by the cross-functional team pursuant to in paragraph (1); and

(B) submit the updated strategy to the congressional defense committees.

(3) ELEMENTS.—The requirements and plans and associated roadmap developed by the cross-functional team pursuant to paragraph (1) shall include the following:

(A) An accounting of the efforts undertaken in support of the strategy referred to in paragraph (2)(A) and to implement applicable elements of Department of Defense Directive 3222.04, dated May 10, 2017, or any subsequent updates to such directive.

(B) A description of any updates or changes to the strategy since its issuance, and a description of any anticipated updates or changes to the strategy as a result of the designation of the designated senior official.

(C) An assessment of vulnerabilities identified in the May 2015 Electronic Warfare assessment by the Defense Science Board.

(D) An assessment of the capability of joint forces to conduct joint electromagnetic spectrum operations against near-peer adversaries and any capability or capacity gaps in such capability that need to be addressed, including an assessment of the ability of joint forces to conduct coordinated military operations to exploit, attack, protect, and manage the electromagnetic environment in the signals intelligence, electronic warfare, and spectrum management mission areas, including the capability to conduct integrated cyber and electronic warfare on the battlefield, for all level 3 and level 4 contingency plans (as such plans are described in Joint Publication 5-0 of the Joint Chiefs of Staff, entitled "Joint Planning" and dated June 16, 2017).

(E) A review of the roles and functions of offices within the Joint Staff, the Office of the Secretary of Defense, and the combatant commands with primary responsibility for joint electromagnetic spectrum policy and operations.

(F) A description of any assumptions about the roles and contributions of the Department, in coordination with other departments and agencies of the United States Government, with respect to the strategy.

(G) A description of actions, performance metrics, and projected timelines for achieving key capabilities for electronic warfare and joint electromagnetic spectrum operations to correspond to the thematic goals identified in the strategy and as addressed by the roadmap.

(H) An analysis of any personnel, resourcing, capability, authority, or other gaps to be addressed in order to ensure effective implementation of the strategy across all relevant elements of the Department, including an update on each of the following:

(i) The development of an electromagnetic battle management capability for joint electromagnetic spectrum operations.

(ii) The establishment and operation of joint electromagnetic spectrum operations cells at combatant command locations.

(iii) The integration and synchronization of cyber and electromagnetic activities.

(I) An investment framework and projected timeline for addressing any gaps described by subparagraph (H).

(J) In consultation with the Director of the Defense Intelligence Agency—

(i) comprehensive assessments of the electronic warfare capabilities of the Russian Federation and the People's Republic of China, which shall include—

(I) electronic warfare doctrine;

(II) order of battle on land, sea, air, space, and cyberspace; and

(III) expected direction of technology and research over the next 10 years; and

(ii) a review of vulnerabilities with respect to electronic systems, such as the Global Positioning System,

and Department-wide abilities to conduct countermeasures in response to electronic warfare attacks.

(K) A review of the sufficiency of experimentation, testing, and training infrastructure, ranges, instrumentation, and threat simulators required to support the development of electromagnetic spectrum capabilities.

(L) A plan, and the estimated cost and schedule of implementing the plan, to conduct joint campaign modeling and wargaming for joint electromagnetic spectrum operations.

(M) Any other matters as the Secretary considers appropriate.

(4) PERIODIC STATUS REPORTS.—Not later than 90 days after the requirements and plans required by paragraph (1) are submitted in accordance with paragraph (2), and every 180 days thereafter during the three-year period beginning on the date such plans and requirements are first submitted in accordance with paragraph (2), the designated senior official shall submit to the congressional defense committees a report describing the status of the efforts of the Department in accomplishing the tasks specified in subparagraphs (A) through (I) and (K) through (M) of paragraph (3).

(5) COMPREHENSIVE ASSESSMENTS AND REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the comprehensive assessments and review required under paragraph (3)(J).

(e) TRAINING AND EDUCATION.—Consistent with the elements under subsection (d)(3) of the plans and requirements required by subsection (d)(1), the cross-functional team established pursuant to subsection (c) shall provide the senior designated official recommendations for programs to provide training and education to such members of the Armed Forces and civilian employees of the Department as the Secretary considers appropriate in order to ensure that such members and employees understand the roles and vulnerabilities associated with electronic warfare and dependence on the electromagnetic spectrum.

Subtitle E—Studies and Reports

SEC. 1061. ANNUAL REPORTS BY THE ARMED FORCES ON OUT-YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIREMENTS AND OUT-YEAR INVENTORY NUMBERS.

(a) REPORTS REQUIRED.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222b, as added by section 1677, the following new section:

"§ 222c. Armed forces: Out-Year Unconstrained Total Munitions Requirements; Out-Year inventory numbers

10 USC 222c.

"(a) ANNUAL REPORTS.—At the same time each year that the budget for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, the chief of staff of each armed force (other than the Coast Guard) shall submit to the congressional defense committees a report setting forth for such armed force each of the following for such fiscal year, broken out as specified in subsection (b):

"(1) The Out-Year Unconstrained Total Munitions Requirement.

"(2) The Out-Year inventory numbers.

"(b) PRESENTATION.—The Out-Year Unconstrained Total Munitions Requirement and Out-Year inventory numbers for an armed force for a fiscal year pursuant to subsection (a) shall include specific inventory objective requirements for each variant of munitions with respect to each of the following:

"(1) Combat Requirement, broken out by operation plan (OPLAN).

"(2) Current Operation/Forward Presence Requirement.

"(3) Strategic Readiness Requirement.

"(4) Homeland Defense.

"(5) Training and Testing Requirement.

"(6) Total Out-Year Unconstrained Total Munitions Requirement, calculated in accordance with the implementation guidance described in subsection (c).

"(7) Out-year worldwide inventory.

"(c) IMPLEMENTATION GUIDANCE USED.—In submitting information pursuant to subsection (a) for a fiscal year, the chief of staff of each armed force shall describe and explain the munitions requirements process implementation guidance developed by the Under Secretary of Defense for Acquisition and Sustainment and used by such armed force for the munitions requirements process for such armed force for that fiscal year.

"(d) DEFINITIONS.—In this section:

"(1) The term 'chief of staff', with respect to the Marine Corps, means the Commandant of the Marine Corps.

"(2) The term 'Out-Year Unconstrained Total Munitions Requirement' has the meaning given that term in and for purposes of Department of Defense Instruction 3000.04, or any successor instruction.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 222b, as added by section 1677, the following new item:

10 USC prec. 221.

"222c. Armed forces: Out-Year Unconstrained Total Munitions Requirements; Out-Year inventory numbers.".

SEC. 1062. IMPROVEMENT OF ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) MODIFICATION AND EXPANSION OF ELEMENTS.—Subsection (b) of section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended—

(1) in paragraph (1), by inserting ", including each specific mission, strike, engagement, raid, or incident," after "military operations";

(2) in paragraph (2)(E), by inserting before the period at the end the following: ", including a differentiation between those killed and those injured";

(3) in paragraph (3), by inserting before the period at the end the following: ", and, when appropriate, makes ex gratia payments to the victims or their families";

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph (5):

"(5) Any update or modification to any report under this section during a previous year.".

(b) SCOPE OF UNCLASSIFIED FORM OF REPORT.—Subsection (d) of such section is amended by adding at the end the following new sentence: "The unclassified form of each report shall, at a minimum, be responsive to each element under subsection (b) of a report under subsection (a), and shall be made available to the public at the same time it is submitted to Congress (unless the Secretary certifies in writing that the publication of such information poses a threat to the national security interests of the United States).".

SEC. 1063. REPORT ON CAPABILITIES AND CAPACITIES OF ARMORED BRIGADE COMBAT TEAMS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the capabilities and capacities of Armored Brigade Combat Teams.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the total number of Armored Brigade Combat Teams required to support the National Defense Strategy.

(2) A description of the manner in which the Army plans to equip and field future Armored Brigade Combat Teams.

(3) A description of the total number of mechanized infantry companies required in support of the Armored Brigade Combat Teams.

(4) A description of steps being taken to improve the number and quality of live-fire gunnery exercises executed each year, including improving execution of battalion and brigade-level combined arms live-fire exercises both at home station and at the Combat Training Centers.

(5) A description of training being conducted to train Armored Brigade Combat Teams in combined arms for air defense and to counter unmanned aerial vehicles with organic weapons and tactics.

(6) A plan to improve personnel preparedness by the reduction of non-deployable soldiers and improvements in combat vehicle crew stability and material readiness of key combat systems.

(7) A description of deficiencies in repair parts and number of qualified mechanics, and a plan to correct such deficiencies.

(8) A plan for the modernization of the Armored Brigade Combat Teams.

SEC. 1064. ACTIVITIES AND REPORTING RELATING TO DEPARTMENT OF DEFENSE'S CLOUD INITIATIVE.

10 USC 2223a note.

(a) ACTIVITIES REQUIRED.—Commencing not later than 90 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense, acting through the Cloud Executive Steering Group established by the Deputy Secretary of Defense in a directive memorandum dated September 13, 2017, in order to support its Joint Enterprise Defense Infrastructure initiative to procure commercial cloud services, shall conduct certain key enabling activities as follows:

(1) Develop an approach to rapidly acquire advanced commercial network capabilities, including software-defined

networking, on-demand bandwidth, and aggregated cloud access gateways, through commercial service providers in order—

(A) to support the migration of applications and systems to commercial cloud platforms;

(B) to increase visibility of end-to-end performance to enable and enforce service level agreements for cloud services;

(C) to ensure efficient and common cloud access;

(D) to facilitate shifting data and applications from one cloud platform to another;

(E) to improve cybersecurity; and

(F) to consolidate networks and achieve efficiencies and improved performance;

(2) Conduct an analysis of existing workloads that would be migrated to the Joint Enterprise Defense Infrastructure, including—

(A) identifying all of the cloud initiatives across the Department of Defense, and determining the objectives of such initiatives in connection with the intended scope of the Infrastructure;

(B) identifying all the systems and applications that the Department would intend to migrate to the Infrastructure;

(C) conducting rationalization of applications to identify applications and systems that may duplicate the processing of workloads in connection with the Infrastructure; and

(D) as result of such actions, arriving at dispositions about migration or termination of systems and applications in connection with the Infrastructure.

(b) REPORT REQUIRED.—The Chief Information Officer shall submit to the congressional defense committees a report on the Department of Defense's Cloud Initiative to manage networks, data centers, and clouds at the enterprise level. Such report shall include each of the following:

(1) A description the status of completion of the activities required under subsection (a).

(2) Information relating to the current composition of the Cloud Executive Steering Group and the stakeholders relating to the Department of Defense's Cloud Initiative and associated mission, objectives, goals, and strategy.

(3) A description of the characteristics and considerations for accelerating the cloud architecture and services required for a global, resilient, and secure information environment.

(4) Information relating to acquisition strategies and timeline for efforts associated with the Department of Defense's Cloud Initiative, including the Joint Enterprise Defense Infrastructure.

(5) A description of how the acquisition strategies referred to in paragraph (4) provides for a full and open competition, enable the Department of Defense to continuously leverage and acquire new cloud computing capabilities, maintain the ability of the Department to leverage other cloud computing vendor products and services, incorporate elements to maintain security, and provide for the best performance, cost, and schedule to meet the cloud architecture and services requirements of the Department for the duration of such contract.

(6) A detailed description of existing workloads that will be migrated to enterprise-wide cloud infrastructure or platforms as a result of the Department of Defense's Cloud Initiative, including estimated migration costs and timelines, based on the analysis required under subsection (a)(2).

(7) A description of the program management and program office of the Department of Defense's Cloud Initiative, including the number of personnel, overhead costs, and organizational structure.

(8) A description of the effect of the Joint Enterprise Defense Infrastructure on and the relationship of such Infrastructure to existing cloud computing infrastructure, platform, and service contracts across the Department of Defense, specifically the effect and relationship to the private cloud infrastructure of the Department, MilCloud 2.0 run by the Defense Information Systems Agency based on the analysis required under subsection (a)(2).

(9) Information relating to the most recent Department of Defense Cloud Computing Strategy and description of any initiatives to update such Strategy.

(10) Information relating to Department of Defense guidance pertaining to cloud computing capability or platform acquisition and standards, and a description of any initiatives to update such guidance.

(11) Any other matters the Secretary of Defense determines relevant.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated or otherwise made available by this Act for fiscal year 2019 for the Department of Defense's Cloud Initiative, not more than 85 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report required by subsection (b).

(d) LIMITATION ON NEW SYSTEMS AND APPLICATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Deputy Secretary shall require that no new system or application will be approved for development or modernization without an assessment that such system or application is already, or can and would be, cloud-hosted.

(2) WAIVER.—The Deputy Secretary may issue a national waiver to the requirement under paragraph (1) if the Deputy Secretary determines, pursuant to the assessment described in such paragraph, that the requirement would adversely affect the national security of the United States. If the Deputy Secretary issues a waiver under this paragraph, the Deputy Secretary shall provide to the congressional defense committees a written notification of such waiver, justification for the waiver, and identification of the system or application to which the waiver applies by not later than 15 days after the date on which the waiver is issued.

(e) TRANSPARENCY AND COMPETITION.—The Deputy Secretary shall ensure that the acquisition approach of the Department continues to follow the Federal Acquisition Regulation with respect to competition.

SEC. 1065. LIMITATION ON USE OF FUNDS FOR UNITED STATES SPECIAL OPERATIONS COMMAND GLOBAL MESSAGING AND COUNTER-MESSAGING PLATFORM.

(a) LIMITATION; REPORT.—None of the funds authorized to be appropriated by this Act may be used for United States Special Operations Command's Global Messaging and Counter-Messaging platform until the Secretary of Defense submits to the congressional defense committees a report containing the following elements:

(1) The justification of the Secretary for the proposed designation of the United States Special Operations Command as the entity responsible for establishing the centralized Global Messaging and Counter-Messaging capability.

(2) A description of the proposed roles and responsibilities of the United States Special Operations Command as such entity.

(3) An implementation plan for the establishment of the platform, including a timeline for achieving initial and full operational capability.

(4) A description of the impacts to existing counter-messaging platforms, capabilities, and contracts.

(5) A description of the budget requirements for the platform to reach full operational capability, including an identification and cost of any infrastructure and equipment requirements.

(6) A summary of costs to operate and sustain the platform across the future-years defense program under section 221 of title 10, United States Code.

(7) A comprehensive plan for the continual assessment of the effectiveness of the Global Messaging and Counter-Messaging activities and programs.

(8) An explanation of the Secretary's guidance to the combatant commands to ensure unity of effort and prevent the proliferation of messaging and counter-messaging platforms.

(9) A detailed description of the processes for deconfliction and, where possible, integration of platform planning and activities with those of relevant departments and agencies of the United States Government, including the Global Engagement Center of the Department of State.

(10) An identification of any additional authorities that may be required for achieving full operational capability of the platform.

(11) A description of other actions, activities, and efforts taken to implement section 1637 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(12) Any other matters the Secretary determines are relevant.

(b) ADDITIONAL REPORT REQUIRED.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a review and assessment of the doctrine, organization, training, materiel, leadership and education, personnel, and facilities applicable to military information support personnel, including—

(1) an assessment of current doctrine, organization, training, materiel, leadership and education, personnel, and facilities; and

(2) recommended changes for enhancing the ability of military information support personnel to operate effectively in the current and future information environment.

SEC. 1066. COMPREHENSIVE REVIEW OF PROFESSIONALISM AND ETHICS PROGRAMS FOR SPECIAL OPERATIONS FORCES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a comprehensive review of the ethics programs and professionalism programs of the United States Special Operations Command and of the military departments for officers and other military personnel serving in special operations forces.

(b) ELEMENTS OF THE REVIEW.—The review conducted under subsection (a) shall specifically include a description and assessment of each of the following:

(1) The professionalism and ethics standards of the United States Special Operations Command and affiliated component commands.

(2) The ethics programs and professionalism programs of the military departments available for special operations forces.

(3) The ethics programs and professionalism programs of the United States Special Operations Command and affiliated component commands.

(4) The roles and responsibilities of the military departments and the United States Special Operations Command and affiliated component commands in administering, overseeing, managing, and ensuring compliance and participation of special operations forces in ethics programs and professionalism programs, including an identification of—

(A) any gaps in the administration, oversight, and management of such programs and in ensuring the compliance and participation in such programs; and

(B) any additional guidance that may be required for a systematic, integrated approach in administering, overseeing, and managing such programs and in ensuring compliance with and participation in such programs in order to address issues and improve adherence to professionalism and ethics standards.

(5) The adequacy of the existing management and oversight framework for ensuring that all ethics programs and professionalism programs available to special operations forces meet Department standards.

(6) Tools and metrics for identifying and assessing individual and organizational ethics and professionalism issues with respect to special operations forces.

(7) Tools and metrics for assessing the effectiveness of existing ethics programs and professionalism programs in improving or addressing individual and organizational ethics-related and professionalism issues with respect to special operations forces.

(8) Any additional actions that may be required to address or improve individual and organizational ethics and professionalism issues with respect to special operations forces.

(9) Any additional actions that may be required to improve the oversight and accountability by senior leaders of ethics and professionalism-related issues with respect to special operations forces.

(c) LIMITATION ON DELEGATION.—The Secretary of Defense may only delegate responsibility for any element of the review required by subsection (a) to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in coordination with other appropriate offices of the Secretary of Defense and the secretaries of the military departments.

(d) DEADLINE FOR SUBMITTAL OF REVIEW.—The Secretary of Defense shall submit the review required by subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives by not later than March 1, 2019.

(e) DEFINITIONS.—In this section:

(1) The term "ethics program" means a program that includes—

(A) compliance-based ethics training, education, initiative, or other activity that focuses on adherence to rules and regulations; and

(B) values-based ethics training, education, initiative, or other activity that focuses on upholding a set of ethical principles in order to achieve high standards of conduct and incorporate guiding principles to help foster an ethical culture and inform decision-making where rules are not clear.

(2) The term "professionalism program" means a program that includes training, education, initiative, or other activity that focuses on values, ethics, standards, code of conduct, and skills as related to the military profession.

SEC. 1067. MUNITIONS ASSESSMENTS AND FUTURE-YEARS DEFENSE PROGRAM REQUIREMENTS.

(a) REQUIRED REPORTS.—Not later than March 1, 2019, and annually thereafter, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees each of the following:

(1) The most current munitions assessments, as defined by Department of Defense Instruction Number 3000.04, relating to the Department of Defense munitions requirements process.

(2) The most current sufficiency assessments, as defined by such Department of Defense Instruction.

(3) The most current approved memorandum of the Joint Requirements Oversight Council resulting from the munitions requirements process.

(4) The planned funding and munitions requirements required for the first fiscal year beginning after the date of the submittal of the report and across the future-years defense program for munitions across all military departments and the Missile Defense Agency.

(5) The planned foreign military sales and foreign military financing orders for United States munitions across the future-years defense program.

(b) SUNSET.—The requirement to submit reports and assessments under this section shall terminate on December 31, 2021.

(c) SUPPLY CHAIN ASSESSMENTS.—Beginning in fiscal year 2020, the Under Secretary shall evaluate supply chain risks, including qualified supplier shortages and single source supplier vulnerabilities for munitions production. The Under Secretary shall include in the reports required under subsection (a) for fiscal year

2020 and any subsequent fiscal year for which such reports are required to be submitted, a list of munitions that are at risk of production impacts from the loss of qualified suppliers.

SEC. 1068. REPORT ON ESTABLISHMENT OF ARMY FUTURES COMMAND.

(a) REPORT REQUIRED.—Not later than February 1, 2019, the Secretary of the Army shall submit to the congressional defense committees a report on the Army's plan for the establishment of Army Futures Command.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include each of the following:

(1) A description of the mission of Army Futures Command.

(2) A description of the authorities and responsibilities of the Commander of Army Futures Command.

(3) A description of the relationship between such authorities and the authorities of the Army Acquisition Authority and a description of any changes to be made to the authorities and missions of other Army major commands.

(4) A detailed description of the structure for Army Futures Command, including grade requirements.

(5) A detailed description of any resources or elements to be realigned from the Army Training and Doctrine Command, Army Materiel Command, Army Force Command, or Army Test and Evaluation Command to Army Futures Command.

(6) An assessment of the number and location of members of the Armed Forces and Department of Defense civilian personnel expected to be assigned to Army Futures Command.

(7) A cost estimate for the establishment of Army Futures Command in fiscal year 2019 and projected costs for each of fiscal years 2020 through 2023.

(8) A description of the headquarters stationing selection criteria and methodology.

(9) Any other information relating to the command, as determined by the Secretary.

SEC. 1069. REPORT ON CYBER-ENABLED INFORMATION OPERATIONS.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committees on Armed Services and Foreign Affairs of the House of Representative and the Committees on Armed Services and Foreign Relations of the Senate a report on the effects of cyber-enabled information operations on the national security of the United States. Such report shall include each of the following:

(1) A summary of actions taken by the Federal Government to protect the national security of the United States against cyber-enabled information operations.

(2) A description of the resources necessary to protect the national security of the United States against cyber-enabled information operations by foreign adversaries.

SEC. 1070. REPORT ON UNMANNED AIRCRAFT IN ARLINGTON NATIONAL CEMETERY.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the Federal Aviation Administration shall jointly submit

to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Veterans' Affairs of the Senate a report on whether legislative action is required to prevent low flying unmanned aircraft from disrupting funerals at Arlington National Cemetery.

(b) UNMANNED AIRCRAFT DEFINED.—In this section, the term "unmanned aircraft" has the meaning given such term in section 331(8) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

SEC. 1071. REPORT ON AN UPDATED ARCTIC STRATEGY.

(a) REPORT ON AN UPDATED STRATEGY.—Not later than June 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on an updated Arctic strategy to improve and enhance joint operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of United States national security interests in the Arctic region.

(2) An assessment of the threats and security challenges posed by adversaries operating in the Arctic region, including descriptions of such adversaries' intents and investments in Arctic capabilities.

(3) A description of the roles and missions of each military service in the Arctic region in the context of joint operations to support the Arctic strategy, including—

(A) a description of a joint Arctic strategy for sea operations, including all military and Coast Guard vessels available for Arctic operations;

(B) a description of a joint Arctic strategy for air operations, including all rotor and fixed wing military aircraft platforms available for Arctic operations; and

(C) a description of a joint Arctic strategy for ground operations, including all military ground forces available for Arctic operations.

(4) A description of near-term and long-term training, capability, and resource gaps that must be addressed to fully execute each mission described in the Arctic strategy against an increasing threat environment.

(5) A description of the level of cooperation between the Department of Defense, any other departments and agencies of the United States Government, State and local governments, and tribal entities related to the defense of the Arctic region.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1072. REPORT ON USE AND AVAILABILITY OF MILITARY INSTALLATIONS FOR DISASTER RESPONSE.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that identifies—

(1) each military installation that has been made available to the Department of Homeland Security for disaster response for the past 10 fiscal years; and

(2) military installations assessed to be available in support of fast response to disasters.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) For each military installation identified under subsection (a)(1)—

(A) the name of the installation;

(B) the location of the installation, including the State and Congressional District;

(C) a description of the infrastructure and equipment made available at the installation; and

(D) a description of personnel made available for disaster response.

(2) For each military installation identified under subsection (a)(2)—

(A) the name of the installation;

(B) the location of the installation, including the State and Congressional District;

(C) a description of the infrastructure and equipment to be available at the installation; and

(D) a description of personnel to be available for disaster response.

SEC. 1073. REPORT ON DEPARTMENT OF DEFENSE PARTICIPATION IN EXPORT ADMINISTRATION REGULATIONS LICENSE APPLICATION REVIEW PROCESS.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, and every 180 days thereafter until the date that is three years after such date of enactment, the Under Secretary of Defense for Policy shall submit to the appropriate congressional committees a report on the participation by the Department of Defense in the process for reviewing applications for export licenses under the Export Administration Regulations as a reviewing agency under Executive Order 12981 (50 U.S.C. 4603 note; relating to administration of export controls).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The number of applications for export licenses under the Export Administration Regulations reviewed by the Department of Defense in the 180-day period preceding the submission of the report.

(2) The number of instances during that 180-day period in which the Department disagreed with a final determination made with respect to such an application under the review procedures set forth in Executive Order 12981.

(3) A summary of such instances, including—

(A) a summary of the applicants for such licenses and the recipients of items pursuant to such licenses in such instances;

(B) a description of sensitive technologies involved in such instances; and

(C) a description of the rationale of the Department for disagreeing with such determinations.

(4) The number of such applications under review by the Department or undergoing interagency dispute resolution as of the date of the submission of the report.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs of the House of Representatives; and

(C) the Committee on Foreign Relations of the Senate.

(2) The term "Export Administration Regulations" means subchapter C of chapter VII of title 15, Code of Federal Regulations.

SEC. 1074. MILITARY AVIATION READINESS REVIEW IN SUPPORT OF THE NATIONAL DEFENSE STRATEGY.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on military aviation readiness in support of the National Defense Strategy (NDS).

(b) REVIEW FOR REPORT PURPOSES.—

(1) IN GENERAL.—The report under subsection (a) shall be based on a review conducted for purposes of the report in accordance with this section.

(2) PANEL.—The review shall be conducted by a panel consisting of the following:

(A) The Commander of the Air Combat Command, who shall head the panel.

(B) The Commander of the Army Aviation Branch.

(C) The Commander, Naval Air Forces.

(D) The Deputy Commandant of the Marine Corps for Aviation.

(E) Such other personnel of the Department of Defense as the Secretary considers appropriate.

(c) REVIEW ELEMENTS.—The review required by subsection (b) shall address the following:

(1) An analysis of the career progression of military pilots and non-pilot aviators, including a comparison between military pilot and non-pilot aviators, on the one hand, and other military specialities, on the other hand, with respect to each of the following:

(A) Tours of duty.

(B) Assignment lengths.

(C) Minimum service commitments.

(D) Professional performance evaluation systems.

(E) Statutory and administrative promotion processes.

(2) An analysis of aircrew aviation training for various aircraft platforms, including—

(A) an historical analysis, covering the past 15 years, of first and second assignment total flight hours and model-specific flight hours for military pilots and non-pilot aviators; and

(B) an analysis of the flight hour program in order to determine the appropriate level of required monthly flight hours and sorties to maintain currency (minimum safe level) and proficiency (minimum level to be tactically competent).

(3) An analysis of the effect of recent operational deployments on the ability of military pilots and non-pilot aviators to build and maintain readiness for potential threats from a near-peer adversary, including—

(A) a comparison of rates of simulator usage for military pilots and non-pilot aviators within and not within the pre-deployment training window; and

(B) an assessment of the suitability of training curriculum to address high-end combat operations against a near-peer adversary.

(4) An analysis of aviation squadron size and composition, including—

(A) individual unit-level aircraft allocation;

(B) aviation platform-specific force structure; and

(C) quantity of squadrons within each aviation platform.

(5) An analysis of aviation squadron manning documents on appropriate levels and composition of military pilots, non-pilot aviators, and non-aircrew for each squadron in support of the most current National Defense Strategy, including a consideration of—

(A) appropriate levels and composition of military pilots, non-pilot aviators, and non-aircrew for each squadron in support of such National Defense Strategy;

(B) flight-related workload compared with non-flight related workload for military pilots and non-pilot aviators;

(C) the number of different aircraft platforms to which enlisted maintenance personnel are expected to be assigned throughout a typical career; and

(D) career training milestones for enlisted maintenance personnel, and the effects of such milestones on military aviation readiness.

(6) An analysis of logistics programs in support of military aviation readiness, including—

(A) an evaluation of any shortfalls in logistics programs that serve as contributing factors to both military pilot retention and overall readiness of military aviation units;

(B) an analysis of aircraft parts cannibalization rates;

(C) a determination of average mission capable ratings for aircraft throughout the various stages of the deployment cycle;

(D) an analysis of rates of reassignment of aircraft from non-deploying units to deploying units; and

(E) an identification of individual aircraft communities, if any, with strained supply chains with single-source suppliers.

SEC. 1075. REPORT ON HIGHEST-PRIORITY ROLES AND MISSIONS OF THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES.

(a) REPORT ON ROLES AND MISSIONS.—

(1) REPORT REQUIRED.—Not later than March 31, 2019, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a re-evaluation of the highest priority missions of the Department of Defense, and of the roles of the Armed Forces in the performance of such missions.

(2) GOALS.—The goals of the re-evaluation required for purposes of the report shall be as follows:

(A) To support implementation of the National Defense Strategy.

(B) To optimize the effectiveness of the joint force.

(C) To inform the preparation of future defense program and budget requests by the Secretary, and the consideration of such requests by Congress.

(b) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A detailed description of the pacing threats for each Armed Force, and for special operations forces, and an assessment of the manner in which such pacing threats determine the primary role of each Armed Force, and special operations forces, including the connection between key operational tasks required by contingency plans.

(2) A specific requirement for the size and composition of each Armed Force, including the following:

(A) The required total end strength and force structure by type for the Army.

(B) The required fleet size of the Navy, identified by class of ships and the corresponding total end strength requirement once that fleet size is achieved.

(C) The required number of operational Air Force squadrons, identified by function and the corresponding total end strength requirement once that number of squadrons is achieved.

(D) The required total end strength and force structure by type for the Marine Corps.

(3) An evaluation of the roles of the Armed Forces in performing low-intensity missions, such as counterterrorism and security force assistance.

(4) An assessment of the roles of the total ground forces, both Army and Marine Corps, to execute the National Defense Strategy.

(5) An assessment, based on operational plans, of the ability of power projection platforms to survive and effectively perform the highest priority operational missions described in the National Defense Strategy.

(6) An assessment, based on operational plans, of the ability of manned, stealthy, penetrating strike platforms to survive and perform effectively the highest priority operational missions described in the National Defense Strategy.

(7) An evaluation of the most effective and efficient means for the joint force to achieve air superiority in both contested and uncontested environments.

(8) An evaluation of the roles of the joint special operations enterprise.

(9) An assessment of the manner in which increased use of the space domain should revise or reallocate the requirements of the joint force.

(10) An assessment of the manner in which the joint force will perform the mission of logistics in contested environments.

(c) FORM.—The report required in subsection (b) shall be submitted in classified form, and shall include an unclassified summary.

Subtitle F—Other Matters

SEC. 1081. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 130j and 130k, as added by section 1631 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1736), are amended by striking "section 3093 of title 50, United States Code" both places it appears and inserting "section 503 of the National Security Act of 1947 (50 U.S.C. 3093)".

(2) The table of sections at the beginning of chapter 3 is amended by striking the items relating to sections 130j and 130k and inserting the following new items: 10 USC prec. 121.

"130j. Notification requirements for sensitive military cyber operations.
"130k. Notification requirements for cyber weapons.".

(3) Section 131(b)(9), as amended by section 811, is further amended—

(A) by striking subparagraphs (B), (C), and (D); and

(B) by redesignating subparagraphs (E), (F), (G), and (H), as subparagraphs (B), (C), (D), and (E), respectively.

(4) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 261 and inserting the following: 10 USC prec. 241.

"241. Reference to chapters 1003, 1005, and 1007.".

(5) Section 494(b)(2) is amended in the matter preceding subparagraph (A) by striking "March 1, 2012, and annually thereafter" and inserting "March 1 of each year".

(6) Section 495(a) is amended by striking "Beginning in fiscal year 2013, the" and inserting "The".

(7) Section 499a(d), as added by section 1652(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1757), is amended by striking "on or after the date of the enactment of this section" and inserting "after December 11, 2017,".

(8) Section 637a(d) is amended by striking "specialities" and inserting "specialties".

(9) Section 664(d)(1) is amended by striking "the the" and inserting "the".

(10) The table of subchapters at the beginning of chapter 47A is amended by striking the item relating to subchapter VII and inserting the following: 10 USC prec. 948a.

"VII. POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS".

(11) The table of sections at the beginning of subchapter VII of chapter 47A is amended by striking the item relating to section 950g and inserting the following: 10 USC prec. 950a.

"950g. Review by United States Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court.".

(12) Section 950t is amended—

(A) in paragraph (9), by striking "attack. or" and inserting "attack, or";

(B) in paragraph (16), by striking "shall punished" and inserting "shall be punished"; and

(C) in paragraph (22), by adding a period at the end.

10 USC prec. 1071.

(13) The table of sections at the beginning of chapter 55 is amended by striking the item relating to section 1077a and inserting the following:

"1077a. Access to military medical treatment facilities and other facilities.".

10 USC 1415.

(14) Section 1415(e) is amended by striking "concerned".

(15) Section 2006a(b)(3) is amended by striking "the such programs" and inserting "such programs".

(16) Section 2279(c) is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

(17) Section 2279c, as added by section 1601(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1718), is amended—

(A) in subsection (a)(3), by striking " the date of the enactment of this Act" and inserting "December 12, 2017"; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking " the date of the enactment of this section" and inserting "December 12, 2017"; and

(ii) in paragraph (3), by striking "on or after the date that is one year after the date of the enactment of this section" and inserting "after December 11, 2018".

(18)(A) The second section 2279c, as added by section 1602 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1721), is redesignated as section 2279d.

10 USC prec. 2271.

(B) The table of sections at the beginning of chapter 135 is amended by inserting after the item relating to section 2279c the following new item:

"2279d. Limitation on construction on United States territory of satellite positioning ground monitoring stations of certain foreign governments.".

(19) Section 2313b(b)(1)(E), as added by section 803(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1452), is amended by redesignating clauses (A) and (B) as clauses (i) and (ii), respectively.

(20) Section 2337a(d), as added by section 836(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1473), is amended by striking "title 10, United States Code" and inserting "this title".

(21) Section 2374a(e) is amended by striking ",," and inserting ",".

10 USC prec. 2381.

(22) The table of sections at the beginning of chapter 141 is amended by striking the item relating to section 2410s and inserting the following new item:

"2410s. Security clearances for facilities of certain companies.".

(23) The heading of section 2410s is amended by striking the period at the end.

(24)(A) The heading of section 2414, as amended by section 817(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1462), is amended to read as follows:

"§ 2414. Funding".

(B) The item relating to such section in the table of sections at the beginning of chapter 142 is amended to read as follows: 10 USC prec. 2411.

"2414. Funding.".

(25) Section 2613(g) is amended by striking "(1)". 10 USC 2613.

(26) Section 2679(a)(1) is amended by striking "Federal government" and inserting "Federal Government".

(27) The heading of section 2691, as amended by section 2814(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is amended to read as follows:

"§ 2691. Restoration of land used by permit or damaged by mishap; reimbursement of state costs of fighting wildland fires".

(28) Section 2879(a)(2)(A), as added by section 2817(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is amended by striking "on or after the date of the enactment of this section" and inserting "after December 11, 2017,".

(29) The heading of section 2914 is amended to read as follows:

"§ 2914. Energy resilience and conservation construction projects".

(30) Section 10504 is amended—

(A) in subsection (a), by striking "The Chief" and inserting "(1) The Chief"; and

(B) by redesignating the second subsection (b) as subsection (c).

(b) TITLE 32, UNITED STATES CODE.—Title 32, United States Code, is amended in section 902, by striking "the Secretary, determines" and inserting "the Secretary determines".

(c) NDAA FOR FISCAL YEAR 2018.—Effective as of December 12, 2017, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1284 et seq.) is amended as follows: 24 USC 418 note.

(1) Section 834(a)(2) (131 Stat. 1470) is amended by striking "subchapter I of". 10 USC prec. 2430.

(2) Section 913(b) is amended by striking the dash after the colon in the matter preceding paragraph (1). 10 USC 2302 note.

(3) Section 1051(d) is amended by inserting "National" before "Defense Authorization Act". 24 USC 418.

(4) Section 1691(i) is amended— 50 USC 2301 note.

(A) by inserting "the" after "Title XIV of"; and

(B) by inserting "as enacted into law by" before "Public Law 106–398".

(5) Section 2817(a)(2) is amended by striking "table of sections for" and inserting "table of sections at the beginning of subchapter IV of". 10 USC prec. 2871.

(6) Section 2831(b) is amended by inserting "of title 10, United States Code," after "chapter 173". 10 USC prec. 2911.

(7) Section 2876(d) is amended— 10 USC 2661 note.

(A) by inserting "In this section:" after "DEFINITIONS.—"; and

(B) in paragraph (1)(A), in the matter preceding clause (i), by inserting open quotation marks before "beneficial" and close quotation marks after "owner".

(d) OTHER NDAAS.—Section 828(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note), as added by section 825(a)(4) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1466), is amended by inserting "subsection" before "(b)".

(e) OTHER LAWS.—

(1) TITLE 31.—Paragraph (1) of section 5112(p) of title 31, United States Code, as amended by section 885 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1505), is amended by striking ", United States Code" each place it appears.

(2) TITLE 49.—Subsection (h) of section 44718 of title 49, United States Code, as amended and redesignated by sections 311(b)(3) and 311(e)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is amended—

(A) in paragraph (1), by striking "section 183a(g) of title 10" and inserting "section 183a(h)(1) of title 10"; and

(B) in paragraph (2), by striking "section 183a(g) of title 10" and inserting "section 183a(h)(7) of title 10".

(3) ATOMIC ENERGY DEFENSE ACT.—Section 4309(c) of the Atomic Energy Defense Act (50 U.S.C. 2575(c)) is amended by redesignating paragraphs (17) and (18) as paragraphs (16) and (17), respectively.

(f) CONFORMING AMENDMENTS RELATING TO THE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.—

(1) CONFORMING AMENDMENTS.—

(A) Each of the following provisions law is amended by striking "Deputy Chief Management Officer" each place it appears and inserting "Chief Management Officer":

(i) Section 192(e)(2) of title 10, United States Code.

(ii) Section 2222 of title 10, United States Code.

(iii) Section 11319(d)(4) of title 40, United States Code.

(iv) Section 881(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

(v) Section 217 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2445a note).

(B) Section 131(b) of title 10, United States Code, as amended by subsection (a)(3) of this section, is further amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively.

(C) Section 137a(d) of title 10, United States Code, is amended—

(i) by striking "the Secretaries of the military departments," and inserting "the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and"; and

(ii) by striking ", and the Deputy Chief Management Officer of the Department of Defense".

(D) Section 138(d) of title 10, United States Code, is amended—

(i) by inserting "the Chief Management Officer of the Department of Defense," after "the Deputy Secretary of Defense,"; and

(ii) by striking "the Deputy Chief Management Officer of the Department of Defense,".

(E) Section 904(b)(4) the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 132 note.) is amended—

(i) by striking "and Deputy Chief Management Officer"; and

(ii) by striking "as is necessary to assist those officials in the performance of their duties" and inserting "as is necessary to assist the Chief Management Officer in the performance of the duties assigned to such official".

(F) Section 5314 of title 5, United States Code, is amended by striking "Deputy Chief Management Officer of the Department of Defense.".

(2) REFERENCES.— 10 USC 132a note.

(A) IN LAW OR REGULATION.—Any reference in a law (other than this Act) or regulation in effect on the day before the date of the enactment of this Act to the Deputy Chief Management Officer of the Department of Defense is deemed to be a reference to the Chief Management Officer of the Department of Defense.

(B) IN OTHER DOCUMENTS, PAPERS, OR RECORDS.—Any reference in a document, paper, or other record of the United States prepared before the date of the enactment of this Act to the Deputy Chief Management Officer of the Department of Defense is deemed to be a reference to the Chief Management Officer of the Department of Defense.

(g) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act. 10 USC 101 note.

SEC. 1082. PRINCIPAL ADVISOR ON COUNTERING WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—

(1) DESIGNATION OF PRINCIPAL ADVISOR.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 145. Principal Advisor on Countering Weapons of Mass Destruction 10 USC 145.

"The Secretary of Defense may designate, from among the personnel of the Office of the Secretary of Defense, a Principal Advisor on Countering Weapons of Mass Destruction. Such Principal Advisor shall coordinate the activities of the Department of Defense relating to countering weapons of mass destruction. The individual designated to serve as such Principal Advisor shall be an individual who was appointed to the position held by the individual by and with the advice and consent of the Senate.".

10 USC prec. 131.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"145. Principal Advisor on Countering Weapons of Mass Destruction.".

10 USC 131 note.

(b) OVERSIGHT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to streamline the oversight framework of the Office of the Secretary of Defense, including any efficiencies and the potential to reduce, realign, or otherwise restructure current Assistant Secretary and Deputy Assistant Secretary positions with responsibilities for overseeing countering weapons of mass destruction policy, programs, and activities.

10 USC 131 note.

(c) DIRECTIVE.—Not later than 90 days after the submission of the oversight plan under subsection (b), the Secretary of Defense shall issue a directive for the implementation of the oversight plan by the Countering Weapons of Mass Destruction-Unity of Effort Council.

(d) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report at the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for each of fiscal years 2020 through fiscal year 2024. Each such report shall include, for the fiscal year covered by the report, each of the following:

(A) A concise budget summary, including budget program data provided by the Undersecretary of Defense (Comptroller) for all activities of the Department that include countering weapons of mass destruction for the period covered by the applicable future-years defense program under section 221 of title 10, United States Code.

(B) A description of the activities taken by the Countering Weapons of Mass Destruction-Unity of Effort Council, including—

(i) A description of actions that are promoting a unity of effort with respect to countering weapons of mass destruction across all elements of the Department.

(ii) A list of topics that have been brought before the Countering Weapons of Mass Destruction-Unity of Effort Council and the resolution of each such topic.

(iii) A description of current and future threats involving weapons of mass destruction.

(iv) A plan, for the period covered by the applicable future-years defense program under section 221 of title 10, United States Code, to address the threats identified under clause (iii) consistent with the budget.

(v) Such other matters as the Secretary determines are relevant.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1083. MODIFICATION OF AUTHORITY TO TRANSFER AIRCRAFT TO OTHER DEPARTMENTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) TRANSFER BY DEPARTMENT OF HOMELAND SECURITY.—Paragraph (1) of subsection (a) of section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 881) is amended—

(1) in subparagraph (A), by striking "of—" and all that follows and inserting "of the seven demilitarized HC–130H aircraft specified in subparagraph (B) to the Secretary of the Air Force.";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) AIR FORCE ACTIONS.—Paragraph (2) of such subsection is amended—

(1) in subparagraph (A)(iii), by striking "to the Secretary of Agriculture" and all that follows and inserting "to the State of California, Natural Resources Agency, for use by the Department of Forestry and Fire Protection for firefighting purposes."; and

(2) in subparagraph (C)—

(A) by striking "unless, by reimbursable order" and all that follows through "such modifications" in each of clauses (i) and (ii);

(B) in clause (i), by striking "$5,000,000" and inserting "$7,500,000"; and

(C) in clause (ii), by striking "$130,000,000" and inserting "$150,000,000".

(c) COAST GUARD ACTIONS.—The second sentence of paragraph (3) of such subsection is amended by striking "under paragraph (2)(A)(ii)." and inserting "pursuant to this subsection before the date of the enactment of the John S. McCain National Defense Authorization Act for Fiscal Year 2019. If the Governor of California identifies fewer than seven aircraft to be acquired for firefighting purposes, the Secretary of Homeland Security may retain title and disposition of the HC-130H aircraft not included in the transfer.".

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended by inserting "or the Governor of California" after "Secretary of Agriculture" each place it appears.

(e) SECRETARY OF AGRICULTURE RETRANSFER OF TRANSFERRED INITIAL SPARES AND RELATED EQUIPMENT.—The Secretary of Agriculture shall, acting for the Forest Service, transfer to the Commandant of the Coast Guard or the Governor of California, as appropriate, any initial spares and necessary ground support equipment for HC–130H aircraft that were transferred to the Secretary pursuant to section 1098(a)(1)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2014 before the date of the enactment of this Act.

(f) GOVERNOR OF CALIFORNIA ACTIONS.—

(1) CERTIFICATION REQUIRED.—No action may be taken to transfer any aircraft pursuant to section 1098(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 881), as amended by this section, unless the Governor of the State of California submits to the Secretary of Defense certification in writing of the number of HC-130H

aircraft that the State of California requests to be transferred pursuant to such section for firefighting purposes.

(2) FAILURE TO SUBMIT CERTIFICATION.—If the Governor of California fails to submit the certification under paragraph (1) before the date that is 120 days after the date of the enactment of this Act—

(A) paragraph (2) of subsection (a) of section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 881), as amended by this section shall have no force or effect; and

(B) the Secretary of Homeland Security may retain title and disposition of the HC-130H aircraft specified in paragraph (1)(B) of such subsection.

SEC. 1084. IMPROVEMENT OF DATABASE ON EMERGENCY RESPONSE CAPABILITIES.

(a) IN GENERAL.—Section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2436; 10 U.S.C. 113 note) is amended—

(1) by inserting before "The Secretary" the following: "(a) DATABASE REQUIRED.—";

(2) in subsection (a), as designated by paragraph (1), by adding at the end the following new paragraphs:

"(3) The types of emergency response cyber capabilities that the National Guard of each State and territory may be able to provide in response to domestic or natural man-made disasters, as reported by the States and territories, including—

"(A) capabilities that can be provided within the State or territory;

"(B) capabilities that can be provided under State-to-State mutual assistance agreements; and

"(C) capabilities for defense support to civil authorities.

"(4) The types of emergency response cyber capabilities of other reserve components of the Armed Forces identified by the Secretary that are available for defense support to civil authorities in response to domestic or natural man-made disasters."; and

(3) by adding at the end the following new subsection:

"(b) INFORMATION REQUIRED TO KEEP DATABASE CURRENT.—In maintaining the database required by subsection (a), the Secretary shall identify and revise the information required to be reported and included in the database at least once every two years for purposes of keeping the database current.".

10 USC 113 note.

(b) ESTABLISHMENT OF DATABASE.—

(1) DEADLINE FOR ESTABLISHMENT.—The Secretary of Defense shall establish the database required by section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (a), by not later than one year after the date of the enactment of this Act.

(2) USE OF EXISTING DATABASE OR SYSTEM FOR CERTAIN CAPABILITIES.—The Secretary may meet the requirement with respect to the capabilities described in subsection (a)(1) of section 1406 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as so amended, in connection with the database required by that section through the use or modification of current databases and tracking systems of the Department of Defense, including the Defense Readiness

Reporting System, if the Secretary determines that such action will—

(A) expedite compliance with the requirement; and

(B) achieve such compliance at a cost not greater than the cost of establishing anew the database otherwise covered by the requirement.

SEC. 1085. DISCLOSURE REQUIREMENTS FOR UNITED STATES-BASED FOREIGN MEDIA OUTLETS.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. 722. DISCLOSURE REQUIREMENTS FOR UNITED STATES-BASED FOREIGN MEDIA OUTLETS. 47 USC 624.

"(a) REPORTS BY OUTLETS TO COMMISSION.—Not later than 60 days after the date of the enactment of this section, and not less frequently than every 6 months thereafter, a United States-based foreign media outlet shall submit to the Commission a report that contains the following information:

"(1) The name of such outlet.

"(2) A description of the relationship of such outlet to the foreign principal of such outlet, including a description of the legal structure of such relationship and any funding that such outlet receives from such principal.

"(b) REPORTS BY COMMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this section, and not less frequently than every 6 months thereafter, the Commission shall transmit to Congress a report that summarizes the contents of the reports submitted by United States-based foreign media outlets under subsection (a) during the preceding 6-month period.

"(c) PUBLIC AVAILABILITY.—The Commission shall make publicly available on the internet website of the Commission each report submitted by a United States-based foreign media outlet under subsection (a) not later than the earlier of—

"(1) the date that is 30 days after the outlet submits the report to the Commission; or

"(2) the date on which the Commission transmits to Congress under subsection (b) the report covering the 6-month period during which the report of the outlet was submitted to the Commission under subsection (a).

"(d) DEFINITIONS.—In this section:

"(1) FOREIGN PRINCIPAL.—The term 'foreign principal' has the meaning given such term in section 1(b)(1) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)(1)).

"(2) UNITED STATES-BASED FOREIGN MEDIA OUTLET.—The term 'United States-based foreign media outlet' means an entity that—

"(A) produces or distributes video programming (as defined in section 602) that is transmitted, or intended for transmission, by a multichannel video programming distributor (as defined in such section) to consumers in the United States; and

"(B) would be an agent of a foreign principal (as defined in paragraph (1)) for purposes of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) but for section 1(d) of such Act (22 U.S.C. 611(d)).".

10 USC 113 note.

SEC. 1086. UNITED STATES POLICY WITH RESPECT TO FREEDOM OF NAVIGATION AND OVERFLIGHT.

(a) DECLARATION OF POLICY.—It is the policy of the United States to fly, sail, and operate throughout the oceans, seas, and airspace of the world wherever international law allows.

(b) IMPLEMENTATION OF POLICY.—In furtherance of the policy set forth in subsection (a), the Secretary of Defense should—

(1) plan and execute a robust series of routine and regular air and naval presence missions throughout the world and throughout the year, including for critical transportation corridors and key routes for global commerce;

(2) in addition to the missions executed pursuant to paragraph (1), execute routine and regular air and maritime freedom of navigation operations throughout the year, in accordance with international law, including, but not limited to, maneuvers beyond innocent passage; and

(3) to the maximum extent practicable, execute the missions pursuant to paragraphs (1) and (2) with regional partner countries and allies of the United States.

SEC. 1087. NATIONAL COMMISSION ON MILITARY AVIATION SAFETY.

(a) ESTABLISHMENT; PURPOSE.—

(1) ESTABLISHMENT.—There is established the National Commission on Military Aviation Safety (in this section referred to as the "Commission"). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(2) PURPOSE.—The purpose of the Commission is to examine and make recommendations with respect to certain United States military aviation mishaps.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2),

the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(4) EXPERTISE.—In making appointments under this subsection, consideration should be given to individuals with expertise in military aviation training, aviation technology, military aviation operations, aircraft sustainment and repair, aviation personnel policy, aerospace physiology, and reserve component policy.

(5) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(6) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among its members. The Chair may not be a Federal officer or employee.

(7) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(8) PAY FOR MEMBERS.—

(A) IN GENERAL.—Except for the Chair, each member of the Commission who is not an officer or employee of the Federal government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(C) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) ADDITIONAL STAFF.—

(1) EXECUTIVE DIRECTOR.—

(A) APPOINTMENT.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(B) LIMITATIONS.—The individual appointed to serve as Executive Director may not have served on active duty

in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment.

(2) COMMISSION STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(3) DETAILEES.—Not more than half of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other Federal departments or agencies.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chair.

(2) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission are required to have been appointed under subsection (b)(2), the Commission shall hold its initial meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e) SPACE FOR COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary of Defense, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent that funds are available for such purpose.

(f) CONTRACTING AUTHORITY.—The Commission may enter into contracts for the acquisition of administrative supplies and equipment for use by the Commission, to the extent that funds are available for such purpose.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) DUTIES.—

(1) STUDY ON MILITARY AVIATION SAFETY.—The Commission shall undertake a comprehensive study of United States military aviation mishaps that occurred between fiscal years 2013 and 2018 in order—

(A) to assess the rates of military aviation mishaps between fiscal years 2013 and 2018 compared to historic aviation mishap rates;

(B) to make an assessment of the underlying causes contributing to the unexplained physiological effects;

(C) to make an assessment of causes contributing to delays in aviation maintenance and limiting operational availability of aircraft;

(D) to make an assessment of the causes contributing to military aviation mishaps; and

(E) to make recommendations on the modifications, if any, of safety, training, maintenance, personnel, or other policies related to military aviation safety.

(2) REPORT.—Not later than March 1, 2020, the Commission shall submit to the President and the congressional defense committees a report setting forth a detailed statement of the findings and conclusions of the Commission as a result of the study required by paragraph (1), together with the recommendations of the Commission for such legislative and administrative actions as the Commission considers appropriate in light of the results of the study.

(i) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this subtitle.

(2) INFORMATION FROM DEPARTMENT.—The Commission may secure directly from any element of the Department of Defense such information as the Commission considers necessary to carry out its duties under this subtitle. Upon request of the Chair of the Commission, the head of such element shall furnish such information to the Commission.

(j) PROTECTION OF PRIVILEGED SAFETY INFORMATION.—

(1) REQUEST OF INFORMATION.—The Commission may request privileged safety information from the Department of Defense.

(2) TREATMENT OF INFORMATION.—Any privileged safety information provided to the Commission by the Department of Defense shall be handled by the Commission as though the Commission were a non-Department of Defense Federal Government agency under Enclosure 5, Section 8, of Department of Defense Instruction 6055.07, Mishap Notification, Investigation, Reporting, and Record Keeping.

(3) PROHIBITION ON USE OF INFORMATION IN PUBLIC HEARINGS.—No privileged safety information shall be allowed in any public hearing of the Commission. The Commission may only consider privileged safety information in camera, and no record of the proceedings of the Commission may include privileged safety information.

(4) PROHIBITION ON PUBLICATION.—Any privileged safety information secured by the Commission from the Department of Defense—

(A) may not be published or revealed to anyone outside the Commission;

(B) may not be retained but shall be returned to the originating Department of Defense organization; and

(C) may not be included in any Commission report.

(5) USE OF AGGREGATED DATA.—Aggregated data based on privileged safety information or information that has been completely sanitized in accordance with Department of Defense Instruction 6055.07, such that individual mishaps are not identifiable, may be included in the report produced by the Commission.

(6) DEFINITION OF PRIVILEGED SAFETY INFORMATION.—In this subsection, the term "privileged safety information" has the meaning given it in Department of Defense Instruction 6055.07, dated June 6, 2011.

(k) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (h)(2).

(l) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2019, as identified in division D of this Act, $5,000,000 shall be available for the National Commission on Aviation Safety.

SEC. 1088. SENSE OF CONGRESS REGARDING THE INTERNATIONAL BORDERS OF THE UNITED STATES.

It is the sense of Congress that—

(1) gaining and maintaining situational awareness and operational control of the international borders of the United States is critical to national security;

(2) the United States Government must devote adequate resources to securing the border, both at, and between, ports of entry, and the agency tasked with that mission, the Department of Homeland Security, should be adequately resourced to conduct such mission; and

(3) the Department of Defense must ensure that when it acts in support of that mission, such as when mobilized by the President to conduct homeland defense activities, or when military facilities are adjacent to an international border of the United States, it has adequate resources, capabilities, and authorities to carry out the mission while maintaining combat readiness.

10 USC 1781 note.

SEC. 1089. POLICY ON RESPONSE TO JUVENILE-ON-JUVENILE PROBLEMATIC SEXUAL BEHAVIOR COMMITTED ON MILITARY INSTALLATIONS.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish a policy, applicable across the military installations of the Department of Defense (including installations outside the United States), on the response of the Department to allegations of juvenile-on-juvenile problematic sexual behavior on military installations. The policy shall be designed to ensure a consistent, standardized response to such allegations across the Department.

(b) ELEMENTS.—The policy required by this section shall provide for the following:

(1) Any report or other allegation of juvenile-on-juvenile problematic sexual behavior on a military installation that is received by the installation commander, a law enforcement organization, a Family Advocacy Program, a child development center, a military treatment facility, or a Department school operating on the installation or otherwise under Department administration for the installation shall be reviewed by the Family Advocacy Program of the installation.

(2) Personnel of Family Advocacy Programs conducting reviews shall have appropriate training and experience in working with juveniles.

(3) Family Advocacy Programs conducting reviews shall conduct a multi-faceted, multi-disciplinary review and recommend treatment, counseling, or other appropriate interventions for complainants and respondents.

(4) Each review shall be conducted—

(A) with full involvement of appropriate authorities and entities, including parents or legal guardians of the juveniles involved (if practicable); and

(B) to the extent practicable, in a manner that protects the sensitive nature of the incident concerned, using language appropriate to the treatment of juveniles in written policies and communication with families.

(5) The requirement for investigation of a report or other allegation shall not be deemed to terminate or alter any otherwise applicable requirement to report or forward the report or allegation to appropriate Federal, State, or local authorities as possible criminal activity.

(6) There shall be established and maintained a centralized database of information on each incident of problematic sexual behavior that is reviewed by a Family Advocacy Program under the policy established under this section, with—

(A) the information in such database kept strictly confidential; and

(B) because the information involves alleged conduct by juveniles, additional special precautions taken to ensure the information is available only to persons who require access to the information.

(7) There shall be entered into the database, for each substantiated or unsubstantiated incident of problematic sexual behavior, appropriate information on the incident, including—

(A) a description of the allegation;

(B) whether or not the review is completed;

(C) whether or not the incident was subject to an investigation by a law enforcement organization or entity, and the status and results of such investigation; and

(D) whether or not action was taken in response to the incident, and the nature of the action, if any, so taken.

SEC. 1090. RECOGNITION OF AMERICA'S VETERANS.

(a) AUTHORIZATION OF SUPPORT.—In order to honor American veterans, including American veterans of past wars that the Secretary of Defense determines have not received appropriate recognition, the Secretary may provide such support as the Secretary determines is appropriate for a parade to be carried out in the District of Columbia. In providing support under this subsection, the Secretary may expend funds for the display of small arms and munitions appropriate for customary ceremonial honors and for the participation of military units that perform customary ceremonial duties.

(b) PROHIBITION.—In providing support for a parade as described in subsection (a), the Secretary may not expend funds to provide motorized vehicles, aviation platforms, munitions other than the munitions specifically described in subsection (a), operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment.

SEC. 1091. PROHIBITION OF FUNDS FOR CHINESE LANGUAGE INSTRUCTION PROVIDED BY A CONFUCIUS INSTITUTE.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended for Chinese language instruction provided by a Confucius Institute.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department

of Defense may be obligated or expended to support a Chinese language program at an institution of higher education that hosts a Confucius Institute.

(c) WAIVER.—The Under Secretary of Defense for Personnel and Readiness may waive the limitation in subsection (b) with respect to a Chinese language program at a specific institution of higher education if the Under Secretary of Defense for Personnel and Readiness—

(1) certifies to the congressional defense committees that—

(A) Confucius Institute employees and instructors will provide no instruction or educational support to the program;

(B) Confucius Institute employees and instructors will have no authority with regard to the curriculum and activities of the program; and

(C) the institution has made available to the Department of Defense all memoranda of understanding, contracts, and other agreements between the institution and the Confucius Institute, or between the institution and any agency of or organization affiliated with the government of the People's Republic of China; or

(2) certifies to the congressional defense committees that—

(A) the requirements described in subparagraphs (A) and (B) of paragraph (1) have been met; and

(B) the waiver of the limitation in subsection (b) is necessary for national security, and there is no reasonable alternative to issuing the waiver.

(d) DEFINITIONS.—

(1) CHINESE LANGUAGE PROGRAM.—The term "Chinese language program" means any Department of Defense program designed to provide or support Chinese language instruction, including the National Security Education Program, the Language Flagship program, Project Global Officer, and the Language Training Centers program.

(2) CONFUCIUS INSTITUTE.—The term "Confucius Institute" means a Confucius Institute that is operated by the Office of Chinese Languages Council International, also known as Hanban, which is affiliated with the Ministry of Education of the People's Republic of China.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(e) RULE OF CONSTRUCTION.—The prohibition under subsection (a) and the limitation under subsection (b) shall not apply to an institution of higher education by reason that the institution funds or sponsors an event or activity, regardless of any affiliation of any individual who participates in the event or activity, and nothing shall be construed to prohibit funding for other programs, research or other activities at an institution that hosts a Confucius institute.

SEC. 1092. DEPARTMENT OF DEFENSE ENGAGEMENT WITH CERTAIN NONPROFIT ENTITIES IN SUPPORT OF MISSIONS OF DEPLOYED UNITED STATES PERSONNEL AROUND THE WORLD.

(a) FINDING.—Congress finds that Spirit of America, a privately-funded, nonpartisan, nonprofit organization, acting in partnership

with the Department of Defense, has made an important contribution in supporting the missions of deployed United States personnel around the world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States military commanders should, consistent with applicable laws, regulations, and guidance developed consistent with section 1088 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1605; 10 U.S.C. 113 note), engage with and provide logistical support to covered non-Federal entities, including Spirit of America, to advance the military missions of the Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on Department engagement with covered non-Federal entities.

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

(A) A description of the engagements of the Department with covered non-Federal entities during the 3-year period immediately preceding the date on which the report is submitted.

(B) An evaluation of the implementation of the guidance of the Department applicable to Department engagements with covered non-Federal entities, including any guidance issued pursuant to section 1088 of the National Defense Authorization Act for Fiscal Year 2018.

(C) Recommendations, if any, of the Secretary of Defense and the Secretary of State for improving the capacity and effectiveness of the Department to engage with covered non-Federal entities.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED NON-FEDERAL ENTITY.—The term "covered non-Federal entity" means an organization that—

(A) is based in the United States;

(B) has an independent board of directors and is subject to independent financial audits;

(C) is substantially privately-funded;

(D) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code; and

(E) provides international assistance.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Direct hire authority for the Department of Defense for certain competitive service positions.
Sec. 1102. Modification of direct hire authority for the Department of Defense for post-secondary students and recent graduates.

Sec. 1103. Extension of overtime rate authority for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
Sec. 1104. One-year extension and expansion of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1105. Extension of authority to conduct telework travel expenses test programs.
Sec. 1106. Personnel demonstration projects.
Sec. 1107. Expanded flexibility in selecting candidates from referral lists.
Sec. 1108. Expedited hiring authority for college graduates and post secondary students.
Sec. 1109. Inapplicability of certification of executive qualifications by qualification review boards of Office of Personnel Management for initial appointments to Senior Executive Service positions in Department of Defense.
Sec. 1110. Engagement with Historically Black Colleges and Universities and minority-serving institutions for the purposes of technical workforce enhancement.
Sec. 1111. Inclusion of Strategic Capabilities Office and Defense Innovation Unit Experimental of the Department of Defense in personnel management authority to attract experts in science and engineering.
Sec. 1112. Enhancement of flexible management authorities for science and technology reinvention laboratories of the Department of Defense.
Sec. 1113. Inclusion of Office of Secretary of Defense among components of the Department of Defense covered by direct hire authority for financial management experts.
Sec. 1114. Alcohol testing of civil service mariners of the Military Sealift Command assigned to vessels.
Sec. 1115. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.

SEC. 1101. DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR CERTAIN COMPETITIVE SERVICE POSITIONS.

(a) IN GENERAL.—Chapter 99 of title 5, United States Code, is amended by adding at the end the following:

5 USC 9905.

"§ 9905. Direct hire authority for certain personnel of the Department of Defense

"(a) IN GENERAL.—The Secretary of Defense may appoint, without regard to the provisions of subchapter I of chapter 33 (other than sections 3303 and 3328 of such chapter), qualified candidates to any of the following positions in the competitive service in the Department of Defense:

"(1) Any position involved with Department maintenance activities, including depot-level maintenance and repair.

"(2) Any position involved with cybersecurity.

"(3) Any individual in the acquisition workforce that manages any services contracts necessary to the operation and maintenance of programs of the Department.

"(4) Any science, technology, or engineering position, including any such position at the Major Range and Test Facilities Base, in order to allow development of new systems and provide for the maintenance of legacy systems.

"(b) SUNSET.—Effective on September 30, 2025, the authority provided under subsection (a) shall expire.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of such title is amended by inserting after the item relating to section 9904 the following new item:

5 USC prec. 9901.

"9905. Direct hire authority for certain personnel of the Department of Defense.".

SEC. 1102. MODIFICATION OF DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.

Section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended— 10 USC note prec. 1580.

(1) in subsection (b), by striking "15 percent" and inserting "25 percent"; and

(2) in subsection (d), by striking "September 30, 2021" and inserting "September 30, 2025".

SEC. 1103. EXTENSION OF OVERTIME RATE AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking "September 30, 2019" and inserting "September 30, 2021".

SEC. 1104. ONE-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) IN GENERAL.—Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1105 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is amended by striking "through 2018" and inserting "through 2019".

(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—Section 1101(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615) is amended to read as follows:

"(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In applying section 5307 of title 5, United States Code, any payment in addition to basic pay for a period of time during which a waiver under subsection (a) is in effect shall not be counted as part of an employee's aggregate compensation for the given calendar year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1105. EXTENSION OF AUTHORITY TO CONDUCT TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5711(g) of title 5, United States Code, is amended by striking "7 years after the date of the enactment of the Telework Enhancement Act of 2010" and inserting "on December 31, 2020".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as though enacted on December 1, 2017. 5 USC 5711 note.

SEC. 1106. PERSONNEL DEMONSTRATION PROJECTS.

Section 4703 of title 5, United States Code, is amended—

(1) in subsection (d), by striking paragraph (2) and inserting the following:

"(2)(A) Except as provided in subparagraph (B), not more than 10 active demonstration projects may be in effect at any time.

"(B) Any demonstration project authorized under this section that is active for a period greater than 10 years shall not count for purposes of applying the limitation in subparagraph (A)."; and

(2) by adding at the end the following:

"(j) Each agency at which a demonstration project authorized by this section is ongoing shall submit an annual report to the Office of Personnel Management, the Office and Management and Budget, the Committee on Homeland Security and Governmental Affairs of the United States Senate, and the Committee on Oversight and Government Reform of the United States House of Representatives that includes—

"(1) the aggregate performance appraisal ratings and compensation costs for employees under a demonstration project;

"(2) an assessment of the results of the demonstration project, including its impact on mission goals, employee recruitment, retention, and satisfaction, and which may include the results of the survey authorized under section 1128 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 5 U.S.C. 7101 note), commonly referred to as the Federal Employee Viewpoint Survey, and performance management for employees; and

"(3) a comparison of the items listed in (1) and (2) with employees not covered by the demonstration project.".

SEC. 1107. EXPANDED FLEXIBILITY IN SELECTING CANDIDATES FROM REFERRAL LISTS.

(a) EXPANDED FLEXIBILITY.—Subchapter I of chapter 33 of title 5, United States Code, is amended by striking sections 3317 and 3318 and inserting the following:

5 USC 3317.

"§ 3317. Competitive service; certification using numerical ratings

"(a) CERTIFICATION.—

"(1) IN GENERAL.—The Director of the Office of Personnel Management, or the head of an agency to which the Director has delegated examining authority under section 1104(a)(2), shall certify a sufficient number of names from the top of the appropriate register or list of eligibles, as determined pursuant to regulations prescribed under subsection (c), and provide a certificate with such names to an appointing authority that has requested a certificate of eligibles to consider when filling a job in the competitive service.

"(2) MINIMUM NUMBER OF NAMES CERTIFIED.—Unless otherwise provided for in regulations prescribed under subsection (c), the number of names certified under paragraph (1) shall be not less than three.

"(b) DISCONTINUANCE OF CERTIFICATION.—When an appointing authority, for reasons considered sufficient by the Director or head of an agency, has three times considered and passed over a preference eligible who was certified from a register, the Director or head of any agency may discontinue certifying the preference eligible for appointment. The Director or the head of an agency shall provide to such preference eligible notice of the intent to discontinue certifying such preference eligible prior to the discontinuance of certification.

"(c) REGULATIONS.—The Director shall prescribe regulations for the administration of this section. Such regulations shall include the establishment of mechanisms for identifying the eligibles who will be considered for each vacancy. Such mechanisms may include cut-off scores.

"(d) DEFINITION.—In this section, the term 'Director' means the Director of the Office of Personnel Management.

"§ 3318. Competitive service; selections using numerical ratings

5 USC 3318.

"(a) IN GENERAL.—An appointing authority shall select for appointment from the eligibles certified for appointment on a certificate furnished under section 3317(a), unless objection to one or more of the individuals certified is made to, and sustained by, the Director of the Office of Personnel Management or the head of an agency to which the Director has delegated examining authority under section 1104(a)(2), for proper and adequate reason under regulations prescribed by the Director.

"(b) OTHER APPOINTING AUTHORITIES.—

"(1) IN GENERAL.—During the 240-day period beginning on the date of issuance of a certificate of eligibles under section 3317(a), an appointing authority other than the appointing authority requesting the certificate (in this subsection referred to as the 'other appointing authority') may select an individual from that certificate in accordance with this subsection for an appointment to a position that is—

"(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the 'original position'); and

"(B) at a similar grade level as the original position.

"(2) APPLICABILITY.—An appointing authority requesting a certificate of eligibles may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

"(3) REQUIREMENTS.—The selection of an individual under paragraph (1)—

"(A) shall be made in accordance with subsection (a); and

"(B) subject to paragraph (4), may be made without any additional posting under section 3327.

"(4) INTERNAL NOTICE.—Before selecting an individual under paragraph (1), the other appointing authority shall—

"(A) provide notice of the available position to employees of the other appointing authority;

"(B) provide up to 10 business days for employees of the other appointing authority to apply for the position; and

"(C) review the qualifications of employees submitting an application.

"(c) PASS OVER.—

"(1) IN GENERAL.—Subject to subparagraph (2), if an appointing authority proposes to pass over a preference eligible certified for appointment under subsection (a) and select an individual who is not a preference eligible, the appointing authority shall file written reasons with the Director or the head of the agency for passing over the preference eligible.

The Director or the head of the agency shall make the reasons presented by the appointing authority part of the record of the preference eligible and may require the submission of more detailed information from the appointing authority in support of the passing over of the preference eligible. The Director or the head of the agency shall determine the sufficiency or insufficiency of the reasons submitted by the appointing authority, taking into account any response received from the preference eligible under paragraph (2). When the Director or the head of the agency has completed review of the proposed pass-over of the preference eligible, the Director or the head of the agency shall send its findings to the appointing authority and to the preference eligible. The appointing authority shall comply with the findings.

"(2) PREFERENCE ELIGIBLE INDIVIDUALS WHO HAVE A COMPENSABLE SERVICE-CONNECTED DISABILITY.—In the case of a preference eligible described in section 2108(3)(C) who has a compensable service-connected disability of 30 percent or more, the appointing authority shall notify the Director under paragraph (1) and, at the same time, notify the preference eligible of the proposed pass-over, of the reasons for the proposed pass-over, and of the individual's right to respond to those reasons to the Director within 15 days of the date of the notification. The Director shall, before completing the review under paragraph (1), require a demonstration by the appointing authority that the notification was timely sent to the preference eligible's last known address.

"(3) FURTHER CONSIDERATION NOT REQUIRED.—When a preference eligible, for reasons considered sufficient by the Director, or in the case of a preference eligible described in paragraph (1), by the head of an agency, has been passed over in accordance with this subsection for the same position, the appointing authority is not required to give further consideration to that preference eligible while selecting from the same list for a subsequent appointment to such position.

"(4) DELEGATION PROHIBITION.—In the case of a preference eligible described in paragraph (2), the functions of the Director under this subsection may not be delegated to an individual who is not an officer or employee of the Office of Personnel Management.

"(d) SPECIAL RULE REGARDING REEMPLOYMENT LISTS.—When the names of preference eligibles are on a reemployment list appropriate for the position to be filled, an appointing authority may appoint from a register of eligibles established after examination only an individual who qualifies as a preference eligible under subparagraph (C), (D), (E), (F), or (G) of section 2108(3).

"(e) CONSIDERATION NOT REQUIRED.—In accordance with regulations prescribed by the Director, an appointing officer is not required to consider an eligible who has been considered by the appointing officer for three separate appointments from the same or different certificates for the same position.

"(f) REGULATIONS.—The Director shall prescribe regulations for the administration of this section.

"(d) DEFINITION.—In this section, the term 'Director' means the Director of the Office of Personnel Management.".

(b) CONFORMING AMENDMENTS.—Such subchapter is further amended—

(1) in section 3319—

(A) by amending the section heading to read as follows:

"§ 3319. Competitive service; selection using category rating"; and

(B) in subsection (c), by striking paragraph (6), redesignating paragraph (7) as paragraph (6), and amending paragraph (6) (as so redesignated) to read as follows:

"(6) PREFERENCE ELIGIBLES.—

"(A) SATISFACTION OF CERTAIN REQUIREMENTS.—Notwithstanding paragraphs (1) and (2), an appointing official may not pass over a preference eligible in the same category from which selection is made, unless the requirements of sections 3317(b) and 3318(c), as applicable, are satisfied.

"(B) FURTHER CONSIDERATION NOT REQUIRED.—When a preference eligible, for reasons considered sufficient by the Director, or in the case of a preference eligible described in section 3318(c)(1), by the head of an agency, has been passed over in accordance with section 3318(c) for the same position, the appointing authority is not required to give further consideration to that preference eligible while selecting from the same list for a subsequent appointment to such position.

"(C) LIST OF ELIGIBLES ISSUED FROM A STANDING REGISTER; DISCONTINUATION OF CERTIFICATION.—In the case of lists of eligibles issued from a standing register, when an appointing authority, for reasons considered sufficient by the Director or the head of an agency, has three times considered and passed over a preference eligible who was certified from a register, certification of the preference eligible for appointment may be discontinued. However, the preference eligible is entitled to advance notice of discontinuance of certification in accordance with regulations prescribed by the Director."; and

(2) in the first sentence of section 3320, by striking "sections 3308–3318" and inserting "sections 3308 through 3319". 5 USC 3320.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 3317, 3318, and 3319 and inserting the following: 5 USC prec. 3301.

"3317. Competitive service; certification using numerical ratings
"3318. Competitive service; selection using numerical ratings
"3319. Competitive service; selection using category rating".

(d) EFFECTIVE DATE.— 5 USC 3317 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date on which the Director of the Office of Personnel Management issues final regulations to implement sections 3317, 3318, and 3319 of title 5, United States Code, as amended or added by this section.

(2) REGULATIONS REQUIRED.—The Director shall issue regulations under paragraph (1) not later than one year after the date of enactment of this section.

SEC. 1108. EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES AND POST SECONDARY STUDENTS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

5 USC 3115.

"§ 3115. Expedited hiring authority for college graduates; competitive service

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(b) APPOINTMENT.—

"(1) IN GENERAL.—The head of an agency may appoint, without regard to any provision of sections 3309 through 3319 and 3330, a qualified individual to a position in the competitive service classified in a professional or administrative occupational category at the GS–11 level, or an equivalent level, or below.

"(2) RESTRICTIONS.—An appointment under paragraph (1) shall be made in accordance with regulations prescribed by the Director.

"(c) QUALIFICATIONS FOR APPOINTMENT.—The head of an agency may make an appointment under subsection (b) only if the individual being appointed—

"(1) has received a baccalaureate or graduate degree from an institution of higher education;

"(2) applies for the position—

"(A) not later than 2 years after the date on which the individual being appointed received the degree described in paragraph (1); or

"(B) in the case of an individual who has completed a period of not less than 4 years of obligated service in a uniformed service, not later than 2 years after the date of the discharge or release of the individual from that service; and

"(3) meets each minimum qualification standard prescribed by the Director for the position to which the individual is being appointed.

"(d) PUBLIC NOTICE AND ADVERTISING.—

"(1) IN GENERAL.—The head of an agency making an appointment under subsection (b) shall publicly advertise positions under this section.

"(2) REQUIREMENTS.—In carrying out paragraph (1), the head of an agency shall—

"(A) adhere to merit system principles;

"(B) advertise positions in a manner that provides for diverse and qualified applicants; and

"(C) ensure potential applicants have appropriate information relevant to the positions available.

"(e) LIMITATION ON APPOINTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total number of employees that the head of an agency may appoint under this section during a fiscal year may not exceed the number equal to 15 percent of the number of individuals that the agency head appointed during the previous fiscal year to a position in the competitive service classified in a professional or administrative occupational category, at the GS–11 level, or an equivalent level, or below, under a competitive examining procedure.

"(2) EXCEPTIONS.—Under a regulation prescribed under subsection (f), the Director may establish a lower limit on the number of individuals that may be appointed under paragraph (1) of this subsection during a fiscal year based on any factor the Director considers appropriate.

"(f) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Director shall issue interim regulations, with an opportunity for comment, for the administration of this section.

"(g) REPORTING.—

"(1) IN GENERAL.—Not later than September 30 of each of the first 3 fiscal years beginning after the date of enactment of this section, the head of an agency that makes an appointment under this section shall submit a report to—

"(A) Congress that assesses the impact of the use of the authority provided under this section during the fiscal year in which the report is submitted; and

"(B) the Director that contains data that the Director considers necessary for the Director to assess the impact and effectiveness of the authority described in subparagraph (A).

"(2) CONTENT.—The head of an agency shall include in each report under paragraph (1)—

"(A) the total number of individuals appointed by the agency under this section, as well as the number of such individuals who are—

"(i) minorities or members of other underrepresented groups; or

"(ii) veterans;

"(B) recruitment sources;

"(C) the total number of individuals appointed by the agency during the applicable fiscal year to a position in the competitive service classified in a professional or administrative occupational category at the GS–11 level, or an equivalent level, or below; and

"(D) any additional data specified by the Director.

"(h) SPECIAL PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—

"(1) AUTHORITY.—Nothing in this section shall preclude the Secretary of Defense from exercising any authority to appoint a recent graduate under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute.

"(2) REGULATIONS.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Department of Defense during the period ending on the date on which the appointment authority of the Secretary of Defense under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute, terminates.

"§ 3116. Expedited hiring authority for post-secondary students; competitive service

5 USC 3116.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(3) STUDENT.—The term 'student' means an individual enrolled or accepted for enrollment in an institution of higher education who is pursuing a baccalaureate or graduate degree on at least a part-time basis as determined by the institution of higher education.

"(b) APPOINTMENT.—

"(1) IN GENERAL.—The head of an agency may make a time-limited appointment of a student, without regard to any provision of sections 3309 through 3319 and 3330, to a position in the competitive service at the GS–11 level, or an equivalent level, or below for which the student is qualified.

"(2) RESTRICTIONS.—An appointment under paragraph (1) shall be made in accordance with regulations prescribed by the Director.

"(c) PUBLIC NOTICE.—

"(1) IN GENERAL.—The head of an agency making an appointment under subsection (b) shall publicly advertise positions available under this section.

"(2) REQUIREMENTS.—In carrying out paragraph (1), the head of an agency shall—

"(A) adhere to merit system principles;

"(B) advertise positions in a manner that provides for diverse and qualified applicants; and

"(C) ensure potential applicants have appropriate information relevant to the positions available.

"(d) LIMITATION ON APPOINTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total number of students that the head of an agency may appoint under this section during a fiscal year may not exceed the number equal to 15 percent of the number of students that the agency head appointed during the previous fiscal year to a position in the competitive service at the GS–11 level, or an equivalent level, or below.

"(2) EXCEPTIONS.—Under a regulation prescribed under subsection (g), the Director may establish a lower limit on the number of students that may be appointed under paragraph (1) of this subsection during a fiscal year based on any factor the Director considers appropriate.

"(e) CONVERSION.—The head of an agency may, without regard to any provision of chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, convert a student serving in an appointment under subsection (b) to a permanent appointment in the competitive service within the agency without further competition if the student—

"(1) has completed the course of study leading to the baccalaureate or graduate degree;

"(2) has completed not less than 640 hours of current continuous employment in an appointment under subsection (b); and

"(3) meets the qualification standards for the position to which the student will be converted.

"(f) TERMINATION.—The head of an agency shall, without regard to any provision of chapter 35 or 75, terminate the appointment of a student appointed under subsection (b) upon completion of the designated academic course of study unless the student is selected for conversion under subsection (e).

"(g) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Director shall issue interim regulations, with an opportunity for comment, for the administration of this section.

"(h) REPORTING.—

"(1) IN GENERAL.—Not later than September 30 of each of the first 3 fiscal years beginning after the date of enactment of this section, the head of an agency that makes an appointment under this section shall submit a report to—

"(A) Congress that assesses the impact of the use of the authority provided under this section during the fiscal year in which the report is submitted; and

"(B) the Director that contains data that the Director considers necessary for the Director to assess the impact and effectiveness of the authority described in subparagraph (A).

"(2) CONTENT.—The head of an agency shall include in each report under paragraph (1)—

"(A) the total number of individuals appointed by the agency under this section, as well as the number of such individuals who are—

"(i) minorities or members of other underrepresented groups; or

"(ii) veterans;

"(B) recruitment sources;

"(C) the total number of individuals appointed by the agency during the applicable fiscal year to a position in the competitive service at the GS–11 level, or an equivalent level, or below; and

"(D) any additional data specified by the Director.

"(i) SPECIAL PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—

"(1) AUTHORITY.—Nothing in this section shall preclude the Secretary of Defense from exercising any authority to appoint a post-secondary student under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute.

"(2) REGULATIONS.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Department of Defense during the period ending on the date on which the appointment authority of the Secretary of Defense under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute, terminates.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following: 5 USC prec. 3101.

"3115. Expedited hiring authority for college graduates; competitive service

"3116. Expedited hiring authority for post-secondary students; competitive service".

5 USC 3393 note.

SEC. 1109. INAPPLICABILITY OF CERTIFICATION OF EXECUTIVE QUALIFICATIONS BY QUALIFICATION REVIEW BOARDS OF OFFICE OF PERSONNEL MANAGEMENT FOR INITIAL APPOINTMENTS TO SENIOR EXECUTIVE SERVICE POSITIONS IN DEPARTMENT OF DEFENSE.

(a) TEMPORARY INAPPLICABILITY.—Notwithstanding section 3393(c) of title 5, United States Code, or any regulations implementing that section, and subject to the provisions of this section, the Secretary of Defense may appoint individuals for service in the Senior Executive Service of the Department of Defense without such individuals being subject to the certification of executive qualifications by a qualification review board of the Office of Personnel Management in connection with such appointment otherwise required by that section.

(b) QUALIFICATIONS OF INDIVIDUALS APPOINTED.—The Secretary shall ensure that individuals appointed under this section possess the necessary qualifications and experience for the position to which appointed.

(c) LIMITATION.—The total number of appointments made under this section in any year may not exceed 50 appointments.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress and official specified in paragraph (3) a report on the number and type of appointments made under this section as of the date of the report, including—

(A) a description of the qualifications of the individuals appointed; and

(B) data on the time required to appoint the individuals.

(2) FINAL REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress and official specified in paragraph (3) a report on the use of the authority in this section. The report shall include the following:

(A) The number and type of appointments made under this section during the one-year period ending on the date of the report.

(B) Data on and an assessment whether appointments under the authority in this section reduced the time to hire when compared with the time to hire under the current review system of the Office of Personnel Management.

(C) An assessment of the utility of the appointment authority and process under this section.

(D) An assessment whether the appointments made under this section resulted in higher quality new executives for the Senior Executive Service of the Department when compared with the executives produced under the current review system of the Office of Personnel Management.

(E) Any recommendation for the improvement of the selection and qualification process for the Senior Executive Service of the Department that the Secretary considers necessary in order to attract and hire highly qualified candidates for service in that Senior Executive Service.

(3) COMMITTEES OF CONGRESS AND OFFICIAL.—The committees of Congress and official specified in this paragraph are—

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

(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Director of the Office of Personnel Management.

(e) SUNSET.—Subsection (a) shall cease to be effective on the date that is two years after the date of the enactment of this Act.

SEC. 1110. ENGAGEMENT WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS FOR THE PURPOSES OF TECHNICAL WORKFORCE ENHANCEMENT.

(a) REPORT.—The Secretary of Defense shall develop and submit a report to the congressional defense committees detailing activities to increase engagement with covered educational institutions (as that term is defined in section 2362(e) of title 10, United States Code) for the purpose of increasing the number of graduates of such institutions to accept positions in Department of Defense Science, Technology, Engineering, and Mathematics-related positions important to the national security functions of the Department.

(b) DEVELOPMENT.—The report required under subsection (a) shall be developed jointly by the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Personnel and Readiness, in consultation with all appropriate officials in the Department and relevant interagency, academic, and private sector entities.

(c) CONTENTS.—The report required under subsection (a) shall identify—

(1) metrics to assess engagement with covered educational institution students, including scholarships, fellowships, internships and co-ops, and specific steps to improve performance relative to those metrics;

(2) specific outreach activities to better engage covered educational institution students on Department of Defense Science, Technology, Engineering, and Mathematics employment opportunities; and

(3) metrics on hiring of covered educational institution graduates in Science, Technology, Engineering, and Mathematics-related positions and plans to increase such hiring.

(d) CONSIDERATIONS.—In developing the report required under subsection (a), the Secretary of Defense shall assess the use of the authorities provided under section 2358a of title 10, United States Code, in engagements with covered educational institutions.

SEC. 1111. INCLUSION OF STRATEGIC CAPABILITIES OFFICE AND DEFENSE INNOVATION UNIT EXPERIMENTAL OF THE DEPARTMENT OF DEFENSE IN PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

(a) IN GENERAL.—Subsection (a) of section 1599h of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(4) STRATEGIC CAPABILITIES OFFICE.—The Director of the Strategic Capabilities Office may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Office.

"(5) DIUX.—The Director of the Defense Innovation Unit Experimental may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Unit.".

(b) SCOPE OF APPOINTMENT AUTHORITY.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (B), by striking "and" at the end; and

(2) by adding at the end the following new subparagraphs:

"(D) in the case of the Strategic Capabilities Office, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Office; and

"(E) in the case of the Defense Innovation Unit Experimental, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Unit;".

(c) EXTENSION OF TERMS OF APPOINTMENT.—Subsection (c)(2) of such section is amended by striking "or the Office of Operational Test and Evaluation" and inserting "the Office of Operational Test and Evaluation, the Strategic Capabilities Office, or the Defense Innovation Unit Experimental".

SEC. 1112. ENHANCEMENT OF FLEXIBLE MANAGEMENT AUTHORITIES FOR SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) ENHANCEMENT OF NONCOMPETITIVE CONVERSIONS OF APPOINTMENTS OF STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—Section 2358a(a)(4) of title 10, United States Code, is amended—

(1) in the paragraph heading, by striking "TO PERMANENT APPOINTMENT" and inserting "OF APPOINTMENTS"; and

(2) by striking "to a permanent appointment" and inserting "to another temporary appointment or to a term or permanent appointment".

(b) ENHANCEMENT OF PILOT PROGRAM ON DYNAMIC SHAPING OF WORKFORCE TECHNICAL SKILLS AND EXPERTISE.—Section 1109(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1028; 10 U.S.C. 2358 note) is amended by striking "to appoint" and all that follows and inserting "to make appointments as follows:

"(i) Appointment of qualified scientific and technical personnel who are not current Department of Defense civilian employees into any scientific or technical position in the laboratory for a period of more than one year but not more than six years.

"(ii) Appointment of qualified scientific and technical personnel who are Department civilian employees in term appointments into any scientific or technical

position in the laboratory for a period of more than one year but not more than six years.".

SEC. 1113. INCLUSION OF OFFICE OF SECRETARY OF DEFENSE AMONG COMPONENTS OF THE DEPARTMENT OF DEFENSE COVERED BY DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS.

Section 1110(f) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.) is amended—

(1) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) The Office of the Secretary of Defense.".

SEC. 1114. ALCOHOL TESTING OF CIVIL SERVICE MARINERS OF THE MILITARY SEALIFT COMMAND ASSIGNED TO VESSELS.

(a) ALCOHOL TESTING.—Chapter 643 of title 10, United States Code, is amended by inserting after section 7479 the following new section:

"§ 7479a. Civil service mariners of military sealift command: alcohol testing 10 USC 7479a.

"The Secretary of the Navy may prescribe regulations establishing a program to conduct on-duty reasonable suspicion alcohol testing and post-accident alcohol testing of civil service mariners of the Military Sealift Command who are assigned to vessels.".

(b) RELEASE OF ALCOHOL TEST RESULTS.—

(1) IN GENERAL.—Section 7479 of such title is amended—

(A) in the heading of subsection (a), by inserting "Or Alcohol" after "Drug"; and

(B) by inserting "or alcohol" after "drug" each place it appears.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 7479. Civil service mariners of military sealift command: release of drug and alcohol test results to coast guard".

(c) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 643 of such title is amended by striking the item relating to section 7479 and inserting the following new items: 10 USC prec. 7471.

"7479. Civil service mariners of Military Sealift Command: release of drug and alcohol test results to Coast Guard
"7479a. Civil service mariners of Military Sealift Command: alcohol testing".

SEC. 1115. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2018 (Public

Law 115–91), is further amended by striking "2019" and inserting "2020".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Modification of authority to build the capacity of foreign security forces.
Sec. 1202. Clarification of authority for use of advisors and trainers for training of personnel of foreign ministries with security missions under defense institution capacity building authorities.
Sec. 1203. Increase in cost limitation and additional notification required for small scale construction related to security cooperation.
Sec. 1204. Technical corrections relating to defense security cooperation statutory reorganization.
Sec. 1205. Review and report on processes and procedures used to carry out section 362 of title 10, United States Code.
Sec. 1206. Report on the use of security cooperation authorities.
Sec. 1207. Participation in and support of the Inter-American Defense College.
Sec. 1208. Naval Small Craft Instruction and Technical Training School.
Sec. 1209. Expansion of Regional Defense Combating Terrorism Fellowship Program to include irregular warfare.
Sec. 1210. Modification to Department of Defense State Partnership Program.
Sec. 1211. Assessment, monitoring, and evaluation of security cooperation.
Sec. 1212. Legal and policy review of advise, assist, and accompany missions.
Sec. 1213. Extension and modification of authority to support border security operations of certain foreign countries.
Sec. 1214. Framework for obtaining concurrence for participation in activities of regional centers for security studies.

Subtitle B—Matters Relating to Afghanistan and Pakistan

Sec. 1221. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
Sec. 1222. Extension and modification of reporting requirements for special immigrant visas for Afghan allies program.
Sec. 1223. Afghanistan Security Forces Fund.
Sec. 1224. Extension and modification of Commanders' Emergency Response Program.
Sec. 1225. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

Sec. 1231. Extension and modification of authority to provide assistance to the vetted Syrian opposition.
Sec. 1232. Syrian war crimes accountability.
Sec. 1233. Extension of authority to provide assistance to counter the Islamic State of Iraq and Syria.
Sec. 1234. Limitation on assistance to the Government of Iraq.
Sec. 1235. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
Sec. 1236. Modification of annual report on military power of Iran.
Sec. 1237. Strategy to counter destabilizing activities of Iran.

Subtitle D—Matters Relating to the Russian Federation

Sec. 1241. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
Sec. 1242. Limitation on availability of funds relating to implementation of the Open Skies Treaty.
Sec. 1243. Determination required regarding material breach of INF Treaty by the Russian Federation.
Sec. 1244. Comprehensive response to the Russian Federation's material breach of the INF Treaty.
Sec. 1245. Report on implementation of the New START Treaty.
Sec. 1246. Modification and extension of Ukraine Security Assistance Initiative.
Sec. 1247. Extension of limitation on military cooperation between the United States and the Russian Federation.

Sec. 1248. Sense of Congress on enhancing deterrence against Russian aggression in Europe.

Subtitle E—Matters Relating to the Indo-Pacific Region

Sec. 1251. Name of United States Indo-Pacific Command.
Sec. 1252. Redesignation, expansion, and extension of Southeast Asia Maritime Security Initiative.
Sec. 1253. Redesignation and modification of sense of Congress and initiative for the Indo-Asia-Pacific region.
Sec. 1254. Assessment of and report on geopolitical conditions in the Indo-Pacific region.
Sec. 1255. Sense of Congress on extended nuclear deterrence in the Indo-Pacific region.
Sec. 1256. Reinstatement of reporting requirements with respect to United States-Hong Kong relations.
Sec. 1257. Strengthening Taiwan's force readiness.
Sec. 1258. Sense of Congress on Taiwan.
Sec. 1259. Prohibition on participation of the People's Republic of China in Rim of the Pacific (RIMPAC) naval exercises.
Sec. 1260. Modification of annual report on military and security developments involving the People's Republic of China.
Sec. 1261. United States strategy on China.
Sec. 1262. Report on military and coercive activities of the People's Republic of China in South China Sea.
Sec. 1263. Requirement for critical languages and expertise in Chinese, Korean, Russian, Farsi, and Arabic.
Sec. 1264. Limitation on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are deployed to the Republic of Korea.
Sec. 1265. Reports on nuclear capabilities of the Democratic People's Republic of Korea.
Sec. 1266. Modification of report required under enhancing defense and security cooperation with India.

Subtitle F—Reports and Other Matters

Sec. 1271. Modification of authorities relating to acquisition and cross-servicing agreements.
Sec. 1272. United States-Israel countering unmanned aerial systems cooperation.
Sec. 1273. Enhancement of U.S.-Israel defense cooperation.
Sec. 1274. Review to determine whether the Armed Forces or coalition partners of the United States violated Federal law or Department of Defense policy while conducting operations in Yemen.
Sec. 1275. Report on United States Government security cooperation and assistance programs with Mexico.
Sec. 1276. Report on Department of Defense missions, operations, and activities in Niger.
Sec. 1277. Report on the security relationship between the United States and the Republic of Cyprus.
Sec. 1278. Sense of Congress on detention of United States citizens by the Government of the Republic of Turkey.
Sec. 1279. Technical amendments related to NATO Support and Procurement Organization and related NATO agreements.
Sec. 1280. Report on permanent stationing of United States forces in the Republic of Poland.
Sec. 1281. Report on strengthening NATO cyber defense.
Sec. 1282. Report on status of the United States relationship with the Republic of Turkey.
Sec. 1283. Sense of the Congress concerning military-to-military dialogues.
Sec. 1284. Modifications to Global Engagement Center.
Sec. 1285. Sense of Congress on countering hybrid threats and malign influence.
Sec. 1286. Initiative to support protection of national security academic researchers from undue influence and other security threats.
Sec. 1287. Report on Honduras, Guatemala, and El Salvador.
Sec. 1288. Modification of freedom of navigation reporting requirements.
Sec. 1289. Coordination of efforts to negotiate free trade agreements with certain sub-Saharan African countries.
Sec. 1290. Certifications regarding actions by Saudi Arabia and the United Arab Emirates in Yemen.
Sec. 1291. Treatment of Rwandan Patriotic Front and Rwandan Patriotic Army under Immigration and Nationality Act.
Sec. 1292. Limitation on availability of funds to implement the Arms Trade Treaty.

Sec. 1293. Prohibition on provision of weapons and other forms of support to certain organizations.
Sec. 1294. Modified waiver authority for certain sanctionable transactions under section 231 of the Countering America's Adversaries Through Sanctions Act.
Sec. 1295. Rule of construction relating to the use of force.

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION OF AUTHORITY TO BUILD THE CAPACITY OF FOREIGN SECURITY FORCES.

Section 333(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "In developing and planning a program to build the capacity of the national security forces of a foreign country under subsection (a), the Secretary of Defense and Secretary of State should jointly consider political, social, economic, diplomatic, and historical factors, if any, of the foreign country that may impact the effectiveness of the program.".

SEC. 1202. CLARIFICATION OF AUTHORITY FOR USE OF ADVISORS AND TRAINERS FOR TRAINING OF PERSONNEL OF FOREIGN MINISTRIES WITH SECURITY MISSIONS UNDER DEFENSE INSTITUTION CAPACITY BUILDING AUTHORITIES.

Section 332(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers" and inserting "provide advisors or trainers"; and

(2) in paragraph (2)(B)—

(A) by striking "assigned" each place it appears (other than the last place) and inserting "provided";

(B) by striking "assigned advisor or trainer" and inserting "advisor or trainer so provided"; and

(C) by striking "each assignment" and inserting "each provision of such an advisor or trainer".

SEC. 1203. INCREASE IN COST LIMITATION AND ADDITIONAL NOTIFICATION REQUIRED FOR SMALL SCALE CONSTRUCTION RELATED TO SECURITY COOPERATION.

(a) AMENDMENTS TO DEFINITION OF SMALL-SCALE CONSTRUCTION.—Section 301(8) of title 10, United States Code, is amended by striking "$750,000" and inserting "$1,500,000".

(b) ADDITIONAL NOTIFICATION REQUIRED FOR CERTAIN AUTHORIZED SUPPORT TYPES.—Section 331(c)(5) of such title is amended by adding at the end the following new sentence: "In the case of support provided under this paragraph that results in the provision of small-scale construction above $750,000, the notification pursuant to subsection (b)(2) shall include the location, project title, and cost of each such small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location."

(c) ADDITIONAL NOTIFICATION REQUIRED FOR CERTAIN AUTHORIZED ACTIVITIES TO BUILD CAPACITY.—Section 333 of such title is amended—

(1) in subsection (c)(1), by inserting "supporting security cooperation programs under this section" after "small-scale construction"; and

(2) in subsection (e), by adding at the end the following:

"(8) In the case of activities under a program that results in the provision of small-scale construction above $750,000, the location, project title, and cost of each small-scale construction project that will be carried out, a Department of Defense Form 1391 for each such project, and a masterplan of planned infrastructure investments at the location over the next 5 years.".

SEC. 1204. TECHNICAL CORRECTIONS RELATING TO DEFENSE SECURITY COOPERATION STATUTORY REORGANIZATION.

(a) CHAPTER REFERENCES.—The following provisions of law are amended by striking "chapter 15" and inserting "chapter 13":

(1) Section 886(a)(5) of the Homeland Security Act of 2002 (6 U.S.C. 466(a)(5)).

(2) Section 332(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982(a)(1)).

(3) Section 101(a)(13)(B) of title 10, United States Code.

(4) Section 115(i)(6) of title 10, United States Code.

(5) Section 12304(c)(1) of title 10, United States Code.

(6) Section 484C(c)(3)(C)(v) of the Higher Education Act of 1965 (20 U.S.C. 1091c(c)(3)(C)(v)).

(b) SECTION REFERENCES.—(1) Title 10, United States Code, is amended—

(A) in section 386(c)(1), by striking "Sections 311, 321, 331, 332, 333," and inserting "Sections 246, 251, 252, 253, 321,"; and

(B) in section 10541(b)(9) in the matter preceding subparagraph (A), by striking "sections 331, 332, 333," and inserting "sections 251, 252, 253,".

(2) Section 484C(c)(3)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1091c(c)(3)(C)(i)) is amended by striking "section 331, 332," and inserting "section 251, 252,".

(c) OTHER TECHNICAL CORRECTIONS.—(1) Chapter 16 of title 10, United States Code, is amended—

(A) in section 311(a)(3), by striking "Secretary to State" and inserting "Secretary of State";

(B) in section 321(e), by striking "calender" each place it appears and inserting "calendar";

(C) in the table of sections at the beginning of subchapter V of such chapter, by striking the item relating to section 342 and inserting the following:

10 USC prec. 341.

"342. Regional Centers for Security Studies.";

(D) in section 347—

(i) in the heading of subsection (a)(7), by striking "ETC." and inserting "ETC"; and

(ii) in the heading of subsection (b)(3)(B), by striking "ETC." and inserting "ETC"; and

(E) in section 385(d)(1)(B), by striking "include" and inserting "including".

(2) Section 1204(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 362 note) is amended—

(A) in paragraph (1), by striking "section 2249e" each place it appears and inserting "section 362"; and

(B) in paragraph (3), by striking "subsection (f) of section 2249e of title 10, United States Code (as so added)" and inserting "section 301(1) of title 10, United States Code".

SEC. 1205. REVIEW AND REPORT ON PROCESSES AND PROCEDURES USED TO CARRY OUT SECTION 362 OF TITLE 10, UNITED STATES CODE.

(a) REVIEW.—The Secretary of Defense, with the concurrence of the Secretary of State, shall conduct a review of the processes and procedures used to carry out section 362 of title 10, United States Code.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report that contains a summary and evaluation of the review required by subsection (a).

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) A description of the procedures used to obtain and verify information regarding the vetting of partner units for gross violation of human rights required under section 362 of title 10, United States Code, and to share such information with the Department of State.

(B) A description of the procedures used to conduct remediation of units determined or alleged to have committed gross violation of human rights, including a list of each unit completing such remediation since December 19, 2014.

(C) An assessment of the procedures and associated timelines to implement the requirements of such section 362 on the Department of Defense's ability to comply with such section 362 and achieve national security goals.

(D) A description of the processes and procedures used to implement section 1206 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3538), including the process of obtaining the concurrence of the Secretary of State as required under subsection (c)(1) of such section.

(E) Recommendations to revise authorities to improve the processes and procedures related to the vetting of foreign partner units for gross violations of human rights.

(F) Any other matters the Secretary considers appropriate.

(3) FORM.—The report required by this subsection shall be submitted in unclassified form but may include a classified annex.

(4) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

10 USC 333 note.

(c) AMENDMENT TO EXISTING LAW.—Subsection (b)(3) of section 1206 of the Carl Levin and Howard P. "Buck" McKeon National

Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2282 note) is amended by striking "subsection (b) of section 2249e of title 10, United States Code (as added by section 1204(a) of this Act)" and inserting "section 362(b) of title 10, United States Code".

SEC. 1206. REPORT ON THE USE OF SECURITY COOPERATION AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should utilize appropriate security cooperation authorities to counter malign influence campaigns by strategic competitors and other state actors that are directed at allied and partner countries and that pose a significant threat to the national security of the United States.

(b) REPORT ON FUNDING.—The Secretary of Defense shall include with the consolidated budget materials submitted to Congress as required by section 381 of title 10, United States Code, for fiscal years 2020 and 2021 a report on the use of security cooperation funding to counter malign influence campaigns by strategic competitors and other state actors directed at allied and partner countries and posing a significant threat to the national security of the United States.

SEC. 1207. PARTICIPATION IN AND SUPPORT OF THE INTER-AMERICAN DEFENSE COLLEGE.

(a) IN GENERAL.—Subchapter V of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 351. Inter-American Defense College

10 USC 351.

"(a) AUTHORITY TO SUPPORT.—The Secretary of Defense may authorize members of the armed forces and civilian personnel of the Department of Defense to participate in the operation of and the provision of support to the Inter-American Defense College and provide logistic support, supplies, and services to the Inter-American Defense College, including the use of Department of Defense facilities and equipment, as the Secretary considers necessary to—

"(1) assist the Inter-American Defense College in its mission to develop and offer to military officers and civilian officials from member states of the Organization of American States advanced academic courses on matters related to military and defense issues, the inter-American system, and related disciplines; and

"(2) ensure that the Inter-American Defense College provides an academic program of a level of quality, rigor, and credibility that is commensurate with the standards of Department of Defense senior service colleges and that includes the promotion of security cooperation, human rights, humanitarian assistance and disaster response, peacekeeping, and democracy in the Western Hemisphere.

"(b) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of Defense, with the concurrence of the Secretary of State, shall enter into a memorandum of understanding with the Inter-American Defense Board for the participation of members of the armed forces and civilian personnel of the Department of Defense in the operation of and provision of host nation support to the Inter-American Defense College under subsection (a).

"(2) If Department of Defense facilities, equipment, or funds will be used to support the Inter-American Defense College under subsection (a), a memorandum of understanding entered into under paragraph (1) shall include a description of any cost-sharing arrangement or other funding arrangement relating to the use of such facilities, equipment, or funds.

"(3) A memorandum of understanding entered into under paragraph (1) shall also include a curriculum and a plan for academic program development.

"(c) USE OF FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance may be used to pay costs that the Secretary determines are necessary for the participation of members of the armed forces and civilian personnel of the Department of Defense in the operation of and provision of host nation support to the Inter-American Defense College, including—

"(A) the costs of expenses of such participants;

"(B) the cost of hiring and retaining qualified professors, instructors, and lecturers;

"(C) curriculum support costs, including administrative costs, academic outreach, and curriculum support personnel;

"(D) the cost of translation and interpretation services;

"(E) the cost of information and educational technology;

"(F) the cost of utilities; and

"(G) the cost of maintenance and repair of facilities.

"(2) No funds may be used under this section to provide for the pay of members of the armed forces or civilian personnel of the Department of Defense who participate in the operation of and the provision of host nation support to the Inter-American Defense College under this section.

"(3) Funds available to carry out this section for a fiscal year may be used for activities that begin in such fiscal year and end in the next fiscal year.

"(d) WAIVER OF REIMBURSEMENT.—The Secretary of Defense may waive reimbursement for developing countries (as such term is defined in section 301 of this title) of the costs of funding and other host nation support provided to the Inter-American Defense College under this section if the Secretary determines that the provision of such funding or support without reimbursement is in the national security interest of the United States.

"(e) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of such title is amended by adding at the end the following new item:

10 USC prec. 341.

"Sec. 351. Inter-American Defense College.".

SEC. 1208. NAVAL SMALL CRAFT INSTRUCTION AND TECHNICAL TRAINING SCHOOL.

(a) SCHOOL AUTHORIZED.—

(1) IN GENERAL.—Subchapter V of chapter 16 of title 10, United States Code, as amended by section 1207, is further amended by adding at the end the following new section:

"§ 352. Naval Small Craft Instruction and Technical Training School

10 USC 352.

"(a) IN GENERAL.—The Secretary of Defense may operate an education and training facility known as the 'Naval Small Craft Instruction and Technical Training School' (in this section referred to as the 'School').

"(b) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of a military department as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

"(c) PURPOSE.—The purpose of the School shall be to provide to the military and other security forces of one or more friendly foreign countries education and training under any other provision of law related to naval small craft instruction and training and to increase professionalism, readiness, and respect for human rights through formal courses of instruction or mobile training teams for—

"(1) the operation, employment, maintenance, and logistics of specialized equipment;

"(2) participation in—

"(A) joint exercises; or

"(B) coalition or international military operations; and

"(3) improved interoperability between—

"(A) the armed forces; and

"(B) the military and other security forces of the one or more friendly foreign countries.

"(d) LIMITATION ON PERSONNEL ELIGIBLE TO RECEIVE EDUCATION AND TRAINING.—The Secretary of Defense may not provide education or training at the School to any personnel of a country that is prohibited from receiving such education or training under any other provision of law.

"(e) FIXED COSTS.—The fixed costs of operation and maintenance of the School in a fiscal year may be paid from amounts made available for such fiscal year for operation and maintenance of the Department of Defense.

"(f) ANNUAL REPORT.—Not later than March 15 each year, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a detailed report on the activities and operating costs of the School during the preceding fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of such title is amended by adding at the end the following new item:

10 USC prec. 341.

"352. Naval Small Craft Instruction and Technical Training School.".

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the following:

(1) The budget requirements for the operation and sustainment of the Naval Small Craft Instruction and Technical Training School authorized by section 352 of title 10, United States Code (as added by subsection (a)), during the period of the future-years defense program submitted to Congress in fiscal year 2019, including—

(A) a description of the budget requirements relating to the School for—

(i) Major Force Program–2; and

(ii) Major Force Program–11; and

(B) an identification of any other source of funding for the School.

(2) The anticipated requirements for facilities for the School.

(3) An identification of the Secretary of a military department designated by the Secretary of Defense as executive agent for the School under subsection (b) of such section.

(4) The anticipated military construction and facilities renovation requirements for the School during such period.

(5) Any other matter relating to the School that the Secretary of Defense considers appropriate.

10 USC 352 note.

(c) LIMITATION ON USE OF FUNDS.—

(1) IN GENERAL.—Nothing in section 352 of title 10, United States Code (as so added), may be construed as authorizing the use of funds appropriated for the Department of Defense for any purpose described in paragraph (2) unless specifically authorized by an Act of Congress other than that section or this Act.

(2) PURPOSES.—The purposes described in this paragraph are the following:

(A) The operation of a facility other than the Naval Small Craft Instruction and Technical Training School that is in operation as of the date of the enactment of this Act for the provision of education and training authorized to be provided by the School.

(B) The construction or expansion of any facility of the School.

SEC. 1209. EXPANSION OF REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM TO INCLUDE IRREGULAR WARFARE.

(a) IN GENERAL.—Section 345 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by striking subsection (a) and inserting the following new subsections (a) and (b):

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Defense may carry out a program under which the Secretary may pay any costs associated with the education and training of foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions, regional centers, conferences, seminars, or other training programs conducted for purposes of regional defense in connection with either of the following:

"(A) Combating terrorism.

"(B) Irregular warfare.

"(2) COVERED COSTS.—Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.

"(3) DESIGNATION.—The program authorized by this section shall be known as the 'Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program'.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The program authorized by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense and the Secretary of State.

"(2) ELEMENTS.—The regulations shall ensure that—

"(A) the Secretary of Defense and the Secretary of State—

"(i) jointly develop and plan activities under the program that—

"(I) advance United States security cooperation objectives; and

"(II) support theater security cooperation planning of the combatant commands; and

"(ii) coordinate on the implementation of activities under the program;

"(B) each of the Secretary of Defense and the Secretary of State designates an individual at the lowest appropriate level of the Department of Defense or the Department of State, as applicable, who shall be responsible for program coordination; and

"(C) to the extent practicable, activities under the program are appropriately coordinated with, and do not duplicate or conflict with, activities under International Military Education and Training (IMET) authorities.

"(3) SUBMITTAL TO CONGRESS.—Upon any update of the regulations, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a copy of the regulations as so updated, together with a description of the update."; and

(3) in paragraph (3) of subsection (d), as redesignated by paragraph (1) of this subsection, by striking "in the global war on terrorism".

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 345. Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program".

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of such title is amended by striking the item relating to section 345 and inserting the following new item: 10 USC prec. 341.

"345. Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program.".

SEC. 1210. MODIFICATION TO DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

Section 341(b)(2) of title 10, United States Code, is amended by inserting "assistance" after "any".

SEC. 1211. ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION.

(a) ASSESSMENT, MONITORING, AND EVALUATION OF SECURITY COOPERATION ACTIVITIES.—Of the amount for Operations and Maintenance, Defense-wide made available to the Defense Security Cooperation Agency for fiscal year 2019, it is the goal that $12,000,000, but in no event less than $6,000,000, shall be allocated

for the assessment, monitoring, and evaluation of security cooperation activities in accordance with section 383 of title 10, United States Code.

(b) LIMITATION ON USE OF FUNDS.—Of the amount for Operation and Maintenance, Defense-wide made available to the Department of Defense for fiscal year 2019 for activities under section 333 of title 10, United States Code, not more than 50 percent may be expended until the Secretary submits to the appropriate congressional committees (as such term is defined in section 301(1) of title 10, United States Code) a written plan for the expenditure of the amount allocated under subsection (a), including—

(1) a description of the activities planned for fiscal year 2019 for the evaluation of security cooperation programs across the security cooperation enterprise, including through chapter 16 of title 10, United States Code, the Afghanistan Security Forces Fund, the Counter-ISIL Fund, the cooperative threat reduction program, and other security cooperation authorities as appropriate; and

(2) a description of the activities planned for fiscal year 2019 for the training, support, and organization of the Department to effectively carry out responsibilities under section 383 of title 10, United States Code.

(c) MODIFICATION OF ASSESSMENT, MONITORING, AND EVALUATION OF PROGRAMS AND ACTIVITIES.—Section 383(b)(1) of title 10, United States Code, is amended by adding at the end the following:

"(E) Incorporation of lessons learned from prior security cooperation programs and activities of the Department of Defense that were carried out any time on or after September 11, 2001.".

SEC. 1212. LEGAL AND POLICY REVIEW OF ADVISE, ASSIST, AND ACCOMPANY MISSIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy, in coordination with the General Counsel of the Department of Defense and the commanders of appropriate combatant commands, shall—

(1) conduct a review of the legal and policy frameworks associated with advise, assist, and accompany missions by United States military personnel; and

(2) submit to the Secretary of Defense a report on the results of such review.

(b) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report required by subsection (a)(2), the Secretary shall submit to the congressional defense committees the report together with any comments by the Secretary that amplify or clarify the report.

(c) ELEMENTS.—The report and review required by subsection (a) shall include the following:

(1) An analysis of the risks and benefits of United States military personnel conducting advise, assist, and accompany missions with foreign partner forces, and an assessment of the relation of such risks and benefits to United States security objectives.

(2) A review of applicable execute orders and theater and functional campaign plans in order to ensure that such orders and plans comply with United States law for the employment

of United States military personnel and capabilities to advise, assist, and accompany foreign partner forces.

(3) An explanation of the fiscal and operational authorities applicable to advise, assist, and accompany missions, including a differentiation between—

(A) advise, assist, and accompany missions conducted by United States military personnel under an execute order with partner forces; and

(B) accompany missions conducted by United States military personnel with foreign partner forces also affiliated with a program authorized by section 127e or 333 of title 10, United States Code.

(4) An explanation of the domestic and international legal bases for the use of United States military personnel to provide collective self-defense in support of designated foreign partner forces inside and outside areas of active hostilities, and a description of any legal or policy limitation on the provision of collective self-defense in support of such designated foreign partner forces.

(5) An assessment whether the legal and policy frameworks applicable to advise, assist, and accompany missions by United States military personnel are adequately communicated to and understood at all levels of operational command.

(6) An assessment whether approvals and permissions related to advise, assist, and accompany missions are made at the appropriate level of command.

(7) A definition, and policy guidance, for the appropriate use in execute orders and military doctrine of each of the following:

(A) Advise.
(B) Assist.
(C) Accompany.
(D) Self-defense.
(E) Collective self-defense.
(F) Combined operations.
(G) Partnered operations.
(H) Last point of cover and conceal.

(8) Any other matters the Under Secretary or the Secretary considers appropriate.

(d) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1213. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) EXPANSION OF AUTHORITY.—Paragraph (1) of subsection (a) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended to read as follows:

"(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide support on a reimbursement basis as follows:

"(A) To the Government of Jordan for purposes of supporting and enhancing efforts of the armed forces of Jordan to increase security and sustain increased security along the border of Jordan with Syria and Iraq.

"(B) To the Government of Lebanon for purposes of supporting and enhancing efforts of the armed forces of Lebanon to increase security and sustain increased security along the border of Lebanon with Syria.

"(C) To the Government of Egypt for purposes of supporting and enhancing efforts of the armed forces of Egypt to increase security and sustain increased security along the border of Egypt with Libya.

"(D) To the Government of Tunisia for purposes of supporting and enhancing efforts of the armed forces of Tunisia to increase security and sustain increased security along the border of Tunisia with Libya.

"(E) To the Government of Oman for purposes of supporting and enhancing efforts of the armed forces of Oman to increase security and sustain increased security along the border of Oman with Yemen.

"(F) To the Government of Pakistan for purposes of supporting and enhancing efforts of the armed forces of Pakistan to increase security and sustain increased security along the border of Pakistan with Afghanistan.".

(b) CERTIFICATION.—Subsection (d) of such section is amended to read as follows:

"(d) NOTICE AND CERTIFICATION BEFORE EXERCISE.—Not later than 15 days before providing support under the authority of subsection (a) to a country that has not previously received such support, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the specified congressional committees a report that—

"(1) sets forth a full description of the support to be provided, including—

"(A) the purpose of such support;

"(B) the amount of support to be provided; and

"(C) the anticipated duration of the provision of such support; and

"(2) includes a certification that—

"(A) the recipient country has taken demonstrable steps to increase security along the border specified for such country in subsection (a); and

"(B) the provision of such support is in the interest of United States national security.".

(c) LIMITATION ON REIMBURSEMENT OF PAKISTAN.—Such section is further amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION.—No amount of reimbursement support under subsection (a)(1)(F) is authorized to be disbursed to the Government of Pakistan unless the Secretary of Defense certifies to the congressional defense committees that the following conditions are met:

"(1) The military and security operations of Pakistan pertaining to border security and ancillary activities for which reimbursement is sought have been coordinated with United States military representatives in advance of the execution of such operations and activities.

"(2) The goals and desired outcomes of each such operation or activity have been established and agreed upon in advance by the United States and Pakistan.

"(3) A process exists to verify the achievement of the goals and desired outcomes established in accordance with paragraph (2).

"(4) The Government of Pakistan is making an effort to actively coordinate with the Government of Afghanistan on issues relating to border security on the Afghanistan-Pakistan border.".

(d) QUARTERLY REPORTS.—Such section is further amended by inserting after subsection (e), as so designated by subsection (c) of this section, the following new subsection (f):

"(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the specified congressional committees a report on reimbursements pursuant to subsection (a) during the preceding fiscal quarter that includes—

"(1) an identification of each country reimbursed;

"(2) the date of each reimbursement;

"(3) a description of any partner nation border security efforts for which reimbursement was provided;

"(4) an assessment of the value of partner nation border security efforts for which reimbursement was provided;

"(5) the total amounts of reimbursement provided to each partner nation in the preceding four fiscal quarters; and

"(6) such other matters as the Secretary considers appropriate.".

(e) EXTENSION.—Subsection (h) of such section, as so redesignated, is amended by striking "December 31, 2019" and inserting "December 31, 2021".

SEC. 1214. FRAMEWORK FOR OBTAINING CONCURRENCE FOR PARTICIPATION IN ACTIVITIES OF REGIONAL CENTERS FOR SECURITY STUDIES.

10 USC 342 note.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall establish and submit to the appropriate congressional committees, as such term is defined in section 301(1) of title 10, United States Code, a Memorandum of Agreement or other arrangement setting forth a framework for the procedures required between the Department of Defense and the Department of State to obtain the concurrence of the Secretary of State, as required by law or policy, to allow non-defense and non-governmental personnel of friendly foreign countries to participate in activities of the Department of Defense Regional Centers for Security Studies.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1221. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXTENSION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–

239; 126 Stat. 1992), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1648), is further amended by striking "December 31, 2018" and inserting "December 31, 2020".

(b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking "December 31, 2018," each place it appears and inserting "December 31, 2020".

SEC. 1222. EXTENSION AND MODIFICATION OF REPORTING REQUIREMENTS FOR SPECIAL IMMIGRANT VISAS FOR AFGHAN ALLIES PROGRAM.

Section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)—

(A) by striking paragraph (10);

(B) by redesignating paragraphs (11) through (16) as paragraphs (10) through (15), respectively;

(C) in paragraph (11)(A), as so redesignated, by striking "the National Defense Authorization Act for Fiscal Year 2014" and inserting "the John S. McCain National Defense Authorization Act for Fiscal Year 2019";

(D) in paragraph (12), as so redesignated, by striking "paragraph (12)(B)" and inserting "paragraph (11)(B)"; and

(E) in paragraph (13), as so redesignated, in the matter preceding subparagraph (A), by striking "a report to the" and all that follows through "House of Representatives" and inserting "a report to the appropriate committees of Congress";

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SEC. 1223. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2019 shall be subject to the conditions contained in—

(1) subsections (b) through (f) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as most recently amended by section 1521(d)(2)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2577); and

(2) section 1521(d)(1) of the National Defense Authorization Act for Fiscal Year 2017.

(b) USE OF FUNDS.—Section 1513(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking "security forces of Afghanistan" and inserting "security forces of the Ministry of Defense and the Ministry of the Interior of the Government of the Islamic Republic of Afghanistan".

(c) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts authorized to be appropriated for the Afghanistan Security Forces Fund by this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that such equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the Government of the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to the acceptance of such equipment by the Secretary. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.

(ii) Section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2575).

(iii) Section 1531(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088).

(iv) Section 1532(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3613).

(v) Section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note).

(B) ELEMENTS.—Each report under subparagraph (A) shall include a list of all equipment that was accepted during the period covered by such report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(d) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2019, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(A) efforts to recruit women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Directorate of Human Rights and Gender Integration of the Ministry of Defense of Afghanistan and the Office of Human Rights, Gender and Child Rights of the Ministry of Interior of Afghanistan;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Ministry of Defense and the Ministry of Interior of Afghanistan;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units; and

(G) security provisions for high-profile female police and military officers.

(e) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—

(1) ASSESSMENT REQUIRED.—Not later than May 1, 2019, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate an assessment describing—

(A) the progress of the Government of the Islamic Republic of Afghanistan toward meeting shared security objectives; and

(B) the efforts of the Government of the Islamic Republic of Afghanistan to manage, employ, and sustain the equipment and inventory provided under subsection (a).

(2) MATTERS TO BE INCLUDED.—In conducting the assessment required by paragraph (1), the Secretary of Defense shall include each of the following:

(A) A consideration of the extent to which the Government of Afghanistan has a strategy for, and has taken steps toward, increased accountability and the reduction of corruption within the Ministry of Defense and the Ministry of Interior of Afghanistan.

(B) A consideration of the extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security

Forces Fund investment, including through training, and an articulation of the metrics used to assess such improvements.

(C) A consideration of the extent to which the Afghan National Defense and Security Forces have been able to increase pressure on the Taliban, al-Qaeda, the Haqqani network, and other terrorist organizations, including by re-taking territory, defending territory, and disrupting attacks.

(D) A consideration of the distribution practices of the Afghan National Defense and Security Forces and whether the Government of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to, and employed by, security forces charged with fighting the Taliban and other terrorist organizations.

(E) A consideration of the extent to which the Government of Afghanistan has designated the appropriate staff, prioritized the development of relevant processes, and provided or requested the allocation of resources necessary to support a peace and reconciliation process in Afghanistan.

(F) A description of the ability of the Ministry of Defense and the Ministry of Interior of Afghanistan to manage and account for previously divested equipment, including a description of any vulnerabilities or weaknesses of the internal controls of such Ministry of Defense and Ministry of Interior and any plan in place to address shortfalls.

(G) A description of the monitoring and evaluation systems in place to ensure assistance provided under subsection (a) is used only for the intended purposes.

(H) A description of any significant irregularities in the divestment of equipment to the Afghan National Defense and Security Forces during the 5-year period beginning on the date of the enactment of this Act, including any major losses of such equipment or any inability on the part of the Afghan National Defense and Security Forces to account for equipment so procured.

(I) A description of the sustainment and maintenance costs required during the 5-year period beginning on the date of the enactment of this Act for major weapons platforms previously divested, and a plan for how the Afghan National Defense and Security Forces intends to maintain such platforms in the future.

(J) A consideration of the extent to which the Government of Afghanistan is adhering to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreements with the United States.

(K) A consideration of the extent to which the Government of Afghanistan has made progress in achieving security sector benchmarks as outlined by the United States-Afghan Compact (commonly known as the "Kabul Compact").

(L) Such other factors as the Secretaries consider appropriate.

(3) FORM.—The assessment required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WITHHOLDING OF ASSISTANCE FOR INSUFFICIENT PROGRESS.—

(A) IN GENERAL.—If the Secretary of Defense determines, in coordination with the Secretary of State, pursuant to the assessment under paragraph (1) that the Government of Afghanistan has made insufficient progress in the areas described in paragraph (2), the Secretary of Defense may withhold assistance for the Afghan National Defense and Security Forces until such time as the Secretary determines sufficient progress has been made.

(B) NOTICE TO CONGRESS.—If the Secretary of Defense withholds assistance under subparagraph (A), the Secretary shall, in coordination with the Secretary of State, provide notice to Congress not later than 30 days after making the decision to withhold such assistance.

SEC. 1224. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2477), is further amended—

(1) in subsection (a), by striking "December 31, 2018" and inserting "December 31, 2019";

(2) in subsection (b), by striking "fiscal year 2017 and fiscal year 2018" and inserting "fiscal years 2017 through 2019"; and

(3) in subsection (f), by striking "December 31, 2018" and inserting "December 31, 2019".

(b) MODIFICATION.—Subsection (b) of section 1211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2477) is amended—

(1) in the heading, by striking "AND SYRIA" and inserting "SYRIA, SOMALIA, LIBYA, AND YEMEN"; and

(2) in paragraph (1), by striking "or Syria" and inserting "Syria, Somalia, Libya, or Yemen".

SEC. 1225. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is further amended—

(1) in the matter preceding paragraph (1), by striking "October 1, 2017, and ending on December 31, 2018" and inserting "October 1, 2018, and ending on December 31, 2019"; and

(2) by amending paragraph (2) to read as follows:

"(2) Pakistan for certain activities meant to enhance the security situation in the Afghanistan-Pakistan border region pursuant to section 1226 of the National Defense Authorization

Act for Fiscal Year 2016 (22 U.S.C. 2151 note), as amended by the John S. McCain National Defense Authorization Act for Fiscal Year 2019.".

(b) MODIFICATION TO LIMITATIONS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking "October 1, 2017, and ending on December 31, 2018" and inserting "October 1, 2018, and ending on December 31, 2019"; and

(ii) by striking "$900,000,000" and inserting "$350,000,000"; and

(B) by striking the second sentence; and

(2) by striking paragraph (3).

(c) REPEAL OF PROVISION RELATING TO REIMBURSEMENT TO PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.—Such section is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

(d) NOTICE TO CONGRESS.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (c) of this section, is amended by striking the second sentence.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1231. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) EXTENSION.—Section 1209(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559), as most recently amended by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2485), is further amended by striking "December 31, 2018" and inserting "December 31, 2019".

(b) LIMITATION ON USE OF FUNDS IN GENERAL.—

(1) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2019 for the Department of Defense may be obligated or expended for activities under the authority in section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by subsection (a), until the later of the following:

(A) The date on which the President submits the report on United States strategy in Syria required by section 1221 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1650).

(B) The date that is 30 days after the date on which the Secretary of Defense submits the report described in paragraph (2).

(2) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(i) A description of the efforts the United States will undertake to train and equip appropriately vetted Syrian opposition forces, and a description of any roles or contributions of partner countries with respect to such efforts.

(ii) A detailed description of the internal security forces of the vetted Syrian opposition to be trained and equipped under such authority, including a description of their geographic locations, demographic profiles, political affiliations, current capabilities, and relation to the objectives under the authority in section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by subsection (a).

(iii) An assessment of the current operational effectiveness of such forces and their command and control structures.

(iv) A detailed description of planned capabilities, including categories of training, equipment, financial support, sustainment, and supplies intended to be provided to the elements of the vetted Syrian opposition under such authority, and timelines for delivery.

(v) A description of the planned posture of United States forces and the planned level of engagement by such forces with the elements of the vetted Syrian opposition, including the oversight of equipment provided under such authority and the activities conducted by such vetted Syrian opposition forces.

(vi) An explanation of the processes and mechanisms for local commanders of the vetted Syrian opposition to exercise command and control of the elements of the vetted Syrian opposition after such elements of the vetted Syrian opposition have been trained and equipped under such authority.

(vii) An explanation of complementary local governance and other stabilization activities in areas in which elements of the local internal security forces trained and equipped under such authority will be operating and the relation of such local governance and other stabilization activities to the oversight of such security forces.

(B) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(c) REPROGRAMMING REQUIREMENT.—Subsection (f) of such section 1209, as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2485), is further amended by striking "December 31, 2018" and inserting "December 31, 2019".

(d) QUARTERLY PROGRESS REPORT.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and the Senate a progress report under section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015. Such progress

report shall, based on the most recent quarterly information, include an assessment of the following:

(A) Whether, during the 90-day period, demonstrable progress was made—

(i) to retake control of territory in Syria from the Islamic State of Iraq and Syria (ISIS); or

(ii) to stabilize areas in Syria formerly held by the Islamic State of Iraq and Syria.

(B) Whether, during such period, the vetted Syrian opposition tasked with conducting local security operations that United States forces are training and equipping under the authority in section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by subsection (a), were demographically representative of the local communities and serve local governance bodies that are similarly representative of the local communities.

(C) Whether, during such period, the Department of Defense took actions to mitigate any pause in offensive operations against the Islamic State of Iraq and Syria through alternative approaches to the training, equipping, and assistance of the vetted Syrian opposition.

(D) Whether, during such period, support provided under the authority referred to in subparagraph (B) was consistent with United States standards regarding respect for human rights, rule of law, and support for stable and equitable governance.

(E) Whether, during such period, members of the vetted Syrian opposition receiving support under the authority referred to in subparagraph (B) demonstrated respect for human rights and rule of law, violations of human rights and rule of law by such members were appropriately investigated, and the individuals responsible for such violations were appropriately held accountable.

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1232. SYRIAN WAR CRIMES ACCOUNTABILITY.

22 USC 8791 note.

(a) REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.—

(1) IN GENERAL.—The Secretary of State shall submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act and another such report not later than 180 days after the Secretary of State determines that the violence in Syria has ceased.

(2) ELEMENTS.—The reports required under paragraph (1) shall include—

(A) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—

(i) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

(ii) incidents that may constitute war crimes, crimes against humanity, or genocide committed by violent extremist groups, anti-government forces, and any other combatants in the conflict;

(iii) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and

(iv) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

(B) a description and assessment by the Department of State Office of Global Criminal Justice, the United States Agency for International Development, the Department of Justice, and other appropriate agencies of programs that the United States Government has undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including programs—

(i) to train investigators within and outside of Syria on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of war crimes, crimes against humanity, or genocide, including—

(I) the number of United States Government or contract personnel currently designated to work full-time on these issues; and

(II) the identification of the authorities and appropriations being used to support such training efforts;

(ii) to promote and prepare for a transitional justice process or processes for the perpetrators of war crimes, crimes against humanity, and genocide in Syria beginning in March 2011;

(iii) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Syria, including support for Syrian, foreign, and international nongovernmental organizations, and other entities, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic; and

(iv) to assess the influence of accountability measures on efforts to reach a negotiated settlement to the Syrian conflict during the reporting period.

(3) FORM.—The reports required under paragraph (1) may be submitted in unclassified or classified form, but shall include a publicly available annex.

(4) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Syria, violent extremist groups, anti-government forces, or any other combatants or participants in the conflict.

(b) TRANSITIONAL JUSTICE STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, shall—

(1) complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and

(2) submit a detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be offered, to—

(A) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(c) TECHNICAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and all non-state armed groups fighting in the country, including violent extremist groups in Syria beginning in March 2011—

(A) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(B) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(C) conduct criminal investigations;

(D) build Syria's investigative and judicial capacities and support prosecutions in the domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;

(E) support investigations by third-party states, as appropriate; or

(F) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

(2) ADDITIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under subsection (b), is authorized to provide assistance to support the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.

(3) BRIEFING.—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in paragraph (1).

(d) STATE DEPARTMENT REWARDS FOR JUSTICE PROGRAM.—Section 36(b)(10) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)(10)) is amended by inserting "(including war crimes, crimes against humanity, or genocide committed in Syria beginning in March 2011)" after "genocide".

(e) INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.—The Secretary of State, acting through the United States Permanent Representative to the United Nations, should use the voice, vote, and influence of the United States at the United Nations to advocate that the United Nations Human Rights Council, while the United States remains a member, annually extend the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic until the Commission has completed its investigation of all alleged violations of international human rights laws beginning in March 2011 in the Syrian Arab Republic.

(f) EFFECT OF SECTION.—Nothing in this section shall be construed to violate the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7421 et seq.).

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations; the Committee on Armed Services, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on the Judiciary of the House of Representatives.

(2) GENOCIDE.—The term "genocide" means any offense described in section 1091(a) of title 18, United States Code.

(3) HYBRID TRIBUNAL.—The term "hybrid tribunal" means a temporary criminal tribunal that involves a combination of domestic and international lawyers, judges, and other professionals to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide.

(4) TRANSITIONAL JUSTICE.—The term "transitional justice" means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

(A) to redress legacies of atrocities; and

(B) to promote long-term, sustainable peace.

(5) WAR CRIME.—The term "war crime" has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 1233. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) EXTENSION.—Subsection (a) of section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1651), is further amended by striking "December 31, 2019" and inserting "December 31, 2020".

(b) FUNDING.—Subsection (g) of such section 1236, as most recently so amended, is further amended—

(1) by striking "for the Department of Defense for Overseas Contingency Operations for fiscal year 2018" and inserting "for the Department of Defense for Overseas Contingency Operations for fiscal year 2019"; and

(2) by striking "$1,269,000,000" and inserting "$850,000,000".

(c) LIMITATION OF USE OF FISCAL YEAR 2019 FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2019 by this Act for activities under the authority in section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, as amended by this section, not more than $450,000,000 may be obligated or expended for such activities until the date on which the Secretary of Defense has submitted to the congressional defense committees each of the following:

(1) The report on the United States strategy in Iraq required by the joint explanatory statement of the committee of the conference accompanying Conference Report 115–404.

(2) A report setting forth the following:

(A) An explanation of the purpose of a continuing United States military presence in Iraq, including—

(i) an explanation of the national security objectives of the United States with respect to Iraq;

(ii) a detailed description of—

(I) the size of a continuing United States military presence in Iraq; and

(II) the roles and missions associated with a continuing United States military presence in Iraq; and

(iii) a delineation of the responsibilities in connection with a continuing United States military presence in Iraq of—

(I) the Combined Joint Task Force Operation Inherent Resolve (or a successor task force);

(II) the Office of Security Cooperation in Iraq; and

(III) other United States embassy-based military personnel.

(B) An identification of the specific units of the Iraqi Security Forces to receive training and equipment or other support in fiscal year 2019.

(C) A plan for ensuring that any vehicles and equipment provided to the Iraqi Security Forces pursuant to that authority are maintained in subsequent fiscal years using funds of Iraq.

(D) An estimate, by fiscal year, of the funding anticipated to be required for support of the Iraqi Security Forces pursuant to that authority during the five fiscal years beginning with fiscal year 2020.

(E) A detailed plan for the obligation and expenditure of the funds requested for fiscal year 2019 for the Department of Defense for Operational Sustainment of the Iraqi Security Forces.

(F) A plan for the transition to the Government of Iraq of responsibility for funding for Operational Sustainment of the Iraqi Security Forces for fiscal years after fiscal year 2019.

(G) A description of any actions carried out under this paragraph.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Peshmerga forces of the Kurdistan Region of Iraq have made, and continue to make, significant contributions to the United States-led campaign to degrade, dismantle, and ultimately defeat the Islamic State of Iraq and Syria (ISIS) in Iraq;

(2) a lasting defeat of ISIS is critical to maintaining a stable and tolerant Iraq in which all faiths, sects, and ethnicities are afforded equal protection and full integration into the Government and society of Iraq; and

(3) in support of counter-ISIS operations and in conjunction with the Central Government of Iraq, the United States should continue to provide operational sustainment, as appropriate, to the Ministry of Peshmerga forces of the Kurdistan Region of Iraq so that the Peshmerga forces can more effectively partner with the Iraqi Security Forces, the United States, and other international Coalition members to consolidate gains, hold territory, and protect infrastructure from ISIS and its affiliates in an effort to deal a lasting defeat to ISIS and prevent its reemergence in Iraq.

(e) QUARTERLY PROGRESS REPORT.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and the Senate a progress report under section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, which shall be provided in unclassified form with a classified annex if necessary. Such progress report shall, based on the most recent quarterly information, include an assessment of the following:

(A) The extent to which any forces associated with Iran's Revolutionary Guard Corps (IRGC) have been incorporated into the Iraqi Security Forces.

(B) Any instances in which forces associated with Iran's Revolutionary Guard Corps have acquired United States-provided equipment and training.

(C) The extent to which United States-provided equipment is controlled by unauthorized units, determined by vetting required in subsection (e) of section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, or is not accounted for by the Government of Iraq, including a list of major end items provided to the Government of Iraq

that are controlled by unauthorized forces or unaccounted for.

(D) Actions taken by the Government of Iraq to repossess United States-provided equipment from unauthorized forces.

(E) The means by which the United States Armed Forces shares operational information with the Iraqi Security Forces and a description of any known instances in which any forces associated with Iran's Revolutionary Guard Corps have gained unauthorized access to such operational information.

(2) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1234. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF IRAQ.

None of the funds authorized to be appropriated or otherwise made available by this Act for assistance to the Government of Iraq may be obligated or expended by the United States to provide assistance to any group that is, or that is known to be affiliated with, the Iranian Revolutionary Guard Corps–Quds Force or a state sponsor of terrorism.

SEC. 1235. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION OF AUTHORITY.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking "fiscal year 2018" and inserting "fiscal year 2019".

(b) AMOUNT AVAILABLE.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (c), by striking "fiscal year 2018 may not exceed $42,000,000" and inserting "fiscal year 2019 may not exceed $45,300,000"; and

(B) in subsection (d), by striking "fiscal year 2018" and inserting "fiscal year 2019".

(2) LIMITATION OF USE OF FISCAL YEAR 2019 FUNDS PENDING REPORTS.—Of the amount available for fiscal year 2019 for section 1215 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, not more than an amount equal to 25 percent of such amount may be obligated or expended for the Office of Security Cooperation in Iraq until 30 days after the later of—

(A) the date on which the report on the United States strategy on Iraq required by the joint explanatory statement of the committee of the conference accompanying Conference Report 115–404 is submitted to the congressional defense committees; and

(B) the date on which the report required by subsection (d)(1) is submitted to the appropriate committees of Congress.

(c) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking "fiscal year 2018" and inserting "fiscal year 2019".

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in cooperation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the Office of Security Cooperation in Iraq.

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

(A) A description of the enduring planned size and missions of the Office of Security Cooperation in Iraq after the cessation of major combat operations against the Islamic State of Iraq and Syria.

(B) A description of the relationship between the Office of Security Cooperation in Iraq and any planned enduring presence of other United States forces in Iraq.

(C) A detailed description of any activity to be conducted by the Office of Security Cooperation in Iraq in fiscal year 2019.

(D) A plan and timeline for the normalization of the Office of Security Cooperation in Iraq to conform to other offices of security cooperation, including the transition of funding from the Department of Defense to the Department of State by the beginning of fiscal year 2020.

(E) Such other matters with respect to the Office of Security Cooperation in Iraq as the Secretary of Defense and the Secretary of State consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1236. MODIFICATION OF ANNUAL REPORT ON MILITARY POWER OF IRAN.

Section 1245(b) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 113 note) is amended—

(1) in paragraph (3)(B), by inserting "the Houthis," after "Hamas,"; and

(2) in paragraph (7)—

(A) by inserting "the Russian Federation," after "Pakistan,"; and

(B) by inserting "trafficking or" before "development".

SEC. 1237. STRATEGY TO COUNTER DESTABILIZING ACTIVITIES OF IRAN.

(a) STRATEGY AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may develop a strategy with foreign partners to counter the destabilizing activities of Iran.

(2) ELEMENTS.—The strategy described in paragraph (1)—

(A) should identify specific countries in which Iran and Iranian-backed entities are operating; and

(B) should establish a cooperative framework that includes, as appropriate—

(i) investing in intelligence, surveillance, and reconnaissance capabilities;

(ii) investing in mine countermeasures resources and platforms;

(iii) investing in integrated air and missile defense platforms and technologies;

(iv) sharing intelligence and data between the United States and such foreign countries;

(v) investing in cyber security and cyber defense capabilities;

(vi) engaging in combined planning and exercises;

(vii) engaging in defense education, institution building, doctrinal development, and reform; and

(viii) assessing Iran's destabilizing activities in the countries identified under subparagraph (A) and the implications thereof.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through December 31, 2021, the Secretary of Defense, in consultation with the Secretary of State, should submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on actions taken to enhance cooperation and encourage military-to-military engagement between the United States and foreign partners with the goal of countering the destabilizing actions of Iran and, if applicable, the strategy authorized by subsection (a).

Subtitle D—Matters Relating to the Russian Federation

SEC. 1241. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notification of the waiver, along with a justification of the reason for seeking such waiver, at the time the waiver is invoked.

SEC. 1242. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO IMPLEMENTATION OF THE OPEN SKIES TREATY.

(a) PROHIBITION ON ACTIVITIES TO MODIFY UNITED STATES AIRCRAFT.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for research, development, test, and evaluation, Air Force, for arms control implementation (PE 0305145F), Aircraft Procurement, Air Force (line item C135B0/C-135B), or procurement, Air Force, for digital visual imaging system (BA-05, Line Item #1900) may be obligated or expended to carry out any activities to modify any United States aircraft for purposes of implementing the Open Skies Treaty until the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—

(A) IN GENERAL.—The certification described in this paragraph is a certification of the President that—

(i) the President has imposed treaty violations responses and legal countermeasures on the Russian Federation for its violations of the Open Skies Treaty; and

(ii) the President has fully informed the appropriate congressional committees of such responses and countermeasures.

(B) DELEGATION.—The President may delegate the responsibility for making a certification under subparagraph (A) to the Secretary of the State.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) LIMITATION ON USE OF FUNDS TO VOTE OR APPROVE CERTAIN IMPLEMENTING DECISIONS OF THE OPEN SKIES CONSULTATIVE COMMISSION.—

(1) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2019 may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission pursuant to Article X of the Open Skies Treaty to authorize approval of requests by state parties to the Treaty to certify infra-red or synthetic aperture radar sensors pursuant to Article IV of the Treaty unless and until the following requirements are met:

(A) The Secretary of Defense, jointly with the relevant United States Government officials, submits to the appropriate congressional committees the following:

(i) A certification that the implementing decision would not be detrimental or otherwise harmful to the national security of the United States.

(ii) A report on the Open Skies Treaty that includes the following:

(I) The annual costs to the United States associated with countermeasures to mitigate potential

abuses of observation flights by the Russian Federation carried out under the Treaty over European and United States territories involving infra-red or synthetic aperture radar sensors.

(II) A plan, and its estimated cost through December 31, 2023, to replace the Treaty architecture with an increased sharing of overhead commercial imagery, consistent with United States national security, with covered state parties, excluding the Russian Federation, compared with the current cost of implementing the Open Skies Treaty, including proposed aircraft recapitalization, through December 31, 2023.

(III) An evaluation by the Director of National Intelligence of matters concerning how an observation flight described in clause (i) could implicate intelligence activities of the Russian Federation in the United States and United States counterintelligence activities and vulnerabilities.

(IV) An assessment of how such information is used by the Russian Federation, for what purpose, and how the information fits into the Russian Federation's overall collection posture.

(B) Not later than 90 days before the date on which the United States votes to approve or otherwise adopt any such implementing decision, the President shall submit to the appropriate congressional committees a certification that—

(i) the Russian Federation—

(I) is in complete compliance with is obligations under the Open Skies Treaty;

(II) is not exceeding the imagery limits set forth in the Treaty; and

(III) is allowing observation flights by covered state parties over all of Moscow, Chechnya, Kaliningrad, and within 10 kilometers of its border with Georgia's occupied territories of Abkhazia and South Ossetia without restriction and without inconsistency to requirements under the Treaty; and

(ii) covered state parties have been notified and briefed, consistent with protection of sources and methods, on concerns of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) regarding infra-red or synthetic aperture radar sensors used under the Open Skies Treaty.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the application of paragraph (1)(B) if the President determines that—

(i) the waiver is in the national security of the United States; and

(ii) the Russian Federation has taken clear and verifiable action to return to compliance with the Open Skies Treaty.

(B) DELEGATION.—

(i) IN GENERAL.—The President may delegate the authority under subparagraph (A) to waive the application of paragraph (1)(B) to the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence.

(ii) REPORT.—Not later than 30 days prior to a waiver taking effect pursuant to a delegation of the authority under subparagraph (A) to waive the application of paragraph (1)(B), the Secretary of State, the Secretary of Defense, and the Director of National Intelligence shall submit to the appropriate congressional committees a report that contains the views of such Secretaries and Director with respect to the waiver.

(c) FORM.—Each certification and report required under this section shall be submitted in unclassified form, but may contain a classified annex if necessary.

(d) DEFINITIONS.—Except as otherwise provided, in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED STATE PARTY.—The term "covered state party" means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(3) INFRA-RED OR SYNTHETIC APERTURE RADAR SENSOR.—The term "infra-red or synthetic aperture radar sensor" means a sensor that is classified as—

(A) an infra-red line-scanning device under category C of paragraph 1 of Article IV of the Open Skies Treaty; or

(B) a sideways-looking synthetic aperture radar under category D of paragraph 1 of Article IV of the Open Skies Treaty.

(4) OBSERVATION FLIGHT.—The term "observation flight" has the meaning given such term in Article II of the Open Skies Treaty.

(5) OPEN SKIES TREATY; TREATY.—The term "Open Skies Treaty" or "Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(6) RELEVANT UNITED STATES GOVERNMENT OFFICIALS.—The term "relevant United States Government officials" means the following:

(A) The Secretary of Energy.

(B) The Secretary of Homeland Security.

(C) The Director of the Federal Bureau of Investigation.

(D) The Director of National Intelligence.

(E) The Commander of U.S. Strategic Command and the Commander of U.S. Northern Command in the case of an observation flight over the territory of the United States.

(F) The Commander of U.S. European Command in the case of an observation flight other than an observation flight described in subparagraph (E).

(7) SENSOR.—The term "sensor" has the meaning given such term in Article II of the Open Skies Treaty.

SEC. 1243. DETERMINATION REQUIRED REGARDING MATERIAL BREACH OF INF TREATY BY THE RUSSIAN FEDERATION.

(a) DETERMINATION REQUIRED.—Not later than January 15, 2019, the President shall submit to the appropriate congressional committees a determination whether—

(1) the Russian Federation is in material breach of its obligations under the INF Treaty; and

(2) the prohibitions set forth in Article VI of the INF Treaty remain binding on the United States as a matter of United States law.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) INF TREATY.—The term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the "Intermediate-Range Nuclear Forces (INF) Treaty", signed at Washington December 8, 1987, and entered into force June 1, 1988.

SEC. 1244. COMPREHENSIVE RESPONSE TO THE RUSSIAN FEDERATION'S MATERIAL BREACH OF THE INF TREATY.

(a) SENSE OF CONGRESS.—It is the of Congress that—

(1) the actions undertaken by the Russian Federation in violation of the INF Treaty, including the flight-test, production, and possession of prohibited systems, have defeated the object and purpose of the INF Treaty, and thus constitute a material breach of the INF Treaty;

(2) in light of the Russian Federation's material breach of the INF Treaty, the United States is legally entitled to suspend the operation of the INF Treaty in whole or in part for so long as the Russian Federation continues to be in material breach of the INF Treaty; and

(3) for so long as the Russian Federation remains in violation of the INF Treaty, the United States should take actions to encourage the Russian Federation to return to compliance with the INF Treaty, including by—

(A) providing additional funds for the capabilities identified in section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1062) and the Intermediate-Range Nuclear Forces Treaty Preservation Act of 2017 (Public Law 115–91; 131 Stat. 1671); and

(B) seeking additional missile defense assets in the European theater needed to fill military capability gaps to protect United States and NATO forces from ground-

launched missile systems of the Russian Federation that are in noncompliance with the INF Treaty.

(b) CERTIFICATION.—

(1) IN GENERAL.—Not later than November 1, 2018, the President shall submit to the appropriate congressional committees a certification as to whether each of the requirements described in paragraph (2) have been met.

(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

(A) Each requirement of section 1290 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2555; 22 U.S.C. 2593e) has been fully implemented and is continuing to be fully implemented.

(B) The President has notified the appropriate congressional committees under such section 1290 of the imposition of measures described in subsection (c) of such section with respect to each person identified in a report under subsection (a) of such section, including a detailed description of the imposition of all such measures.

(C) The President has submitted the report required by section 1244(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1674) (relating to report on plan to impose additional sanctions with respect to the Russian Federation).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) INF TREATY.—The term "INF Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

SEC. 1245. REPORT ON IMPLEMENTATION OF THE NEW START TREATY.

(a) REPORT.—Not later than December 31, 2018, the President shall—

(1) submit to the appropriate congressional committees a report as to whether—

(A) the President has raised the issue of covered Russian systems in the appropriate fora with the Russian Federation under Article V of the New START Treaty or otherwise; and

(B) if the President has raised the issue of covered Russian systems as described in subparagraph (A), the Russian Federation has responded to the United States as to whether the Russian Federation will agree to declare the covered Russian systems as strategic offensive arms or otherwise pursuant to the New START Treaty;

(2) notify the appropriate congressional committees as to whether the position of the Russian Federation threatens the viability of the New START Treaty or requires appropriate United States political, economic, or military responses; and

(3) submit to the congressional defense committees a report assessing the extent to which the nuclear modernization and infrastructure recapitalization programs of the Department of Defense and the National Nuclear Security Administration have met the requirements described in the resolution of ratification to accompany the New START Treaty, specifically the requirements described in subsections (a)(9), (a)(11), and (a)(13) of such resolution of ratification.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED RUSSIAN SYSTEMS.—The term "covered Russian systems" means the following:

(A) The heavy intercontinental missile system known as "Sarmat" or otherwise identified.

(B) An air-launched nuclear-powered cruise missile known as "X-101" or otherwise identified.

(C) An unmanned underwater vehicle known as "Status 6" or otherwise identified.

(D) The long-distance guided flight hypersonic weapons system known by "Avanguard" or otherwise identified.

(3) NEW START TREATY.—The term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, and entered into force February 5, 2011.

SEC. 1246. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as most recently amended by section 1234 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1659), is further amended—

(1) in subsection (b)—

(A) by striking paragraph (8);

(B) by redesignating paragraph (12) as paragraph (16);

(C) by redesignating paragraphs (9) through (11) and (13) through (15) as paragraphs (8) through (13), respectively;

(D) by inserting after paragraph (13) (as redesignated by subparagraph (C) of this paragraph) the following new paragraph:

"(14) Training required to maintain and employ systems and capabilities described in paragraphs (1) through (13).";

and

(E) by redesignating paragraph (16) (as redesignated by subparagraph (B) of this paragraph) as paragraph (15);

(2) in subsection (c)—

(A) in paragraph (1), by striking "50 percent of the funds available for fiscal year 2018 pursuant to subsection (f)(3)" and inserting "50 percent of the funds available for fiscal year 2019 pursuant to subsection (f)(4)";

(B) in paragraph (2)—

(i) by striking "The certification described" and inserting the following:

"(A) IN GENERAL.—The certification described";

(ii) by striking "in such areas" and all that follows through "defense industrial sector" and inserting "in such areas as described in subparagraph (B)";

(iii) by striking "subsection (a)." and inserting the following: "subsection (a).

"(B) AREAS DESCRIBED.—The areas described in this subparagraph are—

"(i) strengthening civilian control of the military;

"(ii) enhanced cooperation and coordination with Verkhovna Rada efforts to exercise oversight of the Ministry of Defense and military forces;

"(iii) increased transparency and accountability in defense procurement;

"(iv) improvement in transparency, accountability, sustainment, and inventory management in the defense industrial sector; and

"(v) protection of proprietary or sensitive technologies as such technologies relate to foreign military sales or transfers."; and

(iv) by striking "The certification shall" and inserting the following:

"(C) ASSESSMENT.—The certification shall";

(C) in paragraph (3), by striking "fiscal year 2018" and inserting "fiscal year 2019"; and

(D) by adding at the end the following new paragraph:

"(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2019 pursuant to subsection (f)(4), $50,000,000 shall be available only for lethal assistance described in paragraphs (2) and (3) of subsection (b).";

(3) in subsection (f), by adding at the end the following:

"(4) For fiscal year 2019, $250,000,000."; and

(4) in subsection (h), by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 1247. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) EXTENSION.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488), as amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is further amended in the matter preceding paragraph (1) by striking "fiscal year 2017 or 2018" and inserting "fiscal year 2017, 2018, or 2019".

(b) RULE OF CONSTRUCTION.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit bilateral military-to-military dialogue between the United States and the Russian Federation for the purpose of reducing the risk of conflict.".

SEC. 1248. SENSE OF CONGRESS ON ENHANCING DETERRENCE AGAINST RUSSIAN AGGRESSION IN EUROPE.

(a) STATEMENT OF POLICY.—To protect the national security of the United States and fulfill the ironclad commitment of the United States to its obligations under the North Atlantic Treaty, it is the policy of the United States to pursue, in full coordination with the North Atlantic Treaty Organization (NATO), an integrated approach to strengthening the defense of allies and partners in Europe as part of a broader, long-term strategy backed by all elements of United States national power to deter and, if necessary, defeat Russian aggression.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in order to strengthen the defense of United States allies and partners in Europe, the Secretary of Defense, in coordination with the Secretary of State and in consultation with the commander of United States European Command, should—

(1) prioritize the need for additional United States forward presence in Europe, especially increased forward-stationed combat enablers to enhance United States capability and capacity;

(2) review the balance of United States presence in Europe between rotationally deployed and forward-stationed forces to assure allies and partners in Europe and deter Russian aggression;

(3) support robust United States security cooperation with, and security assistance for, Estonia, Latvia, and Lithuania, including through continuous and enduring presence of United States forces, training and support activities of United States special operations forces, and increased joint training and exercises to deter aggression, promote interoperability, build resilience, and enable NATO to take collective action if required;

(4) continue rotational deployments of United States forces to southeastern Europe, including Romania and Bulgaria;

(5) support enhanced defense cooperation with Poland, including continued presence of United States forces in Poland and increased training, exercises, and other activities focused on improving effective joint response in a crisis;

(6) conduct exercises focused on demonstrating the capability to flow United States forces from the continental United States and surge forces from central to eastern Europe in a nonpermissive environment;

(7) focus training activities of United States forces in Europe, including joint training with allied forces, on operating against adversary cyber, electronic warfare, and information operations capabilities;

(8) support robust security sector assistance for Ukraine, including defensive lethal assistance, while promoting necessary reforms of the defense institutions of Ukraine;

(9) support robust security sector assistance for Georgia, including defensive lethal assistance, to strengthen the defense capabilities and readiness of Georgia, and improve interoperability with NATO forces;

(10) execute enhanced military-to-military engagement between the United States and the militaries of the countries of the Western Balkans to promote interoperability with NATO, civilian control of the military, procurement reforms, and regional security cooperation;

(11) develop and implement a comprehensive security cooperation strategy that integrates support for allies and partners in Europe, especially the allies and partners most directly threatened by Russian aggression and malign influence; and

(12) in NATO or through other multilateral formats—

(A) promote reforms to accelerate the speed of decision and deployability within NATO;

(B) promote a more robust NATO defense planning process;

(C) pursue planning agreements with allies and partners in Europe on rules of engagement and arrangements for command and control, access, transit, and support in crisis situations, which occur prior to an invocation of Article 5 of the Washington Treaty by the North Atlantic Council;

(D) promote NATO operational readiness as a key element of alliance burden sharing alongside spending commitments made at the 2014 Wales Summit;

(E) explore transitioning the Baltic air policing mission of NATO to a Baltic air defense mission;

(F) support multilateral efforts to improve maritime domain awareness in the Baltic Sea;

(G) support enhanced NATO-European Union cooperation, especially with respect to capability development and defense planning;

(H) support coordinated NATO and European Union actions on expediting or waiving diplomatic clearances for the movement of United States and allied forces during contingencies;

(I) support cooperative investment frameworks that promote increased military mobility in Europe;

(J) expand cooperation and joint planning with allies and partners on intelligence, surveillance, and reconnaissance;

(K) promote efforts to improve the capability and readiness of NATO Standing Maritime Groups;

(L) encourage regular review and update of the Alliance Maritime Strategy of NATO to reflect the changing military balance in the Black Sea and increased military activity in the North Atlantic and Arctic Oceans;

(M) explore increasing the frequency, scale, and scope of NATO and other multilateral exercises in the Black Sea with the participation of Ukraine and Georgia;

(N) promote integration of United States Marines in Norway with the United Kingdom-led Joint Expeditionary Force to increase multilateral cooperation and interoperability between NATO and regional partners such as Sweden and Finland; and

(O) affirm support for the Open Door policy of NATO, including the eventual membership of Georgia in NATO.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1251. NAME OF UNITED STATES INDO-PACIFIC COMMAND. 10 USC 161 note.

(a) IN GENERAL.—The combatant command known as the United States Pacific Command shall be known as the "United States Indo-Pacific Command". Any reference to the United States Pacific Command in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the United States Indo-Pacific Command.

(b) CONFORMING AMENDMENTS.—

(1) ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—Section 10504 of title 10, United States Code, as amended by section 1071(a)(31), is further amended in subsection (c), as redesignated by such section, in paragraph (3)(H) by striking "United States Pacific Command" and inserting "United States Indo-Pacific Command".

(2) CONTRACTING WITH THE ENEMY.—Section 843(4) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2302 note) is amended by striking "United States Pacific Command" and inserting "United States Indo-Pacific Command".

SEC. 1252. REDESIGNATION, EXPANSION, AND EXTENSION OF SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.

(a) REDESIGNATION AS INDO-PACIFIC MARITIME SECURITY INITIATIVE.—

(1) IN GENERAL.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended by striking "the 'Southeast Asia Maritime Security Initiative'" and inserting "the 'Indo-Pacific Maritime Security Initiative'".

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1263. INDO-PACIFIC MARITIME SECURITY INITIATIVE.".

(b) EXPANSION.—

(1) EXPANSION OF REGION TO RECEIVE ASSISTANCE AND TRAINING.—Subsection (a)(1) of such section is amended by inserting "and the Indian Ocean" after "South China Sea" in the matter preceding subparagraph (A).

(2) RECIPIENT COUNTRIES OF ASSISTANCE AND TRAINING GENERALLY.—Subsection (b) of such section is amended—

(A) in paragraph (2), by striking the comma at the end and inserting a period; and

(B) by adding at the end the following new paragraphs:

"(6) Bangladesh.

"(7) Sri Lanka.".

(3) COUNTRIES ELIGIBLE FOR PAYMENT OF CERTAIN INCREMENTAL EXPENSES.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(D) India.".

(c) EXTENSION.—Subsection (h) of such section is amended by striking "September 30, 2020" and inserting "December 31, 2025".

SEC. 1253. REDESIGNATION AND MODIFICATION OF SENSE OF CONGRESS AND INITIATIVE FOR THE INDO-ASIA-PACIFIC REGION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 1251 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended by striking "Indo-Asia-Pacific" each place it appears and inserting "Indo-Pacific".

(2) HEADING AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

"SEC. 1251. SENSE OF CONGRESS AND INITIATIVE FOR THE INDO-PACIFIC REGION.".

(B) SUBSECTION HEADINGS.—Such section is further amended in the headings of subsections (b) and (f) by striking "INDO-ASIA-PACIFIC" and inserting "INDO-PACIFIC".

(b) MODIFICATION OF INITIATIVE.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraphs (1) through (4) and inserting the following new paragraphs (1) through (4):

"(1) Activities to increase the rotational and forward presence, improve the capabilities, and enhance the posture of the United States Armed Forces in the Indo-Pacific region—

"(A) consistent with the National Defense Strategy; and

"(B) to the extent required to minimize the risk of execution of the contingency plans of the Department of Defense.

"(2) Activities to improve military and defense infrastructure, basing, logistics, and assured access in the Indo-Pacific region to enhance the responsiveness, survivability, and operational resilience of the United States Armed Forces in the Indo-Pacific region.

"(3) Activities to enhance the storage and pre-positioning in the Indo-Pacific region of equipment and munitions of the United States Armed Forces.

"(4) Bilateral and multilateral military training and exercises with allies and partner nations in the Indo-Pacific region."; and

(B) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking "security capacity" and all that follows through "of allies" in subparagraph (B) and inserting "security capacity of allies"; and

(ii) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(2) in subsection (d), by striking "only";

(3) by amending subsection (e) to read as follows:

"(e) FIVE-YEAR PLAN FOR THE INDO-PACIFIC STABILITY INITIATIVE.—

"(1) PLAN REQUIRED.—

"(A) IN GENERAL.—Not later than March 1, 2019, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional

committees a future years plan on activities and resources of the Initiative.

"(B) APPLICABILITY.—The plan shall apply to the Initiative with respect to fiscal year 2020 and at least the four succeeding fiscal years.

"(2) ELEMENTS.—The plan required under paragraph (1) shall include each of the following:

"(A) A description of the objectives of the Initiative.

"(B) A description of the manner in which such objectives support implementation of the National Defense Strategy and reduce the risk of execution of the contingency plans of the Department of Defense by improving the operational resilience of United States forces in the Indo-Pacific region.

"(C) An assessment of the resource requirements to achieve such objectives.

"(D) An assessment of any additional rotational or permanently stationed United States forces in the Indo-Pacific region required to achieve such objectives.

"(E) An assessment of the logistics requirements, including force enablers, equipment, supplies, storage, and maintenance, to achieve such objectives.

"(F) An identification and assessment of required infrastructure investments to achieve such objectives, including potential infrastructure investments by host countries and new construction or upgrades of existing sites that would be funded by the United States.

"(G) An assessment of any new agreements, or changes to existing agreements, with other countries for assured access required to achieve such objectives.

"(H) An assessment of security cooperation investments required to achieve such objectives.

"(3) FORM.—The plan required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.";

(4) by amending subsection (f) to read as follows:

"(f) INCLUSION IN BUDGET MATERIALS.—The Secretary of Defense shall include in the budget materials submitted by the Secretary in support of the budget of the President for fiscal year 2020 (submitted pursuant to section 1105 of title 31, United States Code) the plan required under paragraph (1)."; and

(5) by adding at the end the following new subsection:

"(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the congressional defense committees; and

"(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.".

SEC. 1254. ASSESSMENT OF AND REPORT ON GEOPOLITICAL CONDITIONS IN THE INDO-PACIFIC REGION.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an entity independent of the Department of Defense to conduct an assessment of

the geopolitical conditions in the Indo-Pacific region that are necessary for the successful implementation of the National Defense Strategy.

(2) MATTERS TO BE INCLUDED.—The assessment required by paragraph (1) shall include a determination of the geopolitical conditions in the Indo-Pacific region, including any change in economic and political relations, that are necessary to support United States military requirements for forward defense, assured access, extensive forward basing, and alliance and partnership formation and strengthening in such region.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the independent entity selected under subsection (a) shall submit to the appropriate committees of Congress a report on the results of the assessment conducted under that subsection.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the independent entity selected under subsection (a) with timely access to appropriate information, data, resources, and analyses necessary for the independent entity to conduct the assessment required by that subsection in a thorough and independent manner.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1255. SENSE OF CONGRESS ON EXTENDED NUCLEAR DETERRENCE IN THE INDO-PACIFIC REGION.

It is the sense of Congress that—

(1) the nuclear program of the Democratic People's Republic of Korea poses a critical national security threat not only to the United States, but to the security and stability of the entire Indo-Pacific region, including South Korea, Japan, and Australia;

(2) the nuclear and conventional forces of the United States continue to play a fundamental role in deterring aggression against its interests and the interests of its allies in the Indo-Pacific region and beyond;

(3) the United States stands unwaveringly behind its treaty obligations and assurances, including those related to defense and extended nuclear deterrence, to South Korea, Japan, and Australia;

(4) the complete, verifiable, and irreversible denuclearization of the Democratic People's Republic of Korea remains a central foreign policy objective of the United States;

(5) the status of any denuclearization or end-of-conflict agreement with the Democratic People's Republic of Korea should not supersede such treaty obligations and assurances described in paragraph (3); and

(6) the presence of United States Forces on the Korean Peninsula should remain strong and enduring.

SEC. 1256. REINSTATEMENT OF REPORTING REQUIREMENTS WITH RESPECT TO UNITED STATES-HONG KONG RELATIONS.

Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "Not later than" and inserting "(a) IN GENERAL.— Not later than";

(B) by striking "March 31, 1993" and all that follows through "March 31, 2006" and inserting "March 31, 2019, and annually thereafter through 2024,"; and

(C) by striking "transmit to the Speaker" and all that follows through "the Senate" and inserting "submit to the appropriate congressional committees"; and

(2) by adding at the end the following new subsections:

"(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form and shall be published on a publicly available website of the Department of State.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

"(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.".

SEC. 1257. STRENGTHENING TAIWAN'S FORCE READINESS.

(a) DEFENSE ASSESSMENT.—The Secretary of Defense shall, in consultation with appropriate counterparts of Taiwan, conduct a comprehensive assessment of Taiwan's military forces, particularly Taiwan's reserves. The assessment shall provide recommendations to improve the efficiency, effectiveness, readiness, and resilience of Taiwan's self-defense capability in the following areas:

(1) Personnel management and force development, particularly reserve forces.

(2) Recruitment, training, and military programs.

(3) Command, control, communications and intelligence.

(4) Technology research and development.

(5) Defense article procurement and logistics.

(6) Strategic planning and resource management.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report containing each of the following:

(A) A summary of the assessment conducted pursuant to subsection (a).

(B) A list of any recommendations resulting from such assessment.

(C) A plan for the United States, including by using appropriate security cooperation authorities, to—

(i) facilitate any relevant recommendations from such list;

(ii) expand senior military-to-military engagement and joint training by the United States Armed Forces with the military of Taiwan; and

(iii) support United States foreign military sales and other equipment transfers to Taiwan, particularly for developing asymmetric warfare capabilities.

(2) APPROPRIATE SECURITY COOPERATION AUTHORITIES.—For purposes of the plan described in paragraph (1)(C), the term "appropriate security cooperation authorities" means—

(A) section 311 of title 10, United States Code (relating to exchange of defense personnel);

(B) section 332 such title (relating to defense institution building); and

(C) other security cooperation authorities under chapter 16 of such title.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1258. SENSE OF CONGRESS ON TAIWAN.

It is the sense of Congress that—

(1) the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and the "Six Assurances" are both cornerstones of United States relations with Taiwan;

(2) the United States should strengthen defense and security cooperation with Taiwan to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability;

(3) the United States should strongly support the acquisition by Taiwan of defensive weapons through foreign military sales, direct commercial sales, and industrial cooperation, with a particular emphasis on asymmetric warfare and undersea warfare capabilities, consistent with the Taiwan Relations Act;

(4) the United States should improve the predictability of arms sales to Taiwan by ensuring timely review of and response to requests of Taiwan for defense articles and defense services;

(5) the Secretary of Defense should promote Department of Defense policies concerning exchanges that enhance the security of Taiwan, including—

(A) opportunities for practical training and military exercises with Taiwan; and

(B) exchanges between senior defense officials and general officers of the United States and Taiwan consistent with the Taiwan Travel Act (Public Law 115–135);

(6) the United States and Taiwan should expand cooperation in humanitarian assistance and disaster relief; and

(7) the Secretary of Defense should consider supporting the visit of a United States hospital ship to Taiwan as part of the annual "Pacific Partnership" mission in order to improve disaster response planning and preparedness as well as to strengthen cooperation between the United States and Taiwan.

10 USC 321 note.

SEC. 1259. PROHIBITION ON PARTICIPATION OF THE PEOPLE'S REPUBLIC OF CHINA IN RIM OF THE PACIFIC (RIMPAC) NAVAL EXERCISES.

(a) CONDITIONS FOR FUTURE PARTICIPATION IN RIMPAC.—

(1) IN GENERAL.—The Secretary of Defense shall not enable or facilitate the participation of the People's Republic of China in any Rim of the Pacific (RIMPAC) naval exercise unless the Secretary certifies to the congressional defense committees that China has—

(A) ceased all land reclamation activities in the South China Sea;

(B) removed all weapons from its land reclamation sites; and

(C) established a consistent four-year track record of taking actions toward stabilizing the region.

(2) FORM.—The certification under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.

(b) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the certification requirement under subsection (a) if the Secretary determines the waiver is in the national security interest of the United States and submits to the congressional defense committees a detailed justification for the waiver.

(2) FORM.—The justification required under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.

SEC. 1260. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended—

(1) by redesignating paragraphs (6) through (16) and (17) through (23) as paragraphs (7) through (17) and (19) through (25), respectively;

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) China's overseas military basing and logistics infrastructure.";

(3) in paragraph (8), as so redesignated, by striking "including technology transfers and espionage" in the first sentence and inserting "including by espionage and technology transfers through investment, industrial espionage, cybertheft, academia, and other means";

(4) by inserting after paragraph (17), as so redesignated, the following new paragraph (18):

"(18) An assessment of relations between China and the Russian Federation with respect to security and military matters."; and

(5) by adding at the end the following new paragraphs:

"(26) The relationship between Chinese overseas investment, including initiatives such as the Belt and Road Initiative, and Chinese security and military strategy objectives.

"(27) Efforts by the Government of the People's Republic of China to influence the media, cultural institutions, business, and academic and policy communities of the United States to be more favorable to its security and military strategy and objectives.

"(28) Efforts by the Government of the People's Republic of China to use nonmilitary tools in other countries, including diplomacy and political coercion, information operations, and economic pressure, including predatory lending practices, to support its security and military objectives.".

SEC. 1261. UNITED STATES STRATEGY ON CHINA.

(a) STATEMENT OF POLICY.—Congress declares that long-term strategic competition with China is a principal priority for the United States that requires the integration of multiple elements of national power, including diplomatic, economic, intelligence, law enforcement, and military elements, to protect and strengthen national security.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2019, the President shall submit to the appropriate congressional committees a report containing a whole-of-government strategy with respect to the People's Republic of China.

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

(A) Strategic assessments of and planned responses to address the following activities by the Chinese Communist Party:

(i) The use of political influence, information operations, censorship, and propaganda to undermine democratic institutions and processes, and the freedoms of speech, expression, press, and academic thought.

(ii) The use of intelligence networks to exploit open research and development.

(iii) The use of economic tools, including market access and investment to gain access to sensitive United States industries.

(iv) Malicious cyber activities.

(v) The use of investment, infrastructure, and development projects, such as China's Belt and Road Initiative, in Africa, Europe, Central Asia, South America, and the Indo-Pacific region, and the Polar Silk Road in the Arctic, as a means to gain access and influence.

(vi) The use of military activities, capabilities, and defense installations, and hybrid warfare methods, short of traditional armed conflict, against the United States or its allies and partners.

(B) Available or planned methods to enhance strategic communication to counter Chinese influence and promote United States interests.

(C) An identification of the key diplomatic, development, intelligence, military, and economic resources necessary to implement the strategy.

(D) A plan to maximize the coordination and effectiveness of such resources to counter the threats posed by the activities described in subparagraph (A).

(E) Available or planned interagency mechanisms for the coordination and implementation of the strategy.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) ANNUAL BUDGET SUBMISSION.—The President shall ensure that the annual budget submitted to Congress pursuant to section 1105 of title 31, United States Code, clearly highlights the programs and projects proposed to be funded that relate to the strategy required by paragraph (1).

(5) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriage congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Finance, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, and the Committee on the Budget of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on the Budget of the House of Representatives.

SEC. 1262. REPORT ON MILITARY AND COERCIVE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN SOUTH CHINA SEA.

10 USC 113 note.

(a) IN GENERAL.—Except as provided in subsection (d), immediately after the commencement of any significant reclamation, assertion of an excessive territorial claim, or militarization activity by the People's Republic of China in the South China Sea, including any significant military deployment or operation or infrastructure construction, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees, and release to the public, a report on the military and coercive activities of China in the South China Sea in connection with such activity.

(b) ELEMENTS OF REPORT TO PUBLIC.—Each report on the commencement of a significant reclamation, an assertion of an excessive territorial claim, or a militarization activity under subsection (a) shall include a short narrative on, and one or more corresponding images of, such commencement of a significant reclamation, assertion of an excessive territorial claim, or militarization activity.

(c) FORM.—

(1) SUBMISSION TO CONGRESS.—Any report under subsection (a) that is submitted to the appropriate congressional committees shall be submitted in unclassified form, but may include a classified annex.

(2) RELEASE TO PUBLIC.—If a report under subsection (a) is released to the public, such report shall be so released in unclassified form.

(d) WAIVER.—

(1) RELEASE OF REPORT TO PUBLIC.—The Secretary of Defense may waive the requirement in subsection (a) for the release to the public of a report on the commencement of any significant reclamation, an assertion of an excessive territorial claim, or a militarization activity by the People's Republic of China in the South China Sea if the Secretary determines that the release to the public of a report on such activity under that subsection in the form required by subsection (c)(2) would have an adverse effect on the national security interests of the United States.

(2) NOTICE TO CONGRESS.—If the Secretary issues a waiver under paragraph (1) with respect to a report on an activity,

not later than 48 hours after the Secretary issues such waiver, the Secretary shall submit to the appropriate congressional committees written notice of, and justification for, such waiver.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1263. REQUIREMENT FOR CRITICAL LANGUAGES AND EXPERTISE IN CHINESE, KOREAN, RUSSIAN, FARSI, AND ARABIC.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) evaluate the operational requirements for members of the Armed Forces possessing foreign language expertise in critical languages, including Chinese, Korean, Russian, Farsi, and Arabic; and

(2) submit to the congressional defense committees a plan to address any shortfalls in these critical areas.

SEC. 1264. LIMITATION ON USE OF FUNDS TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY WHO ARE DEPLOYED TO THE REPUBLIC OF KOREA.

None of the funds authorized to be appropriated by this Act may be used to reduce the total number of members of the Armed Forces serving on active duty who are deployed to the Republic of Korea below 22,000 unless the Secretary of Defense first certifies to the congressional defense committees the following:

(1) Such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

(2) The Secretary has appropriately consulted with allies of the United States, including the Republic of Korea and Japan, regarding such a reduction.

SEC. 1265. REPORTS ON NUCLEAR CAPABILITIES OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) BASELINE REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of State, and the Secretary of Energy, shall submit to the appropriate committees of Congress a report on the status of the nuclear program of the Democratic People's Republic of Korea to establish a baseline of progress for negotiations with the Democratic People's Republic of Korea with respect to denuclearization.

(b) ELEMENTS.—The report required by subsection (a) shall include the following, to the extent known or suspected:

(1) A description of the location, quantity, capability, and operational status of the nuclear weapons and other weapons of mass destruction, including chemical and biological weapons, of the Democratic People's Republic of Korea.

(2) A description of the location of the research, development, production, and testing facilities, including covert facilities, for the nuclear weapons and other weapons of mass

destruction, including chemical and biological weapons, of the Democratic People's Republic of Korea.

(3) A description of the location, quantity, capability, and operational status of fixed ballistic missile launch sites, and assessments of capability and readiness of mobile land and at-sea launch platforms of the Democratic People's Republic of Korea.

(4) A description of the location of the ballistic missile manufacturing and assembly facilities of the Democratic People's Republic of Korea.

(5) An assessment of any intelligence gaps and confidence levels with respect to the information required by this subsection and verification or inspection measures that may fill such gaps.

(c) UPDATES.—

(1) IN GENERAL.—In the case of an agreement, not later than 60 days after the date on which the agreement is reached, and every 90 days thereafter, the report required by subsection (a) shall be augmented by a written update.

(2) ELEMENTS.—Each written update under paragraph (1) shall include the following for the preceding 90-day period:

(A) A description of the number of nuclear weapons, other weapons of mass destruction, including chemical and biological weapons, and ballistic missiles verifiably dismantled, destroyed, rendered permanently unusable, or transferred out of the Democratic People's Republic of Korea.

(B) An identification of the location of research, development, production, and testing facilities for nuclear weapons and other weapons of mass destruction, including chemical and biological weapons, in the Democratic People's Republic of Korea identified and verifiably dismantled, destroyed, or rendered permanently unusable.

(C) An identification of the location of ballistic missile manufacturing and assembly facilities in the Democratic People's Republic of Korea verifiably dismantled, destroyed, or rendered permanently unusable.

(D) A description of the number of nuclear weapons and ballistic missiles that remain in or under the control of the Democratic People's Republic of Korea.

(E) An assessment of the progress made in extending the breakout period required for the Democratic People's Republic of Korea to reconstitute its nuclear weapons program and build a nuclear weapon, as such progress relates to the information required by subparagraphs (A) through (D).

(d) VERIFICATION ASSESSMENT REPORT.—Not later than 180 days after the date on which the report required by subsection (a) is submitted, and every 180 days thereafter, the written update required under paragraph (1) of subsection (c) shall include, in addition to the information required by subparagraphs (A) through (E) of that subsection, the following for the preceding 180-day period:

(1) An assessment of the establishment of safeguards, other control mechanisms, and other assurances secured from the Democratic People's Republic of Korea to ensure the activities of the Democratic People's Republic of Korea permitted under any agreement will not be used to further any nuclear-related

military or nuclear explosive purpose, including research on or development of a nuclear explosive device.

(2) An assessment of the capacity of the United States or an international organization, including the International Atomic Energy Agency, to effectively access and investigate suspicious sites in the Democratic People's Republic of Korea or allegations of covert nuclear-related activities, including storage sites for nuclear weapons.

(e) APPLICABILITY.—Subsections (c) and (d) shall apply only in the case of an agreement.

(f) SUNSET.—The section shall cease to be effective on the date that is three years after the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "agreement" means an interim or final agreement between the United States and the Democratic People's Republic of Korea with respect to the denuclearization of the Democratic People's Republic of Korea that includes a commitment by the Democratic People's Republic of Korea—

(A) to reduce the nuclear arsenal of the Democratic People's Republic of Korea; or

(B) to otherwise discontinue, reduce, or suspend the nuclear program of the Democratic People's Republic of Korea.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1266. MODIFICATION OF REPORT REQUIRED UNDER ENHANCING DEFENSE AND SECURITY COOPERATION WITH INDIA.

Subsection (a)(2) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2559; 22 U.S.C. 2751 note) is amended—

(1) by striking "Not later than" and inserting the following:

"(A) IN GENERAL.—Not later than";

(2) by inserting "until December 31, 2021" after "annually thereafter"; and

(3) by striking the second sentence and inserting the following:

"(B) CONTENTS.—The report shall also include—

"(i) a forward-looking strategy with specific benchmarks for measurable progress toward enhancing India's status as a major defense partner and defense and security cooperation with India;

"(ii) a description of any limitations that hinder or slows progress in implementing the actions described in subparagraphs (A) through (L) of paragraph (1);

"(iii) a description of actions India is taking, or the actions the Secretary of Defense or the Secretary

of State believe India should take, to advance the relationship between the United States, including actions relating to subparagraphs (A) through (L) of paragraph (1);

"(iv) a description of the measures that can be taken by the United States and India to improve interoperability; and

"(v) a description of the progress made in enabling agreements between the United States and India.".

Subtitle F—Reports and Other Matters

SEC. 1271. MODIFICATION OF AUTHORITIES RELATING TO ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) PROHIBITIONS.—Section 2342 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsections (d) and (e):

"(d) The Secretary of Defense may not use an agreement with any government or an organization described in subsection (a)(1) to facilitate the transfer of logistic support, supplies, and services to any country or organization with which the Secretary has not signed an agreement described in subsection (a)(2).

"(e) An agreement described in subsection (a)(2) may not provide or otherwise constitute a commitment for the introduction of the armed forces into hostilities.".

(b) ANNUAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(g) Not later than January 15 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on acquisition and cross-servicing activities that sets forth, in detail, the following:

"(1) A list of agreements in effect pursuant to subsection (a)(1) during the preceding fiscal year.

"(2) The date on which each agreement listed under paragraph (1) was signed, and, in the case of an agreement with a country that is not a member of the North Atlantic Treaty Organization, the date on which the Secretary notified Congress pursuant to subsection (b)(2) of the designation of such country under subsection (a).

"(3) The total dollar amount and major categories of logistic support, supplies, and services provided during the preceding fiscal year under each such agreement.

"(4) The total dollar amount and major categories of reciprocal provisions of logistic support, supplies, and services received under each such agreement.

"(5) With respect to the calendar year during which the report is submitted, an assessment of the following:

"(A) The anticipated logistic support, supplies, and services requirements of the United States.

"(B) The anticipated requirements of other countries for United States logistic support, supplies, and services.".

(c) DEFINITIONS.—Such section is further amended—

(1) in subsection (b)(2), by striking "the Committee on Armed Services" the first place it appears and all that follows

through "the House of Representatives" and inserting "the appropriate committees of Congress"; and

(2) by adding at the end the following new subsection:

"(h) In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

"(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.".

SEC. 1272. UNITED STATES-ISRAEL COUNTERING UNMANNED AERIAL SYSTEMS COOPERATION.

(a) AUTHORITY TO COUNTER UNMANNED AERIAL SYSTEMS.—Section 1279(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 22 U.S.C. 8606 note), as most recently amended by section 1278 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1700), is further amended by inserting "and to establish capabilities for countering unmanned aerial systems" after "underground tunnels".

(b) LIMITATION ON FUNDING.—None of the funds authorized to be appropriated or otherwise made available by this Act to carry out the authority provided by the amendment made by subsection (a) may be obligated or expended until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report describing the cooperation of the United States with Israel with respect to countering unmanned aerial systems pursuant to the authority granted by such amendment that includes each of the following:

(1) An identification of specific capability gaps of the United States and Israel with respect to countering unmanned aerial systems.

(2) An identification of cooperative projects that would address those capability gaps and mutually benefit and strengthen the security of the United States and Israel.

(3) An assessment of the projected cost for research and development efforts for such cooperative projects, including an identification of those to be conducted in the United States, and the timeline for the completion of each such project.

(4) The extent to which the capability gaps of the United States identified pursuant to paragraph (1) are not likely to be addressed through the cooperative projects identified pursuant to paragraph (2).

(5) An assessment of the projected costs for procurement and fielding of any capabilities developed jointly, pursuant to the authority granted by the amendment made by subsection (a).

SEC. 1273. ENHANCEMENT OF U.S.-ISRAEL DEFENSE COOPERATION.

(a) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking "after September 30, 2018" and inserting "after September 30, 2023".

(b) JOINT ASSESSMENT OF QUANTITY OF PRECISION GUIDED MUNITIONS FOR USE BY ISRAEL.—

(1) IN GENERAL.—The President is authorized to conduct a joint assessment with the Government of Israel with respect to the matters described in paragraph (2).

(2) MATTERS DESCRIBED.—The matters described in this paragraph are the following:

(A) The quantity and type of precision guided munitions that are necessary for Israel to combat Hezbollah in the event of a sustained armed confrontation between Israel and Hezbollah.

(B) The quantity and type of precision guided munitions that are necessary for Israel in the event of a sustained armed confrontation with other armed groups and terrorist organizations, such as Hamas.

(C) The resources the Government of Israel would need to dedicate to acquire such precision guided munitions.

(D) United States planning to assist Israel to prepare for a sustained armed confrontation described in subparagraph (A) or (B), as well as the ability of the United States to resupply Israel in the event of such a confrontation.

(E) The current United States inventory of the precision guided munitions described in subparagraphs (A) and (B), and whether such inventory meets the United States total munitions requirement.

(c) REPORT.—

(1) IN GENERAL.—Not later than 15 days after the date on which the joint assessment authorized under subsection (b) is completed, the President shall submit to the appropriate congressional committees a report that contains the joint assessment.

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 1274. REVIEW TO DETERMINE WHETHER THE ARMED FORCES OR COALITION PARTNERS OF THE UNITED STATES VIOLATED FEDERAL LAW OR DEPARTMENT OF DEFENSE POLICY WHILE CONDUCTING OPERATIONS IN YEMEN.

(a) IN GENERAL.—The Secretary of Defense shall conduct a review to determine whether the Armed Forces or coalition partners of the United States violated Federal law, the laws of armed conflict, or Department of Defense policy while conducting operations in Yemen.

(b) MATTERS TO BE INCLUDED.—The review required under subsection (a) shall also seek to determine the following:

(1) Whether the Armed Forces interrogated Yemeni citizens in prisons within Yemen or provided questions to any United States coalition partner for use in such interrogations, and whether such interrogations or actions were consistent with United States law and policy.

(2) Whether the Armed Forces violated the prohibitions of section 362 of title 10, United States Code, while conducting operations in Yemen.

(3) Whether any United States coalition partner committed gross violations of internationally recognized human rights while conducting operations in Yemen that would make such coalition partner ineligible for any training, equipment, or other assistance for a unit of a foreign security force under section 362 of title 10, United States Code.

(4) Whether a waiver or exception has been granted to any United States coalition partner under section 362 of title 10, United States Code, while conducting operations in Yemen.

(c) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that contains—

(A) the findings from the review required under subsection (a);

(B) an analysis of—

(i) the detention and interrogation policies and guidance of the Department of Defense; and

(ii) the application of such policies and guidance to the detention and interrogation operations of allies and partners that are supported by the United States;

(C) an assessment of United States responsibilities and obligations under Federal law, the laws of armed conflict, relevant treaties and agreements, and any other applicable law relating to the treatment of detainees held by allies or partners with United States support;

(D) an assessment of any applicable policy requirements or considerations in addition to such responsibilities and obligations;

(E) an assessment of the compliance standards and enforcement mechanisms associated with such responsibilities, obligations, policy requirements, or considerations;

(F) a description of any assurances required to be obtained from allies and partners with respect to the treatment of detainees in custody when the United States is involved in the capture or interrogation of such detainees, including the manner in which and level at which such assurances are provided;

(G) a description of the means by which the Department of Defense determines whether allies and partners comply with such assurances;

(H) an explanation of the extent to which United States support for the detention and interrogation operations of allies and partners is conditioned on their compliance with such assurances; and

(I) a description of the procedures used to report violations of detainee treatment standards, including procedures relating to violations occurring at facilities operated by allied or partner countries.

(2) FORM.—The report required under this section shall be submitted in unclassified form, but may contain a classified annex.

(d) DEFINITIONS.—In this subsection:

(1) COALITION PARTNER.—The term "coalition partner" has the meaning given such term in paragraph (3) of section 948a of title 10, United States Code.

(2) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term "gross violations of internationally recognized human rights" has the meaning given such term in subsection (d)(1) of section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304).

SEC. 1275. REPORT ON UNITED STATES GOVERNMENT SECURITY COOPERATION AND ASSISTANCE PROGRAMS WITH MEXICO.

(a) REPORT REQUIRED.—Not later than July 1, 2019, the Secretary of Defense and Secretary of State shall submit to the appropriate congressional committees a report on United States Government programs relating to security cooperation with and assistance to Mexico.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of United States national security interests in Mexico.

(2) A description of the security environment in Mexico, including descriptions of the threats to United States interests posed by violence related to drug trafficking and cartel activity.

(3) A description of all United States security cooperation and assistance programs in Mexico, including descriptions of the purpose, objectives, and type of training, equipment, or assistance provided, the lead agency with responsibility for each such program, and how such programs advance the nationals security interests of the United States.

(4) A description of the cost, scope, size, and components of such programs for fiscal years 2017 and 2018, including for each such program the following:

(A) The purpose and objectives of the program.

(B) The authority or authorities under which the program is conducted.

(C) The types of units receiving assistance, including components of the Mexican Armed Forces, national police, gendarmerie, counternarcotics police, counterterrorism police, Formed Police Units, border security, and customs.

(D) The funding and personnel levels for the program in each such fiscal year, future year costs, including sustainment costs, over the next five fiscal years, and any required increases of capacity to support the program, as appropriate.

(E) The extent to which the program is implemented by contractors or United States Government personnel.

(F) The metrics for assessing the effectiveness of such training, equipment, or assistance provided.

(5) An evaluation of the appropriate role of United States Government departments and agencies in carrying out and coordinating such programs.

(6) An evaluation of the appropriate role of contractors in carrying out such programs, and what modifications, if any, are needed to improve oversight of such contractors.

(7) Any other matters determined appropriate by the Secretary of Defense and Secretary of State.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SEC. 1276. REPORT ON DEPARTMENT OF DEFENSE MISSIONS, OPERATIONS, AND ACTIVITIES IN NIGER.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation as appropriate with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the missions, operations, and activities of the Department of Defense in Niger that includes the following:

(A) A description of the objectives and the associated lines of efforts of the Department in Niger, and the benchmarks for assessing progress toward such objectives.

(B) A description of the timeline for achieving such objectives in Niger.

(C) A justification of the relevance of such objectives in Niger to the national security of the United States and to the objectives in the National Defense Strategy.

(D) A description of steps the Department is taking to ensure that security cooperation in Niger is effectively coordinated with the diplomatic and development activities of the Department of State and the United States Agency for International Development.

(E) Consistent with the report required by section 1212 of this Act, a description of the legal, operational, and funding authorities relating to the lines of effort of the Department in Niger.

(F) An identification of measures to mitigate operational risk to and increase the preparedness of members of the Armed Forces conducting missions, operations, or activities in Niger.

(G) An assessment of the command and support relationships of United States Africa Command with subordinate commands associated with missions, operations, and activities in Niger, including Special Operations Command Africa.

(H) A description of each recommendation included the Army Regulation 15-6 investigation report conducted by United States Africa Command regarding the incident in Niger on October 4, 2017, the current implementation status of such recommendation, and a projected implementation timeline for any recommendation not yet implemented or a justification for not implementing such recommendation.

(I) An identification of the measures taken, consistent with such investigation report, to mitigate risk to and increase the preparedness of members of the Armed Forces conducting missions, operations, or activities in Niger and throughout Africa.

(J) Any other matter the Secretary determines to be appropriate.

(2) SCOPE OF REPORT.—The report required by paragraph (1) may also include information with respect to United States missions, operations, and activities in other countries in the region, as appropriate.

(b) FORM.—The report required by subsection (a)(1) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1277. REPORT ON THE SECURITY RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF CYPRUS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the security relationship between the United States and the Republic of Cyprus.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of ongoing military and security cooperation between the United States and the Republic of Cyprus.

(2) A discussion of potential steps for enhancing the bilateral security relationship between the United States and the Republic of Cyprus, including steps to enhance the military and security capabilities of the Republic of Cyprus.

(3) An analysis of the effectiveness of the United States arms embargo policy to deny applications for licenses and other approvals for the export of defense articles and defense services to the armed forces of the Republic of Cyprus, and the impact of such United States policy on—

(A) the bilateral security relationship between the United States and the Republic of Cyprus; and

(B) the ability of the United States and partners of the United States to achieve shared security objectives in the Eastern Mediterranean region.

(4) An analysis of the extent to which such United States policy is consistent with overall United States security and policy objectives in the Eastern Mediterranean region.

(5) An assessment of the potential impact of lifting such United States policy on United States interests relating to the Republic of Cyprus and the Eastern Mediterranean region.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1278. SENSE OF CONGRESS ON DETENTION OF UNITED STATES CITIZENS BY THE GOVERNMENT OF THE REPUBLIC OF TURKEY.

It is the sense of Congress that—

(1) the Government of the Republic of Turkey continues to unlawfully and wrongfully detain United States citizens, including Andrew Brunson and Serkan Golge, and staff of United States missions in the Republic of Turkey; and

(2) consistent with the obligations of the Government of the Republic of Turkey under the North Atlantic Treaty, which commits North Atlantic Treaty Organization allies to safeguard "the principles of democracy, individual liberty, and the rule of law", the Government of the Republic of Turkey should immediately release all United States citizens who have been wrongfully detained and resolve such cases in a timely, fair, and transparent manner.

SEC. 1279. TECHNICAL AMENDMENTS RELATED TO NATO SUPPORT AND PROCUREMENT ORGANIZATION AND RELATED NATO AGREEMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2350d of title 10, United States Code, is amended—

(1) by striking "NATO Support Organization" each place it appears and inserting "NATO Support and Procurement Organization";

(2) by striking "Support Partnership Agreement" each place it appears and inserting "Support or Procurement Partnership Agreement"; and

(3) in subsection (a)(1), by striking "Support Partnership Agreements" and inserting "Support or Procurement Partnership Agreements".

(b) ARMS EXPORT CONTROL ACT.—Section 21(e)(3) of the Arms Export Control Act (22 U.S.C. 2761(e)(3)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "North Atlantic Treaty Organization (NATO) Support Organization" and inserting "North Atlantic Treaty Organization (NATO) Support and Procurement Organization"; and

(B) in clause (i), by striking "support partnership agreement" and inserting "support or procurement partnership agreement"; and

(2) in subparagraph (C)(i), in the matter preceding subclause (I)—

(A) by striking "'weapon system partnership agreement'" and inserting "'support or procurement partnership agreement'"; and

(B) by striking "North Atlantic Treaty Organization (NATO) Support Organization" and inserting "North Atlantic Treaty Organization (NATO) Support and Procurement Organization".

SEC. 1280. REPORT ON PERMANENT STATIONING OF UNITED STATES FORCES IN THE REPUBLIC OF POLAND.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a report on the feasibility and advisability of permanently stationing United States forces in the Republic of Poland.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the types of permanently stationed United States forces in Poland required to deter aggression by the Russian Federation and execute Department of Defense contingency plans, including combat enabler units in capability areas such as—

(A) combat engineering;

(B) logistics and sustainment;

(C) warfighting headquarters elements;

(D) long-range fires;

(E) air and missile defense;

(F) intelligence, surveillance, and reconnaissance; and

(G) electronic warfare.

(2) An assessment of the feasibility and advisability of permanently stationing a United States Army brigade combat team in the Republic of Poland that includes the following:

(A) An assessment whether a permanently stationed United States Army brigade combat team in Poland would enhance deterrence against Russian aggression in Eastern Europe.

(B) An assessment of the actions the Russian Federation may take in response to a United States decision to permanently station a brigade combat team in Poland.

(C) An assessment of the international political considerations of permanently stationing such a brigade combat team in Poland, including within the North Atlantic Treaty Organization (NATO).

(D) An assessment whether such a brigade combat team in Poland would support implementation of the National Defense Strategy.

(E) A description and assessment of the manner in which such a brigade combat team in Poland would affect the ability of the Joint Force to execute Department of Defense contingency plans in Europe.

(F) A description and assessment of the manner in which such a brigade combat team in Poland would affect the ability of the Joint Force to respond to a crisis inside the territory of a North Atlantic Treaty Organization ally that occurs prior to the invocation of Article 5 of the Washington Treaty by the North Atlantic Council.

(G) An identification and assessment of—

(i) potential locations in Poland for stationing such a brigade combat team;

(ii) the logistics requirements, including force enablers, equipment, supplies, storage, and maintenance, that would be required to support such a brigade combat team in Poland;

(iii) infrastructure investments by the United States and Poland, including new construction or upgrades of existing sites, that would be required to support such a brigade combat team in Poland;

(iv) any new agreements, or changes to existing agreements, between the United States and Poland that would be required for a such a brigade combat team in Poland;

(v) any changes to the posture or capabilities of the Joint Force in Europe that would be required to support such a brigade combat team in Poland; and

(vi) the timeline required to achieve the permanent stationing of such a brigade combat team in Poland.

(H) An assessment of the willingness and ability of the Government of Poland to provide host nation support for such a brigade combat team.

(I) An assessment whether future growth in United States Army end strength may be used to source additional forces for such a brigade combat team in Poland.

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

SEC. 1281. REPORT ON STRENGTHENING NATO CYBER DEFENSE.

(a) IN GENERAL.—Not later than March 31, 2019, the Secretary of Defense shall submit to the congressional defense committees a report detailing the Department's efforts to enhance the United States' leadership and collaboration with the North Atlantic Treaty Organization with respect to the development of a comprehensive, cross-domain strategy to build cyber-defense capacity and deter cyber attacks among Organization member countries.

(b) CONTENTS.—The report required by subsection (a) shall address the following:

(1) Improving cyber situational awareness among Organization member countries.

(2) Implementation of the cyber operational-domain roadmap of the Organization with respect to doctrine, political oversight and governance, planning, rules of engagement, and integration across Organization member countries.

(3) Planned cooperative efforts to combat information warfare across Organization member countries.

(4) The development of cyber capabilities, including cooperative development efforts and technology transfer.

(5) Supporting stronger cyber partnerships with non-Organization member countries, as appropriate.

SEC. 1282. REPORT ON STATUS OF THE UNITED STATES RELATIONSHIP WITH THE REPUBLIC OF TURKEY.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the status of the United States relationship with the Republic of Turkey.

(2) MATTERS TO BE INCLUDED.—The report required under this subsection shall include the following:

(A) An assessment of United States military and diplomatic presence in the Republic of Turkey, including all military activities conducted from Incirlik Air Base or elsewhere.

(B) An assessment of the potential purchase by the Government of the Republic of Turkey of the S–400 air and missile defense system from the Russian Federation and the potential effects of such purchase on the United States-Turkey bilateral relationship, including an assessment of impacts on other United States weapon systems and platforms operated jointly with the Republic of Turkey to include—

(i) the F–35 Lightning II Joint Strike aircraft, including an assessment of the operational and

counterintelligence risks posed by the deployment of the S–400 air and missile defense system in the Republic of Turkey and the steps required to mitigate those risks, if possible;

(ii) the Patriot surface-to-air missile system;

(iii) the CH–47 Chinook heavy lift helicopter;

(iv) the AH–64 Attack helicopter;

(v) the H–60 Black Hawk utility helicopter; and

(vi) the F–16 Fighting Falcon aircraft.

(C) An assessment of the Republic of Turkey's participation in the F–35 program, including—

(i) a description of industrial participation of Turkish industry in the manufacturing and assembly of the F–35 program;

(ii) an assessment of tooling and other manufacturing materials held by Turkish industry; and

(iii) an assessment of the impacts of a significant change in participation by the Republic of Turkey in the F–35 program and the steps that would be required to mitigate negative impacts of such a change on the United States and other international program partners.

(D) An identification of potential alternative air and missile defense systems that could be purchased by the Government of the Republic of Turkey, including air and missile defense systems operated by the United States or other North Atlantic Treaty Organization (NATO) member states.

(3) FORM.—The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(b) LIMITATION.—The Department of Defense may not deliver any F–35 aircraft to the Republic of Turkey, until such time as the report identified in subsection (a) has been submitted.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives.

SEC. 1283. SENSE OF THE CONGRESS CONCERNING MILITARY-TO-MILITARY DIALOGUES.

It is the sense of Congress that—

(1) military-to-military dialogues, including in the case of allies, partners, and adversaries and potential adversaries, can be a useful and important tool for advancing United States national security objectives in a complex, interactive, and dynamic security environment;

(2) frameworks for military-to-military dialogues should be flexible and adaptable to such a security environment and should be informed by national security guidance, such as the 2017 National Security Strategy and the 2018 National Defense Strategy; and

(3) military-to-military dialogues can and should be reliable, enduring, and tailorable based on circumstance, so that

such dialogues can be trusted and available when needed, particularly amid escalating tensions.

SEC. 1284. MODIFICATIONS TO GLOBAL ENGAGEMENT CENTER.

Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) PURPOSE.—The purpose of the Center shall be to direct, lead, synchronize, integrate, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and foreign non-state propaganda and disinformation efforts aimed at undermining or influencing the policies, security, or stability of the United States and United States allies and partner nations.";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) Direct, lead, synchronize, integrate, and coordinate interagency and international efforts to track and evaluate counterfactual narratives abroad that threaten the policies, security, or stability of the United States and United States allies and partner nations.";

(B) by amending paragraph (4) to read as follows:

"(4) Identify current and emerging trends in foreign propaganda and disinformation in order to coordinate and shape the development of tactics, techniques, and procedures to expose and refute foreign propaganda and disinformation, and proactively support the promotion of credible, fact-based narratives and policies to audiences outside the United States.";

(C) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(D) by inserting after paragraph (5) the following new paragraph:

"(6) Measure and evaluate the activities of the Center, including the outcomes of such activities, and implement mechanisms to ensure that the activities of the Center are updated to reflect the results of such measurement and evaluation."; and

(E) by amending paragraph (8), as so redesignated, to read as follows:

"(8) Use information from appropriate interagency entities to identify the countries, geographic areas, and populations most susceptible to propaganda and disinformation, as well as the countries, geographic areas, and populations in which such propaganda and disinformation is likely to cause the most harm.";

(3) in subsection (d), by amending paragraphs (1) and (2) to read as follows:

"(1) DETAILEES AND ASSIGNEES.—Any Federal Government employee may be detailed or assigned to the Center with or without reimbursement, consistent with applicable laws and regulations regarding such employee, and such detail or assignment shall be without interruption or loss of status or privilege.

"(2) TEMPORARY PERSONNEL.—The Secretary of State should, when hiring temporary United States citizen personnel, preference the use of Foreign Service limited appointments both in the United States and abroad in accordance with section

309 of the Foreign Service Act of 1980 (22 U.S.C. 3949). The Secretary may hire United States citizens or aliens, as appropriate, including as personal services contractors, for purposes of personnel resources of the Center, if—

"(A) the Secretary determines that existing personnel resources or expertise are insufficient;

"(B) the period in which services are provided by a personal services contractor, including options, does not exceed 3 years, unless the Secretary determines that exceptional circumstances justify an extension of up to one additional year;

"(C) not more than 50 United States citizens or aliens are employed as personal services contractors under the authority of this paragraph at any time; and

"(D) the authority of this paragraph is only used to obtain specialized skills or experience or to respond to urgent needs.";

(4) in subsection (e), by amending paragraphs (1) and (2) to read as follows:

"(1) IN GENERAL.—For each of fiscal years 2019 and 2020, the Secretary of Defense is authorized to transfer, from amounts appropriated to the Secretary pursuant to the authorization under this Act, to the Secretary of State not more than $60,000,000, to carry out the functions of the Center.

"(2) NOTICE REQUIREMENT.—The Secretary of Defense shall notify the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Oversight and Government Reform of the House of Representatives of a proposed transfer under paragraph (1) not less than 15 days prior to making such transfer.";

(5) in subsection (f), by amending paragraphs (1) and (2) to read as follows:

"(1) AUTHORITY FOR GRANTS.—The Center is authorized to provide grants or contracts of financial support to civil society groups, media content providers, nongovernmental organizations, federally funded research and development centers, private companies, or academic institutions for the following purposes:

"(A) To support local entities and linkages among such entities, including independent media entities, that are best positioned to refute foreign propaganda and disinformation in affected communities.

"(B) To collect and store examples of print, online, and social media disinformation and propaganda directed at the United States or United States allies and partner nations.

"(C) To analyze and report on tactics, techniques, and procedures of foreign information warfare and other efforts with respect to disinformation and propaganda.

"(D) To support efforts by the Center to counter efforts by foreign entities to use disinformation and propaganda to undermine or influence the policies, security, and social and political stability of the United States and United States allies and partner nations.

"(2) FUNDING AVAILABILITY AND LIMITATIONS.—The Secretary of State shall provide that each entity that receives funds under this subsection is selected in accordance with the relevant existing regulations through a process that ensures such entity has the credibility and capability to carry out effectively and in accordance with United States interests and objectives the purposes specified in paragraph (1) for which such entity received such funding.";

(6) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(7) by inserting after subsection (g) the following new subsection:

"(h) CONGRESSIONAL BRIEFINGS.—The Secretary of State, together with the heads of other relevant Federal departments and agencies, shall provide a briefing to the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Oversight and Government Reform of the House of Representatives not less often than annually regarding the activities of the Global Engagement Center. The briefings required under this subsection shall terminate on the date specified in subsection (j).".

SEC. 1285. SENSE OF CONGRESS ON COUNTERING HYBRID THREATS AND MALIGN INFLUENCE.

It is the sense of Congress that the Secretary of Defense and the Secretary of State should—

(1) work together to build and lead an international effort among like-minded democratic countries to increase awareness of and resilience to the Kremlin's malign influence operations; and

(2) urgently prioritize submission of the report required by section 1239A(d) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1671) on a comprehensive strategy to counter malign activities of Russia.

10 USC 2358 note.

SEC. 1286. INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

(a) INITIATIVE REQUIRED.—The Secretary of Defense shall, in consultation with other appropriate government organizations, establish an initiative to work with academic institutions who perform defense research and engineering activities—

(1) to support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security;

(2) to limit undue influence, including through foreign talent programs, by countries to exploit United States technology within the Department of Defense research, science and technology, and innovation enterprise; and

(3) to support efforts toward development of domestic talent in relevant scientific and engineering fields.

(b) INSTITUTIONS AND ORGANIZATIONS.—

(1) IN GENERAL.—The initiative required by subsection (a) shall be developed and executed to the maximum extent practicable with academic research institutions and other educational and research organizations.

(2) RECORD OF EXCELLENCE.—In selecting research institutions of higher education under this subsection, the Secretary shall prioritize selection of institutions of higher education that the Secretary determines demonstrate a record of excellence in industrial security in academia and in research and development.

(c) REQUIREMENTS.—The initiative required by subsection (a) shall include development of the following:

(1) Information exchange forum and information repositories to enable awareness of security threats and influence operations being executed against the United States research, technology, and innovation enterprise.

(2) Training and other support for academic institutions to promote security and limit undue influence on institutions and personnel, including financial support for execution for such activities.

(3) The capacity of government and academic institutions and institutions of higher education to assess whether individuals affiliated with Department of Defense programs have participated in or are currently participating in foreign talent programs or expert recruitment programs.

(4) Opportunities to collaborate with defense researchers and research organizations in secure facilities to promote protection of critical information and strengthen defense against foreign intelligence services.

(5) Regulations and procedures—

(A) for government and academic organizations and personnel to support the goals of the initiative; and

(B) that are consistent with policies that protect open and scientific exchange in fundamental research.

(6) Policies to limit or prohibit funding provided by the Department of Defense for institutions or individual researchers who knowingly violate regulations developed under the initiative, including regulations relating to foreign talent programs.

(7) Initiatives to support the transition of the results of academic institution research programs into defense capabilities.

(d) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall provide a briefing to the congressional defense committees on the following:

(1) Ongoing implementation of the initiative required by subsection (a).

(2) The development of a definition for "foreign talent programs" for the purposes of the initiative.

(3) The preliminary results of the report required by subsection (e).

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the activities carried out under the initiative required by subsection (a).

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

(A) A description of the activities conducted and the progress made under the initiative.

(B) The findings of the Secretary with respect to the initiative.

(C) Such recommendations as the Secretary may have for legislative or administrative action relating to the matters described in subsection (a), including actions related to foreign talent programs.

(D) Identification and discussion of the gaps in legal authorities that need to be improve to enhance the security of research institutions of higher education performing defense research.

(E) A description of the actions taken by such institutions to comply with such best practices and guidelines as may be established by under the initiative.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in both unclassified and classified formats, as appropriate.

(f) INSTITUTION OF HIGHER EDUCATION DEFINED.—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 1287. REPORT ON HONDURAS, GUATEMALA, AND EL SALVADOR.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and other appropriate agencies, shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report regarding narcotics trafficking corruption and illicit campaign finance in Honduras, Guatemala, and El Salvador.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the names of senior government officials in Honduras, Guatemala, and El Salvador who are known to have committed or facilitated acts of grand corruption or narcotics trafficking;

(2) the names of elected officials in Honduras, Guatemala, and El Salvador who are known to have received campaign funds that are the proceeds of narco-trafficking or other illicit activities in the last 2 years; and

(3) the names of individuals in Honduras, Guatemala, and El Salvador who are known to have facilitated the financing of political campaigns in any of the Northern Triangle countries with the proceeds of narco-trafficking or other illicit activities in the last 2 years.

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

SEC. 1288. MODIFICATION OF FREEDOM OF NAVIGATION REPORTING REQUIREMENTS.

Subsection (a) of section 1275 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2540), as amended by section 1262(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1689), is further amended by striking "the Committees on Armed Services of the Senate and the House of Representatives" and inserting "the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives".

SEC. 1289. COORDINATION OF EFFORTS TO NEGOTIATE FREE TRADE AGREEMENTS WITH CERTAIN SUB-SAHARAN AFRICAN COUNTRIES.

Section 1293 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 19 U.S.C. 3723 note) is amended by adding at the end the following:

"(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—

"(1) IN GENERAL.—After the date of the enactment of this subsection, with respect to those countries identified under section 110(b)(1) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370; 19 U.S.C. 3705 note) that also meet the country description in paragraph (2), the United States Trade Representative shall consult and coordinate with the Millennium Challenge Corporation and the United States Agency for International Development for the purpose of developing and carrying out the plan required by section 116(b) of the African Growth and Opportunity Act (19 U.S.C. 3723(b)).

"(2) COUNTRY DESCRIPTION.—A country is described in this paragraph if the country—

"(A) has entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708); or

"(B) is selected by the Board of Directors of the Millennium Challenge Corporation under subsection (c) of section 607 of that Act (22 U.S.C. 7706) from among the countries determined to be eligible countries under subsection (a) of that section.".

SEC. 1290. CERTIFICATIONS REGARDING ACTIONS BY SAUDI ARABIA AND THE UNITED ARAB EMIRATES IN YEMEN.

(a) RESTRICTION.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of State is unable under subsection (c) or (d) to certify that the Government of Saudi Arabia and the Government of the United Arab Emirates are undertaking the effort, measures, and actions described in subsection (c), no Federal funds may be obligated or expended after the deadline for the applicable certification to provide authorized in-flight refueling pursuant to section 2342 of title 10, United States Code, or other applicable statutory authority, of Saudi or Saudi-led coalition non-United States aircraft conducting missions in Yemen, other than missions related to—

(A) al Qaeda, al Qaeda in the Arabian Peninsula (AQAP), or the Islamic State in Iraq and Syria (ISIS);

(B) countering the transport, assembly, or employment of ballistic missiles or components in Yemen;

(C) helping coalition aircraft return safely to base in emergency situations;

(D) force protection of United States aircraft, ships, or personnel; or

(E) freedom of navigation for United States military and international commerce.

(2) WAIVER.—The Secretary may waive the restriction in paragraph (1) with respect to a particular certification if the Secretary—

(A) certifies to the appropriate committees of Congress that the waiver is in the national security interests of the United States; and

(B) submits to the appropriate committees of Congress a report, in written and unclassified form, setting forth—

(i) the effort in subsection (c)(1)(A), measures in subsection (c)(1)(B), or actions in subsections (c)(1)(C) or (c)(2), or combination thereof, about which the Secretary is unable to make the certification;

(ii) a detailed explanation why the Secretary is unable to make the certification about such effort, measures, or actions;

(iii) a description of the actions the Secretary is taking to encourage the Government of Saudi Arabia or the Government of the United Arab Emirates, as applicable, to undertake such effort, measures, or actions; and

(iv) a detailed justification for the waiver.

(b) REPORTING REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the President or the President's designee shall provide a briefing to the appropriate committees of Congress including, at a minimum—

(1) a description of Saudi Arabia and the United Arab Emirates' military and political objectives in Yemen and whether United States assistance to the Saudi-led coalition has resulted in significant progress towards meeting those objectives;

(2) a description of efforts by the Government of Saudi Arabia to avoid disproportionate harm to civilians and civilian objects in Yemen, and an assessment of whether United States assistance to the Saudi-led coalition has led to a demonstrable decrease in civilians killed or injured by Saudi-led airstrikes and damage to civilian infrastructure;

(3) an assessment of the United Nations Verification and Inspection Mechanism (UNVIM) in Yemen and an assessment of the need for existing secondary inspection and clearance processes and transshipment requirements on humanitarian and commercial vessels that have been cleared by UNVIM;

(4) a description of the sources of external support for the Houthi forces, including financial assistance, weapons transfers, operational planning, training, and advisory assistance;

(5) an assessment of the applicability of United States and international sanctions to Houthi forces that have committed grave human rights abuses, obstructed international aid, and launched ballistic missiles into Saudi territory, and an assessment of the applicability of United States and international sanctions to individuals or entities providing the Houthi forces with material support; and

(6) an assessment of the effect of the Saudi-led coalition's military operations in Yemen on the efforts of the United States to defeat al Qaeda in the Arabian Peninsula and the Islamic State of Iraq and the Levant.

(c) INITIAL CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a certification indicating whether—

(1) the Government of Saudi Arabia and the Government of the United Arab Emirates are undertaking—

(A) an urgent and good faith effort to support diplomatic efforts to end the civil war in Yemen;

(B) appropriate measures to alleviate the humanitarian crisis in Yemen by increasing access for Yemenis to food, fuel, medicine, and medical evacuation, including through the appropriate use of Yemen's Red Sea ports, including the port of Hudaydah, the airport in Sana'a, and external border crossings with Saudi Arabia; and

(C) demonstrable actions to reduce the risk of harm to civilians and civilian infrastructure resulting from military operations of the Government of Saudi Arabia and the Government of the United Arab Emirates in Yemen, including by—

(i) complying with applicable agreements and laws regulating defense articles purchased or transferred from the United States; and

(ii) taking appropriate steps to avoid disproportionate harm to civilians and civilian infrastructure; and

(2) in the case of Saudi Arabia, the Government of Saudi Arabia is undertaking appropriate actions to reduce any unnecessary delays to shipments associated with secondary inspection and clearance processes other than UNVIM.

(d) SUBSEQUENT CERTIFICATIONS.—Not later than 180 and 360 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a certification indicating whether the Government of Saudi Arabia and the Government of the United Arab Emirates are undertaking the effort, measures, and actions described in subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as authorizing the use of military force.

(f) FORM OF CERTIFICATIONS.—The certifications required under subsections (c) and (d) shall be written, detailed, and submitted in unclassified form.

(g) STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall submit to the appropriate committees of Congress an unclassified report listing United States objectives in Yemen and detailing a strategy to accomplish those objectives. The report shall be unclassified but may include a classified annex.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SEC. 1291. TREATMENT OF RWANDAN PATRIOTIC FRONT AND RWANDAN PATRIOTIC ARMY UNDER IMMIGRATION AND NATIONALITY ACT. 8 USC 1182 note.

(a) REMOVAL OF TREATMENT AS TERRORIST ORGANIZATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Rwandan Patriotic Front and the Rwandan Patriotic Army shall be excluded from the definition of terrorist organization (as defined in section 212(a)(3)(B)(vi)(III) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(III))) for purposes of such section 212(a)(3)(B) for any period before August 1, 1994.

(2) EXCEPTION.—

(A) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security and the Attorney General, or the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, as applicable, may suspend the application of paragraph (1) for the Rwandan Patriotic Front or the Rwandan Patriotic Army in the sole and unreviewable discretion of such applicable Secretary.

(B) REPORT.—Not later than, or contemporaneously with, a suspension of paragraph (1) under subparagraph (A), the Secretary of State or the Secretary of Homeland Security, as applicable, shall submit to the appropriate committees of Congress a report on the justification for such suspension.

(b) RELIEF FROM INADMISSIBILITY.—

(1) ACTIVITIES BEFORE AUGUST 1, 1994.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) shall not apply to an alien with respect to any activity undertaken by the alien in association with the Rwandan Patriotic Front or the Rwandan Patriotic Army before August 1, 1994.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Paragraph (1) shall not apply if the Secretary of State or the Secretary of Homeland Security, as applicable, determines in the sole unreviewable discretion of such applicable Secretary that—

(i) in the totality of the circumstances, such alien—

(I) poses a threat to the safety and security of the United States; or

(II) does not merit a visa, admission to the United States, or a grant of an immigration benefit or protection; or

(ii) such alien committed, ordered, incited, assisted, or otherwise participated in the commission of—

(I) an offense described in section 2441 of title 18, United States Code; or

(II) an offense described in Presidential Proclamation 8697, dated August 4, 2011.

(B) IMPLEMENTATION.—Subparagraph (A) shall be implemented by the Secretary of State and the Secretary of Homeland Security, in consultation with the Attorney General.

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

(1) the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Homeland Security, and

the Committee on Appropriations of the House of Representatives.

SEC. 1292. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense may be obligated or expended to implement the Arms Trade Treaty, or to make any change to existing programs, projects, or activities as approved by Congress in furtherance of, pursuant to, or otherwise to implement such Treaty, unless the Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation, as required, by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws and regulations up to United States standards.

SEC. 1293. PROHIBITION ON PROVISION OF WEAPONS AND OTHER FORMS OF SUPPORT TO CERTAIN ORGANIZATIONS.

None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2019 may be used to knowingly provide weapons or any other form of support to Al Qaeda, the Islamic State of Iraq and Syria (ISIS), Jabhat Fateh al Sham, or any individual or group affiliated with any such organization.

SEC. 1294. MODIFIED WAIVER AUTHORITY FOR CERTAIN SANCTIONABLE TRANSACTIONS UNDER SECTION 231 OF THE COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT.

(a) IN GENERAL.—Section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 22 U.S.C. 9525) is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f), respectively; and

(2) by inserting after subsection (c), as amended, the following new subsection:

"(d) MODIFIED WAIVER AUTHORITY FOR CERTAIN SANCTIONABLE TRANSACTIONS UNDER THIS SECTION.—

"(1) IN GENERAL.—The President may use the authority under section 236(b) to waive the application of sanctions with respect to a person under this section without regard to section 216 if, not later than 30 days prior to the waiver taking effect, the President certifies in writing to the appropriate congressional committees and the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that—

"(A) the waiver is in the national security interests of the United States;

"(B) the significant transaction described in subsection (a) that the person engaged in with respect to which the waiver is being exercised—

"(i) is not a significant transaction with—

"(I) the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation;

"(II) the Federal Security Service of the Russian Federation;

"(III) the Foreign Intelligence Service of the Russian Federation;

"(IV) Autonomous Noncommercial Professional Organization/Professional Association of Designers of Data Processing (ANO PO KSI);

"(V) the Special Technology Center;

"(VI) Zorsecurity; or

"(VII) any person that the Secretary of State, in consultation with the Director of National Intelligence, determines—

"(aa) to be part of, or operating for or on behalf of, the defense or intelligence sector of the Government of the Russian Federation; and

"(bb) has directly participated in or facilitated cyber intrusions by the Government of the Russian Federation; and

"(ii) would not—

"(I) endanger the integrity of any multilateral alliance of which the United States is a part;

"(II) adversely affect ongoing operations of the Armed Forces of the United States, including coalition operations in which the Armed Forces of the United States participate;

"(III) result in a significant negative impact to defense cooperation between the United States and the country whose government has primary jurisdiction over the person; and

"(IV) significantly increase the risk of compromising United States defense systems and operational capabilities; and

"(C) the government with primary jurisdiction over the person—

"(i) is taking or will take steps to reduce its inventory of major defense equipment and advanced conventional weapons produced by the defense sector of the Russian Federation as a share of its total inventory of major defense equipment and advanced conventional weapons over a specified period; or

"(ii) is cooperating with the United States Government on other security matters that are critical to United States strategic interests.

"(2) FORM.—The certification described in paragraph (1) shall be transmitted in an unclassified form, and may contain a classified annex.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 120 days after the date on which the President submits a certification described in paragraph (1) with respect to the waiver of the application of sanctions with respect to a person under this section, and annually thereafter for two years, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate congressional committees and the Committee on Armed Services of the Senate and the

Committee on Armed Services of the House of Representatives a report on the waiver.

"(B) MATTERS TO BE INCLUDED.—The report required by subparagraph (A) shall include—

"(i) the extent to which such waiver has or has not resulted in the compromise of United States systems and operational capabilities, including through the diversion of United States sensitive technology to a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation; and

"(ii) the extent to which the government with primary jurisdiction over the person is taking specific actions to further the enforcement of this title.".

(b) RULE OF CONSTRUCTION.—Nothing in subsection (d) of section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 22 U.S.C. 9525), as added by subsection (a) of this section, shall be construed to modify, waive, or terminate any existing sanctions with respect to the Russian Federation, including any Russian person or entity, that are in effect on the date of the enactment of this Act. 22 USC 9525 note.

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes those persons that the President has determined under section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 22 U.S.C. 9525) have knowingly engaged, on or after August 2, 2017, in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as defined in guidance required under subsection (e) of that section, as redesignated by subsection (a)(1) of this section.

(2) UPDATES.—Not later than 90 days after the date of the submission of the report required by paragraph (1), and every 90 days thereafter for a period of 5 years, the President shall submit to the appropriate congressional committees an update to the report required by that paragraph.

(3) ELEMENTS.—The report required by paragraph (1) and each update required by paragraph (2) shall contain the following:

(A) A list of persons that the President has determined under section 231 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 22 U.S.C. 9525) have knowingly engaged, on or after August 2, 2017, in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as defined in guidance required under subsection (e) of that section, as redesignated by subsection (a)(1) of this section.

(B) For the initial report required by paragraph (1), a year-by-year and country-by-country description of significant transactions from persons described in paragraph (1), dating back to August 2, 2017, and for each update required by paragraph (2), such a description of significant transactions dating back to the date of submission of the most

recent report submitted under paragraph (1) or the most recent update submitted under paragraph (2), as applicable.

(C) A description of the significant transactions described in subsection (a) of such section 231, including, for each such transaction, types of material and equipment involved, the monetary value of the transaction, and the duration of any contract involved.

(D) A description of the diplomatic efforts by the Government of the United States, if any, to persuade persons to no longer conduct significant transactions with persons that are part of, or operate for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as defined in guidance required under subsection (e) of such section 231, as redesignated by subsection (a)(1) of this section.

(E) A description of significant transactions with persons that are part of, or operate for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, if any, that the Government of the United States through diplomatic efforts was able to persuade persons not to engage in, including a description of each such transaction and the monetary value of the transaction.

(4) FORM.—The initial report required by paragraph (1) and each update required under paragraph (2) shall be submitted in unclassified form, but may contain a classified annex.

(5) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" has the meaning given that term in section 221 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9521) and includes the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

22 USC 9525 note.

(d) EXCEPTION RELATING TO IMPORTATION OF GOODS.—No provision affecting sanctions under this section or an amendment made by this section shall apply to any portion of a sanction that affects the importation of goods.

22 USC 8784 note.

SEC. 1295. RULE OF CONSTRUCTION RELATING TO THE USE OF FORCE.

Nothing in this Act may be construed to authorize the use of force against Iran or North Korea.

TITLE XIII—COOPERATIVE THREAT REDUCTION

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Funding allocations.
Sec. 1302. Specification of cooperative threat reduction funds.

SEC. 1301. FUNDING ALLOCATIONS.

Of the $335,240,000 authorized to be appropriated to the Department of Defense for fiscal year 2019 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $2,823,000.
(2) For chemical weapons destruction, $5,446,000.
(3) For global nuclear security, $29,001,000.
(4) For cooperative biological engagement, $197,585,000.
(5) For proliferation prevention, $74,937,000.
(6) For activities designated as Other Assessments/Administrative Costs, $25,448,000.

SEC. 1302. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2019, 2020, and 2021.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. Chemical agents and munitions destruction, defense.
Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1404. Defense inspector general.
Sec. 1405. Defense health program.

Subtitle B—Armed Forces Retirement Home

Sec. 1411. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1412. Expansion of eligibility for residence at the Armed Forces Retirement Home.
Sec. 1413. Oversight of health care provided to residents of the Armed Forces Retirement Home.
Sec. 1414. Modification of authority on acceptance of gifts for the Armed Forces Retirement Home.
Sec. 1415. Relief for residents of the Armed Forces Retirement Home impacted by increase in fees.
Sec. 1416. Limitation on applicability of fee increase for residents of the Armed Forces Retirement Home.

Subtitle C—Other Matters

Sec. 1421. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.
Sec. 1422. Economical and efficient operation of working capital fund activities.
Sec. 1423. Consolidation of reporting requirements under the Strategic and Critical Materials Stock Piling Act.
Sec. 1424. Quarterly briefing on progress of chemical demilitarization program.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for

fiscal year 2019 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for providing for the health of eligible beneficiaries, as specified in the funding table in section 4501.

Subtitle B—Armed Forces Retirement Home

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2019 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1412. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCES RETIREMENT HOME.

Section 1512 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412) is amended to read as follows:

"SEC. 1512. RESIDENTS OF RETIREMENT HOME.

"(a) PERSONS ELIGIBLE TO BE RESIDENTS.—Except as provided in subsection (b), the following persons who served as members of the Armed Forces, at least one-half of whose service was not active commissioned service (other than as a warrant officer or limited-duty officer), are eligible to become residents of the Retirement Home:

"(1) Persons who are 60 years of age or over and were discharged or released from service in the Armed Forces after 20 or more years of active service.

"(2) Persons who are determined under rules prescribed by the Chief Operating Officer to be suffering from a service-connected disability incurred in the line of duty in the Armed Forces.

"(3) Persons who served in a war theater during a time of war declared by Congress or were eligible for hostile fire special pay under section 310 or 351 of title 37, United States Code, and who are determined under rules prescribed by the Chief Operating Officer to be suffering from injuries, disease, or disability.

"(4) Persons who served in a women's component of the Armed Forces before June 12, 1948, and are determined under rules prescribed by the Chief Operating Officer to be eligible for admission because of compelling personal circumstances.

"(b) PERSONS INELIGIBLE TO BE RESIDENTS.—The following persons are ineligible to become a resident of the Retirement Home:

"(1) A person who—

"(A) has been convicted of a felony; or

"(B) was discharged or released from service in the Armed Forces under other than honorable conditions.

"(2) A person with substance abuse or mental health problems, except upon a judgment and satisfactory determination by the Chief Operating Officer that—

"(A) the person has been evaluated by a qualified health professional selected by the Retirement Home;

"(B) the Retirement Home can accommodate the person's condition; and

"(C) the person agrees to such conditions of residency as the Retirement Home may require.

"(c) ACCEPTANCE.—To apply for acceptance as a resident of a facility of the Retirement Home, a person eligible to be a resident shall submit to the Administrator of that facility an application in such form and containing such information as the Chief Operating Officer may require.

"(d) PRIORITIES FOR ACCEPTANCE.—The Chief Operating Officer shall establish a system of priorities for the acceptance of residents so that the most deserving applicants will be accepted whenever the number of eligible applicants is greater than the Retirement Home can accommodate.

"(e) SPOUSES OF RESIDENTS.—

"(1) AUTHORITY TO ADMIT.—Except as otherwise established pursuant to subsection (d), the spouse of a person accepted as a resident of a facility of the Retirement Home may be admitted to that facility if the spouse—

"(A) is a covered beneficiary within the meaning of section 1072(5) of title 10, United States Code;

"(B) is not ineligible to become a resident as provided in subsection (b); and

"(C) submits an application for admittance in accordance with subsection (c).

"(2) TREATMENT AS RESIDENT.—A spouse admitted in accordance with paragraph (1) shall be a resident of the Retirement Home consistent with this Act, except as the Chief Operating Officer may otherwise provide.".

SEC. 1413. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS OF THE ARMED FORCES RETIREMENT HOME.

Section 1513A(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a(c)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) Facilitate and monitor the timely availability to residents of the Retirement Home such medical, mental health, and dental care services as such residents may require at locations other than the Retirement Home."

(2) in paragraph (2), by striking "Ensure" and inserting "Monitor".

SEC. 1414. MODIFICATION OF AUTHORITY ON ACCEPTANCE OF GIFTS FOR THE ARMED FORCES RETIREMENT HOME.

Paragraph (1) of section 1515(f) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415(f)) is amended to read as follows:

"(1) The Chief Operating Officer may accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property, or any income therefrom or other interest therein, for the benefit of the Retirement Home.".

24 USC 414 note.

SEC. 1415. RELIEF FOR RESIDENTS OF THE ARMED FORCES RETIREMENT HOME IMPACTED BY INCREASE IN FEES.

(a) PROHIBITION ON REMOVAL FOR INABILITY TO PAY FEE INCREASE.—A resident of the Armed Forces Retirement Home as of September 30, 2018, may not be removed or released from the Retirement Home after that date based solely upon the inability of the resident to pay the amount of any increase in fees applicable to residents of the Retirement Home that takes effect on October 1, 2018.

(b) OTHER RELIEF.—The Chief Operating Officer of the Armed Forces Retirement Home shall take all actions practicable to accommodate residents of the Retirement Home who are impacted by the fee structure applicable to residents of the Retirement Home that takes effect on October 1, 2018, including through hardship relief, additional deductions from gross income, and other appropriate actions.

24 USC 414 note.

SEC. 1416. LIMITATION ON APPLICABILITY OF FEE INCREASE FOR RESIDENTS OF THE ARMED FORCES RETIREMENT HOME.

(a) IN GENERAL.—In the case of an individual who was a resident of the Armed Forces Retirement Home as of April 9, 2018, the increase in fees for residents of the Home scheduled to take effect on October 1, 2018, shall occur on an incremental basis over the three-year period beginning on October 1, 2018, such that the total fee for such individual as a resident of the Home as of the end of such period covers the cost of care of such individual as a resident of the Home.

(b) NOTICE AND WAIT ON IMPLEMENTATION OF FUTURE INCREASES.—Any increase in the fees for residents of the Home that is scheduled to take effect after October 1, 2018, may not take effect until 90 days after the date on which a report on the increase is submitted to the Committees on Armed Services of the Senate and the House of Representatives.

Subtitle C—Other Matters

SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $113,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1422. ECONOMICAL AND EFFICIENT OPERATION OF WORKING CAPITAL FUND ACTIVITIES.

Section 2208(e) of title 10, United States Code, is amended by adding at the end the following: "The accomplishment of the most economical and efficient organization and operation of working capital fund activities for the purposes of this subsection shall include actions toward the following:

"(1) Undertaking efforts to optimize the rate structure for all requisitioning entities.

"(2) Encouraging a working capital fund activity to perform reimbursable work for other entities to sustain the efficient use of the workforce.

"(3) Determining the appropriate leadership level for approving work from outside entities to maximize efficiency.".

SEC. 1423. CONSOLIDATION OF REPORTING REQUIREMENTS UNDER THE STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

Section 11 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2) is amended—

(1) in subsection (a), by striking "January 15" and inserting "February 15"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "Not later" and all that follows through "report containing" and inserting "Each report under subsection (a) shall also include"; and

(B) in paragraph (2)—

(i) by striking "Each" in the first sentence and inserting "With respect to the plan described in paragraph (1), each"; and

(ii) by striking "Each such report" in the second sentence and inserting "With respect to such plan, each report".

SEC. 1424. QUARTERLY BRIEFING ON PROGRESS OF CHEMICAL DEMILITARIZATION PROGRAM.

Section 1412(j) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)) is amended—

(1) in the heading, by striking "Semiannual Reports" and inserting "QUARTERLY BRIEFING";

(2) in paragraph (1)—

(A) by striking "March 1" and all that follows through "the year in which" and inserting "90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019, and every 90 days thereafter until";

(B) by striking "submit to" and inserting "brief";

(C) by striking "a report on the implementation" and inserting "on the progress made"; and

(D) by striking "of its chemical weapons destruction obligations" and inserting "toward fulfilling its chemical weapons destruction obligations"; and

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

"(2) Each briefing under paragraph (1) shall include a description of contractor costs and performance relative to schedule, the progress to date toward the complete destruction of the stockpile, and any other information the Secretary determines to be relevant.".

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

Sec. 1501. Purpose.
Sec. 1502. Procurement.
Sec. 1503. Research, development, test, and evaluation.
Sec. 1504. Operation and maintenance.
Sec. 1505. Military personnel.
Sec. 1506. Working capital funds.
Sec. 1507. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1508. Defense inspector general.
Sec. 1509. Defense health program.

Subtitle B—Financial Matters

Sec. 1511. Treatment as additional authorizations.
Sec. 1512. Special transfer authority.
Sec. 1513. Overseas contingency operations.

Subtitle C—Other Matters

Sec. 1521. Joint Improvised-Threat Defeat Organization.
Sec. 1522. Enduring costs funded through overseas contingency operations.
Sec. 1523. Comptroller General report on use of funds provided by overseas contingency operations.

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2019 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2019 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1508. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2019 for expenses, not otherwise

provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2019 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1513. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2019 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

Subtitle C—Other Matters

SEC. 1521. JOINT IMPROVISED-THREAT DEFEAT ORGANIZATION.

(a) USE AND TRANSFER OF FUNDS.—

(1) IN GENERAL.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to amounts made available for fiscal year 2019 for the Department of Defense for the Joint Improvised-Threat Defeat Organization.

(2) REFERENCES TO JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.—In the application of paragraph (1) to the use of funds described in that paragraph in fiscal year 2019, any reference in the subsections referred to in that paragraph to the Joint Improvised Explosive Device Defeat Fund shall be

deemed to be a reference to the Joint Improvised-Threat Defeat Organization.

(b) INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS.—

(1) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2019 for the Department of Defense by this Act for the Joint Improvised-Threat Defeat Organization, $15,000,000 may be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide training, equipment, supplies, and services to ministries and other entities of foreign governments that the Secretary of Defense has identified as critical for countering the flow of improvised explosive device precursor chemicals.

(2) PROVISION THROUGH OTHER UNITED STATES AGENCIES.—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer amounts made available under paragraph (1) to such department or agency for the provision by such department or agency of training, equipment, supplies, and services to ministries and other entities of foreign governments as described in that paragraph.

(3) NOTICE TO CONGRESS.—None of the funds made available under paragraph (1) may be obligated or expended to supply training, equipment, supplies, or services to a foreign country before the date that is 15 days after the date on which the Secretary of Defense, in coordination with the Secretary of State, has submitted to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notice that includes each of the following:

(A) The name of the foreign country for which training, equipment, supplies, or services are proposed to be supplied.

(B) A description of the training, equipment, supplies, and services to be provided to such foreign country using such funds.

(C) A detailed description of the amounts proposed to be obligated or expended to supply such training, equipment, supplies, or services, including—

(i) any amounts proposed to be obligated or expended to support the participation of a department or agency of the United States Government other than the Department of Defense; and

(ii) a description of the training, equipment, supplies, or services proposed to be supplied.

(D) An evaluation of the effectiveness of the efforts of such foreign country to counter the flow of improvised explosive device precursor chemicals.

(E) An overall plan for countering the flow of precursor chemicals in such foreign country.

(4) EXPIRATION.—The authority provided by this subsection expires on December 31, 2019.

(c) TRANSITION PLAN REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a plan to transition funding for the Joint Improvised-

Threat Defeat Organization from amounts made available for overseas contingency operations to amounts otherwise made available for the purposes of such Organization.

SEC. 1522. ENDURING COSTS FUNDED THROUGH OVERSEAS CONTINGENCY OPERATIONS.

(a) REPORT REQUIRED.—Not later than 14 days after the President submits to Congress the budget request for each of fiscal years 2020, 2021, 2022, 2023, and 2024, pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on enduring costs funded through overseas contingency operations.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) An estimate of the costs of operations currently supported in part or in whole by requested funding for overseas contingency operations that are likely to continue beyond such contingency, in accordance with the recommendation in the Government Accountability Office report entitled "Overseas Contingency Operations: OMB and DOD Should Revise the Criteria for Determining Eligible Costs and Identify the Costs Likely to Endure Long Term" published on January 18, 2017.

(2) With respect to programs, projects, or activities for which the source of the requested funds has shifted from overseas contingency operations funding in the previous fiscal year to base budget funding in the current fiscal year—

(A) a description of the criteria used by the Department of Defense and the Armed Forces in determining the programs, projects, and activities for which funds were requested in the budget request of the current fiscal year for overseas contingency operations, including any changes relative to the criteria issued in 2010 that was used by the Office of Management and Budget to identify such programs, projects, and activities for such funding requests;

(B) a list of each such program, project, or activity and the amount requested for each such program, project, or activity, at the following levels of detail:

(i) For procurement, by line item.

(ii) For research, development, test, and evaluation, by program element number.

(iii) For operation and maintenance, by sub-activity group.

(iv) For military personnel, by sub-activity group.

(v) For revolving and management funds, by sub-activity group.

(vi) For military construction, by project.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1523. COMPTROLLER GENERAL REPORT ON USE OF FUNDS PROVIDED BY OVERSEAS CONTINGENCY OPERATIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on how funds authorized to be appropriated for fiscal year 2018 for overseas contingency operations were obligated.

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

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

Sec. 1601. Improvements to acquisition system, personnel, and organization of space forces.
Sec. 1602. Modifications to Space Rapid Capabilities Office.
Sec. 1603. Rapid, responsive, and reliable space launch.
Sec. 1604. Provision of space situational awareness services and information.
Sec. 1605. Budget assessments for national security space programs.
Sec. 1606. Improvements to commercial space launch operations.
Sec. 1607. Space warfighting policy, review of space capabilities, and plan on space warfighting readiness.
Sec. 1608. Use of small- and medium-size buses for strategic and tactical satellite payloads.
Sec. 1609. Enhancement of positioning, navigation, and timing capacity.
Sec. 1610. Designation of component of Department of Defense responsible for coordination of modernization efforts relating to military-code capable GPS receiver cards.
Sec. 1611. Designation of component of Department of Defense responsible for coordination of hosted payload information.
Sec. 1612. Limitation on availability of funds for Joint Space Operations Center mission system.
Sec. 1613. Evaluation and enhanced security of supply chain for protected satellite communications programs and overhead persistent infrared systems.
Sec. 1614. Report on protected satellite communications.
Sec. 1615. Report on enhancements to the Global Positioning System Operational Control Segment.
Sec. 1616. Report on persistent weather imagery for United States Central Command.
Sec. 1617. Study on space-based radio frequency mapping.
Sec. 1618. Independent study on space launch locations.
Sec. 1619. Briefing on commercial satellite servicing capabilities.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

Sec. 1621. Role of Under Secretary of Defense for Intelligence.
Sec. 1622. Security vetting for foreign nationals.
Sec. 1623. Department of Defense Counterintelligence polygraph program.
Sec. 1624. Defense intelligence business management systems.
Sec. 1625. Modification to annual briefing on the intelligence, surveillance, and reconnaissance requirements of the combatant commands.
Sec. 1626. Framework on governance, mission management, resourcing, and effective oversight of combat support agencies that are also elements of the intelligence community.

Subtitle C—Cyberspace-Related Matters

Sec. 1631. Reorganization and consolidation of certain cyber provisions.
Sec. 1632. Affirming the authority of the Secretary of Defense to conduct military activities and operations in cyberspace.
Sec. 1633. Department of Defense Cyber Scholarship Program scholarships and grants.
Sec. 1634. Amendments to pilot program regarding cyber vulnerabilities of Department of Defense critical infrastructure.
Sec. 1635. Modification of acquisition authority of the Commander of the United States Cyber Command.
Sec. 1636. Policy of the United States on cyberspace, cybersecurity, cyber warfare, and cyber deterrence.
Sec. 1637. Budget display for cyber vulnerability evaluations and mitigation activities for major weapon systems of the Department of Defense.
Sec. 1638. Determination of responsibility for the Department of Defense Information Networks.
Sec. 1639. Procedures and reporting requirement on cybersecurity breaches and loss of personally identifiable information and controlled unclassified information.

Sec. 1640. Program to establish cyber institutes at institutions of higher learning.
Sec. 1641. Matters pertaining to the SharkSeer cybersecurity program.
Sec. 1642. Active defense against the Russian Federation, People's Republic of China, Democratic People's Republic of Korea, and Islamic Republic of Iran attacks in cyberspace.
Sec. 1643. Designation of official for matters relating to integrating cybersecurity and industrial control systems within the Department of Defense.
Sec. 1644. Assistance for small manufacturers in the defense industrial supply chain and universities on matters relating to cybersecurity.
Sec. 1645. Email and Internet website security and authentication.
Sec. 1646. Security product integration framework.
Sec. 1647. Information security continuous monitoring and cybersecurity scorecard.
Sec. 1648. Tier 1 exercise of support to civil authorities for a cyber incident.
Sec. 1649. Pilot program on modeling and simulation in support of military homeland defense operations in connection with cyber attacks on critical infrastructure.
Sec. 1650. Pilot program authority to enhance cybersecurity and resiliency of critical infrastructure.
Sec. 1651. Pilot program on regional cybersecurity training center for the Army National Guard.
Sec. 1652. Cyberspace Solarium Commission.
Sec. 1653. Study and report on reserve component cyber civil support teams.
Sec. 1654. Identification of countries of concern regarding cybersecurity.
Sec. 1655. Mitigation of risks to national security posed by providers of information technology products and services who have obligations to foreign governments.
Sec. 1656. Report on Cybersecurity Apprentice Program.
Sec. 1657. Report on enhancement of software security for critical systems.

Subtitle D—Nuclear Forces

Sec. 1661. Under Secretary of Defense for Research and Engineering and the Nuclear Weapons Council.
Sec. 1662. Long-range standoff weapon requirements.
Sec. 1663. Acceleration of ground-based strategic deterrent program and long-range standoff weapon program.
Sec. 1664. Procurement authority for certain parts of intercontinental ballistic missile fuzes.
Sec. 1665. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
Sec. 1666. Extension of prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile.
Sec. 1667. Exchange program for nuclear weapons program employees.
Sec. 1668. Plan to train officers in nuclear command, control, and communications.
Sec. 1669. Independent study on options to increase Presidential decision-time regarding nuclear weapons employment.
Sec. 1670. Extension of annual report on plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.
Sec. 1671. Plan for alignment of acquisition of warhead life extension programs and delivery vehicles for such warheads.
Sec. 1672. Annual report on development of long-range stand-off weapon.
Sec. 1673. Sense of Congress on nuclear posture of the United States.

Subtitle E—Missile Defense Programs

Sec. 1675. Development of persistent space-based sensor architecture.
Sec. 1676. Boost phase ballistic missile defense.
Sec. 1677. Extension of requirement for reports on unfunded priorities of Missile Defense Agency.
Sec. 1678. Extension of prohibition relating to missile defense information and systems.
Sec. 1679. Modification of requirement relating to transition of ballistic missile defense programs to military departments.
Sec. 1680. Modification of requirement to develop a space-based ballistic missile intercept layer.
Sec. 1681. Improvements to acquisition processes of Missile Defense Agency.
Sec. 1682. Layered defense of the United States homeland.
Sec. 1683. Testing of redesigned kill vehicle prior to production and ground-based midcourse defense acceleration options.
Sec. 1684. Requirements for ballistic missile defense capable ships.
Sec. 1685. Multiyear procurement authority for standard missile–3 IB guided missiles.

Sec. 1686. Limitation on availability of funds for Army lower tier air and missile defense sensor.
Sec. 1687. Missile defense radar in Hawaii.
Sec. 1688. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
Sec. 1689. Acceleration of hypersonic missile defense program.
Sec. 1690. Report on ballistic missile defense.
Sec. 1691. Sense of Congress on allied partnerships for missile defense.
Sec. 1692. Sense of Congress on testing by Missile Defense Agency.

Subtitle F—Other Matters

Sec. 1695. Extension of Commission to Assess the Threat to the United States from Electromagnetic Pulse Attacks and Similar Events.
Sec. 1696. Procurement of ammonium perchlorate and other chemicals for use in solid rocket motors.
Sec. 1697. Budget exhibit on support provided to entities outside Department of Defense.
Sec. 1698. Conventional prompt global strike hypersonic capabilities.
Sec. 1699. Report regarding industrial base for large solid rocket motors.

Subtitle A—Space Activities

SEC. 1601. IMPROVEMENTS TO ACQUISITION SYSTEM, PERSONNEL, AND ORGANIZATION OF SPACE FORCES.

(a) ESTABLISHMENT OF SUBORDINATE UNIFIED COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 169. Subordinate unified command of the United States Strategic Command

10 USC 169.

"(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under the United States Strategic Command a subordinate unified command to be known as the United States Space Command (in this section referred to as 'space command') for carrying out joint space warfighting operations.

"(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve space warfighting operational forces of the armed forces shall be assigned to the space command.

"(c) COMMANDER.—(1) The commander of the space command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the permanent grade of the officer. The commander shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The position shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

"(2) During the three-year period following the date on which the space command is established, the commander of the Air Force Space Command may also serve as the commander of the space command so established. After such period, one individual may not concurrently serve as both such commanders.

"(d) AUTHORITY OF COMMANDER.—(1) Subject to the authority, direction, and control of the commander of the United States Strategic Command, the commander of the space command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to joint space warfighting operations.

"(2)(A) Subject to the authority, direction, and control of the Deputy Secretary of Defense, the commander of the space command shall be responsible for, and shall have the authority to conduct, the following functions relating to joint space warfighting operations (whether or not relating to the space command):

"(i) Developing strategy, doctrine, and tactics.

"(ii) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for space operations forces and for other forces assigned to the space command.

"(iii) Exercising authority, direction, and control over the expenditure of funds for forces assigned directly to the space command.

"(iv) Training and certification of assigned joint forces.

"(v) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

"(vi) Validating requirements.

"(vii) Establishing priorities for requirements.

"(viii) Ensuring the interoperability of equipment and forces.

"(ix) Formulating and submitting requirements for intelligence support.

"(x) Monitoring the promotion of space operation forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of space operation forces.

"(B) The authority, direction, and control exercised by the Deputy Secretary of Defense for purposes of this paragraph is authority, direction, and control with respect to the administration and support of the space command, including readiness and organization of space operations forces, space operations-peculiar equipment and resources, and civilian personnel.

"(C) Nothing in this paragraph shall be construed as providing the Deputy Secretary of Defense authority, direction, and control of operational matters that are subject to the operational chain of command of the combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not space-operations peculiar and that are in the purview of the armed forces.

"(3) The commander of the space command shall be responsible for—

"(A) ensuring the combat readiness of forces assigned to the space command; and

"(B) monitoring the preparedness to carry out assigned missions of space forces assigned to unified combatant commands other than the United States Strategic Command.

"(4) The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the space command and such other inspector general functions as may be assigned.

"(e) INTELLIGENCE AND SPECIAL ACTIVITIES.—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167b the following new item: 10 USC prec. 161.

"169. Subordinate unified command of the United States Strategic Command".

(3) BRIEFING.—The Secretary of the Air Force shall provide the Committees on Armed Services of the House of Representatives and the Senate a briefing on the need to develop additional recruitment measures or Reserve Officer Training Corps programs relating to space career fields.

(b) PLAN FOR ACQUISITION SYSTEM.—

(1) DEVELOPMENT.—The Deputy Secretary of Defense shall develop a plan to establish a separate, alternative acquisition system for defense space acquisitions, including with respect to procuring space vehicles, ground segments relating to such vehicles, and satellite terminals.

(2) REQUIREMENTS PROCESS.—The plan developed under paragraph (1) shall include recommendations of the Deputy Secretary with respect to whether the separate, alternative acquisition system described in the plan should use the Joint Capabilities Integration and Development System process or instead use a new requirements process developed by the Deputy Secretary in a manner that ensures that requirements for a program are synchronized across the space vehicles, ground segments relating to such vehicles, and satellite terminals, of the program.

(3) EXCEPTION.—The plan developed under paragraph (1) shall cover defense space acquisitions except with respect to the National Reconnaissance Office and other elements of the Department of Defense that are elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(4) SUBMISSION.—Not later than December 31, 2019, the Deputy Secretary shall submit to the congressional defense committees a report containing the plan developed under paragraph (1).

(c) PLAN FOR CADRE DEVELOPMENT.—

(1) DEVELOPMENT.—The Secretary of the Air Force shall develop a plan to increase the number and improve the quality of the space cadre of the Air Force.

(2) MATTERS INCLUDED.—The plan developed under paragraph (1) shall address the following:

(A) Managing the career progression of members of the Armed Forces and civilian employees of the Department who form the space cadre of the Air Force throughout the military or civilian career of the member or the employee, as the case may be, including with respect to—

(i) defining career professional milestones;

(ii) pay and incentive structures;

(iii) the management and oversight of the space cadre;

(iv) training relating to planning and executing warfighting missions and operations in space;

(v) conducting periodic cadre-wide professional assessments to determine how the cadre is developing as a group; and

(vi) establishing a centralized method to control personnel assignments and distribution.

(B) The identification of future space-related career fields that the Secretary determines appropriate, including a space acquisition career field.

(C) The identification of any overlap that exists among operations and acquisitions career fields to determine opportunities for cross-functional career opportunities.

(3) SUBMISSION.—Not later than March 1, 2019, the Secretary shall submit to the congressional defense committees a report containing the plan developed under paragraph (1).

SEC. 1602. MODIFICATIONS TO SPACE RAPID CAPABILITIES OFFICE.

Section 2273a of title 10, United States Code, is amended to read as follows:

"§ 2273a. Space Rapid Capabilities Office

"(a) IN GENERAL.—There is within the Air Force Space Command a program office known as the Space Rapid Capabilities Office (in this section referred to as the 'Office'). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.

"(b) HEAD OF OFFICE.—The head of the Office shall be the designee of the Secretary of the Air Force. The head of the Office shall report to the Commander of the Air Force Space Command.

"(c) MISSION.—The mission of the Office shall be—

"(1) to contribute to the development of low-cost, rapid reaction payloads, busses, launch, and launch control capabilities in order to fulfill joint military operational requirements for on-demand space support and reconstitution;

"(2) to coordinate and execute space rapid capabilities efforts across the Department of Defense with respect to planning, acquisition, and operations; and

"(3) to rapidly develop and field new classified space capabilities.

"(d) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

"(1) The Secretary of the Air Force shall designate the acquisition executive of the Office who shall provide streamlined acquisition authorities for projects of the Office.

"(2) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office.

"(3) The Commander of the United States Strategic Command, acting through the United States Space Command, shall—

"(A) establish and validate capability requirements; and

"(B) recommend priorities as the Commander determines appropriate.

"(e) REQUIRED PROGRAM ELEMENT.—(1) The Secretary of the Air Force shall ensure, within budget program elements for space programs, that—

"(A) there are separate, dedicated unclassified and classified program elements for space rapid capabilities; and

"(B) the Office executes the responsibilities of the Office through such program elements.

"(2) The Office shall manage the program elements required by paragraph (1).

"(f) BOARD OF DIRECTORS.—The Secretary of the Air Force shall establish for the Office a Board of Directors (to be known as the 'Space Rapid Capabilities Board of Directors') to provide coordination, oversight, and approval of projects of the Office.".

SEC. 1603. RAPID, RESPONSIVE, AND RELIABLE SPACE LAUNCH.

10 USC 2273 note.

(a) ASSURED ACCESS TO SPACE.—Section 2273 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "; and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) the availability of rapid, responsive, and reliable space launches for national security space programs to—

"(A) improve the responsiveness and flexibility of a national security space system;

"(B) lower the costs of launching a national security space system; and

"(C) maintain risks of mission success at acceptable levels."; and

(2) in subsection (c), by inserting before the period at the end the following: "and the Director of National Intelligence".

(b) REUSABILITY OF LAUNCH VEHICLES.—

(1) DESIGNATION.—Effective March 1, 2019, the Evolved Expendable Launch Vehicle program of the Department of Defense shall be known as the "National Security Space Launch program". Any reference in Federal law, regulations, guidance, instructions, or other documents of the Federal Government to the Evolved Expendable Launch Vehicle program shall be deemed to be a reference to the National Security Space Launch program.

(2) REQUIREMENT.—In carrying out the National Security Space Launch program, the Secretary of Defense shall provide for consideration of both reusable and expendable launch vehicles with respect to any solicitation occurring on or after March 1, 2019, for which the use of a reusable launch vehicle is technically capable and maintains risk at acceptable levels.

(3) NOTIFICATION OF SOLICITATIONS FOR NON-REUSABLE LAUNCH VEHICLES.—Beginning March 1, 2019, if the Secretary proposes to issue a solicitation for a contract for space launch services for which the use of reusable launch vehicles is not eligible for the award of the contract, the Secretary shall notify in writing the appropriate congressional committees of such proposed solicitation, including justifications for such ineligibility, by not later than 10 days after issuing such solicitation.

(c) RISK AND COST IMPACT ANALYSIS.—

(1) IN GENERAL.—The Secretary shall conduct a risk and cost impact analysis with respect to launch services that use reusable launch vehicles. Such analysis shall include—

(A) an assessment of how the inspection and certification regime of the Air Force for previously flown launch vehicles will ensure increased responsiveness and operational flexibility while maintaining acceptable risk; and

(B) an assessment of the anticipated cost savings to the Department of Defense realized by using a previously flown launch vehicle or components.

(2) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the analysis conducted under paragraph (1).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1604. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION.

(a) ROLE OF DEPARTMENT OF DEFENSE.—Section 2274(a) of title 10, United States Code, is amended—

(1) by striking "The Secretary of Defense may" and inserting "(1) Except as provided by paragraph (2), the Secretary of Defense may"; and

(2) by adding at the end the following new paragraph:

"(2) Beginning January 1, 2024, the Secretary may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities under paragraph (1) only to the extent that the Secretary determines such actions are necessary to meet the national security interests of the United States.".

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for a department or agency of the United States Government other than the Department of Defense to provide space situational awareness services and information to non-United States Government entities.

(2) MATTERS INCLUDED.—The plan under paragraph (1) shall include the following:

(A) An assessment of the existing and planned staff, budgetary resources, and relevant institutional expertise of the department or agency covered by the plan with respect to providing space situational awareness services and information.

(B) An assessment of the demonstrated ability of such department or agency to work collaboratively with industry and academia in developing best practices or consensus standards.

(C) An assessment of the existing and planned capacity of such department or agency to facilitate communication between space object operators to avoid a collision.

(D) The ability of such department or agency to use other transaction agreements or similar transaction mechanisms to support space traffic management requirements.

(E) Any additional authorities that would be required to assume the responsibility described in paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

SEC. 1605. BUDGET ASSESSMENTS FOR NATIONAL SECURITY SPACE PROGRAMS.

Section 239(b)(1) of title 10, United States Code, is amended to read as follows:

"(1) Not later than 30 days after the date on which the President submits to Congress the budget for each of fiscal years 2017 through 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the budget for national security space programs of the Department of Defense. The Secretary may include the report in the defense budget materials if the Secretary submits such materials to Congress by such date.".

SEC. 1606. IMPROVEMENTS TO COMMERCIAL SPACE LAUNCH OPERATIONS.

Section 1617 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1106; 51 U.S.C. 50918 note) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) STREAMLINING.—

"(A) IN GENERAL.—With respect to any licensed activity under chapter 509 of title 51, United States Code, the Secretary of Defense may not impose any requirement on a licensee or transferee that is duplicative of, or overlaps in intent with, any requirement imposed by the Secretary of Transportation under that chapter.

"(B) WAIVER.—The Secretary of the Air Force may waive the limitation under subparagraph (A) if—

"(i) the Secretary determines that imposing a requirement described in that subparagraph is necessary to avoid negative consequences for the national security space program; and

"(ii) the Secretary notifies the Secretary of Transportation of such determination before making such waiver."; and

(2) by adding at the end the following new subsection:

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Secretary of Defense to consult with the Secretary of Transportation with respect to requirements and approvals under chapter 509 of title 51, United States Code.".

10 USC 2271 note.

SEC. 1607. SPACE WARFIGHTING POLICY, REVIEW OF SPACE CAPABILITIES, AND PLAN ON SPACE WARFIGHTING READINESS.

(a) SPACE WARFIGHTING POLICY.—Not later than March 29, 2019, the Secretary of Defense shall develop a space warfighting policy.

(b) REVIEW OF SPACE CAPABILITIES.—

(1) IN GENERAL.—The Secretary shall conduct a review relating to the national security space enterprise that evaluates the following:

(A) The resiliency of the national security space enterprise with respect to a conflict.

(B) The ability of the national security space enterprise to attribute an attack on a space system in a timely manner.

(C) The ability of the United States—

(i) to resolve a conflict in space; and

(ii) to determine the material means by which such conflict may be resolved.

(D) Specific options for the national security space enterprise to provide the ability—

(i) to defend against aggressive behavior in space at all levels of conflict;

(ii) to defeat any adversary that demonstrates aggressive behavior in space at all levels of conflict;

(iii) to deter aggressive behavior in space at all levels of conflict; and

(iv) to develop a declassification strategy, if required to demonstrate deterrence.

(E) The effectiveness and efficiency of the national security space enterprise to rapidly research, develop, acquire, and deploy space capabilities and capacities—

(i) to deter and defend the national security space assets of the United States; and

(ii) to respond to any new threat to such space assets.

(F) The roles, responsibilities, and authorities of the Department of Defense with respect to space control activities.

(G) Any emerging space threat the Secretary expects the United States to confront during the 10-year period beginning on the date of the enactment of this Act.

(H) Such other matters as the Secretary considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than March 29, 2019, the Secretary shall submit to the congressional defense committees a report on the findings of the review under paragraph (1).

(B) FORM.—The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(c) PLAN ON SPACE WARFIGHTING READINESS.—

(1) IN GENERAL.—Not later than March 29, 2019, the Secretary of Defense shall develop, and commence the implementation of, a plan that—

(A) identifies joint mission-essential tasks for space as a warfighting domain;

(B) identifies any additional authorities, or delegated authorities, that would need to accompany the employment of forces to meet such mission-essential tasks;

(C) meets the readiness requirements for space warfighting, including with respect to equipment, training, and personnel, to meet such mission-essential tasks; and

(D) considers the contributions by allies and partners of the United States with respect to defense space capabilities to increase burden sharing across space systems, as appropriate.

(2) BRIEFING.—Not later than March 29, 2019, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other congressional defense committee upon request, a briefing describing the authorities identified under paragraph (1)(B) that the Secretary determines require legislative action.

SEC. 1608. USE OF SMALL- AND MEDIUM-SIZE BUSES FOR STRATEGIC AND TACTICAL SATELLITE PAYLOADS.

(a) BRIEFING ON RISKS, BENEFITS, AND COST SAVINGS.—

(1) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the risks, benefits, and cost savings with respect to using small- and medium-size buses for strategic and tactical satellite payloads for protected satellite communications programs and next-generation overhead persistent infrared systems.

(2) MATTERS INCLUDED.—The briefing provided under paragraph (1) shall address the following:

(A) Increasing component and subcomponent commonality for power regulation, solar arrays, battery technology, thermal control, and avionics.

(B) The security of the supply chain, including a strategy to mitigate risk in such supply chain.

(C) Requirements for radiation hardening of critical components.

(b) ANALYSES OF ALTERNATIVES.—

(1) CERTIFICATIONS.—Upon the completion of each analysis of alternatives of new space vehicles relating to a program described in paragraph (2), the Director for Cost Assessment and Program Evaluation shall certify to the appropriate congressional committees that the analysis—

(A) includes materiel solutions for using small- and medium-size buses; and

(B) considers the relevant operational benefits and potential cost savings of using small-, medium-, and large-size buses.

(2) PROGRAMS DESCRIBED.—The programs described in this paragraph are the programs of the Department of Defense relating to any of the following:

(A) Protected satellite communications.

(B) Next-generation overhead persistent infrared systems.

(C) Space-based environmental monitoring.

(c) BRIEFING ON ALTERNATIVE SPACE-BASED ARCHITECTURES.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of the Air Force, and the Chairman of the Joint Chiefs of Staff shall jointly provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on alternative space-based architectures for the programs described in subsection (b)(2) using small-, medium-, and large-size buses.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

10 USC 2281 note.

SEC. 1609. ENHANCEMENT OF POSITIONING, NAVIGATION, AND TIMING CAPACITY.

(a) CAPABILITY FOR TRUSTED SIGNALS.—

(1) REQUIREMENT.—Except as provided by paragraph (2), subject to appropriate mitigation efforts, the Secretary of the Air Force shall ensure that military Global Positioning System user equipment terminals have the capability to receive trusted signals from the Galileo satellites of the European Union and the QZSS satellites of Japan, beginning with increment 2 of the acquisition of such terminals.

(2) WAIVER.—The Secretary of Defense may waive, on a case-by-case basis, the requirement under paragraph (1) for military Global Positioning System user equipment terminals to have the capability described in such paragraph if the Secretary submits to the congressional defense committees a report containing—

(A) the rationale for why the Secretary could not integrate such capability beginning with increment 2 of the acquisition of such terminals; and

(B) a plan, including a timeline, to incorporate such capability in future increments of such terminals.

(3) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the authority under paragraph (2) to make a waiver below the Deputy Secretary of Defense.

(b) CAPABILITY FOR OTHER SIGNALS.—The Secretary of the Air Force shall ensure that military Global Positioning System user equipment terminals having the capability to receive non-allied positioning, navigation, and timing signals, beginning with increment 2 of the acquisition of such terminals, if the Secretary of Defense, in consultation with the Commander of the United States Strategic Command, determines that—

(1) the benefits of receiving such signals outweigh the risks; or

(2) such risks can be appropriately mitigated.

(c) ENGAGEMENT.—The Secretary of Defense and the Secretary of State shall jointly engage with relevant allies of the United States to—

(1) enable military Global Positioning System user equipment terminals to receive the positioning, navigation, and timing signals of such allies; and

(2) negotiate as appropriate other potential agreements relating to the enhancement of positioning, navigation, and timing.

SEC. 1610. DESIGNATION OF COMPONENT OF DEPARTMENT OF DEFENSE RESPONSIBLE FOR COORDINATION OF MODERNIZATION EFFORTS RELATING TO MILITARY-CODE CAPABLE GPS RECEIVER CARDS.

10 USC 2281 note.

(a) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments and the heads of Defense Agencies the Secretary determines appropriate, shall designate a component of the Office of the Secretary of Defense to be responsible for coordinating common solutions for the M-code modernization efforts among the military departments, Defense Agencies, and other appropriate elements of the Department of Defense.

(b) ROLES AND RESPONSIBILITIES.—The roles and responsibilities of the component selected under subsection (a) shall include the following:

(1) Identify the elements of the Department of Defense and the programs of the Department that require M-code capable receiver cards and determine—

(A) the number of total receiver cards required by the Department, including the number required for each such element and program and the military departments;

(B) the timeline, by fiscal year, for each program of the Department conducting M-code modernization efforts; and

(C) the projected cost for each such program.

(2) Systematically collect integration test data, lessons learned, and design solutions, and share such information with other elements of the Department.

(3) Identify ways the Department can prevent duplication in conducting M-code modernization efforts, and identify, to the extent practicable, potential cost savings that could be realized by addressing such duplication.

(4) Coordinate the integration, testing, and procurement of M-code capable receiver cards to ensure that the Department maximizes the buying power of the Department, reduces duplication, and saves resources, where possible.

(c) SUPPORT.—The Secretary of Defense shall ensure the military departments, the Defense Agencies, and other elements of the Department of Defense provide the component selected under subsection (a) with the appropriate support and resources needed to perform the roles and responsibilities under subsection (b).

(d) REPORTS.—Not later than March 15, 2019, and annually thereafter through 2021, the Secretary of Defense shall provide to the congressional defense committees a report on M-code modernization efforts. Each report shall include, with respect to the period covered by the report, the following:

(1) The projected cost and schedule, by fiscal year, for the Department to acquire M-code capable receiver cards.

(2) The programs of the Department conducting M-code modernization efforts.

(3) The number of M-code capable receiver cards procured by the Department, the number of such receiver cards yet

to be procured, and the percentage of the M-code modernization efforts completed by each program identified under paragraph (2).

(e) DEFINITIONS.—In this section:

(1) The term "M-code capable receiver card" means a Global Positioning System receiver card that is capable of receiving military code that provides enhanced positioning, navigation, and timing capabilities and improved resistance to existing and emerging threats, such as jamming.

(2) The term "M-code modernization efforts" means the development, integration, testing, and procurement programs of the Department of Defense relating to developing M-code capable receiver cards.

10 USC 2271 note.

SEC. 1611. DESIGNATION OF COMPONENT OF DEPARTMENT OF DEFENSE RESPONSIBLE FOR COORDINATION OF HOSTED PAYLOAD INFORMATION.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of the Air Force, and other Secretaries of the military departments and the heads of Defense Agencies the Secretary determines appropriate, shall designate a component of the Department of Defense or a military department to be responsible for coordinating information, processes, and lessons learned relating to using commercially hosted payloads across the military departments, Defense Agencies, and other appropriate elements of the Department of Defense. The functions of such designated component shall include, at a minimum, the following:

(1) Systematically collecting information from past and planned hosted payload arrangements to inform future acquisition planning and space system architecture design, including integration test data, lessons learned, and design solutions.

(2) Creating a centralized database for cost, technical data, and lessons learned on commercially hosted payloads and sharing such information with other elements of the Department.

SEC. 1612. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) JMS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Joint Space Operations Center mission system, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force makes the certification under subsection (c).

(b) ESBMC2.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for service and management applications of the enterprise space battle management command and control, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Air Force makes the certification under subsection (c).

(c) CERTIFICATION.—The Secretary of the Air Force, without delegation, shall certify to the congressional defense committees that the Secretary has entered into a contract to operationalize existing, proven, best-in-breed commercial space situational awareness processing software to address warfighter requirements and fill gaps in current space situational capabilities.

SEC. 1613. EVALUATION AND ENHANCED SECURITY OF SUPPLY CHAIN FOR PROTECTED SATELLITE COMMUNICATIONS PROGRAMS AND OVERHEAD PERSISTENT INFRARED SYSTEMS.

(a) EVALUATIONS OF SUPPLY CHAIN VULNERABILITIES.—

(1) IN GENERAL.—Not later than December 31, 2020, and in accordance with the plan under paragraph (2)(A), the Secretary of Defense, in coordination with the Director of National Intelligence, shall conduct evaluations of the supply chain vulnerabilities of each covered program.

(2) PLAN.—

(A) DEVELOPMENT.—The Secretary shall develop a plan to carry out the evaluations under paragraph (1), including with respect to the personnel and resources required to carry out such evaluations.

(B) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the plan under subparagraph (A).

(3) WAIVER.—The Secretary may waive, on a case-by-case basis with respect to a covered program, either the requirement to conduct an evaluation under paragraph (1) or the deadline specified in such paragraph if the Secretary certifies to the congressional defense committees before such date that all known supply chain vulnerabilities of such covered program have minimal consequences for the capability of such covered program to meet operational requirements or otherwise satisfy mission requirements.

(4) RISK MITIGATION STRATEGIES.—In carrying out an evaluation under paragraph (1), the Secretary shall develop—

(A) strategies for mitigating the risks of supply chain vulnerabilities identified in the course of such evaluation; and

(B) cost estimates for such strategies.

(b) PRIORITIZATION OF CERTAIN SUPPLY CHAIN RISK MANAGEMENT EFFORTS.—

(1) INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a Department of Defense Instruction, or update such an Instruction, establishing the prioritization of supply chain risk management programs, including supply chain risk management threat assessment reporting, to ensure that acquisition and sustainment programs relating to covered programs receive priority of such supply chain risk management programs and reporting.

(2) REQUIREMENTS.—

(A) ESTABLISHMENT.—The Secretary shall establish requirements to carry out supply chain risk management threat assessment collections and analyses under acquisition and sustainment programs relating to covered programs.

(B) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of

Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the requirements established under subparagraph (A).

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "covered programs" means programs of the Department of Defense relating to any of the following:

(A) Protected satellite communications.

(B) Next-generation overhead persistent infrared systems.

SEC. 1614. REPORT ON PROTECTED SATELLITE COMMUNICATIONS.

Not later than December 31, 2018, the Secretary of Defense shall submit to the congressional defense committees a report on how each of the following programs will meet the requirements for resilience, mission assurance, and the nuclear command, control, and communication missions of the Department of Defense:

(1) The evolved strategic satellite program.

(2) The protected tactical service program.

(3) The protected tactical enterprise service program.

SEC. 1615. REPORT ON ENHANCEMENTS TO THE GLOBAL POSITIONING SYSTEM OPERATIONAL CONTROL SEGMENT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that identifies whether the current Global Positioning System Operational Control Segment (in this section referred to as "OCS") can be incrementally improved to achieve capabilities similar to the Next Generation Operational Control Segment (in this section referred to as "OCX") used to operate the Global Positioning System III.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A cybersecurity review of both OCS and OCX to determine the specific cybersecurity improvements needed to operate the system through 2030, including—

(A) the cybersecurity improvements to OCS needed to match the cybersecurity capabilities that OCX is intended to provide;

(B) any additional OCS cybersecurity protections needed beyond those OCX is intended to provide; and

(C) any additional OCX cybersecurity protections needed beyond those for which OCX is currently contracted.

(2) An incremental development plan for OCS, including—

(A) the number of additional incremental upgrades needed to achieve capabilities similar to OCX, including a discussion of—

(i) any additional capabilities needed;

(ii) the specific capabilities in each upgrade;

(iii) the duration of each upgrade; and

(iv) a full schedule to complete all upgrades;

(B) the estimated cost for each incremental OCS upgrade; and

(C) the total estimated cost across fiscal years for all OCS upgrades to achieve capabilities similar to OCX and any additional capabilities.

(3) The date by which the Department of Defense would have to begin contracting for each incremental OCS upgrade to ensure availability of OCS for the Global Positioning System III.

(4) A comparison of current improvements to OCS that are underway, and additional OCS incremental improvements described under paragraph (2), to the program of record OCX capabilities, including—

(A) the acquisition and sustainment cost by fiscal year through fiscal year 2030 for OCS and OCX;

(B) a comparison schedule between OCS (including incremental improvements described under paragraph (2)) and OCX that identifies the delivery dates and capability delivered; and

(C) the cost and schedule required to provide OCX with any additional needed capabilities that are now required and not currently in the program of record.

SEC. 1616. REPORT ON PERSISTENT WEATHER IMAGERY FOR UNITED STATES CENTRAL COMMAND.

(a) REPORT.—Not later than March 1, 2019, the Secretary of the Air Force shall submit to the congressional defense committees a report on options to provide the United States Central Command with persistent weather imagery for the area of operations of the Command beginning not later than January 1, 2026.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A description of long-term options for providing the United States Central Command with persistent weather imagery for the area of operations of the Command that—

(A) do not rely on data provided by a foreign government; and

(B) do not include relocating legacy geostationary operational environmental satellites.

(2) A description of the costs required to carry out each option included in the report.

SEC. 1617. STUDY ON SPACE-BASED RADIO FREQUENCY MAPPING.

(a) STUDY.—The Secretary of Defense and the Director of National Intelligence shall jointly conduct a study on the capabilities of the private sector with respect to space-based radio frequency mapping and associated operations and services for space-based electromagnetic collections. Such study shall address the following:

(1) The near-term commercial market offerings of such operations and services in the United States and outside the United States.

(2) The potential national security benefits to the United States provided by such operations and services.

(3) The potential national security risks to the United States posed by such operations and services.

(4) The sufficiency of existing legal authorities available to the Secretary and the Director to address such potential risks.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Director shall jointly

submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing the study under subsection (a).

SEC. 1618. INDEPENDENT STUDY ON SPACE LAUNCH LOCATIONS.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on space launch locations, including with respect to the development and capacity of existing and new locations. The study shall, at a minimum—

(1) identify how additional locations affect the capability of the Department of Defense to rapidly reconstitute and improve resilience for defense satellite system launches;

(2) identify the capacities of current and new space launch locations, in light of the rapid increase in using commercial space services to support national security space missions and military requirements;

(3) identify partnerships within State government-owned and operated spaceports that should be developed to increase launch capacities and enhance the space resiliency of the United States;

(4) provide recommendations on strategic placement for future space launch sites; and

(5) identify costs associated with additional locations and whether such costs should be borne by the Department of Defense, State governments, or private entities.

(b) SUBMISSION TO DOD.—Not later than 240 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Secretary a report containing the study conducted under subsection (a).

(c) SUBMISSION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the report under subsection (a), without change.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1619. BRIEFING ON COMMERCIAL SATELLITE SERVICING CAPABILITIES.

(a) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall jointly provide the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing detailing the costs, risks, and operational benefits of leveraging commercial satellite servicing capabilities for national security satellite systems.

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

(1) A prioritized list, with rationale, of operational and planned assets of the Department of Defense that could be enhanced by satellite servicing missions.

(2) The costs, risks, and benefits of integrating satellite servicing capabilities as a part of operational resilience.

(3) Potential strategies that could allow future national security space systems to leverage commercial on-orbit servicing capabilities where appropriate and feasible.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committee" means—

(1) the congressional defense committees;

(2) the Committee on Science, Space, and Technology and the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. ROLE OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

Subsection (b) of section 137 of title 10, United States Code, is amended to read as follows:

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall—

"(1) have responsibility for the overall direction and supervision for policy, program planning and execution, and use of resources, for the activities of the Department of Defense that are part of the Military Intelligence Program;

"(2) execute the functions for the National Intelligence Program of the Department of Defense under section 105 of the National Security Act of 1947 (50 U.S.C. 3038), as delegated by the Secretary of Defense;

"(3) have responsibility for the overall direction and supervision for policy, program planning and execution, and use of resources, for personnel security, physical security, industrial security, and the protection of classified information and controlled unclassified information, related activities of the Department of Defense; and

"(4) perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.".

SEC. 1622. SECURITY VETTING FOR FOREIGN NATIONALS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1564a the following new section:

"§ 1564b. Security vetting for foreign nationals

10 USC 1564b.

"(a) STANDARDS AND PROCESS.—(1) The Secretary of Defense, in coordination with the Security Executive Agent established pursuant to Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note), shall develop uniform and consistent standards and a centralized process for the screening and vetting of covered foreign

individuals requiring access to systems, facilities, personnel, information, or operations, of the Department of Defense, including with respect to the background investigations of covered foreign individuals requiring access to classified information.

"(2) The Secretary shall ensure that the standards developed under paragraph (1) are consistent with relevant directives of the Security Executive Agent.

"(3) The Secretary shall designate an official of the Department of Defense to be responsible for executing the centralized process developed under paragraph (1) and adjudicating any information discovered pursuant to such process.

"(b) OTHER USES.—In addition to using the centralized process developed under subsection (a)(1) for covered foreign individuals, the Secretary may use the centralized process in determining whether to grant a security clearance to any individual with significant foreign influence or foreign preference issues, in accordance with the adjudicative guidelines under part 147 of title 32, Code of Federal Regulations, or such successor regulation.

"(c) COVERED FOREIGN INDIVIDUAL DEFINED.—In this section, the term 'covered foreign individual' means an individual who meets the following criteria:

"(1) The individual is—

"(A) a national of a foreign state;

"(B) a national of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) and also a national of a foreign state; or

"(C) an alien who is lawfully admitted for permanent residence (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

"(2) The individual is either—

"(A) a civilian employee of the Department of Defense or a contractor of the Department; or

"(B) a member of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1564a the following new item:

10 USC prec. 1561.

"1564b. Security vetting for foreign nationals.".

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on—

(A) the process developed under paragraph (1) of section 1564b(a) of title 10, United States Code, as added by subsection (a); and

(B) the official designated under paragraph (3) of such section 1564b(a).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Armed Services of the House of Representatives and the Senate.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1623. DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) ADDITION OF DUAL-NATIONALS.—Subsection (b) of section 1564a of title 10, United States Code, is amended to read as follows:

"(b) PERSONS COVERED.—Except as provided in subsection (d), the following persons are subject to this section:

"(1) With respect to persons whose duties are described in subsection (c)—

"(A) military and civilian personnel of the Department of Defense;

"(B) personnel of defense contractors;

"(C) persons assigned or detailed to the Department of Defense; and

"(D) applicants for a position in the Department of Defense.

"(2) A person who is—

"(A) a national of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) and also a national of a foreign state; and

"(B) either—

"(i) a civilian employee or contractor who requires access to classified information; or

"(ii) a member of the armed forces who requires access to classified information.".

(b) STANDARDS FOR DUAL-NATIONALS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(D) With respect to persons described in subsection (b)(2), to assist in assessing any counterintelligence threats identified in an authorized investigation of foreign preference or foreign influence risks, as described in part 147 of title 32, Code of Federal Regulations, or such successor regulations.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c), by striking "in subsection (b)" and inserting "in subsection (b)(1)"; and

(2) in subsection (e)(2)(A), by striking "in subsections (b)" and inserting "in subsections (b)(1)".

(d) RULE OF CONSTRUCTION.—Nothing in section 1564a of title 10, United States Code, as amended by this section, shall be construed to prohibit the granting of a security clearance to persons described in subsection (b)(2) of such section absent information relevant to the adjudication process, as described in part 147 of title 32, Code of Federal Regulations, or such successor regulations. 10 USC 1564a note.

SEC. 1624. DEFENSE INTELLIGENCE BUSINESS MANAGEMENT SYSTEMS. 10 USC 2222 note.

(a) STANDARDIZED BUSINESS PROCESS RULES.—

(1) DEVELOPMENT.—Not later than October 1, 2020, the Chief Management Officer of the Department of Defense, in coordination with the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Intelligence, shall

develop and implement standardized business process rules for the planning, programming, budgeting, and execution process for the Military Intelligence Program.

(2) TREATMENT OF DATA.—The Chief Management Officer shall develop the standardized business process rules under paragraph (1) in accordance with section 911 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1519; 10 U.S.C. 2222 note) and section 2222(e)(6) of title 10, United States Code.

(3) USE OF EXISTING SYSTEMS.—In developing the standardized business process rules under paragraph (1), to the extent practicable, the Chief Management Officer shall use enterprise business systems of the Department of Defense in existence as of the date of the enactment of this Act.

(4) REPORT.—Not later than March 1, 2019, the Chief Management Officer of the Department of Defense, the Under Secretary of Defense (Comptroller), and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate congressional committees a report containing a plan to develop the standardized business process rules under paragraph (1).

(5) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(b) PROGRAM ELEMENTS.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 239b.

"§ 239b. Certain intelligence-related programs: budget justification materials

"(a) PROHIBITION ON USE OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2021 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense may not include in any single program element both funds made available under the Military Intelligence Program and funds made available outside of the Military Intelligence Program.

"(b) DEFINITIONS.—In this section:

"(1) The term 'budget' has the meaning given that term in section 231(f) of this title.

"(2) The term 'defense budget materials' has the meaning given that term in section 231(f) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 239a the following new item:

10 USC prec. 221.

"239b. Certain intelligence-related programs: budget justification materials.".

SEC. 1625. MODIFICATION TO ANNUAL BRIEFING ON THE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE REQUIREMENTS OF THE COMBATANT COMMANDS.

(a) IN GENERAL.—Section 1626 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal

Year 2015 (Public Law 113–291; 128 Stat. 3635), as amended by section 1624 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1732), is further amended—

(1) in the matter preceding paragraph (1), by striking "2020" and inserting "2025"; and

(2) in paragraph (1)—

(A) in subparagraph (B), by striking "; and" and inserting a semicolon; and

(B) by adding at the end the following new subparagraph:

"(D) for the year preceding the year in which the briefing is provided—

"(i) the number of hours or amount of capacity of intelligence, surveillance, and reconnaissance requested by each commander of a combatant command, by specific intelligence capability type;

"(ii) the number of such requests identified under clause (i) that the Joint Chiefs of Staff determined to be a validated requirement, including the number of hours or amount of capacity of such requests that were provided to each such commander; and

"(iii) with respect to such validated requirements, the number of hours or amount of capacity of intelligence, surveillance, and reconnaissance, by specific intelligence capability type, that the Joint Chiefs of Staff requested each military department to provide, and the number of such hours or the amount of such capacity so provided by each such military department; and".

(b) CODIFICATION.—Such section 1626, as amended by subsection (a), is—

(1) transferred to chapter 21 of title 10, United States Code; and

(2) redesignated as subsection (c) of section 426 of such title.

SEC. 1626. FRAMEWORK ON GOVERNANCE, MISSION MANAGEMENT, RESOURCING, AND EFFECTIVE OVERSIGHT OF COMBAT SUPPORT AGENCIES THAT ARE ALSO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

10 USC 193 note.

(a) FRAMEWORK REQUIRED.—

(1) IN GENERAL.—In accordance with section 105 of the National Security Act of 1947 (50 U.S.C. 3038), section 193 of title 10, United States Code, and section 1018 of the National Security Intelligence Reform Act of 2004 (Public Law 108–458; 50 U.S.C. 3023 note), the Secretary of Defense, in coordination with the Director of National Intelligence, shall develop and establish in policy a framework and supporting processes within the Department of Defense to help ensure that the missions, roles, and functions of the combat support agencies of the Department of Defense that are also elements of the intelligence community, and other intelligence components of the Department, are appropriately balanced and resourced.

(2) SCOPE.—The framework shall include a consistent, repeatable process for the evaluation of proposed additions, transfers, or eliminations of a mission, role, or functions and

associated resource profiles of the elements described in paragraph (1) for purposes of preventing imbalances in priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.

(b) ELEMENTS.—The framework required by subsection (a) shall include the following:

(1) A lexicon of relevant terms used by the Department of Defense and the Office of the Director of National Intelligence that—

(A) ensures consistent definitions are used in determinations about the balance described in subsection (a)(1); and

(B) reconciles jointly used definitions.

(2) A reevaluation of the intelligence components of the Department, including the Joint Intelligence Centers and Joint Intelligence Operations Centers within the combatant commands, in order to determine which components should be formally designated as part of the intelligence community and any components not so designated conform to relevant tradecraft standards.

(3) A repeatable process of the Department for evaluating the addition, transfer, or elimination of defense intelligence missions, roles, and functions, currently or to be performed by elements described in subsection (a)(1) that includes—

(A) a justification for any proposed addition, transfer, or elimination of a mission, role, or function;

(B) the identification of the elements in the Federal Government, if any, that currently perform the mission, role, or function concerned;

(C) for any proposed addition of a mission, role, or function, an assessment of the most appropriate element of the Department to assume it, taking into account current resource profiles, scope of existing responsibilities, primary customers, and infrastructure necessary to support the addition; and

(D) for any proposed addition or transfer of a mission, role, or function—

(i) a determination of the appropriate resource profile for such mission, role, or function; and

(ii) the identification, in writing, for the Department elements concerned of the resources anticipated to be needed and source of such resources during the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, as in effect at the time of the proposed addition or transfer.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Director, shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a briefing on the framework required by subsection (a).

(d) POLICY.—Not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Director, shall submit to the appropriate congressional committees a report setting forth the policy establishing the framework required by subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "combat support agency" has the meaning given that term in section 193 of title 10, United States Code.

(3) The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

Subtitle C—Cyberspace-Related Matters

SEC. 1631. REORGANIZATION AND CONSOLIDATION OF CERTAIN CYBER PROVISIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by transferring sections 130g, 130j, and 130k to chapter 19 of such part to appear after section 393 of such chapter; and

(2) by redesignating such sections 130g, 130j, and 130k, as transferred by paragraph (1), as sections 394, 395, and 396, respectively.

(b) CONFORMING AMENDMENT.—Section 108(m) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1507(m)) is amended by striking "under section 130g" and inserting "under section 394".

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 3 of title 10, United States Code, is amended by striking the items relating to sections 130g, 130j, and 130k. 10 USC prec. 121.

(2) The table of sections at the beginning of chapter 19 of such title is amended by adding at the end the following new items: 10 USC prec. 121.

"394. Authorities concerning military cyber operations.

"395. Notification requirements for sensitive military cyber operations.

"396. Notification requirements for cyber weapons.".

SEC. 1632. AFFIRMING THE AUTHORITY OF THE SECRETARY OF DEFENSE TO CONDUCT MILITARY ACTIVITIES AND OPERATIONS IN CYBERSPACE.

Section 394 of title 10, United States Code (as transferred and redesignated pursuant to section 1631), is amended—

(1) by striking "The Secretary" and inserting the following: "(a) IN GENERAL.—The Secretary";

(2) in subsection (a), as designated by paragraph (1)—

(A) by striking "conduct, a military cyber operation in response" and inserting "conduct, military cyber activities or operations in cyberspace, including clandestine military activities or operations in cyberspace, to defend the United States and its allies, including in response"; and

(B) by striking "(as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801))"; and

(3) by adding at the end the following new subsections:

"(b) AFFIRMATION OF AUTHORITY.—Congress affirms that the activities or operations referred to in subsection (a), when appropriately authorized, include the conduct of military activities or operations in cyberspace short of hostilities (as such term is used in the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.)) or in areas in which hostilities are not occurring, including for the purpose of preparation of the environment, information operations, force protection, and deterrence of hostilities, or counterterrorism operations involving the Armed Forces of the United States.

"(c) CLANDESTINE ACTIVITIES OR OPERATIONS.—A clandestine military activity or operation in cyberspace shall be considered a traditional military activity for the purposes of section 503(e)(2) of the National Security Act of 1947 (50 U.S.C. 3093(e)(2)).

"(d) CONGRESSIONAL OVERSIGHT.—The Secretary shall brief the congressional defense committees about any military activities or operations in cyberspace, including clandestine military activities or operations in cyberspace, occurring during the previous quarter during the quarterly briefing required by section 484 of this title.

"(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary to conduct military activities or operations in cyberspace, including clandestine military activities or operations in cyberspace, to authorize specific military activities or operations, or to alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.), the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), or reporting of sensitive military cyber activities or operations required by section 395 of this title.

"(f) DEFINITIONS.—In this section:

"(1) The term 'clandestine military activity or operation in cyberspace' means a military activity or military operation carried out in cyberspace, or associated preparatory actions, authorized by the President or the Secretary that—

"(A) is marked by, held in, or conducted with secrecy, where the intent is that the activity or operation will not be apparent or acknowledged publicly; and

"(B) is to be carried out—

"(i) as part of a military operation plan approved by the President or the Secretary in anticipation of hostilities or as directed by the President or the Secretary;

"(ii) to deter, safeguard, or defend against attacks or malicious cyber activities against the United States or Department of Defense information, networks, systems, installations, facilities, or other assets; or

"(iii) in support of information related capabilities.

"(2) The term 'foreign power' has the meaning given such term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(3) The term 'United States person' has the meaning given such term in such section.".

SEC. 1633. DEPARTMENT OF DEFENSE CYBER SCHOLARSHIP PROGRAM SCHOLARSHIPS AND GRANTS.

(a) ADDITIONAL CONSIDERATIONS.—Section 2200c of title 10, United States Code, is amended—

(1) by inserting before "In the selection" the following: "(a) CENTERS OF ACADEMIC EXCELLENCE IN CYBER EDUCATION.—"; and

(2) by adding at the end the following new subsection: "(b) CERTAIN INSTITUTIONS OF HIGHER EDUCATION.—In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

"(1) in the case of a scholarship, the institution of higher education at which the recipient pursues a degree is an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); and

"(2) in the case of a grant, the recipient is an institution described in such section.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2200c of title 10, United States Code, is amended to read as follows:

"§ 2200c. Special considerations in awarding scholarships and grants".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 112 of title 10, United States Code, is amended by striking the item relating to section 2200c and inserting the following new item: 10 USC prec. 2200.

"2200c. Special considerations in awarding scholarships and grants.".

SEC. 1634. AMENDMENTS TO PILOT PROGRAM REGARDING CYBER VULNERABILITIES OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE.

Subsection (b) of section 1650 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2224 note) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting "and the Defense Digital Service" after "covered research laboratory";

(2) in paragraph (4), in the matter preceding subparagraph (A), by striking "2019" and inserting "2020"; and

(3) in paragraph (5), by striking "2019" and inserting "2020".

SEC. 1635. MODIFICATION OF ACQUISITION AUTHORITY OF THE COMMANDER OF THE UNITED STATES CYBER COMMAND.

(a) MODIFICATION OF LIMITATION ON USE OF CYBER OPERATIONS PROCUREMENT FUND.—Subsection (e) of section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note) is amended by striking "2021" and inserting "2025".

(b) EXTENSION ON SUNSET.—Subsection (i)(1) of such section is amended by striking "September 30, 2021" and inserting "September 30, 2025".

10 USC 394 note.

SEC. 1636. POLICY OF THE UNITED STATES ON CYBERSPACE, CYBERSECURITY, CYBER WARFARE, AND CYBER DETERRENCE.

(a) IN GENERAL.—It shall be the policy of the United States, with respect to matters pertaining to cyberspace, cybersecurity, and cyber warfare, that the United States should employ all instruments of national power, including the use of offensive cyber capabilities, to deter if possible, and respond to when necessary, all cyber attacks or other malicious cyber activities of foreign powers that target United States interests with the intent to—

(1) cause casualties among United States persons or persons of United States allies;

(2) significantly disrupt the normal functioning of United States democratic society or government (including attacks against critical infrastructure that could damage systems used to provide key services to the public or government);

(3) threaten the command and control of the Armed Forces, the freedom of maneuver of the Armed Forces, or the industrial base or other infrastructure on which the United States Armed Forces rely to defend United States interests and commitments; or

(4) achieve an effect, whether individually or in aggregate, comparable to an armed attack or imperil a vital interest of the United States.

(b) RESPONSE OPTIONS.—In carrying out the policy set forth in subsection (a), the United States shall plan, develop, and, when appropriate, demonstrate response options to address the full range of potential cyber attacks on United States interests that could be conducted by potential adversaries of the United States.

(c) DENIAL OPTIONS.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall, to the greatest extent practicable, prioritize the defensibility and resiliency against cyber attacks and malicious cyber activities described in subsection (a) of infrastructure critical to the political integrity, economic security, and national security of the United States.

(d) COST-IMPOSITION OPTIONS.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall develop and, when appropriate, demonstrate, or otherwise make known to adversaries the existence of, cyber capabilities to impose costs on any foreign power targeting the United States or United States persons with a cyber attack or malicious cyber activity described in subsection (a).

(e) MULTI-PRONG RESPONSE.—In carrying out the policy set forth in subsection (a) through response options developed pursuant to subsection (b), the United States shall leverage all instruments of national power.

(f) UPDATE ON PRESIDENTIAL POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit, in unclassified and classified forms, as appropriate, to the appropriate congressional committees a report containing an update to the report provided to the Congress on the policy of the United States on cyberspace, cybersecurity, and cyber warfare pursuant to section 1633 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 130g note).

(2) CONTENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of the current posture in cyberspace, including assessments of—

(i) whether past responses to major cyber attacks have had the desired deterrent effect; and

(ii) how adversaries have responded to past United States responses.

(B) Updates on the Administration's efforts in the development of—

(i) cost imposition strategies;

(ii) varying levels of cyber incursion and steps taken to date to prepare for the imposition of the consequences referred to in clause (i); and

(iii) the Cyber Deterrence Initiative.

(C) Information relating to the Administration's plans, including specific planned actions, regulations, and legislative action required, for—

(i) advancing technologies in attribution, inherently secure technology, and artificial intelligence society-wide;

(ii) improving cybersecurity in and cooperation with the private sector;

(iii) improving international cybersecurity cooperation; and

(iv) implementing the policy referred to in paragraph (1), including any realignment of government or government responsibilities required, writ large.

(f) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the President or Congress to authorize the use of military force.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Permanent Select Committee on Intelligence of the House of Representatives;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(E) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) FOREIGN POWER.—The term "foreign power" has the meaning given such term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1637. BUDGET DISPLAY FOR CYBER VULNERABILITY EVALUATIONS AND MITIGATION ACTIVITIES FOR MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

10 USC 221 note.

(a) BUDGET REQUIRED.—Beginning in fiscal year 2021 and in each fiscal year thereafter, the Secretary of Defense shall submit to Congress, as a part of the documentation that supports the

President's annual budget for the Department of Defense, a consolidated Cyber Vulnerability Evaluation and Mitigation budget justification display for each major weapons system of the Department of Defense that includes the following:

(1) CYBER VULNERABILITY EVALUATIONS.—

(A) STATUS.—Whether, in accordance with paragraph (1) of section 1647(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118), the cyber vulnerability evaluation for each such major weapon system is pending, in progress, complete, or, pursuant to paragraph (2) of such section, waived.

(B) FUNDING.—The funding required for the fiscal year with respect to which the budget is submitted and for at least the four succeeding fiscal years required to complete the pending or in progress cyber vulnerability evaluation of each such major weapon system.

(C) DESCRIPTION.—A description of the activities planned in the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years to complete the required evaluation for each such major weapon system.

(D) RISK ANALYSIS.—A description of operational or security risks associated with cyber vulnerabilities identified as a result of such cyber vulnerability evaluations that require mitigation.

(2) MITIGATION ACTIVITIES.—

(A) STATUS.—Whether activities to address identified cyber vulnerabilities of such major weapon systems resulting in operational or security risks requiring mitigation are pending, in progress, or complete.

(B) FUNDING.—The funding required for the fiscal year with respect to which the budget is submitted and for at least the four succeeding fiscal years required to complete the pending or in progress mitigation activities referred to in subparagraph (A) related to such major weapon systems.

(C) DESCRIPTION.—A description of the activities planned in the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years to complete any necessary mitigation.

(b) FORM.—The display required under subsection (a) should, to the extent practicable, be submitted in an unclassified form, and shall include a classified annex as required.

SEC. 1638. DETERMINATION OF RESPONSIBILITY FOR THE DEPARTMENT OF DEFENSE INFORMATION NETWORKS.

(a) IN GENERAL.—Not later than March 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report containing a determination regarding the roles, missions, and responsibilities of the Commander, Joint Force Headquarters–Department of Defense Information Networks (JFHQ–DODIN) of the Defense Information Support Agency.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the current JFHQ-DODIN command and control structure, adequacy of the Defense Information

Support Agency's institutional support for the JFHQ-DODIN mission, resource requirements, and mission effectiveness.

(2)(A) A determination and justification regarding—

(i) a transfer to the Commander, United States Cyber Command, from the JFHQ-DODIN of some or all roles, missions, and responsibilities of the JFHQ-DODIN; or

(ii) retention in the JFHQ-DODIN of such roles, missions, and responsibilities.

(B) If a determination under subparagraph (A)(i) is made in the affirmative regarding a transfer to the Commander, United States Cyber Command, from the JFHQ-DODIN of some or all roles, missions, and responsibilities of the JFHQ-DODIN, such report shall include the following:

(i) An identification of roles, missions, and responsibilities to be transferred.

(ii) A timeline for any such transfers.

(iii) A strategy for mitigating risk and ensuring no mission degradation.

SEC. 1639. PROCEDURES AND REPORTING REQUIREMENT ON CYBERSECURITY BREACHES AND LOSS OF PERSONALLY IDENTIFIABLE INFORMATION AND CONTROLLED UNCLASSIFIED INFORMATION.

10 USC 2224 note.

(a) IN GENERAL.—In the event of a significant loss of personally identifiable information of civilian or uniformed members of the Armed Forces, or a significant loss of controlled unclassified information by a cleared defense contractor, the Secretary of Defense shall promptly submit to the congressional defense committees notice in writing of such loss. Such notice may be submitted in classified or unclassified formats.

(b) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish and submit to the congressional defense committees procedures for complying with the requirement of subsection (a). Such procedures shall be consistent with the national security of the United States, the protection of operational integrity, the protection of personally identifiable information of civilian and uniformed members of the Armed Forces, and the protection of controlled unclassified information.

(c) DEFINITIONS.—In this section:

(1) SIGNIFICANT LOSS OF CONTROLLED UNCLASSIFIED INFORMATION.—The term "significant loss of controlled unclassified information" means an intentional, accidental, or otherwise known theft, loss, or disclosure of Department of Defense programmatic or technical controlled unclassified information the loss of which would have significant impact or consequence to a program or mission of the Department of Defense, or the loss of which is of substantial volume.

(2) SIGNIFICANT LOSS OF PERSONALLY IDENTIFIABLE INFORMATION.—The term "significant loss of personally identifiable information" means an intentional, accidental, or otherwise known disclosure of information that can be used to distinguish or trace an individual's identity, such as the name, Social Security number, date and place of birth, biometric records, home or other phone numbers, or other demographic, personnel, medical, or financial information, involving 250 or more civilian or uniformed members of the Armed Forces.

10 USC 2200 note.

SEC. 1640. PROGRAM TO ESTABLISH CYBER INSTITUTES AT INSTITUTIONS OF HIGHER LEARNING.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to establish a Cyber Institute at institutions of higher learning selected under subsection (b) for purposes of accelerating and focusing the development of foundational expertise in critical cyber operational skills for future military and civilian leaders of the Armed Forces and the Department of Defense, including such leaders of the reserve components.

(b) SELECTED INSTITUTIONS OF HIGHER LEARNING.—

(1) IN GENERAL.—The Secretary of Defense shall select institutions of higher learning for purposes of the program established under subsection (a) from among institutions of higher learning that have a Reserve Officers' Training Corps program.

(2) CONSIDERATION OF SENIOR MILITARY COLLEGES.—In selecting institutions of higher learning under paragraph (1), the Secretary shall consider the senior military colleges with Reserve Officers' Training Corps programs.

(c) ELEMENTS.—Each institute established under the program authorized by subsection (a) shall include the following:

(1) Programs to provide future military and civilian leaders of the Armed Forces or the Department of Defense who possess cyber operational expertise from beginning through advanced skill levels. Such programs shall include instruction and practical experiences that lead to recognized certifications and degrees in the cyber field.

(2) Programs of targeted strategic foreign language proficiency training for such future leaders that—

(A) are designed to significantly enhance critical cyber operational capabilities; and

(B) are tailored to current and anticipated readiness requirements.

(3) Programs related to mathematical foundations of cryptography and courses in cryptographic theory and practice designed to complement and reinforce cyber education along with the strategic language programs critical to cyber operations.

(4) Programs related to data science and courses in data science theory and practice designed to complement and reinforce cyber education along with the strategic language programs critical to cyber operations.

(5) Programs designed to develop early interest and cyber talent through summer programs, dual enrollment opportunities for cyber, strategic language, data science, and cryptography related courses.

(6) Training and education programs to expand the pool of qualified cyber instructors necessary to support cyber education in regional school systems.

(d) PARTNERSHIPS WITH DEPARTMENT OF DEFENSE AND THE ARMED FORCES.—Any institute established under the program authorized by subsection (a) may enter into a partnership with one or more components of the Armed Forces, active or reserve, or any agency of the Department of Defense to facilitate the development of critical cyber skills for students who may pursue a military career.

(e) PARTNERSHIPS.—Any institute established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of critical cyber skills.

(f) SENIOR MILITARY COLLEGES DEFINED.—The term "senior military colleges" has the meaning given such term in section 2111a(f) of title 10, United States Code.

SEC. 1641. MATTERS PERTAINING TO THE SHARKSEER CYBERSECURITY PROGRAM.

10 USC 2224 note.

(a) TRANSFER OF PROGRAM.—Not later than March 1, 2019, the Secretary of Defense shall transfer the operations and maintenance for the Sharkseer cybersecurity program from the National Security Agency to the Defense Information Systems Agency, including all associated funding and, as the Secretary considers necessary, personnel.

(b) LIMITATION ON FUNDING FOR THE INFORMATION SYSTEMS SECURITY PROGRAM.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 or any subsequent fiscal year for research, development, test, and evaluation for the Information Systems Security Program for the National Security Agency, not more than 90 percent may be obligated or expended unless the Chief of Information Officer, in consultation with the Principal Cyber Advisor, certifies to the congressional defense committees that the operations and maintenance funding for the Sharkseer program for fiscal year 2019 and the subsequent fiscal years of the current Future Years Defense Program are available or programmed.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Chief Information Officer shall provide to the congressional defense committees a report that assesses the transition of base operations of the SharkSeer program to the Defense Information Systems Agency, including with respect to staffing, acquisition, contracts, sensor management, and the ability to conduct cyber threat analyses and detect advanced malware. Such report shall also include a plan for continued capability development.

(d) SHARKSEER BREAK AND INSPECT CAPABILITY.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that the decryption capability described in section 1636 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is provided by the break and inspect subsystem of the Sharkseer cybersecurity program, unless the Chief of Information Officer, in consultation with the Principal Cyber Advisor, notifies the congressional defense committees on or before the date that is 90 days after the date of the enactment of this Act that a superior enterprise solution will be operational before October 1, 2019.

(2) INTEGRATION OF CAPABILITY.—The Secretary shall take such actions as are necessary to integrate the break and inspect subsystem of the Sharkseer cybersecurity program with the Department of Defense public key infrastructure.

(e) VISIBILITY TO ENDPOINTS.—The Secretary shall take such actions as are necessary to enable, by October 1, 2020, the Sharkseer cybersecurity program and computer network defense

service providers to instantly and automatically determine the specific identity and location of computer hosts and other endpoints that received or sent malware detected by the Sharkseer cybersecurity program or other network perimeter defenses.

(f) SANDBOX AS A SERVICE.—The Secretary shall use the Sharkseer cybersecurity program sandbox-as-a-service capability as an enterprise solution and terminate all other such projects, unless the Chief of Information Officer, in consultation with the Principal Cyber Advisor, notifies the congressional defense committees on or before the date that is 90 days after the date of the enactment of this Act that a superior enterprise solution will be operational before October 1, 2019.

10 USC 394 note.

SEC. 1642. ACTIVE DEFENSE AGAINST THE RUSSIAN FEDERATION, PEOPLE'S REPUBLIC OF CHINA, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, AND ISLAMIC REPUBLIC OF IRAN ATTACKS IN CYBERSPACE.

(a) AUTHORITY TO DISRUPT, DEFEAT, AND DETER CYBER ATTACKS.—

(1) IN GENERAL.—In the event that the National Command Authority determines that the Russian Federation, People's Republic of China, Democratic People's Republic of Korea, or Islamic Republic of Iran is conducting an active, systematic, and ongoing campaign of attacks against the Government or people of the United States in cyberspace, including attempting to influence American elections and democratic political processes, the National Command Authority may authorize the Secretary of Defense, acting through the Commander of the United States Cyber Command, to take appropriate and proportional action in foreign cyberspace to disrupt, defeat, and deter such attacks under the authority and policy of the Secretary of Defense to conduct cyber operations and information operations as traditional military activities.

(2) NOTIFICATION AND REPORTING.—

(A) NOTIFICATION OF OPERATIONS.—In exercising the authority provided in paragraph (1), the Secretary shall provide notices to the congressional defense committees in accordance with section 395 of title 10, United States Code (as transferred and redesignated pursuant to section 1631).

(B) QUARTERLY REPORTS BY COMMANDER OF THE UNITED STATES CYBER COMMAND.—

(i) IN GENERAL.—In any fiscal year in which the Commander of the United States Cyber Command carries out an action under paragraph (1), the Secretary of Defense shall, not less frequently than quarterly, submit to the congressional defense committees a report on the actions of the Commander under such paragraph in such fiscal year.

(ii) MANNER OF REPORTING.—Reports submitted under clause (i) shall be submitted in a manner that is consistent with the recurring quarterly report required by section 484 of title 10, United States Code.

(b) PRIVATE SECTOR COOPERATION.—The Secretary may make arrangements with private sector entities, on a voluntary basis, to share threat information related to malicious cyber actors, and any associated false online personas or compromised infrastructure,

associated with a determination under subsection (a)(1), consistent with the protection of sources and methods and classification guidelines, as necessary.

(c) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to the congressional defense committees, the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on—

(1) the scope and intensity of the information operations and attacks through cyberspace by the countries specified in subsection (a)(1) against the government or people of the United States observed by the cyber mission forces of the United States Cyber Command and the National Security Agency; and

(2) adjustments of the Department of Defense in the response directed or recommended by the Secretary with respect to such operations and attacks.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) limit the authority of the Secretary to conduct military activities or operations in cyberspace, including clandestine activities or operations in cyberspace; or

(2) affect the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.) or the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

SEC. 1643. DESIGNATION OF OFFICIAL FOR MATTERS RELATING TO INTEGRATING CYBERSECURITY AND INDUSTRIAL CONTROL SYSTEMS WITHIN THE DEPARTMENT OF DEFENSE.

10 USC 2224 note.

(a) DESIGNATION OF INTEGRATING OFFICIAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate one official to be responsible for matters relating to integrating cybersecurity and industrial control systems for the Department of Defense.

(b) RESPONSIBILITIES.—The official designated pursuant to subsection (a) shall be responsible for matters described in such subsection at all levels of command, from the Department's leadership to the facilities owned by or operated on behalf of the Department of Defense using industrial control systems, including developing Department-wide certification standards for integration of industrial control systems and taking into consideration frameworks set forth by the National Institute of Standards and Technology for the cybersecurity of such systems.

SEC. 1644. ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN AND UNIVERSITIES ON MATTERS RELATING TO CYBERSECURITY.

10 USC 2224 note.

(a) DISSEMINATION OF CYBERSECURITY RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Director of the National Institute of Standards and Technology, shall take such actions as may be necessary to enhance awareness of cybersecurity threats among small manufacturers and universities working on Department of Defense programs and activities.

(2) PRIORITY.—The Secretary of Defense shall prioritize efforts to increase awareness to help reduce cybersecurity risks faced by small manufacturers and universities referred to in paragraph (1).

(3) SECTOR FOCUS.—The Secretary of Defense shall carry out this subsection with a focus on such small manufacturers and universities as the Secretary considers critical.

(4) OUTREACH EVENTS.—Under paragraph (1), the Secretary of Defense shall conduct outreach to support activities consistent with this section. Such outreach may include live events with a physical presence and outreach conducted through Internet websites. Such outreach may include training, including via courses and classes, to help small manufacturers and universities improve their cybersecurity.

(5) ROADMAPS AND ASSESSMENTS.—The Secretary of Defense shall ensure that cybersecurity for defense industrial base manufacturing is included in appropriate research and development roadmaps and threat assessments.

(b) VOLUNTARY CYBERSECURITY SELF-ASSESSMENTS.—The Secretary of Defense shall develop mechanisms to provide assistance to help small manufacturers and universities conduct voluntary self-assessments in order to understand operating environments, cybersecurity requirements, and existing vulnerabilities, including through the Mentor Protégé Program, small business programs, and engagements with defense laboratories and test ranges.

(c) TRANSFER OF RESEARCH FINDINGS AND EXPERTISE.—

(1) IN GENERAL.—The Secretary of Defense shall promote the transfer of appropriate technology, threat information, and cybersecurity techniques developed in the Department of Defense to small manufacturers and universities throughout the United States to implement security measures that are adequate to protect covered defense information, including controlled unclassified information.

(2) COORDINATION WITH OTHER FEDERAL EXPERTISE AND CAPABILITIES.—The Secretary of Defense shall coordinate efforts, when appropriate, with the expertise and capabilities that exist in Federal agencies and federally sponsored laboratories.

(3) AGREEMENTS.—In carrying out this subsection, the Secretary of Defense may enter into agreements with private industry, institutes of higher education, or a State, United States territory, local, or tribal government to ensure breadth and depth of coverage to the United States defense industrial base and to leverage resources.

(d) DEFENSE ACQUISITION WORKFORCE CYBER TRAINING PROGRAM.—The Secretary of Defense shall establish a cyber counseling certification program, or approve a similar existing program, to certify small business professionals and other relevant acquisition staff within the Department of Defense to provide cyber planning assistance to small manufacturers and universities.

(e) ESTABLISHMENT OF CYBERSECURITY FOR DEFENSE INDUSTRIAL BASE MANUFACTURING ACTIVITY.—

(1) AUTHORITY.—The Secretary of Defense may establish an activity to assess and strengthen the cybersecurity resiliency of the defense industrial base, if the Secretary determines such is appropriate.

(2) DESIGNATION.—The activity described in paragraph (1), if established, shall be known as the "Cybersecurity for Defense Industrial Base Manufacturing Activity".

(3) SPECIFICATION.—The Cybersecurity for Defense Industrial Base Manufacturing Activity, if established, shall implement the requirements specified in subsections (a) through (c).

(f) AUTHORITIES.—In carrying out this section, the Secretary may use the following authorities:

(1) The Manufacturing Technology Program established under section 2521 of title 10, United States Code.

(2) The Centers for Science, Technology, and Engineering Partnership program under section 2368 of title 10, United States Code.

(3) The Manufacturing Engineering Education Program established under section 2196 of title 10, United States Code.

(4) The Small Business Innovation Research program.

(5) The mentor-protégé program.

(6) Other legal authorities as the Secretary determines necessary to effectively and efficiently carry out this section.

(g) DEFINITIONS.—In this section:

(1) RESOURCES.—The term "resources" means guidelines, tools, best practices, standards, methodologies, and other ways of providing information.

(2) SMALL BUSINESS CONCERN.—The term "small business concern" means a small business concern as that term is used in section 3 of the Small Business Act (15 U.S.C. 632).

(3) SMALL MANUFACTURER.—The term "small manufacturer" means a small business concern that is a manufacturer in the defense industrial supply chain.

(4) STATE.—The term "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1645. EMAIL AND INTERNET WEBSITE SECURITY AND AUTHENTICATION.

10 USC 2224 note.

(a) IMPLEMENTATION OF PLAN REQUIRED.—Except as provided by subsection (b), the Secretary of Defense shall develop and implement the plan outlined in Binding Operational Directive 18–01, issued by the Secretary of Homeland Security on October 16, 2017, relating to email security and authentication and Internet website security, according to the schedule established by the Binding Operational Directive for the rest of the Executive Branch beginning with the date of enactment of this Act.

(b) WAIVER.—The Secretary may waive the requirements of subsection (a) if the Secretary submits to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate a certification that existing or planned security measures for the Department of Defense either meet or exceed the information security requirements of Binding Operational Directive 18–01.

(c) FUTURE BINDING OPERATIONAL DIRECTIVES.—The Chief Information Officer of the Department of Defense shall notify the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate within 180 days of the issuance by the Secretary of Homeland Security after the date of the enactment of this Act of any Binding Operational Directive for cybersecurity whether the Department

of Defense will comply with the Directive or how the Department of Defense plans to meet or exceed the security objectives of the Directive.

SEC. 1646. SECURITY PRODUCT INTEGRATION FRAMEWORK.

The Principal Cyber Adviser, the Chief Information Officer, and the Commander of the United States Cyber Command shall select a network or network segment and associated computer network defense service provider to conduct a demonstration and evaluation of one or more existing security product integration frameworks, including modifying network security systems to enable such systems to ingest, publish, subscribe, tip and cue, and request information or services from each other.

SEC. 1647. INFORMATION SECURITY CONTINUOUS MONITORING AND CYBERSECURITY SCORECARD.

(a) LIMITATION.—After October 1, 2019, no funds may be obligated or expended to prepare the cybersecurity scorecard for the Secretary of Defense unless the Department of Defense is implementing a funded capability to meet the requirements—

(1) established by the Chief Information Officer and the Commander of United States Cyber Command pursuant to section 1653 of the National Defense Authorization for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2224 note); and

(2) as set forth in the Department of Defense's policies on modernized, Department-wide automated information security continuous monitoring.

(b) REPORT.—Not later than January 10, 2019, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees a report—

(1) comparing the current capabilities of the Department of Defense to—

(A) the requirements described in subsection (a);

(B) the capabilities deployed by the Department of Homeland Security and the General Services Administration under the Continuous Diagnostics and Mitigation program across the non-Department of Defense departments and agencies of the Federal Government; and

(2) that contains a review and determination of whether the current requirements and policies described in subsection (a) are adequate to address the current threat environment.

10 USC 2224 note.

(c) RISK THRESHOLDS.—The Chief Information Officer of the Department of Defense, in coordination with the Principal Cyber Advisor, the Director of Operations of the Joint Staff, and the Commander of United States Cyber Command, shall establish risk thresholds for systems and network operations that, when exceeded, would trigger heightened security measures, such as enhanced monitoring and access policy changes.

(d) ENTERPRISE GOVERNANCE, RISK, AND COMPLIANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer and the Principal Cyber Advisor shall develop a plan to implement an enterprise governance, risk, and compliance platform and process to maintain current status of all information and operational technology assets, vulnerabilities, threats, and mitigations.

SEC. 1648. TIER 1 EXERCISE OF SUPPORT TO CIVIL AUTHORITIES FOR A CYBER INCIDENT.

(a) IN GENERAL.—The Commander of the United States Cyber Command, the Commander of United States Northern Command, and such other commands or components of the Department of Defense as the Secretary of Defense considers appropriate, shall, consistent with the recommendations made by the Comptroller General of the United States in the Government Accountability Office report GAO–16–574, conduct a tier 1 exercise of support to civil authorities for a cyber incident.

(b) ELEMENTS.—The exercise required by subsection (a) shall include the following:

(1) Department level leadership and decision-making for providing cyber support to civil authorities.

(2) Testing of the policy, guidance, doctrine and other elements in the Department of Defense Cyber Incident Coordinating Procedure.

(3) Operational planning and execution by the Joint Staff and supported and supporting combatant commands.

(4) Coordination with, and incorporation of, as appropriate, the Department of Homeland Security, the Federal Bureau of Investigation, and elements across Federal and State governments and the private sector.

SEC. 1649. PILOT PROGRAM ON MODELING AND SIMULATION IN SUPPORT OF MILITARY HOMELAND DEFENSE OPERATIONS IN CONNECTION WITH CYBER ATTACKS ON CRITICAL INFRASTRUCTURE.

10 USC 394 note.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Assistant Secretary of Defense for Homeland Defense and Global Security shall carry out a pilot program to model cyber attacks on critical infrastructure in order to identify and develop means of improving Department of Defense responses to requests for defense support to civil authorities for such attacks.

(2) RESEARCH EXERCISES.—The pilot program shall source data from and include consideration of the "Jack Voltaic" research exercises conducted by the Army Cyber Institute, industry partners of the Institute, and the cities of New York, New York, and Houston, Texas.

(b) PURPOSE.—The purpose of the pilot program shall be to accomplish the following:

(1) The development and demonstration of risk analysis methodologies, and the application of commercial simulation and modeling capabilities, based on artificial intelligence and hyperscale cloud computing technologies, as applicable—

(A) to assess defense critical infrastructure vulnerabilities and interdependencies to improve military resiliency;

(B) to determine the likely effectiveness of attacks described in subsection (a)(1), and countermeasures, tactics, and tools supporting responsive military homeland defense operations;

(C) to train personnel in incident response;

(D) to conduct exercises and test scenarios;

(E) to foster collaboration and learning between and among departments and agencies of the Federal Government, State and local governments, and private entities responsible for critical infrastructure; and

(F) improve intra-agency and inter-agency coordination for consideration and approval of requests for defense support to civil authorities.

(2) The development and demonstration of the foundations for establishing and maintaining a program of record for a shared high-fidelity, interactive, affordable, cloud-based modeling and simulation of critical infrastructure systems and incident response capabilities that can simulate complex cyber and physical attacks and disruptions on individual and multiple sectors on national, regional, State, and local scales.

(c) REPORT.—

(1) IN GENERAL.—At the same time the budget of the President for fiscal year 2021 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Assistant Secretary shall, in consultation with the Secretary of Homeland Security, submit to the congressional defense committees a report on the pilot program.

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

(A) A description of the results of the pilot program as of the date of the report.

(B) A description of the risk analysis methodologies and modeling and simulation capabilities developed and demonstrated pursuant to the pilot program, and an assessment of the potential for future growth of commercial technology in support of the homeland defense mission of the Department of Defense.

(C) Such recommendations as the Secretary considers appropriate regarding the establishment of a program of record for the Department on further development and sustainment of risk analysis methodologies and advanced, large-scale modeling and simulation on critical infrastructure and cyber warfare.

(D) Lessons learned from the use of novel risk analysis methodologies and large-scale modeling and simulation carried out under the pilot program regarding vulnerabilities, required capabilities, and reconfigured force structure, coordination practices, and policy.

(E) Planned steps for implementing the lessons described in subparagraph (D).

(F) Any other matters the Secretary determines appropriate.

10 USC note prec. 711.

SEC. 1650. PILOT PROGRAM AUTHORITY TO ENHANCE CYBERSECURITY AND RESILIENCY OF CRITICAL INFRASTRUCTURE.

(a) AUTHORITY.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, is authorized to provide, detail, or assign technical personnel to the Department of Homeland Security on a non-reimbursable basis to enhance cybersecurity cooperation, collaboration, and unity of Government efforts.

(b) SCOPE OF ASSISTANCE.—The authority under subsection (a) shall be limited in any fiscal year to the provision of not more than 50 technical cybersecurity personnel from the Department

of Defense to the Department of Homeland Security, including the national cybersecurity and communications integration center (NCCIC) of the Department, or other locations as agreed upon by the Secretary of Defense and the Secretary of Homeland Security.

(c) LIMITATION.—The authority under subsection (a) may not negatively impact the primary missions of the Department of Defense or the Department of Homeland Security.

(d) ESTABLISHMENT OF PROCEDURES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall establish procedures to carry out subsection (a), including procedures relating to the protection of and safeguards for maintenance of information held by the NCCIC regarding United States persons.

(2) LIMITATION.—Nothing in this subsection may be construed as providing authority to the Secretary of Defense to establish procedures regarding the NCCIC with respect to any matter outside the scope of this section.

(e) NO EFFECT ON OTHER AUTHORITY TO PROVIDE SUPPORT.—Nothing in this section may be construed to limit the authority of an Executive department, military department, or independent establishment to provide any appropriate support, including cybersecurity support, or to provide, detail, or assign personnel, under any other law, rule, or regulation.

(f) DEFINITIONS.—In this section, each of the terms "Executive department", "military department", and "independent establishment", has the meaning given each of such terms, respectively, in chapter 1 of title 5, United States Code.

(g) TERMINATION OF AUTHORITY.—This section shall terminate on September 30, 2022.

SEC. 1651. PILOT PROGRAM ON REGIONAL CYBERSECURITY TRAINING CENTER FOR THE ARMY NATIONAL GUARD.

32 USC 501 note.

(a) PILOT PROGRAM.—The Secretary of the Army may carry out a pilot program under which the Secretary establishes a National Guard training center to provide collaborative interagency education and training for members of the Army National Guard.

(b) CENTER.—

(1) TRAINING AND COOPERATION.—If the Secretary carries out the pilot program under subsection (a), the Secretary should ensure that the training center established under such subsection—

(A) educates and trains members of the Army National Guard quickly and efficiently by concurrently training cyber protection teams and cyber network defense teams on a common standard in order to defend—

(i) the information network of the Department of Defense in a State environment;

(ii) while acting under title 10, United States Code, the information networks of State governments; and

(iii) critical infrastructure;

(B) fosters interagency cooperation by—

(i) co-locating members of the Army National Guard with personnel of departments and agencies of the Federal Government and State governments; and

(ii) providing an environment to develop interagency relationship to coordinate responses and recovery efforts during and following a cyber attack;

(C) collaborates with academic institutions to develop and implement curriculum for interagency education and training within the classroom; and

(D) coordinates with the Persistent Cyber Training Environment of the Army Cyber Command in devising and implementing interagency education and training using physical and information technology infrastructure.

(2) LOCATIONS.—If the Secretary carries out the pilot program under subsection (a), the Secretary may select one National Guard facility at which to carry out the pilot program. The Secretary may select a facility that is located in an area that meets the following criteria:

(A) The location has a need for cyber training, as measured by both the number of members of the Army National Guard that would apply for such training and the number of units of the Army National Guard that verify the unit would apply for such training.

(B) The location has high capacity information and telecommunications infrastructure, including high speed fiber optic networks.

(C) The location has personnel, technology, laboratories, and facilities to support proposed activities and has the opportunity for ongoing training, education, and research.

(c) ACTIVITIES.—If the Secretary carries out the pilot program under subsection (a), the Secretary should ensure that the pilot program includes the following activities:

(1) Providing joint education and training and accelerating training certifications for working in a cyber range.

(2) Integrating education and training between the National Guard, law enforcement, and emergency medical and fire first responders.

(3) Providing a program to continuously train the cyber network defense teams to not only defend the information network of the Department of Defense, but to also provide education and training on how to use defense capabilities of the team in a State environment.

(4) Developing curriculum and educating the National Guard on the different missions carried out under titles 10 and 32, United States Code, in order to enhance interagency coordination and create a common operating picture.

(d) NOTIFICATION REQUIRED.—If the Secretary carries out the pilot program under subsection (a), the Secretary shall provide immediate notification to the congressional defense committees that includes information relating to the resources required to carry out such pilot program, identification of units to be trained, the location of such training, and a description of agreements with Federal, State, local, and private sector entities.

(e) SUNSET.—The authority provided under this section shall expire on the date that is two years after the date of the enactment of this Act.

SEC. 1652. CYBERSPACE SOLARIUM COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission to develop a consensus on a strategic approach to defending the United States in cyberspace against cyber attacks of significant consequences.

(2) DESIGNATION.—The commission established under paragraph (1) shall be known as the "Cyberspace Solarium Commission" (in this section the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—(A) Subject to subparagraph (B), the Commission shall be composed of the following members:

(i) The Principal Deputy Director of National Intelligence.

(ii) The Deputy Secretary of Homeland Security.

(iii) The Deputy Secretary of Defense.

(iv) The Director of the Federal Bureau of Investigation.

(v) Three members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate, one of whom shall be a member of the Senate and two of whom shall not be.

(vi) Two members appointed by the minority leader of the Senate, in consultation with the Ranking Member of the Committee on Armed Services of the Senate, one of whom shall be a member of the Senate and one of whom shall not be.

(vii) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, one of whom shall be a member of the House of Representatives and two of whom shall not be.

(viii) Two members appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Armed Services of the House of Representatives, one of whom shall be a member of the House of Representatives and one of whom shall not be.

(B)(i) The members of the Commission who are not members of Congress and who are appointed under clauses (iv) through (vii) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) cyber strategy or national-level strategies to combat long-term adversaries;

(II) cyber technology and innovation;

(III) use of intelligence information by national policymakers and military leaders; or

(IV) the implementation, funding, or oversight of the national security policies of the United States.

(ii) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(iii) All members of the Commission described in clause (i) shall possess an appropriate security clearance in accordance

with applicable provisions of law concerning the handling of classified information.

(2) CO-CHAIRS.—(A) The Commission shall have two co-chairs, selected from among the members of the Commission.

(B) One co-chair of the Commission shall be a member of the Democratic Party, and one co-chair shall be a member of the Republican Party.

(C) The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(c) APPOINTMENT; INITIAL MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) INITIAL MEETING.—The Commission shall hold its initial meeting on or before the date that is 60 days after the date of the enactment of this Act.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) IN GENERAL.—After its initial meeting, the Commission shall meet upon the call of the co-chairs of the Commission.

(2) QUORUM.—Seven members of the Commission shall constitute a quorum for purposes of conducting business, except that two members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) QUORUM WITH VACANCIES.—If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this title.

(f) DUTIES.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategy described in subsection (a)(1).

(2) To weigh the costs and benefits of various strategic options to defend the United States, including the political system of the United States, the national security industrial sector of the United States, and the innovation base of the

United States. The options to be assessed should include deterrence, norms-based regimes, and active disruption of adversary attacks through persistent engagement.

(3) To evaluate whether the options described in paragraph (2) are exclusive or complementary, the best means for executing such options, and how the United States should incorporate and implement such options within its national strategy.

(4) To review and make determinations on the difficult choices present within such options, among them what norms-based regimes the United States should seek to establish, how the United States should enforce such norms, how much damage the United States should be willing to incur in a deterrence or persistent denial strategy, what attacks warrant response in a deterrence or persistent denial strategy, and how the United States can best execute these strategies.

(5) To review adversarial strategies and intentions, current programs for the defense of the United States, and the capabilities of the Federal Government to understand if and how adversaries are currently being deterred or thwarted in their aims and ambitions in cyberspace.

(6) To evaluate the effectiveness of the current national cyber policy relating to cyberspace, cybersecurity, and cyber warfare to disrupt, defeat and deter cyber attacks.

(7) In weighing the options for defending the United States, to consider possible structures and authorities that need to be established, revised, or augmented within the Federal Government.

(g) POWERS OF COMMISSION.—

(1) IN GENERAL.—(A) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary.

(B) Subpoenas may be issued under subparagraph (A)(ii) under the signature of the co-chairs of the Commission, and may be served by any person designated by such co-chairs.

(C) The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of a witness to comply with any subpoena or to testify when summoned under authority of this section.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(3) INFORMATION FROM FEDERAL AGENCIES.—(A) The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent

establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title.

(B) Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the co-chairs of the Commission.

(C) The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable statutes and regulations.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—(A) The Secretary of Defense shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this title.

(B) The Director of National Intelligence may provide the Commission, on a nonreimbursable basis, with such administrative services, staff, and other support services as the Commission may request.

(C) In addition to the assistance set forth in paragraphs (1) and (2), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(D) The Commission shall receive the full and timely cooperation of any official, department, or agency of the United States Government whose assistance is necessary, as jointly determined by the co-chairs selected under subsection (b)(2), for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

(5) POSTAL SERVICES.—The Commission may use the United States postal services in the same manner and under the same conditions as the departments and agencies of the United States.

(6) GIFTS.—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff to the Commission.

(h) STAFF OF COMMISSION.—

(1) IN GENERAL.—(A) The co-chairs of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(C) All staff of the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(2) CONSULTANT SERVICES.—(A) The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(B) All experts and consultants employed by the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—(A) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this title.

(B) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(j) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) IN GENERAL.—(A) The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this title.

(B) Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committees or the congressional armed services committees may not be further provided or released without the approval of the chairman of such committees.

(2) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (k)(2), only the members and designated staff of the congressional intelligence committees, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(k) FINAL REPORT; TERMINATION.—

(1) FINAL REPORT.—Not later than September 1, 2019, the Commission shall submit to the congressional defense committees, the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Director of National Intelligence, and the Secretary of Defense, and the Secretary of Homeland Security a final report on the findings of the Commission.

(2) TERMINATION.—(A) The Commission, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on the date on which the final report under paragraph (1) is submitted to the congressional defense and intelligence committees.

(B) The Commission may use the 120-day period referred to in paragraph (1) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.

(l) ASSESSMENTS OF FINAL REPORT.—Not later than 60 days after receipt of the final report under subsection (k)(1), the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security shall each submit to the congressional intelligence committees and the congressional defense committees an assessment by the Director or the Secretary, as the case may be, of the final report. Each assessment shall include such comments on the findings and recommendations contained in the final report as the Director or Secretary, as the case may be, considers appropriate.

(m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission under this section.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities, records, and proceedings of the Commission under this section.

(n) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated for fiscal year 2019 by this Act, as specified in the funding tables in division D, $4,000,000 may be used to carry out this section.

(2) AVAILABILITY IN GENERAL.—Subject to paragraph (1), the Secretary of Defense shall make available to the Commission such amounts as the Commission may require for purposes of the activities of the Commission under this section.

(3) DURATION OF AVAILABILITY.—Amounts made available to the Commission under paragraph (2) shall remain available until expended.

(o) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

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

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

SEC. 1653. STUDY AND REPORT ON RESERVE COMPONENT CYBER CIVIL SUPPORT TEAMS.

(a) STUDY REQUIRED.—The Secretaries concerned shall conduct a study on the feasibility and advisability of the establishment of reserve component cyber civil support teams for each State.

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

(1) An examination of the potential ability of the teams referred to in such subsection to respond to an attack, natural disaster, or other large-scale incident affecting computer networks, electronics, or cyber capabilities, including an analysis of the following:

(A) The command structure and lines of authority for such teams.

(B) The operational capabilities of such teams.

(C) The legal authorities available to and constraints placed on such teams.

(D) The amount of funding and other resources that would be required by the Department of Defense to organize, train, and equip such teams.

(2) An analysis of the current use of reserve and active duty components in the Department of Defense and an explanation of how the establishment of such teams may affect the ability of the Department of Defense to—

(A) organize, train, equip, and employ the Cyber Mission Force, and other organic cyber forces; and

(B) perform the national defense missions and defense support to civil authorities for cyber incident response.

(3) An explanation of how the establishment of such teams may affect the ability of the Department of Homeland Security to—

(A) organize, train, equip, and employ cyber incident response teams; and

(B) perform civilian cyber response missions.

(4) An explanation as to how the establishment of such teams would fit into the current missions of the Department of Defense and the Department of Homeland Security.

(5) An analysis of current and projected State civilian and private sector cyber response capabilities and services, including an identification of any gaps in such capabilities and services, and including an analysis of the following:

(A) Whether such teams would be, on a risk- and cost-adjusted basis, of use for each State.

(B) How the establishment of such teams may impact Federal, State, and private sector resourcing for State civilian and private sector cyber response capabilities and services.

(6) An identification of the potential role of such teams with respect to the principles and processes set forth in—

(A) Presidential Policy Directive 20 (United States Cyber Operations Policy);

(B) Presidential Policy Directive 21 (Critical Infrastructure Security and Resilience); and

(C) Presidential Policy Directive 41 (United States Cyber Incident Coordination).

(7) An explanation of how such teams may interact with other organizations and elements of the Federal Government

that have responsibilities under the Presidential Policy Directives referred to in paragraph (6).

(8) Any effects on the privacy and civil liberties of United States persons that may result from the establishment of such teams.

(9) Any other considerations determined to be relevant by the Secretaries concerned.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretaries concerned shall submit to the appropriate congressional committees a report that includes—

(1) the results of the study conducted under subsection (a), including an explanation of each element described in subsection (b); and

(2) the final determination of the Secretaries with respect to the feasibility and advisability of establishing reserve component cyber civil support teams for each State.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

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

(C) the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) The term "reserve component cyber civil support team" means a team that—

(A) is comprised of members of the reserve components;

(B) is organized, trained, equipped, and sustained by the Department of Defense for the purpose of assisting State authorities in preparing for and responding to cyber incidents, cyber emergencies, and cyber attacks; and

(C) operates principally under the command and control of the Chief Executive of the State in which the team is located.

(3) The term "Secretaries concerned" means the Secretary of Defense and the Secretary of Homeland Security acting jointly.

(4) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

10 USC 394 note.

SEC. 1654. IDENTIFICATION OF COUNTRIES OF CONCERN REGARDING CYBERSECURITY.

(a) IDENTIFICATION OF COUNTRIES OF CONCERN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall create a list of countries that pose a risk to the cybersecurity of United States defense and national security systems and infrastructure. Such list shall reflect the level of threat posed by each country included on such list. In creating such list, the Secretary shall take in to account the following:

(1) A foreign government's activities that pose force protection or cybersecurity risk to the personnel, financial systems, critical infrastructure, or information systems of the United States or coalition forces.

(2) A foreign government's willingness and record of providing financing, logistics, training or intelligence to other persons, countries or entities posing a force protection or cybersecurity risk to the personnel, financial systems, critical infrastructure, or information systems of the United States or coalition forces.

(3) A foreign government's engagement in foreign intelligence activities against the United States for the purpose of undermining United States national security.

(4) A foreign government's knowing participation in transnational organized crime or criminal activity.

(5) A foreign government's cyber activities and operations to affect the supply chain of the United States Government.

(6) A foreign government's use of cyber means to unlawfully or inappropriately obtain intellectual property from the United States Government or United States persons.

(b) UPDATES.—The Secretary shall continuously update and maintain the list under subsection (a) to preempt obsolescence.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress the list created pursuant to subsection (a) and any accompanying analysis that contributed to the creation of the list.

SEC. 1655. MITIGATION OF RISKS TO NATIONAL SECURITY POSED BY PROVIDERS OF INFORMATION TECHNOLOGY PRODUCTS AND SERVICES WHO HAVE OBLIGATIONS TO FOREIGN GOVERNMENTS.

10 USC 2224 note.

(a) DISCLOSURE REQUIRED.—Subject to the regulations issued under subsection (b), the Department of Defense may not use a product, service, or system procured or acquired after the date of the enactment of this Act relating to information or operational technology, cybersecurity, an industrial control system, or weapons system provided by a person unless that person discloses to the Secretary of Defense the following:

(1) Whether, and if so, when, within five years before or at any time after the date of the enactment of this Act, the person has allowed a foreign government to review the code of a non-commercial product, system, or service developed for the Department, or whether the person is under any obligation to allow a foreign person or government to review the code of a non-commercial product, system, or service developed for the Department as a condition of entering into an agreement for sale or other transaction with a foreign government or with a foreign person on behalf of such a government.

(2) Whether, and if so, when, within five years before or at any time after the date of the enactment of this Act, the person has allowed a foreign government listed in section 1654 to review the source code of a product, system, or service that the Department is using or intends to use, or is under any obligation to allow a foreign person or government to review the source code of a product, system, or service that the Department is using or intends to use as a condition of entering into an agreement for sale or other transaction with a foreign government or with a foreign person on behalf of such a government.

(3) Whether or not the person holds or has sought a license pursuant to the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations, or successor regulations, for information technology products, components, software, or services that contain code custom-developed for the non-commercial product, system, or service the Department is using or intends to use.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall issue regulations regarding the implementation of subsection (a).

(2) UNIFORM REVIEW PROCESS.—If information obtained from a person under subsection (a) or the contents of the registry under subsection (f) are the subject of a request under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), the Secretary of Defense shall conduct a uniform review process, without regard to the office holding the information, to determine if the information is exempt from disclosure under such section 552.

(c) PROCUREMENT.—Procurement contracts for covered products or systems shall include a clause requiring the information contained in subsection (a) be disclosed during the period of the contract if an entity becomes aware of information requiring disclosure required pursuant to such subsection, including any mitigation measures taken or anticipated.

(d) MITIGATION OF RISKS.—

(1) IN GENERAL.—If, after reviewing a disclosure made by a person under subsection (a), the Secretary determines that the disclosure relating to a product, system, or service entails a risk to the national security infrastructure or data of the United States, or any national security system under the control of the Department, the Secretary shall take such measures as the Secretary considers appropriate to mitigate such risks, including, as the Secretary considers appropriate, by conditioning any agreement for the use, procurement, or acquisition of the product, system, or service on the inclusion of enforceable conditions or requirements that would mitigate such risks.

(2) THIRD-PARTY TESTING STANDARD.—Not later than two years after the date of the enactment of this Act the Secretary shall develop such third-party testing standard as the Secretary considers acceptable for commercial off the shelf (COTS) products, systems, or services to use when dealing with foreign governments.

(e) EXEMPTION OF OPEN SOURCE SOFTWARE.—This section shall not apply to open source software.

(f) ESTABLISHMENT OF REGISTRY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) establish within the operational capabilities of the Committee for National Security Systems (CNSS) or within such other agency as the Secretary considers appropriate a registry containing the information disclosed under subsection (a); and

(2) upon request, make such information available to any agency conducting a procurement pursuant to the Federal Acquisition Regulations or the Defense Federal Acquisition Regulations.

(g) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report detailing the number, scope, product classifications, and mitigation agreements related to each product, system, and service for which a disclosure is made under subsection (a).

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Oversight and Government Reform of the House of Representatives.

(2) COMMERCIAL ITEM.—The term "commercial item" has the meaning given such term in section 103 of title 41, United States Code.

(3) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given such term in section 11101 of title 40, United States Code.

(4) NATIONAL SECURITY SYSTEM.—The term "national security system" has the meaning given such term in section 3552(b) of title 44, United States Code.

(5) NON-COMMERCIAL PRODUCT, SYSTEM, OR SERVICE.—The term "non-commercial product, system, or service" means a product, system, or service that does not meet the criteria of a commercial item.

(6) OPEN SOURCE SOFTWARE.—The term "open source software" means software for which the human-readable source code is available for use, study, re-use, modification, enhancement, and re-distribution by the users of such software.

SEC. 1656. REPORT ON CYBERSECURITY APPRENTICE PROGRAM.

Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of establishing a Cybersecurity Apprentice Program to support on-the-job training for certain cybersecurity positions and facilitate the acquisition of cybersecurity certifications.

SEC. 1657. REPORT ON ENHANCEMENT OF SOFTWARE SECURITY FOR CRITICAL SYSTEMS.

(a) REPORT REQUIRED.—Not later than March 1, 2019, the Principal Cyber Adviser to the Secretary of Defense, the Under Secretary of Defense for Research and Engineering, and the Chief Information Officer of the Department of Defense shall jointly submit to the congressional defense committees a report on a study, based on the authorities specified in subsection (b), on the costs, benefits, technical merits, and other merits of applying the technologies described in subsection (c) to the vulnerability assessment and remediation of the following systems:

(1) Nuclear systems and nuclear command and control.

(2) A critical subset of conventional power projection capabilities.

(3) Cyber command and control.

(4) Other defense critical infrastructure.

(b) BASIS FOR CONDUCT OF STUDY.—The study required for purposes of subsection (a) shall be conducted pursuant to the following:

(1) Section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(2) Section 1650 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2224 note).

(3) Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118).

(4) Section 937 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note).

(c) TECHNOLOGIES.—The technologies described in this subsection include the following:

(1) Technology acquired, developed, and used by Combat Support Agencies of the Department of Defense to discover flaws and weaknesses in software code by inputting immense quantities of pseudo-random data (commonly referred to as "fuzz") to identify inputs that cause the software to fail or degrade.

(2) Cloud-based software fuzzing-as-a-service to continuously test the security of Department of Defense software repositories at large scale.

(3) Formal programming and protocol language for software code development and other methods and tools developed under various programs such as the High Assurance Cyber Military Systems program of the Defense Advanced Research Projects Agency.

(4) The binary analysis and symbolic execution software security tools developed under the Cyber Grand Challenge of the Defense Advanced Research Projects Agency.

(5) Any other advanced or immature technologies with respect to which the Department of Defense determines there is particular potential for application to the vulnerability assessment and remediation of the systems specified in subsection (a).

Subtitle D—Nuclear Forces

SEC. 1661. UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AND THE NUCLEAR WEAPONS COUNCIL.

Section 179(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ", Technology, and Logistics" and inserting "and Sustainment";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) The Under Secretary of Defense for Research and Engineering.".

SEC. 1662. LONG-RANGE STANDOFF WEAPON REQUIREMENTS.

Subparagraphs (A) and (B) of section 217(a)(1) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 706) are amended to read as follows:

"(A) achieves initial operating capability for nuclear missions prior to the retirement of the nuclear-armed AGM–86;

"(B) achieves initial operating capability for conventional missions by not later than five years after the date of the achievement under subparagraph (A); and".

SEC. 1663. ACCELERATION OF GROUND-BASED STRATEGIC DETERRENT PROGRAM AND LONG-RANGE STANDOFF WEAPON PROGRAM.

(a) PLAN FOR ACCELERATION OF PROGRAMS.—Consistent with validated military requirements and in accordance with applicable provisions of Federal law regarding acquisition, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Secretary of the Air Force, shall develop and implement—

(1) a plan to accelerate the development, procurement, and fielding of the ground-based strategic deterrent program; and

(2) a plan to accelerate the development, procurement, and fielding of the long-range standoff weapon.

(b) CRITERIA.—The plans developed under subsection (a) shall meet the following criteria:

(1) With respect to the plan developed under paragraph (1) of such subsection, the plan shall ensure that the ground-based strategic deterrent program includes the recapitalization of the full intercontinental ballistic missile weapon system for 400 deployed missiles and associated spares and 450 launch facilities, without phasing or splitting the program, including with respect to the missile flight system, ground-based infrastructure and equipment, appropriate command and control elements.

(2) The plans shall include a comprehensive assessment of the benefits, risks, feasibility, costs, and cost savings of various options for accelerating the respective program covered by the plan, including by considering—

(A) accelerating—

(i) the technology maturation and risk reduction phase, including through the identification of low- and high- technology readiness levels, requirements, and timelines for maturing such technology;

(ii) the award of an engineering and manufacturing development contract; and

(iii) making the milestone B decision;

(B) transitioning full acquisition authority, responsibility, and accountability of the respective program to the Secretary of the Air Force, including milestone decision authority;

(C) providing a general officer-level program executive officer a dedicated, single-program, long-term assignment with a tailored acquisition approach, program strategy, and oversight model for the respective program that empowers the general officer to accelerate the program, make decisions, and be held accountable;

(D) streamlining, as appropriate, test and evaluation activities for the respective program, particularly for proven technologies, while ensuring high confidence in the final deployed system;

(E) leveraging agile software development or other innovative approaches to reduce timeframes for software development;

(F) identifying and proposing statutory changes that the Under Secretary or the Secretary of the Air Force determine could accelerate the respective program;

(G) identifying accelerated goals for initial operational capability and full operational capability for the respective program; and

(H) such other options as the Under Secretary or the Secretary of the Air Force consider appropriate.

(c) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary, in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees the plans developed under subsection (a), including an assessment of the options considered and the options selected to be implemented under the plans.

(d) BRIEFING.—Not later than 160 days after the date of the enactment of this Act, the Commander of the United States Strategic Command shall provide to the congressional defense committees a briefing on the views of the Commander with respect to the plans developed under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term "milestone B decision" has the meaning given that term in section 2400(a) of title 10, United States Code.

(2) The term "milestone decision authority" has the meaning given that term in section 2366a(d) of title 10, United States Code.

SEC. 1664. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2019 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in division D, $9,841,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term "covered parts" means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1665. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense shall be obligated or expended for—

(1) reducing, or preparing to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(2) reducing, or preparing to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1666. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR MOBILE VARIANT OF GROUND-BASED STRATEGIC DETERRENT MISSILE.

Section 1664 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2615), as amended by section 1663 by the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is amended by striking "2019" and inserting "2020".

SEC. 1667. EXCHANGE PROGRAM FOR NUCLEAR WEAPONS PROGRAM EMPLOYEES.

10 USC note prec. 711.

(a) PROGRAM AUTHORIZED.—The Chairman of the Nuclear Weapons Council established under section 179 of title 10, United States Code, and the Administrator for Nuclear Security, shall jointly establish an exchange program under which—

(1) the Chairman shall arrange for the temporary assignment of civilian and military personnel working on nuclear weapons policy, production, and force structure issues in the Office of the Secretary of Defense, the Joint Staff, the Navy, or the Air Force to the Office of the Deputy Administrator for Defense Programs in the National Nuclear Security Administration; and

(2) the Administrator shall arrange for the temporary assignment of civilian personnel working on programs related to nuclear weapons in the Office of the Deputy Administrator for Defense Programs to the elements of the Department of Defense specified in paragraph (1).

(b) PURPOSES.—The purposes of the exchange program established under subsection (a) are—

(1) to familiarize personnel from the Department of Defense and the National Nuclear Security Administration with the equities, priorities, processes, culture, and employees of the other agency;

(2) for participants in the exchange program to return the expertise gained through their exchanges to their original agencies at the conclusion of their exchanges; and

(3) to improve communication between and integration of the agencies that support the formation and oversight of nuclear weapons policy through lasting relationships across the chain of command.

(c) PARTICIPANTS.—

(1) NUMBER OF PARTICIPANTS.—The Chairman and the Administrator shall each select not fewer than five and not more than 10 participants per year for participation in the exchange program established under subsection (a). The Chairman and the Administrator may determine how many participants to select under this paragraph without regard to the number of participants selected from the other agency.

(2) CRITERIA FOR SELECTION.—

(A) IN GENERAL.—The Chairman and the Administrator shall select participants for the exchange program established under subsection (a) from among mid-career employees and based on—

(i) the qualifications and desire to participate in the program of the employee; and

(ii) the technical needs and capacities of the Department of Defense and the National Nuclear Security Administration, as applicable.

(B) DEPARTMENT OF DEFENSE.—In selecting participants from the Department of Defense for the exchange program established under subsection (a), the Chairman shall ensure that there is a mix of military personnel and civilian employees of the Department.

(d) TERMS.—Exchanges pursuant to the exchange program established under subsection (a) shall be for terms of one to two years, as determined and negotiated by the Chairman and the Administrator. Such terms may begin and end on a rolling basis.

(e) GUIDANCE AND IMPLEMENTATION.—

(1) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Chairman and the Administrator shall jointly develop and submit to the congressional defense committees interim guidance on the form and contours of the exchange program established under subsection (a).

(2) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Chairman and the Administrator shall implement the guidance developed under paragraph (1).

10 USC 491 note.

SEC. 1668. PLAN TO TRAIN OFFICERS IN NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of the Air Force, the Secretary of the Navy, the Chairman of the Joint Chiefs of Staff, and the Commander of the United States Strategic Command, shall develop a plan to train, educate, manage, and track officers of the Armed Forces in nuclear command, control, and communications.

(b) ELEMENTS.—The plan required by subsection (a) shall address—

(1) manpower requirements at various grades;

(2) desired career paths and promotion timing; and

(3) any other matters the Secretary of Defense considers relevant to develop a mature cadre of officers with nuclear command, control, and communications expertise.

(c) SUBMISSION OF PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan required by subsection (a).

(d) IMPLEMENTATION.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall implement the plan required by subsection (a).

SEC. 1669. INDEPENDENT STUDY ON OPTIONS TO INCREASE PRESIDENTIAL DECISION-TIME REGARDING NUCLEAR WEAPONS EMPLOYMENT.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the potential benefits and risks of options to increase the time the President has to make a decision regarding the employment of nuclear weapons.

(b) REPORTS.—

(1) SUBMISSION TO DOD.—Not later than 270 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Secretary a report containing the study conducted under subsection (a). Such report shall include the findings and recommendations of the center.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report under paragraph (1), the Secretary shall submit to the congressional defense committees such report, without change, and any comments of the Secretary with respect to such report.

(3) FORM.—The reports under paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1670. EXTENSION OF ANNUAL REPORT ON PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.

Section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576), as most recently amended by section 1665 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), is further amended in subsection (a)(1) by striking "2019" and inserting "2023".

SEC. 1671. PLAN FOR ALIGNMENT OF ACQUISITION OF WARHEAD LIFE EXTENSION PROGRAMS AND DELIVERY VEHICLES FOR SUCH WARHEADS.

Not later than February 15, 2019, the Chairman of the Nuclear Weapons Council established under section 179 of title 10, United States Code, shall submit to the congressional defense committees a plan containing a proposal for better aligning the acquisition of warhead life extension programs by the National Nuclear Security Administration with the acquisition of the planned delivery vehicles for such warheads by the Department of Defense.

SEC. 1672. ANNUAL REPORT ON DEVELOPMENT OF LONG-RANGE STAND-OFF WEAPON.

(a) REPORT REQUIRED.—Not later than February 15, 2019, and annually thereafter until the date on which the long-range stand-off weapon receives Milestone B approval (as defined in section 2366 of title 10, United States Code), the Secretary of the Air Force, in coordination with the Administrator for Nuclear Security and the Chairman of the Nuclear Weapons Council, shall submit to the congressional defense committees a report describing the joint development of the long-range stand-off weapon, including the missile developed by the Air Force and the W80–4 warhead life extension program conducted by the National Nuclear Security Administration.

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

(1) An estimate of the date on which the long-range stand-off weapon will reach initial operating capability.

(2) A description of any development milestones for the missile developed by the Air Force or the warhead developed by the National Nuclear Security Administration that depend on corresponding progress at the other agency.

(3) A description of coordination efforts between the Air Force and the National Nuclear Security Administration during the period covered by the report.

(4) A description of any schedule delays projected by the Air Force or the National Nuclear Security Administration and the anticipated effect such delays would have on the schedule of work of the other agency.

(5) Plans to mitigate the effects of any delays described in paragraph (4).

(6) A description of any ways, including through the availability of additional funding or authorities, in which the development milestones described in paragraph (2) or the estimated date of initial operating capability referred to in paragraph (1), could be achieved more quickly.

(7) An estimate of the acquisition costs for the long-range stand-off weapon.

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

SEC. 1673. SENSE OF CONGRESS ON NUCLEAR POSTURE OF THE UNITED STATES.

It is the sense of Congress that—

(1) for more than 70 years the nuclear deterrent of the United States has played, and will continue to play, a central role in the national security of the United States and international stability;

(2) strong, credible, and flexible nuclear forces of the United States deter aggression by adversaries and assure the allies of the United States that the extended deterrence commitments of the United States are steadfast;

(3) the 2017 National Security Strategy, the 2018 National Defense Strategy, and the 2018 Nuclear Posture Review correctly assess changes in the security environment related to interstate strategic competition and recognize that the defense policies and posture of the United States, including those related to nuclear forces, must undergo measured adjustments;

(4) the United States remains committed to, and will continue to honor, its full range of nuclear arms control and nonproliferation treaty obligations and seeks continued engagement for prudent and verifiable agreements, however, the policies and actions of the United States must also hold states that violate such treaties accountable for such violations and take such violations into account when considering further arms control agreements;

(5) the North Atlantic Treaty Organization (NATO) plays an essential role in the national security of the United States and NATO should continue to strengthen and align its nuclear and conventional deterrence posture, planning, and exercises to align with modern threats, including modernizing its dual-capable aircraft, command and control networks, nuclear-related facilities, and conventional capabilities;

(6) the 2018 Nuclear Posture Review rightly states that the United States requires reliable, diverse, and tailorable nuclear forces capable of responding to a variety of current threats while preparing for future uncertainty and directs

implementation of a comprehensive nuclear modernization program at both the Department of Defense and the National Nuclear Security Administration; and

(7) the Department of Defense and the National Nuclear Security Administration must integrate, partner, and organize themselves to successfully execute all aspects of the nuclear modernization program, including those regarding nuclear forces, warheads, infrastructure, command and control, and personnel.

Subtitle E—Missile Defense Programs

SEC. 1675. DEVELOPMENT OF PERSISTENT SPACE-BASED SENSOR ARCHITECTURE.

(a) DEVELOPMENT REQUIRED.—Subsection (a) of section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by striking "If consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017, the Director of the Missile Defense Agency" and inserting "Subject to the availability of appropriations, beginning fiscal year 2019, the Director of the Missile Defense Agency, in coordination with the Commander of the Air Force Space Command and the Commander of the United States Strategic Command,".

(b) COMPATIBILITY WITH EFFORTS OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.—Such section is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) COMPATIBILITY WITH EFFORTS OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.—The Director shall ensure that the sensor architecture developed under subsection (a) is compatible with efforts of the Defense Advanced Research Projects Agency relating to space-based sensors for missile defense.".

(c) REPORT ON USE OF OTHER AUTHORITIES.—Such section is further amended by inserting after subsection (e), as added by subsection (b) of this section, the following new subsection (f):

"(f) REPORT ON USE OF OTHER AUTHORITIES.—Not later than January 31, 2019, the Director shall submit to the appropriate congressional committees a report on the options available to the Director to use other transactional authorities pursuant to section 2371 of title 10, United States Code, to accelerate the development and deployment of the sensor architecture required by subsection (a).".

(d) PLAN.—

(1) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Defense for the development of the space-based sensor architecture under subsection (a) of section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note), not more than 85 percent may be obligated or expended until the date on which the Director of the Missile Defense Agency submits the plan under subsection (g) of such section, as redesignated by subsection (b)(1) of this section.

(2) CLARIFICATION OF ROLES.—Section 1683(g) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note), as redesignated by subsection (b)(1) of this section, is amended by striking "the Director shall submit" and inserting "the Director, in coordination with the Commander of the Air Force Space Command and the Commander of the United States Strategic Command, shall submit".

SEC. 1676. BOOST PHASE BALLISTIC MISSILE DEFENSE.

(a) DEVELOPMENT AND STUDY.—Section 1685 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by adding at the end the following new subsections:

"(d) DEVELOPMENT.—

"(1) REQUIREMENT.—Subject to the availability of appropriations, beginning fiscal year 2019, the Director of the Missile Defense Agency shall carry out a program to develop boost phase intercept capabilities that—

"(A) are cost effective;

"(B) are air-launched, ship-based, or both; and

"(C) include kinetic interceptors.

"(2) PARTNERSHIPS.—In developing kinetic boost phase intercept capabilities under paragraph (1), the Director may enter into partnerships with the Ministry of National Defense of the Republic of Korea or the Ministry of Defense of Japan, or both.

"(e) INDEPENDENT STUDY.—

"(1) REQUIREMENT.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a feasibility study on providing an initial or demonstrated boost phase capability using unmanned aerial vehicles and kinetic interceptors by December 31, 2021. Such study shall include, at a minimum, a review of the study published by the Science, Technology, and National Security Working Group of the Massachusetts Institute of Technology in 2017 titled 'Airborne Patrol to Destroy DPRK ICBMs in Powered Flight'.

"(2) SUBMISSION.—Not later than July 31, 2019, the Secretary shall submit to the congressional defense committees the study conducted under paragraph (1).".

(b) MODIFICATION TO SENSE OF CONGRESS.—Subsection (a) of such section is amended by striking ", if consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017".

SEC. 1677. EXTENSION OF REQUIREMENT FOR REPORTS ON UNFUNDED PRIORITIES OF MISSILE DEFENSE AGENCY.

(a) IN GENERAL.—Section 1696 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2638)—

10 USC 222b.

(1) is—

(A) transferred to chapter 9 of title 10, United States Code;

(B) inserted after section 222a; and

(C) redesignated as section 222b; and

(2) is amended—

(A) in subsection (a), by striking "for each of fiscal years 2018 and 2019" and inserting "for a fiscal year"; and

(B) in subsection (c)(3), by striking "the budget if" and all that follows through the period at the end and inserting "the budget if additional resources had been available for the budget to fund the program, activity, or mission requirement.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—Section 222b of title 10, United States Code, as added by subsection (a), is amended—

(A) in the enumerator, by striking "SEC." and inserting "§"; and

(B) by striking the section heading and inserting "**Unfunded priorities of the Missile Defense Agency: annual report**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 9 of title 10, United States Code, is amended by inserting after the item relating to section 222a the following new item: 10 USC prec. 221.

"222b. Unfunded priorities of the Missile Defense Agency: annual report.".

SEC. 1678. EXTENSION OF PROHIBITION RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h(e) of title 10, United States Code, is amended by striking "January 1, 2019" and inserting "January 1, 2021".

SEC. 1679. MODIFICATION OF REQUIREMENT RELATING TO TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.

Section 1676(b)(2) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by inserting "or equivalent approval" before the period at the end.

SEC. 1680. MODIFICATION OF REQUIREMENT TO DEVELOP A SPACE-BASED BALLISTIC MISSILE INTERCEPT LAYER.

(a) DISSOCIATION WITH BALLISTIC MISSILE DEFENSE REVIEW.—Subsection (a) of section 1688 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended, in the matter before paragraph (1), by striking "If consistent" and all that follows through "the Director" and inserting "Subject to the availability of appropriations, the Director".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended, in the matter before paragraph (1), by striking "If the Director carries out subsection (a), not later" and inserting "Not later".

SEC. 1681. IMPROVEMENTS TO ACQUISITION PROCESSES OF MISSILE DEFENSE AGENCY.

(a) NOTIFICATION ON CHANGES TO NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES.—

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Secretary of Defense may be obligated or expended to change the non-standard acquisition processes and responsibilities described in paragraph (2) until—

(A) the Secretary notifies the congressional defense committees of such proposed change; and

(B) a period of 90 days has elapsed following the date of such notification.

(2) NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES DESCRIBED.—The non-standard acquisition processes and responsibilities described in this paragraph are such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled "Missile Defense Program Direction" signed on January 2, 2002;

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act; and

(C) United States Strategic Command Instruction 583–3.

(b) INTEGRATED MASTER TEST PLAN INFORMATION.—Together with the release of each integrated master test plan of the Missile Defense Agency, and at the same time as each budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Director of the Missile Defense Agency shall make publicly available a version of each such plan that identifies the fiscal year and the fiscal quarter in which events under the plan will occur.

(c) MISSILE DEFENSE EXECUTIVE BOARD.—In addition to the Under Secretary of Defense for Research and Engineering serving as chairman of the Missile Defense Executive Board pursuant to section 1676(c)(3)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1773), the Under Secretary of Defense for Acquisition and Sustainment shall serve—

(1) as a member of the Board; and

(2) as co-chairman with respect to decisions regarding acquisition and the approval of acquisition and production milestones, including with respect to the use of other transaction authority contracts and transactions in excess of $500,000,000 (including all options).

SEC. 1682. LAYERED DEFENSE OF THE UNITED STATES HOMELAND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) continue to explore and deploy capabilities that increase the layered defense of the United States homeland;

(2) support, if determined by the Secretary of Defense as necessary for the national security of the United States, the deployment of a ground-based interceptor site, or potential other ballistic missile defense systems pending successful testing, on the East Coast of the United States that—

(A) weighs cost effectiveness and prioritization of capability; and

(B) provides for increased protection of the continental United States from North Korean and Iranian threats;

(3) support the ability of the Army, the Navy, and the Missile Defense Agency to deploy fixed, semi-fixed, and mobile at-sea and ashore assets to locations to increase the layered defense of all of the United States homeland; and

(4) support, as appropriate, further analysis and testing for regional systems to be employed for the layered defense of the United States homeland.

(b) CERTIFICATION.—Before the Secretary of Defense makes a potential determination to deploy regional assets to provide missile defense from longer range threats, the Secretary shall certify to the congressional defense committees that such deployment would not pose additional risk to strategic stability.

SEC. 1683. TESTING OF REDESIGNED KILL VEHICLE PRIOR TO PRODUCTION AND GROUND-BASED MIDCOURSE DEFENSE ACCELERATION OPTIONS.

(a) SUCCESSFUL TESTING REQUIRED.—Except as provided by subsection (b), the Director of the Missile Defense Agency may not make a lot production decision for the redesigned kill vehicle unless the vehicle has undergone at least one successful flight intercept test that meets the following criteria:

(1) The test sufficiently assesses the performance of the vehicle in order to inform a lot production decision.

(2) The results of the test demonstrate that the vehicle—

(A) will work in an effective manner; and

(B) has the ability to accomplish the intended mission of the vehicle.

(b) WAIVER.—The Secretary of Defense, without delegation, may waive subsection (a) if—

(1) the Secretary determines that the waiver is in the interest of national security;

(2) the Secretary determines that the threat of missiles is advancing at a pace that requires additional capacity of the ground-based midcourse system by 2023;

(3) the Secretary determines that the waiver is appropriate in light of the assessment conducted by the Director of Operational Test and Evaluation under subsection (c);

(4) the Secretary submits to the congressional defense committees a report containing—

(A) a notice of the waiver, including the rationale of the Secretary for making the waiver;

(B) a certification by the Secretary that the Secretary has analyzed and accepts the risk of making and implementing a lot production decision for the redesigned kill vehicle prior to the vehicle undergoing a successful flight intercept test; and

(C) the assessment of the Director of Operational Test and Evaluation under subsection (c); and

(5) a period of 30 days elapses following the date on which the Secretary submits the report under paragraph (4).

(c) ASSESSMENT ON RISKS.—The Director of Operational Test and Evaluation shall submit to the Secretary of Defense an assessment on the risks of making a lot production decision for the redesigned kill vehicle prior to the vehicle undergoing a successful flight intercept test.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on ways the Director could accelerate by at least one year the construction of Missile Field 4 at Fort Greely,

Alaska, as well as the deployment of 20 ground-based interceptors with redesigned kill vehicles at such missile field.

(2) CONTENTS.—The report under paragraph (1) shall include the following:

(A) A threat-based description of the benefits and risks of accelerating the construction and deployment referred to in paragraph (1).

(B) A description of the technical and acquisition risks and potential effects on the reliability of the redesigned kill vehicle if deployment is accelerated as described in paragraph (1).

(C) A description of the cost implications of accelerating the construction and deployment referred to in paragraph (1).

(D) A description of the effect such acceleration would have on the redesigned kill vehicle flight test schedule and the overall integrated master test plan.

(E) A description of the effect that the acceleration described in paragraph (1) would have on re-tipping currently deployed exoatmospheric kill vehicles with the redesigned kill vehicle.

(F) A description of how such acceleration would align with the deployment of the long-range discrimination radar and the discrimination radar for homeland defense to be made operational in Hawaii.

(G) A cost-benefit analysis and a feasibility assessment for construction of a fifth missile field at Fort Greely, Alaska.

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

SEC. 1684. REQUIREMENTS FOR BALLISTIC MISSILE DEFENSE CAPABLE SHIPS.

(a) FORCE STRUCTURE ASSESSMENT.—The Secretary of the Navy, in consultation with the Director of the Missile Defense Agency, shall include in the first force structure assessment conducted following the date of the enactment of this Act the following:

(1) An assessment of the requirements for ballistic missile defense capable ships.

(2) The force structure requirements associated with advanced ballistic missile defense capabilities.

(b) FORCE STRUCTURE ASSESSMENT DEFINED.—The term "force structure assessment" has the meaning given the term in Chief of Naval Operations Instruction 3050.27.

SEC. 1685. MULTIYEAR PROCUREMENT AUTHORITY FOR STANDARD MISSILE–3 IB GUIDED MISSILES.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of Defense may enter into one or more multiyear contracts, beginning with the fiscal year 2019 program year, for the procurement of standard missile–3 block IB guided missiles.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts for advance procurement associated with the missiles for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2019 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 1686. LIMITATION ON AVAILABILITY OF FUNDS FOR ARMY LOWER TIER AIR AND MISSILE DEFENSE SENSOR.

(a) LIMITATION.—If the Secretary of the Army issues an acquisition strategy for a 360-degree lower tier air and missile defense sensor pursuant to section 1679(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1774) that proposes such sensor achieve initial operating capability later than December 31, 2023, not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for such sensor may be obligated or expended until the date on which the Secretary submits to the congressional defense committees a report—

(1) explaining the rationale of such delayed initial operating capability, including a description of any technological or acquisition-related factors causing such delay; and

(2) containing a funding profile and schedule to ensure that such sensor would achieve initial operating capability by December 31, 2023.

(b) PERFORMANCE SPECIFICATION.—The Secretary shall ensure that the performance specification of the 360-degree lower tier air and missile defense sensor—

(1) specifies requirements relating to—

(A) detecting and tracking complex attacks from air-breathing threats, tactical ballistic missiles, and emerging hypersonic weapons; and

(B) being a key component of the future integrated air and missile defense architecture of the Army and supporting engagements for the full range and capability of Patriot Advanced Capability–3 missile segment enhancement interceptors; and

(2) uses evaluation criteria that enable an understanding of the cost and value of procuring such sensor in accordance with such specified requirements.

SEC. 1687. MISSILE DEFENSE RADAR IN HAWAII.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the Director of the Missile Defense Agency, and in coordination with relevant Federal and local entities, should—

(1) ensure an on-time delivery of the discrimination radar for homeland defense to be made operational in Hawaii; and

(2) accelerate the deployment of the radar as much as possible, contingent on the environmental review process pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) CERTIFICATION.—Not later than 45 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall certify to the congressional defense committees that—

(1) the Director is on schedule to award the contract for the discrimination radar for homeland defense planned to be located in Hawaii by December 31, 2018; and

(2) such radar and associated in-flight interceptor communications system data terminal will be operational by not later than September 30, 2023.

(c) UPDATES.—

(1) MONTHLY UPDATES ON DELAYED SCHEDULE.—If the Director has not awarded the contract referred to in subsection (b)(1) by December 31, 2018, on a monthly basis beginning on such date and ending on the date on which the Director makes such award, the Director shall provide to the congressional defense committees an update explaining—

(A) the rationale for the delay in making such award; and

(B) any effects of such delay in making such radar and associated in-flight interceptor communications system data terminal operational by not later than September 30, 2023.

(2) SEMIANNUAL UPDATES.—Not later than June 3, 2019, and semiannually thereafter through 2021, the Director shall provide to the congressional defense committees an update on—

(A) the acquisition of the discrimination radar for homeland defense planned to be located in Hawaii and the associated in-flight interceptor communications system data terminal; and

(B) the environmental review process for such radar pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 1688. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the strong and enduring relationship between the United States and Israel is in the national security interest of both countries; and

(2) the memorandum of understanding signed by the United States and Israel on September 14, 2016, including the provisions of the memorandum relating to missile and rocket defense cooperation, is a critical component of the bilateral relationship.

(b) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for procurement, Defense-wide, and available for the Missile Defense Agency, $70,000,000 may be provided to the Government of Israel, in accordance with the memorandum of understanding signed by the United States and Israel on September 14, 2016, to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System

Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition and Sustainment shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2019 for procurement, Defense-wide, and available for the Missile Defense Agency, $50,000,000 may be provided to the Government of Israel, in accordance with the memorandum of understanding signed by the United States and Israel on September 14, 2016, to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(C) the level of co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(d) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2019 for procurement, Defense-wide, and available for the Missile Defense Agency, $80,000,000 may be provided to the Government of Israel, in accordance with the memorandum of understanding signed by the United States and Israel on September 14, 2016, for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—Except as provided by paragraph (3), the Under Secretary of Defense for Acquisition and

Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(3) WAIVER.—The Under Secretary may waive the certification required by paragraph (2) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(A) the funds specified in paragraph (1) are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of the Arrow 3 Upper Tier Interceptor Program;

(B) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(C) the long-lead procurement will be conducted in a manner that maximizes co-production in the United States without incurring nonrecurring engineering activity or cost other than such activity or cost required for suppliers of the United States to start or restart production in the United States.

(e) NUMBER.—In carrying out paragraph (2) of subsection (c) and paragraph (2) of subsection (d), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(f) TIMING.—The Under Secretary shall submit to the congressional defense committees the certifications under paragraph (2) of subsection (c) and paragraph (2) of subsection (d) by not later than 60 days before the funds specified in paragraph (1) of subsections (c) and (d) for the respective system covered by the certification are provided to the Government of Israel.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1689. ACCELERATION OF HYPERSONIC MISSILE DEFENSE PROGRAM.

(a) ACCELERATION OF PROGRAM.—Subject to the availability of appropriations, the Director of the Missile Defense Agency shall accelerate the hypersonic missile defense program of the Missile Defense Agency.

(b) DEPLOYMENT.—The Director shall deploy such program in conjunction with a persistent space-based missile defense sensor program.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report on how hypersonic missile defense can be accelerated to meet emerging hypersonic threats.

(2) CONTENTS.—The report under paragraph (1) shall include the following:

(A) An estimate of the cost of the acceleration described in such paragraph.

(B) The technical requirements and acquisition plan needed for the Director to develop and deploy a hypersonic missile defense program.

(C) A testing campaign plan that accelerates the delivery of hypersonic defense systems to the warfighter.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1690. REPORT ON BALLISTIC MISSILE DEFENSE.

(a) REPORT.—Not later than 180 days after the date on which the Ballistic Missile Defense Review that commenced in 2017 is published, the Secretary of Defense shall submit to the congressional defense committees a report that addresses the implications of the recommendations of the Ballistic Missile Defense Review on current programs of record, costs and resource prioritization, and strategic stability.

(b) CBO REPORT ON COSTS.—

(1) REPORT.—Not later than one year after the date on which the Ballistic Missile Defense Review that commenced in 2017 is published, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth an estimate of the costs over the 10-year period beginning on the date of the report associated with implementing any recommendations of the Ballistic Missile Defense Review.

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

SEC. 1691. SENSE OF CONGRESS ON ALLIED PARTNERSHIPS FOR MISSILE DEFENSE.

It is the sense of Congress that—

(1) the United States should seek additional opportunities, at the tactical, operational, and strategic levels, to provide missile defense capabilities, doctrine, interoperability, and planning to allies and trusted partners of the United States;

(2) an expedited foreign military sales arrangement would be beneficial in delivering such missile defenses to allies and trusted partners; and

(3) it is important to continue to work with allies and trusted partners to learn from their experience deploying successful missile defense technologies.

SEC. 1692. SENSE OF CONGRESS ON TESTING BY MISSILE DEFENSE AGENCY.

It is the sense of Congress that—

(1) the Missile Defense Agency should, as part of the test program of the Agency, continue to build an independently accredited modeling and simulation element to better inform missile defense performance assessments and test criteria; and

(2) the Missile Defense Agency should continue to pursue an increasingly rigorous testing regime, in coordination with the Director of Operational Test and Evaluation, to more rapidly deliver capabilities to the warfighter as the threat evolves.

Subtitle F—Other Matters

SEC. 1695. EXTENSION OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACKS AND SIMILAR EVENTS.

Section 1691 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1786) is amended—

(1) in subsection (e)—

(A) in paragraph (1)(A), by striking "April 1, 2019" and inserting "April 1, 2020"; and

(B) in paragraph (3), by striking "October 1, 2018" and inserting "October 1, 2019"; and

(2) in subsection (h), by striking "October 1, 2019" and inserting "October 1, 2020".

SEC. 1696. PROCUREMENT OF AMMONIUM PERCHLORATE AND OTHER CHEMICALS FOR USE IN SOLID ROCKET MOTORS.

(a) BUSINESS CASE ANALYSIS.—

(1) GOVERNMENT-OWNED, CONTRACTOR OPERATED.—The Secretary of the Army and the Under Secretary of Defense

for Acquisition and Sustainment shall jointly conduct a business case analysis of the Federal Government using a Government-owned, contractor-operated model to ensure a robust domestic industrial base to supply specialty chemicals, including ammonium perchlorate, for use in solid rocket motors. Such analysis shall include assessments of the near- and long-term costs, operating and sustainment costs, program impacts, opportunities for competition, opportunities for redundant or complementary capabilities, and national security implications of using such a model.

(2) REPORT.—Not later than March 1, 2019, the Secretary and the Under Secretary shall submit to the congressional defense committees the business case analysis conducted under paragraph (1).

(b) ANNUAL REPORTS ON CERTAIN SOLID ROCKET MOTORS.—

(1) IN GENERAL.—Not later than December 31, 2018, and each year thereafter through 2021, the Secretary of Defense shall submit to the congressional defense committees an annual report on rockets or missiles provided to the Department of Defense during the year covered by the report that use a solid rocket motor that was, in whole or in part, recovered or recycled from a rocket motor previously owned by the Department of Defense.

(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following:

(A) An identification of which rockets or missiles covered by the report use recycled ammonium perchlorate.

(B) The quantity of such recovered or recycled ammonium perchlorate.

(C) Whether any of the solid rocket propellant, or sodium perchlorate precursor, to be used in the rocket or missile is imported from a foreign country, and if so, the identity of the country.

(D) Any other information the Secretary determines appropriate.

SEC. 1697. BUDGET EXHIBIT ON SUPPORT PROVIDED TO ENTITIES OUTSIDE DEPARTMENT OF DEFENSE.

10 USC 221 note.

(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a single budget exhibit containing relevant details pertaining to support provided by the Department of Defense to the Executive Office of the President related to senior leader communications and continuity of Government programs.

(b) INCLUSIONS.—The budget exhibit required by subsection (a) shall include—

(1) support provided by the White House Military Office, the White House Communications Agency, special mission area activities of the Defense Information Systems Agency, and other relevant programs; and

(2) specific appropriation and line numbers where appropriate.

(c) FORM.—The budget exhibit required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1698. CONVENTIONAL PROMPT GLOBAL STRIKE HYPERSONIC CAPABILITIES.

(a) VALIDATED REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a validated requirement for ground-, sea-, or air-launched (or a combination thereof) conventional prompt global strike hypersonic capabilities.

(b) REPORT.—Not later than January 31, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Under Secretary of Defense for Policy, shall submit to the congressional defense committees a report that contains the following:

(1) A plan to deliver a conventional prompt global strike weapon system that—

(A) is in accordance with section 1693 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1791); and

(B) includes—

(i) options with cost estimates for accelerating the initial capability for such system; and

(ii) a description of policy decisions by the Secretary of Defense that are necessary to employ hypersonic offense capabilities from each potential launch platform of such system.

(2) Details with respect to the assessed level of ambiguity and misinterpretation risk relating to the conventional prompt global strike weapon system, including such potential risks associated with weapon ambiguity (including if adversary sensors are degraded), perceptions of the survivability of strategic nuclear forces, and likely adversary responses.

(3) A description of whether, when, and how the Under Secretary of Defense for Policy would address the risks identified under paragraph (2) in developing and deploying the conventional prompt global strike weapon system and in developing the concept of operations for such system.

SEC. 1699. REPORT REGARDING INDUSTRIAL BASE FOR LARGE SOLID ROCKET MOTORS.

(a) REPORT.—

(1) IN GENERAL.—Not later than April 15, 2019, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Secretaries of the military departments that the Under Secretary determines appropriate, shall submit to the appropriate congressional committees a report on whether, and if so, how, the Federal Government will sustain more than one supplier for large solid rocket motors.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include an assessment of the following:

(A) The risks within the industrial base for large solid rocket motors, including the risks to national security.

(B) The near- and long-term costs associated with having a single source of large solid rocket motors as compared to having more than one such source.

(C) Options for sustaining more than one supplier for large solid rocket motors, including through leveraging—

(i) the ground-based strategic deterrent program;

(ii) the Trident II D5 fleet ballistic missile program;

(iii) the ground-based midcourse defense program;

(iv) national security space launch programs;

(v) programs of the National Aeronautics and Space Administration; and

(vi) any other applicable programs that use or may use solid rocket motors of any size, including with respect to substrategic and tactical systems.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate.

TITLE XVII—REVIEW OF FOREIGN INVESTMENT AND EXPORT CONTROLS

Subtitle A—Committee on Foreign Investment in the United States

Sec. 1701. Short title: Foreign Investment Risk Review Modernization Act of 2018.
Sec. 1702. Findings; sense of Congress.
Sec. 1703. Definitions.
Sec. 1704. Acceptance of written notices.
Sec. 1705. Inclusion of partnership and side agreements in notice.
Sec. 1706. Declarations for certain covered transactions.
Sec. 1707. Stipulations regarding transactions.
Sec. 1708. Authority for unilateral initiation of reviews.
Sec. 1709. Timing for reviews and investigations.
Sec. 1710. Identification of non-notified and non-declared transactions.
Sec. 1711. Submission of certifications to Congress.
Sec. 1712. Analysis by Director of National Intelligence.
Sec. 1713. Information sharing.
Sec. 1714. Action by the President.
Sec. 1715. Judicial review.
Sec. 1716. Considerations for regulations.
Sec. 1717. Membership and staff of Committee.
Sec. 1718. Actions by the Committee to address national security risks.
Sec. 1719. Modification of annual report and other reporting requirements.
Sec. 1720. Certification of notices and information.
Sec. 1721. Implementation plans.
Sec. 1722. Assessment of need for additional resources for Committee.
Sec. 1723. Funding.
Sec. 1724. Centralization of certain Committee functions.
Sec. 1725. Conforming amendments.
Sec. 1726. Briefing on information from transactions reviewed by Committee on Foreign Investment in the United States relating to foreign efforts to influence democratic institutions and processes.
Sec. 1727. Effective date.
Sec. 1728. Severability.

Subtitle B—Export Control Reform

Sec. 1741. Short title.
Sec. 1742. Definitions.

PART I—AUTHORITY AND ADMINISTRATION OF CONTROLS

Sec. 1751. Short title.

Sec. 1752. Statement of policy.
Sec. 1753. Authority of the President.
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Sec. 1755. Administration of export controls.
Sec. 1756. Licensing.
Sec. 1757. Compliance assistance.
Sec. 1758. Requirements to identify and control the export of emerging and foundational technologies.
Sec. 1759. Review relating to countries subject to comprehensive United States arms embargo.
Sec. 1760. Penalties.
Sec. 1761. Enforcement.
Sec. 1762. Administrative procedure.
Sec. 1763. Review of interagency dispute resolution process.
Sec. 1764. Consultation with other agencies on commodity classification.
Sec. 1765. Annual report to Congress.
Sec. 1766. Repeal.
Sec. 1767. Effect on other Acts.
Sec. 1768. Transition provisions.

PART II—ANTI-BOYCOTT ACT OF 2018

Sec. 1771. Short title.
Sec. 1772. Statement of policy.
Sec. 1773. Foreign boycotts.
Sec. 1774. Enforcement.

PART III—ADMINISTRATIVE AUTHORITIES

Sec. 1781. Under Secretary of Commerce for Industry and Security.

Subtitle C—Miscellaneous

Sec. 1791. Extension of authority.
Sec. 1792. Limitation on cancellation of designation of Secretary of the Air Force as Department of Defense Executive Agent for a certain Defense Production Act program.
Sec. 1793. Review of and report on certain defense technologies critical to the United States maintaining superior military capabilities.

Subtitle A—Committee on Foreign Investment in the United States

Foreign Investment Risk Review Modernization Act of 2018.
50 USC 4501 note.

SEC. 1701. SHORT TITLE: FOREIGN INVESTMENT RISK REVIEW MODERNIZATION ACT OF 2018.

This subtitle may be cited as the "Foreign Investment Risk Review Modernization Act of 2018".

SEC. 1702. FINDINGS; SENSE OF CONGRESS.

50 USC 4565 note.

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

(1) According to a February 2016 report by the International Trade Administration of the Department of Commerce, 12,000,000 United States workers, equivalent to 8.5 percent of the labor force, have jobs resulting from foreign investment, including 3,500,000 jobs in the manufacturing sector alone.

(2) In 2016, new foreign direct investment in United States manufacturing totaled $129,400,000,000.

(3) The Bureau of Economic Analysis of the Department of Commerce concluded that, in 2015—

(A) foreign-owned affiliates in the United States—

(i) contributed $894,500,000,000 in value added to the United States economy;

(ii) exported goods valued at $352,800,000,000, accounting for nearly a quarter of total exports of goods from the United States; and

(iii) undertook $56,700,000,000 in research and development; and

(B) the 7 countries investing the most in the United States, all of which are United States allies (the United Kingdom, Japan, Germany, France, Canada, Switzerland, and the Netherlands) accounted for 72.1 percent of the value added by foreign-owned affiliates in the United States and more than 80 percent of research and development expenditures by such entities.

(4) According to the Government Accountability Office, from 2011 to 2016, the number of transactions reviewed by the Committee on Foreign Investment in the United States (commonly referred to as "CFIUS") grew by 55 percent, while the staff of the Committees assigned to the reviews increased by 11 percent.

(5) According to a February 2018 report of the Government Accountability Office on the Committee on Foreign Investment in the United States (GAO–18–249): "Officials from Treasury and other member agencies are aware of pressures on their CFIUS staff given the current workload and have expressed concerns about possible workload increases.". The Government Accountability Office concluded: "Without attaining an understanding of the staffing levels needed to address the current and future CFIUS workload, particularly if legislative changes to CFIUS's authorities further expand its workload, CFIUS may be limited in its ability to fulfill its objectives and address threats to the national security of the United States.".

(6) On March 30, 1954, Dwight David Eisenhower—five-star general, Supreme Allied Commander, and 34th President of the United States—in his "Special Message to the Congress on Foreign Economic Policy", counseled: "Great mutual advantages to buyer and seller, to producer and consumer, to investor and to the community where investment is made, accrue from high levels of trade and investment.". President Eisenhower continued: "The internal strength of the American economy has evolved from such a system of mutual advantage. In the press of other problems and in the haste to meet emergencies, this nation—and many other nations of the free world—have all too often lost sight of this central fact.". President Eisenhower concluded: "If we fail in our trade policy, we may fail in all. Our domestic employment, our standard of living, our security, and the solidarity of the free world—all are involved.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) foreign investment provides substantial economic benefits to the United States, including the promotion of economic growth, productivity, competitiveness, and job creation, thereby enhancing national security;

(2) maintaining the commitment of the United States to an open investment policy encourages other countries to reciprocate and helps open new foreign markets for United States businesses;

(3) it should continue to be the policy of the United States to enthusiastically welcome and support foreign investment, consistent with the protection of national security;

(4) at the same time, the national security landscape has shifted in recent years, and so has the nature of the investments that pose the greatest potential risk to national security, which warrants an appropriate modernization of the processes and

authorities of the Committee on Foreign Investment in the United States and of the United States export control system;

(5) the Committee on Foreign Investment in the United States plays a critical role in protecting the national security of the United States, and, therefore, it is essential that the member agencies of the Committee are adequately resourced and able to hire appropriately qualified individuals in a timely manner, and that those individuals' security clearances are processed as a high priority;

(6) the President should conduct a more robust international outreach effort to urge and help allies and partners of the United States to establish processes that are similar to the Committee on Foreign Investment in the United States to screen foreign investments for national security risks and to facilitate coordination;

(7) the President should lead a collaborative effort with allies and partners of the United States to strengthen the multilateral export control regime;

(8) any penalties imposed by the United States Government with respect to an individual or entity pursuant to a determination that the individual or entity has violated sanctions imposed by the United States or the export control laws of the United States should not be reversed for reasons unrelated to the national security of the United States; and

(9) the Committee on Foreign Investment in the United States should continue to review transactions for the purpose of protecting national security and should not consider issues of national interest absent a national security nexus.

(c) SENSE OF CONGRESS ON CONSIDERATION OF COVERED TRANSACTIONS.—It is the sense of Congress that, when considering national security risks, the Committee on Foreign Investment in the United States may consider—

(1) whether a covered transaction involves a country of special concern that has a demonstrated or declared strategic goal of acquiring a type of critical technology or critical infrastructure that would affect United States leadership in areas related to national security;

(2) the potential national security-related effects of the cumulative control of, or pattern of recent transactions involving, any one type of critical infrastructure, energy asset, critical material, or critical technology by a foreign government or foreign person;

(3) whether any foreign person engaging in a covered transaction with a United States business has a history of complying with United States laws and regulations;

(4) the control of United States industries and commercial activity by foreign persons as it affects the capability and capacity of the United States to meet the requirements of national security, including the availability of human resources, products, technology, materials, and other supplies and services, and in considering "the availability of human resources", should construe that term to include potential losses of such availability resulting from reductions in the employment of United States persons whose knowledge or skills are critical to national security, including the continued production in the United States of items that are likely to be acquired by the

Department of Defense or other Federal departments or agencies for the advancement of the national security of the United States;

(5) the extent to which a covered transaction is likely to expose, either directly or indirectly, personally identifiable information, genetic information, or other sensitive data of United States citizens to access by a foreign government or foreign person that may exploit that information in a manner that threatens national security; and

(6) whether a covered transaction is likely to have the effect of exacerbating or creating new cybersecurity vulnerabilities in the United States or is likely to result in a foreign government gaining a significant new capability to engage in malicious cyber-enabled activities against the United States, including such activities designed to affect the outcome of any election for Federal office.

SEC. 1703. DEFINITIONS.

Section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)) is amended to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

"(2) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

"(3) CONTROL.—The term 'control' means the power, direct or indirect, whether exercised or not exercised, to determine, direct, or decide important matters affecting an entity, subject to regulations prescribed by the Committee.

"(4) COVERED TRANSACTION.—

"(A) IN GENERAL.—Except as otherwise provided, the term 'covered transaction' means—

"(i) any transaction described in subparagraph (B)(i); and

"(ii) any transaction described in clauses (ii) through (v) of subparagraph (B) that is proposed, pending, or completed on or after the effective date set forth in section 1727 of the Foreign Investment Risk Review Modernization Act of 2018.

"(B) TRANSACTIONS DESCRIBED.—A transaction described in this subparagraph is any of the following:

"(i) Any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person that could result in foreign control of any United States business, including such a merger, acquisition, or takeover carried out through a joint venture.

"(ii) Subject to subparagraphs (C) and (E), the purchase or lease by, or a concession to, a foreign person of private or public real estate that—

"(I) is located in the United States;

"(II)(aa) is, is located within, or will function as part of, an air or maritime port; or

"(bb)(AA) is in close proximity to a United States military installation or another facility or

property of the United States Government that is sensitive for reasons relating to national security;

"(BB) could reasonably provide the foreign person the ability to collect intelligence on activities being conducted at such an installation, facility, or property; or

"(CC) could otherwise expose national security activities at such an installation, facility, or property to the risk of foreign surveillance; and

"(III) meets such other criteria as the Committee prescribes by regulation, except that such criteria may not expand the categories of real estate to which this clause applies beyond the categories described in subclause (II).

"(iii) Any other investment, subject to regulations prescribed under subparagraphs (D) and (E), by a foreign person in any unaffiliated United States business that—

"(I) owns, operates, manufactures, supplies, or services critical infrastructure;

"(II) produces, designs, tests, manufactures, fabricates, or develops one or more critical technologies; or

"(III) maintains or collects sensitive personal data of United States citizens that may be exploited in a manner that threatens national security.

"(iv) Any change in the rights that a foreign person has with respect to a United States business in which the foreign person has an investment, if that change could result in—

"(I) foreign control of the United States business; or

"(II) an investment described in clause (iii).

"(v) Any other transaction, transfer, agreement, or arrangement, the structure of which is designed or intended to evade or circumvent the application of this section, subject to regulations prescribed by the Committee.

"(C) REAL ESTATE TRANSACTIONS.—

"(i) EXCEPTION FOR CERTAIN REAL ESTATE TRANSACTIONS.—A real estate purchase, lease, or concession described in subparagraph (B)(ii) does not include a purchase, lease, or concession of—

"(I) a single 'housing unit', as defined by the Census Bureau; or

"(II) real estate in 'urbanized areas', as defined by the Census Bureau in the most recent census, except as otherwise prescribed by the Committee in regulations in consultation with the Secretary of Defense.

"(ii) DEFINITION OF CLOSE PROXIMITY.—With respect to a real estate purchase, lease, or concession described in subparagraph (B)(ii)(II)(bb)(AA), the Committee shall prescribe regulations to ensure that the

term 'close proximity' refers only to a distance or distances within which the purchase, lease, or concession of real estate could pose a national security risk in connection with a United States military installation or another facility or property of the United States Government described in that subparagraph.

"(D) OTHER INVESTMENTS.—

"(i) OTHER INVESTMENT DEFINED.—For purposes of subparagraph (B)(iii), the term 'other investment' means an investment, direct or indirect, by a foreign person in a United States business described in that subparagraph that is not an investment described in subparagraph (B)(i) and that affords the foreign person—

"(I) access to any material nonpublic technical information in the possession of the United States business;

"(II) membership or observer rights on the board of directors or equivalent governing body of the United States business or the right to nominate an individual to a position on the board of directors or equivalent governing body; or

"(III) any involvement, other than through voting of shares, in substantive decisionmaking of the United States business regarding—

"(aa) the use, development, acquisition, safekeeping, or release of sensitive personal data of United States citizens maintained or collected by the United States business;

"(bb) the use, development acquisition, or release of critical technologies; or

"(cc) the management, operation, manufacture, or supply of critical infrastructure.

"(ii) MATERIAL NONPUBLIC TECHNICAL INFORMATION DEFINED.—

"(I) IN GENERAL.—For purposes of clause (i)(I), and subject to regulations prescribed by the Committee, the term 'material nonpublic technical information' means information that—

"(aa) provides knowledge, know-how, or understanding, not available in the public domain, of the design, location, or operation of critical infrastructure; or

"(bb) is not available in the public domain, and is necessary to design, fabricate, develop, test, produce, or manufacture critical technologies, including processes, techniques, or methods.

"(II) EXEMPTION FOR FINANCIAL INFORMATION.—Notwithstanding subclause (I), for purposes of this subparagraph, the term 'material nonpublic technical information' does not include financial information regarding the performance of a United States business.

"(iii) REGULATIONS.—

"(I) IN GENERAL.—The Committee shall prescribe regulations providing guidance on the types

of transactions that the Committee considers to be 'other investment' for purposes of subparagraph (B)(iii).

"(II) UNITED STATES BUSINESSES THAT OWN, OPERATE, MANUFACTURE, SUPPLY, OR SERVICE CRITICAL INFRASTRUCTURE.—The regulations prescribed by the Committee with respect to an investment described in subparagraph (B)(iii)(I) shall—

"(aa) specify the critical infrastructure subject to that subparagraph based on criteria intended to limit application of that subparagraph to the subset of critical infrastructure that is likely to be of importance to the national security of the United States; and

"(bb) enumerate specific types and examples of such critical infrastructure.

"(iv) SPECIFIC CLARIFICATION FOR INVESTMENT FUNDS.—

"(I) TREATMENT OF CERTAIN INVESTMENT FUND INVESTMENTS.—Notwithstanding clause (i)(II) and subject to regulations prescribed by the Committee, an indirect investment by a foreign person in a United States business described in subparagraph (B)(iii) through an investment fund that affords the foreign person (or a designee of the foreign person) membership as a limited partner or equivalent on an advisory board or a committee of the fund shall not be considered an 'other investment' for purposes of subparagraph (B)(iii) if—

"(aa) the fund is managed exclusively by a general partner, a managing member, or an equivalent;

"(bb) the general partner, managing member, or equivalent is not a foreign person;

"(cc) the advisory board or committee does not have the ability to approve, disapprove, or otherwise control—

"(AA) investment decisions of the fund; or

"(BB) decisions made by the general partner, managing member, or equivalent related to entities in which the fund is invested;

"(dd) the foreign person does not otherwise have the ability to control the fund, including the authority—

"(AA) to approve, disapprove, or otherwise control investment decisions of the fund;

"(BB) to approve, disapprove, or otherwise control decisions made by the general partner, managing member, or equivalent related to entities in which the fund is invested; or

"(CC) to unilaterally dismiss, prevent the dismissal of, select, or determine the

compensation of the general partner, managing member, or equivalent;

"(ee) the foreign person does not have access to material nonpublic technical information as a result of its participation on the advisory board or committee; and

"(ff) the investment otherwise meets the requirements of this subparagraph.

"(II) TREATMENT OF CERTAIN WAIVERS.—

"(aa) IN GENERAL.—For the purposes of items (cc) and (dd) of subclause (I) and except as provided in item (bb), a waiver of a potential conflict of interest, a waiver of an allocation limitation, or a similar activity, applicable to a transaction pursuant to the terms of an agreement governing an investment fund shall not be considered to constitute control of investment decisions of the fund or decisions relating to entities in which the fund is invested.

"(bb) EXCEPTION.—The Committee may prescribe regulations providing for exceptions to item (aa) for extraordinary circumstances.

"(v) EXCEPTION FOR AIR CARRIERS.—For purposes of subparagraph (B)(iii), the term 'other investment' does not include an investment involving an air carrier, as defined in section 40102(a)(2) of title 49, United States Code, that holds a certificate issued under section 41102 of that title.

"(vi) RULE OF CONSTRUCTION.—Any definition of 'critical infrastructure' established under any provision of law other than this section shall not be determinative for purposes of this section.

"(E) COUNTRY SPECIFICATION.—The Committee shall prescribe regulations that further define the term 'foreign person' for purposes of clauses (ii) and (iii) of subparagraph (B). In prescribing such regulations, the Committee shall specify criteria to limit the application of such clauses to the investments of certain categories of foreign persons. Such criteria shall take into consideration how a foreign person is connected to a foreign country or foreign government, and whether the connection may affect the national security of the United States.

"(F) TRANSFERS OF CERTAIN ASSETS PURSUANT TO BANKRUPTCY PROCEEDINGS OR OTHER DEFAULTS.—The Committee shall prescribe regulations to clarify that the term 'covered transaction' includes any transaction described in subparagraph (B) that arises pursuant to a bankruptcy proceeding or other form of default on debt.

"(5) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to regulations prescribed by the Committee, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

"(6) CRITICAL TECHNOLOGIES.—

"(A) IN GENERAL.—The term 'critical technologies' means the following:

"(i) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations.

"(ii) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

"(I) pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

"(II) for reasons relating to regional stability or surreptitious listening.

"(iii) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities).

"(iv) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material).

"(v) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code.

"(vi) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018.

"(B) RECOMMENDATIONS.—

"(i) IN GENERAL.—The chairperson may recommend technologies for identification under the interagency process set forth in section 1758(a) of the Export Control Reform Act of 2018.

"(ii) MATTERS INFORMING RECOMMENDATIONS.—Recommendations by the chairperson under clause (i) shall draw upon information arising from reviews and investigations conducted under subsection (b), notices submitted under subsection (b)(1)(C)(i), declarations filed under subsection (b)(1)(C)(v), and non-notified and non-declared transactions identified under subsection (b)(1)(H).

"(7) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any United States business by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(8) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(9) INVESTMENT.—The term 'investment' means the acquisition of equity interest, including contingent equity

interest, as further defined in regulations prescribed by the Committee.

"(10) LEAD AGENCY.—The term 'lead agency' means the agency or agencies designated as the lead agency or agencies pursuant to subsection (k)(5).

"(11) PARTY.—The term 'party' has the meaning given that term in regulations prescribed by the Committee.

"(12) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and any territory or possession of the United States.

"(13) UNITED STATES BUSINESS.—The term 'United States business' means a person engaged in interstate commerce in the United States.".

SEC. 1704. ACCEPTANCE OF WRITTEN NOTICES.

Section 721(b)(1)(C)(i) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)(i)) is amended—

(1) by striking "Any party" and inserting the following:

"(I) IN GENERAL.—Any party"; and

(2) by adding at the end the following:

"(II) COMMENTS AND ACCEPTANCE.—

"(aa) IN GENERAL.—Subject to item (cc), the Committee shall provide comments on a draft or formal written notice or accept a formal written notice submitted under subclause (I) with respect to a covered transaction not later than the date that is 10 business days after the date of submission of the draft or formal written notice.

"(bb) COMPLETENESS.—If the Committee determines that a draft or formal written notice described in item (aa) is not complete, the Committee shall notify the party or parties to the transaction in writing that the notice is not complete and provide an explanation of all material respects in which the notice is incomplete.

"(cc) STIPULATIONS REQUIRED.—The timing requirement under item (aa) shall apply only in a case in which the parties stipulate under clause (vi) that the transaction is a covered transaction.".

SEC. 1705. INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS IN NOTICE.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)) is amended by adding at the end the following:

"(iv) INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS.—The Committee may require a written notice submitted under clause (i) to include a copy of any partnership agreements, integration agreements, or other side agreements relating to the transaction, as specified in regulations prescribed by the Committee.".

SEC. 1706. DECLARATIONS FOR CERTAIN COVERED TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as amended by section 1705, is further amended by adding at the end the following:

"(v) DECLARATIONS FOR CERTAIN COVERED TRANSACTIONS.—

"(I) IN GENERAL.—A party to any covered transaction may submit to the Committee a declaration with basic information regarding the transaction instead of a written notice under clause (i).

"(II) REGULATIONS.—The Committee shall prescribe regulations establishing requirements for declarations submitted under this clause. In prescribing such regulations, the Committee shall ensure that such declarations are submitted as abbreviated notifications that would not generally exceed 5 pages in length.

"(III) COMMITTEE RESPONSE TO DECLARATION.—

"(aa) IN GENERAL.—Upon receiving a declaration under this clause with respect to a covered transaction, the Committee may, at the discretion of the Committee—

"(AA) request that the parties to the transaction file a written notice under clause (i);

"(BB) inform the parties to the transaction that the Committee is not able to complete action under this section with respect to the transaction on the basis of the declaration and that the parties may file a written notice under clause (i) to seek written notification from the Committee that the Committee has completed all action under this section with respect to the transaction;

"(CC) initiate a unilateral review of the transaction under subparagraph (D); or

"(DD) notify the parties in writing that the Committee has completed all action under this section with respect to the transaction.

"(bb) TIMING.—The Committee shall take action under item (aa) not later than 30 days after receiving a declaration under this clause.

"(cc) RULE OF CONSTRUCTION.—Nothing in this subclause (other than item (aa)(CC)) shall be construed to affect the authority of the President or the Committee to take any action authorized by this section with respect to a covered transaction.

"(IV) MANDATORY DECLARATIONS.—

"(aa) REGULATIONS.—The Committee shall prescribe regulations specifying the types of

covered transactions for which the Committee requires a declaration under this subclause.

"(bb) CERTAIN COVERED TRANSACTIONS WITH FOREIGN GOVERNMENT INTERESTS.—

"(AA) IN GENERAL.—Except as provided in subitem (BB), the parties to a covered transaction shall submit a declaration described in subclause (I) with respect to the transaction if the transaction involves an investment that results in the acquisition, directly or indirectly, of a substantial interest in a United States business described in subsection (a)(4)(B)(iii) by a foreign person in which a foreign government has, directly or indirectly, a substantial interest.

"(BB) SUBSTANTIAL INTEREST DEFINED.—In this item, the term 'substantial interest' has the meaning given that term in regulations which the Committee shall prescribe. In developing those regulations, the Committee shall consider the means by which a foreign government could influence the actions of a foreign person, including through board membership, ownership interest, or shareholder rights. An interest that is excluded under subparagraph (D) of subsection (a)(4) from the term 'other investment' as used in subparagraph (B)(iii) of that subsection or that is less than a 10 percent voting interest shall not be considered a substantial interest.

"(CC) WAIVER.—The Committee may waive, with respect to a foreign person, the requirement under subitem (AA) for the submission of a declaration described in subclause (I) if the Committee determines that the foreign person demonstrates that the investments of the foreign person are not directed by a foreign government and the foreign person has a history of cooperation with the Committee.

"(cc) OTHER DECLARATIONS REQUIRED BY COMMITTEE.—The Committee may require the submission of a declaration described in subclause (I) with respect to any covered transaction identified under regulations prescribed by the Committee for purposes of this item, at the discretion of the Committee, that involves a United States business described in subsection (a)(4)(B)(iii)(II).

"(dd) EXCEPTION.—The submission of a declaration described in subclause (I) shall not be required pursuant to this subclause with

respect to an investment by an investment fund if—

"(AA) the fund is managed exclusively by a general partner, a managing member, or an equivalent;

"(BB) the general partner, managing member, or equivalent is not a foreign person; and

"(CC) the investment fund satisfies, with respect to any foreign person with membership as a limited partner on an advisory board or a committee of the fund, the criteria specified in items (cc) and (dd) of subsection (a)(4)(D)(iv).

"(ee) SUBMISSION OF WRITTEN NOTICE AS AN ALTERNATIVE.—Parties to a covered transaction for which a declaration is required under this subclause may instead elect to submit a written notice under clause (i).

"(ff) TIMING AND REFILING OF SUBMISSION.—

"(AA) IN GENERAL.—In the regulations prescribed under item (aa), the Committee may not require a declaration to be submitted under this subclause with respect to a covered transaction more than 45 days before the completion of the transaction.

"(BB) REFILING OF DECLARATION.—The Committee may not request or recommend that a declaration submitted under this subclause be withdrawn and refiled, except to permit parties to a covered transaction to correct material errors or omissions in the declaration submitted with respect to that transaction.

"(gg) PENALTIES.—The Committee may impose a penalty pursuant to subsection (h)(3) with respect to a party that fails to comply with this subclause.".

SEC. 1707. STIPULATIONS REGARDING TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as amended by section 1706, is further amended by adding at the end the following:

"(vi) STIPULATIONS REGARDING TRANSACTIONS.—

"(I) IN GENERAL.—In a written notice submitted under clause (i) or a declaration submitted under clause (v) with respect to a transaction, a party to the transaction may—

"(aa) stipulate that the transaction is a covered transaction; and

"(bb) if the party stipulates that the transaction is a covered transaction under item (aa), stipulate that the transaction is a foreign government-controlled transaction.

"(II) BASIS FOR STIPULATION.—A written notice submitted under clause (i) or a declaration submitted under clause (v) that includes a stipulation under subclause (I) shall include a description of the basis for the stipulation.".

SEC. 1708. AUTHORITY FOR UNILATERAL INITIATION OF REVIEWS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking "subparagraph (F)" and inserting "subparagraph (G)";

(B) in clause (i), by inserting "(other than a covered transaction described in subparagraph (E))" after "any covered transaction";

(C) by striking clause (ii) and inserting the following:

"(ii) any covered transaction described in subparagraph (E), if any party to the transaction submitted false or misleading material information to the Committee in connection with the Committee's consideration of the transaction or omitted material information, including material documents, from information submitted to the Committee; or"; and

(D) in clause (iii)—

(i) in the matter preceding subclause (I), by striking "any covered transaction that has previously been reviewed or investigated under this section," and inserting "any covered transaction described in subparagraph (E),";

(ii) in subclause (I), by striking "intentionally";

(iii) in subclause (II), by striking "an intentional" and inserting "a"; and

(iv) in subclause (III), by inserting "adequate and appropriate" before "remedies or enforcement tools"; and

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

"(E) COVERED TRANSACTIONS DESCRIBED.—A covered transaction is described in this subparagraph if—

"(i) the Committee has informed the parties to the transaction in writing that the Committee has completed all action under this section with respect to the transaction; or

"(ii) the President has announced a decision not to exercise the President's authority under subsection (d) with respect to the transaction.".

SEC. 1709. TIMING FOR REVIEWS AND INVESTIGATIONS.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)), as amended by section 1708, is further amended—

(1) in paragraph (1)(F), by striking "30" and inserting "45";

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) TIMING.—

"(i) IN GENERAL.—Except as provided in clause (ii), any investigation under subparagraph (A) shall

be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

"(ii) EXTENSION FOR EXTRAORDINARY CIRCUMSTANCES.—

"(I) IN GENERAL.—In extraordinary circumstances (as defined by the Committee in regulations), the chairperson may, at the request of the head of the lead agency, extend an investigation under subparagraph (A) for one 15-day period.

"(II) NONDELEGATION.—The authority of the chairperson and the head of the lead agency referred to in subclause (I) may not be delegated to any person other than the Deputy Secretary of the Treasury or the deputy head (or equivalent thereof) of the lead agency, as the case may be.

"(III) NOTIFICATION TO PARTIES.—If the Committee extends the deadline under subclause (I) with respect to a covered transaction, the Committee shall notify the parties to the transaction of the extension."; and

(3) by adding at the end the following:

"(8) TOLLING OF DEADLINES DURING LAPSE IN APPROPRIATIONS.—Any deadline or time limitation under this subsection shall be tolled during a lapse in appropriations.".

SEC. 1710. IDENTIFICATION OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)), as amended by sections 1708 and 1709, is further amended by adding at the end the following:

"(H) IDENTIFICATION OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.—The Committee shall establish a process to identify covered transactions for which—

"(i) a notice under clause (i) of subparagraph (C) or a declaration under clause (v) of that subparagraph is not submitted to the Committee; and

"(ii) information is reasonably available.".

SEC. 1711. SUBMISSION OF CERTIFICATIONS TO CONGRESS.

Section 721(b)(3)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)(C)) is amended—

(1) in clause (i), by striking subclause (II) and inserting the following:

"(II) a certification that all relevant national security factors have received full consideration.";

(2) in clause (iv), by striking subclause (II) and inserting the following:

"(II) DELEGATION OF CERTIFICATIONS.—

"(aa) IN GENERAL.—Subject to item (bb), the chairperson, in consultation with the Committee, may determine the level of official to whom the signature requirement under subclause (I) for the chairperson and the head of the lead agency may be delegated. The level of official to whom the signature requirement may be delegated may differ based on any

factor relating to a transaction that the chairperson, in consultation with the Committee, deems appropriate, including the type or value of the transaction.

"(bb) LIMITATION ON DELEGATION WITH RESPECT TO CERTAIN TRANSACTIONS.—The signature requirement under subclause (I) may be delegated not below the level of the Assistant Secretary of the Treasury or an equivalent official of the lead agency."; and

(3) by adding at the end the following:

"(v) AUTHORITY TO CONSOLIDATE DOCUMENTS.—Instead of transmitting a separate certified notice or certified report under subparagraph (A) or (B) with respect to each covered transaction, the Committee may, on a monthly basis, transmit such notices and reports in a consolidated document to the Members of Congress specified in clause (iii).".

SEC. 1712. ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.

Section 721(b)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) ANALYSIS REQUIRED.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction, which shall include the identification of any recognized gaps in the collection of intelligence relevant to the analysis.

"(ii) VIEWS OF INTELLIGENCE COMMUNITY.—The Director shall seek and incorporate into the analysis required by clause (i) the views of all affected or appropriate agencies of the intelligence community with respect to the transaction.

"(iii) UPDATES.—At the request of the lead agency, the Director shall update the analysis conducted under clause (i) with respect to a covered transaction with respect to which an agreement was entered into under subsection (l)(3)(A).

"(iv) INDEPENDENCE AND OBJECTIVITY.—The Committee shall ensure that its processes under this section preserve the ability of the Director to conduct analysis under clause (i) that is independent, objective, and consistent with all applicable directives, policies, and analytic tradecraft standards of the intelligence community.";

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively;

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

"(B) BASIC THREAT INFORMATION.—

"(i) IN GENERAL.—The Director of National Intelligence may provide the Committee with basic information regarding any threat to the national security of the United States posed by a covered transaction

described in clause (ii) instead of conducting the analysis required by subparagraph (A).

"(ii) COVERED TRANSACTION DESCRIBED.—A covered transaction is described in this clause if—

"(I) the transaction is described in subsection (a)(4)(B)(ii);

"(II) the Director of National Intelligence has completed an analysis pursuant to subparagraph (A) involving each foreign person that is a party to the transaction during the 12 months preceding the review or investigation of the transaction under this section; or

"(III) the transaction otherwise meets criteria agreed upon by the Committee and the Director for purposes of this subparagraph.";

(4) in subparagraph (C), as redesignated by paragraph (2), by striking "20" and inserting "30"; and

(5) by adding at the end the following:

"(F) ASSESSMENT OF OPERATIONAL IMPACT.—The Director may provide to the Committee an assessment, separate from the analyses under subparagraphs (A) and (B), of any operational impact of a covered transaction on the intelligence community and a description of any actions that have been or will be taken to mitigate any such impact.

"(G) SUBMISSION TO CONGRESS.—The Committee shall submit the analysis required by subparagraph (A) with respect to a covered transaction to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives upon the conclusion of action under this section (other than compliance plans under subsection (l)(6)) with respect to the transaction.".

SEC. 1713. INFORMATION SHARING.

Section 721(c) of the Defense Production Act of 1950 (50 U.S.C. 4565(c)) is amended—

(1) by striking "Any information" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), any information";

(2) by striking ", except as may be relevant" and all that follows and inserting a period; and

(3) by adding at the end the following:

"(2) EXCEPTIONS.—Paragraph (1) shall not prohibit the disclosure of the following:

"(A) Information relevant to any administrative or judicial action or proceeding.

"(B) Information to Congress or any duly authorized committee or subcommittee of Congress.

"(C) Information important to the national security analysis or actions of the Committee to any domestic governmental entity, or to any foreign governmental entity of a United States ally or partner, under the exclusive direction and authorization of the chairperson, only to the extent necessary for national security purposes, and subject

to appropriate confidentiality and classification requirements.

"(D) Information that the parties have consented to be disclosed to third parties.

"(3) COOPERATION WITH ALLIES AND PARTNERS.—

"(A) IN GENERAL.—The chairperson, in consultation with other members of the Committee, should establish a formal process for the exchange of information under paragraph (2)(C) with governments of countries that are allies or partners of the United States, in the discretion of the chairperson, to protect the national security of the United States and those countries.

"(B) REQUIREMENTS.—The process established under subparagraph (A) should, in the discretion of the chairperson—

"(i) be designed to facilitate the harmonization of action with respect to trends in investment and technology that could pose risks to the national security of the United States and countries that are allies or partners of the United States;

"(ii) provide for the sharing of information with respect to specific technologies and entities acquiring such technologies as appropriate to ensure national security; and

"(iii) include consultations and meetings with representatives of the governments of such countries on a recurring basis.".

SEC. 1714. ACTION BY THE PRESIDENT.

Section 721(d)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(d)(2)) is amended by striking "not later than 15 days" and all that follows and inserting the following: "with respect to a covered transaction not later than 15 days after the earlier of—

"(A) the date on which the investigation of the transaction under subsection (b) is completed; or

"(B) the date on which the Committee otherwise refers the transaction to the President under subsection (l)(2).".

SEC. 1715. JUDICIAL REVIEW.

Section 721(e) of the Defense Production Act of 1950 (50 U.S.C. 4565(e)) is amended—

(1) by striking "The actions" and inserting the following: "(1) IN GENERAL.—The actions"; and

(2) by adding at the end the following:

"(2) CIVIL ACTIONS.—A civil action challenging an action or finding under this section may be brought only in the United States Court of Appeals for the District of Columbia Circuit.

"(3) PROCEDURES FOR REVIEW OF PRIVILEGED INFORMATION.—If a civil action challenging an action or finding under this section is brought, and the court determines that protected information in the administrative record, including classified or other information subject to privilege or protections under any provision of law, is necessary to resolve the challenge, that information shall be submitted ex parte and in camera to the court and the court shall maintain that information under seal.

"(4) APPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply in a civil action brought under this subsection.".

SEC. 1716. CONSIDERATIONS FOR REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. 4565(h)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as redesignated—

(A) in subparagraph (A), by striking "including any mitigation" and all that follows through "subsection (l)" and inserting "including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this section";

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

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) provide that, in any review or investigation of a covered transaction conducted by the Committee under subsection (b), the Committee should—

"(i) consider the factors specified in subsection (f); and

"(ii) as appropriate, require parties to provide to the Committee the information necessary to consider such factors.".

SEC. 1717. MEMBERSHIP AND STAFF OF COMMITTEE.

(a) HIRING AUTHORITY.—Section 721(k) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)) is amended by striking paragraph (4) and inserting the following:

"(4) HIRING AUTHORITY.—

"(A) SENIOR OFFICIALS.—

"(i) IN GENERAL.—Each member of the Committee shall designate an Assistant Secretary, or an equivalent official, who is appointed by the President, by and with the advice and consent of the Senate, to carry out such duties related to the Committee as the member of the Committee may delegate.

"(ii) DEPARTMENT OF THE TREASURY.—

"(I) IN GENERAL.—There shall be established in the Office of International Affairs at the Department of the Treasury 2 additional positions of Assistant Secretary of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, to carry out such duties related to the Committee as the Secretary of the Treasury may delegate, consistent with this section.

"(II) ASSISTANT SECRETARY FOR INVESTMENT SECURITY.—One of the positions of Assistant Secretary of the Treasury authorized under subclause (I) shall be the Assistant Secretary for Investment Security, whose duties shall be principally related

to the Committee, as delegated by the Secretary of the Treasury under this section.

"(B) SPECIAL HIRING AUTHORITY.—The heads of the departments and agencies represented on the Committee may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service (as defined in section 2102 of that title) in their respective departments and agencies. The primary responsibility of positions authorized under the preceding sentence shall be to administer this section.".

(b) PROCEDURES FOR RECUSAL OF MEMBERS OF COMMITTEE FOR CONFLICTS OF INTEREST.—Not later than 90 days after the date of the enactment of this Act, the Committee on Foreign Investment in the United States shall— 50 USC 4565 note.

(1) establish procedures for the recusal of any member of the Committee that has a conflict of interest with respect to a covered transaction (as defined in section 721(a) of the Defense Production Act of 1950, as amended by section 1703);

(2) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report describing those procedures; and

(3) brief the committees specified in paragraph (1) on the report required by paragraph (2).

SEC. 1718. ACTIONS BY THE COMMITTEE TO ADDRESS NATIONAL SECURITY RISKS.

Section 721(l) of the Defense Production Act of 1950 (50 U.S.C. 4565(l)) is amended—

(1) in the subsection heading, by striking "MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT" and inserting "ACTIONS BY THE COMMITTEE TO ADDRESS NATIONAL SECURITY RISKS";

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (5), and (6), respectively;

(3) by inserting before paragraph (3), as redesignated by paragraph (2), the following:

"(1) SUSPENSION OF TRANSACTIONS.—The Committee, acting through the chairperson, may suspend a proposed or pending covered transaction that may pose a risk to the national security of the United States for such time as the covered transaction is under review or investigation under subsection (b).

"(2) REFERRAL TO PRESIDENT.—The Committee may, at any time during the review or investigation of a covered transaction under subsection (b), complete the action of the Committee with respect to the transaction and refer the transaction to the President for action pursuant to subsection (d).";

(4) in paragraph (3), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking "IN GENERAL" and inserting "AGREEMENTS AND CONDITIONS";

(ii) by striking "The Committee" and inserting the following:

"(i) IN GENERAL.—The Committee";

(iii) by striking "threat" and inserting "risk"; and

(iv) by adding at the end the following:

"(ii) ABANDONMENT OF TRANSACTIONS.—If a party to a covered transaction has voluntarily chosen to abandon the transaction, the Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction for purposes of effectuating such abandonment and mitigating any risk to the national security of the United States that arises as a result of the covered transaction.

"(iii) AGREEMENTS AND CONDITIONS RELATING TO COMPLETED TRANSACTIONS.—The Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to a completed covered transaction in order to mitigate any interim risk to the national security of the United States that may arise as a result of the covered transaction until such time that the Committee has completed action pursuant to subsection (b) or the President has taken action pursuant to subsection (d) with respect to the transaction."; and

(B) by striking subparagraph (B) and inserting the following:

"(B) TREATMENT OF OUTDATED AGREEMENTS OR CONDITIONS.—The chairperson and the head of the lead agency shall periodically review the appropriateness of an agreement or condition imposed under subparagraph (A) and terminate, phase out, or otherwise amend the agreement or condition if a threat no longer requires mitigation through the agreement or condition.

"(C) LIMITATIONS.—An agreement may not be entered into or condition imposed under subparagraph (A) with respect to a covered transaction unless the Committee determines that the agreement or condition resolves the national security concerns posed by the transaction, taking into consideration whether the agreement or condition is reasonably calculated to—

"(i) be effective;

"(ii) allow for compliance with the terms of the agreement or condition in an appropriately verifiable way; and

"(iii) enable effective monitoring of compliance with and enforcement of the terms of the agreement or condition.

"(D) JURISDICTION.—The provisions of section 706(b) shall apply to any mitigation agreement entered into or condition imposed under subparagraph (A).";

(5) by inserting after paragraph (3), as redesignated by paragraph (2), the following:

"(4) RISK-BASED ANALYSIS REQUIRED.—

"(A) IN GENERAL.—Any determination of the Committee to suspend a covered transaction under paragraph (1), to refer a covered transaction to the President under paragraph (2), or to negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to a covered transaction, shall be based on a risk-based analysis, conducted by the Committee, of the effects

on the national security of the United States of the covered transaction, which shall include an assessment of the threat, vulnerabilities, and consequences to national security related to the transaction.

"(B) ACTIONS OF MEMBERS OF THE COMMITTEE.—

"(i) IN GENERAL.—Any member of the Committee who concludes that a covered transaction poses an unresolved national security concern shall recommend to the Committee that the Committee suspend the transaction under paragraph (1), refer the transaction to the President under paragraph (2), or negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to the transaction. In making that recommendation, the member shall propose or contribute to the risk-based analysis required by subparagraph (A).

"(ii) FAILURE TO REACH CONSENSUS.—If the Committee fails to reach consensus with respect to a recommendation under clause (i) regarding a covered transaction, the members of the Committee who support an alternative recommendation shall produce—

"(I) a written statement justifying the alternative recommendation; and

"(II) as appropriate, a risk-based analysis that supports the alternative recommendation.

"(C) DEFINITIONS.—For purposes of subparagraph (A), the terms 'threat', 'vulnerabilities', and 'consequences to national security' shall have the meanings given those terms by the Committee by regulation.";

(6) in paragraph (5)(B), as redesignated by paragraph (2), by striking "(as defined in the National Security Act of 1947)"; and

(7) in paragraph (6), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "paragraph (1)" and inserting "paragraph (3)"; and

(ii) by striking the second sentence and inserting the following: "The lead agency may, at its discretion, seek and receive the assistance of other departments or agencies in carrying out the purposes of this paragraph.";

(B) in subparagraph (B)—

(i) by striking "DESIGNATED AGENCY" and all that follows through "The lead agency in connection" and inserting "DESIGNATED AGENCY.—The lead agency in connection";

(ii) by striking clause (ii); and

(iii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the left; and

(C) by adding at the end the following:

"(C) COMPLIANCE PLANS.—

"(i) IN GENERAL.—In the case of a covered transaction with respect to which an agreement is entered into under paragraph (3)(A), the Committee or lead agency, as the case may be, shall formulate, adhere

to, and keep updated a plan for monitoring compliance with the agreement.

"(ii) ELEMENTS.—Each plan required by clause (i) with respect to an agreement entered into under paragraph (3)(A) shall include an explanation of—

"(I) which member of the Committee will have primary responsibility for monitoring compliance with the agreement;

"(II) how compliance with the agreement will be monitored;

"(III) how frequently compliance reviews will be conducted;

"(IV) whether an independent entity will be utilized under subparagraph (E) to conduct compliance reviews; and

"(V) what actions will be taken if the parties fail to cooperate regarding monitoring compliance with the agreement.

"(D) EFFECT OF LACK OF COMPLIANCE.—If, at any time after a mitigation agreement or condition is entered into or imposed under paragraph (3)(A), the Committee or lead agency, as the case may be, determines that a party or parties to the agreement or condition are not in compliance with the terms of the agreement or condition, the Committee or lead agency may, in addition to the authority of the Committee to impose penalties pursuant to subsection (h)(3) and to unilaterally initiate a review of any covered transaction under subsection (b)(1)(D)(iii)—

"(i) negotiate a plan of action for the party or parties to remediate the lack of compliance, with failure to abide by the plan or otherwise remediate the lack of compliance serving as the basis for the Committee to find a material breach of the agreement or condition;

"(ii) require that the party or parties submit a written notice under clause (i) of subsection (b)(1)(C) or a declaration under clause (v) of that subsection with respect to a covered transaction initiated after the date of the determination of noncompliance and before the date that is 5 years after the date of the determination to the Committee to initiate a review of the transaction under subsection (b); or

"(iii) seek injunctive relief.

"(E) USE OF INDEPENDENT ENTITIES TO MONITOR COMPLIANCE.—If the parties to an agreement entered into under paragraph (3)(A) enter into a contract with an independent entity from outside the United States Government for the purpose of monitoring compliance with the agreement, the Committee shall take such action as is necessary to prevent a conflict of interest from arising by ensuring that the independent entity owes no fiduciary duty to the parties.

"(F) SUCCESSORS AND ASSIGNS.—Any agreement or condition entered into or imposed under paragraph (3)(A) shall be considered binding on all successors and assigns unless and until the agreement or condition terminates

on its own terms or is otherwise terminated by the Committee in its sole discretion.

"(G) ADDITIONAL COMPLIANCE MEASURES.—Subject to subparagraphs (A) through (F), the Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately ensure compliance without unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice under clause (i) of subsection (b)(1)(C) or declaration under clause (v) of that subsection has been filed, and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason.".

SEC. 1719. MODIFICATION OF ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS.

(a) MODIFICATION OF ANNUAL REPORT.—Section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

"(A) A list of all notices filed and all reviews or investigations of covered transactions completed during the period, with—

"(i) a description of the outcome of each review or investigation, including whether an agreement was entered into or condition was imposed under subsection (l)(3)(A) with respect to the transaction being reviewed or investigated, and whether the President took any action under this section with respect to that transaction;

"(ii) basic information on each party to each such transaction;

"(iii) the nature of the business activities or products of the United States business with which the transaction was entered into or intended to be entered into; and

"(iv) information about any withdrawal from the process."; and

(B) by adding at the end the following:

"(G) Statistics on compliance plans conducted and actions taken by the Committee under subsection (l)(6), including subparagraph (D) of that subsection, during that period, a general assessment of the compliance of parties with agreements entered into and conditions imposed under subsection (l)(3)(A) that are in effect during that period, including a description of any actions taken by the Committee to impose penalties or initiate a unilateral review pursuant to subsection (b)(1)(D)(iii), and any recommendations for improving the enforcement of such agreements and conditions.

"(H) Cumulative and, as appropriate, trend information on the number of declarations filed under subsection (b)(1)(C)(v), the actions taken by the Committee in response to those declarations, the business sectors involved in those

declarations, and the countries involved in those declarations.

"(I) A description of—

"(i) the methods used by the Committee to identify non-notified and non-declared transactions under subsection (b)(1)(H);

"(ii) potential methods to improve such identification and the resources required to do so; and

"(iii) the number of transactions identified through the process established under that subsection during the reporting period and the number of such transactions flagged for further review.

"(J) A summary of the hiring practices and policies of the Committee pursuant to subsection (k)(4).

"(K) A list of the waivers granted by the Committee under subsection (b)(1)(C)(v)(IV)(bb)(CC).";

(2) in paragraph (3)—

(A) by striking "CRITICAL TECHNOLOGIES" and all that follows through "In order to assist" and inserting "CRITICAL TECHNOLOGIES.—In order to assist";

(B) by striking subparagraph (B);

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the left;

(D) in subparagraph (A), as redesignated by subparagraph (C), by striking "; and" and inserting a semicolon;

(E) in subparagraph (B), as so redesignated, by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(C) a description of the technologies recommended by the chairperson under subsection (a)(6)(B) for identification under the interagency process set forth in section 1758(a) of the Export Control Reform Act of 2018.".

(3) by adding at the end the following:

"(4) FORM OF REPORT.—

"(A) IN GENERAL.—All appropriate portions of the annual report under paragraph (1) may be classified. An unclassified version of the report, as appropriate, consistent with safeguarding national security and privacy, shall be made available to the public.

"(B) INCLUSION IN CLASSIFIED VERSION.—If the Committee recommends that the President suspend or prohibit a covered transaction because the transaction threatens to impair the national security of the United States, the Committee shall, in the classified version of the report required under paragraph (1), notify Congress of the recommendation and, upon request, provide a classified briefing on the recommendation.

"(C) INCLUSIONS IN UNCLASSIFIED VERSION.—The unclassified version of the report required under paragraph (1) shall include, with respect to covered transactions for the reporting period—

"(i) the number of notices submitted under subsection (b)(1)(C)(i);

"(ii) the number of declarations submitted under subsection (b)(1)(C)(v) and the number of such declarations that were required under subclause (IV) of that subsection;

"(iii) the number of declarations submitted under subsection (b)(1)(C)(v) for which the Committee required resubmission as notices under subsection (b)(1)(C)(i);

"(iv) the average number of days that elapsed between submission of a declaration under subsection (b)(1)(C)(v) and the acceptance of the declaration by the Committee;

"(v) the median and average number of days that elapsed between acceptance of a declaration by the Committee and a response described in subsection (b)(1)(C)(v)(III);

"(vi) information on the time it took the Committee to provide comments on, or to accept, notices submitted under subsection (b)(1)(C)(i), including—

"(I) the average number of business days that elapsed between the date of submission of a draft notice and the date on which the Committee provided written comments on the draft notice;

"(II) the average number of business days that elapsed between the date of submission of a formal written notice and the date on which the Committee accepted or provided written comments on the formal written notice; and

"(III) if the average number of business days for a response by the Committee reported under subclause (I) or (II) exceeded 10 business days—

"(aa) an explanation of the causes of such delays, including whether such delays are caused by resource shortages, unusual fluctuations in the volume of notices, transaction characteristics, or other factors; and

"(bb) an explanation of the steps that the Committee anticipates taking to mitigate the causes of such delays and otherwise to improve the ability of the Committee to provide comments on, or to accept, notices within 10 business days;

"(vii) the number of reviews or investigations conducted under subsection (b);

"(viii) the number of investigations that were subject to an extension under subsection (b)(2)(C)(ii);

"(ix) information on the duration of those reviews and investigations, including the median and average number of days required to complete those reviews and investigations;

"(x) the number of notices submitted under subsection (b)(1)(C)(i) and declarations submitted under subsection (b)(1)(C)(v) that were rejected by the Committee;

"(xi) the number of such notices and declarations that were withdrawn by a party to the covered transaction;

"(xii) the number of such withdrawals that were followed by the submission of a subsequent such notice or declaration relating to a substantially similar covered transaction; and

"(xiii) such other specific, cumulative, or trend information that the Committee determines is advisable to provide for an assessment of the time required for reviews and investigations of covered transactions under this section.".

(b) REPORT ON CHINESE INVESTMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter through 2026, the Secretary of Commerce shall submit to Congress and the Committee on Foreign Investment in the United States a report on foreign direct investment transactions made by entities of the People's Republic of China in the United States.

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

(A) Total foreign direct investment from the People's Republic of China in the United States, including total foreign direct investment disaggregated by ultimate beneficial owner.

(B) A breakdown of investments from the People's Republic of China in the United States by value using the following categories:

(i) Less than $50,000,000.

(ii) Greater than or equal to $50,000,000 and less than $100,000,000.

(iii) Greater than or equal to $100,000,000 and less than $1,000,000,000.

(iv) Greater than or equal to $1,000,000,000 and less than $2,000,000,000.

(v) Greater than or equal to $2,000,000,000 and less than $5,000,000,000.

(vi) Greater than or equal to $5,000,000,000.

(C) A breakdown of investments from the People's Republic of China in the United States by 2-digit North American Industry Classification System code.

(D) A breakdown of investments from the People's Republic of China in the United States by investment type, using the following categories:

(i) Businesses established.

(ii) Businesses acquired.

(E) A breakdown of investments from the People's Republic of China in the United States by government and non-government investments, including volume, sector, and type of investment within each category.

(F) A list of companies incorporated in the United States purchased through government investment by the People's Republic of China.

(G) The number of United States affiliates of entities under the jurisdiction of the People's Republic of China, the total employees at those affiliates, and the valuation for any publicly traded United States affiliate of such an entity.

(H) An analysis of patterns in the investments described in subparagraphs (A) through (F), including in volume, type, and sector, and the extent to which those patterns of investments align with the objectives outlined by the Government of the People's Republic of China in its Made in China 2025 plan, including a comparative analysis of investments from the People's Republic of China in the United States and all foreign direct investment in the United States.

(I) An identification of any limitations on the ability of the Secretary of Commerce to collect comprehensive information that is reasonably and lawfully available about foreign investment in the United States from the People's Republic of China on a timeline necessary to complete reports every 2 years as required by paragraph (1), including—

(i) an identification of any discrepancies between government and private sector estimates of investments from the People's Republic of China in the United States;

(ii) a description of the different methodologies or data collection methods, including by private sector entities, used to measure foreign investment that may result in different estimates; and

(iii) recommendations for enhancing the ability of the Secretary of Commerce to improve data collection of information about foreign investment in the United States from the People's Republic of China.

(3) EXTENSION OF DEADLINE.—If, as a result of a limitation identified under paragraph (2)(I), the Secretary of Commerce determines that the Secretary will be unable to submit a report at the time required by paragraph (1), the Secretary may request additional time to complete the report.

(c) REPORT ON CERTAIN RAIL INVESTMENTS BY STATE-OWNED OR STATE-CONTROLLED ENTITIES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the appropriate members of the Committee on Foreign Investment in the United States, submit to Congress a report assessing—

(A) national security risks, if any, related to investments in the United States by state-owned or state-controlled entities in the manufacture or assembly of rolling stock or other assets for use in freight rail, public transportation rail systems, or intercity passenger rail systems; and

(B) how the number and types of such investments could affect any such risks.

(2) CONSULTATION.—The Secretary, in preparing the report required by paragraph (1), shall consult with the Secretary of Transportation and the head of any agency that is not represented on the Committee on Foreign Investment in the United States that has significant technical expertise related to the assessments required by that paragraph.

SEC. 1720. CERTIFICATION OF NOTICES AND INFORMATION.

Section 721(n) of the Defense Production Act of 1950 (50 U.S.C. 4565(n)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking "Each notice" and inserting the following: "(1) IN GENERAL.—Each notice";

(3) by striking "paragraph (3)(B)" and inserting "paragraph (6)(B)";

(4) by striking "paragraph (1)(A)" and inserting "paragraph (3)(A)";

(5) by adding at the end the following:

"(2) EFFECT OF FAILURE TO SUBMIT.—The Committee may not complete a review under this section of a covered transaction and may recommend to the President that the President suspend or prohibit the transaction under subsection (d) if the Committee determines that a party to the transaction has—

"(A) failed to submit a statement required by paragraph (1); or

"(B) included false or misleading information in a notice or information described in paragraph (1) or omitted material information from such notice or information.

"(3) APPLICABILITY OF LAW ON FRAUD AND FALSE STATEMENTS.—The Committee shall prescribe regulations expressly providing for the application of section 1001 of title 18, United States Code, to all information provided to the Committee under this section by any party to a covered transaction.".

50 USC 4565 note.

SEC. 1721. IMPLEMENTATION PLANS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the chairperson of the Committee on Foreign Investment in the United States and the Secretary of Commerce shall, in consultation with the appropriate members of the Committee—

(1) develop plans to implement this subtitle; and

(2) submit to the appropriate congressional committees a report on the plans developed under paragraph (1), which shall include a description of—

(A) the timeline and process to implement the provisions of, and amendments made by, this subtitle;

(B) any additional staff necessary to implement the plans; and

(C) the resources required to effectively implement the plans.

(b) ANNUAL RESOURCE NEEDS OF CFIUS MEMBER AGENCIES.—Not later than one year after the submission of the report under subsection (a)(2), and annually thereafter for 7 years, each department or agency represented on the Committee on Foreign Investment in the United States shall submit to the appropriate congressional committees a detailed spending plan to expeditiously meet the requirements of section 721 of the Defense Production Act of 1950, as amended by this subtitle, including estimated expenditures and staffing levels for not less than the following fiscal year.

(c) TESTIMONY.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended by adding at the end the following:

"(o) TESTIMONY.—

"(1) IN GENERAL.—Not later than March 31 of each year, the chairperson, or the designee of the chairperson, shall appear before the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate to present testimony on—

"(A) anticipated resources necessary for operations of the Committee in the following fiscal year at each of the departments or agencies represented on the Committee;

"(B) the adequacy of appropriations for the Committee in the current and the previous fiscal year to—

"(i) ensure that thorough reviews and investigations are completed as expeditiously as possible;

"(ii) monitor and enforce mitigation agreements; and

"(iii) identify covered transactions for which a notice under clause (i) of subsection (b)(1)(C) or a declaration under clause (v) of that subsection was not submitted to the Committee;

"(C) management efforts to strengthen the ability of the Committee to meet the requirements of this section; and

"(D) activities of the Committee undertaken in order to—

"(i) educate the business community, with a particular focus on the technology sector and other sectors of importance to national security, on the goals and operations of the Committee;

"(ii) disseminate to the governments of countries that are allies or partners of the United States best practices of the Committee that—

"(I) strengthen national security reviews of relevant investment transactions; and

"(II) expedite such reviews when appropriate; and

"(iii) promote openness to foreign investment, consistent with national security considerations.

"(2) SUNSET.—This subsection shall have no force or effect on or after the date that is 7 years after the date of the enactment of the Foreign Investment Risk Review Modernization Act of 2018.".

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.

SEC. 1722. ASSESSMENT OF NEED FOR ADDITIONAL RESOURCES FOR COMMITTEE.

50 USC 4565 note.

The President shall—

(1) determine whether and to what extent the expansion of the responsibilities of the Committee on Foreign Investment in the United States pursuant to the amendments made by this subtitle necessitates additional resources for the Committee

and the departments and agencies represented on the Committee to perform their functions under section 721 of the Defense Production Act of 1950, as amended by this subtitle; and

(2) if the President determines that additional resources are necessary, include in the budget of the President for fiscal year 2019 and each fiscal year thereafter submitted to Congress under section 1105(a) of title 31, United States Code, a request for such additional resources.

SEC. 1723. FUNDING.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by section 1721, is further amended by adding at the end the following:

"(p) FUNDING.—

"(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the 'Committee on Foreign Investment in the United States Fund' (in this subsection referred to as the 'Fund'), to be administered by the chairperson.

"(2) AUTHORIZATION OF APPROPRIATIONS FOR THE COMMITTEE.—There are authorized to be appropriated to the Fund for each of fiscal years 2019 through 2023 $20,000,000 to perform the functions of the Committee.

"(3) FILING FEES.—

"(A) IN GENERAL.—The Committee may assess and collect a fee in an amount determined by the Committee in regulations, to the extent provided in advance in appropriations Acts, without regard to section 9701 of title 31, United States Code, and subject to subparagraph (B), with respect to each covered transaction for which a written notice is submitted to the Committee under subsection (b)(1)(C)(i). The total amount of fees collected under this paragraph may not exceed the costs of administering this section.

"(B) DETERMINATION OF AMOUNT OF FEE.—

"(i) IN GENERAL.—The amount of the fee to be assessed under subparagraph (A) with respect to a covered transaction—

"(I) may not exceed an amount equal to the lesser of—

"(aa) 1 percent of the value of the transaction; or

"(bb) $300,000, adjusted annually for inflation pursuant to regulations prescribed by the Committee; and

"(II) shall be based on the value of the transaction, taking into account—

"(aa) the effect of the fee on small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632));

"(bb) the expenses of the Committee associated with conducting activities under this section;

"(cc) the effect of the fee on foreign investment; and

"(dd) such other matters as the Committee considers appropriate.

"(ii) UPDATES.—The Committee shall periodically reconsider and adjust the amount of the fee to be assessed under subparagraph (A) with respect to a covered transaction to ensure that the amount of the fee does not exceed the costs of administering this section and otherwise remains appropriate.

"(C) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under subparagraph (A) shall—

"(i) be deposited into the Fund solely for use in carrying out activities under this section;

"(ii) to the extent and in the amounts provided in advance in appropriations Acts, be available to the chairperson;

"(iii) remain available until expended; and

"(iv) be in addition to any appropriations made available to the members of the Committee.

"(D) STUDY ON PRIORITIZATION FEE.—

"(i) IN GENERAL.—Not later than 270 days after the date of the enactment of the Foreign Investment Risk Review Modernization Act of 2018, the chairperson, in consultation with the Committee, shall complete a study of the feasibility and merits of establishing a fee or fee scale to prioritize the timing of the response of the Committee to a draft or formal written notice during the period before the Committee accepts the formal written notice under subsection (b)(1)(C)(i), in the event that the Committee is unable to respond during the time required by subclause (II) of that subsection because of an unusually large influx of notices, or for other reasons.

"(ii) SUBMISSION TO CONGRESS.—After completing the study required by clause (i), the chairperson, or a designee of the chairperson, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the findings of the study.

"(4) TRANSFER OF FUNDS.—To the extent provided in advance in appropriations Acts, the chairperson may transfer any amounts in the Fund to any other department or agency represented on the Committee for the purpose of addressing emerging needs in carrying out activities under this section. Amounts so transferred shall be in addition to any other amounts available to that department or agency for that purpose.".

SEC. 1724. CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by section 1723, is further amended by adding at the end the following:

"(q) CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.—

"(1) IN GENERAL.—The chairperson, in consultation with the Committee, may centralize certain functions of the Committee within the Department of the Treasury for the purpose

of enhancing interagency coordination and collaboration in carrying out the functions of the Committee under this section.

"(2) FUNCTIONS.—Functions that may be centralized under paragraph (1) include identifying non-notified and non-declared transactions pursuant to subsection (b)(1)(H), and other functions as determined by the chairperson and the Committee.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any department or agency represented on the Committee to represent its own interests before the Committee.".

SEC. 1725. CONFORMING AMENDMENTS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by this subtitle, is further amended—

(1) in subsection (b)—

(A) in paragraph (1)(D)(iii)(I), by striking "subsection (l)(1)(A)" and inserting "subsection (l)(3)(A)"; and

(B) in paragraph (2)(B)(i)(I), by striking "that threat" and inserting "the risk";

(2) in subsection (d)(4)(A), by striking "the foreign interest exercising control" and inserting "a foreign person that would acquire an interest in a United States business or its assets as a result of the covered transaction"; and

(3) in subsection (j), by striking "merger, acquisition, or takeover" and inserting "transaction".

SEC. 1726. BRIEFING ON INFORMATION FROM TRANSACTIONS REVIEWED BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES RELATING TO FOREIGN EFFORTS TO INFLUENCE DEMOCRATIC INSTITUTIONS AND PROCESSES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury (or a designee of the Secretary) shall provide a briefing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

(1) transactions reviewed by the Committee on Foreign Investment in the United States during the 5-year period preceding the briefing that the Committee determined would have allowed foreign persons to inappropriately influence democratic institutions and processes within the United States and in other countries; and

(2) the disposition of such reviews, including any steps taken by the Committee to address the risk of allowing foreign persons to influence such institutions and processes.

50 USC 4565 note.

SEC. 1727. EFFECTIVE DATE.

(a) IMMEDIATE APPLICABILITY OF CERTAIN PROVISIONS.—The following shall take effect on the date of the enactment of this Act and, as applicable, apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after such date of enactment:

(1) Sections 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1716, 1717, 1718, 1720, 1721, 1722, 1723, 1724, and 1725 and any amendments made by those sections.

(2) Section 1712 and the amendments made by that section (except for clause (iii) of section 721(b)(4)(A) of the Defense Production Act of 1950, as added by section 1712).

(3) Paragraphs (1), (2), (3), (4)(A)(i), (4)(B)(i), (4)(B)(iv)(I), (4)(B)(v), (4)(C)(v), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of subsection (a) of section 721 of the Defense Production Act of 1950, as amended by section 1703.

(4) Section 721(m)(4) of the Defense Production Act of 1950, as amended by section 1719 (except for clauses (ii), (iii), (iv), and (v) of subparagraph (B) of that section).

(b) DELAYED APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Any provision of or amendment made by this subtitle not specified in subsection (a) shall—

(A) take effect on the earlier of—

(i) the date that is 18 months after the date of the enactment of this Act; or

(ii) the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee on Foreign Investment in the United States that the regulations, organizational structure, personnel, and other resources necessary to administer the new provisions are in place; and

(B) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date described in subparagraph (A).

(2) NONDELEGATION OF DETERMINATION.—The determination of the chairperson of the Committee on Foreign Investment in the United States under paragraph (1)(A) may not be delegated.

(c) AUTHORIZATION FOR PILOT PROGRAMS.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act and ending on the date that is 570 days thereafter, the Committee on Foreign Investment in the United States may, at its discretion, conduct one or more pilot programs to implement any authority provided pursuant to any provision of or amendment made by this subtitle not specified in subsection (a).

(2) PUBLICATION IN FEDERAL REGISTER.—A pilot program under paragraph (1) may not commence until the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee of the scope of and procedures for the pilot program. That determination may not be delegated.

SEC. 1728. SEVERABILITY.

50 USC 4565 note.

If any provision of this subtitle or an amendment made by this subtitle, or the application of such a provision or amendment to any person or circumstance, is held to be invalid, the application of that provision or amendment to other persons or circumstances and the remainder of the provisions of this subtitle and the amendments made by this subtitle, shall not be affected thereby.

Subtitle B—Export Control Reform

Export Control Reform Act of 2018.
50 USC 4801 note.

SEC. 1741. SHORT TITLE.

This subtitle may be cited as the "Export Control Reform Act of 2018".

50 USC 4801.

SEC. 1742. DEFINITIONS.

In this subtitle:

(1) CONTROLLED.—The term "controlled" refers to an item subject to the jurisdiction of the United States under part I.

(2) DUAL-USE.—The term "dual-use", with respect to an item, means the item has civilian applications and military, terrorism, weapons of mass destruction, or law-enforcement-related applications.

(3) EXPORT.—The term "export", with respect to an item subject to controls under part I, includes—

(A) the shipment or transmission of the item out of the United States, including the sending or taking of the item out of the United States, in any manner; and

(B) the release or transfer of technology or source code relating to the item to a foreign person in the United States.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means—

(A) the Export Administration Regulations as promulgated, maintained, and amended under the authority of the International Emergency Economic Powers Act and codified, as of the date of the enactment of this Act, in subchapter C of chapter VII of title 15, Code of Federal Regulations; or

(B) regulations that are promulgated, maintained, and amended under the authority of part I on or after the date of the enactment of this Act.

(5) FOREIGN PERSON.—The term "foreign person" means—

(A) any natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual (as such term is defined in section 274B(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3));

(B) any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated in the United States or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of a foreign government (e.g., diplomatic mission).

(6) IN-COUNTRY TRANSFER.—The term "in-country transfer", with respect to an item subject to controls under part I, means a change in the end-use or end user of the item within the same foreign country.

(7) ITEM.—The term "item" means a commodity, software, or technology.

(8) PERSON.—The term "person" means—

(A) a natural person;

(B) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter,

guarantor, and any other business organization, any other nongovernmental entity, organization, or group, or any government or agency thereof; and

(C) any successor to any entity described in subparagraph (B).

(9) REEXPORT.—The term "reexport", with respect to an item subject to controls under part I, includes—

(A) the shipment or transmission of the item from a foreign country to another foreign country, including the sending or taking of the item from the foreign country to the other foreign country, in any manner; and

(B) the release or transfer of technology or source code relating to the item to a foreign person outside the United States.

(10) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Commerce.

(11) TECHNOLOGY.—The term "technology" includes information, in tangible or intangible form, necessary for the development, production, or use of an item.

(12) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(13) UNITED STATES PERSON.—The term "United States person" means—

(A) for purposes of part I—

(i) any individual who is a citizen or national of the United States or who is an individual described in subparagraph (B) of section 274B(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3));

(ii) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia; and

(iii) any person in the United States; and

(B) for purposes of part II, any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations by the Secretary.

(14) WEAPONS OF MASS DESTRUCTION.—The term "weapons of mass destruction" means nuclear, radiological, chemical, and biological weapons and delivery systems for such weapons.

PART I—AUTHORITY AND ADMINISTRATION OF CONTROLS

Export Controls Act of 2018.

SEC. 1751. SHORT TITLE.

50 USC 4801 note.

This part may be cited as the "Export Controls Act of 2018".

50 USC 4811.

SEC. 1752. STATEMENT OF POLICY.

The following is the policy of the United States:

(1) To use export controls only after full consideration of the impact on the economy of the United States and only to the extent necessary—

(A) to restrict the export of items which would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States; and

(B) to restrict the export of items if necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations.

(2) The national security and foreign policy of the United States require that the export, reexport, and in-country transfer of items, and specific activities of United States persons, wherever located, be controlled for the following purposes:

(A) To control the release of items for use in—

(i) the proliferation of weapons of mass destruction or of conventional weapons;

(ii) the acquisition of destabilizing numbers or types of conventional weapons;

(iii) acts of terrorism;

(iv) military programs that could pose a threat to the security of the United States or its allies; or

(v) activities undertaken specifically to cause significant interference with or disruption of critical infrastructure.

(B) To preserve the qualitative military superiority of the United States.

(C) To strengthen the United States defense industrial base.

(D) To carry out the foreign policy of the United States, including the protection of human rights and the promotion of democracy.

(E) To carry out obligations and commitments under international agreements and arrangements, including multilateral export control regimes.

(F) To facilitate military interoperability between the United States and its North Atlantic Treaty Organization (NATO) and other close allies.

(G) To ensure national security controls are tailored to focus on those core technologies and other items that are capable of being used to pose a serious national security threat to the United States.

(3) The national security of the United States requires that the United States maintain its leadership in the science, technology, engineering, and manufacturing sectors, including foundational technology that is essential to innovation. Such leadership requires that United States persons are competitive in global markets. The impact of the implementation of this part on such leadership and competitiveness must be evaluated on an ongoing basis and applied in imposing controls under sections 1753 and 1754 to avoid negatively affecting such leadership.

(4) The national security and foreign policy of the United States require that the United States participate in multilateral

organizations and agreements regarding export controls on items that are consistent with the policy of the United States, and take all the necessary steps to secure the adoption and consistent enforcement, by the governments of such countries, of export controls on items that are consistent with such policy.

(5) Export controls should be coordinated with the multilateral export control regimes. Export controls that are multilateral are most effective, and should be tailored to focus on those core technologies and other items that are capable of being used to pose a serious national security threat to the United States and its allies.

(6) Export controls applied unilaterally to items widely available from foreign sources generally are less effective in preventing end-users from acquiring those items. Application of unilateral export controls should be limited for purposes of protecting specific United States national security and foreign policy interests.

(7) The effective administration of export controls requires a clear understanding both inside and outside the United States Government of which items are controlled and an efficient process should be created to regularly update the controls, such as by adding or removing such items.

(8) The export control system must ensure that it is transparent, predictable, and timely, has the flexibility to be adapted to address new threats in the future, and allows seamless access to and sharing of export control information among all relevant United States national security and foreign policy agencies.

(9) Implementation and enforcement of United States export controls require robust capabilities in monitoring, intelligence, and investigation, appropriate penalties for violations, and the ability to swiftly interdict unapproved transfers.

(10) Export controls complement and are a critical element of the national security policies underlying the laws and regulations governing foreign direct investment in the United States, including controlling the transfer of critical technologies to certain foreign persons. Thus, the President, in coordination with the Secretary, the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the heads of other Federal agencies, as appropriate, should have a regular and robust process to identify the emerging and other types of critical technologies of concern and regulate their release to foreign persons as warranted regardless of the nature of the underlying transaction. Such identification efforts should draw upon the resources and expertise of all relevant parts of the United States Government, industry, and academia. These efforts should be in addition to traditional efforts to modernize and update the lists of controlled items under the multilateral export control regimes.

(11) The authority under this part may be exercised only in furtherance of all of the objectives set forth in paragraphs (1) through (10).

SEC. 1753. AUTHORITY OF THE PRESIDENT.

50 USC 4812.

(a) AUTHORITY.—In order to carry out the policy set forth in paragraphs (1) through (10) of section 1752, the President shall control—

(1) the export, reexport, and in-country transfer of items subject to the jurisdiction of the United States, whether by United States persons or by foreign persons; and

(2) the activities of United States persons, wherever located, relating to specific—

(A) nuclear explosive devices;

(B) missiles;

(C) chemical or biological weapons;

(D) whole plants for chemical weapons precursors;

(E) foreign maritime nuclear projects; and

(F) foreign military intelligence services.

(b) REQUIREMENTS.—In exercising authority under this part to carry out the policy set forth in paragraphs (1) through (10) of section 1752, the President shall—

(1) regulate the export, reexport, and in-country transfer of items described in subsection (a)(1) of United States persons or foreign persons;

(2) regulate the activities described in subsection (a)(2) of United States persons, wherever located;

(3) seek to secure the cooperation of other governments and multilateral organizations to impose control systems that are consistent, to the extent possible, with the controls imposed under subsection (a);

(4) maintain the leadership of the United States in science, engineering, technology research and development, manufacturing, and foundational technology that is essential to innovation;

(5) protect United States technological advances by prohibiting unauthorized technology transfers to foreign persons in the United States or outside the United States, particularly with respect to countries that may pose a significant threat to the national security of the United States;

(6) strengthen the United States industrial base, both with respect to current and future defense requirements; and

(7) enforce the controls through means such as regulations, requirements for compliance, lists of controlled items, lists of foreign persons who threaten the national security or foreign policy of the United States, and guidance in a form that facilitates compliance by United States persons and foreign persons, in particular academic institutions, scientific and research establishments, and small- and medium-sized businesses.

(c) APPLICATION OF CONTROLS.—The President shall impose controls over the export, reexport, or in-country transfer of items for purposes of the objectives described in subsections (b)(1) or (b)(2) without regard to the nature of the underlying transaction or any circumstances pertaining to the activity, including whether such export, reexport, or in-country transfer occurs pursuant to a purchase order or other contract requirement, voluntary decision, inter-company arrangement, marketing effort, or during a joint venture, joint development agreement, or similar collaborative agreement.

50 USC 4813.

SEC. 1754. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—In carrying out this part on behalf of the President, the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the heads of other Federal agencies as appropriate, shall—

(1) establish and maintain a list of items that are controlled under this part;

(2) establish and maintain a list of foreign persons and end-uses that are determined to be a threat to the national security and foreign policy of the United States pursuant to the policy set forth in section 1752(2)(A);

(3) prohibit unauthorized exports, reexports, and in-country transfers of controlled items, including to foreign persons in the United States or outside the United States;

(4) restrict exports, reexports, and in-country transfers of any controlled items to any foreign person or end-use listed under paragraph (2);

(5) require licenses or other authorizations, as appropriate, for exports, reexports, and in-country transfers of controlled items, including—

(A) imposing conditions or restrictions on United States persons and foreign persons with respect to such licenses or other authorizations; and

(B) suspending or revoking such licenses or authorizations;

(6) establish a process for an assessment to determine whether a foreign item is comparable in quality to an item controlled under this part, and is available in sufficient quantities to render the United States export control of that item or the denial of a license ineffective, including a mechanism to address that disparity;

(7) require measures for compliance with the export controls established under this part;

(8) require and obtain such information from United States persons and foreign persons as is necessary to carry out this part;

(9) require, to the extent feasible, identification of items subject to controls under this part in order to facilitate the enforcement of such controls;

(10) inspect, search, detain, or seize, or impose temporary denial orders with respect to items, in any form, that are subject to controls under this part, or conveyances on which it is believed that there are items that have been, are being, or are about to be exported, reexported, or in-country transferred in violation of this part;

(11) monitor shipments and other means of transfer;

(12) keep the public appropriately apprised of changes in policy, regulations, and procedures established under this part;

(13) appoint technical advisory committees in accordance with the Federal Advisory Committee Act;

(14) create, as warranted, exceptions to licensing requirements in order to further the objectives of this part;

(15) establish and maintain processes to inform persons, either individually by specific notice or through amendment to any regulation or order issued under this part, that a license from the Bureau of Industry and Security of the Department of Commerce is required to export; and

(16) undertake any other action as is necessary to carry out this part that is not otherwise prohibited by law.

(b) RELATIONSHIP TO IEEPA.—The authority under this part may not be used to regulate or prohibit under this part the export,

reexport, or in-country transfer of any item that may not be regulated or prohibited under section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), except to the extent the President has made a determination necessary to impose controls under subparagraph (A), (B), or (C) of paragraph (2) of such section.

(c) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—

(1) COMMERCE LICENSE REQUIREMENT.—

(A) IN GENERAL.—A license shall be required for the export, reexport, or in-country transfer of items, the control of which is implemented pursuant to subsection (a) by the Secretary, to a country if the Secretary of State has made the following determinations:

(i) The government of such country has repeatedly provided support for acts of international terrorism.

(ii) The export, reexport, or in-country transfer of such items could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

(B) DETERMINATION UNDER OTHER PROVISIONS OF LAW.—A determination of the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law that the government of a country described in subparagraph (A) has repeatedly provided support for acts of international terrorism shall be deemed to be a determination with respect to such government for purposes of clause (i) of subparagraph (A).

(2) NOTIFICATION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of State and the Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is issued as required by paragraph (1).

(B) CONTENTS.—The Secretary of State shall include in the notification required under subparagraph (A)—

(i) a detailed description of the items to be offered, including a brief description of the capabilities of any item for which a license to export, reexport, or in-country transfer the items is sought;

(ii) the reasons why the foreign country, person, or entity to which the export, reexport, or in-country transfer is proposed to be made has requested the items under the export, reexport, or in-country transfer, and a description of the manner in which such country, person, or entity intends to use such items;

(iii) the reasons why the proposed export, reexport, or in-country transfer is in the national interest of the United States;

(iv) an analysis of the impact of the proposed export, reexport, or in-country transfer on the military

capabilities of the foreign country, person, or entity to which such transfer would be made;

(v) an analysis of the manner in which the proposed export, reexport, or in-country transfer would affect the relative military strengths of countries in the region to which the items that are the subject of such export, reexport, or in-country transfer would be delivered and whether other countries in the region have comparable kinds and amounts of items; and

(vi) an analysis of the impact of the proposed export, reexport, or in-country transfer on the relations of the United States with the countries in the region to which the items that are the subject of such export, reexport, or in-country transfer would be delivered.

(3) PUBLICATION IN FEDERAL REGISTER.—Each determination of the Secretary of State under paragraph (1)(A)(i) shall be published in the Federal Register, except that the Secretary of State may exclude confidential information and trade secrets contained in such determination.

(4) RESCISSION OF DETERMINATION.—A determination of the Secretary of State under paragraph (1)(A)(i) may not be rescinded unless the President submits to the Speaker of the House of Representatives, the chairman of the Committee on Foreign Affairs, and the chairman of the Committee on Banking, Housing, and Urban Affairs and the chairman of the Committee on Foreign Relations of the Senate—

(A) before the proposed rescission would take effect, a report certifying that—

(i) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(ii) that government is not supporting acts of international terrorism; and

(iii) that government has provided assurances that it will not support acts of international terrorism in the future; or

(B) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(i) the government concerned has not provided any support for acts international terrorism during the preceding 6-month period; and

(ii) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(d) ENHANCED CONTROLS.—

(1) IN GENERAL.—In furtherance of section 1753(a), the President shall, except to the extent authorized by a statute or regulation administered by a Federal department or agency other than the Department of Commerce, require a United States person, wherever located, to apply for and receive a license from the Department of Commerce for—

(A) the export, reexport, or in-country transfer of items described in paragraph (2), including items that are not subject to control under this part; and

(B) other activities that may support the design, development, production, use, operation, installation,

maintenance, repair, overhaul, or refurbishing of, or for the performance of services relating to, any such items.

(2) ITEMS DESCRIBED.—The items described in this paragraph include—

(A) nuclear explosive devices;

(B) missiles;

(C) chemical or biological weapons;

(D) whole plants for chemical weapons precursors; and

(E) foreign maritime nuclear projects that would pose a risk to the national security or foreign policy of the United States.

(e) ADDITIONAL PROHIBITIONS.—The Secretary may inform United States persons, either individually by specific notice or through amendment to any regulation or order issued under this part, that a license from the Bureau of Industry and Security of the Department of Commerce is required to engage in any activity if the activity involves the types of movement, service, or support described in subsection (d). The absence of any such notification does not excuse the United States person from compliance with the license requirements of subsection (d), or any regulation or order issued under this part.

(f) LICENSE REVIEW STANDARDS.—The Secretary shall deny an application to engage in any activity described in subsection (d) if the activity would make a material contribution to any of the items described in subsection (d)(2).

50 USC 4814.

SEC. 1755. ADMINISTRATION OF EXPORT CONTROLS.

(a) IN GENERAL.—The President shall rely on, including through delegations, as appropriate, the Secretary, the Secretary of Defense, the Secretary of State, the Secretary of Energy, the Director of National Intelligence, and the heads of other Federal agencies as appropriate, to exercise the authority to carry out the purposes set forth in subsection (b).

(b) PURPOSES.—The purposes of this section include to—

(1) advise the President with respect to—

(A) identifying specific threats to the national security and foreign policy that the authority of this part may be used to address; and

(B) exercising the authority under this part to implement policies, regulations, procedures, and actions that are necessary to effectively counteract those threats;

(2) review and approve—

(A) criteria for including items on, and removing such an item from, a list of controlled items established under this part;

(B) an interagency procedure for compiling and amending any list described in subparagraph (A);

(C) criteria for including a person on a list of persons to whom exports, reexports, and in-country transfers of items are prohibited or restricted under this part;

(D) standards for compliance by persons subject to controls under this part; and

(E) policies and procedures for the end-use monitoring of exports, reexports, and in-country transfers of items controlled under this part; and

(3) benefit from the inherent equities, experience, and capabilities of the Federal officials described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the administration of export controls under this part should be consistent with the procedures relating to export license applications described in Executive Order 12981 (1995).

SEC. 1756. LICENSING. 50 USC 4815.

(a) IN GENERAL.—The Secretary shall, consistent with delegations as described in section 1755, establish a procedure to license or otherwise authorize the export, reexport, and in-country transfer of items controlled under this part in order to carry out the policy set forth in section 1752 and the requirements set forth in section 1753(b). The procedure shall ensure that—

(1) license applications and other requests for authorization are considered and decisions made with the participation of appropriate Federal agencies, as appropriate; and

(2) licensing decisions are made in an expeditious manner, with transparency to applicants on the status of license and other authorization processing and the reason for denying any license or request for authorization.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should make best efforts to ensure that an accurate, consistent, and timely evaluation and processing of licenses or other requests for authorization to export, reexport, or in-country transfer items controlled under this part is generally accomplished within 30 days from the date of such license request.

(c) FEES.—No fee may be charged in connection with the submission, processing, or consideration of any application for a license or other authorization or other request made in connection with any regulation in effect under the authority of this part.

(d) ADDITIONAL PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The procedure required under subsection (a) shall provide for the assessment of the impact of a proposed export of an item on the United States defense industrial base and the denial of an application for a license or a request for an authorization of any export that would have a significant negative impact on such defense industrial base, as described in paragraph (3).

(2) INFORMATION FROM APPLICANT.—The procedure required under subsection (a) shall also require an applicant for a license to provide the information necessary to make the assessment provided under paragraph (1), including whether the purpose or effect of the export is to allow for the significant production of items relevant for the defense industrial base outside the United States.

(3) SIGNIFICANTLY NEGATIVE IMPACT DEFINED.—A significant negative impact on the United States defense industrial base is the following:

(A) A reduction in the availability of an item produced in the United States that is likely to be acquired by the Department of Defense or other Federal department or agency for the advancement of the national security of the United States, or for the production of an item in the United States for the Department of Defense or other agency for the advancement of the national security of the United States.

(B) A reduction in the production in the United States of an item that is the result of research and development

carried out, or funded by, the Department of Defense or other Federal department or agency to advance the national security of the United States, or a federally funded research and development center.

(C) A reduction in the employment of United States persons whose knowledge and skills are necessary for the continued production in the United States of an item that is likely to be acquired by the Department of Defense or other Federal department or agency for the advancement of the national security of the United States.

50 USC 4816.

SEC. 1757. COMPLIANCE ASSISTANCE.

(a) SYSTEM FOR SEEKING ASSISTANCE.—The President may authorize the Secretary to establish a system to provide United States persons with assistance in complying with this part, which may include a mechanism for providing information, in classified form as appropriate, who are potential customers, suppliers, or business partners with respect to items controlled under this part, in order to further ensure the prevention of the export, reexport, or in-country transfer of items that may pose a threat to the national security or foreign policy of the United States.

(b) SECURITY CLEARANCES.—In order to carry out subsection (a), the President may issue appropriate security clearances to persons described in that subsection who are responsible for complying with this part.

(c) ASSISTANCE FOR CERTAIN BUSINESSES.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall develop and submit to Congress a plan to assist small- and medium-sized United States businesses in export licensing and other processes under this part.

(2) CONTENTS.—The plan shall include, among other things, arrangements for the Department of Commerce to provide counseling to businesses described in paragraph (1) on filing applications and identifying items controlled under this part, as well as proposals for seminars and conferences to educate such businesses on export controls, licensing procedures, and related obligations.

50 USC 4817.

SEC. 1758. REQUIREMENTS TO IDENTIFY AND CONTROL THE EXPORT OF EMERGING AND FOUNDATIONAL TECHNOLOGIES.

(a) IDENTIFICATION OF TECHNOLOGIES.—

(1) IN GENERAL.—The President shall establish and, in coordination with the Secretary, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the heads of other Federal agencies as appropriate, lead, a regular, ongoing interagency process to identify emerging and foundational technologies that—

(A) are essential to the national security of the United States; and

(B) are not critical technologies described in clauses (i) through (v) of section 721(a)(6)(A) of the Defense Production Act of 1950, as amended by section 1703.

(2) PROCESS.—The interagency process established under subsection (a) shall—

(A) be informed by multiple sources of information, including—

(i) publicly available information;

(ii) classified information, including relevant information provided by the Director of National Intelligence;

(iii) information relating to reviews and investigations of transactions by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565); and

(iv) information provided by the advisory committees established by the Secretary to advise the Under Secretary of Commerce for Industry and Security on controls under the Export Administration Regulations, including the Emerging Technology and Research Advisory Committee;

(B) take into account—

(i) the development of emerging and foundational technologies in foreign countries;

(ii) the effect export controls imposed pursuant to this section may have on the development of such technologies in the United States; and

(iii) the effectiveness of export controls imposed pursuant to this section on limiting the proliferation of emerging and foundational technologies to foreign countries; and

(C) include a notice and comment period.

(b) COMMERCE CONTROLS.—

(1) IN GENERAL.—Except to the extent inconsistent with the authorities described in subsection (a)(1)(B), the Secretary shall establish appropriate controls under the Export Administration Regulations on the export, reexport, or in-country transfer of technology identified pursuant to subsection (a), including through interim controls (such as by informing a person that a license is required for export), as appropriate, or by publishing additional regulations.

(2) LEVELS OF CONTROL.—

(A) IN GENERAL.—The Secretary may, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other Federal agencies, as appropriate, specify the level of control to apply under paragraph (1) with respect to the export of technology described in that paragraph, including a requirement for a license or other authorization for the export, reexport, or in-country transfer of that technology.

(B) CONSIDERATIONS.—In determining under subparagraph (A) the level of control appropriate for technology described in paragraph (1), the Secretary shall take into account—

(i) lists of countries to which exports from the United States are restricted; and

(ii) the potential end uses and end users of the technology.

(C) MINIMUM REQUIREMENTS.—At a minimum, except as provided by paragraph (4), the Secretary shall require a license for the export, reexport, or in-country transfer of technology described in paragraph (1) to or in a country subject to an embargo, including an arms embargo, imposed by the United States.

(3) REVIEW OF LICENSE APPLICATIONS.—

(A) PROCEDURES.—The procedures set forth in Executive Order 12981 (50 U.S.C. 4603 note; relating to administration of export controls) or a successor order shall apply to the review of an application for a license or other authorization for the export, reexport, or in-country transfer of technology described in paragraph (1).

(B) CONSIDERATION OF INFORMATION RELATING TO NATIONAL SECURITY.—In reviewing an application for a license or other authorization for the export, reexport, or in-country transfer of technology described in paragraph (1), the Secretary shall take into account information provided by the Director of National Intelligence regarding any threat to the national security of the United States posed by the proposed export, reexport, or transfer. The Director of National Intelligence shall provide such information on the request of the Secretary.

(C) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for the export, reexport, or in-country transfer of technology described in paragraph (1) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

(4) EXCEPTIONS.—

(A) MANDATORY EXCEPTIONS.—The Secretary may not control under this subsection the export of any technology—

(i) described in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)); or

(ii) if the regulation of the export of that technology is prohibited under any other provision of law.

(B) REGULATORY EXCEPTIONS.—In prescribing regulations under paragraph (1), the Secretary may include regulatory exceptions to the requirements of that paragraph.

(C) ADDITIONAL EXCEPTIONS.—The Secretary shall not be required to impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of technology described in paragraph (1) pursuant to any of the following transactions:

(i) The sale or license of a finished item and the provision of associated technology if the United States person that is a party to the transaction generally makes the finished item and associated technology available to its customers, distributors, or resellers.

(ii) The sale or license to a customer of a product and the provision of integration services or similar services if the United States person that is a party to the transaction generally makes such services available to its customers.

(iii) The transfer of equipment and the provision of associated technology to operate the equipment if the transfer could not result in the foreign person

using the equipment to produce critical technologies (as defined in section 721(a) of the Defense Production Act of 1950, as amended by section 1703).

(iv) The procurement by the United States person that is a party to the transaction of goods or services, including manufacturing services, from a foreign person that is a party to the transaction, if the foreign person has no rights to exploit any technology contributed by the United States person other than to supply the procured goods or services.

(v) Any contribution and associated support by a United States person that is a party to the transaction to an industry organization related to a standard or specification, whether in development or declared, including any license of or commitment to license intellectual property in compliance with the rules of any standards organization (as defined by the Secretary by regulation).

(c) MULTILATERAL CONTROLS.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary and the Secretary of Defense, and the heads of other Federal agencies, as appropriate, shall propose that any technology identified pursuant to subsection (a) be added to the list of technologies controlled by the relevant multilateral export control regimes.

(2) ITEMS ON COMMERCE CONTROL LIST OR UNITED STATES MUNITIONS LIST.—If the Secretary of State proposes to a multilateral export control regime under paragraph (1) to add a technology identified pursuant to subsection (a) to the control list of that regime and that regime does not add that technology to the control list during the 3-year period beginning on the date of the proposal, the applicable agency head may determine whether national security concerns warrant the continuation of unilateral export controls with respect to that technology.

(d) REPORT TO COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—Not less frequently than every 180 days, the Secretary, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other Federal agencies, as appropriate, shall submit to the Committee on Foreign Investment in the United States a report on the results of actions taken pursuant to this section.

(e) REPORT TO CONGRESS.—Not less frequently than every 180 days, the Secretary, in coordination with the Secretary of Defense, the Secretary of State, and the heads of other Federal agencies, as appropriate, shall submit a report on the results of actions taken pursuant to this section, including actions taken pursuant to subsections (a), (b), and (c), to—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) MODIFICATIONS TO EMERGING TECHNOLOGY AND RESEARCH ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall revise the objectives of the Emerging Technology and Research Advisory Committee, established by the Secretary under the Export Administration Regulations, to include advising the interagency process established under subsection (a) with respect to emerging and foundational technologies.

(2) DUTIES.—The Secretary—

(A) shall revise the duties of the Emerging Technology and Research Advisory Committee to include identifying emerging and foundational technologies that may be developed over a period of 5 years or 10 years; and

(B) may revise the duties of the Advisory Committee to include identifying trends in—

(i) the ownership by foreign persons and foreign governments of such technologies;

(ii) the types of transactions related to such technologies engaged in by foreign persons and foreign governments;

(iii) the blending of private and government investment in such technologies; and

(iv) efforts to obfuscate ownership of such technologies or to otherwise circumvent the controls established under this section.

(3) MEETINGS.—

(A) FREQUENCY.—The Emerging Technology and Research Advisory Committee should meet not less frequently than every 120 days.

(B) ATTENDANCE.—A representative from each agency participating in the interagency process established under subsection (a) should be in attendance at each meeting of the Emerging Technology and Research Advisory Committee.

(4) CLASSIFIED INFORMATION.—Not fewer than half of the members of the Emerging Technology and Research Advisory Committee should hold sufficient security clearances such that classified information, including classified information described in clauses (ii) and (iii) of subsection (a)(2)(A), from the interagency process established under subsection (a) can be shared with those members to inform the advice provided by the Advisory Committee.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Emerging Technology and Research Advisory Committee.

(6) REPORT.—The Emerging Technology and Research Advisory Committee shall include the findings of the Advisory Committee under this subsection in the annual report to Congress required by section 1765.

(g) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to alter or limit—

(1) the authority of the President or the Secretary of State to designate items as defense articles and defense services for the purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.) or to otherwise regulate such items; or

(2) the authority of the President under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), or the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) or any other provision of law relating to the control of exports.

SEC. 1759. REVIEW RELATING TO COUNTRIES SUBJECT TO COMPREHENSIVE UNITED STATES ARMS EMBARGO. 50 USC 4818.

(a) IN GENERAL.—The Secretary, the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the heads of other Federal agencies as appropriate, shall conduct a review of license requirements for exports, reexports, or in-country transfers of items to countries subject to a comprehensive United States arms embargo, including, as appropriate—

(1) the scope of controls under title 15, Code of Federal Regulations, that apply to exports, reexports, and in-country transfers for military end uses and military end users in countries that are subject to a comprehensive United States arms embargo and countries that are subject to a United Nations arms embargo; and

(2) entries on the Commerce Control List maintained under title 15, Code of Federal Regulations, that are not subject to a license requirement for the export, reexport, or in-country transfer of items to countries subject to a comprehensive United States arms embargo;

(b) IMPLEMENTATION OF RESULTS OF REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall implement the results of the review conducted under subsection (a).

SEC. 1760. PENALTIES. 50 USC 4819.

(a) UNLAWFUL ACTS.—

(1) IN GENERAL.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of this part or of any regulation, order, license, or other authorization issued under this part, including any of the unlawful acts described in paragraph (2).

(2) SPECIFIC UNLAWFUL ACTS.—The unlawful acts described in this paragraph are the following:

(A) No person may engage in any conduct prohibited by or contrary to, or refrain from engaging in any conduct required by this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(B) No person may cause or aid, abet, counsel, command, induce, procure, permit, or approve the doing of any act prohibited, or the omission of any act required by this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(C) No person may solicit or attempt a violation of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(D) No person may conspire or act in concert with one or more other persons in any manner or for any purpose to bring about or to do any act that constitutes a violation

of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(E) No person may order, buy, remove, conceal, store, use, sell, loan, dispose of, transfer, transport, finance, forward, or otherwise service, in whole or in part, or conduct negotiations to facilitate such activities for, any item exported or to be exported from the United States, or that is otherwise subject to the Export Administration Regulations, with knowledge that a violation of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder, has occurred, is about to occur, or is intended to occur in connection with the item unless valid authorization is obtained therefor.

(F) No person may make any false or misleading representation, statement, or certification, or falsify or conceal any material fact, either directly to the Department of Commerce, or an official of any other United States agency, including the Department of Homeland Security and the Department of Justice, or indirectly through any other person—

(i) in the course of an investigation or other action subject to the Export Administration Regulations;

(ii) in connection with the preparation, submission, issuance, use, or maintenance of any export control document or any report filed or required to be filed pursuant to the Export Administration Regulations; or

(iii) for the purpose of or in connection with effecting any export, reexport, or in-country transfer of an item subject to the Export Administration Regulations or a service or other activity of a United States person described in section 1754.

(G) No person may engage in any transaction or take any other action with intent to evade the provisions of this part, the Export Administration Regulations, or any order, license, or authorization issued thereunder.

(H) No person may fail or refuse to comply with any reporting or recordkeeping requirements of the Export Administration Regulations or of any order, license, or authorization issued thereunder.

(I) Except as specifically authorized in the Export Administration Regulations or in writing by the Department of Commerce, no person may alter any license, authorization, export control document, or order issued under the Export Administration Regulations.

(J) No person may take any action that is prohibited by a denial order or a temporary denial order issued by the Department of Commerce to prevent imminent violations of this part, the Export Administration Regulations, or any order, license or authorization issued thereunder.

(3) ADDITIONAL REQUIREMENTS.—For purposes of paragraph (2)(F), any representation, statement, or certification made by any person shall be deemed to be continuing in effect. Each person who has made a representation, statement, or certification to the Department of Commerce relating to any order, license, or other authorization issued under this part shall

notify the Department of Commerce, in writing, of any change of any material fact or intention from that previously represented, stated, or certified, immediately upon receipt of any information that would lead a reasonably prudent person to know that a change of material fact or intention had occurred or may occur in the future.

(b) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids and abets in the commission of, an unlawful act described in subsection (a)—

(1) shall be fined not more than $1,000,000; and

(2) in the case of the individual, shall be imprisoned for not more than 20 years, or both.

(c) CIVIL PENALTIES.—

(1) AUTHORITY.—The Secretary may impose the following civil penalties on a person for each violation by that person of this part or any regulation, order, or license issued under this part, for each violation:

(A) A fine of not more than $300,000 or an amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed, whichever is greater.

(B) Revocation of a license issued under this part to the person.

(C) A prohibition on the person's ability to export, reexport, or in-country transfer any items controlled under this part.

(2) PROCEDURES.—Any civil penalty under this subsection may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(3) STANDARDS FOR LEVELS OF CIVIL PENALTY.—The Secretary may by regulation provide standards for establishing levels of civil penalty under this subsection based upon factors such as the seriousness of the violation, the culpability of the violator, and such mitigating factors as the violator's record of cooperation with the Government in disclosing the violation.

(d) CRIMINAL FORFEITURE.—

(1) IN GENERAL.—Any person who is convicted under subsection (b) of a violation of a control imposed under section 1753 (or any regulation, order, or license issued with respect to such control) shall, in addition to any other penalty, forfeit to the United States any of the person's property—

(A) used or intended to be used, in any manner, to commit or facilitate the violation;

(B) constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the violation; or

(C) constituting an item or technology that is exported or intended to be exported in violation of this title.

(2) PROCEDURES.—The procedures in any forfeiture under this subsection shall be governed by the procedures established under section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of such section.

(e) PRIOR CONVICTIONS.—

(1) LICENSE BAR.—

(A) IN GENERAL.—The Secretary may—

(i) deny the eligibility of any person convicted of a criminal violation described in subparagraph (B) to export, reexport, or in-country transfer outside the United States any item, whether or not subject to controls under this part, for a period of up to 10 years beginning on the date of the conviction; and

(ii) revoke any license or other authorization to export, reexport, or in-country transfer items that was issued under this part and in which such person has an interest at the time of the conviction.

(B) VIOLATIONS.—The violations referred to in subparagraph (A) are any criminal violations of, or criminal attempt or conspiracy to violate—

(i) this part (or any regulation, license, or order issued under this part);

(ii) any regulation, license, or order issued under the International Emergency Economic Powers Act;

(iii) section 371, 554, 793, 794, or 798 of title 18, United States Code;

(iv) section 1001 of title 18, United States Code;

(v) section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)); or

(vi) section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(2) APPLICATION TO OTHER PARTIES.—The Secretary may exercise the authority under paragraph (1) with respect to any person related, through affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or business, to any person convicted of any violation of law set forth in paragraph (1), upon a showing of such relationship with the convicted party, and subject to the procedures set forth in subsection (c)(2).

(f) OTHER AUTHORITIES.—Nothing in subsection (c), (d), or (e) limits—

(1) the availability of other administrative or judicial remedies with respect to violations of this part, or any regulation, order, license or other authorization issued under this part;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this part, or any regulation, order, license, or other authorization issued under this part; or

(3) the authority to compromise, remit or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

50 USC 4820.

SEC. 1761. ENFORCEMENT.

(a) AUTHORITIES.—In order to enforce this part, the Secretary, on behalf of the President, may exercise, in addition to relevant enforcement authorities of other Federal agencies, the authority to—

(1) issue orders and guidelines;

(2) require, inspect, and obtain books, records, and any other information from any person subject to the provisions of this part;

(3) administer oaths or affirmations and by subpoena require any person to appear and testify or to appear and produce books, records, and other writings, or both;

(4) conduct investigations within the United States and outside the United States consistent with applicable law;

(5) inspect, search, detain, seize, or issue temporary denial orders with respect to items, in any form, that are subject to controls under this part, or conveyances on which it is believed that there are items that have been, are being, or are about to be exported, reexported, or in-country transferred in violation of this part, or any regulations, order, license, or other authorization issued thereunder;

(6) carry firearms;

(7) conduct prelicense inspections and post-shipment verifications; and

(8) execute warrants and make arrests.

(b) UNDERCOVER INVESTIGATIONS.—

(1) IN GENERAL.—Amounts made available to carry out this part may be used by the Secretary to carry out undercover investigations that are necessary for detection and prosecution of violations of this part, including to—

(A) purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States without regard to—

(i) sections 1341 and 3324 of title 31, United States Code;

(ii) section 8141 of title 40, United States Code;

(iii) sections 3901, 6301(a) and (b)(1) to (3), and 6306 of title 41, United States Code; and

(iv) chapter 45 of title 41, United States Code; and

(B) establish or acquire proprietary corporations or business entities as part of the undercover operation and operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code.

(2) DEPOSIT OF AMOUNTS IN BANKS OR OTHER FINANCIAL INSTITUTIONS.—Amounts made available to carry out this part that are used to carry out undercover operations under paragraph (1) may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code.

(3) OFFSET OF NECESSARY AND REASONABLE EXPENSES.—Any proceeds from an undercover operation carried out under paragraph (1) may be used to offset necessary and reasonable expenses incurred in such undercover operation without regard to the provisions of section 3302 of title 31, United States Code.

(4) DISPOSITION OF CORPORATIONS AND BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation carried out under paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secretary shall report the circumstances to the Comptroller General of the United States as much in advance of such disposition as the

Secretary determines is practicable. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts. Any property or equipment purchased pursuant to paragraph (1) may be retained for subsequent use in undercover operations under this section. When such property or equipment is no longer needed, it shall be considered surplus and disposed of as surplus government property.

(5) DEPOSIT OF PROCEEDS.—As soon as the proceeds from an undercover operation carried out under paragraph (1), with respect to which an action is certified and carried out under this subsection, are no longer needed for the conduct of such operation, the proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) ENFORCEMENT OF SUBPOENAS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person under subsection (a)(3), a district court of the United States, after notice to such person and a hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, regardless of format, that are the subject of the subpoena. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) BEST PRACTICE GUIDELINES.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of other appropriate Federal agencies, should publish and update "best practices" guidelines to assist persons in developing and implementing, on a voluntary basis, effective export control programs in compliance with the regulations issued under this part.

(2) EXPORT COMPLIANCE PROGRAM.—The implementation by a person of an effective export compliance program and a high quality overall export compliance effort by a person should ordinarily be given weight as mitigating factors in a civil penalty action against the person under this part.

(e) REFERENCE TO ENFORCEMENT.—For purposes of this section, a reference to the enforcement of, or a violation of, this part includes a reference to the enforcement or a violation of any regulation, order, license or other authorization issued pursuant to this part.

(f) WIRETAPPING.—Section 2516(1) of title 18, United States Code, is amended—

(1) in subparagraph (s), by striking "or" at the end;

(2) by redesignating subparagraph (t) as subparagraph (u); and

(3) by inserting after subparagraph (s) (as amended by paragraph (1) of this subsection) the following new subparagraph:

"(t) any violation of the Export Control Reform Act of 2018; or".

(g) IMMUNITY.—A person shall not be excused from complying with any requirements under this section because of the person's privilege against self-incrimination, but the immunity provisions of section 6002 of title 18, United States Code, shall apply with respect to any individual who specifically claims such privilege.

(h) CONFIDENTIALITY OF INFORMATION.—

(1) EXEMPTIONS FROM DISCLOSURE.—

(A) IN GENERAL.—Information obtained under this part may be withheld from disclosure only to the extent permitted by statute, except that information described in subparagraph (B) shall be withheld from public disclosure and shall not be subject to disclosure under section 552(b)(3) of title 5, United States Code, unless the release of such information is determined by the Secretary to be in the national interest.

(B) INFORMATION DESCRIBED.—Information described in this subparagraph is information submitted or obtained in connection with an application for a license or other authorization to export, reexport, or in-country transfer items or engage in other activities, a recordkeeping or reporting requirement, an enforcement activity, or other operations under this part, including—

(i) the license application, license, or other authorization itself;

(ii) classification or advisory opinion requests, and the response thereto;

(iii) license determinations, and information pertaining thereto;

(iv) information or evidence obtained in the course of any investigation; and

(v) information obtained or furnished in connection with any international agreement, treaty, or other obligation.

(2) INFORMATION TO THE CONGRESS AND GAO.—

(A) IN GENERAL.—Nothing in this section shall be construed as authorizing the withholding of information from the Congress or from the Government Accountability Office.

(B) AVAILABILITY TO THE CONGRESS.—

(i) IN GENERAL.—Any information obtained at any time under any provision of the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), under the Export Administration Regulations, or under this part, including any report or license application required under any such provision, shall be made available to a committee or subcommittee of Congress of appropriate jurisdiction, upon the request of the chairman or ranking minority member of such committee or subcommittee.

(ii) PROHIBITION ON FURTHER DISCLOSURE.—No such committee or subcommittee, or member thereof, may disclose any information made available under clause (i), that is submitted on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(C) AVAILABILITY TO GAO.—

(i) IN GENERAL.—Information described in clause (i) of subparagraph (B) shall be subject to the limitations contained in section 716 of title 31, United States Code.

(ii) PROHIBITION ON FURTHER DISCLOSURE.—An officer or employee of the Government Accountability Office may not disclose, except to the Congress in accordance with this paragraph, any such information that is submitted on a confidential basis or from which any individual can be identified.

(3) INFORMATION SHARING.—

(A) IN GENERAL.—Any Federal official described in section 1755(a) who obtains information that is relevant to the enforcement of this part, including information pertaining to any investigation, shall furnish such information to each appropriate department, agency, or office with enforcement responsibilities under this section to the extent consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities.

(B) EXCEPTIONS.—The provisions of this paragraph shall not apply to information subject to the restrictions set forth in section 9 of title 13, United States Code, and return information, as defined in subsection (b) of section 6103 of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)), may be disclosed only as authorized by that section.

(C) EXCHANGE OF INFORMATION.—The President shall ensure that the heads of departments, agencies, and offices with enforcement authorities under this part, consistent with protection of law enforcement and its sources and methods—

(i) exchange any licensing and enforcement information with one another that is necessary to facilitate enforcement efforts under this section; and

(ii) consult on a regular basis with one another and with the head of other departments, agencies, and offices that obtain information subject to this paragraph, in order to facilitate the exchange of such information.

(D) INFORMATION SHARING WITH FEDERAL AGENCIES.—Licensing or enforcement information obtained under this part may be shared with departments, agencies, and offices that do not have enforcement authorities under this part on a case-by-case basis.

(i) REPORTING REQUIREMENTS.—In the administration of this section, reporting requirements shall be designed to reduce the cost of reporting, recordkeeping, and documentation to the extent consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

(j) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any property, real or personal, tangible or intangible, seized under subsection (a) by designated officers or employees shall be subject to forfeiture to the United States in accordance with applicable law.

(2) PROCEDURES.—Any seizure or forfeiture under this subsection shall be carried out in accordance with the procedures set forth in section 981 of title 18, United States Code.

(k) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or otherwise affect the enforcement authorities of the Department of Homeland Security which may also complement those set forth herein.

SEC. 1762. ADMINISTRATIVE PROCEDURE. 50 USC 4821.

(a) IN GENERAL.—Except as provided in section 1760(c)(2)or 1774(c), the functions exercised under this part shall not be subject to sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

(b) ADMINISTRATIVE LAW JUDGES.—

(1) IN GENERAL.—The Secretary may—

(A) appoint administrative law judges, consistent with the provisions of section 3105 of title 5, United States Code; and

(B) designate properly appointed administrative law judges from other Federal agencies who are provided to the Department of Commerce pursuant to a legally authorized interagency agreement.

(2) LIMITATION.—An administrative law judge appointed or designated by the Secretary under paragraph (1) may preside only over proceedings of the Department of Commerce.

(c) AMENDMENTS TO REGULATIONS.—The President shall notify in advance the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives of any proposed amendments to the Export Administration Regulations with an explanation of the intent and rationale of such amendments.

SEC. 1763. REVIEW OF INTERAGENCY DISPUTE RESOLUTION PROCESS. 50 USC 4822.

(a) IN GENERAL.—The President shall review and evaluate the interagency export license referral, review, and escalation processes for dual-use items and munitions under the licensing jurisdiction of the Department of Commerce or any other Federal agency, as appropriate, to determine whether current practices and procedures are consistent with established national security and foreign policy objectives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains the results of the review carried out under subsection (a).

(c) OPERATING COMMITTEE FOR EXPORT POLICY.—In any case in which the Operating Committee for Export Policy established by Executive Order 12981 (December 5, 1991; relating to Administration of Export Controls) is meeting to conduct an interagency dispute resolution relating to applications for export licenses under the Export Administration Regulations, matters relating to jet engine hot section technology, commercial communication satellites, and emerging or foundational technology may be decided by majority vote.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate.

50 USC 4823.

SEC. 1764. CONSULTATION WITH OTHER AGENCIES ON COMMODITY CLASSIFICATION.

Notwithstanding any other provision of law, the Secretary shall consult with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, as appropriate, regarding commodity classifications for any item the Secretary and the Secretary of Defense, the Secretary of State, and the Secretary of Energy identify and mutually determine is materially significant enough to warrant interagency consultation.

50 USC 4824.

SEC. 1765. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary shall submit to Congress, by December 31 of each year, a report on the implementation of this part during the preceding fiscal year. The report shall include a review of—

(1) the effect of controls imposed under this part on exports, reexports, and in-country transfers of items in addressing threats to the national security or foreign policy of the United States, including a description of licensing processing times;

(2) the impact of such controls on the scientific and technological leadership of the United States;

(3) the consistency with such controls of export controls imposed by other countries;

(4) efforts to provide exporters with compliance assistance, including specific actions to assist small- and medium-sized businesses;

(5) a summary of regulatory changes from the prior fiscal year;

(6) a summary of export enforcement actions, including of actions taken to implement end-use monitoring of dual-use, military, and other items subject to the Export Administration Regulations;

(7) a summary of approved license applications to proscribed persons;

(8) efforts undertaken within the previous year to comply with the requirements of section 1759, including any critical technologies identified under such section and how or whether such critical technologies were controlled for export; and

(9) a summary of industrial base assessments conducted during the previous year by the Department of Commerce, including with respect to counterfeit electronics, foundational technologies, and other research and analysis of critical technologies and industrial capabilities of key defense-related sectors.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

50 USC 4601 note.

SEC. 1766. REPEAL.

(a) IN GENERAL.—The Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) (other than sections 11A, 11B, and 11C of such Export Administration Act of 1979) is repealed.

22 USC 3108 note; 50 USC 4601 and note, 4602–4605, 4606 and note, 4607, 4608, 4609 and note, 4610, 4614–4023.

(b) IMPLEMENTATION.—The President shall implement the amendment made by subsection (a) by exercising the authorities of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

50 USC 4601 note.

SEC. 1767. EFFECT ON OTHER ACTS. 50 USC 4825.

(a) IN GENERAL.—Except as otherwise provided in this part, nothing contained in this part shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over the export or reexport of any item.

(b) COORDINATION OF CONTROLS.—

(1) IN GENERAL.—The authority granted to the President under this part shall be exercised in such manner so as to achieve effective coordination with the authority exercised under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and all other export control and sanctions authorities exercised by Federal departments and agencies, particularly the Department of State, the Department of the Treasury, and the Department of Energy.

(2) SENSE OF CONGRESS.—It is the sense of Congress that in order to achieve effective coordination described in paragraph (1), such Federal departments and agencies—

(A) should continuously work to create enforceable regulations with respect to the export, reexport, and in-country transfer by United States and foreign persons of commodities, software, technology, and services to various end uses and end users for foreign policy and national security reasons;

(B) should regularly work to reduce complexity in the system, including complexity caused merely by the existence of structural, definitional, and other non-policy based differences between and among different export control and sanctions systems; and

(C) should coordinate controls on items exported, reexported, or in-country transferred in connection with a foreign military sale under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or a commercial sale under section 38 of the Arms Export Control Act to reduce as much unnecessary administrative burden as possible that is a result of differences between the exercise of those two authorities.

(c) NONPROLIFERATION CONTROLS.—Nothing in this part shall be construed to supersede the procedures published by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

SEC. 1768. TRANSITION PROVISIONS. 50 USC 4826.

(a) IN GENERAL.—All delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action that have been made, issued, conducted, or allowed to become effective under the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), or the Export Administration Regulations, and are in effect as of the date of the enactment of this Act, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under the authority of this part.

(b) ADMINISTRATIVE AND JUDICIAL PROCEEDINGS.—This part shall not affect any administrative or judicial proceedings commenced, or any applications for licenses made, under the Export Administration Act of 1979 (as in effect on the day before the

date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act), or the Export Administration Regulations.

(c) CERTAIN DETERMINATIONS AND REFERENCES.—

(1) STATE SPONSORS OF TERRORISM.—Any determination that was made under section 6(j) of the Export Administration Act of 1979 (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act) shall continue in effect as if the determination had been made under section 1754(c).

(2) REFERENCE.—Any reference in any other provision of law to a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as in effect on the day before the date of the enactment of this Act and as continued in effect pursuant to the International Emergency Economic Powers Act), is a government that has repeatedly provided support for acts of international terrorism shall be deemed to refer to a country the government of which the Secretary of State has determined, for purposes of section 1754(c), is a government that has repeatedly provided support for acts of international terrorism.

Anti-Boycott Act of 2018.

PART II—ANTI-BOYCOTT ACT OF 2018

50 USC 4801 note.

SEC. 1771. SHORT TITLE.

This part may be cited as the "Anti-Boycott Act of 2018".

50 USC 4841.

SEC. 1772. STATEMENT OF POLICY.

Congress declares it is the policy of the United States—

(1) to oppose restrictive trade practices or boycotts fostered or imposed by any foreign country against other countries friendly to the United States or against any United States person;

(2) to encourage and, in specified cases, require United States persons engaged in the export of goods or technology or other information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or any United States person; and

(3) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

50 USC 4842.

SEC. 1773. FOREIGN BOYCOTTS.

(a) PROHIBITIONS AND EXCEPTIONS.—

(1) PROHIBITIONS.—For the purpose of implementing the policies set forth in section 1772, the President shall issue regulations prohibiting any United States person, with respect to that person's activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by any foreign country, against a country which is friendly to the

United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of regulations issued to carry out this subparagraph.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this subparagraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary.

(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) EXCEPTIONS.—Regulations issued pursuant to paragraph (1) shall provide exceptions for—

(A) complying or agreeing to comply with requirements—

(i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the

laws of the boycotted country or by nationals or residents of the boycotted country; or

(ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms, other than with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade named, or similarly specifically identifiable products, or components of products for his own use, including the performance of contractual services within that country, as may be defined by such regulations.

(3) SPECIAL RULES.—Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) APPLICATION.—This section shall apply to any transaction or activity undertaken, by or through a United States person or any other person, with intent to evade the provisions

of this section as implemented by the regulations issued pursuant to this subsection, and such regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

(b) FOREIGN POLICY CONTROLS.—

(1) IN GENERAL.—In addition to the regulations issued pursuant to subsection (a), regulations issued under part I to carry out the policies set forth in section 1752(1)(D) shall implement the policies set forth in this section.

(2) REQUIREMENTS.—Such regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in subsection (a) shall report that fact to the Secretary, together with such other information concerning such request as the Secretary may require for such action as the Secretary considers appropriate for carrying out the policies of that section. Such person shall also report to the Secretary whether such person intends to comply and whether such person has complied with such request. Any report filed pursuant to this paragraph shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any goods or technology to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary, considers appropriate for carrying out the policies set forth in section 1772.

(c) PREEMPTION.—The provisions of this section and the regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, or any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States.

SEC. 1774. ENFORCEMENT.

50 USC 4843.

(a) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act section 1773—

(1) shall, upon conviction, be fined not more than $1,000,000; or

(2) if a natural person, may be imprisoned for not more than 20 years, or both.

(b) CIVIL PENALTIES.—The President may impose the following civil penalties on a person who violates section 1773 or any regulation issued under this part:

(1) A fine of not more than $300,000 or an amount that is twice the value of the transaction that is the basis of the

violation with respect to which the penalty is imposed, whichever is greater.

(2) Revocation of a license issued under part I to the person.

(3) A prohibition on the person's ability to export, reexport, or in-country transfer any items controlled under part I.

(c) PROCEDURES.—Any civil penalty or administrative sanction (including any suspension or revocation of authority to export) under this section may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code, and shall be subject to judicial review in accordance with chapter 7 of such title.

(d) STANDARDS FOR LEVELS OF CIVIL PENALTY.—The President may by regulation provide standards for establishing levels of civil penalty under this section based upon factors such as the seriousness of the violation, the culpability of the violator, and the violator's record of cooperation with the Government in disclosing the violation.

PART III—ADMINISTRATIVE AUTHORITIES

50 USC 4861.

SEC. 1781. UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.

(a) IN GENERAL.—On and after the date of the enactment of this Act, any reference in any law or regulation to the Under Secretary of Commerce for Export Administration shall be deemed to be a reference to the Under Secretary of Commerce for Industry and Security.

(b) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Commerce for Export Administration" and inserting "Under Secretary of Commerce for Industry and Security".

(c) CONTINUATION IN OFFICE.—The individual serving as Under Secretary of Commerce for Export Administration on the day before the date of the enactment of this Act may serve as the Under Secretary of Commerce for Industry and Security on and after that date without the need for renomination or reappointment.

Subtitle C—Miscellaneous

SEC. 1791. EXTENSION OF AUTHORITY.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. 4564(a)) is amended by striking "September 30, 2019" and inserting "September 30, 2025".

50 USC 4531 note.

SEC. 1792. LIMITATION ON CANCELLATION OF DESIGNATION OF SECRETARY OF THE AIR FORCE AS DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

(a) LIMITATION ON CANCELLATION OF DESIGNATION.—The Secretary of Defense may not implement the decision, issued on July 1, 2017, to cancel the designation, under Department of Defense Directive 4400.01E, entitled "Defense Production Act Programs" and dated October 12, 2001, of the Secretary of the Air Force as the Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950

(50 U.S.C. 4531 et seq.) until the date specified in subsection (c).

(b) DESIGNATION.—The Secretary of the Air Force shall continue to serve as the sole and exclusive Department of Defense Executive Agent for the program described in subsection (a) until the date specified in subsection (c).

(c) DATE SPECIFIED.—The date specified in this subsection is the date of the enactment of a joint resolution or an Act approving the implementation of the decision described in subsection (a).

SEC. 1793. REVIEW OF AND REPORT ON CERTAIN DEFENSE TECHNOLOGIES CRITICAL TO THE UNITED STATES MAINTAINING SUPERIOR MILITARY CAPABILITIES.

(a) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence, in consultation with the Air Force Research Laboratory, the Defense Advanced Projects Research Agency, and such other appropriate research entities as the Secretary and the Director may identify, shall—

(1) jointly carry out and complete a review of key national security technology capability advantages, competitions, and gaps between the United States and "near peer" nations;

(2) develop a definition of "near peer nation" for purposes of paragraph (1); and

(3) submit to the appropriate congressional committees a report on the findings of the Secretary and the Director with respect to the review conducted under paragraph (1).

(b) ELEMENTS.—The review conducted under paragraph (1) of subsection (a), and the report required by paragraph (3) of that subsection, shall identify, at a minimum, the following:

(1) Key United States industries and research and development activities expected to be critical to maintaining a national security technology capability if, during the 5-year period beginning on the date of the enactment of this Act, the Secretary and the Director anticipate that—

(A) a United States industrial base shortfall will exist; and

(B) United States industry will be unable to or otherwise will not provide the needed capacity in a timely manner without financial assistance from the United States Government through existing statutory authorities specifically intended for that purpose, including assistance provided under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) and other appropriate authorities.

(2) Key areas in which the United States currently enjoys a technological advantage.

(3) Key areas in which the United States no longer enjoys a technological advantage.

(4) Sectors of the defense industrial base in which the United States lacks adequate productive capacity to meet critical national defense needs.

(5) Priority areas for which appropriate statutory industrial base incentives should be applied as the most cost-effective, expedient, and practical alternative for meeting the technology or defense industrial base needs identified under this subsection, including—

(A) sustainment of critical production and supply chain capabilities;

(B) commercialization of research and development investments;

(C) scaling of emerging technologies; and

(D) other areas as determined by the Secretary and the Director.

(6) Priority funding recommendations with respect to key areas that the Secretary, in consultation with the Director, determines are—

(A) critical to the United States maintaining superior military capabilities, especially with respect to potential peer and near peer military or economic competitors, during the 5-year period beginning on the date of the enactment of this Act; and

(B) suitable for long-term investment from funds made available under title III of the Defense Production Act of 1950 and other appropriate statutory authorities.

(c) FORM OF REPORT.—The report required by subsection (a)(3) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Banking, Housing and Urban Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

Military Construction Authorization Act for Fiscal Year 2019.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2019".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER FIVE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2024 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

10 USC 2687 note.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2018; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations, Army.
Sec. 2104. Extension of authorizations of certain fiscal year 2015 projects.
Sec. 2105. Extension of authorizations of certain fiscal year 2016 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
Alabama	Anniston Army Depot	$5,200,000
California	Fort Irwin	$29,000,000
Colorado	Fort Carson	$77,000,000
Georgia	Fort Gordon	$99,000,000
Hawaii	Wheeler Army Airfield	$50,000,000
Indiana	Crane Army Ammunition Plant	$16,000,000
Kentucky	Fort Campbell	$50,000,000
	Fort Knox	$26,000,000
Maryland	Fort Meade	$16,500,000
New Jersey	Picatinny Arsenal	$41,000,000
New Mexico	White Sands Missile Range	$40,000,000
New York	U.S. Military Academy	$160,000,000
North Carolina	Fort Bragg	$10,000,000
South Carolina	Fort Jackson	$52,000,000
Texas	Fort Bliss	$24,000,000
	Fort Hood	$9,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the

military construction project for the installations or locations outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation	Amount
Germany	East Camp Grafenwoehr	$31,000,000
Honduras	Soto Cano Air Base	$21,000,000
Korea	Camp Tango	$17,500,000
Kuwait	Camp Arifjan	$44,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation	Units	Amount
Puerto Rico	Fort Buchanan	Family Housing Replacement Construction	$26,000,000
Wisconsin	Fort McCoy	Family Housing New Construction	$6,200,000
Italy	Vicenza	Family Housing New Construction	$95,134,000
Korea	Camp Walker	Family Housing Replacement Construction	$68,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $18,326,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853

of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (128 Stat. 3670), shall remain in effect until October 1, 2019, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2015 Project Authorization

State/Country	Installation	Project	Amount
California	Military Ocean Terminal, Concord.	Access Control Point	$9,900,000
Japan	Kadena Air Base	Missile Magazine	$10,600,000

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2016 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1145) the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (129 Stat. 1146), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2016 Project Authorization

Virginia	Arlington National Cemetery (DAR)	$60,000,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)

and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Camp Navajo	$14,800,000
California	Marine Corps Base Camp Pendleton	$127,930,000
	Marine Corps Air Station Miramar	$31,980,000
	Naval Air Station Lemoore	$127,590,000
	Naval Base Coronado	$77,780,000
	Naval Base San Diego	$176,040,000
	Naval Base Ventura	$53,160,000
	Naval Weapons Station Seal Beach	$139,630,000
District of Columbia.	Naval Observatory	$115,600,000
Florida	Naval Air Station Whiting Field	$10,000,000
	Naval Station Mayport	$111,460,000
Georgia	Marine Corps Logistics Base Albany	$31,900,000
Guam	Joint Region Marianas	$279,657,000
	Naval Base Guam	$75,600,000
Hawaii	Joint Base Pearl Harbor-Hickam	$123,320,000
	Marine Corps Base Hawaii	$66,100,000
Maine	Portsmouth Naval Yard	$149,685,000
Mississippi	Naval Construction Battalion Center	$22,300,000
North Carolina	Marine Corps Base Camp Lejeune	$51,300,000
	Marine Corps Air Station Cherry Point	$240,830,000
Pennsylvania	Naval Support Activity Philadelphia	$71,050,000
South Carolina	Marine Corps Air Station Beaufort	$15,817,000
	Marine Corps Recruit Depot, Parris Island	$35,190,000
Utah	Hill Air Force Base	$105,520,000
Virginia	Marine Corps Base Quantico	$13,100,000
	Portsmouth	$26,120,000
Washington	Bangor	$88,960,000
	Naval Air Station Whidbey Island	$27,380,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahamas	Andros Island	$31,050,000
Bahrain	SW Asia	$26,340,000
Cuba	Naval Station Guantanamo Bay	$104,700,000
Germany	Panzer Kaserne	$43,950,000
Japan	Kadena Air Base	$9,049,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Country	Installation	Units	Amount
Guam	Joint Region Marianas	Replace Andersen Housing PH III	$83,441,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,502,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $16,638,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to

be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain phased project authorized in fiscal years 2015, 2016, and 2017.
Sec. 2306. Modification of authority to carry out certain fiscal year 2017 project.
Sec. 2307. Modification of authority to carry out certain fiscal year 2018 project.
Sec. 2308. Additional authority to carry out certain fiscal year 2019 projects.
Sec. 2309. Additional authority to carry out project at Travis Air Force Base, California, in fiscal year 2019.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$63,800,000
Arizona	Davis-Monthan Air Force Base.	$15,000,000
	Luke Air Force Base	$40,000,000
Florida	Eglin Air Force Base	$62,863,000
	MacDill Air Force Base	$3,100,000
	Patrick Air Force Base	$9,000,000
Guam	Joint Region Marianas	$9,800,000
Louisiana	Barksdale Air Force Base	$12,250,000
Mariana Islands	Tinian	$50,700,000
Maryland	Joint Base Andrews	$58,000,000
Massachusetts	Hanscom Air Force Base	$225,000,000
Nebraska	Offutt Air Force Base	$9,500,000
Nevada	Creech Air Force Base	$59,000,000
	Nellis Air Force Base	$5,900,000
New Mexico	Holloman Air Force Base	$85,000,000
	Kirtland Air Force Base	$7,000,000
New York	Rome Lab	$14,200,000
North Dakota	Minot Air Force Base	$66,000,000
Ohio	Wright-Patterson Air Force Base.	$182,000,000
Oklahoma	Altus Air Force Base	$12,000,000
	Tinker Air Force Base	$166,000,000
South Carolina	Shaw Air Force Base	$53,000,000
Utah	Hill Air Force Base	$26,000,000
Washington	Fairchild-White Bluff	$14,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Lakenheath.	$148,467,000
Worldwide Classified	Classified Location	$18,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,199,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,247,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PHASED PROJECT AUTHORIZED IN FISCAL YEARS 2015, 2016, AND 2017.

In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3679) for Royal Air Force Croughton, for JIAC Consolidation Phase 1, the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2016

(division B of Public Law 114–92; 129 Stat. 1153) for Croughton Royal Air Force, for JIAC Consolidation Phase 2, and the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2697) for Royal Air Force Croughton, for JIAC Consolidation Phase 3, the location shall be United Kingdom, Unspecified.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2696) for Joint Base San Antonio, Texas, for construction of a basic military training recruit dormitory, the Secretary of the Air Force may construct a 26,537 square meter dormitory in the amount of $92,300,000.

SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1825) for the United States Air Force Academy, Colorado, for construction of a cyberworks facility, the Secretary of the Air Force may construct a facility of up to 4,462 square meters that includes two real property gifts of construction of 929 and 465 square meters if such gift is accepted by the Secretary in accordance with section 2601 of title 10, United States Code.

SEC. 2308. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary of the Air Force may carry out military construction projects to construct—

(1) a 6,702 square meter Joint Simulation Environment Facility at Edwards Air Force Base, California, in the amount of $43,000,000;

(2) a 4,833 square meter Cyberspace Test Facility at Eglin Air Force Base, Florida, in the amount of $38,000,000; and

(3) a 4,735 square meter Joint Simulation Environment Facility at Nellis Air Force Base, Nevada, in the amount of $30,000,000.

(b) USE OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.—As provided for in the Defense Laboratory Modernization Pilot Program authorized by section 2803 of the Military Construction Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169), the Secretary may use funds available for research, development, test, and evaluation for the projects described in subsection (a).

SEC. 2309. ADDITIONAL AUTHORITY TO CARRY OUT PROJECT AT TRAVIS AIR FORCE BASE, CALIFORNIA, IN FISCAL YEAR 2019.

The Secretary of the Air Force may carry out a military construction project to construct a 150,000 square foot high-bay air cargo pallet storage and marshaling enclosure integral to installation of a mechanized material handling system at Travis Air Force Base, California, in the amount of $35,000,000.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized defense agencies construction and land acquisition projects.
Sec. 2402. Authorized energy conservation projects.
Sec. 2403. Authorization of appropriations, defense agencies.
Sec. 2404. Extension of authorizations of certain fiscal year 2015 projects.
Sec. 2405. Authorization of certain fiscal year 2018 project.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$174,000,000
	Fort Greely	$8,000,000
	Joint Base Elmendorf-Richardson	$14,000,000
Arkansas	Little Rock Air Force Base	$14,000,000
California	Marine Corps Base Camp Pendleton	$12,596,000
	Defense Distribution Depot-Tracy	$18,800,000
	Naval Base Coronado	$71,088,000
Colorado	Fort Carson	$24,297,000
Conus Classified	Classified Location	$49,222,000
Kentucky	Fort Campbell	$82,298,000
Maine	Kittery	$11,600,000
Maryland	Fort Meade	$805,000,000
Missouri	St. Louis	$447,800,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$10,200,000
North Carolina	Fort Bragg	$32,366,000
	Marine Corps Air Station New River	$32,580,000
Oklahoma	McAlester	$7,000,000
Texas	Joint Base San Antonio	$10,200,000
	Red River Army Depot	$71,500,000
Virginia	Fort A.P. Hill	$11,734,000
	Fort Belvoir	$6,127,000
	Humphreys Engineer Center	$20,257,000
	Joint Base Langley-Eustis	$12,700,000
	Pentagon	$35,850,000
	Training Center Dam Neck	$8,959,000
Washington	Joint Base Lewis-McChord	$26,200,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United

States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Chievres Air Base	$14,305,000
Germany	Baumholder	$11,504,000
	Kaiserslautern Air Base	$99,955,000
	Wiesbaden	$56,048,000
Cuba	Naval Station Guantanamo Bay	$9,080,000
Japan	Camp McTureous	$94,851,000
	Iwakuni	$33,200,000
	Kadena Air Base	$21,400,000
	Yokosuka	$170,386,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (128 Stat. 3681) and as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1831), shall remain in effect until October 1, 2019, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2015 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Commander Fleet Activities Sasebo	E.J. King High School Replacement/Renovation	$37,681,000
Japan	Okinawa	Kubasaki High School Replacement/Renovation	$99,420,000
New Mexico	Cannon AFB	SOF Squadron Operations Facility (STS)	$23,333,000
Virginia	Pentagon	Redundant Chilled Water Loop	$15,100,000

SEC. 2405. AUTHORIZATION OF CERTAIN FISCAL YEAR 2018 PROJECT.

The table in section 2401(a) of the National Defense Authorization Act for Fiscal Year 2018 (division B of Public Law 105–91) is amended by inserting after the item relating to South Carolina the following new item:

Texas	Fort Bliss Blood Processing Center	$8,300,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601. When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

(b) AUTHORITY TO RECOGNIZE NATO AUTHORIZATION AMOUNTS AS BUDGETARY RESOURCES FOR PROJECT EXECUTION.—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

Subtitle B—Host Country In-kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	Camp Carroll	Upgrade Electrical Distribution, Phase 2 ...	$52,000,000
	Army	Camp Humphreys	Site Development	$7,800,000
	Army	Camp Humphreys	Air Support Operations Squadron	$25,000,000
	Army	Camp Humphreys	Unaccompanied Enlisted Personnel Housing, P2	$76,000,000

Republic of Korea Funded Construction Projects—Continued

Country	Component	Installation or Location	Project	Amount
	Army	Camp Humphreys	Echelon Above Brigade Engineer Battalion, VMF	$123,000,000
	Army	Camp Walker	Repair/Replace Sewer Piping System	$8,000,000
	Navy	Chinhae	Indoor Training Pool	$7,400,000
	Navy	Pohang Air Base	Replace Ordnance Storage Magazines	$87,000,000
	Air Force	Gimhae Air Base	Airfield Damage Repair Warehouse	$7,600,000
	Air Force	Gwangju Air Base	Airfield Damage Repair Warehouse	$7,600,000
	Air Force	Kunsan Air Base	Explosive Ordnance Disposal Facility	$8,000,000
	Air Force	Kunsan Air Base	Upgrade Flow-Through Fuel System	$23,000,000
	Air Force	Osan Air Base	5th Reconnaissance Squadron Aircraft Shelter	$12,000,000
	Air Force	Osan Air Base	Airfield Damage Repair Facility	$22,000,000
	Air Force	Osan Air Base	Communications HQ Building	$45,000,000
	Air Force	Suwon Air Base	Airfield Damage Repair Warehouse	$7,200,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Modification of authority to carry out certain fiscal year 2016 project.
Sec. 2612. Modification of authority to carry out certain fiscal year 2018 project.
Sec. 2613. Additional authority to carry out certain fiscal year 2019 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alaska	Joint Base Elmendorf-Richardson	$27,000,000
Illinois	Marseilles Training Center	$5,000,000
Montana	Malta	$15,000,000
Nevada	North Las Vegas	$32,000,000
New Hampshire	Pembroke	$12,000,000
North Dakota	Fargo	$32,000,000
Ohio	Camp Ravenna	$7,400,000
Oklahoma	Lexington	$11,000,000
Oregon	Boardman	$11,000,000
South Dakota	Rapid City	$15,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	Barstow	$34,000,000
Washington	Yakima Training Center	$23,000,000
Wisconsin	Fort McCoy	$23,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Naval Weapons Station Seal Beach	$21,740,000
Georgia	Fort Benning	$13,630,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Channel Islands Air National Guard Station.	$8,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$17,000,000
llinois	Greater Peoria Regional Airport	$9,000,000
Louisiana	Naval Air Station Joint Reserve Base New Orleans.	$39,000,000
Minnesota	Duluth International Airport	$8,000,000
Montana	Great Falls International Airport	$9,000,000
New York	Francis S. Gabreski Airport	$20,000,000
Ohio	Mansfield Lahm Airport	$13,000,000
	Rickenbacker International Airport	$8,000,000
Pennsylvania	Fort Indiantown Gap	$8,000,000
Virginia	Joint Base Langley-Eustis	$10,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard

and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Florida	Patrick Air Force Base	$24,000,000
Indiana	Grissom Air Reserve Base	$21,500,000
Massachusetts	Westover Air Reserve Base	$42,600,000
Mississippi	Keesler Air Force Base	$4,550,000
New York	Niagara Falls International Airport	$14,000,000
Ohio	Youngstown Air Reserve Station	$8,800,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1164) for construction of a Reserve Training Center Complex at Dam Neck, Virginia, the Secretary of the Navy may construct the Reserve Training Center Complex at Joint Expeditionary Base Little Creek-Story, Virginia.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT.

In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1834) for Fort Belvoir, Virginia, for additions and alterations to the National Guard Readiness Center, the Secretary of the Army may construct a new readiness center.

SEC. 2613. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECT.

(a) PROJECT AUTHORIZATION.—

(1) PROJECT.—The Secretary of the Navy may carry out a military construction project to construct a 50,000 square foot reserve training center, 6,600 square foot combat vehicle maintenance and storage facility, 2,400 square foot vehicle wash rack, 1,600 square foot covered training area, road improvements, and associated supporting facilities.

(2) ACQUISITION OF LAND.—As part of the project under this subsection, the Secretary may acquire approximately 8.5 acres of adjacent land and obtain necessary interest in land at Pittsburgh, Pennsylvania, for the construction and operation of the reserve training center.

(3) AMOUNT OF AUTHORIZATION.—The total amount of funds the Secretary may obligate and expend on activities under this subsection during fiscal year 2019 may not exceed $17,650,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR NAVY MILITARY CONSTRUCTION RESERVE FUNDS.—The Secretary may use available, unobligated Navy military construction reserve funds for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Navy shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
Sec. 2702. Additional authority to realign or close certain military installations.
Sec. 2703. Prohibition on conducting additional base realignment and closure (BRAC) round.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. ADDITIONAL AUTHORITY TO REALIGN OR CLOSE CERTAIN MILITARY INSTALLATIONS.

10 USC 2687 note.

(a) AUTHORIZATION.—Notwithstanding sections 993 or 2687 of title 10, United States Code, and subject to subsection (d), the Secretary of Defense may take such actions as may be necessary to carry out the realignment or closure of a military installation in a State during a fiscal year if—

(1) the military installation is the subject of a notice which is described in subsection (b); and

(2) the Secretary includes the military installation in the report submitted under paragraph (2) of subsection (c) with respect to the fiscal year.

(b) NOTICE FROM GOVERNOR OF STATE.—A notice described in this subsection is a notice received by the Secretary of Defense from the Governor of a State (or, in the case of the District of Columbia, the Mayor of the District of Columbia) in which the Governor recommends that the Secretary carry out the realignment or closure of a military installation located in the State, and which includes each of the following elements:

(1) A specific description of the military installation, or a specific description of the relevant real and personal property.

(2) Statements of support for the realignment or closure from units of local government in which the installation is located.

(3) A detailed plan for the reuse or redevelopment of the real and personal property of the installation, together with a description of the local redevelopment authority which will be responsible for the implementation of the plan.

(c) RESPONSE TO NOTICE.—

(1) MANDATORY RESPONSE TO GOVERNOR AND CONGRESS.—Not later than 1 year after receiving a notice from the Governor of a State (or, in the case of the District of Columbia, from the Mayor of the District of Columbia), the Secretary of Defense shall submit a response to the notice to the Governor and the congressional defense committees indicating whether or not the Secretary accepts the recommendation for the realignment or closure of a military installation which is the subject of the notice.

(2) ACCEPTANCE OF RECOMMENDATION.—If the Secretary of Defense determines that it is in the interests of the United States to accept the recommendation for the realignment or closure of a military installation which is the subject of a notice received under subsection (b) and intends to carry out the realignment or closure of the installation pursuant to the authority of this section during a fiscal year, at the time the budget is submitted under section 1105(a) of title 31, United States Code, for the fiscal year, the Secretary shall submit a report to the congressional defense committees which includes the following:

(A) The identification of each military installation for which the Secretary intends to carry out a realignment or closure pursuant to the authority of this section during the fiscal year, together with the reasons the Secretary of Defense believes that it is in the interest of the United States to accept the recommendation of the Governor of the State involved for the realignment or closure of the installation.

(B) For each military installation identified under subparagraph (A), a master plan describing the required scope of work, cost, and timing for all facility actions needed to carry out the realignment or closure, including the construction of new facilities and the repair or renovation of existing facilities.

(C) For each military installation identified under subparagraph (A), a certification that, not later than the end of the fifth fiscal year after the completion of the realignment or closure, the savings resulting from the realignment or closure will exceed the costs of carrying out the realignment or closure, together with an estimate

of the annual recurring savings that would be achieved by the realignment or closure of the installation and the timeframe required for the financial savings to exceed the costs of carrying out the realignment or closure.

(d) LIMITATIONS.—

(1) TIMING.—The Secretary may not initiate the realignment or closure of a military installation pursuant to the authority of this section until the expiration of the 90-day period beginning on the date the Secretary submits the report under paragraph (2) of subsection (c).

(2) TOTAL COSTS.—Subject to appropriations, the aggregate cost to the government in carrying out the realignment or closure of military installations pursuant to the authority of this section for all fiscal years may not exceed $2,000,000,000. In determining the cost to the government for purposes of this section, there shall be included the costs of planning and design, military construction, operations and maintenance, environmental restoration, information technology, termination of public-private contracts, guarantees, and other factors contributing to the cost of carrying out the realignment or closure, as determined by the Secretary.

(e) PROCESS FOR IMPLEMENTATION.—The implementation of the realignment or closure of a military installation pursuant to the authority of this section shall be carried out in accordance with section 2905 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) in the same manner as the implementation of a realignment or closure of a military installation pursuant to the authority of such Act.

(f) STATE DEFINED.—In this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(g) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out a realignment or closure pursuant to this section shall terminate at the end of fiscal year 2029.

SEC. 2703. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

Sec. 2801. Modification of contract authority for acquisition, construction, or furnishing of test facilities and equipment.
Sec. 2802. Commercial construction standards for facilities on leased property.
Sec. 2803. Congressional oversight of projects carried out pursuant to laws other than Military Construction Authorization Acts.
Sec. 2804. Small business set-aside for contracts for architectural and engineering services and construction design.
Sec. 2805. Updates and modifications to Department of Defense Form 1391, Unified Facilities Criteria, and military installation master plans.
Sec. 2806. Work in Process Curve charts and outlay tables for military construction projects.

Sec. 2807. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
Sec. 2808. Authority to obtain architectural and engineering services and construction design for defense laboratory modernization program.
Sec. 2809. Repeal of limitation on certain Guam project.
Sec. 2810. Enhancing force protection and safety on military installations.
Sec. 2811. Limitation on use of funds for acquisition of furnished energy for new medical center in Germany.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Force structure plans and infrastructure capabilities necessary to support the force structure.
Sec. 2822. Exemption of Department of Defense off-site use and off-site removal only non-mobile properties from certain excess property disposal requirements.
Sec. 2823. Retrofitting existing windows in military family housing units to be equipped with fall prevention devices.
Sec. 2824. Updating prohibition on use of certain assessment of public schools on Department of Defense installations to supersede funding of certain projects.
Sec. 2825. Study of feasibility of using 20-year intergovernmental support agreements for installation-support services.
Sec. 2826. Representation of installation interests in negotiations and proceedings with carriers and other public utilities.
Sec. 2827. Clarification to include National Guard installations in Readiness and Environmental Protection Integration program.

Subtitle C—Land Conveyances

Sec. 2841. Land exchange, Air Force Plant 44, Tucson, Arizona.
Sec. 2842. Authority for transfer of administrative jurisdiction over certain lands, Marine Corps Air Ground Combat Center Twentynine Palms, California, and Marine Corps Air Station Yuma, Arizona.
Sec. 2843. Environmental restoration and future conveyance of portion of former Mare Island Firing Range, Vallejo, California.
Sec. 2844. Release of restrictions, University of California, San Diego.
Sec. 2845. Land exchange, Naval support activity, Washington Navy Yard, District of Columbia.
Sec. 2846. Land conveyance, Eglin Air Force Base, Florida.
Sec. 2847. Public inventory of Guam land parcels for transfer to Government of Guam.
Sec. 2848. Modification of conditions on land conveyance, Joliet Army Ammunition Plant, Illinois.
Sec. 2849. Land conveyance, Naval Academy dairy farm, Gambrills, Maryland.
Sec. 2850. Technical correction of description of Limestone Hills Training Area Land Withdrawal and Reservation, Montana.
Sec. 2851. Land conveyance, Wasatch-Cache National Forest, Rich County, Utah.
Sec. 2852. Commemoration of Freedman's Village.

Subtitle D—Other Matters

Sec. 2861. Defense community infrastructure pilot program.
Sec. 2862. Strategic plan to improve capabilities of Department of Defense training ranges and installations.
Sec. 2863. Restrictions on use of funds for development of public infrastructure in Commonwealth of Northern Mariana Islands.
Sec. 2864. Study and report on inclusion of Coleman Bridge, York River, Virginia, in Strategic Highway Network.
Sec. 2865. Defense access roads relating to closures due to sea level fluctuation and flooding.
Sec. 2866. Authority to transfer funds for construction of Indian River Bridge.
Sec. 2867. Plan to allow increased public access to the National Naval Aviation Museum and Barrancas National Cemetery, Naval Air Station Pensacola.

Subtitle A—Military Construction Program and Military Family Housing

SEC. 2801. MODIFICATION OF CONTRACT AUTHORITY FOR ACQUISITION, CONSTRUCTION, OR FURNISHING OF TEST FACILITIES AND EQUIPMENT.

Section 2353(a) of title 10, United States Code, is amended—

(1) by inserting after the first sentence the following: "The acquisition or construction of these research, developmental, or test facilities shall be subject to the cost principles applicable to allowable contract expenses."; and

(2) by adding at the end the following: "The Secretary of Defense and the Secretaries of the military departments shall promulgate regulations necessary to give full force and effect to this section.".

SEC. 2802. COMMERCIAL CONSTRUCTION STANDARDS FOR FACILITIES ON LEASED PROPERTY.

(a) USE OF COMMERCIAL STANDARDS.—Section 2667(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) shall provide that any facilities constructed on the property may be constructed using commercial standards in a manner that provides force protection safeguards appropriate to the activities conducted in, and the location of, such facilities.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to leases entered into during fiscal year 2019 or any of the four succeeding fiscal years.

10 USC 2667 note.

SEC. 2803. CONGRESSIONAL OVERSIGHT OF PROJECTS CARRIED OUT PURSUANT TO LAWS OTHER THAN MILITARY CONSTRUCTION AUTHORIZATION ACTS.

Section 2802(e)(1) of title 10, United States Code, is amended—

(1) by striking "Secretary concerned shall—" and all that follows through "comply with the congressional notification requirement" and inserting "Secretary concerned shall comply with the congressional notification requirement"; and

(2) by inserting "and submit to the congressional defense committees any materials required to be submitted to Congress or any other congressional committees pursuant to the congressional notification requirement" after "road project will be carried out".

SEC. 2804. SMALL BUSINESS SET-ASIDE FOR CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

(a) MANDATORY AWARD OF CONTRACTS UNDER THRESHOLD AMOUNT.—Section 2855(b)(1) of title 10, United States Code, is amended by striking "subsection (a)—" and all that follows and inserting the following: "subsection (a), if the Secretary concerned estimates that the initial award of the contract will be in an amount less than the threshold amount determined under paragraph (2), the contract shall be awarded in accordance with the set aside provisions of the Small Business Act (15 U.S.C. 631 et seq.).".

(b) INCREASE IN THRESHOLD AMOUNT.—Section 2855(b)(2) of such title is amended—

(1) by striking "initial";

(2) by striking "$300,000" and inserting "$1,000,000"; and

(3) by striking the second sentence.

10 USC 2855 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

SEC. 2805. UPDATES AND MODIFICATIONS TO DEPARTMENT OF DEFENSE FORM 1391, UNIFIED FACILITIES CRITERIA, AND MILITARY INSTALLATION MASTER PLANS.

10 USC 2802 note.

(a) FLOOD RISK DISCLOSURE FOR MILITARY CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of Defense shall modify Department of Defense Form 1391 to require, with respect to any proposed major or minor military construction project requiring congressional notification or approval—

(A) disclosure whether a proposed project will be sited within or partially within a 100-year floodplain, according to the most recent available Federal Emergency Management Agency flood hazard data; and

(B) if the proposed project will be sited within or partially within a 100-year floodplain, the specific risk mitigation plan.

(2) DELINEATION OF FLOODPLAIN.—To the extent that Federal Emergency Management Agency flood hazard data are not available for a proposed major or minor military construction site, the Secretary concerned shall establish a process for delineating the 100-year floodplain using risk analysis that is consistent with the standards used to inform Federal flood risk assessments.

(3) REPORTING REQUIREMENTS.—For proposed projects that are to be sited within or partially within a 100-year floodplain, the Secretary concerned shall submit to the congressional defense committees a report with the following:

(A) An assessment of flood vulnerability for the proposed project.

(B) Any information concerning alternative construction sites that were considered, and an explanation of why those sites do not satisfy mission requirements.

(C) A description of planned flood mitigation measures.

(4) MINIMUM FLOOD MITIGATION REQUIREMENTS.—When mitigating the flood risk of a major or minor military construction project within or partially within the 100-year floodplain, the Secretary concerned shall require any mitigation plan to assume an additional—

(A) 2 feet above the base flood elevation for non-mission critical buildings, as determined by the Secretary; and

(B) 3 feet above the base flood elevation for mission-critical buildings, as determined by the Secretary.

10 USC 2802 note.

(b) DISCLOSURE REQUIREMENTS FOR DEPARTMENT OF DEFENSE FORM 1391.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall amend Department of Defense Form 1391 to require, for each requested military construction project—

(1) disclosure whether the project was included in the prior year's future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code; and

(2) inclusion of an energy study or life cycle analysis.

10 USC 2864 note.

(c) INCORPORATION OF CHANGING ENVIRONMENTAL CONDITION PROJECTIONS IN MILITARY CONSTRUCTION DESIGNS AND MODIFICATIONS.—Not later than 30 days after the date of the enactment

of this Act, the Secretary of Defense shall amend section 3–5.6.2.3 of United Facilities Criteria (UFC) 2–100–01 and UFC 2–100–02 (or any similar successor regulations) to provide that in order to anticipate changing environmental conditions during the design life of existing or planned new facilities and infrastructure, projections from reliable and authorized sources such as the Census Bureau (for population projections), the National Academies of Sciences (for land use change projections and climate projections), the U.S. Geological Survey (for land use change projections), and the U.S. Global Change Research Office and National Climate Assessment (for climate projections) shall be considered and incorporated into military construction designs and modifications.

(d) INCLUSION OF CONSIDERATION OF ENERGY AND CLIMATE RESILIENCY EFFORTS IN MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.—Section 2864 of title 10, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) energy and climate resiliency efforts."; and

(2) in subsection (d), by adding at the end the following new paragraph:

"(3) The term 'energy and climate resiliency' means anticipation, preparation for, and adaptation to utility disruptions and changing environmental conditions and the ability to withstand, respond to, and recover rapidly from utility disruptions while ensuring the sustainment of mission-critical operations.".

(e) DEFINITION OF MILITARY INSTALLATION RESILIENCE.—Section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) MILITARY INSTALLATION RESILIENCE.—The term 'military installation resilience' means the capability of a military installation to avoid, prepare for, minimize the effect of, adapt to, and recover from extreme weather events, or from anticipated or unanticipated changes in environmental conditions, that do, or have the potential to, adversely affect the military installation or essential transportation, logistical, or other necessary resources outside of the military installation that are necessary in order to maintain, improve, or rapidly reestablish installation mission assurance and mission-essential functions.".

(f) ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR RESPONDING TO THREATS TO THE RESILIENCE OF A MILITARY INSTALLATION.—Section 2391(b)(1) of title 10, United States Code, is amended—

(1) by striking ", or (E) by the closure" and inserting ", (E) by threats to military installation resilience, or (F) by the closure";

(2) by striking "(A), (B), (C), or (E)" and inserting "(A), (B), (C), or (F)"; and

(3) by striking "action described in clause (D), if the Secretary determines that the encroachment of the civilian community" and inserting "action described in clause (D) or (E), if

the Secretary determines that either the encroachment of the civilian community or threats to military installation resilience".

SEC. 2806. WORK IN PROCESS CURVE CHARTS AND OUTLAY TABLES FOR MILITARY CONSTRUCTION PROJECTS.

(a) REQUIRED SUBMISSIONS.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2864 the following new section:

10 USC 2865.

"§ 2865. Work in Process Curve charts and outlay tables for military construction projects

"Along with the budget for each fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense and the Secretaries of the military departments shall include for any military construction project over $90,000,000, as an addendum to be included within the same document as the 1391s for the Military Construction Program budget documentation, a Project Spending Plan that includes—

"(1) a Work in Process Curve chart to identify funding, obligations, and outlay figures; and

"(2) a monthly outlay table for funding, obligations, and outlay figures.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2864 the following new item:

10 USC prec. 2851.

"2865. Work in Process Curve charts and outlay tables for military construction projects.".

10 USC 2865 note.

(b) DEPARTMENT OF DEFENSE GUIDANCE.—The Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), update Department of Defense Financial Management Regulation 7000.14–R, and any other appropriate instructions and guidance, to ensure that the Department of Defense takes appropriate actions to comply with section 2865 of title 10, United States Code, as added by this section.

SEC. 2807. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1846), is further amended—

(1) in paragraph (1), by striking "December 31, 2018" and inserting "December 31, 2020"; and

(2) in paragraph (2), by striking "fiscal year 2019" and inserting "fiscal year 2021".

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of such section is amended by striking "shall not exceed" and all that follows and inserting the following: "shall not exceed $50,000,000 during either of the following periods:

"(1) The period beginning October 1, 2018, and ending on the earlier of December 31, 2019, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2020.

"(2) The period beginning October 1, 2019, and ending on the earlier of December 31, 2020, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2021.".

SEC. 2808. AUTHORITY TO OBTAIN ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN FOR DEFENSE LABORATORY MODERNIZATION PROGRAM.

(a) AUTHORITY.—Section 2803 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL AUTHORITY TO USE FUNDS FOR RELATED ARCHITECTURAL AND ENGINEERING SERVICES AND CONTRACT DESIGN.—

"(1) AUTHORITY.—In addition to the authority provided to the Secretary of Defense under subsection (a) to use amounts appropriated or otherwise made available for research, development, test, and evaluation for a military construction project referred to in such subsection, the Secretary of the military department concerned may use amounts appropriated or otherwise made available for research, development, test, and evaluation to obtain architectural and engineering services and to carry out construction design in connection with such a project.

"(2) NOTICE REQUIREMENT.—In the case of architectural and engineering services and construction design to be undertaken under this subsection for which the estimated cost exceeds $1,000,000, the Secretary concerned shall notify the appropriate committees of Congress of the scope of the proposed project and the estimated cost of such services before the initial obligation of funds for such services. The Secretary may then obligate funds for such services only after the end of the 14-day period beginning on the date on which the notification is received by the committees in an electronic medium pursuant to section 480 of this title.".

(b) CONFORMING AMENDMENTS TO WAIVE CONDITIONS APPLICABLE TO EXISTING AUTHORITY.—

(1) CONDITION ON AND SCOPE OF PROJECT AUTHORITY.—Section 2803(b) of such Act is amended by striking "project under this section" and inserting "project under subsection (a)".

(2) CONGRESSIONAL NOTIFICATION.—Section 2803(c) of such Act is amended by striking "carried out under this section" each place it appears in paragraphs (1) and (2) and inserting "carried out under subsection (a)".

(3) DESCRIPTION OF AUTHORIZED PROJECTS.—Section 2803(d) of such Act is amended by striking "provided by this section" and inserting "provided by subsection (a)".

(4) FUNDING LIMITATION.—Section 2803(e) of such Act is amended by striking "projects under this section" and inserting "projects under subsection (a)".

(c) EXTENSION OF PERIOD OF AUTHORITY.—Section 2803(g) of such Act, as redesignated by subsection (a)(1), is amended by striking "October 1, 2020" and inserting "October 1, 2025".

10 USC 2358 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 2803 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169; 10 U.S.C. 2358 note).

SEC. 2809. REPEAL OF LIMITATION ON CERTAIN GUAM PROJECT.

(a) REPEAL OF LIMITATION.—Section 2879 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1874) is amended by striking subsection (b).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2018.

SEC. 2810. ENHANCING FORCE PROTECTION AND SAFETY ON MILITARY INSTALLATIONS.

(a) AUTHORIZATION OF ADDITIONAL PROJECTS.—In addition to any other military construction projects authorized under this Act, the Secretary of the military department concerned may carry out military construction projects to enhance force protection and safety on military installations, as specified in the funding table in section 4601.

(b) REQUIRING REPORT AS CONDITION OF AUTHORIZATION.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary concerned shall submit a report to the congressional defense committees which describes the location, title, and cost, together with a Department of Defense Form 1391, for each project the Secretary proposes to carry out under this section.

(2) TIMING OF AVAILABILITY OF FUNDS.—No funds may be obligated or expended for a project under this section—

(A) unless the project is included in the report submitted under paragraph (1); and

(B) until the expiration of the 30-day period which begins on the date the Secretary concerned submits the report under paragraph (1).

(c) EXPIRATION OF AUTHORIZATION.—Section 2002 shall apply with respect to the authorization of a military construction project under this section in the same manner as such section applies to the authorization of a project contained in titles XXI through XXVII.

SEC. 2811. LIMITATION ON USE OF FUNDS FOR ACQUISITION OF FURNISHED ENERGY FOR NEW MEDICAL CENTER IN GERMANY.

(a) LIMITATION.—No amounts authorized to be appropriated or made available to the Secretary of Defense or the Secretary of any military department may be used to enter into a contract for the acquisition of furnished energy for the new Rhine Ordnance Barracks Army Medical Center (hereafter in this section referred to as the "Medical Center") until the Secretary of Defense submits to the congressional defense committees a written certification that—

(1) the source of furnished energy for the Medical Center will minimize the use of fuels sourced from inside the Russian Federation;

(2) the design of the Medical Center will utilize a diversified energy supply from a mixed-fuel system as the source of furnished energy to sustain mission critical operations during any sustained energy supply disruption caused by the Russian Federation; and

(3) to the extent available, domestically-sourced fuels shall be the preferred source for furnished energy for the Medical Center.

(b) WAIVER FOR NATIONAL SECURITY INTERESTS.—Subsection (a) shall not apply if the Secretary of Defense certifies to the congressional defense committees that a waiver of such subsection is necessary to protect the national security interests of the United States.

(c) DEFINITION.—In this section, the term "furnished energy" means energy furnished to the Medical Center in any form and for any purpose, including heating, cooling, and electricity.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. FORCE STRUCTURE PLANS AND INFRASTRUCTURE CAPABILITIES NECESSARY TO SUPPORT THE FORCE STRUCTURE.

(a) FORCE STRUCTURE PLANS AND INFRASTRUCTURE CAPABILITIES.—Not later than the date on which the budget of the President for fiscal year 2021 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall develop and submit to the congressional defense committees the following:

(1) A force structure plan for each of the Army, Navy, Air Force, and Marine Corps and the reserve components of each military department that is informed by—

(A) an assessment by the Secretary of Defense of the probable threats to the national security of the United States; and

(B) end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) authorized in the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(2) A categorical model of installation capabilities required to carry out the force structures plans described in paragraph (1) based on—

(A) the infrastructure, real property, and facilities capabilities required to carry out such plans; and

(B) the current military requirements of the major military units referred to in subparagraph (B) of such paragraph.

(b) CONSISTENCY.—In developing force structure plans and categorical models of installation capabilities under subsection (a), the Secretary of Defense shall ensure that the infrastructure, real

property, and facilities of each of the military departments are categorized and measured in consistent terms so as to facilitate comparisons.

(c) RELATIONSHIP TO INVENTORY.—Using the information in the force structure plans and categorical model developed under subsection (a), the Secretary of Defense shall submit to Congress each of the following:

(1) An assessment of the requirements necessary for carrying out the force structure plans compared to existing infrastructure, real property, and facilities capabilities, as documented in the records maintained under section 2721 of title 10, United States Code.

(2) An identification of any deficit or surplus capability in such infrastructure, real property, and facilities—

(A) for each military department; and

(B) for locations within the continental United States and territories.

41 USC 11411 note.

SEC. 2822. EXEMPTION OF DEPARTMENT OF DEFENSE OFF-SITE USE AND OFF-SITE REMOVAL ONLY NON-MOBILE PROPERTIES FROM CERTAIN EXCESS PROPERTY DISPOSAL REQUIREMENTS.

(a) IN GENERAL.—Excess or unutilized or underutilized non-mobile property of the Department of Defense that is situated on non-excess land shall be exempt from the requirements of title V of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) upon a determination by the head of the department, agency, or other element of the Department having jurisdiction of the property that—

(1) the property is not feasible to relocate;

(2) the property is located in an area to which the general public is denied access in the interest of national security; and

(3) the exemption would facilitate the efficient disposal of excess property or result in more efficient real property management.

(b) CONSULTATION.—Before making an initial determination under the authority in subsection (a), and periodically thereafter, the head of a department, agency, or other element of the Department shall consult with the Executive Director of the United States Interagency Council on Homelessness on types of non-mobile properties that may be feasible for relocation and suitable to assist the homeless.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—If any head of a department, agency, or other element of the Department makes a determination under subsection (a) during a fiscal year, not later than 90 days after the end of that fiscal year, the Secretary of Defense shall submit to the appropriate committees of Congress a report listing all the buildings, facilities, and other properties for which a determination was made under that subsection during that fiscal year.

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

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, and the Committee on Oversight and Government Reform of the House of Representatives.

(d) SUNSET.—The authority under subsection (a) shall expire on September 30, 2021.

SEC. 2823. RETROFITTING EXISTING WINDOWS IN MILITARY FAMILY HOUSING UNITS TO BE EQUIPPED WITH FALL PREVENTION DEVICES.

(a) AUTHORIZING FUNDING FOR RETROFITTING OR REPLACING WINDOWS.—Section 2879 of title 10, United States Code, as added by section 2817(a) of the National Defense Authorization Act for Fiscal Year 2018 (131 Stat. 1851) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsection (c)";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following new subsection:

"(b) RETROFITTING OR REPLACING EXISTING WINDOWS.—

"(1) PROGRAM TO RETROFIT EXISTING WINDOWS.—The Secretary concerned shall carry out a program under which, in military family housing units acquired or constructed under this chapter which are not subject to the requirements of subsection (a), windows which are described in subsection (c), including windows designed for emergency escape or rescue, are retrofitted to be equipped with fall prevention devices described in paragraph (1) of subsection (a) or are replaced with windows which are equipped with fall prevention devices described in such paragraph.

"(2) GRANTS.—The Secretary concerned may carry out the program under this subsection by making grants to private entities to retrofit or replace existing windows, in accordance with such criteria as the Secretary may establish by regulation.

"(3) USE OF OPERATIONS FUNDING.—The Secretary may carry out the program under this subsection during a fiscal year with amounts made available to the Secretary for family housing operations for such fiscal year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

10 USC 2879 note.

SEC. 2824. UPDATING PROHIBITION ON USE OF CERTAIN ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS TO SUPERSEDE FUNDING OF CERTAIN PROJECTS.

(a) UPDATE.—Paragraph (3) of section 2814(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2717), as added by section 2818(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1852), is amended by striking "33 projects" and inserting "38 projects".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2018.

SEC. 2825. STUDY OF FEASIBILITY OF USING 20-YEAR INTERGOVERNMENTAL SUPPORT AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) STUDY.—Each Secretary concerned shall conduct a study of the feasibility and desirability of entering into intergovernmental support agreements under section 2679(a) of title 10, United States Code, for a term not to exceed 20 years.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees a report on the study conducted under subsection (a).

SEC. 2826. REPRESENTATION OF INSTALLATION INTERESTS IN NEGOTIATIONS AND PROCEEDINGS WITH CARRIERS AND OTHER PUBLIC UTILITIES.

Section 501(c) of title 40, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "For transportation"; and

(3) by adding at the end the following new paragraph:

"(2) Prior to representing any installation of the Department of Defense in any proceeding under this subsection, the Administrator or any persons or entities acting on behalf of the Administrator shall—

"(A) notify the senior mission commander of the installation; and

"(B) solicit and represent the interests of the installation as determined by the installation's senior mission commander.".

SEC. 2827. CLARIFICATION TO INCLUDE NATIONAL GUARD INSTALLATIONS IN READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) State-owned National Guard installations have always qualified as military installations under section 2684a of title 10, United States Code; and

(2) State-owned National Guard installations should continue to qualify as military installations under section 2684a of that title.

(b) CLARIFICATION.—

(1) IN GENERAL.—Section 2684a(a) of title 10, United States Code, is amended by inserting ", as well as a State-owned National Guard installation," after "military installation".

10 USC 2684a note.

(2) RETROACTIVE EFFECT.—The amendment made by paragraph (1) shall take effect as of December 2, 2002.

Subtitle C—Land Conveyances

SEC. 2841. LAND EXCHANGE, AIR FORCE PLANT 44, TUCSON, ARIZONA.

(a) LAND CONVEYANCE AND RESTORATION OF REAL PROPERTY IMPROVEMENTS AUTHORIZED.—In connection with a project planned by the Tuscon Airport Authority (in this section referred to as "TAA") to relocate and extend a parallel runway and make other

airfield safety enhancements at the Tucson International Airport, the Secretary of the Air Force (in this section referred to as the "Secretary") may—

(1) convey to TAA all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 58 acres on Air Force Plant 44, Arizona, and located adjacent to Tucson International Airport;

(2) agree to terminate all or a portion of any deed restrictions made for the benefit of the United States that limit construction on Tucson International Airport within 750 feet of the Airport's southwest property boundary with Air Force Plant 44; and

(3) using cash or in-kind consideration as provided in subsection (b)—

(A) construct new explosives storage facilities to replace the explosives storage facilities located on the land described in paragraph (1) and explosives storage facilities located on Air Force Plant 44 within the end-of-runway clear zone associated with the TAA airfield enhancement project; and

(B) construct new fencing as necessary to accommodate the changes in the boundary of Air Force Plant 44.

(b) CONSIDERATION.—As consideration for the land conveyance, deed restriction termination, replacement of real property improvements, and installation of fencing authorized under subsection (a), the following consideration must be received by the United States before the Secretary may make any conveyance or termination of real property interests of the United States as described in subsection (a):

(1) All right, title, and interest of the owner or owners thereof to the parcels of real property consisting of approximately 160 acres directly adjacent to the south boundary of Air Force Plant 44.

(2) The cost to the Secretary, in accordance with current design standards, of—

(A) replacing the real property structures on Air Force Plant 44 made unusable due to the land transfers and termination of deed restrictions, with structures of at least equivalent capacity and functionality; and

(B) installing the necessary boundary fencing due to the changes in the boundary of Air Force Plant 44.

(c) DIRECT PAYMENT OF CONSIDERATION TO GOVERNMENT CONTRACTORS.—The Secretary may require that any cash consideration to be received under this section be paid, directly or through the Air Force design and construction agent, to the contractors performing design or construction of the real property improvements described in subsection (a)(3).

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary may require TAA to cover costs to be incurred by the Secretary to carry out the land exchange and other transactions authorized under this section, or to reimburse the Secretary for such costs, including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from TAA in advance of the Secretary incurring the actual costs, and the

amount collected exceeds the costs actually incurred by the Secretary to carry out such transactions, the Secretary shall refund the excess amount to TAA.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be used in accordance with section 2695(c) of title 10, United States Code.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange and other transactions under this section as the Secretary considers appropriate to protect the interests of the United States. Without limiting the foregoing, the Secretary may establish a deed restriction on any part of the 58 acres described in subsection (a)(1) to accommodate existing Quantity Distance arcs.

SEC. 2842. AUTHORITY FOR TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN LANDS, MARINE CORPS AIR GROUND COMBAT CENTER TWENTYNINE PALMS, CALIFORNIA, AND MARINE CORPS AIR STATION YUMA, ARIZONA.

(a) MARINE CORPS AIR GROUND COMBAT CENTER TWENTYNINE PALMS, CALIFORNIA.—

(1) AUTHORITY FOR TRANSFER.—Subject to paragraph (2), the Secretary of the Navy may transfer to the Secretary of the Interior, at no cost, administrative jurisdiction of approximately 2,105 acres of non-contiguous parcels of land within the Shared Use Area of the Marine Corps Air Ground Combat Center Twentynine Palms, California.

(2) CONDITION FOR TRANSFER.—The Secretary of the Navy may carry out the transfer under this subsection only if the Secretary of the Navy and the Secretary of the Interior each determine that the transfer is in the public interest and will be for the benefit of the Department of the Navy and the Department of the Interior, respectively.

(3) STATUS OF LAND AFTER TRANSFER.—Upon completion of the transfer under this subsection, the land over which the Secretary of the Interior obtains administrative jurisdiction shall become public land withdrawn and reserved under section 2941 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1034), and shall be managed in accordance with section 2942(b)(1) of such Act (Public Law 113–66; 127 Stat. 1036), in the same manner as other lands in the Shared Use Area.

(4) SHARED USE AREA DEFINED.—In this subsection, the term "Shared Use Area" means the area described in section 2941(b)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1035).

(b) MARINE CORPS AIR STATION YUMA, ARIZONA.—

(1) AUTHORITY FOR TRANSFER.—Subject to paragraph (2), the Secretary of the Interior may transfer to the Secretary of the Navy, at no cost, administrative jurisdiction of approximately 256 acres of non-contiguous parcels of land within Marine Corps Air Station Yuma, Arizona which are used by the Department of the Navy as of the day before the date

of the enactment of this Act pursuant to any of the following authorities:

(A) Public Land Order Number 2766 of August 28, 1962.

(B) Expired Public Land Order Number 6804 of October 16, 1990.

(C) Memorandum of Understanding Number 14-06-300-1266 of July 5, 1962, between the Department of the Interior and the Department of the Navy.

(2) CONDITION FOR TRANSFER.—The Secretary of the Interior may carry out the transfer under this subsection only if the Secretary of the Interior and the Secretary of the Navy each determine that the transfer is in the public interest and will be for the benefit of the Department of the Interior and the Department of the Navy, respectively.

(3) WITHDRAWAL OF LAND AFTER TRANSFER.—Upon completion of the transfer under this subsection, the land over which the Secretary of the Navy obtains administrative jurisdiction—

(A) shall cease to be public land; and

(B) for as long as the land is under the administrative jurisdiction of the Secretary of the Navy or the Secretary of any other military department, shall be withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral interests and to mineral and geothermal leasing.

SEC. 2843. ENVIRONMENTAL RESTORATION AND FUTURE CONVEYANCE OF PORTION OF FORMER MARE ISLAND FIRING RANGE, VALLEJO, CALIFORNIA.

(a) RESTORATION REQUIRED AS RESULT OF PREVIOUS REMEDIATION.—As soon as practicable, the Secretary of the Navy shall take such steps as may be required to fill in depressions in the Mare Island property which resulted from environmental remediation carried out by the Department of the Navy prior to the date of the enactment of this section.

(b) MITIGATION OF WETLANDS.—

(1) METHOD OF MITIGATION.—If the refilling of wetlands on the Mare Island property requires mitigation, the Secretary of the Navy shall conduct such mitigation in accordance with relevant Federal, State and local environmental laws.

(2) COORDINATION OVER CERTAIN PORTION OF PROPERTY.—To the extent that the refilling of wetlands on the Mare Island property requires mitigation on any portion of such property which is subject to a reversionary interest of the State of California, the Secretary shall coordinate with the California State Lands Commission to determine how to best meet the regulatory requirements applicable to the mitigation of such wetlands.

(c) REPORT ON COMPLIANCE AND FUTURE CONVEYANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report describing the process by which the Secretary plans to meet the requirements of subsections (a) and (b), as well as a proposal by the Secretary to convey the Mare Island property

(or some portion thereof) to the State of California or units of local government in the State of California.

(d) DEFINITION.—In this section, the "Mare Island property" is the parcel of real property consisting of approximately 48 acres located within the former Mare Island Naval Shipyard which was formerly used as a firing range by the Department of the Navy.

SEC. 2844. RELEASE OF RESTRICTIONS, UNIVERSITY OF CALIFORNIA, SAN DIEGO.

(a) RELEASE.—The Secretary of the Navy may, upon receipt of full consideration as provided in subsection (b), release to the Regents of the University of California (in this section referred to as the "University of California") all remaining right, title, and interest of the United States, including restrictions on use imposed by deed or otherwise and reversionary rights, in and to a parcel of real property consisting of approximately 495 acres that comprises part of the San Diego campus of the University of California.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the release under subsection (a), the University of California shall provide an amount that is acceptable to the Secretary of the Navy, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, at such time as the Secretary may require. The consideration under this paragraph shall be based on an appraisal approved by the Secretary of the value to the Department of the Navy of the restrictions released under subsection (a), except that in determining the value of such restrictions, there shall be excluded the value of any existing improvements to the property made by or on behalf of the University of California and the value of the University of California's existing rights to the property.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the University of California under paragraph (1) may include goods or services that benefit the Department of the Navy and may take into consideration the value which has accrued to the Department of the Navy from the San Diego campus of the University of California's research, education, and clinical care activities, as well as the contracts, grants, and other collaborations between the Department of the Navy and the San Diego campus of the University of California.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be deposited in the separate fund in the Treasury described in section 572(a)(1) of title 40, United States Code.

(c) PAYMENT OF COSTS OF RELEASE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the University of California to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the release under subsection (a), including survey costs, costs for environmental documentation related to the release, and any other administrative costs related to the release. If amounts are collected from the University of California in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the release,

the Secretary shall refund the excess amount to the University of California.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of a fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property that is the subject of the release under subsection (a) shall be determined by a survey or other documentation satisfactory to both the Secretary of the Navy and the University of California.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the release under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. LAND EXCHANGE, NAVAL SUPPORT ACTIVITY, WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.

(a) EXCHANGE OF PROPERTY INTERESTS AUTHORIZED.—

(1) INTERESTS TO BE CONVEYED.—The Secretary of the Navy (Secretary) may convey all right, title, and interest of the United States in and to one or more parcels of real property under the jurisdiction of the Secretary, including any improvements thereon and, without limitation, any leasehold interests of the United States therein, as the Secretary considers appropriate to protect the interests of the United States.

(2) INTERESTS TO BE ACQUIRED.—In exchange for the property interests described in paragraph (1), the Secretary may accept parcels at the Southeast Federal Center in the vicinity of the Washington Navy Yard, replacement of facilities being conveyed of equal value and similar utility, as determined by the Secretary, and any additional consideration the Secretary feels is appropriate, including maintenance, repair, or restoration of any real property, facility, or infrastructure under the jurisdiction of the Secretary.

(b) VALUATION.—The value of the property interests to be exchanged by the Secretary described in subsections (a)(1) and (a)(2) shall be determined—

(1) by an independent appraiser selected by the Secretary; and

(2) in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(c) EQUALIZATION PAYMENTS.—

(1) TO THE SECRETARY.—If the fair market value of the property interests described in subsection (a)(1) is greater than the fair market value of the property interests described in subsection (a)(2), the person to whom such interests are conveyed shall pay to the Department of the Navy an amount equal to the differences in such fair market values.

(2) NO EQUALIZATION.—If the fair market value of the property interests described in subsection (a)(2) is greater than the fair market value of the property interests described in subsection (a)(1), the Secretary shall not make a cash equalization payment to equalize the values.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the other party in this land exchange to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred, to carry out the land exchange under this section, including survey costs, costs for environmental documentation, other administrative costs related to the land exchange, and all costs associated with relocation of activities and facilities, including equipment, to the replacement location. If amounts collected are in advance of the Secretary incurring actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of the Navy.

(f) CONVEYANCE AGREEMENT.—The exchange of real property interests under this section shall be accomplished using an appropriate legal instrument and upon terms and conditions mutually satisfactory to both parties of the exchange, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Air Force Enlisted Village, a nonprofit corporation (in this section referred to as the "Village"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 80 acres located adjacent to Eglin Air Force Base, Florida, for the purpose of independent-living and assisted-living apartments for veterans. The conveyance under this subsection is subject to valid existing rights.

(b) CONSIDERATION REQUIRED.—As consideration for the conveyance under subsection (a), the Village shall provide an amount that is equivalent to the fair market value to the Department of the Air Force of the right, title, and interest conveyed under such subsection, based on an appraisal approved by the Secretary of the Air Force. The consideration under this paragraph may be provided by cash payment, in-kind consideration, or a combination thereof, at such time as the Secretary may require.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the Village to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Village in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Village.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. PUBLIC INVENTORY OF GUAM LAND PARCELS FOR TRANSFER TO GOVERNMENT OF GUAM.

40 USC 521 note.

(a) NET-NEGATIVE INVENTORY OF LAND PARCELS.—

(1) MAINTENANCE AND UPDATE OF INVENTORY.—The Secretary of the Navy shall maintain and update regularly an inventory of all land parcels located on Guam which meet each of the following conditions:

(A) The parcels are currently owned by the United States Government and are under the administrative jurisdiction of the Department of the Navy.

(B) The Secretary has determined or expects to determine the parcels to be excess to the needs of the Department of the Navy.

(C) Under Federal law, including Public Law 106–504 (commonly known as the "Guam Omnibus Opportunities Act"; 40 U.S.C. 521 note), the parcels are eligible to be transferred to the territorial government.

(2) INFORMATION REQUIRED.—For each parcel included in the inventory under paragraph (1), the Secretary shall specify—

(A) the approximate size of the parcel;

(B) an estimate of the fair market value of the parcel, if available or as practicable;

(C) the date on which the Secretary determined, or the date by which the Secretary expects to determine, that the parcel is excess and made eligible for transfer to the territorial government; and

(D) the citation of the specific legal authority (including the Guam Omnibus Opportunities Act) under which the Secretary will transfer the parcel to the territorial government or otherwise dispose of the parcel.

(b) PARCELS REQUIRED TO BE INCLUDED.—The Secretary shall include in the inventory under this section each of the following parcels, as described in the 2017 Net Negative Report:

(1) The Tanguisson Power Plant (5 acres), listed as Site 14 in the Report.

(2) The Harmon Substation Annex (9.9 acres), listed as Site 15 in the Report.

(3) The Piti Power Plant and Substation (15.5 acres), listed as Site 38 in the Report.

(4) Apra Heights Lot 403–1 (0.5 acres), listed as Site 55 in the Report.

(5) The Agana Power Plant and Substation (5.9 acres), listed as Site 54 in the Report.

(6) The ACEORP Maui Tunnel-Tamuning Route 1 behind Old Telex (3.7 acres), listed as Site 23 in the Report.

(7) The Parcel South of Camp Covington, Parcel 7 (60.8 acres), listed as Site 49 in the Report.

(8) The NCTS Beach Lot, adjacent to the Tanguisson Power Plant (13.3 acres), listed as Site 13 in the Report.

(9) The Hoover Park Annex (also known as "Old USO Beach"; 6 acres), listed as Site 37 in the Report.

(10) Parcel "C" Marbo Cave Annex (5 acres), listed as Site 12 in the Report.

(c) INCLUSION OF ADDITIONAL PARCELS IN INVENTORY.—

(1) REQUEST BY GOVERNOR.—The Governor of the territory of Guam may submit a request to the Secretary to add parcels to the inventory maintained under subsection (a), and shall specify in any such request any public benefit uses or public purposes proposed by the Governor for the parcel involved, pursuant to the Guam Omnibus Opportunities Act or any other relevant Federal law.

(2) CONSIDERATION BY SECRETARY.—Not later than 180 days of receipt of a request from the Governor under paragraph (1), the Secretary shall review the request and provide a response in writing to the Governor as to whether the Secretary will agree to the request to include the specific land parcel in the inventory maintained under subsection (a). If the Secretary denies the request, the Secretary shall provide a detailed written justification to the Governor that explains the continuing military need for the parcel, if any, and the date on which the Secretary expects that military need to cease, if ever.

(d) EXCLUSION OF PARCELS.—The Secretary shall not include in the inventory maintained under this section any parcel transferred to the government of Guam prior to the date of the enactment of this Act, without regard to whether or not the parcel is included in the inventory under subsection (b).

(e) PUBLIC NOTIFICATION.—The Secretary shall publish and update on a public website of the United States Government the following information:

(1) The inventory maintained under subsection (a), including the parcels required to be included in such inventory under subsection (b).

(2) All requests submitted by the Governor under subsection (c), including any proposed public benefit use or public purpose specified in any such request.

(3) A copy of each response provided by the Secretary to each request submitted by the Governor under subsection (c).

(4) A description of each parcel of land transferred by the Secretary to the territorial government after January 20, 2011, including the following:

(A) The approximate size of the parcel.

(B) An estimate of the fair market value of the parcel, if available or as practicable.

(C) The specific legal authority under which the Secretary transferred the parcel to the territorial government.

(D) The date the parcel was transferred to the territorial government.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) 2017 NET NEGATIVE REPORT.—The term "2017 Net Negative Report" means the report submitted by the Secretary of the Navy, on behalf of the Secretary of Defense, under section 2208 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2695) regarding the status of the implementation of the "net negative" policy regarding the total number of acres of the real property controlled by the Department of the Navy or the Department of Defense on Guam.

(2) GOVERNOR.—The term "Governor" means the Governor of the territory of Guam.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Navy.

(4) TERRITORIAL GOVERNMENT.—The term "territorial government" means the government of Guam established under the Organic Act of Guam (48 U.S.C. 1421 et seq.).

SEC. 2848. MODIFICATION OF CONDITIONS ON LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 605), as amended by section 2842 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 863) and section 2838 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3710), is amended— 16 USC 1609.

(1) by striking "(1) The conveyance" and inserting "The conveyance"; and

(2) by striking paragraph (2).

SEC. 2849. LAND CONVEYANCE, NAVAL ACADEMY DAIRY FARM, GAMBRILLS, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding section 6976 of title 10, United States Code, the Secretary of the Navy may convey and release to Anne Arundel County, Maryland (in this section referred to as the "County") all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of approximately 40 acres at the property commonly referred to as the Naval Academy dairy farm located in Gambrills, Maryland (in this section referred to as the

"Dairy Farm"), for use in support of a public park, recreational area, and additional public uses.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance and release under subsection (a), the County shall provide an amount that is equivalent to the fair market value to the Department of the Navy of the right, title, and interest conveyed and released under such subsection, based on an appraisal approved by the Secretary of the Navy. The consideration under this paragraph may be provided by cash payment, in-kind consideration, or a combination thereof, at such time as the Secretary may require.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facility, real property, or infrastructure under the jurisdiction of the Secretary.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the Dairy Farm, including reimbursing non-appropriated fund instrumentalities of the Naval Academy.

(c) PAYMENT OF COST OF CONVEYANCE AND RELEASE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the County to pay costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance and release under subsection (a), including survey costs, appraisal costs, costs for environmental documentation related to the conveyance and release, and any other administrative costs related to the conveyance and release. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance and release or any costs incurred by the Secretary to administer the County's lease of the Dairy Farm, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to pay the costs incurred by the Secretary in carrying out the conveyance and release under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property which is subject to conveyance and release under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance and release under subsection (a) as the

Secretary considers appropriate to protect the interests of the United States.

(f) NO EFFECT ON EXISTING LEASES GOVERNING PROPERTY NOT SUBJECT TO CONVEYANCE.—Nothing in this section or in any conveyance and release carried out pursuant to this section may be construed to affect the terms, conditions, or applicability of any existing agreement entered into between the Country and the Secretary of the Navy which governs the use of any portion of the Dairy Farm which is not subject to conveyance and release under this section.

SEC. 2850. TECHNICAL CORRECTION OF DESCRIPTION OF LIMESTONE HILLS TRAINING AREA LAND WITHDRAWAL AND RESERVATION, MONTANA.

Section 2931(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1031) is amended by striking "18,644 acres" and all that follows through "April 10, 2013" and inserting the following: "18,964 acres in Broadwater County, Montana, generally depicted as 'Limestone Hills Training Area Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated May 11, 2017".

SEC. 2851. LAND CONVEYANCE, WASATCH-CACHE NATIONAL FOREST, RICH COUNTY, UTAH.

(a) LAND CONVEYANCE AUTHORIZED.—Subject to valid existing rights, not later than 6 months after the date of the enactment of this section, the Secretary of Agriculture shall convey, without consideration, to the Utah State University Research Foundation, (in this section referred to as the "Foundation") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 80 acres, including improvements thereon, located outside of the boundaries of the Wasatch-Cache National Forest, Rich County, Utah, within Sections 19 and 30, Township 14 North, Range 5 East, Salt Lake Base and Meridian for the purpose of permitting the Foundation to use the property for scientific and educational purposes.

(b) REVERSIONARY INTEREST.—If the Secretary of Agriculture determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of Agriculture shall require the Foundation to cover the costs (except any costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Foundation in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by

the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Foundation.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of Agriculture.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. COMMEMORATION OF FREEDMAN'S VILLAGE.

(a) FREEDMAN'S VILLAGE GATE.—The Secretary of the Army shall, as part of the southern expansion of Arlington National Cemetery, name the newly constructed gate located at the intersection of Hobson Drive and Southgate Road, "Freedman's Village Gate".

(b) PERMANENT EASEMENT.—The Secretary of the Army is directed to grant to Arlington County a permanent easement of no less than 0.1 acres of land within the right-of-way of Southgate Road to the south and west of Hobson Drive and west of the planned joint base access road that is also continuous with Foxcroft Heights Park for the purpose of commemorating Freedman's Village.

(c) RELOCATION OF COMMEMORATION IN EVENT LOCATION IS USED FOR BURIAL PURPOSES.—In the event Arlington National Cemetery subsequently acquires the property used for the commemoration described under subsection (b) for burial purposes, the Army shall relocate any commemoration of Freedman's Village to an appropriate location.

(d) REIMBURSEMENT.—The Secretary of Defense may accept reimbursement from Arlington County for any costs associated with commemorating Freedman's Village.

Subtitle D—Other Matters

SEC. 2861. DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM.

Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection:

"(d) DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM.—(1) The Secretary of Defense may make grants, conclude cooperative agreements, and supplement funds available under Federal programs administered by agencies other than the Department of Defense to assist State and local governments to address deficiencies in community infrastructure supportive of a military installation,

if the Secretary determines that such assistance will enhance the military value, resilience, or military family quality of life at such military installation.

"(2) The Secretary shall establish criteria for the selection of community infrastructure projects to receive assistance under paragraph (1). The criteria shall include a requirement that the State or local government agree to contribute not less than 30 percent of the funding for the community infrastructure project, unless the community infrastructure project is located in a rural area, or for reasons related to national security, in which case the Secretary may waive the requirement for a State or local government contribution.

"(3) Amounts appropriated or otherwise made available for assistance under paragraph (1) may remain available until expended.

"(4) The authority under this subsection shall expire upon the expiration of the 10-year period which begins on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019."; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraphs:

"(4) The term 'community infrastructure' means any transportation project; school, hospital, police, fire, emergency response, or other community support facility; or water, wastewater, telecommunications, electric, gas, or other utility infrastructure project that is located off of a military installation and owned by a State or local government.

"(5) The term 'rural area' means a city, town, or unincorporated area that has a population of not more than 50,000 inhabitants.".

SEC. 2862. STRATEGIC PLAN TO IMPROVE CAPABILITIES OF DEPARTMENT OF DEFENSE TRAINING RANGES AND INSTALLATIONS.

10 USC 113 note.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop and implement a comprehensive strategic plan to identify and address deficits in the capabilities of Department of Defense training ranges to support current and anticipated readiness requirements to execute the National Defense Strategy (NDS).

(b) EVALUATION.—As part of the preparation of the strategic plan, the Secretary shall conduct an evaluation of the following:

(1) The adequacy of current training range resources to include the ability to train against near-peer or peer threats in a realistic 5th Generation environment.

(2) The adequacy of current training enablers to meet current and anticipated demands of the Armed Forces.

(c) ELEMENTS.—The strategic plan shall include the following:

(1) An integrated priority list of location-specific proposals and/or infrastructure project priorities, with associated Department of Defense Form 1391 documentation, required to both address any limitations or constraints on current Department resources, including any climatically induced impacts or shortfalls, and achieve full spectrum training (integrating virtual and constructive entities into live training) against a more technologically advanced peer adversary.

(2) Goals and milestones for tracking actions under the plan and measuring progress in carrying out such actions.

(3) Projected funding requirements for implementing actions under the plan.

(d) DEVELOPMENT AND IMPLEMENTATION.—The Under Secretary of Defense for Acquisition and Sustainment, as the principal staff assistant to the Secretary on installation management, shall have lead responsibility for developing and overseeing implementation of the strategic plan and for coordination of the discharge of the plan by components of the Department.

(e) REPORT ON IMPLEMENTATION.—Not later than April 1, 2020, the Secretary shall, through the Under Secretary of Defense for Acquisition and Sustainment, submit to Congress a report on the progress made in implementing this section, including the following:

(1) A description of the strategic plan.

(2) A description of the results of the evaluation conducted under subsection (b).

(3) Such recommendations as the Secretary considers appropriate with respect to improvements of the capabilities of training ranges and enablers.

(f) PROGRESS REPORTS.—Not later than April 1, 2019, and annually thereafter for 3 years, the Secretary shall, through the Under Secretary, submit to Congress a report setting forth the following:

(1) A description of the progress made during the preceding fiscal year in implementing the strategic plan.

(2) A description of any additional actions taken, or to be taken, to address limitations and constraints on training ranges and enablers.

(3) Assessments of individual training ranges addressing the evaluation conducted under subsection (b).

(g) ADDITIONAL REPORT ELEMENT.—Each report under subsections (e) and (f) shall also include a list of significant modifications to training range inventory, such as range closures or expansions, during the preceding fiscal year, including any limitations or impacts due to climatic conditions.

10 USC 2391 note.

SEC. 2863. RESTRICTIONS ON USE OF FUNDS FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN COMMONWEALTH OF NORTHERN MARIANA ISLANDS.

(a) RESTRICTION.—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure in the Commonwealth of the Northern Mariana Islands (hereafter in this section referred to as the "Commonwealth"), the Secretary of Defense may not carry out such grant, transfer, cooperative agreement, or supplemental funding unless such grant, transfer, cooperative agreement, or supplemental funding—

(1) is specifically authorized by law; and

(2) will be used to carry out a public infrastructure project included in the report submitted under subsection (b).

(b) REPORT OF ECONOMIC ADJUSTMENT COMMITTEE.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chair of the Economic Adjustment Committee

established in Executive Order No. 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider assistance, including assistance to support public infrastructure projects, necessary to support changes in Department of Defense activities in the Commonwealth.

(2) REPORT.—Not later than 180 days after convening the Economic Adjustment Committee under paragraph (1), the Secretary shall submit to the congressional defense committees a report—

(A) describing the results of the Economic Adjustment Committee deliberations required by paragraph (1); and

(B) containing a description of any assistance the Committee determines to be necessary to support changes in Department of Defense activities in the Commonwealth, including any public infrastructure projects the Committee determines should be carried out with such assistance.

(c) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term "public infrastructure" means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

SEC. 2864. STUDY AND REPORT ON INCLUSION OF COLEMAN BRIDGE, YORK RIVER, VIRGINIA, IN STRATEGIC HIGHWAY NETWORK.

(a) STUDY.—The Commander of the United States Transportation Command shall conduct a study of the feasibility and desirability of including the George P. Coleman Memorial Bridge on the York River, Virginia, and United States Route 17 in the Strategic Highway Network.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

SEC. 2865. DEFENSE ACCESS ROADS RELATING TO CLOSURES DUE TO SEA LEVEL FLUCTUATION AND FLOODING.

(a) AUTHORITY.—Section 210(a)(1) of title 23, United States Code, is amended by striking "closures or restrictions" and inserting "closures, closures due to mean sea level fluctuation and flooding, or restrictions".

(b) USE OF FUNDS.—Section 210 of title 23, United States Code, is amended by adding at the end the following:

"(i) Beginning in fiscal year 2019, funds appropriated for the purposes of this section shall be available to pay the cost of repairing damage caused to, and for any infrastructure to mitigate the risks posed to, highways by recurrent flooding and sea level fluctuation, if the Secretary of Defense shall determine that continued access to a military installation has been impacted by past flooding and mean sea level fluctuation.".

SEC. 2866. AUTHORITY TO TRANSFER FUNDS FOR CONSTRUCTION OF INDIAN RIVER BRIDGE.

Notwithstanding the limitation in section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Administrator of the National Aeronautics and Space Administration up to 50 percent of the shared costs of constructing the Indian

River Bridge. The authority under this section shall expire on October 1, 2022.

SEC. 2867. PLAN TO ALLOW INCREASED PUBLIC ACCESS TO THE NATIONAL NAVAL AVIATION MUSEUM AND BARRANCAS NATIONAL CEMETERY, NAVAL AIR STATION PENSACOLA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a plan to allow increased public access to the National Naval Aviation Museum and Barrancas National Cemetery at Naval Air Station Pensacola.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized defense agencies construction and land acquisition projects.
Sec. 2905. Authorization of appropriations.
Sec. 2906. Restrictions on use of funds for planning and design costs of European Deterrence Initiative projects.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Army may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Location	Amount
Bulgaria	Nevo Selo FOS	$5,200,000
Poland	Drawsko Pomorski Training Area	$17,000,000
	Powidz Air Base	$87,000,000
	Zagan Training Area	$40,400,000
Romania	Mihail Kogalniceanu FOS	$21,651,000

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Location	Amount
Greece	Naval Support Activity Souda Bay	$47,850,000
Italy	Naval Air Station Sigonella	$66,050,000
Spain	Naval Station Rota	$21,590,000
United Kingdom	Lossiemouth	$79,130,000

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Location	Amount
Germany	Ramstein Air Base	$119,000,000
Norway	Rygge	$13,800,000
Qatar	Al Udeid	$70,400,000
Slovakia	Malacky	$59,000,000
United Kingdom	RAF Fairford	$106,000,000

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Location	Amount
Estonia	Unspecified Estonia	$15,700,000
Qatar	Al Udeid	$60,000,000

SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2018, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

SEC. 2906. RESTRICTIONS ON USE OF FUNDS FOR PLANNING AND DESIGN COSTS OF EUROPEAN DETERRENCE INITIATIVE PROJECTS.

None of the funds authorized to be appropriated for military construction projects outside the United States authorized by this title may be obligated or expended for planning and design costs of any project associated with the European Deterrence Initiative until the Secretary of Defense submits to the congressional defense committees a list of all of the military construction projects associated with the European Deterrence Initiative which the Secretary anticipates will be carried out during each of the fiscal years 2019 through 2023.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Development of low-yield nuclear weapons.
Sec. 3112. Department of Energy counterintelligence polygraph program.
Sec. 3113. Inclusion of capital assets acquisition projects in activities by Director for Cost Estimating and Program Evaluation.
Sec. 3114. Modification of authority for acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
Sec. 3115. Notification regarding air release of radioactive or hazardous material at Hanford Nuclear Reservation.
Sec. 3116. Amendments to the Atomic Energy Act of 1954.
Sec. 3117. Extension of enhanced procurement authority to manage supply chain risk.
Sec. 3118. Hanford waste tank cleanup program.
Sec. 3119. Use of funds for construction and project support activities relating to MOX facility.
Sec. 3120. Plutonium pit production.
Sec. 3121. Pilot program on conduct by Department of Energy of background reviews for access by certain individuals to national security laboratories.
Sec. 3122. Prohibition on availability of funds for programs in Russian Federation.
Sec. 3123. Prohibition on availability of funds for research and development of advanced naval nuclear fuel system based on low-enriched uranium.
Sec. 3124. Limitation on availability of funds relating to submission of annual reports on unfunded priorities.

Subtitle C—Plans and Reports

Sec. 3131. Modifications to cost-benefit analyses for competition of management and operating contracts.
Sec. 3132. Nuclear forensics analyses.
Sec. 3133. Review of defense environmental cleanup activities.
Sec. 3134. Whistleblower protections.
Sec. 3135. Implementation of Nuclear Posture Review by National Nuclear Security Administration.
Sec. 3136. Survey of workforce of national security laboratories and nuclear weapons production facilities.
Sec. 3137. Elimination of certain reports.

Subtitle D—Other Matters

Sec. 3141. Acceleration of replacement of cesium blood irradiation sources.
Sec. 3142. Sense of Congress regarding compensation of individuals relating to uranium mining and nuclear testing.

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for

fiscal year 2019 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 19–D–660, Lithium Production Capability, Y–12 National Security Complex, Oak Ridge, Tennessee, $19,000,000.

Project 19–D–670, 138k Power Transmission System Replacement, Nevada National Security Site, Mercury, Nevada, $6,000,000.

Project 19–D–930, KS Overhead Piping, Kesselring Site, West Milton, New York, $10,994,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2019 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2019 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2019 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

50 USC 2529 note.

(a) AUTHORIZATION.—The Secretary of Energy, acting through the Administrator for Nuclear Security, may carry out the engineering development phase, and any subsequent phase, to modify or develop a low-yield nuclear warhead for submarine-launched ballistic missiles.

(b) MODIFICATION OF LIMITATION ON DEVELOPMENT.—Section 3116(c) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1746; 50 U.S.C. 2529 note) is amended by striking "specifically authorized by Congress" and inserting "the Secretary specifically requests funding for the development of that weapon pursuant to section 4209(a) of the Atomic Energy Defense Act (50 U.S.C. 2529(a))".

(c) REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.—Section 4209(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2529(a)(1)) is amended—

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

"(A) shall"; and

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

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

SEC. 3112. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

Section 4504(b) of the Atomic Energy Defense Act (50 U.S.C. 2654(b)) is amended by adding at the end the following new paragraph:

"(4) In the event of a counterintelligence investigation, the regulations prescribed under paragraph (1) may ensure that the persons subject to the counterintelligence polygraph program required by subsection (a) include any person who is—

"(A) a national of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) and also a national of a foreign state; and

"(B) an employee or contractor who requires access to classified information.".

SEC. 3113. INCLUSION OF CAPITAL ASSETS ACQUISITION PROJECTS IN ACTIVITIES BY DIRECTOR FOR COST ESTIMATING AND PROGRAM EVALUATION.

(a) IN GENERAL.—Section 3221 of the National Nuclear Security Administration Act (50 U.S.C. 2411) is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection:

"(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require duplicate reviews or cost estimates for major atomic energy defense acquisition programs by the Administration or other elements of the Department of Energy."; and

(3) in subsection (i)(2), as redesignated by paragraph (1)—

(A) by striking "PROGRAM.—" and all that follows through ", the term" and inserting "PROGRAM.—The term";

(B) by striking subparagraph (B); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, two ems to the left.

50 USC 2411 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 18 months after the date of the enactment of this Act.

(c) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security and the Secretary of Energy shall jointly brief the congressional defense committees on a plan for implementing the amendments made by subsection (a)(3) in a manner that avoids duplication of reviews and cost estimates with respect to major atomic energy defense acquisition programs.

SEC. 3114. MODIFICATION OF AUTHORITY FOR ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

Section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(3) in paragraph (6), as redesignated by paragraph (2), by striking "December 31, 2018" and inserting "December 31, 2023".

SEC. 3115. NOTIFICATION REGARDING AIR RELEASE OF RADIOACTIVE OR HAZARDOUS MATERIAL AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Subtitle C of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2621 et seq.) is amended by adding at the end the following new section:

"SEC. 4447. NOTIFICATION REGARDING AIR RELEASE OF RADIOACTIVE OR HAZARDOUS MATERIAL. 50 USC 2627.

"If the Secretary of Energy (or a designee of the Secretary) is notified of an improper release into the air of radioactive or hazardous material above applicable statutory or regulatory limits that resulted from waste generated by atomic energy defense activities at the Hanford Nuclear Reservation, Richland, Washington, the Secretary (or designee of the Secretary) shall—

"(1) not later than two business days after being notified of the release, notify the congressional defense committees of the release; and

"(2) not later than seven business days after being notified of the release, provide the congressional defense committees a briefing on the status of the release, including—

"(A) the cause of the release, if known; and

"(B) preliminary plans to address and remediate the release, including associated costs and timelines.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4446 the following new item:

"Sec. 4447. Notification regarding air release of radioactive or hazardous material.".

SEC. 3116. AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954.

(a) CLARIFICATION OF PROHIBITION ON DELEGATION OF AUTHORITY RELATING TO SPECIAL NUCLEAR MATERIAL.—Section 161 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(n)) is amended by striking "57 b.," and inserting "57 b. (with respect to enrichment and reprocessing of special nuclear material or with respect to transfers to any covered foreign country (as defined in section 3136(i) of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a(i))),".

(b) CIVIL PENALTIES.—Section 234 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a)) is amended—

(1) by striking "57,"; and

(2) by striking "or (2)" and inserting "(2) violates any provision of section 57, or (3)".

(c) REPORT.—Section 3136(e)(2) of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a(e)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) for each such application, an identification of any officer to which the authorization under such section 57 b. was delegated pursuant to section 161 n. of that Act (42 U.S.C. 2201(n));".

SEC. 3117. EXTENSION OF ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) EXTENSION.—Subsection (g) of section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended to read as follows:

"(g) TERMINATION.—The authority under this section shall terminate on June 30, 2023.".

(b) TECHNICAL AMENDMENT.—Subsection (f)(5)(A) of such section is amended by striking "section 3542(b) of title 44" and inserting "section 3552(b) of title 44".

SEC. 3118. HANFORD WASTE TANK CLEANUP PROGRAM.

Section 4442(e) of the Atomic Energy Defense Act (50 U.S.C. 2622(e)) is amended by striking "2019" and inserting "2024".

SEC. 3119. USE OF FUNDS FOR CONSTRUCTION AND PROJECT SUPPORT ACTIVITIES RELATING TO MOX FACILITY.

(a) IN GENERAL.—Except as provided by subsection (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the National Nuclear Security Administration for the MOX facility.

(b) WAIVER.—The Secretary may waive the requirement under subsection (a) if the Secretary submits to the congressional defense committees the matters specified in section 3121(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1892).

(c) DEFINITIONS.—In this section:

(1) MOX FACILITY.—The term "MOX facility" means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) PROJECT SUPPORT ACTIVITIES.—The term "project support activities" means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

SEC. 3120. PLUTONIUM PIT PRODUCTION.

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

(1) Los Alamos National Laboratory, Los Alamos, New Mexico, is the Plutonium Science and Production Center of Excellence for the United States; and

(2) Los Alamos National Laboratory will produce a minimum of 30 pits per year for the national pit production mission and will implement surge efforts to exceed 30 pits per year to meet Nuclear Posture Review and national policy.

(b) INDEPENDENT ASSESSMENT OF PLUTONIUM STRATEGY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall seek to enter into a contract with a federally funded research

and development center to conduct an assessment of the plutonium strategy of the National Nuclear Security Administration. The assessment shall include—

(A) an analysis of the engineering assessment and analysis of alternatives, including an analysis of each of the four major options contained within the engineering assessment;

(B) an assessment of the risks and benefits involved in each such option, including risks and benefits related to cost, schedule, licensing, labor availability, and workforce development, and effects on and from other programs;

(C) a description of the strategies considered by the National Nuclear Security Administration to reduce those risks; and

(D) an assessment of the strategy considered for manufacturing up to 80 pits per year at Los Alamos National Laboratory through the use of multiple labor shifts and additional equipment at PF–4 until modular facilities are completed to provide a long-term, single-labor shift capacity.

(2) SELECTION.—The Secretary may not enter into the contract under paragraph (1) with a federally funded research and development center for which the Department of Energy or the National Nuclear Security Administration is the primary sponsor.

(3) ACCESS TO INFORMATION.—The federally funded research and development center with which the Secretary enters into the contract under paragraph (1) shall have full and direct access to all information related to pit production, including information of the National Nuclear Security Administration and its management and operating contractors.

(4) REPORT REQUIRED.—Not later than April 1, 2019, the federally funded research and development center with which the Secretary enters into the contract under paragraph (1) shall submit to the Secretary, the Administrator, and the Nuclear Weapons Council established under section 179 of title 10, United States Code, a report containing the assessment required by paragraph (1).

(5) SUBMISSION TO CONGRESS.—Not later than April 15, 2019, the Secretary shall submit to the congressional defense committees the report required by paragraph (4), without change.

(c) REPORT ON PIT PRODUCTION AT LOS ALAMOS NATIONAL LABORATORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report containing—

(A) a detailed plan to produce 30 pits per year at Los Alamos National Laboratory by 2026, including—

(i) equipment and other construction already planned at the Chemistry and Metallurgy Research Replacement Facility;

(ii) additional equipment or labor necessary to produce such pits; and

(iii) effects on and from other ongoing programs at Los Alamos National Laboratory; and

(B) a detailed plan for designing and carrying out production of plutonium pits 31–80 at Los Alamos National Laboratory, in case the MOX facility is not operational and producing pits by 2030.

(2) ASSESSMENT.—Not later than 120 days after the submission of the report required by paragraph (1), the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall submit to the congressional defense committees an assessment of that report, including an assessment of the effect of increased ARIES activity in support of the dilute and dispose program on the plutonium pit production mission.

(d) BRIEFING.—Not later than March 1, 2019, the Chairman of the Nuclear Weapons Council and the Administrator shall jointly provide to the congressional defense committees a briefing detailing the implementation plan for the plutonium strategy of the National Nuclear Security Administration, including milestones, accountable personnel for such milestones, and mechanisms for ensuring transparency into the progress of such strategy for the Department of Defense and the congressional defense committees.

(e) ANNUAL CERTIFICATION.—Not later than April 1, 2019, and each year thereafter through 2025, the Chairman shall submit to the Secretary, the Administrator, and the congressional defense committees a written certification that the plutonium pit production plan of the National Nuclear Security Administration is on track to meet—

(1) the military requirement of 80 pits per year by 2030, or such other military requirement as determined by the Secretary;

(2) the statutory requirements for pit production timelines under section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a); and

(3) all milestones and deliverables described in the plans required by subsection (c)(1).

(f) FAILURE TO CERTIFY.—

(1) NWC NOTIFICATION.—If in any year the Chairman is unable to submit the certification under subsection (e), the Chairman shall submit to the congressional defense committees, the Secretary, and the Administrator written notification describing why the Chairman is unable to make such certification.

(2) NNSA RESPONSE.—Not later than 180 days after the date on which the Chairman makes a notification under paragraph (1), the Administrator shall submit to the congressional defense committees, the Secretary, and the Chairman a report that—

(A) addresses the reasons identified in the notification with respect to the failure to make the certification under subsection (e); and

(B) includes presentation of either a concurrent backup plan or a recovery plan, and the associated implementation schedules for such plan.

(g) DEFINITIONS.—In this section:

(1) ARIES.—The term "ARIES" means the Advanced Recovery and Integrated Extraction System method, developed and piloted at Los Alamos National Laboratory, Los Alamos, New Mexico, for disassembling surplus defense plutonium pits

and converting the plutonium from such pits into plutonium oxide.

(2) DILUTE AND DISPOSE APPROACH.—The term "dilute and dispose approach" means a method of blending plutonium oxide made from surplus defense plutonium with an inert mixture, then packaging and indefinitely disposing of the combined material in a geologic repository.

(3) MOX FACILITY.—The term "MOX facility" means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

SEC. 3121. PILOT PROGRAM ON CONDUCT BY DEPARTMENT OF ENERGY OF BACKGROUND REVIEWS FOR ACCESS BY CERTAIN INDIVIDUALS TO NATIONAL SECURITY LABORATORIES.

50 USC 2652 note.

(a) IN GENERAL.—The Secretary of Energy shall establish a pilot program to assess the feasibility and advisability of conducting background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) within the Department of Energy.

(b) REQUIREMENTS.—Under the pilot program established under subsection (a), the Secretary may admit an individual described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) to a facility of a national security laboratory described in that section if, in addition to the conduct of a background review under subsection (a) with respect to that individual—

(1) the Secretary determines that the admission of that individual to that facility is in the national interest and will further science, technology, and engineering capabilities in support of the mission of the Department of Energy; and

(2) a security plan is developed and implemented to mitigate the risks associated with the admission of that individual to that facility.

(c) ROLES OF SECRETARY AND DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—

(1) ROLE OF SECRETARY.—Under the pilot program under subsection (a), the Secretary shall conduct background reviews for all individuals described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) seeking admission to facilities of national security laboratories described in that section. Such reviews by the Secretary shall be conducted independent of and in addition to background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under that section.

(2) ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—Notwithstanding paragraph (1), during the period during which the pilot program established under subsection (a) is being carried out, the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall retain primary responsibility for the conduct of all background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)).

(d) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(e) REPORT REQUIRED.—Not later than 90 days after the date on which the pilot program established under subsection (a) terminates under subsection (d), the Secretary of Energy, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the conduct of background reviews under the pilot program that includes—

(1) a comparison of the effectiveness of and timelines required for background reviews conducted by the Secretary under the pilot program and background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)); and

(2) the number of such reviews conducted for individuals who are citizens or agents of each country on the sensitive countries list referred to in that section.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NATIONAL SECURITY LABORATORY.—The term "national security laboratory" has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3122. PROHIBITION ON AVAILABILITY OF FUNDS FOR PROGRAMS IN RUSSIAN FEDERATION.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for atomic energy defense activities may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

(b) WAIVER.—The Secretary of Energy, without delegation, may waive the prohibition in subsection (a) only if—

(1) the Secretary determines, in writing, that a nuclear-related threat in the Russian Federation must be addressed urgently and it is necessary to waive the prohibition to address that threat;

(2) the Secretary of State and the Secretary of Defense concur in the determination under paragraph (1);

(3) the Secretary of Energy submits to the appropriate congressional committees a report containing—

(A) a notification that the waiver is in the national security interest of the United States;

(B) justification for the waiver, including the determination under paragraph (1); and

(C) a description of the activities to be carried out pursuant to the waiver, including the expected cost and timeframe for such activities; and

(4) a period of seven days elapses following the date on which the Secretary submits the report under paragraph (3).

(c) EXCEPTION.—The prohibition under subsection (a) and the requirements under subsection (b) to waive that prohibition shall not apply to an amount, not to exceed $3,000,000, that the Secretary

may make available for the Department of Energy Russian Health Studies Program.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3123. PROHIBITION ON AVAILABILITY OF FUNDS FOR RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the Department of Energy or the Department of Defense may be obligated or expended to plan or carry out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(b) EXCEPTION.—In accordance with section 7319 of title 10, United States Code, of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for defense nuclear nonproliferation, as specified in the funding table in section 4701, $10,000,000 shall be made available to the Deputy Administrator for Naval Reactors of the National Nuclear Security Administration for low-enriched uranium activities (including downblending of high-enriched uranium fuel into low-enriched uranium fuel, research and development using low-enriched uranium fuel, or the modification or procurement of equipment and infrastructure related to such activities) to develop an advanced naval nuclear fuel system based on low-enriched uranium.

SEC. 3124. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO SUBMISSION OF ANNUAL REPORTS ON UNFUNDED PRIORITIES.

Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756) is amended—

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

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

"(c) LIMITATION.—If the Administrator fails to submit to the congressional defense committees a report required by subsection (a) for any of fiscal years 2020 through 2024 that includes the matters specified in subsection (b)(1) for at least one unfunded priority by the deadline specified in subsection (a), not more than 65 percent of the funds authorized to be appropriated or otherwise made available for the fiscal year in which such failure occurs for travel and transportation of persons under the Federal salaries and expenses account of the Administration may be obligated or expended until the date on which the Administrator submits such report.".

Subtitle C—Plans and Reports

SEC. 3131. MODIFICATIONS TO COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

(a) IN GENERAL.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

50 USC 2787.

"SEC. 4807. COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

"(a) BRIEFINGS ON REQUESTS FOR PROPOSALS.—Not later than 7 days after issuing a request for proposals for a contract to manage and operate a facility of the Administration, the Administrator shall brief the congressional defense committees on the preliminary assessment of the Administrator of the costs and benefits of the competition for the contract, including a preliminary assessment of the matters described in subsection (c) with respect to the contract.

"(b) REPORTS AFTER TRANSITION TO NEW CONTRACTS.—If the Administrator awards a new contract to manage and operate a facility of the Administration, the Administrator shall submit to the congressional defense committees a report that includes the matters described in subsection (c) with respect to the contract by not later than 30 days after the completion of the period required to transition to the contract.

"(c) MATTERS DESCRIBED.—The matters described in this subsection, with respect to a contract, are the following:

"(1) A clear and complete description of the cost savings the Administrator expects to result from the competition for the contract over the life of the contract, including associated analyses, assumptions, and information sources used to determine such expected cost savings.

"(2) A description of any key limitations or uncertainties that could affect such costs savings, including costs savings that are anticipated but not fully known.

"(3) The costs of the competition for the contract, including the immediate costs of conducting the competition, the costs of the transition to the contract from the previous contract, and any increased costs over the life of the contract.

"(4) A description of any disruptions or delays in mission activities or deliverables resulting from the competition for the contract.

"(5) A clear and complete description of the benefits expected by the Administrator with respect to mission performance or operations resulting from the competition.

"(6) How the competition for the contract complied with the Federal Acquisition Regulation regarding federally funded research and development centers, if applicable.

"(7) The factors considered and processes used by the Administrator to determine—

"(A) whether to compete or extend the previous contract; and

"(B) which activities at the facility should be covered under the contract rather than under a different contract.

"(8) With respect to the matters included under paragraphs (1) through (7), a detailed description of the analyses conducted by the Administrator to reach the conclusions presented in the report, including any assumptions, limitations, and uncertainties relating to such conclusions.

"(9) Any other matters the Administrator considers appropriate.

"(d) INFORMATION QUALITY.—Each briefing required by subsection (a) and report required by subsection (b) shall be prepared in accordance with—

"(1) the information quality guidelines of the Department of Energy that are relevant to the clear and complete presentation of the matters described in subsection (c); and

"(2) best practices of the Government Accountability Office and relevant industries for cost estimating, if appropriate.

"(e) REVIEW OF REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

"(1) INITIAL REVIEW.—The Comptroller General of the United States shall provide a briefing to the congressional defense committees that includes a review of each report required by subsection (b) not later than 180 days after the report is submitted to such committees.

"(2) COMPREHENSIVE REVIEW.—

"(A) DETERMINATION.—The Comptroller General shall determine, in consultation with the congressional defense committees, whether to conduct a comprehensive review of a report required by subsection (b).

"(B) SUBMISSION.—The Comptroller General shall submit a comprehensive review conducted under subparagraph (A) of a report required by subsection (b) to the congressional defense committees not later than 3 years after that report is submitted to such committees.

"(C) ELEMENTS.—A comprehensive review conducted under subparagraph (A) of a report required by subsection (b) shall include an assessment, based on the most current information available, of the following:

"(i) The actual cost savings achieved compared to cost savings estimated under subsection (c)(1), and any increased costs incurred under the contract that were unexpected or uncertain at the time the contract was awarded.

"(ii) Any disruptions or delays in mission activities or deliverables resulting from the competition for the contract compared to the disruptions and delays estimated under subsection (c)(4).

"(iii) Whether expected benefits of the competition with respect to mission performance or operations have been achieved.

"(iv) Such other matters as the Comptroller General considers appropriate.

"(f) APPLICABILITY.—

"(1) IN GENERAL.—The requirements for briefings under subsection (a) and reports under subsection (b) shall apply with respect to requests for proposals issued or contracts awarded, as applicable, by the Administrator during fiscal years 2019 through 2022.

"(2) NAVAL REACTORS.—The requirements for briefings under subsection (a) and reports under subsection (b) shall not apply with respect to a management and operations contract for a Naval Reactor facility.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4806 the following new item:

"Sec. 4807. Cost-benefit analyses for competition of management and operating contracts.".

(c) TERMINATION OF SUPERSEDED PROVISION.—Section 3121(e)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2175), as most recently amended by section 3135 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1207), is further amended by striking "2020" and inserting "2018".

SEC. 3132. NUCLEAR FORENSICS ANALYSES.

(a) INDEPENDENT ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall seek to enter into an agreement with the National Academy of Sciences for an independent assessment of nuclear forensic analyses conducted by the Federal Government.

(b) ELEMENTS.—The assessment conducted by the National Academy of Sciences under subsection (a) shall, at minimum, include the following:

(1) An assessment of a representative sample of nuclear forensic analyses from across the Federal departments and agencies, with particular emphasis on the validity, quality, value, cost effectiveness, gaps, and timeliness of such analyses.

(2) An assessment of the methodologies used by nuclear forensics analyses from across the Federal departments and agencies, including the scientific rigor of such methodologies.

(3) Recommendations for improving nuclear forensics analyses conducted by the Federal Government, including any best practices or lessons learned that should be shared across the Federal departments and agencies.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report containing the assessment of the National Academy of Sciences under subsection (a).

(d) BRIEFING ON SENIOR-LEVEL INVOLVEMENT IN EXERCISES.—Not later than 90 days after the date of the enactment of this Act, the President shall provide to the appropriate congressional committees a briefing on the involvement of senior-level executive branch leadership in recent and planned nuclear terrorism preparedness or response exercises and any other exercises that have nuclear forensic analysis as a component of the exercises.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 3133. REVIEW OF DEFENSE ENVIRONMENTAL CLEANUP ACTIVITIES.

(a) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the defense environmental cleanup activities of the Office of Environmental Management of the Department of Energy.

(b) ELEMENTS.—The review conducted under subsection (a) shall include—

(1) an assessment of—

(A) project management practices with respect to the activities described in subsection (a);

(B) the outcomes of such activities; and

(C) the appropriateness of the level of engagement and oversight of the Office of Environmental Management with respect to such activities; and

(2) recommendations with respect to actions to enhance the effectiveness and efficiency of such activities.

SEC. 3134. WHISTLEBLOWER PROTECTIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) raising nuclear safety concerns is important for avoiding potentially catastrophic incidents or harm to workers and the public;

(2) the Department of Energy should protect whistleblowers and take action against contractors and subcontractors that retaliate against whistleblowers;

(3) such action sends a strong signal to prevent or limit retaliation against whistleblowers; and

(4) the Secretary of Energy, acting through the Administrator for Nuclear Security as appropriate, should impose civil penalties under section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) on contractors, subcontractors, and suppliers for violations of the rules, regulations, or orders of the Department of Energy relating to nuclear safety and radiation protection.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall submit to the appropriate congressional committees a report on how the Secretary would define a chilled work environment with respect to employees and contractors of the Department making a whistleblower complaint under section 4602 of the Atomic Energy Defense Act (50 U.S.C. 2702) or any provision of other law that may provide protection for disclosures of information by such employees or contractors.

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

(A) a description of what constitutes evidence of a chilled work environment referred to in that paragraph;

(B) a description of relevant regulations enacted by the Secretary to enforce section 4602 of the Atomic Energy Defense Act (50 U.S.C. 2702); and

(C) an assessment of whether the Secretary has existing authority, or would need new authority, to enforce such section 4602 or any other relevant provision of law.

(c) NOTIFICATION.—Not later than February 1, 2019, and annually thereafter through 2021, the Secretary shall submit to the appropriate congressional committees a notification of whether any penalties were imposed pursuant to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) during the year preceding the submission of the report, including a description of such penalties and the entities against which the penalties were imposed.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 3135. IMPLEMENTATION OF NUCLEAR POSTURE REVIEW BY NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) REPORT REQUIRED.—Not later than December 1, 2018, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the implementation of the 2018 Nuclear Posture Review by the National Nuclear Security Administration.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of specific actions associated with implementation of the policies set forth in the 2018 Nuclear Posture Review applicable to the National Nuclear Security Administration.

(2) For each such action—

(A) an identification of the office within the Administration with responsibility for the action; and

(B) key milestones for the action.

(3) A discussion of any challenges to successfully implementing such actions.

(4) A description of the process established for monitoring the implementation of such actions.

(5) A description of policy decisions by the Administrator that are necessary to complete the implementation of such actions.

(6) A description of the estimated costs for such actions, if—

(A) information on such costs is available; and

(B) such costs are estimated to be significantly different from the costs for actions by the Administration associated with the implementation of policies set forth in previous Nuclear Posture Reviews.

SEC. 3136. SURVEY OF WORKFORCE OF NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report that includes—

(1) a detailed proposal for a survey of the workforce of the national security laboratories and nuclear weapons production facilities that is modeled on the Federal Employee Viewpoint Survey of the Office of Personnel Management;

(2) the determination of the Administrator with respect to whether to implement the survey;

(3) the views of the Administrator regarding the value, efficiency, and effectiveness of the survey as compared to other means for acquiring information of the type collected using the survey; and

(4) if the Administrator determines not to implement the survey, a description of the reasons for that determination.

(b) IMPLEMENTATION FACTORS.—The report required by subsection (a) shall address factors associated with implementation of the survey described in that subsection, including—

(1) the costs of designing the survey;

(2) the time required for and the costs of administering the survey and analyzing the data from the survey;

(3) the periodicity of administering the survey to ascertain trends; and

(4) any other matters the Administrator considers appropriate.

(c) DEFINITIONS.—In this section, the terms "national security laboratory" and "nuclear weapons production facility" have the meanings given those terms in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3137. ELIMINATION OF CERTAIN REPORTS.

(a) REPORT OF OWNER'S AGENT ON HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT.—Section 4446 of the Atomic Energy Defense Act (50 U.S.C. 2626) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) ANNUAL CERTIFICATION OF SHIPMENTS TO WASTE ISOLATION PILOT PLANT.—Section 3115(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2759) is amended, in the matter preceding paragraph (1), by striking "five-year period" and inserting "three-year period".

Subtitle D—Other Matters

SEC. 3141. ACCELERATION OF REPLACEMENT OF CESIUM BLOOD IRRADIATION SOURCES.

50 USC 2569 note.

(a) GOAL.—The Administrator for Nuclear Security shall ensure that the goal of the covered programs is eliminating the use of blood irradiation devices in the United States that rely on cesium chloride by December 31, 2027.

(b) IMPLEMENTATION.—To meet the goal specified by subsection (a), the Administrator shall carry out the covered programs in a manner that—

(1) is voluntary for owners of blood irradiation devices;

(2) allows for the United States, subject to the review of the Administrator, to pay up to 50 percent of the per-device cost of replacing blood irradiation devices covered by the programs;

(3) allows for the United States to pay up to 100 percent of the cost of removing and disposing of cesium sources retired from service by the programs; and

(4) replaces such devices with x-ray irradiation devices or other devices approved by the Food and Drug Administration

that provide significant threat reduction as compared to cesium chloride irradiators.

(c) DURATION.—The Administrator shall carry out the covered programs until December 31, 2027.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the covered programs, including—

(1) identification of each cesium chloride blood irradiation device in the United States, including the number, general location, and user type;

(2) a plan for achieving the goal established by subsection (a);

(3) a methodology for prioritizing replacement of such devices that takes into account irradiator age and prior material security initiatives;

(4) in consultation with the Nuclear Regulatory Commission and the Food and Drug Administration, a strategy identifying any legislative, regulatory, or other measures necessary to constrain the introduction of new cesium chloride blood irradiation devices;

(5) identification of the annual funds required to meet the goal established by subsection (a); and

(6) a description of the disposal path for cesium chloride sources under the covered programs.

(e) ASSESSMENT.—The Administrator shall submit an assessment to the appropriate congressional committees by September 20, 2023, of the results of the actions on the covered programs under this section, including—

(1) the number of replacement irradiators under the covered programs;

(2) the life-cycle costs of the programs, including personnel training, maintenance, and replacement costs for new irradiation devices;

(3) the cost-effectiveness of the covered programs;

(4) an analysis of the effectiveness of the new irradiation devices' technology; and

(5) a forecast of whether the Administrator will meet the goal established in subsection (a).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(2) COVERED PROGRAMS.—The term "covered programs" means the following programs of the Office of Radiological Security of the National Nuclear Security Administration:

(A) The Cesium Irradiator Replacement Program.

(B) The Off-Site Source Recovery Program.

SEC. 3142. SENSE OF CONGRESS REGARDING COMPENSATION OF INDIVIDUALS RELATING TO URANIUM MINING AND NUCLEAR TESTING.

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

(1) The Radiation Exposure Compensation Act (42 U.S.C. 2210 note) was enacted in 1990 to provide monetary compensation to individuals who contracted certain cancers and other serious diseases following their exposure to radiation released during atmospheric nuclear weapons testing during the Cold War or following exposure to radiation as a result of employment in the uranium industry during the Cold War.

(2) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) formally acknowledged the dangers to which some employees of sites of the Department of Energy and its vendors during the Cold War were exposed. That Act also acknowledged that, although establishing the link between occupational hazards and specific diseases can be difficult, scientific evidence exists to support the conclusion that some activities related to Cold War nuclear weapons production have resulted in increased risk of illness and death to workers. That Act established a formal process for the submission of claims for medical expenses and lump sum compensation for former employees and contractors and survivors of those former employees and contractors.

(3) As of the date of the enactment of this Act, more than 150,231 claims have been paid out under the Radiation Exposure Compensation Act and the Energy Employees Occupational Illness Compensation Program Act of 2000, for a total of at least $17,400,000,000 in lump sum compensation and medical expenses.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should appropriately compensate and recognize the employees, contractors, and other individuals described in subsection (a).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2019, $31,243,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $10,000,000 for fiscal year 2019 for

the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME MATTERS

TITLE XXXV—MARITIME MATTERS

Subtitle A—Maritime Administration

Sec. 3501. Authorization of the Maritime Administration.
Sec. 3502. Compliance by Ready Reserve Fleet vessels with SOLAS lifeboats and fire suppression requirements.
Sec. 3503. Maritime Administration National Security Multi-Mission Vessel Program.
Sec. 3504. Permanent authority of Secretary of Transportation to issue vessel war risk insurance.
Sec. 3505. Use of State maritime academy training vessels.
Sec. 3506. Concurrent jurisdiction.
Sec. 3507. United States Merchant Marine Academy policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking.
Sec. 3508. Report on implementation of recommendations for the United States Merchant Marine Academy Sexual Assault Prevention and Response Program.
Sec. 3509. Report on the application of the Uniform Code of Military Justice to the United States Merchant Marine Academy.
Sec. 3510. Electronic records on mariner availability to meet national security needs.
Sec. 3511. Small shipyard grants.
Sec. 3512. Sea year on contracted vessels.
Sec. 3513. GAO report on national maritime strategy.
Sec. 3514. Multi-year contracts.
Sec. 3515. Miscellaneous.
Sec. 3516. Department of Transportation Inspector General report on Title XI program.

Subtitle B—Coast Guard

Sec. 3521. Alignment with Department of Defense and sea services authorities.
Sec. 3522. Preliminary development and demonstration.
Sec. 3523. Contract termination.
Sec. 3524. Reimbursement for travel expenses.
Sec. 3525. Capital investment plan.
Sec. 3526. Major acquisition program risk assessment.
Sec. 3527. Marine safety implementation status.
Sec. 3528. Retirement of Vice Commandant.
Sec. 3529. Large recreational vessel regulations.

Subtitle C—Coast Guard and Shipping Technical Corrections

CHAPTER 1—COAST GUARD

Sec. 3531. Commandant defined.
Sec. 3532. Training course on workings of Congress.
Sec. 3533. Miscellaneous.
Sec. 3534. Department of Defense consultation.
Sec. 3535. Repeal.
Sec. 3536. Mission need statement.
Sec. 3537. Continuation on active duty.
Sec. 3538. System acquisition authorization.
Sec. 3539. Inventory of real property.

CHAPTER 2—MARITIME TRANSPORTATION

Sec. 3541. Definitions.
Sec. 3542. Authority to exempt vessels.
Sec. 3543. Passenger vessels.
Sec. 3544. Tank vessels.
Sec. 3545. Grounds for denial or revocation.
Sec. 3546. Miscellaneous corrections to title 46, U.S.C.

Sec. 3547. Miscellaneous corrections to Oil Pollution Act of 1990.
Sec. 3548. Miscellaneous corrections.

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2019, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $74,593,000, of which—

(A) $70,593,000 shall be for Academy operations; and

(B) $4,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $32,200,000, of which—

(A) $2,400,000 shall remain available until September 30, 2019, for the Student Incentive Program;

(B) $6,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels; and

(D) $1,800,000 shall remain available until expended for training ship fuel assistance.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $300,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $60,442,000, of which $5,000,000 shall remain available until expended for port infrastructure development under section 50302 of title 46, United States Code.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $300,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs under section 54101 of title 46, United States Code, $35,000,000.

(b) CAPITAL ASSET MANAGEMENT PROGRAM REPORT.—Not later than 180 days after the date of the enactment of this Act, the

Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of unexpended appropriations for capital asset management at the United States Merchant Marine Academy, and the plan for expending such appropriations.

10 USC 2218 note.

SEC. 3502. COMPLIANCE BY READY RESERVE FLEET VESSELS WITH SOLAS LIFEBOATS AND FIRE SUPPRESSION REQUIREMENTS.

The Secretary of Defense shall, consistent with section 2244a of title 10, United States Code, use authority under section 2218 of such title to make such modifications to Ready Reserve Fleet vessels as are necessary for such vessels to comply requirements for lifeboats and fire suppression under the International Convention for the Safety of Life at Sea by not later than October 1, 2021.

SEC. 3503. MARITIME ADMINISTRATION NATIONAL SECURITY MULTI-MISSION VESSEL PROGRAM.

Section 3505 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2776) is amended by adding at the end the following:

"(h) LIMITATION ON USE OF FUNDS FOR USED VESSELS.—Amounts authorized by this or any other Act for use by the Maritime Administration to carry out this section may not be used for the procurement of any used vessel.".

SEC. 3504. PERMANENT AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE VESSEL WAR RISK INSURANCE.

(a) IN GENERAL.—Section 53912 of title 46, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 539 of title 46, United States Code, is amended by striking the item relating to section 53912.

46 USC prec. 53901.

SEC. 3505. USE OF STATE MARITIME ACADEMY TRAINING VESSELS.

Section 51504(g) of title 46, United States Code, is amended to read as follows:

"(g) VESSEL SHARING.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2019, the Secretary, acting through the Maritime Administrator, shall upon consultation with the maritime academies, and to the extent feasible with the consent of the maritime academies, implement a program of training vessel sharing, requiring maritime academies to share training vessel provided by the Secretary among maritime academies, as necessary to ensure that training needs of each academy are met.

"(2) PROGRAM OF VESSEL SHARING.—For purposes of this subsection, a program of vessel sharing shall include—

"(A) ways to maximize the available underway training available in the fleet of training vessels;

"(B) coordinating the dates and duration of training cruises with the academic calendars of maritime academies;

"(C) coordinating academic programs designed to be implemented aboard training vessels among maritime academies; and

"(D) identifying ways to minimize costs.

"(3) ADDITIONAL FUNDING.—Subject to the availability of appropriations, the Maritime Administrator may provide additional funding to State maritime academies during periods of limited training vessel capacity, for costs associated with training vessel sharing.

"(4) EVALUATION.—Not later than 30 days after the beginning of each fiscal year, the Secretary, acting through the Maritime Administrator, shall evaluate the vessel sharing program under this subsection to determine the optimal utilization of State maritime training vessels, and modify the program as necessary to improve utilization.".

SEC. 3506. CONCURRENT JURISDICTION.

46 USC 51301 note.

Notwithstanding any other law, the Secretary of Transportation may relinquish, at the Secretary's discretion, to the State of New York, such measure of legislative jurisdiction over the lands constituting the United States Merchant Marine Academy in King's Point, New York, as is necessary to establish concurrent jurisdiction between the Federal Government and the State of New York. Such partial relinquishment of legislative jurisdiction shall be accomplished—

(1) by filing with the Governor of New York a notice of relinquishment to take effect upon acceptance thereof; or

(2) as the laws of that State may provide.

SEC. 3507. UNITED STATES MERCHANT MARINE ACADEMY POLICY ON SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) POLICY ON SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.—Section 51318 of title 46, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by inserting "and prevention" after "awareness";

(B) by redesignating subparagraph (B) as subparagraph (C), and subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

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

"(B) procedures for documenting, tracking, and maintaining the data required to conduct the annual assessments to determine the effectiveness of the policies, procedures, and training program of the Academy with respect to sexual harassment, dating violence, domestic violence, sexual assault, and stalking involving cadets or other Academy personnel, as required by subsection (c);"; and

(D) by inserting after subparagraph (C), as redesignated by subparagraph (B), the following:

"(D) procedures for investigating sexual harassment, dating violence, domestic violence, sexual assault, or stalking involving a cadet or other Academy personnel to determine whether disciplinary action is necessary;";

(2) in subsection (b)(2)(A), by inserting "and other Academy personnel" after "cadets at the Academy"; and

(3) in subsection (d)—

(A) in paragraph (2)(A) by inserting ", including sexual harassment," after "sexual assaults, rapes, and other sexual offenses"; and

(B) in paragraph (4)(B), by striking "The Secretary" and inserting "Not later than January 15 of each year, the Secretary".

46 USC 51318 note.

(b) IMPLEMENTATION.—The Superintendent of the United States Merchant Marine Academy may implement the amendment to subsection (b)(2)(A) of section 51318 of title 46, United States Code, made by subsection (a)(2), by updating an existing plan issued pursuant to the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

SEC. 3508. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS FOR THE UNITED STATES MERCHANT MARINE ACADEMY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Not later than April 1, 2019, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the progress of the Maritime Administration in implementing and closing each of the recommendations made in the Office of Inspector General's Report issued March 28, 2018 (ST–2018–039) identifying gaps in the United States Merchant Marine Academy's Sexual Assault Prevention and Response Program.

SEC. 3509. REPORT ON THE APPLICATION OF THE UNIFORM CODE OF MILITARY JUSTICE TO THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the impediments to the application of the Uniform Code of Military Justice at the United States Merchant Marine Academy.

(b) CONSULTATION.—The Maritime Administrator may, in preparing the report under subsection (a), consult with the Department of Defense, other Federal agencies, and non-Federal entities, as appropriate.

46 USC 7502 note.

SEC. 3510. ELECTRONIC RECORDS ON MARINER AVAILABILITY TO MEET NATIONAL SECURITY NEEDS.

The Secretary of the department in which the Coast Guard is operating shall ensure that electronic records maintained under section 7502 of title 46, United States Code, are able to be used by the Secretary of Transportation—

(1) to determine the potential availability of mariners credentialed under part E of subtitle II of title 46, United States Code, to meet national security sealift needs; and

(2) to receive information on the qualification of such mariners.

SEC. 3511. SMALL SHIPYARD GRANTS.

Section 54101(b) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this section not more than 15 days after the date of enactment of the appropriations Act for the fiscal year concerned."; and

(3) in paragraph (4), as redesignated by paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)".

SEC. 3512. SEA YEAR ON CONTRACTED VESSELS.

Section 51307 of title 46, United States Code, is amended—

(1) by striking "The Secretary" and inserting the following: "(a) IN GENERAL.—The Secretary";

(2) in paragraph (1) of subsection (a), by striking "owned or subsidized by" and inserting "owned, subsidized by, or contracted with"; and

(3) by adding at the end the following:

"(b) MARITIME SECURITY PROGRAM VESSELS.—The Secretary shall require an operator of a vessel participating in the Maritime Security Program under chapter 531 of this title to carry on each Maritime Security Program vessel 2 United States Merchant Marine Academy cadets, if available, on each voyage.

"(c) MILITARY SEALIFT COMMAND VESSELS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Commander of the Military Sealift Command shall require an operator of a vessel in the United States Navy's Military Sealift Command to carry on each such vessel 2 United States Merchant Marine Academy cadets, if available, on each voyage, if the vessel—

"(A) is flagged in the United States; and

"(B) is rated at 10,000 gross tons or higher.

"(2) WAIVER.—The Commander of the Military Sealift Command may waive the requirement under paragraph (1) at any time if the Commander determines that carrying a cadet from the United States Merchant Marine Academy would place an undue burden on the vessel or the operator of the vessel.

"(d) DEFINITION OF OPERATOR.—In this section, the term 'operator' includes a government operator and a non-government operator.

"(e) SAVINGS CLAUSE.—Nothing in this section may be construed as affecting—

"(1) the discretion of the Secretary to determine whether to place a United States Merchant Marine Academy cadet on a vessel;

"(2) the authority of the Coast Guard regarding a vessel security plan approved under section 70103; or

"(3) the discretion of the master of the vessel to ensure the safety of all crew members.".

SEC. 3513. GAO REPORT ON NATIONAL MARITIME STRATEGY.

(a) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study and submit to the Committee on Commerce,

Science, and Transportation of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on—

(1) the key challenges, if any, to ensuring that the United States marine transportation system and merchant marine are sufficient to support United States economic and defense needs, as articulated by the Maritime Administration, the Committee on the Marine Transportation System, and other stakeholders;

(2) the extent to which a national maritime strategy incorporates desirable characteristics of successful national strategies as identified by the Comptroller General, and any key obstacles (as identified by stakeholders) to successfully implementing such strategies; and

(3) the extent to which Federal efforts to establish a national maritime strategy are duplicative or fragmented, and if so, the impact on United States maritime policy for the future.

(b) DEADLINE.—Subsection (a) of section 603 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3061) is amended by striking "Not later than 60 days after the date of the enactment of this Act" and inserting "Not later than 18 months after the date of the enactment of the John S. McCain National Defense Authorization Act for Fiscal Year 2019".

SEC. 3514. MULTI-YEAR CONTRACTS.

Section 3505 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2776), as amended by section 3503 of this Act, is further amended by adding at the end the following:

"(i) CONTRACTING AUTHORITY NOT AFFECTED.—Nothing in this section may be construed to prohibit the entity responsible for contracting from entering into a multiple-year or block contract for the procurement of up to 6 new vessels and associated Government-furnished equipment, subject to the availability of appropriations.".

SEC. 3515. MISCELLANEOUS.

(a) NONCOMMERCIAL VESSELS.—Section 3514(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 46 U.S.C. 51318 note) is amended—

(1) by striking "Not later than" and inserting the following:
"(1) IN GENERAL.—Not later than"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly; and

(3) by adding at the end the following:
"(2) NONCOMMERCIAL VESSELS.—For the purposes of this section, vessels operated by any of the following entities shall not be considered commercial vessels:
"(A) Any entity or agency of the United States.
"(B) The government of a State or territory.
"(C) Any political subdivision of a State or territory.
"(D) Any other municipal organization.".

(b) PASSENGER RECORDS.—Section 51322(c) of title 46, United States Code, is amended to read as follows:

"(c) MAINTENANCE OF SEXUAL ASSAULT TRAINING RECORDS.—The Maritime Administrator shall require the owner or operator of a commercial vessel, or the seafarer union for a commercial vessel, to maintain records of sexual assault training for any person required to have such training.".

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3134 of title 40, United States Code, is amended by adding at the end the following:

"(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Secretary of Commerce may waive this subchapter with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).".

(d) ANNUAL PAYMENTS FOR MAINTENANCE AND SUPPORT.—Section 51505(b)(2) of title 46 is amended to read as follows:

"(2) MAXIMUM.—The amount under paragraph (1) may not be more than $25,000, unless the academy satisfies section 51506(b) of this title.".

SEC. 3516. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT ON TITLE XI PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Department of Transportation Office of Inspector General shall—

(1) initiate an audit of the financial controls and protections included in the policies and procedures of the Department of Transportation for approving loan applications for the loan guarantee program authorized under chapter 537 of title 46, United States Code; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of that audit once the audit is completed.

Subtitle B—Coast Guard

SEC. 3521. ALIGNMENT WITH DEPARTMENT OF DEFENSE AND SEA SERVICES AUTHORITIES.

(a) PROHIBITING SEXUAL HARASSMENT; REPORT.—

(1) NOTIFICATION.—

(A) IN GENERAL.—The Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on August 26, 2018, if there is not in effect a general order or regulation prohibiting sexual harassment by members of the Coast Guard and clearly stating that a violation of such order or regulation is punishable in accordance with the Uniform Code of Military Justice.

(B) CONTENTS.—The notification required under subparagraph (A) shall include—

(i) details regarding the status of the drafting of such general order or regulation;

(ii) a projected implementation timeline for such general order or regulation; and

(iii) an explanation regarding any barriers to implementation.

(2) REPORT.—Section 217 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 14 U.S.C. 93 note) is amended—

(A) in subsection (a), by inserting "and incidents of sexual harassment" after "sexual assaults"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting "and incidents of sexual harassment" after "sexual assaults" each place it appears;

(ii) in paragraph (3), by inserting "and sexual harassment" after "sexual assault"; and

(iii) in paragraph (4), by inserting "and sexual harassment" after "sexual assault".

(b) ANNUAL PERFORMANCE REPORT.—

(1) IN GENERAL.—Chapter 29 of title 14, United States Code, is amended by adding at the end the following:

14 USC 2905.

"§ 2905. Annual performance report

"Not later than the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant of the Coast Guard shall make available on a public website and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an update on Coast Guard mission performance during the previous fiscal year.".

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

14 USC prec. 2901.

"2905. Annual performance report.".

SEC. 3522. PRELIMINARY DEVELOPMENT AND DEMONSTRATION.

Section 573 of title 14, United States Code, is amended—

(1) in subsection (b)(3), by—

(A) striking "require that safety concerns identified" and inserting "ensure that independent third parties and Government employees that identify safety concerns"; and

(B) striking "Coast Guard shall be communicated as" and inserting "Coast Guard communicate such concerns as";

(2) in subsection (b)(4), by striking "Any safety concerns that have been reported to the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant" and inserting "The Commandant shall ensure that any safety concerns that have been communicated under paragraph (3) for an acquisition program or project are reported";

(3) in subsection (b)(5)—

(A) by striking the matter preceding subparagraph (A) and inserting the following:

"(5) ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.—The Commandant shall ensure that if an independent

third party or a Government employee identifies a safety concern with a capability or asset or any subsystems of a capability or asset not previously identified during operational test and evaluation of a capability or asset already in low, initial, or full-rate production—";

(B) in subparagraph (A), by inserting "the Commandant, through the Assistant Commandant for Capability, shall" before "notify"; and

(C) in subparagraph (B), by striking "notify the Chief Acquisition Officer and include in such notification" and inserting "the Deputy Commandant for Mission Support shall notify the Commandant and the Deputy Commandant for Operations of the safety concern within 50 days after the notification required under subparagraph (A), and include in such notification"; and

(4) in subsection (c)—

(A) in paragraph (2)(A), by striking "and that are delivered after the date of enactment of the Coast Guard Authorization Act of 2010"; and

(B) in paragraph (5), by striking "and delivered after the date of enactment of the Coast Guard Authorization Act of 2010".

SEC. 3523. CONTRACT TERMINATION.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 656 the following:

"§ 657. Contract termination

14 USC 657.

"(a) IN GENERAL.—

"(1) NOTIFICATION.—Before terminating a procurement or acquisition contract with a total value of more than $1,000,000, the Commandant of the Coast Guard shall notify each vendor under such contract and require the vendor to maintain all work product related to the contract until the earlier of—

"(A) not less than 1 year after the date of the notification; or

"(B) the date the Commandant notifies the vendor that maintenance of such work product is no longer required.

"(b) WORK PRODUCT DEFINED.—In this section the term 'work product'—

"(1) means tangible and intangible items and information produced or possessed as a result of a contract referred to in subsection (a); and

"(2) includes—

"(A) any completed end items;

"(B) any uncompleted end items; and

"(C) any property in the contractor's possession in which the United States Government has an interest.

"(c) PENALTY.—A vendor that fails to maintain work product as required under subsection (a) is liable to the United States for a civil penalty of not more than $25,000 for each day on which such work product is unavailable.

"(d) REPORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than 45 days after the end of each fiscal year the

Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

"(A) all Coast Guard contracts with a total value of more than $1,000,000 that were terminated in the fiscal year;

"(B) all vendors who were notified under subsection (a)(1) in the fiscal year, and the date of such notification;

"(C) all criminal, administrative, and other investigations regarding any contract with a total value of more than $1,000,000 that were initiated by the Coast Guard in the fiscal year;

"(D) all criminal, administrative, and other investigations regarding contracts with a total value of more than $1,000,000 that were completed by the Coast Guard in the fiscal year; and

"(E) an estimate of costs incurred by the Coast Guard, including contract line items and termination costs, as a result of the requirements of this section.

"(2) LIMITATION.—The Commandant is not required to provide a report under paragraph (1) for any fiscal year for which there is no responsive information as described in subparagraphs (A) through (E) of paragraph (1).".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 656 the following:

14 USC prec. 631.

"657. Contract termination.".

SEC. 3524. REIMBURSEMENT FOR TRAVEL EXPENSES.

The text of section 518 of title 14, United States Code is amended to read as follows:

"In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age, if—

"(1) the covered beneficiary is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides; or

"(2) the Coast Guard medical regional manager for the area in which such island is located determines that the covered beneficiary requires services of a primary care, specialty care, or dental provider and such a provider who is part of the network of providers of a TRICARE program (as that term is defined in section 1072(7) of title 10) does not practice on such island.".

SEC. 3525. CAPITAL INVESTMENT PLAN.

Section 2902(a) of title 14, United States Code, is amended—

(1) by striking "On the date" and inserting "Not later than 60 days after the date";

(2) in paragraph (1)(D), by striking "and"; and
(3) by inserting after paragraph (1)(E) the following:
"(F) projected commissioning and decommissioning dates for each asset; and".

SEC. 3526. MAJOR ACQUISITION PROGRAM RISK ASSESSMENT.

(a) IN GENERAL.—Chapter 29 of title 14, United States Code, as amended by section 3521(b)(1) of this Act, is further amended by adding at the end the following:

"§ 2906. Major acquisition program risk assessment

14 USC 2906.

"(a) IN GENERAL.—Not later than April 15 and October 15 of each year, the Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing regarding a current assessment of the risks associated with all current major acquisition programs, as that term is defined in section 2903(f).

"(b) ELEMENTS.—Each assessment under this subsection shall include, for each current major acquisition program, discussion of the following:

"(1) The top five current risks to such program.

"(2) Any failure of such program to demonstrate a key performance parameter or threshold during operational test and evaluation conducted during the 2 fiscal-year quarters preceding such assessment.

"(3) Whether there has been any decision in such 2 fiscal-year quarters to order full-rate production before all key performance parameters or thresholds are met.

"(4) Whether there has been any breach of major acquisition program cost (as defined by the Major Systems Acquisition Manual) in such 2 fiscal-year quarters.

"(5) Whether there has been any breach of major acquisition program schedule (as so defined) during such 2 fiscal-year quarters.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following:

14 USC prec. 2901.

"2906. Major acquisition program risk assessment.".

(c) CONFORMING AMENDMENTS.—Section 2903 of title 14, United States Code, is amended—

(1) by striking subsection (f); and
(2) by redesignating subsection (g) as subsection (f).

SEC. 3527. MARINE SAFETY IMPLEMENTATION STATUS.

On the date on which the President submits to Congress a budget for fiscal year 2020 under section 1105 of title 31, and on such date for each of the 2 subsequent years, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of implementation of each action outlined in the Commandant's final action memo dated December 19, 2017.

SEC. 3528. RETIREMENT OF VICE COMMANDANT.

(a) IN GENERAL.—Section 46 of title 14, United States Code, is amended—

(1) in the section heading, by inserting "**or Vice Commandant**" after "**Commandant**";

(2) by redesignating subsection (a) as subsection (a)(1);

(3) by adding at the end of subsection (a) the following:

"(2) A Vice Commandant who is not reappointed or appointed Commandant shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 51(d).";

(4) in subsections (b) and (c), by inserting "or Vice Commandant" after "Commandant" each place it appears; and

(5) in subsection (c), by striking "his" and inserting "the officer's".

(b) CONFORMING AMENDMENT.—Section 51 of title 14, United States Code, is amended by striking "other than the Commandant," each place it appears and inserting "other than the Commandant or Vice Commandant,".

(c) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 3 of title 14, United States Code, is amended by striking the item relating to section 46 and inserting the following:

14 USC prec. 41.

"46. Retirement of Commandant or Vice Commandant.".

SEC. 3529. LARGE RECREATIONAL VESSEL REGULATIONS.

46 USC 4302 note.

(a) IN GENERAL.—

(1) ISSUANCE.—The Secretary of the department in which the Coast Guard is operating shall issue large recreational vessel regulations applicable to any recreational vessel (as defined in section 2101 of title 46, United States Code) over 300 gross tons as measured under section 14502 of such title, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title, that does not carry any cargo or passengers for hire.

(2) SCOPE AND CONTENT OF REGULATIONS.—The regulations issued under this subsection—

(A) subject to subparagraph (B), shall be comparable to the code set forth in Merchant Shipping Notice 1851(M) (commonly referred to as the "Large Commercial Yacht Code (LY3)"), as published by the Maritime and Coastguard Agency of the United Kingdom on August 20, 2013, or an equivalent code, regulation, or standard that is acceptable to the Secretary; and

(B) shall require that, as part of the review of an application for documentation of a vessel that is subject to the regulations, the owner shall disclose to the Coast Guard—

(i) the identification and place of residence of such owner; and

(ii) if the owner is an entity described in paragraph (2), (3), or (4) of section 12103(b) of title 46, United States Code, the beneficial owners of such entity.

(3) DEADLINE.—The Secretary shall issue regulations required by paragraph (1) by not later than one year after the date of the enactment of this Act.

(4) INTERIM COMPLIANCE.—Until the effective date of regulations issued under paragraph (1), a recreational vessel described in paragraph (1) shall not be subject to inspection under section 3301(7) of title 46, United States Code, if the

Secretary determines, as part of the review of the application for documentation submitted for the vessel by the owner of the vessel and other materials as considered necessary by the Secretary, that the vessel complies with the code set forth in Merchant Shipping Notice 1851(M) (commonly referred to as the "Large Commercial Yacht Code (LY3)"), as published by the Maritime and Coastguard Agency of the United Kingdom on August 20, 2013, or an equivalent code, regulation, or standard that is acceptable to the Secretary.

(5) DEFINITIONS.—

(A) BENEFICIAL OWNER.—In this subsection the term "beneficial owner"—

(i) means, with respect to an entity, each natural person who, directly or indirectly—

(I) exercises control over the entity through ownership interests, voting rights, agreements, or otherwise; or

(II) has an interest in or receives substantial economic benefits from the assets of the entity; and

(ii) does not include, with respect to an entity—

(I) a minor child;

(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(III) a person acting solely as an employee of the entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

(IV) a person whose only interest in the entity is through a right of inheritance, unless the person otherwise meets the definition of "beneficial owner" under this subparagraph; and

(V) a creditor of the entity, unless the creditor otherwise meets the requirements of "beneficial owner" under this subparagraph.

(B) OWNER.—In this subsection, other than in subparagraph (A) of this paragraph, the term "owner" means the person who is the eligible owner of the vessel for purposes of section 12103(b) of title 46, United States Code.

(b) CONFORMING AMENDMENT.—Section 3302 of title 46, United States Code, is amended by adding at the end the following:

"(n)(1) A seagoing motor vessel is not subject to inspection under section 3301(7) of this title if the vessel—

"(A) is a recreational vessel (as defined in section 2101 of this title) over 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

"(B) does not carry any cargo or passengers for hire; and

"(C) is found by the Secretary to comply with large recreational vessel regulations issued by the Secretary.

"(2) This subsection shall apply only on and after the effective date of regulations referred to in paragraph (1)(C).".

Subtitle C—Coast Guard and Shipping Technical Corrections

CHAPTER 1—COAST GUARD

SEC. 3531. COMMANDANT DEFINED.

(a) IN GENERAL.—Chapter 1 of title 14, United States Code, is amended by adding at the end the following:

14 USC 5.

"§ 5. Commandant defined

"In this title, the term 'Commandant' means the Commandant of the Coast Guard.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 1.

"5. Commandant defined.".

(c) CONFORMING AMENDMENTS.—Title 14, United States Code, is amended—

(1) in section 58(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(2) in section 101 by striking "Commandant of the Coast Guard" and inserting "Commandant";

(3) in section 693 by striking "Commandant of the Coast Guard" and inserting "Commandant";

(4) in section 672a(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(5) in section 678(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(6) in section 561(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(7) in section 577(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(8) in section 581—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (12) as paragraphs (4) through (11), respectively;

(9) in section 200(a) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(10) in section 196(b)(1) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(11) in section 199 by striking "Commandant of the Coast Guard" and inserting "Commandant";

(12) in section 429(a)(1) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(13) in section 423(a)(2) by striking "Commandant of the Coast Guard" and inserting "Commandant";

(14) in section 2702(5) by striking "Commandant of the Coast Guard" and inserting "Commandant"; and

(15) in section 2902(a) by striking "Commandant of the Coast Guard" and inserting "Commandant".

SEC. 3532. TRAINING COURSE ON WORKINGS OF CONGRESS.

Section 60(d) of title 14, United States Code, is amended to read as follows:

"(d) COMPLETION OF REQUIRED TRAINING.—A Coast Guard flag officer who is newly appointed or assigned to a billet in the National Capital Region, and a Coast Guard Senior Executive Service employee who is newly employed in the National Capital Region, shall complete a training course that meets the requirements of this section not later than 60 days after reporting for duty.".

SEC. 3533. MISCELLANEOUS.

(a) SECRETARY; GENERAL POWERS.—Section 92 of title 14, United States Code, is amended by redesignating subsections (f) through (i) as subsections (e) through (h), respectively.

(b) COMMANDANT; GENERAL POWERS.—Section 93(a)(21) of title 14, United States Code, is amended by striking "section 30305(a)" and inserting "section 30305(b)(7)".

(c) ENLISTED MEMBERS.—

(1) DEPARTMENT OF THE ARMY AND DEPARTMENT OF THE AIR FORCE.—Section 144(b) of title 14, United States Code, is amended by striking "enlisted men" each place it appears and inserting "enlisted members".

(2) NAVY DEPARTMENT.—Section 145(b) of title 14, United States Code, is amended by striking "enlisted men" each place it appears and inserting "enlisted members".

(3) PURCHASE OF COMMISSARY AND QUARTERMASTER SUPPLIES.—Section 4 of the Act of May 22, 1926 (44 Stat. 626, chapter 371; 33 U.S.C. 754a), is amended by striking "enlisted men" and inserting "enlisted members".

(d) ARCTIC MARITIME TRANSPORTATION.—Section 90(f) of title 14, United States Code, is amended by striking the question mark.

(e) LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.—Section 672a(a) of title 14, United States Code, as amended by this Act, is further amended by striking "Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b)" and inserting "Section 1302 of title 40".

(f) REQUIRED CONTRACT TERMS.—Section 565 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "awarded or issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act of 2010"; and

(2) in subsection (b)(1) by striking "after the date of enactment of the Coast Guard Authorization Act of 2010".

(g) ACQUISITION PROGRAM BASELINE BREACH.—Section 575(c) of title 14, United States Code, is amended by striking "certification, with a supporting explanation, that" and inserting "determination, with a supporting explanation, of whether".

(h) ENLISTMENTS; TERM, GRADE.—Section 351(a) of title 14, United States Code, is amended by inserting "the duration of their" before "minority".

(i) MEMBERS OF THE AUXILIARY; STATUS.—Section 823a(b)(9) of title 14, United States Code, is amended by striking "On or after January 1, 2001, section" and inserting "Section".

(j) USE OF MEMBER'S FACILITIES.—Section 826(b) of title 14, United States Code, is amended by striking "section 154 of title 23, United States Code" and inserting "section 30102 of title 49".

(k) AVAILABILITY OF APPROPRIATIONS.—Section 830(b) of title 14, United States Code, is amended by striking "1954" and inserting "1986".

SEC. 3534. DEPARTMENT OF DEFENSE CONSULTATION.

Section 566 of title 14, United States Code, is amended—

(1) in subsection (b) by striking "enter into" and inserting "maintain"; and

(2) by striking subsection (d).

SEC. 3535. REPEAL.

Section 568 of title 14, United States Code, and the item relating to that section in the analysis for chapter 15 of that title, are repealed.

14 USC prec. 561.

SEC. 3536. MISSION NEED STATEMENT.

Section 569 of title 14, United States Code, is—

(1) amended in subsection (a)—

(A) by striking "for fiscal year 2016" and inserting "for fiscal year 2019"; and

(B) by striking ", on the date on which the President submits to Congress a budget for fiscal year 2019 under such section,".

SEC. 3537. CONTINUATION ON ACTIVE DUTY.

Section 290(a) of title 14, United States Code, is amended by striking "Officers, other than the Commandant, serving" and inserting "Officers serving".

SEC. 3538. SYSTEM ACQUISITION AUTHORIZATION.

(a) REQUIREMENT FOR PRIOR AUTHORIZATION OF APPROPRIATIONS.—Section 2701(2) of title 14, United States Code, is amended by striking "and aircraft" and inserting "aircraft, and systems".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2702(2) of title 14, United States Code, is amended by striking "and aircraft" and inserting "aircraft, and systems".

SEC. 3539. INVENTORY OF REAL PROPERTY.

Section 679 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "Not later than September 30, 2015, the Commandant shall establish" and inserting "The Commandant shall maintain"; and

(2) by striking subsection (b) and inserting the following:

"(b) UPDATES.—The Commandant shall update information on each unit of real property included in the inventory required under subsection (a) not later than 30 days after any change relating to the control of such property.".

CHAPTER 2—MARITIME TRANSPORTATION

SEC. 3541. DEFINITIONS.

(a) IN GENERAL.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by inserting after paragraph (4) the following:

"( ) 'Commandant' means the Commandant of the Coast Guard.";

(B) by striking the semicolon at the end of paragraph (14) and inserting a period; and

(C) by redesignating the paragraphs of such section in order as paragraphs (1) through (54), respectively.

(2) Section 3701 of title 46, United States Code, is amended by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 114(o)(3) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(o)(3)) is amended—

(A) by striking "section 2101(11a)" and inserting "section 2101(12)"; and

(B) by striking "section 2101(11b)" and inserting "section 2101(13)".

(2) Section 3(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(3)), is amended by striking "section 2101(21a)" and inserting "section 2101(30)".

(3) Section 1992(d)(7) of title 18, United States Code, is amended by striking "section 2101(22)" and inserting "section 2101(31)".

(4) Section 12(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980b(c)) is amended by striking "section 2101(11a)" and inserting "section 2101(12)".

(5) Section 311(a)(26)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(26)(D)) is amended by striking "section 2101(17a)" and inserting "section 2101(23)".

(6) Section 2113(3) of title 46, United States Code, is amended by striking "section 2101(42)(A)" and inserting "section 2101(51)(A)".

(7) Section 2116(d)(1) of title 46, United States Code, is amended by striking "Coast Guard Commandant" and inserting "Commandant".

(8) Section 3202(a)(1)(A) of title 46, United States Code, is amended by striking "section 2101(21)(A)" and inserting "section 2101(29)(A)".

(9) Section 3507 of title 46, United States Code, is amended—

(A) in subsection (k)(1), by striking "section 2101(22)" and inserting "section 2101(31)"; and

(B) by striking subsection (l) and inserting the following:

"(l) DEFINITION.—In this section and section 3508, the term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.".

(10) Section 4105 of title 46, United States Code, is amended—

(A) in subsection (b)(1), by striking "section 2101(42)" and inserting "section 2101(51)"; and

(B) in subsection (c), by striking "section 2101(42)(A)" and inserting "section 2101(51)(A)".

(11) Section 6101(i)(4) of title 46, United States Code, is amended by striking "of the Coast Guard".

(12) Section 7510(c)(1) of title 46, United States Code, is amended by striking "Commandant of the Coast Guard" and inserting "Commandant".

(13) Section 7706(a) of title 46, United States Code, is amended by striking "of the Coast Guard".

(14) Section 8108(a)(1) of title 46, United States Code, is amended by striking "of the Coast Guard".

(15) Section 12119(a)(3) of title 46, United States Code, is amended by striking "section 2101(20)" and inserting "section 2101(26)".

(16) Section 80302(d) of title 46, United States Code, is amended by striking "of the Coast Guard" the first place it appears.

(17) Section 1101 of title 49, United States Code, is amended by striking "Section 2101(17a)" and inserting "Section 2101(23)".

SEC. 3542. AUTHORITY TO EXEMPT VESSELS.

(a) IN GENERAL.—Section 2113 of title 46, United States Code, is amended—

(1) by adding "and" after the semicolon at the end of paragraph (3); and

(2) by striking paragraphs (4) and (5) and inserting the following:

"(4) maintain different structural fire protection, manning, operating, and equipment requirements for vessels that satisfied requirements set forth in the Passenger Vessel Safety Act of 1993 (Public Law 103–206) before June 21, 1994.".

(b) CONFORMING AMENDMENTS.—Section 3306(i) of title 46, United States Code, is amended by striking "section 2113(5)" and inserting "section 2113(4)".

SEC. 3543. PASSENGER VESSELS.

(a) PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.—Section 3507 of title 46, United States Code, is amended—

(1) by striking subsection (a)(3);

(2) in subsection (e)(2), by striking "services confidential" and inserting "services as confidential"; and

(3) in subsection (i), by striking "Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary shall issue" and insert "The Secretary shall maintain".

(b) CRIME SCENE PRESERVATION TRAINING FOR PASSENGER VESSEL CREWMEMBERS.—Section 3508 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the" and inserting "The", and by striking "develop" and inserting "maintain";

(2) in subsection (c), by striking "Beginning 2 years after the standards are established under subsection (b), no" and inserting "No";

(3) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(4) in subsection (e), as redesignated by paragraph (3), by striking "subsection (e)" each place it appears and inserting "subsection (d)".

SEC. 3544. TANK VESSELS.

(a) TANK VESSEL CONSTRUCTION STANDARDS.—Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b), by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (c)(2)—

(A) by striking "that is delivered" and inserting "that was delivered";

(B) by striking "that qualifies" and inserting "that qualified"; and

(C) by striking "after January 1, 2015,";

(3) in subsection (c)(3)—

(A) by striking "that is delivered" and inserting "that was delivered"; and

(B) by striking "that qualifies" and inserting "that qualified";

(4) by striking subsection (c)(3)(A) and inserting the following:

"(A) in the case of a vessel of at least 5,000 gross tons but less than 15,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 25 years old or older and has a single hull, or is 30 years old or older and has a double bottom or double sides;";

(5) by striking subsection (c)(3)(B) and inserting the following:

"(B) in the case of a vessel of at least 15,000 gross tons but less than 30,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 25 years old or older and has a single hull, or is 30 years old or older and has a double bottom or double sides; and";

(6) by striking subsection (c)(3)(C) and inserting the following:

"(C) in the case of a vessel of at least 30,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 23 years old or older and has a single hull, or is 28 years old or older and has a double bottom or double sides."; and

(7) in subsection (e)—

(A) in paragraph (1), by striking "and except as otherwise provided in paragraphs (2) and (3) of this subsection"; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) CRUDE OIL TANKER MINIMUM STANDARDS.—Section 3705 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) by striking "(1)"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) in subsection (c), by striking "before January 2, 1986, or the date on which the tanker reaches 15 years of age, whichever is later".

(c) PRODUCT CARRIER MINIMUM STANDARDS.—Section 3706(d) of title 46, United States Code, is amended by striking "before January 2, 1986, or the date on which it reaches 15 years of age, whichever is later".

(d) DEFINITION.—Section 1001(32)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(A)) is amended by striking "(other

than a vessel described in section 3703a(b)(3) of title 46, United States Code)".

SEC. 3545. GROUNDS FOR DENIAL OR REVOCATION.

(a) DANGEROUS DRUGS AS GROUNDS FOR DENIAL.—Section 7503 of title 46, United States Code, is amended to read as follows:

"§ 7503. Dangerous drugs as grounds for denial

"A license, certificate of registry, or merchant mariner's document authorized to be issued under this part may be denied to an individual who—

"(1) within 10 years before applying for the license, certificate, or document, has been convicted of violating a dangerous drug law of the United States or of a State; or

"(2) when applying, has ever been a user of, or addicted to, a dangerous drug unless the individual provides satisfactory proof that the individual is cured.".

(b) DANGEROUS DRUGS AS GROUNDS FOR REVOCATION.—Section 7704 of title 46, United States Code, is amended by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 3546. MISCELLANEOUS CORRECTIONS TO TITLE 46, U.S.C.

(a) Section 2110 of title 46, United States Code, is amended by striking subsection (k).

(b) Section 2116(c) of title 46, United States Code, is amended by striking "Beginning with fiscal year 2011 and each fiscal year thereafter, the" and inserting "The".

(c) Section 3302(g)(2) of title 46, United States Code, is amended by striking "After December 31, 1988, this" and inserting "This".

(d) Section 6101(j) of title 46, United States Code, is amended by striking ", as soon as possible, and no later than January 1, 2005,".

(e) Section 7505 of title 46, United States Code, is amended by striking "section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)" and inserting "section 30305(b)(7) of title 49".

(f) Section 7702(c)(1) of title 46, United States Code, is amended by striking "section 206(b)(4) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)" and inserting "section 30305(b)(7) of title 49".

(g) Section 8106(f) of title 46, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this subsection shall be $100,000.".

(h) Section 8703 of title 46, United States Code, is amended by redesignating subsection (c) as subsection (b).

(i) Section 11113 of title 46, United States Code, is amended—

(1) in subsection (a)(4)(A) by striking "paragraph (2)" and inserting "paragraph (3)"; and

(2) in subsection (c)(2)(B)—

(A) by striking "section 2(9)(a)" and inserting "section 2(a)(9)(A)"; and

(B) by striking "33 U.S.C. 1901(9)(a)" and inserting "33 U.S.C. 1901(a)(9)(A)".

(j) Section 12113(d)(2)(C)(iii) of title 46, United States Code, is amended by striking "118 Stat. 2887)" and inserting "118 Stat. 2887))".

(k) Section 13107(c)(2) of title 46, United States Code, is amended by striking "On and after October 1, 2016, no" and inserting "No".

(l) Section 31322(a)(4)(B) of title 46, United States Code, is amended by striking "state" and inserting "State".

(m) Section 52101(d) of title 46, United States Code, is amended by striking "(50 App. U.S.C. 459(a))" and inserting "(50 U.S.C. 3808(a))".

(n) The analysis for chapter 531 of title 46, United States Code, is amended by striking the item relating to section 53109: 46 USC prec. 53101.

(o) Section 53106(a)(1) of title 46, United States Code, is amended by striking subparagraphs (A), (B), (C), and (D), and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively.

(p) Section 53111 of title 46, United States Code, is amended by striking paragraphs (1) through (4), and by redesignating paragraphs (5), (6), and (7) as paragraphs (1), (2), and (3), respectively.

(q) Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii), by striking "transportation trade trade or" and inserting "transportation trade or";

(2) by redesignating paragraph (8) as paragraph (9);

(3) by striking the second paragraph (7) (relating to the definition of "United States foreign trade"); and

(4) by inserting after the first paragraph (7) the following:

"(8) UNITED STATES FOREIGN TRADE.—The term 'United States foreign trade' includes those areas in domestic trade in which a vessel built with a construction-differential subsidy is allowed to operate under the first sentence of section 506 of the Merchant Marine Act, 1936.".

(r) Section 54101(f) of title 46, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include a comprehensive description of—

"(A) the need for the project;

"(B) the methodology for implementing the project; and

"(C) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.".

(s) Section 55305(d)(2)(D) of title 46, United States Code, is amended by striking "421(c)(1)" and inserting "1303(a)(1))".

(t) The analysis for chapter 575 of title 46, United States Code, is amended in the item relating to section 57533 by adding a period at the end. 46 USC prec. 57501.

(u) Section 57532(d) of title 46, United States Code, is amended by striking "(50 App. U.S.C. 1291(a), (c), 1293(c), 1294)" and inserting "(50 U.S.C. 4701(a), (c), 4703(c), and 4704)".

(v) Section 60303(c) of title 46, United States Code, is amended in by striking "Subsection (a) section does" and inserting "Subsection (a) does".

SEC. 3547. MISCELLANEOUS CORRECTIONS TO OIL POLLUTION ACT OF 1990.

(a) Section 2 of the Oil Pollution Act of 1990 (33 U.S.C. 2701 note) is amended by—

(1) inserting after the item relating to section 5007 the following:

"Sec. 5008. North Pacific Marine Research Institute.".

(2) striking the item relating to section 6003.

(b) Section 1003(d)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2703(d)(5)) is amended by inserting "section" before "1002(a)".

(c) Section 1004(d)(2)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)(C)) is amended by striking "under this subparagraph (A)" and inserting "under subparagraph (A)".

(d) Section 4303 of the Oil Pollution Act of 1990 (33 U.S.C. 2716a) is amended—

(1) in subsection (a), by striking "subsection (c)(2)" and inserting "subsection (b)(2)"; and

(2) in subsection (b), by striking "this section 1016" and inserting "section 1016".

(e) Section 5002(l)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2732(l)(2)) is amended by striking "General Accounting Office" and inserting "Government Accountability Office".

SEC. 3548. MISCELLANEOUS CORRECTIONS.

(a) Section 1 of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191), is amended by striking "the Secretary of the Treasury" and inserting "the Secretary of the department in which the Coast Guard is operating".

(b) Section 5(b) of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, popularly known as the Bridge Act of 1906 (chapter 1130; 33 U.S.C. 495(b)), is amended by striking "$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and".

(c) Section 5(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1904(f)) is amended to read as follows:

"(f) SHIP CLEARANCE; REFUSAL OR REVOCATION.—If a ship is under a detention order under this section, the Secretary may refuse or revoke the clearance required by section 60105 of title 46, United States Code.".

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.
Sec. 4102. Procurement for overseas contingency operations.

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
002	UTILITY F/W AIRCRAFT	744	744
003	MQ–1 UAV	43,326	103,326
	MQ–1 Gray Eagle Service Life Extension Program		[60,000]
004	RQ–11 (RAVEN)	46,416	46,416
	ROTARY		
007	AH–64 APACHE BLOCK IIIA REMAN	753,248	753,248
008	ADVANCE PROCUREMENT (CY)	174,550	174,550
009	AH–64 APACHE BLOCK IIIB NEW BUILD	284,687	452,687
	Additional AH–64Es to address ARNG shortfalls		[168,000]
010	ADVANCE PROCUREMENT (CY)	58,600	58,600
011	UH–60 BLACKHAWK M MODEL (MYP)	988,810	1,073,810
	Additional UH–60Ms for ARNG		[85,000]
012	ADVANCE PROCUREMENT (CY)	106,150	106,150
013	UH–60 BLACK HAWK A AND L MODELS	146,138	146,138
014	CH–47 HELICOPTER	99,278	99,278
015	ADVANCE PROCUREMENT (CY)	24,235	24,235
	MODIFICATION OF AIRCRAFT		
018	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	27,114	27,114
019	GRAY EAGLE MODS2	97,781	97,781
020	MULTI SENSOR ABN RECON (MIP)	52,274	66,274
	Army UFR: program increase		[14,000]
021	AH–64 MODS	104,996	104,996
022	CH–47 CARGO HELICOPTER MODS (MYP)	7,807	7,807
023	GRCS SEMA MODS (MIP)	5,573	5,573
024	ARL SEMA MODS (MIP)	7,522	7,522
025	EMARSS SEMA MODS (MIP)	20,448	20,448
026	UTILITY/CARGO AIRPLANE MODS	17,719	17,719
027	UTILITY HELICOPTER MODS	6,443	16,443
	UH–72A Life-Cycle Sustainability		[10,000]
028	NETWORK AND MISSION PLAN	123,614	123,614
029	COMMS, NAV SURVEILLANCE	161,969	161,969
030	DEGRADED VISUAL ENVIRONMENT	30,000	30,000
031	GATM ROLLUP	26,848	26,848
032	RQ–7 UAV MODS	103,246	103,246
033	UAS MODS	17,644	17,644
	GROUND SUPPORT AVIONICS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
034	AIRCRAFT SURVIVABILITY EQUIPMENT	57,170	57,170
035	SURVIVABILITY CM	5,853	5,853
036	CMWS	13,496	13,496
037	COMMON INFRARED COUNTERMEASURES (CIRCM)	36,839	36,839
	OTHER SUPPORT		
038	AVIONICS SUPPORT EQUIPMENT	1,778	1,778
039	COMMON GROUND EQUIPMENT	34,818	34,818
040	AIRCREW INTEGRATED SYSTEMS	27,243	27,243
041	AIR TRAFFIC CONTROL	63,872	63,872
042	INDUSTRIAL FACILITIES	1,417	1,417
043	LAUNCHER, 2.75 ROCKET	1,901	1,901
044	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2	991	991
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,782,558**	**4,119,558**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	111,395	111,395
002	MSE MISSILE	871,276	871,276
003	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	145,636	232,636
	Interim cruise missile defense		[87,000]
004	ADVANCE PROCUREMENT (CY)	31,286	27,586
	Ahead of need		[–3,700]
	AIR-TO-SURFACE MISSILE SYSTEM		
006	JOINT AIR-TO-GROUND MSLS (JAGM)	276,462	248,862
	Unit cost and engineering services cost growth		[–27,600]
	ANTI-TANK/ASSAULT MISSILE SYS		
008	JAVELIN (AAWS-M) SYSTEM SUMMARY	303,665	219,665
	Forward financed in the FY18 Omnibus for command launch units.		[–84,000]
009	TOW 2 SYSTEM SUMMARY	105,014	105,014
010	ADVANCE PROCUREMENT (CY)	19,949	19,949
011	GUIDED MLRS ROCKET (GMLRS)	359,613	329,613
	Forward financed in the FY18 Omnibus		[–30,000]
012	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	20,964	20,964
	MODIFICATIONS		
015	PATRIOT MODS	313,228	323,228
	Increase PATRIOT Mod efforts		[10,000]
016	ATACMS MODS	221,656	141,856
	Requested quantity exceeds maximum		[–79,800]
017	GMLRS MOD	266	266
018	STINGER MODS	94,756	94,756
019	AVENGER MODS	48,670	48,670
020	ITAS/TOW MODS	3,173	3,173
021	MLRS MODS	383,216	383,216
022	HIMARS MODIFICATIONS	10,196	10,196
	SPARES AND REPAIR PARTS		
023	SPARES AND REPAIR PARTS	27,737	27,737
	SUPPORT EQUIPMENT & FACILITIES		
024	AIR DEFENSE TARGETS	6,417	6,417
025	PRODUCTION BASE SUPPORT	1,202	1,202
	TOTAL MISSILE PROCUREMENT, ARMY	**3,355,777**	**3,227,677**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	479,801	448,653
	Program decrease		[–31,148]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
004	STRYKER (MOD)	287,490	138,190
	Army requested realignment to WTCV–5		[–149,300]
005	STRYKER UPGRADE	21,900	225,300
	A1 conversions for 5th SBCT		[54,100]
	Army requested realignment—A1 conversions for 5th SBCT		[149,300]
006	BRADLEY PROGRAM (MOD)	625,424	465,424
	Program decrease		[–160,000]
007	M109 FOV MODIFICATIONS	26,482	26,482
008	PALADIN INTEGRATED MANAGEMENT (PIM)	351,802	461,802
	Program increase		[110,000]

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Line	Item	FY 2019 Request	Conference Authorized
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	110,500	110,500
010	ASSAULT BRIDGE (MOD)	2,120	2,120
011	ASSAULT BREACHER VEHICLE	62,407	62,407
012	M88 FOV MODS	4,517	4,517
013	JOINT ASSAULT BRIDGE	142,255	142,255
014	M1 ABRAMS TANK (MOD)	927,600	927,600
015	ABRAMS UPGRADE PROGRAM	1,075,999	1,075,999
	WEAPONS & OTHER COMBAT VEHICLES		
018	M240 MEDIUM MACHINE GUN (7.62MM)	1,955	6,955
	Program Increase—M240L and M240B		[5,000]
019	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	23,345	23,345
020	GUN AUTOMATIC 30MM M230	7,434	7,434
021	MACHINE GUN, CAL .50 M2 ROLL	22,330	22,330
022	MORTAR SYSTEMS	12,470	12,470
023	XM320 GRENADE LAUNCHER MODULE (GLM)	697	697
024	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	46,236	46,236
025	CARBINE	69,306	69,306
026	SMALL ARMS—FIRE CONTROL	7,929	7,929
027	COMMON REMOTELY OPERATED WEAPONS STATION	35,968	35,968
028	HANDGUN	48,251	48,251
	MOD OF WEAPONS AND OTHER COMBAT VEH		
029	MK–19 GRENADE MACHINE GUN MODS	1,684	1,684
030	M777 MODS	3,086	3,086
031	M4 CARBINE MODS	31,575	35,775
	Additional free-float forward extended rails		[4,200]
032	M2 50 CAL MACHINE GUN MODS	21,600	21,600
033	M249 SAW MACHINE GUN MODS	3,924	3,924
034	M240 MEDIUM MACHINE GUN MODS	6,940	6,940
035	SNIPER RIFLES MODIFICATIONS	2,747	2,747
036	M119 MODIFICATIONS	5,704	5,704
037	MORTAR MODIFICATION	3,965	3,965
038	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	5,577	5,577
	SUPPORT EQUIPMENT & FACILITIES		
039	ITEMS LESS THAN $5.0M (WOCV-WTCV)	3,174	3,174
040	PRODUCTION BASE SUPPORT (WOCV-WTCV)	3,284	3,284
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	1,640	1,640
	TOTAL PROCUREMENT OF W&TCV, ARMY	**4,489,118**	**4,471,270**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	41,848	41,848
002	CTG, 7.62MM, ALL TYPES	86,199	86,199
003	CTG, HANDGUN, ALL TYPES	20,158	20,158
004	CTG, .50 CAL, ALL TYPES	65,573	65,573
005	CTG, 20MM, ALL TYPES	8,198	8,198
007	CTG, 30MM, ALL TYPES	77,995	77,995
008	CTG, 40MM, ALL TYPES	69,781	69,781
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	45,280	45,280
010	81MM MORTAR, ALL TYPES	46,853	46,853
011	120MM MORTAR, ALL TYPES	83,003	83,003
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	168,101	168,101
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	39,341	39,341
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	211,442	211,442
015	PROJ 155MM EXTENDED RANGE M982	100,906	100,906
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	236,677	206,677
	Program decrease		[–30,000]
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	15,905	15,905
	ROCKETS		
018	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	4,503	29,503
	Army UFR: bunker defeat munitions		[25,000]
019	ROCKET, HYDRA 70, ALL TYPES	211,211	241,211
	Army UFR: additional HYDRA rockets		[30,000]
	OTHER AMMUNITION		

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Line	Item	FY 2019 Request	Conference Authorized
020	CAD/PAD, ALL TYPES	10,428	10,428
021	DEMOLITION MUNITIONS, ALL TYPES	44,656	44,656
022	GRENADES, ALL TYPES	19,896	19,896
023	SIGNALS, ALL TYPES	10,121	10,121
024	SIMULATORS, ALL TYPES	11,464	11,464
	MISCELLANEOUS		
025	AMMO COMPONENTS, ALL TYPES	5,224	5,224
026	NON-LETHAL AMMUNITION, ALL TYPES	4,310	4,310
027	ITEMS LESS THAN $5 MILLION (AMMO)	11,193	11,193
028	AMMUNITION PECULIAR EQUIPMENT	10,500	10,500
029	FIRST DESTINATION TRANSPORTATION (AMMO)	18,456	18,456
030	CLOSEOUT LIABILITIES	100	100
	PRODUCTION BASE SUPPORT		
032	INDUSTRIAL FACILITIES	394,133	394,133
033	CONVENTIONAL MUNITIONS DEMILITARIZATION	157,535	157,535
034	ARMS INITIATIVE	3,771	3,771
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**2,234,761**	**2,259,761**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	16,512	16,512
002	SEMITRAILERS, FLATBED:	16,951	16,951
003	AMBULANCE, 4 LITTER, 5/4 TON, 4X4	50,123	50,123
004	GROUND MOBILITY VEHICLES (GMV)	46,988	42,695
	Unobligated Balances		[–4,293]
005	ARNG HMMWV MODERNIZATION PROGRAM		25,000
	Additional HMMWVs		[25,000]
006	JOINT LIGHT TACTICAL VEHICLE	1,319,436	1,287,400
	Program reduction		[–32,036]
007	TRUCK, DUMP, 20T (CCE)	6,480	6,480
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	132,882	132,882
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	14,842	14,842
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	138,105	122,886
	CLS contract award delay		[–15,219]
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	31,892	30,378
	Unit cost growth		[–1,514]
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	38,128	38,128
014	MODIFICATION OF IN SVC EQUIP	78,507	78,507
	NON-TACTICAL VEHICLES		
016	HEAVY ARMORED VEHICLE	790	790
017	PASSENGER CARRYING VEHICLES	1,390	1,390
018	NONTACTICAL VEHICLES, OTHER	15,415	15,415
	COMM—JOINT COMMUNICATIONS		
020	SIGNAL MODERNIZATION PROGRAM	150,777	89,927
	Requirement funded in fiscal year 2018		[–41,000]
	SBU VSAT and gateway unjustified request		[–19,850]
021	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	469,117	519,367
	Additional TCN-L, NOSC-L, and next generation embedded kits for IBCTs and SBCTs.		[56,000]
	Program management excess growth		[–5,750]
022	SITUATION INFORMATION TRANSPORT	62,727	62,727
023	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	13,895	13,895
024	JCSE EQUIPMENT (USREDCOM)	4,866	4,866
	COMM—SATELLITE COMMUNICATIONS		
027	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	108,133	108,133
028	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	56,737	56,737
029	SHF TERM	13,100	13,100
030	SMART-T (SPACE)	9,160	9,160
031	GLOBAL BRDCST SVC—GBS	25,647	25,647
032	ENROUTE MISSION COMMAND (EMC)	37,401	37,401
	COMM—C3 SYSTEM		
036	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	20,500	20,500
	COMM—COMBAT COMMUNICATIONS		
038	HANDHELD MANPACK SMALL FORM FIT (HMS)	351,565	299,974
	Requirement funded in fiscal year 2018		[–51,591]
040	RADIO TERMINAL SET, MIDS LVT(2)	4,641	4,641

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Line	Item	FY 2019 Request	Conference Authorized
041	TRACTOR DESK	2,187	2,187
042	TRACTOR RIDE	9,411	9,411
044	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	17,515	17,515
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	819	819
046	UNIFIED COMMAND SUITE	17,807	17,807
047	COTS COMMUNICATIONS EQUIPMENT	191,835	63,835
	Requirement funded in fiscal year 2018		[–128,000]
048	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	25,177	25,177
	COMM—INTELLIGENCE COMM		
050	CI AUTOMATION ARCHITECTURE (MIP)	9,740	9,740
051	DEFENSE MILITARY DECEPTION INITIATIVE	2,667	2,667
	INFORMATION SECURITY		
053	FAMILY OF BIOMETRICS	8,319	8,319
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	2,000	2,000
055	COMMUNICATIONS SECURITY (COMSEC)	88,337	88,337
056	DEFENSIVE CYBER OPERATIONS	51,343	51,343
057	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	330	330
058	PERSISTENT CYBER TRAINING ENVIRONMENT	3,000	3,000
	COMM—LONG HAUL COMMUNICATIONS		
059	BASE SUPPORT COMMUNICATIONS	34,434	34,434
	COMM—BASE COMMUNICATIONS		
060	INFORMATION SYSTEMS	95,558	81,609
	ARCYBER funded in excess to requirement		[–13,949]
061	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,736	4,736
062	HOME STATION MISSION COMMAND CENTERS (HSMCC)	24,479	24,479
063	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	216,433	196,433
	Excess hardware growth		[–20,000]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
066	JTT/CIBS-M (MIP)	10,268	10,268
068	DCGS-A (MIP)	261,863	261,863
069	JOINT TACTICAL GROUND STATION (JTAGS) (MIP)	5,434	5,434
070	TROJAN (MIP)	20,623	20,623
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	45,998	45,998
072	CI HUMINT AUTO REPRTING & COLL(CHARCS)(MIP)	296	296
076	ITEMS LESS THAN $5.0M (MIP)	410	410
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
077	LIGHTWEIGHT COUNTER MORTAR RADAR	9,165	9,165
078	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	5,875	5,875
079	AIR VIGILANCE (AV) (MIP)	8,497	8,497
083	CI MODERNIZATION (MIP)	486	486
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
084	SENTINEL MODS	79,629	79,629
085	NIGHT VISION DEVICES	153,180	153,180
087	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	22,882	22,882
088	RADIATION MONITORING SYSTEMS	17,393	17,393
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	46,740	40,435
	C-RAM enhancements fielding unjustified request		[–6,305]
091	FAMILY OF WEAPON SIGHTS (FWS)	140,737	131,437
	Unexecutable funds		[–9,300]
093	PROFILER	171	171
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	405,239	391,881
	Requirement funded in fiscal year 2018		[–13,358]
095	JOINT EFFECTS TARGETING SYSTEM (JETS)	66,574	66,574
096	MOD OF IN-SVC EQUIP (LLDR)	20,783	20,783
097	COMPUTER BALLISTICS: LHMBC XM32	8,553	8,553
098	MORTAR FIRE CONTROL SYSTEM	21,489	21,489
099	COUNTERFIRE RADARS	162,121	162,121
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
100	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (	2,855	2,855
101	FIRE SUPPORT C2 FAMILY	19,153	19,153
102	AIR & MSL DEFENSE PLANNING & CONTROL SYS	33,837	33,837
103	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	5,136	5,136
104	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,329	18,329
105	MANEUVER CONTROL SYSTEM (MCS)	38,015	38,015
106	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	15,164	15,164
107	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	29,239	29,239
109	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	6,823	6,823

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Line	Item	FY 2019 Request	Conference Authorized
110	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,177	1,177
	ELECT EQUIP—AUTOMATION		
111	ARMY TRAINING MODERNIZATION	12,265	12,265
112	AUTOMATED DATA PROCESSING EQUIP	201,875	201,875
113	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	10,976	10,976
114	HIGH PERF COMPUTING MOD PGM (HPCMP)	66,330	66,330
115	CONTRACT WRITING SYSTEM	5,927	5,927
116	RESERVE COMPONENT AUTOMATION SYS (RCAS)	27,896	27,896
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
117	TACTICAL DIGITAL MEDIA	4,392	4,392
118	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	1,970	1,970
	ELECT EQUIP—SUPPORT		
119	PRODUCTION BASE SUPPORT (C-E)	506	506
	CLASSIFIED PROGRAMS		
120A	CLASSIFIED PROGRAMS	4,501	4,501
	CHEMICAL DEFENSIVE EQUIPMENT		
121	PROTECTIVE SYSTEMS	2,314	2,314
122	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	7,478	7,478
124	CBRN DEFENSE	173,954	173,954
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	98,229	98,229
126	TACTICAL BRIDGE, FLOAT-RIBBON	64,438	64,438
127	COMMON BRIDGE TRANSPORTER (CBT) RECAP	79,916	79,916
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
128	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	8,471	8,471
129	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	29,883	29,883
130	AREA MINE DETECTION SYSTEM (AMDS)	11,594	11,594
131	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	40,834	40,834
132	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	4,029	4,029
133	EOD ROBOTICS SYSTEMS RECAPITALIZATION	14,208	14,208
134	ROBOTICS AND APPLIQUE SYSTEMS	31,456	31,456
136	REMOTE DEMOLITION SYSTEMS	1,748	1,748
137	< $5M, COUNTERMINE EQUIPMENT	7,829	7,829
138	FAMILY OF BOATS AND MOTORS	5,806	5,806
	COMBAT SERVICE SUPPORT EQUIPMENT		
139	HEATERS AND ECU'S	9,852	9,852
140	SOLDIER ENHANCEMENT	1,103	1,103
141	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	5,875	5,875
142	GROUND SOLDIER SYSTEM	92,487	36,487
	Requirement funded in fiscal year 2018		[–56,000]
143	MOBILE SOLDIER POWER	30,774	30,774
145	FIELD FEEDING EQUIPMENT	17,521	17,521
146	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	44,855	44,855
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	17,173	17,173
148	ITEMS LESS THAN $5M (ENG SPT)	2,000	2,000
	PETROLEUM EQUIPMENT		
149	QUALITY SURVEILLANCE EQUIPMENT	1,770	1,770
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	39,730	39,730
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	57,752	57,752
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	37,722	37,722
153	ITEMS LESS THAN $5.0M (MAINT EQ)	4,985	4,985
	CONSTRUCTION EQUIPMENT		
155	SCRAPERS, EARTHMOVING	7,961	7,961
156	HYDRAULIC EXCAVATOR	1,355	1,355
158	ALL TERRAIN CRANES	13,031	13,031
159	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	46,048	46,048
160	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	980	8,480
	Program increase—additional ERACC systems		[7,500]
161	CONST EQUIP ESP	37,017	37,017
162	ITEMS LESS THAN $5.0M (CONST EQUIP)	6,103	6,103
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
163	ARMY WATERCRAFT ESP	27,711	27,711
164	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	8,385	8,385
	GENERATORS		
165	GENERATORS AND ASSOCIATED EQUIP	133,772	133,772

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Line	Item	FY 2019 Request	Conference Authorized
166	TACTICAL ELECTRIC POWER RECAPITALIZATION	8,333	8,333
	MATERIAL HANDLING EQUIPMENT		
167	FAMILY OF FORKLIFTS	12,901	12,901
	TRAINING EQUIPMENT		
168	COMBAT TRAINING CENTERS SUPPORT	123,228	123,228
169	TRAINING DEVICES, NONSYSTEM	228,598	228,598
170	CLOSE COMBAT TACTICAL TRAINER	33,080	33,080
171	AVIATION COMBINED ARMS TACTICAL TRAINER	32,700	32,700
172	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	25,161	25,161
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
173	CALIBRATION SETS EQUIPMENT	4,270	4,270
174	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	76,295	76,295
175	TEST EQUIPMENT MODERNIZATION (TEMOD)	9,806	9,806
	OTHER SUPPORT EQUIPMENT		
176	M25 STABILIZED BINOCULAR	4,368	4,368
177	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	9,879	9,879
178	PHYSICAL SECURITY SYSTEMS (OPA3)	54,043	54,043
179	BASE LEVEL COMMON EQUIPMENT	6,633	6,633
180	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	49,797	49,797
181	PRODUCTION BASE SUPPORT (OTH)	2,301	2,301
182	SPECIAL EQUIPMENT FOR USER TESTING	11,608	11,608
183	TRACTOR YARD	4,956	4,956
	OPA2		
184	INITIAL SPARES—C&E	9,817	9,817
	TOTAL OTHER PROCUREMENT, ARMY	**7,999,529**	**7,669,864**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A–18E/F (FIGHTER) HORNET	1,937,553	1,881,304
	Excess NRE and Support Costs		[–56,249]
002	ADVANCE PROCUREMENT (CY)	58,799	58,799
003	JOINT STRIKE FIGHTER CV	1,144,958	1,132,058
	Production Effiencies		[–12,900]
004	ADVANCE PROCUREMENT (CY)	140,010	140,010
005	JSF STOVL	2,312,847	2,276,547
	Production Efficiences		[–36,300]
006	ADVANCE PROCUREMENT (CY)	228,492	228,492
007	CH–53K (HEAVY LIFT)	1,113,804	1,068,426
	Support cost growth		[–45,378]
008	ADVANCE PROCUREMENT (CY)	161,079	161,079
009	V–22 (MEDIUM LIFT)	806,337	784,337
	Unit cost savings		[–22,000]
010	ADVANCE PROCUREMENT (CY)	36,955	36,955
011	H–1 UPGRADES (UH–1Y/AH–1Z)	820,755	820,755
014	P–8A POSEIDON	1,803,753	1,778,753
	Excessive CFE Electronics cost growth		[–5,000]
	Excessive support cost growth		[–20,000]
015	ADVANCE PROCUREMENT (CY)	180,000	180,000
016	E–2D ADV HAWKEYE	742,693	904,193
	Unit cost savings		[–8,500]
	UPL—1 additional Aircraft		[170,000]
017	ADVANCE PROCUREMENT (CY)	240,734	240,734
	AIRLIFT AIRCRAFT		
018	C–40A	206,000	0
	Forward financed in the FY18 Omnibus		[–206,000]
	OTHER AIRCRAFT		
020	KC–130J	160,433	160,433
021	ADVANCE PROCUREMENT (CY)	110,013	102,050
	Excess growth		[–7,963]
022	MQ–4 TRITON	568,743	544,793
	Unit and support cost growth		[–23,950]
023	ADVANCE PROCUREMENT (CY)	58,522	58,522
024	MQ–8 UAV	54,761	54,761
025	STUASL0 UAV	14,866	14,866
026	VH–92A EXECUTIVE HELO	649,015	649,015
	MODIFICATION OF AIRCRAFT		
027	AEA SYSTEMS	25,277	25,277

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Line	Item	FY 2019 Request	Conference Authorized
028	AV–8 SERIES	58,577	58,577
029	ADVERSARY	14,606	14,606
030	F–18 SERIES	1,213,482	1,224,882
	Program decrease		[–2,500]
	UPL—EA–18G Advanced Modes / Cognitive EW		[13,900]
031	H–53 SERIES	70,997	70,997
032	SH–60 SERIES	130,661	130,661
033	H–1 SERIES	87,143	87,143
034	EP–3 SERIES	3,633	3,633
035	P–3 SERIES	803	803
036	E–2 SERIES	88,780	80,980
	Installations early to need (OSIP 002–18)		[–7,800]
037	TRAINER A/C SERIES	11,660	11,660
038	C–2A	11,327	8,327
	Forward financed		[–3,000]
039	C–130 SERIES	79,075	72,152
	Forward financed		[–6,923]
040	FEWSG	597	597
041	CARGO/TRANSPORT A/C SERIES	8,932	8,932
042	E–6 SERIES	181,821	180,493
	Excess installation costs		[–1,328]
043	EXECUTIVE HELICOPTERS SERIES	23,566	23,566
044	SPECIAL PROJECT AIRCRAFT	7,620	7,620
045	T–45 SERIES	195,475	195,475
046	POWER PLANT CHANGES	21,521	21,521
047	JPATS SERIES	27,644	27,644
048	AVIATION LIFE SUPPORT MODS	15,864	15,864
049	COMMON ECM EQUIPMENT	166,306	191,306
	Navy UFR: F/A–18E/F Super Hornet Adaptive RADAR countermeasures.		[25,000]
050	COMMON AVIONICS CHANGES	117,551	117,551
051	COMMON DEFENSIVE WEAPON SYSTEM	1,994	1,994
052	ID SYSTEMS	40,696	40,696
053	P–8 SERIES	71,251	71,251
054	MAGTF EW FOR AVIATION	11,590	11,590
055	MQ–8 SERIES	37,907	37,907
057	V–22 (TILT/ROTOR ACFT) OSPREY	214,820	211,700
	Excess support costs		[–3,120]
058	NEXT GENERATION JAMMER (NGJ)	952	0
	Early to need		[–952]
059	F–35 STOVL SERIES	36,618	36,618
060	F–35 CV SERIES	21,236	21,236
061	QRC	101,499	101,499
062	MQ–4 SERIES	48,278	48,278
063	RQ–21 SERIES	6,904	6,904
	AIRCRAFT SPARES AND REPAIR PARTS		
064	SPARES AND REPAIR PARTS	1,792,920	1,842,920
	F–35B and F–35C spares quantity increase		[50,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
065	COMMON GROUND EQUIPMENT	421,606	411,606
	Program decrease		[–10,000]
066	AIRCRAFT INDUSTRIAL FACILITIES	24,496	24,496
067	WAR CONSUMABLES	42,108	42,108
068	OTHER PRODUCTION CHARGES	1,444	1,444
069	SPECIAL SUPPORT EQUIPMENT	49,489	49,489
070	FIRST DESTINATION TRANSPORTATION	1,951	1,951
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**19,041,799**	**18,820,836**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,078,750	1,078,750
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	6,998	6,998
	STRATEGIC MISSILES		
003	TOMAHAWK	98,570	78,406
	Shutdown costs early to need		[–20,164]
	TACTICAL MISSILES		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
004	AMRAAM	211,058	211,058
005	SIDEWINDER	77,927	122,927
	Navy UFR: additional AIM 9–X missiles		[45,000]
006	JSOW	1,330	1,330
007	STANDARD MISSILE	490,210	490,210
008	ADVANCE PROCUREMENT (CY)	125,683	125,683
009	SMALL DIAMETER BOMB II	91,272	91,272
010	RAM	96,221	96,221
011	JOINT AIR GROUND MISSILE (JAGM)	24,109	24,109
014	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	11,378	11,378
015	AERIAL TARGETS	137,137	137,137
016	OTHER MISSILE SUPPORT	3,318	3,318
017	LRASM	81,190	111,190
	Navy Unfunded Requirement		[30,000]
018	LCS OTH MISSILE	18,156	18,156
	MODIFICATION OF MISSILES		
019	ESSM	98,384	98,384
020	HARPOON MODS	14,840	26,840
	Navy UPL: Increase to max capacity		[12,000]
021	HARM MODS	187,985	187,985
	SUPPORT EQUIPMENT & FACILITIES		
023	WEAPONS INDUSTRIAL FACILITIES	2,006	2,006
024	FLEET SATELLITE COMM FOLLOW-ON	66,779	66,779
	ORDNANCE SUPPORT EQUIPMENT		
025	ORDNANCE SUPPORT EQUIPMENT	62,008	62,008
	TORPEDOES AND RELATED EQUIP		
026	SSTD	6,353	6,353
027	MK–48 TORPEDO	92,616	103,616
	Navy Unfunded Requirement		[11,000]
028	ASW TARGETS	12,324	12,324
	MOD OF TORPEDOES AND RELATED EQUIP		
029	MK–54 TORPEDO MODS	105,946	101,946
	Non Recurring Engineering excess growth		[–4,000]
030	MK–48 TORPEDO ADCAP MODS	40,005	40,005
031	QUICKSTRIKE MINE	9,758	9,758
	SUPPORT EQUIPMENT		
032	TORPEDO SUPPORT EQUIPMENT	79,371	79,371
033	ASW RANGE SUPPORT	3,872	3,872
	DESTINATION TRANSPORTATION		
034	FIRST DESTINATION TRANSPORTATION	3,726	3,726
	GUNS AND GUN MOUNTS		
035	SMALL ARMS AND WEAPONS	15,067	15,067
	MODIFICATION OF GUNS AND GUN MOUNTS		
036	CIWS MODS	63,318	63,318
037	COAST GUARD WEAPONS	40,823	40,823
038	GUN MOUNT MODS	74,618	74,618
039	LCS MODULE WEAPONS	11,350	11,350
041	AIRBORNE MINE NEUTRALIZATION SYSTEMS	22,249	22,249
	SPARES AND REPAIR PARTS		
043	SPARES AND REPAIR PARTS	135,688	135,688
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,702,393**	**3,776,229**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	79,871	79,871
002	JDAM	87,900	87,900
003	AIRBORNE ROCKETS, ALL TYPES	151,431	144,481
	APKWS product improvement previously funded		[–6,950]
004	MACHINE GUN AMMUNITION	11,344	11,344
005	PRACTICE BOMBS	49,471	49,471
006	CARTRIDGES & CART ACTUATED DEVICES	56,227	56,227
007	AIR EXPENDABLE COUNTERMEASURES	66,382	66,382
008	JATOS	2,907	2,907
009	5 INCH/54 GUN AMMUNITION	72,657	72,657
010	INTERMEDIATE CALIBER GUN AMMUNITION	33,613	32,813
	Unit cost growth (57MM, HE–PD)		[–800]
011	OTHER SHIP GUN AMMUNITION	42,142	42,142

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
012	SMALL ARMS & LANDING PARTY AMMO	49,888	49,888
013	PYROTECHNIC AND DEMOLITION	10,931	10,931
015	AMMUNITION LESS THAN $5 MILLION	1,106	1,106
	MARINE CORPS AMMUNITION		
019	MORTARS	28,266	28,266
021	DIRECT SUPPORT MUNITIONS	63,664	63,664
022	INFANTRY WEAPONS AMMUNITION	59,295	59,295
026	COMBAT SUPPORT MUNITIONS	31,577	31,577
028	AMMO MODERNIZATION	15,001	15,001
029	ARTILLERY MUNITIONS	86,297	86,297
030	ITEMS LESS THAN $5 MILLION	6,239	6,239
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**1,006,209**	**998,459**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	ADVANCE PROCUREMENT (CY)	3,005,330	3,242,330
	Ordnance Early to Need		[–13,000]
	Submarine industrial base expansion		[250,000]
	OTHER WARSHIPS		
002	CARRIER REPLACEMENT PROGRAM	1,598,181	1,598,181
004	VIRGINIA CLASS SUBMARINE	4,373,382	4,353,382
	Excess change order rate		[–20,000]
005	ADVANCE PROCUREMENT (CY)	2,796,401	2,796,401
007	ADVANCE PROCUREMENT (CY)	449,597	449,597
008	DDG 1000	270,965	270,965
009	DDG–51	5,253,327	5,171,827
	Excessive Basic Construction Unit Cost Growth		[–81,500]
010	ADVANCE PROCUREMENT (CY)	391,928	641,928
	Enable greater long lead material procurement		[250,000]
011	LITTORAL COMBAT SHIP	646,244	1,558,505
	Align Plans and Other costs with end of production		[–37,739]
	Program Increase—Two ships		[950,000]
	AMPHIBIOUS SHIPS		
012A	ADVANCE PROCUREMENT (CY)		500,000
	AP for FY2020 LPD Flight II and/or MYP EOQ		[500,000]
013	EXPEDITIONARY SEA BASE (ESB)	650,000	647,000
	Accelerated contracts learning curve		[–3,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
016	TAO FLEET OILER	977,104	977,104
017	ADVANCE PROCUREMENT (CY)	75,046	75,046
018	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	80,517	80,517
020	LCU 1700	41,520	41,520
021	OUTFITTING	634,038	562,038
	Outfitting and Post Delivery early to need		[–72,000]
022	SHIP TO SHORE CONNECTOR	325,375	507,875
	Program Increase—Three vessels		[182,500]
023	SERVICE CRAFT	72,062	97,062
	Accelerate detail design and construction of YP–703 Flight II		[25,000]
024	LCAC SLEP	23,321	23,321
028	COMPLETION OF PY SHIPBUILDING PROGRAMS	207,099	207,099
028A	CABLE SHIP		250,000
	Program increase		[250,000]
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**21,871,437**	**24,051,698**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	19,700	19,700
	GENERATORS		
003	SURFACE COMBATANT HM&E	23,495	23,495
	NAVIGATION EQUIPMENT		
004	OTHER NAVIGATION EQUIPMENT	63,330	73,330
	Accelerate ECDIS-N 9.3, 9.4, 9.5 implementation		[10,000]
	OTHER SHIPBOARD EQUIPMENT		
005	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	178,421	178,421
006	DDG MOD	487,999	483,499
	AWS Installation Unit Cost Growth		[–4,500]
007	FIREFIGHTING EQUIPMENT	28,143	28,143

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
008	COMMAND AND CONTROL SWITCHBOARD	2,248	2,248
009	LHA/LHD MIDLIFE	37,694	37,694
010	POLLUTION CONTROL EQUIPMENT	20,883	20,883
011	SUBMARINE SUPPORT EQUIPMENT	37,155	37,155
012	VIRGINIA CLASS SUPPORT EQUIPMENT	66,328	66,328
013	LCS CLASS SUPPORT EQUIPMENT	47,241	47,241
014	SUBMARINE BATTERIES	27,987	25,085
	Unit cost growth		[–2,902]
015	LPD CLASS SUPPORT EQUIPMENT	65,033	65,033
016	DDG 1000 CLASS SUPPORT EQUIPMENT	89,700	57,700
	Procurement early to need		[–32,000]
017	STRATEGIC PLATFORM SUPPORT EQUIP	22,254	22,254
018	DSSP EQUIPMENT	3,629	3,629
019	CG MODERNIZATION	276,446	272,546
	Integrated Ship Controls Unit Cost Growth		[–3,900]
020	LCAC	3,709	3,709
021	UNDERWATER EOD PROGRAMS	78,807	73,000
	Insufficient transition strategy		[–5,807]
022	ITEMS LESS THAN $5 MILLION	126,865	126,865
023	CHEMICAL WARFARE DETECTORS	2,966	2,966
024	SUBMARINE LIFE SUPPORT SYSTEM	11,968	11,968
	REACTOR PLANT EQUIPMENT		
025	REACTOR POWER UNITS	346,325	346,325
026	REACTOR COMPONENTS	497,063	497,063
	OCEAN ENGINEERING		
027	DIVING AND SALVAGE EQUIPMENT	10,706	10,706
	SMALL BOATS		
028	STANDARD BOATS	49,771	49,771
	PRODUCTION FACILITIES EQUIPMENT		
029	OPERATING FORCES IPE	225,181	225,181
	OTHER SHIP SUPPORT		
031	LCS COMMON MISSION MODULES EQUIPMENT	46,732	42,223
	EMM AN/SQS–62 training equipment unjustified request		[–4,509]
032	LCS MCM MISSION MODULES	124,147	124,147
033	LCS ASW MISSION MODULES	57,294	7,394
	Late test event for VDS and MFTA		[–49,900]
034	LCS SUW MISSION MODULES	26,006	14,506
	Surface to Surface MM Early to need		[–11,500]
035	LCS IN-SERVICE MODERNIZATION	70,526	70,526
	LOGISTIC SUPPORT		
036	LSD MIDLIFE & MODERNIZATION	4,784	4,784
	SHIP SONARS		
037	SPQ–9B RADAR	20,309	20,309
038	AN/SQQ–89 SURF ASW COMBAT SYSTEM	115,459	115,459
039	SSN ACOUSTIC EQUIPMENT	318,189	318,189
040	UNDERSEA WARFARE SUPPORT EQUIPMENT	10,134	10,134
	ASW ELECTRONIC EQUIPMENT		
041	SUBMARINE ACOUSTIC WARFARE SYSTEM	23,815	23,815
042	SSTD	11,277	6,277
	AN/SLQ–25E contract delay		[–5,000]
043	FIXED SURVEILLANCE SYSTEM	237,780	237,780
044	SURTASS	57,872	57,872
	ELECTRONIC WARFARE EQUIPMENT		
045	AN/SLQ–32	420,344	393,244
	Block 3 kit cost excess growth		[–12,429]
	Excess Ship Installation Unit Cost Growth		[–14,671]
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	220,883	220,883
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	4,028	4,028
	OTHER SHIP ELECTRONIC EQUIPMENT		
048	COOPERATIVE ENGAGEMENT CAPABILITY	44,173	38,173
	Common Array Block antenna program delay		[–6,000]
049	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	10,991	10,991
050	ATDLS	34,526	34,526
051	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,769	3,769
052	MINESWEEPING SYSTEM REPLACEMENT	35,709	35,709
053	SHALLOW WATER MCM	8,616	8,616

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
054	NAVSTAR GPS RECEIVERS (SPACE)	10,703	10,703
055	AMERICAN FORCES RADIO AND TV SERVICE	2,626	2,626
056	STRATEGIC PLATFORM SUPPORT EQUIP	9,467	9,467
	AVIATION ELECTRONIC EQUIPMENT		
057	ASHORE ATC EQUIPMENT	70,849	70,849
058	AFLOAT ATC EQUIPMENT	47,890	47,890
059	ID SYSTEMS	26,163	26,163
060	JOINT PRECISION APPROACH AND LANDING SYSTEM	38,094	38,094
061	NAVAL MISSION PLANNING SYSTEMS	11,966	11,966
	OTHER SHORE ELECTRONIC EQUIPMENT		
062	TACTICAL/MOBILE C4I SYSTEMS	42,010	42,010
063	DCGS-N	12,896	12,896
064	CANES	423,027	412,753
	CANES afloat kit prior year carryover		[–10,274]
065	RADIAC	8,175	8,175
066	CANES-INTELL	54,465	54,465
067	GPETE	5,985	5,985
068	MASF	5,413	5,413
069	INTEG COMBAT SYSTEM TEST FACILITY	6,251	6,251
070	EMI CONTROL INSTRUMENTATION	4,183	4,183
071	ITEMS LESS THAN $5 MILLION	148,350	142,950
	NGSSR installation funding early to need		[–5,400]
	SHIPBOARD COMMUNICATIONS		
072	SHIPBOARD TACTICAL COMMUNICATIONS	45,450	45,450
073	SHIP COMMUNICATIONS AUTOMATION	105,087	105,087
074	COMMUNICATIONS ITEMS UNDER $5M	41,123	41,123
	SUBMARINE COMMUNICATIONS		
075	SUBMARINE BROADCAST SUPPORT	30,897	30,897
076	SUBMARINE COMMUNICATION EQUIPMENT	78,580	78,580
	SATELLITE COMMUNICATIONS		
077	SATELLITE COMMUNICATIONS SYSTEMS	41,205	41,205
078	NAVY MULTIBAND TERMINAL (NMT)	113,885	113,885
	SHORE COMMUNICATIONS		
079	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,292	4,292
	CRYPTOGRAPHIC EQUIPMENT		
080	INFO SYSTEMS SECURITY PROGRAM (ISSP)	153,526	153,526
081	MIO INTEL EXPLOITATION TEAM	951	951
	CRYPTOLOGIC EQUIPMENT		
082	CRYPTOLOGIC COMMUNICATIONS EQUIP	14,209	17,009
	SOUTHCOM CCO Sensor (2 suites)		[2,800]
	OTHER ELECTRONIC SUPPORT		
086	COAST GUARD EQUIPMENT	40,713	40,713
	SONOBUOYS		
088	SONOBUOYS—ALL TYPES	177,891	216,191
	Navy Unfunded Requirement		[38,300]
	AIRCRAFT SUPPORT EQUIPMENT		
089	WEAPONS RANGE SUPPORT EQUIPMENT	93,864	93,864
090	AIRCRAFT SUPPORT EQUIPMENT	111,724	111,724
091	ADVANCED ARRESTING GEAR (AAG)	11,054	11,054
092	METEOROLOGICAL EQUIPMENT	21,072	21,072
093	DCRS/DPL	656	656
094	AIRBORNE MINE COUNTERMEASURES	11,299	11,299
095	LAMPS EQUIPMENT	594	594
096	AVIATION SUPPORT EQUIPMENT	39,374	37,874
	ASIP unit cost growth		[–1,500]
097	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	35,405	35,405
	SHIP GUN SYSTEM EQUIPMENT		
098	SHIP GUN SYSTEMS EQUIPMENT	5,337	5,337
	SHIP MISSILE SYSTEMS EQUIPMENT		
099	SHIP MISSILE SUPPORT EQUIPMENT	213,090	213,090
100	TOMAHAWK SUPPORT EQUIPMENT	92,890	92,890
	FBM SUPPORT EQUIPMENT		
101	STRATEGIC MISSILE SYSTEMS EQUIP	271,817	271,817
	ASW SUPPORT EQUIPMENT		
102	SSN COMBAT CONTROL SYSTEMS	129,501	129,501
103	ASW SUPPORT EQUIPMENT	19,436	19,436
	OTHER ORDNANCE SUPPORT EQUIPMENT		

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Line	Item	FY 2019 Request	Conference Authorized
104	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	14,258	14,258
105	ITEMS LESS THAN $5 MILLION	5,378	5,378
	OTHER EXPENDABLE ORDNANCE		
106	SUBMARINE TRAINING DEVICE MODS	65,543	65,543
107	SURFACE TRAINING EQUIPMENT	230,425	230,425
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
108	PASSENGER CARRYING VEHICLES	4,867	4,867
109	GENERAL PURPOSE TRUCKS	2,674	2,674
110	CONSTRUCTION & MAINTENANCE EQUIP	20,994	20,994
111	FIRE FIGHTING EQUIPMENT	17,189	17,189
112	TACTICAL VEHICLES	19,916	19,916
113	AMPHIBIOUS EQUIPMENT	7,400	7,400
114	POLLUTION CONTROL EQUIPMENT	2,713	2,713
115	ITEMS UNDER $5 MILLION	35,540	35,540
116	PHYSICAL SECURITY VEHICLES	1,155	1,155
	SUPPLY SUPPORT EQUIPMENT		
117	SUPPLY EQUIPMENT	18,786	18,786
118	FIRST DESTINATION TRANSPORTATION	5,375	5,375
119	SPECIAL PURPOSE SUPPLY SYSTEMS	580,371	580,371
	TRAINING DEVICES		
120	TRAINING SUPPORT EQUIPMENT	3,400	3,400
121	TRAINING AND EDUCATION EQUIPMENT	24,283	22,183
	Excess Production Support		[–2,100]
	COMMAND SUPPORT EQUIPMENT		
122	COMMAND SUPPORT EQUIPMENT	66,681	66,681
123	MEDICAL SUPPORT EQUIPMENT	3,352	3,352
125	NAVAL MIP SUPPORT EQUIPMENT	1,984	1,984
126	OPERATING FORCES SUPPORT EQUIPMENT	15,131	15,131
127	C4ISR EQUIPMENT	3,576	3,576
128	ENVIRONMENTAL SUPPORT EQUIPMENT	31,902	31,902
129	PHYSICAL SECURITY EQUIPMENT	175,436	195,436
	New Navy port waterborne security barriers increase		[20,000]
130	ENTERPRISE INFORMATION TECHNOLOGY	25,393	25,393
	OTHER		
133	NEXT GENERATION ENTERPRISE SERVICE	96,269	96,269
	CLASSIFIED PROGRAMS		
133A	CLASSIFIED PROGRAMS	15,681	15,681
	SPARES AND REPAIR PARTS		
134	SPARES AND REPAIR PARTS	326,838	326,838
	TOTAL OTHER PROCUREMENT, NAVY	**9,414,355**	**9,313,063**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	156,249	96,836
	Program reduction		[–59,413]
002	AMPHIBIOUS COMBAT VEHICLE 1.1	167,478	167,478
003	LAV PIP	43,701	43,701
	ARTILLERY AND OTHER WEAPONS		
005	155MM LIGHTWEIGHT TOWED HOWITZER	47,158	47,158
006	ARTILLERY WEAPONS SYSTEM	134,246	134,246
007	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	40,687	40,687
	OTHER SUPPORT		
008	MODIFICATION KITS	22,904	22,904
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	18,334	18,334
010	ANTI-ARMOR MISSILE-JAVELIN	3,020	3,020
011	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	13,760	13,760
012	ANTI-ARMOR MISSILE-TOW	59,702	59,702
	COMMAND AND CONTROL SYSTEMS		
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	35,467	35,467
	REPAIR AND TEST EQUIPMENT		
014	REPAIR AND TEST EQUIPMENT	46,081	45,656
	Program Reduction		[–425]
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	971	971
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
016	ITEMS UNDER $5 MILLION (COMM & ELEC)	69,203	67,360

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Line	Item	FY 2019 Request	Conference Authorized
	Program Reduction		[–1,843]
017	AIR OPERATIONS C2 SYSTEMS	14,269	14,269
	RADAR + EQUIPMENT (NON-TEL)		
018	RADAR SYSTEMS	6,694	6,694
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	224,969	224,969
	INTELL/COMM EQUIPMENT (NON-TEL)		
021	GCSS-MC	1,187	1,187
022	FIRE SUPPORT SYSTEM	60,189	60,189
023	INTELLIGENCE SUPPORT EQUIPMENT	73,848	73,848
025	UNMANNED AIR SYSTEMS (INTEL)	3,848	3,848
026	DCGS-MC	16,081	16,081
	OTHER SUPPORT (NON-TEL)		
030	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	87,120	87,120
031	COMMON COMPUTER RESOURCES	68,914	68,914
032	COMMAND POST SYSTEMS	124,838	124,838
033	RADIO SYSTEMS	279,680	264,680
	Program reduction		[–15,000]
034	COMM SWITCHING & CONTROL SYSTEMS	36,649	36,649
035	COMM & ELEC INFRASTRUCTURE SUPPORT	83,971	83,971
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS	3,626	3,626
	ADMINISTRATIVE VEHICLES		
036	COMMERCIAL CARGO VEHICLES	25,441	25,441
	TACTICAL VEHICLES		
037	MOTOR TRANSPORT MODIFICATIONS	11,392	11,392
038	JOINT LIGHT TACTICAL VEHICLE	607,011	607,011
039	FAMILY OF TACTICAL TRAILERS	2,393	2,393
040	TRAILERS	6,540	6,540
	ENGINEER AND OTHER EQUIPMENT		
041	ENVIRONMENTAL CONTROL EQUIP ASSORT	496	496
042	TACTICAL FUEL SYSTEMS	54	54
043	POWER EQUIPMENT ASSORTED	21,062	21,062
044	AMPHIBIOUS SUPPORT EQUIPMENT	5,290	5,290
045	EOD SYSTEMS	47,854	47,854
	MATERIALS HANDLING EQUIPMENT		
046	PHYSICAL SECURITY EQUIPMENT	28,306	28,306
	GENERAL PROPERTY		
047	FIELD MEDICAL EQUIPMENT	33,513	33,513
048	TRAINING DEVICES	52,040	52,040
049	FAMILY OF CONSTRUCTION EQUIPMENT	36,156	39,656
	GPS Grade Control Systems (GCS) and Survey Sets		[3,500]
050	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	606	606
	OTHER SUPPORT		
051	ITEMS LESS THAN $5 MILLION	11,608	11,608
	SPARES AND REPAIR PARTS		
053	SPARES AND REPAIR PARTS	25,804	25,804
	TOTAL PROCUREMENT, MARINE CORPS	**2,860,410**	**2,787,229**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	4,261,021	4,177,681
	Production Efficiences		[–83,340]
002	ADVANCE PROCUREMENT (CY)	406,000	406,000
002A	O/A-X LIGHT ATTACK AIRCRAFT		300,000
	Procurement of OA-X aircraft and long lead materials		[300,000]
	OTHER COMBAT AIRCRAFT		
003	C–135B	222,176	222,176
	TACTICAL AIRLIFT		
004	KC–46A TANKER	2,559,911	2,351,476
	Interim contractor support early to need		[–102,700]
	Unit cost savings		[–105,735]
	OTHER AIRLIFT		
005	C–130J	35,858	35,858
006	HC–130J	129,437	129,437
008	MC–130J	770,201	727,879
	Interim supply support costs unjustified growth		[–42,322]
009	ADVANCE PROCUREMENT (CY)	218,000	218,000

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	HELICOPTERS		
011	COMBAT RESCUE HELICOPTER	680,201	680,201
	MISSION SUPPORT AIRCRAFT		
013	CIVIL AIR PATROL A/C	2,719	2,719
	OTHER AIRCRAFT		
014	TARGET DRONES	139,053	139,053
015	COMPASS CALL MODS	108,113	108,113
017	MQ–9	221,707	341,707
	Increase to accelerate Advanced Battle Management System		[120,000]
	STRATEGIC AIRCRAFT		
019	B–2A	60,301	60,301
020	B–1B	51,290	51,290
021	B–52	105,519	95,830
	Air Force requested realignment		[–14,759]
	Airspace compliance funding ahead of need		[–1,954]
	Bomber tactical data link ahead of need		[–2,976]
	LRASM certification		[10,000]
	TACTICAL AIRCRAFT		
023	A–10	98,720	163,720
	Additional A–10 wing replacements		[65,000]
024	C–130J	10,831	10,831
025	F–15	548,109	541,581
	APG–82 install cost growth		[–6,528]
026	F–16	324,323	324,323
027	F–22A	250,710	250,710
029	F–35 MODIFICATIONS	247,271	247,271
030	F–15 EPAW	147,685	214,885
	Eagle Passive Active Warning and Survivability System (EPAWSS).		[67,200]
031	INCREMENT 3.2B	9,007	9,007
033	KC–46A TANKER	8,547	8,547
	AIRLIFT AIRCRAFT		
034	C–5	77,845	71,835
	Mission computer and weather radar cost growth		[–6,010]
036	C–17A	102,121	102,121
037	C–21	17,516	17,516
038	C–32A	4,537	4,537
039	C–37A	419	419
	TRAINER AIRCRAFT		
041	GLIDER MODS	137	137
042	T–6	22,550	22,550
043	T–1	21,952	21,952
044	T–38	70,623	70,623
	OTHER AIRCRAFT		
045	U–2 MODS	48,774	48,774
046	KC–10A (ATCA)	11,104	11,104
047	C–12	4,900	4,900
048	VC–25A MOD	36,938	36,938
049	C–40	251	251
050	C–130	22,094	151,094
	Program Increase--eight blade proppeler upgrade (88 kits)		[55,000]
	Program Increase--engine enhancement program (88 kits)		[74,000]
051	C–130J MODS	132,045	132,045
052	C–135	113,076	91,410
	Aero-I SATCOM ahead of need		[–21,666]
053	OC–135B	5,913	5,913
054	COMPASS CALL MODS	49,885	49,885
055	COMBAT FLIGHT INSPECTION (CFIN)	499	499
056	RC–135	394,532	394,532
057	E–3	133,906	116,865
	Electronic protection ahead of need		[–17,041]
058	E–4	67,858	67,858
059	E–8	9,919	24,807
	Central Computer upgrade design		[14,888]
060	AIRBORNE WARNING AND CNTR SYS (AWACS) 40/45	57,780	57,780
061	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	14,293	14,293
062	H–1	2,940	2,940

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
063	H–60	55,466	55,466
064	RQ–4 MODS	23,715	128,715
	EQ–4 BACN aircraft increase		[105,000]
065	HC/MC–130 MODIFICATIONS	37,754	37,754
066	OTHER AIRCRAFT	62,010	62,010
067	MQ–9 MODS	171,548	171,548
069	CV–22 MODS	60,416	60,416
	AIRCRAFT SPARES AND REPAIR PARTS		
070	INITIAL SPARES/REPAIR PARTS	956,408	865,408
	F–35A Spares		[42,000]
	KC–46 spares ahead of need		[–133,000]
	COMMON SUPPORT EQUIPMENT		
071	AIRCRAFT REPLACEMENT SUPPORT EQUIP	81,241	81,241
	POST PRODUCTION SUPPORT		
074	B–2A	1,763	1,763
075	B–2B	35,861	35,861
076	B–52	12,819	12,819
077	C–17A	10,114	10,114
079	F–15	2,545	2,545
081	F–16	11,718	7,518
	F–16 Line Shutdown		[–4,200]
082	F–22A	14,489	14,489
083	OTHER AIRCRAFT	9,928	9,928
084	RQ–4 POST PRODUCTION CHARGES	40,641	40,641
	INDUSTRIAL PREPAREDNESS		
086	INDUSTRIAL RESPONSIVENESS	17,378	17,378
	WAR CONSUMABLES		
088	WAR CONSUMABLES	29,342	29,342
	OTHER PRODUCTION CHARGES		
089	OTHER PRODUCTION CHARGES	1,502,386	1,502,386
	CLASSIFIED PROGRAMS		
093	CLASSIFIED PROGRAMS	28,278	28,278
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**16,206,937**	**16,517,794**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	36,786	18,066
	TERP delays		[–18,720]
	TACTICAL		
002	JOINT AIR-SURFACE STANDOFF MISSILE	430,708	417,708
	Forward financing support costs		[–13,000]
003	LRASM0	44,185	54,385
	Restore reduction		[10,200]
004	SIDEWINDER (AIM–9X)	121,253	121,253
005	AMRAAM	337,886	337,886
006	PREDATOR HELLFIRE MISSILE	113,765	113,765
007	SMALL DIAMETER BOMB	105,034	105,034
008	SMALL DIAMETER BOMB II	100,861	100,861
	INDUSTRIAL FACILITIES		
009	INDUSTR'L PREPAREDNS/POL PREVENTION	787	787
	CLASS IV		
010	ICBM FUZE MOD	15,767	15,767
011	ADVANCE PROCUREMENT (CY)	4,100	4,100
012	MM III MODIFICATIONS	129,199	129,199
013	AGM–65D MAVERICK	288	288
014	AIR LAUNCH CRUISE MISSILE (ALCM)	47,632	47,632
	MISSILE SPARES AND REPAIR PARTS		
016	REPLEN SPARES/REPAIR PARTS	97,481	97,481
	SPECIAL PROGRAMS		
018	SPECIAL UPDATE PROGRAMS	188,539	188,539
	CLASSIFIED PROGRAMS		
019	CLASSIFIED PROGRAMS	895,183	895,183
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,669,454**	**2,647,934**
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
001	ADVANCED EHF	29,829	29,829

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
002	AF SATELLITE COMM SYSTEM	35,400	35,400
003	COUNTERSPACE SYSTEMS	1,121	1,121
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	27,867	27,867
005	WIDEBAND GAPFILLER SATELLITES(SPACE)	61,606	61,606
006	GENERAL INFORMATION TECH—SPACE	3,425	3,425
007	GPS III SPACE SEGMENT	69,386	69,386
008	GLOBAL POSTIONING (SPACE)	2,181	2,181
009	INTEG BROADCAST SERV	16,445	16,445
010	SPACEBORNE EQUIP (COMSEC)	31,895	31,895
012	MILSATCOM	11,265	11,265
013	EVOLVED EXPENDABLE LAUNCH CAPABILITY	709,981	709,981
014	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	994,555	994,555
015	SBIR HIGH (SPACE)	138,397	138,397
017	NUDET DETECTION SYSTEM	7,705	7,705
018	ROCKET SYSTEMS LAUNCH PROGRAM	47,609	47,609
019	SPACE FENCE	51,361	51,361
020	SPACE MODS	148,065	148,065
021	SPACELIFT RANGE SYSTEM SPACE	117,637	117,637
	SSPARES		
022	SPARES AND REPAIR PARTS	21,812	21,812
	TOTAL SPACE PROCUREMENT, AIR FORCE	**2,527,542**	**2,527,542**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	345,911	345,911
	CARTRIDGES		
002	CARTRIDGES	163,840	163,840
	BOMBS		
003	PRACTICE BOMBS	20,876	20,876
004	GENERAL PURPOSE BOMBS	259,308	259,308
005	MASSIVE ORDNANCE PENETRATOR (MOP)	38,111	38,111
006	JOINT DIRECT ATTACK MUNITION	234,198	234,198
007	B61	109,292	109,292
008	ADVANCE PROCUREMENT (CY)	52,731	52,731
	OTHER ITEMS		
009	CAD/PAD	51,455	51,455
010	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,038	6,038
011	SPARES AND REPAIR PARTS	524	524
012	MODIFICATIONS	1,270	1,270
013	ITEMS LESS THAN $5,000,000	4,604	4,604
	FLARES		
015	FLARES	125,286	125,286
	FUZES		
016	FUZES	109,358	109,358
	SMALL ARMS		
017	SMALL ARMS	64,502	64,502
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**1,587,304**	**1,587,304**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	6,949	6,949
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	36,002	36,002
003	CAP VEHICLES	1,022	1,022
004	CARGO AND UTILITY VEHICLES	42,696	46,693
	Procurement of 7 DABs for PACOM		[3,997]
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	30,145	30,145
006	SECURITY AND TACTICAL VEHICLES	1,230	1,230
007	SPECIAL PURPOSE VEHICLES	43,003	53,693
	Procurement of 7 DABs for PACOM		[10,690]
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,328	32,308
	Procurement of 7 DABs for PACOM		[8,980]
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	11,537	21,125

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(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	Procurement of 7 DABs for PACOM		[9,588]
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	37,600	38,279
	Procurement of 7 DABs for PACOM		[679]
011	BASE MAINTENANCE SUPPORT VEHICLES	104,923	104,923
	COMM SECURITY EQUIPMENT(COMSEC)		
012	COMSEC EQUIPMENT	114,372	114,372
	INTELLIGENCE PROGRAMS		
013	INTERNATIONAL INTEL TECH & ARCHITECTURES	8,290	8,290
014	INTELLIGENCE TRAINING EQUIPMENT	2,099	2,099
015	INTELLIGENCE COMM EQUIPMENT	37,415	37,415
	ELECTRONICS PROGRAMS		
016	AIR TRAFFIC CONTROL & LANDING SYS	57,937	14,387
	D-RAPCON Cost Growth		[–43,550]
018	BATTLE CONTROL SYSTEM—FIXED	3,012	3,012
019	THEATER AIR CONTROL SYS IMPROVEMEN	19,989	19,989
020	WEATHER OBSERVATION FORECAST	45,020	45,020
021	STRATEGIC COMMAND AND CONTROL	32,836	32,836
022	CHEYENNE MOUNTAIN COMPLEX	12,454	12,454
023	MISSION PLANNING SYSTEMS	14,263	14,263
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	7,769	7,769
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	40,450	40,450
027	AF GLOBAL COMMAND & CONTROL SYS	6,619	6,619
028	MOBILITY COMMAND AND CONTROL	10,192	10,192
029	AIR FORCE PHYSICAL SECURITY SYSTEM	159,313	101,315
	Previously funded requirement		[–60,000]
	Procurement of 7 DABs for PACOM		[2,002]
030	COMBAT TRAINING RANGES	132,675	132,675
031	MINIMUM ESSENTIAL EMERGENCY COMM N	140,875	140,875
032	WIDE AREA SURVEILLANCE (WAS)	92,104	92,104
033	C3 COUNTERMEASURES	45,152	45,152
034	GCSS-AF FOS	483	483
035	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	802	802
036	MAINTENANCE REPAIR & OVERHAUL INITIATIVE	12,207	12,207
037	THEATER BATTLE MGT C2 SYSTEM	7,644	7,644
038	AIR & SPACE OPERATIONS CENTER (AOC)	40,066	40,066
	AIR FORCE COMMUNICATIONS		
041	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED	22,357	22,357
042	AFNET	102,836	82,836
	Prior year carryover		[–20,000]
043	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	3,145	3,145
044	USCENTCOM	13,194	13,194
	ORGANIZATION AND BASE		
045	TACTICAL C-E EQUIPMENT	161,231	161,231
047	RADIO EQUIPMENT	12,142	12,142
048	CCTV/AUDIOVISUAL EQUIPMENT	6,505	3,255
	Carryover		[–3,250]
049	BASE COMM INFRASTRUCTURE	169,404	169,404
	MODIFICATIONS		
050	COMM ELECT MODS	10,654	10,654
	PERSONAL SAFETY & RESCUE EQUIP		
051	PERSONAL SAFETY AND RESCUE EQUIPMENT	51,906	51,906
	DEPOT PLANT+MTRLS HANDLING EQ		
052	MECHANIZED MATERIAL HANDLING EQUIP	88,298	88,298
	BASE SUPPORT EQUIPMENT		
053	BASE PROCURED EQUIPMENT	17,031	17,031
054	ENGINEERING AND EOD EQUIPMENT	82,635	82,635
055	MOBILITY EQUIPMENT	9,549	9,549
056	BASE MAINTENANCE AND SUPPORT EQUIPMENT	24,005	35,333
	Procurement of 7 DABs for PACOM		[11,328]
	SPECIAL SUPPORT PROJECTS		
058	DARP RC135	26,262	26,262
059	DCGS-AF	448,290	378,490
	Forward financed in the FY18 Omnibus		[–69,800]
061	SPECIAL UPDATE PROGRAM	913,813	913,813
	CLASSIFIED PROGRAMS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
062	CLASSIFIED PROGRAMS	17,258,069	17,258,069
	SPARES AND REPAIR PARTS		
063	SPARES AND REPAIR PARTS	86,365	86,365
	TOTAL OTHER PROCUREMENT, AIR FORCE	**20,890,164**	**20,740,828**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
043	MAJOR EQUIPMENT, OSD	35,295	35,295
	MAJOR EQUIPMENT, NSA		
042	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	5,403	5,403
	MAJOR EQUIPMENT, WHS		
046	MAJOR EQUIPMENT, WHS	497	497
	MAJOR EQUIPMENT, DISA		
007	INFORMATION SYSTEMS SECURITY	21,590	21,590
008	TELEPORT PROGRAM	33,905	33,905
009	ITEMS LESS THAN $5 MILLION	27,886	27,886
010	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,017	1,017
011	DEFENSE INFORMATION SYSTEM NETWORK	150,674	150,674
013	WHITE HOUSE COMMUNICATION AGENCY	94,610	94,610
014	SENIOR LEADERSHIP ENTERPRISE	197,246	197,246
015	JOINT REGIONAL SECURITY STACKS (JRSS)	140,338	140,338
016	JOINT SERVICE PROVIDER	107,182	100,442
	General reduction		[–6,740]
	MAJOR EQUIPMENT, DLA		
018	MAJOR EQUIPMENT	5,225	5,225
	MAJOR EQUIPMENT, DSS		
021	MAJOR EQUIPMENT	1,196	1,196
	MAJOR EQUIPMENT, DCAA		
001	ITEMS LESS THAN $5 MILLION	2,542	2,542
	MAJOR EQUIPMENT, TJS		
044	MAJOR EQUIPMENT, TJS	4,360	4,360
045	MAJOR EQUIPMENT, TJS—CE2T2	904	904
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
026	THAAD	874,068	874,068
027	GROUND BASED MIDCOURSE	409,000	409,000
028	ADVANCE PROCUREMENT (CY)	115,000	115,000
029	AEGIS BMD	593,488	593,488
030	ADVANCE PROCUREMENT (CY)	115,206	115,206
031	BMDS AN/TPY–2 RADARS	13,185	13,185
032	ISRAELI PROGRAMS	80,000	80,000
033	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	50,000	50,000
034	AEGIS ASHORE PHASE III	15,000	15,000
035	IRON DOME	70,000	70,000
036	AEGIS BMD HARDWARE AND SOFTWARE	97,057	97,057
	MAJOR EQUIPMENT, DHRA		
003	PERSONNEL ADMINISTRATION	10,630	10,630
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
023	VEHICLES	207	207
024	OTHER MAJOR EQUIPMENT	5,592	5,592
	MAJOR EQUIPMENT, DODEA		
020	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,723	1,723
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	3,873	3,873
	MAJOR EQUIPMENT, DMACT		
019	MAJOR EQUIPMENT	13,106	13,106
	CLASSIFIED PROGRAMS		
046A	CLASSIFIED PROGRAMS	589,691	589,691
	AVIATION PROGRAMS		
050	ROTARY WING UPGRADES AND SUSTAINMENT	148,351	148,351
051	UNMANNED ISR	57,708	57,708
052	NON-STANDARD AVIATION	18,731	18,731
053	U–28	32,301	32,301
054	MH–47 CHINOOK	131,033	131,033
055	CV–22 MODIFICATION	32,529	32,529
056	MQ–9 UNMANNED AERIAL VEHICLE	24,621	24,621
057	PRECISION STRIKE PACKAGE	226,965	226,965

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
058	AC/MC–130J	165,813	160,813
	Program decrease		[–5,000]
059	C–130 MODIFICATIONS	80,274	80,274
	SHIPBUILDING		
060	UNDERWATER SYSTEMS	136,723	136,723
	AMMUNITION PROGRAMS		
061	ORDNANCE ITEMS <$5M	357,742	357,742
	OTHER PROCUREMENT PROGRAMS		
062	INTELLIGENCE SYSTEMS	85,699	85,699
063	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	17,863	17,863
064	OTHER ITEMS <$5M	112,117	112,117
065	COMBATANT CRAFT SYSTEMS	7,313	7,313
066	SPECIAL PROGRAMS	14,026	14,026
067	TACTICAL VEHICLES	88,608	85,608
	Non-standard vehicles program decrease		[–3,000]
068	WARRIOR SYSTEMS <$5M	438,590	428,390
	Link 16 handheld radios for USSOCOM		[12,800]
	SAT Deployable Node		[–23,000]
069	COMBAT MISSION REQUIREMENTS	19,408	19,408
070	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	6,281	6,281
071	OPERATIONAL ENHANCEMENTS INTELLIGENCE	18,509	18,509
073	OPERATIONAL ENHANCEMENTS	367,433	367,433
	CBDP		
074	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	166,418	166,418
075	CB PROTECTION & HAZARD MITIGATION	144,519	144,519
	TOTAL PROCUREMENT, DEFENSE-WIDE	**6,786,271**	**6,761,331**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,025	0
	Program decrease		[–100,025]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	**100,025**	0
	TOTAL PROCUREMENT	**130,526,043**	**132,278,377**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
003	MQ–1 UAV	60,000	60,000
	ROTARY		
011	UH–60 BLACKHAWK M MODEL (MYP)	21,246	21,246
014	CH–47 HELICOPTER	25,000	25,000
	MODIFICATION OF AIRCRAFT		
017	MQ–1 PAYLOAD (MIP)	11,400	11,400
019	GRAY EAGLE MODS2	32,000	32,000
020	MULTI SENSOR ABN RECON (MIP)	51,000	51,000
032	RQ–7 UAV MODS	50,868	50,868
033	UAS MODS	3,402	3,402
	GROUND SUPPORT AVIONICS		
036	CMWS	84,387	84,387
037	COMMON INFRARED COUNTERMEASURES (CIRCM)	24,060	24,060
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**363,363**	**363,363**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	MSE MISSILE	260,000	260,000
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	255,040	255,040

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	ANTI-TANK/ASSAULT MISSILE SYS		
008	JAVELIN (AAWS-M) SYSTEM SUMMARY	31,120	31,120
011	GUIDED MLRS ROCKET (GMLRS)	624,500	624,500
013	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	171,138	171,138
014	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	112,973	112,973
	MODIFICATIONS		
016	ATACMS MODS	225,580	225,580
021	MLRS MODS	122,000	122,000
	TOTAL MISSILE PROCUREMENT, ARMY	**1,802,351**	**1,802,351**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	BRADLEY PROGRAM	205,000	205,000
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	230,359	230,359
	MODIFICATION OF TRACKED COMBAT VEHICLES		
006	BRADLEY PROGRAM (MOD)	50,000	50,000
008	PALADIN INTEGRATED MANAGEMENT (PIM)	67,000	67,000
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	42,354	42,354
014	M1 ABRAMS TANK (MOD)	34,000	34,000
015	ABRAMS UPGRADE PROGRAM	455,000	455,000
	WEAPONS & OTHER COMBAT VEHICLES		
018	M240 MEDIUM MACHINE GUN (7.62MM)	126	126
022	MORTAR SYSTEMS	11,842	11,842
025	CARBINE	1,800	1,800
027	COMMON REMOTELY OPERATED WEAPONS STATION	3,378	3,378
	MOD OF WEAPONS AND OTHER COMBAT VEH		
032	M2 50 CAL MACHINE GUN MODS	4,920	4,920
034	M240 MEDIUM MACHINE GUN MODS	7	7
	SUPPORT EQUIPMENT & FACILITIES		
039	ITEMS LESS THAN $5.0M (WOCV-WTCV)	1,397	1,397
	TOTAL PROCUREMENT OF W&TCV, ARMY	**1,107,183**	**1,107,183**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	3,392	3,392
002	CTG, 7.62MM, ALL TYPES	40	40
003	CTG, HANDGUN, ALL TYPES	17	17
004	CTG, .50 CAL, ALL TYPES	189	189
005	CTG, 20MM, ALL TYPES	1,605	1,605
007	CTG, 30MM, ALL TYPES	25,000	25,000
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	218	218
010	81MM MORTAR, ALL TYPES	484	484
	ARTILLERY AMMUNITION		
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	79,400	79,400
015	PROJ 155MM EXTENDED RANGE M982	72,985	72,985
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	63,900	63,900
	ROCKETS		
018	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	22,242	22,242
019	ROCKET, HYDRA 70, ALL TYPES	39,974	39,974
	OTHER AMMUNITION		
021	DEMOLITION MUNITIONS, ALL TYPES	5	5
022	GRENADES, ALL TYPES	8	8
	MISCELLANEOUS		
027	ITEMS LESS THAN $5 MILLION (AMMO)	66	66
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**309,525**	**309,525**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	8,000	8,000
003	AMBULANCE, 4 LITTER, 5/4 TON, 4X4	20,770	20,770
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	115,400	115,400
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	6,682	6,682
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	50,000	50,000
014	MODIFICATION OF IN SVC EQUIP	186,377	186,377
	COMM—SATELLITE COMMUNICATIONS		
028	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	7,100	7,100

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	COMM—COMBAT COMMUNICATIONS		
037	JOINT TACTICAL RADIO SYSTEM	1,560	1,560
042	TRACTOR RIDE	13,190	13,190
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	9,549	9,549
047	COTS COMMUNICATIONS EQUIPMENT	22,000	22,000
	COMM—INTELLIGENCE COMM		
050	CI AUTOMATION ARCHITECTURE (MIP)	9,800	9,800
	INFORMATION SECURITY		
055	COMMUNICATIONS SECURITY (COMSEC)	3	3
	COMM—LONG HAUL COMMUNICATIONS		
059	BASE SUPPORT COMMUNICATIONS	690	690
	COMM—BASE COMMUNICATIONS		
060	INFORMATION SYSTEMS	8,750	8,750
063	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	60,337	60,337
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
068	DCGS-A (MIP)	37,806	37,806
070	TROJAN (MIP)	6,926	6,926
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,011	2,011
075	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,370	5,370
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
080	CREW	42,651	42,651
081	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	20,050	20,050
082	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	12,974	12,974
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
085	NIGHT VISION DEVICES	463	463
086	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	2,861	2,861
087	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	60	60
088	RADIATION MONITORING SYSTEMS	11	11
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	251,062	251,062
091	FAMILY OF WEAPON SIGHTS (FWS)	525	525
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	26,146	26,146
096	MOD OF IN-SVC EQUIP (LLDR)	4,050	4,050
097	COMPUTER BALLISTICS: LHMBC XM32	960	960
098	MORTAR FIRE CONTROL SYSTEM	7,660	7,660
099	COUNTERFIRE RADARS	165,200	165,200
	ELECT EQUIP—AUTOMATION		
112	AUTOMATED DATA PROCESSING EQUIP	28,475	28,475
	CHEMICAL DEFENSIVE EQUIPMENT		
121	PROTECTIVE SYSTEMS	27	27
122	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	20,200	20,200
123	BASE DEFENSE SYSTEMS (BDS)	39,200	39,200
124	CBRN DEFENSE	2,317	2,317
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
129	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	16,000	16,000
130	AREA MINE DETECTION SYSTEM (AMDS)	1	1
132	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	4,850	4,850
136	REMOTE DEMOLITION SYSTEMS	1	1
	COMBAT SERVICE SUPPORT EQUIPMENT		
139	HEATERS AND ECU'S	270	270
141	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,300	4,300
142	GROUND SOLDIER SYSTEM	1,725	1,725
144	FORCE PROVIDER	55,800	55,800
145	FIELD FEEDING EQUIPMENT	1,035	1,035
146	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	1,980	1,980
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	17,527	17,527
	MAINTENANCE EQUIPMENT		
153	ITEMS LESS THAN $5.0M (MAINT EQ)	268	268
	CONSTRUCTION EQUIPMENT		
159	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	25,700	25,700
	GENERATORS		
165	GENERATORS AND ASSOCIATED EQUIP	569	569
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
174	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	9,495	9,495
	OTHER SUPPORT EQUIPMENT		
176	M25 STABILIZED BINOCULAR	33	33
177	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	18,000	18,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
178	PHYSICAL SECURITY SYSTEMS (OPA3)	6,000	6,000
179	BASE LEVEL COMMON EQUIPMENT	2,080	2,080
180	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	19,200	19,200
	TOTAL OTHER PROCUREMENT, ARMY	**1,382,047**	**1,382,047**
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
025	STUASL0 UAV	35,065	35,065
	MODIFICATION OF AIRCRAFT		
032	SH–60 SERIES	4,858	4,858
034	EP–3 SERIES	5,380	5,380
044	SPECIAL PROJECT AIRCRAFT	2,165	2,165
049	COMMON ECM EQUIPMENT	9,820	9,820
051	COMMON DEFENSIVE WEAPON SYSTEM	3,206	3,206
061	QRC	2,410	2,410
063	RQ–21 SERIES	17,215	17,215
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**80,119**	**80,119**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
004	AMRAAM	1,183	1,183
005	SIDEWINDER	381	381
012	HELLFIRE	1,530	1,530
015	AERIAL TARGETS	6,500	6,500
	GUNS AND GUN MOUNTS		
035	SMALL ARMS AND WEAPONS	1,540	1,540
	MODIFICATION OF GUNS AND GUN MOUNTS		
038	GUN MOUNT MODS	3,000	3,000
	TOTAL WEAPONS PROCUREMENT, NAVY	**14,134**	**14,134**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	62,530	62,530
002	JDAM	93,019	93,019
003	AIRBORNE ROCKETS, ALL TYPES	2,163	2,163
004	MACHINE GUN AMMUNITION	5,000	5,000
006	CARTRIDGES & CART ACTUATED DEVICES	5,334	5,334
007	AIR EXPENDABLE COUNTERMEASURES	36,580	36,580
008	JATOS	747	747
011	OTHER SHIP GUN AMMUNITION	2,538	2,538
013	PYROTECHNIC AND DEMOLITION	1,807	1,807
015	AMMUNITION LESS THAN $5 MILLION	2,229	229
	Excess balances		[–2,000]
	MARINE CORPS AMMUNITION		
019	MORTARS	2,018	2,018
021	DIRECT SUPPORT MUNITIONS	632	632
022	INFANTRY WEAPONS AMMUNITION	779	779
026	COMBAT SUPPORT MUNITIONS	164	164
029	ARTILLERY MUNITIONS	31,001	31,001
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**246,541**	**244,541**
	OTHER PROCUREMENT, NAVY		
	OTHER SHIPBOARD EQUIPMENT		
021	UNDERWATER EOD PROGRAMS	9,200	9,200
	SMALL BOATS		
028	STANDARD BOATS	19,060	19,060
	ASW ELECTRONIC EQUIPMENT		
043	FIXED SURVEILLANCE SYSTEM	56,950	56,950
	SATELLITE COMMUNICATIONS		
077	SATELLITE COMMUNICATIONS SYSTEMS	3,200	3,200
	CRYPTOLOGIC EQUIPMENT		
082	CRYPTOLOGIC COMMUNICATIONS EQUIP	2,000	2,000
	SONOBUOYS		
088	SONOBUOYS—ALL TYPES	21,156	21,156
	OTHER ORDNANCE SUPPORT EQUIPMENT		
104	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	33,580	30,580
	JCREW CUAS unit cost growth		[–3,000]

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
108	PASSENGER CARRYING VEHICLES	170	170
109	GENERAL PURPOSE TRUCKS	400	400
111	FIRE FIGHTING EQUIPMENT	770	770
112	TACTICAL VEHICLES	7,298	7,298
	SUPPLY SUPPORT EQUIPMENT		
118	FIRST DESTINATION TRANSPORTATION	500	500
	COMMAND SUPPORT EQUIPMENT		
123	MEDICAL SUPPORT EQUIPMENT	6,500	6,500
128	ENVIRONMENTAL SUPPORT EQUIPMENT	2,200	2,200
129	PHYSICAL SECURITY EQUIPMENT	19,389	19,389
	CLASSIFIED PROGRAMS		
133A	CLASSIFIED PROGRAMS	4,800	4,800
	TOTAL OTHER PROCUREMENT, NAVY	**187,173**	**184,173**
	PROCUREMENT, MARINE CORPS		
	INTELL/COMM EQUIPMENT (NON-TEL)		
022	FIRE SUPPORT SYSTEM	5,583	5,583
	TACTICAL VEHICLES		
037	MOTOR TRANSPORT MODIFICATIONS	44,440	44,440
	ENGINEER AND OTHER EQUIPMENT		
045	EOD SYSTEMS	8,000	8,000
	TOTAL PROCUREMENT, MARINE CORPS	**58,023**	**58,023**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
006	HC–130J	100,000	100,000
	OTHER AIRCRAFT		
017	MQ–9	339,740	265,700
	Excess attrition aircraft		[–74,040]
018	RQ–20B PUMA	13,500	13,500
	STRATEGIC AIRCRAFT		
020	B–1B	4,000	4,000
022	LARGE AIRCRAFT INFRARED COUNTERMEASURES	149,778	149,778
	TACTICAL AIRCRAFT		
023	A–10	10,350	10,350
	OTHER AIRCRAFT		
045	U–2 MODS	7,900	7,900
054	COMPASS CALL MODS	36,400	36,400
059	E–8	13,000	13,000
063	H–60	40,560	40,560
065	HC/MC–130 MODIFICATIONS	87,900	87,900
066	OTHER AIRCRAFT	53,731	53,731
068	MQ–9 UAS PAYLOADS	16,000	16,000
	AIRCRAFT SPARES AND REPAIR PARTS		
070	INITIAL SPARES/REPAIR PARTS	91,500	91,500
	COMMON SUPPORT EQUIPMENT		
071	AIRCRAFT REPLACEMENT SUPPORT EQUIP	32,529	32,529
072	OTHER PRODUCTION CHARGES	22,000	22,000
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**1,018,888**	**944,848**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
002	JOINT AIR-SURFACE STANDOFF MISSILE	61,600	61,600
005	AMRAAM	2,600	2,600
006	PREDATOR HELLFIRE MISSILE	255,000	255,000
007	SMALL DIAMETER BOMB	140,724	140,724
	CLASS IV		
013	AGM–65D MAVERICK	33,602	33,602
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**493,526**	**493,526**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
002	CARTRIDGES	29,587	29,587
	BOMBS		
004	GENERAL PURPOSE BOMBS	551,862	551,862
006	JOINT DIRECT ATTACK MUNITION	738,451	738,451

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	FLARES		
015	FLARES	12,116	12,116
	FUZES		
016	FUZES	81,000	81,000
	SMALL ARMS		
017	SMALL ARMS	8,500	8,500
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**1,421,516**	**1,421,516**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	9,680	9,680
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	9,680	9,680
004	CARGO AND UTILITY VEHICLES	19,680	19,680
	SPECIAL PURPOSE VEHICLES		
006	SECURITY AND TACTICAL VEHICLES	24,880	24,880
007	SPECIAL PURPOSE VEHICLES	34,680	34,680
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	9,736	9,736
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	24,680	24,680
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	9,680	9,680
011	BASE MAINTENANCE SUPPORT VEHICLES	9,680	9,680
	INTELLIGENCE PROGRAMS		
015	INTELLIGENCE COMM EQUIPMENT	6,156	6,156
	ELECTRONICS PROGRAMS		
016	AIR TRAFFIC CONTROL & LANDING SYS	56,884	35,984
	D-RAPCON cost growth		[–20,900]
	SPCL COMM-ELECTRONICS PROJECTS		
029	AIR FORCE PHYSICAL SECURITY SYSTEM	46,236	46,236
037	THEATER BATTLE MGT C2 SYSTEM	2,500	2,500
	ORGANIZATION AND BASE		
045	TACTICAL C-E EQUIPMENT	27,911	27,911
	PERSONAL SAFETY & RESCUE EQUIP		
051	PERSONAL SAFETY AND RESCUE EQUIPMENT	13,600	13,600
	BASE SUPPORT EQUIPMENT		
053	BASE PROCURED EQUIPMENT	28,800	28,800
054	ENGINEERING AND EOD EQUIPMENT	53,500	53,500
055	MOBILITY EQUIPMENT	78,562	78,562
056	BASE MAINTENANCE AND SUPPORT EQUIPMENT	28,055	28,055
	SPECIAL SUPPORT PROJECTS		
059	DCGS-AF	2,000	2,000
	CLASSIFIED PROGRAMS		
062	CLASSIFIED PROGRAMS	3,229,364	3,229,364
	TOTAL OTHER PROCUREMENT, AIR FORCE	**3,725,944**	**3,705,044**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
008	TELEPORT PROGRAM	3,800	3,800
017	DEFENSE INFORMATION SYSTEMS NETWORK	12,000	12,000
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
025	COUNTER IED & IMPROVISED THREAT TECHNOLOGIES	5,534	5,534
	CLASSIFIED PROGRAMS		
046A	CLASSIFIED PROGRAMS	41,559	41,559
	AVIATION PROGRAMS		
047	MANNED ISR	5,000	5,000
048	MC–12	5,000	5,000
049	MH–60 BLACKHAWK	27,600	27,600
051	UNMANNED ISR	17,000	17,000
052	NON-STANDARD AVIATION	13,000	13,000
053	U–28	51,722	51,722
054	MH–47 CHINOOK	36,500	36,500
	AMMUNITION PROGRAMS		
061	ORDNANCE ITEMS <$5M	100,850	100,850

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	OTHER PROCUREMENT PROGRAMS		
062	INTELLIGENCE SYSTEMS	16,500	16,500
064	OTHER ITEMS <$5M	7,700	7,700
067	TACTICAL VEHICLES	59,891	59,891
068	WARRIOR SYSTEMS <$5M	21,135	21,135
069	COMBAT MISSION REQUIREMENTS	10,000	10,000
071	OPERATIONAL ENHANCEMENTS INTELLIGENCE	10,805	10,805
073	OPERATIONAL ENHANCEMENTS	126,539	126,539
	TOTAL PROCUREMENT, DEFENSE-WIDE	**572,135**	**572,135**
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		225,000
	Program increase		[225,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT.		**225,000**
	TOTAL PROCUREMENT	**12,782,468**	**12,907,528**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2019 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	11,585	11,585
002	0601102A	DEFENSE RESEARCH SCIENCES	276,912	289,412
		Basic research increase		[7,500]
		Quantum information sciences		[5,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	65,283	65,283
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	92,115	97,115
		Basic research program increase		[5,000]
		SUBTOTAL BASIC RESEARCH	**445,895**	**463,395**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	28,600	29,600
		Conformal batteries and composite armor		[1,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	32,366	41,366
		Expand Army Research lab Open Campus project		[4,000]
		Program increase		[5,000]
007	0602122A	TRACTOR HIP	8,674	8,674
008	0602126A	TRACTOR JACK	400	400
009	0602211A	AVIATION TECHNOLOGY	64,847	64,847
010	0602270A	ELECTRONIC WARFARE TECHNOLOGY	25,571	25,571
011	0602303A	MISSILE TECHNOLOGY	50,183	50,183
012	0602307A	ADVANCED WEAPONS TECHNOLOGY	29,502	29,502
013	0602308A	ADVANCED CONCEPTS AND SIMULATION	28,500	28,500
014	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY.	70,450	70,450
015	0602618A	BALLISTICS TECHNOLOGY	75,541	75,541
016	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	5,032	5,032

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2019 Request	Conference Authorized
017	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	12,394	12,394
018	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	40,444	52,944
		Accelerate Army railgun development and prototyping.		[10,000]
		Advanced warheads technology		[2,500]
019	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	58,283	58,283
020	0602709A	NIGHT VISION TECHNOLOGY	29,582	29,582
021	0602712A	COUNTERMINE SYSTEMS	21,244	21,244
022	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	24,131	26,631
		General program increase		[2,500]
023	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	13,242	13,242
024	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	55,003	50,003
		General Program Reduction		[–5,000]
025	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	14,958	14,958
026	0602784A	MILITARY ENGINEERING TECHNOLOGY	78,159	78,159
027	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	21,862	21,862
028	0602786A	WARFIGHTER TECHNOLOGY	40,566	45,566
		Program increase		[5,000]
029	0602787A	MEDICAL TECHNOLOGY	90,075	90,075
		SUBTOTAL APPLIED RESEARCH	**919,609**	**944,609**
		ADVANCED TECHNOLOGY DEVELOPMENT		
030	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,338	39,338
031	0603002A	MEDICAL ADVANCED TECHNOLOGY	62,496	62,496
032	0603003A	AVIATION ADVANCED TECHNOLOGY	124,958	124,958
033	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	102,686	122,686
		Accelerate ERCA gun		[20,000]
034	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	119,739	129,239
		Modular scalable powertrain		[2,500]
		Prototype Next Generation Combat Vehicle		[7,000]
035	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	13,000	13,000
036	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	8,044	8,044
037	0603009A	TRACTOR HIKE	22,631	22,631
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	25,682	25,682
040	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT.	3,762	3,762
041	0603130A	TRACTOR NAIL	4,896	4,896
042	0603131A	TRACTOR EGGS	6,041	6,041
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	31,491	31,491
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	61,132	71,132
		Shoot-on-the-Move Technology Development for SHORAD platforms.		[10,000]
045	0603322A	TRACTOR CAGE	16,845	16,845
046	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	183,322	193,322
		Enhance and accelerate Army artificial intelligence and machine learning.		[5,000]
		Program increase		[5,000]
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	11,104	11,104
048	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,885	5,885
049	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	61,376	58,876
		Program decrease		[–2,500]
050	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	9,136	9,136
051	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY.	25,864	32,864
		Minor MILCON		[2,000]
		Program increase		[5,000]
052	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	34,883	42,383
		PNT research		[2,500]

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		Program increase		[5,000]
053	0603794A	C3 ADVANCED TECHNOLOGY	52,387	47,387
		Program decrease		[–5,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**1,026,698**	**1,083,198**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	10,777	10,777
056	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING.	42,802	42,802
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	45,254	45,254
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	22,700	22,700
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	41,974	53,974
		Army UFR: test and evaluation of the M999 155mm Anti-Personnel Improved Conventional Munition.		[12,000]
060	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	119,395	111,395
		Developmental testing early to need		[–8,000]
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	8,746	8,746
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	35,667	35,667
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.	7,350	7,350
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL.	14,749	14,749
065	0603790A	NATO RESEARCH AND DEVELOPMENT	3,687	3,687
066	0603801A	AVIATION—ADV DEV	10,793	10,793
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	14,248	14,248
068	0603807A	MEDICAL SYSTEMS—ADV DEV	34,284	34,284
069	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	18,044	28,044
		Advanced materials research for personal protective equipment (PPE).		[10,000]
070	0604017A	ROBOTICS DEVELOPMENT	95,660	81,958
		RCV Phase 2 funding ahead of need		[–13,702]
071	0604020A	CROSS FUNCTIONAL TEAM (CFT) ADVANCED DEVELOPMENT & PROTOTYPING.	38,000	9,500
		Unjustified request		[–28,500]
072	0604100A	ANALYSIS OF ALTERNATIVES	9,765	9,765
073	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	12,393	12,393
074	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR.	120,374	109,359
		Contracting award planning early to need		[–2,515]
		Test funding ahead of need		[–8,500]
075	0604115A	TECHNOLOGY MATURATION INITIATIVES	95,347	95,347
076	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD).	95,085	85,085
		Delayed new start effort		[–10,000]
077	0604118A	TRACTOR BEAM	52,894	52,894
079	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING.	77,939	77,939
080	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2–INTERCEPT (IFPC2).	51,030	51,030
081	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	65,817	65,817
082	1206120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	146,300	146,300
083	1206308A	ARMY SPACE SYSTEMS INTEGRATION	38,319	38,319
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**1,329,393**	**1,280,176**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
084	0604201A	AIRCRAFT AVIONICS	32,293	32,293
085	0604270A	ELECTRONIC WARFARE DEVELOPMENT	78,699	72,950
		Funding excess to need		[–5,749]

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088	0604328A	TRACTOR CAGE	17,050	17,050
089	0604601A	INFANTRY SUPPORT WEAPONS	83,155	83,155
090	0604604A	MEDIUM TACTICAL VEHICLES	3,704	3,704
091	0604611A	JAVELIN	10,623	5,623
		Schedule delays		[–5,000]
092	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	11,950	11,950
093	0604633A	AIR TRAFFIC CONTROL	12,347	12,347
095	0604642A	LIGHT TACTICAL WHEELED VEHICLES	8,212	8,212
096	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV.	393,613	318,613
		Mobile Protected Firepower decrease		[–75,000]
097	0604710A	NIGHT VISION SYSTEMS—ENG DEV	139,614	139,614
098	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	4,507	4,507
099	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	49,436	44,436
		Historical underexecution		[–5,000]
100	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	95,172	95,172
101	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.	22,628	22,628
102	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	13,297	13,297
103	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	9,145	9,145
104	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	9,894	6,894
		Prior year carryover		[–3,000]
105	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.	21,964	21,964
106	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION.	49,288	49,288
107	0604802A	WEAPONS AND MUNITIONS—ENG DEV	183,100	176,100
		Delayed new start efforts		[–7,000]
108	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	79,706	76,481
		Late MSV-L contract award and concurrency		[–3,225]
109	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	15,970	15,970
110	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	44,542	44,542
111	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	50,817	45,117
		Prior year carryover		[–5,700]
112	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	178,693	168,693
		Command post integrated infrastructure delayed new start.		[–10,000]
113	0604820A	RADAR DEVELOPMENT	39,338	39,338
114	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	37,851	37,851
115	0604823A	FIREFINDER	45,473	45,473
116	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	10,395	10,395
117	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD.	69,204	55,804
		Program reduction		[–13,400]
118	0604854A	ARTILLERY SYSTEMS—EMD	1,781	1,781
119	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	113,758	80,376
		Prior year carryover		[–33,382]
120	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A).	166,603	166,603
121	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	118,239	118,239
122	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	3,211	3,211
123	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,889	15,889
124	0605031A	JOINT TACTICAL NETWORK (JTN)	41,972	41,972
125	0605032A	TRACTOR TIRE	41,166	41,166
126	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,175	5,175
127	0605034A	TACTICAL SECURITY SYSTEM (TSS)	4,496	4,496
128	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	51,178	51,178

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129	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD).	11,311	11,311
131	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	17,154	17,154
132	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	36,626	36,626
133	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	3,829	3,829
134	0605047A	CONTRACT WRITING SYSTEM	41,928	41,928
135	0605049A	MISSILE WARNING SYSTEM MODERNIZATION (MWSM).	28,276	25,537
		Funding early to need		[–2,739]
136	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	21,965	21,965
137	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	157,710	145,710
		Developmental testing early to need		[–12,000]
138	0605053A	GROUND ROBOTICS	86,167	84,141
		CRS-I contract delay		[–2,026]
139	0605054A	EMERGING TECHNOLOGY INITIATIVES	42,866	68,266
		Army UFR: program increase		[25,400]
140	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	15,984	15,984
141	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	11,773	11,773
142	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	277,607	277,607
143	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	12,340	12,340
144	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	2,686	2,686
145	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,706	2,706
147	0303032A	TROJAN—RH12	4,521	4,521
150	0304270A	ELECTRONIC WARFARE DEVELOPMENT	8,922	8,922
151	1205117A	TRACTOR BEARS	23,170	23,170
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**3,192,689**	**3,034,868**
		RDT&E MANAGEMENT SUPPORT		
152	0604256A	THREAT SIMULATOR DEVELOPMENT	12,835	12,835
153	0604258A	TARGET SYSTEMS DEVELOPMENT	12,135	12,135
154	0604759A	MAJOR T&E INVESTMENT	82,996	107,996
		Program increase		[25,000]
155	0605103A	RAND ARROYO CENTER	19,821	19,821
156	0605301A	ARMY KWAJALEIN ATOLL	246,574	246,574
157	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	30,430	30,430
159	0605601A	ARMY TEST RANGES AND FACILITIES	305,759	320,759
		Increase to help manage directed energy workloads		[15,000]
160	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	62,379	62,379
161	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	40,496	40,496
162	0605606A	AIRCRAFT CERTIFICATION	3,941	3,941
163	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.	9,767	9,767
164	0605706A	MATERIEL SYSTEMS ANALYSIS	21,226	21,226
165	0605709A	EXPLOITATION OF FOREIGN ITEMS	13,026	13,026
166	0605712A	SUPPORT OF OPERATIONAL TESTING	52,718	52,718
167	0605716A	ARMY EVALUATION CENTER	57,049	57,049
168	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	2,801	2,801
169	0605801A	PROGRAMWIDE ACTIVITIES	60,942	60,942
170	0605803A	TECHNICAL INFORMATION ACTIVITIES	29,050	29,050
171	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	42,332	42,332
172	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	3,216	3,216
173	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA.	54,145	54,145
174	0606001A	MILITARY GROUND-BASED CREW TECHNOLOGY	4,896	4,896
175	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE.	63,011	63,011

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176	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION.	2,636	2,636
177	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	88,300	88,300
		SUBTOTAL RDT&E MANAGEMENT SUPPORT ..	**1,322,481**	**1,362,481**
		OPERATIONAL SYSTEMS DEVELOPMENT		
181	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	8,886	8,886
182	0603813A	TRACTOR PULL	4,067	4,067
183	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	4,254	4,254
184	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	16,022	16,022
185	0607133A	TRACTOR SMOKE	4,577	4,577
186	0607134A	LONG RANGE PRECISION FIRES (LRPF)	186,475	159,475
		Excess program growth		[–27,000]
187	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	31,049	31,049
188	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	35,240	35,240
189	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	157,822	155,103
		Program management support excess growth		[–2,719]
190	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	4,189	4,189
191	0607139A	IMPROVED TURBINE ENGINE PROGRAM	192,637	192,637
194	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	60,860	47,860
		Research studies excess growth		[–13,000]
195	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS.	52,019	38,519
		Unjustified growth		[–13,500]
196	0607665A	FAMILY OF BIOMETRICS	2,400	2,400
197	0607865A	PATRIOT PRODUCT IMPROVEMENT	65,369	75,369
		Increase PATRIOT improvement efforts		[10,000]
198	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	1	1
199	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS).	30,954	30,954
200	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	411,927	369,009
		Abrams ECP 1B schedule delay		[–14,978]
		Bradley A5 ECP schedule delay		[–12,221]
		Recovery vehicle improvement program delay		[–6,000]
		Stryker program management excess growth		[–9,719]
202	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS.	40,676	37,201
		Prior year carryover		[–3,475]
203	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	17,706	17,706
204	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	146	146
205	0203758A	DIGITIZATION	6,316	6,316
206	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	1,643	1,643
207	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.	4,947	4,947
208	0203808A	TRACTOR CARD	34,050	34,050
210	0205410A	MATERIALS HANDLING EQUIPMENT	1,464	1,464
211	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV.	249	249
212	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM.	79,283	78,798
		unjustified request		[–485]
213	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS).	154,102	125,954
		Unjustified growth		[–28,148]
216	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	12,280	12,280
217	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	68,533	68,533
218	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	68,619	65,073
		Increment 2 contract award delay		[–3,546]
220	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	2,034	2,034
223	0305172A	COMBINED ADVANCED APPLICATIONS	1,500	1,500

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224	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	450	450
225	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	6,000	6,000
226	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	12,416	12,416
227	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	38,667	33,667
		Integration and testing unjustified growth		[–5,000]
229	0305232A	RQ–11 UAV	6,180	6,180
230	0305233A	RQ–7 UAV	12,863	12,863
231	0307665A	BIOMETRICS ENABLED INTELLIGENCE	4,310	4,310
233	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	53,958	53,958
234	1203142A	SATCOM GROUND ENVIRONMENT (SPACE)	12,119	12,119
235	1208053A	JOINT TACTICAL GROUND SYSTEM	7,400	7,400
235A	9999999999	CLASSIFIED PROGRAMS	5,955	5,955
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**1,922,614**	**1,792,823**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**10,159,379**	**9,961,550**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	119,433	134,433
		Basic research program increase		[5,000]
		Defense University Research Instrumentation Program.		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	19,237	19,237
003	0601153N	DEFENSE RESEARCH SCIENCES	458,708	468,708
		Basic research program increase		[5,000]
		Quantum information sciences		[5,000]
		SUBTOTAL BASIC RESEARCH	**597,378**	**622,378**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	14,643	17,143
		Directed energy		[2,500]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	124,049	124,049
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	59,607	59,607
007	0602235N	COMMON PICTURE APPLIED RESEARCH	36,348	36,348
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	56,197	54,717
		ONR global growth		[–1,480]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH.	83,800	83,800
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	42,998	42,998
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.	6,349	6,349
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	58,049	78,049
		Academic partnerships for undersea unmanned warfare research and energy technology.		[20,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH.	147,771	147,771
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	37,545	37,545
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH.	159,697	159,697
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACTIVITIES.	64,418	64,418
		SUBTOTAL APPLIED RESEARCH	**891,471**	**912,491**
		ADVANCED TECHNOLOGY DEVELOPMENT		
019	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	2,423	2,423
021	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	150,245	146,046
		Unjustified growth		[–4,199]

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022	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,313	13,313
023	0603671N	NAVY ADVANCED TECHNOLOGY DEVELOPMENT (ATD).	131,502	155,002
		Program increase-one sensor plus integration		[23,500]
024	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	232,996	232,996
025	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	58,657	58,657
030	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	161,859	181,859
		Accelerate Navy railgun development and prototyping.		[20,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**750,995**	**790,296**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
031	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	29,747	29,747
032	0603216N	AVIATION SURVIVABILITY	7,050	7,050
033	0603251N	AIRCRAFT SYSTEMS	793	793
034	0603254N	ASW SYSTEMS DEVELOPMENT	7,058	7,058
035	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,540	3,540
036	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	59,741	59,741
037	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	62,727	60,727
		Barracuda EDMs ahead of PDR and CDR		[–2,000]
038	0603506N	SURFACE SHIP TORPEDO DEFENSE	8,570	8,570
039	0603512N	CARRIER SYSTEMS DEVELOPMENT	5,440	5,440
040	0603525N	PILOT FISH	162,222	162,222
041	0603527N	RETRACT LARCH	11,745	11,745
042	0603536N	RETRACT JUNIPER	114,265	114,265
043	0603542N	RADIOLOGICAL CONTROL	740	740
044	0603553N	SURFACE ASW	1,122	1,122
045	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	109,086	96,086
		Prior year inefficiencies impact		[–13,000]
046	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,374	9,374
047	0603563N	SHIP CONCEPT ADVANCED DESIGN	89,419	107,419
		CHAMP acceleration		[18,000]
048	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	13,348	13,348
049	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	256,137	256,137
050	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	22,109	22,109
051	0603576N	CHALK EAGLE	29,744	29,744
052	0603581N	LITTORAL COMBAT SHIP (LCS)	27,997	27,997
053	0603582N	COMBAT SYSTEM INTEGRATION	16,351	16,351
054	0603595N	OHIO REPLACEMENT	514,846	526,846
		Advanced Submarines Control and Precision Propulsion Module Integration.		[12,000]
055	0603596N	LCS MISSION MODULES	103,633	103,633
056	0603597N	AUTOMATED TEST AND ANALYSIS	7,931	7,931
057	0603599N	FRIGATE DEVELOPMENT	134,772	134,772
058	0603609N	CONVENTIONAL MUNITIONS	9,307	9,307
060	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	1,828	1,828
061	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	43,148	43,148
062	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.	5,915	5,915
063	0603721N	ENVIRONMENTAL PROTECTION	19,811	19,811
064	0603724N	NAVY ENERGY PROGRAM	25,656	25,656
065	0603725N	FACILITIES IMPROVEMENT	5,301	5,301
066	0603734N	CHALK CORAL	267,985	267,985
067	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,059	4,059
068	0603746N	RETRACT MAPLE	377,878	377,878
069	0603748N	LINK PLUMERIA	381,770	381,770
070	0603751N	RETRACT ELM	60,535	60,535
073	0603790N	NATO RESEARCH AND DEVELOPMENT	9,652	9,652

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Line	Program Element	Item	FY 2019 Request	Conference Authorized
074	0603795N	LAND ATTACK TECHNOLOGY	15,529	15,529
075	0603851M	JOINT NON-LETHAL WEAPONS TESTING	27,581	27,581
076	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	101,566	101,566
077	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	223,344	142,412
		Program decrease		[–80,932]
078	0604014N	F/A–18 INFRARED SEARCH AND TRACK (IRST)	108,700	108,700
079	0604027N	DIGITAL WARFARE OFFICE	26,691	26,691
080	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES.	16,717	16,717
081	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES.	30,187	30,187
082	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION..	48,796	48,796
083	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	92,613	71,413
		Excessive Snakehead LDUUV growth		[–21,200]
084	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78–80).	58,121	58,121
086	0604126N	LITTORAL AIRBORNE MCM	17,622	17,622
087	0604127N	SURFACE MINE COUNTERMEASURES	18,154	18,154
088	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	47,278	47,278
090	0604289M	NEXT GENERATION LOGISTICS	11,081	11,081
092	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	7,107	7,107
093	0604454N	LX (R)	5,549	5,549
094	0604536N	ADVANCED UNDERSEA PROTOTYPING	87,669	87,669
095	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	132,818	119,918
		Project 3378 schedule delays		[–12,900]
096	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	7,230	7,230
097	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	143,062	143,062
099	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	8,889	8,889
100	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM.	25,291	11,291
		Unjustified cost growth		[–14,000]
101	0304240N	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM.	9,300	9,300
102	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	466	466
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,293,713**	**4,179,681**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
103	0603208N	TRAINING SYSTEM AIRCRAFT	12,798	12,798
104	0604212N	OTHER HELO DEVELOPMENT	32,128	32,128
105	0604214M	AV–8B AIRCRAFT—ENG DEV	46,363	42,363
		Lacks operational justification/need		[–4,000]
107	0604215N	STANDARDS DEVELOPMENT	3,771	3,771
108	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	16,611	16,611
109	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	17,368	17,368
110	0604221N	P–3 MODERNIZATION PROGRAM	2,134	2,134
111	0604230N	WARFARE SUPPORT SYSTEM	9,729	9,729
112	0604231N	TACTICAL COMMAND SYSTEM	57,688	57,688
113	0604234N	ADVANCED HAWKEYE	223,565	213,565
		excess carryover		[–10,000]
114	0604245M	H–1 UPGRADES	58,097	58,097
116	0604261N	ACOUSTIC SEARCH SENSORS	42,485	42,485
117	0604262N	V–22A	143,079	143,079
118	0604264N	AIR CREW SYSTEMS DEVELOPMENT	20,980	30,980
		Increase to advance aircrew physiological monitoring.		[10,000]
119	0604269N	EA–18	147,419	242,719
		UPL—EA–18G Advanced Modes / Cognitive EW		[95,300]
120	0604270N	ELECTRONIC WARFARE DEVELOPMENT	89,824	121,424

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		Navy UFR: EA–18G offensive airborne electronic attack special mission pods.		[31,600]
121	0604273M	EXECUTIVE HELO DEVELOPMENT	245,064	245,064
123	0604274N	NEXT GENERATION JAMMER (NGJ)	459,529	459,529
124	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	3,272	3,272
125	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	115,253	109,479
		Engineering previously funded		[–5,774]
126	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	397,403	387,103
		ACB 20 unexecutable growth		[–10,300]
127	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	939	939
128	0604329N	SMALL DIAMETER BOMB (SDB)	104,448	104,448
129	0604366N	STANDARD MISSILE IMPROVEMENTS	165,881	180,881
		XFU electronics unit integration		[15,000]
130	0604373N	AIRBORNE MCM	10,831	10,831
131	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	33,429	33,429
132	0604501N	ADVANCED ABOVE WATER SENSORS	35,635	35,635
133	0604503N	SSN–688 AND TRIDENT MODERNIZATION	126,932	126,932
134	0604504N	AIR CONTROL	62,448	62,448
135	0604512N	SHIPBOARD AVIATION SYSTEMS	9,710	9,710
136	0604518N	COMBAT INFORMATION CENTER CONVERSION	19,303	19,303
137	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM.	27,059	27,059
138	0604530N	ADVANCED ARRESTING GEAR (AAG)	184,106	184,106
139	0604558N	NEW DESIGN SSN	148,233	148,233
140	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	60,824	60,824
141	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	60,062	66,062
		Planning to support FY21 award of LHA–9		[6,000]
142	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,642	4,642
144	0604601N	MINE DEVELOPMENT	25,756	25,756
145	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	95,147	63,147
		Project 3418 post-system design and engineering funds early to need.		[–32,000]
146	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	7,107	7,107
147	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	6,539	6,539
148	0604727N	JOINT STANDOFF WEAPON SYSTEMS	441	441
149	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	180,391	180,391
150	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	178,538	178,538
151	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	120,507	120,507
152	0604761N	INTELLIGENCE ENGINEERING	29,715	29,715
153	0604771N	MEDICAL DEVELOPMENT	8,095	8,095
154	0604777N	NAVIGATION/ID SYSTEM	121,026	121,026
155	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	66,566	66,566
156	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	65,494	65,494
159	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	14,005	14,005
160	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	268,567	208,567
		General reduction		[–60,000]
161	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	5,618	5,618
162	0605212M	CH–53K RDTE	326,945	326,945
164	0605215N	MISSION PLANNING	32,714	32,714
165	0605217N	COMMON AVIONICS	51,486	51,486
166	0605220N	SHIP TO SHORE CONNECTOR (SSC)	1,444	1,444
167	0605327N	T-AO 205 CLASS	1,298	1,298
168	0605414N	UNMANNED CARRIER AVIATION (UCA)	718,942	602,042
		Insufficient Air Vehicle budget justification		[–116,900]
169	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	6,759	11,759
		JAGM-F for USN and USMC		[5,000]
171	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	37,296	37,296
172	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	160,389	160,389
173	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	98,223	76,124
		Project 0026 excess concurrency		[–22,099]

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174	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,260	2,260
175	0204202N	DDG–1000	161,264	151,964
		Testing early to need		[–9,300]
180	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	44,098	44,098
182	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	6,808	6,808
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**6,042,480**	**5,935,007**
		MANAGEMENT SUPPORT		
183	0604256N	THREAT SIMULATOR DEVELOPMENT	94,576	94,576
184	0604258N	TARGET SYSTEMS DEVELOPMENT	10,981	10,981
185	0604759N	MAJOR T&E INVESTMENT	77,014	83,014
		Program increase		[6,000]
186	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION.	48	48
187	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,942	3,942
188	0605154N	CENTER FOR NAVAL ANALYSES	48,797	48,797
189	0605285N	NEXT GENERATION FIGHTER	5,000	5,000
191	0605804N	TECHNICAL INFORMATION SERVICES	1,029	1,029
192	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	87,565	87,565
193	0605856N	STRATEGIC TECHNICAL SUPPORT	4,231	4,231
194	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT.	1,072	1,072
195	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	97,471	97,471
196	0605864N	TEST AND EVALUATION SUPPORT	373,834	373,834
197	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY.	21,554	21,554
198	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	16,227	16,227
200	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	24,303	24,303
201	0605898N	MANAGEMENT HQ—R&D	43,262	43,262
202	0606355N	WARFARE INNOVATION MANAGEMENT	41,918	41,918
203	0606942M	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	7,000	7,000
204	0606942N	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	48,800	48,800
205	0305327N	INSIDER THREAT	1,682	1,682
206	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES).	1,579	1,579
208	1206867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,684	8,684
		SUBTOTAL MANAGEMENT SUPPORT	**1,020,569**	**1,026,569**
		OPERATIONAL SYSTEMS DEVELOPMENT		
210	0604227N	HARPOON MODIFICATIONS	5,426	5,426
211	0604840M	F–35 C2D2	259,122	259,122
212	0604840N	F–35 C2D2	252,360	252,360
213	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	130,515	128,815
		Excess cost growth		[–1,700]
214	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,127	3,127
215	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	157,679	166,679
		Project 2228, technical applications, systems engineering modeling and simulation capability and tool development.		[9,000]
216	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	43,198	42,198
		Excess program growth		[–1,000]
217	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	11,311	11,311
218	0101402N	NAVY STRATEGIC COMMUNICATIONS	39,313	39,313
219	0204136N	F/A–18 SQUADRONS	193,086	200,086
		Engine noise reduction engineering		[2,000]
		JAGM-F for USN and USMC		[5,000]
220	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	25,014	13,179
		High frequency over-the-horizon robust communications enterprise concurrency.		[–11,835]
221	0204228N	SURFACE SUPPORT	11,661	11,661

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222	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	282,395	282,395
223	0204311N	INTEGRATED SURVEILLANCE SYSTEM	36,959	71,959
		Additional TRAPS units		[35,000]
224	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	15,454	15,454
225	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	6,073	6,073
226	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	45,029	45,029
227	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT.	104,903	104,903
228	0204574N	CRYPTOLOGIC DIRECT SUPPORT	4,544	4,544
229	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT.	66,889	66,889
230	0205601N	HARM IMPROVEMENT	120,762	120,762
231	0205604N	TACTICAL DATA LINKS	104,696	116,696
		UPL—Tactical Targeting Network Technology acceleration.		[12,000]
232	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	28,421	28,421
233	0205632N	MK–48 ADCAP	94,155	68,555
		Excessive TI–1 cost growth		[–25,600]
234	0205633N	AVIATION IMPROVEMENTS	121,805	136,805
		Navy UFR: F/A–18E/F Super Hornet engine enhancements.		[15,000]
235	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	117,028	117,028
236	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	174,779	174,779
237	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	4,826	4,826
238	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	97,152	97,152
239	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	30,156	30,156
240	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	39,976	39,976
241	0206629M	AMPHIBIOUS ASSAULT VEHICLE	22,637	20,690
		Lacks operational justification/need		[–1,947]
242	0207161N	TACTICAL AIM MISSILES	40,121	40,121
243	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	32,473	29,606
		System improvement program efforts schedule delay		[–2,867]
249	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	23,697	23,697
250	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	44,228	44,228
252	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	6,081	6,081
253	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,529	8,529
254	0305205N	UAS INTEGRATION AND INTEROPERABILITY	41,212	41,212
255	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	7,687	7,687
256	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	42,846	42,846
257	0305220N	MQ–4C TRITON	14,395	14,395
258	0305231N	MQ–8 UAV	9,843	9,843
259	0305232M	RQ–11 UAV	524	524
260	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	5,360	5,360
261	0305239M	RQ–21A	10,914	10,914
262	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	81,231	81,231
263	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP).	5,956	5,956
264	0305421N	RQ–4 MODERNIZATION	219,894	219,894
265	0308601N	MODELING AND SIMULATION SUPPORT	7,097	7,097
266	0702207N	DEPOT MAINTENANCE (NON-IF)	36,560	36,560
267	0708730N	MARITIME TECHNOLOGY (MARITECH)	7,284	7,284
268	1203109N	SATELLITE COMMUNICATIONS (SPACE)	39,174	39,174
268A	9999999999	CLASSIFIED PROGRAMS	1,549,503	1,549,503
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**4,885,060**	**4,918,111**

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		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**18,481,666**	**18,384,533**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	348,322	353,322
		Basic research program increase		[5,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	154,991	154,991
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,506	14,506
		SUBTOTAL BASIC RESEARCH	**517,819**	**522,819**
		APPLIED RESEARCH		
004	0602102F	MATERIALS	125,373	142,373
		Advanced materials analysis		[4,000]
		Structural Biology Techniques		[3,000]
		Thermal protecting systems for hypersonics		[10,000]
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	130,547	140,547
		Hypersonic vehicle structures		[10,000]
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	112,518	112,518
007	0602203F	AEROSPACE PROPULSION	190,919	195,919
		Program increase		[5,000]
008	0602204F	AEROSPACE SENSORS	166,534	166,534
009	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT—MAJOR HEADQUARTERS ACTIVITIES.	8,288	8,288
011	0602602F	CONVENTIONAL MUNITIONS	112,841	112,841
012	0602605F	DIRECTED ENERGY TECHNOLOGY	141,898	141,898
013	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	162,420	172,420
		Enhance and accelerate Air Force artificial intelligence research.		[10,000]
014	0602890F	HIGH ENERGY LASER RESEARCH	43,359	45,859
		Directed energy research		[2,500]
015	1206601F	SPACE TECHNOLOGY	117,645	117,645
		SUBTOTAL APPLIED RESEARCH	**1,312,342**	**1,356,842**
		ADVANCED TECHNOLOGY DEVELOPMENT		
016	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	34,426	42,926
		Metals Affordability Initiative		[8,500]
017	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	15,150	15,150
018	0603203F	ADVANCED AEROSPACE SENSORS	39,968	39,968
019	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	121,002	126,002
		Design/Manufacture aircraft aft body drag reduction devices.		[5,000]
020	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	115,462	124,462
		General program increase		[9,000]
021	0603270F	ELECTRONIC COMBAT TECHNOLOGY	55,319	55,319
022	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	54,895	54,895
023	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	10,674	10,674
024	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	36,463	41,463
		Autonomous life support system development		[5,000]
025	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	194,981	194,981
026	0603605F	ADVANCED WEAPONS TECHNOLOGY	43,368	53,368
		Demonstrator laser weapon system		[10,000]
027	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	42,025	47,025
		Academic and industrial partnerships for aerospace materials.		[5,000]
028	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	51,064	51,064
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**814,797**	**857,297**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
030	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,568	5,568
032	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	18,194	18,194

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033	0603790F	NATO RESEARCH AND DEVELOPMENT	2,305	2,305
035	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	41,856	41,856
037	0604015F	LONG RANGE STRIKE—BOMBER	2,314,196	2,314,196
038	0604201F	INTEGRATED AVIONICS PLANNING AND DEVELOPMENT.	14,894	14,894
039	0604257F	ADVANCED TECHNOLOGY AND SENSORS	34,585	34,585
040	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP	9,740	9,740
041	0604317F	TECHNOLOGY TRANSFER	12,960	12,960
042	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	71,501	69,701
		Program excess		[–1,800]
043	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	62,618	62,618
046	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	28,350	28,350
048	0604858F	TECH TRANSITION PROGRAM	1,186,075	1,333,875
		Acceleration of Hypersonic Conventional Strike Weapon.		[100,000]
		Competitively Awarded Transition Programs		[5,000]
		Rapid Sustainment Initiative		[42,800]
049	0605230F	GROUND BASED STRATEGIC DETERRENT	345,041	414,441
		Accelerated execution of program		[69,400]
050	0207110F	NEXT GENERATION AIR DOMINANCE	503,997	443,997
		Ahead of need		[–60,000]
051	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).	40,326	40,326
052	0208099F	UNIFIED PLATFORM (UP)	29,800	29,800
054	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	41,880	41,880
055	0305601F	MISSION PARTNER ENVIRONMENTS	10,074	10,074
056	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	253,825	253,825
057	0306415F	ENABLED CYBER ACTIVITIES	16,325	16,325
059	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM.	17,577	17,577
060	1203164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	286,629	286,629
061	1203710F	EO/IR WEATHER SYSTEMS	7,940	7,940
062	1206422F	WEATHER SYSTEM FOLLOW-ON	138,052	144,052
		Commercial weather data pilot		[6,000]
063	1206425F	SPACE SITUATION AWARENESS SYSTEMS	39,338	29,338
		Ahead of need		[–10,000]
064	1206434F	MIDTERM POLAR MILSATCOM SYSTEM	383,113	383,113
065	1206438F	SPACE CONTROL TECHNOLOGY	91,018	91,018
066	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	45,542	45,542
067	1206760F	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES).	51,419	51,419
068	1206761F	PROTECTED TACTICAL SERVICE (PTS)	29,776	29,776
069	1206855F	PROTECTED SATCOM SERVICES (PSCS)—AGGREGATED.	29,379	29,379
070	1206857F	OPERATIONALLY RESPONSIVE SPACE	366,050	371,050
		Blackjack		[110,000]
		Space RCO Advanced Solar Power—early to need		[–105,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**6,529,943**	**6,686,343**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
071	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS.	39,602	39,602
072	0604201F	INTEGRATED AVIONICS PLANNING AND DEVELOPMENT.	58,531	58,531
073	0604222F	NUCLEAR WEAPONS SUPPORT	4,468	4,468
074	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,909	1,909
075	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	207,746	257,746
		Increase to accelerate 21st Century Battle Management Command and Control.		[50,000]
076	0604287F	PHYSICAL SECURITY EQUIPMENT	14,421	14,421
077	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	73,158	73,158
081	0604429F	AIRBORNE ELECTRONIC ATTACK	7,153	7,153

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083	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	58,590	58,590
084	0604604F	SUBMUNITIONS	2,990	2,990
085	0604617F	AGILE COMBAT SUPPORT	20,028	20,028
086	0604618F	JOINT DIRECT ATTACK MUNITION	15,787	15,787
087	0604706F	LIFE SUPPORT SYSTEMS	8,919	8,919
088	0604735F	COMBAT TRAINING RANGES	35,895	43,895
		Advanced threat radar system		[8,000]
089	0604800F	F–35—EMD	69,001	69,001
091	0604932F	LONG RANGE STANDOFF WEAPON	614,920	699,920
		Accelerated execution of program		[85,000]
092	0604933F	ICBM FUZE MODERNIZATION	172,902	172,902
097	0605221F	KC–46	88,170	83,170
		Excess to need		[–5,000]
098	0605223F	ADVANCED PILOT TRAINING	265,465	265,465
099	0605229F	COMBAT RESCUE HELICOPTER	457,652	457,652
105	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT	3,617	3,617
106	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	261,758	261,758
107	0101125F	NUCLEAR WEAPONS MODERNIZATION	91,907	91,907
108	0207171F	F–15 EPAWSS	137,095	137,095
109	0207328F	STAND IN ATTACK WEAPON	43,175	20,575
		Excess to need		[–22,600]
110	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	14,888	14,888
111	0207701F	FULL COMBAT MISSION TRAINING	1,015	1,015
115	0307581F	JSTARS RECAP		30,000
		Continue JSTARS recap GMTI radar development		[30,000]
116	0401310F	C–32 EXECUTIVE TRANSPORT RECAPITALIZATION	7,943	7,943
117	0401319F	PRESIDENTIAL AIRCRAFT RECAPITALIZATION (PAR).	673,032	673,032
118	0701212F	AUTOMATED TEST SYSTEMS	13,653	13,653
119	1203176F	COMBAT SURVIVOR EVADER LOCATOR	939	939
120	1203269F	GPS IIIC	451,889	433,889
		SMI insufficient justification		[–18,000]
121	1203940F	SPACE SITUATION AWARENESS OPERATIONS	46,668	46,668
122	1206421F	COUNTERSPACE SYSTEMS	20,676	20,676
123	1206425F	SPACE SITUATION AWARENESS SYSTEMS	134,463	134,463
124	1206426F	SPACE FENCE	20,215	20,215
125	1206431F	ADVANCED EHF MILSATCOM (SPACE)	151,506	151,506
126	1206432F	POLAR MILSATCOM (SPACE)	27,337	27,337
127	1206433F	WIDEBAND GLOBAL SATCOM (SPACE)	3,970	3,970
128	1206441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.	60,565	60,565
129	1206442F	EVOLVED SBIRS	643,126	743,126
		Accelerate sensor development		[100,000]
130	1206853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	245,447	245,447
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**5,272,191**	**5,499,591**
		MANAGEMENT SUPPORT		
131	0604256F	THREAT SIMULATOR DEVELOPMENT	34,256	34,256
132	0604759F	MAJOR T&E INVESTMENT	91,844	106,844
		Test infrastructure improvements		[15,000]
133	0605101F	RAND PROJECT AIR FORCE	34,614	34,614
135	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	18,043	18,043
136	0605807F	TEST AND EVALUATION SUPPORT	692,784	724,684
		Test range modernization		[31,900]
137	0605826F	ACQ WORKFORCE- GLOBAL POWER	233,924	233,924
138	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS	263,488	263,488
139	0605828F	ACQ WORKFORCE- GLOBAL REACH	153,591	153,591
140	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS	232,315	232,315
141	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT	169,868	169,868
142	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	226,219	226,219
143	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY.	38,400	38,400
144	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	125,761	125,761
147	0605898F	MANAGEMENT HQ—R&D	10,642	10,642

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148	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	162,216	162,216
149	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	28,888	28,888
150	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	35,285	35,285
153	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	20,545	20,545
154	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	12,367	12,367
155	0804731F	GENERAL SKILL TRAINING	1,448	1,448
157	1001004F	INTERNATIONAL ACTIVITIES	3,998	3,998
158	1206116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT.	23,254	23,254
159	1206392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE.	169,912	169,912
160	1206398F	SPACE & MISSILE SYSTEMS CENTER—MHA	10,508	10,508
161	1206860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	19,721	19,721
162	1206864F	SPACE TEST PROGRAM (STP)	25,620	25,620
		SUBTOTAL MANAGEMENT SUPPORT	**2,839,511**	**2,886,411**
		OPERATIONAL SYSTEMS DEVELOPMENT		
165	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	11,344	11,344
167	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS).	47,287	41,102
		Poor agile development implementation and lenghty delivery timeline.		[–6,185]
168	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	32,770	32,770
169	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION.	68,368	68,368
170	0605278F	HC/MC–130 RECAP RDT&E	32,574	32,574
171	0606018F	NC3 INTEGRATION	26,112	26,112
172	0606942F	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	99,100	99,100
173	0101113F	B–52 SQUADRONS	280,414	295,173
		Air Force requested realignment		[14,759]
174	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	5,955	5,955
175	0101126F	B–1B SQUADRONS	76,030	63,230
		FITP delayed new start		[–12,800]
176	0101127F	B–2 SQUADRONS	105,561	105,561
177	0101213F	MINUTEMAN SQUADRONS	156,047	156,047
179	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS.	10,442	10,442
180	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK.	22,833	22,833
181	0101328F	ICBM REENTRY VEHICLES	18,412	18,412
183	0102110F	UH–1N REPLACEMENT PROGRAM	288,022	288,022
184	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	9,252	9,252
186	0205219F	MQ–9 UAV	115,345	115,345
188	0207131F	A–10 SQUADRONS	26,738	26,738
189	0207133F	F–16 SQUADRONS	191,564	191,564
190	0207134F	F–15E SQUADRONS	192,883	201,483
		ALQ–128 EW suite for ANG units		[50,000]
		Operational flight plan funding excess to need		[–41,400]
191	0207136F	MANNED DESTRUCTIVE SUPPRESSION	15,238	15,238
192	0207138F	F–22A SQUADRONS	603,553	588,453
		Program reduction		[–15,100]
193	0207142F	F–35 SQUADRONS	549,501	549,501
194	0207161F	TACTICAL AIM MISSILES	37,230	37,230
195	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	61,393	61,393
196	0207227F	COMBAT RESCUE—PARARESCUE	647	647
198	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	14,891	14,891
199	0207253F	COMPASS CALL	13,901	13,901
200	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	121,203	121,203
202	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	60,062	60,062

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203	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	106,102	98,102
		Unjustified request		[–8,000]
204	0207412F	CONTROL AND REPORTING CENTER (CRC)	6,413	6,413
205	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	120,664	113,384
		Increase to accelerate 21st Century Battle Management Command and Control.		[10,000]
		Radar controller program delay		[–17,280]
206	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,659	2,659
208	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,316	10,316
209	0207444F	TACTICAL AIR CONTROL PARTY-MOD	6,149	6,149
210	0207448F	C2ISR TACTICAL DATA LINK	1,738	1,738
211	0207452F	DCAPES	13,297	13,297
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	1,788	1,788
213	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS).	14,888	14,888
214	0207590F	SEEK EAGLE	24,699	24,699
215	0207601F	USAF MODELING AND SIMULATION	17,078	17,078
216	0207605F	WARGAMING AND SIMULATION CENTERS	6,141	6,141
218	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,225	4,225
219	0208006F	MISSION PLANNING SYSTEMS	63,653	63,653
220	0208007F	TACTICAL DECEPTION	6,949	6,949
221	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	40,526	40,526
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	24,166	24,166
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	13,000	13,000
224	0208099F	UNIFIED PLATFORM (UP)	28,759	28,759
229	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	3,579	3,579
230	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES).	29,620	29,620
237	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	6,633	6,633
238	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	57,758	57,758
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	99,088	85,388
		Underexecution		[–13,700]
241	0303133F	HIGH FREQUENCY RADIO SYSTEMS	51,612	51,612
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	34,612	34,612
244	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,170	2,170
246	0304260F	AIRBORNE SIGINT ENTERPRISE	106,873	109,873
		SIGINT single-pod development		[3,000]
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	3,472	3,472
250	0305015F	C2 AIR OPERATIONS SUITE—C2 INFO SERVICES	8,608	8,608
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY.	1,586	1,586
252	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,492	4,492
254	0305111F	WEATHER SERVICE	26,942	26,942
255	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	6,271	8,771
		Augmentation of air surveillance and early warning radar systems.		[2,500]
256	0305116F	AERIAL TARGETS	8,383	8,383
259	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	418	418
261	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	3,845	3,845
268	0305202F	DRAGON U–2	48,518	65,518
		EO/IR sensor upgrades		[17,000]
270	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	175,334	185,334
		Gorgon Stare		[10,000]
271	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,223	14,223
272	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	24,554	24,554
273	0305220F	RQ–4 UAV	221,690	221,690
274	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	14,288	14,288
275	0305238F	NATO AGS	51,527	51,527
276	0305240F	SUPPORT TO DCGS ENTERPRISE	26,579	26,579

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278	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	8,464	8,464
280	0305881F	RAPID CYBER ACQUISITION	4,303	4,303
284	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,466	2,466
285	0307577F	INTELLIGENCE MISSION DATA (IMD)	4,117	4,117
287	0401115F	C–130 AIRLIFT SQUADRON	105,988	105,988
288	0401119F	C–5 AIRLIFT SQUADRONS (IF)	25,071	25,071
289	0401130F	C–17 AIRCRAFT (IF)	48,299	48,299
290	0401132F	C–130J PROGRAM	15,409	15,409
291	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	4,334	4,334
292	0401218F	KC–135S	3,493	3,493
293	0401219F	KC–10S	6,569	6,569
294	0401314F	OPERATIONAL SUPPORT AIRLIFT	3,172	3,172
295	0401318F	CV–22	18,502	18,502
296	0401840F	AMC COMMAND AND CONTROL SYSTEM	1,688	1,688
297	0408011F	SPECIAL TACTICS / COMBAT CONTROL	2,541	2,541
298	0702207F	DEPOT MAINTENANCE (NON-IF)	1,897	1,897
299	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	50,933	50,933
300	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	13,787	13,787
301	0708611F	SUPPORT SYSTEMS DEVELOPMENT	4,497	4,497
302	0804743F	OTHER FLIGHT TRAINING	2,022	2,022
303	0808716F	OTHER PERSONNEL ACTIVITIES	108	108
304	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,023	2,023
305	0901218F	CIVILIAN COMPENSATION PROGRAM	3,772	3,772
306	0901220F	PERSONNEL ADMINISTRATION	6,358	6,358
307	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,418	1,418
308	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	99,734	93,834
		Poor agile development implementation		[–5,900]
309	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES.	14,161	14,161
310	1202247F	AF TENCAP	26,986	26,986
311	1203001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	80,168	80,168
312	1203110F	SATELLITE CONTROL NETWORK (SPACE)	17,808	17,808
314	1203165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	8,937	8,937
315	1203173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	59,935	59,935
316	1203174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	21,019	21,019
317	1203179F	INTEGRATED BROADCAST SERVICE (IBS)	8,568	8,568
318	1203182F	SPACELIFT RANGE SYSTEM (SPACE)	10,641	10,641
319	1203265F	GPS III SPACE SEGMENT	144,543	144,543
320	1203400F	SPACE SUPERIORITY INTELLIGENCE	16,278	16,278
321	1203614F	JSPOC MISSION SYSTEM	72,256	62,256
		Assumed cost savings		[–10,000]
322	1203620F	NATIONAL SPACE DEFENSE CENTER	42,209	42,209
325	1203913F	NUDET DETECTION SYSTEM (SPACE)	19,778	19,778
326	1203940F	SPACE SITUATION AWARENESS OPERATIONS	19,572	19,572
327	1206423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	513,235	513,235
327A	9999999999	CLASSIFIED PROGRAMS	16,534,124	16,534,124
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**22,891,740**	**22,868,634**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**40,178,343**	**40,677,937**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	37,023	37,023
002	0601101E	DEFENSE RESEARCH SCIENCES	422,130	416,130
		Program decrease		[–6,000]
003	0601110D8Z	BASIC RESEARCH INITIATIVES	42,702	42,702
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	47,825	57,825

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		TBI Treatment for blast injuries		[10,000]
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	85,919	85,919
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	30,412	40,412
		Program increase		[10,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	42,103	42,103
		SUBTOTAL BASIC RESEARCH	**708,114**	**722,114**
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,170	21,670
		Insensitive munitions		[2,500]
009	0602115E	BIOMEDICAL TECHNOLOGY	101,300	101,300
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	51,596	51,596
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	60,688	60,688
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY.	395,317	395,317
014	0602383E	BIOLOGICAL WARFARE DEFENSE	38,640	38,640
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	192,674	192,674
016	0602668D8Z	CYBER SECURITY RESEARCH	14,969	14,969
017	0602702E	TACTICAL TECHNOLOGY	335,466	332,966
		General program increase		[2,500]
		MAD-FIRES reduction		[–5,000]
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	226,898	218,898
		General program reduction		[–8,000]
019	0602716E	ELECTRONICS TECHNOLOGY	333,847	333,847
020	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	161,151	157,151
		JIDO program decrease		[–4,000]
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	9,300	9,300
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT	35,921	35,921
		SUBTOTAL APPLIED RESEARCH	**1,976,937**	**1,964,937**
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,598	25,598
024	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	125,271	111,271
		General program reduction		[–14,000]
025	0603133D8Z	FOREIGN COMPARATIVE TESTING	24,532	24,532
027	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	299,858	270,858
		JIDO program decrease		[–29,000]
028	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT.	13,017	13,017
029	0603178C	WEAPONS TECHNOLOGY		10,000
		Accelerate hypersonic defense capability		[10,000]
031	0603180C	ADVANCED RESEARCH	20,365	42,365
		Accelerate hypersonic missile defense		[22,000]
032	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	18,644	18,644
034	0603286E	ADVANCED AEROSPACE SYSTEMS	277,603	282,603
		Hypersonics weapons programs development and transition.		[5,000]
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	254,671	254,671
036	0603288D8Z	ANALYTIC ASSESSMENTS	19,472	19,472
037	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS.	37,263	37,263
038	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA.	13,621	13,621
039	0603294C	COMMON KILL VEHICLE TECHNOLOGY	189,753	100,753
		Early to need		[–89,000]
040	0603342D8W	DEFENSE INNOVATION UNIT EXPERIMENTAL (DIUX).	29,364	29,364
041	0603375D8Z	TECHNOLOGY INNOVATION	83,143	83,143
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	142,826	142,826
043	0603527D8Z	RETRACT LARCH	161,128	161,128

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044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	12,918	12,918
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.	106,049	106,049
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	12,696	12,696
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	114,637	114,637
048	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	49,667	52,167
		General program increase		[2,500]
049	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT.	48,338	48,338
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	11,778	12,778
		General program increase		[1,000]
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	76,514	86,514
		Readiness Increase		[10,000]
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	168,931	173,931
		Tunable filter, support for microelectronics development.		[5,000]
054	0603727D8Z	JOINT WARFIGHTING PROGRAM	5,992	5,992
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,099	118,599
		Support for the Electronics Resurgence Initiative		[7,500]
056	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	185,984	185,984
057	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	438,569	434,069
		General program reduction		[–4,500]
058	0603767E	SENSOR TECHNOLOGY	190,128	191,628
		Sensors and processing systems technology		[1,500]
059	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	13,564	13,564
060	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	15,050	15,050
061	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	69,626	59,626
		General program reduction		[–10,000]
062	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	19,415	19,415
063	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	69,533	69,533
064	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	96,389	111,389
		Hypersonics and directed energy test		[10,000]
		Workforce development		[5,000]
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.	40,582	45,582
		Readiness Increase		[5,000]
066	0303310D8Z	CWMD SYSTEMS	26,644	26,644
067	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	79,380	79,380
067A	0603XXXD8Z	NATIONAL SECURITY INNOVATION ACTIVITIES		75,000
		Establish office for capital investment		[75,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**3,699,612**	**3,712,612**
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,140	28,140
069	0603600D8Z	WALKOFF	92,222	92,222
070	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES.	2,506	2,506
071	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	40,016	42,016
		Readiness Increase		[2,000]
072	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	214,173	398,273
		Accelerate USFK JEON delivery		[184,100]
073	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	926,359	817,359
		Address cyber threats		[8,000]
		Forward financed in the FY18 Omnibus		[–117,000]

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074	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	129,886	129,886
075	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	220,876	249,876
		Accelerate USFK JEON delivery		[24,000]
		Address cyber threats		[5,000]
076	0603890C	BMD ENABLING PROGRAMS	540,926	540,926
077	0603891C	SPECIAL PROGRAMS—MDA	422,348	422,348
078	0603892C	AEGIS BMD	767,539	767,539
081	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	475,168	483,168
		Address cyber threats		[8,000]
082	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	48,767	48,767
083	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	54,925	54,925
084	0603906C	REGARDING TRENCH	16,916	16,916
085	0603907C	SEA BASED X-BAND RADAR (SBX)	149,715	136,715
		Forward financed in the FY18 Omnibus		[–13,000]
086	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
087	0603914C	BALLISTIC MISSILE DEFENSE TEST	365,681	452,581
		Accelerate USFK JEON delivery		[71,900]
		Address cyber threats		[15,000]
088	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	517,852	491,352
		Accelerate USFK JEON delivery		[4,500]
		Address cyber threats		[5,000]
		Forward financed in the FY18 Omnibus		[–36,000]
089	0603920D8Z	HUMANITARIAN DEMINING	11,347	11,347
090	0603923D8Z	COALITION WARFARE	8,528	8,528
091	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM.	3,477	8,477
		Corrosion prevention		[5,000]
092	0604115C	TECHNOLOGY MATURATION INITIATIVES	148,822	203,822
		Address cyber threats		[5,000]
		Laser scaling for boost phase intercept		[50,000]
093	0604132D8Z	MISSILE DEFEAT PROJECT	58,607	58,607
094	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	12,993	0
		JIDO program decrease		[–12,993]
095	0604181C	HYPERSONIC DEFENSE	120,444	130,944
		Accelerate hypersonic defense capability		[10,500]
096	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	1,431,702	1,431,702
		Program reduction		[–50,000]
		Quartermaster Pathfinder		[50,000]
097	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	233,142	238,642
		New trust approach development		[5,500]
098	0604331D8Z	RAPID PROTOTYPING PROGRAM	99,333	99,333
098A	0604342D8Z	DEFENSE TECHNOLOGY OFFSET		100,000
		Directed energy		[100,000]
099	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,781	3,781
100	0604673C	PACIFIC DISCRIMINATING RADAR	95,765	95,765
101	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,768	3,768
103	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	22,435	22,435
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	164,562	164,562
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	561,220	421,820
		Forward financed in the FY18 Omnibus		[–139,400]
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	61,017	61,017
107	0604878C	AEGIS BMD TEST	95,756	95,756
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	81,001	81,001
109	0604880C	LAND-BASED SM–3 (LBSM3)	27,692	27,692
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	81,934	72,634

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		Forward financed in the FY18 Omnibus		[–9,300]
112	0604894C	MULTI-OBJECT KILL VEHICLE	8,256	6,870
		Unjustifed growth		[–1,386]
113	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS.	2,600	2,600
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	3,104	3,104
115	0305103C	CYBER SECURITY INITIATIVE	985	985
116	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	36,955	36,955
117	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	16,484	94,484
		Address cyber threats		[5,000]
		Develop space sensor architecture		[73,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	**8,709,725**	**8,962,146**
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
118	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	8,333	8,333
119	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.	263,414	413,414
		Accelerate program		[150,000]
120	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD.	388,701	388,701
121	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	19,503	19,503
122	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	6,163	6,163
123	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,988	11,988
124	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	296	296
125	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,489	1,489
126	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	9,590	9,590
127	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	3,173	3,173
128	0605075D8Z	DCMO POLICY AND INTEGRATION	2,105	2,105
129	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM.	21,156	21,156
130	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS).	10,731	10,731
132	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	6,374	6,374
133	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	56,178	58,678
		New trust approach development		[2,500]
134	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	2,512	2,512
135	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	2,435	2,435
136	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	17,048	17,048
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	**831,189**	**983,689**
		MANAGEMENT SUPPORT		
137	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,661	6,661
138	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,088	4,088
139	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	258,796	268,796
		Advanced hypersonic wind tunnel experimentation		[10,000]
140	0604942D8Z	ASSESSMENTS AND EVALUATIONS	31,356	31,356
141	0605001E	MISSION SUPPORT	65,646	65,646
142	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	84,184	89,184
		Cyber range capacity and development		[5,000]
143	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	22,576	22,576
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	52,565	52,565
146	0605142D8Z	SYSTEMS ENGINEERING	38,872	38,872
147	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,534	3,534

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148	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,050	5,050
149	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	11,450	11,450
150	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,693	1,693
151	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	102,883	102,883
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,545	2,545
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	24,487	24,487
161	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	56,853	56,853
162	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	24,914	24,914
163	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	20,179	25,179
		Improve software testing capabilities		[5,000]
164	0605898E	MANAGEMENT HQ—R&D	13,643	13,643
165	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	4,124	4,124
166	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	5,768	5,768
167	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	1,030	1,030
168	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT.	1,000	1,000
169	0606942C	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	3,400	3,400
170	0606942S	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	4,000	4,000
171	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	3,008	3,008
172	0204571J	JOINT STAFF ANALYTICAL SUPPORT	6,658	6,658
175	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	652	652
176	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	1,005	1,005
177	0305172K	COMBINED ADVANCED APPLICATIONS	21,363	21,363
180	0305245D8Z	INTELLIGENCE CAPABILITIES AND INNOVATION INVESTMENTS.	109,529	109,529
181	0306310D8Z	CWMD SYSTEMS: RDT&E MANAGEMENT SUPPORT	1,244	1,244
184	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	42,940	42,940
185	0901598C	MANAGEMENT HQ—MDA	28,626	28,626
187	0903235K	JOINT SERVICE PROVIDER (JSP)	5,104	5,104
188A	9999999999	CLASSIFIED PROGRAMS	45,604	45,604
		SUBTOTAL MANAGEMENT SUPPORT	**1,117,030**	**1,137,030**
		OPERATIONAL SYSTEM DEVELOPMENT		
189	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	9,750	9,750
190	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,855	1,855
191	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	304	304
192	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	10,376	10,376
193	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT.	5,915	5,915
194	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	5,869	5,869
195	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	48,741	48,741
196	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,037	3,037
197	0208045K	C4I INTEROPERABILITY	62,814	62,814
203	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	16,561	16,561
204	0303126K	LONG-HAUL COMMUNICATIONS—DCS	14,769	14,769
205	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	17,579	17,579
207	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	31,737	31,737
208	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	7,940	17,940
		Expand cyber scholarship program		[10,000]

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209	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	229,252	229,252
210	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	19,611	19,611
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	46,900	46,900
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	7,570	7,570
213	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	7,947	7,947
215	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	39,400	39,400
224	0305186D8Z	POLICY R&D PROGRAMS	6,262	6,262
225	0305199D8Z	NET CENTRICITY	16,780	16,780
227	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	6,286	6,286
230	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	2,970	2,970
233	0305327V	INSIDER THREAT	5,954	5,954
234	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,198	2,198
240	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	6,889	6,889
242	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,317	1,317
243	0708012S	PACIFIC DISASTER CENTERS	1,770	1,770
244	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	1,805	1,805
246	1105219BB	MQ–9 UAV	18,403	18,403
248	1160403BB	AVIATION SYSTEMS	184,993	179,993
		Realignment of funds		[–5,000]
249	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	10,625	10,625
250	1160408BB	OPERATIONAL ENHANCEMENTS	102,307	102,307
251	1160431BB	WARRIOR SYSTEMS	46,942	46,942
252	1160432BB	SPECIAL PROGRAMS	2,479	2,479
253	1160434BB	UNMANNED ISR	27,270	27,270
254	1160480BB	SOF TACTICAL VEHICLES	1,121	1,121
255	1160483BB	MARITIME SYSTEMS	42,471	42,471
256	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,780	4,780
257	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	12,176	12,176
258	1203610K	TELEPORT PROGRAM	2,323	2,323
258A	9999999999	CLASSIFIED PROGRAMS	3,877,898	3,887,898
		Classified increase		[10,000]
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	**4,973,946**	**4,988,946**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**22,016,553**	**22,471,474**
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	85,685	85,685
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	64,332	64,332
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	70,992	81,892
		Increase for test and evaluation technologies		[10,900]
		SUBTOTAL MANAGEMENT SUPPORT	**221,009**	**231,909**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.	**221,009**	**231,909**
		TOTAL RDT&E	**91,056,950**	**91,727,403**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
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Line	Program Element	Item	FY 2019 Request	Conference Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
056	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING.	1,000	1,000

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Line	Program Element	Item	FY 2019 Request	Conference Authorized
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	1,500	1,500
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	3,000	3,000
076	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD).	23,000	23,000
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**28,500**	**28,500**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
088	0604328A	TRACTOR CAGE	12,000	12,000
100	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	119,300	119,300
125	0605032A	TRACTOR TIRE	66,760	66,760
128	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	2,670	2,670
136	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	34,933	34,933
147	0303032A	TROJAN—RH12	1,200	1,200
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**236,863**	**236,863**
		OPERATIONAL SYSTEMS DEVELOPMENT		
184	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	2,548	2,548
185	0607133A	TRACTOR SMOKE	7,780	7,780
206	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	2,000	2,000
209	0205402A	INTEGRATED BASE DEFENSE—OPERATIONAL SYSTEM DEV.	8,000	8,000
216	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	23,199	23,199
226	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	14,000	14,000
231	0307665A	BIOMETRICS ENABLED INTELLIGENCE	2,214	2,214
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**59,741**	**59,741**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**325,104**	**325,104**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
041	0603527N	RETRACT LARCH	18,000	18,000
061	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	13,900	13,900
074	0603795N	LAND ATTACK TECHNOLOGY	1,400	1,400
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**33,300**	**33,300**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
149	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,100	1,100
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**1,100**	**1,100**
		OPERATIONAL SYSTEMS DEVELOPMENT		
236	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	16,130	16,130
268A	9999999999	CLASSIFIED PROGRAMS	117,282	117,282
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**133,412**	**133,412**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**167,812**	**167,812**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
065	1206438F	SPACE CONTROL TECHNOLOGY	1,100	1,100
070	1206857F	OPERATIONALLY RESPONSIVE SPACE	12,395	12,395
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**13,495**	**13,495**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2019 Request	Conference Authorized
		OPERATIONAL SYSTEMS DEVELOPMENT		
186	0205219F	MQ–9 UAV	4,500	4,500
187	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,000	4,000
188	0207131F	A–10 SQUADRONS	1,000	1,000
217	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	42,349	42,349
228	0208288F	INTEL DATA APPLICATIONS	1,200	1,200
254	0305111F	WEATHER SERVICE	3,000	3,000
268	0305202F	DRAGON U–2	22,100	22,100
272	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	29,500	29,500
310	1202247F	AF TENCAP	5,000	5,000
327A	9999999999	CLASSIFIED PROGRAMS	188,127	188,127
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**300,776**	**300,776**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**314,271**	**314,271**
		ADVANCED TECHNOLOGY DEVELOPMENT		
024	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	25,000	25,000
026	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	13,648	13,648
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**38,648**	**38,648**
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
094	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	242,668	158,507
		JIDO program adjustment		[–84,161]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	**242,668**	**242,668**
		OPERATIONAL SYSTEM DEVELOPMENT		
250	1160408BB	OPERATIONAL ENHANCEMENTS	3,632	3,632
251	1160431BB	WARRIOR SYSTEMS	11,040	11,040
253	1160434BB	UNMANNED ISR	11,700	11,700
254	1160480BB	SOF TACTICAL VEHICLES	725	725
258A	9999999999	CLASSIFIED PROGRAMS	192,131	192,131
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	**219,228**	**219,228**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**500,544**	**416,383**
		TOTAL RDT&E	**1,307,731**	**1,223,570**

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	2,076,360	1,785,360
	Excess growth		[–15,000]
	Readiness restoration		[9,400]
	Realign OCO requirements from Base to OCO		[–285,400]
020	MODULAR SUPPORT BRIGADES	107,946	109,746
	Readiness restoration		[1,800]
030	ECHELONS ABOVE BRIGADE	732,485	740,085
	Readiness restoration		[7,600]
040	THEATER LEVEL ASSETS	1,169,508	1,187,808
	Readiness restoration		[18,300]
050	LAND FORCES OPERATIONS SUPPORT	1,180,460	1,197,960
	Readiness restoration		[17,500]
060	AVIATION ASSETS	1,467,500	1,435,300
	Readiness restoration		[17,800]
	Unjustified program growth		[–50,000]
070	FORCE READINESS OPERATIONS SUPPORT	4,285,211	4,285,211
080	LAND FORCES SYSTEMS READINESS	482,201	482,201
090	LAND FORCES DEPOT MAINTENANCE	1,536,851	1,476,751
	Readiness restoration		[111,200]
	Realign OCO requirements from Base to OCO		[–171,300]
100	BASE OPERATIONS SUPPORT	8,274,299	8,260,144
	Operation and Maintenance, Army DSMOA		[10,000]
	Unjustified growth		[–24,155]
110	FACILITIES SUSTAINMENT	3,516,859	2,472,978
	85% Sustainment		[175,469]
	Realignment of FSRM funds to new RM and Demo lines		[–1,219,350]
111	FACILITIES RESTORATION & MODERNIZATION		1,054,140
	Realignment of FSRM funds to new RM and Demo lines		[1,054,140]
112	FACILITIES DEMOLITION		215,210
	Program increase		[50,000]
	Realignment of FSRM funds to new RM and Demo lines		[165,210]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	438,733	438,733
180	US AFRICA COMMAND	231,518	231,518
190	US EUROPEAN COMMAND	150,268	150,268
200	US SOUTHERN COMMAND	195,964	210,264
	SOUTHCOM ABN GFE Sensor (GEOINT/SIGINT)		[4,200]
	SOUTHCOM Cyber HUMINT (CME/OPS)		[1,000]
	SOUTHCOM OSINT/PAI (CME/LIC/TOOLS)		[1,600]
	SOUTHCOM Overland Airborne ISR Flight Hours		[7,200]
	SOUTHCOM SIGINT Suite COMSAT RF		[300]
210	US FORCES KOREA	59,625	59,625
	SUBTOTAL OPERATING FORCES	**25,905,788**	**25,793,302**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	MOBILIZATION		
220	STRATEGIC MOBILITY	370,941	370,941
230	ARMY PREPOSITIONED STOCKS	573,560	573,560
240	INDUSTRIAL PREPAREDNESS	7,678	7,678
	SUBTOTAL MOBILIZATION	**952,179**	**952,179**
	TRAINING AND RECRUITING		
250	OFFICER ACQUISITION	135,832	135,832
260	RECRUIT TRAINING	54,819	54,819
270	ONE STATION UNIT TRAINING	69,599	69,599
280	SENIOR RESERVE OFFICERS TRAINING CORPS	518,998	518,998
290	SPECIALIZED SKILL TRAINING	1,020,073	1,007,073
	Program decrease unaccounted for		[–13,000]
300	FLIGHT TRAINING	1,082,190	1,082,190
310	PROFESSIONAL DEVELOPMENT EDUCATION	220,399	220,399
320	TRAINING SUPPORT	611,482	611,482
330	RECRUITING AND ADVERTISING	698,962	612,085
	Marketing Cuts		[–86,877]
340	EXAMINING	162,049	162,049
350	OFF-DUTY AND VOLUNTARY EDUCATION	215,622	215,622
360	CIVILIAN EDUCATION AND TRAINING	176,914	176,914
370	JUNIOR RESERVE OFFICER TRAINING CORPS	174,430	177,570
	Program increase		[3,140]
	SUBTOTAL TRAINING AND RECRUITING	**5,141,369**	**5,044,632**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	588,047	588,047
400	CENTRAL SUPPLY ACTIVITIES	931,462	931,462
410	LOGISTIC SUPPORT ACTIVITIES	696,114	696,114
420	AMMUNITION MANAGEMENT	461,637	461,637
430	ADMINISTRATION	447,564	447,564
440	SERVICEWIDE COMMUNICATIONS	2,069,127	2,069,127
450	MANPOWER MANAGEMENT	261,021	261,021
460	OTHER PERSONNEL SUPPORT	379,541	379,541
470	OTHER SERVICE SUPPORT	1,699,767	1,687,767
	Program decrease unaccounted for		[–12,000]
480	ARMY CLAIMS ACTIVITIES	192,686	192,686
490	REAL ESTATE MANAGEMENT	240,917	240,917
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	291,569	291,569
510	INTERNATIONAL MILITARY HEADQUARTERS	442,656	442,656
520	MISC. SUPPORT OF OTHER NATIONS	48,251	48,251
565	CLASSIFIED PROGRAMS	1,259,622	1,259,622
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**10,009,981**	**9,997,981**
	UNDISTRIBUTED		
570	UNDISTRIBUTED		–710,000
	Army misrepresentation of civilian pay budget request		[–100,000]
	Foreign Currency adjustments		[–137,000]
	Historical unobligated balances		[–473,000]
	SUBTOTAL UNDISTRIBUTED		**–710,000**
	TOTAL OPERATION & MAINTENANCE, ARMY	**42,009,317**	**41,078,094**
	OPERATION & MAINTENANCE, ARMY RES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	13,867	13,867
020	ECHELONS ABOVE BRIGADE	536,438	536,438
030	THEATER LEVEL ASSETS	113,225	113,225
040	LAND FORCES OPERATIONS SUPPORT	551,141	551,141
050	AVIATION ASSETS	89,073	89,073
060	FORCE READINESS OPERATIONS SUPPORT	409,531	409,531
070	LAND FORCES SYSTEMS READINESS	101,411	101,411
080	LAND FORCES DEPOT MAINTENANCE	60,114	60,114
090	BASE OPERATIONS SUPPORT	595,728	579,728
	Program decrease unaccounted for		[–16,000]
100	FACILITIES SUSTAINMENT	304,658	263,065
	Realignment of FSRM funds to new RM and Demo lines		[–71,593]
	Sustainment recovery		[30,000]
101	FACILITIES RESTORATION & MODERNIZATION		49,176
	Realignment of FSRM funds to new RM and Demo lines		[49,176]
102	FACILITIES DEMOLITION		22,417
	Realignment of FSRM funds to new RM and Demo lines		[22,417]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	22,175	22,175
	SUBTOTAL OPERATING FORCES	**2,797,361**	**2,811,361**
	ADMIN & SRVWD ACTIVITIES		
120	SERVICEWIDE TRANSPORTATION	11,832	11,832
130	ADMINISTRATION	18,218	18,218
140	SERVICEWIDE COMMUNICATIONS	25,069	25,069
150	MANPOWER MANAGEMENT	6,248	6,248
160	RECRUITING AND ADVERTISING	58,181	58,181
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**119,548**	**119,548**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,916,909**	**2,930,909**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	810,269	790,269
	Unjustified growth		[–20,000]
020	MODULAR SUPPORT BRIGADES	193,402	193,402
030	ECHELONS ABOVE BRIGADE	753,815	753,815
040	THEATER LEVEL ASSETS	84,124	84,124
050	LAND FORCES OPERATIONS SUPPORT	31,881	31,881
060	AVIATION ASSETS	973,874	973,874
070	FORCE READINESS OPERATIONS SUPPORT	784,086	784,086
080	LAND FORCES SYSTEMS READINESS	51,353	51,353
090	LAND FORCES DEPOT MAINTENANCE	221,633	221,633
100	BASE OPERATIONS SUPPORT	1,129,942	1,114,942
	Program decrease unaccounted for		[–15,000]
110	FACILITIES SUSTAINMENT	919,947	888,760
	Realignment of FSRM funds to new RM and Demo lines		[–101,187]
	Sustainment recovery		[70,000]
111	FACILITIES RESTORATION & MODERNIZATION		85,859
	Realignment of FSRM funds to new RM and Demo lines		[85,859]
112	FACILITIES DEMOLITION		15,328
	Realignment of FSRM funds to new RM and Demo lines		[15,328]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,010,524	1,010,524
	SUBTOTAL OPERATING FORCES	**6,964,850**	**6,999,850**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	10,017	10,017
140	ADMINISTRATION	72,746	72,746
150	SERVICEWIDE COMMUNICATIONS	83,105	83,105
160	MANPOWER MANAGEMENT	10,678	10,678
170	OTHER PERSONNEL SUPPORT	254,753	254,753
180	REAL ESTATE MANAGEMENT	3,146	3,146
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**434,445**	**434,445**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,399,295**	**7,434,295**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	5,372,399	5,327,478
	Unjustified growth		[–44,921]
020	FLEET AIR TRAINING	2,023,351	2,021,351
	Advanced skills management		[–2,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	56,225	56,225
040	AIR OPERATIONS AND SAFETY SUPPORT	156,081	156,081
050	AIR SYSTEMS SUPPORT	682,379	676,440
	Unjustified growth		[–5,939]
060	AIRCRAFT DEPOT MAINTENANCE	1,253,756	1,291,156
	Readiness restoration		[37,400]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	66,649	66,649
080	AVIATION LOGISTICS	939,368	939,368
090	MISSION AND OTHER SHIP OPERATIONS	4,439,566	4,413,287
	Excess growth		[–26,279]
100	SHIP OPERATIONS SUPPORT & TRAINING	997,663	997,663
110	SHIP DEPOT MAINTENANCE	8,751,526	8,900,126
	Readiness restoration		[116,600]
	Western Pacific Dry Dock capability		[32,000]
120	SHIP DEPOT OPERATIONS SUPPORT	2,168,876	2,168,876
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,349,593	1,326,293
	Fiscal year 2018 decrease not properly accounted		[–25,000]
	SOUTHCOM CCO Sensor Integration		[1,700]
150	SPACE SYSTEMS AND SURVEILLANCE	215,255	215,255
160	WARFARE TACTICS	632,446	617,446
	Unjustified growth		[–15,000]
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	373,046	373,046
180	COMBAT SUPPORT FORCES	1,452,075	1,452,075
190	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	153,719	153,719
210	COMBATANT COMMANDERS CORE OPERATIONS	63,039	63,039
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	89,339	89,339
230	MILITARY INFORMATION SUPPORT OPERATIONS	8,475	8,475
240	CYBERSPACE ACTIVITIES	424,088	424,088
260	FLEET BALLISTIC MISSILE	1,361,947	1,361,947
280	WEAPONS MAINTENANCE	823,952	823,952
290	OTHER WEAPON SYSTEMS SUPPORT	494,101	494,101

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
300	ENTERPRISE INFORMATION	921,936	876,936
	General reduction		[–45,000]
310	FACILITIES SUSTAINMENT	2,040,389	1,986,642
	FSRM to 100% max executable		[310,000]
	Realignment of FSRM funds to new RM and Demo lines		[–363,747]
311	FACILITIES RESTORATION & MODERNIZATION		243,745
	Realignment of FSRM funds to new RM and Demo lines		[243,745]
312	FACILITIES DEMOLITION		160,002
	Program increase		[40,000]
	Realignment of FSRM funds to new RM and Demo lines		[120,002]
320	BASE OPERATING SUPPORT	4,414,753	4,414,753
	SUBTOTAL OPERATING FORCES	**41,725,992**	**42,099,553**
	MOBILIZATION		
330	SHIP PREPOSITIONING AND SURGE	549,142	549,142
340	READY RESERVE FORCE	310,805	310,805
360	SHIP ACTIVATIONS/INACTIVATIONS	161,150	161,150
370	EXPEDITIONARY HEALTH SERVICES SYSTEMS	120,338	120,338
390	COAST GUARD SUPPORT	24,097	24,097
	SUBTOTAL MOBILIZATION	**1,165,532**	**1,165,532**
	TRAINING AND RECRUITING		
400	OFFICER ACQUISITION	145,481	145,481
410	RECRUIT TRAINING	9,637	9,637
420	RESERVE OFFICERS TRAINING CORPS	149,687	149,687
430	SPECIALIZED SKILL TRAINING	879,557	793,557
	Ready, Relevant Learning funding ahead of need		[–86,000]
450	PROFESSIONAL DEVELOPMENT EDUCATION	184,436	186,136
	Naval Sea Cadets		[1,700]
460	TRAINING SUPPORT	223,159	223,159
470	RECRUITING AND ADVERTISING	181,086	181,086
480	OFF-DUTY AND VOLUNTARY EDUCATION	96,006	96,006
490	CIVILIAN EDUCATION AND TRAINING	72,083	72,083
500	JUNIOR ROTC	54,156	55,106
	Program increase		[950]
	SUBTOTAL TRAINING AND RECRUITING	**1,995,288**	**1,911,938**
	ADMIN & SRVWD ACTIVITIES		
510	ADMINISTRATION	1,089,964	1,069,964
	Program decrease		[–20,000]
530	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	164,074	164,074
540	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	418,350	418,350
580	SERVICEWIDE TRANSPORTATION	167,106	167,106
600	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	333,556	333,556
610	ACQUISITION, LOGISTICS, AND OVERSIGHT	663,690	663,690
650	INVESTIGATIVE AND SECURITY SERVICES	705,087	705,087
765	CLASSIFIED PROGRAMS	574,994	584,994
	Classified adjustment		[10,000]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,116,821**	**4,106,821**
	UNDISTRIBUTED		
770	UNDISTRIBUTED		–269,600
	Foreign Currency adjustments		[–35,900]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	Historical unobligated balances		[–233,700]
	SUBTOTAL UNDISTRIBUTED		**–269,600**
	TOTAL OPERATION & MAINTENANCE, NAVY	**49,003,633**	**49,014,244**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	873,320	883,235
	Additional parts & spares to support intermediate & organizational maintenance		[8,200]
	Additional training requirements		[4,200]
	Unjustified growth		[–2,485]
020	FIELD LOGISTICS	1,094,187	1,094,187
030	DEPOT MAINTENANCE	314,182	341,082
	Readiness restoration		[26,900]
040	MARITIME PREPOSITIONING	98,136	98,136
050	CYBERSPACE ACTIVITIES	183,546	183,546
060	FACILITIES SUSTAINMENT	832,636	736,354
	85% Sustainment		[42,400]
	Realignment of FSRM funds to new RM and Demo lines		[–138,682]
061	FACILITIES RESTORATION & MODERNIZATION		61,469
	Realignment of FSRM funds to new RM and Demo lines		[61,469]
062	FACILITIES DEMOLITION		107,213
	Program increase		[30,000]
	Realignment of FSRM funds to new RM and Demo lines		[77,213]
070	BASE OPERATING SUPPORT	2,151,390	2,116,390
	Program decrease unaccounted for		[–35,000]
	SUBTOTAL OPERATING FORCES	**5,547,397**	**5,621,612**
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	16,453	16,453
090	OFFICER ACQUISITION	1,144	1,144
100	SPECIALIZED SKILL TRAINING	106,360	106,360
110	PROFESSIONAL DEVELOPMENT EDUCATION	46,096	46,096
120	TRAINING SUPPORT	389,751	389,751
130	RECRUITING AND ADVERTISING	201,662	201,662
140	OFF-DUTY AND VOLUNTARY EDUCATION	32,461	32,461
150	JUNIOR ROTC	24,217	24,607
	Program increase		[390]
	SUBTOTAL TRAINING AND RECRUITING	**818,144**	**818,534**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	29,735	29,735
170	ADMINISTRATION	386,375	376,375
	Fiscal year 2018 decrease not properly accounted		[–10,000]
225	CLASSIFIED PROGRAMS	50,859	50,859
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**466,969**	**456,969**
	UNDISTRIBUTED		
230	UNDISTRIBUTED		–29,400
	Foreign Currency adjustments		[–8,900]
	Historical unobligated balances		[–20,500]
	SUBTOTAL UNDISTRIBUTED		**–29,400**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**6,832,510**	**6,867,715**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	569,584	569,584
020	INTERMEDIATE MAINTENANCE	6,902	6,902
030	AIRCRAFT DEPOT MAINTENANCE	109,776	109,776
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	538	538
050	AVIATION LOGISTICS	18,888	18,888
060	SHIP OPERATIONS SUPPORT & TRAINING	574	574
070	COMBAT COMMUNICATIONS	17,561	17,561
080	COMBAT SUPPORT FORCES	121,070	119,030
	Insufficient budget justification		[–2,040]
090	CYBERSPACE ACTIVITIES	337	337
100	ENTERPRISE INFORMATION	23,964	23,964
110	FACILITIES SUSTAINMENT	36,356	41,151
	Realignment of FSRM funds to new RM and Demo lines		[–5,205]
	Sustainment recovery		[10,000]
111	FACILITIES RESTORATION & MODERNIZATION		3,205
	Realignment of FSRM funds to new RM and Demo lines		[3,205]
112	FACILITIES DEMOLITION		2,000
	Realignment of FSRM funds to new RM and Demo lines		[2,000]
120	BASE OPERATING SUPPORT	103,562	103,562
	SUBTOTAL OPERATING FORCES	**1,009,112**	**1,017,072**
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,868	1,868
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	12,849	12,849
160	ACQUISITION AND PROGRAM MANAGEMENT	3,177	3,177
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**17,894**	**17,894**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,027,006**	**1,034,966**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	99,173	101,173
	Additional training requirements		[2,000]
020	DEPOT MAINTENANCE	19,430	19,430
030	FACILITIES SUSTAINMENT	39,962	25,666
	Realignment of FSRM funds to new RM and Demo lines		[–22,296]
	Sustainment recovery		[8,000]
031	FACILITIES RESTORATION & MODERNIZATION		22,296
	Realignment of FSRM funds to new RM and Demo lines		[22,296]
040	BASE OPERATING SUPPORT	101,829	101,829
	SUBTOTAL OPERATING FORCES	**260,394**	**270,394**
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	11,176	11,176
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**11,176**	**11,176**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**271,570**	**281,570**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	758,178	783,178
	Increase for F–35 sustainment to accelerate depot component repair capability		[25,000]
020	COMBAT ENHANCEMENT FORCES	1,509,027	1,227,027
	Programming error—BACN		[–282,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,323,330	1,323,330
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,511,830	3,583,170
	Fiscal year 2018 decrease not properly accounted		[–13,160]
	Readiness restoration		[46,500]
	Restoration of U–2 Tail #80–1099		[38,000]
050	FACILITIES SUSTAINMENT	2,892,705	2,598,824
	85% Sustainment		[152,000]
	Realignment of FSRM funds to new RM and Demo lines		[–445,881]
051	FACILITIES RESTORATION & MODERNIZATION		420,861
	Realignment of FSRM funds to new RM and Demo lines		[420,861]
052	FACILITIES DEMOLITION		67,020
	Program increase		[42,000]
	Realignment of FSRM funds to new RM and Demo lines		[25,020]
060	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	7,613,084	7,993,784
	Increase for JSTARS buy-back		[95,900]
	Readiness restoration		[74,800]
	Unjustified growth		[–90,000]
	WSS to 100% executable		[300,000]
070	FLYING HOUR PROGRAM	4,345,208	4,242,799
	Increase for JSTARS buy-back		[50,000]
	Unjustified growth		[–152,409]
080	BASE SUPPORT	5,989,215	5,989,215
090	GLOBAL C3I AND EARLY WARNING	928,023	928,023
100	OTHER COMBAT OPS SPT PROGRAMS	1,080,956	1,080,956
110	CYBERSPACE ACTIVITIES	879,032	813,032
	Air Force requested transfer to SAG 42B		[–66,000]
130	LAUNCH FACILITIES	183,777	183,777
140	SPACE CONTROL SYSTEMS	404,072	404,072
170	US NORTHCOM/NORAD	187,375	187,375
180	US STRATCOM	529,902	529,902
190	US CYBERCOM	329,474	329,474
200	US CENTCOM	166,024	166,024
210	US SOCOM	723	723
220	US TRANSCOM	535	535
225	CLASSIFIED PROGRAMS	1,164,810	1,164,810
	SUBTOTAL OPERATING FORCES	**33,797,280**	**34,017,911**
	MOBILIZATION		
230	AIRLIFT OPERATIONS	1,307,695	1,242,695
	Fiscal year 2018 decrease not properly accounted		[–65,000]
240	MOBILIZATION PREPAREDNESS	144,417	144,417
	SUBTOTAL MOBILIZATION	**1,452,112**	**1,387,112**
	TRAINING AND RECRUITING		
280	OFFICER ACQUISITION	133,187	133,187
290	RECRUIT TRAINING	25,041	25,041

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
300	RESERVE OFFICERS TRAINING CORPS (ROTC)	117,338	117,338
330	SPECIALIZED SKILL TRAINING	401,996	401,996
340	FLIGHT TRAINING	477,064	477,064
350	PROFESSIONAL DEVELOPMENT EDUCATION	276,423	276,423
360	TRAINING SUPPORT	95,948	95,948
380	RECRUITING AND ADVERTISING	154,530	154,530
390	EXAMINING	4,132	4,132
400	OFF-DUTY AND VOLUNTARY EDUCATION	223,150	223,150
410	CIVILIAN EDUCATION AND TRAINING	209,497	209,497
420	JUNIOR ROTC	59,908	60,908
	Program increase		[1,000]
	SUBTOTAL TRAINING AND RECRUITING	**2,178,214**	**2,179,214**
	ADMIN & SRVWD ACTIVITIES		
430	LOGISTICS OPERATIONS	681,788	681,788
440	TECHNICAL SUPPORT ACTIVITIES	117,812	117,812
480	ADMINISTRATION	953,102	933,102
	Unjustified growth		[–20,000]
490	SERVICEWIDE COMMUNICATIONS	358,389	424,389
	Air Force requested transfer from SAG 12D		[66,000]
500	OTHER SERVICEWIDE ACTIVITIES	1,194,862	1,194,862
510	CIVIL AIR PATROL	29,594	29,594
540	INTERNATIONAL SUPPORT	74,959	74,959
545	CLASSIFIED PROGRAMS	1,222,456	1,222,456
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,632,962**	**4,678,962**
	UNDISTRIBUTED		
550	UNDISTRIBUTED		–164,600
	Foreign Currency adjustments		[–68,000]
	Historical unobligated balances		[–239,000]
	Procurement of 7 DABs for PACOM		[142,400]
	SUBTOTAL UNDISTRIBUTED		**–164,600**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**42,060,568**	**42,098,599**
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,853,437	1,838,437
	Unjustified growth		[–15,000]
020	MISSION SUPPORT OPERATIONS	205,369	205,369
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	345,576	347,476
	Readiness restoration		[1,900]
040	FACILITIES SUSTAINMENT	120,736	111,903
	Additional demo		[2,800]
	Realignment of FSRM funds to new RM and Demo lines		[–27,633]
	Sustainment recovery		[16,000]
041	FACILITIES RESTORATION & MODERNIZATION		27,633
	Realignment of FSRM funds to new RM and Demo lines		[27,633]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	241,239	293,239
	Readiness restoration		[52,000]
060	BASE SUPPORT	385,922	385,922
	SUBTOTAL OPERATING FORCES	**3,152,279**	**3,209,979**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
070	ADMINISTRATION	71,188	71,188
080	RECRUITING AND ADVERTISING	19,429	19,429
090	MILITARY MANPOWER AND PERS MGMT (ARPC)	9,386	9,386
100	OTHER PERS SUPPORT (DISABILITY COMP)	7,512	7,512
110	AUDIOVISUAL	440	440
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**107,955**	**107,955**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,260,234**	**3,317,934**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,619,940	2,581,540
	Restoring O&M associated with buyback of 3 PMAI JSTARS aircraft		[1,600]
	Unjustified program growth		[–40,000]
020	MISSION SUPPORT OPERATIONS	623,265	623,265
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	748,287	748,287
040	FACILITIES SUSTAINMENT	303,792	289,700
	Realignment of FSRM funds to new RM and Demo lines		[–34,092]
	Sustainment recovery		[20,000]
041	FACILITIES RESTORATION & MODERNIZATION		31,696
	Realignment of FSRM funds to new RM and Demo lines		[31,696]
042	FACILITIES DEMOLITION		2,396
	Realignment of FSRM funds to new RM and Demo lines		[2,396]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,061,759	1,064,759
	Readiness restoration		[3,000]
060	BASE SUPPORT	988,333	1,000,233
	PFAS Transfer		[11,000]
	Readiness restoration		[900]
	SUBTOTAL OPERATING FORCES	**6,345,376**	**6,341,876**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
070	ADMINISTRATION	45,711	45,711
080	RECRUITING AND ADVERTISING	36,535	36,535
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**82,246**	**82,246**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,427,622**	**6,424,122**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	430,215	432,715
	Operational logistics exercise elements		[2,500]
020	JOINT CHIEFS OF STAFF—CE2T2	602,186	602,186
040	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	5,389,250	5,312,200
	Civilian pay ahead of need		[–10,700]
	Program decrease		[–66,350]
	SUBTOTAL OPERATING FORCES	**6,421,651**	**6,347,101**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	TRAINING AND RECRUITING		
050	DEFENSE ACQUISITION UNIVERSITY	181,601	181,601
060	JOINT CHIEFS OF STAFF	96,565	96,565
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	370,583	370,583
	SUBTOTAL TRAINING AND RECRUITING	**648,749**	**648,749**
	ADMIN & SRVWIDE ACTIVITIES		
080	CIVIL MILITARY PROGRAMS	166,131	181,131
	STARBASE		[15,000]
100	DEFENSE CONTRACT AUDIT AGENCY	625,633	625,633
110	DEFENSE CONTRACT MANAGEMENT AGENCY	1,465,354	1,465,354
120	DEFENSE HUMAN RESOURCES ACTIVITY	859,923	859,923
130	DEFENSE INFORMATION SYSTEMS AGENCY	2,106,930	2,104,995
	Excess growth		[–1,935]
150	DEFENSE LEGAL SERVICES AGENCY	27,403	27,403
160	DEFENSE LOGISTICS AGENCY	379,275	387,775
	Procurement Technical Assistance Program (PTAP)		[8,500]
170	DEFENSE MEDIA ACTIVITY	207,537	207,537
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	130,696	130,696
190	DEFENSE SECURITY COOPERATION AGENCY	754,711	686,744
	Program reduction—maintain level of effort		[–67,967]
200	DEFENSE SECURITY SERVICE	789,175	779,175
	Program excess growth		[–10,000]
220	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	34,951	34,951
230	DEFENSE THREAT REDUCTION AGENCY	553,329	553,329
250	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,892,284	2,942,284
	Impact Aid for Children with Severe Disabilities		[10,000]
	Impact aid for schools with military dependent students		[40,000]
260	MISSILE DEFENSE AGENCY	499,817	499,817
280	OFFICE OF ECONOMIC ADJUSTMENT	70,035	70,035
290	OFFICE OF THE SECRETARY OF DEFENSE	1,519,655	1,587,655
	Commission on Aircraft Safety		[5,000]
	Cyber Commission		[4,000]
	CDC PFOS/PFOA Health Study Increment		[10,000]
	Clearinghouse		[1,000]
	Defense Environmental International Cooperations (DEIC)		[1,000]
	Defense Fellows Program		[10,000]
	DOD emerging contaminants		[1,000]
	DOD environmental resilience		[1,000]
	DW Vietnam dioxin remediation		[15,000]
	Establish Artificial Intelligence commission		[10,000]
	Readiness and Environmental Protection Initiative Increase		[10,000]
300	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	97,787	97,787
310	WASHINGTON HEADQUARTERS SERVICES	456,407	456,407
315	CLASSIFIED PROGRAMS	15,645,192	15,645,192
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**29,282,225**	**29,343,823**
	UNDISTRIBUTED		
320	UNDISTRIBUTED		–279,800
	Foreign Currency adjustments		[–17,200]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	Historical unobligated balances		[–262,600]
	SUBTOTAL UNDISTRIBUTED		**–279,800**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**36,352,625**	**36,059,873**
	US COURT OF APPEALS FOR ARMED FORCES, DEF		
	ADMINISTRATION AND ASSOCIATED ACTIVITIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,662	14,662
	SUBTOTAL ADMINISTRATION AND ASSOCIATED ACTIVITIES	**14,662**	**14,662**
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	**14,662**	**14,662**
	DOD ACQUISITION WORKFORCE DEVELOPMENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	400,000	400,000
	SUBTOTAL ACQUISITION WORKFORCE DEVELOPMENT	**400,000**	**400,000**
	TOTAL DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	**400,000**	**400,000**
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	107,663	107,663
	SUBTOTAL HUMANITARIAN ASSISTANCE	**107,663**	**107,663**
	TOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	**107,663**	**107,663**
	COOPERATIVE THREAT REDUCTION ACCOUNT		
	FSU THREAT REDUCTION		
010	FORMER SOVIET UNION (FSU) THREAT REDUCTION	335,240	335,240
	SUBTOTAL FSU THREAT REDUCTION	**335,240**	**335,240**
	TOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	**335,240**	**335,240**
	ENVIRONMENTAL RESTORATION, ARMY		
	DEPARTMENT OF THE ARMY		
060	ENVIRONMENTAL RESTORATION, ARMY	203,449	213,449
	PFOS/PFOA remediation increase		[10,000]
	SUBTOTAL DEPARTMENT OF THE ARMY	**203,449**	**213,449**
	TOTAL ENVIRONMENTAL RESTORATION, ARMY	**203,449**	**213,449**
	ENVIRONMENTAL RESTORATION, NAVY		
	DEPARTMENT OF THE NAVY		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
080	ENVIRONMENTAL RESTORATION, NAVY	329,253	339,253
	PFOS/PFOA remediation increase		[10,000]
	SUBTOTAL DEPARTMENT OF THE NAVY	**329,253**	**339,253**
	TOTAL ENVIRONMENTAL RESTORATION, NAVY	**329,253**	**339,253**
	ENVIRONMENTAL RESTORATION, AIR FORCE		
	DEPARTMENT OF THE AIR FORCE		
100	ENVIRONMENTAL RESTORATION, AIR FORCE	296,808	335,808
	PFOS/PFOA remediation increase		[50,000]
	PFOS/PFOA remediation to ANG		[–11,000]
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	**296,808**	**335,808**
	TOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	**296,808**	**335,808**
	ENVIRONMENTAL RESTORATION, DEFENSE		
	DEFENSE-WIDE		
120	ENVIRONMENTAL RESTORATION, DEFENSE	8,926	8,926
	SUBTOTAL DEFENSE-WIDE	**8,926**	**8,926**
	TOTAL ENVIRONMENTAL RESTORATION, DEFENSE	**8,926**	**8,926**
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
	DEFENSE-WIDE		
140	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	212,346	212,346
	SUBTOTAL DEFENSE-WIDE	**212,346**	**212,346**
	TOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	**212,346**	**212,346**
	TOTAL OPERATION & MAINTENANCE	**199,469,636**	**198,509,668**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	1,179,339	1,464,739
	Realign OCO requirements from Base to OCO		[285,400]
030	ECHELONS ABOVE BRIGADE	25,983	25,983
040	THEATER LEVEL ASSETS	2,189,916	2,189,916
050	LAND FORCES OPERATIONS SUPPORT	188,609	188,609
060	AVIATION ASSETS	120,787	120,787
070	FORCE READINESS OPERATIONS SUPPORT	3,867,286	3,867,286
080	LAND FORCES SYSTEMS READINESS	550,068	550,068
090	LAND FORCES DEPOT MAINTENANCE	195,873	367,173
	Realign OCO requirements from Base to OCO		[171,300]
100	BASE OPERATIONS SUPPORT	109,560	109,560
110	FACILITIES SUSTAINMENT	60,807	60,807

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
140	ADDITIONAL ACTIVITIES	5,992,222	5,992,222
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	10,000	10,000
160	RESET	1,036,454	1,036,454
180	US AFRICA COMMAND	248,796	248,796
190	US EUROPEAN COMMAND	98,127	98,127
200	US SOUTHERN COMMAND	2,550	2,550
	SUBTOTAL OPERATING FORCES	**15,876,377**	**16,333,077**
	MOBILIZATION		
230	ARMY PREPOSITIONED STOCKS	158,753	158,753
	SUBTOTAL MOBILIZATION	**158,753**	**158,753**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	712,230	712,230
400	CENTRAL SUPPLY ACTIVITIES	44,168	44,168
410	LOGISTIC SUPPORT ACTIVITIES	5,300	5,300
420	AMMUNITION MANAGEMENT	38,597	38,597
460	OTHER PERSONNEL SUPPORT	109,019	109,019
490	REAL ESTATE MANAGEMENT	191,786	191,786
565	CLASSIFIED PROGRAMS	1,074,270	1,074,270
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**2,175,370**	**2,175,370**
	TOTAL OPERATION & MAINTENANCE, ARMY	**18,210,500**	**18,667,200**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
020	ECHELONS ABOVE BRIGADE	20,700	20,700
060	FORCE READINESS OPERATIONS SUPPORT	700	700
090	BASE OPERATIONS SUPPORT	20,487	20,487
	SUBTOTAL OPERATING FORCES	**41,887**	**41,887**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**41,887**	**41,887**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	42,519	42,519
020	MODULAR SUPPORT BRIGADES	778	778
030	ECHELONS ABOVE BRIGADE	12,093	12,093
040	THEATER LEVEL ASSETS	708	708
060	AVIATION ASSETS	28,135	28,135
070	FORCE READINESS OPERATIONS SUPPORT	5,908	5,908
100	BASE OPERATIONS SUPPORT	18,877	18,877
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	956	956
	SUBTOTAL OPERATING FORCES	**109,974**	**109,974**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE COMMUNICATIONS	755	755
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**755**	**755**
	TOTAL OPERATION & MAINTENANCE, ARNG	**110,729**	**110,729**
	AFGHAN NATIONAL ARMY		
090	SUSTAINMENT	1,522,777	1,522,777
100	INFRASTRUCTURE	137,732	137,732

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
110	EQUIPMENT AND TRANSPORTATION	71,922	71,922
120	TRAINING AND OPERATIONS	175,846	175,846
	SUBTOTAL AFGHAN NATIONAL ARMY	**1,908,277**	**1,908,277**
	AFGHAN NATIONAL POLICE		
130	SUSTAINMENT	527,554	527,554
140	INFRASTRUCTURE	42,984	42,984
150	EQUIPMENT AND TRANSPORTATION	14,554	14,554
160	TRAINING AND OPERATIONS	181,922	181,922
	SUBTOTAL AFGHAN NATIONAL POLICE	**767,014**	**767,014**
	AFGHAN AIR FORCE		
170	SUSTAINMENT	942,279	942,279
180	INFRASTRUCTURE	30,350	30,350
190	EQUIPMENT AND TRANSPORTATION	572,310	572,310
200	TRAINING AND OPERATIONS	277,191	277,191
	SUBTOTAL AFGHAN AIR FORCE	**1,822,130**	**1,822,130**
	AFGHAN SPECIAL SECURITY FORCES		
210	SUSTAINMENT	353,734	353,734
220	INFRASTRUCTURE	43,132	43,132
230	EQUIPMENT AND TRANSPORTATION	151,790	151,790
240	TRAINING AND OPERATIONS	153,373	153,373
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	**702,029**	**702,029**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**5,199,450**	**5,199,450**
	COUNTER-ISIS TRAIN AND EQUIP FUND		
	COUNTER-ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	850,000	850,000
020	SYRIA	300,000	300,000
030	OTHER	250,000	250,000
	SUBTOTAL COUNTER-ISIS TRAIN AND EQUIP FUND (CTEF)	**1,400,000**	**1,400,000**
	TOTAL COUNTER-ISIS TRAIN AND EQUIP FUND	**1,400,000**	**1,400,000**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	435,507	435,507
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	800	800
040	AIR OPERATIONS AND SAFETY SUPPORT	9,394	9,394
050	AIR SYSTEMS SUPPORT	193,384	193,384
060	AIRCRAFT DEPOT MAINTENANCE	173,053	173,053
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,524	3,524
080	AVIATION LOGISTICS	60,219	60,219
090	MISSION AND OTHER SHIP OPERATIONS	942,960	942,960
100	SHIP OPERATIONS SUPPORT & TRAINING	20,236	20,236
110	SHIP DEPOT MAINTENANCE	1,022,647	1,022,647
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	59,553	59,553
160	WARFARE TACTICS	16,651	16,651
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	31,118	31,118

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
180	COMBAT SUPPORT FORCES	635,560	635,560
190	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	4,334	4,334
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800
240	CYBERSPACE ACTIVITIES	355	355
280	WEAPONS MAINTENANCE	493,033	493,033
290	OTHER WEAPON SYSTEMS SUPPORT	12,780	12,780
310	FACILITIES SUSTAINMENT	67,321	67,321
320	BASE OPERATING SUPPORT	211,394	211,394
	SUBTOTAL OPERATING FORCES	**4,418,623**	**4,418,623**
	MOBILIZATION		
370	EXPEDITIONARY HEALTH SERVICES SYSTEMS	12,902	12,902
390	COAST GUARD SUPPORT	165,000	165,000
	SUBTOTAL MOBILIZATION	**177,902**	**177,902**
	TRAINING AND RECRUITING		
430	SPECIALIZED SKILL TRAINING	51,138	51,138
	SUBTOTAL TRAINING AND RECRUITING	**51,138**	**51,138**
	ADMIN & SRVWD ACTIVITIES		
510	ADMINISTRATION	4,145	4,145
540	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,503	7,503
580	SERVICEWIDE TRANSPORTATION	69,297	69,297
610	ACQUISITION, LOGISTICS, AND OVERSIGHT	10,912	10,912
650	INVESTIGATIVE AND SECURITY SERVICES	1,559	1,559
765	CLASSIFIED PROGRAMS	16,076	16,076
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**109,492**	**109,492**
	TOTAL OPERATION & MAINTENANCE, NAVY	**4,757,155**	**4,757,155**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	734,505	734,505
020	FIELD LOGISTICS	212,691	212,691
030	DEPOT MAINTENANCE	53,040	53,040
070	BASE OPERATING SUPPORT	23,047	23,047
	SUBTOTAL OPERATING FORCES	**1,023,283**	**1,023,283**
	TRAINING AND RECRUITING		
120	TRAINING SUPPORT	30,459	30,459
	SUBTOTAL TRAINING AND RECRUITING	**30,459**	**30,459**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	61,400	61,400
170	ADMINISTRATION	2,108	2,108
225	CLASSIFIED PROGRAMS	4,650	4,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**68,158**	**68,158**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,121,900**	**1,121,900**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
020	INTERMEDIATE MAINTENANCE	500	500
030	AIRCRAFT DEPOT MAINTENANCE	11,400	11,400

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
080	COMBAT SUPPORT FORCES	13,737	13,737
	SUBTOTAL OPERATING FORCES	**25,637**	**25,637**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**25,637**	**25,637**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	2,550	2,550
040	BASE OPERATING SUPPORT	795	795
	SUBTOTAL OPERATING FORCES	**3,345**	**3,345**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**3,345**	**3,345**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	166,274	166,274
020	COMBAT ENHANCEMENT FORCES	1,492,580	1,492,580
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	110,237	110,237
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	209,996	209,996
050	FACILITIES SUSTAINMENT	92,412	92,412
060	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,289,693	1,289,693
070	FLYING HOUR PROGRAM	2,355,264	2,355,264
080	BASE SUPPORT	1,141,718	1,141,718
090	GLOBAL C3I AND EARLY WARNING	13,537	13,537
100	OTHER COMBAT OPS SPT PROGRAMS	224,713	224,713
110	CYBERSPACE ACTIVITIES	17,353	17,353
120	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,098	36,098
130	LAUNCH FACILITIES	385	385
140	SPACE CONTROL SYSTEMS	38,966	38,966
170	US NORTHCOM/NORAD	725	725
180	US STRATCOM	2,056	2,056
190	US CYBERCOM	35,189	35,189
200	US CENTCOM	162,691	162,691
210	US SOCOM	19,000	19,000
	SUBTOTAL OPERATING FORCES	**7,408,887**	**7,408,887**
	MOBILIZATION		
230	AIRLIFT OPERATIONS	1,287,659	1,287,659
240	MOBILIZATION PREPAREDNESS	107,064	107,064
	SUBTOTAL MOBILIZATION	**1,394,723**	**1,394,723**
	TRAINING AND RECRUITING		
280	OFFICER ACQUISITION	300	300
290	RECRUIT TRAINING	340	340
330	SPECIALIZED SKILL TRAINING	25,327	25,327
340	FLIGHT TRAINING	844	844
350	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199
360	TRAINING SUPPORT	1,320	1,320
	SUBTOTAL TRAINING AND RECRUITING	**29,330**	**29,330**
	ADMIN & SRVWD ACTIVITIES		
430	LOGISTICS OPERATIONS	154,485	154,485
440	TECHNICAL SUPPORT ACTIVITIES	13,608	13,608
480	ADMINISTRATION	4,814	4,814

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
490	SERVICEWIDE COMMUNICATIONS	131,123	131,123
500	OTHER SERVICEWIDE ACTIVITIES	97,471	97,471
540	INTERNATIONAL SUPPORT	240	240
545	CLASSIFIED PROGRAMS	51,108	51,108
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**452,849**	**452,849**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,285,789**	**9,285,789**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	51,000	51,000
060	BASE SUPPORT	9,500	9,500
	SUBTOTAL OPERATING FORCES	**60,500**	**60,500**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**60,500**	**60,500**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,560	3,560
060	BASE SUPPORT	12,310	12,310
	SUBTOTAL OPERATING FORCES	**15,870**	**15,870**
	TOTAL OPERATION & MAINTENANCE, ANG	**15,870**	**15,870**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	28,671	28,671
040	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	3,733,161	3,733,161
	SUBTOTAL OPERATING FORCES	**3,761,832**	**3,761,832**
	ADMIN & SRVWIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	1,781	1,781
110	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723
130	DEFENSE INFORMATION SYSTEMS AGENCY	111,702	111,702
150	DEFENSE LEGAL SERVICES AGENCY	127,023	127,023
170	DEFENSE MEDIA ACTIVITY	14,377	14,377
190	DEFENSE SECURITY COOPERATION AGENCY	2,208,442	1,458,442
	Coalition Support Funds		[–550,000]
	Transfer of funds to Ukraine Security Assistance fund		[–200,000]
230	DEFENSE THREAT REDUCTION AGENCY	302,250	302,250
250	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	31,620	31,620
290	OFFICE OF THE SECRETARY OF DEFENSE	16,579	16,579
310	WASHINGTON HEADQUARTERS SERVICES	7,766	7,766
315	CLASSIFIED PROGRAMS	1,944,813	1,944,813
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**4,788,076**	**4,038,076**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**8,549,908**	**7,799,908**
	UKRAINE SECURITY ASSISTANCE		
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE		250,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2019 Request	Conference Authorized
	Program increase for defensive lethal assistance		[50,000]
	Transfer of funds from the Defense Security Cooperation Agency		[200,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE		**250,000**
	TOTAL UKRAINE SECURITY ASSISTANCE		**250,000**
	TOTAL OPERATION & MAINTENANCE	**48,782,670**	**48,739,370**

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.
Sec. 4402. Military personnel for overseas contingency operations.

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2019 Request	Conference Authorized
Military Personnel Appropriations	**140,689,301**	**139,524,021**
Foreign Currency adjustments		[–133,000]
Historical unobligated balances		[–1,308,500]
JROTC program increase		[1,220]
Permanently reverse BAH reduction for Military Housing Privatization Initiative		[275,000]
Medicare-Eligible Retiree Health Fund Contributions	**7,533,090**	**7,533,090**
Total, Military Personnel	**148,222,391**	**147,057,111**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2019 Request	Conference Authorized
Military Personnel Appropriations	**4,660,661**	**4,660,661**
Total, Military Personnel Appropriations	**4,660,661**	**4,660,661**

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.
Sec. 4502. Other authorizations for overseas contingency operations.

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2019 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2019 Request	Conference Authorized
ARMY ARSENALS INITIATIVE	59,002	59,002
ARMY SUPPLY MANAGEMENT	99,763	99,763
TOTAL WORKING CAPITAL FUND, ARMY	**158,765**	**158,765**
WORKING CAPITAL FUND, AIR FORCE		
SUPPLY MANAGEMENT	69,054	69,054
TOTAL WORKING CAPITAL FUND, AIR FORCE	**69,054**	**69,054**
WORKING CAPITAL FUND, DEFENSE-WIDE		
SUPPLY CHAIN MANAGEMENT—DEFENSE	48,096	48,096
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**48,096**	**48,096**
WORKING CAPITAL FUND, DECA		
COMMISSARY OPERATIONS	1,266,200	1,266,200
TOTAL WORKING CAPITAL FUND, DECA	**1,266,200**	**1,266,200**
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	105,997	105,997
RDT&E	886,728	886,728
PROCUREMENT	1,091	1,091
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**993,816**	**993,816**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	547,171	547,171
DRUG DEMAND REDUCTION PROGRAM	117,900	117,900
NATIONAL GUARD COUNTER-DRUG PROGRAM	117,178	137,178
Combatting opioid trafficking and abuse		[20,000]
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	5,276	5,276
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**787,525**	**807,525**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	327,611	327,611
RDT&E	1,602	1,602
PROCUREMENT	60	60
TOTAL OFFICE OF THE INSPECTOR GENERAL	**329,273**	**329,273**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,738,569	9,698,569
Other costs excess growth		[–16,000]
Pharmaceuticals excess growth		[–24,000]
PRIVATE SECTOR CARE	15,103,735	15,103,735
CONSOLIDATED HEALTH SUPPORT	2,107,961	2,107,961
INFORMATION MANAGEMENT	2,039,878	2,039,878
MANAGEMENT ACTIVITIES	307,629	307,629
EDUCATION AND TRAINING	756,778	759,278
Specialized medical pilot program		[2,500]
BASE OPERATIONS/COMMUNICATIONS	2,090,845	2,090,845
RESEARCH	11,386	11,386
EXPLORATRY DEVELOPMENT	75,010	75,010
ADVANCED DEVELOPMENT	275,258	275,258
DEMONSTRATION/VALIDATION	117,529	117,529
ENGINEERING DEVELOPMENT	151,985	161,985
FDA approved devices to detect and monitor traumatic brain injury		[10,000]

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2019 Request	Conference Authorized
MANAGEMENT AND SUPPORT	63,755	63,755
CAPABILITIES ENHANCEMENT	15,714	15,714
INITIAL OUTFITTING	33,056	33,056
REPLACEMENT & MODERNIZATION	343,424	343,424
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	496,680	496,680
UNDISTRIBUTED		–365,500
Historical unobligated balances		[–365,500]
TOTAL DEFENSE HEALTH PROGRAM	**33,729,192**	**33,336,192**
TOTAL OTHER AUTHORIZATIONS	**37,381,921**	**37,008,921**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2019 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
ARMY SUPPLY MANAGEMENT	6,600	6,600
TOTAL WORKING CAPITAL FUND, ARMY	**6,600**	**6,600**
WORKING CAPITAL FUND, AIR FORCE		
SUPPLY MANAGEMENT	8,590	8,590
TOTAL WORKING CAPITAL FUND, AIR FORCE	**8,590**	**8,590**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	153,100	153,100
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**153,100**	**153,100**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	24,692	24,692
TOTAL OFFICE OF THE INSPECTOR GENERAL	**24,692**	**24,692**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	72,627	72,627
PRIVATE SECTOR CARE	277,066	277,066
CONSOLIDATED HEALTH SUPPORT	2,375	2,375
TOTAL DEFENSE HEALTH PROGRAM	**352,068**	**352,068**
TOTAL OTHER AUTHORIZATIONS	**545,050**	**545,050**

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.
Sec. 4602. Military construction for overseas contingency operations.

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
	Alabama			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
Army	Anniston Army Depot	Weapon Maintenance Shop	5,200	5,200
	California			
Army	Fort Irwin	Multipurpose Range Complex	29,000	29,000
	Colorado			
Army	Fort Carson	Vehicle Maintenance Shop	77,000	77,000
	Georgia			
Army	Fort Gordon	Cyber Instructional Fac and Network Ctr.	99,000	99,000
	Germany			
Army	East Camp Grafenwoehr	Mission Training Complex	31,000	31,000
	Hawaii			
Army	Fort Shafter	Command and Control Facility, Incr 4	105,000	105,000
Army	Wheeler Army Airfield	Rotary Wing Parking Apron	0	50,000
	Honduras			
Army	Soto Cano Air Base	Barracks	21,000	21,000
	Indiana			
Army	Crane Army Ammunition Plant	Railcar Holding Area	16,000	16,000
	Kentucky			
Army	Fort Campbell	Microgird and Power Plant	0	18,000
Army	Fort Campbell	Vehicle Maintenance Shop	32,000	32,000
Army	Fort Knox	Digital Air/Ground Integration Range	26,000	26,000
	Korea			
Army	Camp Tango	Command and Control Facility	17,500	17,500
	Kuwait			
Army	Camp Arifjan	Vehicle Maintenance Shop	44,000	44,000
	Maryland			
Army	Fort Meade	Cantonment Area Roads	0	16,500
	New Jersey			
Army	Picatinny Arsenal	Munitions Disassembly Complex	41,000	41,000
	New Mexico			
Army	White Sands Missile Range	Information Systems Facility	40,000	40,000
	New York			
Army	U.S. Military Academy	Engineering Center	95,000	95,000
Army	U.S. Military Academy	Parking Structure	65,000	65,000
	North Carolina			
Army	Fort Bragg	Dining Facility	10,000	10,000
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 3, Ph2	52,000	52,000
	Texas			
Army	Fort Bliss	Supply Support Activity	24,000	24,000
Army	Fort Hood	Supply Support Activity	0	9,600
	Virginia			
Army	Arlington National Cemetery	Arlington National Cemetery (DAR)	0	30,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Force Protection and Safety	0	35,000
Army	Unspecified Worldwide Locations	Host Nation Support	34,000	34,000
Army	Unspecified Worldwide Locations	Planning and Design	5,000	5,000
Army	Unspecified Worldwide Locations	Planning and Design	71,068	71,068

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	72,000	72,000
Military Construction, Army Total			**1,011,768**	**1,170,868**
	Arizona			
Navy	Camp Navajo	Missile Motor Magazines and U&SI	0	14,800
	Bahamas			
Navy	Andros Island	AUTEC Austere Quarters	31,050	31,050
	Bahrain			
Navy	SW Asia	Fleet Maintenance Facility & TOC	26,340	26,340
	California			
Navy	Camp Pendleton	62 Area Mess Hall & Consolidated Warehouse.	0	0
Navy	Camp Pendleton	AAV-ACV Maintenance & Warehouse Facility.	49,410	49,410
Navy	Camp Pendleton	Electrical Upgrades	4,020	4,020
Navy	Camp Pendleton	Full Motion Trainer Facility	10,670	10,670
Navy	Camp Pendleton	Potable Water Distribution Improvements.	47,230	47,230
Navy	Camp Pendleton	Supply Warehouse SOI-West	0	16,600
Navy	Marine Corps Air Station Miramar	Airfield Security Improvements	11,500	11,500
Navy	Marine Corps Air Station Miramar	F–35 Vertical Landing Pads and Taxiway.	20,480	20,480
Navy	Naval Air Station Lemoore	Communications Line Ops to Admin	0	14,900
Navy	Naval Air Station Lemoore	F–35 Maintenance Hangar	112,690	112,690
Navy	Naval Base Coronado	Aircraft Paint Complex	0	0
Navy	Naval Base Coronado	CMV–22B Airfield Improvements	77,780	77,780
Navy	Naval Base San Diego	Harbor Drive Switching Station	48,440	48,440
Navy	Naval Base San Diego	LCS Mission Module Readiness Center	0	19,500
Navy	Naval Base San Diego	Pier 8 Replacement	108,100	48,747
Navy	Naval Base Ventura	Directed Energy Systems Intergration Lab.	22,150	22,150
Navy	Naval Base Ventura	Missile Assembly Build & High Explosive Mag.	31,010	31,010
Navy	Naval Weapons Station Seal Beach	Causeway, Boat Channel & Turning Basin.	117,830	77,830
Navy	Naval Weapons Station Seal Beach	Missile Magazines	0	21,800
	Cuba			
Navy	Naval Station Guantanamo Bay	Consolidated Fire Station	0	19,700
Navy	Naval Station Guantanamo Bay	Solid Waste Management Facility	85,000	85,000
	District of Columbia			
Navy	Naval Observatory	Master Time Clocks & Operations Facility.	115,600	40,000
	Florida			
Navy	Naval Air Station Whiting Field	Air Traffic Control Tower (North Field)	0	10,000
Navy	Naval Station Mayport	LCS Operational Training Facility Addition.	29,110	29,110

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
Navy	Naval Station Mayport	LCS Support Facility	82,350	82,350
	Georgia			
Navy	Marine Corps Base Albany	Welding and Body Repair Shop Facility	0	31,900
	Germany			
Navy	Panzer Kaserne	MARFOREUR HQ Modernization and Expansion.	43,950	43,950
	Guam			
Navy	Joint Region Marianas	ACE Gym & Dining	27,910	27,910
Navy	Joint Region Marianas	Earth Covered Magazines	52,270	52,270
Navy	Joint Region Marianas	Machine Gun Range	141,287	70,000
Navy	Joint Region Marianas	Ordnance Ops	22,020	22,020
Navy	Joint Region Marianas	Unaccompanied Enlisted Housing	36,170	36,170
Navy	Naval Base Guam	X-Ray Wharf Improvements (Berth 2)	0	75,600
	Hawaii			
Navy	Joint Base Pearl Harbor-Hickam	Drydock Waterfront Facility	45,000	45,000
Navy	Joint Base Pearl Harbor-Hickam	Water Transmission Line	78,320	78,320
Navy	Marine Corps Base Hawaii	Corrosion Control Hangar	66,100	66,100
	Japan			
Navy	Kadena Air Base	Tactical Operations Center	9,049	9,049
	Maine			
Navy	Portsmouth Naval Yard	Dry Dock #1 Superflood Basin	109,960	71,400
Navy	Portsmouth Naval Yard	Extend Portal Crane Rail	39,725	39,725
	Mississippi			
Navy	Naval Construction Battalion Center	Expeditionary Combat Skills Student Berthing.	0	22,300
	North Carolina			
Navy	Camp Lejeune	2nd Radio BN Complex, Phase 2	0	51,300
Navy	Marine Corps Air Station Cherry Point	Aircraft Maintenance Hangar	133,970	60,000
Navy	Marine Corps Air Station Cherry Point	Flightline Utility Modernization	106,860	55,000
	Pennsylvania			
Navy	Naval Support Activity Philadelphia	Submarine Propulsor Manufacturing Support Fac.	71,050	71,050
	South Carolina			
Navy	Marine Corps Air Station Beaufort	Cryogenics Facility	0	6,300
Navy	Marine Corps Air Station Beaufort	Recycling/Hazardous Waste Facility	9,517	9,517
Navy	Marine Corps Recruit Depot, Parris Island	Range Improvements & Modernization, Phase 2.	35,190	35,190
	Utah			
Navy	Hill Air Force Base	D5 Missile Motor Receipt/Storage Facility.	105,520	55,000
	Virginia			
Navy	Marine Corps Base Quantico	Ammunition Supply Point Upgrade, Phase 2.	0	13,100

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
Navy	Marine Corps Base Quantico	TBS Fire Station	21,980	0
Navy	Portsmouth Washington	Ships Maintenance Facility	26,120	26,120
Navy	Bangor	Pier and Maintenance Facility	88,960	88,960
Navy	Naval Air Station Whidbey Island	Fleet Support Facility	19,450	19,450
Navy	Naval Air Station Whidbey Island	Next Generation Jammer Facility	7,930	7,930
Navy	Worldwide Unspecified	Force Protection and Safety	0	35,000
Navy	Unspecified Worldwide Locations	Planning and Design	185,542	185,542
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	28,579	28,579
Military Construction, Navy Total			**2,543,189**	**2,412,859**
	Alaska			
AF	Eielson Air Force Base	F–35 Aircraft Maintenance Unit Admin Facility.	6,800	6,800
AF	Eielson Air Force Base	F–35 Conventional Munitions Maintenance Fac.	15,500	15,500
AF	Eielson Air Force Base	F–35A CATM Range	19,000	19,000
AF	Eielson Air Force Base	F–35A School Age Facility	22,500	22,500
	Arizona			
AF	Davis-Monthan Air Force Base	Age Facility	0	15,000
AF	Luke Air Force Base	F–35A Aircraft Maintenance Unit Facility.	23,000	23,000
AF	Luke Air Force Base	F–35A Squad Ops #6	17,000	17,000
	Arkansas			
AF	Little Rock Air Force Base	Dormitory - 168 PN	0	0
	Florida			
AF	Eglin Air Force Base	F–35A Integrated Trng Center Academics Bldg.	34,863	34,863
AF	Eglin Air Force Base	F–35A Student Dormitory II	28,000	28,000
AF	Macdill Air Force Base	KC135 Beddown Add Flight Simulator Training.	3,100	3,100
AF	Patrick Air Force Base	Main Gate	0	9,000
	Guam			
AF	Joint Region Marianas	Hayman Munitions Storage Igloos MSA 2.	9,800	9,800
	Louisiana			
AF	Barksdale Air Force Base	Entrance Road and Gate Complex	0	12,250
	Mariana Islands			
AF	Tinian	APR—Cargo Pad with Taxiway Extension.	46,000	46,000
AF	Tinian	APR—Maintenance Support Facility	4,700	4,700
	Maryland			
AF	Joint Base Andrews	Child Development Center	0	13,000
AF	Joint Base Andrews	MWD Facility	0	8,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
AF	Joint Base Andrews	PAR Relocate Haz Cargo Pad and EOD Range.	37,000	37,000
AF	Joint Base Andrews	Presidential Aircraft Recap Complex, Inc. 2.	154,000	129,116
	Massachusetts			
AF	Hanscom Air Force Base	MIT-Lincoln Laboratory (West Lab CSL/MIF).	225,000	105,000
	Nebraska			
AF	Offutt Air Force Base	Parking Lot, USSTRATCOM	9,500	9,500
	Nevada			
AF	Creech Air Force Base	MQ–9 CPIP GCS Operations Facility	28,000	28,000
AF	Creech Air Force Base	MQ–9 CPIP Operations & Command Center Fac..	31,000	31,000
AF	Nellis Air Force Base	CRH Simulator	5,900	5,900
	New Mexico			
AF	Holloman Air Force Base	MQ–9 FTU Ops Facility	85,000	85,000
AF	Kirtland Air Force Base	Wyoming Gate Upgrade for Anti-Terrorism Compliance.	0	7,000
	New York			
AF	Rome Lab	Anti-Terrorism Perimeter Security / Entry Control Point.	0	14,200
	North Dakota			
AF	Minot Air Force Base	Consolidated Helo/TRF Ops/AMU and Alert Fac.	66,000	66,000
	Ohio			
AF	Wright-Patterson Air Force Base	ADAL Intelligence Production Complex (NASIC).	116,100	61,000
	Oklahoma			
AF	Altus Air Force Base	KC–46A FTU/FTC Simulator Facility Ph 3.	12,000	12,000
AF	Tinker Air Force Base	KC–46A Depot Fuel Maintenance Hangar.	85,000	85,000
AF	Tinker Air Force Base	KC–46A Depot Maintenance Hangar	81,000	81,000
	Qatar			
AF	Al Udeid	Flightline Support Facilities	30,400	0
AF	Al Udeid	Personnel Deployment Processing Facility.	40,000	0
	South Carolina			
AF	Shaw Air Force Base	CPIP MQ–9 MCE Group	53,000	53,000
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 6	25,000	25,000
	United Kingdom			
AF	Royal Air Force Lakenheath	F–35A 6 Bay Hangar	39,036	39,036
AF	Royal Air Force Lakenheath	F–35A ADAL Conventional Munitions MX.	9,204	9,204
AF	Royal Air Force Lakenheath	F–35A ADAL Parts Store	13,926	13,926
AF	Royal Air Force Lakenheath	F–35A Age Facility	12,449	12,449
AF	Royal Air Force Lakenheath	F–35A Dorm	29,541	29,541
AF	Royal Air Force Lakenheath	F–35A Fuel System Maintenance Dock 2 Bay.	16,880	16,880
AF	Royal Air Force Lakenheath	F–35A Parking Apron	27,431	27,431
	Utah			
AF	Hill Air Force Base	Composite Aircraft Antenna Calibration Fac.	0	26,000
	Washington			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
AF	Fairchild—White Bluff	ADAL JPRA C2 Mission Support Facility.	0	14,000
	Worldwide Classified			
AF	Classified Location	TACMOR—Utilities and Infrastructure Support.	18,000	18,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Force Protection and Safety	0	35,000
AF	Various Worldwide Locations	Planning and Design	206,577	206,577
AF	Various Worldwide Locations	Unspecified Minor Military Construction	38,500	38,500
Military Construction, Air Force Total			**1,725,707**	**1,608,773**
	Alabama			
Def-Wide	Anniston Army Depot	Install Microgrid	0	0
	Alaska			
Def-Wide	Clear Air Force Station	Long Range Discrim Radar Sys Complex Ph2.	174,000	130,000
Def-Wide	Fort Greely	Missile Field #1 Expansion	8,000	8,000
Def-Wide	Joint Base Elmendorf-Richardson	Operations Facility Replacement	14,000	14,000
	Arkansas			
Def-Wide	Little Rock Air Force Base	Hydrant Fuel System Alterations	14,000	14,000
	Belgium			
Def-Wide	Chievres Air Base	Europe West District Superintendent's Office.	14,305	14,305
	California			
Def-Wide	Camp Pendleton	SOF EOD Facility—West	3,547	3,547
Def-Wide	Camp Pendleton	SOF Human Performance Training Center-West.	9,049	9,049
Def-Wide	Defense Distribution Depot-Tracy	Main Access Control Point Upgrades	18,800	18,800
Def-Wide	Naval Base Coronado	SOF ATC Applied Instruction Facility	14,819	14,819
Def-Wide	Naval Base Coronado	SOF ATC Training Facility	18,329	18,329
Def-Wide	Naval Base Coronado	SOF Close Quarters Combat Facility	12,768	12,768
Def-Wide	Naval Base Coronado	SOF NSWG–1 Operations Support Facility.	25,172	25,172
Def-Wide	NB Ventura County	SNI Energy Storage System	0	0
	Colorado			
Def-Wide	Fort Carson	SOF Human Performance Training Center.	15,297	15,297
Def-Wide	Fort Carson	SOF Mountaineering Facility	9,000	9,000
	CONUS Classified			
Def-Wide	Classified Location	Battalion Complex, Ph2	49,222	49,222
	Cuba			
Def-Wide	Naval Base Guantanamo Bay	Working Dog Treatment Facility Replacement.	9,080	9,080
	Djibouti			
Def-Wide	Camp Lemonnier	ECIP-Install PV Ground Array	0	0
	Germany			
Def-Wide	Baumholder	SOF Joint Parachute Rigging Facility	11,504	11,504
Def-Wide	Kaiserlautern Air Base	Kaiserslautern Middle School	99,955	99,955

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Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Inc. 8	319,589	319,589
Def-Wide	Weisbaden	Clay Kaserne Elementary School	56,048	56,048
	Greece			
Def-Wide	NSA Souda Bay	Energy Management Control Systems (EMCS).	0	0
	Guam			
Def-Wide	Naval Base Guam	P–691 NBG 74 Facilities Automated Controls.	0	0
	Hawaii			
Def-Wide	Bellows AFB	Expand PV and Provide Energy Resilience to Fire Crash Rescue.	0	0
	Japan			
Def-Wide	Camp McTureous	Bechtel Elementary School	94,851	94,851
Def-Wide	Iwakuni	Fuel Pier	33,200	33,200
Def-Wide	Kadena Air Base	Truck Unload Facilities	21,400	21,400
Def-Wide	Yokosuka	Kinnick High School	170,386	40,000
	Kansas			
Def-Wide	Salina Training Center	PV/Water Conservation & Energy Resilience.	0	0
	Kentucky			
Def-Wide	Fort Campbell	Ft Campbell Middle School	62,634	62,634
Def-Wide	Fort Campbell	SOF Air/Ground Integ. Urban Live Fire Range.	9,091	9,091
Def-Wide	Fort Campbell	SOF Logistics Support Operations Facility.	5,435	5,435
Def-Wide	Fort Campbell	SOF Multi-Use Helicopter Training Facility.	5,138	5,138
	Louisiana			
Def-Wide	JRB NAS New Orleans	Distribution Switchgear	0	0
	Maine			
Def-Wide	Kittery	Consolidated Warehouse Replacement	11,600	11,600
	Maryland			
Def-Wide	Fort Meade	Mission Support Operations Warehouse Facility.	30,000	30,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Inc 4	218,000	218,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #3 Inc 1	99,000	99,000
	Missouri			
Def-Wide	St Louis	Next NGA West (N2W) Complex Phase 1 Inc. 2.	213,600	181,000
Def-Wide	St Louis	Next NGA West (N2W) Complex Phase 2 Inc. 1.	110,000	110,000
	New Jersey			
Def-Wide	Joint Base McGuire-Dix-Lakehurst	Hot Cargo Hydrant System Replacement	10,200	10,200
	North Carolina			
Def-Wide	Fort Bragg	SOF Replace Training Maze and Tower	12,109	12,109
Def-Wide	Fort Bragg	SOF SERE Resistance Training Lab. Complex.	20,257	20,257
Def-Wide	New River	Amb Care Center/Dental Clinic Replacement.	32,580	32,580
	Oklahoma			
Def-Wide	McAlester	Bulk Diesel System Replacement	7,000	7,000
	South Carolina			
Def-Wide	MCAS Beaufort	Electrical Hardening and Black Start CHP System.	0	0
	Texas			
Def-Wide	Camp Mabry	Install Microgrid	0	0
Def-Wide	Joint Base San Antonio	Energy Aerospace Operations Facility	10,200	10,200
Def-Wide	Red River Army Depot	General Purpose Warehouse	71,500	71,500
	United Kingdom			
Def-Wide	Croughton RAF	Ambulatory Care Center Addition/Alteration.	10,000	0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
	Virginia			
Def-Wide	Fort A.P. Hill	Training Campus	11,734	11,734
Def-Wide	Fort Belvoir	Human Performance Training Center	6,127	6,127
Def-Wide	Humphreys Engineer Center	Maintenance and Supply Facility	20,257	20,257
Def-Wide	Joint Base Langley-Eustis	Fuel Facilities Replacement	6,900	6,900
Def-Wide	Joint Base Langley-Eustis	Ground Vehicle Fueling Facility Replacement.	5,800	5,800
Def-Wide	NAS Oceana	Super Flight Line Electrical Distribtion System (FLEDS).	0	0
Def-Wide	Pentagon	Exterior Infrastruc. & Security Improvements.	23,650	23,650
Def-Wide	Pentagon	North Village VACP & Fencing	12,200	12,200
Def-Wide	Traning Center Dam Neck	SOF Magazines	8,959	8,959
	Washington			
Def-Wide	Joint Base Lewis-McChord	Refueling Facility	26,200	26,200
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog..	150,000	193,390
Def-Wide	Unspecified Worldwide Locations	ERCIP Design	10,000	15,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	12,479	12,479
Def-Wide	Unspecified Worldwide Locations	Planning and Design	55,925	55,925
Def-Wide	Unspecified Worldwide Locations	Planning and Design	496	496
Def-Wide	Unspecified Worldwide Locations	Planning and Design	2,036	2,036
Def-Wide	Unspecified Worldwide Locations	Planning and Design	14,300	14,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design	14,184	6,184
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	13,642	13,642
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Various Worldwide Locations	Planning & Design	42,705	42,705
Def-Wide	Various Worldwide Locations	Planning and Design	55,699	55,699
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction	17,366	17,366

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
Military Construction, Defense-Wide Total			**2,693,324**	**2,506,728**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	171,064	171,064
NATO Security Investment Program Total			**171,064**	**171,064**
	Alaska			
Army NG	Joint Base Elmendorf-Richardson	United States Property & Fiscal Office	27,000	27,000
	Illinois			
Army NG	Marseilles Training Center	Automated Record Fire Range	5,000	5,000
	Montana			
Army NG	Malta	National Guard Readiness Center	15,000	15,000
	Nevada			
Army NG	North Las Vegas	National Guard Readiness Center	32,000	32,000
	New Hampshire			
Army NG	Pembroke	National Guard Readiness Center	12,000	12,000
	North Dakota			
Army NG	Fargo	National Guard Readiness Center	32,000	32,000
	Ohio			
Army NG	Camp Ravenna	Automated Multipurpose Machine Gun Range.	7,400	7,400
	Oklahoma			
Army NG	Lexington	Aircraft Vehicle Storage Building	0	11,000
	Oregon			
Army NG	Boardman	Tactical Unmanned Aerial Vehicle Hangar.	0	11,000
	South Dakota			
Army NG	Rapid City	National Guard Readiness Center	15,000	15,000
	Texas			
Army NG	Houston	Unheated Vehicle Storage (Aircraft)	0	0
	Virginia			
Army NG	Sandston	Army Aviation Support Facility	0	0
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	16,622	16,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	18,100	18,100
Military Construction, Army National Guard Total			**180,122**	**202,122**
	California			
Army Res	Barstow	ECS Modified TEMF / Warehouse	34,000	34,000
	Washington			
Army Res	Yakima Training Center	ECS Modified TEMF	0	23,000
	Wisconsin			
Army Res	Fort McCoy	Transient Training Barracks	23,000	23,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	5,855	5,855
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	2,064	2,064
Military Construction, Army Reserve Total			**64,919**	**87,919**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
	California			
N/MC Res	Naval Weapons Station Seal Beach	Reserve Training Center	21,740	21,740
	Georgia			
N/MC Res	Fort Benning	Reserve Training Center	13,630	13,630
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Planning & Design	4,695	4,695
N/MC Res	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Military Construction, Naval Reserve Total			**43,065**	**43,065**
	California			
Air NG	Channel Islands Air National Guard Station	Construct C–130J Flight Simulator Facility.	8,000	8,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	Construct Addition to F–22 LO/CRF B3408.	17,000	17,000
	Illinois			
Air NG	Greater Peoria Regional Airport	Construct New Fire Crash/Rescue Station.	9,000	9,000
	Louisiana			
Air NG	Naval Air Station Joint Reserve Base New Orleans	NORTHCOM—Construct Alert Facilities	0	24,000
Air NG	Naval Air Station Joint Reserve Base New Orleans	NORTHCOM—Construct Alert Apron	15,000	15,000
	Minnesota			
Air NG	Duluth International Airport	Construct Small Arms Range	0	8,000
	Montana			
Air NG	Great Falls International Airport	Construct Aircraft Apron	0	9,000
	New York			
Air NG	Francis S. Gabreski Airport	Security Forces/Comm.Training Facility	20,000	20,000
	Ohio			
Air NG	Mansfield Lahm Airport	Replace Fire Station	0	13,000
Air NG	Rickenbacker International Airport	Construct Small Arms Range	0	8,000
	Pennsylvania			
Air NG	Fort Indiantown Gap	Replace Operations Training/Dining Hall	8,000	8,000
	Puerto Rico			
Air NG	Luis Munoz Marin International	Hurricane Maria—Communications Facility.	0	0
Air NG	Luis Munoz Marin International Airport	Hurricane Maria—Maintenance Hangar	0	0
	Virginia			
Air NG	Joint Base Langley-Eustis	Construct Cyber Ops Facility	10,000	10,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	23,626	23,626
Air NG	Various Worldwide Locations	Planning and Design	18,500	18,500
Military Construction, Air National Guard Total			**129,126**	**191,126**
	Florida			
AF Res	Patrick Air Force Base	HC–130J Mx Hanger	0	24,000
	Indiana			
AF Res	Grissom Air Reserve Base	Add/Alter Aircraft Maintenance Hangar	12,100	12,100
AF Res	Grissom Air Reserve Base	Aerial Port Facility	0	9,400
	Massachusetts			
AF Res	Westover Air Reserve Base	Regional ISO Mx Hanger	0	42,600
	Minnesota			
AF Res	Minneapolis-St Paul International Airport	Small Arms Range	9,000	0
	Mississippi			
AF Res	Keesler Air Force Base	Aeromedical Staging Squadron Facility	4,550	4,550
	New York			
AF Res	Niagara Falls International Airport	Physical Fitness Center	14,000	14,000
	Ohio			
AF Res	Youngstown Air Reserve Station	Relocation Main Gate	0	8,800
	Texas			
AF Res	Naval Air Station Joint Reserve Base Fort Worth	Munitions Training/Admin Facility	3,100	0
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design	4,055	4,055
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	3,358	3,358
Military Construction, Air Force Reserve Total			**50,163**	**122,863**
	Germany			
FH Con Army	Baumholder	Family Housing Improvements	32,000	32,000
	Italy			
FH Con Army	Vicenza	Family Housing New Construction	95,134	95,134
	Korea			
FH Con Army	Camp Humphreys	Family Housing New Construction Incr 3.	85,000	85,000
FH Con Army	Camp Walker	Family Housing Replacement Construction.	68,000	68,000
	Puerto Rico			
FH Con Army	Fort Buchanan	Family Housing Replacement Construction.	26,000	26,000
	Wisconsin			
FH Con Army	Fort McCoy	Family Housing New Construction	6,200	6,200
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
FH Con Army	Unspecified Worldwide Locations	Family Housing P & D	18,326	18,326
Family Housing Construction, Army Total			**330,660**	**330,660**
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	15,842	15,842
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	18,801	18,801
FH Ops Army	Unspecified Worldwide Locations	Leasing	161,252	161,252
FH Ops Army	Unspecified Worldwide Locations	Maintenance	75,530	75,530
FH Ops Army	Unspecified Worldwide Locations	Management	36,302	36,302
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	408	408
FH Ops Army	Unspecified Worldwide Locations	Services	10,502	10,502
FH Ops Army	Unspecified Worldwide Locations	Utilities	57,872	57,872
Family Housing Operation And Maintenance, Army Total			**376,509**	**376,509**
FH Con Navy	Guam Guam	Joint Region Marianas	83,441	83,441
FH Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Design, Washington DC	4,502	4,502
FH Con Navy	Unspecified Worldwide Locations	Improvements, Washington DC	16,638	16,638
Family Housing Construction, Navy And Marine Corps Total			**104,581**	**104,581**
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	16,395	16,395
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	21,767	21,767
FH Ops Navy	Unspecified Worldwide Locations	Leasing	62,515	62,515
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	86,328	86,328
FH Ops Navy	Unspecified Worldwide Locations	Management	50,870	50,870

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	148	148
FH Ops Navy	Unspecified Worldwide Locations	Services	16,261	16,261
FH Ops Navy	Unspecified Worldwide Locations	Utilities	60,252	60,252
Family Housing Operation And Maintenance, Navy And Marine Corps Total.			**314,536**	**314,536**
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Construction Improvements	75,247	75,247
FH Con AF	Unspecified Worldwide Locations	Planning & Design	3,199	3,199
Family Housing Construction, Air Force Total			**78,446**	**78,446**
FH Ops AF	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	30,645	30,645
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization Support	22,205	22,205
FH Ops AF	Unspecified Worldwide Locations	Leasing	15,832	15,832
FH Ops AF	Unspecified Worldwide Locations	Maintenance	129,763	129,763
FH Ops AF	Unspecified Worldwide Locations	Management	54,423	54,423
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	2,171	2,171
FH Ops AF	Unspecified Worldwide Locations	Services	13,669	13,669
FH Ops AF	Unspecified Worldwide Locations	Utilities	48,566	48,566
Family Housing Operation And Maintenance, Air Force Total			**317,274**	**317,274**
FH Ops DW	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	1	1
FH Ops DW	Unspecified Worldwide Locations	Furnishings	643	643
FH Ops DW	Unspecified Worldwide Locations	Furnishings	416	416
FH Ops DW	Unspecified Worldwide Locations	Leasing	13,046	13,046

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
FH Ops DW	Unspecified Worldwide Locations	Leasing	38,232	38,232
FH Ops DW	Unspecified Worldwide Locations	Maintenance	121	121
FH Ops DW	Unspecified Worldwide Locations	Maintenance	1,542	1,542
FH Ops DW	Unspecified Worldwide Locations	Management	155	155
FH Ops DW	Unspecified Worldwide Locations	Services	2	2
FH Ops DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
FH Ops DW	Unspecified Worldwide Locations	Utilities	106	106
FH Ops DW	Unspecified Worldwide Locations	Utilities	9	9
	Family Housing Operation And Maintenance, Defense-Wide Total		**58,373**	**58,373**
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Administrative Expenses—FHIF	1,653	1,653
	DOD Family Housing Improvement Fund Total		**1,653**	**1,653**
UHIF	Worldwide Unspecified Unaccompanied Housing Improvement Fund	Administrative Expenses—UHIF	600	600
	Unaccompanied Housing Improvement Fund Total		**600**	**600**
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Base Realignment and Closure	62,796	80,906
	Base Realignment and Closure—Army Total		**62,796**	**80,906**
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Base Realignment and Closure	151,839	170,949
	Base Realignment and Closure—Navy Total		**151,839**	**170,949**
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Base Realignment and Closure	52,903	71,013
	Base Realignment and Closure—Air Force Total		**52,903**	**71,013**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2019 Request	Conference Authorized
PYS	Prior Year Savings Prior Year Savings	Prior Year Savings	0	–83,296
Prior Year Savings Total			**0**	**–83,296**
Total, Military Construction			**10,462,617**	**10,339,591**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2019 Request	Conference Authorized
	Bulgaria			
Army	Nevo Selo FOS	EDI: Ammunition Holding Area	5,200	5,200
	Cuba			
Army	Guantanamo Bay	High Value Detention Facility	69,000	0
	Poland			
Army	Drawsko Pomorski Training Area	EDI: Staging Area	17,000	17,000
Army	Powidz Air Base	EDI: Ammunition Storage Facility	52,000	52,000
Army	Powidz Air Base	EDI: Bulk Fuel Storage	21,000	21,000
Army	Powidz Air Base	EDI: Rail Extension & Railhead	14,000	14,000
Army	Zagan Training Area	EDI: Rail Extension and Railhead	6,400	6,400
Army	Zagan Training Area	EDI: Staging Area	34,000	34,000
	Romania			
Army	Mihail Kogalniceanu FOS	EDI: Explosives & Ammo Load/Unload Apron.	21,651	21,651
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI: Planning and Design	20,999	20,999
Military Construction, Army Total			**261,250**	**192,250**
	Greece			
Navy	Souda Bay	EDI: Joint Mobility Processing Center	41,650	41,650
Navy	Souda Bay	EDI: Marathi Logistics Support Center	6,200	6,200
	Italy			
Navy	Sigonella	EDI: P–8A Taxiway	66,050	66,050
	Spain			
Navy	Rota	EDI: Port Operations Facilities	21,590	21,590
	United Kingdom			
Navy	Lossiemouth	EDI: P–8 Base Improvements	79,130	79,130
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	EDI: Planning and Design	12,700	12,700
Military Construction, Navy Total			**227,320**	**227,320**
	Germany			
AF	Ramstein AB	EDI: KME DABS-FEV/RH Storage Warehouses.	119,000	119,000
	Norway			
AF	Rygge	EDI: Construct Taxiway	13,800	13,800
	Qatar			
AF	Al Udeid	Flight Line Support Facilities	0	30,400
AF	Al Udeid	Personnel Deployment Processing Facility	0	40,000
	Slovakia			
AF	Malacky	EDI: Regional Munitions Storage Area	59,000	59,000
	United Kingdom			
AF	RAF Fairford	EDI: Construct DABS-FEV Storage	87,000	87,000
AF	RAF Fairford	EDI: Munitions Holding Area	19,000	19,000

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2019 Request	Conference Authorized
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	EDI: Planning & Design Funds	48,000	46,600
Military Construction, Air Force Total			**345,800**	**414,800**
	Estonia			
Def-Wide	Unspecified Estonia	EDI: SOF Operations Facility	6,100	6,100
Def-Wide	Unspecified Estonia	EDI: SOF Training Facility	9,600	9,600
	Qatar			
Def-Wide	Al Udeid	Trans-Regional Logistics Complex	60,000	60,000
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	EDI: Planning and Design	7,100	7,100
Def-Wide	Various Worldwide Locations	EDI: Planning and Design	4,250	4,250
Military Construction, Defense-Wide Total			**87,050**	**87,050**
Total, Military Construction			**921,420**	**921,420**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies Appropriation Summary:		
Energy Programs		
Nuclear Energy	136,090	136,090
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	11,017,078	11,192,664
Defense nuclear nonproliferation	1,862,825	1,847,429
Naval reactors	1,788,618	1,788,618
Federal salaries and expenses	422,529	404,529
Total, National nuclear security administration	**15,091,050**	**15,233,240**
Environmental and other defense activities:		
Defense environmental cleanup	5,630,217	5,626,636
Other defense activities	853,300	853,300
Defense nuclear waste disposal	30,000	0
Total, Environmental & other defense activities	**6,513,517**	**6,479,936**
Total, Atomic Energy Defense Activities	**21,604,567**	**21,713,176**
Total, Discretionary Funding	**21,740,657**	**21,849,266**
Nuclear Energy		
Idaho sitewide safeguards and security	136,090	136,090
Total, Nuclear Energy	**136,090**	**136,090**
Weapons Activities		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
Directed stockpile work		
Life extension programs and major alterations		
B61–12 Life extension program	794,049	794,049
W76–1 Life extension program	48,888	48,888
W88 Alt 370	304,285	304,285
W80–4 Life extension program	654,766	654,766
IW–1	53,000	53,000
W76–2 Warhead modification program	65,000	65,000
Total, Life extension programs and major alterations	**1,919,988**	**1,919,988**
Stockpile systems		
B61 Stockpile systems	64,547	64,547
W76 Stockpile systems	94,300	94,300
W78 Stockpile systems	81,329	81,329
W80 Stockpile systems	80,204	80,204
B83 Stockpile systems	35,082	35,082
W87 Stockpile systems	83,107	83,107
W88 Stockpile systems	180,913	180,913
Total, Stockpile systems	**619,482**	**619,482**
Weapons dismantlement and disposition		
Operations and maintenance	56,000	56,000
Stockpile services		
Production support	512,916	508,916
Program decrease		[–4,000]
Research and development support	38,129	38,129
R&D certification and safety	216,582	214,582
Program decrease		[–2,000]
Management, technology, and production	300,736	300,736
Total, Stockpile services	**1,068,363**	**1,062,363**
Strategic materials		
Uranium sustainment	87,182	87,182
Plutonium sustainment	361,282	361,282
Tritium sustainment	205,275	205,275
Lithium sustainment	29,135	29,135
Domestic uranium enrichment	100,704	100,704
Strategic materials sustainment	218,794	218,794
Total, Strategic materials	**1,002,372**	**1,002,372**
Total, Directed stockpile work	**4,666,205**	**4,660,205**
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	57,710	57,710
Primary assessment technologies	95,057	93,057
Program decrease		[–2,000]
Dynamic materials properties	131,000	128,000
Program decrease		[–3,000]
Advanced radiography	32,544	32,544
Secondary assessment technologies	77,553	77,553
Academic alliances and partnerships	53,364	53,364
Enhanced Capabilities for Subcritical Experiments	117,632	80,000
Total, Science	**564,860**	**522,228**
Engineering		
Enhanced surety	43,226	43,226
Weapon systems engineering assessment technology	27,536	27,536

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
Nuclear survivability	48,230	48,230
Enhanced surveillance	58,375	50,000
Program decrease		[–8,375]
Stockpile Responsiveness	34,000	40,000
Program increase		[6,000]
Total, Engineering	**211,367**	**208,992**
Inertial confinement fusion ignition and high yield		
Ignition	22,434	69,575
Maintain sustainable levels		[47,141]
Support of other stockpile programs	17,397	22,565
Maintain sustainable levels		[5,168]
Diagnostics, cryogenics and experimental support	51,453	77,194
Maintain sustainable levels		[22,741]
Tokamak support		[3,000]
Pulsed power inertial confinement fusion	8,310	7,596
Program decrease		[–714]
Joint program in high energy density laboratory plasmas	0	9,492
Program increase		[9,492]
Facility operations and target production	319,333	334,791
Maintain sustainable levels		[15,458]
Total, Inertial confinement fusion and high yield	**418,927**	**521,213**
Advanced simulation and computing		
Advanced simulation and computing	656,401	656,401
Construction:		
18–D–670, Exascale Class Computer Cooling Equipment, LANL	24,000	24,000
18–D–620, Exascale Computing Facility Modernization Project, LLNL	23,000	23,000
Total, Construction	**47,000**	**47,000**
Total, Advanced simulation and computing	**703,401**	**703,401**
Advanced manufacturing		
Additive manufacturing	17,447	17,447
Component manufacturing development	48,477	45,784
Program decrease		[–2,693]
Process technology development	30,914	30,914
Total, Advanced manufacturing	**96,838**	**94,145**
Total, RDT&E	**1,995,393**	**2,049,979**
Infrastructure and operations		
Operations of facilities	891,000	880,000
Safety and environmental operations	115,000	110,000
Maintenance and repair of facilities	365,000	404,000
Address high-priority repair needs and preventive maintenance		[39,000]
Recapitalization:		
Infrastructure and safety	431,631	498,631
Support high-priority deferred maintenance		[67,000]
Capability based investments	109,057	113,057
Program increase		[4,000]
Total, Recapitalization	**540,688**	**611,688**
Construction:		
19–D–670, 138kV Power Transmission System Replacement, NNSS	6,000	6,000
19–D–660, Lithium Production Capability, Y–12	19,000	19,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
18–D–680, Material Staging Facility, Pantex	0	24,000
18–D–650, Tritium Production Capability, SRS	27,000	27,000
17–D–710, West End Protected Area reduction Project, Y–12	0	0
17–D–640, U1a Complex Enhancements Project, NNSS	53,000	53,000
16–D–515, Albuquerque complex project	47,953	47,953
14–D–710, DAF Argus project, NNSS	0	0
06–D–141 Uranium processing facility Y–12, Oak Ridge, TN	703,000	703,000
04–D–125 Chemistry and metallurgy research facility replacement project, LANL	235,095	235,095
Total, Construction	**1,091,048**	**1,115,048**
Total, Infrastructure and operations	**3,002,736**	**3,120,736**
Secure transportation asset		
Operations and equipment	176,617	176,617
Program direction	102,022	102,022
Total, Secure transportation asset	**278,639**	**278,639**
Defense nuclear security		
Operations and maintenance	690,638	699,638
Physical security infrastructure recapitalization and CSTART		[9,000]
Total, Defense nuclear security	**690,638**	**699,638**
Information technology and cybersecurity	221,175	221,175
Legacy contractor pensions	162,292	162,292
Total, Weapons Activities	**11,017,078**	**11,192,664**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	46,339	46,339
Domestic radiological security	90,764	90,764
International radiological security	59,576	59,576
Nuclear smuggling detection and deterrence	140,429	130,429
Program decrease		[–10,000]
Total, Global material security	**337,108**	**327,108**
Material management and minimization		
HEU reactor conversion	98,300	88,300
Program decrease		[–10,000]
Nuclear material removal	32,925	32,925
Material disposition	200,869	200,869
Total, Material management & minimization	**332,094**	**322,094**
Nonproliferation and arms control	129,703	129,703
Defense nuclear nonproliferation R&D	456,095	468,095
Acceleration of low-yield detection experiments		[6,000]
Future nuclear proliferation challenges, including 3D printing		[6,000]
Nonproliferation Construction:		
18–D–150 Surplus Plutonium Disposition Project	59,000	59,000
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	220,000	220,000
Total, Nonproliferation construction	**279,000**	**279,000**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
Total, Defense Nuclear Nonproliferation Programs	**1,534,000**	**1,526,000**
Low Enriched Uranium R&D for Naval Reactors	0	10,000
Direct support to low-enriched uranium R&D for Naval Reactors		[10,000]
Legacy contractor pensions	28,640	28,640
Nuclear counterterrorism and incident response program	319,185	319,185
Use of prior year balances	–19,000	–36,396
Total, Defense Nuclear Nonproliferation	**1,862,825**	**1,847,429**
Naval Reactors		
Naval reactors development	514,951	514,951
Columbia-Class reactor systems development	138,000	138,000
S8G Prototype refueling	250,000	250,000
Naval reactors operations and infrastructure	525,764	525,764
Construction:		
19–D–930, KS Overhead Piping	10,994	10,994
17–D–911, BL Fire System Upgrade	13,200	13,200
14–D–901 Spent fuel handling recapitalization project, NRF	287,000	287,000
Total, Construction	**311,194**	**311,194**
Program direction	48,709	48,709
Total, Naval Reactors	**1,788,618**	**1,788,618**
Federal Salaries And Expenses		
Program direction	422,529	404,529
Program decrease		[–18,000]
Total, Office Of The Administrator	**422,529**	**404,529**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,889	4,889
Richland:		
River corridor and other cleanup operations	89,577	89,577
Central plateau remediation	562,473	612,473
Accelerated remediation of 300–296 waste site		[50,000]
Richland community and regulatory support	5,121	5,121
Construction:		
18–D–404 WESF Modifications and Capsule Storage	1,000	1,000
Total, Construction	**1,000**	**1,000**
Total, Hanford site	**658,171**	**708,171**
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	15,000	15,000
Rad liquid tank waste stabilization and disposition	677,460	677,460
Construction:		
15–D–409 Low activity waste pretreatment system, ORP	56,053	56,053
01–D–416 A-D WTP Subprojects A-D	675,000	675,000
01–D–416 E—Pretreatment Facility	15,000	15,000
Total, Construction	**746,053**	**746,053**
Total, Office of River protection	**1,438,513**	**1,438,513**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
Idaho National Laboratory:		
SNF stabilization and disposition—2012	17,000	17,000
Solid waste stabilization and disposition	148,387	148,387
Radioactive liquid tank waste stabilization and disposition	137,739	137,739
Soil and water remediation—2035	42,900	42,900
Idaho community and regulatory support	3,200	3,200
Total, Idaho National Laboratory	**349,226**	**349,226**
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,704	1,704
Nuclear facility D & D		
Separations Process Research Unit	15,000	15,000
Nevada	60,136	60,136
Sandia National Laboratories	2,600	2,600
Los Alamos National Laboratory	191,629	191,629
Total, NNSA sites and Nevada off-sites	**271,069**	**271,069**
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR-0041—D&D - Y–12	30,214	30,214
OR-0042—D&D -ORNL	60,007	60,007
Total, OR Nuclear facility D & D	**90,221**	**90,221**
U233 Disposition Program	45,000	45,000
OR cleanup and waste disposition		
OR cleanup and disposition	67,000	67,000
Construction:		
17–D–401 On-site waste disposal facility	5,000	5,000
14–D–403 Outfall 200 Mercury Treatment Facility	11,274	11,274
Total, Construction	**16,274**	**16,274**
Total, OR cleanup and waste disposition	**83,274**	**83,274**
OR community & regulatory support	4,711	4,711
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	**226,206**	**226,206**
Savannah River Sites:		
Nuclear Material Management	351,331	351,331
Environmental Cleanup		
Environmental Cleanup	166,105	166,105
Construction:		
18–D–402, Emergency Operations Center	1,259	1,259
Total, Environmental Cleanup	**167,364**	**167,364**
SR community and regulatory support	4,749	4,749
Radioactive liquid tank waste stabilization and disposition	805,686	752,105
Construction:		
18–D–401, SDU #8/9	37,450	37,450
17–D–402—Saltstone Disposal Unit #7	41,243	41,243
05–D–405 Salt waste processing facility, Savannah River Site	65,000	65,000
Total, Construction	**143,693**	**143,693**
Total, Savannah River site	**1,472,823**	**1,419,242**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
Waste Isolation Pilot Plant		
Operations and maintenance	220,000	220,000
Central characterization project	19,500	19,500
Critical Infrastructure Repair/Replacement	46,695	46,695
Transportation	25,500	25,500
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	84,212	84,212
15–D–412 Exhaust shaft, WIPP	1,000	1,000
Total, Construction	**85,212**	**85,212**
Total, Waste Isolation Pilot Plant	**396,907**	**396,907**
Program direction	300,000	300,000
Program support	6,979	6,979
Minority Serving Institution Partnership	6,000	6,000
Safeguards and Security		
Oak Ridge Reservation	14,023	14,023
Paducah	15,577	15,577
Portsmouth	15,078	15,078
Richland/Hanford Site	86,686	86,686
Savannah River Site	183,357	183,357
Waste Isolation Pilot Project	6,580	6,580
West Valley	3,133	3,133
Total, Safeguards and Security	**324,434**	**324,434**
Technology development	25,000	25,000
HQEF-0040—Excess Facilities	150,000	150,000
Total, Defense Environmental Cleanup	**5,630,217**	**5,626,636**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	135,194	135,194
Program direction	70,653	70,653
Total, Environment, Health, safety and security	**205,847**	**205,847**
Independent enterprise assessments		
Independent enterprise assessments	24,068	24,068
Program direction	52,702	52,702
Total, Independent enterprise assessments	**76,770**	**76,770**
Specialized security activities	254,378	254,378
Office of Legacy Management		
Legacy management	140,575	140,575
Program direction	18,302	18,302
Total, Office of Legacy Management	**158,877**	**158,877**
Defense related administrative support		
Chief financial officer	48,484	48,484
Chief information officer	96,793	96,793
Project management oversight and Assessments	8,412	8,412
Total, Defense related administrative support	**153,689**	**145,277**
Office of hearings and appeals	5,739	5,739
Subtotal, Other defense activities	**855,300**	**855,300**
Rescission of prior year balances (OHA)	–2,000	–2,000
Total, Other Defense Activities	**853,300**	**853,300**
Defense Nuclear Waste Disposal		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2019 Request	Conference Authorized
Yucca mountain and interim storage	30,000	0
Program cut		[–30,000]
Total, Defense Nuclear Waste Disposal	**30,000**	**0**

Approved August 13, 2018.

LEGISLATIVE HISTORY—H.R. 5515:

HOUSE REPORTS: Nos. 115–676, Pts. 1 and 2 (both from Comm. on Armed Services); and 115–863 and 115–874 (both from Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 22–24, considered and passed House.
June 11–14, 18, considered and passed Senate, amended.
July 24, House recommitted conference report pursuant to H. Res. 1019.
July 26, House agreed to conference report. Senate considered conference report.
Aug. 1, Senate agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Aug. 13, Presidential remarks and statement.

Public Law 115–233
115th Congress

An Act

Aug. 14, 2018
[H.R. 2345]

To require the Federal Communications Commission to study the feasibility of designating a simple, easy-to-remember dialing code to be used for a national suicide prevention and mental health crisis hotline system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Suicide Hotline Improvement Act of 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Suicide Hotline Improvement Act of 2018".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Commission" means the Federal Communications Commission;

(2) the term "covered dialing code" means a simple, easy-to-remember, 3-digit dialing code; and

(3) the term "N11 dialing code" means an abbreviated dialing code consisting of 3 digits, of which—

(A) the first digit may be any digit other than "1" or "0"; and

(B) each of the last 2 digits is "1".

SEC. 3. STUDIES AND REPORTS.

(a) PRIMARY STUDY.—

Coordination.

(1) IN GENERAL.—The Commission, in coordination with the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs, shall conduct a study that—

Examination.

(A) examines the feasibility of designating an N11 dialing code or other covered dialing code to be used for a national suicide prevention and mental health crisis hotline system; and

Analysis.

(B) analyzes the effectiveness of the National Suicide Prevention Lifeline as of the date on which the study is initiated, including how well the lifeline is working to address the needs of veterans.

(2) REQUIREMENTS.—

(A) COMMISSION.—In conducting the study under paragraph (1), the Commission shall—

(i) consider—

(I) each of the N11 dialing codes, including the codes that are used for other purposes; and

(II) other covered dialing codes;

(ii) consult with the North American Numbering Council; and Consultation.

(iii) review the information provided by the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs under subparagraphs (B) and (C), respectively, of this paragraph. Review.

(B) SAMHSA STUDY AND REPORT TO ASSIST COMMISSION.—To assist the Commission in conducting the study under paragraph (1), the Assistant Secretary for Mental Health and Substance Use shall analyze and, not later than 180 days after the date of enactment of this Act, report to the Commission on— Analysis.

(i) the potential impact of the designation of an N11 dialing code, or other covered dialing code, for a suicide prevention and mental health crisis hotline system on—

(I) suicide prevention;

(II) crisis services; and

(III) other suicide prevention and mental health crisis hotlines, including—

(aa) the National Suicide Prevention Lifeline; and

(bb) the Veterans Crisis Line; and

(ii) possible recommendations for improving the National Suicide Prevention Lifeline generally, which may include— Recommendations.

(I) increased public education and awareness; and

(II) improved infrastructure and operations.

(C) VA STUDY AND REPORT TO ASSIST COMMISSION.—To assist the Commission in conducting the study under paragraph (1), the Secretary of Veterans Affairs shall study and, not later than 180 days after the date of enactment of this Act, report to the Commission on how well the National Suicide Prevention Lifeline and the Veterans Crisis Line, as in effect on the date on which the study is initiated, is working to address the needs of veterans.

(b) PRIMARY COMMISSION REPORT.— Recommendations. Coordination.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs, shall submit a report on the study conducted under subsection (a) that recommends whether a particular N11 dialing code or other covered dialing code should be used for a national suicide prevention and mental health crisis hotline system to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

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

(C) the Committee on Veterans' Affairs of the Senate;

(D) the Committee on Energy and Commerce of the House of Representatives; and

(E) the Committee on Veterans' Affairs of the House of Representatives.

(2) ADDITIONAL CONTENTS.—If the report submitted by the Commission under paragraph (1) recommends that a dialing code should be used, the report shall also—

(A) outline the logistics of designating such a dialing code;

Cost estimate.

(B) estimate the costs associated with designating such a dialing code, including—

(i) the costs incurred by service providers, including—

(I) translation changes in the network; and

(II) cell site analysis and reprogramming by wireless carriers; and

(ii) the costs incurred by States and localities;

(C) provide recommendations for designating such a dialing code;

Analysis.

(D) provide a cost-benefit analysis comparing the recommended dialing code with the National Suicide Prevention Lifeline, as in effect on the date on which the report is submitted; and

(E) make other recommendations, as appropriate, for improving the National Suicide Prevention Lifeline generally, which may include—

(i) increased public education and awareness; and

(ii) improved infrastructure and operations.

SEC. 4. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise authorized.

Approved August 14, 2018.

LEGISLATIVE HISTORY—H.R. 2345:

HOUSE REPORTS: No. 115–836 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 23, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 115–234
115th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs and generic new animal drugs.

Aug. 14, 2018
[H.R. 5554]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Drug and Animal Generic Drug User Fee Amendments of 2018".

Animal Drug and Animal Generic Drug User Fee Amendments of 2018.
21 USC 301 note.

SEC. 2. TABLE OF CONTENTS; REFERENCES IN ACT.

(a) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents; references in Act.

TITLE I—FEES RELATING TO ANIMAL DRUGS

Sec. 101. Short title; finding.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use animal drug fees.
Sec. 104. Reauthorization; reporting requirements.
Sec. 105. Savings clause.
Sec. 106. Effective date.
Sec. 107. Sunset dates.

TITLE II—FEES RELATING TO GENERIC ANIMAL DRUGS

Sec. 201. Short title; finding.
Sec. 202. Authority to assess and use generic new animal drug fees.
Sec. 203. Reauthorization; reporting requirements.
Sec. 204. Savings clause.
Sec. 205. Effective date.
Sec. 206. Sunset dates.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Electronic submissions.
Sec. 302. Index of legally marketed unapproved new animal drugs for minor species.
Sec. 303. Misbranded drugs and devices.
Sec. 304. Conditional approval of new animal drugs.
Sec. 305. Guidance addressing investigation designs.
Sec. 306. Food additives intended for use in animal food.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

Animal Drug User Fee Amendments of 2018.

TITLE I—FEES RELATING TO ANIMAL DRUGS

21 USC 301 note.

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the "Animal Drug User Fee Amendments of 2018".

21 USC 379j–11 note.

(b) FINDING.—Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 739 (21 U.S.C. 379j–11) is amended—

(1) by amending paragraph (1) to read as follows:

"(1)(A) The term 'animal drug application' means—

"(i) an application for approval of any new animal drug submitted under section 512(b)(1); or

"(ii) an application for conditional approval of a new animal drug submitted under section 571.

"(B) Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application."; and

(2) in paragraph (8), by adding at the end the following:

"(I) The activities necessary for implementation of the United States and European Union Good Manufacturing Practice Mutual Inspection Agreement with respect to animal drug products subject to review, including implementation activities prior to and following product approval.".

SEC. 103. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

(a) FEE REVENUE AMOUNTS.—Section 740(b) (21 U.S.C. 379j–12(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "2014" and inserting "2019"; and

(ii) by striking "$23,600,000" and inserting "$30,331,240"; and

(B) in subparagraph (B)—

(i) by striking "2015 through 2018" and inserting "2020 through 2023"; and

(ii) by striking "$21,600,000" and inserting "$29,931,240"; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "determined" and inserting "established".

(b) ANNUAL FEE SETTING; ADJUSTMENTS.—

(1) INFLATION ADJUSTMENT.—Section 740(c)(2) (21 U.S.C. 379j–12(c)(2)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking "For fiscal year 2015" and inserting "(A) For fiscal year 2020"; and

(ii) by inserting "multiplying such revenue amounts by" before "an amount";

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

(C) by striking the flush text at the end; and

(D) by adding at the end the following new subparagraph:

"(B) COMPOUNDED BASIS.—The adjustment made each fiscal year after fiscal year 2020 under this paragraph shall be applied on a compounded basis to the revenue amount calculated under this paragraph for the most recent previous fiscal year.".

(2) WORKLOAD ADJUSTMENTS.—Paragraph (3) of section 740(c) (21 U.S.C. 379j–12(c)) is amended to read as follows:

"(3) WORKLOAD ADJUSTMENTS.—

"(A) IN GENERAL.—For fiscal year 2020 and subsequent fiscal years, after the fee revenue amounts established under subsection (b) are adjusted for inflation in accordance with paragraph (2), the fee revenue amounts shall be further adjusted for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of animal drug applications, subject to subparagraphs (B) and (C). With respect to such adjustment—

Determination.

"(i) such adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary; and

Federal Register, publication.

"(ii) the Secretary shall publish in the Federal Register the fees resulting from such adjustment and the supporting methodologies.

"(B) REDUCTION OF WORKLOAD-BASED INCREASE BY AMOUNT OF CERTAIN EXCESS COLLECTIONS.—For each of fiscal years 2021 through 2023, if application of the workload adjustment under subparagraph (A) increases the fee revenue amounts otherwise established for the fiscal year under subsection (b), as adjusted for inflation under paragraph (2), such fee revenue increase shall be reduced by the amount of any excess collections, as described in subsection (g)(4), for the second preceding fiscal year, up to the amount of such fee revenue increase.

"(C) RULE OF APPLICATION.—Under no circumstances shall the workload adjustments under this paragraph result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established under subsection (b), as adjusted for inflation under paragraph (2).".

(3) FINAL YEAR ADJUSTMENT.—Section 740(c)(4) (21 U.S.C. 379j–12(c)(4)) is amended—

(A) by striking "2018" each place it appears and inserting "2023"; and

(B) by striking "2019" and inserting "2024".

(c) EXEMPTIONS FROM FEES.—Section 740(d) (21 U.S.C. 379j–12(d)) is amended—

(1) in the subsection heading, by inserting "; EXEMPTIONS FROM FEES" after "REDUCTION";

(2) by striking the heading of paragraph (1) and inserting "WAIVER OR REDUCTION"; and

(3) by adding at the end the following:

"(4) EXEMPTIONS FROM FEES.—

"(A) CERTAIN LABELING SUPPLEMENTS TO ADD NUMBER OF APPROVED APPLICATION.—Fees under this section shall not apply with respect to any person who—

Deadline.

"(i) not later than September 30, 2023, submits a supplemental animal drug application relating to a new animal drug application approved under section 512, solely to add the new animal drug application number to the labeling of the drug in the manner specified in section 502(w)(3); and

"(ii) otherwise would be subject to fees under this section solely on the basis of such supplemental application.

"(B) CERTAIN ANIMAL DRUG APPLICATIONS.—Fees under paragraphs (2), (3), and (4) of subsection (a) shall not apply with respect to any person who is the named applicant or sponsor of an animal drug application, supplemental animal drug application, or investigational animal drug submission if such application or submission involves the intentional genomic alteration of an animal that is intended to produce a drug, device, or biological product subject to fees under section 736, 738, 744B, or 744H.".

(d) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 740(g)(3) (21 U.S.C. 379j–12(g)(3)) is amended—

(A) by striking "2014 through 2018" and inserting "2019 through 2023";

(B) by striking "determined" and inserting "established"; and

(C) by striking "paragraph (4)" and inserting "paragraph (5)".

(2) EXCESS COLLECTIONS.—Section 740(g) (21 U.S.C. 379j–12(g)) is amended by striking paragraph (4) and inserting the following:

"(4) EXCESS COLLECTIONS.—If the sum total of fees collected under this section for a fiscal year exceeds the amount of fees authorized to be appropriated for such year under paragraph (3), the excess collections shall be credited to the appropriations account of the Food and Drug Administration as provided in paragraph (1).

"(5) RECOVERY OF COLLECTION SHORTFALLS.—

"(A) IN GENERAL.—Subject to subparagraph (B)—

"(i) for fiscal year 2021, the amount of fees otherwise authorized to be collected under this section shall be increased by the amount, if any, by which the amount collected under this section and appropriated for fiscal year 2019 falls below the amount of fees authorized for fiscal year 2019 under paragraph (3);

"(ii) for fiscal year 2022, the amount of fees otherwise authorized to be collected under this section shall

be increased by the amount, if any, by which the amount collected under this section and appropriated for fiscal year 2020 falls below the amount of fees authorized for fiscal year 2020 under paragraph (3); and

"(iii) for fiscal year 2023, the amount of fees otherwise authorized to be collected under this section shall be increased by the cumulative amount, if any, by which the amount collected under this section and appropriated for fiscal years 2021 and 2022 (including estimated collections for fiscal year 2022) falls below the cumulative amount of fees authorized for such fiscal years under paragraph (3).

"(B) REDUCTION OF SHORTFALL-BASED FEE INCREASE BY PRIOR YEAR EXCESS COLLECTIONS.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary shall, in such manner as the Secretary determines appropriate, reduce any fee increase otherwise applicable for a fiscal year under subparagraph (A) by the amount of any excess collections under this section for preceding fiscal years (after fiscal year 2018).

"(ii) WORKLOAD-BASED FEE ACCOUNTING.—In applying clause (i), the Secretary shall account for the reduction of workload-based fee revenue increases by excess collections under subsection (c)(3)(B), in such manner as needed to provide that no portion of any excess collections described in clause (i) is applied for purposes of reducing fee increases under both such subsection (c)(3)(B) and this paragraph.

"(C) RULE OF APPLICATION.—Under no circumstances shall adjustments under this paragraph result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted or otherwise affected under subsection (c).".

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 740A (21 U.S.C. 379j–13) is amended—

(1) in subsection (a), by striking "2013" and inserting "2018";

(2) by striking "2014" each place it appears in subsections (a) and (b) and inserting "2019"; and

(3) in subsection (d), by striking "2018" each place it appears and inserting "2023".

SEC. 105. SAVINGS CLAUSE.

Time period.
21 USC 379j–11 note.

Notwithstanding the amendments made by this title, part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11 et seq.), as in effect on the day before the date of enactment of this title, shall continue to be in effect with respect to animal drug applications and supplemental animal drug applications (as defined in such part as of such day) that on or after October 1, 2013, but before October 1, 2018, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2019.

21 USC 379j–11 note.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2018, or the date of the enactment of this Act, whichever is later, except that fees under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as amended by this title, shall be assessed for animal drug applications and supplemental animal drug applications received on or after October 1, 2018, regardless of the date of the enactment of this Act.

SEC. 107. SUNSET DATES.

21 USC 379j–12 note.

(a) AUTHORIZATION.—Section 740 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12) shall cease to be effective October 1, 2023.

21 USC 379j–13 note.

(b) REPORTING REQUIREMENTS.—Section 740A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–13) shall cease to be effective January 31, 2024.

Repeals. 21 USC 379j–12 note.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2018, subsections (a) and (b) of section 107 of the Animal Drug User Fee Amendments of 2013 (Public Law 113–14) are repealed.

Animal Generic Drug User Fee Amendments of 2018.

TITLE II—FEES RELATING TO GENERIC ANIMAL DRUGS

SEC. 201. SHORT TITLE; FINDING.

21 USC 301 note.

(a) SHORT TITLE.—This title may be cited as the "Animal Generic Drug User Fee Amendments of 2018".

21 USC 379j–21 note.

(b) FINDING.—Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs as set forth in the goals identified for purposes of part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor and Pensions of the Senate as set forth in the Congressional Record.

SEC. 202. AUTHORITY TO ASSESS AND USE GENERIC NEW ANIMAL DRUG FEES.

(a) FEE REVENUE AMOUNTS.—Subsection (b) of section 741 (21 U.S.C. 379j–21) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—

"(1) IN GENERAL.—Subject to subsections (c), (d), (f), and (g), for each of fiscal years 2019 through 2023, the fees required under subsection (a) shall be established to generate a total revenue amount of $18,336,340.

"(2) TYPES OF FEES.—Of the total revenue amount established for a fiscal year under paragraph (1)—

"(A) 25 percent shall be derived from fees under subsection (a)(1) (relating to abbreviated applications for a generic new animal drug);

"(B) 37.5 percent shall be derived from fees under subsection (a)(2) (relating to generic new animal drug products); and

"(C) 37.5 percent shall be derived from fees under subsection (a)(3) (relating to generic new animal drug sponsors).".

(b) ANNUAL FEE SETTING; ADJUSTMENTS.—

(1) INFLATION ADJUSTMENT.—Section 741(c) (21 U.S.C. 379j–21(c)) is amended—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) INFLATION ADJUSTMENT.—

Notice.
Federal Register, publication.

"(A) IN GENERAL.—For fiscal year 2020 and subsequent fiscal years, the revenue amounts established under subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year, by multiplying such revenue amounts by an amount equal to the sum of—

"(i) one;

"(ii) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 of the preceding 4 fiscal years for which data are available, multiplied by the average proportion of personnel compensation and benefits costs to total Food and Drug Administration costs for the first 3 of the preceding 4 fiscal years for which data are available; and

"(iii) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; not seasonally adjusted; all items less food and energy; annual index) for the first 3 of the preceding 4 years for which data are available multiplied by the average proportion of all costs other than personnel compensation and benefits costs to total Food and Drug Administration costs for the first 3 of the preceding 4 fiscal years for which data are available.

"(B) COMPOUNDED BASIS.—The adjustment made each fiscal year after fiscal year 2020 under this paragraph shall be applied on a compounded basis to the revenue amount calculated under this paragraph for the most recent previous fiscal year.".

(2) WORKLOAD ADJUSTMENTS.—Paragraph (3) of section 741(c) (21 U.S.C. 379j–21(c)), as redesignated, is amended to read as follows:

"(3) WORKLOAD ADJUSTMENTS.—

"(A) IN GENERAL.—For fiscal year 2020 and subsequent fiscal years, after the fee revenue amounts established under subsection (b) are adjusted for inflation in accordance with paragraph (2), the fee revenue amounts shall be further adjusted for each such fiscal year to reflect changes in the workload of the Secretary for the process for the review of abbreviated applications for generic new animal

drugs, subject to subparagraphs (B) and (C). With respect to such adjustment—

Determination.

"(i) this adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of abbreviated applications for generic new animal drugs, manufacturing supplemental abbreviated applications for generic new animal drugs, investigational generic new animal drug study submissions, and investigational generic new animal drug protocol submissions submitted to the Secretary; and

Federal Register, publication.

"(ii) the Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

"(B) REDUCTION OF WORKLOAD-BASED INCREASE BY AMOUNT OF CERTAIN EXCESS COLLECTIONS.—For each of fiscal years 2021 through 2023, if application of the workload adjustment under subparagraph (A) increases the fee revenue amounts otherwise established for the fiscal year under subsection (b), as adjusted for inflation under paragraph (2), such fee revenue increase shall be reduced by the amount of any excess collections, as described in subsection (g)(4), for the second preceding fiscal year, up to the amount of such fee revenue increase.

"(C) RULE OF APPLICATION.—Under no circumstances shall workload adjustments under this paragraph result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established under subsection (b), as adjusted for inflation under paragraph (2).".

(3) FINAL YEAR ADJUSTMENT.—Paragraph (4) of section 741(c) (21 U.S.C. 379j–21(c)), as redesignated, is amended by—

(A) striking "2018" each place it appears and inserting "2023"; and

(B) striking "2019" and inserting "2024".

(c) FEE WAIVER OR REDUCTION; EXEMPTION FROM FEES.—Subsection (d) of section 741 (21 U.S.C. 379j–21) is amended to read as follows:

"(d) FEE WAIVER OR REDUCTION; EXEMPTION FROM FEES.—

"(1) FEE WAIVER OR REDUCTION.—The Secretary shall grant a waiver from or a reduction of one or more fees assessed under subsection (a) where the Secretary finds that the generic new animal drug is intended solely to provide for a minor use or minor species indication.

"(2) EXEMPTION FROM FEES.—Fees under this section shall not apply with respect to any person who—

Deadline.

"(A) not later than September 30, 2023, submits a supplemental abbreviated application for a generic new animal drug approved under section 512, solely to add the application number to the labeling of the drug in the manner specified in section 502(w)(3); and

"(B) otherwise would be subject to fees under this section solely on the basis of such supplemental abbreviated application.".

(d) CREDITING AND AVAILABILITY OF FEES.—Section 741(g) (21 U.S.C. 379j–21) is amended by striking paragraph (3) and inserting the following paragraphs:

"(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2019 through 2023, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount established under subsection (b) for the fiscal year, as adjusted or otherwise affected under subsection (c).

"(4) EXCESS COLLECTIONS.—If the sum total of fees collected under this section for a fiscal year exceeds the amount of fees authorized to be appropriated for such year under paragraph (3), the excess collections shall be credited to the appropriations account of the Food and Drug Administration as provided in paragraph (1).".

SEC. 203. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 742 (21 U.S.C. 379j–22) is amended—

(1) in subsection (a), by striking "2013" and inserting "2018";

(2) in subsection (b), by striking "Committee on Health, Education, Labor, and Pensions" and inserting "the Committee on Health, Education, Labor and Pensions";

(3) by striking "2014" each place it appears in subsections (a) and (b) and inserting "2019"; and

(4) in subsection (d), by striking "2018" each place it appears and inserting "2023".

SEC. 204. SAVINGS CLAUSE.

Time period. 21 USC 379j–21 note.

Notwithstanding the amendments made by this title, part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21 et seq.), as in effect on the day before the date of enactment of this title, shall continue to be in effect with respect to abbreviated applications for a generic new animal drug and supplemental abbreviated applications for a generic new animal drug (as defined in such part as of such day) that on or after October 1, 2013, but before October 1, 2018, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2019.

SEC. 205. EFFECTIVE DATE.

21 USC 379j–21 note.

The amendments made by this title shall take effect on October 1, 2018, or the date of the enactment of this Act, whichever is later, except that fees under part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as amended by this title, shall be assessed for abbreviated applications for a generic new animal drug and supplemental abbreviated applications for a generic new animal drug received on or after October 1, 2018, regardless of the date of enactment of this Act.

SEC. 206. SUNSET DATES.

(a) AUTHORIZATION.—Section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21) shall cease to be effective October 1, 2023. 21 USC 379j–21 note.

(b) REPORTING REQUIREMENTS.—Section 742 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–22) shall cease to be effective January 31, 2024. 21 USC 379j–22 note.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2018, subsections (a) and (b) of section 206 of the Animal Generic Drug User Fee Amendments of 2013 (Public Law 113–14) are repealed. Repeals. 21 USC 379j–21 note.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. ELECTRONIC SUBMISSIONS.

(a) NEW ANIMAL DRUG APPLICATIONS AND ABBREVIATED APPLICATIONS FOR A GENERIC NEW ANIMAL DRUG.—Section 512(b) (21 U.S.C. 360b(b)) is amended by adding at the end the following:

Effective date.

"(4) Beginning on October 1, 2018, all applications or submissions pursuant to this subsection shall be submitted by electronic means in such format as the Secretary may require.".

(b) CONDITIONAL APPROVAL OF NEW ANIMAL DRUGS FOR MINOR USE AND MINOR SPECIES.—Section 571(a) (21 U.S.C. 360ccc(a)) is amended by adding at the end the following:

Effective date.

"(4) Beginning on October 1, 2018, all applications or submissions pursuant to this subsection shall be submitted by electronic means in such format as the Secretary may require.".

SEC. 302. INDEX OF LEGALLY MARKETED UNAPPROVED NEW ANIMAL DRUGS FOR MINOR SPECIES.

Effective date. 21 USC 360ccc–1 note.

Effective on October 1, 2018, section 572(h) (21 U.S.C. 360ccc–1(h)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) 'LEGAL STATUS—In order to be legally marketed, a new animal drug intended for a minor species must be Approved, Conditionally Approved, or Indexed by the Food and Drug Administration. THIS PRODUCT IS INDEXED—MIF #' (followed by the applicable minor species index file number and a period) 'Extra-label use is prohibited.';"; and

(2) in paragraph (2), by striking "other animals" and inserting "food-producing animals".

SEC. 303. MISBRANDED DRUGS AND DEVICES.

(a) IN GENERAL.—Section 502(w) (21 U.S.C. 352(w)) is amended—

(1) in subparagraph (1), by striking "; or" and inserting ";";

(2) in subparagraph (2), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(3) for which an application has been approved under section 512 and the labeling of such drug does not include the application number in the format: 'Approved by FDA under (A)NADA # xxx–xxx', except that this subparagraph shall not apply to representative labeling required under section 514.1(b)(3)(v)(b) of title 21, Code of Federal Regulations (or any successor regulation) for animal feed bearing or containing a new animal drug.".

Effective date. 21 USC 352 note.

(b) APPLICABILITY.—Section 502(w)(3) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply beginning on September 30, 2023.

SEC. 304. CONDITIONAL APPROVAL OF NEW ANIMAL DRUGS.

(a) IN GENERAL.—Section 571 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ccc) is amended—

(1) in the section heading, by striking "**SPECIES**" and inserting "**SPECIES AND CERTAIN NEW ANIMAL DRUGS**";

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1)(A) Except as provided in paragraph (3), any person may file with the Secretary an application for conditional approval of—

"(i) a new animal drug intended for a minor use or a minor species; or

"(ii) a new animal drug not intended for a minor use or minor species—

"(I) that is intended to treat a serious or life-threatening disease or condition or addresses an unmet animal or human health need; and

"(II) for which the Secretary determines that a demonstration of effectiveness would require a complex or particularly difficult study or studies.

"(B) The Secretary shall, not later than September 30, 2019, issue guidance or regulations further clarifying the criteria specified in subparagraph (A)(ii). Deadline. Guidance. Regulations.

"(C) An application under this paragraph shall comply in all respects with the provisions of section 512 except for subsections (a)(4), (b)(2), (c)(1), (c)(2), (c)(3), (d)(1), (e), (h), and (n) of such section unless otherwise stated in this section, and any additional provisions of this section. Compliance.

"(D) New animal drugs for which conditional approval is sought under this section are subject to the same safety standards that would be applied to new animal drugs under section 512(d) (including, for antimicrobial new animal drugs, with respect to antimicrobial resistance).''; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ", or" and inserting "; or";

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

(iii) by striking "A person may not file" and inserting "(A) A person may not file"; and

(iv) by adding at the end the following new subparagraph:

"(B) A person may not file an application under paragraph (1)(A)(ii) if the application seeks conditional approval of a new animal drug that contains an antimicrobial active ingredient.";

(3) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "for the conditionally approved use" after "shall"; and

(B) in paragraph (2)—

(i) by striking "An intended use" and inserting "The Secretary shall, through regulation or guidance, determine under what conditions an intended use"; and Regulations. Guidance. Determination.

(ii) by striking "shall not" and inserting "may"; and

(4) by adding at the end the following new subsection:

"(k) SUNSET.—

"(1) The Secretary's authority to grant conditional approval of new animal drugs not intended for a minor use or minor species pursuant to subsection (a)(1)(A)(ii) terminates on October 1, 2028.

"(2) The Secretary—

"(A) may not accept any new applications for such conditional approval pursuant to subsection (a)(1)(A)(ii) on or after such date; and

"(B) may continue all activities under this section with respect to drugs that were conditionally approved pursuant to (a)(1)(A)(ii) prior to such date.

Deadline.

"(3) The Secretary may, until October 1, 2032, accept applications for approval under 512 of drugs conditionally approved pursuant to (a)(1)(A)(ii).".

(b) EXCEPTION FROM FEES IN CASE OF CERTAIN PREVIOUSLY SUBMITTED APPLICATIONS FOR CONDITIONAL APPROVAL.—Section 740(a)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(a)(1)(C)) is amended—

(1) in the caption by striking "EXCEPTION" and inserting "EXCEPTIONS";

(2) by striking "If an animal drug" and inserting the following:

"(i) If an animal drug"; and

(3) by inserting after clause (i), as so designated, the following new clause:

Effective date.

"(ii) Beginning with fiscal year 2019, in the case of an animal drug application submitted by a person under section 512(b)(1), where such person (or their licensor, assignor, or predecessor-in-interest) previously submitted an application for conditional approval under section 571 for the same product and paid the applicable fee under subparagraph (A), the application under section 512(b)(1) shall not be subject to a fee under subparagraph (A) if submitted within the timeframe specified in section 571(h).".

(c) REPORT ON INCORPORATING VETERINARY OVERSIGHT.—Not later than September 30, 2019, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate identifying how the Food and Drug Administration will incorporate veterinary oversight for all approved medically important antimicrobial drugs administered to animals that are not yet subject to veterinary oversight. Such report shall address requirements related to revisions of labeling to reflect that medically important antimicrobial drugs administered to animals shall be subject to veterinary oversight.

(d) GAO STUDY OF CONDITIONAL APPROVAL PROGRAMS.—

(1) STUDY.—The Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study on the effectiveness and overall impact of the conditional approval pathway under section 571 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ccc).

(2) ISSUANCE OF REPORT.—Not later than January 1, 2026, the Comptroller General shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the study under paragraph (1).

(3) CONTENTS OF REPORTS.—The report submitted under paragraph (2) shall address—

(A) for each drug for which a conditional approval has been awarded since October 1, 2018—

(i) whether the drug was granted conditional approval pursuant to clause (i) or (ii) of section 571(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (a);

(ii) whether the drug was dual labeled during its conditional approval;

(iii) the indications for which the drug was granted conditional approval under section 571 of such Act (21 U.S.C. 360ccc) and whether the drug was approved or not approved under section 512 of such Act (21 U.S.C. 360b);

(iv) the number of years the drug was so conditionally approved and a description of the complexity of the investigation to demonstrate the drug's effectiveness;

(v) whether, and to what extent, the conditional approval pathway under such section 571 (21 U.S.C. 360ccc) impacted the sponsor's decision to develop the drug or seek approval of the drug under section 512 of such Act (21 U.S.C. 360b);

(vi) whether, and to what extent, conditional approval pursuant to clause (ii) of section 571(a)(1)(A) of such Act (21 U.S.C. 360b(a)(1)(A)) addressed a serious or life-threatening condition; and

(vii) whether, and to what extent, conditional approval pursuant to clause (ii) of section 571(a)(1)(A) of such Act (21 U.S.C. 360b(a)(1)(A)) addressed an unmet animal or human health need, and whether before such conditional approval there were available therapies for the disease or condition involved;

(B) an analysis of the conditional approval program under section 571 of such Act (21 U.S.C. 360ccc), including— Analysis.

(i) the resources used by the Food and Drug Administration in reviewing applications for conditional approval of drugs pursuant to such program and renewal of such conditional approval, including the effects of the program on the Food and Drug Administration's review of animal drugs for which conditional approval is not used;

(ii) whether any improvements to the program under section 512 of such Act (21 U.S.C. 360b) are necessary to incentivize the development of animal drugs that would likely not otherwise be developed, or developed in as timely a manner, to address—

(I) serious or life-threatening conditions; and

(II) an unmet animal or human health need; and

(iii) whether the conditional approval pathway has resulted in a greater number of animal drugs approved under section 512 of such Act (21 U.S.C. 360b) for serious or life-threatening conditions or unmet animal or human health needs than would have otherwise come to market under the practices and commitments of the Center for Veterinary Medicine of the Food

and Drug Administration as such practices and commitments existed as of the day before the date of enactment of this Act; and

(C) how the Center for Veterinary Medicine of the Food and Drug Administration has utilized complex adaptive or other novel investigation designs, data from foreign countries, real-world evidence (including ongoing surveillance activities, observational studies, and registry data), biomarkers, or surrogate endpoints—

(i) to support the approval of products under section 512 of such Act (21 U.S.C. 360b), including how many such products have been approved since October 1, 2018; and

(ii) to support the approval of products under section 512 of such Act (21 U.S.C. 360b) that received conditional approval under section 571 of such Act (21 U.S.C. 360ccc), including how many such products have been approved since October 1, 2018.

21 USC 360b note.

SEC. 305. GUIDANCE ADDRESSING INVESTIGATION DESIGNS.

(a) IN GENERAL.—For purposes of assisting sponsors in incorporating complex adaptive and other novel investigation designs, data from foreign countries, real world evidence (including ongoing surveillance activities, observational studies, and registry data), biomarkers, and surrogate endpoints (referred to in this section as "elements of investigations") into proposed clinical investigation protocols and applications for new animal drugs under sections 512 and 571 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b; 360ccc), the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall issue guidance addressing the use of such elements of investigations in the development and regulatory review of such new animal drugs.

(b) CONTENTS.—The guidance under subsection (a) shall address how the Secretary will evaluate the elements of investigations proposed or submitted pursuant to section 512(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act or to meet the commitment under section 571(a)(2)(F) of such Act, and how sponsors of such applications may obtain feedback from the Secretary on technical issues related to such investigations prior to the submission of an application to the Secretary.

Consultation. Deadline.

(c) MEETING.—Prior to issuing the guidance under subsection (a), the Secretary shall consult with stakeholders, including representatives of regulated industry, consumer groups, academia, veterinarians, and food producers, through a public meeting to be held not later than 1 year after the date of enactment of this Act.

Deadlines.

(d) TIMING.—The Secretary shall issue a draft guidance under subsection (a) not later than 1 year after the date of the public meeting under subsection (c), and shall finalize such guidance not later than 1 year after the date on which the public comment period on such draft guidance ends.

SEC. 306. FOOD ADDITIVES INTENDED FOR USE IN ANIMAL FOOD.

(a) FOOD ADDITIVE PETITIONS FOR ANIMAL FOOD.—Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) is amended by adding at the end the following:

"(k) FOOD ADDITIVES INTENDED FOR USE IN ANIMAL FOOD.—(1) In taking action on a petition under subsection (c) for, or for

recognition of, a food additive intended for use in animal food, the Secretary shall review reports of investigations conducted in foreign countries, provided by the petitioner.

"(2) Not later than 12 months after the date of enactment of the Animal Drug and Animal Generic Drug Use Fee Amendments of 2018, the Secretary shall post on the internet website of the Food and Drug Administration— Deadline. Web posting.

"(A) the number of petitions for food additives intended for use in animal food filed under subsection (b) that are pending;

"(B) how long each such petition submitted under subsection (b) has been pending, including such petitions the Secretary has extended under subsection (c)(2); and

"(C) the number of study protocols that have been pending review for over 50 days, and the number that have received an extension.

"(3) In the case of a food additive petition intended for use in animal food, the Secretary shall provide information to the petitioner on the required contents of such petition. If the Secretary requires additional studies beyond what the petitioner proposed, the Secretary shall provide the scientific rationale for such requirement.".

(b) ENSURING THE SAFETY OF PET FOOD.—Section 1002(a) of the Food and Drug Administration Amendments Act of 2007 (21 U.S.C. 2102(a)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(c) GUIDANCE ON PRE-PETITION CONSULTATION PROCESS FOR ANIMAL FOOD ADDITIVES.— Deadlines. 21 USC 348 note.

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall publish draft guidance relating to the voluntary pre-petition consultation process for food additives intended for use in animal food.

(2) CONTENTS.—The guidance under paragraph (1) shall include—

(A) the recommended format to submit to the Food and Drug Administration existing data, including any applicable foreign data, for assessment prior to submission of a food additive petition for animal food under section 409(b) of the Federal Food, Drug, and Cosmetic Act;

(B) the manner and the number of days by which the Food and Drug Administration intends to review and respond to such existing data, including with respect to providing a scientific rationale for any additional data request;

(C) circumstances under which the submission of study protocols is recommended prior to submission of a food additive petition under such section 409(b);

(D) the manner in which the Secretary intends to inform the person submitting a study protocol for a food additive if the review of such study protocol will take longer than 50 days; and

(E) best practices for communication between the Food and Drug Administration and industry on the development

of pre-petition submissions of study protocols and existing data for food additives.

(3) FINAL GUIDANCE.—The guidance under paragraph (1) shall be finalized, withdrawn, or reissued not later than 1 year after the close of the comment period on the draft guidance.

Approved August 14, 2018.

LEGISLATIVE HISTORY—H.R. 5554 (S. 2434):

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
July 31, considered and passed Senate.

Public Law 115–235
115th Congress

An Act

To amend title 23, United States Code, to extend the deadline for promulgation of regulations under the tribal transportation self-governance program.

Aug. 14, 2018
[H.R. 6414]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR PROMULGATION OF REGULATIONS UNDER TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.

Section 207(n)(1) of title 23, United States Code, is amended—

(1) in subparagraph (B) by striking "21 months" and inserting "42 months"; and

(2) in subparagraph (C) by striking "30 months" and inserting "48 months".

Approved August 14, 2018.

LEGISLATIVE HISTORY—H.R. 6414:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 25, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 115–236
115th Congress

An Act

Aug. 14, 2018
[S. 770]

To require the Director of the National Institute of Standards and Technology to disseminate guidance to help reduce small business cybersecurity risks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

NIST Small Business Cybersecurity Act.
15 USC 271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "NIST Small Business Cybersecurity Act".

15 USC 272 note.

SEC. 2. IMPROVING CYBERSECURITY OF SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) RESOURCES.—The term "resources" means guidelines, tools, best practices, standards, methodologies, and other ways of providing information.

(3) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) SMALL BUSINESS CYBERSECURITY.—Section 2(e)(1)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)(1)(A)) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) consider small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and".

(c) DISSEMINATION OF RESOURCES FOR SMALL BUSINESSES.—

Deadline.
Consultation.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director, in carrying out section 2(e)(1)(A)(viii) of the National Institute of Standards and Technology Act, as added by subsection (b) of this Act, in consultation with the heads of other appropriate Federal agencies, shall disseminate clear and concise resources to help small business concerns identify, assess, manage, and reduce their cybersecurity risks.

(2) REQUIREMENTS.—The Director shall ensure that the resources disseminated pursuant to paragraph (1)—

(A) are generally applicable and usable by a wide range of small business concerns;

(B) vary with the nature and size of the implementing small business concern, and the nature and sensitivity

of the data collected or stored on the information systems or devices of the implementing small business concern;

(C) include elements, that promote awareness of simple, basic controls, a workplace cybersecurity culture, and third-party stakeholder relationships, to assist small business concerns in mitigating common cybersecurity risks;

(D) include case studies of practical application;

(E) are technology-neutral and can be implemented using technologies that are commercial and off-the-shelf; and

(F) are based on international standards to the extent possible, and are consistent with the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(3) NATIONAL CYBERSECURITY AWARENESS AND EDUCATION PROGRAM.—The Director shall ensure that the resources disseminated under paragraph (1) are consistent with the efforts of the Director under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451).

(4) SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.—In carrying out paragraph (1), the Director, to the extent practicable, shall consider any methods included in the Small Business Development Center Cyber Strategy developed under section 1841(a)(3)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(5) VOLUNTARY RESOURCES.—The use of the resources disseminated under paragraph (1) shall be considered voluntary.

(6) UPDATES.—The Director shall review and, if necessary, update the resources disseminated under paragraph (1) in accordance with the requirements under paragraph (2). Review.

(7) PUBLIC AVAILABILITY.—The Director and the head of each Federal agency that so elects shall make prominently available on the respective agency's public Internet website information about the resources and updates to the resources disseminated under paragraph (1). The Director and the heads shall each ensure that the information they respectively make prominently available is consistent, clear, and concise. Web posting.

(d) OTHER FEDERAL CYBERSECURITY REQUIREMENTS.—Nothing in this section may be construed to supersede, alter, or otherwise affect any cybersecurity requirements applicable to Federal agencies.

(e) FUNDING.—This Act shall be carried out using funds otherwise authorized to be appropriated or made available to the National Institute of Standards and Technology.

Approved August 14, 2018.

LEGISLATIVE HISTORY—S. 770 (H.R. 2105):

SENATE REPORTS: No. 115–153 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:
Vol. 163 (2017): Sept. 28, considered and passed Senate.
Vol. 164 (2018): July 25, considered and passed House, amended.
Aug. 1, Senate concurred in House amendments.

Public Law 115–237
115th Congress

An Act

To promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

Sept. 4, 2018
[S. 717]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pro bono Work to Empower and Represent Act of 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pro bono Work to Empower and Represent Act of 2018" or the "POWER Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Extremely high rates of domestic violence, dating violence, sexual assault, and stalking exist at the local, State, tribal, and national levels and such violence or behavior harms the most vulnerable members of our society.

(2) According to a study commissioned by the Department of Justice, nearly 25 percent of women suffer from domestic violence during their lifetime.

(3) Proactive efforts should be made available in all forums to provide pro bono legal services and eliminate the violence that destroys lives and shatters families.

(4) A variety of factors cause domestic violence, dating violence, sexual assault, and stalking, and a variety of solutions at the local, State, and national levels are necessary to combat such violence or behavior.

(5) According to the National Network to End Domestic Violence, which conducted a census including almost 1,700 assistance programs, over the course of 1 day in September 2014, more than 10,000 requests for services, including legal representation, were not met.

(6) Pro bono assistance can help fill this need by providing not only legal representation, but also access to emergency shelter, transportation, and childcare.

(7) Research and studies have demonstrated that the provision of legal assistance to victims of domestic violence, dating violence, sexual assault, and stalking reduces the probability of such violence or behavior reoccurring in the future and can help survivors move forward.

(8) Legal representation increases the possibility of successfully obtaining a protective order against an attacker, which prevents further mental and physical injury to a victim and his or her family, as demonstrated by a study that found that 83 percent of victims represented by an attorney were

able to obtain a protective order, whereas only 32 percent of victims without an attorney were able to do so.

(9) The American Bar Association Model Rules include commentary stating that "every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer".

(10) As leaders in their legal communities, judges in district courts should encourage lawyers to provide pro bono resources in an effort to help victims of such violence or behavior escape the cycle of abuse.

(11) A dedicated army of pro bono attorneys focused on this mission will inspire others to devote efforts to this cause and will raise awareness of the scourge of domestic violence, dating violence, sexual assault, and stalking throughout the country.

(12) Communities, by providing awareness of pro bono legal services and assistance to survivors of domestic violence, dating violence, sexual assault, and stalking, will empower those survivors to move forward with their lives.

Time periods.

SEC. 3. DISTRICT COURTS TO PROMOTE EMPOWERMENT EVENTS.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 4 years, the chief judge, or his or her designee, for each judicial district shall lead not less than one public event, in partnership with a State, local, tribal, or territorial domestic violence service provider or coalition and a State or local volunteer lawyer project, promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking and engage citizens in assisting those survivors.

(b) DISTRICTS CONTAINING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—During each 2-year period, the chief judge, or his or her designee, for a judicial district that contains an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) shall lead not less than one public event promoting pro bono legal services under subsection (a) of this section in partnership with an Indian tribe or tribal organization with the intent of increasing the provision of pro bono legal services for Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, and stalking.

(c) REQUIREMENTS.—Each chief judge shall—

(1) have discretion as to the design, organization, and implementation of the public events required under subsection (a); and

(2) in conducting a public event under subsection (a), seek to maximize the local impact of the event and the provision of access to high-quality pro bono legal services by survivors of domestic violence, dating violence, sexual assault, and stalking.

SEC. 4. REPORTING REQUIREMENTS.

(a) REPORT TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Not later than October 30 of each year, each chief judge shall submit to the Director of the Administrative Office of the United States Courts a report detailing

each public event conducted under section 3 during the previous fiscal year.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1 of each year, the Director of the Administrative Office of the United States Courts shall submit to Congress a compilation and summary of each report received under subsection (a) for the previous fiscal year.

(2) REQUIREMENT.—Each comprehensive report submitted under paragraph (1) shall include an analysis of how each public event meets the goals set forth in this Act, as well as suggestions on how to improve future public events. Analysis.

SEC. 5. FUNDING.

The Administrative Office of the United States Courts shall use existing funds to carry out the requirements of this Act.

Approved September 4, 2018.

LEGISLATIVE HISTORY—S. 717:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Aug. 1, considered and passed Senate.
Vol. 164 (2018): July 17, considered and passed House, amended.
Aug. 15, Senate concurred in House amendment.

Public Law 115–238
115th Congress

An Act

Sept. 7, 2018
[S. 899]

To amend title 5, United States Code, to ensure that the requirements that new Federal employees who are veterans with service-connected disabilities are provided leave for purposes of undergoing medical treatment for such disabilities apply to certain employees of the Veterans Health Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Providing Healthcare Transition Improvement Act.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Providing Healthcare Transition Improvement Act".

SEC. 2. DISABLED VETERAN LEAVE FOR HEALTH-CARE PROFESSIONALS IN VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 6329(d)(1) of title 5, United States Code, is amended to read as follows:

Definition.

"(1) the term 'employee' has the meaning given such term in section 2105, and includes—

"(A) an officer or employee of the United States Postal Service or the Postal Regulatory Commission; and

"(B) notwithstanding subsection (a) of section 7421 of title 38, an individual occupying a position listed in subsection (b) of such section;".

5 USC 6329 note.

(b) APPLICABILITY.—With respect to a position listed in section 7421(b) of title 38, United States Code, the amendment made by subsection (a) shall apply to any individual appointed to such a position on or after the date of enactment of this Act.

Approved September 7, 2018.

LEGISLATIVE HISTORY—S. 899 (H.R. 2648):

HOUSE REPORTS: No. 115–825, Pt. 1 (Comm. on Oversight and Government Reform) accompanying H.R. 2648.

CONGRESSIONAL RECORD, Vol. 164 (2018):

Mar. 20, considered and passed Senate.

July 16, considered and passed House, amended.

Aug. 22, Senate concurred in House amendments.

Public Law 115–239
115th Congress

An Act

To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty.

Sept. 13, 2018
[H.R. 4318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Miscellaneous Tariff Bill Act of 2018.

19 USC 1 note.

SECTION 1. SHORT TITLE; REFERENCE; EXPIRED PROVISIONS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Tariff Bill Act of 2018".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States.

(c) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended—

(1) by striking heading 9902.01.01 and all headings that follow through the end of such subchapter; and

(2) by striking U.S. Note 7 and U.S. Notes 13 through 19.

SEC. 2. FROZEN, BOILED GLUTINOUS CORN.

Subchapter II of chapter 99 is amended by inserting the following new heading:

"	9902.01.01	Frozen, boiled glutinous corn (other than sweet corn), not reduced in size (provided for in subheading 0710.80.70)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 3. MUSTARD SEED OIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.02	Mustard seed oil and its fractions, other than crude, not denatured, not chemically modified (provided for in subheading 1514.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 4. COCOA POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.03	Cocoa powder, not containing added sugar or other sweetening matter (provided for in subheading 1805.00.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 5. ARTICHOKES, IN VINEGAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.04	Artichokes, prepared or preserved by vinegar or acetic acid (provided for in subheading 2001.90.25)	7.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 6. PEPPERONCINI, PRESERVED BY VINEGAR, IN GLASS JARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.05	Pepperoncini, prepared or preserved by vinegar or acetic acid and presented in glass jars (provided for in subheading 2001.90.38)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 7. PEPPERONCINI, VINEGAR PRESERVED, NOT IN GLASS JARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.06	Pepperoncini, prepared or preserved by vinegar or acetic acid and presented in containers other than glass jars (provided for in subheading 2001.90.38)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 8. MINCED PIMIENTO STUFFED GREEN OLIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.07	Olives, green in color, stuffed with minced pimiento, the foregoing in brine and presented in glass containers, other than place packed (provided for in subheading 2005.70.25)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 9. PIMIENTOS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.08	Pimientos, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 10. PEPPERONCINI, OTHER THAN PRESERVED BY VINEGAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.09	Pepperoncini, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.99.55)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 11. ARTICHOKES, OTHER THAN IN VINEGAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.10	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.99.80)	12.7%	No change	No change	On or before 12/31/2020 ...	".

SEC. 12. DRIED STRAWBERRIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.11	Strawberries, brined and then oven-dried or tunnel-dried, the foregoing infused with sugar (provided for in subheading 2008.80.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 13. EDIBLE POWDER CONTAINING CONJUGATED LINOLEIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.12	Edible powder containing conjugated linoleic acid (CAS Nos. 2540–56–9 and 2420–56–6) containing over 10 percent by weight of milk solids (provided for in subheading 2106.90.82)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 14. NICOTINE GUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.13	Gum containing nicotine and containing synthetic sweetening agents (e.g., saccharin) instead of sugar (provided for in subheading 2106.90.98)	5.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 15. COCONUT WATER JUICE BLENDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.14	Coconut water juice blends, not from concentrate, packaged for retail sale (provided for in subheading 2009.90.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 16. COCONUT WATER IN PAPER CARTONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.15	Coconut water, not from concentrate, not containing added sugar or other sweetening matter, packaged for retail sale in paper-based cartons (provided for in subheading 2009.89.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 17. FLAVORED COCONUT WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.16	Coconut water not from concentrate, flavored, packaged for retail sale (provided for in subheading 2009.89.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 18. COCONUT WATER IN PET BOTTLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.17	Coconut water, not from concentrate, not containing added sugar or other sweetening, certified by the importer as from conventionally grown (non-organic) coconuts, packaged for retail sale in 500 milliliter polyethyl-ene terephthalate bottles (provided for in subheading 2009.89.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 19. ISODODECANE (CAS 93685–81–5).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.18	Light oil fractions containing more than 50 percent by weight of isododecane (CAS No. 93685–81–5) (provided for in subheading 2710.12.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 20. ISOHEXADECANE (CAS NO. 93685–80–4).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.19	Medium oil fractions containing more than 50 percent by weight of isohexadecane (CAS No. 93685–80–4) (provided for in subheading 2710.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 21. SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.20	Sodium, containing more than 200 ppm of calcium (CAS No. 7440–23–5) (provided for in subheading 2805.11.00)	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 22. SODIUM CONTAINING NOT MORE THAN 200 PPM OF CALCIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.21	Sodium, containing not more than 200 ppm of calcium (CAS No. 7440-23-5) (provided for in subheading 2805.11.00)	0.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 23. NITROSYL SULFURIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.22	Nitrosylsulfuric acid (CAS. No. 7782–78–7) (provided for in subheading 2811.19.61)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 24. HYPOPHOSPHOROUS ACID 50%.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.23	Hypophosphorous acid 50% (phosphinic acid) (CAS No. 6303–21–5) (provided for in subheading 2811.19.61)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 25. SULFAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.24	Sulfamic acid (CAS No. 5329–14–6) (provided for in subheading 2811.19.61)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 26. HEXAFLUOROZIRCONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.25	Dihydrogen hexafluorozirconate(2-) (Hexafluorozirconic acid) (CAS No. 12021–95–3) (provided for in subheading 2811.19.61)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 27. CERTAIN SPHERICAL PARTICLES OF SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.26	Dioxosilane (Silicon dioxide amorphous) (CAS No. 7631–86–9) entirely spherical micro-spheres of mean particle size of 0.005 mm or smaller, uniform particle size with a uniformity coefficient of 1.65 or less, trace metal impurities less than 70 ppm, specific electrical resistance of 50,000 Ohm cm (provided for in subheading 2811.22.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 28. CERTAIN SPHERICAL PARTICLES OF SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.27	Dioxosilane (Silicon dioxide amorphous) (CAS No. 7631–86–9) entirely spherical micro-spheres of mean particle size of between 0.007 and 0.020 mm, uniform particle size with a uniformity coefficient of 1.65 or less, trace metal impurities less than 70 ppm, specific electrical resistance of 50,000 Ohm cm (provided for in subheading 2811.22.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 29. CERTAIN SPHERICAL PARTICLES OF SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.28	Dioxosilane (Silicon dioxide amorphous) (CAS No. 7631–86–9) presented in the form of entirely spherical micro-spheres, certified by the importer as having a mean particle size of between 0.046 and 0.054 mm, uniform particle size with a uniformity coefficient of 1.65 or less and specific electrical resistance of 50,000 Ohm cm or more (provided for in subheading 2811.22.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 30. CERTAIN SPHERICAL PARTICLES OF SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.29	Silicon dioxide amorphous, certified by the importer as comprising entirely spherical micro-spheres with mean particle size of 28 to 45 micrometers (μm) and surface area 600 to 800 m^2/g (CAS No. 7631–86–9) (provided for in subheading 2811.22.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 31. CERTAIN SPHERICAL PARTICLES OF SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.30	Amorphous silicon dioxide micro-spheres of mean particle size of 0.050-0.100 mm, and specific electrical resistance of 50,000 Ohm cm or more (CAS No. 7631–86–9) (provided for in subheading 2811.22.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 32. CERTAIN SPHERICAL PARTICLES OF SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.31	Amorphous silicon dioxide micro-spheres of mean particle size 0.003-0.018 mm, linseed oil absorption 30-40 ml/g, surface area less than 80 m^2/g, and pore volume less than 0.1 ml/g (CAS No. 7631–86–9) (provided for in subheading 2811.22.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 33. CERTAIN SPHERICAL PARTICLES OF SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.32	Entirely spherical silicon dioxide micro-spheres, certified by the importer as having mean particle size of 3 to 18 micrometers (μm), linseed oil absorption 150 to 400 ml/g, microbial count less than 100 cfu/g, mold count less than 100 cfu/g, heavy metals less than 20 ppm, surface area 300 to 800 m^2/g and pore volume of 0.8 to 2.5 ml/g (CAS No. 7631–86–9) (provided for in subheading 2811.22.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 34. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.33	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.17.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 35. GREEN CHROME OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.34	Chromium(III) oxide (CAS No. 1308–38–9) (provided for in subheading 2819.90.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 36. OXOIRON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.35	Iron(III) oxide (Pigment red 101) (CAS No. 1309–37–1) (provided for in subheading 2821.10.00)	2.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 37. HYDROXYLAMINE FREE BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.36	Hydroxylamine (CAS No. 7803–49–8) (provided for in subheading 2825.10.00)	2.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 38. HYDROXYLAMINE SULPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.37	Hydro-xylamine sulfate (bis(hydro-xylammonium) sulfate) (CAS No. 10039–54–0) (provided for in subheading 2825.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 39. HYDRAZINE 64%.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.38	Hydrazine, 64 percent solution in water (CAS No. 302–01–2) (provided for in subheading 2825.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 40. GERMANIUM DIOXIDE (GEO2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.39	Germanium dioxide, powder form (CAS No. 1310–53–8) (provided for in subheading 2825.60.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 41. TIN (IV) OXIDE, SNO2.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.40	Tin(IV) oxide (stannic oxide) (Dioxostannane) (CAS No. 18282-10-5) (provided for in subheading 2825.90.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 42. AMMONIUM BIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.41	Ammonium bifluoride (Ammonium fluoride hydrofluoride (1:1:1)) (CAS No. 1341–49–7) (provided for in subheading 2826.19.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 43. SODIUM FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.42	Sodium Fluoride (CAS No. 7681–49–4) (provided for in subheading 2826.19.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 44. STANNOUS FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.43	Tin fluoride (CAS No. 7783–47–3) (provided for in subheading 2826.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 45. SODIUM HYDROGEN DIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.44	Sodium hydrogen difluoride (CAS No. 1333–83–1) (provided for in subheading 2826.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 46. CHROMIUM FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.45	Chromium(3+) trifluoride (CAS No. 7788–97–8) (provided for in subheading 2826.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 47. POTASSIUM BIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.46	Potassium fluoride hydrofluoride (CAS No. 7789–29–9) (provided for in subheading 2826.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 48. POTASSIUM FLUOROBORATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.47	Potassium fluoroborate (CAS No. 14075–53–7) (provided for in subheading 2826.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 49. POTASSIUM FLUOTITANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.48	Potassium fluotitanate (Dipotassium hexafluorotitanate(2-)) (CAS No. 16919–27–0) (provided for in subheading 2826.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 50. POTASSIUM ZIRCONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.49	Potassium zirconate (CAS No.16923–95–8) (provided for in subheading 2826.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 51. TITANIUM TRICHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.50	Titanium trichloride (CAS No. 7705–07–9) (provided for in subheading 2827.39.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 52. COBALT CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.51	Cobalt chloride (dichlorocobalt hydrate (1:1)) (CAS No. 7791–13–1) (provided for in subheading 2827.39.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 53. CESIUM CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.52	Cesium Chloride (CAS No. 7647–17–8) (provided for in subheading 2827.39.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 54. CESIUM IODIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.53	Cesium iodide (CAS No. 7789–17–5) (provided for in subheading 2827.60.51)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 55. SODIUM SULFIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.54	Sodium sulfide (CAS No. 1313–82–2) (provided for in subheading 2830.10.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 56. SODIUM THIOSULFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.55	Sodium Thiosulfate Pentahydrate (Sodium sulfurothioate hydrate (2:1.5)) (CAS No.10102–17–7) (provided for in subheading 2832.30.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 57. BARIUM NITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.56	Barium dinitrate (CAS No. 10022–31–8) (provided for in subheading 2834.29.51)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 58. SODIUM HYPOPHOSPHITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.57	Sodium hypophosphite monohydrate (CAS No. 10039–56–2) (provided for in subheading 2835.10.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 59. MONOPOTASSIUM PHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.58	Monopotassium phosphate (CAS No. 7778–77–0) (provided for in subheading 2835.24.00)	1.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 60. AMMONIUM POLYPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.59	Ammonium polyphosphate (CAS No. 68333–79–9) (provided for in subheading 2835.39.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 61. COBALT CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.60	Cobalt carbonate (cobalt(2+) carbonate hydrate (1:1:1)) (CAS No. 513–79–1) (provided for in subheading 2836.99.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 62. ZIRCONIUM BASIC CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.61	Zirconium basic carbonate (zirconium(4+) dicarbonate) (CAS No. 57219–64–4) (provided for in subheading 2836.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 63. POTASSIUM FERRICYANIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.62	Potassium Ferricyanide (CAS No.13746–66–2) (provided for in subheading 2837.20.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 64. SODIUM FERROCYANIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.63	Sodium Ferrocyanide (CAS No. 13601–19–9) (provided for in subheading 2837.20.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 65. POTASSIUM FERROCYANIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.64	Potassium Ferrocyanide (CAS No.14459–95–1) (provided for in subheading 2837.20.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 66. SODIUM METASILICATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.65	Sodium oxosilanediolate hydrate (2:1:9) (Sodium metasilicate nonahydrate) (CAS No. 13517–24–3) (provided for in subheading 2839.11.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 67. POTASSIUM TETRABORATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.66	Potassium Tetraborate (CAS No. 12045–78–2) (provided for in subheading 2840.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 68. SODIUM TUNGSTATE DIHYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.67	Disodium dioxido(dioxo)tungsten (disodium wolframate) (CAS No. 13472–45–2) (provided for in subheading 2841.80.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 69. SODIUM THIOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.68	Sodium thiocyanate (CAS No. 540–72–7) (provided for in subheading 2842.90.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 70. SILVER SODIUM ZIRCONIUM HYDROGENPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.69	Silver sodium zirconium hydrogenphosphate (CAS No. 265647–11–8) (provided for in subheading 2843.29.01)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 71. MIXED RARE EARTH OXIDES KNOWN AS LUMINOSTAR UY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.70	Mixtures or coprecipitates of yttrium phosphate (CAS No. 13990–54–0) and cerium phosphate (CAS No. 13454–71–2) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 72. LANTHANUM OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.71	Lanthanum(III) oxide (CAS No. 1312–81–8) (provided for in subheading 2846.90.80)	2.4%	No change	No change	On or before 12/31/2020 ...	".

SEC. 73. LANTHANUM CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.72	Lanthanum carbonate (CAS No. 54451–24–0) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 74. LUTETIUM OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.73	Lutetium oxide (CAS No. 12032–20–1) (provided for in subheading 2846.90.80)	2.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 75. PRECURSORS FOR PHOSPHORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.74	Lanthanum phosphate, cerium terbium-doped (CAS No. 95823–34–0) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 76. YTTRIUM OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.75	Yttrium oxides having a purity of at least 99.9 percent (CAS No. 1314–36–9) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 77. YTTERBIUM TRIFLUORIDE POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.76	Ytterbium trifluoride powder (CAS No. 13760–80–0) with a median particle size of greater than 0.2 microns and less than 0.7 microns (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 78. TITANIUM HYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.77	Titanium(2+) dihydride (Titanium hydride) (CAS No. 7704-98-5) (provided for in subheading 2850.00.07)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 79. TITANIUM HYDRIDE PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.78	Mixtures containing titanium dihydride pastes of a kind used for coating the interior of low-pressure mercury lamps (CAS No. 7704–98–5) (provided for in subheading 2850.00.07)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 80. LITHIUM ALUMINUM HYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.79	Lithium tetrahydridoaluminate(1-) (Lithium aluminum hydride) (CAS No. 16853–85–3) (provided for in subheading 2850.00.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 81. CYANAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.80	Cyanamide (CAS No. 420-04-2) (provided for in subheading 2853.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 82. N-BUTYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.81	n-Butyl chloride (1-Chlorobutane) (CAS No. 109–69–3) (provided for in subheading 2903.19.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 83. HEXANE, 1,6-DICHLORO-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.82	1,6-Dichlorohexane (CAS No. 2163–00–0) (provided for in subheading 2903.19.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 84. ALLYL BROMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.83	Allyl Bromide (3-bromo-1-propene) (CAS No. 106–95–6) (provided for in subheading 2903.39.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 85. DCP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.84	1,6,7,8,9,14,15,16,17,17,18,18-Dodecachloropentacyclo [12.2.1.1^{6,9}.0^{2,13}.0^{5,10}] octadeca-7,15-diene (CAS No. 13560-89-9) (provided for in subheading 2903.89.31)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 86. MONOCHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.85	Chlorobenzene (CAS No.108–90–7) (provided for in subheading 2903.91.10)	3.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 87. O-DICHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.86	o-Dichlorobenzene (1,2-dichlorobenzene) (CAS No. 95-50-1) (provided for in subheading 2903.91.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 88. P-DICHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.87	p-Dichlorobenzene (1,4-dichlorobenzene) (CAS No. 106–46–7) (provided for in subheading 2903.91.30)	2.7%	No change	No change	On or before 12/31/2020 ...	".

SEC. 89. 1-CHLORO-4-(TRIFLUOROMETHYL) BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.88	1-Chloro-4-(trifluoromethyl) benzene (CAS No. 98–56–6) (provided for in subheading 2903.99.08)	4.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 90. 1,2,4-TRICHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.89	1,2,4-Trichlorobenzene (CAS No. 120–82–1) (provided for in subheading 2903.99.10)	2.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 91. α,α,α-TRICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.90	α,α,α-Trichlorotoluene (CAS No. 98–07–7) (provided for in subheading 2903.99.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 92. O-CHLOROBENZYL CHLORIDE (OCBC).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.91	2-Chlorobenzyl chloride (CAS No. 611–19–8) (provided for in subheading 2903.99.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 93. DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.92	Dichloromethyl-benzene (CAS no. 29797–40–8) (provided for in subheading 2903.99.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 94. 2-CHLORO-6-FLUOROBENZYLCHORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.93	1-Chloro-2-chloromethyl-3-fluorobenzene (CAS No. 55117-15-2) (provided for in subheading 2903.99.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 95. DEMBB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.94	2-Bromo-1,3-diethyl-5-methylbenzene (CAS No. 314084–61–2) (DEMBB) (provided for in subheading 2903.99.80)	2.1%	No change	No change	On or before 12/31/2020 ...	".

SEC. 96. O-CHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.95	2-Chlorotoluene (CAS No. 95-49-8) (provided for in subheading 2903.99.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 97. 3-MBC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.96	1-(Chloromethyl)-3-methyl-benzene (CAS No. 620–19–9) (provided for in subheading 2903.99.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 98. BENZENESULFONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.97	Benzenesulfonyl chloride (CAS No. 98–09–9) (provided for in subheading 2904.10.08)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 99. SPINOMAR LISS - LITHIUM P-STYRENESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.98	Lithium p-styrenesulfonate (CAS No. 4551–88–6) (provided for in subheading 2904.10.32)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 100. SPINOMAR NASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.99	Sodium 4-vinylbenzenesulfonate (CAS No. 2695–37–6) (provided for in subheading 2904.10.37)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 101. PARA TOLUENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.01	p-Toluenesulfonic acid (4-methylbenzenesulfonic acid hydrate (1:1)) (CAS No. 6192–52–5) (provided for in subheading 2904.10.37)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 102. METHANESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.02	Methanesulfonic acid (CAS No. 75–75–2) (provided for in subheading 2904.10.50)	0.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 103. METHANESULFONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.03	Methanesulfonyl chloride (CAS No. 124–63–0) (provided for in subheading 2904.10.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 104. 4-CHLORO3,5DINITROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.04	4-Chloro-3,5-dinitro-α,α,α-trifluorotoluene (CAS No. 393–75–9) (provided for in subheading 2904.99.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 105. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.05	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.99.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 106. TRIFLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.06	Triflic acid (trifluoromethanesulfonic acid) (CAS No.1493–13–6) (provided for in subheading 2904.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 107. TRIFLIC ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.07	Triflic anhydride (trifluoromethanesulfonic anhydride) (CAS No. 358–23–6) (provided for in subheading 2904.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 108. POTASSIUM PERFLUOROETHYL CYCLOHEXANESULPHONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.08	Potassium 2,2,3,3,4,4,5,5,6,6-decafluoro-1-(pentafluoroethyl)cyclohexanesulfonate (CAS No. 67584–42–3) (provided for in subheading 2904.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 109. 2-OCTANOL SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.09	2-Octanol (CAS No. 123–96–6) (provided for in subheading 2905.16.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 110. ISOSTEARYL ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.10	16-Methyl-1-heptadecanol (Isostearyl alcohol) (CAS No. 27458–93–1) (provided for in subheading 2905.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 111. SODIUM METHYLATE POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.11	Sodium methylate powder (CAS No. 124–41–4) (provided for in subheading 2905.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 112. MAGNESIUM TERT-BUTOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.12	Magnesium bis(2-methyl-2-propanolate) (Magenesium tert-butoxide) (CAS No. 32149–57–8) (provided for in subheading 2905.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 113. PROPARGYL ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.13	2-Propyn-1-ol (propargyl alcohol) (CAS No. 107–19–7) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 114. LEAF ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.14	cis-3-Hexen-1-ol (CAS No. 928–96–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 115. PUROLAN PD-LO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.15	1,2-Pentanediol (CAS No. 5343–92–0) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 116. 2,5-DIMETHYLHEXANE-2,5-DIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.16	2,5-Dimethyl-2,5-hexanediol (CAS No. 110–03–2) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 117. MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.17	*d*-Menthol (CAS No. 15356–60–2)(provided for in subheading 2906.11.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 118. α-NAPHTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.19	α-Naphthol (CAS No. 90–15–3) (provided for in subheading 2907.15.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 119. THYMOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.20	Thymol (2-isopropyl-5-methylphenol) (CAS No. 89–83–8) (provided for in subheading 2907.19.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 120. PREVENTOL O EXTRA, PREVENTOL O EXTRA PRESERVATIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.21	2-Phenylphenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 121. PREVENTOL ON EXTRA PRESERVATIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.22	2-Phenylphenol sodium salt (CAS No. 132–27–4) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 122. RESORCINOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.23	Resorcinol (CAS No. 108–46–3) (provided for in subheading 2907.21.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 123. PYROGALLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.24	Pyrogallol (Pyrogallic acid) (CAS No. 87–66–1) (provided for in subheading 2907.29.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 124. LEUCOQUINIZARIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.25	Leucoquinizarin as 1,4,9,10-tetrahydroxyanthracene (CAS No. 476–60–8), 2,3-dihydro-9,10-dihydroxyanthracene-1,4-dione (CAS No. 17648–03–2) or 2,3-dihydro-1,4-dihydroxy-9,10-anthracenedione (CAS No. 40498–13–3) (provided for in subheading 2907.29.90 or 2914.69.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 125. 2,2'-METHYLENE-BIS-(4-METHYL-6-TERT-BUTYLPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.26	6,6'-Di-tert-butyl-2,2'-methylenedi-p-cresol (CAS No. 119–47–1) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 126. 2,2'-(2-METHYLPROPYLIDENE)BIS[4,6-DIMETHYL-PHENOL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.27	2,2'-(2-Methyl-1,1-propanediyl)bis(4,6-dimethylphenol) (CAS No. 33145–10–7) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 127. 4,4'-BUTYLIDENEBIS(3-METHYL-6-TERT-BUTYLPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.28	4,4'-(1,1-Butanediyl)bis[5-methyl-2-(2-methyl-2-propanyl)phenol] (CAS No. 85–60–9) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 128. 2,5-BIS(1,1-DIMETHYLPROPYL)-1,4-BENZENEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.29	2,5-Bis(2-methyl-2-butanyl)-1,4-benzenediol (CAS No. 79–74–3) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 129. TRIS(2'-METHYL-4'-HYDROXY-5'-T- BUTYLPHENYL)BUTANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.30	4,4',4"-(1,1,3-Butanetriyl)tris[5-methyl-2-(2-methyl-2-propanyl)phenol] (CAS No. 1843–03–4) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 130. POLYMER ADDITIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.31	2,2’-Methylenebis[4-ethyl-6-(2-methyl-2-propanyl)phenol] (CAS No. 88–24–4) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 131. ORTHO NITRO PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.32	2-Nitrophenol (o-nitrophenol) (CAS No. 88–75–5) (provided for in subheading 2908.99.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 132. 3-TRIFLUOROMETHYL-4-NITROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.33	3-Trifluoromethyl-4-nitrophenol (CAS No. 88–30–2) (provided for in subheading 2908.99.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 133. NKTR-118 (PEG)7 MESYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.34	2,5,8,11,14,17,20-Heptaoxadocosan-22-ol methanesulfonate (CAS No. 477775–57–8) (provided for in subheading 2909.19.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 134. OXYFLUORFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.35	2-Chloro-α,α,α-trifluoro-p-tolyl-3-ethoxy-4-nitrophenyl ether (Oxyfluorfen) (CAS No. 42874–03–3) (provided for in subheading 2909.30.30)	0.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 135. NITRATED AROMATIC ETHER OR OPNA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.36	1-Methoxy-2,4-dinitrobenzene (2,4-Dinitroanisole) (CAS No. 119–27–7) (provided for in subheading 2909.30.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 136. ALLYL PENTAERYTHRITOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.37	2-(Hydroxymethyl)-2-(prop-2-enoxymethyl) propane-1,3-diol (CAS No. 91648–24–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 137. T-BUTYL CUMYL PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.38	t-Butyl cumyl peroxide ({2-[(2-methyl-2-propanyl)peroxy]-2-propanyl}benzene) (CAS No. 3457–61–2) (provided for in subheading 2909.60.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 138. DICUMYL PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.39	Bis(α,α-dimethylbenzyl) peroxide (dicumyl peroxide) (CAS No. 80–43–3) (provided for in subheading 2909.60.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 139. CUMENE HYDROPEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.40	2-Phenyl-2-propanyl hydroperoxide (cumene hydroperoxide) (CAS No. 80–15–9) (provided for in subheading 2909.60.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 140. 2,5-DIMETHYL-2,5-DI(TERT-BUTYLPEROXY)HEXANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.41	2,5-Dimethyl-2,5-bis[(2-methyl-2-propanyl)peroxy]hexane (CAS No. 78–63–7) (provided for in HTS subheading 2909.60.50).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 141. ALLYL GLYCIDYL ETHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.42	(2S)-2-[(Allyloxy)methyl]oxirane (CAS No. 106–92–3) (provided for in subheading 2910.90.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 142. 2-BROMO-1,1-DIMETHOXYETHANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.43	2-Bromo-1,1-dimethoxyethane (CAS No. 7252–83–7) (provided for in subheading 2911.00.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 143. 3,7-DIMETHYLOCTA-2,6-DIENAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.44	3,7-Dimethylocta-2,6-dienal (citral) (CAS No. 5392–40–5) (provided for in subheading 2912.19.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 144. GLYOXAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.45	Glyoxal (CAS No. 107–22–2) (provided for in subheading 2912.19.30)	0.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 145. 4-PROPYL BENZALDEHYDE (NPBAL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.46	4-Propylbenzaldehyde (CAS No. 28785–06–0) (provided for in subheading 2912.29.60)	2.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 146. CYCLOBUTANECARBOXALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.47	Cyclobutanecarboxaldehyde (CAS No. 2987–17–9) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 147. 4-(1,1-DIMETHYLETHYL)-ALPHA-M(LYSMERAL EXTRA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.48	2-Methyl-3-[4-(2-methyl-2-propanyl)phenyl]propanal (Lily aldehyde) (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 148. ANISALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.49	p-Anisaldehyde (4-methoxybenzaldehyde) (CAS No. 123–11–5) (provided for in subheading 2912.49.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 149. TBMB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.50	2-Methoxy-5-(2-methyl-2-propanyl)benzaldehyde (CAS No. 85943–26–6) (provided for in subheading 2912.49.26)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 150. 7-HYDROXYCITRONELLAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.51	7-Hydroxycitronellal (7-Hydroxy-3,7-dimethyloctanal) (CAS No. 107–75–5) (provided for in subheading 2912.49.55)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 151. 2,4- DISULFOBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.52	2,4-Disulfobenzaldehyde (CAS No. 88-39-1) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 152. P-(TRIFLUOROMETHYL)BENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.53	p-(Trifluoromethyl)benzaldehyde (CAS No. 455–19–6) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 153. DIETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.54	3-Pentanone (Diethyl ketone) (CAS No. 96–22–0) (provided for in subheading 2914.19.00)	0.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 154. (E)-4-(2,6,6-TRIMETHYL-1-CYCLOHEXEN-1-YL)-3-BUTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.55	(3E)-4-(2,6,6-Trimethyl-2-cyclohexen-1-yl)-3-buten-2-one (CAS No. 79–77–6) (provided for in subheading 2914.23.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 155. IONONE GAMMA METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.56	3-Methyl-4-(2,6,6-trimethylcyclohex-2-enyl)but-3-en-2-one (Methylionone)(CAS No. 1335–46–2) (provided for in subheading 2914.23.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 156. 1,3-CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.57	1,3-Cyclohexanedione (CAS No. 504–02–9) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 157. BENZOBICYCLON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.58	3-[2-Chloro-4-(methylsulfonyl)benzoyl]-4-(phenylsulfanyl)bicyclo[3.2.1]oct-3-en-2-one (Benzobicyclon) (CAS No. 156963–66–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 158. CYCLOPENTANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.59	Cyclopentanone (CAS No. 120–92–3) (provided for in subheading 2914.29.50)	1.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 159. BENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.60	Benzophenone (CAS No. 119–61–9) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 160. 5-CHLORO-1-INDANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.61	5-Chloro-1-indanone (CAS No. 42348–86–7) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 161. METHYL ACETOPHENONE PARA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.62	p-Methylacetophenone (1-(4-Methylphenyl)ethanone) (CAS No. 122–00–9) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 162. HYDROXYLMETHYLPENTANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.63	1-Hydroxy-2-methylpentan-3-one (CAS No. 27970–79–2) (provided for in subheading 2914.40.90)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 163. UV ABSORBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.64	2,4-Dihydroxybenzophenone (CAS No. 131–56–6) (provided for in subheading 2914.50.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 164. RASPBERRY KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.65	4-(4-Hydroxyphenyl)butan-2-one (raspberry ketone) (CAS No. 5471–51–2) (provided for in subheading 2914.50.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 165. DMB (4,4-DIMETHOXY-2-BUTANONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.66	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 166. AMALANTHRAQUINE (AAQ).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.67	2-tert-Amylanthraquinone (2-(2-methyl-2-butanyl)-9,10-anthraquinone) (CAS No. 32588–54–8) (provided for in subheading 2914.69.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 167. NITROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.68	1-Nitroanthraquinone (1-nitroanthracene-9,10-dione) (CAS No. 82–34–8) (provided for in subheading 2914.79.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 168. 1-(4-CHLOROPHENYL)-4,4-DIMETHYLPENTAN-3-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.69	1-(4-Chlorophenyl)-4,4-dimethylpentan-3-one (Alkylketone) (CAS No. 66346–01–8) (provided for in subheading 2914.79.40)	3.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 169. 1,5-DICHLORO-9,10-ANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.70	1,5-Dichloro-9,10-anthraquinone (CAS No. 82–46–2) (provided for in subheading 2914.79.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 170. ETFBO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.71	(3E)-4-Ethoxy-1,1,1-trifluorobut-3-en-2-one (CAS No. 59938–06–6) (provided for in subheading 2914.79.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 171. 3'-BROMO-2,3,4,6'-TETRAMETHOXY-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.72	(3-Bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl)methanone (Metrafenone) (CAS No. 220899–03–6) (provided for in subheading 2914.79.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 172. VERDOX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.73	cis-2-tert-Butylcyclohexyl acetate (Argumex) (CAS No. 20298–69–5) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 173. DICHLOROACETYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.74	Dichloroacetyl chloride (DCAC) (CAS No. 79–36–7) (provided for in subheading 2915.40.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 174. METHYL CHLOROACETATE (MECA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.75	Methyl 2-chloroacetate (CAS No. 96–34–4) (provided for in subheading 2915.40.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 175. ETHYL MONOCHLOROACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.76	Ethyl chloroacetate (CAS No. 105–39–5) (provided for in subheading 2915.40.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 176. VINYL NEODECANOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.78	Vinyl neodecanoate (vinyl 7,7-dimethyloctanoate) (CAS No. 51000–52–3) (provided for in subheading 2915.90.18)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 177. DILAUROYL PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.79	Dilauroyl peroxide (CAS No. 105–74–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 178. POLYGLYCERYL-3 CAPRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.80	Triglyceryl octanoate (CAS No. 108777–93–1) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 179. BUTYL ACRYLATE (BUYL PROP-2-ENOATE),.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.81	t-Butyl acrylate (2-methyl-2-propanyl acrylate) (CAS No. 1663–39–4) (provided for in subheading 2916.12.50)	0.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 180. ALLYL METHACRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.82	Allyl methacrylate (CAS No. 96–05–9) (provided for in subheading 2916.14.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 181. SORBIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.83	(2E,4E)-2,4-Hexadienoic acid (Sorbic acid) (CAS No. 110–44–1) (provided for in subheading 2916.19.20)	2.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 182. CROTONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.84	(E)-2-Butenoic acid (trans-crotonic acid) (CAS No. 107–93–7) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 183. PINANE HYDROPEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.85	Pinane hydro-peroxide (2,6,6-tri-methly-bicyclo[3.1.1]heptyl- hydro-peroxide) (CAS No. 28324–52–9) (provided for in sub-heading 2916.20.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 184. BIFENTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.86	2-Methylbiphenyl-3-ylmethyl (1RS,3RS)-3-[(Z)-2-chloro-3,3,3-trifluoroprop-1-enyl]-2,2-dimethylcyclopropanecarboxylate (Bi-fenthrin) (CAS No. 82657–04–3) (provided for in subheading 2916.20.50)	2.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 185. BENZOYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.87	Benzoyl chloride (CAS No. 98–88–4) (provided for in subheading 2916.32.20)	2.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 186. 4-NITROBENZOYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.88	4-Nitrobenzoyl chloride (CAS No.122–04–3) (provided for in subheading 2916.39.03)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 187. METHYL CINNAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.89	Methyl (2E)-3-phenylacrylate (Methyl cinnamate) (CAS No. 103–26–4) (provided for in subheading 2916.39.21)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 188. PERKADOX PD-50S-PS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.90	Bis(2,4-dichlorobenzoyl) peroxide (CAS No. 133–14–2) (provided for in subheading 2916.39.79)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 189. OXALIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.91	Oxalic acid (ethanedioic acid dihydrate) (CAS No. 6153–56–6) (provided for in subheading 2917.11.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 190. OXALIC ACID, DIMETHYL ESTER (DMO).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.92	Dimethyl oxalate (CAS No. 553–90–2) (provided for in subheading 2917.11.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 191. SEBACIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.93	Sebacic acid (CAS No. 111–20–6) (provided for in subheading 2917.13.00)	2.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 192. DIMETHYL MALONATE OR DMM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.94	Dimethyl malonate (CAS No. 108–59–8) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 193. ITACONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.95	Itaconic acid (2-methylidenebutanedioic acid) (CAS No. 97–65–4) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 194. HIMIC ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.96	Himic anhydride (1,2,3,6-tetra-hydro-3,6-methanophthalic anhydride) (CAS No. 826–62–0) (provided for in subheading 2917.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 195. 4-SULFO-1,8-NAPTHALIC ANHYDRIDE POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.97	Potassium 1,3-dioxo-1H,3H-benzo[de]isochromene-6-sulfonate (CAS No. 71501–16–1) (provided in subheading 2917.39.04)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 196. BPDA-U.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.99	5,5’-Bi-2-benzofuran-1,1’,3,3’-tetrone (CAS No. 2420–87–3) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 197. 1,4,5,8-NAPHTHALENE TETRA-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.01	Naphthalene-1,8:4,5-tetracarboxylic dianhydride (CAS No. 81–30–1) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 198. PYROMELLITIC DIANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.02	Pyromellitic dianhydride (benzene-1,2:4,5-tetra-carboxylic dianhydride) (CAS No. 89–32–7) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 199. DIMETHYL 5-NITROISOPHTHALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.03	Dimethyl 5-nitroisophthalate (CAS No. 13290–96–5) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 200. ICL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.04	Isophthaloyl chloride (CAS No. 99–63–8) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 201. TCL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.05	Terephthaloyl chloride (CAS No. 100–20–9) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 202. HYDROXYPIVALIC ACID NEOPENTYL GLYCOL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.06	3-Hydroxy-2,2-dimethylpropyl-3-hydroxy-2,2-dimethylpropionate (CAS No. 1115–20–4) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 203. O-ACETYLSALICYLIC ACID (ASPIRIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.07	o-Acetylsalicylic acid (Aspirin) (CAS No. 50–78–2) (provided for in subheading 2918.22.10)	1.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 204. METHYL SAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.08	Methyl salicylate (CAS No. 119–36–8) (provided for in subheading 2918.23.20)	2.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 205. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.09	4-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	2.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 206. GALLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.10	3,4,5-Trihydroxybenzoic acid monohydrate (Gallic acid monohydrate) (CAS No. 5995–86–8) (provided for in subheading 2918.29.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 207. ANTIOXIDANT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.11	C_7-C_9-Alkyl 3-(3,5-di-trans-butyl-4-hydroxyphenyl) propionate (CAS No. 125643–61–0) (provided in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 208. PROPYL GALLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.12	Propyl 3,4,5-trihydroxybenzoate (Propyl gallate) (CAS No. 121–79–9) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 209. ANTIOXIDANT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.13	Octadecyl 3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate (CAS No. 2082–79–3) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 210. ANTIOXIDANT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.14	Pentaerythritol tetra-kis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate) (CAS No. 6683–19–8) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 211. SOLBROL A.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.15	Ethyl 4-hydroxybenzoate (CAS No. 120–47–8) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 212. SOLBROL M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.16	Methyl 4-hydroxybenzoate (CAS No. 99–76–3) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 213. POLYMER ADDITIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.17	Hexadecyl 4-hydroxy-3,5-bis(2-methyl-2-propanyl)benzoate (CAS No. 67845–93–6) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 214. 2-BENZOYLBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.18	2-Benzoylbenzoic acid (CAS No. 85–52–9) (provided for in subheading 2918.30.30)	3.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 215. PROHEXADIONE CALCIUM (CALC).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.19	Prohexadione-calcium (Calcium bis(3,5-dioxo-4-propionylcyclohexanecarboxylate)) (CAS No. 127277–53–6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 216. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.20	Glyoxyl acid (Glyoxylic acid) (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 217. DICHLORPROP-P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.21	(+)-(R)-2-(2,4-Dichlorophenoxy)propanoic acid (Dichlorprop-p) (CAS No. 15165–67–0) (provided for in subheading 2918.99.18)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 218. 2,4-DB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.22	4-(2,4-Dichlorophenoxy) butyric acid (2,4-DB) (CAS No. 94-82-6) (provided for in subheading 2918.99.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 219. MCPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.23	2-Methyl-4-chlorophenoxyacetic acid (MCPA) (CAS No. 94–74–6) (provided for in subheading 2918.99.20)	2.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 220. LACTOFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.24	1-Ethoxy-1-oxo-2-propanyl 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate (Lactofen) (CAS No. 77501–63–4) (provided for in subheading 2918.99.20)	4.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 221. OTHER CARBOXYLIC ACID: (IRGANOX® 245).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.25	Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methyl- phenyl)propionate] (CAS No. 36443–68–2) (provided for in subheading 2918.99.43)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 222. 4,4'-OXYDIPHTHALIC ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.26	4,4'-Oxydiphthalic anhydride (CAS No. 1823–59–2) (provided for in subheading 2918.99.43)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 223. 2-ETHYLHEXYL 4-METHOXYCINNAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.27	2-Ethylhexyl 4-methoxycinnamate (CAS No. 5466–77–3) (provided for in subheading 2918.99.43)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 224. MAQ-R ACID (D-HPPA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.28	(R)-(+)-2-(4-Hydroxyphenoxy)propionic acid (CAS No. 94050–90–5) (provided for in subheading 2918.99.43)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 225. DEDC - NN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.29	4,4'-Oxydibenzoyl chloride (CAS No. 7158–32–9) (provided for in subheading 2918.99.43)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 226. ODPA - HAILI.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.30	5,5'-Oxybis(2-benzofuran-1,3-dione) (CAS No.1823–59–2) (provided for in subheading 2918.99.43)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 227. TRINEXAPAC-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.31	Ethyl (RS)-4-cyclopropy-l(hydroxy)methylene-3,5-dioxocyclohexanecarboxyla-te (Trinexapac-ethyl) (CAS No. 95266–40–3) (provided for in subheading 2918.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 228. METHOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.32	Methyl methoxyacetate (CAS No. 6290–49–9) (provided for in subheading 2918.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 229. ABA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.33	(2Z,4E)-5-[(1S)-1-Hydroxy-2,6,6-trimethyl-4-oxo-2-cyclohexen-1-yl]-3-methyl-2,4-pentadienoic acid ((+)-Abscisic acid) (CAS No. 21293–29–8) (provided for in subheading 2918.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 230. 1-METHOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.34	Methoxyacetic acid (CAS No. 625–45–6) (provided for in subheading 2918.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 231. TETRACHLORVINFOS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.35	(Z)-2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate (Tetrachlorvinfos) (CAS No. 22248–79–9) (provided for in subheading 2919.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 232. BIS(2,4-DICHLOROPHENYL) CHLOROPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.36	Bis(2,4-dichlorophenyl) phosphorochloridate (CAS No. 14254–41–2) (provided for in subheading 2919.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 233. TRIS(2-ETHYLHEXYL) PHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.37	Tris(2-ethylhexyl) phosphate (CAS No. 78–42–2) (provided for in subheading 2919.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 234. TOLCLOFOS METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.38	O-(2,6-Dichloro-4-methylphenyl) O,O-dimethyl phosphorothioate (Tolclofos methyl) (CAS No. 57018–04–9) (provided for in subheading 2920.19.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 235. O,O-DIETHYL PHOSPHOROCHLORIDOTHIOATE - DEPCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.39	O,O-Diethyl phosphorochloridothioate (CAS No. 2524–04–1) (provided for in subheading 2920.19.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 236. ALBRITE DMHP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.40	Dimethyl phosphite (CAS No. 868–85–9) (provided for in subheading 2920.21.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 237. PROPARGITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.41	2-[4-(2-Methyl-2-propanyl)phenoxy]cyclohexyl 2-propyn-1-yl sulfite (Propargite) (CAS No. 2312–35–8) (provided for in subheading 2920.90.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 238. ANTIOXIDANT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.42	Tris(2,4-di-tert-butylphenyl) phosphite (CAS No. 31570–04–4) (provided for in subheading 2920.90.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 239. FOSETYL-AL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.43	Aluminum tris(ethyl phosphonate) (Fosetyl-Al) (CAS No. 39148–24–8) (provided for in subheading 2920.90.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 240. PERKADOX 16.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.44	Bis(4-t-butylcyclohexyl)peroxydicarbonate (CAS No. 15520–11–3) (provided for in subheading 2920.90.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 241. 2-ETHYL HEXYL NITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.45	2-Ethylhexyl nitrate (CAS No. 27247–96–7) (provided for in subheading 2920.90.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 242. DIMETHYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.46	Dimethyl carbonate (CAS No. 616–38–6) (provided for in subheading 2920.90.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 243. DIETHYLHEXYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.47	Bis(2-ethylhexyl) carbonate (diethylhexyl carbonate) (CAS No. 14858–73–2) (provided for in subheading 2920.90.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 244. 2-ETHYLHEXYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.48	2-Ethylhexylamine (CAS No. 104–75–6) (provided for in subheading 2921.19.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 245. DTD AMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.49	Ditridecylamine (N-tridecyl-1-tridecanamine) (CAS No. 101012–97–9) (provided for in subheading 2921.19.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 246. 3M™ FLUORINERT™ AND PERFORMANCE FLUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.50	C_9-C_{15} Perfluorocarbon Amines (CAS No. 86508–42–1) (provided for in subheading 2921.19.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 247. N,N’-BIS(3-AMINOPROPYL)ETHYLENEDIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.51	N,N’-Bis(3-aminopropyl)ethylenediamine (CAS No. 10563–26–5) (provided for in subheading 2921.29.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 248. TRIMETHYLHEXAMETHYLENE DIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.52	2,4,4-Trimethyl-1,6-hexanediamine (CAS No. 25620–58–0) (provided for in subheading 2921.29.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 249. N,N-DIETHYL-1,3-PROPANEDIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.53	N,N-Diethyl-1,3-propanediamine (CAS No. 104–78–9) (provided for in subheading 2921.29.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 250. 2,4-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.54	2,4-Dichloroaniline (CAS No. 554–00–7) (provided for in subheading 2921.42.18)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 251. 4 CHLORO-2-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.55	4-Chloro-2-nitroaniline (CAS No. 89–63–4) (provided for in subheading 2921.42.55)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 252. 2-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.56	2-Nitroaniline (CAS No. 88–74–4) (provided for in subheading 2921.42.55)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 253. 3,5-DIFLUROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.57	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 254. S-N-ALKYL-ANILIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.58	2-Ethyl-N-[(2S)-1-methoxypropan-2-yl]-6-methylaniline (CAS No. 118604–70–9) (provided for in subheading 2921.42.65)	4.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 255. 2,6-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.59	2,6-Dichloroaniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 256. N-ETHYL-N-BENZYL ANILINE CAS 92-59-1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.60	N-Benzyl-N-ethylaniline (CAS No. 92–59–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 257. ETHYL BENZYLANILINE SULFONIC ACID (EBASA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.61	α-N-Ethylanilinotoluene-3-sulfonic acid (CAS No. 101-11-1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 258. P-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.62	p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 259. SODIUM HYDROGEN 2-AMINOBENZENE-1,4-DISULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.63	Sodium hydrogen 2-aminobenzene-1,4-disulfonate (CAS No. 24605–36–5) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 260. ETHYL BENZYL ANILINE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.64	3-{[Ethyl(phenyl) amino]methyl} benzenesulfonic acid (CAS No. 101–11–1) (provided for in 2921.42.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 261. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.65	α,α,α-Trifluoro-2,6-dinitro-p-toluidine (Trifluralin) (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	4.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 262. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.66	N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)benzenamine (Ethalfluralin) (CAS No. 55283–68–6) (provided for in subheading 2921.43.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 263. P-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.67	p-Toluidine (CAS No. 106–49–0) (provided for in subheading 2921.43.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 264. BENFLURALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.68	N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (Benfluralin) (CAS No. 1861–40–1) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 265. 2-CHLORO-4-TOLUIDINE (2-CAT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.69	o-Chloro-p-toluidine (3-chloro-4-methylaniline) (CAS No. 95–74–9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 266. M-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.70	m-Toluidine (CAS No.108–44–1) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 267. O-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.71	o-Toluidine (CAS No. 95–53–4) (provided for in subheading 2921.43.90)	5.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 268. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.72	N-sec-Butyl-4-(2-methyl-2-propanyl)-2,6-dinitroaniline (Butralin) (CAS No. 33629–47–9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 269. 4-AMINO-3-METHYLBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.73	4-Amino-3-methylbenzenesulfonic acid (CAS No. 98–33–9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 270. 2, 4-XYLIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.74	2,4-Xylidine (CAS No. 95–68–1) (provided for in subheading 2921.49.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 271. MIXED XYLIDINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.75	Mixed xylidines (CAS No. 1300–73–8) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 272. DODECYL ANILINE MIXED ISOMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.76	Dodecylaniline branched isomers (CAS No. 68411–48–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 273. FLUMETRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.77	N-(2-Chloro-6-fluorobenzyl)-N-ethyl-α,α,α-trifluoro- 2,6-dinitro-p-toluidine (Flumetralin) (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 274. AMINO METHYL BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.78	(1S)-1-Phenylethanamine (CAS No. 618–36–0) (provided for in subheading 2921.49.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 275. 2-ETHYL-6-METHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.79	2-Ethyl-6-methylaniline (CAS No. 24549–06–2) (provided for in subheading 2921.49.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 276. MPDA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.80	m-Phenylenediamine (CAS No. 108–45–2) (provided for in subheading 2921.51.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 277. MPD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.81	1,3-Benzenediamine (CAS No. 108–45–2) (provided for in subheading 2921.51.10)	4.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 278. 4-ADPA (4-AMINODIPHENYLAMINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.82	N-Phenyl-p-phenylenediamine (CAS No. 101–54–2) (provided for in subheading 2921.51.50)	4.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 279. 4,4 METHYLENE BIS O-CHLORO ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.83	4,4’ Methylenebis(2-chloroaniline) (CAS No. 101–14–4) (provided for in subheading 2921.59.08)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 280. 4,4’-DIAMINOSTILBENE-2,2’-DISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.84	4,4’-Diamino-2,2’-stilbenedisulfonic acid (CAS No. 81–11–8) (provided for in subheading 2921.59.20)	1.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 281. TFMB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.85	2,2'-Bis(trifluoromethyl)-4,4'-biphenyldiamine (CAS No. 341–58–2) (provided for in subheading 2921.59.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 282. PHENOL, 2,2'-[[(1S...]BIS[6-(1,1-DIMETHYYLETHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.86	2,2'-[[(1S,2S)-1,2-Di-phenyl-1,2-ethanediyl]-bis(imino-methylene)]bis[6-(1,1-di-meth-ylethylphenol] (CAS No. 481725–63–7) (provided for in subheading 2921.59.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 283. PRODIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.87	2,6-Dinitro-N,N-dipropyl-4-(trifluoromethyl)-1,3-benzenediamine (Prodiamine) (CAS No. 29091–21–2) (provided for in subheading 2921.59.80)	1.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 284. 3,3' DICHLOROBENZIDINE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.88	3,3'-Dichlorobenzidine dihydrochloride (3,3'-Dichloro-4,4'-biphenyldiamine dihydrochloride) (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 285. TRIS[2-[[2,4,8,10-TETRA-TERT-BUTYLDIBE (AO 12).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.89	2-{[2,4,8,10-Tetrakis (2-methyl-2-propanyl) dibenzo[d,f] [1,3,2]dioxaphosphepin-6-yl]oxy}-N,N-bis(2-{[2,4,8,10-tetra-kis (2-methyl-2-propanyl)dibenzo[d,f] [1,3,2] dioxaphosphepin-6-yl] oxy}ethyl)ethanamine (CAS No. 80410–33–9) (provided for in subheading 2922.19.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 286. DIPROPOXY-P-TOLUIDIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.90	4-Methyl-N,N-dipropoxyaniline (CAS No. 38668–48–3) (provided for in subheading 2922.19.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 287. PHYTOSPHINGOSINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.91	Phytosphingosine ((2S,3S,4R)-2-amino-1,3,4-octadecanetriol) (CAS No. 13552-11-9) (provided for in subheading 2922.19.96)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 288. 1-(DIMETHYLAMINO)-2-PROPAN-OL (N,N-DIEMET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.92	1-(Dimethylamino)-2-propanol (CAS No. 108–16–7) (provided for in subheading 2922.19.96)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 289. PHYTOSPHINGOSINE HCL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.93	(2S,3S,4R)-2-Amino-1,3,4-octadecanetriol hydrochloride (Phytosphingosine HCl) (CAS No. 154801–32–8) (provided for in subheading 2922.19.96)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 290. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.94	2-Amino-4-methylphenol (CAS No. 95–84–1) (provided for in subheading 2922.29.10)	3.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 291. RODA - SUNLIGHT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.95	4,4’-[1,3-Phenylenebis(oxy)]dianiline (CAS No. 2479–46–1) (provided for in subheading 2922.29.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 292. 4-METHOXY-2-METHYLDIPHENYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.96	4-Methoxy-2-methyl-N-phenylaniline (CAS No. 41317–15–1) (provided for in subheading 2922.29.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 293. 4’-METHOXY-2,2’,4-TRIMETHYLDIPHENYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.97	N-(2,4-Dimethylphenyl)-4-methoxy-2-methylaniline (CAS No. 41374–20–3) (provided for in subheading 2922.29.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 294. P-CRESIDINE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.98	p-Cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid) (CAS No. 6471–78–9) (provided for in subheading 2922.29.81)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 295. 2-METHOXY-5-METHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.99	2-Methoxy-5-methylaniline (CAS No. 120–71–8) (provided for in subheading 2922.29.81)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 296. ODA - WANDA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.01	4,4'-Oxydianiline (CAS No. 101–80–4) (provided for in subheading 2922.29.81)	1.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 297. PARA CRESIDINE-2 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.02	4-Amino-5-methoxy-2-methylbenzenesulfonic acid (CAS No. 6471–78–9) (provided for in 2922.29.81)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 298. L-LYSINE HYDRATE GMP P25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.03	l-Lysine hydrate (1:1) (CAS No. 39665–12–8) (provided for in subheading 2922.41.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 299. 4-CHLOROPHENYLGLYCINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.04	4-Chlorophenylglycine (CAS No. 6212–33–5) (provided for in subheading 2922.49.30)	0.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 300. 2-AMINO-5-SULFOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.05	2-Amino-5-sulfobenzoic acid (CAS No. 3577–63–7) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 301. 3,4-DIAMINOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.06	3,4-Diaminobenzoic acid (CAS No. 619–05–6) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 302. 3-CHLOROANTHRANILIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.07	Methyl 2-amino-3-chlorobenzoate (CAS No. 77820–58–7) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 303. 11 AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.08	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 304. OTHER OXYGEN FUNCTION: AMINO ACIDS: OTHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.09	Ethyl 3-amino-4,4,4-trifluorocrotonate (CAS No. 372–29–2) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 305. MANGANESE DISODIUM EDTA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.10	Manganese(2+) sodium 2,2',2",2'"-(1,2-ethanediyldinitrilo)tetra-acetate (1:2:1) (Manganese disodium ethylenediaminetetra-acetate) (CAS No. 15375–84–5) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 306. SARCOSINE, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.11	Sarcosine, sodium salt (sodium (methylamino)acetate) (CAS No. 4316–73–8) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 307. COPPER DISODIUM EDTA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.12	Copper(2+) sodium 2,2',2",2'"-(1,2-ethanediyldinitrilo)tetra-acetate (1:2:1) (CAS No. 14025–15–1) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 308. SODIUM LAURIMINO-DI-PRO-PINONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.13	Sodium 3-[(2-carbo-xyethyl)(do-decyl)amino]pro-panoate (CAS No. 14960–06–6) (pro-vided for in sub-heading 2922.49.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 309. 2-[4-(N-ETHYL-N-(4-METHYLPHENYL)AMINO)-2-HYDROXYBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.14	2-[4-(N-Ethyl-N-(4-methylphenyl)amino)-2-hydroxybenzoyl] benzoic acid (CAS No. 42530–36–9) (provided for in subheading 2922.50.35)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 310. 2-[4-(DIETHYLAMINO)-2-HYDROXYBENZOYL] BENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.15	2-[4-(Diethylamino)-2-hydroxybenzoyl] benzoic acid (CAS No. 5809–23–4) (provided for in subheading 2922.50.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 311. CHOLINE HYDROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.16	(2-Hydroxy-ethyl)trimethylammonium hydroxide (Choline hydrox-ide) (CAS No. 123–41–1) (provided for in subheading 2923.10.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 312. NON-GENETICALLY MODIFIED LECITHIN OF RAPESEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.17	Lecithin derived from non-genetically modified rapeseed (CAS No. 8002–43–5) (provided for in subheading 2923.20.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 313. LECITHIN DERIVED FROM SUNFLOWER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.18	Lecithin derived from non-genetically modified sunflower seeds (CAS No. 8002–43–5) (provided for in subheading 2923.20.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 314. LECITHIN DERIVED FROM SOYBEAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.19	Lecithin derived from non-genetically modified soybean (CAS No. 8002–43–5) (provided for in subheading 2923.20.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 315. SARKOSYL® O.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.20	(Z)-N-Methyl-N-(1-oxo-9-octadecenyl)glycine (N-oleylsarcosine) (CAS No. 110–25–8) (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 316. N-VINYLFORMAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.21	N-Ethenylformamide (N-vinylformamide) (CAS No. 13162–05–5) (provided for in subheading 2924.19.11)	3.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 317. BUTANAMIDE, 3-OXO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.22	3-Oxobutanamide (acetoacetamide) (CAS No. 5977–14–0) (provided for subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 318. DIMETHYLAMINOPROPYL METHACRYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.23	N-[3-(Dimethylamino)propyl]-2-methylacrylamide (CAS No. 5205–93–6) (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 319. TETRA-N-BUTYLUREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.24	1,1,3,3-Tetrabutylurea (CAS No. 4559–86–8) (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 320. DAAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.25	N-(2-Methyl-4-oxo-2-pentanyl)acrylamide (CAS No. 2873–97–4) (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 321. PRIMID QM-1260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.26	N,N,N’,N’-Tetrakis(2-hydroxypropyl)-adipamide (CAS No. 57843–53–5) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 322. PRIMID XL-552.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.27	N,N,N’,N’-Tetrakis(2-2-hydroxyethyl)-adipamide (CAS No. 6334–25–4) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 323. DICHLORMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.28	2,2-Dichloro-N,N-bis(prop-2-enyl)acetamide (Dichlormid) (CAS No. 37764–25–3) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 325. DIURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.30	3-(3,4-Dichlorophenyl)-1,1-dimethylurea (Diuron) (CAS No. 330–54–1) (provided for in subheading 2924.21.16)	0.4%	No change	No change	On or before 12/31/2020 ...	".

SEC. 326. LINURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.31	3-(3,4-Dichlorophenyl)-1-methoxy-1-methylurea (CAS No. 330–55–2) (Linuron) (provided for in subheading 2924.21.16)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 327. CARBOXYAMIDE FUNCTION COMPOUNDS (IRGANOX 1098).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.32	N,N'-Hexamethylenebis(3,5-di-tert-butyl-4-hydroxyhydrocinnamamide) (3,3'-bis(3,5-di-tert-butyl-4-hydroxyphenyl)-N,N'-hexamethylenedipropionamide) (CAS No. 23128–74–7) (provided for in subheading 2924.29.31)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 328. CHLORPROPHAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.33	Isopropyl (3-chlorophenyl)carbamate (Chlorpropham) (CAS No. 101–21–3) (provided for in subheading 2924.29.43)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 329. PROPOXUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.34	Propoxur (2-(1-methylethoxy)phenyl N-methylcarbamate) (CAS No. 114–26–1) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 330. METOLACHLOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.35	2-Chloro-N-(2-ethyl-6-methyl-phenyl)-N-(1-methoxypropan-2-yl) acetamide (Metolachlor) (CAS No. 51218–45–2) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 331. METALAXYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.36	Methyl N-(2-methoxyacetyl)-N-(2,6-xylyl)-DL-alaninate (Metalaxyl) (CAS No. 57837–19–1) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 332. ZOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.37	(RS)-3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-p-toluamide (Zoxamide) (CAS No. 156052–68–5) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 333. PHENMEDIPHAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.38	[3-(Methoxycarbonylamino)phenyl] N-(3-methylphenyl)carbamate (Phenmedipham) (CAS No. 13684–63–4) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 334. CARBARYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.39	1-Naphthylenyl methylcarbamate (Carbaryl) (CAS No. 63–25–2) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 335. FLUTOLANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.40	N-[3-(1-Methylethoxy)phenyl]-2-(trifluoromethyl)benzamide (CAS No. 66332–96–5) (provided for in subheading 2924.29.47)	1.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 336. CYCLANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.41	1-(2,4-Dichlorophenylcarbamoyl)cyclopropancarboxylic acid (Cyclanilide) (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 337. MEFENOXAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.42	Methyl N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-D-alaninate (Metalaxyl-M and L-Metalaxyl) (CAS Nos. 70630–17–0 and 69516–34–3) (provided for in subheading 2924.29.47)	4.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 338. S-METOLACHLOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.43	2-Chloro-N-(2-ethyl-6-methylphenyl)-N-[(1S)-2-methoxy-1-methylethyl]acetamide ((S)-Metolachlor) (CAS No. 87392–12–9) (provided for in subheading 2924.29.47)	6.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 339. NAPROPAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.44	(RS)-N,N-Diethyl-2-(1-nephthyloxy)propionamide (Napropamide) (CAS No. 15299–99–7) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 340. MANDIPROPAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.45	2-(4-Chlorophenyl)-N-{2-[3-methoxy-4-(2-propyn-1-yloxy)phenyl]ethyl}-2-(2-propyn-1-yloxy)acetamide (Mandipropamid) (CAS No. 374726–62–2) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 341. FENHEXAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.46	N-(2,3-Dichloro-4-hydroxyphenyl)-1-methylcyclohexanecarboxamide (Fenhexamid) (CAS No. 126833–17–8) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 342. MANDESTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.47	2-[2-[(2,5-Dimethylphenoxy)methyl]phenyl]-2-methoxy-N-methylacetamide (Mandestrobin) (CAS No. 173662–97–0) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 343. FOE 5043 HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.48	N-(4-Fluorophenyl)-2-hydroxy-N-(1-methylethyl)acetamide (CAS No. 54041–17–7) (provided for in subheading 2924.29.71)	3.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 344. 2-(TRIFLUOROMETHYL)BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.49	2-(Trifluoromethyl)benzamide (CAS No. 360–64–5) (provided for in subheading 2924.29.71)	4.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 345. INTERMEDIATE CAS NO. 59673–82–4.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.50	Methyl 2-amino-4-[(2,5-dichlorophenyl)carbamoyl]benzoate (CAS No. 59673–82–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 346. 2,5-BIS [(1,3-DIOXOBUTYL)AMINO]BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.51	2,5-Bis(acetoacetylamino) benzenesulfonic acid (CAS No. 70185–87–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 347. METHYL-4-TRIFLUOROMETHOXYPHENYL-N-(CHL.) CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.52	Methyl (chlorocarbonyl)[4-(trifluoromethoxy)phenyl]carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.71)	2.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 348. 2-CHLOROACETOACETANILIDE (AAOCA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.53	2’-Chloroacetoacetanilide (CAS No. 93–70–9) (provided for in subheading 2924.29.77)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 349. ACETOACETYL-2,5-DIMETHOXY-4-CHLOROANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.54	4’-Chloro-2’,5’-dimethoxyacetoacetanilide (CAS No. 4433–79–8) (provided for in subheading 2924.29.77)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 350. P-AMINOBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.55	p-Aminobenzamide (4-Aminobenzamide) (CAS No 2835–68–9) (provided for in subheading 2924.29.77)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 351. 2-AMINO-5-CYANO-N,3-DIMETHYLBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.56	2-Amino-5-cyano-N,3-dimethylbenzamide (CAS No. 890707–29–6) (provided for in subheading 2924.29.77)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 352. TRANS-N-BOC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.57	trans-4-{[(2-Methyl-2-propanyl) oxy]carbonyl} cyclohexanecarboxylic acid (CAS No. 53292–89–0) (provided for in subheading 2924.29.95)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 353. PERKALINK 900.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.58	1,1’-[1,3-Phenylenebis(methylene)]bis(3-methyl-1H-pyrrole-2,5-dione) (CAS No. 119462–56–5) (provided for in subheading 2925.19.42)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 354. DODINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.59	1-Dodecylguanidine acetate (Dodine) (CAS No. 2439–10–3) (provided for in subheading 2925.19.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 355. N,N’-M-PHENYLENEDIMALEIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.60	1,1’-(1,3-Phenylene)bis(1H-pyrrole-2,5-dione) (CAS No. 3006–93–7) (provided for in subheading 2925.19.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 356. 1,3-DIPHENYLGUANIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.61	1,3-Diphenylguanidine (CAS No. 102–06–7) (provided for in subheading 2925.29.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 357. FLUMICLORAC PENTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.62	Pentyl [2-chloro-5-(1,3-dioxo-1,3,4,5,6,7-hexahydro-2H-isoindol-2-yl)-4-fluorophenoxy]acetate (Flumiclorac pentyl ester) (CAS No. 87546–18–7) (provided in subheading 2925.29.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 358. CREATINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.63	Creatine (N-carbamimidoyl-N-methylglycine) (CAS No. 57–00–1) (provided for in subheading 2925.29.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 359. CREAMINO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.64	N-Carbamimidoylglycine (Guanidinoacetic acid) (CAS No. 352–97–6) (provided for in subheading 2925.29.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 360. CHLOROTHALONIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.65	2,4,5,6-Tetrachloroisophthalonitrile (Chlorothalonil) (CAS No. 1897–45–6) (provided for in subheading 2926.90.21)	5.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 361. 2-METHOXLYETHYL(RS)-2-(4-TERT-(CYFLUMETAFEN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.66	2-Methoxyethyl 2-cyano-2-[4-(2-methyl-2-propanyl)phenyl]-3-oxo-3-[2-(trifluoromethyl)phenyl]propanoate (Cyflumetafen) (CAS No. 400882–07–7) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 362. BROMOXYNIL OCTANOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.67	2,6-Dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689–99–2) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 363. BROMOXYNIL HEPTANOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.68	2,6-Dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634–95–8) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 364. CYHALOFOP-BUTYL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.69	Butyl (2R)-2-[4-(4-cyano-2-fluorophenoxy)phenoxy]propanoate (Cyhalofop-butyl) (CAS No. 122008–85–9) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 365. β-CYFLUTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.70	(RS)-α-cyano-4-fluoro-3-phenoxybenzyl(1RS,3RS;1RS,3SR)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate (β-Cyfluthrin) (CAS No. 68359–37–5) (provided for in subheading 2926.90.30)	3.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 366. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.71	(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (Deltamethrin) (CAS No. 52918–63–5) (provided for in subheading 2926.90.30)	1.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 367. CYFLUTHRIN (EXCLUDING β-CYFLUTHRIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.72	Cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate (Cyfluthrin, excluding β-Cyfluthrin) (CAS No. 68359–37–5) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 368. CYPERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.73	Cyano(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)- 2,2-dimethylcyclo-propane-carbox-ylate (Cypermethrin) (CAS No. 52315–07–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 369. ESFENVALERATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.74	(S)-Cyano(3-phenoxyphenyl)methyl(S)-4-chloro-α-(1-Methylethy-l)benzeneacetate (Esfenvalerate) (CAS No. 66230–04–4) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 370. ALPHA-CYPERMETHRIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.75	(R)-α-Cyano-3-phenoxybenzyl (1S,3S)-3-(2,2-dichlorovinyl)-2,2 dimethylcyclopropanecarboxylate and (S)-α-cyano-3-phenoxybenzyl (1R)-cis-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate isomers (α-cyper-methrin technical) (CAS No. 67375–30–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 371. ZETA-CYPERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.76	(S)-Cyano-(3-phenoxyphenyl)methyl (+)cis-3-(2,2 -di-chloroetheny1)-2,2-dimethylcyclopropanecarboxylate and (S)-cyano-(3-phen-oxyphenyl)methyl (+)trans-3-(2,2-di-chloro-etheny1)-2,2-dimethylcyclopropanecarboxylate (Zeta-cypermethrin) (CAS No. 1315501–18–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 373. FENPROPATHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.78	α-Cyano-3-phenoxy-phenyl 2,2,3,3-tetra-methylcyclopropanecarboxylate (Fen-propathrin) (CAS No. 39515–41–8) (provided in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 374. PHTHALODINITRILE CAS 91–15–6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.79	1,2 Dicyanobenzene (phthalodinitrile) (CAS No. 91–15–6) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 375. DIPHENYLACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.80	2, 2-Diphenylacetonitrile (CAS No. 86–29–3) (provided for in subheading 2926.90.48)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 376. IPN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.81	Isophthalonitrile (1,3-dicyanobenzene) (CAS No. 626–17–5) (as provided for in subheading 2926.90.48)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 377. 3,4-DIFLUOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.82	3,4-Difluorobenzonitrile (CAS No. 64248–62–0) (provided for in subheading 2926.90.48)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 378. AMINOAZOBENZENE-P-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.83	4-[(4-Aminophenyl)azo]-benzenesulfonic acid (CAS No. 104–23–4) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 379. METHOXYFENOZIDE TECHNICAL INSECTICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.84	N-(3,5-Dimethylbenzoyl)-3-methoxy-2-methyl-N-(2-methyl-2-propanyl)benzohydrazide (Methoxyfenozide) (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	3.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 380. BIFENAZATE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.85	Isopropyl 3-(4-methoxybiphenyl-3-yl)carbazate (Bifenazate) (CAS No. 149877–41–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 381. TRIFLOXYSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.86	Methyl (E)-methoxyimino-{(E)-2-[1-(α,α,α-trifluoro-m-tolyl)ethylideneaminooxy]-o-tolyl}acetate (Trifloxystrobin) (CAS No. 141517–21–7) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 382. CYFLUFENAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.87	(1Z)-N-{(Z)-[(Cyclopropylmethoxy)imino][2,3-difluoro-6-(trifluoromethyl)phenyl]methyl}-2-phenylethanimidic acid (Cyflufenamid) (CAS No. 180409–60–3) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 383. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.88	N-(4-Ethylbenzoyl)-3,5-dimethyl-N-(2-methyl-2-propanyl)benzohydrazide (Tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 384. CARBONOHYDRAZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.89	Carbonohydrazide (CAS No. 497–18–7) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 385. TRALKOXYDIM WET CAKE HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.90	2-(N-Ethoxypropanimidoyl)-3-hydroxy-5-mesityl-2-cyclohexen-1-one (tralkoxydim) (CAS No. 87820–88–0) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 386. DAMINOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.91	4-(2,2-Dimethylhydrazinyl)-4-oxobutanoic acid (Daminozide) (CAS No. 1596–84–5) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 387. AMINOGUANIDINE BICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.92	Aminoguanidine bicarbonate (CAS No. 2582–30–1) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 388. ADH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.93	Adipic dihydrazide (Hexanedihydrazide) (CAS No. 1071–93–8) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 389. CERTAIN ORGANIC CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.94	Bitolylene diisocyanate (3,3'-dimethylbiphenyl-4,4'-diyl diisocyanate) (CAS No. 91–97–4) (provided for in subheading 2929.10.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 390. P-CHLOROPHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.95	4-Chlorophenyl isocyanate (CAS No.104–12–1) (provided for in subheading 2929.10.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 391. PHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.96	Phenyl isocyanate (CAS No. 103–71–9) (provided for in subheading 2929.10.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 392. PCM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.97	Ethyl [4-chloro-2-fluoro-5-[[[[methyl (1-methylethyl)amino] sulfonyl]amino] carbonyl]phenyl] carbamate (CAS No. 874909–61–2) (provided for in subheading 2929.90.15)	5.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 393. NBPT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.98	N-Butylthiophosphoric triamide (CAS No. 94317–64–3) (provided in subheading 2929.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 394. THIOBENCARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.99	S-4-Chlorobenzyl diethylcarbamothioate) (Thiobencarb) (CAS No. 28249–77–6) (provided in subheading 2930.20.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 395. EPTC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.01	S-Ethyl dipropyl(thiocarbamate) (EPTC) (CAS No. 759–94–4) (provided for in subheading 2930.20.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 396. PHOSMET.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.02	O,O-Dimethyl S-phthalimidomethyl phosphorodithioate (Phosmet) (CAS No. 732–11–6) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 397. MESOTRIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.03	2-[4-(Methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione (Mesotrione) (CAS No. 104206–82–8) (provided for in subheading 2930.90.10)	6.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 398. PROFENOFOS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.04	O-4-Bromo-2-chlorophenyl O-ethyl S-propyl phosphorothioate (Profenofos) (CAS 41198–08–7) (provided for in 2930.90.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 399. CLETHODIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.05	2-[1-({[(2E)-3-Chloro-2-propen-1-yl]oxy}amino)propylidene]-5-[2-(ethylsulfanyl)propyl]-1,3-cyclohexanedione (Clethodim) (CAS No. 99129–21–2) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 400. TOPSIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.06	Dimethyl (1,2-phenylenedicarbamothioyl)biscarbamate (Thiophanate methyl) (CAS No. 23564–05–8) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 401. AE 747 ETHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.07	2-Chloro-4-(methylsulfonyl)-3-((2,2,2-trifluoroethoxy)methyl) benzoic acid (CAS No. 120100–77–8) (provided for in subheading 2930.90.29)	5.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 402. 2-(METHYLTHIO)-4-(TRIFLUOROMETHYL)BENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.08	2-(Methylthio)-4-(trifluoromethyl)benzoic acid (MTBA) (CAS No. 142994–05–6) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 403. OPTICAL BRIGHTENER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.09	Disodium 2,2’-[biphenyl-4,4’-diyldiethene-2,1-diyl]dibenzenesulfonate (CAS No. 27344–41–8) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 404. 4,6-BIS(OCTYLTHIOMETHYL)-O- (IRGANOX 1520 L).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.10	4,6-Bis(octylthiomethyl)-o-cresol (CAS No. 110553–27–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 405. 4,4’-THIOBIS 2-1,1-DIMETHYLETHYL–5-METHYL-PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.11	4,4’-Sulfanediylbis[5-methyl-2-(2-methyl-2-propanyl)phenol] (CAS No. 96–69–5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 406. THIO-ETHER BASED CO-STABILIZER FOR PLASTICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.12	1-(Octadecyldisulfanyl)octadecane (CAS No. 2500–88–1) (provided for in subheading 2930.90.29).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 407. THIOBIS(6-TERT-BUTYL-4-METHYLPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.13	2,2’-Sulfanediylbis[4-methyl-6-(2-methyl-2-propanyl)phenol] (CAS No. 90–66–4) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 408. DCDPS, DICHLORDIPHENYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.14	Dichlorodiphenylsulfone (CAS 80–07–9) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 409. THIODICARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.15	Methyl (1E)-N-[methyl-[methyl-[(E)-1-methylsulfanylethylideneamino] oxycarbonylamino] sulfanylcarbamoyl] oxyethanimidothioate (Thiodicarb) (CAS No. 59669–26–0) (provided for in subheading 2930.90.43)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 410. ACEPHATE CAS 30560–19–1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.16	O,S-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560–19–1) (provided for in subheading 2930.90.43)	3.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 411. CADUSAFOS TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.17	S,S-Di-sec-butyl O-ethyl phosphorodithioate (Cadusafos) (CAS No. 95465–99–9) (provided for in subheading 2930.90.43)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 412. METHOMYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.18	Methyl (1E)-N-[(methylcarbamoyl)oxy]ethanimidothioate (Methomyl) (CAS No. 16752–77–5) (provided for in subheading 2930.90.43)	5.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 413. CAPTAN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.19	2-[(Trichloromethyl)sulfanyl]-3a,4,7,7a-tetrahydro-1H-isoindole-1,3(2H)-dione (Captan) (CAS No. 133–06–2) (provided for in subheading 2930.90.43)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 414. THIOUREA DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.20	Thiourea dioxide (Amino(imino) methanesulfinic acid) (CAS No. 1758–73–2) (provided for in subheading 2930.90.49)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 415. THIOGLYCOLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.21	Thioglycolic acid (Sulfanylacetic acid) (CAS No. 68–11–1) (provided for in subheading 2930.90.49)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 416. 2-MERCAPTOETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.22	2-Mercaptoethanol (CAS No. 60–24–2) (provided for in subheading 2930.90.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 417. PENTAERYTHRITOL TETRAKIS (β-LAURYLTHIOPROPIONATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.23	3-{[3-(Dodecylsulfanyl)propanoyl] oxy}-2,2-bis({[3-(dodecylsulfanyl) propanoyl]oxy} methyl)propyl 3-(dodecylsulfanyl)propanoate) (CAS No. 29598–76–3) (provided for in subheading 2930.90.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 418. BME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.24	2-Mercaptoethanol (2-sulfanylethanol) (CAS No. 60–24–2) (provided for in subheading 2930.90.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 419. DI-TERT-NONYLPOLYSULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.25	Di-tert-nonyl polysulfide (CAS No. 68425–16–1) (provided for in subheading 2930.90.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 420. ALLYL ISOTHIOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.26	Allyl isothiocyanate (CAS No. 57–06–7) (provided for in subheading 2930.90.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 421. ACM ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.27	3-[But-oxy(methyl)phosphoryl]-1-cyanopropyl acetate (CAS No. 167004–78–6) (provided for in subheading 2931.39.00)	3.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 422. METHYLPHOSPHINIC ACID N-BUTYL ESTER (MPE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.28	Butyl methylphosphinate (CAS No. 6172–80–1) (provided for in subheading 2931.39.00).	2.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 423. PMIDA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.29	2,2'-[(Phosphonomethyl)imino]diacetic acid hydrate (1:1) (CAS No. 5994–61–6) (provided for in subheading 2931.39.00)	2.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 424. TRIPHENYLPHOSPHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.30	Triphenyl phosphine (CAS No. 603–35–0) (provided for in subheading 2931.39.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 425. FENBUTATIN OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.31	Bis[tris(2-methyl-2-phenylpropyl)tin]oxide (Fenbutatin oxide) (CAS No. 13356–08–6) (provided for in subheading 2931.90.26)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 426. TRIPHENYLTIN HYDROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.32	Triphenyltin hydroxide (CAS No. 76–87–9) (provided for in subheading 2931.90.26)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 427. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.33	(Triethoxysilyl)methyl anthracene-9-carboxylate (CAS No. 313482–99–4) (provided for in subheading 2931.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 428. PBA SOLID (PHENYL BORONIC ACID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.34	4-Chloro-2-fluoro-3-methoxyphenylboronic acid (CAS No. 944129–07–1) (provided for in subheading 2931.90.30)	4.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 429. BENZENE PHOSPHINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.35	Phenylphosphinic acid (CAS No. 1779–48–2) (provided for in subheading 2931.90.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 430. MORPHOLINOMETHANE DIPHOSPHONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.36	(4-Morpholinylmethylene)bis(phosphonic acid) (CAS No. 32545–75–8) (provided for in subheading 2931.90.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 431. GLUFOSINATE-AMMONIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.37	Ammonium (2RS)-2-amino-4-(methylphosphinat-o)butyric acid (Glufosinate Ammonium) (CAS No. 77182–82–2) (provided for in subheading 2931.39.00)	1.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 432. MSMA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.38	Sodium hydrogen methylarsonate (CAS No. 2163–80–6) (provided for in subheading 2931.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 433. THPC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.39	Tetrakis (hydroxymethy-l)phosphonium chloride (CAS No. 124–64–1) (provided for in subheading 2931.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 434. THPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.40	Tetrakis (hydroxymethy-l)phosphonium sulfate (CAS No. 55566–30–8) (provided for in subheading 2931.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 435. GLYPHOSATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.41	N-(Phosphonomethyl) glycine (Glyphosate) (CAS No. 1071–83–6) (provided for in subheading 2931.90.90)	3.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 436. METATIN KATALYSATOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.42	Bis[(2,2-dimethyloctanoyl)oxy] (dimethyl)stannane (CAS No. 68928–76–7) (provided for in subheading 2931.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 437. ETHEPHON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.43	(2-Chloroethyl)phosphonic acid (Ethephon) (CAS No.16672–87–0) (provided for in subheading 2931.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 438. SILICONE OIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.44	Dimethyl, methyl (polyethylene oxide acetate-capped) siloxane (CAS No. 70914–12–4) (provided for in subheading 2931.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 439. DINOTEFURAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.45	2-Methyl-1-nitro-3-(tetrahydro-2-furanylmethyl)guanidine (Dinotefuran) (CAS No. 165252–70–0) (provided for in subheading 2932.19.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 440. SORBITAN CAPRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.46	3,6-Anhydro-1-O-octanoylhexitol (sorbitan caprylate) (CAS No. 60177–36–8) (provided for in subheading 2932.19.51)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 441. COUMAPHOS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.47	O-(3-Chloro-4-methyl-2-oxo-2H-chromen-7-yl) O,O-diethyl phosphorothioate (Coumaphos) (CAS No. 56–72–4) (provided for in subheading 2932.20.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 442. SPIROMESIFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.48	3-Mesityl-2-oxo-1-oxaspiro[4.4] non-3-en-4-yl 3,3-dimethylbutyrate (Spiromesifen) (CAS No. 283594–90–1) (provided for in subheading 2932.20.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 443. SPIRODICLOFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.49	3-(2,4-Dichlorophenyl)-2-oxo-1-oxaspiro[4.5] dec-3-en-4-yl 2,2-dimethylbutanoate (Spirodiclofen) (CAS No. 148477–71–8) (provided for in subheading 2932.20.10)	1.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 444. BRODIFACOUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.50	4-Hydroxy-3-(3-(4’-bromo-4-biphenylyl)-1,2,3,4-tetrahydro-1-naphthyl)coumarin (Brodifacoum) (CAS No. 56073–10–0) (provided for in subheading 2932.20.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 445. EMAMECTIN BENZOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.51	(4”R)-4”-Deoxy-4”-(methylamino)avermectin b1 benzoate (CAS No. 155569–91–8) (provided for in subheading 3824.99.92 or 2932.20.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 446. GIBBERELLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.52	Mixtures of gibberellic acid (CAS No. 77–06–5), gibberellin A4 (CAS No. 468–44–0) and gibberellin A7 (CAS No. 510–75–8) (provided for in subheading 2932.20.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 447. ERYTHORBIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.53	Erythorbic acid ((5R)-5-[(1R)-1,2-dihydroxyethyl]-3,4-dihydroxy-2(5H)-furanone) (CAS No. 89–65–6) (provided for in subheading 2932.20.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 448. SODIUM ERYTHORBATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.54	Sodium erythorbate (sodium (2R)-2-[(2R)-4,5-dihydroxy-3-oxo-2,3-dihydro-2-furanyl]-2-hydroxyethanolate) (CAS No. 6381–77–7) (provided for in subheading 2932.20.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 449. ETHOFUMESATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.55	(RS)-2-Ethoxy-2,3-dihydro-3,3-dimethylbenzofuran-5-yl methanesulfonate (Ethofumesate) (CAS No. 26225–79–6) (provided for in subheading 2932.99.08)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 450. CARBOSULFAN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.56	2,2-Dimethyl-2,3-dihydro-1-benzofuran-7-yl [(di-butyl-amino)sulfanyl]methyl-carbamate (Carbo-sulfan Tech-nical) (CAS No. 55285–14–8) (provided for in subheading 2932.99.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 451. HELIONAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.57	3-(1,3-Benzodioxol-5-yl)-2-methylpropanal (Helional) (CAS No. 1205–17–0) (provided for in subheading 2932.99.70)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 452. REACTION MASS OF (REL-2R,4R)-TETRAHYDO (PYRANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.58	Reaction mixture of (rel-2R,4R)-tetra-hydro-4-methyl-2-(2-methylpropyl)-2H-pyran-4-ol and (rel-2R,4S)-tetra-hydro-4-methyl-2-(2-methylpropyl)-2H-pyran-4-ol (CAS No. 63500–71–0) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 453. AUGEO CLEAN PLUS OR AUGEO FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.59	(2-Isobutyl-2-methyl-1,3-dioxolan-4-yl)methanol (CAS No. 5660–53–7) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 454. FRESCOLAT MGA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.60	6-Isopropyl-9-methyl-1,4-dioxaspiro[4.5]decane-2-methanol (Menthone glyceryl ketal) (CAS No. 63187-91–7) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 455. FENPYROXIMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.61	tert-Butyl (E)-α-(1,3-dimethyl-5-phenoxypyrazol-4-ylmethyleneamino oxy)-p-toluate (Fenpyroximate (ISO)) (CAS No. 134098–61–6) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 456. PYRACLONIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.62	1-(3-Chloro-4,5,6,7-tetrahydropyrazolo[1,5-a]pyridin-2-yl)-5-[methyl(prop-2-ynyl)amino]pyrazole-4-carbonitrile (Pyraclonil) (CAS No. 158353–15–2) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 457. PYRAFLUFEN-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.63	Ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazol-3-yl)-4-fluorophenoxyacetate (Pyraflufen-ethyl) (CAS. No 129630–19–9) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 458. TOLFENPYRAD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.64	4-Chloro-3-ethyl-1-methyl-N-[4-(p-tolyloxy)benzyl] pyrazole-5-carboxamide (Tolfenpyrad) (CAS No. 129558–76–5) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 459. PENFLUFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.65	5-Fluoro-1,3-dimethyl-N-[2-(4-methylpentan-2-yl)phenyl]-1H-pyrazole-4-carboxamide (CAS No. 494793–67–8) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 460. PYRAZOLE: AROMATIC PESTICIDE (FIPRONIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.66	(RS)-5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-(trifluoromethysulfinyl)-1H-pyrazole-3-carbonitrile (Fipronil) (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	4.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 461. PYRACLOSTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.67	Methyl N-(2-[[1-(4-chlorophenyl)pyrazol-3-yl]oxymethyl]- phenyl)-(N-methoxy)carbamate (Pyraclostrobin) (CAS No. 175013–18–0) (provided for in subheading 2933.19.23)	6.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 462. SEDAXANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.68	N-[2-(2-Cyclopropylcyclopropyl)phenyl]-3-(difluoromethyl)-1-methylpyrazole-4-carboxamide (Sedaxane) (CAS No. 874967–67–6) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 463. SOLATENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.69	N-[9-(Dichloromethylidene)-1,2,3,4-tetra-hydro-1,4-methanonaphthalen-5-yl]-3-(difluoromethyl)-1-methyl-1H-pyrazole-4-carboxamide (Benzovindiflupyr) (CAS No. 1072957–71–1) (provided for in subheading 2933.19.23)	4.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 464. FENPYRAZAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.70	S-Allyl 5-amino-2-isopropyl-4-(2-methylphenyl)-3-oxo-2,3-dihydro-1H-pyrazole-1-carbothioate (Fenpyrazamine) (CAS No. 473798–59–3) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 465. TECHNICAL TOLPYRALATE HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.71	1-[[1-ethyl-4-[3-(2-methoxyethoxy)-2-methyl-4-(methylsulfonyl)benzoyl]-1H-pyrazol-5-yl]oxy]ethyl methyl carbonate (Tolpyralate) (CAS No. 1101132–67–5) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 466. 3-(DIFLUOROMETHYL)-1-METHYL-N-(3',(XEMIUM TECH).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.72	3-(Difluoromethyl)-1-methyl-N-(3',4',5'-trifluorobiphenyl-2-yl)pyrazole-4-carboxamide (Fluxapyroxad) (CAS No. 907204–31–3) (provided for in subheading 2933.19.37)	5.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 467. IPRODIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.73	3-(3,5-Dichlorophenyl)-N-isopropyl-2,4-dioxoimidazolidine-1-carboxamide (Iprodione) (CAS No. 36734–19–7) (provided for in subheading 2933.21.00)	2.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 468. TRIFLUMIZOLE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.74	(E)-4-Chloro-α,α,α-trifluoro-N-(1-imidazol-1-yl-2-propoxyethylidene)-o-toluidine (Triflumizole) (CAS No. 99387–89–0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 469. FENAMIDONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.75	(S)-1-Anilino-4-methyl-2-methylthio-4-phenylimidazolin-5-one (Fenamidone) (CAS No. 161326–34–7) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 470. TECHNICAL CYAZOFAMID FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.76	4-Chloro-1-(dimethylaminosulfonyl)-5-(p-tolyl)imidazole-2-carbonitrile (Cyazofamid) (CAS No. 120116–88–3) (provided for in subheading 2933.29.43)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 471. 1-METHYLHYDANTOIN-2-IMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.77	Creatinine (2-amino-1-methyl-1,5-dihydro-4H-imidazol-4-one) (CAS No. 60–27–5) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 472. HINDERED AMINE LIGHT STABILIZER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.78	Bis(2,2,6,6-tetra-methyl-4-piperidyl) sebacate (CAS No. 52829–07–9) (provided for in subheading 2933.39.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 473. FLUOPICOLIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.79	2,6-Dichloro-N-[3-chloro-5-(trifluoromethyl)-2-pyridylmethyl]benzamide (Fluopicolide) (CAS No. 239110–15–7) (provided for in subheading 2933.39.21)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 474. FLUOPYRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.80	N-[2-[3-Chloro-5-(trifluoromethyl) pyridin-2-yl]ethyl]-2-(trifluoromethyl) benzamide (Fluopyram) (CAS No. 658066–35–4) (provided for in subheading 2933.39.21)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 475. 2-CHLORO-N-(4'-CHLORO-BIPHENY (BOSCALID TECH) .

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.81	2-Chloro-N-(4'-chloro-biphenyl-2-yl)-nicotinamide (Boscalid) (CAS No. 188425–85–6) (provided for in subheading 2933.39.21)	5.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 476. TECHNICAL ISOFETAMID FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.82	N-[1-(4-Isopropoxy-2-methylphenyl)-2-methyl-1-oxopropan-2-yl]-3-methylthiophene-2-carboxamide (Isofetamid) (CAS No. 875915–78–9) (provided for in subheading 2933.39.21)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 477. TECHNICAL FLUAZINAM FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.83	3-Chloro-N-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl)-2-pyridinamine (Fluazinam) (CAS No. 79622–59–6) (provided for in subheading 2933.39.21)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 478. TECHNICAL PYRIOFENONE FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.84	(5-chloro-2-methoxy-4-methyl-3-pyridyl)(4,5,6-trimethoxy-o-tolyl)methanone (Pyriofenone) (CAS No. 688046–61–9) (provided for in subheading 2933.39.21) and any formulations containing such compound (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 479. PARAQUAT DICHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.85	o-Paraquat dichloride (CAS No. 1910–42–5) (provided for in subheading 2933.39.23)	3.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 480. IMAZETHAPYR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.86	5-Ethyl-2-[(RS)-4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl]nicotinic acid (Imazethapyr) (CAS No. 81335–77–5) (provided for in subheading 2933.39.25)	2.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 481. FLURIDONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.87	1-Methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1H)-pyridinone (Fluridone) (CAS No. 59756–60–4) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 482. BICYCLOPYRONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.88	4-Hydroxy-3-[[2-[(2-methoxyethoxy)methyl]-6-(trifluoromethyl)-3-pyridinyl]carbonyl]bicyclo[3.2.1]oct-3-en-2-one (Bicyclopyrone) (CAS No. 352010–68–5) (provided for in subheading 2933.39.25)	4.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 483. CLOPYRALID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.89	3,6-Dichloro-2-pyridinecarboxylic acid (CAS No. 1702–17–6) (provided for in subheading 2933.39.25)	1.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 484. PICLORAM TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.90	4-Amino-3,5,6-trichloro-2-pyridinecarboxylic acid (CAS No. 1918–02–1)(provided for in subheading 2933.39.25)	4.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 485. CLODINAFOP-PROPARGYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.91	2-Propyn-1-yl (2R)-2-{4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy}propanoate (Clodinafop-propargyl) (CAS No. 105512–06–9) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 486. AMINOPYRALID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.92	4-Amino-3,6-dichloro-2-pyridinecarboxylic acid (Aminopyralid) (CAS No. 150114–71–9) (provided for in subheading 2933.39.25)	4.1%	No change	No change	On or before 12/31/2020 ...	".

SEC. 487. TRICLOPYR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.93	[(3,5,6-Trichloro-2-pyridinyl)oxy]acetic acid (Triclopyr) (CAS No. 55335–06–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 488. FLUROXPYR TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.94	2-Octanyl [(4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy]acetate (Fluroxypyr-meptyl) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	1.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 489. ARYLEX TECHNICAL HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.95	Methyl 4-amino-3-chloro-6-(4-chloro-2-fluoro-3-methoxyphenyl)-2-pyridinecarboxylate (Halauxifen-methyl) (CAS No. 943831–98–9) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 490. MEPIQUAT CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.96	1,1-Dimethylpiperidinium chloride (Mepiquat chloride) (CAS No. 24307–26–4) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 491. IMIDACLOPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.97	N-[1-[(6-Chloropyridin-3-yl)methyl]-4,5-dihydroimidazol-2-yl]nitramide (Imidacloprid) (CAS No. 138261–41–3) (provided for in subheading 2933.39.27)	4.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 492. SALTIDIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.98	1-Methylpropyl 2-(2-hydroxyethyl)piperidine-1-carboxylate (CAS No.119515–38–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 493. ACETAMIPRID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.05.99	(E)-N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methyl-acetamidine (Acetamiprid) (CAS No. 135410–20–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 494. 2-CHLORO-6-TRICHLOROMETHYL PYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.01	2-Chloro-6-(trichloromethyl)pyridine (CAS No. 1929–82–4) (provided for in subheading 2933.39.27)	0.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 495. COPPER 1-OXIDOPYRIDINE-2-THIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.02	Copper(2+) bis(2-pyridinethiolate 1-oxide) (CAS No. 14915–37–8) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 496. PYRIDALYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.03	2-(3-{2,6-Dichloro-4-[(3,3-dichloro-2-propen-1-yl)oxy]phenoxy}propoxy)-5-(trifluoromethyl)pyridine (Pyridalyl) (CAS No. 179101–81–6) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 497. PYRIPROXYFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.04	2-{[1-(4-Phenoxyphenoxy)-2-propanyl]oxy}pyridine (Pyriproxyfen) (CAS No. 95737–68–1)(provided for in subheading 2933.39.27)	3.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 498. BENZIMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.05	Methyl {(2S,3R)-1-[(2S)-2-{5-[(2R,5R)-1-{3,5-difluoro-4-[4-(4-fluorophenyl)-1-piperidinyl]phenyl}-5-(6-fluoro-2-{(2S)-1-[N-(methoxycarbonyl)-O-methyl-L-threonyl]-2-pyrrolidinyl}-1H-benzimidazol-5-yl)- 2-pyrrolidinyl]-6-fluoro-1H-benzimidazol-2-yl}-1-pyrrolidinyl]-3-methoxy-1-oxo-2-butanyl}carbamate (Pibrentasvir) (CAS No. 1353900–92–1) (provided for in subheading 2933.39.41)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 499. RELEBACTAM (MK-7655).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.06	(2S,5R)-7-Oxo-N-(piperidin-4-yl)-6-(sulfooxy)-1,6-diazabicyclo[3.2.1]octane-2-carboxamide (CAS No.1174018–99–5) (provided for in subheading 2933.39.41)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 500. 2,3-DICHLORO-5-(TRIFLUOROMETHYL)PYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.07	2,3-Dichloro-5-(trifluoromethyl)pyridine (CAS No. 69045–84–7) (provided for in subheading 2933.39.61)	2.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 501. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.08	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 502. HINDERED AMINE LIGHT STABILIZER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.09	Bis(2,2,6,6-tetra-methyl-1-octyloxy-4-piperidyl) sebacate (CAS No. 129757–67–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 503. 5-METHYLMETHOXYPYRIDINE-2,3-DICAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.10	5-Methylmethoxypyridine-2,3-dicarboxylic acid (CAS No. 143382–03–0) (provided for in subheading 2933.39.61)	3.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 504. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.11	Dimethyl 5-methylpyridine-2,3-dicarboxylate (CAS No. 112110–16–4) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 505. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID (5-MPDC).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.12	5-Methylpyridine-2,3-dicarboxylic acid (CAS No. 53636–65–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 506. 2,3-PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.13	2,3-Pyridinedicarboxylic acid (CAS No. 89–00–9) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 507. N,N’-BIS(2,2,6,6-TETRAMETHYL-4- (UVINUL 4050).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.14	N,N’-1,6-Hexanediylbis(2,2,6,6-tetra-methyl-4-piperidinecarboxamide (CAS No. 124172–53–8) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 508. BIS(1,2,2,6,6-PENTAMETHYL-4-PI (TINUVIN 765).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.15	Bis(1,2,2,6,6-pentamethyl-4-piperidyl)sebacate (CAS No. 41556–26–7) and methyl 1,2,2,6,6-pentamethyl-4-piperidyl sebacate (CAS No. 82919–37–7) (provided for in sub-heading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 509. N,N’-BIS(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)ISOPH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.16	N,N’-Bis(2,2,6,6-tetra-methyl-4-piperidinyl)isophthalamide (CAS No. 42774–15–2) (provided for in subheading 2933.39.61).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 510. HINDERED AMINE LIGHT STABILIZER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.17	3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione (CAS No. 79720–19–7) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 511. ACYLATED STERICALLY HINDERED LIGHT STABILIZER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.18	1-(1-Acetyl-2,2,6,6-tetramethyl-4-piperidinyl)-3-dodecyl-2,5-pyrrolidinedione (CAS No. 106917–31–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 512. M-TMP INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.19	2-Methoxy-4-(trifluoromethyl)pyridine (CAS No. 219715–34–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 513. 2-CYANOPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.20	2-Cyanopyridine (2-Pyridinecarbonitrile) (CAS No. 100–70–9) (provided for in subheading 2933.39.91)	2.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 514. N-BUTYL-TAD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.21	N-Butyl-2,2,6,6-tetramethylpiperidin-4-amine (CAS No. 36177–92–1) (provided for in subheading 2933.39.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 515. FOOD AND FEED PRESERVATIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.22	Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) (CAS No. 91–53–2) (provided for in subheading 2933.49.10)	1.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 516. QUINCLORAC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.23	3,7-Dichloro-8-quinolinecarboxylic acid (Quinclorac) (CAS No. 84087–01–4) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 517. CLOQUINTOCENT-MEXYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.24	1-Methylhexyl [(5-chloroquinolin-8-yl)oxy]acetate (Cloquintocet-mexyl) (CAS No. 99607–70–2) (provided for in subheading 2933.49.60)	4.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 518. CLOQUINTOCET ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.25	(5-Chloro-8-quinolyloxy)acetic acid (Cloquintocet) (CAS No. 88349–88–6) (provided for in subheading 2933.49.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 519. QUINALDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.26	2-Methylquinoline (Quinaldine) (CAS No. 91–63–4) (provided for in subheading 2933.49.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 520. BUTAFENACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.27	(2-Methyl-1-oxo-1-prop-2-enoxypropan-2-yl) 2-chloro-5-[3-methyl-2,6-dioxo-4-(trifluoromethyl)pyrimidin-1-yl]benzoate (Butafenacil) (CAS No. 134605–64–4) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 521. TERBACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.28	3-tert-Butyl-5-chloro-6-methyluracil (Terbacil) (CAS No. 5902–51–2) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 522. BISPYRIBAC SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.29	Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401–92–5) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 523. AZOXYSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.30	Methyl (2E)-2-(2-{[6-(2-cyanophenoxy)pyrimidin-4-yl]oxy}phenyl)-3-methoxyacrylate (Azoxystrobin) (CAS No. 131860–33–8) (provided for in subheading 2933.59.15)	6.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 524. CYPRODINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.31	4-Cyclopropyl-6- methyl-N-phenyl pyrimidin-2- amine (cyprodinil) (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 525. PYRIMETHANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.32	N-(4,6-Dimethylpyrimidin-2-yl)aniline (Pyrimethanil) (CAS No. 53112–28–0) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 526. 6-BA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.33	N-Benzyl-3H-purin-6-amine (Benzyladenine) (CAS No.1214–39–7) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 527. 5-ETHYL-6-OCTYL[1,2,4]TRIAZOL(AMETOCTRADINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.34	5-Ethyl-6-octyl[1,2,4]triazolo[1,5-a]pyrimidin-7-amine (Ametoctradin) (CAS No. 865318–97–4) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 528. BROMACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.35	5-Bromo-3-sec-butyl-6-methyluracil (Bromacil) (CAS No. 314–40–9) (provided for in subheading 2933.59.18)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 529. PIRIMIPHOS-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.36	O-(2-Diethylamino-6-methylpyrimidin-4-yl) O,O-dimethyl phosphorothioate (Pirimiphos-methyl) (CAS No. 29232–93–7) (provided for in subheading 2933.59.18)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 530. AMINOCYCLOPYRACHLOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.37	6-Amino-5-chloro-2-cyclopropyl-pyrimidine-4-carboxylic acid (Aminocyclopyrachlor) (CAS No. 858956–08–8) (provided for in subheading 2933.59.18)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 531. LETERMOVIR (MK-8228).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.38	{(4S)-8-Fluoro-2-[4-(3-methoxyphenyl)-1-piperazinyl]-3-[2-methoxy-5-(trifluoromethyl)phenyl]-3,4-dihydro-4-quinazolinyl}acetic acid (CAS No. 917389–32–3) (provided for in subheading 2933.59.36)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 532. BENZO[H]QUINAZOLIN-4(3H)-ONE DERIVATIVE (MK-7622).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.39	3-[(1S,2S)-2-Hydroxycyclohexyl]-6-[(6-methyl-3-pyridinyl)methyl]benzo-[h]quina-zolin-4(3H)-one (CAS No.1227923–29–6) (provided for in subheading 2933.59.53)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 533. PYRIFLUQUINAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.40	1-Acetyl-1,2,3,4-tetra-hydro-3-[(3-pyridylmethyl)amino]-6-[1,2,2,2-tetra-fluoro-1-(trifluoromethyl) ethyl] quinazolin-2-one (Pyrifluquinazon) (CAS No. 337458–27–2) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 534. DEDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.41	2,2’-Disulfanediylbis(5-ethoxy-7-fluoro[1,2,4]triazolo[1,5-c]pyrimidine) (CAS No. 166524–75–0) (provided for in subheading 2933.59.70)	0.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 535. PHENYL(4,6-DIMETHOXY-PYRIMIDIN-2-YL)CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.42	Phenyl(4,6-dimethoxy-2-pyrimidinyl)carbamate (CAS No. 89392–03–0) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 536. METHYLIODOURACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.43	1-[2-Fluoro-6-(trifluoromethyl)benzyl]-5-iodo-6-methyl-2,4(1H,3H)-pyrimidinedione (CAS No. 1150560–54–5) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 537. PYRIMISULFAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.44	(RS)-2′-[(4,6-dimethoxypyrimidin-2-yl)(hydroxy)methyl]-1,1-difluoro-6′-(methoxymethyl)methanesulfonanilide (Pyrimisulfan) (CAS No. 221205–90–9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 538. DMDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.45	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.95)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 539. TRIETHYLENEDIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.46	Tri-ethylenediamine (1,4-diaza-bicyclo[2.2.2]octane) (CAS No. 280–57–9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 540. DAT INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.47	5,8-Dime-thoxy[1,2,4]triazolo[1,5-c]py-rimidin-2-amine (CAS No. 219715–62–5) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 541. 2-AMINO-4,6-DIMETHYLPYRIMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.48	4,6-Dimethyl-2-pyrimidina-mine (CAS No. 767–15–7) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 542. ADTP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.49	2-Amino-5,7-dimethoxy-1,2,4-triazolo[1,5-a]pyrimidine (ADTP) (CAS No. 13223–43–3) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 543. CYANURIC CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.50	Cyanuric chloride (2,4,6-trichloro-1,3,5-triazine) (CAS No. 108–77–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 544. METRIBUZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.51	4-Amino-6-tert-butyl-3-methylthio-1,2,4-triazin-5(4H)-one (Metribuzin) (CAS No. 21087–64–9) (provided for in subheading 2933.69.60)	1.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 545. HEXAZINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.52	3-Cyclohexyl-6-dimethylamino-1-methyl-1,3,5-triazine-2,4(1H,3H)-dione (Hexa-zinone) (CAS No. 51235–04–2) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 546. PYMETROZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.53	6-Methyl-4-{[(1E)-pyridin-3-ylmethylene]amino}-4,5-dihydro-1,2,4-triazin-3(2H)-one (Pymetrozine) (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 547. ATRAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.54	6-Chloro-4-N-ethyl-2-N-propan-2-yl-1,3,5-triazine-2,4-diamine (Atrazine) (CAS No. 1912–24–9) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 548. SIMAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.55	6-Chloro-2-N,4-N-diethyl-1,3,5-triazine-2,4-diamine (Simazine) (CAS No. 122–34–9) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 549. HIGH PERFORMANCE HALOGEN FREE FLAME RETARDANT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.56	1,3,5-Triazinane-2,4,6-trione—1,3,5-triazine-2,4,6-triamine (1:1) (CAS No. 37640–57–6) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 550. PROPAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.57	6-Chloro-2-N,4-N-di(propan-2-yl)-1,3,5-triazine-2,4-diamine (Propazine) (CAS No. 139–40–2) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 551. INDAZIFLAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.58	N-[(1R,2S)-2,6-Dimethyl-2,3-dihydro-1H-inden-1-yl]-6-[(1R)-1-fluoroethyl]-1,3,5-triazine-2,4-diamine (Indaziflam) (CAS No. 950782–86–2) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 552. PHENOL,2-(4,6-DIPHENYL-1,3,(TINUVIN 1577).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.59	2-(4,6-Diphenyl-1,3,5-triazin-2-yl)-5-(hexyloxy)phenol (CAS No. 147315–50–2) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 553. 2-HYDROXYPHENYL-S-TRIAZINE(TINUVIN 1600).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.60	2-[4,6-Di(4-biphenylyl)-1,3,5-triazin-2-yl]-5-[(2-ethylhexyl)oxy]phenol (CAS No. 204583–39–1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 554. TERBUTRYN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.61	(4E)-4-(Ethylimino)-N-(2-methyl-2-propanyl)-6-(methylsulfanyl)-1,4-dihydro-1,3,5-triazin-2-amine (terbutryn) (CAS No. 886–50–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 555. TRIS (2-HYDROXYETHYL) ISOCYANURATE (THEIC).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.62	1,3,5-Tris(2-hydroxyethyl)-1,3,5-triazinane-2,4,6-trione (THEIC) (CAS No. 839–90–7) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 556. 2-AMINO-4-METHOXY-6-METHYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.63	4-Methoxy-6-methyl-1,3,5-triazin-2-amine (CAS No. 1668–54–8) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 557. 2–METHYL-4-METHOXY-6-METHYLAMINO-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.64	4-Methoxy-N,6-dimethyl-1,3,5-triazin-2-amine (CAS No. 5248–39–5) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 558. TRIALLYL CYANURATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.65	Triallyl cyanurate (2,4,6-tris(allyloxy)-1,3,5-triazine) (CAS No. 101–37–1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 559. UNICONAZOLE-P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.66	(4Z)-5-(4-Chlorophenyl)-2,2-dimethyl-4- (1H-1,2,4-triazol-1-yl)-4-hexen-3-ol (Uniconazole-P) (CAS No. 83657–17–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 560. SPIROTETRAMAT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.67	(5s,8s)-3-(2,5-Dimethylphenyl)-8-methoxy-2-oxo-1-azaspiro[4.5]dec-3-en-4-yl ethyl carbonate (Spirotetra-mat) (CAS No. 203313–25–1) (provided for in subheading 2933.79.08)	3.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 561. DORAVIRINE (MK-1439).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.68	3-Chloro-5-({1-[(4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-3-yl)methyl]-2-oxo-4-(trifluoromethyl)-1,2-dihydro-3-pyridinyl}oxy)benzonitrile (Doravirine INN) (CAS No. 1338225–97–0) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 562. GRILBOND IL-6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.69	N,N’-(Methylenedi-p-phenylene)bis[hexahydro-2-oxo-1H-azepine-1-carboxamide] (CAS No. 54112–23–1) (provided for in subheading 2933.79.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 563. MYCLOBUTANIL TECHNICAL FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.70	2-(4-Chlo-ro-phenyl)-2-(1H-1,2,4-triazol-1-yl-methyl)hexa-nenitrile (myclobu-tanil) (CAS No. 88671–89–0) (provided for in subheading 2933.99.06)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 564. FENBUCONAZOLE FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.71	4-(4-Chlorophenyl)-2-phenyl-2-(1H-1,2,4-triazol-1-ylmethyl)butanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.99.06)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 565. FENAZAQUIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.72	4-[2-[4-(2-Methyl-2-propanyl)phe-nyl]ethoxy]quin-azo-line (Fenazaquin) (CAS No. 120928–09–8) (provided for in subheading 2933.99.17)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 566. TECHNICAL CYCLANILIPROLE INSECTICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.73	3-Bromo-N-[2-bromo-4-chloro-6-[[(1-cyclopropylethyl)amino]carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1H-pyra-zole-5-carb-xamide (Cyc-lanili-prole) (CAS No. 1031756–98–5) (provided for in subheading 2933.99.17)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 567. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.74	2-tert-Butyl-5-(4-tert-butylbenzylthio)-4- chloropyridazin-3(2H)-one (Pyridaben) (CAS No. 96489–71–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 568. TRIADIMEFON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.75	1-(4-Chloro-phenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone (Tri-adimefon) (CAS No. 43121–43–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 569. PYRAZIFLUMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.76	N-(3′,4′-Di-fluorobiphenyl-2-yl)-3-(tri-fluoro-methyl)pyrazine-2-carbo-xamide (Pyrazi-flumid) (CAS No. 942515–63–1) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 570. CYPROCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.77	[α-(4-Chloro-phenyl)-α-(1-cyclopropylethyl)-1H-1-1,2,4-tri-azole-1-ethanol (Cypro-conazole) (CAS No. 94361–06–5) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 571. TEBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.78	(RS)-1-p-Chloro-phenyl-4,4-dimethyl-3-(1H-1,2,4-triazol-1-yl-methyl)pentan-3-ol (Tebucona-zole) (CAS No. 107534–96–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 572. HETERO W/NITOR: PESTICIDES: OTHER (TRITICONAZOLE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.79	E-5-(4-Chlorobenzylidene)-2,2-dimethyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclo-pentanol (Triticona-zole) (CAS No. 131983–72–7) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 573. METCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.80	5-[(4-Chloro-phenyl)methyl]-2,2-di-methyl-1-(1,2,4-triazol-1-yl-methyl)cyclo-pentan-1-ol (Met-conazole) (CAS No. 125116–23–6) (provided for in subheading 2933.99.22)	1.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 574. PROTHIOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.81	2-[(2RS)-2-(1-Chloro-cyclopropyl)-3-(2-chlorophenyl)-2-hydro-xypropyl]-2H-1,2,4-triazole-3(4H)-thione (Pro-thioconazole) (CAS No. 178928–70–6)(provided for in subheading 2933.99.22)	5.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 575. PACLOBUTRAZOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.82	(2RS,3RS)-1-(4-Chloro-phenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pentan-3-ol (Paclo-butrazol) (CAS No. 76738–62–0) (provided for in sub-heading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 576. CARBENDAZIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.83	Methyl N-(1H-benz-imidazol-2-yl)carba-mate (Carbenda-zim) (CAS No. 10605–21–7) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 577. FLUTRIAFOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.84	1-(2-Fluorophenyl)-1-(4-fluorophenyl)-2-(1H-1,2,4-triazol-1-yl)ethanol (Flutriafol) (CAS No. 76674–21–0) (provided for in subheading 2933.99.22)	0.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 578. IPCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.85	(1R,2S,5R)-2-(4-Chlorobenzyl)-5-isopropyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol (Ipconazole) (CAS No. 125225–28–7) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 579. TETRACONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.86	1-[2-(2,4-Dichloro-phenyl)-3-(1,1,2,2-tetra-fluoroethoxy)- propyl]-1H-1,2,4-triazole (Tetra-conazole) (CAS No. 112281–77–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 580. CARFENTRAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.87	Ethyl 2-chloro-3-{2-chloro-5-[4-(difluoromethyl)-3-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl]-4-fluorophenyl}propanoate (Carfentrazone-ethyl) (CAS No. 128639–02–1) (provided for in subheading 2933.99.22) and formulations thereof (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 581. ECONEA TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.88	4-Bromo-2-(4-chlorophenyl)-5-(trifluoromethyl)-1H-pyrrole-3-carbonitrile (Tralopyril) (CAS No. 122454–29–9) (provided for in subheading 2933.99.22).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 582. UV ABSORBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.89	2-(2H-Benzotriazol-2-yl)-4,6-di-tert-pentylphenol (CAS No. 25973–55–1) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 583. UV ABSORBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.90	2-(2H-Benzotriazol-2-yl)-4,6-bis(1-methyl-1-phenylethyl)phenol (CAS No. 70321–86–7) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 584. DIANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.91	2,5-Dichloro-3,6-bis[(9-ethylcarbazol-3-yl)amino]cyclohexa-2,5-diene-1,4-dione (Dianil) (CAS No. 80546–37–8) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 585. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.92	2-[3-(2H-Benzotriazol-2-yl)-4-hydroxyphenyl]ethyl methacrylate (CAS No. 96478–09–0) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 586. HYDRO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.93	2-Phenylbenzimidazole-5-sulfonic acid (Ensulizole) (CAS No. 27503–81–7) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 587. AMINO ETHYL CARBAZOLE (AEC).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.94	9-Ethyl-9H-carbazol-3-amine (amino ethyl carbazole) (CAS No. 132–32–1) (provided for in subheading 2933.99.82)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 588. 1,3 DIAMINO ISOINDOLINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.95	1H-Isoindole-1,3(2H)-diimine (1,3 diamino isoindoline) (CAS No. 3468–11–9) (provided for in subheading 2933.99.82)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 589. POLYAZIRIDINE (PZ-33).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.96	3-{[3-(1-Aziridinyl)propanoyl]oxy}-2-({[3-(1-aziridinyl)propanoyl]oxy}methyl)-2-(hydroxymethyl)propyl 3-(1-aziridinyl)propanoate (CAS No. 57116–45–7) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 590. 1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.97	1H-[1,2,4]Triazole (1,2,4-Triazole) (CAS No. 288–88–0) (provided for in subheading 2933.99.97)	2.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 591. 3-AMINO-5-MERCAPTO-1,2,4-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.98	5-Amino-1,2-dihydro-3H-1,2,4-triazole-3-thione (CAS No.16691–43–3) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 592. HEXYTHIAZOX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.99	(4RS,5RS)-5-(4-chlorophenyl)-N-cyclohexyl-4-methyl-2-oxo-1,3-thiazolidine-3-carboxamide (Hexythiazox) (CAS No. 78587–05–0) (provided for in subheading 2934.10.10)	1.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 593. THIACLOPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.01	3-[(6-Chloro-3-pyridinyl)methyl]-1,3-thiazolidin-2-ylidenecyanamide (Thiacloprid) (CAS No. 111988–49–9) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 594. RUZASVIR (MK-8408).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.02	Methyl {(2S)-1-[(2S)-2-{5-[(6S)-6-(2-cyclopropyl-1,3-thiazol-5-yl)-1-fluoro-3-{2-[(2S)-1-{(2S)-2-[(methoxycarbonyl)amino]-3-methylbutanoyl}-2-pyrrolidinyl]-1H-imidazol-5-yl}indolo[1,2-c][1,3]benzoxazin-10-yl]-1H-imidazol-2-yl}-1-pyrrolidinyl]-3-methyl-1-oxo-2-butanyl}carbamate (Ruzasvir) (CAS No. 1613081–64–3) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 595. ISAVUCONAZONIUM SULFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.03	(2-{[(1-{1- [(2R,3R)-3-[4-(4-Cyanophenyl)-1,3-thiazol-2-yl] -2-(2,5-difluorophenyl)-2-hydroxybutyl] -1H-1,2,4-triazol-4-ium-4- yl}ethoxy) carbonyl] (methyl)amino}-3-pyridinyl)methyl N-methylglycinate hydrogen sulfate (Isavuconazonium Sulfate) (CAS No. 946075–13–4) (provided for in subnheading 2934.10.10) ...	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 596. 2-(1,3-THIAZOL-5-YL)-2H-3,1-BENZOXAZINE DERIVATIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.04	4-[(2-bromo-5-chlorophenyl)methyl]-7-chloro-2-(2-cyclopropyl-1,3-thiazol-5-yl)-5-fluoro-2H-3,1-benzoxazine (CAS No. 1855942–64–1) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 597. 3,6-DIMETHYL-6H-BENZO-OXAZINO[3,4-A]INDOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.05	6-(2-Cyclopropylthiazol-5-yl)-1-fluoro-3,10-bis(4,4,5,5-tetra-methyl-1,3,2-dioxaborolan-2-yl)-6H-benzo[5,6][1,3]oxazino[3,4-a]indole (CAS No. 1620545–76–7) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 598. CLOTHIANIDIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.06	(E)-1-(2-Chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitro-guani-dine (Clothianidin) (CAS No. 210880–92–5) (provided for in subheading 2934.10.90)	6.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 599. THIAMETHOXAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.07	Thiamethoxam (3-(2-chloro-5-thiazolylmethyl)tetra-hydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 600. ETHABOXAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.08	N-[Cyano(2-thienyl)methyl]-4-ethyl-2-(ethylamino)-1,3-thiazole-5-carboxamide (Ethaboxam) (CAS No. 162650–77–3) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 601. VULKACIT MERKAPTO/MG-C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.09	2-Mercaptobenzothiazole (benzothiazole-2-thiol) (CAS No. 149–30–4) (provided for in subheading 2934.20.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 602. 2BBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.10	2-(1,3-Benzothiazol-2-ylsulfanyl)succinic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 603. 2-AMINO 4-METHYL BENZOTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.11	4-Methylbenzothiazol-2-ylamine (CAS No. 1477–42–5) (provided for in subheading 2934.20.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 604. VULKACIT ZM-W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.12	Zinc bis(1,3-benzothiazole-2-thiolate) (CAS No. 155–04–4) (provided for in subheading 2934.20.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 605. OXADIAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.13	3-[2,4-Dichloro-5-(1-methylethoxy)phenyl]-5-(1,1-dimethylethyl)-1,3,4-oxadiazol-2(3H)-one (Oxadiazon) (CAS No. 19666–30–9) (provided for in subheading 2934.99.11)	1.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 606. DIFENOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.14	1-({2-[2-Chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-yl}methyl)-1H-1,2,4-triazole (Difenoconazole) (CAS No. 119446–68–3) (provided for in subheading 2934.99.12)	4.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 607. FLUDIOXINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.15	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (Fludioxonil (ISO)) (CAS No. 131341–86–1) (provided for in subheading 2934.99.12)	5.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 608. PROPICONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.16	1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207–90–1) (provided for in subheading 2934.99.12)	4.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 609. CARBOXIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.17	2-Methyl-N-phenyl-5,6-dihydro-1,4-oxathiine-3-carboxamide (Carboxin) (CAS No. 5234–68–4) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 610. 1,2-BENZISOTHIAZOLIN-3(2H)-ONE,2-BUTYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.18	2-Butyl-1,2-benzothiazol-3(2H)-one (CAS No. 4299–07–4) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 611. 4-[3-(4-CHLOROPHENYL)-3-(3,4-DIMETHOXYPH).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.19	(2E)-3-(4-Chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-(4-morpholinyl)-2-propen-1-one (CAS No. 110488–70–5) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 612. OXATHIAPIPROLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.20	1-(4-{4-[5-(2,6-Difluorophenyl)-4,5-dihydro-1,2-oxazol-3-yl]-1,3-thiazol-2-yl}-1-piperidinyl)-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]ethanone (Oxathiapiprolin) (CAS No. 1003318–67–9) (provided for in subheading 2934.99.12)	3.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 613. FLUOXASTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.21	(E)-{2-[6-(2-Chlorophenoxy)-5-fluoropyrimidin-4-yloxy]phenyl}(5,6-dihydro-1,4,2-dioxazin-3-yl)-N-methoxymethanimine (Fluoxastrobin) (CAS No. 361377–29–9) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 614. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.22	(5-Cyclopropyl-1,2-oxazol-4-yl)(α,α,α-trifluoro-2-mesyl-p-tolyl)methanone (Isoxaflutole) (CAS No. 141112–29–0) (provided for in subheading 2934.99.15)	5.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 615. BENTAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.23	3-Isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide, sodium salt (Bentazon, sodium salt) (CAS No. 50723–80–3) (provided for in subheading 2934.99.15)	4.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 616. THIDIAZURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.24	1-Phenyl-3-(1,2,3-thiadiazol-5-yl)urea (Thidiazuron) (CAS No. 51707–55–2) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 617. HETEROCYCLIC:OTHER: HERBICIDES: TOPRAMEZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.25	[3-(4,5-Dihydro-1,2-oxazol-3-yl)-4-mesyl-o-tolyl](5-hydroxy-1-methylpyrazol-4-yl)methanone (Topramezone) (CAS No. 210631–68–8) (provided for in subheading 2934.99.15)	4.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 618. PINOXADEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.26	8-(2,6-Diethyl-4-methylphenyl)-1,2,4,5-tetra-hydro-7-oxo-7H-pyrazolo[1,2-d][1,4,5]oxadiazepin-9-yl-2,2-dimethylpropanoate (Pinoxaden) (CAS No. 243973–20–8) (provided for in subheading 2934.99.15)	5.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 619. ISOXABEN TECHNICAL HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.27	2,6-Dimethoxy-N-[3-(3-methyl-3-pentanyl)-1,2-oxazol-5-yl]benzamide (isoxaben) (CAS No. 82558–50–7) (provided for in subheading 2934.99.15)	3.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 620. CLOMAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.28	2-(2-Chlorobenzyl)-4,4-dimethyl-1,2-oxazolidin-3-one (Clomazone) (CAS No. 81777–89–1) (provided for in subheading 2934.99.15) and any formulations containing such compound (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 621. FLUTHIACETMETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.29	Methyl[[2-chloro-4-fluoro-5[(tetra-hydro-3-oxo-1H, 3H-[1,3,4] thiadiazolo[3,4-a] pyridazin-1-ylidene)amino]phenyl]thio] acetate (Fluthiacet-methyl technical)(CAS No. 117337–19–6) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 622. FLUMIOXAZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.30	2-[7-Fluoro-3-oxo-4-(2-propyn-1-yl)-3,4-dihydro-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetra-hydro-1H-isoindole-1,3(2H)-dione (Flumioxazin) (CAS No. 103361–09–7) (provided for in subheading 2934.99.15)	6.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 623. BUPROFEZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.31	(2Z)-3-Isopropyl-2-[(2-methyl-2-propanyl)imino]-5-phenyl-1,3,5-thiadiazinan-4-one (Buprofezin) (CAS No. 69327–76–0 or 953030–84–7) (provided for in subheading 2934.99.16)	1.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 624. FLUPYRADIFURONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.32	4-{[(6-Chloro-3-pyridinyl)methyl](2,2-difluoroethyl)amino}-2(5H)-furanone (Flupyradifurone) (CAS No. 951659–40–8) (provided for in subheading 2934.99.16)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 625. FLURALANER (AH252723).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.33	4-[5-(3,5-Dichlorophenyl)-5-(trifluoromethyl)-4,5-dihydro-1,2-oxazol-3-yl]-2-methyl-N-{2-oxo-2-[(2,2,2-trifluoroethyl)amino]ethyl}benzamide (Fluralaner) (CAS No. 864731–61–3) (provided in subheading 2934.99.16)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 626. OBPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.34	10,10’-Oxybis(10H-phenoxarsinine) (CAS No. 58–36–6) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 627. ETOXAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.35	2-(2,6-Difluorophenyl)-4-[2-ethoxy-4-(2-methyl-2-propanyl)phenyl]-4,5-dihydro-1,3-oxazole (Etoxazole) (CAS No. 153233–91–1) (provided for in subheadling 2934.99.18)	4.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 628. AGRICULTURAL CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.36	3-Phenyl-5-(2-thienyl)-1,2,4-oxadiazole (Tioxazafen) (CAS No. 330459–31–9) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 629. CRISABOROLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.37	4-[(1-Hydroxy-1,3-dihydro-2,1-benzoxaborol-5-yl)oxy]benzonitrile (Crisaborole) (CAS No. 906673–24–3) (provided for in subheading 2934.99.30)	6.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 630. SAROLANER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.38	1-[5′-[(5S)-5-(3,5-Dichloro-4-fluorophenyl)-4,5-dihydro-5-(trifluoromethyl)-1,2-oxazol-3-yl]-1H,3′H-spiro[azetidine-3,1′-[2]benzofuran]-1-yl]-2-mesylethanone (Sarolaner) (CAS No. 1398609–39–6) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 631. ELBASVIR (MK-8742).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.39	Methyl {(2S)-1-[(2S)-2-{4-[(6S)-3-{2-[(2S)-1-{(2S)-2-[(methoxycarbonyl)amino]-3-methylbutanoyl}-2-pyrrolidinyl]-1H-imidazol-4-yl}-6-phenylindolo[1,2-c][1,3]benzoxazin-10-yl]-1H-imidazol-2-yl}-1-pyrrolidinyl]-3-methyl-1-oxo-2-butanyl}carbamate (Elbasvir) (CAS No. 1370468–36–2) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 632. UPRIFOSBUVIR (MK-3682).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.40	Propan-2-yl (2R)-2-{((R)-({(2R,3R,4R,5R)-4-chloro-5-(2,4-dioxo-3, 4-dihydropyrimidin-1(2H)-yl)-3-hydroxy-4-methyloxolan-2-yl} methoxy)(phenoxy)phosphoryl) amino}propanoate (Uprifosbuvir) (CAS No.1496551–77–9) (provided for in subheading 2934.99.30 or 2934.99.39) ..	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 633. SUVOREXANT (MK-4305).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.41	[(7R)-4-(5-Chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H-1,2,3-triazol-2-yl)phenyl]methanone (Suvorexant) (CAS No. 1030377–33–3) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 634. ERTUGLIFLOZIN L-PYROGLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.42	(2S)-5-Oxopyrrolidine-2-carboxylic acid-(1S,2S,3S,4R,5S)-5-[4-chloro-3-(4-ethoxybenzyl)phenyl]-1-(hydroxymethyl)-6,8-dioxabicyclo[3.2.1]octane-2,3,4-triol (1:1) (Ertugliflozin L-pyroglutamic acid) (CAS No. 1210344–83–4) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 635. ISOXADIFEN-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.43	Ethyl 5,5-diphenyl-4H-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl) (CAS No. 163520–33–0) (provided for in subheading 2934.99.39)	4.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 636. NA-11.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.44	Sodium 2-2'-methylene bis-(4,6-di-tert-butyl phenyl)phosphate (CAS No. 85209–91–2) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 637. UV ABSORBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.45	2,2-(1,4-Phenylene)bis((4H-3,1-benzoxazine-4-one) (CAS No. 18600–59–4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 638. 2H-3,1-BENZOXAZINE-2,4(1H)-DIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.46	2H-3,1-Benzoxazine-2,4(1H)-dione (CAS No. 118–48–9) (provided for in subheading 2934.99.44)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 639. PENTHIOPYRAD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.47	(RS)-N-[2-(1,3-Dimethylbutyl)-3-thienyl]-1-methyl-3-(trifluoromethyl)pyrazole-4-carboxamide (Penthiopyrad) (CAS No. 183675–82–3) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 640. 2-AMINO-3-CYANO THIOPHENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.48	2-Amino-3-cyanothiophene (CAS No. 4651–82–5) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 641. TEBUTHIURON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.49	1,3-Dimethyl-1-[5-(2-methyl-2-propanyl)-1,3,4-thiadiazol-2-yl]urea (Tebuthiuron) (CAS No. 34014–18–1) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 642. NEM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.50	4-(4-Methylphenyl)-4-oxobutanoic acid - 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 643. 3M™ FLUORINERT™ AND PERFORMANCE FLUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.51	C_1-C_3 Perfluoroalkyl perfluoromorpholine (CAS No. 382–28–5) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 644. ETRIDIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.52	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole (Etridiazole) (CAS No. 2593–15–9) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 645. PYROXASULFONE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.53	3-({[5-(Difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-yl]methyl}sulfonyl)-5,5-dimethyl-4,5-dihydro-1,2-oxazole (Pyroxasulfone) (CAS No. 447399–55–5) (provided for in subheading 2934.99.90)	3.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 646. ISATOIC ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.54	2H-3,1-Benzoxazine-2,4(1H)-dione (Isatoic anhydride) (CAS No. 118–48–9) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 647. GRAZOPREVIR (MK-5172).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.55	(1R,18R,20R,24S,27S)-N-{(1R,2S)-1-[(cyclopropylsulfonyl)carbamoyl]-2-vinylcyclopropyl}-7-methoxy-24-(2-methyl-2-propanyl)-22,25-dioxo-2,21-dioxa-4,11,23,26-tetraazapentacyclo [24.2.1.^{03,12}.$0^{5,10}$.$0^{18,20}$] nonacosa-3,5,7,9,11-pentaene-27-carboxamide (Grazoprevir) (CAS No. 1350514–68–9) (provided in subheading 2935.90.48)	4.1%	No change	No change	On or before 12/31/2020 ...	".

SEC. 648. CYPROSULFAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.56	N-{[4-(Cyclopropylcarbamoyl)phenyl]sulfonyl}-2-methoxybenzamide (Cyprosulfamide) (CAS No. 221667–31–8) (provided for in subheading 2935.90.75)	5.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 649. TRIASULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.57	2-(2-Chloroethoxy)-N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) carbamoyl] benzenesulfonamide (Triasulfuron) (CAS No. 82097–50–5) (provided for in subheading 2935.90.75)	0.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 650. TRIFLOXYSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.58	Sodium 4,6-dimethoxy-2-[({[3-(2,2,2-trifluoroethoxy)pyridin-2-yl]sulfonyl}carbamoyl)imino]-2H-pyrim-idin-1-ide (Tri-floxy-sulfuron-sodium) (CAS No. 199119–58–9) (provided for in subheading 2935.90.75)	4.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 651. PARA-TOLUEN SULPHONYL HYDRAZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.59	Toluene-4-sulfonohydrazide (CAS No. 1576–35–8) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 652. SULFENTRAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.60	N-{2,4-Dichloro-5- [4-(difluoromethyl)-3-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl] pheny-l}methanesulfonamide (Sulfentrazone) (CAS No. 122836–35–5) (provided for in subheading 2935.90.75)	5.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 653. SULFOMETURON-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.61	Methyl 2-{[(4,6-dimethyl-2-pyrimidinyl) carbamoyl] sulfamoyl}benzoate (Sulfometuron-methyl) (CAS No. 74222–97–2) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 654. BENSULFURON METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.62	Methyl 2-[[[[[(4, 6-dimethoxypyrimidin-2-yl)amino] car-bonyl]amino]sulfony] meth-yl] benzoate (Bensulfuron-methyl) (CAS No. 83055–99–6) (provided for in sub-heading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 655. TOSYL-4-CPP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.63	4-Chloro-7-(4-methylphenylsulfonyl)-7H-pyrrolo [2, 3-d] pyrimidine (CAS No. 479633–63–1) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 656. ASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.64	Sodium [(4-aminophenyl) sulfony-l](methoxycarbonyl)azanide (Asulam sodium salt) (CAS No. 2302–17–2) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 657. FLUCARBAZONE-SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.65	Sodium [(3-methoxy-4-methyl-5-oxo-4, 5-dihydro-1H-1,2,4-triazol-1-yl) carbonyl]{[2-(trifluoromethox-y)phenyl]sulfonyl}azanide (Flucarbazone-sodium) (CAS No. 181274–17–9) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 658. PYROXSULAM HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.66	N-(5,7-dimethoxy [1,2,4]triazolo [1,5-a]pyrimidin-2-yl)-2-methoxy-4-(trifluoromethyl)-3-pyridinesulfonamide (Pyroxsulam) (CAS No. 422556–08–9) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 659. METHYL 2-(AMINOSULFONYL) BENZOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.06.67	Methyl 2-sulfamoylbenzoate (CAS No. 57683–71–3) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 660. METHYL 3-SULFAMOYLTHIOPHENE-2-CARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.68	Methyl 3-sulfamoyl-2-thiophenecarboxylate (CAS No. 59337–93–8) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 661. 3-(ETHYLSULFONYL)-2-PYRIDINESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.69	3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671–01–9) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 662. CARBAMIC ACID, N-[[3-[(DIMETHYL...]-, PHENYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.70	Phenyl ((3-((dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamate (CAS No. 112006–94–7) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 663. IMAZOSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.71	2-Chloro-N-[(4,6-dimethoxy-2-pyrimidinyl)carbamoyl]imidazo [1,2-a]pyridine-3-sulfonamide (Imazosulfuron) (CAS No. 122548–33–8) (provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 664. 5-FLUOROPICOLINAMIDE DERIVATIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.72	N-{3-[(2R)-2-amino-1-(methylsulfamoyl)propan-2-yl]-4-fluorophenyl}-5-fluoropyridine-2-carboxamide (CAS No. 1877329–50–4) (Provided for in subheading 2935.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 665. ORYZALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.73	3,5-Dinitro-N'4,N'4-dipropylsulfanilamide (Oryzalin) (CAS No. 19044–88–3) (provided for in subheading 2935.90.95)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 666. STEVIA REBIANA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.74	13-[(2-O-β-D-Glucopyranosyl-α-D-glucopyranosyl)oxy]kaur-16-en-18-oic acid β-D-glucopyranosyl ester (Stevioside) (CAS No. 57817–89–7) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 667. PURIFIED STEVIOL GLYCOSIDE, REBAUDIOSIDE A.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.75	Purified steviol glycoside, rebaudioside A (19-O-ß-glucopyranosyl-13-O-(ß-glucopyranosyl(1-2)-ß-glucopyranosyl(1-3))-ß-glucopyranosyl-13-hydroxykaur-16-en-19-oic acid) (CAS No. 58543–16–1) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 668. PURIFIED STEVIOL GLYCOSIDE, REBAUDIOSIDE M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.76	(4-α)-13-[(O-β-D-Glucopyranosyl-(1-2)-O-[β-D-glucopyranosyl-(1-3)]-β-D-glucopyranosyl)oxy]-kaur-16-en-18-oic acid O-β-D- glucopyranosyl-(1-2)-O-[β-D- glucopyranosyl-(1-3)]-β-D-glucopyranosyl ester (Rebaudioside M) (CAS No. 1220616–44–3) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 669. D-MANNOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.77	(3S,4S,5S,6R)-6-(Hydroxymethyl)oxane-2,3,4,5-tetrol (D-Mannose) (CAS No. 3458–28–4) (provided for in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 670. TREHALOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.78	Trehalose (α-D-Glucopyranosyl α-D-glucopyranoside dihydrate) (CAS No. 6138–23–4) (provided in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 671. IRON SODIUM EDDHA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.79	Iron sodium ethylenediaminedihydroxyphenylacetic acid (sodium [[α,α'-(ethyl-enediimino)bis[2-hydro-xyben-zene-1-acetato]](4-)]ferrate(1-)) (CAS No. 16455–61–1) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 672. CHLOROPHYLLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.80	Chlorophyllin-copper complex (CAS No. 11006–34–1) (provided for in subheading 2942.00.50).	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 673. BLACK CARROT COLOR CONCENTRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.81	Black carrot color concentrate (provided for in subheading 3203.00.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 674. PURPLE SWEET POTATO COLOR CONCENTRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.82	Purple sweet potato color concentrate (provided for in subheading 3203.00.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 675. RED CABBAGE COLOR CONCENTRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.83	Red cabbage color concentrate (provided for in subheading 3203.00.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 676. RED RADISH COLOR CONCENTRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.84	Red radish color concentrate (provided for in subheading 3203.00.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 677. DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.85	Disperse Blue 56 (1,5-Diamino-2-bromo-4,8-dihydroxy-9,10-anthraquinone) (CAS No. 68134–65–6) (provided for in 3204.11.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 678. DISPERSE BLUE 284.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.86	Disperse Blue 284 (({4-[(E)-(3,5-Dinitro-2-thienyl)diazenyl] phenyl]imino)di-2,1-ethanediyl diacetate) (CAS No. 42783–06–2) (provided for in 3204.11.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 679. DISPERSE BLUE 73.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.87	1,5-Diamino-4,8-dihydroxy-2-(4-hydroxyphenyl)-9,10-anthraquinone (Disperse blue 73) (CAS No. 12222–78–5) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 680. MIXTURE OF DISPERSE BLUE 60 M, DISPERSE BLUE 60 ME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.88	Mixtures of 4,11-diamino-2-(3-methoxypropyl)-1H-Naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone (Disperse Blue 60 M) (CAS No. 12217–80–0) and 4,11-Diamino-2-[3-(2-methoxyethoxy)propyl]-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone (Disperse Blue 60 ME) (CAS No. 65059–45–2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 681. MIX OF DISPERSE BLUE 77, 56, 60M, 60ME, 77.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.89	Mixtures of 1-anilino-4,5-dihydroxy-8-nitro-9,10-anthraquinone (Disperse blue 77) (CAS No. 20241–76–3); 1,5-diamino-2-bromo-4,8-dihydroxy-9,10-anthraquinone (Disperse blue 56) (CAS No. 68134–65–6); 4,11-diamino-2-(3-methoxypropyl)-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone (Disperse blue 60 M) (CAS No. 12217–80–0); and 4,11-diamino-2-[3-(2-methoxyethoxy)propyl]-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone (Disperse blue 60 ME) (CAS No. 65059–45–2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 682. MIXTURE OF DISPERSE YELLOW 64, 211, 42, AND 54.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.90	Mixtures of 2-(4-Bromo-3-hydroxy-2-quinolinyl)-1H-indene-1,3(2H)-dione (Disperse yellow 64) (CAS No. 10319–14–9); 5-[(E)-(4-Chloro-2-nitrophenyl)diazenyl]-1-ethyl-6-hydroxy-4-methyl-2-oxo-1,2-dihydro-3-pyridinecarbonitrile (Disperse yellow 211) (CAS No. 70528–90–4); 4-Anilino-3-nitro-N-phenylbenzenesulfonamide (Disperse yellow 42) (CAS No. 5124–25–4); and 2-(3-Hydroxy-2-quinolinyl)-1H-indene-1,3(2H)-dione (Disperse yellow 54) (CAS No. 7576–65–0) (provided for in 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 683. DISPERSE YELLOW 218.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.91	Disperse Yellow 218 (CAS No. 75199–13–2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 684. MIXTURE OF DISPERSE YELLOW 163, ETC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.92	Mixtures of Disperse Yellow 163 (3,3’-({4-[(2,6-Dichloro-4- nitrophenyl) diazenyl]phenyl}imino) dipropanenitrile) (CAS No. 67923–43–7); Solvent Yellow 163 (1,8-Bis(phenylthio)anthracene-9,10-dione) (CAS No. 13676–91–0); Disperse Blue 56 (1,5-Diamino-2-bromo-4,8-dihydroxy-9,10-anthraquinone) (CAS No. 68134–65–6); Disperse Blue 77 (1-Anilino-4,5-dihydroxy-8-nitro-9,10-anthraquinone) (CAS No. 20241–76–3); Disperse Red 1042A (5-[2-(2-Cyano-4-nitrophenyl)diazenyl]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile) (CAS No. 149988–44–3); Disperse Red 1042B (5-[(2-cyano-4-nitrophenyl)diazenyl]-6-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-2-(phenylamino)-3-pyridine carbonitrile) (CAS No. 137428–29–6); Disperse Blue 60 M (4,11-Diamino-2-(3-methoxypropyl)-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone (CAS No. 12217-80-0); and Disperse Blue 60 ME (4,11-Diamino-2-[3-(2-methoxyethoxy)propyl]-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone) (CAS No. 65059–45–2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 685. MIXTURE OF DISPERSE ORANGE T9601, ETC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.93	Mixtures of Disperse Orange 288 (3-(Benzyl {4- [(4-nitrophenyl) diazenyl] phenyl}amino)propanenitrile) (CAS No. 96662–24–7); Disperse Blue 291:1 N-{2-[(E)-(2-Bromo-4, 6-dinitrophenyl)diazenyl]-5-(diallylamino)-4-methoxyphenyl}acetamide) (CAS No. 51868–46–3); and Disperse Violet 93:1 (N-{2-[(E)-(2-Bromo-4, 6-dinitrophenyl)diazenyl]-5-(diethylamino) phenyl}acetamide) (CAS No. 52697–38–8) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 686. MIXTURE OF SOLVENT YELLOW 163, ETC. (BLACK HLA-S).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.94	Mixtures of Solvent Yellow 163 (8-Bis(phenylsulfanyl)-9,10-anthraquinone) (CAS No. 13676–91–0); Disperse Blue 56 (1,5-Diamino-2-bromo-4,8-dihydroxy-9,10-anthraquinone) (CAS No. 68134–65–6); Disperse Red 167:1 ({3-(acetylamino)-4-[(2-chloro-4-nitrophenyl)azo] phenyl}imino)diethane-2, 1-diyl diacetate) (CAS No. 1533-78-4); Disperse Orange 29 (4-({2-Methoxy-4-[(4-nitrophenyl) diazenyl] phenyl}diazenyl)phenol) (CAS No. 19800–42–1); Disperse Red 1042A (5-[2-(2-Cyano-4-nitrophenyl) diazenyl]-2-[[2-(2-hydroxyethoxy)ethyl] amino] -4-methyl-6-(phenylamino)-3-pyridinecarbonitrile) (CAS No. 149988–44–3); Disperse Red 1042B (5-[(2-cyano-4-nitrophenyl) diazenyl]-6-[[2-(2-hydroxyethoxy) ethyl]amino]-4-methyl-2-(phenylamino) -3-pyridine carbonitrile) (CAS No. 137428–29–6); Disperse Blue 60 M (4,11-diamino-2-(3-methoxypropyl)-1H-naphtho[2, 3-f]isoindole-1,3,5,10(2H)-tetrone) (CAS No. 12217–80–0); and Disperse Blue 60 ME (4, 11-Diamino-2-[3-(2-methoxyethoxy)propyl]-1H-naphtho [2, 3-f]isoindole-1, 3,5,10(2H)-tetrone) (CAS No. 65059–45–2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 687. MIX OF DISPERSE BLUE ANT (BR), ETC (DX BLK XF-2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.95	Mixtures of Disperse Blue ANT (Br) (N-[5-(acetylamino)-4-[2-(2-bromo-4, 6-dinitrophenyl)diazenyl]-2-methoxyphenyl]-N-(2-methoxy-2-oxoethyl)-glycine, methyl ester) (CAS No. 88938-51-6); Disperse Green GNA (N-[5-(acetylamino)-2-methoxy-4-[2-(5-nitro-2, 1-benzisothiazol-3-yl) diazenyl]phenyl]-N-(2-methoxy-2-oxoethyl)-glycine, methyl ester) (CAS No. 1235882–84–4); Disperse Yellow FC60954 (4-[2-(5-cyano-1, 6-dihydro-2-hydroxy-1,4-dimethyl-6-oxo-3-pyridinyl)diazenyl]-benzoic acid, 2-phenoxyethyl ester) (CAS No. 88938–37–8); Disperse Red DYNS 2246 (N-[4-[2-(2-cyano-4-nitropheny-l)diazenyl]phenyl]-N-(phenylmethyl)-B-alanine, 2-oxopropyl ester) (CAS No. 1021394–33–1); and Disperse Yellow DYLA 1306 (1,2-dihydro-6-hydroxy-1, 4-dimethyl-5-[2-[2-nitro-4-(phenylmethox-y)phenyl]diazenyl]-2-oxo-3-pyridinecarbonitrile) (CAS No. 1613451–37–8) (provided for in 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 688. MIXTURE OF DISPERSE BLUE 77 AND DISPERSE BLUE 60 M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.96	Mixtures of Disperse Blue 77 (1-Anilino-4,5-dihydroxy-8-nitro-9,10-anthraquinone) (CAS No. 20241-76-3) and Disperse Blue 60 M (4,11-Diamino-2-(3-methoxypropyl)-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone) (CAS No. 12217–80–0) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 689. DISPERSE YELLOW 184:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.97	Disperse Yellow 232 (3-(5-Chloro-2-benzoxazolyl)-7-(diethylamino)-2H-1-benzopyran-2-one) (CAS No. 35773–43–4) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 690. MIX OF DISPERSE BLUE ANT (BR), ETC. (DX NAVY XF-2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.98	Mixtures of Disperse Blue ANT (Br) (N-[5-(acetylamino)-4-[2-(2-bromo-4,6-dinitrophenyl)diazenyl]-2-methoxyphenyl]-N-(2-methoxy-2-oxoethyl)-glycine, methyl ester) (CAS No. 88938–51–6); Disperse Green GNA (N-[5-(acetylamino)-2-methoxy-4-[2-(5-nitro-2,1-benzisothiazol-3-yl)diazenyl]phenyl]-N-(2-methoxy-2-oxoethyl)-glycine, methyl ester) (CAS No. 1235882–84–4); Disperse Yellow FC60954 (4-[2-(5-cyano-1,6-dihydro-2-hydroxy-1,4-dimethyl-6-oxo-3-pyridinyl)diazenyl]-benzoic acid, 2-phenoxyethyl ester) (CAS No. 88938–37–8); and Disperse Red DYNS 2246 (N-[4-[2-(2-cyano-4-nitropheny-l)diazenyl]phenyl]-N-(phenylmethyl)-B-alanine, 2-oxopropyl ester) (CAS No. 1021394–33–1) (provided for in 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 691. DISPERSE ORANGE FC84508.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.99	Disperse Orange FC84508 (Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]acetic acid, pentyl ester) (CAS No. 173285–74–0), (provided for in 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 692. MIXT OF DISPERSE BLUE 60 M, ETC (DX TURQUOISE XF).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.01	Mixtures of Disperse Blue 60 M (4,11-Diamino-2-(3-methoxypropyl)-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone) (CAS No. 12217–80–0); Disperse Blue 60 ME (4,11-Diamino-2-[3-(2-methoxyethoxy)propyl]-1H-naphtho[2,3-f]isoindole-1,3,5,10(2H)-tetrone) (CAS No. 65059–45–2); and Disperse Blue 1771 (8E)-8-[[2-(Dibutylamino)-4-phenyl-1,3-thiazol-5-yl]imino]-2-(3-heptanyl)-7-methyl-5-oxo-5,8-dihydro[1,2,4]triazolo[1,5-a]pyridine-6-carbonitrile (CAS No. 169324–83–8) (provided for in 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 693. DISPERSE YELLOW 71.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.02	Disperse Yellow 71 (9(or 10)-Methoxy-7H-benzimidazo[2,1-a]benz[de]isoquinolin-7-one) (CAS No. 68296–59–3) (provided for in 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 694. MIX OF DISP BLUE 77, ETC (DX BLACK AM-SLR CONC).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.03	Mixtures of Disperse Blue 77 (1-Anilino-4,5-dihydroxy-8-nitro-9,10-anthraquinone) (CAS No. 20241–76–3); Disperse Red 1042A (5-[2-(2-Cyano-4-nitrophenyl)diazenyl]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile) (CAS No. 149988–44–3); Disperse Red 1042B (5-[(2-cyano-4-nitrophenyl)diazenyl]-6-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-2-(phenylamino)-3-pyridine carbonitrile) (CAS No. 137428–29–6); and Disperse Orange FC84508 (Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]acetic acid, pentyl ester) (CAS No. 173285–74–0) (provided for in 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 695. MIX OF DISPERSE YELLOW 163, ETC. (DX BLACK HLA-E).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.04	Mixtures of Disperse Yellow 163 (3, 3’-({4-[(2, 6-dichloro-4-nitrophenyl) diazenyl]phenyl}imino) dipropanenitrile) (CAS No. 67923–43–7); Disperse Red 167:1 ({3-(acetylamino)-4-[(2-chloro-4- nitrophenyl) azo]phenyl}imino)diethane-2,1-diyl diacetate) (CAS No. 1533–78–4); Disperse red 60 (1-amino-4-hydroxy-2-phenoxy-9, 10-anthracenedione) (CAS No. 17418–58–5); Disperse Blue 77 (1-anilino-4, 5-dihydroxy-8-nitro-9, 10-anthraquinone) (CAS No. 20241–76–3); Disperse Blue 56 (1,5-diamino-2-bromo-4, 8-dihydroxy-9,10-anthraquinone) (CAS No. 68134–65–6); Disperse Blue 214 E (4, 8-diamino-2-(4-ethoxyphenyl)-1, 5-dihydroxy-9,10-anthraquinone)(CAS No. 15114–15–5); and Disperse Blue 214 EE (4,8-diamino-2-[4-(2-ethoxyethoxy)phenyl]-1, 5-dihydroxy-9,10-anthraquinone) (CAS No. 23119–35–9) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 696. MIX OF DISPERSE RED 356, 367, & H111030.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.05	Mixtures of Disperse Red 356 (3-phenyl-7-(4-propoxyphenyl)furo[2,3-f][1]benzofuran-2, 6-dione) (CAS No. 79694–17–0); Disperse Red 367 ([4-(2,6-dihydro-2,6-dioxo-7-phenylbenzo [1,2-b:4,5-b’] difuran-3-yl)phenoxy]-acetic acid , 2-ethoxyethyl ester) (CAS No. 126877–05–2); and Disperse Red H1111030 ([4-[2, 6-dihydro-2,6-dioxo-7-(4-propoxyphenyl) benzo[1, 2-b:4,5-b’]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester) (CAS No. 126877–06–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 697. MIX OF DISPERSE RED 1042A & DISPERSE RED 1042B.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.06	Mixtures of Disperse Red 1042A (5-[2-(2-cyano-4-nitrophenyl) diazenyl]-2-[[2-(2-hydroxyethoxy) ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridine carbonitrile) (CAS No. 149988–44–3) and Disperse Red 1042B (5-[(2-cyano-4-nitrophenyl)diazenyl]-6-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-2-(phenylamino)-3-pyridine carbonitrile) (CAS No. 137428–29–6)(provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 698. MIX OF DISP BLUE 77, 60 M, & DISP YELLOW 71.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.07	Mixtures of Disperse Blue 77 (1-Anilino-4, 5-dihydroxy-8-nitro-9, 10-anthraquinone) (CAS No. 20241–76–3); Disperse Blue 60 M (4,11-Diamino-2-(3-methoxypropyl)- 1H-naphtho[2,3-f] isoindole-1,3,5,10(2H)-tetrone) (CAS No. 12217–80–0); and Disperse Yellow 71 (9 (or 10)-Methoxy-7H-benzimidazo[2,1-a]benz[de]isoquinolin-7-one) (CAS No. 68296–59–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 699. DISPERSE BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.08	Disperse Blue 60 (4, 11-diamino-2-(3-methoxypropyl)-1H-naphtho[2,3-f] isoindole-1,3,5,10(2H)-tetrone) (CAS No. 12217–80–0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 700. DISPERSE BLUE 77.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.09	Disperse Blue 77 (1-anilino-4,5-dihydroxy-8-nitro-9,10-anthraquinone) (CAS No. 20241–76–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 701. DISPERSE BLUE 79:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.10	Disperse blue 79:1 ({5-Acetamido-4-[(2-bromo-4,6-dinitrophenyl)diazenyl]-2-methoxyphenyl}imino)di-2,1-ethanediyl diacetate (CAS No. 3618–72–2) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 702. DISPERSE RED E-FB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.11	Disperse Red 60 (1-amino-4-hydroxy-2-phenoxy- 9,10-anthracenedione) (CAS No. 17418–58–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 703. DISPERSE YELLOW 64.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.12	Disperse Yellow 64 (2-(4-bromo-3-hydroxy-2-quinolinyl)-1H-indene-1,3(2H)-dione) (CAS No. 10319–14–9) (provided for in 3204.11.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 704. MIX OF DISPERSE BLUE 73 A & DISPERSE BLUE 73 P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.13	Mixtures of Disperse Blue 73 A (1,5-diamino-4,8-dihydroxy(4-methoxyphenyl)-9,10-anthracenedione) (CAS No. 31288–44–5) and Disperse Blue 73 P (1,5-diamino-4,8-dihydroxy(4-hydroxyphenyl)-9,10-anthracenedione) (CAS No. 31529–83–6) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 705. ACID RED 92 (PHLOXINE DISODIUM SALT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.14	Acid Red 92 (disodium 2,3,4,5-tetra-chloro-6-(2,4,5,7-tetra-bromo-6-oxido-3-oxo-3H-xanthen-9-yl)benzoate) (Phloxine B) (CAS No. 18472–87–2) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 706. SOLVENT BLUE 182.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.15	Acid Blue 182 (Disodium 1-amino-9,10-dioxo-4-({4-[(2-oxopropyl)amino]-2-sulfonatophenyl}amino)-9,10-dihydro-2-anthracenesulfonate)) (CAS No. 72152–54–6) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 707. ACID BLACK 194.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.16	Acid Black 194 (CAS No. 61931–02–0) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 708. ACID RED 52.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.17	Acid Red 52 (sodium 4-[3,6-bis(diethylamino)-9-xantheniumyl]-1,3-benzenedisulfonate) (CAS No. 3520–42–1) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 709. ACID DYE FOR PIGMENT RED 144.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.18	(4E)-4-[(2,5-Dichlorophenyl)hydrazono]-3-oxo-3,4-dihydro-2-naphthalenecarboxylic acid (Acid dye for Pigment Red 144) (CAS No. 51867–77–7) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 710. SANODAL DEEP BLACK HBL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.19	Tetrasodium [7-amino-3-[(3-chloro-2-hydroxy-5-nitrophenyl)azo]-4-hydroxy-2-naphthalenesulfonato(3-)][6-amino-4- hydroxy-3-[(2-hydroxy-5-nitro-3-sulfophenyl)azo]-2-naphthalenesulfonato(4-)]-chromate(4-) (Sanodal Deep Black HBL) (CAS No. 184719–87–7) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 711. ACID RED 182.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.20	Acid Red 182 (sodium [4-(hydroxy-κO)-3- {[2-(hydroxy-κO)-1- naphthyl] diazenyl}benzenesulfonamidato(2-)] [4-hydroxy-3-{[2-(hydroxy-κO)-1-naphthyl] diazenyl}benzenesulfonamidato (2-)]cobaltate(1-)) (CAS No. 58302–43–5) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 712. ACID ORANGE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.21	Sodium 4-({3-[(E)-(2-methyl-4-{[(4-methylphenyl)sulfonyl] oxy}phenyl)diazenyl] phenyl}amino) -3-nitrobenzenesulfonate (Acid orange 67) (CAS No. 12220–06–3) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 713. ACID BLUE 324.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.22	Sodium 4-[(3-acetamidophenyl)amino]-1-amino-9,10-dioxo-9,10-dihydro-2-anthracenesulfonate (Acid blue 324) (CAS No. 70571–81–2) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 714. ACID BLUE 171.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.23	Acid Blue 171 (Sodium [6-(amino-κN)-5-[2-[2- (hydroxy-κO)-4-nitrophenyl] diazenyl-κN1]-N-methyl-2-naphthalenesulfonamidato (2-)] [6-(amino-κN)-5-[2-[2-(hydroxy-κO)-4-nitrophenyl] diazenyl-κN1]-2-naphthalenesulfonato (3-)]-Cobaltate(2-) (1:2) (1:2)) (CAS No. 75314–27–1)(provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 715. MIXTURE OF ACID BLACK 220A AND ACID BLACK 220 B.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.24	Mixtures of Acid Black 220 A (Chromate(2-), [3-hydroxy-4-[(2-hydroxy-1-naphthalenyl)azo]-7-nitro-1-naphthalenesulfonato(3-)][1-(2-hydroxy-5-nitrophenyl)azo]-2-naphthalenolato(2-)]-, lithium sodium) (CAS No. 85828–76–8), and Acid Black 220 B (Chromate(2-), [3-hydroxy-4-[(2-hydroxy-1-naphthalenyl)azo]-7-nitro-1-naphthalenesulfonato(3-)][N-[7-hydroxy-8-[(2-hydroxy-5-nitrophenyl)azo]-1-naphthaleny-l]acetamidato(2-)]-, lithium sodium) (CAS No. 85828–75–7) (provided for in 3204.12.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 716. ACID RED 87 (EOSINE DISODIUM SALT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.25	Acid Red 87 (eosine disodium salt) (disodium 2-(2,4,5,7-tetra-bromo-6-oxido-3-oxoxanthen-9-yl)benzoate) (CAS No. 17372–87–1) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 717. ACID DYES; ACID BLUE 9.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.26	Acid Brilliant Blue FCF FOOD Blue No. 1 (Acid Blue 9) (disodium 2-({4-[ethyl(3-sulfonatobenzyl)amino]phenyl}{4-[ethyl(3-sulfonatobenzyl)iminio]cyclohexa-2,5-dien-1-ylidene}methyl)benzenesulfonate) (CAS No. 3844–45–9) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 718. ACID BLUE 80.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.27	Acid Blue 80 (disodium 3,3'-[(9,10-dioxo-9,10-dihydroanthracene-1,4-diyl)diimino]bis(2,4,6-trimethylbenzenesulfonate) (CAS No. 4474–24–2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 719. ACID YELLOW 23.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.28	Trisodium 5-oxo-1-(4-sulfonatophenyl)-4-[(E)-(4-sulfonatophenyl)diazenyl]-2,5-dihydro-1H-pyrazole-3-carboxylate (Acid Yellow 23) (CAS No. 1934–21–0) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 720. BASIC YELLOW 40 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.29	Basic Yellow 40 (2- [7-(diethylamino) -2-oxo-2H-chromen-3-yl] -1,3-dimethyl-1H-3 ,1-benzimidazol-3-ium chloride) (CAS No. 29556–33–0) (provided for in subheading 3204.13.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 721. METHYL VIOLET DYE LIQUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.30	[4-[[4-(Dimethylamino)phenyl] [4-(methylamino)phenyl] methylene]cyclohexa-2, 5-dien-1-ylidene] dimethylammonium acetate (CAS No. 84434–47–9) (provided for in subheading 3204.13.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 722. BASIC RED 1:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.31	Basic Red 1:1 (3,6-bis(ethylamino)-9- [2-(methoxycarbonyl)phenyl]-2, 7-dimethylxanthenium chloride) (CAS No. 3068–39–1) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 723. BASIC GREEN 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.32	Basic Green 1 ((4-(4-(diethylamino) benzhydrylene)cyclohexa-2, 5-dien-1-ylidene) diethylammonium hydrogen sulphate) (CAS No. 633–03–4) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 724. RHODAMINE BLUE SHADE DYE LIQUID CAS 64381–99–3.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.33	9-(2-Carboxyphenyl)-6-(diethylamino) -N, N-diethyl-3H-xanthen-3-iminium acetate (Rhodamine Blue Shade dye liquid) (CAS No. 64381–99–3) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 725. BASIC VIOLET 11:1 RHODAMINE DYE POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.34	Basic Violet 11:1 (Bis{6-(diethylamino)-N, N-diethyl-9- [2-(methoxycarbonyl) phenyl] -3H-xanthen-3-iminium} tetrachlorozincate(2-)) (CAS No. 73398–89–7). (CIN 45174) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 726. DIRECT BLUE 71.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.35	Direct Blue 71 (tetra-sodium 3- [(E)-{4-[(E)-{4- [(E)-(6-amino-1-hydroxy-3-sulfonato-2-naphthyl) diazenyl]-6-sulfonato-1-naphthyl}diazenyl]- 1-naphthyl}diazenyl]- 1,5-naphthalenedisulfonate) (CAS No. 4399–55–7) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 727. DIRECT BLUE 279.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.36	Direct Blue 279 (4-N-(5,8-dimethoxy-2,4-dimethylquinolin-6-yl)-1-N,1-N-diethylpentane-1,4-diamine) (CAS No. 72827–89–5) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 728. DIRECT VIOLET 51.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.37	Disodium 7-anilino-3-[(E)-{4-[(E)-(2,4-dimethyl-6-sulfo-natophenyl)diazenyl]-2-methoxy-5-methyl-phenyl}diazenyl]-4-hydroxy-2-naph-thalene-sulfonate (direct violet 51) (CAS No. 5489–77–0) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 729. DIRECT VIOLET 9 CRUDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.38	Disodium 7-anilino-4-hydroxy-3-({2-meth-oxy-5-methyl-4-[(4-sulfonato-phenyl)diaz-enyl]phenyl}diazenyl)-2-naph-thalene-sulfonate (Direct violet 9) (CAS No. 6227–14–1) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 730. INDIGO, VAT BLUE 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.39	Vat blue 1 (synthetic indigo) (2-(1,3-dihydro-3-oxo-2H-indazol-2-ylidene)-1,2-dihydro-3H-indol-3-one) (CAS No. 482–89–3) (provided for in subheading 3204.15.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 731. PIGMENT ORANGE 43/VAT ORANGE 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.40	Pigment Orange 43/Vat Orange 7 (bis-benzimidazo [2,1- b:2’,1’-i]benzo[lmn] [3,8]phenanthro-line- 8, 17-dione) (CAS No. 4424–06–0) (provided for in subheading 3204.15.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 732. VAT RED 15.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.41	Vat Red 15 (bis-benzimidazo[2, 1-b:1’,2’-j]benzo [lmn][3,8] phenanthro-line-6,9-dione) (CAS No. 4216–02–8) (provided for in subheading 3204.15.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 733. VAT BLUE 66.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.42	Vat blue 66 (9,10-Anthracene-dione, 1,1’-[(6-phenyl-1,3,5-triazine-2,4-diyl)diimino]bis(3″-acetyl-4-amino-)) (CAS No. 32220–82–9) (provided for in subheading 3204.15.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 734. VAT BLUE 19.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.43	Vat Blue 19 (Anthra[9,1,2-cde]benzo[rst]pentaphene-5,10-dione, bromo derivatives) (CAS No. 1328–18–3) (provided for in subheading 3204.15.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 735. REDUCED VAT BLUE 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.44	Reduced Vat Blue 43 (CAS No. 85737–02–6) (provided for in subheading 3204.15.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 736. VAT BLUE 1, REDUCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.45	Reduced Vat Blue 1 ([2,2’-Bi-1H-indole]- 3,3’-diol, potassium sodium salt) (CAS No. 207692–02–2) (provided for in subheading 3204.15.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 737. ISOVIOLANTHRONE - VAT VIOLET 10.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.46	Isoviolanthrone (C.I. Vat Violet 10) (CAS No. 128–64–3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 738. VAT BLUE 4.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.47	Vat Blue 4 (6,15-dihydro-5,9, 14,18-anthrazinetetrone) (CAS No. 81–77–6) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 739. REACTIVE BLUE 19.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.48	Reactive Blue 19 (Disodium 1-amino-9, 10-dioxo-4- [(3-{[2-(sulfonatooxy)ethyl]sulfonyl}phenyl) amino]-9 ,10-dihydro-2-anthracenesulfonate) (CAS No. 2580–78–1) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 740. REACTIVE RED 195.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.49	Reactive Red 195 (Pentasodium 2-{(E)- [8-({4-chloro-6-[(3- {[2-(sulfonatooxy) ethyl]sulfonyl}phenyl) amino]- 1,3,5-triazin-2-yl}amino)-1-hydroxy-3 ,6-disulfonato-2-naphthyl] diazenyl}-1,5-naphthalenedisulfonate) (CAS No. 93050–79–4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 741. MIXTURE OF REACTIVE BLUE 19 AND REACTIVE BLUE 187.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.50	Mixtures of Reactive Blue 19 (1-Amino-9, 10-dihydro-9,10-dioxo-4- [[3-[[2-(sulfooxy)ethyl] sulfonyl]phenyl]amino]-2-anthracenesulfonic acid, sodium salt (1:2)) (CAS No. 2580–78–1); Reactive Blue 187 (1,1'-[(6,13-dichloro-4, 11-disulfo-3,10-triphenodioxazinediyl)bis[imino-2,1-ethanediylimino [6-[(2,5-disulfophenyl)amino]-1, 3,5-triazine-4,2-diyl]]]bis[3-carboxy-, bis(inner salt), hexasodium salt) (CAS No. 79771–28–1) (provided for in subheading 3204.16.30).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 742. REACTIVE BLUE FC75311.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.51	Reactive Blue FC75311 (Sodium [2-[2-[[2-[3- [[4-fluoro-6-[phenyl[2-[[2-(sulfooxy)ethyl] sulfonyl]ethyl]amino]-1, 3,5-triazin-2-yl]amino]-2-(hydroxy-kO)-5-sulfophenyl] diazenyl-kN] phenylmethyl]diazenyl-kN]-4- sulfobenzoato(6-)-kO]-Cuprate(4-) (CAS No.156830–72–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 743. REACTIVE YELLOW F00-0155.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.52	Reactive Yellow F00-0155 (1H-Xantheno[2,1,9-def] isoquinoline-5,9-disulfonic acid, 2,3-dihydro-1, 3-dioxo-2- [3-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]-, sodium salt (1:?:?)) (CAS No. 1309975–18–5) (provided for in 3204.16.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 744. MIXTURE OF REACTIVE RED 198 AND REACTIVE RED 239.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.53	Mixtures of Reactive Red 198 (5-[[4-Chloro-6-[(3-sulfophenyl)amino]-1, 3,5-triazin-2-yl] amino]-4-hydroxy-3- [[4-[[2-(sulfoxy)ethyl] sulfonyl]phenyl]azo]-2,7-naphthalenedisulfonic acid, sodium salt (1:?)) (CAS No. 78952-61-1) and Reactive Red 239 (2-[2-[8-[[4-Chloro-6-[[4-[[2-(sulfooxy)ethyl] sulfonyl]phenyl]amino]-1, 3,5-triazin-2-yl]amino]-1-hydroxy-3, 6- disulfo-2-naphthalenyl]diazenyl]-1,5-naphthalenedisulfonic acid, sodium salt (1:5)) (CAS No. 89157–03–9) (as provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 745. REACTIVE BLUE 187.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.54	Reactive Blue 187 (1,1’-[(6,13-Dichloro-4,11-disulfo-3,10-triphenodioxazinediyl)bis[imino-2,1-ethanediylimino[6-[(2,5-disulfophenyl)amino]-1,3,5-triazine-4,2-diyl]]]bis[3-carboxylatopyridinium], dihydroxide, bis(inner salt), hexasodium salt) (CAS No. 79771–28–1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 746. REACTIVE ORANGE 131.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.55	Reactive Orange 131 (2, 4-diamino-3-[4-(2-sulfoxyethylsulfonyl)-phenylazo] -5-[4-(2-sulfoxyethylsulfonyl) -2-sulfophenylazo]-benzenesulfonic acid, potassium sodium salt) (CAS No. 187026–95–5) (provided for in 3204.16.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 747. REACTIVE BLACK 5.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.56	Reactive Black 5 (tetra-sodium 4-amino-5-hydroxy-3, 6-bis[(4-{[2-(sulfonatooxy) ethyl]sulfonyl}phenyl) diazenyl]-2, 7-naphthalenedisulfonate) (CAS No. 17095–24–8) (provided for in subheading 3204.16.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 748. REACTIVE RED 180.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.57	Reactive Red 180 (CAS No. 72828–03–6) (provided for in subheading 3204.16.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 749. REACTIVE BLACK 005.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.58	Reactive Black 5 (CAS No. 17095–24–8) (provided for in subheading 3204.16.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 750. COPPER PHTHALOCYANINE BLUE CRUDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.59	Copper phthalocyanine ((Phthalocyanato(2-))-copper), not ready for use as pigment (PCN Blue Crude) (CAS No. 147–14–8) (provided for in subheading 3204.17.20)	3.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 751. COPPER PHTHALOCYANINE MONOSULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.60	Copper phthalocyanine monosulfonate (hydrogen [29H,31H-phthalocyaninesulphonat-o(3-)-N29,N30,N31, N32]cuprate(1-)), not ready for use as pigment (CAS No. 28901–96–4) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 752. G500 BLUE CRUDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.61	Copper chlorophthalocyanine (30 to 35 percent pure) not ready for use as pigment (CAS Nos. 16040–69–0 (65-70 percent by weight) and 12239–87–1 (30-35 percent by weight)) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 753. FASTOGEN BLUE KMB1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.62	Mixture of nonchlorinated copper phthalocyanine blue crude not ready for use as pigment (CAS No. 147-14-8) (30–40 percent by weight) and chlorinated copper phthalocyanine blue crude not ready for use as pigment (CAS No. 68987–63–3) (60–70 percent by weight) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 754. COPPER PHTHALOCYANINE GREEN 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.63	[1,2,3,4,8 ,9,10,11,15,16, 17,18,22,23,25-Pentadecachloro-29,31-dihydro-5H,26H-phthalocyaninato(2-)-κ2N29, N31]copper (CAS No. 1328–53–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 755. COPPERCHLORO PCN CRUDE FOR PIGMENT MAKING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.64	Copper chlorophthalocyanine, crude not ready for use as pigment (CAS No. 12239–87–1) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 756. SOLVENT ORANGE 63.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.65	Solvent Orange 63 (14H-anthra[2,1,9-mna]thioxanthen-14-one) (CAS No. 16294–75–0) (CI No. 68550) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 757. SOLVENT YELLOW 160:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.66	Solvent Yellow 160:1 (CAS No. 35773–43–4) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 758. 4-[(E)-PHENYLDIAZENYL]ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.67	4-[(E)-Phenyldiazenyl] aniline (Solvent yellow 1) (CAS No. 60–09–3) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 759. SOLVENT RED 179.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.69	Solvent Red 179 (14H-benzo[4,5] isoquino[2,1-a] perimidin-14-one) (CAS No. 6829–22–7) (CI No. 564150) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 760. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.70	Solvent Blue 104 (1,4-bis(mesitylamino)- 9,10-anthraquinone) (CAS No.116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 761. SOLVENT VIOLET 13 (CI 60725).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.71	Solvent Violet 13 (1-hydroxy-4-(p-tolylamino) anthracene-9,10-dione) (CAS No. 81–48–1) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 762. SOLVENT YELLOW 195.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.72	Solvent Yellow 195 (CAS No. 440645–24–9) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 763. SOLVENT YELLOW 163.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.73	Solvent Yellow 163 (1,8-Bis(phenylthio)anthracene-9,10-dione) (CAS No. 13676–91–0) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 764. SOLVENT RED 227.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.74	Solvent Red 227 (1-anilino-9,10-anthraquinone) (CAS No. 2944–28–7) (CI 60510) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 765. SOLVENT RED 169.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.75	Solvent Red 169 (1-(isopropylamino)-9,10-anthraquinone) (CAS No. 27354–18–3) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 766. SOLVENT YELLOW 114.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.76	Solvent Yellow 114 (2-(3-hydroxy-2-quinolyl)-1H-indene-1,3(2H)-dione) (CAS No. 7576–65–0) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 767. SOLVENT ORANGE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.77	Solvent Orange 60 (12H-isoindolo[2,1-a]perimidin-12-one) (CAS No. 6925–69–5) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 768. SOLVENT RED 135.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.78	Solvent red 135 (8,9,10,11-Tetrachloro-12H-isoindolo[2,1-a]perimidin-12-one) (CAS No. 20749–68–2) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 769. SOLVENT BLUE 35.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.79	Solvent Blue 35 (1,4-bis(butylamino)-9,10-anthraquinone) (CAS No. 17354–14–2) (CI No. 61554) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 770. SOLVENT VIOLET 11 (CI 61100).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.80	Solvent Violet 11 (1,4-diaminoanthraquinone) (CAS No. 128–95–0) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 771. 2,4-DINITROPHENOL, ALSO CALLED SULPHUR BLACK 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.81	2,4-Dinitrophenol (Sulfur Black 1) (CAS No. 1326–82–5) (provided for in subheading 3204.19.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 772. MONO OR DIPHTHALIMIDO METHYL CUPCN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.82	Mono or diphthalimido methyl copper phthalocyanine ([2-(29H,31H-phthalocyaninylmethyl)-1H-isoindole-1,3(2H)-dionato(2-)-N29,N30,N31,N32]copper) (CAS No. 42739–64–0) (provided for in subheading 3204.19.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 773. SOLUBILIZED SULPHUR BLACK 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.83	Solubilized Sulphur Black 1 (CAS No. 1326–83–6) (provided for in subheading 3204.19.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 774. OPTICAL BRIGHTENER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.84	2,2’-Thiene-2,5-diylbis(5-tert-butyl-1,3-benzoxazole) (CAS No. 7128–64–5) (provided for in subheading 3204.20.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 775. OPTICAL BRIGHTENER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.85	2,2’-(Vinylenedi-p-phenylene)bisbenzoxazole (CAS No. 1533–45–5) (provided for in subheading 3204.20.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 776. PHTHALOCYANINE BLUE ADDITIVE CAS NO 70750-63-9.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.86	N,N-Dimethyl-N-octadecyl-1-octadecanaminium-(Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato-N29,N30,N31,N32]cuprate (phthalocyanine blue additive) (CAS No. 70750–63–9) (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 777. ORGANIC LUMINESCENT PIGMENTS AND DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.87	Organic luminescent pigments and dyes for security applications (provided for in subheading 3204.90.00), the foregoing excluding daylight fluorescent pigments and dyes and excluding the dyestuff bearing the CAS No. 6359–10–0	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 778. PHOSPHERESCENT PIGMENTS ZINC SULFIDE, COPPER DOPED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.88	Phosphorescent pigment based on copper-doped zinc sulfide (CAS No. 68611–70–1) (provided for in subheading 3206.42.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 779. PIGMENT YELLOW 184.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.89	Pigment Yellow 184 (bismuth vanadium oxide) (CAS No. 14059–33–7) (provided for in subheading 3206.49.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 780. YTTRIUM OXIDE 'YOX'.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.90	Yttrium oxide phosphor doped by europium, of a kind used as a luminophore. (CAS No. 68585–82–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 781. LANTHANUM PHOSPHATE 'LAP'.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.91	Lanthanum phosphate phosphor doped by cerium and terbium, of a kind used as a luminophore (CAS No. 95823–34–0) (provided for in subheading 3206.50.00).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 782. BARIUM MAGNESIUM ALUMINATE 'BAM'.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.92	Barium magnesium aluminate phosphor doped by europium, of a kind used as a luminophore (CAS Nos. 102110–17–8,1304–28-5,1309–48–4, 1344–28–1,1308–96–9, and 63774–55–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 783. YTTRIUM OXIDE & LANTHANUM PHOSPHATE 'YOX/LAP'.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.93	Phosphor blend of yttrium oxide doped with europium and lanthanum phosphate. The range for each item is between 55-75 percent yttrium oxide europium-doped, and 45-25 percent phosphoric acid, lanthanum salt, cerium terbium-doped by weight, respectively. (CAS Nos. 68585–82–0 and 95823–34–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 784. ’HALO’ FLU-PDR NP-10-07 /54, RECLAIMED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.94	Calcium chloride fluoride phosphate, antimony- and manganese-doped, of a kind used as a luminophore (Calcium halo phosphate phosphor) (CAS No. 545386–98–9) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 785. BARIUM MAGNESIUM ALUMINATE PHOSPHOR / ’BAM-GRN’.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.95	Barium magnesium aluminate phosphor doped by europium and manganese, of a kind used as a luminophore (CAS Nos. 102110–17–8 ,1344–43–0, 1304–28–5, 1309–48–4, 1344–28–1, 1308–96–9, and 63774–55–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 786. GLASS POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.96	Fritted barium borosilicate glass with a mean particle size between 0.4 and 10 microns, Young’s modulus of 71GPa, a density of 2.8 grams per cubic centimeter, radiopacity of 4.2, a refractive index of 1.53, and chemical composition of 55 percent silicon dioxide, 25 percent barium oxide, 10 percent boron trioxide and 10 percent aluminum oxide by weight (provided for in subheading 3207.40.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 787. PRE-STABILIZED MIXTURES OF METAL CARBOXYLATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.97	Prepared paint driers containing a mixture of cobalt hydroxide (CAS No. 21041–93–0), cobalt 2-ethylhexanoate (CAS No. 136–52–7), calcium propionate (CAS No. 4075–81–4), calcium 2-ethylhexanoate (CAS No. 136–51–6), hydrotreated heavy naphtha (CAS No. 64742–48–9), tripropylene glycol (CAS No. 24800–44–0) and tripropylene glycol methyl ether (CAS No. 25498–49–1) (provided for in subheading 3211.00.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 788. RESIN CEMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.98	Resin cement based on calcium carbonate and silicone resins (CAS Nos. 471–34–1 and 68037–83–2) (provided for in subheading 3214.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 789. COLD PRESSED ORANGE OIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.99	Cold-pressed orange oil (provided for in subheading 3301.12.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 790. COLD PRESSED GRAPEFRUIT OIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.01	Cold-pressed grapefruit oil (provided for in subheading 3301.19.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 791. OIL OF LEMON EUCALYPTUS (OLE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.02	Eucalyptus citriodora oil, hydrated, cyclized (CAS No. 1245629–80–4) (provided for in subheading 3301.29.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 792. ADV 7800 S-ME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.03	Dispersions and suspensions of approximately 45 percent by weight propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, hydrolyzed, ammonium salts (CAS No. 220207-15-8) and 15 percent by weight 1-propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized (CAS No. 69991–67–9) in water (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 793. ADV 7800 A-W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.04	Dispersions and suspensions of approximately 25 percent by weight 1-propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, hydrolyzed, ammonium salts (CAS No. 330809–92–2) in water (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 794. ADV 7850 A-ME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.05	Dispersions and suspensions of approximately 25 percent by weight 1-propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, hydrolyzed, ammonium salts (CAS No. 330809-92-2) and approximately 15-20 percent by weight 1-propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized (CAS No. 69991–67–9) in water (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 795. ADV 7800 S-W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.06	Dispersions and suspensions of approximately 20 percent by weight 1-propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed, sodium salt (CAS No. 220207–15–8) in water (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 796. PETROLEUM SULFONIC ACIDS, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.07	Sodium petroleum sulfonate (CAS No. 68608–26–4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 797. CETEARETH-60 MYRISTYL GLYCOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.08	Alkyl (C_{16}-C_{18})polyethyleneglycol tetra- decylene glycol ether (CAS No. 96081–39–9) (provided for in subheading 3402.13.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 798. ESTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.09	Surface-active preparations consisting of fatty acids, C_{16}-C_{18} and C_{18} unsaturated, esters with pentaerythritol (CAS No. 85711–45–1); polysorbate 20 (CAS No. 9005–64–5); and polyoxyethylene dioleate (CAS No. 9005–07–6) (provided for in subheading 3402.13.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 799. PENTAERYTHRITOL MONOOLEATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.10	3-Hydroxy-2,2-bis(hydroxymethyl)propyl (9Z)-9-octadecenoate (Pentaerythritol Monooleate) (CAS No. 10332–32–8) (provided for in subheading 3402.13.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 800. POLYMERIC WETTING AGENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.11	Mixtures of 1-butanol (CAS No. 71–36–3); 1-propoxy-2-propanol (mixed isomers) (CAS No. 1569–01–3); siloxanes and silicones, di-methyl, 3-hydroxypropyl methyl, ethoxylated propoxylated (CAS No. 68937–55–3); 2-methyloxirane, oxirane, 3-prop-2-enoxyprop-1-ene (CAS No. 9041–33–2); urea, polymer with form-aldehyde, methylated (CAS No. 68071–45–4); 2-pro-panol (CAS No. 67–63–0); 2-amino-2-methyl-1-pro-panol (CAS No. 124–68–5); 2-methyl-2-(methylamino)-1-propanol (CAS No. 27646–80–6); methanol (CAS No. 67–56–1) and water (CAS No. 7732–18–5) (provided for in sub-heading 3402.19.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 801. SORPOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.12	Mixtures of poly(oxy-1,2-ethanediyl), α-(2,4,6-tris(1-phenylethyl)phenyl)-ω-hydroxy-, phosphate, potassium salt (CAS No. 163436–84–8); poly(oxy-1,2-ethanediyl), α-(tris(1-phenylethyl)phenyl)-ω-hydroxy- (CAS No. 99734–09–5); and propane-1,2-diol (CAS No. 57–55–6) (provided for in subheading 3402.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 802. PLASTER MOLD RELEASE AGENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.13	Plaster mold release agent made from propan-2-ol (CAS No. 67–63–0), 2-methylpropan-1-ol (CAS No. 78–83–1), 2-methoxy-methylethyl acetate (CAS No. 108–65–6), hexadecanoic acid (CAS No. 57–10–3), octadecanoic acid (CAS No. 57–11–4) and other ingredients (provided for in subheading 3403.99.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 803. SPARKLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.14	Sparklers (Class 1.4G) (provided for in subheading 3604.10.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 804. PARTY POPPER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.15	Party Poppers (Class 1.4G) (Provided for in subheading 3604.90.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 805. INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.16	Instant print film, for color photography (polychrome) (provided for in subheading 3701.20.00)	3.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 806. POLY PALE ESTER 10.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.17	Glycerol ester of dimerized rosin acids, having softening point not less than 104° C and acid number measuring 3 or more but not over 8 (CAS No. 68475–37–6) (provided for in subheading 3806.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 807. DYMEREX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.18	Partially polymerized (dimerized) rosin, catalyzed with sulfuric acid, softening point not less than 92° C, acid number not less than 140 (CAS No. 65997–05–9) (provided for in subheading 3806.90.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 808. β-CYFLUTHRIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.19	Product mixtures containing (RS)-α-cyano-4-fluoro-3-phenoxybenzyl (1RS,3RS;1RS,3SR)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate (β-Cyfluthrin) (CAS No. 68359-37-5) (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 809. FLUPYRADIFURONE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.20	Product mixtures containing 4-{[(6-chloro-3-pyridinyl)methyl](2,2-difluoroethyl)amino}-2(5H)-furanone (Flupyradifurone) (CAS No. 951659–40–8) (provided for in subheading 3808.91.25)	4.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 810. IMIDACLOPRID + β-CYFLUTHRIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.21	Product mixtures containing 1-(6-chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylideneamine (Imidacloprid) (CAS No 138261–41–3) and (RS)-α-cyano-4-fluoro-3-phenoxy-benzyl (1RS,3RS;1RS,3SR)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate (β-Cyfluthrin) (CAS No. 68359–37–5) (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 811. IMIDACLOPRID + THIODICARB FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.22	Product mixtures containing 1-(6-chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylideneamine (Imidacloprid) (CAS No. 138261–41–3) and 3,7,9,13-tetra-methyl-5,11-dioxa-2,8,14-trithia-4,7,9,12-tetra-azapentadeca-3,12-diene-6,10-dione (Thiodicarb) (CAS No. 59669–26–0) (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 812. SPIROMESIFEN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.23	Product mixtures containing 3-mesityl-2-oxo-1-oxaspiro[4.4]non-3-en-4-yl 3,3-dimethylbutyrate (Spiromesifen) (CAS No. 283594–90–1) (provided for in subheading 3808.91.25)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 813. SPIROTETRA-MAT FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.24	Product mixtures containing (5s,8s)-3-(2,5-dimethylphenyl)-8-methoxy-2-oxo-1-azaspiro[4.5]dec-3-en-4-yl ethyl carbonate (Spirotetra-mat) (CAS No. 203313–25–1) (provided for in subheading 3808.91.25)	5.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 814. CLOTHIANIDIN + β-CYFLUTHRIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.25	Product mixtures containing 1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine (Clothianidin) (CAS No. 210880–92–5) and (RS)-α-cyano-4-fluoro-3-phenoxybenzyl (1RS,3RS;1RS,3SR)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate (β-Cyfluthrin) (CAS No. 68359–37–5) (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 815. TETRACHLORVINFOS FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.26	Product mixtures containing (Z)-2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethylphosphate (Tetrachlorvinfos) (CAS No. 22248–79–9) (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 816. MIXTURES OF CLOFENTEZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.27	Mixtures of 3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine (Clofentezine) (CAS No.74115–24–5) and application adjuvants (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 817. ACEQUINOCYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.28	Mixtures of 3-dodecyl-1,4-dioxo-1,4-dihydronaphthalen-2-yl acetate (CAS 57960–19–7) (Acequinocyl) and application adjuvants (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 818. FLONICAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.29	N-(Cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide (Flonicamid) (CAS No. 158062–67–0) (provided for in subheading 2933.39.27) and any formulations containing such compound (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 819. GAMMA-CYHALOTHRIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.30	Mixtures containing Cyano(3-phenoxyphenyl)methyl 3-[(1Z)-2-chloro-3,3,3-trifluoro-1-propen-1-yl]-2,2-dimethylcyclopropanecarboxylate (gamma-cyhalothrin) and application adjuvants (CAS No. 76703–62–3) (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 820. ACETAMIPRID-E, WHETHER OR NOT MIXED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.31	Mixtures of (E)-N1-[(6-chloro-3-pyridyl)methyl]-N2-cyano-N1-methyl-acetamidine (Acetamiprid) (CAS No. 135410–20–7) and application adjuvants (provided for in subheading 3808.91.25)	0.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 821. ZINC PHOSPHATE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.32	Formulations containing zinc phosphide (trizinc diphosphide) (CAS No. 1314–84–7) (provided for in subheading 3808.91.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 822. AZADIRACHTIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.33	Mixtures containing dimethyl (2aR, 3S,4S, 4aR,5S,7aS ,8S,10R,10aS,10bR)-10-acetoxy-3,5- dihydroxy-4 [(1aR, 2S,3aS, 6aS,7S, 7aS)- 6a-hydroxy-7a-methyl-3a, 6a,7,7a-tetra-hydro-2,7-methanofuro[2, 3-b] oxireno[e]oxepin-1a(2H)-yl] -4-methyl-8-{[(2E)-2-methylbut-2-enoyl]oxy}octahydro-1H-naphtho [1, 8a-c:4,5-b'c']difuran-5,10a(8H)-dicarboxylate (Azadirachtin) (CAS No. 11141–17–6) (provided for in subheading 3808.91.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 823. ABAMECTIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.34	Abamectin (mixture of Avermectin A1a and Avermectin A1b) (CAS No. 155569–91–8) (provided for in subheading 3808.91.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 824. ACEPHATE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.35	Formulations of O,S-dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560–19–1) (provided for in subheading 3808.91.50)	1.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 825. CLOTHIANIDIN + BACILLUS FIRMUS FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.36	Product mixtures containing 1-[(2-chloro-1,3-thiazol-5-yl)methyl]-2-methyl-3-nitroguanidine (Clothianidin) (CAS No. 210880–92–5) and Bacillus firmus (Strain I-1582) (provided for in subheading 3808.91.50)	4.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 826. CLOTHIANIDIN FORMULATIONS (ACCELERON IC-609).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.37	Mixtures of 1-[(2-chloro-1,3-thiazol-5-yl)methyl]-2-methyl-3-nitroguanidine (Clothianidin) (CAS No. 210880–92–5) (provided for in subheading 3808.91.50)	2.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 827. INSECTICIDES, AROMATIC, OR MODIFIED AROMATIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.38	Mixtures of 2-methyl-1-nitro-3-(tetra-hydro-2-furanylmethyl)guanidine (Dinotefuran) (CAS No. 165252–70–0) with application adjuvants (provided for in subheading 3808.91.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 828. METHOMYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.39	Mixtures of methyl (1E)-N-[(methylcarbamoyl)oxy]ethanimidothioate (Methomyl) (CAS No. 16752–77–5) and application adjuvants (provided for in subheading 3808.91.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 829. EVERGOL FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.40	Product mixtures containing methyl N-(2-methoxyacetyl)-N-(2,6-xylyl)-DL-alaninate (Metalaxyl) (CAS No. 57837–19–1), 5-fluoro-1,3-dimethyl-N-[2-(4-methylpentan-2-yl)phenyl]-1H-pyrazole-4-carboxamide (Penflufen) (CAS No. 494793–67–8) and 2-[(2RS)-2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-2H-1,2,4-triazole-3(4H)-thione (Prothioconazole) (CAS No. 178928–70–6) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 830. FLUOXASTROBIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.41	Product mixtures containing (E)-{2-[6-(2-chlorophenoxy)-5-fluoropyrimidin-4-yloxy]phenyl}(5,6-dihydro-1,4,2-dioxazin-3-yl)methanone O-methyloxime (Fluoxastrobin) (CAS No. 361377–29–9) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 831. TRIADIMEFON + TRIFLOXYSTROBIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.42	Product mixtures containing 1-(4-chlorophenoxy)-3,3-dimethyl-1-[1,2,4]triazol-1-yl-butan-2-one (Triadimefon) (CAS No. 43121–43–3) and methyl (E)-methoxyimino-{(E)-2-[1-(α,α,α-trifluoro-m-tolyl)ethylideneaminooxy]-o-tolyl}acetate (Trifloxystrobin) (CAS No. 141517–21–7) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 832. TRIADIMEFON FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.43	Product mixtures containing 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone (Triadimefon) (CAS No. 43121–43–3) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 833. PENFLUFEN + PROTHIOCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.44	Product mixtures containing N-[2-(1,3-dimethylbutyl)phenyl]-5-fluoro-1,3-dimethyl-1H-pyrazole-4-carboxamide (Penflufen) (CAS No. 494793–67–8) and 2-[(2RS)-2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-2H-1,2,4-triazole-3(4H)-thione (Prothioconazole) (CAS No. 178928–70–6) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 834. RAXIL PRO SHIELD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.45	Product mixtures containing 1-(6-chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylideneamine (Imidacloprid) (CAS No. 138261–41–3), methyl N-(2-methoxyacetyl)-N-(2,6-xylyl)-DL-alaninate (Metalaxyl) (CAS No. 57837–19–1), 2-[(2RS)-2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-2H-1,2,4-triazole-3(4H)-thione (Prothioconazole) (CAS No. 178928–70–6) and (RS)-1-p-chlorophenyl-4,4-dimethyl-3-(1H-1,2,4-triazol-1-ylmethyl)pentan-3-ol (Tebuconazole) (CAS No. 107534–96–3) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 835. ELATUS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.46	Mixtures of N-[9-(dichloromethylidene)-1,2,3,4-tetra-hydro-1,4-methanonaphthalen-5-yl]-3-(difluoromethyl)-1-methyl-1H-pyrazole-4-carboxamide (Benzovindiflupyr) (CAS No. 1072957–71–1) and methyl (2E)-2-(2-{[6-(2-cyanophenoxy)pyrimidin-4-yl]oxy}phenyl)-3-methoxyacrylate (Azoxystrobin) (CAS No. 131860–33–8) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 836. OXATHIAPIPROLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.47	Mixtures of 1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-1,2-oxazol-3-yl]-1,3-thiazol-2-yl]piperidin-1-yl]-2-[5-methyl-3-(trifluoromethyl)pyrazol-1-yl]ethanone (Oxathiapiprolin) (CAS No. 1003318–67–9) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 837. FLUOPYRAM + TEBUCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.48	Product mixtures containing N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) and 1-(4-chlorophenyl)-4,4-dimethyl-3-(1H-1,2,4-triazol-1-ylmethyl)pentan-3-ol (Tebuconazole) (CAS No. 107534–96–3) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 838. FLUOPYRAM + BACILLUS FIRMUS FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.49	Product mixtures containing N-[2-[3-chloro-5-(trifluoromethyl)pyridin-2-yl]ethyl]-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) and Bacillus firmus (Strain I-1582) (provided for in subheading 3808.92.15)	0.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 839. PROTHIOCONAZOLE + TEBUCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.50	Product mixtures containing 2-[(2RS)-2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-2H-1,2,4-triazole-3(4H)-thione (Prothioconazole) (CAS No. 178928-70–6) and (RS)-1-p-chlorophenyl-4,4-dimethyl-3-(1H-1,2,4-triazol-1-ylmethyl)pentan-3-ol (Tebuconazole) (CAS No. 107534–96–3) (provided for in subheading 3808.92.15)	4.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 840. TRIFLOXYSTROBIN + PROTHIOCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.51	Product mixtures containing methyl (E)-methoxyimino-{(E)-2-[1-(α,α,α-trifluoro-m-tolyl)ethylideneaminooxy]-o-tolyl}acetate (Trifloxystrobin) (CAS No. 141517–21–7) and 2-[(2RS)-2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-2H-1,2,4-triazole-3(4H)-thione (Prothioconazole) (CAS No. 178928–70–6) (provided for in subheading 3808.92.15)	4.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 841. GAUCHO XT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.52	Product mixtures containing 1-(6-chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylideneamine (Imidacloprid) (CAS No. 138261–41–3), methyl N-(2-methoxyacetyl)-N-(2,6-xylyl)-DL-alaninate (Metalaxyl) (CAS No. 57837–19–1) and (RS)-1-p-chlorophenyl-4,4-dimethyl-3-(1H-1,2,4-triazol-1-ylmethyl)pentan-3 -ol (Tebuconazole) (CAS No. 107534–96–3) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 842. TRIFLOXYSTROBIN AND TEBUCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.53	Product mixtures containing methyl (E)-methoxyimino-[(E)-2-[1-(α,α,α-trifluoro-m-tolyl)ethylideneaminooxy]-o- tolyl]acetate (Trifloxystrobin) (CAS No. 141517–21–7) and (RS)-1-p-chlorophenyl-4,4-dimethyl-3-(1H-1,2,4-triazol-1-ylmethyl)pentan-3 -ol (Tebuconazole) (CAS No. 107534–96–3) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 843. FLUOPYRAM AND PYRIMETHANIL FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.54	Product mixtures containing N-[2-[3-chloro-5-(trifluoromethyl)pyridin-2-yl]ethyl]-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) and 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 844. FLUOPYRAM AND TRIFLOXYSTROBIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.55	Product mixtures containing N-[2-[3-chloro-5-(trifluoromethyl)pyridin-2-yl]ethyl]-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) and methyl (E)-methoxyimino-{(E)-2-[1-(α,α,α-trifluoro-m-tolyl)ethylideneaminooxy]-o- tolyl}acetate (Trifloxystrobin) (CAS No. 141517–21–7) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 845. TRIFLOXYSTROBIN AND PROPICONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.56	Product mixtures containing methyl (E)-methoxyimino-{(E)-2-[1-(α,α,α-trifluoro-m-tolyl)ethylideneaminooxy]-o- tolyl}acetate (Trifloxystrobin) (CAS No. 141517–21–7) and cis-trans-1-[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-ylmethyl]-1H-1 ,2,4-triazole (Propiconazole) (CAS No. 60207–90–1) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 846. TRIFLOXYSTROBIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.57	Product mixtures containing methyl (2E)-(methoxyimino)[2-({[(E)-{1-[3-trifluoromethyl)phenyl]ethylidene}aminooxy}methyl)phenyl]acetate (Trifloxystrobin) (CAS No. 141517–21–7) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 847. FLUOPYRAM AND PROTHIOCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.58	Product mixtures containing N-[2-[3-chloro-5-(trifluoromethyl)pyridin-2-yl]ethyl]-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) and (RS)-2-[2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-2,4-dihydro-1,2,4-triazole-3-thione (Prothioconazole) (CAS No. 178928–70–6) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 848. PROTHIOCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.59	Product mixtures containing 2-[2-(1-chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-1,2-dihydro-3H-1,2,4-triazole-3-thione (Prothioconazole) (CAS No. 178928–70–6) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 849. FENHEXAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.60	Mixtures containing N-(2,3-dichloro-4-hydroxyphenyl)-1-methyl-cyclo-hexanecarbo-xamide (Fenhexamid) (CAS No. 126833–17–8) and application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 850. FLUOPYRAM FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.61	Mixtures of N-[2-[3-chloro-5-(trifluoromethyl)pyridin-2-yl]ethyl]-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 851. FLUOPYRAM AND IMIDACLOPRID FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.62	Mixtures of N-[2-[3-chloro-5-(trifluoromethyl)pyridin-2-yl]ethyl]-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) and N-[1-[(6-chloropyridin-3-yl)methyl]-4,5-dihydroimidazol-2-yl]nitramide (Imidacloprid) (CAS No. 138261–41–3) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 852. FUNGAFLOR 500EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.63	Mixtures of (1-[2-(allyloxy)-2-(2,4-dichlorophenyl)ethyl]-1H-imidazole) (Imazalil) (CAS No. 35554–44–0) and application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 853. FUNGAFLOR 75WSG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.64	Mixtures of 1-[2-(2,4-dichlorophenyl)-2-(prop-2-en-1-yloxy)ethyl]-1H-imidazole sulfate (Imazalil sulfate) (CAS No. 58594–72–2) and application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 854. PENBOTEC 400SC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.65	Mixtures of 4,6-dimethyl-N-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0) and application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 855. QUINTEC FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.66	Mixtures of 5,7-dichloro-4-(4-fluorophenoxy)quinoline (Quinoxyfen) (CAS No. 124495–18–7) and application adjuvants (provided for in subheading 3808.92.15)	1.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 856. MIXTURES OF FAMOXADONE, CYMOXANIL, AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.67	Mixtures of 3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione (Famoxadone) (CAS No. 131807–57–3), 2-cyano-N-(ethylcarbamoyl)-2-(methoxyimino)acetamide (Cymoxanil) (CAS No. 57966–95–7) and application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 857. TRIFLOXYSTROBIN AND CYPROCONAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.68	Mixtures containing methyl (2E)-(meth-oxyimino)[2-({[(E)-{1-[3-(tri-fluoro-methyl)phenyl]ethyli-dene}amino]oxy}methyl)phenyl]acetate (Tri-floxystrob-in) (CAS No. 141517–21–7) and 2-(4-chloro-phenyl)-3-cyclo-propyl-1-(1H-1,2,4-triazol-1-yl)-2-butanol (Cypro-cona-zole) (CAS No. 94361–06–5) and application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 858. FLUOPYRAM AND CLOTHIANIDIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.69	Mixtures containing N-[2-[3-chloro-5-(trifluoromethyl)pyridin-2-yl]ethyl]-2-(trifluoromethyl)benzamide (Fluopyram) (CAS No. 658066–35–4) and (E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine (Clothianidin) (CAS No. 210880–92–5) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 859. IPRODIONE AND TRIFLOXYSTROBIN FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.70	Mixtures containing 3-(3,5-di-chlorophenyl)-N-isopropyl-2,4-dioxo-1-imidazolidinecarboxamide (Iprodione) (CAS No. 36734–19–7) and methyl (2E)-(meth-oxyimino)[2-({[(E)-{1-[3-(tri-fluoro-methyl)phenyl]ethyli-dene}amino]oxy}methyl)-phenyl]acetate (Tri-floxystrobin) (CAS No. 141517–21–7) (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 860. TETRACONAZOLE AND AZOXYSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.71	Mixtures of 1-[2-(2,4-dichlorophenyl)-3-(1,1,2,2-tetra-fluoroethoxy)-propyl]-1H-1,2,4-triazole (Tetraconazole) (CAS No. 112281–77–3); methyl (2E)-2-(2-{[6-(2-cyan-ophenoxy)-4-pyrimidinyl]oxy}phenyl)-3-metho-xyacrylate (Azoxystrobin) (CAS No. 131860–33–8); and applica-tion adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 861. TETRACONAZOLE AND CHLOROTHALONIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.72	Mixtures of 1-[2-(2,4-dichlorophenyl)-3-(1,1,2,2-tetra-fluoroethoxy)-propyl]-1H-1,2,4-tria-zole (Tetraconazole) (CAS No. 112281–77–3); 2,4,5,6-tetra-chloro-isophthalonitrile (Chloro-thalonil) (CAS No. 1897–45–6); and application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 862. ZIRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.73	Mixtures of zinc bis(dimethyl-dithio-carbamate) (Ziram) and applica-tion ad-juvants (CAS No. 137–30–4) (provided for in subheading 3808.92.28)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 863. THIRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.74	Mixtures of [disulfanediylbis (carbonothioylnitrilo)]tetra-methane (Thiram) (CAS No. 137–26–8) and application adjuvants (provided for in subheading 3808.92.28)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 864. ALLYL ISOTHIOCYANATE 96 PERCENT ACTIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.75	Mixtures of at least 95 percent by weight allyl isothiocyanate (3-isothiocyanato-1-propene) (CAS No. 57–06–7), and application adjuvants (provided for in subheading 3808.92.28)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 865. COPPER HYDROXIDE AND COPPER OXYCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.76	Mixtures of copper oxychloride (CAS No. 1332–40–7) and copper hydroxide (CAS No. 20427–59–2) (provided for in subheading 3808.92.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 866. COPPER HYDROXIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.77	Mixtures of copper dihydroxide (cupric hydroxide) (CAS No. 20427–59–2) and application adjuvants (provided for in subheading 3808.92.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 867. KASUGAMYCIN AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.78	Mixtures containing (1S,2R,3S,4R,5S,6S)-2,3,4,5,6-pentahydroxycyclohexyl 2-amino-4-{[carboxy(imino)methyl]amino}-2,3,4,6-tetra-deoxy-α-D-arabino-hex opyranoside (CAS No. 19408–46–9) (Kasugamycin) and application adjuvants (provided for in subheading 3808.92.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 868. POLYOXIN D ZINC SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.79	Formulations of zinc 1-{(2R,3R,4S,5R)-5- [(S)-{[(2S,3S,4S)-2-amino-5-(carbamoyloxy)-3,4-dihydrox ypentanoyl]amino} (carboxylato)methyl]-3,4-dihydroxy-tetra-hydro-2-furanyl}-2 ,4-dioxo-1,2,3,4-tetra-hydro-5-pyrimidinecarboxylate (Polyoxin D Zinc Salt) (CAS No. 146659–78–1) (provided for in subheading 3808.92.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 869. PROPAMOCARB HYDROCHLORIDE MIXTURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.80	Mixtures of N,N-dimethyl-3-[(propoxycarbonyl)amino]-1-propanaminium chloride (Propamocarb hydrochloride) (CAS No. 25606–41–1) and application adjuvants (provided for in subheading 3808.92.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 870. PROBLAD PLUS-FRACTURE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.81	Mixtures containing β-conglutin and application adjuvants used as a fungicide (provided for in subheading 3808.92.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 871. DODINE MIXTURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.82	Mixtures of 1-dodecylguanidine acetate (1:1) (Dodine) (CAS No. 2439–10–3) and application adjuvants (provided for in subheading 3808.92.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 872. FYSIUM PACKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.83	Formulated fungicide kit consisting of individual packs of tetra-n-butylammonium fluoride (CAS No. 87749–50–6), dimethylsulfoxide (CAS No. 67–68–5), 2-(butyldimethylsilyl)-1-methylcyclopropanol-1-methanesulfonate (CAS No. 1446996–86–6), and sodium hydroxide solution (CAS No. 1310–73–2) (provided for in subheading 3808.92.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 873. TACHIGAREN 70WP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.84	Mixtures containing 5-methyl-1,2-oxazol-3(2H)-one (Hymexazol) (CAS No. 10004–44–1) (provided for in subheading 3808.92.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 874. PROPOXYCARBAZONE-SODIUM FORMULATIONS (OLYMPUS).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.85	Product mixtures containing sodium {[2-(methoxycarbonyl)phenyl]sulfonyl}[(4,5-dihydro-4-methyl-5-oxo-3-propox y-1H-1,2,4-triazol-1-yl)carbonyl]azanide (Propoxycarbazone sodium) (CAS No. 181274–15–7) (provided for in subheading 3808.93.15)	3.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 875. HUSKIE HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.86	Product mixtures containing (5-hydroxy-1,3-dimethyl-1H-pyrazol-4-yl)[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl]methanone (Pyrasulfotole) (CAS No. 365400–11–9); 2,4-dibromo-6-cyanophenyl octanoate (Bromoxynil Octanoate) (CAS No. 1689–99–2); 2,6-Dibromo-4-cyanophenyl heptanoate (Bromoxynil Heptanoate) (CAS No. 56634–95–8); and diethyl 1-(2,4-dichlorophenyl)-5-methyl-4,5-dihydro-1H-pyrazole-3,5-dicarboxylate (Mefenpyr-diethyl) (CAS No. 135590–91–9) (provided for in subheading 3808.93.15)	3.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 876. FORAMSULFURON FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.87	Mixtures of benzamide, 2-[[[[(4,6-dimethoxy-2-pyrimidinyl)-amino]carbonyl]amino] sulfonyl]-4-(form ylamino)-N,N- methyl- (Foramsulfuron) (CAS No. 173159–57–4) and application adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 877. MESOSULFURON-METHYL FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.88	Product mixtures containing methyl 2- [(([[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl}amino)sulfonyl]-4-[(mesy lamino) methyl]benzoate (Mesosulfuron-methyl) (CAS No. 208465–21–8) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 878. ISOXAFLUTOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.89	Product mixtures containing (5-cyclopropyl-1,2-oxazol-4-yl)[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl]methanone (Isoxaflutole) (CAS No. 141112–29–0) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 879. INDAZIFLAM AND RIMSULFURON FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.90	Product mixtures containing N-[(1R,2S)-2,6-dimethyl-2,3-dihydro-1H-inden-1-yl]-6-[(1R)-1-fluoroethyl]- 1,3,5-triazine-2,4-diamine (Indaziflam) (CAS No. 950782–86–2) and N-[(4,6-dimethoxy-2-pyrimidinyl)carbamoyl]-3-(ethylsulfonyl)-2-pyridinesul fonamide (Rimsulfuron) (CAS No. 122931–48–0) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 880. PYRAFLUFEN ETHYL 40 PERCENT (ET MB 40).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.91	Mixtures of ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazol-3-yl)-4-fluorophenoxyacetate (Pyraflufen-ethyl) (CAS No. 129630–19–9) and application adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 881. PACLOBUTRAZOLE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.92	Mixtures of (2RS,3RS)-1-(4-chlorophenyl)-4,4-dimethyl-2- (1H-1,2,4-triazol-1-yl)pentan-3-ol (Paclobutrazol) (CAS No. 76738–62–0) and application adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 882. PROSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.93	Mixtures of N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)carbamoyl]-2-(3,3,3-trifluoropro pyl)benzenesulfonamide (Prosulfuron) (CAS No. 94125–34–5) and application adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 883. 1,1′-DIMETHYL-4,4′-BIPYRIDINIUM DICHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.94	Mixtures of 1,1′-dimethyl-4,4′-bipyridinium dichloride (Paraquat Dichloride Technical) (CAS No. 1910–42–5) and 2-amino-4,5-dihydro-6-methyl-4-propyl-s-triazole-[1,5-a]pyrimidin-5-one (Emetic PP796) (CAS No. 27277–00–5) (provided for in subheading 3808.93.15)	4.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 884. ACIFLUORFEN MUP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.95	Mixtures containing 5-(2-chloro-4-(trifluoromethyl)phenoxy)-2-nitrobenzoic acid (Acifluorfen MUP) (CAS No. 62476–59–9) (provided for in subheading 3808.93.15)	4.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 885. ASULAM SODIUM SALT FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.09.96	Mixtures of methylsulfanilycarbamate, sodium salt (Asulam sodium salt) (CAS No. 2302–17–2) and application adjuvants (provided for in subheading 3808.93.15)	2.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 886. NAPROPAMIDE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.97	(RS)-N,N-Diethyl-2-(1-naphthyloxy)propionamide formulations (Napropamide) (CAS No. 15299–99–7) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 887. SULFOMETURON-METHYL FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.98	Product mixtures containing methyl 2-{[(4,6-dimethyl-2-pyrimidinyl)carbamoyl]sulfamoyl} benzoate (Sulfometuron-methyl) (CAS No. 74222–97–2) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 888. FORMULATED BENTAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.09.99	Formulations of 3-isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one, 2,2-dioxide (Bentazone) (CAS No. 25057–89–0) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 889. ISOXAFLUTOLE AND CYPROSULFAMIDE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.01	Mixtures containing 5-cyclopropyl-4-(2-mesyl-4-trifluoro methyl-benzoyl)isoxazole (Isoxaflutole) (CAS No. 141112–29–0) and N-({4-[(cyclo-propyl-amino)carb onyl]phenyl}sulfonyl)-2-methoxy-benz a-mide (Cypro-sulf amide) (CAS No. 221667–31–8) (provided for in subheading 3808.93.15)	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 890. ISOXADIFEN-ETHYL AND TEMBOTRIONE FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.02	Product mixtures containing ethyl 5,5-diphenyl-4H-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl) (CAS No. 163520–33–0) and 2-{2-chloro-4-(methylsulfonyl)-3-[(2,2,2-tri-fluoroethox-y)methyl]benzoyl}-1 ,3-cyclo-hexanedione (Tembotrione) (CAS No. 335104–84–2) (provided for in subheading 3808.93.15)	1.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 891. MIXTURES OF RIMSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.03	Mixtures of N-[[(4,6-dimeth-oxy-2-pyrimidinyl)amino]carbonyl]-3-(ethylsulfonyl)-2-pyrid inesulfona-mide (Rim-sulfuron) (CAS No. 122931–48–0) and application adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 892. OSPREY XTRA HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.04	Product mixtures containing methyl 4-{[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]sulfamoyl}-5-methyl-3-thiophene-carboxylate (Thiencarbazone-methyl) (CAS No. 317815–83–1), methyl 2-{[(4,6-dimeth-oxy-2-pyrimidinyl)carbamoyl]sulfamoyl}-4-{[(methylsulfonyl) amino]methyl}benzoate (Meso-sulfuron-methyl) (CAS No. 208465–21–8) and diethyl 1-(2,4-dichlorophenyl)-5-methyl-4,5-dihydro-1H-pyrazole-3,5-dicarboxylate (Mefenpyr-diethyl) (CAS No. 135590–91–9) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 893. TUPERSAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.05	Mixtures of 1-(2-methylcyclohexyl)-3-phenylurea (Siduron) (CAS No. 1982–49–6) and inert ingredients (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 894. SULFENTRAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.06	Mixtures of N-{2,4-dichloro-5- [4-(difluoromethyl)-3-methyl-5- oxo-4,5-dihydro-1H-1,2,4- triazol-1-yl]phenyl} methanesulfonamide (Sulfentrazone) (CAS No. 122836–35–5) and application adjuvants (provided for in subheading 3808.93.15)	5.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 895. FORMULATED PYRITHIOBAC-SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.07	Mixtures of sodium-2-chloro-6-[(4,6-di-methoxy-pyrimidin-2-yl)thio]benzo-ate (Pyrithiobac-sodium) (CAS No. 123343–16–8) and applica-tion adjuvants (provided for in subheading 3808.93.15)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 896. TRIFLUSULFURON METHYL FORMULATED PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.08	Mixtures of methyl 2-[[[4-(dimethyl-amino)-6-(2,2,2-tri-fluoroethoxy)-1,3,5-triazin-2-yl]carbam oyl]sulfamoyl]-3-methyl-benzoate (CAS No. 126535–15–7) and applica-tion adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 897. INDAZAFLAM FORMULATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.09	Mixtures containing N-[(1R,2S)-2,6-dimethyl-2,3-dihydro-1H-inden-1-yl]-6-[(1R)-1-fluoroethyl]- 1,3,5-tri-azine-2,4-diamine (Indaza-flam) and applica-tion adjuvants (CAS No. 950782–86–2) (provided for in subheading 3808.93.15)	5.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 898. HUSKIE COMPLETE HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.10	Mixtures containing (5-hydroxy-1,3-dimethyl-1H-pyrazol-4-yl)[2-(methylsulfonyl)-4-(tri-fluorome thyl)phenyl]meth-anone (Pyra-sulfotole) (CAS No. 365400–11–9); 2,4-dibromo-6-cyano-phenyl octanoate (Bromoxynil Octanoate) (CAS No. 1689–99–2); methyl 4-{[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]s ulfamoyl}-5-methyl-3-thio-phene-carboxylate (Thien carbazone-Methyl) (CAS No. 317815–83–1); and diethyl 1-(2,4-dichlorophenyl)-5-methyl-4,5-dihydro-1H-pyrazole-3,5-di carboxy late (Mefenpyr-diethyl) (CAS No. 135590–91–9) (provided for in subheading 3808.93.15)	3.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 899. TRIBUTE TOTAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.11	Mixtures containing methyl 4-{[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]s ulfamoyl}-5-methyl-3-thiophene carboxy late (Thien carbazone-methyl) (CAS No. 317815–83–1); 2-{[(4,6-Dimethoxy-2-pyrimidinyl)carb amoyl]sul famoyl}-4-formamido-N,N-dime thylbenzamide (Foram sulfuron) (CAS No. 173159–57–4); and methyl 3-chloro-5-{[(4,6-dime thoxy-2-pyri midinyl) carbamoyl]sulfamoyl}-1-methyl-1H -pyrazole-4-carbo xylate (Halo sulfuron-methyl) (CAS No. 100784–20–1) and application adjuvants (provided for in subheading 3808.93.15).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 900. ORTHO SULFAMURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.12	Mixtures of 1-(4,6-dimethoxypyrimidin-2-yl)-3-[2-di methylcarbamoyl)phenyl-sulfamoyl]urea (Ortho-sulfamuron) (CAS No. 213464–77–8) and application adjuvants (provided for in subheading 3808.93.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 901. FIPRONIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.13	(RS)-5-Amino-1-[2,6-dichloro-4-(tri fluo romethyl)phenyl]-4-(tri fluoromethysulfinyl)-1H-pyr azole-3-ca rbonitrile (Fipronil) (CAS No. 120068–37–3) (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 902. (2-CHLORO ETHYL)TRI METHYL (CYCO CEL PGR).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.14	(2-Chloro ethyl)tri methyl ammonium chloride (CAS No. 999–81–5) (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 903. AVADEX MICROACTIV.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.15	Mixtures of S-(2,3,3-tri chloro-2-propen-1-yl) diiso propyl-carba-mothioate (Triallate) (CAS No. 2303–17–5) (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 904. BUCKLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.16	Mixtures of S-(2,3,3-trichloro-2-propen-1-yl) diisopropyl-carba-mothioate (Triallate) (CAS No. 2303–17–5) and 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)aniline (Trifluralin) (CAS No. 1582–09–8) (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 905. FLAZASULFURON HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.17	Formu lations of 1-(4,6-dime thoxypy rimidin-2-yl)-3-[3-(tri fluoro methyl)pyridin-2-yl]sulfo nylurea (Flaza sulfuron) (CAS No. 104040–78–0) (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 906. FOSAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.18	Mixtures of ammonium ethyl carbamoylpho sphonate (Fosamine-ammonium) (CAS No. 25954–13–6) and application adjuvants (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 907. PROPARGITE MIXTURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.19	Mixtures containing 2-[4-(2-methyl-2-propanyl)phe noxy]cyclo hexyl 2-propyn-1-yl sulfite (CAS No. 2312–35–8) (Propargite) and application adjuvants (as provided for in subheading 3808.99.95)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 908. 5-AMINO-1,3-DIHYDRO-2H-BENZ IMIDAZOL-2-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.20	Preparations containing 5-amino-1,3-dihydro-2H-benzimidazol-2-one (CAS No. 95–23–8) (provided for in subheading 3809.91.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 909. RICINOLEIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.21	Preparations containing 12-hydroxy-9-octadecenoic acid (Ricinoleic acid) of a kind used as a diluent in lubricants (CAS No. 141–22–0) (provided for in subheading 3811.21.00)	4.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 910. LUBRICANT ADDITIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.22	Mixtures of hydrotreated neutral petroleum oils C_{20}-C_{50}, of a kind used as viscosity improvers (CAS No. 72623–87–1) (provided for in subheading 3811.21.00).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 911. LUBRICATE ADDITIVE (IRGALUBE 353).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.23	Isobutyl 3-(diisobutoxy-thiophosphorylsulfanyl)-2-methyl-propanoate) (CAS No. 268567–32–4) (provided for in subheading 3811.29.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 912. FUEL OIL ADDITIVE-COLD FLOW IMPROVER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.24	Mixtures containing poly(ethylene-co-ethenyl acetate) of a kind used as fuel additives (CAS No. 24937–78–8) (provided for in subheading 3811.90.00)	0.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 913. LUBRICITY IMPROVER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.25	Mixtures of tall oil mono-, di-, and triglycerides of a kind used as lubricity improvers (CAS No. 97722–02–6) (provided for in subheading 3811.90.00)	2.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 914. RHENOGRAN CLD-80.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.26	Mixtures of caprolactam disulfide (CAS No. 23847–08–7) with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 915. RHENOGRAN DIURON-80.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.27	Mixtures of 3-(3,4-dichlorophenyl)-1,1-dimethylurea (CAS No. 330–54–1) with acrylate rubber (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 916. RHENOGRAN GENIPLEX-70.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.28	Mixtures of zinc dicyanato diamine ((T-4)-diamminebis(cyanato-κN)-zinc) (CAS No. 122012–52–6) with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 917. DISFLAMOLL DPK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.29	Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444–49–5), triphenyl phosphate (CAS No. 115–86–6), tricresyl phosphate (CAS No. 1330–78–5), and phenyl dicresyl phosphate (CAS No. 26446–73–1) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 918. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.30	Mixtures of phenyl esters of C10-C18 alkylsulfonic acids (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	3.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 919. VULKANOX ZMB2/C-5.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.31	Zinc 4-methyl-1H-benzimidazole-2-thiolate (CAS No. 61617–00–3) (provided for in subheading 3812.39.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 920. ANTIOXIDIZING PREPARATIONS (IRGANOX 1141).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.32	2,4-Dimethyl-6-(1-methylpentadecyl)phenol (CAS No. 134701–20–5) (provided for in subheading 3812.39.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 921. HINDERED AMINE LIGHT STABILIZER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.33	1,3-Propanediamine, N,N″-1,2-ethanediylbis-, polymer with 2,4,6-trichloro-1,3,5-triazine,reaction products with N-butyl-2,2,6,6-tetra-methyl-4-piperidinamine (CAS No. 136504–96–6) (provided for in subheading 3812.39.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 922. REACTION PRODUCTS OF PHOSPHORUS TRICHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.34	Preparations containing tetra-kis[2,4-bis(2-methyl-2-propanyl)phenyl] 4,4′-biphenyldiylbis(phosphonite) (CAS No. 119345–01–6) (provided for in subheading 3812.39.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 923. PHENOL, 4-METHYL-, REACTION PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.35	4-Methylphenol - tricyclo[5.2.2.0^{2,6}]undecane (1:1) (CAS No. 68610–51–5) (provided for in subheading 3812.39.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 924. TRIAZINE DERIVATIVE (TINUVIN NOR 371 FF).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.36	1,6-Hexanediamine,N1,N6-bis(2,2,6,6-tetra-methyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with 3-bromo-1-propene,N-butyl-1-butanamine and N-butyl-2,2,6,6-tetra-methyl-4-piperidinamine, oxidized, hydrogenated (CAS No. 247243–62–5) (provided for in subheading 3812.39.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 925. SYNTHETIC HYDROTALCITE COATED WITH STEARIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.37	Magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) (CAS No. 11097–59–9) (provided for in subheading 2842.90.90); and magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) (CAS No. 11097–59–9) coated with stearic acid (CAS No. 57–11–4) (provided for in subheading 3812.39.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 926. POTASSIUM METHYLATE SOLUTION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.38	Potassium methylate solution (CAS No. 865–33–8) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 927. COFLAKE HZ.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.39	Mixtures of polyethylene glycol (CAS No. 25322–68–3), (acetate) pentammine cobalt dinitrate (CAS No. 14854–63–8), and zinc carbonate (CAS No. 3486–35–9) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 928. TEMPOSIL 45 SCORCH RETARDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.40	Mixture of precipitated silica gel (CAS No. 112926–00–8) and (4-hydroxy-2,2,6,6-tetra-methyl-1-piperidinyl)oxidanyl (CAS No. 2226–96–2) of a kind used as polymerization inhibitors (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 929. PENTA AMINO ACETO NITRATE COBALT III.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.41	Mixtures of (acetato) pentammine cobalt dinitrate (CAS No. 14854–63–8) with a polymeric or paraffinic carrier (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 930. BRANCHED C24 BENZENE ALKYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.42	Branched chain C_{24} mixed alkylbenzenes (CAS No. 68081–77–6) (provided for in subheading 3817.00.15)	1.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 931. GLYCOL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.43	α-Hydro-ω-hydroxypoly(oxy-1,2-ethanediyl)borate (CAS No. 71243–41–9) (provided for in subheading 3819.00.00)]	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 932. PALM FATTY ACID DISTILLATE (PFAD).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.44	Monocarboxylic fatty acids derived from palm oil (provided for in subheading 3823.19.20)	1.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 933. 9,11-OCTADECADIENOIC ACID (9Z,(TONALIN FFA80).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.45	Conjugated linoleic acids ((9Z,11E)-9,11-octadecadienoic acid and (10E,12Z)-10,12-octadecadienoic acid) (CAS Nos. 2540–56–9 and 2420–56–6) (provided for in subheading 3823.19.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 934. LAURYL-CETYL ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.46	Lauryl-cetyl alcohol (alcohol, C_{12}-C_{16}) (CAS No. 68855–56–1) (provided for in subheading 3823.70.40)	0.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 935. EMITTER SUSPENSION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.47	Mixtures of barium carbonate (CAS No. 513–77–9), strontium carbonate (CAS No. 1633–05–2), calcium carbonate (CAS No. 471–34–1), and 1-methoxy-2-propanyl acetate (CAS No. 108–65–6), of a kind for use as emitter suspension cathode coating (provided for in subheading (3824.90.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 936. ORGANO-MODIFIED SILOXANES COMBINED WITH SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.48	Mixtures containing 88 percent or more by weight of poly [oxy(di methylsilanediyl)] bis [omega-butoxy poly(oxy propylene)] ether (CAS No. 67762–96–3), 8 percent or less by weight α-butyl-ω-hydro xyl poly(oxy pro pylene) (CAS No. 9003–13–8) and less than 4 percent by weight silica di methyl silylate (CAS No. 68611–44–9) (provided for in subheading 3824.90.92)	0.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 937. AMINONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.49	Mixtures of 2-amino-2,3-dimethyl butanenitrile (CAS No. 13893–53–3) and toluene (provided for in subheading 3824.99.28)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 938. LIGHT STABILIZER/UV-ABSORBER FOR COATINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.50	Preparations based on N-(2-etho xyphenyl)-N′-[4-(10-methyl undecyl)phenyl] ethane diamide (CAS No. 82493–14–9) (provided for in subheading 3824.99.28)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 939. POLYMERIC ESTER BLEND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.52	Mixtures of polymers based on tall oil fatty acids, phthalic anhydride, glycerin and rosin (CAS No. 68015–39–4); poly (isobutyl vinyl ether) (CAS No. 9003–44–5); zinc 2-ethyl hexanoate (CAS No. 136–53–8); and more than 50 percent by weight of a hydro carbon-based solvent (provided for in subheading 3208.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 940. CE-1618BL METHYL PALMITATE/OLEATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.53	Mixtures of methyl esters of C_{16}-C_{18} and C_{18} unsaturated fatty acids (CAS No. 67762–38–3) and methyl hexa decanoate (Methyl Palmitate) (CAS No. 112–39–0) (provided for in subheading 3824.99.41) derived from coconut, palm-kernel or palm oil, used other than as a fuel	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 941. N-PROPYLTHOPHOSPHORYL TRIAMIDE (NPPT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.54	N-Propyl phosphorothioic tria mide (CAS No. 916809–14–8) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 942. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.55	Mixtures of sodium salts of imino disuccinic acid (CAS No. 144538–83–0), whether or not in water (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 943. BLEACHING ADDITIVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.56	Mixtures of N,N′-1,2-ethanediylbis(N-acetylaceta mide) with organic binders (CAS No. 10543–57–4) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 944. MIXTURES OF C5-C18 PERFLUOROCARBON ALKANES, PERFLUOROCARBON AMINES, AND PERFLUOROCARBON ETHERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.57	Mixtures of C_5-C_{18} per fluoro carbon alkanes, perfluoro carbon amines, and/or perfluoro carbon ethers (CAS No. 86508–42–1) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 945. CERTAIN SPECIALTY MONOMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.58	Mixtures of 2-methyl-N-[2-(2-oxoimidaz olidin-1-yl)ethyl] prop-2-enamide (CAS No. 3089–19–8), 2-methyl prop-2-enoic acid (CAS No. 79–41–4), 1-(2-amino ethyl)imida zolidin-2-one (CAS No. 6281–42–1) and benzene-1,4-diol (CAS No. 123–31–9) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 946. SILICON DIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.59	Amorphous synthetic silica gel, silanized (CAS No. 112926–00–8) (provided for in subheading 3824.99.92 ..	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 947. SODIUM ETHYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.60	Sodium ethylate (sodium ethanolate) (CAS No. 141–52–6), solution in ethanol (CAS No. 64–17–5) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 948. ORGANO-MODIFIED SILOXANES COMBINED WITH SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.61	Siloxanes and silicones, di-Me, polymers with Me silses quioxanes and poly propylene glycol mono-Bu ether (CAS No. 68554–65–4), greater than 70 percent by weight, with less than 8 percent percent by weight siloxanes and silicones, di-Me, polymers with Me silses quioxanes and poly-ethylene-polypropylene glycol mono-Bu ether, less than 8 percent by weight poly(oxy(methyl-1,2-etha nediyl)), α-butyl-ω hydroxyl (CAS No. 9003–13–8), less than 2 percent by weight oxirane, methyl-, polymer with oxirane, mono butylether (CAS No. 9038–95–3), less than 8 percent by weight silanamine, 1,1,1, trimethyl (CAS No. 68909–20–6), and less than 1 percent by weight silicon dioxide (CAS No. 7631–86–9) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 949. SUCROSE STEARATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.62	1-O-Stearoyl-β-D-fructo furanosyl α-D-gluco pyranoside (Sucrose stearate) (CAS No. 25168–73–4) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 950. SYNTHETIC ACID WASHED BETA ZEOLITE POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.63	Acid washed beta zeolite powder composed of mixtures of aluminum, silicon and sodium oxides, tetra ethyl ammonium-hydroxide, and organic compounds (CAS No. 1318–02–1) (provided for in subheading 3824.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 951. POLYMERS OF ETHYLENE, OTHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.64	2-Prope noic acid, C_{12}-C_{14}-alkyl esters, telomers with ethylene, 2-ethyl hexyl acrylate, pro panal and vinyl acetate (CAS No. 923958–45–6) (provided for in subheading 3901.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 952. MINERAL FILLED POLYPROPYLENE PELLETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.65	Polypropylene in pellet form, containing 18 percent or more but not over 22 percent by weight of mineral filler (talc) (CAS No. 9003–07–0) (provided for in subheading 3902.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 953. POLYISOBUTYLENE: OTHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.66	Poly(isobutylene) hydroformylation products, reaction products with ammonia (CAS No. 337367–30–3) (provided for in subheading 3902.20.50)	5.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 954. POLYISOBUTYLENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.67	Poly(2-methyl-propene) (poly-iso-butylene), other than elastomeric (CAS No. 9003–27–4) (provided for in subheading 3902.20.50)	5.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 955. PROPYLENE-ETHYLENE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.68	Poly (propylene-co-ethylene) (CAS No. 9010–79–1) (provided for in subheading 3902.30.00)	5.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 956. METHOXYSILANATED AMORPHOUS POLY ALPHA OLEFIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.69	Silane, ethenyl trimethoxy-, reaction products with 1-butene-ethylene-propene polymer (CAS No. 832150–35–3) (provided for in subheading 3902.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 957. AMORPHOUS ALPHA OLEFIN WITH HIGH SOFTENING POINT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.70	Poly (propylene-co-1-butene-co-ethylene) (CAS No. 25895–47–0) (provided for in subheading 3902.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 958. POLYMETHYLPENTENE (PMP) POLYOLEFIN COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.71	C_{12}-C_{18} alkenes, polymers with 4-methyl-1-pentene (CAS Nos. 25155–83–3, 81229–87–0 and 103908–22–1) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 959. ALPHA-ALKENES (C20-C24) MALEIC ANHYD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.72	alpha-Alkenes (C_{20}-C_{24}) maleic anhydride-4-amino-2,2,6,6-tetra-methyl piperidine, polymer (CAS No. 152261–33–1) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 960. NON-FUNCTIONALIZED POLYBUTADIENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.73	Oligomeric poly(butadiene) (CAS No. 68441–52–1) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 961. VINYLACETATE-VINYLCHLORIDE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.75	Poly(vinyl acetate-co-vinyl chloride) (CAS No. 9003–22–9) (provided for in subheading 3904.30.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 962. POLY(FUMARIC ACID-CO-VINYL ACETATE-CO-VINYL CHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.76	Poly(fumaric acid-co-vinyl acetate-co-vinyl chloride) (CAS No. 32650–26–3) (provided for in subheading 3904.30.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 963. VINYL CHLORIDE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.77	Poly(dibutyl (2Z)-2-butenedioate-co-vinyl chloride-co-2-hydroxypropyl acrylate) (CAS No. 114653–42–8) (provided for in subheading 3904.40.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 964. VINYL CHLORIDE-HYDROXYPROPYL ACRYLATE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.78	Poly(vinyl chloride-co-hydroxypropyl acrylate) (CAS No. 53710–52–4) (provided for in subheading 3904.40.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 965. AQUIVION (ACID FORM) DISPERSION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.79	Poly(1,1,2,2-tetra-fluoro-2-[(trifluoroetheny-l)oxy]ethanesulfonyl fluo-ride-co-tetra-fluoroethylene) (CAS No. 1163733–25–2) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 966. AQUIVION (SO2F).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.80	Poly(1,1,2,2-tetra-fluoro-2-[(trifluoroetheny-l)oxy]ethanesulfonyl fluo-ride-co-tetra-fluoroethylene) SO_2F form (CAS No. 69462–70–0) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 967. AQUIVION (LI SALT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.81	Poly(1,1,2,2-tetra-fluoro-2-[(trifluoroetheny-l)oxy]ethanesulfonyl fluo-ride-co-tetra-fluoroethylene) lithium salt (CAS No. 1687740–67–5) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 968. AQUIVION (NH4 SALT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.82	Poly(1,1,2,2-tetra-fluoro-2-[(trifluoroetheny-l)oxy]ethanesulfonyl fluo-ride-co-tetra-fluoroethylene) ammonium salt (CAS No. 1126091–34–6) (provided for in sub-heading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 969. SOLVENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.83	1,1,2-Trifluoroethene - 1,1-difluoroethene (1:1) (Vinylidene fluoride-trifluoroethylene copolymer) (CAS No. 28960–88–5) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 970. SOLVENE T.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.84	Poly(1,1-difluoroethene-co-1-chloro-1,2,2-trifluoroethene-co-1,1,2-trifluoroethene) (CAS No. 81197–12–8) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 971. SOLVERA / FLUOROLINK PT5060.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.85	Mixtures of approximately 25 percent propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2, methyl polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine (CAS No. 328389–91–9), less than 1 percent 2-propanol (CAS No. 67–63–0) and less than 1 percent 2-butanone (CAS No. 78–93–3), remaining content water (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 972. GALDEN FLUIDS WITH BOILING POINTS ABOVE 170 DEGREES CELSIUS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.86	Per-fluoro-poly-methylisopropyl ether having a boiling point above 170 degrees Celsius (CAS No. 69991–67–9) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 973. FOMBLIN W 500.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.87	Mixture of poly(1-[difluoro(trifluoromethoxy)methoxy]-1,1,2,2-tetra-fluoro-2-(trifluor omethoxy)ethane) (CAS No. 69991–61–3) and per-fluoropoly-methylisopropyl ether (CAS No. 69991–67–9) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 974. FOMLBIN M AND Z LUBRICANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.88	1,1,2,2 Tetrafluoroethene, oxidized, polymerized (CAS No. 69991–61–3) (provided for in subheading 3904.69.50)	2.4%	No change	No change	On or before 12/31/2020 ...	".

SEC. 975. FOMBLIN MD GRADES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.89	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymerized, reduced, ethyl esters, reduced, N-[2-[(2-methyl-1-oxo-2-propen-1-yl) oxy] ethyl] carbamates (CAS No. 1385773–87–4) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 976. FOMBLIN DA306.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.90	1-Propene, 1,1,2,3,3,3-Hexafluoro-, oxidzed, polymd., reduced, hydrolized reaction products with ammonia (CAS No. 370097–12–4) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 977. FOMBLIN DA 305, GALDEN MF310.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.91	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced, hydrolyzed (CAS No. 161075–14–5) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 978. FOMBLIN T4 AND FOMBLIN Z TETRA-OL PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.92	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymerized, reduced, methyl esters, reduced, 2,3-dihydroxypropyl ethers (CAS No. 925918–64–5) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 979. FOMBLIN Z DOL AND FLUOROLINK D SERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.93	Poly-per-fluoroethoxym-ethoxydifluoroe-tpoly-ethylene gly-col ether (CAS No. 88645–29–8) (provided for in subheading 3904.69.50)	2.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 980. FOMBLIN Z DEAL, FLUOROLINK L SERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.94	Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene (CAS No. 107852–49–3) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 981. FOMBLIN ETX, FLUOROLINK E SERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.95	Ethene, tetra-fluoro, oxidized, polymerized, reduced, methyl esters, reduced, ethoxylated (CAS No. 162492–15–1) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 982. TETRAETHYLENE GLYCOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.96	Mixtures of 95 percent perfluoropolyether polyethoxy alcohol (CAS No. 1260733–08–1) and 5 percent 2,2′-[oxybis(2,1-ethanediyloxy)]diethanol (Tetraethylene glycol) (CAS No. 112–60–7) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 983. FLUOROLINK S10.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.97	1-Propamine, 3-(triethoxysilyl)-, reaction products with Etesters of reduced polymd. oxidized poly(tetra-fluoroethylene) (CAS No. 223557–70–8) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 984. POLYVINYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.98	Poly(vinyl acetate), of a kind used in food preparations (CAS No. 9003–20–7) (provided for in subheading 3905.19.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 985. VINYL ACETATE-ALKENEOIC ACID COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.99	Poly(vinyl acetate-co-crotonic acid) (CAS No. 25609–89–6) (provided for in subheading 3905.19.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 986. ETHYLENE-VINYL ACETATE COPOLYMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.01	Ethylene-vinyl acetate copolymers (other than those in aqueous dispersions), containing 50 percent or more by weight of vinyl acetate monomer (CAS No. 24937–78–8) (provided for in subheading 3905.29.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 987. POLYVINYL FORMAL RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.02	Polyvinyl formal resin (ethenol; [(ethenyloxy)methoxy]ethene (CAS Nos. 63450–15–7, 63148–64–1, and 9003–33–2) (provided for in subheading 3905.91.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 988. D-500.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.03	Aqueous mixtures of poly(vinyl alcohol) (CAS No. 110532–37–1) and poly(vinylpyrrolidone) (CAS No. 9003–39–8) (provided for in subheading 3905.99.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 989. ACUSOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.04	Poly(acrylic acid-co-(sodium 2-(acryloylamino)-2-methyl-1-propanesulfonate) sodium salt) (CAS No. 136903-34-9) in granulated form (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 990. POLYMERIC SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.05	Poly(ammonium acryloyldimethyl taurate-co-vinyl pyrrolidone) (CAS No. 335383–60–3) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 991. 2-PROPENOIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.06	Poly(acrylamide-co-sodium polyacrylate) (CAS No. 25085–02–3) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 992. POLY(BUTYL METHACRYLATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.07	Poly(butyl methacrylate-co-(2-dimethylaminoethyl) methacrylate-co-methyl methacrylate) 1:2:1 (CAS No. 24938–16–7) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 993. POLY(ETHYL ACRYLATE-CO-METHYL METHACRYLATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.08	Poly(ethyl acrylate-co-methyl methacrylate-co-trimethylammonioethyl methacrylate chloride) (CAS No. 33434–24–1) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 994. POLY(METHACRYLIC ACID-CO-METHYL METHACRYLATE) 1:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.09	Poly(methacrylic acid-co-methyl methacrylate) (CAS No. 25086–15–1) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 995. POLY(METHYL ACRYLATE-CO-METHYL METHACRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.10	Poly(methyl acrylate-co-methyl methacrylate-co-methacrylic acid) 7:3:1 (CAS No. 26936–24–3) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 996. ZEBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.11	Starch-g-poly (propenamide-co-2-propenoic acid) potassium salt (CAS No. 863132–14–3) (Zeba) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 997. UV ABSORBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.12	Mixtures of α-(3-(3-(2H-benzotriazol-2-yl)-5-(1,1-dimethylethyl)-4-hydroxyphenyl)-1-oxopropyl)-ω-hydroxy-poly(oxy-1,2-ethanediyl) (CAS No. 104810–48–2); α-(3-(3-(2H-benzotriazol-2-yl)-5-(1,1-dimethylethyl)-4-hydroxyphenyl)-1-oxopropyl)-ω-(3-(3-(2H-benzotriazol-2-yl)-5-(1,1-dimethylethyl)-4-hydroxyphe nyl)-1-oxopropoxy)-poly(oxy-1,2-ethanediyl) (CAS No. 104810–47–1); and polyethylene glycol (CAS No. 25322–68–3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 998. HIGH-PERFORMANCE DISPERSANT USED IN CONCRETE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.13	Oxirane, 2-methyl-, polymer with oxirane, monoether with 1,2-propanediol mono(2-methyl-2-propenoate) (CAS No. 220846–90–2) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 999. SOLVERA PT 5045, SOLVERA XPH723.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.14	Mixtures of approximately 20 percent or less diphosphoric acid, polymers with ethoxylated reduced methyl esters of reduced polymerized oxidized tetra-fluoroethylene (CAS No. 200013–65–6) and less than 10 percent 2-(2-methoxypropoxy)-1-propanol (CAS No. 34590–94–8), remaining content is water (provided for in subheading 3907.20.00)	0.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1000. HEAT-CURABLE EPOXY RESIN MIXTURE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.15	Heat-curable epoxy resin mixture containing more than 30 percent by weight of 4,4′-(9H-fluorene-9,9-diyl)bis(2-chloroaniline) (CAS No. 107934–68–9) as a curing agent (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1001. LIQUID RESIN KNOWN AS CHEMITYLENE OR TC-2.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.16	Mixtures of ethanaminium, 2-hydroxy-N-(2-hydroxyethyl)-N,N-dimethyl-, methyl sulfate (1:1), polymer with 2-(chloromethyl)oxirane, 1,3-diisocyanato-methyl-benzene, a-hydro-w-hydroxy-poly[oxy(methyl-1,2-ethanediyl)] and 1,2,3-propane-triol (CAS No. 82294–81–3); Phenol, 4,4′-(1-methylethylidene)bis-, polymer with 2-(chloromethyl)oxirane (CAS No. 25068–38–6); and Formamide, N,N-dimethyl-(CAS No. 68–12–2) (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1002. SORBITOL DIGLYCIDYL ETHER EPOXIDE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.17	1,2-Bis-O-(2-oxiranylmethyl)-D-glucitol (CAS No. 68412–01–1) (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1003. SULFONATED POLYETHYLENE TEREPHTHALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.18	Sulfonated polyethylene terephthalate (CAS No. 63534–56–5) (provided for in subheading 3907.60.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1004. LINEAR HYDROXYL-TERMINATED ALIPHATIC POLYCARB DIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.19	Poly(dimethyl carbonate-co-1,6-hexanediol) (CAS No. 101325–00–2) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1005. LINEAR ALIPHATIC POLYCARBONATE POLYESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.20	Dimethyl carbonate polymer with 1,6-hexanediol copolymer and 2-oxepanone (CAS No. 282534–15–0) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1006. HINDERED AMINE LIGHT STABILIZER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.21	Poly[(dimethyl butanedioate-co-1-(2-hydroxyethyl)-2,2,6,6-tetramethylpiperidin-4-ol)] (CAS No. 65447–77–0) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1007. POLYMER OF 1,4-BENZENEDICARBOXYLIC ACID WITH 1,4-BUTANEDIOL AND HEXANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.23	Polymer of 1,4-benzenedicarboxylic acid with 1,4-butanediol and hexanedioic acid (CAS No. 60961–73–1) (provided for in subheading 3907.99.50)	1.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1008. 1,4-BENZENEDICARBOXYLIC ACID, POLYMER WITH 1,4 BUTANEDIOL AND DECANEDIOC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.24	1,4-Benzenedicarboxylic acid, polymer with 1,4 butanediol and decanedioc acid (CAS No. 28205–74–5) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1009. 1,4-BENZENEDICARBOXYLIC ACID, POLYMER WITH 1,4-BUTANEDIOL, HEXANEDIOIC ACID AND NONANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.26	1,4-Benzenedicarboxylic acid, polymer with 1,4-butanediol, hexanedioic acid and nonanedioic acid (CAS No. 83064–08–8) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1010. 1,4-BENZENEDICARBOXYLIC ACID, POLYMER WITH 1,4-BUTANEDIOL, DECANEDIOIC ACID AND HEXANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.27	1,4-Benzenedicarboxylic acid, polymer with 1,4-butanediol, decanedioic acid and hexanedioic acid (CAS No. 109586–86–9) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1011. POLYESTER RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.28	1,2-Benzenedicarboxylic acid, 3,4,5,6-tetra-bromo-, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, hexanedioic acid, 2,2-((1-methylethylidene)bis(4,1-phenyleneoxymethylene))bis(oxirane) and 1,2-propanediol in toluene (CAS No. 68568–64–9) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1012. 1,4-BENZENEDICARBOXYLIC ACID, POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.29	Poly(1,4-benzenedicarboxylic acid-co-1,4-butanediol-co-nonanedioic acid) (CAS No. 26590–80–7) (provided for in subheading 3907.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1013. GRILAMID TR 90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.30	Dodecanedioic acid, polymer with 4,4′-methylenebis(2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1014. ORGASOL POLYAMIDE POWDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.31	Micro-porous, ultrafine, spherical polyamide powders of polyamide 6 (CAS No. 356040–79–4), polyamide-12 (CAS No. 338462–62–7) and polyamide 6, 12 (CAS No. 356040–89–6) (provided for in subheading 3908.10.00 or 3908.90.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1015. GRILAMID TR 30.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.32	Poly[(azacyclotridecan-2-one)-co-(1,3-benzenedicarboxylic acid; 1,4-benzenedicarboxylic acid)-alt-(1,6-hexanediamine; 4,4′-methylenebis [cyclohexanamine]; 4,4′-methylenebis[2-methylcyclohexanamine])] (CAS No. 1030611–14–3) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1016. GRILAMID TR 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.33	Poly[(azacyclotridecan-2-one)-co-(1,3-benzenedicarboxylic acid; 1,4-benzenedicarboxylic acid)-alt-(4,4'-methylenebis[2-methylcyclohexanamine])] (CAS No. 62694–40–0) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1017. METHYLENE DIANILINE 50.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.34	Mixtures containing 40 to 60 percent by weight formaldehyde polymers with aniline (CAS No. 25214–70–4) and 60 to 40 percent by weight 4,4'-methylenedianiline (CAS No. 101–77–9) (provided for in subheading 3909.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1018. PHENOL, 4-(1,1-DIMETHYLETHYL)-,POLYMER WITH FORMALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.35	Poly(phenol-co-formaldehyde-co-4-(1,1-dimethylethyl)phenol) (CAS No. 28453–20–5) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1019. PHENOL, 4,4′-(1-METHYLETHYLIDINE)BIS-, POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.36	4-tert-Butylphenol; formaldehyde; 4-[2-(4-hydroxyphenyl)propyl]phenol (CAS No. 54579–44–1) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1020. FORMALDEHYDE - 1,3-BENZENEDIOL (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.37	Mixture of polymers of formaldehyde-1,3-benzenediol (1:1) (CAS No. 24969–11–7) and unreacted 1,3-Benzenediol (CAS No. 108–46–3) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1021. POLYURETHANE HARDENER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.38	2-Oxepanone polymer with 1,4-butanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-ethyl-1-hexanol-blocked (CAS No. 189020–69–7) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1022. H12MDI BASED ALIPHATIC POLYISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.39	Hex-anedioic acid, di-hydrazide, poly-mer with 5-amino-1,3,3-tri-methylcyclo-hexane-methanamine, 1,3-butanediol and 1,1’-meth-ylene-bis[4-iso-cyanatocyclo-hexane], methyl ethyl ketone oxime-and poly-ethylene glycol mono-methyl ether-blocked in aqueous solution (CAS No. 200295–51–8) (pro-vided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1023. TDI BASED BLOCKED AROMATIC POLYISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.40	Oxirane, 2-methyl-, poly-mer with oxirane, ether with 1,2,3-propanetriol (3:1), polymer with 2,4-diisocyanato-1-methylbenzene and α-hydro-ω-hydroxypoly[oxy(methyl-1,2-ethanediyl)] ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1), caprolactam-blocked (CAS No. 936346–53–1) (pro-vided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1024. SELF-CROSS LINKING, STOVING POLYURETHANE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.41	1,3 Benzenedicarboxylic acid, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, hexanedioic acid, 1,6-hexanediol, 1,3-isobenzofurandione and 1,1′-methylenebis[4-isocyanatobenzene], di-ethyl malonate-blocked (CAS No. 200414–59–1) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1025. SILANE TERMINATED POLYURETHANE PREPOLYMER RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.42	Poly[oxy(methyl-1,2-ethanediyl)],α-hydro-ω-hydroxy- and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane (Isophorone diisocyanate) (CAS No. 1012318–97–6) (provided for in 3909.50.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1026. HYDROGENATED POLYMERS OF NORBORNENE DERIVATIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.43	1,4:5,8-Dimethanonaphthalene, 2-ethylidene-1,2,3,4,4a,5,8,8a-octahydro-, polymer with 3a,4,7,7a-tetra-hydro-4,7-methano-1H-indene, hydrogenated (CAS No. 881025–72–5), presented in pellet form (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1027. POLYETHYLENEIMINE, REFRIGERATED IN CONTAINERS HOLDING NOT MORE THAN 1 LITER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.44	Polyethylenimine (CAS No. 9002–98–6), refrigerated, in containers not holding over 1 L (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1028. POLYETHYLENEIMINE, COMPONENTS FOR MANUFACTURING INTO MEDICAL DEVICES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.45	Polyethylenimine (CAS No. 9002–98–6), of a kind used as a component for further manufacturing into a finished medical device (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1029. ALIPHATIC/AROMATIC POLYISOCYANATE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.46	1,6-diisocyanatohexane; 2,4-diisocyanato-1-methylbenzene polymer (CAS No. 26426–91–5) in n-butyl acetate (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1030. TDI BASED AROMATIC POLYISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.47	Poly(toluene diisocyanate) (CAS No. 26006–20–2) (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1031. WATER DISPERSIBLE HDI BASED POLYISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.48	Water-dispersible polyisocyanate products based on poly(hex-amethy-lene diiso-cyanate) (CAS No. 28182–81–2) and dimethyldicyclohexyla-mine compounds with 3-(cyclohexylamino)-1-propane-sulfonic acid-poly(1,6-diisocyanato-hexane) (CAS No. 666723–27–9) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1032. WATER DISPERSIBLE HDI BASED POLYISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.49	Poly(1,6-diisocyanatohexane)-block-polyethylene-block-poly(1-butoxypropan-2-ol) (CAS No. 125252–47–3) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1033. IPDI BASED ALIPHATIC POLYISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.50	N,N′,N″-[(2,4,6-Trioxo-1,3,5-triazine-1,3,5(2H,4H,6H)-triyl)tris[methylene(3,5,5-trimethyl-3,1-cyc lohexanediyl)]]tris[hexahydro-2-oxo-1H-azepine-1-carboxamide] (CAS No. 68975–83–7) in organic solvent (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1034. HDI BASED ALIPHATIC POLYISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.51	3,5-Dimethyl-1H-pyrazole-oligo(hexamethylene diisocyanate) in solvents (CAS No. 163206–31–3) (provided for in subheading 3911.90.90).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1035. NOURYBOND 276 CURING AGENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.52	α-Alkenes, C_{14}-C_{20}, polymers with maleic anhydride, 2-(1-piperazinyl) ethylimides, plasticized with diisononyl phthalate (CAS No. 28553–12–0) and bis(1-methylethyl)-naphthalene (CAS No. 38640–62–9) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1036. P84 POLYIMIDE POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.53	2,4-Diisocyanato-1-methylbenzene; 5-(1,3-dioxo-2-benzofuran-5-carbonyl)-2-benzofuran-1,3-dione; 1-isocyanato-4-[(4-isocyanatophenyl)methyl]benzene (CAS No. 58698–66–1) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1037. MODIFIED ETHYLENE-NORBORNENE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.54	Poly(ethylene-ran-(2-norbornene)) (CAS No. 26007–43–2), comprising 64 (plus or minus 3) percent by weight ethylene (CAS No. 74–85–1), having a glass transition temperature of 78 (plus or minus 4) °C, and containing not less than 3 percent by weight polyethylene (CAS No. 9002–88–4) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1038. 1,6-HEXANEDIAMINE,N-N′-BIS(2,2,6,6-TET.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.55	1,6-Hexanediamine, N,N′-bis(2,2,6,6-tetra-methyl-4-piperidinyl)-polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-1-butanamine and N-buty-2,2,6,6-tetramethyl-4-piperidinamine (CAS No. 192268–64–7) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1039. AMBERLITE XAD4.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.56	Poly(divinylbenzene-co-ethylstyrene) (CAS No. 9043–77–0) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1040. CERTAIN INDUSTRIAL NITROCELLULOSE, DAMPED WITH AN ALCOHOL CONTENT OF 28 TO 32 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.57	Industrial grade nitrocellulose, having a nitrogen content of less than 12.4 percent on a dry weight basis, damped with an alcohol content of 28 to 32 percent by weight (CAS No. 9004–70–0), presented in fiber drums each containing 85 kg, 100 kg, 110 kg or 120 kg of such nitrocellulose, the foregoing certified by the importer as made from at least 50 percent cotton linter or wood pulp and as having each such drum lined with an antistatic plastic bag and equipped with a coupling for mechanical unloading (provided for in subheading 3912.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1041. CERTAIN INDUSTRIAL NITROCELLULOSE, DAMPED WITH AN ALCOHOL CONTENT OF 33 TO 37 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.58	Industrial grade nitrocellulose, having a nitrogen content of less than 12.4 percent on a dry weight basis, damped with an alcohol content of 33 to 37 percent by weight (CAS No. 9004–70–0), presented in fiber drums each containing 85 kg, 100 kg, 110 kg or 120 kg of such nitrocellulose, the foregoing certified by the importer as made from at least 80 percent cotton linters, wood pulp and ethanol, with such fiber drums each lined with an antistatic plastic bag and equipped with a coupling for mechanical unloading (provided for in subheading 3912.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1042. SODIUM ALGINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.59	Sodium alginate (CAS No. 9005–38–3) (provided for in subheading 3913.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1043. PROPYLENE GLYCOL ALGINATE (PGA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.60	Propylene glycol alginates (CAS No. 9005–37–2) (provided for in subheading 3913.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1044. ALGINIC ACID AND OTHER ALGINATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.61	Alginic acid (CAS No. 9005–32–7), ammonium alginate (CAS No. 9005–34–9), potassium alginate (CAS No. 9005–36–1), calcium alginate (CAS No. 9005–35–0) and magnesium alginate (CAS No. 37251–44–8) (provided for in subheading 3913.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1045. SODIUM ALGINATE CONTAINING CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.62	Sodium alginate (CAS No. 9005–38–3) containing citrate (provided for in subheading 3913.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1046. SODIUM HYALURONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.63	Sodium hyaluronate (CAS No. 9067–32–7) (provided for in subheading 3913.90.20)	4.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1047. WEAK ACID CATION ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.64	Ion-exchange resin, co-polymerized from acrylonitrile with divinylbenzene, ethylvinylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1048. WEAK ACID MACROPOROUS CATION ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.65	Ion-exchange resin consisting of poly(acrylic acid-co-2,2′-oxydiethanol-co-ethenoxyethene), acid form (CAS No. 359785–58–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1049. ION-EXCHANGE RESIN COMPRISED OF DIVINYLBENZENE CO-POLYMERIZED WITH STYRENE AND ETHYLSTYRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.66	Ion-exchange resin comprised of divinylbenzene co-polymerized with styrene and ethylstyrene (CAS No. 9052–95–3) in spherical beads with a mean particle size between 0.30 and 1.20 mm (provided for in subheading 3914.00.60)	1.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1050. ION-EXCHANGE RESIN COMPRISED OF A COPOLYMER OF METHACRYLIC ACID CROSS-LINKED WITH DIVINYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.67	Ion-exchange resin comprised of a copolymer of methacrylic acid cross-linked with divinylbenzene, in the hydrogen ionic form (CAS No. 50602–21–6) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1051. ION-EXCHANGE RESIN UTILIZING A TYPE I QUATERNARY AMMONIUM FUNCTIONAL GROUP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.68	Ion-exchange resin utilizing a type I quaternary ammonium functional group consisting of benzene (chloromethyl)ethenyl-, polymer with diethenylbenzene, compound with N,N-diethylethanamine (CAS No. 63453–90–7) in spherical beads with a mean particle size between 0.30 and 1.20 mm (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1052. ION-EXCHANGE RESIN, FREE BASE FORM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.69	Ion-exchange resin, free base form, utilizing a tertiary amine functional group consisting of 2-propenamide, N-[3-(dimethylamino)propyl]-, polymer with diethenylbenzene and 1,1′-[oxybis(2,1-ethanediyloxy)]bis[ethene] (CAS No. 65899–87–8) in spherical beads with a mean particle size between 0.30 and 1.20 mm (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1053. ION-EXCHANGE RESIN, CHLORIDE FORM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.70	Ion-exchange resin, chloride form, utilizing a quarternary ammonium functional group, consisting of 1,2-bis(ethenyl)benzene; 4-[(E)-2-[(E)-2-but-3-enoxyethenoxy]ethenoxy]but-1-ene; trimethyl-[3-(prop-2-enoylamino)propyl]azanium; chloride (CAS No. 65997–24–2) in spherical beads with a mean particle size between 0.30 and 1.20 mm (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1054. AMBERLITE IRP69.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.71	Ion-exchange resin comprising sodium salts of sulfonated poly(divinylbenzene-co-ethylstyrene-co-styrene) (CAS No. 69011–22–9) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1055. ANION ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.72	Anion ion-exchange resin, hydroxide form, chloromethylated, and 2-(dimethylamino)ethanol-quaternized hydroxide of poly(divinylbenzene-co-styrene-co-ethylstyrene) (CAS No. 69011–16–1) in spherical beads with a mean particle size between 0.30 and 1.20 mm (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1056. AMBERLITE IRC748.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.73	Chloromethylated, trimethylamine-quaternized poly(divinylbenzene-co-styrene-co-ethylstyrene) (CAS No. 69011–19–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1057. DOWEX* MAC-3.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.74	Poly(divinylbenzene-co-acrylic acid) (CAS No. 9052–45–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1058. IMINIDIACETIC ACID ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.75	Iminidiacetic acid ion-exchange resin (sodium 2,2′-[(4-vinylbenzyl)imino]diacetate - 1,4-divinylbenzene (2:1:1) (CAS No. 70660–50–3) in spherical beads with a mean particle size between 0.425 and 1.20 mm (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1059. ION-EXCHANGE RESIN AND CHELATING RESIN WITH A ISOTHIOURONIUM FUNCTIONAL GROUP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.76	Ion-exchange resin and chelating resin, with a isothiouronium functional group, iminodiacetic acid ion-exchange resin (CAS No. 109945–55–3) in spherical beads with a mean particle size between 0.30 and 1.20 mm (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1060. ION-EXCHANGE RESIN AND CHELATING RESIN WITH AN AMINOPHOSPHORIC FUNCTIONAL GROUP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.77	Ion-exchange resin and chelating resin with an aminophosphoric functional group, polystyrene resin with aminophosphonic acid groups (CAS No. 125935–42–4) in spherical beads with a mean particle size between 0.30 and 1.20 mm (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1061. AMBERLITE IRP88.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.78	Potassium methacrylate-divinylbenzene copolymer (Polacrilin potassium) (CAS No. 65405–55–2) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1062. STRIPS OF 100 PERCENT EPTFE SEALANT BETWEEN 3MM AND 30MM THICK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.79	Strips wholly of expanded poly(tetra-fluoroethylene) (PTFE) (CAS No. 9002–84–0), noncellular, with adhesive backing, of a thickness greater than 3 mm but not over 30 mm, presented rolled in spools, certified by the importer as having a tensile strength of 24.1 MPa (3,500 psi) or higher per American Society for Testing and Materials (ASTM) F-152 (provided for in subheading 3916.90.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1063. PLASTIC TUBES, NOT REINFORCED, POLYVINYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.80	Insulated tubes of plastics, not reinforced, without fittings, presented in the form of hose, the foregoing tubes having polyethylene pipes inserted therein and suitable for use in hot water supply or heating systems (provided for in subheading 3917.32.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1064. POLYETHYLENE MICRO-TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.81	Polyethylene micro-tubes, having an interior diameter of 0.01 mm and wall thickness of 0.05 mm (provided for in subheading 3917.32.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1065. PLASTIC, OTHER FITTINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.82	Plastic elbows, holding pins, bend supports, anchor clips, staples of a kind used in construction applications (provided for in subheading 3917.40.00)	5.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1066. TRANSPARENT POLYPROPYLENE FLAT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.83	Transparent polypropylene coextruded flat film in rolls with a thickness between 162-198μm and a width between 396-398 mm (provided for in subheading 3920.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1067. ACRYLIC POLY METHACRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.84	Sheets of plastics of poly(methyl methacrylate), noncellular and not reinforced, laminated, supported or similarly combined with other materials, not flexible, the foregoing of a kind used to produce counter tops or edging, cabinet tops, faces or edges for home or office furnishings (provided for in subheading 3920.51.50)	3.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1068. ACRYLIC FILMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.85	Flexible film of acrylic polymers, other than poly(methyl methacrylate) (provided for in subheading 3920.59.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1069. SAFLEX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.86	Poly(vinyl butyral) film (CAS No. 27360–07–2), certified by the importer to be used in aircraft (provided for in subheading 3920.91.00)	3.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1070. REGEN CELLULOSE SHEETS FOR INDUSTRIAL SPONGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.87	Sheets of regenerated cellulose, cellular, nonadhesive, rectangular in shape and measuring 750 mm or more but not over 885 mm in length, 765 mm or more but not over 885 mm in width and 0.9 mm or more but not over 1.9 mm in thickness (provided in for subheading 3921.14.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1071. EXPANDED PTFE SHEETS BETWEEN 1.6MM AND 3MM THICK FOR SEALANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.88	Expanded poly(tetrafluoroethylene) (PTFE) nonadhesive cellular sheets, of a thickness greater than 1.5 mm but not more than 3.0 mm, certified by the importer as having a tensile strength of at least 48.3 MPa (7,000 psi) per ASTM F-152 (CAS No. 9002–84–0) (provided for in subheading 3921.19.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1072. EXPANDED PTFE SHEETS BETWEEN 3.1MM AND 6.00MM THICK FOR SEALANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.89	Expanded poly(tetrafluoroethylene) (PTFE) nonadhesive cellular sheets, of a thickness greater than 3.0 mm but not more than 6.0 mm, certified by the importer as having a tensile strength of at least 48.3 MPa (7,000 psi) per ASTM F-152 (CAS No. 9002–84–0) (provided for in subheading 3921.19.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1073. THERMOPLASTIC CONTAINERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.90	Injection molded thermoplastic dental restorative product containers, designed for use in a dispensing system, each container with capacity not over 50 ml (provided for in subheading 3923.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1074. PE PLUG CAP WITH HOLDING TOP AND INSERTING BOTTOM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.91	Plug-type closures of polyethylene, suitable for use in capping specimen tubes and measuring 15 mm in length; each closure having an upper portion designed to extend beyond the specimen tube to permit holding of the closure, such upper portion having a diameter of 15.5 mm and thickness of 3.3 mm and having a notched groove; with the bottom portion of such closure designed for insertion into a specimen tube having a diameter measuring approximately 11.7 mm; the foregoing closures certified by the importer as for use in an automated insertion system (provided for in subheading 3923.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1075. THERMOPLASTIC CLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.92	Injection molded thermoplastic dental restorative product dispenser closures fitting containers with capacity less than or equal to 50 ml (provided for in subheading 3923.50.00)	1.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1076. PLASTIC LIDS FOR FOOD STORAGE CONTAINERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.93	Plastic lids certified by the importer for use on food storage containers (provided for in 3923.50.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1077. PLASTIC CAP FOR SQUEEZABLE SPORT WATER BOTTLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.94	Plastic cap for sport water bottle of the squeezable type (provided for in 3923.50.00)	0.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1078. SINGLE WRAPPED CUTLERY JOINED BY A SKEWER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.95	Cutlery of plastics, each piece individually wrapped in polypropylene film, presented with such wrapped cutlery joined together by skewers for ease of loading in a fully enclosed dispensing system (provided for in subheading 3924.10.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1079. SET OF PLASTIC CUTLERY WRAPPED IN PAPER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.96	Cutlery of plastics, presented with quantities of identical cutlery items joined together by paper wrapping or paper banding designed for ease of loading in a fully enclosed dispensing system (provided for in subheading 3924.10.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1080. 98 PERCENT POLYPROPYLENE DISPOSABLE CUTLERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.97	Disposable cutlery of plastics, containing by weight over 96 percent of polypropylene, presented without being individually wrapped, grouped, banded or skewered for ease of loading in a fully enclosed dispensing system (provided for in subheading 3924.10.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1081. PLASTIC PET CRATE PAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.98	Pans or inserts of plastics, of a type designed for pet crates of metal wire as inserts to create a solid interior surface (provided for in subheading 3924.90.56)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1082. PLASTIC ORNAMENTATION FOR AQUARIUMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.99	Plastic ornamentation designed for aquariums that house fish, reptiles or small pets (provided for in subheading 3924.90.56)	0.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1083. BOXING AND MIXED MARTIAL ARTS GLOVES OF PLASTIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.01	Boxing and mixed martial arts gloves of plastics (provided for in subheading 3926.20.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1084. PLASTIC HANDLES FOR COOLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.02	Handles of plastics for coolers of heading 9403 (provided for in subheading 3926.30.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1085. BELTING FOR MACHINERY CONTAINING TEXTILE COMPONENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.03	Belting, for machinery, of plastic, containing textile components, in which man-made or vegetable fiber do not predominate by weight over any other textile fiber, of a width exceeding 120 cm, but not more than 171 cm (provided for in subheading 3926.90.59)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1086. PLASTIC CLIP FASTENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.04	Fasteners of nylon or of polypropylene, with a filament length of 6 mm or more but not over 127 mm, presented on clips each holding the quantity of 25, 50 or 100 pieces, suitable for use in a mechanical attaching device (provided for in subheading 3926.90.85)	4.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1087. GOLF BAG COMPONENT TOP BOTTOM DIVIDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.05	Plastic components of a kind used as one-piece internal top and bottom dividers for golf bags (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1088. PLASTIC NON-SKID BASE RINGS FOR TOILET BRUSH CADDIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.06	Vinyl rings, slitted on one side to attach to bottom of toilet brush caddies, valued no greater than $0.083 each (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1089. PLASTIC LIPS FOR DUST PANS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.07	Cut-to-shape pieces or profiles of polyvinyl chloride plastics, the foregoing designed to be attached to the edge of a dust pan tray having contact with the floor or other surface, rigid and flexible in form, each measuring 24.77 cm to 30 cm in length and 1.35 cm to 1.87 cm in width, valued not over $0.09 each (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1090. QUICK CLAMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.08	Adjustable squeeze-trigger bar clamps of plastics (provided for in subheading 3926.90.99)	0.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1091. CERTAIN PLASTIC SMARTPHONE CASES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.09	Back-shell style smartphone cases of hard plastics, each incorporating flexible rubber over command buttons and specially fitted rigid plastic clip with adjustable neoprene fabric armband (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1092. PLASTIC REUSABLE FREEZER PACKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.10	Rectangular plastic block filled with a polymer based freezer gel, designed to attach to reusable food storage containers (provided for in 3926.90.99)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1093. THREE-WAY CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.11	Accessories of plastics for cameras of subheading 8525.80.40, each incorporating a handheld camera grip, folding extension arms and a tripod screwed into the base of the handle the foregoing measuring between 50 and 53 cm when fully extended without the tripod, 62 to 65 cm when fully extended with the tripod and 18 to 21 cm when folded and collapsed (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1094. HEAD STRAPS AND QUICKCLIPS FOR CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.12	Mounts of plastics, designed to secure cameras of subheading 8525.80.40 to a person’s head; each mount incorporating an adjustable head-strap designed to encircle the forehead, a strap designed to cross the top of the user’s head, a plastic mount designed to clip the camera to the head strap, a thumbscrew to allow the mounting of the camera and the adjustment of the viewing direction of the camera on a pivot (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1095. BUOYANT PISTOL GRIP CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.13	Accessories of plastics, designed for use with cameras of subheading 8525.80.40; such goods measuring between 14 cm and 17 cm in length, buoyant in water, each incorporating a handle designed to allow a user to grip with the hand, an adjustable hand-strap and an adjustable thumb screw designed to permit mounting of the camera and adjusting the viewing angle of the camera on a pivot (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1096. SUCTION CUP CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.14	Mounts of plastics, engineered to attach to cameras of subheading 8525.80.40; designed to attach to flat surfaces by means of a round suction cup measuring between 8 and 10 cm in diameter; each incorporating x, y and z-directional pivots to adjust the camera’s viewpoint (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1097. CAMERA MOUNTS DESIGNED TO HOLD 2 CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.15	Camera mounts of plastics, designed to clamp to tubes measuring 10 to 23 mm, each mount designed to hold two cameras in such positions as to permit the user to take photos with immersive front-facing and rear-facing perspectives (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1098. FRAME MOUNTS FOR CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.16	Mounting frame enclosures for digital still image video cameras of subheading 8525.80.40, incorporating openings for camera microSD, micro HDMI and USB ports, camera latching mechanism, and glass protective screen (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1099. LARGE TUBE MOUNTS FOR CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.17	Camera mounts of plastics, engineered to operate with cameras of subheading 8525.80.40 and facilitate mounting of cameras onto tubes measuring 3.5 to 6.35 cm in diameter, the foregoing incorporating a base capable of rotating the camera 360 degrees on a plane (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1100. CIRCULAR ADHESIVE MOUNTS FOR CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.18	Mounting frame enclosures of plastics, designed for digital still image video cameras of subheading 8525.80.40, the foregoing incorporating an adhesive circular base of a diameter of 15 cm (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1101. PLASTIC SCREEN PROTECTORS FOR CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.19	Plastic screen protectors having dimensions not exceeding 40 mm by 60 mm but at least 35 mm by 50 mm for digital still image video cameras of 8525.80.40 (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1102. REPLACEMENT DOOR HOUSINGS FOR CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.20	Replacement doors of plastics, designed for use on waterproof camera housings (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1103. REPLACEMENT CAMERA DOORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.21	Replacement side doors of plastics, designed for housings for digital still image video cameras of subheading 8525.80.40 (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1104. SEATPOST CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.22	Camera mounts of plastics, designed to attach cameras of subheading 8525.80.40 securely onto tubes measuring 9 to 35 mm in diameter, each incorporating a base capable of rotating the camera 360 degrees on a plane (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1105. ADHESIVE CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.23	Camera mounts of plastics, designed to hold cameras of subheading 8525.80.40, each mount measuring 4 and 10 cm in length, 3 to 5 cm in width and less than 2 cm in height, incorporating adhesive pads to attach the mount to flat surfaces (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1106. CAMERA SURFBOARD MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.24	Camera mounts each designed to clip a camera of subheading 8525.80.40 to a surfboard, such mounts of plastics, designed to be inserted into a cross-sectional hole drilled into the surfboard and held thereto by screws (provided for in 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1107. CAMERA TETHERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.25	Anchors suitable for use with cameras of subheading 8525.80.40, designed to be affixed to cameras by means of an adhesive, incorporating tethers that may be tied to the anchors (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1108. FLEXIBLE CAMERA MOUNTINGS WITHOUT CLAMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.26	Camera mounts of plastics, each with an elongated, segmented plastic neck composed of 6 to 8 ball joints, incorporating a base that clips into other types of mounts but not incorporating a clamp, engineered to mount cameras of subheading 8525.80.40 (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1109. ASSORTED PLASTIC CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.27	Sets each containing five camera mounts of plastics, designed for cameras of subheading 8525.80.40; such sets each containing mounts having various different profile configurations including but not limited to rectangular, curved or raised profiles (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1110. CAMERA MOUNTS FOR MUSICAL INSTRUMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.28	Camera mounts of plastics, designed for mounting cameras of subheading 8525.80.40 to musical instruments or microphone stands; each incorporating a spring-loaded clamp and a folding extension arm (provided for in subheading 3926.90.99)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1111. CONVEYOR BELTING OF VULCANIZED RUBBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.29	Conveyor belting of vulcanized rubber, reinforced with textile components in which man-made fibers predominate by weight over any other single textile fiber, of a width exceeding 120 cm but not over 171 cm (provided for in subheading 4010.12.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1112. AUTOMOTIVE GASKETS, WASHERS, AND OTHER SEALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.30	Gaskets, washers and other seals, of vulcanized rubber other than hard rubber, of a kind in the automotive goods of chapter 87 (provided for in subheading 4016.93.10)	2.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1113. RUBBER PET TOYS COVERED WITH FELT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.31	Toys for pets made of noncellular vulcanized rubber, other than hard rubber, with felt textile covering, without holes (as provided under subheading 4016.99.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1114. CAMERA FLOTATION DEVICES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.32	Camera flotation devices of vulcanized rubber other than hard rubber, cellular rubber or natural rubber, such devices measuring 6 to 9 cm in length, 4 to 6 cm in width and 2 to 6 cm in depth; the foregoing whether designed to encase the camera or to be attached to the camera by means of an adhesive pad (provided for in subheading 4016.99.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1115. SMALL CAMERA FLOATATION DEVICES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.33	Flotation devices of vulcanized rubber other than of hard rubber, designed for use with cameras of subheading 8525.80.40, such devices with length, width and height dimensions all smaller than 50 mm and either designed to encase the camera or to attach to the camera by an adhesive pad (provided for in 4016.99.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1116. CERTAIN HIGH-QUALITY BULL HIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.34	Whole, tanned bovine hides, full grain unsplit or grain splits, in the dry state, not further prepared after tanning or crusting, having a unit surface area of 5.11 m^2 or more but not over 6.04 m^2, certified by the importer for use in the production of upholstery (provided for in subheading 4104.41.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1117. LIFE JACKETS FOR PETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.35	Life jackets designed for pets, such jackets of neoprene and ripstop fabrics and with attached reflectors and handles (provided for in subheading 4201.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1119. DOLL DIAPER BAGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.37	Doll diaper bags, with an outer surface of cotton textile material, each measuring not over 25 cm in width, 22 cm in height exclusive of handles and 10 cm in depth; such bags designed to hold and carry doll diapers and other doll-related accessories and having an attached flap designed to serve as a diaper changing mat for dolls (provided for in subheading 4202.92.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1120. SLEEPING BAG STUFF SACKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.38	Sleeping bag carrying bags (“stuff sacks”), of woven taffeta fabric of polyester with 160 or more but not over 210 thread count, formed from 22 or more but not over 112 decitex yarns; such bags or sacks each weighing 25 g/m^2 or more but not over 250 g/m^2, having a drawstring closure, measuring 77.5 cm or more but not over 127.7 cm in circumference, valued not over $2 each, not presented with or containing sleeping bags (provided for in subheading 4202.92.31)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1121. DOLL CARRIERS WITH WINDOWS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.39	Backpacks or totes, each with an outer surface of man-made fiber textile material, specially designed for carrying dolls and containing straps, sleeves, netting or other restraints specifically designed to hold a doll in place, incorporating one or more exterior windows through which a doll can be viewed (provided for in subheading 4202.92.31)	4.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1122. DOLL CARRIERS WITHOUT WINDOWS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.40	Backpacks or totes, each with an outer surface of man-made fiber textile material, specially designed for carrying dolls and containing straps, sleeves, netting or other restraints specifically designed to hold a doll in place, not incorporating any exterior windows through which a doll can be viewed (provided for in subheading 4202.92.31)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1123. NONWOVEN POLYPROPYLENE BAGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.41	Shopping bags with outer surface of spun-bonded fabric of polypropylene or nonwoven fabric of polypropylene (provided for in subheading 4202.92.31)	16.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1124. NOVELTY BACKPACKS WITH DECORATIVE PLASTIC SHELLS IN THE SHAPE OF A SHIELD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.42	Backpacks of man-made fibers, each containing a padded compartment designed for a laptop or tablet, with hard molded plastic shell in the shape of a shield on one outer surface (provided for in subheading 4202.92.31)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1125. NOVELTY BACKPACKS WITH DECORATIVE PLASTIC SHELLS IN THE SHAPE OF ANIMALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.43	Backpacks of man-made fibers, each containing a padded compartment designed for a laptop or tablet, with hard molded plastic shell in the shape of one or more animals or animal parts on one outer surface (provided for in subheading 4202.92.31)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1126. OTHER NOVELTY BACKPACKS WITH DECORATIVE PLASTIC SHELLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.44	Backpacks of man-made fibers, each containing a padded compartment designed for a laptop or tablet, with hard molded plastic shell in a shape other than a shield or animals or animal parts on one outer surface (provided for in subheading 4202.92.31)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1127. BACKPACKS WITH REMOVABLE POUCHES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.45	Backpacks with outer surface of 230 decitex fabric of nylon and with laminated polyester knitted backing inner surface; such backpacks each weighing 0.85 kg but not over 1 kg, measuring 0.018 m^3 but not over 0.022 m^3 in volume; valued $14 or more but not over $21 each; the foregoing each presented with a detachable front pouch having its own shoulder strap (provided for in subheading 4202.92.31)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1128. BINOCULAR CARRYING CASES, VALUED $20 OR OVER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.46	Binocular carrying cases with outer surface of camouflage-printed woven fabric of man-made fibers coated with plastics, each with a padded interior and both a zipper and magnetic closures, designed to be carried on the front side of the body and supported by shoulder straps stabilized with a back harness, weighing no more than 382.544 g, valued $20 or more (provided for in subheading 4202.92.91)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1129. BAGS DESIGNED FOR JANITORIAL CARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.47	Bags of man-made fibers, with outer surface of textile materials, the foregoing designed for use on janitorial, cleaning and housekeeping carts (provided for in subheading 4202.92.91)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1130. SETS OF 5 DRAWSTRING BAGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.48	Drawstring bags with outer surface of sheeting of plastic or of textile materials, such bags of nylon, presented packaged in sets of 5 bags per set and labeled for retail sale, each bag with capacity of less than 1 liter in volume (provided for in subheading 4202.92.91)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1131. CERTAIN CASES FOR ELECTRONIC GAMES OR ACCESSORIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.49	Cases or containers with outer surface of sheeting of plastics or of man-made fibers, the foregoing specially shaped or fitted for, and with labeling, logo or other descriptive information on the exterior of the case or container or retail packaging indicating its intention to be used for, electronic games of heading 9504 or accessories thereof (provided for in subheadings 4202.92.91 and 4202.92.97)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1132. PLASTIC PET CARRIERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.50	Carrying cases of hard plastics, each with handle and door of plastics and with no door of metal, the foregoing designed for use for reptiles or amphibians and not for the housing or transport of mammals, measuring not over 381 mm on any side (provided for in subheading 4202.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1133. CAMERA DIVE HOUSINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.51	Camera cases of transparent polycarbonate plastics, designed to encase cameras of subheading 8525.80.40; each incorporating buttons for the operation of the camera, an opaque plastic base that clips into a camera mount, a thumb-screw on the base mount that allows for adjustment of the camera viewing angle on a pivot, a silicon gasket in the door of the case that allows for waterproof operation of the camera at a depth of more than 40 m but not more than 60 m, a flat and optically-coated glass lens and a heat sink to dissipate camera heat (provided for in subheading 4202.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1134. CAMERA WRIST HOUSINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.52	Cases of clear polycarbonate plastics, designed for use with cameras of subheading 8525.80.40 to affix camera to the user’s wrist; such housings waterproof at a depth up to 60 m, each incorporating buttons for operation of the camera, a silicon gasket designed for waterproofing, a flat and optically-coated glass lens, an aluminum heat sink and adjustable neoprene/hook and loop closures on its wrist straps (provided for in subheading 4202.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1135. PLASTIC CASES FOR ELECTRONIC GAMES OR ACCESSORIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.53	Cases or containers of injection-molded acrylonitrile-butadiene-styrene (ABS), polypropylene (PP) or polycarbonate (PC) plastics, the foregoing specially shaped or fitted for, and with labeling, logo or other descriptive information on the exterior of the case or container, its zipper pull or its retail packaging indicating such cases are designed for use as holders for electronic games of subheading 9504 or accessories thereof (provided for in subheading 4202.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1136. CAMERA HOUSINGS FOR WATERPROOF OPERATION NOT BELOW 40M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.54	Camera cases with outer surface of transparent molded polycarbonate plastics, designed for cameras of subheading 8525.80.40; the foregoing each incorporating buttons for the operation of the camera, an opaque plastic base that clips into a camera mount, a thumb-screw on the base mount that allows for adjustment of the camera viewing angle on a pivot, a silicon gasket in the door of the case that allows for waterproof operation of the camera at a depth of not more than 40 m, a flat, optically-coated, glass lens and a heat sink to dissipate camera heat (provided for in subheading 4202.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1137. SKELETON CAMERA HOUSINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.55	Camera cases of molded polycarbonate plastics, such cases designed to hold cameras of subheading 8525.80.40, each case incorporating buttons for the operation of the camera, a plastic clip attached to a base mount, a thumbscrew on the base mount that allows adjustment of the viewing angle on a pivot, a flat and optically-coated glass lens and open spaces that allow air and sound to enter (provided for in subheading 4202.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1138. OPAQUE CAMERA HOUSINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.56	Camera cases designed to contain cameras of subheading 8525.80.40; such cases of opaque molded polycarbonate plastics in a solid color and with non-reflective surface; each incorporating buttons for the operation of the camera, a plastic clip attached to a base mount, a thumbscrew on the base mount designed to facilitate the adjustment of its viewing angle on a pivot, a silicon gasket in the door of the housing designed to allow for waterproof operation of the camera at a depth of more than 40 m but not more than 60 m; each incorporating a flat, optically-coated glass lens and a heat sink to dissipate camera heat (provided for in subheading 4202.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1139. WOMEN’S LEATHER JACKETS WITH NO CLOSURE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.57	Women’s leather jackets, other than anoraks, each having a full frontal opening with no closure, of waist-length and valued not over $125 (provided for in subheading 4203.10.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1140. BATTING GLOVES OF LEATHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.58	Batting gloves of leather, each having a strap designed to wrap around the wrist and back of the hand and secure the glove on the wearer’s wrist (provided for in subheading 4203.21.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1141. LEATHER GLOVES WITH FLIP MITTS FOR HUNTING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.59	Full-fingered gloves, each with a palm side of leather and a back side comprising a camouflage-printed knitted fabric wholly of polyester and coated with expanded poly-tetra-fluoroethylene (EPTFE), such gloves with insulation comprising 40 percent by weight of synthetic microfiber and 60 percent by weight of duck down; each having a mitt sewn to the back of the glove as a flap, with leather tips for each finger and thumb designed to improve grip, such mitt designed to cover the fingers for additional warmth; the foregoing gloves designed for use in the sport of hunting (provided for in subheading 4203.21.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1142. BOXING AND MIXED MARTIAL ARTS GLOVES OF LEATHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.60	Boxing and mixed martial arts gloves, of leather or of composition leather (provided for in subheading 4203.21.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1143. LEATHER GLOVES WITH FOURCHETTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.61	Gloves of horsehide or cowhide (except calfskin) leather, not specially designed for use in sports, not wholly of leather, the foregoing with fourchettes or sidewalls which, at a minimum, extend from fingertip to fingertip between each of the four fingers (provided for in subheading 4203.29.15)	9.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1144. LEATHER GLOVES WITHOUT FOURCHETTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.62	Gloves of horsehide or cowhide (except calfskin) leather, not specially designed for use in sports, not wholly of leather, such gloves without fourchettes or sidewalls (provided for in subheading 4203.29.18)	13.4%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1145. MEN'S LEATHER GLOVES VALUED AT $18 OR MORE PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.63	Men’s full-fingered gloves with a palm side of leather and a backside of woven fabric comprising 89 percent or more but not over 95 percent by weight of man-made fibers and 5 percent or more but not over 11 percent by weight of elastomeric fibers, such fabric coated with plastics; such gloves stuffed with synthetic microfiber for thermal insulation, with elasticized wrist and valued at $18 or more per pair; the foregoing other than gloves specially designed for use in sports (provided for in subheading 4203.29.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1146. WOMEN’S LEATHER BELTS VALUED AT $7 OR MORE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.64	Women’s belts of leather or of composition leather, each valued at $7.00 or more (provided for in subheading 4203.30.00)	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1147. BELTS OF FURSKIN, NOT MINK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.65	Belts of furskin, other than of mink (provided for in subheading 4303.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1148. WOVEN BAMBOO PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.66	Plaiting materials and products of plaiting materials, suitable for use in window shades, presented in rolls each having an area measuring 27.85 m^2 or more but not over 46.46 m^2, of bamboo reeds and/or bamboo slats each measuring 1 mm or more but not over 13 mm in width and/or bamboo cane measuring over 2 mm but not over 5 mm in cross section, the foregoing woven with yarn of polyester into a repeating pattern, such pattern whether or not including grass, paper strips or jute (provided for in subheading 4601.92.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1149. WOVEN WOOD PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.67	Plaiting materials and products of plaiting materials, of wood, suitable for use in window shades, presented in rolls each having an area measuring over 27.85 m^2 but less than 46.46 m^2, containing any combination of wood slats each measuring 6 mm or more but not over 8 mm in width or 22 mm or more but not over 25 mm in width and measuring 1 mm or more but not over 2 mm in thickness, bamboo reeds measuring 1 mm or more but not over 2.5 mm in width, marupa wood rods measuring 1.5 mm or more but not over 3 mm in diameter and/or paper rope, the foregoing woven with yarns of polyester into a repeating pattern, whether or not such pattern also contains jute or paper (provided for in subheading 4601.94.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1150. FLATGOODS WITH OR WITHOUT STRAPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.68	Flatgoods of rattan, of a kind normally carried in the pocket or in the handbag, with or without shoulder straps or handles (provided for in subheading 4602.12.23)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1151. CASHMERE, NOT CARDED OR COMBED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.69	Fine animal hair of Kashmir (cashmere) goats, processed beyond the degreased or carbonized condition (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1152. CAMEL HAIR, NOT CARDED OR COMBED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.70	Camel hair, not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.19.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1153. CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.71	Camel hair, processed beyond the carbonized condition (provided for in subheading 5102.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1154. NOILS OF CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.72	Noils of camel hair (provided for in subheading 5103.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1155. CASHMERE, CARDED OR COMBED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.73	Fine animal hair of Kashmir (cashmere) goats, carded or combed (provided for in subheading 5105.31.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1156. CAMEL HAIR, CARDED OR COMBED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.74	Camel hair, carded or combed (provided for in subheading 5105.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1157. YARN OF CARDED CASHMERE, WITH A YARN COUNT OF 19.35 METRIC OR HIGHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.75	Yarn of carded hair of Kashmir (cashmere) goats, having a yarn count of 19.35 metric or higher (provided for in subheading 5108.10.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1158. YARN OF CARDED CASHMERE, WITH A YARN COUNT OF LESS THAN 19.35 METRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.76	Yarn of carded hair of Kashmir (cashmere) goats, having a yarn count less than 19.35 metric, not put up for retail sale (provided for in subheading 5108.10.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1159. YARN OF CARDED CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.77	Yarn of carded camel hair (provided for in subheading 5108.10.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1160. YARN OF COMBED CASHMERE OR YARN OF CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.78	Yarn of combed cashmere or yarn of camel hair, not put up for retail sale (provided for in subheading 5108.20.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1161. WOVEN FABRIC OF CARDED VICUNA HAIR OF A WEIGHT NOT EXCEEDING 300 G/M².

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.79	Woven fabrics of carded vicuna hair, containing 85 percent or more by weight of vicuna hair and of a weight not exceeding 300 g/m² (provided for in subheading 5111.11.70)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1162. WOVEN FABRIC OF CARDED VICUNA HAIR OF A WEIGHT EXCEEDING 300 G/M².

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.80	Woven fabrics of carded vicuna hair, containing 85 percent or more by weight of vicuna hair and of a weight exceeding 300 g/m² (provided for in subheading 5111.19.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1163. WOVEN FABRIC OF COMBED VICUNA HAIR OF A WEIGHT NOT EXCEEDING 200 G/M².

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.81	Woven fabrics of combed vicuna hair, such fabrics containing 85 percent or more by weight of vicuna hair, of a weight not exceeding 200 g/m² (provided for in subheading 5112.11.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1164. WOVEN FABRIC OF COMBED VICUNA HAIR OF A WEIGHT EXCEEDING 200 G/M².

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.82	Woven fabrics of combed vicuna hair, such fabrics containing 85 percent or more by weight of vicuna hair and of a weight exceeding 200 g/m^2 (provided for in subheading 5112.19.95)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1165. PRODUCTION ROLL BLEACHED WOVEN COTTON GAUZE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.83	Woven fabrics of cotton, bleached, of yarn numbers 43 to 68, put up in continuous rolls measuring 74 cm or more but not over 184 cm in width and 1640 m or more but not over 6500 m in length (provided for in subheading 5208.21.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1166. BLEACHED PIQUE FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.84	Woven fabrics of cotton, containing more than 50 percent but less than 85 percent by weight of cotton and containing polyester, bleached, pique weave, measuring 290 cm or greater in width (provided for in subheading 5211.20.29)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1167. DYED PIQUE FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.85	Woven fabrics of cotton, containing over 50 percent but less than 85 percent by weight of cotton and containing polyester, dyed, pique weave, measuring 290 cm or greater in width (provided for in subheading 5211.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1168. 50D NYLON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.86	Monofilament yarn of nylon, of 53 decitex or more but not over 58 decitex, with no cross-sectional dimension exceeding 1 mm; untwisted or with twist of fewer than 5 turns/m, not put up for retail sale, fully oriented; the foregoing with consistent diameter to be suitable for silk-screening (provided for in subheading 5402.45.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1169. UNTWISTED FILAMENT POLYVINYL ALCOHOL YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.87	Synthetic (polyvinyl alcohol) filament yarn, untwisted, measuring from 1100 to 1330 decitex (dtex) and consisting of 200 filaments, certified by the importer as having from 6.8 to 8.2 cN/dtex tenacity and with elongation at break from 7.7 to 13.5 percent (provided for in subheading 5402.49.91)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1170. GRILON YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.88	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, with a twist exceeding 50 turns/m, of nylon or other polyamides, measuring 23 or more but not over 840 decitex, each formed from 4 to 68 filaments and containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.51.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1171. HIGH TENACITY SINGLE RAYON YARN WITH A DECITEX EQUAL TO OR GREATER THAN 1,000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.89	High tenacity single yarn of viscose rayon, with a decitex equal to or greater than 1,000, the foregoing not put up for retail sale and other than sewing thread (provided for in subheading 5403.10.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1172. HIGH TENACITY SINGLE RAYON YARN WITH A DECITEX LESS THAN 1,000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.90	High tenacity single yarn of viscose rayon, with a decitex less than 1,000 (provided for in subheading 5403.10.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1173. HIGH TENACITY MULTIPLE OR CABLED RAYON YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.91	High tenacity multiple (folded) or cabled yarn of viscose rayon (provided for in subheading 5403.10.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1174. SINGLE YARN OF VISCOSE RAYON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.92	Single filament yarn of viscose rayon (other than sewing thread), not put up for retail sale, untwisted or with a twist not exceeding 120 turns per meter (provided for in subheading 5403.31.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1175. TWISTED YARN OF VISCOSE RAYON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.93	Single filament yarn of viscose rayon, with a twist exceeding 120 turns/m (provided for in subheading 5403.32.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1176. POLYPROPYLENE (PP) MONOFILAMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.94	Synthetic monofilament of polypropylene, of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm (provided for in subheading 5404.19.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1177. NYLON MONOFILAMENT THREAD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.95	Monofilament of nylon, of 67 decitex or more and with no cross-sectional dimension exceeding 1 mm, the foregoing without consistent diameter (provided for in subheading 5404.19.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1178. 80D NYLON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.96	Monofilament of nylon, of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm; designed with consistent diameter to be suitable for silk-screening (provided for in subheading 5404.19.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1179. ELASTIC, WATER-REPELLENT WOVEN POLYESTER FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.97	Fabrics containing 85 percent or more by weight of textured polyester filaments, plain woven, of yarns of different colors, weighing 96 g/m^2 or more but less than 170 g/m^2, measuring 142.2 cm or more in width; such fabric with weft yarns of polybutylene terephthalate (PBT) giving the fabric sideways stretch, with 31 or more but not over 36 single yarns per cm dyed light beige in the warp and 14 or more but not over 18 single yarns per cm dyed light brown in the weft (provided for in subheading 5407.53.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1180. ACRYLIC FIBER TOW WITH AN AVERAGE DECITEX OF BETWEEN 2 AND 5.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.98	Acrylic fiber tow containing at least 85 percent but not more than 92 percent by weight of acrylonitrile units, containing a minimum of 35 percent by weight of water, presented in the form of raw white (undyed) filament with an average filament measure between 2 and 5 decitex per filament and an aggregate measure in the tow bundle between 660,000 and 1,200,000 decitex, with a length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1181. ACRYLIC FILAMENT TOW WITH AN AVERAGE DECITEX OF 2.2.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.99	Acrylic filament tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle between 660,000 and 1,200,000 decitex, with a length greater than 2 m (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1182. ACRYLIC FIBER TOW WITH AN AVERAGE DECITEX OF 3.3.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.01	Acrylic fiber tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 3.3 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle between 660,000 and 1,200,000 decitex, with a length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1183. POLYACRYLONITRILE TOW WITH AN AVERAGE DECITEX OF 2.75.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.02	Acrylic filament tow (polyacrylonitrile tow), containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, dyed, presented in the form of bundles of crimped product each containing 214,000 filaments (plus or minus 10 percent) with an average decitex of 2.75 (plus or minus 10 percent) and length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1184. POLYACRYLONITRILE TOW WITH AN AVERAGE DECITEX OF 3.3.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.03	Acrylic filament tow (polyacrylonitrile tow) containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, dyed, presented in the form of bundles of crimped product each containing 214,000 filaments (plus or minus 10 percent) with an average decitex of 3.3 (plus or minus 10 percent) and length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1185. ACRYLIC FILAMENT TOW WITH A DECITEX OF 5.0 TO 5.6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.04	Acrylic filament tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not more than 8 percent of water, dyed, such tow with a decitex of 5.0 to 5.6, an aggregate filament measure in the tow bundle between 660,000 and 1,200,000 and a length greater than 2 m (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1186. ACRYLIC FILAMENT TOW WITH A DECITEX OF 3.3.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.05	Acrylic filament tow containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, such tow dyed and presented in the form of bundles of crimped product each containing 315,000 to 360,000 filaments, with each filament of 3.3 decitex and with a length greater than 2 m (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1187. ACRYLIC OR MODACRYLIC STAPLE FIBERS, NOT PROCESSED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.06	Acrylic staple fibers (polyacrylonitrile staple) containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 3.0 (plus or minus 10 percent) and fiber length of 50 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1188. MODACRYLIC STAPLE FIBERS WITH AN AVERAGE DECITEX OF 2.2 AND A FIBER LENGTH OF 38MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.07	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1189. MODACRYLIC STAPLE FIBERS WITH AN AVERAGE DEXITEX OF 2.2 AND A FIBER LENGTH OF 51MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.08	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1190. MODACRYLIC STAPLE FIBERS WITH AN AVERAGE DECITEX OF 1.7 AND A FIBER LENGTH OF 51MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.09	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 1.7 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1191. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH OF 38MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.10	Acrylic staple fibers containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 1.3 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1192. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH OF 40MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.11	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, dyed (not pigmented), crimped, with an average decitex of 1.3 (plus or minus 10 percent) and fiber length of 40 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1193. SYNTHETIC STAPLE FIBERS NOT PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.12	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, non-pigmented (ecru), crimped, with a decitex between 1.98 and 2.42 and fiber length between 48 and 60 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1194. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH BETWEEN 40 AND 47.5MM AND A SOLAR REFLECTANCE INDEX LESS THAN 10.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.13	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with a decitex between 1.98 and 2.42 and fiber length between 40 and 47.5 mm, certified by the importer as having a solar reflectance index less than 10 (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1195. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH BETWEEN 40 AND 47.5MM AND A SOLAR REFLECTANCE INDEX BETWEEN 10 AND 30.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.14	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with a decitex between 1.98 and 2.42 and fiber length between 40 and 47.5 mm, certified by the importer as having a solar reflectance index between 10 and 30 (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1196. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH BETWEEN 40 AND 47.5 MM AND A SOLAR REFLECTANCE INDEX GREATER THAN 30.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.15	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with a decitex between 1.98 and 2.42 and fiber length between 40 and 47.5 mm, certified by the importer as having a solar reflectance index greater than 30 (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1197. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH BETWEEN 48 AND 60MM AND A SOLAR REFLECTANCE INDEX LESS THAN 10.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.16	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with a decitex between 1.98 and 2.42 and fiber length between 48 and 60 mm, certified by the importer as having a solar reflectance index less than 10 (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1198. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH BETWEEN 48 AND 60MM AND A SOLAR REFLECTANCE INDEX BETWEEN 10 AND 30.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.17	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with a decitex between 1.98 and 2.42 and fiber length between 48 and 60 mm, certified by the importer as having a solar reflectance index between 10 and 30 (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1199. ACRYLIC STAPLE FIBERS WITH A FIBER LENGTH BETWEEN 48 AND 60MM AND A SOLAR REFLECTANCE INDEX GREATER THAN 30.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.18	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with a decitex between 1.98 and 2.42 and fiber length between 48 and 60mm, certified by the importer as having a solar reflectance index greater than 30 (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1200. MODACRYLIC STAPLE FIBER WITH A DECITEX OF 1.7 AND A FIBER LENGTH OF 38MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.19	Modacrylic staple fibers containing by weight 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with a decitex of 1.7 and fiber length of 38 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1201. ACRYLIC STAPLE FIBERS NOT PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.20	Acrylic staple fibers (polyacrylonitrile staple), not dyed and not carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, with a decitex of 5.0 to 5.6, with a fiber shrinkage of 0 to 22 percent and with a cut fiber length of 80 mm to 150 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1202. MODIFIED ACRYLIC FLAME RETARDANT STAPLE FIBER WITH A DECITEX OF 2.7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.21	Modacrylic staple fibers, not carded, combed or otherwise processed for spinning, containing over 35 percent and less than 85 percent by weight of acrylonitrile, 2.7 decitex (plus or minus 2 percent), natural in color, with fiber length between 38 mm and 120 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1203. MODIFIED ACRYLIC FLAME RETARDANT STAPLE FIBER WITH A DECITEX OF 3.9.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.22	Modacrylic staple fibers, not carded, combed or otherwise processed for spinning, containing over 35 percent and less than 85 percent by weight of acrylonitrile, 3.9 decitex (plus or minus 2 percent), natural in color, with fiber length between 38 mm and 120 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1204. ACRYLIC FIBER STAPLE, DYED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.23	Acrylic staple fiber (polyacrylonitrile staple), dyed, not carded, combed or otherwise processed for spinning, the foregoing containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, with a decitex of 3.3 to 5.6, a fiber shrinkage of from 0 to 22 percent (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1205. FLAME RETARDANT RAYON FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.24	Artificial staple fibers of viscose rayon, not carded, combed or otherwise processed for spinning and containing 28 percent or more but not over 33 percent by weight of silica (provided for in subheading 5504.10.00); the foregoing other than fibers measuring 2.2 decitex in lengths of 38 mm, measuring 4.7 decitex in lengths of 51 mm or measuring 3.3, 4.7 or 5.0 decitex in lengths of 60 mm	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1206. CELLULOSIC MAN-MADE VISCOSE RAYON STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.25	Staple fibers of viscose rayon, not carded, combed or otherwise processed for spinning, measuring 0.90 or more but not over 1.30 decitex and having a fiber length each measuring 20 mm or more but not over 150 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1207. CELLULOSIC MAN-MADE SHORTCUT VISCOSE RAYON FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.26	Artificial staple fibers of viscose rayon, not carded, combed or otherwise processed for spinning, measuring 0.5 or more but not over 1.0 decitex and having a fiber length each measuring 4 mm or more but not over 20 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1208. FLAME RESISTANT STAPLE FIBERS OF VISCOSE RAYON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.27	Flame resistant viscose rayon fibers suitable for yarn spinning, with minimum fiber tenacity of 25 cN/tex, based on modal fiber derived from beechwood and containing 20 to 22 percent by weight of phosphorus-based flame retardant agent (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1209. RAYON STAPLE FIBERS FOR USE IN GOODS OF HEADING 9619.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.28	Viscose rayon staple fibers having a decitex of less than 5.0 and a trilobal multi-limbed cross-section, the limbs having a length-to-width aspect ratio of at least 2:1, suitable for use in producing goods of heading 9619 (provided for in subheading 5504.10.00)	1.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1210. FLAME RETARDANT VISCOSE RAYON STAPLE FIBER WITH A DECITEX OF 4.7 AND A LENGTH OF 60MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.29	Artificial staple fibers of viscose rayon, not carded, combed or otherwise processed for spinning, such fibers containing between 28 percent and 33 percent by weight of silica, measuring 4.7 decitex in lengths of 60 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1211. FLAME RETARDANT VISCOSE RAYON STAPLE FIBER WITH A DECITEX OF 3.3 AND A LENGTH OF 60MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.30	Artificial staple fibers of viscose rayon, not carded, combed or otherwise processed for spinning, such fibers containing between 28 percent to 33 percent by weight of silica, measuring 3.3 decitex, in lengths of 60 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1212. FLAME RETARDANT VISCOSE RAYON STAPLE FIBER WITH A DECITEX OF 5.0 AND A LENGTH OF 60MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.31	Artificial staple fibers, not carded, combed or otherwise processed for spinning, of viscose rayon, containing between 28 percent and 33 percent by weight of silica, measuring 5.0 decitex in lengths of 60 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1213. FLAME RETARDANT VISCOSE RAYON STAPLE FIBER WITH A DECITEX OF 2.2 AND A LENGTH OF 38MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.32	Artificial staple fibers, not carded, combed or otherwise processed for spinning; of viscose rayon, such fibers containing between 28 percent and 33 percent by weight of silica, measuring 2.2 decitex in 38 mm lengths (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1214. VISCOSE RAYON STAPLE FIBER NOT PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.33	Artificial staple fibers of viscose rayon, not carded, combed or otherwise processed for spinning, containing between 28 and 33 percent by weight of silica, measuring 4.7 decitex in 51 mm lengths (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1215. REDUCED FLAMMABILITY LYOCELL FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.34	Artificial staple fibers of lyocell, not carded, combed or otherwise processed for spinning, measuring 1.7 or more but not over 3.3 decitex and having a fiber length each measuring 25 mm or more but not over 51 mm and containing 25 percent by weight of kaolin (provided for in subheading 5504.90.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1216. ACRYLIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.35	Acrylic staple fibers, carded, combed or otherwise processed for spinning (provided for in subheading 5506.30.00); the foregoing other than such acrylic staple fibers containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, dyed or raw white (undyed), with an average decitex of 2.75 to 3.30 or of 11 (plus or minus 10 percent) or if dyed with an average decitex of 5.0 to 5.6 ..	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1217. ACRYLIC OR MODACRYLIC STAPLE FIBERS PROCESSED AND WITH A DECITEX OF 2.75 TO 3.3.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.36	Acrylic staple fibers, carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, dyed or raw white (undyed), with an average decitex of 2.75 to 3.30 (plus or minus 10 percent) (provided for in subheading 5506.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1218. ACRYLIC OR MODACRYLIC STAPLE FIBERS PROCESSED AND WITH A DECITEX OF 11.0.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.37	Acrylic staple fibers, carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, such fibers dyed or raw white (undyed), such fibers with an average decitex of 11.0 (plus or minus 10 percent) (provided for in subheading 5506.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1219. ACRYLIC OR MODACRYLIC STAPLE FIBERS PROCESSED AND WITH A DECITEX OF 5.0 TO 5.6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.38	Acrylic staple fibers, carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, dyed, with an average decitex of 5.0 to 5.6 (provided for in subheading 5506.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1220. RAYON TOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.39	Staple fibers of rayon, carded, combed or otherwise processed for spinning, the foregoing presented in the form of top (provided for in subheading 5507.00.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1221. WOVEN FABRICS OF CERTAIN SYTHETIC FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.40	Woven fabrics of synthetic staple fibers, containing 85 percent or more by weight of polyvinyl alcohol staple fibers and up to 15 percent of polynosic rayon fibers (provided for in subheading 5512.99.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1222. HEAVY WEIGHT FABRIC OF MODAL/COTTON BLEND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.41	Woven fabrics of modal staple rayon fibers, containing over 50 percent but less than 85 percent by weight of such fibers, dyed, mixed mainly or solely with cotton, such fabrics weighing more than 270 g/m^2 but not more than 340 g/m^2, of yarns of number 42 or lower number, of a thread count of 150 to 160 per cm^2, napped (provided for in subheading 5516.42.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1223. HAND-TUFTED WOOL CARPETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.42	Carpets and other textile floor coverings, tufted, whether or not made up, of wool or fine animal hair, hand-hooked, that is, in which the tufts were inserted by hand or by means of a hand tool that is not power-driven (provided for in subheading 5703.10.20)	5.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1224. HEAT EXCHANGE CAPILLARY MATERIAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.43	Polyethylene terephthalate (PET) heat exchange capillary material consisting of parallel PET tubes arranged and secured in a knitted fabric of PET threads (provided for in subheading 6003.30.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1225. MEN'S SHIRTS INCORPORATING SNAPS USED TO ATTACH A HEART RATE MONITOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.44	Men's shirts of man-made fibers, knitted or crocheted, with textile- or polymer-based electrodes knitted into or attached to the fabric, incorporating two snaps designed to secure a module to transmit heart rate information from the electrodes to a compatible monitor (provided for subheading 6105.20.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1226. TANK TOPS INCORPORATING SNAPS USED TO ATTACH A HEART RATE MONITOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.45	Tank tops of knitted fabric of man-made fibers, containing elastomeric fibers, each such top with textile or polymer-based electrodes knitted into or attached to the fabric and that incorporates two snaps designed to secure a module designed to transmit heart rate information from the electrodes to a compatible monitor (provided for in subheading 6109.90.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1227. WOMEN'S OR GIRLS' MAN-MADE FIBER KNIT VESTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.46	Women's or girls' knitted or crocheted vests of man-made fibers, containing 23 percent or more by weight of wool, each with fabric stitch count greater than 9/2 cm, measured in the direction the stitches are formed (provided for in subheading 6110.30.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1228. VESTS INCORPORATING SNAPS USED TO ATTACH A HEART RATE MONITOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.47	Vests (other than sweater vests) for men, knitted or crocheted, of man-made fibers, with textile or polymer-based electrodes knitted into or attached to the fabric and incorporating two snaps designed to secure a module to transmit heart rate information from the electrodes to a compatible monitor (provided for subheadings 6110.30.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1229. MEN'S OR BOYS' SILK KNIT PULLOVERS AND CARDIGANS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.48	Men's or boys' knitted or crocheted pullovers and cardigans, containing 70 percent or more by weight of silk, each with more than 9 stitches/2 cm, measured in the direction the stitches were formed, and an average of less than 10 stitches/linear cm in each direction counted on an area measuring at least 10 cm by 10 cm, such apparel articles that reach the waist (provided for in subheading 6110.90.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1230. MEN'S OR BOYS' LINEN KNIT SWEATERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.49	Men's or boys' knitted or crocheted sweaters of linen, each with 9 or fewer stitches per 2 centimeters measured in the direction the stitches were formed (provided for in subheading 6110.90.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1231. GIRLS' COTTON KNIT COVERALLS OR JUMPSUITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.50	Girls’ knitted or crocheted coveralls or jumpsuits, of cotton (provided for in subheading 6114.20.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1232. NEOPRENE WADING SOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.51	Socks with uppers comprising neoprene measuring 2.5 mm in thickness and covered on both sides with jersey knitted fabric of nylon; such socks with underfoots of breathable neoprene measuring 2.5 to 3 mm in thickness and covered on both sides with a jersey knitted fabric of nylon; the foregoing each formed anatomically so as to be designed for the wearer’s left or right foot (provided for in subheading 6115.96.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1233. NEOPRENE GUARD SOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.52	Socks of synthetic fibers, with uppers of neoprene measuring 3.5 mm in thickness and covered on both surfaces with knitted jersey fabric of nylon; each such sock having an integrated fold-down cuff of knitted jersey fabric of nylon, each cuff with a molded hook to allow connection to wading boot and designed to prevent debris and gravel from getting inside wading boot, such socks anatomically formed (provided for in subheading 6115.96.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1234. TRAINING GLOVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.53	Training gloves of vulcanized rubber other than of hard rubber (provided for in subheading 4015.19.50) or of synthetic textile materials (provided for in subheading 6116.93.08), such gloves of textile materials knitted or crocheted	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1235. INSULATED HANDMUFFS OF KNIT POLYESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.54	Hand muffs of knitted fabrics of polyester coated with plastics, such muffs stuffed with synthetic microfiber for thermal insulation, each with side openings having elastic closures, with one exterior pocket with zipper closure and weighing not more than 453.592 g (provided for in subheading 6117.80.95)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1236. BOYS' MAN-MADE FIBER WOVEN COATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.55	Boys' woven man-made fiber coats, containing 36 percent or more by weight of wool, thigh length or longer, with sleeves, with or without closure and with full front opening (provided for in subheading 6201.13.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1237. MEN'S OR BOYS' COTTON WOVEN CORDUROY JACKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.57	Men's or boys' jackets of woven cotton corduroy, less than mid-thigh in length, with long sleeves, with full or partial front opening (provided for in subheading 6201.92.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1238. BOYS' MAN-MADE FIBER WOVEN JACKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.58	Boys' woven jackets of man-made fibers, containing 36 percent or more by weight of wool, less than mid-thigh in length, with long sleeves, with full or partial front opening (provided for in subheading 6201.93.55)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1239. WOMEN'S OR GIRLS' WOOL PADDED SLEEVELESS JACKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.59	Women's or girls' woven padded sleeveless jackets (including vests) of wool, less than mid-thigh in length, with full opening (provided for in subheading 6202.91.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1240. GIRLS' MAN-MADE FIBER WOVEN JACKETS CONTAINING WOOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.60	Girls' woven jackets of man-made fibers, containing 36 percent or more by weight of wool, less than mid-thigh in length, with long sleeves, with full or partial front opening (provided for in subheading 6202.93.45)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1241. WOMEN'S DRESSES, 100 PERCENT SILK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.61	Women's dresses, woven, wholly of silk (provided for in subheading 6204.49.10)	6.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1242. WOMEN'S SKIRTS AND DIVIDED SKIRTS, 100 PERCENT SILK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.63	Women’s skirts and divided skirts, wholly of silk (provided for in subheading 6204.59.40)	1.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1243. WOMEN’S BLOUSES AND SHIRTS, 100 PERCENT SILK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.64	Women’s blouses, shirts and shirt-blouses, woven, wholly of silk (provided for in subheading 6206.10.00)	6.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1244. MEN’S OR BOYS’ MAN-MADE WOVEN SLEEPWEAR SEPARATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.65	Men’s or boys’ woven sleepwear of man-made fibers, the foregoing comprising tops and sleepwear bottoms presented separately and not in sets, the foregoing designed to be worn in bed (provided for in subheading 6207.99.85)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1245. BABIES’ ARTIFICIAL FIBERS WOVEN TROUSERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.66	Babies’ woven trousers of artificial fibers, other than those imported as parts of sets (provided for in subheading 6209.90.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1246. BABIES’ LINEN WOVEN GARMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.67	Babies’ woven apparel of linen (provided for in subheading 6209.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1247. WOMEN’S SPORTS BRAS INCORPORATING SNAPS USED TO ATTACH A HEART RATE MONITOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.68	Women’s sports bras of knitted or woven fabric containing elastomeric fibers but not containing lace, net or embroidery, such goods whether assembled or knitted/crocheted in the piece, each with textile or polymer-based electrodes knitted into or attached to the fabric and incorporating two snaps designed to secure a module designed to transmit heart rate information from the electrodes to a compatible monitor (provided for in subheading 6212.10.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1248. WOMEN’S SHAWLS AND SCARVES, 100 PERCENT SILK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.69	Women’s shawls, scarves and similar goods, wholly of silk (provided for in subheading 6214.10.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1249. BATTING GLOVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.70	Batting gloves of man-made fibers, specially designed for use in the sport of baseball, with a strap that wraps around the wrist and the back of the hand to secure the glove to the wrist (provided for in subheading 6216.00.46)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1250. MECHANICS’ WORK GLOVES WITH FOURCHETTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.71	Mechanics’ work gloves, not knit, of man-made fibers, with fourchettes, the foregoing not containing 36 percent or more by weight of wool or fine animal hair (provided for in subheading 6216.00.58)	9.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1251. FISHING WADER POCKET POUCHES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.72	Pocket pouches with outer shell of woven textile fabric laminated to an inner layer of knitted fabric, each such pouch with a zippered cargo pocket and other pockets designed to organize tippets and leaders and with dual entry zippers; the foregoing designed to be zipped into fishing waders (provided for in subheading 6217.90.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1252. NYLON WOOL PACKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.73	Sacks and bags, of undyed woven fabric of nylon multifilament yarns, such yarns not exceeding 10 decitex, the foregoing bags designed for use for packing wool for transport, storage or sale (provided for in subheading 6305.39.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1253. SLEEPING BAG SHELLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.80	Sleeping bag shells, unfilled, of woven taffeta fabric of polyester with thread count between 160 and 210 and formed from yarns between 22 and 112 decitex; such shells each weighing 25 g/m^2 or more but not over 250 g/m^2; measuring 152 cm to 305 cm in length, with zipper closure, valued not over $7 each (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1254. BRAKE SEGMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.82	Nonwoven radial segment and chordal orientation brake segments of oxidized polyacrylonitrile fibers, made up and presented as cut otherwise than into squares or rectangles, such segments formed by needling web and unidirectional tow fabrics together, the foregoing designed for use in aircraft braking systems (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1255. COLLAPSIBLE, STACKABLE POLYPROPYLENE FABRIC BINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.83	Bins of laminated woven fabric of polypropylene, rectangular or square in shape, collapsible and stackable, measuring 28 liters or more but not over 256 liters in volume and 63.5 cm or less in height, each with sewn-in cardboard inserts and fabric top panel with sewn-in cardboard insert, such panel secured to the bin with cut-to-length strips of hook-and-loop material, such bins each having a fold-down fabric panel with sewn-in cardboard insert, such panel sewn into the interior of the bin; such bins certified by the importer as meeting ASTM D642-15 standards (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1256. CERTAIN NEOPRENE SMARTPHONE CASES WITH ARMBAND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.84	Smartphone cases, each attached to integral adjustable armbands wholly of textile materials, with such case of polyester-laminated neoprene, incorporating a clear plastic window for visual access to the smartphone screen and a small opening for headphone wires, whether or not with decorative plastic overlay (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1257. PORTABLE, FOLDABLE BOWLS FOR PETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.85	Portable and foldable water or food bowls of textile materials, designed for use by pets (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1258. BEE NETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.86	Agricultural control nets specially designed to protect mandarin trees from bee pollination, such nets of high density polypropylene monofilament, with interspersed eye knots at regular intervals; each net measuring approximately 441.5 m by 12.8 m or 274.3 m x 12.8 m, having finished edges, presented in rolls (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1259. CAMERA CHEST HARNESSES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.87	Chest harnesses of textile materials, each designed for attaching cameras of subheading 8525.80.40 to a user’s chest; incorporating a waist belt and shoulder straps, each with a plastic connector and thumb screw designed for camera mounting or adjustment (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1260. HELMET CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.88	Adjustable straps of textile materials, designed with small plastic mounts intended to secure cameras of subheading 8525.80.40 to helmets or to other articles (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1261. TEXTILE ICE BAGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.89	Textile bags of woven fabric of polyester and coated with thermoplastic polyurethane, each pleated and attached to a ring of plastics and/or metal with internal threads, with a washer and a plastic cap with external threads that screws into the ring to form an expandable circular shaped bag, designed to hold ice and/or cold water (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1262. CAMERA WRIST STRAP MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.90	Mounts of textile materials, designed to attach cameras of subheading 8525.80.40 to a user's wrist, arm or leg; such mounts incorporating hook-and-loop adjustable straps and designed to permit adjustment of the camera viewing angle 360 degrees on the mounted plane and of the camera tilt against that plane (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1263. CERTIFIED COLOR SWATCHES WITH PINKED EDGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.91	Made-up color swatches, of cotton, rectangular in shape and each measuring approximately 5.08 cm by 20.32 cm, with pinked edges, such swatches dyed using certified dye colors and each having a bar code to specify its color (provided for in 6307.90.98)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1264. SPORTS FOOTWEAR FOR MEN, VALUED OVER $12 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.92	Sports footwear, with outer soles and uppers of rubber or plastics, valued over $12/pair, for men (provided for in subheading 6402.19.90)	8.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1265. SPORTS FOOTWEAR FOR WOMEN, VALUED OVER $12 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.93	Sports footwear, with outer soles and uppers of rubber or plastics, valued over $12/pair, other than for men (provided for in subheading 6402.19.90)	8.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1266. MEN'S OIL AND SLIP RESISTANT OUTSOLE WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.94	Men's work footwear with outer soles and uppers of rubber or plastics, covering the ankle and having an oil-resistant and slip-resistant outer sole (provided for in subheading 6402.91.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1267. MEN'S SHOES WITH OUTER SOLES AND UPPERS OF RUBBER OR PLASTIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.95	Protective active footwear for men (except footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper and except footwear with insulation that provides protection against cold weather) whose height from the bottom of the outer sole to the top of the upper does not exceed 15.34 cm (provided for in subheading 6402.91.42)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1268. WOMEN'S PROTECTIVE ACTIVE SHOES, COVERING ANKLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.96	Protective active footwear for women, with outer soles and uppers of rubber or plastics (except footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper and except footwear with insulation that provides protection against cold weather) whose height from the bottom of the outer sole to the top of the upper does not exceed 15.34 cm (provided for in subheading 6402.91.42), such footwear, if valued at $26/pair or higher, without openings in the sole or upper designed to vent moisture	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1269. WOMEN'S PROTECTIVE ACTIVE FOOTWEAR, VALUED OVER $26 PER PAIR, COVERING THE ANKLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.97	Protective active footwear for women, with outer soles and uppers of rubber or plastics (except footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear with insulation that provides protection against cold weather), whose height from the bottom of the outer sole to the top of the upper does not exceed 15.34 cm, covering the ankle, valued over $26 per pair; where such protection is imparted by the use of a laminated textile fabric, such footwear with openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6402.91.42)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1270. MEN'S WATERPROOF SHOES WITH OUTER SOLES AND UPPERS OF RUBBER OR PLASTIC, VALUED OVER $25 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.98	Footwear for men, with outer soles and uppers of rubber or plastics (except vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported), valued over $25/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 25.4 cm, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a laminated, but not coated, textile fabric; such footwear, if valued over $27, without openings in the bottom and/or side of the sole or covered opening in the upper designed to permit moisture vapor transport from under the foot (provided for in subheading 6402.91.50)	3.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1271. MEN'S FOOTWEAR WITH WATERPROOF SOLES, VALUED OVER $27 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.99	Footwear for men, with outer soles and uppers of rubber or plastics (except vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper; and except footwear designed to be protective that is incomplete in its condition as imported), valued over $27/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 25.4 cm, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated, but not coated, textile fabric; such footwear with openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to permit moisture vapor transport from under the foot (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1272. POLYURETHANE-INJECTED BOOTS FOR FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.01	Footwear for men with outer soles and uppers of rubber or plastics, such uppers of neoprene measuring 7 mm in thickness, injected with polyurethane on the exterior and covered with knitted fabric wholly of polyester on the interior, with rubber lug bottoms laminated with cement to the upper; such footwear covering the ankle, whose height does not exceed 35.56 cm; waterproof, valued not over $36/pair and designed to be permanently affixed to fishing waders (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1273. MEN'S WATERPROOF SHOES WITH OUTER SOLES AND UPPERS OF RUBBER OR PLASTIC, VALUED OVER $25 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.02	Footwear for men, with outer soles and uppers of rubber or plastics (except vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported), valued over $25/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 25.4 cm, covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated, but not laminated, textile fabric greater than or equal to 9 microns in thickness (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1274. MEN'S SHOES WITH OUTER SOLES AND UPPERS OF RUBBER OR PLASTICS, VALUED OVER $3 BUT NOT OVER $6.50 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.03	Men's footwear with outer soles and uppers of rubber or plastics, with foxing or foxing-like band, covering the ankle, closed toe or heel, valued over $3 but not over $6.50 per pair, the foregoing other than sports footwear and protective, waterproof or slip-on type footwear (provided for in subheading 6402.91.70)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1275. MEN'S SHOES WITH OUTER SOLES AND UPPERS OF RUBBER OR PLASTICS, VALUED OVER $6.50 BUT NOT OVER $12 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.04	Men's footwear with outer soles and uppers of rubber or plastics (other than sports footwear), with foxing or foxing like band, covering the ankle, closed toe or heel, valued over $6.50 but not over $12.00 per pair, not of the protective, waterproof or slip-on type (provided for in subheading 6402.91.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1276. FOOTWEAR MADE ON A BASE OR PLATFORM OF WOOD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.05	Footwear with outer soles and uppers of rubber or plastics, having uppers of which over 90 percent of the external surface area is rubber or plastics, made on a base or platform of wood (provided for in subheading 6402.99.23)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1277. FOOTWEAR FOR WOMEN, WITH 90 PERCENT OF THE EXTERNAL SURFACE OF RUBBER OR PLASTICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.06	Footwear with outer soles and uppers of rubber or plastics, not covering the ankle, having uppers of which over 90 percent of the external surface area is rubber or plastics, other than tennis shoes, basketball shoes, gym shoes, training shoes and the like, such footwear for women (and other than work footwear), valued $15/pair or higher (provided for in subheading 6402.99.31)	5.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1278. WORK FOOTWEAR FOR WOMEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.07	Work footwear for women, with outer soles and uppers of rubber or plastics, not covering the ankle (provided for in subheading 6402.99.31), the foregoing other than house slippers and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1279. WORK FOOTWEAR FOR MEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.08	Work footwear for men, with outer soles and uppers of rubber or plastics, not covering the ankle (provided for in subheading 6402.99.31), the foregoing other than house slippers and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like	3.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1280. CONTOURED ZORIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.09	Footwear excluded from classification in subheading 6402.20.00 (zoris) because the thickest point of the sole is more than 9.53 mm thicker than the thinnest point or more than 35 percent thicker than the thinnest point; such footwear otherwise meeting the requirements for classification in subheading 6402.20.00 (provided for in subheading 6402.99.31)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1281. SIDELINE CHEER SHOES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.10	Women's footwear with outer soles of rubber or plastics measuring not over 14 mm in thickness and with uppers of plastics, such footwear designed for use in cheerleading activities, valued over $15/pair and weighing no more than 0.5 kg/pair (provided for in subheading 6402.99.31)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1282. MEN'S PROTECTIVE ACTIVE FOOTWEAR, NOT COVERING THE ANKLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.11	Protective active footwear for men, with outer soles and uppers of rubber or plastics, not covering the ankle, valued over $24/pair (provided for in subheading 6402.99.32)	9.4%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1283. WOMEN'S PROTECTIVE ACTIVE FOOTWEAR, NOT COVERING THE ANKLE, VALUED OVER $24 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.12	Protective active footwear for women, with outer soles and uppers of rubber or plastics, not covering the ankle, valued over $24/pair; the foregoing footwear, if valued over $26/pair, other than footwear which provides protection against water that is imparted by the use of a laminated textile fabric and with openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6402.99.32)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1284. WOMEN'S PROTECTIVE ACTIVE FOOTWEAR, NOT COVERING THE ANKLE, VALUED OVER $26 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.13	Protective active footwear for women, with outer soles and uppers of rubber or plastics, not covering the ankle, which provides protection against water that is imparted by the use of a laminated textile fabric and with openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture; the forgoing footwear valued over $26/pair (provided for in subheading 6402.99.32)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1285. WOMEN'S WATERPROOF FOOTWEAR WITH OUTER SOLES AND UPPERS OF RUBBER OR PLASTICS, VALUED OVER $25 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.14	Footwear for women, with outer soles and uppers of rubber or plastics (except vulcanized footwear and footwear with waterproof molded bottoms or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported), not covering the ankle or having a protective metal-toe cap, valued over $25/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imported by the use of a laminated textile fabric (provided for in subheading 6402.99.33)	0.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1286. WOMEN'S FOOTWEAR WITH WATERPROOF SOLES, NOT COVERING THE ANKLE, VALUED OVER $27 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.15	Footwear for women, with outer soles and uppers of rubber or plastics (except vulcanized footwear and footwear with waterproof molded bottoms or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported), not covering the ankle or having a protective metal-toe cap, valued over $27/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to permit moisture vapor transport from under the foot (provided for in subheading 6402.99.33)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1287. CHILDREN'S FOOTWEAR WITH WATERPROOF SOLES, NOT COVERING THE ANKLE, VALUED OVER $18 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.16	Footwear for other persons, with outer soles and uppers of rubber or plastics (except vulcanized footwear and footwear with waterproof molded bottoms or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported), not covering the ankle or having a protective metal-toe cap, valued over $18/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to permit moisture vapor transport from under the foot (provided for in subheading 6402.99.33)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1288. WOMEN'S WATERPROOF FOOTWEAR WITH OUTER SOLES AND UPPERS OF RUBBER OR PLASTICS, NOT COVERING THE ANKLE, VALUED OVER $25 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.17	Footwear for women, with outer soles and uppers of rubber or plastics (except vulcanized footwear and footwear with waterproof molded bottoms or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported); the foregoing not covering the ankle or having a protective metal-toe cap, valued over $25/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imported by the use of a coated textile fabric greater than or equal to 9 microns in thickness (provided for in subheading 6402.99.33)	3.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1289. COMPETITIVE CHEER SHOE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.18	Women’s footwear with outer soles and uppers of rubber or plastics, each sole measuring not over 12 mm in thickness, the foregoing footwear designed for use in cheerleading activities, valued over $19/pair and weighing not over 0.5 kg/pair (provided for in subheading 6402.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1290. MEN’S & BOYS’ GOLF SHOES WITH WATERPROOF SOLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.19	Golf shoes for men, youths and boys, with outer soles of rubber, plastics, leather or composition leather and uppers of leather (except pigskin uppers), not welt, the foregoing with spikes, sprigs, cleats, stops, clips, bars or the like intended to enhance traction and grip; such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole or covered openings in the upper above the sole, or a combination thereof, designed to vent moisture (provided for in subheading 6403.19.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1291. WOMEN'S FOOTWEAR MADE ON A BASE OR PLATFORM OF WOOD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.20	Footwear for women, with outer soles of rubber or plastics and uppers of leather, made on a base or platform of wood (provided for in subheading 6403.99.20)	1.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1292. MEN'S OXFORD WORK FOOTWEAR WITH COMPOSITE SAFETY TOE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.21	Work footwear for men, with outer soles of rubber or plastics and uppers of leather, not covering the ankle, incorporating a protective toe cap of materials other than metal (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1293. MEN'S AND BOYS' HOUSE SLIPPERS WITH LEATHER UPPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.22	House slippers with outer soles of rubber or plastics and uppers of leather, for men, youths and boys (provided for in subheading 6403.99.60)	5.7%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1294. MEN'S WATERPROOF LEATHER FOOTWEAR, VALUED AT $29 PER PAIR OR HIGHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.23	Footwear for men, with uppers of leather (other than of pigskin) and outer soles of rubber or plastics (the foregoing other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, and other than slip-on footwear); such footwear not covering the ankle, valued $29/pair or higher, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1295. MEN'S WATERPROOF LEATHER FOOTWEAR, VALUED AT $27 PER PAIR OR HIGHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.24	Footwear for men, with uppers of leather (other than of pigskin) and outer soles of rubber or plastics; the foregoing other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, and other than slip-on footwear; such footwear not covering the ankle, valued $27/pair or higher, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a laminated textile fabric (provided for in subheading 6403.99.60)	2.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1296. WOMEN'S OXFORD-STYLE COMPOSITE SAFETY TOE FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.25	Work footwear for women, with outer soles of rubber, plastics, leather or composition leather and uppers of leather, the foregoing not covering the ankle, incorporating a protective toe cap of materials other than metal, valued over $2.50 per pair (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1297. CHILDREN'S FOOTWEAR WITH LEATHER UPPERS, VALUED AT $20 PER PAIR OR HIGHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.26	Footwear for other persons, with uppers of leather (other than of pigskin) and outer soles of rubber or plastics (other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like and other than slip-on footwear), not covering the ankle, valued $20/pair or higher, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit or a combination thereof, designed to vent moisture; the foregoing, if for women, other than such footwear valued over $29/pair (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1298. WOMEN'S FOOTWEAR WITH LEATHER UPPERS, VALUED AT $29 PER PAIR OR HIGHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.27	Footwear for women, with uppers of leather (other than of pigskin) and outer soles of rubber or plastics (other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like and other than slip-on footwear); such footwear not covering the ankle, valued $29/pair or higher, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6403.99.90)	2.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1299. WOMEN'S HOUSE SLIPPERS WITH LEATHER UPPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.28	House slippers with outer soles of rubber or plastics and uppers of leather, valued over $2.50/pair, for women (provided for in subheading 6403.99.90)	7.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1300. WOMEN'S WATERPROOF LEATHER FOOTWEAR, VALUED AT $27 PER PAIR OR HIGHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.29	Footwear for women, with uppers of leather (other than of pigskin) and outer soles of rubber or plastics (other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like and other than slip-on footwear); such footwear not covering the ankle, valued $27/pair or higher, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a laminated textile fabric); the foregoing, if valued $29/pair or higher, other than footwear with openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6403.99.90)	6.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1301. CHILDREN'S WATERPROOF LEATHER FOOTWEAR, VALUED AT $18 PER PAIR OR OVER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.30	Footwear for other persons, with uppers of leather (other than of pigskin) and outer soles of rubber or plastics (other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like and other than slip-on footwear), not covering the ankle, valued $18/pair or higher; such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a laminated textile fabric; the foregoing other than footwear for women either (i) valued over $27/pair, or (ii) if valued over $20/pair, having openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6403.99.90)	8.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1302. COMPETITIVE CHEER SHOE WITH LEATHER UPPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.31	Women’s footwear with uppers of leather and outer soles of rubber or plastics, such soles measuring not over 9 mm in thickness, the foregoing designed for use in cheerleading activities, valued over $19/pair and weighing no more than 0.5 kg/pair (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1303. SPORTS AND ATHLETIC FOOTWEAR FOR WOMEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.32	Women’s sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers textile materials, such uppers of which over 50 percent of the external surface area (including any leather accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is leather (provided for in subheading 6404.11.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1304. ATHLETIC TYPE SHOES FOR BOYS, GIRLS, AND BABIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.33	Footwear other than for men or women, with uppers of textile materials and outer soles of rubber or plastics, of an athletic type, exclusively of adhesive construction, without a foxing or foxing-like band; such footwear valued over $3 but not over $6.50 per pair (provided for in subheading 6404.11.69)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1305. SKI BOOTS AND SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.34	Ski boots, cross country ski footwear or snowboard boots, constructed with a forward-leaning upper or designed to attach securely to skis or a snowboard by means of bindings, the foregoing valued over $12/pair, with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1306. WOMEN’S SPORTS FOOTWEAR WITH WATERPROOF SOLES, VALUED OVER $20 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.35	Sports footwear for women, with outer soles of rubber or plastics and uppers of textile materials, valued over $20/pair, other than ski boots, cross country ski footwear and snowboard boots; such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6404.11.90)	12.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1307. MEN'S SPORTS FOOTWEAR WITH WATERPROOF SOLES, VALUED OVER $20 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.36	Sports footwear for men, with outer soles of rubber or plastics and uppers of textile materials, valued over $20/pair, other than ski boots, cross country ski footwear and snowboard boots; such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6404.11.90)	14.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1308. MEN'S BOOTS FOR FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.37	Footwear for men, with vulcanized uppers of neoprene measuring 7 mm in thickness, covered with a polyester knit fleece on the interior and coated with rubber on the exterior, such footwear measuring in height (from the base of the inner sole to the top of the upper) 20.32 cm or more but not over 25.4 cm, with a cemented rubber sole; the foregoing waterproof, valued per pair at $40 or higher, with each boot having a slit in the top of upper collar designed to allow boot to be affixed to a fishing wader (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1309. WOMEN'S WATERPROOF FOOTWEAR WITH UPPERS OF LEATHER OR TEXTILES, COVERING THE ANKLE, VALUED OVER $25 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.38	Footwear for women, with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials (except vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, work footwear and footwear designed to be protective that is incomplete in its condition as imported); such footwear valued over $25/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1310. WOMEN'S WATERPROOF FOOTWEAR WITH UPPERS OF LEATHER OR TEXTILES, NOT COVERING THE ANKLE, VALUED OVER $25 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.39	Footwear for women, with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials (except vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, work footwear, and except footwear designed to be protective that is incomplete in its condition as imported), valued over $27/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection is imparted by the use of a laminated textile and has openings in the bottom and/or side of the sole, or covered openings in the upper above the sole unit, or a combination thereof, designed to vent moisture (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1311. WOMEN'S SHEEPSKIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.40	Footwear for women, with uppers of vegetable fibers, with open toes or open heels, having uppers of which at least 30 percent of the external surface area (including any sheepskin accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is sheepskin; the foregoing having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to chapter 64 (provided for in subheading 6404.19.36)	5.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1312. MEN'S, CHILDREN'S, AND INFANTS' SHEEPSKIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.41	Footwear (other than for women) with uppers of vegetable fibers, with open toes or open heels, having uppers of which at least 30 percent of the external surface area (including any sheepskin accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is sheepskin; the foregoing having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to chapter 64 (provided for in subheading 6404.19.36)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1313. FOOTWEAR FOR WOMEN WITH TEXTILE UPPERS, VALUED AT $15 PER PAIR OR HIGHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.42	Footwear with outer soles of rubber or plastics, with uppers of textile material other than vegetable fibers and having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional note U.S. note 5 to chapter 64, with open toes or open heels or of the slip-on type, weighing 10 percent or more of rubber or plastics, valued $15/pair or higher; the foregoing for women (other than house slippers) (provided for in subheading 6404.19.37)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1314. FOOTWEAR FOR WOMEN WITH TEXTILE UPPERS, VALUED BETWEEN $10 AND $14.99 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.43	Footwear with outer soles of rubber or plastics, with uppers of textile material other than vegetable fibers and having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional note U.S. note 5 to chapter 64, with open toes or open heels or of the slip-on type, weighing 10 percent or more of rubber or plastics, valued at $10 or more but not over $14.99/pair; the foregoing for women (other than house slippers) (provided for in subheading 6404.19.37)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1315. WOMEN'S, CHILDREN'S, AND INFANTS' SHEEPSKIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.44	Footwear (other than footwear for men) with outer soles of rubber or plastics and uppers of textile materials other than vegetable fibers, with open toes or open heels, having uppers in which at least 30 percent of the external surface area (including any sheepskin accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is sheepskin and having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to chapter 64 (provided for in subheading 6404.19.37)	10.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1316. WOMEN'S SHEEPSKIN FOOTWEAR WITH UPPERS OF TEXTILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.45	Footwear for women, with open toes or open heels, containing 10 percent or more by weight of rubber or plastics, with uppers of textile materials and having uppers in which at least 30 percent of the external surface area (including any sheepskin accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is sheepskin; the foregoing with outer soles of rubber or plastics and not having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to chapter 64 (provided for in subheading 6404.19.39)	34.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1317. MEN'S, CHILDREN'S, AND INFANTS' SHEEPSKIN FOOTWEAR WITH UPPERS OF TEXTILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.46	Footwear (other than for women) with open toes or open heels, containing 10 percent or more by weight of rubber or plastics, with uppers of textile materials and having uppers in which at least 30 percent of the external surface area (including any sheepskin accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is sheepskin; the foregoing with outer soles of rubber or plastics and not having outer soles with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to chapter 64 (provided for in subheading 6404.19.39)	31.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1318. CHILDREN'S FOOTWEAR WITH UPPERS OF VEGETABLE FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.47	Footwear with uppers of vegetable fibers (other than such footwear for men or women), whether with outer soles of rubber or plastics (provided for in subheading 6404.11.41, 6404.11.51, 6404.11.61, 6404.11.71, 6404.11.81, 6404.19.36, 6404.19.42, 6404.19.52, 6404.19.72 or 6404.19.82) or with outer soles of materials other than leather or composition leather (provided for in subheading 6405.20.30)	7.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1319. HOUSE SLIPPERS WITH TEXTILE UPPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.48	House slippers with outer soles of rubber or plastics and uppers of textile materials other than vegetable fibers, valued over $6.50 but not over $12/pair, such outer soles with textile materials having the greatest surface area in contact with the ground but not taken into account under the terms of additional U.S. note 5 to chapter 64 (provided for in subheading 6404.19.87)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1320. MEN’S FOOTWEAR, COVERING THE ANKLE BUT NOT THE KNEE VALUED OVER $24 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.49	Footwear for men, valued over $24/pair, covering the ankle but not covering the knee, with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.90)	8.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1321. OXFORD FOOTWEAR WITH TEXTILE UPPERS AND COMPOSITE TOES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.50	Footwear for men or women, with outer soles of rubber or plastics and uppers of textile materials, not covering the ankle, valued over $12/pair, incorporating a protective toe cap of materials other than metal (provided for in subheading 6404.19.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1322. WOMEN’S FOOTWEAR WITH LEATHER SOLES AND TEXTILE UPPERS, VALUED AT NOT MORE THAN $20 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.51	Footwear for women with outer soles of leather or composition leather and uppers of textile materials, not elsewhere specified or included, valued not over $20.00 per pair, the foregoing other than footwear containing less than 10 percent by weight of rubber or plastics and other than containing 50 percent or less by weight of textile materials and rubber or plastics with at least 10 percent by weight being rubber or plastics (provided for in subheading 6404.20.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1323. WOMEN’S FOOTWEAR WITH LEATHER SOLES AND TEXTILE UPPERS, VALUED OVER $20 PER PAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.52	Footwear for women, with outer soles of leather or composition leather and uppers of textile materials, not elsewhere specified or included, valued over $20.00 per pair; the foregoing other than footwear containing less than 10 percent by weight of rubber or plastics and other than containing 50 percent or less by weight of textile materials and rubber or plastics with at least 10 percent by weight being rubber or plastics (provided for in subheading 6404.20.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1324. MEN’S BOOTS FOR FISHING WADERS WITH FELT OUTSOLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.53	Footwear for men, with vulcanized uppers of neoprene measuring 7 mm in thickness, covered with a polyester knit fleece on the interior and coated with rubber on the exterior; such footwear measuring (from the base of the inner sole to the top of the upper) 20.32 cm or more but not over 25.4 cm in height, with felt outsoles; the foregoing waterproof, valued at $40 per pair or higher and with each boot having with a slit in the top of upper collar to allow boot to be affixed to a fishing wader (provided for in subheading 6405.20.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1325. NOVELTY HOUSE SLIPPERS WITH SOUND OR LIGHT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.54	House slippers with outer soles and uppers of textile materials, each with antislip traction dots on the outer sole, incorporating a battery-operated sound or light device (provided for in subheading 6405.20.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1326. MEN’S FOOTWEAR WITH FELT SOLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.55	Footwear for men, with uppers of which over 50 percent of the external surface is polyurethane measuring 1.4 mm in thickness and with cemented outer soles of which over 50 percent of the external surface is felt, having the characteristics required for normal use, including durability and strength; the foregoing not covering the ankle and valued $20 per pair or higher (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1327. REMOVABLE FOOTWEAR NEOPRENE CUFFS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.56	Detachable footwear gravel guards with uppers of 3 mm neoprene, nylon jersey face and underside, each measuring 17.78 cm or more but not over 20.32 cm in height, with tapered fit, designed to be held to the shoe with a hook-and-loop fastener strip and loop wrap to affix together (provided for in subheading 6406.90.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1328. REMOVABLE INSOLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.57	Removable insoles of rubber or plastics, the foregoing designed to provide foot support (provided for in subheading 6406.90.30)	4.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1329. HATS OF VEGETABLE FIBERS, PLAITED AND SEWED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.58	Hats and headgear of vegetable fibers, of unspun fibrous vegetable materials, of paper yarn or of any combination thereof, plaited but not of plaited strips, sewed (provided for in subheading 6504.00.30)	4.4%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1330. HATS OF VEGETABLE FIBERS, SEWN BY ASSEMBLED STRIPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.59	Hats and headgear of vegetable fibers, of unspun fibrous vegetable materials, of paper yarn or of any combination thereof, made by assembling strips and sewed (provided for in subheading 6504.00.30)	1.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1331. HATS OF VEGETABLE FIBERS, PLAITED, NOT SEWN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.60	Hats and headgear of vegetable fibers, of unspun fibrous vegetable materials, of paper yarn or of any combination thereof, plaited, but not of plaited strips and not sewed (provided for in subheading 6504.00.60)	3.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1332. HATS OF VEGETABLE FIBERS, MADE BY ASSEMBLING STRIPS, NOT SEWN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.61	Hats and headgear of vegetable fibers, of unspun fibrous vegetable materials, of paper yarn or of any combination thereof, of plaited strips or made by assembling strips and not sewed (provided for in subheading 6504.00.60)	1.7%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1333. HATS CONTAINING 23 PERCENT OR MORE OF WOOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.62	Hats and other headgear, knitted, or made up in the piece from lace, felt or other textile fabric (but not in strips), of cotton and containing 23 percent or more by weight of wool, the foregoing other than for babies and other than visors, or other headgear which provides no covering for the crown of the head (provided for in subheading 6505.00.15)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1334. HATS CONTAINING LESS THAN 23 PERCENT OF WOOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.63	Hats and other headgear, knitted, or made up in the piece from lace, felt or other textile fabric (but not in strips), of cotton and containing less than 23 percent by weight of wool, the foregoing other than for babies, and other than visors, or other headgear that provides no covering for the crown of the head (provided for in subheading 6505.00.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1335. HATS OF MAN-MADE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.64	Hats and headgear, of man-made fibers, knitted or crocheted or made up from knitted or crocheted fabrics in the piece (but not in strips), not in part of braid, each valued at $5.00 or more (provided for in subheading 6505.00.60)	6.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1336. BABIES' HATS OF MAN-MADE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.65	Babies' woven hats of man-made fibers, not in part of braid (provided for in subheading 6505.00.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1337. PATIO UMBRELLA FRAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.66	Umbrella frames, not presented with bases, the foregoing with aluminum center support poles of a length greater than 2.133 m, whether or not including a tilt function (provided for in subheading 6603.20.90)	2.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1338. PLASTIC PLANTS FOR AQUARIUMS AND TERRARIUMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.67	Foliage and flowers of plastics, representing desert or underwater plants and not exceeding 45.72 cm in height, each assembled by gluing and inserted into a base or suction cup, the foregoing presented put up for retail sale as goods designed for a household terrarium or aquarium (provided for in subheading 6702.10.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1339. PLASTIC PLANTS FOR AQUARIUMS, NOT GLUED OR BOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.68	Foliage and flowers of plastics, representing desert or underwater plants, each inserted directly into a base or suction cup, measuring not over 20.32 cm in height, not assembled by gluing or similar means or by binding with flexible materials such as wire, paper, textile materials or foil; the foregoing presented put up for retail sale as goods designed for a household terrarium or aquarium (provided for in subheading 6702.10.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1340. POLYCRYSTALLINE FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.69	Polycrystalline fibers containing by weight over 70 percent of alumina and less than 30 percent of silica, the foregoing containing no alkaline oxides or boric oxide, presented in bulk (provided for in subheading 6806.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1341. CATALYTIC CONVERTER NEEDLED BLANKET MATS WITH A THICKNESS OF 10 MM OR MORE AND NOT OVER 3 PERCENT OF BINDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.70	Catalytic converter needled blanket mats of ceramic fibers, containing over 65 percent by weight of aluminum oxide and not over 3 percent of acrylic latex organic binder, of a basis weight greater than or equal to 1745 g/m^2, measuring 10.0 mm or more in thickness; the foregoing presented in bulk, sheets or rolls, designed for use in motor vehicles of heading 8703 (provided for in subheading 6806.10.00).	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1342. CATALYTIC CONVERTER BLANKET MATS WITH A THICKNESS BETWEEN 5 MM AND 9.9 MM AND NOT OVER 3 PERCENT OF BINDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.71	Catalytic converter needled blanket mats of ceramic fibers, containing over 65 percent by weight of aluminum oxide and not over 3 percent by weight of acrylic latex organic binder, of a basis weight less than 1745 g/m^2, measuring 5.0 mm or more but not over 9.9 mm in thickness; presented in bulk, sheets or rolls, designed for use in motor vehicles of heading 8703 (provided for in subheading 6806.10.00).	0.1%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1343. CATALYTIC CONVERTER NEEDLED BLANKET MATS WITH A THICKNESS BETWEEN 5 MM AND 9.9 MM AND BETWEEN 3 AND 7 PERCENT OF BINDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.72	Catalytic converter needled blanket mats of ceramic fibers containing over 65 percent by weight of aluminum oxide, containing an acrylic latex organic binder of greater than 3 percent and less than 7 percent by weight, of a basis weight less than 1745 g/m^2, measuring at least 5.0 mm or no more than 9.9 mm in thickness, in bulk, sheets or rolls, designed for motor vehicles of heading 8703 (provided for in subheading 6806.10.00).	2.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1344. CATALYTIC CONVERTER NEEDLED BLANKET MATS WITH A THICKNESS OF 10 MM OR MORE AND BETWEEN 3 AND 7 PERCENT BINDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.73	Catalytic converter needled blanket mats of ceramic fibers, containing over 65 percent by weight of aluminum oxide and 3 percent or more but less than 7 percent by weight of acrylic latex organic binder, measuring 10.0 mm or more in thickness, of a basis weight greater than or equal to 1745 g/m^2; presented in bulk, sheets or rolls, designed for use in motor vehicles of heading 8703 (provided for in subheading 6806.10.00).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1345. LARGE FORMAT ULTRA-COMPACTED CERAMIC SURFACES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.74	Stoneware ceramic slabs each measuring at least 320 cm in length by 144 cm in width (provided for in subheading 6914.90.80)	4.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1346. GLASS BEADS FROM 3 TO 6 MM IN DIAMETER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.75	Glass in balls (other than microspheres of heading 7018), unworked and not comprising made-up articles, each measuring over 3 mm but not over 6 mm in diameter (provided for in subheading 7002.10.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1347. POLISHED WIRED GLASS IN RECTANGULAR SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.76	Wired rolled glass, surface ground and polished but not further worked, presented in rectangular shapes and with a thickness of 6.35 mm or more, designed to retain glass fragments within wired sashes when shattered due to exposure to fire or impact (provided for in subheading 7005.30.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1348. MENISCUS-SHAPED DRAWN GLASS-CERAMIC DISCS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.77	Discs of drawn glass, each measuring between 1.4 m and 1.7 m in diameter, between 40 and 50 mm in thickness and between 200 and 250 kg in weight, the foregoing having been machined so as to render one surface concave in shape and the opposite surface convex in shape, the foregoing not framed or fitted with other materials and not designed to manipulate light to create an optical effect (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1349. TEMPERED GLASS COOKWARE COVERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.78	Tempered glass covers for cooking ware, such covers produced by automatic machine (provided for in subheading 7010.20.20)	0.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1350. TRANSPARENT GLASS-CERAMIC COOKWARE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.79	Kitchenware of glass-ceramics, non-glazed and greater than 75 percent by volume crystalline (provided for in subheading 7013.10.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1351. OPAQUE GLASS-CERAMIC COOKWARE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.80	Opaque cooking ware of glass-ceramics (provided for in subheading 7013.10.50)	7.1%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1352. NOVELTY DESIGNED DRINK COASTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.81	Sets of coasters of glass, not pressed or toughened (specially tempered), each printed with a cross-sectional image of an object after formation of the glass which, when the coasters in any set are stacked, depict a three-dimensional image of such object; each coaster with attached protective rubber feet and valued over $0.30 each but not over $3 each (provided for in subheading 7013.99.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1353. BLOWN GLASS VASES MEASURING BETWEEN 15.2 CM AND 20.4 CM TALL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.82	Vases of blown glass, not pressed or toughened (specially tempered), with blown-in color, the foregoing with no decoration from glass, metal flecking, pictorial scenes or thread- or ribbon-like effects embedded or introduced into the body of such goods prior to solidification; measuring at least 15.2 cm but not over 20.4 cm in height, with an opening at least 11.4 cm but not more than 12.7 cm wide, valued not over $3.00 each; presented without seeds or stones (provided for in subheading 7013.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1354. BLOWN GLASS VASES MEASURING BETWEEN 20.4 CM AND 25.4 CM TALL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.83	Vases of blown glass, not pressed or toughened (specially tempered), with blown-in color, the foregoing with no decoration from glass, metal flecking, pictorial scenes or thread- or ribbon-like effects embedded or introduced into the body of such goods prior to solidification; measuring over 20.4 cm but not over 25.4 cm in height, with an opening at least 11.4 cm but not more than 12.7 cm wide, valued not over $3.00 each; presented without seeds or stones (provided for in subheading 7013.99.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1355. GLASSWARE USED FOR INDOOR DECOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.84	Mouth-blown decorative figures of birds, of glass, valued over $15.00 each and identifiable by a pontil mark (provided for in subheading 7013.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1356. CHOPPED STRANDS OF GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.85	Chopped strands of glass, of a length greater than 50 mm, containing over 90 percent silica by weight (provided for in subheading 7019.19.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1357. SLIVERS OF GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.86	Slivers of glass, containing over 90 percent silica by weight (provided for in subheading 7019.19.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1358. LIQUID-FILLED GLASS BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.87	Liquid-filled glass bulbs designed for use in sprinkler systems and other release devices (provided for in subheading 7020.00.60)	1.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1359. SILVER WIRE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.88	Silver wire, containing 90 percent or more by weight of silver, but not more than 93 percent by weight of silver, and containing 6 percent or more by weight of tin oxide, but not more than 9 percent by weight of tin oxide (provided for in subheading 7106.92.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1360. STRIPS CONSISTING OF SILVER AND TIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.89	Silver in semimanufactured form, containing by weight 87 to 89 percent of silver, 11 to 13 percent of tin and 0.1 to 0.7 percent of copper oxide, presented in the form of strip and certified by the importer as suitable for use in electrical contact systems intended for the manufacture of switches and relays (provided for in subheading 7106.92.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1361. GAUZES MADE OF PRECIOUS METAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.90	Gauzes containing platinum, palladium and rhodium (provided for in subheading 7115.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1362. STRIPS CONSISTING OF SILVER, COPPER, AND ZINC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.91	Clad strips of silver, further worked than semimanufactured, each containing 54 percent or more but not over 56 percent by weight of silver; having three layers with one layer containing 87 percent or more but not over 89 percent by weight of silver and 11 percent or more but not over 3 percent of tin, a second layer containing 99.9 percent or more by weight of silver, and a third layer containing 14.5 percent or more but not over 15.5 percent by weight of silver, 79 percent or more but not over 81 percent of copper and 4.8 percent or more but not over 5.2 percent of phosphorus; measuring 15.65 mm in width and 0.95 mm in thickness, presented in coils (provided for in subheading 7115.90.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1363. PINS AND METAL INSERTS, VALUED AT $0.20 EACH OR LESS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.92	Pins and metal inserts of iron, fully plated in gold, silver or bronze color, engraved or shaped to memorialize current year, replicate school mascots or symbolize academic, sport, fine arts and guard achievements, such pins or inserts valued not more than $0.20 each (provided for in subheading 7117.19.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1364. FERROBORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.93	Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1365. SCREW ANCHORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.14.94	Self-tapping screw anchors of steel (provided for in 7318.14.50), each having a shank (body) measuring 6.35 mm in diameter and an internally threaded hex washer head measuring 9.53 mm, having cut threads (provided for in subheading 7318.14.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1366. PORTABLE GAS COOKING STOVE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.95	Portable propane gas camping stoves, each with one adjustable burner rated to generate up to 7,650 British thermal units (BTUs) of power, with casing of steel and pan support of steel covered with porcelain, the foregoing valued $4 or more but not over $20 each (provided for in subheading 7321.11.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1367. STAINLESS STEEL HANDLES FOR COOKWARE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.96	Handles of stainless steel, the foregoing comprising parts of cooking ware (provided for in subheading 7323.93.00)	1.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1368. VACUUM STEEL HINGED LID PITCHERS NOT EXCEEDING 1L.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.97	Insulated thermal pitchers, each with stainless steel interior and exterior, with hinged stainless steel lid and a capacity not exceeding 1 liter (provided for in subheading 7323.93.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1369. SMALL METAL WIRE CRATE FOR DOGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.98	Wire crates of iron or steel, designed for dogs, the foregoing that can be folded down, less than or equal to 0.76 m in length (provided for in subheading 7323.99.90)	1.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1370. LARGE METAL WIRE CRATE FOR DOGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.14.99	Wire crates of iron or steel, designed for dogs, the foregoing that can be folded down, greater than 0.76 but less than 1.37 m in length (provided for in subheading 7323.99.90)	1.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1371. METAL WIRE CAGES FOR PETS OTHER THAN DOGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.01	Wire cages of iron or steel, each with attached tray of plastics or of steel, such cages with one or two hinged doors for access to inside of cage, the foregoing designed for small pets other than dogs and for use in the home (provided for in subheading 7323.99.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1372. TWO-STORY FIRE ESCAPE LADDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.02	Fire escape ladders no taller than 4.3 m when fully extended, tested to support 510.3 kg of weight and designed to be hung from a window measuring 15 cm or more but not over 25 cm; such ladders each composed of window brackets and rungs (stairs) of steel and rope of man-made fibers that connects the rungs to each other and to the window bracket; with slip resistant rungs and stabilizers, the foregoing for residential use, valued not over $19 each (provided for in subheading 7326.90.86)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1373. THREE-STORY FIRE ESCAPE LADDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.03	Fire escape ladders measuring 4.4 m or more but not more than 7.4 m tall when fully extended, tested to support 510.3 kg of weight and designed to be hung from a window measuring 15 cm or more but not over 25 cm; such ladders each composed of window brackets and rungs (stairs) of steel and rope of man-made fibers that connects the rungs to each other and to the window bracket; with slip resistant rungs and stabilizers, the foregoing for residential use, valued not over $34.50 each (provided for in subheading 7326.90.86)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1374. BELTS AND BANDOLIERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.04	Belts and bandoliers of iron or steel, not coated or plated with precious metal, the foregoing presented with or without buckle (provided for in subheading 7326.90.86)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1375. SIDE PRESS WRINGER HANDLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.05	Side press wringer handles of steel (provided for in subheading 7326.90.86)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1376. RISER SPECIALTY JOINTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.06	Riser joints of iron or steel, designed to connect drilling rigs to subsea riser containment packages, the foregoing certified by the importer as designed for high bending moments and tension at the bottom and top of riser (provided for in subheading 7326.90.86)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1377. ISOSCELES TRIANGLE WIRE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.07	Cold-formed profiles of nickel alloys, having the symmetrical cross section of an isosceles triangle, with a total width between 2.9 mm and 3.1 mm and a height between 3.8 mm and 4.3 mm (provided for in subheading 7505.12.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1378. NICKEL ALLOY WIRE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.08	Cold-formed wire of nickel-titanium alloy, presented in coils, with round cross section, with a diameter of 0.1778 mm or more but not over 0.6350 mm (provided for in subheading 7505.22.10)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1379. ALUMINUM MOUNTINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.09	Machined loupe mountings of cast aluminum, with polytetra-fluoroethylene coating (provided for in subheading 7616.99.51)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1380. ZINC PUNCHES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.10	Zinc die-cast interior punches, each with a plastic exterior casing (provided for in subheading 7907.00.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1381. SINTERED TUNGSTEN BAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.11	Sintered tungsten bars containing 99.95 percent or more by weight of tungsten, in 0.004 mm (4 micron) size, each measuring 49.78 cm to 64.14 cm in length, 19.56 cm to 23.5 cm in width and 3.99 cm to 4.11 cm in thickness (provided for in subheading 8101.94.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1382. GALLIUM UNWROUGHT IN SOLID FORM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.12	Gallium, unwrought and in solid form (provided for in subheading 8112.92.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1383. GERMANIUM UNWROUGHT IN INGOT FORM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.13	Ingots of germanium, unwrought, each weighing 0.5 kg or more but less than 2 kg (provided for in subheading 8112.92.60).	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1384. GERMANIUM PURIFIED METAL INGOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.14	Ingots and monocrystalline crystals of germanium, each classifiable as unwrought goods under the terms of additional U.S. note to section XV of the tariff schedule and containing 99.999 percent by weight of germanium (provided for in subheading 8112.92.60), the foregoing other than ingots of germanium, unwrought, each weighing 0.5 kg or more but less than 2 kg	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1385. GEAR DRIVEN ONE-HANDED PRUNERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.15	Secateurs and similar one-handed pruners and shears, each with a gear-driven rotatable handle which provides increased leverage and control to the movement of the blade (provided for in subheading 8201.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1386. NON-CIRCULAR GEAR DRIVEN TWO-HANDED PRUNING SHEARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.16	Two-handed pruning and hedge shears, each with blades articulated around a non-circular gear mechanism (provided for in subheading 8201.60.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1387. SWIVEL HEAD GRASS SHEARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.17	Grass shears, each with steel cutting blades articulated on a swivel head for horizontal trimming and vertical edging (provided for in subheading 8201.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1388. TWEEZERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.18	Tweezers (provided for in subheading 8203.20.20)	1.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1390. HAND TOOLS FOR APPLYING PLASTIC CLIP FASTENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.20	Hand tools designed for attaching tags to garments with plastic fasteners, each comprising a steel feed mechanism housed in a plastic body and a replaceable hollow needle through which the fastener is fed, then inserted through the garment material (provided for in subheading 8205.59.55)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1391. FOUR-INCH BENCH VISES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.21	Steel bench vises, each weighing less than 9 kg, bolt mounted with a 180 degree swivel base and with reversible jaw faces having a jaw width (opening) measuring between 11 and 12 cm (provided for in subheading 8205.70.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1392. FIVE-INCH BENCH VISES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.22	Steel bench vises, weighing less than 13.5 kg, bolt mounted with a 180 degree swivel base and reversible jaw faces, having a jaw width (opening) between 13 and 14 cm (provided for in subheading 8205.70.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1393. SIX-INCH BENCH VISES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.23	Steel bench vises, each weighing less than 18.75 kg, bolt mounted with a 180 degree swivel base and with reversible jaw faces, having a jaw width (opening) of between 17 and 18 cm (provided for in subheading 8205.70.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1394. FIXED CARBIDE CUTTER AND ROLLER CONE DRILL BITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.24	Rotary rock drill bits, each with cutting part containing by weight over 0.2 percent of chromium, molybdenum or tungsten or over 0.1 percent of vanadium (provided for in subheading 8207.19.30), designed for use with rock drilling and earth boring tools of heading 8430	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1395. FIXED DIAMOND CUTTER AND ROLLER CONE DRILL BITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.25	Rotary or fixed cutter drill bits, each with cutting part of precious or semiprecious stones (natural, synthetic or reconstructed) on a substrate of base metal or metal carbide mounted to a base metal body, the foregoing designed for use with rock drilling and earth boring tools of heading 8430 (provided for in subheading 8207.19.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1396. STEEL LINER INSULATED COFFEE SERVERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.26	Vacuum insulated coffee servers with liners of steel, each with a capacity over 2 liters, containing a brew-through lid and hole at bottom of server for lever faucet attachment (provided for in subheading 8210.00.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1397. VACUUM STEEL LINED COFFEE SERVERS WITH LIDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.27	Vacuum insulated coffee servers, each with outer layer and liner of steel, with a capacity over 2 liters, with tightly fitted hinged lid with a center hole designed to allow brewed beverages to pass directly into such server with top lever action for dispensing (provided for in subheading 8210.00.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1398. VACUUM STEEL INSULATED COFFEE SERVERS WITH BASES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.28	Vacuum insulated coffee servers with liners of steel, each with a capacity over 2 liters, with base but no lid and a hole at bottom of server for lever faucet attachment at time of importation (provided for in subheading 8210.00.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1400. PET GROOMING SCISSORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.30	Scissors, valued over $1.75/dozen, designed for use in pet grooming and presented with attached retail labeling or put up for retail sale as goods designed to cut pet hair (provided for in subheading 8213.00.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1401. SCISSORS, VALUED OVER $1.75 PER DOZEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.31	Scissors, valued over $1.75/dozen, each with stainless steel blades, one small loop handle and one larger loop handle and with an overall length of less than 17 cm, the foregoing other than those scissors designed for use in pet grooming and presented with attached retail labeling or put up for retail sale as goods designed to cut pet hair (provided for in subheading 8213.00.90)	4.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1402. NAIL CLIPPERS FOR PETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.32	Nail clippers with stainless steel blades, each having one or both blades with rounded edged cut-outs and designed for use in cutting nails of dogs, cats or other small pets (including birds, rabbits, ferrets, hamsters, guinea pigs or gerbils) (provided for in subheading 8214.20.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1403. NAIL CLIPPERS, NAIL NIPPERS, AND NAIL FILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.33	Nail nippers and clippers and nail files, the foregoing other than nail nippers and clippers with one or both blades having rounded edged cut-outs and designed for use in cutting nails of dogs, cats or other small pets (including birds, rabbits, ferrets, hamsters, guinea pigs or gerbils) (provided for in subheading 8214.20.30)	2.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1404. MANICURE AND PEDICURE SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.34	Manicure and pedicure sets, each set containing clippers, files and similar manicure or pedicure products; the foregoing not in leather containers (provided for in subheading 8214.20.90)	1.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1405. PADLOCKS OF BASE METAL IMPORTED IN BULK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.35	Padlocks of base metal, of cylinder or pin tumbler construction, each measuring over 3.8 cm but not over 6.4 cm in width, not put up for retail sale (provided for in subheading 8301.10.80)	2.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1406. MANUAL DOOR CLOSERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.36	Manual door closers of base metal, suitable for use on buildings, such closers with adjustable latch speed tension to suit individual needs; designed with side mount activation button which reduces user damage during activation (provided for in subheading 8302.41.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1407. ANTITHEFT STEEL CASES WITH DIGITAL LOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.37	Armored safes of welded steel, each weighing 11.8 kg or less, valued $24 or more but not over $36, with digital lock (provided for in heading 8303.00.00)	1.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1408. RECOVERY BOILER ECONOMIZERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.38	Economizers comprising auxiliary plant for use with boilers of heading 8402, with a pressure capacity of 10686.87 kPa, certified by the importer as for use in the pulp and paper industry (provided for in subheading 8404.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1409. STEAM TURBINES WITH AN OUTPUT BETWEEN 60 MW AND 120 MW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.39	Stationary steam turbines, condensing type, direct drive, suited for use with a generator, having an output of 60 MW or more but not over 120 MW, with a rotational speed more than 3500 RPM (provided for in subheading 8406.81.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1410. STEAM TURBINES WITH AN OUTPUT BETWEEN 27 MW AND 40 MW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.40	Steam turbines, multistage, condensing type, direct drive, suitable for use with a generator, having an output of 27 MW or more but not over 40 MW, with an operating rotational speed more than 3500 RPM (provided for in subheading 8406.82.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1411. USED COMPRESSION-IGNITION INTERNAL COMBUSTION ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.41	Used compression-ignition internal combustion piston engines to be installed in vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8408.20.20)	1.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1412. ENGINE BLOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.42	Engine blocks, each weighting over 272 kg but not over 317 kg, for compression-ignition internal combustion piston engines (diesel or semi-diesel engines) having a cylinder capacity of approximately 12.4 liters for vehicles of subheading 8701.20 (provided for in subheading 8409.99.91)	0.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1413. HIGH SILICON MOLYBDENUM EXHAUST MANIFOLDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.43	High silicon molybdenum exhaust manifolds for use in compression-ignition internal combustion piston engines (diesel or semi-diesel engines) with cylinder capacity of 2,300 cc or more but not exceeding 20,000 cc, each manifold measuring at least 80 cm but not exceeding 200 cm in length, at least 10 cm but not over 200 cm in width, and at least 10 cm but not exceeding 200 cm in height (provided for in subheading 8409.99.91)	1.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1414. CONNECTING RODS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.44	Connecting rods designed for use in compression-ignition internal combustion piston engines (diesel or semi-diesel engines) for vehicles of subheading 8701.20 or heading 8702, 8703, or 8704, each rod measuring at least 20 cm but not exceeding 120 cm in length, at least 10 cm but not exceeding 60 cm in width, and at least 5 cm but not exceeding 90 cm in height (provided for in subheading 8409.99.91)	0.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1415. CRANKCASES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.45	Cast iron crankcases, suitable for use solely or principally with marine propulsion engines, each crankcase measuring more than 1.1 m in length (provided for in subheading 8409.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1416. CYLINDER HEADS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.46	Cast-iron cylinder heads suitable for use solely or principally with marine compression-ignition engines, such parts with cylinder bore over 125 mm and weighing over 32 kg each (provided for in subheading 8409.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1417. PISTONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.47	Pistons suitable for use solely or principally with marine propulsion engines, such pistons each having a cast steel crown and aluminum body, weighing 12 kg or more (provided for in subheading 8409.99.92)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1418. FUEL PUMP ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.48	Fuel-injection pump assemblies, designed for compression-ignition internal combustion engines with a capacity of 6.4 liters and with output of less than 1000 kW of power (provided for in subheading 8413.30.10), the foregoing other than used goods	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1419. HIGH PRESSURE PUMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.49	Fuel-injection pumps, designed for compression-ignition engines having an output of 1000 kW or greater, each pump weighing 60 kg or more and capable of generating a pressure greater than 1200 bar, such pumps designed for use in a common rail fuel system (provided for in subheading 8413.30.10), the foregoing other than used goods	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1420. USED FUEL PUMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.50	Used fuel, lubricating or cooling medium pumps designed for internal combustion piston engines (provided for in subheading 8413.30.10 or 8413.30.90) ..	0.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1421. FUEL TRANSFER PUMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.51	New fuel pumps for compression-ignition engines, other than fuel-injection pumps, such pumps measuring 2 cm or more but not over 163 cm in length, 2 cm or more but less than 127 cm in width and 2 cm or more but less than 95 cm in height (provided for in subheading 8413.30.90)	0.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1422. FUEL PUMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.52	High pressure fuel pumps, each incorporating a default open or closed solenoid valve, certified by the importer to be used in regulating the fuel supply into the fuel rail, designed for use in gasoline direct injection (GDI) spark-ignition internal combustion piston engines (provided for in subheading 8413.30.90); the foregoing other than used goods	1.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1423. PUMPS FOR VACUUMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.53	Vacuum pumps, each having a steel casing and outer shell of plastics to permit cooling; such pumps measuring approximately 22 cm in height and 16 cm in width, having an aperture to connect with a HEPA filter and a power output rating exceeding 850 W but not over 1050 W, valued no more than $24 each (provided for in subheading 8414.10.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1424. EXHAUST FANS FOR PERMANENT INSTALLATION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.54	Exhaust fans for permanent ceiling installation designed to be used in the bathroom, each containing an electric motor with an output wattage not exceeding 125 W, with or without a light, with volume flow between 1.35 m^3 and 2.04 m^3 per minute and having a sound level greater than 2.2 sones but not exceeding 6.8 sones (provided for in subheading 8414.51.30)	4.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1425. EXHAUST FANS FOR PERMANENT INSTALLATION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.55	Exhaust fans designed for permanent ceiling installation in bathrooms, each with a self-contained electric DC brush-less motor with an output wattage not exceeding 125 W, with or without a light, such fans having a sound level rating greater than 0.1 sone but not exceeding 1.2 sones (provided for in subheading 8414.51.30)	3.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1426. BLOWER SUBASSEMBLIES INCORPORATED INTO FANS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.56	Blower subassemblies, each consisting of an electric A/C or D/C motor with an output wattage over 18.5 W but not exceeding 38.5 W, a metal or plastic blower wheel and a base plate, designed to be incorporated in ceiling fans for permanent installation of subheading 8414.51.30 or in heating units combining a heater, fan and lights for permanent installation, of subheading 8516.29.00 (provided for in subheading 8414.59.65)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1427. RANGE HOODS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.57	Chimney range hoods, island range hoods or under-the-cabinet range hoods, of a kind normally used in the household, designed for permanent installation to a wall or ceiling, each such hood measuring over 121 cm on its maximum horizontal side, presented with or without a blower; the foregoing, if presented without blower, incorporating other ventilating equipment (provided in subheading 8414.80.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1428. PRE-ASSEMBLED PEDESTAL FAN COLUMN ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.58	Pedestal column assemblies comprising parts for oscillating electric fans, presented in the assembled condition, each consisting of upper and lower tubes of steel, with thermoplastic collet (sleeve) covering the connection point of such tubes together with accompanying collet insert and allowing the two tubes to be locked at adjustable intervals (provided for in subheading 8414.90.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1429. GRILLES FOR EXHAUST FANS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.59	Plastic grilles (provided for in subheading 8414.90.10), each incorporating a light-emitting diode (LED) light on the exterior perimeter capable of providing continuous light, certified by the importer as designed to be used with exhaust fans for permanent installation and generating 2.83 m^3 per minute, such fans of a kind for residential use and described in subheading 8414.51.30	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1430. CERTAIN PORTABLE AIR CONDITIONERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.62	Air conditioning machines, incorporating a refrigerating unit, mounted on wheels or castors, exceeding 17.58 kW per hour (provided for in 8415.82.01)	0.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1431. PORTABLE AIR CONDITIONERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.63	Air conditioning machines, each incorporating a refrigerating unit, mounted on wheels or castors, rated at less than 3.52 kW per hour (provided for in 8415.82.01)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1432. SELF-CONTAINED PORTABLE AIR CONDITIONERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.64	Self-contained, portable air conditioning machines, not designed to be fixed to a window, wall, ceiling or floor, with cooling capacity rated at 3.52 kW per hour or more but less than 17.58 kW per hour (provided for in subheading 8415.82.01)	1.8%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1433. PRESSURE DISTILLATION COLUMNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.66	Pressure distillation columns, designed to liquefy air and its component gases, the foregoing containing brazed aluminum plate-fin heat exchangers (provided for in subheading 8419.60.10)	2.7%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1434. SHELL AND TUBE OIL COOLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.67	Shell and tube oil coolers designed for compression-ignition engines, such coolers measuring 50 cm or more but not over 180 cm in length, 10 cm or more but not over 70 cm in width and 15 cm or more but not over 70 cm in height (provided for in subheading 8419.89.95)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1435. MOBILE SPRINKLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.68	Self-propelled sprinklers for agricultural or horticultural purposes, other than center pivot type (provided for in subheading 8424.82.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1436. FLEXOGRAPHIC PRINTERS WITH PRINT SPEED LESS THAN 184 METERS PER MINUTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.69	Flexographic printing machinery, having continuous roll feed, designed for printing on paperboard (whether or not such paperboard is coated), with a printing speed less than 184 m/minute, and a print width of 101 cm or more but less than 280 cm (provided for in subheading 8443.16.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1437. FLEXOGRAPHIC PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.70	Flexographic printing machinery, having continuous roll feed, designed for printing on paperboard (whether or not such paperboard is coated), having a printing speed of 599 m/minute or more but not more than 801 m/minute and a print width of 106 cm or more but not more than 178 cm (provided for in subheading 8443.16.00)	0.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1438. SHUTTLELESS RAPIER POWER LOOMS TO WEAVE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.71	Weaving machines (power looms), shuttleless, rapier type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1439. SHUTTLELESS, JET TYPE POWER LOOMS TO WEAVE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.72	Weaving machines (power looms), shuttleless, jet type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1440. MITER SAWS WITH CUT-OFF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.73	Miter sawing machines, power operated, not numerically controlled, for working metal, with safety cut off switch (provided for in subheading 8461.50.80)	3.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1441. TABLE SAWS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.74	Table saws for working wood, cork, bone, hard rubber, hard plastics or similar hard materials, each with blade measuring 25.4 cm (provided for in subheading 8465.91.00), such saws excluding (i) tilting arbor table saws, non-laser guided, each with a 25.4 cm blade and of a weight not exceeding 220 kg, and (ii) laser-guided tilting arbor table saws, each with 25.4 cm blade and detachable base with casters, weighing less than 31 kg ...	1.2%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1442. CERTAIN BENCHTOP BAND SAWS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.75	Benchtop band saws, for working wood, cork, bone, hard rubber, hard plastics or similar hard materials, the foregoing with a cutting depth between 25 and 36 cm, valued under $1,000 each (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1443. CERTAIN STATIONARY BAND SAWS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.76	Floor standing (stationary) band saws, each with a cutting depth between 25 and 36 cm, valued under $1,000 each (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1444. CERTAIN TITLING ARBOR TABLE SAWS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.77	Tilting arbor table saws, non-laser guided, each with a 25.4 cm blade and of a weight not exceeding 220 kg (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1445. CERTAIN TABLE SAWS WITH 10 INCH (25.4 CENTIMETER) BLADE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.78	Laser-guided tilting arbor table saws, each with 25.4 cm blade and presented with a detachable base with casters, the foregoing weighing less than 31 kg (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1446. COMPOUND MITER SAW, 10 INCH, WITHOUT LASER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.79	Miter sawing machines, power operated, not numerically controlled, for working wood, cork, bone, hard rubber, hard plastics or similar hard materials, with 25.4 cm blade, capable of adjusting bevel of cut, without laser guides (provided for in subheading 8465.91.00)	2.1%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1447. DRILL PRESSES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.80	Drill presses, valued under $1,000 each (provided for in subheading 8465.95.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1448. ELECTRICAL ROTARY DRILL, HAMMER AND CHISELING TOOLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.81	Rotary drill, hammer and chiseling tools with self-contained electric motor, each with pneumatic hammering mechanism that engages with slotted drive drill-bits and an electromechanical mechanism that separates the drive from the internal gearings, with rated amperage that does not exceed 15 A and with triaxial vibration values, measured in accordance with European Norm 60745, that do not exceed 9 m/s^2 (provided for in subheading 8467.21.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1449. TIRE ASSEMBLY MACHINES (TAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.82	Machinery for molding, assembling or otherwise forming uncured, unvulcanized rubber (green) tires (provided for in subheading 8477.59.01), the foregoing to be used in production of new pneumatic tires designed in all sizes for motor cars (such tires in subheadings 4011.10.10 and 4011.10.50), buses and trucks (such tires in subheadings 4011.20.10 and 4011.20.50), motorcycles (such tires in subheading 4011.40.00) and agricultural, forestry, construction or industrial vehicles (such tires of subheadings 4011.70.00, 4011.80.10, 4011.80.20, 4011.80.80, 4011.90.10, 4011.90.20, and 4011.90.80)	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1450. CATTY WHACK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.83	Electromechanical 'hide and seek' toys, designed for use by cats or dogs, each with an electrically powered fast-moving feather wand that changes direction randomly; such wand mechanism positioned in a round enclosure of plastics, designed to allow the wand to shoot out; such toys each containing a carpeted scratching area on top (provided for in subheading 8479.89.94)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1451. FLY BY SPINNER TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.84	Electromechanical pet toys, each with a plastic butterfly attached to a wire cable that revolves around a plastic base when in use, such toy designed to simulate the flying motion of a butterfly (provided for in subheading 8479.89.94)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1452. VEHICLE STABILITY CONTROL ACTUATOR ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.85	Vehicle stability control actuator assemblies (provided for in subheading 8479.89.94)	2.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1453. HYDRAULIC SUBSEA JUMPER CONNECTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.86	Subsea joinable connection devices rated at 68947.57 kPa, each certified by the importer as having high strength bend resistance and designed to interconnect subsea trees, manifolds and pipeline terminates to route production flow to a flow line (provided for in subheading 8479.89.94)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1454. BIRD IN A CAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.87	Electromechanical cat toys, each depicting a bird in a cage, such toy bird of textile materials with magnet inside its body and suspended by a string from the top of a cage comprising plastic ribs; such cage sitting on a base of plastics that contains the electrical components; with cage base having a magnetic coil designed to switch polarity and cause the bird to be in a state of continuous motion (provided for in subheading 8479.89.94)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1455. MOUSE IN A POUCH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.88	Electromechanical cat toys, with electrical function supplying power to the moving parts and supporting the mechanical function, each unit comprising an electrical/mechanical ‘mouse’ of plastics enclosed in an approximately 0.61 m diameter textile fabric ‘pouch,’ with such ‘mouse’ designed to randomly move around the inside of the pouch (provided for in subheading 8479.89.94)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1456. TELESCOPE MIRROR SEGMENT SUPPORT ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.89	Optical telescope mirror segment support assemblies, each presented without mirrors (provided for in subheading 8479.89.94)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1457. SEGMENTED COMPRESSION MOLDS OF MORE THAN 25-INCH RIM DIAMETER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.90	Segmented compression-type molds designed to be used for molding / forming and curing 'green tires' with a rim diameter measuring over 63.5 cm (provided for in subheading 8480.79.90), such tires for off-the-road use	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1458. VALVE-TYPE FUEL INJECTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.91	Valve-type fuel injectors, each functional in a common rail fuel system with a pressure greater than 120 MPa (1200 bar) (provided for in subheading 8481.80.90), the foregoing other than used goods	0.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1459. DOSING MODULE INJECTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.92	Dosing module injectors, comprising parts of compression-ignition engine after-combustion treatment systems, measuring 30 cm or more but not over 50 cm in length, 30 cm or more but not over 50 cm in width and 10 cm or more but not over 30 cm in height (provided for in subheading 8481.80.90), such injectors other than used ..	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1460. REGULATOR VALVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.93	Used self-operating regulator valves, such valves designed for controlling variables such as temperature, pressure or flow (provided for in subheading 8481.80.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1461. FUEL INJECTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.94	Fuel Injectors, other than used, each incorporating a valve and a micro-stamped orifice hole, certified by the importer as designed to deliver fuel to the combustion chamber of a gasoline engine with a pressure not exceeding 120 MPa (1200 bar) (provided for in subheading 8481.80.90)	1.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1462. SUBSEA FLOW MODULES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.95	Valves, capable of operating at pressures of 68.94 MPa or more (provided for in subheading 8481.80.90), for controlling production flow through a subsea tree, each mounted in a module that can be removed and replaced by a remotely operated underwater vehicle (ROV)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1463. CRANKSHAFTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.15.96	New crankshafts of forged steel designed for use solely or principally with compression-ignition internal combustion piston engines, other than for vehicles of chapter 87, each measuring more than 1.86 m in length and weighing 453 kg or more (provided for in subheading 8483.10.30)	0.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1464. USED CAMSHAFTS AND CRANKSHAFTS FOR DIESEL ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.97	Used camshafts and crankshafts, designed for use solely or principally with compression-ignition internal combustion piston engines (other than spark-ignition internal combustion engines) (provided for in subheading 8483.10.30)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1465. CRANKSHAFTS FOR ENGINES WITH CYLINDER CAPACITY EXCEEDING 19,000 CUBIC CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.98	New crankshafts designed for use solely or principally with compression-ignition internal combustion piston engines of a cylinder capacity exceeding 19,000 cc, such crankshafts measuring 200 cm or more but not over 900 cm in length, 100 cm or more but not over 200 cm in width and 50 cm or more but not over 200 cm in height (provided for in subheading 8483.10.30), the foregoing except such new crankshafts of forged steel, other than for vehicles of chapter 87, each measuring more than 1.86 m in length and weighing 453 kg or more ...	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1466. CRANKSHAFT BEARINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.99	Plain shaft sputter bearings without housing (the foregoing other than spherical bearings), each weighing 200 g or more and with journal diameter measuring 117 mm or more (provided for in subheading 8483.30.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1467. USED TRANSMISSIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.01	Used fixed ratio speed changers (provided for in subheading 8483.40.50), other than transmissions for the vehicles of headings 8701, 8702, 8703, 8704, and 8705	1.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1468. FLEXPLATES FOR ENGINES WITH CYLINDER CAPACITY BETWEEN 6,000 AND 20,000 CUBIC CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.02	Flexplates designed for use in compression-ignition engines of a cylinder capacity equal to or greater than 6,000 cc but not exceeding 20,000 cc, such flexplates measuring 5 cm or more but not over 150 cm in length, 22 cm or more but not over 150 cm in width and 2 cm or more but not over 150 cm in height (provided for in subheading 8483.60.80)	1.7%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1469. FLEXPLATES FOR ENGINES WITH CYLINDER CAPACITY BETWEEN 1,000 AND 5,900 CUBIC CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.03	Flexplates designed for use in compression-ignition engines with cylinder capacity ranging between 1000 cc to 5900 cc, such flexplates measuring 35 cm or more but not over 50 cm in length, 35 cm or more but not over 50 cm in width and 2 cm or more but not over 10 cm in height (provided for in subheading 8483.60.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1470. RING GEARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.04	Ring gears, with diameter 30 cm or more but not over 200 cm and height of 6 cm or more but not over 30 cm, the foregoing to be assembled onto the periphery of a flexplate or flywheel for a diesel engine ranging in cylinder capacity equal to or greater than 5,000 cc but not exceeding 95,000 cc (provided for in subheading 8483.90.50)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1471. ELECTROMECHANICAL ROTATIONAL ACTUATOR ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.05	Electromechanical rotational actuators, each with attached actuator arm and pin (such arm measuring between 12 mm and 15 mm in length and with pin diameter of 8 mm), of an output of 36 W (provided for in subheading 8501.10.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1472. POWER BACK DOOR ACTUATOR ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.06	Power back door (liftgate) actuator assemblies for the motor vehicles of headings 8701 to 8705, each consisting of a brushless electric DC motor that generates between 350 and 400 W, an electromagnetic clutch, a clutch magnet, a clutch flywheel, a clutch plate, a sensor and a housing (provided for in subheading 8501.31.40)	1.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1473. DIRECT CURRENT PUMP MOTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.07	DC motors of an output between 190 W and 290 W, weighing less than 1 kg, each in a cylindrical housing with height of approximately 55 mm and a radius of approximately 45 mm (provided for in subheading 8501.31.40)	2.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1474. MOTOR ASSEMBLIES FOR ELECTRIC BOX FANS WITH OUTPUT BETWEEN 37.5 WATTS AND 74.6 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.08	AC electric motors of an output exceeding 37.5 W but not exceeding 74.6 W, single phase, each equipped with a capacitor, rotary speed control mechanism and a motor mounting cooling ring (provided for in subheading 8501.40.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1475. MOTOR ASSEMBLIES FOR OSCILLATING FANS WITH OUTPUT BETWEEN 37.5 WATTS AND 72 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.09	AC electric motors of an output exceeding 37.5w but not exceeding 72w, single phase, each equipped with a capacitor, a speed control mechanism, and a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.20)	2.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1476. MOTORS FOR LOW WATTAGE FANS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.10	AC electric motors, single-phase, of an output exceeding 50 W but not exceeding 74.6 W, each equipped with a capacitor and a three-speed control switch (provided for in subheading 8501.40.20)	0.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1477. MOTOR ASSEMBLIES FOR AIR CIRCULATOR ELECTRIC FANS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.11	AC electric motors of an output exceeding 74.6 W but not exceeding 95 W, single phase, each equipped with a capacitor and a speed control mechanism (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1478. MOTORS FOR HIGH WATTAGE FANS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.12	AC electric motors, single phase, of an output exceeding 74.6 W but not exceeding 95 W, such motors each equipped with a capacitor and a three-speed control switch (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1479. ALTERNATING CURRENT MULTIPHASE SUBMERSIBLE PUMP MOTORS WITH OUTPUT BETWEEN 3 KILOWATTS AND 14.92 KILOWATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.13	Submersible multi-phase motors designed for use with pumps, such motors cylindrical in shape, each having a diameter exceeding 12 cm but not exceeding 18 cm and a length exceeding 63 cm but not exceeding 80 cm, the foregoing having a power output exceeding 3 kW but not exceeding 14.92 kW (provided for in subheading 8501.52.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1480. ALTERNATING CURRENT MULTIPHASE SUBMERSIBLE PUMP MOTORS WITH OUTPUT BETWEEN 149.2 KILOWATTS AND 150 KILOWATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.14	Submersible multi-phase motors designed for use with pumps, such motors cylindrical in shape, each having a diameter exceeding 22 cm but not exceeding 35 cm and a length exceeding 150 cm but not exceeding 230 cm, the foregoing with a power output exceeding 149.2 kW but not exceeding 150 kW (provided for in subheading 8501.53.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1481. ALTERNATING CURRENT GENERATORS FOR EXERCISE EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.15	AC electric generators, each with a flywheel and an eddy-current loading device, the load being controlled magnetically (provided for in subheading 8501.61.00), designed for use in exercise equipment of subheading 9506.91	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1482. ELECTRIC GENERATING SETS WITH NATURAL GAS ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.16	Electric generating sets, each with spark-ignition internal combustion piston engine fueled by natural gas (provided for in subheading 8502.20.00)	1.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1483. STATOR AND ROTOR CORE LAMINATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.17	Stator core and rotor core laminations, imported in pairs each comprising one stator core lamination and one rotor core lamination; with such stator core laminations having an exterior diameter of 26.42 cm and an inner diameter of 20.35 cm, weighing 4.14 kg or more but not over 6.72 kg; such rotor core laminations having an exterior diameter of 20.2 cm and an inner diameter of 14.0 cm, weighing 3.3 kg or more but not over 5.3 kg; the foregoing certified by the importer as designed to be used in the manufacture of generator motors for charging the battery of hybrid vehicles and of electric motors for propulsion of hybrid vehicles (provided for in subheading 8503.00.95)	0.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1484. UNIVERSAL SERIAL BUS (USB) AUTO CHARGERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.18	Power adapters designed for use with standard car cigarette lighter sockets having dual USB output ports with 12 W output per port (provided for in subheading 8504.40.95)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1485. FUEL SHUTOFF SOLENOIDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.19	Fuel shutoff solenoids designed for compression-ignition diesel engines with cylinder capacity ranging between 2,000 cc and 20,000 cc, such solenoids measuring 5 cm or more but not over 800 cm in length, 3 cm but not over 500 cm in width and 3 cm but not over 200 cm in height (provided for in subheading 8505.90.75)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1486. LITHIUM POLYMER RECHARGEABLE BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.20	Rechargeable lithium batteries, certified by the importer as having a polymer electrolyte layer and composite cathode, designed to complete 800 cumulative battery lifetime hours and operate at sustained temperatures between 45 degrees Celsius and 130 degrees Celsius continuously for a minimum of 1 hour between recharges (provided for in subheading 8507.60.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1487. ANNULAR SHAPED LITHIUM THIONYL CHLORIDE (LTC) BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.21	Lithium thionyl chloride (LTC) batteries, annular in shape, measuring 30.48 mm or more but not over 152.4 mm in length, with an outer diameter of 10.16 cm or more but not over 127 mm and an inner diameter of 55.88 mm or more but not over 88.9 mm, certified by the importer as containing a lithium anode and a liquid cathode comprising a porous carbon current collector filled with thionyl chloride (SOCl2) (provided for in subheading 8507.60.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1488. CYLINDRICAL SHAPED LITHIUM THIONYL CHLORIDE (LTC) BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.22	Lithium thionyl chloride batteries, cylindrical in shape, measuring 30.48 mm or more but not over 152.4 cm in length, having an outer diameter of 10.16 mm or more but not over 127 mm, each certified by the importer as containing a lithium anode and a liquid cathode comprising a porous carbon current collector filled with thionyl chloride (SOCl2) (provided for in subheading 8507.60.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1489. ELECTRIC BURR COFFEE GRINDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.23	Electromechanical burr coffee grinders, with self-contained electric motor, each presented with one clear glass top storage vessel and one clear glass bottom storage vessel (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1490. ELECTRIC FOOD SPIRALIZING APPLIANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.24	Electromechanical domestic appliances, each with self-contained electric motor, such appliances designed for peeling, coring and slicing fruits and vegetables and capable of cutting such food into spiral shapes, the foregoing each having more than five interchangeable cutting blades (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1491. ELECTRIC CYLINDRICAL COFFEE GRINDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.25	Electromechanical cylindrical coffee grinders, each operated by pushing the plastic cover into the base, the foregoing having a removable stainless steel bowl with a capacity of more than 0.1 liter and not exceeding 0.2 liter (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1492. ELECTROMECHANICAL KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.26	Electromechanical knives, each with self-contained electric motor, valued $8 or more but not more than $40 each (provided for in subheading 8509.80.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1493. AUTOMATIC LITTERBOXES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.27	Litterboxes, each with self-contained electric motor powered by an external adapter that plugs into a wall socket or electrical outlet and may have batteries for back-up, such devices which rake and/or disperse cat waste into a compartment after a certain amount of time has passed once the mechanism is triggered by cat entering the litterbox; the foregoing designed for domestic use (provided for in subheading 8509.80.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1494. AUTOMATIC FOOD FEEDERS FOR DOGS AND CATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.28	Feeders, each with a self-contained electric motor powered by an external adapter that plugs into a wall socket or electrical outlet or uses batteries, such devices which can be programmed to disperse various quantities of food at pre-set times, designed for domestic use by dogs and cats (provided for in subheading 8509.80.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1495. AUTOMATIC PET WATERERS FOR DOGS AND CATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.29	Waterers, each with a self-contained electric motor powered through an external adapter that plugs into a wall socket or electrical outlet or uses batteries, such devices which filter a continuously flowing water fountain or replenish water when volume is below a certain fill level, the foregoing designed for domestic use by dogs and cats (provided for in subheading 8509.80.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1496. AUTOMATIC FISH FEEDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.30	Feeders designed for use with fish, each with a self-contained electric motor powered by batteries, with retaining clips or clamps to attach to a household aquarium, the foregoing which can be programmed to disperse various quantities of food at preset times (provided for in subheading 8509.80.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1497. ELECTRIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.31	Electromechanical knives, each with self-contained electric motor (provided for in subheading 8509.80.50), the foregoing only if valued either less than $8 or more than $40 each	0.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1498. HANDHELD ELECTRIC CAN OPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.32	Hand-held battery-operated automatic can openers, each with self-contained electric motor, such can openers weighing not over 20 kg exclusive of extra interchangeable parts or detachable auxiliary devices (provided for in subheading 8509.80.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1499. FOOD BEATERS DESIGNED TO ATTACH TO HANDHELD MIXERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.33	Stainless steel food beaters, designed for use solely on electromechanical handheld food mixers suitable for domestic purposes (provided for in subheading 8509.90.55)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1500. DOUGH HOOKS DESIGNED TO ATTACH TO HANDHELD MIXERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.34	Stainless steel dough hooks designed for use solely on electromechanical food hand mixers suitable for domestic purposes (provided for in subheading 8509.90.55)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1501. ELECTROTHERMIC BOWLS FOR FOOD STAND MIXERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.35	Electrothermal bowls designed for use with electromechanical stand food mixers of a kind used for domestic purposes, each bowl having a control panel with digital display (provided for in subheading 8509.90.55)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1502. METAL BOWLS FOR USE WITH FOOD STAND MIXERS WITH CAPACITY OF MORE THAN 4.7 LITERS AND NOT MORE THAN 8.6 LITERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.36	Stainless steel bowls designed for use on electromechanical stand food mixers, each having a capacity greater than 4.7 liters but not exceeding 8.6 liters (whether or not having a single stainless steel vertically oriented welded handle), the foregoing each having a rolled top edge and two welded stainless steel side brackets with circular holes (provided for in subheading 8509.90.55)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1503. METAL BOWLS FOR USE WITH FOOD STAND MIXERS WITH CAPACITY OF MORE THAN 3.3 LITERS AND NOT MORE THAN 4.8 LITERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.37	Stainless steel bowls designed for use on electromechanical stand food mixers, each having a capacity greater than 3.3 liters but not exceeding 4.8 liters (whether or not having a single stainless steel vertically oriented welded handle), the foregoing each having a rolled top edge and welded stainless steel base with four protrusions designed to interlock with a stand food mixer base (provided for in subheading 8509.90.55)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1504. USED STARTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.38	Used electric starter motors for spark ignition or compression ignition internal combustion engines (provided for in subheading 8511.40.00)	0.4%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1505. ALTERNATORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.39	New alternators rated to produce voltage at 24 V and current at 500 A or more, designed to power military diesel engine components and supporting systems, such alternators each weighing less than 55 kg and measuring less than 300 mm in diameter (provided for in subheading 8511.50.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1506. USED ALTERNATORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.40	Used generators (alternators) of a kind used in conjunction with spark ignition or compression ignition internal combustion engines (provided for in subheading 8511.50.00)	1.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1507. PARKING SENSORS, SIGNALING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.41	Parts of signaling equipment, each with pressed sealing on the flanges (provided for in subheading 8512.90.20)	1.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1508. BULB HEATERS WITH OR WITHOUT A FAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.42	Electric heating units designed for permanent ceiling installation, each containing a heater and one or two infrared bulbs, with or without a fan (provided for in subheading 8516.29.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1509. HEATER FAN LIGHTS FOR PERMANENT INSTALLATION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.43	Heating units each combining a heater, a fan and a light for residential use, designed for permanent ceiling installation, each containing an adjustable louver mounted in the grille, such louver may be rotated 360 degrees for the flow of heat output to be manually self-positioned (provided for in subheading 8516.29.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1510. WALL HEATERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.44	High-capacity heating units, designed to be permanently mounted into a wall and for use in residential households, each generating 1000 and 1500 W, containing a grille, with or without built-in thermostat (provided for in subheading 8516.29.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1511. CORDLESS STEAM IRONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.45	Electrothermic steam irons of a kind used for domestic purposes, capable of operating without power cord connected to mains, each with detachable base (provided in subheading 8516.40.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1512. ELECTRIC STEAM IRONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.46	Electrothermic steam irons of a kind used for domestic purposes, each with a ceramic-coated cast aluminum sole plate (provided for in subheading 8516.40.40), the foregoing not capable of operating without power connected to mains	1.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1513. MICROWAVE HOODS WITH A PLASTIC HANDLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.47	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having oven capacity greater than 48 liters but not exceeding 49 liters, the foregoing containing a glass turntable plate with a diameter greater than 30 cm but not exceeding 31 cm and with a door having an exterior molded plastic handle (provided for in subheading 8516.50.00)	0.5%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1514. MICROWAVE HOODS WITH A METAL HANDLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.48	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having oven capacity greater than 48 liters but not exceeding 49 liters, the foregoing having a glass turntable plate with a diameter greater than 30 cm but not exceeding 31 cm and a door with exterior metal handle (provided for in subheading 8516.50.00)	1.2%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1515. MICROWAVE HOODS WITH 53 TO 55 LITER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.49	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having oven capacity greater than 53 liters but not exceeding 55 liters, the foregoing having a glass turntable plate with a diameter greater than 30 cm but not exceeding 31 cm (provided for in subheading 8516.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1516. MICROWAVE HOODS WITH 58 TO 60 LITER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.50	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having an oven capacity of greater than 58 liters but not exceeding 60 liters, the foregoing having a glass turntable plate with a diameter greater than 30 cm but not exceeding 32 cm (provided for in subheading 8516.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1517. MICROWAVE HOODS WITH 58 TO 60 LITER CAPACITY AND LARGE TURNTABLE PLATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.51	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having an oven capacity of greater than 58 liters but not exceeding 60 liters, the foregoing having a glass turntable plate with a diameter greater than 35 cm but not exceeding 37 cm (provided for in subheading 8516.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1518. MICROWAVE HOODS WITH 53 TO 55 LITER CAPACITY AND LARGE TURNTABLE PLATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.52	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having oven capacity of greater than 53 liters but not exceeding 55 liters, the foregoing having a glass turntable plate with a diameter greater than 35 cm but not exceeding 37 cm (provided for in subheading 8516.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1519. MICROWAVE HOODS WITH 56 TO 58 LITER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.53	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having oven capacity of 56 liters or more but not over 58 liters, having a glass turntable plate with a diameter measuring 30 cm or more but not over 31 cm (provided for in subheading 8516.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1520. MICROWAVE HOODS WITH RECTANGULAR PLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.54	Microwave ovens with integral range hoods, of a kind used for domestic purposes, each having oven capacity of greater than 56 liters but not exceeding 58 liters, the foregoing having a glass rectangular turntable plate (provided for in subheading 8516.50.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1521. VERTICAL WAFFLE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.55	Electrothermic waffle makers, of a kind used for domestic purposes, with dual-sided plates positioned vertically and deep grids divided into equal quarters in a circular shape mold, with funnel on top; such appliances in stainless steel housing, with a spout including fill mark level and a release to open housing for waffle removal (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1522. MULTIFUNCTION GRILLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.56	Electrothermic multifunction grills of a kind used for domestic purposes, each incorporating a cooking plate for use as a grill, griddle or oven, with removable power cord with a thermostatic control (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1523. ELECTRIC SANDWICH GRILLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.57	Electrothermic dual-grid sandwich grilling appliances of a kind used for domestic purposes, each with a locking latch and floating upper lid (provided for in subheading 8516.60.60), the foregoing without thermostatic control	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1524. AUTOMATIC DRIP COFFEE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.58	Electrothermic automatic drip coffee makers of a kind used for domestic purposes, each capable of brewing multiple servings and incorporating a removable water tank with a handle; the foregoing excluding coffee makers with dome-shaped housing or designed for permanent installation into a wall, cabinet or shelf, and excluding coffee makers designed to utilize coffee capsules or pods (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1525. AUTOMATIC POUR OVER COFFEE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.59	Electrothermic automatic coffee makers of a kind used for domestic purposes, each having a dome-shaped housing over the brewing chamber, the foregoing capable of brewing multiple servings and designed to heat all water in separate heating chamber before releasing heated water into brewing chamber (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1526. AUTOMATIC SIPHON COFFEE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.60	Electrothermic siphon coffee brewers of a kind used for domestic purposes, each with upper globe-shaped chamber that seals to bottom carafe magnetically, the foregoing having an electronic control in base (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1527. AUTOMATIC GLASS TEA KETTLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.61	Electrothermic tea kettles, of a kind used for domestic purposes, each with clear glass chamber, having a stainless steel tea steeper and hinged metal limescale filter, the foregoing having a base containing a temperature control lever (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1528. SINGLE SERVING CAPSULE COFFEE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.62	Electrothermic coffee machines of a kind used for domestic purposes, designed to brew using coffee capsules, each having a loading lever containing both stainless steel and plastic (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1529. ELECTROTHERMIC ESPRESSO MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.63	Electrothermic espresso makers of a kind used for domestic purposes, each with hydraulically activated ‘shower head’ spray with automatic tamping and retraction functionality and magnetic locking drawer style filter, the foregoing without bayonet locking tabs (provided for in subheading 8516.71.00)	0.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1530. FRONT-LOADING COFFEE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.64	Automatic drip coffee makers of a kind used for domestic purposes, each with an electronic programmable clock and with a front-access water reservoir and brew basket (provided for in subheading 8516.71.00); the foregoing other than coffee makers with removable water tank or with dome-shaped housing over brewing chamber	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1531. CARAFE-LESS COFFEE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.65	Electrothermic automatic drip coffee makers of a kind used for domestic purposes, each with electronic clock and self-contained coffee holding chamber, the foregoing designed to be used without separate carafe (provided for in subheading 8516.71.00); the foregoing excluding coffee makers (i) designed for permanent installation in a wall, cabinet or shelf, (ii) with removable tank with a handle, or (iii) with loading lever containing both stainless steel and plastics	0.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1532. BUILT-IN COFFEE MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.66	Electrothermic automatic coffee makers of a kind used for domestic purposes, each incorporated into a housing for permanent installation into a wall or cabinet or on a shelf and capable of remote operation via wireless connection to a smartphone or tablet (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1533. TOASTER OVENS WITH A POP-UP TOASTER FEATURE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.67	Electrothermic toaster ovens of a kind used for domestic purposes, each incorporating a single-slot toaster opening on top of the oven (provided for in subheading 8516.72.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1534. AUTOMATIC PAINTED METAL HOT WATER KETTLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.68	Electrothermic painted metal dome-shaped kettles, of a kind used for domestic purposes, each with a circular thermometer display and a base containing a temperature control lever and power button (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1535. AUTOMATIC CYLINDRICAL METAL HOT WATER KETTLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.69	Electrothermic stainless steel cylindrical kettles, of a kind used for domestic purposes, each with a liquid crystal display and operational control buttons and display on top of the handle and having a translucent capacity indicator behind the handle (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1536. MULTICOOKER SLOW COOKERS WITH 5 COOKING FUNCTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.70	Electrothermic slow cookers of a kind used for domestic purposes with stainless steel or painted metal exterior, each with a glass lid and removable ceramic cooking pot with a capacity of 5.68 liters, such cooker having five cooking functions (slow cook, brown and saute, steam, bake, and roast) controlled by a digital control panel (provided for in subheading 8516.79.00), the foregoing without a thermometer probe or boiling and simmering functions	1.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1537. MULTICOOKER SLOW COOKERS WITH 3 COOKING FUNCTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.71	Electrothermic slow cookers of a kind used for domestic purposes, with stainless steel or painted metal exterior, each with a glass lid and removable ceramic cooking pot with a capacity of 5.68 liters, such cookers having three cooking functions (bake, saute, and slow cooking) operated by a digital control panel (provided for in subheading 8516.79.00), the foregoing without a thermometer probe or boiling and simmering functions	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1538. SWING AND SERVE SLOW COOKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.72	Electrothermic slow cookers of a kind used for domestic purposes, with stainless steel or painted metal exterior, each with one primary removable ceramic cooking pot with a capacity of 3.31 liters and with two removable ceramic cooking pots each having a capacity of 1.42 liters located above the primary unit and attached to swing arms that can move to the left and right of such primary unit, with separate knobs to control temperature of each cooking pot (provided for in subheading 8516.79.00), the foregoing without a thermometer probe or boiling and simmering functions	Free	No change	No change	On or before 12/31/2020	”.

SEC. 1539. ELECTRIC BREAKFAST SANDWICH MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.73	Electrothermic sandwich cookers of a kind used for domestic purposes, designed to be used with round bread (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020	”.

SEC. 1540. ELECTRIC MULTI-COOKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.74	Electrothermic multifunctional cookers (multi-cookers) of a kind used for domestic purposes, each incorporating a timer and designed to prepare foods by various methods, including boiling, simmering, baking, frying, roasting or stewing (provided for in subheading 8516.79.00), the foregoing without a thermometer probe	Free	No change	No change	On or before 12/31/2020	”.

SEC. 1541. PROGRAMMABLE SLOW COOKERS WITH THERMOMETER PROBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.75	Electrothermic programmable slow cookers of a kind used for domestic purposes, with thermometer probe (provided for in subheading 8516.79.00), the foregoing without boiling and simmering functions ...	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1542. ELECTRIC PRESSURE COOKERS RATED MORE THAN 1000 WATTS BUT NOT MORE THAN 1200 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.76	Electrothermic pressure cookers of a kind used for domestic purposes, with a capacity of not less than 5 liters, rated more than 1000 W but not more than 1200 W (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1543. ELECTRIC RICE COOKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.77	Electrothermic rice cookers of a kind used for domestic purposes, rated 200 W or less, each with detachable power cord (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1544. ELECTRIC PRESSURE COOKERS RATED MORE THAN 1200 WATTS BUT NOT MORE THAN 1400 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.78	Electrothermic pressure cookers of a kind used for domestic purposes, each with a capacity of not less than 5 liters and rated more than 1200 W but not more than 1400 W (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1545. ELECTRIC PRESSURE COOKERS RATED MORE THAN 800 WATTS BUT NOT MORE THAN 1000 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.79	Electrothermic pressure cookers of a kind used for domestic purposes, each with a capacity of less than 5 liters and rated from 800 W to 1000 W (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1546. ELECTRIC OIL POPCORN POPPERS AND TUMBLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.80	Electrothermic hot oil popcorn poppers of a kind used for domestic purposes, each with rotating metal wire stirring sticks and mechanical tumbler action (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1547. CANDLE WARMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.81	Electrothermic plug-mounted room deodorizers of a kind used for domestic purposes, each with decorative non-plastic housing, not incorporating a rheostat; such appliances intended for use with fragrant wax, whether or not presented with wax (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1548. GARMENT STEAMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.82	Handheld electrothermic garment steamers of a kind used for domestic purposes, each with body of plastics, with output rated less than 1000 W, with retractable cord and weighing not more than 1 kg, whether or not packaged with a storage bag (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1549. VACUUM STEEL INSULATED COFFEE CARAFES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.83	Vacuum insulated coffee carafes, with interior and exterior of stainless steel, each with a capacity over 1 liter but not over 2 liters and plastic brew-through lid for direct brewing (provided for in subheading 8516.90.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1550. STEEL VACUUM PITCHERS WITH PLASTIC HINGED LID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.84	Vacuum insulated thermal pitchers, each with stainless steel interior and exterior, with a capacity exceeding 1 liter but not exceeding 2 liters, measuring 27.94 cm or more but not over 30.48 cm in height, with plastic brew-through lid for direct brewing and plastic spout and handle for pouring (provided for in subheading 8516.90.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1551. FLAT PANEL LIQUID CRYSTAL DISPLAY (LCD) TELEVISIONS FOR EXERCISE EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.85	Flat panel liquid crystal display (LCD) television reception apparatus, each including a television tuner, designed for incorporation into exercise equipment (provided for in subheading 8528.72.72)	3.6%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1552. GROUND FAULT CIRCUIT INTERRUPTERS RATED AT 15 AMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.86	15 Amp ground fault circuit interrupters (provided for in subheading 8536.30.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1553. GROUND FAULT CIRCUIT INTERRUPTERS RATED AT 20 AMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.87	Ground fault circuit interrupters rated at 20 A (provided for in subheading 8536.30.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1554. ARC FAULT CIRCUIT INTERRUPTERS OR DUAL FUNCTION ARC FAULT AND GROUND FAULT CIRCUIT INTERRUPTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.88	Arc fault circuit interrupters, including dual function arc/ground fault circuit interrupters (provided for in subheading 8536.30.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1555. LAMP-HOLDER HOUSINGS OF PORCELAIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.89	Lamp-holder housings of porcelain, containing sockets (provided for subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1556. CHASSIS OR SHELVING CONTAINING BACKPLANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.16.90	Assemblies each comprising a chassis or shelving of subheading 8517.70 combined with a backplane (panel/distribution board) equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, for a voltage not exceeding 1,000 V (provided for in subheading 8537.10.91)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1557. PRINTED BOARD ASSEMBLIES FOR CIRCUIT BREAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.91	Printed circuit assemblies suitable for use solely with ground fault circuit interrupters (GFCIs) and arc fault circuit interrupters (AFCIs) of subheading 8536.30.80 (provided for in subheading 8538.90.30)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1558. LAMPS CONTAINING DEUTERIUM GAS WITHOUT RADIO-FREQUENCY IDENTIFICATION (RFID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.92	Ultraviolet lamps filled with deuterium gas, each without radio-frequency identification device and valued over $300 (provided for in subheading 8539.49.00)	0.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1559. LAMPS CONTAINING DEUTERIUM GAS WITH RADIO-FREQUENCY IDENTIFICATION (RFID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.93	Ultraviolet lamps filled with deuterium gas, each with radio-frequency identification device and valued over $300 (provided for in subheading 8539.49.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1560. CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.94	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than .4mm and with less than 90-degree deflection (provided for in subheading 8540.40.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1561. MIRROR SEGMENT CONTROLLER SENSORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.95	Position sensors, each designed to emit digital pulses when rotated or moved linearly, consisting of an outer housing with dimensions of approximately 67 mm by 50 mm by 24 mm that contains an electrical connector and a printed circuit assembly, such sensors certified by the importer as designed for use in ground-based observatories (provided for in subheading 8543.70.45)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1562. INSULATED ELECTRIC CONDUCTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.96	Electrical cables and cable bundles for a voltage not exceeding 1,000 V, fitted with connectors (provided for in subheading 8544.42.90), the foregoing of a kind used with machines and apparatus for the manufacture or inspection of semiconductor devices of subheading 8486.20.00 or with optical instruments and appliances for inspecting semiconductor wafers of 9031.41.00	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1563. MITSUBISHI FUSO ECANTER TRUCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.16.97	Motor chassis fitted with cabs, each consisting of a motor vehicle chassis fitted with only electric motor for propulsion and a cab, with G.V.W. exceeding 5 metric tons but not exceeding 20 metric tons and for the transport of goods (provided for in subheading 8704.90.00)	23.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1566. USED GEAR BOXES FOR CERTAIN VEHICLES FOR THE TRANSPORTATION OF GOODS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.01	Used gear boxes for the vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8708.40.11)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1567. GEAR BOXES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.02	New gear boxes for the vehicles of headings 8702 or 8704, the foregoing gear boxes with six speeds and with peak torque rating of at least 69 kg-m but not greater than 110 kg-m (provided for in subheading 8708.40.11)	2.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1568. USED GEAR BOXES FOR CERTAIN OTHER VEHICLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.03	Used gear boxes for vehicles of subheadings 8701.30.50, 8701.91, 8701.92, 8701.93, 8701.94, and 8701.95 (provided for in subheading 8708.40.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1569. DIFFERENTIALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.04	Differentials for vehicles of heading 8703, each incorporating a self-contained silicone-fluid filled reservoir, shear pump and progressively-locking clutch pack, the foregoing other than for tractors (except road tractors) (provided for in subheading 8708.50.89)	2.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1570. SUSPENSION SYSTEM STABILIZER BARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.05	Suspension system stabilizer bars of alloy steel, weighing not more than 40 kg, designed for use in Class 7 and Class 8 heavy duty trucks only (provided for in subheading 8708.80.65)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1571. MUFFLERS AND EXHAUST PIPES AND PARTS THEREOF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.06	Mufflers and exhaust pipes for motor vehicles of headings 8701 to 8705 (other than for tractors suitable for agricultural use) (provided for in subheading 8708.92.50) and parts thereof (provided for in subheading 8708.92.75)	2.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1572. STAND-UP BICYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.07	Bicycles each with no seat, no seat tube and no seat stay, designed to be pedaled by a user in a standing position only, such bicycles having both wheels not exceeding 63.5 cm in diameter (provided for in subheading 8712.00.15)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1573. ELLIPTICAL CYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.08	Cycles, each either with two wheels and having both wheels not exceeding 63.5 cm in diameter, or with three wheels; all the foregoing propelled by laterally mounted pedals designed to be pushed in an alternative elliptical step motion (provided for in subheading 8712.00.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1574. UNICYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.09	Unicycles (provided for in 8712.00.50)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1575. BICYCLE DISC BRAKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.10	Disc brakes designed for bicycles, and parts thereof (provided for in 8714.94.90)	6.7%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1576. ZEE CAGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.11	‘Z’-shaped water bottle holders (cages) of alloy or composite material, designed for use on bicycles (provided for in 8714.99.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1577. BICYCLE WIDE ANGLE REFLECTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.12	Wide angle reflectors, designed for use on bicycles (provided for in 8714.99.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1578. BABY STROLLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.13	One-piece baby strollers, each with non-detachable seat; with foldable, non-removable anchor points designed for car seat mounting and a folding mechanism designed to allow the backrest to collapse forward against the stroller seat (provided for in heading 8715.00.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1579. BABY STROLLER SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.14	Baby strollers, each with chassis presented with removable seat and removable bassinet, with the seat designed to be attached to the chassis base plate, with the seat backrest designed to allow a child to be in a reclining position or to be supported at varying backrest angles; the foregoing not including any such stroller with a tilting or tilted seat only (provided for in heading 8715.00.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1580. PROJECTION LENSES WITH A FOCAL LENGTH OF 1.13 METERS OR MORE BUT NOT OVER 36.94 METERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.15	Projection lenses, each with focal length of 1.13 m or more but not over 36.94 m and a throw ratio of 0.66 m or more but not over 9.23 m, the foregoing not exceeding 8 kg in weight (provided for in subheading 9002.11.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1581. PROJECTION LENSES WITH A FOCAL LENGTH OF 19.68 MILLIMETERS OR MORE BUT NOT OVER 132 MILLIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.16	Projection lenses, each with focal length of 19.68 mm or more but not over 132.0 mm, throw ratio of 0.28:1 or more but not over 7.10:1 and focus range optical 0.45 m or more but not over 40 m, the foregoing not exceeding 5.4 kg in weight (provided for in subheading 9002.11.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1582. SWIM GOGGLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.17	Swim goggles, protective, with silicone head straps (provided for in subheading 9004.90.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1583. PROJECTION SCREENS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.18	Projection screens, each measuring 11 m or more but not over 22 m in width, of acoustically transparent perforated material (provided for in subheading 9010.60.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1584. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING NOT OVER 58.42 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.19	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring not over 58.42 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1585. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING OVER 58.42 CENTIMETERS BUT NOT OVER 78.74 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.20	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring over 58.42 cm but not over 78.74 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1586. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING OVER 78.74 CENTIMETERS BUT NOT OVER 81.28 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.21	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring over 78.74 cm but not over 81.28 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1587. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING OVER 81.28 CENTIMETERS BUT NOT OVER 99.06 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.22	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring over 81.28 cm but not over 99.06 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1588. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING OVER 99.06 CENTIMETERS BUT NOT OVER 101.6 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.23	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring over 99.06 cm but not over 101.6 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1589. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING OVER 101.6 CENTIMETERS BUT NOT OVER 124.46 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.24	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring over 101.6 cm but not over 124.46 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1590. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING OVER 124.46 CENTIMETERS BUT NOT OVER 137.16 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.25	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring over 124.46 cm but not over 137.16 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1591. LIQUID CRYSTAL DISPLAY (LCD) TELEVISION PANEL ASSEMBLIES WITH A VIDEO DISPLAY DIAGONAL MEASURING OVER 137.16 CENTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.26	Liquid crystal display (LCD) television panel assemblies, each with a video display diagonal measuring over 137.16 cm (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1592. OPTICAL ATTENUATORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.27	Optical attenuators designed to reduce the power level of an optical signal, either in free space or in an optical fiber, such instruments or apparatus specifically designed for telecommunications (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1593. BICYCLE SPEEDOMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.28	Bicycle speedometers (provided for in 9029.20.20)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1594. WIDE-BAND OSCILLOSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.29	Oscilloscopes and oscillographs, having a bandwidth range of 20 GHz to 90 GHz and a sampling rate range of 50 megabytes per second (50 Mbps) to 80 gigabytes per second (80 Gbps), each with 1 to 16 measurement channels, internal hard drive, 1 to 4 interchangeable measurement modules and a color touch screen measuring over 25 cm but not over 28 cm (provided for in subheading 9030.20.10), the foregoing other than hand-held	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1595. OSCILLOSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.30	Hand-held oscilloscopes (provided for in subheading 9030.20.10)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1596. MULTIMETERS, WITHOUT RECORDING DEVICE, BENCH TOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.31	Multimeters, each without recording device, not intended to be hand-held, having either 4-1/2, 5-1/2, 6-1/2, 7-1/2 or 8-1/2 digits of measurement accuracy, with or without LXI (LAN extension for instruments) standard and with either a color or non-color single or dual display screen (provided for in subheading 9030.31.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1597. MULTIMETERS, WITHOUT RECORDING DEVICE, HANDHELD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.32	True RMS (root mean square) multimeters, without recording device, handheld, each having either 3-1/2, 4 or 4-1/2 digits of measurement accuracy and either a liquid crystal display (LCD) or organic light emitting diode (OLED) display screen, designed to provide one or more of the following measurements: DCV, ACV, DCI, ACI, 2 and/or 4 wire resistance, frequency, continuity, diode test, capacitance, temperature, dB, switch counter, harmonic ratio, pulse width, delay cycle and/or 4 to 20 mA percent scale (provided for in subheading 9030.31.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1598. PXI MULTIMETERS, WITHOUT RECORDING DEVICE, MODULE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.33	PXI 6-1/2 digit digital multimeters (DMM), each without recording device, not intended to be handheld, having 6-1/2 digit of measurement accuracy, designed to provide basic measurements that may include DCV, ACV, DCI, ACI, 2 and 4 wire resistance, frequency, period, capacitance, temperature, duty cycle, counter and DC source (provided for in subheading 9030.31.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1599. MULTIMETERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.34	Digital multimeters, each having 8.5 digit resolution and having a recording device, certified by the importer as having 3 ppm direct current volts (DCV) accuracy (provided for in subheading 9030.32.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1600. IMPEDANCE ANALYZERS HAVING A FREQUENCY RANGE OF 20 HERTZ TO 120 MEGAHERTZ.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.35	Impedance analyzers, having a frequency range of 20 Hz to 120 MHz and plus or minus 42 V peak maximum output, each with 1 to 4 measurement channels, a recording device and a color touch screen measuring over 25 cm but not over 28 cm (provided for in subheading 9030.84.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1601. ELECTROMAGNETIC INTERFERENCE RECEIVERS HAVING A FREQUENCY BAND RANGE OF 3 HERTZ TO 44 GIGAHERTZ.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.36	Electromagnetic interference (EMI) receivers, each having a frequency band range from 3 Hz to 44 GHz, conforming to LXI (Local area network eXtension for Instruments) standard, with two radio frequency (RF) inputs and with a color display screen with a display diagonal exceeding 20 cm but not exceeding 23 cm (provided for in subheading 9030.84.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1602. OSCILLOSCOPE CALIBRATION TOOLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.37	Multifunction devices for calibrating electrical safety testers, each incorporating signal generator and multimeter, with a recording device (provided for in subheading 9030.84.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1603. LOCAL AREA NETWORK EXTENSIONS FOR INSTRUMENTATION (LXI) DATA ACQUISITION AND SWITCH UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.38	Local area network (LAN) eXtensions for Instrumentation (LXI) data acquisition/switch units, each having both a universal serial bus (USB) and LAN terminal using the LXI standard, having a 3-slot mainframe in rear for plug-in modules, capable of measuring 11 different input signals and having a built-in digital multimeter (DMM) with 6-1/2 digits (22 bits) of resolution (provided for in subheading 9030.89.01)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1604. OSCILLOSCOPE CALIBRATION TOOLS WITH FIVE CHANNELS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.39	Signal generators, certified by the importer to be used for calibrating oscilloscopes, the foregoing each with five channels and no recording device (provided for in subheading 9030.89.01)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1605. SIGNAL GENERATORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.40	Signal generators, certified by the importer to be used for calibrating radio frequency measurement equipment, each presented without a recording device (provided for in subheading 9030.89.01)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1606. OSCILLOSCOPE CALIBRATION TOOLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.41	Output-only signal generators, each with configurable phases and harmonics designed for calibrating power and energy equipment, the foregoing without a recording device (provided for in subheading 9030.89.01)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1607. CHIMING MELODY BATTERY OPERATED CLOCK MOVEMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.42	Battery-operated chiming melody clock movements, complete and assembled, valued over $5 each, suitable for use in the production of grandfather clocks, wall clocks and mantel clocks (provided for in subheading 9109.10.80)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1608. MECHANICAL CLOCK MOVEMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.43	Mechanical clock movements, presented complete and assembled, valued over $5 each, suitable for use in the production of grandfather clocks, wall clocks or mantel clocks (provided for in subheading 9109.90.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1609. CHIME MELODY ROD ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.44	Chime melody rod assemblies and parts thereof, the foregoing suitable for use in the production of grandfather clocks, wall clocks and mantel clocks (provided for in subheading 9114.90.50)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1610. PILLOWS, CUSHIONS, AND SIMILAR FURNISHINGS OF COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.45	Pillows, cushions and similar furnishings of cotton, each measuring over 4,000 cm^2 (provided for in subheading 9404.90.10)	3.1%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1611. PILLOWS, CUSHIONS, AND SIMILAR FURNISHINGS OF MATERIAL OTHER THAN COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.46	Pillows, cushions and similar furnishings, the foregoing of materials other than cotton, each measuring over 4,000 cm^2 (provided for in subheading 9404.90.20)	5.3%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1612. LIGHT EMITTING DIODE (LED) HANGING LAMPS WITH TOTAL INTERNAL REFLECTION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.47	Electric light emitting diode (LED) lighting fittings, of base metal other than of brass, whether ceiling (hanging) or wall mounted, each with LED light source concealed above a quartz cylinder and designed to create a total internal reflection (provided for in subheading 9405.10.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1613. LIGHT EMITTING DIODE (LED) LAMPS, MOUNTING OPTIONS, BASES, CLAMPS, AND MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.48	Electric table or desk light-emitting diode (LED) task lamps, of base metal other than of brass, each with interchangeable mounting options including bases, clamps or other mounts (provided for in subheading 9405.20.60)	3.0%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1614. ELECTRIC TABLE OR DESK LIGHT EMITTING DIODE (LED) TASK LAMPS WITH BALL JOINTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.49	Electric table or desk light-emitting diode (LED) task lamps, of base metal other than of brass, each with ball joints to allow multiple positions of the lamp head relative to the base (provided for in subheading 9405.20.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1615. LIGHT EMITTING DIODE (LED) TASK LAMPS THAT REFLECT LIGHT FROM LED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.50	Electric table or desk light-emitting diode (LED) task lamps, of base metal other than of brass, each incorporating a reflector designed to reflect light from the LED in the stem of the lamp (provided for in subheading 9405.20.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1616. LIGHT EMITTING DIODE (LED) MOTION ACTIVATED SECURITY LANTERNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.51	Light emitting diode (LED) motion-activated security lantern kits, of a kind used for exterior lighting, such lanterns of base metal and having antique bronze finish, each with frosted glass, with an integrated photocell and motion sensor, and with a wall mounting bracket (provided for in subheading 9405.40.60)	3.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1617. EXTERIOR EMERGENCY LIGHTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.52	Emergency lights, of base metal other than of brass, round or elongated in shape, measuring between 6 and 12 cm in height, each containing incandescent lamp, lamp holder, reflector, clear glass lens with drain hole, pressure can and electrical pigtail with connector; the foregoing configured to be mounted to the exterior of an aircraft and designed for illuminating egress paths on or around the aircraft during an emergency evacuation (provided for in subheading 9405.40.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1618. WING ILLUMINATION LIGHTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.53	Exterior lights, of base metal other than of brass, such lights round in shape, with a height of 11.5 cm or more but not over 12 cm and a weight not over 1.3 kg, each containing a halogen lamp, lamp holder, reflector, autotransformer and electrical connector, the foregoing configured to be mounted to the exterior of an aircraft and designed for illuminating the top surface, leading edge and engine nacelle areas of the aircraft wings for wing icing detection (provided for in subheading 9405.40.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1619. LANTERN GLOBES OF EXTRUDED BOROSILICATE GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.54	Clear or frosted columnar globes or shades, certified by the importer as of extruded borosilicate glass; the foregoing measuring 2.54 cm or more but not over 30.48 cm in length and 2.54 cm or more but not over 20.32 cm in diameter, each with circular openings at the top and bottom, designed for use on portable non-electrical lanterns for outdoor use (provided for in subheading 9405.91.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1620. SKI BINDINGS VALUED NOT MORE THAN $55 EACH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.55	Ski bindings (other than for cross-country skis), valued not over $55 each (provided for in subheading 9506.12.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1621. GOLF CLUB DRIVER HEADS WITH A LOFT OF 9.5 DEGREES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.56	Golf club driver heads, each stamped or otherwise permanently marked to indicate a loft of 9.5 degrees (provided for in subheading 9506.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1622. GOLF CLUB DRIVER HEADS WITH A LOFT OVER 9.5 DEGREES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.57	Golf club driver heads, each stamped or otherwise permanently marked to indicate a loft over 9.5 degrees (provided for in subheading 9506.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1623. GOLF CLUB DRIVER HEADS WITH A LOFT UNDER 9.5 DEGREES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.58	Golf club driver heads, each stamped or otherwise permanently marked to indicate a loft under 9.5 degrees (provided for in subheading 9506.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1624. IRON HEAD GOLF CLUBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.59	Golf club heads designed for clubs designated as 1-irons, 2-irons, 3-irons, 4-irons or 5-irons (provided for in subheading 9506.39.00)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1625. GOLF CLUB HYBRID HEADS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.60	Golf club hybrid heads, each stamped or otherwise permanently marked as such (provided for in subheading 9506.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1626. GOLF CLUB WEDGE HEADS WITH A LOFT OF 56 DEGREES OR LESS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.61	Golf club wedge heads, each stamped or permanently marked to indicate a loft of 56 degrees or less (provided for in subheading 9506.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1627. GOLF CLUB IRON HEADS OF 6-IRONS AND 7-IRONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.62	Golf club heads designed for clubs designated as 6-irons and 7-irons (provided for in subheading 9506.39.00)	1.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1628. GOLF CLUB IRON HEADS OF 8-IRONS AND 9-IRONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.63	Golf club heads designed for clubs designated as 8-irons and 9-irons (provided for in subheading 9506.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1629. GOLF CLUB HEADS WITH A LOFT GREATER THAN 56 DEGREES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.64	Golf club wedge heads, each stamped or otherwise permanently marked to indicate a loft of greater than 56 degrees (provided for in subheading 9506.39.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1630. GOLF CLUB PUTTER HEADS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.65	Golf club putter heads (provided for in subheading 9506.39.00)	3.0%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1631. TENNIS RACKETS, STRUNG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.70	Tennis rackets, strung and packaged for retail sale (provided for in subheading 9506.51.20)	2.6%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1632. TENNIS RACKET FRAMES, UNSTRUNG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.71	Lawn-tennis rackets, unstrung (provided for in subheading 9506.51.40)	0.4%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1633. RACQUETBALL RACKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.72	Racquetball rackets (provided for in subheading 9506.59.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1634. SQUASH RACKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.73	Squash rackets (provided for in subheading 9506.59.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1635. VOLLEYBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.74	Inflatable volleyballs (provided for in subheading 9506.62.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1636. BASKETBALLS OTHER THAN LEATHER OR RUBBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.75	Inflatable basketballs, each having an external surface other than of leather or of rubber (provided for in subheading 9506.62.80)	3.1%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1637. LEATHER BASKETBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.76	Inflatable basketballs with outer surface of leather (provided for in subheading 9506.62.80)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1638. RUBBER BASKETBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.77	Inflatable basketballs, each with an outer surface of rubber (provided for in subheading 9506.62.80)	2.5%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1639. RACQUETBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.78	Noninflatable hollow racquetballs, not over 19 cm in diameter (provided for in subheading 9506.69.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1640. BLUETOOTH ENABLED FITNESS EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.79	Fitness equipment designed for circuit training, each unit comprising a steel frame and standing platform incorporating six handles attached to cables and pulleys with variable resistance levels, with an electronic control panel capable of the wireless exchange of data and having a multicolored light-emitting diode (LED) grid (provided for in subheading 9506.91.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1641. CERTAIN FITNESS EQUIPMENT, TREAD CLIMBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.80	Fitness equipment designed for in-home use, each unit incorporating two independent treadmill decks with separately moving belts that rotate around a mechanical treadle and simultaneously move up and down during use, designed to allow progressive amounts of resistance and combine the functions of a treadmill, a stair climber and an elliptical machine (provided for in subheading 9506.91.00)	0.9%	No change	No change	On or before 12/31/2020 ...	".

SEC. 1642. FITNESS EQUIPMENT INCORPORATING SEVERAL MODALITIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.81	Fitness equipment, with pivoting handles and foot pedals that perform alternating movements which combine the motions of a stepper and an elliptical machine, driving simultaneously a radial fan and magnetic brake in the base, equipped with an electronic control console incapable of the wireless exchange of data, with non-backlit LCD display and presented with a heart-rate monitor chest strap (provided for in subheading 9506.91.00)	0.9%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1643. EXERCISE AND YOGA MATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.82	Exercise and yoga mats of synthetic material (provided for in subheading 9506.91.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1644. BLUETOOTH ENABLED MULTIMODALITY FITNESS EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.83	Fitness equipment, with pivoting handles and foot pedals that perform alternating movements which combine the motions of a stepper and an elliptical machine, driving simultaneously a radial fan and magnetic brake in the base, equipped with an electronic control console capable of the wireless exchange of data, with backlit LCD display and heart rate monitor (provided for in subheading 9506.91.00)	2.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1645. SPEED BAGS AND RELATED EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.84	Speed bags, free standing heavy bags, heavy bag stands of steel, speed bags with inflatable balls and heavy bag shells (provided for in subheading 9506.91.00)	0.8%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1646. EXERCISE CYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.85	Upright, recumbent and semi-recumbent exercise cycles (provided for in subheading 9506.91.00)	4.3%	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1647. CERTAIN BLUETOOTH ENABLED ADJUSTABLE DUMBBELLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.86	Adjustable-weight fitness dumbbells, each ranging from 2 kg to not more than 30 kg, having the capability for wireless exchange of data, incorporating a rotating single handle grip that interlocks disks with weight plates supported by a fitted plastic base, whether or not presented packaged with units that are not capable of wireless exchange of data (provided for in subheading 9506.91.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1648. CERTAIN ADJUSTABLE DUMBBELLS WITH ROTATING SINGLE HANDLE GRIPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.87	Adjustable-weight fitness dumbbells without Bluetooth capability, each ranging from 2 kg to not more than 30 kg, certified by the importer as incorporating a rotating single handle grip that interlocks disks with weight plates, supported by a fitted plastic base (provided for in subheading 9506.91.00)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1649. BLUETOOTH ENABLED MULTIMODALITY FITNESS EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.88	Fitness equipment, each unit with pivoting handles and foot pedals with steel footbeds to allow the user to perform alternating movements (whether or not also with stationary handles), combining the motions of a stepper and an elliptical machine, and driving simultaneously a radial fan and magnetic brake in the base; with an electronic control console having a backlit liquid crystal display/light-emitting diode (LCD/LED) display and capable of the wireless exchange of data; having an integrated heart rate monitor with optional chest strap (provided for in subheading 9506.91.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1650. CERTAIN ADJUSTABLE DUMBBELLS WITH ROTATING END DIALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.89	Adjustable-weight fitness dumbbells, each allowing the user to choose a weight from a range of either 2 kg or more but not over 26 kg or 4 kg or more but not over 46 kg, certified by the importer as incorporating rotating end dials that interlock disks with weight plates supported by a fitted plastic base (provided for in subheading 9506.91.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1651. INFLATABLE TETHERBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.90	Inflatable tetherballs, each with rope attachment (provided for in subheading 9506.99.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1652. ATHLETIC MOUTH GUARDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.91	Athletic mouth guards of plastics (provided for in subheading 9506.99.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1653. BOXING AND MIXED MARTIAL ARTS (MMA) PROTECTIVE EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.92	Boxing and mixed martial arts protective equipment, including shin guards, pads and shields (provided for in subheading 9506.99.60)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1654. FISHING RODS, 1-PIECE, OF FIBERGLASS AND GRAPHITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.93	Fishing rods of fiberglass and carbon fiber, one-piece, presented without fishing reels, such rods valued $5 or more but not over $50 each (provided for in subheading 9507.10.00)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1655. FISHING REELS VALUED MORE THAN $2.70 BUT NOT MORE THAN $8.45, PRE-SPOOLED, WITH ROD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.17.94	Fishing rods, each presented with a fishing reel valued over $2.70 but not more than $8.45 each and containing fishing line, the foregoing put up for retail sale as a complete kit each comprising one rod and one reel (whether or not containing other accessories), with each kit having an aggregate value of no more than $30 (provided for in 9507.30.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1656. HAIR-SLIDES WITH IMITATION PEARLS OR STONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.95	Hair-slides, set with imitation pearls or imitation gem stones and not of hard rubber or plastics (provided for in subheading 9615.19.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1657. HAIR-SLIDES WITHOUT IMITATION PEARLS OR STONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.96	Hair-slides, the foregoing not set with imitation pearls or imitation gem stones, not of hard rubber or plastics (provided for in subheading 9615.19.60)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1658. EYELASH CURLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.97	Eyelash curlers (provided for in subheading 9615.90.20)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1659. VACUUM GLASS LINED STEEL COFFEE SERVERS OVER 2 LITERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.98	Insulated coffee servers, each with exterior of stainless steel and vacuum liner of glass and a hinged brew-through lid with push-button dispensing; the foregoing with capacity over 2 liters (provided for in subheading 9617.00.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1660. VACUUM GLASS COFFEE SERVERS WITH TOP LEVER ACTION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.17.99	Coffee servers, each with exterior of stainless steel, vacuum glass liner, a hinged brew-through lid with top lever style pump and swivel base; the foregoing with capacity over 2 liters (provided for in subheading 9617.00.40)	Free	No change	No change	On or before 12/31/2020 ...	”.

SEC. 1661. VACUUM GLASS LINED COFFEE SERVERS WITH SIGHT GAUGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.18.01	Vacuum coffee servers, each with lining of glass, a plastic exterior, top carrying handle, see-through contents window and a brew-through lid; the foregoing with a capacity over 2 liters (provided for in subheading 9617.00.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1662. VACUUM STEEL LINED COFFEE SERVERS WITH SIGHT GAUGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.18.02	Vacuum coffee servers, each with lining of stainless steel, a plastic exterior, top carrying handle, see-through contents window and a brew-through lid; the foregoing with a capacity over 2 liters (provided for in subheading 9617.00.40)	Free	No change	No change	On or before 12/31/2020 ...	".

SEC. 1663. TRIPOD CAMERA MOUNTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.18.03	Tripods of plastics designed for use with digital still image video cameras of subheading 8525.80.40, the foregoing measuring 12 cm or more but not over 20 cm in length (provided for in subheading 9620.00.50)	Free	No change	No change	On or before 12/31/2020 ...	".

19 USC 58c note.

SEC. 1664. EFFECTIVE DATE.

The amendments made by this Act apply to goods entered, or withdrawn from warehouse for consumption, on or after the 30th day after the date of the enactment of this Act.

SEC. 1665. CUSTOMS USER FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "July 21, 2027" and inserting "October 13, 2027".

Approved September 13, 2018.

LEGISLATIVE HISTORY—H.R. 4318:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Jan. 16, considered and passed House.
July 26, considered and passed Senate, amended.
Sept. 4, House concurred in Senate amendments.

Public Law 115–240
115th Congress

An Act

Sept. 17, 2018
[H.R. 2147]

To require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Treatment Court Improvement Act of 2018.
38 USC 6303 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Treatment Court Improvement Act of 2018".

SEC. 2. HIRING BY DEPARTMENT OF VETERANS AFFAIRS OF ADDITIONAL VETERANS JUSTICE OUTREACH SPECIALISTS.

(a) HIRING OF ADDITIONAL VETERANS JUSTICE OUTREACH SPECIALISTS.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall hire not fewer than 50 Veterans Justice Outreach Specialists and place each such Veterans Justice Outreach Specialist at an eligible Department of Veterans Affairs medical center in accordance with this section.

(2) REQUIREMENTS.—The Secretary shall ensure that each Veterans Justice Outreach Specialist employed under paragraph (1)—

(A) serves, either exclusively or in addition to other duties, as part of a justice team in a veterans treatment court or other veteran-focused court; and

(B) otherwise meets Department hiring guidelines for Veterans Justice Outreach Specialists.

(b) ELIGIBLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.—For purposes of this section, an eligible Department of Veterans Affairs medical center is any Department of Veterans Affairs medical center that—

(1) complies with all Department guidelines and regulations for placement of a Veterans Justice Outreach Specialist;

(2) works within a local criminal justice system with justice-involved veterans;

(3) maintains an affiliation with one or more veterans treatment courts or other veteran-focused courts; and

(4) either—

(A) routinely provides Veterans Justice Outreach Specialists to serve as part of a justice team in a veterans treatment court or other veteran-focused court; or

Plan.

(B) establishes a plan that is approved by the Secretary to provide Veterans Justice Outreach Specialists employed

under subsection (a)(1) to serve as part of a justice team in a veterans treatment court or other veteran-focused court.

(c) PLACEMENT PRIORITY.—The Secretary shall prioritize the placement of Veterans Justice Outreach Specialists employed under subsection (a)(1) at eligible Department of Veterans Affairs medical centers that have or intend to establish an affiliation, for the purpose of carrying out the Veterans Justice Outreach Program, with a veterans treatment court, or other veteran-focused court, that—

(1) was established on or after the date of the enactment of this Act; or

(2)(A) was established before the date of the enactment of this Act; and

(B) is not fully staffed with Veterans Justice Outreach Specialists.

(d) REPORTS.—

(1) REPORT BY SECRETARY OF VETERANS AFFAIRS.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the implementation of this section and its effect on the Veterans Justice Outreach Program.

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

(i) The status of the efforts of the Secretary to hire Veterans Justice Outreach Specialists pursuant to subsection (a)(1), including the total number of Veterans Justice Outreach Specialists hired by the Secretary pursuant to such subsection and the number that the Secretary expects to hire pursuant to such subsection.

(ii) The total number of Veterans Justice Outreach Specialists assigned to each Department of Veterans Affairs medical center that participates in the Veterans Justice Outreach Program, including the number of Veterans Justice Outreach Specialists hired under subsection (a)(1) disaggregated by Department of Veterans Affairs medical center.

(iii) The total number of eligible Department of Veterans Affairs medical centers that sought placement of a Veterans Justice Outreach Specialist under subsection (a)(1), how many Veterans Justice Outreach Specialists each such center sought, and how many of such medical centers received no placement of a Veterans Justice Outreach Specialist under subsection (a)(1).

(iv) For each eligible Department of Veterans Affairs medical center—

(I) the number of justice-involved veterans who were served or are expected to be served by a Veterans Justice Outreach Specialist hired under subsection (a)(1); and

(II) the number of justice-involved veterans who do not have access to a Veterans Justice Outreach Specialist.

(2) REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of this section and the effectiveness of the Veterans Justice Outreach Program.

Assessments.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An assessment of whether the Secretary has fulfilled the Secretary's obligations under this section.

(ii) The number of veterans who are served by Veterans Justice Outreach Specialists hired under subsection (a)(1), disaggregated by demographics (including discharge status).

(iii) An identification of any subgroups of veterans who underutilize services provided under laws administered by the Secretary, including an assessment of whether these veterans have access to Veterans Justice Outreach Specialists under the Veterans Justice Outreach Program.

Recommendations.

(iv) Such recommendations as the Comptroller General may have for the Secretary to improve the effectiveness of the Veterans Justice Outreach Program.

(e) DEFINITIONS.—In this section:

(1) JUSTICE TEAM.—The term "justice team" means the group of individuals, which may include a judge, court coordinator, prosecutor, public defender, treatment provider, probation or other law enforcement officer, program mentor, and Veterans Justice Outreach Specialist, who assist justice-involved veterans in a veterans treatment court or other veteran-focused court.

(2) JUSTICE-INVOLVED VETERAN.—The term "justice-involved veteran" means a veteran with active, ongoing, or recent contact with some component of a local criminal justice system.

(3) LOCAL CRIMINAL JUSTICE SYSTEM.—The term "local criminal justice system" means law enforcement, jails, prisons, and Federal, State, and local courts.

(4) VETERANS JUSTICE OUTREACH PROGRAM.—The term "Veterans Justice Outreach Program" means the program through which the Department of Veterans Affairs identifies justice-involved veterans and provides such veterans with access to Department services.

(5) VETERANS JUSTICE OUTREACH SPECIALIST.—The term "Veterans Justice Outreach Specialist" means an employee of the Department of Veterans Affairs who serves as a liaison between the Department and the local criminal justice system on behalf of a justice-involved veteran.

(6) VETERANS TREATMENT COURT.—The term "veterans treatment court" means a State or local court that is participating in the veterans treatment court program (as defined in section 2991(i)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(i)(1))).

Approved September 17, 2018.

LEGISLATIVE HISTORY—H.R. 2147 (S. 946):

HOUSE REPORTS: No. 115–682 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
June 13, considered and passed House.
Aug. 22, considered and passed Senate.

Public Law 115–241
115th Congress

An Act

Sept. 18, 2018
[H.R. 5385]

To amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Dr. Benjy Frances Brooks Children's Hospital GME Support Reauthorization Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dr. Benjy Frances Brooks Children's Hospital GME Support Reauthorization Act of 2018".

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking "and each of fiscal years 2014 through 2018," and inserting "each of fiscal years 2014 through 2018, and each of fiscal years 2019 through 2023,";

(2) in subsection (b)(3)(D), by inserting "and the end of fiscal year 2022," after "fiscal year 2018,"; and

(3) in subsection (f)—

(A) in paragraph (1)(A)—

(i) in clause (iv), by striking "; and" and inserting a semicolon;

(ii) in clause (v), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(vi) for each of fiscal years 2019 through 2023, $105,000,000."; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(F) for each of fiscal years 2019 through 2023, $220,000,000.".

Approved September 18, 2018.

LEGISLATIVE HISTORY—H.R. 5385 (S. 2597):

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 23, considered and passed House.
Sept. 4, considered and passed Senate.

Public Law 115–242
115th Congress

An Act

To designate the J. Marvin Jones Federal Building and Courthouse in Amarillo, Texas, as the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse".

Sept. 18, 2018
[H.R. 5772]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The J. Marvin Jones Federal Building and Courthouse located at 205 SE 5th Ave., Amarillo, Texas, shall be known and designated as the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse".

Approved September 18, 2018.

LEGISLATIVE HISTORY—H.R. 5772:

HOUSE REPORTS: No. 115–819 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Sept. 4, considered and passed Senate.

Public Law 115–243
115th Congress

An Act

Sept. 20, 2018
[H.R. 6124]

To amend title II of the Social Security Act to authorize voluntary agreements for coverage of Indian tribal council members, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tribal Social Security Fairness Act of 2018.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Social Security Fairness Act of 2018".

SEC. 2. VOLUNTARY AGREEMENTS FOR COVERAGE OF SERVICES BY AMERICAN INDIAN TRIBAL COUNCIL MEMBERS.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by inserting after section 218 the following new section:

"VOLUNTARY AGREEMENTS FOR COVERAGE OF INDIAN TRIBAL COUNCIL MEMBERS

"Purpose of Agreement

42 USC 418a.

"SEC. 218A. (a)(1) The Commissioner of Social Security shall, at the request of any Indian tribe, enter into an agreement with such Indian tribe for the purpose of extending the insurance system established by this title to services performed by individuals as members of such Indian tribe's tribal council. Any agreement with an Indian tribe under this section applies to all members of the tribal council, and shall include all services performed by individuals in their capacity as council members.

Applicability.

"(2) Notwithstanding section 210(a), for the purposes of this title, the term 'employment' includes any service included under an agreement entered into under this section.

"Definitions

"(b) For the purposes of this section:

"(1) The term 'member' means, with respect to a tribal council, an individual appointed or elected to serve as a member or the head of the tribal council.

"(2) The term 'tribal council' means the appointed or elected governing body of a federally recognized Indian tribe.

"Effective Date of Agreement

"(c)(1) Any agreement under this section shall be effective with respect to services performed after an effective date specified in

such agreement, provided that such date may not be earlier than the first day of the next calendar month after the month in which the agreement is executed by both parties.

"(2) At the request of the Indian tribe at the time of the agreement, such agreement may apply with respect to services performed before such effective date for which there were timely paid in good faith (and not subsequently refunded) to the Secretary of the Treasury amounts equivalent to the sum of the taxes which would have been imposed by sections 3101 and 3111 of the Internal Revenue Code of 1986 had such services constituted employment for purposes of chapter 21 of such Code. No agreement under this section may require payment to be made after the effective date specified in such agreement of any taxes with respect to services performed before such effective date.

"Duration of Agreement

"(d) No agreement under this section may be terminated on or after the effective date of the agreement.".

(b) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY ACT.—Section 210(a) of the Social Security Act (42 U.S.C. 410(a)) is amended—

(A) in paragraph (20), by striking "or" at the end;

(B) in paragraph (21), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (21) the following new paragraph:

"(22) Service performed by members of Indian tribal councils as tribal council members in the employ of an Indian tribal government, except that this paragraph shall not apply in the case of service included under an agreement under section 218A.".

(2) INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 is amended—

(A) in section 3121(b)—

(i) in paragraph (20), by striking "or" at the end;

(ii) in paragraph (21), by striking the period at the end and inserting "; or"; and

(iii) by inserting after paragraph (21) the following new paragraph:

"(22) service performed by members of Indian tribal councils as tribal council members in the employ of an Indian tribal government, except that this paragraph shall not apply in the case of service included under an agreement under section 218A of the Social Security Act."; and

(B) in section 3121(d)(4), by inserting "or 218A" after "section 218".

(c) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to affect application

26 USC 3121 note.

of any Federal income tax withholding requirements under the Internal Revenue Code of 1986.

Approved September 20, 2018.

LEGISLATIVE HISTORY—H.R. 6124:

HOUSE REPORTS: No. 115–801 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 24, considered and passed House.
Sept. 6, considered and passed Senate.

Public Law 115–244
115th Congress

An Act

Making consolidated appropriations for Energy and Water Development, the Legislative Branch, Military Construction, Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes.

Sept. 21, 2018
[H.R. 5895]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of appropriations.

DIVISION A—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION B—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2019

Title I—Legislative Branch
Title II—General Provisions

DIVISION C—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related Agencies
Title IV—Overseas Contingency Operations
Title V—General Provisions

SEC. 3. REFERENCES.

1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019.

Energy and Water Development and Related Agencies Appropriations Act, 2019.

DIVISION A—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $125,000,000, to remain available until expended: *Provided*, That the Secretary shall initiate six new study starts during fiscal year 2019: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Studies.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,183,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects, except for Chickamauga Lock, Tennessee River, Tennessee, which shall be 15 percent during the fiscal year covered by this Act, shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*,

That the Secretary shall initiate five new construction starts during fiscal year 2019: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than September 30, 2019: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress. Deadline.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $368,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $3,739,500,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth

quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2020.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $150,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $35,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $193,000,000, to remain available until September 30, 2020, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

Work plan.

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2020: *Provided*, That not more than 25 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title, as designated under such heading in the joint explanatory statement accompanying this Act, to specific programs, projects, or activities.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2019, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation; Notification.

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply Applicability.

to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

Reports.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the joint explanatory statement accompanying this Act, including the determination and designation of new starts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Provided*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 106. None of the funds made available in this title may be used for any acquisition of buoy chain that is not consistent with 48 CFR 225.7007, subsections (a)(1) and (a)(2).

SEC. 107. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 108. None of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SEC. 109. For fiscal year 2019, none of the funds provided in this Act or available in the revolving fund established by the Civil Functions Appropriations Act of 1954 (33 U.S.C. 576(a)) may be obligated or expended on a new hopper dredge.

SEC. 110. None of the funds made available by this Act or any other Act may be used to reorganize or to transfer the Civil Works functions or authority of the Corps of Engineers or the Secretary of the Army to another department or agency.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $15,000,000, to remain available until expended, of which $898,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, $1,398,675 shall be available until September 30, 2020, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2019, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,391,992,000, to remain available until expended, of which $67,393,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,551,000

shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That within available funds, $250,000 shall be for grants and financial assistance for educational activities: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

Grants.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $62,008,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $35,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to

remain available until September 30, 2020, $61,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2019, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity. Definition.

Reports.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Time period.
Consultation.

SEC. 203. Hereinafter, notwithstanding any other provision of law, during the period from November 1 through April 30, water users may use their diversion structures for the purpose of recharging the Eastern Snake Plain Aquifer, when the Secretary, in consultation with the Advisory Committee and Water District 1 watermaster, determines there is water available in excess of that needed to satisfy existing Minidoka Project storage and hydropower rights and ensure operational flexibility.

SEC. 204. Section 9001(d) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1295) is amended by striking "10" and inserting "20".

SEC. 205. (a) Section 206(c)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235) is amended by striking "2018." and inserting the following: "2022: *Provided*, That the Secretary shall not fund pilot projects in the Upper Colorado River Basin without the participation of the Upper Colorado River Division States, acting through the Upper Colorado River Commission.".

(b) Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking "$450,000,000" and inserting "$480,000,000".

SEC. 206. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1457, 123 Stat. 2856, 128 Stat. 164) is amended by striking "2020" each place it appears in subsections (a)(1) and (b) and inserting "2026".

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,379,000,000, to remain available until expended: *Provided*, That of such amount, $162,500,000 shall be available until September 30, 2020, for program direction.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy sector cybersecurity, energy security, and emergency response activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $120,000,000, to remain available until expended: *Provided*, That of such amount, $11,500,000 shall be available until September 30, 2020, for program direction.

ELECTRICITY DELIVERY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $156,000,000, to remain available until expended: *Provided*, That of such amount, $17,000,000 shall be available until September 30, 2020, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,326,090,000, to remain available until expended: *Provided*, That of such amount, $80,000,000 shall be available until September 30, 2020, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $740,000,000, to remain available until expended: *Provided*, That of such amount $61,070,000 shall be available until September 30, 2020, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $10,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $235,000,000, to remain available until expended: *Provided*, That, as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed $300,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2019: *Provided further*, That the proceeds from such drawdown and sale shall be deposited into the "Energy Security and Infrastructure Modernization Fund" during fiscal year 2019: *Provided further*, That such amounts shall be made available and shall remain available until expended for necessary expenses to carry out the Life Extension II project for the Strategic Petroleum Reserve.

42 USC 6241 note.

SPR PETROLEUM ACCOUNT

For the acquisition, transportation, and injection of petroleum products, and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), sections 403 and 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note), and section 5010 of the 21st Century Cures Act (Public Law 114–255), $10,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42

U.S.C. 6201 et seq.), $10,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $125,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $310,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $841,129,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $11,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992, including for the purchase of not to exceed one ambulance for replacement only.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 16 passenger motor vehicles including one bus, and one airplane for replacement only, $6,585,000,000, to remain available until expended: *Provided*, That of such amount, $183,000,000 shall be available until September 30, 2020, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $366,000,000, to remain available until expended: *Provided*, That of such amount, $31,250,000 shall be available until September 30, 2020, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses of the Title 17 Innovative Technology Loan Guarantee Program, as authorized, $33,000,000 is appropriated, to remain available until September 30, 2020: *Provided further*, That up to $33,000,000 of fees collected in fiscal year 2019 pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections under this heading and used for necessary administrative expenses in this appropriation and shall remain available until September 30, 2020: *Provided further*, That to the extent that fees collected in fiscal year 2019 exceed $33,000,000, those excess amounts shall be credited as offsetting collections under this heading and available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2019 (estimated at $15,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from fees collected in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2019 appropriation from the general fund estimated at $0: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2020.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, $1,000,000, to remain available until September 30, 2020.

OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $18,000,000, to remain available until expended: *Provided*, That, of the amount appropriated under this heading, $4,800,000 shall be available until September 30, 2020, for program direction.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes

of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $261,858,000, to remain available until September 30, 2020, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $96,000,000 in fiscal year 2019 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2019 appropriation from the general fund estimated at not more than $165,858,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $51,330,000, to remain available until September 30, 2020.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance for replacement only, $11,100,000,000, to remain available until expended: *Provided*, That of such amount, $102,022,000 shall be available until September 30, 2020, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed three aircraft, $1,949,000,000, to remain available until expended: *Provided*, That of such amount, $25,000,000 shall be made available for design activities supporting the dilute and dispose strategy for plutonium disposition: *Provided further*, That none of the funds made available under this heading

shall be made available for the construction activities or acquisition of equipment for the Surplus Plutonium Disposition Project: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, $19,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL REACTORS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,788,618,000, to remain available until expended, of which, $85,500,000 shall be transferred to "Department of Energy—Energy Programs—Nuclear Energy", for the Advanced Test Reactor: *Provided*, That of such amount, $48,709,000 shall be available until September 30, 2020, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $410,000,000, to remain available until September 30, 2020, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger minivan for replacement only, $6,028,600,000, to remain available until expended: *Provided*, That of such amount, $298,500,000 shall be available until September 30, 2020, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, $4,600,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $860,292,000, to remain available until expended: *Provided*, That of such amount, $295,432,000 shall be available until September 30, 2020, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: *Provided*, That during fiscal year 2019, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $6,500,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $6,500,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2019 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $55,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy,

for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,802,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $35,402,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2019 appropriation estimated at not more than $10,400,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $50,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $265,142,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $265,142,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $175,770,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2019 appropriation estimated at not more than $89,372,000, of which $89,372,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $225,442,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling

expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $1,340,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2019 appropriation estimated at not more than $228,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2019, the Administrator of the Western Area Power Administration may accept up to $372,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $369,900,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $369,900,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2019 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced

42 USC 7171 note.

as revenues are received during fiscal year 2019 so as to result in a final fiscal year 2019 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

Notification.
Time period.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

Reports.

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Conference" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the joint explanatory statement accompanying this Act.

Notification.
Time period.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify, and obtain the prior approval of, the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

Waiver authority.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

Notification.
Deadline.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2019 until the enactment of the Intelligence Authorization Act for fiscal year 2019.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project

cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

Notifications.

SEC. 305. The Secretary of Energy may not transfer more than $274,833,000 from the amounts made available under this title to the working capital fund established under section 653 of the Department of Energy Organization Act (42 U.S.C. 7263): *Provided*, That the Secretary may transfer additional amounts to the working capital fund after the Secretary provides notification in advance of any such transfer to the Committees on Appropriations of both Houses of Congress: *Provided further*, That any such notification shall identify the sources of funds by program, project, or activity: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress before adding or removing any activities from the fund.

SEC. 306. (a) None of the funds made available in this or any prior Act under the heading "Defense Nuclear Nonproliferation" may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

Waiver authority.
Determination.

(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.

Effective date.
Reports.

(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

SEC. 307. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

Cost estimate.

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

Plan.

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

Estimate.

(5) the estimate of the total inventory of the reserve.

Determination.
President.

SEC. 308. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $165,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $31,000,000, to remain available until September 30, 2020: *Provided*, That none of the funds made available by this or any prior Act for the salaries and expenses of the Defense Nuclear Facilities Safety Board shall be available to implement any reform and reorganization plan of the Defense Nuclear Facilities Safety Board, including the plan announced on August 15, 2018, unless any such reform and reorganization plan is specifically authorized by law.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382F(d), 382M, and 382N of said Act, $25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $15,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such

a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $20,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code: *Provided further*, That during fiscal year 2019, the duties and authority of the Federal Cochairperson shall be assumed by the Northern Border Regional Commission Program Director if the position of the Federal Cochairperson and Alternate Federal Cochairperson is vacant.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $898,350,000, including official representation expenses not to exceed $25,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than $9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2020, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $770,477,000 in fiscal year 2019 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than $10,300,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear technologies, and $16,080,000 shall be for international activities, except that the amounts provided under this proviso shall not be derived from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2019 so as to result in a final fiscal year 2019 appropriation estimated at not more than $127,873,000: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to the Commission's mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are

critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,609,000, to remain available until September 30, 2020: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,355,000 in fiscal year 2019 shall be retained and be available until September 30, 2020, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2019 so as to result in a final fiscal year 2019 appropriation estimated at not more than $2,254,000: *Provided further*, That of the amounts appropriated under this heading, $1,103,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2020.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information, consistent with Department of Justice guidance for all federal agencies.

Notification.
Time period.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

Waiver authority.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

Notification.
Deadline.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for "Nuclear Regulatory Commission—Salaries and Expenses" shall be expended as directed in the joint explanatory statement accompanying this Act.

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

Reports.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the joint explanatory statement accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the joint explanatory statement accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

Reports.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the

amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

Pornography.

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 505. For an additional amount for "Department of the Interior—Bureau of Reclamation—Water and Related Resources", $21,400,000, to remain available until expended, for transfer to Reclamation's Upper Colorado River Basin Fund to carry out environmental stewardship and endangered species recovery efforts pursuant to the Grand Canyon Protection Act of 1992 (Public Law 102–575), Public Law 106–392, the Colorado River Basin Project Act (43 U.S.C. 1551(b)), and the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620n).

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2019".

DIVISION B—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2019

Legislative Branch Appropriations Act, 2019.
2 USC 60a note.

TITLE I

LEGISLATIVE BRANCH

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

Cindy H. McCain.

For payment to Cindy H. McCain, widow of John Sidney McCain III, late a Senator from the State of Arizona, $174,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $18,760; the President Pro Tempore of the Senate, $37,520; Majority Leader of the Senate, $39,920; Minority Leader of the Senate, $39,920; Majority Whip of the Senate, $9,980; Minority Whip of the Senate, $9,980; President Pro Tempore Emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $4,690 for each Chairman; in all, $189,840.

For representation allowances of the Majority and Minority Leaders of the Senate, $14,070 for each such Leader; in all, $28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $208,390,812, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,484,248.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $744,466.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, $319,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,399,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,455,424.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,496,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,704,000 for each such committee; in all, $3,408,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $843,402.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,740,905 for each such committee; in all, $3,481,810.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $474,886.

OFFICE OF THE SECRETARY

For Office of the Secretary, $26,315,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $84,157,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,900,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $59,912,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,278,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,176,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,110; Sergeant at Arms and Doorkeeper of the Senate, $7,110; Secretary for the Majority of the Senate, $7,110; Secretary for the Minority of the Senate, $7,110; in all, $28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $133,265,000, of which $26,650,000 shall remain available until September 30, 2021.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $508,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $10,036,000 of which $6,436,000 shall remain available until September 30, 2023 and of which $3,600,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $126,595,000, which shall remain available until September 30, 2023.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,871,410 which shall remain available until September 30, 2021.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $429,000,000 of which $20,128,950 shall remain available until September 30, 2021 and of which $5,000,000 shall be allocated solely for the purpose of providing financial compensation to Senate interns.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading "GENERAL PROVISION" under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

FILING BY SENATE CANDIDATES WITH COMMISSION

SEC. 102. Section 302(g) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102(g)) is amended to read as follows:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.".

EXTENSION OF AUTHORITY

SEC. 103. Section 21(d) of Senate Resolution 64 of the One Hundred Thirteenth Congress, 1st session (agreed to on March

5, 2013), as amended by section 178 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), is further amended by striking "December 31, 2018" and inserting "December 31, 2020".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,232,663,035, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,378,875, including: Office of the Speaker, $7,123,634, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,642,739, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $7,751,946, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,197,163, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,700,079, including $5,000 for official expenses of the Minority Whip; Republican Conference, $2,186,819; Democratic Caucus, $1,776,495: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2019 until January 2, 2020.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $573,630,000.

INTERN ALLOWANCE

For payments from the allowance established under section 120 of this Act for the compensation of interns who serve in the offices of Members of the House of Representatives, $8,800,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $127,903,173: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2020, except that $4,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $23,112,971, including studies and examinations of executive agencies and temporary personal services for such committee, to be

expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2020.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $220,345,000, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than $25,000 for official representation and reception expenses, of which not more than $20,000 is for the Family Room and not more than $2,000 is for the Office of the Chaplain, $28,305,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $18,773,000 of which $5,524,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $148,058,000, of which $11,631,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,019,000; for salaries and expenses of the Office of General Counsel, $1,502,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,026,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,327,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $11,937,000; for salaries and expenses of the Office of Interparliamentary Affairs, $814,000; for other authorized employees, $584,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $253,493,016, including: supplies, materials, administrative costs and Federal tort claims, $525,016; official mail for committees, leadership offices, and administrative offices of the House, $190,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $228,200,000, to remain available until March 31, 2020; Business Continuity and Disaster Recovery, $16,186,000 of which $5,000,000 shall remain available until expended; transition activities for new members and staff, $3,000,000, to remain available until expended; Wounded Warrior Program $3,000,000, to remain available until expended; Office of Congressional Ethics, $1,670,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $722,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 110. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2019. Any amount remaining after all payments are made under such allowances for fiscal year 2019 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

DELIVERY OF BILLS AND RESOLUTIONS

SEC. 111. (a) None of the funds made available in any fiscal year may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy. 2 USC 5347.

(b) This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year. Applicability.

DELIVERY OF CONGRESSIONAL RECORD

SEC. 112. (a) None of the funds made available in any fiscal year may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress). 2 USC 5348.

(b) This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year. Applicability.

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 113. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

LIMITATION ON PRINTED COPIES OF U.S. CODE TO HOUSE

SEC. 114. (a) None of the funds made available in any fiscal year may be to provide an aggregate number of more than 50 printed copies of any edition of the United States Code to all offices of the House of Representatives. 2 USC 5349.

Applicability.

(b) This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

DELIVERY OF REPORTS OF DISBURSEMENTS

2 USC 5350.

SEC. 115. (a) None of the funds made available in any fiscal year may be used to deliver a printed copy of the report of disbursements for the operations of the House of Representatives under section 106 of the House of Representatives Administration Reform Technical Corrections Act (2 U.S.C. 5535) to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

Applicability.

(b) This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

DELIVERY OF DAILY CALENDAR

2 USC 5351.

SEC. 116. (a) None of the funds made available in any fiscal year may be used to deliver to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) a printed copy of the Daily Calendar of the House of Representatives which is prepared by the Clerk of the House of Representatives.

Applicability.

(b) This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

DELIVERY OF CONGRESSIONAL PICTORIAL DIRECTORY

2 USC 5352.

SEC. 117. (a) None of the funds made available in any fiscal year may be used to deliver a printed copy of the Congressional Pictorial Directory to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

Applicability.

(b) This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

REPEAL OF AUTHORIZATIONS FOR FORMER SPEAKERS

SEC. 118. (a) REPEAL OF AUTHORIZATIONS FOR OFFICE SPACE, OFFICE EXPENSES, FRANKING AND PRINTING PRIVILEGES, AND STAFF.—The first section and sections 2, 4, 5, and 8 of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971) (2 U.S.C. 5125(a), 5126, 5127, 5128, and 5129) are repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of the first section of Public Law 93–532 (2 U.S.C. 5125(b)) is repealed.

Applicability.
2 USC 5125 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any individual who serves as a Representative in Congress during the One Hundred Fifteenth Congress or any succeeding Congress.

TRANSFER AUTHORITY

SEC. 119. (a) AUTHORITY TO MAKE TRANSFERS AMONG HOUSE LEADERSHIP OFFICES.—Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 5507) is amended by adding at the end the following new subsection:

"(f) Amounts appropriated for any fiscal year for the House of Representatives under the heading 'House Leadership Offices' may be transferred among and merged with the various offices and activities under such heading, effective upon the expiration of the 21-day period (or such alternative period that may be imposed by the Committee on Appropriations of the House of Representatives) which begins on the date such Committee has been notified of the transfer.". Time period.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2019 and each succeeding fiscal year. Applicability. 2 USC 5507 note.

ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER OFFICES

SEC. 120. (a) ESTABLISHMENT OF ALLOWANCE.—There is established for the House of Representatives an allowance which shall be available for the compensation of interns who serve in the offices of Members of the House of Representatives. 2 USC 5322a.

(b) CAP ON AMOUNT AVAILABLE PER OFFICE.—An office of a Member of the House of Representatives may not use more than $20,000 of the allowance under this section during any calendar year.

(c) BENEFIT EXCLUSION.—Section 104(b) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(b)) shall apply with respect to an intern who is compensated under the allowance under this section in the same manner as such section applies with respect to an intern who is compensated under the Members' Representational Allowance. Applicability.

(d) NO EFFECT ON PAYMENT OF INTERNS UNDER MEMBERS' REPRESENTATIONAL ALLOWANCE.—Nothing in this section may be construed to affect the use of the Members' Representational Allowance for the compensation of interns, as provided under section 104 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321).

(e) DEFINITIONS.—In this section—

(1) the term "intern" has the meaning given such term in section 104(c)(2) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(c)(2)); and

(2) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,800,000 for fiscal year 2019.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,203,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,169,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of $2,175 per month to the Attending Physician;

(2) an allowance of $1,300 per month to the Senior Medical Officer;

(3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

Reimbursements.

(5) $2,740,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,798,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,486,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $374,804,000 of which overtime shall not exceed $43,668,000 unless the Committee on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances,

relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $81,504,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2019 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $6,332,670, of which $1,000,000 shall remain available until September 30, 2020: *Provided*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $50,737,000: *Provided*, that the Director shall use not less than $500,000 of the amount made available under this heading for (1) improving technical systems, processes, and models for the purpose of improving the transparency of estimates of budgetary effects to Members of Congress, employees of Members of Congress, and the public, and (2) to increase the availability of models, economic assumptions, and data for Members of Congress, employees of Members of Congress, and the public.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $103,962,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $43,992,000, of which $17,344,000 shall remain available until September 30, 2023.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $16,761,000, of which $5,519,000 shall remain available until September 30, 2023.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $187,098,000, of which $65,552,000 shall remain available until September 30, 2023, and of which $62,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building; *Provided*, That of the amount made available under this heading, $7,000,000 shall be derived by transfer from the House Office Building Fund established under section 176(d) of the Continuing Appropriations Act, 2017, as added by section 101(3) of the Further Continuing Appropriation Act, 2017 (Public Law 114–254; 2 U.S.C. 2001 note).

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $10,000,000, to remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $93,562,000, of which $31,162,000 shall remain available until September 30, 2023.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $114,050,000, of which $31,362,000 shall remain available until September 30, 2023: *Provided*, That not more than $9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2019.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $68,525,000, of which $40,403,000 shall remain available until September 30, 2023.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, $57,714,000, of which $31,777,000 shall remain available until September 30, 2023.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $14,759,000, of which $3,559,000 shall remain available until September 30, 2023: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $23,322,000.

ADMINISTRATIVE PROVISIONS

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

SEC. 130. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

SCRIMS

SEC. 131. (a) None of the funds made available by this Act may be used for scrims containing photographs of building facades during restoration or construction projects performed by the Architect of the Capitol.

(b) This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year. Applicability.

SECURITY PROGRAMS

SEC. 132. (a) PURPOSE OF PROGRAMS.—Section 906(b) of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (2 U.S.C. 1865(b)) is amended to read as follows:

"(b) Funds in the account shall be used by the Architect of the Capitol for all necessary expenses for—

"(1) resilience and security programs of the Architect of the Capitol; and

"(2) the maintenance, care, and operation of buildings, grounds, and security enhancements for facilities of the United States Capitol Police and for other facilities associated with such resilience and security programs at any location.".

(b) TRANSFERS OF FUNDS.—Section 906 of such Act (2 U.S.C. 1865) is amended—

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

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

"(c)(1) For carrying out the purposes of the account, the Architect of the Capitol may receive transfers of appropriations from any agency of the Legislative Branch upon the approval of—

"(A) the Committee on Appropriations of the House of Representatives, in the case of a transfer from an office of the House of Representatives;

"(B) the Committee on Appropriations of the Senate, in the case of a transfer from an office of the Senate; or

"(C) the Committees on Appropriations of the House of Representatives and the Senate, in the case of a transfer from any other office of the Government.

"(2) Amounts transferred under this subsection shall be merged with the account and made available under this section.

Applicability.

"(3) This subsection shall apply with respect to fiscal year 2019 and each succeeding fiscal year.".

INCREASE IN THRESHOLD FOR SMALL PURCHASE CONTRACTING AUTHORITY

SEC. 133. (a) 2 U.S.C. 1821 is amended by adding before "Notwithstanding any other provision of law—" the following text: "To promote efficiency and economy in contracting and to avoid unnecessary burdens, the Architect of the Capitol is granted authority to utilize special simplified procedures for purchases of property and services the aggregate amount of which does not exceed $250,000.".

Applicability.
2 USC 1821 note.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

INTERAGENCY DETAILS

2 USC 1835.

SEC. 134. (a) AUTHORIZING DETAILS OF EMPLOYEES UNDER JOINT AGENCY AGREEMENTS.—In addition to any other authority relating to the detail of employees, the Architect of the Capitol and the head of any other department, agency, or instrumentality of the United States Government may enter into a joint agency agreement under which—

(1) employees of the Office of the Architect of the Capitol (including employees of the United States Botanic Garden)

may be detailed to such department, agency, or instrumentality on a reimbursable or non-reimbursable basis; and

(2) employees of such department, agency, or instrumentality may be detailed to the Office of the Architect of the Capitol on a reimbursable or non-reimbursable basis.

(b) DURATION.—The detail of an employee under a joint agency agreement under this section shall be for such duration as may be provided in the agreement, except that in the case of a detail made on a non-reimbursable basis, the duration of the detail may not exceed one year unless the Architect of the Capitol and the head of the department, agency, or instrumentality involved each determine that an extension of the detail of the employee is in the public interest. Time period.

(c) NO EFFECT ON APPROPRIATIONS OF RECIPIENT OF NON-REIMBURSABLE DETAIL.—For purposes of any law, rule, or regulation, the detail of an employee on a non-reimbursable basis under a joint agency agreement under this section for a fiscal year shall not be treated as an increase or modification of the appropriation for the fiscal year of the office to whom the employee is detailed.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year. Applicability.

ACCEPTANCE OF TRAVEL EXPENSES FROM NON-FEDERAL SOURCES

SEC. 135. (a) PERMITTING ACCEPTANCE OF EXPENSES.—Notwithstanding any other provision of law, the Architect of the Capitol may accept payment or authorize an employee of the Office of the Architect of the Capitol to accept payment on the Office's behalf from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the employee's official duties. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses. 2 USC 1873.

(b) PROHIBITING ACCEPTANCE FROM OTHER SOURCES.—Except as provided in this section or section 7342 of title 5, United States Code, the Office or an employee of the Office may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) in the case of a repayment under paragraph (1), shall not be entitled to any payment from the Government for such expenses.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year. Applicability.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library

buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $480,052,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2019, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,000,000: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $8,855,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $1,318,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further*, That of the total amount appropriated, $250,000 shall remain available until expended for the Surplus Books Program to promote the program and facilitate a greater number of donations to eligible entities across the United States: *Provided further*, That of the total amount appropriated, $2,383,000 shall remain available until expended for the Veterans History Project to continue digitization efforts of already collected materials, reach a greater number of veterans to record their stories, and promote public access to the Project.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $93,407,000, of which not more than $39,218,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2019 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,272,000 shall be derived from collections during fiscal year 2019 under sections 111(d)(2), 119(b)(3), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $45,490,000: *Provided further*, That $4,328,000 shall be derived from prior year unobligated balances: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of

training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $125,688,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That this prohibition does not apply to publication of non-confidential Congressional Research Service (CRS) products: *Provided further*, That a non-confidential CRS product includes any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $52,783,000: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 140. (a) IN GENERAL.—For fiscal year 2019, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $194,608,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from

sources other than appropriations to the Library in appropriations Acts for the legislative branch.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $79,000,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading "Government Publishing Office Business Operations Revolving Fund" no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committee on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

Time period. Effective date.

Deadline.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $32,000,000: *Provided*, That amounts of not

more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2017 and 2018 to depository and other designated libraries: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading "Government Publishing Office Business Operations Revolving Fund" no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committee on Appropriations of the House of Representatives and the Senate. Deadline.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, $6,000,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further*, That the Business Operations Revolving Fund and the funds provided under the heading "Public Information Programs of the Superintendent of Documents" may not be used for contracted security services at Government Publishing Office's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in

connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $589,749,653: *Provided*, That, in addition, $35,900,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation shall be available to transfer amounts to the Department of the Army for the expenses of constructing an Army facility at Redstone Arsenal for the sole, unlimited use of the Government Accountability Office, and (notwithstanding section 1502(a) of title 31, United States Code) shall be available to transfer such amounts without regard to the fiscal year in which such expenses are incurred: *Provided further*, That hereafter, amounts appropriated for the salaries and expenses of the Government Accountability Office shall be available to transfer to the Department of the Army for the maintenance of such facility.

Reimbursements.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $5,600,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2019 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LBFMC

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made

by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate, unless through regulations as authorized by section 402(b)(8) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242(b)(8)).

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

LIMITATION ON TELECOMMUNICATIONS EQUIPMENT PROCUREMENT

SEC. 208. (a) None of the funds appropriated or otherwise made available under this Act may be used to acquire telecommunications equipment produced by Huawei Technologies Company, ZTE Corporation or a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency, office, or other entity acquiring the equipment or system has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

Consultation.
Assessment.
China.
Iran.
North Korea.
Russia.

(3) in consultation with the Federal Bureau of Investigation or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

Consultations.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the Federal Bureau of Investigation, that the acquisition of such system is in the vital national security interest of the United States; and Determination.

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate in a manner that identifies the system intended for acquisition and a detailed description of the mitigation strategies identified in (1), provided that such report may include a classified annex as necessary. Reports.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 209. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities or other official government activities.

PLASTIC WASTE REDUCTION

SEC. 210. All agencies and offices funded by this division that contract with a food service provider or providers shall confer and coordinate with such food service provider or providers, in consultation with disability advocacy groups, to eliminate or reduce plastic waste, including waste from plastic straws, explore the use of biodegradable items, and increase recycling and composting opportunities. Coordination. Consultation.

AGENCY COST OF LIVING ADJUSTMENTS

SEC. 211. (a) Each agency, office, or other entity that is provided appropriations under this Division shall report to the Committees on Appropriations of the House and Senate, not less than 30 days after enactment of this Act, specifying the dollar amount estimated for cost-of-living adjustments that was included in the fiscal year 2019 budget request for each appropriations account. Reports. Estimate.

(b) In the event that Executive Branch agencies do not receive a cost-of-living adjustment, such dollar amount reported pursuant to subsection (a) may be obligated and expended only upon written approval by the Chair and ranking minority member of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives and by the Chair and ranking minority member of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the Senate.

(c) Pursuant to subsection (b), the agencies, offices, or other entities of the House of Representatives and the Senate require only the written approval of the Committee on Appropriations of their respective Chamber.

ADJUSTMENTS TO COMPENSATION

2 USC 4501 note.

SEC. 212. Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2019.

This division may be cited as the "Legislative Branch Appropriations Act, 2019".

Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2019.

DIVISION C—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,021,768,000, to remain available until September 30, 2023: *Provided*, That, of this amount, not to exceed $110,068,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination. Notification.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,118,619,000, to remain available until September 30, 2023: *Provided*, That, of this amount, not to exceed $185,542,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination. Notification.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,440,323,000, to remain available until September 30, 2023: *Provided*, That, of this amount, not to exceed $206,577,000

Determination. Notification.

shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,550,728,000, to remain available until September 30, 2023: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That, of the amount, not to exceed $192,345,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.

Determination. Notification.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $190,122,000, to remain available until September 30, 2023: *Provided*, That, of the amount, not to exceed $16,622,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination. Notification.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $129,126,000, to remain available until September 30, 2023: *Provided*, That, of the amount, not to exceed $18,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional

Determination. Notification.

obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $64,919,000, to remain available until September 30, 2023: *Provided*, That, of the amount, not to exceed $5,855,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $43,065,000, to remain available until September 30, 2023: *Provided*, That, of the amount, not to exceed $4,695,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $38,063,000, to remain available until September 30, 2023: *Provided*, That, of the amount, not to exceed $4,055,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, the Chief of the Air Force Reserve shall take immediate action to address unfunded military construction requirements for access control points and security issues at Air Force Reserve facilities.

Determination.
Notification.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations

(including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $171,064,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $342,000,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $330,660,000, to remain available until September 30, 2023.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $376,509,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $104,581,000, to remain available until September 30, 2023.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $314,536,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $78,446,000, to remain available until September 30, 2023.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $317,274,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $58,373,000.

DEPARTMENT OF DEFENSE

FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $1,653,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE

MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, $600,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

Determination.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or

(3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress. Notification.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms. Contracts. Japan.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor. Contracts.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000. Time period.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency

for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

Determination.

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

Loans.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

10 USC 2821 note.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation

is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further,* That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year. Reports.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred. Determination.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions. Certification.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2023:

"Military Construction, Army", $94,100,000;

"Military Construction, Navy and Marine Corps", $196,850,000;

"Military Construction, Air Force", $118,450,000;

"Military Construction, Army National Guard", $22,000,000;

"Military Construction, Air National Guard", $54,000,000;

"Military Construction, Army Reserve", $23,000,000; and

"Military Construction, Air Force Reserve", $84,800,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2019 submitted to Congress: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

(RESCISSIONS OF FUNDS)

SEC. 126. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"NATO Security Investment Program", $25,000,000;

"Military Construction, Air Force", $31,158,000;

"Military Construction, Army National Guard", $10,000,000;

"Family Housing Construction, Navy and Marine Corps", $2,138,000; and

"The fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374)", $15,333,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Definition.

SEC. 127. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 128. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

Analysis. Reports. Certification.

SEC. 129. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy

Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force: (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress ("the Committees") a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term "United States" in this section does not include any territory or possession of the United States.

SEC. 130. Notwithstanding section 124 of this Act, for an additional amount for "Military Construction, Army" in this title, $30,000,000, to remain available until expended, is provided for completion of the Defense Access Roads project and land acquisition for Arlington National Cemetery as authorized by section 2101 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 2829A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328): *Provided*, That such funds shall be in addition to any other funds made available in this or prior year Acts for such purposes, including funds made available by section 132 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2016 (Public Law 114–113).

SEC. 131. All amounts appropriated to the "Department of Defense—Military Construction, Army", "Department of Defense—Military Construction, Navy and Marine Corps", "Department of Defense—Military Construction, Air Force", and "Department of Defense—Military Construction, Defense-Wide" accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2019 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

SEC. 132. For an additional amount for the accounts and in the amounts specified, for enhancing force protection and safety at military installations, to remain available until September 30, 2023:

"Military Construction, Navy and Marine Corps", $50,000,000; and

"Military Construction, Air Force", $50,000,000:

Provided, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

Deadline. Expenditure plan.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $2,994,366,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2018, to remain available until expended; and, in addition, $109,017,152,000 shall become available on October 1, 2019: *Provided*, That not to exceed $18,047,000 of the amount made available for fiscal year 2020 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

Reimbursement.

Reimbursement.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $14,065,282,000, to remain available until expended and to become available on October 1, 2019: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $111,340,000, which shall

become available on October 1, 2019, and shall remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2019, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans. Loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $200,612,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $39,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,037,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $396,000, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,163,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,956,316,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2020. Determination.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code; $750,000,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2018; and, in addition, $51,411,165,000, plus reimbursements, shall become available on October 1, 2019, and shall remain available until September 30, 2020: *Provided*, That, of the amount made available on October 1, 2019, under this heading, $1,500,000,000 shall remain available until September 30, 2021: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $1,000,000,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2018; and, in addition, $10,758,399,000, plus reimbursements, shall become available on October 1, 2019, and shall remain available until September 30, 2020: *Provided*,

That, of the amount made available on October 1, 2019, under this heading, $2,000,000,000 shall remain available until September 30, 2021.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $7,239,156,000, plus reimbursements, shall become available on October 1, 2019, and shall remain available until September 30, 2020: *Provided*, That, of the amount made available on October 1, 2019, under this heading, $100,000,000 shall remain available until September 30, 2021.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $90,180,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2018; and, in addition, $6,141,880,000, plus reimbursements, shall become available on October 1, 2019, and shall remain available until September 30, 2020: *Provided*, That, of the amount made available on October 1, 2019, under this heading, $250,000,000 shall remain available until September 30, 2021.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $779,000,000, plus reimbursements, shall remain available until September 30, 2020: *Provided*, That of the amount made available under this heading, $27,000,000 shall remain available until September 30, 2023: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for,

including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $315,836,000, of which not to exceed 10 percent shall remain available until September 30, 2020.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $355,897,000, of which not to exceed 10 percent shall remain available until September 30, 2020: *Provided*, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $174,748,000, of which not to exceed 10 percent shall remain available until September 30, 2020.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,103,000,000, plus reimbursements: *Provided,* That $1,199,220,000 shall be for pay and associated costs, of which not to exceed 3 percent shall remain available until September 30, 2020: *Provided further,* That $2,523,209,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2020: *Provided further,* That $380,571,000 shall be for information technology systems development, and shall remain available until September 30, 2020: *Provided further,* That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided*

further, That amounts made available for the "Information Technology Systems" account for development may be transferred among projects or to newly defined projects: *Provided further,* That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the joint explanatory statement accompanying this Act. Time period.

VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, $1,107,000,000, to remain available until September 30, 2021: *Provided*, That the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility: *Provided further*, That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office: *Provided further*, That none of the funds made available under this heading may be obligated in a manner inconsistent with deployment schedules provided to the Committees on Appropriations unless the Secretary of Veterans Affairs provides notification to the Committees on Appropriations of such change and an approval is issued. Reports. Notification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $192,000,000, of which not to exceed 10 percent shall remain available until September 30, 2020.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,127,486,000, of which $647,486,000 shall remain available until September 30, 2023, and of which

$480,000,000 shall remain available until expended, of which $400,000,000 shall be available for seismic improvement projects and seismic program management activities, including for projects that would otherwise be funded by the Construction, Minor Projects, Medical Facilities or National Cemetery Administration accounts: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That funds made available under this heading for fiscal year 2019, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2019; and (2) by the awarding of a construction contract by September 30, 2020: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing seismic projects of the Department.

Contracts.
Deadlines.

Reports.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $649,514,000, to remain available until September 30, 2023, along with unobligated balances of previous "Construction, Minor Projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*,

That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $150,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2019 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed. Time period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2019, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts: *Provided*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the Notification.

"Medical Facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, Major Projects", and "Construction, Minor Projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

Reimbursements.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical Services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2018.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and Pensions".

(INCLUDING TRANSFER OF FUNDS)

Reimbursements.

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2019, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General Operating Expenses, Veterans Benefits Administration" and "Information Technology Systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2019 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the

extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2019 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program. Determination.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, the Office of Employment Discrimination Complaint Adjudication, the Office of Accountability and Whistleblower Protection, and the Office of Diversity and Inclusion for all services provided at rates which will recover actual costs but not to exceed $48,431,000 for the Office of Resolution Management, $4,333,000 for the Office of Employment Discrimination Complaint Adjudication, $17,700,000 for the Office of Accountability and Whistleblower Protection, and $3,230,000 for the Office of Diversity and Inclusion: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General Administration" and "Information Technology Systems" accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, Major Projects" and "Construction, Minor Projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, Major Projects" and "Construction, Minor Projects".

SEC. 213. Amounts made available under "Medical Services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical Services" and "Medical Community Care" accounts to remain available until expended for the purposes of these accounts.

Alaska. Native Americans.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

Definition.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, Major Projects" and "Construction, Minor Projects" accounts, to remain available until expended for the purposes of these accounts.

Reports.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled "Quarterly reporting", under the heading "General Administration" in the joint explanatory statement accompanying Public Law 114–223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "General Operating Expenses, Veterans Benefits Administration", "Board of Veterans Appeals", "General Administration", and "National Cemetery Administration" accounts for fiscal year 2019 may be transferred to or from the "Information Technology Systems" account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the "Information Technology Systems" account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2019 for "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "Construction, Minor Projects", and "Information Technology Systems", up to $301,578,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further,* That section 220 of title II of division J of Public Law 115–141 is repealed.

Notification.

Ante, p. 817.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2019, for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", up to $307,609,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

Notification.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal

Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

Notification.

SEC. 224. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further,* That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

Deadline.

Time period.

SEC. 225. None of the funds made available for "Construction, Major Projects" may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

Reports.

SEC. 226. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled "Disability claims backlog", under the heading "General Operating Expenses, Veterans Benefits Administration" in the joint explanatory statement accompanying Public Law 114–223: *Provided further*, That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

Notification.
Time period.

SEC. 227. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 228. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000. Notifications.

(INCLUDING TRANSFER OF FUNDS)

SEC. 229. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the "Medical Services" account any discretionary appropriations made available for fiscal year 2019 in this title (except appropriations made to the "General Operating Expenses, Veterans Benefits Administration" account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2019, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request. Determinations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 230. Amounts made available for the Department of Veterans Affairs for fiscal year 2019, under the "Board of Veterans Appeals" and the "General Operating Expenses, Veterans Benefits Administration" accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 231. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 232. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

Definitions.

(2) In this subsection—

(A) the term "civil service" has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term "Executive action" includes—

(i) any Executive order, presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

Study.
Time period.
Analysis.
Data.

(c)(1) The Secretary of Veterans Affairs shall conduct a study on the effectiveness of the hotline specified in subsection (a) during the five-year period beginning on January 1, 2016, based on an analysis of national suicide data and data collected from such hotline.

(2) At a minimum, the study required by paragraph (1) shall—

(A) determine the number of veterans who contact the hotline specified in subsection (a) and who receive follow up services from the hotline or mental health services from the Department of Veterans Affairs thereafter;

(B) determine the number of veterans who contact the hotline who are not referred to, or do not continue receiving, mental health care who commit suicide; and

(C) determine the number of veterans described in subparagraph (A) who commit or attempt suicide.

Reports.

SEC. 233. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements:

Strategy.
Plans.

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Services Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

Analysis.

(3) a cost versus benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

Analysis.

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

Inventory.

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided,* That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

Time period.

SEC. 234. Effective during the period beginning on October 1, 2018 and ending on January 1, 2024, none of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the "Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration's Screening for Breast Cancer Guidance" published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

SEC. 235. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the "Medical Services" account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

Adoption. Reimbursement. Definitions.

(b) In this section:

(1) The term "service-connected" has the meaning given such term in section 101 of title 38, United States Code.

(2) The term "covered veteran" means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term "assisted reproductive technology" means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member except that—

(A) the time periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(B) such term includes embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

(4) The term "adoption reimbursement" means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement

program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

(RESCISSION OF FUNDS)

SEC. 236. Of the funds made available for fiscal year 2019 under the heading "Department of Veterans Affairs—Veterans Health Administration—Medical Support and Compliance" in title II of division J of the Consolidated Appropriations Act, 2018 (Public Law 115–141), $211,000,000 is hereby rescinded.

SEC. 237. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 238. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

Deadlines.
38 USC note prec. 5701.

SEC. 239. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than 5 years after the date of the enactment of this Act.

(2) For all individuals not described in paragraph (1), not later than 8 years after the date of the enactment of this Act.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

Applicability.

SEC. 240. For funds provided to the Department of Veterans Affairs for each of fiscal year 2019 and 2020 for "Medical Services", section 239 of Division A of Public Law 114–223 shall apply.

SEC. 241. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 242. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2019 and fiscal year 2020 for "Medical Services", funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

Applicability.

SEC. 243. For funds provided to the Department of Veterans Affairs for each of fiscal year 2019 and 2020, section of Division A of Public Law 114–223 shall apply.

SEC. 244. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

Reports.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

Assessment.

(1) an assessment of the veteran-to-staff ratio for each such program; and

Recommendations.

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 245. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Applicability.

SEC. 246. For funds provided to the Department of Veterans Affairs for each of fiscal year 2019 and 2020, section 258 of Division A of Public Law 114–223 shall apply.

Animals.

SEC. 247. None of the funds appropriated or otherwise made available by this Act may be used to conduct research using canines unless: the scientific objectives of the study can only be met by research with canines; the study has been directly approved by the Secretary; and the study is consistent with the revised Department of Veterans Affairs canine research policy document released on December 18, 2017: *Provided*, That not later than 180 days after enactment of this Act, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a detailed report outlining under what circumstances canine research may be needed if there are no other alternatives, how often it was used during that time period, and what protocols are in place to determine both the safety and efficacy of the research.

Reports.

SEC. 248. For an additional amount for the Department of Veterans Affairs, $2,000,000,000 to remain available until expended, for infrastructure improvements, including new construction, and in addition to amounts otherwise made available in this Act for such purpose, of which:

(1) $750,000,000 shall be available for seismic improvement projects and seismic program management activities, including projects that would otherwise be funded by the Construction, Major Projects, the Construction, Minor Projects, Medical Facilities, or National Cemetery Administration accounts;

(2) $300,000,000 shall be for "Departmental Administration—Construction, Major Projects";

(3) $800,000,000 shall be for "Veterans Health Administration—Medical Facilities" to be used for non-recurring maintenance; and

(4) $150,000,000 shall be for "Departmental Administration—Construction, Minor Projects":

Provided, That the additional amounts appropriated for the purposes of non-recurring maintenance and minor construction may be used to carry out critical life-safety projects identified in the Department's annual facility condition assessments; sustainment projects; modernization projects; infrastructure repair; renovations at existing Veterans Health Administration medical centers and outpatient clinics; and projects included in the Strategic Capital Investment Process plan: *Provided further*, That funds made available under this section for "Construction, Major Projects" shall be available for previously authorized and partially funded major construction projects: *Provided further,* That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing projects of the Department: *Provided further*, That the additional amounts appropriated under this section may not be obligated or expended until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a detailed expenditure plan, including project descriptions and costs, for any non-recurring maintenance, minor construction, major construction, or seismic improvement project being funded with the additional amounts made available in this administrative provision.

SEC. 249. (a) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access of such Inspector General.

(b) TIMELY ACCESS.—A department or agency covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) COMPLIANCE.—Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) REPORT.—Each Inspector General covered by this section shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives within 5 calendar days of any failure by any department or agency covered by this section to comply with this section.

Deadline.

SEC. 250. (a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans

Affairs shall submit to the appropriate committees of Congress a plan to reduce the chances that clinical mistakes by employees of the Department of Veterans Affairs will result in adverse events that require institutional or clinical disclosures and to prevent any unnecessary hardship for patients and families impacted by such adverse events.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of a process for the timely identification of individuals impacted by disclosures described in subsection (a) and the process for contacting those individuals or their next of kin.

(2) A description of procedures for expediting any remedial or follow-up care required for those individuals.

(3) A detailed outline of proposed changes to the process of the Department for clinical quality checks and oversight.

(4) A communication plan to ensure all facilities of the Department are made aware of any requirements updated pursuant to the plan.

(5) A timeline detailing the implementation of the plan. Timeline.

(6) An identification of the senior executive of the Department responsible for ensuring compliance with the plan.

(7) An identification of potential impacts of the plan on timely diagnoses for patients.

(8) An identification of the processes and procedures for employees of the Department to make leadership at the facility and the Department aware of adverse events that are concerning and that result in disclosures and to ensure that the medical impact on veterans of such disclosures is minimized.

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

(1) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 251. None of the funds made available in this Act may be used in a manner that would increase wait times for veterans who seek care at medical facilities of the Department of Veterans Affairs.

SEC. 252. None of the funds appropriated or otherwise made available by this Act to the Veterans Health Administration may be used in fiscal year 2019 to convert any program which received specific purpose funds in fiscal year 2018 to a general purpose funded program unless the Secretary of Veterans Affairs submits written notification of any such proposal to the Committees on Appropriations of both Houses of Congress at least thirty days prior to any such action and an approval is issued by the Committees. Notification. Time period.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $42,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $104,000,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $34,955,000: *Provided*, That $2,580,000 shall be available for the purpose of providing financial assistance as described and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $2,000 for official reception and representation expenses, $80,800,000, of which not to exceed $15,000,000 shall remain available until September 30, 2021. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

CONSTRUCTION

For necessary expenses for planning and design and construction at Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, $33,600,000, to remain available until expended, for planning and design and construction associated with the Southern Expansion project at Arlington National Cemetery.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $64,300,000, of which $1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISION

SEC. 301. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $192,250,000, to remain available until September 30, 2023, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $227,320,000, to remain available until September 30, 2023, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" $414,800,000, to remain available until September 30, 2023, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $87,050,000, to remain available until September 30, 2023, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

President. Designation.

SEC. 401. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

Lists.

SEC. 402. None of the funds appropriated for military construction projects outside the United States under this title may be obligated or expended for planning and design of any project associated with the European Deterrence Initiative until the Secretary of Defense develops and submits to the congressional defense committees, in a classified and unclassified format, a list of all of the military construction projects associated with the European Deterrence Initiative which the Secretary anticipates will be carried out during each of the fiscal years 2020 through 2024.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies

of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

Web posting. Determination.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

Pornography.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

Effective date.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the "Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2019".

Approved September 21, 2018.

LEGISLATIVE HISTORY—H.R. 5895 (S. 2975):

HOUSE REPORTS: Nos. 115–697 (Comm. on Appropriations) and 115–929 (Comm. of Conference).

SENATE REPORTS: No. 115–258 (Comm. on Appropriations) accompanying S. 2975.

CONGRESSIONAL RECORD, Vol. 164 (2018):

June 7, 8, considered and passed House.

June 18–21, 25, considered and passed Senate, amended.

Sept. 12, Senate agreed to conference report.

Sept. 13, House agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):

Sept. 21, Presidential remarks and statement.

Public Law 115–245
115th Congress

An Act

Making consolidated appropriations for the Departments of Defense, Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes.

Sept. 28, 2018
[H.R. 6157]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019.

This Act may be cited as the "Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of appropriations.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations

DIVISION B—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2019

SEC. 3. REFERENCES.

1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019.

Department of Defense Appropriations Act, 2019.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $42,690,042,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $30,164,481,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,779,038,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $30,074,691,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,836,947,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,049,021,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $782,390,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,860,406,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard

while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $8,600,945,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,699,080,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $40,145,482,000: *Provided*, That not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $48,034,826,000: *Provided*, That not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $6,540,049,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law,

$40,379,184,000: *Provided*, That not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $35,613,354,000: *Provided*, That not more than $7,503,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $42,300,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $4,500,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $19,160,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That of the funds provided under this heading, $663,969,000, of which $165,992,000, to remain available until September 30, 2020, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,781,402,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,018,006,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $271,570,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,191,734,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,118,831,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau

regulations when specifically authorized by the Chief, National Guard Bureau, $6,420,697,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,662,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $235,809,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $365,883,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $365,808,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required

for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $19,002,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $248,673,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $117,663,000, to remain available until September 30, 2020.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $350,240,000, to remain available until September 30, 2021.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $450,000,000, to remain available for obligation until September 30, 2020: *Provided*, That no other amounts may be otherwise credited or transferred to the Fund, or deposited into the Fund, in fiscal year 2019 pursuant to section 1705(d) of title 10, United States Code.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,299,566,000, to remain available for obligation until September 30, 2021.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, $3,145,256,000, to remain available for obligation until September 30, 2021.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,486,402,000, to remain available for obligation until September 30, 2021.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,276,330,000, to remain available for obligation until September 30, 2021.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,844,691,000, to remain available for obligation until September 30, 2021.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and

construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $20,092,199,000, to remain available for obligation until September 30, 2021.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,711,576,000, to remain available for obligation until September 30, 2021.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $952,682,000, to remain available for obligation until September 30, 2021.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine (AP), $3,173,400,000;
Carrier Replacement Program (CVN–80), $1,573,181,000;
Virginia Class Submarine, $4,340,676,000;
Virginia Class Submarine (AP), $2,796,401,000;
CVN Refueling Overhauls (AP), $425,873,000;
DDG–1000 Program, $270,965,000;
DDG–51 Destroyer, $5,249,837,000;
DDG–51 Destroyer (AP), $641,928,000;
Littoral Combat Ship, $1,571,244,000;
LPD–17, $350,000,000;

Expeditionary Sea Base, $647,000,000;
LHA Replacement (AP), $350,000,000;
Expeditionary Fast Transport, $225,000,000;
TAO Fleet Oiler, $977,104,000;
TAO Fleet Oiler (AP), $75,046,000;
Towing Salvage and Rescue Ship, $80,517,000;
LCU 1700, $41,520,000;
Ship to Shore Connector, $507,875,000;
Service Craft, $72,062,000;
LCAC SLEP, $23,321,000;

For outfitting, post delivery, conversions, and first destination transportation, $550,038,000; and

Completion of Prior Year Shipbuilding Programs, $207,099,000.

In all: $24,150,087,000, to remain available for obligation until September 30, 2023: *Provided*, That additional obligations may be incurred after September 30, 2023, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That funds appropriated or otherwise made available by this Act for production of the common missile compartment of nuclear-powered vessels may be available for multiyear procurement of critical components to support continuous production of such compartments only in accordance with the provisions of subsection (i) of section 2218a of title 10, United States Code (as added by section 1023 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328)): *Provided further*, That the funds made available by this Act for the Carrier Replacement Program (CVN–80) may be available to modify or enter into a new contract for the procurement of a Ford-class aircraft carrier designated CVN–81 pursuant to section 121 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,097,138,000, to remain available for obligation until September 30, 2021.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare

parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,719,870,000, to remain available for obligation until September 30, 2021.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $17,112,337,000, to remain available for obligation until September 30, 2021.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,585,004,000, to remain available for obligation until September 30, 2021.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,343,642,000, to remain available for obligation until September 30, 2021.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,485,856,000, to remain available for obligation until September 30, 2021.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $20,884,225,000, to remain available for obligation until September 30, 2021.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $6,822,180,000, to remain available for obligation until September 30, 2021.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $1,300,000,000, to remain available for obligation until September 30, 2021: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available

by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $53,578,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,083,824,000, to remain available for obligation until September 30, 2020.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,510,564,000, to remain available for obligation until September 30, 2020: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $41,229,475,000, to remain available for obligation until September 30, 2020.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $23,691,836,000, to remain available for obligation until September 30, 2020: *Provided*, That, of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of

Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $381,009,000, to remain available for obligation until September 30, 2020.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,641,115,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $34,007,519,000; of which $30,953,422,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2020, and of which up to $15,118,801,000 may be available for contracts entered into under the TRICARE program; of which $873,160,000, to remain available for obligation until September 30, 2021, shall be for procurement; and of which $2,180,937,000, to remain available for obligation until September 30, 2020, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than $1,171,100,000 shall be made available to the United States Army Medical Research and Materiel Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $993,816,000, of which $105,997,000 shall be for operation and maintenance, of which no less than $52,735,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $21,600,000 for activities on military installations and $31,135,000, to remain available until September 30, 2020, to assist State and local governments; $1,091,000 shall be for procurement, to remain available until September 30, 2021, of which $1,091,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $886,728,000, to remain available until September 30, 2020, shall be for research, development, test and evaluation, of which $880,283,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $881,525,000, of which $517,171,000 shall be for counter-narcotics support; $121,900,000 shall be for the drug demand reduction program; $217,178,000 shall be for the National Guard counter-drug program; and $25,276,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $329,273,000, of which $325,236,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which $60,000, to remain available for obligation until September 30, 2021, shall be for procurement; and of which $3,977,000, to remain available

until September 30, 2020, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $522,424,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2019: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2019: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

(1) "Environmental Restoration, Army";

(2) "Environmental Restoration, Navy";

(3) "Environmental Restoration, Air Force";

(4) "Environmental Restoration, Defense-Wide";

(5) "Environmental Restoration, Formerly Used Defense Sites"; and

(6) "Drug Interdiction and Counter-drug Activities, Defense".

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

10 USC 2306b note.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at

least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts for any or all of the following projects:

(1) Standard Missile–3 IB;

(2) Standard Missile–6;

(3) F/A–18E/F Super Hornet and EA–18G Aircraft variants;

(4) E–2D Advanced Hawkeye (AHE) Aircraft;

(5) C–130J, KC–130J, HC–130J, MC–130J, AC–130J Aircraft; and

(6) SSN Virginia Class Submarines and Government-furnished equipment.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for

graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2020 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2020 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2020.

(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(d) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. Of the funds made available in this Act, $25,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than $46,100,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $33,600,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $10,800,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $1,700,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to

any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2019, not more than 6,030 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2020 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $179,000,000: *Provided*, That this subsection shall not apply to appropriations for the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the

10 USC 2731 note.

Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2019. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted

to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8032. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled "Army Senior Reserve Officer's Training Corps (SROTC) Program Review and Criteria", dated January 27, 2014.

SEC. 8033. Up to $10,518,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

10 USC 2484 note.

SEC. 8034. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided,* That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8035. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for

sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2020 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2020 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2020 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8036. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2020: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2020.

50 USC 3521 note.

SEC. 8037. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8038. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products

are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8040. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

"Shipbuilding and Conversion, Navy: DDG–51 Destroyer", 2011/2020, $94,000,000;

"Shipbuilding and Conversion, Navy: CVN RCOH (AP)", 2011/2020, $4,000,000;

"Shipbuilding and Conversion, Navy: DDG–51 Destroyer", 2012/2020, $66,000,000;

"Shipbuilding and Conversion, Navy: LPD–17", 2012/2020, $13,000,000;

"Shipbuilding and Conversion, Navy: Joint High Speed Vessel", 2012/2020, $8,000,000;

"Aircraft Procurement, Army", 2017/2019, $16,000,000;

"Aircraft Procurement, Navy", 2017/2019, $38,894,000;

"Other Procurement, Navy", 2017/2019, $32,344,000;

"Aircraft Procurement, Air Force", 2017/2019, $169,677,000;

"Space Procurement, Air Force", 2017/2019, $5,000,000;

"Other Procurement, Air Force", 2017/2019, $44,300,000;

"Defense Health Program: Procurement", 2017/2019, $2,413,000;

"Missile Procurement, Army", 2018/2020, $80,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", 2018/2020, $210,506,000;

"Other Procurement, Army", 2018/2020, $64,390,000;

"Aircraft Procurement, Navy", 2018/2020, $26,361,000;

"Weapons Procurement, Navy", 2018/2020, $115,657,000;

"Other Procurement, Navy", 2018/2020, $36,600,000;

"Aircraft Procurement, Air Force", 2018/2020, $195,255,000;

"Missile Procurement, Air Force", 2018/2020, $5,200,000;

"Space Procurement, Air Force", 2018/2020, $218,100,000;

"Procurement of Ammunition, Air Force", 2018/2020, $17,100,000;

"Other Procurement, Air Force", 2018/2020, $123,500,000;

"Research, Development, Test and Evaluation, Army", 2018/2019, $191,120,000;

"Research, Development, Test and Evaluation, Air Force", 2018/2019, $490,588,000;

"Research, Development, Test and Evaluation, Defense-Wide", 2018/2019, $25,000,000; and

"Defense Health Program: Procurement", 2018/2020, $215,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

10 USC 274 note.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

50 USC 3506 note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. Of the amounts appropriated for "Working Capital Fund, Army", $99,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8048. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8049. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8050. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8055. Of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-wide", $35,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force:

Provided further, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That the Secretary of Defense shall, with submission of the department's fiscal year 2020 budget request, submit a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8059. Of the amounts appropriated for "Operation and Maintenance, Navy", up to $1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

SEC. 8060. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8061. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8062. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8063. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8065. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $62,483,700 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8066. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)–(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

SEC. 8067. In addition to amounts provided elsewhere in this Act, $10,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the

determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8068. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the House and Senate Appropriations Committees: *Provided further*, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further*, That any proposed modification shall not preclude the ability of the commander of United States Pacific Command to meet operational requirements.

SEC. 8069. Any notice that is required to be submitted to the Committees on Appropriations of the Senate and the House of Representatives under section 806(c)(4) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives.

10 USC 2302 note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", $500,000,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $70,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $187,000,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $50,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; $80,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $80,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for Arrow 3 Upper Tier, as amended; and $163,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $207,099,000 shall be available until September 30, 2019, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading "Shipbuilding and Conversion, Navy", 2011/2019: LHA Replacement $25,100,000;

(2) Under the heading "Shipbuilding and Conversion, Navy", 2013/2019: DDG–51 Destroyer $53,966,000;

(3) Under the heading "Shipbuilding and Conversion, Navy", 2014/2019: Littoral Combat Ship $19,498,000;

(4) Under the heading "Shipbuilding and Conversion, Navy", 2015/2019: Littoral Combat Ship $83,686,000;

(5) Under the heading "Shipbuilding and Conversion, Navy", 2015/2019: LCAC $9,400,000; and

(6) Under the heading "Shipbuilding and Conversion, Navy", 2016/2019: TAO Fleet Oiler $15,449,000.

SEC. 8072. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2019 until the enactment of the Intelligence Authorization Act for Fiscal Year 2019.

SEC. 8073. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

10 USC 221 note.

SEC. 8074. The budget of the President for fiscal year 2020 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8075. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(RESCISSION)

SEC. 8076. Of the funds available to the Secretary of Defense in the "Foreign Currency Fluctuations, Defense" account, $250,000,000 are rescinded.

SEC. 8077. The Secretary of Defense may use up to $800,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense for the rapid acquisition and deployment of supplies and associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note): *Provided*, That the Secretary of Defense shall notify the congressional defense committees promptly of all uses of this authority.

SEC. 8078. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8079. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8080. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8081. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2020.

SEC. 8082. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8083. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish

the baseline for application of reprogramming and transfer authorities for fiscal year 2019: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8084 None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command—New Jersey or make disproportionate personnel reductions at any Army Contracting Command—New Jersey sites without 30-day prior notification to the congressional defense committees.

SEC. 8085. Notwithstanding any other provision of law, any transfer of funds, appropriated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) of title 10, United States Code, shall be made in accordance with sections 8005 or 9002 of this Act, as applicable.

SEC. 8086. Any transfer of amounts appropriated to, credited to, or deposited in the Department of Defense Acquisition Workforce Development Fund in or for fiscal year 2019 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to sections 8005 or 9002 of this Act, as applicable.

SEC. 8087. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8088. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations,

unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8089. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. 50 USC 3103 note.

SEC. 8090. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8092. None of the funds appropriated by this Act may be available for the purpose of making remittances to the Department of Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8093. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8094. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $113,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical

Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided,* That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further,* That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8096. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8097. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further,* That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2019.

SEC. 8099. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8100. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8101. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1035 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

SEC. 8102. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8103. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the

Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8104. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

SEC. 8105. The Secretary of Defense, in consultation with the Service Secretaries, shall submit two reports to the congressional defense committees, not later than March 1, 2019, and not later than September 1, 2019, detailing the submission of records during the previous 6 months to databases accessible to the National Instant Criminal Background Check System (NICS), including the Interstate Identification Index (III), the National Crime Information Center (NCIC), and the NICS Index, as required by Public Law 110–180: *Provided*, That such reports shall provide the number and category of records submitted by month to each such database, by Service or Component: *Provided further*, That such reports shall identify the number and category of records submitted by month to those databases for which the Identification for Firearm Sales (IFFS) flag or other database flags were used to pre-validate the records and indicate that such persons are prohibited from receiving or possessing a firearm: *Provided further*, That such reports shall describe the steps taken during the previous 6 months, by Service or Component, to ensure complete and accurate submission and appropriate flagging of records of individuals prohibited from gun possession or receipt pursuant to 18 U.S.C. 922(g) or (n) including applicable records involving proceedings under the Uniform Code of Military Justice.

10 USC 2731 note.

SEC. 8106. (a) Of the funds appropriated in this Act for the Department of Defense, amounts should be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the "Foreign Claims Act"); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations

prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8107. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8108. The Secretary of Defense shall post grant awards on a public Website in a searchable format.

SEC. 8109. The Secretary of each military department, in reducing each research, development, test and evaluation and procurement account of the military department as required under paragraph (1) of section 828(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note), as amended by section 825(a)(3) of the National Defense Authorization Act for Fiscal Year 2018, shall allocate the percentage reduction determined under paragraph (2) of such section 828(d) proportionally from all programs, projects, or activities under such account: *Provided*, That the authority under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to transfer amounts available in the Rapid Prototyping Fund shall be subject to section 8005 or 9002 of this Act, as applicable.

SEC. 8110. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: *Provided*, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8111. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the

public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8112. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 8113. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8114. Of the amounts appropriated in this Act for "Operation and Maintenance, Navy", $310,805,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

SEC. 8115. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

SEC. 8116. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8117. None of the funds provided in this Act for the TAO Fleet Oiler program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion

equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

SEC. 8118. Notwithstanding any other provision of this Act, to mitigate higher than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby increased by $750,000,000.

SEC. 8119. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Fund may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

SEC. 8120. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8121. Notwithstanding any other provision of law, from funds made available to the Department of Defense in title II of this Act under the heading "Operation and Maintenance, Defense-Wide", $15,000,000 shall be available for a project in a country designated by the Secretary of Defense: *Provided*, That in furtherance of the project, the Department of Defense is authorized to acquire services, including services performed pursuant to a grant agreement, from another Federal agency, on an advance of funds or reimbursable basis: *Provided further*, That an order for services placed under this section is deemed to be an obligation in the same manner that a similar order placed under a contract with a private contractor is an obligation.

SEC. 8122. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

SEC. 8123. None of the funds appropriated by this Act may be made available to deliver F–35 aircraft to the Republic of Turkey, except in accordance with section 1282 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8124. Of the amounts appropriated in this Act, the Secretary of Defense may use up to $65,442,000 under the heading "Operation and Maintenance, Defense-Wide", and up to $55,400,000 under the heading "Research, Development, Test and Evaluation, Defense-Wide" to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management or other Federal agency responsible for conducting such investigations: *Provided*, That the Secretary may transfer additional amounts into

these headings or into "Procurement, Defense-Wide" using established reprogramming procedures prescribed in the Department of Defense Financial Management Regulation 7000.14, Volume 3, Chapter 6, dated September 2015: *Provided further*, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8125. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8126. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 8127. Notwithstanding any other provision of law, any transfer of funds appropriated or otherwise made available by this Act to the Global Engagement Center established by section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 22 U.S.C. 2656 note) shall be made in accordance with section 8005 or 9002 of this Act, as applicable.

SEC. 8128. In addition to amounts provided elsewhere in this Act, there is appropriated $270,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That as a condition of receiving funds under this section a local educational agency or State shall provide a matching share as described in the notice titled "Department of Defense Program for Construction, Renovation, Repair or Expansion of Public Schools Located on Military Installations" published by the Department of Defense in the Federal Register on September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided further*, That these provisions apply to funds provided under this section, and to funds previously provided by Congress to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools to the extent such funds remain unobligated on the date of enactment of this section.

SEC. 8129. In carrying out the program described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II

or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such memorandum, the Secretary of Defense shall apply such policy and guidance, except that—

(1) the limitation on periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(2) the term "assisted reproductive technology" shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

SEC. 8130. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

SEC. 8131. None of the funds made available by this Act may be used to purchase heavy water from Iran.

SEC. 8132. The amount appropriated in title II of this Act for "Operation and Maintenance, Army" is hereby reduced by $50,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8133. The amount appropriated in title II of this Act for "Operation and Maintenance, Navy" is hereby reduced by $50,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8134. None of the funds provided for, or otherwise made available, in this or any other Act, may be obligated or expended by the Secretary of Defense to provide motorized vehicles, aviation platforms, munitions other than small arms and munitions appropriate for customary ceremonial honors, operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment.

SEC. 8135. The Secretary of Defense may obligate and expend funds made available under this Act for procurement or for research, development, test and evaluation for the F–35 Joint Strike Fighter to modify up to six F–35 aircraft, including up to two F–35 aircraft of each variant, to a test configuration: *Provided*, That the Secretary of Defense shall, with the concurrence of the Secretary of the Air Force and the Secretary of the Navy, notify the congressional defense committees not fewer than 30 days prior to obligating and expending funds under this section: *Provided further*, That any transfer of funds pursuant to the authority provided in this section shall be made in accordance with sections 8005 or 9002 of this Act, as appropriate, if applicable.

10 USC 1475 note.

SEC. 8136. Amounts appropriated for "Defense Health Program" in this Act and hereafter may be obligated to make death gratuity payments, as authorized in subchapter II of chapter 75 of title 10, United States Code, if no appropriation for "Military Personnel" is available for obligation for such payments: *Provided,* That such obligations may subsequently be recorded against appropriations available for "Military Personnel".

SEC. 8137. None of the funds appropriated or otherwise made available by this or any other Act may be obligated or expended by the Department of Defense to migrate data and applications to the proposed Joint Enterprise Defense Infrastructure or the Defense Enterprise Office Solutions cloud computing services until a period of 90 days has elapsed following the date on which the

Secretary of Defense submits to the congressional defense committees—

(1) a proposed plan to establish a budget accounting system that provides transparency across the Department, including all military Services and Defense Agencies, for funds requested and expended for all cloud computing services procured by the Department and funds requested and expended to migrate to a cloud computing environment; and

(2) a detailed description of the Department's strategy to implement enterprise-wide cloud computing, including the goals and acquisition strategies for all proposed enterprise-wide cloud computing service procurements; the strategy to sustain competition and innovation throughout the period of performance of each contract, including defining opportunities for multiple cloud service providers and insertion of new technologies; and an assessment of potential threats and security vulnerabilities of the proposed cloud computing strategy, and plans to mitigate such risks.

SEC. 8138. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liability.

(b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection and has made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government.

SEC. 8139. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to the Islamic Republic of Iran unless specifically appropriated for that purpose.

SEC. 8140. From amounts appropriated or otherwise made available by title II of this division under the heading "OPERATION AND MAINTENANCE, AIR FORCE", the Secretary of Defense may reimburse the Government of the Republic of Palau in an amount not to exceed $9,700,000 for land acquisition costs for defense sites.

SEC. 8141. None of the funds made available by this Act may be used in contravention of—

(1) Executive Order No. 13175 (65 Fed. Reg. 67249; relating to consultation and coordination with Indian Tribal governments); or

(2) section 1501.2(d)(2) of title 40, Code of Federal Regulations.

SEC. 8142. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Air National Guard", not more than $20,000,000 shall be available to the Secretary of the Air Force for payments to a local water authority located in the vicinity of an Air National Guard base, or to a state in which the local water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic

acid in drinking water from the wells owned and operated by the local water authority undertaken to attain the United States Environmental Protection Agency Lifetime Health Advisory level for such acids: *Provided*, That the applicable Lifetime Health Advisory shall be the one in effect on October 1, 2017: *Provided further*, That the local water authority must have requested such a payment from the National Guard Bureau in fiscal year 2018: *Provided further*, That the elevated levels of such acids in the water was the result of activities conducted by or paid for by the Department of the Air Force: *Provided further*, That such funds may be expended without regard to existing contractual provisions in agreements between the Department of the Air Force or the National Guard Bureau, as the case may be, and the state in which the base is located relating to environmental response actions or indemnification: *Provided further*, That, in order to be eligible for payment under this section, such treatment must have taken place after January 1, 2017, but prior to the date of enactment of this act, and the local water authority or state, as the case may be, must waive all claims for treatment expenses incurred before such date of enactment: *Provided further*, That any payment under this section may not exceed the actual cost of such treatment resulting from the activities conducted by or paid for by the Department of the Air Force: *Provided further*, That the Secretary may enter into such agreements with the local water authority or state as may be necessary to implement this section: *Provided further*, That the Secretary may pay, utilizing the Defense State Memorandum of Agreement, costs that would otherwise be eligible for payment under that agreement were those costs paid using funds appropriated to the Environmental Restoration Account, Air Force, established under section 2703(a)(4) of title 10, United States Code.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $2,929,154,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $385,461,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $109,232,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War

on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $964,508,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $37,007,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $11,100,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $2,380,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $21,076,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $195,283,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $5,460,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $18,548,500,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $5,172,155,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,292,995,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $9,828,674,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $8,105,991,000: *Provided*, That of the funds provided under this heading, not to exceed $900,000,000, to remain available until September 30, 2020, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State

of Iraq and Syria, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Government of Jordan in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: *Provided further*, That of the funds provided under this heading, not to exceed $793,442,000, to remain available until September 30, 2020, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $41,887,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $25,637,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $3,345,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $60,500,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $110,729,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/

Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $15,870,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $4,920,000,000, to remain available until September 30, 2020: *Provided*, That such funds shall be available to the Secretary of Defense for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading "Afghanistan Infrastructure Fund" in prior Acts: *Provided further*, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: *Provided further*, That the Secretary may not use more than $50,000,000 under the authority provided in this section: *Provided further*, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred

to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not less than $10,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTER-ISIS TRAIN AND EQUIP FUND

For the "Counter-Islamic State of Iraq and Syria Train and Equip Fund", $1,352,200,000, to remain available until September 30, 2020: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: *Provided further*, That these funds may be used in such amounts as the Secretary of Defense may determine to enhance the border security of nations adjacent to conflict areas including Jordan, Lebanon, Egypt, and Tunisia resulting from actions of the Islamic State of Iraq and Syria: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense committees of such designation: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver

is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, and such equipment may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $346,963,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $1,729,904,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,102,108,000, to remain available until September 30, 2021: *Provided*, That such amount is

designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $299,075,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,364,045,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $232,119,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $14,134,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $229,783,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $181,173,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $58,023,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $955,248,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $493,526,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $1,371,516,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,677,276,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $572,135,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $300,604,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $167,812,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $321,934,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $403,044,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $15,190,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $352,068,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $153,100,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", $24,692,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2019.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $2,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $10,000,000 of the amounts appropriated by this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law,

to fund the Commanders' Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided,* That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $2,000,000: *Provided further,* That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further,* That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further,* That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to allied forces participating in a combined operation with the armed forces of the United States and coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the "Afghanistan Security Forces Fund" (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9011. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in "Operation and Maintenance, Defense-Wide" may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9012. None of the funds made available by this Act under the heading "Counter-ISIS Train and Equip Fund" may be used to procure or transfer man-portable air defense systems.

SEC. 9013. For the "Ukraine Security Assistance Initiative", $250,000,000 is hereby appropriated, to remain available until September 30, 2019: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or articles provided to the Government of Ukraine from the inventory of the United States: *Provided further,* That of the amounts made available in

this section, $50,000,000 shall be available only for lethal assistance described in paragraphs (2) and (3) of section 1250(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068): *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9014. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9013 of this Act.

SEC. 9015. None of the funds made available by this Act under section 9013 may be used to procure or transfer man-portable air defense systems.

SEC. 9016. Equipment procured using funds provided in prior Acts under the heading "Counterterrorism Partnerships Fund" for the program authorized by section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), and not yet transferred to authorized recipients may be transferred to foreign security forces, irregular forces, groups, or individuals, authorized to receive assistance using amounts provided under the heading "Counter-ISIS Train and Equip Fund" in this Act: *Provided*, That such equipment may be transferred 15 days following written notification to the congressional defense committees.

SEC. 9017. (a) None of the funds appropriated or otherwise made available by this Act under the heading "Operation and Maintenance, Defense-Wide" for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9018. In addition to amounts otherwise made available in this Act, $500,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: *Provided further*, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the authority to provide funding under this section shall terminate on September 30, 2019.

SEC. 9019. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 9020. None of the funds in this Act may be made available for the transfer of additional C–130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force until the Department of Defense provides a report to the congressional defense committees of the Afghanistan Air Force's medium airlift requirements. The report should identify Afghanistan's ability to utilize and maintain existing medium lift aircraft in the inventory and the best alternative platform, if necessary, to provide additional support to the Afghanistan Air Force's current medium airlift capacity.

(RESCISSIONS)

SEC. 9021. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

"Procurement of Ammunition, Navy and Marine Corps", 2017/2019, $2,216,000;

"Operation and Maintenance, Defense-Wide: Coalition Support Fund", 2018/2019, $800,000,000;

"Operation and Maintenance, Defense-Wide: DSCA Security Cooperation", 2018/2019, $150,000,000;

"Counter-ISIS Train and Equip Fund", 2018/2019, $300,000,000; and

"Aircraft Procurement, Air Force", 2018/2020, $88,400,000.

SEC. 9022. Funds available for the Afghanistan Security Forces Fund may be used to provide limited training, equipment, and other assistance that would otherwise be prohibited by 10 U.S.C. 362 to a unit of the security forces of Afghanistan only if the Secretary certifies to the congressional defense committees, within 30 days of a decision to provide such assistance, that (1) a denial of such assistance would present significant risk to U.S. or coalition forces or significantly undermine United States national security objectives in Afghanistan; and (2) the Secretary has sought a commitment by the Government of Afghanistan to take all necessary corrective steps: *Provided*, That such certification shall be accompanied by a report describing: (1) the information relating to the gross violation of human rights; (2) the circumstances that necessitated the provision of such assistance; (3) the Afghan security force unit involved; (4) the assistance provided and the assistance withheld; and (5) the corrective steps to be taken by the Government of Afghanistan: *Provided further*, That every 120 days after the initial report an additional report shall be submitted detailing the status of any corrective steps taken by the Government of Afghanistan: *Provided further*, That if the Government of Afghanistan has not initiated necessary corrective steps within one year of the certification, the authority under this section to provide assistance to such unit shall no longer apply: *Provided further*, That the Secretary shall submit a report to such committees detailing the final disposition of the case by the Government of Afghanistan.

SEC. 9023. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and

Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

This division may be cited as the "Department of Defense Appropriations Act, 2019".

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019. Department of Labor Appropriations Act, 2019.

DIVISION B—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as "WIOA"), the Second Chance Act of 2007, and the National Apprenticeship Act, $3,502,700,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,789,832,000 as follows:

(A) $845,556,000 for adult employment and training activities, of which $133,556,000 shall be available for the period July 1, 2019 through June 30, 2020, and of which $712,000,000 shall be available for the period October 1, 2019 through June 30, 2020;

(B) $903,416,000 for youth activities, which shall be available for the period April 1, 2019 through June 30, 2020; and

(C) $1,040,860,000 for dislocated worker employment and training activities, of which $180,860,000 shall be available for the period July 1, 2019 through June 30, 2020, and of which $860,000,000 shall be available for the period October 1, 2019 through June 30, 2020:

Provided, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, $712,868,000 as follows:

(A) $220,859,000 for the dislocated workers assistance national reserve, of which $20,859,000 shall be available for the period July 1, 2019 through September 30, 2020, and of which $200,000,000 shall be available for the period October 1, 2019 through September 30, 2020: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of

the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent worker: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as "Secretary") may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, $30,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA for workers in the Appalachian region, as defined by 40 U.S.C. 14102(a)(1) and workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100–460, 102 Stat. 2246; 7 U.S.C. 2009aa(2));

(B) $54,500,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2019 through June 30, 2020;

(C) $88,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including $82,447,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,922,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $527,000 for other discretionary purposes, which shall be available for the period July 1, 2019 through June 30, 2020: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $89,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2019 through June 30, 2020;

(E) $93,079,000 for ex-offender activities, under the authority of section 169 of the WIOA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2019 through June 30, 2020: *Provided*, That of this amount, $25,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(F) $6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2019 through June 30, 2020; and

(G) $160,000,000 to expand opportunities relating to apprenticeship programs registered under the National Apprenticeship Act, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, which shall be available for the period April 1, 2019 through June 30, 2020.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, $1,718,655,000, plus reimbursements, as follows:

(1) $1,603,325,000 for Job Corps Operations, which shall be available for the period July 1, 2019 through June 30, 2020;

(2) $83,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2019 through June 30, 2022, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2020: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

(3) $32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2018 through September 30, 2019:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as "OAA"), $400,000,000, which shall be available for the period April 1, 2019 through June 30, 2020, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2019 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, $790,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2019: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation

beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $84,066,000, together with not to exceed $3,251,583,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,515,816,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $150,000,000 to carry out reemployment services and eligibility assessments under section 306 of such Act, any claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits, may be eligible for such services and assessments: *Provided*, That of such amount, $117,000,000 is specified for grants under section 306 of the Social Security Act and is provided to meet the terms of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $33,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(E)(i)(II) of such Act; and $9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2019, except that funds used for automation shall be available for Federal obligation through December 31, 2019, and for State obligation through September 30, 2021, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2024, and for expenditure through September 30, 2025, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2019, and for obligation by the States through September 30, 2021, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2020, and funds used for unemployment insurance workloads experienced through September 30, 2019 shall be available for Federal obligation through December 31, 2019;

(2) $12,000,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $641,639,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2019 through June 30, 2020;

(4) $19,818,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) $62,310,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $48,028,000 shall be available for the Federal administration of such activities, and $14,282,000 shall be available for grants to States for the administration of such activities; and

(6) $62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2019 through June 30, 2020:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2019 is projected by the Department of Labor to exceed 2,030,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed

under the final rule entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium or to the entity operating the Unemployment Insurance Information Technology Support Center in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2020, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2020.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $108,674,000, together with not to exceed $49,982,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $181,000,000, of which up to $3,000,000 shall be made available through September 30, 2020, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing

authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2019, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2019 shall be available for obligations for administrative expenses in excess of $445,363,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2019, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2020, for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That an additional amount shall be available for obligation through September 30, 2020 to the extent the Corporation's costs exceed $250,000 for the provision of credit or identity monitoring to affected individuals upon suffering a security incident or privacy breach, not to exceed an additional $100 per affected individual.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $229,000,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $41,187,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $103,476,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $115,424,000, together with $2,177,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $230,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2018, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2019: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $74,777,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $24,540,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $22,968,000;

(3) For periodic roll disability management and medical review, $25,535,000;

(4) For program integrity, $1,734,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $10,319,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2020, $14,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $59,098,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

26 USC 9501 note.

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2019 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $38,246,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed $31,994,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $330,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $557,787,000, including not to exceed $102,350,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and

education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2019, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred ("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,537,000 shall be available for Susan Harwood training grants, of which the Secretary shall reserve not less than $4,500,000 for Susan Harwood Training Capacity Building Developmental grants, as described in Funding Opportunity Number SHTG–FY–16–02 (referenced in the notice of availability of funds published in the Federal Register on May 3, 2016 (81 Fed. Reg. 30568)) for program activities starting not later than September 30, 2019 and lasting for a period of 12 months: *Provided further*, That not less than $3,500,000 shall be for Voluntary Protection Programs.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $373,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: *Provided*, That amounts available for State assistance grants may be used for the purchase and maintenance of new equipment required by the final rule entitled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors" published by the Department of Labor in the Federal Register on May 1, 2014 (79 Fed. Reg. 24813 et seq.), for operators that demonstrate financial need as determined by the Secretary: *Provided further*, That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to $2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

30 USC 966 note.

30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $550,000,000, together with not to exceed $65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $38,203,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $337,756,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That $59,825,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2019: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than $53,825,000 shall be for programs to combat exploitative child labor internationally and not less than $6,000,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That $8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2020: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women's Bureau, not less than $994,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $250,041,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

(1) $180,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach

program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the States through December 31, 2019, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $23,379,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144: *Provided*, That not more than $3,500,000 shall be used by the Secretary, in consultation with the Secretary of Defense and the Secretary of the Veterans Affairs, to carry out a pilot project designed to prepare transitioning service members to qualify for, and to assist in placing them in, apprenticeship programs, as an additional training opportunity under subsection (f) of 10 U.S.C. 1144, including the costs of federal administration and evaluation of such pilot, and that the funds shall remain available for the pilot through September 30, 2020;

(3) $43,248,000 is for Federal administration of chapters 41, 42, and 43 of title 38, and sections 2021, 2021A and 2023 of title 38, United States Code: *Provided*, That, up to $500,000 may be used to carry out the Hire VETS Act (division O of Public Law 115–31); and

(4) $3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, $50,000,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2019, to provide services under such section: *Provided further*, That services provided under sections 2021 or under 2021A may include, in addition to services to homeless veterans described in section 2002(a)(1), services to veterans who were homeless at some point within the 60 days prior to program entry or veterans who are at risk of homelessness within the next 60 days, and that services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness: *Provided further*, That notwithstanding paragraph (3) under this heading, funds appropriated in this paragraph may be used for data systems and

contract support to allow for the tracking of participant and performance information: *Provided further*, That notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title 38, United States Code, such funds shall be available for expenditure pursuant to 31 U.S.C. 1553.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: *Provided*, That such sums shall be in addition to any other funds available for such purposes, including funds available under paragraph (3) of this heading: *Provided further*, That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 38 U.S.C. 4100 note) shall not apply.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $23,269,000, which shall be available through September 30, 2020.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $83,487,000, together with not to exceed $5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor

in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to "Program Administration" when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to "Program Administration" in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the "Office of Job Corps" account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2020.

(TRANSFER OF FUNDS)

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts.

Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2020: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: "Training and Employment Services", "Job Corps", "Community Service Employment for Older Americans", "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", "Office of Disability Employment Policy", funding made available to the "Bureau of International Labor Affairs" and "Women's Bureau" within the "Departmental Management, Salaries and Expenses" account, and "Veterans Employment and Training".

SEC. 108. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

"(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

"(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

"(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

"(C) whose duties include any of the following:

"(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

"(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

"(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

"(iv) negotiating settlements; or

"(v) making recommendations regarding litigation.

"(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

"(3) For purposes of this subsection—

"(A) the term 'major disaster' means any disaster or catastrophe declared or designated by any State or Federal agency or department;

"(B) the term 'employee employed to adjust or evaluate claims resulting from or relating to such major disaster' means an individual who timely secured or secures a license required

by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

"(C) the term 'affiliate' means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.".

(b) This section shall be effective on the date of enactment of this Act.

(RESCISSION)

SEC. 109. Of the funds made available under the heading "Employment and Training Administration–Training and Employment Services" in division H of Public Law 115–141, $53,000,000 is rescinded, to be derived from the amount made available in paragraph (2)(A) under such heading for the period October 1, 2018, through September 30, 2019.

SEC. 110. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term "H–2B nonimmigrants" means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

SEC. 111. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

SEC. 112. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H–2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

SEC. 113. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to $2,000,000 of excess personal property to apprenticeship programs for the purpose of training apprentices in those programs.

SEC. 114. The proviso at the end of paragraph (1) under the heading "Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations" in title I of division G of Public Law 113–235 is amended by striking "six" and inserting "seven".

SEC. 115. (a) The Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

"SEC. 12. SECURITY DETAIL.

"(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

"(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

"(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

"(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

"(4) provide protection to the Deputy Secretary of Labor or another senior officer representing the Secretary of Labor

at a public event if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary.

"(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection (a), for the purpose of performing the duties authorized under subsection (a), to—

"(1) carry firearms;

"(2) make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

"(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

"(4) coordinate with local law enforcement agencies; and

"(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

"(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

"(1) guidelines issued by the Attorney General; and

"(2) guidelines prescribed by the Secretary of Labor.".

(b) This section shall be effective on the date of enactment of this Act.

SEC. 116. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property, including but not limited to subchapter III of chapter 5 of title 40 of the United States Code and subchapter V of chapter 119 of title 42 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program.

SEC. 117. (a) The paragraph under the heading "Working Capital Fund" in the Department of Labor Appropriations Act, 1958, Public Law 85–67, 71 Stat. 210, as amended, is further amended by striking all of the text that appears after "for expenses necessary for the maintenance and operation of" and inserting "a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis: *Provided*, That such Working Capital Fund may receive advances and reimbursements from funds available to bureaus, offices, and agencies for which such centralized services are performed at rates which will return in full all expenses of operation, including reserves for accrued annual leave, workers' compensation, depreciation of capitalized equipment and amortization of human resources software and systems (either acquired or donated): *Provided further*, That, through September 30, 2019, the Secretary of Labor may transfer an amount not to exceed $3,000,000 from unobligated balances in the Department's salaries and expenses accounts to the Working Capital Fund, to be merged with the Working Capital Fund and used for the acquisition of capital equipment and the improvement of financial management,

26 USC 563.

information technology, infrastructure technology investment activities related to support systems and modernization, and other support systems, and to remain available until expended: *Provided further*, That the Secretary of Labor may transfer to the Working Capital Fund, to remain available for obligation for five fiscal years after the fiscal year of such transfer, annually an amount not to exceed $9,000,000 from unobligated balances in the Department's salaries and expenses accounts made available in this Act and hereafter, and annually an amount not to exceed $9,000,000 from unobligated balances in the Department's discretionary grants accounts made available in this Act and hereafter, for the acquisition of capital equipment and the improvement of financial management, information technology, infrastructure technology investment activities related to support systems and modernization, and other support systems: *Provided further*, That none of the funds transferred pursuant to the preceding proviso shall be available unless the Chief Information Officer of the Department of Labor has submitted a plan, approved by the Office of Management and Budget, describing the amounts to be transferred by account, the planned use of funds, including descriptions of projects, project status, including any scheduled delays and cost overruns, financial expenditures, planned activities, and expected benefits, to the Committees on Appropriations of the House of Representatives and the Senate by July 31 of the calendar year prior to the fiscal year in which the transfer will occur: *Provided further*, That the Working Capital Fund may receive reimbursements from entities or persons for use of Departmental facilities, including associated utilities and security services, and such reimbursements shall be credited to and merged with the Working Capital Fund: *Provided further*, That pursuant to section 11319 of title 40, United States Code, the Secretary shall ensure that the Department's Chief Information Officer shall, at a minimum, be a principal advisor to the Secretary and a member on any board or governance structure of the Department responsible for advising and setting Department-wide information technology budgets: *Provided further*, That none of the funds available for information technology modernization under this section or under the heading 'IT Modernization' shall be used for information technology modernization projects unless an experienced project manager, employed by the Department of Labor, is assigned oversight responsibility, including but not limited to, ensuring such projects are completed within established timeframes and budgets.".

(b) The following provisions are repealed:

(1) The heading "Working Capital Fund" and the paragraph thereunder in Public Law 91–204, title I, 84 Stat. 26 (1970); and 29 USC 564.

(2) The heading "Working Capital Fund" and the paragraph thereunder in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994, Public Law 103–112, title I, 107 Stat. 1088 (1993). 29 USC 563a.

(RESCISSION)

SEC. 118. (a) That of the unobligated funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), $8,250,000 are permanently rescinded.

(b) For an additional amount for "Employment and Training Administration—State Unemployment Insurance and Employment Service Operations", $8,250,000, to remain available until September 30, 2019, for processing applications for foreign labor certifications, including activities related to wage determinations and associated tasks, submitted by employers to employ nonimmigrants as described in section 6(d)(2) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in a Political Union with the United States of America', and for other purposes", as amended by section 3 of the Northern Mariana Islands U.S. Workforce Act of 2018 (Public Law 115–218).

This title may be cited as the "Department of Labor Appropriations Act, 2019".

Department of Health and Human Services Appropriations Act, 2019.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the "PHS Act") with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,626,522,000 (in addition to the $4,000,000,000 previously appropriated to the Community Health Center Fund for fiscal year 2019): *Provided*, That no more than $1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than $120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as "HHS") pertaining to administrative claims made under such law: *Provided further*, That of funds provided for the Health Centers program, as defined by section 330 of the PHS Act, by this Act or any other Act for fiscal year 2019, not less than $200,000,000 shall be obligated in fiscal year 2019 for improving quality of care or expanded service grants under section 330 of the PHS Act to support and enhance behavioral health, mental health, or substance use disorder services.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $1,096,695,000: *Provided*, That sections 751(j)(2) and 762(k) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the "Secretary") may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds

42 USC 294a note.

shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such section and subpart: *Provided further*, That $105,000,000 shall remain available until expended for the purposes of providing primary health services, assigning National Health Service Corps ("NHSC") members to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and making payments under the NHSC Loan Repayment Program under section 338B of such Act: *Provided further*, That, in addition to amounts otherwise made available in the previous proviso, $15,000,000 shall remain available until expended for the purposes of making payments under the NHSC Loan Repayment Program under section 338B of the PHS Act to individuals participating in such program who provide primary health services in Indian Health Service facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs (as those terms are defined by the Secretary), notwithstanding the assignment priorities and limitations under section 333(b) of such Act: *Provided further*, That for purposes of the previous two provisos, section 331(a)(3)(D) of the PHS Act shall be applied as if the term "primary health services" includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors.

Of the funds made available under this heading, $25,000,000 shall remain available until expended for grants to public institutions of higher education to expand or support graduate education for physicians provided by such institutions: *Provided*, That, in awarding such grants, the Secretary shall give priority to public institutions of higher education located in States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That grants so awarded are limited to such public institutions of higher education in States in the top quintile of States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That the minimum amount of a grant so awarded to such an institution shall be not less than $1,000,000 per year: *Provided further*, That such a grant may be awarded for a period not to exceed 5 years: *Provided further*, That such a grant awarded with respect to a year to such an institution shall be subject to a matching requirement of non-Federal funds in an amount that is not less than 10 percent of the total amount of Federal funds provided in the grant to such institution with respect to such year.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social

Security Act, and section 712 of the American Jobs Creation Act of 2004, $926,789,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $109,593,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,318,781,000, of which $1,970,881,000 shall remain available to the Secretary through September 30, 2021, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $115,193,000, of which $122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, $317,794,000, of which $53,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $19,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $10,000,000 shall be available for State Offices of Rural Health: *Provided further*, That $10,000,000 shall remain available through September 30, 2021, to support the Rural Residency Development Program: *Provided further*, That $120,000,000 shall be for the Rural Communities Opioids Response Program.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: *Provided,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling

shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $155,250,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Care Systems", and "Rural Health".

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the "Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $9,200,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $477,855,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,132,278,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $568,372,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $932,821,000: *Provided*, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be available to continue and

expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $155,560,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $496,397,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $192,350,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $648,559,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $336,300,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $488,621,000, of which: (1) $128,421,000 shall remain available through September 30, 2020 for international HIV/AIDS; and (2) $50,000,000 shall remain available through September 30, 2021 for Global Disease Detection and Emergency Response: *Provided,* That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $1,465,200,000, of which $610,000,000 shall remain available until expended for the Strategic National Stockpile: *Provided*, That the Director of the Centers for Disease Control and Prevention (referred to in this title as "CDC") or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement for up to 90 days to support an activation of the CDC Emergency Operations Center, so long as the Director or Administrator, as applicable, provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, demolition, and renovation of facilities, $30,000,000, which shall remain available until September 30, 2023: *Provided*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, $163,570,000, of which up to $10,000,000 may be transferred to the reserve of the Working Capital Fund authorized under this heading in division F of Public Law 112–74: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during

the period of detail or assignment: *Provided further*, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2020.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $5,743,892,000, of which up to $30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,488,335,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $461,781,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $2,029,823,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $2,216,913,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $5,523,324,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,872,780,000, of which $1,146,821,000 shall be from funds available under section 241 of the PHS Act: *Provided*, That not less than $361,573,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,506,458,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $796,536,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $774,707,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $3,083,410,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $605,065,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $474,404,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $162,992,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $525,591,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,419,844,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,812,796,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $575,579,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $389,464,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, $146,473,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $314,679,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $78,109,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $441,997,000: *Provided*, That of the amounts available for improvement of information systems, $4,000,000 shall be available until September 30, 2020: *Provided further*, That in fiscal year 2019, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as "NIH").

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $806,373,000: *Provided*, That up to $80,000,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least $559,736,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, NIH, $1,909,075,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That $165,000,000 shall be for the Environmental Influences on Child Health Outcomes study: *Provided further*, That $606,566,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That

of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That $50,000,000 shall be used to carry out section 404I of the PHS Act (42 U.S.C. 283K), relating to biomedical and behavioral research facilities: *Provided further*, That $5,000,000 shall be transferred to and merged with the appropriation for the "Office of Inspector General" for oversight of grant programs and operations of the NIH, including agency efforts to ensure the integrity of its grant application evaluation and selection processes, and shall be in addition to funds otherwise made available for oversight of the NIH: *Provided further*, That the funds provided in the previous proviso may be transferred from one specified activity to another with 15 days prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Inspector General shall consult with the Committees on Appropriations of the House of Representatives and the Senate before submitting to the Committees an audit plan for fiscal years 2019 and 2020 no later than 30 days after the date of enactment of this Act.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in section 9008 of title 26, United States Code, for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $200,000,000, to remain available through September 30, 2023.

NIH INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, $711,000,000, to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $1,524,974,000: *Provided*, That of the funds made available under this heading, $63,887,000 shall be for the National Child Traumatic Stress Initiative, of which $10,000,000 shall be awarded not later than December 1, 2018, for activities described in the joint explanatory statement accompanying this Act: *Provided further*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further,* That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That up to 10 percent of the amounts made available to carry out the Children's Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2019: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That $150,000,000 shall be available until September 30, 2021 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of Public Law 113–93: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, $3,737,556,000: *Provided*, That $1,500,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided further*, That of such amount $50,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further*, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders:

Provided further, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further*, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: *Provided further*, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 15 days prior to publishing a Funding Opportunity Announcement: *Provided further*, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: *Provided further*, That each State, as well as the District of Columbia, shall receive not less than $4,000,000: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: *Provided further,* That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $205,469,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $128,830,000: *Provided*, That in addition to amounts provided herein, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(o) of the PHS Act shall remain available through September 30, 2020: *Provided further,* That funds made available under this heading may be used to supplement

program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention".

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $338,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2019: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2020.

CENTERS FOR MEDICARE & MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $276,236,212,000, to remain available until expended.

For making, after May 31, 2019, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2019 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2020, $137,931,797,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $378,343,800,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments

of 1988, and other responsibilities of the Centers for Medicare & Medicaid Services, not to exceed $3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2019 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $765,000,000, to remain available through September 30, 2020, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $599,389,000 shall be for the Centers for Medicare & Medicaid Services program integrity activities, of which $87,230,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which $78,381,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2019 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, $311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $454,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: *Provided further*, That the Secretary shall provide not less than $17,621,000 for the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,922,247,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2020, $1,400,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,690,304,000: *Provided*, That all but $716,000,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2019 was less than $1,975,000,000: *Provided further*, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $2,988,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as nonprofit organizations.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 ("TVPA"), and the Torture Victims Relief Act of 1998, $1,905,201,000, of which $1,864,446,000 shall remain available through September 30, 2021 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting "15 percent" for "3 percent".

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), $5,276,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: *Provided further*, That in addition

to the amounts required to be reserved by the Secretary under section 658O(a)(2)(A) of such Act, $156,780,000 shall be for Indian tribes and tribal organizations.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act ("CSBG Act"); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, the Child Care and Development Block Grant Act of 1990, the Assets for Independence Act, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $12,239,225,000, of which $75,000,000, to remain available through September 30, 2020, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2019: *Provided*, That $10,063,095,000 shall be for making payments under the Head Start Act, of which, notwithstanding section 640 of such Act:

(1) $150,000,000 shall be available for a cost of living adjustment, and with respect to any continuing appropriations act, funding available for a cost of living adjustment shall not be construed as an authority or condition under this Act;

(2) $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of the Head Start Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12), and 645A(d) of such Act, and such funds shall not be included in the calculation of "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act; and

(3) $805,000,000, in addition to funds otherwise available under such section 640 for such purposes, shall be available through March 31, 2020, for Early Head Start programs as described in section 645A of such Act, for conversion of Head Start services to Early Head Start services as described in section 645(a)(5)(A) of such Act, for discretionary grants for high quality infant and toddler care through Early Head Start-Child Care Partnerships, to entities defined as eligible under

section 645A(d) of such Act, for training and technical assistance for such activities, and for up to $16,000,000 in Federal costs of administration and evaluation:

Provided further, That the Secretary may reduce the reservation of funds under section 640(a)(2)(C) of such Act in lieu of reducing the reservation of funds under sections 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided further*, That $250,000,000 shall be available until December 31, 2019 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That up to 3 percent of the funds in the preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further,* That $753,883,000 shall be for making payments under the CSBG Act: *Provided further,* That $29,233,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $19,883,000 shall be for section 680(a)(2) and not less than $9,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further,* That, notwithstanding section 675C(a)(3) of such Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further,* That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further,* That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further,* That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $164,500,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which $5,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further*, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further*, That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

42 USC 9921 note.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, $99,765,000: *Provided*, That of the funds available to carry out section 437, $59,765,000 shall be allocated consistent with subsections (b) through (d) of such section: *Provided further*, That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4)(C), $20,000,000 shall be for grants to each State, territory, and Indian tribe operating title IV–E plans for developing, enhancing, or evaluating kinship navigator programs, as described in section 427(a)(1) of such Act, and $20,000,000, in addition to funds otherwise appropriated in section 436 for such purposes, shall be for competitive grants to regional partnerships as described in section 437(f): *Provided further*, That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting "5 percent" for "3.3 percent", and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating practices to meet the criteria specified in section 471(e)(4)(C): *Provided further*, That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further*, That the minimum grant award for kinship navigator programs in the case of States and territories shall be $200,000, and, in the case of tribes, shall be $25,000: *Provided further*, That section 437(b)(4) of such Act shall be applied by substituting "fiscal year 2019" for "fiscal year 2018".

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $6,035,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2020, $2,800,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), the RAISE Family Caregivers Act, the Supporting Grandparents Raising Grandchildren Act, titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation

Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $2,120,200,000, together with $49,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $480,629,000, together with $64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, $53,900,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, $101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, $35,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, $182,381,000 shall remain available until September 30, 2020, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $60,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $80,000,000: *Provided,* That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $1,026,458,000, of which $561,700,000 shall remain available through September 30, 2020, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further*, That $5,000,000 of the amounts made available

to support emergency operations shall remain available through September 30, 2021.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $735,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $260,000,000; of which $225,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year 2019 under section 338B of such Act.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2019:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make

available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 216. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority ("BARDA") may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

SEC. 219. (a) The Secretary shall publish in the fiscal year 2020 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

SEC. 220. The Secretary shall publish, as part of the fiscal year 2020 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare & Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2020. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading "Health Insurance Exchange Transparency" in the joint explanatory statement accompanying this Act.

SEC. 221. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the "Centers for Medicare & Medicaid Services—Program Management" account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

(TRANSFER OF FUNDS)

SEC. 222. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading "Prevention and Public Health Fund" in the joint explanatory statement accompanying this Act.

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

SEC. 223. Effective during the period beginning on November 1, 2015 and ending January 1, 2021, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

SEC. 224. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

(TRANSFER OF FUNDS)

SEC. 225. The NIH Director may transfer funds specifically appropriated for opioid addiction, opioid alternatives, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations: *Provided*, That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

SEC. 226. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 227. In addition to the amounts otherwise available for "Centers for Medicare & Medicaid Services, Program Management", the Secretary of Health and Human Services may transfer up to $305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

(RESCISSION)

SEC. 228. Of the unobligated balances available in the "Nonrecurring Expenses Fund" established in section 223 of division G of Public Law 110–161, $400,000,000 are hereby rescinded.

SEC. 229. Not later than the 15th day of each month, the Department of Health and Human Services shall provide the Committees on Appropriations of the House of Representatives and

Senate a report on staffing described in the joint explanatory statement accompanying this Act.

SEC. 230. Funds appropriated in this Act that are available for salaries and expenses of employees of the Department of Health and Human Services shall also be available to pay travel and related expenses of such an employee or of a member of his or her family, when such employee is assigned to duty, in the United States or in a U.S. territory, during a period and in a location that are the subject of a determination of a public health emergency under section 319 of the Public Health Service Act and such travel is necessary to obtain medical care for an illness, injury, or medical condition that cannot be adequately addressed in that location at that time. For purposes of this section, the term "U.S. territory" means Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

(INCLUDING TRANSFER OF FUNDS)

SEC. 231. There is established in the Treasury a reserve fund to be known as the "Infectious Diseases Rapid Response Reserve Fund" (the "Reserve Fund"): *Provided*, That of the funds provided under the heading "CDC-Wide Activities and Program Support", $50,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Reserve Fund: *Provided further*, That amounts in the Reserve Fund shall be for carrying out titles II, III, and XVII of the PHS Act to prevent, prepare for, or respond to an infectious disease emergency, including, in connection with such activities, to purchase or lease and provide for the insurance of passenger motor vehicles for official use in foreign countries: *Provided further*, That amounts in the Reserve Fund may only be provided for an infectious disease emergency if the infectious disease emergency (1) is declared by the Secretary of Health and Human Services under section 319 of the PHS Act to be a public health emergency; or (2) as determined by the Secretary, has significant potential to imminently occur and potential, on occurrence, to affect national security or the health and security of United States citizens, domestically or internationally: *Provided further*, That amounts in the Reserve Fund may be transferred by the Director of the CDC to other accounts of the CDC, to accounts of the NIH, or to the Public Health and Social Services Emergency Fund, to be merged with such accounts or Fund for the purposes provided in this section: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified in advance of any transfer or obligation made under the authority provided in this section, including notification on the anticipated uses of such funds by program, project, or activity: *Provided further*, That not later than 15 days after notification of the planned use of the Reserve Fund, the Director shall provide a detailed spend plan of anticipated uses of funds, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That such plans shall be updated and submitted every 90 days thereafter until funds have been fully expended which should include the unobligated balances in the Reserve Fund and all the actual obligations incurred to date: *Provided further*, That amounts in the Reserve

42 USC 247d–4a.

Fund shall be in addition to amounts otherwise available to the Department of Health and Human Services for the purposes provided in this section: *Provided further*, That the transfer authorities in this section are in addition to any transfer authority otherwise available to the Department of Health and Human Services: *Provided further*, That products purchased using amounts in the Reserve Fund may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That this section shall be in effect as of the date of the enactment of this Act through each fiscal year hereafter.

SEC. 232. The Department of Health and Human Services may accept donations from the private sector, nongovernmental organizations, and other groups independent of the Federal Government for the care of unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in the care of the Office of Refugee Resettlement of the Administration for Children and Families, including medical goods and services, school supplies, toys, clothing, and any other items intended to promote the wellbeing of such children.

SEC. 233. The Secretary shall submit to the Congress by November 15, 2018, a plan to promptly facilitate the reunification of children separated from their parents and placed in the custody of the Office of Refugee Resettlement ("ORR"), including the reunification of children with parents who are no longer in the United States: *Provided*, That such plan shall include possible children of potential class members in the class-action lawsuit *Ms. L v. ICE*, as identified in the Joint Status Report filed on September 6, 2018: *Provided further*, That such plan shall describe the activities the Administration has undertaken to locate parents who are no longer in the United States and to reunify those parents with their children, including (1) the process for tracking children and parents, (2) the process for coordinating interagency responsibilities for communication, location, and reunification of such parents, and (3) the number of parents that the Administration has been unable to contact: *Provided further*, That such plan shall provide detailed information on how many parents have been determined to be ineligible for reunification and the reasons for those determinations: *Provided further*, That such plan shall identify the number of children in ORR custody whose parents were deported that (1) have been reunified with their parents, (2) have been released into the custody of a family member other than a parent, (3) have been released into the custody of a sponsor who is not a family member, and (4) are still in ORR custody: *Provided further*, That such plan shall provide detailed information regarding the procedures the Administration follows when child sexual abuse is alleged at facilities operated by ORR contractors: *Provided further*, That such plan shall include an estimate of expenditures in fiscal year 2018 and an estimate of anticipated expenditures in fiscal year 2019 related to housing children who were separated from their parents at the border as well as activities to reunify such children with their parents: *Provided further*, That if such plan is not submitted by the deadline identified above, the Department of Health and Human Services may not, until such a plan has been submitted to the Congress, obligate funds from the Fund established by section 223 of title II of division G of Public Law 110–161, except to obligate

funds for projects identified in the joint explanatory statement accompanying this Act.

SEC. 234. None of the funds made available by this Act may be used to prevent a Member of the United States Congress from entering, for the purpose of conducting oversight, any facility in the United States, used for purposes of maintaining custody of or otherwise housing unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))).

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2019".

TITLE III

Department of Education Appropriations Act, 2019.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as "ESEA") and section 418A of the Higher Education Act of 1965 (referred to in this Act as "HEA"), $16,543,790,000, of which $5,625,990,000 shall become available on July 1, 2019, and shall remain available through September 30, 2020, and of which $10,841,177,000 shall become available on October 1, 2019, and shall remain available through September 30, 2020, for academic year 2019–2020: *Provided*, That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as "Secretary") on October 1, 2018, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $4,019,050,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $4,019,050,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $217,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That $44,623,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,446,112,000, of which $1,301,242,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $17,406,000, to remain available for obligation through September 30, 2020, shall be for construction under section 7007(b), $74,313,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2018–2019, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian

having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,246,967,000, of which $3,418,402,000 shall become available on July 1, 2019, and remain available through September 30, 2020, and of which $1,681,441,000 shall become available on October 1, 2019, and shall remain available through September 30, 2020, for academic year 2019–2020: *Provided*, That $378,000,000 shall be for part B of title I: *Provided further*, That $1,221,673,000 shall be for part B of title IV: *Provided further*, That $36,397,000 shall be for part B of title VI and may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That $35,453,000 shall be for part C of title VI and shall be awarded on a competitive basis, and also may be used for construction: *Provided further*, That $52,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That $16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That $180,840,000 shall be for part B of title V: *Provided further*, That $1,170,000,000 shall be available for grants under subpart 1 of part A of title IV.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, $180,239,000, of which $67,993,000 shall be for subpart 2 of part A of title VI and $6,865,000 shall be for subpart 3 of part A of title VI.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, $1,035,556,000: *Provided*,

That $279,815,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That $625,741,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*, That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further*, That of the funds available for part C of title IV, the Secretary shall use $55,000,000 to carry out section 4304, of which not more than $10,000,000 shall be available to carry out section 4304(k), $135,000,000, to remain available through March 31, 2020, to carry out section 4305(b), and not more than $15,000,000 to carry out the activities in section 4305(a)(3): *Provided further*, That notwithstanding section 4601(b), $130,000,000 shall be available through December 31, 2019 for subpart 1 of part F of title IV.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, $190,754,000: *Provided*, That $95,000,000 shall be available for section 4631, of which up to $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (Project SERV) program: *Provided further*, That $17,500,000 shall be available for section 4625: *Provided further*, That $78,254,000 shall be available through December 31, 2019, for section 4624.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $737,400,000, which shall become available on July 1, 2019, and shall remain available through September 30, 2020, except that 6.5 percent of such amount shall be available on October 1, 2018, and shall remain available through September 30, 2020, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $13,468,728,000, of which $3,942,129,000 shall become available on July 1, 2019, and shall remain available through September 30, 2020, and of which $9,283,383,000 shall become available on October 1, 2019, and shall remain available through September 30, 2020, for academic year 2019–2020: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2018, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2018: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States'

relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed five, until the entire reduction is applied: *Provided further*, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart.

20 USC 1411 note.

20 USC 1411 note.

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $3,657,189,000, of which $3,521,990,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of

individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income ("SSI") and their families that may result in long-term improvement in the SSI child recipient's economic status and self-sufficiency: *Provided further,* That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further,* That any funds made available subsequent to reallotment for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2020.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to promote the Education of the Blind of March 3, 1879, $30,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $77,500,000: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $134,361,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act ("AEFLA"), $1,925,686,000, of which $1,134,686,000 shall become available on July 1, 2019, and shall remain available through September 30, 2020, and of which $791,000,000 shall become available on October 1, 2019, and shall remain available through September 30, 2020: *Provided*, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,445,352,000, which shall remain available through September 30, 2020. 20 USC 1070a note.

The maximum Pell Grant for which a student shall be eligible during award year 2019–2020 shall be $5,135.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, $1,678,943,000, to remain available through September 30, 2020: *Provided*, That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further*, That for student loan contracts awarded prior to October 1, 2017, the Secretary shall allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan: *Provided further*, That in order to promote accountability and high-quality service to borrowers, the Secretary shall not award funding for any contract solicitation for a new Federal student loan servicing environment, including the solicitation for the FSA Next Generation Processing and Servicing Environment as amended by the Department of Education on February 20, 2018, unless such an environment provides for the participation of multiple student loan servicers that contract directly with the Department of Education to manage a unique portfolio of borrower accounts and the full life-cycle of loans from disbursement to payoff with certain limited exceptions, and allocates student loan borrower accounts to eligible student loan servicers based on performance: *Provided further*, That such servicers described in the previous proviso shall be evaluated based on their ability to meet contract requirements, future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further*, That to the extent Federal Student Aid (FSA) permits student loan servicing subcontracting, FSA shall hold prime contractors accountable for meeting the requirements of the contract, and the performance and expectations of subcontractors shall be accounted for in the prime contract and in the overall performance of the prime contractor: *Provided further*, That FSA shall ensure that the Next Generation Processing and Servicing Environment contracts incentivize more support to borrowers at risk of being distressed: *Provided further*, That the Secretary shall provide quarterly briefings to the Committees on Appropriations and Education and the Workforce of the House of Representatives and the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate on general progress related to solicitations for Federal student loan servicing contracts.

20 USC 1087f note.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,312,356,000: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies

in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation.

HOWARD UNIVERSITY

For partial support of Howard University, $236,518,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2020: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $580,000,000: *Provided further,* That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, $20,000,000 shall be made available to provide for the deferment of loans made under part D of title III of the HEA to eligible institutions that are private Historically Black Colleges and Universities, which apply for the deferment of such a loan and demonstrate financial need for such deferment by having a score of 2.6 or less on the Department of Education's financial responsibility test: *Provided*, That during the period of deferment of such a loan, interest on the loan will not accrue or be capitalized, and the period of deferment shall be for at least a period of 3-fiscal years and not more than 6-fiscal years: *Provided further*, That funds available under this paragraph shall be used to fund eligible deferment requests submitted for this purpose in fiscal year 2018: *Provided further*, That the Secretary shall create and execute an outreach plan to work with States and the Capital Financing Advisory Board to improve outreach to States and help additional public Historically Black Colleges and Universities participate in the program.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $615,462,000, which shall remain available through September 30, 2020: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $430,000,000: *Provided*, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $125,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $61,143,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control

Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

48 USC 1921d note.

SEC. 303. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2019" for "2009".

SEC. 304. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2019, through September 30, 2020.

SEC. 305. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2019 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 306. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking "2018" and inserting "2019".

SEC. 307. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking "2018" and inserting "2019".

SEC. 308. Funds appropriated in this Act under the heading "Student Aid Administration" may be available for payments for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.).

SEC. 309. (a) Section 455(f) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) DEFERMENT FOR BORROWERS RECEIVING CANCER TREATMENT.—

"(A) EFFECT ON PRINCIPAL AND INTEREST.—A borrower of a loan made under this part who meets the requirements of subparagraph (B) shall be eligible for a deferment, during which periodic installments of principal need not be paid, and interest shall not accrue.

"(B) ELIGIBILITY.—A borrower of a loan made under this part shall be eligible for a deferment during—

"(i) any period in which such borrower is receiving treatment for cancer; and

"(ii) the 6 months after such period.

"(C) APPLICABILITY.—This paragraph shall apply with respect to loans—

"(i) made on or after the date of the enactment of this paragraph; or

"(ii) in repayment on the date of the enactment of this paragraph.".

(b) Section 427(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)) is amended—

(1) in clause (ii), by striking "; or" and inserting a semicolon;

(2) in clause (iii), by inserting "or" after the semicolon; and

(3) by inserting after clause (iii) the following:

"(iv) in which the borrower is receiving treatment for cancer and the 6 months after such period.".

(c) Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in clause (iii), by striking "or (II); or" and inserting a "or (II);";

(2) in clause (iv), by inserting "or" after the semicolon; and

(3) by adding at the end the following:

"(v) during which the borrower is receiving treatment for cancer and the 6 months after such period;".

(d) Section 464(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (iv), by striking "; or" and inserting a semicolon;

(B) in clause (v), by inserting "or" after the semicolon; and

(C) by inserting after clause (v) the following:

"(vi) during which the borrower is receiving treatment for cancer and the 6 months after such period;".

(e) Section 428H(e)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(e)(2)) is amended—

(1) in subparagraph (A), by striking "Interest" and inserting, "Except as provided in subparagraph (C), interest"; and

(2) by adding at the end the following:

"(C) Interest shall not accrue on a loan deferred under section 428(b)(1)(M)(v) or 427(a)(2)(C)(iv).".

20 USC 1077 note.

(f) The amendments made by this Act shall apply with respect to loans—

(1) made on or after the date of the enactment of this Act; or

(2) in repayment on the date of the enactment of this Act.

(RESCISSION)

SEC. 310. Of the unobligated balances available under the heading "Student Financial Assistance" for carrying out subpart 1 of part A of title IV of the HEA, $600,000,000 are hereby rescinded.

(RESCISSION)

SEC. 311. Section 401(b)(7)(A)(iv)(IX) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(IX)) is amended by striking "$1,409,000,000" and inserting "$1,370,000,000".

SEC. 312. (a) An institution of higher education may, with explicit written consent of an applicant who has completed a FAFSA

under such section 483(a), provide such information collected from the applicant's FAFSA as is necessary to a scholarship granting organization, including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or to an organization assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance, that is designated by the applicant to assist the applicant in applying for and receiving financial assistance for any component of the applicant's cost of attendance (defined in section 472 of the HEA) at that institution.

(b) An organization that receives information pursuant to subsection (a) shall not sell or otherwise share such information.

(c) This section shall be in effect until title IV of the HEA is reauthorized.

SEC. 313. For an additional amount for "Department of Education—Federal Direct Student Loan Program Account", $350,000,000, to remain available until expended, shall be for the cost, as defined under section 502 of the Congressional Budget Act of 1974, of the Secretary of Education providing loan cancellation in the same manner as under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made under part D of title IV of such Act who would qualify for loan cancellation under section 455(m) except some, or all, of the 120 required payments under section 455(m)(1)(A) do not qualify for purposes of the program because they were monthly payments made in accordance with graduated or extended repayment plans as described under subparagraph (B) or (C) of section 455(d)(1) or the corresponding repayment plan for a consolidation loan made under section 455(g) and that were less than the amount calculated under section 455(d)(1)(A), based on a 10-year repayment period: *Provided*, That the monthly payment made 12 months before the borrower applied for loan cancellation as described in the matter preceding this proviso and the most recent monthly payment made by the borrower at the time of such application were each not less than the monthly amount that would be calculated under, and for which the borrower would otherwise qualify for, clause (i) or (iv) of section 455(m)(1)(A) regarding income-based or income-contingent repayment plans, with exception for a borrower who would have otherwise been eligible under this section but demonstrates an unusual fluctuation of income over the past 5 years: *Provided further*, That the total loan volume, including outstanding principal, fees, capitalized interest, or accrued interest, at application that is eligible for such loan cancellation by such borrowers shall not exceed $500,000,000: *Provided further*, That the Secretary shall develop and make available a simple method for borrowers to apply for loan cancellation under this section within 60 days of enactment of this Act: *Provided further*, That the Secretary shall provide loan cancellation under this section to eligible borrowers on a first-come, first-serve basis, based on the date of application and subject to both the limitation on total loan volume at application for such loan cancellation specified in the second proviso and the availability of appropriations under this section: *Provided further*, That no borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428J, 428K, 428L, or 460 of such Act.

SEC. 314. Of the amounts made available under this title under the heading "Student Aid Administration", $2,300,000 shall be used

by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under section 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided*, That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under section 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further*, That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of section 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic communications, ensuring prominent access to program requirements and benefits on each servicer's website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website.

20 USC 7703 note.

SEC. 315. (a) For any local educational agency that for fiscal year 2018, had an enrollment of eligible Federally connected children that was at least 35 percent of the agency's total student enrollment and a per-pupil expenditure that was less than the average per-pupil expenditure of the State or of all the States, and was determined ineligible to receive a payment under section 7003(b)(2)(A) of the Elementary and Secondary Education Act of 1965 for failing to meet the average tax rate requirement for general fund purposes in section 7003(b)(2)(B)(i)(V)(bb), and whose calculated payment amount under section 7003(b) for the three years following fiscal year 2019 is less than 80 percent of the amount received for fiscal year 2019, the Secretary shall pay the local educational agency for the following three years not less than 90 percent of the total amount the local educational agency received under section 7003(b)(2) for fiscal year 2017 if such local educational agency—

(1) previously received a payment under section 7003(b)(2)(A) but did not receive a payment under section 7003(b)(2)(B)(ii) (or any predecessor of such provision) for each of fiscal years 2015 through 2017; and

(2) was considered a local educational agency described in section 7003(b)(2)(B)(i)(V) (or any predecessor of such provision) for each such fiscal year.

(b) For fiscal year 2020 and succeeding fiscal years, if a local educational agency described in subsection (a) is eligible to receive a basic support payment pursuant to section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), the payment received by the local educational agency shall be calculated under section 7003(b)(2) of such Act and not under subsection (a).

This title may be cited as the "Department of Education Appropriations Act, 2019".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled (referred to in this title as "the Committee") established under section 8502 of title 41, United States Code, $8,250,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under the heading "Committee For Purchase From People Who Are Blind or Severely Disabled—Written Agreement Elements" in the explanatory statement described in section 4 of Public Law 114–113 (in the matter preceding division A of that consolidated Act): *Provided further*, That any such central nonprofit agency may not charge a fee under section 51–3.5 of title 41, Code of Federal Regulations, prior to executing a written agreement with the Committee: *Provided further*, That no less than $1,250,000 shall be available for the Office of Inspector General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as "CNCS") to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as "1973 Act") and the National and Community Service Act of 1990 (referred to in this title as "1990 Act"), $786,629,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $17,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) $32,000,000 shall be available to carry out subtitle E of the 1990 Act; and (4) $5,400,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $206,842,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $83,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $5,750,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2019, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

42 USC 12571 note.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered "qualified entities" under section 3 of the National Child Protection Act of 1993 ("NCPA");

(2) individuals described in such section shall be considered "volunteers" under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2021, $445,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: *Provided further*, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system and other technologies and services that create infrastructure and efficiencies within the public media system, $20,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,650,000, including up to $900,000

to remain available through September 30, 2020, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,184,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $242,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $8,480,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $12,545,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 407. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,800,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $13,225,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $19,000,000, which shall include amounts becoming available in fiscal year 2019 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2020, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $123,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: *Provided further*, That $10,000,000, to remain available until expended, shall be used to supplement, not supplant, existing resources devoted to operations and improvements for the Board's Information Technology Investment Initiatives.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $11,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, $11,000,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $41,366,203,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further,* That not more than $101,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2021.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2020, $19,700,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $12,741,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than $2,400,000 shall be for the Social Security Advisory Board: *Provided further*, That $45,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization: *Provided further*, That $100,000,000 shall remain available through September 30, 2020, for activities to address the disability hearings backlog within the Office of Hearings Operations: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2019 not needed for fiscal year 2019 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Of the total amount made available in the first paragraph under this heading, not more than $1,683,000,000, to remain available through March 31, 2020, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $1,410,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That, of the additional new budget authority described in the preceding proviso, up to $10,000,000 may be transferred to the "Office of Inspector General", Social Security Administration, for the cost of jointly operated co-operative disability investigation units: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $134,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2019 exceed $134,000,000, the amounts shall be available in fiscal year 2020 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $30,000,000, together with not to exceed $75,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or

any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2019 that are different than those specified in this Act, the accompanying detailed table in the joint explanatory statement accompanying this Act or the fiscal year 2019 budget request.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2019, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 521. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 522. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 523. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 524. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting "FISCAL YEAR 2019" for "FISCAL YEAR 2014" in the title of subsection (b) and by substituting "September 30, 2023" for "September 30, 2018" each place it appears: *Provided*,

That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, section 525 of division H of Public Law 115–31, and section 525 of division H of Public Law 115–141.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

31 USC 1502 note.

SEC. 525. Not later than 30 days after the end of each calendar quarter, beginning with the first month of fiscal year 2019, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a report on the status of balances of appropriations: *Provided,* That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the monthly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

(RESCISSION)

SEC. 526. Of the unobligated balances available in the "National Service Trust" established in section 102 of the National and Community Service Trust Act of 1993, $150,000,000 are hereby rescinded.

(RESCISSION)

SEC. 527. Of any available amounts appropriated under section 2104(a)(22) of the Social Security Act (42 U.S.C. 1397dd) that are unobligated as of September 25, 2019, $2,061,000,000 are hereby rescinded as of such date.

SEC. 528. Amounts deposited in the Child Enrollment Contingency Fund prior to the beginning of fiscal year 2019 under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

SEC. 529. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019".

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2019

Continuing Appropriations Act, 2019.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2019, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2018 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2018, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018 (division A of Public Law 115–141), except section 783.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018 (division B of Public Law 115–141).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2018 (division D of Public Law 115–141).

(4) The Financial Services and General Government Appropriations Act, 2018 (division E of Public Law 115–141).

(5) The Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141) and title II of division M of Public Law 115–141.

(6) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018 (division G of Public Law 115–141), except section 114, except for appropriations in the matter preceding the first proviso under the heading "Dwight D. Eisenhower Memorial Commission—Capital Construction", and except that the language in section 118 shall be applied as if the language read as follows: "Section 6906 of title 31, United States Code, shall continue in effect for this fiscal year".

(7) The Legislative Branch Appropriations Act, 2018 (division I of Public Law 115–141) and section 7(a) of Public Law 115–141.

(8) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (division J of Public Law 115–141), except section 243.

(9) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141).

(10) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018 (division L of Public Law 115–141).

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2018.

SEC. 104. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 105. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2019, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) the enactment into law of an appropriation for any project or activity provided for in this Act;

(2) the enactment into law of the applicable appropriations Act for fiscal year 2019 without any provision for such project or activity; or

(3) December 7, 2018.

SEC. 106. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 107. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 108. Notwithstanding any other provision of this Act, except section 105, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2019 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 109. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 110. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2018, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2018, to be continued through the date specified in section 105(3).

(b) Notwithstanding section 105, obligations for mandatory payments due on or about the first day of any month that begins after October 2018 but not later than 30 days after the date specified in section 105(3) may continue to be made, and funds shall be available for such payments.

SEC. 111. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2018, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 112. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 113. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Section 6 of Public Law 115–141 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement.

SEC. 114. Amounts made available by section 101 for "Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs" to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May, 2019.

SEC. 115. Notwithstanding section 101, amounts are available in the "Rural Utilities Service—Rural Water and Waste Disposal Program Account" of the Department of Agriculture for gross obligations for the principal amount of direct loans as authorized by section 306 of the Consolidated Farm and Rural Development Act not to exceed $4,141,176,000.

SEC. 116. Amounts provided by section 110 to the Department of Agriculture for "Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as reflected in the June 2018 report of its financial condition.

SEC. 117. In addition to amounts provided by section 101, amounts are provided for "Department of Agriculture—Agricultural Research Service—Salaries and Expenses" at a rate for operations of $42,000,000 for the operation and maintenance of the National Bio and Agro-Defense Facility.

SEC. 118. Any program, authority, or provision, including any pilot program, authorized under the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54) shall continue in effect through the date specified in section 105(3) of this Act.

SEC. 119. (a) Funds made available by section 101 for "Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund" may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate

not later than 3 days after each use of the authority provided in subsection (a).

SEC. 120. Notwithstanding section 101, the matter preceding the first proviso under the heading "Department of Energy—Power Marketing Administrations—Operation and Maintenance, Southwestern Power Administration" in division D of the Consolidated Appropriations Act, 2018 (Public Law 115–141) shall be applied by substituting "$43,488,000" for "$30,288,000"; the first proviso under such heading shall be applied by substituting "$33,088,000" for "$18,888,000"; and the second proviso under such heading shall be applied by substituting "$10,400,000" for "$11,400,000".

SEC. 121. Notwithstanding section 101, amounts are provided to the Department of the Treasury for "Departmental Offices—Salaries and Expenses" at a rate for operations of $214,576,000.

SEC. 122. Notwithstanding any other provision of this Act, except section 105, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under the District of Columbia Appropriations Act, 2018 (title IV of division E of Public Law 115–141) at the rate set forth under "Part A—Summary of Expenses" as included in the Fiscal Year 2019 Local Budget Act of 2018 (D.C. Act 22–397), as modified as of the date of the enactment of this Act.

SEC. 123. Amounts made available by section 101 for "Small Business Administration—Business Loans Program Account" may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 124. Amounts made available by section 101 for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief Fund" may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 125. The Secretary of Homeland Security may transfer up to $15,000,000 in unexpended balances of amounts made available to the Department of Homeland Security under the heading "Science and Technology Directorate—Operations and Support" in division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141) to the Department of Agriculture for the purpose of contract support of the operations of the National Bio and Agro-defense Facility.

SEC. 126. Amounts made available by section 101 for the "U.S. Customs and Border Protection—Operations and Support", "U.S. Immigration and Customs Enforcement—Operations and Support", and "United States Secret Service—Operations and Support" accounts of the Department of Homeland Security may be apportioned at a rate for operations necessary to maintain not less than the number of the staff achieved on September 30, 2018.

SEC. 127. Amounts made available by section 101 for the Department of Homeland Security for "United States Secret Service—Procurement, Construction, and Improvements" may be apportioned up to the rate for operations necessary to purchase base platform vehicles in support of the fully armored vehicle program.

SEC. 128. Amounts made available by section 101 to the Department of Homeland Security for "Office of the Secretary and Executive Management—Operations and Support", "Management Directorate—Operations and Support", and "Intelligence, Analysis, and Operations Coordination—Operations and Support" may be apportioned up to the rate for operations necessary to carry out activities previously funded by the Working Capital Fund of the Department of Homeland Security, consistent with the fiscal year 2019 President's Budget.

SEC. 129. (a) In addition to amounts provided by section 101, amounts are provided for "Department of Health and Human Services—Indian Health Service—Indian Health Services" at a rate for operations of $14,112,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal year 2018, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts provided by section 101, amounts are provided for "Department of Health and Human Services—Indian Health Service—Indian Health Facilities" at a rate for operations of $1,200,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal year 2018, and such amounts may be apportioned up to the rate for operations necessary to staff and operate newly constructed facilities.

SEC. 130. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) shall be applied by substituting "September 30, 2020" for "September 30, 2019".

SEC. 131. Notwithstanding section 101, the matter preceding the first proviso and the second proviso under the heading "Environmental Protection Agency—Hazardous Waste Electronic Manifest System Fund" in division G of Public Law 115–141 shall be applied by substituting "$8,000,000" for "$3,674,000" each place it appears: *Provided*, That such amounts may be apportioned up to the rate for operations necessary and amounts made available by section 101 for "Environmental Protection Agency" may be transferred between appropriations under such heading as necessary to ensure that the Hazardous Waste Electronic Manifest System becomes fully operational.

SEC. 132. (a) The following sections of the Federal Insecticide, Fungicide, and Rodenticide Act shall continue in effect through the date specified in section 105(3) of this Act—

(1) subparagraphs (C) through (E) of section 4(i)(1) (7 U.S.C. 136a–1(i)(1)(C)–(E));

(2) section 4(k)(3) (7 U.S.C. 136a–1(k)(3));

(3) section 4(k)(4) (7 U.S.C. 136a–1(k)(4)); and

(4) section 33(c)(3)(B) (7 U.S.C. 136w–8(c)(3)(B)).

(b)(1) Section 4(i)(1)(I) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(1)(I)) shall be applied by substituting the date specified in section 105(3) of this Act for "September 30, 2017".

(2) Notwithstanding section 33(m)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)(2)), section 33(m)(1) of such Act (7 U.S.C. 136w–8(m)(1)) shall be applied by substituting the date specified in section 105(3) of this Act for "September 30, 2017".

(c) Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) shall be applied by substituting the date specified in section 105(3) of this Act for "September 30, 2017".

SEC. 133. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act shall continue through the date specified in section 105(3) of this Act in the manner authorized for fiscal year 2018, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 134. The authority provided by section 7081(h) of division J of the Consolidated Appropriations Act, 2017 (Public Law 115–31) shall apply through the date specified in section 105(3).

SEC. 135. Effective upon enactment of this Act, the matter under the heading "Federal Railroad Administration—Railroad Rehabilitation and Improvement Financing Program" in division L of the Consolidated Appropriations Act, 2018 (Public Law 115–141) is amended—

(1) by striking the third and fourth provisos and inserting the following provisos: "*Provided further*, That, not later than 30 days after the date of enactment of the Continuing Appropriations Act, 2019, the Secretary of Transportation, in consultation with the Director of the Office of Management and Budget, shall define the term 'cohorts of loans' for purposes of section 502(f)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(4)) (as in effect on the day before the amendments made by section 11607 of Public Law 114–94 (129 Stat. 1698) took effect): *Provided further*, That, when all obligations attached to a cohort of loans have been satisfied, the Secretary of Transportation shall return to the original source, on a pro rata basis, the credit risk premiums paid for the loans in the cohort, with interest accrued thereon, that were not used to mitigate losses, not later than 60 days after the date of enactment of the Continuing Appropriations Act, 2019 or, for a cohort of loans with obligations that have not yet been satisfied, not later than 60 days after the date on which all obligations attached to the cohort have been satisfied:"; and

(2) by striking "for a fiscal year" in the fifth proviso.

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

Approved September 28, 2018.

LEGISLATIVE HISTORY—H.R. 6157 (S. 3159):

HOUSE REPORTS: Nos. 115–769 (Comm. on Appropriations) and 115–952 (Comm. of Conference).

SENATE REPORTS: No. 115–290 (Comm. on Appropriations) accompanying S. 3159.

CONGRESSIONAL RECORD, Vol. 164 (2018):

June 26–28, considered and passed House.

Aug. 16, 20–23, considered and passed Senate, amended.

Sept. 17, 18, Senate considered and agreed to conference report.

Sept. 26, House agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):

Sept. 28, Presidential statement.

Public Law 115–246
115th Congress

An Act

Sept. 28, 2018
[H.R. 589]

To establish Department of Energy policy for science and energy research and development programs, and reform National Laboratory management and technology transfer programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Energy Research and Innovation Act.
42 USC 18601 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Energy Research and Innovation Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—LABORATORY MODERNIZATION AND TECHNOLOGY TRANSFER

Sec. 101. Short title.
Sec. 102. Inclusion of early stage technology demonstration in authorized technology transfer activities.
Sec. 103. Sense of Congress on accelerating energy innovation.
Sec. 104. Restoration of laboratory directed research and development program.
Sec. 105. Research grants database.
Sec. 106. Technology transfer and transitions assessment.
Sec. 107. Agreements for commercializing technology pilot program.
Sec. 108. Short-term cost-share pilot program.

TITLE II—DEPARTMENT OF ENERGY RESEARCH COORDINATION

Sec. 201. Short title.
Sec. 202. Protection of information.
Sec. 203. Crosscutting research and development.
Sec. 204. Strategic research portfolio analysis and coordination plan.
Sec. 205. Strategy for facilities and infrastructure.
Sec. 206. Energy Innovation Hubs.

TITLE III—DEPARTMENT OF ENERGY OFFICE OF SCIENCE POLICY

Sec. 301. Short title.
Sec. 302. Mission.
Sec. 303. Basic energy sciences.
Sec. 304. Advanced scientific computing research.
Sec. 305. High-energy physics.
Sec. 306. Biological and environmental research.
Sec. 307. Fusion energy.
Sec. 308. Nuclear physics.
Sec. 309. Science laboratories infrastructure program.

42 USC 18601.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Science of the Department, except as otherwise indicated.

(3) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

TITLE I—LABORATORY MODERNIZATION AND TECHNOLOGY TRANSFER

Laboratory Modernization and Technology Transfer Act.

SEC. 101. SHORT TITLE.

42 USC 18601 note.

This title may be cited as the "Laboratory Modernization and Technology Transfer Act".

SEC. 102. INCLUSION OF EARLY STAGE TECHNOLOGY DEMONSTRATION IN AUTHORIZED TECHNOLOGY TRANSFER ACTIVITIES.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

"(g) EARLY STAGE TECHNOLOGY DEMONSTRATION.—The Secretary shall permit the directors of the National Laboratories to use funds authorized to support technology transfer within the Department to carry out early stage and precommercial technology demonstration activities to remove technology barriers that limit private sector interest and demonstrate potential commercial applications of any research and technologies arising from National Laboratory activities.".

SEC. 103. SENSE OF CONGRESS ON ACCELERATING ENERGY INNOVATION.

42 USC 18611.

It is the sense of Congress that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will help meet critical competitiveness, energy security, and environmental goals;

(2) accelerating the pace of clean energy innovation in the United States calls for—

(A) supporting existing research and development programs at the Department and the world-class National Laboratories;

(B) exploring and developing new pathways for innovators, investors, and decision-makers to leverage the resources of the Department for addressing the challenges and comparative strengths of geographic regions; and

(C) recognizing the financial constraints of the Department, regularly reviewing clean energy programs to ensure that taxpayer investments are maximized;

(3) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region;

(4) a regional approach to innovation can bridge the gaps between local talent, institutions, and industries to identify opportunities and convert United States investment into domestic companies; and

(5) Congress, the Secretary, and energy industry participants should advance efforts that promote international,

domestic, and regional cooperation on the research and development of energy innovations that—

(A) provide clean, affordable, and reliable energy for everyone;

(B) promote economic growth;

(C) are critical for energy security; and

(D) are sustainable without government support.

42 USC 18612.

SEC. 104. RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

(b) EXCEPTION FOR NATIONAL SECURITY LABORATORIES.—This section shall not apply to the national security laboratories with respect to which section 3119 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) applies.

42 USC 18613.

SEC. 105. RESEARCH GRANTS DATABASE.

Public information.

(a) IN GENERAL.—The Secretary shall establish and maintain a public database, accessible on the website of the Department, that contains a searchable listing of each unclassified research and development project contract, grant, cooperative agreement, task order for a federally funded research and development center, or other transaction administered by the Department.

(b) REQUIREMENTS.—Each listing described in subsection (a) shall include, at a minimum, for each listed project, the Department office carrying out the project, the project name, an abstract or summary of the project, funding levels, project duration, contractor or grantee name (including the names of any subcontractors), and expected objectives and milestones.

(c) RELEVANT LITERATURE AND PATENTS.—The Secretary shall provide information through the public database established under subsection (a) on relevant literature and patents that are associated with each research and development project contract, grant, or cooperative agreement, or other transaction, of the Department.

Reports. Recommendations. 42 USC 18614.

SEC. 106. TECHNOLOGY TRANSFER AND TRANSITIONS ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, and as often as the Secretary determines to be necessary thereafter, the Secretary shall transmit to the appropriate committees of Congress a report that includes recommended changes to the policy of the Department and legislative changes to section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) to improve the ability of the Department to successfully transfer new energy technologies to the private sector.

42 USC 18615.

SEC. 107. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this section.

(b) TERMS.—Each agreement entered into pursuant to the pilot program referred to in subsection (a) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to

negotiate contract terms, such as intellectual property rights, payment structures, performance guarantees, and multiparty collaborations.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Any director of a National Laboratory may enter into an agreement pursuant to the pilot program referred to in subsection (a).

(2) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out paragraph (1) and subject to paragraph (3), the Secretary shall permit the directors of the National Laboratories to execute agreements with a non-Federal entity, including a non-Federal entity already receiving Federal funding that will be used to support activities under agreements executed pursuant to paragraph (1), provided that such funding is solely used to carry out the purposes of the Federal award.

(3) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the "Bayh-Dole Act") shall apply if— Applicability.

(A) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(B) at least one of the parties to the funding agreement is eligible to receive rights under that chapter.

(d) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this section—

(1) a summary of information relating to the relevant project; Summary.

(2) the total estimated costs of the project; Cost estimate.

(3) estimated commencement and completion dates of the project; and Timeframe estimate.

(4) other documentation determined to be appropriate by the Secretary.

(e) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this section—

(1) is not in direct competition with the private sector; and

(2) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(f) EXTENSION.—The pilot program referred to in subsection (a) shall be extended until September 30, 2019.

(g) REPORTS.— Coordination.

(1) OVERALL ASSESSMENT.—Not later than 60 days after the date described in subsection (f), the Secretary, in coordination with directors of the National Laboratories, shall submit to the appropriate committees of Congress a report that— Assessments.

(A) assesses the overall effectiveness of the pilot program referred to in subsection (a);

(B) identifies opportunities to improve the effectiveness of the pilot program;

(C) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(D) provides a recommendation regarding the future of the pilot program. Recommendations.

(2) TRANSPARENCY.—The Secretary, in coordination with directors of the National Laboratories, shall submit to the appropriate committees of Congress an annual report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements pursuant to this section.

SEC. 108. SHORT-TERM COST-SHARE PILOT PROGRAM.

(a) IN GENERAL.—Section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) is amended—

(1) in paragraph (1), by striking "Except as provided in paragraphs (2) and (3)" and inserting "Except as provided in paragraphs (2), (3), and (4)"; and

(2) by adding at the end the following:

"(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

Applicability. Time period.

"(B) TERMINATION DATE.—The exemption under subparagraph (A) shall apply during the 2-year period beginning on the date of enactment of this paragraph.".

Time periods.

(b) REPORTS.—

(1) INITIAL REPORT.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the use of cost-sharing waivers by the Department under section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) during the 2-year period ending on the date of enactment of this Act.

(2) ANNUAL REPORTS.—Annually during the 2-year period beginning on the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the use of cost-sharing waivers by the Department under section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) during the period covered by the report.

Department of Energy Research Coordination Act.

TITLE II—DEPARTMENT OF ENERGY RESEARCH COORDINATION

42 USC 18601 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Department of Energy Research Coordination Act".

SEC. 202. PROTECTION OF INFORMATION.

Section 5012 of the America Competes Act (42 U.S.C. 16538) is amended—

(1) in subsection (a)(3), by striking "subsection (n)(1)" and inserting "subsection (o)(1)";

(2) by redesignating subsection (n) as subsection (o); and

(3) by inserting after subsection (m) the following:

"(n) PROTECTION OF INFORMATION.—The following types of information collected by ARPA–E from recipients of financial assistance awards shall be considered commercial and financial information obtained from a person and privileged or confidential and not subject to disclosure under section 552(b)(4) of title 5, United States Code:

"(1) Plans for commercialization of technologies developed under the award, including business plans, technology-to-market plans, market studies, and cost and performance models.

"(2) Investments provided to an awardee from third parties (such as venture capital firms, hedge funds, and private equity firms), including amounts and the percentage of ownership of the awardee provided in return for the investments.

"(3) Additional financial support that the awardee—

"(A) plans to or has invested into the technology developed under the award; or

"(B) is seeking from third parties.

"(4) Revenue from the licensing or sale of new products or services resulting from research conducted under the award.".

SEC. 203. CROSSCUTTING RESEARCH AND DEVELOPMENT.

42 USC 18631.

(a) IN GENERAL.—The Secretary shall use the capabilities of the Department to identify strategic opportunities for collaborative research, development, demonstration, and commercial application of innovative science and technologies.

(b) EXISTING PROGRAMS; COORDINATION OF ACTIVITIES.—To the maximum extent practicable, the Secretary shall seek—

(1) to leverage existing programs of the Department; and

(2) to consolidate and coordinate activities throughout the Department to promote collaboration and crosscutting approaches within programs of the Department.

(c) ADDITIONAL ACTIONS.—The Secretary shall—

(1) prioritize activities that use all affordable domestic resources;

(2) develop a planning, evaluation, and technical assessment framework for setting objective long-term strategic goals and evaluating progress that—

(A) ensures integrity and independence; and

(B) provides the flexibility to adapt to market dynamics;

(3) ensure that activities shall be undertaken in a manner that does not duplicate other activities within the Department or other Federal Government activities; and

(4) identify programs that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.

SEC. 204. STRATEGIC RESEARCH PORTFOLIO ANALYSIS AND COORDINATION PLAN.

The Energy Policy Act of 2005 is amended by striking section 994 (42 U.S.C. 16358) and inserting the following:

42 USC 16358.

"SEC. 994. STRATEGIC RESEARCH PORTFOLIO ANALYSIS AND COORDINATION PLAN.

"(a) IN GENERAL.—The Secretary shall periodically review all of the science and technology activities of the Department in a strategic framework that takes into account—

"(1) the frontiers of science to which the Department can contribute;

"(2) the national needs relevant to the statutory missions of the Department; and

"(3) global energy dynamics.

"(b) COORDINATION ANALYSIS AND PLAN.—

"(1) IN GENERAL.—As part of the review under subsection (a), the Secretary shall develop a plan to improve coordination and collaboration in research, development, demonstration, and commercial application activities across organizational boundaries of the Department.

"(2) PLAN CONTENTS.—The plan developed under paragraph (1) shall describe—

"(A) crosscutting scientific and technical issues and research questions that span more than one program or major office of the Department;

"(B) ways in which the applied technology programs of the Department are coordinating activities and addressing the questions referred to in subparagraph (A);

"(C) ways in which the technical interchange within the Department, particularly between the Office of Science and the applied technology programs, could be enhanced, including ways in which the research agendas of the Office of Science and the applied programs could better interact and assist each other;

"(D) ways in which the Secretary would ensure that the overall research agenda of the Department includes, in addition to fundamental, curiosity-driven research, fundamental research related to topics of concern to the applied programs, and applications in Departmental technology programs of research results generated by fundamental, curiosity-driven research;

Assessments.

"(E) critical assessments of any ongoing programs that have experienced subpar performance or cost overruns of 10 percent or more over 1 or more years;

"(F) any activities that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders; and

Evaluations.
Proposals.

"(G) detailed evaluations and proposals for innovation hubs, institutes, and research centers of the Department, including—

"(i) an affirmation that the hubs, institutes, and research centers will—

"(I) advance the mission of the Department; and

"(II) prioritize research, development, and demonstration; and

"(ii) an affirmation that any hubs, institutes, or research centers that are established or renewed within the Office of Science are consistent with the mission of the Office of Science described in subsection (c)

of section 209 of the Department of Energy Organization Act (42 U.S.C. 7139).

"(c) SUBMISSION TO CONGRESS.—Every 4 years, the Secretary shall submit to Congress— Time period.

"(1) the results of the review under subsection (a); and

"(2) the coordination plan under subsection (b).".

SEC. 205. STRATEGY FOR FACILITIES AND INFRASTRUCTURE.

(a) AMENDMENTS.—Section 993 of the Energy Policy Act of 2005 (42 U.S.C. 16357) is amended—

(1) by striking the section heading and inserting the following: "**STRATEGY FOR FACILITIES AND INFRASTRUCTURE**"; and

(2) in subsection (b)(1), by striking "2008" and inserting "2018".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Energy Policy Act of 2005 is amended by striking the item relating to section 993 and inserting the following:

"Sec. 993. Strategy for facilities and infrastructure.".

SEC. 206. ENERGY INNOVATION HUBS. 42 USC 18632.

(a) DEFINITIONS.—In this section:

(1) ADVANCED ENERGY TECHNOLOGY.—The term "advanced energy technology" means—

(A) an innovative technology—

(i) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, or other renewable energy resources;

(ii) that produces nuclear energy;

(iii) for carbon capture and sequestration;

(iv) that enables advanced vehicles, vehicle components, and related technologies that result in significant energy savings;

(v) that generates, transmits, distributes, uses, or stores energy more efficiently than conventional technologies, including through Smart Grid technologies; or

(vi) that enhances the energy independence and security of the United States by enabling improved or expanded supply and production of domestic energy resources, including coal, oil, and natural gas;

(B) a research, development, demonstration, or commercial application activity necessary to ensure the long-term, secure, and sustainable supply of an energy-critical element; or

(C) any other innovative energy technology area identified by the Secretary.

(2) HUB.—

(A) IN GENERAL.—The term "Hub" means an Energy Innovation Hub established under this section.

(B) INCLUSION.—The term "Hub" includes any Energy Innovation Hub in existence on the date of enactment of this Act.

(3) QUALIFYING ENTITY.—The term "qualifying entity" means—

(A) an institution of higher education;

(B) an appropriate State or Federal entity, including a federally funded research and development center of the Department;

(C) a nongovernmental organization with expertise in advanced energy technology research, development, demonstration, or commercial application; or

(D) any other relevant entity the Secretary determines appropriate.

(b) AUTHORIZATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a program to enhance the economic, environmental, and energy security of the United States by making awards to consortia for establishing and operating hubs, to be known as "Energy Innovation Hubs", to conduct and support, at, if practicable, one centralized location, multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies.

Designation.

(2) TECHNOLOGY DEVELOPMENT FOCUS.—The Secretary shall designate for each Hub a unique advanced energy technology or basic research focus.

(3) COORDINATION.—The Secretary shall ensure the coordination of, and avoid unnecessary duplication of, the activities of each Hub with the activities of—

(A) other research entities of the Department, including the National Laboratories, the Advanced Research Projects Agency—Energy, and Energy Frontier Research Centers; and

(B) industry.

(c) APPLICATION PROCESS.—

(1) ELIGIBILITY.—To be eligible to receive an award for the establishment and operation of a Hub under subsection (b)(1), a consortium shall—

(A) be composed of not fewer than two qualifying entities;

(B) operate subject to a binding agreement, entered into by each member of the consortium, that documents—

(i) the proposed partnership agreement, including the governance and management structure of the Hub;

(ii) measures the consortium will undertake to enable cost-effective implementation of activities under the program described in subsection (b)(1); and

(iii) a proposed budget, including financial contributions from non-Federal sources; and

(C) operate as a nonprofit organization.

(2) APPLICATION.—

(A) IN GENERAL.—A consortium seeking to establish and operate a Hub under subsection (b)(1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a detailed description of each element of the consortium agreement required under paragraph (1)(B).

(B) REQUIREMENT.—If the consortium members will not be located at one centralized location, the application under subparagraph (A) shall include a communications plan that ensures close coordination and integration of Hub activities.

(3) SELECTION.—

(A) IN GENERAL.—The Secretary shall select consortia for awards for the establishment and operation of Hubs through a competitive selection process.

(B) CONSIDERATIONS.—In selecting consortia under subparagraph (A), the Secretary shall consider—

(i) the information disclosed by the consortium under this subsection; and

(ii) any existing facilities a consortium will provide for Hub activities.

(d) TERM.—

(1) IN GENERAL.—An award made to a Hub under this section shall be for a period of not more than 5 years, subject to the availability of appropriations, after which the award may be renewed, subject to a rigorous merit review.

(2) EXISTING HUBS.—A Hub already in existence on, or undergoing a renewal process on, the date of enactment of this Act—

(A) may continue to receive support during the 5-year period beginning on the date of establishment of that Hub; and

(B) shall be eligible for renewal of that support at the end of that 5-year period.

(e) HUB OPERATIONS.—

(1) IN GENERAL.—Each Hub shall conduct or provide for multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies within the technology development focus designated under subsection (b)(2).

(2) ACTIVITIES.—Each Hub shall—

(A) encourage collaboration and communication among the member qualifying entities of the consortium and awardees;

(B) develop and publish proposed plans and programs on a publicly accessible website; Plans. Web posting.

(C) submit an annual report to the Department summarizing the activities of the Hub, including— Reports.

(i) detailing organizational expenditures; and

(ii) describing each project undertaken by the Hub; and

(D) monitor project implementation and coordination.

(3) CONFLICTS OF INTEREST.—Each Hub shall maintain conflict of interest procedures, consistent with the conflict of interest procedures of the Department.

(4) PROHIBITION ON CONSTRUCTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B)—

(i) no funds provided under this section may be used for construction of new buildings or facilities for Hubs; and

(ii) construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(B) TEST BED AND RENOVATION EXCEPTION.—Nothing in this paragraph prohibits the use of funds provided under this section or non-Federal cost share funds for the construction of a test bed or renovations to existing

buildings or facilities for the purposes of research if the Secretary determines that the test bed or renovations are limited to a scope and scale necessary for the research to be conducted.

Department of Energy Office of Science Policy Act.

TITLE III—DEPARTMENT OF ENERGY OFFICE OF SCIENCE POLICY

42 USC 18601 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Department of Energy Office of Science Policy Act".

SEC. 302. MISSION.

Section 209 of the Department of Energy Organization Act (42 U.S.C. 7139) is amended by adding at the end the following:

"(c) MISSION.—The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.".

SEC. 303. BASIC ENERGY SCIENCES.

42 USC 18641.

(a) ENERGY FRONTIER RESEARCH CENTERS.—

(1) IN GENERAL.—The Director shall carry out a program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs.

(2) COLLABORATIONS.—A collaboration receiving an award under this subsection may include multiple types of institutions and private sector entities.

(3) SELECTION AND DURATION.—

(A) IN GENERAL.—A collaboration under this subsection shall be selected for a period of 4 years.

(B) EXISTING CENTERS.—An Energy Frontier Research Center in existence and supported by the Director on the date of enactment of this Act may continue to receive support for a period of 4 years beginning on the date of establishment of that center.

(C) REAPPLICATION.—After the end of the period described in subparagraph (A) or (B), as applicable, a recipient of an award may reapply for selection on a competitive, merit-reviewed basis.

(D) TERMINATION.—Consistent with the existing authorities of the Department, the Director may terminate an underperforming center for cause during the performance period.

(4) NO FUNDING FOR CONSTRUCTION.—No funding provided pursuant to this subsection may be used for the construction of new buildings or facilities.

42 USC 18641.

(b) BASIC ENERGY SCIENCES USER FACILITIES.—

(1) IN GENERAL.—The Director shall carry out a program for the development, construction, operation, and maintenance of national user facilities.

(2) REQUIREMENTS.—To the maximum extent practicable, the national user facilities developed, constructed, operated,

or maintained under paragraph (1) shall serve the needs of the Department, industry, the academic community, and other relevant entities to create and examine materials and chemical processes for the purpose of improving the competitiveness of the United States.

(3) INCLUDED FACILITIES.—The national user facilities developed, constructed, operated, or maintained under paragraph (1) shall include—

(A) x-ray light sources;

(B) neutron sources;

(C) nanoscale science research centers; and

(D) such other facilities as the Director considers appropriate, consistent with section 209 of the Department of Energy Organization Act (42 U.S.C. 7139).

(c) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development on advanced accelerator and storage ring technologies relevant to the development of basic energy sciences user facilities, in consultation with the High Energy Physics and Nuclear Physics programs of the Office of Science. Consultation. 42 USC 18641.

(d) SOLAR FUELS RESEARCH INITIATIVE.—

(1) IN GENERAL.—Section 973 of the Energy Policy Act of 2005 (42 U.S.C. 16313) is amended to read as follows:

"SEC. 973. SOLAR FUELS RESEARCH INITIATIVE.

"(a) INITIATIVE.—

"(1) IN GENERAL.—The Secretary shall carry out a research initiative, to be known as the 'Solar Fuels Research Initiative' (referred to in this section as the 'Initiative') to expand theoretical and fundamental knowledge of photochemistry, electrochemistry, biochemistry, and materials science useful for the practical development of experimental systems to convert solar energy to chemical energy.

"(2) LEVERAGING.—In carrying out programs and activities under the Initiative, the Secretary shall leverage expertise and resources from—

"(A) the Basic Energy Sciences Program and the Biological and Environmental Research Program of the Office of Science; and

"(B) the Office of Energy Efficiency and Renewable Energy.

"(3) TEAMS.—

"(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall organize activities among multidisciplinary teams to leverage, to the maximum extent practicable, expertise from the National Laboratories, institutions of higher education, and the private sector.

"(B) GOALS.—The multidisciplinary teams described in subparagraph (A) shall pursue aggressive, milestone-driven, basic research goals.

"(C) RESOURCES.—The Secretary shall provide sufficient resources to the multidisciplinary teams described in subparagraph (A) to achieve the goals described in subparagraph (B) over a period of time to be determined by the Secretary.

"(4) ADDITIONAL ACTIVITIES.—The Secretary may organize additional activities under this subsection through Energy

Frontier Research Centers, Energy Innovation Hubs, or other organizational structures.

"(b) ARTIFICIAL PHOTOSYNTHESIS.—

"(1) IN GENERAL.—The Secretary shall carry out under the Initiative a program to support research needed to bridge scientific barriers to, and discover knowledge relevant to, artificial photosynthetic systems.

"(2) ACTIVITIES.—As part of the program described in paragraph (1)—

"(A) the Director of the Office of Basic Energy Sciences shall support basic research to pursue distinct lines of scientific inquiry, including—

"(i) photoinduced production of hydrogen and oxygen from water; and

"(ii) the sustainable photoinduced reduction of carbon dioxide to fuel products including hydrocarbons, alcohols, carbon monoxide, and natural gas; and

"(B) the Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under the program.

"(3) STANDARD OF REVIEW.—The Secretary shall review activities carried out under the program described in paragraph (1) to determine the achievement of technical milestones.

"(4) PROHIBITION.—No funds allocated to the program described in paragraph (1) may be obligated or expended for commercial application of energy technology.

"(c) BIOCHEMISTRY, REPLICATION OF NATURAL PHOTOSYNTHESIS, AND RELATED PROCESSES.—

"(1) IN GENERAL.—The Secretary shall carry out under the Initiative a program to support research needed to replicate natural photosynthetic processes by use of artificial photosynthetic components and materials.

"(2) ACTIVITIES.—As part of the program described in paragraph (1)—

"(A) the Director of the Office of Basic Energy Sciences shall support basic research to expand fundamental knowledge to replicate natural synthesis processes, including—

"(i) the photoinduced reduction of dinitrogen to ammonia;

"(ii) the absorption of carbon dioxide from ambient air;

"(iii) molecular-based charge separation and storage;

"(iv) photoinitiated electron transfer; and

"(v) catalysis in biological or biomimetic systems;

"(B) the Associate Director of Biological and Environmental Research shall support systems biology and genomics approaches to understand genetic and physiological pathways connected to photosynthetic mechanisms; and

"(C) the Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under the program.

"(3) STANDARD OF REVIEW.—The Secretary shall review activities carried out under the program described in paragraph (1) to determine the achievement of technical milestones.

"(4) PROHIBITION.—No funds allocated to the program described in paragraph (1) may be obligated or expended for commercial application of energy technology.".

(2) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 is amended by striking the item relating to section 973 and inserting the following:

"Sec. 973. Solar fuels research initiative.".

(e) ELECTRICITY STORAGE RESEARCH INITIATIVE.—

(1) IN GENERAL.—Section 975 of the Energy Policy Act of 2005 (42 U.S.C. 16315) is amended to read as follows:

"SEC. 975. ELECTRICITY STORAGE RESEARCH INITIATIVE.

"(a) INITIATIVE.—

"(1) IN GENERAL.—The Secretary shall carry out a research initiative, to be known as the 'Electricity Storage Research Initiative' (referred to in this section as the 'Initiative')—

"(A) to expand theoretical and fundamental knowledge to control, store, and convert—

"(i) electrical energy to chemical energy; and

"(ii) chemical energy to electrical energy; and

"(B) to support scientific inquiry into the practical understanding of chemical and physical processes that occur within systems involving crystalline and amorphous solids, polymers, and organic and aqueous liquids.

"(2) LEVERAGING.—In carrying out programs and activities under the Initiative, the Secretary shall leverage expertise and resources from—

"(A) the Basic Energy Sciences Program, the Advanced Scientific Computing Research Program, and the Biological and Environmental Research Program of the Office of Science; and

"(B) the Office of Energy Efficiency and Renewable Energy.

"(3) TEAMS.—

"(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall organize activities among multidisciplinary teams to leverage, to the maximum extent practicable, expertise from the National Laboratories, institutions of higher education, and the private sector.

"(B) GOALS.—The multidisciplinary teams described in subparagraph (A) shall pursue aggressive, milestone-driven, basic research goals.

"(C) RESOURCES.—The Secretary shall provide sufficient resources to the multidisciplinary teams described in subparagraph (A) to achieve the goals described in subparagraph (B) over a period of time to be determined by the Secretary.

"(4) ADDITIONAL ACTIVITIES.—The Secretary may organize additional activities under this subsection through Energy Frontier Research Centers, Energy Innovation Hubs, or other organizational structures.

"(b) MULTIVALENT SYSTEMS.—

"(1) IN GENERAL.—The Secretary shall carry out under the Initiative a program to support research needed to bridge scientific barriers to, and discover knowledge relevant to, multivalent ion materials in electric energy storage systems.

"(2) ACTIVITIES.—As part of the program described in paragraph (1)—

"(A) the Director of the Office of Basic Energy Sciences shall investigate electrochemical properties and the dynamics of materials, including charge transfer phenomena and mass transport in materials; and

"(B) the Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under the program.

"(3) STANDARD OF REVIEW.—The Secretary shall review activities carried out under the program described in paragraph (1) to determine the achievement of technical milestones.

"(4) PROHIBITION.—No funds allocated to the program described in paragraph (1) may be obligated or expended for commercial application of energy technology.

"(c) ELECTROCHEMISTRY MODELING AND SIMULATION.—

"(1) IN GENERAL.—The Secretary shall carry out under the Initiative a program to support research to model and simulate organic electrolytes, including the static and dynamic electrochemical behavior and phenomena of organic electrolytes at the molecular and atomic level in monovalent and multivalent systems.

"(2) ACTIVITIES.—As part of the program described in paragraph (1)—

Coordination.

"(A) the Director of the Office of Basic Energy Sciences, in coordination with the Associate Director of Advanced Scientific Computing Research, shall support the development of high performance computational tools through a joint development process to maximize the effectiveness of current and projected high performance computing systems; and

"(B) the Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under the program.

"(3) STANDARD OF REVIEW.—The Secretary shall review activities carried out under the program described in paragraph (1) to determine the achievement of technical milestones.

"(4) PROHIBITION.—No funds allocated to the program described in paragraph (1) may be obligated or expended for commercial application of energy technology.

"(d) MESOSCALE ELECTROCHEMISTRY.—

"(1) IN GENERAL.—The Secretary shall carry out under the Initiative a program to support research needed to reveal electrochemistry in confined mesoscale spaces, including scientific discoveries relevant to—

"(A) bio-electrochemistry and electrochemical energy conversion and storage in confined spaces; and

"(B) the dynamics of the phenomena described in subparagraph (A).

"(2) ACTIVITIES.—As part of the program described in paragraph (1)—

"(A) the Director of the Office of Basic Energy Sciences and the Associate Director of Biological and Environmental Research shall investigate phenomena of mesoscale electrochemical confinement for the purpose of replicating and controlling new electrochemical behavior; and

"(B) the Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under the program.

"(3) STANDARD OF REVIEW.—The Secretary shall review activities carried out under the program described in paragraph (1) to determine the achievement of technical milestones.

"(4) PROHIBITION.—No funds allocated to the program described in paragraph (1) may be obligated or expended for commercial application of energy technology.".

(2) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 is amended by striking the item relating to section 975 and inserting the following:

"Sec. 975. Electricity storage research initiative.".

SEC. 304. ADVANCED SCIENTIFIC COMPUTING RESEARCH. 42 USC 18642.

(a) AMERICAN SUPER COMPUTING LEADERSHIP.—

(1) RENAMING OF ACT.—

(A) IN GENERAL.—Section 1 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5501 note; Public Law 108–423) is amended by striking "Department of Energy High-End Computing Revitalization Act of 2004" and inserting "American Super Computing Leadership Act of 2017".

(B) CONFORMING AMENDMENT.—Section 976(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16316(1)) is amended by striking "Department of Energy High-End Computing Revitalization Act of 2004" and inserting "American Super Computing Leadership Act of 2017".

(2) DEFINITIONS.—Section 2 of the American Super Computing Leadership Act of 2017 (15 U.S.C. 5541) is amended—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by striking paragraph (1) and inserting the following:

"(1) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(2) EXASCALE COMPUTING.—The term 'exascale computing' means computing through the use of a computing machine that performs near or above 10 to the 18th power operations per second."; and

(C) in paragraph (6) (as redesignated by subparagraph (A)), by striking ", acting through the Director of the Office of Science of the Department of Energy".

(3) DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.—Section 3 of the American Super Computing Leadership Act of 2017 (15 U.S.C. 5542) is amended—

(A) in subsection (a)(1), by striking "program" and inserting "coordinated program across the Department";

(B) in subsection (b)(2), by striking ", which may" and all that follows through "architectures"; and

(C) by striking subsection (d) and inserting the following:

"(d) EXASCALE COMPUTING PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a research program (referred to in this subsection as the 'Program') for exascale computing, including the development of two or more exascale computing machine architectures, to promote the missions of the Department.

"(2) EXECUTION.—

"(A) IN GENERAL.—In carrying out the Program, the Secretary shall—

"(i) establish two or more National Laboratory partnerships with industry partners and institutions of higher education for the research and development of two or more exascale computing architectures across all applicable organizations of the Department;

"(ii) conduct mission-related codesign activities in developing the exascale computing architectures under clause (i);

"(iii) develop such advancements in hardware and software technology as are required to fully realize the potential of an exascale production system in addressing Department target applications and solving scientific problems involving predictive modeling and simulation and large scale data analytics and management;

"(iv) explore the use of exascale computing technologies to advance a broad range of science and engineering; and

"(v) provide, as appropriate, on a competitive, merit-reviewed basis, access for researchers in industries in the United States, institutions of higher education, National Laboratories, and other Federal agencies to the exascale computing systems developed pursuant to clause (i).

"(B) SELECTION OF PARTNERS.—The Secretary shall select the partnerships with the computing facilities of the Department under subparagraph (A) through a competitive, peer-review process.

"(3) CODESIGN AND APPLICATION DEVELOPMENT.—

"(A) IN GENERAL.—The Secretary shall—

"(i) carry out the Program through an integration of applications, computer science, applied mathematics, and computer hardware architecture using the partnerships established pursuant to paragraph (2) to ensure that, to the maximum extent practicable, two or more exascale computing machine architectures are capable of solving Department target applications and broader scientific problems, including predictive modeling and simulation and large scale data analytics and management; and

"(ii) conduct outreach programs to increase the readiness for the use of such platforms by domestic industries, including manufacturers.

"(B) REPORT.—The Secretary shall submit to Congress a report describing—

"(i) how the integration under subparagraph (A) is furthering application science data and computational workloads across application interests, including national security, material science, physical science, cybersecurity, biological science, the Materials Genome and BRAIN Initiatives of the President, advanced manufacturing, and the national electric grid; and

"(ii) the roles and responsibilities of National Laboratories and industry, including the definition of the roles and responsibilities within the Department to ensure an integrated program across the Department.

"(4) PROJECT REVIEW.—

"(A) IN GENERAL.—The exascale architectures developed pursuant to partnerships established pursuant to paragraph (2) shall be reviewed through a project review process.

"(B) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report on—

"(i) the results of the review conducted under subparagraph (A); and

"(ii) the coordination and management of the Program to ensure an integrated research program across the Department.

"(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary, in consultation with the members of the partnerships established pursuant to paragraph (2), shall submit to Congress a report that describes funding for the Program as a whole by functional element of the Department and critical milestones.". Consultation.

(b) HIGH-PERFORMANCE COMPUTING AND NETWORKING RESEARCH.—The Director shall support research in high-performance computing and networking relevant to energy applications, including modeling, simulation, and advanced data analytics for basic and applied energy research programs carried out by the Secretary.

(c) APPLIED MATHEMATICS AND SOFTWARE DEVELOPMENT FOR HIGH-END COMPUTING SYSTEMS.—The Director shall carry out activities to develop, test, and support—

(1) mathematics, models, and algorithms for complex systems and programming environments; and

(2) tools, languages, and operating systems for high-end computing systems (as defined in section 2 of the American Super Computing Leadership Act of 2017 (15 U.S.C. 5541)).

SEC. 305. HIGH-ENERGY PHYSICS. 42 USC 18643.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director should incorporate the findings and recommendations of the report of the Particle Physics Project Prioritization Panel entitled "Building for Discovery: Strategic Plan for U.S. Particle Physics in the Global Context" into the planning process of the Department; and

(2) the nations that lead in particle physics by hosting international teams dedicated to a common scientific goal attract the world's best talent and inspire future generations of physicists and technologists.

(b) INTERNATIONAL COLLABORATION.—The Director, as practicable and in coordination with other appropriate Federal agencies as necessary, shall ensure the access of United States researchers to the most advanced accelerator facilities and research capabilities in the world, including the Large Hadron Collider.

(c) NEUTRINO RESEARCH.—The Director shall carry out research activities on rare decay processes and the nature of the neutrino, which may include collaborations with the National Science Foundation or international collaborations.

(d) DARK ENERGY AND DARK MATTER RESEARCH.—The Director shall carry out research activities on the nature of dark energy and dark matter, which may include collaborations with the National Aeronautics and Space Administration or the National Science Foundation; or international collaborations.

42 USC 18644.

SEC. 306. BIOLOGICAL AND ENVIRONMENTAL RESEARCH.

(a) BIOLOGICAL SYSTEMS.—The Director shall carry out research and development activities in fundamental, structural, computational, and systems biology to increase systems-level understanding of the complex biological systems, which may include activities—

(1) to accelerate breakthroughs and new knowledge that would enable the cost-effective, sustainable production of—

(A) biomass-based liquid transportation fuels;

(B) bioenergy; and

(C) biobased materials;

(2) to improve understanding of the global carbon cycle, including processes for removing carbon dioxide from the atmosphere, through photosynthesis and other biological processes, for sequestration and storage; and

(3) to understand the biological mechanisms used to transform, immobilize, or remove contaminants from subsurface environments.

(b) LIMITATION FOR RESEARCH FUNDS.—The Director shall not approve new climate science-related initiatives without making a determination that such work is well-coordinated with any relevant work carried out by other Federal agencies.

(c) LOW-DOSE RADIATION RESEARCH PROGRAM.—

(1) IN GENERAL.—The Director shall carry out a research program on low-dose radiation.

(2) PURPOSE.—The purpose of the program is to enhance the scientific understanding of, and reduce uncertainties associated with, the effects of exposure to low-dose radiation to inform improved risk-management methods.

42 USC 18645.

SEC. 307. FUSION ENERGY.

(a) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—As part of the activities authorized in section 978 of the Energy Policy Act of 2005 (42 U.S.C. 16318)—

Coordination.

(1) the Director, in coordination with the Assistant Secretary for Nuclear Energy of the Department, shall carry out research and development activities to identify, characterize, and demonstrate materials that can endure the neutron, plasma, and heat fluxes expected in a fusion power system; and

Assessment.

(2) the Director shall provide an assessment of—

(A) the need for one or more facilities that can examine and test potential fusion and next generation fission materials and other enabling technologies relevant to the development of fusion power; and

(B) whether a single new facility that substantially addresses magnetic fusion and next generation fission materials research needs is feasible, in conjunction with the expected capabilities of facilities operational as of the date of enactment of this Act.

(b) TOKAMAK RESEARCH AND DEVELOPMENT.—The Director shall support research and development activities and facility operations to optimize the tokamak approach to fusion energy.

(c) INERTIAL FUSION ENERGY RESEARCH AND DEVELOPMENT.—The Director shall support research and development activities for inertial fusion for energy applications.

(d) ALTERNATIVE AND ENABLING CONCEPTS.—The Director shall support research and development activities and facility operations at institutions of higher education, National Laboratories, and private facilities in the United States for a portfolio of alternative and enabling fusion energy concepts that may provide solutions to significant challenges to the establishment of a commercial magnetic fusion power plant, prioritized based on the ability of the United States to play a leadership role in the international fusion research community.

(e) COORDINATION WITH ARPA–E.—The Director shall coordinate with the Director of the Advanced Research Projects Agency-Energy (referred to in this subsection as "ARPA–E") to—

(1) assess the potential for any fusion energy project supported by ARPA–E to represent a promising approach to a commercially viable fusion power plant;

(2) determine whether the results of any fusion energy project supported by ARPA–E merit the support of follow-on research activities carried out by the Office of Science; and

(3) avoid the unintentional duplication of activities.

(f) FAIRNESS IN COMPETITION FOR SOLICITATIONS FOR INTERNATIONAL PROJECT ACTIVITIES.—Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended by inserting before the first sentence the following: "In this section, with respect to international research projects, the term 'private facilities or laboratories' means facilities or laboratories located in the United States.". Definition.

(g) IDENTIFICATION OF PRIORITIES.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the fusion energy research and development activities that the Department proposes to carry out over the 10-year period following the date of the report under not fewer than 3 realistic budget scenarios, including a scenario based on 3-percent annual growth in the non-ITER portion of the budget for fusion energy research and development activities. Time period.

(B) INCLUSIONS.—The report required under subparagraph (A) shall—

(i) identify specific areas of fusion energy research and enabling technology development in which the United States can and should establish or solidify a lead in the global fusion energy development effort;

(ii) identify priorities for initiation of facility construction and facility decommissioning under each of the three budget scenarios described in subparagraph (A); and

(iii) assess the ability of the fusion workforce of the United States to carry out the activities identified under clauses (i) and (ii), including the adequacy of programs at institutions of higher education in the United States to train the leaders and workers of the next generation of fusion energy researchers.

(2) PROCESS.—In order to develop the report required under paragraph (1)(A), the Secretary shall leverage best practices and lessons learned from the process used to develop the most recent report of the Particle Physics Project Prioritization Panel of the High Energy Physics Advisory Panel.

(3) REQUIREMENT.—No member of the Fusion Energy Sciences Advisory Committee shall be excluded from participating in developing or voting on final approval of the report required under paragraph (1)(A).

42 USC 18646.

SEC. 308. NUCLEAR PHYSICS.

(a) ISOTOPE DEVELOPMENT AND PRODUCTION FOR RESEARCH APPLICATIONS.—The Director—

(1) may carry out a program for the production of isotopes, including the development of techniques to produce isotopes, that the Secretary determines are needed for research, medical, industrial, or related purposes; and

(2) shall ensure that isotope production activities carried out under the program under this paragraph do not compete with private industry unless the Director determines that critical national interests require the involvement of the Federal Government.

(b) RENAMING OF THE RARE ISOTOPE ACCELERATOR.—Section 981 of the Energy Policy Act of 2005 (42 U.S.C. 16321) is amended—

(1) in the section heading, by striking "**RARE ISOTOPE ACCELERATOR**" and inserting "**FACILITY FOR RARE ISOTOPE BEAMS**"; and

(2) by striking "Rare Isotope Accelerator" each place it appears and inserting "Facility for Rare Isotope Beams".

42 USC 18647.

SEC. 309. SCIENCE LABORATORIES INFRASTRUCTURE PROGRAM.

(a) IN GENERAL.—The Director shall carry out a program to improve the safety, efficiency, and mission readiness of infrastructure at laboratories of the Office of Science.

(b) INCLUSIONS.—The program under subsection (a) shall include projects—

(1) to renovate or replace space that does not meet research needs;

(2) to replace facilities that are no longer cost effective to renovate or operate;

(3) to modernize utility systems to prevent failures and ensure efficiency;

(4) to remove excess facilities to allow safe and efficient operations; and

(5) to construct modern facilities to conduct advanced research in controlled environmental conditions.

Approved September 28, 2018.

LEGISLATIVE HISTORY—H.R. 589 (S. 1460) (S. 2503):

SENATE REPORTS: Nos. 115–242 and 115–241, accompanying S. 2503, (both from Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:
Vol. 163 (2017): Jan. 24, considered and passed House.
Vol. 164 (2018): July 23, considered and passed Senate, amended.
Sept. 13, House concurred in Senate amendment.

Public Law 115–247
115th Congress

An Act

Sept. 28, 2018
[H.R. 1109]

To amend section 203 of the Federal Power Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHORIZATION.

Section 203(a)(1) of the Federal Power Act (16 U.S.C. 824b(a)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) merge or consolidate, directly or indirectly, its facilities subject to the jurisdiction of the Commission, or any part thereof, with the facilities of any other person, or any part thereof, that are subject to the jurisdiction of the Commission and have a value in excess of $10,000,000, by any means whatsoever;".

SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended by adding at the end the following new paragraph:

Deadlines.
Regulations.

"(7)(A) Not later than 180 days after the date of enactment of this paragraph, the Commission shall promulgate a rule requiring any public utility that is seeking to merge or consolidate, directly or indirectly, its facilities subject to the jurisdiction of the Commission, or any part thereof, with those of any other person, to notify the Commission of such transaction not later than 30 days after the date on which the transaction is consummated if—

"(i) the facilities, or any part thereof, to be acquired are of a value in excess of $1,000,000; and

"(ii) such public utility is not required to secure an order of the Commission under paragraph (1)(B).

"(B) In establishing any notification requirement under subparagraph (A), the Commission shall, to the maximum extent practicable, minimize the paperwork burden resulting from the collection of information.".

16 USC 824b note.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall take effect 180 days after the date of enactment of this Act.

SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to Congress a report that assesses the effects of the amendment made by section 1.

(b) REQUIREMENTS.—In preparing the report under subsection (a), the Federal Energy Regulatory Commission shall—

(1) take into account any information collected under paragraph (7) of section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) (as added by section 2); and

(2) provide for public notice and comment with respect to the report. Notice.

Approved September 28, 2018.

LEGISLATIVE HISTORY—H.R. 1109:

HOUSE REPORTS: No. 115–167 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 115–253 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 12, considered and passed House.
Vol. 164 (2018): Sept. 4, considered and passed Senate, amended.
Sept. 13, House concurred in Senate amendment.

Public Law 115–248
115th Congress

An Act

Sept. 28, 2018
[S. 97]

To enable civilian research and development of advanced nuclear energy technologies by private and public institutions, to expand theoretical and practical knowledge of nuclear physics, chemistry, and materials science, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nuclear Energy Innovation Capabilities Act of 2017.
42 USC 15801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Energy Innovation Capabilities Act of 2017".

SEC. 2. NUCLEAR ENERGY INNOVATION CAPABILITIES.

(a) NUCLEAR ENERGY.—Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended to read as follows:

"SEC. 951. NUCLEAR ENERGY.

"(a) MISSION.—

"(1) IN GENERAL.—The Secretary shall carry out programs of civilian nuclear research, development, demonstration, and commercial application, including activities under this subtitle.

"(2) CONSIDERATIONS.—The programs carried out under paragraph (1) shall take into consideration the following objectives:

"(A) Providing research infrastructure to promote scientific progress and enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

"(B) Maintaining nuclear energy research and development programs at the National Laboratories and institutions of higher education, including infrastructure at the National Laboratories and institutions of higher education.

"(C) Providing the technical means to reduce the likelihood of nuclear proliferation.

"(D) Increasing confidence margins for public safety of nuclear energy systems.

"(E) Reducing the environmental impact of activities relating to nuclear energy.

"(F) Supporting technology transfer from the National Laboratories to the private sector.

"(G) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the objectives described in subparagraphs (A) through (F).

"(b) DEFINITIONS.—In this subtitle:

"(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' means—

"(A) a nuclear fission reactor with significant improvements over the most recent generation of nuclear fission reactors, which may include—

"(i) inherent safety features;

"(ii) lower waste yields;

"(iii) greater fuel utilization;

"(iv) superior reliability;

"(v) resistance to proliferation;

"(vi) increased thermal efficiency; and

"(vii) the ability to integrate into electric and non-electric applications; or

"(B) a nuclear fusion reactor.

"(2) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

"(3) FAST NEUTRON.—The term 'fast neutron' means a neutron with kinetic energy above 100 kiloelectron volts.

"(4) NATIONAL LABORATORY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'National Laboratory' has the meaning given the term in section 2.

"(B) LIMITATION.—With respect to the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories, the term 'National Laboratory' means only the civilian activities of the laboratory.

"(5) NEUTRON FLUX.—The term 'neutron flux' means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

"(6) NEUTRON SOURCE.—The term 'neutron source' means a research machine that provides neutron irradiation services for—

"(A) research on materials sciences and nuclear physics; and

"(B) testing of advanced materials, nuclear fuels, and other related components for reactor systems.".

(b) NUCLEAR ENERGY RESEARCH PROGRAMS.—

(1) IN GENERAL.—Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) CONFORMING AMENDMENT.—Section 641(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16021(b)(1)) is amended by striking "section 942(d)" and inserting "section 952(c)".

(c) ADVANCED FUEL CYCLE INITIATIVE.—Section 953(a) of the Energy Policy Act of 2005 (42 U.S.C. 16273(a)) is amended by striking ", acting through the Director of the Office of Nuclear Energy, Science and Technology,".

(d) UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.—Section 954(d)(4) of the Energy Policy Act of 2005 (42 U.S.C. 16274(d)(4)) is amended by striking "as part of a taking into consideration effort that emphasizes" and inserting "that emphasize".

(e) DEPARTMENT OF ENERGY CIVILIAN NUCLEAR INFRASTRUCTURE AND FACILITIES.—Section 955 of the Energy Policy Act of 2005 (42 U.S.C. 16275) is amended—

(1) by striking subsections (c) and (d); and

(2) by adding at the end the following:

"(c) VERSATILE NEUTRON SOURCE.—

"(1) MISSION NEED.—

Deadline.
Determination.

"(A) IN GENERAL.—Not later than December 31, 2017, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility.

"(B) CONSULTATIONS REQUIRED.—In carrying out subparagraph (A), the Secretary shall consult with the private sector, institutions of higher education, the National Laboratories, and relevant Federal agencies to ensure that the user facility described in subparagraph (A) will meet the research needs of the largest practicable majority of prospective users.

Plan.

"(2) ESTABLISHMENT.—As soon as practicable after determining the mission need under paragraph (1)(A), the Secretary shall submit to the appropriate committees of Congress a detailed plan for the establishment of the user facility.

"(3) FACILITY REQUIREMENTS.—

"(A) CAPABILITIES.—The Secretary shall ensure that the user facility will provide, at a minimum, the following capabilities:

"(i) Fast neutron spectrum irradiation capability.

"(ii) Capacity for upgrades to accommodate new or expanded research needs.

"(B) CONSIDERATIONS.—In carrying out the plan submitted under paragraph (2), the Secretary shall consider the following:

"(i) Capabilities that support experimental high-temperature testing.

"(ii) Providing a source of fast neutrons at a neutron flux, higher than that at which current research facilities operate, sufficient to enable research for an optimal base of prospective users.

"(iii) Maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible.

"(iv) Capabilities for irradiation with neutrons of a lower energy spectrum.

"(v) Multiple loops for fuels and materials testing in different coolants.

"(vi) Additional pre-irradiation and post-irradiation examination capabilities.

"(vii) Lifetime operating costs and lifecycle costs.

"(4) DEADLINE FOR ESTABLISHMENT.—The Secretary shall, to the maximum extent practicable, complete construction of, and approve the start of operations for, the user facility by not later than December 31, 2025.

"(5) REPORTING.—The Secretary shall include in the annual budget request of the Department an explanation for any delay in the progress of the Department in completing the user facility by the deadline described in paragraph (4).

"(6) COORDINATION.—The Secretary shall leverage the best practices for management, construction, and operation of national user facilities from the Office of Science.".

(f) SECURITY OF NUCLEAR FACILITIES.—Section 956 of the Energy Policy Act of 2005 (42 U.S.C. 16276) is amended by striking ", acting through the Director of the Office of Nuclear Energy, Science and Technology,".

(g) HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.—Section 957 of the Energy Policy Act of 2005 (42 U.S.C. 16277) is amended to read as follows:

"SEC. 957. HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.

"(a) MODELING AND SIMULATION.—The Secretary shall carry out a program to enhance the capabilities of the United States to develop new reactor technologies through high-performance computation modeling and simulation techniques.

"(b) COORDINATION.—In carrying out the program under subsection (a), the Secretary shall coordinate with relevant Federal agencies as described by the National Strategic Computing Initiative established by Executive Order 13702 (80 Fed. Reg. 46177 (July 29, 2015)), while taking into account the following objectives:

"(1) Using expertise from the private sector, institutions of higher education, and the National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced nuclear reactor systems and reactor systems for space exploration.

"(2) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

"(3) Increasing the utility of the research infrastructure of the Department by coordinating with the Advanced Scientific Computing Research program within the Office of Science.

"(4) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

"(5) Ensuring that new experimental and computational tools are accessible to relevant research communities, including private sector entities engaged in nuclear energy technology development.

"(c) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of the research facilities of the Department, including physical processes—

"(1) to simulate degradation of materials and behavior of fuel forms; and

"(2) for validation of computational tools.".

(h) ENABLING NUCLEAR ENERGY INNOVATION.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following:

"SEC. 958. ENABLING NUCLEAR ENERGY INNOVATION. 42 USC 16278.

"(a) NATIONAL REACTOR INNOVATION CENTER.—There is authorized a program to enable the testing and demonstration of reactor concepts to be proposed and funded, in whole or in part, by the private sector.

"(b) TECHNICAL EXPERTISE.—In carrying out the program under subsection (a), the Secretary shall leverage the technical expertise

of relevant Federal agencies and the National Laboratories in order to minimize the time required to enable construction and operation of privately funded experimental reactors at National Laboratories or other Department-owned sites.

"(c) OBJECTIVES.—The reactors described in subsection (b) shall operate to meet the following objectives:

"(1) Enabling physical validation of advanced nuclear reactor concepts.

"(2) Resolving technical uncertainty and increasing practical knowledge relevant to safety, resilience, security, and functionality of advanced nuclear reactor concepts.

"(3) General research and development to improve nascent technologies.

"(d) SHARING TECHNICAL EXPERTISE.—In carrying out the program under subsection (a), the Secretary may enter into a memorandum of understanding with the Chairman of the Commission in order to share technical expertise and knowledge through—

"(1) enabling the testing and demonstration of advanced nuclear reactor concepts to be proposed and funded, in whole or in part, by the private sector;

"(2) operating a database to store and share data and knowledge relevant to nuclear science and engineering between Federal agencies and the private sector;

"(3) developing and testing electric and nonelectric integration and energy conversion systems relevant to advanced nuclear reactors;

"(4) leveraging expertise from the Commission with respect to safety analysis; and

"(5) enabling technical staff of the Commission to actively observe and learn about technologies developed under the program.

Memorandum.

"(e) AGENCY COORDINATION.—The Chairman of the Commission and the Secretary shall enter into a memorandum of understanding regarding the following:

"(1) Ensuring that—

"(A) the Department has sufficient technical expertise to support the timely research, development, demonstration, and commercial application by the civilian nuclear industry of safe and innovative advanced nuclear reactor technology; and

"(B) the Commission has sufficient technical expertise to support the evaluation of applications for licenses, permits, and design certifications and other requests for regulatory approval for advanced nuclear reactors.

"(2) The use of computers and software codes to calculate the behavior and performance of advanced nuclear reactors based on mathematical models of the physical behavior of advanced nuclear reactors.

"(3) Ensuring that—

"(A) the Department maintains and develops the facilities necessary to enable the timely research, development, demonstration, and commercial application by the civilian nuclear industry of safe and innovative reactor technology; and

"(B) the Commission has access to the facilities described in subparagraph (A), as needed.

"(f) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Nuclear Energy Innovation Capabilities Act of 2017, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall submit to the appropriate committees of Congress a report assessing the capabilities of the Department to authorize, host, and oversee privately funded experimental advanced nuclear reactors as described in subsection (b). Consultation.

"(2) CONTENTS.—The report submitted under paragraph (1) shall address—

"(A) the safety review and oversight capabilities of the Department, including options to leverage expertise from the Commission and the National Laboratories;

"(B) options to regulate privately proposed and funded experimental reactors hosted by the Department;

"(C) potential sites capable of hosting privately funded experimental advanced nuclear reactors;

"(D) the efficacy of the available contractual mechanisms of the Department to partner with the private sector and Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology;

"(E) the liability of the Federal Government with respect to the disposal of low-level radioactive waste, spent nuclear fuel, or high-level radioactive waste (as those terms are defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101));

"(F) the impact on the aggregate inventory in the United States of low-level radioactive waste, spent nuclear fuel, or high-level radioactive waste (as those terms are defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101));

"(G) potential cost structures relating to physical security, decommissioning, liability, and other long-term project costs; and

"(H) other challenges or considerations identified by the Secretary.

"(3) UPDATES.—Once every 2 years, the Secretary shall update relevant provisions of the report submitted under paragraph (1) and submit to the appropriate committees of Congress the update.

"(g) SAVINGS CLAUSES.—

"(1) LICENSING REQUIREMENT.—Nothing in this section authorizes the Secretary or any person to construct or operate a nuclear reactor for the purpose of demonstrating the suitability for commercial application of the nuclear reactor unless licensed by the Commission in accordance with section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842).

"(2) FINANCIAL PROTECTION.—Any activity carried out under this section that involves the risk of public liability shall be subject to the financial protection or indemnification requirements of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the 'Price-Anderson Act').".

(i) BUDGET PLAN.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) (as amended by subsection (h)) is amended by adding at the end the following:

42 USC 16279.

"SEC. 959. BUDGET PLAN.

Deadline.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Nuclear Energy Innovation Capabilities Act of 2017, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives 2 alternative 10-year budget plans for civilian nuclear energy research and development by the Secretary, as described in subsections (b) through (d).

"(b) BUDGET PLAN ALTERNATIVE 1.—One of the budget plans submitted under subsection (a) shall assume constant annual funding for 10 years at the appropriated level for the civilian nuclear energy research and development of the Department for fiscal year 2016.

"(c) BUDGET PLAN ALTERNATIVE 2.—One of the budget plans submitted under subsection (a) shall be an unconstrained budget.

"(d) INCLUSIONS.—Each alternative budget plan submitted under subsection (a) shall include—

List.

"(1) a prioritized list of the programs, projects, and activities of the Department to best support the development of advanced nuclear reactor technologies;

"(2) realistic budget requirements for the Department to implement sections 955(c), 957, and 958; and

"(3) the justification of the Department for continuing or terminating existing civilian nuclear energy research and development programs.".

(j) REPORT ON FUSION INNOVATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report identifying engineering designs for innovative fusion energy systems that have the potential to demonstrate net energy production not later than 15 years after the start of construction.

(2) INCLUSIONS.—The report submitted under paragraph (1) shall identify budgetary requirements that would be necessary for the Department of Energy to carry out a fusion innovation initiative to accelerate research and development of the engineering designs identified in the report.

(k) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 2005 is amended by striking the item relating to section 957 and inserting the following:

"957. High-performance computation and supportive research.
"958. Enabling nuclear energy innovation.
"959. Budget plan.".

42 USC 16280.

SEC. 3. ADVANCED NUCLEAR ENERGY LICENSING COST-SHARE GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) PROGRAM.—The term "program" means the Advanced Nuclear Energy Cost-Share Grant Program established under subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish a grant program, to be known as the "Advanced Nuclear Energy Cost-Share Grant Program", under which the Secretary shall make cost-share grants to applicants for the purpose of funding a portion of the Commission fees of the applicant for pre-application review activities and application review activities.

(c) REQUIREMENT.—The Secretary shall seek out technology diversity in making grants under the program.

(d) COST-SHARE AMOUNT.—The Secretary shall determine the cost-share amount for each grant under the program in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(e) USE OF FUNDS.—A recipient of a grant under the program may use the grant funds to cover Commission fees, including those fees associated with—

(1) developing a licensing project plan;
(2) obtaining a statement of licensing feasibility;
(3) reviewing topical reports; and
(4) other—
  (A) pre-application review activities;
  (B) application review activities; and
  (C) interactions with the Commission.

Approved September 28, 2018.

LEGISLATIVE HISTORY—S. 97:

SENATE REPORTS: No. 115–115 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 7, considered and passed Senate.
Sept. 13, considered and passed House.

Public Law 115–249
115th Congress

An Act

Sept. 28, 2018
[S. 994]

To amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Religiously Affiliated Institutions Act of 2018.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Religiously Affiliated Institutions Act of 2018".

SEC. 2. PROTECTION OF COMMUNITY CENTERS WITH RELIGIOUS AFFILIATION.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by inserting after "threat of force," the following: "including by threat of force against religious real property,";

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting "or (c)" after "subsection (a)";

(B) in paragraph (3), by striking "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

"(4) if damage to or destruction of property results from the acts committed in violation of this section, which damage to or destruction of such property is in an amount that exceeds $5,000, a fine in accordance with this title, imprisonment for not more than 3 years, or both; and"; and

(3) in subsection (f), by inserting before the period at the end the following: ", or real property owned or leased by a nonprofit, religiously affiliated organization".

Approved September 28, 2018.

LEGISLATIVE HISTORY—S. 994 (H.R. 1730):

HOUSE REPORTS: No. 115–456 (Comm. on the Judiciary) accompanying H.R. 1730.
SENATE REPORTS: No. 115–325 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 4, considered and passed Senate.
Sept. 7, considered and passed House.

Public Law 115–250
115th Congress

An Act

Sept. 29, 2018
[H.R. 6897]

To extend the authorizations of Federal aviation programs, to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Airport and Airway Extension Act of 2018, Part II. Applicability. 26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2018, Part II".

Time period.

SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) Section 48103 of title 49, United States Code, shall be applied by substituting "$3,350,000,000 for each of fiscal years 2012 through 2018 and $64,246,575 for the period beginning on October 1, 2018, and ending on October 7, 2018." for "$3,350,000,000 for each of fiscal years 2012 through 2018.".

(b) Subject to limitations specified in advance in appropriations Acts, sums made available pursuant to subsection (a) may be obligated at any time through September 30, 2019, and shall remain available until expended.

(c) Section 47104(c) of title 49, United States Code, shall be applied by substituting "October 7, 2018" for "September 30, 2018".

(d) Notwithstanding section 47114(b) of title 49, United States Code, the Secretary of Transportation shall apportion the amount subject to apportionment (as that term is defined in section 47114(a) of title 49, United States Code) for fiscal year 2019 on October 8, 2018.

SEC. 3. EXTENSION OF EXPIRING AUTHORITIES.

(a) The following provisions of law shall be applied by substituting "October 7, 2018" for "September 30, 2018":

(1) Section 47141(f) of title 49, United States Code.

(2) Section 409(d) of the Vision 100–Century of Aviation Reauthorization Act (49 U.S.C. 41731 note).

(3) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note).

(4) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note).

(b) The following provisions of law shall be applied by substituting "October 8, 2018" for "October 1, 2018":

(1) Section 47107(r)(3) of title 49, United States Code.

(2) Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (130 Stat. 641).

(c) Section 186(d) of the Vision 100–Century of Aviation Reauthorization Act (117 Stat. 2518) shall be applied by substituting "2012 through 2018 and for the period beginning on October 1, 2018, and ending on October 7, 2018" for "2012 through 2018". Time period.

SEC. 4. EXPENDITURE AUTHORITY FROM THE AIRPORT AND AIRWAY TRUST FUND.

(a) Sections 9502(d)(1) and 9502(e)(2) of the Internal Revenue Code of 1986 shall be applied by substituting "October 8, 2018" for "October 1, 2018".

(b) Section 9502(d)(1)(A) of such Code is amended by striking the semicolon at the end and inserting "or the Airport and Airway Extension Act of 2018, Part II;". 26 USC 9502.

SEC. 5. EXTENSION OF TAXES FUNDING THE AIRPORT AND AIRWAY TRUST FUND.

(a) Sections 4081(d)(2)(B), 4261(j), 4261(k)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall be applied by substituting "October 7, 2018" for "September 30, 2018".

(b) Section 4083(b) of such Code shall be applied by substituting "October 8, 2018" for "October 1, 2018".

Approved September 29, 2018.

LEGISLATIVE HISTORY—H.R. 6897:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed House.
Sept. 28, considered and passed Senate.

Public Law 115–251
115th Congress

An Act

Sept. 29, 2018
[S. 3479]

To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Veterans Affairs Expiring Authorities Act of 2018.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Expiring Authorities Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EXTENSIONS OF AUTHORITY

Subtitle A—Health Care Matters

Sec. 101. Extension of authority for collection of copayments for hospital care and nursing home care.
Sec. 102. Extension of requirement to provide nursing home care to certain veterans with service-connected disabilities.
Sec. 103. Removal of authorization of appropriations to provide assistance and support services for caregivers.
Sec. 104. Making permanent authority for recovery from third parties of cost of care and services furnished to veterans with health-plan contracts for non-service-connected disability.
Sec. 105. Extension of authority for transfer of real property.
Sec. 106. Extension of authority for pilot program on assistance for child care for certain veterans receiving health care.
Sec. 107. Extension of authority to make grants to veterans service organizations for transportation of highly rural veterans.
Sec. 108. Extension of authority for pilot program on counseling in retreat settings for women veterans newly separated from service.
Sec. 109. Extension of temporary expansion of payments and allowances for beneficiary travel in connection with veterans receiving care from vet centers.

Subtitle B—Benefits Matters

Sec. 121. Making permanent authority for temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty ambulating.
Sec. 122. Extension of authority for specially adapted housing assistive technology grant program.
Sec. 123. Making permanent authority to guarantee payment of principal and interest on certificates or other securities.
Sec. 124. Making permanent authority for calculating net value of real property at time of foreclosure.
Sec. 125. Extension of authority relating to vendee loans.
Sec. 126. Making permanent authority to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.
Sec. 127. Extension of authority to enter into agreement with the National Academy of Sciences regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

Subtitle C—Homeless Veterans Matters

Sec. 141. Extension of authority for homeless veterans reintegration programs.
Sec. 142. Extension of authority for homeless women veterans and homeless veterans with children reintegration program.
Sec. 143. Extension of authority for referral and counseling services for veterans at risk of homelessness transitioning from certain institutions.
Sec. 144. Extension of authority for treatment and rehabilitation services for seriously mentally ill and homeless veterans.
Sec. 145. Extension of authority for financial assistance for supportive services for very low-income veteran families in permanent housing.
Sec. 146. Extension of authority for grant program for homeless veterans with special needs.
Sec. 147. Extension of authority for the Advisory Committee on Homeless Veterans.

Subtitle D—Other Matters

Sec. 161. Extension of authority for transportation of individuals to and from Department of Veterans Affairs facilities.
Sec. 162. Extension of authority for operation of the Department of Veterans Affairs regional office in Manila, the Republic of the Philippines.
Sec. 163. Extension of authority for monthly assistance allowances under the Office of National Veterans Sports Programs and Special Events.
Sec. 164. Extension of requirement to provide reports to Congress regarding equitable relief in the case of administrative error.
Sec. 165. Extension of authorization of appropriations for adaptive sports programs for disabled veterans and members of the armed forces.
Sec. 166. Extension of authority for Advisory Committee on Minority Veterans.

TITLE II—IMPROVEMENT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS

Sec. 201. Treatment of modifications of contracts under Veterans Community Care program.
Sec. 202. Modification of provision requiring recognition and acceptance, on an interim basis, of credentials and qualifications of health care providers under community care program.
Sec. 203. Expansion of coverage of Veterans Care Agreements.
Sec. 204. Modification of authority for deduction of overpayments for health care.
Sec. 205. Modification of eligibility of former members of the Armed Forces for mental and behavioral health care from the Department of Veterans Affairs.
Sec. 206. Access of health care providers of the Department of Veterans Affairs to drug monitoring programs that do not participate in the national network.
Sec. 207. Elimination of report on activities and proposals involving contracting for performance by contractor personnel of work previously performed by Department employees.
Sec. 208. Additional report on increased availability of opioid receptor antagonists.
Sec. 209. Expansion of health care assessment to include all territories of the United States and the assessment of extended care services.
Sec. 210. Authorization of major medical facility project at Department of Veterans Affairs West Los Angeles Medical Center.
Sec. 211. Technical amendments to VA MISSION Act of 2018 and amendments made by that Act.

TITLE III—OTHER MATTERS

Sec. 301. Approval of courses of education provided by public institutions of higher education for purposes of training and rehabilitation for veterans with service-connected disabilities conditional on in-State tuition rate for veterans.
Sec. 302. Corrective action for certain Department of Veterans Affairs employees for conflicts of interest with educational institutions operated for profit.
Sec. 303. Modification of compliance requirements for particular leases relating to Department of Veterans Affairs West Los Angeles Campus.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EXTENSIONS OF AUTHORITY

Subtitle A—Health Care Matters

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) is amended by striking "September 30, 2019" and inserting "September 30, 2020".

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking "September 30, 2019" and inserting "September 30, 2020".

SEC. 103. REMOVAL OF AUTHORIZATION OF APPROPRIATIONS TO PROVIDE ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G is amended by striking subsection (e).

SEC. 104. MAKING PERMANENT AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking "before September 30, 2019,".

SEC. 105. EXTENSION OF AUTHORITY FOR TRANSFER OF REAL PROPERTY.

Section 8118(a)(5) is amended by striking "December 31, 2018" and inserting "September 30, 2020".

SEC. 106. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking "September 30, 2019" and inserting "September 30, 2020".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking "and 2019" and inserting "2019, and 2020".

SEC. 107. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking "2019" and inserting "2020".

SEC. 108. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A note) is amended by striking "September 30, 2019" and inserting "September 30, 2020".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking "and 2019" and inserting "2019, and 2020".

SEC. 109. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as amended by section 109(a) of the Department of Veterans Affairs Expiring Authorities Act of 2017 (Public Law 115–62; 131 Stat. 1162), is amended by striking "September 30, 2018" and inserting "September 30, 2019".

Subtitle B—Benefits Matters

SEC. 121. MAKING PERMANENT AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended by striking "(A) Except" and all that follows through "(B) In each of fiscal years 2014 through 2018, the Secretary" and inserting "In any fiscal year, the Secretary".

SEC. 122. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking "September 30, 2018" and inserting "September 30, 2020".

SEC. 123. MAKING PERMANENT AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h) is amended—

(1) by striking paragraph (2); and

(2) by striking "(1)".

SEC. 124. MAKING PERMANENT AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c) is amended by striking paragraph (11).

SEC. 125. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking "September 30, 2018" and inserting "September 30, 2019"; and

(2) in subparagraph (C), by striking "September 30, 2018," and inserting "September 30, 2019,".

SEC. 126. MAKING PERMANENT AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended—

(1) by striking paragraph (2); and

(2) by striking "(1) **IN GENERAL.**—".

SEC. 127. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking "September 30, 2018" and inserting "September 30, 2020".

Subtitle C—Homeless Veterans Matters

SEC. 141. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking "2018" and inserting "2020".

SEC. 142. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking "2018" and inserting "2020".

SEC. 143. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking "September 30, 2018" and inserting "September 30, 2020".

SEC. 144. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking "September 30, 2019" and inserting "September 30, 2020".

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking "September 30, 2019" and inserting "September 30, 2020".

SEC. 145. EXTENSION OF AUTHORITY FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1) is amended by striking subparagraph (F) and inserting the following:

"(F) $340,000,000 for fiscal year 2018.

"(G) $380,000,000 for fiscal year 2019.".

SEC. 146. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking "2019" and inserting "2020".

SEC. 147. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking "September 30, 2018" and inserting "September 30, 2022".

Subtitle D—Other Matters

SEC. 161. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

Section 111A(a)(2) is amended by striking "September 30, 2019" and inserting "September 30, 2020".

SEC. 162. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking "September 30, 2018" and inserting "September 30, 2019".

SEC. 163. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking "2019" and inserting "2020".

SEC. 164. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking "December 31, 2018" and inserting "December 31, 2020".

SEC. 165. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking "2019" and inserting "2020"; and

(2) in subsection (l), by striking "2019" and inserting "2020".

SEC. 166. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 544 is amended by striking "September 30, 2018" and inserting "September 30, 2022".

(b) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (c)(1) of such section is amended, in the matter preceding subparagraph (A), by striking "each year" and inserting "every other year".

TITLE II—IMPROVEMENT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS

SEC. 201. TREATMENT OF MODIFICATIONS OF CONTRACTS UNDER VETERANS COMMUNITY CARE PROGRAM.

(a) IN GENERAL.—Section 1703(h)(1) is amended—

(1) by striking "The Secretary shall" and inserting "(A) The Secretary shall"; and

(2) by adding at the end the following new subparagraph:

"(B) For purposes of subparagraph (A), the requirement to enter into consolidated, competitively bid contracts shall not restrict

the authority of the Secretary under other provisions of law when modifying such a contract after entering into the contract.".

38 USC 1703 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the effective date specified in section 101(b) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182).

SEC. 202. MODIFICATION OF PROVISION REQUIRING RECOGNITION AND ACCEPTANCE, ON AN INTERIM BASIS, OF CREDENTIALS AND QUALIFICATIONS OF HEALTH CARE PROVIDERS UNDER COMMUNITY CARE PROGRAM.

Section 1703(h)(5)(A) is amended by striking "the date of the enactment" and inserting "the effective date specified in section 101(b)".

SEC. 203. EXPANSION OF COVERAGE OF VETERANS CARE AGREEMENTS.

(a) IN GENERAL.—Section 1703A is amended by adding at the end the following new subsection:

"(l) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means any individual eligible for hospital care, medical services, or extended care services under this title or any other law administered by the Secretary.".

(b) CONFORMING AMENDMENTS.—Section 1703A is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "veteran" each place it appears and inserting "covered individual"; and

(B) in subparagraph (C)—

(i) by striking "veteran" and inserting "covered individual"; and

(ii) by striking "veteran's" and inserting "covered individual's";

(2) in subsection (e)(2)(B), by striking "veteran" each place it appears and inserting "covered individual";

(3) in subsection (f)(2)—

(A) in subparagraph (C), by striking "veterans" and inserting "covered individuals"; and

(B) in subparagraph (D), by striking "veteran" and inserting "covered individual";

(4) in subsection (g), by striking "to veterans" and inserting "to covered individuals"; and

(5) in subsection (j)—

(A) by striking "any veteran" and inserting "any covered individual"; and

(B) by striking "to veterans" each place it appears and inserting "to covered individuals".

SEC. 204. MODIFICATION OF AUTHORITY FOR DEDUCTION OF OVERPAYMENTS FOR HEALTH CARE.

Section 1703D(e)(1) is amended—

(1) by striking "shall" and inserting "may"; and

(2) by inserting before the period at the end the following: "and may use any other means authorized by another provision of law to correct or recover overpayments".

SEC. 205. MODIFICATION OF ELIGIBILITY OF FORMER MEMBERS OF THE ARMED FORCES FOR MENTAL AND BEHAVIORAL HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1720I(b)(3) is amended by striking "is not otherwise eligible to enroll" and inserting "is not enrolled".

SEC. 206. ACCESS OF HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS TO DRUG MONITORING PROGRAMS THAT DO NOT PARTICIPATE IN THE NATIONAL NETWORK.

Section 1730B is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", or any individual State or regional prescription drug monitoring program," after "programs";

(B) in paragraph (2)(A), by striking "such network" and inserting "the national network of State-based prescription monitoring programs, or, if providing care in a State that does not participate in such national network, an individual State or regional prescription drug monitoring program,"; and

(C) in paragraph (3), by inserting ", or any individual State or regional prescription drug monitoring program," after programs; and

(2) in subsection (c)(2) by inserting ", or any individual State or regional prescription drug monitoring program," after "programs".

SEC. 207. ELIMINATION OF REPORT ON ACTIVITIES AND PROPOSALS INVOLVING CONTRACTING FOR PERFORMANCE BY CONTRACTOR PERSONNEL OF WORK PREVIOUSLY PERFORMED BY DEPARTMENT EMPLOYEES.

Section 8110 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

SEC. 208. ADDITIONAL REPORT ON INCREASED AVAILABILITY OF OPIOID RECEPTOR ANTAGONISTS.

Section 911(e)(2) of the Jason Simcakoski Memorial and Promise Act (Public Law 114–198; 38 U.S.C. 1701 note) is amended by inserting "and not later than one year after the date of the enactment of the Department of Veterans Affairs Expiring Authorities Act of 2018" before "the Secretary shall".

SEC. 209. EXPANSION OF HEALTH CARE ASSESSMENT TO INCLUDE ALL TERRITORIES OF THE UNITED STATES AND THE ASSESSMENT OF EXTENDED CARE SERVICES.

Section 213 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

Ante, p. 1462.

(1) in the section header, by striking "**PACIFIC TERRITORIES**" and inserting "**TERRITORIES OF THE UNITED STATES**";

(2) in subsection (a)—

(A) by striking "180 days" and inserting "270 days"; and

(B) by striking "Pacific territories" and inserting "territories of the United States";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "Pacific territories" and inserting "territories of the United States"; and

(ii) by adding at the end the following:

"(E) Extended care."; and

(B) in paragraph (2)—

(i) by striking "community-based outpatient clinic" and inserting "medical facility"; and

(ii) by striking "Pacific territory" and inserting "territory of the United States"; and

(4) in subsection (c)—

(A) by striking "Pacific territories" and inserting "territories of the United States";

(B) by striking "and"; and

(C) by inserting before the period at the end the following: ", Puerto Rico, and the United States Virgin Islands".

SEC. 210. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the major medical facility project described in subsection (b) in fiscal year 2019, in an amount not to exceed $35,000,000.

(b) MAJOR MEDICAL FACILITY PROJECT.—The major medical facility project described in this subsection is the construction of a new regional food services facility building on the campus of the medical center of the Department of Veterans Affairs in West Los Angeles, California, to replace the seismically deficient Building 300, Regional Food Service Facility, which is located on the north campus of the medical center as of the date of the enactment of this Act.

SEC. 211. TECHNICAL AMENDMENTS TO VA MISSION ACT OF 2018 AND AMENDMENTS MADE BY THAT ACT.

(a) TITLE 38.—

(1) ANNUAL REPORT ON PERFORMANCE AWARDS AND BONUSES.—Section 726(c)(3) is amended by striking ", United States Code".

(2) VETERANS CARE AGREEMENTS.—Section 1703A(h)(4) is amended by striking ", United States Code".

(3) ACCESS STANDARDS.—Section 1703B(i) is amended—

(A) by striking "(1) The term" and inserting "In this section:

"(1) The term";

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking "refers to" and inserting "means".

(4) STANDARDS FOR QUALITY.—Section 1703C(c) is amended—

(A) by striking "(c)(1) The term" and inserting "(c) DEFINITIONS.— In this section:
"(1) The term";

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking "refers to" and inserting "means".

(5) PROMPT PAYMENT STANDARD.—Section 1703D(g)(3) is amended by striking "of this Act, as amended by the Caring for Our Veterans Act of 2018," and inserting "of this title".

(6) REMEDIATION OF MEDICAL SERVICE LINES.—Section 1706A is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting "of this title" after "section 1703(e)(1)"; and

(B) in subsection (d)(1), by striking "paragraph (1)" and inserting "subsection (a)".

(7) WALK-IN CARE.—Section 1725A is amended—

(A) in subsection (c), by striking "or other agreement" and inserting "agreement, or other arrangement"; and

(B) in subsection (f)(4), by striking "Section 8153(c)" and inserting "Sections 8153(c) and 1703A(j)".

(8) AUTHORITY TO RECOVER THE COST OF SERVICES FURNISHED FOR NON-SERVICE-CONNECTED DISABILITIES.—Section 1729(a)(2)(D) is amending by striking the period at the end and inserting "; or".

(9) AGREEMENTS WITH STATE HOMES.—Section 1745(a)(4)(B)(ii)(III) is amended by striking "subchapter V of chapter 17 of this title" and inserting "this subchapter".

(10) TRANSPLANT PROCEDURES WITH LIVE DONORS AND RELATED SERVICES.—Section 1788(c) is amended by striking "this chapter" and inserting "this title".

(11) QUADRENNIAL VETERANS HEALTH ADMINISTRATION REVIEW.—Section 7330C is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "Secretary of Veterans Affairs" and inserting "Secretary";

(ii) in paragraph (2)—

(I) in subparagraph (B), by striking "Department of Veterans Affairs" and inserting "Department";

(II) in subparagraph (C), by striking "of title 38, as added by section 102" and inserting "of this title"; and

(III) in subparagraph (H)(i), by striking "Department of Veterans Affairs" and inserting "Department"; and

(iii) in paragraph (4)—

(I) in subparagraph (A)(iii), by inserting "of this title" after "section 1703C"; and

(II) in subparagraph (B), by inserting "of this title" after "section 1703(b)";

(B) in subsection (b)(2)(I), by inserting "of this title" after "section 1706A"; and

(C) in subsection (c)—

(i) in paragraph (1), by striking "such high performing" and inserting "a high-performing"; and

(ii) in paragraph (3), by inserting "such" before "a high-performing".

(12) DEPARTMENT OF VETERANS AFFAIRS SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 7693(a)(1) is amended by striking "is hired" and inserting "will be eligible for appointment".

(b) VA MISSION ACT.—

(1) TRAINING PROGRAM FOR ADMINISTRATION OF NON-DEPARTMENT HEALTH CARE.—Section 122(a)(2) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking "such title" and inserting "title 38, United States Code".

Ante, p. 1424.

(2) PROCESSES FOR SAFE OPIOID PRESCRIBING PRACTICES BY NON-DEPARTMENT PROVIDERS.—Section 131 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

Ante, p. 1425.

(A) in subsection (c)(1)—

(i) by inserting "of title 38, United States Code," after "section 1703(a)(2)(A)";

(ii) by striking "of this title" each place it appears and inserting "of this Act"; and

(iii) by inserting "of such title" after "section 1703A(e)(2)(F)"; and

(B) in subsection (d), by striking "covered veterans" each place it appears and inserting "veterans".

(3) PLANS FOR SUPPLEMENTAL APPROPRIATIONS.—Section 141 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking "Whenever the Secretary" and inserting "Whenever the Secretary of Veterans Affairs".

Ante, p. 1429.

(4) TELEMEDICINE REPORTING REQUIREMENT.—Section 151(c)(1) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking "section 1730B" and inserting "section 1730C".

Ante, p. 1431.

(5) EXPANSION OF FAMILY CAREGIVER PROGRAM.—Section 161(a)(1)(B) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking "such title" and inserting "title 38, United States Code".

Ante, p. 1439.

(6) SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 303 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

Ante, p. 1467.

(A) in subsection (d), by inserting "of Veterans Affairs" after "Department"; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking "established" and inserting "under subchapter VIII of chapter 76 of title 38, United States Code, as enacted".

(7) VETERANS HEALING VETERANS MEDICAL ACCESS AND SCHOLARSHIP PROGRAM.—Section 304 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended— *Ante*, p. 1467.

(A) in subsection (a), by striking "covered medical schools" and inserting "covered medical school"; and

(B) in subsection (b)—

(i) in paragraph (2), by striking "entitled to" and inserting "concurrently receiving";

(ii) in paragraph (3), by striking "2019" and inserting "2020"; and

(iii) in paragraph (6), by striking "subsection (e)" and inserting "subsection (d)";

(C) in subsection (c)—

(i) in paragraph (1), by striking "2019" and inserting "2020"; and

(ii) in paragraph (3), by striking "2019" and inserting "2020";

(D) in subsection (e), by striking "2019" and inserting "2020"; and

(E) in subsection (f), by striking "December 31, 2020" and inserting "December 31, 2021".

(8) DEVELOPMENT OF CRITERIA FOR DESIGNATION OF CERTAIN MEDICAL FACILITIES AS UNDERSERVED FACILITIES AND PLAN TO ADDRESS PROBLEM OF UNDERSERVED FACILITIES.—Section 401 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended— *Ante*, p. 1470.

(A) in subsection (b)(5), by adding "or the applicable access standards developed under section 1703B of title 38, United States Code" after "the wait-time goals of the Department"; and

(B) in subsection (d)(2)(A), by striking "section 407" and inserting "section 402".

(9) PILOT PROGRAM ON GRADUATE MEDICAL EDUCATION AND RESIDENCY.—Section 403(b)(4) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by inserting "under" after "an agreement". *Ante*, p. 1473.

(10) DEPARTMENT OF VETERANS AFFAIRS MEDICAL SCRIBE PILOT PROGRAM.—Section 507 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended— *Ante*, p. 1479.

(A) in subsection (b)(3), by striking "as determine" and inserting "as determined"; and

(B) in subsection (c)(2)(C), by striking "speciality" and inserting "specialty".

TITLE III—OTHER MATTERS

SEC. 301. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR PURPOSES OF TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.

(a) IN GENERAL.—Section 3679(c) is amended—

(1) in paragraph (1), by striking "chapter 30 or 33" and inserting "chapter 30, 31, or 33";

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An individual who is entitled to rehabilitation under section 3102(a) of this title.";

(3) in paragraph (3), by striking "paragraph (2)(A) or (2)(B)" and inserting "paragraph (2)(A), (2)(B), or (2)(C)"; and

(4) in paragraph (6), by striking "chapters 30 and 33" and inserting "chapters 30, 31, and 33".

38 USC 3679 note.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to courses of education provided during a quarter, semester, or term, as applicable, that begins after March 1, 2019.

SEC. 302. CORRECTIVE ACTION FOR CERTAIN DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES FOR CONFLICTS OF INTEREST WITH EDUCATIONAL INSTITUTIONS OPERATED FOR PROFIT.

(a) IN GENERAL.—Section 3683 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) DEPARTMENT OFFICERS AND EMPLOYEES.—(1) An officer or employee of the Department shall receive corrective action or disciplinary action if such officer or employee—

"(A) has, while serving as such an officer or employee, owned any interest in, or received any wage, salary, dividend, profit, or gift from, any educational institution operated for profit; or

"(B) has, while serving as a covered officer or employee of the Department, received any service from any educational institution operated for profit.

"(2) In this subsection, the term 'covered officer or employee of the Department' means an officer or employee of the Department who—

"(A) works on the administration of benefits under chapter 30, 31, 32, 33, 34, 35, or 36 of this title; or

"(B) has a potential conflict of interest involving an educational institution operated for profit, as determined by the Secretary.";

(2) in subsection (b)—

(A) by striking "If the Secretary" and inserting the following:

"(b) STATE APPROVING AGENCY EMPLOYEES.—If the Secretary";

(B) by striking "wages, salary, dividends, profits, gratuities, or services" and inserting "wage, salary, dividend, profit, or gift";

(C) by striking "in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title";

(D) by striking "terminate the employment of" and inserting "provide corrective action or disciplinary action with respect to"; and

(E) by striking "while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education" and inserting "until the completion of such corrective action or disciplinary action";

(3) in subsection (c)—

(A) by striking "A State approving agency" and inserting the following:

"(c) DISAPPROVAL OF COURSES.—A State approving agency";

(B) by striking "of Veterans Affairs"; and

(C) by striking "wages, salary, dividends, profits, gratuities, or services" and inserting "wage, salary, dividend, profit, or gift"; and

(4) in subsection (d)—

(A) by striking "The Secretary may" and inserting the following:

"(d) WAIVER AUTHORITY.—(1) The Secretary may";

(B) by striking "of Veterans Affairs";

(C) by striking ", after reasonable notice and public hearings,"; and

(D) by adding at the end the following new paragraph:

"(2) The Secretary shall provide public notice of any waiver granted under this subsection by not later than 30 days after the date on which such waiver is granted.". Notification. Deadline.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to conflicts of interest that occur on or after that date. 38 USC 3683 note.

SEC. 303. MODIFICATION OF COMPLIANCE REQUIREMENTS FOR PARTICULAR LEASES RELATING TO DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

Section 2(h)(1) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226) is amended by striking "any lease or land-sharing agreement at the Campus" and inserting "any new lease

or land-sharing agreement at the Campus that is not in compliance with such laws".

Approved September 29, 2018.

LEGISLATIVE HISTORY—S. 3479:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 18, considered and passed Senate.
Sept. 25, considered and passed House.

Public Law 115–252
115th Congress

An Act

To require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

Oct. 3, 2018
[H.R. 698]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Elkhorn Ranch and White River National Forest Conveyance Act of 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elkhorn Ranch and White River National Forest Conveyance Act of 2017".

SEC. 2. LAND CONVEYANCE, ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909 (43 U.S.C. 772), all right, title, and interest of the United States (subject to subsection (b)) in and to a parcel of land consisting of approximately 148 acres as generally depicted on the map entitled "Elkhorn Ranch Land Parcel–White River National Forest" and dated March 2015 shall be conveyed by patent to the Gordman-Leverich Partnership, a Colorado Limited Liability Partnership (in this section referred to as "GLP").

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessee of Federal oil and gas lease COC–75070 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the exterior boundary of the White River National Forest or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

Deadline.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare

and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

Approved October 3, 2018.

LEGISLATIVE HISTORY—H.R. 698 (S. 286):

SENATE REPORTS: Nos. 115–69 and 115–92, accompanying S. 286, (both from Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:
Vol. 163 (2017): Feb. 6, considered and passed House.
Vol. 164 (2018): Sept. 18, considered and passed Senate.

Public Law 115–253
115th Congress

An Act

To amend title 18, United States Code, to clarify the meaning of the terms "act of war" and "blocked asset", and for other purposes.

Oct. 3, 2018
[S. 2946]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anti-Terrorism Clarification Act of 2018.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Terrorism Clarification Act of 2018".

SEC. 2. CLARIFICATION OF THE TERM "ACT OF WAR".

(a) IN GENERAL.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) the term 'military force' does not include any person that—

"(A) has been designated as a—

"(i) foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

"(ii) specially designated global terrorist (as such term is defined in section 594.310 of title 31, Code of Federal Regulations) by the Secretary of State or the Secretary of the Treasury; or

"(B) has been determined by the court to not be a 'military force'.".

(b) APPLICABILITY.—The amendments made by this section shall apply to any civil action pending on or commenced after the date of the enactment of this Act.

18 USC 2331 note.

SEC. 3. SATISFACTION OF JUDGMENTS AGAINST TERRORISTS.

(a) IN GENERAL.—Section 2333 of title 18, United States Code, is amended by inserting at the end following:

"(e) USE OF BLOCKED ASSETS TO SATISFY JUDGMENTS OF U.S. NATIONALS.—For purposes of section 201 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note), in any action in which a national of the United States has obtained a judgment against a terrorist party pursuant to this section, the term 'blocked asset' shall include any asset of that terrorist party (including the blocked assets of any agency or instrumentality of that party) seized or frozen by the United States under section 805(b) of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1904(b)).".

18 USC 2333 note.

(b) APPLICABILITY.—The amendments made by this section shall apply to any judgment entered before, on, or after the date of enactment of this Act.

SEC. 4. CONSENT OF CERTAIN PARTIES TO PERSONAL JURISDICTION.

(a) IN GENERAL.—Section 2334 of title 18, United States Code, is amended by adding at the end the following:

"(e) CONSENT OF CERTAIN PARTIES TO PERSONAL JURISDICTION.—

Effective dates.

"(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of any civil action under section 2333 of this title, a defendant shall be deemed to have consented to personal jurisdiction in such civil action if, regardless of the date of the occurrence of the act of international terrorism upon which such civil action was filed, the defendant—

"(A) after the date that is 120 days after the date of enactment of this subsection, accepts—

"(i) any form of assistance, however provided, under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

"(ii) any form of assistance, however provided, under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291) for international narcotics control and law enforcement; or

"(iii) any form of assistance, however provided, under chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.); or

"(B) in the case of a defendant benefiting from a waiver or suspension of section 1003 of the Anti-Terrorism Act of 1987 (22 U.S.C. 5202) after the date that is 120 days after the date of enactment of this subsection—

"(i) continues to maintain any office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States; or

"(ii) establishes or procures any office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States.

Time period.

"(2) APPLICABILITY.—Paragraph (1) shall not apply to any defendant who ceases to engage in the conduct described in paragraphs (1)(A) and (1)(B) for 5 consecutive calendar years.".

(b) APPLICABILITY.—The amendments made by this section shall take effect on the date of enactment of this Act. 18 USC 2334 note.

Approved October 3, 2018.

LEGISLATIVE HISTORY—S. 2946 (H.R. 5954):

HOUSE REPORTS: No. 115–858 (Comm. on the Judiciary) accompanying H.R. 5954.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Aug. 22, considered and passed Senate.
Sept. 13, considered and passed House.

Public Law 115–254
115th Congress

An Act

Oct. 5, 2018
[H.R. 302]

To provide protections for certain sports medicine professionals, to reauthorize Federal aviation programs, to improve aircraft safety certification processes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FAA Reauthorization Act of 2018.

49 USC 40101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FAA Reauthorization Act of 2018".

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

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Sec. 1962. Carriage of weapons, explosives, and incendiaries by individuals.
Sec. 1963. Federal flight deck officer program improvements.

Subtitle G—Surface Transportation Security

Sec. 1964. Surface transportation security assessment and implementation of risk-based strategy.
Sec. 1965. Risk-based budgeting and resource allocation.
Sec. 1966. Surface transportation security management and interagency coordination review.
Sec. 1967. Transparency.
Sec. 1968. TSA counterterrorism asset deployment.
Sec. 1969. Surface Transportation Security Advisory Committee.
Sec. 1970. Review of the explosives detection canine team program.
Sec. 1971. Expansion of national explosives detection canine team program.
Sec. 1972. Study on security standards and best practices for passenger transportation systems.
Sec. 1973. Amtrak security upgrades.
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Sec. 1975. Study on surface transportation inspectors.
Sec. 1976. Security awareness program.
Sec. 1977. Voluntary use of credentialing.
Sec. 1978. Background records checks for issuance of hazmat licenses.
Sec. 1979. Cargo container scanning technology review.
Sec. 1980. Pipeline security study.
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Sec. 1982. Best practices to secure against vehicle-based attacks.
Sec. 1983. Surface transportation stakeholder survey.
Sec. 1984. Nuclear material and explosive detection technology.

Subtitle H—Transportation Security

Sec. 1985. National strategy for transportation security review.
Sec. 1986. Risk scenarios.
Sec. 1987. Integrated and unified operations centers.
Sec. 1988. National Deployment Force.
Sec. 1989. Information sharing and cybersecurity.
Sec. 1990. Security technologies tied to foreign threat countries.

Subtitle I—Conforming and Miscellaneous Amendments

Sec. 1991. Title 49 amendments.

Sec. 1992. Table of contents of chapter 449.
Sec. 1993. Other laws; Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 1994. Savings provisions.

DIVISION A—SPORTS MEDICINE LICENSURE

Sports Medicine Licensure Clarity Act of 2018.

SEC. 11. SHORT TITLE.

15 USC 8601 note.

This division may be cited as the "Sports Medicine Licensure Clarity Act of 2018".

SEC. 12. PROTECTIONS FOR COVERED SPORTS MEDICINE PROFESSIONALS.

15 USC 8601.

(a) IN GENERAL.—In the case of a covered sports medicine professional who has in effect medical professional liability insurance coverage and provides in a secondary State covered medical services that are within the scope of practice of such professional in the primary State to an athlete or an athletic team (or a staff member of such an athlete or athletic team) pursuant to an agreement described in subsection (c)(4) with respect to such athlete or athletic team—

(1) such medical professional liability insurance coverage shall cover (subject to any related premium adjustments) such professional with respect to such covered medical services provided by the professional in the secondary State to such an individual or team as if such services were provided by such professional in the primary State to such an individual or team; and

(2) to the extent such professional is licensed under the requirements of the primary State to provide such services to such an individual or team, the professional shall be treated as satisfying any licensure requirements of the secondary State to provide such services to such an individual or team to the extent the licensure requirements of the secondary State are substantially similar to the licensure requirements of the primary State.

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

(1) to allow a covered sports medicine professional to provide medical services in the secondary State that exceed the scope of that professional's license in the primary State;

(2) to allow a covered sports medicine professional to provide medical services in the secondary State that exceed the scope of a substantially similar sports medicine professional license in the secondary State;

(3) to supersede any reciprocity agreement in effect between the two States regarding such services or such professionals;

(4) to supersede any interstate compact agreement entered into by the two States regarding such services or such professionals; or

(5) to supersede a licensure exemption the secondary State provides for sports medicine professionals licensed in the primary State.

(c) DEFINITIONS.—In this division, the following definitions apply:

(1) ATHLETE.—The term "athlete" means—

(A) an individual participating in a sporting event or activity for which the individual may be paid;

(B) an individual participating in a sporting event or activity sponsored or sanctioned by a national governing body; or

(C) an individual for whom a high school or institution of higher education provides a covered sports medicine professional.

(2) ATHLETIC TEAM.—The term "athletic team" means a sports team—

(A) composed of individuals who are paid to participate on the team;

(B) composed of individuals who are participating in a sporting event or activity sponsored or sanctioned by a national governing body; or

(C) for which a high school or an institution of higher education provides a covered sports medicine professional.

(3) COVERED MEDICAL SERVICES.—The term "covered medical services" means general medical care, emergency medical care, athletic training, or physical therapy services. Such term does not include care provided by a covered sports medicine professional—

(A) at a health care facility; or

(B) while a health care provider licensed to practice in the secondary State is transporting the injured individual to a health care facility.

(4) COVERED SPORTS MEDICINE PROFESSIONAL.—The term "covered sports medicine professional" means a physician, athletic trainer, or other health care professional who—

(A) is licensed to practice in the primary State;

(B) provides covered medical services, pursuant to a written agreement with an athlete, an athletic team, a national governing body, a high school, or an institution of higher education; and

(C) prior to providing the covered medical services described in subparagraph (B), has disclosed the nature and extent of such services to the entity that provides the professional with liability insurance in the primary State.

(5) HEALTH CARE FACILITY.—The term "health care facility" means a facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis. Such term does not include facilities at an arena, stadium, or practice facility, or temporary facilities existing for events where athletes or athletic teams may compete.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) LICENSE.—The term "license" or "licensure", as applied with respect to a covered sports medicine professional, means a professional that has met the requirements and is approved to provide covered medical services in accordance with State laws and regulations in the primary State. Such term may include the registration or certification, or any other form of special recognition, of an individual as such a professional, as applicable.

(8) NATIONAL GOVERNING BODY.—The term "national governing body" has the meaning given such term in section 220501 of title 36, United States Code.

(9) PRIMARY STATE.—The term "primary State" means, with respect to a covered sports medicine professional, the State in which—

(A) the covered sports medicine professional is licensed to practice; and

(B) the majority of the covered sports medicine professional's practice is underwritten for medical professional liability insurance coverage.

(10) SECONDARY STATE.—The term "secondary State" means, with respect to a covered sports medicine professional, any State that is not the primary State.

(11) STATE.—The term "State" means each of the several States, the District of Columbia, and each commonwealth, territory, or possession of the United States.

(12) SUBSTANTIALLY SIMILAR.—The term "substantially similar", with respect to the licensure by primary and secondary States of a sports medicine professional, means that both the primary and secondary States have in place a form of licensure for such professionals that permits such professionals to provide covered medical services.

DIVISION B—FAA REAUTHORIZATION ACT OF 2018

SEC. 101. DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.

49 USC 40101 note.

In this division, the term "appropriate committees of Congress" means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 111. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103(a) of title 49, United States Code, is amended by striking "section 47504(c)" and all that follows through the period at the end and inserting the following: "section 47504(c)—

"(1) $3,350,000,000 for fiscal year 2018;
"(2) $3,350,000,000 for fiscal year 2019;
"(3) $3,350,000,000 for fiscal year 2020;
"(4) $3,350,000,000 for fiscal year 2021;
"(5) $3,350,000,000 for fiscal year 2022; and
"(6) $3,350,000,000 for fiscal year 2023.".

(b) OBLIGATION AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking "2018," and inserting "2023,".

SEC. 112. FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS FROM AIRPORT AND AIRWAY TRUST FUND.—Section 48101(a) of title 49, United States Code, is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) $3,330,000,000 for fiscal year 2018.
"(2) $3,398,000,000 for fiscal year 2019.
"(3) $3,469,000,000 for fiscal year 2020.
"(4) $3,547,000,000 for fiscal year 2021.
"(5) $3,624,000,000 for fiscal year 2022.
"(6) $3,701,000,000 for fiscal year 2023.".

(b) AUTHORIZED EXPENDITURES.—Section 48101(c) of title 49, United States Code, is amended—

(1) in the subsection heading by striking "Automated Surface Observation System/Automated Weather Observing System Upgrade" and inserting "Authorized Expenditures"; and

(2) by striking "may be used for the implementation" and all that follows through the period at the end and inserting the following: "may be used for the following:

"(1) The implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.

"(2) The acquisition and construction of remote towers (as defined in section 161 of the FAA Reauthorization Act of 2018).

"(3) The remediation and elimination of identified cybersecurity vulnerabilities in the air traffic control system.

"(4) The construction of facilities dedicated to improving the cybersecurity of the National Airspace System.

"(5) Systems associated with the Data Communications program.

"(6) The infrastructure, sustainment, and the elimination of the deferred maintenance backlog of air navigation facilities and other facilities for which the Federal Aviation Administration is responsible.

"(7) The modernization and digitization of the Civil Aviation Registry.

"(8) The construction of necessary Priority 1 National Airspace System facilities.

"(9) Cost-beneficial construction, rehabilitation, or retrofitting programs designed to reduce Federal Aviation Administration facility operating costs.".

SEC. 113. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) of title 49, United States Code, is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) $10,247,000,000 for fiscal year 2018;
"(B) $10,486,000,000 for fiscal year 2019;
"(C) $10,732,000,000 for fiscal year 2020;
"(D) $11,000,000,000 for fiscal year 2021;
"(E) $11,269,000,000 for fiscal year 2022; and
"(F) $11,537,000,000 for fiscal year 2023.".

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) of title 49, United States Code, is amended by adding at the end the following:

"(D) Not more than the following amounts for commercial space transportation activities:

"(i) $22,587,000 for fiscal year 2018.

"(ii) $33,038,000 for fiscal year 2019.
"(iii) $43,500,000 for fiscal year 2020.
"(iv) $54,970,000 for fiscal year 2021.
"(v) $64,449,000 for fiscal year 2022.
"(vi) $75,938,000 for fiscal year 2023.".

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k)(3) of title 49, United States Code, is amended by striking "fiscal years 2012 through 2018," and inserting "fiscal years 2018 through 2023,".

SEC. 114. WEATHER REPORTING PROGRAMS.

Section 48105 of title 49, United States Code, is amended—

(1) by striking "To reimburse the" and all that follows through "the Secretary of Transportation" and inserting "To sustain the aviation weather reporting programs of the Federal Aviation Administration, the Secretary of Transportation"; and

(2) by adding at the end the following:

"(4) $39,000,000 for each of fiscal years 2019 through 2023.".

SEC. 115. ADJUSTMENT TO AIP PROGRAM FUNDING.

Section 48112 of title 49, United States Code, and the item relating to such section in the analysis for chapter 481 of such title, are repealed.

49 USC prec. 48101.

SEC. 116. FUNDING FOR AVIATION PROGRAMS.

Section 48114(a)(1)(A)(ii) of title 49, United States Code, is amended by striking "in fiscal year 2014 and each fiscal year thereafter" and inserting "in fiscal years 2014 through 2018".

SEC. 117. EXTENSION OF EXPIRING AUTHORITIES.

(a) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—Section 47115 of title 49, United States Code, is amended—

(1) by striking subsection (i);

(2) by redesignating subsection (j) as subsection (i); and

(3) in subsection (i) (as so redesignated), by striking "fiscal years 2012 through 2018" and inserting "fiscal years 2018 through 2023".

(b) EXTENSION OF COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.—Section 47141(f) of title 49, United States Code, is amended by striking "September 30, 2018" and inserting "September 30, 2023".

(c) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2518) is amended by striking "for fiscal years 2012 through 2018" and inserting "for fiscal years 2018 through 2023".

(d) EXTENSION OF PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.—Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking "September 30, 2018" and inserting "September 30, 2023".

Subtitle B—Passenger Facility Charges

SEC. 121. PASSENGER FACILITY CHARGE MODERNIZATION.

(a) PASSENGER FACILITY CHARGES; GENERAL AUTHORITY.—Section 40117(b)(4) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ", if the Secretary finds—" and inserting a period; and

(2) by striking subparagraphs (A) and (B).

(b) PILOT PROGRAM FOR PASSENGER FACILITY CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117(l) of title 49, United States Code, is amended—

(1) in the heading, by striking "AT NONHUB AIRPORTS";

(2) in paragraph (1), by striking "nonhub"; and

(3) in paragraph (6), by striking "Not later than 180 days after the date of enactment of this subsection, the" and inserting "The".

SEC. 122. FUTURE AVIATION INFRASTRUCTURE AND FINANCING STUDY.

(a) FUTURE AVIATION INFRASTRUCTURE AND FINANCING STUDY.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with a qualified organization to conduct a study assessing the infrastructure needs of airports and existing financial resources for commercial service airports and make recommendations on the actions needed to upgrade the national aviation infrastructure system to meet the growing and shifting demands of the 21st century.

(b) CONSULTATION.—In carrying out the study, the qualified organization shall convene and consult with a panel of national experts, including representatives of—

(1) nonhub airports;

(2) small hub airports;

(3) medium hub airports;

(4) large hub airports;

(5) airports with international service;

(6) nonprimary airports;

(7) local elected officials;

(8) relevant labor organizations;

(9) passengers;

(10) air carriers;

(11) the tourism industry; and

(12) the business travel industry.

(c) CONSIDERATIONS.—In carrying out the study, the qualified organization shall consider—

(1) the ability of airport infrastructure to meet current and projected passenger volumes;

(2) the available financial tools and resources for airports of different sizes;

(3) the available financing tools and resources for airports in rural areas;

(4) the current debt held by airports, and its impact on future construction and capacity needs;

(5) the impact of capacity constraints on passengers and ticket prices;

(6) the purchasing power of the passenger facility charge from the last increase in 2000 to the year of enactment of this Act;

(7) the impact to passengers and airports of indexing the passenger facility charge for inflation;

(8) how long airports are constrained with current passenger facility charge collections;

(9) the impact of passenger facility charges on promoting competition;

(10) the additional resources or options to fund terminal construction projects;

(11) the resources eligible for use toward noise reduction and emission reduction projects;

(12) the gap between the cost of projects eligible for the airport improvement program and the annual Federal funding provided;

(13) the impact of regulatory requirements on airport infrastructure financing needs;

(14) airline competition;

(15) airline ancillary fees and their impact on ticket pricing and taxable revenue; and

(16) the ability of airports to finance necessary safety, security, capacity, and environmental projects identified in capital improvement plans.

(d) LARGE HUB AIRPORTS.—The study shall, to the extent not considered under subsection (c), separately evaluate the infrastructure requirements of the large hub airports identified in the National Plan of Integrated Airport Systems (NPIAS). The evaluation shall—

(1) analyze the current and future capacity constraints of large hub airports;

(2) quantify large hub airports' infrastructure requirements, including terminal, landside, and airside infrastructure;

(3) quantify the percentage growth in infrastructure requirements of the large hub airports relative to other commercial service airports;

(4) analyze how much funding from the airport improvement program (AIP) has gone to meet the requirements of large hub airports over the past 10 years; and

(5) project how much AIP funding would be available to meet the requirements of large hub airports in the next 5 years if funding levels are held constant.

(e) REPORT.—Not later than 15 months after the date of enactment of this Act, the qualified organization shall submit to the Secretary and the appropriate committees of Congress a report on the results of the study described in subsection (a), including its findings and recommendations related to each item in subsections (c) and (d).

(f) DEFINITION OF QUALIFIED ORGANIZATION.—In this section, the term "qualified organization" means an independent nonprofit organization that recommends solutions to public policy challenges through objective analysis.

SEC. 123. INTERMODAL ACCESS PROJECTS.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, after consideration of all public comments, publish in the Federal Register a final policy amendment consistent with the notice published in the Federal Register on May 3, 2016 (81 Fed. Reg. 26611).

Subtitle C—Airport Improvement Program Modifications

SEC. 131. GRANT ASSURANCES.

Section 47107 of title 49, United States Code, is amended—

(1) in subsection (a)(17), by striking "each contract" and inserting "if any phase of such project has received funds under this subchapter, each contract";

(2) in subsection (r)(3), by striking "2018" and inserting "2023"; and

(3) by adding at the end the following:

"(u) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—

"(1) IN GENERAL.—The construction of a covered aircraft shall be treated as an aeronautical activity for purposes of—

"(A) determining an airport's compliance with a grant assurance made under this section or any other provision of law; and

"(B) the receipt of Federal financial assistance for airport development.

"(2) COVERED AIRCRAFT DEFINED.—In this subsection, the term 'covered aircraft' means an aircraft—

"(A) used or intended to be used exclusively for recreational purposes; and

"(B) constructed or under construction by a private individual at a general aviation airport.

"(v) COMMUNITY USE OF AIRPORT LAND.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(13), and subject to paragraph (2), the sponsor of a public-use airport shall not be considered to be in violation of this subtitle, or to be found in violation of a grant assurance made under this section, or under any other provision of law, as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor has entered into an agreement, including a revised agreement, with a local government providing for the use of airport property for an interim compatible recreational purpose at below fair market value.

"(2) RESTRICTIONS.—This subsection shall apply only—

"(A) to an agreement regarding airport property that was initially entered into before the publication of the Federal Aviation Administration's Policy and Procedures Concerning the Use of Airport Revenue, dated February 16, 1999;

"(B) if the agreement between the sponsor and the local government is subordinate to any existing or future agreements between the sponsor and the Secretary, including agreements related to a grant assurance under this section;

"(C) to airport property that was acquired under a Federal airport development grant program;

"(D) if the airport sponsor has provided a written statement to the Administrator that the property made available for a recreational purpose will not be needed for any aeronautical purpose during the next 10 years;

"(E) if the agreement includes a term of not more than 2 years to prepare the airport property for the interim compatible recreational purpose and not more than 10 years of use for that purpose;

"(F) if the recreational purpose will not impact the aeronautical use of the airport;

"(G) if the airport sponsor provides a certification that the sponsor is not responsible for preparation, start-up,

operations, maintenance, or any other costs associated with the recreational purpose; and

"(H) if the recreational purpose is consistent with Federal land use compatibility criteria under section 47502.

"(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as permitting a diversion of airport revenue for the capital or operating costs associated with the community use of airport land.".

SEC. 132. MOTHERS' ROOMS.

(a) GRANT ASSURANCES.—Section 47107 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

"(w) MOTHERS' ROOMS.—

"(1) IN GENERAL.—In fiscal year 2021 and each fiscal year thereafter, the Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances that the airport owner or operator will maintain—

"(A) a lactation area in the sterile area of each passenger terminal building of the airport; and

"(B) a baby changing table in one men's and one women's restroom in each passenger terminal building of the airport.

"(2) APPLICABILITY.—

"(A) AIRPORT SIZE.—The requirement in paragraph (1) shall only apply to applications submitted by the airport sponsor of a medium or large hub airport.

"(B) PREEXISTING FACILITIES.—On application by an airport sponsor, the Secretary may determine that a lactation area in existence on the date of enactment of this Act complies with the requirement in paragraph (1), notwithstanding the absence of one of the facilities or characteristics referred to in the definition of the term 'lactation area' in this subsection.

"(C) SPECIAL RULE.—The requirement in paragraph (1) shall not apply with respect to a project grant application for a period of time, determined by the Secretary, if the Secretary determines that construction or maintenance activities make it impracticable or unsafe for the lactation area to be located in the sterile area of the building.

"(3) DEFINITION.—In this section, the term—

"(A) 'lactation area' means a room or similar accommodation that—

"(i) provides a location for members of the public to express breast milk that is shielded from view and free from intrusion from the public;

"(ii) has a door that can be locked;

"(iii) includes a place to sit, a table or other flat surface, a sink or sanitizing equipment, and an electrical outlet;

"(iv) is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; and

"(v) is not located in a restroom; and

"(B) 'sterile area' has the same meaning given that term in section 1540.5 of title 49, Code of Federal Regulations.".

(b) TERMINAL DEVELOPMENT COSTS.—Section 47119(a) of title 49, United States Code, is amended by adding at the end the following:

"(3) LACTATION AREAS.—In addition to the projects described in paragraph (1), the Secretary may approve a project for terminal development for the construction or installation of a lactation area (as defined in section 47107(w)) at a commercial service airport.".

SEC. 133. CONTRACT TOWER PROGRAM.

(a) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

(1) SPECIAL RULE.—Section 47124(b)(1)(B) of title 49, United States Code, is amended—

(A) by striking "under the program continued under this paragraph" and inserting "under the Contract Tower Program"; and

(B) by striking "exceeds the benefit for a period of 18 months after such determination is made" and inserting the following: "exceeds the benefit—

"(i) for the 1-year period after such determination is made; or

"(ii) if an appeal of such determination is requested, for the 1-year period described in subsection (d)(4)(D).".

(2) EXEMPTION.—Section 47124(b)(3)(D) of title 49, United States Code, is amended—

(A) by striking "under the program" and inserting "under the Cost-share Program"; and

(B) by adding at the end the following: "Airports with air service provided under part 121 of title 14, Code of Federal Regulations, and more than 25,000 passenger enplanements in calendar year 2014 shall be exempt from any cost-share requirement under this paragraph.".

(3) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

(A) GRANTS.—Section 47124(b)(4)(A) of title 49, United States Code, is amended in each of clauses (i)(III) and (ii)(III) by inserting ", including remote air traffic control tower equipment certified by the Federal Aviation Administration" after "1996".

(B) ELIGIBILITY.—Section 47124(b)(4)(B)(i)(I) of title 49, United States Code, is amended by striking "contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3)" and inserting "Contract Tower Program or the Cost-share Program".

(C) LIMITATION ON FEDERAL SHARE.—Section 47124(b)(4) of title 49, United States Code, is amended by striking subparagraph (C).

(4) BENEFIT-TO-COST CALCULATION FOR PROGRAM APPLICANTS.—Section 47124(b)(3) of title 49, United States Code, is amended by adding at the end the following:

"(G) BENEFIT-TO-COST CALCULATION.—Not later than 90 days after receiving an application to the Contract Tower Program, the Secretary shall calculate a benefit-to-cost

ratio (as described in subsection (d)) for the applicable air traffic control tower for purposes of selecting towers for participation in the Contract Tower Program.".

(b) CRITERIA TO EVALUATE PARTICIPANTS.—Section 47124 of title 49, United States Code, is amended by adding at the end the following:

"(d) CRITERIA TO EVALUATE PARTICIPANTS.—

"(1) TIMING OF EVALUATIONS.—

"(A) TOWERS PARTICIPATING IN COST-SHARE PROGRAM.—In the case of an air traffic control tower that is operated under the Cost-share Program, the Secretary shall annually calculate a benefit-to-cost ratio with respect to the tower.

"(B) TOWERS PARTICIPATING IN CONTRACT TOWER PROGRAM.—In the case of an air traffic control tower that is operated under the Contract Tower Program, the Secretary shall not calculate a benefit-to-cost ratio after the date of enactment of this subsection with respect to the tower unless the Secretary determines that the annual aircraft traffic at the airport where the tower is located has decreased—

"(i) by more than 25 percent from the previous year; or

"(ii) by more than 55 percent cumulatively in the preceding 3-year period.

"(2) COSTS TO BE CONSIDERED.—In establishing a benefit-to-cost ratio under this section with respect to an air traffic control tower, the Secretary shall consider only the following costs:

"(A) The Federal Aviation Administration's actual cost of wages and benefits of personnel working at the tower.

"(B) The Federal Aviation Administration's actual telecommunications costs directly associated with the tower.

"(C) The Federal Aviation Administration's costs of purchasing and installing any air traffic control equipment that would not have been purchased or installed except as a result of the operation of the tower.

"(D) The Federal Aviation Administration's actual travel costs associated with maintaining air traffic control equipment that is owned by the Administration and would not be maintained except as a result of the operation of the tower.

"(E) Other actual costs of the Federal Aviation Administration directly associated with the tower that would not be incurred except as a result of the operation of the tower (excluding costs for noncontract tower-related personnel and equipment, even if the personnel or equipment is located in the contract tower building).

"(3) OTHER CRITERIA TO BE CONSIDERED.—In establishing a benefit-to-cost ratio under this section with respect to an air traffic control tower, the Secretary shall add a 10 percentage point margin of error to the benefit-to-cost ratio determination to acknowledge and account for the direct and indirect economic and other benefits that are not included in the criteria the Secretary used in calculating that ratio.

"(4) REVIEW OF COST-BENEFIT DETERMINATIONS.—In issuing a benefit-to-cost ratio determination under this section with

respect to an air traffic control tower located at an airport, the Secretary shall implement the following procedures:

"(A) The Secretary shall provide the airport (or the State or local government having jurisdiction over the airport) at least 90 days following the date of receipt of the determination to submit to the Secretary a request for an appeal of the determination, together with updated or additional data in support of the appeal.

"(B) Upon receipt of a request for an appeal submitted pursuant to subparagraph (A), the Secretary shall—

"(i) transmit to the Administrator of the Federal Aviation Administration any updated or additional data submitted in support of the appeal; and

"(ii) provide the Administrator not more than 90 days to review the data and provide a response to the Secretary based on the review.

"(C) After receiving a response from the Administrator pursuant to subparagraph (B), the Secretary shall—

"(i) provide the airport, State, or local government that requested the appeal at least 30 days to review the response; and

"(ii) withhold from taking further action in connection with the appeal during that 30-day period.

"(D) If, after completion of the appeal procedures with respect to the determination, the Secretary requires the tower to transition into the Cost-share Program, the Secretary shall not require a cost-share payment from the airport, State, or local government for 1 year following the last day of the 30-day period described in subparagraph (C).

"(e) DEFINITIONS.—In this section:

"(1) CONTRACT TOWER PROGRAM.—The term 'Contract Tower Program' means the level I air traffic control tower contract program established under subsection (a) and continued under subsection (b)(1).

"(2) COST-SHARE PROGRAM.—The term 'Cost-share Program' means the cost-share program established under subsection (b)(3).".

(c) CONFORMING AMENDMENTS.—Section 47124(b) of title 49, United States Code, is amended—

(1) in paragraph (1)(C), by striking "the program established under paragraph (3)" and inserting "the Cost-share Program";

(2) in paragraph (3)—

(A) in the heading, by striking "CONTRACT AIR TRAFFIC CONTROL TOWER PROGRAM" and inserting "COST-SHARE PROGRAM";

(B) in subparagraph (A), by striking "contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the 'Contract Tower Program')" and inserting "Contract Tower Program";

(C) in subparagraph (B), by striking "In carrying out the program" and inserting "In carrying out the Cost-share Program";

(D) in subparagraph (C), by striking "participate in the program" and inserting "participate in the Cost-share Program"; and

(E) in subparagraph (F), by striking "the program continued under paragraph (1)" and inserting "the Contract Tower Program".

(d) APPROVAL OF CERTAIN APPLICATIONS FOR THE CONTRACT TOWER PROGRAM.— 49 USC 47124 note.

(1) IN GENERAL.—If the Administrator of the Federal Aviation Administration has not implemented a revised cost-benefit methodology for purposes of determining eligibility for the Contract Tower Program before the date that is 30 days after the date of enactment of this Act, any airport with an application for participation in the Contract Tower Program pending as of January 1, 2017, shall be approved for participation in the Contract Tower Program if the Administrator determines the tower is eligible under the criteria set forth in the Federal Aviation Administration report entitled "Establishment and Discontinuance Criteria for Airport Traffic Control Towers", and dated August 1990 (FAA–APO–90–7).

(2) REQUESTS FOR ADDITIONAL AUTHORITY.—The Administrator shall respond not later than 60 days after the date the Administrator receives a formal request from an airport and air traffic control contractor for additional authority to expand contract tower operational hours and staff to accommodate flight traffic outside of current tower operational hours.

(3) DEFINITION OF CONTRACT TOWER PROGRAM.—In this section, the term "Contract Tower Program" has the meaning given the term in section 47124(e) of title 49, United States Code, as added by this Act.

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "primary airport having at least .25 percent of the total number of passenger boardings each year at all commercial service airports;" and inserting "medium or large hub airport;"; and

(2) by striking paragraph (5) and inserting the following:

"(5) 95 percent for a project that—

"(A) the Administrator determines is a successive phase of a multiphase construction project for which the sponsor received a grant in fiscal year 2011; and

"(B) for which the United States Government's share of allowable project costs would otherwise be capped at 90 percent under paragraph (2) or (3).".

SEC. 135. UPDATED VETERANS' PREFERENCE.

Section 47112(c)(1)(C) of title 49, United States Code, is amended—

(1) by striking "or Operation New Dawn for more" and inserting "Operation New Dawn, Operation Inherent Resolve, Operation Freedom's Sentinel, or any successor contingency operation to such operations for more"; and

(2) by striking "or Operation New Dawn (whichever is later)" and inserting "Operation New Dawn, Operation Inherent Resolve, Operation Freedom's Sentinel, or any successor contingency operation to such operations (whichever is later)".

SEC. 136. USE OF STATE HIGHWAY SPECIFICATIONS.

Section 47114(d)(5) of title 49, United States Code, is amended to read as follows:

"(5) USE OF STATE HIGHWAY SPECIFICATIONS.—The Secretary shall use the highway specifications of a State for airfield pavement construction and improvement using funds made available under this subsection at nonprimary airports serving aircraft that do not exceed 60,000 pounds gross weight if—

"(A) such State requests the use of such specifications; and

"(B) the Secretary determines that—

"(i) safety will not be negatively affected; and

"(ii) the life of the pavement, with necessary maintenance and upkeep, will not be shorter than it would be if constructed using Administration standards.".

SEC. 137. FORMER MILITARY AIRPORTS.

Section 47118(a) of title 49, United States Code, is amended—

(1) in paragraph (1)(C), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) the airport is—

"(A) a former military installation that, at any time after December 31, 1965, was owned and operated by the Department of Defense; and

"(B) a nonhub primary airport.".

SEC. 138. ELIGIBILITY OF CCTV PROJECTS FOR AIRPORT IMPROVEMENT PROGRAM.

Section 47119(a)(1)(B) is amended—

(1) by striking "; and" at the end and inserting "; or";

(2) by striking "directly related to moving passengers" and inserting the following: "directly related to—

"(i) moving passengers"; and

(3) by adding at the end the following:

"(ii) installing security cameras in the public area of the interior and exterior of the terminal; and".

SEC. 139. STATE BLOCK GRANT PROGRAM EXPANSION.

Section 47128(a) of title 49, United States Code, is amended by striking "not more than 9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter" and inserting "not more than 20 qualified States for each fiscal year".

SEC. 140. NON-MOVEMENT AREA SURVEILLANCE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47142 the following:

49 USC 47143.

"§ 47143. Non-movement area surveillance surface display systems pilot program

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may carry out a pilot program to support non-Federal acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors if—

"(1) the Administrator determines that such systems and sensors would improve safety or capacity in the National Airspace System; and

"(2) the non-movement area surveillance surface display systems and sensors supplement existing movement area systems and sensors at the selected airports established under other programs administered by the Administrator.

"(b) PROJECT GRANTS.—

"(1) IN GENERAL.—For purposes of carrying out the pilot program, the Administrator may make a project grant out of funds apportioned under paragraph (1) or paragraph (2) of section 47114(c) to not more than 5 eligible sponsors to acquire and install qualifying non-movement area surveillance surface display systems and sensors. The airports selected to participate in the pilot program shall have existing Administration movement area systems and airlines that are participants in Federal Aviation Administration's airport collaborative decision-making process.

"(2) DATA EXCHANGE PROCESSES.—As part of the pilot program carried out under this section, the Administrator may establish data exchange processes to allow airport participation in the Administration's airport collaborative decision-making process and fusion of the non-movement surveillance data with the Administration's movement area systems.

"(c) SUNSET.—This section shall cease to be effective on October 1, 2023.

"(d) DEFINITIONS.—In this section:

"(1) NON-MOVEMENT AREA.—The term 'non-movement area' means the portion of the airfield surface that is not under the control of air traffic control.

"(2) NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEMS AND SENSORS.—The term 'non-movement area surveillance surface display systems and sensors' means a non-Federal surveillance system that uses on-airport sensors that track vehicles or aircraft that are equipped with transponders in the non-movement area.

"(3) QUALIFYING NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEM AND SENSORS.—The term 'qualifying non-movement area surveillance surface display system and sensors' means a non-movement area surveillance surface display system that—

"(A) provides the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point;

"(B) is on-airport; and

"(C) is airport operated.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of chapter 471 of title 49, United States Code, is amended by inserting after the item relating to section 47142 the following: 49 USC prec. 47101.

"47143. Non-movement area surveillance surface display systems pilot program.".

SEC. 141. PROPERTY CONVEYANCE RELEASES.

Section 817(a) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47125 note) is amended—

(1) by striking "or section 23" and inserting ", section 23"; and

(2) by inserting ", or section 47125 of title 49, United States Code" before the period at the end.

SEC. 142. STUDY REGARDING TECHNOLOGY USAGE AT AIRPORTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on—

(1) technology developed by international entities (including foreign nations and companies) that have been installed in American airports and aviation systems over the past decade, including the nation where the technology was developed and any airports utilizing the technology; and

(2) aviation safety-related technology developed and implemented by international entities with proven track records of success that may assist in establishing best practices to improve American aviation operations and safety.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the study.

SEC. 143. STUDY ON AIRPORT REVENUE DIVERSION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study of—

(1) the legal and financial challenges related to repealing the exception in section 47107(b)(2) of title 49, United States Code, for those airports that the Federal Aviation Administration has identified are covered by the exception; and

(2) measures that may be taken to mitigate the impact of repealing the exception.

(b) CONTENTS.—The study required under subsection (a) shall address—

(1) the level of revenue diversion at the airports covered by the exception described in subsection (a)(1) and the uses of the diverted revenue;

(2) the terms of any bonds or financial covenants an airport owner has issued relying on diverted airport revenue;

(3) applicable local laws or ordinances requiring use of airport revenue for nonairport purposes;

(4) whether repealing the exception would improve the long-term financial performance of impacted airports; and

(5) any other practical implications of repealing the exception for airports or the national aviation system.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study.

SEC. 144. GAO STUDY ON THE EFFECT OF GRANTING AN EXCLUSIVE RIGHT OF AERONAUTICAL SERVICES TO AN AIRPORT SPONSOR.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to examine the cases in which an airport sponsor has exercised an exclusive right (commonly known as a proprietary exclusive right), as described in the Federal Aviation Advisory Circular 150/1590–6 issued on January 4, 2007.

(b) REPORT.—Upon completion of the study described under subsection (a), the Comptroller General shall submit to the appropriate committees of Congress a report on the findings of the study.

SEC. 145. SENSE OF CONGRESS ON SMART AIRPORTS.

It is the sense of Congress that the Administrator of the Federal Aviation Administration and the Secretary of Transportation should produce a smart airports initiative plan that focuses on creating a more consumer-friendly and digitally connected airport experience. The plan should include recommendations on modernizing technologies to provide more efficient check-ins, shortened security lines, Wi-Fi and GPS upgrades, as well as improvements of aircraft turnaround for on-time boarding and flights. The purpose of the initiative is to invest in technologies and infrastructure toward better-connected airports while providing appropriate national security and cybersecurity for travelers.

SEC. 146. CRITICAL AIRFIELD MARKINGS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a request for proposal for a study that includes—

(1) an independent, third-party study to assess the durability of Type III and Type I glass beads applied to critical markings over a 2-year period at not fewer than 2 primary airports in varying weather conditions to measure the retroreflectivity levels of such markings on a quarterly basis; and

(2) a study at 2 other airports carried out by applying Type III glass beads on half of the centerline and Type I glass beads to the other half and providing for assessments from pilots through surveys administered by a third party as to the visibility and performance of the Type III glass beads as compared to the Type I glass beads over a 1-year period.

SEC. 147. GENERAL FACILITIES AUTHORITY.

Section 44502 of title 49, United States Code, is amended—

(1) by striking subsection (e) and inserting the following:

"(e) TRANSFERS OF AIR TRAFFIC SYSTEMS.—

"(1) IN GENERAL.—An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration, an eligible air traffic system or equipment that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system or equipment.

"(2) ACCEPTANCE.—The Administrator shall accept the eligible air traffic system or equipment and operate and maintain it under criteria of the Administrator.

"(3) DEFINITION.—In this subsection, the term 'eligible air traffic system or equipment' means—

"(A) an instrument landing system consisting of a glide slope and localizer (if the Administrator has determined that a satellite navigation system cannot provide a suitable approach to an airport);

"(B) an Automated Weather Observing System weather observation system; or

"(C) a Remote Communication Air/Ground and Remote Communication Outlet communications facility."; and

(2) by adding at the end the following:

"(f) AIRPORT SPACE.—

"(1) RESTRICTION.—The Administrator may not require an airport owner or sponsor (as defined in section 47102) to provide to the Federal Aviation Administration without cost any of the following:

"(A) Building construction, maintenance, utilities, or expenses for services relating to air traffic control, air navigation, or weather reporting.

"(B) Space in a facility owned by the airport owner or sponsor for services relating to air traffic control, air navigation, or weather reporting.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect—

"(A) any agreement the Secretary may have or make with an airport owner or sponsor for the airport owner or sponsor to provide any of the items described in paragraph (1)(A) or (1)(B) at below-market rates; or

"(B) any grant assurance that requires an airport owner or sponsor to provide land to the Administration without cost for an air traffic control facility.".

SEC. 148. RECYCLING PLANS; UNCATEGORIZED SMALL AIRPORTS.

(a) PROJECT GRANT APPLICATION APPROVAL.—Section 47106(a) of title 49, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by inserting "that includes the project" before ", the master plan";

(3) in paragraph (6)(E), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) if the project is at an airport that is listed as having an unclassified status under the most recent national plan of integrated airport systems (as described in section 47103), the project will be funded with an amount appropriated under section 47114(d)(3)(B) and is—

"(A) for maintenance of the pavement of the primary runway;

"(B) for obstruction removal for the primary runway;

"(C) for the rehabilitation of the primary runway; or

"(D) for a project that the Secretary considers necessary for the safe operation of the airport.".

(b) NONPRIMARY APPORTIONMENT.—Section 47114(d)(3) of title 49, United States Code, is amended by adding at the end the following:

"(C) During fiscal years 2019 and 2020—

"(i) an airport that accrued apportionment funds under subparagraph (A) in fiscal year 2013 that is listed as having an unclassified status under the most recent national plan of integrated airport systems shall continue to accrue apportionment funds under subparagraph (A) at the same amount the airport accrued apportionment funds in fiscal year 2013, subject to the conditions of this paragraph;

"(ii) notwithstanding the period of availability as described in section 47117(b), an amount apportioned to an airport under clause (i) shall be available to the airport only during the fiscal year in which the amount is apportioned; and

"(iii) notwithstanding the waiver permitted under section 47117(c)(2), an airport receiving apportionment funds under clause (i) may not waive its claim to any part of the apportioned funds in order to make the funds available for a grant for another public-use airport.

"(D) An airport that re-establishes its classified status shall be eligible to accrue apportionment funds pursuant to subparagraph (A) so long as such airport retains its classified status.".

SEC. 149. EVALUATION OF AIRPORT MASTER PLANS.

Section 47106 of title 49, United States Code, is amended by adding at the end the following:

"(h) EVALUATION OF AIRPORT MASTER PLANS.—When evaluating the master plan of an airport for purposes of this subchapter, the Secretary shall take into account—

"(1) the role the airport plays with respect to medical emergencies and evacuations; and

"(2) the role the airport plays in emergency or disaster preparedness in the community served by the airport.".

SEC. 150. DEFINITION OF SMALL BUSINESS CONCERN.

Section 47113(a)(1) of title 49, United States Code, is amended to read as follows:

"(1) 'small business concern'—

"(A) has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); but

"(B) in the case of a concern in the construction industry, a concern shall be considered a small business concern if the concern meets the size standard for the North American Industry Classification System Code 237310, as adjusted by the Small Business Administration;".

SEC. 151. SMALL AIRPORT REGULATION RELIEF.

Section 47114(c)(1) of title 49, United States Code, is amended by striking subparagraph (F) and inserting the following:

"(F) SPECIAL RULE FOR FISCAL YEARS 2018 THROUGH 2020.—Notwithstanding subparagraph (A) and subject to subparagraph (G), the Secretary shall apportion to a sponsor of an airport under that subparagraph for each of fiscal years 2018 through 2020 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

"(i) had 10,000 or more passenger boardings during calendar year 2012;

"(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2018, 2019, or 2020, as applicable, under subparagraph (A); and

"(iii) had scheduled air service at any point in the calendar year used to calculate the apportionment.

"(G) LIMITATIONS AND WAIVERS.—The authority to make apportionments in the manner prescribed in subparagraph (F) may be utilized no more than 3 years in a row. The Secretary may waive this limitation if the Secretary determines that an airport's enplanements are substantially close to 10,000 enplanements and the airport sponsor or affected communities are taking reasonable steps to restore enplanements above 10,000.

"(H) MINIMUM APPORTIONMENT FOR COMMERCIAL SERVICE AIRPORTS WITH MORE THAN 8,000 PASSENGER BOARDINGS IN A CALENDAR YEAR.—Not less than $600,000 may be apportioned under subparagraph (A) for each fiscal year to each sponsor of a commercial service airport that had fewer than 10,000 passenger boardings, but at least 8,000 passenger boardings, during the prior calendar year.".

SEC. 152. CONSTRUCTION OF CERTAIN CONTROL TOWERS.

Section 47116(d) of title 49, United States Code, is amended by adding at the end the following:

"(3) CONTROL TOWER CONSTRUCTION.—Notwithstanding section 47124(b)(4)(A), the Secretary may provide grants under this section to an airport sponsor participating in the contract tower program under section 47124 for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower. Such grants shall be subject to the distribution requirements of subsection (b) and the eligibility requirements of section 47124(b)(4)(B).".

SEC. 153. NONDISCRIMINATION.

Section 47123 of title 49, United States Code, is amended—

(1) by striking "The Secretary of Transportation" and inserting the following:

"(a) IN GENERAL.—The Secretary of Transportation"; and

(2) by adding at the end the following:

"(b) INDIAN EMPLOYMENT.—

"(1) TRIBAL SPONSOR PREFERENCE.—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on a project or contract at—

"(A) an airport sponsored by an Indian tribal government; or

"(B) an airport located on an Indian reservation.

"(2) STATE PREFERENCE.—A State may implement a preference for employment of Indians on a project carried out under this subchapter near an Indian reservation.

"(3) IMPLEMENTATION.—The Secretary shall consult with Indian tribal governments and cooperate with the States to implement this subsection.

"(4) INDIAN TRIBAL GOVERNMENT DEFINED.—In this section, the term 'Indian tribal government' has the same meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).".

SEC. 154. DEFINITION OF AIRPORT DEVELOPMENT.

Section 47116(d)(2) of title 49, United States Code, is amended to read as follows:

"(2) AIRPORT DEVELOPMENT FOR ELIGIBLE MOUNTAINTOP AIRPORTS.—In making grants to sponsors described in subsection (b), the Secretary shall give priority consideration to mass grading and associated structural support (including access road, duct banks, and other related infrastructure) at mountaintop airports, provided that the airport would not otherwise have sufficient surface area for—

"(A) eligible and justified airport development projects; or

"(B) additional hangar space.".

SEC. 155. GENERAL AVIATION AIRPORT EXPIRED FUNDS.

Section 47117(b) of title 49, United States Code, is amended—

(1) by striking "An amount" and inserting "(1) IN GENERAL.—An amount";

(2) by striking "If the amount" and inserting "Except as provided in paragraph (2), if the amount"; and

(3) by adding at the end the following:

"(2) EXPIRED AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if an amount apportioned under section 47114(d) is not obligated within the time specified in paragraph (1), that amount shall be added to the discretionary fund under section 47115 of this title, provided that—

"(i) amounts made available under paragraph (2)(A) shall be used for grants for projects in accordance with section 47115(d)(2) at airports eligible to receive an apportionment under section 47114(d)(2) or (3)(A), whichever is applicable; and

"(ii) amounts made available under paragraph (2)(A) that are not obligated by July 1 of the fiscal year in which the funds will expire shall be made available for all projects in accordance with section 47115(d)(2).

"(B) STATE BLOCK GRANT PROGRAM.—If an amount apportioned to an airport under section 47114(d)(3)(A) is not obligated within the time specified in paragraph (1), and the airport is located in a State participating in the State block grant program under section 47128, the amount shall be made available to that State under the same conditions as if the State had been apportioned the amount under section 47114(d)(3)(B).".

SEC. 156. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

49 USC 47112 note.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, to the extent practicable, shall schedule the Administrator's review of construction projects so that projects to be carried out in the States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

(b) BRIEFING.—The Administrator shall provide a briefing to the appropriate committees of Congress annually on the effectiveness of the review and prioritization.

(c) TECHNICAL AMENDMENT.—Section 154 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47112 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

49 USC 47113 note.

SEC. 157. MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.

(a) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program (sections 47107(e) and 47113 of title 49, United States Code), discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These continuing barriers merit the continuation of the airport disadvantaged business enterprise program.

(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This testimony and documentation shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport-related business in the public and private markets.

(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.

(b) PROMPT PAYMENTS.—

(1) REPORTING OF COMPLAINTS.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall ensure that each airport that participates in the Program tracks, and reports to the Administrator, the number of covered complaints made in relation to activities at that airport.

(2) IMPROVING COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall take actions to assess and improve compliance with prompt payment requirements under part 26 of title 49, Code of Federal Regulations.

(B) CONTENTS OF ASSESSMENT.—In carrying out subparagraph (A), the Administrator shall assess—

(i) whether requirements relating to the inclusion of prompt payment language in contracts are being satisfied;

(ii) whether and how airports are enforcing prompt payment requirements;

(iii) the processes by which covered complaints are received and resolved by airports;

(iv) whether improvements need to be made to—

(I) better track covered complaints received by airports; and

(II) assist the resolution of covered complaints in a timely manner;

(v) whether changes to prime contractor specifications need to be made to ensure prompt payments to subcontractors; and,

(vi) whether changes to prime contractor specifications need to be made to ensure prompt payment of retainage to subcontractors.

(C) REPORTING.—The Administrator shall make available to the public on an appropriate website operated by the Administrator a report describing the results of the assessment completed under this paragraph, including a plan to respond to such results.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) COVERED COMPLAINT.—The term "covered complaint" means a complaint relating to an alleged failure to satisfy a prompt payment requirement under part 26 of title 49, Code of Federal Regulations.

(B) PROGRAM.—The term "Program" means the airport disadvantaged business enterprise program referenced in subsection (a)(1) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47113 note).

SEC. 158. SUPPLEMENTAL DISCRETIONARY FUNDS.

Section 47115 of title 49, United States Code, is further amended by adding at the end the following:

"(j) SUPPLEMENTAL DISCRETIONARY FUNDS.—

"(1) IN GENERAL.—The Secretary shall establish a program to provide grants, subject to the conditions of this subsection, for any purpose for which amounts are made available under section 48103 that the Secretary considers most appropriate to carry out this subchapter.

"(2) TREATMENT OF GRANTS.—

"(A) IN GENERAL.—A grant made under this subsection shall be treated as having been made pursuant to the Secretary's authority under section 47104(a) and from the Secretary's discretionary fund under subsection (a) of this section.

"(B) EXCEPTION.—Except as otherwise provided in this subsection, grants made under this subsection shall not be subject to subsection (c), section 47117(e), or any other apportionment formula, special apportionment category, or minimum percentage set forth in this chapter.

"(3) ELIGIBILITY AND PRIORITIZATION.—

"(A) ELIGIBILITY.—The Secretary may provide grants under this subsection for an airport or terminal development project at any airport that is eligible to receive a grant from the discretionary fund under subsection (a) of this section.

"(B) PRIORITIZATION.—Not less than 50 percent of the amounts available under this subsection shall used to provide grants at—

"(i) airports that are eligible for apportionment under section 47114(d)(3); and

"(ii) nonhub and small hub airports.

"(4) AUTHORIZATION.—

"(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection the following amounts:

"(i) $1,020,000,000 for fiscal year 2019.

"(ii) $1,041,000,000 for fiscal year 2020.

"(iii) $1,064,000,000 for fiscal year 2021.

"(iv) $1,087,000,000 for fiscal year 2022.

"(v) $1,110,000,000 for fiscal year 2023.

"(B) AVAILABILITY.—Sums authorized to be appropriated under subparagraph (A) shall remain available for 2 fiscal years.".

SEC. 159. STATE TAXATION.

(a) IN GENERAL.—Section 40116(d)(2)(A) of title 49, United States Code, is amended by adding at the end the following:

"(v) except as otherwise provided under section 47133, levy or collect a tax, fee, or charge, first taking effect after the date of enactment of this clause, upon any business located at a commercial service airport or operating as a permittee of such an airport that is not generally imposed on sales or services by that State, political subdivision, or authority unless wholly utilized for airport or aeronautical purposes.".

49 USC 40116 note.

(b) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall affect a change to a rate or other provision of a tax, fee, or charge under section 40116 of title 49, United States Code, that was enacted prior to the date of enactment of this Act. Such provision of a tax, fee, or charge shall continue to be subject to the requirements to which such provision was subject under that section as in effect on the day before the date of enactment of this Act.

SEC. 160. AIRPORT INVESTMENT PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 47134 of title 49, United States Code, is amended—

(1) by striking the section heading and inserting "**Airport investment partnership program**";

(2) in subsection (b), by striking ", with respect to not more than 10 airports,";

(3) in subsection (b)(2), by striking "The Secretary may grant an exemption to a sponsor" and inserting "If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the sponsor";

(4) in subsection (b)(3), by striking "The Secretary may grant an exemption to a purchaser or lessee" and inserting "If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the corresponding purchaser or lessee";

(5) by amending subsection (d) to read as follows:

"(d) PROGRAM PARTICIPATION.—

"(1) MULTIPLE AIRPORTS.—The Secretary may consider applications under this section submitted by a public airport

sponsor for multiple airports under the control of the sponsor if all airports under the control of the sponsor are located in the same State.

"(2) PARTIAL PRIVATIZATION.—A purchaser or lessee may be an entity in which a sponsor has an interest."; and

(6) by striking subsections (l) and (m) and inserting the following:

"(l) PREDEVELOPMENT LIMITATION.—A grant to an airport sponsor under this subchapter for predevelopment planning costs relating to the preparation of an application or proposed application under this section may not exceed $750,000 per application or proposed application.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 471 of title 49, United States Code, is amended by striking the item relating to section 47134 and inserting the following:

49 USC prec. 471101.

"47134. Airport investment partnership program.".

SEC. 161. REMOTE TOWER PILOT PROGRAM FOR RURAL AND SMALL COMMUNITIES.

49 USC 47104 note.

(a) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish—

(A) in consultation with airport operators and other aviation stakeholders, a pilot program at public-use airports to construct and operate remote towers in order to assess their operational benefits;

(B) a selection process for participation in the pilot program; and

(C) a clear process for the safety and operational certification of the remote towers.

(2) SAFETY CONSIDERATIONS.—

(A) SAFETY RISK MANAGEMENT PANEL.—Prior to the operational use of a remote tower under the pilot program established in subsection (a), the Administrator shall convene a safety risk management panel for the tower to address any safety issues with respect to the tower. The panels shall be created and utilized in a manner similar to that of the safety risk management panels previously convened for remote towers and shall take into account existing best practices and operational data from existing remote towers in the United States.

(B) CONSULTATION.—In establishing the pilot program, the Administrator shall consult with operators of remote towers in the United States and foreign countries to design the pilot program in a manner that leverages as many safety and airspace efficiency benefits as possible.

(3) APPLICATIONS.—The operator of an airport seeking to participate in the pilot program shall submit to the Administrator an application that is in such form and contains such information as the Administrator may require.

(4) PROGRAM DESIGN.—In designing the pilot program, the Administrator shall—

(A) to the maximum extent practicable, ensure that at least 2 different vendors of remote tower systems participate;

(B) identify which air traffic control information and data will assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers;

(C) implement processes necessary to collect the information and data identified in subparagraph (B);

(D) develop criteria, in addition to considering possible selection criteria in paragraph (5), for the selection of airports that will best assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers, including the amount and variety of air traffic at an airport; and

(E) prioritize the selection of airports that can best demonstrate the capabilities and benefits of remote towers, including applicants proposing to operate multiple remote towers from a single facility.

(5) SELECTION CRITERIA FOR CONSIDERATION.—In selecting airports for participation in the pilot program, the Administrator, after consultation with representatives of labor organizations representing operators and employees of the air traffic control system, shall consider for participation in the pilot program—

(A) 1 nonhub airport;

(B) 3 airports that are not primary airports and that do not have existing air traffic control towers;

(C) 1 airport that participates in the Contract Tower Program; and

(D) 1 airport selected at the discretion of the Administrator.

(6) DATA.—The Administrator shall clearly identify and collect air traffic control information and data from participating airports that will assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers.

(7) REPORT.—Not later than 1 year after the date the first remote tower is operational, and annually thereafter, the Administrator shall submit to the appropriate committees of Congress a report—

(A) detailing any benefits, costs, or safety improvements associated with the use of the remote towers; and

(B) evaluating the feasibility of using remote towers, particularly in the Contract Tower Program, for airports without an air traffic control tower, to improve safety at airports with towers, or to reduce costs without impacting safety at airports with or without existing towers.

(8) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall select airports for participation in the pilot program.

(9) DEFINITIONS.—In this subsection:

(A) CONTRACT TOWER PROGRAM.—The term "Contract Tower Program" has the meaning given the term in section 47124(e) of title 49, United States Code, as added by this Act.

(B) REMOTE TOWER.—The term "remote tower" means a remotely operated air navigation facility, including all necessary system components, that provides the functions and capabilities of an air traffic control tower whereby air traffic services are provided to operators at an airport from a location that may not be on or near the airport.

(C) OTHER DEFINITIONS.—The terms "nonhub airport", "primary airport", and "public-use airport" have the meanings given such terms in section 47102 of title 49, United States Code.

(10) SUNSET.—This subsection, including the report required under paragraph (8), shall not be in effect after September 30, 2023.

(b) REMOTE TOWER PROGRAM.—Concurrent with the establishment of the process for safety and operational certification of remote towers under subsection (a)(1)(C), the Administrator shall establish a process to authorize the construction and commissioning of additional remote towers that are certificated under subsection (a)(1)(C) at other airports.

(c) AIP FUNDING ELIGIBILITY.—For purposes of the pilot program under subsection (a), and after certificated remote towers are available under subsection (b), constructing a remote tower or acquiring and installing air traffic control, communications, or related equipment specifically for a remote tower shall be considered airport development (as defined in section 47102 of title 49, United States Code) for purposes of subchapter I of chapter 471 of that title if the components are installed and used at the airport, except, as needed, for off-airport sensors installed on leased towers.

SEC. 162. AIRPORT ACCESS ROADS IN REMOTE LOCATIONS.

49 USC 47102 note.

Notwithstanding section 47102 of title 49, United States Code, for fiscal years 2018 through 2023—

(1) the definition of the term "airport development" under that section includes the construction of a storage facility to shelter snow removal equipment or aircraft rescue and firefighting equipment that is owned by an airport sponsor and used exclusively to maintain safe airfield operations, up to the facility size necessary to accommodate the types and quantities of equipment prescribed by the FAA, regardless of whether Federal funding was used to acquire the equipment;

(2) a storage facility to shelter snow removal equipment may exceed the facility size limitation described in paragraph (1) if the airport sponsor certifies to the Secretary that the following conditions are met:

(A) The storage facility to be constructed will be used to store snow removal equipment exclusively used for clearing airfield pavement of snow and ice following a weather event.

(B) The airport is categorized as a local general aviation airport in the Federal Aviation Administration's 2017–2021 National Plan of Integrated Airport Systems (NPIAS) report.

(C) The 30-year annual snowfall normal of the nearest weather station based on the National Oceanic and Atmospheric Administration Summary of Monthly Normals 1981–2010 exceeds 26 inches.

(D) The airport serves as a base for a medical air ambulance transport aircraft.

(E) The airport master record (Form 5010–1) effective on September 14, 2017 for the airport indicates 45 based aircraft consisting of single engine, multiple engine, and jet engine aircraft.

(F) No funding under this section will be used for any portion of the storage facility designed to shelter maintenance and operations equipment that are not required for clearing airfield pavement of snow and ice.

(G) The airport sponsor will complete design of the storage building not later than September 30, 2019, and will initiate construction of the storage building not later than September 30, 2020.

(H) The area of the storage facility, or portion thereof, to be funded under this subsection does not exceed 6,000 square feet; and

(3) the definition of the term "terminal development" under that section includes the development of an airport access road that—

(A) is located in a noncontiguous State;

(B) is not more than 5 miles in length;

(C) connects to the nearest public roadways of not more than the 2 closest census designated places; and

(D) may provide incidental access to public or private property that is adjacent to the road and is not otherwise connected to a public road.

SEC. 163. LIMITED REGULATION OF NON-FEDERALLY SPONSORED PROPERTY.

49 USC 47107 note.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Transportation may not directly or indirectly regulate—

(1) the acquisition, use, lease, encumbrance, transfer, or disposal of land by an airport owner or operator;

(2) any facility upon such land; or

(3) any portion of such land or facility.

49 USC 47107 note.

(b) EXCEPTIONS.—Subsection (a) does not apply to—

(1) any regulation ensuring—

(A) the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations;

(B) that an airport owner or operator receives not less than fair market value in the context of a commercial transaction for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities; or

(C) that the airport pays not more than fair market value in the context of a commercial transaction for the acquisition of land or facilities on such land;

(2) any regulation imposed with respect to land or a facility acquired or modified using Federal funding; or

(3) any authority contained in—

(A) a Surplus Property Act instrument of transfer, or

(B) section 40117 of title 49, United States Code.

49 USC 47107 note.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the applicability of sections 47107(b) or 47133 of title 49, United States Code, to revenues generated by the use, lease, encumbrance, transfer, or disposal of land under subsection (a), facilities upon such land, or any portion of such land or facilities.

(d) AMENDMENTS TO AIRPORT LAYOUT PLANS.—Section 47107(a)(16) of title 49, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B) the Secretary will review and approve or disapprove only those portions of the plan (or any subsequent revision to the plan) that materially impact the safe and efficient operation of aircraft at, to, or from the airport or that would adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations, or that adversely affect the value of prior Federal investments to a significant extent;";

(2) in subparagraph (C), by striking "if the alteration" and all that follows through "airport; and" and inserting the following: "unless the alteration—

"(i) is outside the scope of the Secretary's review and approval authority as set forth in subparagraph (B); or

"(ii) complies with the portions of the plan approved by the Secretary; and"; and

(3) in subparagraph (D), in the matter preceding clause (i), by striking "when an alternation" and all that follows through "Secretary, will" and inserting "when an alteration in the airport or its facility is made that is within the scope of the Secretary's review and approval authority as set forth in subparagraph (B), and does not conform with the portions of the plan approved by the Secretary, and the Secretary decides that the alteration adversely affects the safety, utility, or efficiency of aircraft operations, or of any property on or off the airport that is owned, leased, or financed by the Government, then the owner or operator will, if requested by the Secretary".

SEC. 164. SEASONAL AIRPORTS.

Section 47114(c)(1) of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

"(I) SEASONAL AIRPORTS.—Notwithstanding section 47102, if the Secretary determines that a commercial service airport with at least 8,000 passenger boardings receives scheduled air carrier service for fewer than 6 months in the calendar year used to calculate apportionments to airport sponsors in a fiscal year, then the Secretary shall consider the airport to be a nonhub primary airport for purposes of this chapter.".

SEC. 165. AMENDMENTS TO DEFINITIONS.

Section 47102 of title 49, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (K), by striking "7505a) and if such project will result in an airport receiving appropriate" and inserting "7505a)) and if the airport would be able to receive";

(B) by striking subparagraph (L) and inserting the following:

"(L) a project by a commercial service airport for the acquisition of airport-owned vehicles or ground support equipment equipped with low-emission technology if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a)), if the airport would be able to receive appropriate emission

credits (as described in section 47139), and the vehicles are;

"(i) used exclusively on airport property; or

"(ii) used exclusively to transport passengers and employees between the airport and the airport's consolidated rental car facility or an intermodal surface transportation facility adjacent to the airport."; and

(C) by adding at the end the following:

"(P) an on-airport project to improve the reliability and efficiency of the airport's power supply and to prevent power disruptions to the airfield, passenger terminal, and any other airport facilities, including the acquisition and installation of electrical generators, separation of the airport's main power supply from its redundant power supply, and the construction or modification of airport facilities to install a microgrid (as defined in section 641 of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231)).

"(Q) converting or retrofitting vehicles and ground support equipment into eligible zero-emission vehicles and equipment (as defined in section 47136) and for acquiring, by purchase or lease, eligible zero-emission vehicles and equipment.

"(R) predevelopment planning, including financial, legal, or procurement consulting services, related to an application or proposed application for an exemption under section 47134.";

(2) in paragraph (5), by striking "regulations" and inserting "requirements"; and

(3) in paragraph (8), by striking "public" and inserting "public-use".

SEC. 166. PILOT PROGRAM SUNSETS.

(a) IN GENERAL.—Sections 47136 and 47140 of title 49, United States Code, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Sections 47136a and 47140a of title 49, United States Code, are redesignated as sections 47136 and 47140, respectively.

(2) Section 47139 of title 49, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CLERICAL AMENDMENTS.—The analysis for chapter 471 of title 49, United States Code, is amended—

49 USC prec. 47101.

(1) by striking the items relating to sections 47136, 47136a, 47140, and 47140a;

(2) by inserting after the item relating to section 47135 the following:

"47136. Zero-emission airport vehicles and infrastructure."; and

(3) by inserting after the item relating to section 47139 the following:

"47140. Increasing the energy efficiency of airport power sources.".

SEC. 167. BUY AMERICA REQUIREMENTS.

49 USC 50101 note.

(a) NOTICE OF WAIVERS.—If the Secretary of Transportation determines that it is necessary to waive the application of section 50101(a) of title 49, United States Code, based on a finding under section 50101(b) of that title, the Secretary, at least 10 days before the date on which the waiver takes effect, shall—

(1) make publicly available, in an easily identifiable location on the website of the Department of Transportation, a detailed written justification of the waiver determination; and

(2) provide an informal public notice and comment opportunity on the waiver determination.

(b) ANNUAL REPORT.—For each fiscal year, the Secretary shall submit to the appropriate committees of Congress a report on waivers issued under section 50101 of title 49, United States Code, during the fiscal year.

Subtitle D—Airport Noise and Environmental Streamlining

SEC. 171. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EFFICIENCY ASSESSMENTS.

(a) COST REIMBURSEMENTS.—Section 47140(a) of title 49, United States Code, as so redesignated, is amended by striking "airport." and inserting "airport, and to reimburse the airport sponsor for the costs incurred in conducting the assessment.".

(b) SAFETY PRIORITY.—Section 47140(b)(2) of title 49, United States Code, as so redesignated, is amended by inserting ", including a certification that no safety projects are being be deferred by requesting a grant under this section," after "an application".

SEC. 172. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE 2 AIRCRAFT.

49 USC 47521 note.

(a) IN GENERAL.—Notwithstanding chapter 475 of title 49, United States Code, not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a pilot program to permit an operator of a stage 2 aircraft to operate that aircraft in nonrevenue service into not more than 4 medium hub airports or nonhub airports if—

(1) the airport—

(A) is certified under part 139 of title 14, Code of Federal Regulations;

(B) has a runway that—

(i) is longer than 8,000 feet and not less than 200 feet wide; and

(ii) is load bearing with a pavement classification number of not less than 38; and

(C) has a maintenance facility with a maintenance certificate issued under part 145 of such title; and

(2) the operator of the stage 2 aircraft operates not more than 10 flights per month using that aircraft.

(b) TERMINATION.—The pilot program shall terminate on the earlier of—

(1) the date that is 10 years after the date of the enactment of this Act; or

(2) the date on which the Administrator determines that no stage 2 aircraft remain in service.

(c) DEFINITIONS.—In this section:

(1) MEDIUM HUB AIRPORT; NONHUB AIRPORT.—The terms "medium hub airport" and "nonhub airport" have the meanings given those terms in section 40102 of title 49, United States Code.

(2) STAGE 2 AIRCRAFT.—The term "stage 2 aircraft" has the meaning given the term "stage 2 airplane" in section 91.851 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

SEC. 173. ALTERNATIVE AIRPLANE NOISE METRIC EVALUATION DEADLINE.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall complete the ongoing evaluation of alternative metrics to the current Day Night Level (DNL) 65 standard.

SEC. 174. UPDATING AIRPORT NOISE EXPOSURE MAPS.

Section 47503(b) of title 49, United States Code, is amended to read as follows:

"(b) REVISED MAPS.—

"(1) IN GENERAL.—An airport operator that submits a noise exposure map under subsection (a) shall submit a revised map to the Secretary if, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration.

"(2) TIMING.—A submission under paragraph (1) shall be required only if the relevant change in the operation of the airport occurs during—

"(A) the forecast period of the applicable noise exposure map submitted by an airport operator under subsection (a); or

"(B) the implementation period of the airport operator's noise compatibility program.".

49 USC 47501 note.

SEC. 175. ADDRESSING COMMUNITY NOISE CONCERNS.

When proposing a new area navigation departure procedure, or amending an existing procedure that would direct aircraft between the surface and 6,000 feet above ground level over noise sensitive areas, the Administrator of the Federal Aviation Administration shall consider the feasibility of dispersal headings or other lateral track variations to address community noise concerns, if—

(1) the affected airport operator, in consultation with the affected community, submits a request to the Administrator for such a consideration;

(2) the airport operator's request would not, in the judgment of the Administrator, conflict with the safe and efficient operation of the national airspace system; and

(3) the effect of a modified departure procedure would not significantly increase noise over noise sensitive areas, as determined by the Administrator.

SEC. 176. COMMUNITY INVOLVEMENT IN FAA NEXTGEN PROJECTS LOCATED IN METROPLEXES.

(a) COMMUNITY INVOLVEMENT POLICY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall complete a review of the Federal Aviation Administration's community involvement practices for Next Generation Air Transportation System (NextGen) projects located in metroplexes identified by the Administration. The review shall include, at a minimum, a determination of how and when to engage airports and communities in performance-based navigation proposals.

(b) REPORT.—Not later than 60 days after completion of the review, the Administrator shall submit to the appropriate committees of Congress a report on—

(1) how the Administration will improve community involvement practices for NextGen projects located in metroplexes;

(2) how and when the Administration will engage airports and communities in performance-based navigation proposals; and

(3) lessons learned from NextGen projects and pilot programs and how those lessons learned are being integrated into community involvement practices for future NextGen projects located in metroplexes.

SEC. 177. LEAD EMISSIONS.

(a) STUDY.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academies of Sciences, Engineering, and Medicine under which the National Research Council will study aviation gasoline.

(b) CONTENTS.—The study shall include an assessment of—

(1) existing non-leaded fuel alternatives to the aviation gasoline used by piston-powered general aviation aircraft;

(2) ambient lead concentrations at and around airports where piston-powered general aviation aircraft are used; and

(3) mitigation measures to reduce ambient lead concentrations, including increasing the size of run-up areas, relocating run-up areas, imposing restrictions on aircraft using aviation gasoline, and increasing the use of motor gasoline in piston-powered general aviation aircraft.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress the study developed by the National Research Council pursuant to this section.

SEC. 178. TERMINAL SEQUENCING AND SPACING.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall provide a briefing to the appropriate committees of Congress on the status of Terminal Sequencing and Spacing (TSAS) implementation across all completed NextGen metroplexes with specific information provided by airline regarding the adoption and equipping of aircraft and the training of pilots in its use.

SEC. 179. AIRPORT NOISE MITIGATION AND SAFETY STUDY.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study to review and evaluate existing studies

and analyses of the relationship between jet aircraft approach and takeoff speeds and corresponding noise impacts on communities surrounding airports.

(b) CONSIDERATIONS.—In conducting the study initiated under subsection (a), the Administrator shall determine—

(1) whether a decrease in jet aircraft approach or takeoff speeds results in significant aircraft noise reductions;

(2) whether the jet aircraft approach or takeoff speed reduction necessary to achieve significant noise reductions—

(A) jeopardizes aviation safety; or

(B) decreases the efficiency of the National Airspace System, including lowering airport capacity, increasing travel times, or increasing fuel burn;

(3) the advisability of using jet aircraft approach or takeoff speeds as a noise mitigation technique; and

(4) if the Administrator determines that using jet aircraft approach or takeoff speeds as a noise mitigation technique is advisable, whether any of the metropolitan areas specifically identified in section 189(b)(2) would benefit from such a noise mitigation technique without a significant impact to aviation safety or the efficiency of the National Airspace System.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the study initiated under subsection (a).

49 USC 106 note.

SEC. 180. REGIONAL OMBUDSMEN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, with respect to each region of the Federal Aviation Administration, the Regional Administrator for that region shall designate an individual to be the Regional Ombudsman for the region.

(b) REQUIREMENTS.—Each Regional Ombudsman shall—

(1) serve as a regional liaison with the public, including community groups, on issues regarding aircraft noise, pollution, and safety;

(2) make recommendations to the Administrator for the region to address concerns raised by the public and improve the consideration of public comments in decision-making processes; and

(3) be consulted on proposed changes in aircraft operations affecting the region, including arrival and departure routes, in order to minimize environmental impacts, including noise.

49 USC 40101 note.

SEC. 181. FAA LEADERSHIP ON CIVIL SUPERSONIC AIRCRAFT.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall exercise leadership in the creation of Federal and international policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft.

(b) EXERCISE OF LEADERSHIP.—In carrying out subsection (a), the Administrator shall—

(1) consider the needs of the aerospace industry and other stakeholders when creating policies, regulations, and standards that enable the safe commercial deployment of civil supersonic aircraft technology and the safe and efficient operation of civil supersonic aircraft; and

(2) obtain the input of aerospace industry stakeholders regarding—

(A) the appropriate regulatory framework and timeline for permitting the safe and efficient operation of civil supersonic aircraft within United States airspace, including updating or modifying existing regulations on such operation;

(B) issues related to standards and regulations for the type certification and safe operation of civil supersonic aircraft, including noise certification, including—

(i) the operational differences between subsonic aircraft and supersonic aircraft;

(ii) costs and benefits associated with landing and takeoff noise requirements for civil supersonic aircraft, including impacts on aircraft emissions;

(iii) public and economic benefits of the operation of civil supersonic aircraft and associated aerospace industry activity; and

(iv) challenges relating to ensuring that standards and regulations aimed at relieving and protecting the public health and welfare from aircraft noise and sonic booms are economically reasonable, technologically practicable, and appropriate for civil supersonic aircraft; and

(C) other issues identified by the Administrator or the aerospace industry that must be addressed to enable the safe commercial deployment and safe and efficient operation of civil supersonic aircraft.

(c) INTERNATIONAL LEADERSHIP.—The Administrator, in the appropriate international forums, shall take actions that—

(1) demonstrate global leadership under subsection (a);

(2) address the needs of the aerospace industry identified under subsection (b); and

(3) protect the public health and welfare.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report detailing—

(1) the Administrator's actions to exercise leadership in the creation of Federal and international policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft;

(2) planned, proposed, and anticipated actions to update or modify existing policies and regulations related to civil supersonic aircraft, including those identified as a result of industry consultation and feedback; and

(3) a timeline for any actions to be taken to update or modify existing policies and regulations related to civil supersonic aircraft.

(e) LONG-TERM REGULATORY REFORM.—

(1) NOISE STANDARDS.—Not later than March 31, 2020, the Administrator shall issue a notice of proposed rulemaking to revise part 36 of title 14, Code of Federal Regulations, to include supersonic aircraft in the applicability of such part. The proposed rule shall include necessary definitions, noise standards for landing and takeoff, and noise test requirements that would apply to a civil supersonic aircraft.

(2) SPECIAL FLIGHT AUTHORIZATIONS.—Not later than December 31, 2019, the Administrator shall issue a notice of proposed rulemaking to revise appendix B of part 91 of title 14, Code of Federal Regulations, to modernize the application process for a person applying to operate a civil aircraft at supersonic speeds for the purposes stated in that rule.

(f) NEAR-TERM CERTIFICATION OF SUPERSONIC CIVIL AIRCRAFT.—

(1) IN GENERAL.—If a person submits an application requesting type certification of a civil supersonic aircraft pursuant to part 21 of title 14, Code of Federal Regulations, before the Administrator promulgates a final rule amending part 36 of title 14, Code of Federal Regulations, in accordance with subsection (e)(1), the Administrator shall, not later than 18 months after having received such application, issue a notice of proposed rulemaking applicable solely for the type certification, inclusive of the aircraft engines, of the supersonic aircraft design for which such application was made.

(2) CONTENTS.—A notice of proposed rulemaking described in paragraph (1) shall—

(A) address safe operation of the aircraft type, including development and flight testing prior to type certification;

(B) address manufacturing of the aircraft;

(C) address continuing airworthiness of the aircraft;

(D) specify landing and takeoff noise standards for that aircraft type that the Administrator considers appropriate, practicable, and consistent with section 44715 of title 49, United States Code; and

(E) consider differences between subsonic and supersonic aircraft including differences in thrust requirements at equivalent gross weight, engine requirements, aerodynamic characteristics, operational characteristics, and other physical properties.

(3) NOISE AND PERFORMANCE DATA.—The requirement of the Administrator to issue a notice of proposed rulemaking under paragraph (1) shall apply only if an application contains sufficient aircraft noise and performance data as the Administrator finds necessary to determine appropriate noise standards and operating limitations for the aircraft type consistent with section 44715 of title 49, United States Code.

(4) FINAL RULE.—Not later than 18 months after the end of the public comment period provided in the notice of proposed rulemaking required under paragraph (1), the Administrator shall publish in the Federal Register a final rule applying solely to the aircraft model submitted for type certification.

(5) REVIEW OF RULES OF CIVIL SUPERSONIC FLIGHTS.—Beginning December 31, 2020, and every 2 years thereafter, the Administrator shall review available aircraft noise and performance data, and consult with heads of appropriate Federal agencies, to determine whether section 91.817 of title 14, Code of Federal Regulations, and Appendix B of part 91 of title 14, Code of Federal Regulations, may be amended, consistent with section 44715 of title 49, United States Code, to permit supersonic flight of civil aircraft over land in the United States.

(6) IMPLEMENTATION OF NOISE STANDARDS.—The portion of the regulation issued by the Administrator of the Federal

Aviation Administration titled "Revision of General Operating and Flight Rules" and published in the Federal Register on August 18, 1989 (54 Fed. Reg. 34284) that restricts operation of civil aircraft at a true flight Mach number greater than 1 shall have no force or effect beginning on the date on which the Administrator publishes in the Federal Register a final rule specifying sonic boom noise standards for civil supersonic aircraft.

SEC. 182. MANDATORY USE OF THE NEW YORK NORTH SHORE HELICOPTER ROUTE.

(a) PUBLIC COMMENT PERIOD.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall provide notice of, and an opportunity for, at least 60 days of public comment with respect to the regulations in subpart H of part 93 of title 14, Code of Federal Regulations.

(2) TIMING.—The public comment period required under paragraph (1) shall begin not later than 30 days after the date of enactment of this Act.

(b) PUBLIC HEARING.—Not later than 30 days after the date of enactment of this Act, the Administrator shall hold a public hearing in the communities impacted by the regulations described in subsection (a)(1) to solicit feedback with respect to the regulations.

(c) REVIEW.—Not later than 30 days after the date of enactment of this Act, the Administrator shall initiate a review of the regulations described in subsection (a)(1) that assesses the—

(1) noise impacts of the regulations for communities, including communities in locations where aircraft are transitioning to or from a destination or point of landing;

(2) enforcement of applicable flight standards, including requirements for helicopters operating on the relevant route to remain at or above 2,500 feet mean sea level; and

(3) availability of alternative or supplemental routes to reduce the noise impacts of the regulations, including the institution of an all water route over the Atlantic Ocean.

SEC. 183. STATE STANDARDS FOR AIRPORT PAVEMENTS.

Section 47105(c) of title 49, United States Code, is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Secretary" the first place it appears; and

(2) by adding at the end the following:

"(2) PAVEMENT STANDARDS.—

"(A) TECHNICAL ASSISTANCE.—At the request of a State, the Secretary shall, not later than 30 days after the date of the request, provide technical assistance to the State in developing standards, acceptable to the Secretary under subparagraph (B), for pavement on nonprimary public-use airports in the State.

"(B) REQUIREMENTS.—The Secretary shall—

"(i) continue to provide technical assistance under subparagraph (A) until the standards are approved under paragraph (1); and

"(ii) clearly indicate to the State the standards that are acceptable to the Secretary, considering, at a minimum, local conditions and locally available materials.".

SEC. 184. ELIGIBILITY OF PILOT PROGRAM AIRPORTS.

(a) DISCRETIONARY FUND.—Section 47115 of title 49, United States Code, is further amended by adding at the end the following:

"(k) PARTNERSHIP PROGRAM AIRPORTS.—

"(1) AUTHORITY.—The Secretary may make grants with funds made available under this section for an airport participating in the program under section 47134 if—

"(A) the Secretary has approved the application of an airport sponsor under section 47134(b) in fiscal year 2019; and

"(B) the grant will—

"(i) satisfy an obligation incurred by an airport sponsor under section 47110(e) or funded by a nonpublic sponsor for an airport development project on the airport; or

"(ii) provide partial Federal reimbursement for airport development (as defined in section 47102) on the airport layout plan initiated in the fiscal year in which the application was approved, or later, for over a period of not more than 10 years.

"(2) NONAPPLICABILITY OF CERTAIN SECTIONS.—Grants made under this subsection shall not be subject to—

"(A) subsection (c) of this section;

"(B) section 47117(e); or

"(C) any other apportionment formula, special apportionment category, or minimum percentage set forth in this chapter.".

(b) ALLOWABLE PROJECT COSTS; LETTERS OF INTENT.—Section 47110(e) of such title is amended by adding at the end the following:

"(7) PARTNERSHIP PROGRAM AIRPORTS.—The Secretary may issue a letter of intent under this section to an airport sponsor with an approved application under section 47134(b) if—

"(A) the application was approved in fiscal year 2019; and

"(B) the project meets all other requirements set forth in this chapter.".

SEC. 185. GRANDFATHERING OF CERTAIN DEED AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

Section 47107(s) of title 49, United States Code, is amended by adding at the end the following:

"(3) EXEMPTION.—The terms and conditions of paragraph (2) shall not apply to an agreement described in paragraph (1) made before the enactment of the FAA Modernization and Reform Act of 2012 (Public Law 112–95) that the Secretary determines does not comply with such terms and conditions but involves property that is subject to deed or lease restrictions that are considered perpetual and that cannot readily be brought into compliance. However, if the Secretary determines that the airport sponsor and residential property owners are able to make any modification to such an agreement on or after the date of enactment of this paragraph, the exemption provided by this paragraph shall no longer apply.".

SEC. 186. STAGE 3 AIRCRAFT STUDY.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall

initiate a review of the potential benefits, costs, and other impacts that would result from a phaseout of covered stage 3 aircraft.

(b) CONTENTS.—The review shall include—

(1) a determination of the number, types, frequency of operations, and owners and operators of covered stage 3 aircraft;

(2) an analysis of the potential benefits, costs, and other impacts to air carriers, general aviation operators, airports, communities surrounding airports, and the general public associated with phasing out or reducing the operations of covered stage 3 aircraft, assuming such a phaseout or reduction is put into effect over a reasonable period of time;

(3) a determination of lessons learned from the phaseout of stage 2 aircraft that might be applicable to a phaseout or reduction in the operations of covered stage 3 aircraft, including comparisons between the benefits, costs, and other impacts associated with the phaseout of stage 2 aircraft and the potential benefits, costs, and other impacts determined under paragraph (2);

(4) a determination of the costs and logistical challenges associated with recertifying stage 3 aircraft capable of meeting stage 4 noise levels; and

(5) a determination of stakeholder views on the feasibility and desirability of phasing out covered stage 3 aircraft, including the views of—

(A) air carriers;

(B) airports;

(C) communities surrounding airports;

(D) aircraft and avionics manufacturers;

(E) operators of covered stage 3 aircraft other than air carriers; and

(F) such other stakeholders and aviation experts as the Comptroller General considers appropriate.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review.

(d) COVERED STAGE 3 AIRCRAFT DEFINED.—In this section, the term "covered stage 3 aircraft" means a civil subsonic jet aircraft that is not capable of meeting the stage 4 noise levels in part 36 of title 14, Code of Federal Regulations.

SEC. 187. AIRCRAFT NOISE EXPOSURE.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall conclude the Administrator's ongoing review of the relationship between aircraft noise exposure and its effects on communities around airports.

(b) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

(2) PRELIMINARY RECOMMENDATIONS.—The report shall contain such preliminary recommendations as the Administrator determines appropriate for revising the land use compatibility guidelines in part 150 of title 14, Code of Federal Regulations, based on the results of the review and in coordination with other agencies.

SEC. 188. STUDY REGARDING DAY-NIGHT AVERAGE SOUND LEVELS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall evaluate alternative metrics to the current average day-night level standard, such as the use of actual noise sampling and other methods, to address community airplane noise concerns.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the study under subsection (a).

SEC. 189. STUDY ON POTENTIAL HEALTH AND ECONOMIC IMPACTS OF OVERFLIGHT NOISE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an agreement with an eligible institution of higher education to conduct a study on the health impacts of noise from aircraft flights on residents exposed to a range of noise levels from such flights.

(b) SCOPE OF STUDY.—The study conducted under subsection (a) shall—

(1) include an examination of the incremental health impacts attributable to noise exposure that result from aircraft flights, including sleep disturbance and elevated blood pressure;

(2) be focused on residents in the metropolitan area of—

(A) Boston;

(B) Chicago;

(C) the District of Columbia;

(D) New York;

(E) the Northern California Metroplex;

(F) Phoenix;

(G) the Southern California Metroplex;

(H) Seattle; or

(I) such other area as may be identified by the Administrator;

(3) consider, in particular, the incremental health impacts on residents living partly or wholly underneath flight paths most frequently used by aircraft flying at an altitude lower than 10,000 feet, including during takeoff or landing;

(4) include an assessment of the relationship between a perceived increase in aircraft noise, including as a result of a change in flight paths that increases the visibility of aircraft from a certain location, and an actual increase in aircraft noise, particularly in areas with high or variable levels of nonaircraft-related ambient noise; and

(5) consider the economic harm or benefits to businesses located party or wholly underneath flight paths most frequently used by aircraft flying at an altitude lower than 10,000 feet, including during takeoff or landing.

(c) ELIGIBILITY.—An institution of higher education is eligible to conduct the study if the institution—

(1) has—

(A) a school of public health that has participated in the Center of Excellence for Aircraft Noise and Aviation Emissions Mitigation of the Federal Aviation Administration; or

(B) a center for environmental health that receives funding from the National Institute of Environmental Health Sciences;

(2) is located in one of the areas identified in subsection (b);

(3) applies to the Administrator in a timely fashion;

(4) demonstrates to the satisfaction of the Administrator that the institution is qualified to conduct the study;

(5) agrees to submit to the Administrator, not later than 3 years after entering into an agreement under subsection (a), the results of the study, including any source materials used; and

(6) meets such other requirements as the Administrator determines necessary.

(d) SUBMISSION OF STUDY.—Not later than 90 days after the Administrator receives the results of the study, the Administrator shall submit to the appropriate committees of Congress the study and a summary of the results.

SEC. 190. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

49 USC 47104 note.

(a) IN GENERAL.—The Secretary of Transportation may carry out a pilot program involving not more than 6 projects at public-use airports in accordance with this section.

(b) GRANTS.—In carrying out the program, the Secretary may make grants to sponsors of public-use airports from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code.

(c) USE OF FUNDS.—Amounts from a grant received by the sponsor of a public-use airport under the program shall be used for environmental mitigation projects that will measurably reduce or mitigate aviation impacts on noise, air quality, or water quality at the airport or within 5 miles of the airport.

(d) ELIGIBILITY.—Notwithstanding any other provision of chapter 471 of title 49, United States Code, an environmental mitigation project approved under this section shall be treated as eligible for assistance under that chapter.

(e) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary may give priority consideration to projects that—

(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) will be implemented by an eligible consortium.

(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program shall be 50 percent.

(g) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under the program for any single project.

(h) IDENTIFYING BEST PRACTICES.—The Secretary may establish and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, and water quality at airports or in the vicinity of airports based on the projects carried out under the program.

(i) SUNSET.—The program shall terminate 5 years after the Secretary makes the first grant under the program.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term "eligible consortium" means a consortium that is composed of 2 or more of the following entities:

(A) Businesses incorporated in the United States.

(B) Public or private educational or research organizations located in the United States.

(C) Entities of State or local governments in the United States.

(D) Federal laboratories.

(2) ENVIRONMENTAL MITIGATION PROJECT.—The term "environmental mitigation project" means a project that—

(A) introduces new environmental mitigation techniques or technologies that have been proven in laboratory demonstrations;

(B) proposes methods for efficient adaptation or integration of new concepts into airport operations; and

(C) will demonstrate whether new techniques or technologies for environmental mitigation are—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.

(k) AUTHORIZATION FOR THE TRANSFER OF FUNDS FROM DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may accept funds from the Secretary of Defense to increase the authorized funding for this section by the amount of such transfer only to carry out projects designed for environmental mitigation at a site previously, but not currently, managed by the Department of Defense.

(2) ADDITIONAL GRANTEES.—If additional funds are made available by the Secretary of Defense under paragraph (1), the Administrator may increase the number of grantees under subsection (a).

SEC. 191. EXTENDING AVIATION DEVELOPMENT STREAMLINING.

(a) IN GENERAL.—Section 47171 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting "general aviation airport construction or improvement projects," after "congested airports,";

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) GENERAL AVIATION AIRPORT CONSTRUCTION OR IMPROVEMENT PROJECT.—A general aviation airport construction or improvement project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.";

(3) in subsection (c)(1), by striking "subsection (b)(2)" and inserting "subsection (b)(3)";

(4) in subsection (d), by striking "subsection (b)(2)" and inserting "subsection (b)(3)";

(5) in subsection (h), by striking "subsection (b)(2)" and inserting "subsection (b)(3)"; and

(6) in subsection (k), by striking "subsection (b)(2)" and inserting "subsection (b)(3)".

(b) DEFINITIONS.—Section 47175 of title 49, United States Code, is amended by adding at the end the following:

"(8) GENERAL AVIATION AIRPORT CONSTRUCTION OR IMPROVEMENT PROJECT.—The term 'general aviation airport construction or improvement project' means—

"(A) a project for the construction or extension of a runway, including any land acquisition, helipad, taxiway, safety area, apron, or navigational aids associated with the runway or runway extension, at a general aviation airport, a reliever airport, or a commercial service airport that is not a primary airport (as such terms are defined in section 47102); and

"(B) any other airport development project that the Secretary designates as facilitating aviation capacity building projects at a general aviation airport.".

SEC. 192. ZERO-EMISSION VEHICLES AND TECHNOLOGY.

(a) IN GENERAL.—Section 47136 of title 49, United States Code, as so redesignated, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—The Secretary of Transportation may establish a pilot program under which the sponsors of public-use airports may use funds made available under this chapter or section 48103 for use at such airports to carry out—

"(1) activities associated with the acquisition, by purchase or lease, and operation of eligible zero-emission vehicles and equipment, including removable power sources for such vehicles; and

"(2) the construction or modification of infrastructure to facilitate the delivery of fuel, power or services necessary for the use of such vehicles.

"(b) ELIGIBILITY.—A public-use airport is eligible for participation in the program if the eligible vehicles or equipment are—

"(1) used exclusively on airport property; or

"(2) used exclusively to transport passengers and employees between the airport and—

"(A) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

"(B) an intermodal surface transportation facility adjacent to the airport.";

(2) by striking subsections (d) through (f) and inserting the following:

"(d) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program shall be the Federal share specified in section 47109.

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The sponsor of a public-use airport may use not more than 10 percent of the amounts made available to the sponsor under the program in any fiscal year for—

"(A) technical assistance; and

"(B) project management support to assist the airport with the solicitation, acquisition, and deployment of zero-

emission vehicles, related equipment, and supporting infrastructure.

"(2) PROVIDERS OF TECHNICAL ASSISTANCE.—To receive the technical assistance or project management support described in paragraph (1), participants in the program may use—

"(A) a nonprofit organization selected by the Secretary; or

"(B) a university transportation center receiving grants under section 5505 in the region of the airport.

"(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may create and make available materials identifying best practices for carrying out activities funded under the program based on previous related projects and other sources.

"(g) ALLOWABLE PROJECT COST.—The allowable project cost for the acquisition of a zero-emission vehicle shall be the total cost of purchasing or leasing the vehicle, including the cost of technical assistance or project management support described in subsection (e).

"(h) FLEXIBLE PROCUREMENT.—A sponsor of a public-use airport may use funds made available under the program to acquire, by purchase or lease, a zero-emission vehicle and a removable power source in separate transactions, including transactions by which the airport purchases the vehicle and leases the removable power source.

"(i) TESTING REQUIRED.—

"(1) IN GENERAL.—A sponsor of a public-use airport may not use funds made available under the program to acquire a zero-emission vehicle unless that make, model, or type of vehicle has been tested by a Federal vehicle testing facility acceptable to the Secretary.

"(2) PENALTIES FOR FALSE STATEMENTS.—A certification of compliance under paragraph (1) shall be considered a certification required under this subchapter for purposes of section 47126.

"(j) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE ZERO-EMISSION VEHICLE AND EQUIPMENT.—The term 'eligible zero-emission vehicle and equipment' means a zero-emission vehicle, equipment related to such a vehicle, or ground support equipment that includes zero-emission technology that is—

"(A) used exclusively on airport property; or

"(B) used exclusively to transport passengers and employees between the airport and—

"(i) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

"(ii) an intermodal surface transportation facility adjacent to the airport.

"(2) REMOVABLE POWER SOURCE.—The term 'removable power source' means a power source that is separately installed in, and removable from, a zero-emission vehicle and may include a battery, a fuel cell, an ultra-capacitor, or other power source used in a zero-emission vehicle.

"(3) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means—

"(A) a zero-emission vehicle as defined in section 88.102–94 of title 40, Code of Federal Regulations; or

"(B) a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) under any possible operational modes and conditions.".

(b) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1)(A) of title 49, United States Code, is amended by inserting "for airport development described in section 47102(3)(Q)," after "under section 47141,".

(c) DEPLOYMENT OF ZERO EMISSION VEHICLE TECHNOLOGY.— 49 USC 47136 note.

(1) ESTABLISHMENT.—The Secretary of Transportation may establish a zero-emission airport technology program—

(A) to facilitate the deployment of commercially viable zero-emission airport vehicles, technology, and related infrastructure; and

(B) to minimize the risk of deploying such vehicles, technology, and infrastructure.

(2) GENERAL AUTHORITY.—

(A) ASSISTANCE TO NONPROFIT ORGANIZATIONS.—The Secretary may provide assistance under the program to not more than 3 geographically diverse, eligible organizations to conduct zero-emission airport technology and infrastructure projects.

(B) FORMS OF ASSISTANCE.—The Secretary may provide assistance under the program in the form of grants, contracts, and cooperative agreements.

(3) SELECTION OF PARTICIPANTS.—

(A) NATIONAL SOLICITATION.—In selecting participants, the Secretary shall—

(i) conduct a national solicitation for applications for assistance under the program; and

(ii) select the recipients of assistance under the program on a competitive basis.

(B) CONSIDERATIONS.—In selecting from among applicants for assistance under the program, the Secretary shall consider—

(i) the ability of an applicant to contribute significantly to deploying zero-emission technology as the technology relates to airport operations;

(ii) the financing plan and cost-share potential of the applicant; and

(iii) other factors, as the Secretary determines appropriate.

(C) PRIORITY.—ln selecting from among applicants for assistance under the program, the Secretary shall give priority consideration to an applicant that has successfully managed advanced transportation technology projects, including projects related to zero-emission transportation operations.

(4) ELIGIBLE PROJECTS.—A recipient of assistance under the program shall use the assistance—

(A) to review and conduct demonstrations of zero-emission technologies and related infrastructure at airports;

(B) to evaluate the credibility of new, unproven vehicle and energy-efficient technologies in various aspects of airport operations prior to widespread investment in the technologies by airports and the aviation industry;

(C) to collect data and make the recipient's findings available to airports, so that airports can evaluate the applicability of new technologies to their facilities; and

(D) to report the recipient's findings to the Secretary.

(5) ADMINISTRATIVE PROVISIONS.—

(A) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program may not exceed 80 percent.

(B) TERMS AND CONDITIONS.—A grant, contract, or cooperative agreement under this section shall be subject to such terms and conditions as the Secretary determines appropriate.

(6) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that has expertise in zero-emission technology.

(B) ORGANIZATION.—The term "organization" means—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

(ii) a university transportation center receiving grants under section 5505 of title 49, United States Code; or

(iii) any other Federal or non-Federal entity as the Secretary considers appropriate.

TITLE II—FAA SAFETY CERTIFICATION REFORM

Subtitle A—General Provisions

49 USC 44701 note.

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the FAA.

(2) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Safety Oversight and Certification Advisory Committee established under section 202.

(3) FAA.—The term "FAA" means the Federal Aviation Administration.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) SYSTEMS SAFETY APPROACH.—The term "systems safety approach" means the application of specialized technical and managerial skills to the systematic, forward-looking identification and control of hazards throughout the lifecycle of a project, program, or activity.

49 USC 44701 note.

SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a Safety Oversight and Certification Advisory Committee.

(b) DUTIES.—The Advisory Committee shall provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities, including, at a minimum, the following:

(1) Aircraft and flight standards certification processes, including efforts to streamline those processes.

(2) Implementation and oversight of safety management systems.

(3) Risk-based oversight efforts.

(4) Utilization of delegation and designation authorities, including organization designation authorization.

(5) Regulatory interpretation standardization efforts.

(6) Training programs.

(7) Expediting the rulemaking process and giving priority to rules related to safety.

(8) Enhancing global competitiveness of United States manufactured and United States certificated aerospace and aviation products and services throughout the world.

(c) FUNCTIONS.—In carrying out its duties under subsection (b), the Advisory Committee shall:

(1) Foster industry collaboration in an open and transparent manner.

(2) Consult with, and ensure participation by—

(A) the private sector, including representatives of—

(i) general aviation;

(ii) commercial aviation;

(iii) aviation labor;

(iv) aviation maintenance, repair, and overhaul;

(v) aviation, aerospace, and avionics manufacturing;

(vi) unmanned aircraft systems operators and manufacturers; and

(vii) the commercial space transportation industry;

(B) members of the public; and

(C) other interested parties.

(3) Recommend consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and safety oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace.

(4) Provide policy guidance recommendations for the FAA's certification and safety oversight efforts.

(5) On a regular basis, review and provide recommendations on the FAA's certification and safety oversight efforts.

(6) Periodically review and evaluate registration, certification, and related fees.

(7) Provide appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment.

(8) Recommend performance objectives for the FAA and industry.

(9) Recommend performance metrics and goals to track and review the FAA and the regulated aviation industry on

their progress towards streamlining certification reform, conducting flight standards reform, and carrying out regulation consistency efforts.

(10) Provide a venue for tracking progress toward national goals and sustaining joint commitments.

(11) Recommend recruiting, hiring, training, and continuing education objectives for FAA aviation safety engineers and aviation safety inspectors.

(12) Provide advice and recommendations to the FAA on how to prioritize safety rulemaking projects.

(13) Improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues.

(14) Facilitate the validation and acceptance of United States manufactured and United States certificated products and services throughout the world.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be composed of the following members:

(A) The Administrator (or the Administrator's designee).

(B) At least 11 individuals, appointed by the Secretary, each of whom represents at least 1 of the following interests:

(i) Transport aircraft and engine manufacturers.

(ii) General aviation aircraft and engine manufacturers.

(iii) Avionics and equipment manufacturers.

(iv) Aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers.

(v) General aviation operators.

(vi) Air carriers.

(vii) Business aviation operators.

(viii) Unmanned aircraft systems manufacturers and operators.

(ix) Aviation safety management experts.

(x) Aviation maintenance, repair, and overhaul.

(xi) Airport owners and operators.

(2) NONVOTING MEMBERS.—

(A) IN GENERAL.—In addition to the members appointed under paragraph (1), the Advisory Committee shall be composed of nonvoting members appointed by the Secretary from among individuals representing FAA safety oversight program offices.

(B) DUTIES.—The nonvoting members may—

(i) take part in deliberations of the Advisory Committee; and

(ii) provide input with respect to any final reports or recommendations of the Advisory Committee.

(C) LIMITATION.—The nonvoting members may not represent any stakeholder interest other than that of an FAA safety oversight program office.

(3) TERMS.—Each voting member and nonvoting member of the Advisory Committee appointed by the Secretary shall be appointed for a term of 2 years.

(4) COMMITTEE CHARACTERISTICS.—The Advisory Committee shall have the following characteristics:

(A) Each voting member under paragraph (1)(B) shall be an executive officer of the organization who has decision-making authority within the member's organization and can represent and enter into commitments on behalf of such organization.

(B) The ability to obtain necessary information from experts in the aviation and aerospace communities.

(C) A membership size that enables the Advisory Committee to have substantive discussions and reach consensus on issues in a timely manner.

(D) Appropriate expertise, including expertise in certification and risked-based safety oversight processes, operations, policy, technology, labor relations, training, and finance.

(5) LIMITATION ON STATUTORY CONSTRUCTION.—Public Law 104–65 (2 U.S.C. 1601 et seq.) may not be construed to prohibit or otherwise limit the appointment of any individual as a member of the Advisory Committee.

(e) CHAIRPERSON.—

(1) IN GENERAL.—The Chairperson of the Advisory Committee shall be appointed by the Secretary from among those members of the Advisory Committee that are voting members under subsection (d)(1)(B).

(2) TERM.—Each member appointed under paragraph (1) shall serve a term of 2 years as Chairperson.

(f) MEETINGS.—

(1) FREQUENCY.—The Advisory Committee shall meet at least twice each year at the call of the Chairperson.

(2) PUBLIC ATTENDANCE.—The meetings of the Advisory Committee shall be open and accessible to the public.

(g) SPECIAL COMMITTEES.—

(1) ESTABLISHMENT.—The Advisory Committee may establish special committees composed of private sector representatives, members of the public, labor representatives, and other relevant parties in complying with consultation and participation requirements under this section.

(2) RULEMAKING ADVICE.—A special committee established by the Advisory Committee may—

(A) provide rulemaking advice and recommendations to the Advisory Committee with respect to aviation-related issues;

(B) provide the FAA additional opportunities to obtain firsthand information and insight from those parties that are most affected by existing and proposed regulations; and

(C) assist in expediting the development, revision, or elimination of rules without circumventing public rulemaking processes and procedures.

(3) APPLICABLE LAW.—Public Law 92–463 shall not apply to a special committee established by the Advisory Committee.

(h) SUNSET.—The Advisory Committee shall terminate on the last day of the 6-year period beginning on the date of the initial appointment of the members of the Advisory Committee.

(i) TERMINATION OF AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE.—The Air Traffic Procedures Advisory Committee established by the FAA shall terminate on the date of the initial appointment of the members of the Advisory Committee.

Subtitle B—Aircraft Certification Reform

49 USC 44701 note.

SEC. 211. AIRCRAFT CERTIFICATION PERFORMANCE OBJECTIVES AND METRICS.

(a) IN GENERAL.—Not later than 120 days after the date on which the Advisory Committee is established under section 202, the Administrator shall establish performance objectives and apply and track performance metrics for the FAA and the aviation industry relating to aircraft certification in accordance with this section.

(b) COLLABORATION.—The Administrator shall carry out this section in collaboration with the Advisory Committee and update agency performance objectives and metrics after considering the recommendations of the Advisory Committee under paragraphs (8) and (9) of section 202(c).

(c) PERFORMANCE OBJECTIVES.—In carrying out subsection (a), the Administrator shall establish performance objectives for the FAA and the aviation industry to ensure that, with respect to aircraft certification, progress is made toward, at a minimum—

(1) eliminating certification delays and improving cycle times;

(2) increasing accountability for both the FAA and the aviation industry;

(3) achieving full utilization of FAA delegation and designation authorities, including organizational designation authorization;

(4) fully implementing risk management principles and a systems safety approach;

(5) reducing duplication of effort;

(6) increasing transparency;

(7) developing and providing training, including recurrent training, in auditing and a systems safety approach to certification oversight;

(8) improving the process for approving or accepting certification actions between the FAA and bilateral partners;

(9) maintaining and improving safety;

(10) streamlining the hiring process for—

(A) qualified systems safety engineers to support the FAA's efforts to implement a systems safety approach; and

(B) qualified systems engineers to guide the engineering of complex systems within the FAA; and

(11) maintaining the leadership of the United States in international aviation and aerospace.

(d) PERFORMANCE METRICS.—In carrying out subsection (a), the Administrator shall apply and track performance metrics for the FAA and the regulated aviation industry established by the Advisory Committee.

(e) DATA GENERATION.—

(1) BASELINES.—Not later than 1 year after the date on which the Advisory Committee recommends initial performance

metrics for the FAA and the regulated aviation industry under section 202, the Administrator shall generate initial data with respect to each of the performance metrics applied and tracked under this section.

(2) BENCHMARKS TO MEASURE PROGRESS TOWARD GOALS.—The Administrator shall use the metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the achievement of national goals recommended by the Advisory Committee.

(f) PUBLICATION.—The Administrator shall make data generated using the performance metrics applied and tracked under this section available to the public in a searchable, sortable, and downloadable format through the internet website of the FAA or other appropriate methods and shall ensure that the data are made available in a manner that—

(1) does not provide identifying information regarding an individual or entity; and

(2) prevents inappropriate disclosure of proprietary information.

SEC. 212. ORGANIZATION DESIGNATION AUTHORIZATIONS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

"§ 44736. Organization designation authorizations

49 USC 44736.

"(a) DELEGATIONS OF FUNCTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), when overseeing an ODA holder, the Administrator of the FAA shall—

"(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator's designee), a procedures manual that addresses all procedures and limitations regarding the functions to be performed by the ODA holder;

"(B) delegate fully to the ODA holder each of the functions to be performed as specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to 1 or more of the functions;

"(C) conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings; and

"(D) for each function that is limited under subparagraph (B), work with the ODA holder to develop the ODA holder's capability to execute that function safely and effectively and return to full authority status.

"(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—

"(A) perform each specified function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

"(B) make the procedures manual available to each member of the appropriate ODA unit; and

"(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

"(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures manual approved by the Administrator before the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall—

"(A) at the request of the ODA holder and in an expeditious manner, approve revisions to the ODA holder's procedures manual;

"(B) delegate fully to the ODA holder each of the functions to be performed as specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to one or more of the functions;

"(C) conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings; and

"(D) for each function that is limited under subparagraph (B), work with the ODA holder to develop the ODA holder's capability to execute that function safely and effectively and return to full authority status.

"(b) ODA OFFICE.—

"(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Administrator of the FAA shall identify, within the FAA Office of Aviation Safety, a centralized policy office to be known as the Organization Designation Authorization Office or the ODA Office.

"(2) PURPOSE.—The purpose of the ODA Office shall be to provide oversight and ensure the consistency of the FAA's audit functions under the ODA program across the FAA.

"(3) FUNCTIONS.—The ODA Office shall—

"(A)(i) at the request of an ODA holder, eliminate all limitations specified in a procedures manual in place on the day before the date of enactment of the FAA Reauthorization Act of 2018 that are low and medium risk as determined by a risk analysis using criteria established by the ODA Office and disclosed to the ODA holder, except where an ODA holder's performance warrants the retention of a specific limitation due to documented concerns about inadequate current performance in carrying out that authorized function;

"(ii) require an ODA holder to establish a corrective action plan to regain authority for any retained limitations;

"(iii) require an ODA holder to notify the ODA Office when all corrective actions have been accomplished; and

"(iv) make a reassessment to determine if subsequent performance in carrying out any retained limitation warrants continued retention and, if such reassessment determines performance meets objectives, lift such limitation immediately;

"(B) improve FAA and ODA holder performance and ensure full utilization of the authorities delegated under the ODA program;

"(C) develop a more consistent approach to audit priorities, procedures, and training under the ODA program;

"(D) review, in a timely fashion, a random sample of limitations on delegated authorities under the ODA program to determine if the limitations are appropriate;

"(E) ensure national consistency in the interpretation and application of the requirements of the ODA program, including any limitations, and in the performance of the ODA program; and

"(F) at the request of an ODA holder, review and approve new limitations to ODA functions.

"(c) DEFINITIONS.—In this section, the following definitions apply:

"(1) FAA.—The term 'FAA' means the Federal Aviation Administration.

"(2) ODA HOLDER.—The term 'ODA holder' means an entity authorized to perform functions pursuant to a delegation made by the Administrator of the FAA under section 44702(d).

"(3) ODA UNIT.—The term "ODA unit" means a group of 2 or more individuals who perform, under the supervision of an ODA holder, authorized functions under an ODA.

"(4) ORGANIZATION.—The term "organization" means a firm, partnership, corporation, company, association, joint-stock association, or governmental entity.

"(5) ORGANIZATION DESIGNATION AUTHORIZATION; ODA.—The term 'Organization Designation Authorization' or 'ODA' means an authorization by the FAA under section 44702(d) for an organization composed of 1 or more ODA units to perform approved functions on behalf of the FAA.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

49 USC prec. 44701.

"44736. Organization designation authorizations.".

SEC. 213. ODA REVIEW.

(a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

(1) EXPERT PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert review panel (in this section referred to as the "Panel").

(2) COMPOSITION OF PANEL.—

(A) APPOINTMENT OF MEMBERS.—The Panel shall be composed of not more than 20 members appointed by the Administrator.

(B) QUALIFICATIONS.—The members appointed to the Panel shall—

(i) each have a minimum of 5 years of experience in processes and procedures under the ODA program; and

(ii) represent, at a minimum, ODA holders, aviation manufacturers, safety experts, and FAA labor organizations, including labor representatives of FAA aviation safety inspectors and aviation safety engineers.

(b) SURVEY.—The Panel shall conduct a survey of ODA holders and ODA program applicants to document and assess FAA certification and oversight activities, including use of the ODA program and the timeliness and efficiency of the certification process. In

carrying out this subsection, the Panel shall consult with appropriate survey experts to best design and conduct the survey.

(c) ASSESSMENT AND RECOMMENDATIONS.—The Panel shall assess and make recommendations concerning—

(1) the FAA's processes and procedures under the ODA program and whether the processes and procedures function as intended;

(2) the best practices of and lessons learned by ODA holders and FAA personnel who provide oversight of ODA holders;

(3) performance incentive policies that—

(A) are related to the ODA program for FAA personnel; and

(B) do not conflict with the public interest;

(4) training activities related to the ODA program for FAA personnel and ODA holders;

(5) the impact, if any, that oversight of the ODA program has on FAA resources and the FAA's ability to process applications for certifications outside of the ODA program; and

(6) the results of the survey conducted under subsection (b).

(d) REPORT.—Not later than 180 days after the date the Panel is convened under subsection (a), the Panel shall submit to the Administrator, the Advisory Committee, and the appropriate committees of Congress a report on the findings and recommendations of the Panel.

(e) DEFINITIONS.—The definitions contained in section 44736 of title 49, United States Code, as added by this Act, apply to this section.

(f) APPLICABLE LAW.—Public Law 92–463 shall not apply to the Panel.

(g) SUNSET.—The Panel shall terminate on the date of submission of the report under subsection (d), or on the date that is 1 year after the Panel is convened under subsection (a), whichever occurs first.

SEC. 214. TYPE CERTIFICATION RESOLUTION PROCESS.

(a) IN GENERAL.—Section 44704(a) of title 49, United States Code, is amended by adding at the end the following:

"(6) TYPE CERTIFICATION RESOLUTION PROCESS.—

"(A) IN GENERAL.—Not later than 15 months after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall establish an effective, timely, and milestone-based issue resolution process for type certification activities under this subsection.

"(B) PROCESS REQUIREMENTS.—The resolution process shall provide for—

"(i) resolution of technical issues at pre-established stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

"(ii) automatic elevation to appropriate management personnel of the Federal Aviation Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant; and

"(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant.

"(C) MAJOR CERTIFICATION PROCESS MILESTONE DEFINED.—In this paragraph, the term 'major certification process milestone' means a milestone related to a type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.".

(b) TECHNICAL AMENDMENT.—Section 44704 of title 49, United States Code, is amended in the section heading by striking "**airworthiness certificates,,**" and inserting "**airworthiness certificates,**".

SEC. 215. REVIEW OF CERTIFICATION PROCESS FOR SMALL GENERAL AVIATION AIRPLANES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the Federal Aviation Administration's implementation of the final rule titled "Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes" (81 Fed. Reg. 96572).

(b) CONSIDERATIONS.—In carrying out the review, the Comptroller General shall assess—

(1) how the rule puts into practice the Administration's efforts to implement performance and risk-based safety standards;

(2) the extent to which the rule has resulted in the implementation of a streamlined regulatory regime to improve safety, reduce regulatory burden, and decrease costs;

(3) whether the rule and its implementation have spurred innovation and technological adoption;

(4) how consensus standards accepted by the FAA facilitate the development of new safety equipment and aircraft capabilities; and

(5) whether lessons learned from the rule and its implementation have resulted in best practices that could be applied to airworthiness standards for other categories of aircraft.

(c) REPORT.—Not later than 180 days after the date of initiation of the review, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review, including findings and recommendations.

SEC. 216. ODA STAFFING AND OVERSIGHT.

(a) REPORT TO CONGRESS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administration's progress with respect to—

(1) determining what additional model inputs and labor distribution codes are needed to identify ODA oversight staffing needs;

(2) developing and implementing system-based evaluation criteria and risk-based tools to aid ODA team members in targeting their oversight activities;

(3) developing agreements and processes for sharing resources to ensure adequate oversight of ODA personnel performing certification and inspection work at supplier and company facilities; and

(4) ensuring full utilization of ODA authority.

(b) ODA DEFINED.—In this section, the term "ODA" has the meaning given that term in section 44736 of title 49, United States Code, as added by this Act.

Subtitle C—Flight Standards Reform

49 USC 44701 note.

SEC. 221. FLIGHT STANDARDS PERFORMANCE OBJECTIVES AND METRICS.

(a) IN GENERAL.—Not later than 120 days after the date on which the Advisory Committee is established under section 202, the Administrator shall establish performance objectives and apply and track performance metrics for the FAA and the aviation industry relating to flight standards activities in accordance with this section.

(b) COLLABORATION.—The Administrator shall carry out this section in collaboration with the Advisory Committee, and update agency performance objectives and metrics after considering the recommendations of the Advisory Committee under paragraphs (8) and (9) of section 202(c).

(c) PERFORMANCE OBJECTIVES.—In carrying out subsection (a), the Administrator shall establish performance objectives for the FAA and the aviation industry to ensure that, with respect to flight standards activities, progress is made toward, at a minimum—

(1) eliminating delays with respect to such activities;

(2) increasing accountability for both the FAA and the aviation industry;

(3) achieving full utilization of FAA delegation and designation authorities, including organizational designation authority;

(4) fully implementing risk management principles and a systems safety approach;

(5) reducing duplication of effort;

(6) eliminating inconsistent regulatory interpretations and inconsistent enforcement activities;

(7) improving and providing greater opportunities for training, including recurrent training, in auditing and a systems safety approach to oversight;

(8) developing and allowing utilization of a single master source for guidance;

(9) providing and utilizing a streamlined appeal process for the resolution of regulatory interpretation questions;

(10) maintaining and improving safety; and

(11) increasing transparency.

(d) PERFORMANCE METRICS.—In carrying out subsection (a), the Administrator shall apply and track performance metrics for the FAA and the regulated aviation industry established by the Advisory Committee.

(e) DATA GENERATION.—

(1) BASELINES.—Not later than 1 year after the date on which the Advisory Committee recommends initial performance metrics for the FAA and the regulated aviation industry under

section 202, the Administrator shall generate initial data with respect to each of the performance metrics applied and tracked under this section.

(2) BENCHMARKS TO MEASURE PROGRESS TOWARD GOALS.—The Administrator shall use the metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the achievement of national goals recommended by the Advisory Committee.

(f) PUBLICATION.—The Administrator shall make data generated using the performance metrics applied and tracked under this section available to the public in a searchable, sortable, and downloadable format through the internet website of the FAA or other appropriate methods and shall ensure that the data are made available in a manner that—

(1) does not provide identifying information regarding an individual or entity; and

(2) prevents inappropriate disclosure of proprietary information.

SEC. 222. FAA TASK FORCE ON FLIGHT STANDARDS REFORM.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish the FAA Task Force on Flight Standards Reform (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The membership of the Task Force shall be appointed by the Administrator.

(2) NUMBER.—The Task Force shall be composed of not more than 20 members.

(3) REPRESENTATION REQUIREMENTS.—The membership of the Task Force shall include representatives, with knowledge of flight standards regulatory processes and requirements, of—

(A) air carriers;

(B) general aviation;

(C) business aviation;

(D) repair stations;

(E) unmanned aircraft systems operators;

(F) flight schools;

(G) labor unions, including those representing FAA aviation safety inspectors and those representing FAA aviation safety engineers;

(H) aviation and aerospace manufacturers; and

(I) aviation safety experts.

(c) DUTIES.—The duties of the Task Force shall include, at a minimum, identifying best practices and providing recommendations, for current and anticipated budgetary environments, with respect to—

(1) simplifying and streamlining flight standards regulatory processes, including issuance and oversight of certificates;

(2) reorganizing Flight Standards Services to establish an entity organized by function rather than geographic region, if appropriate;

(3) FAA aviation safety inspector training opportunities;

(4) ensuring adequate and timely provision of Flight Standards activities and responses necessary for type certification, operational evaluation, and entry into service of newly manufactured aircraft;

(5) FAA aviation safety inspector standards and performance; and

(6) achieving, across the FAA, consistent—

(A) regulatory interpretations; and

(B) application of oversight activities.

(d) REPORT.—Not later than 1 year after the date of the establishment of the Task Force, the Task Force shall submit to the appropriate committees of Congress a report detailing—

(1) the best practices identified and recommendations provided by the Task Force under subsection (c); and

(2) any recommendations of the Task Force for additional regulatory, policy, or cost-effective legislative action to improve the efficiency of agency activities.

(e) APPLICABLE LAW.—Public Law 92–463 shall not apply to the Task Force.

(f) SUNSET.—The Task Force shall terminate on the earlier of—

(1) the date on which the Task Force submits the report required under subsection (d); or

(2) the date that is 18 months after the date on which the Task Force is established under subsection (a).

49 USC 44701 note.

SEC. 223. CENTRALIZED SAFETY GUIDANCE DATABASE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a centralized safety guidance database that will—

(1) encompass all of the regulatory guidance documents of the FAA Office of Aviation Safety;

(2) contain, for each such guidance document, a link to the Code of Federal Regulations provision to which the document relates; and

(3) be publicly available in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and

(B) prevents inappropriate disclosure proprietary information.

(b) DATA ENTRY TIMING.—

(1) EXISTING DOCUMENTS.—Not later than 14 months after the date of enactment of this Act, the Administrator shall begin entering into the database established under subsection (a) all of the regulatory guidance documents of the Office of Aviation Safety that are in effect and were issued before the date on which the Administrator begins such entry process.

(2) NEW DOCUMENTS AND CHANGES.—On and after the date on which the Administrator begins the document entry process under paragraph (1), the Administrator shall ensure that all new regulatory guidance documents of the Office of Aviation Safety and any changes to existing documents are included in the database established under subsection (a) as such documents or changes to existing documents are issued.

(c) CONSULTATION REQUIREMENT.—In establishing the database under subsection (a), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers and FAA aviation safety inspectors) and aviation industry stakeholders.

(d) REGULATORY GUIDANCE DOCUMENTS DEFINED.—In this section, the term "regulatory guidance documents" means all forms of written information issued by the FAA that an individual or entity may use to interpret or apply FAA regulations and requirements, including information an individual or entity may use to determine acceptable means of compliance with such regulations and requirements, such as an order, manual, circular, policy statement, legal interpretation memorandum, or rulemaking document.

SEC. 224. REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

49 USC 44701 note.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a Regulatory Consistency Communications Board (in this section referred to as the "Board").

(b) CONSULTATION REQUIREMENT.—In establishing the Board, the Administrator shall consult and collaborate with appropriate stakeholders, including FAA labor organizations (including labor organizations representing FAA aviation safety inspectors) and industry stakeholders.

(c) MEMBERSHIP.—The Board shall be composed of FAA representatives, appointed by the Administrator, from—

(1) the Flight Standards Service;

(2) the Aircraft Certification Service; and

(3) the Office of the Chief Counsel.

(d) FUNCTIONS.—The Board shall carry out the following functions:

(1) Establish, at a minimum, processes by which—

(A) FAA personnel and persons regulated by the FAA may submit anonymous regulatory interpretation questions without fear of retaliation;

(B) FAA personnel may submit written questions, and receive written responses, as to whether a previous approval or regulatory interpretation issued by FAA personnel in another office or region is correct or incorrect; and

(C) any other person may submit written anonymous regulatory interpretation questions.

(2) Meet on a regular basis to discuss and resolve questions submitted pursuant to paragraph (1) and the appropriate application of regulations and policy with respect to each question.

(3) Provide to a person that submitted a question pursuant to subparagraph (A) or (B) of paragraph (1) a timely written response to the question.

(4) Establish a process to make resolutions of common regulatory interpretation questions publicly available to FAA personnel, persons regulated by the FAA, and the public without revealing any identifying data of the person that submitted the question and in a manner that protects any proprietary information.

(5) Ensure the incorporation of resolutions of questions submitted pursuant to paragraph (1) into regulatory guidance documents, as such term is defined in section 223(d).

(e) PERFORMANCE METRICS, TIMELINES, AND GOALS.—Not later than 180 days after the date on which the Advisory Committee recommends performance objectives and performance metrics for the FAA and the regulated aviation industry under section 202,

the Administrator, in collaboration with the Advisory Committee, shall—

(1) establish performance metrics, timelines, and goals to measure the progress of the Board in resolving regulatory interpretation questions submitted pursuant to subsection (d)(1); and

(2) implement a process for tracking the progress of the Board in meeting the performance metrics, timelines, and goals established under paragraph (1).

Subtitle D—Safety Workforce

SEC. 231. SAFETY WORKFORCE TRAINING STRATEGY.

(a) SAFETY WORKFORCE TRAINING STRATEGY.—Not later than 60 days after the date of enactment of this Act, the Administrator shall review and revise its safety workforce training strategy to ensure that such strategy—

(1) aligns with an effective risk-based approach to safety oversight;

(2) best uses available resources;

(3) allows FAA employees participating in organization management teams or conducting ODA program audits to complete, in a timely fashion, appropriate training, including recurrent training, in auditing and a systems safety approach to oversight;

(4) seeks knowledge-sharing opportunities between the FAA and the aviation industry in new technologies, equipment and systems, best practices, and other areas of interest related to safety oversight;

(5) functions within the current and anticipated budgetary environments;

(6) fosters an inspector and engineer workforce that has the skills and training necessary to improve risk-based approaches that focus on requirements management and auditing skills; and

(7) includes, as appropriate, milestones and metrics for meeting the requirements of paragraphs (1) through (5).

(b) REPORT.—Not later than 270 days after the date of the revision of the strategy required under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the implementation of the strategy and progress in meeting any milestones and metrics included in the strategy.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ODA; ODA HOLDER.—The terms "ODA" and "ODA holder" have the meanings given those terms in section 44736 of title 49, United States Code, as added by this Act.

(2) ODA PROGRAM.—The term "ODA program" means the program to standardize FAA management and oversight of the organizations that are approved to perform certain functions on behalf of the Administration under section 44702(d) of title 49, United States Code.

(3) ORGANIZATION MANAGEMENT TEAM.—The term "organization management team" means a team consisting of FAA aviation safety engineers, flight test pilots, and aviation

safety inspectors overseeing an ODA holder and its certification activity.

SEC. 232. WORKFORCE REVIEW.

(a) WORKFORCE REVIEW.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review to assess the workforce and training needs of the FAA Office of Aviation Safety in the anticipated budgetary environment.

(b) CONTENTS.—The review required under subsection (a) shall include—

(1) a review of current aviation safety inspector and aviation safety engineer hiring, training, and recurrent training requirements;

(2) an analysis of the skills and qualifications required of aviation safety inspectors and aviation safety engineers for successful performance in the current and future projected aviation safety regulatory environment, including the need for a systems engineering discipline within the FAA to guide the engineering of complex systems, with an emphasis on auditing designated authorities;

(3) a review of current performance incentive policies of the FAA, as applied to the Office of Aviation Safety, including awards for performance;

(4) an analysis of ways the FAA can work with industry and labor, including labor groups representing FAA aviation safety inspectors and aviation safety engineers, to establish knowledge-sharing opportunities between the FAA and the aviation industry regarding new equipment and systems, best practices, and other areas of interest; and

(5) recommendations on the most effective qualifications, training programs (including e-learning training), and performance incentive approaches to address the needs of the future projected aviation safety regulatory system in the anticipated budgetary environment.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review required under subsection (a).

Subtitle E—International Aviation

SEC. 241. PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.

Section 40104 of title 49, United States Code, is amended by adding at the end the following:

"(d) PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The Secretary shall take appropriate actions to—

"(1) promote United States aerospace-related safety standards abroad;

"(2) facilitate and vigorously defend approvals of United States aerospace products and services abroad;

"(3) with respect to bilateral partners, utilize bilateral safety agreements and other mechanisms to improve validation of United States certificated aeronautical products, services,

and appliances and enhance mutual acceptance in order to eliminate redundancies and unnecessary costs; and

"(4) with respect to the aeronautical safety authorities of a foreign country, streamline validation and coordination processes.".

SEC. 242. BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.

Section 44701(e) of title 49, United States Code, is amended by adding at the end the following:

"(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

"(A) ACCEPTANCE.—Subject to subparagraph (D), the Administrator may accept an airworthiness directive, as defined in section 39.3 of title 14, Code of Federal Regulations, issued by an aeronautical safety authority of a foreign country, and leverage that authority's regulatory process, if—

"(i) the country is the state of design for the product that is the subject of the airworthiness directive;

"(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

"(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that such aeronautical safety authority has an aircraft certification system relating to safety that produces a level of safety equivalent to the level produced by the system of the Federal Aviation Administration;

"(iv) the aeronautical safety authority of the country utilizes an open and transparent notice and comment process in the issuance of airworthiness directives; and

"(v) the airworthiness directive is necessary to provide for the safe operation of the aircraft subject to the directive.

"(B) ALTERNATIVE APPROVAL PROCESS.—Notwithstanding subparagraph (A), the Administrator may issue a Federal Aviation Administration airworthiness directive instead of accepting an airworthiness directive otherwise eligible for acceptance under such subparagraph, if the Administrator determines that such issuance is necessary for safety or operational reasons due to the complexity or unique features of the Federal Aviation Administration airworthiness directive or the United States aviation system.

"(C) ALTERNATIVE MEANS OF COMPLIANCE.—The Administrator may—

"(i) accept an alternative means of compliance, with respect to an airworthiness directive accepted under subparagraph (A), that was approved by the aeronautical safety authority of the foreign country that issued the airworthiness directive; or

"(ii) notwithstanding subparagraph (A), and at the request of any person affected by an airworthiness directive accepted under such subparagraph, approve an alternative means of compliance with respect to the airworthiness directive.

"(D) LIMITATION.—The Administrator may not accept an airworthiness directive issued by an aeronautical safety authority of a foreign country if the airworthiness directive addresses matters other than those involving the safe operation of an aircraft.".

SEC. 243. FAA LEADERSHIP ABROAD.

49 USC 44701 note.

(a) IN GENERAL.—To promote United States aerospace safety standards, reduce redundant regulatory activity, and facilitate acceptance of FAA design and production approvals abroad, the Administrator shall—

(1) attain greater expertise in issues related to dispute resolution, intellectual property, and export control laws to better support FAA certification and other aerospace regulatory activities abroad;

(2) work with United States companies to more accurately track the amount of time it takes foreign authorities, including bilateral partners, to validate United States certificated aeronautical products;

(3) provide assistance to United States companies that have experienced significantly long foreign validation wait times;

(4) work with foreign authorities, including bilateral partners, to collect and analyze data to determine the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA;

(5) establish appropriate benchmarks and metrics to measure the success of bilateral aviation safety agreements and to reduce the validation time for United States certificated aeronautical products abroad; and

(6) work with foreign authorities, including bilateral partners, to improve the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) describes the FAA's strategic plan for international engagement;

(2) describes the structure and responsibilities of all FAA offices that have international responsibilities, including the Aircraft Certification Office, and all the activities conducted by those offices related to certification and production;

(3) describes current and forecasted staffing and travel needs for the FAA's international engagement activities, including the needs of the Aircraft Certification Office in the current and forecasted budgetary environment;

(4) provides recommendations, if appropriate, to improve the existing structure and personnel and travel policies supporting the FAA's international engagement activities, including the activities of the Aviation Certification Office, to better support the growth of United States aerospace exports; and

(5) identifies cost-effective policy initiatives, regulatory initiatives, or legislative initiatives needed to improve and enhance

the timely acceptance of United States aerospace products abroad.

(c) INTERNATIONAL TRAVEL.—The Administrator, or the Administrator's designee, may authorize international travel for any FAA employee, without the approval of any other person or entity, if the Administrator determines that the travel is necessary—

(1) to promote United States aerospace safety standards; or

(2) to support expedited acceptance of FAA design and production approvals.

SEC. 244. REGISTRATION, CERTIFICATION, AND RELATED FEES.

Section 45305 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "Subject to subsection (b)" and inserting "Subject to subsection (c)";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

"(b) CERTIFICATION SERVICES.—Subject to subsection (c), and notwithstanding section 45301(a), the Administrator may establish and collect a fee from a foreign government or entity for services related to certification, regardless of where the services are provided, if the fee—

"(1) is established and collected in a manner consistent with aviation safety agreements; and

"(2) does not exceed the estimated costs of the services.".

TITLE III—SAFETY

Subtitle A—General Provisions

49 USC 44701 note.

SEC. 301. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the FAA.

(2) FAA.—The term "FAA" means the Federal Aviation Administration.

49 USC 44701 note.

SEC. 302. FAA TECHNICAL TRAINING.

(a) E-LEARNING TRAINING PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Administrator, in collaboration with the exclusive bargaining representatives of covered FAA personnel, shall establish an e-learning training pilot program in accordance with the requirements of this section.

(b) CURRICULUM.—The pilot program shall—

(1) include a recurrent training curriculum for covered FAA personnel to ensure that the covered FAA personnel receive instruction on the latest aviation technologies, processes, and procedures;

(2) focus on providing specialized technical training for covered FAA personnel, as determined necessary by the Administrator;

(3) include training courses on applicable regulations of the Federal Aviation Administration; and

(4) consider the efficacy of instructor-led online training.

(c) PILOT PROGRAM TERMINATION.—The pilot program shall terminate 1 year after the date of establishment of the pilot program.

(d) E-LEARNING TRAINING PROGRAM.—Upon termination of the pilot program, the Administrator shall assess and establish or update an e-learning training program that incorporates lessons learned for covered FAA personnel as a result of the pilot program.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED FAA PERSONNEL.—The term "covered FAA personnel" means airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

(2) E-LEARNING TRAINING.—The term "e-learning training" means learning utilizing electronic technologies to access educational curriculum outside of a traditional classroom.

SEC. 303. SAFETY CRITICAL STAFFING.

49 USC 44701 note.

(a) UPDATE OF FAA'S SAFETY CRITICAL STAFFING MODEL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall update the safety critical staffing model of the Administration to determine the number of aviation safety inspectors that will be needed to fulfill the safety oversight mission of the Administration.

(b) AUDIT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator has updated the safety critical staffing model under subsection (a), the Inspector General of the Department of Transportation shall conduct an audit of the staffing model.

(2) CONTENTS.—The audit shall include, at a minimum—

(A) a review of the assumptions and methodologies used in devising and implementing the staffing model to assess the adequacy of the staffing model in predicting the number of aviation safety inspectors needed—

(i) to properly fulfill the mission of the Administration; and

(ii) to meet the future growth of the aviation industry; and

(B) a determination on whether the staffing model takes into account the Administration's authority to fully utilize designees.

(3) REPORT ON AUDIT.—

(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the Inspector General shall submit to the Secretary a report on the results of the audit.

(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report, the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

SEC. 304. INTERNATIONAL EFFORTS REGARDING TRACKING OF CIVIL AIRCRAFT.

49 USC 40104 note.

The Administrator shall exercise leadership on creating a global approach to improving aircraft tracking by working with—

(1) foreign counterparts of the Administrator in the International Civil Aviation Organization and its subsidiary organizations;

(2) other international organizations and fora; and

(3) the private sector.

SEC. 305. AIRCRAFT DATA ACCESS AND RETRIEVAL SYSTEMS.

(a) ASSESSMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall initiate an assessment of aircraft data access and retrieval systems for part 121 air carrier aircraft that are used in extended overwater operations to—

(1) determine if the systems provide improved access and retrieval of aircraft data and cockpit voice recordings in the event of an aircraft accident; and

(2) assess the cost effectiveness of each system assessed.

(b) SYSTEMS TO BE EXAMINED.—The systems to be examined under this section shall include, at a minimum—

(1) various methods for improving detection and retrieval of flight data, including—

(A) low-frequency underwater locating devices; and

(B) extended battery life for underwater locating devices;

(2) automatic deployable flight recorders;

(3) emergency locator transmitters;

(4) triggered transmission of flight data and other satellite-based solutions;

(5) distress-mode tracking; and

(6) protections against disabling flight recorder systems.

(c) REPORT.—Not later than 1 year after the date of initiation of the assessment, the Administrator shall submit to the appropriate committees of Congress a report on the results of the assessment.

(d) PART 121 AIR CARRIER DEFINED.—In this section, the term "part 121 air carrier" means an air carrier with authority to conduct operations under part 121 of title 14, Code of Federal Regulations.

SEC. 306. ADVANCED COCKPIT DISPLAYS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall initiate a review of heads-up display systems, heads-down display systems employing synthetic vision systems, and enhanced vision systems (in this section referred to as "HUD systems", "SVS", and "EVS", respectively).

(b) CONTENTS.—The review shall—

(1) evaluate the impacts of single- and dual-installed HUD systems, SVS, and EVS on the safety and efficiency of aircraft operations within the national airspace system; and

(2) review a sufficient quantity of commercial aviation accidents or incidents in order to evaluate if HUD systems, SVS, or EVS would have produced a better outcome in each accident or incident.

(c) CONSULTATION.—In conducting the review, the Administrator shall consult with aviation manufacturers, representatives of pilot groups, aviation safety organizations, and any government agencies the Administrator considers appropriate.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the review,

the actions the Administrator plans to take with respect to the systems reviewed, and the associated timeline for such actions.

SEC. 307. EMERGENCY MEDICAL EQUIPMENT ON PASSENGER AIRCRAFT.

49 USC 44701 note.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall evaluate and revise, as appropriate, regulations in part 121 of title 14, Code of Federal Regulations, regarding emergency medical equipment, including the contents of first-aid kits, applicable to all certificate holders operating passenger aircraft under that part.

(b) CONSIDERATION.—In carrying out subsection (a), the Administrator shall consider whether the minimum contents of approved emergency medical kits, including approved first-aid kits, include appropriate medications and equipment to meet the emergency medical needs of children and pregnant women.

SEC. 308. FAA AND NTSB REVIEW OF GENERAL AVIATION SAFETY.

49 USC 44701 note.

(a) STUDY REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator, in coordination with the Chairman of the National Transportation Safety Board, shall initiate a study of general aviation safety.

(b) STUDY CONTENTS.—The study required under subsection (a) shall include—

(1) a review of all general aviation accidents since 2000, including a review of—

(A) the number of such accidents;

(B) the number of injuries and fatalities, including with respect to both occupants of aircraft and individuals on the ground, as a result of such accidents;

(C) the number of such accidents investigated by the National Transportation Safety Board;

(D) the number of such accidents investigated by the FAA; and

(E) a summary of the factual findings and probable cause determinations with respect to such accidents;

(2) an assessment of the most common probable cause determinations issued for general aviation accidents since 2000;

(3) an assessment of the most common facts analyzed by the FAA and the National Transportation Safety Board in the course of investigations of general aviation accidents since 2000, including operational details;

(4) a review of the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

(5) an assessment of the responses of the FAA and the general aviation community to the safety recommendations of the National Transportation Safety Board related to general aviation accidents since 2000;

(6) an assessment of the most common general aviation safety issues;

(7) a review of the total costs to the Federal Government to conduct investigations of general aviation accidents over the last 10 years; and

(8) other matters the Administrator or the Chairman considers appropriate.

(c) RECOMMENDATIONS AND ACTIONS TO ADDRESS GENERAL AVIATION SAFETY.—Based on the results of the study required under

subsection (a), the Administrator, in consultation with the Chairman, shall make such recommendations, including with respect to regulations and enforcement activities, as the Administrator considers necessary to—

(1) address general aviation safety issues identified under the study;

(2) protect persons and property on the ground; and

(3) improve the safety of general aviation operators in the United States.

(d) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake actions to address the recommendations made under subsection (c).

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the study required under subsection (a), including the recommendations described in subsection (c).

(f) GENERAL AVIATION DEFINED.—In this section, the term "general aviation" means aircraft operation for personal, recreational, or other noncommercial purposes.

SEC. 309. CALL TO ACTION AIRLINE ENGINE SAFETY REVIEW.

(a) CALL TO ACTION AIRLINE ENGINE SAFETY REVIEW.—Not later than 90 days after the date of enactment of this Act, the Administrator shall initiate a Call to Action safety review on airline engine safety in order to bring stakeholders together to share best practices and implement actions to address airline engine safety.

(b) CONTENTS.—The Call to Action safety review required pursuant to subsection (a) shall include—

(1) a review of Administration regulations, guidance, and directives related to airline engines during design and production, including the oversight of those processes;

(2) a review of Administration regulations, guidance, and directives related to airline engine operation and maintenance and the oversight of those processes;

(3) a review of reportable accidents and incidents involving airline engines during calendar years 2014 through 2018, including any identified contributing factors to the reportable accident or incident; and

(4) a process for stakeholders, including inspectors, manufacturers, maintenance providers, airlines, labor, and aviation safety experts, to provide feedback and share best practices.

(c) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the conclusion of the Call to Action safety review pursuant to subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the results of the review and any recommendations for actions or best practices to improve airline engine safety.

SEC. 310. SENSE OF CONGRESS ON ACCESS TO AIR CARRIER FLIGHT DECKS.

It is the sense of Congress that the Administrator should collaborate with other aviation authorities to advance a global standard for access to air carrier flight decks and redundancy requirements consistent with the flight deck access and redundancy requirements in the United States.

SEC. 311. PART 135 ACCIDENT AND INCIDENT DATA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) determine, in collaboration with the National Transportation Safety Board and part 135 industry stakeholders, what, if any, additional data should be reported as part of an accident or incident notice—

(A) to more accurately measure the safety of on-demand part 135 aircraft activity;

(B) to pinpoint safety problems; and

(C) to form the basis for critical research and analysis of general aviation issues; and

(2) provide a briefing to the appropriate committees of Congress on the findings under paragraph (1), including a description of any additional data to be collected, a timeframe for implementing the additional data collection, and any potential obstacles to implementation.

(b) DEFINITION OF PART 135.—In this section, the term "part 135" means part 135 of title 14, Code of Federal Regulations.

SEC. 312. SENSE OF CONGRESS; PILOT IN COMMAND AUTHORITY.

It is the sense of Congress that the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft, as set forth in section 91.3(a) of title 14, Code of Federal Regulations (or any successor regulation thereto).

SEC. 313. REPORT ON CONSPICUITY NEEDS FOR SURFACE VEHICLES OPERATING ON THE AIRSIDE OF AIR CARRIER SERVED AIRPORTS.

(a) STUDY REQUIRED.—The Administrator shall carry out a study on the need for the FAA to prescribe conspicuity standards for surface vehicles operating on the airside of the categories of airports that air carriers serve as specified in subsection (b).

(b) COVERED AIRPORTS.—The study required by subsection (a) shall cover, at a minimum, 1 large hub airport, 1 medium hub airport, and 1 small hub airport, as those terms are defined in section 40102 of title 49, United States Code.

(c) REPORT TO CONGRESS.—Not later than July 1, 2019, the Administrator shall submit to the appropriate committees of Congress a report setting forth the results of the study required by subsection (a), including such recommendations as the Administrator considers appropriate regarding the need for the Administration to prescribe conspicuity standards as described in subsection (a).

SEC. 314. HELICOPTER AIR AMBULANCE OPERATIONS DATA AND REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in collaboration with helicopter air ambulance industry stakeholders, shall assess the availability of information to the general public related to the location of heliports and helipads used by helicopters providing air ambulance services, including helipads and helipads outside of those listed as part of any existing databases of Airport Master Record (5010) forms. 49 USC 44731 note.

(b) REQUIREMENTS.—Based on the assessment under subsection (a), the Administrator shall— 49 USC 44731 note.

(1) update, as necessary, any existing guidance on what information is included in the current databases of Airport Master Record (5010) forms to include information related to heliports and helipads used by helicopters providing air ambulance services; or

(2) develop, as appropriate and in collaboration with helicopter air ambulance industry stakeholders, a new database of heliports and helipads used by helicopters providing air ambulance services.

49 USC 44731 note.

(c) REPORTS.—

(1) ASSESSMENT REPORT.—Not later than 30 days after the date the assessment under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress a report on the assessment, including any recommendations on how to make information related to the location of heliports and helipads used by helicopters providing air ambulance services available to the general public.

(2) IMPLEMENTATION REPORT.—Not later than 30 days after completing action under paragraph (1) or paragraph (2) of subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on such action.

(d) INCIDENT AND ACCIDENT DATA.—Section 44731 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "not later than 1 year after the date of enactment of this section, and annually thereafter" and inserting "annually";

(B) in paragraph (2), by striking "flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services" and inserting "hours flown by the helicopters operated by the certificate holder";

(C) in paragraph (3)—

(i) by striking "of flight" and inserting "of patients transported and the number of patient transport";

(ii) by inserting "or" after "interfacility transport,"; and

(iii) by striking ", or ferry or repositioning flight";

(D) in paragraph (5)—

(i) by striking "flights and"; and

(ii) by striking "while providing air ambulance services"; and

(E) by amending paragraph (6) to read as follows: "(6) The number of hours flown at night by helicopters operated by the certificate holder.";

(2) in subsection (d)—

(A) by striking "Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit" and inserting "The Administrator shall submit annually"; and

(B) by adding at the end the following: "The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) IMPLEMENTATION.—In carrying out this section, the Administrator, in collaboration with part 135 certificate holders providing helicopter air ambulance services, shall—

"(1) propose and develop a method to collect and store the data submitted under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information submitted; and

"(2) ensure that the database under subsection (c) and the report under subsection (d) include data and analysis that will best inform efforts to improve the safety of helicopter air ambulance operations.".

SEC. 315. AVIATION RULEMAKING COMMITTEE FOR PART 135 PILOT REST AND DUTY RULES.

49 USC 44701 note.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall convene an aviation rulemaking committee to review, and develop findings and recommendations regarding, pilot rest and duty rules under part 135 of title 14, Code of Federal Regulations.

(b) DUTIES.—The Administrator shall—

(1) not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress a report based on the findings of the aviation rulemaking committee; and

(2) not later than 1 year after the date of submission of the report under paragraph (1), issue a notice of proposed rulemaking based on any consensus recommendations reached by the aviation rulemaking committee.

(c) COMPOSITION.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—

(1) representatives of industry;

(2) representatives of aviation labor organizations, including collective bargaining units representing pilots who are covered by part 135 of title 14, Code of Federal Regulations, and subpart K of part 91 of such title; and

(3) aviation safety experts with specific knowledge of flight crewmember education and training requirements under part 135 of such title.

(d) CONSIDERATIONS.—The Administrator shall direct the aviation rulemaking committee to consider—

(1) recommendations of prior part 135 rulemaking committees;

(2) accommodations necessary for small businesses;

(3) scientific data derived from aviation-related fatigue and sleep research;

(4) data gathered from aviation safety reporting programs;

(5) the need to accommodate the diversity of operations conducted under part 135, including the unique duty and rest time requirements of air ambulance pilots; and

(6) other items, as appropriate.

SEC. 316. REPORT ON OBSOLETE TEST EQUIPMENT.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the National Test Equipment Program of the FAA (in this section referred to as the "Program").

(b) CONTENTS.—The report shall include—

(1) a list of all known outstanding requests for test equipment, cataloged by type and location, under the Program;

(2) a description of the current method under the Program of ensuring calibrated equipment is in place for utilization;

(3) a plan by the Administrator for appropriate inventory of such equipment;

(4) the Administrator's recommendations for increasing multifunctionality in future test equipment and all known and foreseeable manufacturer technological advances; and

(5) a plan to replace, as appropriate, obsolete test equipment throughout the service areas.

SEC. 317. HELICOPTER FUEL SYSTEM SAFETY.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

49 USC 44737.

"§ 44737. Helicopter fuel system safety

"(a) PROHIBITION.—

"(1) IN GENERAL.—A person may not operate a covered rotorcraft in United States airspace unless the design of the rotorcraft is certified by the Administrator of the Federal Aviation Administration to—

"(A) comply with the requirements applicable to the category of the rotorcraft under paragraphs (1), (2), (3), (5), and (6) of section 27.952(a), section 27.952(c), section 27.952(f), section 27.952(g), section 27.963(g) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and section 27.975(b) or paragraphs (1), (2), (3), (5), and (6) of section 29.952(a), section 29.952(c), section 29.952(f), section 29.952(g), section 29.963(b) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and 29.975(a)(7) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this section; or

"(B) employ other means acceptable to the Administrator to provide an equivalent level of fuel system crash resistance.

"(2) COVERED ROTORCRAFT DEFINED.—In this subsection, the term 'covered rotorcraft' means a rotorcraft not otherwise required to comply with section 27.952, section 27.963, and section 27.975, or section 29.952, section 29.963, and section 29.975 of title 14, Code of Federal Regulations as in effect on the date of enactment of this section for which manufacture was completed, as determined by the Administrator, on or after the date that is 18 months after the date of enactment of this section.

"(b) ADMINISTRATIVE PROVISIONS.—The Administrator shall—

"(1) expedite the certification and validation of United States and foreign type designs and retrofit kits that improve fuel system crashworthiness; and

"(2) not later than 180 days after the date of enactment of this section, and periodically thereafter, issue a bulletin to—

"(A) inform rotorcraft owners and operators of available modifications to improve fuel system crashworthiness; and

"(B) urge that such modifications be installed as soon as practicable.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the operation of a rotorcraft by the Department of Defense.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

49 USC prec. 44701.

"44737. Helicopter fuel system safety.".

SEC. 318. APPLICABILITY OF MEDICAL CERTIFICATION STANDARDS TO OPERATORS OF AIR BALLOONS.

Commercial Balloon Pilot Safety Act of 2018. 49 USC 449703 note.

(a) SHORT TITLE.—This section may be cited as the "Commercial Balloon Pilot Safety Act of 2018".

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall revise section 61.3(c) of title 14, Code of Federal Regulations (relating to second-class medical certificates), to apply to an operator of an air balloon to the same extent such regulations apply to a pilot flight crewmember of other aircraft.

(c) AIR BALLOON DEFINED.—In this section, the term "air balloon" has the meaning given the term "balloon" in section 1.1 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 319. DESIGNATED PILOT EXAMINER REFORMS.

49 USC 449703 note.

(a) IN GENERAL.—The Administrator shall assign to the Aviation Rulemaking Advisory Committee (in this section referred to as the "Committee") the task of reviewing all regulations and policies related to designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations. The Committee shall focus on the processes and requirements by which the FAA selects, trains, and deploys individuals as designated pilot examiners, and provide recommendations with respect to the regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties. The Committee also shall make recommendations with respect to the regulatory and policy changes if necessary to allow a designated pilot examiner perform a daily limit of 3 new check rides with no limit for partial check rides and to serve as a designed pilot examiner without regard to any individual managing office.

(b) ACTION BASED ON RECOMMENDATIONS.—Not later than 1 year after receiving recommendations under subsection (a), the Administrator shall take such action as the Administrator considers appropriate with respect to those recommendations.

SEC. 320. VOLUNTARY REPORTS OF OPERATIONAL OR MAINTENANCE ISSUES RELATED TO AVIATION SAFETY.

49 USC 44701 note.

(a) IN GENERAL.—There shall be a presumption that an individual's voluntary report of an operational or maintenance issue related to aviation safety under an aviation safety action program meets the criteria for acceptance as a valid report under such program.

(b) DISCLAIMER REQUIRED.—Any dissemination, within the participating organization, of a report that was submitted and accepted under an aviation safety action program pursuant to the presumption under subsection (a), but that has not undergone

review by an event review committee, shall be accompanied by a disclaimer stating that the report—

(1) has not been reviewed by an event review committee tasked with reviewing such reports; and

(2) may subsequently be determined to be ineligible for inclusion in the aviation safety action program.

(c) REJECTION OF REPORT.—

(1) IN GENERAL.—A report described under subsection (a) shall be rejected from an aviation safety action program if, after a review of the report, an event review committee tasked with reviewing such report, or the Federal Aviation Administration member of the event review committee in the case that the review committee does not reach consensus, determines that the report fails to meet the criteria for acceptance under such program.

(2) PROTECTIONS.—In any case in which a report of an individual described under subsection (a) is rejected under paragraph (1)—

(A) the enforcement-related incentive offered to the individual for making such a report shall not apply; and

(B) the protection from disclosure of the report itself under section 40123 of title 49, United States Code, shall not apply.

(3) AVIATION SAFETY ACTION PROGRAM DEFINED.—In this section, the term "aviation safety action program" means a program established in accordance with Federal Aviation Administration Advisory Circular 120–66B, issued November 15, 2002 (including any similar successor advisory circular), to allow an individual to voluntarily disclose operational or maintenance issues related to aviation safety.

SEC. 321. EVALUATION REGARDING ADDITIONAL GROUND BASED TRANSMITTERS.

The Administrator shall conduct an evaluation of providing additional ground based transmitters for Automatic Dependent Surveillance–Broadcasts (ADS–B) to provide a minimum operational network in Alaska along major flight routes.

49 USC 44720 note.

SEC. 322. IMPROVED SAFETY IN RURAL AREAS.

The Administrator shall permit an air carrier operating pursuant to part 135 of title 14, Code of Federal Regulations, to operate to a destination with a published approach, in a noncontiguous State under instrument flight rules and conduct an instrument approach without a destination Meteorological Aerodrome Report (METAR) if a current Area Forecast, supplemented by noncertified local weather observations (such as weather cameras and human observations) is available, and an alternate airport that has a weather report is specified. The operator shall have approved procedures for departure and en route weather evaluation.

SEC. 323. EXIT ROWS.

(a) REVIEW.—The Administrator shall conduct a review of current safety procedures regarding unoccupied exit rows on a covered aircraft in passenger air transportation during all stages of flight.

(b) CONSULTATION.—In carrying out the review, the Administrator shall consult with air carriers, aviation manufacturers, and labor stakeholders.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the review.

(d) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means an aircraft operating under part 121 of title 14, Code of Federal Regulations.

SEC. 324. COMPTROLLER GENERAL REPORT ON FAA ENFORCEMENT POLICY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete a study, and report to the appropriate committees of Congress on the results thereof, on the effectiveness of Order 8000.373, Federal Aviation Administration Compliance Philosophy, announced on June 26, 2015. Such study shall include information about—

(1) whether reports of safety incidents increased following the order;

(2) whether reduced enforcement penalties increased the overall number of safety incidents that occurred; and

(3) whether FAA enforcement staff registered complaints about reduced enforcement reducing compliance with safety regulations.

SEC. 325. ANNUAL SAFETY INCIDENT REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Administrator, shall submit to the appropriate committees of Congress a report regarding part 121 airline safety oversight.

(b) CONTENTS.—The annual report shall include—

(1) a description of the Federal Aviation Administration's safety oversight process to ensure the safety of the traveling public;

(2) a description of risk-based oversight methods applied to ensure aviation safety, including to specific issues addressed in the year preceding the report that in the determination of the Administrator address safety risk; and

(3) in the instance of specific reviews of air carrier performance to safety regulations, a description of cases where the timelines for recurrent reviews are advanced.

SEC. 326. AIRCRAFT AIR QUALITY.

49 USC 40101 note.

(a) EDUCATIONAL MATERIALS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall, in consultation with relevant stakeholders, establish and make available on a publicly available Internet website of the Administration, educational materials for flight attendants, pilots, and aircraft maintenance technicians on how to respond to incidents on board aircraft involving smoke or fumes.

(b) REPORTING OF INCIDENTS OF SMOKE OR FUMES ON BOARD AIRCRAFT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall, in consultation with relevant stakeholders, issue guidance for flight attendants, pilots, and aircraft maintenance technicians to report incidents of smoke or fumes on board an aircraft operated by a commercial air carrier and with respect to the basis on which commercial air carriers shall report such incidents through the Service Difficulty Reporting System.

(c) RESEARCH TO DEVELOP TECHNIQUES TO MONITOR BLEED AIR QUALITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall commission a study by the Airliner Cabin Environment Research Center of Excellence—

(1) to identify and measure the constituents and levels of constituents resulting from bleed air in the cabins of a representative set of commercial aircraft in operation of the United States;

(2) to assess the potential health effects of such constituents on passengers and cabin and flight deck crew;

(3) to identify technologies suitable to provide reliable and accurate warning of bleed air contamination, including technologies to effectively monitor the aircraft air supply system when the aircraft is in flight; and

(4) to identify potential techniques to prevent fume events.

(d) REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the feasibility, efficacy, and cost-effectiveness of certification and installation of systems to evaluate bleed air quality.

(e) PILOT PROGRAM.—The FAA may conduct a pilot program to evaluate the effectiveness of technologies identified in subsection (c).

SEC. 327. APPROACH CONTROL RADAR.

The Administrator shall—

(1) identify airports that are currently served by FAA towers with nonradar approach and departure control (type 4 classification in the Federal Aviation Administration OPSNET); and

(2) develop an implementation plan, which takes into account budgetary and flight volume considerations, to provide an airport identified under paragraph (1), if appropriate, with approach control radar.

SEC. 328. REPORT ON AIRLINE AND PASSENGER SAFETY.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on airline and passenger safety.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the average age of commercial aircraft owned and operated by United States air carriers;

(2) the over-all use of planes, including average lifetime of commercial aircraft;

(3) the number of hours aircraft are in flight over the life of the aircraft and the average number of hours on domestic and international flights, respectively;

(4) the impact of metal fatigue on aircraft usage and safety;

(5) a review on contractor assisted maintenance of commercial aircraft; and

(6) a re-evaluation of the rules on inspection of aging airplanes.

49 USC 40101 note.

SEC. 329. PERFORMANCE-BASED STANDARDS.

The Administrator shall, to the maximum extent possible and consistent with Federal law, and based on input by the public, ensure that regulations, guidance, and policies issued by the FAA

on and after the date of enactment of this Act are issued in the form of performance-based standards, providing an equal or higher level of safety.

SEC. 330. REPORT AND RECOMMENDATIONS ON CERTAIN AVIATION SAFETY RISKS.

Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) identifies safety risks associated with power outages at airports caused by weather or other factors, and recommends actions to improve resilience of aviation communication, navigation, and surveillance systems in the event of such outages; and

(2) reviews alerting mechanisms, devices, and procedures for enhancing the situational awareness of pilots and air traffic controllers in the event of a failure or an irregularity of runway lights, and provides recommendations on the further implementation of such mechanisms, devices, or procedures.

SEC. 331. REVIEW OF FAA'S AVIATION SAFETY INFORMATION ANALYSIS AND SHARING SYSTEM.

(a) AUDIT BY DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.—Not later than 90 days after the date of enactment of this Act, the inspector general of the Department of Transportation shall initiate a follow-up review of the FAA's Aviation Safety Information Analysis and Sharing (ASIAS) system to assess FAA's efforts and plans to improve the system.

(b) REVIEW.—The review shall include, at a minimum, an evaluation of FAA's efforts to improve the ASIAS system's predictive capabilities and solutions developed to more widely disseminate results of ASIAS data analyses, as well as an update on previous inspector general recommendations to improve this safety analysis and sharing system.

(c) REPORT.—The inspector general shall submit to the appropriate committees of Congress a report on the results of the review carried out under this section and any recommendations to improve FAA's ASIAS system.

SEC. 332. AIRPORT RESCUE AND FIREFIGHTING.

49 USC 44706 note.

(a) FIREFIGHTING FOAM.—Not later than 3 years after the date of enactment of this Act, the Administrator, using the latest version of National Fire Protection Association 403, "Standard for Aircraft Rescue and Fire-Fighting Services at Airports", and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210–6D and acceptable under 139.319(l) of title 14, Code of Federal Regulations.

(b) TRAINING FACILITIES.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress—

(1) a report on the number and sufficiency of aircraft rescue and firefighting training facilities in each FAA region; and

(2) a plan, if appropriate, to address any coverage gaps identified in the report.

49 USC 44701 note.

SEC. 333. SAFE AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) HARMONIZATION WITH ICAO TECHNICAL INSTRUCTIONS.—

(1) ADOPTION OF ICAO INSTRUCTIONS.—

(A) IN GENERAL.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and battery requirements in the 2015–2016 edition of the International Civil Aviation Organization's (referred to in this subsection as "ICAO") Technical Instructions (to include all addenda), including the revised standards adopted by ICAO which became effective on April 1, 2016 and any further revisions adopted by ICAO prior to the effective date of the FAA Reauthorization Act of 2018.

(B) FURTHER PROCEEDINGS.—Beginning on the date the revised regulations under subparagraph (A) are published in the Federal Register, any lithium cell and battery rulemaking action or update commenced on or after that date shall continue to comply with the requirements under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(2) REVIEW OF OTHER REGULATIONS.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary of Transportation may initiate a review of other existing regulations regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

(b) MEDICAL DEVICE BATTERIES.—

(1) IN GENERAL.—For United States applicants, the Secretary of Transportation shall consider and either grant or deny, not later than 45 days after receipt of an application, an application submitted in compliance with part 107 of title 49, Code of Federal Regulations, for special permits or approvals for air transportation of lithium ion cells or batteries specifically used by medical devices. Not later than 30 days after the date of application, the Pipeline and Hazardous Materials Safety Administration shall provide a draft special permit to the Federal Aviation Administration based on the application. The Federal Aviation Administration shall conduct an on-site inspection for issuance of the special permit not later than 20 days after the date of receipt of the draft special permit from the Pipeline and Hazardous Materials Safety Administration.

(2) LIMITED EXCEPTIONS TO RESTRICTIONS ON AIR TRANSPORTATION OF MEDICAL DEVICE BATTERIES.—The Secretary shall issue limited exceptions to the restrictions on transportation of lithium ion and lithium metal batteries to allow the shipment on a passenger aircraft of not more than 2 replacement batteries specifically used for a medical device if—

(A) the intended destination of the batteries is not serviced daily by cargo aircraft if a battery is required for medically necessary care; and

(B) with regard to a shipper of lithium ion or lithium metal batteries for medical devices that cannot comply

with a charge limitation in place at the time, each battery is—

(i) individually packed in an inner packaging that completely encloses the battery;

(ii) placed in a rigid outer packaging; and

(iii) protected to prevent a short circuit.

(3) MEDIAL DEVICE DEFINED.—ln this subsection, the term "medical device" means an instrument, apparatus, implement, machine, contrivance, implant, or in vitro reagent, including any component, part, or accessory thereof, which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, of a person.

(4) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding or constricting any other authority the Secretary of Transportation has under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(c) LITHIUM BATTERY SAFETY WORKING GROUP.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a lithium battery safety working group (referred to as the "working group" in this section) to promote and coordinate efforts related to the promotion of the safe manufacture, use, and transportation of lithium batteries and cells.

(2) DUTIES.—The working group shall coordinate and facilitate the transfer of knowledge and expertise among the following Federal agencies:

(A) The Department of Transportation.

(B) The Consumer Product Safety Commission.

(C) The National Institute on Standards and Technology.

(D) The Food and Drug Administration.

(3) MEMBERS.—The Secretary shall appoint not more than 8 members to the working group with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

(4) SUBCOMMITTEES.—The Secretary, or members of the working group, may—

(A) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and

(B) include in a subcommittee the participation of non-member stakeholders with expertise in areas that the Secretary or members consider necessary.

(5) REPORT.—Not later than 1 year after the date it is established, the working group shall—

(A) identify and assess—

(i) additional ways to decrease the risk of fires and explosions from lithium batteries and cells;

(ii) additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and

(iii) new or existing technologies that may reduce the fire and explosion risk of lithium batteries and cells; and

(B) transmit to the appropriate committees of Congress a report on the assessments conducted under subparagraph (A), including any legislative recommendations to effectuate the safety improvements described in clauses (i) through (iii) of that subparagraph.

(6) TERMINATION.—The working group, and any working group subcommittees, shall terminate 90 days after the date the report is transmitted under paragraph (5).

(d) LITHIUM BATTERY AIR SAFETY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish, in accordance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), a lithium ion and lithium metal battery air safety advisory committee (in this subsection referred to as the "Committee").

(2) DUTIES.—The Committee shall—

(A) facilitate communication between manufacturers of lithium ion and lithium metal cells and batteries, manufacturers of products incorporating both large and small lithium ion and lithium metal batteries, air carriers, and the Federal Government regarding the safe air transportation of lithium ion and lithium metal cells and batteries and the effectiveness and economic and social impacts of the regulation of such transportation;

(B) provide the Secretary, the Federal Aviation Administration, and the Pipeline and Hazardous Materials Safety Administration with timely information about new lithium ion and lithium metal battery technology and transportation safety practices and methodologies;

(C) provide a forum for the Secretary to provide information on and to discuss the activities of the Department of Transportation relating to lithium ion and lithium metal battery transportation safety, the policies underlying the activities, and positions to be advocated in international forums;

(D) provide a forum for the Secretary to provide information and receive advice on—

(i) activities carried out throughout the world to communicate and enforce relevant United States regulations and the ICAO Technical Instructions; and

(ii) the effectiveness of the activities;

(E) provide advice and recommendations to the Secretary with respect to lithium ion and lithium metal battery air transportation safety, including how best to implement activities to increase awareness of relevant requirements and their importance to travelers and shippers; and

(F) review methods to decrease the risk posed by air shipment of undeclared hazardous materials and efforts to educate those who prepare and offer hazardous materials for shipment via air transport.

(3) MEMBERSHIP.—The Committee shall be composed of the following members:

(A) Individuals appointed by the Secretary to represent—

(i) large volume manufacturers of lithium ion and lithium metal cells and batteries;

(ii) domestic manufacturers of lithium ion and lithium metal batteries or battery packs;

(iii) manufacturers of consumer products powered by lithium ion and lithium metal batteries;

(iv) manufacturers of vehicles powered by lithium ion and lithium metal batteries;

(v) marketers of products powered by lithium ion and lithium metal batteries;

(vi) cargo air service providers based in the United States;

(vii) passenger air service providers based in the United States;

(viii) pilots and employees of air service providers described in clauses (vi) and (vii);

(ix) shippers of lithium ion and lithium metal batteries for air transportation;

(x) manufacturers of battery-powered medical devices or batteries used in medical devices; and

(xi) employees of the Department of Transportation, including employees of the Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration.

(B) Representatives of such other Government departments and agencies as the Secretary determines appropriate.

(C) Any other individuals the Secretary determines are appropriate to comply with Federal law.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the establishment of the Committee, the Committee shall submit to the Secretary and the appropriate committees of Congress a report that—

(i) describes and evaluates the steps being taken in the private sector and by international regulatory authorities to implement and enforce requirements relating to the safe transportation by air of bulk shipments of lithium ion cells and batteries; and

(ii) identifies any areas of enforcement or regulatory requirements for which there is consensus that greater attention is needed.

(B) INDEPENDENT STATEMENTS.—Each member of the Committee shall be provided an opportunity to submit an independent statement of views with the report submitted pursuant to subparagraph (A).

(5) MEETINGS.—

(A) IN GENERAL.—The Committee shall meet at the direction of the Secretary and at least twice a year.

(B) PREPARATION FOR ICAO MEETINGS.—Notwithstanding subparagraph (A), the Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the International Civil Aviation Organization, or any of its panels or working groups, addressing the safety of air transportation of lithium ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meeting and provide Committee members a meaningful opportunity to comment.

(6) TERMINATION.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established.

(7) TERMINATION OF FUTURE OF AVIATION ADVISORY COMMITTEE.—The Future of Aviation Advisory Committee shall terminate on the date on which the lithium ion battery air safety advisory committee is established.

(e) COOPERATIVE EFFORTS TO ENSURE COMPLIANCE WITH SAFETY REGULATIONS.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with appropriate Federal agencies, shall carry out cooperative efforts to ensure that shippers who offer lithium ion and lithium metal batteries for air transport to or from the United States comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(2) COOPERATIVE EFFORTS.—The cooperative efforts the Secretary shall carry out pursuant to paragraph (1) include the following:

(A) Encouraging training programs at locations outside the United States from which substantial cargo shipments of lithium ion or lithium metal batteries originate for manufacturers, freight forwarders, and other shippers and potential shippers of lithium ion and lithium metal batteries.

(B) Working with Federal, regional, and international transportation agencies to ensure enforcement of U.S. Hazardous Materials Regulations and ICAO Technical Instructions with respect to shippers who offer noncompliant shipments of lithium ion and lithium metal batteries.

(C) Sharing information, as appropriate, with Federal, regional, and international transportation agencies regarding noncompliant shipments.

(D) Pursuing a joint effort with the international aviation community to develop a process to obtain assurances that appropriate enforcement actions are taken to reduce the likelihood of noncompliant shipments, especially with respect to jurisdictions in which enforcement activities historically have been limited.

(E) Providing information in brochures and on the internet in appropriate foreign languages and dialects that describes the actions required to comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(F) Developing joint efforts with the international aviation community to promote a better understanding of the requirements of and methods of compliance with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(3) REPORTING.—Not later than 120 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to the appropriate committees of Congress a report on compliance with the policy set forth in subsection (e) and the cooperative efforts carried out, or planned to be carried out, under this subsection.

(f) PACKAGING IMPROVEMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with interested stakeholders, shall submit to the appropriate committees of Congress an evaluation of current practices for the

packaging of lithium ion batteries and cells for air transportation, including recommendations, if any, to improve the packaging of such batteries and cells for air transportation in a safe, efficient, and cost-effective manner.

(g) DEPARTMENT OF TRANSPORTATION POLICY ON INTERNATIONAL REPRESENTATION.—

(1) IN GENERAL.—It shall be the policy of the Department of Transportation to support the participation of industry and labor stakeholders in all panels and working groups of the dangerous goods panel of the ICAO and any other international test or standard setting organization that considers proposals on the safety or transportation of lithium ion and lithium metal batteries in which the United States participates.

(2) PARTICIPATION.—The Secretary of Transportation shall request that as part of the ICAO deliberations in the dangerous goods panel on these issues, that appropriate experts on issues under consideration be allowed to participate.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ICAO TECHNICAL INSTRUCTIONS.—The term "ICAO Technical Instructions" has the meaning given that term in section 828(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(2) U.S. HAZARDOUS MATERIALS REGULATIONS.—The term "U.S. Hazardous Materials Regulations" means the regulations in parts 100 through 177 of title 49, Code of Federal Regulations (including amendments adopted after the date of enactment of this Act).

SEC. 334. RUNWAY SAFETY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on improving runway safety.

(b) CONTENTS.—In the report required under this section, the Administrator shall—

(1) review the relative benefits and risks of requiring the use of runway awareness and advisory systems in turbine-powered airplanes with a maximum takeoff weight greater than 19,000 pounds;

(2) review systems capable of detecting wrong-surface alignment to determine whether the capability exists to detect imminent wrong-surface landings at each airport where such a system is in use;

(3) describe information gathered from the use of the Airport Surface Surveillance Capability system at San Francisco International Airport since July 2017;

(4) assess available technologies to determine whether it is feasible, cost-effective, and appropriate to install and deploy, at any airport, systems to provide a direct warning capability to flight crews or air traffic controllers, or both, of potential runway incursions; and

(5) describe FAA efforts to develop metrics that would allow the FAA to determine whether runway incursions are increasing and to assess the effectiveness of implemented runway safety initiatives.

(c) CONSULTATION.—The Administrator shall consult with the National Transportation Safety Board in developing the report required under this section.

49 USC 44701 note.

SEC. 335. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS.

(a) MODIFICATION OF FINAL RULE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall modify the final rule of the Federal Aviation Administration published in the Federal Register on August 19, 1994 (59 Fed. Reg. 42974; relating to flight attendant duty period limitations and rest requirements) in accordance with the requirements of this subsection.

(2) CONTENTS.—The final rule, as modified under paragraph (1), shall ensure that—

(A) a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours; and

(B) the rest period is not reduced under any circumstances.

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a "part 121 air carrier"), shall submit to the Administrator of the Federal Aviation Administration for review and acceptance a fatigue risk management plan for the carrier's flight attendants.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme consistent with such limitations that enables the management of flight attendant fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on flight attendants; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of implementation of the plan, including the ability of the plan—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall review and accept or reject each fatigue risk management plan submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

(4) PLAN UPDATES.—

(A) IN GENERAL.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and acceptance.

(B) REVIEW.—Not later than 1 year after the date of submission of a plan update under subparagraph (A),

the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

(5) COMPLIANCE.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

SEC. 336. SECONDARY COCKPIT BARRIERS.

Saracini Aviation Safety Act of 2018.
49 USC 44903 note.

(a) SHORT TITLE.—This section may be cited as the "Saracini Aviation Safety Act of 2018".

(b) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations.

SEC. 337. AIRCRAFT CABIN EVACUATION PROCEDURES.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall review—

(1) evacuation certification of transport-category aircraft used in air transportation, with regard to—

(A) emergency conditions, including impacts into water;

(B) crew procedures used for evacuations under actual emergency conditions;

(C) any relevant changes to passenger demographics and legal requirements, including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that affect emergency evacuations; and

(D) any relevant changes to passenger seating configurations, including changes to seat width, padding, reclining, size, pitch, leg room, and aisle width; and

(2) recent accidents and incidents in which passengers evacuated such aircraft.

(b) CONSULTATION; REVIEW OF DATA.—In conducting the review under subsection (a), the Administrator shall—

(1) consult with the National Transportation Safety Board, transport-category aircraft manufacturers, air carriers, and other relevant experts and Federal agencies, including groups representing passengers, airline crew members, maintenance employees, and emergency responders; and

(2) review relevant data with respect to evacuation certification of transport-category aircraft.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the review under subsection (a) and related recommendations, if any, including recommendations for revisions to the assumptions and methods used for assessing evacuation certification of transport-category aircraft.

SEC. 338. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) each air carrier should have in place policies and procedures to address sexual misconduct, including policies and procedures to—

(B) facilitate the reporting of sexual misconduct to appropriate law enforcement agencies;

(C) communicate to personnel and passengers of the air carrier the rights of such individuals with respect to sexual misconduct;

(D) train personnel of the air carrier to recognize and respond appropriately to, and to notify the appropriate law enforcement agency of, sexual misconduct; and

(E) ensure other appropriate actions are undertaken to respond effectively to sexual misconduct; and

(2) individuals who perpetrate sexual misconduct should be held accountable under all applicable Federal and State laws.

49 USC 44903 note.

SEC. 339. CIVIL PENALTIES FOR INTERFERENCE.

(a) INTERFERENCE WITH CABIN OR FLIGHT CREW.—Section 46318(a) of title 49, United States Code, is amended—

(1) by inserting "or sexually" after "physically" each place it appears; and

(2) by striking "$25,000" and inserting "$35,000".

SEC. 339A. NATIONAL IN-FLIGHT SEXUAL MISCONDUCT TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of Transportation shall establish a task force, to be known as the "National In-Flight Sexual Misconduct Task Force" (referred to in this section as "Task Force") to—

(1) review current practices, protocols and requirements of air carriers in responding to allegations of sexual misconduct by passengers onboard aircraft, including training, reporting and data collection; and

(2) provide recommendations on training, reporting and data collection regarding allegations of sexual misconduct occurring on passenger airline flights that are informed by the review of information described in paragraph (1) and subsection (c)(5) on passengers who have experienced sexual misconduct onboard aircraft.

(b) MEMBERSHIP.—The Task Force shall be composed of, at a minimum, representatives from—

(1) Department of Transportation;

(2) Department of Justice, including the Federal Bureau of Investigation, Office of Victims for Crimes, and the Office on Violence Against Women;

(3) National organizations that specialize in providing services to sexual assault victims;

(4) labor organizations that represent flight attendants;

(5) labor organizations that represent pilots;

(6) airports;

(7) air carriers;

(8) State and local law enforcement agencies; and

(9) such other Federal agencies and stakeholder organizations as the Secretary of Transportation considers appropriate.

(c) PURPOSE OF TASK FORCE.—The purpose of the Task Force shall be to—

(1) issue recommendations for addressing allegations of sexual misconduct by passengers onboard aircraft, including airline employee and contractor training;

(2) issue recommendations on effective ways for passengers involved in incidents of alleged sexual misconduct to report such allegation of sexual misconduct;

(3) issue recommendations on how to most effectively provide data on instances of alleged sexual misconduct onboard aircraft and to whom the data collected should be reported in a manner that protects the privacy and confidentiality of individuals involved in incidents of alleged sexual misconduct and precludes the release of data that publically identifies an individual air carrier to enable better understanding of the frequency and severity of such misconduct;

(4) issue recommendations for flight attendants, pilots, and other appropriate airline personnel on law enforcement notification in incidents of alleged sexual misconduct;

(5) review and utilize first-hand accounts from passengers who have experienced sexual misconduct onboard aircraft; and

(6) other matters deemed necessary by the Task Force.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit a report with its recommendations and findings developed pursuant to subsection (c) to the Secretary of Transportation.

(e) PLAN.—Not later than 180 days after receiving the report required under subsection (d) the Secretary of Transportation, in coordination with relevant federal agencies, shall submit to appropriate committees of Congress a plan to address the recommendations in the report required under subsection (d). The Secretary of Transportation shall make changes to guidance, policies and regulations, as necessary, within 1 year of submitting the plan required in this subsection.

(f) REGULATIONS.—Not later than 1 year after submitting the plan required in this subsection, the Secretary of Transportation may issue regulations as deemed necessary to require each air carrier and other covered entity to develop a policy concerning sexual misconduct in accordance with the recommendations and findings of the Task Force under subsection (c).

(g) SUNSET.—The Task Force established pursuant to subsection (a) shall terminate upon the submission of the report pursuant to subsection (d).

SEC. 339B. REPORTING PROCESS FOR SEXUAL MISCONDUCT ONBOARD AIRCRAFT.

49 USC 44903 note.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Attorney General, in coordination with relevant Federal agencies, shall establish a streamlined process, based on the plan required under section 339A(e) of this Act, for individuals involved in incidents of alleged sexual misconduct onboard aircraft to report such allegations of sexual misconduct to law enforcement in a manner that protects the privacy and confidentiality of individuals involved in such allegations.

(b) AVAILABILITY OF REPORTING PROCESS.—The process for reporting established under subsection (a) shall be made available to the public on the primary Internet websites of—

(1) the Office for Victims of Crime and the Office on Violence Against Women of the Department of Justice;
(2) the Federal Bureau of Investigation; and
(3) the Department of Transportation.

Subtitle B—Unmanned Aircraft Systems

SEC. 341. DEFINITIONS; INTEGRATION OF CIVIL UNMANNED AIRCRAFT SYSTEMS INTO NATIONAL AIRSPACE SYSTEM.

49 USC prec. 44801.

(a) IN GENERAL.—Part A of subtitle VII of title 49, United States Code, is amended by inserting after chapter 447 the following:

"CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

"Sec.
"44801. Definitions.
"44802. Integration of civil unmanned aircraft systems into national airspace system.

49 USC 44801.

"§ 44801. Definitions

"In this chapter, the following definitions apply:

"(1) ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEM.—The term 'actively tethered unmanned aircraft system' means an unmanned aircraft system in which the unmanned aircraft component—

"(A) weighs 4.4 pounds or less, including payload but not including the tether;

"(B) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft and is unlikely to be separated from the unmanned aircraft; and

"(C) is controlled and retrieved by such ground station through physical manipulation of the tether.

"(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(3) ARCTIC.—The term 'Arctic' means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

"(4) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms 'certificate of waiver' and 'certificate of authorization' mean a Federal Aviation Administration grant of approval for a specific flight operation.

"(5) COUNTER-UAS SYSTEM.—The term 'counter-UAS system' means a system or device capable of lawfully and safely disabling, disrupting, or seizing control of an unmanned aircraft or unmanned aircraft system.

"(6) PERMANENT AREAS.—The term 'permanent areas' means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

"(7) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term 'public unmanned aircraft system' means an unmanned aircraft system

that meets the qualifications and conditions required for operation of a public aircraft.

"(8) SENSE AND AVOID CAPABILITY.—The term 'sense and avoid capability' means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft, structures on the ground, and other objects.

"(9) SMALL UNMANNED AIRCRAFT.—The term 'small unmanned aircraft' means an unmanned aircraft weighing less than 55 pounds, including the weight of anything attached to or carried by the aircraft.

"(10) TEST RANGE.—The term 'test range' means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration, and includes any of the 6 test ranges established by the Administrator under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009.

"(11) UNMANNED AIRCRAFT.—The term 'unmanned aircraft' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

"(12) UNMANNED AIRCRAFT SYSTEM.—The term 'unmanned aircraft system' means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.

"(13) UTM.—The term 'UTM' means an unmanned aircraft system traffic management system or service.

"§ 44802. Integration of civil unmanned aircraft systems into national airspace system

49 USC 44802.

"(a) REQUIRED PLANNING FOR INTEGRATION.—

"(1) COMPREHENSIVE PLAN.—Not later than November 10, 2012, the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.

"(2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—

"(A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—

"(i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;

"(ii) ensure that any civil unmanned aircraft system includes a sense-and-avoid capability; and

"(iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including standards and requirements for registration and licensing;

"(B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace system;

"(C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system;

"(D) a timeline for the phased-in approach described under subparagraph (C);

"(E) creation of a safe airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

"(F) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing;

"(G) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and

"(H) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.

"(3) DEADLINE.—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the national airspace system as soon as practicable, but not later than September 30, 2015.

"(4) REPORT TO CONGRESS.—Not later than February 14, 2013, the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

"(5) ROADMAP.—Not later than February 14, 2013, the Secretary shall approve and make available in print and on the Administration's internet website a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update, in coordination with the Administrator of the National Aeronautics and Space Administration (NASA) and relevant stakeholders, including those in industry and academia, the roadmap annually. The roadmap shall include, at a minimum—

"(A) cost estimates, planned schedules, and performance benchmarks, including specific tasks, milestones, and timelines, for unmanned aircraft systems integration into the national airspace system, including an identification of—

"(i) the role of the unmanned aircraft systems test ranges established under subsection (c) and the Unmanned Aircraft Systems Center of Excellence;

"(ii) performance objectives for unmanned aircraft systems that operate in the national airspace system; and

"(iii) research and development priorities for tools that could assist air traffic controllers as unmanned aircraft systems are integrated into the national airspace system, as appropriate;

"(B) a description of how the Administration plans to use research and development, including research and development conducted through NASA's Unmanned Aircraft Systems Traffic Management initiatives, to accommodate, integrate, and provide for the evolution of unmanned aircraft systems in the national airspace system;

"(C) an assessment of critical performance abilities necessary to integrate unmanned aircraft systems into the national airspace system, and how these performance abilities can be demonstrated; and

"(D) an update on the advancement of technologies needed to integrate unmanned aircraft systems into the national airspace system, including decisionmaking by adaptive systems, such as sense-and-avoid capabilities and cyber physical systems security.

"(b) RULEMAKING.—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—

"(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 44807;

"(2) a notice of proposed rulemaking to implement the recommendations of the plan required under subsection (a)(1), with the final rule to be published not later than 16 months after the date of publication of the notice; and

"(3) an update to the Administration's most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA–2006–25714.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 447 the following:

49 USC prec. 44801.

"448 . Unmanned aircraft systems .....44801".

(2) REPEAL.—Section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act are repealed.

SEC. 342. UPDATE OF FAA COMPREHENSIVE PLAN.

49 USC 44802 note.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall update the comprehensive plan described in section 44802 of title 49, United States Code, to develop a concept of operations for the integration of unmanned aircraft into the national airspace system.

(b) CONSIDERATIONS.—In carrying out the update under subsection (a), the Secretary shall consider, at a minimum—

(1) the potential use of UTM and other technologies to ensure the safe and lawful operation of unmanned aircraft in the national airspace system;

(2) the appropriate roles, responsibilities, and authorities of government agencies and the private sector in identifying and reporting unlawful or harmful operations and operators of unmanned aircraft;

(3) the use of models, threat assessments, probabilities, and other methods to distinguish between lawful and unlawful operations of unmanned aircraft; and

(4) appropriate systems, training, intergovernmental processes, protocols, and procedures to mitigate risks and hazards posed by unlawful or harmful operations of unmanned aircraft systems.

(c) CONSULTATION.—The Secretary shall carry out the update under subsection (a) in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry.

(d) PROGRAM ALIGNMENT REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, a report that describes a strategy to—

(1) avoid duplication;

(2) leverage capabilities learned across programs;

(3) support the safe integration of UAS into the national airspace; and

(4) systematically and timely implement or execute—

(A) commercially-operated Low Altitude Authorization and Notification Capability;

(B) the Unmanned Aircraft System Integration Pilot Program; and

(C) the Unmanned Traffic Management Pilot Program.

SEC. 343. UNMANNED AIRCRAFT TEST RANGES.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

49 USC 44803.

"§ 44803. Unmanned aircraft test ranges

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program for the use of the test ranges to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

"(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

"(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

"(2) develop operational standards and air traffic requirements for unmanned flight operations at test ranges;

"(3) coordinate with, and leverage the resources of, the National Aeronautics and Space Administration and the Department of Defense;

"(4) address both civil and public unmanned aircraft systems;

"(5) ensure that the program is coordinated with relevant aspects of the Next Generation Air Transportation System;

"(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

"(7) engage test range operators, as necessary and within available resources, in projects for research, development,

testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration's development of standards for the safe integration of unmanned aircraft into the national airspace system, which may include solutions for—

"(A) developing and enforcing geographic and altitude limitations;

"(B) providing for alerts by the manufacturer of an unmanned aircraft system regarding any hazards or limitations on flight, including prohibition on flight as necessary;

"(C) sense and avoid capabilities;

"(D) beyond-visual-line-of-sight operations, nighttime operations, operations over people, operation of multiple small unmanned aircraft systems, and unmanned aircraft systems traffic management, or other critical research priorities; and

"(E) improving privacy protections through the use of advances in unmanned aircraft systems technology;

"(8) coordinate periodically with all test range operators to ensure test range operators know which data should be collected, what procedures should be followed, and what research would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

"(9) streamline to the extent practicable the approval process for test ranges when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

"(10) require each test range operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test range without the need to obtain an experimental or special airworthiness certificate;

"(11) allow test range operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of research, development, and testing objectives.

"(c) WAIVERS.—In carrying out this section the Administrator may waive the requirements of section 44711 of title 49, United States Code, including related regulations, to the extent consistent with aviation safety.

"(d) REVIEW OF OPERATIONS BY TEST RANGE OPERATORS.—The operator of each test range under subsection (a) shall—

"(1) review the operations of unmanned aircraft systems conducted at the test range, including—

"(A) ongoing or completed research; and

"(B) data regarding operations by private and public operators; and

"(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test ranges that contribute to the Federal Aviation Administration's safe integration of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

"(e) TESTING.—The Secretary of Transportation may authorize an operator of a test range described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.

"(f) COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Administrator may use the other transaction authority under section 106(l)(6) and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test range under subsection (a), and in coordination with the Center of Excellence for Unmanned Aircraft Systems.

"(g) USE OF CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS.—The Administrator, in carrying out research necessary to implement the consensus safety standards requirements in section 44805 shall, to the maximum extent practicable, leverage the research and testing capacity and capabilities of the Center of Excellence for Unmanned Aircraft Systems and the test ranges.

"(h) TERMINATION.—The program under this section shall terminate on September 30, 2023.".

(b) TABLE OF CONTENTS.—The table of contents for chapter 448, as added by this Act, is further amended by adding at the end the following:

49 USC prec. 44801.

"44803. Unmanned aircraft system test ranges.".

SEC. 344. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

49 USC 44804.

"§ 44804. Small unmanned aircraft in the Arctic

"(a) IN GENERAL.—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes.

"(b) PLAN CONTENTS.—The plan under subsection (a) shall include the development of processes to facilitate the safe operation of small unmanned aircraft beyond the visual line of sight.

"(c) REQUIREMENTS.—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

"(d) AGREEMENTS.—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

"(e) AIRCRAFT APPROVAL.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process for approving the use of a small unmanned aircraft in the designated permanent areas in the Arctic without regard to whether the small unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

"(2) EXISTING PROCESS.—The Secretary may implement an existing process to meet the requirements under paragraph (1).".

(b) TABLE OF CONTENTS.—The table of contents for chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

"44804. Small unmanned aircraft in the Arctic.".

SEC. 345. SMALL UNMANNED AIRCRAFT SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

"§ 44805. Small Unmanned aircraft safety standards

49 USC 44805.

"(a) FAA PROCESS FOR ACCEPTANCE AND AUTHORIZATION.—The Administrator of the Federal Aviation Administration shall establish a process for—

"(1) accepting risk-based consensus safety standards related to the design, production, and modification of small unmanned aircraft systems;

"(2) authorizing the operation of small unmanned aircraft system make and model designed, produced, or modified in accordance with the consensus safety standards accepted under paragraph (1);

"(3) authorizing a manufacturer to self-certify a small unmanned aircraft system make or model that complies with consensus safety standards accepted under paragraph (1); and

"(4) certifying a manufacturer of small unmanned aircraft systems, or an employee of such manufacturer, that has demonstrated compliance with the consensus safety standards accepted under paragraph (1) and met any other qualifying criteria, as determined by the Administrator, to alternatively satisfy the requirements of paragraph (1).

"(b) CONSIDERATIONS.—Before accepting consensus safety standards under subsection (a), the Administrator of the Federal Aviation Administration shall consider the following:

"(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

"(2) Using performance-based requirements.

"(3) Assessing varying levels of risk posed by different small unmanned aircraft systems and their operation and tailoring performance-based requirements to appropriately mitigate risk.

"(4) Predetermined action to maintain safety in the event that a communications link between a small unmanned aircraft and its operator is lost or compromised.

"(5) Detectability and identifiability to pilots, the Federal Aviation Administration, and air traffic controllers, as appropriate.

"(6) Means to prevent tampering with or modification of any system, limitation, or other safety mechanism or standard under this section or any other provision of law, including a means to identify any tampering or modification that has been made.

"(7) Consensus identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

"(8) To the extent not considered previously by the consensus body that crafted consensus safety standards, cost-benefit and risk analyses of consensus safety standards that may

be accepted pursuant to subsection (a) for newly designed small unmanned aircraft systems.

"(9) Applicability of consensus safety standards to small unmanned aircraft systems that are not manufactured commercially.

"(10) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

"(11) Any category of unmanned aircraft systems that should be exempt from the consensus safety standards based on risk factors.

"(e) NONAPPLICABILITY OF OTHER LAWS.—The process for authorizing the operation of small unmanned aircraft systems under subsection (a) may allow for operation of any applicable small unmanned aircraft systems within the national airspace system without requiring—

"(1) airworthiness certification requirements under section 44704 of this title; or

"(2) type certification under part 21 of title 14, Code of Federal Regulations.

"(f) REVOCATION.—The Administrator may suspend or revoke the authorizations in subsection (a) if the Administrator determines that the manufacturer or the small unmanned aircraft system is no longer in compliance with the standards accepted by the Administrator under subsection (a)(1) or with the manufacturer's statement of compliance under subsection (h).

"(g) REQUIREMENTS.—With regard to an authorization under the processes in subsection (a), the Administrator may require a manufacturer of small unmanned aircraft systems to provide the Federal Aviation Administration with the following:

"(1) The aircraft system's operating instructions.

"(2) The aircraft system's recommended maintenance and inspection procedures.

"(3) The manufacturer's statement of compliance described in subsection (h).

"(4) Upon request, a sample aircraft to be inspected by the Federal Aviation Administration to ensure compliance with the consensus safety standards accepted by the Administrator under subsection (a).

"(h) MANUFACTURER'S STATEMENT OF COMPLIANCE FOR SMALL UAS.—A manufacturer's statement of compliance shall—

"(1) identify the aircraft make, model, range of serial numbers, and any applicable consensus safety standards used and accepted by the Administrator;

"(2) state that the aircraft make and model meets the provisions of the consensus safety standards identified in paragraph (1);

"(3) state that the aircraft make and model conforms to the manufacturer's design data and is manufactured in a way that ensures consistency across units in the production process in order to meet the applicable consensus safety standards accepted by the Administrator;

"(4) state that the manufacturer will make available to the Administrator, operators, or customers—

"(A) the aircraft's operating instructions, which conform to the consensus safety standards identified in paragraph (1); and

"(B) the aircraft's recommended maintenance and inspection procedures, which conform to the consensus safety standards identified in paragraph (1);

"(5) state that the manufacturer will monitor safety-of-flight issues and take action to ensure it meets the consensus safety standards identified in paragraph (1) and report these issues and subsequent actions to the Administrator;

"(6) state that at the request of the Administrator, the manufacturer will provide reasonable access for the Administrator to its facilities for the purposes of overseeing compliance with this section; and

"(7) state that the manufacturer, in accordance with the consensus safety standards accepted by the Federal Aviation Administration, has—

"(A) ground and flight tested random samples of the aircraft;

"(B) found the sample aircraft performance acceptable; and

"(C) determined that the make and model of aircraft is suitable for safe operation.

"(i) PROHIBITIONS.—

"(1) FALSE STATEMENTS OF COMPLIANCE.—It shall be unlawful for any person to knowingly submit a statement of compliance described in subsection (h) that is fraudulent or intentionally false.

"(2) INTRODUCTION INTO INTERSTATE COMMERCE.—Unless the Administrator determines operation of an unmanned aircraft system may be conducted without an airworthiness certificate or permission, authorization, or approval under subsection (a), it shall be unlawful for any person to knowingly introduce or deliver for introduction into interstate commerce any small unmanned aircraft system that is manufactured after the date that the Administrator accepts consensus safety standards under this section unless—

"(A) the make and model has been authorized for operation under subsection (a); or

"(B) the aircraft has alternatively received design and production approval issued by the Federal Aviation Administration.

"(j) EXCLUSIONS.—The Administrator may exempt from the requirements of this section small unmanned aircraft systems that are not capable of navigating beyond the visual line of sight of the operator through advanced flight systems and technology, if the Administrator determines that such an exemption does not pose a risk to the safety of the national airspace system.".

(b) UNMANNED AIRCRAFT SYSTEMS RESEARCH FACILITY.—The Center of Excellence for Unmanned Aircraft Systems shall establish an unmanned aircraft systems research facility to study appropriate safety standards for unmanned aircraft systems and to validate such standards, as directed by the Administrator of the Federal Aviation Administration, consistent with section 44805 of title 49, United States Code, as added by this section. 49 USC 44805 note.

(c) TABLE OF CONTENTS.—The table of contents for chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

"44805. Small unmanned aircraft safety standards.".

SEC. 346. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

49 USC 44806.

"§ 44806. Public unmanned aircraft systems

"(a) GUIDANCE.—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

"(1) to streamline and expedite the process for the issuance of a certificate of authorization or a certificate of waiver;

"(2) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

"(3) to provide guidance on a public agency's responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

"(b) AGREEMENTS WITH GOVERNMENT AGENCIES.—

"(1) IN GENERAL.—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of authorization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

"(2) CONTENTS.—An agreement under paragraph (1) shall—

"(A) with respect to an application described in paragraph (1)—

"(i) provide for an expedited review of the application;

"(ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application; and

"(iii) allow for an expedited appeal if the application is disapproved;

"(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

"(C) allow a government public safety agency to operate an unmanned aircraft weighing 4.4 pounds or less if that unmanned aircraft is operated—

"(i) within or beyond the visual line of sight of the operator;

"(ii) less than 400 feet above the ground;

"(iii) during daylight conditions;

"(iv) within Class G airspace; and

"(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

"(c) PUBLIC ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEMS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall permit the use of, and may issue guidance regarding, the use of public actively tethered unmanned aircraft systems that are—

"(A) operated at an altitude of less than 150 feet above ground level;

"(B) operated—

"(i) within class G airspace; or

"(ii) at or below the ceiling depicted on the Federal Aviation Administration's published UAS facility maps for class B, C, D, or E surface area airspace;

"(C) not flown directly over non-participating persons;

"(D) operated within visual line of sight of the operator; and

"(E) operated in a manner that does not interfere with and gives way to any other aircraft.

"(2) REQUIREMENTS.—Public actively tethered unmanned aircraft systems may be operated —

"(A) without any requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;

"(B) without requiring airman certification under section 44703 of this title or any rule or regulation relating to airman certification; and

"(C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.

"(3) SAFETY STANDARDS.—Public actively tethered unmanned aircraft systems operated within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.

"(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preclude the Administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

"(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist Federal civilian Government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely within the national airspace system.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

"44806. Public unmanned aircraft systems.".

(2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—Section 334 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

(3) FACILITATING INTERAGENCY COOPERATION.—Section 2204(a) of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 615) is amended by striking "section 334(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)" and inserting "section 44806 of title 49, United States Code". 49 USC 40101 note.

SEC. 347. SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

49 USC 44807.

"§ 44807. Special authority for certain unmanned aircraft systems

"(a) IN GENERAL.—Notwithstanding any other requirement of this chapter, the Secretary of Transportation shall use a risk-based approach to determine if certain unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rulemaking required by section 44802 or the guidance required by section 44806.

"(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

"(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, operation over people, and operation within or beyond the visual line of sight, or operation during the day or night, do not create a hazard to users of the national airspace system or the public; and

"(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

"(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.

"(d) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective September 30, 2023.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as added by this Act, is further amended by adding at the end the following:

49 USC prec. 44801.

"44807. Special authority for certain unmanned aircraft systems.".

(2) SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.—Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

SEC. 348. CARRIAGE OF PROPERTY BY SMALL UNMANNED AIRCRAFT SYSTEMS FOR COMPENSATION OR HIRE.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

"§ 44808. Carriage of property by small unmanned aircraft systems for compensation or hire

49 USC 44808.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator of the Federal Aviation Administration shall update existing regulations to authorize the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the United States.

"(b) CONTENTS.—Any rulemaking conducted under subsection (a) shall provide for the following:

"(1) Use performance-based requirements.

"(2) Consider varying levels of risk to other aircraft and to persons and property on the ground posed by different unmanned aircraft systems and their operation and tailor performance-based requirements to appropriately mitigate risk.

"(3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.

"(4) Include requirements for the safe operation of small unmanned aircraft systems that, at a minimum, address—

"(A) airworthiness of small unmanned aircraft systems;

"(B) qualifications for operators and the type and nature of the operations;

"(C) operating specifications governing the type and nature of the unmanned aircraft system air carrier operations; and

"(D) the views of State, local, and tribal officials related to potential impacts of the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the communities to be served.

"(5) SMALL UAS.—The Secretary may amend part 298 of title 14, Code of Federal Regulations, to update existing regulations to establish economic authority for the carriage of property by small unmanned aircraft systems for compensation or hire. Such authority shall only require—

"(A) registration with the Department of Transportation;

"(B) authorization from the Federal Aviation Administration to conduct operations; and

"(C) compliance with chapters 401, 411, and 417.

"(6) AVAILABILITY OF CURRENT CERTIFICATION PROCESSES.—Pending completion of the rulemaking required in subsection (a) of this section, a person may seek an air carrier operating certificate and certificate of public convenience and necessity, or an exemption from such certificate, using existing processes.".

(b) TABLE OF CONTENTS.—The table of contents for chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

49 USC prec. 44801.

"44808. Carriage of property by small unmanned aircraft systems for compensation or hire.".

SEC. 349. EXCEPTION FOR LIMITED RECREATIONAL OPERATIONS OF UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

49 USC 44809.

"§ 44809. Exception for limited recreational operations of unmanned aircraft

"(a) IN GENERAL.—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

"(1) The aircraft is flown strictly for recreational purposes.

"(2) The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the Federal Aviation Administration.

"(3) The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

"(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

"(5) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.

"(6) In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

"(7) The operator has passed an aeronautical knowledge and safety test described in subsection (g) and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

"(8) The aircraft is registered and marked in accordance with chapter 441 of this title and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.

"(b) OTHER OPERATIONS.—Unmanned aircraft operations that do not conform to the limitations in subsection (a) must comply with all statutes and regulations generally applicable to unmanned aircraft and unmanned aircraft systems.

"(c) OPERATIONS AT FIXED SITES.—

"(1) OPERATING PROCEDURE REQUIRED.—Persons operating unmanned aircraft under subsection (a) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization conducting a sanctioned event within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.

"(2) UNMANNED AIRCRAFT WEIGHING MORE THAN 55 POUNDS.—A person may operate an unmanned aircraft weighing more than 55 pounds, including the weight of anything attached to or carried by the aircraft, under subsection (a) if—

"(A) the unmanned aircraft complies with standards and limitations developed by a community-based organization and approved by the Administrator; and

"(B) the aircraft is operated from a fixed site as described in paragraph (1).

"(d) UPDATES.—

"(1) IN GENERAL.—The Administrator, in consultation with government, stakeholders, and community-based organizations, shall initiate a process to periodically update the operational parameters under subsection (a), as appropriate.

"(2) CONSIDERATIONS.—In updating an operational parameter under paragraph (1), the Administrator shall consider—

"(A) appropriate operational limitations to mitigate risks to aviation safety and national security, including risk to the uninvolved public and critical infrastructure;

"(B) operations outside the membership, guidelines, and programming of a community-based organization;

"(C) physical characteristics, technical standards, and classes of aircraft operating under this section;

"(D) trends in use, enforcement, or incidents involving unmanned aircraft systems;

"(E) ensuring, to the greatest extent practicable, that updates to the operational parameters correspond to, and leverage, advances in technology; and

"(F) equipage requirements that facilitate safe, efficient, and secure operations and further integrate all unmanned aircraft into the national airspace system.

"(3) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding the authority of the Administrator to require a person operating an unmanned aircraft under this section to seek permissive authority of the Administrator, beyond that required in subsection (a) of this section, prior to operation in the national airspace system.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

"(f) EXCEPTIONS.—Nothing in this section prohibits the Administrator from promulgating rules generally applicable to unmanned aircraft, including those unmanned aircraft eligible for the exception set forth in this section, relating to—

"(1) updates to the operational parameters for unmanned aircraft in subsection (a);

"(2) the registration and marking of unmanned aircraft;

"(3) the standards for remotely identifying owners and operators of unmanned aircraft systems and associated unmanned aircraft; and

"(4) other standards consistent with maintaining the safety and security of the national airspace system.

"(g) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based organizations, shall develop an aeronautical knowledge and safety test, which can then be administered electronically by the Administrator, a community-based organization, or a person designated by the Administrator.

"(2) REQUIREMENTS.—The Administrator shall ensure the aeronautical knowledge and safety test is designed to adequately demonstrate an operator's—

"(A) understanding of aeronautical safety knowledge; and

"(B) knowledge of Federal Aviation Administration regulations and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.

"(h) COMMUNITY-BASED ORGANIZATION DEFINED.—In this section, the term 'community-based organization' means a membership-based association entity that—

"(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

"(2) is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

"(3) the mission of which is demonstrably the furtherance of model aviation;

"(4) provides a comprehensive set of safety guidelines for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodelling operations within the national airspace system and the protection and safety of individuals and property on the ground, and may provide a comprehensive set of safety rules and programming for the operation of unmanned aircraft that have the advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond visual line of sight of the operator;

"(5) provides programming and support for any local charter organizations, affiliates, or clubs; and

"(6) provides assistance and support in the development and operation of locally designated model aircraft flying sites.

"(i) RECOGNITION OF COMMUNITY-BASED ORGANIZATIONS.—In collaboration with aeromodelling stakeholders, the Administrator shall publish an advisory circular within 180 days of the date of enactment of this section that identifies the criteria and process required for recognition of community-based organizations.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

49 USC prec. 44801.

"44809. Exception for limited recreational operations of unmanned aircraft.".

(2) REPEAL.—Section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act are repealed.

49 USC 44909 note.

SEC. 350. USE OF UNMANNED AIRCRAFT SYSTEMS AT INSTITUTIONS OF HIGHER EDUCATION.

(a) EDUCATIONAL AND RESEARCH PURPOSES.—For the purposes of section 44809 of title 49, United States Code, as added by this Act, a "recreational purpose" as distinguished in subsection (a)(1) of such section shall include an unmanned aircraft system operated by an institution of higher education for educational or research purposes.

(b) UPDATES.—In updating an operational parameter under subsection (d)(1) of such section for unmanned aircraft systems operated by an institution of higher education for educational or research purposes, the Administrator shall consider—

(1) use of small unmanned aircraft systems and operations at an accredited institution of higher education, for educational or research purposes, as a component of the institution's curricula or research;

(2) the development of streamlined, risk-based operational approval for unmanned aircraft systems operated by institutions of higher education; and

(3) the airspace and aircraft operators that may be affected by such operations at the institution of higher education.

(c) DEADLINE FOR ESTABLISHMENT OF PROCEDURES AND STANDARDS.—Not later than 270 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may establish regulations, procedures, and standards, as necessary, to facilitate the safe operation of unmanned aircraft systems operated by institutions of higher education for educational or research purposes.

(d) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given to that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) EDUCATIONAL OR RESEARCH PURPOSES.—The term "education or research purposes", with respect to the operation of an unmanned aircraft system by an institution of higher education, includes—

(A) instruction of students at the institution;

(B) academic or research related uses of unmanned aircraft systems that have been approved by the institution, including Federal research;

(C) activities undertaken by the institution as part of research projects, including research projects sponsored by the Federal Government; and

(D) other academic activities approved by the institution.

(e) STATUTORY CONSTRUCTION.—

(1) ENFORCEMENT.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

(2) REGULATIONS AND STANDARDS.—Nothing in this section prohibits the Administrator from promulgating any rules or standards consistent with maintaining the safety and security of the national airspace system.

SEC. 351. UNMANNED AIRCRAFT SYSTEMS INTEGRATION PILOT PROGRAM.

49 USC 44802 note.

(a) AUTHORITY.—The Secretary of Transportation may establish a pilot program to enable enhanced drone operations as required in the October 25, 2017 Presidential Memorandum entitled "Unmanned Aircraft Systems Integration Pilot Program" and described in 82 Federal Register 50301.

(b) APPLICATIONS.—The Secretary shall accept applications from State, local, and Tribal governments, in partnership with unmanned aircraft system operators and other private-sector stakeholders, to test and evaluate the integration of civil and public UAS operations into the low-altitude national airspace system.

(c) OBJECTIVES.—The purpose of the pilot program is to accelerate existing UAS integration plans by working to solve technical, regulatory, and policy challenges, while enabling advanced UAS operations in select areas subject to ongoing safety oversight and cooperation between the Federal Government and applicable State, local, or Tribal jurisdictions, in order to—

(1) accelerate the safe integration of UAS into the NAS by testing and validating new concepts of beyond visual line of sight operations in a controlled environment, focusing on detect and avoid technologies, command and control links, navigation, weather, and human factors;

(2) address ongoing concerns regarding the potential security and safety risks associated with UAS operating in close proximity to human beings and critical infrastructure by ensuring that operators communicate more effectively with Federal, State, local, and Tribal law enforcement to enable law enforcement to determine if a UAS operation poses such a risk;

(3) promote innovation in and development of the United States unmanned aviation industry, especially in sectors such as agriculture, emergency management, inspection, and transportation safety, in which there are significant public benefits to be gained from the deployment of UAS; and

(4) identify the most effective models of balancing local and national interests in UAS integration.

(d) APPLICATION SUBMISSION.—The Secretary shall establish application requirements and require applicants to include the following information:

(1) Identification of the airspace to be used, including shape files and altitudes.

(2) Description of the types of planned operations.

(3) Identification of stakeholder partners to test and evaluate planned operations.

(4) Identification of available infrastructure to support planned operations.

(5) Description of experience with UAS operations and regulations.

(6) Description of existing UAS operator and any other stakeholder partnerships and experience.

(7) Description of plans to address safety, security, competition, privacy concerns, and community outreach.

(e) MONITORING AND ENFORCEMENT OF LIMITATIONS.—

(1) IN GENERAL.—Monitoring and enforcement of any limitations enacted pursuant to this pilot project shall be the responsibility of the jurisdiction.

(2) SAVINGS PROVISION.—Nothing in paragraph (1) may be construed to prevent the Secretary from enforcing Federal law.

(3) EXAMPLES OF LIMITATIONS.—Limitations under this section may include—

(A) prohibiting flight during specified morning and evening rush hours or only permitting flight during specified hours such as daylight hours, sufficient to ensure reasonable airspace access;

(B) establishing designated take-off and landing zones, limiting operations over moving locations or fixed site public road and parks, sidewalks or private property based on zoning density, or other land use considerations;

(C) requiring notice to public safety or zoning or land use authorities before operating; and

(D) prohibiting operations in connection with community or sporting events that do not remain in one place (for example, parades and running events).

(f) SELECTION CRITERIA.—In making determinations, the Secretary shall evaluate whether applications meet or exceed the following criteria:

(1) Overall economic, geographic, and climatic diversity of the selected jurisdictions.

(2) Overall diversity of the proposed models of government involvement.

(3) Overall diversity of the UAS operations to be conducted.

(4) The location of critical infrastructure.

(5) The involvement of commercial entities in the proposal and their ability to advance objectives that may serve the public interest as a result of further integration of UAS into the NAS.

(6) The involvement of affected communities in, and their support for, participating in the pilot program.

(7) The commitment of the governments and UAS operators involved in the proposal to comply with requirements related to national defense, homeland security, and public safety and to address competition, privacy, and civil liberties concerns.

(8) The commitment of the governments and UAS operators involved in the proposal to achieve the following policy objectives:

(A) Promoting innovation and economic development.

(B) Enhancing transportation safety.

(C) Enhancing workplace safety.

(D) Improving emergency response and search and rescue functions.

(E) Using radio spectrum efficiently and competitively.

(g) IMPLEMENTATION.—The Secretary shall use the data collected and experience gained over the course of this pilot program to—

(1) identify and resolve technical challenges to UAS integration;

(2) address airspace use to safely and efficiently integrate all aircraft;

(3) inform operational standards and procedures to improve safety (for example, detect and avoid capabilities, navigation and altitude performance, and command and control link);

(4) inform FAA standards that reduce the need for waivers (for example, for operations over human beings, night operations, and beyond visual line of sight); and

(5) address competing interests regarding UAS operational expansion, safety, security, roles and responsibilities of non-Federal Government entities, and privacy issues.

(h) NOTIFICATION.—Prior to initiating any additional rounds of agreements with State, local, or Tribal governments as part of the pilot program established under subsection (a), the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations in the Senate.

(i) SUNSET.—The pilot program established under subsection (a) shall terminate 3 years after the date on which the memorandum referenced in subsection (a) is signed by the President.

(j) SAVINGS CLAUSE.—Nothing in this section shall affect any proposals, selections, imposition of conditions, operations, or other decisions made—

(1) under the pilot program developed by the Secretary of Transportation pursuant to the Presidential memorandum titled "Unmanned Aircraft Systems Integration Pilot Program", as published in the Federal Register on October 30, 2017 (82 Fed. Reg. 50301); and

(2) prior to the date of enactment of this Act.

(k) DEFINITIONS.—In this section:

(1) The term "Lead Applicant" means an eligible State, local or Tribal government that has submitted a timely application.

(2) The term "NAS" means the low-altitude national airspace system.

(3) The term "UAS" means unmanned aircraft system.

SEC. 352. PART 107 TRANSPARENCY AND TECHNOLOGY IMPROVEMENTS.

(a) TRANSPARENCY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall publish on the FAA website a representative sample of the safety justifications, offered by applicants for small unmanned aircraft system waivers and airspace authorizations, that have been approved by the Administration for each regulation waived or class of airspace authorized, except that any published justification shall not reveal proprietary or commercially sensitive information.

(b) TECHNOLOGY IMPROVEMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall revise the online waiver and certificates of authorization processes—

(1) to provide real time confirmation that an application filed online has been received by the Administration; and

(2) to provide an applicant with an opportunity to review the status of the applicant's application.

49 USC 44802 note.

SEC. 353. EMERGENCY EXEMPTION PROCESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of unmanned aircraft systems by civil and public operators—

(1) is an increasingly important tool in response to a catastrophe, disaster, or other emergency;

(2) helps facilitate emergency response operations, such as firefighting and search and rescue; and

(3) helps facilitate post-catastrophic response operations, such as utility and infrastructure restoration efforts and the safe and prompt processing, adjustment, and payment of insurance claims.

(b) UPDATES.—The Administrator shall, as necessary, update and improve the Special Government Interest process described

in chapter 7 of Federal Aviation Administration Order JO 7200.23A to ensure that civil and public operators, including local law enforcement agencies and first responders, continue to use unmanned aircraft system operations quickly and efficiently in response to a catastrophe, disaster, or other emergency.

(c) BEST PRACTICES.—The Administrator shall develop best practices for the use of unmanned aircraft systems by States and localities to respond to a catastrophe, disaster, or other emergency response and recovery operation.

SEC. 354. TREATMENT OF UNMANNED AIRCRAFT OPERATING UNDERGROUND.

49 USC 44802 note.

An unmanned aircraft system that is operated underground for mining purposes shall not be subject to regulation or enforcement by the FAA under title 49, United States Code.

SEC. 355. PUBLIC UAS OPERATIONS BY TRIBAL GOVERNMENTS.

(a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERNMENTS.—Section 40102(a)(41) of title 49, United States Code, is amended by adding at the end the following:

"(F) An unmanned aircraft that is owned and operated by, or exclusively leased for at least 90 continuous days by, an Indian Tribal government, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), except as provided in section 40125(b).".

(b) CONFORMING AMENDMENT.—Section 40125(b) of title 49, United States Code, is amended by striking "or (D)" and inserting "(D), or (F)".

SEC. 356. AUTHORIZATION OF APPROPRIATIONS FOR KNOW BEFORE YOU FLY CAMPAIGN.

There are authorized to be appropriated to the Administrator of the Federal Aviation Administration $1,000,000 for each of fiscal years 2019 through 2023, out of funds made available under section 106(k), for the Know Before You Fly educational campaign or similar public informational efforts intended to broaden unmanned aircraft systems safety awareness.

SEC. 357. UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY.

49 USC 44801 note.

It is the policy of the United States that the operation of any unmanned aircraft or unmanned aircraft system shall be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.

SEC. 358. UAS PRIVACY REVIEW.

(a) REVIEW.—The Comptroller General of the United States, in consideration of relevant efforts led by the National Telecommunications and Information Administration, shall carry out a review of the privacy issues and concerns associated with the operation of unmanned aircraft systems in the national airspace system.

(b) CONSULTATION.—In carrying out the review, the Comptroller General shall—

(1) consult with the Department of Transportation and the National Telecommunications and Information Administration of the Department of Commerce on its ongoing efforts

responsive to the Presidential memorandum titled "Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems" and dated February 15, 2015;

(2) examine and identify the existing Federal, State, or relevant local laws that address an individual's personal privacy;

(3) identify specific issues and concerns that may limit the availability of civil or criminal legal remedies regarding inappropriate operation of unmanned aircraft systems in the national airspace system;

(4) identify any deficiencies in Federal, State, or local privacy protections; and

(5) provide recommendations to address any limitations and deficiencies identified in paragraphs (3) and (4).

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the review required under subsection (a).

SEC. 359. STUDY ON FIRE DEPARTMENT AND EMERGENCY SERVICE AGENCY USE OF UNMANNED AIRCRAFT SYSTEMS.

(a) STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study on the use of unmanned aircraft systems by fire departments and emergency service agencies. Such study shall include an analysis of—

(A) how fire departments and emergency service agencies currently use unmanned aircraft systems;

(B) obstacles to greater use of unmanned aircraft systems by fire departments and emergency service agencies;

(C) the best way to provide outreach to support greater use of unmanned aircraft systems by fire departments and emergency service agencies;

(D) laws or regulations that present barriers to career, combination, and volunteer fire departments' ability to use unmanned aircraft systems;

(E) training and certifications required for the use of unmanned aircraft systems by fire departments and emergency service agencies;

(F) airspace limitations and concerns in the use of unmanned aircraft systems by fire departments and emergency service agencies;

(G) roles of unmanned aircraft systems in the provision of fire and emergency services;

(H) technological challenges to greater adoption of unmanned aircraft systems by fire departments and emergency service agencies; and

(I) other issues determined appropriate by the Administrator.

(2) CONSULTATION.—In conducting the study under paragraph (1), the Administrator shall consult with national fire and emergency service organizations.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the study conducted under

subsection (a), including the Administrator's findings, conclusions, and recommendations.

SEC. 360. STUDY ON FINANCING OF UNMANNED AIRCRAFT SERVICES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study on appropriate fee mechanisms to recover the costs of—

(1) the regulation and safety oversight of unmanned aircraft and unmanned aircraft systems; and

(2) the provision of air navigation services to unmanned aircraft and unmanned aircraft systems.

(b) CONSIDERATIONS.—In carrying out the study, the Comptroller General shall consider, at a minimum—

(1) any recommendations of Task Group 3 of the Drone Advisory Committee chartered by the Federal Aviation Administration on August 31, 2016;

(2) the total annual costs incurred by the Federal Aviation Administration for the regulation and safety oversight of activities related to unmanned aircraft;

(3) the annual costs attributable to various types, classes, and categories of unmanned aircraft activities;

(4) air traffic services provided to unmanned aircraft operating under instrument flight rules, excluding public aircraft;

(5) the number of full-time Federal Aviation Administration employees dedicated to unmanned aircraft programs;

(6) the use of privately operated UTM and other privately operated unmanned aircraft systems;

(7) the projected growth of unmanned aircraft operations for various applications and the estimated need for regulation, oversight, and other services;

(8) the number of small businesses involved in the various sectors of the unmanned aircraft industry and operating as primary users of unmanned aircraft; and

(9) any best practices or policies utilized by jurisdictions outside the United States relating to partial or total recovery of regulation and safety oversight costs related to unmanned aircraft and other emergent technologies.

(c) REPORT TO CONGRESS.—Not later than 180 days after initiating the study, the Comptroller General shall submit to the appropriate committees of Congress a report containing recommendations on appropriate fee mechanisms to recover the costs of regulating and providing air navigation services to unmanned aircraft and unmanned aircraft systems.

SEC. 361. REPORT ON UAS AND CHEMICAL AERIAL APPLICATION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report evaluating which aviation safety requirements under part 137 of title 14, Code of Federal Regulations, should apply to unmanned aircraft system operations engaged in aerial spraying of chemicals for agricultural purposes.

SEC. 362. SENSE OF CONGRESS REGARDING UNMANNED AIRCRAFT SAFETY.

It is the sense of Congress that—

(1) the unauthorized operation of unmanned aircraft near airports presents a serious hazard to aviation safety;

(2) a collision between an unmanned aircraft and a conventional aircraft in flight could jeopardize the safety of persons aboard the aircraft and on the ground;

(3) Federal aviation regulations, including sections 91.126 through 91.131 of title 14, Code of Federal Regulations, prohibit unauthorized operation of an aircraft in controlled airspace near an airport;

(4) Federal aviation regulations, including section 91.13 of title 14, Code of Federal Regulations, prohibit the operation of an aircraft in a careless or reckless manner so as to endanger the life or property of another;

(5) the Administrator should pursue all available civil and administrative remedies available to the Administrator, including referrals to other government agencies for criminal investigations, with respect to persons who operate unmanned aircraft in an unauthorized manner;

(6) the Administrator should—

(A) place particular priority in continuing measures, including partnering with nongovernmental organizations and State and local agencies, to educate the public about the dangers to public safety of operating unmanned aircraft over areas that have temporary flight restrictions in place, for purposes such as wildfires, without appropriate authorization; and

(B) partner with State and local agencies to effectively enforce relevant laws so that unmanned aircrafts do not interfere with the efforts of emergency responders;

(7) the Administrator should place particular priority on continuing measures, including partnerships with nongovernmental organizations, to educate the public about the dangers to the public safety of operating unmanned aircraft near airports without the appropriate approvals or authorizations; and

(8) manufacturers and retail sellers of small unmanned aircraft systems should take steps to educate consumers about the safe and lawful operation of such systems.

49 USC 44802 note.

SEC. 363. PROHIBITION REGARDING WEAPONS.

(a) IN GENERAL.—Unless authorized by the Administrator, a person may not operate an unmanned aircraft or unmanned aircraft system that is equipped or armed with a dangerous weapon.

(b) DANGEROUS WEAPON DEFINED.—In this section, the term "dangerous weapon" has the meaning given that term in section 930(g)(2) of title 18, United States Code.

(c) PENALTY.—A person who violates this section is liable to the United States Government for a civil penalty of not more than $25,000 for each violation.

SEC. 364. U.S. COUNTER-UAS SYSTEM REVIEW OF INTERAGENCY COORDINATION PROCESSES.

(a) IN GENERAL.—Not later than 60 days after that date of enactment of this Act, the Administrator, in consultation with government agencies currently authorized to operate Counter-Unmanned Aircraft System (C-UAS) systems within the United States (including the territories and possessions of the United States), shall initiate a review of the following:

(1) The process the Administration is using for interagency coordination of C-UAS activity pursuant to a relevant Federal

statute authorizing such activity within the United States (including the territories and possessions of the United States).

(2) The standards the Administration is utilizing for operation of a C-UAS systems pursuant to a relevant Federal statute authorizing such activity within the United States (including the territories and possessions of the United States), including whether the following criteria are being taken into consideration in the development of the standards:

(A) Safety of the national airspace.

(B) Protecting individuals and property on the ground.

(C) Non-interference with avionics of manned aircraft, and unmanned aircraft, operating legally in the national airspace.

(D) Non-interference with air traffic control systems.

(E) Adequate coordination procedures and protocols with the Federal Aviation Administration during the operation of C-UAS systems.

(F) Adequate training for personnel operating C-UAS systems.

(G) Assessment of the efficiency and effectiveness of the coordination and review processes to ensure national airspace safety while minimizing bureaucracy.

(H) Best practices for the consistent operation of C-UAS systems to the maximum extent practicable.

(I) Current airspace authorization information shared by automated approval processes for airspace authorizations, such as the Low Altitude Authorization and Notification Capability.

(J) Such other matters the Administrator considers necessary for the safe and lawful operation of C-UAS systems.

(3) Similar interagency coordination processes already used for other matters that may be used as a model for improving the interagency coordination for the usage of C-UAS systems.

(b) REPORT.—Not later than 180 days after the date upon which the review in subsection (a) is initiated, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation in the Senate, and the Committee on Armed Services of the Senate, a report on the Administration's activities related to C-UAS systems, including—

(1) any coordination with Federal agencies and States, subdivisions and States, political authorities of at least 2 States that operate C-UAS systems;

(2) an assessment of the standards being utilized for the operation of a counter-UAS systems within the United States (including the territories and possessions of the United States);

(3) an assessment of the efficiency and effectiveness of the interagency coordination and review processes to ensure national airspace safety while minimizing bureaucracy; and

(4) a review of any additional authorities needed by the Federal Aviation Administration to effectively oversee the management of C-UAS systems within the United States (including the territories and possessions of the United States).

49 USC 44810 note.

SEC. 365. COOPERATION RELATED TO CERTAIN COUNTER-UAS TECHNOLOGY.

In matters relating to the use of systems in the national airspace system intended to mitigate threats posed by errant or hostile unmanned aircraft system operations, the Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of such systems by drawing upon the expertise and experience of the Department of Defense in acquiring and operating such systems consistent with the safe and efficient operation of the national airspace system.

49 USC 44801 note.

SEC. 366. STRATEGY FOR RESPONDING TO PUBLIC SAFETY THREATS AND ENFORCEMENT UTILITY OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a comprehensive strategy to provide outreach to State and local governments and provide guidance for local law enforcement agencies and first responders with respect to—

(1) how to identify and respond to public safety threats posed by unmanned aircraft systems; and

(2) how to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and first responders.

(b) RESOURCES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a publicly available Internet website that contains resources for State and local law enforcement agencies and first responders seeking—

(1) to respond to public safety threats posed by unmanned aircraft systems; and

(2) to identify and take advantage of opportunities to use unmanned aircraft systems to enhance the effectiveness of local law enforcement agencies and public safety response efforts.

(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term "unmanned aircraft system" has the meaning given that term in section 44801 of title 49, United States Code, as added by this Act.

SEC. 367. INCORPORATION OF FEDERAL AVIATION ADMINISTRATION OCCUPATIONS RELATING TO UNMANNED AIRCRAFT INTO VETERANS EMPLOYMENT PROGRAMS OF THE ADMINISTRATION.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Labor, shall determine whether occupations of the Administration relating to unmanned aircraft systems technology and regulations can be incorporated into the Veterans' Employment Program of the Administration, particularly in the interaction between such program and the New Sights Work Experience Program and the Vet-Link Cooperative Education Program.

49 USC 44806 note.

SEC. 368. PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance for the expedited and timely access to special use airspace for public unmanned aircraft systems in order to assist Federal, State, local,

or tribal law enforcement organizations in conducting law enforcement, emergency response, or for other activities.

SEC. 369. APPLICATIONS FOR DESIGNATION.

49 USC 40101 note.

Section 2209 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615) is amended—

(1) in subsection (b)(1)(C)(i), by striking "and distribution facilities and equipment" and inserting "distribution facilities and equipment, and railroad facilities"; and

(2) by adding at the end the following:

"(e) DEADLINES.—

"(1) Not later than March 31, 2019, the Administrator shall publish a notice of proposed rulemaking to carry out the requirements of this section.

"(2) Not later than 12 months after publishing the notice of proposed rulemaking under paragraph (1), the Administrator shall issue a final rule.".

SEC. 370. SENSE OF CONGRESS ON ADDITIONAL RULEMAKING AUTHORITY.

It is the sense of Congress that—

(1) beyond visual line of sight operations, nighttime operations, and operations over people of unmanned aircraft systems have tremendous potential—

(A) to enhance both commercial and academic use;

(B) to spur economic growth and development through innovative applications of this emerging technology; and

(C) to improve emergency response efforts as it relates to assessing damage to critical infrastructure such as roads, bridges, and utilities, including water and power, ultimately speeding response time;

(2) advancements in miniaturization of safety technologies, including for aircraft weighing under 4.4 pounds, have increased economic opportunities for using unmanned aircraft systems while reducing kinetic energy and risk compared to unmanned aircraft that may weigh 4.4 pounds or more, but less than 55 pounds;

(3) advancements in unmanned technology will have the capacity to ultimately improve manned aircraft safety; and

(4) integrating unmanned aircraft systems safely into the national airspace, including beyond visual line of sight operations, nighttime operations on a routine basis, and operations over people should remain a top priority for the Federal Aviation Administration as it pursues additional rulemakings under the amendments made by this section.

SEC. 371. ASSESSMENT OF AIRCRAFT REGISTRATION FOR SMALL UNMANNED AIRCRAFT.

(a) EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the National Academy of Public Administration, to estimate and assess compliance with and the effectiveness of the registration of small unmanned aircraft systems by the Federal Aviation Administration pursuant to the interim final rule issued on December 16, 2015, titled "Registration and Marking Requirements for Small Unmanned Aircraft" (80 Fed. Reg. 78593).

(b) METRICS.—Upon receiving the assessment, the Secretary shall, to the extent practicable, develop metrics to measure compliance with the interim final rule described in subsection (a), and any subsequent final rule, including metrics with respect to—

(1) the levels of compliance with the interim final rule and any subsequent final rule;

(2) the number of enforcement actions taken by the Administration for violations of or noncompliance with the interim final rule and any subsequent final rule, together with a description of the actions; and

(3) the effect of the interim final rule and any subsequent final rule on compliance with any fees associated with the use of small unmanned aircraft systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the to the appropriate committees of Congress a report containing—

(1) the results of the assessment required under subsection (a);

(2) the metrics required under subsection (b) and how the Secretary will track these metrics; and

(3) recommendations to Congress for improvements to the registration process for small unmanned aircraft, if necessary.

49 USC 44810 note.

SEC. 372. ENFORCEMENT.

(a) UAS SAFETY ENFORCEMENT.—The Administrator of the Federal Aviation Administration shall establish a pilot program to utilize available remote detection or identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

(b) REPORTING.—As part of the pilot program, the Administrator shall establish and publicize a mechanism for the public and Federal, State, and local law enforcement to report suspected operation of unmanned aircraft in violation of applicable Federal laws and regulations.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018, and annually thereafter through the duration of the pilot program established in subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the following:

(1) The number of unauthorized unmanned aircraft operations detected in restricted airspace, including in and around airports, together with a description of such operations.

(2) The number of enforcement cases brought by the Federal Aviation Administration or other Federal agencies for unauthorized operation of unmanned aircraft detected through the program, together with a description of such cases.

(3) Recommendations for safety and operational standards for unmanned aircraft detection and mitigation systems.

(4) Recommendations for any legislative or regulatory changes related to mitigation or detection or identification of unmanned aircraft systems.

(d) SUNSET.—The pilot program established in subsection (a) shall terminate on September 30, 2023.

(e) CIVIL PENALTIES.—Section 46301 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting "chapter 448," after "chapter 447 (except sections 44717 and 44719–44723),";

(2) in subsection (a)(5)(A)(i), by inserting "chapter 448," after "chapter 447 (except sections 44717–44723),";

(3) in subsection (d)(2), by inserting "chapter 448," after "chapter 447 (except sections 44717 and 44719–44723),"; and

(4) in subsection (f)(1)(A)(i), by inserting "chapter 448," after "chapter 447 (except sections 44717 and 44719–44723),".

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this subtitle or any other applicable provision of aviation safety law or regulation using remote detection or identification or other technology following the sunset of the pilot program.

SEC. 373. FEDERAL AND LOCAL AUTHORITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the relative roles of the Federal Government, State, local and Tribal governments in the regulation and oversight of low-altitude operations of unmanned aircraft systems in the national airspace system; and

(2) submit to the appropriate committees of Congress a report on the study, including the Comptroller General's findings and conclusions.

(b) CONTENTS.—The study under subsection (a) shall review the following:

(1) The current state of the law with respect to Federal authority over low-altitude operations of unmanned aircraft systems in the national airspace system.

(2) The current state of the law with respect to State, local, and Tribal authority over low-altitude operations of unmanned aircraft systems in the national airspace system.

(3) Potential gaps between authorities under paragraphs (1) and (2).

(4) The degree of regulatory consistency required among the Federal Government, State governments, local governments, and Tribal governments for the safe and financially viable growth and development of the unmanned aircraft industry.

(5) The interests of Federal, State, local, and Tribal governments affected by low-altitude operations of unmanned aircraft systems and the authorities of those governments to protect such interests.

(6) The infrastructure requirements necessary for monitoring the low-altitude operations of small unmanned aircraft and enforcing applicable laws.

SEC. 374. SPECTRUM.

(a) REPORT.—Not later than 270 days after the date of enactment of this Act, and after consultation with relevant stakeholders, the Administrator of the Federal Aviation Administration, the National Telecommunications and Information Administration, and the Federal Communications Commission, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House

of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report—

(1) on whether unmanned aircraft systems operations should be permitted, but not required, to operate on spectrum that was recommended for allocation for AM(R)S and control links for UAS by the World Radio Conferences in 2007 (L-band, 960-1164 MHz) and 2012 (C-band, 5030-5091 MHz), on an unlicensed, shared, or exclusive basis, for operations within the UTM system or outside of such a system;

(2) that addresses any technological, statutory, regulatory, and operational barriers to the use of such spectrum; and

(3) that, if it is determined that some spectrum frequencies are not suitable for beyond-visual-line-of-sight operations by unmanned aircraft systems, includes recommendations of other spectrum frequencies that may be appropriate for such operations.

(b) NO EFFECT ON OTHER SPECTRUM.—The report required under subsection (a) does not prohibit or delay use of any licensed spectrum to satisfy control links, tracking, diagnostics, payload communications, collision avoidance, and other functions for unmanned aircraft systems operations.

49 USC 44801 note.

SEC. 375. FEDERAL TRADE COMMISSION AUTHORITY.

(a) IN GENERAL.—A violation of a privacy policy by a person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, in the national airspace system shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)).

(b) DEFINITIONS.—In this section, the terms "unmanned aircraft" and "unmanned aircraft system" have the meanings given those terms in section 44801 of title 49, United States Code.

49 USC 44802 note.

SEC. 376. PLAN FOR FULL OPERATIONAL CAPABILITY OF UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.

(a) IN GENERAL.—In conjunction with completing the requirements of section 2208 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 40101 note), subject to subsection (b) of this section, the Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, and in consultation with unmanned aircraft systems industry stakeholders, shall develop a plan to allow for the implementation of unmanned aircraft systems traffic management (UTM) services that expand operations beyond visual line of sight, have full operational capability, and ensure the safety and security of all aircraft.

(b) COMPLETION OF UTM SYSTEM PILOT PROGRAM.—The Administrator shall ensure that the UTM system pilot program, as established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 40101 note), is conducted to meet the following objectives of a comprehensive UTM system by the conclusion of the pilot program:

(1) In cooperation with the National Aeronautics and Space Administration and manned and unmanned aircraft industry stakeholders, allow testing of unmanned aircraft operations, of increasing volumes and density, in airspace above test ranges, as such term is defined in section 44801 of title 49, United States Code, as well as other sites determined by the Administrator to be suitable for UTM testing, including those

locations selected under the pilot program required in the October 25, 2017, Presidential Memorandum entitled, "Unmanned Aircraft Systems Integration Pilot Program" and described in 82 Federal Register 50301.

(2) Permit the testing of various remote identification and tracking technologies evaluated by the Unmanned Aircraft Systems Identification and Tracking Aviation Rulemaking Committee.

(3) Where the particular operational environment permits, permit blanket waiver authority to allow any unmanned aircraft approved by a UTM system pilot program selectee to be operated under conditions currently requiring a case-by-case waiver under part 107, title 14, Code of Federal Regulations, provided that any blanket waiver addresses risks to airborne objects as well as persons and property on the ground.

(c) IMPLEMENTATION PLAN CONTENTS.—The plan required by subsection (a) shall—

(1) include the development of safety standards to permit, authorize, or allow the use of UTM services, which may include the demonstration and validation of such services at the test ranges, as defined in section 44801 of title 49, United States Code, or other sites as authorized by the Administrator;

(2) outline the roles and responsibilities of industry and government in establishing UTM services that allow applicants to conduct commercial and noncommercial operations, recognizing the primary private sector role in the development and implementation of the Low Altitude Authorization and Notification Capability and future expanded UTM services;

(3) include an assessment of various components required for necessary risk reduction and mitigation in relation to the use of UTM services, including—

(A) remote identification of both cooperative and non-cooperative unmanned aircraft systems in the national airspace system;

(B) deconfliction of cooperative unmanned aircraft systems in the national airspace system by such services;

(C) the manner in which the Federal Aviation Administration will conduct oversight of UTM systems, including interfaces between UTM service providers and air traffic control;

(D) the need for additional technologies to detect cooperative and non-cooperative aircraft;

(E) collaboration and coordination with air traffic control, or management services and technologies to ensure the safety oversight of manned and unmanned aircraft, including—

(i) the Federal Aviation Administration responsibilities to collect and disseminate relevant data to UTM service providers; and

(ii) data exchange protocols to share UAS operator intent, operational approvals, operational restraints, and other data necessary to ensure safety or security of the National Airspace System;

(F) the potential for UTM services to manage unmanned aircraft systems carrying either cargo, payload,

or passengers, weighing more than 55 pounds, and operating at altitudes higher than 400 feet above ground level; and

(G) cybersecurity protections, data integrity, and national and homeland security benefits; and

(4) establish a process for—

(A) accepting applications for operation of UTM services in the national airspace system;

(B) setting the standards for independent private sector validation and verification that the standards for UTM services established pursuant to paragraph (1) enabling operations beyond visual line of sight, have been met by applicants; and

(C) notifying the applicant, not later than 120 days after the Administrator receives a complete application, with a written approval, disapproval, or request to modify the application.

(d) SAFETY STANDARDS.—In developing the safety standards in subsection (c)(1), the Administrator—

(1) shall require that UTM services help ensure the safety of unmanned aircraft and other aircraft operations that occur primarily or exclusively in airspace 400 feet above ground level and below, including operations conducted under a waiver issued pursuant to subpart D of part 107 of title 14, Code of Federal Regulations;

(2) shall consider, as appropriate—

(A) protection of persons and property on the ground;

(B) remote identification and tracking of aircraft;

(C) collision avoidance with respect to obstacles and non-cooperative aircraft;

(D) deconfliction of cooperative aircraft and integration of other relevant airspace considerations;

(E) right of way rules, inclusive of UAS operations;

(F) safe and reliable coordination between air traffic control and other systems operated in the national airspace system;

(G) detection of non-cooperative aircraft;

(H) geographic and local factors including but not limited to terrain, buildings and structures;

(I) aircraft equipage; and

(J) qualifications, if any, necessary to operate UTM services; and

(3) may establish temporary flight restrictions or other means available such as a certificate of waiver or authorization (COA) for demonstration and validation of UTM services.

(e) REVOCATION.—The Administrator may revoke the permission, authorization, or approval for the operation of UTM services if the Administrator determines that the services or its operator are no longer in compliance with applicable safety standards.

(f) LOW-RISK AREAS.—The Administrator shall establish expedited procedures for approval of UTM services operated in—

(1) airspace away from congested areas; or

(2) other airspace above areas in which operations of unmanned aircraft pose low risk, as determined by the Administrator.

(g) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

(h) SENSE OF CONGRESS.—It is the sense of Congress that, in developing the safety standards for UTM services, the Federal Aviation Administration shall consider ongoing research and development efforts on UTM services conducted by—

(1) the National Aeronautics and Space Administration in partnership with industry stakeholders;

(2) the UTM System pilot program required by section 2208 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 40101 note); and

(3) the participants in the pilot program required in the October 25, 2017, Presidential Memorandum entitled, "Unmanned Aircraft Systems Integration Pilot Program" and described in 82 Federal Register 50301.

(i) DEADLINE.—Not later than 1 year after the date of conclusion of the UTM pilot program established in section 2208 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 40101 note), the Administrator shall—

(1) complete the plan required by subsection (a);

(2) submit the plan to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) publish the plan on a publicly accessible Internet website of the Federal Aviation Administration.

SEC. 377. EARLY IMPLEMENTATION OF CERTAIN UTM SERVICES.

49 USC 44802 note.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall, upon request of a UTM service provider, determine if certain UTM services may operate safely in the national airspace system before completion of the implementation plan required by section 376.

(b) ASSESSMENT OF UTM SERVICES.—In making the determination under subsection (a), the Administrator shall assess, at a minimum, whether the proposed UTM services, as a result of their operational capabilities, reliability, intended use, areas of operation, and the characteristics of the aircraft involved, will maintain the safety and efficiency of the national airspace system and address any identified risks to manned or unmanned aircraft and persons and property on the ground.

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Administrator determines that certain UTM services may operate safely in the national airspace system, the Administrator shall establish requirements for their safe operation in the national airspace system.

(d) EXPEDITED PROCEDURES.—The Administrator shall provide expedited procedures for making the assessment and determinations under this section where the UTM services will be provided primarily or exclusively in airspace above areas in which the operation of unmanned aircraft poses low risk, including but not limited to croplands and areas other than congested areas.

(e) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

(f) PREEXISTING UTM SERVICES APPROVALS.—Nothing in this Act shall affect or delay approvals, waivers, or exemptions granted by the Administrator for UTM services already in existence or approved by the Administrator prior to the date of enactment

of this Act, including approvals under the Low Altitude Authorization and Notification Capability.

SEC. 378. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) each person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, except those operated for purposes protected by the First Amendment of the Constitution, should have a written privacy policy consistent with section 357 that is appropriate to the nature and scope of the activities regarding the collection, use, retention, dissemination, and deletion of any data collected during the operation of an unmanned aircraft system;

(2) each privacy policy described in paragraph (1) should be periodically reviewed and updated as necessary; and

(3) each privacy policy described in paragraph (1) should be publicly available.

49 USC 44801 note.

SEC. 379. COMMERCIAL AND GOVERNMENTAL OPERATORS.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall, to the extent practicable and consistent with applicable law, make available in a single location on the website of the Department of Transportation:

(1) Any certificate of waiver or authorization issued by the Administration to Federal, State, tribal or local governments for the operation of unmanned aircraft systems within 30 days of issuance of such certificate of waiver or authorization.

(2) A spreadsheet of UAS registrations, including the city, state, and zip code of each registered drone owner, on its website that is updated once per quarter each calendar year.

(3) Summary descriptions and general purposes of public unmanned aircraft operations, including the locations where such unmanned aircraft may generally operate.

(4) Summary descriptions of common civil unmanned aircraft operations.

(5) The expiration date of any authorization of public or civil unmanned aircraft operations.

(6) Links to websites of State agencies that enforce any applicable privacy laws.

(7) For any unmanned aircraft system, except with respect to any operation protected by the First Amendment to the Constitution of the United States, that will collect personally identifiable information about individuals, including the use of facial recognition—

(A) the circumstance under which the system will be used;

(B) the specific kinds of personally identifiable information that the system will collect about individuals; and

(C) how the information referred to in subparagraph (B), and the conclusions drawn from such information, will be used, disclosed, and otherwise handled, including—

(i) how the collection or retention of such information that is unrelated to the specific use will be minimized;

(ii) under what circumstances such information might be sold, leased, or otherwise provided to third parties;

(iii) the period during which such information will be retained;

(iv) when and how such information, including information no longer relevant to the specified use, will be destroyed; and

(v) steps that will be used to protect against the unauthorized disclosure of any information or data, such as the use of encryption methods and other security features.

(8) With respect to public unmanned aircraft systems—

(A) the locations where the unmanned aircraft system will operate;

(B) the time during which the unmanned aircraft system will operate;

(C) the general purpose of the flight; and

(D) the technical capabilities that the unmanned aircraft system possesses.

(b) EXCEPTIONS.—The Administrator shall not disclose information pursuant to subsection (a) if the Administrator determines that the release of such information—

(1) is not applicable;

(2) is not practicable, including when the information is not available to the Administrator;

(3) is not in compliance with applicable law;

(4) would compromise national defense, homeland security or law enforcement activity;

(5) would be withheld pursuant to an exception of the section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"); or

(6) is otherwise contrary to the public interest.

(c) SUNSET.—This section will cease to be effective on the date that is the earlier of—

(1) the date of publication of a Notice of Proposed Rulemaking or guidance regarding remote identification standards under section 2202 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615); or

(2) September 30, 2023.

SEC. 380. TRANSITION LANGUAGE.

49 USC 44802 note.

(a) REGULATIONS.—Notwithstanding the repeals under sections 341, 348, 347, and 383 of this Act, all orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued under any law described under subsection (b) of this section before the effective date of this Act shall continue in effect until modified or revoked by the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, as applicable, by a court of competent jurisdiction, or by operation of law other than this Act.

(b) LAWS DESCRIBED.—The laws described under this subsection are as follows:

(1) Section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(2) Section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(3) Section 334 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(4) Section 2206 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

(c) EFFECT ON PENDING PROCEEDINGS.—This Act shall not affect administrative or judicial proceedings pending on the effective date of this Act.

SEC. 381. UNMANNED AIRCRAFT SYSTEMS IN RESTRICTED BUILDINGS OR GROUNDS.

Section 1752 of title 18, United States Code, is amended by adding after subsection (a)(4) the following:

"(5) knowingly and willfully operates an unmanned aircraft system with the intent to knowingly and willfully direct or otherwise cause such unmanned aircraft system to enter or operate within or above a restricted building or grounds;".

SEC. 382. PROHIBITION.

(a) AMENDMENT.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

18 USC 40A.

"§ 40A. Operation of unauthorized unmanned aircraft over wildfires

"(a) IN GENERAL.—Except as provided in subsection (b), an individual who operates an unmanned aircraft and knowingly or recklessly interferes with a wildfire suppression, or law enforcement or emergency response efforts related to a wildfire suppression, shall be fined under this title, imprisoned for not more than 2 years, or both.

"(b) EXCEPTIONS.—This section does not apply to the operation of an unmanned aircraft conducted by a unit or agency of the United States Government or of a State, tribal, or local government (including any individual conducting such operation pursuant to a contract or other agreement entered into with the unit or agency) for the purpose of protecting the public safety and welfare, including firefighting, law enforcement, or emergency response.

"(c) DEFINITIONS.—In this section, the following definitions apply:

"(1) UNMANNED AIRCRAFT.—The term 'unmanned aircraft' has the meaning given the term in section 44801 of title 49, United States Code.

"(2) WILDFIRE.—The term 'wildfire' has the meaning given that term in section 2 of the Emergency Wildfire Suppression Act (42 U.S.C. 1856m).

"(3) WILDFIRE SUPPRESSION.—The term 'wildfire suppression' means an effort to contain, extinguish, or suppress a wildfire.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 40 the following:

18 USC prec. 31.

"40A. Operation of unauthorized unmanned aircraft over wildfires.".

SEC. 383. AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION AND ENFORCEMENT.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, as amended by this Act, is further amended by inserting at the end the following:

"§ 44810. Airport safety and airspace hazard mitigation and enforcement

49 USC 44810.

"(a) COORDINATION.—The Administrator of the Federal Aviation Administration shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies or systems that are developed, tested, or deployed by Federal departments and agencies to detect and mitigate potential risks posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

"(b) PLAN.—

"(1) IN GENERAL.—The Administrator shall develop a plan for the certification, permitting, authorizing, or allowing of the deployment of technologies or systems for the detection and mitigation of unmanned aircraft systems.

"(2) CONTENTS.—The plan shall provide for the development of policies, procedures, or protocols that will allow appropriate officials of the Federal Aviation Administration to utilize such technologies or systems to take steps to detect and mitigate potential airspace safety risks posed by unmanned aircraft system operations.

"(3) AVIATION RULEMAKING COMMITTEE.—The Administrator shall charter an aviation rulemaking committee to make recommendations for such a plan and any standards that the Administrator determines may need to be developed with respect to such technologies or systems. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an aviation rulemaking committee chartered under this paragraph.

"(4) NON-DELEGATION.—The plan shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code.

"(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In order to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such technologies or systems at 5 airports, including 1 airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data.

"(d) AUTHORITY.—Under the testing and evaluation in subsection (c), the Administrator shall use unmanned aircraft detection and mitigation systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

"(e) AIP FUNDING ELIGIBILITY.—Upon the certification, permitting, authorizing, or allowing of such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

"(f) BRIEFING.—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on

Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

"(g) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986), sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection (c) and (d).

"(h) SUNSET.—This section ceases to be effective September 30, 2023.

"(i) NON-DELEGATION.—The Administrator shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by this Act, is further amended by inserting at the end the following:

49 USC prec. 44801.

"44810. Airport safety and airspace hazard mitigation and enforcement.".

(2) PILOT PROJECT FOR AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION.—Section 2206 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615) and the item relating to that section in the table of contents under section 1(b) of that Act are repealed.

49 USC 40101 note.

SEC. 384. UNSAFE OPERATION OF UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by inserting after section 39A the following:

18 USC 39B.

"§ 39B. Unsafe operation of unmanned aircraft

"(a) OFFENSE.—Any person who operates an unmanned aircraft and:

"(1) Knowingly interferes with, or disrupts the operation of, an aircraft carrying 1 or more occupants operating in the special aircraft jurisdiction of the United States, in a manner that poses an imminent safety hazard to such occupants, shall be punished as provided in subsection (c).

"(2) Recklessly interferes with, or disrupts the operation of, an aircraft carrying 1 or more occupants operating in the special aircraft jurisdiction of the United States, in a manner that poses an imminent safety hazard to such occupants, shall be punished as provided in subsection (c).

"(b) OPERATION OF UNMANNED AIRCRAFT IN CLOSE PROXIMITY TO AIRPORTS.—

"(1) IN GENERAL.—Any person who, without authorization, knowingly operates an unmanned aircraft within a runway exclusion zone shall be punished as provided in subsection (c).

"(2) RUNWAY EXCLUSION ZONE DEFINED.—In this subsection, the term 'runway exclusion zone' means a rectangular area—

"(A) centered on the centerline of an active runway of an airport immediately around which the airspace is designated as class B, class C, or class D airspace at the surface under part 71 of title 14, Code of Federal Regulations; and

"(B) the length of which extends parallel to the runway's centerline to points that are 1 statute mile from each end of the runway and the width of which is ½ statute mile.

"(c) PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the punishment for an offense under subsections (a) or (b) shall be a fine under this title, imprisonment for not more than 1 year, or both.

"(2) SERIOUS BODILY INJURY OR DEATH.—Any person who:

"(A) Causes serious bodily injury or death during the commission of an offense under subsection (a)(2) shall be fined under this title, imprisoned for a term of up to 10 years, or both.

"(B) Causes, or attempts or conspires to cause, serious bodily injury or death during the commission of an offense under subsections (a)(1) and (b) shall be fined under this title, imprisoned for any term of years or for life, or both.".

(b) TABLE OF CONTENTS.—The table of contents for chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39A the following:

18 USC prec. 31.

"39B. Unsafe operation of unmanned aircraft.".

Subtitle C—General Aviation Safety

Fairness for Pilots Act.

SEC. 391. SHORT TITLE.

49 USC 40101 note.

This subtitle may be cited as the "Fairness for Pilots Act".

SEC. 392. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) NOTIFICATION OF INVESTIGATION.—Subsection (b) of section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting "and the specific activity on which the investigation is based" after "nature of the investigation";

(2) in paragraph (3), by striking "timely"; and

(3) in paragraph (5), by striking "section 44709(c)(2)" and inserting "section 44709(e)(2)".

(b) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is further amended by adding at the end the following:

"(f) RELEASE OF INVESTIGATIVE REPORTS.—

"(1) IN GENERAL.—

"(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections

(d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide, upon request, to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time of the request, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report not later than 5 days after its completion.

"(B) OTHER ORDERS.—In any nonemergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

"(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

"(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

"(A) Information that is privileged.

"(B) Information that constitutes work product or reflects internal deliberative process.

"(C) Information that would disclose the identity of a confidential source.

"(D) Information the disclosure of which is prohibited by any other provision of law.

"(E) Information that is not relevant to the subject matter of the proceeding.

"(F) Information the Administrator can demonstrate is withheld for good cause.

"(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

"(A) information in addition to the information included in the releasable portion of the investigative report; or

"(B) a copy of the investigative report before the Administrator issues a complaint.".

SEC. 393. NOTIFICATION OF REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) of title 49, United States Code, is amended—

(1) by striking "The Administrator" and inserting the following:

"(1) IN GENERAL.—The Administrator";

(2) by adding at the end the following:

"(2) NOTIFICATION OF REEXAMINATION OF AIRMAN.—Before taking any action to reexamine an airman under paragraph (1) the Administrator shall provide to the airman—

"(A) a reasonable basis, described in detail, for requesting the reexamination; and

"(B) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.".

SEC. 394. EXPEDITING UPDATES TO NOTAM PROGRAM.

49 USC 44701 note.

(a) IN GENERAL.—Beginning on the date that is 180 days after the date of enactment of this Act, the Administrator may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (49 U.S.C. 44701 note)) until the Administrator certifies to the appropriate committees of Congress that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "this Act" and inserting "the Fairness for Pilots Act"; and

(ii) by striking "begin" and inserting "complete the implementation of";

(B) by amending subparagraph (B) to read as follows:

"(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;";

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area."; and

(2) by amending subsection (d) to read as follows:

"(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

"(1) IN GENERAL.—The Administrator—

"(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

"(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

"(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

"(i) that NOTAM is not available through the repository before the commencement of the flight; and

"(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

"(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.".

SEC. 395. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

49 USC 47124a.

"§ 47124a. Accessibility of certain flight data

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(3) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

"(4) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under section 47124.

"(5) COVERED FLIGHT RECORD.—The term 'covered flight record' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

"(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

"(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

"(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

"(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

"(c) IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Fairness for Pilots Act, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

"(2) COMPLIANCE BY CONTRACTORS.—

"(A) IN GENERAL.—Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of enactment of the Fairness for Pilots Act.

"(B) NONAPPLICABILITY.—Subparagraph (A) shall not apply to any contract or agreement in effect on the date of enactment of the Fairness for Pilots Act unless the contract or agreement is renegotiated, renewed, or modified after that date.

"(d) PROTECTION OF CERTAIN DATA.—The Administrator of the Federal Aviation Administration may withhold information that would otherwise be required to be made available under section only if—

"(1) the Administrator determines, based on information in the possession of the Administrator, that the Administrator may withhold the information in accordance with section 552a of title 5, United States Code; or

"(2) the information is submitted pursuant to a voluntary safety reporting program covered by section 40123 of title 49, United States Code.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47124 the following: 49 USC prec. 47101.

"47124a. Accessibility of certain flight data.".

SEC. 396. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES. 49 USC 46101 note.

Not later than 90 days after the date of enactment of this Act, the Administrator shall designate the appropriate legal counsel of the Administration as an appropriate official for purposes of section 13.11 of title 14, Code of Federal Regulations.

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Airline Customer Service Improvements

49 USC 40101 note.

SEC. 401. DEFINITIONS.

In this title:

(1) COVERED AIR CARRIER.—The term "covered air carrier" means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(2) ONLINE SERVICE.—The term "online service" means any service available over the internet, or that connects to the internet or a wide-area network.

(3) TICKET AGENT.—The term "ticket agent" has the meaning given the term in section 40102 of title 49, United States Code.

SEC. 402. RELIABLE AIR SERVICE IN AMERICAN SAMOA.

Section 40109(g) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking subparagraph (C) and inserting the following:

"(C) review the exemption at least every 30 days (or, in the case of an exemption that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu'a, at least every 180 days) to ensure that the unusual circumstances that established the need for the exemption still exist."; and

(2) by striking paragraph (3) and inserting the following:

"(3) RENEWAL OF EXEMPTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may renew an exemption (including renewals) under this subsection for not more than 30 days.

"(B) EXCEPTION.—The Secretary may renew an exemption (including renewals) under this subsection that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu'a for not more than 180 days.

"(4) CONTINUATION OF EXEMPTIONS.—An exemption granted by the Secretary under this subsection may continue for not more than 5 days after the unusual circumstances that established the need for the exemption cease.".

SEC. 403. CELL PHONE VOICE COMMUNICATION BAN.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

49 USC 41725.

"§ 41725. Prohibition on certain cell phone voice communications

"(a) PROHIBITION.—The Secretary of Transportation shall issue regulations—

"(1) to prohibit an individual on an aircraft from engaging in voice communications using a mobile communications device during a flight of that aircraft in scheduled passenger interstate or intrastate air transportation; and

"(2) that exempt from the prohibition described in paragraph (1) any—

"(A) member of the flight crew on duty on an aircraft;

"(B) flight attendant on duty on an aircraft; and

"(C) Federal law enforcement officer acting in an official capacity.

"(b) DEFINITIONS.—In this section, the following definitions apply:

"(1) FLIGHT.—The term 'flight' means, with respect to an aircraft, the period beginning when the aircraft takes off and ending when the aircraft lands.

"(2) MOBILE COMMUNICATIONS DEVICE.—

"(A) IN GENERAL.—The term 'mobile communications device' means any portable wireless telecommunications equipment utilized for the transmission or reception of voice data.

"(B) LIMITATION.—The term 'mobile communications device' does not include a phone installed on an aircraft.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41724 the following:

49 USC prec. 41701.

"41725. Prohibition on certain cell phone voice communications.".

SEC. 404. IMPROVED NOTIFICATION OF INSECTICIDE USE.

Section 42303(b) of title 49, United States Code, is amended to read as follows:

"(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the internet website established under subsection (a) shall—

"(1) disclose, on its own internet website or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

"(2) refer the purchaser of the ticket to the internet website established under subsection (a) for additional information.".

SEC. 405. CONSUMER COMPLAINTS HOTLINE.

Section 42302 of title 49, United States Code, is amended by adding at the end the following:

"(d) USE OF NEW TECHNOLOGIES.—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to provide new means for air passengers to communicate complaints in addition to the telephone number established under subsection (a) and shall provide such new means as the Secretary determines appropriate.".

SEC. 406. CONSUMER INFORMATION ON ACTUAL FLIGHT TIMES.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the feasibility and advisability of modifying regulations contained in section 234.11 of title 14, Code of Federal Regulations, to ensure that—

(1) a reporting carrier (including its contractors), during the course of a reservation or ticketing discussion or other inquiry, discloses to a consumer upon reasonable request the

projected period between the actual wheels-off and wheels-on times for a reportable flight; and

(2) a reporting carrier displays, on the public internet website of the carrier, information on the actual wheels-off and wheels-on times during the most recent calendar month for a reportable flight.

(b) DEFINITIONS.—In this section, the terms "reporting carrier" and "reportable flight" have the meanings given those terms in section 234.2 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

49 USC 40127 note.

SEC. 407. TRAINING POLICIES REGARDING RACIAL, ETHNIC, AND RELIGIOUS NONDISCRIMINATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress and the Secretary of Transportation a report describing—

(1) each air carrier's training policy for its employees and contractors regarding racial, ethnic, and religious nondiscrimination; and

(2) how frequently an air carrier is required to train new employees and contractors because of turnover in positions that require such training.

(b) BEST PRACTICES.—After the date the report is submitted under subsection (a), the Secretary shall develop and disseminate to air carriers best practices necessary to improve the training policies described in subsection (a), based on the findings of the report and in consultation with—

(1) passengers of diverse racial, ethnic, and religious backgrounds;

(2) national organizations that represent impacted communities;

(3) air carriers;

(4) airport operators; and

(5) contract service providers.

SEC. 408. TRAINING ON HUMAN TRAFFICKING FOR CERTAIN STAFF.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

49 USC 44738.

"§ 44738. Training on human trafficking for certain staff

"In addition to other training requirements, each air carrier shall provide training to ticket counter agents, gate agents, and other air carrier workers whose jobs require regular interaction with passengers on recognizing and responding to potential human trafficking victims.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

49 USC prec. 44701.

"44738. Training on human trafficking for certain staff.".

SEC. 409. PROHIBITIONS AGAINST SMOKING ON PASSENGER FLIGHTS.

Section 41706 of title 49, United States Code, is amended—

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

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

"(d) ELECTRONIC CIGARETTES.—

"(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

"(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term 'electronic cigarette' means a device that delivers nicotine to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.".

SEC. 410. REPORT ON BAGGAGE REPORTING REQUIREMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) study and publicize for comment a cost-benefit analysis to air carriers and consumers of changing the baggage reporting requirements of section 234.6 of title 14, Code of Federal Regulations, before the implementation of such requirements; and

(2) submit a report on the findings of the cost-benefit analysis to the appropriate committees of Congress.

SEC. 411. ENFORCEMENT OF AVIATION CONSUMER PROTECTION RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to consider and evaluate Department of Transportation enforcement of aviation consumer protection rules.

(b) CONTENTS.—The study under subsection (a) shall include an evaluation of—

(1) available enforcement mechanisms;

(2) any obstacles to enforcement; and

(3) trends in Department of Transportation enforcement actions.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

SEC. 412. STROLLERS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

"§ 41726. Strollers

49 USC 41726.

"(a) IN GENERAL.—Except as provided in subsection (b), a covered air carrier shall not deny a passenger the ability to check a stroller at the departure gate if the stroller is being used by a passenger to transport a child traveling on the same flight as the passenger.

"(b) EXCEPTION.—Subsection (a) shall not apply in instances where the size or weight of the stroller poses a safety or security risk.

"(c) COVERED AIR CARRIER DEFINED.—In this section, the term 'covered air carrier' means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.".

49 USC prec. 41701.

(b) TABLE OF CONTENTS.—The analysis for chapter 417 of title 49, United States Code, is further amended by inserting after the item relating to section 41725 the following:

"41726. Strollers.".

SEC. 413. CAUSES OF AIRLINE DELAYS OR CANCELLATIONS.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall review the categorization of delays and cancellations with respect to air carriers that are required to report such data.

(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Secretary shall consider, at a minimum—

(A) whether delays and cancellations were the result of—

(i) decisions or matters within the control or within the discretion of the Federal Aviation Administration, including ground stop or delay management programs in response to adverse weather conditions;

(ii) business decisions or other matters within the air carrier's control or discretion in response to adverse weather conditions, including efforts to disrupt the travel of the fewest number of passengers; or

(iii) other factors;

(B) if the data indicate whether and to what extent delays and cancellations attributed by an air carrier to weather disproportionately impact service to smaller airports and communities;

(C) whether it is an unfair or deceptive practice for an air carrier to inform a passenger that a flight is delayed or cancelled due to weather alone when other factors are involved;

(D) limitations, if any, in the Federal Aviation Administration air traffic control systems that reduce the capacity or efficiency of the national airspace system during adverse weather events; and

(E) relevant analytical work by academic institutions.

(3) CONSULTATION.—The Secretary may consult air carriers and the Advisory Committee for Aviation Consumer Protection, established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note), to assist in conducting the review and providing recommendations on improving the quality and quantity of information provided to passengers adversely affected by a cancellation or delay.

(b) REPORT.—Not later than 90 days after the date the review under subsection (a) is complete, the Secretary shall submit to the appropriate committees of Congress a report on the review under subsection (a), including any recommendations.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed as affecting or penalizing—

(1) the decision of an air carrier to maximize its system capacity during weather-related events to accommodate the greatest number of passengers; or

(2) any decisions of an air carrier or the Federal Aviation Administration in any matter related to or affecting the safety of any person.

SEC. 414. INVOLUNTARY CHANGES TO ITINERARIES.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review the rate at which air carriers change passenger itineraries more than 24 hours before departure, where the new itineraries involve additional stops or depart 3 hours earlier or later than originally scheduled and compensation or other suitable air transportation is not offered. In conducting the review, the Secretary shall consider the compensation and alternative travel options provided or offered by the air carrier in such situations.

(2) CONSULTATION.—The Secretary may consult with air carriers and the Advisory Committee for Aviation Consumer Protection, established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note), to assist in conducting the review and providing recommendations.

(b) REPORT.—Not later than 90 days after the date the review under subsection (a) is complete, the Secretary shall submit to appropriate committees of Congress a report on the review under subsection (a).

SEC. 415. EXTENSION OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

Section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended in subsection (h) by striking "2018" and inserting "2023".

SEC. 416. ONLINE ACCESS TO AVIATION CONSUMER PROTECTION INFORMATION.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall—

(1) complete an evaluation of the aviation consumer protection portion of the Department of Transportation's public internet website to identify any changes to the user interface, including the interface presented to individuals accessing the website from a mobile device, that will improve usability, accessibility, consumer satisfaction, and website performance;

(2) in completing the evaluation under paragraph (1)—

(A) consider the best practices of other Federal agencies with effective websites; and

(B) consult with the Federal Web Managers Council;

(3) develop a plan, including an implementation timeline, for—

(A) making the changes identified under paragraph (1); and

(B) making any necessary changes to that portion of the website that will enable a consumer, in a manner that protects the privacy of consumers and employees, to—

(i) access information regarding each complaint filed with the Aviation Consumer Protection Division of the Department of Transportation;

(ii) search the complaints described in clause (i) by the name of the air carrier, the dates of departure and arrival, the airports of origin and departure, and the type of complaint; and

(iii) determine the date a complaint was filed and the date a complaint was resolved; and

(4) submit the evaluation and plan to appropriate committees of Congress.

SEC. 417. PROTECTION OF PETS ON AIRPLANES.

(a) PROHIBITION.—Chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

49 USC 44739.

"§ 44739. Pets on airplanes

"(a) PROHIBITION.—It shall be unlawful for any person to place a live animal in an overhead storage compartment of an aircraft operated under part 121 of title 14, Code of Federal Regulations.

"(b) CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

49 USC prec. 44701.

"44739. Pets on airplanes.".

49 USC note prec. 42301.

SEC. 418. ADVISORY COMMITTEE ON AIR AMBULANCE AND PATIENT BILLING.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Health and Human Services, shall establish an advisory committee for the purpose of reviewing options to improve the disclosure of charges and fees for air medical services, better inform consumers of insurance options for such services, and protect consumers from balance billing.

(b) COMPOSITION OF THE ADVISORY COMMITTEE.—The advisory committee shall be composed of the following members:

(1) The Secretary of Transportation, or the Secretary's designee.

(2) The Secretary of Health and Human Services, or the Secretary's designee.

(3) One representative, to be appointed by the Secretary of Transportation, of each of the following:

(A) Each relevant Federal agency, as determined by the Secretary of Transportation.

(B) State insurance regulators

(C) Health insurance providers.

(D) Patient advocacy groups.

(E) Consumer advocacy groups.

(F) Physician specializing in emergency, trauma, cardiac, or stroke.

(4) Three representatives, to be appointed by the Secretary of Transportation, to represent the various segments of the air ambulance industry.

(5) Additional three representatives not covered under paragraphs (1) through (4), as determined necessary and appropriate by the Secretary.

(c) CONSULTATION.—The advisory committee shall, as appropriate, consult with relevant experts and stakeholders not captured in (b) while conducting its review.

(d) RECOMMENDATIONS.—The advisory committee shall make recommendations with respect to disclosure of charges and fees for air ambulance services and insurance coverage, consumer protection and enforcement authorities of both the Department of Transportation and State authorities, and the prevention of balance billing to consumers. The recommendations shall address, at a minimum—

(1) the costs, benefits, practicability, and impact on all stakeholders of clearly distinguishing between charges for air transportation services and charges for non-air transportation services in bills and invoices, including the costs, benefits, and practicability of—

(A) developing cost-allocation methodologies to separate charges for air transportation services from charges for non-air transportation services; and

(B) formats for bills and invoices that clearly distinguish between charges for air transportation services and charges for non-air transportation services;

(2) options, best practices, and identified standards to prevent instances of balance billing such as improving network and contract negotiation, dispute resolution between health insurance and air medical service providers, and explanation of insurance coverage and subscription programs to consumers;

(3) steps that can be taken by State legislatures, State insurance regulators, State attorneys general, and other State officials as appropriate, consistent with current legal authorities regarding consumer protection;

(4) recommendations made by the Comptroller General study, GAO–17–637, including what additional data from air ambulance providers and other sources should be collected by the Department of Transportation to improve its understanding of the air ambulance market and oversight of the air ambulance industry for the purposes of pursuing action related to unfair or deceptive practices or unfair methods of competition, which may include—

(A) cost data;

(B) standard charges and payments received per transport;

(C) whether the provider is part of a hospital-sponsored program, municipality-sponsored program, hospital-independent partnership (hybrid) program, or independent program;

(D) number of transports per base and helicopter;

(E) market shares of air ambulance providers inclusive of any parent or holding companies;

(F) any data indicating the extent of competition among air ambulance providers on the basis of price and service;

(G) prices assessed to consumers and insurers for air transportation and any non-transportation services provided by air ambulance providers; and

(H) financial performance of air ambulance providers;

(5) definitions of all applicable terms that are not defined in statute or regulations; and

(6) other matters as determined necessary or appropriate.

(e) REPORT.—Not later than 180 days after the date of the first meeting of the advisory committee, the advisory committee shall submit to the Secretary of Transportation, the Secretary of Health and Human Services, and the appropriate committees of Congress a report containing the recommendations made under subsection (d).

(f) RULEMAKING.—Upon receipt of the report under subsection (e), the Secretary of Transportation shall consider the recommendations of the advisory committee and issue regulations or other guidance as deemed necessary—

(1) to require air ambulance providers to regularly report data to the Department of Transportation;

(2) to increase transparency related to Department of Transportation actions related to consumer complaints; and

(3) to provide other consumer protections for customers of air ambulance providers.

(g) ELIMINATION OF ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—The Advisory Council on Transportation Statistics shall terminate on the date of enactment of this Act.

SEC. 419. AIR AMBULANCE COMPLAINTS TO THE DEPARTMENT OF TRANSPORTATION.

(a) CONSUMER COMPLAINTS.—Section 42302 of title 49, United States Code, is further amended—

(1) in subsection (a) by inserting "(including transportation by air ambulance (as defined by the Secretary of Transportation))" after "air transportation"; and

(2) by adding at the end the following:

"(e) AIR AMBULANCE PROVIDERS.—Each air ambulance provider shall include the hotline telephone number, link to the Internet website established under subsection (a), and contact information for the Aviation Consumer Advocate established under section 425 on—

"(1) any invoice, bill, or other communication provided to a passenger or customer of the provider; and

"(2) its Internet Web site, and any related mobile device application.".

(b) UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR METHODS OF COMPETITION.—Section 41712(a) of title 49, United States Code, is amended by inserting "air ambulance consumer (as defined by the Secretary of Transportation)," after "foreign air carrier," in the first place it appears.

SEC. 420. REPORT TO CONGRESS ON AIR AMBULANCE OVERSIGHT.

(a) IN GENERAL.—Not later than 180 days after submission of the report required under section 418, the Secretary of Transportation shall submit a report to the appropriate committees of Congress on air ambulance oversight.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include—

(1) a description of how the Secretary will conduct oversight of air ambulance providers, including the information sources the Secretary will use to conduct such oversight; and

(2) a timeline for the issuance of any guidance concerning unfair and deceptive practices among air ambulance providers, including guidance for States and political subdivisions of States to refer such matters to the Secretary.

SEC. 421. REFUNDS FOR OTHER FEES THAT ARE NOT HONORED BY A COVERED AIR CARRIER.

49 USC note prec. 42301.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations that require each covered air carrier to promptly provide a refund to a passenger of any ancillary fees paid for services related to air travel that the passenger does not receive, including on the passenger's scheduled flight, on a subsequent replacement itinerary if there has been a rescheduling, or for a flight not taken by the passenger.

SEC. 422. ADVANCE BOARDING DURING PREGNANCY.

49 USC note prec. 42301.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall review air carrier policies regarding traveling during pregnancy and, if appropriate, may revise regulations, as the Secretary considers necessary, to require an air carrier to offer advance boarding of an aircraft to a pregnant passenger who requests such assistance.

SEC. 423. CONSUMER COMPLAINT PROCESS IMPROVEMENT.

(a) IN GENERAL.—Section 42302(c) of title 49, United States Code is amended—

(1) in the matter preceding paragraph (1), by striking "An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats" and inserting "Each air carrier and foreign air carrier";

(2) in paragraph (1), by striking "air carrier" and inserting "carrier"; and

(3) in paragraph (2), by striking "air carrier" and inserting "carrier".

(b) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to implement the requirements of section 42302 of title 49, United States Code, as amended by this Act.

49 USC 42302 note.

SEC. 424. AVIATION CONSUMER ADVOCATE.

49 USC 42302 note.

(a) IN GENERAL.—The Secretary of Transportation shall review aviation consumer complaints received that allege a violation of law and, as appropriate, pursue enforcement or corrective actions that would be in the public interest.

(b) CONSIDERATIONS.—In considering which cases to pursue for enforcement or corrective action under subsection (a), the Secretary shall consider—

(1) the Air Carrier Access Act of 1986 (Public Law 99–435; 100 Stat. 1080);

(2) unfair and deceptive practices by air carriers (including air ambulance operators), foreign air carriers, and ticket agents;

(3) the terms and conditions agreed to between passengers and air carriers (including air ambulance operators), foreign air carriers, or ticket agents;

(4) aviation consumer protection and tarmac delay contingency planning requirements for both airports and airlines;

(5) protection of air ambulance consumers; and

(6) any other applicable law.

(c) AVIATION CONSUMER ADVOCATE.—

(1) IN GENERAL.—Within the Aviation Consumer Protection Division of the Department of Transportation, there shall be an Aviation Consumer Advocate.

(2) FUNCTIONS.—The Aviation Consumer Advocate shall—

(A) assist consumers in resolving carrier service complaints filed with the Aviation Consumer Protection Division;

(B) review the resolution by the Department of Transportation of carrier service complaints;

(C) identify and recommend actions the Department can take to improve the enforcement of aviation consumer protection rules, protection of air ambulance consumers, and resolution of carrier service complaints; and

(D) identify and recommend regulations and policies that can be amended to more effectively resolve carrier service complaints.

(d) ANNUAL REPORTS.—The Secretary, through the Aviation Consumer Advocate, shall submit to the appropriate committees of Congress an annual report summarizing the following:

(1) The total number of annual complaints received by the Department, including the number of complaints by the name of each air carrier and foreign air carrier.

(2) The total number of annual complaints by category of complaint.

(3) The number of complaints referred in the preceding year for enforcement or corrective action by the Department.

(4) Any recommendations under paragraphs (2)(C) and (2)(D) of subsection (c).

(5) Such other data as the Aviation Consumer Advocate considers appropriate.

(e) SUNSET ON REPORTING REQUIREMENT.—The reporting requirement of subsection (d) shall terminate on September 30, 2023.

Transparency Improvements and Compensation to Keep Every Ticketholder Safe Act of 2018.
49 USC note prec. 42301.

SEC. 425. TICKETS ACT.

(a) SHORT TITLE.—This section may be cited as the "Transparency Improvements and Compensation to Keep Every Ticketholder Safe Act of 2018" or the "TICKETS Act".

(b) BOARDED PASSENGERS.—Beginning on the date of enactment of this Act, a covered air carrier may not deny a revenue passenger traveling on a confirmed reservation permission to board, or involuntarily remove that passenger from the aircraft, once a revenue passenger has—

(1) checked in for the flight prior to the check-in deadline; and

(2) had their ticket or boarding pass collected or electronically scanned and accepted by the gate agent.

(c) LIMITATIONS.—The prohibition pursuant to subsection (b) shall not apply when—

(1) there is a safety, security, or health risk with respect to that revenue passenger or there is a safety or security issue requiring removal of a revenue passenger; or

(2) the revenue passenger is engaging in behavior that is obscene, disruptive, or otherwise unlawful.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the responsibility or authority of a pilot in command of an aircraft under section 121.533 of

title 14, Code of Federal Regulations, or limit any penalty under section 46504 of title 49, United States Code.

(e) INVOLUNTARY DENIED BOARDING COMPENSATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule to revise part 250 of title 14, Code of Federal Regulations, to clarify that—

(1) there is not a maximum level of compensation an air carrier or foreign air carrier may pay to a passenger who is involuntarily denied boarding as the result of an oversold flight;

(2) the compensation levels set forth in that part are the minimum levels of compensation an air carrier or foreign air carrier must pay to a passenger who is involuntarily denied boarding as the result of an oversold flight; and

(3) an air carrier or foreign air carrier must proactively offer to pay compensation to a passenger who is voluntarily or involuntarily denied boarding on an oversold flight, rather than waiting until the passenger requests the compensation.

(f) GAO REPORT ON OVERSALES.—

(1) IN GENERAL.—The Comptroller General of the United States shall review airline policies and practices related to oversales of flights.

(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Comptroller General shall examine—

(A) the impact on passengers as a result of an oversale, including increasing or decreasing the costs of passenger air transportation;

(B) economic and operational factors which result in oversales;

(C) whether, and if so how, the incidence of oversales varies depending on markets;

(D) potential consequences on the limiting of oversales; and

(E) best practices on how oversale policies can be communicated to passengers at airline check-in desks and airport gates.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the review under paragraph (2).

(g) GATE NOTICE OF POLICIES.—The Secretary may provide guidance on how these policies should be communicated at covered air carrier check-in desks and airport gates.

SEC. 426. REPORT ON AVAILABILITY OF LAVATORIES ON COMMERCIAL AIRCRAFT.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report assessing—

(1) the availability of functional lavatories on commercial aircraft;

(2) the extent to which flights take off without functional lavatories;

(3) the ability of passengers with disabilities to access lavatories on commercial aircraft;

(4) the extent of complaints to the Department of Transportation and air carriers related to lavatories and efforts they have taken to address complaints; and

(5) the extent to which air carriers are reducing the size and number of lavatories to add more seats and whether this creates passenger lavatory access issues.

49 USC note prec. 42301.

SEC. 427. CONSUMER PROTECTION REQUIREMENTS RELATING TO LARGE TICKET AGENTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule to require large ticket agents to adopt minimum customer service standards.

(b) PURPOSE.—The purpose of the final rule shall be to ensure that, to the extent feasible, there is a consistent level of consumer protection regardless of where consumers purchase air fares and related air transportation services.

(c) STANDARDS.—In issuing the final rule, the Secretary shall consider, to the extent feasible, establishing standards consistent with all customer service and disclosure requirements applicable to covered air carriers under this title and associated regulations.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) TICKET AGENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "ticket agent" has the meaning given that term in section 40102(a) of title 49, United States Code.

(B) INCLUSION.—The term "ticket agent" includes a person who acts as an intermediary involved in the sale of air transportation directly or indirectly to consumers, including by operating an electronic airline information system, if the person—

(i) holds the person out as a source of information about, or reservations for, the air transportation industry; and

(ii) receives compensation in any way related to the sale of air transportation.

(2) LARGE TICKET AGENT.—The term "large ticket agent" means a ticket agent with annual revenues of $100,000,000 or more.

(e) ENFORCEMENT.—No large ticket agent may be found in noncompliance of any standard or requirement adopted in the final rule required by this section if—

(1) the large ticket agent is unable to meet the new standard or requirement due to the lack of information or data from the covered air carrier and the information is required for the large ticket agent to comply with such standard or requirement; or

(2) the sale of air transportation is made by a large ticket agent pursuant to a specific corporate or government fare management contract.

SEC. 428. WIDESPREAD DISRUPTIONS.

(a) IN GENERAL.—Chapter 423 of title 49, United States Code, is amended by adding at the end the following:

"§ 42304. Widespread disruptions

49 USC 42304.

"(a) GENERAL REQUIREMENTS.—In the event of a widespread disruption, a covered air carrier shall immediately publish, via a prominent link on the air carrier's public internet website, a clear statement indicating whether, with respect to a passenger of the air carrier whose travel is interrupted as a result of the widespread disruption, the air carrier will—

"(1) provide for hotel accommodations;

"(2) arrange for ground transportation;

"(3) provide meal vouchers;

"(4) arrange for air transportation on another air carrier or foreign air carrier to the passenger's destination; and

"(5) provide for sleeping facilities inside the airport terminal.

"(b) DEFINITIONS.—In this section, the following definitions apply:

"(1) WIDESPREAD DISRUPTION.—The term 'widespread disruption' means, with respect to a covered air carrier, the interruption of all or the overwhelming majority of the air carrier's systemwide flight operations, including flight delays and cancellations, as the result of the failure of 1 or more computer systems or computer networks of the air carrier.

"(2) COVERED AIR CARRIER.—The term 'covered air carrier' means an air carrier that provides scheduled passenger air transportation by operating an aircraft that as originally designed has a passenger capacity of 30 or more seats.

"(c) SAVINGS PROVISION.—Nothing in this section may be construed to modify, abridge, or repeal any obligation of an air carrier under section 42301.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 423 of title 49, United States Code, is amended by adding at the end the following:

49 USC prec. 42301.

"42304. Widespread disruptions.".

SEC. 429. PASSENGER RIGHTS.

49 USC note prec. 42301.

(a) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall require each covered air carrier to submit a summarized 1-page document that describes the rights of passengers in air transportation, including guidelines for the following:

(1) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight delays of various lengths.

(2) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight diversions.

(3) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight cancellations.

(4) Compensation for mishandled baggage, including delayed, damaged, pilfered, or lost baggage.

(5) Voluntary relinquishment of a ticketed seat due to overbooking or priority of other passengers.

(6) Involuntary denial of boarding and forced removal for whatever reason, including for safety and security reasons.

(b) FILING OF SUMMARIZED GUIDELINES.—Not later than 90 days after each air carrier submits its guidelines to the Secretary under subsection (a), the air carrier shall make available such 1-page document in a prominent location on its website.

Subtitle B—Aviation Consumers With Disabilities

SEC. 431. AVIATION CONSUMERS WITH DISABILITIES STUDY.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study that includes—

(1) a review of airport accessibility best practices for individuals with disabilities, including best practices that improve infrastructure facilities and communications methods, including those related to wayfinding, amenities, and passenger care;

(2) a review of air carrier and airport training policies related to section 41705 of title 49, United States Code;

(3) a review of air carrier training policies related to properly assisting passengers with disabilities; and

(4) a review of accessibility best practices that exceed those recommended under Public Law 90–480 (popularly known as the Architectural Barriers Act of 1968; 42 U.S.C. 4151 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Air Carrier Access Act of 1986 (Public Law 99–435; 100 Stat. 1080 et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(b) REPORT.—Not later than 1 year after the date the Comptroller General initiates the study under subsection (a), the Comptroller General shall submit to the Secretary of Transportation and the appropriate committees of Congress a report on the study, including findings and recommendations.

SEC. 432. STUDY ON IN-CABIN WHEELCHAIR RESTRAINT SYSTEMS.

(a) STUDY.—Not later than 2 years after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board, in consultation with the Secretary of Transportation, aircraft manufacturers, air carriers, and disability advocates, shall conduct a study to determine—

(1) the feasibility of in-cabin wheelchair restraint systems; and

(2) if feasible, the ways in which individuals with significant disabilities using wheelchairs, including power wheelchairs, can be accommodated with in-cabin wheelchair restraint systems.

(b) REPORT.—Not later than 1 year after the initiation of the study under subsection (a), the Architectural and Transportation Barriers Compliance Board shall submit to the appropriate committees of Congress a report on the findings of the study.

49 USC 41705 note.

SEC. 433. IMPROVING WHEELCHAIR ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES.

Following the receipt of the report required under section 2107 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 622), the Secretary of Transportation shall develop, if appropriate, specific recommendations regarding improvements to wheelchair assistance provided by air carriers and recommendations on how training programs by air carriers can address consumer complaints regarding wheelchair assistance.

SEC. 434. AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.

49 USC 41705 note.

(a) AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.—The Secretary of Transportation shall develop a document, to be known as the "Airline Passengers with Disabilities Bill of Rights", using plain language to describe the basic protections and responsibilities of covered air carriers, their employees and contractors, and people with disabilities under the section 41705 of title 49, United States Code.

(b) CONTENT.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall include, at a minimum, plain language descriptions of protections and responsibilities provided in law related to the following:

(1) The right of passengers with disabilities to be treated with dignity and respect.

(2) The right of passengers with disabilities to receive timely assistance, if requested, from properly trained covered air carrier and contractor personnel.

(3) The right of passengers with disabilities to travel with wheelchairs, mobility aids, and other assistive devices, including necessary medications and medical supplies, including stowage of such wheelchairs, aids, and devices.

(4) The right of passengers with disabilities to receive seating accommodations, if requested, to accommodate a disability.

(5) The right of passengers with disabilities to receive announcements in an accessible format.

(6) The right of passengers with disabilities to speak with a complaint resolution officer or to file a complaint with a covered air carrier or the Department of Transportation.

(c) RULE OF CONSTRUCTION.—The development of the Airline Passengers with Disabilities Bill of Rights under subsections (a) and (b) shall not be construed as expanding or restricting the rights available to passengers with disabilities on the day before the date of the enactment of this Act pursuant to any statute or regulation.

(d) CONSULTATIONS.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary of Transportation shall consult with stakeholders, including disability organizations and covered air carriers and their contractors.

(e) DISPLAY.—Each covered air carrier shall include the Airline Passengers with Disabilities Bill of Rights—

(1) on a publicly available internet website of the covered air carrier; and

(2) in any pre-flight notifications or communications provided to passengers who alert the covered air carrier in advance of the need for accommodations relating to a disability.

(f) TRAINING.—Covered air carriers and contractors of covered air carriers shall submit to the Secretary of Transportation plans that ensure employees of covered air carriers and their contractors receive training on the protections and responsibilities described in the Airline Passengers with Disabilities Bill of Rights. The Secretary shall review such plans to ensure the plans address the matters described in subsection (b).

SEC. 435. SENSE OF CONGRESS REGARDING EQUAL ACCESS FOR INDIVIDUALS WITH DISABILITIES.

It is the sense of Congress that—

(1) the aviation industry and every relevant stakeholder must work to ensure that every individual who experiences a disability has equal access to air travel;

(2) as technology and ease of travel continue to advance, accessibility must be a priority; and

(3) accommodations must—

(A) extend to every airport and service or facility of an air carrier; and

(B) be inclusive of every disability.

SEC. 436. CIVIL PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES.

Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

"(7) PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES.—

"(A) PENALTY FOR BODILY HARM OR DAMAGE TO WHEELCHAIR OR OTHER MOBILITY AID.—The amount of a civil penalty assessed under this section for a violation of section 41705 that involves damage to a passenger's wheelchair or other mobility aid or injury to a passenger with a disability may be increased above the otherwise applicable maximum amount under this section for a violation of section 41705 to an amount not to exceed 3 times the maximum penalty otherwise allowed.

"(B) EACH ACT CONSTITUTES SEPARATE OFFENSE.—Notwithstanding paragraph (2), a separate violation of section 41705 occurs for each act of discrimination prohibited by that section.".

49 USC 41705 note.

SEC. 437. HARMONIZATION OF SERVICE ANIMAL STANDARDS.

(a) RULEMAKING.—The Secretary of Transportation shall conduct a rulemaking proceeding—

(1) to define the term "service animal" for purposes of air transportation; and

(2) to develop minimum standards for what is required for service and emotional support animals carried in aircraft cabins.

(b) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum—

(1) whether to align the definition of "service animal" with the definition of that term in regulations of the Department of Justice implementing the Americans with Disabilities Act of 1990 (Public Law 101–336);

(2) reasonable measures to ensure pets are not claimed as service animals, such as—

(A) whether to require photo identification for a service animal identifying the type of animal, the breed of animal, and the service the animal provides to the passenger;

(B) whether to require documentation indicating whether or not a service animal was trained by the owner or an approved training organization;

(C) whether to require, from a licensed physician, documentation indicating the mitigating task or tasks a service animal provides to its owner; and

(D) whether to allow a passenger to be accompanied by more than 1 service animal;

(3) reasonable measures to ensure the safety of all passengers, such as—

(A) whether to require health and vaccination records for a service animal; and

(B) whether to require third-party proof of behavioral training for a service animal;

(4) the impact additional requirements on service animals could have on access to air transportation for passengers with disabilities; and

(5) if impacts on access to air transportation for passengers with disabilities are found, ways to eliminate or mitigate those impacts.

(c) FINAL RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section.

SEC. 438. REVIEW OF PRACTICES FOR TICKETING, PRE-FLIGHT SEAT ASSIGNMENTS, AND STOWING OF ASSISTIVE DEVICES FOR PASSENGERS WITH DISABILITIES.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 30 days after the first meeting of the advisory committee on the air travel needs of passengers with disabilities established in section 439 (referred to in this section as the "Advisory Committee"), the Secretary of Transportation shall direct the Advisory Committee to review current regulations with respect to practices for ticketing, pre-flight seat assignments, and stowing of assistive devices for passengers with disabilities.

(2) RECOMMENDATIONS.—In carrying out the review under paragraph (1), the Advisory Committee shall, at a minimum, provide recommendations on whether current regulations should be modified or prescribed to—

(A) provide accommodations for passengers with disabilities, if requested, in ticketing and pre-flight assignments;

(B) require covered air carriers to provide priority access to bulkhead seating to passengers with disabilities who need access to features of those seats due to disabilities regardless of class of service of ticket purchased; and

(C) ensure passengers with disabilities are able to stow assistive devices without cost.

(b) REPORT.—Not later than 6 months after the date of their first meeting, the Advisory Committee shall submit to the Secretary of Transportation and the appropriate committees of Congress a report on the review conducted under subsection (a)(1), including the recommendations developed under subsection (a)(2).

SEC. 439. ADVISORY COMMITTEE ON THE AIR TRAVEL NEEDS OF PASSENGERS WITH DISABILITIES.

49 USC 41705 note.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advisory committee on issues related to the air travel needs of passengers with disabilities (referred to in this section as the "Advisory Committee").

(b) DUTIES.—The Advisory Committee shall—

(1) identify and assess the disability-related access barriers encountered by passengers with disabilities;

(2) determine the extent to which the programs and activities of the Department of Transportation are addressing the barriers identified in paragraph (1);

(3) recommend consumer protection improvements to the air travel experience of passengers with disabilities;

(4) advise the Secretary with regard to the implementation of section 41705 of title 49, United States Code; and

(5) conduct such activities as the Secretary considers necessary to carry out this section.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be composed of at least 1 representative of each of the following groups:

(A) Passengers with disabilities.

(B) National disability organizations.

(C) Air carriers.

(D) Airport operators.

(E) Contractor service providers.

(F) Aircraft manufacturers.

(G) Wheelchair manufacturers.

(H) National veterans organizations representing disabled veterans.

(2) APPOINTMENT.—The Secretary of Transportation shall appoint each member of the Advisory Committee.

(3) VACANCIES.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

(d) CHAIRPERSON.—The Secretary of Transportation shall designate, from among the members appointed under subsection (c), an individual to serve as chairperson of the Advisory Committee.

(e) TRAVEL EXPENSES.—Members of the Advisory Committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(f) REPORTS.—

(1) IN GENERAL.—Not later than 14 months after the date of establishment of the Advisory Committee, and annually thereafter, the Advisory Committee shall submit to the Secretary of Transportation a report on the needs of passengers with disabilities in air travel, including—

(A) an assessment of existing disability-related access barriers, and any emerging disability-related access barriers that will likely be an issue in the next 5 calendar years;

(B) an evaluation of the extent to which the Department of Transportation's programs and activities are eliminating disability-related access barriers;

(C) a description of the Advisory Committee's actions;

(D) a description of improvements related to the air travel experience of passengers with disabilities; and

(E) any recommendations for legislation, administrative action, or other action that the Advisory Committee considers appropriate.

(2) REPORT TO CONGRESS.—Not later than 60 days after the date the Secretary receives the report under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a copy of the report, including any additional findings or recommendations that the Secretary considers appropriate.

(g) TERMINATION.—The Advisory Committee established under this section shall terminate on September 30, 2023.

(h) TERMINATION OF THE NEXT GENERATION AIR TRANSPORTATION SYSTEM SENIOR POLICY COMMITTEE.—The Next Generation Air Transportation System Senior Policy Committee established by the Secretary of Transportation shall terminate on the date of the initial appointment of the members of the Advisory Committee.

SEC. 440. REGULATIONS ENSURING ASSISTANCE FOR PASSENGERS WITH DISABILITIES IN AIR TRANSPORTATION.

49 USC 41705 note.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall—

(1) review, and if necessary revise, applicable regulations to ensure that passengers with disabilities who request assistance while traveling in air transportation receive dignified, timely, and effective assistance at airports and on aircraft from trained personnel; and

(2) review, and if necessary revise, applicable regulations related to covered air carrier training programs for air carrier personnel, including contractors, who provide physical assistance to passengers with disabilities to ensure that training under such programs—

(A) occurs on an annual schedule for all new and continuing personnel charged with providing physical assistance; and

(B) includes, as appropriate, instruction by personnel, with hands-on training for employees who physically lift or otherwise physically assist passengers with disabilities, including the use of relevant equipment.

(b) TYPES OF ASSISTANCE.—The assistance referred to subsection (a)(1) may include requests for assistance in boarding or deplaning an aircraft, requests for assistance in connecting between flights, and other similar or related requests, as appropriate.

SEC. 441. TRANSPARENCY FOR DISABLED PASSENGERS.

The compliance date of the final rule, dated November 2, 2016, on the reporting of data for mishandled baggage and wheelchairs in aircraft cargo compartments (81 Fed. Reg. 76300) shall be effective not later than 60 days after the date of enactment of this Act.

Subtitle C—Small Community Air Service

SEC. 451. ESSENTIAL AIR SERVICE AUTHORIZATION.

(a) IN GENERAL.—Section 41742(a)(2) of title 49, United States Code, is amended by striking "$150,000,000 for fiscal year 2011" and all that follows before "to carry out" and inserting "$155,000,000 for fiscal year 2018, $158,000,000 for fiscal year 2019, $161,000,000 for fiscal year 2020, $165,000,000 for fiscal year 2021, $168,000,000 for fiscal year 2022, and $172,000,000 for fiscal year 2023".

(b) SEASONAL SERVICE.—The Secretary of Transportation may consider the flexibility of current operational dates and airport accessibility to meet local community needs when issuing requests for proposal of essential air service at seasonal airports.

49 USC 41733 note.

SEC. 452. STUDY ON ESSENTIAL AIR SERVICE REFORM.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effects of section 6 of the Airport and Airway Extension Act of 2011, Part IV (Public Law 112–27), section 421 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95), and other relevant Federal laws enacted after 2010, including the amendments made by those laws, on the Essential Air Service program.

(2) SCOPE.—In conducting the study under paragraph (1), the Comptroller General shall analyze, at a minimum—

(A) the impact of each relevant Federal law, including the amendments made by each law, on the Essential Air Service program;

(B) what actions communities and air carriers have taken to reduce ticket prices or increase enplanements as a result of each law;

(C) the issuance of waivers by the Secretary under section 41731(e) of title 49, United States Code;

(D) whether budgetary savings resulted from each law; and

(E) options for further reform of the Essential Air Service program.

(b) REQUIRED ANALYSIS ON COMMUNITIES.—In carrying out subsection (a)(2)(E) the Comptroller General shall include, for each option for further reform, an analysis of the impact on local economies of communities with airports receiving Essential Air Service funding, access to air travel for residents of rural communities and the impact to local businesses in such communities.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

SEC. 453. AIR TRANSPORTATION TO NONELIGIBLE PLACES.

(a) DEFINITIONS.—Section 41731(a)(1)(A)(ii) of title 49, United States Code, is amended by striking "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century," and inserting "FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190),".

(b) PROGRAM SUNSET.—Section 41736 of title 49, United States Code, is amended by adding at the end the following:

"(h) SUNSET.—

"(1) PROPOSALS.—No proposal under subsection (a) may be accepted by the Secretary after the date of enactment of this subsection.

"(2) PROGRAM.—The Secretary may not provide any compensation under this section after the date that is 2 years after the date of enactment of this subsection.".

SEC. 454. INSPECTOR GENERAL REVIEW OF SERVICE AND OVERSIGHT OF UNSUBSIDIZED CARRIERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the inspector general of the Department of Transportation shall conduct and complete a review of orders issued by the Department of Transportation from 2005 through the date of enactment of this Act to determine whether the carriers providing

unsubsidized service provided basic essential air service, and whether the Department conducted sufficient oversight of carriers providing unsubsidized service to ensure air service quality and community satisfaction.

(b) CONTENTS.—The review shall include, at a minimum—

(1) a review of the Department's efforts to communicate to the community served by the unsubsidized carrier on any material air service changes; and

(2) a review of the Department's efforts to closely monitor the quality of air service provided by the unsubsidized carrier and request proposals for basic essential air service if necessary.

(c) REPORT.—Not later than 30 days after the date of completion of the review, the inspector general shall submit to the appropriate committees of Congress a report on the results of the review.

SEC. 455. SMALL COMMUNITY AIR SERVICE.

(a) ELIGIBILITY.—Section 41743(c) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) SIZE.—On the date of submission of the relevant application under subsection (b), the airport serving the community or consortium—

"(A) is not larger than a small hub airport, as determined using the Department of Transportation's most recently published classification; and

"(B) has—

"(i) insufficient air carrier service; or

"(ii) unreasonably high air fares.";

(2) by striking paragraph (4) and inserting the following:

"(4) OVERALL LIMIT.—

"(A) IN GENERAL.—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program in each year for which funds are appropriated for the program.

"(B) SAME PROJECTS.—Except as provided in subparagraph (C), no community, consortia of communities, or combination thereof may participate in the program in support of the same project more than once in a 10-year period, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project at any time.

"(C) EXCEPTION.—The Secretary may waive the limitation under subparagraph (B) related to projects that are the same if the Secretary determines that the community or consortium spent little or no money on its previous project or encountered industry or environmental challenges, due to circumstances that were reasonably beyond the control of the community or consortium.";

(3) in paragraph (5)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

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

"(E) the assistance will be used to help restore scheduled passenger air service that has been terminated;".

(b) AUTHORITY TO MAKE AGREEMENTS.—Section 41743(e)(1) of title 49, United States Code, is amended by adding at the end

the following: "The Secretary may amend the scope of a grant agreement at the request of the community or consortium and any participating air carrier, and may limit the scope of a grant agreement to only the elements using grant assistance or to only the elements achieved, if the Secretary determines that the amendment is reasonably consistent with the original purpose of the project."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 41743(e)(2) of title 49, United States Code, is amended to read as follows:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2018 through 2023 to carry out this section. Such sums shall remain available until expended.".

SEC. 456. WAIVERS.

Section 41732 is amended by adding at the end the following:

"(c) WAIVERS.—Notwithstanding section 41733(e), upon request by an eligible place, the Secretary may waive, in whole or in part, subsections (a) and (b) of this section or subsections (a) through (c) of section 41734. A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.".

SEC. 457. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "2018" and inserting "2023".

SEC. 458. REDUCTION IN SUBSIDY-PER-PASSENGER.

49 USC 41731 note.

Section 426 of the FAA Modernization and Reform Act of 2012 (126 Stat. 98) is amended by adding at the end the following:

"(d) REDUCTION IN SUBSIDY-PER-PASSENGER.—

"(1) IN GENERAL.—The Secretary shall waive application of the subsidy-per-passenger cap described under subsection (c) if the Secretary finds that the community's subsidy-per-passenger for a fiscal year is lower than the subsidy-per-passenger for any of the 3 previous fiscal years.

"(2) EXCEPTION.—The Secretary shall waive application of the subsidy-per-passenger cap if the subsidy-per-passenger for a fiscal year is less than 10 percent higher than the highest subsidy-per-passenger from any of the 3 previous fiscal years. The Secretary may only waive application of the subsidy-per-passenger cap under this paragraph once per community.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's ability under subsection (c) to waive application of the subsidy-per-passenger cap.".

TITLE V—MISCELLANEOUS

49 USC 40101 note.

SEC. 501. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATION.—The term "Administration" means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the FAA.

(3) ADS–B.—The term "ADS–B" means automatic dependent surveillance-broadcast.

(4) ADS–B OUT.—The term "ADS–B Out" means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

(5) FAA.—The term "FAA" means the Federal Aviation Administration.

(6) NEXTGEN.—The term "NextGen" means the Next Generation Air Transportation System.

SEC. 502. REPORT ON AIR TRAFFIC CONTROL MODERNIZATION.

(a) FAA REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing the multiyear effort of the Administration to modernize the air transportation system (in this section referred to as the "modernization effort"), including—

(1) the number of years that the modernization effort has been underway as of the date of the report;

(2) the total amount of money expended on the modernization effort as of the date of the report (including a description of how that amount was calculated);

(3) the net present value of the benefits reported from aircraft operators resulting from the money expended on the modernization effort as of the date of the report;

(4) a definition for NextGen, including a description of any changes to that definition that occurred between 2003 and the date of the report;

(5) the net present value of the money expended on NextGen as of the date of the report if such money had been deposited into a Government trust fund instead of being expended on NextGen;

(6) a description of the benefits promised and benefits delivered with respect to NextGen as of the date of the report;

(7) any changes to the benefits promised with respect to NextGen between the date on which NextGen began and the date of the report;

(8) a description of each program or project that comprises NextGen, including—

(A) when the program or project was initiated;

(B) the total budget for the program or project;

(C) the initial budget for the program or project;

(D) the acquisition program baseline for the program or project;

(E) whether the program or project has ever breached the acquisition program baseline and, if so, a description of when, why, and how the breach was resolved;

(F) whether the program or project has been rebaselined or divided into smaller segments and, if so, a description of when, why, and the impact to the cost of the program or project;

(G) the initial schedule for the program or project;

(H) whether the program or project was delayed and, if so, a description of how long, why, and the impact to the cost of the program or project;

(I) whether the Administration changed any contract term or deliverable for the program or project and, if so, a description of the change, why it happened, and the impact to the cost of the program or project;

(J) benefits promised with respect to the program or project at initiation;

(K) benefits delivered with respect to the program or project as of the date of the report;

(L) whether the program or project was cancelled and, if so, a description of why and when;

(M) for cancelled programs or projects, whether there were any costs associated with the decision to cancel and, if so, a description of the amount of the costs (including for both the Administration and the private sector);

(N) the metrics, milestones, and deadlines set for the program or project and how the Administration tracked and ensured compliance with those metrics, milestones, and deadlines;

(O) how the Administration conducted oversight of the program or project and any related stakeholder collaboration efforts;

(P) the status of the program or project as of the date of the report; and

(Q) an assessment of the key risks to the full implementation of the program and a description of how the Administration is mitigating, or plans to mitigate, those risks;

(9) the date upon which, or milestone by which, the Administration anticipates NextGen will be complete; and

(10) any lessons learned during the NextGen effort, and whether, how, and to what effect those lessons have been applied.

(b) INSPECTOR GENERAL REPORT.—Not later than 270 days after the date on which the report required under subsection (a) is submitted, the inspector general of the Department of Transportation shall review the report and submit to the appropriate committees of Congress a statement of the inspector general that—

(1) determines the accuracy of the information reported;

(2) describes any concerns with the accuracy of the information reported;

(3) summarizes concerns raised by the inspector general, the Government Accountability Office, and other sources with respect to the Administration's implementation and oversight of NextGen since the date on which NextGen began;

(4) describes—

(A) any pertinent recommendations made by the inspector general related to the Administration's implementation and oversight of NextGen since the date on which NextGen began; and

(B) whether and how the Administration addressed the recommendations; and

(5) provides any other information that the inspector general determines is appropriate.

49 USC 40101 note.

SEC. 503. RETURN ON INVESTMENT REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the date that each

NextGen program has a positive return on investment, the Administrator shall submit to the appropriate committees of Congress a report on the status of each NextGen program, including the most recent NextGen priority list under subsection (c).

(b) CONTENTS.—The report under subsection (a) shall include, for each NextGen program—

(1) an estimate of the date the program will have a positive return on investment;

(2) an explanation for any delay in the delivery of expected benefits from previously published estimates on delivery of such benefits, in implementing or utilizing the program;

(3) an estimate of the completion date;

(4) an assessment of the long-term and near-term user benefits of the program for—

(A) the Federal Government; and

(B) the users of the national airspace system; and

(5) a description of how the program directly contributes to a safer and more efficient air traffic control system.

(c) NEXTGEN PRIORITY LIST.—Based on the assessment under subsection (a), the Administrator shall—

(1) develop, in coordination with the NextGen Advisory Committee and considering the need for a balance between long-term and near-term user benefits, a prioritization of the NextGen programs;

(2) annually update the priority list under paragraph (1); and

(3) prepare budget submissions to reflect the current status of NextGen programs and projected returns on investment for each NextGen program.

(d) DEFINITION OF RETURN ON INVESTMENT.—In this section, the term "return on investment" means the cost associated with technologies that are required by law or policy as compared to the financial benefits derived from such technologies by a government or a user of airspace.

(e) REPEAL OF NEXTGEN PRIORITIES.—Section 202 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act are repealed.

SEC. 504. AIR TRAFFIC CONTROL OPERATIONAL CONTINGENCY PLANS.

49 USC 40103 note.

(a) AIR TRAFFIC CONTROL OPERATIONAL CONTINGENCY PLANS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall review the Administration's air traffic control operational contingency plans (FAA Order JO 1900.47E), and, as the Administrator considers appropriate, update such plans, to address potential air traffic facility outages that could have a major impact on the operation of the national airspace system, including the most recent findings and recommendations in the report under subsection (c).

(b) UPDATES.—Not later than 60 days after the date the air traffic control operational contingency plans are reviewed under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the review, including any recommendations for ensuring air traffic facility outages do not have a major impact on the operation of the national airspace system.

(c) RESILIENCY RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, and periodically thereafter

as the Administrator considers appropriate, the Administrator shall convene NextGen program officials to evaluate, expedite, and complete a report on how planned NextGen capabilities can enhance the resiliency and continuity of national airspace system operations and mitigate the impact of future air traffic control disruptions.

SEC. 505. 2020 ADS-B OUT MANDATE PLAN.

The Administrator, in collaboration with the NextGen Advisory Committee, shall—

(1) not later than 90 days after the date of enactment of this Act—

(A) identify any known and potential barriers to compliance with the 2020 ADS–B Out mandate under section 91.225 of title 14, Code of Federal Regulations;

(B) develop a plan to address the known barriers identified in paragraph (1), including a schedule for—

(i) periodically reevaluating the potential barriers identified in paragraph (1); and

(ii) developing solutions and implementing actions to address the known and potential barriers; and

(C) submit the plan to the appropriate committees of Congress; and

(2) not later than 90 days after the date the plan is submitted under paragraph (1), submit to the appropriate committees of Congress a report on the progress made toward meeting the 2020 ADS–B Out mandate.

49 USC 44704 note.

SEC. 506. SECURING AIRCRAFT AVIONICS SYSTEMS.

(a) IN GENERAL.—The Administrator shall consider, where appropriate, revising Federal Aviation Administration regulations regarding airworthiness certification—

(1) to address cybersecurity for avionics systems, including software components; and

(2) to require that aircraft avionics systems used for flight guidance or aircraft control be secured against unauthorized access via passenger in-flight entertainment systems through such means as the Administrator determines appropriate to protect the avionics systems from unauthorized external and internal access.

(b) CONSIDERATION.—In carrying out subsection (a), the Administrator shall consider the recommendations of the Aircraft Systems Information Security Protection Working Group under section 2111 of the FAA Extension Safety and Security Act of 2016 (Public Law 114–190; 130 Stat. 615).

49 USC 40101 note.

SEC. 507. HUMAN FACTORS.

(a) IN GENERAL.—In order to avoid having to subsequently modify products and services developed as a part of NextGen, the Administrator shall—

(1) recognize and incorporate, in early design phases of all relevant NextGen programs, the human factors and procedural and airspace implications of stated goals and associated technical changes; and

(2) ensure that a human factors specialist, separate from the research and certification groups, is directly involved with the NextGen approval process.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate

committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 508. PROGRAMMATIC RISK MANAGEMENT.

49 USC 40101 note.

To better inform the Administration's decisions regarding the prioritization of efforts and allocation of resources for NextGen, the Administrator shall—

(1) solicit input from specialists in probability and statistics to identify and prioritize the programmatic and implementation risks to NextGen; and

(2) develop a method to manage and mitigate the risks identified in paragraph (1).

SEC. 509. REVIEW OF FAA STRATEGIC CYBERSECURITY PLAN.

49 USC 44903 note.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall initiate a review of the comprehensive and strategic framework of principles and policies (referred to in this section as the "framework") developed pursuant to section 2111 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44903 note).

(b) CONTENTS.—In undertaking the review under subsection (a), the Administrator shall—

(1) assess the degree to which the framework identifies and addresses known cybersecurity risks associated with the aviation system;

(2) review existing short- and long-term objectives for addressing cybersecurity risks to the national airspace system; and

(3) assess the Administration's level of engagement and coordination with aviation stakeholders and other appropriate agencies, organizations, or groups with which the Administration consults to carry out the framework.

(c) UPDATES.—Upon completion of the review under subsection (a), the Administrator shall modify the framework, as appropriate, to address any deficiencies identified by the review.

(d) REPORT TO CONGRESS.—Not later than 180 days after initiating the review required by subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the results of the review, including a description of any modifications made to the framework.

SEC. 510. CONSOLIDATION AND REALIGNMENT OF FAA SERVICES AND FACILITIES.

(a) PURPOSE AND INPUT.—Section 804(a) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44501 note) is amended—

(1) in paragraph (2) by striking "The purpose of the report shall be—" and all that follows through "(B) to reduce" and inserting "The purpose of the report shall be to reduce"; and

(2) by striking paragraph (4) and inserting the following:

"(4) INPUT.—The report shall be prepared by the Administrator (or the Administrator's designee) with the participation of—

"(A) representatives of labor organizations representing air traffic control system employees of the FAA; and

"(B) industry stakeholders.".

(b) MILITARY OPERATIONS EXCLUSION.—Section 804 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44501 note) is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

"(e) MILITARY OPERATIONS EXCLUSION.—

"(1) IN GENERAL.—The Administrator may not realign or consolidate a combined TRACON and tower with radar facility of the FAA under this section if, in 2015, the total annual military operations at the facility comprised at least 40 percent of the total annual TRACON operations at the facility.

"(2) TRACON DEFINED.—In this subsection, the term 'TRACON' means terminal radar approach control.".

49 USC 106 note.

SEC. 511. FAA REVIEW AND REFORM.

(a) AGENCY REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a detailed analysis of any actions taken to address the findings and recommendations included in the report required under section 812(d) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 106 note), including—

(1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;

(2) eliminating or streamlining wasteful practices;

(3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;

(4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and

(5) reforming or eliminating ineffectual or outdated policies.

(b) ADDITIONAL REVIEW.—Not later than 18 months after the date of enactment of this Act, the Administrator shall undertake and complete a thorough review of each program, office, and organization within the Administration to identify—

(1) duplicative positions, programs, roles, or offices;

(2) wasteful practices;

(3) redundant, obsolete, or unnecessary functions;

(4) inefficient processes; and

(5) ineffectual or outdated policies.

(c) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 60 days after the date of completion of the review under subsection (b), the Administrator shall undertake such actions as may be necessary to address the findings of the Administrator under such subsection.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of completion of the review under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on the actions taken by the Administrator pursuant to subsection (c), including any recommendations for legislative or administrative actions.

49 USC 40103 note.

SEC. 512. AIR SHOWS.

On an annual basis, the Administrator shall work with representatives of Administration-approved air shows, the general aviation community, and stadiums and other large outdoor events and venues to identify and resolve, to the maximum extent practicable, scheduling conflicts between Administration-approved air shows and large outdoor events and venues where—

(1) flight restrictions will be imposed pursuant to section 521 of title V of division F of Public Law 108–199 (118 Stat. 343); or

(2) any other restriction will be imposed pursuant to Federal Aviation Administration Flight Data Center Notice to Airmen 4/3621 (or any successor notice to airmen).

SEC. 513. PART 91 REVIEW, REFORM, AND STREAMLINING.

49 USC 40101 note.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a task force comprised of representatives of the general aviation industry who regularly perform part 91 operations, labor unions (including those representing FAA aviation safety inspectors and FAA aviation safety engineers), manufacturers, and the Government to—

(1) conduct an assessment of the FAA oversight and authorization processes and requirements for aircraft under part 91; and

(2) make recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to part 91.

(b) CONTENTS.—In conducting the assessment and making recommendations under subsection (a), the task force shall consider—

(1) process reforms and improvements to allow the FAA to review and approve applications in a fair and timely fashion;

(2) the appropriateness of requiring an authorization for each experimental aircraft rather than using a broader all-makes-and-models approach;

(3) ways to improve the timely response to letters of authorization applications for aircraft owners and operators who operate pursuant to part 91, including setting deadlines and granting temporary or automatic authorizations if deadlines are missed by the FAA;

(4) methods for enhancing the effective use of delegation systems;

(5) methods for training the FAA's field office employees in risk-based and safety management system oversight; and

(6) such other matters related to streamlining part 91 authorization and approval processes as the task force considers appropriate.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the task force's assessment.

(2) CONTENTS.—The report shall include an explanation of how the Administrator will—

(A) implement the recommendations of the task force;

(B) measure progress in implementing the recommendations; and

(C) measure the effectiveness of the implemented recommendations.

(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall implement the recommendations made under this section.

(e) DEFINITION.—In this section, the term "part 91" means part 91 of title 14, Code of Federal Regulations.

(f) APPLICABLE LAW.—Public Law 92–463 shall not apply to the task force.

(g) SUNSET.—The task force shall terminate on the day the Administrator submits the report required under subsection (c).

SEC. 514. AIRCRAFT LEASING.

Section 44112(b) of title 49, United States Code, is amended—

(1) by striking "on land or water"; and

(2) by inserting "operational" before "control".

49 USC 40101 note.

SEC. 515. PILOTS SHARING FLIGHT EXPENSES WITH PASSENGERS.

(a) GUIDANCE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall make publicly available, in a clear and concise format, advisory guidance that describes how a pilot may share flight expenses with passengers in a manner consistent with Federal law, including regulations.

(2) EXAMPLES INCLUDED.—The guidance shall include examples of—

(A) flights for which pilots and passengers may share expenses;

(B) flights for which pilots and passengers may not share expenses;

(C) the methods of communication that pilots and passengers may use to arrange flights for which expenses are shared; and

(D) the methods of communication that pilots and passengers may not use to arrange flights for which expenses are shared.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which guidance is made publicly available under subsection (a), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report analyzing Federal policy with respect to pilots sharing flight expenses with passengers.

(2) EVALUATIONS INCLUDED.—The report submitted under paragraph (1) shall include an evaluation of—

(A) the rationale for such Federal policy;

(B) safety and other concerns related to pilots sharing flight expenses with passengers; and

(C) benefits related to pilots sharing flight expenses with passengers.

49 USC 44720 note.

SEC. 516. TERMINAL AERODROME FORECAST.

(a) IN GENERAL.—The Administrator shall permit a covered air carrier to operate to or from a location in a noncontiguous State without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if—

(1) such location is determined to be under visual meteorological conditions;

(2) a current Area Forecast, supplemented by other local weather observations or reports, is available; and

(3) an alternate airport that has an available Terminal Aerodrome Forecast and weather report is specified.

(b) PROCEDURES.—A covered air carrier shall—

(1) have approved procedures for dispatch or release and enroute weather evaluation; and

(2) operate under instrument flight rules enroute to the destination.

(c) LIMITATION.—Without a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operation specification, policy, or guidance document pursuant to this section that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.

(d) COVERED AIR CARRIER DEFINED.—In this section, the term "covered air carrier" means an air carrier operating in a noncontiguous State under part 121 of title 14, Code of Federal Regulations.

SEC. 517. PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING FLIGHT TIMES.

49 USC 44703 note.

The Administrator shall issue regulations modifying section 61.51(j)(4) of title 14, Code of Federal Regulations, so as to include aircraft under the direct operational control of forestry and fire protection agencies as public aircraft eligible for logging flight times.

SEC. 518. AIRCRAFT REGISTRY OFFICE.

The Administrator shall designate employees at the Aircraft Registry Office in Oklahoma City, Oklahoma, as excepted employees in the event of a shutdown or emergency furlough to ensure that the office remains open for the duration of the lapse in Federal Government appropriations to the Federal Aviation Administration.

SEC. 519. FAA DATA TRANSPARENCY.

Section 45303 of title 49, United States Code, is amended by adding at the end the following:

"(g) DATA TRANSPARENCY.—

"(1) AIR TRAFFIC SERVICES INITIAL DATA REPORT.—

"(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator and the Chief Operating Officer of the Air Traffic Organization shall, based upon the most recently available full fiscal year data, complete the following calculations for each segment of air traffic services users:

"(i) The total costs allocable to the use of air traffic services for that segment during such fiscal year.

"(ii) The total revenues received from that segment during such fiscal year.

"(B) VALIDATION OF MODEL.—

"(i) REVIEW AND DETERMINATION.—Not later than 3 months after completion of the initial report required under subparagraph (A), the inspector general of the Department of Transportation shall review and determine the validity of the model used by the Administrator and the Chief Operating Officer to complete the calculations required under subparagraph (A).

"(ii) VALIDATION PROCESS.—In the event that the inspector general determines that the model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A) is not valid—

"(I) the inspector general shall provide the Administrator and Chief Operating Officer recommendations on how to revise the model;

"(II) the Administrator and the Chief Operating Officer shall complete the calculations required by subparagraph (A) utilizing the revised model and resubmit the revised initial report required under subparagraph (A) to the inspector general; and

"(III) not later than 3 months after completion of the revised initial report required under subparagraph (A), the inspector general shall review and determine the validity of the revised model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A).

"(iii) ACCESS TO DATA.—The Administrator and the Chief Operating Officer shall provide the inspector general of the Department of Transportation with unfettered access to all data produced by the cost accounting system operated and maintained pursuant to subsection (e).

"(C) REPORT TO CONGRESS.—Not later than 60 days after completion of the review and receiving a determination that the model used is valid under subparagraph (B), the Administrator and the Chief Operating Officer shall submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report describing the results of the calculations completed under subparagraph (A).

"(D) PUBLICATION.—Not later than 60 days after submission of the report required under subparagraph (C), the Administrator and Chief Operating Officer shall publish the initial report, including any revision thereto if required as a result of the validation process for the model.

"(2) AIR TRAFFIC SERVICES BIENNIAL DATA REPORTING.—

"(A) BIENNIAL DATA REPORTING.—Not later than March 31, 2019, and biennially thereafter for 8 years, the Administrator and the Chief Operating Officer shall, using the validated model, complete the following calculations for each segment of air traffic services users for the most recent full fiscal year:

"(i) The total costs allocable to the use of the air traffic services for that segment.

"(ii) The total revenues received from that segment.

"(B) REPORT TO CONGRESS.—Not later than 15 days after completing the calculations under subparagraph (A), the Administrator and the Chief Operating Officer shall complete and submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and

the Committee on Finance of the Senate a report containing the results of such calculations.

"(C) PUBLICATION.—Not later than 60 days after completing the calculations pursuant to subparagraph (A), the Administrator and the Chief Operating Officer shall publish the results of such calculations.

"(3) SEGMENTS OF AIR TRAFFIC SERVICES USERS.—

"(A) IN GENERAL.—For purposes of this subsection, each of the following shall constitute a separate segment of air traffic services users:

"(i) Passenger air carriers conducting operations under part 121 of title 14, Code of Federal Regulations.

"(ii) All-cargo air carriers conducting operations under part 121 of such title.

"(iii) Operators covered by part 125 of such title.

"(iv) Air carriers and operators of piston-engine aircraft operating under part 135 of such title.

"(v) Air carriers and operators of turbine-engine aircraft operating under part 135 of such title.

"(vi) Foreign air carriers providing passenger air transportation.

"(vii) Foreign air carriers providing all-cargo air transportation.

"(viii) Operators of turbine-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

"(ix) Operators of piston-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

"(x) Operators covered by subpart (K) of part 91 of such title.

"(xi) Operators covered by part 133 of such title.

"(xii) Operators covered by part 136 of such title.

"(xiii) Operators covered by part 137 of such title.

"(xiv) Operators of public aircraft that qualify under section 40125.

"(xv) Operators of aircraft that neither take off from, nor land in, the United States.

"(B) ADDITIONAL SEGMENTS.—The Secretary may identify and include additional segments of air traffic users under subparagraph (A) as revenue and air traffic services cost data become available for that additional segment of air traffic services users.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) AIR TRAFFIC SERVICES.—The term 'air traffic services' means services—

"(i) used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information; and

"(ii) provided directly, or contracted for, by the Federal Aviation Administration.

"(B) AIR TRAFFIC SERVICES USER.—The term 'air traffic services user' means any individual or entity using air traffic services provided directly, or contracted for, by the

Federal Aviation Administration within United States airspace or international airspace delegated to the United States.".

49 USC 40113 note.

SEC. 520. INTRA-AGENCY COORDINATION.

Not later than 120 days after the date of enactment of this Act, the Administrator shall implement a policy that—

(1) designates the Associate Administrator for Commercial Space Transportation as the primary liaison between the commercial space transportation industry and the Administration;

(2) recognizes the necessity of, and set forth processes for, launch license and permit holder coordination with the Air Traffic Organization on matters including—

(A) the use of air navigation facilities;

(B) airspace safety; and

(C) planning of commercial space launch and launch support activities;

(3) designates a single point of contact within the Air Traffic Organization who is responsible for—

(A) maintaining letters of agreement between a launch license or permit holder and a Federal Aviation Administration facility;

(B) making such letters of agreement available to the Associate Administrator for Commercial Space Transportation;

(C) ensuring that a facility that has entered into such a letter of agreement is aware of and fulfills its responsibilities under the letter; and

(D) liaising between the Air Traffic Organization and the Associate Administrator for Commercial Space Transportation on any matter relating to such a letter of agreement; and

(4) requires the Associate Administrator for Commercial Space Transportation to facilitate, upon the request of a launch license or permit holder—

(A) coordination between a launch license and permit holder and the Air Traffic Organization; and

(B) the negotiation of letters of agreement between a launch license or permit holder and a Federal Aviation Administration facility or the Air Traffic Organization.

SEC. 521. ADMINISTRATIVE SERVICES FRANCHISE FUND.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the inspector general of the Department of Transportation shall initiate an audit of the Administrative Services Franchise Fund of the FAA (in this section referred to as the "Franchise Fund").

(b) CONSIDERATIONS.—In conducting the audit pursuant to subsection (a), the inspector general shall—

(1) review the history, intended purpose, and objectives of the Franchise Fund;

(2) describe and assess each program, service, or activity that uses the Franchise Fund, including—

(A) the agencies or government bodies that use each program, service, or activity;

(B) the number of employees, including full-time equivalents and contractors, associated with each program, service, or activity;

(C) the costs associated with the employees described in subparagraph (B) and the extent to which such costs are covered by Federal appropriations or Franchise Fund revenue;

(D) the revenue, expenses, and profits or losses associated with each program, service, or activity;

(E) overhead rates associated with each program, service, or activity; and

(F) a breakdown of the revenue collected from services provided to the FAA, Department of Transportation, other Federal entities, and non-Federal entities;

(3) assess the FAA's governance and oversight of the Franchise Fund and the programs, service, and activities that use the Franchise Fund, including the use of internal and publicly available performance metrics;

(4) evaluate the current and historical unobligated and unexpended balances of the Franchise Fund; and

(5) assess the degree to which FAA policies and controls associated with the Franchise Fund conform with generally accepted accounting principles, Federal policies, best practices, or other guidance relating to revolving funds.

(c) REPORT.—Not later than 180 days after the date of initiation of the audit described in subsection (a), the inspector general shall submit to the appropriate committees of Congress a report on the results of the audit, including findings and recommendations.

SEC. 522. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST.

(a) REPEAL.—Subsection (b) of section 211 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is repealed.

(b) REQUIREMENT.—The Administrator shall ensure that any regulation issued pursuant to such subsection has no force or effect. 49 USC 40101 note.

SEC. 523. CONTRACT WEATHER OBSERVERS.

Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 641) is amended by striking "2018" and inserting "2023".

SEC. 524. REGIONS AND CENTERS.

(a) IN GENERAL.—Section 44507 of title 49, United States Code, is amended—

(1) by striking the section heading and inserting "**Regions and centers**";

(2) by striking "The Civil Aeromedical Institute" and inserting the following:

"(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil Aeromedical Institute"; and

(3) by adding at the end the following:

"(b) WILLIAM J. HUGHES TECHNICAL CENTER.—The Secretary of Transportation shall define the roles and responsibilities of the William J. Hughes Technical Center in a manner that is consistent with the defined roles and responsibilities of the Civil Aeromedical Institute under subsection (a).".

49 USC prec. 44501.

(b) CLERICAL AMENDMENT.—The analysis for chapter 445 of title 49, United States Code, is amended by striking the item relating to section 44507 and inserting the following:

"44507. Regions and centers.".

49 USC 40101 note.

SEC. 525. GEOSYNTHETIC MATERIALS.

The Administrator, to the extent practicable, shall encourage the use of durable, resilient, and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Aviation Administration.

SEC. 526. NATIONAL AIRMAIL MUSEUM.

(a) FINDINGS.—Congress finds that—

(1) in 1930, commercial airmail carriers began operations at Smith Field in Fort Wayne, Indiana;

(2) the United States lacks a national museum dedicated to airmail; and

(3) the airmail hangar at Smith Field in Fort Wayne, Indiana—

(A) will educate the public on the role of airmail in aviation history; and

(B) honor the role of the hangar in the history of the Nation's airmail service.

(b) DESIGNATION.—

(1) IN GENERAL.—The airmail museum located at the Smith Field in Fort Wayne, Indiana, is designated as the "National Airmail Museum".

(2) EFFECT OF DESIGNATION.—The national museum designated by this section is not a unit of the National Park System and the designation of the National Airmail Museum shall not require or permit Federal funds to be expended for any purpose related to that national memorial.

SEC. 527. STATUS OF AGREEMENT BETWEEN FAA AND LITTLE ROCK PORT AUTHORITY.

(a) BRIEFING REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a briefing on the agreement between the FAA and the Little Rock Port Authority to relocate the Little Rock Very High Frequency Omnidirectional Range with Collocated Tactical Air Control and Navigation (LIT VORTAC).

(b) BRIEFING CONTENTS.—The briefing required under subsection (a) shall include the following:

(1) The status of the efforts by the Federal Aviation Administration to relocate the LIT VORTAC.

(2) The long-term and short-term budget projections for the relocation project.

(3) A description of and timeline for each phase of the relocation project.

(4) A description of and explanation for the required location radius.

(5) A description of work completed by the Federal Aviation Administration as of the date of the briefing.

SEC. 528. BRIEFING ON AIRCRAFT DIVERSIONS FROM LOS ANGELES INTERNATIONAL AIRPORT TO HAWTHORNE MUNICIPAL AIRPORT.

Not later than 1 year after the date of the enactment of this Act, the Administrator shall provide a briefing to appropriate committees of Congress on diversions of aircraft from Los Angeles International Airport to Hawthorne Municipal Airport, also known as Jack Northrop Field, in the City of Hawthorne, California. This briefing shall cover at least the previous one-year period and include the total number of aircraft diversions, the average number of diversions per day, the types of aircraft diverted, and the reasons for the diversions.

SEC. 529. TFR REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act (except as described in subsection (d)), the Administrator shall submit to the appropriate committees of Congress a report containing the results of the study described in subsection (b).

(b) RECOMMENDATIONS.—The Administrator shall make recommendations based on—

(1) an analysis of—

(A) the economic effects of temporary flight restrictions, particularly temporary flight restrictions issued pursuant to section 91.141 of title 14, Code of Federal Regulations, on airports or aviation-related businesses located or based in an area covered by the temporary flight restriction; and

(B) potential options and recommendations for mitigating identified negative economic effects on airports or aviation-related businesses located or based in an area frequently covered by a temporary flight restriction; and

(2) an analysis of the potential for using security procedures similar to those described in the Maryland Three Program (allowing properly vetted private pilots to fly to, from, or between the three general aviation airports closest to the National Capital Region) during temporary flight restrictions in the following airports:

(A) Solberg Airport.

(B) Somerset Airport.

(C) Palm Beach County Park Airport (also known as Lantana Airport).

(c) COLLABORATION.—In making the recommendations described in subsection (b), the Administrator shall consult with—

(1) industry stakeholders; and

(2) the head of any other agency that, in the Administrator's determination, is a stakeholder agency.

(d) SPECIAL DEADLINE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the portion of the study described in subsection (b)(1)(A).

SEC. 530. AIR TRAFFIC SERVICES AT AVIATION EVENTS.

49 USC 40103 note.

(a) REQUIREMENT TO PROVIDE SERVICES AND RELATED SUPPORT.—The Administrator shall provide air traffic services and aviation safety support for large, multiday aviation events, including airshows and fly-ins, where the average daily number of manned

operations were 1,000 or greater in at least one of the preceding two years, without the imposition or collection of any fee, tax, or other charge for that purpose. Amounts for the provision of such services and support shall be derived from amounts appropriated or otherwise available for the Administration.

(b) DETERMINATION OF SERVICES AND SUPPORT TO BE PROVIDED.—In determining the services and support to be provided for an aviation event for purposes of subsection (a), the Administrator shall take into account the following:

(1) The services and support required to meet levels of activity at prior events, if any, similar to the event.

(2) The anticipated need for services and support at the event.

SEC. 531. APPLICATION OF VETERANS' PREFERENCE TO FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Section 40122(g)(2)(B) of title 49, United States Code, is amended—

(1) by inserting "3304(f), to the extent consistent with the Federal Aviation Administration's status as an excepted service agency," before "3308–3320"; and

(2) by inserting "3330a, 3330b, 3330c, and 3330d," before "relating".

49 USC 44701 note.

SEC. 532. CLARIFICATION OF REQUIREMENTS FOR LIVING HISTORY FLIGHTS.

(a) IN GENERAL.—Notwithstanding any other law or regulation, in administering sections 61.113(c), 91.9, 91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and 119.21(a) of title 14, Code of Federal Regulations (or any successor regulations), the Administrator shall allow an aircraft owner or operator to accept monetary or in-kind donations for a flight operated by a living history flight experience provider, if the aircraft owner or operator has—

(1) volunteered to provide such transportation; and

(2) notified any individual that will be on the flight, at the time of inquiry about the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight.

(b) CONDITIONS TO ENSURE PUBLIC SAFETY.—The Administrator, consistent with current standards of the Administration for such operations, shall impose minimum standards with respect to training and flight hours for operations conducted by an owner or operator of an aircraft providing living history flight experience operations, including mandating that the pilot in command of such aircraft hold a commercial pilot certificate with instrument rating and be current and qualified with respect to all ratings or authorizations applicable to the specific aircraft being flown to ensure the safety of flight operations described in subsection (a).

(c) LIVING HISTORY FLIGHT EXPERIENCE PROVIDER DEFINED.—In this section, the term "living history flight experience provider" means an aircraft owner, aircraft operator, or organization that provides, arranges, or otherwise fosters living history flight experiences for the purpose of fulfilling its mission.

SEC. 533. REVIEW AND REFORM OF FAA PERFORMANCE MANAGEMENT SYSTEM.

(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall establish an advisory panel comprising no more than 7 independent, nongovernmental experts in budget, finance, or personnel management to review and evaluate the effectiveness of the FAA's personnel management system and performance management program for employees not covered by collective bargaining agreements.

(b) REVIEW, EVALUATION, AND RECOMMENDATIONS.—The advisory panel shall, at a minimum—

(1) review all appropriate FAA orders, policies, procedures, guidance, and the Human Resources Policy Manual;

(2) review any applicable reports regarding FAA's personnel management system, including reports of the Department of Transportation Office of Inspector General, Government Accountability Office, and National Academy of Public Administration, and determine the status of recommendations made in those reports;

(3) review the personnel management system of any other agency or governmental entity with a similar system to the FAA for best practices with regard to personnel management;

(4) assess the unique personnel authorities granted to the FAA, determine whether the FAA has taken full advantage of those authorities, and identify those authorities the FAA has not fully taken advantage of;

(5) review and determine the overall effectiveness of the FAA's compensation, bonus pay, performance metrics, and evaluation processes for employees not covered by collective bargaining agreements;

(6) review whether existing performance metrics and bonus pay practices align with the FAA's mission and significantly improve the FAA's provision of air traffic services, implementation of air traffic control modernization initiatives, and accomplishment of other FAA operational objectives;

(7) identify the highest, lowest, and average complete compensation for each position of employees not covered by collective bargaining agreements;

(8) survey interested parties and stakeholders, including representatives of the aviation industry, for their views and recommendations regarding improvements to the FAA's personnel management system and performance management program;

(9) develop recommendations to address the findings of the work done pursuant to paragraphs (1) through (7), and to address views and recommendations raised by interested parties pursuant to paragraph (8); and

(10) develop recommendations to improve the FAA's personnel management system and performance management program, including the compensation, bonus pay, performance metrics, and evaluation processes, for employees not covered by collective bargaining agreements.

(c) REPORT.—Not later than 1 year after initiating the review and evaluation pursuant to subsection (a), the advisory panel shall submit a report on the results of the review and evaluation and

its recommendations to the Secretary, the Administrator, the appropriate committees of Congress.

(d) REPORT TO CONGRESS.—Not later than 3 months after submittal of the report pursuant to subsection (c), the Administrator shall transmit to the appropriate committees of Congress a report summarizing the findings of the advisory panel that—

(1) contains an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations; and

(2) specifies any recommendations that the Administrator will not implement and the reasons for not implementing such recommendations.

(e) SUNSET.—The advisory panel shall terminate on the date that is 60 days after the transmittal of the report pursuant to subsection (d).

SEC. 534. NEXTGEN DELIVERY STUDY.

(a) STUDY.—Not later than 180 days after the enactment of this Act, the inspector general of the Department of Transportation shall initiate a study of the potential impacts of a significantly delayed, significantly diminished, or completely failed delivery of the Next Generation Air Transportation System modernization initiative by the Federal Aviation Administration, including impacts to the air traffic control system and the national airspace system as a whole.

(b) SCOPE OF STUDY.—In carrying out the study under subsection (a), the inspector general shall assess the Administration's performance related to the NextGen modernization initiative, including—

(1) the potential impacts on the operational efficiency of our aviation system;

(2) an analysis of potential economic losses and stranded investments directly related to NextGen;

(3) an analysis of the potential impacts to our international competitiveness in aviation innovation;

(4) an analysis of the main differences that would be seen in our air traffic control system;

(5) the potential impacts on the flying public, including potential impacts to flight times, fares, and delays in the air and on the ground;

(6) the effects on supply chains reliant on air transportation of cargo;

(7) the potential impacts on the long-term benefits promised by NextGen;

(8) an analysis of the potential impacts on aircraft noise and flight paths;

(9) the potential changes in separation standards, fuel consumption, flight paths, block times, and landing procedures or lack thereof;

(10) the potential impacts on aircraft taxi times and aircraft emissions or lack thereof;

(11) a determination of the total potential costs and logistical challenges of the failure of NextGen, including a comparison of the potential loss of the return on public and private sector investment related to NextGen, as compared to other available investment alternatives, between December 12, 2003, and the date of enactment of this Act; and

(12) other matters arising in the course of the study.

(c) REPORT.—Not later than 1 year after the date of initiation of the study under subsection (a), the inspector general shall submit to the appropriate committees of Congress a report on the results of the study.

SEC. 535. STUDY ON ALLERGIC REACTIONS.

Not later than 120 days after the date of enactment of this Act, the Administrator shall—

(1) study the prevalence of allergic reactions on board flights, whether airlines universally report reactions to the Federal Aviation Administration, and the frequency of first aid inventory checks to ensure medicine to prevent anaphylactic shock is in an aircraft; and

(2) submit a report to the Committees on Transportation and Infrastructure, Energy and Commerce, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation, Health, Education, Labor, and Pensions, and Appropriations of the Senate.

SEC. 536. OXYGEN MASK DESIGN STUDY.

Not later than 180 days after the date of enactment of this Act, the Administrator shall conduct a study to review and evaluate the design and effectiveness of commercial aircraft oxygen masks. In conducting the study, the Administrator shall determine whether the current design of oxygen masks is adequate, and whether changes to the design could increase correct passenger usage of the masks.

SEC. 537. AIR CARGO STUDY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall begin a study of international air cargo services among the United States and Central American, South American, and Caribbean Basin countries, that—

(1) analyzes the supply of and demand for air cargo transportation services among the United States and Central American, South American, and Caribbean Basin countries;

(2) analyzes the supply of and demand for air cargo transportation services between—

(A) the United States, Central American, South American, and Caribbean Basin countries; and

(B) African and European countries;

(3) identifies the busiest routes in terms of cargo capacity and frequency of air service;

(4) identifies any air carrier or foreign air carrier hubs in Central American, South American, and Caribbean Basin countries at which a significant amount of air cargo is sorted, handled, or consolidated for transportation to or from the United States;

(5) identifies any air carrier or foreign air carrier hubs in the United States at which a significant amount of air cargo is sorted, handled, or consolidated for transportation to or from Central American, South American, and Caribbean Basin countries.

(6) identifies any significant gaps in the air cargo services or cargo air carrier networks—

(A) among the countries described in paragraph (2)(A);

(B) between such countries and African countries; and

(C) between such countries and European countries; and

(7) assesses the possible impact of the establishment of an air carrier hub in Puerto Rico at which air cargo is sorted, handled, or consolidated for transportation to or from the United States, including the impact on—

(A) the employment rate and economy of Puerto Rico;

(B) domestic and foreign air transportation of cargo;

(C) United States competitiveness in the air transportation of cargo;

(D) air cargo operations at other airports in the United States; and

(E) domestic air carrier employment.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study described in subsection (a).

(c) DEFINITION.—In this section, the term "Caribbean Basin countries" has the same meaning given the term "Caribbean Basin country" in section 501 of the Food for Peace Act (7 U.S.C. 1737).

SEC. 538. SENSE OF CONGRESS ON PREVENTING THE TRANSPORTATION OF DISEASE-CARRYING MOSQUITOES AND OTHER INSECTS ON COMMERCIAL AIRCRAFT.

It is the sense of Congress that the Secretary of Transportation and the Secretary of Agriculture should, in coordination and consultation with the World Health Organization, develop a framework and guidance for the use of safe, effective, and nontoxic means of preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.

SEC. 539. TECHNICAL CORRECTIONS.

(a) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—Section 40104(c) of title 49, United States Code, is amended by striking "section 47176" and inserting "section 47175".

(b) PASSENGER FACILITY CHARGES.—Section 40117(a)(5) of title 49, United States Code, is amended by striking "charge or charge" and inserting "charge".

(c) OVERFLIGHTS OF NATIONAL PARKS.—Section 40128(a)(3) of title 49, United States Code, is amended by striking "under part 91 of the title 14," and inserting "under part 91 of title 14,".

(d) PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCIDENTS.—Section 41313(c)(16) of title 49, United States Code, is amended by striking "An assurance that the foreign air carrier" and inserting "An assurance that".

(e) OPERATIONS OF CARRIERS.—The analysis for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41718 and inserting the following:

49 USC prec. 41701.

"41718. Special rules for Ronald Reagan Washington National Airport.".

(f) SCHEDULES FOR CERTAIN TRANSPORTATION OF MAIL.—Section 41902(a) of title 49, United States Code, is amended by striking "section 41906" and inserting "section 41905".

(g) WEIGHING MAIL.—Section 41907 of title 49, United States Code, is amended by striking "and" and all that follows through "administrative" and inserting "and administrative".

(h) STRUCTURES INTERFERING WITH AIR COMMERCE OR NATIONAL SECURITY.—Section 44718(b)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking "air navigation facilities and equipment" and inserting "air or space navigation facilities and equipment"; and

(2) in subparagraph (A)—

(A) in clause (v) by striking "and" at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

"(vi) the impact on launch and reentry for launch and reentry vehicles arriving or departing from a launch site or reentry site licensed by the Secretary of Transportation; and".

(i) FLIGHT ATTENDANT CERTIFICATION.—Section 44728 of title 49, United States Code, is amended—

(1) in subsection (c), by striking "chapter" and inserting "title"; and

(2) in subsection (d)(3), by striking "is" and inserting "be".

(j) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302 of title 49, United States Code, is amended by striking "44703(f)(2)" each place it appears and inserting "44703(g)(2)".

(k) SCHEDULE OF FEES.—Section 45301(a)(1) of title 49, United States Code, is amended by striking "United States government" and inserting "United States Government".

(l) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A) of title 49, United States Code, is amended by striking "(18 U.S.C. App.)" and inserting "(18 U.S.C. App.))".

(m) CHAPTER 465.—The analysis for chapter 465 of title 49, United States Code, is amended by striking the following item:

49 USC prec. 46501.

"46503. Repealed.".

(n) ALLOWABLE COST STANDARDS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking "compatability" and inserting "compatibility"; and

(2) in subparagraph (D)(i), by striking "climactic" and inserting "climatic".

(o) DEFINITION OF QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—Section 47113(a)(3) of title 49, United States Code, is amended by striking "(15 U.S.C. 632(o))" and inserting "(15 U.S.C. 632(p))".

(p) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1)(B) is amended by striking "at least" and inserting "At least".

(q) SOLICITATION AND CONSIDERATION OF COMMENTS.—Section 47171(l) of title 49, United States Code, is amended by striking "4371" and inserting "4321".

(r) OPERATIONS AND MAINTENANCE.—Section 48104 is amended by striking "(a) AUTHORIZATION OF APPROPRIATIONS.—the" and inserting "The".

(s) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 426 of the FAA Modernization and Reform Act of 2012 is amended—

(1) in subsection (a) (49 U.S.C. 41737 note) by striking "Secretary" and inserting "Secretary of Transportation"; and

(2) in subsection (c) (49 U.S.C. 41731 note) by striking "the Secretary may waive" and inserting "the Secretary of Transportation may waive".

(t) AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.—Section 507(a) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44505 note) is amended by striking "section 48101(a)" and inserting "section 48101(a) of title 49, United States Code,".

SEC. 540. REPORT ON ILLEGAL CHARTER FLIGHTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the appropriate committees of Congress an analysis of reports filed during the 10-year period preceding such date of enactment through the illegal charter hotline of the FAA and other sources that includes—

(1) what followup action the Department of Transportation or the Administration takes when a report of illegal charter operations is received;

(2) how the Department of Transportation or the Administration decides to allocate resources;

(3) challenges the Department of Transportation or the Administration face in identifying illegal operators; and

(4) recommendations for improving the efforts of the Department of Transportation or the Administration to combat illegal charter carrier operations.

SEC. 541. USE OF NASA'S SUPER GUPPY AIRCRAFT FOR COMMERCIAL TRANSPORT.

Notwithstanding section 40125 of title 49, United States Code, the Aero Spacelines Super Guppy Turbine B–377–SGT aircraft, serial number 0004, may be used to provide the transport, for compensation or hire, of oversized space launch vehicle components or oversized spacecraft components while continuing to qualify as a public aircraft operation pursuant to section 40102(a)(41)(A) of title 49, United States Code, if—

(1) the aircraft is owned and operated by the National Aeronautics and Space Administration;

(2) commercial operation is limited to operations conducted wholly in United States airspace; and

(3) no commercially available domestic air transport alternative exists.

SEC. 542. PROHIBITED AIRSPACE ASSESSMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in coordination with appropriate Federal agencies, shall conduct an assessment on the security of United States prohibited airspace designated by the Federal Aviation Administration, with a focus on permanent prohibited airspace (in this section referred to as "United States prohibited airspace").

(b) MINIMUM COMPONENTS.—The assessment developed under subsection (a) shall be unclassified but may contain a classified annex. It shall, at a minimum, include—

(1) a summary of the number and types of violations of United States prohibited airspace and historical trends of such numbers and types;

(2) an assessment of the processes used to establish United States prohibited airspace;

(3) an assessment of manned and unmanned aircraft, current and future, with the ability to penetrate United States prohibited airspace undetected;

(4) an assessment of the current and future capabilities of the United States to mitigate threats to United States prohibited airspace;

(5) recommendations on how to improve security of United States prohibited airspace; and

(6) a process to modify section 99.7 of title 14, Code of Federal Regulations, to expand the Administrator's authority to establish temporary flight restrictions in cooperation with State and local law enforcement agencies, or as required for purposes of national security, homeland security, or law enforcement support.

SEC. 543. REPORT ON MULTIAGENCY USE OF AIRSPACE AND ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the Secretary of Defense, shall submit to the covered committees of Congress a report documenting efforts made toward improving processes to resolve persistent challenges for special use airspace requests in support of, or associated with, short notice testing requirements at Major Range and Test Facility Bases, including the establishment of temporary military operations areas used for conducting short-term, scheduled exercises.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) Analysis of previous efforts to streamline internal processes associated with the designation of temporary military operations areas at Major Range and Test Facility Bases and the use of such areas for scheduled exercises.

(2) Analysis of progress made to ensure consistency of environmental review, including impact analysis, associated environmental studies, or consultation, while complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other environmental requirements.

(3) Identification of challenges, if any, in complying with the National Environmental Policy Act of 1969.

(4) A description of airspace requirements, current test and training needs statements completed during the 10-year period preceding the report, and future 5-year requirements, including all temporary military operating areas, special use airspaces, instrument routes, visual routes, and unfulfilled user requirements.

(5) Proposed options and solutions to overcome identified challenges, if any, including identifying whether—

(A) a solution or solutions can be incorporated within the existing Federal Aviation Administration and Department of Defense Memorandum of Understanding; or

(B) changes to current law are required.

(c) DEFINITIONS.—In this section:

(1) COVERED COMMITTEES OF CONGRESS.—The term "covered committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(2) MAJOR RANGE AND TEST FACILITY BASE.—The term "Major Range and Test Facility Base" has the meaning given the term in section 196(i) of title 10, United States Code.

(3) SPECIAL USE AIRSPACE.—The term "special use airspace" means certain designations of airspace designated by the Federal Aviation Administration, as administered by the Secretary of Defense.

SEC. 544. AGENCY PROCUREMENT REPORTING REQUIREMENTS.

Section 40110(d) of title 49, United States Code, is amended by adding at the end the following:

"(5) ANNUAL REPORT ON THE PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—

"(A) REPORT.—(i) Not later than 90 days after the end of the fiscal year, the Secretary of Transportation shall submit a report to Congress on the dollar amount of acquisitions subject to the Buy American Act made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in such fiscal year.

"(ii) The report required by clause (i) shall only include acquisitions with total value exceeding the micro-purchase level.

"(B) CONTENTS.—The report required by subparagraph (A) shall separately indicate—

"(i) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; and

"(ii) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

"(C) AVAILABILITY OF REPORT.—The Secretary shall make the report under subparagraph (A) publicly available on the agency's website not later than 30 days after submission to Congress.".

SEC. 545. FAA ORGANIZATIONAL REFORM.

(a) CHIEF TECHNOLOGY OFFICER.—Section 106(s) of title 49, United States Code, is amended to read as follows:

"(s) CHIEF TECHNOLOGY OFFICER.—

"(1) IN GENERAL.—

"(A) APPOINTMENT.—There shall be a Chief Technology Officer appointed by the Chief Operating Officer. The Chief Technology Officer shall report directly to the Chief Operating Officer.

"(B) MINIMUM QUALIFICATIONS.—The Chief Technology Officer shall have—

"(i) at least 10 years experience in engineering management or another relevant technical management field; and

"(ii) knowledge of or experience in the aviation industry.

"(C) REMOVAL.—The Chief Technology Officer shall serve at the pleasure of the Administrator.

"(D) RESTRICTION.—The Chief Technology Officer may not also be the Deputy Administrator.

"(2) RESPONSIBILITIES.—The responsibilities of the Chief Technology Officer shall include—

"(A) ensuring the proper operation, maintenance, and cybersecurity of technology systems relating to the air traffic control system across all program offices of the Administration;

"(B) coordinating the implementation, operation, maintenance, and cybersecurity of technology programs relating to the air traffic control system with the aerospace industry and other Federal agencies;

"(C) reviewing and providing advice to the Secretary, the Administrator, and the Chief Operating Officer on the Administration's budget, cost-accounting system, and benefit-cost analyses with respect to technology programs relating to the air traffic control system;

"(D) consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress;

"(E) developing an annual air traffic control system technology operation and maintenance plan that is consistent with the annual performance targets established under paragraph (4); and

"(F) ensuring that the air traffic control system architecture remains, to the maximum extent practicable, flexible enough to incorporate future technological advances developed and directly procured by aircraft operators.

"(3) COMPENSATION.—

"(A) IN GENERAL.—The Chief Technology Officer shall be paid at an annual rate of basic pay to be determined by the Administrator, in consultation with the Chief Operating Officer. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief Technology Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief Technology Officer were described in section 207(c)(2)(A)(i) of that title.

"(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Technology Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Technology Officer's performance in relation to the performance targets established under paragraph (4).

"(4) ANNUAL PERFORMANCE TARGETS.—

"(A) IN GENERAL.—The Administrator and the Chief Operating Officer, in consultation with the Chief Technology Officer, shall establish measurable annual performance targets for the Chief Technology Officer in key operational areas.

"(B) REPORT.—The Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the annual performance targets established under subparagraph (A).

"(5) ANNUAL PERFORMANCE REPORT.—The Chief Technology Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual report containing—

"(A) detailed descriptions and metrics of how successful the Chief Technology Officer was in meeting the annual performance targets established under paragraph (4); and

"(B) other information as may be requested by the Administrator and the Chief Operating Officer.".

(b) CONFORMING AMENDMENTS.—

(1) Section 709(a)(3)(L) of the Vision 100–Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "Chief NextGen Officer" and inserting "Chief Technology Officer".

(2) Section 804(a)(4)(A) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44501 note) is amended by striking "Chief NextGen Officer" and inserting "Chief Technology Officer".

49 USC 44701 note.

SEC. 546. FAA CIVIL AVIATION REGISTRY UPGRADE.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall complete covered upgrades of the Administration's Civil Aviation Registry (in this section referred to as the "Registry").

(b) COVERED UPGRADE DEFINED.—In this section, the term "covered upgrades" means—

(1) the digitization of nondigital Registry information, including paper documents, microfilm images, and photographs, from an analog or nondigital format to a digital format;

(2) the digitalization of Registry manual and paper-based processes, business operations, and functions by leveraging digital technologies and a broader use of digitized data;

(3) the implementation of systems allowing a member of the public to submit any information or form to the Registry and conduct any transaction with the Registry by electronic or other remote means; and

(4) allowing more efficient, broader, and remote access to the Registry.

(c) APPLICABILITY.—The requirements of subsection (a) shall apply to the entire Civil Aviation Registry, including the Aircraft Registration Branch and the Airmen Certification Branch.

(d) MANUAL SURCHARGE.—Chapter 453 of title 49, United States Code, is amended by adding at the end the following:

49 USC 45306.

"§ 45306. Manual surcharge

"(a) IN GENERAL.—Not later 3 years after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall impose and collect a surcharge on a Civil Aviation Registry transaction that—

"(1) is conducted in person at the Civil Aviation Registry;

"(2) could be conducted, as determined by the Administrator, with the same or greater level of efficiency by electronic or other remote means; and

"(3) is not related to research or other non-commercial activities.

"(b) MAXIMUM SURCHARGE.—A surcharge imposed and collected under subsection (a) shall not exceed twice the maximum fee the Administrator is authorized to charge for the registration of an aircraft, not used to provide air transportation, after the transfer of ownership under section 45302(b)(2).

"(c) CREDIT TO ACCOUNT AND AVAILABILITY.—Monies collected from a surcharge imposed under subsection (a) shall be treated as monies collected under section 45302 and subject to the terms and conditions set forth in section 45302(d).".

(e) REPORT.—Not later than 1 year after date of enactment of this Act, and annually thereafter until the covered upgrades required under subsection (a) are complete, the Administrator shall submit a report to the appropriate committees of Congress describing—

(1) the schedule for the covered upgrades to the Registry;

(2) the office responsible for the implementation of the such covered upgrades;

(3) the metrics being used to measure progress in implementing the covered upgrades; and

(4) the status of the covered upgrades as of the date of the report.

SEC. 547. ENHANCED AIR TRAFFIC SERVICES.

49 USC 40103 note.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a pilot program to provide air traffic control services on a preferential basis to aircraft equipped with certain NextGen avionics that—

(1) lasts at least 2 years; and

(2) operates in at least 3 suitable airports.

(b) DURATION OF DAILY SERVICE.—The air traffic control services provided under the pilot program established under subsection (a) shall occur for at least 3 consecutive hours between 0600 and 2200 local time during each day of the pilot program.

(c) AIRPORT SELECTION.—The Administrator shall designate airports for participation in the pilot program after consultation with aircraft operators, manufacturers, and airport sponsors.

(d) DEFINITIONS.—

(1) CERTAIN NEXTGEN AVIONICS.—The term "certain NextGen avionics" means those avionics and related software designated by the Administrator after consultations with aircraft operators and manufacturers.

(2) PREFERENTIAL BASIS.—The term "preferential basis" means—

(A) prioritizing aircraft equipped with certain NextGen avionics during a Ground Delay Program by assigning them fewer minutes of delay relative to other aircraft based upon principles established after consultation with aircraft operators and manufacturers; or

(B) sequencing aircraft equipped with certain NextGen avionics ahead of other aircraft in the Traffic Flow Management System to the maximum extent consistent with safety.

(e) SUNSET.—The pilot program established under subsection (a) shall terminate on September 30, 2023.

(f) REPORT.—Not later than 90 days after the date on which the pilot program terminates, the Administrator shall submit to the appropriate committees of Congress a report on the results of the pilot program.

SEC. 548. SENSE OF CONGRESS ON ARTIFICIAL INTELLIGENCE IN AVIATION.

It is the sense of Congress that the Administration should, in consultation with appropriate Federal agencies and industry stakeholders, periodically review the use or proposed use of artificial intelligence technologies within the aviation system and assess whether the Administration needs a plan regarding artificial intelligence standards and best practices to carry out its mission.

SEC. 549. STUDY ON CYBERSECURITY WORKFORCE OF FAA.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall enter into an agreement with the National Academy of Sciences to conduct a study on the cybersecurity workforce of the Administration in order to develop recommendations to increase the size, quality, and diversity of such workforce, including cybersecurity researchers and specialists.

(b) REPORT TO CONGRESS.—Not later than 180 days after the completion of the study conducted under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the results of such study.

49 USC 40101 note.

SEC. 550. TREATMENT OF MULTIYEAR LESSEES OF LARGE AND TURBINE-POWERED MULTIENGINE AIRCRAFT.

The Secretary of Transportation shall revise such regulations as may be necessary to ensure that multiyear lessees and owners of large and turbine-powered multiengine aircraft are treated equally for purposes of joint ownership policies of the FAA.

49 USC 44903 note.

SEC. 551. EMPLOYEE ASSAULT PREVENTION AND RESPONSE PLANS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a "part 121 air carrier"), shall submit to the Administrator for review and acceptance an Employee Assault Prevention and Response Plan related to the customer service agents of the air carrier and that is developed in consultation with the labor union representing such agents.

(b) CONTENTS OF PLAN.—An Employee Assault Prevention and Response Plan submitted under subsection (a) shall include the following:

(1) Reporting protocols for air carrier customer service agents who have been the victim of a verbal or physical assault.

(2) Protocols for the immediate notification of law enforcement after an incident of verbal or physical assault committed against an air carrier customer service agent.

(3) Protocols for informing Federal law enforcement with respect to violations of section 46503 of title 49, United States Code.

(4) Protocols for ensuring that a passenger involved in a violent incident with a customer service agent of an air carrier is not allowed to move through airport security or board

an aircraft until appropriate law enforcement has had an opportunity to assess the incident and take appropriate action.

(5) Protocols for air carriers to inform passengers of Federal laws protecting Federal, airport, and air carrier employees who have security duties within an airport.

(c) EMPLOYEE TRAINING.—A part 121 air carrier shall conduct initial and recurrent training for all employees, including management, of the air carrier with respect to the plan required under subsection (a), which shall include training on de-escalating hostile situations, written protocols on dealing with hostile situations, and the reporting of relevant incidents.

(d) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) complete a study of crimes of violence (as defined in section 16 of title 18, United States Code) committed against airline customer service representatives while they are performing their duties and on airport property; and

(2) submit the findings of the study, including any recommendations, to the appropriate committees of Congress.

(e) GAP ANALYSIS.—The study required under subsection (d) shall include a gap analysis to determine if State and local laws and resources are adequate to deter or otherwise address the crimes of violence described in subsection (a) and recommendations on how to address any identified gaps.

SEC. 552. STUDY ON TRAINING OF CUSTOMER-FACING AIR CARRIER EMPLOYEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct a study on the training received by customer-facing employees of air carriers.

(b) CONTENTS.—The study shall include—

(1) an analysis of the training received by customer-facing employees with respect to the management of disputes on aircraft;

(2) an examination of how institutions of higher learning, in coordination with air carriers, customer-facing employees and their representatives, consumer advocacy organizations, and other stakeholders, could—

(A) review such training and related practices;

(B) produce recommendations; and

(C) if determined appropriate, provide supplemental training; and

(3) the effectiveness of air carriers' Employee Assault Prevention and Response Plans required under section 551.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study.

SEC. 553. AUTOMATED WEATHER OBSERVING SYSTEMS POLICY.

49 USC 44720 note.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall—

(1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

(2) review, and if necessary update, existing policies in accordance with the standards developed under paragraph (1); and

(3) establish a process under which appropriate onsite airport personnel or an aviation official may, with appropriate manufacturer training or alternative training as determined by the Administrator, be permitted to conduct the minimum triannual preventative maintenance checks under the advisory circular for non-Federal automated weather observing systems (AC 150/5220–16E) and any other similar, successor checks.

(b) PERMISSION.—Permission to conduct the minimum triannual preventative maintenance checks described under subsection (a)(3) and any similar, successor checks shall not be withheld but for specific cause.

(c) STANDARDS.—In updating the standards under subsection (a)(1), the Administrator shall—

(1) ensure the standards are performance-based;

(2) use risk analysis to determine the accuracy of the automated weather observing systems outputs required for pilots to perform safe aircraft operations; and

(3) provide a cost-benefit analysis to determine whether the benefits outweigh the cost for any requirement not directly related to safety.

(d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—

(1) IN GENERAL.—Notwithstanding any other law, the Administrator is authorized to and shall waive any positive benefit-cost ratio requirement for automated weather-observing system equipment under subchapter I of chapter 471, of title 49, United States Code, if—

(A) the airport sponsor or State, as applicable, certifies that a grant for such automated weather observing systems equipment under that chapter will assist an applicable airport to respond to regional emergency needs, including medical, firefighting, and search and rescue needs;

(B) the Secretary determines, after consultation with the airport sponsor or State, as applicable, that the placement of automated weather-observing equipment at the airport will not cause unacceptable radio frequency congestion; and

(C) the other requirements under that chapter are met.

(2) APPLICABILITY TO LOW POPULATION DENSITY STATES.—This subsection is applicable only to airports located in states with a population density, based on the most recent decennial census, of 50 or fewer persons per square mile.

(e) REPORT.—Not later than September 30, 2025, the Administrator shall submit to the appropriate committees of Congress a report on the implementation of the requirements under this section.

49 USC 45105 note.

SEC. 554. PRIORITIZING AND SUPPORTING THE HUMAN INTERVENTION MOTIVATION STUDY (HIMS) PROGRAM AND THE FLIGHT ATTENDANT DRUG AND ALCOHOL PROGRAM (FADAP).

(a) IN GENERAL.—The Administration shall continue to prioritize and support the Human Intervention Motivation Study

(HIMS) program for flight crewmembers and the Flight Attendant Drug and Alcohol Program (FADAP) for flight attendants.

(b) STUDY AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the Transportation Research Board (in this subsection referred to as the "Board") under which the Board shall—

(A) conduct a study on the Human Intervention Motivation Study (HIMS) program, the Flight Attendant Drug and Alcohol Program (FADAP), and any other drug and alcohol programs within the other modal administrations within the Department of Transportation;

(B) to the extent justified by the findings from the study described in subparagraph (A), make recommendations to the Federal Aviation Administration and other administrations within the Department of Transportation on how to implement programs, or changes to existing programs, that seek to help transportation workers get treatment for drug and alcohol abuse and return to work; and

(C) upon the completion of the study described in subparagraph (A), submit to the appropriate committees of Congress a report on such study, including the Board's findings, conclusions, and recommendations.

(2) REQUIREMENT.—In conducting the study under paragraph (1), the Board shall identify—

(A) best policies and practices within existing programs; and

(B) best prevention, early intervention, and return to work practices specifically around prescription medication abuse, with a special emphasis on employee use of opioids.

SEC. 555. COST-EFFECTIVENESS ANALYSIS OF EQUIPMENT RENTAL.

41 USC note prec. 3101.

(a) AGENCY ANALYSIS OF EQUIPMENT ACQUISITION.—

(1) IN GENERAL.—Except as provided for under subsection (d), the head of each executive agency shall acquire equipment using the method of acquisition most advantageous to the Federal Government based on a case-by-case analysis of comparative costs and other factors, including those factors listed in section 7.401 of the Federal Acquisition Regulation.

(2) METHODS OF ACQUISITION.—The methods of acquisition to be compared in the analysis under paragraph (1) shall include, at a minimum, purchase, short-term rental or lease, long-term rental or lease, interagency acquisition, and acquisition agreements with a State or a local government as described in subsection (c).

(3) AMENDMENT OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to implement the requirement of this subsection, including a determination of the factors for executive agencies to consider for purposes of performing the analysis under paragraph (1).

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the requirements of chapter 37 of title 41, United States Code, section 2305 of title 10, United States Code, or section 1535 of title 31, United States Code.

(b) DATE OF IMPLEMENTATION.—The analysis described in subsection (a) shall be applied to contracts for the acquisition of equipment entered into on or after the date that the Federal Acquisition Regulation is amended pursuant to paragraph (3) of such subsection.

(c) ACQUISITION AGREEMENTS WITH STATES OR LOCAL GOVERNMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including chapter 37 of title 41, United States Code, the Small Business Act (15 U.S.C. 631 et seq.), and section 2305 of title 10, United States Code, the head of an executive agency may enter into an acquisition agreement authorized by this section directly with a State or a local government if the agency head determines that the agreement otherwise satisfies the requirements of subsection (a)(1).

(2) TERMS AND CONDITIONS.—Any agreement under paragraph (1) shall contain such terms and conditions as the head of the agency deems necessary or appropriate to protect the interests of the United States.

(d) EXCEPTIONS.—The analysis otherwise required under subsection (a) is not required—

(1) when the President has issued an emergency declaration or a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) in other emergency situations if the agency head makes a determination that obtaining such equipment is necessary in order to protect human life or property; or

(3) when otherwise authorized by law.

(e) STUDY OF AGENCY ANALYSES.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a comprehensive report on the decisions made by the executive agencies with the highest levels of acquisition spending, and a sample of executive agencies with lower levels of acquisition spending, to acquire high-value equipment by lease, rental, or purchase pursuant to subpart 7.4 of the Federal Acquisition Regulation.

(f) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 102 of title 40, United States Code.

(2) INTERAGENCY ACQUISITION.—The term "interagency acquisition" has the meaning given that term in section 2.101 of the Federal Acquisition Regulation.

(3) STATE.—The term "State" has the meaning given the term in section 6501 of title 31, United States Code.

(4) LOCAL GOVERNMENT.—The term "local government" means any unit of local government within a State, including a county, municipality, city, borough, town, township, parish, local public authority, school district, special district, intrastate district, council of governments, or regional or interstate government entity, and any agency or instrumentality of a local government.

SEC. 556. AIRCRAFT REGISTRATION.

49 USC 44103 note.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall initiate a rulemaking to increase the duration of aircraft registrations for noncommercial general aviation aircraft to 7 years.

(b) CONSIDERATIONS.—In promulgating the notice of proposed rulemaking described in subsection (a), the Administrator may consider any events, circumstances, changes in any ownership entity or structure, or other condition that would necessitate renewal prior to the expiration of an aircraft registration.

SEC. 557. REQUIREMENT TO CONSULT WITH STAKEHOLDERS IN DEFINING SCOPE AND REQUIREMENTS FOR FUTURE FLIGHT SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Administrator shall consult with stakeholders in defining the scope and requirements for any new Future Flight Service Program of the Administration to be used in a competitive source selection for the next flight service contract with the Administration.

SEC. 558. FEDERAL AVIATION ADMINISTRATION PERFORMANCE MEASURES AND TARGETS.

49 USC 106 note.

(a) PERFORMANCE MEASURES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish performance measures relating to the management of the Administration, which shall, at a minimum, include measures to assess—

(1) the timely and cost-effective completion of projects; and

(2) the effectiveness of the Administration in achieving the goals described in section 47171 of title 49, United States Code.

(b) PERFORMANCE TARGETS.—Not later than 180 days after the date on which the Secretary establishes performance measures in accordance with subsection (a), the Secretary shall establish performance targets relating to each of the measures described in that subsection.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the inspector general of the Department of Transportation shall submit to the appropriate committees of Congress a report describing the progress of the Secretary in meeting the performance targets established under subsection (b).

SEC. 559. REPORT ON PLANS FOR AIR TRAFFIC CONTROL FACILITIES IN THE NEW YORK CITY AND NEWARK REGION.

Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administration's staffing and scheduling plans for air traffic control facilities in the New York City and Newark region for the 1-year period beginning on such date of enactment.

SEC. 560. WORK PLAN FOR THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE PROJECT.

Not later than 90 days after the date of enactment of this Act, the Administrator shall develop and publish in the Federal Register a work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.

SEC. 561. ANNUAL REPORT ON INCLUSION OF DISABLED VETERAN LEAVE IN PERSONNEL MANAGEMENT SYSTEM.

Not later than 1 year after the date of enactment of this Act, and not less frequently than annually there after until the date that is 5 years after the date of enactment of this Act, the Administrator shall publish on a publicly accessible internet website a report on—

(1) the effect of the amendments made by subsections (a) and (b) of section 2 of the Federal Aviation Administration Veteran Transition Improvement Act of 2016 (Public Law 114–242), on the Administration's work force; and

(2) the number of disabled veterans benefitting from such subsections.

49 USC 40101 note.

SEC. 562. ENHANCED SURVEILLANCE CAPABILITY.

Not later than 120 days after the date of enactment of this Act, the Administrator shall identify and implement a strategy to—

(1) advance near-term and long-term uses of enhanced surveillance systems, such as space-based ADS–B, within United States airspace or international airspace delegated to the United States;

(2) exercise leadership on setting global standards for the separation of aircraft in oceanic airspace by working with—

(A) foreign counterparts of the Administrator in the International Civil Aviation Organization and its subsidiary organizations;

(B) other international organizations and fora; and

(C) the private sector; and

(3) ensure the participation of the Administration in the analysis of trials of enhanced surveillance systems, such as space-based ADS–B, performed by foreign air navigation service providers in North Atlantic airspace.

SEC. 563. ACCESS OF AIR CARRIERS TO INFORMATION ABOUT APPLICANTS TO BE PILOTS FROM NATIONAL DRIVER REGISTER.

Section 30305(b)(8) of title 49, United States Code, is amended to read as follows:

"(8)(A) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual, the authorized agent of the prospective employer, or the Secretary of Transportation.

"(B) An air carrier that is the prospective employer of an individual described in subparagraph (A), or an authorized agent of such an air carrier, may request and receive information about that individual from the National Driver Register through an organization approved by the Secretary for purposes of requesting, receiving, and transmitting such information directly to the prospective employer of such an individual or the authorized agent of the prospective employer. This paragraph shall be carried out in accordance with paragraphs (2) and (11) of section 44703(h) and the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

"(C) Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.".

SEC. 564. REGULATORY REFORM.

Section 106(p)(5) of title 49, United States Code, is amended—

(1) by striking "Committee, or" and inserting "Committee,"; and

(2) by striking the period at the end and inserting ", or such aerospace rulemaking committees as the Secretary shall designate.".

SEC. 565. AVIATION FUEL.

49 USC 44714 note.

(a) USE OF UNLEADED AVIATION GASOLINE.—The Administrator shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

(1) determines that the unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;

(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and

(3) adopts a process (other than the traditional means of certification) to allow eligible aircraft and engines to operate using qualified replacement unleaded gasoline in a manner that ensures safety.

(b) TIMING.—The Administrator shall adopt the process described in subsection (a)(3) not later than 180 days after the later of—

(1) the date on which the Administration completes the Piston Aviation Fuels Initiative; or

(2) the date on which the American Society for Testing and Materials publishes a production specification for an unleaded aviation gasoline.

(c) TYPE CERTIFICATION.—Existing regulatory mechanisms by which an unleaded aviation gasoline can be approved for use in an engine or aircraft by Type or Supplemental Type Certificate for individual aircraft and engine types or by Approved Model List Supplemental Type Certificate providing coverage for a broad range of applicable types of aircraft or engines identified in the application shall continue to be fully available as a means of approving and bringing an unleaded aviation gasoline into general use in the United States. Such approvals shall be issued when the Administrator finds that the aircraft or engine performs properly and meets the applicable regulations and minimum standards under the normal certification process.

SEC. 566. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC CONTROL SYSTEM.

49 USC 44103 note.

Notwithstanding any other provision of law, the Administrator shall, upon request of a private aircraft owner or operator, block the registration number of the aircraft of the owner or operator from any public dissemination or display, except in data made available to a Government agency, for the noncommercial flights of the owner or operator.

SEC. 567. FEDERAL AVIATION ADMINISTRATION WORKFORCE REVIEW.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review to assess the workforce and training needs of the FAA in the anticipated budgetary environment.

(b) CONTENTS.—In conducting the review, the Comptroller General shall—

(1) identify the long-term workforce and training needs of the FAA workforce;

(2) assess the impact of automation, digitalization, and artificial intelligence on the FAA workforce;

(3) analyze the skills and qualifications required of the FAA workforce for successful performance in the current and future projected aviation environment;

(4) review current performance incentive policies of the FAA, including awards for performance;

(5) analyze ways in which the FAA can work with industry and labor, including labor groups representing the FAA workforce, to establish knowledge-sharing opportunities between the FAA and the aviation industry regarding new equipment and systems, best practices, and other areas of interest; and

(6) develop recommendations on the most effective qualifications, training programs (including e-learning training), and performance incentive approaches to address the needs of the future projected aviation regulatory system in the anticipated budgetary environment.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review.

SEC. 568. REVIEW OF APPROVAL PROCESS FOR USE OF LARGE AIR TANKERS AND VERY LARGE AIR TANKERS FOR WILDLAND FIREFIGHTING.

(a) REVIEW AND IMPROVEMENT OF CURRENT APPROVAL PROCESS.—The Chief of the Forest Service, in consultation with the Administrator, shall conduct a review of the process used by the Forest Service to approve the use of large air tankers and very large air tankers for wildland firefighting for the purpose of—

(1) determining the current effectiveness, safety, and consistency of the approval process;

(2) developing recommendations for improving the effectiveness, safety, and consistency of the approval process; and

(3) assisting in developing standardized next-generation requirements for air tankers used for firefighting.

(b) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Chief of the Forest Service shall submit to Congress a report describing the outcome of the review conducted under subsection (a).

SEC. 569. FAA TECHNICAL WORKFORCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) identify and assess barriers to attracting, developing, training, and retaining a talented workforce in the areas of

systems engineering, architecture, systems integration, digital communications, and cybersecurity;

(2) develop a comprehensive plan to attract, develop, train, and retain talented individuals in those fields; and

(3) identify existing authorities available to the Administrator, through personnel reform, to attract, develop, and retain this talent.

(b) REPORT.—The Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 570. STUDY ON AIRPORT CREDIT ASSISTANCE.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a review to determine whether a Federal credit assistance program would be beneficial and feasible for airport-related projects as defined in section 40117(a) of title 49, United States Code.

(2) CONSIDERATIONS.—In carrying out the review under paragraph (1), the Secretary may consider—

(A) expanding eligibility under an existing Federal credit assistance program to include such projects; and

(B) establishing a new credit assistance program for such projects.

(b) REPORT.—Not later than 270 days after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on the Environment and Public Works of the Senate a report on the results of the review carried out under subsection (a). The report shall include a description of—

(1) the benefits and other effects;

(2) potential projects;

(3) the budgetary impacts, including an estimate of—

(A) the average annual loan volume;

(B) the average subsidy rate; and

(C) any loss of Federal revenue;

(4) impacts on existing programs;

(5) the administrative costs; and

(6) any personnel changes.

SEC. 571. SPECTRUM AVAILABILITY.

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

(1) The Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note) requires the Secretary of Commerce to identify 30 megahertz of electromagnetic spectrum below the frequency of 3 gigahertz to be reallocated to non-Federal use, to shared Federal and non-Federal use, or to a combination thereof.

(2) The Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note) authorized the Director of the Office of Management and Budget to use amounts made available through the Spectrum Relocation Fund to make payments to Federal entities for research and development, engineering studies, economic analyses, and other activities intended to improve the efficiency and effectiveness of Federal spectrum use in order to make such spectrum available for reallocation for non-Federal use,

for shared Federal and non-Federal use, or for a combination thereof.

(3) The Federal Aviation Administration, in coordination with the Department of Commerce, the Department of Defense, and the Department of Homeland Security, established the Spectrum Efficient National Surveillance Radar (referred to in this section as "SENSR") Program to assess the feasibility of consolidating certain long-range, short-range, and weather radar systems in order to make available the 1300–1350 megahertz band.

(4) The SENSR Program received approval and approximately $71,500,000 from Office of Management and Budget on June 2, 2017, to proceed with Phase I of the SENSR Spectrum Pipeline Plan, which will focus on requirements and concept development as well as documenting expected costs and information for all impacted Federal spectrum systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the SENSR Program of the FAA should continue its assessment of the feasibility of making the 1300–1350 megahertz band of electromagnetic spectrum available for non-Federal use.

SEC. 572. SPECIAL REVIEW RELATING TO AIR SPACE CHANGES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Aviation Management Advisory Council established under section 106(p) of title 49, United States Code (in this section referred to as the "Council") shall initiate a special review of the Federal Aviation Administration.

(b) REVIEW.—The special review of the Administration required under subsection (a) shall consist of the following:

(1) A review of the practices and procedures of the Federal Aviation Administration for developing proposals with respect to changes in regulations, policies, or guidance of the Federal Aviation Administration relating to airspace that affect airport operations, airport capacity, the environment, or communities in the vicinity of airports, including an assessment of the extent to which there is consultation, or a lack of consultation, with respect to such proposals—

(A) between and among the affected elements of the Federal Aviation Administration, including the Air Traffic Organization, the Office of Airports, the Flight Standards Service, the Office of NextGen, and the Office of Energy and Environment; and

(B) between the Federal Aviation Administration and affected entities, including airports, aircraft operators, communities, and State and local governments.

(2) Recommendations for revisions to such practices and procedures to improve communications and coordination between and among affected elements of the Federal Aviation Administration and with other affected entities with respect to proposals described in paragraph (1) and the potential effects of such proposals.

(c) CONSULTATION.—In conducting the special review, the Council shall consult with—

(1) air carriers, including passenger and cargo air carriers;

(2) general aviation, including business aviation and fixed wing aircraft and rotorcraft;

(3) airports of various sizes and types;

(4) exclusive bargaining representatives of air traffic controllers certified under section 7111 of title 5, United States Code; and

(5) State aviation officials.

(d) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the special review conducted by the Council, including a description of the comments, recommendations, and dissenting views received from the Council and a description of how the Administrator plans to implement the recommendations of the Council.

SEC. 573. REIMBURSEMENT FOR IMMIGRATION INSPECTIONS.

Section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)) is amended—

(1) by inserting ", train," after "commercial aircraft"; and

(2) by inserting ", rail line," after "airport".

SEC. 574. FAA EMPLOYEES IN GUAM.

(a) IN GENERAL.—The Secretary of Transportation shall use existing authorities to negotiate an agreement that shall be renegotiated after no sooner than 3 years with the Secretary of Defense—

(1) to authorize Federal Aviation Administration employees assigned to Guam, their spouses, and their dependent children access to Department of Defense health care facilities located in Guam on a space available basis; and

(2) to provide for payments by the Federal Aviation Administration to the Department of Defense for the administrative and any other costs associated with—

(A) enrolling Federal Aviation Administration employees assigned to Guam, their spouses, and their dependent children in any Department of Defense health care facility necessary to allow access pursuant to paragraph (1); and

(B) third-party billing for any medical costs incurred as a result of Federal Aviation Administration employees, their spouses, or their dependent children accessing and receiving medical treatment or services at a Department of Defense health care facility located in Guam.

(b) FUNDS SUBJECT TO APPROPRIATIONS.—Funds for payments by the Federal Aviation Administration described in subsection (a)(2) are subject to the availability of amounts specifically provided in advance for that purpose in appropriations Acts.

(c) REPORT ON ACCESS TO FACILITIES OF THE DEPARTMENT OF DEFENSE IN GUAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Defense shall jointly submit a report to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Commerce of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives on eligibility for and access to Department of Defense support facilities by Federal Aviation Administration employees in the U.S. territory of Guam.

(2) SCOPE.—The report required under paragraph (1) shall:

(A) Evaluate the ability of Department of Defense support facilities in Guam to adequately serve current military personnel and dependent populations.

(B) Determine how any substantial increases to military personnel and dependent populations in Guam would impact the ability of existing Department of Defense support facilities to provide services for military personnel and dependents stationed in Guam.

(C) Provide recommendations on any improvements to existing Department of Defense facilities which may be needed to ensure those facilities in Guam can support an increased population of military personnel and dependent population in Guam.

(D) Consider the impact of expanded access to Department of Defense support facilities in Guam to Federal Aviation Administration employees and their families on the ability of those facilities to provide services to military personnel and their families.

(E) Recognize the Federal Aviation Administration's vital role as the sole provider of radar air traffic control services for aircraft traversing into and out of the airspace near and above Guam the vast majority of which are military operations, Department of Defense aircraft, or other aircraft traveling to Guam in order to interact with Department of Defense facilities.

(F) Review the existing authorities authorizing eligibility and access for non-military personnel and their dependents to Department of Defense support facilities, including health care facilities, commissaries, and exchanges, outside the continental United States.

(G) Determine the applicability of those existing authorities to Department of Defense support facilities in the U.S. territory of Guam.

(H) Outline the specific conditions on Guam, which may necessitate access to Department of Defense support facilities in Guam by Federal Aviation Administration personnel and their families.

(I) Determine any changes in laws or regulations that may be necessary to authorize Federal Aviation Administration employees and their families access to Department of Defense health care facilities, commissaries, and exchanges in Guam.

SEC. 575. GAO STUDY ON AIRLINE COMPUTER NETWORK DISRUPTIONS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report containing a review of the following:

(1) Direct and indirect effects on passengers, if any, resulting from significant computer network disruptions of part 121 (of title 49, Code of Federal Regulations) air carriers between January 1, 2014, and the date of enactment of this section, including—

(A) systemwide delays;

(B) flight cancellations; and

(C) disrupted or broken itineraries.

(2) An estimate of any expenses incurred by passengers during significant computer network disruptions, including—
(A) meals, lodging, and ancillary expenses per persons;
(B) late hotel check-in or car rental fees;
(C) missed cruise-ship departures; and
(D) lost productivity.

(3) Air carriers' contracts of carriage and interline agreements to determine if and how air carriers accommodate passengers affected by significant computer network disruptions on other air carriers or foreign air carriers.

(4) Whether passengers who have been displaced by significant computer network disruptions are furnished with alternative transportation aboard another air carrier or foreign air carrier.

(5) Costs incurred by airports, if any, to meet the essential needs of passengers, including increased demands on utilities, food concessionaires, restroom facilities, and security staffing, during significant computer network disruptions.

(6) Other costs, if any, incurred by passengers, airports, and other entities as a direct result of significant computer network disruptions.

(7) Processes, plans, and redundancies in place at air carriers to respond to and recover from such network disruptions.

SEC. 576. TOWER MARKING.

Section 2110 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44718 note) is amended to read as follows:

"SEC. 2110. TOWER MARKING.

"(a) APPLICATION.—

"(1) IN GENERAL.—Except as provided by paragraph (2), not later than 18 months after the date of enactment of the FAA Reauthorization Act of 2018 or the date of availability of the database developed by the Administrator pursuant to subsection (c), whichever is later, all covered towers shall be either—

"(A) clearly marked consistent with applicable guidance in the advisory circular of the FAA issued December 4, 2015 (AC 70/7460-IL); or

"(B) included in the database described in subsection (c).

"(2) METEOROLOGICAL EVALUATION TOWER.—A covered tower that is a meteorological evaluation tower shall be subject to the requirements of subparagraphs (A) and (B) of paragraph (1).

"(b) DEFINITIONS.—

"(1) IN GENERAL.—In this section, the following definitions apply:

"(A) COVERED TOWER.—

"(i) IN GENERAL.—The term 'covered tower' means a structure that—

"(I) is a meteorological evaluation tower, a self-standing tower, or tower supported by guy wires and ground anchors;

"(II) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

"(III) at the highest point of the structure is at least 50 feet above ground level;

"(IV) at the highest point of the structure is not more than 200 feet above ground level;

"(V) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and

"(VI) is located on land that is—

"(aa) in a rural area; and

"(bb) used for agricultural purposes or immediately adjacent to such land.

"(ii) EXCLUSIONS.—The term 'covered tower' does not include any structure that—

"(I) is adjacent to a house, barn, electric utility station, or other building;

"(II) is within the curtilage of a farmstead or adjacent to another building or visible structure;

"(III) supports electric utility transmission or distribution lines;

"(IV) is a wind-powered electrical generator with a rotor blade radius that exceeds 6 feet;

"(V) is a street light erected or maintained by a Federal, State, local, or tribal entity;

"(VI) is designed and constructed to resemble a tree or visible structure other than a tower;

"(VII) is an advertising billboard;

"(VIII) is located within the right-of-way of a rail carrier, including within the boundaries of a rail yard, and is used for a railroad purpose;

"(IX)(aa) is registered with the Federal Communications Commission under the Antenna Structure Registration program set forth under part 17 of title 47, Code of Federal Regulations; and

"(bb) is determined by the Administrator to pose no hazard to air navigation; or

"(X) has already mitigated any hazard to aviation safety in accordance with Federal Aviation Administration guidance or as otherwise approved by the Administrator.

"(B) RURAL AREA.—The term 'rural area' has the meaning given the term in section 609(a)(5) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)(5)).

"(C) AGRICULTURAL PURPOSES.—The term 'agricultural purposes' means farming in all its branches and the cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities performed by a farmer or on a farm, or on pasture land or rangeland.

"(2) OTHER DEFINITIONS.—The Administrator shall define such other terms as may be necessary to carry out this section.

"(c) DATABASE.—The Administrator shall—

"(1) develop a new database, or if appropriate use an existing database that meets the requirements under this section, that contains the location and height of each covered tower that, pursuant to subsection (a), the owner or operator of such tower elects not to mark (unless the Administrator has determined that there is a significant safety risk requiring

that the tower be marked), except that meteorological evaluation towers shall be marked and contained in the database;

"(2) keep the database current to the extent practicable;

"(3) ensure that any proprietary information in the database is protected from disclosure in accordance with law;

"(4) ensure that, by virtue of accessing the database, users agree and acknowledge that information in the database—

"(A) may only be used for aviation safety purposes; and

"(B) may not be disclosed for purposes other than aviation safety, regardless of whether or not the information is marked or labeled as proprietary or with a similar designation;

"(5) ensure that the tower information in the database is de-identified and that the information only includes the location and height of covered towers and whether the tower has guy wires;

"(6) ensure that information in the dataset is encrypted at rest and in transit and is protected from unauthorized access and acquisition;

"(7) ensure that towers excluded from the definition of covered tower under subsection (d)(1)(B)(ii)(VIII) must be registered by its owner in the database;

"(8) ensure that a tower to be included in the database pursuant to subsection (c)(1) and constructed after the date on which the database is fully operational is submitted by its owner to the FAA for inclusion in the database before its construction;

"(9) ensure that pilots who intend to conduct low-altitude operations in locations described in subsection (b)(1)(A)(i)(VI) consult the relevant parts of the database before conducting such operations; and

"(10) make the database available for use not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018.

"(d) EXCLUSION AND WAIVER AUTHORITIES.—As part of a rulemaking conducted pursuant to this section, the Administrator—

"(1) may exclude a class, category, or type of tower that is determined by the Administrator, after public notice and comment, to not pose a hazard to aviation safety;

"(2) shall establish a process to waive specific covered towers from the marking requirements under this section as required under the rulemaking if the Administrator later determines such tower or towers do not pose a hazard to aviation safety;

"(3) shall consider, in establishing exclusions and granting waivers under this subsection, factors that may sufficiently mitigate risks to aviation safety, such as the length of time the tower has been in existence or alternative marking methods or technologies that maintains a tower's level of conspicuousness to a degree which adequately maintains the safety of the airspace; and

"(4) shall consider excluding towers located in a State that has enacted tower marking requirements according to the Federal Aviation Administration's recommended guidance for the voluntary marking of meteorological evaluation towers erected in remote and rural areas that are less than 200 feet above

ground level to enhance the conspicuity of the towers for low level agricultural operations in the vicinity of those towers.

"(e) PERIODIC REVIEW.—The Administrator shall, in consultation with the Federal Communications Commission, periodically review any regulations or guidance regarding the marking of covered towers issued pursuant to this section and update them as necessary, consistent with this section, and in the interest of safety of low-altitude aircraft operations.

"(f) FCC REGULATIONS.—The Federal Communications Commission shall amend section 17.7 of title 47, Code of Federal Regulations, to require a notification to the Federal Aviation Administration for any construction or alteration of an antenna structure, as defined in section 17.2(a) of title 47, Code of Federal Regulations, that is a covered tower as defined by this section.".

49 USC note prec. 42301.

SEC. 577. MINIMUM DIMENSIONS FOR PASSENGER SEATS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and after providing notice and an opportunity for comment, the Administrator of the Federal Aviation Administration shall issue regulations that establish minimum dimensions for passenger seats on aircraft operated by air carriers in interstate air transportation or intrastate air transportation, including minimums for seat pitch, width, and length, and that are necessary for the safety of passengers.

(b) DEFINITIONS.—The definitions contained in section 40102(a) of title 49, United States Code, apply to this section.

SEC. 578. JUDICIAL REVIEW FOR PROPOSED ALTERNATIVE ENVIRONMENTAL REVIEW AND APPROVAL PROCEDURES.

Section 330 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking "5 States" and inserting "2 States"; and

(2) in subsection (e)—

(A) in paragraph (2)(A), by striking "2 years" and inserting "150 days as set forth in section 139(l)"; and

(B) in paragraph (3)(B)(i), by striking "2 years" and inserting "150 days as set forth in section 139(l)".

SEC. 579. REGULATORY STREAMLINING.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final regulation revising section 121.333(c)(3) of title 14, Code of Federal Regulations, to apply only to flight altitudes above flight level 410.

SEC. 580. SPACEPORTS.

(a) SENSE OF CONGRESS ON STATE SPACEPORT CONTRIBUTIONS.—It is the Sense of Congress that—

(1) State and local government-owned or -operated spaceports have contributed hundreds of millions of dollars in infrastructure improvements to the national space launch infrastructure, providing the United States Government and commercial customers with world-class space launch and processing infrastructure that is necessary to support continued American leadership in space;

(2) State and local government-owned or –operated spaceports play a critical role in providing resiliency and redundancy

in the national launch infrastructure to support national security and civil government capabilities, and should be recognized as a critical infrastructure in Federal strategy and planning;

(3) continued State and local government investments at launch and reentry facilities should be encouraged and to the maximum extent practicable supported in Federal policies, planning and infrastructure investment considerations, including through Federal, State, and local partnerships;

(4) Federal investments in space infrastructure should enable partnerships between Federal agencies and state and local spaceports to modernize and enable expanded 21st century space transportation infrastructure, especially multi-modal networks needed for robust space transportation that support national security, civil, and commercial launch customers; and

(5) States and local governments that have made investments to build, maintain, operate, and improve capabilities for national security, civil, and commercial customers should be commended for their infrastructure contributions to launch and reentry sites, and encouraged through a variety of programs and policies to continue these investments in the national interest.

(b) ESTABLISHMENT OF OFFICE OF SPACEPORTS.—

(1) ESTABLISHMENT OF OFFICE OF SPACEPORTS.—Title 51, United States Code, is amended by adding at the end of subtitle V the following:

"CHAPTER 515—OFFICE OF SPACEPORTS

51 USC prec. 51501.

"§ 51501. Establishment of Office of Spaceports

51 USC 51501.

"(a) ESTABLISHMENT OF OFFICE.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall identify, within the Office of Commercial Space Transportation, a centralized policy office to be known as the Office of Spaceports.

"(b) FUNCTIONS.—The Office of Spaceports shall—

"(1) support licensing activities for operation of launch and reentry sites;

"(2) develop policies that promote infrastructure improvements at spaceports;

"(3) provide technical assistance and guidance to spaceports;

"(4) promote United States spaceports within the Department; and

"(5) strengthen the Nation's competitiveness in commercial space transportation infrastructure and increase resilience for the Federal Government and commercial customers.

"(c) RECOGNITION.—In carrying out the functions assigned in subsection (b), the Secretary shall recognize the unique needs and distinctions of spaceports that host—

"(1) launches to or reentries from orbit; and

"(2) are involved in suborbital launch activities.

"(d) DIRECTOR.—The head of the Office of the Associate Administrator for Commercial Space Transportation shall designate a Director of the Office of Spaceports.

"(e) DEFINITION.—In this section the term 'spaceport' means a launch or reentry site that is operated by an entity licensed by the Secretary of Transportation.".

51 USC prec. 10101.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters of title 51, United States Code, is amended by adding at the end of subtitle V the following:

"515. Office of Spaceports ..... 51501".

(c) REPORT ON NATIONAL SPACEPORTS POLICY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) A robust network of space transportation infrastructure, including spaceports, is vital to the growth of the domestic space industry and America's competitiveness and access to space.

(B) Non-Federal spaceports have significantly increased the space transportation infrastructure of the United States through significant investments by State and local governments, which have encouraged greater private investment.

(C) These spaceports have led to the development of a growing number of orbital and suborbital launch and reentry sites that are available to the national security, civil, and commercial space customers at minimal cost to the Federal Government.

(D) The Federal Government, led by the Secretary of Transportation, should seek to promote the growth, resilience, and capabilities of this space transportation infrastructure through policies and through partnerships with State and local governments.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report that—

(A) evaluates the Federal Government's national security and civil space transportation demands and the needs of the United States and international commercial markets;

(B) proposes policies and programs designed to ensure a robust and resilient orbital and suborbital spaceport infrastructure to serve and capitalize on these space transportation opportunities;

(C) reviews the development and investments made by international competitors in foreign spaceports, to the extent practicable;

(D) makes recommendations on how the Federal Government can support, encourage, promote, and facilitate greater investments in infrastructure at spaceports; and

(E) considers and makes recommendations about how spaceports can fully support and enable the national space policy.

(3) UPDATES TO THE REPORT.—Not later than 3 years after the date of enactment of this Act and every 2 years until December 2024, the Secretary shall—

(A) update the previous report prepared under this subsection; and

(B) submit the updated report to Congress.

(4) CONSULTATIONS REQUIRED.—In preparing the reports required by this subsection, the Secretary shall consult with individuals including—

(A) the Secretary of Defense;

(B) the Secretary of Commerce;

(C) the Administrator of the National Aeronautics and Space Administration; and

(D) interested persons at spaceports, State and local governments, and industry.

(d) REPORT ON SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS.—

(1) GAO STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study regarding spaceport activities carried out pursuant to chapters 509 and 511 of title 51, United States Code, including—

(A) an assessment of potential mechanisms to provide Federal support to spaceports, including the airport improvement program established under subchapter I of chapter 471 of title 49, United States Code, and the program established under chapter 511 of title 51, United States Code;

(B) recommendations for potential funding options; and

(C) any necessary changes to improve the spaceport application review process.

(2) CONSULTATION.—In carrying out the study described in paragraph (1), the Comptroller General shall consult with sources from each component of the commercial space transportation sector, including interested persons in industry and government officials at the Federal, State, and local levels.

(3) USER-FUNDED SPACEPORTS.—In reviewing funding options, the Comptroller General shall distinguish between spaceports that are funded by users and those that are not.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing results of the study conducted under paragraph (1).

(e) DEFINITION.—In this section, the term "spaceport" means a launch or reentry site that is operated by an entity licensed by the Secretary of Transportation.

SEC. 581. SPECIAL RULE FOR CERTAIN AIRCRAFT OPERATIONS (SPACE SUPPORT VEHICLES).

(a) SPACE SUPPORT VEHICLE DEFINITIONS.—Section 50902 of title 51, United States Code, is amended—

(1) by redesignating paragraphs (21) through (25) as paragraphs (23) through (27), respectively; and

(2) by inserting after paragraph (20) the following:

"(21) 'space support vehicle flight' means a flight in the air that—

"(A) is not a launch or reentry; but

"(B) is conducted by a space support vehicle.

"(22) 'space support vehicle' means a vehicle that is—

"(A) a launch vehicle;

"(B) a reentry vehicle; or

"(C) a component of a launch or reentry vehicle.".

(b) SPECIAL RULE FOR CERTAIN AIRCRAFT OPERATIONS.—

(1) IN GENERAL.—Chapter 447, of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

49 USC 44737.

"§ 44737. Special rule for certain aircraft operations.

"(a) IN GENERAL.—The operator of an aircraft with a special airworthiness certification in the experimental category may—

"(1) operate the aircraft for the purpose of conducting a space support vehicle flight (as that term is defined in chapter 50902 of title 51); and

"(2) conduct such flight under such certificate carrying persons or property for compensation or hire—

"(A) notwithstanding any rule or term of a certificate issued by the Administrator of the Federal Aviation Administration that would prohibit flight for compensation or hire; or

"(B) without obtaining a certificate issued by the Administrator to conduct air carrier or commercial operations.

"(b) LIMITED APPLICABILITY.—Subsection (a) shall apply only to a space support vehicle flight that satisfies each of the following:

"(1) (1) The aircraft conducting the space support vehicle flight—

"(A) takes flight and lands at a single site that is operated by an entity licensed for operation under chapter 509 of title 51;

"(B) is owned or operated by a launch or reentry vehicle operator licensed under chapter 509 of title 51, or on behalf of a launch or reentry vehicle operator licensed under chapter 509 of title 51;

"(C) is a launch vehicle, a reentry vehicle, or a component of a launch or reentry vehicle licensed for operations pursuant to chapter 509 of title 51; and

"(D) is used only to simulate space flight conditions in support of—

"(i) training for potential space flight participants, government astronauts, or crew (as those terms are defined in chapter 509 of title 51);

"(ii) the testing of hardware to be used in space flight; or

"(iii) research and development tasks, which require the unique capabilities of the aircraft conducting the flight.

"(c) RULES OF CONSTRUCTION.—

"(1) SPACE SUPPORT VEHICLES.—Section 44711(a)(1) shall not apply to a person conducting a space support vehicle flight under this section only to the extent that a term of the experimental certificate under which the person is operating the space support vehicle prohibits the carriage of persons or property for compensation or hire.

"(2) AUTHORITY OF ADMINISTRATOR.—Nothing in this section shall be construed to limit the authority of the Administrator of the Federal Aviation Administration to exempt a person from a regulatory prohibition on the carriage of persons or property for compensation or hire subject to terms and conditions other than those described in this section".

49 USC prec. 44701.

(2) TECHNICAL AMENDMENT.—The table of contents of 447 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

"Sec. 44737. Special rule for certain aircraft operations.".

(3) RULE OF CONSTRUCTION RELATING TO ROLE OF NASA.—Nothing in this subsection shall be construed as limiting the ability of National Aeronautics and Space Administration (NASA) to place conditions on or otherwise qualify the operations of NASA contractors providing NASA services. 49 USC 44737 note.

SEC. 582. PORTABILITY OF REPAIRMAN CERTIFICATES. 49 USC 44703 note.

(a) IN GENERAL.—The Administrator shall assign to the Aviation Rulemaking Advisory Committee the task of making recommendations with respect to the regulatory and policy changes, as appropriate, to allow a repairman certificate issued under section 65.101 of title 14, Code of Federal Regulations, to be portable from one employing certificate holder to another.

(b) ACTION BASED ON RECOMMENDATIONS.—Not later than 1 year after receiving recommendations under subsection (a), the Administrator may take such action as the Administrator considers appropriate with respect to those recommendations.

SEC. 583. UNDECLARED HAZARDOUS MATERIALS PUBLIC AWARENESS CAMPAIGN. 49 USC 44701 note.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a public awareness campaign to reduce the amount of undeclared hazardous materials traveling through air commerce.

(b) CAMPAIGN REQUIREMENTS.—The public awareness campaign required under subsection (a) shall do the following:

(1) Focus on targeting segments of the hazardous materials industry with high rates of undeclared shipments through air commerce and educate air carriers, shippers, manufacturers, and other relevant stakeholders of such segments on properly packaging and classifying such shipments.

(2) Educate the public on proper ways to declare and ship hazardous materials, examples of everyday items that are considered hazardous materials, and penalties associated with intentional shipments of undeclared hazardous materials.

(c) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish an interagency working group to promote collaboration and engagement between the Department of Transportation and other relevant agencies, and develop recommendations and guidance on how best to conduct the public awareness campaign required under subsection (a).

(2) DUTIES.—The interagency working group shall consult with relevant stakeholders, including cargo air carriers, passenger air carriers, and labor organizations representing pilots for cargo and passenger air carriers operating under part 121 of title 14, Code of Federal Regulations.

(d) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall provide to the appropriate committees of Congress an update on the status of the public awareness campaign required under subsection (a).

SEC. 584. LIABILITY PROTECTION FOR VOLUNTEER PILOTS WHO FLY FOR THE PUBLIC BENEFIT.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(2) in subsection (a), by striking "subsections (b) and (d)" and inserting "subsections (b), (c), and (e)"; and

(3) by inserting after subsection (a) the following:

"(b) LIABILITY PROTECTION FOR PILOTS THAT FLY FOR PUBLIC BENEFIT.—Except as provided in subsections (c) and (e), no volunteer of a volunteer pilot nonprofit organization that arranges flights for public benefit shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization if, at the time of the act or omission, the volunteer—

"(1) was operating an aircraft in furtherance of the purpose of, and acting within the scope of the volunteer's responsibilities on behalf of, the nonprofit organization to provide patient and medical transport (including medical transport for veterans), disaster relief, humanitarian assistance, or other similar charitable missions;

"(2) was properly licensed and insured for the operation of the aircraft;

"(3) was in compliance with all requirements of the Federal Aviation Administration for recent flight experience; and

"(4) did not cause the harm through willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer."; and

(4) in subsection (g)(2), as redesignated, by striking "(e)" and inserting "(f)".

TITLE VI—AVIATION WORKFORCE

Subtitle A—Youth in Aviation

SEC. 601. STUDENT OUTREACH REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report that describes the Administration's existing outreach efforts, such as the STEM Aviation and Space Education Outreach Program, to elementary and secondary students who are interested in careers in science, technology, engineering, art, and mathematics—

(1) to prepare and inspire such students for aviation and aeronautical careers; and

(2) to mitigate an anticipated shortage of pilots and other aviation professionals.

SEC. 602. YOUTH ACCESS TO AMERICAN JOBS IN AVIATION TASK FORCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a Youth Access to American Jobs in Aviation Task Force (in this section referred to as the "Task Force").

(b) DUTIES.—Not later than 12 months after its establishment under subsection (a), the Task Force shall develop and submit to the Administrator recommendations and strategies for the Administration to—

(1) facilitate and encourage high school students in the United States, beginning in their junior year, to enroll in and

complete career and technical education courses, including STEM, that would prepare them to enroll in a course of study related to an aviation career at an institution of higher education, including a community college or trade school;

(2) facilitate and encourage the students described in paragraph (1) to enroll in a course of study related to an aviation career, including aviation manufacturing, engineering and maintenance, at an institution of higher education, including a community college or trade school; and

(3) identify and develop pathways for students who complete a course of study described in paragraph (2) to secure registered apprenticeships, workforce development programs, or careers in the aviation industry of the United States.

(c) CONSIDERATIONS.—When developing recommendations and strategies under subsection (b), the Task Force shall—

(1) identify industry trends that encourage or discourage youth in the United States from pursuing careers in aviation;

(2) consider how the Administration; air carriers; aircraft, powerplant, and avionics manufacturers; aircraft repair stations; and other aviation stakeholders can coordinate efforts to support youth in pursuing careers in aviation;

(3) identify methods of enhancing aviation apprenticeships, job skills training, mentorship, education, and outreach programs that are exclusive to youth in the United States; and

(4) identify potential sources of government and private sector funding, including grants and scholarships, that may be used to carry out the recommendations and strategies described in subsection (b) and to support youth in pursuing careers in aviation.

(d) REPORT.—Not later than 30 days after submission of the recommendations and strategies under subsection (b), the Task Force shall submit to the appropriate committees of Congress a report outlining such recommendations and strategies.

(e) COMPOSITION OF TASK FORCE.—The Administrator shall appoint members of the Task Force, including representatives from the following:

(1) Air carriers.

(2) Aircraft, powerplant, and avionics manufacturers.

(3) Aircraft repair stations.

(4) Local educational agencies or high schools.

(5) Institutions of higher education, including community colleges and aviation trade schools.

(6) Such other aviation and educational stakeholders and experts as the Administrator considers appropriate.

(f) PERIOD OF APPOINTMENT.—Members shall be appointed to the Task Force for the duration of the existence of the Task Force.

(g) COMPENSATION.—Task Force members shall serve without compensation.

(h) SUNSET.—The Task Force shall terminate upon the submittal of the report pursuant to subsection (d).

(i) DEFINITION OF STEM.—The term "STEM" means—

(1) science, technology, engineering, and mathematics; and

(2) other career and technical education subjects that build on the subjects described in paragraph (1).

Subtitle B—Women in Aviation

SEC. 611. SENSE OF CONGRESS REGARDING WOMEN IN AVIATION.

It is the sense of Congress that the aviation industry should explore all opportunities, including pilot training, science, technology, engineering, and mathematics education, and mentorship programs, to encourage and support female students and aviators to pursue a career in aviation.

SEC. 612. SUPPORTING WOMEN'S INVOLVEMENT IN THE AVIATION FIELD.

(a) ADVISORY BOARD.—To encourage women and girls to enter the field of aviation, the Administrator of the Federal Aviation Administration shall create and facilitate the Women in Aviation Advisory Board (referred to in this section as the "Board"), with the objective of promoting organizations and programs that are providing education, training, mentorship, outreach, and recruitment of women into the aviation industry.

(b) COMPOSITION.—The Board shall consist of members whose diverse background and expertise allow them to contribute balanced points of view and ideas regarding the strategies and objectives set forth in subsection (f).

(c) SELECTION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall appoint members of the Board, including representatives from the following:

(1) Major airlines and aerospace companies.

(2) Nonprofit organizations within the aviation industry.

(3) Aviation business associations.

(4) Engineering business associations.

(5) United States Air Force Auxiliary, Civil Air Patrol.

(6) Institutions of higher education and aviation trade schools.

(d) PERIOD OF APPOINTMENT.—Members shall be appointed to the Board for the duration of the existence of the Board.

(e) COMPENSATION.—Board members shall serve without compensation.

(f) DUTIES.—Not later than 18 months after the date of enactment of this Act, the Board shall present a comprehensive plan for strategies the Administration can take, which include the following objectives:

(1) Identifying industry trends that directly or indirectly encourage or discourage women from pursuing careers in aviation.

(2) Coordinating the efforts of airline companies, nonprofit organizations, and aviation and engineering associations to facilitate support for women pursuing careers in aviation.

(3) Creating opportunities to expand existing scholarship opportunities for women in the aviation industry.

(4) Enhancing aviation training, mentorship, education, and outreach programs that are exclusive to women.

(g) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Board shall submit a report outlining the comprehensive plan for strategies pursuant to subsection (f) to the Administrator and the appropriate committees of Congress.

(2) AVAILABILITY ONLINE.—The Administrator shall make the report publicly available online and in print.

(h) SUNSET.—The Board shall terminate upon the submittal of the report pursuant to subsection (g).

Subtitle C—Future of Aviation Workforce

SEC. 621. AVIATION AND AEROSPACE WORKFORCE OF THE FUTURE.

(a) FINDINGS.—Congress finds that—

(1) in 2016, United States air carriers carried a record high number of passengers on domestic flights, 719 million passengers;

(2) the United States aerospace and defense industry employed 1.7 million workers in 2015, or roughly 2 percent of the Nation's total employment base;

(3) the average salary of an employee in the aerospace and defense industry is 44 percent above the national average;

(4) in 2015, the aerospace and defense industry contributed nearly $202.4 billion in value added to the United States economy;

(5) an effective aviation industry relies on individuals with unique skill sets, many of which can be directly obtained through career and technical education opportunities; and

(6) industry and the Federal Government have taken some actions to attract qualified individuals to careers in aviation and aerospace and to retain qualified individuals in such careers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) public and private education institutions should make available to students and parents information on approved programs of study and career pathways, including career exploration, work-based learning opportunities, dual and concurrent enrollment opportunities, and guidance and advisement resources;

(2) public and private education institutions should partner with aviation and aerospace companies to promote career paths available within the industry and share information on the unique benefits and opportunities the career paths offer;

(3) aviation companies, including air carriers, manufacturers, commercial space companies, unmanned aircraft system companies, and repair stations, should create opportunities, through apprenticeships or other mechanisms, to attract young people to aviation and aerospace careers and to enable individuals to gain the critical skills needed to thrive in such professions; and

(4) the Federal Government should consider the needs of men and women interested in pursuing careers in the aviation and aerospace industry, the long-term personnel needs of the aviation and aerospace industry, and the role of aviation in the United States economy in the creation and administration of educational and financial aid programs.

SEC. 622. AVIATION AND AEROSPACE WORKFORCE OF THE FUTURE STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1) to evaluate the current and future supply of individuals in the aviation and aerospace workforce;

(2) to identify the factors influencing the supply of individuals pursuing a career in the aviation or aerospace industry, including barriers to entry into the workforce; and

(3) to identify methods to increase the future supply of individuals in the aviation and aerospace workforce, including best practices or programs to incentivize, recruit, and retain young people in aviation and aerospace professions.

(b) CONSULTATION.—The Comptroller General shall conduct the study in consultation with—

(1) appropriate Federal agencies; and

(2) the aviation and aerospace industry, institutions of higher education, and labor stakeholders.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study and related recommendations.

SEC. 623. SENSE OF CONGRESS ON HIRING VETERANS.

It is the sense of Congress that the aviation industry, including certificate holders under parts 121, 135, and 145 of title 14, Code of Federal Regulations, should hire more of the Nation's veterans.

49 USC 44515 note.

SEC. 624. AVIATION MAINTENANCE INDUSTRY TECHNICAL WORKFORCE.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule to modernize training programs at aviation maintenance technician schools governed by part 147 of title 14, Code of Federal Regulations.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall coordinate with government, educational institutions, labor organizations representing aviation maintenance workers, and businesses to develop and publish guidance or model curricula for aviation maintenance technician schools referred to in subsection (a) to ensure workforce readiness for industry needs, including curricula related to training in avionics, troubleshooting, and other areas of industry needs.

(c) REVIEW AND PERIODIC UPDATES.—The Administrator shall—

(1) ensure training programs referred to in subsection (a) are revised and updated in correlation with aviation maintenance technician airman certification standards as necessary to reflect current technology and maintenance practices; and

(2) publish updates to the guidance or model curricula required under subsection (b) at least once every 2 years, as necessary, from the date of initial publication.

(d) REPORT TO CONGRESS.—If the Administrator does not issue such final rule by the deadline specified in subsection (a), the Administrator shall, not later than 30 days after such deadline, submit to the appropriate committees of Congress a report containing—

(1) an explanation as to why such final rule was not issued by such deadline; and

(2) a schedule for issuing such final rule.

(e) STUDY.—The Comptroller General of the United States shall conduct a study on technical workers in the aviation maintenance industry.

(f) CONTENTS.—In conducting the study under subsection (e), the Comptroller General shall—

(1) analyze the current Standard Occupational Classification system with regard to the aviation profession, particularly technical workers in the aviation maintenance industry;

(2) analyze how changes to the Federal employment classification of aviation maintenance industry workers might affect government data on unemployment rates and wages;

(3) analyze how changes to the Federal employment classification of aviation maintenance industry workers might affect projections for future aviation maintenance industry workforce needs and project technical worker shortfalls;

(4) analyze the impact of Federal regulation, including Federal Aviation Administration oversight of certification, testing, and education programs, on employment of technical workers in the aviation maintenance industry;

(5) develop recommendations on how Federal Aviation Administration regulations and policies could be improved to modernize training programs at aviation maintenance technical schools and address aviation maintenance industry needs for technical workers;

(6) develop recommendations for better coordinating actions by government, educational institutions, and businesses to support workforce growth in the aviation maintenance industry; and

(7) develop recommendations for addressing the needs for government funding, private investment, equipment for training purposes, and other resources necessary to strengthen existing training programs or develop new training programs to support workforce growth in the aviation industry.

(g) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) AVIATION MAINTENANCE INDUSTRY.—The term "aviation maintenance industry" means repair stations certificated under part 145 of title 14, Code of Federal Regulations.

(2) TECHNICAL WORKER.—The term "technical worker" means an individual authorized under part 43 of title 14, Code of Federal Regulations, to maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, appliance, or component part or employed by an entity so authorized to perform such a function.

SEC. 625. AVIATION WORKFORCE DEVELOPMENT PROGRAMS.

49 USC 40101 note.

(a) IN GENERAL.—The Secretary of Transportation shall establish—

(1) a program to provide grants for eligible projects to support the education of future aircraft pilots and the development of the aircraft pilot workforce; and

(2) a program to provide grants for eligible projects to support the education and recruitment of aviation maintenance technical workers and the development of the aviation maintenance workforce.

(b) PROJECT GRANTS.—

(1) IN GENERAL.—Out of amounts made available under section 48105 of title 49, United States Code, not more than $5,000,000 for each of fiscal years 2019 through 2023 is authorized to be expended to provide grants under the program established under subsection (a)(1), and $5,000,000 for each of fiscal years 2019 through 2023 is authorized to provide grants under the program established under subsection (a)(2).

(2) DOLLAR AMOUNT LIMIT.—Not more than $500,000 shall be available for any 1 grant in any 1 fiscal year under the programs established under subsection (a).

(c) ELIGIBLE APPLICATIONS.—

(1) An application for a grant under the program established under subsection (a)(1) shall be submitted, in such form as the Secretary may specify, by—

(A) an air carrier, as defined in section 40102 of title 49, United States Code, or a labor organization representing aircraft pilots;

(B) an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a high school or secondary school (as defined in section 7801 of the Higher Education Act of 1965 (20 U.S.C. 7801));

(C) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations; or

(D) a State or local governmental entity.

(2) An application for a grant under the pilot program established under subsection (a)(2) shall be submitted, in such form as the Secretary may specify, by—

(A) a holder of a certificate issued under part 21, 121, 135, or 145 of title 14, Code of Federal Regulations or a labor organization representing aviation maintenance workers;

(B) an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a high school or secondary school (as defined in section 7801 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(C) a State or local governmental entity.

(d) ELIGIBLE PROJECTS.—

(1) For purposes of the program established under subsection (a)(1), an eligible project is a project—

(A) to create and deliver curriculum designed to provide high school students with meaningful aviation education that is designed to prepare the students to become aircraft pilots, aerospace engineers, or unmanned aircraft systems operators; or

(B) to support the professional development of teachers using the curriculum described in subparagraph (A).

(2) For purposes of the pilot program established under subsection (a)(2), an eligible project is a project—

(A) to establish new educational programs that teach technical skills used in aviation maintenance, including purchasing equipment, or to improve existing such programs;

(B) to establish scholarships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

(C) to support outreach about careers in the aviation maintenance industry to—

(i) primary, secondary, and post-secondary school students; or

(ii) to communities underrepresented in the industry;

(D) to support educational opportunities related to aviation maintenance in economically disadvantaged geographic areas;

(E) to support transition to careers in aviation maintenance, including for members of the Armed Forces; or

(F) to otherwise enhance aviation maintenance technical education or the aviation maintenance industry workforce.

(e) GRANT APPLICATION REVIEW.—In reviewing and selecting applications for grants under the programs established under subsection (a), the Secretary shall—

(1) prior to selecting among competing applications, consult, as appropriate, with representatives of aircraft repair stations, design and production approval holders, air carriers, labor organizations, business aviation, general aviation, educational institutions, and other relevant aviation sectors; and

(2) ensure that the applications selected for projects established under subsection (a)(1) will allow participation from a diverse collection of public and private schools in rural, suburban, and urban areas.

Subtitle D—Unmanned Aircraft Systems Workforce

SEC. 631. COMMUNITY AND TECHNICAL COLLEGE CENTERS OF EXCELLENCE IN SMALL UNMANNED AIRCRAFT SYSTEM TECHNOLOGY TRAINING.

49 USC 40101 note.

(a) DESIGNATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Education and the Secretary of Labor, shall establish a process to designate consortia of public, 2-year institutions of higher education as Community and Technical College Centers of Excellence in Small Unmanned Aircraft System Technology Training (in this section referred to as the "Centers of Excellence").

(b) FUNCTIONS.—A Center of Excellence designated under subsection (a) shall have the capacity to train students for career opportunities in industry and government service related to the use of small unmanned aircraft systems.

(c) EDUCATION AND TRAINING REQUIREMENTS.—In order to be designated as a Center of Excellence under subsection (a), a consortium shall be able to address education and training requirements

associated with various types of small unmanned aircraft systems, components, and related equipment, including with respect to—

(1) multirotor and fixed-wing small unmanned aircraft;

(2) flight systems, radio controllers, components, and characteristics of such aircraft;

(3) routine maintenance, uses and applications, privacy concerns, safety, and insurance for such aircraft;

(4) hands-on flight practice using small unmanned aircraft systems and computer simulator training;

(5) use of small unmanned aircraft systems in various industry applications and local, State, and Federal government programs and services, including in agriculture, law enforcement, monitoring oil and gas pipelines, natural disaster response and recovery, fire and emergency services, and other emerging areas;

(6) Federal policies concerning small unmanned aircraft;

(7) dual credit programs to deliver small unmanned aircraft training opportunities to secondary school students; or

(8) training with respect to sensors and the processing, analyzing, and visualizing of data collected by small unmanned aircraft.

(d) COLLABORATION.—Each Center of Excellence shall seek to collaborate with institutions participating in the Alliance for System Safety of UAS through Research Excellence of the Federal Aviation Administration and with the test ranges defined under section 44801 of title 49, United States Code, as added by this Act.

(e) INSTITUTION OF HIGHER EDUCATION.—In this section, the term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

49 USC 40101 note.

SEC. 632. COLLEGIATE TRAINING INITIATIVE PROGRAM FOR UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a collegiate training initiative program relating to unmanned aircraft systems by making new agreements or continuing existing agreements with institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) under which the institutions prepare students for careers involving unmanned aircraft systems. The Administrator may establish standards for the entry of such institutions into the program and for their continued participation in the program.

(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term "unmanned aircraft system" has the meaning given that term by section 44801 of title 49, United States Code, as added by this Act.

TITLE VII—FLIGHT R&D ACT

Subtitle A—General Provisions

FAA Leadership in Groundbreaking High-Tech Research and Development Act.

SEC. 701. SHORT TITLE.

49 USC 40101 note.

This title may be cited as the "FAA Leadership in Groundbreaking High-Tech Research and Development Act" or the "FLIGHT R&D Act".

SEC. 702. DEFINITIONS.

49 USC 40101 note.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term "FAA" means the Federal Aviation Administration.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 48102(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "and, for each of fiscal years 2012 through 2015, under subsection (g)";

(2) in paragraph (9), by striking "and" at the end; and

(3) by striking paragraph (10) and inserting the following:

"(10) $189,000,000 for fiscal year 2018;

"(11) $194,000,000 for fiscal year 2019;

"(12) $199,000,000 for fiscal year 2020;

"(13) $204,000,000 for fiscal year 2021;

"(14) $209,000,000 for fiscal year 2022; and

"(15) $214,000,000 for fiscal year 2023.".

(b) RESEARCH PRIORITIES.—Section 48102(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "consider" and inserting "prioritize safety in considering";

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following:

"(2) As safety related activities shall be the highest research priority, at least 70 percent of the amount appropriated under subsection (a) of this section shall be for safety research and development projects.".

(c) ANNUAL SUBMISSION OF THE NATIONAL AVIATION RESEARCH PLAN.—Section 48102(g) of title 49, United States Code, is amended to read as follows:

"(g) ANNUAL SUBMISSION OF THE NATIONAL AVIATION RESEARCH PLAN.—The Administrator shall submit the national aviation research plan to Congress no later than the date of submission of the President's budget request to Congress for that fiscal year, as required under section 44501(c).".

Subtitle B—FAA Research and Development Organization

49 USC 106 note.

SEC. 711. ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.

(a) APPOINTMENT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall appoint an Assistant Administrator for Research and Development.

(b) RESPONSIBILITIES.—The Assistant Administrator for Research and Development shall, at a minimum, be responsible for—

(1) management and oversight of all the FAA's research and development programs and activities; and

(2) production of all congressional reports from the FAA relevant to research and development, including the national aviation research plan required under section 44501(c) of title 49, United States Code.

(c) DUAL APPOINTMENT.—The Assistant Administrator for Research and Development may be a dual-appointment, holding the responsibilities of another Assistant Administrator.

SEC. 712. RESEARCH ADVISORY COMMITTEE.

(a) ADVICE AND RECOMMENDATIONS.—Section 44508(a)(1)(A) of title 49, United States Code, is amended to read as follows:

"(A) provide advice and recommendations to the Administrator of the Federal Aviation Administration and Congress about needs, objectives, plans, approaches, content, and accomplishments of all aviation research and development activities and programs carried out, including those under sections 40119, 44504, 44505, 44507, 44511–44513, and 44912 of this title;".

(b) WRITTEN REPLY TO RESEARCH ADVISORY COMMITTEE.—Section 44508 of title 49, United States Code, is amended by adding at the end the following:

"(f) WRITTEN REPLY.—

"(1) IN GENERAL.—Not later than 60 days after receiving any recommendation from the research advisory committee, the Administrator shall provide a written reply to the research advisory committee that, at a minimum—

"(A) clearly states whether the Administrator accepts or rejects the recommendation;

"(B) explains the rationale for the Administrator's decision;

"(C) sets forth the timeframe in which the Administrator will implement the recommendation; and

"(D) describes the steps the Administrator will take to implement the recommendation.

"(2) TRANSPARENCY.—The written reply to the research advisory committee, when transmitted to the research advisory committee, shall be—

"(A) made publicly available on the research advisory committee website; and

"(B) transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(3) NATIONAL AVIATION RESEARCH PLAN.—The national aviation research plan required under section 44501(c) shall include a summary of all research advisory committee recommendations and a description of the status of their implementation.".

Subtitle C—Unmanned Aircraft Systems

SEC. 721. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP.

49 USC 44802 note.

The Secretary shall submit the unmanned aircraft systems roadmap to Congress on an annual basis as required under section 48802(a) of title 49, United States Code, as added by this Act.

Subtitle D—Cybersecurity and Responses to Other Threats

SEC. 731. CYBER TESTBED.

49 USC 40101 note.

Not later than 6 months after the date of enactment of this Act, the Administrator shall develop an integrated Cyber Testbed for research, development, evaluation, and validation of air traffic control modernization technologies, before they enter the national airspace system, as being compliant with FAA data security regulations. The Cyber Testbed shall be part of an integrated research and development test environment capable of creating, identifying, defending, and solving cybersecurity-related problems for the national airspace system. This integrated test environment shall incorporate integrated test capacities within the FAA related to the national airspace system and NextGen.

SEC. 732. STUDY ON THE EFFECT OF EXTREME WEATHER ON AIR TRAVEL.

(a) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Federal Aviation Administration shall jointly complete a study on the effect of extreme weather on commercial air travel.

(b) ELEMENTS.—The study required by subsection (a) shall include assessment of the following:

(1) Whether extreme weather may result in an increase in turbulence.

(2) The effect of extreme weather on current commercial air routes.

(3) The effect of extreme weather on domestic airports, air traffic control facilities, and associated facilities.

Subtitle E—FAA Research and Development Activities

SEC. 741. RESEARCH PLAN FOR THE CERTIFICATION OF NEW TECHNOLOGIES INTO THE NATIONAL AIRSPACE SYSTEM.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with NASA, shall transmit

a comprehensive research plan for the certification of new technologies into the national airspace system to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. This plan shall identify research necessary to support the certification and implementation of NextGen, including both ground and air elements, and explain the plan's relationship to other activities and procedures required for certification and implementation of new technologies into the national airspace system. This plan shall be informed by the recommendations of the National Research Council report titled "Transformation in the Air—A Review of the FAA Research Plan", issued on June 8, 2015. This plan shall include, at a minimum—

(1) a description of the strategic and prescriptive value of the research plan;

(2) an explanation of the expected outcomes from executing the plan;

(3) an assessment of the FAA's plan to use research and development to improve cybersecurity over the next 5 years;

(4) an assessment of the current software assurance practices, and the desired level or attributes to target in the software assurance program; and

(5) best practices in research and development used by other organizations, such as NASA, NavCanada, and Eurocontrol.

SEC. 742. TECHNOLOGY REVIEW.

(a) REVIEW.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall conduct a review of current and planned research on the use of advanced aircraft technologies, innovative materials, alternative fuels, additive manufacturing, and novel aircraft designs, to increase aircraft fuel efficiency.

(2) SUMMARIES.—The review conducted under paragraph (1) shall include summaries of projects and missions to examine—

(A) the effectiveness of such technologies, materials, fuels, and aircraft designs to enhance fuel efficiency and aerodynamic performance, and reduce drag, weight, noise, and fuel consumption; and

(B) the potential for novel flight pattern planning and communications systems to reduce aircraft taxiing and airport circling.

(3) RECOMMENDATIONS.—The review conducted under paragraph (1) shall identify potential opportunities for additional research and development, public or private, to increase aircraft fuel efficiency.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report containing the results of the review conducted under subsection (a).

SEC. 743. CLEEN AIRCRAFT AND ENGINE TECHNOLOGY PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 of title 49, United States Code, is amended by adding at the end the following:

"§ 47511. CLEEN engine and airframe technology partnership 49 USC 47511.

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into a cost-sharing cooperative agreement, using a competitive process, with institutions, entities, or consortiums to carry out a program for the development, maturation, and testing of certifiable CLEEN aircraft, engine technologies, and jet fuels for civil subsonic airplanes.

"(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term 'CLEEN aircraft and engine technology' means continuous lower energy, emissions, and noise aircraft and engine technology.

"(c) PERFORMANCE OBJECTIVE.—The Administrator shall establish the performance objectives for the program in terms of the specific objectives to reduce fuel burn, emissions and noise.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 475 is amended by inserting after the item relating to section 47510 the following: 49 USC prec. 47501.

"47511. CLEEN engine and airframe technology partnership.".

SEC. 744. RESEARCH AND DEPLOYMENT OF CERTAIN AIRFIELD PAVEMENT TECHNOLOGIES. 49 USC 44505 note.

Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration may carry out a program for the research and development of aircraft pavement technologies under which the Administrator makes grants to, and enters into cooperative agreements with, institutions of higher education and nonprofit organizations that—

(1) research concrete and asphalt airfield pavement technologies that extend the life of airfield pavements;

(2) develop and conduct training;

(3) provide for demonstration projects; and

(4) promote the latest airfield pavement technologies to aid in the development of safer, more cost effective, and more durable airfield pavements.

Subtitle F—Geospatial Data

Geospatial Data Act of 2018.

SEC. 751. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the "Geospatial Data Act of 2018". 43 USC 2801 note.

(b) FINDINGS.—Congress finds that— 43 USC 2801 note.

(1) open and publicly available data is essential to the successful operation of the GeoPlatform;

(2) the private sector in the United States, for the purposes of acquiring and producing quality geospatial data and geospatial data services, has been and continues to be invaluable in carrying out the varying missions of Federal departments and agencies, as well as contributing positively to the United States economy; and

(3) over the last 2 decades, Congress has passed legislation that promotes greater access and use of Government information and data, which has—

(A) sparked new, innovative start-ups and services;

(B) spurred economic growth in many sectors, such as in the geospatial services;

(C) advanced scientific research;

(D) promoted public access to Federally funded services and data; and

(E) improved access to geospatial data for the purposes of promoting public health, weather forecasting, economic development, environmental protection, flood zone research, and other purposes.

43 USC 2801.

SEC. 752. DEFINITIONS.

In this subtitle—

(1) the term "Advisory Committee" means the National Geospatial Advisory Committee established under section 754(a);

(2) the term "Committee" means the Federal Geographic Data Committee established under section 753(a);

(3) the term "covered agency"—

(A) means—

(i) an Executive department, as defined in section 101 of title 5, United States Code, that collects, produces, acquires, maintains, distributes, uses, or preserves geospatial data on paper or in electronic form to fulfill the mission of the Executive department, either directly or through a relationship with another organization, including a State, local government, Indian tribe, institution of higher education, business partner or contractor of the Federal Government, and the public;

(ii) the National Aeronautics and Space Administration; or

(iii) the General Services Administration; and

(B) does not include the Department of Defense (including 30 components and agencies performing national missions) or any element of the intelligence community;

(4) the term "GeoPlatform" means the GeoPlatform described in section 758(a);

(5) the term "geospatial data"—

(A) means information that is tied to a location on the Earth, including by identifying the geographic location and characteristics of natural or constructed features and boundaries on the Earth, and that is generally represented in vector datasets by points, lines, polygons, or other complex geographic features or phenomena;

(B) may be derived from, among other things, remote sensing, mapping, and surveying technologies;

(C) includes images and raster datasets, aerial photographs, and other forms of geospatial data or datasets in digitized or non-digitized form; and

(D) does not include—

(i) geospatial data and activities of an Indian tribe not carried out, in whole or in part, using Federal funds, as determined by the tribal government;

(ii) classified national security-related geospatial data and activities of the Department of Defense, unless declassified;

(iii) classified national security-related geospatial data and activities of the Department of Energy, unless declassified;

(iv) geospatial data and activities under chapter 22 of title 10, United States Code, or section 110 of the National Security Act of 1947 (50 U.S.C. 3045);

(v) intelligence geospatial data and activities, as determined by the Director of National Intelligence; or

(vi) certain declassified national security-related geospatial data and activities of the intelligence community, as determined by the Secretary of Defense, the Secretary of Energy, or the Director of National Intelligence;

(6) the term "Indian tribe" has the meaning given that term under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

(7) the term "institution of higher education" has the meaning given that term under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

(8) the term "intelligence community" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

(9) the term "lead covered agency" means a lead covered agency for a National Geospatial Data Asset data theme designated under section 756(b)(1);

(10) the term "local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(11) the term "metadata for geospatial data" means information about geospatial data, including the content, source, vintage, accuracy, condition, projection, method of collection, and other characteristics or descriptions of the geospatial data;

(12) the term "National Geospatial Data Asset data theme" means the National Geospatial Data Asset core geospatial datasets (including electronic records and coordinates) relating to a topic or subject designated under section 756;

(13) the term "National Spatial Data Infrastructure" means the technology, policies, criteria, standards, and employees necessary to promote geospatial data sharing throughout the Federal Government, State, tribal, and local governments, and the private sector (including nonprofit organizations and institutions of higher education); and

(14) the term "proven practices" means methods and activities that advance the use of geospatial data for the benefit of society.

SEC. 753. FEDERAL GEOGRAPHIC DATA COMMITTEE. 43 USC 2802.

(a) IN GENERAL.—There is established within the Department of the Interior an interagency committee to be known as the Federal Geographic Data Committee, which shall act as the lead entity in the executive branch for the development, implementation, and

review of policies, practices, and standards relating to geospatial data.

(b) MEMBERSHIP.—

(1) CHAIRPERSON AND VICE CHAIRPERSON.—The Secretary of the Interior and the Director of the Office of Management and Budget shall serve as Chairperson of the Committee and Vice Chairperson of the Committee, respectively.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—The head of each covered agency and the Director of the National Geospatial-Intelligence Agency shall each designate a representative of their respective agency to serve as a member of the Committee.

(B) REQUIREMENT FOR APPOINTMENTS.—An officer appointed to serve as a member of the Committee shall hold a position as an assistant secretary, or an equivalent position, or a higher ranking position.

(3) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, and as needed thereafter, the Director of the Office of Management and Budget shall update guidance with respect to membership of the Committee and the roles of members of the Committee.

(c) DUTIES.—The Committee shall—

(1) lead the development and management of and operational decision making for the National Spatial Data Infrastructure strategic plan and geospatial data policy in accordance with section 755;

(2) designate National Geospatial Data Asset data themes and oversee the coordinated management of the National Geospatial Data Asset data themes in accordance with section 756;

(3) establish and maintain geospatial data standards in accordance with section 757;

(4) periodically review and determine the extent to which covered agencies comply with geospatial data standards;

(5) ensure that the GeoPlatform operates in accordance with section 758;

(6) direct and facilitate national implementation of the system of National Geospatial Data Asset data themes;

(7) communicate with and foster communication among covered agencies and other entities and individuals relating to geospatial data technology development, transfer, and exchange in order to—

(A) identify and meet the needs of users of geospatial data;

(B) promote cost-effective data collection, documentation, maintenance, distribution, and preservation strategies; and

(C) leverage Federal and non-Federal resources, such as promoting Federal shared services and cross-agency coordination for marketplace solutions;

(8) define roles and responsibilities and promote and guide cooperation and coordination among agencies of the Federal Government, State, tribal, and local governments, institutions of higher education, and the private sector in the collection, production, sharing, and use of geospatial information, the implementation of the National Spatial Data Infrastructure, and the identification of proven practices;

(9) coordinate with international organizations having an interest in the National Spatial Data Infrastructure or global spatial data infrastructures;

(10) make available online and update at least annually—

(A) a summary of the status for each National Geospatial Data Asset data theme, based on the report submitted by the applicable lead covered agency under section 756(b)(3)(E)(ii)(I), which shall include—

(i) an evaluation of the progress of each lead covered agency in achieving the requirements under subparagraphs (A), (B), (C), and (D) of section 756(b)(3); and

(ii) a determination of whether, for each of subparagraphs (A), (B), (C), and (D) of section 756(b)(3), each lead covered agency meets expectations, has made progress toward expectations, or fails to meet expectations;

(B) a summary and evaluation of the achievements of each covered agency, based on the annual report submitted by the covered agency under section 759(b)(1), which shall include a determination of whether the covered agency meets expectations, has made progress toward expectations, or fails to meet expectations for each of paragraphs (1) through (13) of section 759(a);

(C) a collection of periodic technical publications, management articles, and reports related to the National Spatial Data Infrastructure; and

(D) a membership directory for the Committee, including identifying members of any subcommittee or working group of the Committee;

(11)(A) make available to and request comments from the Advisory Committee regarding the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10);

(B) if requested by the Advisory Committee, respond to any comments by the Advisory Committee; and

(C) not less than once every 2 years, submit to Congress a report that includes the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10), the comments of the Advisory Committee, and the responses of the Committee to the comments;

(12)(A) make available to and request comments from covered agencies regarding the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10); and

(B) not less than once every 2 years, submit to Congress a report that includes the comments of the covered agencies and the responses of the Committee to the comments; and

(13) support and promote the infrastructure of networks, systems, services, and standards that provide a digital representation of the Earth to users for many applications.

(d) STAFF SUPPORT.—The Committee shall establish an Office of the Secretariat within the Department of the Interior to provide administrative support, strategic planning, funding, and technical support to the Committee.

43 USC 2803.

SEC. 754. NATIONAL GEOSPATIAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Interior shall establish within the Department of the Interior the National Geospatial Advisory Committee to provide advice and recommendations to the Chairperson of the Committee.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Committee shall be composed of not more than 30 members, at least one of which will be from the National Geospatial-Intelligence Agency, who shall—

(A) be appointed by the Chairperson of the Committee;

(B) be selected—

(i) to generally achieve a balanced representation of the viewpoints of various interested parties involved in national geospatial activities and the development of the National Spatial Data Infrastructure; and

(ii) with consideration of a geographic balance of residence of the members; and

(C) be selected from among groups involved in the geospatial community, including—

(i) States;

(ii) local governments;

(iii) regional governments;

(iv) tribal governments;

(v) private sector entities;

(vi) geospatial information user industries;

(vii) professional associations;

(viii) scholarly associations;

(ix) nonprofit organizations;

(x) academia;

(xi) licensed geospatial data acquisition professionals; and

(xii) the Federal Government.

(2) CHAIRPERSON.—The Chairperson of the Committee shall appoint the Chairperson of the Advisory Committee.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—Members shall be appointed for a term of 3 years, with the term of ⅓ of the members expiring each year.

(B) VACANCIES.—Any vacancy in the Advisory Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) LIMIT ON TERMS.—Except for the member from the National Geospatial-Intelligence Agency, an individual—

(A) may not be appointed to more than 2 consecutive terms as a member of the Advisory Committee; and

(B) after serving for 2 consecutive terms, is eligible to be appointed as a member of the Advisory Committee on and after the date that is 2 years after the end of the second consecutive term of the individual as a member of the Advisory Committee.

(5) ETHICAL REQUIREMENTS.—A member of the Advisory Committee may not participate in any specific-party matter (including a lease, license, permit, contract, claim, agreement, or related litigation) with the Department of the Interior in which the member has a direct financial interest.

(6) INCUMBENTS.—

(A) IN GENERAL.—An individual serving on the day before the date of enactment of this Act as a member of the National Geospatial Advisory Committee established by the Secretary of the Interior may serve as a member of the Advisory Committee until the end of the term of the individual under the appointment.

(B) LIMIT ON TERMS.—Any period of service as a member of the National Geospatial Advisory Committee established by the Secretary of the Interior shall be considered a period of service as a member of the Advisory Committee for purposes of paragraph (4).

(c) SUBCOMMITTEES.—A subcommittee of the Advisory Committee—

(1) may be formed for the purposes of compiling information or conducting research;

(2) shall be composed of members appointed by the Chairperson of the Advisory Committee;

(3) shall act under the direction of the Chairperson of the Advisory Committee and the officer or employee designated under section 10(e) of the Federal Advisory Committee Act (5 U.S.C. App.) with respect to the Advisory Committee;

(4) shall report the recommendations of the subcommittee to the Advisory Committee for consideration; and

(5) shall meet as necessary to accomplish the objectives of the subcommittee, subject to the approval of the Chairperson of the Advisory Committee and the availability of resources.

(d) MEETINGS.—

(1) IN GENERAL.—The Advisory Committee shall meet at the call of the Chairperson, not less than 1 time each year and not more than 4 times each year.

(2) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum, but a lesser number of members may hold meetings or hearings.

(e) DUTIES OF THE ADVISORY COMMITTEE.—The Advisory Committee shall—

(1) provide advice and recommendations relating to—

(A) the management of Federal and national geospatial programs;

(B) the development of the National Spatial Data Infrastructure; and

(C) implementation of this subtitle;

(2) review and comment on geospatial policy and management issues; and

(3) ensure the views of representatives of non-Federal interested parties involved in national geospatial activities are conveyed to the Committee.

(f) POWERS OF THE ADVISORY COMMITTEE.—

(1) MEETINGS.—The Advisory Committee may hold meetings (which shall be open to the public) and sit and act at such times and places as the Advisory Committee considers advisable to carry out this subtitle.

(2) INFORMATION FROM COVERED AGENCIES.—

(A) IN GENERAL.—The Advisory Committee, with the concurrence of the Chairperson of the Committee, may secure directly from any covered agency such information as the Advisory Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the

Advisory Committee, the head of such agency shall furnish such information to the Advisory Committee.

(B) NONCOOPERATION.—The Advisory Committee shall include in the comments of the Advisory Committee submitted under section 753(c)(11) a discussion of any failure by a covered agency to furnish information in response to a request under subparagraph (A) of this paragraph.

(3) POSTAL SERVICES.—The Advisory Committee may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) ADVISORY COMMITTEE PERSONNEL MATTERS.—

(1) NO COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Advisory Committee who is not an officer or employee of the Federal Government shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Advisory Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Committee.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee to support the Advisory Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) STAFF SUPPORT.—The Office of the Secretariat established by the Committee under section 753(d) shall provide administrative support to the Advisory Committee.

(h) APPLICABILITY OF FACA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(2) NO TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(i) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Advisory Committee shall terminate 10 years after the date of enactment of this Act.

(2) CONTINUATION.—The Advisory Committee may be continued for successive 10-year periods by action taken by the Secretary of the Interior to renew the Advisory Committee before the date on which the Advisory Committee would otherwise terminate.

43 USC 2804.

SEC. 755. NATIONAL SPATIAL DATA INFRASTRUCTURE.

(a) IN GENERAL.—The National Spatial Data Infrastructure shall ensure that geospatial data from multiple sources (including

the covered agencies, State, local, and tribal governments, the private sector, and institutions of higher education) is available and easily integrated to enhance the understanding of the physical and cultural world.

(b) GOALS.—The goals of the National Spatial Data Infrastructure are to—

(1) ensure—

(A) that geospatial data are reviewed prior to disclosure to ensure—

(i) compliance with section 552a of title 5 (commonly known as the "Privacy Act of 1974"); and

(ii) that personally identifiable information is not disclosed, which shall include an assessment of re-identification risk when determining what data constitute personally identifiable information;

(B) that geospatial data are designed to enhance the accuracy of statistical information, both in raw form and in derived information products;

(C) free and open access for the public to geospatial data, information, and interpretive products, in accordance with Office of Management and Budget Circular A–130, or any successor thereto;

(D) the protection of proprietary interests related to licensed information and data; and

(E) the interoperability and sharing capabilities of Federal information systems and data to enable the drawing of resources from covered agencies and partners of covered agencies; and

(2) support and advance the establishment of a Global Spatial Data Infrastructure, consistent with national security, national defense, national intelligence, and international trade requirements, including ensuring that covered agencies develop international geospatial data in accordance with international voluntary consensus standards, as defined in Office of Management and Budget Circular A–119, or any successor thereto.

(c) STRATEGIC PLAN.—The Committee shall prepare and maintain a strategic plan for the development and implementation of the National Spatial Data Infrastructure in a manner consistent with national security, national defense, and emergency preparedness program policies regarding data accessibility.

(d) ADVISORY ROLE.—The Committee shall advise Federal and non-Federal users of geospatial data on their responsibilities relating to implementation of the National Spatial Data Infrastructure.

SEC. 756. NATIONAL GEOSPATIAL DATA ASSET DATA THEMES.

43 USC 2805.

(a) IN GENERAL.—The Committee shall designate as National Geospatial Data Asset data themes the primary topics and subjects for which the coordinated development, maintenance, and dissemination of geospatial data will benefit the Federal Government and the interests of the people of the United States, which shall—

(1) be representations of conceptual topics describing digital spatial information for the Nation; and

(2) contain associated datasets (with attribute records and coordinates)—

(A) that are documented, verifiable, and officially designated to meet recognized standards;

(B) that may be used in common; and

(C) from which other datasets may be derived.

(b) LEAD COVERED AGENCIES.—

(1) IN GENERAL.—For each National Geospatial Data Asset data theme, the Committee shall designate one or more covered agencies as the lead covered agencies for the National Geospatial Data Asset data theme.

(2) GENERAL RESPONSIBILITY.—The lead covered agencies for a National Geospatial Data Asset data theme shall be responsible for ensuring the coordinated management of the data, supporting resources (including technology and personnel), and related services and products of the National Geospatial Data Asset data theme.

(3) SPECIFIC RESPONSIBILITIES.—To assist in fulfilling the responsibilities under paragraph (2) with respect to a National Geospatial Data Asset data theme, the lead covered agencies shall—

(A) provide leadership and facilitate the development and implementation of geospatial data standards for the National Geospatial Data Asset data theme, with a particular emphasis on a data content standard for the National Geospatial Data Asset data theme, including by—

(i) assessing existing standards;

(ii) identifying anticipated or needed data standards; and

(iii) developing a plan to originate and implement needed standards with relevant community and international practices—

(I) in accordance with Office of Management and Budget Circular A–119, or any successor thereto; and

(II) consistent with or as a part of the plan described in subparagraph (B);

(B) provide leadership and facilitate the development and implementation of a plan for nationwide population of the National Geospatial Data Asset data theme, which shall—

(i) include developing partnership programs with States, Indian tribes, institutions of higher education, private sector entities, other Federal agencies, and local governments;

(ii) meet the needs of users of geospatial data;

(iii) address human and financial resource needs;

(iv) identify needs relating to standards, metadata for geospatial data within the National Geospatial Data Asset data theme, and the GeoPlatform; and

(v) expedite the development of necessary National Geospatial Data Asset data themes;

(C) establish goals that support the strategic plan for the National Spatial Data Infrastructure prepared under section 755(c);

(D) as necessary, collect and analyze information from users of geospatial data within the National Geospatial Data Asset data theme regarding the needs of the users for geospatial data and incorporate the needs of users in strategies relating to the National Geospatial Data Asset data theme; and

(E) as part of administering the National Geospatial Data Asset data theme—

(i) designate a point of contact within the lead covered agency who shall be responsible for developing, maintaining, coordination relating to, and disseminating data using the GeoPlatform;

(ii) submit to the Committee—

(I) a performance report, at least annually, that documents the activities relating to and implementation of the National Geospatial Data Asset data theme, including progress in achieving the requirements under subparagraphs (A), (B), (C), and (D); and

(II) comments, as appropriate, regarding the summary and evaluation of the performance report provided by the Committee under section 753(c)(12);

(iii) publish maps or comparable graphics online (in accordance with the mapping conventions specified by the Committee) showing the extent and status of the National Geospatial Data Asset data themes for which the covered agency is a lead covered agency;

(iv) encourage individuals and entities that are a source of geospatial data or metadata for geospatial data for the National Geospatial Data Asset data theme to provide access to such data through the GeoPlatform;

(v) coordinate with the GeoPlatform; and

(vi) identify and publish proven practices for the use and application of geospatial data of the lead covered agency.

SEC. 757. GEOSPATIAL DATA STANDARDS. 43 USC 2806.

(a) IN GENERAL.—In accordance with section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), the Committee shall establish standards for each National Geospatial Data Asset data theme, which—

(1) shall include—

(A) rules, conditions, guidelines, and characteristics for the geospatial data within the National Geospatial Data Asset data theme and related processes, technology, and organization; and

(B) content standards for metadata for geospatial data within the National Geospatial Data Asset data theme;

(2) to the maximum extent practicable, shall be consistent with international standards and protocols;

(3) shall include universal data standards that shall be acceptable for the purposes of declassified intelligence community data; and

(4) the Committee shall periodically review and update as necessary for the standards to remain current, relevant, and effective.

(b) DEVELOPMENT OF STANDARDS.—The Committee shall—

(1) develop and promulgate standards under this section—

(A) in accordance with Office of Management and Budget Circular A–119, or any successor thereto; and

(B) after consultation with a broad range of data users and providers;

(2) to the maximum extent possible, use national and international standards adopted by voluntary standards consensus bodies; and

(3) establish new standards only to the extent standards described in paragraph (2) do not exist.

(c) EXCLUSION.—The Secretary of the Interior shall withhold from public disclosure any information the disclosure of which reasonably could be expected to cause damage to the national interest, security, or defense of the United States, including information relating to geospatial intelligence data activities, as determined in consultation with the Director of National Intelligence.

43 USC 2807.

SEC. 758. GEOPLATFORM.

(a) IN GENERAL.—The Committee shall operate an electronic service that provides access to geospatial data and metadata for geospatial data to the general public, to be known as the GeoPlatform.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The GeoPlatform—

(A) shall—

(i) be available through the internet and other communications means;

(ii) be accessible through a common interface;

(iii) include metadata for all geospatial data collected by covered agencies, directly or indirectly;

(iv) include download access to all open geospatial data directly or indirectly collected by covered agencies; and

(v) include a set of programming instructions and standards providing an automated means of accessing available geospatial data, which—

(I) harmonize sources and data standards associated with geospatial data, including metadata; and

(II) to the maximum extent practicable, as determined by the Chairperson of the Committee, shall be made publicly available;

(B) may include geospatial data from a source other than a covered agency, if determined appropriate by the Committee; and

(C) shall not store or serve proprietary information or data acquired under a license by the Federal Government, unless authorized by the data provider.

(2) MANAGING PARTNER.—The Chairperson of the Committee shall designate an agency to serve as the managing partner for developing and operating the GeoPlatform, taking direction from the Committee on the scope, functionality, and performance of the GeoPlatform.

(c) CLARIFICATION.—Although the GeoPlatform is intended to include all National Geospatial Data Asset and other Federal datasets, nothing in this subtitle shall be construed to prevent a covered agency from also presenting, providing, or disseminating data that is—

(1) specific to the functions of the covered agency; or

(2) targeted to information consumers that directly interface with the services, portals, or other mechanisms of the covered agency.

SEC. 759. COVERED AGENCY RESPONSIBILITIES. 43 USC 2808.

(a) IN GENERAL.—Each covered agency shall—

(1) prepare, maintain, publish, and implement a strategy for advancing geographic information and related geospatial data and activities appropriate to the mission of the covered agency, in support of the strategic plan for the National Spatial Data Infrastructure prepared under section 755(c);

(2) collect, maintain, disseminate, and preserve geospatial data such that the resulting data, information, or products can be readily shared with other Federal agencies and non-Federal users;

(3) promote the integration of geospatial data from all sources;

(4) ensure that data information products and other records created in geospatial data and activities are included on agency record schedules that have been approved by the National Archives and Records Administration;

(5) allocate resources to fulfill the responsibilities of effective geospatial data collection, production, and stewardship with regard to related activities of the covered agency, and as necessary to support the activities of the Committee;

(6) use the geospatial data standards, including the standards for metadata for geospatial data, and other appropriate standards, including documenting geospatial data with the relevant metadata and making metadata available through the GeoPlatform;

(7) coordinate and work in partnership with other Federal agencies, agencies of State, tribal, and local governments, institutions of higher education, and the private sector to efficiently and cost-effectively collect, integrate, maintain, disseminate, and preserve geospatial data, building upon existing non-Federal geospatial data to the extent possible;

(8) use geospatial information to—

(A) make Federal geospatial information and services more useful to the public;

(B) enhance operations;

(C) support decision making; and

(D) enhance reporting to the public and to Congress;

(9) protect personal privacy and maintain confidentiality in accordance with Federal policy and law;

(10) participate in determining, when applicable, whether declassified data can contribute to and become a part of the National Spatial Data Infrastructure;

(11) search all sources, including the GeoPlatform, to determine if existing Federal, State, local, or private geospatial data meets the needs of the covered agency before expending funds for geospatial data collection;

(12) to the maximum extent practicable, ensure that a person receiving Federal funds for geospatial data collection provides high-quality data; and

(13) appoint a contact to coordinate with the lead covered agencies for collection, acquisition, maintenance, and dissemination of the National Geospatial Data Asset data themes used by the covered agency.

(b) REPORTING.—

(1) IN GENERAL.—Each covered agency shall submit to the Committee an annual report regarding the achievements of the covered agency in preparing and implementing the strategy described in subsection (a)(1) and complying with the other requirements under subsection (a).

(2) BUDGET SUBMISSION.—Each covered agency shall—

(A) include geospatial data in preparing the budget submission of the covered agency to the President under sections 1105(a) and 1108 of title 31, United States Code;

(B) maintain an inventory of all geospatial data assets in accordance with OMB Circular A–130, or any successor thereto; and

(C) prepare an annual report to Congress identifying Federal-wide geospatial data assets, as defined in OMB Circular A–16, as set forth in OMB memo M–11–03, Issuance of OMB Circular A–16 Supplemental Guidance (November 10, 2010), or any successor thereto.

(3) DISCLOSURE.—Each covered agency shall disclose each contract, cooperative agreement, grant, or other transaction that deals with geospatial data, which may include posting information relating to the contract, cooperative agreement, grant, or other transaction on www.USAspending.gov and www.itdashboard.gov, or any successors thereto.

(4) OMB REVIEW.—In reviewing the annual budget justifications submitted by covered agencies, the Office of Management and Budget shall take into consideration the summary and evaluations required under subparagraphs (A) and (B) of section 753(c)(10), comments, and replies to comments as required under paragraphs (11) and (12) of section 753(c), in its annual evaluation of the budget justification of each covered agency.

(5) REPORTING.—The Office of Management and Budget shall include a discussion of the summaries and evaluation of the progress in establishing the National Spatial Data Infrastructure in each E-Government status report submitted under section 3606 of title 44, United States Code.

(c) AUDITS.—Not less than once every 2 years, the inspector general of a covered agency (or senior ethics official of the covered agency for a covered agency without an inspector general) shall submit to Congress an audit of the collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data by the covered agency, which shall include a review of—

(1) the compliance of the covered agency with the standards for geospatial data, including metadata for geospatial data, established under section 757;

(2) the compliance of the covered agency with the requirements under subsection (a); and

(3) the compliance of the covered agency on the limitation on the use of Federal funds under section 759A.

SEC. 759A. LIMITATION ON USE OF FEDERAL FUNDS. 43 USC 2809.

(a) DEFINITION.—In this section, the term "implementation date" means the date that is 5 years after the date on which standards for each National Geospatial Data Asset data theme are established under section 757.

(b) LIMITATION.—Except as provided otherwise in this section, on and after the implementation date, a covered agency may not use Federal funds for the collection, production, acquisition, maintenance, or dissemination of geospatial data that does not comply with the applicable standards established under section 757, as determined by the Committee.

(c) EXCEPTION FOR EXISTING GEOSPATIAL DATA.—On and after the implementation date, a covered agency may use Federal funds to maintain and disseminate geospatial data that does not comply with the applicable standards established under section 757 if the geospatial data was collected, produced, or acquired by the covered agency before the implementation date.

(d) WAIVER.—

(1) IN GENERAL.—The Chairperson of the Committee may grant a waiver of the limitation under subsection (b), upon a request from a covered agency submitted in accordance with paragraph (2).

(2) REQUIREMENTS.—A request for a waiver under paragraph (1) shall—

(A) be submitted not later than 30 days before the implementation date;

(B) provide a detailed explanation of the reasons for seeking a waiver;

(C) provide a detailed plan to achieve compliance with the applicable standards established under section 757; and

(D) provide the date by which the covered agency shall achieve compliance with the applicable standards established under section 757.

(e) BEST EFFORTS TO COMPLY DURING TRANSITION.—During the period beginning on the date on which standards for a National Geospatial Data Asset data theme are established under section 757 and ending on the implementation date, each covered agency, to the maximum extent practicable, shall collect, produce, acquire, maintain, and disseminate geospatial data within the National Geospatial Data Asset data theme in accordance with the standards.

SEC. 759B. SAVINGS PROVISION. 43 USC 2810.

Nothing in this subtitle shall repeal, amend, or supersede any existing law unless specifically provided in this subtitle.

SEC. 759C. PRIVATE SECTOR. 43 USC 2811.

The Committee and each covered agency may, to the maximum extent practical, rely upon and use the private sector in the United States for the provision of geospatial data and services.

Subtitle G—Miscellaneous

SEC. 761. NEXTGEN RESEARCH.

Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Science, Space, and Technology and the Committee on Transportation and

Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report specifying the top 5 priority research areas for the implementation and advancement of NextGen, including—

(1) an assessment of why the research areas are a priority for the implementation and advancement of NextGen;

(2) an identification of the other Federal agencies and private organizations assisting the Administration with the research; and

(3) an estimate of when the research will be completed.

SEC. 762. ADVANCED MATERIALS CENTER OF EXCELLENCE.

(a) IN GENERAL.—Chapter 445 of title 49, United States Code, is amended by adding at the end the following:

49 USC 44518.

"§ 44518. Advanced Materials Center of Excellence

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue operation of the Advanced Materials Center of Excellence (referred to in this section as the 'Center') under its structure as in effect on March 1, 2016, which shall focus on applied research and training on the durability and maintainability of advanced materials in transport airframe structures.

"(b) RESPONSIBILITIES.—The Center shall—

"(1) promote and facilitate collaboration among academia, the Transportation Division of the Federal Aviation Administration, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

"(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.".

(b) TABLE OF CONTENTS.—The table of contents for chapter 445 of title 49, United States Code, is amended by adding at the end the following:

49 USC prec. 44501.

"44518. Advanced Materials Center of Excellence.".

TITLE VIII—AVIATION REVENUE PROVISIONS

SEC. 801. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended— 26 USC 9502.

(1) in the matter preceding subparagraph (A) by striking "October 1, 2018" and inserting "October 1, 2023"; and

(2) in subparagraph (A) by striking the semicolon at the end and inserting "or the FAA Reauthorization Act of 2018;".

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking "October 1, 2018" and inserting "October 1, 2023".

SEC. 802. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2018" and inserting "September 30, 2023". 26 USC 4081.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking "September 30, 2018" and inserting "September 30, 2023". 26 USC 4261.

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking "September 30, 2018" and inserting "September 30, 2023".

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) FUEL TAX.—Section 4043(d) of such Code is amended by striking "September 30, 2021" and inserting "September 30, 2023".

(2) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking "October 1, 2018" and inserting "October 1, 2023".

(3) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking "September 30, 2018" and inserting "September 30, 2023".

DIVISION C—NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2018

National Transportation Safety Board Reauthorization Act.

SEC. 1101. SHORT TITLE. 49 USC 40101 note.

This division may be cited as the "National Transportation Safety Board Reauthorization Act".

SEC. 1102. DEFINITIONS. 49 USC 41101 note.

In this division, the following definitions apply:

(1) BOARD.—The term "Board" means the National Transportation Safety Board.

(2) CHAIRMAN.—The term "Chairman" means the Chairman of the National Transportation Safety Board.

(3) MOST WANTED LIST.—The term "Most Wanted List" means the Board publication entitled "Most Wanted List".

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter $111,400,000 for fiscal year 2019, $112,400,000 for fiscal year 2020, $113,400,000 for fiscal year 2021, and $114,400,000 for fiscal year 2022. Such sums shall remain available until expended.".

SEC. 1104. STILL IMAGES.

(a) STILL IMAGES, VOICE RECORDERS, AND VIDEO RECORDERS.—

(1) COCKPIT RECORDINGS AND TRANSCRIPTS.—Section 1114(c) of title 49, United States Code, is amended—

(A) by redesignating paragraph (2) as paragraph (3);

(B) in paragraph (3), as so redesignated, by inserting "REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—" before "This"; and

(C) in paragraph (1)—

(i) in the first sentence, by striking "The Board" and inserting "CONFIDENTIALITY OF RECORDINGS.—Except as provided in paragraph (2), the Board"; and

(ii) by amending the second sentence to read as follows:

"(2) EXCEPTION.—Subject to subsections (b) and (g), the Board shall make public any part of a transcript, any written depiction of visual information obtained from a video recorder, or any still image obtained from a video recorder the Board decides is relevant to the accident or incident—

"(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing; or

"(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.".

(2) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—Section 1114(d) of title 49, United States Code, is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) in paragraph (1)—

(i) in the first sentence, by striking "The Board" and inserting "Except as provided in paragraph (2), the Board"; and

(ii) by amending the second sentence to read as follows:

"(2) EXCEPTION.—Subject to subsections (b) and (g), the Board shall make public any part of a transcript, any written depiction of visual information obtained from a video recorder, or any still image obtained from a video recorder the Board decides is relevant to the accident—

"(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

"(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.".

(3) PRIVACY PROTECTIONS.—Section 1114 of title 49, United States Code, is amended by adding at the end the following:

"(g) PRIVACY PROTECTIONS.—Before making public any still image obtained from a video recorder under subsection (c)(2) or subsection (d)(2), the Board shall take such action as appropriate to protect from public disclosure any information that readily identifies an individual, including a decedent.".

(b) COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—Section 1154(a) of title 49, United States Code, is amended—

(1) in the heading, by striking "TRANSCRIPTS AND RECORDINGS" and inserting "IN GENERAL";

(2) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following:

"(A) any still image that the National Transportation Safety Board has not made available to the public under section 1114(c) or 1114(d) of this title;";

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "recorder recording" and inserting "recorder recording, including with regard to a video recording any still image that the National Transportation Safety Board

has not made available to the public under section 1114(c) or 1114(d) of this title,"; and

(B) in subparagraph (B), by striking "recorder recording" and inserting "recorder recording, including with regard to a video recording any still image that the National Transportation Safety Board has not made available to the public under section 1114(c) or 1114(d) of this title,";

(4) in paragraph (4)—

(A) in subparagraph (A)—

(i) by inserting "a still image or" before "a part of a cockpit"; and

(ii) by striking "the part of the transcript or the recording" each place it appears and inserting "the still image, the part of the transcript, or the recording";

(B) in subparagraph (B)—

(i) by inserting "a still image or" before "a part of a cockpit"; and

(ii) by striking "the part of the transcript or the recording" each place it appears and inserting "the still image, the part of the transcript, or the recording"; and

(5) in paragraph (6)—

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

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

"(B) STILL IMAGE.—The term 'still image' means any still image obtained from a video recorder.".

SEC. 1105. ELECTRONIC RECORDS.

Section 1134(a)(2) of title 49, United States Code, is amended by inserting "including an electronic record," after "record,".

SEC. 1106. REPORT ON MOST WANTED LIST METHODOLOGY.

(a) IN GENERAL.—Not later than the date on which the first Most Wanted List to be published after the date of enactment of this Act is published, the Chairman shall publish on a publicly available website of the Board and submit to appropriate committees of Congress a report on the methodology used to prioritize and select recommendations to be included by the Board in the Most Wanted List.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a detailed description of how the Board accounts for the risk to safety addressed in each of its recommendations, including the extent to which the Board considers—

(A) the types of data and other information, including studies and reports, used to identify the amount and probability of risk to safety;

(B) the reduction of the risk to safety, estimated over a period of time, by implementing each recommendation;

(C) the practicality and feasibility of achieving the reduction of the risk to safety described in subparagraph (B); and

(D) any alternate means of reducing the risk;

(2) a detailed description of the extent to which the Board considers any prior, related investigation, safety recommendation, or other safety action when prioritizing and selecting recommendations; and

(3) a description of the extent of coordination and consultation when prioritizing and selecting the recommendations.

(c) GAO REPORT.—Not later than 15 months after the date that the methodology report is published under subsection (a), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report examining the methodology used by the Board to prioritize and select safety recommendations for inclusion in the Most Wanted List.

SEC. 1107. METHODOLOGY.

(a) REDESIGNATION.—Section 1116 of title 49, United States Code, is amended by adding at the end the following:

"(c) ANNUAL REPORT.—The National Transportation Safety Board shall submit a report to Congress on July 1 of each year. The report shall include—

"(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

"(2) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation;

"(3) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State;

"(4) a description of the activities and operations of the National Transportation Safety Board Training Center during the prior calendar year;

"(5) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

"(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.".

(b) METHODOLOGY.—

(1) IN GENERAL.—Section 1117 of title 49, United States Code, is amended to read as follows:

"§ 1117. Methodology

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of the National Transportation Safety Board Reauthorization Act, the Chairman shall include with each investigative report in which a recommendation is issued by the Board a methodology section detailing the process and information underlying the selection of each recommendation.

"(b) ELEMENTS.—Except as provided in subsection (c), the methodology section under subsection (a) shall include, for each recommendation—

"(1) a brief summary of the Board's collection and analysis of the specific accident investigation information most relevant to the recommendation;

"(2) a description of the Board's use of external information, including studies, reports, and experts, other than the findings of a specific accident investigation, if any were used to inform or support the recommendation, including a brief summary of the specific safety benefits and other effects identified by each study, report, or expert; and

"(3) a brief summary of any examples of actions taken by regulated entities before the publication of the safety recommendation, to the extent such actions are known to the Board, that were consistent with the recommendation.

"(c) ACCEPTABLE LIMITATION.—If the Board knows of more than 3 examples taken by regulated entities before the publication of the safety recommendation that were consistent with the recommendation, the brief summary under subsection (b)(3) may be limited to only 3 of those examples.

"(d) EXCEPTION.—Subsection (a) shall not apply if the recommendation is only for a person to disseminate information on—

"(1) an existing agency best practices document; or

"(2) an existing regulatory requirement.

"(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require any change to a recommendation made by the Board before the date of enactment of the National Transportation Safety Board Reauthorization Act, unless the recommendation is a repeat recommendation issued on or after the date of enactment of such Act.

"(f) SAVINGS CLAUSE.—Nothing in this section may be construed—

"(1) to delay publication of the findings, cause, or probable cause of a Board investigation;

"(2) to delay the issuance of an urgent recommendation that the Board has determined must be issued to avoid immediate loss, death, or injury; or

"(3) to limit the number of examples the Board may consider before issuing a recommendation.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 49, United States Code, is amended by inserting after the item relating to section 1116 the following:

49 USC prec. 1101.

"117. Methodology.".

SEC. 1108. MULTIMODAL ACCIDENT DATABASE MANAGEMENT SYSTEM.

49 USC 1119 note.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Board shall establish and maintain a multimodal accident database management system for Board investigators.

(b) PURPOSES.—The purposes of the system shall be to support the Board in improving—

(1) the quality of accident data the Board makes available to the public; and

(2) the selection of accidents for investigation and allocation of limited resources.

(c) REQUIREMENTS.—The system shall—

(1) maintain a historical record of accidents that are investigated by the Board; and

(2) be capable of the secure storage, retrieval, and management of information associated with the investigations of such accidents.

SEC. 1109. ADDRESSING THE NEEDS OF FAMILIES OF INDIVIDUALS INVOLVED IN ACCIDENTS.

(a) AIR CARRIERS HOLDING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.—Section 41113 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "a major" and inserting "any"; and

(2) in subsection (b)—

(A) in paragraph (9), by striking "(and any other victim of the accident)" and inserting "(and any other victim of the accident, including any victim on the ground)";

(B) in paragraph (16), by striking "major" and inserting "any"; and

(C) in paragraph (17)(A), by striking "significant" and inserting "any".

(b) FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR TRANSPORTATION.—Section 41313 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "a major" and inserting "any"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "a significant" and inserting "any";

(B) in paragraph (2), by striking "a significant" and inserting "any";

(C) by amending paragraph (9) to read as follows: "(9) EQUAL TREATMENT OF PASSENGERS.—An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident, including any victim on the ground) will be the same as the treatment of the families of revenue passengers.";

(D) in paragraph (16)—

(i) by striking "major" and inserting "any"; and

(ii) by striking "the foreign air carrier will consult" and inserting "will consult"; and

(E) in paragraph (17)(A), by striking "significant" and inserting "any".

(c) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.—Section 1136 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life" and inserting "aircraft accident involving an air carrier or foreign air carrier, resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency"; and

(2) in subsection (h)—

(A) by amending paragraph (1) to read as follows: "(1) AIRCRAFT ACCIDENT.—The term 'aircraft accident' means any aviation disaster, regardless of its cause or suspected cause, for which the National Transportation Safety Board is the lead investigative agency."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) any other person injured or killed in the aircraft accident, as determined appropriate by the Board.".

(d) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "resulting in a major loss of life" and inserting "resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency"; and

(2) by amending subsection (h)(1) to read as follows:

"(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster that—

"(A) results in any loss of life;

"(B) the National Transportation Safety Board will serve as the lead investigative agency for; and

"(C) occurs in the provision of—

"(i) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(ii) high-speed rail (as such term is defined in section 26105) transportation, regardless of its cause or suspected cause.".

(e) INFORMATION FOR FAMILIES OF INDIVIDUALS INVOLVED IN ACCIDENTS.—

(1) IN GENERAL.—Subchapter III of chapter 11 of subtitle II of title 49, United States Code, is amended by adding at the end the following:

"§ 1140. Information for families of individuals involved in accidents

49 USC 1140.

"In the course of an investigation of an accident described in section 1131(a)(1), except an aircraft accident described in section 1136 or a rail passenger accident described in section 1139, the Board may, to the maximum extent practicable, ensure that the families of individuals involved in the accident, and other individuals the Board deems appropriate—

"(1) are informed as to the roles, with respect to the accident and the post-accident activities, of the Board;

"(2) are briefed, before any public briefing, about the accident, its causes, and any other findings from the investigation; and

"(3) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.".

(2) TABLE OF CONTENTS.—The table of contents of chapter 11 of subtitle II of title 49, United States Code, is amended by inserting after the item relating to section 1139 the following:

49 USC prec. 1101.

"1140. Information for families of individuals involved in accidents.".

SEC. 1110. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON INVESTIGATION LAUNCH DECISION-MAKING PROCESSES.

Section 1138 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) the process and procedures to select an accident to investigate;"; and

(2) in subsection (c), by inserting a comma after "Science".

SEC. 1111. PERIODIC REVIEW OF SAFETY RECOMMENDATIONS.

(a) REPORTS.—Section 1116 of title 49, United States Code, as amended by this Act, is further amended—

(1) in the heading, by striking "**and studies**" and inserting "**, studies, and retrospective reviews**"; and

(2) by adding at the end the following:

"(d) RETROSPECTIVE REVIEWS.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than June 1, 2019, and at least every 5 years thereafter, the Chairman shall complete a retrospective review of recommendations issued by the Board that are classified as open by the Board.

"(2) CONTENTS.—A review under paragraph (1) shall include—

"(A) a determination of whether the recommendation should be updated, closed, or reissued in light of—

"(i) changed circumstances;

"(ii) more recently issued recommendations;

"(iii) the availability of new technologies; or

"(iv) new information making the recommendation ineffective or insufficient for achieving its objective; and

"(B) a justification for each determination under subparagraph (A).

"(3) REPORT.—Not later than 180 days after the date a review under paragraph (1) is complete, the Chairman shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

"(A) the findings of the review under paragraph (1);

"(B) each determination under paragraph (2)(A) and justification under paragraph (2)(B); and

"(C) if applicable, a schedule for updating, closing, or reissuing a recommendation.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 49, United States Code, is amended by striking the item relating to section 1116 and inserting the following:

49 USC prec. 1101.

"1116. Reports, studies, and retrospective reviews.".

(c) SAVINGS CLAUSE.—Nothing in this section or the amendments made by this section may be construed to limit or otherwise affect the authority of the Board to update, close, or reissue a recommendation.

49 USC 1116 note.

SEC. 1112. GENERAL ORGANIZATION.

(a) TERMS OF THE CHAIRMAN AND VICE CHAIRMAN.—Section 1111(d) of title 49, United States Code, is amended by striking "2 years" and inserting "3 years".

(b) NONPUBLIC COLLABORATIVE DISCUSSIONS.—Section 1111 of such title is further amended by adding at the end the following:

"(k) OPEN MEETINGS.—

"(1) IN GENERAL.—The Board shall be deemed to be an agency for purposes of section 552b of title 5.

"(2) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

"(A) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the members may hold a meeting that is not open to public observation to discuss official agency business if—

"(i) no formal or informal vote or other official agency action is taken at the meeting;

"(ii) each individual present at the meeting is a member or an employee of the Board;

"(iii) at least 1 member of the Board from each political party is present at the meeting, if applicable; and

"(iv) the General Counsel of the Board is present at the meeting.

"(B) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under subparagraphs (C) and (D), not later than 2 business days after the conclusion of a meeting under subparagraph (A), the Board shall make available to the public, in a place easily accessible to the public—

"(i) a list of the individuals present at the meeting; and

"(ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under section 552b(c) of title 5.

"(C) SUMMARY.—If the Board properly determines a matter may be withheld from the public under section 552b(c) of title 5, the Board shall provide a summary with as much general information as possible on each matter withheld from the public.

"(D) ACTIVE INVESTIGATIONS.—If a discussion under subparagraph (A) directly relates to an active investigation, the Board shall make the disclosure under subparagraph (B) on the date the Board adopts the final report.

"(E) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this paragraph may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the members other than that described in this paragraph.

"(F) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed—

"(i) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under subparagraph (B)(ii); or

"(ii) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5.".

(c) AUTHORITY TO ACQUIRE SMALL UNMANNED AIRCRAFT SYSTEMS FOR INVESTIGATION PURPOSES.—Section 1113(b)(1) of such title is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(J) notwithstanding section 1343 of title 31, acquire 1 or more small unmanned aircraft (as defined in section 44801) for use in investigations under this chapter.".

(d) INVESTIGATIVE OFFICERS.—Section 1113 of such title is amended by striking subsection (h).

(e) TECHNICAL AMENDMENT.—Section 1113(a)(1) of such title is amended by striking "subpena" and inserting "subpoena".

SEC. 1113. TECHNICAL AND CONFORMING AMENDMENTS.

49 USC prec. 1101.

(a) TABLE OF CONTENTS.—The table of contents of subchapter III of chapter 11 of subtitle II of title 49, United States Code, is amended in the item relating to section 1138 by striking "Board" and inserting "Board.".

(b) GENERAL AUTHORITY.—Section 1131(a)(1)(A) of title 49, United States Code, is amended by striking "a public aircraft as defined by section 40102(a)(37) of this title" and inserting "a public aircraft as defined by section 40102(a) of this title".

Disaster Recovery Reform Act of 2018.

DIVISION D—DISASTER RECOVERY REFORM

42 USC 5121 note.

SEC. 1201. SHORT TITLE.

This division may be cited as the "Disaster Recovery Reform Act of 2018".

42 USC 5121 note.

SEC. 1202. APPLICABILITY.

(a) APPLICABILITY FOR STAFFORD ACT.—Except as otherwise expressly provided, the amendments in this division to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) apply to each major disaster and emergency declared by the President on or after August 1, 2017, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(b) DIVISION APPLICABILITY.—Except as otherwise expressly provided, the authorities provided under this division apply to each major disaster and emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act on or after January 1, 2016.

42 USC 5122 note.

SEC. 1203. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

(2) AGENCY.—The term "Agency" means the Federal Emergency Management Agency.

(3) STATE.—The term "State" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 1204. WILDFIRE PREVENTION.

(a) MITIGATION ASSISTANCE.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended—

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

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

"(d) HAZARD MITIGATION ASSISTANCE.—Whether or not a major disaster is declared, the President may provide hazard mitigation

assistance in accordance with section 404 in any area affected by a fire for which assistance was provided under this section.".

(b) CONFORMING AMENDMENTS.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 404(a) (42 U.S.C. 5170c(a)) (as amended by this division)—

(A) by inserting before the first period ", or any area affected by a fire for which assistance was provided under section 420"; and

(B) in the third sentence by inserting "or event under section 420" after "major disaster" each place it appears; and

(2) in section 322(e)(1) (42 U.S.C. 5165(e)(1)), by inserting "or event under section 420" after "major disaster" each place it appears.

(c) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives a report containing a summary of any projects carried out, and any funding provided to those projects, under subsection (d) of section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) (as amended by this section). 42 USC 5187 note.

SEC. 1205. ADDITIONAL ACTIVITIES.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(f) USE OF ASSISTANCE.—Recipients of hazard mitigation assistance provided under this section and section 203 may use the assistance to conduct activities to help reduce the risk of future damage, hardship, loss, or suffering in any area affected by a wildfire or windstorm, such as—

"(1) reseeding ground cover with quick-growing or native species;

"(2) mulching with straw or chipped wood;

"(3) constructing straw, rock, or log dams in small tributaries to prevent flooding;

"(4) placing logs and other erosion barriers to catch sediment on hill slopes;

"(5) installing debris traps to modify road and trail drainage mechanisms;

"(6) modifying or removing culverts to allow drainage to flow freely;

"(7) adding drainage dips and constructing emergency spillways to keep roads and bridges from washing out during floods;

"(8) planting grass to prevent the spread of noxious weeds;

"(9) installing warning signs;

"(10) establishing defensible space measures;

"(11) reducing hazardous fuels;

"(12) mitigating windstorm damage, including replacing or installing electrical transmission or distribution utility pole structures with poles that are resilient to extreme wind and

combined ice and wind loadings for the basic wind speeds and ice conditions associated with the relevant location;

"(13) removing standing burned trees; and

"(14) replacing water systems that have been burned and have caused contamination.".

SEC. 1206. ELIGIBILITY FOR CODE IMPLEMENTATION AND ENFORCEMENT.

(a) IN GENERAL.—Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) provide assistance to State and local governments for building code and floodplain management ordinance administration and enforcement, including inspections for substantial damage compliance; and".

(b) REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.—Section 406(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) base and overtime wages for extra hires to facilitate the implementation and enforcement of adopted building codes for a period of not more than 180 days after the major disaster is declared.".

SEC. 1207. PROGRAM IMPROVEMENTS.

(a) HAZARD MITIGATION.—Section 406(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)) is amended—

(1) in paragraph (1)(A), by striking "90 percent of"; and

(2) in paragraph (2)(A), by striking "75 percent of".

(b) FLOOD INSURANCE.—Section 406(d)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)(1)) is amended by adding at the end the following: "This section shall not apply to more than one building of a multi-structure educational, law enforcement, correctional, fire, or medical campus, for any major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) on or after January 1, 2016, through December 31, 2018.".

(c) PARTICIPATION.—Section 428(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189f(d)) is amended—

(1) by striking "Participation in" and inserting the following:

"(1) IN GENERAL.—Participation in"; and

(2) by adding at the end the following:

"(2) NO CONDITIONS.—The President may not condition the provision of Federal assistance under this Act on the election by a State, local, or Indian tribal government, or owner or operator of a private nonprofit facility to participate in the alternative procedures adopted under this section.".

(d) CERTIFICATION.—Section 428(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189f(e)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) once certified by a professionally licensed engineer and accepted by the Administrator, the estimates on which grants made pursuant to this section are based shall be presumed to be reasonable and eligible costs, as long as there is no evidence of fraud.".

SEC. 1208. PRIORITIZATION OF FACILITIES. 6 USC 748a.

Not later than 180 days after the date of enactment of this Act, the Administrator shall provide guidance and training on an annual basis to State, local, and Indian tribal governments, first responders, and utility companies on—

(1) the need to prioritize assistance to hospitals, nursing homes, and other long-term care facilities to ensure that such health care facilities remain functioning or return to functioning as soon as practicable during power outages caused by natural hazards, including severe weather events;

(2) how hospitals, nursing homes and other long-term care facilities should adequately prepare for power outages during a major disaster or emergency, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) how State, local, and Indian tribal governments, first responders, utility companies, hospitals, nursing homes, and other long-term care facilities should develop a strategy to coordinate emergency response plans, including the activation of emergency response plans, in anticipation of a major disaster, including severe weather events.

SEC. 1209. GUIDANCE ON EVACUATION ROUTES. 6 USC 721 note.

(a) IN GENERAL.—

(1) IDENTIFICATION.—The Administrator, in coordination with the Administrator of the Federal Highway Administration, shall develop and issue guidance for State, local, and Indian tribal governments regarding the identification of evacuation routes.

(2) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator, shall revise existing guidance or issue new guidance as appropriate for State, local, and Indian tribal governments regarding the design, construction, maintenance, and repair of evacuation routes.

(b) CONSIDERATIONS.—

(1) IDENTIFICATION.—In developing the guidance under subsection (a)(1), the Administrator shall consider—

(A) whether evacuation routes have resisted impacts and recovered quickly from disasters, regardless of cause;

(B) the need to evacuate special needs populations, including—

(i) individuals with a physical or mental disability;

(ii) individuals in schools, daycare centers, mobile home parks, prisons, nursing homes and other long-term care facilities, and detention centers;

(iii) individuals with limited-English proficiency;

(iv) the elderly; and

(v) individuals who are tourists, seasonal workers, or homeless;

(C) the sharing of information and other public communications with evacuees during evacuations;

(D) the sheltering of evacuees, including the care, protection, and sheltering of animals;

(E) the return of evacuees to their homes; and

(F) such other items the Administrator considers appropriate.

(2) DESIGN, CONSTRUCTION, MAINTENANCE, AND REPAIR.—In revising or issuing guidance under subsection (a)(2), the Administrator of the Federal Highway Administration shall consider—

(A) methods that assist evacuation routes to—

(i) withstand likely risks to viability, including flammability and hydrostatic forces;

(ii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

(iii) provide for long-term cost savings;

(B) the ability of evacuation routes to effectively manage contraflow operations;

(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

(c) STUDY.—The Administrator, in coordination with the Administrator of the Federal Highway Administration and State, local, territorial, and Indian tribal governments, may—

(1) conduct a study of the adequacy of available evacuation routes to accommodate the flow of evacuees; and

(2) submit recommendations on how to help with anticipated evacuation route flow, based on the study conducted under paragraph (1), to—

(A) the Federal Highway Administration;

(B) the Agency;

(C) State, local, territorial, and Indian tribal governments; and

(D) Congress.

SEC. 1210. DUPLICATION OF BENEFITS.

(a) IN GENERAL.—

(1) AUTHORITY.—Section 312(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155(b)) is amended by adding at the end the following:

"(4) WAIVER OF GENERAL PROHIBITION.—

"(A) IN GENERAL.—The President may waive the general prohibition provided in subsection (a) upon request of a Governor on behalf of the State or on behalf of a person, business concern, or any other entity suffering

losses as a result of a major disaster or emergency, if the President finds such waiver is in the public interest and will not result in waste, fraud, or abuse. In making this decision, the President may consider the following:

"(i) The recommendations of the Administrator of the Federal Emergency Management Agency made in consultation with the Federal agency or agencies administering the duplicative program.

"(ii) If a waiver is granted, the assistance to be funded is cost effective.

"(iii) Equity and good conscience.

"(iv) Other matters of public policy considered appropriate by the President.

"(B) GRANT OR DENIAL OF WAIVER.—A request under subparagraph (A) shall be granted or denied not later than 45 days after submission of such request.

"(C) PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.—Notwithstanding subsection (c), in carrying out subparagraph (A), the President may not determine that a loan is a duplication of assistance, provided that all Federal assistance is used toward a loss suffered as a result of the major disaster or emergency.".

(2) LIMITATION.—This subsection, including the amendment made by paragraph (1), shall not be construed to apply to section 406 or 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172, 5174). 42 USC 5155 note.

(3) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) between January 1, 2016, and December 31, 2021. 42 USC 5155 note.

(4) SUNSET.—On the date that is 5 years after the date of enactment of this Act, section 312(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155(b)) is amended by striking paragraph (4), as added by subsection (a)(1) of this section. 42 USC 5155 note.

(5) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with other relevant Federal agencies, shall submit to the congressional committees of jurisdiction a report conducted by all relevant Federal agencies to improve the comprehensive delivery of disaster assistance to individuals following a major disaster or emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(B) CONTENTS.—The report required under subparagraph (A) shall include both administrative actions taken, or planned to be taken, by the agencies as well as legislative proposals, where appropriate, of the following:

(i) Efforts to improve coordination between the Agency and other relevant Federal agencies when delivering disaster assistance to individuals.

(ii) Clarify the sequence of delivery of disaster assistance to individuals from the Agency, and other relevant Federal agencies.

(iii) Clarify the interpretation and implementation of section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) when providing disaster assistance to individuals, including providing a common interpretation across the Agency, and other relevant Federal agencies, of the definitions and requirements under such section 312.

(iv) Increase the effectiveness of communication to applicants for assistance programs for individuals after a disaster declaration, including the breadth of programs available and the potential impacts of utilizing one program versus another.

(C) REPORT UPDATE.—Not later than 4 years after the date of enactment of this subsection, the Administrator, in coordination with other relevant Federal agencies, shall submit to the congressional committees of jurisdiction an update to the report required under subparagraph (A).

42 USC 5170c note.

(b) FUNDING OF A FEDERALLY AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECT.—

(1) ELIGIBLE ACTIVITIES.—Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) and its implementing regulations, assistance provided pursuant to section 404 of such Act may be used to fund activities authorized for construction within the scope of a federally authorized water resources development project of the Army Corps of Engineers if such activities are also eligible activities under such section.

(2) FEDERAL FUNDING.—All Federal funding provided under section 404 pursuant to this section shall be applied toward the Federal share of such project.

(3) NON-FEDERAL MATCH.—All non-Federal matching funds required under section 404 pursuant to this section shall be applied toward the non-Federal share of such project.

(4) TOTAL FEDERAL SHARE.—Funding provided under section 404 pursuant to this section may not exceed the total Federal share for such project.

(5) NO EFFECT.—Nothing in this section shall—

(A) affect the cost-share requirement of a hazard mitigation measure under section 404;

(B) affect the eligibility criteria for a hazard mitigation measure under section 404;

(C) affect the cost share requirements of a federally authorized water resources development project; and

(D) affect the responsibilities of a non-Federal interest with respect to the project, including those related to the provision of lands, easements, rights-of-way, dredge material disposal areas, and necessary relocations.

(6) LIMITATION.—If a federally authorized water resources development project of the Army Corps of Engineers is constructed with funding provided under section 404 pursuant to this subsection, no further Federal funding shall be provided for construction of such project.

SEC. 1211. STATE ADMINISTRATION OF ASSISTANCE FOR DIRECT TEMPORARY HOUSING AND PERMANENT HOUSING CONSTRUCTION.

(a) STATE ROLE.—Section 408(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(f)) is amended—

(1) in paragraph (1)—

(A) by striking the paragraph heading and inserting "STATE- OR INDIAN TRIBAL GOVERNMENT-ADMINISTERED ASSISTANCE AND OTHER NEEDS ASSISTANCE.—";

(B) in subparagraph (A)—

(i) by striking "financial"; and

(ii) by striking "subsection (e)" and inserting "subsections (c)(1)(B), (c)(4), and (e) if the President and the State or Indian tribal government comply, as determined by the Administrator, with paragraph (3)"; and

(C) in subparagraph (B)—

(i) by striking "financial"; and

(ii) by striking "subsection (e)" and inserting "subsections (c)(1)(B), (c)(4), and (e)"; and

(2) by adding at the end the following:

"(3) REQUIREMENTS.—

"(A) APPLICATION.—A State or Indian tribal government desiring to provide assistance under subsection (c)(1)(B), (c)(4), or (e) shall submit to the President an application for a grant to provide financial assistance under the program.

"(B) CRITERIA.—The President, in consultation and coordination with State and Indian tribal governments, shall establish criteria for the approval of applications submitted under subparagraph (A). The criteria shall include, at a minimum—

"(i) a requirement that the State or Indian tribal government submit a housing strategy under subparagraph (C);

"(ii) the demonstrated ability of the State or Indian tribal government to manage the program under this section;

"(iii) there being in effect a plan approved by the President as to how the State or Indian tribal government will comply with applicable Federal laws and regulations and how the State or Indian tribal government will provide assistance under its plan;

"(iv) a requirement that the State or Indian tribal government comply with rules and regulations established pursuant to subsection (j); and

"(v) a requirement that the President, or the designee of the President, comply with subsection (i).

"(C) REQUIREMENT OF HOUSING STRATEGY.—

"(i) IN GENERAL.—A State or Indian tribal government submitting an application under this paragraph shall have an approved housing strategy, which shall be developed and submitted to the President for approval.

"(ii) REQUIREMENTS.—The housing strategy required under clause (i) shall—

"(I) outline the approach of the State in working with Federal partners, Indian tribal governments, local communities, nongovernmental organizations, and individual disaster survivors to meet disaster-related sheltering and housing needs; and

"(II) include the establishment of an activation plan for a State Disaster Housing Task Force, as outlined in the National Disaster Housing Strategy, to bring together State, tribal, local, Federal, nongovernmental, and private sector expertise to evaluate housing requirements, consider potential solutions, recognize special needs populations, and propose recommendations.

"(D) QUALITY ASSURANCE.—Before approving an application submitted under this section, the President, or the designee of the President, shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for this program and for programs under subsections (c)(1)(B), (c)(4), and (e). The President shall monitor and conduct quality assurance activities on a State or Indian tribal government's implementation of programs under subsections (c)(1)(B), (c)(4), and (e). If, after approving an application of a State or Indian tribal government submitted under this paragraph, the President determines that the State or Indian tribal government is not administering the program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

"(E) AUDITS.—The Inspector General of the Department of Homeland Security shall provide for periodic audits of the programs administered by States and Indian tribal governments under this subsection.

"(F) APPLICABLE LAWS.—All Federal laws applicable to the management, administration, or contracting of the programs by the Federal Emergency Management Agency under this section shall be applicable to the management, administration, or contracting by a non-Federal entity under this section.

"(G) REPORT ON EFFECTIVENESS.—Not later than 18 months after the date of enactment of this paragraph, the Inspector General of the Department of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the State or Indian tribal government's role to provide assistance under this section. The report shall contain an assessment of the effectiveness of the State or Indian tribal government's role in providing assistance under this section, including—

"(i) whether the State or Indian tribal government's role helped to improve the general speed of disaster recovery;

"(ii) whether the State or Indian tribal government providing assistance under this section had the capacity to administer this section; and

"(iii) recommendations for changes to improve the program if the State or Indian tribal government's role to administer the programs should be continued.

"(H) REPORT ON INCENTIVES.—Not later than 12 months after the date of enactment of this paragraph, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on a potential incentive structure for awards made under this section to encourage participation by eligible States and Indian tribal governments. In developing this report, the Administrator of the Federal Emergency Management Agency shall consult with State, local, and Indian tribal entities to gain their input on any such incentive structure to encourage participation and shall include this information in the report. This report should address, among other options, potential adjustments to the cost-share requirement and management costs to State and Indian tribal governments.

"(I) PROHIBITION.—The President may not condition the provision of Federal assistance under this Act on a State or Indian tribal government requesting a grant under this section.

"(J) MISCELLANEOUS.—

"(i) NOTICE AND COMMENT.—The Administrator of the Federal Emergency Management Agency may waive notice and comment rulemaking with respect to rules to carry out this section, if the Administrator determines doing so is necessary to expeditiously implement this section, and may carry out this section as a pilot program until such regulations are promulgated.

"(ii) FINAL RULE.—Not later than 2 years after the date of enactment of this paragraph, the Administrator of the Federal Emergency Management Agency shall issue final regulations to implement this subsection as amended by the Disaster Recovery Reform Act of 2018.

"(iii) WAIVER AND EXPIRATION.—The authority under clause (i) and any pilot program implemented pursuant to such clause shall expire 2 years after the date of enactment of this paragraph or upon issuance of final regulations pursuant to clause (ii), whichever occurs sooner.".

42 USC 5174 note.

(b) REIMBURSEMENT.—The Federal Emergency Management Agency (FEMA) shall reimburse State and local units of government (for requests received within a period of 3 years after the declaration of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)) upon determination that a locally implemented housing solution, implemented by State or local units of government—

(1) costs 50 percent of comparable FEMA solution or whatever the locally implemented solution costs, whichever is lower;

(2) complies with local housing regulations and ordinances; and

(3) the housing solution was implemented within 90 days of the disaster.

SEC. 1212. ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408(h) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(h)) is amended—

(1) in paragraph (1), by inserting ", excluding financial assistance to rent alternate housing accommodations under subsection (c)(1)(A)(i) and financial assistance to address other needs under subsection (e)" after "disaster";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) OTHER NEEDS ASSISTANCE.—The maximum financial assistance any individual or household may receive under subsection (e) shall be equivalent to the amount set forth in paragraph (1) with respect to a single major disaster.";

(4) in paragraph (3) (as so redesignated), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)"; and

(5) by inserting after paragraph (3) (as so redesignated) the following:

"(4) EXCLUSION OF NECESSARY EXPENSES FOR INDIVIDUALS WITH DISABILITIES.—

"(A) IN GENERAL.—The maximum amount of assistance established under paragraph (1) shall exclude expenses to repair or replace damaged accessibility-related improvements under paragraphs (2), (3), and (4) of subsection (c) for individuals with disabilities.

"(B) OTHER NEEDS ASSISTANCE.—The maximum amount of assistance established under paragraph (2) shall exclude expenses to repair or replace accessibility-related personal property under subsection (e)(2) for individuals with disabilities.".

SEC. 1213. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.

(a) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—Section 408(c)(1)(B)(ii)(II) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)(ii)(II)) is amended to read as follows:

"(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement.".

(b) RENTAL PROPERTIES IMPACTED.—Section 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

"(aa) enter into lease agreements with owners of multifamily rental property impacted by a major disaster or located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and".

(c) INSPECTOR GENERAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the inspector general of the Department of Homeland Security shall—

(1) assess the use of the authority provided under section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)), as amended by this division, including the adequacy of any benefit-cost analysis done to justify the use of this alternative; and

(2) submit a report on the results of the assessment conducted under paragraph (1) to the appropriate committees of Congress.

SEC. 1214. PRIVATE NONPROFIT FACILITY.

Section 102(11)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is amended by inserting "food banks," after "shelter workshops,".

SEC. 1215. MANAGEMENT COSTS.

Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165b) is amended—

(1) in subsection (a) by striking "any administrative expense, and any other expense not directly chargeable to" and inserting "any direct administrative cost, and any other administrative expense associated with"; and

(2) in subsection (b)—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Notwithstanding";

(B) in paragraph (1), as added by subparagraph (A), by striking "establish" and inserting "implement"; and

(C) by adding at the end the following:

"(2) SPECIFIC MANAGEMENT COSTS.—The Administrator of the Federal Emergency Management Agency shall provide the following percentage rates, in addition to the eligible project costs, to cover direct and indirect costs of administering the following programs:

"(A) HAZARD MITIGATION.—A grantee under section 404 may be reimbursed not more than 15 percent of the total amount of the grant award under such section of which not more than 10 percent may be used by the grantee and 5 percent by the subgrantee for such costs.

"(B) PUBLIC ASSISTANCE.—A grantee under sections 403, 406, 407, and 502 may be reimbursed not more than 12 percent of the total award amount under such sections, of which not more than 7 percent may be used by the grantee and 5 percent by the subgrantee for such costs.".

SEC. 1216. FLEXIBILITY. 42 USC 5174a.

(a) WAIVER AUTHORITY.—

(1) DEFINITION.—In this subsection, the term "covered assistance" means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) on or after October 28, 2012.

(2) AUTHORITY.—Notwithstanding section 3716(e) of title 31, United States Code, the Administrator—

(A) subject to subparagraph (B), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

(i) the covered assistance was distributed based on an error by the Agency;

(ii) there was no fault on behalf of the debtor; and

(iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(3) MONITORING OF COVERED ASSISTANCE DISTRIBUTED BASED ON ERROR.—

(A) IN GENERAL.—The Inspector General of the Department of Homeland Security shall monitor the distribution of covered assistance to individuals and households to determine the percentage of such assistance distributed based on an error.

(B) REMOVAL OF WAIVER AUTHORITY BASED ON EXCESSIVE ERROR RATE.—If the Inspector General of the Department of Homeland Security determines, with respect to any 12-month period, that the amount of covered assistance distributed based on an error by the Agency exceeds 4 percent of the total amount of covered assistance distributed—

(i) the Inspector General shall notify the Administrator and publish the determination in the Federal Register; and

(ii) with respect to any major disaster or emergency declared by the President under section 401 or section 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170; 42 U.S.C. 5191) after the date on which the determination is published under subparagraph (A), the authority of the Administrator to waive debt under paragraph (2) shall no longer be effective.

(b) RECOUPMENT OF CERTAIN ASSISTANCE PROHIBITED.—

(1) IN GENERAL.—Notwithstanding section 3716(e) of title 31, United States Code, and unless there is evidence of civil or criminal fraud, the Agency may not take any action to recoup covered assistance from the recipient of such assistance if the receipt of such assistance occurred on a date that is more than 3 years before the date on which the Agency first provides to the recipient written notification of an intent to recoup.

(2) COVERED ASSISTANCE DEFINED.—In this subsection, the term "covered assistance" means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. 5170; 42 U.S.C. 5191) on or after January 1, 2012.

(c) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Section 705 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5205) is amended—

(A) in subsection (a)(1)—

(i) by striking "Except" and inserting "Notwithstanding section 3716(e) of title 31, United States Code, and except"; and

(ii) by striking "report for the disaster or emergency" and inserting "report for project completion as certified by the grantee"; and

(B) in subsection (b)—

(i) in paragraph (1) by striking "report for the disaster or emergency" and inserting "report for project completion as certified by the grantee"; and

(ii) in paragraph (3) by inserting "for project completion as certified by the grantee" after "final expenditure report".

(2) APPLICABILITY.—

(A) IN GENERAL.—With respect to disaster or emergency assistance provided to a State or local government on or after January 1, 2004—

(i) no administrative action may be taken to recover a payment of such assistance after the date of enactment of this Act if the action is prohibited under section 705(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5205(a)(1)), as amended by paragraph (1); and

(ii) any administrative action to recover a payment of such assistance that is pending on such date of enactment shall be terminated if the action is prohibited under section 705(a)(1) of that Act, as amended by paragraph (1).

(B) LIMITATION.—This section, including the amendments made by this section, may not be construed to invalidate or otherwise affect any administration action completed before the date of enactment of this Act.

SEC. 1217. ADDITIONAL DISASTER ASSISTANCE.

(a) DISASTER MITIGATION.—Section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) is amended by adding at the end the following:

"(e) DISASTER MITIGATION.—In providing assistance pursuant to subsection (c)(2), if appropriate and as applicable, the Secretary may encourage hazard mitigation in assistance provided pursuant to such subsection.".

(b) EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.—Section 661(d) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761(d)) is amended by striking "for fiscal year 2008" and inserting "for each of fiscal years 2018 through 2022".

(c) EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.—Section 662(f) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762(f)) is amended by striking "the program" and all that follows through "2012" and inserting "the program, for each of fiscal years 2018 through 2022".

(d) TECHNICAL AMENDMENT.—Section 403(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)) is amended by striking the second subparagraph (J).

42 USC 5165g.

SEC. 1218. NATIONAL VETERINARY EMERGENCY TEAMS.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may establish one or more national veterinary emergency teams at accredited colleges of veterinary medicine.

(b) RESPONSIBILITIES.—A national veterinary emergency team shall—

(1) deploy with a team of the National Urban Search and Rescue Response System to assist with—

(A) veterinary care of canine search teams;

(B) locating and treating companion animals, service animals, livestock, and other animals; and

(C) surveillance and treatment of zoonotic diseases;

(2) recruit, train, and certify veterinary professionals, including veterinary students, in accordance with an established set of plans and standard operating guidelines to carry out the duties associated with planning for and responding to major disasters and emergencies as described in paragraph (1);

(3) assist State governments, Indian tribal governments, local governments, and nonprofit organizations in developing emergency management and evacuation plans that account for the care and rescue of animals and in improving local readiness for providing veterinary medical response during an emergency or major disaster; and

(4) coordinate with the Department of Homeland Security, the Department of Health and Human Services, the Department of Agriculture, State, local, and Indian tribal governments (including departments of animal and human health), veterinary and health care professionals, and volunteers.

SEC. 1219. RIGHT OF ARBITRATION.

Section 423 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189a) is amended by adding at the end the following:

"(d) RIGHT OF ARBITRATION.—

"(1) IN GENERAL.—Notwithstanding this section, an applicant for assistance under this title may request arbitration to dispute the eligibility for assistance or repayment of assistance provided for a dispute of more than $500,000 for any disaster that occurred after January 1, 2016. Such arbitration shall be conducted by the Civilian Board of Contract Appeals and the decision of such Board shall be binding.

"(2) REVIEW.—The Civilian Board of Contract Appeals shall consider from the applicant all original and additional documentation, testimony, or other such evidence supporting the applicant's position at any time during arbitration.

"(3) RURAL AREAS.—For an applicant for assistance in a rural area under this title, the assistance amount eligible for arbitration pursuant to this subsection shall be $100,000.

"(4) RURAL AREA DEFINED.—For the purposes of this subsection, the term 'rural area' means an area with a population of less than 200,000 outside an urbanized area.

"(5) ELIGIBILITY.—To participate in arbitration under this subsection, an applicant—

"(A) shall submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111–5; and

"(B) may submit a request for arbitration after the completion of the first appeal under subsection (a) at any time before the Administrator of the Federal Emergency Management Agency has issued a final agency determination or 180 days after the Administrator's receipt of the appeal if the Administrator has not provided the applicant with a final determination on the appeal. The applicant's request shall contain documentation from the administrative record for the first appeal and may contain additional documentation supporting the applicant's position.".

SEC. 1220. UNIFIED FEDERAL ENVIRONMENTAL AND HISTORIC PRESERVATION REVIEW.

42 USC 5189g note.

(a) REVIEW AND ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review the Unified Federal Environmental and Historic Preservation review process established pursuant to section 429 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189g), and submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that includes the following:

(1) An analysis of whether and how the unified process has expedited the interagency review process to ensure compliance with the environmental and historic requirements under Federal law relating to disaster recovery projects.

(2) A survey and analysis of categorical exclusions used by other Federal agencies that may be applicable to any activity related to a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191).

(3) Recommendations on any further actions, including any legislative proposals, needed to expedite and streamline the review process.

(b) REGULATIONS.—After completing the review, survey, and analyses under subsection (a), but not later than 2 years after the date of enactment of this Act, and after providing notice and opportunity for public comment, the Administrator shall issue regulations to implement any regulatory recommendations, including any categorical exclusions identified under subsection (a), to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations, and section II of DHS Instruction Manual 023–01–001–01.

SEC. 1221. CLOSEOUT INCENTIVES.

(a) FACILITATING CLOSEOUT.—Section 705 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5205) is amended by adding at the end the following:

"(d) FACILITATING CLOSEOUT.—

"(1) INCENTIVES.—The Administrator of the Federal Emergency Management Agency may develop incentives and penalties that encourage State, local, or Indian tribal governments

to close out expenditures and activities on a timely basis related to disaster or emergency assistance.

"(2) AGENCY REQUIREMENTS.—The Federal Emergency Management Agency shall, consistent with applicable regulations and required procedures, meet its responsibilities to improve closeout practices and reduce the time to close disaster program awards.".

42 USC 5205 note.

(b) REGULATIONS.—The Administrator shall issue regulations to implement the amendment made by this section.

SEC. 1222. PERFORMANCE OF SERVICES.

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149) is amended by adding at the end the following:

"(c) The Administrator of the Federal Emergency Management Agency is authorized to appoint temporary personnel, after serving continuously for 3 years, to positions in the Federal Emergency Management Agency in the same manner that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions. An individual appointed under this subsection shall become a career-conditional employee, unless the employee has already completed the service requirements for career tenure.".

SEC. 1223. STUDY TO STREAMLINE AND CONSOLIDATE INFORMATION COLLECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator—

(1) in coordination with the Small Business Administration, the Department of Housing and Urban Development, the Disaster Assistance Working Group of the Council of the Inspectors General on Integrity and Efficiency, and other appropriate agencies, conduct a study and develop a plan, consistent with law, under which the collection of information from disaster assistance applicants and grantees will be modified, streamlined, expedited, efficient, flexible, consolidated, and simplified to be less burdensome, duplicative, and time consuming for applicants and grantees;

(2) in coordination with the Small Business Administration, the Department of Housing and Urban Development, the Disaster Assistance Working Group of the Council of the Inspectors General on Integrity and Efficiency, and other appropriate agencies, develop a plan for the regular collection and reporting of information on Federal disaster assistance awarded, including the establishment and maintenance of a website for presenting the information to the public; and

(3) submit the plans developed under paragraphs (1) and (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1224. AGENCY ACCOUNTABILITY.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 430. AGENCY ACCOUNTABILITY. 42 USC 5189h.

"(a) PUBLIC ASSISTANCE.—Not later than 5 days after an award of a public assistance grant is made under section 406 that is in excess of $1,000,000, the Administrator of the Federal Emergency Management Agency shall publish on the website of the Federal Emergency Management Agency the specifics of each such grant award, including—

"(1) identifying the Federal Emergency Management Agency Region;

"(2) the disaster or emergency declaration number;

"(3) the State, county, and applicant name;

"(4) if the applicant is a private nonprofit organization;

"(5) the damage category code;

"(6) the amount of the Federal share obligated; and

"(7) the date of the award.

"(b) MISSION ASSIGNMENTS.—

"(1) IN GENERAL.—Not later than 5 days after the issuance of a mission assignment or mission assignment task order, the Administrator of the Federal Emergency Management Agency shall publish on the website of the Federal Emergency Management Agency any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of $1,000,000, including—

"(A) the name of the impacted State or Indian Tribe;

"(B) the disaster declaration for such State or Indian Tribe;

"(C) the assigned agency;

"(D) the assistance requested;

"(E) a description of the disaster;

"(F) the total cost estimate;

"(G) the amount obligated;

"(H) the State or Indian tribal government cost share, if applicable;

"(I) the authority under which the mission assignment or mission assignment task order was directed; and

"(J) if applicable, the date a State or Indian Tribe requested the mission assignment.

"(2) RECORDING CHANGES.—Not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in paragraph (1) is completed and closed out, the Administrator of the Federal Emergency Management Agency shall update any changes to the total cost estimate and the amount obligated.

"(c) DISASTER RELIEF MONTHLY REPORT.—Not later than 10 days after the first day of each month, the Administrator of the Federal Emergency Management Agency shall publish on the website of the Federal Emergency Management Agency reports, including a specific description of the methodology and the source data used in developing such reports, including—

"(1) an estimate of the amounts for the fiscal year covered by the President's most recent budget pursuant to section 1105(a) of title 31, United States Code, including—

"(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

"(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

"(C) the amount of obligations for noncatastrophic events for the budget year;

"(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

"(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current fiscal year, the budget year, and each fiscal year thereafter;

"(F) the amount of previously obligated funds that will be recovered for the budget year;

"(G) the amount that will be required for obligations for emergencies, as described in section 102(1), major disasters, as described in section 102(2), fire management assistance grants, as described in section 420, surge activities, and disaster readiness and support activities; and

"(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii)); and

"(2) an estimate or actual amounts, if available, of the following for the current fiscal year, which shall be submitted not later than the fifth day of each month, published by the Administrator of the Federal Emergency Management Agency on the website of the Federal Emergency Management Agency not later than the fifth day of each month:

"(A) A summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made.

"(B) A table of disaster relief activity delineated by month, including—

"(i) the beginning and ending balances;

"(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

"(iii) the obligations for catastrophic events delineated by event and by State; and

"(iv) the amount of previously obligated funds that are recovered.

"(C) A summary of allocations, obligations, and expenditures for catastrophic events delineated by event.

"(D) The cost of the following categories of spending:

"(i) Public assistance.

"(ii) Individual assistance.

"(iii) Mitigation.

"(iv) Administrative.

"(v) Operations.

"(vi) Any other relevant category (including emergency measures and disaster resources) delineated by disaster.

"(E) The date on which funds appropriated will be exhausted.

"(d) CONTRACTS.—

"(1) INFORMATION.—Not later than 10 days after the first day of each month, the Administrator of the Federal Emergency Management Agency shall publish on the website of the Federal Emergency Management Agency the specifics of each contract

in excess of $1,000,000 that the Federal Emergency Management Agency enters into, including—

"(A) the name of the party;

"(B) the date the contract was awarded;

"(C) the amount and scope of the contract;

"(D) if the contract was awarded through a competitive bidding process;

"(E) if no competitive bidding process was used, the reason why competitive bidding was not used; and

"(F) the authority used to bypass the competitive bidding process.

The information shall be delineated by disaster, if applicable, and specify the damage category code, if applicable.

"(2) REPORT.—Not later than 10 days after the last day of the fiscal year, the Administrator of the Federal Emergency Management Agency shall provide a report to the appropriate committees of Congress summarizing the following information for the preceding fiscal year:

"(A) The number of contracts awarded without competitive bidding.

"(B) The reasons why a competitive bidding process was not used.

"(C) The total amount of contracts awarded with no competitive bidding.

"(D) The damage category codes, if applicable, for contracts awarded without competitive bidding.

"(e) COLLECTION OF PUBLIC ASSISTANCE RECIPIENT AND SUBRECIPIENT CONTRACTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator of the Federal Emergency Management Agency shall initiate and maintain an effort to collect and store information, prior to the project closeout phase on any contract entered into by a public assistance recipient or subrecipient that through the base award, available options, or any subsequent modifications has an estimated value of more than $1,000,000 and is funded through section 324, 403, 404, 406, 407, 428, or 502, including—

"(A) the disaster number, project worksheet number, and the category of work associated with each contract;

"(B) the name of each party;

"(C) the date the contract was awarded;

"(D) the amount of the contract;

"(E) the scope of the contract;

"(F) the period of performance for the contract; and

"(G) whether the contract was awarded through a competitive bidding process.

"(2) AVAILABILITY OF INFORMATION COLLECTED.—The Administrator of the Federal Emergency Management Agency shall make the information collected and stored under paragraph (1) available to the Inspector General of the Department of Homeland Security, the Government Accountability Office, and appropriate committees of Congress, upon request.

"(3) REPORT.—Not later than 365 days after the date of enactment of this subsection, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Homeland Security and Governmental Affairs

of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the efforts of the Federal Emergency Management Agency to collect the information described in paragraph (1).".

42 USC 5161a.

SEC. 1225. AUDIT OF CONTRACTS.

Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall not reimburse a State or local government, an Indian tribal government (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), or the owner or operator of a private nonprofit facility (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) for any activities made pursuant to a contract entered into after August 1, 2017, that prohibits the Administrator or the Comptroller General of the United States from auditing or otherwise reviewing all aspects relating to the contract.

SEC. 1226. INSPECTOR GENERAL AUDIT OF FEMA CONTRACTS FOR TARPS AND PLASTIC SHEETING.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall initiate an audit of the contracts awarded by the Agency for tarps and plastic sheeting for the Commonwealth of Puerto Rico and the United States Virgin Islands in response to Hurricane Irma and Hurricane Maria.

(b) CONSIDERATIONS.—In carrying out the audit under subsection (a), the inspector general shall review—

(1) the contracting process used by the Agency to evaluate offerors and award the relevant contracts to contractors;

(2) the assessment conducted by the Agency of the past performance of the contractors, including any historical information showing that the contractors had supported large-scale delivery quantities in the past;

(3) the assessment conducted by the Agency of the capacity of the contractors to carry out the relevant contracts, including with respect to inventory, production, and financial capabilities;

(4) how the Agency ensured that the contractors met the terms of the relevant contracts; and

(5) whether the failure of the contractors to meet the terms of the relevant contracts and the subsequent cancellation by the Agency of the relevant contracts affected the provision of tarps and plastic sheeting to the Commonwealth of Puerto Rico and the United States Virgin Islands.

(c) REPORT.—Not later than 270 days after the date of initiation of the audit under subsection (a), the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the audit, including findings and recommendations.

SEC. 1227. RELIEF ORGANIZATIONS.

Section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152) is amended—

(1) in subsection (a), by striking "and other relief or" and inserting "long-term recovery groups, domestic hunger relief, and other relief, or"; and

(2) in subsection (b), by striking "and other relief or" and inserting "long-term recovery groups, domestic hunger relief, and other relief, or".

SEC. 1228. GUIDANCE ON INUNDATED AND SUBMERGED ROADS.

42 USC 5172 note.

The Administrator of the Federal Emergency Management Agency, in coordination with the Administrator of the Federal Highway Administration, shall develop and issue guidance for State, local, and Indian tribal governments regarding repair, restoration, and replacement of inundated and submerged roads damaged or destroyed by a major disaster, and for associated expenses incurred by the Government, with respect to roads eligible for assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 1229. EXTENSION OF ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of an individual eligible to receive unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)) as a result of a disaster declaration made for Hurricane Irma and Hurricane Maria in the Commonwealth of Puerto Rico and the United States Virgin Islands, the President shall make such assistance available for 52 weeks after the date of the disaster declaration effective as if enacted at the time of the disaster declaration.

(b) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this section.

SEC. 1230. GUIDANCE AND RECOMMENDATIONS.

42 USC 5172 note.

(a) GUIDANCE.—The Administrator shall provide guidance to a common interest community that provides essential services of a governmental nature on actions that a common interest community may take in order to be eligible to receive reimbursement from a grantee that receives funds from the Agency for certain activities performed after an event that results in a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) RECOMMENDATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a legislative proposal on how to provide eligibility for disaster assistance with respect to common areas of condominiums and housing cooperatives.

(c) EFFECTIVE DATE.—This section shall be effective on the date of enactment of this Act.

SEC. 1231. GUIDANCE ON HAZARD MITIGATION ASSISTANCE.

42 USC 5172 note.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidance regarding the acquisition of property for open space as a mitigation measure under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) that includes—

(1) a process by which the State hazard mitigation officer appointed for such an acquisition shall, not later than 60 days after the applicant for assistance enters into an agreement

with the Administrator regarding the acquisition, provide written notification to each affected unit of local government for such acquisition that includes—

(A) the location of the acquisition;

(B) the State-local assistance agreement for the hazard mitigation grant program;

(C) a description of the acquisition; and

(D) a copy of the deed restriction; and

(2) recommendations for entering into and implementing a memorandum of understanding between units of local government and covered entities that includes provisions to allow an affected unit of local government notified under paragraph (1) to—

(A) use and maintain the open space created by such a project, consistent with section 404 (including related regulations, standards, and guidance) and consistent with all adjoining property, subject to the notification of the adjoining property, so long as the cost of the maintenance is borne by the local government; and

(B) maintain the open space pursuant to standards exceeding any local government standards defined in the agreement with the Administrator described under paragraph (1).

(b) DEFINITIONS.—In this section:

(1) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term "affected unit of local government" means any entity covered by the definition of local government in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), that has jurisdiction over the property subject to the acquisition described in subsection (a).

(2) COVERED ENTITY.—The term "covered entity" means—

(A) the grantee or subgrantee receiving assistance for an open space project described in subsection (a);

(B) the State in which such project is located; and

(C) the applicable Regional Administrator of the Agency.

42 USC 5170 note.

SEC. 1232. LOCAL IMPACT.

(a) IN GENERAL.—In making recommendations to the President regarding a major disaster declaration, the Administrator of the Federal Emergency Management Agency shall give greater consideration to severe local impact or recent multiple disasters. Further, the Administrator shall make corresponding adjustments to the Agency's policies and regulations regarding such consideration. Not later than 1 year after the date of enactment of this section, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the changes made to regulations and policies and the number of declarations that have been declared based on the new criteria.

(b) EFFECTIVE DATE.—This section shall be effective on the date of enactment of this Act.

SEC. 1233. ADDITIONAL HAZARD MITIGATION ACTIVITIES.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), as amended by this division, is further amended by adding at the end the following:

"(g) USE OF ASSISTANCE FOR EARTHQUAKE HAZARDS.—Recipients of hazard mitigation assistance provided under this section and section 203 may use the assistance to conduct activities to help reduce the risk of future damage, hardship, loss, or suffering in any area affected by earthquake hazards, including—

"(1) improvements to regional seismic networks in support of building a capability for earthquake early warning;

"(2) improvements to geodetic networks in support of building a capability for earthquake early warning; and

"(3) improvements to seismometers, Global Positioning System receivers, and associated infrastructure in support of building a capability for earthquake early warning.".

SEC. 1234. NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER HAZARD MITIGATION.

(a) PREDISASTER HAZARD MITIGATION.—Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended—

(1) in subsection (c) by inserting "Public Infrastructure" after "the National";

(2) in subsection (e)(1)(B)—

(A) by striking "or" at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting "; or"; and

(C) by adding at the end the following:

"(iv) to establish and carry out enforcement activities and implement the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters.";

(3) in subsection (f)—

(A) in paragraph (1) by inserting "for mitigation activities that are cost effective" after "competitive basis"; and

(B) by adding at the end the following:

"(3) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The President may—

"(A) withdraw amounts of financial assistance made available to a State (including amounts made available to local governments of a State) under this subsection that remain unobligated by the end of the third fiscal year after the fiscal year for which the amounts were allocated; and

"(B) in the fiscal year following a fiscal year in which amounts were withdrawn under subparagraph (A), add the amounts to any other amounts available to be awarded on a competitive basis pursuant to paragraph (1).";

(4) in subsection (g)—

(A) by inserting "provide financial assistance only in States that have received a major disaster declaration in the previous 7 years, or to any Indian tribal government located partially or entirely within the boundaries of such States, and" after "the President shall";

(B) in paragraph (9) by striking "and" at the end;

(C) by redesignating paragraph (10) as paragraph (12); and

(D) by adding after paragraph (9) the following:

"(10) the extent to which the State, local, Indian tribal, or territorial government has facilitated the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards, including amendments made by State, local, Indian tribal, or territorial governments during the adoption process that incorporate the latest hazard-resistant designs and establish criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters;

"(11) the extent to which the assistance will fund activities that increase the level of resiliency; and";

(5) by striking subsection (i) and inserting the following:

"(i) NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER MITIGATION ASSISTANCE.—

"(1) IN GENERAL.—The President may set aside from the Disaster Relief Fund, with respect to each major disaster, an amount equal to 6 percent of the estimated aggregate amount of the grants to be made pursuant to sections 403, 406, 407, 408, 410, 416, and 428 for the major disaster in order to provide technical and financial assistance under this section and such set aside shall be deemed to be related to activities carried out pursuant to major disasters under this Act.

"(2) ESTIMATED AGGREGATE AMOUNT.—Not later than 180 days after each major disaster declaration pursuant to this Act, the estimated aggregate amount of grants for purposes of paragraph (1) shall be determined by the President and such estimated amount need not be reduced, increased, or changed due to variations in estimates.

"(3) NO REDUCTION IN AMOUNTS.—The amount set aside pursuant to paragraph (1) shall not reduce the amounts otherwise made available for sections 403, 404, 406, 407, 408, 410, 416, and 428 under this Act."; and

(6) by striking subsections (j) and (m);

(7) by redesignating subsections (k), (l), and (n) as subsections (j), (k), and (l), respectively and

(8) by adding at the end the following:

"(m) LATEST PUBLISHED EDITIONS.—For purposes of subsections (e)(1)(B)(iv) and (g)(10), the term 'latest published editions' means, with respect to relevant consensus-based codes, specifications, and standards, the 2 most recently published editions.".

42 USC 5133 note.

(b) APPLICABILITY.—The amendments made to section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) by paragraphs (3) and (5) of subsection (a) shall apply to funds appropriated on or after the date of enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all funding expended from the National Public Infrastructure Predisaster Mitigation Assistance created by Section 203(i)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), as added by this section, shall not be considered part of FEMA's regular appropriations

for non-Stafford activities, also known as the Federal Emergency Management Agency's Disaster Relief Fund base; and

(2) the President should have the funds related to the National Public Infrastructure Predisaster Mitigation Assistance created by Section 203(i)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), as added by this section, identified in and allocated from the Federal Emergency Management Agency's Disaster Relief Fund for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

42 USC 5133 note.

(d) SUNSET.—On the date that is 5 years after the date of enactment of this Act, section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by striking subsection (m), as added by subsection (a)(8) of this section.

SEC. 1235. ADDITIONAL MITIGATION ACTIVITIES.

(a) HAZARD MITIGATION CLARIFICATION.—Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended by striking the first sentence and inserting the following: "The President may contribute up to 75 percent of the cost of hazard mitigation measures which the President has determined are cost effective and which substantially reduce the risk of, or increase resilience to, future damage, hardship, loss, or suffering in any area affected by a major disaster.".

(b) ELIGIBLE COST.—Section 406(e)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting after "section," the following: "for disasters declared on or after August 1, 2017, or a disaster in which a cost estimate has not yet been finalized for a project, or for any project for which the finalized cost estimate is on appeal,";

(2) in clause (i), by striking "and" at the end;

(3) in clause (ii)—

(A) by striking "codes, specifications, and standards" and inserting "the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purposes of protecting the health, safety, and general welfare of a facility's users against disasters";

(B) by striking "applicable at the time at which the disaster occurred"; and

(C) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(iii) in a manner that allows the facility to meet the definition of resilient developed pursuant to this subsection.".

(c) OTHER ELIGIBLE COST.—Section 406(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)(1)) is further amended by adding at the end the following:

"(C) CONTRIBUTIONS.—Contributions for the eligible cost made under this section may be provided on an actual cost basis or on cost-estimation procedures.".

(d) NEW RULES.—Section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)) is further amended by adding at the end the following:

"(5) NEW RULES.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Administrator of the Federal Emergency Management Agency, and in consultation with the heads of relevant Federal departments and agencies, shall issue a final rulemaking that defines the terms 'resilient' and 'resiliency' for purposes of this subsection.

"(B) INTERIM GUIDANCE.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall issue interim guidance to implement this subsection. Such interim guidance shall expire 18 months after the date of enactment of this paragraph or upon issuance of final regulations pursuant to subparagraph (A), whichever occurs first.

"(C) GUIDANCE.—Not later than 90 days after the date on which the Administrator issues the final rulemaking under this paragraph, the Administrator shall issue any necessary guidance related to the rulemaking.

"(D) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall submit to Congress a report summarizing the regulations and guidance issued pursuant to this paragraph.".

(e) CONFORMING AMENDMENT.—Section 205(d)(2) of the Disaster Mitigation Act of 2000 (42 U.S.C. 5172 note) is amended by inserting "(B)" after "except that paragraph (1)".

42 USC 5196g.

SEC. 1236. GUIDANCE AND TRAINING BY FEMA ON COORDINATION OF EMERGENCY RESPONSE PLANS.

(a) TRAINING REQUIREMENT.—The Administrator, in coordination with other relevant agencies, shall provide guidance and training on an annual basis to State, local, and Indian tribal governments, first responders, and facilities that store hazardous materials on coordination of emergency response plans in the event of a major disaster or emergency, including severe weather events. The guidance and training shall include the following:

(1) Providing a list of equipment required in the event a hazardous substance is released into the environment.

(2) Outlining the health risks associated with exposure to hazardous substances to improve treatment response.

(3) Publishing best practices for mitigating further danger to communities from hazardous substances.

(b) IMPLEMENTATION.—The requirement of subsection (a) shall be implemented not later than 180 days after the date of enactment of this Act.

42 USC 5205a.

SEC. 1237. CERTAIN RECOUPMENT PROHIBITED.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Agency shall deem any covered disaster assistance to have been properly procured, provided, and utilized, and shall restore any funding of covered disaster assistance previously provided but subsequently withdrawn or deobligated.

(b) COVERED DISASTER ASSISTANCE DEFINED.—In this section, the term "covered disaster assistance" means assistance—

(1) provided to a local government pursuant to section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, or 5173); and

(2) with respect to which the inspector general of the Department of Homeland Security has determined, after an audit, that—

(A) the Agency deployed to the local government a Technical Assistance Contractor to review field operations, provide eligibility advice, and assist with day-to-day decisions;

(B) the Technical Assistance Contractor provided inaccurate information to the local government; and

(C) the local government relied on the inaccurate information to determine that relevant contracts were eligible, reasonable, and reimbursable.

(c) EFFECTIVE DATE.—This section shall be effective on the date of enactment of this Act.

SEC. 1238. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS AND NONPROFIT FACILITIES.

42 USC 5174b.

(a) CRITICAL DOCUMENT FEE WAIVER.—

(1) IN GENERAL.—Notwithstanding section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214) or any other provision of law, the President, in consultation with the Governor of a State, may provide a waiver under this subsection to an individual or household described in section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) for the following document replacement fees:

(A) The passport application fee for individuals who lost their United States passport in a major disaster within the preceding three calendar years.

(B) The file search fee for a United States passport.

(C) The Application for Waiver of Passport and/or Visa form (Form I–193) fee.

(D) The Permanent Resident Card replacement form (Form I–90) filing fee.

(E) The Declaration of Intention form (Form N–300) filing fee.

(F) The Naturalization/Citizenship Document replacement form (Form N–565) filing fee.

(G) The Employment Authorization form (Form I–765) filing fee.

(H) The biometric service fee.

(2) EXEMPTION FROM FORM REQUIREMENT.—The authority of the President to waive fees under subparagraphs (C) through (H) of paragraph (1) applies regardless of whether the individual or household qualifies for a Form I–912 Request for Fee Waiver, or any successor thereto.

(3) EXEMPTION FROM ASSISTANCE MAXIMUM.—The assistance limit in section 408(h) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(h)) shall not apply to any fee waived under this subsection.

(4) REPORT.—Not later than 365 days after the date of enactment of this subsection, the Administrator and the head of any other agency given critical document fee waiver authority under this subsection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the costs associated with providing critical document fee waivers as described in paragraph (1).

(b) FEDERAL ASSISTANCE TO PRIVATE NONPROFIT CHILDCARE FACILITIES.—Section 102(11)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(A)) is amended—

(1) in the second subparagraph (A) (as added by Public Law 115–123), by inserting "center-based childcare," after "facility),"; and

(2) in the first subparagraph (A), by striking "(A) IN GENERAL.—The term 'private nonprofit facility' means private nonprofit educational, utility" and all that follows through "President.".

42 USC 5122 note.

(c) APPLICABILITY.—The amendment made by subsection (b)(1) shall apply to any major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) on or after the date of enactment of this Act.

42 USC 5170 note.

SEC. 1239. COST OF ASSISTANCE ESTIMATES.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall review the factors considered when evaluating a request for a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), specifically the estimated cost of the assistance, and provide a report and briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the Administrator shall review and initiate a rulemaking to update the factors considered when evaluating a Governor's request for a major disaster declaration, including reviewing how the Agency estimates the cost of major disaster assistance, and consider other impacts on the capacity of a jurisdiction to respond to disasters. In determining the capacity of a jurisdiction to respond to disasters, and prior to the issuance of such a rule, the Administrator shall engage in meaningful consultation with relevant representatives of State, regional, local, and Indian tribal government stakeholders.

SEC. 1240. REPORT ON INSURANCE SHORTFALLS.

Not later than 2 years after the date of enactment of this section, and each year thereafter until 2023, the Administrator of the Federal Emergency Management Agency shall submit a report to Congress on the number of instances and the estimated amounts involved, by State, for cases in which self-insurance amounts have been insufficient to address flood damages.

42 USC 5172 note.

SEC. 1241. POST DISASTER BUILDING SAFETY ASSESSMENT.

(a) BUILDING SAFETY ASSESSMENT TEAM.—

(1) IN GENERAL.—The Administrator shall coordinate with State and local governments and organizations representing design professionals, such as architects and engineers, to develop guidance, including best practices, for post-disaster assessment of buildings by licensed architects and engineers to ensure the design professionals properly analyze the structural integrity and livability of buildings and structures.

(2) PUBLICATION.—The Administrator shall publish the guidance required to be developed under paragraph (1) not later than 1 year after the date of enactment of this Act.

(b) NATIONAL INCIDENT MANAGEMENT SYSTEM.—The Administrator shall revise or issue guidance as required to the National Incident Management System Resource Management component to ensure the functions of post-disaster building safety assessment, such as those functions performed by design professionals are accurately resource typed within the National Incident Management System.

(c) EFFECTIVE DATE.—This section shall be effective on the date of enactment of this Act.

SEC. 1242. FEMA UPDATES ON NATIONAL PREPAREDNESS ASSESSMENT.

Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until completion, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives an update on the progress of the Agency in completing action 6 with respect to the report published by the Government Accountability Office entitled "2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue" (February 28, 2012), which recommends the Agency to—

(1) complete a national preparedness assessment of capability gaps at each level based on tiered, capability-specific performance objectives to enable prioritization of grant funding; and

(2) identify the potential costs for establishing and maintaining those capabilities at each level and determine what capabilities Federal agencies should provide.

SEC. 1243. FEMA REPORT ON DUPLICATION IN NON-NATURAL DISASTER PREPAREDNESS GRANT PROGRAMS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committees on Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives a report on the results of the efforts of the Agency to identify and prevent unnecessary duplication within and across the non-natural disaster preparedness grant programs of the Agency, as recommended in the report published by the Government Accountability Office entitled "2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue" (February 28, 2012), including with respect to—

(1) the Urban Area Security Initiative established under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604);

(2) the Port Security Grant Program authorized under section 70107 of title 46, United States Code;

(3) the State Homeland Security Grant Program established under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605); and

(4) the Transit Security Grant Program authorized under titles XIV and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1131 et seq.).

SEC. 1244. STUDY AND REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall enter into a contract with the National Academy of Medicine to conduct a study and prepare a report as described in subsection (b).

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The study described in this subsection shall be a study of matters concerning best practices in mortality counts as a result of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(B) CONTENTS.—The study described in this subsection shall address approaches to quantifying mortality and significant morbidity among populations affected by major disasters, which shall include best practices and policy recommendations for—

(i) equitable and timely attribution, in order to facilitate access to available benefits, among other things;

(ii) timely prospective tracking of population levels of mortality and significant morbidity, and their causes, in order to continuously inform response efforts; and

(iii) a retrospective study of disaster-related mortality and significant morbidity to inform after-action analysis and improve subsequent preparedness efforts.

(2) REPORT.—Not later than 2 years after the date on which the contract described in subsection (a) is entered into, the National Academy of Medicine shall complete and transmit to the Administrator a report on the study described in paragraph (1).

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this section.

42 USC 5172 note.

SEC. 1245. REVIEW OF ASSISTANCE FOR DAMAGED UNDERGROUND WATER INFRASTRUCTURE.

(a) DEFINITION OF PUBLIC ASSISTANCE GRANT PROGRAM.—The term "public assistance grant program" means the public assistance grant program authorized under sections 403, 406, 407, 428, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, 5192(a)).

(b) REVIEW AND BRIEFING.—Not later than 60 days after the date of enactment of this Act, the Administrator shall—

(1) conduct a review of the assessment and eligibility process under the public assistance grant program with respect to assistance provided for damaged underground water infrastructure as a result of a major disaster declared under section 401 of such Act (42 U.S.C. 5170), including wildfires, and shall

include the extent to which local technical memoranda, prepared by a local unit of government in consultation with the relevant State or Federal agencies, identified damaged underground water infrastructure that should be eligible for the public assistance grant program; and

(2) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the review conducted under paragraph (1).

(c) REPORT AND RECOMMENDATIONS.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a report on the review conducted under subsection (b)(1); and

(2) not later than 180 days after the date on which the Administrator issues the report required under paragraph (1), initiate a rulemaking, if appropriate, to address any recommendations contained in the report.

SEC. 1246. EXTENSION.

The Administrator shall extend the deadlines to implement the reasonable and prudent alternative outlined in the jeopardy biological opinion dated April 14, 2016, by up to 3 years from the date of enactment of this Act. Within 18 months from the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works of the Senate; and the Committee on Homeland Security, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of implementing these reasonable and prudent alternatives.

DIVISION E—CONCRETE MASONRY

Concrete Masonry Products Research, Education, and Promotion Act of 2018. 15 USC 8701 note.

SEC. 1301. SHORT TITLE.

This division may be cited as the "Concrete Masonry Products Research, Education, and Promotion Act of 2018".

SEC. 1302. DECLARATION OF POLICY.

15 USC 8701.

(a) PURPOSE.—The purpose of this division is to authorize the establishment of an orderly program for developing, financing, and carrying out an effective, continuous, and coordinated program of research, education, and promotion, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the concrete masonry products industry in the domestic marketplace;

(2) maintain, develop, and expand markets and uses for concrete masonry products in the domestic marketplace; and

(3) promote the use of concrete masonry products in construction and building.

(b) LIMITATION.—Nothing in this division may be construed to provide for the control of production or otherwise limit the right of any person to manufacture concrete masonry products.

SEC. 1303. DEFINITIONS.

15 USC 8702.

For the purposes of this division:

(1) BLOCK MACHINE.—The term "block machine" means a piece of equipment that utilizes vibration and compaction to form concrete masonry products.

(2) BOARD.—The term "Board" means the Concrete Masonry Products Board established under section 1305.

(3) CAVITY.—The term "cavity" means the open space in the mold of a block machine capable of forming a single concrete masonry unit having nominal plan dimensions of 8 inches by 16 inches.

(4) CONCRETE MASONRY PRODUCTS.—The term "concrete masonry products" refers to a broader class of products, including concrete masonry units as well as hardscape products such as concrete pavers and segmental retaining wall units, manufactured on a block machine using dry-cast concrete.

(5) CONCRETE MASONRY UNIT.—The term "concrete masonry unit"—

(A) means a concrete masonry product that is a man-made masonry unit having an actual width of 3 inches or greater and manufactured from dry-cast concrete using a block machine; and

(B) includes concrete block and related concrete units used in masonry applications.

(6) CONFLICT OF INTEREST.—The term "conflict of interest" means, with respect to a member or employee of the Board, a situation in which such member or employee has a direct or indirect financial or other interest in a person that performs a service for, or enters into a contract with, for anything of economic value.

(7) DEPARTMENT.—The term "Department" means the Department of Commerce.

(8) DRY-CAST CONCRETE.—The term "dry-cast concrete" means a composite material that is composed essentially of aggregates embedded in a binding medium composed of a mixture of cementitious materials (including hydraulic cement, pozzolans, or other cementitious materials) and water of such a consistency to maintain its shape after forming in a block machine.

(9) EDUCATION.—The term "education" means programs that will educate or communicate the benefits of concrete masonry products in safe and environmentally sustainable development, advancements in concrete masonry product technology and development, and other information and programs designed to generate increased demand for commercial, residential, multifamily, and institutional projects using concrete masonry products and to generally enhance the image of concrete masonry products.

(10) MACHINE CAVITIES.—The term "machine cavities" means the cavities with which a block machine could be equipped.

(11) MACHINE CAVITIES IN OPERATION.—The term "machine cavities in operation" means those machine cavities associated with a block machine that have produced concrete masonry units within the last 6 months of the date set for determining eligibility and is fully operable and capable of producing concrete masonry units.

(12) MANUFACTURER.—The term "manufacturer" means any person engaged in the manufacturing of commercial concrete masonry products in the United States.

(13) MASONRY UNIT.—The term "masonry unit" means a noncombustible building product intended to be laid by hand or joined using mortar, grout, surface bonding, post-tensioning or some combination of these methods.

(14) ORDER.—The term "order" means an order issued under section 1304.

(15) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(16) PROMOTION.—The term "promotion" means any action, including paid advertising, to advance the image and desirability of concrete masonry products with the express intent of improving the competitive position and stimulating sales of concrete masonry products in the marketplace.

(17) RESEARCH.—The term "research" means studies testing the effectiveness of market development and promotion efforts, studies relating to the improvement of concrete masonry products and new product development, and studies documenting the performance of concrete masonry.

(18) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(19) UNITED STATES.—The term "United States" means the several States and the District of Columbia.

SEC. 1304. ISSUANCE OF ORDERS. 15 USC 8703.

(a) IN GENERAL.—

(1) ISSUANCE.—The Secretary, subject to the procedures provided in subsection (b), shall issue orders under this division applicable to manufacturers of concrete masonry products.

(2) SCOPE.—Any order shall be national in scope.

(3) ONE ORDER.—Not more than 1 order shall be in effect at any one time.

(b) PROCEDURES.—

(1) DEVELOPMENT OR RECEIPT OF PROPOSED ORDER.—A proposed order with respect to the generic research, education, and promotion with regards to concrete masonry products may be—

(A) proposed by the Secretary at any time; or

(B) requested by or submitted to the Secretary by—

(i) an existing national organization of concrete masonry product manufacturers; or

(ii) any person that may be affected by the issuance of an order.

(2) PUBLICATION OF PROPOSED ORDER.—If the Secretary determines that a proposed order received in accordance with paragraph (1)(B) is consistent with and will effectuate the purpose of this division, the Secretary shall publish such proposed order in the Federal Register not later than 90 days after receiving the order, and give not less than 30 days notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—

(A) IN GENERAL.—After notice and opportunity for public comment are provided in accordance with paragraph

(2), the Secretary shall issue the order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order is in conformity with this division.

(B) EFFECTIVE DATE.—If there is an affirmative vote in a referendum as provided in section 1307, the Secretary shall issue the order and such order shall be effective not later than 140 days after publication of the proposed order.

(c) AMENDMENTS.—The Secretary may, from time to time, amend an order. The provisions of this division applicable to an order shall be applicable to any amendment to an order.

15 USC 8704.

SEC. 1305. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—Any order issued under this division shall contain the terms and provisions specified in this section.

(b) CONCRETE MASONRY PRODUCTS BOARD.—

(1) ESTABLISHMENT AND MEMBERSHIP.—

(A) ESTABLISHMENT.—The order shall provide for the establishment of a Concrete Masonry Products Board to carry out a program of generic promotion, research, and education regarding concrete masonry products.

(B) MEMBERSHIP.—

(i) NUMBER OF MEMBERS.—The Board shall consist of not fewer than 15 and not more than 25 members.

(ii) APPOINTMENT.—The members of the Board shall be appointed by the Secretary from nominations submitted as provided in the order.

(iii) COMPOSITION.—The Board shall consist of manufacturers. No employee of an industry trade organization exempt from tax under paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 representing the concrete masonry industry or related industries shall serve as a member of the Board and no member of the Board may serve concurrently as an officer of the board of directors of a national concrete masonry products industry trade association. Only 2 individuals from any single company or its affiliates may serve on the Board at any one time.

(2) DISTRIBUTION OF APPOINTMENTS.—

(A) REPRESENTATION.—To ensure fair and equitable representation of the concrete masonry products industry, the composition of the Board shall reflect the geographical distribution of the manufacture of concrete masonry products in the United States, the types of concrete masonry products manufactured, and the range in size of manufacturers in the United States.

(B) ADJUSTMENT IN BOARD REPRESENTATION.—Three years after the assessment of concrete masonry products commences pursuant to an order, and at the end of each 3-year period thereafter, the Board, subject to the review and approval of the Secretary, shall, if warranted, recommend to the Secretary the reapportionment of the Board membership to reflect changes in the geographical distribution of the manufacture of concrete masonry products and the types of concrete masonry products manufactured.

(3) NOMINATIONS PROCESS.—The Secretary may make appointments from nominations by manufacturers pursuant to the method set forth in the order.

(4) FAILURE TO APPOINT.—If the Secretary fails to make an appointment to the Board within 60 days of receiving nominations for such appointment, the first nominee for such appointment shall be deemed appointed, unless the Secretary provides reasonable justification for the delay to the Board and to Congress and provides a reasonable date by which approval or disapproval will be made.

(5) ALTERNATES.—The order shall provide for the selection of alternate members of the Board by the Secretary in accordance with procedures specified in the order.

(6) TERMS.—

(A) IN GENERAL.—The members and any alternates of the Board shall each serve for a term of 3 years, except that members and any alternates initially appointed to the Board shall serve for terms of not more than 2, 3, and 4 years, as specified by the order.

(B) LIMITATION ON CONSECUTIVE TERMS.—A member or an alternate may serve not more than 2 consecutive terms.

(C) CONTINUATION OF TERM.—Notwithstanding subparagraph (B), each member or alternate shall continue to serve until a successor is appointed by the Secretary.

(D) VACANCIES.—A vacancy arising before the expiration of a term of office of an incumbent member or alternate of the Board shall be filled in a manner provided for in the order.

(7) DISQUALIFICATION FROM BOARD SERVICE.—The order shall provide that if a member or alternate of the Board who was appointed as a manufacturer ceases to qualify as a manufacturer, such member or alternate shall be disqualified from serving on the Board.

(8) COMPENSATION.—

(A) IN GENERAL.—Members and any alternates of the Board shall serve without compensation.

(B) TRAVEL EXPENSES.—If approved by the Board, members or alternates shall be reimbursed for reasonable travel expenses, which may include per diem allowance or actual subsistence incurred while away from their homes or regular places of business in the performance of services for the Board.

(c) POWERS AND DUTIES OF THE BOARD.—The order shall specify the powers and duties of the Board, including the power and duty—

(1) to administer the order in accordance with its terms and conditions and to collect assessments;

(2) to develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the Board and such rules as may be necessary to administer the order, including activities authorized to be carried out under the order;

(3) to meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;

(4) to establish regional organizations or committees to administer regional initiatives;

(5) to establish working committees of persons other than Board members;

(6) to employ such persons, other than the members, as the Board considers necessary, and to determine the compensation and specify the duties of the persons;

(7) to prepare and submit for the approval of the Secretary, before the beginning of each fiscal year, rates of assessment under section 1306 and an annual budget of the anticipated expenses to be incurred in the administration of the order, including the probable cost of each promotion, research, and information activity proposed to be developed or carried out by the Board;

(8) to borrow funds necessary for the startup expenses of the order;

(9) to carry out generic research, education, and promotion programs and projects relating to concrete masonry products, and to pay the costs of such programs and projects with assessments collected under section 1306;

(10) subject to subsection (e), to enter into contracts or agreements to develop and carry out programs or projects of research, education, and promotion relating to concrete masonry products;

(11) to keep minutes, books, and records that reflect the actions and transactions of the Board, and promptly report minutes of each Board meeting to the Secretary;

(12) to receive, investigate, and report to the Secretary complaints of violations of the order;

(13) to furnish the Secretary with such information as the Secretary may request;

(14) to recommend to the Secretary such amendments to the order as the Board considers appropriate; and

(15) to provide the Secretary with advance notice of meetings to permit the Secretary, or the representative of the Secretary, to attend the meetings.

(d) PROGRAMS AND PROJECTS; BUDGETS; EXPENSES.—

(1) PROGRAMS AND PROJECTS.—

(A) IN GENERAL.—The order shall require the Board to submit to the Secretary for approval any program or project of research, education, or promotion relating to concrete masonry products.

(B) STATEMENT REQUIRED.—Any educational or promotional activity undertaken with funds provided by the Board shall include a statement that such activities were supported in whole or in part by the Board.

(2) BUDGETS.—

(A) SUBMISSION.—The order shall require the Board to submit to the Secretary for approval a budget of the anticipated expenses and disbursements of the Board in the implementation of the order, including the projected costs of concrete masonry products research, education, and promotion programs and projects.

(B) TIMING.—The budget shall be submitted before the beginning of a fiscal year and as frequently as may be necessary after the beginning of the fiscal year.

(C) APPROVAL.—If the Secretary fails to approve or reject a budget within 60 days of receipt, such budget shall be deemed approved, unless the Secretary provides

to the Board and to Congress, in writing, reasonable justification for the delay and provides a reasonable date by which approval or disapproval will be made.

(3) ADMINISTRATIVE EXPENSES.—

(A) INCURRING EXPENSES.—The Board may incur the expenses described in paragraph (2) and other expenses for the administration, maintenance, and functioning of the Board as authorized by the Secretary.

(B) PAYMENT OF EXPENSES.—Expenses incurred under subparagraph (A) shall be paid by the Board using assessments collected under section 1306, earnings obtained from assessments, and other income of the Board. Any funds borrowed by the Board shall be expended only for startup costs and capital outlays.

(C) LIMITATION ON SPENDING.—For fiscal years beginning 3 or more years after the date of the establishment of the Board, the Board may not expend for administration (except for reimbursement to the Secretary required under subparagraph (D)), maintenance, and functioning of the Board in a fiscal year an amount that exceeds 10 percent of the assessment and other income received by the Board for the fiscal year.

(D) REIMBURSEMENT OF SECRETARY.—The order shall require that the Secretary be reimbursed by the Board from assessments for all expenses incurred by the Secretary in the implementation, administration, and supervision of the order, including all referenda costs incurred in connection with the order.

(e) CONTRACTS AND AGREEMENTS.—

(1) IN GENERAL.—The order shall provide that, with the approval of the Secretary, the Board may—

(A) enter into contracts and agreements to carry out generic research, education, and promotion programs and projects relating to concrete masonry products, including contracts and agreements with manufacturer associations or other entities as considered appropriate by the Secretary;

(B) enter into contracts and agreements for administrative services; and

(C) pay the cost of approved generic research, education, and promotion programs and projects using assessments collected under section 1306, earnings obtained from assessments, and other income of the Board.

(2) REQUIREMENTS.—Each contract or agreement shall provide that any person who enters into the contract or agreement with the Board shall—

(A) develop and submit to the Board a proposed program or project together with a budget that specifies the cost to be incurred to carry out the program or project;

(B) keep accurate records of all transactions relating to the contract or agreement;

(C) account for funds received and expended in connection with the contract or agreement;

(D) make periodic reports to the Board of activities conducted under the contract or agreement; and

(E) make such other reports as the Board or the Secretary considers relevant.

(3) FAILURE TO APPROVE.—If the Secretary fails to approve or reject a contract or agreement entered into under paragraph (1) within 60 days of receipt, the contract or agreement shall be deemed approved, unless the Secretary provides to the Board and to Congress, in writing, reasonable justification for the delay and provides a reasonable date by which approval or disapproval will be made.

(f) BOOKS AND RECORDS OF BOARD.—

(1) IN GENERAL.—The order shall require the Board to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may require;

(B) collect and submit to the Secretary, at any time the Secretary may specify, any information the Secretary may request; and

(C) account for the receipt and disbursement of all funds in the possession, or under the control, of the Board.

(2) AUDITS.—The order shall require the Board to have—

(A) the books and records of the Board audited by an independent auditor at the end of each fiscal year; and

(B) a report of the audit submitted directly to the Secretary.

(g) PROHIBITED ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall not engage in any program or project to, nor shall any funds received by the Board under this division be used to—

(A) influence legislation, elections, or governmental action;

(B) engage in an action that would be a conflict of interest;

(C) engage in advertising that is false or misleading;

(D) engage in any promotion, research, or education that would be disparaging to other construction materials; or

(E) engage in any promotion or project that would benefit any individual manufacturer.

(2) EXCEPTIONS.—Paragraph (1) does not preclude—

(A) the development and recommendation of amendments to the order;

(B) the communication to appropriate government officials of information relating to the conduct, implementation, or results of research, education, and promotion activities under the order except communications described in paragraph (1)(A); or

(C) any lawful action designed to market concrete masonry products directly to a foreign government or political subdivision of a foreign government.

(h) PERIODIC EVALUATION.—The order shall require the Board to provide for the independent evaluation of all research, education, and promotion programs or projects undertaken under the order, beginning 5 years after the date of enactment of this Act and every 3 years thereafter. The Board shall submit to the Secretary and make available to the public the results of each such evaluation.

(i) OBJECTIVES.—The Board shall establish annual research, education, and promotion objectives and performance metrics for each fiscal year subject to approval by the Secretary.

(j) BIENNIAL REPORT.—Every 2 years the Board shall prepare and make publicly available a comprehensive and detailed report that includes an identification and description of all programs and projects undertaken by the Board during the previous 2 years as well as those planned for the subsequent 2 years and detail the allocation or planned allocation of Board resources for each such program or project. Such report shall also include—

(1) the overall financial condition of the Board;

(2) a summary of the amounts obligated or expended during the 2 preceding fiscal years; and

(3) a description of the extent to which the objectives of the Board were met according to the metrics required under subsection (i).

(k) BOOKS AND RECORDS OF PERSONS COVERED BY ORDER.—

(1) IN GENERAL.—The order shall require that manufacturers shall—

(A) maintain records sufficient to ensure compliance with the order and regulations; and

(B) make the records described in subparagraph (A) available, during normal business hours, for inspection by employees or agents of the Board or the Department.

(2) TIME REQUIREMENT.—Any record required to be maintained under paragraph (1) shall be maintained for such time period as the Secretary may prescribe.

(3) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, trade secrets and commercial or financial information that is privileged or confidential reported to, or otherwise obtained by the Board or the Secretary (or any representative of the Board or the Secretary) under this division shall not be disclosed by any officers, employees, and agents of the Department or the Board.

(B) SUITS AND HEARINGS.—Information referred to in subparagraph (A) may be disclosed only if—

(i) the Secretary considers the information relevant; and

(ii) the information is revealed in a judicial proceeding or administrative hearing brought at the direction or on the request of the Secretary or to which the Secretary or any officer of the Department is a party.

(C) GENERAL STATEMENTS AND PUBLICATIONS.—This paragraph does not prohibit—

(i) the issuance of general statements based on reports or on information relating to a number of persons subject to an order if the statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating any order and a statement of the particular provisions of the order violated by the person.

(D) PENALTY.—Any officer, employee, or agent of the Department of Commerce or any officer, employee, or agent of the Board who willfully violates this paragraph shall be fined not more than $1,000 and imprisoned for not more than 1 year, or both.

(4) WITHHOLDING INFORMATION.—This subsection does not authorize the withholding of information from Congress.

15 USC 8705.

SEC. 1306. ASSESSMENTS.

(a) ASSESSMENTS.—The order shall provide that assessments shall be paid by a manufacturer if the manufacturer has manufactured concrete masonry products during a period of at least 180 days prior to the date the assessment is to be remitted.

(b) COLLECTION.—

(1) IN GENERAL.—Assessments required under the order shall be remitted by the manufacturer to the Board in the manner prescribed by the order.

(2) TIMING.—The order shall provide that assessments required under the order shall be remitted to the Board not less frequently than quarterly.

(3) RECORDS.—As part of the remittance of assessments, manufacturers shall identify the total amount due in assessments on all sales receipts, invoices or other commercial documents of sale as a result of the sale of concrete masonry units in a manner as prescribed by the Board to ensure compliance with the order.

(c) ASSESSMENT RATES.—With respect to assessment rates, the order shall contain the following terms:

(1) INITIAL RATE.—The assessment rate on concrete masonry products shall be $0.01 per concrete masonry unit sold.

(2) CHANGES IN THE RATE.—

(A) AUTHORITY TO CHANGE RATE.—The Board shall have the authority to change the assessment rate. A two-thirds majority of voting members of the Board shall be required to approve a change in the assessment rate.

(B) LIMITATION ON INCREASES.—An increase or decrease in the assessment rate with respect to concrete masonry products may not exceed $0.01 per concrete masonry unit sold.

(C) MAXIMUM RATE.—The assessment rate shall not be in excess of $0.05 per concrete masonry unit.

(D) LIMITATION ON FREQUENCY OF CHANGES.—The assessment rate may not be increased or decreased more than once annually.

(d) LATE-PAYMENT AND INTEREST CHARGES.—

(1) IN GENERAL.—Late-payment and interest charges may be levied on each person subject to the order who fails to remit an assessment in accordance with subsection (b).

(2) RATE.—The rate for late-payment and interest charges shall be specified by the Secretary.

(e) INVESTMENT OF ASSESSMENTS.—Pending disbursement of assessments under a budget approved by the Secretary, the Board may invest assessments collected under this section in—

(1) obligations of the United States or any agency of the United States;

(2) general obligations of any State or any political subdivision of a State;

(3) interest-bearing accounts or certificates of deposit of financial institutions that are members of the Federal Reserve System; or

(4) obligations fully guaranteed as to principal and interest by the United States.

(f) ASSESSMENT FUNDS FOR REGIONAL INITIATIVES.—

(1) IN GENERAL.—The order shall provide that not less than 50 percent of the assessments (less administration expenses) paid by a manufacturer shall be used to support research, education, and promotion programs and projects in support of the geographic region of the manufacturer.

(2) GEOGRAPHIC REGIONS.—The order shall provide for the following geographic regions:

(A) Region I shall comprise Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(B) Region II shall comprise Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(C) Region III shall comprise Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

(D) Region IV shall comprise Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(E) Region V shall comprise Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

(3) ADJUSTMENT OF GEOGRAPHIC REGIONS.—The order shall provide that the Secretary may, upon recommendation of the Board, modify the composition of the geographic regions described in paragraph (2).

SEC. 1307. REFERENDA. 15 USC 8706.

(a) INITIAL REFERENDUM.—

(1) REFERENDUM REQUIRED.—During the 60-day period immediately preceding the proposed effective date of the order issued under section 1304, the Secretary shall conduct a referendum among manufacturers eligible under subsection (b)(2) subject to assessments under section 1306.

(2) APPROVAL OF ORDER NEEDED.—The order shall become effective only if the Secretary determines that the order has been approved by a majority of manufacturers voting who also represent a majority of the machine cavities in operation of those manufacturers voting in the referendum.

(b) VOTES PERMITTED.—

(1) IN GENERAL.—Each manufacturer eligible to vote in a referendum conducted under this section shall be entitled to cast 1 vote.

(2) ELIGIBILITY.—For purposes of paragraph (1), a manufacturer shall be considered to be eligible to vote if the manufacturer has manufactured concrete masonry products during a period of at least 180 days prior to the first day of the period during which voting in the referendum will occur.

(c) MANNER OF CONDUCTING REFERENDA.—

(1) IN GENERAL.—Referenda conducted pursuant to this section shall be conducted in a manner determined by the Secretary.

(2) ADVANCE REGISTRATION.—A manufacturer who chooses to vote in any referendum conducted under this section shall register with the Secretary prior to the voting period, after receiving notice from the Secretary concerning the referendum under paragraph (4).

(3) VOTING.—The Secretary shall establish procedures for voting in any referendum conducted under this section. The ballots and other information or reports that reveal or tend to reveal the identity or vote of voters shall be strictly confidential.

(4) NOTICE.—Not later than 30 days before a referendum is conducted under this section with respect to an order, the Secretary shall notify all manufacturers, in such a manner as determined by the Secretary, of the period during which voting in the referendum will occur. The notice shall explain any registration and voting procedures established under this subsection.

(d) SUBSEQUENT REFERENDA.—If an order is approved in a referendum conducted under subsection (a), the Secretary shall conduct a subsequent referendum—

(1) at the request of the Board, subject to the voting requirements of subsections (b) and (c), to ascertain whether eligible manufacturers favor suspension, termination, or continuance of the order; or

(2) effective beginning on the date that is 5 years after the date of the approval of the order, and at 5-year intervals thereafter, at the request of 25 percent or more of the total number of persons eligible to vote under subsection (b).

(e) SUSPENSION OR TERMINATION.—If, as a result of a referendum conducted under subsection (d), the Secretary determines that suspension or termination of the order is favored by a majority of all votes cast in the referendum as provided in subsection (a)(2), the Secretary shall—

(1) not later than 180 days after the referendum, suspend or terminate, as appropriate, collection of assessments under the order; and

(2) suspend or terminate, as appropriate, programs and projects under the order as soon as practicable and in an orderly manner.

(f) COSTS OF REFERENDA.—The Board established under an order with respect to which a referendum is conducted under this section shall reimburse the Secretary from assessments for any expenses incurred by the Secretary to conduct the referendum.

15 USC 8707.

SEC. 1308. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—A person subject to an order issued under this division may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order, is not established in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARING.—The Secretary shall give the petitioner an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition. The ruling shall be final, subject to review as set forth in subsection (b).

(4) LIMITATION ON PETITION.—Any petition filed under this subsection challenging an order, any provision of the order, or any obligation imposed in connection with the order, shall be filed not less than 2 years after the effective date of the order, provision, or obligation subject to challenge in the petition.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or conducts business shall have jurisdiction to review the ruling of the Secretary on the petition of the person, if a complaint requesting the review is filed no later than 30 days after the date of the entry of the ruling by the Secretary.

(2) PROCESS.—Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMANDS.—If the court in a proceeding under this subsection determines that the ruling of the Secretary on the petition of the person is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(c) ENFORCEMENT.—The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 1309.

SEC. 1309. ENFORCEMENT. 15 USC 8708.

(a) JURISDICTION.—A district court of the United States shall have jurisdiction to enforce, and to prevent and restrain any person from violating, this division or an order or regulation issued by the Secretary under this division.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General of the United States for appropriate action.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—A person who willfully violates an order or regulation issued by the Secretary under this division may be assessed by the Secretary a civil penalty of not more than $5,000 for each violation.

(2) SEPARATE OFFENSE.—Each violation and each day during which there is a failure to comply with an order or regulation issued by the Secretary shall be considered to be a separate offense.

(3) CEASE-AND-DESIST ORDERS.—In addition to, or in lieu of, a civil penalty, the Secretary may issue an order requiring a person to cease and desist from violating the order or regulation.

(4) NOTICE AND HEARING.—No order assessing a penalty or cease-and-desist order may be issued by the Secretary under this subsection unless the Secretary provides notice and an

opportunity for a hearing on the record with respect to the violation.

(5) FINALITY.—An order assessing a penalty or a cease-and-desist order issued under this subsection by the Secretary shall be final and conclusive unless the person against whom the order is issued files an appeal from the order with the appropriate district court of the United States.

(d) ADDITIONAL REMEDIES.—The remedies provided in this division shall be in addition to, and not exclusive of, other remedies that may be available.

15 USC 8709.

SEC. 1310. INVESTIGATION AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may conduct such investigations as the Secretary considers necessary for the effective administration of this division, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this division or any order or regulation issued under this division.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) INVESTIGATIONS.—For the purpose of conducting an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 1308(a)(2) or section 1309(c)(4), the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of the records may be required from any place in the United States.

(c) AID OF COURTS.—

(1) IN GENERAL.—In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b).

(2) ORDER.—The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) FAILURE TO OBEY.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) PROCESS.—Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business, or wherever the person may be found.

15 USC 8710.

SEC. 1311. SUSPENSION OR TERMINATION.

(a) MANDATORY SUSPENSION OR TERMINATION.—The Secretary shall suspend or terminate an order or a provision of an order if the Secretary finds that an order or provision of an order obstructs or does not tend to effectuate the purpose of this division, or if the Secretary determines that the order or a provision of an

order is not favored by a majority of all votes cast in the referendum as provided in section 1307(a)(2).

(b) IMPLEMENTATION OF SUSPENSION OR TERMINATION.—If, as a result of a referendum conducted under section 1307, the Secretary determines that the order is not approved, the Secretary shall—

(1) not later than 180 days after making the determination, suspend or terminate, as the case may be, collection of assessments under the order; and

(2) as soon as practicable, suspend or terminate, as the case may be, activities under the order in an orderly manner.

SEC. 1312. AMENDMENTS TO ORDERS. 15 USC 8711.

The provisions of this division applicable to the order shall be applicable to any amendment to the order, except that section 1308 shall not apply to an amendment.

SEC. 1313. EFFECT ON OTHER LAWS. 15 USC 8712.

This division shall not affect or preempt any other Federal or State law authorizing research, education, and promotion relating to concrete masonry products.

SEC. 1314. REGULATIONS. 15 USC 8713.

The Secretary may issue such regulations as may be necessary to carry out this division and the power vested in the Secretary under this division.

SEC. 1315. LIMITATION ON EXPENDITURES FOR ADMINISTRATIVE EXPENSES. 15 USC 8714.

Funds appropriated to carry out this division may not be used for the payment of the expenses or expenditures of the Board in administering the order.

SEC. 1316. LIMITATIONS ON OBLIGATION OF FUNDS. 15 USC 8715.

(a) IN GENERAL.—In each fiscal year of the covered period, the Board may not obligate an amount greater than the sum of—

(1) 73 percent of the amount of assessments estimated to be collected under section 1306 in such fiscal year;

(2) 73 percent of the amount of assessments actually collected under section 1306 in the most recent fiscal year for which an audit report has been submitted under section 1305(f)(2)(B) as of the beginning of the fiscal year for which the amount that may be obligated is being determined, less the estimate made pursuant to paragraph (1) for such most recent fiscal year; and

(3) amounts permitted in preceding fiscal years to be obligated pursuant to this subsection that have not been obligated.

(b) EXCESS AMOUNTS DEPOSITED IN ESCROW ACCOUNT.—Assessments collected under section 1306 in excess of the amount permitted to be obligated under subsection (a) in a fiscal year shall be deposited in an escrow account for the duration of the covered period.

(c) TREATMENT OF AMOUNTS IN ESCROW ACCOUNT.—During the covered period, the Board may not obligate, expend, or borrow against amounts required under subsection (b) to be deposited in the escrow account. Any interest earned on such amounts shall be deposited in the escrow account and shall be unavailable for obligation for the duration of the covered period.

(d) RELEASE OF AMOUNTS IN ESCROW ACCOUNT.—After the covered period, the Board may withdraw and obligate in any fiscal year an amount in the escrow account that does not exceed ⅕ of the amount in the escrow account on the last day of the covered period.

(e) SPECIAL RULE FOR ESTIMATES FOR PARTICULAR FISCAL YEARS.—

(1) RULE.—For purposes of subsection (a)(1), the amount of assessments estimated to be collected under section 1306 in a fiscal year specified in paragraph (2) shall be equal to 62 percent of the amount of assessments actually collected under such section in the most recent fiscal year for which an audit report has been submitted under section 1305(f)(2)(B) as of the beginning of the fiscal year for which the amount that may be obligated is being determined.

(2) FISCAL YEARS SPECIFIED.—The fiscal years specified in this paragraph are the 9th and 10th fiscal years that begin on or after the date of enactment of this Act.

(f) COVERED PERIOD DEFINED.—In this section, the term "covered period" means the period that begins on the date of enactment of this Act and ends on the last day of the 11th fiscal year that begins on or after such date of enactment.

15 USC 8716.

SEC. 1317. STUDY AND REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare a study, and not later than 8 years after the date of enactment of this Act, the Comptroller General shall submit to Congress and the Secretary a report, examining—

(1) how the Board spends assessments collected;

(2) the extent to which the reported activities of the Board help achieve the annual objectives of the Board;

(3) any changes in demand for concrete masonry products relative to other building materials;

(4) any impact of the activities of the Board on the market share of competing products;

(5) any impact of the activities of the Board on the overall size of the market for building products;

(6) any impact of the activities of the Board on the total number of concrete-masonry-related jobs, including manufacturing, sales, and installation;

(7) any significant effects of the activities of the Board on downstream purchasers of concrete masonry products and real property into which concrete masonry products are incorporated;

(8) effects on prices of concrete masonry products as a result of the activities of the Board;

(9) the cost to the Federal Government of an increase in concrete masonry product prices, if any, as a result of the program established by this division;

(10) the extent to which key statutory requirements are met;

(11) the extent and strength of Federal oversight of the program established by this division;

(12) the appropriateness of administering the program from within the Office of the Secretary of Commerce and the appropriateness of administering the program from within any division of the Department, including whether the Department has the expertise, knowledge, or other capabilities necessary to adequately administer the program; and

(13) any other topic that the Comptroller General considers appropriate.

SEC. 1318. STUDY AND REPORT BY THE DEPARTMENT OF COMMERCE. 15 USC 8717.

Not later than 3 years after the date of enactment of this Act, the Secretary shall prepare a study and submit to Congress a report examining the appropriateness and effectiveness of applying the commodity check-off program model (such as those programs established under the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411 et seq.)) to a non-agricultural industry, taking into account the program established by this division and any other check-off program involving a non-agricultural industry.

DIVISION F—BUILD ACT OF 2018

Better Utilization of Investments Leading to Development Act of 2018. 22 USC 9601 note.

SEC. 1401. SHORT TITLE.

This division may be cited as the "Better Utilization of Investments Leading to Development Act of 2018" or the "BUILD Act of 2018".

SEC. 1402. DEFINITIONS. 22 USC 9601.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) LESS DEVELOPED COUNTRY.—The term "less developed country" means a country with a low-income economy, lower-middle-income economy, or upper-middle-income economy, as defined by the International Bank for Reconstruction and Development and the International Development Association (collectively referred to as the "World Bank").

(3) PREDECESSOR AUTHORITY.—The term "predecessor authority" means authorities repealed by title VI.

(4) QUALIFYING SOVEREIGN ENTITY.—The term "qualifying sovereign entity" means—

(A) any agency or instrumentality of a foreign state (as defined in section 1603 of title 28, United States Code) that has a purpose that is similar to the purpose of the Corporation as described in section 1412(b); or

(B) any international financial institution (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))).

TITLE I—ESTABLISHMENT

22 USC 9611.

SEC. 1411. STATEMENT OF POLICY.

It is the policy of the United States to facilitate market-based private sector development and inclusive economic growth in less developed countries through the provision of credit, capital, and other financial support—

(1) to mobilize private capital in support of sustainable, broad-based economic growth, poverty reduction, and development through demand-driven partnerships with the private sector that further the foreign policy interests of the United States;

(2) to finance development that builds and strengthens civic institutions, promotes competition, and provides for public accountability and transparency;

(3) to help private sector actors overcome identifiable market gaps and inefficiencies without distorting markets;

(4) to achieve clearly defined economic and social development outcomes;

(5) to coordinate with institutions with purposes similar to the purposes of the Corporation to leverage resources of those institutions to produce the greatest impact;

(6) to provide countries a robust alternative to state-directed investments by authoritarian governments and United States strategic competitors using best practices with respect to transparency and environmental and social safeguards, and which take into account the debt sustainability of partner countries;

(7) to leverage private sector capabilities and innovative development tools to help countries transition from recipients of bilateral development assistance toward increased self-reliance; and

(8) to complement and be guided by overall United States foreign policy, development, and national security objectives, taking into account the priorities and needs of countries receiving support.

22 USC 9612.

SEC. 1412. UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.

(a) ESTABLISHMENT.—There is established in the executive branch the United States International Development Finance Corporation (in this division referred to as the "Corporation"), which shall be a wholly owned Government corporation for purposes of chapter 91 of title 31, United States Code, under the foreign policy guidance of the Secretary of State.

(b) PURPOSE.—The purpose of the Corporation shall be to mobilize and facilitate the participation of private sector capital and skills in the economic development of less developed countries, as described in subsection (c), and countries in transition from nonmarket to market economies, in order to complement the development assistance objectives, and advance the foreign policy interests, of the United States. In carrying out its purpose, the Corporation, utilizing broad criteria, shall take into account in its financing operations the economic and financial soundness and development objectives of projects for which it provides support under title II.

(c) LESS DEVELOPED COUNTRY FOCUS.—

(1) IN GENERAL.—The Corporation shall prioritize the provision of support under title II in less developed countries with a low-income economy or a lower-middle-income economy.

(2) SUPPORT IN UPPER-MIDDLE-INCOME COUNTRIES.—The Corporation shall restrict the provision of support under title II in a less developed country with an upper-middle-income economy unless—

(A) the President certifies to the appropriate congressional committees that such support furthers the national economic or foreign policy interests of the United States; and

(B) such support is designed to produce significant developmental outcomes or provide developmental benefits to the poorest population of that country.

SEC. 1413. MANAGEMENT OF CORPORATION.

22 USC 9613.

(a) STRUCTURE OF CORPORATION.—There shall be in the Corporation a Board of Directors (in this division referred to as the "Board"), a Chief Executive Officer, a Deputy Chief Executive Officer, a Chief Risk Officer, a Chief Development Officer, and such other officers as the Board may determine.

(b) BOARD OF DIRECTORS.—

(1) DUTIES.—All powers of the Corporation shall vest in and be exercised by or under the authority of the Board. The Board—

(A) shall perform the functions specified to be carried out by the Board in this division;

(B) may prescribe, amend, and repeal bylaws, rules, regulations, policies, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to the Corporation by law may be exercised; and

(C) shall develop, in consultation with stakeholders, other interested parties, and the appropriate congressional committees, a publicly available policy with respect to consultations, hearings, and other forms of engagement in order to provide for meaningful public participation in the Board's activities.

(2) MEMBERSHIP OF BOARD.—

(A) IN GENERAL.—The Board shall consist of—

(i) the Chief Executive Officer of the Corporation;

(ii) the officers specified in subparagraph (B); and

(iii) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(I) one individual should be appointed from among a list of at least 5 individuals submitted by the majority leader of the Senate after consultation with the chairman of the Committee on Foreign Relations of the Senate;

(II) one individual should be appointed from among a list of at least 5 individuals submitted by the minority leader of the Senate after consultation with the ranking member of the Committee on Foreign Relations of the Senate;

(III) one individual should be appointed from among a list of at least 5 individuals submitted by the Speaker of the House of Representatives after consultation with the chairman of the Committee on Foreign Affairs of the House of Representatives; and

(IV) one individual should be appointed from among a list of at least 5 individuals submitted by the minority leader of the House of Representatives after consultation with the ranking member of the Committee on Foreign Affairs of the House of Representatives.

(B) OFFICERS SPECIFIED.—

(i) IN GENERAL.—The officers specified in this subparagraph are the following:

(I) The Secretary of State or a designee of the Secretary.

(II) The Administrator of the United States Agency for International Development or a designee of the Administrator.

(III) The Secretary of the Treasury or a designee of the Secretary.

(IV) The Secretary of Commerce or a designee of the Secretary.

(ii) REQUIREMENTS FOR DESIGNEES.—A designee under clause (i) shall be selected from among officers—

(I) appointed by the President, by and with the advice and consent of the Senate;

(II) whose duties relate to the programs of the Corporation; and

(III) who is designated by and serving at the pleasure of the President.

(C) REQUIREMENTS FOR NONGOVERNMENT MEMBERS.—A member of the Board described in subparagraph (A)(iii)—

(i) may not be an officer or employee of the United States Government;

(ii) shall have relevant experience, which may include experience relating to the private sector, the environment, labor organizations, or international development, to carry out the purpose of the Corporation;

(iii) shall be appointed for a term of 3 years and may be reappointed for one additional term;

(iv) shall serve until the member's successor is appointed and confirmed;

(v) shall be compensated at a rate equivalent to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code, when engaged in the business of the Corporation; and

(vi) may be paid per diem in lieu of subsistence at the applicable rate under the Federal Travel Regulation under subtitle F of title 41, Code of Federal Regulations, from time to time, while away from the home or usual place of business of the member.

(3) CHAIRPERSON.—The Secretary of State, or the designee of the Secretary under paragraph (2)(B)(i)(I), shall serve as the Chairperson of the Board.

(4) VICE CHAIRPERSON.—The Administrator of the United States Agency for International Development, or the designee of the Administrator under paragraph (2)(B)(i)(II), shall serve as the Vice Chairperson of the Board.

(5) QUORUM.—Five members of the Board shall constitute a quorum for the transaction of business by the Board.

(c) PUBLIC HEARINGS.—The Board shall hold at least 2 public hearings each year in order to afford an opportunity for any person to present views with respect to whether—

(1) the Corporation is carrying out its activities in accordance with this division; and

(2) any support provided by the Corporation under title II in any country should be suspended, expanded, or extended.

(d) CHIEF EXECUTIVE OFFICER.—

(1) APPOINTMENT.—There shall be in the Corporation a Chief Executive Officer, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

(2) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Corporation and shall exercise the powers and discharge the duties of the Corporation subject to the bylaws, rules, regulations, and procedures established by the Board.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, United States International Development Finance Corporation.".

(e) DEPUTY CHIEF EXECUTIVE OFFICER.—There shall be in the Corporation a Deputy Chief Executive Officer, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

(f) CHIEF RISK OFFICER.—

(1) APPOINTMENT.—Subject to the approval of the Board, the Chief Executive Officer of the Corporation shall appoint a Chief Risk Officer, from among individuals with experience at a senior level in financial risk management, who—

(A) shall report directly to the Board; and

(B) shall be removable only by a majority vote of the Board.

(2) DUTIES.—The Chief Risk Officer shall, in coordination with the audit committee of the Board established under section 1441, develop, implement, and manage a comprehensive process for identifying, assessing, monitoring, and limiting risks to the Corporation, including the overall portfolio diversification of the Corporation.

(g) CHIEF DEVELOPMENT OFFICER.—

(1) APPOINTMENT.—Subject to the approval of the Board, the Chief Executive Officer, with the concurrence of the Administrator of the United States Agency for International Development, shall appoint a Chief Development Officer, from among individuals with experience in development, who—

(A) shall report directly to the Board; and

(B) shall be removable only by a majority vote of the Board.

(2) DUTIES.—The Chief Development Officer shall—

(A) coordinate the Corporation's development policies and implementation efforts with the United States Agency for International Development, the Millennium Challenge Corporation, and other relevant United States Government departments and agencies, including directly liaising with missions of the United States Agency for International Development, to ensure that departments, agencies, and missions have training, awareness, and access to the Corporation's tools in relation to development policy and projects in countries;

(B) under the guidance of the Chief Executive Officer, manage employees of the Corporation that are dedicated to structuring, monitoring, and evaluating transactions and projects co-designed with the United States Agency for International Development and other relevant United States Government departments and agencies;

(C) authorize and coordinate transfers of funds or other resources to and from such agencies, departments, or missions upon the concurrence of those institutions in support of the Corporation's projects or activities;

(D) manage the responsibilities of the Corporation under paragraphs (1) and (4) of section 1442(b) and paragraphs (1)(A) and (3)(A) of section 1443(b);

(E) coordinate and implement the activities of the Corporation under section 1445; and

(F) be an ex officio member of the Development Advisory Council established under subsection (i) and participate in or send a representative to each meeting of the Council.

(h) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this section, officers, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine.

(2) ADMINISTRATIVELY DETERMINED EMPLOYEES.—

(A) APPOINTMENT; COMPENSATION; REMOVAL.—Of officers and employees employed by the Corporation under paragraph (1), not more than 50 may be appointed, compensated, or removed without regard to title 5, United States Code.

(B) REINSTATEMENT.—Under such regulations as the President may prescribe, officers and employees appointed to a position under subparagraph (A) may be entitled, upon removal from such position (unless the removal was for cause), to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(C) ADDITIONAL POSITIONS.—Positions authorized by subparagraph (A) shall be in addition to those otherwise authorized by law, including positions authorized under section 5108 of title 5, United States Code.

(D) RATES OF PAY FOR OFFICERS AND EMPLOYEES.—The Corporation may set and adjust rates of basic pay for officers and employees appointed under subparagraph (A) without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code,

relating to classification of positions and General Schedule pay rates, respectively.

(3) LIABILITY OF EMPLOYEES.—

(A) IN GENERAL.—An individual who is a member of the Board or an officer or employee of the Corporation has no liability under this division with respect to any claim arising out of or resulting from any act or omission by the individual within the scope of the employment of the individual in connection with any transaction by the Corporation.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit personal liability of an individual for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other acts or omissions outside the scope of the individual's employment.

(C) CONFLICTS OF INTEREST.—The Corporation shall establish and publish procedures for avoiding conflicts of interest on the part of officers and employees of the Corporation and members of the Development Advisory Council established under subsection (i).

(D) SAVINGS PROVISION.—This paragraph shall not be construed—

(i) to affect—

(I) any other immunities and protections that may be available to an individual described in subparagraph (A) under applicable law with respect to a transaction described in that subparagraph; or

(II) any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than an individual described in subparagraph (A) participating in such a transaction; or

(ii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees not described in this paragraph.

(i) DEVELOPMENT ADVISORY COUNCIL.—

(1) IN GENERAL.—There is established a Development Advisory Council (in this subsection referred to as the "Council") to advise the Board on development objectives of the Corporation.

(2) MEMBERSHIP.—Members of the Council shall be appointed by the Board, on the recommendation of the Chief Executive Officer and the Chief Development Officer, and shall be composed of not more than 9 members broadly representative of nongovernmental organizations, think tanks, advocacy organizations, foundations, and other institutions engaged in international development.

(3) FUNCTIONS.—The Board shall call upon members of the Council, either collectively or individually, to advise the Board regarding the extent to which the Corporation is meeting its development mandate and any suggestions for improvements in with respect to meeting that mandate, including opportunities in countries and project development and implementation challenges and opportunities.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 1414. INSPECTOR GENERAL OF THE CORPORATION.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the United States International Development Finance Corporation," after "the Smithsonian Institution,".

(b) OVERSIGHT INDEPENDENCE.—Section 8G(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (H), by striking "; and" and inserting a semicolon;

(2) in subparagraph (I), by striking the semicolon and inserting "; and"; and

(3) by adding at the end the following:

"(J) with respect to the United States International Development Finance Corporation, such term means the Board of Directors of the United States International Development Finance Corporation;".

22 USC 9614.

SEC. 1415. INDEPENDENT ACCOUNTABILITY MECHANISM.

(a) IN GENERAL.—The Board shall establish a transparent and independent accountability mechanism.

(b) FUNCTIONS.—The independent accountability mechanism established pursuant to subsection (a) shall—

(1) annually evaluate and report to the Board and Congress regarding compliance with environmental, social, labor, human rights, and transparency standards, consistent with Corporation statutory mandates;

(2) provide a forum for resolving concerns regarding the impacts of specific Corporation-supported projects with respect to such standards; and

(3) provide advice regarding Corporation projects, policies, and practices.

TITLE II—AUTHORITIES

22 USC 9621.

SEC. 1421. AUTHORITIES RELATING TO PROVISION OF SUPPORT.

(a) IN GENERAL.—The authorities in this title shall only be exercised to—

(1) carry out of the policy of the United States in section 1411 and the purpose of the Corporation in section 1412;

(2) mitigate risks to United States taxpayers by sharing risks with the private sector and qualifying sovereign entities through co-financing and structuring of tools; and

(3) ensure that support provided under this title is additional to private sector resources by mobilizing private capital that would otherwise not be deployed without such support.

(b) LENDING AND GUARANTIES.—

(1) IN GENERAL.—The Corporation may make loans or guaranties upon such terms and conditions as the Corporation may determine.

(2) DENOMINATION.—Loans and guaranties issued under paragraph (1) may be denominated and repayable in United States dollars or foreign currencies. Foreign currency denominated loans and guaranties should only be provided if the

Board determines there is a substantive policy rationale for such loans and guaranties.

(3) APPLICABILITY OF FEDERAL CREDIT REFORM ACT OF 1990.—Loans and guaranties issued under paragraph (1) shall be subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(c) EQUITY INVESTMENTS.—

(1) IN GENERAL.—The Corporation may, as a minority investor, support projects with funds or use other mechanisms for the purpose of purchasing, and may make and fund commitments to purchase, invest in, make pledges in respect of, or otherwise acquire, equity or quasi-equity securities or shares or financial interests of any entity, including as a limited partner or other investor in investment funds, upon such terms and conditions as the Corporation may determine.

(2) DENOMINATION.—Support provided under paragraph (1) may be denominated and repayable in United States dollars or foreign currency. Foreign currency denominated support provided by paragraph (1) should only be provided if the Board determines there is a substantive policy rationale for such support.

(3) GUIDELINES AND CRITERIA.—The Corporation shall develop guidelines and criteria to require that the use of the authority provided by paragraph (1) with respect to a project has a clearly defined development and foreign policy purpose, taking into account the following objectives:

(A) The support for the project would be more likely than not to substantially reduce or overcome the effect of an identified market failure in the country in which the project is carried out.

(B) The project would not have proceeded or would have been substantially delayed without the support.

(C) The support would meaningfully contribute to transforming local conditions to promote the development of markets.

(D) The support can be shown to be aligned with commercial partner incentives.

(E) The support can be shown to have significant developmental impact and will contribute to long-term commercial sustainability.

(F) The support furthers the policy of the United States described in section 1411.

(4) LIMITATIONS ON EQUITY INVESTMENTS.—

(A) PER PROJECT LIMIT.—The aggregate amount of support provided under this subsection with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made to the project at the time that the Corporation approves support of the project.

(B) TOTAL LIMIT.—Support provided pursuant to this subsection shall be limited to not more than 35 percent of the Corporation's aggregate exposure on the date that such support is provided.

(5) SALES AND LIQUIDATION OF POSITION.—The Corporation shall seek to sell and liquidate any support for a project provided under this subsection as soon as commercially feasible, commensurate with other similar investors in the project and

taking into consideration the national security interests of the United States.

(6) TIMETABLE.—The Corporation shall create a project-specific timetable for support provided under paragraph (1).

(d) INSURANCE AND REINSURANCE.—The Corporation may issue insurance or reinsurance, upon such terms and conditions as the Corporation may determine, to private sector entities and qualifying sovereign entities assuring protection of their investments in whole or in part against any or all political risks such as currency inconvertibility and transfer restrictions, expropriation, war, terrorism, civil disturbance, breach of contract, or nonhonoring of financial obligations.

(e) PROMOTION OF AND SUPPORT FOR PRIVATE INVESTMENT OPPORTUNITIES.—

(1) IN GENERAL.—In order to carry out the purpose of the Corporation described in section 1412(b), the Corporation may initiate and support, through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, feasibility studies for the planning, development, and management of, and procurement for, potential bilateral and multilateral development projects eligible for support under this title, including training activities undertaken in connection with such projects, for the purpose of promoting investment in such projects and the identification, assessment, surveying, and promotion of private investment opportunities, utilizing wherever feasible and effective, the facilities of private investors.

(2) CONTRIBUTIONS TO COSTS.—The Corporation shall, to the maximum extent practicable, require any person receiving funds under the authorities of this subsection to—

(A) share the costs of feasibility studies and other project planning services funded under this subsection; and

(B) reimburse the Corporation those funds provided under this section, if the person succeeds in project implementation.

(f) SPECIAL PROJECTS AND PROGRAMS.—The Corporation may administer and manage special projects and programs in support of specific transactions undertaken by the Corporation, including programs of financial and advisory support that provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings, or intermediate financial and investment institutions or cooperatives, and including the initiation of incentives, grants, or studies for energy, women's economic empowerment, microenterprise households, or other small business activities.

(g) ENTERPRISE FUNDS.—

(1) IN GENERAL.—The Corporation may, following consultation with the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other relevant departments or agencies, establish and operate enterprise funds in accordance with this subsection.

(2) PRIVATE CHARACTER OF FUNDS.—Nothing in this section shall be construed to make an enterprise fund an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of an enterprise fund officers or employees of the United States for purposes of title 5, United States Code.

(3) PURPOSES FOR WHICH SUPPORT MAY BE PROVIDED.—The Corporation, subject to the approval of the Board, may designate private, nonprofit organizations as eligible to receive support under this title for the following purposes:

(A) To promote development of economic freedom and private sectors, including small- and medium-sized enterprises and joint ventures with the United States and host country participants.

(B) To facilitate access to credit to small- and medium-sized enterprises with sound business plans in countries where there is limited means of accessing credit on market terms.

(C) To promote policies and practices conducive to economic freedom and private sector development.

(D) To attract foreign direct investment capital to further promote private sector development and economic freedom.

(E) To complement the work of the United States Agency for International Development and other donors to improve the overall business-enabling environment, financing the creation and expansion of the private business sector.

(F) To make financially sustainable investments designed to generate measurable social benefits and build technical capacity in addition to financial returns.

(4) OPERATION OF FUNDS.—

(A) EXPENDITURES.—Funds made available to an enterprise fund shall be expended at the minimum rate necessary to make timely payments for projects and activities carried out under this subsection.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent per annum of the funds made available to an enterprise fund may be obligated or expended for the administrative expenses of the enterprise fund.

(5) BOARD OF DIRECTORS.—Each enterprise fund established under this subsection should be governed by a Board of Directors comprised of private citizens of the United States or the host country, who—

(A) shall be appointed by the President after consultation with the chairmen and ranking members of the appropriate congressional committees; and

(B) have pursued careers in international business and have demonstrated expertise in international and emerging market investment activities.

(6) MAJORITY MEMBER REQUIREMENT.—The majority of the members of the Board of Directors shall be United States citizens who shall have relevant experience relating to the purposes described in paragraph (3).

(7) REPORTS.—Not later than one year after the date of the establishment of an enterprise fund under this subsection, and annually thereafter until the enterprise fund terminates in accordance with paragraph (10), the Board of Directors of the enterprise fund shall—

(A) submit to the appropriate congressional committees a report—

(i) detailing the administrative expenses of the enterprise fund during the year preceding the submission of the report;

(ii) describing the operations, activities, engagement with civil society and relevant local private sector entities, development objectives and outcomes, financial condition, and accomplishments of the enterprise fund during that year;

(iii) describing the results of any audit conducted under paragraph (8); and

(iv) describing how audits conducted under paragraph (8) are informing the operations and activities of the enterprise fund; and

(B) publish, on a publicly available internet website of the enterprise fund, each report required by subparagraph (A).

(8) OVERSIGHT.—

(A) INSPECTOR GENERAL PERFORMANCE AUDITS.—

(i) IN GENERAL.—The Inspector General of the Corporation shall conduct periodic audits of the activities of each enterprise fund established under this subsection.

(ii) CONSIDERATION.—In conducting an audit under clause (i), the Inspector General shall assess whether the activities of the enterprise fund—

(I) support the purposes described in paragraph (3);

(II) result in profitable private sector investing; and

(III) generate measurable social benefits.

(B) RECORDKEEPING REQUIREMENTS.—The Corporation shall ensure that each enterprise fund receiving support under this subsection—

(i) keeps separate accounts with respect to such support; and

(ii) maintains such records as may be reasonably necessary to facilitate effective audits under this paragraph.

(9) RETURN OF FUNDS TO TREASURY.—Any funds resulting from any liquidation, dissolution, or winding up of an enterprise fund, in whole or in part, shall be returned to the Treasury of the United States.

(10) TERMINATION.—The authority of an enterprise fund to provide support under this subsection shall terminate on the earlier of—

(A) the date that is 10 years after the date of the first expenditure of amounts from the enterprise fund; or

(B) the date on which the enterprise fund is liquidated.

(h) SUPERVISION OF SUPPORT.—Support provided under this title shall be subject to section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(i) SMALL BUSINESS DEVELOPMENT.—

(1) IN GENERAL.—The Corporation shall undertake, in cooperation with appropriate departments, agencies, and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small businesses and cooperatives and other small United States

investors in the development of small private enterprise in less developed friendly countries or areas.

(2) OUTREACH TO MINORITY-OWNED AND WOMEN-OWNED BUSINESSES.—

(A) IN GENERAL.—The Corporation shall collect data on the involvement of minority- and women-owned businesses in projects supported by the Corporation, including—

(i) the amount of insurance and financing provided by the Corporation to such businesses in connection with projects supported by the Corporation; and

(ii) to the extent such information is available, the involvement of such businesses in procurement activities conducted or supported by the Corporation.

(B) INCLUSION IN ANNUAL REPORT.—The Corporation shall include, in its annual report submitted to Congress under section 1443, the aggregate data collected under this paragraph, in such form as to quantify the effectiveness of the Corporation's outreach activities to minority- and women-owned businesses.

SEC. 1422. TERMS AND CONDITIONS. 22 USC 9622.

(a) IN GENERAL.—Except as provided in subsection (b), support provided by the Corporation under this title shall be on such terms and conditions as the Corporation may prescribe.

(b) REQUIREMENTS.—The following requirements apply to support provided by the Corporation under this title:

(1) The Corporation shall provide support using authorities under this title only if it is necessary—

(A) to alleviate a credit market imperfection; or

(B) to achieve specified development or foreign policy objectives of the United States Government by providing support in the most efficient way to meet those objectives on a case-by-case basis.

(2) The final maturity of a loan made or guaranteed by the Corporation shall not exceed the lesser of—

(A) 25 years; or

(B) debt servicing capabilities of the project to be financed by the loan (as determined by the Corporation).

(3) The Corporation shall, with respect to providing any loan guaranty to a project, require the parties to the project to bear the risk of loss in an amount equal to at least 20 percent of the guaranteed support by the Corporation in the project.

(4) The Corporation may not make or guarantee a loan unless the Corporation determines that the borrower or lender is responsible and that adequate provision is made for servicing the loan on reasonable terms and protecting the financial interest of the United States.

(5) The interest rate for direct loans and interest supplements on guaranteed loans shall be set by reference to a benchmark interest rate (yield) on marketable Treasury securities or other widely recognized or appropriate benchmarks with a similar maturity to the loans being made or guaranteed, as determined in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury.

The Corporation shall establish appropriate minimum interest rates for loans, guaranties, and other instruments as necessary.

(6) The minimum interest rate for new loans as established by the Corporation shall be adjusted periodically to take account of changes in the interest rate of the benchmark financial instrument.

(7)(A) The Corporation shall set fees or premiums for support provided under this title at levels that minimize the cost to the Government while supporting achievement of the objectives of support.

(B) The Corporation shall review fees for loan guaranties periodically to ensure that the fees assessed on new loan guaranties are at a level sufficient to cover the Corporation's most recent estimates of its costs.

(8) Any loan guaranty provided by the Corporation shall be conclusive evidence that—

(A) the guaranty has been properly obtained;

(B) the loan qualified for the guaranty; and

(C) but for fraud or material misrepresentation by the holder of the guaranty, the guaranty is presumed to be valid, legal, and enforceable.

(9) The Corporation shall prescribe explicit standards for use in periodically assessing the credit risk of new and existing direct loans or guaranteed loans.

(10) The Corporation may not make loans or loan guaranties except to the extent that budget authority to cover the costs of the loans or guaranties is provided in advance in an appropriations Act, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(11) The Corporation shall rely upon specific standards to assess the developmental and strategic value of projects for which it provides support and should only provide the minimum level of support necessary in order to support such projects.

(12) Any loan or loan guaranty made by the Corporation should be provided on a senior basis or pari passu with other senior debt unless there is a substantive policy rationale to provide such support otherwise.

22 USC 9623.

SEC. 1423. PAYMENT OF LOSSES.

(a) PAYMENTS FOR DEFAULTS ON GUARANTEED LOANS.—

(1) IN GENERAL.—If the Corporation determines that the holder of a loan guaranteed by the Corporation suffers a loss as a result of a default by a borrower on the loan, the Corporation shall pay to the holder the percent of the loss, as specified in the guaranty contract, after the holder of the loan has made such further collection efforts and instituted such enforcement proceedings as the Corporation may require.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Corporation shall ensure the Corporation will be subrogated to all the rights of the recipient of the payment.

(3) RECOVERY EFFORTS.—The Corporation shall pursue recovery from the borrower of the amount of any payment made under paragraph (1) with respect to the loan.

(b) LIMITATION ON PAYMENTS.—

(1) IN GENERAL.—Except as provided by paragraph (2), compensation for insurance, reinsurance, or a guaranty issued under this title shall not exceed the dollar value of the tangible or intangible contributions or commitments made in the project, plus interest, earnings, or profits actually accrued on such contributions or commitments, to the extent provided by such insurance, reinsurance, or guaranty.

(2) EXCEPTION.—

(A) IN GENERAL.—The Corporation may provide that—

(i) appropriate adjustments in the insured dollar value be made to reflect the replacement cost of project assets; and

(ii) compensation for a claim of loss under insurance of an equity investment under section 1421 may be computed on the basis of the net book value attributable to the equity investment on the date of loss.

(3) ADDITIONAL LIMITATION.—

(A) IN GENERAL.—Notwithstanding paragraph (2)(A)(ii) and except as provided in subparagraph (B), the Corporation shall limit the amount of direct insurance and reinsurance issued under section 1421 with respect to a project so as to require that the insured and its affiliates bear the risk of loss for at least 10 percent of the amount of the Corporation's exposure to that insured and its affiliates in the project.

(B) EXCEPTION.—The limitation under subparagraph (A) shall not apply to direct insurance or reinsurance of loans provided by banks or other financial institutions to unrelated parties.

(c) ACTIONS BY ATTORNEY GENERAL.—The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States as a result of the issuance of any loan or guaranty under this title.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude any forbearance for the benefit of a borrower that may be agreed upon by the parties to a loan guaranteed by the Corporation if budget authority for any resulting costs to the United States Government (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) is available.

SEC. 1424. TERMINATION. 22 USC 9624.

(a) IN GENERAL.—The authorities provided under this title terminate on the date that is 7 years after the date of the enactment of this Act.

(b) TERMINATION OF CORPORATION.—The Corporation shall terminate on the date on which the portfolio of the Corporation is liquidated.

TITLE III—ADMINISTRATIVE AND GENERAL PROVISIONS

SEC. 1431. OPERATIONS. 22 USC 9631.

(a) BILATERAL AGREEMENTS.—The Corporation may provide support under title II in connection with projects in any country the government of which has entered into an agreement with the

United States authorizing the Corporation to provide such support in that country.

(b) CLAIMS SETTLEMENT.—

(1) IN GENERAL.—Claims arising as a result of support provided under title II or under predecessor authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine.

(2) SETTLEMENTS CONCLUSIVE.—Payment made pursuant to any settlement pursuant to paragraph (1), or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(c) PRESUMPTION OF COMPLIANCE.—Each contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this division.

(d) ELECTRONIC PAYMENTS AND DOCUMENTS.—The Corporation shall implement policies to accept electronic documents and electronic payments in all of its programs.

22 USC 9632.

SEC. 1432. CORPORATE POWERS.

(a) IN GENERAL.—The Corporation—

(1) may adopt, alter, and use a seal, to include an identifiable symbol of the United States;

(2) may make and perform such contracts, including no-cost contracts (as defined by the Corporation), grants, and other agreements notwithstanding division C of subtitle I of title 41, United States Code, with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(3) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation, except that, if the real property is for the Corporation's own occupancy, the lease, purchase, acquisition, improvement, or use of the real property shall be entered into or conducted in consultation with the Administrator of General Services;

(4) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the functions of the Corporation;

(5) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(6) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Director of the Office of Personnel Management;

(7) may hire or obtain passenger motor vehicles;

(8) may sue and be sued in its corporate name;

(9) may acquire, hold, or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest in such property, except that, in the case of real property that is for the Corporation's own occupancy, the acquisition, holding, or disposition of the real property shall be conducted in consultation with the Administrator of General Services;

(10) may lease office space for the Corporation's own use, with the obligation of amounts for such lease limited to the current fiscal year for which payments are due until the expiration of the current lease under predecessor authority, as of the day before the date of the enactment of this Act;

(11) may indemnify directors, officers, employees, and agents of the Corporation for liabilities and expenses incurred in connection with their activities on behalf of the Corporation;

(12) notwithstanding any other provision of law, may represent itself or contract for representation in any legal or arbitral proceeding;

(13) may exercise any priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates;

(14) may collect, notwithstanding section 3711(g)(1) of title 31, United States Code, or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation;

(15) may make arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions of such governments) or with multilateral organizations or institutions for sharing liabilities;

(16) may sell direct investments of the Corporation to private investors upon such terms and conditions as the Corporation may determine; and

(17) shall have such other powers as may be necessary and incident to carrying out the functions of the Corporation.

(b) TREATMENT OF PROPERTY.—Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Corporation shall have the right in its discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired by the Corporation pursuant to the provisions of this division, except that, in the case of real property that is for the Corporation's own occupancy, the completion, reconditioning, reconstruction, renovation, repair, maintenance, operation, or sale of the real property shall be conducted in consultation with the Administrator of General Services.

SEC. 1433. MAXIMUM CONTINGENT LIABILITY. 22 USC 9633.

The maximum contingent liability of the Corporation outstanding at any one time shall not exceed in the aggregate $60,000,000,000.

SEC. 1434. CORPORATE FUNDS. 22 USC 9634.

(a) CORPORATE CAPITAL ACCOUNT.—There is established in the Treasury of the United States a fund to be known as the "Corporate Capital Account" to carry out the purposes of the Corporation.

(b) FUNDING.—The Corporate Capital Account shall consist of—

(1) fees charged and collected pursuant to subsection (c);

(2) any amounts received pursuant to subsection (e);

(3) investments and returns on such investments pursuant to subsection (g);

(4) unexpended balances transferred to the Corporation pursuant to subsection (i);

(5) payments received in connection with settlements of all insurance and reinsurance claims of the Corporation; and

(6) all other collections transferred to or earned by the Corporation, excluding the cost, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guaranties.

(c) FEE AUTHORITY.—Fees may be charged and collected for providing services in amounts to be determined by the Corporation.

(d) USES.—

(1) IN GENERAL.—Subject to Acts making appropriations, the Corporation is authorized to pay—

(A) the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of loans and loan guaranties;

(B) administrative expenses of the Corporation;

(C) for the cost of providing support authorized by subsections (c), (e), (f), and (g) of section 1421;

(D) project-specific transaction costs.

(2) INCOME AND REVENUE.—In order to carry out the purposes of the Corporation, all collections transferred to or earned by the Corporation, excluding the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of loans and loan guaranties, shall be deposited into the Corporate Capital Account and shall be available to carry out its purpose, including without limitation—

(A) payment of all insurance and reinsurance claims of the Corporation;

(B) repayments to the Treasury of amounts borrowed under subsection (e); and

(C) dividend payments to the Treasury under subsection (f).

(e) FULL FAITH AND CREDIT.—

(1) IN GENERAL.—All support provided pursuant to predecessor authorities or title II shall continue to constitute obligations of the United States, and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations.

(2) AUTHORITY TO BORROW.—The Corporation is authorized to borrow from the Treasury such sums as may be necessary to fulfill such obligations of the United States and any such borrowing shall be at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States of comparable maturities, for a period jointly determined by the Corporation and the Secretary, and subject to such terms and conditions as the Secretary may require.

(f) DIVIDENDS.—The Board, in consultation with the Director of the Office of Management and Budget, shall annually assess a dividend payment to the Treasury if the Corporation's insurance portfolio is more than 100 percent reserved.

(g) INVESTMENT AUTHORITY.—

(1) IN GENERAL.—The Corporation may request the Secretary of the Treasury to invest such portion of the Corporate Capital Account as is not, in the Corporation's judgment, required to meet the current needs of the Corporate Capital Account.

(2) FORM OF INVESTMENTS.—Such investments shall be made by the Secretary of the Treasury in public debt obligations, with maturities suitable to the needs of the Corporate Capital Account, as determined by the Corporation, and bearing

interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(h) COLLECTIONS.—Interest earnings made pursuant to subsection (g), earnings collected related to equity investments, and amounts, excluding fees related to insurance or reinsurance, collected pursuant to subsection (c), shall not be collected for any fiscal year except to the extent provided in advance in appropriations Acts.

(i) TRANSFER FROM PREDECESSOR AGENCIES AND PROGRAMS.—By the end of the transition period described in title VI, the unexpended balances, assets, and responsibilities of any agency specified in the plan required by section 1462 shall be transferred to the Corporation.

(j) TRANSFER OF FUNDS.—In order to carry out this division, funds authorized to be appropriated to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may be transferred to the Corporation and funds authorized to be appropriated to the Corporation may be transferred to the Department of State and the United States Agency for International Development.

(k) DEFINITION.—In this section, the term "project-specific transaction costs"—

(1) means those costs incurred by the Corporation for travel, legal expenses, and direct and indirect costs incurred in claims settlements associated with the provision of support under title II and shall not be considered administrative expenses for the purposes of this section; and

(2) does not include information technology (as such term is defined in section 11101 of title 40, United States Code).

SEC. 1435. COORDINATION WITH OTHER DEVELOPMENT AGENCIES. 22 USC 9635.

It is the sense of Congress that the Corporation should use relevant data of the Department of State, the Millennium Challenge Corporation, the United States Agency for International Development, and other departments and agencies that have development functions to better inform the decisions of the Corporation with respect to providing support under title II.

TITLE IV—MONITORING, EVALUATION, AND REPORTING

SEC. 1441. ESTABLISHMENT OF RISK AND AUDIT COMMITTEES. 22 USC 9651.

(a) IN GENERAL.—To assist the Board to fulfill its duties and responsibilities under section 1421(a), the Corporation shall establish a risk committee and an audit committee.

(b) DUTIES AND RESPONSIBILITIES OF RISK COMMITTEE.—Subject to the direction of the Board, the risk committee established under subsection (a) shall have oversight responsibility of—

(1) formulating risk management policies of the operations of the Corporation;

(2) reviewing and providing guidance on operation of the Corporation's global risk management framework;

(3) developing policies for enterprise risk management, monitoring, and management of strategic, reputational, regulatory, operational, developmental, environmental, social, and financial risks;

(4) developing the risk profile of the Corporation, including a risk management and compliance framework and governance structure to support such framework; and

(5) developing policies and procedures for assessing, prior to providing, and for any period during which the Corporation provides, support to any foreign entities, whether such entities have in place sufficient enhanced due diligence policies and practices to prevent money laundering and corruption to ensure the Corporation does not provide support to persons that are—

(A) knowingly engaging in acts of corruption;

(B) knowingly providing material or financial support for terrorism, drug trafficking, or human trafficking; or

(C) responsible for ordering or otherwise directing serious or gross violations of human rights.

(c) DUTIES AND RESPONSIBILITIES OF AUDIT COMMITTEE.—Subject to the direction of the Board, the audit committee established under subsection (a) shall have the oversight responsibility of—

(1) the integrity of the Corporation's financial reporting and systems of internal controls regarding finance and accounting;

(2) the integrity of the Corporation's financial statements;

(3) the performance of the Corporation's internal audit function; and

(4) compliance with legal and regulatory requirements related to the finances of the Corporation.

22 USC 9652.

SEC. 1442. PERFORMANCE MEASURES, EVALUATION, AND LEARNING.

(a) IN GENERAL.—The Corporation shall develop a performance measurement system to evaluate and monitor projects supported by the Corporation under title II and to guide future projects of the Corporation.

(b) CONSIDERATIONS.—In developing the performance measurement system required by subsection (a), the Corporation shall—

(1) develop a successor for the development impact measurement system of the Overseas Private Investment Corporation (as such system was in effect on the day before the date of the enactment of this Act);

(2) develop a mechanism for ensuring that support provided by the Corporation under title II is in addition to private investment;

(3) develop standards for, and a method for ensuring, appropriate financial performance of the Corporation's portfolio; and

(4) develop standards for, and a method for ensuring, appropriate development performance of the Corporation's portfolio, including—

(A) measurement of the projected and ex post development impact of a project; and

(B) the information necessary to comply with section 1443.

(c) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—The Corporation shall make available to the public on a regular basis information about support provided by the Corporation under title II and performance metrics about such support on a country-by-country basis.

(d) CONSULTATION.—In developing the performance measurement system required by subsection (a), the Corporation shall consult with the Development Advisory Council established under section 1413(i) and other stakeholders and interested parties engaged in sustainable economic growth and development.

SEC. 1443. ANNUAL REPORT. 22 USC 9653.

(a) IN GENERAL.—After the end of each fiscal year, the Corporation shall submit to the appropriate congressional committees a complete and detailed report of its operations during that fiscal year, including an assessment of—

(1) the economic and social development impact, including with respect to matters described in subsections (d), (e), and (f) of section 1451, of projects supported by the Corporation under title II;

(2) the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and qualifying sovereign entities;

(3) the Corporation's institutional linkages with other relevant United States Government department and agencies, including efforts to strengthen such linkages; and

(4) the compliance of projects supported by the Corporation under title II with human rights, environmental, labor, and social policies, or other such related policies that govern the Corporation's support for projects, promulgated or otherwise administered by the Corporation.

(b) ELEMENTS.—Each annual report required by subsection (a) shall include analyses of the effects of projects supported by the Corporation under title II, including—

(1) reviews and analyses of—

(A) the desired development outcomes for projects and whether or not the Corporation is meeting the associated metrics, goals, and development objectives, including, to the extent practicable, in the years after conclusion of projects; and

(B) the effect of the Corporation's support on access to capital and ways in which the Corporation is addressing identifiable market gaps or inefficiencies and what impact, if any, such support has on access to credit for a specific project, country, or sector;

(2) an explanation of any partnership arrangement or cooperation with a qualifying sovereign entity in support of each project;

(3) projections of—

(A) development outcomes, and whether or not support for projects are meeting the associated performance measures, both during the start-up phase and over the duration of the support, and to the extent practicable, measures of such development outcomes should be on a gender-disaggregated basis, such as changes in employment, access to financial services, enterprise development and growth, and composition of executive boards and senior leadership of enterprises receiving support under title II; and

(B) the value of private sector assets brought to bear relative to the amount of support provided by the Corporation and the value of any other public sector support; and

(4) an assessment of the extent to which lessons learned from the monitoring and evaluation activities of the Corporation, and from annual reports from previous years compiled by the Corporation, have been applied to projects.

22 USC 9654.

SEC. 1444. PUBLICLY AVAILABLE PROJECT INFORMATION.

The Corporation shall—

(1) maintain a user-friendly, publicly available, machine-readable database with detailed project-level information, as appropriate and to the extent practicable, including a description of the support provided by the Corporation under title II, including, to the extent feasible, the information included in the report to Congress under section 1443 and project-level performance metrics; and

(2) include a clear link to information about each project supported by the Corporation under title II on the internet website of the Department of State, "ForeignAssistance.gov", or a successor website or other online publication.

22 USC 9655.

SEC. 1445. ENGAGEMENT WITH INVESTORS.

(a) IN GENERAL.—The Corporation, acting through the Chief Development Officer, shall, in cooperation with the Administrator of the United States Agency for International Development—

(1) develop a strategic relationship with private sector entities focused at the nexus of business opportunities and development priorities;

(2) engage such entities and reduce business risks primarily through direct transaction support and facilitating investment partnerships;

(3) develop and support tools, approaches, and intermediaries that can mobilize private finance at scale in the developing world;

(4) pursue highly developmental projects of all sizes, especially those that are small but designed for work in the most underdeveloped areas, including countries with chronic suffering as a result of extreme poverty, fragile institutions, or a history of violence; and

(5) pursue projects consistent with the policy of the United States described in section 1411 and the Joint Strategic Plan and the Mission Country Development Cooperation Strategies of the United States Agency for International Development.

(b) ASSISTANCE.—To achieve the goals described in subsection (a), the Corporation shall—

(1) develop risk mitigation tools;

(2) provide transaction structuring support for blended finance models;

(3) support intermediaries linking capital supply and demand;

(4) coordinate with other Federal agencies to support or accelerate transactions;

(5) convene financial, donor, civil society, and public sector partners around opportunities for private finance within development priorities;

(6) offer strategic planning and programming assistance to catalyze investment into priority sectors;

(7) provide transaction structuring support;

(8) deliver training and knowledge management tools for engaging private investors;

(9) partner with private sector entities that provide access to capital and expertise; and

(10) identify and screen new investment partners.

(c) TECHNICAL ASSISTANCE.—The Corporation shall coordinate with the United States Agency for International Development and other agencies and departments, as necessary, on projects and programs supported by the Corporation that include technical assistance.

SEC. 1446. NOTIFICATIONS TO BE PROVIDED BY THE CORPORATION. 22 USC 9656.

(a) IN GENERAL.—Not later than 15 days prior to the Corporation making a financial commitment associated with the provision of support under title II in an amount in excess of $10,000,000, the Chief Executive Officer of the Corporation shall submit to the appropriate congressional committees a report in writing that contains the information required by subsection (b).

(b) INFORMATION REQUIRED.—The information required by this subsection includes—

(1) the amount of each such financial commitment;

(2) an identification of the recipient or beneficiary; and

(3) a description of the project, activity, or asset and the development goal or purpose to be achieved by providing support by the Corporation.

(c) BILATERAL AGREEMENTS.—The Chief Executive Officer of the Corporation shall notify the appropriate congressional committees not later than 30 days after entering into a new bilateral agreement described in section 1431(a).

TITLE V—CONDITIONS, RESTRICTIONS, AND PROHIBITIONS

SEC. 1451. LIMITATIONS AND PREFERENCES. 22 USC 9671.

(a) LIMITATION ON SUPPORT FOR SINGLE ENTITY.—No entity receiving support from the Corporation under title II may receive more than an amount equal to 5 percent of the Corporation's maximum contingent liability authorized under section 1433.

(b) PREFERENCE FOR SUPPORT FOR PROJECTS SPONSORED BY UNITED STATES PERSONS.—

(1) IN GENERAL.—The Corporation should give preferential consideration to projects sponsored by or involving private sector entities that are United States persons.

(2) UNITED STATES PERSON DEFINED.—In this subsection, the term "United States person" means—

(A) a United States citizen; or

(B) an entity owned or controlled by an individual or individuals described in subparagraph (A).

(c) PREFERENCE FOR SUPPORT IN COUNTRIES IN COMPLIANCE WITH INTERNATIONAL TRADE OBLIGATIONS.—

(1) CONSULTATIONS WITH UNITED STATES TRADE REPRESENTATIVE.—Not less frequently than annually, the Corporation shall consult with the United States Trade Representative with respect to the status of countries eligible to receive support from the Corporation under title II and the compliance of those countries with their international trade obligations.

(2) PREFERENTIAL CONSIDERATION.—The Corporation shall give preferential consideration to providing support under title

II for projects in countries in compliance with or making substantial progress coming into compliance with their international trade obligations.

(d) WORKER RIGHTS.—

(1) IN GENERAL.—The Corporation shall only support projects under title II in countries that are taking steps to adopt and implement laws that extend internationally recognized worker rights (as defined in section 507 of the Trade Act of 1974 (19 U.S.C. 2467)) to workers in that country, including any designated zone in that country.

(2) REQUIRED CONTRACT LANGUAGE.—The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with persons receiving support under title II: "The person receiving support agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The person further agrees to observe applicable laws relating to a minimum age for employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to use forced labor or the worst forms of child labor (as defined in section 507 of the Trade Act of 1974 (19 U.S.C. 2467)). The person is not responsible under this paragraph for the actions of a foreign government.".

(e) IMPACT NOTIFICATION.—The Board shall not vote in favor of any project proposed to be supported by the Corporation under title II that is likely to have significant adverse environmental or social impacts that are sensitive, diverse, or unprecedented, unless—

(1) at least 60 days before the date of the vote, an environmental and social impact assessment or initial environmental and social audit, analyzing the environmental and social impacts of the proposed project and of alternatives to the proposed project, including mitigation measures, is completed;

(2) such assessment or audit has been made available to the public of the United States, locally affected groups in the country in which the project will be carried out, and nongovernmental organizations in that country; and

(3) the Corporation, applying best practices with respect to environmental and social safeguards, includes in any contract relating to the project provisions to ensure the mitigation of any such adverse environmental or social impacts.

(f) WOMEN'S ECONOMIC EMPOWERMENT.—In utilizing its authorities under title II, the Corporation shall consider the impacts of its support on women's economic opportunities and outcomes and shall prioritize the reduction of gender gaps and maximize development impact by working to improve women's economic opportunities.

(g) PREFERENCE FOR PROVISION OF SUPPORT IN COUNTRIES EMBRACING PRIVATE ENTERPRISE.—

(1) IN GENERAL.—The Corporation should give preferential consideration to projects for which support under title II may be provided in countries the governments of which have demonstrated consistent support for economic policies that promote

the development of private enterprise, both domestic and foreign, and maintaining the conditions that enable private enterprise to make a full contribution to the development of such countries, including—

(A) market-based economic policies;

(B) protection of private property rights;

(C) respect for the rule of law; and

(D) systems to combat corruption and bribery.

(2) SOURCES OF INFORMATION.—The Corporation should rely on both third-party indicators and United States Government information, such as the Department of State's Investment Climate Statements, the Department of Commerce's Country Commercial Guides, or the Millennium Challenge Corporation's Constraints Analysis, to assess whether countries meet the conditions described in paragraph (1).

(h) CONSIDERATION OF FOREIGN BOYCOTT PARTICIPATION.—In providing support for projects under title II, the Corporation shall consider, using information readily available, whether the project is sponsored by or substantially affiliated with any person taking or knowingly agreeing to take actions, or having taken or knowingly agreed to take actions within the past 3 years, which demonstrate or otherwise evidence intent to comply with, further, or support any boycott described in section 1773(a) of the Export Control Reform Act of 2018 (subtitle B of title XVII of Public Law 115–232).

(i) ENSURING OPPORTUNITIES FOR SMALL BUSINESSES IN FOREIGN DEVELOPMENT.—The Corporation shall, using broad criteria, make, to the maximum extent possible consistent with this division, efforts—

(1) to give preferential consideration in providing support under title II to projects sponsored by or involving small businesses; and

(2) to ensure that the proportion of projects sponsored by or involving United States small businesses, including women-, minority-, and veteran-owned small businesses, is not less than 50 percent of all projects for which the Corporation provides support and that involve United States persons.

SEC. 1452. ADDITIONALITY AND AVOIDANCE OF MARKET DISTORTION. 22 USC 9672.

(a) IN GENERAL.—Before the Corporation provides support for a project under title II, the Corporation shall ensure that private sector entities are afforded an opportunity to support the project.

(b) SAFEGUARDS, POLICIES, AND GUIDELINES.—The Corporation shall develop appropriate safeguards, policies, and guidelines to ensure that support provided by the Corporation under title II—

(1) supplements and encourages, but does not compete with, private sector support;

(2) operates according to internationally recognized best practices and standards with respect to ensuring the avoidance of market distorting government subsidies and the crowding out of private sector lending; and

(3) does not have a significant adverse impact on United States employment.

22 USC 9673.

SEC. 1453. PROHIBITION ON SUPPORT IN COUNTRIES THAT SUPPORT TERRORISM OR VIOLATE HUMAN RIGHTS AND WITH SANCTIONED PERSONS.

(a) IN GENERAL.—The Corporation is prohibited from providing support under title II for a government, or an entity owned or controlled by a government, if the Secretary of State has determined that the government—

(1) has repeatedly provided support for acts of international terrorism for purposes of—

(A) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (subtitle B of title XVII of Public Law 115–232);

(B) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(D) any other relevant provision of law; or

(2) has engaged in a consistent pattern of gross violations of internationally recognized human rights for purposes of section 116(a) or 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a) and 2304(a)(2)) or any other relevant provision of law.

(b) PROHIBITION ON SUPPORT OF SANCTIONED PERSONS.—The Corporation is prohibited from all dealings related to any project under title II prohibited under United States sanctions laws or regulations, including dealings with persons on the list of specially designated persons and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, except to the extent otherwise authorized by the Secretary of the Treasury or the Secretary of State.

(c) PROHIBITION ON SUPPORT OF ACTIVITIES SUBJECT TO SANCTIONS.—The Corporation shall require any person receiving support under title II to certify that the person, and any entity owned or controlled by the person, is in compliance with all United States sanctions laws and regulations.

22 USC 9674.

SEC. 1454. APPLICABILITY OF CERTAIN PROVISIONS OF LAW.

Subsections (g), (l), (m), and (n) of section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) shall apply with respect to the Corporation to the same extent and in the same manner as such subsections applied with respect to the Overseas Private Investment Corporation on the day before the date of the enactment of this Act.

TITLE VI—TRANSITIONAL PROVISIONS

22 USC 9681.

SEC. 1461. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" includes any entity, organizational unit, program, or function.

(2) TRANSITION PERIOD.—The term "transition period" means the period—

(A) beginning on the date of the enactment of this Act; and

(B) ending on the effective date of the reorganization plan required by section 1462(e).

SEC. 1462. REORGANIZATION PLAN. 22 USC 9682.

(a) SUBMISSION OF PLAN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan regarding the following:

(A) The transfer of agencies, personnel, assets, and obligations to the Corporation pursuant to this title.

(B) Any consolidation, reorganization, or streamlining of agencies transferred to the Corporation pursuant to this title.

(C) Any efficiencies or cost savings achieved or additional costs incurred as a result of the transfer of agencies, personnel, assets, and obligations to the Corporation pursuant to this title, including reductions in unnecessary or duplicative operations, assets, and personnel.

(2) CONSULTATION.—Not later than 15 days before the date on which the plan is transmitted pursuant to this subsection, the President shall consult with the appropriate congressional committees on such plan.

(b) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this division, such elements as the President deems appropriate, including the following:

(1) Identification of any functions of agencies transferred to the Corporation pursuant to this title that will not be transferred to the Corporation under the plan.

(2) Specification of the steps to be taken to organize the Corporation, including the delegation or assignment of functions transferred to the Corporation.

(3) Specification of the funds available to each agency that will be transferred to the Corporation as a result of transfers under the plan.

(4) Specification of the proposed allocations within the Corporation of unexpended funds transferred in connection with transfers under the plan.

(5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

(6) Specification of the number of authorized positions and personnel employed before the end of the transition period that will be transferred to the Corporation, including plans to mitigate the impact of such transfers on the United States Agency for International Development.

(c) REPORT ON COORDINATION.—

(1) IN GENERAL.—The transfer of functions authorized by this section may occur only after the President and Chief Executive Officer of the Overseas Private Investment Corporation and the Administrator of the United States Agency for International Development jointly submit to the Committee on Foreign Affairs and Committee on Appropriations of the House of Representatives and Committee on Foreign Relations and Committee on Appropriations of the Senate a report in writing that contains the information required by paragraph (2).

(2) INFORMATION REQUIRED.—The information required by this paragraph includes a description in detail of the procedures to be followed after the transfer of functions authorized by

this section have occurred to coordinate between the Corporation and the United States Agency for International Development in carrying out the functions so transferred.

(d) MODIFICATION OF PLAN.—The President shall consult with the appropriate congressional committees before making any material modification or revision to the plan before the plan becomes effective in accordance with subsection (e).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (c), shall become effective for an agency on the date specified in the plan (or the plan as modified pursuant to subsection (d)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

22 USC 9683.

SEC. 1463. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Effective at the end of the transition period, there shall be transferred to the Corporation the functions, personnel, assets, and liabilities of—

(1) the Overseas Private Investment Corporation, as in existence on the day before the date of the enactment of this Act; and

(2) the following elements of the United States Agency for International Development:

(A) The Development Credit Authority.

(B) The existing Legacy Credit portfolio under the Urban Environment Program and any other direct loan programs and non-Development Credit Authority guaranty programs authorized by the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or other predecessor Acts, as in existence on the date of the enactment of this Act, other than any sovereign loan guaranties.

(b) ADDITIONAL TRANSFER AUTHORITY.—Effective at the end of the transition period, there is authorized to be transferred to the Corporation, with the concurrence of the Administrator of the United States Agency for International Development, the functions, personnel, assets, and liabilities of the following elements of the United States Agency for International Development:

(1) The Office of Private Capital and Microenterprise.

(2) The enterprise funds.

(c) SOVEREIGN LOAN GUARANTY TRANSFER.—

(1) IN GENERAL.—Effective at the end of the transition period, there is authorized to be transferred to the Corporation or any other appropriate department or agency of the United States Government the loan accounts and the legal rights and responsibilities for the sovereign loan guaranty portfolio held by the United States Agency for International Development as in existence on the day before the date of the enactment of this Act.

(2) INCLUSION IN REORGANIZATION PLAN.—The President shall include in the reorganization plan submitted under section

1462 a description of the transfer authorized under paragraph (1).

(d) BILATERAL AGREEMENTS.—Any bilateral agreement of the United States in effect on the date of the enactment of this Act that serves as the basis for programs of the Overseas Private Investment Corporation and the Development Credit Authority shall be considered as satisfying the requirements of section 1431(a).

(e) TRANSITION.—During the transition period, the agencies specified in subsection (a) shall—

(1) continue to administer the assets and obligations of those agencies; and

(2) carry out such programs and activities authorized under this division as may be determined by the President.

SEC. 1464. TERMINATION OF OVERSEAS PRIVATE INVESTMENT CORPORATION AND OTHER SUPERCEDED AUTHORITIES. 22 USC 9684.

Effective at the end of the transition period—

(1) the Overseas Private Investment Corporation is terminated; and

(2) title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.) (other than subsections (g), (l), (m), and (n) of section 237 of that Act) is repealed. 22 USC 2191–2200b.

SEC. 1465. TRANSITIONAL AUTHORITIES. 22 USC 9685.

(a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until the transfer of an agency to the Corporation under section 1463, any official having authority over, or functions relating to, the agency on the day before the date of the enactment of this Act shall provide to the Corporation such assistance, including the use of personnel and assets, as the Corporation may request in preparing for the transfer and integration of the agency into the Corporation.

(b) SERVICES AND PERSONNEL.—During the transition period, upon the request of the Corporation, the head of any executive agency may, on a reimbursable or non-reimbursable basis, provide services or detail personnel to assist with the transition.

(c) ACTING OFFICIALS.—

(1) IN GENERAL.—During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this division to be appointed by and with such advice and consent, the President may designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer before the end of the transition period (and who continues in office) or immediately before such designation, to act in such office until the same is filled as provided in this division. While so acting, such officers shall receive compensation at the higher of—

(A) the rates provided by this division for the respective offices in which they act; or

(B) the rates provided for the offices held at the time of designation.

(2) RULE OF CONSTRUCTION.—Nothing in this division shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Corporation of any officer whose agency is transferred to the Corporation pursuant to this title and whose duties following such transfer are germane to those performed before such transfer.

(d) TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS, AND FUNCTIONS.—Upon the transfer of an agency to the Corporation under section 1463—

(1) the personnel, assets, and obligations held by or available in connection with the agency shall be transferred to the Corporation for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and in accordance with section 1531(a)(2) of title 31, United States Code; and

(2) the Corporation shall have all functions—

(A) relating to the agency that any other official could by law exercise in relation to the agency immediately before such transfer; and

(B) vested in the Corporation by this division or other law.

22 USC 9686.

SEC. 1466. SAVINGS PROVISIONS.

(a) COMPLETED ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—Completed administrative actions of an agency shall not be affected by the enactment of this Act or the transfer of such agency to the Corporation under section 1463, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) COMPLETED ADMINISTRATIVE ACTION DEFINED.—In this subsection, the term "completed administrative action" includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, policies, licenses, registrations, and privileges.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—Pending proceedings in an agency, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency to the Corporation, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred.

(2) ORDERS.—Orders issued in proceedings described in paragraph (1), and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this division had not been enacted or the agency had not been transferred, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) PENDING CIVIL ACTIONS.—Pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of an agency to the Corporation, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(d) REFERENCES.—References relating to an agency that is transferred to the Corporation under section 1463 in statutes,

Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the date of the enactment of this Act shall be deemed to refer, as appropriate, to the Corporation, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to such an agency immediately before the effective date of this division shall continue to apply following such transfer if they refer to the agency by name.

(e) EMPLOYMENT PROVISIONS.—

(1) REGULATIONS.—The Corporation may, in regulations prescribed jointly with the Director of the Office of Personnel Management, adopt the rules, procedures, terms, and conditions, established by statute, rule, or regulation before the date of the enactment of this Act, relating to employment in any agency transferred to the Corporation under section 1463.

(2) EFFECT OF TRANSFER ON CONDITIONS OF EMPLOYMENT.—Except as otherwise provided in this division, or under authority granted by this division, the transfer pursuant to this title of personnel shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(f) STATUTORY REPORTING REQUIREMENTS.—Any statutory reporting requirement that applied to an agency transferred to the Corporation under this title immediately before the date of the enactment of this Act shall continue to apply following that transfer if the statutory requirement refers to the agency by name.

SEC. 1467. OTHER TERMINATIONS. 22 USC 9687.

Except as otherwise provided in this division, whenever all the functions vested by law in any agency have been transferred pursuant to this title, each position and office the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, shall terminate.

SEC. 1468. INCIDENTAL TRANSFERS. 22 USC 9688.

The Director of the Office of Management and Budget, in consultation with the Corporation, is authorized and directed to make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director may determine necessary to accomplish the purposes of this division.

SEC. 1469. REFERENCE. 22 USC 9689.

With respect to any function transferred under this title (including under a reorganization plan under section 1462) and exercised on or after the date of the enactment of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Corporation or official or component of the Corporation to which that function is so transferred.

SEC. 1470. CONFORMING AMENDMENTS.

(a) EXEMPT PROGRAMS.—Section 255(g) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)) is

amended by striking "Overseas Private Investment Corporation, Noncredit Account (71–4184–0–3–151)." and inserting "United States International Development Finance Corporation.".

(b) EXECUTIVE SCHEDULE.—Title 5, United States Code, is amended—

(1) in section 5314, by striking "President, Overseas Private Investment Corporation.";

(2) in section 5315, by striking "Executive Vice President, Overseas Private Investment Corporation."; and

(3) in section 5316, by striking "Vice Presidents, Overseas Private Investment Corporation (3).".

(c) OFFICE OF INTERNATIONAL TRADE OF THE SMALL BUSINESS ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking "the President of the Overseas Private Investment Corporation, Director" and inserting "the Board of Directors of the United States International Development Finance Corporation, the Director"; and

(2) by striking "Overseas Private Investment Corporation" each place it appears and inserting "United States International Development Finance Corporation".

(d) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—Section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721) is amended by striking "Overseas Private Investment Corporation" each place it appears and inserting "United States International Development Finance Corporation".

(e) TRADE PROMOTION COORDINATING COMMITTEE.—Section 2312(d)(1)(K) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(d)(1)(K)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(f) INTERAGENCY TRADE DATA ADVISORY COMMITTEE.—Section 5402(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4902(b)) is amended by striking "the President of the Overseas Private Investment Corporation" and inserting "the Chief Executive Officer of the United States International Development Finance Corporation".

(g) MISUSE OF NAMES OF FEDERAL AGENCIES.—Section 709 of title 18, United States Code, is amended by striking "'Overseas Private Investment', 'Overseas Private Investment Corporation', or 'OPIC'," and inserting "'United States International Development Finance Corporation' or 'DFC'".

(h) ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES.—Section 701(c)(1)(A) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4421(c)(1)(A)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(i) INTERNSHIPS WITH INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.—Section 625 of the Higher Education Act of 1965 (20 U.S.C. 1131c(a)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(j) FOREIGN ASSISTANCE ACT OF 1961.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

22 USC 2151n.

(1) in section 116—

(A) in subsection (a), by inserting ", and no support may be provided under title II of the Better Utilization of Investments Leading to Development Act of 2018," after "this part";

(B) in the first subsection (b)—

(i) by inserting "or title II of the Better Utilization of Investments Leading to Development Act of 2018" after "this part";

(ii) by inserting "or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable," after "this Act";

(iii) by inserting "or support" after "the assistance"; and

(iv) by inserting "or support" after "such assistance" each place it appears;

(C) in the second subsection (b), by inserting "under this part, and no support may be provided under title II of the Better Utilization of Investments Leading to Development Act of 2018," after "provided"; and

(D) in subsection (c), by striking "under this part, the Administrator" and inserting "under this part, or support provided under title II of the Better Utilization of Investments Leading to Development Act of 2018, the Administrator, or the Chief Executive Officer of the United States International Development Finance Corporation, as applicable,";

(2) in section 449B(b)(2) (22 U.S.C. 2296b(b)(2)), by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation"; and

(3) in section 481(e)(4)(A) (22 U.S.C. 2291(e)(4)(A)), in the matter preceding clause (i), by striking "(including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation)" and inserting "(and any support under title II of the Better Utilization of Investments Leading to Development Act of 2018, relating to the United States International Development Finance Corporation)".

(k) ELECTRIFY AFRICA ACT OF 2015.—Sections 5 and 7 of the Electrify Africa Act of 2015 (Public Law 114–121; 22 U.S.C. 2293 note) are amended by striking "Overseas Private Investment Corporation" each place it appears and inserting "United States International Development Finance Corporation".

(l) FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note) is amended—

(1) in subparagraph (A), by striking "except for" and all that follows through "chapter 3" and insert "except for chapter 3";

(2) in subparagraph (C), by striking "and" at the end;

(3) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(E) the Better Utilization of Investments Leading to Development Act of 2018.".

(m) SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) PROGRAM.—The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.) is amended—

(1) in section 2(c) (22 U.S.C. 5401(c)), by striking paragraph (12) and inserting the following:

"(12) UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—Programs of the United States International Development Finance Corporation."; and

(2) in section 201 (22 U.S.C. 5421), by striking subsection (e) and inserting the following:

"(e) GRANTS TO ENTERPRISE FUNDS.—Funds appropriated to the President pursuant to subsection (b) shall be granted to the Enterprise Funds to carry out the purposes specified in subsection (a) and for the administrative expenses of each Enterprise Fund—

"(1) except as provided in paragraph (2), by the United States Agency for International Development; or

"(2) if the Enterprise Funds are transferred to the United States International Development Finance Corporation pursuant to section 1463(b) of the Better Utilization of Investments Leading to Development Act of 2018, by the Corporation.".

(n) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996.—Section 202(b)(2)(B)(iv) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6062(b)(2)(B)(iv)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(o) INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.—Section 405(a)(10) of the International Religious Freedom Act of 1998 (22 U.S.C. 6445(a)(10)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(p) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—Section 103(8)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)(A)) is amended in clause (viii) to read as follows:

"(viii) any support under title II of the Better Utilization of Investments Leading to Development Act of 2018 relating to the United States International Development Finance Corporation; and".

(q) TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.—Section 732(b) of the Global Environmental Protection Assistance Act of 1989 (22 U.S.C. 7902(b)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(r) EXPANDED NONMILITARY ASSISTANCE FOR UKRAINE.—Section 7(c)(3) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8926(c)(3)) is amended—

(1) in the paragraph heading, by striking "OVERSEAS PRIVATE INVESTMENT CORPORATION" and inserting "UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION";

(2) in the matter preceding subparagraph (A), by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation"; and

(3) in subparagraph (B), by striking "by eligible investors (as defined in section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198))".

(s) GLOBAL FOOD SECURITY ACT OF 2016.—Section 4(7) of the Global Food Security Act of 2016 (22 U.S.C. 9303(7)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(t) SENSE OF CONGRESS ON EUROPEAN AND EURASIAN ENERGY SECURITY.—Section 257(c)(2)(B) of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9546(c)(2)(B)) is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(u) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation".

(v) ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.—Title IX of the Energy Independence and Security Act of 2007 (42 U.S.C. 17321 et seq.) is amended—

(1) in section 914 (42 U.S.C. 17334)—

(A) in the section heading, by striking "**OVERSEAS PRIVATE INVESTMENT CORPORATION**" and inserting "**UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION**";

(B) in subsection (a), in the matter preceding paragraph (1), by striking "Overseas Private Investment Corporation" and inserting "United States International Development Finance Corporation"; and

(C) in subsection (b), in the matter preceding paragraph (1), by striking "Overseas Private Investment Corporation shall include in its annual report required under section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a)" and inserting "United States International Development Finance Corporation shall include in its annual report required under section 1443 of the Better Utilization of Investments Leading to Development Act of 2018"; and

(2) in section 916(a)(2)(I) (42 U.S.C. 17336(a)(2)(I)), by striking "Overseas Private Investment Corporation:" and inserting "United States International Development Finance Corporation;".

(w) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the transition period. 2 USC 905 note.

DIVISION G—SYRIA STUDY GROUP

SEC. 1501. SYRIA STUDY GROUP.

(a) ESTABLISHMENT.—There is established a working group to be known as the "Syria Study Group" (in this section referred to as the "Group").

(b) PURPOSE.—The purpose of the Group is to examine and make recommendations on the military and diplomatic strategy of the United States with respect to the conflict in Syria.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Group shall be composed of 12 members, none of whom may be members of Congress, who shall be appointed as follows:

(A) One member appointed by the chair of the Committee on Armed Services of the Senate.

(B) One member appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(C) One member appointed by the chair of the Committee on Foreign Relations of the Senate.

(D) One member appointed by the ranking minority member of the Committee on Foreign Relations of the Senate.

(E) One member appointed by the chair of the Committee on Armed Services of the House of Representatives.

(F) One member appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(G) One member appointed by the chair of the Committee on Foreign Affairs of the House of Representatives.

(H) One member appointed by the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(I) One member appointed by the majority leader of the Senate.

(J) One member appointed by the minority leader of the Senate.

(K) One member appointed by the Speaker of the House of Representatives.

(L) One member appointed by the minority leader of the House of Representatives.

(2) CO-CHAIRS.—

(A) Of the members of the Group, one co-chair shall be jointly designated by—

(i) the chairs of the Committee on Armed Services and the Committee on Foreign Relations of the Senate;

(ii) the chairs of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives;

(iii) the majority leader of the Senate; and

(iv) the Speaker of the House of Representatives.

(B) Of the members of the Group, one co-chair shall be jointly designated by—

(i) the ranking minority members of the Committee on Armed Services and the Committee on Foreign Relations of the Senate;

(ii) the ranking minority members of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives;

(iii) the minority leader of the Senate; and

(iv) the minority leader of the House of Representatives.

(3) PERIOD OF APPOINTMENT.—A member shall be appointed for the life of the Group.

(4) VACANCIES.—Any vacancy in the Group shall be filled in the same manner as the original appointment.

(d) DUTIES.—

(1) REVIEW.—The Group shall conduct a review on the current United States military and diplomatic strategy with respect to the conflict in Syria that includes a review of current

United States objectives in Syria and the desired end state in Syria.

(2) ASSESSMENT AND RECOMMENDATIONS.—The Group shall—

(A) conduct a comprehensive assessment of the current situation in Syria, the impact of such situation on neighboring countries, the resulting regional and geopolitical threats to the United States, and current military, diplomatic, and political efforts to achieve a stable Syria; and

(B) develop recommendations on the military and diplomatic strategy of the United States with respect to the conflict in Syria.

(e) COOPERATION OF UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—The Group shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of State, and the Director of National Intelligence in providing the Group with analyses, briefings, and other information necessary for the discharge of the duties of the Group under subsection (d).

(2) LIAISON.—The Secretary of Defense, the Secretary of State, and the Director of National Intelligence shall each designate at least one officer or employee of the Department of Defense, the Department of State, and the Office of the Director of National Intelligence, respectively, to serve as a liaison to the Group.

(3) FACILITATION.—The United States Institute of Peace shall take appropriate actions to facilitate the Group in the discharge of the duties of the Group under this section.

(f) REPORTS.—

(1) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Group shall submit to the President, the Secretary of Defense, the Committee on Armed Services and the Committee on Foreign Relations of the Senate, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, the majority and minority leaders of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that sets forth the findings, conclusions, and recommendations of the Group under this section.

(B) ELEMENTS.—The report required by subparagraph (A) shall include each of the following:

(i) An assessment of the current security, political, humanitarian, and economic situations in Syria.

(ii) An assessment of the current participation and objectives of the various external actors in Syria.

(iii) An assessment of the consequences of continued conflict in Syria.

(iv) Recommendations for a resolution to the conflict in Syria, including—

(I) options for a gradual political transition to a post-Assad Syria; and

(II) actions necessary for reconciliation.

(v) A roadmap for a United States and coalition strategy to reestablish security and governance in

Syria, including recommendations for the synchronization of stabilization, development, counterterrorism, and reconstruction efforts.

(vi) Any other matter with respect to the conflict in Syria that the Group considers to be appropriate.

(2) INTERIM REPORT.—Not later than 90 days after the date of enactment of this section, the Group shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, the majority and minority leaders of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that describes the status of the review and assessment under subsection (d) and any interim recommendations developed by the Group as of the date of the briefing.

(3) FORM OF REPORT.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(g) TERMINATION.—The Group shall terminate on the date that is 180 days after the date on which the Group submits the report required by subsection (f)(1).

Preventing Emerging Threats Act of 2018.

DIVISION H—PREVENTING EMERGING THREATS

6 USC 101 note.

SEC. 1601. SHORT TITLE.

This division may be cited as the "Preventing Emerging Threats Act of 2018".

SEC. 1602. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

6 USC 124n.

"SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

"(a) AUTHORITY.—Notwithstanding section 46502 of title 49, United States Code, or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, United States Code, the Secretary and the Attorney General may, for their respective Departments, take, and may authorize personnel with assigned duties that include the security or protection of people, facilities, or assets, to take such actions as are described in subsection (b)(1) that are necessary to mitigate a credible threat (as defined by the Secretary or the Attorney General, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

"(b) ACTIONS DESCRIBED.—

"(1) IN GENERAL.—The actions authorized in subsection (a) are the following:

"(A) During the operation of the unmanned aircraft system, detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of

a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

"(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

"(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

"(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

"(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

"(F) Use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

"(2) REQUIRED COORDINATION.—The Secretary and the Attorney General shall develop for their respective Departments the actions described in paragraph (1) in coordination with the Secretary of Transportation.

"(3) RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Secretary and the Attorney General shall conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine its capability and utility prior to the use of any such technology for any action described in subsection (b)(1).

"(4) COORDINATION.—The Secretary and the Attorney General shall coordinate with the Administrator of the Federal Aviation Administration when any action authorized by this section might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of the airspace.

"(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary or the Attorney General is subject to forfeiture to the United States.

"(d) REGULATIONS AND GUIDANCE.—

"(1) IN GENERAL.—The Secretary, the Attorney General, and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary or the Attorney General to carry out this section.

"(2) COORDINATION.—

"(A) COORDINATION WITH DEPARTMENT OF TRANSPORTATION.—The Secretary and the Attorney General shall coordinate the development of their respective guidance under paragraph (1) with the Secretary of Transportation.

"(B) EFFECT ON AVIATION SAFETY.—The Secretary and the Attorney General shall respectively coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance, or otherwise implementing this section, if such guidance or implementation might affect aviation safety,

civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.

"(e) PRIVACY PROTECTION.—The regulations or guidance issued to carry out actions authorized under subsection (b) by each Secretary or the Attorney General, as the case may be, shall ensure that—

"(1) the interception or acquisition of, or access to, or maintenance or use of, communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and applicable provisions of Federal law;

"(2) communications to or from an unmanned aircraft system are intercepted or acquired only to the extent necessary to support an action described in subsection (b)(1);

"(3) records of such communications are maintained only for as long as necessary, and in no event for more than 180 days, unless the Secretary of Homeland Security or the Attorney General determine that maintenance of such records is necessary to investigate or prosecute a violation of law, directly support an ongoing security operation, is required under Federal law, or for the purpose of any litigation;

"(4) such communications are not disclosed outside the Department of Homeland Security or the Department of Justice unless the disclosure—

"(A) is necessary to investigate or prosecute a violation of law;

"(B) would support the Department of Defense, a Federal law enforcement agency, or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to an action described in subsection (b)(1);

"(C) is between the Department of Homeland Security and the Department of Justice in the course of a security or protection operation of either agency or a joint operation of such agencies; or

"(D) is otherwise required by law; and

"(5) to the extent necessary, the Department of Homeland Security and the Department of Justice are authorized to share threat information, which shall not include communications referred to in subsection (b), with State, local, territorial, or tribal law enforcement agencies in the course of a security or protection operation.

"(f) BUDGET.—The Secretary and the Attorney General shall submit to Congress, as a part of the homeland security or justice budget materials for each fiscal year after fiscal year 2019, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Department of Homeland Security or the Department of Justice. The funding display shall be in unclassified form, but may contain a classified annex.

"(g) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

"(1) IN GENERAL.—On a semiannual basis during the period beginning 6 months after the date of enactment of this section and ending on the date specified in subsection (i), the Secretary and the Attorney General shall, respectively, provide a briefing

to the appropriate congressional committees on the activities carried out pursuant to this section.

"(2) REQUIREMENT.—Each briefing required under paragraph (1) shall be conducted jointly with the Secretary of Transportation.

"(3) CONTENT.—Each briefing required under paragraph (1) shall include—

"(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;

"(B) a description of instances in which actions described in subsection (b)(1) have been taken, including all such instances that may have resulted in harm, damage, or loss to a person or to private property;

"(C) a description of the guidance, policies, or procedures established to address privacy, civil rights, and civil liberties issues implicated by the actions allowed under this section, as well as any changes or subsequent efforts that would significantly affect privacy, civil rights or civil liberties;

"(D) a description of options considered and steps taken to mitigate any identified impacts to the national airspace system related to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (b)(1);

"(E) a description of instances in which communications intercepted or acquired during the course of operations of an unmanned aircraft system were held for more than 180 days or shared outside of the Department of Justice or the Department of Homeland Security;

"(F) how the Secretary, the Attorney General, and the Secretary of Transportation have informed the public as to the possible use of authorities under this section;

"(G) how the Secretary, the Attorney General, and the Secretary of Transportation have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.

"(4) UNCLASSIFIED FORM.—Each briefing required under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

"(5) NOTIFICATION.—Within 30 days of deploying any new technology to carry out the actions described in subsection (b)(1), the Secretary and the Attorney General shall, respectively, submit a notification to the appropriate congressional committees. Such notification shall include a description of options considered to mitigate any identified impacts to the national airspace system related to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (b)(1).

"(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

"(1) vest in the Secretary or the Attorney General any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration;

"(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary or the Attorney General;

"(3) vest in the Secretary of Homeland Security any authority of the Attorney General;

"(4) vest in the Attorney General any authority of the Secretary of Homeland Security; or

"(5) provide a new basis of liability for any State, local, territorial, or tribal law enforcement officers who participate in the protection of a mass gathering identified by the Secretary or Attorney General under subsection (k)(3)(C)(iii)(II), act within the scope of their authority, and do not exercise the authority granted to the Secretary and Attorney General by this section.

"(i) TERMINATION.—The authority to carry out this section with respect to a covered facility or asset specified in subsection (k)(3) shall terminate on the date that is 4 years after the date of enactment of this section.

"(j) SCOPE OF AUTHORITY.—Nothing in this section shall be construed to provide the Secretary or the Attorney General with additional authorities beyond those described in subsections (a) and (k)(3)(C)(iii).

"(k) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate; and

"(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives.

"(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(3) The term 'covered facility or asset' means any facility or asset that—

"(A) is identified as high-risk and a potential target for unlawful unmanned aircraft activity by the Secretary or the Attorney General, in coordination with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section (except that in the case of the missions described in subparagraph (C)(i)(II) and (C)(iii)(I), such missions shall be presumed to be for the protection of a facility or asset that is assessed to be high-risk and a potential target for unlawful unmanned aircraft activity);

"(B) is located in the United States (including the territories and possessions, territorial seas or navigable waters of the United States); and

"(C) directly relates to one or more—

"(i) missions authorized to be performed by the Department of Homeland Security, consistent with governing statutes, regulations, and orders issued by the Secretary, pertaining to—

"(I) security or protection functions of the U.S. Customs and Border Protection, including securing or protecting facilities, aircraft, and vessels, whether moored or underway;

"(II) United States Secret Service protection operations pursuant to sections 3056(a) and 3056A(a) of title 18, United States Code, and the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

"(III) protection of facilities pursuant to section 1315(a) of title 40, United States Code;

"(ii) missions authorized to be performed by the Department of Justice, consistent with governing statutes, regulations, and orders issued by the Attorney General, pertaining to—

"(I) personal protection operations by—

"(aa) the Federal Bureau of Investigation as specified in section 533 of title 28, United States Code; and

"(bb) the United States Marshals Service of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice, as specified in section 566(e)(1)(A) of title 28, United States Code;

"(II) protection of penal, detention, and correctional facilities and operations conducted by the Federal Bureau of Prisons; or

"(III) protection of the buildings and grounds leased, owned, or operated by or for the Department of Justice, and the provision of security for Federal courts, as specified in section 566(a) of title 28, United States Code;

"(iii) missions authorized to be performed by the Department of Homeland Security or the Department of Justice, acting together or separately, consistent with governing statutes, regulations, and orders issued by the Secretary or the Attorney General, respectively, pertaining to—

"(I) protection of a National Special Security Event and Special Event Assessment Rating event;

"(II) the provision of support to State, local, territorial, or tribal law enforcement, upon request of the chief executive officer of the State or territory, to ensure protection of people and property at mass gatherings, that is limited to a specified timeframe and location, within available resources, and without delegating any authority under this section to State, local, territorial, or tribal law enforcement; or

"(III) protection of an active Federal law enforcement investigation, emergency response, or security function, that is limited to a specified timeframe and location; and

"(iv) missions authorized to be performed by the United States Coast Guard, including those described in clause (iii) as directed by the Secretary, and as further set forth in section 104 of title 14, United

States Code, and consistent with governing statutes, regulations, and orders issued by the Secretary of the Department in which the Coast Guard is operating.

"(4) The terms 'electronic communication', 'intercept', 'oral communication', and 'wire communication' have the meaning given those terms in section 2510 of title 18, United States Code.

"(5) The term 'homeland security or justice budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary and the Attorney General in support of the budget for that fiscal year.

"(6) For purposes of subsection (a), the term 'personnel' means officers and employees of the Department of Homeland Security or the Department of Justice.

"(7) The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801, of title 49, United States Code.

"(8) For purposes of this section, the term 'risk-based assessment' includes an evaluation of threat information specific to a covered facility or asset and, with respect to potential impacts on the safety and efficiency of the national airspace system and the needs of law enforcement and national security at each covered facility or asset identified by the Secretary or the Attorney General, respectively, of each of the following factors:

"(A) Potential impacts to safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems, aviation safety, airport operations, infrastructure, and air navigation services related to the use of any system or technology for carrying out the actions described in subsection (b)(1).

"(B) Options for mitigating any identified impacts to the national airspace system related to the use of any system or technology, including minimizing when possible the use of any technology which disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (b)(1).

"(C) Potential consequences of the impacts of any actions taken under subsection (b)(1) to the national airspace system and infrastructure if not mitigated.

"(D) The ability to provide reasonable advance notice to aircraft operators consistent with the safety of the national airspace system and the needs of law enforcement and national security.

"(E) The setting and character of any covered facility or asset, including whether it is located in a populated area or near other structures, whether the facility is open to the public, whether the facility is also used for nongovernmental functions, and any potential for interference with wireless communications or for injury or damage to persons or property.

"(F) The setting, character, timeframe, and national airspace system impacts of National Special Security Event and Special Event Assessment Rating events.

"(G) Potential consequences to national security, public safety, or law enforcement if threats posed by unmanned aircraft systems are not mitigated or defeated.

"(l) DEPARTMENT OF HOMELAND SECURITY ASSESSMENT.—

"(1) REPORT.—Not later than 1 year after the date of the enactment of this section, the Secretary shall conduct, in coordination with the Attorney General and the Secretary of Transportation, an assessment to the appropriate congressional committees, including—

"(A) an evaluation of the threat from unmanned aircraft systems to United States critical infrastructure (as defined in this Act) and to domestic large hub airports (as defined in section 40102 of title 49, United States Code);

"(B) an evaluation of current Federal and State, local, territorial, or tribal law enforcement authorities to counter the threat identified in subparagraph (A), and recommendations, if any, for potential changes to existing authorities to allow State, local, territorial, and tribal law enforcement to assist Federal law enforcement to counter the threat where appropriate;

"(C) an evaluation of the knowledge of, efficiency of, and effectiveness of current procedures and resources available to owners of critical infrastructure and domestic large hub airports when they believe a threat from unmanned aircraft systems is present and what additional actions, if any, the Department of Homeland Security or the Department of Transportation could implement under existing authorities to assist these entities to counter the threat identified in subparagraph (A);

"(D) an assessment of what, if any, additional authorities are needed by each Department and law enforcement to counter the threat identified in subparagraph (A); and

"(E) an assessment of what, if any, additional research and development the Department needs to counter the threat identified in subparagraph (A).

"(2) UNCLASSIFIED FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 210F the following:

"Sec. 210G. Protection of certain facilities and assets from unmanned aircraft.".

SEC. 1603. PROTECTING AGAINST UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 103 the following:

"§ 104. Protecting against unmanned aircraft

14 USC 104.

"For the purposes of section 210G(k)(3)(C)(iv) of the Homeland Security Act of 2002, the missions authorized to be performed by the United States Coast Guard shall be those related to—

"(1) functions of the U.S. Coast Guard relating to security or protection of facilities and assets assessed to be high-risk and a potential target for unlawful unmanned aircraft activity, including the security and protection of—

"(A) a facility, including a facility that is under the administrative control of the Commandant; and

"(B) a vessel (whether moored or underway) or an aircraft, including a vessel or aircraft—

"(i) that is operated by the Coast Guard, or that the Coast Guard is assisting or escorting; and

"(ii) that is directly involved in a mission of the Coast Guard pertaining to—

"(I) assisting or escorting a vessel of the Department of Defense;

"(II) assisting or escorting a vessel of national security significance, a high interest vessel, a high capacity passenger vessel, or a high value unit, as those terms are defined by the Secretary;

"(III) section 91(a) of this title;

"(IV) assistance in protecting the President or the Vice President (or other officer next in order of succession to the Office of the President) pursuant to the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

"(V) protection of a National Special Security Event and Special Event Assessment Rating events;

"(VI) air defense of the United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system; or

"(VII) a search and rescue operation; and

"(2) missions directed by the Secretary pursuant to 210G(k)(3)(C)(iii) of the Homeland Security Act of 2002.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 103 the following:

14 USC prec. 81.

"104. Protecting against unmanned aircraft.".

Supplemental Appropriations for Disaster Relief Act, 2018.

DIVISION I—SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF, 2018

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2018, and for other purposes, namely:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Community Development Fund", $1,680,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further,* That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency

Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That of the amounts made available under this heading, up to $2,500,000 may be transferred, in aggregate, to "Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development" for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the amount designated under this heading as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress.

SEC. 1701. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

This division may be cited as the "Supplemental Appropriations for Disaster Relief Act, 2018".

DIVISION J—MARITIME SECURITY

Maritime Security Improvement Act of 2018.
46 USC 101 note.

SEC. 1801. SHORT TITLE.

This division may be cited as the "Maritime Security Improvement Act of 2018".

SEC. 1802. DEFINITIONS.

46 USC 70102 note.

In this division:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

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

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

(D) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) TSA.—The term "TSA" means the Transportation Security Administration.

SEC. 1803. COORDINATION WITH TSA ON MARITIME FACILITIES.

46 USC 70102 note.

The Secretary of Homeland Security shall—

(1) provide the Administrator of the TSA with updates to vulnerability assessments required under section 70102(b)(3) of title 46, United States Code, to avoid any duplication of effort between the Coast Guard and the TSA; and

(2) identify any security gaps between authorities of operating entities within the Department of Homeland Security that a threat could exploit to cause a transportation security incident (as defined in section 70101 of title 46, United States Code).

SEC. 1804. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

Section 201 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 941) is amended—

(1) in subsection (a), by striking "as appropriate" and inserting "triennially"; and

(2) in subsection (g)—

(A) in the heading, by striking "REPORT" and inserting "REPORTS"; and

(B) by amending paragraph (2) to read as follows:

"(2) UPDATES.—Not later than 270 days after the date of enactment of the Maritime Security Improvement Act of 2018 and triennially thereafter, the Secretary shall submit to the appropriate congressional committees a report that contains any updates to the strategic plan under subsection (a) since the prior report.".

SEC. 1805. CYBERSECURITY INFORMATION SHARING AND COORDINATION IN PORTS.

(a) MARITIME CYBERSECURITY RISK ASSESSMENT MODEL.—The Secretary of Homeland Security, through the Commandant of the Coast Guard and the Under Secretary responsible for overseeing the critical infrastructure protection, cybersecurity, and other related programs of the Department of Homeland Security, shall— 46 USC 70112 note.

(1) not later than 1 year after the date of enactment of this Act, coordinate with the National Maritime Security Advisory Committee, the Area Maritime Security Advisory Committees, and other maritime stakeholders, as necessary, to develop and implement a maritime cybersecurity risk assessment model, consistent with the activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)), to evaluate current and future cybersecurity risks that have the potential to affect the marine transportation system or that would cause a transportation security incident (as defined in section 70101 of title 46, United States Code) in ports; and

(2) not less than biennially thereafter, evaluate the effectiveness of the cybersecurity risk assessment model established under paragraph (1).

(b) PORT SECURITY; DEFINITIONS.—Section 70101 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The term 'cybersecurity risk' has the meaning given the term in section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).".

(c) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

(1) FUNCTIONS.—Section 70112(a)(1)(A) of title 46, United States Code, is amended by inserting before the semicolon the following: ", including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

"(i) State, local, and tribal governments;

"(ii) relevant public safety and emergency response agencies;

"(iii) relevant law enforcement and security organizations;

"(iv) maritime industry;

"(v) port owners and operators; and

"(vi) terminal owners and operators;".

46 USC 70112 note.

(2) INFORMATION SHARING.—The Commandant of the Coast Guard and the Under Secretary responsible for overseeing the critical infrastructure protection, cybersecurity, and other related programs of the Department of Homeland Security shall—

(A) ensure there is a process for each Area Maritime Security Advisory Committee established under section 70112 of title 46, United States Code—

(i) to facilitate the sharing of information related to cybersecurity risks that may cause transportation security incidents;

(ii) to timely report transportation security incidents to the national level; and

(iii) to disseminate such reports across the entire maritime transportation system via the National Cybersecurity and Communications Integration Center; and

(B) issue voluntary guidance for the management of such cybersecurity risks in each Area Maritime Transportation Security Plan and facility security plan required under section 70103 of title 46, United States Code, approved after the date that the cybersecurity risk assessment model is developed under subsection (a) of this section.

(d) VULNERABILITY ASSESSMENTS AND SECURITY PLANS.—

(1) FACILITY AND VESSEL ASSESSMENTS.—Section 70102(b)(1) of title 46, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking "and by not later than December 31, 2004"; and

(B) in subparagraph (C), by inserting "security against cybersecurity risks," after "physical security,".

(2) MARITIME TRANSPORTATION SECURITY PLANS.—Section 70103 of title 46, United States Code, is amended—

(A) in subsection (a)(1), by striking "Not later than April 1, 2005, the" and inserting "The";

(B) in subsection (a)(2), by adding at the end the following:

"(K) A plan to detect, respond to, and recover from cybersecurity risks that may cause transportation security incidents.";

(C) in subsection (b)(2)—

(i) in subparagraph (G)(ii), by striking "; and" and inserting a semicolon;

(ii) by redesignating subparagraph (H) as subparagraph (I); and

(iii) by inserting after subparagraph (G) the following:

"(H) include a plan for detecting, responding to, and recovering from cybersecurity risks that may cause transportation security incidents; and"; and

(D) in subsection (c)(3)(C)—

(i) in clause (iv), by striking "; and" and inserting a semicolon;

(ii) by redesignating clause (v) as clause (vi); and

(iii) by inserting after clause (iv) the following:

"(v) detecting, responding to, and recovering from cybersecurity risks that may cause transportation security incidents; and".

(3) APPLICABILITY.—The amendments made by this subsection shall apply to assessments or security plans, or updates to such assessments or plans, submitted after the date that the cybersecurity risk assessment model is developed under subsection (a).

46 USC 70102 note.

(e) BRIEF TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard and the Under Secretary responsible for overseeing the critical infrastructure protection, cybersecurity, and other related programs of the Department of Homeland Security shall provide to the appropriate committees of Congress a briefing on how the Coast Guard will assist in security and response in the port environment when a cyber-caused transportation security incident occurs, to include the use of cyber protection teams.

SEC. 1806. FACILITY INSPECTION INTERVALS.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

"(D) subject to the availability of appropriations, periodically, but not less than one time per year, conduct a risk-based, no notice facility inspection to verify the effectiveness of each such facility security plan.".

SEC. 1807. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

6 USC 243.

"SEC. 435. MARITIME OPERATIONS COORDINATION PLAN.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Maritime Security Improvement Act of 2018, and biennially thereafter, the Secretary shall—

"(1) update the Maritime Operations Coordination Plan, published by the Department on July 7, 2011, to strengthen coordination, planning, information sharing, and intelligence integration for maritime operations of components and offices of the Department with responsibility for maritime security missions; and

"(2) submit each update to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

"(b) CONTENTS.—Each update shall address the following:

"(1) Coordinating the planning, integration of maritime operations, and development of joint maritime domain awareness efforts of any component or office of the Department with responsibility for maritime security missions.

"(2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.

"(3) Cooperating and coordinating with Federal departments and agencies, and State and local agencies, in the maritime environment, in support of maritime security missions.

"(4) Highlighting the work completed within the context of other national and Department maritime security strategic guidance and how that work fits with the Maritime Operations Coordination Plan.".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2136) is amended by adding after the item relating to section 434 the following:

"435. Maritime operations coordination plan.".

SEC. 1808. EVALUATION OF COAST GUARD DEPLOYABLE SPECIALIZED FORCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and

Infrastructure and the Committee on Homeland Security of the House of Representatives a report on the state of the Coast Guard's Deployable Specialized Forces (referred to in this section as DSF).

(b) CONTENTS.—The report shall include, at a minimum, the following:

(1) For each of the past 3 fiscal years, and for each type of DSF, the following:

(A) A cost analysis, including training, operating, and travel costs.

(B) The number of personnel assigned.

(C) The total number of units.

(D) The total number of operations conducted.

(E) The number of operations requested by each of the following:

(i) Coast Guard.

(ii) Other components or offices of the Department of Homeland Security.

(iii) Other Federal departments or agencies.

(iv) State agencies.

(v) Local agencies.

(F) The number of operations fulfilled in support of each entity described in clauses (i) through (v) of subparagraph (E).

(2) An examination of alternative distributions of deployable specialized forces, including the feasibility, cost (including cost savings), and impact on mission capability of such distributions, including at a minimum the following:

(A) Combining deployable specialized forces, primarily focused on counterdrug operations, under one centralized command.

(B) Distributing counter-terrorism and anti-terrorism capabilities to deployable specialized forces in each major United States port.

(c) DEFINITION OF DEPLOYABLE SPECIALIZED FORCES OR DSF.—In this section, the term "deployable specialized forces" or "DSF" means the deployable specialized forces established under section 70106 of title 46, United States Code.

SEC. 1809. REPEAL OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY AND SECURE SYSTEMS OF TRANSPORTATION.

(a) INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—

(1) REPEAL.—Section 70107A of title 46, United States Code, is repealed.

(2) SAVINGS CLAUSE.—A repeal made by this subsection shall not affect an interagency operational center established before the date of enactment of this Act. 46 USC 70107A note.

(3) NOTICE TO CONGRESS.—The Secretary of Homeland Security shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives at least 1 year before ceasing operations of any interagency operational center established before the date of enactment of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1884). 46 USC 70107A note.

(b) SECURE SYSTEMS OF TRANSPORTATION.—Section 70116 of title 46, United States Code, is repealed.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 701 of title 46, United States Code, is amended by striking the items relating to sections 70107A and 70116.

46 USC prec. 70101.

(2) REPORT REQUIREMENT.—Section 108 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1893) is amended by striking subsection (b) (46 U.S.C. 70107A note) and inserting the following:

"(b) [Reserved].".

SEC. 1810. DUPLICATION OF EFFORTS IN THE MARITIME DOMAIN.

(a) GAO ANALYSIS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct an analysis of all operations in the applicable location of—

(A) the Air and Marine Operations of the U.S. Customs and Border Protection; and

(B) any other agency of the Department of Homeland Security that operates air and marine assets;

(2) in conducting the analysis under paragraph (1)—

(A) examine the extent to which the Air and Marine Operations is synchronizing and deconflicting any duplicative flight hours or patrols with the agencies described in paragraph (1)(B); and

(B) include a sector-by-sector analysis of any potential costs savings or other benefits that would be derived through greater coordination of flight hours and patrols; and

(3) submit to the Secretary of Homeland Security and the appropriate committees of Congress a report on the analysis, including any recommendations.

(b) DHS REPORT.—Not later than 180 days after the date the report is submitted under subsection (a)(3), the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on what actions the Secretary plans to take in response to the findings of the analysis and recommendations of the Comptroller General.

(c) DEFINITION OF APPLICABLE LOCATION.—In this section, the term "applicable location" means any location in which the Air and Marine Operations of the U.S. Customs and Border Protection is based within 45 miles of a location in which any other agency of the Department of Homeland Security also operates air and marine assets.

SEC. 1811. MARITIME SECURITY CAPABILITIES ASSESSMENTS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 1807 of this Act, is further amended by adding at the end the following:

6 USC 244.

"SEC. 436. MARITIME SECURITY CAPABILITIES ASSESSMENTS.

"Not later than 180 days after the date of enactment of the Maritime Security Improvement Act of 2018, and annually thereafter, the Secretary shall submit to the Committee on Commerce,

Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives, an assessment of the number and type of maritime assets and the number of personnel required to increase the Department's maritime response rate pursuant to section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223).".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2136), as amended by section 1807 of this Act, is further amended by adding after the item relating to section 435 the following:

"436. Maritime security capabilities assessments.".

SEC. 1812. CONTAINER SECURITY INITIATIVE.

Section 205(l) of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking "(1) IN GENERAL.—Not later than September 30, 2007," and inserting "Not later than 270 days after the date of enactment of the Maritime Security Improvement Act of 2018,"; and

(B) by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively.

SEC. 1813. MARITIME BORDER SECURITY REVIEW.

(a) DEFINITIONS.—In this section:

(1) MARITIME BORDER.—The term "maritime border" means—

(A) the transit zone; and

(B) the borders and territorial waters of Puerto Rico and the United States Virgin Islands.

(2) TRANSIT ZONE.—The term "transit zone" has the meaning given the term in section 1092(a) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)).

(b) MARITIME BORDER THREAT ANALYSIS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a maritime border threat analysis that includes an identification and description of the following:

(A) Current and potential threats posed by the individuals and groups seeking to—

(i) enter the United States through the maritime border; or

(ii) exploit border vulnerabilities on the maritime border.

(B) Improvements needed at United States sea ports—

(i) to prevent terrorists and instruments of terror from entering the United States; and

(ii) to reduce criminal activity, as measured by the total flow of illegal goods and illicit drugs, related to the maritime border.

(C) Improvements needed with respect to the maritime border—

(i) to prevent terrorists and instruments of terror from entering the United States; and

(ii) reduce criminal activity related to the maritime border.

(D) Vulnerabilities in law, policy, cooperation between State, territorial, and local law enforcement, or international agreements that hinder effective and efficient border security, counterterrorism, anti-human trafficking efforts, and the flow of legitimate trade with respect to the maritime border.

(E) Metrics and performance parameters used by the Department of Homeland Security to evaluate maritime security effectiveness, as appropriate.

(2) ANALYSIS REQUIREMENTS.—In preparing the threat analysis under subsection (a), the Secretary of Homeland Security shall consider the following:

(A) Technology needs and challenges.

(B) Personnel needs and challenges.

(C) The role of State, territorial, and local law enforcement in maritime border security activities.

(D) The need for cooperation among Federal, State, territorial, local, and appropriate international law enforcement entities relating to maritime border security.

(E) The geographic challenges of the maritime border.

(F) The impact of Hurricanes Harvey, Irma, Maria, and Nate on general border security activities with respect to the maritime border.

(3) CLASSIFIED THREAT ANALYSIS.—

(A) IN GENERAL.—To the extent possible, the Secretary of Homeland Security shall submit the threat analysis under subsection (a) in unclassified form.

(B) CLASSIFIED.—The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for such portion.

46 USC 70101 note.

SEC. 1814. MARITIME BORDER SECURITY COOPERATION.

The Secretary of the department in which the Coast Guard is operating shall, in accordance with law—

(1) partner with other Federal, State, and local government agencies to leverage existing technology, including existing sensor and camera systems and other sensors, in place along the maritime border to facilitate monitoring of high-risk maritime borders, as determined by the Secretary; and

(2) subject to the availability of appropriations, enter into such agreements as the Secretary considers necessary to ensure the monitoring described in paragraph (1).

SEC. 1815. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL APPEALS PROCESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the appropriate committees of Congress a report on the following:

(1) The average completion time of an appeal under the appeals process established under section 70105(c)(4) of title 46, United States Code.

(2) The most common reasons for any delays at each step in such process.

(3) Recommendations on how to resolve any such delays as expeditiously as possible.

SEC. 1816. TECHNICAL AND CONFORMING AMENDMENTS.

(a) STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.—Section 105 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1891) and the item relating to that section in the table of contents for that Act are repealed.

(b) DOMESTIC RADIATION DETECTION AND IMAGING.—Section 121 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 921) is amended—

(1) by striking subsections (c), (d), and (e);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (c), (d), (e), and (f), respectively; and

(3) in subsection (e)(1)(B), as redesignated, by striking "(and updating, if any, of that strategy under subsection (c))".

(c) INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.—Section 122 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 922) and the item relating to that section in the table of contents for that Act are repealed.

(d) REPORT ON ARRIVAL AND DEPARTURE MANIFEST FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED STATES VIRGIN ISLANDS.—Section 127 of the Security and Accountability for Every Port Act of 2006 (120 Stat. 1900) and the item relating to that section in the table of contents for that Act are repealed.

(e) INTERNATIONAL COOPERATION AND COORDINATION.—

(1) IN GENERAL.—Section 233 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 983) is amended to read as follows:

"SEC. 233. INSPECTION TECHNOLOGY AND TRAINING.

"(a) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative.

"(b) ACQUISITION AND TRAINING.—Unless otherwise prohibited by law, the Secretary may—

"(1) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

"(2) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1884) is amended by amending the item relating to section 233 to read as follows:

"Sec. 233. Inspection technology and training.".

(f) PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.—Section 235 of the Security and Accountability for Every

Port Act of 2006 (6 U.S.C. 984) and the item relating to that section in the table of contents for that Act are repealed.

(g) SECURITY PLAN FOR ESSENTIAL AIR SERVICE AND SMALL COMMUNITY AIRPORTS.—Section 701 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1943) and the item relating to that section in the table of contents for that Act are repealed.

(h) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.—Section 708 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1947) and the item relating to that section in the table of contents for that Act are repealed.

DIVISION K—TRANSPORTATION SECURITY

TITLE I—TRANSPORTATION SECURITY

TSA Modernization Act.

SEC. 1901. SHORT TITLE; REFERENCES.

49 USC 101 note.

(a) SHORT TITLE.—This title may be cited as the "TSA Modernization Act".

(b) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 101 note.

SEC. 1902. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the TSA.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

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

(C) the Committee on Homeland Security of the House of Representatives.

(3) ASAC.—The term "ASAC" means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

(4) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(5) EXPLOSIVE DETECTION CANINE TEAM.—The term "explosives detection canine team" means a canine and a canine handler that are trained to detect explosives and other threats as defined by the Secretary.

(6) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(7) TSA.—The term "TSA" means the Transportation Security Administration.

Subtitle A—Organization and Authorizations

SEC. 1903. AUTHORIZATION OF APPROPRIATIONS.

Section 114(w) is amended to read as follows: 49 USC 114.

"(w) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Transportation Security Administration for salaries, operations, and maintenance of the Administration—

"(1) $7,849,247,000 for fiscal year 2019;
"(2) $7,888,494,000 for fiscal year 2020; and
"(3) $7,917,936,000 for fiscal year 2021.".

SEC. 1904. ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION; 5-YEAR TERM.

(a) IN GENERAL.—Section 114, as amended by section 1903 of this Act, is further amended—

(1) in subsection (a), by striking "Department of Transportation" and inserting "Department of Homeland Security";

(2) by amending subsection (b) to read as follows:

"(b) LEADERSHIP.—

"(1) HEAD OF TRANSPORTATION SECURITY ADMINISTRATION.—

"(A) APPOINTMENT.—The head of the Administration shall be the Administrator of the Transportation Security Administration (referred to in this section as the 'Administrator'). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

"(B) QUALIFICATIONS.—The Administrator must—

"(i) be a citizen of the United States; and

"(ii) have experience in a field directly related to transportation or security.

"(C) TERM.—Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after the date of enactment of the TSA Modernization Act, the term of office of an individual appointed as the Administrator shall be 5 years. The term of office of an individual serving as the Administrator on the date of enactment of the TSA Modernization Act shall be 5 years beginning on the date that the Administrator began serving.

"(2) DEPUTY ADMINISTRATOR.—

"(A) APPOINTMENT.—There is established in the Transportation Security Administration a Deputy Administrator, who shall assist the Administrator in the management of the Transportation Security Administration. The Deputy Administrator shall be appointed by the President.

"(B) VACANCY.—The Deputy Administrator shall be Acting Administrator during the absence or incapacity of the Administrator or during a vacancy in the office of Administrator.

"(C) QUALIFICATIONS.—The Deputy Administrator must—

"(i) be a citizen of the United States; and

"(ii) have experience in a field directly related to transportation or security.

"(3) CHIEF COUNSEL.—

"(A) APPOINTMENT.—There is established in the Transportation Security Administration a Chief Counsel, who shall advise the Administrator and other senior officials on all legal matters relating to the responsibilities, functions, and management of the Transportation Security Administration.

"(B) QUALIFICATIONS.—The Chief Counsel must be a citizen of the United States."; and

(3) in subsections (c) through (n), (p), (q), and (r), by striking "Under Secretary" each place it appears and inserting "Administrator".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 114, as amended by subsection (a) of this section, is further amended—

(A) in subsection (g)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "Subject to the direction and control of the Secretary" and inserting "Subject to the direction and control of the Secretary of Homeland Security"; and

(II) in subparagraph (D), by inserting "of Homeland Security" after "Secretary"; and

(ii) in paragraph (3), by inserting "of Homeland Security" after "Secretary";

(B) in subsection (j)(1)(D), by inserting "of Homeland Security" after "Secretary";

(C) in subsection (k), by striking "functions transferred, on or after the date of enactment of the Aviation and Transportation Security Act," and inserting "functions assigned";

(D) in subsection (l)(4)(B), by striking "Administrator under subparagraph (A)" and inserting "Administrator of the Federal Aviation Administration under subparagraph (A)";

(E) in subsection (n), by striking "Department of Transportation" and inserting "Department of Homeland Security";

(F) in subsection (o), by striking "Department of Transportation" and inserting "Department of Homeland Security";

(G) in subsection (p)(4), by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security";

(H) in subsection (s)—

(i) in paragraph (3)(B), by inserting ")" after "Act of 2007"; and

(ii) in paragraph (4)—

(I) in the heading, by striking "SUBMISSIONS OF PLANS TO CONGRESS" and inserting "SUBMISSION OF PLANS";

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(IV) in subparagraph (A), as redesignated—

(aa) in the heading, by striking "SUBSEQUENT VERSIONS" and inserting "IN GENERAL"; and

(bb) by striking "After December 31, 2015, the" and inserting "The"; and

(V) in subparagraph (B)(ii)(III)(cc), as redesignated, by striking "for the Department" and inserting "for the Department of Homeland Security";

(I) by redesignating subsections (u), (v), and (w) as subsections (t), (u), and (v), respectively;

(J) in subsection (t), as redesignated—

(i) in paragraph (1)—

(I) by striking subparagraph (D); and

(II) by redesignating subparagraph (E) as subparagraph (D);

(ii) in paragraph (2), by inserting "of Homeland Security" after "Plan, the Secretary";

(iii) in paragraph (4)(B)—

(I) by inserting "of Homeland Security" after "agency within the Department"; and

(II) by inserting "of Homeland Security" after "Secretary";

(iv) by amending paragraph (6) to read as follows:

"(6) ANNUAL REPORT ON PLAN.—The Secretary of Homeland Security shall annually submit to the appropriate congressional committees a report containing the Plan."; and

(v) in paragraphs (7) and (8), by inserting "of Homeland Security" after "Secretary"; and

(K) in subsection (u), as redesignated—

(i) in paragraph (1)—

(I) in subparagraph (B), by inserting "or the Administrator" after "Secretary of Homeland Security"; and

(II) in subparagraph (C)(ii), by striking "Secretary's designee" and inserting "Secretary of Defense's designee";

(III) in subparagraphs (B), (C), (D), and (E) of paragraph (3), by inserting "of Homeland Security" after "Secretary" each place it appears;

(ii) in paragraph (4)(A), by inserting "of Homeland Security" after "Secretary";

(iii) in paragraph (5), by inserting "of Homeland Security" after "Secretary"; and

(iv) in paragraph (7)—

(I) in subparagraph (A), by striking "Not later than December 31, 2008, and annually thereafter, the Secretary" and inserting "The Secretary of Homeland Security"; and

(II) by striking subparagraph (D).

(2) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—Section 1203(b)(1)(B) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (49 U.S.C. 114 note) is amended by striking ", under section 114(u)(7) of title 49, United States Code, as added by this section, or otherwise,".

(c) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR OF THE TSA.—

(A) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Homeland Security for Management the following:

"Administrator of the Transportation Security Administration.".

(B) BONUS ELIGIBILITY.—Section 101(c)(2) of the Aviation and Transportation Security Act (5 U.S.C. 5313 note) is amended—

(i) by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration";

(ii) by striking "on the Secretary's" and inserting "on the Secretary of Homeland Security's"; and

(iii) by striking "Under Secretary's" and inserting "Administrator's".

(2) DEPUTY ADMINISTRATOR OF THE TSA.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to Deputy Administrators, Federal Emergency Management Agency the following:

"Deputy Administrator, Transportation Security Administration.".

5 USC 5314 note.

(3) NONAPPLICABILITY.—The amendment made by paragraph (2) of this subsection shall not affect the salary of an individual who is performing the duties of the Deputy Administrator on the date of enactment of this Act, even if that individual is subsequently appointed as Deputy Administrator.

SEC. 1905. TRANSPORTATION SECURITY ADMINISTRATION ORGANIZATION.

Section 114, as amended by sections 1903 and 1904 of this Act, is further amended by adding at the end the following:

"(w) LEADERSHIP AND ORGANIZATION.—

"(1) IN GENERAL.—For each of the areas described in paragraph (2), the Administrator of the Transportation Security Administration shall appoint at least 1 individual who shall—

"(A) report directly to the Administrator or the Administrator's designated direct report; and

"(B) be responsible and accountable for that area.

"(2) AREAS DESCRIBED.—The areas described in this paragraph are as follows:

"(A) Aviation security operations and training, including risk-based, adaptive security—

"(i) focused on airport checkpoint and baggage screening operations;

"(ii) workforce training and development programs; and

"(iii) ensuring compliance with aviation security law, including regulations, and other specialized programs designed to secure air transportation.

"(B) Surface transportation security operations and training, including risk-based, adaptive security—

"(i) focused on accomplishing security systems assessments;

"(ii) reviewing and prioritizing projects for appropriated surface transportation security grants;

"(iii) operator compliance with surface transportation security law, including regulations, and voluntary industry standards; and

"(iv) workforce training and development programs, and other specialized programs designed to secure surface transportation.

"(C) Transportation industry engagement and planning, including the development, interpretation, promotion, and oversight of a unified effort regarding risk-based, risk-reducing security policies and plans (including strategic planning for future contingencies and security challenges) between government and transportation stakeholders, including airports, domestic and international airlines, general aviation, air cargo, mass transit and passenger rail, freight rail, pipeline, highway and motor carriers, and maritime.

"(D) International strategy and operations, including agency efforts to work with international partners to secure the global transportation network.

"(E) Trusted and registered traveler programs, including the management and marketing of the agency's trusted traveler initiatives, including the PreCheck Program, and coordination with trusted traveler programs of other Department of Homeland Security agencies and the private sector.

"(F) Technology acquisition and deployment, including the oversight, development, testing, evaluation, acquisition, deployment, and maintenance of security technology and other acquisition programs.

"(G) Inspection and compliance, including the integrity, efficiency and effectiveness of the agency's workforce, operations, and programs through objective audits, covert testing, inspections, criminal investigations, and regulatory compliance.

"(H) Civil rights, liberties, and traveler engagement, including ensuring that agency employees and the traveling public are treated in a fair and lawful manner consistent with Federal laws and regulations protecting privacy and prohibiting discrimination and reprisal.

"(I) Legislative and public affairs, including communication and engagement with internal and external audiences in a timely, accurate, and transparent manner, and development and implementation of strategies within the agency to achieve congressional approval or authorization of agency programs and policies.

"(3) NOTIFICATION.—The Administrator shall submit to the appropriate committees of Congress—

"(A) not later than 180 days after the date of enactment of the TSA Modernization Act, a list of the names of the individuals appointed under paragraph (1); and

"(B) an update of the list not later than 5 days after any new individual is appointed under paragraph (1).".

SEC. 1906. TRANSPORTATION SECURITY ADMINISTRATION EFFICIENCY.

(a) EFFICIENCY REVIEW.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall complete a comprehensive, agency-wide efficiency review of the TSA to identify and effectuate spending reductions and administrative savings that can be achieved by the streamlining or restructuring of TSA divisions.

(2) REQUIREMENTS.—In carrying out the review under paragraph (1), the Administrator shall consider the following:

(A) Eliminating unnecessarily duplicative or overlapping programs and initiatives.

(B) Eliminating unnecessary or obsolete rules, regulations, directives, or procedures.

(C) Reducing overall operating expenses of the TSA, including costs associated with the number of personnel, as a direct result of efficiencies gained through the implementation of risk-based screening or through any other means as determined appropriate by the Administrator in accordance with this section.

(D) Reducing, by 20 percent, the number of positions at the Senior Executive Service level at the TSA as calculated on the date of enactment of this Act.

(E) Such other matters the Administrator considers appropriate.

(b) REPORT TO CONGRESS.—Not later than 30 days after the date the efficiency review under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress a report on the findings, including a description of any cost savings expected to be achieved by the streamlining or restructuring of TSA divisions.

SEC. 1907. PERSONNEL MANAGEMENT SYSTEM REVIEW.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall convene a working group consisting of representatives of the TSA and representatives of the labor organization representing security screening personnel to recommend reforms to the TSA's personnel management system, including appeals to the Merit Systems Protection Board and grievance procedures.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the working group convened under subsection (a) shall submit to the Administrator and the appropriate committees of Congress a report containing proposed, mutually agreed-upon recommendations to reform the TSA's personnel management system.

(c) IMPLEMENTATION.—To the extent authorized under law, the Administrator may implement 1 or more of the recommendations submitted under subsection (b).

(d) TERMINATION.—The working group shall terminate on the date that the report is submitted under subsection (b).

SEC. 1908. TSA LEAP PAY REFORM.

(a) DEFINITION OF BASIC PAY.—Clause (ii) of section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

"(ii) received after September 11, 2001, by a Federal air marshal or criminal investigator (as defined in section 5545a(a)(2)) of the Transportation Security Administration, subject to all restrictions and earning limitations imposed on criminal investigators receiving

such pay under section 5545a, including the premium pay limitations under section 5547;".

(b) EFFECTIVE DATE; APPLICABILITY.— 5 USC 8331 note.

(1) IN GENERAL.—Subject to paragraph (2), this section, and the amendments made by this section, shall take effect on the first day of the first pay period commencing on or after the date of enactment of this section.

(2) RETROACTIVE APPLICATION.—

(A) IN GENERAL.—Any availability pay received for any pay period commencing before the date of enactment of this Act by a Federal air marshal or criminal investigator employed by the Transportation Security Administration shall be deemed basic pay under section 8331(3) of title 5, United States Code, if the Transportation Security Administration treated such pay as retirement-creditable basic pay, but the Office of Personnel Management, based on an interpretation of section 8331(3) of title 5, United States Code, did not accept such pay as retirement-creditable basic pay.

(B) IMPLEMENTATION.—Not later than 3 months after the date of enactment of this Act, the Director of the Office of Personnel Management shall commence taking such actions as are necessary to implement the amendments made by this section with respect to availability pay deemed to be basic pay under subparagraph (A).

SEC. 1909. RANK AWARDS PROGRAM FOR TRANSPORTATION SECURITY ADMINISTRATION EXECUTIVES AND SENIOR PROFESSIONALS.

Section 114(n), as amended by section 1904 of this Act, is further amended—

(1) by inserting "(1) IN GENERAL.—" before "The personnel management system" and indenting appropriately; and

(2) by adding at the end the following:

"(2) MERITORIOUS EXECUTIVE OR DISTINGUISHED EXECUTIVE RANK AWARDS.—Notwithstanding section 40122(g)(2) of this title, the applicable sections of title 5 shall apply to the Transportation Security Administration personnel management system, except that—

"(A) for purposes of applying such provisions to the personnel management system—

"(i) the term 'agency' means the Department of Homeland Security;

"(ii) the term 'senior executive' means a Transportation Security Administration executive serving on a Transportation Security Executive Service appointment;

"(iii) the term 'career appointee' means a Transportation Security Administration executive serving on a career Transportation Security Executive Service appointment; and

"(iv) The term 'senior career employee' means a Transportation Security Administration employee covered by the Transportation Security Administration Core Compensation System at the L or M pay band;

"(B) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the applicable Transportation Security Administration pay system; and

"(C) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the applicable Transportation Security Administration pay system.

"(3) DEFINITION OF APPLICABLE SECTIONS OF TITLE 5.—In this subsection, the term 'applicable sections of title 5' means—

"(A) subsections (b), (c) and (d) of section 4507 of title 5; and

"(B) subsections (b) and (c) of section 4507a of title 5.".

49 USC 114 note.

SEC. 1910. TRANSMITTALS TO CONGRESS.

With regard to each report, legislative proposal, or other communication of the Executive Branch related to the TSA and required to be submitted to Congress or the appropriate committees of Congress, the Administrator shall transmit such communication directly to the appropriate committees of Congress.

Subtitle B—Security Technology

49 USC 114 note.

SEC. 1911. THIRD PARTY TESTING AND VERIFICATION OF SCREENING TECHNOLOGY.

(a) IN GENERAL.—In carrying out the responsibilities under section 114(f)(9), the Administrator shall develop and implement, not later than 1 year after the date of enactment of this Act, a program to enable a vendor of related security screening technology to obtain testing and verification, including as an alternative to the TSA's test and evaluation process, by an appropriate third party, of such technology before procurement or deployment.

(b) DETECTION TESTING.—

(1) IN GENERAL.—The third party testing and verification program authorized under subsection (a) shall include detection testing to evaluate the performance of the security screening technology system regarding the probability of detection, the probability of false alarm, and such other indicators that the system is able to meet the TSA's mission needs.

(2) RESULTS.—The results of the third party detection testing under paragraph (1) shall be considered final if the results are approved by the Administration in accordance with approval standards developed by the Administrator.

(3) COORDINATION WITH FINAL TESTING.—To the extent practicable, but without compromising the integrity of the TSA test and evaluation process, the Administrator shall coordinate the third party detection testing under paragraph (1) with any subsequent, final Federal Government testing.

(4) INTERNATIONAL STANDARDS.—To the extent practicable and permissible under law and considering the national security interests of the United States, the Administrator shall—

(A) share detection testing information and standards with appropriate international partners; and

(B) coordinate with the appropriate international partners to align TSA testing and evaluation with relevant international standards to maximize the capability to detect explosives and other threats.

(c) OPERATIONAL TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), the third party testing and verification program authorized under subsection (a) shall include operational testing.

(2) LIMITATION.—Third party operational testing under paragraph (1) may not exceed 1 year.

(d) ALTERNATIVE.—Third party testing under subsection (a) shall replace as an alternative, at the discretion of the Administrator, the testing at the TSA Systems Integration Facility, including testing for—

(1) health and safety factors;

(2) operator interface;

(3) human factors;

(4) environmental factors;

(5) throughput;

(6) reliability, maintainability, and availability factors; and

(7) interoperability.

(e) TESTING AND VERIFICATION FRAMEWORK.—

(1) IN GENERAL.—The Administrator shall—

(A) establish a framework for the third party testing and for verifying a security technology is operationally effective and able to meet the TSA's mission needs before it may enter or re-enter, as applicable, the operational context at an airport or other transportation facility;

(B) use phased implementation to allow the TSA and the third party to establish best practices; and

(C) oversee the third party testing and evaluation framework.

(2) RECOMMENDATIONS.—The Administrator shall request ASAC's Security Technology Subcommittee, in consultation with representatives of the security manufacturers industry, to develop and submit to the Administrator recommendations for the third party testing and verification framework.

(f) FIELD TESTING.—The Administrator shall prioritize the field testing and evaluation, including by third parties, of security technology and equipment at airports and on site at security technology manufacturers whenever possible as an alternative to the TSA Systems Integration Facility.

(g) APPROPRIATE THIRD PARTIES.—

(1) CITIZENSHIP REQUIREMENT.—An appropriate third party under subsection (a) shall be—

(A) if an individual, a citizen of the United States; or

(B) if an entity, owned and controlled by a citizen of the United States.

(2) WAIVER.—The Administrator may waive the requirement under paragraph (1)(B) if the entity is a United States subsidiary of a parent company that has implemented a foreign

ownership, control, or influence mitigation plan that has been approved by the Defense Security Service of the Department of Defense before applying to provide third party testing. The Administrator may reject any application to provide third party testing under subsection (a) submitted by an entity that requires a waiver under this paragraph.

(3) CONFLICTS OF INTEREST.—The Administrator shall ensure, to the extent possible, that an entity providing third party testing under this section does not have a contractual, business, or other pecuniary interest (exclusive of any such testing) in—

(A) the security screening technology subject to such testing; or

(B) the vendor of such technology.

(h) GAO REVIEW.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a study on the third party testing program developed under this section

(2) REVIEW.—The study under paragraph (1) shall include a review of the following:

(A) Any efficiencies or gains in effectiveness achieved in TSA operations, including technology acquisition or screening operations, as a result of such program.

(B) The degree to which the TSA conducts timely and regular oversight of the appropriate third parties engaged in such testing.

(C) The effect of such program on the following:

(i) The introduction of innovative detection technologies into security screening operations.

(ii) The availability of testing for technologies developed by small to medium sized businesses.

(D) Any vulnerabilities associated with such program, including with respect to the following:

(i) National security.

(ii) Any conflicts of interest between the appropriate third parties engaged in such testing and the entities providing such technologies to be tested.

(iii) Waste, fraud, and abuse.

49 USC 114 note.

SEC. 1912. TRANSPORTATION SECURITY ADMINISTRATION SYSTEMS INTEGRATION FACILITY.

(a) IN GENERAL.—The Administrator shall continue to operate the Transportation Security Administration Systems Integration Facility (referred to in this section as the "TSIF") for the purposes of testing and evaluating advanced transportation security screening technologies related to the mission of the TSA.

(b) REQUIREMENTS.—The TSIF shall—

(1) evaluate the technologies described in subsection (a) to enhance the security of transportation systems through screening and threat mitigation and detection;

(2) test the technologies described in subsection (a) to support identified mission needs of the TSA and to meet requirements for acquisitions and procurement;

(3) to the extent practicable, provide original equipment manufacturers with test plans to minimize requirement interpretation disputes and adhere to provided test plans;

(4) collaborate with other technical laboratories and facilities for purposes of augmenting the capabilities of the TSIF;

(5) deliver advanced transportation security screening technologies that enhance the overall security of domestic transportation systems; and

(6) to the extent practicable, provide funding and promote efforts to enable participation by a small business concern (as the term is described under section 3 of the Small Business Act (15 U.S.C. 632)) that—

(A) has an advanced technology or capability; but

(B) does not have adequate resources to participate in testing and evaluation processes.

(c) STAFFING AND RESOURCE ALLOCATION.—The Administrator shall ensure adequate staffing and resource allocations for the TSIF in a manner that—

(1) prevents unnecessary delays in the testing and evaluation of advanced transportation security screening technologies for acquisitions and procurement determinations;

(2) ensures the issuance of final paperwork certification no later than 45 days after the date such testing and evaluation has concluded; and

(3) ensures collaboration with technology stakeholders to close capabilities gaps in transportation security.

(d) DEADLINE.—

(1) IN GENERAL.—The Administrator shall notify the appropriate committees of Congress if testing and evaluation by the TSIF of an advanced transportation security screening technology under this section exceeds 180 days from the delivery date.

(2) NOTIFICATION.—The notification under paragraph (1) shall include—

(A) information relating to the delivery date;

(B) a justification for why the testing and evaluation process has exceeded 180 days; and

(C) the estimated date for completion of such testing and evaluation.

(3) DEFINITION OF DELIVERY DATE.—In this subsection, the term "delivery date" means the date that the owner of an advanced transportation security screening technology—

(A) after installation, delivers the technology to the TSA for testing and evaluation; and

(B) submits to the Administrator, in such form and manner as the Administrator prescribes, a signed notification of the delivery described in subparagraph (A).

(e) RETESTING AND EVALUATION.—Advanced transportation security screening technology that fails testing and evaluation by the TSIF may be retested and evaluated at the discretion of the Administrator.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority or responsibility of an officer of the Department, or an officer of any other Federal department or agency, with respect to research, development, testing, and evaluation of technologies, including such authorities or responsibilities of the Undersecretary for Science and Technology of the

Department and Assistant Secretary of the Countering Weapons of Mass Destruction Office of the Department.

SEC. 1913. OPPORTUNITIES TO PURSUE EXPANDED NETWORKS FOR BUSINESS.

(a) STRATEGY.—Subtitle B of title of title XVI of the Homeland Security Act of 2002 (6 U.S.C. 563 et seq.) is amended by adding at the end following:

6 USC 563f.

"SEC. 1617. DIVERSIFIED SECURITY TECHNOLOGY INDUSTRY MARKETPLACE.

"(a) IN GENERAL.—Not later than 120 days after the date of enactment of the TSA Modernization Act, the Administrator shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a strategy to promote a diverse security technology industry marketplace upon which the Administrator can rely to acquire advanced transportation security technologies or capabilities, including by increased participation of small business innovators.

"(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

"(1) Information on how existing Administration solicitation, testing, evaluation, piloting, acquisition, and procurement processes impact the Administrator's ability to acquire from the security technology industry marketplace, including small business innovators that have not previously provided technology to the Administration, innovative technologies or capabilities with the potential to enhance transportation security.

"(2) Specific actions that the Administrator will take, including modifications to the processes described in paragraph (1), to foster diversification within the security technology industry marketplace.

"(3) Projected timelines for implementing the actions described in paragraph (2).

"(4) Plans for how the Administrator could, to the extent practicable, assist a small business innovator periodically during such processes, including when such an innovator lacks adequate resources to participate in such processes, to facilitate an advanced transportation security technology or capability being developed and acquired by the Administrator.

"(5) An assessment of the feasibility of partnering with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code to provide venture capital to businesses, particularly small business innovators, for commercialization of innovative transportation security technologies that are expected to be ready for commercialization in the near term and within 36 months.

"(c) FEASIBILITY ASSESSMENT.—In conducting the feasibility assessment under subsection (b)(5), the Administrator shall consider the following:

"(1) Establishing an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code as a venture capital partnership between the private sector and the intelligence community to help businesses, particularly small business

innovators, commercialize innovative security-related technologies.

"(2) Enhanced engagement through the Science and Technology Directorate of the Department of Homeland Security.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring changes to the Transportation Security Administration standards for security technology.

"(e) DEFINITIONS.—In this section:

"(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

"(2) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning described under section 3 of the Small Business Act (15 U.S.C. 632).

"(3) SMALL BUSINESS INNOVATOR.—The term 'small business innovator' means a small business concern that has an advanced transportation security technology or capability.".

(b) GAO REVIEW.—Not later than 1 year after the date the strategy is submitted under section 1617 of the Homeland Security Act of 2002, the Comptroller General of the United States shall—

(1) review the extent to which the strategy—

(A) addresses the requirements of that section;

(B) has resulted in increased participation of small business innovators in the security technology industry marketplace; and

(C) has diversified the security technology industry marketplace; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives the findings of the review and any recommendations.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1616 the following:

"1617. Diversified security technology industry marketplace.".

SEC. 1914. RECIPROCAL RECOGNITION OF SECURITY STANDARDS.

49 USC 44901 note.

(a) IN GENERAL.—The Administrator, in coordination with appropriate international aviation security authorities, shall develop a validation process for the reciprocal recognition of security equipment technology approvals among international security partners or recognized certification authorities for deployment.

(b) REQUIREMENT.—The validation process shall ensure that the certification by each participating international security partner or recognized certification authority complies with detection, qualification, and information security, including cybersecurity, standards of the TSA, the Department of Homeland Security, and the National Institute of Standards and Technology.

SEC. 1915. TRANSPORTATION SECURITY LABORATORY.

49 USC 44903 note.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator and the Undersecretary for Science and Technology—

(1) shall conduct a review to determine whether the TSA is the most appropriate component within the Department to administer the Transportation Security Laboratory; and

(2) may direct the TSA to administer the Transportation Security Laboratory if the review under paragraph (1) identifies the TSA as the most appropriate component.

(b) PERIODIC REVIEWS.—The Secretary shall periodically review the screening technology test and evaluation process conducted at the Transportation Security Laboratory to improve the coordination, collaboration, and communication between the Transportation Security Laboratory and the TSA to identify factors contributing to acquisition inefficiencies, develop strategies to reduce acquisition inefficiencies, facilitate more expeditious initiation and completion of testing, and identify how laboratory practices can better support acquisition decisions.

(c) REPORTS.—The Secretary shall report the findings of each review under this section to the appropriate committees of Congress.

49 USC 44912 note.

SEC. 1916. INNOVATION TASK FORCE.

(a) IN GENERAL.—The Administrator shall establish an innovation task force—

(1) to cultivate innovations in transportation security;

(2) to develop and recommend how to prioritize and streamline requirements for new approaches to transportation security;

(3) to accelerate the development and introduction of new innovative transportation security technologies and improvements to transportation security operations; and

(4) to provide industry with access to the airport environment during the technology development and assessment process to demonstrate the technology and to collect data to understand and refine technical operations and human factor issues.

(b) ACTIVITIES.—The task force shall—

(1) conduct activities to identify and develop an innovative technology, emerging security capability, or process designed to enhance transportation security, including—

(A) by conducting a field demonstration of such a technology, capability, or process in the airport environment;

(B) by gathering performance data from such a demonstration to inform the acquisition process; and

(C) by enabling a small business with an innovative technology or emerging security capability, but less than adequate resources, to participate in such a demonstration;

(2) conduct at least quarterly collaboration meetings with industry, including air carriers, airport operators, and other transportation security stakeholders to highlight and discuss best practices on innovative security operations and technology evaluation and deployment; and

(3) submit to the appropriate committees of Congress an annual report on the effectiveness of key performance data from task force-sponsored projects and checkpoint enhancements.

(c) COMPOSITION.—

(1) APPOINTMENT.—The Administrator, in consultation with the Chairperson of ASAC shall appoint the members of the task force.

(2) CHAIRPERSON.—The task force shall be chaired by the Administrator's designee.

(3) REPRESENTATION.—The task force shall be comprised of representatives of—

(A) the relevant offices of the TSA;

(B) if considered appropriate by the Administrator, the Science and Technology Directorate of the Department of Homeland Security;

(C) any other component of the Department of Homeland Security that the Administrator considers appropriate; and

(D) such industry representatives as the Administrator considers appropriate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the acquisition or deployment of an innovative technology, emerging security capability, or process identified, developed, or recommended under this section.

(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force established under this section.

SEC. 1917. 5-YEAR TECHNOLOGY INVESTMENT PLAN UPDATE.

Section 1611 of the Homeland Security Act of 2002 (6 U.S.C. 563) is amended—

(1) in subsection (g)—

(A) by striking the matter preceding paragraph (1) and inserting "The Administrator shall, in collaboration with relevant industry and government stakeholders, annually submit to Congress in an appendix to the budget request and publish in an unclassified format in the public domain—";

(B) in paragraph (1), by striking "; and" and inserting a semicolon;

(C) in paragraph (2), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(3) information about acquisitions completed during the fiscal year preceding the fiscal year during which the report is submitted."; and

(2) by adding at the end the following:

"(h) ADDITIONAL UPDATE REQUIREMENTS.—Updates and reports under subsection (g) shall—

"(1) be prepared in consultation with—

"(A) the persons described in subsection (b); and

"(B) the Surface Transportation Security Advisory Committee established under section 404; and

"(2) include—

"(A) information relating to technology investments by the Transportation Security Administration and the private sector that the Department supports with research, development, testing, and evaluation for aviation, including air cargo, and surface transportation security;

"(B) information about acquisitions completed during the fiscal year preceding the fiscal year during which the report is submitted;

"(C) information relating to equipment of the Transportation Security Administration that is in operation after the end of the life-cycle of the equipment specified by the manufacturer of the equipment; and

"(D) to the extent practicable, a classified addendum to report sensitive transportation security risks and associated capability gaps that would be best addressed by security-related technology described in subparagraph (A).".

"(i) NOTICE OF COVERED CHANGES TO PLAN.—

"(1) NOTICE REQUIRED.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives notice of any covered change to the Plan not later than 90 days after the date that the covered change is made.

"(2) DEFINITION OF COVERED CHANGE.—In this subsection, the term 'covered change' means—

"(A) an increase or decrease in the dollar amount allocated to the procurement of a technology; or

"(B) an increase or decrease in the number of a technology.".

SEC. 1918. MAINTENANCE OF SECURITY-RELATED TECHNOLOGY.

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.), as amended by section 1913 of this Act, is further amended by adding at the end the following:

"Subtitle C—Maintenance of Security-related Technology

6 USC 565.

"SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall develop and implement a preventive maintenance validation process for security-related technology deployed to airports.

"(b) MAINTENANCE BY ADMINISTRATION PERSONNEL AT AIRPORTS.—For maintenance to be carried out by Administration personnel at airports, the process referred to in subsection (a) shall include the following:

"(1) Guidance to Administration personnel at airports specifying how to conduct and document preventive maintenance actions.

"(2) Mechanisms for the Administrator to verify compliance with the guidance issued pursuant to paragraph (1).

"(c) MAINTENANCE BY CONTRACTORS AT AIRPORTS.—For maintenance to be carried by a contractor at airports, the process referred to in subsection (a) shall require the following:

"(1) Provision of monthly preventative maintenance schedules to appropriate Administration personnel at each airport that includes information on each action to be completed by contractor.

"(2) Notification to appropriate Administration personnel at each airport when maintenance action is completed by a contractor.

"(3) A process for independent validation by a third party of contractor maintenance.

"(d) PENALTIES FOR NONCOMPLIANCE.—The Administrator shall require maintenance for any contracts entered into 60 days after the date of enactment of the TSA Modernization Act or later for security-related technology deployed to airports to include penalties

for noncompliance when it is determined that either preventive or corrective maintenance has not been completed according to contractual requirements and manufacturers' specifications.".

(b) TABLE OF CONTENTS.—The table of contents of the Homeland Security Act of 2002, as amended by section 1913 of this Act, is further amended by inserting after the item relating to section 1617 the following:

"Subtitle C—Maintenance of Security-related Technology

"1621. Maintenance validation and oversight.".

SEC. 1919. BIOMETRICS EXPANSION. 6 USC 1118.

(a) IN GENERAL.—The Administrator and the Commissioner of U.S. Customs and Border Protection shall consult with each other on the deployment of biometric technologies.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the Commissioner of U.S. Customs and Border Protection to facilitate or expand the deployment of biometric technologies, or otherwise collect, use, or retain biometrics, not authorized by any provision of or amendment made by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) or the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 266).

(c) REPORT REQUIRED.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and to any Member of Congress upon the request of that Member, a report that includes specific assessments from the Administrator and the Commissioner of U.S. Customs and Border Protection with respect to the following:

(1) The operational and security impact of using biometric technology to identify travelers.

(2) The potential effects on privacy of the expansion of the use of biometric technology under paragraph (1), including methods proposed or implemented to mitigate any risks to privacy identified by the Administrator or the Commissioner related to the active or passive collection of biometric data.

(3) Methods to analyze and address any matching performance errors related to race, gender, or age identified by the Administrator with respect to the use of biometric technology, including the deployment of facial recognition technology;

(4) With respect to the biometric entry-exit program, the following:

(A) Assessments of—

(i) the error rates, including the rates of false positives and false negatives, and accuracy of biometric technologies;

(ii) the effects of biometric technologies, to ensure that such technologies do not unduly burden categories of travelers, such as a certain race, gender, or nationality;

(iii) the extent to which and how biometric technologies could address instances of travelers to the United States overstaying their visas, including—

(I) an estimate of how often biometric matches are contained in an existing database;

(II) an estimate of the rate at which travelers using fraudulent credentials identifications are accurately rejected; and

(III) an assessment of what percentage of the detection of fraudulent identifications could have been accomplished using conventional methods;

(iv) the effects on privacy of the use of biometric technologies, including methods to mitigate any risks to privacy identified by the Administrator or the Commissioner of U.S. Customs and Border Protection related to the active or passive collection of biometric data; and

(v) the number of individuals who stay in the United States after the expiration of their visas each year.

(B) A description of—

(i) all audits performed to assess—

(I) error rates in the use of biometric technologies; or

(II) whether the use of biometric technologies and error rates in the use of such technologies disproportionately affect a certain race, gender, or nationality; and

(ii) the results of the audits described in clause (i).

(C) A description of the process by which domestic travelers are able to opt-out of scanning using biometric technologies.

(D) A description of—

(i) what traveler data is collected through scanning using biometric technologies, what agencies have access to such data, and how long the agencies possess such data;

(ii) specific actions that the Department and other relevant Federal departments and agencies take to safeguard such data; and

(iii) a short-term goal for the prompt deletion of the data of individual United States citizens after such data is used to verify traveler identities.

(d) PUBLICATION OF ASSESSMENTS.—The Secretary, the Administrator, and the Commissioner shall, if practicable, publish a public version of the assessment required by subsection (c)(2) on the Internet website of the TSA and of the U.S. Customs and Border Protection.

49 USC 44903 note.

SEC. 1920. PILOT PROGRAM FOR AUTOMATED EXIT LANE TECHNOLOGY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a pilot program to implement and evaluate the use of automated exit lane technology at small hub airports and nonhub airports (as those terms are defined in section 40102 of title 49, United States Code).

(b) PARTNERSHIP.—The Administrator shall carry out the pilot program in partnership with the applicable airport directors.

(c) COST SHARE.—The Federal share of the cost of the pilot program under this section shall not exceed 85 percent of the total cost of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section $15,000,000 for each of fiscal years 2019 through 2021.

(e) GAO REPORT.—Not later than 2 years after the date the pilot program is implemented, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the pilot program, including—

(1) the extent of airport participation in the pilot program and how the program was implemented;

(2) the results of the pilot program and any reported benefits, including the impact on security and any cost-related efficiencies realized by TSA or at the participating airports; and

(3) the feasibility of expanding the pilot program to additional airports, including to medium and large hub airports.

SEC. 1921. AUTHORIZATION OF APPROPRIATIONS; EXIT LANE SECURITY.

There is authorized to be appropriated to carry out section 44903(n)(1) of title 49, United States Code, $77,000,000 for each of fiscal years 2019 through 2021.

SEC. 1922. REAL-TIME SECURITY CHECKPOINT WAIT TIMES.

49 USC 44901 note.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall make available to the public information on wait times at each airport security checkpoint at which security screening operations are conducted or overseen by the TSA.

(b) REQUIREMENTS.—The information described in subsection (a) shall be provided in real time via technology and published—

(1) online; and

(2) in physical locations at applicable airport terminals.

(c) CONSIDERATIONS.—The Administrator shall only make the information described in subsection (a) available to the public if it can do so in a manner that does not increase public area security risks.

(d) DEFINITION OF WAIT TIME.—In this section, the term "wait time" means the period beginning when a passenger enters a queue for a screening checkpoint and ending when that passenger exits the checkpoint.

SEC. 1923. GAO REPORT ON DEPLOYMENT OF SCREENING TECHNOLOGIES ACROSS AIRPORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study whether the TSA allocates resources, including advanced imaging and computed tomography technologies, appropriately based on risk at Category X, I, II, III, and IV airports at which security screening operations are conducted or overseen by the TSA.

(b) COST ANALYSIS.—As a part of the study conducted under subsection (a), the Comptroller General shall analyze the costs allocated or incurred by the TSA at Category X, I, II, III, and IV airports—

(1) to purchase and deploy screening equipment and other assets, including advanced imaging and computed tomography technologies, at Category X, I, II, III, and IV airports;

(2) to install such equipment, including any related variant, and assets in the airport; and

(3) to maintain such equipment and assets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the findings of the study under subsection (a).

49 USC 44901 note.

SEC. 1924. SCREENING TECHNOLOGY REVIEW AND PERFORMANCE OBJECTIVES.

(a) REVIEW OF TECHNOLOGY ACQUISITIONS PROCESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with relevant officials of the Department, shall conduct a review of existing advanced transportation security screening technology testing and evaluation, acquisitions, and procurement practices within TSA.

(2) CONTENTS.—Such review shall include—

(A) identifying process delays and obstructions within the Department and the Administration regarding how such technology is identified, tested and evaluated, acquired, and deployed;

(B) assessing whether the TSA can better leverage existing resources or processes of the Department for the purposes of technology testing and evaluation;

(C) assessing whether the TSA can further encourage innovation and competition among technology stakeholders, including through increased participation of and funding for small business concerns (as such term is described under section 3 of the Small Business Act (15 U.S.C. 632));

(D) identifying best practices of other Department components or United States Government entities; and

(E) a plan to address any problems or challenges identified by such review.

(b) BRIEFING.—The Administrator shall provide to the appropriate committees of Congress a briefing on the findings of the review required under this section and a plan to address any problems or challenges identified by such review.

(c) ACQUISITIONS AND PROCUREMENT ENHANCEMENT.—Incorporating the results of the review in subsection (a), the Administrator shall—

(1) engage in outreach, coordination, and collaboration with transportation stakeholders to identify and foster innovation of new advanced transportation security screening technologies;

(2) streamline the overall technology development, testing, evaluation, acquisitions, procurement, and deployment processes of the Administration; and

(3) ensure the effectiveness and efficiency of such processes.

(d) ASSESSMENT.—The Secretary, in consultation with the Chief Privacy Officer of the Department, shall submit to the appropriate committees of Congress a compliance assessment of the TSA acquisition process relating to the health and safety risks associated with implementation of screening technologies.

(e) PERFORMANCE OBJECTIVES.—The Administrator shall establish performance objectives for the testing and verification of security technology, including testing and verification conducted by

appropriate third parties under section 1911, to ensure that progress is made, at a minimum, toward—

(1) reducing time for each phase of testing while maintaining security (including testing for detection testing, operational testing, testing and verification framework, and field testing);

(2) eliminating testing and verification delays; and

(3) increasing accountability.

(f) TRACKING.—

(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall establish and continually track performance metrics for each type of security technology submitted for testing and verification, including testing and verification conducted by appropriate third parties under section 1911.

(2) MEASURING PROGRESS TOWARD GOALS.—The Administrator shall use the metrics established and tracked under paragraph (1) to generate data on an ongoing basis and to measure progress toward the achievement of the performance objectives established under subsection (e).

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing the extent to which the performance objectives established under subsection (e), as measured by the performance metrics established and tracked under paragraph (1) of this subsection, have been met.

(B) ELEMENTS.—The report required by subparagraph (A) shall include—

(i) a list of the performance metrics established under paragraph (1), including the length of time for each phase of testing and verification for each type of security technology; and

(ii) a comparison of the progress achieved for testing and verification of security technology conducted by the TSA and the testing and verification of security technology conducted by third parties.

(C) PROPRIETARY INFORMATION.—The report required by subparagraph (A) shall—

(i) not include identifying information regarding an individual or entity or equipment; and

(ii) protect proprietary information.

(g) INFORMATION TECHNOLOGY SECURITY.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a plan to conduct recurring reviews of the operational, technical, and management security controls for Administration information technology systems at airports.

SEC. 1925. COMPUTED TOMOGRAPHY PILOT PROGRAMS.

49 USC 44901 note.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall carry out a pilot program to test the use of screening equipment using computed tomography technology to screen baggage at passenger screening checkpoints at airports.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator, in coordination with the Under Secretary for Science and Technology of the Department, shall submit to the appropriate committees of Congress a feasibility study regarding expanding the use of computed tomography technology for the screening of air cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation, interstate air transportation, or interstate air commerce.

(2) CONSIDERATIONS.—In conducting the feasibility study under paragraph (1), the Administrator shall consider the following:

(A) Opportunities to leverage computed tomography systems used for screening passengers and baggage.

(B) Costs and benefits of using computed tomography technology for screening air cargo.

(C) An analysis of emerging computed tomography systems that may have potential to enhance the screening of air cargo, including systems that may address aperture challenges associated with screening certain categories of air cargo.

(D) An analysis of emerging screening technologies, in addition to computed tomography, that may be used to enhance the screening of air cargo.

(c) PILOT PROGRAM.—Not later than 120 days after the date the feasibility study is submitted under subsection (b), the Administrator shall initiate a 2-year pilot program to achieve enhanced air cargo security screening outcomes through the use of new or emerging screening technologies, such as computed tomography technology, as identified through such study.

(d) UPDATES.—Not later than 60 days after the date the pilot program under subsection (c) is initiated, and biannually thereafter for 2 years, the Administrator shall brief the appropriate committees of Congress on the progress of implementation of such pilot program.

(e) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term "air carrier" has the meaning given the term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given the term in section 40102 of title 49, United States Code.

(3) FOREIGN AIR CARRIER.—The term "foreign air carrier" has the meaning given the term in section 40102 of title 49, United States Code.

(4) INTERSTATE AIR COMMERCE.—The term "interstate air commerce" has the meaning given the term in section 40102 of title 49, United States Code.

(5) INTERSTATE AIR TRANSPORTATION.—The term "interstate air transportation" has the meaning given the term in section 40102 of title 49, United States Code.

Subtitle C—Public Area Security

6 USC 1116 note.

SEC. 1926. DEFINITIONS.

In this subtitle:

(1) BEHAVIORAL STANDARDS.—The term "behavioral standards" means standards for the evaluation of explosives detection working canines for certain factors, including canine temperament, work drive, suitability for training, environmental factors used in evaluations, and canine familiarity with natural or man-made surfaces or working conditions relevant to the canine's expected work area.

(2) MEDICAL STANDARDS.—The term "medical standards" means standards for the evaluation of explosives detection working canines for certain factors, including canine health, management of heredity health conditions, breeding practices, genetics, pedigree, and long-term health tracking.

(3) TECHNICAL STANDARDS.—The term "technical standards" means standards for the evaluation of explosives detection working canines for certain factors, including canine search techniques, handler-canine communication, detection testing conditions and logistics, and learned explosive odor libraries.

SEC. 1927. EXPLOSIVES DETECTION CANINE CAPACITY BUILDING. 6 USC 1116 note.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a working group to determine ways to support decentralized, non-Federal domestic canine breeding capacity to produce high quality explosives detection canines and modernize canine training standards.

(b) WORKING GROUP COMPOSITION.—The working group established under subsection (a) shall be comprised of representatives from the following:

(1) The TSA.

(2) The Science and Technology Directorate of the Department.

(3) National domestic canine associations with expertise in breeding and pedigree.

(4) Universities with expertise related to explosives detection canines and canine breeding.

(5) Domestic canine breeders and vendors.

(c) CHAIRPERSONS.—The Administrator shall approve of 2 individuals from among the representatives of the working group specified in subsection (b) to serve as the Chairpersons of the working group as follows:

(1) One Chairperson shall be from an entity specified in paragraph (1) or (2) of that subsection.

(2) One Chairperson shall be from an entity specified in paragraph (3), (4), or (5) of that subsection.

(d) PROPOSED STANDARDS AND RECOMMENDATIONS.—Not later than 180 days after the date the working group is established under subsection (a), the working group shall submit to the Administrator—

(1) proposed behavioral standards, medical standards, and technical standards for domestic canine breeding and canine training described in that subsection; and

(2) recommendations on how the TSA can engage stakeholders to further the development of such domestic non-Federal canine breeding capacity and training.

(e) STRATEGY.—Not later than 180 days after the date the recommendations are submitted under subsection (d), the Administrator shall develop and submit to the appropriate committees of Congress a strategy for working with non-Federal stakeholders

to facilitate expanded the domestic canine breeding capacity described in subsection (a), based on such recommendations.

(f) CONSULTATION.—In developing the strategy under subsection (e), the Administrator shall consult with the Under Secretary for Science and Technology of the Department, the Commissioner for U.S. Customs and Border Protection, the Director of the United States Secret Service, and the heads of such other Federal departments or agencies as the Administrator considers appropriate to incorporate, to the extent practicable, mission needs across the Department for an expanded non-Federal domestic explosives detection canine breeding capacity that can be leveraged to help meet the Department's operational needs.

(g) TERMINATION.—The working group established under subsection (a) shall terminate on the date that the strategy is submitted under subsection (e), unless the Administrator extends the termination date for the purposes of section 1928.

(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this Act.

6 USC 1116 note.

SEC. 1928. THIRD PARTY DOMESTIC CANINES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, to enhance the efficiency and efficacy of transportation security by increasing the supply of canine teams for use by the TSA and transportation stakeholders, the Administrator shall develop and issue behavioral standards, medical standards, and technical standards, based on the recommendations of the working group under section 1927, that a third party explosives detection canine must satisfy to be certified for the screening of individuals and property, including detection of explosive vapors among individuals and articles of property, in public areas of an airport under section 44901 of title 49, United States Code.

(b) AUGMENTING PUBLIC AREA SECURITY.—

(1) IN GENERAL.—The Administrator shall develop guidance on the coordination of development and deployment of explosives detection canine teams for use by transportation stakeholders to enhance public area security at transportation hubs, including airports.

(2) CONSULTATION.—In developing the guidance under paragraph (1), the Administrator shall consult with—

(A) the working group established under section 1927;

(B) the officials responsible for carrying out section 1941; and

(C) such transportation stakeholders, canine providers, law enforcement, privacy groups, and transportation security providers as the Administrator considers relevant.

(c) AGREEMENT.—Subject to subsections (d), (e), and (f), not later than 270 days after the issuance of standards under subsection (a), the Administrator shall, to the extent possible, enter into an agreement with at least 1 third party to test and certify the capabilities of canines in accordance with the standards under subsection (a).

(d) EXPEDITED DEPLOYMENT.—In entering into an agreement under subsection (c), the Administrator shall use—

(1) the other transaction authority under section 114(m) of title 49, United States Code; or

(2) such other authority of the Administrator as the Administrator considers appropriate to expedite the deployment of additional canine teams.

(e) PROCESS.—Before entering into an agreement under subsection (c), the Administrator shall—

(1) evaluate and verify the third party's ability to effectively evaluate the capabilities of canines;

(2) designate key elements required for appropriate evaluation venues where third parties may conduct testing; and

(3) periodically assess the program at evaluation centers to ensure the proficiency of the canines beyond the initial testing and certification by the third party.

(f) CONSULTATION.—To determine best practices for the use of third parties to test and certify the capabilities of canines, the Administrator shall consult with the following persons before entering into an agreement under subsection (c):

(1) The Secretary of State.

(2) The Secretary of Defense.

(3) Non-profit organizations that train, certify, and provide the services of canines for various purposes.

(4) Institutions of higher education with research programs related to use of canines for the screening of individuals and property, including detection of explosive vapors among individuals and articles of property.

(g) THIRD PARTY EXPLOSIVES DETECTION CANINE PROVIDER LIST.—

(1) IN GENERAL.—Not later than 90 days after the date the Administrator enters into an agreement under subsection (c), the Administrator shall develop and maintain a list of the names of each third party from which the TSA procures explosive detection canines, including for each such third party the relevant contractual period of performance.

(2) DISTRIBUTION.—The Administrator shall make the list under paragraph (1) available to appropriate transportation stakeholders in such form and manner as the Administrator prescribes.

(h) OVERSIGHT.—The Administrator shall establish a process to ensure appropriate oversight of the certification program and compliance with the standards under subsection (a), including periodic audits of participating third parties.

(i) AUTHORIZATION.—

(1) TSA.—The Administrator shall develop and implement a process for the TSA to procure third party explosives detection canines certified under this section.

(2) AVIATION STAKEHOLDERS.—

(A) IN GENERAL.—The Administrator shall authorize an aviation stakeholder, under the oversight of and in coordination with the Federal Security Director at an applicable airport, to contract with, procure or purchase, and deploy one or more third party explosives detection canines certified under this section to augment public area security at that airport.

(B) APPLICABLE LARGE HUB AIRPORTS.—

(i) IN GENERAL.—Except as provided under subparagraph (ii), notwithstanding any law to the contrary, and subject to the other provisions of this paragraph, an applicable large hub airport may provide

a certified canine described in subparagraph (A) on an in-kind basis to the TSA to be deployed as a passenger screening canine at that airport unless the applicable large hub airport consents to the use of that certified canine elsewhere.

(ii) EXCEPTION.—The Administrator may, on a case-by-case basis, deploy a certified canine described in subparagraph (A) to a transportation facility other than the applicable large hub airport described in clause (i) for not more than 90 days per year if the Administrator—

(I) determines that such deployment is necessary to meet operational or security needs; and

(II) notifies the applicable large hub airport described in clause (i).

(iii) NONDEPLOYABLE CANINES.—Any certified canine provided to the TSA under clause (i) that does not complete training for deployment under that clause shall be the responsibility of the large hub airport unless the TSA agrees to a different outcome.

(C) HANDLERS.—Not later than 30 days before a canine begins training to become a certified canine under subparagraph (B), the airport shall notify the TSA of such training and the Administrator shall assign a TSA canine handler to participate in the training with that canine, as appropriate.

(D) LIMITATION.—The Administrator may not reduce the staffing allocation model for an applicable large hub airport based on that airport's provision of a certified canine under this paragraph.

(j) DEFINITIONS.—In this section:

(1) APPLICABLE LARGE HUB AIRPORT.—The term "applicable large hub airport" means a large hub airport (as defined in section 40102 of title 49, United States Code) that has less than 100 percent of the allocated passenger screening canine teams staffed by the TSA.

(2) AVIATION STAKEHOLDER.—The term "aviation stakeholder" includes an airport, airport operator, and air carrier.

6 USC 1116 note.

SEC. 1929. TRACKING AND MONITORING OF CANINE TRAINING AND TESTING.

Not later than 180 days after the date of enactment of this Act, the Administrator shall use, to the extent practicable, a digital monitoring system for all training, testing, and validation or certification of public and private canine assets utilized or funded by the TSA to facilitate improved review, data analysis, and record keeping of canine testing performance and program administration.

SEC. 1930. VIPR TEAM STATISTICS.

6 USC 1112 note.

(a) VIPR TEAM STATISTICS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Administrator shall notify the appropriate committees of Congress of the number of VIPR teams available for deployment at transportation facilities, including—

(A) the number of VIPR team operations that include explosive detection canine teams; and

(B) the distribution of VIPR team operations deployed across different modes of transportation.

(2) ANNEX.—The notification under paragraph (1) may contain a classified annex.

(3) DEFINITION OF VIPR TEAM.—In this subsection, the term "VIPR" means a Visible Intermodal Prevention and Response team authorized under section 1303 of the National Transit Systems Security Act of 2007 (6 U.S.C. 1112).

(b) AUTHORIZATION OF VIPR TEAMS.—Section 1303(b) of the National Transit Systems Security Act of 2007 (6 U.S.C. 1112(b)) is amended by striking "to the extent appropriated, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2018" and inserting "such sums as necessary, including funds to develop at least 30, but not more than 60, VIPR teams, for fiscal years 2019 through 2021".

SEC. 1931. PUBLIC AREA SECURITY WORKING GROUP. 49 USC 114 note.

(a) DEFINITIONS.—In this section:

(1) PUBLIC AND PRIVATE STAKEHOLDERS.—The term "public and private stakeholders" has the meaning given the term in section 114(t)(1)(C) of title 49, United States Code.

(2) SURFACE TRANSPORTATION ASSET.—The term "surface transportation asset" includes—

(A) facilities, equipment, or systems used to provide transportation services by—

(i) a public transportation agency (as the term is defined in section 1402 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1131));

(ii) a railroad carrier (as the term is defined in section 20102 of title 49, United States Code);

(iii) an owner or operator of—

(I) an entity offering scheduled, fixed-route transportation services by over-the road bus (as the term is defined in section 1501 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1151)); or

(II) a bus terminal; or

(B) other transportation facilities, equipment, or systems, as determined by the Secretary.

(b) PUBLIC AREA SECURITY WORKING GROUP.—

(1) WORKING GROUP.—The Administrator, in coordination with the National Protection and Programs Directorate, shall establish a working group to promote collaborative engagement between the TSA and public and private stakeholders to develop non-binding recommendations for enhancing security in public areas of transportation facilities (including facilities that are surface transportation assets), including recommendations regarding the following:

(A) Information sharing and interoperable communication capabilities among the TSA and public and private stakeholders with respect to terrorist or other threats.

(B) Coordinated incident response procedures.

(C) The prevention of terrorist attacks and other incidents through strategic planning, security training, exercises and drills, law enforcement patrols, worker vetting, and suspicious activity reporting.

(D) Infrastructure protection through effective construction design barriers and installation of advanced surveillance and other security technologies.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date the working group is established under paragraph (1), the Administrator shall submit to the appropriate committee of Congress a report, covering the 12-month period preceding the date of the report, on—

(i) the organization of the working group;

(ii) the activities of the working group;

(iii) the participation of the TSA and public and private stakeholders in the activities of the working group;

(iv) the findings of the working group, including any recommendations.

(B) PUBLICATION.—The Administrator may publish a public version of such report that describes the activities of the working group and such related matters as would be informative to the public, consistent with section 552(b) of title 5, United States Code.

(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under subsection (a) or any subcommittee thereof.

(c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall—

(A) inform owners and operators of surface transportation assets about the availability of technical assistance, including vulnerability assessment tools and cybersecurity guidelines, to help protect and enhance the resilience of public areas of such assets; and

(B) upon request, and subject to the availability of appropriations, provide such technical assistance to owners and operators of surface transportation assets.

(2) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Secretary shall publish on the Department website and widely disseminate, as appropriate, current best practices for protecting and enhancing the resilience of public areas of transportation facilities (including facilities that are surface transportation assets), including associated frameworks or templates for implementation.

(d) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(A) review of regulations, directives, policies, and procedures issued by the Administrator regarding the transportation of a firearm and ammunition; and

(B) submit to the appropriate committees of Congress a report on the findings of the review under subparagraph (A), including, as appropriate, information on any plans to modify any regulation, directive, policy, or procedure based on the review.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Administrator shall consult with—

(A) ASAC;

(B) the Surface Transportation Security Advisory Committee under section 404 of the Homeland Security Act of 2002; and

(C) appropriate public and private stakeholders.

SEC. 1932. PUBLIC AREA BEST PRACTICES. 49 USC 114 note.

(a) IN GENERAL.—The Administrator shall, in accordance with law and as received or developed, periodically submit information, on any best practices developed by the TSA or appropriate transportation stakeholders related to protecting the public spaces of transportation infrastructure from emerging threats, to the following:

(1) Federal Security Directors at airports.

(2) Appropriate security directors for other modes of transportation.

(3) Other appropriate transportation security stakeholders.

(b) INFORMATION SHARING.—The Administrator shall, in accordance with law—

(1) in coordination with the Office of the Director of National Intelligence and industry partners, implement improvements to the Air Domain Intelligence and Analysis Center to encourage increased participation from stakeholders and enhance government and industry security information sharing on transportation security threats, including on cybersecurity threat awareness;

(2) expand and improve the City and Airport Threat Assessment or similar program to public and private stakeholders to capture, quantify, communicate, and apply applicable intelligence to inform transportation infrastructure mitigation measures, such as—

(A) quantifying levels of risk by airport that can be used to determine risk-based security mitigation measures at each location; and

(B) determining random and surge employee inspection operations based on changing levels of risk;

(3) continue to disseminate Transportation Intelligence Notes, tear-lines, and related intelligence products to appropriate transportation security stakeholders on a regular basis; and

(4) continue to conduct both regular routine and threat-specific classified briefings between the TSA and appropriate transportation sector stakeholders on an individual or group basis to provide greater information sharing between public and private sectors.

(c) MASS NOTIFICATION.—The Administrator shall encourage security stakeholders to utilize mass notification systems, including the Integrated Public Alert Warning System of the Federal Emergency Management Agency and social media platforms, to disseminate information to transportation community employees, travelers, and the general public, as appropriate.

(d) PUBLIC AWARENESS PROGRAMS.—The Secretary, in coordination with the Administrator, shall expand public programs of the Department of Homeland Security and the TSA that increase security threat awareness, education, and training to include transportation network public area employees, including airport and transportation vendors, local hotels, cab and limousine companies,

ridesharing companies, cleaning companies, gas station attendants, cargo operators, and general aviation members.

SEC. 1933. AIRPORT WORKER ACCESS CONTROLS COST AND FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with ASAC, shall submit to the Comptroller General of the United States and the appropriate committees of Congress a study examining the shared cost and feasibility to airports, airlines, and the TSA of implementing enhanced employee inspection measures at all access points between non-secured areas and secured areas at a statistically significant number of Category I, II, III, IV, and X airports.

(b) ASSESSMENT.—To the extent practicable, in conducting the study, the Administrator shall assess the cost, operational efficiency, and security effectiveness of requiring all employees to present for inspection at every access point between non-secured areas and secured areas of airports, and of deploying some or all of the following screening measures and technologies:

(1) A secure door utilizing card and pin entry or biometric technology.

(2) Surveillance video recording capable of storing video data for at least 30 days.

(3) Advanced screening technologies, including at least 1 of the following:

(A) Magnetometer (walk-through or hand-held).

(B) Explosives detection canines.

(C) Explosives trace detection swabbing.

(D) Advanced imaging technology.

(E) X-ray bag screening technology.

(4) The TSA's Advanced Threat Local Allocation Strategy (commonly known as "ATLAS").

(c) CONTENTS.—To the extent practicable, the study under subsection (a) shall include the following:

(1) Costs associated with establishing an operational minimum number of employee entry and exit points.

(2) A comparison of estimated costs and security effectiveness associated with implementing the security features specified in paragraphs (1), (2), (3), and (4) of subsection (b) based on information on the experiences from those category I, II, III, IV, and X airports that have already implemented or piloted enhanced employee inspection measures at access points between non-secured areas and secured areas of airports.

(d) GAO REVIEW.—Not later than 90 days after the date of receipt of the study under subsection (a), the Comptroller General of the United States shall—

(1) review the study to assess the quality and reliability of the study; and

(2) submit to the appropriate committees of Congress a report on the results of the review under paragraph (1).

49 USC 44903 note.

SEC. 1934. SECURING AIRPORT WORKER ACCESS POINTS.

(a) COOPERATIVE EFFORTS TO ENHANCE AIRPORT SECURITY AWARENESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall consult with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees to enhance security awareness of

credentialed airport populations regarding insider threats to aviation security and best practices related to airport access controls.

(b) CREDENTIALING STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees, shall assess credentialing standards, policies, and practices, including implementation of relevant credentialing updates required under the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), to ensure that insider threats to aviation security are adequately addressed.

(c) SIDA APPLICATIONS.—

(1) SOCIAL SECURITY NUMBERS REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall revise the application submitted by an individual applying for a credential granting access to the Secure Identification Area of an airport to require the social security number of such individual in order to strengthen security vetting effectiveness.

(B) FAILURE TO PROVIDE NUMBER.—An applicant who does not provide such applicant's social security number may be denied such a credential.

(2) SCREENING NOTICE.—The Administrator shall issue requirements for an airport operator to include in each application for access to a Security Identification Display Area notification to the applicant that an employee holding a credential granting access to a Security Identification Display Area may be screened at any time while gaining access to, working in, or leaving a Security Identification Display Area.

(d) SECURED AND STERILE AREAS OF AIRPORTS.—The Administrator shall consult with airport operators and airline operators to identify advanced technologies, including biometric identification technologies, that could be used for securing employee access to the secured areas and sterile areas of airports.

(e) RAP BACK VETTING .—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify and submit to the appropriate committees of Congress the number of credentialed aviation worker populations at airports that are continuously vetted through the Federal Bureau of Investigation's Rap Back Service, consistent with section 3405(b)(2) of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44901 note).

(f) INSIDER THREAT EDUCATION AND MITIGATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify means of enhancing the TSA's ability to leverage the resources of the Department and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) to educate Administration personnel on insider threats to aviation security and how the TSA can better mitigate such insider threats.

(g) EMPLOYEE INSPECTIONS.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall ensure that TSA-led, random employee physical inspection efforts of aviation workers are targeted, strategic, and focused on providing the greatest level of security effectiveness.

(h) COVERT TESTING.—

(1) IN GENERAL.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall continue to conduct covert testing of TSA-led employee inspection operations at airports and measure existing levels of security effectiveness.

(2) REQUIREMENTS.—The Administrator shall provide—

(A) the results of such testing to—

(i) the airport operator for the airport that is the subject of any such testing; and

(ii) as appropriate, to air carriers and foreign air carriers that operate at the airport that is the subject of such testing; and

(B) recommendations and technical assistance for air carriers, foreign air carriers, and airport operators to conduct their own employee inspections, as needed.

(3) ANNUAL REPORTING.—The Administrator shall for each of fiscal years 2019 through 2021, submit to the appropriate committees of Congress a report on the frequency, methodology, strategy, and effectiveness of employee inspection operations at airports.

(i) CENTRALIZED DATABASE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with ASAC, shall—

(A) subject to paragraph (2), establish a national, centralized database of the names of each individual who—

(i) has had an airport-issued badge revoked for failure to comply with aviation security requirements; or

(ii) has had an aircraft operator-issued badge revoked for failure to comply with aviation security requirements;

(B) determine the appropriate reporting mechanisms for air carriers, foreign air carriers, and airport operators—

(i) to submit to the Administration data regarding an individual described in subparagraph (A); and

(ii) to access the database; and

(C) establish a process to allow an individual whose name is mistakenly entered into the database to correct the record and have the individual's name expunged from the database.

(2) LIMITATION.—The database shall not include the name of any individual whose badge has been revoked as a result of a termination or cessation of employment unrelated to—

(A) a violation of a security requirement; or

(B) a determination that the individual poses a threat to aviation security.

49 USC 44903 note.

SEC. 1935. LAW ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM.

(a) IN GENERAL.—In accordance with section 44903(c)(1) of title 49, United States Code, the Administrator shall increase the number of awards, and the total funding amount of each award, under the Law Enforcement Officer Reimbursement Program—

(1) to increase the presence of law enforcement officers in the public areas of airports, including baggage claim, ticket counters, and nearby roads;

(2) to increase the presence of law enforcement officers at screening checkpoints;

(3) to reduce the response times of law enforcement officers during security incidents; and

(4) to provide visible deterrents to potential terrorists.

(b) COOPERATION BY ADMINISTRATOR.—In carrying out subsection (a), the Administrator shall use the authority provided to the Administrator under section 114(m) of title 49, United States Code, that is the same authority as is provided to the Administrator of the Federal Aviation Administration under section 106(m) of that title.

(c) ADMINISTRATIVE BURDENS.—The Administrator shall review the regulations and compliance policies related to the Law Enforcement Officer Reimbursement Program and, if necessary, revise such regulations and policies to reduce any administrative burdens on applicants or recipients of such awards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 44901(h) of title 49, United States Code, $55,000,000 for each of fiscal years 2019 through 2021.

SEC. 1936. AIRPORT PERIMETER AND ACCESS CONTROL SECURITY.

49 USC 44903 note.

(a) RISK ASSESSMENTS OF AIRPORT SECURITY.—

(1) IN GENERAL.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, update the Transportation Sector Security Risk Assessment (referred to in this section as the "TSSRA"); and

(B) not later than 90 days after the date the TSSRA is updated under subparagraph (A)—

(i) update with the most currently available intelligence information the Comprehensive Risk Assessment of Perimeter and Access Control Security (referred to in this section as the "Risk Assessment of Airport Security");

(ii) establish a regular schedule for periodic updates to the Risk Assessment of Airport Security; and

(iii) conduct a system-wide assessment of airport access control points and airport perimeter security.

(2) CONTENTS.—The security risk assessments required under paragraph (1)(B) shall—

(A) include updates reflected in the TSSRA and Joint Vulnerability Assessment findings;

(B) reflect changes to the risk environment relating to airport access control points and airport perimeters;

(C) use security event data for specific analysis of system-wide trends related to airport access control points and airport perimeter security to better inform risk management decisions; and

(D) consider the unique geography of and current best practices used by airports to mitigate potential vulnerabilities.

(3) REPORT.—The Administrator shall report the results of the TSSRA and Risk Assessment of Airport Security under paragraph (1) to—

(A) the appropriate committees of Congress;

(B) relevant Federal departments and agencies; and
(C) airport operators.

(b) AIRPORT SECURITY STRATEGY DEVELOPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall update the 2012 National Strategy for Airport Perimeter and Access Control Security (referred to in this section as the "National Strategy").

(2) CONTENTS.—The update to the National Strategy shall include—

(A) information from the Risk Assessment of Airport Security; and

(B) information on—

(i) airport security-related activities;

(ii) the status of TSA efforts to address the objectives of the National Strategy;

(iii) finalized outcome-based performance measures and performance levels for—

(I) each activity described in clause (i); and

(II) each objective described in clause (ii); and

(iv) input from airport operators.

(3) UPDATES.—Not later than 90 days after the date the update to the National Strategy is complete, the Administrator shall establish a regular schedule for determining if and when additional updates to the strategy under paragraph (1) are necessary.

Subtitle D—Passenger and Cargo Security

SEC. 1937. PRECHECK PROGRAM.

(a) IN GENERAL.—Section 44919 is amended to read as follows:

"§ 44919. PreCheck Program

"(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall continue to administer the PreCheck Program in accordance with section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).

"(b) EXPANSION.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall enter into an agreement, using other transaction authority under section 114(m) of this title, with at least 2 private sector entities to increase the methods and capabilities available for the public to enroll in the PreCheck Program.

"(c) MINIMUM CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

"(1) Start-to-finish secure online or mobile enrollment capability.

"(2) Vetting of an applicant by means other than biometrics, such as a risk assessment, if—

"(A) such means—

"(i) are evaluated and certified by the Secretary of Homeland Security;

"(ii) meet the definition of a qualified anti-terrorism technology under section 865 of the Homeland Security Act of 2002 (6 U.S.C. 444); and

"(iii) are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

"(B) with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in such risk assessments.

"(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

"(1) Start-to-finish secure online or mobile enrollment capability.

"(2) Vetting of an applicant by means of biometrics if the collection—

"(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology;

"(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as 'Privacy Act of 1974'), and with agency regulations;

"(C) is evaluated and certified by the Secretary of Homeland Security; and

"(D) is determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history.

"(e) TARGET ENROLLMENT.—Subject to subsections (b), (c), and (d), the Administrator shall take actions to expand the total number of individuals enrolled in the PreCheck Program as follows:

"(1) 7,000,000 passengers before October 1, 2019.

"(2) 10,000,000 passengers before October 1, 2020.

"(3) 15,000,000 passengers before October 1, 2021.

"(f) MARKETING OF PRECHECK PROGRAM.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall—

"(1) enter into at least 2 agreements, using other transaction authority under section 114(m) of this title, to market the PreCheck Program; and

"(2) implement a long-term strategy for partnering with the private sector to encourage enrollment in such program.

"(g) IDENTITY VERIFICATION ENHANCEMENT.—The Administrator shall—

"(1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the identity and citizenship of individuals enrolling in the PreCheck Program;

"(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

"(3) consider leveraging the existing resources and abilities of airports to collect fingerprints for use in background checks to expedite identity verification.

"(h) PRECHECK PROGRAM LANES OPERATION.—The Administrator shall—

"(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

"(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

"(i) ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR EXPEDITED SECURITY SCREENING.—

"(1) IN GENERAL.—Subject to paragraph (3), an individual specified in paragraph (2) is eligible for expedited security screening under the PreCheck Program.

"(2) INDIVIDUALS SPECIFIED.—An individual specified in this subsection is any of the following:

"(A) A member of the Armed Forces, including a member of a reserve component or the National Guard.

"(B) A cadet or midshipman of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

"(C) A family member of an individual specified in subparagraph (A) or (B) who is younger than 12 years old and accompanying the individual.

"(3) IMPLEMENTATION.—The eligibility of an individual specified in paragraph (2) for expedited security screening under the PreCheck Program is subject to such policies and procedures as the Administrator may prescribe to carry out this subsection, in consultation with the Secretary of Defense and, with respect to the United States Coast Guard, the Commandant of the United States Coast Guard.

"(j) VETTING FOR PRECHECK PROGRAM PARTICIPANTS.—The Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

"(k) ASSURANCE OF SEPARATE PROGRAM.—In carrying out this section, the Administrator shall ensure that the additional private sector application capabilities under subsections (b), (c), and (d) are undertaken in addition to any other related TSA program, initiative, or procurement, including the Universal Enrollment Services program.

"(l) EXPENDITURE OF FUNDS.—Any Federal funds expended by the Administrator to expand PreCheck Program enrollment shall

be expended in a manner that includes the requirements of this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Subtitle A of title III of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44901 note) and the items relating to that subtitle in the table of contents of that Act are repealed.

(2) TABLE OF CONTENTS.—The table of contents of chapter 449 is amended by amending the item relating to section 44919 to read as follows:

49 USC prec. 44901.

"44919. PreCheck Program.".

(3) SCREENING PASSENGERS AND PROPERTY.—Section 44901(a) is amended by striking "44919 or".

SEC. 1938. PRECHECK EXPEDITED SCREENING.

49 USC 44919 note.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall ensure that only a traveler who is a member of a trusted traveler program specified in subsection (b) is permitted to use a TSA PreCheck security screening lane at a passenger screening checkpoint.

(b) TRUSTED TRAVELER PROGRAMS SPECIFIED.—A trusted traveler program specified in this subsection is any of the following:

(1) The PreCheck Program under section 44919 of title 49, United States Code.

(2) Any other program implemented by the TSA under section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).

(3) Any other United States Government program that issues a unique identifier, such as a known traveler number, that the TSA accepts as validating that the individual holding such identifier is a member of a known low-risk population.

(c) EXEMPTIONS.—Nothing in this section shall affect—

(1) the authority of the Administrator, under section 44927 of title 49, United States Code, to carry out expedited screening for members of the Armed Forces with disabilities or severe injuries or veterans with disabilities or severe injuries; or

(2) the Honor Flight program under section 44928 of that title.

(d) LOW-RISK TRAVELERS.—Any traveler who is determined by the Administrator to be low risk based on the traveler's age and who is not a member of a trusted traveler program specified in subsection (b) shall be permitted to utilize TSA PreCheck security screening lanes at Transportation Security Administration checkpoints when traveling on the same reservation as a member of such a program.

(e) RISK MODIFIED SCREENING.—

(1) PILOT PROGRAM.—Not later than 60 days after the date of enactment of this Act and subject to paragraph (2), the Administrator shall commence a pilot program regarding a risk modified screening protocol for lanes other than designated TSA PreCheck security screening lanes at passenger screening checkpoints, in airports of varying categories, to further segment passengers based on risk.

(2) ELIGIBILITY.—Only a low-risk passenger shall be eligible to participate in the risk modified screening pilot program under paragraph (1).

(3) DEFINITION OF LOW-RISK PASSENGER.—In this subsection, the term "low-risk passenger" means a passenger who—

(A) meets a risk-based, intelligence-driven criteria prescribed by the Administrator; or

(B) undergoes a canine enhanced screening upon arrival at the passenger screening checkpoint.

(4) TERMINATION.—The pilot program shall terminate on the date that is 120 days after the date it commences under paragraph (1).

(5) BRIEFING.—Not later than 30 days after the termination date under paragraph (4), the Administrator shall brief the appropriate committees of Congress on the findings of the pilot program, including—

(A) information relating to the security effectiveness and passenger facilitation effectiveness of the risk modified screening protocol;

(B) a determination regarding whether the risk modified screening protocol was effective; and

(C) if the Administrator determined that the protocol was effective, a plan for the deployment of the protocol at as many TSA passenger screening checkpoints as practicable.

(6) IMPLEMENTATION.—In determining whether deployment of the protocol at a TSA passenger screening checkpoint at an airport is practicable, the Administrator shall consider—

(A) the level of risk at the airport;

(B) the available space at the airport;

(C) passenger throughput levels at the airport;

(D) the checkpoint configuration at the airport; and

(E) adequate resources to appropriately serve passengers in TSA PreCheck security screening lanes at the passenger screening checkpoint.

(f) WORKING GROUP.—

(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall establish a working group to advise the Administrator on the development of plans for the deployment of the protocol at TSA passenger screening checkpoints, other than designated TSA PreCheck security screening lanes, in the most effective and efficient manner practicable.

(2) MEMBERS.—The working group shall be comprised of representatives of Category X, I, II, III, and IV airports and air carriers (as the term is defined in section 40102 of title 49, United States Code).

(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(g) BRIEFINGS.—

(1) IN GENERAL.—The Administrator shall brief, on a biannual basis, the appropriate committees of Congress on the implementation of subsections (a) until the Administrator certifies that only travelers who are members of trusted traveler programs specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at passenger screening checkpoints.

(2) CERTIFICATION.—Upon a determination by the Administrator that only travelers who are members of a trusted traveler program specified in subsection (b) are permitted to use TSA

PreCheck security screening lanes at checkpoints in accordance with subsection (a), the Administrator shall submit to the appropriate committees of Congress a written certification relating to such determination.

(h) INSPECTOR GENERAL ASSESSMENTS.—The Inspector General of the Department shall assess and transmit to the appropriate committees of Congress the Administrator's implementation under subsection (a).

(i) EXPANSION OF TSA PRECHECK PROGRAM ENROLLMENT.—

(1) LONG-TERM STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop and begin the implementation a long-term strategy to increase enrollment in the TSA PreCheck Program.

(2) CONSIDERATIONS.—In developing the strategy under paragraph (1), the Administrator shall consider the following:

(A) Partnering with air carriers (as the term is defined in section 40102 of title 49, United States Code) to incorporate PreCheck Program promotion opportunities in the reservation process described in section 1560.101 of title 49, Code of Federal Regulations;

(B) Including in the PreCheck Program of an individual who—

(i) holds a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance, unless the individual has had the individual's clearance revoked or did not pass a periodic reinvestigation; or

(ii) is a current, full-time Federal law enforcement officer.

(C) Providing PreCheck Program enrollment flexibility by offering secure mobile enrollment platforms that facilitate in-person identity verification and application data collection, such as through biometrics.

(D) Reducing travel time to PreCheck Program enrollment centers for applicants, including—

(i) by adjusting the locations and schedules of existing PreCheck Program enrollment centers to accommodate demand;

(ii) by seeking to colocate such enrollment centers with existing facilities that support the issuance of—

(I) United States passports; and

(II) Security Identification Display Area credentials (as the term is defined in section 1540.5 of title 49, Code of Federal Regulations) located in public, non-secure areas of airports if no systems of an airport operator are used in support of enrollment activities for such credentials; and

(iii) by increasing the availability of PreCheck Program enrollment platforms, such as kiosks, tablets, or staffed laptop stations.

(E) The feasibility of providing financial assistance or other incentives for PreCheck Program enrollment for—

(i) children who are at least 12 years or older, but less than 18 years old;

(ii) families consisting of 5 or more immediate family members;

(iii) private sector entities, including small businesses, to establish PreCheck Program enrollment centers in their respective facilities; and

(iv) private sector entities, including small business concerns (as the term is described in section 3 of the Small Business Act (15 U.S.C. 632)), to reimburse an employee for the cost of the PreCheck Program application.

SEC. 1939. TRUSTED TRAVELER PROGRAMS; COLLABORATION.

Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection, shall—

(1) review each trusted traveler program administered by U.S. Customs and Border Protection and the PreCheck Program;

(2) identify any improvements that can be made to such programs—

(A) to streamline and integrate the requirements and operations of such programs to reduce administrative burdens, including applications for inclusion and determining whether a valid credential can satisfy the requirements for another credential;

(B) to increase information and data sharing across such programs; and

(C) to allow the public to access and link to the applications for enrollment in all of such programs from 1 online portal;

(3) identify any law, including regulations, policy, or procedure that may unnecessarily inhibit collaboration among Department of Homeland Security agencies regarding such programs or implementation of the improvements identified under paragraph (2);

(4) recommend any legislative, administrative, or other actions that can be taken to eliminate any unnecessary barriers to collaboration or implementation identified in paragraph (3); and

(5) submit to the appropriate committees of Congress a report on the review, including any unnecessary barriers to collaboration or implementation identified under paragraph (3), and any recommendations under paragraph (4).

SEC. 1940. PASSENGER SECURITY FEE.

Section 44940(c) is amended by adding at the end the following:

"(3) OFFSETTING COLLECTIONS.—Beginning on October 1, 2027, fees collected under subsection (a)(1) for any fiscal year shall be credited as offsetting collections to appropriations made for aviation security measures carried out by the Transportation Security Administration, to remain available until expended.".

SEC. 1941. THIRD PARTY CANINE TEAMS FOR AIR CARGO SECURITY.

Section 1307 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is amended by adding at the end the following:

"(h) THIRD PARTY CANINE TEAMS FOR AIR CARGO SECURITY.—

"(1) IN GENERAL.—In order to enhance the screening of air cargo and ensure that third party explosives detection canine assets are leveraged for such purpose, the Administrator

shall, not later than 180 days after the date of enactment of the TSA Modernization Act—

"(A) develop and issue standards for the use of such third party explosives detection canine assets for the primary screening of air cargo;

"(B) develop a process to identify qualified non-Federal entities that will certify canine assets that meet the standards established by the Administrator under subparagraph (A);

"(C) ensure that entities qualified to certify canine assets shall be independent from entities that will train and provide canines to end users of such canine assets;

"(D) establish a system of Transportation Security Administration audits of the process developed under subparagraph (B); and

"(E) provide that canines certified for the primary screening of air cargo can be used by air carriers, foreign air carriers, freight forwarders, and shippers.

"(2) IMPLEMENTATION.—Beginning on the date that the development of the process under paragraph (1)(B) is complete, the Administrator shall—

"(A) facilitate the deployment of such assets that meet the certification standards of the Administration, as determined by the Administrator;

"(B) make such standards available to vendors seeking to train and deploy third party explosives detection canine assets; and

"(C) ensure that all costs for the training and certification of canines, and for the use of supplied canines, are borne by private industry and not the Federal Government.

"(3) DEFINITIONS.—In this subsection:

"(A) AIR CARRIER.—The term 'air carrier' has the meaning given the term in section 40102 of title 49, United States Code.

"(B) FOREIGN AIR CARRIER.—The term 'foreign air carrier' has the meaning given the term in section 40102 of title 49, United States Code.

"(C) THIRD PARTY EXPLOSIVES DETECTION CANINE ASSET.—The term 'third party explosives detection canine asset' means any explosives detection canine or handler not owned or employed, respectively, by the Transportation Security Administration.".

SEC. 1942. KNOWN SHIPPER PROGRAM REVIEW.

The Administrator shall direct the Air Cargo Subcommittee of ASAC—

(1) to conduct a comprehensive review and security assessment of the Known Shipper Program;

(2) to recommend whether the Known Shipper Program should be modified or eliminated considering the full implementation of 100 percent screening under section 44901(g) of title 49, United States Code; and

(3) to report its findings and recommendations to the Administrator.

SEC. 1943. ESTABLISHMENT OF AIR CARGO SECURITY DIVISION.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

49 USC 44947 note.

"§ 44947. Air cargo security division

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish an air cargo security division to carry out and engage with stakeholders regarding the implementation of air cargo security programs established by the Administration.

"(b) LEADERSHIP; STAFFING.—The air cargo security division established pursuant to subsection (a) shall be headed by an individual in the executive service within the TSA and be staffed by not fewer than 4 full-time equivalents, including the head of the division.

"(c) STAFFING.—The Administrator of the Transportation Security Administration shall staff the air cargo security division with existing TSA personnel.".

(b) TABLE OF CONTENTS.—The table of contents of chapter 449 is amended by inserting after the item related to section 44946 the following:

49 USC prec. 44901.

"44947. Air cargo security division.".

SEC. 1944. AIR CARGO REGULATION REVIEW.

(a) REVIEW.—Not later than 150 days after the date of enactment of this Act, the Administrator shall—

(1) review the Certified Cargo Screening Program, including—

(A) consideration of the degree to which the Program is effective at fully addressing evolving threats to air cargo, particularly as air cargo volumes fluctuate; and

(B) identification of any vulnerabilities in the Program and effectiveness of information sharing with air cargo security stakeholders; and

(2) submit to the appropriate committees of Congress a report on the findings of the review under paragraph (1), including—

(A) a description of the actions the Administrator has taken to improve the Program; and

(B) a description of the actions the Administrator will take to address the findings of the review under paragraph (1), including any plans to issue new rulemaking, if necessary.

SEC. 1945. GAO REVIEW.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the Department's analysis and intelligence prescreening processes and procedures for air cargo entering the United States;

(2) review the pilot program conducted under section 1925;

(3) assess the effectiveness of the Department's risk-based strategy for examining air cargo and ensuring compliance with air cargo security law, including regulations; and

(4) review the Department's information sharing procedures and practices for disseminating information to relevant stakeholders on preventing, mitigating, and responding to air cargo related threats.

SEC. 1946. SCREENING PARTNERSHIP PROGRAM UPDATES.

(a) SECURITY SCREENING OPT-OUT PROGRAM.—Section 44920 is amended—

(1) in the heading by striking "**Security screening opt-out program**" and inserting "**Screening partnership program**";

(2) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—An airport operator may submit to the Administrator of the Transportation Security Administration an application to carry out the screening of passengers and property at the airport under section 44901 by personnel of a qualified private screening company pursuant to a contract entered into with the Transportation Security Administration.";

(3) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—Not later than 60 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Administrator shall approve or deny the application."; and

(B) in paragraphs (2) and (3), by striking "Under Secretary" each place it appears and inserting "Administrator";

(4) in subsection (d)—

(A) in the heading, by striking "STANDARDS" inserting "SELECTION OF CONTRACTS AND STANDARDS";

(B) by redesignating paragraph (2) as paragraph (3);

(C) in paragraph (1)—

(i) by striking "The Under Secretary may enter" and all that follows through "certifies to Congress that—" and inserting "The Administrator shall, upon approval of the application, provide the airport operator with a list of qualified private screening companies."; and

(ii) by inserting before subparagraphs (A) and (B) the following:

"(2) CONTRACTS.—The Administrator shall, to the extent practicable, enter into a contract with a private screening company from the list provided under paragraph (1) for the provision of screening at the airport not later than 120 days after the date of approval of an application submitted by the airport operator under subsection (a) if—"; and

(D) in paragraph (2), as redesignated—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B)—

(I) by striking "Under Secretary" and inserting "Administrator"; and

(II) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) the selected qualified private screening company offered contract price is equal to or less than the cost

to the Federal Government to provide screening services at the airport."; and

(E) in paragraph (3), as redesignated—

(i) by striking "paragraph (1)(B)" and inserting "paragraph (2)(B)"; and

(ii) by striking "Under Secretary" each place it appears and inserting "Administrator";

(5) in subsection (e)—

(A) in the heading, by striking "SCREENED" and inserting "SCREENING";

(B) by striking the period at the end and inserting "; and";

(C) by striking "The Under Secretary shall" and inserting "The Administrator shall—";

(D) by inserting "(1)" before "provide Federal Government" and indenting appropriately; and

(E) by adding at the end the following:

"(2) undertake covert testing and remedial training support for employees of private screening companies providing screening at airports.";

(6) in subsection (f)—

(A) in the heading, by inserting "OR SUSPENSION" after "TERMINATION";

(B) by striking "terminate" and inserting "suspend or terminate, as appropriate,"; and

(C) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(7) by striking subsection (h) and inserting the following:

"(h) EVALUATION OF SCREENING COMPANY PROPOSALS FOR AWARD.—

"(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, including title 48 of the Code of Federal Regulations and the Federal Advisory Committee Act (5 U.S.C. App.), an airport operator that has applied and been approved to have security screening services carried out by a qualified private screening company under contract with the Administrator may nominate to the head of the contracting activity an individual to participate in the evaluation of proposals for the award of such contract.

"(2) PARTICIPATION ON A PROPOSAL EVALUATION COMMITTEE.—Any participation on a proposal evaluation committee under paragraph (1) shall be conducted in accordance with chapter 21 of title 41.

"(i) INNOVATIVE SCREENING APPROACHES AND TECHNOLOGIES.—The Administrator shall encourage an airport operator to whom screening services are provided under this section to recommend to the Administrator innovative screening approaches and technologies. Upon receipt of any such recommendations, the Administrator shall review and, if appropriate, test, conduct a pilot project, and, if appropriate, deploy such approaches and technologies.".

(b) FEASIBILITY ASSESSMENT.—

(1) IN GENERAL.—The Administrator, in consultation with airport operators and airlines, shall submit to the appropriate committees of Congress an assessment of the feasibility of modifying the Screening Partnership Program to allow an individual airport terminal to participate in the Screening Partnership Program.

(2) CONSIDERATIONS.—In conducting the assessment under paragraph (1), the Administrator shall consider—

(A) potential benefits and costs, including with respect to the efficacy of security operations, of such an approach;

(B) potential impacts on security operations; and

(C) potential impacts on recruitment, hiring, and retention.

(c) APPLICATIONS SUBMITTED BEFORE THE DATE OF ENACTMENT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall approve or deny, in accordance with section 44920(b) of title 49, United States Code, as amended by this Act, each application submitted before the date of enactment of this Act, by an airport operator under subsection (a) of that section, that is awaiting such a determination. 49 USC 44920 note.

SEC. 1947. SCREENING PERFORMANCE ASSESSMENTS. 49 USC 44901 note.

Subject to part 1520 of title 49, Code of Federal Regulations, the Administrator shall quarterly make available to the airport director of an airport—

(1) an assessment of the screening performance of that airport compared to the mean average performance of all airports in the equivalent airport category for screening performance data; and

(2) a briefing on the results of performance data reports, including—

(A) a scorecard of objective metrics developed by the Office of Security Operations to measure screening performance, such as results of annual proficiency reviews and covert testing, at the appropriate level of classification; and

(B) other performance data, including—

(i) passenger throughput;

(ii) wait times; and

(iii) employee attrition, absenteeism, injury rates, and any other human capital measures collected by the TSA.

SEC. 1948. TRANSPORTATION SECURITY TRAINING PROGRAMS.

(a) IN GENERAL.—Section 44935 is amended—

(1) by striking "(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—" and inserting "(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—"; and

(2) by adding at the end the following:

"(l) INITIAL AND RECURRING TRAINING.—

"(1) IN GENERAL.—The Administrator shall establish a training program for new security screening personnel located at the Transportation Security Administration Academy.

"(2) RECURRING TRAINING.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish recurring training for security screening personnel regarding updates to screening procedures and technologies, including, in response to weaknesses identified in covert tests at airports—

"(i) methods to identify the verification of false or fraudulent travel documents; and

"(ii) training on emerging threats.

"(B) CONTENTS.—The training under subparagraph (A) shall include—

"(i) internal controls for monitoring and documenting compliance of transportation security officers with such training requirements; and

"(ii) such other matters as identified by the Administrator with regard to such training.".

(b) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) examine the effectiveness of the new security screening personnel training under section 44935(l) of title 49, United States Code; and

(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including any recommendations.

49 USC 44903 note.

SEC. 1949. TRAVELER REDRESS IMPROVEMENT.

(a) REDRESS PROCESS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator, using existing resources, systems, and processes, shall ensure the availability of the Department of Homeland Security Traveler Redress Inquiry Program (referred to in this section as "DHS TRIP") redress process to adjudicate an inquiry for an individual who—

(A) is a citizen of the United States or alien lawfully admitted for permanent residence;

(B) has filed the inquiry with DHS TRIP after receiving enhanced screening at an airport passenger security checkpoint more than 3 times in any 60-day period; and

(C) believes the individual has been wrongly identified as being a threat to aviation security.

(2) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress on the implementation of the redress process required under paragraph (1).

(b) PRIVACY IMPACT REVIEW AND UPDATE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and update the Privacy Impact Assessment for the Secure Flight programs to ensure the assessment accurately reflects the operation of such programs.

(2) PUBLIC DISSEMINATION; FORM.—The Administrator shall—

(A) publish the Secure Flight Privacy Impact Assessment review and update required under paragraph (1) on a publicly-accessible internet webpage of the TSA; and

(B) submit the Secure Flight Privacy Impact Assessment review and update to the appropriate committees of Congress.

(c) RULE REVIEW AND NOTIFICATION PROCESS.—

(1) RULE REVIEW.—Not later than 60 days after the date of enactment of this Act, and every 120 days thereafter, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA, in coordination with the entities specified in paragraph (3), shall identify and review the screening rules established by the Office of Intelligence and Analysis of TSA.

(2) NOTIFICATION PROCESS.—Not later than 2 days after the date that any change to a rule identified under paragraph (1) is made, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA shall notify the entities specified in paragraph (3) of the change.

(3) ENTITIES SPECIFIED.—The entities specified in this paragraph are as follows:

(A) The Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA.

(B) The Office of Civil Rights and Liberties of the Department.

(C) The Office of Chief Counsel of the TSA.

(D) The Office of General Counsel of the Department.

(E) The Privacy Office of the Administration.

(F) The Privacy Office of the Department.

(G) The Federal Air Marshal Service.

(H) The Traveler Redress Inquiry Program of the Department.

(d) FEDERAL AIR MARSHAL SERVICE COORDINATION.—

(1) IN GENERAL.—The Administrator shall ensure that the rules identified in subsection (c) are taken into account for Federal Air Marshal mission scheduling.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on whether, and if so how, the rules identified in subsection (c) are incorporated in the risk analysis conducted during the Federal Air Marshal mission scheduling process.

(e) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) study the rules identified under subsection (c)(1), including—

(A) whether the rules are effective in mitigating potential threats to aviation security; and

(B) whether, and if so how, the TSA coordinates with the Department regarding any proposed change to a rule; and

(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including any recommendations.

SEC. 1950. IMPROVEMENTS FOR SCREENING OF PASSENGERS WITH DISABILITIES.

49 USC 44901 note.

(a) REVISED TRAINING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with nationally-recognized veterans and disability organizations, shall revise the training requirements for Transportation Security Officers related to the screening of passengers with disabilities, including passengers with disabilities who participate in the PreCheck program.

(2) TRAINING SPECIFICATIONS.—In revising the training requirements under paragraph (1), the Administrator shall address the proper screening, and any particular sensitivities related to the screening, of a passenger with a disability—

(A) traveling with a medical device, including an indwelling medical device;

(B) traveling with a prosthetic;

(C) traveling with a wheelchair, walker, scooter, or other mobility device;

(D) traveling with a service animal; or

(E) with sensitivities to touch, pressure, sound, or hypersensitivity to stimuli in the environment.

(3) TRAINING FREQUENCY.—The Administrator shall implement the revised training under paragraph (1) during initial and recurrent training of all Transportation Security Officers.

(b) BEST PRACTICES.—The individual at the TSA responsible for civil rights, liberties, and traveler engagement shall—

(1) record each complaint from a passenger with a disability regarding the screening practice of the TSA;

(2) identify the most frequent concerns raised, or accommodations requested, in the complaints;

(3) determine the best practices for addressing the concerns and requests identified in paragraph (2); and

(4) recommend appropriate training based on such best practices.

(c) SIGNAGE.—At each category X airport, the TSA shall place signage at each security checkpoint that—

(1) specifies how to contact the appropriate TSA employee at the airport designated to address complaints of screening mistreatment based on disability; and

(2) describes how to receive assistance from that individual or other qualified personnel at the security screening checkpoint.

(d) REPORTS TO CONGRESS.—Not later than September 30 of the first full fiscal year after the date of enactment of this Act, and each fiscal year thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the checkpoint experiences of passengers with disabilities, including the following:

(1) The number and most frequent types of disability-related complaints received.

(2) The best practices recommended under subsection (b) to address the top areas of concern.

(3) The estimated wait times for assist requests for passengers with disabilities, including disabled passengers who participate in the PreCheck program.

49 USC 44901 note.

SEC. 1951. AIR CARGO ADVANCE SCREENING PROGRAM.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection and the Administrator, consistent with the requirements of the Trade Act of 2002 (Public Law 107–210) shall—

(1) establish an air cargo advance screening program (referred to in this section as the "ACAS Program") for the collection of advance electronic information from air carriers and other persons within the supply chain regarding cargo being transported to the United States by air;

(2) under such program, require that such information be transmitted by such air carriers and other persons at the earliest point practicable prior to loading of such cargo onto an aircraft destined to or transiting through the United States;

(3) establish appropriate communications systems with freight forwarders, shippers, and air carriers;

(4) establish a system that will allow freight forwarders, shippers, and air carriers to provide shipment level data for air cargo, departing from any location that is inbound to the United States; and

(5) identify opportunities in which the information furnished in compliance with the ACAS Program could be used by the Administrator.

(b) INSPECTION OF HIGH-RISK CARGO.—Under the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall ensure that all cargo that has been identified as high-risk is inspected—

(1) prior to the loading of such cargo onto aircraft at the last point of departure; or

(2) at an earlier point in the supply chain, before departing for the United States.

(c) CONSULTATION.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall consult with relevant stakeholders, as appropriate, to ensure that an operationally feasible and practical approach to—

(1) the collection of advance information with respect to cargo on aircraft departing for the United States is applied; and

(2) the inspection of high-risk cargo recognizes the significant differences among air cargo business models and modes of transportation.

(d) ANALYSIS.—The Commissioner of U.S. Customs and Border Protection and the Administrator may analyze the information described in subsection (a) in the Department of Homeland Security's automated targeting system and integrate such information with other intelligence to enhance the accuracy of the risk assessment process under the ACAS Program.

(e) NO DUPLICATION.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall carry out this section in a manner that, after the ACAS Program is fully in effect, ensures, to the greatest extent practicable, that the ACAS Program does not duplicate other Department programs or requirements relating to the submission of air cargo data or the inspection of high-risk cargo.

(f) CONSIDERATION OF INDUSTRY.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall—

(1) consider the content and timeliness of the available data may vary among entities in the air cargo industry and among countries;

(2) explore procedures to accommodate the variations described in paragraph (1) while maximizing the contribution of such data to the risk assessment process under the ACAS Program;

(3) test the business processes, technologies, and operational procedures required to provide advance information with respect to cargo on aircraft departing for the United States and carry out related inspection of high-risk cargo, while ensuring delays and other negative impacts on vital supply chains are minimized; and

(4) consider the cost, benefit, and feasibility before establishing any set time period for submission of certain elements of the data for air cargo under this section in line with the regulatory guidelines specified in Executive Order 13563 or any successor Executive order or regulation.

(g) GUIDANCE.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall provide guidance for participants in the ACAS Program regarding the requirements for participation, including requirements for transmitting shipment level data.

(h) USE OF DATA.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall use the data provided under the ACAS Program for targeting shipments for screening and aviation security purposes only.

(i) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection, in coordination with the Administrator, shall issue a final regulation to implement the ACAS Program to include the electronic transmission to U.S. Customs and Border Protection of data elements for targeting cargo, including appropriate security elements of shipment level data.

(j) REPORT.—Not later than 180 days after the date of the commencement of the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall submit to the appropriate committees of Congress a report detailing the operational implementation of providing advance information under the ACAS Program and the value of such information in targeting cargo.

Securing General Aviation and Charter Air Carrier Service Act.
49 USC 44903 note.

SEC. 1952. GENERAL AVIATION AIRPORTS.

(a) SHORT TITLE.—This section may be cited as the "Securing General Aviation and Charter Air Carrier Service Act".

(b) ADVANCED PASSENGER PRESCREENING SYSTEM.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of the deployment of the advanced passenger prescreening system, and access thereto for certain aircraft charter operators, as required by section 44903(j)(2)(E) of title 49, United States Code, including—

(1) the reasons for the delay in deploying the system; and

(2) a detailed schedule of actions necessary for the deployment of the system.

(c) SCREENING SERVICES OTHER THAN IN PRIMARY PASSENGER TERMINALS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, the Administrator may provide screening services to a charter air carrier in an area other than the primary passenger terminal of an applicable airport.

(2) REQUESTS.—A request for screening services under paragraph (1) shall be made at such time, in such form, and in such manner as the Administrator may require, except that the request shall be made to the Federal Security Director for the applicable airport at which the screening services are requested.

(3) AVAILABILITY.—A Federal Security Director may provide requested screening services under this section if the Federal

Security Director determines such screening services are available.

(4) AGREEMENTS.—

(A) LIMITATION.—No screening services may be provided under this section unless a charter air carrier agrees in writing to compensate the TSA for all reasonable costs, including overtime, of providing the screening services.

(B) PAYMENTS.—Notwithstanding section 3302 of title 31, United States Code, payment received under subparagraph (A) shall be credited to the account that was used to cover the cost of providing the screening services. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

(5) DEFINITIONS.—In this subsection:

(A) APPLICABLE AIRPORT.—The term "applicable airport" means an airport that—

(i) is not a commercial service airport; and

(ii) is receiving screening services for scheduled passenger aircraft.

(B) CHARTER AIR CARRIER.—The term "charter air carrier" has the meaning given the term in section 40102 of title 49, United States Code.

(C) SCREENING SERVICES.—The term "screening services" means the screening of passengers and property similar to the screening of passengers and property described in section 44901 of title 49, United States Code.

(d) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code, submit to the appropriate Committees of Congress an implementation plan, including an implementation schedule, for any of the following recommendations that were adopted by the ASAC and with which the Administrator has concurred before the date of the enactment of this Act:

(1) The recommendation regarding general aviation access to Ronald Reagan Washington National Airport, as adopted on February 17, 2015.

(2) The recommendation regarding the vetting of persons seeking flight training in the United States, as adopted on July 28, 2016.

(3) Any other such recommendations relevant to the security of general aviation adopted before the date of the enactment of this Act.

(e) DESIGNATED STAFFING.—The Administrator may designate 1 or more full-time employees of the TSA to liaise with, and respond to issues raised by, general aviation stakeholders.

(f) SECURITY ENHANCEMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall submit to the appropriate committees of Congress a report on the feasibility of requiring a security threat assessment before an individual could obtain training from a private flight school to operate an aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.

Subtitle E—Foreign Airport Security

49 USC 44907 note.

SEC. 1953. LAST POINT OF DEPARTURE AIRPORTS; SECURITY DIRECTIVES.

(a) NOTICE AND CONSULTATION.—

(1) IN GENERAL.—The Administrator shall, to the maximum extent practicable, consult and notify the following stakeholders prior to making changes to security standards via security directives and emergency amendments for last points of departure:

(A) Trade association representatives, for affected air carriers and airports, who hold the appropriate security clearances.

(B) The head of each relevant Federal department or agency, including the Administrator of the Federal Aviation Administration.

(2) TRANSMITTAL TO CONGRESS.—Not later than 3 days after the date that the Administrator issues a security directive or emergency amendment for a last point of departure, the Administrator shall transmit to the appropriate committees of Congress a description of the extent to which the Administrator consulted and notified the stakeholders under paragraph (1).

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall review the effectiveness of the TSA process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last point of departure airports and submit to the appropriate committees of Congress and the Administrator a report on the findings and recommendations.

(2) CONTENTS.—In conducting the review under paragraph (1), the Comptroller General shall—

(A) review current security directives, emergency amendments, and any other policies related to international aviation security at last point of departure airports;

(B) review the extent of intra-agency and interagency coordination, stakeholder outreach, coordination, and feedback; and

(C) review TSA's process and criteria for, and implementation of, updating or revoking the policies described in subparagraph (A).

(c) RESCREENING.—Subject to section 44901(d)(4)(c) of title 49, United States Code, upon discovery of specific threat intelligence, the Administrator shall immediately direct TSA personnel to rescreen passengers and baggage arriving from an airport outside the United States and identify enhanced measures that should be implemented at that airport.

(d) NOTIFICATION TO CONGRESS.—Not later than 1 day after the date that the Administrator determines that a foreign air carrier is in violation of part 1546 of title 49, Code of Federal Regulations, or any other applicable security requirement, the Administrator shall notify the appropriate committees of Congress.

(e) DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.—Notwithstanding any other provision of law, any decision of the Administrator under subsection (a)(1) relating to consultation or notification shall not be subject to judicial review.

SEC. 1954. LAST POINT OF DEPARTURE AIRPORT ASSESSMENT.

Section 44907(a)(2)(B) is amended by inserting ", including the screening and vetting of airport workers" before the semicolon.

SEC. 1955. TRACKING SECURITY SCREENING EQUIPMENT FROM LAST POINT OF DEPARTURE AIRPORTS.

(a) DONATION OF SCREENING EQUIPMENT TO PROTECT THE UNITED STATES.—Chapter 449 is amended—

(1) in subchapter I, by adding at the end the following:

"§ 44929. Donation of screening equipment to protect the United States

49 USC 44929.

"(a) IN GENERAL.—Subject to subsection (b), the Administrator is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

"(b) CONDITIONS.—Before donating any security screening equipment to a foreign last point of departure airport operator the Administrator shall—

"(1) ensure that the screening equipment has been restored to commercially available settings;

"(2) ensure that no TSA-specific security standards or algorithms exist on the screening equipment; and

"(3) verify that the appropriate officials have an adequate system—

"(A) to properly maintain and operate the screening equipment; and

"(B) to document and track any removal or disposal of the screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

"(c) REPORTS.—Not later than 30 days before any donation of security screening equipment under subsection (a), the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

"(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

"(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

"(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

"(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

"(5) The total dollar value of such donation.

"(6) How the appropriate officials will document and track any removal or disposal of the screening equipment by the

recipient to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security."; and

49 USC prec. 44901.

(2) in the table of contents, by inserting after the item relating to section 44928 the following:

"44929. Donation of screening equipment to protect the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3204 of the Aviation Security Act of 2016 (49 U.S.C. 44901 note) and the item relating to that section in the table of contents of that Act are repealed.

49 USC 44901 note.

(c) RAISING INTERNATIONAL STANDARDS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall collaborate with other aviation authorities and the United States Ambassador or the Charge d'Affaires to the United States Mission to the International Civil Aviation Organization, as applicable, to advance a global standard for each international airport to document and track the removal and disposal of any security screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

49 USC 44901 note.

SEC. 1956. INTERNATIONAL SECURITY STANDARDS.

(a) GLOBAL AVIATION SECURITY REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Commissioner of the U.S. Customs and Border Protection, the Director of the Office of International Engagement of the Department of Homeland Security, and the Secretary of State, shall conduct a global aviation security review to improve aviation security standards, including standards intended to mitigate cybersecurity threats, across the global aviation system.

(2) BEST PRACTICES.—The global aviation security review shall establish best practices regarding the following:

(A) Collaborating with foreign partners to improve global aviation security capabilities and standards.

(B) Identifying foreign partners that—

(i) have not successfully implemented security protocols from the International Civil Aviation Organization or the Department of Homeland Security; and

(ii) have not taken steps to implement such security protocols;

(C) Improving the development, outreach, and implementation process for security directives or emergency amendments issued to domestic and foreign air carriers.

(D) Assessing the cybersecurity risk of security screening equipment.

(b) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the United States Ambassador to the International Civil Aviation Organization, shall notify the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives of

the progress of the review under subsection (a) and any proposed international improvements to aviation security.

(c) ICAO.—Subject to subsection (a), the Administrator and Ambassador shall take such action at the International Civil Aviation Organization as the Administrator and Ambassador consider necessary to advance aviation security improvement proposals, including if practicable, introducing a resolution to raise minimum standards for aviation security.

(d) BRIEFINGS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, and periodically thereafter, the Administrator, in consultation with the Ambassador with respect to subsection (c), shall brief the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives on the implementation of subsections (a) and (b).

SEC. 1957. AVIATION SECURITY IN CUBA.

(a) SECURITY OF PUBLIC CHARTER OPERATIONS.—The Administrator of the Transportation Security Administration, in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall—

(1) direct all public charters operating flights between the United States and Cuba to provide updated flight schedules to, and maintain such schedules with, the Transportation Security Administration; and

(2) develop and implement a mechanism that corroborates and validates flight schedule data to more reliably track the public charter operations of air carriers between the United States and Cuba.

(b) BRIEFING ON SECURITY AT AIRPORTS IN CUBA.—The Administrator shall provide to Congress (including the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate) a confidential briefing on the following aspects of security measures at airports in Cuba that have air service to the United States:

(1) Details about the type of equipment used at screening checkpoints and an analysis of the capabilities and weaknesses of that equipment.

(2) Information about each such airport's canine screening program, if used.

(3) The frequency of training for screening and security personnel.

(4) Access controls in place to ensure only credentialed personnel have access to the secure and sterile areas of such airports.

(5) An assessment of the ability of known or suspected terrorists to use Cuba as a gateway to entering the United States.

(6) Security of such airports' perimeters.

(7) The vetting practices and procedures for airport employees.

(8) Any other information the Administrator considers relevant to the security practices, procedures, and equipment in place at such airports.

SEC. 1958. REPORT ON AIRPORTS USED BY MAHAN AIR.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2021, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landings of aircraft owned or controlled by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.

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

(c) PUBLICATION OF LIST.—The list required by subsection (a)(1) shall be publicly and prominently posted on the website of the Department of Homeland Security on the date on which the report required by subsection (a) is submitted to Congress.

Subtitle F—Cockpit and Cabin Security

SEC. 1959. FEDERAL AIR MARSHAL SERVICE UPDATES.

49 USC 44917 note.

(a) STANDARDIZATION.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop a standard written agreement that shall be the basis of all negotiations and agreements that begin after the date of enactment of this Act between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States, including deployment, technical assistance, and information sharing.

(2) WRITTEN AGREEMENTS.—Except as provided in paragraph (3), not later than 180 days after the date of enactment of this Act, all agreements between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States shall be in writing and signed by the Administrator or other authorized United States Government representative.

(3) EXCEPTION.—The Administrator may schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect if the Administrator determines that—

(A) such mission is necessary for aviation security; and

(B) the requirements of paragraph (4)(B) are met.

(4) NOTIFICATION TO CONGRESS.—

(A) WRITTEN AGREEMENTS.—Not later than 30 days after the date that the Administrator enters into a written agreement under this section, the Administrator shall transmit to the appropriate committees of Congress a copy of the agreement.

(B) NO WRITTEN AGREEMENTS.—The Administrator shall submit to the appropriate committees of Congress—

(i) not later than 30 days after the date of enactment of this Act, a list of each foreign government or partner that does not have a written agreement under this section, including an explanation for why no written agreement exists and a justification for the determination that such a mission is necessary for aviation security; and

(ii) not later than 30 days after the date that the Administrator makes a determination to schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect under paragraph (3), the name of the applicable foreign government or partner, an explanation for why no written agreement exists, and a justification for the determination that such mission is necessary for aviation security.

(b) MISSION SCHEDULING AUTOMATION.—The Administrator shall endeavor to acquire automated capabilities or technologies for scheduling Federal air marshal service missions based on current risk modeling. 49 USC 44917 note.

(c) IMPROVING FEDERAL AIR MARSHAL SERVICE DEPLOYMENTS.— 49 USC 44917 note.

(1) AFTER-ACTION REPORTS.—The Administrator shall strengthen internal controls to ensure that all after-action reports on Federal air marshal service special mission coverage provided to stakeholders include documentation of supervisory review and approval, and mandatory narratives.

(2) STUDY.—The Administrator shall contract with an independent entity to conduct a validation and verification study of the risk analysis and risk-based determinations guiding Federal air marshal service deployment, including the use of risk-based strategies under subsection (d).

(3) COST-BENEFIT ANALYSIS.—The Administrator shall conduct a cost-benefit analysis regarding mitigation of aviation security threats through Federal air marshal service deployment.

(4) PERFORMANCE MEASURES.—The Administrator shall improve existing performance measures to better determine the effectiveness of in-flight operations in addressing the highest risks to aviation transportation based on current intelligence.

(5) LONG DISTANCE FLIGHTS.—Section 44917 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (d) as subsections (b) through (c), respectively.

(d) USE OF RISK-BASED STRATEGIES.—

(1) IN GENERAL.—Section 44917(a) is amended—

(A) in paragraph (7), by striking "and" after the semicolon at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(9) shall require the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage, including when initially setting its annual target numbers of average daily international and domestic flights to cover;

"(10) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions;

"(11) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support international allocation decisions; and

"(12) shall ensure that the seating arrangements of Federal air marshals on aircraft are determined in a manner that is risk-based and most capable of responding to current threats to aviation security.".

(2) BRIEFING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress on the Federal Air Marshal Service's compliance with the requirements under paragraphs (9) through (12) of section 44917(a) of title 49, United States Code, as added by this Act, and the documented methodology used by the Federal Air Marshal Service to conduct risk assessments in accordance with such paragraphs.

49 USC 44917 note.

(3) IMPLEMENTATION DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall begin implementing the requirements under paragraphs (9) through (12) of section 44917(a), United States Code, as added by this Act.

49 USC 44918 note.

SEC. 1960. CREW MEMBER SELF-DEFENSE TRAINING.

The Administrator, in consultation with the Administrator of the Federal Aviation Administration, shall continue to carry out and encourage increased participation by air carrier employees in the voluntary self-defense training program under section 44918(b) of title 49, United States Code.

49 USC 44921 note.

SEC. 1961. FLIGHT DECK SAFETY AND SECURITY.

(a) THREAT ASSESSMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the Federal Aviation Administration, shall complete a detailed threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft and any appropriate measures that should be taken based on the risks.

(b) RTCA REPORT.—The Administrator, in coordination with the Administrator of the Federal Aviation Administration, shall disseminate RTCA Document (DO–329) Aircraft Secondary Barriers and Alternative Flight Deck Security Procedure to aviation stakeholders, including air carriers and flight crew, to convey effective methods and best practices to protect the flight deck.

SEC. 1962. CARRIAGE OF WEAPONS, EXPLOSIVES, AND INCENDIARIES BY INDIVIDUALS.

49 USC 44901 note.

(a) INTERPRETIVE RULE.—Subject to subsections (b) and (c), the Administrator shall periodically review and amend, as necessary, the interpretive rule (68 Fed. Reg. 7444) that provides guidance to the public on the types of property considered to be weapons, explosives, and incendiaries prohibited under section 1540.111 of title 49, Code of Federal Regulations.

(b) CONSIDERATIONS.—Before determining whether to amend the interpretive rule to include or remove an item from the prohibited list, the Administrator shall—

(1) research and evaluate—

(A) the impact, if any, the amendment would have on security risks;

(B) the impact, if any, the amendment would have on screening operations, including effectiveness and efficiency; and

(C) whether the amendment is consistent with international standards and guidance, including of the International Civil Aviation Organization; and

(2) consult with appropriate aviation security stakeholders, including ASAC.

(c) EXCEPTIONS.—Except for plastic or round bladed butter knives, the Administrator may not amend the interpretive rule described in subsection (a) to authorize any knife to be permitted in an airport sterile area or in the cabin of an aircraft.

(d) NOTIFICATION.—The Administrator shall—

(1) publish in the Federal Register any amendment to the interpretive rule described in subsection (a); and

(2) notify the appropriate committees of Congress of the amendment not later than 3 days before publication under paragraph (1).

SEC. 1963. FEDERAL FLIGHT DECK OFFICER PROGRAM IMPROVEMENTS.

(a) IMPROVED ACCESS TO TRAINING FACILITIES.—Section 44921(c)(2)(C)(ii) is amended—

(1) by striking "The training of" and inserting the following:

"(I) IN GENERAL.—The training of";

(2) in subclause (I), as designated, by striking "approved by the Under Secretary"; and

(3) by adding at the end the following:

"(II) ACCESS TO TRAINING FACILITIES.—The Administrator shall designate additional firearms training facilities located in various regions of the United States for Federal flight deck officers for recurrent and requalifying training relative to the number of such facilities available on the day before such date of enactment.".

(b) FIREARMS REQUALIFICATION.—Section 44921(c)(2)(C) is amended—

(1) in clause (iii)—

(A) by striking "The Under Secretary shall" and inserting the following:

"(I) IN GENERAL.—The Administrator shall";

(B) in subclause (I), as designated by subparagraph (A), by striking "the Under Secretary" and inserting "the Administrator"; and

(C) by adding at the end the following:

"(II) USE OF FACILITIES FOR REQUALIFICATION.—The Administrator shall allow a Federal flight deck officer to requalify to carry a firearm under the program through training at a Transportation Security Administration-approved firearms training facility utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration."; and

(2) by adding at the end the following:

"(iv) PERIODIC REVIEW.—The Administrator shall periodically review requalification training intervals and assess whether it is appropriate and sufficient to adjust the time between each requalification training to facilitate continued participation in the program under this section while still maintaining effectiveness of the training, and update the training requirements as appropriate.".

(c) TRAINING REVIEW.—Section 44921(c)(2) is amended by adding at the end the following:

"(D) TRAINING REVIEW.—Not later than 2 years after the date of enactment of the TSA Modernization Act, and biennially thereafter, the Administrator shall review training facilities and training requirements for initial and recurrent training for Federal flight deck officers and evaluate how training requirements, including the length of training, could be streamlined while maintaining the effectiveness of the training, and update the training requirements as appropriate.".

(d) OTHER MEASURES TO FACILITATE TRAINING.—Section 44921(e) is amended—

(1) by striking "Pilots participating" and inserting the following:

"(1) IN GENERAL.—Pilots participating"; and

(2) by adding at the end the following:

"(2) FACILITATION OF TRAINING.—An air carrier shall permit a pilot seeking to be deputized as a Federal flight deck officer or a Federal flight deck officer to take a reasonable amount of leave to participate in initial, recurrent, or requalification training, as applicable, for the program. Leave required under this paragraph may be provided without compensation.".

(e) INTERNATIONAL HARMONIZATION.—Section 44921(f) is amended—

(1) in paragraphs (1) and (3), by striking "Under Secretary" and inserting "Administrator"; and

(2) by adding at the end the following:

"(4) CONSISTENCY WITH FEDERAL AIR MARSHAL PROGRAM.—The Administrator shall harmonize, to the extent practicable and in a manner that does not jeopardize existing Federal air marshal agreements, the policies relating to the carriage of firearms on international flights by Federal flight deck officers with the policies of the Federal air marshal program for carrying firearms on such flights and carrying out the duties

of a Federal flight deck officer, notwithstanding Annex 17 of the International Civil Aviation Organization.".

(f) PHYSICAL STANDARDS.—Section 44921(d)(2) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) in clause (ii), as redesignated, by striking "Under Secretary's" and inserting "Administrator's";

(3) by striking "A pilot is" and inserting the following:

"(A) IN GENERAL.—A pilot is"; and

(4) by adding at the end the following:

"(B) CONSISTENCY WITH REQUIREMENTS FOR CERTAIN MEDICAL CERTIFICATES.—In establishing standards under subparagraph (A)(ii), the Administrator may not establish medical or physical standards for a pilot to become a Federal flight deck officer that are inconsistent with or more stringent than the requirements of the Federal Aviation Administration for the issuance of the required airman medical certificate under part 67 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).".

(g) TRANSFER OF STATUS.—Section 44921(d) is amended by adding at the end the following:

"(5) TRANSFER FROM INACTIVE TO ACTIVE STATUS.—In accordance with any applicable Transportation Security Administration appeals processes, a pilot deputized as a Federal flight deck officer who moves to inactive status may return to active status upon successful completion of a recurrent training program administered within program guidelines.".

(h) TECHNICAL CORRECTIONS.—Section 44921, as amended by this section, is further amended—

(1) in subsection (a), by striking "Under Secretary of Transportation for Security" and inserting "Administrator";

(2) in subsection (b)—

(A) in paragraph (1), by striking "Not later than 3 months after the date of enactment of this section, the Under Secretary" and inserting "The Administrator";

(B) in paragraph (2), by striking "Beginning 3 months after the date of enactment of this section, the Under Secretary shall begin the process of training and deputizing" and inserting "The Administrator shall train and deputize"; and

(C) in paragraph (3)(N), by striking "Under Secretary's" and inserting "Administrator's";

(3) in subsection (d)(4)—

(A) by striking "may," and inserting "may"; and

(B) by striking "Under Secretary's" and inserting "Administrator's";

(4) in subsection (i)(2), by striking "the Under Secretary may" and inserting "may";

(5) in subsection (k)—

(A) by striking paragraphs (2) and (3); and

(B) by striking "APPLICABILITY.—" and all that follows through "This section" and inserting "APPLICABILITY.—This section";

(6) by adding at the end the following:

"(l) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.

"(2) AIR TRANSPORTATION.—The term 'air transportation' includes all-cargo air transportation.

"(3) FIREARMS TRAINING FACILITY.—The term 'firearms training facility' means a private or government-owned gun range approved by the Administrator to provide recurrent or requalification training, as applicable, for the program, utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

"(4) PILOT.—The term 'pilot' means an individual who has final authority and responsibility for the operation and safety of the flight or any other flight deck crew member."; and

(7) by striking "Under Secretary" each place it appears and inserting "Administrator".

49 USC 44921 note.

(i) SENSITIVE SECURITY INFORMATION.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Transportation shall revise section 15.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals; and

(2) the Administrator shall revise section 1520.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals.

49 USC 44921 note.

(j) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall prescribe such regulations as may be necessary to carry out this section and the amendments made by this section.

Subtitle G—Surface Transportation Security

49 USC 114 note.

SEC. 1964. SURFACE TRANSPORTATION SECURITY ASSESSMENT AND IMPLEMENTATION OF RISK-BASED STRATEGY.

(a) SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall complete an assessment of the vulnerabilities of and risks to surface transportation systems.

(2) CONSIDERATIONS.—In conducting the security assessment under paragraph (1), the Administrator shall, at a minimum—

(A) consider appropriate intelligence;

(B) consider security breaches and attacks at domestic and international surface transportation facilities;

(C) consider the vulnerabilities and risks associated with specific modes of surface transportation;

(D) evaluate the vetting and security training of—

(i) employees in surface transportation; and

(ii) other individuals with access to sensitive or secure areas of surface transportation networks; and

(E) consider input from—

(i) representatives of different modes of surface transportation;

(ii) representatives of critical infrastructure entities;

(iii) the Transportation Systems Sector Coordinating Council; and

(iv) the heads of other relevant Federal departments or agencies.

(b) RISK-BASED SURFACE TRANSPORTATION SECURITY STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date the security assessment under subsection (a) is complete, the Administrator shall use the results of the assessment—

(A) to develop and implement a cross-cutting, risk-based surface transportation security strategy that includes—

(i) all surface transportation modes;

(ii) a mitigating strategy that aligns with each vulnerability and risk identified in subsection (a);

(iii) a planning process to inform resource allocation;

(iv) priorities, milestones, and performance metrics to measure the effectiveness of the risk-based surface transportation security strategy; and

(v) processes for sharing relevant and timely intelligence threat information with appropriate stakeholders;

(B) to develop a management oversight strategy that—

(i) identifies the parties responsible for the implementation, management, and oversight of the risk-based surface transportation security strategy; and

(ii) includes a plan for implementing the risk-based surface transportation security strategy; and

(C) to modify the risk-based budget and resource allocations, in accordance with section 1965(c), for the Transportation Security Administration.

(2) COORDINATED APPROACH.—In developing and implementing the risk-based surface transportation security strategy under paragraph (1), the Administrator shall coordinate with the heads of other relevant Federal departments or agencies, and stakeholders, as appropriate—

(A) to evaluate existing surface transportation security programs, policies, and initiatives, including the explosives detection canine teams, for consistency with the risk-based security strategy and, to the extent practicable, avoid any unnecessary duplication of effort;

(B) to determine the extent to which stakeholder security programs, policies, and initiatives address the vulnerabilities and risks to surface transportation systems identified in subsection (a); and

(C) subject to subparagraph (B), to mitigate each vulnerability and risk to surface transportation systems identified in subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date the security assessment under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress and the Inspector General of the Department a report that—

(A) describes the process used to complete the security assessment;

(B) describes the process used to develop the risk-based security strategy;

(C) describes the risk-based security strategy;

(D) includes the management oversight strategy;

(E) includes—

(i) the findings of the security assessment;

(ii) a description of the actions recommended or taken by the Administrator to mitigate the vulnerabilities and risks identified in subsection (a), including interagency coordination;

(iii) any recommendations for improving the coordinated approach to mitigating vulnerabilities and risks to surface transportation systems; and

(iv) any recommended changes to the National Infrastructure Protection Plan, the modal annexes to such plan, or relevant surface transportation security programs, policies, or initiatives; and

(F) may contain a classified annex.

(2) PROTECTIONS.—In preparing the report, the Administrator shall take appropriate actions to safeguard information described by section 552(b) of title 5, United States Code, or protected from disclosure by any other law of the United States.

(d) UPDATES.—Not less frequently than semiannually, the Administrator shall report to or brief the appropriate committees of Congress on the vulnerabilities of and risks to surface transportation systems and how those vulnerabilities and risks affect the risk-based security strategy.

49 USC 114 note.

SEC. 1965. RISK-BASED BUDGETING AND RESOURCE ALLOCATION.

(a) REPORT.—In conjunction with the submission of the Department's annual budget request to the Office of Management and Budget, the Administrator shall submit to the appropriate committees of Congress a report that describes a risk-based budget and resource allocation plan for surface transportation sectors, within and across modes, that—

(1) reflects the risk-based surface transportation security strategy under section 1964(b); and

(2) is organized by appropriations account, program, project, and initiative.

(b) BUDGET TRANSPARENCY.—In submitting the annual budget of the United States Government under section 1105 of title 31, United States Code, the President shall clearly distinguish the resources requested for surface transportation security from the resources requested for aviation security.

(c) RESOURCE REALLOCATION.—

(1) IN GENERAL.—Not later than 15 days after the date on which the Transportation Security Administration allocates any resources or personnel, including personnel sharing, detailing, or assignment, or the use of facilities, technology systems, or vetting resources, for a nontransportation security

purpose or National Special Security Event (as defined in section 2001 of Homeland Security Act of 2002 (6 U.S.C. 601)), the Secretary shall provide the notification described in paragraph (2) to the appropriate committees of Congress.

(2) NOTIFICATION.—A notification described in this paragraph shall include—

(A) the reason for and a justification of the resource or personnel allocation;

(B) the expected end date of the resource or personnel allocation; and

(C) the projected cost to the Transportation Security Administration of the personnel or resource allocation.

(d) 5-YEAR CAPITAL INVESTMENT PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a 5-year capital investment plan, consistent with the 5-year technology investment plan under section 1611 of title XVI of the Homeland Security Act of 2002, as amended by section 3 of the Transportation Security Acquisition Reform Act (Public Law 113–245; 128 Stat. 2871).

SEC. 1966. SURFACE TRANSPORTATION SECURITY MANAGEMENT AND INTERAGENCY COORDINATION REVIEW.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the staffing, budget, resource, and personnel allocation, and management oversight strategy of the Transportation Security Administration's surface transportation security programs;

(2) review the coordination between relevant entities of leadership, planning, policy, inspections, and implementation of security programs relating to surface transportation to reduce redundancy and regulatory burden; and

(3) submit to the appropriate committees of Congress a report on the findings of the reviews under paragraphs (1) and (2), including any recommendations for improving coordination between relevant entities and reducing redundancy and regulatory burden.

SEC. 1967. TRANSPARENCY. 49 USC 114 note.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Administrator shall publish on a public website information regarding the status of each regulation relating to surface transportation security that is directed by law to be issued and that has not been issued if not less than 2 years have passed since the date of enactment of the law.

(2) CONTENTS.—The information published under paragraph (1) shall include—

(A) an updated rulemaking schedule for the outstanding regulation;

(B) current staff allocations;

(C) data collection or research relating to the development of the rulemaking;

(D) current efforts, if any, with security experts, advisory committees, and other stakeholders; and

(E) other relevant details associated with the development of the rulemaking that impact the progress of the rulemaking.

(b) INSPECTOR GENERAL REVIEW.—Not later than 180 days after the date of enactment of this Act, and every 2 years thereafter until all of the requirements under titles XIII, XIV, and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.) and under this title have been fully implemented, the Inspector General of the Department shall submit to the appropriate committees of Congress a report that—

(1) identifies the requirements under such titles of that Act and under this title that have not been fully implemented;

(2) describes what, if any, additional action is necessary; and

(3) includes recommendations regarding whether any of the requirements under such titles of that Act or this title should be amended or repealed.

49 USC 114 note.

SEC. 1968. TSA COUNTERTERRORISM ASSET DEPLOYMENT.

(a) COUNTERTERRORISM ASSET DEPLOYMENT.—

(1) IN GENERAL.—If the Administrator deploys any counterterrorism personnel or resource, such as explosive detection sweeps, random bag inspections, or patrols by Visible Intermodal Prevention and Response teams, to enhance security at a transportation system or transportation facility for a period of not less than 180 consecutive days, the Administrator shall provide sufficient notification to the system or facility operator, as applicable, not less than 14 days prior to terminating the deployment.

(2) EXCEPTION.—This subsection shall not apply if the Administrator—

(A) determines there is an urgent security need for the personnel or resource described in paragraph (1); and

(B) notifies the appropriate committees of Congress of the determination under subparagraph (A).

(b) VIPR TEAMS.—Section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is amended—

(1) in subsection (a)(4), by striking "team," and inserting "team as to specific locations and times within the facilities of such entities at which VIPR teams are to be deployed to maximize the effectiveness of such deployment,"; and

(2) by striking subsection (b) and inserting the following:

"(b) PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of the TSA Modernization Act, the Administrator shall develop and implement a system of qualitative performance measures and objectives by which to assess the roles, activities, and effectiveness of VIPR team operations on an ongoing basis, including a mechanism through which the transportation entities referred to in subsection (a)(4) may submit feedback on VIPR team operations involving their systems or facilities.

"(c) PLAN.—Not later than 1 year after the date of the enactment of the TSA Modernization Act, the Administrator shall develop and implement a plan for ensuring the interoperability of communications among VIPR team participants and between VIPR teams and any transportation entities with systems or facilities that are involved in VIPR team operations. Such plan shall include an

analysis of the costs and resources required to carry out such plan.".

SEC. 1969. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 404. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE. 6 USC 204 note.

"(a) ESTABLISHMENT.—The Administrator of the Transportation Security Administration (referred to in this section as 'Administrator') shall establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee (referred to in this section as the 'Advisory Committee').

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Committee may advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

"(2) RISK-BASED SECURITY.—The Advisory Committee shall consider risk-based security approaches in the performance of its duties.

"(c) MEMBERSHIP.—

"(1) COMPOSITION.—The Advisory Committee shall be composed of—

"(A) voting members appointed by the Administrator under paragraph (2); and

"(B) nonvoting members, serving in an advisory capacity, who shall be designated by—

"(i) the Transportation Security Administration;

"(ii) the Department of Transportation;

"(iii) the Coast Guard; and

"(iv) such other Federal department or agency as the Administrator considers appropriate.

"(2) APPOINTMENT.—The Administrator shall appoint voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, school bus industry, and trucking, including representatives from—

"(A) associations representing such modes of surface transportation;

"(B) labor organizations representing such modes of surface transportation;

"(C) groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;

"(D) relevant law enforcement, first responders, and security experts; and

"(E) such other groups as the Administrator considers appropriate.

"(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its voting members.

"(4) TERM OF OFFICE.—

"(A) TERMS.—

"(i) IN GENERAL.—The term of each voting member of the Advisory Committee shall be 2 years, but a voting member may continue to serve until the Administrator appoints a successor.

"(ii) REAPPOINTMENT.—A voting member of the Advisory Committee may be reappointed.

"(B) REMOVAL.—

"(i) IN GENERAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

"(ii) ACCESS TO INFORMATION.—The Administrator may remove any member of the Advisory Committee that the Administrator determines should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

"(5) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive any compensation from the Government by reason of their service on the Advisory Committee.

"(6) MEETINGS.—

"(A) IN GENERAL.—The Administrator shall require the Advisory Committee to meet at least semiannually in person or through web conferencing and may convene additional meetings as necessary.

"(B) PUBLIC MEETINGS.—At least 1 of the meetings of the Advisory Committee each year shall be—

"(i) announced in the Federal Register;

"(ii) announced on a public website; and

"(iii) open to the public.

"(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

"(D) MINUTES.—

"(i) IN GENERAL.—Unless otherwise prohibited by other Federal law, minutes of the meetings shall be published on the public website under subsection (e)(5).

"(ii) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Advisory Committee may redact or summarize, as necessary, minutes of the meetings to protect classified or other sensitive information in accordance with law.

"(7) VOTING MEMBER ACCESS TO CLASSIFIED AND SENSITIVE SECURITY INFORMATION.—

"(A) DETERMINATIONS.—Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee and before that voting member may be granted any access to classified information or sensitive security information, the Administrator shall determine if the voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

"(B) ACCESS.—

"(i) SENSITIVE SECURITY INFORMATION.—If a voting member is not restricted from reviewing, discussing, or possessing sensitive security information under subparagraph (A) and voluntarily signs a nondisclosure agreement, the voting member may be granted access to sensitive security information that is relevant to

the voting member's service on the Advisory Committee.

"(ii) CLASSIFIED INFORMATION.—Access to classified materials shall be managed in accordance with Executive Order 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive order.

"(C) PROTECTIONS.—

"(i) SENSITIVE SECURITY INFORMATION.—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

"(ii) CLASSIFIED INFORMATION.—Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification.

"(8) JOINT COMMITTEE MEETINGS.—The Advisory Committee may meet with 1 or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:

"(A) Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

"(B) Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.

"(C) Railroad Safety Advisory Committee established by the Federal Railroad Administration.

"(9) SUBJECT MATTER EXPERTS.—The Advisory Committee may request the assistance of subject matter experts with expertise related to the jurisdiction of the Advisory Committee.

"(d) REPORTS.—

"(1) PERIODIC REPORTS.—The Advisory Committee shall periodically submit reports to the Administrator on matters requested by the Administrator or by a majority of the members of the Advisory Committee.

"(2) ANNUAL REPORT.—

"(A) SUBMISSION.—The Advisory Committee shall submit to the Administrator and the appropriate congressional committees an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.

"(B) PUBLICATION.—Not later than 6 months after the date that the Administrator receives an annual report under subparagraph (A), the Administrator shall publish a public version of the report, in accordance with section 552a(b) of title 5, United States Code.

"(e) ADMINISTRATION RESPONSE.—

"(1) CONSIDERATION.—The Administrator shall consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

"(2) FEEDBACK.—Not later than 90 days after the date that the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2), the Administrator shall submit to the Advisory Committee written feedback on the recommendation, including—

"(A) if the Administrator agrees with the recommendation, a plan describing the actions that the Administrator

has taken, will take, or recommends that the head of another Federal department or agency take to implement the recommendation; or

"(B) if the Administrator disagrees with the recommendation, a justification for that determination.

"(3) NOTICES.—Not later than 30 days after the date the Administrator submits feedback under paragraph (2), the Administrator shall—

"(A) notify the appropriate congressional committees of the feedback, including the determination under subparagraph (A) or subparagraph (B) of that paragraph, as applicable; and

"(B) provide the appropriate congressional committees with a briefing upon request.

"(4) UPDATES.—Not later than 90 days after the date the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2) that the Administrator agrees with, and quarterly thereafter until the recommendation is fully implemented, the Administrator shall submit a report to the appropriate congressional committees or post on the public website under paragraph (5) an update on the status of the recommendation.

"(5) WEBSITE.—The Administrator shall maintain a public website that—

"(A) lists the members of the Advisory Committee; and

"(B) provides the contact information for the Advisory Committee.

"(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or any subcommittee established under this section.".

6 USC 204 note.

(b) ADVISORY COMMITTEE MEMBERS.—

(1) VOTING MEMBERS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall appoint the voting members of the Surface Transportation Security Advisory Committee established under section 404 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

(2) NONVOTING MEMBERS.—Not later than 90 days after the date of enactment of this Act, each Federal Government department and agency with regulatory authority over a mode of surface or maritime transportation, as the Administrator considers appropriate, shall designate an appropriate representative to serve as a nonvoting member of the Surface Transportation Security Advisory Committee.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 403 the following:

"Sec. 404. Surface Transportation Security Advisory Committee.".

SEC. 1970. REVIEW OF THE EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date that the Inspector General of the Department receives the report under section 1964(c), the Inspector General of the Department shall—

(1) review the explosives detection canine team program, including—

(A) the development by the Transportation Security Administration of a deployment strategy for explosives detection canine teams;

(B) the national explosives detection canine team training program, including canine training, handler training, refresher training, and updates to such training;

(C) the use of the canine assets during an urgent security need, including the reallocation of such program resources outside the transportation systems sector during an urgent security need; and

(D) the monitoring and tracking of canine assets; and

(2) submit to the appropriate committees of Congress a report on the review, including any recommendations.

(b) CONSIDERATIONS.—In conducting the review of the deployment strategy under subsection (a)(1)(A), the Inspector General shall consider whether the Transportation Security Administration's method to analyze the risk to transportation facilities and transportation systems is appropriate.

SEC. 1971. EXPANSION OF NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

6 USC 1116 note.

(a) IN GENERAL.—The Secretary, where appropriate, shall encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of explosives detection canine teams.

(b) INCREASED CAPACITY.—

(1) IN GENERAL.—Before the date the Inspector General of the Department submits the report under section 1970, the Administrator may increase the number of State and local surface and maritime transportation canines by not more than 70 explosives detection canine teams.

(2) ADDITIONAL TEAMS.—Beginning on the date the Inspector General of the Department submits the report under section 1970, the Secretary may increase the State and local surface and maritime transportation canines up to 200 explosives detection canine teams unless more are identified in the risk-based surface transportation security strategy under section 1964, consistent with section 1965 or with the President's most recent budget submitted under section 1105 of title 31, United States Code.

(3) RECOMMENDATIONS.—Before initiating any increase in the number of explosives detection teams under paragraph (2), the Secretary shall consider any recommendations in the report under section 1970 on the efficacy and management of the explosives detection canine program.

(c) DEPLOYMENT.—The Secretary shall—

(1) use the additional explosives detection canine teams, as described in subsection (b)(1), as part of the Department's efforts to strengthen security across the Nation's surface and maritime transportation networks;

(2) make available explosives detection canine teams to all modes of transportation, subject to the requirements under section 1968, to address specific vulnerabilities or risks, on an as-needed basis and as otherwise determined appropriate by the Secretary; and

(3) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation's surface and maritime transportation networks, including in venues of multiple modes of transportation, as the Secretary considers appropriate.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to the extent of appropriations to carry out this section for each of fiscal years 2019 through 2021.

SEC. 1972. STUDY ON SECURITY STANDARDS AND BEST PRACTICES FOR PASSENGER TRANSPORTATION SYSTEMS.

(a) SECURITY STANDARDS AND BEST PRACTICES FOR UNITED STATES AND FOREIGN PASSENGER TRANSPORTATION SYSTEMS.—The Comptroller General of the United States shall conduct a study of how the Transportation Security Administration—

(1) identifies and compares—

(A) United States and foreign passenger transportation security standards; and

(B) best practices for protecting passenger transportation systems, including shared terminal facilities, and cyber systems; and

(2) disseminates the findings under paragraph (1) to stakeholders.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall issue a report that contains—

(1) the findings of the study conducted under subsection (a); and

(2) any recommendations for improving the relevant processes or procedures.

SEC. 1973. AMTRAK SECURITY UPGRADES.

(a) RAILROAD SECURITY ASSISTANCE.—Section 1513(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1163(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting ", including communications interoperability where appropriate with relevant outside agencies and entities.";

(2) in paragraph (5), by striking "security of" and inserting "security and preparedness of";

(3) in paragraph (7), by striking "security threats" and inserting "security threats and preparedness, including connectivity to the National Terrorist Screening Center"; and

(4) in paragraph (9), by striking "and security officers" and inserting ", security, and preparedness officers".

(b) SPECIFIC PROJECTS.—Section 1514(a)(3) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1164(a)(3)) is amended—

(1) in subparagraph (D) by inserting ", or to connect to the National Terrorism Screening Center watchlist" after "Secretary";

(2) in subparagraph (G), by striking "; and" at the end and inserting a semicolon;

(3) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(I) for improvements to passenger verification systems;

"(J) for improvements to employee and contractor verification systems, including identity verification technology; or

"(K) for improvements to the security of Amtrak computer systems, including cybersecurity assessments and programs.".

SEC. 1974. PASSENGER RAIL VETTING.

6 USC 1164 note.

(a) IN GENERAL.—Not later than 180 days after the date on which the Amtrak Board of Directors submits a request to the Administrator, the Administrator shall issue a decision on the use by Amtrak of the Transportation Security Administration's Secure Flight Program or a similar passenger vetting system to enhance passenger rail security.

(b) CONSIDERATIONS.—In making a decision under subsection (a), the Administrator shall—

(1) consider the technological, privacy, operational, and security impacts of such a decision; and

(2) describe such impacts in any strategic plan developed under subsection (c).

(c) STRATEGIC PLAN.—If the Administrator decides to grant the request by Amtrak under subsection (a), the decision shall include a strategic plan for working with rail stakeholders to enhance passenger rail security by—

(1) vetting passengers using terrorist watch lists maintained by the Federal Government or a similar passenger vetting system maintained by the Transportation Security Administration; and

(2) where applicable and in consultation with the Commissioner of U.S. Customs and Border Protection, assessing whether the vetting process should be integrated into preclearance operations established under section 813 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4432).

(d) NOTICES.—The Administrator shall notify the appropriate committees of Congress of any decision made under subsection (a) and the details of the strategic plan under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the Administrator's authority to set the access to, or terms and conditions of using, the Secure Flight Program or a similar passenger vetting system.

SEC. 1975. STUDY ON SURFACE TRANSPORTATION INSPECTORS.

(a) STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate congressional committees and the Comptroller General of the United States a strategy to guide operations of surface transportation security inspectors that addresses the following:

(1) Any limitations in data systems for such inspectors, as identified by the Comptroller General.

(2) Alignment of operations with risk assessment findings, including an approach to identifying and prioritizing entities and locations for inspections.

(3) Measurable objectives for the surface transportation security inspectors program.

(b) GAO REVIEW.—Not later than 180 days after the date the strategy under subsection (a) is submitted, the Comptroller

General of the United States shall review such strategy and, as appropriate, issue recommendations.

6 USC 1155.

SEC. 1976. SECURITY AWARENESS PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a program to promote surface transportation security through the training of surface transportation operators and frontline employees on each of the skills identified in subsection (c).

(b) APPLICATION.—The program established under subsection (a) shall apply to all modes of surface transportation, including public transportation, rail, highway, motor carrier, and pipeline.

(c) TRAINING.—The program established under subsection (a) shall cover, at a minimum, the skills necessary to recognize, assess, and respond to suspicious items or actions that could indicate a threat to transportation.

(d) ASSESSMENT.—

(1) IN GENERAL.—The Administrator shall conduct an assessment of current training programs for surface transportation operators and frontline employees.

(2) CONTENTS.—The assessment shall identify—

(A) whether other training is being provided, either voluntarily or in response to other Federal requirements; and

(B) whether there are any gaps in existing training.

(e) UPDATES.—The Administrator shall ensure the program established under subsection (a) is updated as necessary to address changes in risk and terrorist methods and to close any gaps identified in the assessment under subsection (d).

(f) SUSPICIOUS ACTIVITY REPORTING.—

(1) IN GENERAL.—The Secretary shall maintain a national telephone number for an individual to use to report suspicious activity under this section to the Administration.

(2) PROCEDURES.—The Administrator shall establish procedures for the Administration—

(A) to review and follow-up, as necessary, on each report received under paragraph (1); and

(B) to share, as necessary and in accordance with law, the report with appropriate Federal, State, local, and tribal entities.

(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(A) replace or affect in any way the use of 9–1–1 services in an emergency; or

(B) replace or affect in any way the security training program requirements specified in sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, 1184).

(g) DEFINITION OF FRONTLINE EMPLOYEE.—In this section, the term "frontline employee" includes—

(1) an employee of a public transportation agency who is a transit vehicle driver or operator, dispatcher, maintenance and maintenance support employee, station attendant, customer service employee, security employee, or transit police, or any other employee who has direct contact with riders on a regular basis, and any other employee of a public transportation agency that the Administrator determines should receive

security training under this section or that is receiving security training under other law;

(2) over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator that the Administrator determines should receive security training under this section or that is receiving security training under other law; or

(3) security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers that the Administrator determines should receive security training under this section or that is receiving security training under other law.

SEC. 1977. VOLUNTARY USE OF CREDENTIALING.

6 USC 1119.

(a) IN GENERAL.—An applicable individual who is subject to credentialing or a background investigation may satisfy that requirement by obtaining a valid transportation security card.

(b) ISSUANCE OF CARDS.—The Secretary of Homeland Security—

(1) shall expand the transportation security card program, consistent with section 70105 of title 46, United States Code, to allow an applicable individual who is subject to credentialing or a background investigation to apply for a transportation security card; and

(2) may charge reasonable fees, in accordance with section 520(a) of the Department of Homeland Security Appropriations Act, 2004 (6 U.S.C. 469(a)), for providing the necessary credentialing and background investigation.

(c) VETTING.—The Administrator shall develop and implement a plan to utilize, in addition to any background check required for initial issue, the Federal Bureau of Investigation's Rap Back Service and other vetting tools as appropriate, including the No-Fly and Selectee lists, to get immediate notification of any criminal activity relating to any person with a valid transportation security card.

(d) DEFINITIONS.—In this section:

(1) APPLICABLE INDIVIDUAL WHO IS SUBJECT TO CREDENTIALING OR A BACKGROUND INVESTIGATION.—The term "applicable individual who is subject to credentialing or a background investigation" means only an individual who—

(A) because of employment is regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard and is required to have a background records check to obtain a hazardous materials endorsement on a commercial driver's license issued by a State under section 5103a of title 49, United States Code; or

(B) is required to have a credential and background records check under section 2102(d)(2) of the Homeland Security Act of 2002 (6 U.S.C. 622(d)(2)) at a facility with activities that are regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard.

(2) VALID TRANSPORTATION SECURITY CARD.—The term "valid transportation security card" means a transportation security card that is—

(A) issued under section 70105 of title 46, United States Code;

(B) not expired;

(C) shows no signs of tampering; and

(D) bears a photograph of the individual representing such card.

SEC. 1978. BACKGROUND RECORDS CHECKS FOR ISSUANCE OF HAZMAT LICENSES.

(a) ISSUANCE OF LICENSES.—Section 5103a(a)(1) is amended—

(1) by striking "unless" and inserting "unless—";

(2) by striking "the Secretary of Homeland Security" and inserting the following:

"(A) "the Secretary of Homeland Security";";

(3) in subparagraph (A), as designated by paragraph (2) of this subsection, by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(B) the individual holds a valid transportation security card issued under section 70105 of title 46.".

(b) TRANSPORTATION SECURITY CARD.—Section 5103a(d)(1) is amended, in the matter preceding subparagraph (A), by striking "described in subsection (a)(1)" and inserting "under subsection (a)(1)(A)".

6 USC 982 note.

SEC. 1979. CARGO CONTAINER SCANNING TECHNOLOGY REVIEW.

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less frequently than once every 5 years thereafter until the date of full-scale implementation of 100 percent screening of cargo containers and 100 percent scanning of high-risk containers required under section 232 of the SAFE Port Act (6 U.S.C. 982), the Secretary shall solicit proposals for scanning technologies, consistent with the standards under subsection (b)(8) of that section, to improve scanning of cargo at domestic ports.

(2) EVALUATION.—In soliciting proposals under paragraph (1), the Secretary shall establish measures to assess the performance of the proposed scanning technologies, including—

(A) the rate of false positives;

(B) the delays in processing times; and

(C) the impact on the supply chain.

(b) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary may establish a pilot program to determine the efficacy of a scanning technology referred to in subsection (a).

(2) APPLICATION PROCESS.—In carrying out the pilot program under this subsection, the Secretary shall—

(A) solicit applications from domestic ports;

(B) select up to 4 domestic ports to participate in the pilot program; and

(C) select ports with unique features and differing levels of trade volume.

(3) REPORT.—Not later than 1 year after initiating a pilot program under paragraph (1), the Secretary shall submit to

the appropriate committees of Congress a report on the pilot program, including—

(A) an evaluation of the scanning technologies proposed to improve security at domestic ports and to meet the full-scale implementation requirement;

(B) the costs to implement a pilot program;

(C) the benefits of the proposed scanning technologies;

(D) the impact of the pilot program on the supply chain; and

(E) recommendations for implementation of advanced cargo scanning technologies at domestic ports.

(4) SHARING PILOT PROGRAM TESTING RESULTS.—The results of the pilot testing of advanced cargo scanning technologies shall be shared, as appropriate, with government agencies and private stakeholders whose responsibilities encompass the secure transport of cargo.

SEC. 1980. PIPELINE SECURITY STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study regarding the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to pipeline security.

(b) CONTENTS.—The study under subsection (a) shall examine—

(1) whether the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Homeland Security and the Department of Transportation adequately delineates strategic and operational responsibilities for pipeline security, including whether it is clear which department is responsible for—

(A) protecting against intentional pipeline breaches and cyber attacks;

(B) responding to intentional pipeline breaches and cyber attacks; and

(C) planning to recover from the impact of intentional pipeline breaches and cyber attacks;

(2) whether the respective roles and responsibilities of each department are adequately conveyed to relevant stakeholders and to the public;

(3) whether the processes and procedures for determining whether a particular pipeline breach is a terrorist incident are clear and effective;

(4) whether, and if so how, pipeline sector stakeholders share security-related information;

(5) the guidance pipeline operators report use to address security risks and the extent to which the TSA ensures its guidelines reflect the current threat environment;

(6) the extent to which the TSA has assessed security risks to pipeline systems; and

(7) the extent to which the TSA has assessed its effectiveness in reducing pipeline security risks.

(c) REPORT ON STUDY.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Comptroller General of the United States shall submit to the Secretary of Homeland Security and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the

House of Representatives a report containing the findings of the study under subsection (a).

(d) REPORT TO CONGRESS.—Not later than 90 days after the date the report under subsection (c) is submitted, the Secretary of Homeland Security shall review and analyze the study and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a report on such review and analysis, including any recommendations for—

(1) changes to the Annex to the Memorandum of Understanding referred to in subsection (b)(1); and

(2) other improvements to pipeline security activities at the Department.

SEC. 1981. FEASIBILITY ASSESSMENT.

(a) EMERGING ISSUES.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Administrator and in coordination with the Under Secretary for Science and Technology of the Department of Homeland Security, shall submit to the appropriate committees of Congress a feasibility assessment of modifying the security of surface transportation assets by—

(1) introducing next generation technologies to be integrated into systems of surface transportation assets to detect explosives, including through the deployment of mobile explosives detection technologies to conduct risk-based passenger and property screening at such systems;

(2) providing surface transportation asset operators with access to the Transportation Security Administration's Secure Flight Program or a similar passenger vetting system maintained by the Transportation Security Administration;

(3) deploying a credential authentication technology or other means of identification document inspection to high-risk surface transportation assets to assist operators conducting passenger vetting; and

(4) deploying scalable, cost-effective technology solutions to detect chemical, biological, radiological, nuclear, or explosive threats within high-risk surface transportation assets that are capable of passive, continuous, and real-time sensing and detection of, and alerting passengers and operating personnel to, the presence of such a threat.

(b) CONSIDERATIONS.—In carrying out the assessment under subsection (a), the Secretary, acting through the Administrator and in coordination with the Under Secretary for Science and Technology of the Department of Homeland Security, shall address the technological, privacy, operational, passenger facilitation, and public acceptance considerations involved with each security measure contemplated in such assessment.

49 USC 114 note.

SEC. 1982. BEST PRACTICES TO SECURE AGAINST VEHICLE-BASED ATTACKS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall disseminate best practices to public and private stakeholders regarding how to enhance transportation security against the threat of a vehicle-based terrorist attack.

SEC. 1983. SURFACE TRANSPORTATION STAKEHOLDER SURVEY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall begin conducting a survey of public and private stakeholders responsible for securing surface transportation assets regarding resource challenges, including the availability of Federal funding, associated with securing such assets that provides an opportunity for respondents to set forth information on specific unmet needs.

(b) REPORT.—Not later than 120 days after beginning the survey required under subsection (a), the Secretary shall report to the appropriate committees of Congress regarding the results of such survey and the Department of Homeland Security's efforts to address any identified security vulnerabilities.

SEC. 1984. NUCLEAR MATERIAL AND EXPLOSIVE DETECTION TECHNOLOGY. 6 USC 1156 note.

The Secretary, in coordination with the Director of the National Institute of Standards and Technology and the head of each relevant Federal department or agency researching nuclear material detection systems or explosive detection systems, shall research, facilitate, and, to the extent practicable, deploy next generation technologies, including active neutron interrogation, to detect nuclear material and explosives in transportation systems and transportation facilities.

Subtitle H—Transportation Security

SEC. 1985. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY REVIEW.

(a) GAO REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall evaluate the degree to which the most recent National Strategy for Transportation Security, as updated, under section 114(s) of title 49, United States Code, is reflected in relevant Federal transportation security programs, budgets, research, staffing levels, and related activities.

(2) CONSIDERATIONS.—In conducting the evaluation under paragraph (1), the Comptroller General shall consider the degree to which—

(A) the strategy is sufficiently forward-looking to guide future Federal efforts relating to transportation security;

(B) Federal transportation security programs, budgets, research, staffing levels, and related activities for fiscal year 2019 and subsequent fiscal years would be guided by the strategy; and

(C) any annual progress reports submitted to Congress under that section after the strategy is submitted would provide information on the degree to which that strategy guides Federal efforts relating to transportation security.

SEC. 1986. RISK SCENARIOS. 49 USC 114 note.

(a) IN GENERAL.—The Administrator shall annually develop, consistent with the transportation modal security plans required under section 114(s) of title 49, United States Code, risk-based priorities based on risk assessments conducted or received by the

Secretary across all transportation modes that consider threats, vulnerabilities, and consequences.

(b) SCENARIOS.—The Administrator shall ensure that the risk-based priorities identified under subsection (a) are informed by an analysis of terrorist attack scenarios for each transportation mode, including cyber-attack scenarios and intelligence and open source information about current and evolving threats.

(c) REPORT.—Not later than 120 days after the date that annual risk-based priorities are developed under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report that includes the following:

(1) Copies of the risk assessments for each transportation mode.

(2) A summary that ranks the risks within and across modes.

(3) A description of the risk-based priorities for securing the transportation sector that identifies and prioritizes the greatest security needs of such transportation sector, both across and within modes, in the order that such priorities should be addressed.

(4) Information on the underlying methodologies used to assess risks across and within each transportation mode and the basis for any assumptions regarding threats, vulnerabilities, and consequences made in assessing and prioritizing risks within each such mode and across modes.

(d) CLASSIFICATION.—The information provided under subsection (c) may be submitted in a classified format or unclassified format, as the Administrator considers appropriate.

49 USC 114 note.

SEC. 1987. INTEGRATED AND UNIFIED OPERATIONS CENTERS.

(a) FRAMEWORK.—Not later than 120 days after the date of enactment of this Act, the Administrator, in consultation with the heads of other appropriate offices or components of the Department, shall make available to public and private stakeholders a framework for establishing an integrated and unified operations center responsible for overseeing daily operations of a transportation facility that promotes coordination for responses to terrorism, serious incidents, and other purposes, as determined appropriate by the Administrator.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding the establishment and activities of integrated and unified operations centers at transportation facilities at which the TSA has a presence.

SEC. 1988. NATIONAL DEPLOYMENT FORCE.

(a) IN GENERAL.—Subchapter II of chapter 449, as amended by section 1943 of this Act, is further amended by adding at the end the following:

49 USC 44948 note.

"SEC. 44948. NATIONAL DEPLOYMENT OFFICE.

"(a) ESTABLISHMENT.—There is established within the Transportation Security Administration a National Deployment Office, to be headed by an individual with supervisory experience. Such individual shall be designated by the Administrator of the Transportation Security Administration.

"(b) DUTIES.—The individual designated as the head of the National Deployment Office shall be responsible for the following:

"(1) Maintaining a National Deployment Force within the Transportation Security Administration, including transportation security officers, supervisory transportation security officers and lead transportation security officers, to provide the Administration with rapid and efficient response capabilities and augment the Department of Homeland Security's homeland security operations to mitigate and reduce risk, including for the following:

"(A) Airports temporarily requiring additional security personnel due to an emergency, seasonal demands, hiring shortfalls, severe weather conditions, passenger volume mitigation, equipment support, or other reasons.

"(B) Special events requiring enhanced security including National Special Security Events, as determined by the Secretary of Homeland Security.

"(C) Response in the aftermath of any manmade disaster, including any terrorist attack.

"(D) Other such situations, as determined by the Administrator.

"(2) Educating transportation security officers regarding how to participate in the Administration's National Deployment Force.

"(3) Recruiting officers to serve on the National Deployment Force, in accordance with a staffing model to be developed by the Administrator.

"(4) Approving 1-year appointments for officers to serve on the National Deployment Force, with an option to extend upon officer request and with the approval of the appropriate Federal Security Director.

"(5) Training officers to serve on the National Deployment Force.".

(b) TABLE OF CONTENTS.—The table of contents of subchapter II of chapter 449, as amended by section 1943 of this Act, is further amended by adding after the item relating to section 44947 the following: 49 USC prec. 44901.

"44948. National Deployment Office.".

(c) CONFORMING AMENDMENT.—Section 114(f), as amended by section 1904 of this Act, is further amended—

(1) in paragraph (14), by striking "and" after the semicolon at the end;

(2) by redesignating paragraph (15) as paragraph (16); and

(3) by inserting after paragraph (14) the following:

"(15) establish and maintain a National Deployment Office as required under section 44948 of this title; and".

(d) CAREER DEVELOPMENT.—The Administrator may consider service in the National Deployment Force as a positive factor when evaluating applicants for promotion opportunities within the TSA. 49 USC 44948 note.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act and annually thereafter for 5 years, the Administrator shall submit to the appropriate committees of Congress a report regarding activities of the National Deployment Office, including the National Deployment Force, established under section 44948 of title 49, United States Code. Each such report shall include information relating to the following:

(1) When, where, why, how many, and for how long the National Deployment Force was deployed throughout the 12-month period covered by such report and the costs associated with such deployment.

(2) A description of collaboration between the National Deployment Office and other components of the Department, other Federal agencies, and State and local transportation security stakeholders.

(3) The size of the National Deployment Force, including information on the staffing model of the National Deployment Force and adherence to such model as established by the Administrator.

(4) Information on recruitment, appointment, and training activities, including processes utilized to attract, recruit, appoint, and train officers to serve on the National Deployment Force.

49 USC 114 note.

SEC. 1989. INFORMATION SHARING AND CYBERSECURITY.

(a) FEDERAL SECURITY DIRECTORS.—Section 44933 is amended by adding at the end the following:

"(c) INFORMATION SHARING.—Not later than 1 year after the date of the enactment of the TSA Modernization Act, the Administrator shall—

"(1) require each Federal Security Director of an airport to meet at least quarterly with the airport director, airport security coordinator, and law enforcement agencies serving each such airport to discuss incident management protocols, including the resolution of screening anomalies at passenger screening checkpoints; and

"(2) require each Federal Security Director at an airport to inform, consult, and coordinate, as appropriate, with the respective airport security coordinator in a timely manner on security matters impacting airport operations and to establish and maintain operational protocols with such airport operators to ensure coordinated responses to security matters.".

(b) PLAN TO IMPROVE INFORMATION SHARING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a plan to improve intelligence information sharing with State and local transportation entities that includes best practices to ensure that the information shared is actionable, useful, and not redundant.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) The incorporation of best practices for information sharing.

(B) The identification of areas of overlap and redundancy.

(C) An evaluation and incorporation of stakeholder input in the development of such plan.

(D) The integration of any recommendations of the Comptroller General of the United States on information sharing.

(3) SOLICITATION.—The Administrator shall solicit on an annual basis input from appropriate stakeholders, including State and local transportation entities, on the quality and

quantity of intelligence received by such stakeholders relating to information sharing.

(c) BEST PRACTICES SHARING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a mechanism to share with State and local transportation entities best practices from across the law enforcement spectrum, including Federal, State, local, and tribal entities, that relate to employee training, employee professional development, technology development and deployment, hardening tactics, and passenger and employee awareness programs.

(2) CONSULTATION.—The Administrator shall solicit and incorporate stakeholder input—

(A) in developing the mechanism for sharing best practices as required under paragraph (1); and

(B) not less frequently than annually on the quality and quantity of information such stakeholders receive through the mechanism established under such paragraph.

(d) CYBERSECURITY.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary, shall—

(A) not later than 120 days after the date of enactment of this Act, implement the Framework for Improving Critical Infrastructure Cybersecurity (referred to in this section as the "Framework" developed by the National Institute of Standards and Technology, and any update to such Framework under section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272), to manage the agency's cybersecurity risks; and

(B) evaluate, on a periodic basis, but not less often than biennially, the use of the Framework under subparagraph (A).

(2) CYBERSECURITY ENHANCEMENTS TO AVIATION SECURITY ACTIVITIES.—The Secretary, in consultation with the Secretary of Transportation, shall, upon request, conduct cybersecurity vulnerability assessments for airports and air carriers.

(3) TSA TRUSTED TRAVELER AND CREDENTIALING PROGRAM CYBER EVALUATION.—

(A) EVALUATION REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary shall—

(i) evaluate the cybersecurity of TSA trusted traveler and credentialing programs that contain personal information of specific individuals or information that identifies specific individuals, including the Transportation Worker Identification Credential and PreCheck programs;

(ii) identify any cybersecurity risks under the programs described in clause (i); and

(iii) develop remediation plans to address the cybersecurity risks identified under clause (ii).

(B) SUBMISSION TO CONGRESS.—Not later than 30 days after the date the evaluation under subparagraph (A) is complete, the Secretary shall submit to the appropriate committees of Congress information relating to such evaluation, including any cybersecurity vulnerabilities identified and remediation plans to address such

vulnerabilities. Such submission shall be provided in a classified form.

(4) DEFINITIONS.—In this subsection, the terms "cybersecurity risk" and "incident" have the meanings given the terms in section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).

SEC. 1990. SECURITY TECHNOLOGIES TIED TO FOREIGN THREAT COUNTRIES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an assessment of terrorist and other threats to the transportation sector, including surface transportation assets, posed by the use of security technologies, including software and networked technologies, developed or manufactured by firms that are owned or closely linked to the governments of countries that are known to pose a cyber or homeland security threat.

Subtitle I—Conforming and Miscellaneous Amendments

SEC. 1991. TITLE 49 AMENDMENTS.

(a) DELETION OF DUTIES RELATED TO AVIATION SECURITY.—Section 106(g) is amended to read as follows:

"(g) DUTIES AND POWERS OF ADMINISTRATOR.—The Administrator shall carry out the following:

"(1) Duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in the following:

"(A) Section 308(b).

"(B) Subsections (c) and (d) of section 1132.

"(C) Sections 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), and 40114(a).

"(D) Chapter 445, except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515.

"(E) Chapter 447, except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723.

"(F) Chapter 451.

"(G) Chapter 453.

"(H) Section 46104.

"(I) Subsections (d) and (h)(2) of section 46301 and sections 46303(c), 46304 through 46308, 46310, 46311, and 46313 through 46316.

"(J) Chapter 465.

"(K) Sections 47504(b) (related to flight procedures), 47508(a), and 48107.

"(2) Additional duties and powers prescribed by the Secretary of Transportation.".

(b) TRANSPORTATION SECURITY OVERSIGHT BOARD.—Section 115 is amended—

(1) in subsection (c)(1), by striking "Under Secretary of Transportation for security" and inserting "Administrator of the Transportation Security Administration"; and

(2) in subsection (c)(6), by striking "Under Secretary" and inserting "Administrator".

(c) CHAPTER 401 AMENDMENTS.—Chapter 401 is amended—

(1) in section 40109—

(A) in subsection (b), by striking ", 40119, 44901, 44903, 44906, and 44935–44937"; and

(B) in subsection (c), by striking "sections 44909 and" and inserting "sections 44909(a), 44909(b), and";

(2) in section 40113—

(A) in subsection (a)—

(i) by striking "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or" and inserting "the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by that Administrator or";

(ii) by striking "carried out by the Administrator" and inserting "carried out by that Administrator"; and

(iii) by striking ", Under Secretary, or Administrator," and inserting ", Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration,"; and

(B) in subsection (d)—

(i) by striking "Under Secretary of Transportation for Security or the";

(ii) by striking "Transportation Security Administration or Federal Aviation Administration, as the case may be," and inserting "Federal Aviation Administration"; and

(iii) by striking "Under Secretary or Administrator, as the case may be," and inserting "Administrator";

(3) by striking section 40119; and

(4) in the table of contents, by striking the item relating to section 40119 and inserting the following:

49 USC prec. 40101.

"40119. [Reserved].".

(d) CHAPTER 449 AMENDMENTS.—Chapter 449 is amended—

(1) in section 44901—

(A) in subsection (a)—

(i) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(ii) by striking ", United States Code";

(B) in subsection (c), by striking "but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act";

(C) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(II) in subparagraph (A), by striking "no later than December 31, 2002";

(ii) by striking paragraphs (2) and (3);

(iii) by redesignating paragraph (4) as paragraph (2); and

(iv) in paragraph (2), as redesignated—

(I) in subparagraph (A), by striking "Assistant Secretary (Transportation Security Administration)" and inserting "Administrator of the Transportation Security Administration";

(II) in subparagraph (B), by striking "Assistant Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(III) in subparagraph (D)—

(aa) by striking "Assistant Secretary" the first place it appears and inserting "Administrator of the Transportation Security Administration"; and

(bb) by striking "Assistant Secretary" the second place it appears and inserting "Administrator";

(D) in subsection (e)—

(i) in that matter preceding paragraph (1)—

(I) by striking "but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act"; and

(II) by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (4), by striking "Under Secretary" and inserting "Administrator";

(E) in subsection (f), by striking "after the date of enactment of the Aviation and Transportation Security Act";

(F) in subsection (g)—

(i) in paragraph (1), by striking "Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the" and inserting "The";

(ii) in paragraph (2), by striking "as follows:" and all that follows and inserting a period;

(iii) by amending paragraph (3) to read as follows:

"(3) REGULATIONS.—The Secretary of Homeland Security shall issue a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.";

(iv) by striking paragraph (4); and

(v) by redesignating paragraph (5) as paragraph (4);

(G) in subsection (h)—

(i) in paragraph (1), by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (2)—

(I) by striking "Under Secretary" the first place it appears and inserting "Administrator of the Transportation Security Administration"; and

(II) by striking "Under Secretary" each place it appears and inserting "Administrator";

(H) in subsection (i)—

(i) in the matter preceding paragraph (1), by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (2), by striking "Under Secretary" and inserting "Administrator";

(I) in subsection (j)(1)—

(i) in the matter preceding subparagraph (A), by striking "Before January 1, 2008, the" and inserting "The"; and

(ii) in subparagraph (A), by striking "the date of enactment of this subsection" and inserting "August 3, 2007";

(J) in subsection (k)—

(i) in paragraph (1), by striking "Not later than one year after the date of enactment of this subsection, the" and inserting "The";

(ii) in paragraph (2), by striking "Not later than 6 months after the date of enactment of this subsection, the" and inserting "The"; and

(iii) in paragraph (3), by striking "Not later than 180 days after the date of enactment of this subsection, the" in paragraph (3) and inserting "The"; and

(K) in subsection (l)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration)" and inserting "The Administrator of the Transportation Security Administration"; and

(II) in subparagraph (B), by striking "Assistant Secretary" and inserting "Administrator";

(ii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking "Assistant Secretary" the first place it appears and inserting "Administrator of the Transportation Security Administration"; and

(bb) by striking "Assistant Secretary" the second place it appears and inserting "Administrator"; and

(II) in subparagraph (B), by striking "Assistant Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(iii) in paragraph (4)—

(I) in subparagraph (A)—

(aa) by striking "60 days after the deadline specified in paragraph (2), and not later than";

(bb) by striking "Assistant Secretary" the first place it appears and inserting "Administrator of the Transportation Security Administration"; and

(cc) by striking "Assistant Secretary" the second place it appears and inserting "Administrator"; and

(II) in subparagraph (B), by striking "Assistant Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(2) section 44902 is amended—

(A) in subsection (a), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) in subsection (b), by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration";

(3) section 44903 is amended—

(A) in subsection (a)—

(i) in the heading, by striking "DEFINITION" and inserting "DEFINITIONS";

(ii) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(iii) in subparagraph (B), as redesignated, by striking "Under Secretary of Transportation for Security" and inserting "Administrator";

(iv) in the matter preceding subparagraph (A), as redesignated, by striking "In this section, 'law enforcement personnel' means individuals—" and inserting "In this section:";

(v) by inserting before subparagraph (A), the following:

"(2) LAW ENFORCEMENT PERSONNEL.—The term 'law enforcement personnel' means individuals—"; and

(vi) by inserting before paragraph (2), as redesignated, the following:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.";

(B) in subsection (d), by striking "Secretary of Transportation" and inserting "Administrator";

(C) in subsection (g), by striking "Under Secretary's" each place it appears and inserting "Administrator's";

(D) in subsection (h)—

(i) in paragraph (3), by striking "Secretary" and inserting "Secretary of Homeland Security";

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking ", as soon as practicable after the date of enactment of this subsection,";

(II) in subparagraph (C), by striking "section 44903(c)" and inserting "subsection (c)"; and

(III) in subparagraph (E), by striking ", not later than March 31, 2005,";

(iii) in paragraph (5), by striking "Assistant Secretary of Homeland Security (Transportation Security Administration)" and inserting "Administrator";

(iv) in paragraph (6)(A)—

(I) in the matter preceding clause (i), by striking "Not later than 18 months after the date

of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the" and inserting "The"; and

(II) in clause (i), by striking "section" and inserting "paragraph"; and

(v) in paragraph (6)(C), by striking "Secretary" and inserting "Secretary of Homeland Security";

(E) in subsection (i)(3), by striking ", after the date of enactment of this paragraph,";

(F) in subsection (j)—

(i) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The Administrator shall periodically recommend to airport operators commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.";

(ii) in paragraph (2)—

(I) in the heading, by striking "COMPUTER-ASSISTED PASSENGER PRESCREENING SYSTEM" and inserting "SECURE FLIGHT PROGRAM";

(II) in subparagraph (A)—

(aa) by striking "Computer-Assisted Passenger Prescreening System" and inserting "Secure Flight program";

(bb) by striking "Secretary of Transportation" and inserting "Administrator"; and

(cc) by striking "system" each place it appears and inserting "program";

(III) in subparagraph (B)—

(aa) by striking "Computer-Assisted Passenger Prescreening System" and inserting "Secure Flight program";

(bb) by striking "Secretary of Transportation" and inserting "Administrator"; and

(cc) by striking "Secretary" and inserting "Administrator";

(IV) in subparagraph (C)—

(aa) in clause (i), by striking "Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary," and inserting "The Administrator";

(bb) in clause (ii), by striking "Not later than 180 days after completion of testing under clause (i), the" and inserting "The"; and

(cc) in clause (iv), by striking "Not later than 180 days after" and inserting "After";

(V) in subparagraph (D), by striking "Assistant Secretary of Homeland Security (Transportation Security Administration)" and inserting "Administrator";

(VI) in subparagraph (E)(i), by striking "Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the" and inserting "The Administrator"; and

(VII) by striking "Assistant Secretary" each place it appears and inserting "Administrator";

(G) in subsection (l), by striking "Under Secretary for Border and Transportation Security of the Department of Homeland Security" and inserting "Administrator";

(H) in subsection (m)—

(i) in paragraph (1), by striking "Assistant Secretary of Homeland Security (Transportation Security Administration)" and inserting "Administrator"; and

(ii) by striking "Assistant Secretary" each place it appears and inserting "Administrator"; and

(I) by striking "Under Secretary" each place it appears and inserting "Administrator";

(4) section 44904 is amended—

(A) in subsection (a), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(B) in subsection (c)—

(i) by striking "section 114(t)(3)" and inserting "section 114(s)(3)"; and

(ii) by striking "section 114(t)" and inserting "section 114(s)";

(C) in subsection (d)—

(i) by striking "Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration)" and inserting "The Administrator of the Transportation Security Administration"; and

(ii) by striking "section 114(t)(1)" and inserting "section 114(s)(1)"; and

(D) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(5) section 44905 is amended—

(A) in subsection (a)—

(i) by striking "Secretary of Transportation" and inserting "Administrator of the Transportation Security Administration"; and

(ii) by striking "Secretary." and inserting "Administrator.";

(B) in subsection (b), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(C) in subsections (c), (d), and (f), by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(6) section 44906 is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place it appears and inserting "Administrator";

(7) section 44908 is amended—

(A) by striking "Secretary of Transportation" each place it appears and inserting "Administrator of the Transportation Security Administration";

(B) in subsection (a), by striking "safety or"; and

(C) in subsection (c), by striking "The Secretary" and inserting "The Administrator";

(8) section 44909 is amended—

(A) in subsection (a)(1), by striking "Not later than March 16, 1991, the" and inserting "The"; and

(B) in subsection (c)—

(i) in paragraph (1), by striking "Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each" and inserting "Each";

(ii) in paragraphs (2)(F) and (5), by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(iii) in paragraph (6)—

(I) in subparagraph (A), by striking "Not later than 60 days after date of enactment of this paragraph, the" and inserting "The"; and

(II) in subparagraph (B)(ii)—

(aa) by striking "the Secretary will" and inserting "the Secretary of Homeland Security will"; and

(bb) by striking "the Secretary to" and inserting "the Secretary of Homeland Security to";

(9) section 44911 is amended—

(A) in subsection (b), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(B) in subsection (d), by striking "request of the Secretary" and inserting "request of the Secretary of Homeland Security"; and

(C) in subsection (e)—

(i) by striking "Secretary, and the Under Secretary" and inserting "Secretary of Homeland Security, and the Administrator of the Transportation Security Administration"; and

(ii) by striking "intelligence community and the Under Secretary" and inserting "intelligence community and the Administrator of the Transportation Security Administration";

(10) section 44912 is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "Under Secretary of Transportation for Security" and inserting "Administrator"; and

(II) by striking ", not later than November 16, 1993,"; and

(ii) in paragraph (4)(C), by striking "Research, Engineering and Development Advisory Committee" and inserting "Administrator";

(B) in subsection (c)—

(i) in paragraph (1), by striking ", as a subcommittee of the Research, Engineering, and Development Advisory Committee,"; and

(ii) in paragraph (4), by striking "Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter," and inserting "Biennially,";

(C) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(D) by adding at the end the following:

"(d) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—

"(1) IN GENERAL.—The Administrator shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security.

"(2) DISCLOSURE.—

"(A) IN GENERAL.—Notwithstanding section 552 of title 5, the Administrator shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Homeland Security decides disclosing the information would—

"(i) be an unwarranted invasion of personal privacy;

"(ii) reveal a trade secret or privileged or confidential commercial or financial information; or

"(iii) be detrimental to transportation safety.

"(B) INFORMATION TO CONGRESS.—Subparagraph (A) does not authorize information to be withheld from a committee of Congress authorized to have the information.

"(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

"(i) to conceal a violation of law, inefficiency, or administrative error;

"(ii) to prevent embarrassment to a person, organization, or agency;

"(iii) to restrain competition; or

"(iv) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

"(D) PRIVACY ACT.—Section 552a of title 5 shall not apply to disclosures that the Administrator of the Transportation Security Administration may make from the systems of records of the Transportation Security Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

"(3) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, the Administrator may not transfer a duty or power under this section to another

department, agency, or instrumentality of the United States Government.

"(e) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.";

(11) section 44913 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration (referred to in this section as 'the Administrator')";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iv) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(B) in subsection (b), by striking "Secretary of Transportation" and inserting "Administrator";

(12) section 44914 is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(B) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(C) by inserting "the Department of Transportation," before "air carriers, airport authorities, and others";

(13) section 44915 is amended by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(14) section 44916 is amended—

(A) in subsection (a), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) in subsection (b)—

(i) by striking "Under Secretary" the first place it appears and inserting "Administrator of the Transportation Security Administration"; and

(ii) by striking "Under Secretary" the second place it appears and inserting "Administrator";

(15) section 44917 is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (2), by striking "by the Secretary" and inserting "by the Administrator";

(B) in subsection (d)—

(i) in paragraph (1), by striking "Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (3), by striking "Assistant Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(16) section 44918 is amended—

(A) in subsection (a)—

(i) in paragraph (2)(E), by striking "Under Secretary for Border and Transportation Security of the Department of Homeland Security" and inserting "Administrator of the Transportation Security Administration";

(ii) in paragraph (4), by striking "Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the" and inserting "The"; and

(iii) in paragraph (5), by striking "the date of enactment of the Vision 100—Century of Aviation Reauthorization Act" and inserting "December 12, 2003,";

(B) in subsection (b)—

(i) in paragraph (1), by striking "Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the" and inserting "The"; and

(ii) in paragraph (6), by striking "Federal Air Marshals Service" and inserting "Federal Air Marshal Service"; and

(C) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(17) section 44920 is amended—

(A) in subsection (g)(1), by striking "subsection (a) or section 44919" and inserting "subsection (a)"; and

(B) by adding at the end the following:

"(i) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.";

(18) section 44922 is amended—

(A) in the heading, by striking "**Deputation**" and inserting "**Deputization**";

(B) in subsection (a)—

(i) in the heading, by striking "DEPUTATION" and inserting "DEPUTIZATION"; and

(ii) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(C) in subsection (e), by striking "deputation" and inserting "deputization"; and

(D) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(19) section 44923 is amended—

(A) in subsection (a), by striking "Under Secretary for Border and Transportation Security of the Department of Homeland Security" and inserting "Administrator of the Transportation Security Administration";

(B) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(C) in subsection (e)—

(i) by striking paragraph (2); and

(ii) by striking "(1) IN GENERAL.—"; and

(D) by striking subsection (j);

(20) section 44924 is amended—

(A) in subsection (a)—

(i) by striking "Under Secretary for Border and Transportation Security of the Department of Homeland Security" and inserting "Administrator of the Transportation Security Administration"; and

(ii) by striking "Administrator under" and inserting "Administrator of the Federal Aviation Administration under";

(B) in subsections (b), (c), (d), (e), and (f), by striking "Administrator" and inserting "Administrator of the Federal Aviation Administration";

(C) in subsection (f), by striking "Not later than 240 days after the date of enactment of this section, the" and inserting "The"; and

(D) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(21) section 44925 is amended—

(A) in subsection (b)(1), by striking "Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration)" and inserting "The Administrator of the Transportation Security Administration";

(B) in subsection (b), by striking paragraph (3); and

(C) in subsection (d), by striking "Assistant Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(22) section 44926(b)(3) is amended by striking "an misidentified passenger" and inserting "a misidentified passenger";

(23) section 44927 is amended—

(A) by striking "Assistant Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(B) in subsection (a), by striking "Veteran Affairs" and inserting "Veterans Affairs"; and

(C) in subsection (f)—

(i) in the heading, by striking "REPORT" and inserting "REPORTS"; and

(ii) by striking "Not later than 1 year after the date of enactment of this section, and annually thereafter," and inserting "Each year,";

(24) section 44933 is amended—

(A) in subsection (a)—

(i) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(ii) by striking "Federal Security Manager" and inserting "Federal Security Director"; and

(iii) by striking "Managers" each place it appears and inserting "Federal Security Directors";

(B) in subsection (b), by striking "Manager" and inserting "Federal Security Director"; and

(C) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(25) section 44934 is amended—

(A) in subsection (a)—

(i) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(ii) by striking "airports. In coordination with the Secretary" and inserting "airports. In coordination with the Secretary of State";

(iii) by striking "The Secretary shall give high priority" and inserting "The Secretary of State shall give high priority"; and

(iv) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (1), by striking "Under Secretary" and inserting "Administrator"; and

(C) in subsection (c), by striking "the Secretary and the chief" and inserting "the Secretary of State and the chief";

(26) section 44935 is amended—

(A) in subsection (a), by striking "Under Secretary of Transportation for Security" and inserting "Administrator";

(B) in subsection (e)—

(i) in paragraph (1), by striking "Under Secretary of Transportation for Security" and inserting "Administrator"; and

(ii) in paragraph (2)(A)—

(I) in the matter preceding clause (i)—

(aa) by striking "Within 30 days after the date of enactment of the Aviation and Transportation Security Act, the" and inserting "The"; and

(bb) by inserting "other" before "provision of law"; and

(II) in clause (ii), by striking "section 1102(a)(22)" and inserting "section 101(a)(22)";

(C) in subsection (f)(1), by inserting "other" before "provision of law";

(D) in subsection (g)(2), by striking "Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the" and inserting "The";

(E) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(F) by adding at the end the following:

"(l) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.";

(27) section 44936 is amended—

(A) in subsection (a)—

(i) by striking "Under Secretary of Transportation for Security" each place it appears and inserting "Administrator";

(ii) in paragraph (1)—

(I) in subparagraph (A), by striking ",," and inserting a comma; and

(II) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C);

(B) in subsection (c)(1), by striking "Under Secretary's" and inserting "Administrator's";

(C) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(D) by adding at the end the following:

"(f) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.";

(28) section 44937 is amended by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration";

(29) section 44938 is amended—

(A) in subsection (a)—

(i) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(ii) by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security"; and

(B) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(30) section 44939(d) is amended by striking "Not later than 60 days after the date of enactment of this section, the Secretary" and inserting "The Secretary of Homeland Security";

(31) section 44940 is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(II) by striking the last two sentences; and

(ii) by adding at the end the following:

"(2) DETERMINATION OF COSTS.—

"(A) IN GENERAL.—The amount of the costs under paragraph (1) shall be determined by the Administrator of the Transportation Security Administration and shall not be subject to judicial review.

"(B) DEFINITION OF FEDERAL LAW ENFORCEMENT PERSONNEL.—For purposes of paragraph (1)(A), the term 'Federal law enforcement personnel' includes State and local law enforcement officers who are deputized under section 44922.";

(B) in subsections (b), (d), (e), (g), and (h), by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(C) in subsection (d)—

(i) in paragraph (1)—

(I) by striking "within 60 days of the date of enactment of this Act, or"; and

(II) by striking "thereafter"; and

(ii) in paragraph (2), by striking "subsection (d)" each place it appears and inserting "paragraph (1) of this subsection";

(D) in subsection (e)(1), by striking "FEES PAYABLE TO UNDER SECRETARY" in the heading and inserting "FEES PAYABLE TO ADMINISTRATOR"; and

(E) in subsection (i)(4)—

(i) by striking subparagraphs (A) through (D); and

(ii) by redesignating subparagraphs (E) through (L) as subparagraphs (A) through (H), respectively;

(32) section 44941(a) is amended by inserting "the Department of Homeland Security," after "Department of Transportation,";

(33) section 44942 is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "Within 180 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary for Transportation Security may, in consultation with" and inserting "The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and"; and

(II) in subparagraph (A), by striking ", and" and inserting "; and"; and

(ii) in paragraph (2), by inserting a comma after "Federal Aviation Administration";

(B) in subsection (b)—

(i) by striking "(1) PERFORMANCE PLAN AND REPORT.—";

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1), as redesignated—

(I) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(II) in subparagraph (A), as redesignated, by striking "the Secretary and the Under Secretary for Transportation Security shall agree" and inserting "the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree"; and

(III) in subparagraph (B), as redesignated, by striking "the Secretary, the Under Secretary for Transportation Security" and inserting "the Secretary of Homeland Security, the Administrator of the Transportation Security Administration,"; and

(iv) in paragraph (2), as redesignated, by striking "Under Secretary for Transportation Security" and inserting "Administrator of the Transportation Security Administration";

(34) section 44943 is amended—

(A) in subsection (a), by striking "Under Secretary for Transportation Security" and inserting "Administrator of the Transportation Security Administration";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "Secretary and Under Secretary of Transportation for Security" and inserting "Secretary of Homeland Security and Administrator of the Transportation Security Administration"; and

(II) by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (2)—

(I) by striking "Under Secretary" the first place it appears and inserting "Administrator of the Transportation Security Administration"; and

(II) by striking "Under Secretary shall" each place it appears and inserting "Administrator shall"; and

(C) in subsection (c), by striking "Aviation Security Act, the Under Secretary for Transportation Security" and inserting "Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), the Administrator of the Transportation Security Administration";

(35) section 44944 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "Under Secretary of Transportation for Transportation Security" and inserting "Administrator of the Transportation Security Administration"; and

(ii) in paragraph (4), by inserting "the Administrator of the Federal Aviation Administration," after "consult with"; and

(B) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(36) section 44945(b) is amended by striking "Assistant Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration"; and

(37) section 44946 is amended—

(A) in subsection (g)—

(i) by striking paragraph (2);

(ii) by redesignating paragraph (1) as paragraph (2); and

(iii) by inserting before paragraph (2), as redesignated, the following:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.";

(B) by striking "Assistant Secretary" each place it appears and inserting "Administrator";

(C) in subsection (b)(4)—

(i) by striking "the Secretary receives" and inserting "the Administrator receives"; and

(ii) by striking "the Secretary shall" and inserting "the Administrator shall"; and

(D) in subsection (c)(1)(A), by striking "Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the" and inserting "The".

(e) CHAPTER 451 AMENDMENTS.—Section 45107 is amended—

(1) in subsection (a), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(2) in subsection (b), by striking the second sentence.

(f) CHAPTER 461 AMENDMENTS.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by striking "Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary" and inserting "Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration";

(2) in each of sections 46101, 46102(c), 46103, 46104, 46105, 46107, and 46110 by striking "or Administrator" each place it appears and inserting "or Administrator of the Federal Aviation Administration";

(3) in each of sections 46101(a)(1), 46102(a) 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by striking "by the Administrator)" and inserting "by the Administrator of the Federal Aviation Administration)";

(4) in each of sections 46101, 46102, 46103, 46104, 46105, 46107, and 46110 by striking "Under Secretary," each place it appears and inserting "Administrator of the Transportation Security Administration,";

(5) in section 46102—

(A) in subsection (b), by striking "the Administrator" each place it appears and inserting "the Administrator of the Federal Aviation Administration";

(B) in subsection (c), by striking "and Administrator" each place it appears and inserting "and Administrator of the Federal Aviation Administration"; and

(C) in subsection (d), by striking "the Administrator, or an officer or employee of the Administration" in subsection (d) and inserting "the Administrator of the Federal Aviation Administration, or an officer or employee of the Federal Aviation Administration";

(6) in section 46104—

(A) by striking "subpena" each place it appears and inserting "subpoena"; and

(B) in subsection (b)—

(i) in the heading, by striking "SUBPENAS" and inserting "SUBPOENAS"; and

(ii) by striking "the Administrator, or" and inserting "the Administrator of the Federal Aviation Administration, or";

(7) in section 46105(c), by striking "When the Administrator" and inserting "When the Administrator of the Federal Aviation Administration";

(8) in section 46109, by inserting "(or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by

the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator)" after "Secretary of Transportation"; and

(9) in section 46111—

(A) in subsection (a)—

(i) by inserting "the" before "Federal Aviation Administration";

(ii) by striking "Administrator is" and inserting "Administrator of the Federal Aviation Administration is"; and

(iii) by striking "Under Secretary for Border and Transportation Security of the Department of Homeland Security" and inserting "Administrator of the Transportation Security Administration";

(B) in subsections (b), (c), (e), and (g), by striking "Administrator" each place it appears and inserting "Administrator of the Federal Aviation Administration";

(C) in subsection (g)(2)(A), by striking "(18 U.S.C. App.)" and inserting "(18 U.S.C. App.))"; and

(D) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration".

(g) CHAPTER 463 AMENDMENTS.—Chapter 463 is amended—

(1) in section 46301—

(A) in subsection (a)(5)—

(i) in subparagraph (A)(i), by striking "or chapter 451" and inserting "chapter 451"; and

(ii) in subparagraph (D), by inserting "of Transportation" after "Secretary";

(B) in subsection (d)—

(i) in paragraph (2)—

(I) by striking "defined by the Secretary" and inserting "defined by the Secretary of Transportation"; and

(II) by striking "Administrator shall" and inserting "Administrator of the Federal Aviation Administration shall";

(ii) in paragraphs (3), (4), (5), (6), (7), and (8), by striking "Administrator" each place it appears and inserting "Administrator of the Federal Aviation Administration"; and

(iii) in paragraph (8), by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration";

(C) in subsection (e), by inserting "of Transportation" after "Secretary";

(D) in subsection (g), by striking "Administrator" and inserting "Administrator of the Federal Aviation Administration"; and

(E) in subsection (h)(2)—

(i) by striking "Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary" and inserting "Administrator of the Transportation Security Administration with respect to security duties

and powers designated to be carried out by the Administrator of the Transportation Security Administration"; and

(ii) by striking "or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator" and inserting "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration";

(2) in section 46304(b), by striking "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator" and inserting "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration";

(3) in section 46311—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking "Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary" and inserting "Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration";

(II) by striking "the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator" and inserting "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration";

(III) by striking "Administrator shall" and inserting "Administrator of the Federal Aviation Administration shall"; and

(IV) by striking "Administrator," and inserting "Administrator of the Federal Aviation Administration,"; and

(ii) in paragraph (1), by striking "Administrator" and inserting "Administrator of the Federal Aviation Administration";

(B) in subsections (b) and (c), by striking "Administrator" each place it appears and inserting "Administrator of the Federal Aviation Administration"; and

(C) by striking "Under Secretary" each place it appears and inserting "Administrator of the Transportation Security Administration";

(4) in section 46313—

(A) by striking "Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary" and inserting "Administrator of the Transportation Security

Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration";

(B) by striking "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator" and inserting "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration"; and

(C) by striking "subpena" and inserting "subpoena"; and

(5) in section 46316(a)—

(A) by striking "Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary" and inserting "Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration"; and

(B) by striking "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator" and inserting "or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration".

(h) CHAPTER 465 AMENDMENTS.—Chapter 465 is amended—

(1) in section 46505(d)(2), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(2) in the table of contents for chapter 465 of subtitle VII, by striking the following:

49 USC prec. 46501.

"46503. Repealed.".

(i) CHAPTER 483 REPEAL.—

(1) IN GENERAL.—Chapter 483 is repealed.

(2) CONFORMING AMENDMENT.—The table of contents for subtitle VII is amended by striking the following:

49 USC prec. 8301.
49 USC 8301.
49 USC prec. 40101.

"483. Aviation security funding .....48301".

(j) AUTHORITY TO EXEMPT.—

(1) IN GENERAL.—Subchapter II of chapter 449 is amended by inserting before section 44933 the following:

"§ 44931. Authority to exempt

49 USC 44931 note.

"The Secretary of Homeland Security may grant an exemption from a regulation prescribed in carrying out sections 44901, 44903, 44906, 44909(c), and 44935–44937 of this title when the Secretary decides the exemption is in the public interest.

"§ 44932. Administrative

49 USC 44932 note.

"(a) GENERAL AUTHORITY.—The Secretary of Homeland Security or the Administrator of the Transportation Security Administration may take action the Secretary or the Administrator considers necessary to carry out this chapter and chapters 461, 463, and 465

of this title, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

"(b) INDEMNIFICATION.—The Administrator of the Transportation Security Administration may indemnify an officer or employee of the Transportation Security Administration against a claim or judgment arising out of an act that the Administrator decides was committed within the scope of the official duties of the officer or employee.".

(2) TABLE OF CONTENTS.—The table of contents of chapter 449 is amended by inserting before the item relating to section 44933 the following:

49 USC prec. 44901.

"44931. Authority to exempt.
"44932. Administrative.".

SEC. 1992. TABLE OF CONTENTS OF CHAPTER 449.

49 USC prec. 44901.

The table of contents of chapter 449 is amended—

(1) in the item relating to section 44922, by striking "Deputation" and inserting "Deputization"; and

(2) by inserting after section 44941 the following:

"44942. Performance goals and objectives.
"44943. Performance management system.".

SEC. 1993. OTHER LAWS; INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

Section 4016(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note) is amended—

(1) in paragraph (1), by striking "Assistant Secretary for Immigration and Customs Enforcement" and inserting "Administrator of the Transportation Security Administration"; and

(2) in paragraph (2), by striking "Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration)," and inserting "Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security".

49 USC 114 note.

SEC. 1994. SAVINGS PROVISIONS.

References relating to the Under Secretary of Transportation for Security in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede the effective date

of this Act shall be deemed to refer, as appropriate, to the Administrator of the Transportation Security Administration.

Approved October 5, 2018.

LEGISLATIVE HISTORY—H.R. 302 (S. 808):

CONGRESSIONAL RECORD:
Vol. 163 (2017): Jan. 9, considered and passed House.
Vol. 164 (2018): Sept. 6, considered and passed Senate, amended.
Sept. 26, House concurred in Senate amendment with an amendment pursuant to H. Res. 1082.
Sept. 28, Oct. 1–3, Senate considered and concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 5, Presidential statement.

Public Law 115–255
115th Congress

An Act

Oct. 9, 2018
[H.R. 46]

To authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fort Ontario Study Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Ontario Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means Fort Ontario in Oswego, New York.

SEC. 3. FORT ONTARIO SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

Evaluation.
(1) evaluate the national significance of the study area;

Determination.
(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

Consultation.
(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

Cost estimates.
(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and
(2) any conclusions and recommendations of the Secretary.

Approved October 9, 2018.

LEGISLATIVE HISTORY—H.R. 46 (S. 55):

SENATE REPORTS: Nos. 115–110 and 115–104, accompanying S. 55, (both from Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:
Vol. 163 (2017): Jan. 30, considered and passed House.
Vol. 164 (2018): Sept. 18, considered and passed Senate, amended.
Sept. 25, House concurred in Senate amendment.

Public Law 115–256
115th Congress

An Act

Oct. 9, 2018
[H.R. 2259]

To amend the Peace Corps Act to expand services and benefits for volunteers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sam Farr and Nick Castle Peace Corps Reform Act of 2018.
22 USC 2501 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sam Farr and Nick Castle Peace Corps Reform Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PEACE CORPS VOLUNTEER SUPPORT

Sec. 101. Peace Corps volunteer medical care reform.
Sec. 102. Post-service Peace Corps volunteer medical care reform.
Sec. 103. Peace Corps impact survey.
Sec. 104. Extension of positions for Peace Corps employees.

TITLE II—PEACE CORPS OVERSIGHT AND ACCOUNTABILITY

Sec. 201. Peace Corps volunteer access to Inspector General.
Sec. 202. Publication requirement for volunteer surveys.
Sec. 203. Consultation with Congress required before opening or closing overseas offices and country programs.

TITLE III—CRIME RISK REDUCTION ENHANCEMENTS

Sec. 301. Independent review of volunteer death.
Sec. 302. Additional disclosures to applicants for enrollment as volunteers.
Sec. 303. Additional protections against sexual misconduct.
Sec. 304. Extension of the office of victim advocacy.
Sec. 305. Reform and extension of the Sexual Assault Advisory Council.
Sec. 306. Definitions.

22 USC 2504 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

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

(2) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

(3) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means an individual described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)).

TITLE I—PEACE CORPS VOLUNTEER SUPPORT

SEC. 101. PEACE CORPS VOLUNTEER MEDICAL CARE REFORM.

(a) IN GENERAL.—The Peace Corps Act is amended—

(1) in section 5 (22 U.S.C. 2504)—

(A) in subsection (e), in the first sentence, by striking "receive such immunization and dental care preparatory to their service" and inserting "receive, preparatory to their service, such immunization, dental care, and information on prescription options and potential interactions, as necessary and appropriate and in accordance with subsection (f)";

(B) by re-designating subsections (f), (g), (h), (i), (j), (k), (l), (m), and (n) as subsections (g), (h), (i), (j), (k), (l), (m), (n), and (o);

(C) by inserting after subsection (e) the following new subsection—

"(f) The Director of the Peace Corps shall consult with health experts outside the Peace Corps, including experts licensed in the field of mental health, and follow guidance by the Centers for Disease Control and Prevention regarding the prescription of medications to a volunteer."; and

Consultation.

(D) in subsection (i), as so redesignated, by striking "section, and" and inserting "section), and"; and

(2) by inserting after section 5 the following new section:

"SEC. 5A. HEALTH CARE FOR VOLUNTEERS AT PEACE CORPS POSTS.

President.
22 USC 2504a.

"(a) IN GENERAL.—The President shall ensure that each overseas post has the services of a medical office that is consistent in size and scope with the needs of the Peace Corps at such post, including, if necessary, by detailing to any such post the licensed medical staff of other United States departments, agencies, or establishments.

"(b) HIRING CRITERIA.—In selecting medical officers and support staff for overseas Peace Corps posts, the Director of the Peace Corps shall hire well-qualified and capable personnel to support the effectiveness of health care for Peace Corps volunteers by evaluating each candidate's—

"(1) medical training, experience, and accreditations or other qualifications;

"(2) record of performance;

"(3) administrative capabilities;

"(4) understanding of the local language and culture;

"(5) ability to work in the English language;

"(6) interpersonal skills; and

"(7) such other factors that the Director determines appropriate.

"(c) CERTAIN TRAINING.—The Director of the Peace Corps shall ensure that each Peace Corps medical officer serving in a malaria-endemic country receives training in the recognition of the side effects of such medications.

"(d) REVIEW AND EVALUATION.—

"(1) IN GENERAL.—The Director of the Peace Corps, acting through the Associate Director of the Office of Health Services and the country directors, shall review and evaluate the

performance and health care delivery of all Peace Corps medical staff, including medical officers, to—

"(A) ensure compliance with all relevant Peace Corps policies, practices, and guidelines; and

"(B) ensure that medical staff complete the necessary continuing medical education to maintain their skills and satisfy licensing and credentialing standards, as designated by the Director.

"(2) REPORT TO CONGRESS.—The Director of the Peace Corps shall include, in the annual Peace Corps congressional budget justification, a confirmation that the review and evaluation of all Peace Corps medical staff required under paragraph (1) has been completed.

Consultation.

"(e) ANTIMALARIAL DRUGS.—The Director of the Peace Corps shall consult with experts at the Centers for Disease Control and Prevention regarding recommendations for prescribing malaria prophylaxis, in order to provide the best standard of care within the context of the Peace Corps environment.".

22 USC 2504 note.

(b) IMPLEMENTATION OF RECOMMENDATIONS BY THE INSPECTOR GENERAL OF THE PEACE CORPS.—

(1) INSPECTOR GENERAL REPORT.—As promptly as practicable, the Director shall implement the actions outlined in the agency response for all open recommendations of the Inspector General of the Peace Corps set forth in the report entitled "Final Program Evaluation Report: OIG Follow-up Evaluation of Issues Identified in the 2010 Peace Corps/Morocco Assessment of Medical Care" (Report No. IG–16–01–E).

(2) SEMIANNUAL REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit a report to the appropriate congressional committees that describes the Director's strategy for implementing the recommendations referred to in paragraph (1).

(B) SUBSEQUENT REPORTS.—Not later than 180 days after the submission of the report required under subparagraph (A), and semiannually thereafter, the Director shall submit a report to the appropriate congressional committees that describes the progress in implementing the recommendations referred to in paragraph (1) until all such recommendations have been implemented in accordance with the agency's response to the report referred to in such paragraph.

Determination.

(3) NOTIFICATION.—After the submission of each report required under paragraph (2), the Inspector General of the Peace Corps may notify the appropriate congressional committees of any recommendations from the report referred to in paragraph (1) that the Inspector General determines remain unresolved.

SEC. 102. POST-SERVICE PEACE CORPS VOLUNTEER MEDICAL CARE REFORM.

Section 8142 of title 5, United States Code, is amended by adding at the end the following new subsection:

Time period. Certification.

"(d)(1) The Secretary shall authorize the Director of the Peace Corps to furnish medical benefits to a volunteer, who is injured during the volunteer's period of service, for a period of 120 days following the termination of such service if the Director certifies

that the volunteer's injury probably meets the requirements under subsection (c)(3). The Secretary may then certify vouchers for these expenses for such volunteer out of the Employees' Compensation Fund.

"(2) The Secretary shall prescribe the form and content of the certification required under paragraph (1).

"(3) A certification under paragraph (1) will cease to be effective if the volunteer sustains compensable disability in connection with volunteer service.

"(4) Nothing in this subsection may be construed to authorize the furnishing of any medical benefit that the Secretary of Labor is not otherwise authorized to reimburse for former Peace Corps volunteers who receive treatment for injury or disease proximately caused by their service in the Peace Corps in accordance with this chapter.".

SEC. 103. PEACE CORPS IMPACT SURVEY.

(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act and once every 2 years thereafter for the following 6 years, the Director shall conduct a survey of former Peace Corps volunteers. Deadlines.

(b) SCOPE OF SURVEY.—The survey required under subsection (a) shall assess, with respect to each former Peace Corps volunteer completing the survey, the impact of the Peace Corps on the former volunteer, including the volunteer's— Assessment.

(1) well-being;
(2) career;
(3) civic engagement; and
(4) commitment to public service.

(c) REPORT.—The Director shall submit a report containing the results of the survey conducted under subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Foreign Affairs of the House of Representatives;
(3) the Committee on Appropriations of the Senate; and
(4) the Committee on Appropriations of the House of Representatives.

SEC. 104. EXTENSION OF POSITIONS FOR PEACE CORPS EMPLOYEES.

Section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)) is amended by adding at the end the following new paragraph:

"(8)(A) The Director of the Peace Corps may designate Peace Corps positions as critical management or management support positions that require specialized technical or professional skills and knowledge of Peace Corps operations. Such positions may include positions in the following fields:

"(i) Volunteer health services.
"(ii) Financial management.
"(iii) Information technology.
"(iv) Procurement.
"(v) Personnel.
"(vi) Legal services.
"(vii) Safety and security.

"(B) Subject to subparagraphs (C) and (D), with respect to positions designated pursuant to subparagraph (A), the Director may make or extend renewable appointments or assignments under paragraph (2) notwithstanding limitations

under subparagraphs (A) and (B) of paragraph (2) and paragraph (5).

"(C) In exercising authority under subparagraph (B), the Director shall ensure that all decisions regarding the appointment, assignment, or extension of employees to any position designated pursuant to subparagraph (A)—

"(i) are consistent with Federal law and Peace Corps policy; and

"(ii) are based upon operational and programmatic factors.

"(D) The term of any appointment or assignment to any position designated pursuant to subparagraph (A) may not exceed 5 years.".

TITLE II—PEACE CORPS OVERSIGHT AND ACCOUNTABILITY

SEC. 201. PEACE CORPS VOLUNTEER ACCESS TO INSPECTOR GENERAL.

Section 8 of the Peace Corps Act (22 U.S.C. 2507) is amended—

(1) in subsection (a)—

(A) by striking "he" and inserting "the President"; and

Coordination. President.

(B) by adding at the end the following new sentences: "As part of the training provided to all volunteers under subsection (a), and in coordination with the Inspector General of the Peace Corps, the President shall provide all volunteers with information regarding the mandate of the Inspector General and the availability (including contact information) of the Inspector General and the Office of Victim Advocacy as a resource for volunteers. The President shall ensure that volunteers receive such information at least once during training that occurs prior to enrollment and at least once during each significant instance of training after enrollment."; and

(2) by adding at the end the following new subsection:

President. Procedures.

"(c) The President shall implement procedures to maintain a record verifying each individual completing training provided to meet each requirement in this section and sections 8A, 8B, 8F, and 8G(b).".

SEC. 202. PUBLICATION REQUIREMENT FOR VOLUNTEER SURVEYS.

Section 8E of the Peace Corps Act (22 U.S.C. 2507e) is amended—

(1) in subsection (b), in the first sentence—

(A) by inserting ", ensure that each such plan includes a consideration of the results, with respect to each such representative and the country of service of each such representative, of each survey conducted under subsection (c)," after "standards for Peace Corps representatives"; and

(B) by striking "and shall review" and inserting ", and review"; and

(2) in subsection (c)—

(A) in the first sentence, by striking "2018" and inserting "2023"; and

(B) in the third sentence, by striking "subsection (a)" and inserting "subsection (b)"; and

(C) by adding at the end the following new sentences: "The President shall publish, on a publicly available website of the Peace Corps, a report summarizing the results of each survey related to volunteer satisfaction in each country in which volunteers serve, and the early termination rate of volunteers serving in each such country. The information published shall be posted in an easily accessible place near the description of the appropriate country and shall be written in an easily understood manner.". President. Public information. Reports.

SEC. 203. CONSULTATION WITH CONGRESS REQUIRED BEFORE OPENING OR CLOSING OVERSEAS OFFICES AND COUNTRY PROGRAMS.

Section 10 of the Peace Corps Act (22 U.S.C. 2509) is amended by adding at the end the following new subsection:

"(k)(1) Except as provided in paragraph (2), the Director of the Peace Corps may not open, close, significantly reduce, or suspend a domestic or overseas office or country program unless the Director has notified and consulted with the appropriate congressional committees at least 15 days in advance. Time periods. Notification. Consultation.

"(2) The Director of the Peace Corps may waive the application of paragraph (1) for a period of not more than 5 days after an action described in such paragraph if the Director determines such action is necessary to ameliorate a substantial security risk to Peace Corps volunteers or other Peace Corps personnel. Waiver authority. Determination.

"(3) For the purposes of this subsection, the term 'appropriate congressional committees' means— Definition.

"(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

TITLE III—CRIME RISK REDUCTION ENHANCEMENTS

SEC. 301. INDEPENDENT REVIEW OF VOLUNTEER DEATH.

Section 5 of the Peace Corps Act (22 U.S.C. 2504), as amended by section 101 of this Act, is further amended by adding at the end the following new subsection:

"(p)(1) Not later than 10 days after receiving notification of the death of a volunteer, the President shall provide a briefing to the Inspector General of the Peace Corps that includes— Deadline. President. Briefing.

"(A)(i) the available facts and circumstances surrounding the death of the volunteer, including a preliminary timeline of the events immediately preceding the death of the volunteer, subsequent actions taken by the Peace Corps, and any information available to the Peace Corps reflecting on the cause or root cause of the death of the volunteer; and

"(ii) a description of any steps the Peace Corps plans to take to inquire further into the cause or root cause of the death of the volunteer, including the anticipated date of the completion of such inquiry; or

"(B) an explanation of why the Peace Corps has determined that no further inquiry into the cause or root cause of the death of the volunteer is necessary, including—

"(i) a description of the steps the Peace Corps took to determine further inquiry was not necessary; and

"(ii) the basis for such determination.

President. "(2) If the Peace Corps has performed or engaged another entity to perform a root cause analysis or similar report that describes the cause or root cause of a volunteer death, the President shall provide the Inspector General of the Peace Corps with—

"(A) a copy of all information provided to such entity at the time such information is provided to such entity or used by the Peace Corps to perform the analysis;

"(B) a copy of any report or study received from the entity or used by the Peace Corps to perform the analysis; and

"(C) any supporting documentation upon which the Peace Corps or such entity relied to make its determination, including the volunteer's complete medical record, as soon as such information is available to the Peace Corps.

"(3) If a volunteer dies, the Peace Corps shall take reasonable measures, in accordance with local laws, to preserve any information or material, in any medium or format, that may be relevant to determining the cause or root cause of the death of the volunteer, including personal effects, medication, and other tangible items belonging to the volunteer, as long as such measures do not interfere with the legal procedures of the host country if the government of the host country is exercising jurisdiction over the investigation of such death. The Inspector General of the Peace Corps shall be provided an opportunity to inspect such items before their final disposition.

"(4) Consistent with the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Peace Corps may independently review the facts and circumstances surrounding the death of a volunteer and the actions taken by the Peace Corps in responding to such incident.

Time period. "(5) For the purposes of undertaking a review under this section, an officer or employee of the United States or a member of the Armed Forces may be detailed to the Inspector General of the Peace Corps from another department of the United States Government on a nonreimbursable basis, as jointly agreed to by the Inspector General and the detailing department, for a period not to exceed 1 year. This paragraph may not be construed to limit or modify any other source of authority for reimbursable or nonreimbursable details. A nonreimbursable detail made under this section may not be considered an augmentation of the appropriations of the Peace Corps.

"(6) Upon request, the Peace Corps may make available necessary funds to the Inspector General of the Peace Corps for reviews conducted by the Inspector General under this section. The request shall be limited to costs relating to hiring, procuring, or otherwise obtaining medical-related experts or expert services, and associated travel.

"(7) The undertaking of a review under this section may not be considered a transfer of program operating responsibilities to the Inspector General of the Peace Corps.".

SEC. 302. ADDITIONAL DISCLOSURES TO APPLICANTS FOR ENROLLMENT AS VOLUNTEERS.

Section 8A of the Peace Corps Act (22 U.S.C. 2507a(d)) is amended—

(1) by amending subsection (d) to read as follows:

"(d) INFORMATION REGARDING CRIMES AND RISKS.—

"(1) IN GENERAL.—Each applicant for enrollment as a volunteer shall be provided, with respect to each country in which the applicant may be invited to serve, with specific, aggregated, and easily accessible information regarding crimes against and risks to volunteers, including—

"(A) an overview of past crimes against volunteers in such country, including statistics regarding unreported crime collected through anonymous surveys;

"(B) the current early termination rate of volunteers serving in such country;

"(C) health risks prevalent in such country;

"(D) the nature and frequency of sexual harassment reported by volunteers serving in such country;

"(E) the extent and types of services provided by the Peace Corps to volunteers serving in such country, including access to medical care, counseling services, and assistance from the Office of Victim Advocacy; and

"(F) the level of satisfaction reported by volunteers serving in such country.

"(2) OPTION TO TIMELY DECLINE.—Upon receiving information described in paragraph (1), the applicant shall have the option to change the country of consideration and identify a substitute country."; and

(2) in subsection (f)(2)(B)(iii), by striking "victim advocates" and inserting "Victim's Advocates,".

SEC. 303. ADDITIONAL PROTECTIONS AGAINST SEXUAL MISCONDUCT.

Section 8B(a) of the Peace Corps Act (22 U.S.C. 2507b(a)) is amended—

(1) in paragraph (3)—

(A) by striking "SARLs" and inserting "any employee of the Peace Corps";

(B) by striking "Victim Advocate" and inserting "Victim's Advocate"; and

(C) by inserting "and require the Peace Corps to designate the staff at each post who shall be responsible for providing the services described in subsection (c)" before the semicolon at the end;

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(7) maintains a record documenting the resignation of any employee or volunteer of the Peace Corps who resigns before a determination has been made regarding an alleged violation of the sexual misconduct policy or other serious policy violations;

"(8) takes into account the record maintained under paragraph (7) before such employee or volunteer is hired, enrolled, or otherwise invited to work with the Peace Corps;

"(9) provides orientation or information regarding the awareness and prevention of sexual assault and sexual harassment to—

"(A) Peace Corps-selected host families; and

"(B) a designated person of authority at the volunteer's initial workplace; and

"(10) ensures, to the extent practicable and appropriate, that any assault on, or any harm or injury to, a volunteer that is committed by any member of a host family or any national of a host country that was assigned by the Peace Corps to facilitate volunteer work is—

"(A) documented in an appropriate site history file and in the global tracking and recording system established pursuant to section 8H(c); and

"(B) taken into account with respect to determinations regarding placements of future volunteers at such post and the provision of any funds or other benefit by the Peace Corps.".

SEC. 304. EXTENSION OF THE OFFICE OF VICTIM ADVOCACY.

Section 8C of the Peace Corps Act (22 U.S.C. 2507c) is amended—

(1) by striking "victim advocate" each place it appears and inserting "Victim's Advocate";

(2) by striking "victim advocates" each place it occurs and inserting "Victim's Advocates"; and

(3) by amending subsection (e) to read as follows:

"(e) The Director of the Peace Corps shall include the head of the Office of Victim Advocacy in agency-wide policymaking processes in the same manner and to the same extent as the directors or associate directors of other offices within the Peace Corps.".

SEC. 305. REFORM AND EXTENSION OF THE SEXUAL ASSAULT ADVISORY COUNCIL.

Section 8D of the Peace Corps Act (22 U.S.C. 2507d) is amended—

(1) in subsection (b)—

President. Deadline.

(A) by striking "not less than 8 individuals selected by the President, not later than 180 days after the date of the enactment of this section," and inserting "not fewer than 8 and not more than 14 individuals selected by the President"; and

(B) by inserting after the first sentence the following new sentence: "At least one member should be licensed in the field of mental health and have prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization."; and

(2) in subsection (c)—

(A) by inserting "and implemented" after "sexual assault policy developed"; and

Reviews.

(B) by adding at the end the following new sentence: "To carry out this subsection, the Council may conduct case reviews and is authorized to have access, including through interviews, to current and former volunteers (to the extent that such volunteers provide the Peace Corps express consent to be interviewed by the Council), to volunteer surveys under section 8E, to all data collected from restricted reporting, and to any other information necessary to conduct case reviews, except that the Council may not have access to any personally identifying information associated with such surveys, data, or information."; and

(3) in subsection (g), by striking "2018" and inserting "2023".

SEC. 306. DEFINITIONS.

Section 26 of the Peace Corps Act (22 U.S.C. 2522) is amended—

(1) by redesignating subsections (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (6), (2), (3), (8), (7), and (5), respectively, by arranging such redesignated paragraphs in numerical order, and by moving such paragraphs 2 ems to the right;

(2) in paragraph (1), as redesignated, by striking "(1)" and inserting the following:

"In this Act:

"(1)"; and

(3) by inserting after paragraph (3), as redesignated, the following:

"(4) The term 'medical officer' means a physician, nurse practitioner, physician's assistant, or registered nurse with the professional qualifications, expertise, and abilities consistent with the needs of the Peace Corps and the post to which he or she is assigned, as determined by the Director of the Peace Corps.".

Approved October 9, 2018.

LEGISLATIVE HISTORY—H.R. 2259:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 10, considered and passed House.
Sept. 24, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 9, Presidential statement.

Public Law 115–257
115th Congress

An Act

Oct. 9, 2018
[H.R. 4854]

To amend the DNA Analysis Backlog Elimination Act of 2000 to provide additional resources to State and local prosecutors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Justice Served Act of 2018.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice Served Act of 2018".

SEC. 2. PROSECUTION OF DNA COLD CASES.

(a) DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. 40701) is amended—

(1) in subsection (a), by adding at the end the following:

"(9) To increase the capacity of State and local prosecution offices to address the backlog of violent crime cases in which suspects have been identified through DNA evidence."; and

(2) in subsection (c), by adding at the end the following:

"(5) ALLOCATION OF GRANT AWARDS FOR PROSECUTORS.—For each fiscal year, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(9), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3).".

Grants.

(b) PROSECUTION OF COLD CASES.—Of the amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities for the purpose described in section 2 of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. 40701) under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "DEPARTMENT OF JUSTICE" in fiscal years 2019, 2020, 2021, and 2022, not less than 5 percent, but not more than 7 percent, of such amounts shall be provided for grants for prosecutors to increase the capacity of State and local prosecution offices

to address cold cases involving violent crime, where suspects have been identified through DNA evidence.

Approved October 9, 2018.

LEGISLATIVE HISTORY—H.R. 4854:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 15, considered and passed House.
Sept. 26, considered and passed Senate.

Public Law 115–258
115th Congress

An Act

Oct. 9, 2018
[H.R. 4958]

To increase, effective as of December 1, 2018, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Compensation Cost-of-Living Adjustment Act of 2018.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2018".

38 USC 1114 note.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2018, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2018, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2018, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

Federal Register, publication. 38 USC 1114 note.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2019.

Approved October 9, 2018.

LEGISLATIVE HISTORY—H.R. 4958:

HOUSE REPORTS: No. 115–688 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
May 21, considered and passed House.
Sept. 25, considered and passed Senate.

Public Law 115–259
115th Congress

An Act

Oct. 9, 2018
[S. 791]

To amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business Innovation Protection Act of 2017.
15 USC 631 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Innovation Protection Act of 2017".

15 USC 648c note.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Administrator" means the Administrator of the SBA;

(2) the term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the USPTO;

(3) the term "SBA" means the Small Business Administration;

(4) the term "small business concern" has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a));

(5) the term "small business development center" means a center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(6) the term "USPTO" means the United States Patent and Trademark Office.

15 USC 648c note.

SEC. 3. FINDINGS.

Congress finds that—

(1) the USPTO and the SBA are positioned to—

(A) build upon several successful intellectual property and training programs aimed at small business concerns; and

(B) increase the availability of and the participation in the programs described in subparagraph (A) across the United States; and

(2) any education and training program administered by the USPTO and the SBA should be scalable so that the program is able to reach more small business concerns.

SEC. 4. SBA AND USPTO PARTNERSHIPS.

Effective date. Deadline. Consultation. 15 USC 648c.

(a) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Director, shall develop partnership agreements that—

(1) provide for the—

(A) development of high-quality training, including in-person or modular training sessions, for small business concerns relating to domestic and international protection of intellectual property;

(B) leveraging of training materials already developed for the education of inventors and small business concerns; and

(C) participation of a nongovernmental organization; and

(2) provide training—

(A) through electronic resources, including Internet-based webinars; and

(B) at physical locations, including—

(i) a small business development center; and

(ii) the headquarters or a regional office of the USPTO.

SEC. 5. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (S), by striking "and" at the end;

(2) in subparagraph (T), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(U) in conjunction with the United States Patent and Trademark Office, providing training—

"(i) to small business concerns relating to—

"(I) domestic and international intellectual property protections; and

"(II) how the protections described in subclause (I) should be considered in the business plans and growth strategies of the small business concerns; and

"(ii) that may be delivered—

"(I) in person; or

"(II) through a website.".

Approved October 9, 2018.

LEGISLATIVE HISTORY—S. 791:

SENATE REPORTS: No. 115–435 (Comm. on Small Business and Entrepreneurship).

CONGRESSIONAL RECORD, Vol. 164 (2018):

July 18, considered and passed Senate.

Sept. 25, considered and passed House.

Public Law 115–260
115th Congress

An Act

Oct. 9, 2018
[S. 1668]

To rename a waterway in the State of New York as the "Joseph Sanford Jr. Channel".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH SANFORD JR. CHANNEL.

(a) IN GENERAL.—The waterway in the State of New York designated as the "Negro Bar Channel" shall be known and redesignated as the "Joseph Sanford Jr. Channel".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the waterway referred to in subsection (a) shall be deemed to be a reference to the "Joseph Sanford Jr. Channel".

Approved October 9, 2018.

LEGISLATIVE HISTORY—S. 1668:

SENATE REPORTS: No. 115–221 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Aug. 1, considered and passed Senate.
Sept. 26, considered and passed House.

Public Law 115–261
115th Congress

An Act

To amend title 17, United States Code, to implement the Marrakesh Treaty, and for other purposes.

Oct. 9, 2018
[S. 2559]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Marrakesh Treaty Implementation Act.
17 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marrakesh Treaty Implementation Act".

SEC. 2. IMPLEMENTATION AMENDMENTS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended—

(1) in section 121—

(A) in subsection (a)—

(i) by inserting "in the United States" after "distribute";

(ii) by striking ", nondramatic";

(iii) by inserting "or of a previously published musical work that has been fixed in the form of text or notation" after "literary work";

(iv) by striking "specialized formats" and inserting "accessible formats"; and

(v) by striking "blind or other persons with disabilities" and inserting "eligible persons";

(B) in subsection (b)(1)—

(i) in subparagraph (A)—

(I) by inserting "in the United States" after "distributed";

(II) by striking "a specialized format" and inserting "an accessible format"; and

(III) by striking "blind or other persons with disabilities" and inserting "eligible persons"; and

(ii) in subparagraph (B), by striking "a specialized format" and inserting "an accessible format";

(C) in subsection (c)(3), by striking "specialized formats" and inserting "accessible formats"; and

(D) in subsection (d)—

(i) by striking paragraphs (2) and (4);

(ii) by redesignating paragraph (1) as paragraph (2);

(iii) by redesignating paragraph (3) as paragraph (4);

(iv) by inserting before paragraph (2), as so redesignated, the following: Definitions.

"(1) 'accessible format' means an alternative manner or form that gives an eligible person access to the work when the copy or phonorecord in the accessible format is used exclusively by the eligible person to permit him or her to have access as feasibly and comfortably as a person without such disability as described in paragraph (3);";

(v) by inserting after paragraph (2), as so redesignated, the following:

"(3) 'eligible person' means an individual who, regardless of any other disability—

"(A) is blind;

"(B) has a visual impairment or perceptual or reading disability that cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or

"(C) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading; and"; and

(vi) in paragraph (4), as so redesignated, by striking "; and" at the end and inserting a period; and

(2) by inserting after section 121 the following:

17 USC 121A.

"§ 121A. Limitations on exclusive rights: reproduction for blind or other people with disabilities in Marrakesh Treaty countries

"(a) Notwithstanding the provisions of sections 106 and 602, it is not an infringement of copyright for an authorized entity, acting pursuant to this section, to export copies or phonorecords of a previously published literary work or of a previously published musical work that has been fixed in the form of text or notation in accessible formats to another country when the exportation is made either to—

"(1) an authorized entity located in a country that is a Party to the Marrakesh Treaty; or

"(2) an eligible person in a country that is a Party to the Marrakesh Treaty,

if prior to the exportation of such copies or phonorecords, the authorized entity engaged in the exportation did not know or have reasonable grounds to know that the copies or phonorecords would be used other than by eligible persons.

"(b) Notwithstanding the provisions of sections 106 and 602, it is not an infringement of copyright for an authorized entity or an eligible person, or someone acting on behalf of an eligible person, acting pursuant to this section, to import copies or phonorecords of a previously published literary work or of a previously published musical work that has been fixed in the form of text or notation in accessible formats.

"(c) In conducting activities under subsection (a) or (b), an authorized entity shall establish and follow its own practices, in keeping with its particular circumstances, to—

"(1) establish that the persons the authorized entity serves are eligible persons;

"(2) limit to eligible persons and authorized entities the distribution of accessible format copies by the authorized entity;

"(3) discourage the reproduction and distribution of unauthorized copies;

"(4) maintain due care in, and records of, the handling of copies of works by the authorized entity, while respecting the privacy of eligible persons on an equal basis with others; and

"(5) facilitate effective cross-border exchange of accessible format copies by making publicly available— Public information.

"(A) the titles of works for which the authorized entity has accessible format copies or phonorecords and the specific accessible formats in which they are available; and

"(B) information on the policies, practices, and authorized entity partners of the authorized entity for the cross-border exchange of accessible format copies.

"(d) Nothing in this section shall be construed to establish—

"(1) a cause of action under this title; or

"(2) a basis for regulation by any Federal agency.

"(e) Nothing in this section shall be construed to limit the ability to engage in any activity otherwise permitted under this title.

"(f) For purposes of this section— Definitions.

"(1) the terms 'accessible format', 'authorized entity', and 'eligible person' have the meanings given those terms in section 121; and

"(2) the term 'Marrakesh Treaty' means the Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities concluded at Marrakesh, Morocco, on June 28, 2013.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 121 the following: 17 USC prec. 101.

"121A. Limitations on exclusive rights: reproduction for blind or other people with disabilities in Marrakesh Treaty countries.".

Approved October 9, 2018.

LEGISLATIVE HISTORY—S. 2559:

SENATE REPORTS: No. 115–261 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 164 (2018):
June 28, considered and passed Senate.
Sept. 25, considered and passed House.

Public Law 115–262
115th Congress

An Act

Oct. 10, 2018
[S. 2553]

To amend title XVIII of the Social Security Act to prohibit Medicare part D plans from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Know the Lowest Price Act of 2018.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Know the Lowest Price Act of 2018".

SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.

(a) IN GENERAL.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

"(m) PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.—A PDP sponsor and a Medicare Advantage organization shall ensure that each prescription drug plan or MA–PD plan offered by the sponsor or organization does not restrict a pharmacy that dispenses a prescription drug or biological from informing, nor penalize such pharmacy for informing, an enrollee in such plan of any differential between the negotiated price of, or copayment or coinsurance for, the drug or biological to the enrollee under the plan and a lower price the individual would pay for the drug or biological if the enrollee obtained the drug without using any health insurance coverage.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2020. 42 USC 1395w–104 note.

Approved October 10, 2018.

LEGISLATIVE HISTORY—S. 2553:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 4, considered and passed Senate.
Sept. 25, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 10, Presidential remarks.

Public Law 115–263
115th Congress

An Act

Oct. 10, 2018
[S. 2554]

To ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Patient Right to Know Drug Prices Act.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Right to Know Drug Prices Act".

SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.

Subpart II of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–11 et seq.) is amended by adding at the end the following:

42 USC 300gg–19b.

"SEC. 2729. INFORMATION ON PRESCRIPTION DRUGS.

"(a) IN GENERAL.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall—

"(1) not restrict, directly or indirectly, any pharmacy that dispenses a prescription drug to an enrollee in the plan or coverage from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage; and

"(2) ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, with respect to such plan or coverage, restrict, directly or indirectly, a pharmacy that dispenses a prescription drug from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage.

Determination.

"(b) DEFINITION.—For purposes of this section, the term 'out-of-pocket cost', with respect to acquisition of a drug, means the amount to be paid by the enrollee under the plan or coverage, including any cost-sharing (including any deductible, copayment, or coinsurance) and, as determined by the Secretary, any other expenditure.".

SEC. 3. MODERNIZING THE REPORTING OF BIOLOGICAL AND BIOSIMILAR PRODUCTS. 21 USC 355.

Subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) in section 1111—

(A) by redesignating paragraphs (3) through (8) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (2) the following: Definitions.

"(3) BIOSIMILAR BIOLOGICAL PRODUCT.—The term 'biosimilar biological product' means a biological product for which an application under section 351(k) of the Public Health Service Act is approved.

"(4) BIOSIMILAR BIOLOGICAL PRODUCT APPLICANT.—The term 'biosimilar biological product applicant' means a person who has filed or received approval for a biosimilar biological product under section 351(k) of the Public Health Service Act.

"(5) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION.—The term 'biosimilar biological product application' means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.";

(C) in paragraph (6), as so redesignated, by inserting ", or a biological product for which an application is approved under section 351(a) of the Public Health Service Act" before the period;

(D) in paragraph (7), as so redesignated—

(i) by striking "paragraph (3)" and inserting "paragraph (6)";

(ii) by inserting "or a reference product in a biosimilar biological product application" after "ANDA"; and

(iii) by inserting "or under section 351(a) of the Public Health Service Act" before the period; and

(E) by adding at the end the following:

"(12) REFERENCE PRODUCT.—The term 'reference product' means a brand name drug for which a license is in effect under section 351(a) of the Public Health Service Act."; Definitions.

(2) in section 1112—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting "or a biosimilar biological product applicant who has submitted a biosimilar biological product application for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided" after "Federal Food, Drug, and Cosmetic Act"; and

(II) by inserting "or the biosimilar biological product that is the subject of the biosimilar biological product application, as applicable" after "the ANDA"; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting "or a biosimilar biological product applicant" after "generic drug applicant";

(II) in subparagraph (A)—

(aa) by striking "marketing" and inserting "marketing,"; and

(bb) by inserting "or the reference product in the biosimilar biological product application" before "involved";

(III) in subparagraph (B), by inserting "or of the biosimilar biological product for which the biosimilar biological product application was submitted" after "submitted"; and

(IV) by amending subparagraph (C) to read as follows:

Time periods.

"(C) as applicable—

"(i) the 180-day period referred to in section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act as it applies to such ANDA or to any other ANDA based on the same brand name drug; or

"(ii) the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to such biosimilar biological product application or to any other biosimilar biological product application based on the same brand name drug."; and

(B) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

"(1) REQUIREMENT.—

"(A) GENERIC DRUGS.—A generic drug applicant that has submitted an ANDA containing a certification under section 505(j)(2)(A)(vii)(IV) of the Federal Food, Drug, and Cosmetic Act with respect to a listed drug and another generic drug applicant that has submitted an ANDA containing such a certification for the same listed drug shall each file the agreement in accordance with subsection (c). The agreement shall be filed prior to the date of the first commercial marketing of either of the generic drugs for which such ANDAs were submitted.

"(B) BIOSIMILAR BIOLOGICAL PRODUCTS.—A biosimilar biological product applicant that has submitted a biosimilar biological product application for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided with respect to a reference product and another biosimilar biological product applicant that has submitted a biosimilar biological product application for which such a statement for the same reference product has been provided shall each file the agreement in accordance with subsection (c). The agreement shall be filed prior to the date of the first commercial marketing of either of the biosimilar biological products for which such biosimilar biological product applications were submitted."; and

(ii) in paragraph (2)—

(I) by striking "between two generic drug applicants is an agreement" and inserting "is, as applicable, an agreement between 2 generic drug applicants"; and

(II) by inserting ", or an agreement between 2 biosimilar biological product applicants regarding the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to the biosimilar biological product applications with

which the agreement is concerned" before the period;

(3) in section 1115, by striking "or generic drug applicant" each place such term appears and inserting ", generic drug applicant, or biosimilar biological product applicant"; and

(4) in section 1117, by striking ", or any agreement between generic drug applicants" and inserting "or a biosimilar biological product applicant, any agreement between generic drug applicants, or any agreement between biosimilar biological product applicants".

Approved October 10, 2018.

LEGISLATIVE HISTORY—S. 2554:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 17, considered and passed Senate.
Sept. 25, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 10, Presidential remarks.

Public Law 115–264
115th Congress

An Act

Oct. 11, 2018
[H.R. 1551]

To modernize copyright law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Orrin G. Hatch–Bob Goodlatte Music Modernization Act.
17 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Orrin G. Hatch–Bob Goodlatte Music Modernization Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Customs user fees.

TITLE I—MUSIC LICENSING MODERNIZATION

Sec. 101. Short title.
Sec. 102. Blanket license for digital uses and mechanical licensing collective.
Sec. 103. Amendments to section 114.
Sec. 104. Random assignment of rate court proceedings.
Sec. 105. Performing rights society consent decrees.
Sec. 106. Effective date.

TITLE II—CLASSICS PROTECTION AND ACCESS

Sec. 201. Short title.
Sec. 202. Unauthorized use of pre-1972 sound recordings.

TITLE III—ALLOCATION FOR MUSIC PRODUCERS

Sec. 301. Short title.
Sec. 302. Payment of statutory performance royalties.
Sec. 303. Effective date.

TITLE IV—SEVERABILITY

Sec. 401. Severability.

SEC. 2. CUSTOMS USER FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "October 13, 2027" and inserting "October 20, 2027".

Musical Works Modernization Act.

TITLE I—MUSIC LICENSING MODERNIZATION

17 USC 101 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Musical Works Modernization Act".

SEC. 102. BLANKET LICENSE FOR DIGITAL USES AND MECHANICAL LICENSING COLLECTIVE.

(a) AMENDMENT.—Section 115 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "IN GENERAL" after "AVAILABILITY AND SCOPE OF COMPULSORY LICENSE";

(B) by striking paragraph (1) and inserting the following:

"(1) ELIGIBILITY FOR COMPULSORY LICENSE.—

"(A) CONDITIONS FOR COMPULSORY LICENSE.—A person may by complying with the provisions of this section obtain a compulsory license to make and distribute phonorecords of a nondramatic musical work, including by means of digital phonorecord delivery. A person may obtain a compulsory license only if the primary purpose in making phonorecords of the musical work is to distribute them to the public for private use, including by means of digital phonorecord delivery, and—

"(i) phonorecords of such musical work have previously been distributed to the public in the United States under the authority of the copyright owner of the work, including by means of digital phonorecord delivery; or

"(ii) in the case of a digital music provider seeking to make and distribute digital phonorecord deliveries of a sound recording embodying a musical work under a compulsory license for which clause (i) does not apply—

"(I) the first fixation of such sound recording was made under the authority of the musical work copyright owner, and the sound recording copyright owner has the authority of the musical work copyright owner to make and distribute digital phonorecord deliveries embodying such work to the public in the United States; and

"(II) the sound recording copyright owner, or the authorized distributor of the sound recording copyright owner, has authorized the digital music provider to make and distribute digital phonorecord deliveries of the sound recording to the public in the United States.

"(B) DUPLICATION OF SOUND RECORDING.—A person may not obtain a compulsory license for the use of the work in the making of phonorecords duplicating a sound recording fixed by another, including by means of digital phonorecord delivery, unless—

"(i) such sound recording was fixed lawfully; and

"(ii) the making of the phonorecords was authorized by the owner of the copyright in the sound recording or, if the sound recording was fixed before February 15, 1972, by any person who fixed the sound recording pursuant to an express license from the owner of the copyright in the musical work or pursuant to a valid compulsory license for use of such work in a sound recording."; and

(C) in paragraph (2), by striking "A compulsory license" and inserting "MUSICAL ARRANGEMENT.—A compulsory license";

(2) by striking subsection (b) and inserting the following:

Deadlines.
Notices.

"(b) PROCEDURES TO OBTAIN A COMPULSORY LICENSE.—

"(1) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work other than by means of digital phonorecord delivery shall, before, or not later than 30 calendar days after, making, and before distributing, any phonorecord of the work, serve notice of intention to do so on the copyright owner. If the registration or other public records of the Copyright Office do not identify the copyright owner and include an address at which notice can be served, it shall be sufficient to file the notice of intention with the Copyright Office. The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

Compliance.
Regulations.

"(2) DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work by means of digital phonorecord delivery—

Compliance.
Regulations.

"(A) prior to the license availability date, shall, before, or not later than 30 calendar days after, first making any such digital phonorecord delivery, serve a notice of intention to do so on the copyright owner (but may not file the notice with the Copyright Office, even if the public records of the Office do not identify the owner or the owner's address), and such notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation; or

"(B) on or after the license availability date, shall, before making any such digital phonorecord delivery, follow the procedure described in subsection (d)(2), except as provided in paragraph (3).

"(3) RECORD COMPANY INDIVIDUAL DOWNLOAD LICENSES.—Notwithstanding paragraph (2)(B), a record company may, on or after the license availability date, obtain an individual download license in accordance with the notice requirements described in paragraph (2)(A) (except for the requirement that notice occur prior to the license availability date). A record company that obtains an individual download license as permitted under this paragraph shall provide statements of account and pay royalties as provided in subsection (c)(2)(I).

Account statements.
Royalties.

"(4) FAILURE TO OBTAIN LICENSE.—

"(A) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—In the case of phonorecords made and distributed other than by means of digital phonorecord delivery, the failure to serve or file the notice of intention required by paragraph (1) forecloses the possibility of a compulsory license under paragraph (1). In the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of

phonorecords actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

"(B) DIGITAL PHONORECORD DELIVERIES.—

"(i) IN GENERAL.—In the case of phonorecords made and distributed by means of digital phonorecord delivery:

"(I) The failure to serve the notice of intention required by paragraph (2)(A) or paragraph (3), as applicable, forecloses the possibility of a compulsory license under such paragraph.

"(II) The failure to comply with paragraph (2)(B) forecloses the possibility of a blanket license for a period of 3 years after the last calendar day on which the notice of license was required to be submitted to the mechanical licensing collective under such paragraph. Time period.

"(ii) EFFECT OF FAILURE.—In either case described in subclause (I) or (II) of clause (i), in the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords by means of digital phonorecord delivery actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.";

(3) by amending subsection (c) to read as follows:

"(c) GENERAL CONDITIONS APPLICABLE TO COMPULSORY LICENSE.—

"(1) ROYALTY PAYABLE UNDER COMPULSORY LICENSE.—

"(A) IDENTIFICATION REQUIREMENT.—To be entitled to receive royalties under a compulsory license obtained under subsection (b)(1) the copyright owner must be identified in the registration or other public records of the Copyright Office. The owner is entitled to royalties for phonorecords made and distributed after being so identified, but is not entitled to recover for any phonorecords previously made and distributed.

"(B) ROYALTY FOR PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—Except as provided by subparagraph (A), for every phonorecord made and distributed under a compulsory license under subsection (a) other than by means of digital phonorecord delivery, with respect to each work embodied in the phonorecord, the royalty shall be the royalty prescribed under subparagraphs (D) through (F), paragraph (2)(A), and chapter 8. For purposes of this subparagraph, a phonorecord is considered 'distributed' if the person exercising the compulsory license has voluntarily and permanently parted with its possession.

"(C) ROYALTY FOR DIGITAL PHONORECORD DELIVERIES.—For every digital phonorecord delivery of a musical work made under a compulsory license under this section, the royalty payable shall be the royalty prescribed under subparagraphs (D) through (F), paragraph (2)(A), and chapter 8.

"(D) AUTHORITY TO NEGOTIATE.—Notwithstanding any provision of the antitrust laws, any copyright owners of nondramatic musical works and any persons entitled to

obtain a compulsory license under subsection (a) may negotiate and agree upon the terms and rates of royalty payments under this section and the proportionate division of fees paid among copyright owners, and may designate common agents on a nonexclusive basis to negotiate, agree to, pay or receive such royalty payments. Such authority to negotiate the terms and rates of royalty payments includes, but is not limited to, the authority to negotiate the year during which the royalty rates prescribed under this subparagraph, subparagraphs (E) and (F), paragraph (2)(A), and chapter 8 shall next be determined.

Time period.

"(E) DETERMINATION OF REASONABLE RATES AND TERMS.—Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for the activities specified by this section during the period beginning with the effective date of such rates and terms, but not earlier than January 1 of the second year following the year in which the petition requesting the proceeding is filed, and ending on the effective date of successor rates and terms, or such other period as the parties may agree. Any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license under subsection (a) may submit to the Copyright Royalty Judges licenses covering such activities. The parties to each proceeding shall bear their own costs.

"(F) SCHEDULE OF REASONABLE RATES.—The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2)(A), be binding on all copyright owners of nondramatic musical works and persons entitled to obtain a compulsory license under subsection (a) during the period specified in subparagraph (E), such other period as may be determined pursuant to subparagraphs (D) and (E), or such other period as the parties may agree. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms for digital phonorecord deliveries, the Copyright Royalty Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

"(i) whether use of the compulsory licensee's service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the musical work copyright owner's other streams of revenue from its musical works; and

"(ii) the relative roles of the copyright owner and the compulsory licensee in the copyrighted work and the service made available to the public with respect to the relative creative contribution, technological contribution, capital investment, cost, and risk.

"(2) ADDITIONAL TERMS AND CONDITIONS.—

"(A) VOLUNTARY LICENSES AND CONTRACTUAL ROYALTY RATES.—

"(i) IN GENERAL.—License agreements voluntarily negotiated at any time between one or more copyright owners of nondramatic musical works and one or more

persons entitled to obtain a compulsory license under subsection (a) shall be given effect in lieu of any determination by the Copyright Royalty Judges. Subject to clause (ii), the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) shall be given effect as to digital phonorecord deliveries in lieu of any contrary royalty rates specified in a contract pursuant to which a recording artist who is the author of a nondramatic musical work grants a license under that person's exclusive rights in the musical work under paragraphs (1) and (3) of section 106 or commits another person to grant a license in that musical work under paragraphs (1) and (3) of section 106, to a person desiring to fix in a tangible medium of expression a sound recording embodying the musical work.

"(ii) APPLICABILITY.—The second sentence of clause (i) shall not apply to—

Effective date.

"(I) a contract entered into on or before June 22, 1995, and not modified thereafter for the purpose of reducing the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) or of increasing the number of musical works within the scope of the contract covered by the reduced rates, except if a contract entered into on or before June 22, 1995, is modified thereafter for the purpose of increasing the number of musical works within the scope of the contract, any contrary royalty rates specified in the contract shall be given effect in lieu of royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) for the number of musical works within the scope of the contract as of June 22, 1995; and

"(II) a contract entered into after the date that the sound recording is fixed in a tangible medium of expression substantially in a form intended for commercial release, if at the time the contract is entered into, the recording artist retains the right to grant licenses as to the musical work under paragraphs (1) and (3) of section 106.

"(B) SOUND RECORDING INFORMATION.—Except as provided in section 1002(e), a digital phonorecord delivery licensed under this paragraph shall be accompanied by the information encoded in the sound recording, if any, by or under the authority of the copyright owner of that sound recording, that identifies the title of the sound recording, the featured recording artist who performs on the sound recording, and related information, including information concerning the underlying musical work and its writer.

"(C) INFRINGEMENT REMEDIES.—

"(i) IN GENERAL.—A digital phonorecord delivery of a sound recording is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, unless—

"(I) the digital phonorecord delivery has been authorized by the sound recording copyright owner; and

"(II) the entity making the digital phonorecord delivery has obtained a compulsory license under subsection (a) or has otherwise been authorized by the musical work copyright owner, or by a record company pursuant to an individual download license, to make and distribute phonorecords of each musical work embodied in the sound recording by means of digital phonorecord delivery.

"(ii) OTHER REMEDIES.—Any cause of action under this subparagraph shall be in addition to those available to the owner of the copyright in the nondramatic musical work under subparagraph (J) and section 106(4) and the owner of the copyright in the sound recording under section 106(6).

"(D) LIABILITY OF SOUND RECORDING OWNERS.—The liability of the copyright owner of a sound recording for infringement of the copyright in a nondramatic musical work embodied in the sound recording shall be determined in accordance with applicable law, except that the owner of a copyright in a sound recording shall not be liable for a digital phonorecord delivery by a third party if the owner of the copyright in the sound recording does not license the distribution of a phonorecord of the nondramatic musical work.

"(E) RECORDING DEVICES AND MEDIA.—Nothing in section 1008 shall be construed to prevent the exercise of the rights and remedies allowed by this paragraph, subparagraph (J), and chapter 5 in the event of a digital phonorecord delivery, except that no action alleging infringement of copyright may be brought under this title against a manufacturer, importer or distributor of a digital audio recording device, a digital audio recording medium, an analog recording device, or an analog recording medium, or against a consumer, based on the actions described in such section.

"(F) PRESERVATION OF RIGHTS.—Nothing in this section annuls or limits—

"(i) the exclusive right to publicly perform a sound recording or the musical work embodied therein, including by means of a digital transmission, under paragraphs (4) and (6) of section 106;

"(ii) except for compulsory licensing under the conditions specified by this section, the exclusive rights to reproduce and distribute the sound recording and the musical work embodied therein under paragraphs (1) and (3) of section 106, including by means of a digital phonorecord delivery; or

"(iii) any other rights under any other provision of section 106, or remedies available under this title, as such rights or remedies exist before, on, or after the date of enactment of the Digital Performance Right in Sound Recordings Act of 1995.

"(G) EXEMPT TRANSMISSIONS AND RETRANSMISSIONS.—The provisions of this section concerning digital phonorecord deliveries shall not apply to any exempt transmissions or retransmissions under section 114(d)(1). The exemptions created in section 114(d)(1) do not expand or reduce the rights of copyright owners under paragraphs (1) through (5) of section 106 with respect to such transmissions and retransmissions.

"(H) DISTRIBUTION BY RENTAL, LEASE, OR LENDING.—A compulsory license obtained under subsection (b)(1) to make and distribute phonorecords includes the right of the maker of such a phonorecord to distribute or authorize distribution of such phonorecord, other than by means of a digital phonorecord delivery, by rental, lease, or lending (or by acts or practices in the nature of rental, lease, or lending). With respect to each nondramatic musical work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this clause equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under subsection (a)(1)(A)(ii)(II) that is payable by a compulsory licensee under that clause and under chapter 8. The Register of Copyrights shall issue regulations to carry out the purpose of this subparagraph. Regulations.

"(I) PAYMENT OF ROYALTIES AND STATEMENTS OF ACCOUNT.—Except as provided in paragraphs (4)(A)(i) and (10)(B) of subsection (d), royalty payments shall be made on or before the twentieth day of each month and shall include all royalties for the month next preceding. Each monthly payment shall be made under oath and shall comply with requirements that the Register of Copyrights shall prescribe by regulation. The Register shall also prescribe regulations under which detailed cumulative annual statements of account, certified by a certified public accountant, shall be filed for every compulsory license under subsection (a). The regulations covering both the monthly and the annual statements of account shall prescribe the form, content, and manner of certification with respect to the number of records made and the number of records distributed. Regulations. Certification.

"(J) NOTICE OF DEFAULT AND TERMINATION OF COMPULSORY LICENSE.—In the case of a license obtained under paragraph (1), (2)(A), or (3) of subsection (b), if the copyright owner does not receive the monthly payment and the monthly and annual statements of account when due, the owner may give written notice to the licensee that, unless the default is remedied not later than 30 days after the date on which the notice is sent, the compulsory license will be automatically terminated. Such termination renders either the making or the distribution, or both, of all phonorecords for which the royalty has not been paid, actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506. In the case of a license obtained under subsection (b)(2)(B), license authority under the compulsory Deadline.

license may be terminated as provided in subsection (d)(4)(E).";

(4) by amending subsection (d) to read as follows:

"(d) BLANKET LICENSE FOR DIGITAL USES, MECHANICAL LICENSING COLLECTIVE, AND DIGITAL LICENSEE COORDINATOR.—

"(1) BLANKET LICENSE FOR DIGITAL USES.—

Compliance.

"(A) IN GENERAL.—A digital music provider that qualifies for a compulsory license under subsection (a) may, by complying with the terms and conditions of this subsection, obtain a blanket license from copyright owners through the mechanical licensing collective to make and distribute digital phonorecord deliveries of musical works through one or more covered activities.

"(B) INCLUDED ACTIVITIES.—A blanket license—

"(i) covers all musical works (or shares of such works) available for compulsory licensing under this section for purposes of engaging in covered activities, except as provided in subparagraph (C);

"(ii) includes the making and distribution of server, intermediate, archival, and incidental reproductions of musical works that are reasonable and necessary for the digital music provider to engage in covered activities licensed under this subsection, solely for the purpose of engaging in such covered activities; and

"(iii) does not cover or include any rights or uses other than those described in clauses (i) and (ii).

"(C) OTHER LICENSES.—A voluntary license for covered activities entered into by or under the authority of 1 or more copyright owners and 1 or more digital music providers, or authority to make and distribute permanent downloads of a musical work obtained by a digital music provider from a sound recording copyright owner pursuant to an individual download license, shall be given effect in lieu of a blanket license under this subsection with respect to the musical works (or shares thereof) covered by such voluntary license or individual download authority and the following conditions apply:

"(i) Where a voluntary license or individual download license applies, the license authority provided under the blanket license shall exclude any musical works (or shares thereof) subject to the voluntary license or individual download license.

"(ii) An entity engaged in covered activities under a voluntary license or authority obtained pursuant to an individual download license that is a significant nonblanket licensee shall comply with paragraph (6)(A).

"(iii) The rates and terms of any voluntary license shall be subject to the second sentence of clause (i) and clause (ii) of subsection (c)(2)(A) and paragraph (9)(C), as applicable.

"(D) PROTECTION AGAINST INFRINGEMENT ACTIONS.—A digital music provider that obtains and complies with the terms of a valid blanket license under this subsection shall not be subject to an action for infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 under this title arising from use of a musical

work (or share thereof) to engage in covered activities authorized by such license, subject to paragraph (4)(E).

"(E) OTHER REQUIREMENTS AND CONDITIONS APPLY.—Except as expressly provided in this subsection, each requirement, limitation, condition, privilege, right, and remedy otherwise applicable to compulsory licenses under this section shall apply to compulsory blanket licenses under this subsection.

"(2) AVAILABILITY OF BLANKET LICENSE.—

"(A) PROCEDURE FOR OBTAINING LICENSE.—A digital music provider may obtain a blanket license by submitting a notice of license to the mechanical licensing collective that specifies the particular covered activities in which the digital music provider seeks to engage, as follows: Notices.

"(i) The notice of license shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation. Compliance. Regulations.

"(ii) Unless rejected in writing by the mechanical licensing collective not later than 30 calendar days after the date on which the mechanical licensing collective receives the notice, the blanket license shall be effective as of the date on which the notice of license was sent by the digital music provider, as shown by a physical or electronic record. Deadline. Effective date.

"(iii) A notice of license may only be rejected by the mechanical licensing collective if—

"(I) the digital music provider or notice of license does not meet the requirements of this section or applicable regulations, in which case the requirements at issue shall be specified with reasonable particularity in the notice of rejection; or

"(II) the digital music provider has had a blanket license terminated by the mechanical licensing collective during the 3-year period preceding the date on which the mechanical licensing collective receives the notice pursuant to paragraph (4)(E). Time period.

"(iv) If a notice of license is rejected under clause (iii)(I), the digital music provider shall have 30 calendar days after receipt of the notice of rejection to cure any deficiency and submit an amended notice of license to the mechanical licensing collective. If the deficiency has been cured, the mechanical licensing collective shall so confirm in writing, and the license shall be effective as of the date that the original notice of license was provided by the digital music provider. Deadline.

"(v) A digital music provider that believes a notice of license was improperly rejected by the mechanical licensing collective may seek review of such rejection in an appropriate district court of the United States. The district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional evidence presented by the parties. Review. Courts. Determination.

"(B) BLANKET LICENSE EFFECTIVE DATE.—Blanket licenses shall be made available by the mechanical licensing

collective on and after the license availability date. No such license shall be effective prior to the license availability date.

"(3) MECHANICAL LICENSING COLLECTIVE.—

"(A) IN GENERAL.—The mechanical licensing collective shall be a single entity that—

"(i) is a nonprofit entity, not owned by any other entity, that is created by copyright owners to carry out responsibilities under this subsection;

"(ii) is endorsed by, and enjoys substantial support from, musical work copyright owners that together represent the greatest percentage of the licensor market for uses of such works in covered activities, as measured over the preceding 3 full calendar years;

"(iii) is able to demonstrate to the Register of Copyrights that the entity has, or will have prior to the license availability date, the administrative and technological capabilities to perform the required functions of the mechanical licensing collective under this subsection and that is governed by a board of directors in accordance with subparagraph (D)(i); and

"(iv) has been designated by the Register of Copyrights, with the approval of the Librarian of Congress pursuant to section 702, in accordance with subparagraph (B).

Notices.
Federal Register, publications.
Deadlines.

"(B) DESIGNATION OF MECHANICAL LICENSING COLLECTIVE.—

"(i) INITIAL DESIGNATION.—Not later than 270 days after the enactment date, the Register of Copyrights shall initially designate the mechanical licensing collective as follows:

"(I) Not later than 90 calendar days after the enactment date, the Register shall publish notice in the Federal Register soliciting information to assist in identifying the appropriate entity to serve as the mechanical licensing collective, including the name and affiliation of each member of the board of directors described under subparagraph (D)(i) and each committee established pursuant to clauses (iii), (iv), and (v) of subparagraph (D).

Review.

"(II) After reviewing the information requested under subclause (I) and making a designation, the Register shall publish notice in the Federal Register setting forth—

"(aa) the identity of and contact information for the mechanical licensing collective; and

"(bb) the reasons for the designation.

"(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the mechanical licensing collective, the Register shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, publish notice in the Federal Register in the month of January soliciting information concerning whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph

(A) shall be designated. Following publication of such notice, the Register shall—

"(I) after reviewing the information submitted and conducting additional proceedings as appropriate, publish notice in the Federal Register of a continuing designation or new designation of the mechanical licensing collective, as the case may be, and the reasons for such a designation, with any new designation to be effective as of the first day of a month that is not less than 6 months and not longer than 9 months after the date on which the Register publishes the notice, as specified by the Register; and Effective date.

"(II) if a new entity is designated as the mechanical licensing collective, adopt regulations to govern the transfer of licenses, funds, records, data, and administrative responsibilities from the existing mechanical licensing collective to the new entity. Regulations.

"(iii) CLOSEST ALTERNATIVE DESIGNATION.—If the Register is unable to identify an entity that fulfills each of the qualifications set forth in clauses (i) through (iii) of subparagraph (A), the Register shall designate the entity that most nearly fulfills such qualifications for purposes of carrying out the responsibilities of the mechanical licensing collective.

"(C) AUTHORITIES AND FUNCTIONS.—

"(i) IN GENERAL.—The mechanical licensing collective is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

"(I) Offer and administer blanket licenses, including receipt of notices of license and reports of usage from digital music providers.

"(II) Collect and distribute royalties from digital music providers for covered activities. Royalties.

"(III) Engage in efforts to identify musical works (and shares of such works) embodied in particular sound recordings, and to identify and locate the copyright owners of such musical works (and shares of such works).

"(IV) Maintain the musical works database and other information relevant to the administration of licensing activities under this section. Database.

"(V) Administer a process by which copyright owners can claim ownership of musical works (and shares of such works), and a process by which royalties for works for which the owner is not identified or located are equitably distributed to known copyright owners. Royalties.

"(VI) Administer collections of the administrative assessment from digital music providers and significant nonblanket licensees, including receipt of notices of nonblanket activity.

"(VII) Invest in relevant resources, and arrange for services of outside vendors and others,

to support the activities of the mechanical licensing collective.

Coordination.

"(VIII) Engage in legal and other efforts to enforce rights and obligations under this subsection, including by filing bankruptcy proofs of claims for amounts owed under licenses, and acting in coordination with the digital licensee coordinator.

Proceedings.

"(IX) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection.

Proceedings.

"(X) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection.

"(XI) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

"(XII) Maintain records of the activities of the mechanical licensing collective and engage in and respond to audits described in this subsection.

"(XIII) Engage in such other activities as may be necessary or appropriate to fulfill the responsibilities of the mechanical licensing collective under this subsection.

"(ii) RESTRICTIONS CONCERNING LICENSING AND ADMINISTRATIVE ACTIVITIES.—With respect to the administration of licenses, except as provided in clauses (i) and (iii) and subparagraph (E)(v), the mechanical licensing collective may only—

"(I) issue blanket licenses pursuant to subsection (d)(1); and

Royalties.

"(II) administer blanket licenses for reproduction or distribution rights in musical works for covered activities, including collecting and distributing royalties, pursuant to blanket licenses.

Royalties.

"(iii) ADDITIONAL ADMINISTRATIVE ACTIVITIES.—Subject to paragraph (11)(C), the mechanical licensing collective may also administer, including by collecting and distributing royalties, voluntary licenses issued by, or individual download licenses obtained from, copyright owners only for reproduction or distribution rights in musical works for covered activities, for which the mechanical licensing collective shall charge reasonable fees for such services.

"(iv) RESTRICTION ON LOBBYING.—The mechanical licensing collective may not engage in government lobbying activities, but may engage in the activities described in subclauses (IX), (X), and (XI) of clause (i).

"(D) GOVERNANCE.—

"(i) BOARD OF DIRECTORS.—The mechanical licensing collective shall have a board of directors consisting of 14 voting members and 3 nonvoting members, as follows:

"(I) Ten voting members shall be representatives of music publishers—

"(aa) to which songwriters have assigned exclusive rights of reproduction and distribution of musical works with respect to covered activities; and

"(bb) none of which may be owned by, or under common control with, any other board member.

"(II) Four voting members shall be professional songwriters who have retained and exercise exclusive rights of reproduction and distribution with respect to covered activities with respect to musical works they have authored.

"(III) One nonvoting member shall be a representative of the nonprofit trade association of music publishers that represents the greatest percentage of the licensor market for uses of musical works in covered activities, as measured for the 3-year period preceding the date on which the member is appointed.

"(IV) One nonvoting member shall be a representative of the digital licensee coordinator, provided that a digital licensee coordinator has been designated pursuant to paragraph (5)(B). Otherwise, the nonvoting member shall be the nonprofit trade association of digital licensees that represents the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 full calendar years.

"(V) One nonvoting member shall be a representative of a nationally recognized nonprofit trade association whose primary mission is advocacy on behalf of songwriters in the United States.

"(ii) BYLAWS.—

"(I) ESTABLISHMENT.—Not later than 1 year after the date on which the mechanical licensing collective is initially designated by the Register of Copyrights under subparagraph (B)(i), the collective shall establish bylaws to determine issues relating to the governance of the collective, including, but not limited to— Deadline.

"(aa) the length of the term for each member of the board of directors;

"(bb) the staggering of the terms of the members of the board of directors;

"(cc) a process for filling a seat on the board of directors that is vacated before the end of the term with respect to that seat;

"(dd) a process for electing a member to the board of directors; and

"(ee) a management structure for daily operation of the collective.

"(II) PUBLIC AVAILABILITY.—The mechanical licensing collective shall make the bylaws established under subclause (I) available to the public.

"(iii) BOARD MEETINGS.—The board of directors shall meet not less frequently than biannually and discuss matters pertinent to the operations of the mechanical licensing collective, including the mechanical licensing collective budget.

Recommendations.

"(iv) OPERATIONS ADVISORY COMMITTEE.—The board of directors of the mechanical licensing collective shall establish an operations advisory committee consisting of not fewer than 6 members to make recommendations to the board of directors concerning the operations of the mechanical licensing collective, including the efficient investment in and deployment of information technology and data resources. Such committee shall have an equal number of members of the committee who are—

"(I) musical work copyright owners who are appointed by the board of directors of the mechanical licensing collective; and

"(II) representatives of digital music providers who are appointed by the digital licensee coordinator.

Appointments.

"(v) UNCLAIMED ROYALTIES OVERSIGHT COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint an unclaimed royalties oversight committee consisting of 10 members, 5 of which shall be musical work copyright owners and 5 of which shall be professional songwriters whose works are used in covered activities.

Appointments.

"(vi) DISPUTE RESOLUTION COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint a dispute resolution committee that shall—

"(I) consist of not fewer than 6 members; and

"(II) include an equal number of representatives of musical work copyright owners and professional songwriters.

"(vii) MECHANICAL LICENSING COLLECTIVE ANNUAL REPORT.—

Web posting. Time period.

"(I) IN GENERAL.—Not later than June 30 of each year commencing after the license availability date, the mechanical licensing collective shall post, and make available online for a period of not less than 3 years, an annual report that sets forth information regarding—

"(aa) the operational and licensing practices of the collective;

"(bb) how royalties are collected and distributed;

"(cc) budgeting and expenditures;

"(dd) the collective total costs for the preceding calendar year;

"(ee) the projected annual mechanical licensing collective budget;

"(ff) aggregated royalty receipts and payments;

"(gg) expenses that are more than 10 percent of the annual mechanical licensing collective budget; and

"(hh) the efforts of the collective to locate and identify copyright owners of unmatched musical works (and shares of works).

"(II) SUBMISSION.—On the date on which the mechanical licensing collective posts each report required under subclause (I), the collective shall provide a copy of the report to the Register of Copyrights.

"(viii) INDEPENDENT OFFICERS.—An individual serving as an officer of the mechanical licensing collective may not, at the same time, also be an employee or agent of any member of the board of directors of the collective or any entity represented by a member of the board of directors, as described in clause (i).

"(ix) OVERSIGHT AND ACCOUNTABILITY.—

"(I) IN GENERAL.—The mechanical licensing collective shall—

"(aa) ensure that the policies and practices of the collective are transparent and accountable;

"(bb) identify a point of contact for publisher inquiries and complaints with timely redress; and

"(cc) establish an anti-comingling policy for funds not collected under this section and royalties collected under this section. Royalties.

"(II) AUDITS.—

"(aa) IN GENERAL.—Beginning in the fourth full calendar year that begins after the initial designation of the mechanical licensing collective by the Register of Copyrights under subparagraph (B)(i), and in every fifth calendar year thereafter, the collective shall retain a qualified auditor that shall— Effective dates.

"(AA) examine the books, records, and operations of the collective;

"(BB) prepare a report for the board of directors of the collective with respect to the matters described in item (bb); and Reports.

"(CC) not later than December 31 of the year in which the qualified auditor is retained, deliver the report described in subitem (BB) to the board of directors of the collective.

"(bb) MATTERS ADDRESSED.—Each report prepared under item (aa) shall address the implementation and efficacy of procedures of the mechanical licensing collective—

"(AA) for the receipt, handling, and distribution of royalty funds, including any amounts held as unclaimed royalties; Royalties.

"(BB) to guard against fraud, abuse, waste, and the unreasonable use of funds; and

"(CC) to protect the confidentiality of financial, proprietary, and other sensitive information.

"(cc) PUBLIC AVAILABILITY.—With respect to each report prepared under item (aa), the mechanical licensing collective shall—

"(AA) submit the report to the Register of Copyrights; and

"(BB) make the report available to the public.

"(E) MUSICAL WORKS DATABASE.—

"(i) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—The mechanical licensing collective shall establish and maintain a database containing information relating to musical works (and shares of such works) and, to the extent known, the identity and location of the copyright owners of such works (and shares thereof) and the sound recordings in which the musical works are embodied. In furtherance of maintaining such database, the mechanical licensing collective shall engage in efforts to identify the musical works embodied in particular sound recordings, as well as to identify and locate the copyright owners of such works (and shares thereof), and update such data as appropriate.

"(ii) MATCHED WORKS.—With respect to musical works (and shares thereof) that have been matched to copyright owners, the musical works database shall include—

"(I) the title of the musical work;

"(II) the copyright owner of the work (or share thereof), and the ownership percentage of that owner;

"(III) contact information for such copyright owner;

"(IV) to the extent reasonably available to the mechanical licensing collective—

"(aa) the international standard musical work code for the work; and

"(bb) identifying information for sound recordings in which the musical work is embodied, including the name of the sound recording, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

"(V) such other information as the Register of Copyrights may prescribe by regulation.

"(iii) UNMATCHED WORKS.—With respect to unmatched musical works (and shares of works) in the database, the musical works database shall include—

"(I) to the extent reasonably available to the mechanical licensing collective—

"(aa) the title of the musical work;

"(bb) the ownership percentage for which an owner has not been identified;

"(cc) if a copyright owner has been identified but not located, the identity of such owner and the ownership percentage of that owner;

"(dd) identifying information for sound recordings in which the work is embodied, including sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

"(ee) any additional information reported to the mechanical licensing collective that may assist in identifying the work; and

"(II) such other information relating to the identity and ownership of musical works (and shares of such works) as the Register of Copyrights may prescribe by regulation.

"(iv) SOUND RECORDING INFORMATION.—Each musical work copyright owner with any musical work listed in the musical works database shall engage in commercially reasonable efforts to deliver to the mechanical licensing collective, including for use in the musical works database, to the extent such information is not then available in the database, information regarding the names of the sound recordings in which that copyright owner's musical works (or shares thereof) are embodied, to the extent practicable.

"(v) ACCESSIBILITY OF DATABASE.—The musical works database shall be made available to members of the public in a searchable, online format, free of charge. The mechanical licensing collective shall make such database available in a bulk, machine-readable format, through a widely available software application, to the following entities: Public information.

"(I) Digital music providers operating under the authority of valid notices of license, free of charge.

"(II) Significant nonblanket licensees in compliance with their obligations under paragraph (6), free of charge.

"(III) Authorized vendors of the entities described in subclauses (I) and (II), free of charge.

"(IV) The Register of Copyrights, free of charge (but the Register shall not treat such database or any information therein as a Government record).

"(V) Any other person or entity for a fee not to exceed the marginal cost to the mechanical licensing collective of providing the database to such person or entity.

"(vi) ADDITIONAL REQUIREMENTS.—The Register of Copyrights shall establish requirements by regulations Regulations.

to ensure the usability, interoperability, and usage restrictions of the musical works database.

Public information. Lists.

"(F) NOTICES OF LICENSE AND NONBLANKET ACTIVITY.—

"(i) NOTICES OF LICENSES.—The mechanical licensing collective shall receive, review, and confirm or reject notices of license from digital music providers, as provided in paragraph (2)(A). The collective shall maintain a current, publicly accessible list of blanket licenses that includes contact information for the licensees and the effective dates of such licenses.

"(ii) NOTICES OF NONBLANKET ACTIVITY.—The mechanical licensing collective shall receive notices of nonblanket activity from significant nonblanket licensees, as provided in paragraph (6)(A). The collective shall maintain a current, publicly accessible list of notices of nonblanket activity that includes contact information for significant nonblanket licensees and the dates of receipt of such notices.

"(G) COLLECTION AND DISTRIBUTION OF ROYALTIES.—

"(i) IN GENERAL.—Upon receiving reports of usage and payments of royalties from digital music providers for covered activities, the mechanical licensing collective shall—

"(I) engage in efforts to—

"(aa) identify the musical works embodied in sound recordings reflected in such reports, and the copyright owners of such musical works (and shares thereof);

"(bb) confirm uses of musical works subject to voluntary licenses and individual download licenses, and the corresponding pro rata amounts to be deducted from royalties that would otherwise be due under the blanket license; and

"(cc) confirm proper payment of royalties due;

"(II) distribute royalties to copyright owners in accordance with the usage and other information contained in such reports, as well as the ownership and other information contained in the records of the collective; and

"(III) deposit into an interest-bearing account, as provided in subparagraph (H)(ii), royalties that cannot be distributed due to—

"(aa) an inability to identify or locate a copyright owner of a musical work (or share thereof); or

"(bb) a pending dispute before the dispute resolution committee of the mechanical licensing collective.

"(ii) OTHER COLLECTION EFFORTS.—Any royalties recovered by the mechanical licensing collective as a result of efforts to enforce rights or obligations under a blanket license, including through a bankruptcy proceeding or other legal action, shall be distributed to copyright owners based on available usage information and in accordance with the procedures described in

subclauses (I) and (II) of clause (i), on a pro rata basis in proportion to the overall percentage recovery of the total royalties owed, with any pro rata share of royalties that cannot be distributed deposited in an interest-bearing account as provided in subparagraph (H)(ii).

"(H) HOLDING OF ACCRUED ROYALTIES.—

"(i) HOLDING PERIOD.—The mechanical licensing collective shall hold accrued royalties associated with particular musical works (and shares of works) that remain unmatched for a period of not less than 3 years after the date on which the funds were received by the mechanical licensing collective, or not less than 3 years after the date on which the funds were accrued by a digital music provider that subsequently transferred such funds to the mechanical licensing collective pursuant to paragraph (10)(B), whichever period expires sooner.

"(ii) INTEREST-BEARING ACCOUNT.—Accrued royalties for unmatched works (and shares thereof) shall be maintained by the mechanical licensing collective in an interest-bearing account that earns monthly interest—

"(I) at the Federal, short-term rate; and

"(II) that accrues for the benefit of copyright owners entitled to payment of such accrued royalties.

"(I) MUSICAL WORKS CLAIMING PROCESS.—When a copyright owner of an unmatched work (or share of a work) has been identified and located in accordance with the procedures of the mechanical licensing collective, the collective shall—

"(i) update the musical works database and the other records of the collective accordingly; and

"(ii) provided that accrued royalties for the musical work (or share thereof) have not yet been included in a distribution pursuant to subparagraph (J)(i), pay such accrued royalties and a proportionate amount of accrued interest associated with that work (or share thereof) to the copyright owner, accompanied by a cumulative statement of account reflecting usage of such work and accrued royalties based on information provided by digital music providers to the mechanical licensing collective. Royalties.

"(J) DISTRIBUTION OF UNCLAIMED ACCRUED ROYALTIES.—

"(i) DISTRIBUTION PROCEDURES.—After the expiration of the prescribed holding period for accrued royalties provided in subparagraph (H)(i), the mechanical licensing collective shall distribute such accrued royalties, along with a proportionate share of accrued interest, to copyright owners identified in the records of the collective, subject to the following requirements, and in accordance with the policies and procedures established under clause (ii):

"(I) The first such distribution shall occur on or after January 1 of the second full calendar Effective date.

year to commence after the license availability date, with not less than 1 such distribution to take place during each calendar year thereafter.

Determination.

"(II) Copyright owners' payment shares for unclaimed accrued royalties for particular reporting periods shall be determined in a transparent and equitable manner based on data indicating the relative market shares of such copyright owners as reflected in reports of usage provided by digital music providers for covered activities for the periods in question, including, in addition to usage data provided to the mechanical licensing collective, usage data provided to copyright owners under voluntary licenses and individual download licenses for covered activities, to the extent such information is available to the mechanical licensing collective. In furtherance of the determination of equitable market shares under this subparagraph—

"(aa) the mechanical licensing collective may require copyright owners seeking distributions of unclaimed accrued royalties to provide, or direct the provision of, information concerning the usage of musical works under voluntary licenses and individual download licenses for covered activities; and

"(bb) the mechanical licensing collective shall take appropriate steps to safeguard the confidentiality and security of usage, financial, and other sensitive data used to compute market shares in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

"(ii) ESTABLISHMENT OF DISTRIBUTION POLICIES.—The unclaimed royalties oversight committee established under subparagraph (D)(v) shall establish policies and procedures for the distribution of unclaimed accrued royalties and accrued interest in accordance with this subparagraph, including the provision of usage data to copyright owners to allocate payments and credits to songwriters pursuant to clause (iv), subject to the approval of the board of directors of the mechanical licensing collective.

"(iii) PUBLIC NOTICE OF UNCLAIMED ACCRUED ROYALTIES.—The mechanical licensing collective shall—

"(I) maintain a publicly accessible online facility with contact information for the collective that lists unmatched musical works (and shares of works), through which a copyright owner may assert an ownership claim with respect to such a work (and a share of such a work);

"(II) engage in diligent, good-faith efforts to publicize, throughout the music industry—

"(aa) the existence of the collective and the ability to claim unclaimed accrued royalties for unmatched musical works (and shares of such works) held by the collective;

"(bb) the procedures by which copyright owners may identify themselves and provide contact, ownership, and other relevant information to the collective in order to receive payments of accrued royalties;

"(cc) any transfer of accrued royalties for musical works under paragraph (10)(B), not later than 180 days after the date on which the transfer is received; and Deadline.

"(dd) any pending distribution of unclaimed accrued royalties and accrued interest, not less than 90 days before the date on which the distribution is made; and Time period.

"(III) as appropriate, participate in music industry conferences and events for the purpose of publicizing the matters described in subclause (II).

"(iv) SONGWRITER PAYMENTS.—Copyright owners that receive a distribution of unclaimed accrued royalties and accrued interest shall pay or credit a portion to songwriters (or the authorized agents of songwriters) on whose behalf the copyright owners license or administer musical works for covered activities, in accordance with applicable contractual terms, but notwithstanding any agreement to the contrary—

"(I) such payments and credits to songwriters shall be allocated in proportion to reported usage of individual musical works by digital music providers during the reporting periods covered by the distribution from the mechanical licensing collective; and

"(II) in no case shall the payment or credit to an individual songwriter be less than 50 percent of the payment received by the copyright owner attributable to usage of musical works (or shares of works) of that songwriter.

"(K) DISPUTE RESOLUTION.—The dispute resolution committee established under subparagraph (D)(vi) shall establish policies and procedures—

"(i) for copyright owners to address in a timely and equitable manner disputes relating to ownership interests in musical works licensed under this section and allocation and distribution of royalties by the mechanical licensing collective, subject to the approval of the board of directors of the mechanical licensing collective;

"(ii) that shall include a mechanism to hold disputed funds in accordance with the requirements described in subparagraph (H)(ii) pending resolution of the dispute; and

"(iii) except as provided in paragraph (11)(D), that shall not affect any legal or equitable rights or remedies available to any copyright owner or songwriter

concerning ownership of, and entitlement to royalties for, a musical work.

"(L) VERIFICATION OF PAYMENTS BY MECHANICAL LICENSING COLLECTIVE.—

Audits.

"(i) VERIFICATION PROCESS.—A copyright owner entitled to receive payments of royalties for covered activities from the mechanical licensing collective may, individually or with other copyright owners, conduct an audit of the mechanical licensing collective to verify the accuracy of royalty payments by the mechanical licensing collective to such copyright owner, as follows:

Time periods.

"(I) A copyright owner may audit the mechanical licensing collective only once in a year for any or all of the 3 calendar years preceding the year in which the audit is commenced, and may not audit records for any calendar year more than once.

"(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the mechanical licensing collective, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

"(III) The mechanical licensing collective shall make such books, records, and data available to the qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to facilitate access to relevant information maintained by third parties.

Notice.

"(IV) To commence the audit, any copyright owner shall file with the Copyright Office a notice of intent to conduct an audit of the mechanical licensing collective, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the mechanical licensing collective. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register not later than 45 calendar days after the date on which the notice is received.

Federal Register, publication. Deadline.

Determination. Reports.

"(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the mechanical licensing collective to each auditing copyright owner, except that, before providing a final audit report to any such copyright owner, the qualified auditor shall provide a tentative draft of the report to the mechanical licensing collective and allow the mechanical licensing collective a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

"(VI) The auditing copyright owner or owners shall bear the cost of the audit. In case of an underpayment to any copyright owner, the

mechanical licensing collective shall pay the amounts of any such underpayment to such auditing copyright owner, as appropriate. In case of an overpayment by the mechanical licensing collective, the mechanical licensing collective may debit the account of the auditing copyright owner or owners for such overpaid amounts, or such owner or owners shall refund overpaid amounts to the mechanical licensing collective, as appropriate.

"(ii) ALTERNATIVE VERIFICATION PROCEDURES.— Nothing in this subparagraph shall preclude a copyright owner and the mechanical licensing collective from agreeing to audit procedures different from those described in this subparagraph, except that a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV). Notice.

"(M) RECORDS OF MECHANICAL LICENSING COLLECTIVE.—

"(i) RECORDS MAINTENANCE.—The mechanical licensing collective shall ensure that all material records of the operations of the mechanical licensing collective, including those relating to notices of license, the administration of the claims process of the mechanical licensing collective, reports of usage, royalty payments, receipt and maintenance of accrued royalties, royalty distribution processes, and legal matters, are preserved and maintained in a secure and reliable manner, with appropriate commercially reasonable safeguards against unauthorized access, copying, and disclosure, and subject to the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C) for a period of not less than 7 years after the date of creation or receipt, whichever occurs later. Time period.

"(ii) RECORDS ACCESS.—The mechanical licensing collective shall provide prompt access to electronic and other records pertaining to the administration of a copyright owner's musical works upon reasonable written request of the owner or the authorized representative of the owner.

"(4) TERMS AND CONDITIONS OF BLANKET LICENSE.—A blanket license is subject to, and conditioned upon, the following requirements:

"(A) ROYALTY REPORTING AND PAYMENTS.—

"(i) MONTHLY REPORTS AND PAYMENT.—A digital music provider shall report and pay royalties to the mechanical licensing collective under the blanket license on a monthly basis in accordance with clause (ii) and subsection (c)(2)(I), except that the monthly reporting shall be due on the date that is 45 calendar days, rather than 20 calendar days, after the end of the monthly reporting period.

"(ii) DATA TO BE REPORTED.—In reporting usage of musical works to the mechanical licensing collective, a digital music provider shall provide usage data for musical works used under the blanket license and

usage data for musical works used in covered activities under voluntary licenses and individual download licenses. In the report of usage, the digital music provider shall—

"(I) with respect to each sound recording embodying a musical work—

"(aa) provide identifying information for the sound recording, including sound recording name, featured artist, and, to the extent acquired by the digital music provider in connection with its use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), sound recording copyright owner, producer, international standard recording code, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody;

"(bb) to the extent acquired by the digital music provider in the metadata provided by sound recording copyright owners or other licensors of sound recordings in connection with the use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), provide information concerning authorship and ownership of the applicable rights in the musical work embodied in the sound recording (including each songwriter, publisher name, and respective ownership share) and the international standard musical work code; and

"(cc) provide the number of digital phonorecord deliveries of the sound recording, including limited downloads and interactive streams;

"(II) identify and provide contact information for all musical work copyright owners for works embodied in sound recordings as to which a voluntary license, rather than the blanket license, is in effect with respect to the uses being reported; and

"(III) provide such other information as the Register of Copyrights shall require by regulation.

Regulations.

"(iii) FORMAT AND MAINTENANCE OF REPORTS.—Reports of usage provided by digital music providers to the mechanical licensing collective shall be in a machine-readable format that is compatible with the information technology systems of the mechanical licensing collective and meets the requirements of regulations adopted by the Register of Copyrights. The Register shall also adopt regulations setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license.

"(iv) ADOPTION OF REGULATIONS.—The Register of Copyrights shall adopt regulations—

"(I) setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license; and

"(II) regarding adjustments to reports of usage by digital music providers, including mechanisms to account for overpayment and underpayment of royalties in prior periods.

"(B) COLLECTION OF SOUND RECORDING INFORMATION.—A digital music provider shall engage in good-faith, commercially reasonable efforts to obtain from sound recording copyright owners and other licensors of sound recordings made available through the service of such digital music provider information concerning—

"(i) sound recording copyright owners, producers, international standard recording codes, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody; and

"(ii) the authorship and ownership of musical works, including songwriters, publisher names, ownership shares, and international standard musical work codes.

"(C) PAYMENT OF ADMINISTRATIVE ASSESSMENT.—A digital music provider and any significant nonblanket licensee shall pay the administrative assessment established under paragraph (7)(D) in accordance with this subsection and applicable regulations.

"(D) VERIFICATION OF PAYMENTS BY DIGITAL MUSIC PROVIDERS.—

"(i) VERIFICATION PROCESS.—The mechanical licensing collective may conduct an audit of a digital music provider operating under the blanket license to verify the accuracy of royalty payments by the digital music provider to the mechanical licensing collective as follows: Audits.

"(I) The mechanical licensing collective may commence an audit of a digital music provider not more frequently than once in any 3-calendar-year period to cover a verification period of not more than the 3 full calendar years preceding the date of commencement of the audit, and such audit may not audit records for any such 3-year verification period more than once. Time periods.

"(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the digital music provider, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

"(III) The digital music provider shall make such books, records, and data available to the

qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to provide access to relevant information maintained with respect to a digital music provider by third parties.

Notice.

"(IV) To commence the audit, the mechanical licensing collective shall file with the Copyright Office a notice of intent to conduct an audit of the digital music provider, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the digital music provider. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register not later than 45 calendar days after the date on which notice is received.

Federal Register, publication. Deadline.

Determination. Reports.

"(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the digital music provider to the mechanical licensing collective, except that, before providing a final audit report to the mechanical licensing collective, the qualified auditor shall provide a tentative draft of the report to the digital music provider and allow the digital music provider a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

"(VI) The mechanical licensing collective shall pay the cost of the audit, unless the qualified auditor determines that there was an underpayment by the digital music provider of not less than 10 percent, in which case the digital music provider shall bear the reasonable costs of the audit, in addition to paying the amount of any underpayment to the mechanical licensing collective. In case of an overpayment by the digital music provider, the mechanical licensing collective shall provide a credit to the account of the digital music provider.

Effective date.

"(VII) A digital music provider may not assert section 507 or any other Federal or State statute of limitations, doctrine of laches or estoppel, or similar provision as a defense to a legal action arising from an audit under this subparagraph if such legal action is commenced not more than 6 years after the commencement of the audit that is the basis for such action.

"(ii) ALTERNATIVE VERIFICATION PROCEDURES.—Nothing in this subparagraph shall preclude the mechanical licensing collective and a digital music provider from agreeing to audit procedures different from those described in this subparagraph, except that a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV).

"(E) DEFAULT UNDER BLANKET LICENSE.—

"(i) CONDITIONS OF DEFAULT.—A digital music provider shall be in default under a blanket license if the digital music provider—

"(I) fails to provide 1 or more monthly reports of usage to the mechanical licensing collective when due;

"(II) fails to make a monthly royalty or late fee payment to the mechanical licensing collective when due, in all or material part;

"(III) provides 1 or more monthly reports of usage to the mechanical licensing collective that, on the whole, is or are materially deficient as a result of inaccurate, missing, or unreadable data, where the correct data was available to the digital music provider and required to be reported under this section and applicable regulations;

"(IV) fails to pay the administrative assessment as required under this subsection and applicable regulations; or

"(V) after being provided written notice by the mechanical licensing collective, refuses to comply with any other material term or condition of the blanket license under this section for a period of not less than 60 calendar days. Time period.

"(ii) NOTICE OF DEFAULT AND TERMINATION.—In case of a default by a digital music provider, the mechanical licensing collective may proceed to terminate the blanket license of the digital music provider as follows:

"(I) The mechanical licensing collective shall provide written notice to the digital music provider describing with reasonable particularity the default and advising that unless such default is cured not later than 60 calendar days after the date of the notice, the blanket license will automatically terminate at the end of that period. Deadline.

"(II) If the digital music provider fails to remedy the default before the end of the 60-day period described in subclause (I), the license shall terminate without any further action on the part of the mechanical licensing collective. Such termination renders the making of all digital phonorecord deliveries of all musical works (and shares thereof) covered by the blanket license for which the royalty or administrative assessment has not been paid actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

"(iii) NOTICE TO COPYRIGHT OWNERS.—The mechanical licensing collective shall provide written notice of any termination under this subparagraph to copyright owners of affected works.

"(iv) REVIEW BY FEDERAL DISTRICT COURT.—A digital music provider that believes a blanket license was improperly terminated by the mechanical licensing collective may seek review of such termination in an appropriate district court of the United States. The Courts. Determination.

district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional supporting evidence presented by the parties.

"(5) DIGITAL LICENSEE COORDINATOR.—

"(A) IN GENERAL.—The digital licensee coordinator shall be a single entity that—

"(i) is a nonprofit, not owned by any other entity, that is created to carry out responsibilities under this subsection;

"(ii) is endorsed by and enjoys substantial support from digital music providers and significant nonblanket licensees that together represent the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 calendar years;

"(iii) is able to demonstrate that it has, or will have prior to the license availability date, the administrative capabilities to perform the required functions of the digital licensee coordinator under this subsection; and

"(iv) has been designated by the Register of Copyrights, with the approval of the Librarian of Congress pursuant to section 702, in accordance with subparagraph (B).

"(B) DESIGNATION OF DIGITAL LICENSEE COORDINATOR.—

Deadline.

"(i) INITIAL DESIGNATION.—The Register of Copyrights shall initially designate the digital licensee coordinator not later than 270 days after the enactment date, in accordance with the same procedure described for designation of the mechanical licensing collective in paragraph (3)(B)(i).

Time periods.

"(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the digital licensee coordinator, the Register of Copyrights shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, determine whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph (A) should be designated, in accordance with the same procedure described for the mechanical licensing collective in paragraph (3)(B)(ii).

"(iii) INABILITY TO DESIGNATE.—If the Register of Copyrights is unable to identify an entity that fulfills each of the qualifications described in clauses (i) through (iii) of subparagraph (A) to serve as the digital licensee coordinator, the Register may decline to designate a digital licensee coordinator. The determination of the Register not to designate a digital licensee coordinator shall not negate or otherwise affect any provision of this subsection except to the limited extent that a provision references the digital licensee coordinator. In such case, the reference to the digital licensee coordinator shall be without effect unless and until a new digital licensee coordinator is designated.

"(C) AUTHORITIES AND FUNCTIONS.—

"(i) IN GENERAL.—The digital licensee coordinator is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

"(I) Establish a governance structure, criteria for membership, and any dues to be paid by its members. Criteria.

"(II) Engage in efforts to enforce notice and payment obligations with respect to the administrative assessment, including by receiving information from and coordinating with the mechanical licensing collective.

"(III) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection. Proceedings.

"(IV) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection. Proceedings.

"(V) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

"(VI) Maintain records of its activities.

"(VII) Assist in publicizing the existence of the mechanical licensing collective and the ability of copyright owners to claim royalties for unmatched musical works (and shares of works) through the collective.

"(VIII) Engage in such other activities as may be necessary or appropriate to fulfill its responsibilities under this subsection.

"(ii) RESTRICTION ON LOBBYING.—The digital licensee coordinator may not engage in government lobbying activities, but may engage in the activities described in subclauses (III), (IV), and (V) of clause (i).

"(iii) ASSISTANCE WITH PUBLICITY FOR UNCLAIMED ROYALTIES.—The digital licensee coordinator shall make reasonable, good-faith efforts to assist the mechanical licensing collective in the efforts of the collective to locate and identify copyright owners of unmatched musical works (and shares of such works) by encouraging digital music providers to publicize the existence of the collective and the ability of copyright owners to claim unclaimed accrued royalties, including by—

"(I) posting contact information for the collective at reasonably prominent locations on digital music provider websites and applications; and Web posting.

"(II) conducting in-person outreach activities with songwriters.

"(6) REQUIREMENTS FOR SIGNIFICANT NONBLANKET LICENSEES.—

"(A) IN GENERAL.—

"(i) NOTICE OF ACTIVITY.—Not later than 45 calendar days after the license availability date, or 45 Deadline.

calendar days after the end of the first full calendar month in which an entity initially qualifies as a significant nonblanket licensee, whichever occurs later, a significant nonblanket licensee shall submit a notice of nonblanket activity to the mechanical licensing collective. The notice of nonblanket activity shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation, and a copy shall be made available to the digital licensee coordinator.

Compliance.
Regulations.

"(ii) REPORTING AND PAYMENT OBLIGATIONS.—The notice of nonblanket activity submitted to the mechanical licensing collective shall be accompanied by a report of usage that contains the information described in paragraph (4)(A)(ii), as well as any payment of the administrative assessment required under this subsection and applicable regulations. Thereafter, subject to clause (iii), a significant nonblanket licensee shall continue to provide monthly reports of usage, accompanied by any required payment of the administrative assessment, to the mechanical licensing collective. Such reports and payments shall be submitted not later than 45 calendar days after the end of the calendar month being reported.

Notification.

"(iii) DISCONTINUATION OF OBLIGATIONS.—An entity that has submitted a notice of nonblanket activity to the mechanical licensing collective that has ceased to qualify as a significant nonblanket licensee may so notify the collective in writing. In such case, as of the calendar month in which such notice is provided, such entity shall no longer be required to provide reports of usage or pay the administrative assessment, but if such entity later qualifies as a significant nonblanket licensee, such entity shall again be required to comply with clauses (i) and (ii).

"(B) REPORTING BY MECHANICAL LICENSING COLLECTIVE TO DIGITAL LICENSEE COORDINATOR.—

"(i) MONTHLY REPORTS OF NONCOMPLIANT LICENSEES.—The mechanical licensing collective shall provide monthly reports to the digital licensee coordinator setting forth any significant nonblanket licensees of which the collective is aware that have failed to comply with subparagraph (A).

"(ii) TREATMENT OF CONFIDENTIAL INFORMATION.—The mechanical licensing collective and digital licensee coordinator shall take appropriate steps to safeguard the confidentiality and security of financial and other sensitive data shared under this subparagraph, in accordance with the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

"(C) LEGAL ENFORCEMENT EFFORTS.—

"(i) FEDERAL COURT ACTION.—Should the mechanical licensing collective or digital licensee coordinator become aware that a significant nonblanket licensee has failed to comply with subparagraph (A), either may commence an action in an appropriate district

court of the United States for damages and injunctive relief. If the significant nonblanket licensee is found liable, the court shall, absent a finding of excusable neglect, award damages in an amount equal to three times the total amount of the unpaid administrative assessment and, notwithstanding anything to the contrary in section 505, reasonable attorney's fees and costs, as well as such other relief as the court determines appropriate. In all other cases, the court shall award relief as appropriate. Any recovery of damages shall be payable to the mechanical licensing collective as an offset to the collective total costs.

"(ii) STATUTE OF LIMITATIONS FOR ENFORCEMENT ACTION.—Any action described in this subparagraph shall be commenced within the time period described in section 507(b).

"(iii) OTHER RIGHTS AND REMEDIES PRESERVED.—The ability of the mechanical licensing collective or digital licensee coordinator to bring an action under this subparagraph shall in no way alter, limit or negate any other right or remedy that may be available to any party at law or in equity.

"(7) FUNDING OF MECHANICAL LICENSING COLLECTIVE.—

"(A) IN GENERAL.—The collective total costs shall be funded by—

"(i) an administrative assessment, as such assessment is established by the Copyright Royalty Judges pursuant to subparagraph (D) from time to time, to be paid by—

"(I) digital music providers that are engaged, in all or in part, in covered activities pursuant to a blanket license; and

"(II) significant nonblanket licensees; and

"(ii) voluntary contributions from digital music providers and significant nonblanket licensees as may be agreed with copyright owners.

"(B) VOLUNTARY CONTRIBUTIONS.—

"(i) AGREEMENTS CONCERNING CONTRIBUTIONS.—Except as provided in clause (ii), voluntary contributions by digital music providers and significant nonblanket licensees shall be determined by private negotiation and agreement, and the following conditions apply:

"(I) The date and amount of each voluntary contribution to the mechanical licensing collective shall be documented in a writing signed by an authorized agent of the mechanical licensing collective and the contributing party.

"(II) Such agreement shall be made available as required in proceedings before the Copyright Royalty Judges to establish or adjust the administrative assessment in accordance with applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

"(ii) TREATMENT OF CONTRIBUTIONS.—Each voluntary contribution described in clause (i) shall be treated for purposes of an administrative assessment

proceeding as an offset to the collective total costs that would otherwise be recovered through the administrative assessment. Any allocation or reallocation of voluntary contributions between or among individual digital music providers or significant nonblanket licensees shall be a matter of private negotiation and agreement among such parties and outside the scope of the administrative assessment proceeding.

"(C) INTERIM APPLICATION OF ACCRUED ROYALTIES.—In the event that the administrative assessment, together with any funding from voluntary contributions as provided in subparagraphs (A) and (B), is inadequate to cover current collective total costs, the collective, with approval of its board of directors, may apply unclaimed accrued royalties on an interim basis to defray such costs, subject to future reimbursement of such royalties from future collections of the assessment.

"(D) DETERMINATION OF ADMINISTRATIVE ASSESSMENT.—

"(i) ADMINISTRATIVE ASSESSMENT TO COVER COLLECTIVE TOTAL COSTS.—The administrative assessment shall be used solely and exclusively to fund the collective total costs.

"(ii) SEPARATE PROCEEDING BEFORE COPYRIGHT ROYALTY JUDGES.—The amount and terms of the administrative assessment shall be determined and established in a separate and independent proceeding before the Copyright Royalty Judges, according to the procedures described in clauses (iii) and (iv). The administrative assessment determined in such proceeding shall—

"(I) be wholly independent of royalty rates and terms applicable to digital music providers, which shall not be taken into consideration in any manner in establishing the administrative assessment;

"(II) be established by the Copyright Royalty Judges in an amount that is calculated to defray the reasonable collective total costs;

"(III) be assessed based on usage of musical works by digital music providers and significant nonblanket licensees in covered activities under both compulsory and nonblanket licenses;

"(IV) may be in the form of a percentage of royalties payable under this section for usage of musical works in covered activities (regardless of whether a different rate applies under a voluntary license), or any other usage-based metric reasonably calculated to equitably allocate the collective total costs across digital music providers and significant nonblanket licensees engaged in covered activities, and shall include as a component a minimum fee for all digital music providers and significant nonblanket licensees; and

"(V) take into consideration anticipated future collective total costs and collections of the administrative assessment, including, as applicable—

"(aa) any portion of past actual collective total costs of the mechanical licensing collective not funded by previous collections of the administrative assessment or voluntary contributions because such collections or contributions together were insufficient to fund such costs;

"(bb) any past collections of the administrative assessment and voluntary contributions that exceeded past actual collective total costs, resulting in a surplus; and

"(cc) the amount of any voluntary contributions by digital music providers or significant nonblanket licensees in relevant periods, described in subparagraphs (A) and (B) of paragraph (7).

"(iii) INITIAL ADMINISTRATIVE ASSESSMENT.—The procedure for establishing the initial administrative assessment shall be as follows: Procedures.

"(I) Not later than 270 days after the enactment date, the Copyright Royalty Judges shall commence a proceeding to establish the initial administrative assessment by publishing a notice in the Federal Register seeking petitions to participate. Deadline. Proceedings. Notice. Federal Register, publication.

"(II) The mechanical licensing collective and digital licensee coordinator shall participate in the proceeding described in subclause (I), along with any interested copyright owners, digital music providers or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

"(III) The Copyright Royalty Judges shall establish a schedule for submission by the parties of information that may be relevant to establishing the administrative assessment, including actual and anticipated collective total costs of the mechanical licensing collective, actual and anticipated collections from digital music providers and significant nonblanket licensees, and documentation of voluntary contributions, as well as a schedule for further proceedings, which shall include a hearing, as the Copyright Royalty Judges determine appropriate. Schedule. Hearings.

"(IV) The initial administrative assessment shall be determined, and such determination shall be published in the Federal Register by the Copyright Royalty Judges, not later than 1 year after commencement of the proceeding described in this clause. The determination shall be supported by a written record. The initial administrative assessment shall be effective as of the license availability date, and shall continue in effect unless and until an adjusted administrative assessment is established pursuant to an adjustment proceeding under clause (iv). Determination. Federal Register, publication. Deadline. Effective date.

Federal Register, publications.

"(iv) ADJUSTMENT OF ADMINISTRATIVE ASSESSMENT.—The administrative assessment may be adjusted by the Copyright Royalty Judges periodically, in accordance with the following procedures:

Time period. Effective date.

"(I) Not earlier than 1 year after the most recent publication of a determination of the administrative assessment by the Copyright Royalty Judges, the mechanical licensing collective, the digital licensee coordinator, or one or more interested copyright owners, digital music providers, or significant nonblanket licensees, may file a petition with the Copyright Royalty Judges in the month of May to commence a proceeding to adjust the administrative assessment.

Notice.

"(II) Notice of the commencement of such proceeding shall be published in the Federal Register in the month of June following the filing of any petition, with a schedule of requested information and additional proceedings, as described in clause (iii)(III). The mechanical licensing collective and digital licensee coordinator shall participate in such proceeding, along with any interested copyright owners, digital music providers, or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

Determination.

"(III) The determination of the adjusted administrative assessment, which shall be supported by a written record, shall be published in the Federal Register during June of the calendar year following the commencement of the proceeding. The adjusted administrative assessment shall take effect January 1 of the year following such publication.

Effective date.

"(v) ADOPTION OF VOLUNTARY AGREEMENTS.—In lieu of reaching their own determination based on evaluation of relevant data, the Copyright Royalty Judges shall approve and adopt a negotiated agreement to establish the amount and terms of the administrative assessment that has been agreed to by the mechanical licensing collective and the digital licensee coordinator (or if none has been designated, interested digital music providers and significant nonblanket licensees representing more than half of the market for uses of musical works in covered activities), except that the Copyright Royalty Judges shall have the discretion to reject any such agreement for good cause shown.

Applicability.

An administrative assessment adopted under this clause shall apply to all digital music providers and significant nonblanket licensees engaged in covered activities during the period the administrative assessment is in effect.

Federal Register, publication.

"(vi) CONTINUING AUTHORITY TO AMEND.—The Copyright Royalty Judges shall retain continuing authority to amend a determination of an administrative assessment to correct technical or clerical errors, or modify the terms of implementation, for good cause,

with any such amendment to be published in the Federal Register.

"(vii) APPEAL OF ADMINISTRATIVE ASSESSMENT.—The determination of an administrative assessment by the Copyright Royalty Judges shall be appealable, not later than 30 calendar days after publication in the Federal Register, to the Court of Appeals for the District of Columbia Circuit by any party that fully participated in the proceeding. The administrative assessment as established by the Copyright Royalty Judges shall remain in effect pending the final outcome of any such appeal, and the mechanical licensing collective, digital licensee coordinator, digital music providers, and significant nonblanket licensees shall implement appropriate financial or other measures not later than 90 days after any modification of the assessment to reflect and account for such outcome.

Deadlines.
Federal Register, publication.

"(viii) REGULATIONS.—The Copyright Royalty Judges may adopt regulations to govern the conduct of proceedings under this paragraph.

"(8) ESTABLISHMENT OF RATES AND TERMS UNDER BLANKET LICENSE.—

"(A) RESTRICTIONS ON RATESETTING PARTICIPATION.—Neither the mechanical licensing collective nor the digital licensee coordinator shall be a party to a proceeding described in subsection (c)(1)(E), except that the mechanical licensing collective or the digital licensee coordinator may gather and provide financial and other information for the use of a party to such a proceeding and comply with requests for information as required under applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

"(B) APPLICATION OF LATE FEES.—In any proceeding described in subparagraph (A) in which the Copyright Royalty Judges establish a late fee for late payment of royalties for uses of musical works under this section, such fee shall apply to covered activities under blanket licenses, as follows:

"(i) Late fees for past due royalty payments shall accrue from the due date for payment until payment is received by the mechanical licensing collective.

"(ii) The availability of late fees shall in no way prevent a copyright owner or the mechanical licensing collective from asserting any other rights or remedies to which such copyright owner or the mechanical licensing collective may be entitled under this title.

"(C) INTERIM RATE AGREEMENTS IN GENERAL.—For any covered activity for which no rate or terms have been established by the Copyright Royalty Judges, the mechanical licensing collective and any digital music provider may agree to an interim rate and terms for such activity under the blanket license, and any such rate and terms—

"(i) shall be treated as nonprecedential and not cited or relied upon in any ratesetting proceeding before the Copyright Royalty Judges or any other tribunal; and

"(ii) shall automatically expire upon the establishment of a rate and terms for such covered activity by the Copyright Royalty Judges, under subsection (c)(1)(E).

"(D) ADJUSTMENTS FOR INTERIM RATES.—The rate and terms established by the Copyright Royalty Judges for a covered activity to which an interim rate and terms have been agreed under subparagraph (C) shall supersede the interim rate and terms and apply retroactively to the inception of the activity under the blanket license. In such case, not later than 90 days after the effective date of the rate and terms established by the Copyright Royalty Judges—

Deadline.

"(i) if the rate established by the Copyright Royalty Judges exceeds the interim rate, the digital music provider shall pay to the mechanical licensing collective the amount of any underpayment of royalties due; or

"(ii) if the interim rate exceeds the rate established by the Copyright Royalty Judges, the mechanical licensing collective shall credit the account of the digital music provider for the amount of any overpayment of royalties due.

"(9) TRANSITION TO BLANKET LICENSES.—

"(A) SUBSTITUTION OF BLANKET LICENSE.—On the license availability date, a blanket license shall, without any interruption in license authority enjoyed by such digital music provider, be automatically substituted for and supersede any existing compulsory license previously obtained under this section by the digital music provider from a copyright owner to engage in 1 or more covered activities with respect to a musical work, except that such substitution shall not apply to any authority obtained from a record company pursuant to a compulsory license to make and distribute permanent downloads unless and until such record company terminates such authority in writing to take effect at the end of a monthly reporting period, with a copy to the mechanical licensing collective.

"(B) EXPIRATION OF EXISTING LICENSES.—Except to the extent provided in subparagraph (A), on and after the license availability date, licenses other than individual download licenses obtained under this section for covered activities prior to the license availability date shall no longer continue in effect.

"(C) TREATMENT OF VOLUNTARY LICENSES.—A voluntary license for a covered activity in effect on the license availability date will remain in effect unless and until the voluntary license expires according to the terms of the voluntary license, or the parties agree to amend or terminate the voluntary license. In a case where a voluntary license for a covered activity entered into before the license availability date incorporates the terms of this section by reference, the terms so incorporated (but not the rates) shall be those in effect immediately prior to the license availability date, and those terms shall continue

to apply unless and until such voluntary license is terminated or amended, or the parties enter into a new voluntary license.

"(D) FURTHER ACCEPTANCE OF NOTICES FOR COVERED ACTIVITIES BY COPYRIGHT OFFICE.—On and after the enactment date—

"(i) the Copyright Office shall no longer accept notices of intention with respect to covered activities; and

"(ii) notices of intention filed before the enactment date will no longer be effective or provide license authority with respect to covered activities, except that, before the license availability date, there shall be no liability under section 501 for the reproduction or distribution of a musical work (or share thereof) in covered activities if a valid notice of intention was filed for such work (or share) before the enactment date.

"(10) PRIOR UNLICENSED USES.—

"(A) LIMITATION ON LIABILITY IN GENERAL.—A copyright owner that commences an action under section 501 on or after January 1, 2018, against a digital music provider for the infringement of the exclusive rights provided by paragraph (1) or (3) of section 106 arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities prior to the license availability date, shall, as the copyright owner's sole and exclusive remedy against the digital music provider, be eligible to recover the royalty prescribed under subsection (c)(1)(C) and chapter 8, from the digital music provider, provided that such digital music provider can demonstrate compliance with the requirements of subparagraph (B), as applicable. In all other cases the limitation on liability under this subparagraph shall not apply.

"(B) REQUIREMENTS FOR LIMITATION ON LIABILITY.—The following requirements shall apply on the enactment date and through the end of the period that expires 90 days after the license availability date to digital music providers seeking to avail themselves of the limitation on liability described in subparagraph (A): Applicability. Time period.

"(i) Not later than 30 calendar days after first making a particular sound recording of a musical work available through its service via one or more covered activities, or 30 calendar days after the enactment date, whichever occurs later, a digital music provider shall engage in good-faith, commercially reasonable efforts to identify and locate each copyright owner of such musical work (or share thereof). Such required matching efforts shall include the following: Deadlines.

"(I) Good-faith, commercially reasonable efforts to obtain from the owner of the corresponding sound recording made available through the digital music provider's service the following information:

"(aa) Sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code,

and other information commonly used in the industry to identify sound recordings and match them to the musical works they embody.

"(bb) Any available musical work ownership information, including each songwriter and publisher name, percentage ownership share, and international standard musical work code.

"(II) Employment of 1 or more bulk electronic matching processes that are available to the digital music provider through a third-party vendor on commercially reasonable terms, except that a digital music provider may rely on its own bulk electronic matching process if that process has capabilities comparable to or better than those available from a third-party vendor on commercially reasonable terms.

"(ii) The required matching efforts shall be repeated by the digital music provider not less than once per month for so long as the copyright owner remains unidentified or has not been located.

Account statements. Royalties.

"(iii) If the required matching efforts are successful in identifying and locating a copyright owner of a musical work (or share thereof) by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall provide statements of account and pay royalties to such copyright owner in accordance with this section and applicable regulations.

"(iv) If the copyright owner is not identified or located by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall accrue and hold royalties calculated under the applicable statutory rate in accordance with usage of the work, from initial use of the work until the accrued royalties can be paid to the copyright owner or are required to be transferred to the mechanical licensing collective, as follows:

"(I) Accrued royalties shall be maintained by the digital music provider in accordance with generally accepted accounting principles.

Effective dates.

"(II) If a copyright owner of an unmatched musical work (or share thereof) is identified and located by or to the digital music provider before the license availability date, the digital music provider shall—

Deadline.

"(aa) not later than 45 calendar days after the end of the calendar month during which the copyright owner was identified and located, pay the copyright owner all accrued royalties, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had the digital music provider been providing monthly statements of account to the copyright owner

from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I);

"(bb) beginning with the accounting period following the calendar month in which the copyright owner was identified and located, and for all other accounting periods prior to the license availability date, provide monthly statements of account and pay royalties to the copyright owner as required under this section and applicable regulations; and

"(cc) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such reporting period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

"(III) If a copyright owner of an unmatched musical work (or share thereof) is not identified and located by the license availability date, the digital music provider shall—

Deadline. Certification.

"(aa) not later than 45 calendar days after the license availability date, transfer all accrued royalties to the mechanical licensing collective, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had the digital music provider been serving monthly statements of account on the copyright owner from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I), and accompanied by an additional certification by a duly authorized officer of the digital music provider that the digital music provider has fulfilled the requirements of clauses (i) and (ii) of subparagraph (B) but has not been successful in locating or identifying the copyright owner; and

Effective date.

"(bb) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

"(v) A digital music provider that complies with the requirements of this subparagraph with respect to unmatched musical works (or shares of works) shall not be liable for or accrue late fees for late payments of royalties for such works until such time as the digital music provider is required to begin paying

monthly royalties to the copyright owner or the mechanical licensing collective, as applicable.

Deadlines.

"(C) ADJUSTED STATUTE OF LIMITATIONS.—Notwithstanding anything to the contrary in section 507(b), with respect to any claim of infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 against a digital music provider arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities that accrued not more than 3 years prior to the license availability date, such action may be commenced not later than the later of—

"(i) 3 years after the date on which the claim accrued; or

"(ii) 2 years after the license availability date.

"(D) OTHER RIGHTS AND REMEDIES PRESERVED.—Except as expressly provided in this paragraph, nothing in this paragraph shall be construed to alter, limit, or negate any right or remedy of a copyright owner with respect to unauthorized use of a musical work.

"(11) LEGAL PROTECTIONS FOR LICENSING ACTIVITIES.—

Applicability.

"(A) EXEMPTION FOR COMPULSORY LICENSE ACTIVITIES.—The antitrust exemption described in subsection (c)(1)(D) shall apply to negotiations and agreements between and among copyright owners and persons entitled to obtain a compulsory license for covered activities, and common agents acting on behalf of such copyright owners or persons, including with respect to the administrative assessment established under this subsection.

"(B) LIMITATION ON COMMON AGENT EXEMPTION.—Notwithstanding the antitrust exemption provided in subsection (c)(1)(D) and subparagraph (A) of this paragraph (except for the administrative assessment referenced in such subparagraph (A) and except as provided in paragraph (8)(C)), neither the mechanical licensing collective nor the digital licensee coordinator shall serve as a common agent with respect to the establishment of royalty rates or terms under this section.

"(C) ANTITRUST EXEMPTION FOR ADMINISTRATIVE ACTIVITIES.—Notwithstanding any provision of the antitrust laws, copyright owners and persons entitled to obtain a compulsory license under this section may designate the mechanical licensing collective to administer voluntary licenses for the reproduction or distribution of musical works in covered activities on behalf of such copyright owners and persons, subject to the following conditions:

"(i) Each copyright owner shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other copyright owner.

"(ii) Each person entitled to obtain a compulsory license under this section shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other digital music provider.

"(iii) The mechanical licensing collective shall maintain the confidentiality of the voluntary licenses

in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

"(D) LIABILITY FOR GOOD-FAITH ACTIVITIES.—The mechanical licensing collective shall not be liable to any person or entity based on a claim arising from its good-faith administration of policies and procedures adopted and implemented to carry out the responsibilities described in subparagraphs (J) and (K) of paragraph (3), except to the extent of correcting an underpayment or overpayment of royalties as provided in paragraph (3)(L)(i)(VI), but the collective may participate in a legal proceeding as a stakeholder party if the collective is holding funds that are the subject of a dispute between copyright owners. For purposes of this subparagraph, the term 'good-faith administration' means administration in a manner that is not grossly negligent. Definition.

"(E) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of funds by the mechanical licensing collective in accordance with this subsection shall supersede and preempt any State law (including common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.

"(F) RULE OF CONSTRUCTION.—Except as expressly provided in this subsection, nothing in this subsection shall negate or limit the ability of any person to pursue an action in Federal court against the mechanical licensing collective or any other person based upon a claim arising under this title or other applicable law.

"(12) REGULATIONS.—

"(A) ADOPTION BY REGISTER OF COPYRIGHTS AND COPYRIGHT ROYALTY JUDGES.—The Register of Copyrights may conduct such proceedings and adopt such regulations as may be necessary or appropriate to effectuate the provisions of this subsection, except for regulations concerning proceedings before the Copyright Royalty Judges to establish the administrative assessment, which shall be adopted by the Copyright Royalty Judges.

"(B) JUDICIAL REVIEW OF REGULATIONS.—Except as provided in paragraph (7)(D)(vii), regulations adopted under this subsection shall be subject to judicial review pursuant to chapter 7 of title 5.

"(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Register of Copyrights shall adopt regulations to provide for the appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in the records of the mechanical licensing collective and digital licensee coordinator is not improperly disclosed or used, including through any disclosure or use by the board of directors or personnel of either entity, and specifically including the unclaimed royalties oversight committee and the dispute resolution committee of the mechanical licensing collective.

"(13) SAVINGS CLAUSES.—

"(A) LIMITATION ON ACTIVITIES AND RIGHTS COVERED.—This subsection applies solely to uses of musical works subject to licensing under this section. The blanket license Applicability.

shall not be construed to extend or apply to activities other than covered activities or to rights other than the exclusive rights of reproduction and distribution licensed under this section, or serve or act as the basis to extend or expand the compulsory license under this section to activities and rights not covered by this section on the day before the enactment date.

"(B) RIGHTS OF PUBLIC PERFORMANCE NOT AFFECTED.—The rights, protections, and immunities granted under this subsection, the data concerning musical works collected and made available under this subsection, and the definitions under subsection (e) shall not extend to, limit, or otherwise affect any right of public performance in a musical work."; and

(5) by adding at the end the following:

"(e) DEFINITIONS.—As used in this section:

"(1) ACCRUED INTEREST.—The term 'accrued interest' means interest accrued on accrued royalties, as described in subsection (d)(3)(H)(ii).

"(2) ACCRUED ROYALTIES.—The term 'accrued royalties' means royalties accrued for the reproduction or distribution of a musical work (or share thereof) in a covered activity, calculated in accordance with the applicable royalty rate under this section.

"(3) ADMINISTRATIVE ASSESSMENT.—The term 'administrative assessment' means the fee established pursuant to subsection (d)(7)(D).

"(4) AUDIT.—The term 'audit' means a royalty compliance examination to verify the accuracy of royalty payments, or the conduct of such an examination, as applicable.

"(5) BLANKET LICENSE.—The term 'blanket license' means a compulsory license described in subsection (d)(1)(A) to engage in covered activities.

"(6) COLLECTIVE TOTAL COSTS.—The term 'collective total costs'—

"(A) means the total costs of establishing, maintaining, and operating the mechanical licensing collective to fulfill its statutory functions, including—

"(i) startup costs;

"(ii) financing, legal, audit, and insurance costs;

"(iii) investments in information technology, infrastructure, and other long-term resources;

"(iv) outside vendor costs;

"(v) costs of licensing, royalty administration, and enforcement of rights;

"(vi) costs of bad debt; and

"(vii) costs of automated and manual efforts to identify and locate copyright owners of musical works (and shares of such musical works) and match sound recordings to the musical works the sound recordings embody; and

"(B) does not include any added costs incurred by the mechanical licensing collective to provide services under voluntary licenses.

"(7) COVERED ACTIVITY.—The term 'covered activity' means the activity of making a digital phonorecord delivery of a musical work, including in the form of a permanent download,

limited download, or interactive stream, where such activity qualifies for a compulsory license under this section.

"(8) DIGITAL MUSIC PROVIDER.—The term 'digital music provider' means a person (or persons operating under the authority of that person) that, with respect to a service engaged in covered activities—

"(A) has a direct contractual, subscription, or other economic relationship with end users of the service, or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users;

"(B) is able to fully report on any revenues and consideration generated by the service; and

"(C) is able to fully report on usage of sound recordings of musical works by the service (or procure such reporting).

"(9) DIGITAL LICENSEE COORDINATOR.—The term 'digital licensee coordinator' means the entity most recently designated pursuant to subsection (d)(5).

"(10) DIGITAL PHONORECORD DELIVERY.—The term 'digital phonorecord delivery' means each individual delivery of a phonorecord by digital transmission of a sound recording that results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording, regardless of whether the digital transmission is also a public performance of the sound recording or any musical work embodied therein, and includes a permanent download, a limited download, or an interactive stream. A digital phonorecord delivery does not result from a real-time, noninteractive subscription transmission of a sound recording where no reproduction of the sound recording or the musical work embodied therein is made from the inception of the transmission through to its receipt by the transmission recipient in order to make the sound recording audible. A digital phonorecord delivery does not include the digital transmission of sounds accompanying a motion picture or other audiovisual work as defined in section 101.

"(11) ENACTMENT DATE.—The term 'enactment date' means the date of the enactment of the Musical Works Modernization Act.

"(12) INDIVIDUAL DOWNLOAD LICENSE.—The term 'individual download license' means a compulsory license obtained by a record company to make and distribute, or authorize the making and distribution of, permanent downloads embodying a specific individual musical work.

"(13) INTERACTIVE STREAM.—The term 'interactive stream' means a digital transmission of a sound recording of a musical work in the form of a stream, where the performance of the sound recording by means of such transmission is not exempt under section 114(d)(1) and does not in itself, or as a result of a program in which it is included, qualify for statutory licensing under section 114(d)(2). An interactive stream is a digital phonorecord delivery.

"(14) INTERESTED.—The term 'interested', as applied to a party seeking to participate in a proceeding under subsection (d)(7)(D), is a party as to which the Copyright Royalty Judges have not determined that the party lacks a significant interest in such proceeding.

"(15) LICENSE AVAILABILITY DATE.—The term 'license availability date' means January 1 following the expiration of the 2-year period beginning on the enactment date.

"(16) LIMITED DOWNLOAD.—The term 'limited download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening only for a limited amount of time or specified number of times.

"(17) MATCHED.—The term 'matched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has been identified and located.

"(18) MECHANICAL LICENSING COLLECTIVE.—The term 'mechanical licensing collective' means the entity most recently designated as such by the Register of Copyrights under subsection (d)(3).

"(19) MECHANICAL LICENSING COLLECTIVE BUDGET.—The term 'mechanical licensing collective budget' means a statement of the financial position of the mechanical licensing collective for a fiscal year or quarter thereof based on estimates of expenditures during the period and proposals for financing those expenditures, including a calculation of the collective total costs.

"(20) MUSICAL WORKS DATABASE.—The term 'musical works database' means the database described in subsection (d)(3)(E).

"(21) NONPROFIT.—The term 'nonprofit' means a nonprofit created or organized in a State.

"(22) NOTICE OF LICENSE.—The term 'notice of license' means a notice from a digital music provider provided under subsection (d)(2)(A) for purposes of obtaining a blanket license.

"(23) NOTICE OF NONBLANKET ACTIVITY.—The term 'notice of nonblanket activity' means a notice from a significant nonblanket licensee provided under subsection (d)(6)(A) for purposes of notifying the mechanical licensing collective that the licensee has been engaging in covered activities.

"(24) PERMANENT DOWNLOAD.—The term 'permanent download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening without restriction as to the amount of time or number of times it may be accessed.

"(25) QUALIFIED AUDITOR.—The term 'qualified auditor' means an independent, certified public accountant with experience performing music royalty audits.

"(26) RECORD COMPANY.—The term 'record company' means an entity that invests in, produces, and markets sound recordings of musical works, and distributes such sound recordings for remuneration through multiple sales channels, including a corporate affiliate of such an entity engaged in distribution of sound recordings.

"(27) REPORT OF USAGE.—The term 'report of usage' means a report reflecting an entity's usage of musical works in covered activities described in subsection (d)(4)(A).

"(28) REQUIRED MATCHING EFFORTS.—The term 'required matching efforts' means efforts to identify and locate copyright owners of musical works as described in subsection (d)(10)(B)(i).

"(29) SERVICE.—The term 'service', as used in relation to covered activities, means any site, facility, or offering by or

through which sound recordings of musical works are digitally transmitted to members of the public.

"(30) SHARE.—The term 'share', as applied to a musical work, means a fractional ownership interest in such work.

"(31) SIGNIFICANT NONBLANKET LICENSEE.—The term 'significant nonblanket licensee'—

"(A) means an entity, including a group of entities under common ownership or control that, acting under the authority of one or more voluntary licenses or individual download licenses, offers a service engaged in covered activities, and such entity or group of entities—

"(i) is not currently operating under a blanket license and is not obligated to provide reports of usage reflecting covered activities under subsection (d)(4)(A);

"(ii) has a direct contractual, subscription, or other economic relationship with end users of the service or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users; and

"(iii) either—

"(I) on any day in a calendar month, makes more than 5,000 different sound recordings of musical works available through such service; or

"(II) derives revenue or other consideration in connection with such covered activities greater than $50,000 in a calendar month, or total revenue or other consideration greater than $500,000 during the preceding 12 calendar months; and

"(B) does not include—

"(i) an entity whose covered activity consists solely of free-to-the-user streams of segments of sound recordings of musical works that do not exceed 90 seconds in length, are offered only to facilitate a licensed use of musical works that is not a covered activity, and have no revenue directly attributable to such streams constituting the covered activity; or

"(ii) a 'public broadcasting entity' as defined in section 118(f).

"(32) SONGWRITER.—The term 'songwriter' means the author of all or part of a musical work, including a composer or lyricist.

"(33) STATE.—The term 'State' means each State of the United States, the District of Columbia, and each territory or possession of the United States.

"(34) UNCLAIMED ACCRUED ROYALTIES.—The term 'unclaimed accrued royalties' means accrued royalties eligible for distribution under subsection (d)(3)(J).

"(35) UNMATCHED.—The term 'unmatched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has not been identified or located.

"(36) VOLUNTARY LICENSE.—The term 'voluntary license' means a license for use of a musical work (or share thereof) other than a compulsory license obtained under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 801.—Section 801(b) of title 17, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) To determine the administrative assessment to be paid by digital music providers under section 115(d). The provisions of section 115(d) shall apply to the conduct of proceedings by the Copyright Royalty Judges under section 115(d) and not the procedures described in this section, or section 803, 804, or 805.".

17 USC 115 note.

(c) EFFECTIVE DATE OF AMENDED RATE SETTING STANDARD.—The amendments made by subsection (a)(3) and section 103(g)(2) shall apply to any proceeding before the Copyright Royalty Judges that is commenced on or after the date of the enactment of this Act.

Deadline.
17 USC 115 note.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 37, PART 385 OF THE CODE OF FEDERAL REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Copyright Royalty Judges shall amend the regulations for section 115 of title 17, United States Code, in part 385 of title 37, Code of Federal Regulations, to conform the definitions used in such part to the definitions of the same terms described in section 115(e) of title 17, United States Code, as added by subsection (a). In so doing, the Copyright Royalty Judges shall make adjustments to the language of the regulations as necessary to achieve the same purpose and effect as the original regulations with respect to the rates and terms previously adopted by the Copyright Royalty Judges.

17 USC 115 note.

(e) COPYRIGHT OFFICE ACTIVITIES.—The Register of Copyrights shall engage in public outreach and educational activities—

(1) regarding the amendments made by subsection (a) to section 115 of title 17, United States Code, including the responsibilities of the mechanical licensing collective designated under those amendments;

(2) which shall include educating songwriters and other interested parties with respect to the process established under section 115(d)(3)(C)(i)(V) of title 17, United States Code, as added by subsection (a), by which—

(A) a copyright owner may claim ownership of musical works (and shares of such works); and

(B) royalties for works for which the owner is not identified or located shall be equitably distributed to known copyright owners; and

Web posting.

(3) which the Register shall make available online.

17 USC 115 note.

(f) UNCLAIMED ROYALTIES STUDY AND RECOMMENDATIONS.—

Consultation.
Reports.

(1) IN GENERAL.—Not later than 2 years after the date on which the Register of Copyrights initially designates the mechanical licensing collective under section 115(d)(3)(B)(i) of title 17, United States Code, as added by subsection (a)(4), the Register, in consultation with the Comptroller General of the United States, and after soliciting and reviewing comments and relevant information from music industry participants and other interested parties, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that recommends best practices that the collective may implement in order to—

(A) identify and locate musical work copyright owners with unclaimed accrued royalties held by the collective;

(B) encourage musical work copyright owners to claim the royalties of those owners; and

(C) reduce the incidence of unclaimed royalties.

(2) CONSIDERATION OF RECOMMENDATIONS.—The mechanical licensing collective shall carefully consider, and give substantial weight to, the recommendations submitted by the Register of Copyrights under paragraph (1) when establishing the procedures of the collective with respect to the—

(A) identification and location of musical work copyright owners; and

(B) distribution of unclaimed royalties.

SEC. 103. AMENDMENTS TO SECTION 114.

(a) UNIFORM RATE STANDARD.—Section 114(f) of title 17, United States Code, is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1)(A) Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions subject to statutory licensing under subsection (d)(2) during the 5-year period beginning on January 1 of the second year following the year in which the proceedings are to be commenced pursuant to subparagraph (A) or (B) of section 804(b)(3), as the case may be, or such other period as the parties may agree. The parties to each proceeding shall bear their own costs. Time period.

"(B) The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2), be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the 5-year period specified in subparagraph (A), or such other period as the parties may agree. Such rates and terms shall distinguish among the different types of services then in operation and shall include a minimum fee for each such type of service, such differences to be based on criteria including the quantity and nature of the use of sound recordings and the degree to which use of the service may substitute for or may promote the purchase of phonorecords by consumers. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms, the Copyright Royalty Judges—

"(i) shall base their decision on economic, competitive, and programming information presented by the parties, including—

"(I) whether use of the service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the sound recording copyright owner's other streams of revenue from the copyright owner's sound recordings; and

"(II) the relative roles of the copyright owner and the transmitting entity in the copyrighted work and the service made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, and risk; and

"(ii) may consider the rates and terms for comparable types of audio transmission services and comparable circumstances under voluntary license agreements.

"(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any sound recording copyright owner or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for eligible nonsubscription services and new subscription services, or preexisting subscription services and preexisting satellite digital audio radio services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree."; and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) REPEAL.—Subsection (i) of section 114 of title 17, United States Code, is repealed.

17 USC 114 note.

(c) USE IN MUSICAL WORK PROCEEDINGS.—

(1) IN GENERAL.—License fees payable for the public performance of sound recordings under section 106(6) of title 17, United States Code, shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to musical work copyright owners for the public performance of their works except in such a proceeding to set or adjust royalties for the public performance of musical works by means of a digital audio transmission other than a transmission by a broadcaster, and may be taken into account only with respect to such digital audio transmission.

(2) DEFINITIONS.—In this subsection:

(A) TRANSMISSION BY A BROADCASTER.—The term "transmission by a broadcaster" means a nonsubscription digital transmission made by a terrestrial broadcast station on its own behalf, or on the behalf of a terrestrial broadcast station under common ownership or control, that is not part of an interactive service or a music-intensive service comprising the transmission of sound recordings customized for or customizable by recipients or service users.

(B) TERRESTRIAL BROADCAST STATION.—The term "terrestrial broadcast station" means a terrestrial, over-the-air radio or television broadcast station, including an FM translator (as defined in section 74.1201 of title 47, Code of Federal Regulations, and licensed as such by the Federal Communications Commission) whose primary business activities are comprised of, and whose revenues are generated through, terrestrial, over-the-air broadcast transmissions, or the simultaneous or substantially-simultaneous digital retransmission by the terrestrial, over-the-air broadcast station of its over-the-air broadcast transmissions.

17 USC 114 note.

(d) RULE OF CONSTRUCTION.—Subsection (c)(2) shall not be given effect in interpreting provisions of title 17, United States Code.

17 USC 114 note.

(e) USE IN SOUND RECORDING PROCEEDINGS.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not be taken into account in any proceeding to set or adjust

the rates and fees payable for the use of sound recordings under section 112(e) or 114(f) of such title that is pending on, or commenced on or after, the date of enactment of this Act.

(f) DECISIONS AND PRECEDENTS NOT AFFECTED.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not have any effect upon the decisions, or the precedents established or relied upon, in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or 114(f) of such title before the date of enactment of this Act. 17 USC 114 note.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code, as amended by subsection (a), is further amended in paragraph (4)(C), as so redesignated, in the first sentence, by striking "under paragraph (4)" and inserting "under paragraph (3)".

(2) SECTION 801.—Section 801(b) of title 17, United States Code, is amended—

(A) in paragraph (1), by striking "The rates applicable" and all that follows though "prevailing industry practices."; and

(B) in paragraph (7)(B), by striking "114(f)(3)" and inserting "114(f)(2)".

(3) SECTION 803.—Section 803(c)(2)(E)(i)(II) of title 17, United States Code, is amended—

(A) by striking "or 114(f)(2)(C)"; and

(B) by striking "114(f)(4)(B)" and inserting "114(f)(3)(B)".

(4) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking "and 114(f)(2)(C)";

(B) in clause (iii)(II), by striking "114(f)(4)(B)(ii)" and inserting "114(f)(3)(B)(ii)"; and

(C) in clause (iv), by striking "or 114(f)(2)(C), as the case may be".

(h) EFFECTIVE DATE OF AMENDED RATE SETTING STANDARD.—The amendments made by subsection (a)(1) shall apply to any proceeding before the Copyright Royalty Judges that is commenced on or after the date of the enactment of this Act. 17 USC 114 note.

(i) TIMING OF RATE DETERMINATIONS.—Section 804(b)(3)(B) of title 17, United States Code, is amended, in the third sentence, by inserting the following after "fifth calendar year": ", except that—(i) with respect to preexisting subscription services, the terms and rates finally determined for the rate period ending on December 31, 2022, shall remain in effect through December 31, 2027, and there shall be no proceeding to determine terms and rates for preexisting subscription services for the period beginning on January 1, 2023, and ending on December 31, 2027; and" "(ii) with respect to pre-existing satellite digital audio radio services, the terms and rates set forth by the Copyright Royalty Judges on December 14, 2017, in their initial determination for the rate period ending on December 31, 2022, shall be in effect through December 31, 2027, without any change based on a rehearing under section 803(c)(2) and without the possibility of appeal under section 803(d), and there shall be no proceeding to determine terms and rates for preexisting satellite digital audio radio services for

the period beginning on January 1, 2023, and ending on December 31, 2027".

SEC. 104. RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.

Section 137 of title 28, United States Code, is amended—

(1) by striking "The business" and inserting "(a) IN GENERAL.—The business"; and

(2) by adding at the end the following:

"(b) RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.—

"(1) IN GENERAL.—

"(A) DEFINITION.—In this paragraph, the term 'performing rights society' has the meaning given the term in section 101 of title 17.

"(B) DETERMINATION OF LICENSE FEE.—Except as provided in subparagraph (C), in the case of any performing rights society subject to a consent decree, any application for the determination of a license fee for the public performance of music in accordance with the applicable consent decree shall be made in the district court with jurisdiction over that consent decree and randomly assigned to a judge of that district court according to the rules of that court for the division of business among district judges, provided that any such application shall not be assigned to—

"(i) a judge to whom continuing jurisdiction over any performing rights society for any performing rights society consent decree is assigned or has previously been assigned; or

"(ii) a judge to whom another proceeding concerning an application for the determination of a reasonable license fee is assigned at the time of the filing of the application.

"(C) EXCEPTION.—Subparagraph (B) does not apply to an application to determine reasonable license fees made by individual proprietors under section 513 of title 17.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall modify the rights of any party to a consent decree or to a proceeding to determine reasonable license fees, to make an application for the construction of any provision of the applicable consent decree. Such application shall be referred to the judge to whom continuing jurisdiction over the applicable consent decree is currently assigned. If any such application is made in connection with a rate proceeding, such rate proceeding shall be stayed until the final determination of the construction application. Disputes in connection with a rate proceeding about whether a licensee is similarly situated to another licensee shall not be subject to referral to the judge with continuing jurisdiction over the applicable consent decree.".

17 USC 106 note.

SEC. 105. PERFORMING RIGHTS SOCIETY CONSENT DECREES.

(a) DEFINITION.—In this section, the term "performing rights society" has the meaning given the term in section 101 of title 17, United States Code.

(b) NOTIFICATION OF REVIEW.—

Briefings.

(1) IN GENERAL.—The Department of Justice shall provide timely briefings upon request of any Member of the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the status

of a review in progress of a consent decree between the United States and a performing rights society.

(2) CONFIDENTIALITY AND DELIBERATIVE PROCESS.—In accordance with applicable rules relating to confidentiality and agency deliberative process, the Department of Justice shall share with such Members of Congress detailed and timely information and pertinent documents related to the consent decree review.

(c) ACTION BEFORE MOTION TO TERMINATE.—

(1) IN GENERAL.—Before filing with the appropriate district court of the United States a motion to terminate a consent decree between the United States and a performing rights society, including a motion to terminate a consent decree after the passage of a specified period of time, the Department of Justice shall—

(A) notify Members of Congress and committees of Congress described in subsection (b); and Notification.

(B) provide to such Members of Congress and committees information regarding the impact of the proposed termination on the market for licensing the public performance of musical works should the motion be granted.

(2) NOTIFICATION.—

(A) IN GENERAL.—During the notification described in paragraph (1), and not later than a reasonable time before the date on which the Department of Justice files with the appropriate district court of the United States a motion to terminate a consent decree between the United States and a performing rights society, the Department of Justice should submit to the chairmen and ranking members of the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a written notification of the intent of the Department of Justice to file the motion.

(B) CONTENTS.—The notification provided in subparagraph (A) shall include a written report to the chairmen and ranking members of the Committee on the Judiciary of Senate and the Committee on the Judiciary of the House of Representatives setting forth— Reports.

(i) an explanation of the process used by the Department of Justice to review the consent decree;

(ii) a summary of the public comments received by the Department of Justice during the review by the Department; and Summary.

(iii) other information provided to Congress under paragraph (1)(B).

(d) SCOPE.—This section applies only to a consent decree between the United States and a performing rights society.

SEC. 106. EFFECTIVE DATE. 17 USC 114 note.

This title, and the amendments made by this title, shall take effect on the date of enactment of this Act.

Classics Protection and Access Act.

TITLE II—CLASSICS PROTECTION AND ACCESS

17 USC 101 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Classics Protection and Access Act".

SEC. 202. UNAUTHORIZED USE OF PRE-1972 SOUND RECORDINGS.

(a) PREEMPTION OF STATE LAW RIGHTS; PROTECTION FOR UNAUTHORIZED USE.—Title 17, United States Code, is amended—

(1) in section 301, by striking subsection (c) and inserting the following:

"(c) Notwithstanding the provisions of section 303, and in accordance with chapter 14, no sound recording fixed before February 15, 1972, shall be subject to copyright under this title. With respect to sound recordings fixed before February 15, 1972, the preemptive provisions of subsection (a) shall apply to activities that are commenced on and after the date of enactment of the Classics Protection and Access Act. Nothing in this subsection may be construed to affirm or negate the preemption of rights and remedies pertaining to any cause of action arising from the non-subscription broadcast transmission of sound recordings under the common law or statutes of any State for activities that do not qualify as covered activities under chapter 14 undertaken during the period between the date of enactment of the Classics Protection and Access Act and the date on which the term of prohibition on unauthorized acts under section 1401(a)(2) expires for such sound recordings. Any potential preemption of rights and remedies related to such activities undertaken during that period shall apply in all respects as it did the day before the date of enactment of the Classics Protection and Access Act."; and

Applicability.

Time period.

Applicability.

(2) by adding at the end the following:

17 USC prec. 1401.

"CHAPTER 14—UNAUTHORIZED USE OF PRE-1972 SOUND RECORDINGS

"Sec.
"1401. Unauthorized use of pre-1972 sound recordings.

17 USC 1401.

"§ 1401. Unauthorized use of pre-1972 sound recordings

"(a) IN GENERAL.—

"(1) UNAUTHORIZED ACTS.—Anyone who, on or before the last day of the applicable transition period under paragraph (2), and without the consent of the rights owner, engages in covered activity with respect to a sound recording fixed before February 15, 1972, shall be subject to the remedies provided in sections 502 through 505 and 1203 to the same extent as an infringer of copyright or a person that engages in unauthorized activity under chapter 12.

"(2) TERM OF PROHIBITION.—

"(A) IN GENERAL.—The prohibition under paragraph (1)—

"(i) subject to clause (ii), shall apply to a sound recording described in that paragraph—

"(I) through December 31 of the year that is 95 years after the year of first publication; and

"(II) for a further transition period as prescribed under subparagraph (B) of this paragraph; and

"(ii) shall not apply to any sound recording after February 15, 2067.

"(B) TRANSITION PERIODS.—

"(i) PRE-1923 RECORDINGS.—In the case of a sound recording first published before January 1, 1923, the transition period described in subparagraph (A)(i)(II) shall end on December 31 of the year that is 3 years after the date of enactment of this section.

"(ii) 1923–1946 RECORDINGS.—In the case of a sound recording first published during the period beginning on January 1, 1923, and ending on December 31, 1946, the transition period described in subparagraph (A)(i)(II) shall end on the date that is 5 years after the last day of the period described in subparagraph (A)(i)(I).

"(iii) 1947–1956 RECORDINGS.—In the case of a sound recording first published during the period beginning on January 1, 1947, and ending on December 31, 1956, the transition period described in subparagraph (A)(i)(II) shall end on the date that is 15 years after the last day of the period described in subparagraph (A)(i)(I).

"(iv) POST-1956 RECORDINGS.—In the case of a sound recording fixed before February 15, 1972, that is not described in clause (i), (ii), or (iii), the transition period described in subparagraph (A)(i)(II) shall end on February 15, 2067.

"(3) RULE OF CONSTRUCTION.—For the purposes of this subsection, the term 'anyone' includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in the official capacity of the officer or employee, as applicable. Definition.

"(b) CERTAIN AUTHORIZED TRANSMISSIONS AND REPRODUCTIONS.—A public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, or a reproduction in an ephemeral phonorecord or copy of a sound recording fixed before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if—

"(1) the transmission or reproduction would satisfy the requirements for statutory licensing under section 112(e)(1) or section 114(d)(2), or would be exempt under section 114(d)(1), as the case may be, if the sound recording were fixed on or after February 15, 1972; and

"(2) the transmitting entity pays the statutory royalty for the transmission or reproduction pursuant to the rates and terms adopted under sections 112(e) and 114(f), and complies with other obligations, in the same manner as required by regulations adopted by the Copyright Royalty Judges under sections 112(e) and 114(f) for sound recordings that are fixed on or after February 15, 1972, except in the case of a transmission that would be exempt under section 114(d)(1).

"(c) CERTAIN NONCOMMERCIAL USES OF SOUND RECORDINGS THAT ARE NOT BEING COMMERCIALLY EXPLOITED.—

"(1) IN GENERAL.—Noncommercial use of a sound recording fixed before February 15, 1972, that is not being commercially exploited by or under the authority of the rights owner shall not violate subsection (a) if—

"(A) the person engaging in the noncommercial use, in order to determine whether the sound recording is being commercially exploited by or under the authority of the rights owner, makes a good faith, reasonable search for, but does not find, the sound recording—

"(i) in the records of schedules filed in the Copyright Office as described in subsection (f)(5)(A); and

"(ii) on services offering a comprehensive set of sound recordings for sale or streaming;

"(B) the person engaging in the noncommercial use files a notice identifying the sound recording and the nature of the use in the Copyright Office in accordance with the regulations issued under paragraph (3)(B); and

Time period.

"(C) during the 90-day period beginning on the date on which the notice described in subparagraph (B) is indexed into the public records of the Copyright Office, the rights owner of the sound recording does not, in its discretion, opt out of the noncommercial use by filing notice thereof in the Copyright Office in accordance with the regulations issued under paragraph (5).

"(2) RULES OF CONSTRUCTION.—For purposes of this subsection—

"(A) merely recovering costs of production and distribution of a sound recording resulting from a use otherwise permitted under this subsection does not itself necessarily constitute a commercial use of the sound recording;

"(B) the fact that a person engaging in the use of a sound recording also engages in commercial activities does not itself necessarily render the use commercial; and

"(C) the fact that a person files notice of a noncommercial use of a sound recording in accordance with the regulations issued under paragraph (3)(B) does not itself affect any limitation on the exclusive rights of a copyright owner described in section 107, 108, 109, 110, or 112(f) as applied to a claim under subsection (a) of this section pursuant to subsection (f)(1)(A) of this section.

Deadline.
Regulations.

"(3) NOTICE OF COVERED ACTIVITY.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations that—

"(A) provide specific, reasonable steps that, if taken by a filer, are sufficient to constitute a good faith, reasonable search under paragraph (1)(A) to determine whether a recording is being commercially exploited, including the services that satisfy the good faith, reasonable search requirement under paragraph (1)(A) for purposes of the safe harbor described in paragraph (4)(A); and

"(B) establish the form, content, and procedures for the filing of notices under paragraph (1)(B).

"(4) SAFE HARBOR.—

"(A) IN GENERAL.—A person engaging in a noncommercial use of a sound recording otherwise permitted under this subsection who establishes that the person made a

good faith, reasonable search under paragraph (1)(A) without finding commercial exploitation of the sound recording by or under the authority of the rights owner shall not be found to be in violation of subsection (a).

"(B) STEPS SUFFICIENT BUT NOT NECESSARY.—Taking the specific, reasonable steps identified by the Register of Copyrights in the regulations issued under paragraph (3)(A) shall be sufficient, but not necessary, for a filer to satisfy the requirement to conduct a good faith, reasonable search under paragraph (1)(A) for purposes of subparagraph (A) of this paragraph.

"(5) OPTING OUT OF COVERED ACTIVITY.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations establishing the form, content, and procedures for the rights owner of a sound recording that is the subject of a notice under paragraph (1)(B) to, in its discretion, file notice opting out of the covered activity described in the notice under paragraph (1)(B) during the 90-day period beginning on the date on which the notice under paragraph (1)(B) is indexed into the public records of the Copyright Office.

Deadline. Regulations. Time period.

"(B) RULE OF CONSTRUCTION.—The fact that a rights holder opts out of a noncommercial use of a sound recording by filing notice thereof in the Copyright Office in accordance with the regulations issued under subparagraph (A) does not itself enlarge or diminish any limitation on the exclusive rights of a copyright owner described in section 107, 108, 109, 110, or 112(f) as applied to a claim under subsection (a) of this section pursuant to subsection (f)(1)(A) of this section.

"(6) CIVIL PENALTIES FOR CERTAIN ACTS.—

"(A) FILING OF NOTICES OF NONCOMMERCIAL USE.—Any person who willfully engages in a pattern or practice of filing a notice of noncommercial use of a sound recording as described in paragraph (1)(B) fraudulently describing the use proposed, or knowing that the use proposed is not permitted under this subsection, shall be assessed a civil penalty in an amount that is not less than $250, and not more than $1000, for each such notice, in addition to any other remedies that may be available under this title based on the actual use made.

"(B) FILING OF OPT-OUT NOTICES.—

"(i) IN GENERAL.—Any person who files an opt-out notice as described in paragraph (1)(C), knowing that the person is not the rights owner or authorized to act on behalf of the rights owner of the sound recording to which the notice pertains, shall be assessed a civil penalty in an amount not less than $250, and not more than $1,000, for each such notice.

"(ii) PATTERN OR PRACTICE.—Any person who engages in a pattern or practice of making filings as described in clause (i) shall be assessed a civil penalty in an amount not less than $10,000 for each such filing.

"(C) DEFINITION.—For purposes of this paragraph, the term 'knowing'—

"(i) does not require specific intent to defraud; and

"(ii) with respect to information about ownership of the sound recording in question, means that the person—

"(I) has actual knowledge of the information;

"(II) acts in deliberate ignorance of the truth or falsity of the information; or

"(III) acts in grossly negligent disregard of the truth or falsity of the information.

"(d) PAYMENT OF ROYALTIES FOR TRANSMISSIONS OF PERFORMANCES BY DIRECT LICENSING OF STATUTORY SERVICES.—

"(1) IN GENERAL.—A public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if the transmission is made pursuant to a license agreement voluntarily negotiated at any time between the rights owner and the entity performing the sound recording.

"(2) PAYMENT OF ROYALTIES TO NONPROFIT COLLECTIVE UNDER CERTAIN LICENSE AGREEMENTS.—

"(A) LICENSES ENTERED INTO ON OR AFTER DATE OF ENACTMENT.—To the extent that a license agreement described in paragraph (1) entered into on or after the date of enactment of this section extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b)—

"(i) the licensee shall, with respect to such transmission, pay to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f), 50 percent of the performance royalties for that transmission due under the license; and

"(ii) the royalties paid under clause (i) shall be fully credited as payments due under the license.

Time periods.

"(B) CERTAIN AGREEMENTS ENTERED INTO BEFORE ENACTMENT.—To the extent that a license agreement described in paragraph (1), entered into during the period beginning on January 1 of the year in which this section is enacted and ending on the day before the date of enactment of this section, or a settlement agreement with a preexisting satellite digital audio radio service (as defined in section 114(j)) entered into during the period beginning on January 1, 2015, and ending on the day before the date of enactment of this section, extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b)—

"(i) the rights owner shall, with respect to such transmission, pay to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f) an amount that is equal to the difference between—

"(I) 50 percent of the difference between—

"(aa) the rights owner's total gross performance royalty fee receipts or settlement

monies received for all such transmissions covered under the license or settlement agreement, as applicable; and

"(bb) the rights owner's total payments for outside legal expenses, including any payments of third-party claims, that are directly attributable to the license or settlement agreement, as applicable; and

"(II) the amount of any royalty receipts or settlement monies under the agreement that are distributed by the rights owner to featured and nonfeatured artists before the date of enactment of this section; and

"(ii) the royalties paid under clause (i) shall be fully credited as payments due under the license or settlement agreement, as applicable.

"(3) DISTRIBUTION OF ROYALTIES AND SETTLEMENT MONIES BY COLLECTIVE.—The collective described in paragraph (2) shall, in accordance with subparagraphs (B) through (D) of section 114(g)(2), and paragraphs (5) and (6) of section 114(g), distribute the royalties or settlement monies received under paragraph (2) under a license or settlement described in paragraph (2), which shall be the only payments to which featured and nonfeatured artists are entitled by virtue of the transmissions described in paragraph (2), except for settlement monies described in paragraph (2) that are distributed by the rights owner to featured and nonfeatured artists before the date of enactment of this section.

"(4) PAYMENT OF ROYALTIES UNDER LICENSE AGREEMENTS ENTERED BEFORE ENACTMENT OR NOT OTHERWISE DESCRIBED IN PARAGRAPH (2).—

"(A) IN GENERAL.—To the extent that a license agreement described in paragraph (1) entered into before the date of enactment of this section, or any other license agreement not as described in paragraph (2), extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b), the payments made by the licensee pursuant to the license shall be made in accordance with the agreement.

"(B) ADDITIONAL PAYMENTS NOT REQUIRED.—To the extent that a licensee has made, or will make in the future, payments pursuant to a license as described in subparagraph (A), the provisions of paragraphs (2) and (3) shall not require any additional payments from, or additional financial obligations on the part of, the licensee.

"(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f) from administering royalty payments under any license not described in paragraph (2).

"(e) PREEMPTION WITH RESPECT TO CERTAIN PAST ACTS.—

"(1) IN GENERAL.—This section preempts any claim of common law copyright or equivalent right under the laws of

any State arising from a digital audio transmission or reproduction that is made before the date of enactment of this section of a sound recording fixed before February 15, 1972, if—

"(A) the digital audio transmission would have satisfied the requirements for statutory licensing under section 114(d)(2) or been exempt under section 114(d)(1), or the reproduction would have satisfied the requirements of section 112(e)(1), as the case may be, if the sound recording were fixed on or after February 15, 1972; and

"(B) either—

Deadline.
Notice.

"(i) except in the case of a transmission that would have been exempt under section 114(d)(1), not later than 270 days after the date of enactment of this section, the transmitting entity pays statutory royalties and provides notice of the use of the relevant sound recordings in the same manner as required by regulations adopted by the Copyright Royalty Judges for sound recordings that are fixed on or after February 15, 1972, for all the digital audio transmissions and reproductions satisfying the requirements for statutory licensing under sections 112(e)(1) and 114(d)(2) during the 3 years before that date of enactment; or

"(ii) an agreement voluntarily negotiated between the rights owner and the entity performing the sound recording (including a litigation settlement agreement entered into before the date of enactment of this section) authorizes or waives liability for any such transmission or reproduction and the transmitting entity has paid for and reported such digital audio transmission under that agreement.

"(2) RULE OF CONSTRUCTION FOR COMMON LAW COPYRIGHT.—For purposes of paragraph (1), a claim of common law copyright or equivalent right under the laws of any State includes a claim that characterizes conduct subject to that paragraph as an unlawful distribution, act of record piracy, or similar violation.

"(3) RULE OF CONSTRUCTION FOR PUBLIC PERFORMANCE RIGHTS.—Nothing in this section may be construed to recognize or negate the existence of public performance rights in sound recordings under the laws of any State.

Applicability.

"(f) LIMITATIONS ON REMEDIES.—

"(1) FAIR USE; USES BY LIBRARIES, ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—

"(A) IN GENERAL.—The limitations on the exclusive rights of a copyright owner described in sections 107, 108, 109, 110, and 112(f) shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

"(B) RULE OF CONSTRUCTION FOR SECTION 108(H).—With respect to the application of section 108(h) to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972, the phrase 'during the last 20 years of any term of copyright of a published work' in such section 108(h) shall be construed to mean at any time after the date of enactment of this section.

"(2) ACTIONS.—The limitations on actions described in section 507 shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

"(3) MATERIAL ONLINE.—Section 512 shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

"(4) PRINCIPLES OF EQUITY.—Principles of equity apply to remedies for a violation of this section to the same extent as such principles apply to remedies for infringement of copyright.

"(5) FILING REQUIREMENT FOR STATUTORY DAMAGES AND ATTORNEYS' FEES.—

"(A) FILING OF INFORMATION ON SOUND RECORDINGS.—

"(i) FILING REQUIREMENT.—Except in the case of a transmitting entity that has filed contact information for that transmitting entity under subparagraph (B), in any action under this section, an award of statutory damages or of attorneys' fees under section 504 or 505 may be made with respect to an unauthorized use of a sound recording under subsection (a) only if—

"(I) the rights owner has filed with the Copyright Office a schedule that specifies the title, artist, and rights owner of the sound recording and contains such other information, as practicable, as the Register of Copyrights prescribes by regulation; and Schedule.

"(II) the use occurs after the end of the 90-day period beginning on the date on which the information described in subclause (I) is indexed into the public records of the Copyright Office. Time period.

"(ii) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations that— Deadline.

"(I) establish the form, content, and procedures for the filing of schedules under clause (i);

"(II) provide that a person may request that the person receive timely notification of a filing described in subclause (I); and

"(III) set forth the manner in which a person may make a request under subclause (II).

"(B) FILING OF CONTACT INFORMATION FOR TRANSMITTING ENTITIES.—

"(i) FILING REQUIREMENT.—Not later than 30 days after the date of enactment of this section, the Register of Copyrights shall issue regulations establishing the form, content, and procedures for the filing of contact information by any entity that, as of the date of enactment of this section, performs a sound recording fixed before February 15, 1972, by means of a digital audio transmission. Deadline. Regulations.

"(ii) TIME LIMIT ON FILINGS.—The Register of Copyrights may accept filings under clause (i) only until the 180th day after the date of enactment of this section.

"(iii) LIMITATION ON STATUTORY DAMAGES AND ATTORNEYS' FEES.—

Time period.
Notice.

"(I) LIMITATION.—An award of statutory damages or of attorneys' fees under section 504 or 505 may not be made against an entity that has filed contact information for that entity under clause (i) with respect to an unauthorized use by that entity of a sound recording under subsection (a) if the use occurs before the end of the 90-day period beginning on the date on which the entity receives a notice that—

"(aa) is sent by or on behalf of the rights owner of the sound recording;

"(bb) states that the entity is not legally authorized to use that sound recording under subsection (a); and

"(cc) identifies the sound recording in a schedule conforming to the requirements prescribed by the regulations issued under subparagraph (A)(ii).

"(II) UNDELIVERABLE NOTICES.—In any case in which a notice under subclause (I) is sent to an entity by mail or courier service and the notice is returned to the sender because the entity either is no longer located at the address provided in the contact information filed under clause (i) or has refused to accept delivery, or the notice is sent by electronic mail and is undeliverable, the 90-day period under subclause (I) shall begin on the date of the attempted delivery.

"(C) SECTION 412.—Section 412 shall not limit an award of statutory damages under section 504(c) or attorneys' fees under section 505 with respect to a covered activity in violation of subsection (a).

"(6) APPLICABILITY OF OTHER PROVISIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), no provision of this title shall apply to or limit the remedies available under this section except as otherwise provided in this section.

"(B) APPLICABILITY OF DEFINITIONS.—Any term used in this section that is defined in section 101 shall have the meaning given that term in section 101.

"(g) APPLICATION OF SECTION 230 SAFE HARBOR.—For purposes of section 230 of the Communications Act of 1934 (47 U.S.C. 230), subsection (a) shall be considered to be a 'law pertaining to intellectual property' under subsection (e)(2) of such section 230.

"(h) APPLICATION TO RIGHTS OWNERS.—

"(1) TRANSFERS.—With respect to a rights owner described in subsection (l)(2)(B)—

"(A) subsections (d) and (e) of section 201 and section 204 shall apply to a transfer described in subsection (l)(2)(B) to the same extent as with respect to a transfer of copyright ownership; and

"(B) notwithstanding section 411, that rights owner may institute an action with respect to a violation of this section to the same extent as the owner of an exclusive right under a copyright may institute an action under section 501(b).

"(2) APPLICATION OF OTHER PROVISIONS.—The following provisions shall apply to a rights owner under this section to the same extent as any copyright owner:

"(A) Section 112(e)(2).

"(B) Section 112(e)(7).

"(C) Section 114(e).

"(D) Section 114(h).

"(i) EPHEMERAL RECORDINGS.—An authorized reproduction made under this section shall be subject to section 112(g) to the same extent as a reproduction of a sound recording fixed on or after February 15, 1972.

"(j) RULE OF CONSTRUCTION.—A rights owner of, or featured recording artist who performs on, a sound recording under this chapter shall be deemed to be an interested copyright party, as defined in section 1001, to the same extent as a copyright owner or featured recording artist under chapter 10.

"(k) TREATMENT OF STATES AND STATE INSTRUMENTALITIES, OFFICERS, AND EMPLOYEES.—Any State, and any instrumentality, officer, or employee described in subsection (a)(3), shall be subject to the provisions of this section in the same manner and to the same extent as any nongovernmental entity.

"(l) DEFINITIONS.—In this section:

"(1) COVERED ACTIVITY.—The term 'covered activity' means any activity that the copyright owner of a sound recording would have the exclusive right to do or authorize under section 106 or 602, or that would violate section 1201 or 1202, if the sound recording were fixed on or after February 15, 1972.

"(2) RIGHTS OWNER.—The term 'rights owner' means—

"(A) the person that has the exclusive right to reproduce a sound recording under the laws of any State, as of the day before the date of enactment of this section; or

"(B) any person to which a right to enforce a violation of this section may be transferred, in whole or in part, after the date of enactment of this section, under—

"(i) subsections (d) and (e) of section 201; and

"(ii) section 204.".

(b) CONFORMING AMENDMENT.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

17 USC prec. 101.

"14. Unauthorized use of pre-1972 sound recordings ..... 1401".

TITLE III—ALLOCATION FOR MUSIC PRODUCERS

Allocation for Music Producers Act.

SEC. 301. SHORT TITLE.

17 USC 101 note.

This title may be cited as the "Allocation for Music Producers Act" or the "AMP Act".

SEC. 302. PAYMENT OF STATUTORY PERFORMANCE ROYALTIES.

(a) LETTER OF DIRECTION.—Section 114(g) of title 17, United States Code, is amended by adding at the end the following:

"(5) LETTER OF DIRECTION.—

"(A) IN GENERAL.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection

Policy.

(f) shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for acceptance of instructions from a payee identified under subparagraph (A) or (D) of paragraph (2) to distribute, to a producer, mixer, or sound engineer who was part of the creative process that created a sound recording, a portion of the payments to which the payee would otherwise be entitled from the licensing of transmissions of the sound recording. In this section, such instructions shall be referred to as a 'letter of direction'.

"(B) ACCEPTANCE OF LETTER.—To the extent that a collective described in subparagraph (A) accepts a letter of direction under that subparagraph, the person entitled to payment pursuant to the letter of direction shall, during the period in which the letter of direction is in effect and carried out by the collective, be treated for all purposes as the owner of the right to receive such payment, and the payee providing the letter of direction to the collective shall be treated as having no interest in such payment.

"(C) AUTHORITY OF COLLECTIVE.—This paragraph shall not be construed in such a manner so that the collective is not authorized to accept or act upon payment instructions in circumstances other than those to which this paragraph applies.".

(b) ADDITIONAL PROVISIONS FOR RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—Section 114(g) of title 17, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

"(6) SOUND RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—

"(A) PAYMENT ABSENT LETTER OF DIRECTION.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection (f) (in this paragraph referred to as the 'collective') shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for the deduction of 2 percent of all the receipts that are collected from the licensing of transmissions of a sound recording fixed before November 1, 1995, but which is withdrawn from the amount otherwise payable under paragraph (2)(D) to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), and the distribution of such amount to 1 or more persons described in subparagraph (B) of this paragraph, after deduction of costs described in paragraph (3) or (4), as applicable, if each of the following requirements is met:

Time periods.

"(i) CERTIFICATION OF ATTEMPT TO OBTAIN A LETTER OF DIRECTION.—The person described in subparagraph (B) who is to receive the distribution has certified to the collective, under penalty of perjury, that—

"(I) for a period of not less than 120 days, that person made reasonable efforts to contact the artist payee for such sound recording to request and obtain a letter of direction instructing the collective to pay to that person a portion of the

royalties payable to the featured recording artist or artists; and

"(II) during the period beginning on the date on which that person began the reasonable efforts described in subclause (I) and ending on the date of that person's certification to the collective, the artist payee did not affirm or deny in writing the request for a letter of direction.

"(ii) COLLECTIVE ATTEMPT TO CONTACT ARTIST.— Time period.
After receipt of the certification described in clause (i) and for a period of not less than 120 days before the first distribution by the collective to the person described in subparagraph (B), the collective attempts, in a reasonable manner as determined by the collective, to notify the artist payee of the certification made by the person described in subparagraph (B).

"(iii) NO OBJECTION RECEIVED.—The artist payee Time period.
does not, as of the date that was 10 business days before the date on which the first distribution is made, submit to the collective in writing an objection to the distribution.

"(B) ELIGIBILITY FOR PAYMENT.—A person shall be eligible for payment under subparagraph (A) if the person—

"(i) is a producer, mixer, or sound engineer of the sound recording;

"(ii) has entered into a written contract with a Contracts.
record company involved in the creation or lawful exploitation of the sound recording, or with the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), under which the person seeking payment is entitled to participate in royalty payments that are based on the exploitation of the sound recording and are payable from royalties otherwise payable to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording);

"(iii) made a creative contribution to the creation of the sound recording; and

"(iv) submits to the collective—

"(I) a written certification stating, under pen- Certification.
alty of perjury, that the person meets the requirements in clauses (i) through (iii); and

"(II) a true copy of the contract described in clause (ii).

"(C) MULTIPLE CERTIFICATIONS.—Subject to subpara- Time period.
graph (D), in a case in which more than 1 person described in subparagraph (B) has met the requirements for a distribution under subparagraph (A) with respect to a sound recording as of the date that is 10 business days before the date on which the distribution is made, the collective shall divide the 2 percent distribution equally among all such persons.

"(D) OBJECTION TO PAYMENT.—Not later than 10 busi- Deadline.
ness days after the date on which the collective receives from the artist payee a written objection to a distribution

made pursuant to subparagraph (A), the collective shall cease making any further payment relating to such distribution. In any case in which the collective has made 1 or more distributions pursuant to subparagraph (A) to a person described in subparagraph (B) before the date that is 10 business days after the date on which the collective receives from the artist payee an objection to such distribution, the objection shall not affect that person's entitlement to any distribution made before the collective ceases such distribution under this subparagraph.

"(E) OWNERSHIP OF THE RIGHT TO RECEIVE PAYMENTS.—To the extent that the collective determines that a distribution will be made under subparagraph (A) to a person described in subparagraph (B), such person shall, during the period covered by such distribution, be treated for all purposes as the owner of the right to receive such payments, and the artist payee to whom such payments would otherwise be payable shall be treated as having no interest in such payments.

"(F) ARTIST PAYEE DEFINED.—In this paragraph, the term 'artist payee' means a person, other than a person described in subparagraph (B), who owns the right to receive all or part of the receipts payable under paragraph (2)(D) with respect to a sound recording. In a case in which there are multiple artist payees with respect to a sound recording, an objection by 1 such payee shall apply only to that payee's share of the receipts payable under paragraph (2)(D), and shall not preclude payment under subparagraph (A) from the share of an artist payee that does not so object.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 114(g) of title 17, United States Code, as amended by subsections (a) and (b), is further amended—

(1) in paragraph (2), by striking "An agent designated" and inserting "Except as provided for in paragraph (6), a nonprofit collective designated by the Copyright Royalty Judges";

(2) in paragraph (3)—

(A) by striking "nonprofit agent designated" and inserting "nonprofit collective designated by the Copyright Royalty Judges";

(B) by striking "another designated agent" and inserting "another designated nonprofit collective"; and

(C) by striking "agent" and inserting "collective" each subsequent place it appears;

(3) in paragraph (4)—

(A) by striking "designated agent" and inserting "nonprofit collective"; and

(B) by striking "agent" and inserting "collective" each subsequent place it appears; and

(4) by adding at the end the following:

"(7) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of receipts under section 112 and this section by a nonprofit collective designated by the Copyright Royalty Judges in accordance with this subsection and regulations adopted by the Copyright Royalty Judges, or by an independent administrator pursuant to subparagraphs (B) and (C) of section 114(g)(2), shall supersede and preempt any State law (including

common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.".

SEC. 303. EFFECTIVE DATE. 17 USC 114 note.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) DELAYED EFFECTIVE DATE.—Paragraphs (5)(B) and (6)(E) of section 114(g) of title 17, United States Code, as added by section 302, shall take effect on January 1, 2020.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY. 17 USC 114 note.

If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

Approved October 11, 2018.

LEGISLATIVE HISTORY—H.R. 1551:

HOUSE REPORTS: No. 115–183 (Comm. on Ways and Means).
CONGRESSIONAL RECORD:
Vol. 163 (2017): June 20, considered and passed House.
Vol. 164 (2018): Sept. 18, considered and passed Senate, amended.
Sept. 25, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 11, Presidential remarks and statement.

Public Law 115–265
115th Congress

An Act

Oct. 11, 2018
[S. 3508]

To reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Save Our Seas Act of 2018.
46 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Save Our Seas Act of 2018".

TITLE I—MARINE DEBRIS

SEC. 101. NOAA MARINE DEBRIS PROGRAM.

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "; and" and inserting a semicolon;

(B) in paragraph (5)(C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

Strategies.

"(6) work to develop outreach and education strategies with other Federal agencies to address sources of marine debris;

Consultation.

"(7) except for discharges of marine debris from vessels, in consultation with the Department of State and other Federal agencies, promote international action, as appropriate, to reduce the incidence of marine debris, including providing technical assistance to expand waste management systems internationally; and

"(8) in the case of an event determined to be a severe marine debris event under subsection (c)—

"(A) assist in the cleanup and response required by the severe marine debris event; or

Determination.

"(B) conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.";

(2) by redesignating subsection (c) as subsection (d);

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

Determination.

"(c) SEVERE MARINE DEBRIS EVENTS.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event."; and

(4) in subsection (d)(2), as redesignated—

(A) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) SEVERE MARINE DEBRIS EVENTS.—Notwithstanding subparagraph (A), the Federal share of the cost of an activity carried out under a determination made under subsection (c) shall be—

"(i) 100 percent of the cost of the activity, for an activity funded wholly by funds made available by a person, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event; or

"(ii) 75 percent of the cost of the activity, for any activity other than an activity funded as described in clause (i).".

SEC. 102. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) support research and development on systems and materials that reduce—

(A) derelict fishing gear; and

(B) the amount of solid waste that is generated from land-based sources and the amount of such waste that enters the marine environment;

(2) work with representatives of foreign countries that discharge the largest amounts of solid waste from land-based sources into the marine environment, to develop mechanisms to reduce such discharges;

(3) carry out studies to determine—

(A) the primary means of discharges referred to in paragraph (2);

(B) the manner in which waste management infrastructure can be most effective in preventing such discharges; and

(C) the long-term impacts of marine debris on the national economies of the countries with which work is undertaken under paragraph (2) and on the global economy, including the impacts of reducing the discharge of such debris;

(4) work with representatives of the countries with which work is undertaken in paragraph (2) to conclude one or more new international agreements that include provisions—

(A) to mitigate the discharge of land-based solid waste into the marine environment; and

(B) to provide technical assistance and investment in waste management infrastructure to reduce such discharges, if the President determines such assistance or investment is appropriate; and

(5) encourage the United States Trade Representative to consider the impact of discharges of land-based solid waste from the countries with which work is conducted under paragraph (2) in relevant future trade agreements.

SEC. 103. SENSE OF CONGRESS SUPPORTING GREAT LAKES LAND-BASED MARINE DEBRIS ACTION PLAN.

It is the sense of Congress that the Great Lakes Land-Based Marine Debris Action Plan (NOAA Technical Memorandum NOS–OR&R–49) is vital to the ongoing efforts to clean up the Great

Lakes Region and getting rid of harmful debris, such as microplastics, abandoned vessels, and other forms of pollution that are threatening the survival of native marine animals and damaging the Great Lakes' recreation and tourism economy.

SEC. 104. MEMBERSHIP OF THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.

Section 5(b) of the Marine Debris Act (33 U.S.C. 1954(b)) is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

"(5) the Department of State;

"(6) the Department of the Interior; and".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to the Administrator $10,000,000 for each of fiscal years 2018 through 2022 for carrying out sections 3, 5, and 6, of which not more than 5 percent is authorized for each fiscal year for administrative costs.

"(b) AMOUNTS AUTHORIZED FOR COAST GUARD.—Of the amounts authorized for each fiscal year under section 2702(1) of title 14, United States Code, up to $2,000,000 is authorized for the Secretary of the department in which the Coast Guard is operating for use by the Commandant of the Coast Guard to carry out section 4 of this Act, of which not more than 5 percent is authorized for each fiscal year for administrative costs.".

TITLE II—MARITIME SAFETY

Hamm Alert Maritime Safety Act of 2018.
46 USC 101 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Hamm Alert Maritime Safety Act of 2018".

SEC. 202. FINDINGS.

Congress finds the following:

(1) On September 29, 2015, the SS El Faro cargo vessel left Jacksonville, Florida bound for San Juan, Puerto Rico, carrying 391 shipping containers, 294 trailers and cars, and a crew of 33 people, including 28 Americans.

(2) On the morning of October 1, the El Faro sent its final communication reporting that the engines were disabled and the ship was listing, leaving the ship directly in the path of Hurricane Joaquin and resulting in the sinking of the vessel and the loss of all 33 lives.

(3) The National Transportation Safety Board and the Coast Guard made recommendations to address safety issues, such as improving weather information and training, improving planning and response to severe weather, reviewing the Coast Guard's program delegating vessel inspections to third-party organizations to assess the effectiveness of the program, and

improving alerts and equipment on the vessels, among other recommendations.

(4) Safety issues are not limited to the El Faro. For 2017, over 21,000 deficiencies were issued to United States commercial vessels and more than 2,500 U.S. vessels were issued "no-sail" requirements.

(5) The maritime industry, particularly the men and women of the United States merchant marine, play a vital and important role to the national security and economy of our country, and a strong safety regime is necessary to ensure the vitality of the industry and the protection of current and future mariners, and to honor lost mariners.

SEC. 203. DEFINITIONS.

46 USC 2101 note.

In this title:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) RECOGNIZED ORGANIZATION.—The term "recognized organization" has the meaning given that term in section 2.45–1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

SEC. 204. DOMESTIC VESSEL COMPLIANCE.

46 USC 2116 note.

(a) IN GENERAL.—Not later than 60 days after the date on which the President submits to the Congress a budget each year pursuant to section 1105 of title 31, United States Code, the Commandant shall publish on a publicly accessible Website information documenting domestic vessel compliance with the requirements of subtitle II of title 46, United States Code.

Deadline. Public information. Web posting.

(b) CONTENT.—The information required under subsection (a) shall—

(1) include flag-State detention rates for each type of inspected vessel; and

(2) identify any recognized organization that inspected or surveyed a vessel that was later subject to a Coast Guard-issued control action attributable to a major nonconformity that the recognized organization failed to identify in such inspection or survey.

SEC. 205. SAFETY MANAGEMENT SYSTEM.

46 USC 3201 note.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the implementation and effectiveness of the Coast Guard's oversight and enforcement of safety management plans required under chapter 32 of title 46, United States Code.

Audit.

(b) SCOPE.—The audit conducted under subsection (a) shall include an evaluation of—

Evaluation.

(1) the effectiveness and implementation of safety management plans, including such plans for—

(A) a range of vessel types and sizes; and

(B) vessels that operate in a cross-section of regional operating areas; and

(2) the effectiveness and implementation of safety management plans in addressing the impact of heavy weather.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the

Recommendations.

Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the audit and providing recommendations related to such results, including ways to streamline and focus such plans on ship safety.

Deadline. Web posting. Notification. Public information.

(d) MARINE SAFETY ALERT.—Not later than 60 days after the date the report is submitted under subsection (c), the Commandant shall publish a Marine Safety Alert providing notification of the completion of the report and including a link to the report on a publicly accessible website.

(e) ADDITIONAL ACTIONS.—

(1) IN GENERAL.—Upon completion of the report under subsection (c), the Commandant shall consider additional guidance or a rulemaking to address any deficiencies identified, and any additional actions recommended, in the report.

Recommendations.

(2) REPORT.—Not later than 1 year after the date the report is submitted under subsection (c), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken to address any deficiencies identified, and any additional actions recommended, in the report submitted under subsection (c).

SEC. 206. EQUIPMENT REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—Section 3306 of title 46, United States Code, is amended by adding at the end the following:

"(l)(1) The Secretary shall require that a freight vessel inspected under this chapter be outfitted with distress signaling and location technology for the higher of—

"(A) the minimum complement of officers and crew specified on the certificate of inspection for such vessel; or

"(B) the number of persons onboard the vessel; and

"(2) the requirement described in paragraph (1) shall not apply to vessels operating within the baseline from which the territorial sea of the United States is measured.

"(m)(1) The Secretary shall promulgate regulations requiring companies to maintain records of all incremental weight changes made to freight vessels inspected under this chapter, and to track weight changes over time to facilitate rapid determination of the aggregate total.

Time periods.

"(2) Records maintained under paragraph (1) shall be stored, in paper or electronic form, onboard such vessels for not less than 3 years and shoreside for the life of the vessel.".

46 USC 3306 note.

(2) DEADLINES.—The Secretary shall—

(A) begin implementing the requirement under section 3306(l) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act; and

(B) promulgate the regulations required under section 3306(m) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act.

Deadline. 46 USC 3306 note.

(b) ENGAGEMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization

to amend regulation 25 of chapter II–1 of the International Convention for the Safety of Life at Sea to require a high-water alarm sensor in each cargo hold of a freight vessel (as that term is defined in section 2101 of title 46, United States Code), that connects with audible and visual alarms on the navigation bridge of the vessel.

SEC. 207. VOYAGE DATA RECORDER; ACCESS.

(a) IN GENERAL.—Chapter 63 of title 46, United States Code, is amended by adding at the end the following:

"§ 6309. Voyage data recorder access

46 USC 6309.

"Notwithstanding any other provision of law, the Coast Guard shall have full, concurrent, and timely access to and ability to use voyage data recorder data and audio held by any Federal agency in all marine casualty investigations, regardless of which agency is the investigative lead.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

46 USC prec. 6301.

"6309. Voyage data recorder access.".

SEC. 208. VOYAGE DATA RECORDER; REQUIREMENTS.

Deadlines.

(a) FLOAT-FREE AND BEACON REQUIREMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend regulation 20 of chapter V of the International Convention for the Safety of Life at Sea to require that all voyage data recorders are installed in a float-free arrangement and contain an integrated emergency position indicating radio beacon.

46 USC 3306 note.

(2) PROGRESS UPDATE.—Not later than 3 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update on the progress of the engagement required under paragraph (1).

(b) COST-BENEFIT ANALYSIS.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a cost-benefit analysis of requiring that voyage data recorders installed on commercial vessels documented under chapter 121 of title 46, United States Code, capture communications on the internal telephone systems of such vessels, including requiring the capture of both sides of all communications with the bridge onboard such vessels.

SEC. 209. SURVIVAL AND LOCATING EQUIPMENT.

Deadline. 14 USC 88 note.

Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, identify and procure equipment that will provide search-and-rescue units the ability to attach a radio or Automated Identification System strobe or beacon to an object that is not immediately retrievable.

Deadlines.
14 USC 93 note.

SEC. 210. TRAINING OF COAST GUARD PERSONNEL.

(a) PROSPECTIVE SECTOR COMMANDER TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall implement an Officer in Charge, Marine Inspections segment to the sector commander indoctrination course for prospective sector commanders without a Coast Guard prevention ashore officer specialty code.

(b) STEAMSHIP INSPECTIONS.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall implement steam plant inspection training for Coast Guard marine inspectors and, subject to availability, recognized organizations to which authority is delegated under section 3316 of title 46, United States Code.

(c) ADVANCED JOURNEYMAN INSPECTOR TRAINING.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall establish advanced training to provide instruction on the oversight of recognized organizations to which authority is delegated under section 3316 of title 46, United States Code, auditing responsibilities, and the inspection of unique vessel types.

(2) RECIPIENTS.—The Commandant shall—

(A) require that such training be completed by senior Coast Guard marine inspectors; and

(B) subject to availability of training capacity, make such training available to recognized organization surveyors authorized by the Coast Guard to conduct inspections.

(d) COAST GUARD INSPECTIONS STAFF; BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing detailing—

(1) the estimated time and funding necessary to triple the current size of the Coast Guard's traveling inspector staff; and

(2) other options available to the Coast Guard to enhance and maintain marine safety knowledge, including discussion of increased reliance on—

(A) civilian marine inspectors;

(B) experienced licensed mariners;

(C) retired members of the Coast Guard;

(D) arranging for Coast Guard inspectors to ride onboard commercial oceangoing vessels documented under chapter 121 of title 46, United States Code, to gain experience and insight; and

(E) extending tour-lengths for Coast Guard marine safety officers assigned to inspection billets.

(e) AUDITS; COAST GUARD ATTENDANCE AND PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall—

Policy update.
Risk analysis.

(1) update Coast Guard policy to utilize risk analysis to target the attendance of Coast Guard personnel during external safety management certificate and document of compliance audits; and

(2) perform a quality assurance audit of recognized organization representation and performance regarding United States-flagged vessels.

SEC. 211. MAJOR MARINE CASUALTY PROPERTY DAMAGE THRESHOLD.

Section 6101(i)(3) of title 46, United States Code, is amended by striking "$500,000" and inserting "$2,000,000".

SEC. 212. REVIEWS, BRIEFINGS, REPORTS, AND TECHNICAL CORRECTIONS. Deadlines.

(a) MAJOR CONVERSION DETERMINATIONS.—

(1) REVIEW OF POLICIES AND PROCEDURES.—The Commandant shall conduct a review of policies and procedures for making and documenting major conversion determinations, including an examination of the deference given to precedent.

(2) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the findings of the review required by paragraph (1).

(b) VENTILATORS, OPENINGS AND STABILITY STANDARDS.—

(1) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall complete a review of the effectiveness of United States regulations, international conventions, recognized organizations' class rules, and Coast Guard technical policy regarding—

(A) ventilators and other hull openings;

(B) fire dampers and other closures protecting openings normally open during operations;

(C) intact and damage stability standards under subchapter S of chapter I of title 46, Code of Federal Regulations; and

(D) lifesaving equipment for mariners, including survival suits and life jackets.

(2) BRIEFING.—Not later than 18 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the effectiveness of the regulations, international conventions, recognized organizations' class rules, and Coast Guard technical policy reviewed under paragraph (1).

(c) SELF-LOCATING DATUM MARKER BUOYS.—Not later than 6 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the reliability of self-locating datum marker buoys and other similar technology used during Coast Guard search-and-rescue operations. The briefing shall include a description of reasonable steps the Commandant could take to increase the reliability of such buoys, including the potential to leverage technology used by the Navy, and how protocols could be developed to conduct testing of such buoys before using them for operations.

(d) CORRECTION.— 45 USC 822 note.

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation, for purposes of section

502(f)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(4)) (as in effect on the day before the amendments made by section 11607 of Public Law 114–94 (129 Stat. 1698) took effect)—

Consultation.

(A) not later than 30 days after the date of enactment of this Act, and in consultation with the Director of the Office of Management and Budget, shall define the term "cohorts of loans";

(B) before the deadline described in paragraph (2), shall return to the original source, on a pro rata basis, the credit risk premiums paid for the loans in the cohort of loans, with interest accrued thereon, that were not used to mitigate losses; and

(C) shall not treat the repayment of a loan after the date of enactment of Public Law 114–94 as precluding, limiting, or negatively affecting the satisfaction of the obligation of its cohort prior to the enactment of Public Law 114–94.

(2) DEADLINE DESCRIBED.—The deadline described in this paragraph is—

(A) if all obligations attached to a cohort of loans have been satisfied, not later than 60 days after the date of enactment of this Act; and

(B) if all obligations attached to a cohort of loans have not been satisfied, not later than 60 days after the date on which all obligations attached to the cohort of loans are satisfied.

Assessment.

(e) OVERSIGHT PROGRAM; EFFECTIVENESS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall commission an assessment of the effectiveness of the Coast Guard's oversight of recognized organizations and its impact on compliance by and safety of vessels inspected by such organizations.

(2) EXPERIENCE.—The assessment commissioned under paragraph (1) shall be conducted by a research organization with significant experience in maritime operations and marine safety.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date that the assessment required under paragraph (1) is completed, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of such assessment.

46 USC 3203 note.
Deadline.

SEC. 213. FLAG-STATE GUIDANCE AND SUPPLEMENTS.

(a) FREIGHT VESSELS; DAMAGE CONTROL INFORMATION.—Within 1 year after the date of the enactment of this Act, the Secretary shall issue flag-State guidance for all freight vessels documented under chapter 121 of title 46, United States Code, built before January 1, 1992, regarding the inclusion of comprehensive damage control information in safety management plans required under chapter 32 of title 46, United States Code.

(b) RECOGNIZED ORGANIZATIONS; UNITED STATES SUPPLEMENT.—The Commandant shall—

(1) work with recognized organizations to create a single United States Supplement to rules of such organizations for classification of vessels; and

(2) by not later than 1 year after the date of the enactment of this Act, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on whether it is necessary to revise part 8 of title 46, Code of Federal Regulations, to authorize only one United States Supplement to such rules. Deadline. Briefing.

SEC. 214. MARINE SAFETY STRATEGY.

Section 2116 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "each year of an annual" and inserting "of a triennial";

(2) in subsection (b)—

(A) in the subsection heading, by striking "ANNUAL" and inserting "TRIENNIAL"; and

(B) by striking "annual" each place it appears and inserting "triennial";

(3) in subsection (c)—

(A) by striking "fiscal year 2011 and each fiscal year" and inserting "fiscal year 2020 and triennially"; and

(B) by striking "annual plan" and inserting "triennial plan"; and

(4) in subsection (d)(2), by striking "annually" and inserting "triennially".

SEC. 215. RECOGNIZED ORGANIZATIONS; OVERSIGHT.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following:

"(g)(1) There shall be within the Coast Guard an office that conducts comprehensive and targeted oversight of all recognized organizations that act on behalf of the Coast Guard.

"(2) The staff of the office shall include subject matter experts, including inspectors, investigators, and auditors, who possess the capability and authority to audit all aspects of such recognized organizations.

"(3) In this subsection the term 'recognized organization' has the meaning given that term in section 2.45–1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Hamm Alert Maritime Safety Act of 2018.". Definition.

(b) DEADLINE FOR ESTABLISHMENT.—The Commandant of the Coast Guard shall establish the office required by the amendment made by subsection (a) by not later than 2 years after the date of the enactment of this Act. 46 USC 3316 note.

SEC. 216. TIMELY WEATHER FORECASTS AND HAZARD ADVISORIES FOR MERCHANT MARINERS. Deadline. Vessels.

Not later than 1 year after the date of enactment of this Act, the Commandant shall seek to enter into negotiations through the International Maritime Organization to amend the International Convention for the Safety of Life at Sea to require that vessels subject to the requirements of such Convention receive— 46 USC 3201 note.

(1) timely synoptic and graphical chart weather forecasts; and

(2) where available, timely hazard advisories for merchant mariners, including broadcasts of tropical cyclone forecasts and advisories, intermediate public advisories, and tropical cyclone updates to mariners via appropriate technologies.

46 USC 3315 note.
Deadline.

SEC. 217. ANONYMOUS SAFETY ALERT SYSTEM.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Commandant shall establish an anonymous safety alert pilot program.

(b) REQUIREMENTS.—The pilot program established under subsection (a) shall provide an anonymous reporting mechanism to allow crew members to communicate urgent and dire safety concerns directly and in a timely manner with the Coast Guard.

SEC. 218. MARINE SAFETY IMPLEMENTATION STATUS.

Deadline.
Briefing.

(a) IN GENERAL.—Not later than December 19 of 2018, and of each of the 2 subsequent years thereafter, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of implementation of each action outlined in the Commandant's final action memo dated December 19, 2017, regarding the sinking and loss of the vessel El Faro.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Department of Homeland Security Inspector General shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Coast Guard's implementation of each action outlined in the Commandant's final action memo dated December 19, 2017, regarding the sinking and loss of the vessel El Faro.

Deadlines.
46 USC 3316 note.
Review.
Policies.
Procedures.

SEC. 219. DELEGATED AUTHORITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall review the authorities that have been delegated to recognized organizations for the alternative compliance program as described in subpart D of part 8 of title 46, Code of Federal Regulations, and, if necessary, revise or establish policies and procedures to ensure those delegated authorities are being conducted in a manner to ensure safe maritime transportation.

(b) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the implementation of subsection (a).

TITLE III—CENTER OF EXPERTISE

Coast Guard Blue Technology Center of Expertise Act.
14 USC 1 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Coast Guard Blue Technology Center of Expertise Act".

14 USC 58 note.

SEC. 302. COAST GUARD BLUE TECHNOLOGY CENTER OF EXPERTISE.

Deadline.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act and subject to the availability of appropriations, the Commandant may establish under section 58 of title 14, United States Code, a Blue Technology center of expertise.

(b) MISSIONS.—In addition to the missions listed in section 58(b) of title 14, United States Code, the Center may—

(1) promote awareness within the Coast Guard of the range and diversity of Blue Technologies and their potential to enhance Coast Guard mission readiness, operational performance, and regulation of such technologies;

(2) function as an interactive conduit to enable the sharing and dissemination of Blue Technology information between the Coast Guard and representatives from the private sector, academia, nonprofit organizations, and other Federal agencies;

(3) increase awareness among Blue Technology manufacturers, entrepreneurs, and vendors of Coast Guard acquisition policies, procedures, and business practices;

(4) provide technical support, coordination, and assistance to Coast Guard districts and the Coast Guard Research and Development Center, as appropriate; and Coordination.

(5) subject to the requirements of the Coast Guard Academy, coordinate with the Academy to develop appropriate curricula regarding Blue Technology to be offered in professional courses of study to give Coast Guard cadets and officer candidates a greater background and understanding of Blue Technologies. Coordination.

(c) BLUE TECHNOLOGY EXPOSITION; BRIEFING.—Not later than 6 months after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the costs and benefits of hosting a biennial Coast Guard Blue Technology exposition to further interactions between representatives from the private sector, academia, and nonprofit organizations, and the Coast Guard and examine emerging technologies and Coast Guard mission demands. Deadline.

(d) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" means the Blue Technology center of expertise established under this section.

(2) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(3) BLUE TECHNOLOGY.—The term "Blue Technology" means any technology, system, or platform that—

(A) is designed for use or application above, on, or below the sea surface or that is otherwise applicable to Coast Guard operational needs, including such a technology, system, or platform that provides continuous or persistent coverage; and

(B) supports or facilitates—

(i) maritime domain awareness, including—

(I) surveillance and monitoring;

(II) observation, measurement, and modeling: or

(III) information technology and communications;

(ii) search and rescue;

(iii) emergency response;

(iv) maritime law enforcement;

(v) marine inspections and investigations; or

(vi) protection and conservation of the marine environment.

Approved October 11, 2018.

LEGISLATIVE HISTORY—S. 3508:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed Senate.
Sept. 27, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 11, Presidential remarks and statement.

Public Law 115–266
115th Congress

An Act

To reauthorize the Global Food Security Act of 2016 for 5 additional years.

Oct. 11, 2018
[S. 2269]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Global Food Security Reauthorization Act of 2017.
22 USC 9301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Food Security Reauthorization Act of 2017".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.—Section 6(b) of the Global Food Security Act of 2016 (22 U.S.C. 9305(b)) is amended by striking "fiscal years 2017 and 2018" and inserting "fiscal years 2017 through 2023".

(b) EMERGENCY FOOD SECURITY PROGRAM.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking "fiscal years 2017 and 2018" and inserting "fiscal years 2017 through 2023".

SEC. 3. GLOBAL FOOD SECURITY STRATEGY IMPLEMENTATION REPORTS.

Section 8(a) of the Global Food Security Act of 2016 (22 U.S.C. 9307(a)) is amended—

(1) by striking "Not later than 1 year and 2 years" and inserting "During each of the first 7 years"; and

(2) by striking "for 2017 and 2018" and inserting "at the end of the reporting period".

Approved October 11, 2018.

LEGISLATIVE HISTORY—S. 2269:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 19, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 115–267
115th Congress

An Act

Oct. 11, 2018
[S. 3354]

To amend the Missing Children's Assistance Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Missing Children's Assistance Act of 2018.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing Children's Assistance Act of 2018".

SEC. 2. IMPROVING SUPPORT FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (34 U.S.C. 11291) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;";

(2) by striking paragraphs (4), (5), and (9);

(3) by redesignating paragraphs (6), (7), (8), and (10) as paragraphs (4), (5), (6), and (7), respectively;

(4) in paragraph (4), as so redesignated, by inserting ", including child sex trafficking and sextortion" after "exploitation";

(5) in paragraph (6), as so redesignated, by adding "and" at the end; and

(6) by amending paragraph (7), as so redesignated, to read as follows:

"(7) the Office of Juvenile Justice and Delinquency Prevention administers programs under this title, including programs that prevent and address offenses committed against vulnerable children and support missing children's organizations, including the National Center for Missing and Exploited Children that—

"(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

"(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, U.S. Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

"(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly.". Coordination.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (34 U.S.C. 11292) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) the term 'missing child' means any individual less than 18 years of age whose whereabouts are unknown to such individual's parent;";

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) the term 'parent' includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (34 U.S.C. 11293) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "telephone line" and inserting "hotline"; and

(B) in paragraph (6)(E)—

(i) by striking "telephone line" and inserting "hotline";

(ii) by striking "(b)(1)(A) and" and inserting "(b)(1)(A),"; and

(iii) by inserting ", and the number and types of reports to the tipline established under subsection (b)(1)(K)(i)" before the semicolon at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking "telephone line" each place it appears and inserting "hotline"; and

(ii) by striking "legal custodian" and inserting "parent";

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "restaurant" and inserting "food"; and

(II) by striking "and" at the end;

(ii) in clause (ii) by adding "and" at the end; and

(iii) by adding at the end the following:

"(iii) innovative and model programs, services, and legislation that benefit missing and exploited children;";

(C) by striking subparagraphs (E), (F), (G), (L), (M), (P) and (R);

(D) by redesignating subparagraphs (H) through (K) as subparagraphs (E) through (H), respectively;

(E) by redesignating subparagraphs (N) and (O) as subparagraphs (I) and (J), respectively;

(F) by redesignating subparagraph (Q) as subparagraph (K);

(G) by redesignating subparagraphs (S) through (V) as subparagraphs (L) through (O), respectively;

(H) by amending subparagraph (E), as so redesignated, to read as follows:

"(E) provide technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public—

"(i) in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

Coordination.

"(ii) to respond to foster children missing from the State child welfare system in coordination with child welfare agencies and courts handling juvenile justice and dependency matters; and

"(iii) in the identification, location, and recovery of victims of, and children at risk for, child sex trafficking;";

(I) by amending subparagraphs (F), (G), and (H), as so redesignated, to read as follows:

Cooperation.

"(F) provide assistance to families, law enforcement agencies, State and local governments, nongovernmental agencies, child-serving professionals, and other individuals involved in the location and recovery of missing and abducted children nationally and, in cooperation with the Department of State, internationally;

"(G) provide support and technical assistance to child-serving professionals involved in helping to recover missing and exploited children by searching public records databases to help in the identification, location, and recovery of such children, and help in the location and identification of potential abductors and offenders;

Consultation.

"(H) provide forensic and direct on-site technical assistance and consultation to families, law enforcement agencies, child-serving professionals, and nongovernmental organizations in child abduction and exploitation cases, including facial reconstruction of skeletal remains and similar techniques to assist in the identification of unidentified deceased children;";

(J) by amending subparagraph (I), as so redesignated, to read as follows:

"(I) provide training, technical assistance, and information to nongovernmental organizations relating to noncompliant sex offenders and to law enforcement agencies in identifying and locating such individuals;";

(K) by amending subparagraph (K), as so redesignated, to read as follows:

"(K) work with families, law enforcement agencies, electronic service providers, electronic payment service providers, technology companies, nongovernmental organizations, and others on methods to reduce the existence and distribution of online images and videos of sexually exploited children—

"(i) by operating a tipline to—

"(I) provide to individuals and electronic service providers an effective means of reporting internet-related and other instances of child sexual exploitation in the areas of—

"(aa) possession, manufacture, and distribution of child pornography;

"(bb) online enticement of children for sexual acts;

"(cc) child sex trafficking;

"(dd) sex tourism involving children;

"(ee) extra-familial child sexual molestation;

"(ff) unsolicited obscene material sent to a child;

"(gg) misleading domain names; and

"(hh) misleading words or digital images on the internet; and

"(II) make reports received through the tipline available to the appropriate law enforcement agency for its review and potential investigation;

"(ii) by operating a child victim identification program to assist law enforcement agencies in identifying victims of child pornography and other sexual crimes to support the recovery of children from sexually exploitative situations; and

"(iii) by utilizing emerging technologies to provide additional outreach and educational materials to parents and families;"; and

(L) by amending subparagraphs (L) and (M), as so redesignated, to read as follows:

"(L) develop and disseminate programs and information to families, child-serving professionals, law enforcement agencies, State and local governments, nongovernmental organizations, schools, local educational agencies, child-serving organizations, and the general public on—

"(i) the prevention of child abduction and sexual exploitation;

"(ii) internet safety, including tips for social media and cyberbullying; and

"(iii) sexting and sextortion;

"(M) provide technical assistance and training to local educational agencies, schools, State and local law enforcement agencies, individuals, and other nongovernmental organizations that assist with finding missing and abducted children in identifying and recovering such children;".

(d) GRANTS.—Section 405 of the Missing Children's Assistance Act (34 U.S.C. 11294) is amended—

(1) in subsection (a)—

(A) in paragraph (7), by striking "(as defined in section 403(1)(A))"; and

(B) in paragraph (8)—

(i) by striking "legal custodians" and inserting "parents"; and

(ii) by striking "custodians'" and inserting "parents'"; and

(2) in subsection (b)(1)(A), by striking "legal custodians" and inserting "parents".

(e) REPORTING.—The Missing Children's Assistance Act (34 U.S.C. 11291 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 (34 U.S.C. 11295) the following:

34 USC 11295a.

"SEC. 407. REPORTING.

Public information.

"(a) REQUIRED REPORTING.—As a condition of receiving funds under section 404(b), the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate—

"(1) the number of children nationwide who are reported to the grantee as missing;

"(2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;

"(3) the number of children nationwide who are reported to the grantee as victims of family abductions; and

"(4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

"(b) INCIDENCE OF ATTEMPTED CHILD ABDUCTIONS.—As a condition of receiving funds under section 404(b), the grant recipient shall—

"(1) track the incidence of attempted child abductions in order to identify links and patterns;

"(2) provide such information to law enforcement agencies; and

Public information.

"(3) make such information available to the general public, as appropriate.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS; AUDIT REQUIREMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 409(a) of the Missing Children's Assistance Act, as so redesignated by section 2, is amended by striking "2018" and inserting "2023".

(b) AUDIT REQUIREMENT.—Section 408(1) of the Missing Children's Assistance Act, as so redesignated by section 2, is amended by striking "2018" and inserting "2023".

34 USC 11291 note.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 shall apply with respect to fiscal years that begin after September 30, 2018.

Approved October 11, 2018.

LEGISLATIVE HISTORY—S. 3354:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 27, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 115–268
115th Congress

An Act

Oct. 11, 2018
[S. 3509]

To reauthorize the Congressional Award Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Congressional Award Program Reauthorization Act of 2018.
2 USC 801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Award Program Reauthorization Act of 2018".

SEC. 2. TERMINATION.

(a) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 2018" and inserting "October 1, 2023".

2 USC 808 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2018.

Approved October 11, 2018.

LEGISLATIVE HISTORY—S. 3509:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 115–269
115th Congress

An Act

To require the Surface Transportation Board to implement certain recommendations of the Inspector General of the Department of Transportation.

Oct. 16, 2018
[H.R. 4921]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

STB Information Security Improvement Act.
49 USC 1301 note.

This Act may be cited as the "STB Information Security Improvement Act".

SEC. 2. REQUIREMENTS.

(a) IN GENERAL.—The Surface Transportation Board (in this section referred to as the "STB") shall develop a timeline and plan to implement the recommendations of the Inspector General of the Department of Transportation in Report No. FI2018002, including improvements— Timeline. Plan.

(1) to identify controls, including risk management, weakness remediation, and security authorization;

(2) to protect controls, including configuration management, user identity and access management, and security training;

(3) to detect controls, including continuous monitoring;

(4) to respond controls, including incident handling and reporting;

(5) to recover controls for contingency planning; and

(6) any additional tools that will improve the implementation of the recommendations.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the STB shall submit the plan and timeline developed under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce of the Senate. Deadline.

(2) REPORT.—The STB shall report annually to such Committees on the progress on implementation of the recommendations until the implementation is complete.

(3) PLAN IMPLEMENTATION.—The STB shall designate an individual to implement the plan developed under subsection (a). Designation.

SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

Approved October 16, 2018.

LEGISLATIVE HISTORY—H.R. 4921:

HOUSE REPORTS: No. 115–622 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Apr. 10, considered and passed House.
Oct. 1, considered and passed Senate.

Public Law 115–270
115th Congress

An Act

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, to provide for water pollution control activities, and for other purposes.

Oct. 23, 2018
[S. 3021]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

America's Water Infrastructure Act of 2018.

33 USC 2201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as "America's Water Infrastructure Act of 2018".

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

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

Sec. 101. Short title.
Sec. 102. Secretary defined.

Subtitle A—General Provisions

Sec. 1101. Sense of Congress regarding water resources development bills.
Sec. 1102. Study of the future of the United States Army Corps of Engineers.
Sec. 1103. Study on economic and budgetary analyses.
Sec. 1104. Dissemination of information.
Sec. 1105. Non-Federal engagement and review.
Sec. 1106. Lake Okeechobee regulation schedule review.
Sec. 1107. Access to real estate data.
Sec. 1108. Aquatic invasive species research.
Sec. 1109. Harmful algal bloom technology demonstration.
Sec. 1110. Bubbly Creek, Chicago ecosystem restoration.
Sec. 1111. Dredge pilot program.
Sec. 1112. Hurricane and storm damage protection program.
Sec. 1113. Operation and maintenance of existing infrastructure.
Sec. 1114. Assistance relating to water supply.
Sec. 1115. Property acquisition.
Sec. 1116. Dredged material management plans.
Sec. 1117. Inclusion of project or facility in Corps of Engineers workplan.
Sec. 1118. Geomatic data.
Sec. 1119. Local government reservoir permit review.
Sec. 1120. Transparency and accountability in cost sharing for water resources development projects.
Sec. 1121. Upper Missouri Mainstem Reservoir water withdrawal intake easement review.
Sec. 1122. Limitation on contract execution.
Sec. 1123. Certain levee improvements.
Sec. 1124. Cost-share payment for certain projects.
Sec. 1125. Locks on Allegheny River.
Sec. 1126. Purpose and need.
Sec. 1127. Prior project authorization.
Sec. 1128. Mississippi River and Tributaries Project.
Sec. 1129. Inclusion of Tribal interests in project consultations.
Sec. 1130. Beneficial use of dredged material.
Sec. 1131. Ice jam prevention and mitigation.

Sec. 1132. Rehabilitation of Corps of Engineers constructed dams.
Sec. 1133. Columbia River.
Sec. 1134. Missouri River Reservoir sediment management.
Sec. 1135. Reauthorization of lock operations pilot program.
Sec. 1136. Credit or reimbursement.
Sec. 1137. Non-Federal implementation pilot program.
Sec. 1138. Surplus water contracts and water storage agreements.
Sec. 1139. Post-disaster watershed assessments in territories of the United States.
Sec. 1140. Expedited consideration.
Sec. 1141. Project studies subject to independent peer review.
Sec. 1142. Feasibility of Chicago Sanitary and Ship Canal Dispersal Barriers Project, Illinois.
Sec. 1143. Acknowledgment of credit.
Sec. 1144. Levee safety initiative reauthorization.
Sec. 1145. Funding to process permits.
Sec. 1146. Reservoir sediment.
Sec. 1147. Clarification for integral determination.
Sec. 1148. Beneficial use of dredged sediment.
Sec. 1149. Inclusion of alternative measures for aquatic ecosystem restoration.
Sec. 1150. Regional sediment management.
Sec. 1151. Operation and maintenance of navigation and hydroelectric facilities.
Sec. 1152. Study of water resources development projects by non-Federal interests.
Sec. 1153. Construction of water resources development projects by non-Federal interests.
Sec. 1154. Corps budgeting; project deauthorizations; comprehensive backlog report.
Sec. 1155. Indian Tribes.
Sec. 1156. Inflation adjustment of cost-sharing provisions for territories and Indian Tribes.
Sec. 1157. Corps of Engineers continuing authorities program.
Sec. 1158. Hurricane and storm damage reduction.
Sec. 1159. Regional coalitions and higher education.
Sec. 1160. Emergency response to natural disasters.
Sec. 1161. Cost and benefit feasibility assessment.
Sec. 1162. Extended community assistance by the Corps of Engineers.
Sec. 1163. Dam safety.
Sec. 1164. Local government water management plans.
Sec. 1165. Structures and facilities constructed by Secretary.
Sec. 1166. Advanced funds for water resources development studies and projects.
Sec. 1167. Costs in excess of Federal participation limit.
Sec. 1168. Disposition of projects.
Sec. 1169. Contributed funds for non-Federal reservoir operations.
Sec. 1170. Watercraft inspection stations.
Sec. 1171. Restricted areas at Corps of Engineers dams.
Sec. 1172. Coastal erosion.
Sec. 1173. Prohibition on surplus water fees, Lake Cumberland Watershed, Kentucky and Tennessee.
Sec. 1174. Middle Rio Grande peak flow restoration.
Sec. 1175. Prohibition of administrative fees in implementing Rough River Lake Flowage Easement Encroachment Resolution Plan.
Sec. 1176. Preconstruction engineering design demonstration program.

Subtitle B—Studies and Reports

Sec. 1201. Authorization of proposed feasibility studies.
Sec. 1202. Additional studies.
Sec. 1203. Expedited completion.
Sec. 1204. GAO study on benefit-cost analysis reforms.
Sec. 1205. Harbor Maintenance Trust Fund report.
Sec. 1206. Identification of nonpowered dams for hydropower development.
Sec. 1207. Study on innovative ports for offshore wind development.
Sec. 1208. Innovative materials and advanced technologies report.
Sec. 1209. Study and report on expediting certain waiver processes.
Sec. 1210. Report on debris removal.
Sec. 1211. Corps flood policy within urban areas.
Sec. 1212. Feasibility studies for mitigation of damage.
Sec. 1213. Applications of military leasing authorities.
Sec. 1214. Community engagement.
Sec. 1215. Transparency in administrative expenses.
Sec. 1216. Assessment of harbors and inland harbors.
Sec. 1217. Maintenance of high-risk flood control projects.
Sec. 1218. North Atlantic Division report on hurricane barriers and harbors of refuge.

Sec. 1219. Great Lakes coastal resiliency study.
Sec. 1220. McMicken Dam, Arizona, and Muddy River, Massachusetts.
Sec. 1221. Table Rock Lake, Arkansas and Missouri.
Sec. 1222. Forecast-informed reservoir operations.
Sec. 1223. Cedar River, Iowa.
Sec. 1224. Old River control structure, Louisiana.
Sec. 1225. Upper Mississippi River protection.
Sec. 1226. Missouri River.
Sec. 1227. Lower Missouri River bank stabilization and navigation.
Sec. 1228. Coastal Texas study.
Sec. 1229. Report on water supply contract, Wright Patman Lake, Texas.

Subtitle C—Deauthorizations, Modifications, and Related Provisions

Sec. 1301. Deauthorization of inactive projects.
Sec. 1302. Backlog prevention.
Sec. 1303. Project modifications.
Sec. 1304. Lytle and Cajon Creeks, California.
Sec. 1305. Yuba River Basin, California.
Sec. 1306. Bridgeport Harbor, Connecticut.
Sec. 1307. Delaware River navigation project.
Sec. 1308. Comprehensive Everglades restoration plan, Central and Southern Florida, Everglades Agricultural Area, Florida.
Sec. 1309. Kissimmee River restoration, Florida.
Sec. 1310. Levee L–212, Four River Basin, Ocklawaha River, Florida.
Sec. 1311. Green River and Barren River Locks and Dams, Kentucky.
Sec. 1312. Cape Arundel Disposal Site, Maine.
Sec. 1313. Penobscot River, Maine.
Sec. 1314. Boston harbor reserved channel deauthorizations.
Sec. 1315. Corps of Engineers bridge repair program for New England evacuation routes.
Sec. 1316. Plymouth Harbor, Massachusetts.
Sec. 1317. Portsmouth Harbor and Piscataqua River.
Sec. 1318. Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
Sec. 1319. Hampton Harbor, New Hampshire, navigation improvement project.
Sec. 1320. Passaic River Federal Navigation Channel, New Jersey.
Sec. 1321. Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota.
Sec. 1322. Clatsop County, Oregon.
Sec. 1323. Svensen Island, Oregon.
Sec. 1324. West Tennessee Tributaries project, Tennessee.
Sec. 1325. Puget Sound nearshore ecosystem restoration.
Sec. 1326. Milwaukee Harbor, Milwaukee, Wisconsin.
Sec. 1327. Project completion for disaster areas.
Sec. 1328. Federal assistance.
Sec. 1329. Expedited initiation.
Sec. 1330. Project deauthorization and study extensions.
Sec. 1331. Conveyances.
Sec. 1332. Report on future water resources development.

Subtitle D—Water Resources Infrastructure

Sec. 1401. Project authorizations.
Sec. 1402. Special rules.
Sec. 1403. Norfolk Harbor and Channels, Virginia.

TITLE II—DRINKING WATER SYSTEM IMPROVEMENT

Sec. 2001. Indian reservation drinking water program.
Sec. 2002. Clean, safe, reliable water infrastructure.
Sec. 2003. Study on intractable water systems.
Sec. 2004. Sense of Congress relating to access to nonpotable water.
Sec. 2005. Drinking water infrastructure resilience and sustainability.
Sec. 2006. Voluntary school and child care program lead testing grant program enhancement.
Sec. 2007. Innovative water technology grant program.
Sec. 2008. Improved consumer confidence reports.
Sec. 2009. Contractual agreements.
Sec. 2010. Additional considerations for compliance.
Sec. 2011. Improved accuracy and availability of compliance monitoring data.
Sec. 2012. Asset management.
Sec. 2013. Community water system risk and resilience.
Sec. 2014. Authorization for grants for State programs.
Sec. 2015. State revolving loan funds.
Sec. 2016. Authorization for source water petition programs.

Sec. 2017. Review of technologies.
Sec. 2018. Source water.
Sec. 2019. Report on Federal cross-cutting requirements.
Sec. 2020. Assistance for areas affected by natural disasters.
Sec. 2021. Monitoring for unregulated contaminants.
Sec. 2022. American iron and steel products.
Sec. 2023. Authorization for capitalization grants to States for State drinking water treatment revolving loan funds.

TITLE III—ENERGY

Sec. 3001. Modernizing authorizations for necessary hydropower approvals.
Sec. 3002. Qualifying conduit hydropower facilities.
Sec. 3003. Promoting hydropower development at existing nonpowered dams.
Sec. 3004. Closed-Loop pumped storage projects.
Sec. 3005. Considerations for relicensing terms.
Sec. 3006. Fair ratepayer accountability, transparency, and efficiency standards.
Sec. 3007. J. Bennett Johnston Waterway hydropower extension.
Sec. 3008. Stay and Reinstatement of FERC License No. 11393 for the Mahoney Lake Hydroelectric Project.
Sec. 3009. Strategic Petroleum Reserve drawdown.

TITLE IV—OTHER MATTERS

Subtitle A—Clean Water

Sec. 4101. Stormwater infrastructure funding task force.
Sec. 4102. Wastewater technology clearinghouse.
Sec. 4103. Technical assistance for treatment works.
Sec. 4104. Amendments to Long Island Sound programs.
Sec. 4105. Authorization of appropriations for Columbia river basin restoration.
Sec. 4106. Sewer overflow control grants.
Sec. 4107. Assistance for individual household decentralized wastewater systems of individuals with low or moderate income.

Subtitle B—WIFIA Reauthorization and Innovative Financing for State Loan Funds

Sec. 4201. WIFIA reauthorization and innovative financing for State loan funds.

Subtitle C—Miscellaneous

Sec. 4301. Agreement with Commissioner of Reclamation.
Sec. 4302. Snake River Basin flood prevention action plan.
Sec. 4303. GAO audit of contracts and Tainter gate repairs of Harlan County Dam.
Sec. 4304. Water infrastructure and workforce investment.
Sec. 4305. Regional liaisons for minority, Tribal, and low-income communities.
Sec. 4306. WaterSense.
Sec. 4307. Predatory and other wild animals.
Sec. 4308. Klamath project water and power.
Sec. 4309. Certain Bureau of Reclamation dikes.
Sec. 4310. Authority to make entire active capacity of Fontenelle Reservoir available for use.
Sec. 4311. Blackfeet water rights settlement.
Sec. 4312. Indian irrigation fund reauthorization.
Sec. 4313. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.
Sec. 4314. Indian dam safety reauthorization.
Sec. 4315. Diana E. Murphy United States Courthouse.

Water Resources Development Act of 2018.

TITLE I—WATER RESOURCES DEVELOPMENT

33 USC 2201 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Water Resources Development Act of 2018".

33 USC 2201 note.

SEC. 102. SECRETARY DEFINED.

In this title, the term "Secretary" means the Secretary of the Army.

Subtitle A—General Provisions

SEC. 1101. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT BILLS.

It is the sense of Congress that, because the missions of the Corps of Engineers for navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration, and enhancement, and fish and wildlife mitigation benefit all Americans, and because water resources development projects are critical to maintaining the country's economic prosperity, national security, and environmental protection, Congress should consider a water resources development bill not less often than once every Congress.

SEC. 1102. STUDY OF THE FUTURE OF THE UNITED STATES ARMY CORPS OF ENGINEERS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to convene a committee of experts to carry out a comprehensive study on—

(1) the ability of the Corps of Engineers to carry out its statutory missions and responsibilities, and the potential effects of transferring the functions (including regulatory obligations), personnel, assets, and civilian staff responsibilities of the Secretary relating to civil works from the Department of Defense to a new or existing agency or subagency of the Federal Government, including how such a transfer might affect the Federal Government's ability to meet the current statutory missions and responsibilities of the Corps of Engineers; and

Recommendations.

(2) improving the Corps of Engineers' project delivery processes, including recommendations for such improvements, taking into account factors including—

(A) the effect of the annual appropriations process on the ability of the Corps of Engineers to efficiently secure and carry out contracts for water resources development projects and perform regulatory obligations;

(B) the effect that the current Corps of Engineers leadership and geographic structure at the division and district levels has on its ability to carry out its missions in a cost-effective manner; and

(C) the effect of the frequency of rotations of senior leaders of the Corps of Engineers and how such frequency affects the function of the district.

(b) CONSIDERATIONS.—The study carried out under subsection (a) shall include consideration of—

(1) effects on the national security of the United States;

(2) the ability of the Corps of Engineers to maintain sufficient engineering capability and capacity to assist ongoing and future operations of the United States armed services;

(3) emergency and natural disaster response obligations of the Federal Government that are carried out by the Corps of Engineers; and

(4) the ability of the Corps of Engineers to increase efficiency, coordination, transparency, and cost savings of the project delivery process.

Reports.

(c) SUBMISSION TO CONGRESS.—The Secretary shall submit the final report of the National Academy containing the findings of

the study carried out under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate not later than 2 years after the date of enactment of this Act.

(d) CONGRESSIONAL APPROVAL.—The Secretary may not implement the findings of the study carried out under subsection (a) unless expressly authorized by Congress.

SEC. 1103. STUDY ON ECONOMIC AND BUDGETARY ANALYSES.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to—

(1) carry out a study on the economic principles and analytical methodologies currently used by or applied to the Corps of Engineers to formulate, evaluate, and budget for water resources development projects; and

Recommendations.

(2) make recommendations to Congress on potential changes to such principles and methodologies to improve transparency, return on Federal investment, cost savings, and prioritization, in the formulation, evaluation, and budgeting of such projects.

Analyses.

(b) CONSIDERATIONS.—The study under subsection (a) shall include—

(1) an analysis of the current economic principles and analytical methodologies used by or applied to the Corps of Engineers in determining the total benefits and total costs during the formulation of, and plan selection for, a water resources development project;

(2) an analysis of improvements or alternatives to how the Corps of Engineers utilizes the National Economic Development, Regional Economic Development, Environmental Quality, and Other Social Effects accounts developed by the Institute for Water Resources of the Corps of Engineers in the formulation of, and plan selection for, such projects;

(3) an analysis of whether such principles and methodologies fully account for all of the potential benefits of project alternatives, including any reasonably associated benefits of such alternatives that are not contrary to law, Federal policy, or sound water resources management;

(4) an analysis of whether such principles and methodologies fully account for all of the costs of project alternatives, including potential societal costs, such as lost ecosystem services, and full lifecycle costs for such alternatives;

(5) an analysis of the methodologies utilized by the Federal Government in setting and applying discount rates for benefit-cost analyses used in the formulation, evaluation, and budgeting of Corps of Engineers water resources development projects;

(6) an analysis of whether or not the Corps of Engineers—

(A) considers cumulative benefits of locally developed projects, including Master Plans approved by the Corps; and

(B) uses the benefits referred to in subparagraph (A) for purposes of benefit-cost analysis for project justification for potential projects within such Master Plans; and

(7) consideration of the report submitted under section 1204, if that report is submitted prior to completion of the study under this section.

(c) PUBLICATION.—The agreement entered into under subsection (a) shall require the National Academy of Sciences to, not later than 30 days after the completion of the study—

(1) submit a report containing the results of the study and the recommendations to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

Reports. Recommendations.

(2) make a copy of such report available on a publicly accessible website.

Web posting.

SEC. 1104. DISSEMINATION OF INFORMATION.

33 USC 2282d note.

(a) FINDINGS.—Congress finds the following:

(1) Congress plays a central role in identifying, prioritizing, and authorizing vital water resources infrastructure activities throughout the United States.

(2) The Water Resources Reform and Development Act of 2014 (Public Law 113–121) established a new and transparent process to review and prioritize the water resources development activities of the Corps of Engineers with strong congressional oversight.

(3) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) requires the Secretary to develop and submit to Congress each year a Report to Congress on Future Water Resources Development and, as part of the annual report process, to—

(A) publish a notice in the Federal Register that requests from non-Federal interests proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies for inclusion in the report; and

(B) review the proposals submitted and include in the report those proposed feasibility studies and proposed modifications that meet the criteria for inclusion established under such section 7001.

(4) Congress will use the information provided in the annual Report to Congress on Future Water Resources Development to determine authorization needs and priorities for purposes of water resources development legislation.

(5) To ensure that Congress can gain a thorough understanding of the water resources development needs and priorities of the United States, it is important that the Secretary take sufficient steps to ensure that non-Federal interests are made aware of the new annual report process, including the need for non-Federal interests to submit proposals during the Secretary's annual request for proposals in order for such proposals to be eligible for consideration by Congress.

(b) DISSEMINATION OF PROCESS INFORMATION.—The Secretary shall develop, support, and implement education and awareness efforts for non-Federal interests with respect to the annual Report to Congress on Future Water Resources Development required under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), including efforts to—

(1) develop and disseminate technical assistance materials, seminars, and guidance on the annual process as it relates to non-Federal interests;

Notice.

(2) provide written notice to local elected officials and previous and potential non-Federal interests on the annual process and on opportunities to address local water resources challenges through the missions and authorities of the Corps of Engineers;

Guidance.

(3) issue guidance for non-Federal interests to assist such interests in developing proposals for water resources development projects that satisfy the requirements of such section 7001; and

(4) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations and Corps of Engineers decision documents.

33 USC 2202.

SEC. 1105. NON-FEDERAL ENGAGEMENT AND REVIEW.

Guidance.

(a) ISSUANCE.—The Secretary shall expeditiously issue guidance to implement each covered provision of law in accordance with this section.

(b) PUBLIC NOTICE.—

(1) IN GENERAL.—Prior to developing and issuing any new or revised implementation guidance for a covered water resources development law, the Secretary shall issue a public notice that—

(A) informs potentially interested non-Federal stakeholders of the Secretary's intent to develop and issue such guidance; and

(B) provides an opportunity for interested non-Federal stakeholders to engage with, and provide input and recommendations to, the Secretary on the development and issuance of such guidance.

Web posting.

(2) ISSUANCE OF NOTICE.—The Secretary shall issue the notice under paragraph (1) through a posting on a publicly accessible website dedicated to providing notice on the development and issuance of implementation guidance for a covered water resources development law.

(c) STAKEHOLDER ENGAGEMENT.—

Time period.

(1) INPUT.—The Secretary shall allow a minimum of 60 days after issuance of the public notice under subsection (b) for non-Federal stakeholders to provide input and recommendations to the Secretary, prior to finalizing implementation guidance for a covered water resources development law.

(2) OUTREACH.—The Secretary may, as appropriate (as determined by the Secretary), reach out to non-Federal stakeholders and circulate drafts of implementation guidance for a covered water resources development law for informal input and recommendations.

(d) SUBMISSION.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of all input and recommendations received pursuant to subsection (c) and a description of any consideration of such input and recommendations.

Web posting.

(e) DEVELOPMENT OF GUIDANCE.—When developing implementation guidance for a covered water resources development law, the Secretary shall take into consideration the input and recommendations received from non-Federal stakeholders, and

make the final guidance available to the public on the publicly accessible website described in subsection (b)(2).

(f) DEFINITIONS.—In this section:

(1) COVERED PROVISION OF LAW.—The term "covered provision of law" means a provision of law under the jurisdiction of the Secretary contained in, or amended by, a covered water resources development law, with respect to which—

(A) the Secretary determines guidance is necessary in order to implement the provision; and

(B) no such guidance has been issued as of the date of enactment of this Act.

(2) COVERED WATER RESOURCES DEVELOPMENT LAW.—The term "covered water resources development law" means—

(A) the Water Resources Reform and Development Act of 2014;

(B) the Water Resources Development Act of 2016;

(C) this Act; and

(D) any Federal water resources development law enacted after the date of enactment of this Act.

SEC. 1106. LAKE OKEECHOBEE REGULATION SCHEDULE REVIEW.

The Secretary shall expedite completion of the Lake Okeechobee regulation schedule to coincide with the completion of the Herbert Hoover Dike project, and may consider all relevant aspects of the Comprehensive Everglades Restoration Plan described in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

SEC. 1107. ACCESS TO REAL ESTATE DATA.

33 USC 579e.

(a) IN GENERAL.—Using available funds, the Secretary shall make publicly available, including on a publicly accessible website, information on all Federal real estate assets in the United States that are owned, operated, or managed by, or in the custody of, the Corps of Engineers.

Public information. Web posting.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The real estate information made available under subsection (a) shall include—

(A) existing standardized real estate plat descriptions of assets described in subsection (a); and

(B) existing geographic information systems and geospatial information associated with such assets.

(2) COLLABORATION.—In making information available under subsection (a), the Secretary shall consult with the Administrator of General Services. Such information may be made available, in whole or in part, in the Federal real property database published under section 21 of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), as determined appropriate by the Administrator of General Services. Nothing in this paragraph shall be construed as requiring the Administrator of General Services to add additional data elements or features to such Federal real property database if such additions are impractical or would add additional costs to such database.

Consultation.

(c) LIMITATION.—Nothing in this section shall compel or authorize the disclosure of data or other information determined by the Secretary to be confidential, privileged, national security information, personal information, or information the disclosure of which is otherwise prohibited by law.

(d) TIMING.—The Secretary shall ensure that the implementation of subsection (a) occurs as soon as practicable.

(e) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed as modifying, or exempting the Corps of Engineers from, the requirements of the Federal real property database published under section 21 of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287).

33 USC 2263a.

SEC. 1108. AQUATIC INVASIVE SPECIES RESEARCH.

(a) IN GENERAL.—As part of the ongoing activities of the Engineer Research and Development Center to address the spread and impacts of aquatic invasive species, the Secretary shall undertake research on the management and eradication of aquatic invasive species, including Asian carp and zebra mussels.

(b) LOCATIONS.—In carrying out subsection (a), the Secretary shall work with Corps of Engineers district offices representing diverse geographical regions of the continental United States that are impacted by aquatic invasive species, such as the Atlantic, Pacific, and Gulf coasts and the Great Lakes.

Recommendations. Plan.

(c) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report recommending a plan to address the spread and impacts of aquatic invasive species.

36 USC 610 note.

SEC. 1109. HARMFUL ALGAL BLOOM TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—The Secretary, acting through the Engineer Research and Development Center, shall implement a 5-year harmful algal bloom technology development demonstration program under the Aquatic Nuisance Research Program. To the extent practicable, the Secretary shall support research that will identify and develop improved strategies for early detection, prevention, and management techniques and procedures to reduce the occurrence and effects of harmful algal blooms in the Nation's water resources.

(b) SCALABILITY REQUIREMENT.—The Secretary shall ensure that technologies identified, tested, and deployed under the harmful algal bloom technology development demonstration program have the ability to scale up to meet the needs of harmful-algal-bloom-related events.

SEC. 1110. BUBBLY CREEK, CHICAGO ECOSYSTEM RESTORATION.

Memorandum.

The Secretary shall enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency to facilitate ecosystem restoration activities at the South Fork of the South Branch of the Chicago River (commonly known as Bubbly Creek).

33 USC 2326 note. Contracts.

SEC. 1111. DREDGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to carry out a pilot program to award contracts with a duration of up to 5 years for the operation and maintenance of harbors and inland harbors referred to in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)).

(b) SCOPE.—In carrying out the pilot program under subsection (a), the Secretary may award a contract described in such subsection, which may address one or more harbors or inland harbors

in a geographical region, if the Secretary determines that the contract provides cost savings compared to the awarding of such work on an annual basis or on a project-by-project basis.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program carried out under subsection (a), the Secretary shall submit to Congress a report evaluating, with respect to the pilot program and any contracts awarded under the pilot program—

(1) cost effectiveness;

(2) reliability and performance;

(3) cost savings attributable to mobilization and demobilization of dredge equipment; and

(4) response times to address navigational impediments.

(d) SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program carried out under subsection (a), shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 1112. HURRICANE AND STORM DAMAGE PROTECTION PROGRAM.

33 USC 426g note.
Contracts.

(a) IN GENERAL.—The Secretary is authorized to carry out a pilot program to award single contracts for more than one authorized hurricane and storm damage reduction project in a geographical region, including projects across more than one Corps of Engineers district, if the Secretary determines that the contract provides cost savings compared to the awarding of such work on a project-by-project basis.

Consultation.

(b) PROJECT SELECTION.—In carrying out the pilot program under subsection (a), the Secretary shall consult with relevant State agencies in selecting projects.

(c) CRITERIA.—In carrying out the pilot program under subsection (a), the Secretary shall establish criteria and other considerations that—

(1) foster Federal, State, and local collaboration;

(2) evaluate the performance of projects being carried out under a single contract with respect to whether such projects yield any regional or multi-district benefits; and

(3) include other criteria and considerations that the Secretary determines to be appropriate.

Recommendations.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes findings and recommendations of the Secretary with respect to the projects completed under the pilot program carried out under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000.

(f) TERMINATION.—The authority of the Secretary to enter into contracts pursuant to the pilot program carried out under subsection (a) shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 1113. OPERATION AND MAINTENANCE OF EXISTING INFRASTRUCTURE.

33 USC 2351a note.

The Secretary shall improve the reliability, and operation and maintenance of, existing infrastructure of the Corps of Engineers, and, as necessary, improve its resilience to cyber-related threats.

33 USC 634.

SEC. 1114. ASSISTANCE RELATING TO WATER SUPPLY.

The Secretary may provide assistance to municipalities the water supply of which is adversely affected by construction carried out by the Corps of Engineers.

35 USC 598a.

SEC. 1115. PROPERTY ACQUISITION.

(a) IN GENERAL.—In acquiring an interest in land, or requiring a non-Federal interest to acquire an interest in land, the Secretary shall, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, first consider the minimum interest in real property necessary to support the water resources development project for which such interest is acquired.

Easements.

(b) DETERMINATION.—In determining an interest in land under subsection (a), the Secretary shall first consider a temporary easement or other interest designed to reduce the overall cost of the water resources development project for which such interest is acquired, reduce the time to complete such project, and minimize conflict with property owners related to such project.

(c) PROCEDURES USED IN STATE.—In carrying out subsection (a), the Secretary shall consider, with respect to a State, the procedures that the State uses to acquire, or require the acquisition of, interests in land, to the extent that such procedures are generally consistent with the goals of a project or action.

33 USC 2326b note.

SEC. 1116. DREDGED MATERIAL MANAGEMENT PLANS.

(a) IN GENERAL.—For purposes of dredged material management plans initiated after the date of enactment of this Act, the Secretary shall expedite the dredged material management plan process in order that such plans make maximum use of existing information, studies, and innovative dredged material management practices, and avoid any redundant information collection and studies.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on how the Corps of Engineers intends to meet the requirements of subsection (a).

33 USC 549b.

SEC. 1117. INCLUSION OF PROJECT OR FACILITY IN CORPS OF ENGINEERS WORKPLAN.

(a) IN GENERAL.—The Secretary shall, to the maximum extent practicable, include in the future workplan of the Corps any authorized project or facility of the Corps of Engineers—

(1) that the Secretary has studied for disposition under an existing authority, including by carrying out a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a); and

(2) for which a final report by the Director of Civil Works has been completed.

(b) NOTIFICATION TO COMMITTEES.—Upon completion of a final report referred to in subsection (a), the Secretary shall transmit a copy of the report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

33 USC 2292 note.
Guidance.

SEC. 1118. GEOMATIC DATA.

(a) IN GENERAL.—The Secretary shall develop guidance for the acceptance and use of information obtained from a non-Federal interest through geomatic techniques, including remote sensing and

land surveying, cartography, geographic information systems, global navigation satellite systems, photogrammetry, or other remote means, in carrying out any authority of the Secretary.

(b) CONSIDERATIONS.—In carrying out this section, the Secretary shall ensure that use of information described in subsection (a) meets the data quality and operational requirements of the Secretary.

(c) SAVINGS CLAUSE.—Nothing in this section—

(1) requires the Secretary to accept information that the Secretary determines does not meet the guidance developed under this section; or

(2) changes the current statutory or regulatory requirements of the Corps of Engineers.

SEC. 1119. LOCAL GOVERNMENT RESERVOIR PERMIT REVIEW.

33 USC 2347 note.

(a) IN GENERAL.—During the 10-year period after the date of enactment of this section, the Secretary shall expedite review of applications for covered permits, if the permit applicant is a local governmental entity with jurisdiction over an area for which—

Time period.

(1) any portion of the water resources available to the area served by the local governmental entity is polluted by chemicals used at a formerly used defense site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental restoration under chapter 160 of title 10, United States Code; and

(2) mitigation of the pollution described in paragraph (1) is ongoing.

(b) COVERED PERMIT DEFINED.—In this section, the term "covered permit" means a permit to be issued by the Secretary to modify a reservoir owned or operated by the Secretary, with respect to which not less than 80 percent of the water rights are held for drinking water supplies, in order to accommodate projected water supply needs of an area with a population of less than 80,000.

(c) LIMITATIONS.—Nothing in this section affects any obligation to comply with the provisions of any Federal law, including—

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

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

SEC. 1120. TRANSPARENCY AND ACCOUNTABILITY IN COST SHARING FOR WATER RESOURCES DEVELOPMENT PROJECTS.

33 USC 2315b.

(a) DEFINITION OF BALANCE SHEET.—In this section, the term "balance sheet" means a document that describes—

(1) the funds provided by each Federal and non-Federal interest for a water resources development project; and

(2) the status of those funds.

(b) ESTABLISHMENT OF BALANCE SHEET.—Each district of the Corps of Engineers shall, using the authority of the Secretary under section 10 of the Water Resources Development Act of 1988 (33 U.S.C. 2315)—

(1) maintain a balance sheet for each water resources development project carried out by the Secretary for which a non-Federal cost share is required; and

(2) on request of a non-Federal interest that provided funds for the project, provide to the non-Federal interest a copy of the balance sheet.

(c) UNDER-BUDGET PROJECTS.—In the case of a water resources development project carried out by the Secretary that is completed at a cost less than the estimated cost, the Secretary shall transfer any excess non-Federal funds to the non-Federal interest in accordance with the cost-share requirement applicable to the project.

SEC. 1121. UPPER MISSOURI MAINSTEM RESERVOIR WATER WITHDRAWAL INTAKE EASEMENT REVIEW.

Time period.

(a) IN GENERAL.—During the 10-year period beginning on the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, expedite the review of applications for a covered easement.

(b) PROCESS.—In carrying out this section, the Secretary shall develop an application to obtain a covered easement that requires an applicant for a covered easement to submit information that includes—

(1) all permissible locations for the proposed easement;

(2) the corresponding dimensions of the proposed easement;

(3) the methods of installation of the water withdrawal intakes; and

(4) any other information that the Secretary may require to complete the review.

Deadline. Notification.

(c) RESPONSE.—Not later than 30 days after the date on which the Secretary receives an application under subsection (b), the Secretary shall seek to provide to the applicant a written notification that states—

(1) whether the application is complete; and

(2) if the application is not complete, what information is needed for the application to be complete.

Deadline.

(d) DETERMINATION.—To the maximum extent practicable, not later than 120 days after the date on which the Secretary receives a complete application for a covered easement, the Secretary shall approve or deny the application for the covered easement.

(e) COVERED EASEMENT DEFINED.—In this section, the term "covered easement" means an easement necessary to access Federal land under the control of the Secretary for the placement of water withdrawal intakes in the Upper Missouri Mainstem Reservoirs that does not otherwise involve the alteration or modification of any structures or facilities located on that Federal land, other than those owned by the non-Federal interest.

(f) LIMITATIONS.—Nothing in this section affects any obligation to comply with the provisions of any Federal law, including—

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

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

SEC. 1122. LIMITATION ON CONTRACT EXECUTION.

Time period.

(a) LIMITATION.—For any new covered contract entered into during the period beginning on the date of enactment of this Act and ending on December 31, 2020, any local governmental entity that is a party to a covered contract entered into before such period shall be required to pay not more than 110 percent of the contractual rate per acre-foot in effect under the most recent such covered contract.

Definition.

(b) COVERED CONTRACT.—In this section, the term "covered contract" means a contract between a local governmental entity

and the Secretary for water supply storage in a nonhydropower lake within the Verdigris River Basin.

SEC. 1123. CERTAIN LEVEE IMPROVEMENTS. 33 USC 3306.

(a) IN GENERAL.—Notwithstanding section 211 of the Water Resources Development Act of 2000 (31 U.S.C. 6505 note), the Secretary, at the request of a local government, is authorized to provide technical services, on a reimbursable basis, to the local government to assess the reasons a federally constructed levee owned or operated by the local government is not accredited by the Federal Emergency Management Agency.

(b) FEDERAL LEVEES.—In carrying out this section, in a case in which a levee owned and operated by the Secretary is hydraulically tied to a levee described in subsection (a), the Secretary is encouraged to cooperate, to the maximum extent practicable, with the relevant local governmental entities in assessing the reasons the levee described in subsection (a) is not accredited.

(c) LIMITATION.—Nothing in this section—

(1) affects the responsibilities of a local government to operate and maintain its flood control infrastructure; or

(2) obligates the Secretary to expend additional Federal resources on levees owned and operated by the Secretary.

SEC. 1124. COST-SHARE PAYMENT FOR CERTAIN PROJECTS.

The Secretary shall, subject to the availability of appropriations, pay the outstanding balance of the Federal cost share for any project carried out under section 593 of the Water Resources Development Act of 1999 (113 Stat. 380).

SEC. 1125. LOCKS ON ALLEGHENY RIVER.

The Corps of Engineers may consider, in making funding determinations with respect to the operation and maintenance of locks on the Allegheny River—

(1) recreational boat traffic levels; and

(2) related economic benefits.

SEC. 1126. PURPOSE AND NEED. 33 USC 2347b.

(a) PURPOSE AND NEED STATEMENTS.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of a complete application for a water storage project, the District Engineer shall develop and provide to the applicant a purpose and need statement that describes— Deadline.

(A) whether the District Engineer concurs with the assessment of the purpose of and need for the water storage project proposed by the applicant; and

(B) in any case in which the District Engineer does not concur as described in subparagraph (A), an assessment by the District Engineer of the purpose of and need for the project. Assessment.

(2) EFFECT ON ENVIRONMENTAL IMPACT STATEMENTS.—No environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall substantially commence with respect to a water storage project until the date on which the District Engineer provides to the applicant a purpose and need statement as required under paragraph (1).

(b) APPEALS REQUEST.—A non-Federal interest may use the administrative appeals process described in part 331 of title 33,

Code of Federal Regulations (or any succeeding regulation), in relation to a decision of the Secretary related to an application for a water storage project.

33 USC 2355.

SEC. 1127. PRIOR PROJECT AUTHORIZATION.

In any case in which a project under the jurisdiction of the Secretary is budgeted under a different business line than the business line under which the project was originally authorized, the Secretary shall ensure that the project is carried out in accordance with any requirements that apply to the business line under which the project was originally authorized.

33 USC 7020.

SEC. 1128. MISSISSIPPI RIVER AND TRIBUTARIES PROJECT.

(a) IN GENERAL.—After any flood event requiring operation or activation of any floodway or backwater feature within the Mississippi River and Tributaries Project through natural overtopping of a Federal levee or artificial crevassing of a Federal levee to relieve pressure on the levees elsewhere in the system, the Secretary shall expeditiously reset and restore the damaged floodway's levees.

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall provide an opportunity for consultation with affected communities.

Definition.

(c) MISSISSIPPI RIVER AND TRIBUTARIES PROJECT.—The term "Mississippi River and Tributaries Project" means the Mississippi River and Tributaries project authorized by the Act of May 15, 1928 (Chap. 569; 45 Stat. 534).

SEC. 1129. INCLUSION OF TRIBAL INTERESTS IN PROJECT CONSULTATIONS.

(a) REPORT REQUIRED.—As soon as practicable following the date of enactment of this Act, the Secretary shall submit the report required under section 1120(a)(3) of the Water Resources Development Act of 2016 (130 Stat. 1643).

(b) CONSULTATION.—The Secretary shall ensure that all existing Tribal consultation policies, regulations, and guidance continue to be implemented, and that consultations with Federal and State agencies and Indian Tribes required for a water resources development project are carried out.

SEC. 1130. BENEFICIAL USE OF DREDGED MATERIAL.

Section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note) is amended—

(1) in subsection (b)(1), by striking "10" and inserting "20"; and

(2) in subsection (g), by striking "10" and inserting "20".

SEC. 1131. ICE JAM PREVENTION AND MITIGATION.

Section 1150(c) of the Water Resources Development Act of 2016 (33 U.S.C. 701s note) is amended—

(1) in paragraph (1)—

(A) by striking "During fiscal years 2017 through 2022, the Secretary" and inserting "The Secretary"; and

(B) by striking "10 projects" and inserting "20 projects"; and

(2) in paragraph (2)—

(A) by striking "shall ensure" and inserting the following : "shall—

"(A) ensure";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) select not fewer than one project to be carried out on a reservation (as defined in section 3 of the Indian Financing Act of 1974) that serves more than one Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act).".

SEC. 1132. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f–2 note) is amended—

(1) in subsection (e), by striking "$10,000,000" and inserting "$40,000,000"; and

(2) in subsection (f), by striking "$10,000,000" and inserting "$40,000,000".

SEC. 1133. COLUMBIA RIVER.

(a) BONNEVILLE DAM, OREGON.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall examine and assess the extent to which Indians (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) have been displaced as a result of the construction of the Bonneville Dam, Oregon, as authorized by the first section of the Act of August 30, 1935 (49 Stat. 1032) and the first section and section 2(a) of the Act of August 20, 1937 (16 U.S.C. 832, 832a(a)). Consultation. Examinations. Assessments.

(2) INCLUSION.—The examination and assessment under paragraph (1) may include assessments relating to housing and related facilities.

(3) ASSISTANCE.—If the Secretary determines, based on the examination and assessment under paragraph (1), that assistance is required or needed, the Secretary may use all existing authorities of the Secretary, including under this Act, to provide assistance to Indians who have been displaced as a result of the construction of the Bonneville Dam, Oregon. Determination.

(4) TRIBAL ASSISTANCE.—Section 1178(c)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1675) is amended by striking "Upon the request of the Secretary of the Interior, the Secretary may provide assistance" and inserting "The Secretary, in consultation with the Secretary of the Interior, may provide assistance".

(b) JOHN DAY DAM, WASHINGTON AND OREGON.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall examine and assess the extent to which Indians (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) have been displaced as a result of the construction of the John Day Dam, Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179). Consultation. Examinations. Assessments.

(2) INCLUSION.—The examination and assessment under paragraph (1) may include—

(A) assessments relating to housing and related facilities; and

(B) the study required by section 1178(c)(2) of the Water Resources Development Act of 2016 (130 Stat. 1675).

Determination.

(3) ASSISTANCE.—If the Secretary determines, based on the examination and assessment under paragraph (1), that assistance is required or needed, the Secretary may use all existing authorities of the Secretary, including under this Act, to provide assistance to Indians who have been displaced as a result of the construction of the John Day Dam, Oregon.

(c) DALLES DAM, WASHINGTON AND OREGON.—

Consultation.
Development plan.

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall complete and carry out a village development plan for any Indian village submerged as a result of the construction of the Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179).

(2) ASSISTANCE.—The Secretary may acquire land from willing land owners in carrying out a village development plan under paragraph (1).

Cost estimate.
Schedule.

(3) REQUIREMENTS.—A village development plan completed under paragraph (1) shall include, at a minimum, an estimated cost and tentative schedule for the construction of a replacement village.

SEC. 1134. MISSOURI RIVER RESERVOIR SEDIMENT MANAGEMENT.

Section 1179(a) of the Water Resources Development Act of 2016 (130 Stat. 1675) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(2) by inserting after paragraph (3) the following:

"(4) PRIORITIZATION OF SEDIMENT MANAGEMENT PLANS.—In carrying out the pilot project under this subsection, the Secretary shall give priority to developing and implementing sediment management plans that affect reservoirs that cross State lines."; and

(3) in paragraph (8) (as so redesignated)—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by striking subparagraph (A) and inserting the following:

Applicability.

"(A) IN GENERAL.—The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program shall apply to reservoirs managed or owned by the Bureau of Reclamation.

"(B) MEMORANDUM OF AGREEMENT.—For sediment management plans that apply to a reservoir managed or owned by the Bureau of Reclamation under subparagraph (A), the Secretary and the Secretary of the Interior shall execute a memorandum of agreement establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

"(C) PAYMENTS.—The Secretary is authorized to accept and expend funds from the Secretary of the Interior to complete any work under this paragraph at a reservoir managed or owned by the Bureau of Reclamation.".

SEC. 1135. REAUTHORIZATION OF LOCK OPERATIONS PILOT PROGRAM.

Section 1017(f) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2212 note) is amended by striking "5 years" and inserting "10 years".

SEC. 1136. CREDIT OR REIMBURSEMENT.

(a) IN GENERAL.—Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended to read as follows:

"SEC. 1022. CREDIT OR REIMBURSEMENT.

"(a) REQUESTS FOR CREDITS.—With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13), or an authorized coastal navigation project that has been constructed by the Corps of Engineers pursuant to section 11 of the Act of March 3, 1925, before the date of enactment of the Water Resources Development Act of 2018, the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount or reimbursement of funds of an equivalent amount, subject to the availability of appropriations.

"(b) APPLICATION OF CREDITS.—At the request of the non-Federal interest, the Secretary may apply all or a portion of such credit to the share of the cost of the non-Federal interest of carrying out other flood damage reduction and coastal navigation projects or studies.

"(c) APPLICATION OF REIMBURSEMENT.—At the request of the non-Federal interest, the Secretary may apply such funds, subject to the availability of appropriations, equal to the share of the cost of the non-Federal interest of carrying out other flood damage reduction and coastal navigation projects or studies.".

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193) is amended by striking the item relating to section 1022 and inserting the following:

"Sec. 1022. Credit or reimbursement.".

SEC. 1137. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.

Section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note) is amended—

(1) in paragraph (3)(A)(i)—

(A) in the matter preceding subclause (I)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "prior to the date of enactment of this Act";

(B) in subclause (I)—

(i) in the matter preceding item (aa), by inserting "that have been authorized for construction prior to the date of enactment of this Act and" after "not more than 12 projects"; and

(ii) in item (bb), by striking "; and" and inserting a semicolon;

(C) in subclause (II)—

(i) by inserting "that have been authorized for construction prior to the date of enactment of this Act and" after "not more than 3 projects"; and

(ii) by striking the semicolon and inserting "; and"; and

(D) by adding at the end the following:

"(III) not more than 5 projects that have been authorized for construction, but did not receive the authorization prior to the date of enactment of this Act;"; and

(2) in paragraph (8), by striking "2015 through 2019" and inserting "2019 through 2023".

SEC. 1138. SURPLUS WATER CONTRACTS AND WATER STORAGE AGREEMENTS.

Section 1046(c) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1254) is amended—

(1) in paragraph (1)—

(A) by striking "shall not charge a fee" and inserting the following: "shall not—

"(A) charge a fee";

(B) by striking "Reservoirs." and inserting "Reservoirs; or"; and

(C) by adding at the end the following:

"(B) assess a water storage fee with respect to any water storage in the Upper Missouri Mainstem Reservoirs."; and

(2) in paragraph (3), by striking "10" and inserting "12".

SEC. 1139. POST-DISASTER WATERSHED ASSESSMENTS IN TERRITORIES OF THE UNITED STATES.

Section 3025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2267b) is amended by adding at the end the following:

"(e) ASSESSMENTS IN TERRITORIES OF THE UNITED STATES.—

"(1) IN GENERAL.—For any major disaster declared in a territory of the United States before the date of enactment of this subsection, all activities in the territory carried out or undertaken pursuant to the authorities described in this section shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment under this section without the use of loans.

"(2) TERRITORY DEFINED.—In this subsection, the term 'territory of the United States' means an insular area specified in section 1156(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(a)(1)).".

SEC. 1140. EXPEDITED CONSIDERATION.

Section 7004(b)(4) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1374) is amended by striking "December 31, 2018" and inserting "December 31, 2024".

SEC. 1141. PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.

Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking "12 years" and inserting "17 years".

SEC. 1142. FEASIBILITY OF CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

Section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1121) is amended—

(1) by striking "The Secretary" and inserting the following: "(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) OPERATION AND MAINTENANCE.—Operation and maintenance of any project authorized to be carried out pursuant to the feasibility study identified in paragraph (1) shall be carried out at 80 percent Federal expense and 20 percent non-Federal expense.

"(3) CONSULTATION.—After construction of any project authorized to be carried out pursuant to the feasibility study identified in paragraph (1), the Secretary shall consult with the Governor of the State in which the project is constructed before any control technologies not included in the Chief's Report are implemented.".

SEC. 1143. ACKNOWLEDGMENT OF CREDIT.

Section 7007(a) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by adding at the end the following: "Notwithstanding section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)(C)(i)), the Secretary may provide credit for work carried out during the period beginning on November 8, 2007, and ending on the date of enactment of the Water Resources Development Act of 2018 by the non-Federal interest for a project under this title if the Secretary determines that the work is integral to the project and was carried out in accordance with the requirements of subchapter 4 of chapter 31, and chapter 37, of title 40, United States Code.".

SEC. 1144. LEVEE SAFETY INITIATIVE REAUTHORIZATION.

Title IX of the Water Resources Development Act of 2007 (33 U.S.C. 3301 et seq.) is amended—

(1) in section 9005(g)(2)(E)(i), by striking "2015 through 2019" and inserting "2019 through 2023"; and

(2) in section 9008, by striking "2015 through 2019" each place it appears and inserting "2019 through 2023".

SEC. 1145. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(2) in paragraph (4), as so redesignated—

(A) by striking "4 years after the date of enactment of this paragraph" and inserting "December 31, 2022"; and

(B) by striking "carry out a study" and inserting "carry out a followup study".

SEC. 1146. RESERVOIR SEDIMENT.

Section 215 of the Water Resources Development Act of 2000 (33 U.S.C. 2326c) is amended—

(1) in subsection (a)—

(A) by striking "the date of enactment of the Water Resources Development Act of 2016" and inserting "the date of enactment of the Water Resources Development Act of 2018"; and

(B) by striking "shall establish, using available funds, a pilot program to accept" and inserting "shall, using available funds, accept";

(2) in subsection (b)—

(A) in paragraph (2), by adding "and" at the end;

(B) in paragraph (3), by striking "; and" at the end and inserting a period; and

(C) by striking paragraph (4); and

(3) by striking subsection (f) and inserting the following:

"(f) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Water Resources Development Act of 2018, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under this section.".

SEC. 1147. CLARIFICATION FOR INTEGRAL DETERMINATION.

Section 601(e)(5) of the Water Resources Development Act of 2000 (Public Law 106–541) is amended—

(1) in subparagraph (B)(i)—

(A) in subclause (II), by striking "; or" and inserting a semicolon; and

(B) by inserting after subclause (III) the following:

"(IV) the credit is provided for work carried out by the non-Federal sponsor in the implementation of an authorized project implementation report, and such work was defined in an agreement between the Secretary and the non-Federal sponsor prior to the execution of such work; or

"(V) the credit is provided for any work carried out by the non-Federal sponsor, as agreed to by the District Commander and non-Federal sponsor in a written agreement (which may include an electronic agreement) prior to such work being carried out by the non-Federal sponsor;";

(2) in subparagraph (B), by amending clause (iii) to read as follows:

"(iii) the Secretary determines that the work performed by the non-Federal sponsor—

"(I) is integral to the project; and

"(II) was carried out in accordance with the requirements of subchapter 4 of chapter 31, and chapter 37, of title 40, United States Code.";

(3) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively; and

(4) by inserting after subparagraph (B) the following:

"(C) TIMING.—In any case in which the Secretary approves credit under subparagraph (B), in a written agreement (which may include an electronic agreement) with

the non-Federal sponsor, the Secretary shall provide such credit for work completed under an agreement that prescribes the terms and conditions for the in-kind contributions.".

SEC. 1148. BENEFICIAL USE OF DREDGED SEDIMENT.

33 USC 2326 note. Easements. Determination.

(a) IN GENERAL.—In carrying out a project for the beneficial reuse of sediment to reduce storm damage to property under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) that involves only a single application of sediment, the Secretary may grant a temporary easement necessary to facilitate the placement of sediment, if the Secretary determines that granting a temporary easement is in the interest of the United States.

(b) LIMITATION.—If the Secretary grants a temporary easement under subsection (a) with respect to a project, that project shall no longer be eligible for future placement of sediment under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 1149. INCLUSION OF ALTERNATIVE MEASURES FOR AQUATIC ECOSYSTEM RESTORATION.

(a) INCLUSION OF ALTERATIVE MEASURES FOR AQUATIC ECOSYSTEM RESTORATION.—Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2230) is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

"(e) USE OF NATURAL AND NATURE-BASED FEATURES.—In carrying out a project to restore and protect an aquatic ecosystem or estuary under subsection (a), the Secretary shall consider, and may include, with the consent of the non-Federal interest, a natural feature or nature-based feature, as such terms are defined in section 1184 of the Water Resources Development Act of 2016, if the Secretary determines that inclusion of such features is consistent with the requirements of subsection (a).".

(b) AMENDMENT TO DEFINITION.—Section 1184(a)(2) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)(2)) is amended by striking "in coastal areas".

33 USC 2282 note.

(c) NATURAL INFRASTRUCTURE.—In carrying out a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for a project for flood risk management or hurricane and storm damage risk reduction, the Secretary shall consider the use of both traditional and natural infrastructure alternatives, alone or in conjunction with each other, if those alternatives are practicable.

SEC. 1150. REGIONAL SEDIMENT MANAGEMENT.

Section 204(a)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(a)(1)(A)) is amended by inserting "including a project authorized for flood control," after "an authorized Federal water resources project,".

SEC. 1151. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.

(a) IN GENERAL.—Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended—

(1) in the heading by inserting "**NAVIGATION AND**" before "**HYDROELECTRIC FACILITIES**";

(2) in the first sentence, by striking "Activities currently performed" and inserting the following:

"(a) IN GENERAL.—Activities currently performed";

(3) in subsection (a) (as designated by paragraph (2)), by inserting "navigation or" before "hydroelectric";

(4) in the second sentence, by striking "This section" and inserting the following:

"(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—This section"; and

(5) by adding at the end the following:

"(c) EXCLUSION.—This section does not—

"(1) apply to a navigation facility that was under contract on or before the date of enactment of this subsection with a non-Federal interest to perform operations or maintenance; and

"(2) prohibit the Secretary from contracting out commercial activities after the date of enactment of this subsection at a navigation facility.".

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

"Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.".

SEC. 1152. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended—

(1) in subsection (a)(1), by inserting "federally authorized" before "feasibility study";

(2) by amending subsection (c) to read as follows:

"(c) SUBMISSION TO CONGRESS.—

Reports.

"(1) REVIEW AND SUBMISSION OF STUDIES TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

Determination.

"(A) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;

Recommendations.

"(B) any recommendations the Secretary may have concerning the plan or design of the project; and

"(C) any conditions the Secretary may require for construction of the project.

"(2) LIMITATION.—The completion of the review by the Secretary of a feasibility study that has been submitted under subsection (a)(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration."; and

(3) by amending subsection (e) to read as follows:

"(e) REVIEW AND TECHNICAL ASSISTANCE.—

"(1) REVIEW.—The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, certifications, and other activities that are the responsibility of the Secretary in carrying out this section.

"(2) TECHNICAL ASSISTANCE.—At the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

"(3) LIMITATION.—Funds provided by non-Federal interests under this subsection shall not be eligible for credit under subsection (d) or reimbursement.

"(4) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decisionmaking of the Secretary, either substantively or procedurally.

"(5) SAVINGS PROVISION.—The provision of technical assistance by the Secretary under paragraph (2)—

"(A) shall not be considered to be an approval or endorsement of the feasibility study; and

"(B) shall not affect the responsibilities of the Secretary under subsections (b) and (c).".

SEC. 1153. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "federally authorized" before "water resources development project";

(B) in paragraph (2)(A), by inserting ", except as provided in paragraph (3)" before the semicolon; and

(C) by adding at the end the following:

"(3) PERMIT EXCEPTION.—

"(A) IN GENERAL.—For a project described in subsection (a)(1) or subsection (a)(3), or a separable element thereof, with respect to which a written agreement described in subparagraph (B) has been entered into, a non-Federal interest that carries out a project under this section shall not be required to obtain any Federal permits or approvals that would not be required if the Secretary carried out the project or separable element unless significant new circumstances or information relevant to environmental concerns or compliance have arisen since development of the project recommendation.

Compliance.

"(B) WRITTEN AGREEMENT.—For purposes of this paragraph, a written agreement shall provide that the non-Federal interest shall comply with the same legal and technical requirements that would apply if the project or separable element were carried out by the Secretary, including all mitigation required to offset environmental impacts of the project or separable element as determined by the Secretary.

"(C) CERTIFICATIONS.—Notwithstanding subparagraph (A), if a non-Federal interest carrying out a project under this section would, in the absence of a written agreement entered into under this paragraph, be required to obtain a certification from a State under Federal law to carry out the project, such certification shall still be required

if a written agreement is entered into with respect to the project under this paragraph.

"(4) DATA SHARING.—

"(A) IN GENERAL.—If a non-Federal interest for a water resources development project begins to carry out that water resources development project under this section, the non-Federal interest may request that the Secretary transfer to the non-Federal interest all relevant data and documentation under the control of the Secretary with respect to that water resources development project.

"(B) DEADLINE.—Except as provided in subparagraph (C), the Secretary shall transfer the data and documentation requested by a non-Federal interest under subparagraph (A) not later than the date that is 90 days after the date on which the non-Federal interest so requests such data and documentation.

"(C) LIMITATION.—Nothing in this paragraph obligates the Secretary to share any data or documentation that the Secretary considers to be proprietary information.";

(2) by amending subsection (c) to read as follows:

"(c) STUDIES AND ENGINEERING.—

"(1) IN GENERAL.—When requested by an appropriate non-Federal interest, the Secretary shall undertake all necessary studies, engineering, and technical assistance on construction for any project to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance on construction in the period during which the studies, engineering, or technical assistance on construction are being conducted.

"(2) NO WAIVER.—Nothing in this section may be construed to waive any requirement of section 3142 of title 40, United States Code.

"(3) LIMITATION.—Funds provided by non-Federal interests under this subsection shall not be eligible for credit or reimbursement under subsection (d).

"(4) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decisionmaking of the Secretary, either substantively or procedurally."; and

(3) in subsection (d)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B)(ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) in the case of reimbursement, appropriations are provided by Congress for such purpose."; and

(B) in paragraph (5)—

(i) by striking "flood damage reduction" each place it appears and inserting "water resources development";

(ii) in subparagraph (A), by striking "for a discrete segment of a" and inserting "for carrying out a discrete segment of a federally authorized"; and

(iii) in subparagraph (D), in the matter preceding clause (i), by inserting "to be carried out" after "project".

SEC. 1154. CORPS BUDGETING; PROJECT DEAUTHORIZATIONS; COMPREHENSIVE BACKLOG REPORT. 33 USC 579f.

(a) IN GENERAL.—Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended—

(1) by striking the section designator and all that follows through "Any project" and inserting the following:

"SEC. 1001. CORPS BUDGETING; PROJECT DEAUTHORIZATIONS; COMPREHENSIVE BACKLOG REPORT.

"(a) Any project"; and

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

"(3) COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—

"(A) IN GENERAL.—The Secretary, once every 2 years, shall compile and publish— Time period. Lists.

"(i) a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed;

"(ii) a complete list of all feasibility studies of the Corps of Engineers that Congress has authorized the Secretary to carry out for which a Report of the Chief of Engineers has not been issued;

"(iii) a complete list of all environmental infrastructure projects authorized by Congress under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835); and

"(iv) a list of major Federal operation and maintenance needs of projects and properties under the control of the Corps of Engineers.

"(B) REQUIRED INFORMATION.—The Secretary shall include on each list developed under clause (i), (ii), or (iii) of subparagraph (A) for each feasibility study, project, and separable element on that list—

"(i) the date of authorization of the feasibility study, project, or separable element, including any subsequent modifications to the original authorization;

"(ii) the original budget authority for the feasibility study, project, or separable element;

"(iii) a brief description of the feasibility study, project, or separable element;

"(iv) the estimated date of completion of the feasibility study, project, or separable element, assuming all capability is fully funded; Estimate.

"(v) the estimated total cost of completion of the feasibility study, project, or separable element; Cost estimate.

"(vi) the amount of funds spent on the feasibility study, project, or separable element, including Federal and non-Federal funds;

"(vii) the amount of appropriations estimated to be required in each fiscal year during the period of construction to complete the project or separable element by the date specified under clause (iv);

"(viii) the location of the feasibility study, project, or separable element;

"(ix) a statement from the non-Federal interest for the project or separable element indicating the non-Federal interest's capability to provide the required local cooperation estimated to be required for the project or separable element in each fiscal year during the period of construction;

"(x) the benefit-cost ratio of the project or separable element, calculated using the discount rate specified by the Office of Management and Budget for purposes of preparing the President's budget pursuant to chapter 11 of title 31, United States Code;

"(xi) the benefit-cost ratio of the project or separable element, calculated using the discount rate utilized by the Corps of Engineers for water resources development project planning pursuant to section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17); and

"(xii) the last fiscal year in which the project or separable element incurred obligations.

Estimates.

"(C) REQUIRED OPERATION AND MAINTENANCE INFORMATION.—The Secretary shall include on the list developed under subparagraph (A)(iv), for each project and property under the control of the Corps of Engineers on that list—

"(i) the authority under which the project was authorized or the property was acquired by the Corps of Engineers;

"(ii) a brief description of the project or property;

"(iii) an estimate of the Federal costs to meet the major operation and maintenance needs at the project or property; and

"(iv) an estimate of unmet or deferred operation and maintenance needs at the project or property.

"(D) PUBLICATION.—

Time period.

"(i) IN GENERAL.—For fiscal year 2020, and once every 2 years thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit a copy of the lists developed under subparagraph (A) to—

"(I) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives; and

"(II) the Director of the Office of Management and Budget.

Web posting.

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make a copy of the lists available on a publicly accessible website site in a manner that is downloadable, searchable, and sortable.".

(b) BUDGETARY EVALUATION METRICS AND TRANSPARENCY.—Beginning in fiscal year 2020, in the formulation of the annual budget request for the U.S. Army Corps of Engineers (Civil Works) pursuant to section 1105(a) of title 31, United States Code, the President shall ensure that such budget request— Effective date. President.

(1) aligns the assessment of the potential benefit-cost ratio for budgeting water resources development projects with that used by the Corps of Engineers during project plan formulation and evaluation pursuant to section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17); and

(2) demonstrates the transparent criteria and metrics utilized by the President in the evaluation and selection of water resources development projects included in such budget request.

(c) PUBLIC PARTICIPATION.—In the development of, or any proposed major substantive modification to, a proposed budget for water resources development projects, the Secretary, through each District shall, not less frequently than annually— Time period.

(1) provide to non-Federal interests and other interested stakeholders information on the proposed budget for projects or substantive modifications to project budgets within each District's jurisdiction;

(2) hold multiple public meetings to discuss the budget for projects within each District's jurisdiction; and

(3) provide to non-Federal interests the opportunity to collaborate with District personnel for projects within each District's jurisdiction—

(A) to support information sharing; and

(B) to the maximum extent practicable, to share in concept development and decisionmaking to achieve complementary or integrated solutions to problems.

SEC. 1155. INDIAN TRIBES.

(a) COST SHARING PROVISIONS FOR TERRITORIES AND INDIAN TRIBES.—Section 1156(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(a)(2)) is amended by striking "(as defined" and all that follows through the period at the end and inserting "or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).".

(b) WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.—Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by striking "(including a" and all that follows through "; or" at the end and inserting "(including an Indian tribe and a tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); or".

SEC. 1156. INFLATION ADJUSTMENT OF COST-SHARING PROVISIONS FOR TERRITORIES AND INDIAN TRIBES.

Section 1156(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(b)) is amended by striking "the date of enactment of this subsection" and inserting "the date of enactment of the Water Resources Development Act of 2018".

SEC. 1157. CORPS OF ENGINEERS CONTINUING AUTHORITIES PROGRAM.

(a) STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.—Section 3(c)(1) of the Act of August 13, 1946 (33

U.S.C. 426g(c)(1)) is amended by striking "$30,000,000" and inserting "$37,500,000".

(b) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)) is amended by striking "$50,000,000" and inserting "$62,500,000".

(c) SHORE DAMAGE PREVENTION OR MITIGATION.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking "$10,000,000" and inserting "$12,500,000".

(d) REGIONAL SEDIMENT MANAGEMENT.—Section 204(g) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(g)) is amended in the first sentence by striking "$50,000,000" and inserting "$62,500,000".

(e) SMALL FLOOD CONTROL PROJECTS.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the first sentence by striking "$55,000,000" and inserting "$68,750,000".

(f) AQUATIC ECOSYSTEM RESTORATION.—Section 206(f) of the Water Resources Development Act of 1996 (as redesignated by section 1149) is amended by striking "$50,000,000" and inserting "$62,500,000".

(g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135(h) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking "$40,000,000" and inserting "$50,000,000".

(h) EMERGENCY STREAMBANK AND SHORELINE PROTECTION.—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking "$20,000,000" and inserting "$25,000,000".

(i) TRIBAL PARTNERSHIP PROGRAM.—Section 203(b)(4) of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended to read as follows:

"(4) DESIGN AND CONSTRUCTION.—

"(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project, or separable element of a project, described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project or separable element is not more than $12,500,000.

"(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of the project or separable element described in subparagraph (A) is more than $12,500,000, the Secretary may only carry out the project or separable element if Congress enacts a law authorizing the Secretary to carry out the project or separable element.".

SEC. 1158. HURRICANE AND STORM DAMAGE REDUCTION.

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended—

(1) in subsection (b)—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Notwithstanding"; and

(B) by adding at the end the following:

"(2) TIMING.—The 15 additional years provided under paragraph (1) shall begin on the date of initiation of construction of congressionally authorized nourishment."; and

(2) in subsection (e), by striking "5 year-period" and inserting "10-year period".

SEC. 1159. REGIONAL COALITIONS AND HIGHER EDUCATION.

Section 22(a) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) COMPREHENSIVE PLANS.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State, group of States, non-Federal interest working with a State or group of States, or regional coalition of governmental entities in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State, interest, or entity, including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans."; and

Cooperation. Reports.

(2) by adding at the end the following:

"(3) INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 236 of title 10, United States Code, in carrying out this subsection, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.".

SEC. 1160. EMERGENCY RESPONSE TO NATURAL DISASTERS.

Section 5(a)(1) of the Act of August 18, 1941 (33 U.S.C. 701n(a)(1)) is amended in the first sentence—

(1) by striking "strengthening, raising, extending, or other modification thereof" and inserting "strengthening, raising, extending, realigning, or other modification thereof"; and

(2) by striking "structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers," and inserting "structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to either the pre-storm level or the design level of protection, whichever provides greater protection, when, in the discretion of the Chief of Engineers,".

SEC. 1161. COST AND BENEFIT FEASIBILITY ASSESSMENT.

(a) COST BENEFIT AND SPECIAL CONDITIONS.—Section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)), as amended by this Act, is further amended by striking paragraph (2) and inserting the following:

"(2) COST AND BENEFIT FEASIBILITY ASSESSMENT.—

"(A) CONSIDERATION OF BENEFITS.—In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

"(i) residential establishments;

"(ii) commercial establishments, including the protection of inventory; and

"(iii) agricultural establishments, including the protection of crops.

"(B) SPECIAL CONDITIONS.—

"(i) AUTHORITY TO CARRY OUT WORK.—The Chief of Engineers may carry out repair or restoration work

described in paragraph (1) that does not produce benefits greater than the cost if—

"(I) the non-Federal sponsor agrees to pay an amount sufficient to make the remaining costs of the project equal to the estimated value of the benefits of the repair or restoration work; and

Determinations.

"(II) the Secretary determines that—

"(aa) the damage to the structure was not a result of negligent operation or maintenance; and

"(bb) repair of the project could benefit another Corps project.

"(ii) TREATMENT OF PAYMENTS.—Non-Federal payments pursuant to clause (i) shall be in addition to any non-Federal payments required by the Chief of Engineers that are applicable to the remaining costs of the repair or restoration work.".

33 USC 701n note.

(b) CONTINUED ELIGIBILITY.—Notwithstanding a non-Federal flood control work's status in the Rehabilitation and Inspection Program carried out pursuant to section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), any unconstructed emergency project for the non-Federal flood control work that was formulated during the three fiscal years preceding the fiscal year in which this Act was enacted but that was determined to not produce benefits greater than costs shall remain eligible for assistance under such section 5 until the last day of the third fiscal year following the fiscal year in which this Act was enacted if—

(1) the non-Federal sponsor agrees, in accordance with such section 5, as amended by this Act, to pay an amount sufficient to make the remaining costs of the project equal to the estimated value of the benefits of the repair or restoration work; and

Determinations.

(2) the Secretary determines that—

(A) the damage to the structure was not as a result of negligent operation or maintenance; and

(B) repair of the project could benefit another Corps project.

SEC. 1162. EXTENDED COMMUNITY ASSISTANCE BY THE CORPS OF ENGINEERS.

Section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)), as amended by this Act, is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) EXTENDED ASSISTANCE.—Upon request by a locality receiving assistance under the fourth sentence of paragraph (1), the Secretary shall, subject to the availability of appropriations, enter into an agreement with the locality to provide such assistance beyond the time period otherwise provided for by the Secretary under such sentence.".

SEC. 1163. DAM SAFETY.

Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended by striking "2015 through 2019" each place it appears and inserting "2019 through 2023".

SEC. 1164. LOCAL GOVERNMENT WATER MANAGEMENT PLANS.

Study. Determination. 42 USC 1962d–5b note.

With the consent of the non-Federal interest for a feasibility study for a water resources development project, the Secretary may enter into a written agreement under section 221(a) of the Flood Control Act of 1970, with a unit of local government in the watershed that has adopted a local or regional water management plan, to allow the unit of local government to participate in the feasibility study to determine if there is an opportunity to include additional feasible elements in the project in order to help achieve the purposes identified in the local or regional water management plan.

SEC. 1165. STRUCTURES AND FACILITIES CONSTRUCTED BY SECRETARY.

Section 14 of the Act of March 3, 1899 (33 U.S.C. 408) is amended by adding at the end the following:

"(d) WORK DEFINED.—For the purposes of this section, the term 'work' shall not include unimproved real estate owned or operated by the Secretary as part of a water resources development project if the Secretary determines that modification of such real estate would not affect the function and usefulness of the project.".

SEC. 1166. ADVANCED FUNDS FOR WATER RESOURCES DEVELOPMENT STUDIES AND PROJECTS.

(a) CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS FOR IMMEDIATE USE ON AUTHORIZED FLOOD-CONTROL WORK; REPAYMENT.—The Act of October 15, 1940 (33 U.S.C. 701h–1) is amended—

(1) by striking "a flood-control project duly adopted and authorized by law" and inserting "a federally authorized water resources development project,";

(2) by striking "such work" and inserting "such project";

(3) by striking "from appropriations which may be provided by Congress for flood-control work" and inserting "if appropriations are provided by Congress for such purpose"; and

(4) by adding at the end the following: "For purposes of this Act, the term 'State' means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))).". Definition.

(b) NO ADVERSE EFFECT ON PROCESSES.—In implementing any provision of law that authorizes a non-Federal interest to provide, advance, or contribute funds to the Secretary for the development or implementation of a water resources development project (including sections 203 and 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232), section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), and the Act of October 15, 1940 (33 U.S.C. 701h–1)), the Secretary shall ensure, to the maximum extent practicable, that the use by a non-Federal interest of such authorities does not adversely affect— 33 USC 701h–2.

(1) the process or timeline for development and implementation of other water resources development projects by other non-Federal entities that do not use such authorities; or

(2) the process for including such projects in the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code.

(c) ADVANCES BY PRIVATE PARTIES; REPAYMENT.—Section 11 of the Act of March 3, 1925 (Chapter 467; 33 U.S.C. 561) is repealed.

SEC. 1167. COSTS IN EXCESS OF FEDERAL PARTICIPATION LIMIT.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), as amended by this Act, is further amended by inserting ", and if such amount is not sufficient to cover the costs included in the Federal cost share for a project, as determined by the Secretary, the non-Federal interest shall be responsible for any such costs that exceed such amount" before the period at the end.

33 USC 578b.

SEC. 1168. DISPOSITION OF PROJECTS.

Study.

(a) IN GENERAL.—In carrying out a disposition study for a project of the Corps of Engineers, or a separable element of such a project, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), the Secretary shall consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or separable element of a project.

(b) DISPOSITION STUDY TRANSPARENCY.—The Secretary shall carry out disposition studies described in subsection (a) in a transparent manner, including by—

(1) providing opportunities for public input; and

Publication.

(2) publishing the final disposition studies.

Recommendations.

(c) REMOVAL OF INFRASTRUCTURE.—For disposition studies described in subsection (a) in which the Secretary determines that a Federal interest no longer exists, and makes a recommendation of removal of the project or separable element of a project, the Secretary is authorized, using existing authorities, to pursue removal of the project or separable element of a project in partnership with other Federal agencies and non-Federal entities with appropriate capabilities to undertake infrastructure removal.

SEC. 1169. CONTRIBUTED FUNDS FOR NON-FEDERAL RESERVOIR OPERATIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting after "authorized purposes of the project:" the following: "*Provided further*, That the Secretary is authorized to receive and expend funds from an owner of a non-Federal reservoir to formulate, review, or revise operational documents for any non-Federal reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood control or navigation pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709):".

SEC. 1170. WATERCRAFT INSPECTION STATIONS.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) by amending subsection (b) to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $110,000,000 for each fiscal year, of which—

"(A) $30,000,000 shall be made available to carry out subsection (d)(1)(A)(i);

"(B) $30,000,000 shall be made available to carry out subsection (d)(1)(A)(ii); and

"(C) $30,000,000 shall be made available to carry out subsection (d)(1)(A)(iii).

"(2) CONTROL OPERATIONS.—Any funds made available under paragraph (1) to be used for control operations shall be allocated by the Chief of Engineers on a priority basis, based on the urgency and need of each area and the availability of local funds."; and

(2) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—

"(A) WATERCRAFT INSPECTION STATIONS.—In carrying out this section, the Secretary shall establish (as applicable), operate, and maintain new or existing watercraft inspection stations—

"(i) to protect the Columbia River Basin;

"(ii) to protect the Upper Missouri River Basin; and

"(iii) to protect the Upper Colorado River Basin and the South Platte and Arizona River Basins.

"(B) LOCATIONS.—The Secretary shall establish watercraft inspection stations under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary, as determined by the Secretary in consultation with States within the areas described in subparagraph (A). Consultation.

"(C) RAPID RESPONSE.—The Secretary shall assist States within the areas described in subparagraph (A) with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation."; and

(B) by amending paragraph (3)(A) to read as follows:

"(A) the Governors of the States within the areas described in each of clauses (i) through (iii) of paragraph (1)(A), as applicable;".

SEC. 1171. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

Section 2 of the Freedom to Fish Act (Public Law 113–13; 127 Stat. 449, 128 Stat. 1271) is amended by striking "4 years after the date of enactment of the Water Resources Reform and Development Act of 2014" each place it appears and inserting "5 years after the date of enactment of the Water Resources Development Act of 2018".

SEC. 1172. COASTAL EROSION.

33 USC 426i note.

(a) IN GENERAL.—Pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), the Secretary shall, to the maximum extent practicable, complete operation and maintenance renourishment to mitigate coastal erosion attributed to Federal project structures in the upper northeast United States.

(b) PROJECT SELECTION.—In carrying out the work under subsection (a), the Secretary shall—

(1) identify and carry out not more than five projects—

(A) located in any of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, or New York; and State listing.

(B) for which a feasibility study has been completed by December 31, 2019, that includes findings that a Federal project structure is interrupting the natural flow of sediment and causing coastal erosion; and

Consultation.

(2) consult with relevant State agencies in selecting projects.

SEC. 1173. PROHIBITION ON SURPLUS WATER FEES, LAKE CUMBERLAND WATERSHED, KENTUCKY AND TENNESSEE.

(a) IN GENERAL.—The Secretary shall not charge a fee for surplus water under a contract entered into pursuant to section 6 of the Act of December 22, 1944 (33 U.S.C. 708), if the contract is for surplus water stored in the Lake Cumberland Watershed, Kentucky and Tennessee.

(b) TERMINATION.—The limitation under subsection (a) shall expire on the date that is 2 years after the date of enactment of this Act.

(c) APPLICABILITY.—Nothing in this section—

(1) affects the authority of the Secretary under section 2695 of title 10, United States Code, to accept funds or to cover the administrative expenses relating to certain real property transactions;

(2) affects the application of section 6 of the Act of December 22, 1944 (33 U.S.C. 708) or section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) to surplus water stored outside of the Lake Cumberland Watershed, Kentucky and Tennessee; or

(3) affects the authority of the Secretary to accept funds under section 216(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2321a(c)).

SEC. 1174. MIDDLE RIO GRANDE PEAK FLOW RESTORATION.

(a) RESTARTING OF TEMPORARY DEVIATION.—Subject to subsection (b), the Secretary shall restart the temporary deviation in the operation of Cochiti Lake and Jemez Canyon Dam, that was initiated in 2009 and terminated in 2013, to continue to evaluate the effects of the deviation.

(b) APPROVAL AND CONSULTATION.—Before restarting the temporary deviation under subsection (a), the Secretary shall, as required under the applicable water control manuals—

(1) first obtain approval from—

(A) Pueblo de Cochiti;

(B) Pueblo of Santa Ana; and

(C) the Rio Grande Compact Commission established by the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155); and

(2) to the maximum extent practicable, consult with the existing Cochiti Lake Environmental Resources Team, which includes other Federal agencies and landowners in the region.

(c) SUNSET.—The authority to conduct the temporary deviation described in subsection (a) shall terminate on the date that is 5 years after the date on which the Secretary restarts the temporary deviation under such subsection.

SEC. 1175. PROHIBITION OF ADMINISTRATIVE FEES IN IMPLEMENTING ROUGH RIVER LAKE FLOWAGE EASEMENT ENCROACHMENT RESOLUTION PLAN.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PROPERTY OWNER.—The term "eligible property owner" means the owner of a property—

(A)(i) described in Scenario A, B, C, or D in the Plan; or

(ii) that consists of vacant land located above 534 feet mean sea level that is encumbered by a Rough River Lake flowage easement; and

(B) for which the Rough River Lake flowage easement is not required to address backwater effects.

(2) PLAN.—The term "Plan" means the Rough River Lake Flowage Easement Encroachment Resolution Plan of the Corps of Engineers, dated January 2017.

(b) PROHIBITION ON ASSESSING ADMINISTRATIVE FEES.—Notwithstanding any other provision of law, in carrying out the Plan, the Secretary may not impose on or collect from any eligible property owner any administrative fee, including—

(1) a fee to pay the costs to the Corps of Engineers of processing requests to resolve encroachments under the Plan;

(2) fees for deed drafting and surveying; and

(3) any other administrative cost incurred by the Corps of Engineers in implementing the Plan.

(c) REFUND OF ADMINISTRATIVE FEES.—In the case of an eligible property owner who has paid any administrative fees described in paragraphs (1) through (3) of subsection (b) to the Corps of Engineers, the Corps of Engineers shall refund those fees on request of the eligible property owner.

(d) SAVINGS PROVISION.—Nothing in this section affects the responsibility or authority of the Secretary to continue carrying out the Plan, including any work necessary to extinguish the flowage easement of the United States with respect to the property of any eligible property owner.

SEC. 1176. PRECONSTRUCTION ENGINEERING DESIGN DEMONSTRATION PROGRAM.

33 USC 2232 note.

(a) DEFINITION OF ENVIRONMENTAL IMPACT STATEMENT.—In this section, the term "environmental impact statement" means the detailed written statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DEMONSTRATION PROGRAM.—The Secretary shall establish a demonstration program to allow a project authorized to execute pursuant to section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193)) to begin preconstruction engineering and design on a determination by the Secretary that the project is technically feasible, economically justified, and environmentally acceptable.

Determination.

(c) REQUIREMENTS.—For each project authorized to begin preconstruction engineering and design under subsection (b)—

(1) the project shall conform to the feasibility study and the environmental impact statement approved by the Secretary; and

(2) the Secretary and the non-Federal sponsor shall jointly agree to the construction design of the project.

(d) SECRETARY REVIEW OF POTENTIAL ADVERSE IMPACTS.—When reviewing the feasibility study and the environmental impact

statement for a project under subsection (b), the Secretary shall follow current USACE Policy, Regulations, and Guidance, to assess potential adverse downstream impacts to the Pearl River Basin. Upon completion of the Secretary's determination under subsection (b), the non-Federal sponsor shall design the project in a manner that addresses any potential adverse impacts or that provides mitigation in accordance with section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) SUNSET.—The authority to carry out the demonstration program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

(f) SAVINGS PROVISION.—Nothing in this section supersedes, precludes, or affects any applicable requirements for a project under subsection (b) under—

(1) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283); or

(2) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Subtitle B—Studies and Reports

SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) CAVE BUTTES DAM, ARIZONA.—Project for flood risk management, Phoenix, Arizona.

(2) SAN DIEGO RIVER, CALIFORNIA.—Project for flood risk management, navigation, and ecosystem restoration, San Diego, California.

(3) J. BENNETT JOHNSTON WATERWAY, LOUISIANA.—Project for navigation, J. Bennett Johnston Waterway, Louisiana.

(4) NORTHSHORE, LOUISIANA.—Project for flood risk management, St. Tammany Parish, Louisiana.

(5) OUACHITA-BLACK RIVERS, LOUISIANA.—Project for navigation, Little River, Louisiana.

(6) CHAUTAUQUA LAKE, NEW YORK.—Project for ecosystem restoration and flood risk management, Chautauqua, New York.

(7) TRINITY RIVER AND TRIBUTARIES, TEXAS.—Project for navigation, Liberty, Texas.

(8) WEST CELL LEVEE, TEXAS.—Project for flood risk management, Irving, Texas.

(9) COASTAL VIRGINIA, VIRGINIA.—Project for flood risk management, ecosystem restoration, and navigation, Coastal Virginia.

(10) TANGIER ISLAND, VIRGINIA.—Project for flood risk management and ecosystem restoration, Tangier Island, Virginia.

SEC. 1202. ADDITIONAL STUDIES.

(a) LOWER MISSISSIPPI RIVER; MISSOURI, KENTUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOUISIANA.—

(1) IN GENERAL.—The Secretary is authorized to carry out studies to determine the feasibility of habitat restoration for each of the eight reaches identified as priorities in the report prepared by the Secretary pursuant to section 402 of the Water Resources Development Act of 2000, titled "Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000" and dated July 2015.

(2) CONSULTATION.—The Secretary shall consult with the Lower Mississippi River Conservation Committee during each feasibility study carried out under paragraph (1).

(b) ST. LOUIS RIVERFRONT, MERAMEC RIVER BASIN, MISSOURI AND ILLINOIS.—

(1) IN GENERAL.—The Secretary is authorized to carry out studies to determine the feasibility of a project for ecosystem restoration and flood risk management in Madison, St. Clair, and Monroe Counties, Illinois, St. Louis City, and St. Louis, Jefferson, Franklin, Gasconade, Maries, Phelps, Crawford, Dent, Washington, Iron, St. Francois, St. Genevieve, Osage, Reynolds, and Texas Counties, Missouri.

(2) CONTINUATION OF EXISTING STUDY.—Any study carried out under paragraph (1) shall be considered a continuation of the study being carried out under Committee Resolution 2642 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted June 21, 2000.

SEC. 1203. EXPEDITED COMPLETION.

(a) FEASIBILITY REPORTS.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

Determination. State listing.

(1) Project for riverbank stabilization, Selma, Alabama.

(2) Project for ecosystem restoration, Three Mile Creek, Alabama.

(3) Project for navigation, Nome, Alaska.

(4) Project for flood diversion, Seward, Alaska.

(5) Project for flood control, water conservation, and related purposes, Coyote Valley Dam, California.

(6) Project for flood risk management, Lower Cache Creek, California.

(7) Project for flood risk management, Lower San Joaquin River, California, as described in section 1322(b)(2)(F) of the Water Resources Development Act of 2016 (130 Stat. 1707) (second phase of feasibility study).

(8) Project for flood risk management, South San Francisco, California.

(9) Project for flood risk management and ecosystem restoration, Tijuana River, California.

(10) Project for flood damage reduction, Westminster-East Garden Grove, California.

(11) Project for flood risk management in East Hartford, Connecticut.

(12) Project for flood risk management in Hartford, Connecticut.

(13) Projects under the Comprehensive Flood Mitigation Study for the Delaware River Basin.

(14) Project for ecosystem restoration, Lake Apopka, Florida.

(15) Project for ecosystem restoration, Kansas River Weir, Kansas.

(16) Project for navigation and channel deepening, Baptiste Collette Bayou, Louisiana, under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231).

(17) Project for navigation and channel deepening, Houma Navigation Canal, Louisiana, under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231).

(18) Project for navigation and channel deepening, Bayou Lafourche, Louisiana, under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231).

(19) Project for flood damage reduction and ecosystem restoration, St. Tammany Parish, Louisiana.

(20) Project for ecosystem restoration, Warren Glen Dam Removal, Musconetcong River, New Jersey.

(21) Project for flood risk management, Rahway River Basin, New Jersey.

(22) The Hudson-Raritan Estuary Comprehensive Restoration Project, New Jersey and New York.

(23) Project for flood control and water supply, Abiquiu Dam, New Mexico.

(24) Project for reformulation, East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, Queens, New York.

(25) Project for navigation, New York-New Jersey Harbor and Tributaries Focus Area.

(26) Project for water resource improvements, Willamette River Basin, Fern Ridge, Oregon.

(27) Project for coastal storm risk management, Pawcatuck River, Rhode Island.

(28) Project for the Rhode Island historical structure flood hazard vulnerability assessment.

(29) Project for coastal storm risk management, Norfolk, Virginia.

(30) Project for navigation, Tacoma Harbor, Washington.

Review. Determination.

(b) LOWER SAN JOAQUIN RIVER, CALIFORNIA.—In expediting completion of the second phase of the Lower San Joaquin River feasibility study under subsection (a)(7), the Secretary shall review and give priority to any plans and designs requested by non-Federal interests and incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

(c) HUDSON-RARITAN ESTUARY COMPREHENSIVE RESTORATION PROJECT, NEW JERSEY AND NEW YORK.—In the case of a recommendation for restoration activities within the Jamaica Bay Unit of the Hudson-Raritan Estuary Comprehensive Restoration Project, New Jersey and New York, under subsection (a)(22), which are to protect property under the jurisdiction of the National Park Service, the Secretary may recommend to Congress that the Secretary accept and expend funds from the National Park Service to carry out such activities.

(d) POST-AUTHORIZATION CHANGE REPORT.—The Secretary shall expedite completion of a post-authorization change report for the

project for flood risk management, San Luis Rey River Flood Control Protection Project, California.

(e) HUNTINGDON COUNTY, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall expedite the updating of the master plan for the Juniata River and tributaries project, Huntingdon County, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1182).

(2) PROCESS.—In carrying out subsection (a), the Secretary shall update the master plan in accordance with section 1309(a)(2) of the Water Resources Development Act of 2016 (Public Law 114–322; 130 Stat. 1693).

(f) UPPER MISSOURI RIVER BASIN FLOOD AND DROUGHT MONITORING.—The Secretary shall expedite activities authorized under section 4003(a) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1311, 130 Stat. 1677).

(g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—For fiscal years 2019 and 2020, the Secretary shall give priority to projects that restore degraded ecosystems through modification of existing flood risk management projects for projects—

(1) authorized under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a); and

(2) located within the Upper Missouri River Basin.

(h) EXPEDITED COMPLETION OF CERTAIN PROJECTS.—It is the sense of Congress that the Secretary should provide funding for, and expedite the completion of, the following projects:

(1) West Haven, Connecticut, as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and section 3 of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426g).

(2) Providence River, Rhode Island, as authorized by the first section of the Act of August 26, 1937 (50 Stat. 845, chapter 832) and section 301 of the River and Harbor Act of 1965 (79 Stat. 1089).

(3) Morganza to the Gulf, Louisiana, as authorized by section 7002(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1368).

(4) Louisiana Coastal Area, Louisiana, as authorized by section 7002(5) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1369).

(5) Louisiana Coastal Area–Barataria Basin Barrier, Louisiana, as authorized by section 7002(5) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1370).

(6) West Shore Lake Pontchartrain, Louisiana, as authorized by section 1401(3) of the Water Resources Development Act of 2016 (130 Stat. 1712).

(7) Southwest Coastal Louisiana, Louisiana, as authorized by section 1401(8) of the Water Resources Development Act of 2016 (130 Stat. 1715).

(8) West Thompson Lake, Connecticut, as authorized by section 203 of the Flood Control Act of 1960 (74 Stat. 489).

SEC. 1204. GAO STUDY ON BENEFIT-COST ANALYSIS REFORMS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall— Deadline.

(1) conduct a study on the benefit-cost procedures of the Secretary and the Director of the Office of Management and Budget (referred to in this section as the "Director"), including—

(A) an examination of the benefits and costs that the Secretary and the Director do and do not include in the benefit-cost calculation, including, at a minimum, local and regional economic benefits; and

Review.

(B) a review of the calculation, if any, of navigation benefits used in a benefit-cost calculation for a non-commercial harbor that is used by a State maritime academy (as defined in section 51102 of title 46, United States Code) for military training purposes; and

(2) submit to Congress a report that—

(A) describes the results of the study under paragraph (1); and

Recommendations.

(B) includes recommendations for legislative or regulatory changes to improve the benefit-cost analysis procedures of the Secretary and the Director.

SEC. 1205. HARBOR MAINTENANCE TRUST FUND REPORT.

(a) DEADLINE.—Not later than 180 days after enactment of this Act, the Secretary shall submit reports under section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) and section 330 of the Water Resources Development Act of 1992 (26 U.S.C. 9505 note; Public Law 102–580) to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate.

(b) ADDITIONAL INFORMATION.—For each report described in subsection (a) that is submitted after the date of enactment of this Act, the Secretary shall include, on a project-by-project basis, additional information identifying—

(1) the most recent fiscal year for which operations and maintenance activities have been carried out and the cost of those activities; and

(2) the operations and maintenance activities that were performed through either a recommendation from Congress or unspecified funds made available for ongoing work.

Public information.

(c) AVAILABILITY.—The Secretary shall make publicly available all reports described in subsection (a) submitted before, on, or after the date of enactment of this Act.

SEC. 1206. IDENTIFICATION OF NONPOWERED DAMS FOR HYDROPOWER DEVELOPMENT.

Deadline. Lists.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall develop a list of existing nonpowered dams owned and operated by the Corps of Engineers that have the greatest potential for hydropower development.

(b) CONSIDERATIONS.—In developing the list under subsection (a), the Secretary may consider the following:

(1) The compatibility of hydropower generation with existing purposes of the dam.

(2) The proximity of the dam to existing transmission resources.

(3) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.

(4) Whether hydropower is an authorized purpose of the dam.

(c) AVAILABILITY.—The Secretary shall provide the list developed under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make such list available to the public. Public information.

SEC. 1207. STUDY ON INNOVATIVE PORTS FOR OFFSHORE WIND DEVELOPMENT.

(a) DEFINITION OF INNOVATIVE PORT FOR OFFSHORE WIND DEVELOPMENT.—In this section, the term "innovative port for offshore wind development" includes any federally authorized port or harbor that can accommodate (including through retrofitting)—

(1) the upright assembly of the majority of an offshore wind facility, including the foundation, tower, turbine, blade, and electrical components;

(2) an assembly area, ground-bearing pressure, and overhead clearance for the assembly of offshore wind facility turbines, which each have a capacity of up to 20 megawatts;

(3) a heavy-lift quay and not less than 25 acres of port storage;

(4) innovative offshore wind facility and vessel technologies that allow for the rapid installation of an offshore wind facility; and

(5) any other innovative offshore wind facility technology, as determined by the Secretary.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) in consultation with the all appropriate Federal agencies, carry out a study of all federally authorized ports and harbors, including in the Mid-Atlantic, Gulf Coast, West Coast, Great Lakes, and New England regions of the United States, to identify— Consultation.

(i) not less than three suitable federally authorized ports and harbors in those regions that could become innovative ports for offshore wind development;

(ii) barriers to the development of innovative ports for offshore wind development;

(iii) the Federal and State actions, including dredging and construction of supporting infrastructure, needed to facilitate the development of the federally authorized ports and harbors identified under clause (i) to become innovative ports for offshore wind development; and

(iv) recommendations on any further research needed to improve federally authorized ports and harbors in the United States for offshore wind facility development and deployment; and Recommendations.

(B) submit to Congress a report describing the results of the study under subparagraph (A).

(2) CONSULTATION.—In carrying out the study under paragraph (1), the Secretary shall consult with, at a minimum—

(A) the Governor of each State in which a port or harbor was identified;

(B) affected port authorities;

(C) units of local government; and

(D) relevant experts in engineering, environment, and industry considerations.

SEC. 1208. INNOVATIVE MATERIALS AND ADVANCED TECHNOLOGIES REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes activities conducted by the Corps of Engineers at centers of expertise, technology centers, technical centers, research and development centers, and similar facilities and organizations relating to the testing, research, development, identification, and recommended uses for innovative materials and advanced technologies, including construction management technologies, in water resources development projects; and

Recommendations.

(2) provides recommendations for types of water resources development projects in which innovative materials and advanced technologies should be used.

SEC. 1209. STUDY AND REPORT ON EXPEDITING CERTAIN WAIVER PROCESSES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report based on the results of a study on the best options available to the Secretary to implement the waiver process for the non-Federal cost share under section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2851).

SEC. 1210. REPORT ON DEBRIS REMOVAL.

Public information.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available a report that describes—

(1) the extent to which the Secretary has carried out section 3 of the Act of March 2, 1945 (33 U.S.C. 603a); and

(2) how the Secretary has evaluated potential work to be carried out under that section.

SEC. 1211. CORPS FLOOD POLICY WITHIN URBAN AREAS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on—

(1) flooding within urban floodplains; and

(2) the Federal policy constraints on the ability of the Secretary to address urban flooding, including the regulations under part 238 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act) (including the limitation under section 238.7(a)(1) of that title that allows the Secretary to provide assistance only where the flood discharge of a stream or waterway within an urban area is greater than 800 cubic feet per second for the 10-percent flood).

SEC. 1212. FEASIBILITY STUDIES FOR MITIGATION OF DAMAGE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation

and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that identifies—

(1) feasibility studies that are incomplete as of the date of enactment of this Act for a project for mitigation of damage to an area affected by weather or other events for which—

(A) during the 8-year period ending on the date of enactment of this Act—

(i) the Secretary provided emergency response under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n); or

(ii) the area received assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(B) there is significant risk for future similar events (as determined by the Secretary); and

(2) for each feasibility study identified under paragraph (1), impediments to completing the study.

SEC. 1213. APPLICATIONS OF MILITARY LEASING AUTHORITIES.

Deadline.

Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) complete a study on the application of section 2667 of title 10, United States Code, enhanced use leasing authorities, and other military leasing authorities to the civil works program of the Secretary; and

(2) submit to Congress a report on the results of the study under paragraph (1), including a description of the obstacles that must be removed so that the Assistant Secretary of the Army for Civil Works may implement the authorities.

SEC. 1214. COMMUNITY ENGAGEMENT.

(a) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any potential disproportionate and adverse health or environmental effects of programs, policies, and activities of the Corps of Engineers related to water resources development projects on minority communities, low-income communities, rural communities, and Indian Tribes.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall provide public and private meetings with representatives of minority communities, low-income communities, rural communities, and Indian Tribes, as well as representatives of State and local governments, and shall ensure that sufficient meetings are held in different geographic regions of the United States to ensure that a diversity of views are obtained.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall include—

(1) the identification of any disproportionate and adverse health or environmental effects to the communities and Tribes; and

(2) any recommendations of the Secretary for addressing such effects, including recommended changes to the statutory or regulatory authorities of the Corps of Engineers, or changes to the policies or guidance of the Corps of Engineers.

SEC. 1215. TRANSPARENCY IN ADMINISTRATIVE EXPENSES.

Section 1012(b)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2315a(b)(1)) is amended by striking "The Secretary" and inserting "Not later than 1 year after the date of enactment of the Water Resources Development Act of 2018, the Secretary".

SEC. 1216. ASSESSMENT OF HARBORS AND INLAND HARBORS.

Section 210(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in paragraph (1), by striking "shall assess the" and inserting "shall assess, and issue a report to Congress on, the"; and

(2) in paragraph (2), by adding at the end the following:

"(C) OPPORTUNITIES FOR BENEFICIAL USE OF DREDGED MATERIALS.—In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note).".

SEC. 1217. MAINTENANCE OF HIGH-RISK FLOOD CONTROL PROJECTS.

Time periods.

(a) ASSESSMENT.—With respect to each project classified as class III under the Dam Safety Action Classification of the Corps of Engineers for which the Secretary has assumed responsibility for maintenance as of the date of enactment of this Act, the Secretary shall assess—

(1) the anticipated effects of the Secretary continuing to be responsible for the maintenance of the project during the period that ends 15 years after the date of enactment of this Act, including the benefits to the State and local community; and

(2) the anticipated effects of the Secretary not continuing to be responsible for the maintenance of the project during such 15-year period, including the costs to the State and local community.

(b) REPORT.—Not later than 90 days after completion of the assessment under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report summarizing the results of the assessment.

SEC. 1218. NORTH ATLANTIC DIVISION REPORT ON HURRICANE BARRIERS AND HARBORS OF REFUGE.

Consultation.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with State and local experts in the North Atlantic Division of the Corps of Engineers, shall submit to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the durability and resiliency of existing hurricane barriers and harbors of refuge in the North Atlantic Division, giving particular consideration as to how such barriers and harbors will survive and fully serve their planned levels of protection under current, near, and longer term future predicted sea levels, storm surges, and storm strengths.

SEC. 1219. GREAT LAKES COASTAL RESILIENCY STUDY.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive assessment of the water resources needs of the Great Lakes System under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(b) COOPERATION.—In carrying out the assessment pursuant to subsection (a), the Secretary shall cooperate with stakeholders and coordinate with all ongoing programs and projects of the Great Lakes Restoration Initiative under section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268).

(c) DEFINITIONS.—The term "Great Lakes System" has the meaning given such term in section 118(a) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)).

SEC. 1220. MCMICKEN DAM, ARIZONA, AND MUDDY RIVER, MASSACHUSETTS.

(a) REPORT.—The Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment on Public Works of the Senate on the status of—

(1) the project at McMicken Dam, Arizona, authorized by section 304 of the Act of August 7, 1953 (67 Stat. 450); and

(2) the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, authorized by section 522 of the Water Resources Development Act of 2000 (114 Stat. 2656).

(b) REQUIREMENTS.—The report under subsection (a) shall include a description of the reasons of the Secretary for deauthorizing the projects described in subsection (a).

SEC. 1221. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.

Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the implementation of section 1185(c) of the Water Resources Development Act of 2016 (130 Stat. 1680).

SEC. 1222. FORECAST-INFORMED RESERVOIR OPERATIONS.

(a) REPORT ON FORECAST-INFORMED RESERVOIR OPERATIONS.—Not later than 1 year after the date of completion of the forecast-informed reservoir operations research study pilot program at Coyote Valley Dam, Russian River Basin, California (authorized by the River and Harbor Act of 1950 (64 Stat. 177)), the Secretary shall issue a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of the study pilot program.

(b) CONTENTS OF REPORT.—The Secretary shall include in the report issued under subsection (a)—

(1) an analysis of the use of forecast-informed reservoir operations at Coyote Valley Dam, California; Analysis.

(2) an assessment of the viability of using forecast-informed reservoir operations at other dams owned or operated by the Secretary; Assessment.

(3) an identification of other dams owned or operated by the Secretary where forecast-informed reservoir operations may

assist the Secretary in the optimization of future reservoir operations; and

(4) any additional areas for future study of forecast-informed reservoir operations.

SEC. 1223. CEDAR RIVER, IOWA.

Not later than 90 days after the date of enactment of this Act, the Secretary shall complete and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing the path forward and timeline to implement the project for flood risk management at Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366).

SEC. 1224. OLD RIVER CONTROL STRUCTURE, LOUISIANA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the structure and operations plan for the Old River control structure authorized by the Flood Control Act of 1954 (68 Stat. 1258), based on the best available science, improved monitoring capabilities, and other factors as determined by the Secretary, including consideration of—

(1) flood control;

(2) navigational conditions;

(3) water supply;

(4) ecosystem restoration and ecological productivity; and

(5) hydroelectric production.

(b) PUBLIC PARTICIPATION.—In developing the report required by subsection (a), the Secretary shall provide opportunity for public input and stakeholder engagement, including public meetings.

SEC. 1225. UPPER MISSISSIPPI RIVER PROTECTION.

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270) is amended by adding at the end the following:

Plans.

"(d) CONSIDERATIONS.—In carrying out a disposition study with respect to the Upper St. Anthony Falls Lock and Dam, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), the Secretary shall expedite completion of such study and shall produce a report on the Upper St. Anthony Falls Lock and Dam that is separate from any report on any other lock or dam included in such study that includes plans for—

"(1) carrying out modifications to the Upper St. Anthony Falls Lock and Dam to—

"(A) preserve and enhance recreational opportunities and the health of the ecosystem; and

"(B) maintain the benefits to the natural ecosystem and human environment;

"(2) a partial disposition of the Upper St. Anthony Falls Lock and Dam facility and surrounding real property that preserves any portion of the Upper St. Anthony Falls Lock and Dam necessary to maintain flood control; and

"(3) expediting the disposition described in this subsection.

"(e) CONTRIBUTED FUNDS.—The Secretary shall accept and expend funds to carry out the study described in subsection (d)

that are contributed by a State or a political subdivision of a State under the Act of October 15, 1940 (33 U.S.C. 701h–1).".

SEC. 1226. MISSOURI RIVER.

(a) IRC REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the impacts of interception-rearing complex construction on the navigation, flood control, and other authorized purposes set forth in the Missouri River Master Manual, and on the population recovery of the pallid sturgeon.

(b) NO ADDITIONAL IRC CONSTRUCTION.—Until the report under subsection (a) is submitted, no additional interception-rearing complex construction is authorized.

SEC. 1227. LOWER MISSOURI RIVER BANK STABILIZATION AND NAVIGATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the function and reliability of the Lower Missouri River bank stabilization and navigation project, authorized by the first section of the Act of July 25, 1912 (37 Stat. 219, chapter 253).

(b) CONSIDERATIONS AND COORDINATION.—In developing the report required under subsection (a), the Secretary shall—

(1) consider recommended improvements to the project described in such subsection and current and future flood risks; and

(2) coordinate with State and local governments and affected stakeholders.

SEC. 1228. COASTAL TEXAS STUDY.

The Secretary shall expedite the completion of studies for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of Texas that are identified in the interim report due to be published in 2018 that describes the tentatively selected plan developed in accordance with section 4091 of the Water Resources Development Act of 2007 (121 Stat. 1187).

SEC. 1229. REPORT ON WATER SUPPLY CONTRACT, WRIGHT PATMAN LAKE, TEXAS.

Not later than June 30, 2019, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the implementation of the water supply contract, Department of the Army, Civil Works Contract No. 29–68–A–0130, at Wright Patman Lake, Texas, that—

(1) describes the implementation of that contract at Wright Patman Lake; and

(2) identifies—

(A) the activities that the Secretary expects to be necessary to complete the execution of the contract;

(B) the expected completion date for each activity identified under subparagraph (A); and

(C) the expected date of completion of the execution of the contract.

Subtitle C—Deauthorizations, Modifications, and Related Provisions

33 USC 579d–1.

SEC. 1301. DEAUTHORIZATION OF INACTIVE PROJECTS.

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

(1) to identify $4,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies—

(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years;

(B) each project or separable element of a project identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)); and

(C) any project or separable element of a project for which the non-Federal sponsor of such project or separable element submits a request for inclusion on the list.

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

Deadline.

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register. Federal Register, publication.

(c) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) DEAUTHORIZATION AMOUNT.—

(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least $4,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—

(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).

(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment. Determination.

(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).

(B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State

on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(5) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall— Deadline.

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register. Federal Register, publication.

(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period. Time period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years. Time period.

(f) GENERAL PROVISIONS.—

(1) DEFINITIONS.—In this section, the following definitions apply:

(A) POST-AUTHORIZATION STUDY.—The term "post-authorization study" means—

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term "water resources development project" includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent modification.

SEC. 1302. BACKLOG PREVENTION. 33 USC 579c–2.

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless— Time period.

(A) funds have been obligated for construction of, or a post-authorization study for, such project or such separable element during such period; or

(B) a subsequent Act of Congress modifies the authorization contained in this Act.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 10-year period described in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1). Reports.

(b) REPORT TO CONGRESS.—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains— Public information.

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed; Lists.

(2) a description of the reasons each project was not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; Schedule.

(4) a 5-year and 10-year projection of construction backlog; and Projections.

(5) any recommendations to Congress regarding how to mitigate the backlog. Recommendations.

SEC. 1303. PROJECT MODIFICATIONS.

(a) CONSISTENCY WITH REPORTS.—Congress finds that the project modifications described in this section are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), titled "Report to Congress on Future Water Resources Development", or have otherwise been reviewed by Congress.

(b) MODIFICATIONS.—

(1) HARBOR/SOUTH BAY, CALIFORNIA.—Section 219(f)(43) of the Water Resources Development Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220) is amended by striking "$35,000,000" and inserting "$70,000,000".

(2) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat. 1677) is amended by striking "$60,000,000" and inserting "$89,550,000".

SEC. 1304. LYTLE AND CAJON CREEKS, CALIFORNIA.

That portion of the channel improvement project, Lytle and Cajon Creeks, California, authorized to be carried out as a part of the project for the Santa Ana River Basin, California, by the Act of December 22, 1944 (Chapter 665; 58 Stat. 900) that consists of five earth-filled groins commonly referred to as "the Riverside Avenue groins" is no longer authorized as a Federal project beginning on the date of enactment of this Act.

SEC. 1305. YUBA RIVER BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275) is modified to allow a non-Federal interest to construct a new levee to connect the existing levee with high ground.

(b) PROJECT DESCRIPTION.—The levee to be constructed shall tie into the existing levee at a point N2186189.2438, E6703908.8657, thence running east and south along a path to be determined to a point N2187849.4328, E6719262.0164.

(c) COOPERATION AGREEMENT.—The Secretary shall execute a conforming amendment to the Memorandum of Understanding Respecting the Sacramento River Flood Control Project with the State of California dated November 30, 1953, that is limited to changing the description of the project to reflect the modification.

(d) NO FEDERAL COST.—

(1) REVIEW COSTS.—Before construction of the levee described in subsection (b), the Secretary may accept and expend funds received from a non-Federal interest to review the planning, engineering, and design of the levee described in subsection (b) to ensure that such planning, engineering, and design complies with Federal standards.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of constructing the levee shall be 100 percent.

SEC. 1306. BRIDGEPORT HARBOR, CONNECTICUT.

That portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of June 18, 1878 (20 Stat. 158), and modified by the Act of August 11, 1888 (25 Stat. 401), the Act of March 3, 1899 (30 Stat. 1122), the Act of June 25,

1910 (36 Stat. 633), and the Act of July 3, 1930 (46 Stat. 919), and lying upstream of a line commencing at point N627942.09, E879709.18 thence running southwesterly about 125 feet to a point N627832.03, E879649.91 is no longer authorized beginning on the date of enactment of this Act.

SEC. 1307. DELAWARE RIVER NAVIGATION PROJECT.

Section 1131(3) of the Water Resources Development Act of 1986 (100 Stat. 4246) is amended by striking "ten feet" and inserting "35 feet".

SEC. 1308. COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, EVERGLADES AGRICULTURAL AREA, FLORIDA.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary is authorized to carry out the project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, Florida, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), as recommended in the addendum to the Central Everglades Planning Project Post Authorization Change Report, Feasibility Study and Draft Environmental Impact Statement prepared by the South Florida Water Management District and dated May 2018, with such modifications as the Secretary considers appropriate.

(b) REQUIREMENT.—

(1) IN GENERAL.—The project authorized by subsection (a) may be constructed only after the Secretary prepares a report that addresses the concerns, recommendations, and conditions identified by the Secretary in the review assessment titled "Review Assessment of South Florida Water Management District's Central Everglades Planning Project, Section 203 Post Authorization Change Report, Integrated Feasibility Study and DRAFT Environmental Impact Statement (March 2018, Amended May 2018)" and dated May 2018. Reports.

(2) EXPEDITED COMPLETION.—The Secretary shall expedite the completion of the report under paragraph (1) and shall complete such report not later than 90 days after the date of enactment of this section.

(c) CONSULTATION.—In reviewing the report identified in subsection (a), and completing the report identified in subsection (b), the Secretary shall consult with the South Florida Water Management District on any project modifications.

(d) CONSIDERATION.—Nothing in this section shall be construed to delay the design, construction, and implementation of components and features of the project for ecosystem restoration, Central Everglades, authorized by section 1401(4) of the Water Resources Development Act of 2016 (130 Stat. 1713), that are not directly affected by the project authorized by subsection (a).

SEC. 1309. KISSIMMEE RIVER RESTORATION, FLORIDA.

The Secretary may credit work performed or to be performed by the non-Federal sponsor of the project for ecosystem restoration, Kissimmee River, Florida, authorized by section 101(8) of the Water Resources Development Act of 1992 (106 Stat. 4802), as an in-kind contribution under section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)), in accordance with the report of the Director of Civil Works relating to the Central and Southern Florida Project, Kissimmee River Restoration Project, dated April

27, 2018, subject to the availability of appropriations for any payments due, if the Secretary determines that the work was carried out in accordance with the requirements of subchapter 4 of chapter 31, and chapter 37, of title 40, United States Code.

SEC. 1310. LEVEE L–212, FOUR RIVER BASIN, OCKLAWAHA RIVER, FLORIDA.

The portions of the project for flood control and other purposes, Four River Basins, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), consisting of levee L–212 along the Ocklawaha River, Florida, are no longer authorized beginning on the date of enactment of this Act.

SEC. 1311. GREEN RIVER AND BARREN RIVER LOCKS AND DAMS, KENTUCKY.

Section 1315 of the Water Resources Development Act of 2016 (130 Stat. 1698) is amended—

(1) in subsection (b)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(ii) in the matter preceding clause (i) (as so redesignated), by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(iii) by adding at the end the following:

Determination.

"(B) USE OF FUNDS.—If the Secretary determines that removal of Lock and Dam 5 or a portion of Lock and Dam 5 is necessary before the conveyance under subparagraph (A), the Secretary—

"(i) shall proceed with that removal; and

"(ii) to carry out that removal—

"(I) may use appropriated funds or accept and use funds contributed by entities described in that subparagraph; and

"(II) may work with entities described in that subparagraph."; and

(B) in paragraph (5)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(ii) in the matter preceding clause (i) (as so redesignated), by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(iii) by adding at the end the following:

Determination.

"(B) USE OF FUNDS.—If the Secretary determines that removal of Lock and Dam 1 or a portion of Lock and Dam 1 is necessary before the conveyance under subparagraph (A), the Secretary—

"(i) shall proceed with that removal; and

"(ii) to carry out that removal—

"(I) may use appropriated funds or accept and use funds contributed by entities described in that subparagraph; and

"(II) may work with entities described in that subparagraph."; and

(2) in subsection (c), by adding at the end the following:

"(5) REMOVAL COSTS.—In carrying out this section, if the Secretary determines that removal of a Lock and Dam (or a portion of a Lock and Dam) described in this section is necessary, any Federal costs of that removal shall be subject to the availability of appropriations.". Determination.

SEC. 1312. CAPE ARUNDEL DISPOSAL SITE, MAINE.

The Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) shall remain available for use until December 31, 2021.

SEC. 1313. PENOBSCOT RIVER, MAINE.

Beginning on the date of enactment of this Act, the project for navigation, Penobscot River, Maine, authorized by the River and Harbor Appropriations Acts of July 5, 1884 (23 Stat. 133), August 11, 1888 (25 Stat. 408), July 31, 1892 (27 Stat. 96), and March 2, 1907 (Public Law 59–168; 34 Stat. 1074), is modified as follows:

(1) The portion of the 14-foot deep channel located between Bangor and Brewer, Maine, approximately 135,784 square feet in area, starting at a point with coordinates N410451.89, E913370.08, thence running N34°05'52.6"E about 815.4 feet to a point with coordinates N411127.11, E913827.20, thence running N52°41'55.33"E about 143.06 feet to a point with coordinates N411213.81, E913941.00, thence running N27°04'01"E about 1068.73 feet to a point with coordinates N412165.48, E914427.30, thence running S62°55'59.79"E about 450 feet to a point with coordinates N411960.72, E914828.01, thence running S27°04'01"W about 246.99 feet to a point with coordinates N411740.78, E914715.62, thence running N43°45'41.8"W about 444.66 feet to a point with coordinates N412061.92, E914408.07, thence running S27°04'01"W about 946.62 feet to a point with coordinates N411218.97, E913977.33, thence running S38°21'58.9"W about 978.35 feet to the point of origin, is no longer authorized.

(2) The portion of the 14-foot deep channel, approximately 121,875 square feet in area, starting at a point with coordinates N410670.99, E914168.96, thence running N62°55'59"W about 100 feet to a point with coordinates N410716.49, E914079.92, thence running N27°04'01"E about 1236.13 feet to a point with coordinates N411817.24, E914642.40, thence running S43°45'41.8"E about 105.87 feet to a point with coordinates N411740.78, E914715.62, thence running S27°04'01"W about 1201.37 feet to the point of origin, is redesignated as a 100-foot wide and 14-foot deep anchorage area.

(3) The portion of the 14-foot deep channel, approximately 304,058 square feet in area, starting at a point with coordinates N410761.99. E913990.87, thence running N62°55'59"W about 300.08 feet to a point with coordinates N410898.54, E913723.66, thence running N38°21'58.9"E about 408.69 feet to a point with coordinates N411218.97, E913977.33, thence running N27°04'01"E about 946.62 feet to a point with coordinates N412061.92, E914408.07, thence running S43°45'41.8"E about 232.92 feet to a point with coordinates N411893.70, E914569.17, thence running S27°04'01"W about 1270.9 feet to the point

of origin, is redesignated as a 14-foot deep anchorage area of a width varying from 220 to 300.08 feet.

SEC. 1314. BOSTON HARBOR RESERVED CHANNEL DEAUTHORIZATIONS.

(a) 40–FOOT RESERVED CHANNEL.—

(1) IN GENERAL.—The portions of the project for navigation, Boston Harbor, Massachusetts, authorized by the first section of the Act of October 17, 1940 (54 Stat. 1198, chapter 895), and modified by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607), and section 7002(1) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1365), described in paragraph (2) are no longer authorized beginning on the date of enactment of this Act.

(2) AREAS DESCRIBED.—

(A) FIRST AREA.—The first areas described in this paragraph are—

(i) beginning at a point N2950154.45, E785995.64;

(ii) running southwesterly about 1451.63 feet to a point N2950113.83, E784544.58;

(iii) running southeasterly about 54.00 feet to a point N2950059.85, E784546.09;

(iv) running southwesterly about 1335.82 feet to a point N2950022.48, E783210.79;

(v) running northwesterly about 83.00 feet to a point N2950105.44, E783208.47;

(vi) running northeasterly about 2787.45 feet to a point N2950183.44, E785994.83; and

(vii) running southeasterly about 29.00 feet to the point described in clause (i).

(B) SECOND AREA.—The second areas described in this paragraph are—

(i) beginning at a point N2950502.86, E785540.84;

(ii) running northeasterly about 46.11 feet to a point N2950504.16, E785586.94;

(iii) running southwesterly about 25.67 feet to a point N2950480.84, E785576.18;

(iv) running southwesterly to a point N2950414.32, E783199.83;

(v) running northwesterly about 8.00 feet to a point N2950422.32, E783199.60;

(vi) running northeasterly about 2342.58 feet to a point N2950487.87, E785541.26; and

(vii) running northwesterly about 15.00 feet to the point described in clause (i).

(b) 35–FOOT RESERVED CHANNEL.—

(1) IN GENERAL.—The portions of the project for navigation, Boston Harbor, Massachusetts, authorized by the first section of the Act of October 17, 1940 (54 Stat. 1198, chapter 895), and modified by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), described in paragraph (2) are no longer authorized beginning on the date of enactment of this Act.

(2) AREAS DESCRIBED.—

(A) FIRST AREA.—The first areas described in this paragraph are—

(i) beginning at a point N2950143.44, E787532.14;

(ii) running southeasterly about 22.21 feet to a point N2950128.91, E787548.93;

(iii) running southwesterly about 4,339.42 feet to a point N2950007.48, E783211.21;

(iv) running northwesterly about 15.00 feet to a point N2950022.48, E783210.79; and

(v) running northeasterly about 4,323.05 feet to the point described in clause (i).

(B) SECOND AREA.—The second areas described in this paragraph are—

(i) beginning at a point N2950502.86, E785540.84;

(ii) running southeasterly about 15.00 feet to a point N2950487.87, E785541.26;

(iii) running southwesterly about 2342.58 feet to a point N2950422.32, E783199.60;

(iv) running southeasterly about 8.00 feet to a point N2950414.32, E783199.83;

(v) running southwesterly about 1339.12 feet to a point N2950376.85, E781861.23;

(vi) running northwesterly about 23.00 feet to a point N2950399.84, E781860.59; and

(vii) running northeasterly about 3681.70 feet to the point described in clause (i).

SEC. 1315. CORPS OF ENGINEERS BRIDGE REPAIR PROGRAM FOR NEW ENGLAND EVACUATION ROUTES.

Subject to the availability of appropriations, the Secretary may repair or replace, as necessary, any bridge owned and operated by the Secretary that is—

(1) located in any of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont; and

State listing.

(2) necessary for evacuation during an extreme weather event, as determined by the Secretary.

SEC. 1316. PLYMOUTH HARBOR, MASSACHUSETTS.

The Secretary shall expedite and complete the dredging of Plymouth Harbor, Massachusetts, as authorized by the Act of March 4, 1913 (37 Stat. 802, chapter 144) and the Act of September 22, 1922 (42 Stat. 1038, chapter 427).

SEC. 1317. PORTSMOUTH HARBOR AND PISCATAQUA RIVER.

The Secretary shall expedite the project for navigation for Portsmouth Harbor and the Piscataqua River authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

SEC. 1318. MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.

The Secretary shall align the schedules of, and maximize complimentary efforts, minimize duplicative practices, and ensure coordination and information sharing with respect to—

(1) the project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees Units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas, authorized by section 1001(28) of the Water Resources Development Act of 2007 (121 Stat. 1054); and

(2) the project for flood risk management, Armourdale and Central Industrial District Levee Units, Missouri River and

Tributaries at Kansas Citys, Missouri and Kansas, authorized by section 1401(2) of the Water Resources Development Act of 2016 (130 Stat. 1710).

SEC. 1319. HAMPTON HARBOR, NEW HAMPSHIRE, NAVIGATION IMPROVEMENT PROJECT.

In carrying out the project for navigation, Hampton Harbor, New Hampshire, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall use all existing authorities of the Secretary to mitigate severe shoaling.

SEC. 1320. PASSAIC RIVER FEDERAL NAVIGATION CHANNEL, NEW JERSEY.

(a) DEFINITION OF PASSAIC RIVER NAVIGATION PROJECT.—In this section, the term "Passaic River navigation project" means the project for the Passaic River Federal navigation channel, New Jersey, described in the document of the New York District of the Corps of Engineers numbered 207075, entitled "Lower Passaic River Commercial Navigation Analysis", and dated March 2007, as revised in December 2008 and July 2010.

(b) DEAUTHORIZATION.—

(1) IN GENERAL.—The portion of the Passaic River navigation project described in paragraph (2) is deauthorized.

(2) DESCRIPTION OF PORTION.—The portion of the Passaic River navigation project referred to in paragraph (1) is the portion from river mile 1.7 to river mile 15.4, as bounded by—

(A) the coordinates of—

(i) West Longitude 074 10.33047″ W;

(ii) North Latitude 40 51.99988″ N;

(iii) East Longitude 074 06.05923″ W; and

(iv) South Latitude 40 43.2217″ N; and

(B) the New Jersey State Plane (US Survey Feet, NAD–83), as follows: Upper Left x731 592941.27 y731 739665.34; Upper Right x731 602477.94 y731 740791.62; Lower Left x731 582974.17 y731 692561.62; Lower Right x731 598345.10 y731 691219.09.

(c) MODIFICATION.—

(1) IN GENERAL.—The depth of the portion of the Passaic River navigation project described in paragraph (2) is modified from 30 feet to 20 feet (using the Mean Lower Low Water datum).

(2) DESCRIPTION OF PORTION.—The portion of the Passaic River navigation project referred to in paragraph (1) is the portion from river mile 0.6 to river mile 1.7, as bounded by—

(A) the coordinates of—

(i) West Longitude 074 07.43471″ W;

(ii) North Latitude 40 44.32682″ N;

(iii) East Longitude 074 06.61586″ W; and

(iv) South Latitude 40 42.39342″ N; and

(B) the New Jersey State Plane (US Survey Feet, NAD–83), as follows: Upper Left x731 597440.36 y731 691333.92; Upper Right x731 598345.10 y731 691219.09; Lower Left x731 596416.01 y731 685597.99; Lower Right x731 597351.18 y731 685596.08.

SEC. 1321. FARGO-MOORHEAD METROPOLITAN AREA DIVERSION PROJECT, NORTH DAKOTA.

Effective date.

(a) EXEMPTION.—Subject to subsections (b) and (c), notwithstanding section 404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)(ii)), and any regulations promulgated to carry out that section, beginning on the date of enactment of this Act, any property in the State of North Dakota that was acquired through hazard mitigation assistance provided under section 203 of that Act (42 U.S.C. 5133), section 404 of that Act (42 U.S.C. 5170c), or section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), that was subject to any open space deed restriction is exempt from those restrictions to the extent necessary to complete the Fargo-Moorhead Metropolitan Area Diversion Project authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366).

(b) CONDITIONS.—As a condition of the exemption under subsection (a)—

(1) no new or additional structure unrelated to the Project may be erected on the property unless the new or additional structure is in compliance with section 404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)(ii)); and

(2) any subsequent use of the land on the property that is unrelated to the Project shall comply with that section.

(c) DISASTER ASSISTANCE PROHIBITED.—After the date of enactment of this Act, no disaster assistance from any Federal source may be provided with respect to any improvements made on the property referred to in subsection (a).

(d) SAVINGS PROVISION.—Nothing in this section affects the responsibility of any entity to comply with all other applicable laws (including regulations) with respect to the properties described in subsection (a).

SEC. 1322. CLATSOP COUNTY, OREGON.

The portions of the project for raising and improving existing levees of Clatsop County Diking District No. 13, in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590), that are referred to as Christensen No. 1 Dike No. 42 and Christensen No. 2 Levee No. 43 are no longer authorized beginning on the date of enactment of this Act.

SEC. 1323. SVENSEN ISLAND, OREGON.

The project for flood risk management, Svensen Island, Oregon, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 180), is no longer authorized beginning on the date of enactment of this Act.

SEC. 1324. WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.

The unconstructed portions of the West Tennessee tributaries project along the Obion and Forked Deer Rivers, Tennessee, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1178), and modified by section 207 of the Flood Control Act of 1966 (80 Stat. 1423), section 3(a) of the Water Resources Development Act of 1974 (88 Stat. 14), and section 183 of the Water Resources Development Act of 1976 (90 Stat. 2940), are no longer authorized beginning on the date of enactment of this Act.

SEC. 1325. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION.

Section 544(f) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2675) is amended—

(1) by striking "$40,000,000" and inserting "$60,000,000"; and

(2) by striking "$5,000,000" and inserting "$10,000,000".

SEC. 1326. MILWAUKEE HARBOR, MILWAUKEE, WISCONSIN.

The portion of the project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin, authorized by the first section of the Act of March 3, 1843 (5 Stat. 619; chapter 85), consisting of the navigation channel within the Menomonee River that extends from the 16th Street Bridge upstream to the upper limit of the authorized navigation channel and described as follows is no longer authorized beginning on the date of enactment of this Act:

(1) Beginning at a point in the channel just downstream of the 16th Street Bridge, N383219.703, E2521152.527.

(2) Thence running westerly along the channel about 2,530.2 feet to a point, N383161.314, E2518620.712.

(3) Thence running westerly by southwesterly along the channel about 591.7 feet to a point at the upstream limit of the existing project, N383080.126, E2518036.371.

(4) Thence running northerly along the upstream limit of the existing project about 80.5 feet to a point, N383159.359, E2518025.363.

(5) Thence running easterly by northeasterly along the channel about 551.2 feet to a point, N383235.185, E2518571.108.

(6) Thence running easterly along the channel about 2,578.9 feet to a point, N383294.677, E2521150.798.

(7) Thence running southerly across the channel about 74.3 feet to the point of origin.

State listing. Territories.

SEC. 1327. PROJECT COMPLETION FOR DISASTER AREAS.

The Secretary shall expeditiously carry out any project for flood risk management or hurricane and storm damage risk reduction authorized as of the date of enactment of this Act to be carried out by the Secretary in Texas, Florida, Georgia, Louisiana, South Carolina, the Commonwealth of Puerto Rico, or the United States Virgin Islands.

SEC. 1328. FEDERAL ASSISTANCE.

(a) IN GENERAL.—In accordance with the requirements of subsection (b), the Secretary is authorized to provide assistance for the operation and maintenance of a flood risk reduction project in the Red River Basin of the North that was constructed, prior to the date of enactment of this Act, under section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)).

(b) CONDITION.—The Secretary may provide the assistance authorized by subsection (a) for a project that, as determined by the Secretary, becomes permanent due to the extended presence of assistance from the Secretary under section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n(a)).

(c) TERMINATION.—The authority to provide assistance under this section terminates on the date that is 4 years after the date of enactment of this section.

SEC. 1329. EXPEDITED INITIATION.

Section 1322(b)(2) of the Water Resources Development Act of 2016 (130 Stat. 1707) is amended, in the matter preceding subparagraph (A), by inserting "or, in a case in which a general reevaluation report for the project is required, if such report has been submitted for approval," after "completed report,".

SEC. 1330. PROJECT DEAUTHORIZATION AND STUDY EXTENSIONS.

(a) PROJECT DEAUTHORIZATIONS.—Section 6003(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579c(a)) is amended—

(1) by striking "7-year period" each place it appears and inserting "10-year period"; and

(2) by adding at the end the following:

"(3) CALCULATION.—In calculating the time period under paragraph (1), the Secretary shall not include any period of time during which the project is being reviewed and awaiting determination by the Secretary to implement a locally preferred plan for that project under section 1036(a).

"(4) EXCEPTION.—The Secretary shall not deauthorize any project during the period described in paragraph (3).".

(b) STUDY EXTENSIONS.—Section 1001(d)(4) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(d)(4)) is amended by striking "7 years" and inserting "10 years".

SEC. 1331. CONVEYANCES.

(a) CHEATHAM COUNTY, TENNESSEE.—

(1) CONVEYANCE AUTHORIZED.—The Secretary may convey to Cheatham County, Tennessee (in this subsection referred to as the "Grantee"), all right, title, and interest of the United States in and to the real property in Cheatham County, Tennessee, consisting of approximately 9.19 acres, identified as portions of tracts E–514–1, E–514–2, E–518–1, E–518–2, E–519–1, E–537–1, and E–538, all being part of the Cheatham Lock and Dam project at CRM 158.5, including any improvements thereon.

(2) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, to include retaining the right to inundate with water any land transferred under this subsection.

(3) CONSIDERATION.—The Grantee shall pay to the Secretary an amount that is not less than the fair market value of the land conveyed under this subsection, as determined by the Secretary.

(4) SUBJECT TO EXISTING EASEMENTS AND OTHER INTERESTS.—The conveyance of property under this section shall be subject to all existing easements, rights-of-way, and leases that are in effect as of the date of the conveyance.

(b) NASHVILLE, TENNESSEE.—

(1) CONVEYANCE AUTHORIZED.—The Secretary may convey, without consideration, to the City of Nashville, Tennessee (in this subsection referred to as the "City"), all right, title, and interest of the United States in and to the real property covered by Lease No. DACW62–1–84–149, including any improvements

thereon, at the Riverfront Park Recreational Development, consisting of approximately 5 acres, subject to the right of the Secretary to retain any required easements in the property.

(2) CONVEYANCE AGREEMENT.—The Secretary shall convey by quitclaim the real property described in paragraph (1) under the terms and conditions mutually satisfactory to the Secretary and the City. The deed shall provide that in the event that the City, its successors, or assigns cease to maintain improvements for recreation included in the conveyance or otherwise utilize the real property conveyed for purposes other than recreation and compatible flood risk management, the City, its successor, or assigns shall repay to the United States the Federal share of the cost of constructing the improvements for recreation under the agreement between the United States and the City dated December 8, 1981, increased as necessary to account for inflation.

(c) LOCKS AND DAMS 1 THROUGH 4, KENTUCKY RIVER, KENTUCKY.—

Effective date.

(1) IN GENERAL.—Beginning on the date of enactment of this Act, commercial navigation at Locks and Dams 1 through 4, Kentucky River, Kentucky, shall no longer be authorized, and the land and improvements associated with the locks and dams shall be disposed of consistent with this subsection and in accordance with the report of the Director of Civil Works entitled "Kentucky River Locks and Dams 1, 2, 3, and 4, Disposition Study and Integrated Environmental Assessment" and dated April 20, 2018.

(2) DISPOSITION.—The Secretary shall convey to the State of Kentucky (referred to in this section as the "State"), for the use and benefit of the Kentucky River Authority, all right, title, and interest of the United States, together with any improvements on the land, including improvements located in the Kentucky River, in and to—

(A) Lock and Dam 1, located in Carroll County, Kentucky;

(B) Lock and Dam 2, located in Owen and Henry counties, Kentucky;

(C) Lock and Dam 3, located in Owen and Henry counties, Kentucky; and

(D) Lock and Dam 4, located in Franklin County, Kentucky.

(3) CONDITIONS.—

(A) QUITCLAIM DEED.—The Secretary shall convey the property described in paragraph (2) by quitclaim deed to such State under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(B) ADMINISTRATIVE COSTS.—The Secretary shall be responsible for all administrative costs associated with a conveyance under this subsection, including the costs of any surveys the Secretary determines to be necessary.

(C) IMPROVEMENTS PROHIBITED.—

(i) IN GENERAL.—The Secretary may not improve the locks and dams and land and improvements associated with the locks and dams described in this subsection on or after the date of enactment of this Act.

(ii) SAVINGS CLAUSE.—Nothing in subparagraph (A) prohibits the State from improving the locks and dams and the land and improvements associated with the locks and dams described in this subsection on or after the date of conveyance under this subsection.

(4) SAVINGS CLAUSE.—If the State does not accept the conveyance under this subsection of the land and improvements associated with the locks and dams described in this subsection, the Secretary may dispose of the land and improvements under subchapter III of chapter 5 of title 40, United States Code.

(d) BAINBRIDGE, GEORGIA.—

(1) IN GENERAL.—On the date of enactment of this Act, the Secretary of the Army shall convey to the City of Bainbridge, Georgia, without consideration and subject to subsection (b), all right, title, and interest in and to real property described in subsection (c).

(2) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyance by the United States under this subsection shall be subject to—

(i) the condition that the City of Bainbridge agrees to operate, maintain, and manage the property for fish and wildlife, recreation, and environmental purposes at no cost or expense to the United States; and

(ii) such other terms and conditions as the Secretary determines to be in the interest of the United States.

Determination.

(B) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or the city ceases to operate, maintain, and manage the real property in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

(3) PROPERTY.—The property to be conveyed is composed of the following three parcels of land:

(A) PARCEL 1.—All that tract or parcel of land lying and being in Land Lots 226. and 228, Fifteenth Land District, and Land Lots 319, 320, 321, 322, 323 and 358, Twentieth Land District, Decatur County, Georgia, more particularly described as follows:

Beginning at a concrete monument stamped "358" which is 950 feet, more or less, North of the South line and 600 feet, more or less, West of the East line of said Land Lot 358, at a corner of a tract of land owned by the United States of America at Lake Seminole and at plane coordinate position North 318,698.72 feet and East 360,033.38 feet based on Transverse Mercator Projection, Georgia West Zone;

Thence Due West 75 feet, more or less, to the contour at elevation 77.0 feet above Mean Sea Level;

Thence Northeasterly along the meanders of said 77.0 foot contour a distance of 20,600 feet, more or less, to the mouth of the entrance channel to the arena and boat basin;

Thence N 75° E 150 feet, more or less, to another point on said 77.0 foot contour;

Thence Northeasterly along the meanders of said 77.0 foot contour a distance of 3,300 feet, more or less, to a point which is on the boundary of said United States tract and on the boundary of a tract of land now or formerly owned by the City of Bainbridge, Georgia;

Thence along the boundary of said United States tract the following courses:

S 10° 52′ E along the boundary of said City of Bainbridge tract 830 feet, more or less, to a corner of said tract;

S 89° 45′ E along the boundary of said City of Bainbridge tract 700 feet, more or less, to a concrete monument stamped "J1A", coordinates of said monument being North 328,902.34 feet and East 369,302.33 feet;

S 22° 25′ W 62 feet, more or less, to a corner of another tract of land owned by the City of Bainbridge, Georgia;

S 88° 07′ W along the boundary of said City of Bainbridge tract 350 feet, more or less to a corner of said tract;

N 84° 00′ W along the boundary of said City of Bainbridge tract 100.5 feet to a corner said tract;

S 88° 07′ W along the boundary of said City of Bainbridge tract 300.0 feet to a corner of said tract;

S 14° 16′ W along boundary of said City of Bainbridge tract 89.3 feet to a corner of said tract;

Southwesterly along the boundary of said City of Bainbridge tract which is along a curve to the right with a radius of 684.69 feet an arc distance of 361.8 feet to a corner of said tract;

S 30° 00′ W along the boundary of said City of Bainbridge tract 294.0 feet to a corner of said tract;

S 10° 27′ W along the boundary of said City of Bainbridge tract 385.0 feet to a corner of said tract;

N 73° 31′ W 38 feet, more or less, to a concrete monument;

S 16° 25′ W 563.7 feet to a concrete monument stamped "J7A";

S 68° 28′ W 719.5 feet to a concrete monument stamped "J9A";

S 68° 28′ W 831.3 feet to a concrete monument stamped "J12A";

S 89° 39′ E 746.7 feet to a concrete monument stamped "J11A";

S 01° 22′ W 80.0 feet to a concrete monument stamped "J11B";

N 89° 39′ W 980.9 feet to a concrete monument stamped "J13A";

S 01° 21′ W 560.0 feet to a concrete monument stamped "J15A";

S 37° 14′ W 1,213.0 feet;

N 52° 46′ W 600.0 feet;

S 37° 14′ W 1,000.0 feet;

S 52° 46′ E 600.0 feet;

S 37° 14′ W 117.0 feet to a concrete monument stamped "320/319";

S 37° 13′ W 1,403.8 feet to a concrete monument stamped "322/319";

S 37° 13′ W 2,771.4 feet to a concrete monument stamped "322/323";

S 37° 13′ W 1,459.2 feet;

N 89° 04′ W 578.9 feet;

S 53° 42′ W 367.7 feet;

S 43° 42′ W 315.3 feet;

S 26° 13′ W 654.9 feet, more or less, to the point of beginning.

Containing 550.00 acres, more or less, and being a part of Tracts L-1105 and L-1106 of Lake Seminole.

(B) PARCEL 2.—All that tract or parcel of land lying and lying and being in Land Lot 226, Fifteenth Land District, Decatur County, Georgia, more particularly described as follows:

Beginning at a point which is on the East right-of-way line of the Seaboard Airline Railroad, 215 feet North of the South end of the trestle over the Flint River, and at a corner of a tract of land owned by the United States of America at Lake Seminole;

Thence Southeasterly along the boundary of said United States tract which is along a curve to the right a distance of 485 feet, more or less, to a point which is 340 feet, more or less, S 67° 00′ E from the South end of said trestle, and at a corner of said United States tract;

Thence N 70° 00′ E along the boundary of said United States tract 60.0 feet to a corner of said tract;

Thence Northerly along the boundary of said United States tract which is along a curve to the right a distance of 525 feet, more or less, to a corner of said tract;

Thence S 05° 00′ W along the boundary of said United States tract 500.0 feet to a corner of said tract;

Thence Due West along the boundary of said United States tract 370 feet, more or less, to a point which is on the East right-of-way line of said railroad and at a corner of said United States tract;

Thence N 13° 30′ W along the boundary of said United States tract which is along the East right-of-way line of said railroad a distance of 310 feet, more or less, to the point of beginning.

Containing 3.67 acres, more or less, and being all of Tract L-1124 of Lake Seminole.

Parcels 1 and 2 contain in the aggregate 553.67 acres, more or less.

(C) PARCEL 3.—All that tract or panel of land lying and being in Land Lot 225, Fifteenth Land District, Decatur County, Georgia, more particularly described as follows:

Beginning at an iron marker designated "225/226/", which is on the South line and 500 feet, more or less, West of the Southeast corner of said Land Lot 225 at a corner of a tract of land owned by the United States of America at Lake Seminole and at plane coordinate position North 330,475.82 feet and East 370,429.36 feet, based on Transverse Mercator Projection, Georgia West Zone;

Thence Due West along the boundary of said United States tract a distance of 53.0 feet to a monument stamped "225/226–A";

Thence continue Due West along the boundary of said United States tract a distance of 56 feet, more or less, to a point on the East bank of the Flint River;

Thence Northerly, upstream, along the meanders of the East bank of said river a distance of 1,200 feet, more or less, to a point which is on the Southern right-of-way line of U.S. Highway No. 84 and at a corner of said United States tract;

Thence Easterly and Southeasterly along the Southern right-of-way line of said highway, which is along the boundary of said United States tract a distance of 285 feet, more or less, to a monument stamped "L–23–1", the coordinates of said monument being North 331,410.90 and East 370,574.96;

Thence S 02° 25′ E along the boundary of said United States tract a distance of 650.2 feet to a monument stamped "225–A";

Thence S 42° 13′ E along the boundary of said United States tract a distance of 99.8 feet to a monument stamped "225";

Thence S 48° 37′ W along the boundary of said United States tract a distance of 319.9 feet, more or less, to the point of beginning.

Containing 4.14 acres, more or less, and being all of Tract L–1123 of the Lake Seminole Project.

(e) PORT OF WHITMAN COUNTY, WASHINGTON.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term "Federal land" means the approximately 288 acres of land situated in Whitman County, Washington, contained within Tract D of Little Goose Lock and Dam.

(B) NON-FEDERAL LAND.—The term "non-Federal land" means a tract or tracts of land owned by the Port of Whitman County, Washington, that the Secretary determines, with approval of the Washington Department of Fish and Wildlife and the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service, equals or exceeds the value of the Federal land both as habitat for fish and wildlife and for recreational opportunities related to fish and wildlife.

(2) LAND EXCHANGE.—On conveyance by the Port of Whitman County to the United States of all right, title, and interest in and to the non-Federal land, the Secretary of the Army shall convey to the Port of Whitman County all right, title, and interest of the United States in and to the Federal land.

(3) DEEDS.—

(A) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(B) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to the Port of Whitman County by quitclaim deed and subject to any reservations, terms, and conditions the Secretary determines necessary to allow the United States to operate and maintain the Lower Snake

River Project and to protect the interests of the United States.

(4) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Port of Whitman County shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(5) ADMINISTRATIVE EXPENSES.—The Port of Whitman County shall be responsible for the administrative costs of the transaction in accordance with section 2695 of title 10, United States Code.

(f) FORT DUPONT, DELAWARE.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of enactment of this Act, the Secretary shall transfer— Deadline.

(A) all right, title, and interest in and to a parcel of land known as that part of the Original Acquisition (OADE) Tract that includes the bed and banks of the Delaware Branch Channel on the north side of the Fifth Street Bridge, Delaware City, Delaware, containing approximately 31.6 acres of land, to the Fort DuPont Redevelopment and Preservation Corporation (herein referred to as "the Grantee"); and

(B) all right, title, and interest in and to the Fifth Street Bridge, together with the land known as that part of the Original Acquisition (OADE) Tract that includes the banks and bed of the Delaware Branch Channel, Delaware City, Delaware, containing approximately 0.27 acres of land, to the State of Delaware.

(2) CONDITIONS.—

(A) STATE APPROVAL.—Before making a transfer under paragraph (1), the Secretary shall ensure that the Governor of Delaware agrees to the transfer.

(B) TOLL-FREE BRIDGE.—Before making a transfer under subparagraph (1)(B), the Governor of Delaware shall agree to ensure that no toll is imposed for use of the bridge referred to in that subsection, in accordance with section 109 of the River and Harbor Act of 1950 (33 U.S.C. 534).

(C) SURVEY.—The exact acreage and legal description of the land to be transferred under paragraph (1) shall be determined by a survey satisfactory to the Secretary and the Governor of Delaware.

(D) COSTS.—Any administrative costs for the transfer under paragraph (1) shall be paid by Fort DuPont Redevelopment and Preservation Corporation, the State of Delaware, or a combination of those entities.

(3) CONSIDERATION.—The Grantee shall pay to the Secretary an amount that is not less than the fair market value of the land conveyed to the Grantee under this subsection, as determined by the Secretary.

(g) TUSCALOOSA, ALABAMA.—As soon as practicable after the date of enactment of this Act, the Secretary of the Army shall convey by quitclaim deed to the City of Tuscaloosa, Alabama, at fair market value, the lands owned by the United States adjacent

to the Black Warrior River on the south side below the U.S. Highway 43 bridge, including the south wall of the Old Oliver Lock, and extending to the Corps' current recreation area, that the Secretary determines are no longer required for operation and maintenance of the Oliver Lock and Dam.

(h) GENERALLY APPLICABLE PROVISIONS.—

Determination.

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(4) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 1332. REPORT ON FUTURE WATER RESOURCES DEVELOPMENT.

(a) PROGRAMMATIC MODIFICATION.—Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(a)) is amended—

(1) in subsection (a) by adding at the end the following:

"(4) PROGRAMMATIC MODIFICATIONS.—Any programmatic modification for an environmental infrastructure assistance program.";

(2) in subsection (b)(1) by striking "studies and proposed modifications to authorized water resources development projects and feasibility studies" and inserting "studies, proposed modifications to authorized water resources development projects and feasibility studies, and proposed modifications for an environmental infrastructure program";

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(4) by inserting after subsection (c) the following:

"(d) PROGRAMMATIC MODIFICATIONS IN ANNUAL REPORT.—The Secretary shall include in the annual report only proposed modifications for an environmental infrastructure assistance program that have not been included in any previous annual report. For each proposed modification, the Secretary shall include a letter or statement of support for the proposed modification from each associated non-Federal interest, description of assistance provided, and total Federal cost of assistance provided."; and

(5) by striking subsection (c)(4) and inserting the following:

"(4) APPENDIX.—

"(A) IN GENERAL.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

"(B) LIMITATION.—In carrying out the activities described in this section—

"(i) the Secretary shall not include proposals in the appendix of the annual report that otherwise meet the criteria for inclusion in the annual report solely on the basis of the Secretary's determination that the proposal requires legislative changes to an authorized water resources development project, feasibility study, or environmental infrastructure program; and

"(ii) the Secretary shall not include proposals in the appendix of the annual report that otherwise meet the criteria for inclusion in the annual report solely on the basis of a policy of the Secretary.".

(b) SAVINGS CLAUSE.—Notwithstanding the third sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), projects and separable elements of projects identified in the fiscal year 2017 report prepared in accordance with such section and submitted to Congress on December 15, 2016, shall not be deauthorized unless such projects and separable elements meet the requirements of section 1301(b)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1687). 33 USC 579a note.

Subtitle D—Water Resources Infrastructure

SEC. 1401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AR	Three Rivers Southeast Arkansas	September 6, 2018	Total: $184,395,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
2. PR	San Juan Harbor	August 23, 2018	Federal: $41,345,840 Non-Federal: $13,781,267 Total: $55,127,107
3. TX	Galveston Harbor Channel Extension Project, Houston-Galveston Navigation Channels	Aug. 8, 2017	Federal: $10,444,000 Non-Federal: $3,481,000 Total: $13,925,000
4. WA	Seattle Harbor Navigation Improvement Project	June 7, 2018	Federal: $29,362,000 Non-Federal: $31,880,000 Total: $61,242,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	Lower San Joaquin River	July 31, 2018	Federal: $712,169,000 Non-Federal: $383,475,000 Total: $1,095,644,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. HI	Ala Wai Canal	Dec. 21, 2017	Federal: $212,754,000 Non-Federal: $114,560,000 Total: $327,313,000
3. NY	Mamaroneck-Sheldrake Rivers	Dec. 14, 2017	Federal: $53,500,000 Non-Federal: $28,750,000 Total: $82,250,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. FL	St. Johns County	Aug. 8, 2017	Initial Federal: $5,873,283 Initial Non-Federal: $19,661,924 Initial Total: $25,535,207 Renourishment Federal: $9,751,788 Renourishment Non-Federal: $45,344,169 Renourishment Total: $55,095,957

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
2. FL	St. Lucie County	Dec. 15, 2017	Initial Federal: $7,239,497 Initial Non-Federal: $13,443,614 Initial Total: $20,683,110 Renourishment Federal: $9,093,999 Renourishment Non-Federal: $24,588,991 Renourishment Total: $33,682,990
3. TX	Sabine Pass to Galveston Bay	Dec. 7, 2017	Federal: $2,200,357,000 Non-Federal: $1,184,807,000 Total: $3,385,164,000

(4) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. NM	Española Valley, Rio Grande	May 11, 2018	Federal: $55,602,266 Non-Federal: $7,637,764 Total: $63,240,030

(5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Resacas, in the vicinity of the City of Brownsville	September 6, 2018	Federal: $141,489,000 Non-Federal: $65,675,000 Total: $207,164,000

(6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. GA	Savannah Harbor Expansion Project	Dec. 5, 2016	Federal: $731,700,000 Non-Federal: $287,200,000 Total: $1,018,900,000
2. MI	Soo Locks, Sault Ste. Marie	June 29, 2018	Federal: $922,432,000 Non-Federal: $0 Total: $922,432,000
3. TN	Chickamauga Lock Replacement	July 19, 2018	Total: $757,666,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)

SEC. 1402. SPECIAL RULES.

(a) ST. PAUL HARBOR, ALASKA.—Notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1074), the project for navigation, St. Paul Harbor, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667), shall be cost-shared substantially in accordance with the costs established by section 105 of the Energy and Water Development Appropriations Act, 2003 (117 Stat. 139).

(b) ESPAÑOLA VALLEY, NEW MEXICO.—The Secretary shall carry out the project for flood risk management and ecosystem restoration, Española Valley, Rio Grande and Tributaries, New Mexico, authorized by section 1401(4) of this Act substantially in accordance with terms and conditions described in the Report of the Chief

of Engineers, dated May 11, 2018, including, notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1074), the recommended cost share.

SEC. 1403. NORFOLK HARBOR AND CHANNELS, VIRGINIA.

(a) IN GENERAL.—The Secretary is authorized to further improve the project for navigation, Norfolk Harbor and Channels, Virginia, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4090), substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated June 29, 2018.

(b) THIMBLE SHOAL CHANNEL WIDENING.—The Secretary may carry out additional modifications to the project described in subsection (a) that are identified in the report titled "Report to Congress on Future Water Resources Development" submitted to Congress on February 5, 2018, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(c) MAXIMUM AUTHORIZED COST.—Notwithstanding section 902(a)(2)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2280(a)(2)(B)), the maximum authorized cost for the project described in subsection (a) shall not be modified for the improvements and modifications authorized by subsections (a) and (b).

TITLE II—DRINKING WATER SYSTEM IMPROVEMENT

42 USC 300j–3c note.

SEC. 2001. INDIAN RESERVATION DRINKING WATER PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency shall carry out a program to implement—

(1) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin; and

(2) 10 eligible projects described in subsection (b) that are within the Upper Rio Grande Basin.

(b) ELIGIBLE PROJECTS.—A project eligible to participate in the program under subsection (a) is a project—

(1) that is on a reservation (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) that serves a federally recognized Indian Tribe; and

(2) the purpose of which is to connect, expand, or repair an existing public water system, as defined in section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)), in order to improve water quality, water pressure, or water services.

(c) REQUIREMENT.—In carrying out the program under subsection (a)(1), the Administrator of the Environmental Protection Agency shall select not less than one eligible project for a reservation that serves more than one federally recognized Indian Tribe.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program under subsection (a) $20,000,000 for each of fiscal years 2019 through 2022.

SEC. 2002. CLEAN, SAFE, RELIABLE WATER INFRASTRUCTURE.

Section 1452(k) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)) is amended—

(1) in paragraph (1)(D), by inserting "and for the implementation of efforts (other than actions authorized under

subparagraph (A)) to protect source water in areas delineated pursuant to section 1453" before the period at the end; and

(2) in paragraph (2)(E), by inserting ", and to implement efforts to protect source water," after "wellhead protection programs".

SEC. 2003. STUDY ON INTRACTABLE WATER SYSTEMS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

"SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS. 42 USC 300j–19c.

"(a) DEFINITION OF INTRACTABLE WATER SYSTEM.—In this section, the term 'intractable water system' means a community water system or a noncommunity water system—

"(1) that serves fewer than 1,000 individuals;

"(2) the owner or operator of which—

"(A) is unable or unwilling to provide safe and adequate service to those individuals;

"(B) has abandoned or effectively abandoned the community water system or noncommunity water system, as applicable;

"(C) has defaulted on a financial obligation relating to the community water system or noncommunity water system, as applicable; or

"(D) fails to maintain the facilities of the community water system or noncommunity water system, as applicable, in a manner so as to prevent a potential public health hazard; and

"(3) that is, as of the date of enactment of America's Water Infrastructure Act of 2018—

"(A) in significant noncompliance with this Act or any regulation promulgated pursuant to this Act; or

"(B) listed as having a history of significant noncompliance with this title pursuant to section 1420(b)(1).

"(b) STUDY REQUIRED.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, shall complete a study that— Deadline. Consultation.

"(A) identifies intractable water systems; and

"(B) describes barriers to delivery of potable water to individuals served by an intractable water system.

"(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report describing findings and recommendations based on the study under this subsection.".

SEC. 2004. SENSE OF CONGRESS RELATING TO ACCESS TO NONPOTABLE WATER.

It is the sense of Congress that—

(1) access to nonpotable water sources for industry can relieve the supply and demand challenges for potable water in water-stressed regions throughout the United States; and

(2) water users are encouraged to continue implementing and incentivizing nonpotable water reuse programs that will achieve greater water savings and conservation needs.

SEC. 2005. DRINKING WATER INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY.

Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended—

(1) by redesignating subsection (j) as subsection (k);

(2) in subsection (k), as redesignated by paragraph (1), by striking "this section" and inserting "subsections (a) through (j) of this section";

(3) by inserting after subsection (i) the following:

"(j) STATE RESPONSE TO CONTAMINANTS.—

"(1) IN GENERAL.—The Administrator may, subject to the terms and conditions of this section, issue a grant to a requesting State, on behalf of an underserved community, so the State may assist in, or otherwise carry out, necessary and appropriate activities related to a contaminant—

"(A) that is determined by the State to—

"(i) be present in, or likely to enter into, a public water system serving, or an underground source of drinking water for, such underserved community; and

"(ii) potentially present an imminent and substantial endangerment to the health of persons; and

"(B) with respect to which the State determines appropriate authorities have not acted sufficiently to protect the health of such persons.

"(2) RECOVERY OF FUNDS.—If, subsequent to the Administrator's award of a grant to a State under this subsection, any person or entity (including an eligible entity), is found by the Administrator or a court of competent jurisdiction to have caused or contributed to contamination that was detected as a result of testing conducted, or treated, with funds provided under this subsection, and such contamination violated a law administered by the Administrator, such person or entity shall, upon issuance of a final judgment or settlement and the exhaustion of all appellate and administrative remedies—

Notification. Deadline.

"(A) notify the Administrator in writing not later than 30 days after such issuance of a final judgment or settlement and the exhaustion of all appellate and administrative remedies; and

"(B) promptly pay the Administrator an amount equal to the amount of such funds."; and

(4) by adding at the end the following:

"(l) DRINKING WATER INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY.—

Definition.

"(1) RESILIENCE AND NATURAL HAZARD.—The terms 'resilience' and 'natural hazard' have the meaning given such terms in section 1433(h).

Grants.

"(2) IN GENERAL.—The Administrator may establish and carry out a program, to be known as the Drinking Water System Infrastructure Resilience and Sustainability Program, under which the Administrator, subject to the availability of appropriations for such purpose, shall award grants in each of fiscal years 2019 and 2020 to eligible entities for the purpose of increasing resilience to natural hazards.

"(3) USE OF FUNDS.—An eligible entity may only use grant funds received under this subsection to assist in the planning,

design, construction, implementation, operation, or maintenance of a program or project that increases resilience to natural hazards through—

"(A) the conservation of water or the enhancement of water use efficiency;

"(B) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards, including risks to drinking water from flooding;

"(C) the design or construction of desalination facilities to serve existing communities;

"(D) the enhancement of water supply through the use of watershed management and source water protection;

"(E) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water; or

"(F) the development and implementation of measures to increase the resilience of the eligible entity to natural hazards.

"(4) APPLICATION.—To seek a grant under this subsection, the eligible entity shall submit to the Administrator an application that—

"(A) includes a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity; Proposal.

"(B) identifies the natural hazard risk to be addressed by the proposed program or project;

"(C) provides documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk to the area where the proposed program or project is to be located;

"(D) includes a description of any recent natural hazard events that have affected the applicable water system;

"(E) includes a description of how the proposed program or project would improve the performance of the system under the anticipated natural hazards; and

"(F) explains how the proposed program or project is expected to enhance the resilience of the system to the anticipated natural hazards.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $4,000,000 for each of fiscal years 2019 and 2020.".

SEC. 2006. VOLUNTARY SCHOOL AND CHILD CARE PROGRAM LEAD TESTING GRANT PROGRAM ENHANCEMENT.

(a) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM LEAD TESTING GRANT PROGRAM ENHANCEMENT.—Section 1464(d) of the Safe Drinking Water Act (42 U.S.C. 300j–24(d)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(C) TECHNICAL ASSISTANCE.—In carrying out the grant program under subparagraph (A), beginning not later than 1 year after the date of enactment of America's Water Infrastructure Act of 2018, the Administrator shall provide technical assistance to recipients of grants under this subsection— Effective date.

"(i) to assist in identifying the source of lead contamination in drinking water at schools and child

care programs under the jurisdiction of the grant recipient;

"(ii) to assist in identifying and applying for other Federal and State grant programs that may assist the grant recipient in eliminating lead contamination described in clause (i);

"(iii) to provide information on other financing options in eliminating lead contamination described in clause (i); and

"(iv) to connect grant recipients with nonprofit and other organizations that may be able to assist with the elimination of lead contamination described in clause (i).";

(2) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(3) by inserting after paragraph (3) the following paragraph:

"(4) PRIORITY.—In making grants under this subsection, the Administrator shall give priority to States and local educational agencies that will assist in voluntary testing for lead contamination in drinking water at schools and child care programs that are in low-income areas."; and

(4) in paragraph (8) (as redesignated by paragraph (2) of this section)—

(A) by striking "is authorized" and inserting "are authorized"; and

(B) by striking "2021" and inserting "2019, and $25,000,000 for each of fiscal years 2020 and 2021".

(b) DRINKING WATER FOUNTAIN REPLACEMENT FOR SCHOOLS.—

(1) IN GENERAL.—Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

42 USC 300j–25.

"SEC. 1465. DRINKING WATER FOUNTAIN REPLACEMENT FOR SCHOOLS.

Deadline.

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking water fountains manufactured prior to 1988.

"(b) USE OF FUNDS.—Funds awarded under the grant program—

"(1) shall be used to pay the costs of replacement of drinking water fountains in schools; and

"(2) may be used to pay the costs of monitoring and reporting of lead levels in the drinking water of schools of a local educational agency receiving such funds, as determined appropriate by the Administrator.

"(c) PRIORITY.—In awarding funds under the grant program, the Administrator shall give priority to local educational agencies based on economic need.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2019 through 2021.".

(2) DEFINITIONS.—Section 1461(5) of the Safe Drinking Water Act (42 U.S.C. 300j–21(5)) is amended by inserting "or

drinking water fountain" after "water cooler" each place it appears.

SEC. 2007. INNOVATIVE WATER TECHNOLOGY GRANT PROGRAM. 42 USC 300j–1a.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a public water system (as defined under section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)));

(B) an institution of higher education;

(C) a research institution or foundation;

(D) a regional water organization; or

(E) a nonprofit organization described in section 1442(e)(8) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(8)).

(b) GRANT PROGRAM AUTHORIZED.—The Administrator shall carry out a grant program for the purpose of accelerating the development and deployment of innovative water technologies that address pressing drinking water supply, quality, treatment, or security challenges of public water systems, areas served by private wells, or source waters.

(c) GRANTS.—In carrying out the program under subsection (b), the Administrator shall make grants to eligible entities—

(1) to develop, test, and deploy innovative water technologies; or

(2) to provide technical assistance to deploy demonstrated innovative water technologies.

(d) SELECTION CRITERIA.—In making grants under this section, the Administrator shall—

(1) award grants through a competitive process to eligible entities the Administrator determines are best able to carry out the purpose of the program; and

(2) give priority to projects that have the potential—

(A) to reduce ratepayer or community costs or costs of future capital investments;

(B) to significantly improve human health or the environment; or

(C) to provide additional drinking water supplies with minimal environmental impact.

(e) COST-SHARING.—The Federal share of the cost of activities carried out using a grant under this section shall be not more than 65 percent.

(f) LIMITATION.—The maximum amount of a grant under this section shall be $5,000,000.

(g) REPORT.—Each year, the Administrator shall submit to Congress and make publicly available on the website of the Administrator a report that describes any advancements during the previous year in development of innovative water technologies made as a result of funding provided under this section. Public information. Web posting.

(h) PARTNERSHIPS.—Grants awarded under this program may include projects that are carried out by an eligible entity in cooperation with a private entity, including a farmer, farmer cooperative, or manufacturer of water technologies.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 and 2020.

SEC. 2008. IMPROVED CONSUMER CONFIDENCE REPORTS.

Section 1414(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)(4)) is amended—

(1) in the heading for subparagraph (A), by striking "ANNUAL REPORTS" and inserting "REPORTS";

(2) in subparagraph (A), by inserting ", or provide by electronic means," after "to mail";

(3) in subparagraph (B)—

(A) in clause (iv), by striking "the Administrator, and" and inserting "the Administrator, including corrosion control efforts, and"; and

(B) by adding at the end the following clause:

"(vii) Identification of, if any—

"(I) exceedances described in paragraph (1)(D) for which corrective action has been required by the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) during the monitoring period covered by the consumer confidence report; and

"(II) violations that occurred during the monitoring period covered by the consumer confidence report."; and

(4) by adding at the end the following new subparagraph:

"(F) REVISIONS.—

Deadline. Consultation. Regulations.

"(i) UNDERSTANDABILITY AND FREQUENCY.—Not later than 24 months after the date of enactment of America's Water Infrastructure Act of 2018, the Administrator, in consultation with the parties identified in subparagraph (A), shall issue revisions to the regulations issued under subparagraph (A)—

"(I) to increase—

"(aa) the readability, clarity, and understandability of the information presented in consumer confidence reports; and

"(bb) the accuracy of information presented, and risk communication, in consumer confidence reports; and

"(II) with respect to community water systems that serve 10,000 or more persons, to require each such community water system to provide, by mail, electronic means, or other methods described in clause (ii), a consumer confidence report to each customer of the system at least biannually.

"(ii) ELECTRONIC DELIVERY.—Any revision of regulations pursuant to clause (i) shall allow delivery of consumer confidence reports by methods consistent with methods described in the memorandum 'Safe Drinking Water Act–Consumer Confidence Report Rule Delivery Options' issued by the Environmental Protection Agency on January 3, 2013.".

SEC. 2009. CONTRACTUAL AGREEMENTS.

(a) IN GENERAL.—Section 1414(h)(1) of the Safe Drinking Water Act (42 U.S.C. 300g–3(h)(1)) is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) entering into a contractual agreement for significant management or administrative functions of the system to correct violations identified in the plan.".

(b) TECHNICAL AMENDMENT.—Section 1414(i)(1) of the Safe Drinking Water Act (42 U.S.C. 300g–3(i)(1)) is amended by inserting a comma after "1417".

SEC. 2010. ADDITIONAL CONSIDERATIONS FOR COMPLIANCE.

(a) MANDATORY ASSESSMENT.—Subsection (h) of section 1414 of the Safe Drinking Water Act (42 U.S.C. 300g–3) is amended by adding at the end the following:

"(3) AUTHORITY FOR MANDATORY ASSESSMENT.—

"(A) AUTHORITY.—A State with primary enforcement responsibility or the Administrator (if the State does not have primary enforcement responsibility) may require the owner or operator of a public water system to assess options for consolidation, or transfer of ownership of the system, as described in paragraph (1), or other actions expected to achieve compliance with national primary drinking water regulations described in clause (i)(I), if—

"(i) the public water system—

"(I) has repeatedly violated one or more national primary drinking water regulations and such repeated violations are likely to adversely affect human health; and

"(II)(aa) is unable or unwilling to take feasible and affordable actions, as determined by the State with primary enforcement responsibility or the Administrator (if the State does not have primary enforcement responsibility), that will result in the public water system complying with the national primary drinking water regulations described in subclause (I), including accessing technical assistance and financial assistance through the State loan fund pursuant to section 1452; or

"(bb) has already undertaken actions described in item (aa) without achieving compliance;

"(ii) such consolidation, transfer, or other action is feasible; and

"(iii) such consolidation, transfer, or other action could result in greater compliance with national primary drinking water regulations.

"(B) TAILORING OF ASSESSMENTS.—Requirements for any assessment to be conducted pursuant to subparagraph (A) shall be tailored with respect to the size, type, and characteristics, of the public water system to be assessed.

"(C) APPROVED ENTITIES.—An assessment conducted pursuant to subparagraph (A) may be conducted by an entity approved by the State requiring such assessment (or the Administrator, if the State does not have primary enforcement responsibility), which may include such State (or the Administrator, as applicable), the public water system, or a third party.

"(D) BURDEN OF ASSESSMENTS.—It is the sense of Congress that any assessment required pursuant to subparagraph (A) should not be overly burdensome on the public water system that is assessed.

"(4) FINANCIAL ASSISTANCE.—Notwithstanding section 1452(a)(3), a public water system undertaking consolidation or transfer of ownership or other actions pursuant to an assessment completed under paragraph (3) may receive a loan described in section 1452(a)(2)(A) to carry out such consolidation, transfer, or other action.

"(5) PROTECTION OF NONRESPONSIBLE SYSTEM.—

"(A) IDENTIFICATION OF LIABILITIES.—

Plans.

"(i) IN GENERAL.—An owner or operator of a public water system that submits a plan pursuant to paragraph (1) based on an assessment conducted with respect to such public water system under paragraph (3) shall identify as part of such plan—

"(I) any potential and existing liability for penalties and damages arising from each specific violation identified in the plan of which the owner or operator is aware; and

"(II) any funds or other assets that are available to satisfy such liability, as of the date of submission of such plan, to the public water system that committed such violation.

"(ii) INCLUSION.—In carrying out clause (i), the owner or operator shall take reasonable steps to ensure that all potential and existing liabilities for penalties and damages arising from each specific violation identified in the plan are identified.

"(B) RESERVATION OF FUNDS.—A public water system that, consistent with the findings of an assessment conducted pursuant to paragraph (3), has completed the actions under a plan submitted and approved pursuant to this subsection shall not be liable under this title for a violation of this title identified in the plan, except to the extent to which funds or other assets are identified pursuant to subparagraph (A)(i)(II) as available to satisfy such liability.

Deadline.

"(6) REGULATIONS.—Not later than 2 years after the date of enactment of America's Water Infrastructure Act of 2018, the Administrator shall promulgate regulations to implement paragraphs (3), (4), and (5).".

(b) RETENTION OF PRIMARY ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—Section 1413(a) of the Safe Drinking Water Act (42 U.S.C. 300g–2(a)) is amended—

(A) in paragraph (5), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) has adopted and is implementing procedures for requiring public water systems to assess options for consolidation or transfer of ownership or other actions in accordance with the regulations issued by the Administrator under section 1414(h)(6); and".

(2) CONFORMING AMENDMENT.—Section 1413(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300g–2(b)(1)) is amended by striking "of paragraphs (1), (2), (3), and (4)".

SEC. 2011. IMPROVED ACCURACY AND AVAILABILITY OF COMPLIANCE MONITORING DATA.

Section 1414 of the Safe Drinking Water Act (42 U.S.C. 300g–3) is amended by adding at the end the following new subsection:

"(j) IMPROVED ACCURACY AND AVAILABILITY OF COMPLIANCE MONITORING DATA.—

Deadline. Coordination.

"(1) STRATEGIC PLAN.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in coordination with States (including States without primary enforcement responsibility under section 1413), public water systems, and other interested stakeholders, shall develop and provide to Congress a strategic plan for improving the accuracy and availability of monitoring data collected to demonstrate compliance with national primary drinking water regulations and submitted—

"(A) by public water systems to States; or

"(B) by States to the Administrator.

"(2) EVALUATION.—In developing the strategic plan under paragraph (1), the Administrator shall evaluate any challenges faced—

"(A) in ensuring the accuracy and integrity of submitted data described in paragraph (1);

"(B) by States and public water systems in implementing an electronic system for submitting such data, including the technical and economic feasibility of implementing such a system; and

"(C) by users of such electronic systems in being able to access such data.

"(3) FINDINGS AND RECOMMENDATIONS.—The Administrator shall include in the strategic plan provided to Congress under paragraph (1)—

Summary.

"(A) a summary of the findings of the evaluation under paragraph (2); and

"(B) recommendations on practicable, cost-effective methods and means that can be employed to improve the accuracy and availability of submitted data described in paragraph (1).

"(4) CONSULTATION.—In developing the strategic plan under paragraph (1), the Administrator may, as appropriate, consult with States or other Federal agencies that have experience using practicable methods and means to improve the accuracy and availability of submitted data described in such paragraph.".

SEC. 2012. ASSET MANAGEMENT.

Section 1420 of the Safe Drinking Water Act (42 U.S.C. 300g–9) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (D), by striking "; and" and inserting a semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(F) a description of how the State will, as appropriate—

"(i) encourage development by public water systems of asset management plans that include best practices for asset management; and

"(ii) assist, including through the provision of technical assistance, public water systems in training operators or other relevant and appropriate persons in implementing such asset management plans.";

(2) in subsection (c)(3), by inserting ", including efforts of the State to encourage development by public water systems of asset management plans and to assist public water systems in training relevant and appropriate persons in implementing such asset management plans" after "public water systems in the State"; and

(3) in subsection (d), by adding at the end the following new paragraph:

Deadline. Review.

"(5) INFORMATION ON ASSET MANAGEMENT PRACTICES.—Not later than 5 years after the date of enactment of this paragraph, and not less often than every 5 years thereafter, the Administrator shall review and, if appropriate, update educational materials, including handbooks, training materials, and technical information, made available by the Administrator to owners, managers, and operators of public water systems, local officials, technical assistance providers (including nonprofit water associations), and State personnel concerning best practices for asset management strategies that may be used by public water systems.".

SEC. 2013. COMMUNITY WATER SYSTEM RISK AND RESILIENCE.

(a) IN GENERAL.—Section 1433 of the Safe Drinking Water Act (42 U.S.C. 300i–2) is amended to read as follows:

"SEC. 1433. COMMUNITY WATER SYSTEM RISK AND RESILIENCE.

"(a) RISK AND RESILIENCE ASSESSMENTS.—

"(1) IN GENERAL.—Each community water system serving a population of greater than 3,300 persons shall conduct an assessment of the risks to, and resilience of, its system. Such an assessment—

"(A) shall include an assessment of—

"(i) the risk to the system from malevolent acts and natural hazards;

"(ii) the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems) which are utilized by the system;

"(iii) the monitoring practices of the system;

"(iv) the financial infrastructure of the system;

"(v) the use, storage, or handling of various chemicals by the system; and

"(vi) the operation and maintenance of the system; and

"(B) may include an evaluation of capital and operational needs for risk and resilience management for the system.

"(2) BASELINE INFORMATION.—The Administrator, not later than August 1, 2019, after consultation with appropriate departments and agencies of the Federal Government and with State and local governments, shall provide baseline information on malevolent acts of relevance to community water systems, which shall include consideration of acts that may— Deadline. Consultation.

"(A) substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water; or

"(B) otherwise present significant public health or economic concerns to the community served by the system.

"(3) CERTIFICATION.—

"(A) CERTIFICATION.—Each community water system described in paragraph (1) shall submit to the Administrator a certification that the system has conducted an assessment complying with paragraph (1). Such certification shall be made prior to—

"(i) March 31, 2020, in the case of systems serving a population of 100,000 or more;

"(ii) December 31, 2020, in the case of systems serving a population of 50,000 or more but less than 100,000; and

"(iii) June 30, 2021, in the case of systems serving a population greater than 3,300 but less than 50,000.

"(B) REVIEW AND REVISION.—Each community water system described in paragraph (1) shall review the assessment of such system conducted under such paragraph at least once every 5 years after the applicable deadline for submission of its certification under subparagraph (A) to determine whether such assessment should be revised. Upon completion of such a review, the community water system shall submit to the Administrator a certification that the system has reviewed its assessment and, if applicable, revised such assessment. Time period. Determination.

"(4) CONTENTS OF CERTIFICATIONS.—A certification required under paragraph (3) shall contain only—

"(A) information that identifies the community water system submitting the certification;

"(B) the date of the certification; and

"(C) a statement that the community water system has conducted, reviewed, or revised the assessment, as applicable.

"(5) PROVISION TO OTHER ENTITIES.—No community water system shall be required under State or local law to provide an assessment described in this section (or revision thereof) to any State, regional, or local governmental entity solely by reason of the requirement set forth in paragraph (3) that the system submit a certification to the Administrator.

"(b) EMERGENCY RESPONSE PLAN.—Each community water system serving a population greater than 3,300 shall prepare or revise, where necessary, an emergency response plan that incorporates findings of the assessment conducted under subsection (a) for such system (and any revisions thereto). Each community water system shall certify to the Administrator, as soon as reasonably possible after the date of enactment of America's Water Infrastructure Act of 2018, but not later than 6 months after completion Certification. Deadline.

of the assessment under subsection (a), that the system has completed such plan. The emergency response plan shall include— Procedures.

"(1) strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;

"(2) plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water;

"(3) actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and

Strategies.

"(4) strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.

"(c) COORDINATION.—Community water systems shall, to the extent possible, coordinate with existing local emergency planning committees established pursuant to the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) when preparing or revising an assessment or emergency response plan under this section.

Time period.

"(d) RECORD MAINTENANCE.—Each community water system shall maintain a copy of the assessment conducted under subsection (a) and the emergency response plan prepared under subsection (b) (including any revised assessment or plan) for 5 years after the date on which a certification of such assessment or plan is submitted to the Administrator under this section.

"(e) GUIDANCE TO SMALL PUBLIC WATER SYSTEMS.—The Administrator shall provide guidance and technical assistance to community water systems serving a population of less than 3,300 persons on how to conduct resilience assessments, prepare emergency response plans, and address threats from malevolent acts and natural hazards that threaten to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply of drinking water provided to communities and individuals.

"(f) ALTERNATIVE PREPAREDNESS AND OPERATIONAL RESILIENCE PROGRAMS.—

"(1) SATISFACTION OF REQUIREMENT.—A community water system that is required to comply with the requirements of subsections (a) and (b) may satisfy such requirements by—

"(A) using and complying with technical standards that the Administrator has recognized under paragraph (2); and

Certification.

"(B) submitting to the Administrator a certification that the community water system is complying with subparagraph (A).

"(2) AUTHORITY TO RECOGNIZE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995, the Administrator shall recognize technical standards that are developed or adopted by third-party organizations or voluntary consensus standards bodies that carry out the objectives or activities required by this section as a means of satisfying the requirements under subsection (a) or (b).

"(g) TECHNICAL ASSISTANCE AND GRANTS.—

"(1) IN GENERAL.—The Administrator shall establish and implement a program, to be known as the Drinking Water Infrastructure Risk and Resilience Program, under which the Administrator may award grants in each of fiscal years 2020 and 2021 to owners or operators of community water systems for the purpose of increasing the resilience of such community water systems.

"(2) USE OF FUNDS.—As a condition on receipt of a grant under this section, an owner or operator of a community water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, or implementation of a program or project consistent with an emergency response plan prepared pursuant to subsection (b), which may include—

"(A) the purchase and installation of equipment for detection of drinking water contaminants or malevolent acts;

"(B) the purchase and installation of fencing, gating, lighting, or security cameras;

"(C) the tamper-proofing of manhole covers, fire hydrants, and valve boxes;

"(D) the purchase and installation of improved treatment technologies and equipment to improve the resilience of the system;

"(E) improvements to electronic, computer, financial, or other automated systems and remote systems;

"(F) participation in training programs, and the purchase of training manuals and guidance materials, relating to security and resilience;

"(G) improvements in the use, storage, or handling of chemicals by the community water system;

"(H) security screening of employees or contractor support services;

"(I) equipment necessary to support emergency power or water supply, including standby and mobile sources; and

"(J) the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers.

"(3) EXCLUSIONS.—A grant under this subsection may not be used for personnel costs, or for monitoring, operation, or maintenance of facilities, equipment, or systems.

"(4) TECHNICAL ASSISTANCE.—For each fiscal year, the Administrator may use not more than $5,000,000 from the funds made available to carry out this subsection to provide technical assistance to community water systems to assist in responding to and alleviating a vulnerability that would substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water (including sources of water for such systems) which the Administrator determines to present an immediate and urgent need.

"(5) GRANTS FOR SMALL SYSTEMS.—For each fiscal year, the Administrator may use not more than $10,000,000 from the funds made available to carry out this subsection to make grants to community water systems serving a population of less than 3,300 persons, or nonprofit organizations receiving assistance under section 1442(e), for activities and projects

undertaken in accordance with the guidance provided to such systems under subsection (e) of this section.

"(6) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated $25,000,000 for each of fiscal years 2020 and 2021.

"(h) DEFINITIONS.—In this section—

"(1) the term 'resilience' means the ability of a community water system or an asset of a community water system to adapt to or withstand the effects of a malevolent act or natural hazard without interruption to the asset's or system's function, or if the function is interrupted, to rapidly return to a normal operating condition; and

"(2) the term 'natural hazard' means a natural event that threatens the functioning of a community water system, including an earthquake, tornado, flood, hurricane, wildfire, and hydrologic changes.".

42 USC 300i–2 note.

(b) SENSITIVE INFORMATION.—

(1) PROTECTION FROM DISCLOSURE.—Information submitted to the Administrator of the Environmental Protection Agency pursuant to section 1433 of the Safe Drinking Water Act, as in effect on the day before the date of enactment of America's Water Infrastructure Act of 2018, shall be protected from disclosure in accordance with the provisions of such section as in effect on such day.

Strategy. Timeframe.

(2) DISPOSAL.—The Administrator, in partnership with community water systems (as defined in section 1401 of the Safe Drinking Water Act), shall develop a strategy to, in a timeframe determined appropriate by the Administrator, securely and permanently dispose of, or return to the applicable community water system, any information described in paragraph (1).

SEC. 2014. AUTHORIZATION FOR GRANTS FOR STATE PROGRAMS.

Section 1443(a)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–2(a)(7)) is amended by striking "$100,000,000 for each of fiscal years 1997 through 2003" and inserting "$125,000,000 for each of fiscal years 2020 and 2021".

SEC. 2015. STATE REVOLVING LOAN FUNDS.

(a) USE OF FUNDS.—Section 1452(a)(2)(B) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)(B)) is amended by striking "(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but not" and inserting "(including expenditures for planning, design, siting, and associated preconstruction activities, or for replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, but not".

(b) PREVAILING WAGES.—Section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)) is further amended by adding at the end the following:

Applicability.

"(5) PREVAILING WAGES.—The requirements of section 1450(e) shall apply to any construction project carried out in whole or in part with assistance made available by a State loan fund.".

(c) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) is amended to read as follows:

"(2) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, of the amount of the capitalization grant received by the State for the year, the total amount of loan subsidies made by a State pursuant to paragraph (1)—

"(A) may not exceed 35 percent; and

"(B) to the extent that there are sufficient applications for loans to communities described in paragraph (1), may not be less than 6 percent.".

(d) TYPES OF ASSISTANCE.—Section 1452(f)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(1)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) each loan will be fully amortized not later than 30 years after the completion of the project, except that in the case of a disadvantaged community (as defined in subsection (d)(3)) a State may provide an extended term for a loan, if the extended term— Deadlines.

"(i) terminates not later than the date that is 40 years after the date of project completion; and

"(ii) does not exceed the expected design life of the project;"; and

(3) in subparagraph (B), by striking "1 year after completion of the project for which the loan was made" and all that follows through "design life of the project;" and inserting "18 months after completion of the project for which the loan was made;".

(e) NEEDS SURVEY.—Section 1452(h) of the Safe Drinking Water Act (42 U.S.C. 300j–12(h)) is amended—

(1) by striking "The Administrator" and inserting "(1) The Administrator"; and

(2) by adding at the end the following new paragraph:

"(2) Any assessment conducted under paragraph (1) after the date of enactment of America's Water Infrastructure Act of 2018 shall include an assessment of costs to replace all lead service lines (as defined in section 1459B(a)(4)) of all eligible public water systems in the United States, and such assessment shall describe separately the costs associated with replacing the portions of such lead service lines that are owned by an eligible public water system and the costs associated with replacing any remaining portions of such lead service lines, to the extent practicable.".

(f) OTHER AUTHORIZED ACTIVITIES.—Section 1452(k)(1)(C) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)(1)(C)) is amended by striking "for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1453" and inserting "to delineate, assess, and update assessments for source water protection areas in accordance with section 1453".

(g) BEST PRACTICES FOR ADMINISTRATION OF STATE REVOLVING LOAN FUNDS.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by adding after subsection (r) the following:

"(s) BEST PRACTICES FOR STATE LOAN FUND ADMINISTRATION.—The Administrator shall—

"(1) collect information from States on administration of State loan funds established pursuant to subsection (a)(1), including—

"(A) efforts to streamline the process for applying for assistance through such State loan funds;

"(B) programs in place to assist with the completion of applications for assistance through such State loan funds;

"(C) incentives provided to public water systems that partner with small public water systems to assist with the application process for assistance through such State loan funds;

"(D) practices to ensure that amounts in such State loan funds are used to provide loans, loan guarantees, or other authorized assistance in a timely fashion;

"(E) practices that support effective management of such State loan funds;

"(F) practices and tools to enhance financial management of such State loan funds; and

"(G) key financial measures for use in evaluating State loan fund operations, including—

"(i) measures of lending capacity, such as current assets and current liabilities or undisbursed loan assistance liability; and

"(ii) measures of growth or sustainability, such as return on net interest;

Deadline.

"(2) not later than 3 years after the date of enactment of America's Water Infrastructure Act of 2018, disseminate to the States best practices for administration of such State loan funds, based on the information collected pursuant to this subsection; and

"(3) periodically update such best practices, as appropriate.".

SEC. 2016. AUTHORIZATION FOR SOURCE WATER PETITION PROGRAMS.

Section 1454(e) of the Safe Drinking Water Act (42 U.S.C. 300j–14(e)) is amended by striking "1997 through 2003" and inserting "2020 through 2021".

SEC. 2017. REVIEW OF TECHNOLOGIES.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is further amended by adding at the end the following new section:

42 USC 300j–19d. Consultation.

"SEC. 1459D. REVIEW OF TECHNOLOGIES.

"(a) REVIEW.—The Administrator, after consultation with appropriate departments and agencies of the Federal Government and with State and local governments, shall review (or enter into contracts or cooperative agreements to provide for a review of) existing and potential methods, means, equipment, and technologies (including review of cost, availability, and efficacy of such methods, means, equipment, and technologies) that—

"(1) ensure the physical integrity of community water systems;

"(2) prevent, detect, and respond to any contaminant for which a national primary drinking water regulation has been promulgated in community water systems and source water for community water systems;

"(3) allow for use of alternate drinking water supplies from nontraditional sources; and

"(4) facilitate source water assessment and protection.

"(b) INCLUSIONS.—The review under subsection (a) shall include review of methods, means, equipment, and technologies—

"(1) that are used for corrosion protection, metering, leak detection, or protection against water loss;

"(2) that are intelligent systems, including hardware, software, or other technology, used to assist in protection and detection described in paragraph (1);

"(3) that are point-of-use devices or point-of-entry devices;

"(4) that are physical or electronic systems that monitor, or assist in monitoring, contaminants in drinking water in real-time; and

"(5) that allow for the use of nontraditional sources for drinking water, including physical separation and chemical and biological transformation technologies.

"(c) AVAILABILITY.—The Administrator shall make the results of the review under subsection (a) available to the public. Public information.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $10,000,000 for fiscal year 2019, which shall remain available until expended.".

SEC. 2018. SOURCE WATER.

(a) ADDRESSING SOURCE WATER USED FOR DRINKING WATER.—Section 304 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11004) is amended—

(1) in subsection (b)(1), by striking "State emergency planning commission" and inserting "State emergency response commission"; and

(2) by adding at the end the following new subsection:

"(e) ADDRESSING SOURCE WATER USED FOR DRINKING WATER.—

"(1) APPLICABLE STATE AGENCY NOTIFICATION.—A State emergency response commission shall—

"(A) promptly notify the applicable State agency of any release that requires notice under subsection (a);

"(B) provide to the applicable State agency the information identified in subsection (b)(2); and

"(C) provide to the applicable State agency a written followup emergency notice in accordance with subsection (c).

"(2) COMMUNITY WATER SYSTEM NOTIFICATION.—

"(A) IN GENERAL.—An applicable State agency receiving notice of a release under paragraph (1) shall—

"(i) promptly forward such notice to any community water system the source waters of which are affected by the release;

"(ii) forward to the community water system the information provided under paragraph (1)(B); and

"(iii) forward to the community water system the written followup emergency notice provided under paragraph (1)(C).

"(B) DIRECT NOTIFICATION.—In the case of a State that does not have an applicable State agency, the State emergency response commission shall provide the notices and information described in paragraph (1) directly to any community water system the source waters of which are

affected by a release that requires notice under subsection (a).

"(3) DEFINITIONS.—In this subsection:

"(A) COMMUNITY WATER SYSTEM.—The term 'community water system' has the meaning given such term in section 1401(15) of the Safe Drinking Water Act.

"(B) APPLICABLE STATE AGENCY.—The term 'applicable State agency' means the State agency that has primary responsibility to enforce the requirements of the Safe Drinking Water Act in the State.".

(b) AVAILABILITY TO COMMUNITY WATER SYSTEMS.—Section 312(e) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11022(e)) is amended—

(1) in paragraph (1), by striking "State emergency planning commission" and inserting "State emergency response commission"; and

(2) by adding at the end the following new paragraph:

"(4) AVAILABILITY TO COMMUNITY WATER SYSTEMS.—

"(A) IN GENERAL.—An affected community water system may have access to tier II information by submitting a request to the State emergency response commission or the local emergency planning committee. Upon receipt of a request for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the affected community water system.

"(B) DEFINITION.—In this paragraph, the term 'affected community water system' means a community water system (as defined in section 1401(15) of the Safe Drinking Water Act) that receives supplies of drinking water from a source water area, delineated under section 1453 of the Safe Drinking Water Act, in which a facility that is required to prepare and submit an inventory form under subsection (a)(1) is located.".

SEC. 2019. REPORT ON FEDERAL CROSS-CUTTING REQUIREMENTS.

Study.
Consultation.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of a study, to be conducted in consultation with the Administrator of the Environmental Protection Agency, any State agency that has primary responsibility to enforce the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) in a State, and public water systems, to identify demonstrations of compliance with a State or local environmental law that may be substantially equivalent to any demonstration required by the Administrator for compliance with a Federal cross-cutting requirement.

(b) DEFINITIONS.—In this subsection:

(1) FEDERAL CROSS-CUTTING REQUIREMENT.—The term "Federal cross-cutting requirement" means a requirement of a Federal law or regulation, compliance with which is a condition on receipt of a loan or loan guarantee pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), that, if applied with respect to projects and activities for which a public water system receives such a loan or loan guarantee,

would be substantially equivalent to a requirement of an applicable State or local law.

(2) PUBLIC WATER SYSTEM.—The term "public water system" has the meaning given that term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

SEC. 2020. ASSISTANCE FOR AREAS AFFECTED BY NATURAL DISASTERS.

42 USC 300j–12 note.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY WATER SYSTEM.—The term "community water system" has the meaning given such term in section 1401(15) of the Safe Drinking Water Act (42 U.S.C. 300f(15)).

(2) ELIGIBLE STATE.—The term "eligible State" means a State, as defined in section 1401(13)(B) of the Safe Drinking Water Act (42 U.S.C. 300f(13)(B)).

(3) ELIGIBLE SYSTEM.—The term "eligible system" means a community water system—

(A) that serves an area for which, after January 1, 2017, the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)—

(i) has issued a major disaster declaration; and

(ii) provided disaster assistance; or

(B) that is capable of extending its potable drinking water service into an underserved area.

(4) NATIONAL PRIMARY DRINKING WATER REGULATION.—The term "national primary drinking water regulation" means a national primary drinking water regulation under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g–1).

(5) UNDERSERVED AREA.—The term "underserved area" means a geographic area in an eligible State that—

(A) is served by a community water system serving fewer than 50,000 persons where delivery of, or access to, potable water is or was disrupted; and

(B) received disaster assistance pursuant to a declaration described in paragraph (3)(A).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible State may use funds provided pursuant to subsection (e)(1) to provide assistance to an eligible system within the eligible State for the purpose of restoring or increasing compliance with national primary drinking water regulations in an underserved area.

(2) INCLUSION.—

(A) ADDITIONAL SUBSIDIZATION.—With respect to assistance provided under paragraph (1), an eligible system shall be eligible to receive loans with additional subsidization (including forgiveness of principal, negative-interest loans, or grants (or any combination thereof)) for the purpose described in paragraph (1).

(B) NONDESIGNATION.—Assistance provided under paragraph (1) may include additional subsidization, as described in subparagraph (A), even if the service area of the eligible system has not been designated by the applicable eligible State as a disadvantaged community pursuant to section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)).

(c) EXCLUSION.—Assistance provided under this section shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

(d) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(e) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

Time periods.

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator of the Environmental Protection Agency $100,000,000 to provide additional capitalization grants pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) to eligible States, to be available—

(A) for a period of 24 months beginning on the date on which the funds are made available for the purpose described in subsection (b)(1); and

(B) after the end of such 24-month period, until expended for the purpose described in paragraph (3) of this subsection.

(2) SUPPLEMENTED INTENDED USE PLANS.—

Deadline.

(A) OBLIGATION OF AMOUNTS.—Not later than 30 days after the date on which an eligible State submits to the Administrator a supplemental intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)), from funds made available under paragraph (1), the Administrator shall obligate to such eligible State such amounts as are appropriate to address the needs identified in such supplemental intended use plan for the purpose described in subsection (b)(1).

(B) PLANS.—A supplemental intended use plan described in subparagraph (A) shall include information regarding projects to be funded using the assistance provided under subsection (b)(1), including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will restore or improve compliance with national primary drinking water regulations in an underserved area;

Cost estimate.

(iii) the estimated cost of the project; and

(iv) the projected start date for the project.

(3) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under paragraph (1) that are unobligated on the date that is 24 months after the date on which the amounts are made available shall be available for the purpose of providing additional grants to States to capitalize State loan funds as provided under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(4) APPLICABILITY.—

(A) IN GENERAL.—Except as otherwise provided in this section, all requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) shall apply to funding provided under this section.

(B) INTENDED USE PLANS.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplemental intended use plan under paragraph (2).

(C) STATE CONTRIBUTION.—For amounts authorized to be appropriated under paragraph (1), the matching requirements in section 1452(e) of the Safe Drinking Water Act (42 U.S.C. 300j–12(e)) shall not apply to any funds provided to the Commonwealth of Puerto Rico under this section.

SEC. 2021. MONITORING FOR UNREGULATED CONTAMINANTS.

(a) IN GENERAL.—Section 1445 of the Safe Drinking Water Act (42 U.S.C. 300j–4) is amended by adding at the end the following:

"(j) MONITORING BY CERTAIN SYSTEMS.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(2)(A), the Administrator shall, subject to the availability of appropriations for such purpose—

"(A) require public water systems serving between 3,300 and 10,000 persons to monitor for unregulated contaminants in accordance with this section; and

"(B) ensure that only a representative sample of public water systems serving fewer than 3,300 persons are required to monitor.

"(2) EFFECTIVE DATE.—Paragraph (1) shall take effect 3 years after the date of enactment of this subsection.

"(3) LIMITATION.—Paragraph (1) shall take effect unless the Administrator determines that there is not sufficient laboratory capacity to accommodate the analysis necessary to carry out monitoring required under such paragraph. Determination.

"(4) LIMITATION ON ENFORCEMENT.—The Administrator may not enforce a requirement to monitor pursuant to paragraph (1) with respect to any public water system serving fewer than 3,300 persons, including by subjecting such a public water system to any civil penalty.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 in each fiscal year for which monitoring is required to be carried out under this subsection for the Administrator to pay the reasonable cost of such testing and laboratory analysis as are necessary to carry out monitoring required under this subsection.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1445(a)(2)(H) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(H)) is amended by striking "1997 through 2003" and inserting "2019 through 2021".

(c) INCLUSION IN DATA BASE.—Section 1445(g)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–4(g)(7)) is amended by—

(1) striking "and" at the end of subparagraph (B);

(2) redesignating subparagraph (C) as subparagraph (D); and

(3) inserting after subparagraph (B) the following:

"(C) if applicable, monitoring information collected by public water systems pursuant to subsection (j) that is not duplicative of monitoring information included in the data base under subparagraph (B) or (D); and".

SEC. 2022. AMERICAN IRON AND STEEL PRODUCTS.

Section 1452(a)(4)(A) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking "fiscal year 2017" and inserting "fiscal years 2019 through 2023".

SEC. 2023. AUTHORIZATION FOR CAPITALIZATION GRANTS TO STATES FOR STATE DRINKING WATER TREATMENT REVOLVING LOAN FUNDS.

Section 1452(m) of the Safe Drinking Water Act (42 U.S.C. 300j–12(m)) is amended—

(1) by striking the first sentence and inserting the following:

"(1) There are authorized to be appropriated to carry out the purposes of this section—

"(A) $1,174,000,000 for fiscal year 2019;

"(B) $1,300,000,000 for fiscal year 2020; and

"(C) $1,950,000,000 for fiscal year 2021.";

(2) by striking "To the extent amounts authorized to be" and inserting the following:

"(2) To the extent amounts authorized to be"; and

(3) by striking "(prior to the fiscal year 2004)".

TITLE III—ENERGY

SEC. 3001. MODERNIZING AUTHORIZATIONS FOR NECESSARY HYDROPOWER APPROVALS.

(a) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) in subsection (a), by striking "three" and inserting "4"; and

(2) in subsection (b)—

(A) by striking "Commission may extend the period of a preliminary permit once for not more than 2 additional years beyond the 3 years" and inserting the following: "Commission may—

Extensions.
Time periods.

"(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) after the end of an extension period granted under paragraph (1), issue an additional permit to the permittee if the Commission determines that there are extraordinary circumstances that warrant the issuance of the additional permit.".

(b) TIME LIMIT FOR CONSTRUCTION OF PROJECT WORKS.—Section 13 of the Federal Power Act (16 U.S.C. 806) is amended in the second sentence by striking "once but not longer than two additional years" and inserting "for not more than 8 additional years,".

16 USC 803 note.

(c) OBLIGATION FOR PAYMENT OF ANNUAL CHARGES.—Any obligation of a licensee or exemptee for the payment of annual charges under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) for a project that has not commenced construction as of the date of enactment of this Act shall commence not earlier than the latest of—

(1) the date by which the licensee or exemptee is required to commence construction; or

(2) the date of any extension of the deadline under paragraph (1).

SEC. 3002. QUALIFYING CONDUIT HYDROPOWER FACILITIES.

Section 30(a) of the Federal Power Act (16 U.S.C. 823a(a)) is amended—

(1) in paragraph (2)(C), by striking "45 days" and inserting "30 days"; and

(2) in paragraph (3)(C)(ii), by striking "5" and inserting "40".

SEC. 3003. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 34. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS. 16 USC 823e.

"(a) EXPEDITED LICENSING PROCESS FOR NON-FEDERAL HYDROPOWER PROJECTS AT EXISTING NONPOWERED DAMS.—

"(1) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses, as appropriate, for any facility the Commission determines is a qualifying facility. Determination.

"(2) RULE.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule establishing an expedited process for issuing and amending licenses for qualifying facilities under this section. Deadline. Regulations.

"(3) INTERAGENCY TASK FORCE.—

"(A) In establishing the expedited process under this section, the Commission shall convene an interagency task force, with appropriate Federal and State agencies and Indian tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate a qualifying facility. Coordination.

"(B) The task force shall develop procedures that are consistent with subsection (e)(1)(E) to seek to ensure that, for projects licensed pursuant to this section, the Commission and appropriate Federal and State agencies and Indian tribes shall exercise their authorities in a manner that, to the extent practicable, will not result in any material change to the storage, release, or flow operations of the associated nonpowered dam existing at the time an applicant files its license application. Procedures.

"(4) LENGTH OF PROCESS.—The Commission shall seek to ensure that the expedited process under this section will result in a final decision on an application for a license by not later than 2 years after receipt of a completed application for the license.

"(b) DAM SAFETY.—

"(1) ASSESSMENT.—Before issuing any license for a qualifying facility, the Commission shall assess the safety of existing non-Federal dams and other non-Federal structures related to the qualifying facility (including possible consequences associated with failure of such structures).

"(2) REQUIREMENTS.—In issuing any license for a qualifying facility at a non-Federal dam, the Commission shall ensure

that the Commission's dam safety requirements apply to such qualifying facility, and the associated qualifying nonpowered dam, over the term of such license.

"(c) INTERAGENCY COMMUNICATIONS.—Interagency cooperation in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license for a qualifying facility under this section, and interagency communications relating to licensing process coordination pursuant to this section, shall not—

"(1) be considered to be ex parte communications under Commission rules; or

"(2) preclude an agency from participating in a licensing proceeding under this part, providing that any agency participating as a party in a licensing proceeding under this part shall, to the extent practicable, demonstrate a separation of staff cooperating with the Commission under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and staff participating in the applicable proceeding under this part.

"(d) IDENTIFICATION OF NONPOWERED DAMS FOR HYDROPOWER DEVELOPMENT.—

Deadline.
Lists.

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Commission, with the Secretary of the Army, the Secretary of the Interior, and the Secretary of Agriculture, shall jointly develop a list of existing nonpowered Federal dams that the Commission and the Secretaries agree have the greatest potential for non-Federal hydropower development.

"(2) CONSIDERATIONS.—In developing the list under paragraph (1), the Commission and the Secretaries may consider the following:

"(A) The compatibility of hydropower generation with existing purposes of the dam.

"(B) The proximity of the dam to existing transmission resources.

"(C) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.

"(D) The effects of hydropower development on release or flow operations of the dam.

"(3) AVAILABILITY.—The Commission shall—

"(A) provide the list developed under paragraph (1) to—

"(i) the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources, of the House of Representatives; and

"(ii) the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources, of the Senate; and

"(B) make such list available to the public.

"(e) DEFINITIONS.—For purposes of this section:

"(1) QUALIFYING CRITERIA.—The term 'qualifying criteria' means, with respect to a facility—

"(A) as of the date of enactment of this section, the facility is not licensed under, or exempted from the license requirements contained in, this part;

"(B) the facility will be associated with a qualifying nonpowered dam;

"(C) the facility will be constructed, operated, and maintained for the generation of electric power;

"(D) the facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

"(E) the operation of the facility will not result in any material change to the storage, release, or flow operations of the associated qualifying nonpowered dam.

"(2) QUALIFYING FACILITY.—The term 'qualifying facility' means a facility that is determined under this section to meet the qualifying criteria.

"(3) QUALIFYING NONPOWERED DAM.—The term 'qualifying nonpowered dam' means any dam, dike, embankment, or other barrier—

"(A) the construction of which was completed on or before the date of enactment of this section;

"(B) that is or was operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, drinking water, or flood control purposes; and

"(C) that, as of the date of enactment of this section, is not generating electricity with hydropower generating works that are licensed under, or exempted from the license requirements contained in, this part.

"(f) SAVINGS CLAUSE.—Nothing in this section affects—

"(1) any authority of the Commission to license a facility at a nonpowered dam under this part; and

"(2) any authority of the Commission to issue an exemption to a small hydroelectric power project under the Public Utility Regulatory Policies Act of 1978.".

SEC. 3004. CLOSED-LOOP PUMPED STORAGE PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 35. CLOSED-LOOP PUMPED STORAGE PROJECTS. 16 USC 823f.

"(a) EXPEDITED LICENSING PROCESS FOR CLOSED-LOOP PUMPED STORAGE PROJECTS.—

"(1) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses, as appropriate, for closed-loop pumped storage projects.

"(2) RULE.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule establishing an expedited process for issuing and amending licenses for closed-loop pumped storage projects under this section. Deadline.

"(3) INTERAGENCY TASK FORCE.—In establishing the expedited process under this section, the Commission shall convene an interagency task force, with appropriate Federal and State agencies and Indian tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate closed-loop pumped storage projects. Coordination.

"(4) LENGTH OF PROCESS.—The Commission shall seek to ensure that the expedited process under this section will result in final decision on an application for a license by not later than 2 years after receipt of a completed application for such license.

Assessment.

"(b) DAM SAFETY.—Before issuing any license for a closed-loop pumped storage project, the Commission shall assess the safety of existing dams and other structures related to the project (including possible consequences associated with failure of such structures).

"(c) EXCEPTIONS FROM OTHER REQUIREMENTS.—

"(1) IN GENERAL.—In issuing or amending a license for a closed-loop pumped storage project pursuant to the expedited process established under this section, the Commission may grant an exception from any other requirement of this part with respect to any part of the closed-loop pumped storage project (not including any dam or other impoundment).

"(2) CONSULTATION.—In granting an exception under paragraph (1), the Commission shall consult with the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the State agency exercising administration over the fish and wildlife resources of the State in which the closed-loop pumped storage project is or will be located, in the manner provided by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

"(3) TERMS AND CONDITIONS.—In granting an exception under paragraph (1), the Commission shall include in any such exception—

"(A) such terms and conditions as the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the State agency described in paragraph (2) each determine are appropriate to prevent loss of, or damage to, fish and wildlife resources and to otherwise carry out the purposes of the Fish and Wildlife Coordination Act; and

"(B) such terms and conditions as the Commission deems appropriate to ensure that such closed-loop pumped storage project continues to comply with the provisions of this section and terms and conditions included in any such exception.

"(4) FEES.—The Commission, in addition to the requirements of section 10(e), shall establish fees which shall be paid by an applicant for a license for a closed-loop pumped storage project that is required to meet terms and conditions set by fish and wildlife agencies under paragraph (3). Such fees shall be adequate to reimburse the fish and wildlife agencies referred to in paragraph (3) for any reasonable costs incurred in connection with any studies or other reviews carried out by such agencies for purposes of compliance with this section. The fees shall, subject to annual appropriations Acts, be transferred to such agencies by the Commission for use solely for purposes of carrying out such studies and shall remain available until expended.

Reimbursement.

"(d) TRANSFERS.—Notwithstanding section 5, and regardless of whether the holder of a preliminary permit for a closed-loop pumped storage project claimed municipal preference under section 7(a) when obtaining the permit, on request by a municipality, the Commission may, to facilitate development of a closed-loop pumped storage project—

"(1) add entities as joint permittees following issuance of a preliminary permit; and

"(2) transfer a license in part to one or more nonmunicipal entities as co-licensees with a municipality, if the municipality retains majority ownership of the project for which the license was issued.

"(e) INTERAGENCY COMMUNICATIONS.—Interagency cooperation in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license for a closed-loop pumped storage project submitted pursuant to this section, and interagency communications relating to licensing process coordination pursuant to this section, shall not—

"(1) be considered to be ex parte communications under Commission rules; or

"(2) preclude an agency from participating in a licensing proceeding under this part, providing that any agency participating as a party in a licensing proceeding under this part shall, to the extent practicable, demonstrate a separation of staff cooperating with the Commission under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and staff participating in the applicable proceeding under this part.

"(f) DEVELOPING ABANDONED MINES FOR PUMPED STORAGE.— Deadlines.

"(1) WORKSHOP.—Not later than 6 months after the date of enactment of this section, the Commission shall hold a workshop to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

"(2) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Commission shall issue guidance to assist applicants for licenses or preliminary permits for closed-loop pumped storage projects at abandoned mine sites.

"(g) QUALIFYING CRITERIA FOR CLOSED-LOOP PUMPED STORAGE PROJECTS.—

"(1) IN GENERAL.—The Commission shall establish criteria that a pumped storage project shall meet in order to qualify as a closed-loop pumped storage project eligible for the expedited process established under this section.

"(2) INCLUSIONS.—In establishing the criteria under paragraph (1), the Commission shall include criteria requiring that the pumped storage project—

"(A) cause little to no change to existing surface and ground water flows and uses; and

"(B) is unlikely to adversely affect species listed as a threatened species or endangered species under the Endangered Species Act of 1973.

"(h) SAVINGS CLAUSE.—Nothing in this section affects any authority of the Commission to license a closed-loop pumped storage project under this part.".

SEC. 3005. CONSIDERATIONS FOR RELICENSING TERMS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 36. CONSIDERATIONS FOR RELICENSING TERMS. 16 USC 823g.

"(a) IN GENERAL.—In determining the term of a new license issued when an existing license under this part expires, the Commission shall take into consideration, among other things— Determination.

"(1) project-related investments by the licensee under the new license; and

"(2) project-related investments by the licensee over the term of the existing license.

"(b) EQUAL WEIGHT.—The determination of the Commission under subsection (a) shall give equal weight to—

"(1) investments by the licensee to implement the new license under this part, including investments relating to redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation or replacement of major equipment, safety improvements, or environmental, recreation, or other protection, mitigation, or enhancement measures required or authorized by the new license; and

"(2) investments by the licensee over the term of the existing license (including any terms under annual licenses) that—

"(A) resulted in redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation or replacement of major equipment, safety improvements, or environmental, recreation, or other protection, mitigation, or enhancement measures conducted over the term of the existing license; and

"(B) were not expressly considered by the Commission as contributing to the length of the existing license term in any order establishing or extending the existing license term.

"(c) COMMISSION DETERMINATION.—At the request of the licensee, the Commission shall make a determination as to whether any planned, ongoing, or completed investment meets the criteria under subsection (b)(2). Any determination under this subsection shall be issued within 60 days following receipt of the licensee's request. When issuing its determination under this subsection, the Commission shall not assess the incremental number of years that the investment may add to the new license term. All such assessment shall occur only as provided in subsection (a).".

Deadline.

SEC. 3006. FAIR RATEPAYER ACCOUNTABILITY, TRANSPARENCY, AND EFFICIENCY STANDARDS.

Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(g) INACTION OF COMMISSIONERS.—

"(1) IN GENERAL.—With respect to a change described in subsection (d), if the Commission permits the 60-day period established therein to expire without issuing an order accepting or denying the change because the Commissioners are divided two against two as to the lawfulness of the change, as a result of vacancy, incapacity, or recusal on the Commission, or if the Commission lacks a quorum—

"(A) the failure to issue an order accepting or denying the change by the Commission shall be considered to be an order issued by the Commission accepting the change for purposes of section 313(a); and

"(B) each Commissioner shall add to the record of the Commission a written statement explaining the views of the Commissioner with respect to the change.

Deadline.

"(2) APPEAL.—If, pursuant to this subsection, a person seeks a rehearing under section 313(a), and the Commission fails to act on the merits of the rehearing request by the date that is 30 days after the date of the rehearing request

because the Commissioners are divided two against two, as a result of vacancy, incapacity, or recusal on the Commission, or if the Commission lacks a quorum, such person may appeal under section 313(b).".

SEC. 3007. J. BENNETT JOHNSTON WATERWAY HYDROPOWER EXTENSION.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbers 12756, 12757, and 12758, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which such licensee is required to commence the construction of its applicable project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission under that section for such project. Notice. Time periods.

(b) OBLIGATION FOR PAYMENT OF ANNUAL CHARGES.—Any obligation of a licensee for a project described in subsection (a) for the payment of annual charges under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) shall commence when the construction of the project commences.

(c) REINSTATEMENT OF LICENSE; EFFECTIVE DATE FOR EXTENSION.—

(1) REINSTATEMENT.—If the time period required for commencement of construction of a project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license for such project, effective as of the date of the expiration of the license.

(2) EFFECTIVE DATE FOR EXTENSION.—If the Commission reinstates a license under paragraph (1) for a project, the first extension authorized under subsection (a) with respect to such project shall take effect on the effective date of such reinstatement under paragraph (1).

SEC. 3008. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393 FOR THE MAHONEY LAKE HYDROELECTRIC PROJECT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) LICENSE.—The term "license" means the license for the Commission project numbered 11393.

(3) LICENSEE.—The term "licensee" means the holder of the license.

(b) STAY OF LICENSE.—On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) LIFTING OF STAY.—On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall— Deadline.

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) EXTENSION OF LICENSE.—

(1) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that Notice. Time periods.

would otherwise apply to the Commission project numbered 11393, the Commission may, at the request of the licensee, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of, and the procedures of the Commission under, that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(2) REINSTATEMENT OF EXPIRED LICENSE.—

(A) IN GENERAL.—If the period required for the commencement of construction of the project described in paragraph (1) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of the date of the expiration of the license.

(B) EXTENSION.—If the Commission reinstates the license under subparagraph (A), the first extension authorized under paragraph (1) shall take effect on the date of that expiration.

(e) EFFECT.—Nothing in this Act prioritizes, or creates any advantage or disadvantage to, Commission project numbered 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to—

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this Act.

SEC. 3009. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2028.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary of Energy may not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

TITLE IV—OTHER MATTERS

Subtitle A—Clean Water

SEC. 4101. STORMWATER INFRASTRUCTURE FUNDING TASK FORCE.

Deadline. Study. Recommendations.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish a stormwater infrastructure

funding task force composed of representatives of Federal, State, and local governments and private (including nonprofit) entities to conduct a study on, and develop recommendations to improve, the availability of public and private sources of funding for the construction, rehabilitation, and operation and maintenance of stormwater infrastructure to meet the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) CONSIDERATIONS.—In carrying out subsection (a), the task force shall—

(1) identify existing Federal, State, and local public sources and private sources of funding for stormwater infrastructure; and

(2) consider—

(A) how funding for stormwater infrastructure from such sources has been made available, and utilized, in each State to address stormwater infrastructure needs identified pursuant to section 516(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1375(b)(1));

(B) how the source of funding affects the affordability of the infrastructure (as determined based on the considerations used to assess the financial capability of municipalities under the integrated planning guidelines described in the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency on June 5, 2012, and dated May, 2012), including consideration of the costs associated with financing the infrastructure; and

(C) whether such sources of funding are sufficient to support capital expenditures and long-term operation and maintenance costs necessary to meet the stormwater infrastructure needs of municipalities.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the results of the study conducted, and the recommendations developed, under subsection (a).

(d) STATE DEFINED.—In this section, the term "State" has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

SEC. 4102. WASTEWATER TECHNOLOGY CLEARINGHOUSE. 33 USC 1314a.

(a) IN GENERAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall—

(A) for each of the programs described in paragraph (2), update the information for those programs to include information on cost-effective and alternative wastewater recycling and treatment technologies, including onsite and decentralized systems; and

(B) disseminate to units of local government and nonprofit organizations seeking Federal funds for wastewater technology information on the cost effectiveness of alternative wastewater treatment and recycling technologies, including onsite and decentralized systems.

(2) PROGRAMS DESCRIBED.—The programs referred to in paragraph (1)(A) are programs that provide technical assistance for wastewater management, including—

(A) programs for nonpoint source management under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329); and

(B) the permit program for the disposal of sewer sludge under section 405 of the Federal Water Pollution Control Act (33 U.S.C. 1345).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and not less frequently than every 3 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that describes—

(1) the type and amount of information provided under subsection (a) to units of local government and nonprofit organizations regarding alternative wastewater treatment and recycling technologies;

(2) the States and regions that have made greatest use of alternative wastewater treatment and recycling technologies; and

(3) the actions taken by the Administrator to assist States in the deployment of alternative wastewater treatment and recycling technologies, including onsite and decentralized systems.

SEC. 4103. TECHNICAL ASSISTANCE FOR TREATMENT WORKS.

(a) TECHNICAL ASSISTANCE.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following:

"(8) make grants to nonprofit organizations—

Consultation.

"(A) to provide technical assistance to rural, small, and tribal municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities and tribal governments in the planning, developing, and acquisition of financing for eligible projects and activities described in section 603(c);

"(B) to provide technical assistance and training for rural, small, and tribal publicly owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the requirements of this Act; and

"(C) to disseminate information to rural, small, and tribal municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems."; and

(2) by adding at the end the following:

Definition.

"(w) NONPROFIT ORGANIZATION.—For purposes of subsection (b)(8), the term 'nonprofit organization' means a nonprofit organization that the Administrator determines, after consultation with the States regarding what small publicly owned treatments works in the State find to be most beneficial and effective, is qualified

and experienced in providing on-site training and technical assistance to small publicly owned treatment works.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended—

(1) by striking "and (6)" and inserting "(6)"; and

(2) by inserting before the period at the end the following: "; and (7) not to exceed $25,000,000 for each of fiscal years 2019 through 2023 for carrying out subsections (b)(3), (b)(8), and (g)".

SEC. 4104. AMENDMENTS TO LONG ISLAND SOUND PROGRAMS.

(a) LONG ISLAND SOUND RESTORATION PROGRAM.—Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "Management Conference of the Long Island Sound Study" and inserting "conference study";

(B) in paragraph (2)—

(i) in each of subparagraphs (A) through (G), by striking the commas at the end of the subparagraphs and inserting semicolons;

(ii) in subparagraph (H), by striking ", and" and inserting a semicolon;

(iii) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(J) environmental vulnerabilities of the Long Island Sound watershed, including—

"(i) the identification and assessment of such vulnerabilities in the watershed;

"(ii) the development and implementation of adaptation strategies to reduce such vulnerabilities; and

"(iii) the identification and assessment of the effects of sea level rise on water quality, habitat, and infrastructure; and";

(C) by striking paragraph (4) and inserting the following:

"(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;";

(D) in paragraph (5), by inserting "study" after "conference";

(E) in paragraph (6)—

(i) by inserting "(including on a publicly accessible website)" after "the public"; and

(ii) by inserting "study" after "conference"; and

(F) by striking paragraph (7) and inserting the following:

"(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and";

(2) in subsection (d)(3), in the second sentence, by striking "50 per centum" and inserting "60 percent";

(3) by redesignating subsection (f) as subsection (h); and

(4) by inserting after subsection (e) the following:

"(f) REPORT.—

Consultation.

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—

Summary.
Assessments.

"(A) summarizes and assesses the progress made by the Office and the Long Island Sound States in implementing the Long Island Sound Comprehensive Conservation and Management Plan, including an assessment of the progress made toward meeting the performance goals and milestones contained in the Plan;

Assessment.

"(B) assesses the key ecological attributes that reflect the health of the ecosystem of the Long Island Sound watershed;

Time period.

"(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

Recommendations.
Proposal.

"(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

Time period.

"(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

Coordination.

"(F) describes the means by which Federal funding and actions will be coordinated with the actions of the Long Island Sound States and other entities.

"(2) PUBLIC AVAILABILITY.—The Administrator shall make the report described in paragraph (1) available to the public, including on a publicly accessible website.

"(g) FEDERAL ENTITIES.—

"(1) COORDINATION.—The Administrator shall coordinate the actions of all Federal departments and agencies that affect water quality in the Long Island Sound watershed in order to improve the water quality and living resources of the watershed.

"(2) METHODS.—In carrying out this section, the Administrator, acting through the Director of the Office, may—

"(A) enter into interagency agreements; and

"(B) make intergovernmental personnel appointments.

"(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—To the maximum extent practicable, the head of each Federal department or agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).".

(b) LONG ISLAND SOUND STEWARDSHIP PROGRAM.—Section 8(g) of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended by striking "2011" and inserting "2021".

(c) REAUTHORIZATION OF LONG ISLAND SOUND PROGRAMS.—

(1) LONG ISLAND SOUND GRANTS.—Subsection (h) of section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) (as redesignated by subsection (a)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $40,000,000 for each of fiscal years 2019 through 2023.".

(2) LONG ISLAND SOUND STEWARDSHIP GRANTS.—Section 11(a) of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended by striking "2007 through 2011" and inserting "2019 through 2023".

SEC. 4105. AUTHORIZATION OF APPROPRIATIONS FOR COLUMBIA RIVER BASIN RESTORATION.

Section 123(d) of the Federal Water Pollution Control Act (33 U.S.C. 1275(d)) is amended by adding at the end the following:

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for each of fiscal years 2020 and 2021.".

SEC. 4106. SEWER OVERFLOW CONTROL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) by amending the section heading to read as follows: "**SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS**";

(2) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—

"(1) GRANTS TO STATES.—The Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of—

"(A) treatment works to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater; and

"(B) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).

"(2) DIRECT MUNICIPAL GRANTS.—Subject to subsection (g), the Administrator may make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).";

(3) by amending subsection (e) to read as follows:

"(e) ADMINISTRATIVE REQUIREMENTS.—A project that receives assistance under this section shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund under title VI, except to the extent that the Governor of the State in which the project is located determines that a requirement of title VI is inconsistent with the purposes of this section. For the purposes of this subsection, a Governor may not determine that the requirements of title VI relating to the application of section 513 are inconsistent with the purposes of this section.";

Determination.

(4) by amending subsection (f) to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $225,000,000 for each of fiscal years 2019 through 2020.

"(2) MINIMUM ALLOCATIONS.—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities."; and

(5) by amending subsection (g) to read as follows:

"(g) ALLOCATION OF FUNDS.—

"(1) FISCAL YEAR 2019.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2019 for making grants to municipalities and municipal entities under subsection (a)(2) in accordance with the criteria set forth in subsection (b).

Notice.
Public comment.

"(2) FISCAL YEAR 2020 AND THEREAFTER.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2020 and each fiscal year thereafter for making grants to States under subsection (a)(1) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls, sanitary sewer overflow controls, and stormwater identified in the most recent detailed estimate and comprehensive study submitted pursuant to section 516 and any other information the Administrator considers appropriate.".

SEC. 4107. ASSISTANCE FOR INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS OF INDIVIDUALS WITH LOW OR MODERATE INCOME.

(a) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) in subsection (c)—

(A) by striking "and" at the end of paragraph (10);

(B) by striking "Act." at the end of paragraph (11) and inserting "Act; and"; and

(C) by inserting after paragraph (11) the following:

"(12) to any qualified nonprofit entity, as determined by the Administrator, to provide assistance to an eligible individual (as defined in subsection (j))—

"(A) for the repair or replacement of existing individual household decentralized wastewater treatment systems; or

"(B) in a case in which an eligible individual resides in a household that could be cost-effectively connected to an available publicly owned treatment works, for the connection of the applicable household to such treatment works."; and

(2) by adding at the end the following:

"(j) DEFINITION OF ELIGIBLE INDIVIDUAL.—In subsection (c)(12), the term 'eligible individual' means a member of a household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State in which the household is located, according to the most recent decennial census.".

(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) the prevalence throughout the United States of low- and moderate-income households without access to a treatment works; and

(2) the use by States of assistance under section 603(c)(12) of the Federal Water Pollution Control Act.

Subtitle B—WIFIA Reauthorization and Innovative Financing for State Loan Funds

SEC. 4201. WIFIA REAUTHORIZATION AND INNOVATIVE FINANCING FOR STATE LOAN FUNDS.

(a) WIFIA REAUTHORIZATION.—

(1) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5023 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3902) is amended—

(A) by striking "pilot" each place it appears; and

(B) in subsection (b)(1), by inserting "provide financial assistance to" before "carry out".

(2) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 5028(a)(1)(E) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)(1)(E)) is amended to read as follows:

"(E) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to—

"(i) a State infrastructure financing authority for a project under section 5026(9), which may include requiring the provision of a final rating opinion letter from at least one rating agency; or

"(ii) an entity for a project under section 5026(10), which may include requiring the provision of a final rating opinion letter from at least two rating agencies.".

(3) REPAYMENTS.—Section 5029(c)(2)(B) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3908(c)(2)(B)) is amended—

(A) by striking "Scheduled" and inserting the following:

"(i) TIMING OF SCHEDULED LOAN REPAYMENTS.—Scheduled"; and

(B) by adding at the end:

"(ii) REPAYMENTS.—None of the funds for repayment of a secured loan under this title from a State infrastructure financing authority may come from funds provided to a State revolving loan fund under title VI of the Federal Water Pollution Control Act

(33 U.S.C. 1381 et seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).".

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 5033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3912) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(ii) in the matter preceding subparagraph (A) (as so redesignated), by striking "There is" and inserting the following:

"(1) FISCAL YEARS 2015 THROUGH 2019.—There are"; and

(iii) by adding at the end the following:

"(2) FISCAL YEARS 2020 AND 2021.—There is authorized to be appropriated to the Administrator to carry out this subtitle $50,000,000 for each of fiscal years 2020 and 2021, to remain available until expended."; and

(B) in subsection (b)—

(i) by striking "Of the funds" and inserting the following:

"(1) FISCAL YEARS 2015 THROUGH 2019.—Of the funds"; and

(ii) by adding at the end the following:

"(2) FISCAL YEARS 2020 AND 2021.—Of the funds made available to carry out this subtitle, the Administrator may use for the administration of this subtitle, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than $5,000,000 for each of fiscal years 2020 and 2021.".

(b) INNOVATIVE FINANCING FOR STATE LOAN FUNDS.—

(1) MAXIMUM FEDERAL INVOLVEMENT.—Section 5029(b)(9) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3908(b)(9)) is amended by adding at the end the following:

"(C) EXCEPTION FOR PROJECTS FUNDED BY A STATE INFRASTRUCTURE FINANCING AUTHORITY.—Notwithstanding subparagraph (A), a State infrastructure financing authority may finance up to 100 percent of the costs of a project using the proceeds of financial assistance authorized under section 5033(e), provided that, in the event of a default with respect to any such assistance, the State infrastructure financing authority is solely responsible for immediate repayment of such costs.".

(2) PROGRAM ADMINISTRATION.—Section 5030 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3909) is amended—

(A) in subsection (b), by inserting after paragraph (1) the following:

"(2) PROHIBITION ON PASS THROUGH FEES.—The Administrator, in the case where a State infrastructure financing authority obtains financial assistance under section 5033(e), shall require as a condition of obtaining such assistance, that the State infrastructure financing authority is prohibited from passing any portion of the fees required under section 5029(b)(7) to any party that utilizes any portion of such assistance for a project funded by such authority."; and

(B) by redesignating subsection (e) as subsection (h) and inserting after subsection (d) the following:

"(e) SPECIAL RULE FOR STATE REVIEWS OF PROJECTS FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—

"(1) IN GENERAL.—A project described in section 5026(9) for which funding is provided under this title shall comply with any applicable State environmental or engineering review requirements pursuant to, as applicable—

"(A) title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

"(B) section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

"(2) NO NEW REVIEWS REQUIRED.—Nothing in this title requires any additional or new environmental or engineering review for a project described in section 5026(9) for which funding is provided, other than any requirement otherwise applicable to the project.

"(f) SPECIAL RULE FOR EXPEDITED REVIEW OF APPLICATIONS FROM STATE INFRASTRUCTURE FINANCING AUTHORITIES.—Not later than 180 days after the date on which the Administrator receives a complete application from a State infrastructure financing authority for a project under section 5026(9), the Administrator shall, through a written notice to the State infrastructure financing authority— Deadline. Notice.

"(1) approve the application; or

"(2) provide detailed guidance and an explanation of any changes to the application necessary for approval of the application.". Guidance.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 5033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3912) is further amended by adding at the end the following:

"(e) ASSISTANCE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—

"(1) IN GENERAL.—With respect to fiscal years 2020 and 2021, if the Administrator has available for obligation in a fiscal year at least $50,000,000, there is authorized to be appropriated to the Administrator $5,000,000 for that fiscal year to provide financial assistance for projects described in section 5026(9) to State infrastructure financing authorities.

"(2) NO IMPACT ON OTHER FEDERAL FUNDING.—No funds shall be made available in a fiscal year to the Administrator for purposes of this subsection if—

"(A) the total amount appropriated for the fiscal year for State loan funds under section 1452 of the Safe Drinking Water Act is less than either the amount made available for such purpose in fiscal year 2018, or 105 percent of the previous fiscal year's appropriation for such purpose, whichever is greater; and

"(B) the total amount appropriated for the fiscal year for water pollution control revolving funds under title VI of the Federal Water Pollution Control Act is less than either the amount made available for such purpose for fiscal year 2018, or 105 percent of the previous fiscal year's appropriation for such purpose, whichever is greater.

"(3) INCLUSION IN AGREEMENT.—If the Administrator provides financial assistance to a State infrastructure financing

authority under section 5029 using funds made available pursuant to this subsection, the Administrator shall specify in the agreement under such section the amount of such assistance that is attributable to such funds.".

(c) ADMINISTRATION OF WIFIA PROGRAM.—Section 5030 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3909), as amended by subsection (b), is further amended by inserting after subsection (f) the following:

"(g) AGREEMENTS.—

"(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Administrator may enter into an agreement with another relevant Federal agency to provide assistance in administering and servicing Federal credit instruments that such agency is authorized to make available.

"(2) DUTIES.—The Administrator may act as an agent for the head of another Federal agency under paragraph (1), subject to the terms of any agreement entered into by the Administrator and the head of such other agency under such clause.

"(3) TRANSFER OF FUNDS.—The authority of the Administrator to provide assistance under paragraph (1) is subject to—

"(A) the availability of funds appropriated to the other Federal agency that may be transferred to the Administrator to carry out an agreement entered into under paragraph (1); and

"(B) the transfer of such funds to the Administrator to carry out such an agreement.

"(4) LIMITATION.—Nothing in this subsection affects the authority of the Administrator with respect to the selection of projects described in paragraphs (1), (8), or (10) of section 5026 to receive financial assistance under this subtitle.".

(d) REPORTS ON PILOT PROGRAM IMPLEMENTATION.—Section 5034 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3913) is amended—

(1) in the section heading, by striking "**PILOT**"; and

(2) in subsection (b)(1), by striking "4 years after the date of enactment of this Act" and inserting "3 years after the date of enactment of the Water Resources Development Act of 2018".

Subtitle C—Miscellaneous

Deadline.
33 USC 3909 note.

SEC. 4301. AGREEMENT WITH COMMISSIONER OF RECLAMATION.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Commissioner of Reclamation shall enter into an agreement under section 5030(g) of the Water Infrastructure Finance and Innovation Act (as added by this Act).

SEC. 4302. SNAKE RIVER BASIN FLOOD PREVENTION ACTION PLAN.

Consultation.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commissioner of Reclamation, in consultation with the Secretary of the Army, shall develop a flood prevention action plan for each State or portion of a State within the Snake River Basin.

(b) REQUIREMENTS.—A flood prevention action plan developed under subsection (a) shall—

(1) focus on the areas most likely to experience flooding within the 2 years following the date of enactment of this Act; Time period.

(2) include steps to manage and reduce flood risks within the Snake River Basin; and

(3) include a description of the actions the Secretary and the Commissioner of Reclamation plan to take to improve coordination with local stakeholders to help manage and reduce flood risks in the areas described in paragraph (1).

(c) SUBMISSION.—Not later than 180 days after the date of enactment of this Act, after coordinating with local stakeholders, the Commissioner of Reclamation shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives, the flood prevention plans developed under subsection (a). Deadline. Coordination.

SEC. 4303. GAO AUDIT OF CONTRACTS AND TAINTER GATE REPAIRS OF HARLAN COUNTY DAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall— Deadline.

(1) conduct an audit of the extraordinary maintenance repayment contracts No. 16XX630077 and No. 16XX630076 between the United States and the Bostwick Division for repairs to the Tainter gates and other features at Harlan County Dam, including—

(A) an examination of whether—

(i) the Corps of Engineers should have designated the Tainter gate rehabilitation as a "Dam Safety Modification", subject to the cost-sharing requirements under section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n), instead of an "extraordinary maintenance project"; and

(ii) a more appropriate cost share should have applied to the Bostwick Division;

(B) a review of—

(i) the amounts owed by the Bostwick Division to the Bureau of Reclamation; and

(ii) any reimbursements owed by the Corps of Engineers to the Bureau of Reclamation based on the actual costs of the project after completion; and

(C) a review of project designations and cost-share policies of the Bureau of Reclamation and other Federal agencies for similar spillway gate repairs; and

(2) submit to Congress a report on the results of the audit under paragraph (1).

(b) TREATMENT OF PAYMENTS.—Payments made after the date of enactment of this Act by the Bostwick Division to the Bureau of Reclamation under the contracts described in subsection (a)(1) shall be—

(1) deposited into a no-year account; and

(2) disbursed to the Bureau of Reclamation upon submission of the report under subsection (a)(2).

42 USC 300j–19e.

SEC. 4304. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) water and wastewater utilities provide a unique opportunity for access to stable, high-quality careers;

(2) as water and wastewater utilities make critical investments in infrastructure, water and wastewater utilities can invest in the development of local workers and local small businesses to strengthen communities and ensure a strong pipeline of skilled and diverse workers for today and tomorrow; and

(3) to further the goal of ensuring a strong pipeline of skilled and diverse workers in the water and wastewater utilities sector, Congress urges—

(A) increased collaboration among Federal, State, and local governments; and

(B) institutions of higher education, apprentice programs, high schools, and other community-based organizations to align workforce training programs and community resources with water and wastewater utilities to accelerate career pipelines and provide access to workforce opportunities.

(b) INNOVATIVE WATER INFRASTRUCTURE WORKFORCE DEVELOPMENT PROGRAM.—

Consultation.

(1) GRANTS AUTHORIZED.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), in consultation with the Secretary of Agriculture, shall establish a competitive grant program—

(A) to assist the development and utilization of innovative activities relating to workforce development and career opportunities in the water utility sector; and

(B) to expand public awareness about water utilities and connect individuals to careers in the water utility sector.

(2) SELECTION OF GRANT RECIPIENTS.—In awarding grants under paragraph (1), the Administrator shall, to the extent practicable, select nonprofit professional or service organizations, labor organizations, community colleges, institutions of higher education, or other training and educational institutions—

(A) that have qualifications and experience—

(i) in the development of training programs and curricula relevant to workforce needs of water utilities;

(ii) working in cooperation with water utilities; or

(iii) developing public education materials appropriate for communicating with groups of different ages and educational backgrounds; and

(B) that will address the human resources and workforce needs of water utilities that—

(i) are geographically diverse;

(ii) are of varying sizes; and

(iii) serve urban, suburban, and rural populations.

(3) USE OF FUNDS.—Grants awarded under paragraph (1) may be used for activities such as—

(A) targeted internship, apprenticeship, pre-apprenticeship, and post-secondary bridge programs for skilled water utility trades that provide—

(i) on-the-job training;

(ii) skills development;

(iii) test preparation for skilled trade apprenticeships;

(iv) advance training in the water utility sector relating to construction, utility operations, treatment and distribution, green infrastructure, customer service, maintenance, and engineering; or

(v) other support services to facilitate post-secondary success;

(B) education programs designed for elementary, secondary, and higher education students that—

(i) inform people about the role of water and wastewater utilities in their communities;

(ii) increase the awareness of career opportunities and exposure of students to water utility careers through various work-based learning opportunities inside and outside the classroom; and

(iii) connect students to career pathways related to water utilities;

Coordination.

(C) regional industry and workforce development collaborations to address water utility employment needs and coordinate candidate development, particularly in areas of high unemployment or for water utilities with a high proportion of retirement eligible employees;

(D) integrated learning laboratories in secondary educational institutions that provide students with—

(i) hands-on, contextualized learning opportunities;

(ii) dual enrollment credit for post-secondary education and training programs; and

(iii) direct connection to industry employers; and

(E) leadership development, occupational training, mentoring, or cross-training programs that ensure that incumbent water and waste water utilities workers are prepared for higher level supervisory or management-level positions.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2019 and 2020.

SEC. 4305. REGIONAL LIAISONS FOR MINORITY, TRIBAL, AND LOW-INCOME COMMUNITIES.

42 USC 4370i.

Assignment.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall assign at least one employee in each regional office of the Environmental Protection Agency to serve as a liaison to minority, Tribal, and low-income communities in the relevant region.

Web postings.

(b) PUBLIC IDENTIFICATION.—The Administrator shall identify each regional liaison assigned under subsection (a) on the internet website of—

(1) the relevant regional office of the Environmental Protection Agency; and

(2) the Office of Environmental Justice of the Environmental Protection Agency.

SEC. 4306. WATERSENSE.

(a) WATERSENSE.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended by adding after section 324A the following:

42 USC 6294b.

"SEC. 324B. WATERSENSE PROGRAM.

"(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

"(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary program, to be known as the WaterSense program, to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services in order to, through voluntary labeling of, or other forms of communications regarding, such products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

"(A) reduce water use;

"(B) reduce the strain on public water systems, community water systems, and wastewater and stormwater infrastructure;

"(C) conserve energy used to pump, heat, transport, and treat water; and

"(D) preserve water resources for future generations.

"(2) INCLUSIONS.—Categories of products, buildings, landscapes, facilities, processes, and services that may be included under the program include—

"(A) irrigation technologies and services;

"(B) point-of-use water treatment devices;

"(C) plumbing products;

"(D) water reuse and recycling technologies;

"(E) landscaping and gardening products, including moisture control or water enhancing technologies;

"(F) xeriscaping and other landscape conversions that reduce water use;

"(G) whole house humidifiers; and

"(H) water-efficient buildings or facilities.

Coordination.

"(b) DUTIES.—The Administrator of the Environmental Protection Agency, in coordination with the Secretary of Energy as appropriate, shall—

"(1) establish—

"(A) a WaterSense label to be used for products, buildings, landscapes, facilities, processes, and services meeting the certification criteria established pursuant to this section; and

Procedures.
Criteria.

"(B) the procedure, including the methods and means, and criteria by which products, buildings, landscapes, facilities, processes, and services may be certified to display the WaterSense label;

"(2) enhance public awareness regarding the WaterSense label through outreach and public education;

"(3) preserve the integrity of the WaterSense label by—

Criteria.

"(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services certified to display the WaterSense label perform as well or better than less water-efficient counterparts;

"(B) overseeing WaterSense certifications made by third parties, which shall be independent third-party

product certification bodies accredited by an accreditation entity domiciled in the United States;

"(C) using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining compliance with performance criteria; and

"(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; Audits.

"(4) not more frequently than every 6 years after adoption or major revision of any WaterSense performance criteria, review and, if appropriate, revise the performance criteria to achieve additional water savings; Time period. Review. Criteria.

"(5) in revising any WaterSense criteria—

"(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes; Notice.

"(B) solicit comments from interested parties and the public prior to any changes;

"(C) as appropriate, respond to comments submitted by interested parties and the public; and

"(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific product, building, landscape, process, or service category being addressed; and

"(6) not later than December 31, 2019, consider for review and revise, if necessary, any WaterSense performance criteria adopted before January 1, 2012. Deadline. Review. Criteria.

"(c) TRANSPARENCY.—The Administrator of the Environmental Protection Agency shall, to the extent practicable and not less than annually, estimate and make available to the public the relative water and energy savings attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services. Time period. Estimate. Public information.

"(d) DISTINCTION OF AUTHORITIES.—In setting or maintaining specifications and criteria for Energy Star pursuant to section 324A, and WaterSense under this section, the Secretary of Energy and the Administrator of the Environmental Protection Agency shall coordinate to prevent duplicative or conflicting requirements among the respective programs. Coordination.

"(e) NO WARRANTY.—A WaterSense label shall not create any express or implied warranty.

"(f) METHODS FOR ESTABLISHING PERFORMANCE CRITERIA.—In establishing performance criteria for products, buildings, landscapes, facilities, processes, or services pursuant to this section, the Administrator of the Environmental Protection Agency shall use technical specifications and testing protocols established by voluntary consensus standards organizations relevant to specific products, buildings, landscapes, facilities, processes, or services, as appropriate.

"(g) DEFINITION OF FEASIBLE.—The term 'feasible' means feasible with the use of the best technology, techniques, and other means that the Administrator of the Environmental Protection Agency finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).".

(b) TABLE OF CONTENTS.—The table of contents for the Energy Policy and Conservation Act is amended by adding after the item relating to section 324A the following:

"Sec. 324B. WaterSense program.".

SEC. 4307. PREDATORY AND OTHER WILD ANIMALS.

Section 1 of the Act of March 2, 1931 (46 Stat. 1468, chapter 370; 7 U.S.C. 8351) is amended—

(1) in the second sentence, by striking "The Secretary" and inserting the following:

"(b) ADMINISTRATION.—The Secretary";

(2) in the first sentence, by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary"; and

(3) by adding at the end the following:

Permits.

"(c) ACTION BY FWS.—The Director of the United States Fish and Wildlife Service shall use the most expeditious procedure practicable to process and administer permits for take of—

"(1) a depredating eagle under the Act of June 8, 1940 (commonly known as the 'Bald Eagle Protection Act') (54 Stat. 250, chapter 278; 16 U.S.C. 668 et seq.), or sections 22.11 through 22.32of title 50, Code of Federal Regulations (or successor regulations) (including depredation of livestock, wildlife, and species protected under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other Federal management program); or

"(2) a migratory bird included on the list under section 10.13 of title 50, Code of Federal Regulations (or successor regulations) that is posing a conflict.".

SEC. 4308. KLAMATH PROJECT WATER AND POWER.

(a) ADDRESSING WATER MANAGEMENT AND POWER COSTS FOR IRRIGATION.—The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106–498; 114 Stat. 2221) is amended—

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the following:

"SEC. 4. POWER AND WATER MANAGEMENT.

"(a) DEFINITIONS.—In this section:

"(1) COVERED POWER USE.—The term 'covered power use' means a use of power to develop or manage water from any source for irrigation, wildlife purposes, or drainage on land that is—

"(A) associated with the Klamath Project, including land within a unit of the National Wildlife Refuge System that receives water due to the operation of Klamath Project facilities; or

"(B) irrigated by the class of users covered by the agreement dated April 30, 1956, between the California Oregon Power Company and Klamath Basin Water Users Protective Association and within the Off Project Area (as defined in the Upper Basin Comprehensive Agreement entered into on April 18, 2014), only if each applicable owner and holder of a possessory interest of the land is a party to that agreement (or a successor agreement that

the Secretary determines provides a comparable benefit to the United States).

"(2) KLAMATH PROJECT.—

"(A) IN GENERAL.—The term 'Klamath Project' means the Bureau of Reclamation project in the States of California and Oregon.

"(B) INCLUSIONS.—The term 'Klamath Project' includes any dam, canal, or other works or interests for water diversion, storage, delivery, and drainage, flood control, or any similar function that is part of the project described in subparagraph (A).

"(3) POWER COST BENCHMARK.—The term 'power cost benchmark' means the average net delivered cost of power for irrigation and drainage at Reclamation projects in the area surrounding the Klamath Project that are similarly situated to the Klamath Project, including Reclamation projects that—

"(A) are located in the Pacific Northwest; and

"(B) receive project-use power.

"(b) WATER ACTIVITIES AND DROUGHT RESPONSE.—

"(1) IN GENERAL.—Pursuant to the reclamation laws and subject to appropriations and required environmental reviews, the Secretary may carry out activities, including entering into a contract or making financial assistance available through cooperative agreements or other methods— Contracts.

"(A) to plan, implement, and administer programs to align water supplies and demand for irrigation water users associated with the Klamath Project, with a primary emphasis on programs developed or endorsed by local entities comprised of representatives of those water users; Plan.

"(B) Expenditures under this paragraph shall not exceed $10 million on an average annual basis.

"(2) 2018 DROUGHT RESPONSE.—All disbursements made or to be made based on actions approved by the Secretary under Contract Numbers 18–WC–20–5322 and 18–WC–20–5323 are authorized.

"(3) REQUIREMENTS.—The Secretary shall ensure that the activities under this subsection—

"(A) do not foster groundwater use that results in groundwater level declines that, based on existing data from the United States Geological Survey, are more than appropriate in a critically dry year, taking into consideration the long-term sustainability of aquifers;

"(B) do not adversely affect compliance with applicable laws protecting fishery resources in Upper Klamath Lake and the Klamath River.

"(4) CONVEYANCE OF NON-PROJECT WATER.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), any entity operating under a contract entered into with the United States for the operation and maintenance of any Klamath Project works or facility, and any entity operating any works or facility not owned by the United States that receives Klamath Project water, may use, without any additional Federal contract, permit, or other authorization, any Klamath Project works or facility to convey non-Klamath Project water for any authorized purpose of the Klamath Project.

"(B) PERMITS; MEASUREMENT.—A use of water pursuant to subparagraph (A) (including an addition or conveyance of water) shall be subject to the requirements that—

"(i) the applicable entity shall secure all permits required under State or local law; and

"(ii) as applicable—

"(I) all water delivered into and taken out of a Klamath Project works or facility pursuant to that subparagraph shall be measured; and

"(II) any irrigation district conveying water shall ensure that only the land authorized to receive water under applicable State law shall receive, and put to beneficial use, the water, in accordance with the applicable State law and any associated terms and conditions.

"(C) LIMITATION.—A use of non-Klamath Project water under this paragraph shall not—

"(i) adversely affect the delivery of water to any water user or land served by the Klamath Project; or

"(ii) result in any additional cost to the United States.

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection authorizes the Secretary—

"(A) to develop or construct new facilities for the Klamath Project without appropriate approval from Congress under section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h); or

"(B) to carry out activities that have not otherwise been authorized.

"(c) REDUCING POWER COSTS.—

Consultation. Reports.

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of America's Water Infrastructure Act of 2018, the Secretary, in consultation with interested irrigation interests that are eligible for covered power use and organizations representative of those interests, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

"(A) identifies the power cost benchmark; and

Recommendations.

"(B) recommends actions (other than direct payments to persons making covered power uses or to other entities for the purposes of subsidizing power rates) that, in the judgment of the Secretary, are necessary and appropriate to ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, including a description of—

"(i) actions—

"(I) to immediately reduce power costs; and

"(II) to ensure that the net delivered power cost for covered power use is equal to, or less than, the power cost benchmark in the near term, while longer-term actions are being implemented;

"(ii) actions that prioritize—

"(I) water and power conservation and efficiency measures that could assist in achieving the power cost benchmark;

"(II) to the extent actions involving the development or acquisition of power generation are included, renewable energy technologies (including hydropower); and

"(III) regional economic development;

"(iii) the potential costs and timeline for the actions recommended under this subparagraph;

"(iv) provisions for modifying the actions and timeline to adapt to new information or circumstances; and

"(v) a description of public input regarding the proposed actions, including—

"(I) input from water users that have covered power use; and

"(II) the degree to which those water users concur with the recommendations.".

(b) EFFECT.—None of the amendments made by this section—

(1) modify any authority or obligation of the United States with respect to any tribal trust or treaty obligation of the United States;

(2) create or determine any water right or affects any water right or water right claim in existence on the date of enactment of this Act; or

(3) authorize the use of Federal funds for the physical deconstruction of the Iron Gate, Copco 1, Copco 2, or John C. Boyle Dam located on the Klamath River in the States of California and Oregon.

SEC. 4309. CERTAIN BUREAU OF RECLAMATION DIKES.

43 USC 377b note.

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), effective beginning on the date of enactment of this section, the Federal share of the operations and maintenance costs of a dike described in subsection (b) shall be 100 percent.

(b) DESCRIPTION OF DIKES.—A dike referred to in subsection (a) is a dike—

(1) that is owned by the Bureau of Reclamation on the date of enactment of this section;

(2) the construction of which was completed not later than December 31, 1945;

(3) a corrective action study for which was completed not later than December 31, 2015; and

(4) the construction of which was authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795).

SEC. 4310. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

Wyoming.

Cooperation.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620), to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir

to be used for those purposes for which the Seedskadee Project was authorized.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) STATE OF WYOMING.—

(A) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) REQUIREMENTS.—The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

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

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

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) FUNDING BY STATE OF WYOMING.—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary funds for any work carried out under subsection (a).

(d) OTHER CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) TERMS AND CONDITIONS.—Unless otherwise agreed to by the Secretary and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14–06–400–2474 and Bureau of Reclamation Contract No. 14–06–400–6193.

(e) SAVINGS PROVISIONS.—Unless expressly provided in this section, nothing in this section modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.);

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90–537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

SEC. 4311. BLACKFEET WATER RIGHTS SETTLEMENT.

(a) BLACKFEET SETTLEMENT TRUST FUND.—Section 3716(e) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1835) is amended—

(1) in paragraph (2), by striking "appropriations," and all that follows through the period at the end and inserting the following: "appropriations, the following amounts shall be made available to the Tribe for implementation of this subtitle:

"(A) 50 percent of the amounts in the Administration and Energy Account.

"(B) 50 percent of the amounts in the OM&R Account.

"(C) 50 percent of the amounts in the St. Mary Account.

"(D) 50 percent of the amounts in the Blackfeet Water, Storage, and Development Projects Account."; and

(2) by adding at the end the following:

"(3) AVAILABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), none of the funds deposited in the Trust Fund in fiscal year 2018 shall be available for expenditure in accordance with this subsection until the enforceability date.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), of the funds in the Administration and Energy Account, $4,800,000 shall be available to the Tribe for the implementation of this subtitle.".

(b) BLACKFEET WATER SETTLEMENT IMPLEMENTATION FUND.—Section 3717(e) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1837) is amended—

(1) by striking "Amounts in" and inserting the following: "(1) IN GENERAL.—Amounts in"; and

(2) by adding at the end the following:

"(2) FUNDING FOR IMPLEMENTATION ACTIVITIES.—Notwithstanding paragraph (1), the following amounts shall be available to the Secretary for the implementation of this subtitle:

"(A) 50 percent of the amounts in the MR&I System, Irrigation, and Water Storage Account to carry out section 3711.

"(B) 50 percent of the amounts in the MR&I System, Irrigation, and Water Storage Account to carry out section 3712.

"(C) 50 percent of the amounts in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account to carry out section 3710(c).

"(D) The amounts in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account to carry out section 3710(d).

"(E) From the St. Mary/Water Milk Management and Activities Account:

"(i) 50 percent of the amount described in section 3707(g)(1) to carry out section 3707(c).

"(ii) 50 percent of the amount described in section 3707(g)(2) to carry out section 3707(d).

"(iii) The amount described in section 3707(g)(3) to carry out subsection (f).

"(iv) The amounts in the Account to carry out section 3705.

"(3) AVAILABILITY.—None of the funds made available under this section in fiscal year 2018 shall be available until the enforceability date.".

(c) TECHNICAL CORRECTIONS.—Section 3720 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1839) is amended—

(1) in subsection (a)(3)(B), by striking "section 3706" and inserting "section 6"; and

(2) in subsection (h), in the matter preceding paragraph (1), by striking "January 21, 2026" and inserting "January 21, 2025".

SEC. 4312. INDIAN IRRIGATION FUND REAUTHORIZATION.

(a) DEPOSITS TO FUNDS.—Section 3212(a) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1750) is amended by striking "each of fiscal years 2017 through 2021" and inserting "each of fiscal years 2017 through 2028".

(b) EXPENDITURES FROM FUND.—Section 3213(a) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1750) is amended in the matter preceding paragraph (1) by striking "each of fiscal years 2017 through 2021" and inserting "each of fiscal years 2017 through 2028".

(c) TERMINATION.—Section 3216 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1750) is amended in the matter preceding paragraph (1) by striking "September 30, 2021" and inserting "September 30, 2028".

SEC. 4313. REAUTHORIZATION OF REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) IN GENERAL.—Section 3221(b) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1751) is amended in the matter preceding paragraph (1) by striking "each of fiscal years 2017 through 2021" and inserting "each of fiscal years 2017 through 2028".

(b) STATUS REPORT ON CERTAIN PROJECTS.—Section 3224(d) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1753) is amended in the matter preceding paragraph (1) by striking "fiscal year 2021" and inserting "fiscal year 2028".

(c) ALLOCATION AMONG PROJECTS.—Section 3226 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1753) is amended—

(1) in subsection (a), by striking "each of fiscal years 2017 through 2021" and inserting "each of fiscal years 2017 through 2028"; and

(2) in subsection (b), by striking "the day before the date of enactment of this Act" and inserting "the day before the date of enactment of America's Water Infrastructure Act of 2018".

SEC. 4314. INDIAN DAM SAFETY REAUTHORIZATION.

Section 3101 of the Water Infrastructure Improvements for the Nation Act (25 U.S.C. 3805) is amended—

(1) by striking "each of fiscal years 2017 through 2023" each place it appears and inserting "each of fiscal years 2017 through 2030";

(2) in subsection (b)—

(A) in paragraph (1)(F), in the matter preceding clause (i), by striking "September 30, 2023" and inserting "September 30, 2030"; and

(B) in paragraph (2)(F), in the matter preceding clause (i), by striking "September 30, 2023" and inserting "September 30, 2030"; and

(3) in subsection (f)—

(A) in paragraph (2), by striking "4 years" and inserting "11 years"; and

(B) in paragraph (3), by striking "each of fiscal years 2017, 2018, and 2019" and inserting "each of fiscal years 2017 through 2026".

SEC. 4315. DIANA E. MURPHY UNITED STATES COURTHOUSE.

Minnesota.

(a) DESIGNATION.—The United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, shall be known and designated as the "Diana E. Murphy United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Diana E. Murphy United States Courthouse".

Approved October 23, 2018.

LEGISLATIVE HISTORY—S. 3021:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 4, considered and passed Senate.
Sept. 13, considered and passed House, amended.
Oct. 6, 9, 10, Senate considered and concurred in House amendments.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 23, Presidential remarks.

Public Law 115–271
115th Congress

An Act

Oct. 24, 2018
[H.R. 6]

To provide for opioid use disorder prevention, recovery, and treatment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act.
21 USC 301 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act" or the "SUPPORT for Patients and Communities Act".

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

Sec. 1. Short title; table of contents.

TITLE I—MEDICAID PROVISIONS TO ADDRESS THE OPIOID CRISIS

Sec. 1001. At-risk youth Medicaid protection.
Sec. 1002. Health insurance for former foster youth.
Sec. 1003. Demonstration project to increase substance use provider capacity under the Medicaid program.
Sec. 1004. Medicaid drug review and utilization.
Sec. 1005. Guidance to improve care for infants with neonatal abstinence syndrome and their mothers; GAO study on gaps in Medicaid coverage for pregnant and postpartum women with substance use disorder.
Sec. 1006. Medicaid health homes for substance-use-disorder Medicaid enrollees.
Sec. 1007. Caring recovery for infants and babies.
Sec. 1008. Peer support enhancement and evaluation review.
Sec. 1009. Medicaid substance use disorder treatment via telehealth.
Sec. 1010. Enhancing patient access to non-opioid treatment options.
Sec. 1011. Assessing barriers to opioid use disorder treatment.
Sec. 1012. Help for moms and babies.
Sec. 1013. Securing flexibility to treat substance use disorders.
Sec. 1014. MACPAC study and report on MAT utilization controls under State Medicaid programs.
Sec. 1015. Opioid addiction treatment programs enhancement.
Sec. 1016. Better data sharing to combat the opioid crisis.
Sec. 1017. Report on innovative State initiatives and strategies to provide housing-related services and supports to individuals struggling with substance use disorders under Medicaid.
Sec. 1018. Technical assistance and support for innovative State strategies to provide housing-related supports under Medicaid.

TITLE II—MEDICARE PROVISIONS TO ADDRESS THE OPIOID CRISIS

Sec. 2001. Expanding the use of telehealth services for the treatment of opioid use disorder and other substance use disorders.
Sec. 2002. Comprehensive screenings for seniors.
Sec. 2003. Every prescription conveyed securely.
Sec. 2004. Requiring prescription drug plan sponsors under Medicare to establish drug management programs for at-risk beneficiaries.
Sec. 2005. Medicare coverage of certain services furnished by opioid treatment programs.
Sec. 2006. Encouraging appropriate prescribing under Medicare for victims of opioid overdose.

Sec. 2007. Automatic escalation to external review under a Medicare part D drug management program for at-risk beneficiaries.
Sec. 2008. Suspension of payments by Medicare prescription drug plans and MA–PD plans pending investigations of credible allegations of fraud by pharmacies.

TITLE III—FDA AND CONTROLLED SUBSTANCE PROVISIONS

Subtitle A—FDA Provisions

CHAPTER 1—IN GENERAL

Sec. 3001. Clarifying FDA regulation of non-addictive pain products.
Sec. 3002. Evidence-based opioid analgesic prescribing guidelines and report.

CHAPTER 2—STOP COUNTERFEIT DRUGS BY REGULATING AND ENHANCING ENFORCEMENT NOW

Sec. 3011. Short title.
Sec. 3012. Notification, nondistribution, and recall of controlled substances.
Sec. 3013. Single source pattern of imported illegal drugs.
Sec. 3014. Strengthening FDA and CBP coordination and capacity.

CHAPTER 3—STOP ILLICIT DRUG IMPORTATION

Sec. 3021. Short title.
Sec. 3022. Restricting entrance of illicit drugs.

CHAPTER 4—SECURING OPIOIDS AND UNUSED NARCOTICS WITH DELIBERATE DISPOSAL AND PACKAGING

Sec. 3031. Short title.
Sec. 3032. Safety-enhancing packaging and disposal features.

CHAPTER 5—POSTAPPROVAL STUDY REQUIREMENTS

Sec. 3041. Clarifying FDA postmarket authorities.

Subtitle B—Controlled Substance Provisions

CHAPTER 1—MORE FLEXIBILITY WITH RESPECT TO MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDERS

Sec. 3201. Allowing for more flexibility with respect to medication-assisted treatment for opioid use disorders.
Sec. 3202. Medication-assisted treatment for recovery from substance use disorder.
Sec. 3203. Grants to enhance access to substance use disorder treatment.
Sec. 3204. Delivery of a controlled substance by a pharmacy to be administered by injection or implantation.

CHAPTER 2—EMPOWERING PHARMACISTS IN THE FIGHT AGAINST OPIOID ABUSE

Sec. 3211. Short title.
Sec. 3212. Programs and materials for training on certain circumstances under which a pharmacist may decline to fill a prescription.

CHAPTER 3—SAFE DISPOSAL OF UNUSED MEDICATION

Sec. 3221. Short title.
Sec. 3222. Disposal of controlled substances of a hospice patient by employees of a qualified hospice program.
Sec. 3223. GAO study and report on hospice safe drug management.

CHAPTER 4—SPECIAL REGISTRATION FOR TELEMEDICINE CLARIFICATION

Sec. 3231. Short title.
Sec. 3232. Regulations relating to a special registration for telemedicine.

CHAPTER 5—SYNTHETIC ABUSE AND LABELING OF TOXIC SUBSTANCES

Sec. 3241. Controlled substance analogues.

CHAPTER 6—ACCESS TO INCREASED DRUG DISPOSAL

Sec. 3251. Short title.
Sec. 3252. Definitions.
Sec. 3253. Authority to make grants.
Sec. 3254. Application.
Sec. 3255. Use of grant funds.
Sec. 3256. Eligibility for grant.

Sec. 3257. Duration of grants.
Sec. 3258. Accountability and oversight.
Sec. 3259. Duration of program.
Sec. 3260. Authorization of appropriations.

CHAPTER 7—USING DATA TO PREVENT OPIOID DIVERSION

Sec. 3271. Short title.
Sec. 3272. Purpose.
Sec. 3273. Amendments.
Sec. 3274. Report.

CHAPTER 8—OPIOID QUOTA REFORM

Sec. 3281. Short title.
Sec. 3282. Strengthening considerations for DEA opioid quotas.

CHAPTER 9—PREVENTING DRUG DIVERSION

Sec. 3291. Short title.
Sec. 3292. Improvements to prevent drug diversion.

TITLE IV—OFFSETS

Sec. 4001. Promoting value in Medicaid managed care.
Sec. 4002. Requiring reporting by group health plans of prescription drug coverage information for purposes of identifying primary payer situations under the Medicare program.
Sec. 4003. Additional religious exemption from health coverage responsibility requirement.
Sec. 4004. Modernizing the reporting of biological and biosimilar products.

TITLE V—OTHER MEDICAID PROVISIONS

Subtitle A—Mandatory Reporting With Respect to Adult Behavioral Health Measures

Sec. 5001. Mandatory reporting with respect to adult behavioral health measures.

Subtitle B—Medicaid IMD Additional Info

Sec. 5011. Short title.
Sec. 5012. MACPAC exploratory study and report on institutions for mental diseases requirements and practices under Medicaid.

Subtitle C—CHIP Mental Health and Substance Use Disorder Parity

Sec. 5021. Short title.
Sec. 5022. Ensuring access to mental health and substance use disorder services for children and pregnant women under the Children's Health Insurance Program.

Subtitle D—Medicaid Reentry

Sec. 5031. Short title.
Sec. 5032. Promoting State innovations to ease transitions integration to the community for certain individuals.

Subtitle E—Medicaid Partnership

Sec. 5041. Short title.
Sec. 5042. Medicaid providers are required to note experiences in record systems to help in-need patients.

Subtitle F—IMD CARE Act

Sec. 5051. Short title.
Sec. 5052. State option to provide Medicaid coverage for certain individuals with substance use disorders who are patients in certain institutions for mental diseases.

Subtitle G—Medicaid Improvement Fund

Sec. 5061. Medicaid Improvement Fund.

TITLE VI—OTHER MEDICARE PROVISIONS

Subtitle A—Testing of Incentive Payments for Behavioral Health Providers for Adoption and Use of Certified Electronic Health Record Technology

Sec. 6001. Testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology.

Subtitle B—Abuse Deterrent Access

Sec. 6011. Short title.
Sec. 6012. Study on abuse-deterrent opioid formulations access barriers under Medicare.

Subtitle C—Medicare Opioid Safety Education

Sec. 6021. Medicare opioid safety education.

Subtitle D—Opioid Addiction Action Plan

Sec. 6031. Short title.
Sec. 6032. Action plan on recommendations for changes under Medicare and Medicaid to prevent opioids addictions and enhance access to medication-assisted treatment.

Subtitle E—Advancing High Quality Treatment for Opioid Use Disorders in Medicare

Sec. 6041. Short title.
Sec. 6042. Opioid use disorder treatment demonstration program.

Subtitle F—Responsible Education Achieves Care and Healthy Outcomes for Users' Treatment

Sec. 6051. Short title.
Sec. 6052. Grants to provide technical assistance to outlier prescribers of opioids.

Subtitle G—Preventing Addiction for Susceptible Seniors

Sec. 6061. Short title.
Sec. 6062. Electronic prior authorization for covered part D drugs.
Sec. 6063. Program integrity transparency measures under Medicare parts C and D.
Sec. 6064. Expanding eligibility for medication therapy management programs under part D.
Sec. 6065. Commit to opioid medical prescriber accountability and safety for seniors.
Sec. 6066. No additional funds authorized.

Subtitle H—Expanding Oversight of Opioid Prescribing and Payment

Sec. 6071. Short title.
Sec. 6072. Medicare Payment Advisory Commission report on opioid payment, adverse incentives, and data under the Medicare program.
Sec. 6073. No additional funds authorized.

Subtitle I—Dr. Todd Graham Pain Management, Treatment, and Recovery

Sec. 6081. Short title.
Sec. 6082. Review and adjustment of payments under the Medicare outpatient prospective payment system to avoid financial incentives to use opioids instead of non-opioid alternative treatments.
Sec. 6083. Expanding access under the Medicare program to addiction treatment in Federally qualified health centers and rural health clinics.
Sec. 6084. Studying the availability of supplemental benefits designed to treat or prevent substance use disorders under Medicare Advantage plans.
Sec. 6085. Clinical psychologist services models under the Center for Medicare and Medicaid Innovation; GAO study and report.
Sec. 6086. Dr. Todd Graham pain management study.

Subtitle J—Combating Opioid Abuse for Care in Hospitals

Sec. 6091. Short title.
Sec. 6092. Developing guidance on pain management and opioid use disorder prevention for hospitals receiving payment under part A of the Medicare program.
Sec. 6093. Requiring the review of quality measures relating to opioids and opioid use disorder treatments furnished under the medicare program and other federal health care programs.
Sec. 6094. Technical expert panel on reducing surgical setting opioid use; Data collection on perioperative opioid use.
Sec. 6095. Requiring the posting and periodic update of opioid prescribing guidance for Medicare beneficiaries.

Subtitle K—Providing Reliable Options for Patients and Educational Resources

Sec. 6101. Short title.

Sec. 6102. Requiring Medicare Advantage plans and part D prescription drug plans to include information on risks associated with opioids and coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.
Sec. 6103. Requiring Medicare Advantage plans and prescription drug plans to provide information on the safe disposal of prescription drugs.
Sec. 6104. Revising measures used under the Hospital Consumer Assessment of Healthcare Providers and Systems survey relating to pain management.

Subtitle L—Fighting the Opioid Epidemic With Sunshine

Sec. 6111. Fighting the opioid epidemic with sunshine.

TITLE VII—PUBLIC HEALTH PROVISIONS

Subtitle A—Awareness and Training

Sec. 7001. Report on effects on public health of synthetic drug use.
Sec. 7002. First responder training.

Subtitle B—Pilot Program for Public Health Laboratories To Detect Fentanyl and Other Synthetic Opioids

Sec. 7011. Pilot program for public health laboratories to detect fentanyl and other synthetic opioids.

Subtitle C—Indexing Narcotics, Fentanyl, and Opioids

Sec. 7021. Establishment of substance use disorder information dashboard.
Sec. 7022. Interdepartmental Substance Use Disorders Coordinating Committee.
Sec. 7023. National milestones to measure success in curtailing the opioid crisis.
Sec. 7024. Study on prescribing limits.

Subtitle D—Ensuring Access to Quality Sober Living

Sec. 7031. National recovery housing best practices.

Subtitle E—Advancing Cutting Edge Research

Sec. 7041. Unique research initiatives.
Sec. 7042. Pain research.

Subtitle F—Jessie's Law

Sec. 7051. Inclusion of opioid addiction history in patient records.
Sec. 7052. Communication with families during emergencies.
Sec. 7053. Development and dissemination of model training programs for substance use disorder patient records.

Subtitle G—Protecting Pregnant Women and Infants

Sec. 7061. Report on addressing maternal and infant health in the opioid crisis.
Sec. 7062. Protecting moms and infants.
Sec. 7063. Early interventions for pregnant women and infants.
Sec. 7064. Prenatal and postnatal health.
Sec. 7065. Plans of safe care.

Subtitle H—Substance Use Disorder Treatment Workforce

Sec. 7071. Loan repayment program for substance use disorder treatment workforce.
Sec. 7072. Clarification regarding service in schools and other community-based settings.
Sec. 7073. Programs for health care workforce.

Subtitle I—Preventing Overdoses While in Emergency Rooms

Sec. 7081. Program to support coordination and continuation of care for drug overdose patients.

Subtitle J—Alternatives to Opioids in the Emergency Department

Sec. 7091. Emergency department alternatives to opioids demonstration program.

Subtitle K—Treatment, Education, and Community Help To Combat Addiction

Sec. 7101. Establishment of regional centers of excellence in substance use disorder education.
Sec. 7102. Youth prevention and recovery.

Subtitle L—Information From National Mental Health and Substance Use Policy Laboratory

Sec. 7111. Information from National Mental Health and Substance Use Policy Laboratory.

Subtitle M—Comprehensive Opioid Recovery Centers

Sec. 7121. Comprehensive opioid recovery centers.

Subtitle N—Trauma-Informed Care

Sec. 7131. CDC surveillance and data collection for child, youth, and adult trauma.
Sec. 7132. Task force to develop best practices for trauma-informed identification, referral, and support.
Sec. 7133. National Child Traumatic Stress Initiative.
Sec. 7134. Grants to improve trauma support services and mental health care for children and youth in educational settings.
Sec. 7135. Recognizing early childhood trauma related to substance abuse.

Subtitle O—Eliminating Opioid Related Infectious Diseases

Sec. 7141. Reauthorization and expansion of program of surveillance and education regarding infections associated with illicit drug use and other risk factors.

Subtitle P—Peer Support Communities of Recovery

Sec. 7151. Building communities of recovery.
Sec. 7152. Peer support technical assistance center.

Subtitle Q—Creating Opportunities That Necessitate New and Enhanced Connections That Improve Opioid Navigation Strategies

Sec. 7161. Preventing overdoses of controlled substances.
Sec. 7162. Prescription drug monitoring program.

Subtitle R—Review of Substance Use Disorder Treatment Providers Receiving Federal Funding

Sec. 7171. Review of substance use disorder treatment providers receiving Federal funding.

Subtitle S—Other Health Provisions

Sec. 7181. State response to the opioid abuse crisis.
Sec. 7182. Report on investigations regarding parity in mental health and substance use disorder benefits.
Sec. 7183. CAREER Act.

TITLE VIII—MISCELLANEOUS

Subtitle A—Synthetics Trafficking and Overdose Prevention

Sec. 8001. Short title.
Sec. 8002. Customs fees.
Sec. 8003. Mandatory advance electronic information for postal shipments.
Sec. 8004. International postal agreements.
Sec. 8005. Cost recoupment.
Sec. 8006. Development of technology to detect illicit narcotics.
Sec. 8007. Civil penalties for postal shipments.
Sec. 8008. Report on violations of arrival, reporting, entry, and clearance requirements and falsity or lack of manifest.
Sec. 8009. Effective date; regulations.

Subtitle B—Opioid Addiction Recovery Fraud Prevention

Sec. 8021. Short title.
Sec. 8022. Definitions.
Sec. 8023. Unfair or deceptive acts or practices with respect to substance use disorder treatment service and products.

Subtitle C—Addressing Economic and Workforce Impacts of the Opioid Crisis

Sec. 8041. Addressing economic and workforce impacts of the opioid crisis.

Subtitle D—Peer Support Counseling Program for Women Veterans

Sec. 8051. Peer support counseling program for women veterans.

Subtitle E—Treating Barriers to Prosperity

Sec. 8061. Short title.
Sec. 8062. Drug abuse mitigation initiative.

Subtitle F—Pilot Program to Help Individuals in Recovery From a Substance Use Disorder Become Stably Housed

Sec. 8071. Pilot program to help individuals in recovery from a substance use disorder become stably housed.

Subtitle G—Human Services

Sec. 8081. Supporting family-focused residential treatment.
Sec. 8082. Improving recovery and reunifying families.
Sec. 8083. Building capacity for family-focused residential treatment.

Subtitle H—Reauthorizing and Extending Grants for Recovery From Opioid Use Programs

Sec. 8091. Short title.
Sec. 8092. Reauthorization of the comprehensive opioid abuse grant program.

Subtitle I—Fighting Opioid Abuse in Transportation

Sec. 8101. Short title.
Sec. 8102. Alcohol and controlled substance testing of mechanical employees.
Sec. 8103. Department of Transportation public drug and alcohol testing database.
Sec. 8104. GAO report on Department of Transportation's collection and use of drug and alcohol testing data.
Sec. 8105. Transportation Workplace Drug and Alcohol Testing Program; addition of fentanyl and other substances.
Sec. 8106. Status reports on hair testing guidelines.
Sec. 8107. Mandatory Guidelines for Federal Workplace Drug Testing Programs using Oral Fluid.
Sec. 8108. Electronic recordkeeping.
Sec. 8109. Status reports on Commercial Driver's License Drug and Alcohol Clearinghouse.

Subtitle J—Eliminating Kickbacks in Recovery

Sec. 8121. Short title.
Sec. 8122. Criminal penalties.

Subtitle K—Substance Abuse Prevention

Sec. 8201. Short title.
Sec. 8202. Reauthorization of the Office of National Drug Control Policy.
Sec. 8203. Reauthorization of the Drug-Free Communities Program.
Sec. 8204. Reauthorization of the National Community Anti-Drug Coalition Institute.
Sec. 8205. Reauthorization of the High-Intensity Drug Trafficking Area Program.
Sec. 8206. Reauthorization of drug court program.
Sec. 8207. Drug court training and technical assistance.
Sec. 8208. Drug overdose response strategy.
Sec. 8209. Protecting law enforcement officers from accidental exposure.
Sec. 8210. COPS Anti-Meth Program.
Sec. 8211. COPS anti-heroin task force program.
Sec. 8212. Comprehensive Addiction and Recovery Act education and awareness.
Sec. 8213. Reimbursement of substance use disorder treatment professionals.
Sec. 8214. Sobriety Treatment and Recovery Teams (START).
Sec. 8215. Provider education.
Sec. 8216. Definitions.
Sec. 8217. Amendments to administration of the Office.
Sec. 8218. Emerging threats committee, plan, and media campaign.
Sec. 8219. Drug interdiction.
Sec. 8220. GAO Audit.
Sec. 8221. National Drug Control Strategy.
Sec. 8222. Technical and conforming amendments to the Office of National Drug Control Policy Reauthorization Act of 1998.

Subtitle L—Budgetary Effects

Sec. 8231. Budgetary effect.

TITLE I—MEDICAID PROVISIONS TO ADDRESS THE OPIOID CRISIS

SEC. 1001. AT-RISK YOUTH MEDICAID PROTECTION.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (82);

(B) by striking the period at the end of paragraph (83) and inserting "; and"; and

(C) by inserting after paragraph (83) the following new paragraph:

"(84) provide that—

"(A) the State shall not terminate eligibility for medical assistance under the State plan for an individual who is an eligible juvenile (as defined in subsection (nn)(2)) because the juvenile is an inmate of a public institution (as defined in subsection (nn)(3)), but may suspend coverage during the period the juvenile is such an inmate;

"(B) in the case of an individual who is an eligible juvenile described in paragraph (2)(A) of subsection (nn), the State shall, prior to the individual's release from such a public institution, conduct a redetermination of eligibility for such individual with respect to such medical assistance (without requiring a new application from the individual) and, if the State determines pursuant to such redetermination that the individual continues to meet the eligibility requirements for such medical assistance, the State shall restore coverage for such medical assistance to such an individual upon the individual's release from such public institution; and

"(C) in the case of an individual who is an eligible juvenile described in paragraph (2)(B) of subsection (nn), the State shall process any application for medical assistance submitted by, or on behalf of, such individual such that the State makes a determination of eligibility for such individual with respect to such medical assistance upon release of such individual from such public institution."; and

(2) by adding at the end the following new subsection:

"(nn) JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTITUTION.—For purposes of subsection (a)(84) and this subsection:

"(1) JUVENILE.—The term 'juvenile' means an individual who is—

"(A) under 21 years of age; or

"(B) described in subsection (a)(10)(A)(i)(IX).

"(2) ELIGIBLE JUVENILE.—The term 'eligible juvenile' means a juvenile who is an inmate of a public institution and who—

"(A) was determined eligible for medical assistance under the State plan immediately before becoming an inmate of such a public institution; or

"(B) is determined eligible for such medical assistance while an inmate of a public institution.

"(3) INMATE OF A PUBLIC INSTITUTION.—The term 'inmate of a public institution' has the meaning given such term for purposes of applying the subdivision (A) following paragraph (30) of section 1905(a), taking into account the exception in such subdivision for a patient of a medical institution.".

(b) NO CHANGE IN EXCLUSION FROM MEDICAL ASSISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—Nothing in this section shall be construed as changing the exclusion from medical assistance under the subdivision (A) following paragraph (30) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as redesignated

42 USC 1396a note.

by section 1006(b)(2)(B) of this Act, including any applicable restrictions on a State submitting claims for Federal financial participation under title XIX of such Act for such assistance.

42 USC 1396a note.

(c) NO CHANGE IN CONTINUITY OF ELIGIBILITY BEFORE ADJUDICATION OR SENTENCING.—Nothing in this section shall be construed to mandate, encourage, or suggest that a State suspend or terminate coverage for individuals before they have been adjudicated or sentenced.

42 USC 1396a note.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to eligibility of juveniles who become inmates of public institutions on or after the date that is 1 year after the date of the enactment of this Act.

(2) RULE FOR CHANGES REQUIRING STATE LEGISLATION.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 1002. HEALTH INSURANCE FOR FORMER FOSTER YOUTH.

(a) COVERAGE CONTINUITY FOR FORMER FOSTER CARE CHILDREN UP TO AGE 26.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(i)(IX) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(IX)) is amended—

(A) in item (bb), by striking "are not described in or enrolled under" and inserting "are not described in and are not enrolled under";

(B) in item (cc), by striking "responsibility of the State" and inserting "responsibility of a State"; and

(C) in item (dd), by striking "the State plan under this title or under a waiver of the" and inserting "a State plan under this title or under a waiver of such a".

42 USC 1396a note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect with respect to foster youth who attain 18 years of age on or after January 1, 2023.

42 USC 1396a note.

(b) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue guidance to States, with respect to the State Medicaid programs of such States—

(1) on best practices for—

(A) removing barriers and ensuring streamlined, timely access to Medicaid coverage for former foster youth up to age 26; and

(B) conducting outreach and raising awareness among such youth regarding Medicaid coverage options for such youth; and

(2) which shall include examples of States that have successfully extended Medicaid coverage to former foster youth up to age 26.

SEC. 1003. DEMONSTRATION PROJECT TO INCREASE SUBSTANCE USE PROVIDER CAPACITY UNDER THE MEDICAID PROGRAM.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(aa) DEMONSTRATION PROJECT TO INCREASE SUBSTANCE USE PROVIDER CAPACITY.—

"(1) IN GENERAL.—Not later than the date that is 180 days after the date of the enactment of this subsection, the Secretary shall, in consultation, as appropriate, with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, conduct a 54-month demonstration project for the purpose described in paragraph (2) under which the Secretary shall—

"(A) for the first 18-month period of such project, award planning grants described in paragraph (3); and

"(B) for the remaining 36-month period of such project, provide to each State selected under paragraph (4) payments in accordance with paragraph (5).

"(2) PURPOSE.—The purpose described in this paragraph is for each State selected under paragraph (4) to increase the treatment capacity of providers participating under the State plan (or a waiver of such plan) to provide substance use disorder treatment or recovery services under such plan (or waiver) through the following activities:

"(A) For the purpose described in paragraph (3)(C)(i), activities that support an ongoing assessment of the behavioral health treatment needs of the State, taking into account the matters described in subclauses (I) through (IV) of such paragraph.

"(B) Activities that, taking into account the results of the assessment described in subparagraph (A), support the recruitment, training, and provision of technical assistance for providers participating under the State plan (or a waiver of such plan) that offer substance use disorder treatment or recovery services.

"(C) Improved reimbursement for and expansion of, through the provision of education, training, and technical assistance, the number or treatment capacity of providers participating under the State plan (or waiver) that—

"(i) are authorized to dispense drugs approved by the Food and Drug Administration for individuals with a substance use disorder who need withdrawal management or maintenance treatment for such disorder;

"(ii) have in effect a registration or waiver under section 303(g) of the Controlled Substances Act for purposes of dispensing narcotic drugs to individuals for maintenance treatment or detoxification treatment and are in compliance with any regulation promulgated

by the Assistant Secretary for Mental Health and Substance Use for purposes of carrying out the requirements of such section 303(g); and

"(iii) are qualified under applicable State law to provide substance use disorder treatment or recovery services.

"(D) Improved reimbursement for and expansion of, through the provision of education, training, and technical assistance, the number or treatment capacity of providers participating under the State plan (or waiver) that have the qualifications to address the treatment or recovery needs of—

"(i) individuals enrolled under the State plan (or a waiver of such plan) who have neonatal abstinence syndrome, in accordance with guidelines issued by the American Academy of Pediatrics and American College of Obstetricians and Gynecologists relating to maternal care and infant care with respect to neonatal abstinence syndrome;

"(ii) pregnant women, postpartum women, and infants, particularly the concurrent treatment, as appropriate, and comprehensive case management of pregnant women, postpartum women and infants, enrolled under the State plan (or a waiver of such plan);

"(iii) adolescents and young adults between the ages of 12 and 21 enrolled under the State plan (or a waiver of such plan); or

"(iv) American Indian and Alaska Native individuals enrolled under the State plan (or a waiver of such plan).

"(3) PLANNING GRANTS.—

"(A) IN GENERAL.—The Secretary shall, with respect to the first 18-month period of the demonstration project conducted under paragraph (1), award planning grants to at least 10 States selected in accordance with subparagraph (B) for purposes of preparing an application described in paragraph (4)(C) and carrying out the activities described in subparagraph (C).

"(B) SELECTION.—In selecting States for purposes of this paragraph, the Secretary shall—

"(i) select States that have a State plan (or waiver of the State plan) approved under this title;

"(ii) select States in a manner that ensures geographic diversity; and

"(iii) give preference to States with a prevalence of substance use disorders (in particular opioid use disorders) that is comparable to or higher than the national average prevalence, as measured by aggregate per capita drug overdoses, or any other measure that the Secretary deems appropriate.

"(C) ACTIVITIES DESCRIBED.—Activities described in this subparagraph are, with respect to a State, each of the following:

"(i) Activities that support the development of an initial assessment of the behavioral health treatment needs of the State to determine the extent to which

providers are needed (including the types of such providers and geographic area of need) to improve the network of providers that treat substance use disorders under the State plan (or waiver), including the following:

"(I) An estimate of the number of individuals enrolled under the State plan (or a waiver of such plan) who have a substance use disorder.

"(II) Information on the capacity of providers to provide substance use disorder treatment or recovery services to individuals enrolled under the State plan (or waiver), including information on providers who provide such services and their participation under the State plan (or waiver).

"(III) Information on the gap in substance use disorder treatment or recovery services under the State plan (or waiver) based on the information described in subclauses (I) and (II).

"(IV) Projections regarding the extent to which the State participating under the demonstration project would increase the number of providers offering substance use disorder treatment or recovery services under the State plan (or waiver) during the period of the demonstration project.

"(ii) Activities that, taking into account the results of the assessment described in clause (i), support the development of State infrastructure to, with respect to the provision of substance use disorder treatment or recovery services under the State plan (or a waiver of such plan), recruit prospective providers and provide training and technical assistance to such providers.

"(D) FUNDING.—For purposes of subparagraph (A), there is appropriated, out of any funds in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended.

"(4) POST-PLANNING STATES.—

"(A) IN GENERAL.—The Secretary shall, with respect to the remaining 36-month period of the demonstration project conducted under paragraph (1), select not more than 5 States in accordance with subparagraph (B) for purposes of carrying out the activities described in paragraph (2) and receiving payments in accordance with paragraph (5).

"(B) SELECTION.—In selecting States for purposes of this paragraph, the Secretary shall—

"(i) select States that received a planning grant under paragraph (3);

"(ii) select States that submit to the Secretary an application in accordance with the requirements in subparagraph (C), taking into consideration the quality of each such application;

"(iii) select States in a manner that ensures geographic diversity; and

"(iv) give preference to States with a prevalence of substance use disorders (in particular opioid use disorders) that is comparable to or higher than the national average prevalence, as measured by aggregate

per capita drug overdoses, or any other measure that the Secretary deems appropriate.

"(C) APPLICATIONS.—

"(i) IN GENERAL.—A State seeking to be selected for purposes of this paragraph shall submit to the Secretary, at such time and in such form and manner as the Secretary requires, an application that includes such information, provisions, and assurances, as the Secretary may require, in addition to the following:

"(I) A proposed process for carrying out the ongoing assessment described in paragraph (2)(A), taking into account the results of the initial assessment described in paragraph (3)(C)(i).

"(II) A review of reimbursement methodologies and other policies related to substance use disorder treatment or recovery services under the State plan (or waiver) that may create barriers to increasing the number of providers delivering such services.

"(III) The development of a plan, taking into account activities carried out under paragraph (3)(C)(ii), that will result in long-term and sustainable provider networks under the State plan (or waiver) that will offer a continuum of care for substance use disorders. Such plan shall include the following:

"(aa) Specific activities to increase the number of providers (including providers that specialize in providing substance use disorder treatment or recovery services, hospitals, health care systems, Federally qualified health centers, and, as applicable, certified community behavioral health clinics) that offer substance use disorder treatment, recovery, or support services, including short-term detoxification services, outpatient substance use disorder services, and evidence-based peer recovery services.

"(bb) Strategies that will incentivize providers described in subparagraphs (C) and (D) of paragraph (2) to obtain the necessary training, education, and support to deliver substance use disorder treatment or recovery services in the State.

"(cc) Milestones and timeliness for implementing activities set forth in the plan.

"(dd) Specific measurable targets for increasing the substance use disorder treatment and recovery provider network under the State plan (or a waiver of such plan).

"(IV) A proposed process for reporting the information required under paragraph (6)(A), including information to assess the effectiveness of the efforts of the State to expand the capacity of providers to deliver substance use disorder treatment or recovery services during the period of the demonstration project under this subsection.

"(V) The expected financial impact of the demonstration project under this subsection on the State.

"(VI) A description of all funding sources available to the State to provide substance use disorder treatment or recovery services in the State.

"(VII) A preliminary plan for how the State will sustain any increase in the capacity of providers to deliver substance use disorder treatment or recovery services resulting from the demonstration project under this subsection after the termination of such demonstration project.

"(VIII) A description of how the State will coordinate the goals of the demonstration project with any waiver granted (or submitted by the State and pending) pursuant to section 1115 for the delivery of substance use services under the State plan, as applicable.

"(ii) CONSULTATION.—In completing an application under clause (i), a State shall consult with relevant stakeholders, including Medicaid managed care plans, health care providers, and Medicaid beneficiary advocates, and include in such application a description of such consultation.

"(5) PAYMENT.—

"(A) IN GENERAL.—For each quarter occurring during the period for which the demonstration project is conducted (after the first 18 months of such period), the Secretary shall pay under this subsection, subject to subparagraph (C), to each State selected under paragraph (4) an amount equal to 80 percent of so much of the qualified sums expended during such quarter.

"(B) QUALIFIED SUMS DEFINED.—For purposes of subparagraph (A), the term 'qualified sums' means, with respect to a State and a quarter, the amount equal to the amount (if any) by which the sums expended by the State during such quarter attributable to substance use disorder treatment or recovery services furnished by providers participating under the State plan (or a waiver of such plan) exceeds 1/4 of such sums expended by the State during fiscal year 2018 attributable to substance use disorder treatment or recovery services.

"(C) NON-DUPLICATION OF PAYMENT.—In the case that payment is made under subparagraph (A) with respect to expenditures for substance use disorder treatment or recovery services furnished by providers participating under the State plan (or a waiver of such plan), payment may not also be made under subsection (a) with respect to expenditures for the same services so furnished.

"(6) REPORTS.—

"(A) STATE REPORTS.—A State receiving payments under paragraph (5) shall, for the period of the demonstration project under this subsection, submit to the Secretary a quarterly report, with respect to expenditures for substance use disorder treatment or recovery services for which payment is made to the State under this subsection, on the following:

"(i) The specific activities with respect to which payment under this subsection was provided.

"(ii) The number of providers that delivered substance use disorder treatment or recovery services in the State under the demonstration project compared to the estimated number of providers that would have otherwise delivered such services in the absence of such demonstration project.

"(iii) The number of individuals enrolled under the State plan (or a waiver of such plan) who received substance use disorder treatment or recovery services under the demonstration project compared to the estimated number of such individuals who would have otherwise received such services in the absence of such demonstration project.

"(iv) Other matters as determined by the Secretary.

"(B) CMS REPORTS.—

"(i) INITIAL REPORT.—Not later than October 1, 2020, the Administrator of the Centers for Medicare & Medicaid Services shall, in consultation with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, submit to Congress an initial report on—

"(I) the States awarded planning grants under paragraph (3);

"(II) the criteria used in such selection; and

"(III) the activities carried out by such States under such planning grants.

"(ii) INTERIM REPORT.—Not later than October 1, 2022, the Administrator of the Centers for Medicare & Medicaid Services shall, in consultation with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, submit to Congress an interim report—

"(I) on activities carried out under the demonstration project under this subsection;

"(II) on the extent to which States selected under paragraph (4) have achieved the stated goals submitted in their applications under subparagraph (C) of such paragraph;

"(III) with a description of the strengths and limitations of such demonstration project; and

"(IV) with a plan for the sustainability of such project.

"(iii) FINAL REPORT.—Not later than October 1, 2024, the Administrator of the Centers for Medicare & Medicaid Services shall, in consultation with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, submit to Congress a final report—

"(I) providing updates on the matters reported in the interim report under clause (ii);

"(II) including a description of any changes made with respect to the demonstration project

under this subsection after the submission of such interim report; and

"(III) evaluating such demonstration project.

"(C) AHRQ REPORT.—Not later than 3 years after the date of the enactment of this subsection, the Director of the Agency for Healthcare Research and Quality, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall submit to Congress a summary on the experiences of States awarded planning grants under paragraph (3) and States selected under paragraph (4).

"(7) DATA SHARING AND BEST PRACTICES.—During the period of the demonstration project under this subsection, the Secretary shall, in collaboration with States selected under paragraph (4), facilitate data sharing and the development of best practices between such States and States that were not so selected.

"(8) CMS FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $5,000,000 to the Centers for Medicare & Medicaid Services for purposes of implementing this subsection. Such amount shall remain available until expended.".

SEC. 1004. MEDICAID DRUG REVIEW AND UTILIZATION.

(a) MEDICAID DRUG UTILIZATION REVIEW.—

(1) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 1001, is further amended—

(A) in paragraph (83), at the end, by striking "and";

(B) in paragraph (84), at the end, by striking the period and inserting "; and"; and

(C) by inserting after paragraph (84) the following new paragraph:

"(85) provide that the State is in compliance with the drug review and utilization requirements under subsection (oo)(1).".

(2) DRUG REVIEW AND UTILIZATION REQUIREMENTS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 1001, is further amended by adding at the end the following new subsection:

"(oo) DRUG REVIEW AND UTILIZATION REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of subsection (a)(85), the drug review and utilization requirements under this subsection are, subject to paragraph (3) and beginning October 1, 2019, the following:

"(A) CLAIMS REVIEW LIMITATIONS.—

"(i) IN GENERAL.—The State has in place—

"(I) safety edits (as specified by the State) for subsequent fills for opioids and a claims review automated process (as designed and implemented by the State) that indicates when an individual enrolled under the State plan (or under a waiver of the State plan) is prescribed a subsequent fill of opioids in excess of any limitation that may be identified by the State;

"(II) safety edits (as specified by the State) on the maximum daily morphine equivalent that

can be prescribed to an individual enrolled under the State plan (or under a waiver of the State plan) for treatment of chronic pain and a claims review automated process (as designed and implemented by the State) that indicates when an individual enrolled under the plan (or waiver) is prescribed the morphine equivalent for such treatment in excess of any limitation that may be identified by the State; and

"(III) a claims review automated process (as designed and implemented by the State) that monitors when an individual enrolled under the State plan (or under a waiver of the State plan) is concurrently prescribed opioids and—

"(aa) benzodiazepines; or

"(bb) antipsychotics.

"(ii) MANAGED CARE ENTITIES.—The State requires each managed care entity (as defined in section 1932(a)(1)(B)) with respect to which the State has a contract under section 1903(m) or under section 1905(t)(3) to have in place, subject to paragraph (3), with respect to individuals who are eligible for medical assistance under the State plan (or under a waiver of the State plan) and who are enrolled with the entity, the limitations described in subclauses (I) and (II) of clause (i) and a claims review automated process described in subclause (III) of such clause.

"(iii) RULES OF CONSTRUCTION.—Nothing in this subparagraph may be construed as prohibiting a State or managed care entity from designing and implementing a claims review automated process under this subparagraph that provides for prospective or retrospective reviews of claims. Nothing in this subparagraph shall be understood as prohibiting the exercise of clinical judgment from a provider enrolled as a participating provider in a State plan (or waiver of the State plan) or contracting with a managed care entity regarding the best items and services for an individual enrolled under such State plan (or waiver).

"(B) PROGRAM TO MONITOR ANTIPSYCHOTIC MEDICATIONS BY CHILDREN.—The State has in place a program (as designed and implemented by the State) to monitor and manage the appropriate use of antipsychotic medications by children enrolled under the State plan (or under a waiver of the State plan) and submits annually to the Secretary such information as the Secretary may require on activities carried out under such program for individuals not more than the age of 18 years generally and children in foster care specifically.

"(C) FRAUD AND ABUSE IDENTIFICATION.—The State has in place a process (as designed and implemented by the State) that identifies potential fraud or abuse of controlled substances by individuals enrolled under the State plan (or under a waiver of the State plan), health care providers prescribing drugs to individuals so enrolled, and pharmacies dispensing drugs to individuals so enrolled.

"(D) REPORTS.—The State shall include in the annual report submitted to the Secretary under section 1927(g)(3)(D) information on the limitations, requirement, program, and processes applied by the State under subparagraphs (A) through (C) in accordance with such manner and time as specified by the Secretary.

"(E) CLARIFICATION.—Nothing shall prevent a State from satisfying the requirement—

"(i) described in subparagraph (A) by having safety edits or a claims review automated process described in such subparagraph that was in place before October 1, 2019;

"(ii) described in subparagraph (B) by having a program described in such subparagraph that was in place before such date; or

"(iii) described in subparagraph (C) by having a process described in such subparagraph that was in place before such date.

"(2) ANNUAL REPORT BY SECRETARY.—For each fiscal year beginning with fiscal year 2020, the Secretary shall submit to Congress a report on the most recent information submitted by States under paragraph (1)(D).

"(3) EXCEPTIONS.—

"(A) CERTAIN INDIVIDUALS EXEMPTED.—The drug review and utilization requirements under this subsection shall not apply with respect to an individual who—

"(i) is receiving—

"(I) hospice or palliative care; or

"(II) treatment for cancer;

"(ii) is a resident of a long-term care facility, of a facility described in section 1905(d), or of another facility for which frequently abused drugs are dispensed for residents through a contract with a single pharmacy; or

"(iii) the State elects to treat as exempted from such requirements.

"(B) EXCEPTION RELATING TO ENSURING ACCESS.—In order to ensure reasonable access to health care, the Secretary shall waive the drug review and utilization requirements under this subsection, with respect to a State, in the case of natural disasters and similar situations, and in the case of the provision of emergency services (as defined for purposes of section 1860D–4(c)(5)(D)(ii)(II)).".

(3) MANAGED CARE ENTITIES.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

"(i) DRUG UTILIZATION REVIEW ACTIVITIES AND REQUIREMENTS.—Beginning not later than October 1, 2019, each contract under a State plan with a managed care entity (other than a primary care case manager) under section 1903(m) shall provide that the entity is in compliance with the applicable provisions of section 438.3(s)(2) of title 42, Code of Federal Regulations, section 483.3(s)(4)) of such title, and section 483.3(s)(5) of such title, as such provisions were in effect on March 31, 2018.".

(b) IDENTIFYING AND ADDRESSING INAPPROPRIATE PRESCRIBING AND BILLING PRACTICES UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) is amended—

(A) in paragraph (1)(A)—

(i) by striking "of section 1903(i)(10)(B)" and inserting "of section 1902(a)(54)";

(ii) by striking ", by not later than January 1, 1993,";

(iii) by inserting after "gross overuse," the following: "excessive utilization,"; and

(iv) by striking "or inappropriate or medically unnecessary care" and inserting "inappropriate or medically unnecessary care, or prescribing or billing practices that indicate abuse or excessive utilization"; and

(B) in paragraph (2)(B)—

(i) by inserting after "gross overuse," the following: "excessive utilization,"; and

(ii) by striking "or inappropriate or medically unnecessary care" and inserting "inappropriate or medically unnecessary care, or prescribing or billing practices that indicate abuse or excessive utilization".

42 USC 1396r–8 note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect with respect to retrospective drug use reviews conducted on or after October 1, 2020.

SEC. 1005. GUIDANCE TO IMPROVE CARE FOR INFANTS WITH NEONATAL ABSTINENCE SYNDROME AND THEIR MOTHERS; GAO STUDY ON GAPS IN MEDICAID COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN WITH SUBSTANCE USE DISORDER.

42 USC 1396a note.

(a) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue guidance to improve care for infants with neonatal abstinence syndrome and their families. Such guidance shall include—

(1) best practices from States with respect to innovative or evidenced-based payment models that focus on prevention, screening, treatment, plans of safe care, and postdischarge services for mothers and fathers with substance use disorders and babies with neonatal abstinence syndrome that improve care and clinical outcomes;

(2) recommendations for States on available financing options under the Medicaid program under title XIX of such Act and under the Children's Health Insurance Program under title XXI of such Act for Children's Health Insurance Program Health Services Initiative funds for parents with substance use disorders, infants with neonatal abstinence syndrome, and home-visiting services;

(3) guidance and technical assistance to State Medicaid agencies regarding additional flexibilities and incentives related to screening, prevention, and postdischarge services, including parenting supports, and infant-caregiver bonding, including breastfeeding when it is appropriate; and

(4) guidance regarding suggested terminology and ICD codes to identify infants with neonatal abstinence syndrome and neonatal opioid withdrawal syndrome, which could include opioid-exposure, opioid withdrawal not requiring

pharmacotherapy, and opioid withdrawal requiring pharmacotherapy.

(b) GAO STUDY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to Congress a report, addressing gaps in coverage for pregnant women with substance use disorder under the Medicaid program under title XIX of the Social Security Act, and gaps in coverage for postpartum women with substance use disorder who had coverage during their pregnancy under the Medicaid program under such title.

SEC. 1006. MEDICAID HEALTH HOMES FOR SUBSTANCE-USE-DISORDER MEDICAID ENROLLEES.

(a) EXTENSION OF ENHANCED FMAP FOR CERTAIN HEALTH HOMES FOR INDIVIDUALS WITH SUBSTANCE USE DISORDERS.—Section 1945(c) of the Social Security Act (42 U.S.C. 1396w–4(c)) is amended—

(1) in paragraph (1), by inserting "subject to paragraph (4)," after "except that,"; and

(2) by adding at the end the following new paragraph:

"(4) SPECIAL RULE RELATING TO SUBSTANCE USE DISORDER HEALTH HOMES.—

"(A) IN GENERAL.—In the case of a State with an SUD-focused State plan amendment approved by the Secretary on or after October 1, 2018, the Secretary may, at the request of the State, extend the application of the Federal medical assistance percentage described in paragraph (1) to payments for the provision of health home services to SUD-eligible individuals under such State plan amendment, in addition to the first 8 fiscal year quarters the State plan amendment is in effect, for the subsequent 2 fiscal year quarters that the State plan amendment is in effect. Nothing in this section shall be construed as prohibiting a State with a State plan amendment that is approved under this section and that is not an SUD-focused State plan amendment from additionally having approved on or after such date an SUD-focused State plan amendment under this section, including for purposes of application of this paragraph.

"(B) REPORT REQUIREMENTS.—In the case of a State with an SUD-focused State plan amendment for which the application of the Federal medical assistance percentage has been extended under subparagraph (A), such State shall, at the end of the period of such State plan amendment, submit to the Secretary a report on the following, with respect to SUD-eligible individuals provided health home services under such State plan amendment:

"(i) The quality of health care provided to such individuals, with a focus on outcomes relevant to the recovery of each such individual.

"(ii) The access of such individuals to health care.

"(iii) The total expenditures of such individuals for health care.

For purposes of this subparagraph, the Secretary shall specify all applicable measures for determining quality, access, and expenditures.

"(C) BEST PRACTICES.—Not later than October 1, 2020, the Secretary shall make publicly available on the internet website of the Centers for Medicare & Medicaid Services best practices for designing and implementing an SUD-focused State plan amendment, based on the experiences of States that have State plan amendments approved under this section that include SUD-eligible individuals.

"(D) DEFINITIONS.—For purposes of this paragraph:

"(i) SUD-ELIGIBLE INDIVIDUALS.—The term 'SUD-eligible individual' means, with respect to a State, an individual who satisfies all of the following:

"(I) The individual is an eligible individual with chronic conditions.

"(II) The individual is an individual with a substance use disorder.

"(III) The individual has not previously received health home services under any other State plan amendment approved for the State under this section by the Secretary.

"(ii) SUD-FOCUSED STATE PLAN AMENDMENT.—The term 'SUD-focused State plan amendment' means a State plan amendment under this section that is designed to provide health home services primarily to SUD-eligible individuals.".

(b) REQUIREMENT FOR STATE MEDICAID PLANS TO PROVIDE COVERAGE FOR MEDICATION-ASSISTED TREATMENT.—

(1) REQUIREMENT FOR STATE MEDICAID PLANS TO PROVIDE COVERAGE FOR MEDICATION-ASSISTED TREATMENT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (i), by striking "and (28)" and inserting "(28), and (29)".

(2) INCLUSION OF MEDICATION-ASSISTED TREATMENT AS MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (28), by striking "and" at the end;

(B) by redesignating paragraph (29) as paragraph (30); and

(C) by inserting after paragraph (28) the following new paragraph:

"(29) subject to paragraph (2) of subsection (ee), for the period beginning October 1, 2020, and ending September 30, 2025, medication-assisted treatment (as defined in paragraph (1) of such subsection); and".

(3) MEDICATION-ASSISTED TREATMENT DEFINED; WAIVERS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(ee) MEDICATION-ASSISTED TREATMENT.—

"(1) DEFINITION.—For purposes of subsection (a)(29), the term 'medication-assisted treatment'—

"(A) means all drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), including methadone, and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) to treat opioid use disorders; and

"(B) includes, with respect to the provision of such drugs and biological products, counseling services and behavioral therapy.

"(2) EXCEPTION.—The provisions of paragraph (29) of subsection (a) shall not apply with respect to a State for the period specified in such paragraph, if before the beginning of such period the State certifies to the satisfaction of the Secretary that implementing such provisions statewide for all individuals eligible to enroll in the State plan (or waiver of the State plan) would not be feasible by reason of a shortage of qualified providers of medication-assisted treatment, or facilities providing such treatment, that will contract with the State or a managed care entity with which the State has a contract under section 1903(m) or under section 1905(t)(3).".

(4) EFFECTIVE DATE.— 42 USC 1396a note.

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall apply with respect to medical assistance provided on or after October 1, 2020, and before October 1, 2025.

(B) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by the amendments made by this subsection, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 1007. CARING RECOVERY FOR INFANTS AND BABIES.

(a) STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by sections 1001 and 1004, is further amended—

(1) in paragraph (84)(C), by striking "and" after the semicolon;

(2) in paragraph (85), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (85), the following new paragraph:

"(86) provide, at the option of the State, for making medical assistance available on an inpatient or outpatient basis at a residential pediatric recovery center (as defined in subsection (pp)) to infants with neonatal abstinence syndrome.".

(b) RESIDENTIAL PEDIATRIC RECOVERY CENTER DEFINED.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by sections 1001 and 1004, is further amended by adding at the end the following new subsection:

"(pp) RESIDENTIAL PEDIATRIC RECOVERY CENTER DEFINED.—

"(1) IN GENERAL.—For purposes of section 1902(a)(86), the term 'residential pediatric recovery center' means a center or facility that furnishes items and services for which medical assistance is available under the State plan to infants with

the diagnosis of neonatal abstinence syndrome without any other significant medical risk factors.

"(2) COUNSELING AND SERVICES.—A residential pediatric recovery center may offer counseling and other services to mothers (and other appropriate family members and caretakers) of infants receiving treatment at such centers if such services are otherwise covered under the State plan under this title or under a waiver of such plan. Such other services may include the following:

"(A) Counseling or referrals for services.

"(B) Activities to encourage caregiver-infant bonding.

"(C) Training on caring for such infants.".

42 USC 1396a note.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and shall apply to medical assistance furnished on or after that date, without regard to final regulations to carry out such amendments being promulgated as of such date.

SEC. 1008. PEER SUPPORT ENHANCEMENT AND EVALUATION REVIEW.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Finance of the Senate, and the Committee on Health, Education, Labor and Pensions of the Senate a report on the provision of peer support services under the Medicaid program.

(b) CONTENT OF REPORT.—

(1) IN GENERAL.—The report required under subsection (a) shall include the following information:

(A) Information on State coverage of peer support services under Medicaid, including—

(i) the mechanisms through which States may provide such coverage, including through existing statutory authority or through waivers;

(ii) the populations to which States have provided such coverage;

(iii) the payment models, including any alternative payment models, used by States to pay providers of such services; and

(iv) where available, information on Federal and State spending under Medicaid for peer support services.

(B) Information on selected State experiences in providing medical assistance for peer support services under State Medicaid plans and whether States measure the effects of providing such assistance with respect to—

(i) improving access to behavioral health services;

(ii) improving early detection, and preventing worsening, of behavioral health disorders;

(iii) reducing chronic and comorbid conditions; and

(iv) reducing overall health costs.

(2) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations, including recommendations for such legislative and administrative actions related to improving services, including peer support services, and access to peer support services under Medicaid as the

Comptroller General of the United States determines appropriate.

SEC. 1009. MEDICAID SUBSTANCE USE DISORDER TREATMENT VIA TELEHEALTH.

42 USC 1396a note.

(a) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term "Comptroller General" means the Comptroller General of the United States.

(2) SCHOOL-BASED HEALTH CENTER.—The term "school-based health center" has the meaning given that term in section 2110(c)(9) of the Social Security Act (42 U.S.C. 1397jj(c)(9)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) UNDERSERVED AREA.—The term "underserved area" means a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) and a medically underserved area (according to a designation under section 330(b)(3)(A) of the Public Health Service Act (42 U.S.C. 254b(b)(3)(A))).

42 USC 1396a note.

(b) GUIDANCE TO STATES REGARDING FEDERAL REIMBURSEMENT FOR FURNISHING SERVICES AND TREATMENT FOR SUBSTANCE USE DISORDERS UNDER MEDICAID USING SERVICES DELIVERED VIA TELEHEALTH, INCLUDING IN SCHOOL-BASED HEALTH CENTERS.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall issue guidance to States on the following:

(1) State options for Federal reimbursement of expenditures under Medicaid for furnishing services and treatment for substance use disorders, including assessment, medication-assisted treatment, counseling, medication management, and medication adherence with prescribed medication regimes, using services delivered via telehealth. Such guidance shall also include guidance on furnishing services and treatments that address the needs of high-risk individuals, including at least the following groups:

(A) American Indians and Alaska Natives.

(B) Adults under the age of 40.

(C) Individuals with a history of non-fatal overdose.

(D) Individuals with a co-occurring serious mental illness and substance use disorder.

(2) State options for Federal reimbursement of expenditures under Medicaid for education directed to providers serving Medicaid beneficiaries with substance use disorders using the hub and spoke model, through contracts with managed care entities, through administrative claiming for disease management activities, and under Delivery System Reform Incentive Payment ("DSRIP") programs.

(3) State options for Federal reimbursement of expenditures under Medicaid for furnishing services and treatment for substance use disorders for individuals enrolled in Medicaid in a school-based health center using services delivered via telehealth.

(c) GAO EVALUATION OF CHILDREN'S ACCESS TO SERVICES AND TREATMENT FOR SUBSTANCE USE DISORDERS UNDER MEDICAID.—

(1) STUDY.—The Comptroller General shall evaluate children's access to services and treatment for substance use disorders under Medicaid. The evaluation shall include an analysis

of State options for improving children's access to such services and treatment and for improving outcomes, including by increasing the number of Medicaid providers who offer services or treatment for substance use disorders in a school-based health center using services delivered via telehealth, particularly in rural and underserved areas. The evaluation shall include an analysis of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(d) REPORT ON REDUCING BARRIERS TO USING SERVICES DELIVERED VIA TELEHEALTH AND REMOTE PATIENT MONITORING FOR PEDIATRIC POPULATIONS UNDER MEDICAID.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall issue a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives identifying best practices and potential solutions for reducing barriers to using services delivered via telehealth to furnish services and treatment for substance use disorders among pediatric populations under Medicaid. The report shall include—

(A) analyses of the best practices, barriers, and potential solutions for using services delivered via telehealth to diagnose and provide services and treatment for children with substance use disorders, including opioid use disorder; and

(B) identification and analysis of the differences, if any, in furnishing services and treatment for children with substance use disorders using services delivered via telehealth and using services delivered in person, such as, and to the extent feasible, with respect to—

(i) utilization rates;

(ii) costs;

(iii) avoidable inpatient admissions and readmissions;

(iv) quality of care; and

(v) patient, family, and provider satisfaction.

(2) PUBLICATION.—The Secretary shall publish the report required under paragraph (1) on a public internet website of the Department of Health and Human Services.

42 USC 1396a note.

SEC. 1010. ENHANCING PATIENT ACCESS TO NON-OPIOID TREATMENT OPTIONS.

Not later than January 1, 2019, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall issue 1 or more final guidance documents, or update existing guidance documents, to States regarding mandatory and optional items and services that may be provided under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or under a waiver of such a plan, for non-opioid treatment and management of pain, including,

but not limited to, evidence-based, non-opioid pharmacological therapies and non-pharmacological therapies.

SEC. 1011. ASSESSING BARRIERS TO OPIOID USE DISORDER TREATMENT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study regarding the barriers to providing medication used in the treatment of substance use disorders under Medicaid distribution models such as the "buy-and-bill" model, and options for State Medicaid programs to remove or reduce such barriers. The study shall include analyses of each of the following models of distribution of substance use disorder treatment medications, particularly buprenorphine, naltrexone, and buprenorphine-naloxone combinations:

(A) The purchasing, storage, and administration of substance use disorder treatment medications by providers.

(B) The dispensing of substance use disorder treatment medications by pharmacists.

(C) The ordering, prescribing, and obtaining substance use disorder treatment medications on demand from specialty pharmacies by providers.

(2) REQUIREMENTS.—For each model of distribution specified in paragraph (1), the Comptroller General shall evaluate how each model presents barriers or could be used by selected State Medicaid programs to reduce the barriers related to the provision of substance use disorder treatment by examining what is known about the effects of the model of distribution on—

(A) Medicaid beneficiaries' access to substance use disorder treatment medications;

(B) the differential cost to the program between each distribution model for medication-assisted treatment; and

(C) provider willingness to provide or prescribe substance use disorder treatment medications.

(b) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 1012. HELP FOR MOMS AND BABIES.

(a) MEDICAID STATE PLAN.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by section 1006, is further amended by adding at the end the following new sentence: "In the case of a woman who is eligible for medical assistance on the basis of being pregnant (including through the end of the month in which the 60-day period beginning on the last day of her pregnancy ends), who is a patient in an institution for mental diseases for purposes of receiving treatment for a substance use disorder, and who was enrolled for medical assistance under the State plan immediately before becoming a patient in an institution for mental diseases or who becomes eligible to enroll for such medical assistance while such a patient, the exclusion from the definition of 'medical assistance' set forth in the subdivision (B) following paragraph (30) of the first sentence of this subsection

shall not be construed as prohibiting Federal financial participation for medical assistance for items or services that are provided to the woman outside of the institution.".

42 USC 1396d note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) RULE FOR CHANGES REQUIRING STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 1013. SECURING FLEXIBILITY TO TREAT SUBSTANCE USE DISORDERS.

Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)) is amended by adding at the end the following new paragraph:

"(7) Payment shall be made under this title to a State for expenditures for capitation payments described in section 438.6(e) of title 42, Code of Federal Regulations (or any successor regulation).".

SEC. 1014. MACPAC STUDY AND REPORT ON MAT UTILIZATION CONTROLS UNDER STATE MEDICAID PROGRAMS.

(a) STUDY.—The Medicaid and CHIP Payment and Access Commission shall conduct a study and analysis of utilization control policies applied to medication-assisted treatment for substance use disorders under State Medicaid programs, including policies and procedures applied both in fee-for-service Medicaid and in risk-based managed care Medicaid, which shall—

(1) include an inventory of such utilization control policies and related protocols for ensuring access to medically necessary treatment;

(2) determine whether managed care utilization control policies and procedures for medication-assisted treatment for substance use disorders are consistent with section 438.210(a)(4)(ii) of title 42, Code of Federal Regulations; and

(3) identify policies that—

(A) limit an individual's access to medication-assisted treatment for a substance use disorder by limiting the quantity of medication-assisted treatment prescriptions, or the number of refills for such prescriptions, available to the individual as part of a prior authorization process or similar utilization protocols; and

(B) apply without evaluating individual instances of fraud, waste, or abuse.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Medicaid and CHIP Payment and Access

Commission shall make publicly available a report containing the results of the study conducted under subsection (a).

SEC. 1015. OPIOID ADDICTION TREATMENT PROGRAMS ENHANCEMENT.

(a) T–MSIS SUBSTANCE USE DISORDER DATA BOOK.—

(1) IN GENERAL.—Not later than the date that is 12 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall publish on the public website of the Centers for Medicare & Medicaid Services a report with comprehensive data on the prevalence of substance use disorders in the Medicaid beneficiary population and services provided for the treatment of substance use disorders under Medicaid.

(2) CONTENT OF REPORT.—The report required under paragraph (1) shall include, at a minimum, the following data for each State (including, to the extent available, for the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) The number and percentage of individuals enrolled in the State Medicaid plan or waiver of such plan in each of the major enrollment categories (as defined in a public letter from the Medicaid and CHIP Payment and Access Commission to the Secretary) who have been diagnosed with a substance use disorder and whether such individuals are enrolled under the State Medicaid plan or a waiver of such plan, including the specific waiver authority under which they are enrolled, to the extent available.

(B) A list of the substance use disorder treatment services by each major type of service, such as counseling, medication-assisted treatment, peer support, residential treatment, and inpatient care, for which beneficiaries in each State received at least 1 service under the State Medicaid plan or a waiver of such plan.

(C) The number and percentage of individuals with a substance use disorder diagnosis enrolled in the State Medicaid plan or waiver of such plan who received substance use disorder treatment services under such plan or waiver by each major type of service under subparagraph (B) within each major setting type, such as outpatient, inpatient, residential, and other home-based and community-based settings.

(D) The number of services provided under the State Medicaid plan or waiver of such plan per individual with a substance use disorder diagnosis enrolled in such plan or waiver for each major type of service under subparagraph (B).

(E) The number and percentage of individuals enrolled in the State Medicaid plan or waiver, by major enrollment category, who received substance use disorder treatment through—

(i) a medicaid managed care entity (as defined in section 1932(a)(1)(B) of the Social Security Act (42 U.S.C. 1396u–2(a)(1)(B))), including the number of such individuals who received such assistance through a prepaid inpatient health plan or a prepaid ambulatory health plan;

(ii) a fee-for-service payment model; or

(iii) an alternative payment model, to the extent available.

(F) The number and percentage of individuals with a substance use disorder who receive substance use disorder treatment services in an outpatient or home-based and community-based setting after receiving treatment in an inpatient or residential setting, and the number of services received by such individuals in the outpatient or home-based and community-based setting.

(3) ANNUAL UPDATES.—The Secretary shall issue an updated version of the report required under paragraph (1) not later than January 1 of each calendar year through 2024.

(4) USE OF T–MSIS DATA.—The report required under paragraph (1) and updates required under paragraph (3) shall—

(A) use data and definitions from the Transformed Medicaid Statistical Information System ("T–MSIS") data set that is no more than 12 months old on the date that the report or update is published; and

(B) as appropriate, include a description with respect to each State of the quality and completeness of the data and caveats describing the limitations of the data reported to the Secretary by the State that is sufficient to communicate the appropriate uses for the information.

42 USC 1320d–2 note.

(b) MAKING T–MSIS DATA ON SUBSTANCE USE DISORDERS AVAILABLE TO RESEARCHERS.—

(1) IN GENERAL.—The Secretary shall publish in the Federal Register a system of records notice for the data specified in paragraph (2) for the Transformed Medicaid Statistical Information System, in accordance with section 552a(e)(4) of title 5, United States Code. The notice shall outline policies that protect the security and privacy of the data that, at a minimum, meet the security and privacy policies of SORN 09–70–0541 for the Medicaid Statistical Information System.

(2) REQUIRED DATA.—The data covered by the systems of records notice required under paragraph (1) shall be sufficient for researchers and States to analyze the prevalence of substance use disorders in the Medicaid beneficiary population and the treatment of substance use disorders under Medicaid across all States (including the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa), forms of treatment, and treatment settings.

(3) INITIATION OF DATA-SHARING ACTIVITIES.—Not later than January 1, 2019, the Secretary shall initiate the data-sharing activities outlined in the notice required under paragraph (1).

SEC. 1016. BETTER DATA SHARING TO COMBAT THE OPIOID CRISIS.

(a) IN GENERAL.—Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)), as amended by section 1013, is further amended by adding at the end the following new paragraph:

"(8)(A) The State agency administering the State plan under this title may have reasonable access, as determined by the State, to 1 or more prescription drug monitoring program databases administered or accessed by the State to the extent the State agency is permitted to access such databases under State law.

"(B) Such State agency may facilitate reasonable access, as determined by the State, to 1 or more prescription drug monitoring program databases administered or accessed by the State, to same extent that the State agency is permitted under State law to access such databases, for—

"(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

"(ii) any managed care entity (as defined under section 1932(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).

"(C) Such State agency may share information in such databases, to the same extent that the State agency is permitted under State law to share information in such databases, with—

"(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

"(ii) any managed care entity (as defined under section 1932(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).".

(b) SECURITY AND PRIVACY.—All applicable State and Federal security and privacy protections and laws shall apply to any State agency, individual, or entity accessing 1 or more prescription drug monitoring program databases or obtaining information in such databases in accordance with section 1903(m)(8) of the Social Security Act (as added by subsection (a)). 42 USC 1396b note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act. 42 USC 1396b note.

SEC. 1017. REPORT ON INNOVATIVE STATE INITIATIVES AND STRATEGIES TO PROVIDE HOUSING-RELATED SERVICES AND SUPPORTS TO INDIVIDUALS STRUGGLING WITH SUBSTANCE USE DISORDERS UNDER MEDICAID.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a report to Congress describing innovative State initiatives and strategies for providing housing-related services and supports under a State Medicaid program to individuals with substance use disorders who are experiencing or at risk of experiencing homelessness.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall describe the following:

(1) Existing methods and innovative strategies developed and adopted by State Medicaid programs that have achieved positive outcomes in increasing housing stability among Medicaid beneficiaries with substance use disorders who are experiencing or at risk of experiencing homelessness, including Medicaid beneficiaries with substance use disorders who are—

(A) receiving treatment for substance use disorders in inpatient, residential, outpatient, or home-based and community-based settings;

(B) transitioning between substance use disorder treatment settings; or

(C) living in supportive housing or another model of affordable housing.

(2) Strategies employed by Medicaid managed care organizations, primary care case managers, hospitals, accountable care organizations, and other care coordination providers

to deliver housing-related services and supports and to coordinate services provided under State Medicaid programs across different treatment settings.

(3) Innovative strategies and lessons learned by States with Medicaid waivers approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), including—

(A) challenges experienced by States in designing, securing, and implementing such waivers or plan amendments;

(B) how States developed partnerships with other organizations such as behavioral health agencies, State housing agencies, housing providers, health care services agencies and providers, community-based organizations, and health insurance plans to implement waivers or State plan amendments; and

(C) how and whether States plan to provide Medicaid coverage for housing-related services and supports in the future, including by covering such services and supports under State Medicaid plans or waivers.

(4) Existing opportunities for States to provide housing-related services and supports through a Medicaid waiver under sections 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n) or through a State Medicaid plan amendment, such as the Assistance in Community Integration Service pilot program, which promotes supportive housing and other housing-related supports under Medicaid for individuals with substance use disorders and for which Maryland has a waiver approved under such section 1115 to conduct the program.

(5) Innovative strategies and partnerships developed and implemented by State Medicaid programs or other entities to identify and enroll eligible individuals with substance use disorders who are experiencing or at risk of experiencing homelessness in State Medicaid programs.

42 USC 1396a note.

SEC. 1018. TECHNICAL ASSISTANCE AND SUPPORT FOR INNOVATIVE STATE STRATEGIES TO PROVIDE HOUSING-RELATED SUPPORTS UNDER MEDICAID.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide technical assistance and support to States regarding the development and expansion of innovative State strategies (including through State Medicaid demonstration projects) to provide housing-related supports and services and care coordination services under Medicaid to individuals with substance use disorders.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a report to Congress detailing a plan of action to carry out the requirements of subsection (a).

TITLE II—MEDICARE PROVISIONS TO ADDRESS THE OPIOID CRISIS

SEC. 2001. EXPANDING THE USE OF TELEHEALTH SERVICES FOR THE TREATMENT OF OPIOID USE DISORDER AND OTHER SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i), in the matter preceding subclause (I), by striking "clause (ii)" and inserting "clause (ii) and paragraph (6)(C)"; and

(B) in clause (ii), in the heading, by striking "FOR HOME DIALYSIS THERAPY";

(2) in paragraph (4)(C)—

(A) in clause (i), by striking "paragraph (6)" and inserting "paragraphs (5), (6), and (7)"; and

(B) in clause (ii)(X), by inserting "or telehealth services described in paragraph (7)" before the period at the end; and

(3) by adding at the end the following new paragraph:

"(7) TREATMENT OF SUBSTANCE USE DISORDER SERVICES FURNISHED THROUGH TELEHEALTH.—The geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after July 1, 2019, to an eligible telehealth individual with a substance use disorder diagnosis for purposes of treatment of such disorder or co-occurring mental health disorder, as determined by the Secretary, at an originating site described in paragraph (4)(C)(ii) (other than an originating site described in subclause (IX) of such paragraph).".

(b) IMPLEMENTATION.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") may implement the amendments made by this section by interim final rule. 42 USC 1395m note.

(c) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the impact of the implementation of the amendments made by this section with respect to telehealth services under section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) on—

(A) the utilization of health care items and services under title XVIII of such Act (42 U.S.C. 1395 et seq.) related to substance use disorders, including emergency department visits; and

(B) health outcomes related to substance use disorders, such as opioid overdose deaths.

(2) FUNDING.—For purposes of carrying out paragraph (1), in addition to funds otherwise available, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of $3,000,000 to the Centers for Medicare & Medicaid Services Program Management Account to remain available until expended.

SEC. 2002. COMPREHENSIVE SCREENINGS FOR SENIORS.

(a) INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww)) is amended—

(1) in paragraph (1)—

(A) by striking "paragraph (2) and" and inserting "paragraph (2),"; and

(B) by inserting "and the furnishing of a review of any current opioid prescriptions (as defined in paragraph (4))," after "upon the agreement with the individual,"; and

(2) in paragraph (2)—

(A) by redesignating subparagraph (N) as subparagraph (O); and

(B) by inserting after subparagraph (M) the following new subparagraph:

"(N) Screening for potential substance use disorders."; and

(3) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (1), the term 'a review of any current opioid prescriptions' means, with respect to an individual determined to have a current prescription for opioids—

"(A) a review of the potential risk factors to the individual for opioid use disorder;

"(B) an evaluation of the individual's severity of pain and current treatment plan;

"(C) the provision of information on non-opioid treatment options; and

"(D) a referral to a specialist, as appropriate.".

(b) ANNUAL WELLNESS VISIT.—Section 1861(hhh)(2) of the Social Security Act (42 U.S.C. 1395x(hhh)(2)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (I); and

(2) by inserting after subparagraph (F) the following new subparagraphs:

"(G) Screening for potential substance use disorders and referral for treatment as appropriate.

"(H) The furnishing of a review of any current opioid prescriptions (as defined in subsection (ww)(4)).".

42 USC 1395x note.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) or (b) shall be construed to prohibit separate payment for structured assessment and intervention services for substance abuse furnished to an individual on the same day as an initial preventive physical examination or an annual wellness visit.

42 USC 1395x note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to examinations and visits furnished on or after January 1, 2020.

SEC. 2003. EVERY PRESCRIPTION CONVEYED SECURELY.

(a) IN GENERAL.—Section 1860D–4(e) of the Social Security Act (42 U.S.C. 1395w–104(e)) is amended by adding at the end the following:

"(7) REQUIREMENT OF E-PRESCRIBING FOR CONTROLLED SUBSTANCES.—

"(A) IN GENERAL.—Subject to subparagraph (B), a prescription for a covered part D drug under a prescription drug plan (or under an MA–PD plan) for a schedule II, III, IV, or V controlled substance shall be transmitted by a health care practitioner electronically in accordance with an electronic prescription drug program that meets the requirements of paragraph (2).

"(B) EXCEPTION FOR CERTAIN CIRCUMSTANCES.—The Secretary shall, through rulemaking, specify circumstances and processes by which the Secretary may waive the requirement under subparagraph (A), with respect to a covered part D drug, including in the case of—

"(i) a prescription issued when the practitioner and dispensing pharmacy are the same entity;

"(ii) a prescription issued that cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs SCRIPT Standard;

"(iii) a prescription issued by a practitioner who received a waiver or a renewal thereof for a period of time as determined by the Secretary, not to exceed one year, from the requirement to use electronic prescribing due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner;

"(iv) a prescription issued by a practitioner under circumstances in which, notwithstanding the practitioner's ability to submit a prescription electronically as required by this subsection, such practitioner reasonably determines that it would be impractical for the individual involved to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the individual's medical condition involved;

"(v) a prescription issued by a practitioner prescribing a drug under a research protocol;

"(vi) a prescription issued by a practitioner for a drug for which the Food and Drug Administration requires a prescription to contain elements that are not able to be included in electronic prescribing, such as a drug with risk evaluation and mitigation strategies that include elements to assure safe use;

"(vii) a prescription issued by a practitioner—

"(I) for an individual who receives hospice care under this title; and

"(II) that is not covered under the hospice benefit under this title; and

"(viii) a prescription issued by a practitioner for an individual who is—

"(I) a resident of a nursing facility (as defined in section 1919(a)); and

"(II) dually eligible for benefits under this title and title XIX.

"(C) DISPENSING.—(i) Nothing in this paragraph shall be construed as requiring a sponsor of a prescription drug plan under this part, MA organization offering an MA–PD plan under part C, or a pharmacist to verify that a practitioner, with respect to a prescription for a covered part D drug, has a waiver (or is otherwise exempt) under subparagraph (B) from the requirement under subparagraph (A).

"(ii) Nothing in this paragraph shall be construed as affecting the ability of the plan to cover or the pharmacists' ability to continue to dispense covered part D drugs from otherwise valid written, oral, or fax prescriptions that are consistent with laws and regulations.

"(iii) Nothing in this paragraph shall be construed as affecting the ability of an individual who is being prescribed a covered part D drug to designate a particular pharmacy to dispense the covered part D drug to the extent

consistent with the requirements under subsection (b)(1) and under this paragraph.

"(D) ENFORCEMENT.—The Secretary shall, through rulemaking, have authority to enforce and specify appropriate penalties for non-compliance with the requirement under subparagraph (A).".

42 USC 1395w–104 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to coverage of drugs prescribed on or after January 1, 2021.

42 USC 1395w–104 note.

(c) UPDATE OF BIOMETRIC COMPONENT OF MULTIFACTOR AUTHENTICATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall update the requirements for the biometric component of multifactor authentication with respect to electronic prescriptions of controlled substances.

SEC. 2004. REQUIRING PRESCRIPTION DRUG PLAN SPONSORS UNDER MEDICARE TO ESTABLISH DRUG MANAGEMENT PROGRAMS FOR AT-RISK BENEFICIARIES.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended—

(1) in paragraph (1), by inserting after subparagraph (E) the following new subparagraph:

"(F) With respect to plan years beginning on or after January 1, 2022, a drug management program for at-risk beneficiaries described in paragraph (5).."; and

(2) in paragraph (5)(A), by inserting "(and for plan years beginning on or after January 1, 2022, a PDP sponsor shall)" after "A PDP sponsor may".

SEC. 2005. MEDICARE COVERAGE OF CERTAIN SERVICES FURNISHED BY OPIOID TREATMENT PROGRAMS.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (FF), by striking at the end "and";

(2) in subparagraph (GG), by inserting at the end "and"; and

(3) by adding at the end the following new subparagraph:

"(HH) opioid use disorder treatment services (as defined in subsection (jjj)).".

(b) OPIOID USE DISORDER TREATMENT SERVICES AND OPIOID TREATMENT PROGRAM DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"(jjj) OPIOID USE DISORDER TREATMENT SERVICES; OPIOID TREATMENT PROGRAM.—

"(1) OPIOID USE DISORDER TREATMENT SERVICES.—The term 'opioid use disorder treatment services' means items and services that are furnished by an opioid treatment program for the treatment of opioid use disorder, including—

"(A) opioid agonist and antagonist treatment medications (including oral, injected, or implanted versions) that are approved by the Food and Drug Administration under section 505 of the Federal Food, Drug, and Cosmetic Act for use in the treatment of opioid use disorder;

"(B) dispensing and administration of such medications, if applicable;

"(C) substance use counseling by a professional to the extent authorized under State law to furnish such services;

"(D) individual and group therapy with a physician or psychologist (or other mental health professional to the extent authorized under State law);

"(E) toxicology testing, and

"(F) other items and services that the Secretary determines are appropriate (but in no event to include meals or transportation).

"(2) OPIOID TREATMENT PROGRAM.—The term 'opioid treatment program' means an entity that is an opioid treatment program (as defined in section 8.2 of title 42 of the Code of Federal Regulations, or any successor regulation) that—

"(A) is enrolled under section 1866(j);

"(B) has in effect a certification by the Substance Abuse and Mental Health Services Administration for such a program;

"(C) is accredited by an accrediting body approved by the Substance Abuse and Mental Health Services Administration; and

"(D) meets such additional conditions as the Secretary may find necessary to ensure—

"(i) the health and safety of individuals being furnished services under such program; and

"(ii) the effective and efficient furnishing of such services.".

(c) PAYMENT.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking "and (BB)" and inserting "(BB)"; and

(B) by inserting before the semicolon at the end the following ", and (CC) with respect to opioid use disorder treatment services furnished during an episode of care, the amount paid shall be equal to the amount payable under section 1834(w) less any copayment required as specified by the Secretary".

(2) PAYMENT DETERMINATION.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(w) OPIOID USE DISORDER TREATMENT SERVICES.—

"(1) IN GENERAL.—The Secretary shall pay to an opioid treatment program (as defined in paragraph (2) of section 1861(jjj)) an amount that is equal to 100 percent of a bundled payment under this part for opioid use disorder treatment services (as defined in paragraph (1) of such section) that are furnished by such program to an individual during an episode of care (as defined by the Secretary) beginning on or after January 1, 2020. The Secretary shall ensure, as determined appropriate by the Secretary, that no duplicative payments are made under this part or part D for items and services furnished by an opioid treatment program.

"(2) CONSIDERATIONS.—The Secretary may implement this subsection through one or more bundles based on the type of medication provided (such as buprenorphine, methadone, naltrexone, or a new innovative drug), the frequency of services, the scope of services furnished, characteristics of the individuals furnished such services, or other factors as the Secretary determine appropriate. In developing such bundles, the Secretary may consider payment rates paid to opioid treatment programs

for comparable services under State plans under title XIX or under the TRICARE program under chapter 55 of title 10 of the United States Code.

"(3) ANNUAL UPDATES.—The Secretary shall provide an update each year to the bundled payment amounts under this subsection.".

(d) INCLUDING OPIOID TREATMENT PROGRAMS AS MEDICARE PROVIDERS.—Section 1866(e) of the Social Security Act (42 U.S.C. 1395cc(e)) is amended—

(1) in paragraph (1), by striking at the end "and";

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) opioid treatment programs (as defined in paragraph (2) of section 1861(jjj)), but only with respect to the furnishing of opioid use disorder treatment services (as defined in paragraph (1) of such section).".

SEC. 2006. ENCOURAGING APPROPRIATE PRESCRIBING UNDER MEDICARE FOR VICTIMS OF OPIOID OVERDOSE.

Section 1860D–4(c)(5)(C) of the Social Security Act (42 U.S.C. 1395w–104(c)(5)(C)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking "For purposes" and inserting "Except as provided in clause (v), for purposes"; and

(2) by adding at the end the following new clause:

"(v) TREATMENT OF ENROLLEES WITH A HISTORY OF OPIOID-RELATED OVERDOSE.—

"(I) IN GENERAL.—For plan years beginning not later than January 1, 2021, a part D eligible individual who is not an exempted individual described in clause (ii) and who is identified under this clause as a part D eligible individual with a history of opioid-related overdose (as defined by the Secretary) shall be included as a potentially at-risk beneficiary for prescription drug abuse under the drug management program under this paragraph.

"(II) IDENTIFICATION AND NOTICE.—For purposes of this clause, the Secretary shall—

"(aa) identify part D eligible individuals with a history of opioid-related overdose (as so defined); and

"(bb) notify the PDP sponsor of the prescription drug plan in which such an individual is enrolled of such identification.".

SEC. 2007. AUTOMATIC ESCALATION TO EXTERNAL REVIEW UNDER A MEDICARE PART D DRUG MANAGEMENT PROGRAM FOR AT-RISK BENEFICIARIES.

(a) IN GENERAL.—Section 1860D–4(c)(5) of the Social Security Act (42 U.S.C. 1395ww–10(c)(5)) is amended—

(1) in subparagraph (B), in each of clauses (ii)(III) and (iii)(IV), by striking "and the option of an automatic escalation to external review" and inserting ", including notice that if on reconsideration a PDP sponsor affirms its denial, in whole or in part, the case shall be automatically forwarded to the

independent, outside entity contracted with the Secretary for review and resolution"; and

(2) in subparagraph (E), by striking "and the option" and all that follows and inserting the following: "and if on reconsideration a PDP sponsor affirms its denial, in whole or in part, the case shall be automatically forwarded to the independent, outside entity contracted with the Secretary for review and resolution.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning not later January 1, 2021. 42 USC 1395w–104 note.

SEC. 2008. SUSPENSION OF PAYMENTS BY MEDICARE PRESCRIPTION DRUG PLANS AND MA–PD PLANS PENDING INVESTIGATIONS OF CREDIBLE ALLEGATIONS OF FRAUD BY PHARMACIES.

(a) IN GENERAL.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

"(7) SUSPENSION OF PAYMENTS PENDING INVESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD BY PHARMACIES.—

"(A) IN GENERAL.—Section 1862(o)(1) shall apply with respect to a PDP sponsor with a contract under this part, a pharmacy, and payments to such pharmacy under this part in the same manner as such section applies with respect to the Secretary, a provider of services or supplier, and payments to such provider of services or supplier under this title. A PDP sponsor shall notify the Secretary regarding the imposition of any payment suspension pursuant to the previous sentence, such as through the secure internet website portal (or other successor technology) established under section 1859(i).

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as limiting the authority of a PDP sponsor to conduct postpayment review.".

(b) APPLICATION TO MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

"(D) SUSPENSION OF PAYMENTS PENDING INVESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD BY PHARMACIES.—Section 1860D–12(b)(7).".

(c) CONFORMING AMENDMENT.—Section 1862(o)(3) of the Social Security Act (42 U.S.C. 1395y(o)(3)) is amended by inserting ", section 1860D–12(b)(7) (including as applied pursuant to section 1857(f)(3)(D))," after "this subsection".

(d) CLARIFICATION RELATING TO CREDIBLE ALLEGATION OF FRAUD.—Section 1862(o) of the Social Security Act (42 U.S.C. 1395y(o)) is amended by adding at the end the following new paragraph:

"(4) CREDIBLE ALLEGATION OF FRAUD.—In carrying out this subsection, section 1860D–12(b)(7) (including as applied pursuant to section 1857(f)(3)(D)), and section 1903(i)(2)(C), a fraud hotline tip (as defined by the Secretary) without further evidence shall not be treated as sufficient evidence for a credible allegation of fraud.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2020. 42 USC 1395w–27 note.

TITLE III—FDA AND CONTROLLED SUBSTANCE PROVISIONS

Subtitle A—FDA Provisions

CHAPTER 1—IN GENERAL

21 USC 355 note.

SEC. 3001. CLARIFYING FDA REGULATION OF NON-ADDICTIVE PAIN PRODUCTS.

(a) PUBLIC MEETINGS.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall hold not less than one public meeting to address the challenges and barriers of developing non-addictive medical products intended to treat acute or chronic pain or addiction, which may include—

(1) the manner by which the Secretary may incorporate the risks of misuse and abuse of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) into the risk benefit assessments under subsections (d) and (e) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), section 510(k) of such Act (21 U.S.C. 360(k)), or section 515(c) of such Act (21 U.S.C. 360e(c)), as applicable;

(2) the application of novel clinical trial designs (consistent with section 3021 of the 21st Century Cures Act (Public Law 114–255)), use of real world evidence (consistent with section 505F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355g)), and use of patient experience data (consistent with section 569C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8c)) for the development of non-addictive medical products intended to treat pain or addiction;

(3) the evidentiary standards and the development of opioid-sparing data for inclusion in the labeling of medical products intended to treat acute or chronic pain; and

(4) the application of eligibility criteria under sections 506 and 515B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356, 360e–3) for non-addictive medical products intended to treat pain or addiction.

(b) GUIDANCE.—Not less than one year after the public meetings are conducted under subsection (a) the Secretary shall issue one or more final guidance documents, or update existing guidance documents, to help address challenges to developing non-addictive medical products to treat pain or addiction. Such guidance documents shall include information regarding—

(1) how the Food and Drug Administration may apply sections 506 and 515B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356, 360e–3) to non-addictive medical products intended to treat pain or addiction, including the circumstances under which the Secretary—

(A) may apply the eligibility criteria under such sections 506 and 515B to non-addictive medical products intended to treat pain or addiction;

(B) considers the risk of addiction of controlled substances approved to treat pain when establishing unmet medical need; and

(C) considers pain, pain control, or pain management in assessing whether a disease or condition is a serious or life-threatening disease or condition;

(2) the methods by which sponsors may evaluate acute and chronic pain, endpoints for non-addictive medical products intended to treat pain, the manner in which endpoints and evaluations of efficacy will be applied across and within review divisions, taking into consideration the etiology of the underlying disease, and the manner in which sponsors may use surrogate endpoints, intermediate endpoints, and real world evidence;

(3) the manner in which the Food and Drug Administration will assess evidence to support the inclusion of opioid-sparing data in the labeling of non-addictive medical products intended to treat acute or chronic pain, including—

(A) alternative data collection methodologies, including the use of novel clinical trial designs (consistent with section 3021 of the 21st Century Cures Act (Public Law 114–255)) and real world evidence (consistent with section 505F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355g)), including patient registries and patient reported outcomes, as appropriate, to support product labeling;

(B) ethical considerations of exposing subjects to controlled substances in clinical trials to develop opioid-sparing data and considerations on data collection methods that reduce harm, which may include the reduction of opioid use as a clinical benefit;

(C) endpoints, including primary, secondary, and surrogate endpoints, to evaluate the reduction of opioid use;

(D) best practices for communication between sponsors and the agency on the development of data collection methods, including the initiation of data collection; and

(E) the appropriate format in which to submit such data results to the Secretary; and

(4) the circumstances under which the Food and Drug Administration considers misuse and abuse of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in making the risk benefit assessment under paragraphs (2) and (4) of subsection (d) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and in finding that a drug is unsafe under paragraph (1) or (2) of subsection (e) of such section.

(c) DEFINITIONS.—In this section—

(1) the term "medical product" means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))), or device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))); and

(2) the term "opioid-sparing" means reducing, replacing, or avoiding the use of opioids or other controlled substances intended to treat acute or chronic pain.

21 USC 355–1 note.

SEC. 3002. EVIDENCE-BASED OPIOID ANALGESIC PRESCRIBING GUIDELINES AND REPORT.

(a) GUIDELINES.—The Commissioner of Food and Drugs shall develop evidence-based opioid analgesic prescribing guidelines for the indication-specific treatment of acute pain only for the relevant therapeutic areas where such guidelines do not exist.

(b) PUBLIC INPUT.—In developing the guidelines under subsection (a), the Commissioner of Food and Drugs shall—

(1) consult with stakeholders, which may include conducting a public meeting of medical professional societies (including any State-based societies), health care providers, State medical boards, medical specialties including pain medicine specialty societies, patient groups, pharmacists, academic or medical research entities, and other entities with experience in health care, as appropriate;

(2) collaborate with the Director of the Centers for Disease Control and Prevention, as applicable and appropriate, and other Federal agencies with relevant expertise as appropriate; and

(3) provide for a notice and comment period consistent with section 701(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(h)) for the submission of comments by the public.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, or, if earlier, at the time the guidelines under subsection (a) are finalized, the Commissioner of Food and Drugs shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and post on the public website of the Food and Drug Administration, a report on how the Food and Drug Administration will utilize the guidelines under subsection (a) to protect the public health and a description of the public health need with respect to each such indication-specific treatment guideline.

(d) UPDATES.—The Commissioner of Food and Drugs shall periodically—

(1) update the guidelines under subsection (a), informed by public input described in subsection (b); and

(2) submit to the committees specified in subsection (c) and post on the public website of the Food and Drug Administration an updated report under such subsection.

(e) STATEMENT TO ACCOMPANY GUIDELINES AND RECOMMENDATIONS.—The Commissioner of Food and Drugs shall ensure that opioid analgesic prescribing guidelines and other recommendations developed under this section are accompanied by a clear statement that such guidelines or recommendations, as applicable—

(1) are intended to help inform clinical decisionmaking by prescribers and patients; and

(2) are not intended to be used for the purposes of restricting, limiting, delaying, or denying coverage for, or access to, a prescription issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice.

CHAPTER 2—STOP COUNTERFEIT DRUGS BY REGULATING AND ENHANCING ENFORCEMENT NOW

Stop Counterfeit Drugs by Regulating and Enhancing Enforcement Now Act.
21 USC 301 note.

SEC. 3011. SHORT TITLE.

This chapter may be cited as the "Stop Counterfeit Drugs by Regulating and Enhancing Enforcement Now Act" or the "SCREEN Act".

SEC. 3012. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF CONTROLLED SUBSTANCES.

(a) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(eee) The failure to comply with any order issued under section 569D.".

(b) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF CONTROLLED SUBSTANCES.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 569D. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF CONTROLLED SUBSTANCES.

21 USC 360bbb–8d.

"(a) ORDER TO CEASE DISTRIBUTION AND RECALL.—

"(1) IN GENERAL.—If the Secretary determines there is a reasonable probability that a controlled substance would cause serious adverse health consequences or death, the Secretary may, after providing the appropriate person with an opportunity to consult with the agency, issue an order requiring manufacturers, importers, distributors, or pharmacists, who distribute such controlled substance to immediately cease distribution of such controlled substance.

"(2) HEARING.—An order under paragraph (1) shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of issuance of the order, on whether adequate evidence exists to justify an amendment to the order, and what actions are required by such amended order pursuant to subparagraph (3).

"(3) ORDER RESOLUTION.—After an order is issued according to the process under paragraphs (1) and (2), the Secretary shall, except as provided in paragraph (4)—

"(A) vacate the order, if the Secretary determines that inadequate grounds exist to support the actions required by the order;

"(B) continue the order ceasing distribution of the controlled substance until a date specified in such order; or

"(C) amend the order to require a recall of the controlled substance, including any requirements to notify appropriate persons, a timetable for the recall to occur, and a schedule for updates to be provided to the Secretary regarding such recall.

"(4) RISK ASSESSMENT.—If the Secretary determines that the risk of recalling a controlled substance presents a greater health risk than the health risk of not recalling such controlled substance from use, an amended order under subparagraph (B) or (C) of paragraph (3) shall not include either a recall

order for, or an order to cease distribution of, such controlled substance, as applicable.

"(5) ACTION FOLLOWING ORDER.—Any person who is subject to an order pursuant to subparagraph (B) or (C) of paragraph (3) shall immediately cease distribution of or recall, as applicable, the controlled substance and provide notification as required by such order.

"(b) NOTICE TO PERSONS AFFECTED.—If the Secretary determines necessary, the Secretary may require the person subject to an order pursuant to paragraph (1) or an amended order pursuant to subparagraph (B) or (C) of paragraph (3) to provide either a notice of a recall order for, or an order to cease distribution of, such controlled substance, as applicable, under this section to appropriate persons, including persons who manufacture, distribute, import, or offer for sale such product that is the subject of an order and to the public. In providing such notice, the Secretary may use the assistance of health professionals who prescribed or dispensed such controlled substances.

"(c) NONDELEGATION.—An order described in subsection (a)(3) shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated under this section unless the official is the Director of the Center for Drug Evaluation and Research or an official senior to such Director.

"(d) SAVINGS CLAUSE.—Nothing contained in this section shall be construed as limiting—

"(1) the authority of the Secretary to issue an order to cease distribution of, or to recall, any drug under any other provision of this Act or the Public Health Service Act; or

"(2) the ability of the Secretary to request any person to perform a voluntary activity related to any drug subject to this Act or the Public Health Service Act.".

(c) CONTROLLED SUBSTANCES SUBJECT TO REFUSAL.—The third sentence of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended by inserting ", or is a controlled substance subject to an order under section 569D" before ", or (4)".

21 USC 331 note.

(d) EFFECTIVE DATE.—Sections 301(eee) and 569D of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall be effective beginning on the date of enactment of this Act.

SEC. 3013. SINGLE SOURCE PATTERN OF IMPORTED ILLEGAL DRUGS.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by section 3012, is further amended by adding at the end the following:

"(t) SINGLE SOURCE PATTERN OF IMPORTED ILLEGAL DRUGS.—If the Secretary determines that a person subject to debarment as a result of engaging in a pattern of importing or offering for import controlled substances or drugs as described in section 306(b)(3)(D), and such pattern is identified by the Secretary as being offered for import from the same manufacturer, distributor, or importer, the Secretary may by order determine all drugs being offered for import from such person as adulterated or misbranded, unless such person can provide evidence otherwise.".

SEC. 3014. STRENGTHENING FDA AND CBP COORDINATION AND CAPACITY. 21 USC 384f.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall coordinate with the Secretary of Homeland Security to carry out activities related to customs and border protection and in response to illegal controlled substances and drug imports, including at sites of import (such as international mail facilities), that will provide improvements to such facilities, technologies, and inspection capacity. Such Secretaries may carry out such activities through a memorandum of understanding between the Food and Drug Administration and the U.S. Customs and Border Protection.

(b) FDA IMPORT FACILITIES AND INSPECTION CAPACITY.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall, in collaboration with the Secretary of Homeland Security and the Postmaster General of the United States Postal Service, provide that import facilities in which the Food and Drug Administration operates or carries out activities related to drug imports within the international mail facilities include—

(A) facility upgrades and improved capacity in order to increase and improve inspection and detection capabilities, which may include, as the Secretary determines appropriate—

(i) improvements to facilities, such as upgrades or renovations, and support for the maintenance of existing import facilities and sites to improve coordination between Federal agencies;

(ii) improvements in equipment and information technology enhancement to identify unapproved, counterfeit, or other unlawful controlled substances for destruction;

(iii) the construction of, or upgrades to, laboratory capacity for purposes of detection and testing of imported goods;

(iv) upgrades to the security of import facilities; and

(v) innovative technology and equipment to facilitate improved and near-real-time information sharing between the Food and Drug Administration, the Department of Homeland Security, and the United States Postal Service; and

(B) innovative technology, including controlled substance detection and testing equipment and other applicable technology, in order to collaborate with the U.S. Customs and Border Protection to share near-real-time information, including information about test results, as appropriate.

(2) INNOVATIVE TECHNOLOGY.—Any technology used in accordance with paragraph (1)(B) shall be interoperable with technology used by other relevant Federal agencies, including the U.S. Customs and Border Protection, as the Secretary determines appropriate and practicable.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security and the Postmaster General of the United States Postal Service, shall report to the Committee on Energy

and Commerce and the Committee on Homeland Security of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of this section, including a summary of progress made toward near-real-time information sharing and the interoperability of such technologies.

Stop Illicit Drug Importation Act of 2018.
21 USC 301 note.

CHAPTER 3—STOP ILLICIT DRUG IMPORTATION

SEC. 3021. SHORT TITLE.

This chapter may be cited as the "Stop Illicit Drug Importation Act of 2018".

21 USC 384g.

SEC. 3022. RESTRICTING ENTRANCE OF ILLICIT DRUGS.

(a) FOOD AND DRUG ADMINISTRATION AND U.S. CUSTOMS AND BORDER PROTECTION COOPERATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs and in consultation with the U.S. Customs and Border Protection, shall develop and periodically update a mutually agreed upon list of the controlled substances that the Secretary will refer to U.S. Customs and Border Protection, unless the Secretary and U.S. Customs and Border Protection agree otherwise, when such substances are offered for import via international mail and appear to violate the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or any other applicable law. The Secretary shall transfer controlled substances on such list to the U.S. Customs and Border Protection. If the Secretary identifies additional packages that appear to be the same as such package containing a controlled substance, such additional packages may also be transferred to U.S. Customs and Border Protection. The U.S. Customs and Border Protection shall receive such packages consistent with the requirements of the Controlled Substances Act (21 U.S.C. 801 et seq.).

(2) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs and in consultation with the Secretary of Homeland Security, shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the implementation of this section.

(b) DEBARMENT, TEMPORARY DENIAL OF APPROVAL, AND SUSPENSION.—

(1) PROHIBITED ACT.—Section 301(cc) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(cc)) is amended—

(A) by inserting "or a drug" after "food"; and

(B) by inserting "from such activity" after "person debarred".

(2) DEBARMENT.—Section 306(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "or (3)" after "paragraph (2)";

(ii) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(iii) in subparagraph (B), by striking ", or" and inserting a semicolon;

(iv) in subparagraph (C), by striking the period and inserting "; or"; and

(v) by adding at the end the following:

"(D) a person from importing or offering for import into the United States a drug.";

(B) in paragraph (3)—

(i) in the heading, by inserting "OR DRUG" after "FOOD";

(ii) in subparagraph (A), by striking "; or" and inserting a semicolon;

(iii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(C) the person has been convicted of a felony for conduct relating to the importation into the United States of any drug or controlled substance (as defined in section 102 of the Controlled Substances Act);

"(D) the person has engaged in a pattern of importing or offering for import—

"(i) controlled substances that are prohibited from importation under section 401(m) of the Tariff Act of 1930 (19 U.S.C. 1401(m)); or

"(ii) adulterated or misbranded drugs that are—

"(I) not designated in an authorized electronic data interchange system as a product that is regulated by the Secretary; or

"(II) knowingly or intentionally falsely designated in an authorized electronic data interchange system as a product that is regulated by the Secretary."; and

(C) by adding at the end the following:

"(5) DEFINITION.—For purposes of paragraph (3)(D), the term 'pattern of importing or offering for import' means importing or offering for import a drug described in clause (i) or (ii) of paragraph (3)(D) in an amount, frequency, or dosage that is inconsistent with personal or household use by the importer.".

(c) IMPORTS AND EXPORTS.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as amended, is further amended—

(1) by striking ", then such article shall be refused admission" inserting "or (5) such article is being imported or offered for import in violation of section 301(cc), then any such article described in any of clauses (1) through (5) shall be refused admission";

(2) by inserting "If it appears from the examination of such samples or otherwise that the article is a counterfeit drug, such article shall be refused admission." before "With respect to an article of food, if importation"; and

(3) by striking "Clause (2) of the third sentence" and all that follows through the period at the end and inserting the following: "Neither clause (2) nor clause (5) of the third sentence of this subsection shall be construed to prohibit the admission

of narcotic drugs, the importation of which is permitted under the Controlled Substances Import and Export Act.".

(d) CERTAIN ILLICIT ARTICLES.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended, is amended by adding at the end the following—

"(u) ILLICIT ARTICLES CONTAINING ACTIVE PHARMACEUTICAL INGREDIENTS.—

"(1) IN GENERAL.—For purposes of this section, an article that is being imported or offered for import into the United States may be treated by the Secretary as a drug if the article—

"(A) is not—

"(i) accompanied by an electronic import entry for such article submitted using an authorized electronic data interchange system; and

"(ii) designated in such a system as an article regulated by the Secretary (which may include regulation as a drug, a device, a dietary supplement, or other product that is regulated under this Act); and

"(B) is an ingredient that presents significant public health concern and is, or contains—

"(i) an active ingredient in a drug—

"(I) that is approved under section 505 or licensed under section 351 of the Public Health Service Act; or

"(II) for which—

"(aa) an investigational use exemption has been authorized under section 505(i) of this Act or section 351(a) of the Public Health Service Act; and

"(bb) a substantial clinical investigation has been instituted, and such investigation has been made public; or

"(ii) a substance that has a chemical structure that is substantially similar to the chemical structure of an active ingredient in a drug or biological product described in subclause (I) or (II) of clause (i).

"(2) EFFECT.—This subsection shall not be construed to bear upon any determination of whether an article is a drug within the meaning of section 201(g), other than for the purposes described in paragraph (1).".

CHAPTER 4—SECURING OPIOIDS AND UNUSED NARCOTICS WITH DELIBERATE DISPOSAL AND PACKAGING

Securing Opioids and Unused Narcotics with Deliberate Disposal and Packaging Act of 2018.
21 USC 301 note.

SEC. 3031. SHORT TITLE.

This chapter may be cited as the "Securing Opioids and Unused Narcotics with Deliberate Disposal and Packaging Act of 2018" or the "SOUND Disposal and Packaging Act".

SEC. 3032. SAFETY-ENHANCING PACKAGING AND DISPOSAL FEATURES.

(a) DELIBERATE DISPOSAL AND PACKAGING ELEMENTS OF STRATEGY.—Section 505–1(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(e)) is amended by adding at the end the following:

"(4) PACKAGING AND DISPOSAL.—The Secretary may require a risk evaluation mitigation strategy for a drug for which

there is a serious risk of an adverse drug experience described in subparagraph (B) or (C) of subsection (b)(1), taking into consideration the factors described in subparagraphs (C) and (D) of subsection (f)(2) and in consultation with other relevant Federal agencies with authorities over drug disposal packaging, which may include requiring that—

"(A) the drug be made available for dispensing to certain patients in unit dose packaging, packaging that provides a set duration, or another packaging system that the Secretary determines may mitigate such serious risk; or

"(B) the drug be dispensed to certain patients with a safe disposal packaging or safe disposal system for purposes of rendering drugs nonretrievable (as defined in section 1300.05 of title 21, Code of Federal Regulations (or any successor regulation)) if the Secretary determines that such safe disposal packaging or system may mitigate such serious risk and is sufficiently available.".

(b) ASSURING ACCESS AND MINIMIZING BURDEN.—Section 505–1(f)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(f)(2)(C)) is amended—

(1) in clause (i) by striking "and" at the end; and

(2) by adding at the end the following:

"(iii) patients with functional limitations; and".

(c) APPLICATION TO ABBREVIATED NEW DRUG APPLICATIONS.—Section 505–1(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(i)) is amended—

(1) in paragraph (1)—

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

(B) inserting after subparagraph (A) the following:

"(B) A packaging or disposal requirement, if required under subsection (e)(4) for the applicable listed drug."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end;

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

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

"(B) shall permit packaging systems and safe disposal packaging or safe disposal systems that are different from those required for the applicable listed drug under subsection (e)(4); and".

(d) GAO REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing—

(1) a description of available evidence, if any, on the effectiveness of site-of-use, in-home controlled substance disposal products and packaging technologies;

(2) an evaluation of existing reference standards with respect to controlled substance disposal products and packaging technologies, including any such standards established by a standards development organization, and how such standards should be considered in ensuring effectiveness of such products and technologies;

(3) identification of ways in which such disposal products intended for use by patients, consumers, and other end users that are not registrants under the Controlled Substances Act

(21 U.S.C. 801 et seq.), are made available to the public and any barriers to the use of such disposal products;

(4) identification of ways in which packaging technologies are made available to the public and any barriers to the use of such technologies;

(5) a description of current Federal oversight, if any, of site-of-use, in-home controlled substance disposal products, including—

(A) identification of the Federal agencies that oversee such products;

(B) identification of the methods of disposal of controlled substances recommended by such agencies for site-of-use, in-home disposal; and

(C) a description of the effectiveness of such recommendations at preventing the diversion of legally prescribed controlled substances;

(6) a description of current Federal oversight, if any, of controlled substance packaging technologies, including—

(A) identification of the Federal agencies that oversee such technologies;

(B) identification of the technologies recommended by such agencies, including unit dose packaging, packaging that provides a set duration, and other packaging systems that may mitigate abuse or misuse; and

(C) a description of the effectiveness of such recommendations at preventing the diversion of legally prescribed controlled substances; and

(7) recommendations, as appropriate, on—

(A) whether site-of-use, in-home controlled substance disposal products and packaging technologies require Federal oversight and, if so, which agency or agencies should be responsible for such oversight and, as applicable, review of such products or technologies; and

(B) whether there are applicable standards that should be considered to ensure the effectiveness of such products.

CHAPTER 5—POSTAPPROVAL STUDY REQUIREMENTS

SEC. 3041. CLARIFYING FDA POSTMARKET AUTHORITIES.

(a) DEFINITION OF ADVERSE DRUG EXPERIENCE.—Section 505–1(b)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(b)(1)(E)) is amended by striking "of the drug" and inserting "of the drug, which may include reduced effectiveness under the conditions of use prescribed in the labeling of such drug, but which may not include reduced effectiveness that is in accordance with such labeling".

(b) SAFETY LABELING CHANGES.—Section 505(o)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(o)(4)) is amended—

(1) in subparagraph (A) by—

(A) striking "SAFETY INFORMATION" and inserting "SAFETY OR NEW EFFECTIVENESS INFORMATION"; and

(B) by striking "If the Secretary becomes" and all that follows through "in the labeling of the drug" and inserting "If the Secretary becomes aware of new information, including any new safety information or information related

to reduced effectiveness, that the Secretary determines should be included in the labeling of the drug";

(2) in clause (i) of subparagraph (B), by inserting before the semicolon ", or new effectiveness information";

(3) in subparagraph (C) by striking "safety information" and inserting "safety or new effectiveness information"; and

(4) in subparagraph (E) by striking "safety information" and inserting "safety or new effectiveness information".

(c) GUIDANCE.—Not less than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance regarding the circumstances under which the Food and Drug Administration may require postmarket studies or clinical trials to assess the potential reduction in effectiveness of a drug and how such reduction in effectiveness could result in a change to the benefits of the drug and the risks to the patient. Such guidance shall also address how the Food and Drug Administration may apply this section and the amendments made thereby with respect to circumstances under which the Food and Drug Administration may require postmarket studies or clinical trials and safety labeling changes related to the use of controlled substances for acute or chronic pain. 21 USC 355 note.

Subtitle B—Controlled Substance Provisions

CHAPTER 1—MORE FLEXIBILITY WITH RESPECT TO MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDERS

SEC. 3201. ALLOWING FOR MORE FLEXIBILITY WITH RESPECT TO MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDERS.

(a) CONFORMING APPLICABLE NUMBER.—Subclause (II) of section 303(g)(2)(B)(iii) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(B)(iii)) is amended to read as follows:

"(II) The applicable number is—

"(aa) 100 if, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients;

"(bb) 100 if the practitioner holds additional credentialing, as defined in section 8.2 of title 42, Code of Federal Regulations (or successor regulations);

"(cc) 100 if the practitioner provides medication-assisted treatment (MAT) using covered medications (as such terms are defined in section 8.2 of title 42, Code of Federal Regulations (or successor regulations)) in a qualified practice setting (as described in section 8.615 of title 42, Code of Federal Regulations (or successor regulations)); or

"(dd) 275 if the practitioner meets the requirements specified in sections 8.610 through 8.655 of title 42, Code of Federal Regulations (or successor regulations).".

(b) ELIMINATING ANY TIME LIMITATION FOR NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS TO BECOME QUALIFYING

PRACTITIONERS.—Clause (iii) of section 303(g)(2)(G) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)) is amended—

(1) in subclause (I), by striking "or" at the end; and

(2) by amending subclause (II) to read as follows:

"(II) a qualifying other practitioner, as defined in clause (iv), who is a nurse practitioner or physician assistant; or".

(c) IMPOSING A TIME LIMITATION FOR CLINICAL NURSE SPECIALISTS, CERTIFIED REGISTERED NURSE ANESTHETISTS, AND CERTIFIED NURSE MIDWIFES TO BECOME QUALIFYING PRACTITIONERS.—Clause (iii) of section 303(g)(2)(G) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)), as amended by subsection (b), is further amended by adding at the end the following:

"(III) for the period beginning on October 1, 2018, and ending on October 1, 2023, a qualifying other practitioner, as defined in clause (iv), who is a clinical nurse specialist, certified registered nurse anesthetist, or certified nurse midwife.".

(d) DEFINITION OF QUALIFYING OTHER PRACTITIONER.—Section 303(g)(2)(G)(iv) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)(iv)) is amended by striking "nurse practitioner or physician assistant" each place it appears and inserting "nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, or physician assistant".

(e) REPORT BY SECRETARY.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Drug Enforcement Administration, shall submit to Congress a report that assesses the care provided by qualifying practitioners (as defined in section 303(g)(2)(G)(iii) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)(iii))) who are treating, in the case of physicians, more than 100 patients, and in the case of qualifying practitioners who are not physicians, more than 30 patients. Such report shall include recommendations on future applicable patient number levels and limits. In preparing such report, the Secretary shall study, with respect to opioid use disorder treatment—

(1) the average frequency with which qualifying practitioners see their patients;

(2) the average frequency with which patients receive counseling, including the rates by which such counseling is provided by such a qualifying practitioner directly, or by referral;

(3) the frequency of toxicology testing, including the average frequency with which random toxicology testing is administered;

(4) the average monthly patient caseload for each type of qualifying practitioner;

(5) the treatment retention rates for patients;

(6) overdose and mortality rates; and

(7) any available information regarding the diversion of drugs by patients receiving such treatment from such a qualifying practitioner.

SEC. 3202. MEDICATION-ASSISTED TREATMENT FOR RECOVERY FROM SUBSTANCE USE DISORDER.

(a) WAIVERS FOR MAINTENANCE TREATMENT OR DETOXIFICATION.—Section 303(g)(2)(G)(ii) of the Controlled Substances Act (21

U.S.C. 823(g)(2)(G)(ii)) is amended by adding at the end the following:

"(VIII) The physician graduated in good standing from an accredited school of allopathic medicine or osteopathic medicine in the United States during the 5-year period immediately preceding the date on which the physician submits to the Secretary a written notification under subparagraph (B) and successfully completed a comprehensive allopathic or osteopathic medicine curriculum or accredited medical residency that—

"(aa) included not less than 8 hours of training on treating and managing opioid-dependent patients; and

"(bb) included, at a minimum—

"(AA) the training described in items (aa) through (gg) of subclause (IV); and

"(BB) training with respect to any other best practice the Secretary determines should be included in the curriculum, which may include training on pain management, including assessment and appropriate use of opioid and non-opioid alternatives.".

(b) TREATMENT FOR CHILDREN.—The Secretary of Health and Human Services shall consider ways to ensure that an adequate number of qualified practitioners, as defined in subparagraph (G)(ii) of section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)), who have a specialty in pediatrics or the treatment of children or adolescents, are granted a waiver under such section 303(g)(2) to treat children and adolescents with substance use disorders. 21 USC 823 note.

(c) TECHNICAL AMENDMENT.—Section 102(24) of the Controlled Substances Act (21 U.S.C. 802(24)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

SEC. 3203. GRANTS TO ENHANCE ACCESS TO SUBSTANCE USE DISORDER TREATMENT. 21 USC 823 note.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a grant program under which the Secretary may make grants to accredited schools of allopathic medicine or osteopathic medicine and teaching hospitals located in the United States to support the development of curricula that meet the requirements under subclause (VIII) of section 303(g)(2)(G)(ii) of the Controlled Substances Act, as added by section 3202(a) of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for grants under subsection (a), $4,000,000 for each of fiscal years 2019 through 2023.

SEC. 3204. DELIVERY OF A CONTROLLED SUBSTANCE BY A PHARMACY TO BE ADMINISTERED BY INJECTION OR IMPLANTATION.

(a) IN GENERAL.—The Controlled Substances Act is amended by inserting after section 309 (21 U.S.C. 829) the following:

"DELIVERY OF A CONTROLLED SUBSTANCE BY A PHARMACY TO AN ADMINISTERING PRACTITIONER

"SEC. 309A. (a) IN GENERAL.—Notwithstanding section 102(10), a pharmacy may deliver a controlled substance to a practitioner in accordance with a prescription that meets the requirements of this title and the regulations issued by the Attorney General 21 USC 829a.

under this title, for the purpose of administering the controlled substance by the practitioner if—

"(1) the controlled substance is delivered by the pharmacy to the prescribing practitioner or the practitioner administering the controlled substance, as applicable, at the location listed on the practitioner's certificate of registration issued under this title;

"(2) the controlled substance is to be administered for the purpose of maintenance or detoxification treatment under section 303(g)(2) and—

"(A) the practitioner who issued the prescription is a qualifying practitioner authorized under, and acting within the scope of that section; and

"(B) the controlled substance is to be administered by injection or implantation;

"(3) the pharmacy and the practitioner are authorized to conduct the activities specified in this section under the law of the State in which such activities take place;

"(4) the prescription is not issued to supply any practitioner with a stock of controlled substances for the purpose of general dispensing to patients;

"(5) except as provided in subsection (b), the controlled substance is to be administered only to the patient named on the prescription not later than 14 days after the date of receipt of the controlled substance by the practitioner; and

"(6) notwithstanding any exceptions under section 307, the prescribing practitioner, and the practitioner administering the controlled substance, as applicable, maintain complete and accurate records of all controlled substances delivered, received, administered, or otherwise disposed of under this section, including the persons to whom controlled substances were delivered and such other information as may be required by regulations of the Attorney General.

"(b) MODIFICATION OF NUMBER OF DAYS BEFORE WHICH CONTROLLED SUBSTANCE SHALL BE ADMINISTERED.—

"(1) INITIAL 2-YEAR PERIOD.—During the 2-year period beginning on the date of enactment of this section, the Attorney General, in coordination with the Secretary, may reduce the number of days described in subsection (a)(5) if the Attorney General determines that such reduction will—

"(A) reduce the risk of diversion; or

"(B) protect the public health.

"(2) MODIFICATIONS AFTER SUBMISSION OF REPORT.—After the date on which the report described in section 3204(b) of the SUPPORT for Patients and Communities Act is submitted, the Attorney General, in coordination with the Secretary, may modify the number of days described in subsection (a)(5).

"(3) MINIMUM NUMBER OF DAYS.—Any modification under this subsection shall be for a period of not less than 7 days.".

(b) STUDY AND REPORT.—Not later than 2 years after the date of enactment of this section, the Comptroller General of the United States shall conduct a study and submit to Congress a report on access to and potential diversion of controlled substances administered by injection or implantation.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control

Act of 1970 is amended by inserting after the item relating to section 309 the following:

"Sec. 309A. Delivery of a controlled substance by a pharmacy to an administering practitioner.".

CHAPTER 2—EMPOWERING PHARMACISTS IN THE FIGHT AGAINST OPIOID ABUSE

Empowering Pharmacists in the Fight Against Opioid Abuse Act.
21 USC 801 note.

SEC. 3211. SHORT TITLE.

This chapter may be cited as the "Empowering Pharmacists in the Fight Against Opioid Abuse Act".

21 USC 829 note.

SEC. 3212. PROGRAMS AND MATERIALS FOR TRAINING ON CERTAIN CIRCUMSTANCES UNDER WHICH A PHARMACIST MAY DECLINE TO FILL A PRESCRIPTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, Commissioner of Food and Drugs, Director of the Centers for Disease Control and Prevention, and Assistant Secretary for Mental Health and Substance Use, shall develop and disseminate, as appropriate, materials for pharmacists, health care providers, and patients on—

(1) circumstances under which a pharmacist may, consistent with section 309 of the Controlled Substances Act (21 U.S.C. 829) and regulations thereunder, including section 1306.04 of title 21, Code of Federal Regulations, decline to fill a prescription for a controlled substance because the pharmacist suspects the prescription is fraudulent, forged, or of doubtful, questionable, or suspicious origin; and

(2) other Federal requirements pertaining to declining to fill a prescription under such circumstances, including the partial fill of prescriptions for certain controlled substances.

(b) MATERIALS INCLUDED.—In developing materials under subsection (a), the Secretary of Health and Human Services shall include information for—

(1) pharmacists on how to decline to fill a prescription and actions to take after declining to fill a prescription; and

(2) other health care practitioners and the public on a pharmacist's ability to decline to fill prescriptions in certain circumstances and a description of those circumstances (as described in the materials developed under subsection (a)(1)).

(c) STAKEHOLDER INPUT.—In developing the programs and materials required under subsection (a), the Secretary of Health and Human Services shall seek input from relevant national, State, and local associations, boards of pharmacy, medical societies, licensing boards, health care practitioners, and patients, including individuals with chronic pain.

CHAPTER 3—SAFE DISPOSAL OF UNUSED MEDICATION

Safe Disposal of Unused Medication Act.
21 USC 801 note.

SEC. 3221. SHORT TITLE.

This chapter may be cited as the "Safe Disposal of Unused Medication Act".

SEC. 3222. DISPOSAL OF CONTROLLED SUBSTANCES OF A HOSPICE PATIENT BY EMPLOYEES OF A QUALIFIED HOSPICE PROGRAM.

(a) IN GENERAL.—Subsection (g) of section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

"(5)(A) In the case of a person receiving hospice care, an employee of a qualified hospice program, acting within the scope of employment, may handle, without being registered under this section, any controlled substance that was lawfully dispensed to the person receiving hospice care, for the purpose of disposal of the controlled substance so long as such disposal occurs onsite in accordance with all applicable Federal, State, Tribal, and local law and—

"(i) the disposal occurs after the death of a person receiving hospice care;

"(ii) the controlled substance is expired; or

"(iii)(I) the employee is—

"(aa) the physician of the person receiving hospice care; and

"(bb) registered under section 303(f); and

"(II) the hospice patient no longer requires the controlled substance because the plan of care of the hospice patient has been modified.

"(B) For the purposes of this paragraph:

"(i) The terms 'hospice care' and 'hospice program' have the meanings given to those terms in section 1861(dd) of the Social Security Act.

"(ii) The term 'employee of a qualified hospice program' means a physician, physician assistant, nurse, or other person who—

"(I) is employed by, or pursuant to arrangements made by, a qualified hospice program;

"(II)(aa) is licensed to perform medical or nursing services by the jurisdiction in which the person receiving hospice care was located; and

"(bb) is acting within the scope of such employment in accordance with applicable State law; and

"(III) has completed training through the qualified hospice program regarding the disposal of controlled substances in a secure and responsible manner so as to discourage abuse, misuse, or diversion.

"(iii) The term 'qualified hospice program' means a hospice program that—

"(I) has written policies and procedures for assisting in the disposal of the controlled substances of a person receiving hospice care after the person's death;

"(II) at the time when the controlled substances are first ordered—

"(aa) provides a copy of the written policies and procedures to the patient or patient representative and family;

"(bb) discusses the policies and procedures with the patient or representative and the family in a language and manner that they understand to ensure that these parties are educated regarding the safe disposal of controlled substances; and

"(cc) documents in the patient's clinical record that the written policies and procedures were provided and discussed; and

"(III) at the time following the disposal of the controlled substances—

"(aa) documents in the patient's clinical record the type of controlled substance, dosage, route of administration, and quantity so disposed; and

"(bb) the time, date, and manner in which that disposal occurred.".

(b) GUIDANCE.—The Attorney General may issue guidance to hospice programs (as defined in paragraph (5) of section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)), as added by subsection (a)) to assist the programs in satisfying the requirements under such paragraph (5). 21 USC 822 note.

(c) RULE OF CONSTRUCTION RELATING TO STATE AND LOCAL LAW.—Nothing in this section or the amendments made by this section shall be construed to prevent a State or local government from imposing additional controls or restrictions relating to the regulation of the disposal of controlled substances in hospice care or hospice programs. 21 USC 822 note.

SEC. 3223. GAO STUDY AND REPORT ON HOSPICE SAFE DRUG MANAGEMENT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on the requirements applicable to, and challenges of, hospice programs with regard to the management and disposal of controlled substances in the home of an individual.

(2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall include—

(A) an overview of any challenges encountered by selected hospice programs regarding the disposal of controlled substances, such as opioids, in a home setting, including any key changes in policies, procedures, or best practices for the disposal of controlled substances over time; and

(B) a description of Federal requirements, including requirements under the Medicare program, for hospice programs regarding the disposal of controlled substances in a home setting, and oversight of compliance with those requirements.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations, if any, for such legislation and administrative action as the Comptroller General determines appropriate.

CHAPTER 4—SPECIAL REGISTRATION FOR TELEMEDICINE CLARIFICATION

Special Registration for Telemedicine Clarification Act of 2018.

SEC. 3231. SHORT TITLE.

This chapter may be cited as the "Special Registration for Telemedicine Clarification Act of 2018". 21 USC 801 note.

SEC. 3232. REGULATIONS RELATING TO A SPECIAL REGISTRATION FOR TELEMEDICINE.

Section 311(h)(2) of the Controlled Substances Act (21 U.S.C. 831(h)(2)) is amended to read as follows:

"(2) REGULATIONS.—Not later than 1 year after the date of enactment of the SUPPORT for Patients and Communities Act, in consultation with the Secretary, the Attorney General shall promulgate final regulations specifying—

"(A) the limited circumstances in which a special registration under this subsection may be issued; and

"(B) the procedure for obtaining a special registration under this subsection.".

CHAPTER 5—SYNTHETIC ABUSE AND LABELING OF TOXIC SUBSTANCES

SEC. 3241. CONTROLLED SUBSTANCE ANALOGUES.

Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended—

(1) by striking "A controlled" and inserting "(a) IN GENERAL.—A controlled"; and

(2) by adding at the end the following:

"(b) DETERMINATION.—In determining whether a controlled substance analogue was intended for human consumption under subsection (a), the following factors may be considered, along with any other relevant factors:

"(1) The marketing, advertising, and labeling of the substance.

"(2) The known efficacy or usefulness of the substance for the marketed, advertised, or labeled purpose.

"(3) The difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold.

"(4) The diversion of the substance from legitimate channels and the clandestine importation, manufacture, or distribution of the substance.

"(5) Whether the defendant knew or should have known the substance was intended to be consumed by injection, inhalation, ingestion, or any other immediate means.

"(6) Any controlled substance analogue that is manufactured, formulated, sold, distributed, or marketed with the intent to avoid the provisions of existing drug laws.

"(c) LIMITATION.—For purposes of this section, evidence that a substance was not marketed, advertised, or labeled for human consumption, by itself, shall not be sufficient to establish that the substance was not intended for human consumption.".

CHAPTER 6—ACCESS TO INCREASED DRUG DISPOSAL

Access to Increased Drug Disposal Act of 2018.
21 USC 822a note.

SEC. 3251. SHORT TITLE.

This chapter may be cited as the "Access to Increased Drug Disposal Act of 2018".

SEC. 3252. DEFINITIONS.

In this chapter—

(1) the term "Attorney General" means the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs;

(2) the term "authorized collector" means a narcotic treatment program, a hospital or clinic with an on-site pharmacy, a retail pharmacy, or a reverse distributor, that is authorized as a collector under section 1317.40 of title 21, Code of Federal Regulations (or any successor regulation);

(3) the term "covered grant" means a grant awarded under section 3003; and

(4) the term "eligible collector" means a person who is eligible to be an authorized collector.

SEC. 3253. AUTHORITY TO MAKE GRANTS.

The Attorney General shall award grants to States to enable the States to increase the participation of eligible collectors as authorized collectors.

SEC. 3254. APPLICATION.

A State desiring a covered grant shall submit to the Attorney General an application that, at a minimum—

(1) identifies the single State agency that oversees pharmaceutical care and will be responsible for complying with the requirements of the grant;

(2) details a plan to increase participation rates of eligible collectors as authorized collectors; and

(3) describes how the State will select eligible collectors to be served under the grant.

SEC. 3255. USE OF GRANT FUNDS.

A State that receives a covered grant, and any subrecipient of the grant, may use the grant amounts only for the costs of installation, maintenance, training, purchasing, and disposal of controlled substances associated with the participation of eligible collectors as authorized collectors.

SEC. 3256. ELIGIBILITY FOR GRANT.

The Attorney General shall award a covered grant to 5 States, not less than 3 of which shall be States in the lowest quartile of States based on the participation rate of eligible collectors as authorized collectors, as determined by the Attorney General.

SEC. 3257. DURATION OF GRANTS.

The Attorney General shall determine the period of years for which a covered grant is made to a State.

SEC. 3258. ACCOUNTABILITY AND OVERSIGHT.

A State that receives a covered grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, that—

(1) lists the ultimate recipients of the grant amounts;

(2) describes the activities undertaken by the State using the grant amounts; and

(3) contains performance measures relating to the effectiveness of the grant, including changes in the participation rate of eligible collectors as authorized collectors.

21 USC 822a note.

SEC. 3259. DURATION OF PROGRAM.

The Attorney General may award covered grants for each of the first 5 fiscal years beginning after the date of enactment of this Act.

SEC. 3260. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this chapter.

Using Data To Prevent Opioid Diversion Act of 2018.
21 USC 801 note.

CHAPTER 7—USING DATA TO PREVENT OPIOID DIVERSION

SEC. 3271. SHORT TITLE.

This chapter may be cited as the "Using Data To Prevent Opioid Diversion Act of 2018".

21 USC 827 note.

SEC. 3272. PURPOSE.

(a) IN GENERAL.—The purpose of this chapter is to provide drug manufacturers and distributors with access to anonymized information through the Automated Reports and Consolidated Orders System to help drug manufacturers and distributors identify, report, and stop suspicious orders of opioids and reduce diversion rates.

(b) RULE OF CONSTRUCTION.—Nothing in this chapter should be construed to absolve a drug manufacturer, drug distributor, or other Drug Enforcement Administration registrant from the responsibility of the manufacturer, distributor, or other registrant to—

(1) identify, stop, and report suspicious orders; or

(2) maintain effective controls against diversion in accordance with section 303 of the Controlled Substances Act (21 U.S.C. 823) or any successor law or associated regulation.

SEC. 3273. AMENDMENTS.

(a) RECORDS AND REPORTS OF REGISTRANTS.—Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

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

"(f)(1) The Attorney General shall, not less frequently than quarterly, make the following information available to manufacturer and distributor registrants through the Automated Reports and Consolidated Orders System, or any subsequent automated system developed by the Drug Enforcement Administration to monitor selected controlled substances:

"(A) The total number of distributor registrants that distribute controlled substances to a pharmacy or practitioner registrant, aggregated by the name and address of each pharmacy and practitioner registrant.

"(B) The total quantity and type of opioids distributed, listed by Administration Controlled Substances Code Number, to each pharmacy and practitioner registrant described in subparagraph (A).

"(2) The information required to be made available under paragraph (1) shall be made available not later than the 30th day of the first month following the quarter to which the information relates.

"(3)(A) All registered manufacturers and distributors shall be responsible for reviewing the information made available by the Attorney General under this subsection.

"(B) In determining whether to initiate proceedings under this title against a registered manufacturer or distributor based on the failure of the registrant to maintain effective controls against diversion or otherwise comply with the requirements of this title or the regulations issued thereunder, the Attorney General may take into account that the information made available under this subsection was available to the registrant."; and

(3) by inserting after subsection (i), as so redesignated, the following:

"(j) All of the reports required under this section shall be provided in an electronic format.".

(b) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended by striking subsection (c) and inserting the following:

"(c)(1) The Attorney General shall, once every 6 months, prepare and make available to regulatory, licensing, attorneys general, and law enforcement agencies of States a standardized report containing descriptive and analytic information on the actual distribution patterns, as gathered through the Automated Reports and Consolidated Orders System, or any subsequent automated system, pursuant to section 307 and which includes detailed amounts, outliers, and trends of distributor and pharmacy registrants, in such States for the controlled substances contained in schedule II, which, in the discretion of the Attorney General, are determined to have the highest abuse.

"(2) If the Attorney General publishes the report described in paragraph (1) once every 6 months as required under paragraph (1), nothing in this subsection shall be construed to bring an action in any court to challenge the sufficiency of the information or to compel the Attorney General to produce any documents or reports referred to in this subsection.".

(c) CIVIL AND CRIMINAL PENALTIES.—Section 402 of the Controlled Substances Act (21 U.S.C. 842) is amended—

(1) in subsection (a)—

(A) in paragraph (15), by striking "or" at the end;

(B) in paragraph (16), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (16) the following:

"(17) in the case of a registered manufacturer or distributor of opioids, to fail to review the most recent information, directly related to the customers of the manufacturer or distributor, made available by the Attorney General in accordance with section 307(f).."; and

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B)(i) Except as provided in clause (ii), in the case of a violation of paragraph (5), (10), or (17) of subsection (a), the civil penalty shall not exceed $10,000.

"(ii) In the case of a violation described in clause (i) committed by a registered manufacturer or distributor of opioids and related to the reporting of suspicious orders for opioids, failing to maintain effective controls against diversion of opioids, or failing to review the most recent information made available by the Attorney General

in accordance with section 307(f), the penalty shall not exceed $100,000."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "or (D)" after "subparagraph (B)"; and

(ii) by adding at the end the following:

"(D) In the case of a violation described in subparagraph (A) that was a violation of paragraph (5), (10), or (17) of subsection (a) committed by a registered manufacturer or distributor of opioids that relates to the reporting of suspicious orders for opioids, failing to maintain effective controls against diversion of opioids, or failing to review the most recent information made available by the Attorney General in accordance with section 307(f), the criminal fine under title 18, United States Code, shall not exceed $500,000.".

SEC. 3274. REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report that provides information about how the Attorney General is using data in the Automation of Reports and Consolidated Orders System to identify and stop suspicious activity, including whether the Attorney General is looking at aggregate orders from individual pharmacies to multiple distributors that in total are suspicious, even if no individual order rises to the level of a suspicious order to a given distributor.

CHAPTER 8—OPIOID QUOTA REFORM

Opioid Quota Reform Act.
21 USC 801 note.

SEC. 3281. SHORT TITLE.

This chapter may be cited as the "Opioid Quota Reform Act".

SEC. 3282. STRENGTHENING CONSIDERATIONS FOR DEA OPIOID QUOTAS.

(a) IN GENERAL.—Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) in the second sentence, by striking "Production" and inserting "Except as provided in paragraph (2), production"; and

(C) by adding at the end the following:

"(2) The Attorney General may, if the Attorney General determines it will assist in avoiding the overproduction, shortages, or diversion of a controlled substance, establish an aggregate or individual production quota under this subsection, or a procurement quota established by the Attorney General by regulation, in terms of pharmaceutical dosage forms prepared from or containing the controlled substance.";

(2) in subsection (b), in the first sentence, by striking "production" and inserting "manufacturing";

(3) in subsection (c), by striking "October" and inserting "December"; and

(4) by adding at the end the following:

"(i)(1)(A) In establishing any quota under this section, or any procurement quota established by the Attorney General by regulation, for fentanyl, oxycodone, hydrocodone, oxymorphone, or hydromorphone (in this subsection referred to as a 'covered controlled substance'), the Attorney General shall estimate the amount

of diversion of the covered controlled substance that occurs in the United States.

"(B) In estimating diversion under this paragraph, the Attorney General—

"(i) shall consider information the Attorney General, in consultation with the Secretary of Health and Human Services, determines reliable on rates of overdose deaths and abuse and overall public health impact related to the covered controlled substance in the United States; and

"(ii) may take into consideration whatever other sources of information the Attorney General determines reliable.

"(C) After estimating the amount of diversion of a covered controlled substance, the Attorney General shall make appropriate quota reductions, as determined by the Attorney General, from the quota the Attorney General would have otherwise established had such diversion not been considered.

"(2)(A) For any year for which the approved aggregate production quota for a covered controlled substance is higher than the approved aggregate production quota for the covered controlled substance for the previous year, the Attorney General, in consultation with the Secretary of Health and Human Services, shall include in the final order an explanation of why the public health benefits of increasing the quota clearly outweigh the consequences of having an increased volume of the covered controlled substance available for sale, and potential diversion, in the United States.

"(B) Not later than 1 year after the date of enactment of this subsection, and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate and the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives the following information with regard to each covered controlled substance:

"(i) An anonymized count of the total number of manufacturers issued individual manufacturing quotas that year for the covered controlled substance.

"(ii) An anonymized count of how many such manufacturers were issued an approved manufacturing quota that was higher than the quota issued to that manufacturer for the covered controlled substance in the previous year.

"(3) Not later than 1 year after the date of enactment of this subsection, the Attorney General shall submit to Congress a report on how the Attorney General, when fixing and adjusting production and manufacturing quotas under this section for covered controlled substances, will—

"(A) take into consideration changes in the accepted medical use of the covered controlled substances; and

"(B) work with the Secretary of Health and Human Services on methods to appropriately and anonymously estimate the type and amount of covered controlled substances that are submitted for collection from approved drug collection receptacles, mail-back programs, and take-back events.".

(b) CONFORMING CHANGE.—The Law Revision Counsel is directed to amend the heading for subsection (b) of section 826 of title 21, United States Code, by striking "PRODUCTION" and inserting "MANUFACTURING". 21 USC 826 note.

Preventing Drug Diversion Act of 2018.
21 USC 801 note.

CHAPTER 9—PREVENTING DRUG DIVERSION

SEC. 3291. SHORT TITLE.

This chapter may be cited as the "Preventing Drug Diversion Act of 2018".

SEC. 3292. IMPROVEMENTS TO PREVENT DRUG DIVERSION.

(a) DEFINITION.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

"(57) The term 'suspicious order' may include, but is not limited to—

"(A) an order of a controlled substance of unusual size;

"(B) an order of a controlled substance deviating substantially from a normal pattern; and

"(C) orders of controlled substances of unusual frequency.".

(b) SUSPICIOUS ORDERS.—Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following:

21 USC 832.

"SEC. 312. SUSPICIOUS ORDERS.

"(a) REPORTING.—Each registrant shall—

"(1) design and operate a system to identify suspicious orders for the registrant;

"(2) ensure that the system designed and operated under paragraph (1) by the registrant complies with applicable Federal and State privacy laws; and

"(3) upon discovering a suspicious order or series of orders, notify the Administrator of the Drug Enforcement Administration and the Special Agent in Charge of the Division Office of the Drug Enforcement Administration for the area in which the registrant is located or conducts business.

"(b) SUSPICIOUS ORDER DATABASE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Attorney General shall establish a centralized database for collecting reports of suspicious orders.

"(2) SATISFACTION OF REPORTING REQUIREMENTS.—If a registrant reports a suspicious order to the centralized database established under paragraph (1), the registrant shall be considered to have complied with the requirement under subsection (a)(3) to notify the Administrator of the Drug Enforcement Administration and the Special Agent in Charge of the Division Office of the Drug Enforcement Administration for the area in which the registrant is located or conducts business.

"(c) SHARING INFORMATION WITH THE STATES.—

"(1) IN GENERAL.—The Attorney General shall prepare and make available information regarding suspicious orders in a State, including information in the database established under subsection (b)(1), to the point of contact for purposes of administrative, civil, and criminal oversight relating to the diversion of controlled substances for the State, as designated by the Governor or chief executive officer of the State.

"(2) TIMING.—The Attorney General shall provide information in accordance with paragraph (1) within a reasonable period of time after obtaining the information.

"(3) COORDINATION.—In establishing the process for the provision of information under this subsection, the Attorney General shall coordinate with States to ensure that the Attorney General has access to information, as permitted under State law, possessed by the States relating to prescriptions for controlled substances that will assist in enforcing Federal law.".

(c) REPORTS TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term "suspicious order" has the meaning given that term in section 102 of the Controlled Substances Act, as amended by this chapter.

(2) ONE-TIME REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the reporting of suspicious orders, which shall include—

(A) a description of the centralized database established under section 312 of the Controlled Substances Act, as added by this section, to collect reports of suspicious orders;

(B) a description of the system and reports established under section 312 of the Controlled Substances Act, as added by this section, to share information with States;

(C) information regarding how the Attorney General used reports of suspicious orders before the date of enactment of this Act and after the date of enactment of this Act, including how the Attorney General received the reports and what actions were taken in response to the reports; and

(D) descriptions of the data analyses conducted on reports of suspicious orders to identify, analyze, and stop suspicious activity.

(3) ADDITIONAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the date that is 5 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report providing, for the previous year—

(A) the number of reports of suspicious orders;

(B) a summary of actions taken in response to reports, in the aggregate, of suspicious orders; and

(C) a description of the information shared with States based on reports of suspicious orders.

(4) ONE-TIME GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Administrator of the Drug Enforcement Administration, shall submit to Congress a report on the reporting of suspicious orders, which shall include an evaluation of the utility of real-time reporting of potential suspicious orders of opioids on a national level using computerized algorithms, including the extent to which such algorithms—

(A) would help ensure that potentially suspicious orders are more accurately captured, identified, and reported in real time to suppliers before orders are filled;

(B) may produce false positives of suspicious order reports that could result in market disruptions for legitimate orders of opioids; and

(C) would reduce the overall length of an investigation that prevents the diversion of suspicious orders of opioids.

TITLE IV—OFFSETS

SEC. 4001. PROMOTING VALUE IN MEDICAID MANAGED CARE.

Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)), as amended by sections 1013 and 1016, is further amended by adding at the end the following new paragraph:

"(9)(A) With respect to expenditures described in subparagraph (B) that are incurred by a State for any fiscal year after fiscal year 2020 (and before fiscal year 2024), in determining the pro rata share to which the United States is equitably entitled under subsection (d)(3), the Secretary shall substitute the Federal medical assistance percentage that applies for such fiscal year to the State under section 1905(b) (without regard to any adjustments to such percentage applicable under such section or any other provision of law) for the percentage that applies to such expenditures under section 1905(y).

"(B) Expenditures described in this subparagraph, with respect to a fiscal year to which subparagraph (A) applies, are expenditures incurred by a State for payment for medical assistance provided to individuals described in subclause (VIII) of section 1902(a)(10)(A)(i) by a managed care entity, or other specified entity (as defined in subparagraph (D)(iii)), that are treated as remittances because the State—

"(i) has satisfied the requirement of section 438.8 of title 42, Code of Federal Regulations (or any successor regulation), by electing—

"(I) in the case of a State described in subparagraph (C), to apply a minimum medical loss ratio (as defined in subparagraph (D)(ii)) that is at least 85 percent but not greater than the minimum medical loss ratio (as so defined) that such State applied as of May 31, 2018; or

"(II) in the case of a State not described in subparagraph (C), to apply a minimum medical loss ratio that is equal to 85 percent; and

"(ii) recovered all or a portion of the expenditures as a result of the entity's failure to meet such ratio.

"(C) For purposes of subparagraph (B), a State described in this subparagraph is a State that as of May 31, 2018, applied a minimum medical loss ratio (as calculated under subsection (d) of section 438.8 of title 42, Code of Federal Regulations (as in effect on June 1, 2018)) for payment for services provided by entities described in such subparagraph under the State plan under this title (or a waiver of the plan) that is equal to or greater than 85 percent.

"(D) For purposes of this paragraph:

"(i) The term 'managed care entity' means a medicaid managed care organization described in section 1932(a)(1)(B)(i).

"(ii) The term 'minimum medical loss ratio' means, with respect to a State, a minimum medical loss ratio (as calculated under subsection (d) of section 438.8 of title 42, Code of Federal Regulations (as in effect on June 1, 2018)) for payment for services provided by entities described in subparagraph (B) under the State plan under this title (or a waiver of the plan).

"(iii) The term 'other specified entity' means—

"(I) a prepaid inpatient health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation); and

"(II) a prepaid ambulatory health plan, as defined in such section (or any successor regulation).".

SEC. 4002. REQUIRING REPORTING BY GROUP HEALTH PLANS OF PRESCRIPTION DRUG COVERAGE INFORMATION FOR PURPOSES OF IDENTIFYING PRIMARY PAYER SITUATIONS UNDER THE MEDICARE PROGRAM.

Clause (i) of section 1862(b)(7)(A) of the Social Security Act (42 U.S.C. 1395y(b)(7)(A)) is amended to read as follows:

"(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been—

"(I) a primary plan to the program under this title; or

"(II) for calendar quarters beginning on or after January 1, 2020, a primary payer with respect to benefits relating to prescription drug coverage under part D; and".

SEC. 4003. ADDITIONAL RELIGIOUS EXEMPTION FROM HEALTH COVERAGE RESPONSIBILITY REQUIREMENT.

(a) IN GENERAL.—Section 5000A(d)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) RELIGIOUS CONSCIENCE EXEMPTIONS.—

"(i) IN GENERAL.—Such term shall not include any individual for any month if such individual has in effect an exemption under section 1311(d)(4)(H) of the Patient Protection and Affordable Care Act which certifies that—

"(I) such individual is a member of a recognized religious sect or division thereof which is described in section 1402(g)(1), and is adherent of established tenets or teachings of such sect or division as described in such section; or

"(II) such individual is a member of a religious sect or division thereof which is not described in section 1402(g)(1), who relies solely on a religious method of healing, and for whom the acceptance of medical health services would be inconsistent with the religious beliefs of the individual.

"(ii) SPECIAL RULES.—

"(I) MEDICAL HEALTH SERVICES DEFINED.—For purposes of this subparagraph, the term 'medical health services' does not include routine dental, vision and hearing services, midwifery services, vaccinations, necessary medical services provided to children, services required by law or by a third party, and such other services as the Secretary of Health and Human Services may provide in implementing section 1311(d)(4)(H) of the Patient Protection and Affordable Care Act.

"(II) ATTESTATION REQUIRED.—Clause (i)(II) shall apply to an individual for months in a taxable

year only if the information provided by the individual under section 1411(b)(5)(A) of such Act includes an attestation that the individual has not received medical health services during the preceding taxable year.".

26 USC 5000A note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2018.

26 USC 5000A note.

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall preempt any State law requiring the provision of medical treatment for children, especially those who are seriously ill.

SEC. 4004. MODERNIZING THE REPORTING OF BIOLOGICAL AND BIOSIMILAR PRODUCTS.

Subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

21 USC 355 note.

(1) in section 1111, as amended by section 3(1) of the Patient Right to Know Drug Prices Act—

(A) in the paragraph (3) inserted by such section 3(1), by striking "an application" and inserting "a biosimilar biological product application";

(B) in the paragraph (4) inserted by such section 3(1), by inserting "application" before "under section 351(k) of the Public Health Service Act";

(C) in the paragraph (5) inserted by such section 3(1), by striking "for licensure of a biological product under section 351(k) of the Public Health Service Act" and inserting "under section 351(k) of the Public Health Service Act for licensure of a biological product as biosimilar to, or interchangeable with, a reference product";

(D) in paragraph (7), as redesignated and amended by such section 3(1), by striking "or under section 351(a) of the Public Health Service Act" and inserting "or the owner, or exclusive licensee, of a patent included in a list provided under section 351(l)(3) of the Public Health Service Act"; and

(E) in the paragraph (12) added by such section 3(1), by striking "means a brand name drug for which a license is in effect under section 351(a)" and inserting "has the meaning given such term in section 351(i)"; and

(2) in section 1112, as amended by section 3(2) of the Patient Right to Know Drug Prices Act—

(A) in subsection (a)—

(i) in paragraph (1), by striking "for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided";

(ii) in paragraph (2)—

(I) in subparagraph (C)(i), by striking "brand name" and inserting "listed"; and

(II) by amending clause (ii) of subparagraph (C) to read as follows:

"(ii) any of the time periods referred to in section 351(k)(6) of the Public Health Service Act as such period applies to such biosimilar biological product application or to any other biosimilar biological product application based on the same reference product.";

(B) in subsection (b)—

(i) in the subsection heading, by inserting "OR BIOSIMILAR BIOLOGICAL PRODUCT APPLICANT" after "APPLICANT";

(ii) in paragraph (1)(B), by striking the first sentence and inserting the following: "A biosimilar biological product applicant that has submitted a biosimilar biological product application that references a reference product and another biosimilar biological product applicant that has submitted a biosimilar biological product application that references the same reference product shall each file the agreement in accordance with subsection (c)."; and

(iii) in paragraph (2)—

(I) by striking "2 generic drug applicants" and inserting "2 or more generic drug applicants"; and

(II) by striking "or an agreement between 2 biosimilar biological product applicants regarding the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to the biosimilar biological product applications with which the agreement is concerned" and inserting ", an agreement between 2 or more biosimilar biological product applicants regarding a time period referred to in section 351(k)(6) of the Public Health Service Act as it applies to the biosimilar biological product, or an agreement between 2 or more biosimilar biological product applicants regarding the manufacture, marketing, or sale of a biosimilar biological product"; and

(C) in subsection (c)(2), by inserting "were entered into within 30 days of," after "condition for,".

TITLE V—OTHER MEDICAID PROVISIONS

Subtitle A—Mandatory Reporting With Respect to Adult Behavioral Health Measures

SEC. 5001. MANDATORY REPORTING WITH RESPECT TO ADULT BEHAVIORAL HEALTH MEASURES.

Section 1139B of the Social Security Act (42 U.S.C. 1320b–9b) is amended—

(1) in subsection (b)—

(A) in paragraph (3)—

(i) by striking "Not later than January 1, 2013" and inserting the following:

"(A) VOLUNTARY REPORTING.—Not later than January 1, 2013"; and

(ii) by adding at the end the following:

"(B) MANDATORY REPORTING WITH RESPECT TO BEHAVIORAL HEALTH MEASURES.—Beginning with the State report required under subsection (d)(1) for 2024, the Secretary

shall require States to use all behavioral health measures included in the core set of adult health quality measures and any updates or changes to such measures to report information, using the standardized format for reporting information and procedures developed under subparagraph (A), regarding the quality of behavioral health care for Medicaid eligible adults."; and

(B) in paragraph (5), by adding at the end the following new subparagraph:

"(C) BEHAVIORAL HEALTH MEASURES.—Beginning with respect to State reports required under subsection (d)(1) for 2024, the core set of adult health quality measures maintained under this paragraph (and any updates or changes to such measures) shall include behavioral health measures."; and

(2) in subsection (d)(1)(A)—

(A) by striking "the such plan" and inserting "such plan"; and

(B) by striking "subsection (a)(5)" and inserting "subsection (b)(5) and, beginning with the report for 2024, all behavioral health measures included in the core set of adult health quality measures maintained under such subsection (b)(5) and any updates or changes to such measures (as required under subsection (b)(3))".

Subtitle B—Medicaid IMD Additional Info

Medicaid Institutes for Mental Disease Are Decisive in Delivering Inpatient Treatment for Individuals but Opportunities for Needed Access are Limited without Information Needed about Facility Obligations Act.

SEC. 5011. SHORT TITLE.

This subtitle may be cited as the "Medicaid Institutes for Mental Disease Are Decisive in Delivering Inpatient Treatment for Individuals but Opportunities for Needed Access are Limited without Information Needed about Facility Obligations Act" or the "Medicaid IMD ADDITIONAL INFO Act".

SEC. 5012. MACPAC EXPLORATORY STUDY AND REPORT ON INSTITUTIONS FOR MENTAL DISEASES REQUIREMENTS AND PRACTICES UNDER MEDICAID.

(a) IN GENERAL.—Not later than January 1, 2020, the Medicaid and CHIP Payment and Access Commission established under section 1900 of the Social Security Act (42 U.S.C. 1396) shall conduct an exploratory study, using data from a representative sample of States, and submit to Congress a report on at least the following information, with respect to services furnished to individuals enrolled under State plans under the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.) (or waivers of such plans) who are patients in institutions for mental diseases and for which payment is made through fee-for-service or managed care arrangements under such State plans (or waivers):

(1) A description of such institutions for mental diseases in each such State, including at a minimum—

(A) the number of such institutions in the State;

(B) the facility type of such institutions in the State; and

(C) any coverage limitations under each such State plan (or waiver) on scope, duration, or frequency of such services.

(2) With respect to each such institution for mental diseases in each such State, a description of—

(A) such services provided at such institution;

(B) the process, including any timeframe, used by such institution to clinically assess and reassess such individuals; and

(C) the discharge process used by such institution, including any care continuum of relevant services or facilities provided or used in such process.

(3) A description of—

(A) any Federal waiver that each such State has for such institutions and the Federal statutory authority for such waiver; and

(B) any other Medicaid funding sources used by each such State for funding such institutions, such as supplemental payments.

(4) A summary of State requirements (such as certification, licensure, and accreditation) applied by each such State to such institutions in order for such institutions to receive payment under the State plan (or waiver) and how each such State determines if such requirements have been met.

(5) A summary of State standards (such as quality standards, clinical standards, and facility standards) that such institutions must meet to receive payment under such State plans (or waivers) and how each such State determines if such standards have been met.

(6) If determined appropriate by the Commission, recommendations for policies and actions by Congress and the Centers for Medicare & Medicaid Services, such as on how State Medicaid programs may improve care and improve standards and including a recommendation for how the Centers for Medicare & Medicaid Services can improve data collection from such programs to address any gaps in information.

(b) STAKEHOLDER INPUT.—In carrying out subsection (a), the Medicaid and CHIP Payment and Access Commission shall seek input from State Medicaid directors and stakeholders, including at a minimum the Substance Abuse and Mental Health Services Administration, Centers for Medicare & Medicaid Services, State Medicaid officials, State mental health authorities, Medicaid beneficiary advocates, health care providers, and Medicaid managed care organizations.

(c) DEFINITIONS.—In this section:

(1) REPRESENTATIVE SAMPLE OF STATES.—The term "representative sample of States" means a non-probability sample in which at least two States are selected based on the knowledge and professional judgment of the selector.

(2) STATE.—The term "State" means each of the 50 States, the District of Columbia, and any commonwealth or territory of the United States.

(3) INSTITUTION FOR MENTAL DISEASES.—The term "institution for mental diseases" has the meaning given such term in section 435.1010 of title 42, Code of Federal Regulations, or any successor regulation.

CHIP Mental Health and Substance Use Disorder Parity Act.
42 USC 1305 note.

Subtitle C—CHIP Mental Health and Substance Use Disorder Parity

SEC. 5021. SHORT TITLE.

This subtitle may be cited as the "CHIP Mental Health and Substance Use Disorder Parity Act".

SEC. 5022. ENSURING ACCESS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES FOR CHILDREN AND PREGNANT WOMEN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) IN GENERAL.—Section 2103(c)(1) of the Social Security Act (42 U.S.C. 1397cc(c)(1)) is amended by adding at the end the following new subparagraph:

"(E) Mental health and substance use disorder services (as defined in paragraph (5)).".

(b) MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES.—Regardless of the type of coverage elected by a State under subsection (a), child health assistance provided under such coverage for targeted low-income children and, in the case that the State elects to provide pregnancy-related assistance under such coverage pursuant to section 2112, such pregnancy-related assistance for targeted low-income pregnant women (as defined in section 2112(d)) shall—

"(A) include coverage of mental health services (including behavioral health treatment) necessary to prevent, diagnose, and treat a broad range of mental health symptoms and disorders, including substance use disorders; and

"(B) be delivered in a culturally and linguistically appropriate manner.".

(2) CONFORMING AMENDMENTS.—

(A) Section 2103(a) of the Social Security Act (42 U.S.C. 1397cc(a)) is amended, in the matter before paragraph (1), by striking "paragraphs (5), (6), and (7)" and inserting "paragraphs (5), (6), (7), and (8)".

(B) Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)) is amended—

(i) in paragraph (18), by striking "substance abuse" each place it appears and inserting "substance use"; and

(ii) in paragraph (19), by striking "substance abuse" and inserting "substance use".

(C) Section 2110(b)(5)(A)(i) of the Social Security Act (42 U.S.C. 1397jj(b)(5)(A)(i)) is amended by striking "subsection (c)(5)" and inserting "subsection (c)(6)".

(c) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) of the Social Security Act (42 U.S.C. 1397bb(c)(2)) is amended by striking

"section 2103(c)(5)" and inserting "paragraphs (5) and (6) of section 2103(c)".

(d) MENTAL HEALTH SERVICES PARITY.—Subparagraph (A) of paragraph (7) of section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) (as redesignated by subsection (b)(1)) is amended to read as follows:

"(A) IN GENERAL.—A State child health plan shall ensure that the financial requirements and treatment limitations applicable to mental health and substance use disorder services (as described in paragraph (5)) provided under such plan comply with the requirements of section 2726(a) of the Public Health Service Act in the same manner as such requirements or limitations apply to a group health plan under such section.".

(e) EFFECTIVE DATE.— 42 USC 1397bb note.

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect with respect to child health assistance provided on or after the date that is 1 year after the date of the enactment of this Act.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State child health plan under title XXI of the Social Security Act (or a waiver of such plan), which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan (or waiver) to meet any requirement imposed by the amendments made by this section, the respective plan (or waiver) shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this section. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

Subtitle D—Medicaid Reentry

Medicaid Reentry Act.

SEC. 5031. SHORT TITLE. 42 USC 1396a note.

This subtitle may be cited as the "Medicaid Reentry Act".

SEC. 5032. PROMOTING STATE INNOVATIONS TO EASE TRANSITIONS INTEGRATION TO THE COMMUNITY FOR CERTAIN INDIVIDUALS. 42 USC 1396a note.

(a) STAKEHOLDER GROUP DEVELOPMENT OF BEST PRACTICES; STATE MEDICAID PROGRAM INNOVATION.—

(1) STAKEHOLDER GROUP BEST PRACTICES.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall convene a stakeholder group of representatives of managed care organizations, Medicaid beneficiaries, health care providers, the National Association of Medicaid Directors, and other relevant representatives from local, State, and Federal jail and prison systems to develop best practices (and submit to the Secretary and Congress a report on such best practices) for States—

(A) to ease the health care-related transition of an individual who is an inmate of a public institution from the public institution to the community, including best practices for ensuring continuity of health insurance coverage or coverage under the State Medicaid plan under title XIX of the Social Security Act, as applicable, and relevant social services; and

(B) to carry out, with respect to such an individual, such health care-related transition not later than 30 days after such individual is released from the public institution.

(2) STATE MEDICAID PROGRAM INNOVATION.—The Secretary of Health and Human Services shall work with States on innovative strategies to help individuals who are inmates of public institutions and otherwise eligible for medical assistance under the Medicaid program under title XIX of the Social Security Act transition, with respect to enrollment for medical assistance under such program, seamlessly to the community.

(b) GUIDANCE ON INNOVATIVE SERVICE DELIVERY SYSTEMS DEMONSTRATION PROJECT OPPORTUNITIES.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Administrator of the Centers for Medicare & Medicaid Services, shall issue a State Medicaid Director letter, based on best practices developed under subsection (a)(1), regarding opportunities to design demonstration projects under section 1115 of the Social Security Act (42 U.S.C. 1315) to improve care transitions for certain individuals who are soon-to-be former inmates of a public institution and who are otherwise eligible to receive medical assistance under title XIX of such Act, including systems for, with respect to a period (not to exceed 30 days) immediately prior to the day on which such individuals are expected to be released from such institution—

(1) providing assistance and education for enrollment under a State plan under the Medicaid program under title XIX of such Act for such individuals during such period; and

(2) providing health care services for such individuals during such period.

(c) RULE OF CONSTRUCTION.—Nothing under title XIX of the Social Security Act or any other provision of law precludes a State from reclassifying or suspending (rather than terminating) eligibility of an individual for medical assistance under title XIX of the Social Security Act while such individual is an inmate of a public institution.

Subtitle E—Medicaid Partnership

Medicaid Providers Are Required To Note Experiences in Record Systems to Help In-need Patients Act. 42 USC 1305 note.

SEC. 5041. SHORT TITLE.

This subtitle may be cited as the "Medicaid Providers Are Required To Note Experiences in Record Systems to Help In-need Patients Act" or the "Medicaid PARTNERSHIP Act".

SEC. 5042. MEDICAID PROVIDERS ARE REQUIRED TO NOTE EXPERIENCES IN RECORD SYSTEMS TO HELP IN-NEED PATIENTS.

(a) REQUIREMENTS UNDER THE MEDICAID PROGRAM RELATING TO QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAMS AND PRESCRIBING CERTAIN CONTROLLED SUBSTANCES.—Title XIX of the

Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1943 the following new section:

"SEC. 1944. REQUIREMENTS RELATING TO QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAMS AND PRESCRIBING CERTAIN CONTROLLED SUBSTANCES.

42 USC 1396w–3a.

"(a) IN GENERAL.—Subject to subsection (d), beginning October 1, 2021, a State—

"(1) shall require each covered provider to check, in accordance with such timing, manner, and form as specified by the State, the prescription drug history of a covered individual being treated by the covered provider through a qualified prescription drug monitoring program described in subsection (b) before prescribing to such individual a controlled substance; and

"(2) in the case that such a provider is not able to conduct such a check despite a good faith effort by such provider—

"(A) shall require the provider to document such good faith effort, including the reasons why the provider was not able to conduct the check; and

"(B) may require the provider to submit, upon request, such documentation to the State.

"(b) QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAM DESCRIBED.—A qualified prescription drug monitoring program described in this subsection is, with respect to a State, a prescription drug monitoring program administered by the State that, at a minimum, satisfies each of the following criteria:

"(1) The program facilitates access by a covered provider to, at a minimum, the following information with respect to a covered individual, in as close to real-time as possible:

"(A) Information regarding the prescription drug history of a covered individual with respect to controlled substances.

"(B) The number and type of controlled substances prescribed to and filled for the covered individual during at least the most recent 12-month period.

"(C) The name, location, and contact information (or other identifying number selected by the State, such as a national provider identifier issued by the National Plan and Provider Enumeration System of the Centers for Medicare & Medicaid Services) of each covered provider who prescribed a controlled substance to the covered individual during at least the most recent 12-month period.

"(2) The program facilitates the integration of information described in paragraph (1) into the workflow of a covered provider, which may include the electronic system the covered provider uses to prescribe controlled substances.

A qualified prescription drug monitoring program described in this subsection, with respect to a State, may have in place, in accordance with applicable State and Federal law, a data-sharing agreement with the State Medicaid program that allows the medical director and pharmacy director of such program (and any designee of such a director who reports directly to such director) to access the information described in paragraph (1) in an electronic format. The State Medicaid program under this title may facilitate reasonable and limited access, as determined by the State and ensuring documented beneficiary protections regarding the use of such data,

to such qualified prescription drug monitoring program for the medical director or pharmacy director of any managed care entity (as defined under section 1932(a)(1)(B)) that has a contract with the State under section 1903(m) or under section 1905(t)(3), or the medical director or pharmacy director of any entity that has a contract to manage the pharmaceutical benefit with respect to individuals enrolled in the State plan (or under a waiver of the State plan). All applicable State and Federal security and privacy laws shall apply to the directors or designees of such directors of any State Medicaid program or entity accessing a qualified prescription drug monitoring program under this section.

"(c) APPLICATION OF PRIVACY RULES CLARIFICATION.—The Secretary shall clarify privacy requirements, including requirements under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), related to the sharing of data under subsection (b) in the same manner as the Secretary is required under subparagraph (J) of section 1860D–4(c)(5) to clarify privacy requirements related to the sharing of data described in such subparagraph.

"(d) ENSURING ACCESS.—In order to ensure reasonable access to health care, the Secretary shall waive the application of the requirement under subsection (a), with respect to a State, in the case of natural disasters and similar situations, and in the case of the provision of emergency services (as defined for purposes of section 1860D–4(c)(5)(D)(ii)(II)).

"(e) REPORTS.—

"(1) STATE REPORTS.—Each State shall include in the annual report submitted to the Secretary under section 1927(g)(3)(D), beginning with such reports submitted for 2023, information including, at a minimum, the following information for the most recent 12-month period:

"(A) The percentage of covered providers (as determined pursuant to a process established by the State) who checked the prescription drug history of a covered individual through a qualified prescription drug monitoring program described in subsection (b) before prescribing to such individual a controlled substance.

"(B) Aggregate trends with respect to prescribing controlled substances such as—

"(i) the quantity of daily morphine milligram equivalents prescribed for controlled substances;

"(ii) the number and quantity of daily morphine milligram equivalents prescribed for controlled substances per covered individual; and

"(iii) the types of controlled substances prescribed, including the dates of such prescriptions, the supplies authorized (including the duration of such supplies), and the period of validity of such prescriptions, in different populations (such as individuals who are elderly, individuals with disabilities, and individuals who are enrolled under both this title and title XVIII).

"(C) Whether or not the State requires (and a detailed explanation as to why the State does or does not require) pharmacists to check the prescription drug history of a covered individual through a qualified prescription drug

monitoring program described in subsection (b) before dispensing a controlled substance to such individual.

"(D) An accounting of any data or privacy breach of a qualified prescription drug monitoring program described in subsection (b), the number of covered individuals impacted by each such breach, and a description of the steps the State has taken to address each such breach, including, to the extent required by State or Federal law or otherwise determined appropriate by the State, alerting any such impacted individual and law enforcement of the breach.

"(2) REPORT BY CMS.—Not later than October 1, 2023, the Administrator of the Centers for Medicare & Medicaid Services shall publish on the publicly available website of the Centers for Medicare & Medicaid Services a report including the following information:

"(A) Guidance for States on how States can increase the percentage of covered providers who use qualified prescription drug monitoring programs described in subsection (b).

"(B) Best practices for how States and covered providers should use such qualified prescription drug monitoring programs to reduce the occurrence of abuse of controlled substances.

"(f) INCREASE TO FMAP AND FEDERAL MATCHING RATES FOR CERTAIN EXPENDITURES RELATING TO QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAMS.—

"(1) IN GENERAL.—With respect to a State that meets the condition described in paragraph (2) and any quarter occurring during fiscal year 2019 or fiscal year 2020, the Federal medical assistance percentage or Federal matching rate that would otherwise apply to such State under section 1903(a) for such quarter, with respect to expenditures by the State for activities under the State plan (or a waiver of such plan) to design, develop, or implement a prescription drug monitoring program (and to make connections to such program) that satisfies the criteria described in paragraphs (1) and (2) of subsection (b), shall be equal to 100 percent.

"(2) CONDITION.—The condition described in this paragraph, with respect to a State, is that the State (in this paragraph referred to as the 'administering State') has in place agreements with all States that are contiguous to such administering State that, when combined, enable covered providers in all such contiguous States to access, through the prescription drug monitoring program, the information that is described in subsection (b)(1) of covered individuals of such administering State and that covered providers in such administering State are able to access through such program.

"(g) RULE OF CONSTRUCTION.—Nothing in this section prevents a State from requiring pharmacists to check the prescription drug history of covered individuals through a qualified prescription drug monitoring program before dispensing controlled substances to such individuals.

"(h) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug that is included in schedule II of section 202(c) of the Controlled Substances Act and, at the option

of the State involved, a drug included in schedule III or IV of such section.

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means, with respect to a State, an individual who is enrolled in the State plan (or under a waiver of such plan). Such term does not include an individual who—

"(A) is receiving—

"(i) hospice or palliative care; or

"(ii) treatment for cancer;

"(B) is a resident of a long-term care facility, of a facility described in section 1905(d), or of another facility for which frequently abused drugs are dispensed for residents through a contract with a single pharmacy; or

"(C) the State elects to treat as exempted from such term.

"(3) COVERED PROVIDER.—

"(A) IN GENERAL.—The term 'covered provider' means, subject to subparagraph (B), with respect to a State, a health care provider who is participating under the State plan (or waiver of the State plan) and licensed, registered, or otherwise permitted by the State to prescribe a controlled substance (or the designee of such provider).

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—Beginning October 1, 2021, for purposes of this section, such term does not include a health care provider included in any type of health care provider determined by the Secretary to be exempt from application of this section under clause (ii).

"(ii) EXCEPTIONS PROCESS.—Not later than October 1, 2020, the Secretary, after consultation with the National Association of Medicaid Directors, national health care provider associations, Medicaid beneficiary advocates, and advocates for individuals with rare diseases, shall determine, based on such consultations, the types of health care providers (if any) that should be exempted from the definition of the term 'covered provider' for purposes of this section.".

42 USC 1396w–3a note.

(b) GUIDANCE.—Not later than October 1, 2019, the Administrator of the Centers for Medicare & Medicaid Services, in consultation with the Director of the Centers for Disease Control and Prevention, shall issue guidance on best practices on the uses of prescription drug monitoring programs required of prescribers and on protecting the privacy of Medicaid beneficiary information maintained in and accessed through prescription drug monitoring programs.

42 USC 1396w–3a note.

(c) DEVELOPMENT OF MODEL STATE PRACTICES.—

(1) IN GENERAL.—Not later than October 1, 2020, the Secretary of Health and Human Services shall develop and publish model practices to assist State Medicaid program operations in identifying and implementing strategies to utilize data-sharing agreements described in the matter following paragraph (2) of section 1944(b) of the Social Security Act, as added by subsection (a), for the following purposes:

(A) Monitoring and preventing fraud, waste, and abuse.

(B) Improving health care for individuals enrolled in a State plan under title XIX of such Act (or under a waiver of such plan) who—

(i) transition in and out of coverage under such title;

(ii) may have sources of health care coverage in addition to coverage under such title; or

(iii) pay for prescription drugs with cash.

(C) Any other purposes specified by the Secretary.

(2) ELEMENTS OF MODEL PRACTICES.—The model practices described in paragraph (1)—

(A) shall include strategies for assisting States in allowing the medical director or pharmacy director (or designees of such a director) of managed care organizations or pharmaceutical benefit managers to access information with respect to all covered individuals served by such managed care organizations or pharmaceutical benefit managers to access as a single data set, in an electronic format; and

(B) shall include any appropriate beneficiary protections and privacy guidelines.

(3) CONSULTATION.—In developing model practices under this subsection, the Secretary shall consult with the National Association of Medicaid Directors, managed care entities (as defined in section 1932(a)(1)(B) of the Social Security Act) with contracts with States pursuant to section 1903(m) of such Act, pharmaceutical benefit managers, physicians and other health care providers, beneficiary advocates, and individuals with expertise in health care technology related to prescription drug monitoring programs and electronic health records.

(d) REPORT BY COMPTROLLER GENERAL.—Not later than October 1, 2020, the Comptroller General of the United States shall issue a report examining the operation of prescription drug monitoring programs administered by States, including data security and access standards used by such programs.

Subtitle F—IMD CARE Act

Individuals in Medicaid Deserve Care that is Appropriate and Responsible in its Execution Act. 42 USC 1305 note.

SEC. 5051. SHORT TITLE.

This title may be cited as the "Individuals in Medicaid Deserve Care that is Appropriate and Responsible in its Execution Act" or the "IMD CARE Act".

SEC. 5052. STATE OPTION TO PROVIDE MEDICAID COVERAGE FOR CERTAIN INDIVIDUALS WITH SUBSTANCE USE DISORDERS WHO ARE PATIENTS IN CERTAIN INSTITUTIONS FOR MENTAL DISEASES.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by preceding sections of this Act, is further amended—

(1) in section 1905(a), in the subdivision (B) that follows paragraph (30), by inserting "(except in the case of services provided under a State plan amendment described in section 1915(l))" before the period; and

(2) in section 1915, by adding at the end the following new subsection:

"(l) STATE PLAN AMENDMENT OPTION TO PROVIDE MEDICAL ASSISTANCE FOR CERTAIN INDIVIDUALS WHO ARE PATIENTS IN CERTAIN INSTITUTIONS FOR MENTAL DISEASES.—

"(1) IN GENERAL.—With respect to calendar quarters beginning during the period beginning October 1, 2019, and ending September 30, 2023, a State may elect, through a State plan amendment, to provide medical assistance for items and services furnished to an eligible individual who is a patient in an eligible institution for mental diseases in accordance with the requirements of this subsection.

"(2) PAYMENTS.—Subject to paragraphs (3) and (4), amounts expended under a State plan amendment under paragraph (1) for services described in such paragraph furnished, with respect to a 12-month period, to an eligible individual who is a patient in an eligible institution for mental diseases shall be treated as medical assistance for which payment is made under section 1903(a) but only to the extent that such services are furnished for not more than a period of 30 days (whether or not consecutive) during such 12-month period.

"(3) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—As a condition for a State receiving payments under section 1903(a) for medical assistance provided in accordance with this subsection, the State shall (during the period in which it so furnished such medical assistance through a State plan amendment under this subsection) maintain on an annual basis a level of funding expended by the State (and political subdivisions thereof) other than under this title from non-Federal funds for—

"(i) items and services furnished to eligible individuals who are patients in eligible institutions for mental diseases that is not less than the level of such funding for such items and services for the most recently ended fiscal year as of the date of enactment of this subsection or, if higher, for the most recently ended fiscal year as of the date the State submits a State plan amendment to the Secretary to provide such medical assistance in accordance with this subsection; and

"(ii) items and services (including services described in subparagraph (B)) furnished to eligible individuals in outpatient and community-based settings that is not less than the level of such funding for such items and services for the most recently ended fiscal year as of the date of enactment of this subsection or, if higher, for the most recently ended fiscal year as of the date the State submits a State plan amendment to the Secretary to provide such medical assistance in accordance with this subsection.

"(B) SERVICES DESCRIBED.—For purposes of subparagraph (A)(ii), services described in this subparagraph are the following:

"(i) Outpatient and community-based substance use disorder treatment.

"(ii) Evidence-based recovery and support services.

"(iii) Clinically-directed therapeutic treatment to facilitate recovery skills, relapse prevention, and emotional coping strategies.

"(iv) Outpatient medication-assisted treatment, related therapies, and pharmacology.

"(v) Counseling and clinical monitoring.

"(vi) Outpatient withdrawal management and related treatment designed to alleviate acute emotional, behavioral, cognitive, or biomedical distress resulting from, or occurring with, an individual's use of alcohol and other drugs.

"(vii) Routine monitoring of medication adherence.

"(viii) Other outpatient and community-based services for the treatment of substance use disorders, as designated by the Secretary.

"(C) STATE REPORTING REQUIREMENT.—

"(i) IN GENERAL.—Prior to approval of a State plan amendment under this subsection, as a condition for a State receiving payments under section 1903(a) for medical assistance provided in accordance with this subsection, the State shall report to the Secretary, in accordance with the process established by the Secretary under clause (ii), the information deemed necessary by the Secretary under such clause.

"(ii) PROCESS.—Not later than the date that is 8 months after the date of enactment of this subsection, the Secretary shall establish a process for States to report to the Secretary, at such time and in such manner as the Secretary deems appropriate, such information as the Secretary deems necessary to verify a State's compliance with subparagraph (A).

"(4) ENSURING A CONTINUUM OF SERVICES.—

"(A) IN GENERAL.—As a condition for a State receiving payments under section 1903(a) for medical assistance provided in accordance with this subsection, the State shall carry out each of the requirements described in subparagraphs (B) through (D).

"(B) NOTIFICATION.—Prior to approval of a State plan amendment under this subsection, the State shall notify the Secretary of how the State will ensure that eligible individuals receive appropriate evidence-based clinical screening prior to being furnished with items and services in an eligible institution for mental diseases, including initial and periodic assessments to determine the appropriate level of care, length of stay, and setting for such care for each individual.

"(C) OUTPATIENT SERVICES; INPATIENT AND RESIDENTIAL SERVICES.—

"(i) OUTPATIENT SERVICES.—The State shall, at a minimum, provide medical assistance for services that could otherwise be covered under the State plan, consistent with each of the following outpatient levels of care:

"(I) Early intervention for individuals who, for a known reason, are at risk of developing substance-related problems and for individuals for whom there is not yet sufficient information to document a diagnosable substance use disorder.

"(II) Outpatient services for less than 9 hours per week for adults, and for less than 6 hours per week for adolescents, for recovery or motivational enhancement therapies and strategies.

"(III) Intensive outpatient services for 9 hours or more per week for adults, and for 6 hours or more per week for adolescents, to treat multidimensional instability.

"(IV) Partial hospitalization services for 20 hours or more per week for adults and adolescents to treat multidimensional instability that does not require 24-hour care.

"(ii) INPATIENT AND RESIDENTIAL SERVICES.—The State shall provide medical assistance for services that could otherwise be covered under the State plan, consistent with at least 2 of the following inpatient and residential levels of care:

"(I) Clinically managed, low-intensity residential services that provide adults and adolescents with 24-hour living support and structure with trained personnel and at least 5 hours of clinical service per week per individual.

"(II) Clinically managed, population-specific, high-intensity residential services that provide adults with 24-hour care with trained counselors to stabilize multidimensional imminent danger along with less intense milieu and group treatment for those with cognitive or other impairments unable to use full active milieu or therapeutic community.

"(III) Clinically managed, medium-intensity residential services for adolescents, and clinically managed, high-intensity residential services for adults, that provide 24-hour care with trained counselors to stabilize multidimensional imminent danger and preparation for outpatient treatment.

"(IV) Medically monitored, high-intensity inpatient services for adolescents, and medically monitored, intensive inpatient services withdrawal management for adults, that provide 24-hour nursing care, make physicians available for significant problems in Dimensions 1, 2, or 3, and provide counseling services 16 hours per day.

"(V) Medically managed, intensive inpatient services for adolescents and adults that provide 24-hour nursing care and daily physician care for severe, unstable problems in Dimensions 1, 2 or 3.

"(D) TRANSITION OF CARE.—In order to ensure an appropriate transition for an eligible individual from receiving care in an eligible institution for mental diseases to receiving care at a lower level of clinical intensity within the continuum of care (including outpatient services), the State shall ensure that—

"(i) a placement in such eligible institution for mental diseases would allow for an eligible individual's successful transition to the community, considering such factors as proximity to an individual's support network (such as family members, employment, and counseling and other services near an individual's residence); and

"(ii) all eligible institutions for mental diseases that furnish items and services to individuals for which medical assistance is provided under the State plan—

"(I) are able to provide care at such lower level of clinical intensity; or

"(II) have an established relationship with another facility or provider that is able to provide care at such lower level of clinical intensity and accepts patients receiving medical assistance under this title under which the eligible institution for mental diseases may arrange for individuals to receive such care from such other facility or provider.

"(5) APPLICATION TO MANAGED CARE.—Payments for, and limitations to, medical assistance furnished in accordance with this subsection shall be in addition to and shall not be construed to limit or supersede the ability of States to make monthly capitation payments to managed care organizations for individuals receiving treatment in institutions for mental diseases in accordance with section 438.6(e) of title 42, Code of Federal Regulations (or any successor regulation).

"(6) OTHER MEDICAL ASSISTANCE.—The provision of medical assistance for items and services furnished to an eligible individual who is a patient in an eligible institution for mental diseases in accordance with the requirements of this subsection shall not prohibit Federal financial participation for medical assistance for items or services that are provided to such eligible individual in or away from the eligible institution for mental disease during any period in which the eligible individual is receiving items or services in accordance with this subsection.

"(7) DEFINITIONS.—In this subsection:

"(A) DIMENSIONS 1, 2, OR 3.—The term 'Dimensions 1, 2, or 3' has the meaning given that term for purposes of the publication of the American Society of Addiction Medicine entitled 'The ASAM Criteria: Treatment Criteria for Addictive Substance-Related, and Co-Occurring Conditions, 2013'.

"(B) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(i) with respect to a State, is enrolled for medical assistance under the State plan or a waiver of such plan;

"(ii) is at least 21 years of age;

"(iii) has not attained 65 years of age; and

"(iv) has at least 1 substance use disorder.

"(C) ELIGIBLE INSTITUTION FOR MENTAL DISEASES.—The term 'eligible institution for mental diseases' means an institution for mental diseases that—

"(i) follows reliable, evidence-based practices; and

"(ii) offers at least 2 forms of medication-assisted treatment for substance use disorders on site, including, in the case of medication-assisted treatment for opioid use disorder, at least 1 antagonist and 1 partial agonist.

"(D) INSTITUTION FOR MENTAL DISEASES.—The term 'institution for mental diseases' has the meaning given that term in section 1905(i).".

42 USC 1396n note.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as encouraging a State to place an individual in an inpatient or a residential care setting where a home or community-based care setting would be more appropriate for the individual, or as preventing a State from conducting or pursuing a demonstration project under section 1115 of the Social Security Act to improve access to, and the quality of, substance use disorder treatment for eligible populations.

Subtitle G—Medicaid Improvement Fund

SEC. 5061. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w–1(b)(1)) is amended by striking "$0" and inserting "$31,000,000".

TITLE VI—OTHER MEDICARE PROVISIONS

Subtitle A—Testing of Incentive Payments for Behavioral Health Providers for Adoption and Use of Certified Electronic Health Record Technology

SEC. 6001. TESTING OF INCENTIVE PAYMENTS FOR BEHAVIORAL HEALTH PROVIDERS FOR ADOPTION AND USE OF CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY.

Section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)) is amended by adding at the end the following new clause:

"(xxv) Providing, for the adoption and use of certified EHR technology (as defined in section 1848(o)(4)) to improve the quality and coordination of care through the electronic documentation and exchange of health information, incentive payments to behavioral health providers (such as psychiatric hospitals (as defined in section 1861(f)), community mental health centers (as defined in section 1861(ff)(3)(B)), hospitals that participate in a State plan under title XIX or a waiver of such plan, treatment facilities that participate in such a State plan or such a waiver, mental health or substance use disorder providers that participate in such a State plan or such a waiver, clinical psychologists (as defined in section 1861(ii)), nurse practitioners (as defined in section 1861(aa)(5)) with respect to the provision of psychiatric services, and clinical social workers (as defined in section 1861(hh)(1)))."

Subtitle B—Abuse Deterrent Access

Abuse Deterrent Access Act of 2018.

SEC. 6011. SHORT TITLE.

This subtitle may be cited at the "Abuse Deterrent Access Act of 2018".

SEC. 6012. STUDY ON ABUSE-DETERRENT OPIOID FORMULATIONS ACCESS BARRIERS UNDER MEDICARE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a study and submit to Congress a report on—

(1) the adequacy of access to abuse-deterrent opioid formulations for individuals with chronic pain enrolled in an MA–PD plan under part C of title XVIII of the Social Security Act or a prescription drug plan under part D of such title of such Act, taking into account any barriers preventing such individuals from accessing such formulations under such MA–PD or part D plans, such as cost-sharing tiers, fail-first requirements, the price of such formulations, and prior authorization requirements; and

(2) the effectiveness of abuse-deterrent opioid formulations in preventing opioid abuse or misuse; the impact of the use of abuse-deterrent opioid formulations on the use or abuse of other prescription or illicit opioids (including changes in deaths from such opioids); and other public health consequences of the use of abuse-deterrent opioid formulations, such as an increase in rates of human immunodeficiency virus.

(b) DEFINITION OF ABUSE-DETERRENT OPIOID FORMULATION.—In this section, the term "abuse-deterrent opioid formulation" means an opioid that is a prodrug or that has certain abuse-deterrent properties, such as physical or chemical barriers, agonist or antagonist combinations, aversion properties, delivery system mechanisms, or other features designed to prevent abuse of such opioid.

Subtitle C—Medicare Opioid Safety Education

SEC. 6021. MEDICARE OPIOID SAFETY EDUCATION.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1395b–2) is amended by adding at the end the following new subsection:

"(d) The notice provided under subsection (a) shall include—

"(1) references to educational resources regarding opioid use and pain management;

"(2) a description of categories of alternative, non-opioid pain management treatments covered under this title; and

"(3) a suggestion for the beneficiary to talk to a physician regarding opioid use and pain management.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices distributed prior to each Medicare open enrollment period beginning after January 1, 2019. 42 USC 1395b–2 note.

Subtitle D—Opioid Addiction Action Plan

Opioid Addiction Action Plan Act.

SEC. 6031. SHORT TITLE.

This subtitle may be cited as the "Opioid Addiction Action Plan Act".

SEC. 6032. ACTION PLAN ON RECOMMENDATIONS FOR CHANGES UNDER MEDICARE AND MEDICAID TO PREVENT OPIOIDS ADDICTIONS AND ENHANCE ACCESS TO MEDICATION-ASSISTED TREATMENT.

(a) IN GENERAL.—Not later than January 1, 2020, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), in collaboration with the Pain Management Best Practices Inter-Agency Task Force convened under section 101(b) of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), shall develop an action plan as described in subsection (b).

(b) ACTION PLAN COMPONENTS.—The action plan shall include a review by the Secretary of Medicare and Medicaid payment and coverage policies that may be viewed as potential obstacles to an effective response to the opioid crisis, and recommendations, as determined appropriate by the Secretary, on the following:

(1) A review of payment and coverage policies under the Medicare program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act, including a review of coverage and payment under such programs of all medication-assisted treatment approved by the Food and Drug Administration related to the treatment of opioid use disorder and other therapies that manage chronic and acute pain and treat and minimize risk of opioid misuse and abuse, including in such review, payment under the Medicare prospective payment system for inpatient hospital services under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) and the Medicare prospective payment system for hospital outpatient department services under section 1833(t) of such Act (42 U.S.C. 1395I(t)), to determine whether those payment policies resulted in incentives or disincentives that have contributed to the opioid crisis.

(2) Recommendations for payment and service delivery models to be tested as appropriate by the Center for Medicare and Medicaid Innovation and other federally authorized demonstration projects, including value-based models, that may encourage the use of appropriate medication-assisted treatment approved by the Food and Drug Administration for the treatment of opioid use disorder and other therapies that manage chronic and acute pain and treat and minimize risk of opioid misuse and abuse.

(3) Recommendations for data collection that could facilitate research and policy-making regarding prevention of opioid use disorder as well as data that would aid the Secretary in making coverage and payment decisions under the Medicare and Medicaid programs related to the access to appropriate opioid dependence treatments.

(4) A review of Medicare and Medicaid beneficiaries' access to the full range of medication-assisted treatment approved by the Food and Drug Administration for the treatment of opioid use disorder and other therapies that manage chronic and acute pain and treat and minimize risk of opioid misuse and abuse, including access of beneficiaries residing in rural or medically underserved communities.

(5) A review of payment and coverage policies under the Medicare program and the Medicaid program related to medical devices that are non-opioid based treatments approved by the

Food and Drug Administration for the management of acute pain and chronic pain, for monitoring substance use withdrawal and preventing overdoses of controlled substances, and for treating substance use disorder, including barriers to patient access.

(c) STAKEHOLDER MEETINGS.—

(1) IN GENERAL.—Beginning not later than 3 months after the date of the enactment of this section, the Secretary shall convene a public stakeholder meeting to solicit public comment on the components of the action plan described in subsection (b).

(2) PARTICIPANTS.—Participants of meetings described in paragraph (1) shall include representatives from the Food and Drug Administration and National Institutes of Health, biopharmaceutical industry members, medical researchers, health care providers, the medical device industry, the Medicare program, the Medicaid program, and patient advocates.

(d) REQUEST FOR INFORMATION.—Not later than 3 months after the date of the enactment of this section, the Secretary shall issue a request for information seeking public feedback regarding ways in which the Centers for Medicare & Medicaid Services can help address the opioid crisis through the development of and application of the action plan.

(e) REPORT TO CONGRESS.—Not later than June 1, 2020, the Secretary shall submit to Congress, and make public, a report that includes—

(1) a summary of the results of the Secretary's review and any recommendations under the action plan;

(2) the Secretary's planned next steps with respect to the action plan; and

(3) an evaluation of price trends for drugs used to reverse opioid overdoses (such as naloxone), including recommendations on ways to lower such prices for consumers.

(f) DEFINITION OF MEDICATION-ASSISTED TREATMENT.—In this section, the term "medication-assisted treatment" includes opioid treatment programs, behavioral therapy, and medications to treat substance abuse disorder.

Subtitle E—Advancing High Quality Treatment for Opioid Use Disorders in Medicare

Advancing High Quality Treatment for Opioid Use Disorders in Medicare Act.

SEC. 6041. SHORT TITLE.

42 USC 1305 note.

This subtitle may be cited as the "Advancing High Quality Treatment for Opioid Use Disorders in Medicare Act".

SEC. 6042. OPIOID USE DISORDER TREATMENT DEMONSTRATION PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1866E (42 U.S.C. 1395cc–5) the following new section:

"SEC. 1866F. OPIOID USE DISORDER TREATMENT DEMONSTRATION PROGRAM.

42 USC 1395cc–6.

"(a) IMPLEMENTATION OF 4-YEAR DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—Not later than January 1, 2021, the Secretary shall implement a 4-year demonstration program under this title (in this section referred to as the 'Program') to increase access of applicable beneficiaries to opioid use disorder treatment services, improve physical and mental health outcomes for such beneficiaries, and to the extent possible, reduce expenditures under this title. Under the Program, the Secretary shall make payments under subsection (e) to participants (as defined in subsection (c)(1)(A)) for furnishing opioid use disorder treatment services delivered through opioid use disorder care teams, or arranging for such services to be furnished, to applicable beneficiaries participating in the Program.

"(2) OPIOID USE DISORDER TREATMENT SERVICES.—For purposes of this section, the term 'opioid use disorder treatment services'—

"(A) means, with respect to an applicable beneficiary, services that are furnished for the treatment of opioid use disorders and that utilize drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act for the treatment of opioid use disorders in an outpatient setting; and

"(B) includes—

"(i) medication-assisted treatment;

"(ii) treatment planning;

"(iii) psychiatric, psychological, or counseling services (or any combination of such services), as appropriate;

"(iv) social support services, as appropriate; and

"(v) care management and care coordination services, including coordination with other providers of services and suppliers not on an opioid use disorder care team.

"(b) PROGRAM DESIGN.—

"(1) IN GENERAL.—The Secretary shall design the Program in such a manner to allow for the evaluation of the extent to which the Program accomplishes the following purposes:

"(A) Reduces hospitalizations and emergency department visits.

"(B) Increases use of medication-assisted treatment for opioid use disorders.

"(C) Improves health outcomes of individuals with opioid use disorders, including by reducing the incidence of infectious diseases (such as hepatitis C and HIV).

"(D) Does not increase the total spending on items and services under this title.

"(E) Reduces deaths from opioid overdose.

"(F) Reduces the utilization of inpatient residential treatment.

"(2) CONSULTATION.—In designing the Program, including the criteria under subsection (e)(2)(A), the Secretary shall, not later than 3 months after the date of the enactment of this section, consult with specialists in the field of addiction, clinicians in the primary care community, and beneficiary groups.

"(c) PARTICIPANTS; OPIOID USE DISORDER CARE TEAMS.—

"(1) PARTICIPANTS.—

"(A) DEFINITION.—In this section, the term 'participant' means an entity or individual—

"(i) that is otherwise enrolled under this title and that is—

"(I) a physician (as defined in section 1861(r)(1));

"(II) a group practice comprised of at least one physician described in subclause (I);

"(III) a hospital outpatient department;

"(IV) a federally qualified health center (as defined in section 1861(aa)(4));

"(V) a rural health clinic (as defined in section 1861(aa)(2));

"(VI) a community mental health center (as defined in section 1861(ff)(3)(B));

"(VII) a clinic certified as a certified community behavioral health clinic pursuant to section 223 of the Protecting Access to Medicare Act of 2014; or

"(VIII) any other individual or entity specified by the Secretary;

"(ii) that applied for and was selected to participate in the Program pursuant to an application and selection process established by the Secretary; and

"(iii) that establishes an opioid use disorder care team (as defined in paragraph (2)) through employing or contracting with health care practitioners described in paragraph (2)(A), and uses such team to furnish or arrange for opioid use disorder treatment services in the outpatient setting under the Program.

"(B) PREFERENCE.—In selecting participants for the Program, the Secretary shall give preference to individuals and entities that are located in areas with a prevalence of opioid use disorders that is higher than the national average prevalence.

"(2) OPIOID USE DISORDER CARE TEAMS.—

"(A) IN GENERAL.—For purposes of this section, the term 'opioid use disorder care team' means a team of health care practitioners established by a participant described in paragraph (1)(A) that—

"(i) shall include—

"(I) at least one physician (as defined in section 1861(r)(1)) furnishing primary care services or addiction treatment services to an applicable beneficiary; and

"(II) at least one eligible practitioner (as defined in paragraph (3)), who may be a physician who meets the criterion in subclause (I); and

"(ii) may include other practitioners licensed under State law to furnish psychiatric, psychological, counseling, and social services to applicable beneficiaries.

"(B) REQUIREMENTS FOR RECEIPT OF PAYMENT UNDER PROGRAM.—In order to receive payments under subsection (e), each participant in the Program shall—

"(i) furnish opioid use disorder treatment services through opioid use disorder care teams to applicable beneficiaries who agree to receive the services;

"(ii) meet minimum criteria, as established by the Secretary; and

"(iii) submit to the Secretary, in such form, manner, and frequency as specified by the Secretary, with respect to each applicable beneficiary for whom opioid use disorder treatment services are furnished by the opioid use disorder care team, data and such other information as the Secretary determines appropriate to—

"(I) monitor and evaluate the Program;

"(II) determine if minimum criteria are met under clause (ii); and

"(III) determine the incentive payment under subsection (e).

"(3) ELIGIBLE PRACTITIONER DEFINED.—For purposes of this section, the term 'eligible practitioner' means a physician or other health care practitioner, such as a nurse practitioner, that—

"(A) is enrolled under section 1866(j)(1);

"(B) is authorized to prescribe or dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment; and

"(C) has in effect a waiver in accordance with section 303(g) of the Controlled Substances Act for such purpose and is otherwise in compliance with regulations promulgated by the Substance Abuse and Mental Health Services Administration to carry out such section.

"(d) PARTICIPATION OF APPLICABLE BENEFICIARIES.—

"(1) APPLICABLE BENEFICIARY DEFINED.—In this section, the term 'applicable beneficiary' means an individual who—

"(A) is entitled to, or enrolled for, benefits under part A and enrolled for benefits under part B;

"(B) is not enrolled in a Medicare Advantage plan under part C;

"(C) has a current diagnosis for an opioid use disorder; and

"(D) meets such other criteria as the Secretary determines appropriate.

Such term shall include an individual who is dually eligible for benefits under this title and title XIX if such individual satisfies the criteria described in subparagraphs (A) through (D).

"(2) VOLUNTARY BENEFICIARY PARTICIPATION; LIMITATION ON NUMBER OF BENEFICIARIES.—An applicable beneficiary may participate in the Program on a voluntary basis and may terminate participation in the Program at any time. Not more than 20,000 applicable beneficiaries may participate in the Program at any time.

"(3) SERVICES.—In order to participate in the Program, an applicable beneficiary shall agree to receive opioid use disorder treatment services from a participant. Participation under the Program shall not affect coverage of or payment for any other item or service under this title for the applicable beneficiary.

"(4) BENEFICIARY ACCESS TO SERVICES.—Nothing in this section shall be construed as encouraging providers to limit applicable beneficiary access to services covered under this

title, and applicable beneficiaries shall not be required to relinquish access to any benefit under this title as a condition of receiving services from a participant in the Program.

"(e) PAYMENTS.—

"(1) PER APPLICABLE BENEFICIARY PER MONTH CARE MANAGEMENT FEE.—

"(A) IN GENERAL.—The Secretary shall establish a schedule of per applicable beneficiary per month care management fees. Such a per applicable beneficiary per month care management fee shall be paid to a participant in addition to any other amount otherwise payable under this title to the health care practitioners in the participant's opioid use disorder care team or, if applicable, to the participant. A participant may use such per applicable beneficiary per month care management fee to deliver additional services to applicable beneficiaries, including services not otherwise eligible for payment under this title.

"(B) PAYMENT AMOUNTS.—In carrying out subparagraph (A), the Secretary may—

"(i) consider payments otherwise payable under this title for opioid use disorder treatment services and the needs of applicable beneficiaries;

"(ii) pay a higher per applicable beneficiary per month care management fee for an applicable beneficiary who receives more intensive treatment services from a participant and for whom those services are appropriate based on clinical guidelines for opioid use disorder care;

"(iii) pay a higher per applicable beneficiary per month care management fee for the month in which the applicable beneficiary begins treatment with a participant than in subsequent months, to reflect the greater time and costs required for the planning and initiation of treatment, as compared to maintenance of treatment; and

"(iv) take into account whether a participant's opioid use disorder care team refers applicable beneficiaries to other suppliers or providers for any opioid use disorder treatment services.

"(C) NO DUPLICATE PAYMENT.—The Secretary shall make payments under this paragraph to only one participant for services furnished to an applicable beneficiary during a calendar month.

"(2) INCENTIVE PAYMENTS.—

"(A) IN GENERAL.—Under the Program, the Secretary shall establish a performance-based incentive payment, which shall be paid (using a methodology established and at a time determined appropriate by the Secretary) to participants based on the performance of participants with respect to criteria, as determined appropriate by the Secretary, in accordance with subparagraph (B).

"(B) CRITERIA.—

"(i) IN GENERAL.—Criteria described in subparagraph (A) may include consideration of the following:

"(I) Patient engagement and retention in treatment.

"(II) Evidence-based medication-assisted treatment.

"(III) Other criteria established by the Secretary.

"(ii) REQUIRED CONSULTATION AND CONSIDERATION.—In determining criteria described in subparagraph (A), the Secretary shall—

"(I) consult with stakeholders, including clinicians in the primary care community and in the field of addiction medicine; and

"(II) consider existing clinical guidelines for the treatment of opioid use disorders.

"(C) NO DUPLICATE PAYMENT.—The Secretary shall ensure that no duplicate payments under this paragraph are made with respect to an applicable beneficiary.

"(f) MULTIPAYER STRATEGY.—In carrying out the Program, the Secretary shall encourage other payers to provide similar payments and to use similar criteria as applied under the Program under subsection (e)(2)(C). The Secretary may enter into a memorandum of understanding with other payers to align the methodology for payment provided by such a payer related to opioid use disorder treatment services with such methodology for payment under the Program.

"(g) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct an intermediate and final evaluation of the program. Each such evaluation shall determine the extent to which each of the purposes described in subsection (b) have been accomplished under the Program.

"(2) REPORTS.—The Secretary shall submit to Congress—

"(A) a report with respect to the intermediate evaluation under paragraph (1) not later than 3 years after the date of the implementation of the Program; and

"(B) a report with respect to the final evaluation under paragraph (1) not later than 6 years after such date.

"(h) FUNDING.—

"(1) ADMINISTRATIVE FUNDING.—For the purposes of implementing, administering, and carrying out the Program (other than for purposes described in paragraph (2)), $5,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841.

"(2) CARE MANAGEMENT FEES AND INCENTIVES.—For the purposes of making payments under subsection (e), $10,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841 for each of fiscal years 2021 through 2024.

"(3) AVAILABILITY.—Amounts transferred under this subsection for a fiscal year shall be available until expended.

"(i) WAIVERS.—The Secretary may waive any provision of this title as may be necessary to carry out the Program under this section.".

Subtitle F—Responsible Education Achieves Care and Healthy Outcomes for Users' Treatment

Responsible Education Achieves Care and Healthy Outcomes for Users' Treatment Act of 2018. 42 USC 1305 note.

SEC. 6051. SHORT TITLE.

This subtitle may be cited as the "Responsible Education Achieves Care and Healthy Outcomes for Users' Treatment Act of 2018" or the "REACH OUT Act of 2018".

SEC. 6052. GRANTS TO PROVIDE TECHNICAL ASSISTANCE TO OUTLIER PRESCRIBERS OF OPIOIDS.

(a) GRANTS AUTHORIZED.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall, through the Centers for Medicare & Medicaid Services, award grants, contracts, or cooperative agreements to eligible entities for the purposes described in subsection (b).

(b) USE OF FUNDS.—Grants, contracts, and cooperative agreements awarded under subsection (a) shall be used to support eligible entities through technical assistance—

(1) to educate and provide outreach to outlier prescribers of opioids about best practices for prescribing opioids;

(2) to educate and provide outreach to outlier prescribers of opioids about non-opioid pain management therapies; and

(3) to reduce the amount of opioid prescriptions prescribed by outlier prescribers of opioids.

(c) APPLICATION.—Each eligible entity seeking to receive a grant, contract, or cooperative agreement under subsection (a) shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require. 42 USC 1395w–104 note.

(d) GEOGRAPHIC DISTRIBUTION.—In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall prioritize establishing technical assistance resources in each State.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an organization—

(i) that has demonstrated experience providing technical assistance to health care professionals on a State or regional basis; and

(ii) that has at least—

(I) one individual who is a representative of consumers on its governing body; and

(II) one individual who is a representative of health care providers on its governing body; or

(B) an entity that is a quality improvement entity with a contract under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).

(2) OUTLIER PRESCRIBER OF OPIOIDS.—The term "outlier prescriber of opioids" means, with respect to a period, a prescriber identified by the Secretary under subparagraph (D)(ii) of section 1860D–4(c)(4) of the Social Security Act (42 U.S.C. 1395w–104(c)(4)), as added by section 6065 of this Act, to be an outlier prescriber of opioids for such period.

(3) PRESCRIBERS.—The term "prescriber" means any health care professional, including a nurse practitioner or physician

assistant, who is licensed to prescribe opioids by the State or territory in which such professional practices.

(f) FUNDING.—For purposes of implementing this section, $75,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t), to remain available until expended.

Preventing Addiction for Susceptible Seniors Act of 2018.
42 USC 1305 note.

Subtitle G—Preventing Addiction for Susceptible Seniors

SEC. 6061. SHORT TITLE.

This subtitle may be cited as the "Preventing Addiction for Susceptible Seniors Act of 2018" or the "PASS Act of 2018".

SEC. 6062. ELECTRONIC PRIOR AUTHORIZATION FOR COVERED PART D DRUGS.

Section 1860D–4(e)(2) of the Social Security Act (42 U.S.C. 1395w–104(e)(2)) is amended by adding at the end the following new subparagraph:

"(E) ELECTRONIC PRIOR AUTHORIZATION.—

"(i) IN GENERAL.—Not later than January 1, 2021, the program shall provide for the secure electronic transmission of—

"(I) a prior authorization request from the prescribing health care professional for coverage of a covered part D drug for a part D eligible individual enrolled in a part D plan (as defined in section 1860D–23(a)(5)) to the PDP sponsor or Medicare Advantage organization offering such plan; and

"(II) a response, in accordance with this subparagraph, from such PDP sponsor or Medicare Advantage organization, respectively, to such professional.

"(ii) ELECTRONIC TRANSMISSION.—

"(I) EXCLUSIONS.—For purposes of this subparagraph, a facsimile, a proprietary payer portal that does not meet standards specified by the Secretary, or an electronic form shall not be treated as an electronic transmission described in clause (i).

"(II) STANDARDS.—In order to be treated, for purposes of this subparagraph, as an electronic transmission described in clause (i), such transmission shall comply with technical standards adopted by the Secretary in consultation with the National Council for Prescription Drug Programs, other standard setting organizations determined appropriate by the Secretary, and stakeholders including PDP sponsors, Medicare Advantage organizations, health care professionals, and health information technology software vendors.

"(III) APPLICATION.—Notwithstanding any other provision of law, for purposes of this subparagraph, the Secretary may require the use of such standards adopted under subclause (II) in lieu of

any other applicable standards for an electronic transmission described in clause (i) for a covered part D drug for a part D eligible individual.".

SEC. 6063. PROGRAM INTEGRITY TRANSPARENCY MEASURES UNDER MEDICARE PARTS C AND D.

(a) IN GENERAL.—Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

"(i) PROGRAM INTEGRITY TRANSPARENCY MEASURES.—

"(1) PROGRAM INTEGRITY PORTAL.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall, after consultation with stakeholders, establish a secure internet website portal (or other successor technology) that would allow a secure path for communication between the Secretary, MA plans under this part, prescription drug plans under part D, and an eligible entity with a contract under section 1893 (such as a Medicare drug integrity contractor or an entity responsible for carrying out program integrity activities under this part and part D) for the purpose of enabling through such portal (or other successor technology)—

"(i) the referral by such plans of substantiated or suspicious activities, as defined by the Secretary, of a provider of services (including a prescriber) or supplier related to fraud, waste, and abuse for initiating or assisting investigations conducted by the eligible entity; and

"(ii) data sharing among such MA plans, prescription drug plans, and the Secretary.

"(B) REQUIRED USES OF PORTAL.—The Secretary shall disseminate the following information to MA plans under this part and prescription drug plans under part D through the secure internet website portal (or other successor technology) established under subparagraph (A):

"(i) Providers of services and suppliers that have been referred pursuant to subparagraph (A)(i) during the previous 12-month period.

"(ii) Providers of services and suppliers who are the subject of an active exclusion under section 1128 or who are subject to a suspension of payment under this title pursuant to section 1862(o) or otherwise.

"(iii) Providers of services and suppliers who are the subject of an active revocation of participation under this title, including for not satisfying conditions of participation.

"(iv) In the case of such a plan that makes a referral under subparagraph (A)(i) through the portal (or other successor technology) with respect to activities of substantiated or suspicious activities of fraud, waste, or abuse of a provider of services (including a prescriber) or supplier, if such provider (including a prescriber) or supplier has been the subject of an administrative action under this title or title XI with respect to similar activities, a notification to such plan of such action so taken.

"(C) RULEMAKING.—For purposes of this paragraph, the Secretary shall, through rulemaking, specify what constitutes substantiated or suspicious activities of fraud, waste, and abuse, using guidance such as what is provided in the Medicare Program Integrity Manual 4.8. In carrying out this subsection, a fraud hotline tip (as defined by the Secretary) without further evidence shall not be treated as sufficient evidence for substantiated fraud, waste, or abuse.

"(D) HIPAA COMPLIANT INFORMATION ONLY.—For purposes of this subsection, communications may only occur if the communications are permitted under the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(2) QUARTERLY REPORTS.—Beginning not later than 2 years after the date of the enactment of this subsection, the Secretary shall make available to MA plans under this part and prescription drug plans under part D in a timely manner (but no less frequently than quarterly) and using information submitted to an entity described in paragraph (1) through the portal (or other successor technology) described in such paragraph or pursuant to section 1893, information on fraud, waste, and abuse schemes and trends in identifying suspicious activity. Information included in each such report shall—

"(A) include administrative actions, pertinent information related to opioid overprescribing, and other data determined appropriate by the Secretary in consultation with stakeholders; and

"(B) be anonymized information submitted by plans without identifying the source of such information.

"(3) CLARIFICATION.—Nothing in this subsection shall preclude or otherwise affect referrals to the Inspector General of the Department of Health and Human Services or other law enforcement entities.".

(b) CONTRACT REQUIREMENT TO COMMUNICATE PLAN CORRECTIVE ACTIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—Section 1857(e) of the Social Security Act (42 U.S.C. 1395w–27(e)) is amended by adding at the end the following new paragraph:

"(5) COMMUNICATING PLAN CORRECTIVE ACTIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—

"(A) IN GENERAL.—Beginning with plan years beginning on or after January 1, 2021, a contract under this section with an MA organization shall require the organization to submit to the Secretary, through the process established under subparagraph (B), information on the investigations, credible evidence of suspicious activities of a provider of services (including a prescriber) or supplier related to fraud, and other actions taken by such plans related to inappropriate prescribing of opioids.

"(B) PROCESS.—Not later than January 1, 2021, the Secretary shall, in consultation with stakeholders, establish a process under which MA plans and prescription drug plans shall submit to the Secretary information described in subparagraph (A).

"(C) REGULATIONS.—For purposes of this paragraph, including as applied under section 1860D–12(b)(3)(D), the Secretary shall, pursuant to rulemaking—

"(i) specify a definition for the term 'inappropriate prescribing' and a method for determining if a provider of services prescribes inappropriate prescribing; and

"(ii) establish the process described in subparagraph (B) and the types of information that shall be submitted through such process.".

(c) REFERENCE UNDER PART D TO PROGRAM INTEGRITY TRANSPARENCY MEASURES.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

"(m) PROGRAM INTEGRITY TRANSPARENCY MEASURES.—For program integrity transparency measures applied with respect to prescription drug plan and MA plans, see section 1859(i).".

SEC. 6064. EXPANDING ELIGIBILITY FOR MEDICATION THERAPY MANAGEMENT PROGRAMS UNDER PART D.

Section 1860D–4(c)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–104(c)(2)(A)(ii)) is amended—

(1) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(2) by striking "are part D eligible individuals who—" and inserting "are the following:

"(I) Part D eligible individuals who—"; and

(3) by adding at the end the following new subclause:

"(II) Beginning January 1, 2021, at-risk beneficiaries for prescription drug abuse (as defined in paragraph (5)(C)).".

SEC. 6065. COMMIT TO OPIOID MEDICAL PRESCRIBER ACCOUNTABILITY AND SAFETY FOR SENIORS.

Section 1860D–4(c)(4) of the Social Security Act (42 U.S.C. 1395w–104(c)(4)) is amended by adding at the end the following new subparagraph:

"(D) NOTIFICATION AND ADDITIONAL REQUIREMENTS WITH RESPECT TO OUTLIER PRESCRIBERS OF OPIOIDS.—

"(i) NOTIFICATION.—Not later than January 1, 2021, the Secretary shall, in the case of a prescriber identified by the Secretary under clause (ii) to be an outlier prescriber of opioids, provide, subject to clause (iv), an annual notification to such prescriber that such prescriber has been so identified and that includes resources on proper prescribing methods and other information as specified in accordance with clause (iii).

"(ii) IDENTIFICATION OF OUTLIER PRESCRIBERS OF OPIOIDS.—

"(I) IN GENERAL.—The Secretary shall, subject to subclause (III), using the valid prescriber National Provider Identifiers included pursuant to subparagraph (A) on claims for covered part D drugs for part D eligible individuals enrolled in prescription drug plans under this part or MA–PD plans under part C and based on the thresholds

established under subclause (II), identify prescribers that are outlier opioids prescribers for a period of time specified by the Secretary.

"(II) ESTABLISHMENT OF THRESHOLDS.—For purposes of subclause (I) and subject to subclause (III), the Secretary shall, after consultation with stakeholders, establish thresholds, based on prescriber specialty and geographic area, for identifying whether a prescriber in a specialty and geographic area is an outlier prescriber of opioids as compared to other prescribers of opioids within such specialty and area.

"(III) EXCLUSIONS.—The following shall not be included in the analysis for identifying outlier prescribers of opioids under this clause:

"(aa) Claims for covered part D drugs for part D eligible individuals who are receiving hospice care under this title.

"(bb) Claims for covered part D drugs for part D eligible individuals who are receiving oncology services under this title.

"(cc) Prescribers who are the subject of an investigation by the Centers for Medicare & Medicaid Services or the Inspector General of the Department of Health and Human Services.

"(iii) CONTENTS OF NOTIFICATION.—The Secretary shall include the following information in the notifications provided under clause (i):

"(I) Information on how such prescriber compares to other prescribers within the same specialty and geographic area.

"(II) Information on opioid prescribing guidelines, based on input from stakeholders, that may include the Centers for Disease Control and Prevention guidelines for prescribing opioids for chronic pain and guidelines developed by physician organizations.

"(III) Other information determined appropriate by the Secretary.

"(iv) MODIFICATIONS AND EXPANSIONS.—

"(I) FREQUENCY.—Beginning 5 years after the date of the enactment of this subparagraph, the Secretary may change the frequency of the notifications described in clause (i) based on stakeholder input and changes in opioid prescribing utilization and trends.

"(II) EXPANSION TO OTHER PRESCRIPTIONS.—The Secretary may expand notifications under this subparagraph to include identifications and notifications with respect to concurrent prescriptions of covered Part D drugs used in combination with opioids that are considered to have adverse side effects when so used in such combination, as determined by the Secretary.

"(v) ADDITIONAL REQUIREMENTS FOR PERSISTENT OUTLIER PRESCRIBERS.—In the case of a prescriber who

the Secretary determines is persistently identified under clause (ii) as an outlier prescriber of opioids, the following shall apply:

"(I) Such prescriber may be required to enroll in the program under this title under section 1866(j) if such prescriber is not otherwise required to enroll, but only after other appropriate remedies have been provided, such as the provision of education funded through section 6052 of the SUPPORT for Patients and Communities Act, for a period determined by the Secretary as sufficient to correct the prescribing patterns that lead to identification of such prescriber as a persistent outlier prescriber of opioids. The Secretary shall determine the length of the period for which such prescriber is required to maintain such enrollment, which shall be the minimum period necessary to correct such prescribing patterns.

"(II) Not less frequently than annually (and in a form and manner determined appropriate by the Secretary), the Secretary, consistent with clause(iv)(I), shall communicate information on such prescribers to sponsors of a prescription drug plan and Medicare Advantage organizations offering an MA–PD plan.

"(vi) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make aggregate information under this subparagraph available on the internet website of the Centers for Medicare & Medicaid Services. Such information shall be in a form and manner determined appropriate by the Secretary and shall not identify any specific prescriber. In carrying out this clause, the Secretary shall consult with interested stakeholders.

"(vii) OPIOIDS DEFINED.—For purposes of this subparagraph, the term 'opioids' has such meaning as specified by the Secretary.

"(viii) OTHER ACTIVITIES.—Nothing in this subparagraph shall preclude the Secretary from conducting activities that provide prescribers with information as to how they compare to other prescribers that are in addition to the activities under this subparagraph, including activities that were being conducted as of the date of the enactment of this subparagraph.".

SEC. 6066. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out the requirements of this subtitle and the amendments made by this subtitle. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

Expanding Oversight of Opioid Prescribing and Payment Act of 2018.

Subtitle H—Expanding Oversight of Opioid Prescribing and Payment

SEC. 6071. SHORT TITLE.

This subtitle may be cited as the "Expanding Oversight of Opioid Prescribing and Payment Act of 2018".

SEC. 6072. MEDICARE PAYMENT ADVISORY COMMISSION REPORT ON OPIOID PAYMENT, ADVERSE INCENTIVES, AND DATA UNDER THE MEDICARE PROGRAM.

Not later than March 15, 2019, the Medicare Payment Advisory Commission shall submit to Congress a report on, with respect to the Medicare program under title XVIII of the Social Security Act, the following:

(1) A description of how the Medicare program pays for pain management treatments (both opioid and non-opioid pain management alternatives) in both inpatient and outpatient hospital settings.

(2) The identification of incentives under the hospital inpatient prospective payment system under section 1886 of the Social Security Act (42 U.S.C. 1395ww) and incentives under the hospital outpatient prospective payment system under section 1833(t) of such Act (42 U.S.C. 1395l(t)) for prescribing opioids and incentives under each such system for prescribing non-opioid treatments, and recommendations as the Commission deems appropriate for addressing any of such incentives that are adverse incentives.

(3) A description of how opioid use is tracked and monitored through Medicare claims data and other mechanisms and the identification of any areas in which further data and methods are needed for improving data and understanding of opioid use.

SEC. 6073. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out the requirements of this subtitle. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

Dr. Todd Graham Pain Management, Treatment, and Recovery Act of 2018.
42 USC 1305 note.

Subtitle I—Dr. Todd Graham Pain Management, Treatment, and Recovery

SEC. 6081. SHORT TITLE.

This subtitle may be cited as the "Dr. Todd Graham Pain Management, Treatment, and Recovery Act of 2018".

SEC. 6082. REVIEW AND ADJUSTMENT OF PAYMENTS UNDER THE MEDICARE OUTPATIENT PROSPECTIVE PAYMENT SYSTEM TO AVOID FINANCIAL INCENTIVES TO USE OPIOIDS INSTEAD OF NON-OPIOID ALTERNATIVE TREATMENTS.

(a) OUTPATIENT PROSPECTIVE PAYMENT SYSTEM.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended by adding at the end the following new paragraph:

"(22) REVIEW AND REVISIONS OF PAYMENTS FOR NON-OPIOID ALTERNATIVE TREATMENTS.—

"(A) IN GENERAL.—With respect to payments made under this subsection for covered OPD services (or groups of services), including covered OPD services assigned to a comprehensive ambulatory payment classification, the Secretary—

"(i) shall, as soon as practicable, conduct a review (part of which may include a request for information) of payments for opioids and evidence-based non-opioid alternatives for pain management (including drugs and devices, nerve blocks, surgical injections, and neuromodulation) with a goal of ensuring that there are not financial incentives to use opioids instead of non-opioid alternatives;

"(ii) may, as the Secretary determines appropriate, conduct subsequent reviews of such payments; and

"(iii) shall consider the extent to which revisions under this subsection to such payments (such as the creation of additional groups of covered OPD services to classify separately those procedures that utilize opioids and non-opioid alternatives for pain management) would reduce payment incentives to use opioids instead of non-opioid alternatives for pain management.

"(B) PRIORITY.—In conducting the review under clause (i) of subparagraph (A) and considering revisions under clause (iii) of such subparagraph, the Secretary shall focus on covered OPD services (or groups of services) assigned to a comprehensive ambulatory payment classification, ambulatory payment classifications that primarily include surgical services, and other services determined by the Secretary which generally involve treatment for pain management.

"(C) REVISIONS.—If the Secretary identifies revisions to payments pursuant to subparagraph (A)(iii), the Secretary shall, as determined appropriate, begin making such revisions for services furnished on or after January 1, 2020. Revisions under the previous sentence shall be treated as adjustments for purposes of application of paragraph (9)(B).

"(D) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the Secretary—

"(i) from conducting a demonstration before making the revisions described in subparagraph (C); or

"(ii) prior to implementation of this paragraph, from changing payments under this subsection for covered OPD services (or groups of services) which include opioids or non-opioid alternatives for pain management.".

(b) AMBULATORY SURGICAL CENTERS.—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph:

"(8) The Secretary shall conduct a similar type of review as required under paragraph (22) of section 1833(t)), including the second sentence of subparagraph (C) of such paragraph, to payment for services under this subsection, and make such revisions under

this paragraph, in an appropriate manner (as determined by the Secretary).".

SEC. 6083. EXPANDING ACCESS UNDER THE MEDICARE PROGRAM TO ADDICTION TREATMENT IN FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL PAYMENTS FOR CERTAIN FQHCS WITH PHYSICIANS OR OTHER PRACTITIONERS RECEIVING DATA 2000 WAIVERS.—

"(A) IN GENERAL.—In the case of a Federally qualified health center with respect to which, beginning on or after January 1, 2019, Federally qualified health center services (as defined in section 1861(aa)(3)) are furnished for the treatment of opioid use disorder by a physician or practitioner who meets the requirements described in subparagraph (C), the Secretary shall, subject to availability of funds under subparagraph (D), make a payment (at such time and in such manner as specified by the Secretary) to such Federally qualified health center after receiving and approving an application submitted by such Federally qualified health center under subparagraph (B). Such a payment shall be in an amount determined by the Secretary, based on an estimate of the average costs of training for purposes of receiving a waiver described in subparagraph (C)(ii). Such a payment may be made only one time with respect to each such physician or practitioner.

"(B) APPLICATION.—In order to receive a payment described in subparagraph (A), a Federally qualified health center shall submit to the Secretary an application for such a payment at such time, in such manner, and containing such information as specified by the Secretary. A Federally qualified health center may apply for such a payment for each physician or practitioner described in subparagraph (A) furnishing services described in such subparagraph at such center.

"(C) REQUIREMENTS.—For purposes of subparagraph (A), the requirements described in this subparagraph, with respect to a physician or practitioner, are the following:

"(i) The physician or practitioner is employed by or working under contract with a Federally qualified health center described in subparagraph (A) that submits an application under subparagraph (B).

"(ii) The physician or practitioner first receives a waiver under section 303(g) of the Controlled Substances Act on or after January 1, 2019.

"(D) FUNDING.—For purposes of making payments under this paragraph, there are appropriated, out of amounts in the Treasury not otherwise appropriated, $6,000,000, which shall remain available until expended.".

(b) RURAL HEALTH CLINIC.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) by redesignating the subsection (z) relating to medical review of spinal subluxation services as subsection (aa); and

(2) by adding at the end the following new subsection:

"(bb) ADDITIONAL PAYMENTS FOR CERTAIN RURAL HEALTH CLINICS WITH PHYSICIANS OR PRACTITIONERS RECEIVING DATA 2000 WAIVERS.—

"(1) IN GENERAL.—In the case of a rural health clinic with respect to which, beginning on or after January 1, 2019, rural health clinic services (as defined in section 1861(aa)(1)) are furnished for the treatment of opioid use disorder by a physician or practitioner who meets the requirements described in paragraph (3), the Secretary shall, subject to availability of funds under paragraph (4), make a payment (at such time and in such manner as specified by the Secretary) to such rural health clinic after receiving and approving an application described in paragraph (2). Such payment shall be in an amount determined by the Secretary, based on an estimate of the average costs of training for purposes of receiving a waiver described in paragraph (3)(B). Such payment may be made only one time with respect to each such physician or practitioner.

"(2) APPLICATION.—In order to receive a payment described in paragraph (1), a rural health clinic shall submit to the Secretary an application for such a payment at such time, in such manner, and containing such information as specified by the Secretary. A rural health clinic may apply for such a payment for each physician or practitioner described in paragraph (1) furnishing services described in such paragraph at such clinic.

"(3) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph, with respect to a physician or practitioner, are the following:

"(A) The physician or practitioner is employed by or working under contract with a rural health clinic described in paragraph (1) that submits an application under paragraph (2).

"(B) The physician or practitioner first receives a waiver under section 303(g) of the Controlled Substances Act on or after January 1, 2019.

"(4) FUNDING.—For purposes of making payments under this subsection, there are appropriated, out of amounts in the Treasury not otherwise appropriated, $2,000,000, which shall remain available until expended.".

SEC. 6084. STUDYING THE AVAILABILITY OF SUPPLEMENTAL BENEFITS DESIGNED TO TREAT OR PREVENT SUBSTANCE USE DISORDERS UNDER MEDICARE ADVANTAGE PLANS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall submit to Congress a report on the availability of supplemental health care benefits (as described in section 1852(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–22(a)(3)(A))) designed to treat or prevent substance use disorders under Medicare Advantage plans offered under part C of title XVIII of such Act. Such report shall include the analysis described in subsection (c) and any differences in the availability of such benefits under specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of such Act (42 U.S.C. 1395w–28(b)(6))) offered to individuals entitled to medical assistance under title XIX of such Act and other such Medicare Advantage plans.

(b) CONSULTATION.—The Secretary shall develop the report described in subsection (a) in consultation with relevant stakeholders, including—

(1) individuals entitled to benefits under part A or enrolled under part B of title XVIII of the Social Security Act;

(2) entities who advocate on behalf of such individuals;

(3) Medicare Advantage organizations;

(4) pharmacy benefit managers; and

(5) providers of services and suppliers (as such terms are defined in section 1861 of such Act (42 U.S.C. 1395x)).

(c) CONTENTS.—The report described in subsection (a) shall include an analysis on the following:

(1) The extent to which plans described in such subsection offer supplemental health care benefits relating to coverage of—

(A) medication-assisted treatments for opioid use, substance use disorder counseling, peer recovery support services, or other forms of substance use disorder treatments (whether furnished in an inpatient or outpatient setting); and

(B) non-opioid alternatives for the treatment of pain.

(2) Challenges associated with such plans offering supplemental health care benefits relating to coverage of items and services described in subparagraph (A) or (B) of paragraph (1).

(3) The impact, if any, of increasing the applicable rebate percentage determined under section 1854(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–24(b)(1)(C)) for plans offering such benefits relating to such coverage would have on the availability of such benefits relating to such coverage offered under Medicare Advantage plans.

(4) Potential ways to improve upon such coverage or to incentivize such plans to offer additional supplemental health care benefits relating to such coverage.

SEC. 6085. CLINICAL PSYCHOLOGIST SERVICES MODELS UNDER THE CENTER FOR MEDICARE AND MEDICAID INNOVATION; GAO STUDY AND REPORT.

(a) CMI MODELS.—Section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)), as amended by section 6001, is further amended by adding at the end the following new clauses:

"(xxvi) Supporting ways to familiarize individuals with the availability of coverage under part B of title XVIII for qualified psychologist services (as defined in section 1861(ii)).

"(xxvii) Exploring ways to avoid unnecessary hospitalizations or emergency department visits for mental and behavioral health services (such as for treating depression) through use of a 24-hour, 7-day a week help line that may inform individuals about the availability of treatment options, including the availability of qualified psychologist services (as defined in section 1861(ii)).".

(b) GAO STUDY AND REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to Congress

a report, on mental and behavioral health services under the Medicare program under title XVIII of the Social Security Act, including an examination of the following:

(1) Information about services furnished by psychiatrists, clinical psychologists, and other professionals.

(2) Information about ways that Medicare beneficiaries familiarize themselves about the availability of Medicare payment for qualified psychologist services (as defined in section 1861(ii) of the Social Security Act (42 U.S.C. 1395x(ii)) and ways that the provision of such information could be improved.

SEC. 6086. DR. TODD GRAHAM PAIN MANAGEMENT STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall conduct a study analyzing best practices as well as payment and coverage for pain management services under title XVIII of the Social Security Act and submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report containing options for revising payment to providers and suppliers of services and coverage related to the use of multi-disciplinary, evidence-based, non-opioid treatments for acute and chronic pain management for individuals entitled to benefits under part A or enrolled under part B of title XVIII of the Social Security Act. The Secretary shall make such report available on the public website of the Centers for Medicare & Medicaid Services.

(b) CONSULTATION.—In developing the report described in subsection (a), the Secretary shall consult with—

(1) relevant agencies within the Department of Health and Human Services;

(2) licensed and practicing osteopathic and allopathic physicians, behavioral health practitioners, physician assistants, nurse practitioners, dentists, pharmacists, and other providers of health services;

(3) providers and suppliers of services (as such terms are defined in section 1861 of the Social Security Act (42 U.S.C. 1395x));

(4) substance abuse and mental health professional organizations;

(5) pain management professional organizations and advocacy entities, including individuals who personally suffer chronic pain;

(6) medical professional organizations and medical specialty organizations;

(7) licensed health care providers who furnish alternative pain management services;

(8) organizations with expertise in the development of innovative medical technologies for pain management;

(9) beneficiary advocacy organizations; and

(10) other organizations with expertise in the assessment, diagnosis, treatment, and management of pain, as determined appropriate by the Secretary.

(c) CONTENTS.—The report described in subsection (a) shall include the following:

(1) An analysis of payment and coverage under title XVIII of the Social Security Act with respect to the following:

(A) Evidence-based treatments and technologies for chronic or acute pain, including such treatments that are covered, not covered, or have limited coverage under such title.

(B) Evidence-based treatments and technologies that monitor substance use withdrawal and prevent overdoses of opioids.

(C) Evidence-based treatments and technologies that treat substance use disorders.

(D) Items and services furnished by practitioners through a multi-disciplinary treatment model for pain management, including the patient-centered medical home.

(E) Items and services furnished to beneficiaries with psychiatric disorders, substance use disorders, or who are at risk of suicide, or have comorbidities and require consultation or management of pain with one or more specialists in pain management, mental health, or addiction treatment.

(2) An evaluation of the following:

(A) Barriers inhibiting individuals entitled to benefits under part A or enrolled under part B of such title from accessing treatments and technologies described in subparagraphs (A) through (E) of paragraph (1).

(B) Costs and benefits associated with potential expansion of coverage under such title to include items and services not covered under such title that may be used for the treatment of pain, such as acupuncture, therapeutic massage, and items and services furnished by integrated pain management programs.

(C) Pain management guidance published by the Federal Government that may be relevant to coverage determinations or other coverage requirements under title XVIII of the Social Security Act.

(3) An assessment of all guidance published by the Department of Health and Human Services on or after January 1, 2016, relating to the prescribing of opioids. Such assessment shall consider incorporating into such guidance relevant elements of the "Va/DoD Clinical Practice Guideline for Opioid Therapy for Chronic Pain" published in February 2017 by the Department of Veterans Affairs and Department of Defense, including adoption of elements of the Department of Defense and Department of Veterans Affairs pain rating scale.

(4) The options described in subsection (d).

(5) The impact analysis described in subsection (e).

(d) OPTIONS.—The options described in this subsection are, with respect to individuals entitled to benefits under part A or enrolled under part B of title XVIII of the Social Security Act, legislative and administrative options for accomplishing the following:

(1) Improving coverage of and payment for pain management therapies without the use of opioids, including interventional pain therapies, and options to augment opioid therapy with other clinical and complementary, integrative health services to minimize the risk of substance use disorder, including in a hospital setting.

(2) Improving coverage of and payment for medical devices and non-opioid based pharmacological and non-pharmacological

therapies approved or cleared by the Food and Drug Administration for the treatment of pain as an alternative or augment to opioid therapy.

(3) Improving and disseminating treatment strategies for beneficiaries with psychiatric disorders, substance use disorders, or who are at risk of suicide, and treatment strategies to address health disparities related to opioid use and opioid abuse treatment.

(4) Improving and disseminating treatment strategies for beneficiaries with comorbidities who require a consultation or comanagement of pain with one or more specialists in pain management, mental health, or addiction treatment, including in a hospital setting.

(5) Educating providers on risks of coadministration of opioids and other drugs, particularly benzodiazepines.

(6) Ensuring appropriate case management for beneficiaries who transition between inpatient and outpatient hospital settings, or between opioid therapy to non-opioid therapy, which may include the use of care transition plans.

(7) Expanding outreach activities designed to educate providers of services and suppliers under the Medicare program and individuals entitled to benefits under part A or under part B of such title on alternative, non-opioid therapies to manage and treat acute and chronic pain.

(8) Creating a beneficiary education tool on alternatives to opioids for chronic pain management.

(e) IMPACT ANALYSIS.—The impact analysis described in this subsection consists of an analysis of any potential effects implementing the options described in subsection (d) would have—

(1) on expenditures under the Medicare program; and

(2) on preventing or reducing opioid addiction for individuals receiving benefits under the Medicare program.

Subtitle J—Combating Opioid Abuse for Care in Hospitals

Combating Opioid Abuse for Care in Hospitals Act of 2018.

SEC. 6091. SHORT TITLE.

42 USC 1305 note.

This subtitle may be cited as the "Combating Opioid Abuse for Care in Hospitals Act of 2018" or the "COACH Act of 2018".

SEC. 6092. DEVELOPING GUIDANCE ON PAIN MANAGEMENT AND OPIOID USE DISORDER PREVENTION FOR HOSPITALS RECEIVING PAYMENT UNDER PART A OF THE MEDICARE PROGRAM.

42 USC 1395c note.

(a) IN GENERAL.—Not later than July 1, 2019, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall develop and publish on the public website of the Centers for Medicare & Medicaid Services guidance for hospitals receiving payment under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) on pain management strategies and opioid use disorder prevention strategies with respect to individuals entitled to benefits under such part.

(b) CONSULTATION.—In developing the guidance described in subsection (a), the Secretary shall consult with relevant stakeholders, including—

(1) medical professional organizations;

(2) providers and suppliers of services (as such terms are defined in section 1861 of the Social Security Act (42 U.S.C. 1395x));

(3) health care consumers or groups representing such consumers; and

(4) other entities determined appropriate by the Secretary.

(c) CONTENTS.—The guidance described in subsection (a) shall include, with respect to hospitals and individuals described in such subsection, the following:

(1) Best practices regarding evidence-based screening and practitioner education initiatives relating to screening and treatment protocols for opioid use disorder, including—

(A) methods to identify such individuals at-risk of opioid use disorder, including risk stratification;

(B) ways to prevent, recognize, and treat opioid overdoses; and

(C) resources available to such individuals, such as opioid treatment programs, peer support groups, and other recovery programs.

(2) Best practices for such hospitals to educate practitioners furnishing items and services at such hospital with respect to pain management and substance use disorders, including education on—

(A) the adverse effects of prolonged opioid use;

(B) non-opioid, evidence-based, non-pharmacological pain management treatments;

(C) monitoring programs for individuals who have been prescribed opioids; and

(D) the prescribing of naloxone along with an initial opioid prescription.

(3) Best practices for such hospitals to make such individuals aware of the risks associated with opioid use (which may include use of the notification template described in paragraph (4)).

(4) A notification template developed by the Secretary, for use as appropriate, for such individuals who are prescribed an opioid that—

(A) explains the risks and side effects associated with opioid use (including the risks of addiction and overdose) and the importance of adhering to the prescribed treatment regimen, avoiding medications that may have an adverse interaction with such opioid, and storing such opioid safely and securely;

(B) highlights multimodal and evidence-based non-opioid alternatives for pain management;

(C) encourages such individuals to talk to their health care providers about such alternatives;

(D) provides for a method (through signature or otherwise) for such an individual, or person acting on such individual's behalf, to acknowledge receipt of such notification template;

(E) is worded in an easily understandable manner and made available in multiple languages determined appropriate by the Secretary; and

(F) includes any other information determined appropriate by the Secretary.

(5) Best practices for such hospital to track opioid prescribing trends by practitioners furnishing items and services at such hospital, including—

(A) ways for such hospital to establish target levels, taking into account the specialties of such practitioners and the geographic area in which such hospital is located, with respect to opioids prescribed by such practitioners;

(B) guidance on checking the medical records of such individuals against information included in prescription drug monitoring programs;

(C) strategies to reduce long-term opioid prescriptions; and

(D) methods to identify such practitioners who may be over-prescribing opioids.

(6) Other information the Secretary determines appropriate, including any such information from the Opioid Safety Initiative established by the Department of Veterans Affairs or the Opioid Overdose Prevention Toolkit published by the Substance Abuse and Mental Health Services Administration.

SEC. 6093. REQUIRING THE REVIEW OF QUALITY MEASURES RELATING TO OPIOIDS AND OPIOID USE DISORDER TREATMENTS FURNISHED UNDER THE MEDICARE PROGRAM AND OTHER FEDERAL HEALTH CARE PROGRAMS.

Section 1890A of the Social Security Act (42 U.S.C. 1395aaa–1) is amended by adding at the end the following new subsection:

"(g) TECHNICAL EXPERT PANEL REVIEW OF OPIOID AND OPIOID USE DISORDER QUALITY MEASURES.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall establish a technical expert panel for purposes of reviewing quality measures relating to opioids and opioid use disorders, including care, prevention, diagnosis, health outcomes, and treatment furnished to individuals with opioid use disorders. The Secretary may use the entity with a contract under section 1890(a) and amend such contract as necessary to provide for the establishment of such technical expert panel.

"(2) REVIEW AND ASSESSMENT.—Not later than 1 year after the date the technical expert panel described in paragraph (1) is established (and periodically thereafter as the Secretary determines appropriate), the technical expert panel shall—

"(A) review quality measures that relate to opioids and opioid use disorders, including existing measures and those under development;

"(B) identify gaps in areas of quality measurement that relate to opioids and opioid use disorders, and identify measure development priorities for such measure gaps; and

"(C) make recommendations to the Secretary on quality measures with respect to opioids and opioid use disorders for purposes of improving care, prevention, diagnosis, health outcomes, and treatment, including recommendations for revisions of such measures, need for development of new measures, and recommendations for including such measures in the Merit-Based Incentive Payment System under section 1848(q), the alternative payment models under section 1833(z)(3)(C), the shared savings program

under section 1899, the quality reporting requirements for inpatient hospitals under section 1886(b)(3)(B)(viii), and the hospital value-based purchasing program under section 1886(o).

"(3) CONSIDERATION OF MEASURES BY SECRETARY.—The Secretary shall consider—

"(A) using opioid and opioid use disorder measures (including measures used under the Merit-Based Incentive Payment System under section 1848(q), measures recommended under paragraph (2)(C), and other such measures identified by the Secretary) in alternative payment models under section 1833(z)(3)(C) and in the shared savings program under section 1899; and

"(B) using opioid measures described in subparagraph (A), as applicable, in the quality reporting requirements for inpatient hospitals under section 1886(b)(3)(B)(viii), and in the hospital value-based purchasing program under section 1886(o).

"(4) PRIORITIZATION OF MEASURE DEVELOPMENT.—The Secretary shall prioritize for measure development the gaps in quality measures identified under paragraph (2)(B).

"(5) PRIORITIZATION OF MEASURE ENDORSEMENT.—The Secretary—

"(A) during the period beginning on the date of the enactment of this subsection and ending on December 31, 2023, shall prioritize the endorsement of measures relating to opioids and opioid use disorders by the entity with a contract under subsection (a) of section 1890 in connection with endorsement of measures described in subsection (b)(2) of such section; and

"(B) on and after January 1, 2024, may prioritize the endorsement of such measures by such entity.".

SEC. 6094. TECHNICAL EXPERT PANEL ON REDUCING SURGICAL SETTING OPIOID USE; DATA COLLECTION ON PERIOPERATIVE OPIOID USE.

(a) TECHNICAL EXPERT PANEL ON REDUCING SURGICAL SETTING OPIOID USE.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall convene a technical expert panel, including medical and surgical specialty societies and hospital organizations, to provide recommendations on reducing opioid use in the inpatient and outpatient surgical settings and on best practices for pain management, including with respect to the following:

(A) Approaches that limit patient exposure to opioids during the perioperative period, including pre-surgical and post-surgical injections, and that identify such patients at risk of opioid use disorder pre-operation.

(B) Shared decision making with patients and families on pain management, including a review of payment to ensure payment under the Medicare program under title XVIII of the Social Security Act accounts for time spent on shared decision making.

(C) Education on the safe use, storage, and disposal of opioids.

(D) Prevention of opioid misuse and abuse after discharge.

(E) Development of a clinical algorithm to identify and treat at-risk, opiate-tolerant patients and reduce reliance on opioids for acute pain during the perioperative period.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress and make public a report containing the recommendations developed under paragraph (1) and an action plan for broader implementation of pain management protocols that limit the use of opioids in the perioperative setting and upon discharge from such setting.

(b) DATA COLLECTION ON PERIOPERATIVE OPIOID USE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that contains the following:

(1) The diagnosis-related group codes identified by the Secretary as having the highest volume of surgeries.

(2) With respect to each of such diagnosis-related group codes so identified, a determination by the Secretary of the data that is both available and reported on opioid use following such surgeries, such as with respect to—

(A) surgical volumes, practices, and opioid prescribing patterns;

(B) opioid consumption, including—

(i) perioperative days of therapy;

(ii) average daily dose at the hospital, including dosage greater than 90 milligram morphine equivalent;

(iii) post-discharge prescriptions and other combination drugs that are used before intervention and after intervention;

(iv) quantity and duration of opioid prescription at discharge; and

(v) quantity consumed and number of refills;

(C) regional anesthesia and analgesia practices, including pre-surgical and post-surgical injections;

(D) naloxone reversal;

(E) post-operative respiratory failure;

(F) information about storage and disposal; and

(G) such other information as the Secretary may specify.

(3) Recommendations for improving data collection on perioperative opioid use, including an analysis to identify and reduce barriers to collecting, reporting, and analyzing the data described in paragraph (2), including barriers related to technological availability.

SEC. 6095. REQUIRING THE POSTING AND PERIODIC UPDATE OF OPIOID PRESCRIBING GUIDANCE FOR MEDICARE BENEFICIARIES.

42 USC 1395hh note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall post on the public website of the Centers for Medicare & Medicaid Services all guidance published by the Department of Health and

Human Services on or after January 1, 2016, relating to the prescribing of opioids and applicable to opioid prescriptions for individuals entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled under part B of such title of such Act (42 U.S.C. 1395j et seq.).

(b) UPDATE OF GUIDANCE.—

(1) PERIODIC UPDATE.—The Secretary shall, in consultation with the entities specified in paragraph (2), periodically (as determined appropriate by the Secretary) update guidance described in subsection (a) and revise the posting of such guidance on the website described in such subsection.

(2) CONSULTATION.—The entities specified in this paragraph are the following:

(A) Medical professional organizations.

(B) Providers and suppliers of services (as such terms are defined in section 1861 of the Social Security Act (42 U.S.C. 1395x)).

(C) Health care consumers or groups representing such consumers.

(D) Other entities determined appropriate by the Secretary.

Providing Reliable Options for Patients and Educational Resources Act of 2018.
42 USC 1305 note.

Subtitle K—Providing Reliable Options for Patients and Educational Resources

SEC. 6101. SHORT TITLE.

This subtitle may be cited as the "Providing Reliable Options for Patients and Educational Resources Act of 2018" or the "PROPER Act of 2018".

SEC. 6102. REQUIRING MEDICARE ADVANTAGE PLANS AND PART D PRESCRIPTION DRUG PLANS TO INCLUDE INFORMATION ON RISKS ASSOCIATED WITH OPIOIDS AND COVERAGE OF NONPHARMACOLOGICAL THERAPIES AND NONOPIOID MEDICATIONS OR DEVICES USED TO TREAT PAIN.

Section 1860D–4(a)(1) of the Social Security Act (42 U.S.C. 1395w–104(a)(1)) is amended—

(1) in subparagraph (A), by inserting ", subject to subparagraph (C)," before "including";

(2) in subparagraph (B), by adding at the end the following new clause:

"(vi) For plan year 2021 and each subsequent plan year, subject to subparagraph (C), with respect to the treatment of pain—

"(I) the risks associated with prolonged opioid use; and

"(II) coverage of nonpharmacological therapies, devices, and nonopioid medications—

"(aa) in the case of an MA–PD plan under part C, under such plan; and

"(bb) in the case of a prescription drug plan, under such plan and under parts A and B."; and

(3) by adding at the end the following new subparagraph:

"(C) TARGETED PROVISION OF INFORMATION.—A PDP sponsor of a prescription drug plan may, in lieu of disclosing

the information described in subparagraph (B)(vi) to each enrollee under the plan, disclose such information through mail or electronic communications to a subset of enrollees under the plan, such as enrollees who have been prescribed an opioid in the previous 2-year period.".

SEC. 6103. REQUIRING MEDICARE ADVANTAGE PLANS AND PRESCRIPTION DRUG PLANS TO PROVIDE INFORMATION ON THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.

(a) MEDICARE ADVANTAGE.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

"(n) PROVISION OF INFORMATION RELATING TO THE SAFE DISPOSAL OF CERTAIN PRESCRIPTION DRUGS.—

"(1) IN GENERAL.—In the case of an individual enrolled under an MA or MA–PD plan who is furnished an in-home health risk assessment on or after January 1, 2021, such plan shall ensure that such assessment includes information on the safe disposal of prescription drugs that are controlled substances that meets the criteria established under paragraph (2). Such information shall include information on drug takeback programs that meet such requirements determined appropriate by the Secretary and information on in-home disposal.

"(2) CRITERIA.—The Secretary shall, through rulemaking, establish criteria the Secretary determines appropriate with respect to information provided to an individual to ensure that such information sufficiently educates such individual on the safe disposal of prescription drugs that are controlled substances.".

(b) PRESCRIPTION DRUG PLANS.—Section 1860D–4(c)(2)(B) of the Social Security Act (42 U.S.C. 1395w–104(c)(2)(B)) is amended—

(1) by striking "may include elements that promote";

(2) by redesignating clauses (i) through (iii) as subclauses (I) through (III) and adjusting the margins accordingly;

(3) by inserting before subclause (I), as so redesignated, the following new clause:

"(i) may include elements that promote—";

(4) in subclause (III), as so redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new clause:

"(ii) with respect to plan years beginning on or after January 1, 2021, shall provide for—

"(I) the provision of information to the enrollee on the safe disposal of prescription drugs that are controlled substances that meets the criteria established under section 1852(n)(2), including information on drug takeback programs that meet such requirements determined appropriate by the Secretary and information on in-home disposal; and

"(II) cost-effective means by which an enrollee may so safely dispose of such drugs.".

SEC. 6104. REVISING MEASURES USED UNDER THE HOSPITAL CONSUMER ASSESSMENT OF HEALTHCARE PROVIDERS AND SYSTEMS SURVEY RELATING TO PAIN MANAGEMENT.

(a) RESTRICTION ON THE USE OF PAIN QUESTIONS IN HCAHPS.—Section 1886(b)(3)(B)(viii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(viii)) is amended by adding at the end the following new subclause:

"(XII)(aa) With respect to a Hospital Consumer Assessment of Healthcare Providers and Systems survey (or a successor survey) conducted on or after January 1, 2020, such survey may not include questions about communication by hospital staff with an individual about such individual's pain unless such questions take into account, as applicable, whether an individual experiencing pain was informed about risks associated with the use of opioids and about non-opioid alternatives for the treatment of pain.

"(bb) The Secretary shall not include on the Hospital Compare internet website any measures based on the questions appearing on the Hospital Consumer Assessment of Healthcare Providers and Systems survey in 2018 or 2019 about communication by hospital staff with an individual about such individual's pain.".

(b) RESTRICTION ON USE OF 2018 AND 2019 PAIN QUESTIONS IN THE HOSPITAL VALUE-BASED PURCHASING PROGRAM.—Section 1886(o)(2)(B) of the Social Security Act (42 U.S.C. 1395ww(o)(2)(B)) is amended by adding at the end the following new clause:

"(iii) HCAHPS PAIN QUESTIONS.—The Secretary may not include under subparagraph (A) a measure that is based on the questions appearing on the Hospital Consumer Assessment of Healthcare Providers and Systems survey in 2018 or 2019 about communication by hospital staff with an individual about the individual's pain.".

Subtitle L—Fighting the Opioid Epidemic With Sunshine

SEC. 6111. FIGHTING THE OPIOID EPIDEMIC WITH SUNSHINE.

(a) INCLUSION OF INFORMATION REGARDING PAYMENTS TO ADDITIONAL PRACTITIONERS.—

(1) IN GENERAL.—Section 1128G(e)(6) of the Social Security Act (42 U.S.C. 1320a–7h(e)(6)) is amended—

(A) in subparagraph (A), by adding at the end the following new clauses:

"(iii) A physician assistant, nurse practitioner, or clinical nurse specialist (as such terms are defined in section 1861(aa)(5)).

"(iv) A certified registered nurse anesthetist (as defined in section 1861(bb)(2)).

"(v) A certified nurse-midwife (as defined in section 1861(gg)(2)).''; and

(B) in subparagraph (B), by inserting ", physician assistant, nurse practitioner, clinical nurse specialist, certified nurse anesthetist, or certified nurse-midwife" after "physician".

42 USC 1320a–7h note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to information required to

be submitted under section 1128G of the Social Security Act (42 U.S.C. 1320a–7h) on or after January 1, 2022.

(b) SUNSET OF EXCLUSION OF NATIONAL PROVIDER IDENTIFIER OF COVERED RECIPIENT IN INFORMATION MADE PUBLICLY AVAILABLE.—Section 1128G(c)(1)(C)(viii) of the Social Security Act (42 U.S.C. 1320a–7h(c)(1)(C)(viii)) is amended by striking "does not contain" and inserting "in the case of information made available under this subparagraph prior to January 1, 2022, does not contain".

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section or the amendments made by this section.

42 USC 1320a–7h note.

TITLE VII—PUBLIC HEALTH PROVISIONS

Subtitle A—Awareness and Training

SEC. 7001. REPORT ON EFFECTS ON PUBLIC HEALTH OF SYNTHETIC DRUG USE.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in coordination with the Surgeon General of the Public Health Service, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the health effects of new psychoactive substances, including synthetic drugs, used by adolescents and young adults.

(b) NEW PSYCHOACTIVE SUBSTANCE DEFINED.—For purposes of subsection (a), the term "new psychoactive substance" means a controlled substance analogue (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)).

SEC. 7002. FIRST RESPONDER TRAINING.

Section 546 of the Public Health Service Act (42 U.S.C. 290ee–1) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) train and provide resources for first responders and members of other key community sectors on safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs to protect themselves from exposure to such drugs and respond appropriately when exposure occurs.";

(2) in subsection (d), by striking "and mechanisms for referral to appropriate treatment for an entity receiving a grant under this section" and inserting "mechanisms for referral to appropriate treatment, and safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs";

(3) in subsection (f)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) the number of first responders and members of other key community sectors trained on safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs.";

(4) by redesignating subsection (g) as subsection (h);

(5) by inserting after subsection (f) the following:

"(g) OTHER KEY COMMUNITY SECTORS.—In this section, the term 'other key community sectors' includes substance use disorder treatment providers, emergency medical services agencies, agencies and organizations working with prison and jail populations and offender reentry programs, health care providers, harm reduction groups, pharmacies, community health centers, tribal health facilities, and mental health providers."; and

(6) in subsection (h), as so redesignated, by striking "$12,000,000 for each of fiscal years 2017 through 2021" and inserting "$36,000,000 for each of fiscal years 2019 through 2023".

Subtitle B—Pilot Program for Public Health Laboratories To Detect Fentanyl and Other Synthetic Opioids

42 USC 247d–10 note.

SEC. 7011. PILOT PROGRAM FOR PUBLIC HEALTH LABORATORIES TO DETECT FENTANYL AND OTHER SYNTHETIC OPIOIDS.

(a) GRANTS.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall award grants to, or enter into cooperative agreements with, Federal, State, and local agencies to improve coordination between public health laboratories and laboratories operated by law enforcement agencies, such as Customs and Border Protection and the Drug Enforcement Administration, to improve detection of synthetic opioids, including fentanyl and its analogues, as described in subsection (b).

(b) DETECTION ACTIVITIES.—The Secretary, in consultation with the Director of the National Institute of Standards and Technology, the Director of the Centers for Disease Control and Prevention, the Attorney General of the United States, and the Administrator of the Drug Enforcement Administration, shall, for purposes of this section, develop or identify—

(1) best practices for safely handling and testing synthetic opioids, including fentanyl and its analogues, including with respect to reference materials, instrument calibration, and quality control protocols;

(2) reference materials and quality control standards related to synthetic opioids, including fentanyl and its analogues, to enhance—

(A) clinical diagnostics;

(B) postmortem data collection; and

(C) portable testing equipment utilized by law enforcement and public health officials; and

(3) procedures for the identification of new and emerging synthetic opioid formulations and procedures for reporting those findings to appropriate law enforcement agencies and Federal, State, and local public health laboratories and health departments, as appropriate.

(c) LABORATORIES.—The Secretary shall require recipients of grants or cooperative agreements under subsection (a) to—

(1) follow the best practices established under subsection (b) and have the appropriate capabilities to provide laboratory testing of controlled substances, such as synthetic fentanyl, and biospecimens for the purposes of aggregating and reporting public health information to Federal, State, and local public health officials, laboratories, and other entities the Secretary deems appropriate;

(2) work with law enforcement agencies and public health authorities, as practicable;

(3) provide early warning information to Federal, State, and local law enforcement agencies and public health authorities regarding trends or other data related to the supply of synthetic opioids, including fentanyl and its analogues;

(4) provide biosurveillance capabilities with respect to identifying trends in adverse health outcomes associated with non-fatal exposures; and

(5) provide diagnostic testing, as appropriate and practicable, for non-fatal exposures of emergency personnel, first responders, and other individuals.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $15,000,000 for each of fiscal years 2019 through 2023.

Subtitle C—Indexing Narcotics, Fentanyl, and Opioids

SEC. 7021. ESTABLISHMENT OF SUBSTANCE USE DISORDER INFORMATION DASHBOARD.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following new section:

"SEC. 1711. ESTABLISHMENT OF SUBSTANCE USE DISORDER INFORMATION DASHBOARD.

42 USC 300u–16.

"(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Health and Human Services shall, in consultation with the Director of National Drug Control Policy, establish and periodically update, on the Internet website of the Department of Health and Human Services, a public information dashboard that—

"(1) provides links to information on programs within the Department of Health and Human Services related to the reduction of opioid and other substance use disorders;

"(2) provides access, to the extent practicable and appropriate, to publicly available data, which may include data from agencies within the Department of Health and Human Services and—

"(A) other Federal agencies;

"(B) State, local, and Tribal governments;

"(C) nonprofit organizations;

"(D) law enforcement;

"(E) medical experts;

"(F) public health educators; and

"(G) research institutions regarding prevention, treatment, recovery, and other services for opioid and other substance use disorders;

"(3) provides data on substance use disorder prevention and treatment strategies in different regions of and populations in the United States;

"(4) identifies information on alternatives to controlled substances for pain management, such as approaches studied by the National Institutes of Health Pain Consortium, the National Center for Complimentary and Integrative Health, and other institutes and centers at the National Institutes of Health, as appropriate; and

"(5) identifies guidelines and best practices for health care providers regarding treatment of substance use disorders.

"(b) CONTROLLED SUBSTANCE DEFINED.—In this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

42 USC 290aa note.

SEC. 7022. INTERDEPARTMENTAL SUBSTANCE USE DISORDERS COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall, in coordination with the Director of National Drug Control Policy, establish a committee, to be known as the Interdepartmental Substance Use Disorders Coordinating Committee (in this section referred to as the "Committee"), to coordinate Federal activities related to substance use disorders.

(b) MEMBERSHIP.—

(1) FEDERAL MEMBERS.—The Committee shall be composed of the following Federal representatives, or the designees of such representatives:

(A) The Secretary, who shall serve as the Chair of the Committee.

(B) The Attorney General of the United States.

(C) The Secretary of Labor.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Education.

(F) The Secretary of Veterans Affairs.

(G) The Commissioner of Social Security.

(H) The Assistant Secretary for Mental Health and Substance Use.

(I) The Director of National Drug Control Policy.

(J) Representatives of other Federal agencies that support or conduct activities or programs related to substance use disorders, as determined appropriate by the Secretary.

(2) NON-FEDERAL MEMBERS.—The Committee shall include a minimum of 15 non-Federal members appointed by the Secretary, of which—

(A) at least two such members shall be an individual who has received treatment for a diagnosis of a substance use disorder;

(B) at least two such members shall be a director of a State substance abuse agency;

(C) at least two such members shall be a representative of a leading research, advocacy, or service organization for adults with substance use disorder;

(D) at least two such members shall—

(i) be a physician, licensed mental health professional, advance practice registered nurse, or physician assistant; and

(ii) have experience in treating individuals with substance use disorders;

(E) at least one such member shall be a substance use disorder treatment professional who provides treatment services at a certified opioid treatment program;

(F) at least one such member shall be a substance use disorder treatment professional who has research or clinical experience in working with racial and ethnic minority populations;

(G) at least one such member shall be a substance use disorder treatment professional who has research or clinical mental health experience in working with medically underserved populations;

(H) at least one such member shall be a State-certified substance use disorder peer support specialist;

(I) at least one such member shall be a drug court judge or a judge with experience in adjudicating cases related to substance use disorder;

(J) at least one such member shall be a public safety officer with extensive experience in interacting with adults with a substance use disorder; and

(K) at least one such member shall be an individual with experience providing services for homeless individuals with a substance use disorder.

(c) TERMS.—

(1) IN GENERAL.—A member of the Committee appointed under subsection (b)(2) shall be appointed for a term of 3 years and may be reappointed for one or more 3-year terms.

(2) VACANCIES.—A vacancy on the Committee shall be filled in the same manner in which the original appointment was made. Any individual appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and may serve after the expiration of such term until a successor has been appointed.

(d) MEETINGS.—The Committee shall meet not fewer than two times each year.

(e) DUTIES.—The Committee shall—

(1) identify areas for improved coordination of activities, if any, related to substance use disorders, including research, services, supports, and prevention activities across all relevant Federal agencies;

(2) identify and provide to the Secretary recommendations for improving Federal programs for the prevention and treatment of, and recovery from, substance use disorders, including by expanding access to prevention, treatment, and recovery services;

(3) analyze substance use disorder prevention and treatment strategies in different regions of and populations in the United States and evaluate the extent to which Federal substance use disorder prevention and treatment strategies are aligned with State and local substance use disorder prevention and treatment strategies;

(4) make recommendations to the Secretary regarding any appropriate changes with respect to the activities and strategies described in paragraphs (1) through (3);

(5) make recommendations to the Secretary regarding public participation in decisions relating to substance use disorders and the process by which public feedback can be better integrated into such decisions; and

(6) make recommendations to ensure that substance use disorder research, services, supports, and prevention activities of the Department of Health and Human Services and other Federal agencies are not unnecessarily duplicative.

(f) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the life of the Committee, the Committee shall publish on the Internet website of the Department of Health and Human Services, which may include the public information dashboard established under section 1711 of the Public Health Service Act, as added by section 7021, a report summarizing the activities carried out by the Committee pursuant to subsection (e), including any findings resulting from such activities.

(g) WORKING GROUPS.—The Committee may establish working groups for purposes of carrying out the duties described in subsection (e). Any such working group shall be composed of members of the Committee (or the designees of such members) and may hold such meetings as are necessary to enable the working group to carry out the duties delegated to the working group.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee only to the extent that the provisions of such Act do not conflict with the requirements of this section.

(i) SUNSET.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established under subsection (a).

42 USC 300u–16 note.

SEC. 7023. NATIONAL MILESTONES TO MEASURE SUCCESS IN CURTAILING THE OPIOID CRISIS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), in coordination with the Administrator of the Drug Enforcement Administration and the Director of the Office of National Drug Control Policy, shall develop or identify existing national indicators (referred to in this section as the "national milestones") to measure success in curtailing the opioid crisis, with the goal of significantly reversing the incidence and prevalence of opioid misuse and abuse, and opioid-related morbidity and mortality in the United States within 5 years of such date of enactment.

(b) NATIONAL MILESTONES TO END THE OPIOID CRISIS.—The national milestones under subsection (a) shall include the following:

(1) Not fewer than 10 indicators or metrics to accurately and expediently measure progress in meeting the goal described in subsection (a), which shall, as appropriate, include, indicators or metrics related to—

(A) the number of fatal and non-fatal opioid overdoses;

(B) the number of emergency room visits related to opioid misuse and abuse;

(C) the number of individuals in sustained recovery from opioid use disorder;

(D) the number of infections associated with illicit drug use, such as HIV, viral hepatitis, and infective endocarditis, and available capacity for treating such infections;

(E) the number of providers prescribing medication-assisted treatment for opioid use disorders, including in primary care settings, community health centers, jails, and prisons;

(F) the number of individuals receiving treatment for opioid use disorder; and

(G) additional indicators or metrics, as appropriate, such as metrics pertaining to specific populations, including women and children, American Indians and Alaskan Natives, individuals living in rural and non-urban areas, and justice-involved populations, that would further clarify the progress made in addressing the opioid crisis.

(2) A reasonable goal, such as a percentage decrease or other specified metric, that signifies progress in meeting the goal described in subsection (a), and annual targets to help achieve that goal.

(c) CONSIDERATION OF OTHER SUBSTANCE USE DISORDERS.—In developing the national milestones under subsection (b), the Secretary shall, as appropriate, consider other substance use disorders in addition to opioid use disorder.

(d) EXTENSION OF PERIOD.—If the Secretary determines that the goal described in subsection (a) will not be achieved with respect to any indicator or metric established under subsection (b)(2) within 5 years of the date of enactment of this Act, the Secretary may extend the timeline for meeting such goal with respect to that indicator or metric. The Secretary shall include with any such extension a rationale for why additional time is needed and information on whether significant changes are needed in order to achieve such goal with respect to the indicator or metric.

(e) ANNUAL STATUS UPDATE.—Not later than one year after the date of enactment of this Act, the Secretary shall make available on the Internet website of the Department of Health and Human Services, and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, an update on the progress, including expected progress in the subsequent year, in achieving the goals detailed in the national milestones. Each such update shall include the progress made in the first year or since the previous report, as applicable, in meeting each indicator or metric in the national milestones.

SEC. 7024. STUDY ON PRESCRIBING LIMITS.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Attorney General of the United States, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of Federal and State laws and regulations that limit the length, quantity, or dosage of opioid prescriptions. Such report shall address—

(1) the impact of such limits on—

(A) the incidence and prevalence of overdose related to prescription opioids;

(B) the incidence and prevalence of overdose related to illicit opioids;

(C) the prevalence of opioid use disorders;

(D) medically appropriate use of, and access to, opioids, including any impact on travel expenses and pain management outcomes for patients, whether such limits are associated with significantly higher rates of negative health outcomes, including suicide, and whether the impact of such limits differs based on the clinical indication for which opioids are prescribed;

(2) whether such limits lead to a significant increase in burden for prescribers of opioids or prescribers of treatments for opioid use disorder, including any impact on patient access to treatment, and whether any such burden is mitigated by any factors such as electronic prescribing or telemedicine; and

(3) the impact of such limits on diversion or misuse of any controlled substance in schedule II, III, or IV of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Subtitle D—Ensuring Access to Quality Sober Living

SEC. 7031. NATIONAL RECOVERY HOUSING BEST PRACTICES.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following new section:

42 USC 290ee–5.

"SEC. 550. NATIONAL RECOVERY HOUSING BEST PRACTICES.

"(a) BEST PRACTICES FOR OPERATING RECOVERY HOUSING.—

"(1) IN GENERAL.—The Secretary, in consultation with the individuals and entities specified in paragraph (2), shall identify or facilitate the development of best practices, which may include model laws for implementing suggested minimum standards, for operating recovery housing.

"(2) CONSULTATION.—In carrying out the activities described in paragraph (1), the Secretary shall consult with, as appropriate—

"(A) relevant divisions of the Department of Health and Human Services, including the Substance Abuse and Mental Health Services Administration, the Office of Inspector General, the Indian Health Service, and the Centers for Medicare & Medicaid Services;

"(B) the Secretary of Housing and Urban Development;

"(C) directors or commissioners, as applicable, of State health departments, tribal health departments, State Medicaid programs, and State insurance agencies;

"(D) representatives of health insurance issuers;

"(E) national accrediting entities and reputable providers of, and analysts of, recovery housing services, including Indian tribes, tribal organizations, and tribally designated housing entities that provide recovery housing services, as applicable;

"(F) individuals with a history of substance use disorder; and

"(G) other stakeholders identified by the Secretary.

"(b) IDENTIFICATION OF FRAUDULENT RECOVERY HOUSING OPERATORS.—

"(1) IN GENERAL.—The Secretary, in consultation with the individuals and entities described in paragraph (2), shall identify or facilitate the development of common indicators that could be used to identify potentially fraudulent recovery housing operators.

"(2) CONSULTATION.—In carrying out the activities described in paragraph (1), the Secretary shall consult with, as appropriate, the individuals and entities specified in subsection (a)(2) and the Attorney General of the United States.

"(3) REQUIREMENTS.—

"(A) PRACTICES FOR IDENTIFICATION AND REPORTING.—In carrying out the activities described in paragraph (1), the Secretary shall consider how law enforcement, public and private payers, and the public can best identify and report fraudulent recovery housing operators.

"(B) FACTORS TO BE CONSIDERED.—In carrying out the activities described in paragraph (1), the Secretary shall identify or develop indicators, which may include indicators related to—

"(i) unusual billing practices;

"(ii) average lengths of stays;

"(iii) excessive levels of drug testing (in terms of cost or frequency); and

"(iv) unusually high levels of recidivism.

"(c) DISSEMINATION.—The Secretary shall, as appropriate, disseminate the best practices identified or developed under subsection (a) and the common indicators identified or developed under subsection (b) to—

"(1) State agencies, which may include the provision of technical assistance to State agencies seeking to adopt or implement such best practices;

"(2) Indian tribes, tribal organizations, and tribally designated housing entities;

"(3) the Attorney General of the United States;

"(4) the Secretary of Labor;

"(5) the Secretary of Housing and Urban Development;

"(6) State and local law enforcement agencies;

"(7) health insurance issuers;

"(8) recovery housing entities; and

"(9) the public.

"(d) REQUIREMENTS.—In carrying out the activities described in subsections (a) and (b), the Secretary, in consultation with appropriate individuals and entities described in subsections (a)(2) and (b)(2), shall consider how recovery housing is able to support recovery and prevent relapse, recidivism, or overdose (including overdose death), including by improving access and adherence to treatment, including medication-assisted treatment.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide the Secretary with the authority to require States to adhere to minimum standards in the State oversight of recovery housing.

"(f) DEFINITIONS.—In this section:

"(1) The term 'recovery housing' means a shared living environment free from alcohol and illicit drug use and centered

on peer support and connection to services that promote sustained recovery from substance use disorders.

"(2) The terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(3) The term 'tribally designated housing entity' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $3,000,000 for the period of fiscal years 2019 through 2021.".

Subtitle E—Advancing Cutting Edge Research

SEC. 7041. UNIQUE RESEARCH INITIATIVES.

Section 402(n)(1) of the Public Health Service Act (42 U.S.C. 282(n)(1)) is amended—

(1) in subparagraph (A), by striking "or";

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

(3) by adding at the end the following:

"(C) high impact cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, or treatment of diseases and disorders, or research urgently required to respond to a public health threat.".

SEC. 7042. PAIN RESEARCH.

Section 409J(b) of the Public Health Service Act (42 U.S.C. 284q(b)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A), by striking "and treatment of pain and diseases and disorders associated with pain" and inserting "treatment, and management of pain and diseases and disorders associated with pain, including information on best practices for the utilization of non-pharmacologic treatments, non-addictive medical products, and other drugs or devices approved or cleared by the Food and Drug Administration";

(B) in subparagraph (B), by striking "on the symptoms and causes of pain;" and inserting the following: "on—

"(i) the symptoms and causes of pain, including the identification of relevant biomarkers and screening models and the epidemiology of acute and chronic pain;

"(ii) the diagnosis, prevention, treatment, and management of acute and chronic pain, including with respect to non-pharmacologic treatments, non-addictive medical products, and other drugs or devices approved or cleared by the Food and Drug Administration; and

"(iii) risk factors for, and early warning signs of, substance use disorders in populations with acute and chronic pain; and"; and

(C) by striking subparagraphs (C) through (E) and inserting the following:

"(C) make recommendations to the Director of NIH—

"(i) to ensure that the activities of the National Institutes of Health and other Federal agencies are free of unnecessary duplication of effort;

"(ii) on how best to disseminate information on pain care and epidemiological data related to acute and chronic pain; and

"(iii) on how to expand partnerships between public entities and private entities to expand collaborative, cross-cutting research.";

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) REPORT.—The Secretary shall ensure that recommendations and actions taken by the Director with respect to the topics discussed at the meetings described in paragraph (4) are included in appropriate reports to Congress.".

Subtitle F—Jessie's Law

SEC. 7051. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.

42 USC 290dd–2 note.

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and a health care provider, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient has provided to a health care provider regarding such patient's history of opioid use disorder should, only at the patient's request, be prominently displayed in the medical records (including electronic health records) of such patient;

(B) what constitutes the patient's request for the purpose described in subparagraph (A); and

(C) the process and methods by which the information should be so displayed.

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medications are prescribed to a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient's opioid use disorder history in a manner similar to other potentially lethal medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient's opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, having access to information described in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

42 USC 290dd–2 note.

SEC. 7052. COMMUNICATION WITH FAMILIES DURING EMERGENCIES.

(a) PROMOTING AWARENESS OF AUTHORIZED DISCLOSURES DURING EMERGENCIES.—The Secretary of Health and Human Services shall annually notify health care providers regarding permitted disclosures under Federal health care privacy law during emergencies, including overdoses, of certain health information to families, caregivers, and health care providers.

(b) USE OF MATERIAL.—For the purposes of carrying out subsection (a), the Secretary of Health and Human Services may use material produced under section 7053 of this Act or section 11004 of the 21st Century Cures Act (42 U.S.C. 1320d–2 note).

42 USC 290dd–2 note.

SEC. 7053. DEVELOPMENT AND DISSEMINATION OF MODEL TRAINING PROGRAMS FOR SUBSTANCE USE DISORDER PATIENT RECORDS.

(a) INITIAL PROGRAMS AND MATERIALS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), in consultation with appropriate experts, shall identify the following model programs and materials (or if no such programs or materials exist, recognize private or public entities to develop and disseminate such programs and materials):

(1) Model programs and materials for training health care providers (including physicians, emergency medical personnel, psychiatrists, psychologists, counselors, therapists, nurse practitioners, physician assistants, behavioral health facilities and clinics, care managers, and hospitals, including individuals such as general counsels or regulatory compliance staff who are responsible for establishing provider privacy policies) concerning the permitted uses and disclosures, consistent with the standards and regulations governing the privacy and security of substance use disorder patient records promulgated by the Secretary under section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) for the confidentiality of patient records.

(2) Model programs and materials for training patients and their families regarding their rights to protect and obtain information under the standards and regulations described in paragraph (1).

(b) REQUIREMENTS.—The model programs and materials described in paragraphs (1) and (2) of subsection (a) shall address circumstances under which disclosure of substance use disorder patient records is needed to—

(1) facilitate communication between substance use disorder treatment providers and other health care providers to promote and provide the best possible integrated care;

(2) avoid inappropriate prescribing that can lead to dangerous drug interactions, overdose, or relapse; and

(3) notify and involve families and caregivers when individuals experience an overdose.

(c) PERIODIC UPDATES.—The Secretary shall—

(1) periodically review and update the model program and materials identified or developed under subsection (a); and

(2) disseminate such updated programs and materials to the individuals described in subsection (a)(1).

(d) INPUT OF CERTAIN ENTITIES.—In identifying, reviewing, or updating the model programs and materials under this section, the Secretary shall solicit the input of relevant stakeholders.

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

(1) $4,000,000 for fiscal year 2019;

(2) $2,000,000 for each of fiscal years 2020 and 2021; and

(3) $1,000,000 for each of fiscal years 2022 and 2023.

Subtitle G—Protecting Pregnant Women and Infants

SEC. 7061. REPORT ON ADDRESSING MATERNAL AND INFANT HEALTH IN THE OPIOID CRISIS.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in coordination with the Centers for Disease Control and Prevention, the National Institutes of Health, the Indian Health Service, and the Substance Abuse and Mental Health Services Administration, shall develop and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) information on opioid, non-opioid, and non-pharmacologic pain management practices during pregnancy and after pregnancy;

(2) recommendations for increasing public awareness and education about substance use disorders, including opioid use disorders, during and after pregnancy, including available treatment resources in urban and rural areas;

(3) recommendations to prevent, identify, and reduce substance use disorders, including opioid use disorders, during pregnancy to improve care for pregnant women with substance use disorders and their infants; and

(4) an identification of areas in need of further research with respect to acute and chronic pain management during and after pregnancy.

(b) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for purposes of carrying out subsection (a).

SEC. 7062. PROTECTING MOMS AND INFANTS.

42 USC 290bb–1 note.

(a) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human

Services (referred to in this section as the "Secretary") shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make available to the public on the Internet website of the Department of Health and Human Services, a report regarding the implementation of the recommendations in the strategy relating to prenatal opioid use, including neonatal abstinence syndrome, developed pursuant to section 2 of the Protecting Our Infants Act of 2015 (Public Law 114–91). Such report shall include—

(A) an update on the implementation of the recommendations in the strategy, including information regarding the agencies involved in the implementation; and

(B) information on additional funding or authority the Secretary requires, if any, to implement the strategy, which may include authorities needed to coordinate implementation of such strategy across the Department of Health and Human Services.

(2) PERIODIC UPDATES.—The Secretary shall periodically update the report under paragraph (1).

(b) RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.—Section 508(s) of the Public Health Service Act (42 U.S.C. 290bb–1(s)) is amended by striking "$16,900,000 for each of fiscal years 2017 through 2021" and inserting "$29,931,000 for each of fiscal years 2019 through 2023".

SEC. 7063. EARLY INTERVENTIONS FOR PREGNANT WOMEN AND INFANTS.

(a) DEVELOPMENT OF EDUCATIONAL MATERIALS BY CENTER FOR SUBSTANCE ABUSE PREVENTION.—Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb–21(b)) is amended—

(1) in paragraph (13), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(15) in consultation with relevant stakeholders and in collaboration with the Director of the Centers for Disease Control and Prevention, develop educational materials for clinicians to use with pregnant women for shared decision making regarding pain management and the prevention of substance use disorders during pregnancy.".

(b) GUIDELINES AND RECOMMENDATIONS BY CENTER FOR SUBSTANCE ABUSE TREATMENT.—Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) in paragraph (13), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(15) in cooperation with the Secretary, implement and disseminate, as appropriate, the recommendations in the report entitled 'Protecting Our Infants Act: Final Strategy' issued by the Department of Health and Human Services in 2017; and".

(c) SUPPORT OF PARTNERSHIPS BY CENTER FOR SUBSTANCE ABUSE TREATMENT.—Section 507(b) of the Public Health Service

Act (42 U.S.C. 290bb(b)), as amended by subsection (b), is further amended by adding at the end the following:

"(16) in cooperation with relevant stakeholders, and through public-private partnerships, encourage education about substance use disorders for pregnant women and health care providers who treat pregnant women and babies.".

SEC. 7064. PRENATAL AND POSTNATAL HEALTH.

Section 317L of the Public Health Service Act (42 U.S.C. 247b–13) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) to collect, analyze, and make available data on prenatal smoking and alcohol and other substance abuse and misuse, including—

"(A) data on—

"(i) the incidence, prevalence, and implications of such activities; and

"(ii) the incidence and prevalence of implications and outcomes, including neonatal abstinence syndrome and other maternal and child health outcomes associated with such activities; and

"(B) additional information or data, as appropriate, on family health history, medication exposures during pregnancy, demographic information, such as race, ethnicity, geographic location, and family history, and other relevant information, to inform such analysis;";

(B) in paragraph (2)—

(i) by striking "prevention of" and inserting "prevention and long-term outcomes associated with"; and

(ii) by striking "illegal drug use" and inserting "other substance abuse and misuse";

(C) in paragraph (3), by striking "and cessation programs; and" and inserting ", treatment, and cessation programs;";

(D) in paragraph (4), by striking "illegal drug use." and inserting "other substance abuse and misuse; and"; and

(E) by adding at the end the following:

"(5) to issue public reports on the analysis of data described in paragraph (1), including analysis of—

"(A) long-term outcomes of children affected by neonatal abstinence syndrome;

"(B) health outcomes associated with prenatal smoking, alcohol, and substance abuse and misuse; and

"(C) relevant studies, evaluations, or information the Secretary determines to be appropriate.";

(2) in subsection (b), by inserting "tribal entities," after "local governments,";

(3) by redesignating subsection (c) as subsection (d);

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

"(c) COORDINATING ACTIVITIES.—To carry out this section, the Secretary may—

"(1) provide technical and consultative assistance to entities receiving grants under subsection (b);

"(2) ensure a pathway for data sharing between States, tribal entities, and the Centers for Disease Control and Prevention;

"(3) ensure data collection under this section is consistent with applicable State, Federal, and Tribal privacy laws; and

"(4) coordinate with the National Coordinator for Health Information Technology, as appropriate, to assist States and Tribes in implementing systems that use standards recognized by such National Coordinator, as such recognized standards are available, in order to facilitate interoperability between such systems and health information technology systems, including certified health information technology."; and

(5) in subsection (d), as so redesignated, by striking "2001 through 2005" and inserting "2019 through 2023".

SEC. 7065. PLANS OF SAFE CARE.

(a) IN GENERAL.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended by adding at the end the following:

"(7) GRANTS TO STATES TO IMPROVE AND COORDINATE THEIR RESPONSE TO ENSURE THE SAFETY, PERMANENCY, AND WELL-BEING OF INFANTS AFFECTED BY SUBSTANCE USE.—

"(A) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to States for the purpose of assisting child welfare agencies, social services agencies, substance use disorder treatment agencies, hospitals with labor and delivery units, medical staff, public health and mental health agencies, and maternal and child health agencies to facilitate collaboration in developing, updating, implementing, and monitoring plans of safe care described in section 106(b)(2)(B)(iii). Section 112(a)(2) shall not apply to the program authorized under this paragraph.

"(B) DISTRIBUTION OF FUNDS.—

"(i) RESERVATIONS.—Of the amounts made available to carry out subparagraph (A), the Secretary shall reserve—

"(I) no more than 3 percent for the purposes described in subparagraph (G); and

"(II) up to 3 percent for grants to Indian Tribes and tribal organizations to address the needs of infants born with, and identified as being affected by, substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder and their families or caregivers, which to the extent practicable, shall be consistent with the uses of funds described under subparagraph (D).

"(ii) ALLOTMENTS TO STATES AND TERRITORIES.—The Secretary shall allot the amount made available to carry out subparagraph (A) that remains after application of clause (i) to each State that applies for such a grant, in an amount equal to the sum of—

"(I) $500,000; and

"(II) an amount that bears the same relationship to any funds made available to carry out subparagraph (A) and remaining after application

of clause (i), as the number of live births in the State in the previous calendar year bears to the number of live births in all States in such year.

"(iii) RATABLE REDUCTION.—If the amount made available to carry out subparagraph (A) is insufficient to satisfy the requirements of clause (ii), the Secretary shall ratably reduce each allotment to a State.

"(C) APPLICATION.—A State desiring a grant under this paragraph shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include—

"(i) a description of—

"(I) the impact of substance use disorder in such State, including with respect to the substance or class of substances with the highest incidence of abuse in the previous year in such State, including—

"(aa) the prevalence of substance use disorder in such State;

"(bb) the aggregate rate of births in the State of infants affected by substance abuse or withdrawal symptoms or a fetal alcohol spectrum disorder (as determined by hospitals, insurance claims, claims submitted to the State Medicaid program, or other records), if available and to the extent practicable; and

"(cc) the number of infants identified, for whom a plan of safe care was developed, and for whom a referral was made for appropriate services, as reported under section 106(d)(18);

"(II) the challenges the State faces in developing, implementing, and monitoring plans of safe care in accordance with section 106(b)(2)(B)(iii);

"(III) the State's lead agency for the grant program and how that agency will coordinate with relevant State entities and programs, including the child welfare agency, the substance use disorder treatment agency, hospitals with labor and delivery units, health care providers, the public health and mental health agencies, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, the State Medicaid program, the State agency administering the block grant program under title V of the Social Security Act (42 U.S.C. 701 et seq.), the State agency administering the programs funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the maternal, infant, and early childhood home visiting program under section 511 of the Social Security Act (42 U.S.C. 711), the State judicial system, and other agencies, as determined by the Secretary, and Indian Tribes and tribal organizations, as appropriate, to implement the activities under this paragraph;

"(IV) how the State will monitor local development and implementation of plans of safe care, in accordance with section 106(b)(2)(B)(iii)(II), including how the State will monitor to ensure plans of safe care address differences between substance use disorder and medically supervised substance use, including for the treatment of a substance use disorder;

"(V) if applicable, how the State plans to utilize funding authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) to assist in carrying out any plan of safe care, including such funding authorized under section 471(e) of such Act (as in effect on October 1, 2018) for mental health and substance abuse prevention and treatment services and in-home parent skill-based programs and funding authorized under such section 472(j) (as in effect on October 1, 2018) for children with a parent in a licensed residential family-based treatment facility for substance abuse; and

"(VI) an assessment of the treatment and other services and programs available in the State to effectively carry out any plan of safe care developed, including identification of needed treatment, and other services and programs to ensure the well-being of young children and their families affected by substance use disorder, such as programs carried out under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) and comprehensive early childhood development services and programs such as Head Start programs;

"(ii) a description of how the State plans to use funds for activities described in subparagraph (D) for the purposes of ensuring State compliance with requirements under clauses (ii) and (iii) of section 106(b)(2)(B); and

"(iii) an assurance that the State will comply with requirements to refer a child identified as substance-exposed to early intervention services as required pursuant to a grant under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

"(D) USES OF FUNDS.—Funds awarded to a State under this paragraph may be used for the following activities, which may be carried out by the State directly, or through grants or subgrants, contracts, or cooperative agreements:

"(i) Improving State and local systems with respect to the development and implementation of plans of safe care, which—

"(I) shall include parent and caregiver engagement, as required under section 106(b)(2)(B)(iii)(I), regarding available treatment and service options, which may include resources available for pregnant, perinatal, and postnatal women; and

"(II) may include activities such as—

"(aa) developing policies, procedures, or protocols for the administration or development of evidence-based and validated screening tools for infants who may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder and pregnant, perinatal, and postnatal women whose infants may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder;

"(bb) improving assessments used to determine the needs of the infant and family;

"(cc) improving ongoing case management services;

"(dd) improving access to treatment services, which may be prior to the pregnant woman's delivery date; and

"(ee) keeping families safely together when it is in the best interest of the child.

"(ii) Developing policies, procedures, or protocols in consultation and coordination with health professionals, public and private health facilities, and substance use disorder treatment agencies to ensure that—

"(I) appropriate notification to child protective services is made in a timely manner, as required under section 106(b)(2)(B)(ii);

"(II) a plan of safe care is in place, in accordance with section 106(b)(2)(B)(iii), before the infant is discharged from the birth or health care facility; and

"(III) such health and related agency professionals are trained on how to follow such protocols and are aware of the supports that may be provided under a plan of safe care.

"(iii) Training health professionals and health system leaders, child welfare workers, substance use disorder treatment agencies, and other related professionals such as home visiting agency staff and law enforcement in relevant topics including—

"(I) State mandatory reporting laws established under section 106(b)(2)(B)(i) and the referral and process requirements for notification to child protective services when child abuse or neglect reporting is not mandated;

"(II) the co-occurrence of pregnancy and substance use disorder, and implications of prenatal exposure;

"(III) the clinical guidance about treating substance use disorder in pregnant and postpartum women;

"(IV) appropriate screening and interventions for infants affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder and the requirements under section 106(b)(2)(B)(iii); and

"(V) appropriate multigenerational strategies to address the mental health needs of the parent and child together.

"(iv) Establishing partnerships, agreements, or memoranda of understanding between the lead agency and other entities (including health professionals, health facilities, child welfare professionals, juvenile and family court judges, substance use and mental disorder treatment programs, early childhood education programs, maternal and child health and early intervention professionals (including home visiting providers), peer-to-peer recovery programs such as parent mentoring programs, and housing agencies) to facilitate the implementation of, and compliance with, section 106(b)(2) and clause (ii) of this subparagraph, in areas which may include—

"(I) developing a comprehensive, multi-disciplinary assessment and intervention process for infants, pregnant women, and their families who are affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder, that includes meaningful engagement with and takes into account the unique needs of each family and addresses differences between medically supervised substance use, including for the treatment of substance use disorder, and substance use disorder;

"(II) ensuring that treatment approaches for serving infants, pregnant women, and perinatal and postnatal women whose infants may be affected by substance use, withdrawal symptoms, or a fetal alcohol spectrum disorder, are designed to, where appropriate, keep infants with their mothers during both inpatient and outpatient treatment; and

"(III) increasing access to all evidence-based medication-assisted treatment approved by the Food and Drug Administration, behavioral therapy, and counseling services for the treatment of substance use disorders, as appropriate.

"(v) Developing and updating systems of technology for improved data collection and monitoring under section 106(b)(2)(B)(iii), including existing electronic medical records, to measure the outcomes achieved through the plans of safe care, including monitoring systems to meet the requirements of this Act and submission of performance measures.

"(E) REPORTING.—Each State that receives funds under this paragraph, for each year such funds are received, shall submit a report to the Secretary, disaggregated by geographic location, economic status, and major racial and ethnic groups, except that such disaggregation shall not be required if the results would reveal personally identifiable information on, with respect to infants identified under section 106(b)(2)(B)(ii)—

"(i) the number who experienced removal associated with parental substance use;

"(ii) the number who experienced removal and subsequently are reunified with parents, and the length of time between such removal and reunification;

"(iii) the number who are referred to community providers without a child protection case;

"(iv) the number who receive services while in the care of their birth parents;

"(v) the number who receive post-reunification services within 1 year after a reunification has occurred; and

"(vi) the number who experienced a return to out-of-home care within 1 year after reunification.

"(F) SECRETARY'S REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives that includes the information described in subparagraph (E) and recommendations or observations on the challenges, successes, and lessons derived from implementation of the grant program.

"(G) ASSISTING STATES' IMPLEMENTATION.—The Secretary shall use the amount reserved under subparagraph (B)(i)(I) to provide written guidance and technical assistance to support States in complying with and implementing this paragraph, which shall include—

"(i) technical assistance, including programs of in-depth technical assistance, to additional States, territories, and Indian Tribes and tribal organizations in accordance with the substance-exposed infant initiative developed by the National Center on Substance Abuse and Child Welfare;

"(ii) guidance on the requirements of this Act with respect to infants born with and identified as being affected by substance use or withdrawal symptoms or fetal alcohol spectrum disorder, as described in clauses (ii) and (iii) of section 106(b)(2)(B), including by—

"(I) enhancing States' understanding of requirements and flexibilities under the law, including by clarifying key terms;

"(II) addressing state-identified challenges with developing, implementing, and monitoring plans of safe care, including those reported under subparagraph (C)(i)(II);

"(III) disseminating best practices on implementation of plans of safe care, on such topics as differential response, collaboration and coordination, and identification and delivery of services for different populations, while recognizing needs of different populations and varying community approaches across States; and

"(IV) helping States improve the long-term safety and well-being of young children and their families;

"(iii) supporting State efforts to develop information technology systems to manage plans of safe care; and

"(iv) preparing the Secretary's report to Congress described in subparagraph (F).

"(H) SUNSET.—The authority under this paragraph shall sunset on September 30, 2023.".

(b) REPEAL.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa et seq.) is repealed.

42 USC 5101 note, 5117aa, 5117aa–11, 5117aa–12, 5117aa–21, 5117aa–22.

Subtitle H—Substance Use Disorder Treatment Workforce

SEC. 7071. LOAN REPAYMENT PROGRAM FOR SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

Title VII of the Public Health Service Act is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E (42 U.S.C. 294n et seq.) the following:

"PART F—SUBSTANCE USE DISORDER TREATMENT WORKFORCE

42 USC 295h.

"SEC. 781. LOAN REPAYMENT PROGRAM FOR SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out a program under which—

"(1) the Secretary enters into agreements with individuals to make payments in accordance with subsection (b) on the principal of and interest on any eligible loan; and

"(2) the individuals each agree to the requirements of service in substance use disorder treatment employment, as described in subsection (d).

"(b) PAYMENTS.—For each year of obligated service by an individual pursuant to an agreement under subsection (a), the Secretary shall make a payment to such individual as follows:

"(1) SERVICE IN A SHORTAGE AREA.—The Secretary shall pay—

"(A) for each year of obligated service by an individual pursuant to an agreement under subsection (a), ⅙ of the principal of and interest on each eligible loan of the individual which is outstanding on the date the individual began service pursuant to the agreement; and

"(B) for completion of the sixth and final year of such service, the remainder of such principal and interest.

"(2) MAXIMUM AMOUNT.—The total amount of payments under this section to any individual shall not exceed $250,000.

"(c) ELIGIBLE LOANS.—The loans eligible for repayment under this section are each of the following:

"(1) Any loan for education or training for a substance use disorder treatment employment.

"(2) Any loan under part E of title VIII (relating to nursing student loans).

"(3) Any Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Stafford Loan, or Federal Direct Consolidation Loan (as such terms are used in section 455 of the Higher Education Act of 1965).

"(4) Any Federal Perkins Loan under part E of title I of the Higher Education Act of 1965.

"(5) Any other Federal loan as determined appropriate by the Secretary.

"(d) REQUIREMENTS OF SERVICE.—Any individual receiving payments under this program as required by an agreement under subsection (a) shall agree to an annual commitment to full-time employment, with no more than 1 year passing between any 2 years of covered employment, in substance use disorder treatment employment in the United States in—

"(1) a Mental Health Professional Shortage Area, as designated under section 332; or

"(2) a county (or a municipality, if not contained within any county) where the mean drug overdose death rate per 100,000 people over the past 3 years for which official data is available from the State, is higher than the most recent available national average overdose death rate per 100,000 people, as reported by the Centers for Disease Control and Prevention.

"(e) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may, for the same service, receive a reduction of loan obligations or a loan repayment under both—

"(1) this section; and

"(2) any Federally supported loan forgiveness program, including under section 338B, 338I, or 846 of this Act, or section 428J, 428L, 455(m), or 460 of the Higher Education Act of 1965.

"(f) BREACH.—

"(1) LIQUIDATED DAMAGES FORMULA.—The Secretary may establish a liquidated damages formula to be used in the event of a breach of an agreement entered into under subsection (a).

"(2) LIMITATION.—The failure by an individual to complete the full period of service obligated pursuant to such an agreement, taken alone, shall not constitute a breach of the agreement, so long as the individual completed in good faith the years of service for which payments were made to the individual under this section.

"(g) ADDITIONAL CRITERIA.—The Secretary—

"(1) may establish such criteria and rules to carry out this section as the Secretary determines are needed and in addition to the criteria and rules specified in this section; and

"(2) shall give notice to the committees specified in subsection (h) of any criteria and rules so established.

"(h) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this section, and every other year thereafter, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

"(1) the number and location of borrowers who have qualified for loan repayments under this section; and

"(2) the impact of this section on the availability of substance use disorder treatment employees nationally and in shortage areas and counties described in subsection (d).

"(i) DEFINITION.—In this section:

"(1) The terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act.

"(2) The term 'municipality' means a city, town, or other public body created by or pursuant to State law, or an Indian tribe.

"(3) The term 'substance use disorder treatment employment' means full-time employment (including a fellowship)—

"(A) where the primary intent and function of the position is the direct treatment or recovery support of patients with or in recovery from a substance use disorder, including master's level social workers, psychologists, counselors, marriage and family therapists, psychiatric mental health practitioners, occupational therapists, psychology doctoral interns, and behavioral health paraprofessionals and physicians, physician assistants, and nurses, who are licensed or certified in accordance with applicable State and Federal laws; and

"(B) which is located at a substance use disorder treatment program, private physician practice, hospital or health system-affiliated inpatient treatment center or outpatient clinic (including an academic medical center-affiliated treatment program), correctional facility or program, youth detention center or program, inpatient psychiatric facility, crisis stabilization unit, community health center, community mental health or other specialty community behavioral health center, recovery center, school, community-based organization, telehealth platform, migrant health center, health program or facility operated by an Indian tribe or tribal organization, Federal medical facility, or any other facility as determined appropriate for purposes of this section by the Secretary.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7072. CLARIFICATION REGARDING SERVICE IN SCHOOLS AND OTHER COMMUNITY-BASED SETTINGS.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254*l* et seq.) is amended by adding at the end the following:

42 USC 254v.

"SEC. 338N. CLARIFICATION REGARDING SERVICE IN SCHOOLS AND OTHER COMMUNITY-BASED SETTINGS.

"(a) SCHOOLS AND COMMUNITY-BASED SETTINGS.—An entity to which a participant in the Scholarship Program or the Loan Repayment Program (referred to in this section as a 'participant') is assigned under section 333 may direct such participant to provide service as a behavioral or mental health professional at a school or other community-based setting located in a health professional shortage area.

"(b) OBLIGATED SERVICE.—

"(1) IN GENERAL.—Any service described in subsection (a) that a participant provides may count towards such participant's completion of any obligated service requirements under the Scholarship Program or the Loan Repayment Program, subject to any limitation imposed under paragraph (2).

"(2) LIMITATION.—The Secretary may impose a limitation on the number of hours of service described in subsection (a) that a participant may credit towards completing obligated service requirements, provided that the limitation allows a member to credit service described in subsection (a) for not less than 50 percent of the total hours required to complete such obligated service requirements.

"(c) RULE OF CONSTRUCTION.—The authorization under subsection (a) shall be notwithstanding any other provision of this subpart or subpart II.".

SEC. 7073. PROGRAMS FOR HEALTH CARE WORKFORCE.

(a) PROGRAM FOR EDUCATION AND TRAINING IN PAIN CARE.—Section 759 of the Public Health Service Act (42 U.S.C. 294i) is amended—

(1) in subsection (a), by striking "hospices, and other public and private entities" and inserting "hospices, tribal health programs (as defined in section 4 of the Indian Health Care Improvement Act), and other public and nonprofit private entities";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include" and inserting "entity receiving an award under this section shall develop a comprehensive education and training plan that includes";

(B) in paragraph (1)—

(i) by inserting "preventing," after "diagnosing,"; and

(ii) by inserting "non-addictive medical products and non-pharmacologic treatments and" after "including";

(C) in paragraph (2)—

(i) by inserting "Federal, State, and local" after "applicable"; and

(ii) by striking "the degree to which" and all that follows through "effective pain care" and inserting "opioids";

(D) in paragraph (3), by inserting ", integrated, evidence-based pain management, and, as appropriate, non-pharmacotherapy" before the semicolon;

(E) in paragraph (4), by striking "; and" and inserting ";"; and

(F) by striking paragraph (5) and inserting the following:

"(5) recent findings, developments, and advancements in pain care research and the provision of pain care, which may include non-addictive medical products and non-pharmacologic treatments intended to treat pain; and

"(6) the dangers of opioid abuse and misuse, detection of early warning signs of opioid use disorders (which may

include best practices related to screening for opioid use disorders, training on screening, brief intervention, and referral to treatment), and safe disposal options for prescription medications (including such options provided by law enforcement or other innovative deactivation mechanisms).";

(3) in subsection (d), by inserting "prevention," after "diagnosis,"; and

(4) in subsection (e), by striking "2010 through 2012" and inserting "2019 through 2023".

(b) MENTAL AND BEHAVIORAL HEALTH EDUCATION AND TRAINING PROGRAM.—Section 756 of the Public Health Service Act (42 U.S.C. 294e–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", trauma," after "focus on child and adolescent mental health"; and

(B) in paragraphs (2) and (3), by inserting "trauma-informed care and" before "substance use disorder prevention and treatment services"; and

(2) in subsection (f), by striking "2018 through 2022" and inserting "2019 through 2023".

Subtitle I—Preventing Overdoses While in Emergency Rooms

42 USC 290dd–4.

SEC. 7081. PROGRAM TO SUPPORT COORDINATION AND CONTINUATION OF CARE FOR DRUG OVERDOSE PATIENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall identify or facilitate the development of best practices for—

(1) emergency treatment of known or suspected drug overdose;

(2) the use of recovery coaches, as appropriate, to encourage individuals who experience a non-fatal overdose to seek treatment for substance use disorder and to support coordination and continuation of care;

(3) coordination and continuation of care and treatment, including, as appropriate, through referrals, of individuals after a drug overdose; and

(4) the provision or prescribing of overdose reversal medication, as appropriate.

(b) GRANT ESTABLISHMENT AND PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to support implementation of voluntary programs for care and treatment of individuals after a drug overdose, as appropriate, which may include implementation of the best practices described in subsection (a).

(2) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(A) a State substance abuse agency;

(B) an Indian Tribe or tribal organization; or

(C) an entity that offers treatment or other services for individuals in response to, or following, drug overdoses or a drug overdose, such as an emergency department, in consultation with a State substance abuse agency.

(3) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, that includes—

(A) evidence that such eligible entity carries out, or is capable of contracting and coordinating with other community entities to carry out, the activities described in paragraph (4);

(B) evidence that such eligible entity will work with a recovery community organization to recruit, train, hire, mentor, and supervise recovery coaches and fulfill the requirements described in paragraph (4)(A); and

(C) such additional information as the Secretary may require.

(4) USE OF GRANT FUNDS.—An eligible entity awarded a grant under this section shall use such grant funds to—

(A) hire or utilize recovery coaches to help support recovery, including by—

(i) connecting patients to a continuum of care services, such as—

(I) treatment and recovery support programs;

(II) programs that provide non-clinical recovery support services;

(III) peer support networks;

(IV) recovery community organizations;

(V) health care providers, including physicians and other providers of behavioral health and primary care;

(VI) education and training providers;

(VII) employers;

(VIII) housing services; and

(IX) child welfare agencies;

(ii) providing education on overdose prevention and overdose reversal to patients and families, as appropriate;

(iii) providing follow-up services for patients after an overdose to ensure continued recovery and connection to support services;

(iv) collecting and evaluating outcome data for patients receiving recovery coaching services; and

(v) providing other services the Secretary determines necessary to help ensure continued connection with recovery support services, including culturally appropriate services, as applicable;

(B) establish policies and procedures, pursuant to Federal and State law, that address the provision of overdose reversal medication, the administration of all drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) to treat substance use disorder, and subsequent continuation of, or referral to, evidence-based treatment for patients with a substance use disorder who have experienced a non-fatal drug overdose, in order to support long-term treatment, prevent relapse, and reduce recidivism and future overdose; and

(C) establish integrated models of care for individuals who have experienced a non-fatal drug overdose which may include patient assessment, follow up, and transportation to and from treatment facilities.

(5) ADDITIONAL PERMISSIBLE USES.—In addition to the uses described in paragraph (4), a grant awarded under this section may be used, directly or through contractual arrangements, to provide—

(A) all drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) to treat substance use disorders or reverse overdose, pursuant to Federal and State law;

(B) withdrawal and detoxification services that include patient evaluation, stabilization, and preparation for treatment of substance use disorder, including treatment described in subparagraph (A), as appropriate; or

(C) mental health services provided by a certified professional who is licensed and qualified by education, training, or experience to assess the psychosocial background of patients, to contribute to the appropriate treatment plan for patients with substance use disorder, and to monitor patient progress.

(6) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to eligible entities that meet any or all of the following criteria:

(A) The eligible entity is a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))), a low volume hospital (as defined in section 1886(d)(12)(C)(i) of such Act (42 U.S.C. 1395ww(d)(12)(C)(i))), a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(iii))), or a hospital that receives disproportionate share hospital payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)).

(B) The eligible entity is located in a State with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention, or under the jurisdiction of an Indian Tribe with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined through appropriate mechanisms as determined by the Secretary in consultation with Indian Tribes.

(C) The eligible entity demonstrates that recovery coaches will be placed in both health care settings and community settings.

(7) PERIOD OF GRANT.—A grant awarded to an eligible entity under this section shall be for a period of not more than 5 years.

(c) DEFINITIONS.—In this section:

(1) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian Tribe" and "tribal organization" have the meanings given the terms "Indian tribe" and "tribal organization" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) RECOVERY COACH.—the term "recovery coach" means an individual—

(A) with knowledge of, or experience with, recovery from a substance use disorder; and

(B) who has completed training from, and is determined to be in good standing by, a recovery services organization capable of conducting such training and making such determination.

(3) RECOVERY COMMUNITY ORGANIZATION.—The term "recovery community organization" has the meaning given such term in section 547(a) of the Public Health Service Act (42 U.S.C. 290ee–2(a)).

(d) REPORTING REQUIREMENTS.—

(1) REPORTS BY GRANTEES.—Each eligible entity awarded a grant under this section shall submit to the Secretary an annual report for each year for which the entity has received such grant that includes information on—

(A) the number of individuals treated by the entity for non-fatal overdoses, including the number of non-fatal overdoses where overdose reversal medication was administered;

(B) the number of individuals administered medication-assisted treatment by the entity;

(C) the number of individuals referred by the entity to other treatment facilities after a non-fatal overdose, the types of such other facilities, and the number of such individuals admitted to such other facilities pursuant to such referrals; and

(D) the frequency and number of patients with reoccurrences, including readmissions for non-fatal overdoses and evidence of relapse related to substance use disorder.

(2) REPORT BY SECRETARY.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of the effectiveness of the grant program carried out under this section with respect to long term health outcomes of the population of individuals who have experienced a drug overdose, the percentage of patients treated or referred to treatment by grantees, and the frequency and number of patients who experienced relapse, were readmitted for treatment, or experienced another overdose.

(e) PRIVACY.—The requirements of this section, including with respect to data reporting and program oversight, shall be subject to all applicable Federal and State privacy laws.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 through 2023.

Subtitle J—Alternatives to Opioids in the Emergency Department

SEC. 7091. EMERGENCY DEPARTMENT ALTERNATIVES TO OPIOIDS DEMONSTRATION PROGRAM.

42 USC 294i note.

(a) DEMONSTRATION PROGRAM GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall

carry out a demonstration program for purposes of awarding grants to hospitals and emergency departments, including free-standing emergency departments, to develop, implement, enhance, or study alternatives to opioids for pain management in such settings.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a hospital or emergency department shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall seek to ensure geographical distribution among grant recipients.

(4) USE OF FUNDS.—Grants under paragraph (1) shall be used to—

(A) target treatment approaches for painful conditions frequently treated in such settings;

(B) train providers and other hospital personnel on protocols or best practices related to the use and prescription of opioids and alternatives to opioids for pain management in the emergency department; and

(C) develop or continue strategies to provide alternatives to opioids, as appropriate.

(b) ADDITIONAL DEMONSTRATION PROGRAM.—The Secretary may carry out a demonstration program similar to the program under subsection (a) for other acute care settings.

(c) CONSULTATION.—The Secretary shall implement a process for recipients of grants under subsection (a) or (b) to share evidence-based and best practices and promote consultation with persons having robust knowledge, including emergency departments and physicians that have successfully implemented programs that use alternatives to opioids for pain management, as appropriate, such as approaches studied through the National Center for Complimentary and Integrative Health or other institutes and centers at the National Institutes of Health, as appropriate. The Secretary shall offer to each recipient of a grant under subsection (a) or (b) technical assistance as necessary.

(d) TECHNICAL ASSISTANCE.—The Secretary shall identify or facilitate the development of best practices on alternatives to opioids for pain management and provide technical assistance to hospitals and other acute care settings on alternatives to opioids for pain management. The technical assistance provided shall be for the purpose of—

(1) utilizing information from recipients of a grant under subsection (a) or (b) that have successfully implemented alternatives to opioids programs;

(2) identifying or facilitating the development of best practices on the use of alternatives to opioids, which may include pain-management strategies that involve non-addictive medical products, non-pharmacologic treatments, and technologies or techniques to identify patients at risk for opioid use disorder;

(3) identifying or facilitating the development of best practices on the use of alternatives to opioids that target common painful conditions and include certain patient populations, such as geriatric patients, pregnant women, and children; and

(4) disseminating information on the use of alternatives to opioids to providers in acute care settings, which may include

emergency departments, outpatient clinics, critical access hospitals, Federally qualified health centers, Indian Health Service health facilities, and tribal hospitals.

(e) REPORT TO THE SECRETARY.—Each recipient of a grant under this section shall submit to the Secretary (during the period of such grant) annual reports on the progress of the program funded through the grant. These reports shall include, in accordance with all applicable State and Federal privacy laws—

(1) a description of and specific information about the opioid alternative pain management programs, including the demographic characteristics of patients who were treated with an alternative pain management protocol, implemented in hospitals, emergency departments, and other acute care settings;

(2) data on the opioid alternative pain management strategies used, including the number of opioid prescriptions written—

(A) during a baseline period before the program began; or

(B) at various stages of the program; and

(3) data on patients who were eventually prescribed opioids after alternative pain management protocols and treatments were utilized; and

(4) any other information the Secretary determines appropriate.

(f) REPORT TO CONGRESS.—Not later than 1 year after completion of the demonstration program under this section, the Secretary shall submit a report to the Congress on the results of the demonstration program and include in the report—

(1) the number of applications received and the number funded;

(2) a summary of the reports described in subsection (e), including data that allows for comparison of programs; and

(3) recommendations for broader implementation of pain management strategies that encourage the use of alternatives to opioids in hospitals, emergency departments, or other acute care settings.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2019 through 2021.

Subtitle K—Treatment, Education, and Community Help To Combat Addiction

SEC. 7101. ESTABLISHMENT OF REGIONAL CENTERS OF EXCELLENCE IN SUBSTANCE USE DISORDER EDUCATION.

Part D of title V of the Public Health Service Act, as amended by section 7031, is further amended by adding at the end the following new section:

"SEC. 551. REGIONAL CENTERS OF EXCELLENCE IN SUBSTANCE USE DISORDER EDUCATION.

42 USC 290ee–6.

"(a) IN GENERAL.—The Secretary, in consultation with appropriate agencies, shall award cooperative agreements to eligible entities for the designation of such entities as Regional Centers of Excellence in Substance Use Disorder Education for purposes of

improving health professional training resources with respect to substance use disorder prevention, treatment, and recovery.

"(b) ELIGIBILITY.—To be eligible to receive a cooperative agreement under subsection (a), an entity shall—

"(1) be an accredited entity that offers education to students in various health professions, which may include—

"(A) a teaching hospital;

"(B) a medical school;

"(C) a certified behavioral health clinic; or

"(D) any other health professions school, school of public health, or Cooperative Extension Program at institutions of higher education, as defined in section 101 of the Higher Education Act of 1965, engaged in the prevention, treatment, or recovery of substance use disorders;

"(2) demonstrate community engagement and partnerships with community stakeholders, including entities that train health professionals, mental health counselors, social workers, peer recovery specialists, substance use treatment programs, community health centers, physician offices, certified behavioral health clinics, research institutions, and law enforcement; and

"(3) submit to the Secretary an application containing such information, at such time, and in such manner, as the Secretary may require.

"(c) ACTIVITIES.—An entity receiving an award under this section shall develop, evaluate, and distribute evidence-based resources regarding the prevention and treatment of, and recovery from, substance use disorders. Such resources may include information on—

"(1) the neurology and pathology of substance use disorders;

"(2) advancements in the treatment of substance use disorders;

"(3) techniques and best practices to support recovery from substance use disorders;

"(4) strategies for the prevention and treatment of, and recovery from substance use disorders across patient populations; and

"(5) other topic areas that are relevant to the objectives described in subsection (a).

"(d) GEOGRAPHIC DISTRIBUTION.—In awarding cooperative agreements under subsection (a), the Secretary shall take into account regional differences among eligible entities and shall make an effort to ensure geographic distribution.

"(e) EVALUATION.—The Secretary shall evaluate each project carried out by an entity receiving an award under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(f) FUNDING.—There is authorized to be appropriated to carry out this section, $4,000,000 for each of fiscal years 2019 through 2023.".

42 USC 290bb–7a.

SEC. 7102. YOUTH PREVENTION AND RECOVERY.

(a) SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN, ADOLESCENTS, AND YOUNG ADULTS.—Section 514 of the Public Health Service Act (42 U.S.C. 290bb–7) is amended—

(1) in the section heading, by striking "**CHILDREN AND ADOLESCENTS**" and inserting "**CHILDREN, ADOLESCENTS, AND YOUNG ADULTS**";

(2) in subsection (a)(2), by striking "children, including" and inserting "children, adolescents, and young adults, including"; and

(3) by striking "children and adolescents" each place it appears and inserting "children, adolescents, and young adults".

(b) RESOURCE CENTER.—The Secretary of Health and Human Services (referred to in this section as the "Secretary", except as otherwise provided), in consultation with the Secretary of Education and other heads of agencies, including the Assistant Secretary for Mental Health and Substance Use and the Administrator of the Health Resources and Services Administration, as appropriate, shall establish a resource center to provide technical support to recipients of grants under subsection (c).

(c) YOUTH PREVENTION AND RECOVERY INITIATIVE.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, shall administer a program to provide support for communities to support the prevention of, treatment of, and recovery from, substance use disorders for children, adolescents, and young adults.

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term "eligible entity" means—

(i) a local educational agency that is seeking to establish or expand substance use prevention or recovery support services at one or more high schools;

(ii) a State educational agency;

(iii) an institution of higher education (or consortia of such institutions), which may include a recovery program at an institution of higher education;

(iv) a local board or one-stop operator;

(v) a nonprofit organization with appropriate expertise in providing services or programs for children, adolescents, or young adults, excluding a school;

(vi) a State, political subdivision of a State, Indian tribe, or tribal organization; or

(vii) a high school or dormitory serving high school students that receives funding from the Bureau of Indian Education.

(B) FOSTER CARE.—The term "foster care" has the meaning given such term in section 1355.20(a) of title 45, Code of Federal Regulations (or any successor regulations).

(C) HIGH SCHOOL.—The term "high school" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(D) HOMELESS YOUTH.—The term "homeless youth" has the meaning given the term "homeless children or youths" in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(E) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(F) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) and includes a "postsecondary

vocational institution" as defined in section 102(c) of such Act (20 U.S.C. 1002(c)).

(G) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(H) LOCAL BOARD; ONE-STOP OPERATOR.—The terms "local board" and "one-stop operator" have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(I) OUT-OF-SCHOOL YOUTH.—The term "out-of-school youth" has the meaning given such term in section 129(a)(1)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(1)(B)).

(J) RECOVERY PROGRAM.—The term "recovery program" means a program—

(i) to help children, adolescents, or young adults who are recovering from substance use disorders to initiate, stabilize, and maintain healthy and productive lives in the community; and

(ii) that includes peer-to-peer support delivered by individuals with lived experience in recovery, and communal activities to build recovery skills and supportive social networks.

(K) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act (20 U.S.C. 7801).

(3) BEST PRACTICES.—The Secretary, in consultation with the Secretary of Education, shall—

(A) identify or facilitate the development of evidence-based best practices for prevention of substance misuse and abuse by children, adolescents, and young adults, including for specific populations such as youth in foster care, homeless youth, out-of-school youth, and youth who are at risk of or have experienced trafficking that address—

(i) primary prevention;

(ii) appropriate recovery support services;

(iii) appropriate use of medication-assisted treatment for such individuals, if applicable, and ways of overcoming barriers to the use of medication-assisted treatment in such population; and

(iv) efficient and effective communication, which may include the use of social media, to maximize outreach efforts;

(B) disseminate such best practices to State educational agencies, local educational agencies, schools and dormitories funded by the Bureau of Indian Education, institutions of higher education, recovery programs at institutions of higher education, local boards, one-stop operators, family and youth homeless providers, and nonprofit organizations, as appropriate;

(C) conduct a rigorous evaluation of each grant funded under this subsection, particularly its impact on the indicators described in paragraph (7)(B); and

(D) provide technical assistance for grantees under this subsection.

(4) GRANTS AUTHORIZED.—The Secretary, in consultation with the Secretary of Education, shall award 3-year grants, on a competitive basis, to eligible entities to enable such entities, in coordination with Indian tribes, if applicable, and State agencies responsible for carrying out substance use disorder prevention and treatment programs, to carry out evidence-based programs for—

(A) prevention of substance misuse and abuse by children, adolescents, and young adults, which may include primary prevention;

(B) recovery support services for children, adolescents, and young adults, which may include counseling, job training, linkages to community-based services, family support groups, peer mentoring, and recovery coaching; or

(C) treatment or referrals for treatment of substance use disorders, which may include the use of medication-assisted treatment, as appropriate.

(5) SPECIAL CONSIDERATION.—In awarding grants under this subsection, the Secretary shall give special consideration to the unique needs of tribal, urban, suburban, and rural populations.

(6) APPLICATION.—To be eligible for a grant under this subsection, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

(A) a description of—

(i) the impact of substance use disorders in the population that will be served by the grant program;

(ii) how the eligible entity has solicited input from relevant stakeholders, which may include faculty, teachers, staff, families, students, and experts in substance use disorder prevention, treatment, and recovery in developing such application;

(iii) the goals of the proposed project, including the intended outcomes;

(iv) how the eligible entity plans to use grant funds for evidence-based activities, in accordance with this subsection to prevent, provide recovery support for, or treat substance use disorders amongst such individuals, or a combination of such activities; and

(v) how the eligible entity will collaborate with relevant partners, which may include State educational agencies, local educational agencies, institutions of higher education, juvenile justice agencies, prevention and recovery support providers, local service providers, including substance use disorder treatment programs, providers of mental health services, youth serving organizations, family and youth homeless providers, child welfare agencies, and primary care providers, in carrying out the grant program; and

(B) an assurance that the eligible entity will participate in the evaluation described in paragraph (3)(C).

(7) REPORTS TO THE SECRETARY.—Each eligible entity awarded a grant under this subsection shall submit to the Secretary a report at such time and in such manner as the Secretary may require. Such report shall include—

(A) a description of how the eligible entity used grant funds, in accordance with this subsection, including the number of children, adolescents, and young adults reached through programming; and

(B) a description, including relevant data, of how the grant program has made an impact on the intended outcomes described in paragraph (6)(A)(iii), including—

(i) indicators of student success, which, if the eligible entity is an educational institution, shall include student well-being and academic achievement;

(ii) substance use disorders amongst children, adolescents, and young adults, including the number of overdoses and deaths amongst children, adolescents, and young adults served by the grant during the grant period; and

(iii) other indicators, as the Secretary determines appropriate.

(8) REPORT TO CONGRESS.—The Secretary shall, not later than October 1, 2022, submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce and the Committee on Education and the Workforce of the House of Representatives a report summarizing the effectiveness of the grant program under this subsection, based on the information submitted in reports required under paragraph (7).

(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this subsection for each of fiscal years 2019 through 2023.

Subtitle L—Information From National Mental Health and Substance Use Policy Laboratory

SEC. 7111. INFORMATION FROM NATIONAL MENTAL HEALTH AND SUBSTANCE USE POLICY LABORATORY.

Section 501A(b) of the Public Health Service Act (42 U.S.C. 290aa–0(b)) is amended—

(1) in paragraph (5)(C), by striking "; and" at the end and inserting a semicolon;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) issue and periodically update information for entities applying for grants or cooperative agreements from the Substance Abuse and Mental Health Services Administration in order to—

"(A) encourage the implementation and replication of evidence-based practices; and

"(B) provide technical assistance to applicants for funding, including with respect to justifications for such programs and activities; and".

Subtitle M—Comprehensive Opioid Recovery Centers

SEC. 7121. COMPREHENSIVE OPIOID RECOVERY CENTERS.

(a) IN GENERAL.—Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.), as amended by sections 7031 and 7101, is further amended by adding at the end the following new section:

"SEC. 552. COMPREHENSIVE OPIOID RECOVERY CENTERS. 42 USC 290ee–7.

"(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to establish or operate a comprehensive opioid recovery center (referred to in this section as a 'Center'). A Center may be a single entity or an integrated delivery network.

"(b) GRANT PERIOD.—

"(1) IN GENERAL.—A grant awarded under subsection (a) shall be for a period of not less than 3 years and not more than 5 years.

"(2) RENEWAL.—A grant awarded under subsection (a) may be renewed, on a competitive basis, for additional periods of time, as determined by the Secretary. In determining whether to renew a grant under this paragraph, the Secretary shall consider the data submitted under subsection (h).

"(c) MINIMUM NUMBER OF CENTERS.—The Secretary shall allocate the amounts made available under subsection (j) such that not fewer than 10 grants may be awarded. Not more than one grant shall be made to entities in a single State for any one period.

"(d) APPLICATION.—

"(1) ELIGIBLE ENTITY.—An entity is eligible for a grant under this section if the entity offers treatment and other services for individuals with a substance use disorder.

"(2) SUBMISSION OF APPLICATION.—In order to be eligible for a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include—

"(A) evidence that such entity carries out, or is capable of coordinating with other entities to carry out, the activities described in subsection (g); and

"(B) such other information as the Secretary may require.

"(e) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities—

"(1) located in a State with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention; or

"(2) serving an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined through appropriate mechanisms determined by the Secretary in consultation with Indian Tribes.

"(f) PREFERENCE.—In awarding grants under subsection (a), the Secretary may give preference to eligible entities utilizing technology-enabled collaborative learning and capacity building models, including such models as defined in section 2 of the Expanding Capacity for Health Outcomes Act (Public Law 114–270; 130 Stat. 1395), to conduct the activities described in this section.

"(g) CENTER ACTIVITIES.—Each Center shall, at a minimum, carry out the following activities directly, through referral, or through contractual arrangements, which may include carrying out such activities through technology-enabled collaborative learning and capacity building models described in subsection (f):

"(1) TREATMENT AND RECOVERY SERVICES.—Each Center shall—

"(A) Ensure that intake, evaluations, and periodic patient assessments meet the individualized clinical needs of patients, including by reviewing patient placement in treatment settings to support meaningful recovery.

"(B) Provide the full continuum of treatment services, including—

"(i) all drugs and devices approved or cleared under the Federal Food, Drug, and Cosmetic Act and all biological products licensed under section 351 of this Act to treat substance use disorders or reverse overdoses, pursuant to Federal and State law;

"(ii) medically supervised withdrawal management, that includes patient evaluation, stabilization, and readiness for and entry into treatment;

"(iii) counseling provided by a program counselor or other certified professional who is licensed and qualified by education, training, or experience to assess the psychological and sociological background of patients, to contribute to the appropriate treatment plan for the patient, and to monitor patient progress;

"(iv) treatment, as appropriate, for patients with co-occurring substance use and mental disorders;

"(v) testing, as appropriate, for infections commonly associated with illicit drug use;

"(vi) residential rehabilitation, and outpatient and intensive outpatient programs;

"(vii) recovery housing;

"(viii) community-based and peer recovery support services;

"(ix) job training, job placement assistance, and continuing education assistance to support reintegration into the workforce; and

"(x) other best practices to provide the full continuum of treatment and services, as determined by the Secretary.

"(C) Ensure that all programs covered by the Center include medication-assisted treatment, as appropriate, and do not exclude individuals receiving medication-assisted treatment from any service.

"(D) Periodically conduct patient assessments to support sustained and clinically significant recovery, as defined by the Assistant Secretary for Mental Health and Substance Use.

"(E) Provide onsite access to medication, as appropriate, and toxicology services; for purposes of carrying out this section.

"(F) Operate a secure, confidential, and interoperable electronic health information system.

"(G) Offer family support services such as child care, family counseling, and parenting interventions to help stabilize families impacted by substance use disorder, as appropriate.

"(2) OUTREACH.—Each Center shall carry out outreach activities regarding the services offered through the Centers, which may include—

"(A) training and supervising outreach staff, as appropriate, to work with State and local health departments, health care providers, the Indian Health Service, State and local educational agencies, schools funded by the Indian Bureau of Education, institutions of higher education, State and local workforce development boards, State and local community action agencies, public safety officials, first responders, Indian Tribes, child welfare agencies, as appropriate, and other community partners and the public, including patients, to identify and respond to community needs;

"(B) ensuring that the entities described in subparagraph (A) are aware of the services of the Center; and

"(C) disseminating and making publicly available, including through the internet, evidence-based resources that educate professionals and the public on opioid use disorder and other substance use disorders, including co-occurring substance use and mental disorders.

"(h) DATA REPORTING AND PROGRAM OVERSIGHT.—With respect to a grant awarded under subsection (a), not later than 90 days after the end of the first year of the grant period, and annually thereafter for the duration of the grant period (including the duration of any renewal period for such grant), the entity shall submit data, as appropriate, to the Secretary regarding—

"(1) the programs and activities funded by the grant;

"(2) health outcomes of the population of individuals with a substance use disorder who received services from the Center, evaluated by an independent program evaluator through the use of outcomes measures, as determined by the Secretary;

"(3) the retention rate of program participants; and

"(4) any other information that the Secretary may require for the purpose of—ensuring that the Center is complying with all the requirements of the grant, including providing the full continuum of services described in subsection (g)(1)(B).

"(i) PRIVACY.—The provisions of this section, including with respect to data reporting and program oversight, shall be subject to all applicable Federal and State privacy laws.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2019 through 2023 for purposes of carrying out this section.".

(b) REPORTS TO CONGRESS.—

(1) PRELIMINARY REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a preliminary

report that analyzes data submitted under section 552(h) of the Public Health Service Act, as added by subsection (a).

(2) FINAL REPORT.—Not later than 2 years after submitting the preliminary report required under paragraph (1), the Secretary of Health and Human Services shall submit to Congress a final report that includes—

(A) an evaluation of the effectiveness of the comprehensive services provided by the Centers established or operated pursuant to section 552 of the Public Health Service Act, as added by subsection (a), with respect to health outcomes of the population of individuals with substance use disorder who receive services from the Center, which shall include an evaluation of the effectiveness of services for treatment and recovery support and to reduce relapse, recidivism, and overdose; and

(B) recommendations, as appropriate, regarding ways to improve Federal programs related to substance use disorders, which may include dissemination of best practices for the treatment of substance use disorders to health care professionals.

Subtitle N—Trauma-Informed Care

42 USC 242t.

SEC. 7131. CDC SURVEILLANCE AND DATA COLLECTION FOR CHILD, YOUTH, AND ADULT TRAUMA.

(a) DATA COLLECTION.—The Director of the Centers for Disease Control and Prevention (referred to in this section as the "Director") may, in cooperation with the States, collect and report data on adverse childhood experiences through the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, and other relevant public health surveys or questionnaires.

(b) TIMING.—The collection of data under subsection (a) may occur biennially.

(c) DATA FROM RURAL AREAS.—The Director shall encourage each State that participates in collecting and reporting data under subsection (a) to collect and report data from rural areas within such State, in order to generate a statistically reliable representation of such areas.

(d) DATA FROM TRIBAL AREAS.—The Director may, in cooperation with Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) and pursuant to a written request from an Indian Tribe, provide technical assistance to such Indian Tribe to collect and report data on adverse childhood experiences through the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, or another relevant public health survey or questionnaire.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $2,000,000 for each of fiscal years 2019 through 2023.

SEC. 7132. TASK FORCE TO DEVELOP BEST PRACTICES FOR TRAUMA-INFORMED IDENTIFICATION, REFERRAL, AND SUPPORT.

(a) ESTABLISHMENT.—There is established a task force, to be known as the Interagency Task Force on Trauma-Informed Care (in this section referred to as the "task force") that shall identify, evaluate, and make recommendations regarding—

(1) best practices with respect to children and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma; and

(2) ways in which Federal agencies can better coordinate to improve the Federal response to families impacted by substance use disorders and other forms of trauma.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The task force shall be composed of the heads of the following Federal departments and agencies, or their designees:

(A) The Centers for Medicare & Medicaid Services.

(B) The Substance Abuse and Mental Health Services Administration.

(C) The Agency for Healthcare Research and Quality.

(D) The Centers for Disease Control and Prevention.

(E) The Indian Health Service.

(F) The Department of Veterans Affairs.

(G) The National Institutes of Health.

(H) The Food and Drug Administration.

(I) The Health Resources and Services Administration.

(J) The Department of Defense.

(K) The Office of Minority Health of the Department of Health and Human Services.

(L) The Administration for Children and Families.

(M) The Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(N) The Office for Civil Rights of the Department of Health and Human Services.

(O) The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice.

(P) The Office of Community Oriented Policing Services of the Department of Justice.

(Q) The Office on Violence Against Women of the Department of Justice.

(R) The National Center for Education Evaluation and Regional Assistance of the Department of Education.

(S) The National Center for Special Education Research of the Institute of Education Science.

(T) The Office of Elementary and Secondary Education of the Department of Education.

(U) The Office for Civil Rights of the Department of Education.

(V) The Office of Special Education and Rehabilitative Services of the Department of Education.

(W) The Bureau of Indian Affairs of the Department of the Interior.

(X) The Veterans Health Administration of the Department of Veterans Affairs.

(Y) The Office of Special Needs Assistance Programs of the Department of Housing and Urban Development.

(Z) The Office of Head Start of the Administration for Children and Families.

(AA) The Children's Bureau of the Administration for Children and Families.

(BB) The Bureau of Indian Education of the Department of the Interior.

(CC) Such other Federal agencies as the Secretaries determine to be appropriate.

(2) DATE OF APPOINTMENTS.—The heads of Federal departments and agencies shall appoint the corresponding members of the task force not later than 60 days after the date of enactment of this Act.

(3) CHAIRPERSON.—The task force shall be chaired by the Assistant Secretary for Mental Health and Substance Use, or the Assistant Secretary's designee.

(c) TASK FORCE DUTIES.—The task force shall—

(1) solicit input from stakeholders, including frontline service providers, educators, mental health professionals, researchers, experts in infant, child, and youth trauma, child welfare professionals, and the public, in order to inform the activities under paragraph (2); and

(2) identify, evaluate, make recommendations, and update such recommendations not less than annually, to the general public, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Attorney General, and other relevant cabinet Secretaries, and Congress regarding—

(A) a set of evidence-based, evidence-informed, and promising best practices with respect to—

(i) prevention strategies for individuals at risk of experiencing or being exposed to trauma, including trauma as a result of exposure to substance use;

(ii) the identification of infants, children and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma;

(iii) the expeditious referral to and implementation of trauma-informed practices and supports that prevent and mitigate the effects of trauma, which may include whole-family and multi-generational approaches; and

(iv) community based or multi-generational practices that support children and their families;

(B) a national strategy on how the task force and member agencies will collaborate, prioritize options for, and implement a coordinated approach, which may include—

(i) data sharing;

(ii) providing support to infants, children, and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma;

(iii) identifying options for coordinating existing grants that support infants, children, and youth, and their families as appropriate, who have experienced, or are at risk of experiencing, exposure to substance use or other trauma, including trauma related to substance use; and

(iv) other ways to improve coordination, planning, and communication within and across Federal agencies, offices, and programs, to better serve children and families impacted by substance use disorders; and

(C) existing Federal authorities at the Department of Education, Department of Health and Human Services, Department of Justice, Department of Labor, Department

of the Interior, and other relevant agencies, and specific Federal grant programs to disseminate best practices on, provide training in, or deliver services through, trauma-informed practices, and disseminate such information—

(i) in writing to relevant program offices at such agencies to encourage grant applicants in writing to use such funds, where appropriate, for trauma-informed practices; and

(ii) to the general public through the internet website of the task force.

(d) BEST PRACTICES.—In identifying, evaluating, and recommending the set of best practices under subsection (c), the task force shall—

(1) include guidelines for providing professional development and education for front-line services providers, including school personnel, early childhood education program providers, providers from child- or youth-serving organizations, housing and homeless providers, primary and behavioral health care providers, child welfare and social services providers, juvenile and family court personnel, health care providers, individuals who are mandatory reporters of child abuse or neglect, trained nonclinical providers (including peer mentors and clergy), and first responders, in—

(A) understanding and identifying early signs and risk factors of trauma in infants, children, and youth, and their families as appropriate, including through screening processes and services;

(B) providing practices to prevent and mitigate the impact of trauma, including by fostering safe and stable environments and relationships; and

(C) developing and implementing policies, procedures, or systems that—

(i) are designed to quickly refer infants, children, youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma to the appropriate trauma-informed screening and support and age-appropriate treatment, and to ensure such infants, children, youth, and family members receive such support;

(ii) utilize and develop partnerships with early childhood education programs, local social services organizations, such as organizations serving youth, and clinical mental health or other health care providers with expertise in providing support services and age-appropriate trauma-informed and evidence-based treatment aimed at preventing or mitigating the effects of trauma;

(iii) educate children and youth to—

(I) understand and identify the signs, effects, or symptoms of trauma; and

(II) build the resilience and coping skills to mitigate the effects of experiencing trauma;

(iv) promote and support multi-generational practices that assist parents, foster parents, and kinship and other caregivers in accessing resources related to, and developing environments conducive to, the prevention and mitigation of trauma; and

(v) collect and utilize data from screenings, referrals, or the provision of services and supports to evaluate outcomes and improve processes for trauma-informed services and supports that are culturally sensitive, linguistically appropriate, and specific to age ranges and sex, as applicable;

(2) recommend best practices that are designed to avoid unwarranted custody loss or criminal penalties for parents or guardians in connection with infants, children, and youth who have experienced or are at risk of experiencing trauma; and

(3) recommend opportunities for local- and State-level partnerships that—

(A) are designed to quickly identify and refer children and families, as appropriate, who have experienced or are at risk of experiencing exposure to trauma, including related to substance use;

(B) utilize and develop partnerships with early childhood education programs, local social services organizations, and health care services aimed at preventing or mitigating the effects of exposure to trauma, including related to substance use;

(C) offer community-based prevention activities, including educating families and children on the effects of exposure to trauma, such as trauma related to substance use, and how to build resilience and coping skills to mitigate those effects;

(D) in accordance with Federal privacy protections, utilize non-personally-identifiable data from screenings, referrals, or the provision of services and supports to evaluate and improve processes addressing exposure to trauma, including related to substance use; and

(E) are designed to prevent separation and support reunification of families if in the best interest of the child.

(e) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act, the task force shall hold the first meeting. Not later than 2 years after such date of enactment, the task force shall submit to the Secretary of Education, Secretary of Health and Human Services, Secretary of Labor, Secretary of the Interior, the Attorney General, and Congress an operating plan for carrying out the activities of the task force described in subsection (c)(2). Such operating plan shall include—

(1) a list of specific activities that the task force plans to carry out for purposes of carrying out duties described in subsection (c)(2), which may include public engagement;

(2) a plan for carrying out the activities under subsection (c)(2);

(3) a list of members of the task force and other individuals who are not members of the task force that may be consulted to carry out such activities;

(4) an explanation of Federal agency involvement and coordination needed to carry out such activities, including any statutory or regulatory barriers to such coordination;

(5) a budget for carrying out such activities;

(6) a proposed timeline for implementing recommendations and efforts identified under subsection (c); and

(7) other information that the task force determines appropriate as related to its duties.

(f) FINAL REPORT.—Not later than 3 years after the date of the first meeting of the task force, the task force shall submit to the general public, Secretary of Education, Secretary of Health and Human Services, Secretary of Labor, Secretary of the Interior, the Attorney General, other relevant cabinet Secretaries, the Committee on Energy and Commerce and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and Congress, a final report containing all of the findings and recommendations required under this section, and shall make such report available online in an accessible format.

(g) ADDITIONAL REPORTS.—In addition to the final report under subsection (f). the task force shall submit—

(1) a report to Congress identifying any recommendations identified under subsection (c) that require additional legislative authority to implement; and

(2) a report to the Governors describing the opportunities for local- and State-level partnerships, professional development, or best practices recommended under subsection (d)(3).

(h) DEFINITIONS.—In this section—

(1) the term "early childhood education program" has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003);

(2) The term "Governor" means the chief executive officer of a State; and

(3) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(i) SUNSET.—The task force shall sunset on the date that is 60 days after the submission of the final report under subsection (f), but not later than September 30, 2023.

SEC. 7133. NATIONAL CHILD TRAUMATIC STRESS INITIATIVE.

Section 582(j) of the Public Health Service Act (42 U.S.C. 290hh–1(j)) (relating to grants to address the problems of persons who experience violence-related stress) is amended by striking "$46,887,000 for each of fiscal years 2018 through 2022" and inserting "$63,887,000 for each of fiscal years 2019 through 2023".

SEC. 7134. GRANTS TO IMPROVE TRAUMA SUPPORT SERVICES AND MENTAL HEALTH CARE FOR CHILDREN AND YOUTH IN EDUCATIONAL SETTINGS.

42 USC 280h–7.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—The Secretary, in coordination with the Assistant Secretary for Mental Health and Substance Use, is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) or their tribal educational agencies, a school operated by the Bureau of Indian Education, a Regional Corporation, or a Native Hawaiian educational organization, for the purpose of increasing student access to evidence-based trauma support services and mental health care by developing innovative initiatives, activities, or programs to link local school systems with

local trauma-informed support and mental health systems, including those under the Indian Health Service.

(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 4 years.

(c) USE OF FUNDS.—An entity that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for evidence-based activities, which shall include any of the following:

(1) Collaborative efforts between school-based service systems and trauma-informed support and mental health service systems to provide, develop, or improve prevention, screening, referral, and treatment and support services to students, such as providing trauma screenings to identify students in need of specialized support.

(2) To implement schoolwide positive behavioral interventions and supports, or other trauma-informed models of support.

(3) To provide professional development to teachers, teacher assistants, school leaders, specialized instructional support personnel, and mental health professionals that—

(A) fosters safe and stable learning environments that prevent and mitigate the effects of trauma, including through social and emotional learning;

(B) improves school capacity to identify, refer, and provide services to students in need of trauma support or behavioral health services; or

(C) reflects the best practices for trauma-informed identification, referral, and support developed by the Task Force under section 7132.

(4) Services at a full-service community school that focuses on trauma-informed supports, which may include a full-time site coordinator, or other activities consistent with section 4625 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7275).

(5) Engaging families and communities in efforts to increase awareness of child and youth trauma, which may include sharing best practices with law enforcement regarding trauma-informed care and working with mental health professionals to provide interventions, as well as longer term coordinated care within the community for children and youth who have experienced trauma and their families.

(6) To provide technical assistance to school systems and mental health agencies.

(7) To evaluate the effectiveness of the program carried out under this section in increasing student access to evidence-based trauma support services and mental health care.

(8) To establish partnerships with or provide subgrants to Head Start agencies (including Early Head Start agencies), public and private preschool programs, child care programs (including home-based providers), or other entities described in subsection (a), to include such entities described in this paragraph in the evidence-based trauma initiatives, activities, support services, and mental health systems established under this section in order to provide, develop, or improve prevention,

screening, referral, and treatment and support services to young children and their families.

(d) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity described in subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, which shall include the following:

(1) A description of the innovative initiatives, activities, or programs to be funded under the grant, contract, or cooperative agreement, including how such program will increase access to evidence-based trauma support services and mental health care for students, and, as applicable, the families of such students.

(2) A description of how the program will provide linguistically appropriate and culturally competent services.

(3) A description of how the program will support students and the school in improving the school climate in order to support an environment conducive to learning.

(4) An assurance that—

(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services; and

(B) teachers, school leaders, administrators, specialized instructional support personnel, representatives of local Indian Tribes or tribal organizations as appropriate, other school personnel, and parents or guardians of students participating in services under this section will be engaged and involved in the design and implementation of the services.

(5) A description of how the applicant will support and integrate existing school-based services with the program in order to provide mental health services for students, as appropriate.

(6) A description of the entities in the community with which the applicant will partner or to which the applicant will provide subgrants in accordance with subsection (c)(8).

(e) INTERAGENCY AGREEMENTS.—

(1) LOCAL INTERAGENCY AGREEMENTS.—To ensure the provision of the services described in subsection (c), a recipient of a grant, contract, or cooperative agreement under this section, or their designee, shall establish a local interagency agreement among local educational agencies, agencies responsible for early childhood education programs, Head Start agencies (including Early Head Start agencies), juvenile justice authorities, mental health agencies, child welfare agencies, and other relevant agencies, authorities, or entities in the community that will be involved in the provision of such services.

(2) CONTENTS.—In ensuring the provision of the services described in subsection (c), the local interagency agreement shall specify with respect to each agency, authority, or entity that is a party to such agreement—

(A) the financial responsibility for the services;

(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

(C) the conditions and terms of reimbursement among such agencies, authorities, or entities, including procedures for dispute resolution.

(f) EVALUATION.—The Secretary shall reserve not more than 3 percent of the funds made available under subsection (l) for each fiscal year to—

(1) conduct a rigorous, independent evaluation of the activities funded under this section; and

(2) disseminate and promote the utilization of evidence-based practices regarding trauma support services and mental health care.

(g) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among tribal, urban, suburban, and rural populations.

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

(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

(2) to prevent Federal, State, and tribal law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal, tribal, and State law to crimes committed by a student.

(i) SUPPLEMENT, NOT SUPPLANT.—Any services provided through programs carried out under this section shall supplement, and not supplant, existing mental health services, including any special education and related services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(j) CONSULTATION WITH INDIAN TRIBES.—In carrying out subsection (a), the Secretary shall, in a timely manner, meaningfully consult with Indian Tribes and their representatives to ensure notice of eligibility.

(k) DEFINITIONS.—In this section:

(1) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) EVIDENCE-BASED.—The term "evidence-based" has the meaning given such term in section 8101(21)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)(i)).

(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term "Native Hawaiian educational organization" has the meaning given such term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(4) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) REGIONAL CORPORATION.—The term "Regional Corporation" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(6) SCHOOL.—The term "school" means a public elementary school or public secondary school.

(7) SCHOOL LEADER.—The term "school leader" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) SECONDARY SCHOOL.—The term "secondary school" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) SECRETARY.—The term "Secretary" means the Secretary of Education.

(10) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term "specialized instructional support personnel" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(11) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of fiscal years 2019 through 2023.

SEC. 7135. RECOGNIZING EARLY CHILDHOOD TRAUMA RELATED TO SUBSTANCE ABUSE.

42 USC 280h–8.

(a) DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall disseminate information, resources, and, if requested, technical assistance to early childhood care and education providers and professionals working with young children on—

(1) ways to properly recognize children who may be impacted by trauma, including trauma related to substance use by a family member or other adult; and

(2) how to respond appropriately in order to provide for the safety and well-being of young children and their families.

(b) GOALS.—The information, resources, and technical assistance provided under subsection (a) shall—

(1) educate early childhood care and education providers and professionals working with young children on understanding and identifying the early signs and risk factors of children who might be impacted by trauma, including trauma due to exposure to substance use;

(2) suggest age-appropriate communication tools, procedures, and practices for trauma-informed care, including ways to prevent or mitigate the effects of trauma;

(3) provide options for responding to children impacted by trauma, including due to exposure to substance use, that consider the needs of the child and family, including recommending resources and referrals for evidence-based services to support such family; and

(4) promote whole-family and multi-generational approaches to keep families safely together when it is in the best interest of the child.

(c) COORDINATION.—The Secretary of Health and Human Services shall coordinate with the task force to develop best practices for trauma-informed identification, referral, and support authorized under section 7132 in disseminating the information, resources, and technical assistance described under subsection (b).

(d) RULE OF CONSTRUCTION.—Such information, resources, and if applicable, technical assistance, shall not be construed to amend the requirements under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Head Start Act (42 U.S.C. 9831 et seq.); or

(3) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

Subtitle O—Eliminating Opioid Related Infectious Diseases

SEC. 7141. REAUTHORIZATION AND EXPANSION OF PROGRAM OF SURVEILLANCE AND EDUCATION REGARDING INFECTIONS ASSOCIATED WITH ILLICIT DRUG USE AND OTHER RISK FACTORS.

Section 317N of the Public Health Service Act (42 U.S.C. 247b–15) is amended to read as follows:

"SEC. 317N. SURVEILLANCE AND EDUCATION REGARDING INFECTIONS ASSOCIATED WITH ILLICIT DRUG USE AND OTHER RISK FACTORS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may (directly or through grants to public and nonprofit private entities) provide for programs for the following:

"(1) To cooperate with States and Indian tribes in implementing or maintaining a national system to determine the incidence of infections commonly associated with illicit drug use, such as viral hepatitis, human immunodeficiency virus, and infective endocarditis, and to assist the States in determining the prevalence of such infections, which may include the reporting of cases of such infections.

"(2) To identify, counsel, and offer testing to individuals who are at risk of infections described in paragraph (1) resulting from illicit drug use, receiving blood transfusions prior to July 1992, or other risk factors.

"(3) To provide appropriate referrals for counseling, testing, and medical treatment of individuals identified under paragraph (2) and to ensure, to the extent practicable, the provision of appropriate follow-up services.

"(4) To develop and disseminate public information and education programs for the detection and control of infections described in paragraph (1), with priority given to high-risk populations as determined by the Secretary.

"(5) To improve the education, training, and skills of health professionals in the detection and control of infections described in paragraph (1), including to improve coordination of treatment of substance use disorders and infectious diseases, with priority given to substance use disorder treatment providers, pediatricians and other primary care providers, obstetrician-gynecologists, and infectious disease clinicians, including HIV clinicians.

"(b) LABORATORY PROCEDURES.—The Secretary may (directly or through grants to public and nonprofit private entities) carry out programs to provide for improvements in the quality of clinical-

laboratory procedures regarding infections described in subsection (a)(1).

"(c) DEFINITION.—In this section, the term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for each of the fiscal years 2019 through 2023.".

Subtitle P—Peer Support Communities of Recovery

SEC. 7151. BUILDING COMMUNITIES OF RECOVERY.

Section 547 of the Public Health Service Act (42 U.S.C. 290ee–2) is amended to read as follows:

"SEC. 547. BUILDING COMMUNITIES OF RECOVERY.

"(a) DEFINITION.—In this section, the term 'recovery community organization' means an independent nonprofit organization that—

"(1) mobilizes resources within and outside of the recovery community, which may include through a peer support network, to increase the prevalence and quality of long-term recovery from substance use disorders; and

"(2) is wholly or principally governed by people in recovery for substance use disorders who reflect the community served.

"(b) GRANTS AUTHORIZED.—The Secretary shall award grants to recovery community organizations to enable such organizations to develop, expand, and enhance recovery services.

"(c) FEDERAL SHARE.—The Federal share of the costs of a program funded by a grant under this section may not exceed 85 percent.

"(d) USE OF FUNDS.—Grants awarded under subsection (b)—

"(1) shall be used to develop, expand, and enhance community and statewide recovery support services; and

"(2) may be used to—

"(A) build connections between recovery networks, including between recovery community organizations and peer support networks, and with other recovery support services, including—

"(i) behavioral health providers;

"(ii) primary care providers and physicians;

"(iii) educational and vocational schools;

"(iv) employers;

"(v) housing services;

"(vi) child welfare agencies; and

"(vii) other recovery support services that facilitate recovery from substance use disorders, including non-clinical community services;

"(B) reduce stigma associated with substance use disorders; and

"(C) conduct outreach on issues relating to substance use disorders and recovery, including—

"(i) identifying the signs of substance use disorder;

"(ii) the resources available to individuals with substance use disorder and to families of an individual

with a substance use disorder, including programs that mentor and provide support services to children;

"(iii) the resources available to help support individuals in recovery; and

"(iv) related medical outcomes of substance use disorders, the potential of acquiring an infection commonly associated with illicit drug use, and neonatal abstinence syndrome among infants exposed to opioids during pregnancy.

"(e) SPECIAL CONSIDERATION.—In carrying out this section, the Secretary shall give special consideration to the unique needs of rural areas, including areas with an age-adjusted rate of drug overdose deaths that is above the national average and areas with a shortage of prevention and treatment services.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7152. PEER SUPPORT TECHNICAL ASSISTANCE CENTER.

Title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by inserting after section 547 the following:

42 USC 290ee–2a.

"SEC. 547A. PEER SUPPORT TECHNICAL ASSISTANCE CENTER.

"(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary, shall establish or operate a National Peer-Run Training and Technical Assistance Center for Addiction Recovery Support (referred to in this section as the 'Center').

"(b) FUNCTIONS.—The Center established under subsection (a) shall provide technical assistance and support to recovery community organizations and peer support networks, including such assistance and support related to—

"(1) training on identifying—

"(A) signs of substance use disorder;

"(B) resources to assist individuals with a substance use disorder, or resources for families of an individual with a substance use disorder; and

"(C) best practices for the delivery of recovery support services;

"(2) the provision of translation services, interpretation, or other such services for clients with limited English speaking proficiency;

"(3) data collection to support research, including for translational research;

"(4) capacity building; and

"(5) evaluation and improvement, as necessary, of the effectiveness of such services provided by recovery community organizations.

"(c) BEST PRACTICES.—The Center established under subsection (a) shall periodically issue best practices for use by recovery community organizations and peer support networks.

"(d) RECOVERY COMMUNITY ORGANIZATION.—In this section, the term 'recovery community organization' has the meaning given such term in section 547.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2019 through 2023.".

Subtitle Q—Creating Opportunities That Necessitate New and Enhanced Connections That Improve Opioid Navigation Strategies

SEC. 7161. PREVENTING OVERDOSES OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 392 (42 U.S.C. 280b–1) the following:

"SEC. 392A. PREVENTING OVERDOSES OF CONTROLLED SUBSTANCES. 42 USC 280b–1.

"(a) EVIDENCE-BASED PREVENTION GRANTS.—

"(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention may—

"(A) to the extent practicable, carry out and expand any evidence-based prevention activities described in paragraph (2);

"(B) provide training and technical assistance to States, localities, and Indian tribes for purposes of carrying out such activity; and

"(C) award grants to States, localities, and Indian tribes for purposes of carrying out such activity.

"(2) EVIDENCE-BASED PREVENTION ACTIVITIES.—An evidence-based prevention activity described in this paragraph is any of the following activities:

"(A) Improving the efficiency and use of a new or currently operating prescription drug monitoring program, including by—

"(i) encouraging all authorized users (as specified by the State or other entity) to register with and use the program;

"(ii) enabling such users to access any updates to information collected by the program in as close to real-time as possible;

"(iii) improving the ease of use of such program;

"(iv) providing for a mechanism for the program to notify authorized users of any potential misuse or abuse of controlled substances and any detection of inappropriate prescribing or dispensing practices relating to such substances;

"(v) encouraging the analysis of prescription drug monitoring data for purposes of providing de-identified, aggregate reports based on such analysis to State public health agencies, State substance abuse agencies, State licensing boards, and other appropriate State agencies, as permitted under applicable Federal and State law and the policies of the prescription drug monitoring program and not containing any protected health information, to prevent inappropriate prescribing, drug diversion, or abuse and misuse of controlled substances, and to facilitate better coordination among agencies;

"(vi) enhancing interoperability between the program and any health information technology (including

certified health information technology), including by integrating program data into such technology;

"(vii) updating program capabilities to respond to technological innovation for purposes of appropriately addressing the occurrence and evolution of controlled substance overdoses;

"(viii) facilitating and encouraging data exchange between the program and the prescription drug monitoring programs of other States;

"(ix) enhancing data collection and quality, including improving patient matching and proactively monitoring data quality;

"(x) providing prescriber and dispenser practice tools, including prescriber practice insight reports for practitioners to review their prescribing patterns in comparison to such patterns of other practitioners in the specialty; and

"(xi) meeting the purpose of the program established under section 399O, as described in section 399O(a).

"(B) Promoting community or health system interventions.

"(C) Evaluating interventions to prevent controlled substance overdoses.

"(D) Implementing projects to advance an innovative prevention approach with respect to new and emerging public health crises and opportunities to address such crises, such as enhancing public education and awareness on the risks associated with opioids.

"(3) ADDITIONAL GRANTS.—The Director may award grants to States, localities, and Indian Tribes—

"(A) to carry out innovative projects for grantees to rapidly respond to controlled substance misuse, abuse, and overdoses, including changes in patterns of controlled substance use; and

"(B) for any other evidence-based activity for preventing controlled substance misuse, abuse, and overdoses as the Director determines appropriate.

"(4) RESEARCH.—The Director, in coordination with the Assistant Secretary for Mental Health and Substance Use and the National Mental Health and Substance Use Policy Laboratory established under section 501A, as appropriate and applicable, may conduct studies and evaluations to address substance use disorders, including preventing substance use disorders or other related topics the Director determines appropriate.

"(b) ENHANCED CONTROLLED SUBSTANCE OVERDOSE DATA COLLECTION, ANALYSIS, AND DISSEMINATION GRANTS.—

"(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention may—

"(A) to the extent practicable, carry out any controlled substance overdose data collection activities described in paragraph (2);

"(B) provide training and technical assistance to States, localities, and Indian tribes for purposes of carrying out such activity;

"(C) award grants to States, localities, and Indian tribes for purposes of carrying out such activity; and

"(D) coordinate with the Assistant Secretary for Mental Health and Substance Use to collect data pursuant to section 505(d)(1)(A) (relating to the number of individuals admitted to emergency departments as a result of the abuse of alcohol or other drugs).

"(2) CONTROLLED SUBSTANCE OVERDOSE DATA COLLECTION AND ANALYSIS ACTIVITIES.—A controlled substance overdose data collection, analysis, and dissemination activity described in this paragraph is any of the following activities:

"(A) Improving the timeliness of reporting data to the public, including data on fatal and nonfatal overdoses of controlled substances.

"(B) Enhancing the comprehensiveness of controlled substance overdose data by collecting information on such overdoses from appropriate sources such as toxicology reports, autopsy reports, death scene investigations, and emergency departments.

"(C) Modernizing the system for coding causes of death related to controlled substance overdoses to use an electronic-based system.

"(D) Using data to help identify risk factors associated with controlled substance overdoses.

"(E) Supporting entities involved in providing information on controlled substance overdoses, such as coroners, medical examiners, and public health laboratories to improve accurate testing and standardized reporting of causes and contributing factors to controlled substances overdoses and analysis of various opioid analogues to controlled substance overdoses.

"(F) Working to enable and encourage the access, exchange, and use of information regarding controlled substance overdoses among data sources and entities.

"(c) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, section 399O of this Act, and section 102 of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), there is authorized to be appropriated $496,000,000 for each of fiscal years 2019 through 2023.".

(b) EDUCATION AND AWARENESS.—Section 102 of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the heads of other departments and agencies, shall advance education and awareness regarding the risks related to misuse and abuse of opioids, as appropriate, which may include developing or improving existing

programs, conducting activities, and awarding grants that advance the education and awareness of—

"(1) the public, including patients and consumers—

"(A) generally; and

"(B) regarding such risks related to unused opioids and the dispensing options under section 309(f) of the Controlled Substances Act, as applicable; and

"(2) providers, which may include—

"(A) providing for continuing education on appropriate prescribing practices;

"(B) education related to applicable State or local prescriber limit laws, information on the use of non-addictive alternatives for pain management, and the use of overdose reversal drugs, as appropriate;

"(C) disseminating and improving the use of evidence-based opioid prescribing guidelines across relevant health care settings, as appropriate, and updating guidelines as necessary;

"(D) implementing strategies, such as best practices, to encourage and facilitate the use of prescriber guidelines, in accordance with State and local law;

"(E) disseminating information to providers about prescribing options for controlled substances, including such options under section 309(f) of the Controlled Substances Act, as applicable; and

"(F) disseminating information, as appropriate, on the National Pain Strategy developed by or in consultation with the Assistant Secretary for Health; and

"(3) other appropriate entities."; and

(2) in subsection (b)—

(A) by striking "opioid abuse" each place such term appears and inserting "opioid misuse and abuse"; and

(B) in paragraph (2), by striking "safe disposal of prescription medications and other" and inserting "non-addictive treatment options, safe disposal options for prescription medications, and other applicable".

SEC. 7162. PRESCRIPTION DRUG MONITORING PROGRAM.

Section 399O of the Public Health Service Act (42 U.S.C. 280g–3) is amended to read as follows:

"SEC. 399O. PRESCRIPTION DRUG MONITORING PROGRAM.

"(a) PROGRAM.—

"(1) IN GENERAL.—Each fiscal year, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, in coordination with the heads of other departments and agencies as appropriate, shall support States or localities for the purpose of improving the efficiency and use of PDMPs, including—

"(A) establishment and implementation of a PDMP;

"(B) maintenance of a PDMP;

"(C) improvements to a PDMP by—

"(i) enhancing functional components to work toward—

"(I) universal use of PDMPs among providers and their delegates, to the extent that State laws allow;

"(II) more timely inclusion of data within a PDMP;

"(III) active management of the PDMP, in part by sending proactive or unsolicited reports to providers to inform prescribing; and

"(IV) ensuring the highest level of ease in use of and access to PDMPs by providers and their delegates, to the extent that State laws allow;

"(ii) in consultation with the Office of the National Coordinator for Health Information Technology, improving the intrastate interoperability of PDMPs by—

"(I) making PDMPs more actionable by integrating PDMPs within electronic health records and health information technology infrastructure; and

"(II) linking PDMP data to other data systems within the State, including—

"(aa) the data of pharmacy benefit managers, medical examiners and coroners, and the State's Medicaid program;

"(bb) worker's compensation data; and

"(cc) prescribing data of providers of the Department of Veterans Affairs and the Indian Health Service within the State;

"(iii) in consultation with the Office of the National Coordinator for Health Information Technology, improving the interstate interoperability of PDMPs through—

"(I) sharing of dispensing data in near-real time across State lines; and

"(II) integration of automated queries for multistate PDMP data and analytics into clinical workflow to improve the use of such data and analytics by practitioners and dispensers; or

"(iv) improving the ability to include treatment availability resources and referral capabilities within the PDMP.

"(2) LEGISLATION.—As a condition on the receipt of support under this section, the Secretary shall require a State or locality to demonstrate that it has enacted legislation or regulations—

"(A) to provide for the implementation of the PDMP; and

"(B) to permit the imposition of appropriate penalties for the unauthorized use and disclosure of information maintained by the PDMP.

"(b) PDMP STRATEGIES.—The Secretary shall encourage a State or locality, in establishing, improving, or maintaining a PDMP, to implement strategies that improve—

"(1) the reporting of dispensing in the State or locality of a controlled substance to an ultimate user so the reporting occurs not later than 24 hours after the dispensing event;

"(2) the consultation of the PDMP by each prescribing practitioner, or their designee, in the State or locality before initiating treatment with a controlled substance, or any substance as required by the State to be reported to the PDMP,

and over the course of ongoing treatment for each prescribing event;

"(3) the consultation of the PDMP before dispensing a controlled substance, or any substance as required by the State to be reported to the PDMP;

"(4) the proactive notification to a practitioner when patterns indicative of controlled substance misuse by a patient, including opioid misuse, are detected;

"(5) the availability of data in the PDMP to other States, as allowable under State law; and

"(6) the availability of nonidentifiable information to the Centers for Disease Control and Prevention for surveillance, epidemiology, statistical research, or educational purposes.

"(c) DRUG MISUSE AND ABUSE.—In consultation with practitioners, dispensers, and other relevant and interested stakeholders, a State receiving support under this section—

"(1) shall establish a program to notify practitioners and dispensers of information that will help to identify and prevent the unlawful diversion or misuse of controlled substances;

"(2) may, to the extent permitted under State law, notify the appropriate authorities responsible for carrying out drug diversion investigations if the State determines that information in the PDMP maintained by the State indicates an unlawful diversion or abuse of a controlled substance;

"(3) may conduct analyses of controlled substance program data for purposes of providing appropriate State agencies with aggregate reports based on such analyses in as close to real-time as practicable, regarding prescription patterns flagged as potentially presenting a risk of misuse, abuse, addiction, overdose, and other aggregate information, as appropriate and in compliance with applicable Federal and State laws and provided that such reports shall not include protected health information; and

"(4) may access information about prescriptions, such as claims data, to ensure that such prescribing and dispensing history is updated in as close to real-time as practicable, in compliance with applicable Federal and State laws and provided that such information shall not include protected health information.

"(d) EVALUATION AND REPORTING.—As a condition on receipt of support under this section, the State shall report on interoperability with PDMPs of other States and Federal agencies, where appropriate, intrastate interoperability with health information technology systems such as electronic health records, health information exchanges, and e-prescribing, where appropriate, and whether or not the State provides automatic, up-to-date, or daily information about a patient when a practitioner (or the designee of a practitioner, where permitted) requests information about such patient.

"(e) EVALUATION AND REPORTING.—A State receiving support under this section shall provide the Secretary with aggregate nonidentifiable information, as permitted by State law, to enable the Secretary—

"(1) to evaluate the success of the State's program in achieving the purpose described in subsection (a); or

"(2) to prepare and submit to the Congress the report required by subsection (i)(2).

"(f) EDUCATION AND ACCESS TO THE MONITORING SYSTEM.—A State receiving support under this section shall take steps to—

"(1) facilitate prescribers and dispensers, and their delegates, as permitted by State law, to use the PDMP, to the extent practicable; and

"(2) educate prescribers and dispensers, and their delegates on the benefits of the use of PDMPs.

"(g) ELECTRONIC FORMAT.—The Secretary may issue guidelines specifying a uniform electronic format for the reporting, sharing, and disclosure of information pursuant to PDMPs. To the extent possible, such guidelines shall be consistent with standards recognized by the Office of the National Coordinator for Health Information Technology.

"(h) RULES OF CONSTRUCTION.—

"(1) FUNCTIONS OTHERWISE AUTHORIZED BY LAW.—Nothing in this section shall be construed to restrict the ability of any authority, including any local, State, or Federal law enforcement, narcotics control, licensure, disciplinary, or program authority, to perform functions otherwise authorized by law.

"(2) ADDITIONAL PRIVACY PROTECTIONS.—Nothing in this section shall be construed as preempting any State from imposing any additional privacy protections.

"(3) FEDERAL PRIVACY REQUIREMENTS.—Nothing in this section shall be construed to supersede any Federal privacy or confidentiality requirement, including the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) and section 543 of this Act.

"(4) NO FEDERAL PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to create a Federal private cause of action.

"(i) PROGRESS REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall—

"(1) complete a study that—

"(A) determines the progress of grantees in establishing and implementing PDMPs consistent with this section;

"(B) provides an analysis of the extent to which the operation of PDMPs has—

"(i) reduced inappropriate use, abuse, diversion of, and overdose with, controlled substances;

"(ii) established or strengthened initiatives to ensure linkages to substance use disorder treatment services; or

"(iii) affected patient access to appropriate care in States operating PDMPs;

"(C) determine the progress of grantees in achieving interstate interoperability and intrastate interoperability of PDMPs, including an assessment of technical, legal, and financial barriers to such progress and recommendations for addressing these barriers;

"(D) determines the progress of grantees in implementing near real-time electronic PDMPs;

"(E) provides an analysis of the privacy protections in place for the information reported to the PDMP in each State or locality receiving support under this section and

any recommendations of the Secretary for additional Federal or State requirements for protection of this information;

"(F) determines the progress of States or localities in implementing technological alternatives to centralized data storage, such as peer-to-peer file sharing or data pointer systems, in PDMPs and the potential for such alternatives to enhance the privacy and security of individually identifiable data; and

"(G) evaluates the penalties that States or localities have enacted for the unauthorized use and disclosure of information maintained in PDMPs, and the criteria used by the Secretary to determine whether such penalties qualify as appropriate for purposes of subsection (a)(2); and

"(2) submit a report to the Congress on the results of the study.

"(j) ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—A State or locality may establish an advisory council to assist in the establishment, improvement, or maintenance of a PDMP consistent with this section.

"(2) LIMITATION.—A State or locality may not use Federal funds for the operations of an advisory council to assist in the establishment, improvement, or maintenance of a PDMP.

"(3) SENSE OF CONGRESS.—It is the sense of the Congress that, in establishing an advisory council to assist in the establishment, improvement, or maintenance of a PDMP, a State or locality should consult with appropriate professional boards and other interested parties.

"(k) DEFINITIONS.—For purposes of this section:

"(1) The term 'controlled substance' means a controlled substance (as defined in section 102 of the Controlled Substances Act) in schedule II, III, or IV of section 202 of such Act.

"(2) The term 'dispense' means to deliver a controlled substance to an ultimate user by, or pursuant to the lawful order of, a practitioner, irrespective of whether the dispenser uses the Internet or other means to effect such delivery.

"(3) The term 'dispenser' means a physician, pharmacist, or other person that dispenses a controlled substance to an ultimate user.

"(4) The term 'interstate interoperability' with respect to a PDMP means the ability of the PDMP to electronically share reported information with another State if the information concerns either the dispensing of a controlled substance to an ultimate user who resides in such other State, or the dispensing of a controlled substance prescribed by a practitioner whose principal place of business is located in such other State.

"(5) The term 'intrastate interoperability' with respect to a PDMP means the integration of PDMP data within electronic health records and health information technology infrastructure or linking of a PDMP to other data systems within the State, including the State's Medicaid program, workers' compensation programs, and medical examiners or coroners.

"(6) The term 'nonidentifiable information' means information that does not identify a practitioner, dispenser, or an ultimate user and with respect to which there is no reasonable

basis to believe that the information can be used to identify a practitioner, dispenser, or an ultimate user.

"(7) The term 'PDMP' means a prescription drug monitoring program that is State-controlled.

"(8) The term 'practitioner' means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which the individual practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"(9) The term 'State' means each of the 50 States, the District of Columbia, and any commonwealth or territory of the United States.

"(10) The term 'ultimate user' means a person who has obtained from a dispenser, and who possesses, a controlled substance for the person's own use, for the use of a member of the person's household, or for the use of an animal owned by the person or by a member of the person's household.

"(11) The term 'clinical workflow' means the integration of automated queries for prescription drug monitoring programs data and analytics into health information technologies such as electronic health record systems, health information exchanges, and/or pharmacy dispensing software systems, thus streamlining provider access through automated queries.".

Subtitle R—Review of Substance Use Disorder Treatment Providers Receiving Federal Funding

SEC. 7171. REVIEW OF SUBSTANCE USE DISORDER TREATMENT PROVIDERS RECEIVING FEDERAL FUNDING.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a review of entities that receive Federal funding for the provision of substance use disorder treatment services. The review shall include:

(1) The length of time the entity has provided substance use disorder treatment services and the geographic area served by the entity.

(2) A detailed analysis of the patient population served by the entity, including but not limited to the number of patients, types of diagnosed substance use disorders and the demographic information of such patients, including sex, race, ethnicity, and socioeconomic status.

(3) Detailed information on the types of substance use disorders for which the entity has the experience, capability, and capacity to provide such services.

(4) An analysis of how the entity handles patients requiring treatment for a substance use disorder that the organization is not able to treat.

(5) An analysis of what is needed in order to improve the entity's ability to meet the addiction treatment needs of the communities served by that entity.

(6) Based on the identified needs of the communities served, a description of unmet needs and inadequate services and how such needs and services could be better addressed to treat individuals with methamphetamine, cocaine, including crack cocaine, heroin, opioid, and other substance use disorders.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a plan to direct appropriate resources to entities that provide substance use disorder treatment services in order to address inadequacies in services or funding identified through the survey described in subsection (a).

Subtitle S—Other Health Provisions

SEC. 7181. STATE RESPONSE TO THE OPIOID ABUSE CRISIS.

42 USC 290ee–3 note.

(a) IN GENERAL.—Section 1003 of the 21st Century Cures Act (Public Law 114–255) is amended—

(1) in subsection (a)—

(A) by striking "the authorization of appropriations under subsection (b) to carry out the grant program described in subsection (c)" and inserting "subsection (h) to carry out the grant program described in subsection (b)"; and

(B) by inserting "and Indian Tribes" after "States";

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively;

(4) by redesignating subsection (f) as subsection (j);

(5) in subsection (b), as so redesignated—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting "AND TRIBAL" after "STATE";

(ii) by striking "States for the purpose of addressing the opioid abuse crisis within such States" and inserting "States and Indian Tribes for the purpose of addressing the opioid abuse crisis within such States and Indian Tribes";

(iii) by inserting "or Indian Tribes" after "preference to States"; and

(iv) by inserting before the period of the second sentence "or other Indian Tribes, as applicable"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "to a State";

(ii) in subparagraph (A), by striking "Improving State" and inserting "Establishing or improving";

(iii) in subparagraph (C), by inserting "preventing diversion of controlled substances," after "treatment programs,"; and

(iv) in subparagraph (E), by striking "as the State determines appropriate, related to addressing the opioid abuse crisis within the State" and inserting "as the State or Indian Tribe determines appropriate, related to addressing the opioid abuse crisis within the State or Indian Tribe, including directing resources

in accordance with local needs related to substance use disorders";

(6) in subsection (c), as so redesignated, by striking "subsection (c)" and inserting "subsection (b)";

(7) in subsection (d), as so redesignated—

(A) in the matter preceding paragraph (1), by striking "the authorization of appropriations under subsection (b)" and inserting "subsection (h)"; and

(B) in paragraph (1), by striking "subsection (c)" and inserting "subsection (b)"; and

(8) by inserting after subsection (d), as so redesignated, the following:

"(e) INDIAN TRIBES.—

"(1) DEFINITION.—For purposes of this section, the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(2) APPROPRIATE MECHANISMS.—The Secretary, in consultation with Indian Tribes, shall identify and establish appropriate mechanisms for Tribes to demonstrate or report the information as required under subsections (b), (c), and (d).

"(f) REPORT TO CONGRESS.—Not later than 1 year after the date on which amounts are first awarded after the date of enactment of this subsection, pursuant to subsection (b), and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the information provided to the Secretary in reports made pursuant to subsection (c), including the purposes for which grant funds are awarded under this section and the activities of such grant recipients.

"(g) TECHNICAL ASSISTANCE.—The Secretary, including through the Tribal Training and Technical Assistance Center of the Substance Abuse and Mental Health Services Administration, shall provide State agencies and Indian Tribes, as applicable, with technical assistance concerning grant application and submission procedures under this section, award management activities, and enhancing outreach and direct support to rural and underserved communities and providers in addressing the opioid crisis.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the grant program under subsection (b), there is authorized to be appropriated $500,000,000 for each of fiscal years 2019 through 2021, to remain available until expended.

"(i) SET ASIDE.—Of the amounts made available for each fiscal year to award grants under subsection (b) for a fiscal year, 5 percent of such amount for such fiscal year shall be made available to Indian Tribes, and up to 15 percent of such amount for such fiscal year may be set aside for States with the highest age-adjusted rate of drug overdose death based on the ordinal ranking of States according to the Director of the Centers for Disease Control and Prevention.".

(b) CONFORMING AMENDMENT.—Section 1004(c) of the 21st Century Cures Act (Public Law 114–255) is amended by striking ", the FDA Innovation Account, or the Account For the State Response to the Opioid Abuse Crisis" and inserting "or the FDA Innovation Account".

SEC. 7182. REPORT ON INVESTIGATIONS REGARDING PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.

(a) IN GENERAL.—Section 13003 of the 21st Century Cures Act (Public Law 114–255) is amended—

(1) in subsection (a)—

(A) by striking "with findings of any serious violation regarding" and inserting "concerning"; and

(B) by inserting "and the Committee on Education and the Workforce" after "Energy and Commerce"; and

(2) in subsection (b)(1)—

(A) by inserting "complaints received and number of" before "closed"; and

(B) by inserting before the period ", and, for each such investigation closed, which agency conducted the investigation, whether the health plan that is the subject of the investigation is fully insured or not fully insured and a summary of any coordination between the applicable State regulators and the Department of Labor, the Department of Health and Human Services, or the Department of the Treasury, and references to any guidance provided by the agencies addressing the category of violation committed".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to the second annual report required under such section 13003 and each such annual report thereafter.

42 USC 290ee–8.

SEC. 7183. CAREER ACT.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), in consultation with the Secretary of Labor, shall continue or establish a program to support individuals in substance use disorder treatment and recovery to live independently and participate in the workforce.

(b) GRANTS AUTHORIZED.—In carrying out the activities under this section, the Secretary shall, on a competitive basis, award grants for a period of not more than 5 years to entities to enable such entities to carry out evidence-based programs to help individuals in substance use disorder treatment and recovery to live independently and participate in the workforce. Such entities shall coordinate, as applicable, with Indian tribes or tribal organizations (as applicable), State boards and local boards (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), lead State agencies with responsibility for a workforce investment activity (as defined in such section 3), and State agencies responsible for carrying out substance use disorder prevention and treatment programs.

(c) PRIORITY.—

(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority based on the State in which the entity is located. Priority shall be given among States according to a formula based on the rates described in paragraph (2) and weighted as described in paragraph (3).

(2) RATES.—The rates described in this paragraph are the following:

(A) The amount by which the rate of drug overdose deaths in the State, adjusted for age, is above the national

overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention.

(B) The amount by which the rate of unemployment for the State, based on data provided by the Bureau of Labor Statistics for the preceding 5 calendar years for which there is available data, is above the national average.

(C) The amount by which rate of labor force participation in the State, based on data provided by the Bureau of Labor Statistics for the preceding 5 calendar years for which there is available data, is below the national average.

(3) WEIGHTING.—The rates described in paragraph (2) shall be weighted as follows:

(A) The rate described in paragraph (2)(A) shall be weighted 70 percent.

(B) The rate described in paragraph (2)(B) shall be weighted 15 percent.

(C) The rate described in paragraph (2)(C) shall be weighted 15 percent.

(d) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to entities located in areas within States with the greatest need, with such need based on the highest mortality rate related to substance use disorder.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that offers treatment or recovery services for individuals with substance use disorders, and partners with one or more local or State stakeholders, which may include local employers, community organizations, the local workforce development board, local and State governments, and Indian Tribes or tribal organizations, to support recovery, independent living, and participation in the workforce.

(2) INDIAN TRIBES; TRIBAL ORGANIZATION.—The terms "Indian Tribe" and "tribal organization" have the meanings given the terms "Indian tribe" and "tribal organization" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) STATE.—The term "State" includes only the several States and the District of Columbia.

(f) APPLICATIONS.—An eligible entity shall submit an application at such time and in such manner as the Secretary may require. In submitting an application, the entity shall demonstrate the ability to partner with local stakeholders, which may include local employers, community stakeholders, the local workforce development board, local and State governments, and Indian Tribes or tribal organizations, as applicable, to—

(1) identify gaps in the workforce due to the prevalence of substance use disorders;

(2) in coordination with statewide employment and training activities, including coordination and alignment of activities carried out by entities provided grant funds under section 8041, help individuals in recovery from a substance use disorder transition into the workforce, including by providing career services, training services as described in paragraph (2) of section 134(c) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)), and related services described in section 134(a)(3) of such Act (42 U.S.C. 3174(a)); and

(3) assist employers with informing their employees of the resources, such as resources related to substance use disorders that are available to their employees.

(g) USE OF FUNDS.—An entity receiving a grant under this section shall use the funds to conduct one or more of the following activities:

(1) Hire case managers, care coordinators, providers of peer recovery support services, as described in section 547(a) of the Public Health Service Act (42 U.S.C. 290ee–2(a)), or other professionals, as appropriate, to provide services that support treatment, recovery, and rehabilitation, and prevent relapse, recidivism, and overdose, including by encouraging—

(A) the development and strengthening of daily living skills; and

(B) the use of counseling, care coordination, and other services, as appropriate, to support recovery from substance use disorders.

(2) Implement or utilize innovative technologies, which may include the use of telemedicine.

(3) In coordination with the lead State agency with responsibility for a workforce investment activity or local board described in subsection (b), provide—

(A) short-term prevocational training services; and

(B) training services that are directly linked to the employment opportunities in the local area or the planning region.

(h) SUPPORT FOR STATE STRATEGY.—An eligible entity shall include in its application under subsection (f) information describing how the services and activities proposed in such application are aligned with the State, outlying area, or Tribal strategy, as applicable, for addressing issues described in such application and how such entity will coordinate with existing systems to deliver services as described in such application.

(i) DATA REPORTING AND PROGRAM OVERSIGHT.—Each eligible entity awarded a grant under this section shall submit to the Secretary a report at such time and in such manner as the Secretary may require. Such report shall include a description of—

(1) the programs and activities funded by the grant;

(2) outcomes of the population of individuals with a substance use disorder the grantee served through activities described in subsection (g); and

(3) any other information that the Secretary may require for the purpose of ensuring that the grantee is complying with all of the requirements of the grant.

(j) REPORTS TO CONGRESS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the end of the first year of the grant period under this section, the Secretary shall submit to Congress a preliminary report that analyzes reports submitted under subsection (i).

(2) FINAL REPORT.—Not later than 2 years after submitting the preliminary report required under paragraph (1), the Secretary shall submit to Congress a final report that includes—

(A) a description of how the grant funding was used, including the number of individuals who received services under subsection (g)(3) and an evaluation of the effectiveness of the activities conducted by the grantee with respect

to outcomes of the population of individuals with substance use disorder who receive services from the grantee; and

(B) recommendations related to best practices for health care professionals to support individuals in substance use disorder treatment or recovery to live independently and participate in the workforce.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2019 through 2023 for purposes of carrying out this section.

TITLE VIII—MISCELLANEOUS

Subtitle A—Synthetics Trafficking and Overdose Prevention

Synthetics Trafficking and Overdose Prevention Act of 2018.
19 USC 1 note.

SEC. 8001. SHORT TITLE.

This subtitle may be cited as the "Synthetics Trafficking and Overdose Prevention Act of 2018" or "STOP Act of 2018".

SEC. 8002. CUSTOMS FEES.

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended by adding at the end the following:

"(D)(i) With respect to the processing of items that are sent to the United States through the international postal network by 'Inbound Express Mail service' or 'Inbound EMS' (as that service is described in the mail classification schedule referred to in section 3631 of title 39, United States Code), the following payments are required:

"(I) $1 per Inbound EMS item.

"(II) If an Inbound EMS item is formally entered, the fee provided for under subsection (a)(9), if applicable.

"(ii) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the payments required by clause (i), as allocated pursuant to clause (iii)(I), shall be the only payments required for reimbursement of U.S. Customs and Border Protection for customs services provided in connection with the processing of an Inbound EMS item.

"(iii)(I) The payments required by clause (i)(I) shall be allocated as follows:

"(aa) 50 percent of the amount of the payments shall be paid on a quarterly basis by the United States Postal Service to the Commissioner of U.S. Customs and Border Protection in accordance with regulations prescribed by the Secretary of the Treasury to reimburse U.S. Customs and Border Protection for customs services provided in connection with the processing of Inbound EMS items.

"(bb) 50 percent of the amount of the payments shall be retained by the Postal Service to reimburse the Postal Service for services provided in connection with the customs processing of Inbound EMS items.

"(II) Payments received by U.S. Customs and Border Protection under subclause (I)(aa) shall, in accordance with section 524 of the Tariff Act of 1930 (19 U.S.C. 1524), be deposited in the Customs User Fee Account and used to directly

reimburse each appropriation for the amount paid out of that appropriation for the costs incurred in providing services to international mail facilities. Amounts deposited in accordance with the preceding sentence shall be available until expended for the provision of such services.

"(III) Payments retained by the Postal Service under subclause (I)(bb) shall be used to directly reimburse the Postal Service for the costs incurred in providing services in connection with the customs processing of Inbound EMS items.

"(iv) Beginning in fiscal year 2021, the Secretary, in consultation with the Postmaster General, may adjust, not more frequently than once each fiscal year, the amount described in clause (i)(I) to an amount commensurate with the costs of services provided in connection with the customs processing of Inbound EMS items, consistent with the obligations of the United States under international agreements.".

(b) CONFORMING AMENDMENTS.—Section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is amended—

(1) in paragraph (6), by inserting "(other than an item subject to a fee under subsection (b)(9)(D))" after "customs officer"; and

(2) in paragraph (10)—

(A) in subparagraph (C), in the matter preceding clause (i), by inserting "(other than Inbound EMS items described in subsection (b)(9)(D))" after "release"; and

(B) in the flush at the end, by inserting "or of Inbound EMS items described in subsection (b)(9)(D)," after "(C),".

19 USC 58c note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020.

SEC. 8003. MANDATORY ADVANCE ELECTRONIC INFORMATION FOR POSTAL SHIPMENTS.

(a) MANDATORY ADVANCE ELECTRONIC INFORMATION.—

(1) IN GENERAL.—Section 343(a)(3)(K) of the Trade Act of 2002 (Public Law 107–210; 19 U.S.C. 2071 note) is amended to read as follows:

"(K)(i) The Secretary shall prescribe regulations requiring the United States Postal Service to transmit the information described in paragraphs (1) and (2) to the Commissioner of U.S. Customs and Border Protection for international mail shipments by the Postal Service (including shipments to the Postal Service from foreign postal operators that are transported by private carrier) consistent with the requirements of this subparagraph.

"(ii) In prescribing regulations under clause (i), the Secretary shall impose requirements for the transmission to the Commissioner of information described in paragraphs (1) and (2) for mail shipments described in clause (i) that are comparable to the requirements for the transmission of such information imposed on similar non-mail shipments of cargo, taking into account the parameters set forth in subparagraphs (A) through (J).

"(iii) The regulations prescribed under clause (i) shall require the transmission of the information described in paragraphs (1) and (2) with respect to a shipment as soon

as practicable in relation to the transportation of the shipment, consistent with subparagraph (H).

"(iv) Regulations prescribed under clause (i) shall allow for the requirements for the transmission to the Commissioner of information described in paragraphs (1) and (2) for mail shipments described in clause (i) to be implemented in phases, as appropriate, by—

"(I) setting incremental targets for increasing the percentage of such shipments for which information is required to be transmitted to the Commissioner; and

"(II) taking into consideration—

"(aa) the risk posed by such shipments;

"(bb) the volume of mail shipped to the United States by or through a particular country; and

"(cc) the capacities of foreign postal operators to provide that information to the Postal Service.

"(v)(I) Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2018, arrange for the transmission to the Commissioner of the information described in paragraphs (1) and (2) for not less than 70 percent of the aggregate number of mail shipments, including 100 percent of mail shipments from the People's Republic of China, described in clause (i).

"(II) If the requirements of subclause (I) are not met, the Comptroller General of the United States shall submit to the appropriate congressional committees, not later than June 30, 2019, a report—

"(aa) assessing the reasons for the failure to meet those requirements; and

"(bb) identifying recommendations to improve the collection by the Postal Service of the information described in paragraphs (1) and (2).

"(vi)(I) Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2020, arrange for the transmission to the Commissioner of the information described in paragraphs (1) and (2) for 100 percent of the aggregate number of mail shipments described in clause (i).

"(II) The Commissioner, in consultation with the Postmaster General, may determine to exclude a country from the requirement described in subclause (I) to transmit information for mail shipments described in clause (i) from the country if the Commissioner determines that the country—

"(aa) does not have the capacity to collect and transmit such information;

"(bb) represents a low risk for mail shipments that violate relevant United States laws and regulations; and

"(cc) accounts for low volumes of mail shipments that can be effectively screened for compliance with relevant United States laws and regulations through an alternate means.

"(III) The Commissioner shall, at a minimum on an annual basis, re-evaluate any determination made under subclause (II) to exclude a country from the requirement

described in subclause (I). If, at any time, the Commissioner determines that a country no longer meets the requirements under subclause (II), the Commissioner may not further exclude the country from the requirement described in subclause (I).

"(IV) The Commissioner shall, on an annual basis, submit to the appropriate congressional committees—

"(aa) a list of countries with respect to which the Commissioner has made a determination under subclause (II) to exclude the countries from the requirement described in subclause (I); and

"(bb) information used to support such determination with respect to such countries.

"(vii)(I) The Postmaster General shall, in consultation with the Commissioner, refuse any shipments received after December 31, 2020, for which the information described in paragraphs (1) and (2) is not transmitted as required under this subparagraph, except as provided in subclause (II).

"(II) If remedial action is warranted in lieu of refusal of shipments pursuant to subclause (I), the Postmaster General and the Commissioner shall take remedial action with respect to the shipments, including destruction, seizure, controlled delivery or other law enforcement initiatives, or correction of the failure to provide the information described in paragraphs (1) and (2) with respect to the shipments.

"(viii) Nothing in this subparagraph shall be construed to limit the authority of the Secretary to obtain information relating to international mail shipments from private carriers or other appropriate parties.

"(ix) In this subparagraph, the term 'appropriate congressional committees' means—

"(I) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(II) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.".

(2) JOINT STRATEGIC PLAN ON MANDATORY ADVANCE INFORMATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Postmaster General shall develop and submit to the appropriate congressional committees a joint strategic plan detailing specific performance measures for achieving—

(A) the transmission of information as required by section 343(a)(3)(K) of the Trade Act of 2002, as amended by paragraph (1); and

(B) the presentation by the Postal Service to U.S. Customs and Border Protection of all mail targeted by U.S. Customs and Border Protection for inspection.

(b) CAPACITY BUILDING.—

(1) IN GENERAL.—Section 343(a) of the Trade Act of 2002 (Public Law 107–210; 19 U.S.C. 2071 note) is amended by adding at the end the following:

"(5) CAPACITY BUILDING.—

"(A) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, and in coordination with the Postmaster General and the heads of other Federal agencies, as appropriate, may provide technical assistance, equipment, technology, and training to enhance the capacity of foreign postal operators—

"(i) to gather and provide the information required by paragraph (3)(K); and

"(ii) to otherwise gather and provide postal shipment information related to—

"(I) terrorism;

"(II) items the importation or introduction of which into the United States is prohibited or restricted, including controlled substances; and

"(III) such other concerns as the Secretary determines appropriate.

"(B) PROVISION OF EQUIPMENT AND TECHNOLOGY.—With respect to the provision of equipment and technology under subparagraph (A), the Secretary may lease, loan, provide, or otherwise assist in the deployment of such equipment and technology under such terms and conditions as the Secretary may prescribe, including nonreimbursable loans or the transfer of ownership of equipment and technology.".

(2) JOINT STRATEGIC PLAN ON CAPACITY BUILDING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security and the Postmaster General shall, in consultation with the Secretary of State, jointly develop and submit to the appropriate congressional committees a joint strategic plan—

(A) detailing the extent to which U.S. Customs and Border Protection and the United States Postal Service are engaged in capacity building efforts under section 343(a)(5) of the Trade Act of 2002, as added by paragraph (1);

(B) describing plans for future capacity building efforts; and

(C) assessing how capacity building has increased the ability of U.S. Customs and Border Protection and the Postal Service to advance the goals of this subtitle and the amendments made by this subtitle.

(c) REPORT AND CONSULTATIONS BY SECRETARY OF HOMELAND SECURITY AND POSTMASTER GENERAL.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 3 years after the Postmaster General has met the requirement under clause (vi) of subparagraph (K) of section 343(a)(3) of the Trade Act of 2002, as amended by subsection (a)(1), the Secretary of Homeland Security and the Postmaster General shall, in consultation with the Secretary of State, jointly submit to the appropriate congressional committees a report on compliance with that subparagraph that includes the following:

(A) An assessment of the status of the regulations required to be promulgated under that subparagraph.

(B) An update regarding new and existing agreements reached with foreign postal operators for the transmission of the information required by that subparagraph.

(C) A summary of deliberations between the United States Postal Service and foreign postal operators with respect to issues relating to the transmission of that information.

(D) A summary of the progress made in achieving the transmission of that information for the percentage of shipments required by that subparagraph.

(E) An assessment of the quality of that information being received by foreign postal operators, as determined by the Secretary of Homeland Security, and actions taken to improve the quality of that information.

(F) A summary of policies established by the Universal Postal Union that may affect the ability of the Postmaster General to obtain the transmission of that information.

(G) A summary of the use of technology to detect illicit synthetic opioids and other illegal substances in international mail parcels and planned acquisitions and advancements in such technology.

(H) Such other information as the Secretary of Homeland Security and the Postmaster General consider appropriate with respect to obtaining the transmission of information required by that subparagraph.

(2) CONSULTATIONS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the Postmaster General has met the requirement under clause (vi) of section 343(a)(3)(K) of the Trade Act of 2002, as amended by subsection (a)(1), to arrange for the transmission of information with respect to 100 percent of the aggregate number of mail shipments described in clause (i) of that section, the Secretary of Homeland Security and the Postmaster General shall provide briefings to the appropriate congressional committees on the progress made in achieving the transmission of that information for that percentage of shipments.

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than June 30, 2019, the Comptroller General of the United States shall submit to the appropriate congressional committees a report—

(1) assessing the progress of the United States Postal Service in achieving the transmission of the information required by subparagraph (K) of section 343(a)(3) of the Trade Act of 2002, as amended by subsection (a)(1), for the percentage of shipments required by that subparagraph;

(2) assessing the quality of the information received from foreign postal operators for targeting purposes;

(3) assessing the specific percentage of targeted mail presented by the Postal Service to U.S. Customs and Border Protection for inspection;

(4) describing the costs of collecting the information required by such subparagraph (K) from foreign postal operators and the costs of implementing the use of that information;

(5) assessing the benefits of receiving that information with respect to international mail shipments;

(6) assessing the feasibility of assessing a customs fee under section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended by section 8002, on international mail shipments other than Inbound Express Mail service in a manner consistent with the obligations of the United States under international agreements; and

(7) identifying recommendations, including recommendations for legislation, to improve the compliance of the Postal Service with such subparagraph (K), including an assessment of whether the detection of illicit synthetic opioids in the international mail would be improved by—

(A) requiring the Postal Service to serve as the consignee for international mail shipments containing goods; or

(B) designating a customs broker to act as an importer of record for international mail shipments containing goods.

(e) TECHNICAL CORRECTION.—Section 343 of the Trade Act of 2002 (Public Law 107–210; 19 U.S.C. 2071 note) is amended in the section heading by striking "**ADVANCED**" and inserting "**ADVANCE**".

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(2) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

SEC. 8004. INTERNATIONAL POSTAL AGREEMENTS.

19 USC 1415 note.

(a) EXISTING AGREEMENTS.—

(1) IN GENERAL.—In the event that any provision of this subtitle, or any amendment made by this subtitle, is determined to be in violation of obligations of the United States under any postal treaty, convention, or other international agreement related to international postal services, or any amendment to such an agreement, the Secretary of State should negotiate to amend the relevant provisions of the agreement so that the United States is no longer in violation of the agreement.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit delay in the implementation of this subtitle or any amendment made by this subtitle.

(b) FUTURE AGREEMENTS.—

(1) CONSULTATIONS.—Before entering into, on or after the date of the enactment of this Act, any postal treaty, convention, or other international agreement related to international postal services, or any amendment to such an agreement, that is related to the ability of the United States to secure the provision of advance electronic information by foreign postal operators, the Secretary of State should consult with the appropriate congressional committees (as defined in section 8003(f)).

(2) EXPEDITED NEGOTIATION OF NEW AGREEMENT.—To the extent that any new postal treaty, convention, or other international agreement related to international postal services would improve the ability of the United States to secure the provision of advance electronic information by foreign postal operators as required by regulations prescribed under section 343(a)(3)(K) of the Trade Act of 2002, as amended by section 8003(a)(1), the Secretary of State should expeditiously conclude such an agreement.

SEC. 8005. COST RECOUPMENT.

19 USC 1415 note.

(a) IN GENERAL.—The United States Postal Service shall, to the extent practicable and otherwise recoverable by law, ensure

that all costs associated with complying with this subtitle and amendments made by this subtitle are charged directly to foreign shippers or foreign postal operators.

(b) COSTS NOT CONSIDERED REVENUE.—The recovery of costs under subsection (a) shall not be deemed revenue for purposes of subchapter I and II of chapter 36 of title 39, United States Code, or regulations prescribed under that chapter.

19 USC 1583a.

SEC. 8006. DEVELOPMENT OF TECHNOLOGY TO DETECT ILLICIT NARCOTICS.

(a) IN GENERAL.—The Postmaster General and the Commissioner of U.S. Customs and Border Protection, in coordination with the heads of other agencies as appropriate, shall collaborate to identify and develop technology for the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States by mail.

(b) OUTREACH TO PRIVATE SECTOR.—The Postmaster General and the Commissioner shall conduct outreach to private sector entities to gather information regarding the current state of technology to identify areas for innovation relating to the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States.

SEC. 8007. CIVIL PENALTIES FOR POSTAL SHIPMENTS.

Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436) is amended by adding at the end the following new subsection:

"(e) CIVIL PENALTIES FOR POSTAL SHIPMENTS.—

"(1) CIVIL PENALTY.—A civil penalty shall be imposed against the United States Postal Service if the Postal Service accepts a shipment in violation of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002.

"(2) MODIFICATION OF CIVIL PENALTY.—

"(A) IN GENERAL.—U.S. Customs and Border Protection shall reduce or dismiss a civil penalty imposed pursuant to paragraph (1) if U.S. Customs and Border Protection determines that the United States Postal Service—

"(i) has a low error rate in compliance with section 343(a)(3)(K) of the Trade Act of 2002;

"(ii) is cooperating with U.S. Customs and Border Protection with respect to the violation of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002; or

"(iii) has taken remedial action to prevent future violations of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002.

"(B) WRITTEN NOTIFICATION.—U.S. Customs and Border Protection shall issue a written notification to the Postal Service with respect to each exercise of the authority of subparagraph (A) to reduce or dismiss a civil penalty imposed pursuant to paragraph (1).

"(3) ONGOING LACK OF COMPLIANCE.—If U.S. Customs and Border Protection determines that the United States Postal Service—

"(A) has repeatedly committed violations of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002,

"(B) has failed to cooperate with U.S. Customs and Border Protection with respect to violations of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002, and

"(C) has an increasing error rate in compliance with section 343(a)(3)(K) of the Trade Act of 2002,

civil penalties may be imposed against the United States Postal Service until corrective action, satisfactory to U.S. Customs and Border Protection, is taken.".

SEC. 8008. REPORT ON VIOLATIONS OF ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS AND FALSITY OR LACK OF MANIFEST.

19 USC 1436a.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall submit to the appropriate congressional committees an annual report that contains the information described in subsection (b) with respect to each violation of section 436 of the Tariff Act of 1930 (19 U.S.C. 1436), as amended by section 8007, and section 584 of such Act (19 U.S.C. 1584) that occurred during the previous year.

(b) INFORMATION DESCRIBED.—The information described in this subsection is the following:

(1) The name and address of the violator.

(2) The specific violation that was committed.

(3) The location or port of entry through which the items were transported.

(4) An inventory of the items seized, including a description of the items and the quantity seized.

(5) The location from which the items originated.

(6) The entity responsible for the apprehension or seizure, organized by location or port of entry.

(7) The amount of penalties assessed by U.S. Customs and Border Protection, organized by name of the violator and location or port of entry.

(8) The amount of penalties that U.S. Customs and Border Protection could have levied, organized by name of the violator and location or port of entry.

(9) The rationale for negotiating lower penalties, organized by name of the violator and location or port of entry.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(2) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

SEC. 8009. EFFECTIVE DATE; REGULATIONS.

(a) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle (other than the amendments made by section 8002) shall take effect on the date of the enactment of this Act.

19 USC 1436 note.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, such regulations as are necessary to carry out this subtitle and the amendments made by this subtitle shall be prescribed.

19 USC 58c note.

Opioid Addiction Recovery Fraud Prevention Act of 2018.

Subtitle B—Opioid Addiction Recovery Fraud Prevention

15 USC 58 note.

SEC. 8021. SHORT TITLE.

This subtitle may be cited as the "Opioid Addiction Recovery Fraud Prevention Act of 2018".

15 USC 45d note.

SEC. 8022. DEFINITIONS.

For purposes of this subtitle only, and not be construed or applied as to challenge or affect the characterization, definition, or treatment under any other statute, regulation, or rule:

(1) SUBSTANCE USE DISORDER TREATMENT PRODUCT.—The term "substance use disorder treatment product" means a product for use or marketed for use in the treatment, cure, or prevention of a substance use disorder, including an opioid use disorder.

(2) SUBSTANCE USE DISORDER TREATMENT SERVICE.—The term "substance use disorder treatment service" means a service that purports to provide referrals to treatment, treatment, or recovery housing for people diagnosed with, having, or purporting to have a substance use disorder, including an opioid use disorder.

15 USC 45d.

SEC. 8023. UNFAIR OR DECEPTIVE ACTS OR PRACTICES WITH RESPECT TO SUBSTANCE USE DISORDER TREATMENT SERVICE AND PRODUCTS.

(a) UNLAWFUL ACTIVITY.—It is unlawful to engage in an unfair or deceptive act or practice with respect to any substance use disorder treatment service or substance use disorder treatment product.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(2) POWERS OF THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated and made part of this section.

(c) AUTHORITY PRESERVED.—Nothing in this subtitle shall be construed to limit the authority of the Federal Trade Commission or the Food and Drug Administration under any other provision of law.

Subtitle C—Addressing Economic and Workforce Impacts of the Opioid Crisis

SEC. 8041. ADDRESSING ECONOMIC AND WORKFORCE IMPACTS OF THE OPIOID CRISIS. 29 USC 3225a.

(a) DEFINITIONS.—Except as otherwise expressly provided, in this section:

(1) WIOA DEFINITIONS.—The terms "core program", "individual with a barrier to employment", "local area", "local board", "one-stop operator", "outlying area", "State", "State board", and "supportive services" have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) EDUCATION PROVIDER.—The term "education provider" means—

(A) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(B) a postsecondary vocational institution, as defined in section 102(c) of such Act (20 U.S.C. 1002(c)).

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State workforce agency;

(B) an outlying area; or

(C) a Tribal entity.

(4) PARTICIPATING PARTNERSHIP.—The term "participating partnership" means a partnership—

(A) evidenced by a written contract or agreement; and

(B) including, as members of the partnership, a local board receiving a subgrant under subsection (d) and 1 or more of the following:

(i) The eligible entity.

(ii) A treatment provider.

(iii) An employer or industry organization.

(iv) An education provider.

(v) A legal service or law enforcement organization.

(vi) A faith-based or community-based organization.

(vii) Other State or local agencies, including counties or local governments.

(viii) Other organizations, as determined to be necessary by the local board.

(ix) Indian Tribes or tribal organizations.

(5) PROGRAM PARTICIPANT.—The term "program participant" means an individual who—

(A) is a member of a population of workers described in subsection (e)(2) that is served by a participating partnership through the pilot program under this section; and

(B) enrolls with the applicable participating partnership to receive any of the services described in subsection (e)(3).

(6) PROVIDER OF PEER RECOVERY SUPPORT SERVICES.—The term "provider of peer recovery support services" means a provider that delivers peer recovery support services through an organization described in section 547(a) of the Public Health Service Act (42 U.S.C. 290ee–2(a)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(8) STATE WORKFORCE AGENCY.—The term "State workforce agency" means the lead State agency with responsibility for the administration of a program under chapter 2 or 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3161 et seq., 3171 et seq.).

(9) SUBSTANCE USE DISORDER.—The term "substance use disorder" has the meaning given such term by the Assistant Secretary for Mental Health and Substance Use.

(10) TREATMENT PROVIDER.—The term "treatment provider"—

(A) means a health care provider that—

(i) offers services for treating substance use disorders and is licensed in accordance with applicable State law to provide such services; and

(ii) accepts health insurance for such services, including coverage under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(B) may include—

(i) a nonprofit provider of peer recovery support services;

(ii) a community health care provider;

(iii) a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x));

(iv) an Indian health program (as defined in section 3 of the Indian Health Care Improvement Act (25 U.S.C. 1603)), including an Indian health program that serves an urban center (as defined in such section); and

(v) a Native Hawaiian health center (as defined in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711)).

(11) TRIBAL ENTITY.—The term "Tribal entity" includes any Indian Tribe, tribal organization, Indian-controlled organization serving Indians, Native Hawaiian organization, or Alaska Native entity, as such terms are defined or used in section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221).

(b) PILOT PROGRAM AND GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall carry out a pilot program to address economic and workforce impacts associated with a high rate of a substance use disorder. In carrying out the pilot program, the Secretary shall make grants, on a competitive basis, to eligible entities to enable such entities to make subgrants to local boards to address the economic and workforce impacts associated with a high rate of a substance use disorder.

(2) GRANT AMOUNTS.—The Secretary shall make each such grant in an amount that is not less than $500,000, and not more than $5,000,000, for a fiscal year.

(c) GRANT APPLICATIONS.—

(1) IN GENERAL.—An eligible entity applying for a grant under this section shall submit an application to the Secretary at such time and in such form and manner as the Secretary

may reasonably require, including the information described in this subsection.

(2) SIGNIFICANT IMPACT ON COMMUNITY BY OPIOID AND SUBSTANCE USE DISORDER-RELATED PROBLEMS.—

(A) DEMONSTRATION.—An eligible entity shall include in the application—

(i) information that demonstrates significant impact on the community by problems related to opioid abuse or another substance use disorder, by—

(I) identifying the counties, communities, regions, or local areas that have been significantly impacted and will be served through the grant (each referred to in this section as a "service area"); and

(II) demonstrating for each such service area, an increase equal to or greater than the national increase in such problems, between—

(aa) 1999; and

(bb) 2016 or the latest year for which data are available; and

(ii) a description of how the eligible entity will prioritize support for significantly impacted service areas described in clause (i)(I).

(B) INFORMATION.—To meet the requirements described in subparagraph (A)(i)(II), the eligible entity may use information including data on—

(i) the incidence or prevalence of opioid abuse and other substance use disorders;

(ii) the age-adjusted rate of drug overdose deaths, as determined by the Director of the Centers for Disease Control and Prevention;

(iii) the rate of non-fatal hospitalizations related to opioid abuse or other substance use disorders;

(iv) the number of arrests or convictions, or a relevant law enforcement statistic, that reasonably shows an increase in opioid abuse or another substance use disorder; or

(v) in the case of an eligible entity described in subsection (a)(3)(C), other alternative relevant data as determined appropriate by the Secretary.

(C) SUPPORT FOR STATE STRATEGY.—The eligible entity may include in the application information describing how the proposed services and activities are aligned with the State, outlying area, or Tribal strategy, as applicable, for addressing problems described in subparagraph (A) in specific service areas or across the State, outlying area, or Tribal land.

(3) ECONOMIC AND EMPLOYMENT CONDITIONS DEMONSTRATE ADDITIONAL FEDERAL SUPPORT NEEDED.—

(A) DEMONSTRATION.—An eligible entity shall include in the application information that demonstrates that a high rate of a substance use disorder has caused, or is coincident to—

(i) an economic or employment downturn in the service area; or

(ii) persistent economically depressed conditions in such service area.

(B) INFORMATION.—To meet the requirements of subparagraph (A), an eligible entity may use information including—

(i) documentation of any layoff, announced future layoff, legacy industry decline, decrease in an employment or labor market participation rate, or economic impact, whether or not the result described in this clause is overtly related to a high rate of a substance use disorder;

(ii) documentation showing decreased economic activity related to, caused by, or contributing to a high rate of a substance use disorder, including a description of how the service area has been impacted, or will be impacted, by such a decrease;

(iii) information on economic indicators, labor market analyses, information from public announcements, and demographic and industry data;

(iv) information on rapid response activities (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)) that have been or will be conducted, including demographic data gathered by employer or worker surveys or through other methods;

(v) data or documentation, beyond anecdotal evidence, showing that employers face challenges filling job vacancies due to a lack of skilled workers able to pass a drug test; or

(vi) any additional relevant data or information on the economy, workforce, or another aspect of the service area to support the application.

(d) SUBGRANT AUTHORIZATION AND APPLICATION PROCESS.—

(1) SUBGRANTS AUTHORIZED.—

(A) IN GENERAL.—An eligible entity receiving a grant under subsection (b)—

(i) may use not more than 5 percent of the grant funds for the administrative costs of carrying out the grant;

(ii) in the case of an eligible entity described in subparagraph (A) or (B) of subsection (a)(3), shall use the remaining grant funds to make subgrants to local entities in the service area to carry out the services and activities described in subsection (e); and

(iii) in the case of an eligible entity described in subsection (a)(3)(C), shall use the remaining grant funds to carry out the services and activities described in subsection (e).

(B) EQUITABLE DISTRIBUTION.—In making subgrants under this subsection, an eligible entity shall ensure, to the extent practicable, the equitable distribution of subgrants, based on—

(i) geography (such as urban and rural distribution); and

(ii) significantly impacted service areas as described in subsection (c)(2).

(C) TIMING OF SUBGRANT FUNDS DISTRIBUTION.—An eligible entity making subgrants under this subsection shall

disburse subgrant funds to a local board receiving a subgrant from the eligible entity by the later of—

(i) the date that is 90 days after the date on which the Secretary makes the funds available to the eligible entity; or

(ii) the date that is 15 days after the date that the eligible entity makes the subgrant under subparagraph (A)(ii).

(2) SUBGRANT APPLICATION.—

(A) IN GENERAL.—A local board desiring to receive a subgrant under this subsection from an eligible entity shall submit an application at such time and in such manner as the eligible entity may reasonably require, including the information described in this paragraph.

(B) CONTENTS.—Each application described in subparagraph (A) shall include—

(i) an analysis of the estimated performance of the local board in carrying out the proposed services and activities under the subgrant—

(I) based on—

(aa) primary indicators of performance described in section 116(c)(1)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(c)(1)(A)(i), to assess estimated effectiveness of the proposed services and activities, including the estimated number of individuals with a substance use disorder who may be served by the proposed services and activities;

(bb) the record of the local board in serving individuals with a barrier to employment; and

(cc) the ability of the local board to establish a participating partnership; and

(II) which may include or utilize—

(aa) data from the National Center for Health Statistics of the Centers for Disease Control and Prevention;

(bb) data from the Center for Behavioral Health Statistics and Quality of the Substance Abuse and Mental Health Services Administration;

(cc) State vital statistics;

(dd) municipal police department records;

(ee) reports from local coroners; or

(ff) other relevant data; and

(ii) in the case of a local board proposing to serve a population described in subsection (e)(2)(B), a demonstration of the workforce shortage in the professional area to be addressed under the subgrant (which may include substance use disorder treatment and related services, non-addictive pain therapy and pain management services, mental health care treatment services, emergency response services, or mental health care), which shall include information that can demonstrate such a shortage, such as—

(I) the distance between—

(aa) communities affected by opioid abuse or another substance use disorder; and

(bb) facilities or professionals offering services in the professional area; or

(II) the maximum capacity of facilities or professionals to serve individuals in an affected community, or increases in arrests related to opioid or another substance use disorder, overdose deaths, or nonfatal overdose emergencies in the community.

(e) SUBGRANT SERVICES AND ACTIVITIES.—

(1) IN GENERAL.—Each local board that receives a subgrant under subsection (d) shall carry out the services and activities described in this subsection through a participating partnership.

(2) SELECTION OF POPULATION TO BE SERVED.—A participating partnership shall elect to provide services and activities under the subgrant to one or both of the following populations of workers:

(A) Workers, including dislocated workers, individuals with barriers to employment, new entrants in the workforce, or incumbent workers (employed or underemployed), each of whom—

(i) is directly or indirectly affected by a high rate of a substance use disorder; and

(ii) voluntarily confirms that the worker, or a friend or family member of the worker, has a history of opioid abuse or another substance use disorder.

(B) Workers, including dislocated workers, individuals with barriers to employment, new entrants in the workforce, or incumbent workers (employed or underemployed), who—

(i) seek to transition to professions that support individuals with a substance use disorder or at risk for developing such disorder, such as professions that provide—

(I) substance use disorder treatment and related services;

(II) services offered through providers of peer recovery support services;

(III) non-addictive pain therapy and pain management services;

(IV) emergency response services; or

(V) mental health care; and

(ii) need new or upgraded skills to better serve such a population of struggling or at-risk individuals.

(3) SERVICES AND ACTIVITIES.—Each participating partnership shall use funds available through a subgrant under this subsection to carry out 1 or more of the following:

(A) ENGAGING EMPLOYERS.—Engaging with employers to—

(i) learn about the skill and hiring requirements of employers;

(ii) learn about the support needed by employers to hire and retain program participants, and other individuals with a substance use disorder, and the support needed by such employers to obtain their

commitment to testing creative solutions to employing program participants and such individuals;

(iii) connect employers and workers to on-the-job or customized training programs before or after layoff to help facilitate reemployment;

(iv) connect employers with an education provider to develop classroom instruction to complement on-the-job learning for program participants and such individuals;

(v) help employers develop the curriculum design of a work-based learning program for program participants and such individuals;

(vi) help employers employ program participants or such individuals engaging in a work-based learning program for a transitional period before hiring such a program participant or individual for full-time employment of not less than 30 hours a week; or

(vii) connect employers to program participants receiving concurrent outpatient treatment and job training services.

(B) SCREENING SERVICES.—Providing screening services, which may include—

(i) using an evidence-based screening method to screen each individual seeking participation in the pilot program to determine whether the individual has a substance use disorder;

(ii) conducting an assessment of each such individual to determine the services needed for such individual to obtain or retain employment, including an assessment of strengths and general work readiness; or

(iii) accepting walk-ins or referrals from employers, labor organizations, or other entities recommending individuals to participate in such program.

(C) INDIVIDUAL TREATMENT AND EMPLOYMENT PLAN.—Developing an individual treatment and employment plan for each program participant—

(i) in coordination, as appropriate, with other programs serving the participant such as the core programs within the workforce development system under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

(ii) which shall include providing a case manager to work with each participant to develop the plan, which may include—

(I) identifying employment and career goals;

(II) exploring career pathways that lead to in-demand industries and sectors, as determined by the State board and the head of the State workforce agency or, as applicable, the Tribal entity;

(III) setting appropriate achievement objectives to attain the employment and career goals identified under subclause (I); or

(IV) developing the appropriate combination of services to enable the participant to achieve

the employment and career goals identified under subclause (I).

(D) OUTPATIENT TREATMENT AND RECOVERY CARE.—In the case of a participating partnership serving program participants described in paragraph (2)(A) with a substance use disorder, providing individualized and group outpatient treatment and recovery services for such program participants that are offered during the day and evening, and on weekends. Such treatment and recovery services—

(i) shall be based on a model that utilizes combined behavioral interventions and other evidence-based or evidence-informed interventions; and

(ii) may include additional services such as—

(I) health, mental health, addiction, or other forms of outpatient treatment that may impact a substance use disorder and co-occurring conditions;

(II) drug testing for a current substance use disorder prior to enrollment in career or training services or prior to employment;

(III) linkages to community services, including services offered by partner organizations designed to support program participants; or

(IV) referrals to health care, including referrals to substance use disorder treatment and mental health services.

(E) SUPPORTIVE SERVICES.—Providing supportive services, which shall include services such as—

(i) coordinated wraparound services to provide maximum support for program participants to assist the program participants in maintaining employment and recovery for not less than 12 months, as appropriate;

(ii) assistance in establishing eligibility for assistance under Federal, State, Tribal, and local programs providing health services, mental health services, vocational services, housing services, transportation services, social services, or services through early childhood education programs (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003));

(iii) services offered through providers of peer recovery support services;

(iv) networking and mentorship opportunities; or

(v) any supportive services determined necessary by the local board.

(F) CAREER AND JOB TRAINING SERVICES.—Offering career services and training services, and related services, concurrently or sequentially with the services provided under subparagraphs (B) through (E). Such services shall include the following:

(i) Services provided to program participants who are in a pre-employment stage of the program, which may include—

(I) initial education and skills assessments;

(II) traditional classroom training funded through individual training accounts under chapter 3 of subtitle B of title I of the Workforce

Innovation and Opportunity Act (29 U.S.C. 3171 et seq.);

(III) services to promote employability skills such as punctuality, personal maintenance skills, and professional conduct;

(IV) in-depth interviewing and evaluation to identify employment barriers and to develop individual employment plans;

(V) career planning that includes—

(aa) career pathways leading to in-demand, high-wage jobs; and

(bb) job coaching, job matching, and job placement services;

(VI) provision of payments and fees for employment and training-related applications, tests, and certifications; or

(VII) any other appropriate career service or training service described in section 134(c) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)).

(ii) Services provided to program participants during their first 6 months of employment to ensure job retention, which may include—

(I) case management and support services, including a continuation of the services described in clause (i);

(II) a continuation of skills training, and career and technical education, described in clause (i) that is conducted in collaboration with the employers of such participants;

(III) mentorship services and job retention support for such participants; or

(IV) targeted training for managers and workers working with such participants (such as mentors), and human resource representatives in the business in which such participants are employed.

(iii) Services to assist program participants in maintaining employment for not less than 12 months, as appropriate.

(G) PROVEN AND PROMISING PRACTICES.—Leading efforts in the service area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers and program participants.

(4) LIMITATIONS.—A participating partnership may not use—

(A) more than 10 percent of the funds received under a subgrant under subsection (d) for the administrative costs of the partnership;

(B) more than 10 percent of the funds received under such subgrant for the provision of treatment and recovery services, as described in paragraph (3)(D); and

(C) more than 10 percent of the funds received under such subgrant for the provision of supportive services described in paragraph (3)(E) to program participants.

(f) PERFORMANCE ACCOUNTABILITY.—

(1) REPORTS.—The Secretary shall establish quarterly reporting requirements for recipients of grants and subgrants under this section that, to the extent practicable, are based on the performance accountability system under section 116 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141) and, in the case of a grant awarded to an eligible entity described in subsection (a)(3)(C), section 166(h) of such Act (29 U.S.C. 3221(h)), including the indicators described in subsection (c)(1)(A)(i) of such section 116 and the requirements for local area performance reports under subsection (d) of such section 116.

(2) EVALUATIONS.—

(A) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary shall ensure that an independent evaluation is conducted on the pilot program carried out under this section to determine the impact of the program on employment of individuals with substance use disorders. The Secretary shall enter into an agreement with eligible entities receiving grants under this section to pay for all or part of such evaluation.

(B) METHODOLOGIES TO BE USED.—The independent evaluation required under this paragraph shall use experimental designs using random assignment or, when random assignment is not feasible, other reliable, evidence-based research methodologies that allow for the strongest possible causal inferences.

(g) FUNDING.—

(1) COVERED FISCAL YEAR.—In this subsection, the term "covered fiscal year" means any of fiscal years 2019 through 2023.

(2) USING FUNDING FOR NATIONAL DISLOCATED WORKER GRANTS.—Subject to paragraph (4) and notwithstanding section 132(a)(2)(A) and subtitle D of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(a)(2)(A), 3221 et seq.), the Secretary may use, to carry out the pilot program under this section for a covered fiscal year—

(A) funds made available to carry out section 170 of such Act (29 U.S.C. 3225) for that fiscal year;

(B) funds made available to carry out section 170 of such Act that remain available for that fiscal year; and

(C) funds that remain available under section 172(f) of such Act (29 U.S.C. 3227(f)).

(3) AVAILABILITY OF FUNDS.—Funds appropriated under section 136(c) of such Act (29 U.S.C. 3181(c)) and made available to carry out section 170 of such Act for a fiscal year shall remain available for use under paragraph (2) for a subsequent fiscal year until expended.

(4) LIMITATION.—The Secretary may not use more than $100,000,000 of the funds described in paragraph (2) for any covered fiscal year under this section.

Subtitle D—Peer Support Counseling Program for Women Veterans

SEC. 8051. PEER SUPPORT COUNSELING PROGRAM FOR WOMEN VETERANS.

(a) IN GENERAL.—Section 1720F(j) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) As part of the counseling program under this subsection, the Secretary shall emphasize appointing peer support counselors for women veterans. To the degree practicable, the Secretary shall seek to recruit women peer support counselors with expertise in—

"(i) female gender-specific issues and services;

"(ii) the provision of information about services and benefits provided under laws administered by the Secretary; or

"(iii) employment mentoring.

"(B) To the degree practicable, the Secretary shall emphasize facilitating peer support counseling for women veterans who are eligible for counseling and services under section 1720D of this title, have post-traumatic stress disorder or suffer from another mental health condition, are homeless or at risk of becoming homeless, or are otherwise at increased risk of suicide, as determined by the Secretary.

"(C) The Secretary shall conduct outreach to inform women veterans about the program and the assistance available under this paragraph.

"(D) In carrying out this paragraph, the Secretary shall coordinate with such community organizations, State and local governments, institutions of higher education, chambers of commerce, local business organizations, organizations that provide legal assistance, and other organizations as the Secretary considers appropriate.

"(E) In carrying out this paragraph, the Secretary shall provide adequate training for peer support counselors, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note).".

(b) FUNDING.—The Secretary of Veterans Affairs shall carry out paragraph (4) of section 1720F(j) of title 38, United States Code, as added by subsection (a), using funds otherwise made available to the Secretary. No additional funds are authorized to be appropriated by reason of such paragraph. 38 USC 1720F note.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the peer support counseling program under section 1720F(j) of title 38, United States Code, as amended by this section. Such report shall include—

(1) the number of peer support counselors in the program;

(2) an assessment of the effectiveness of the program; and

(3) a description of the oversight of the program.

Treating Barriers to Prosperity Act of 2018.

Subtitle E—Treating Barriers to Prosperity

40 USC 101 note.

SEC. 8061. SHORT TITLE.

This subtitle may be cited as the "Treating Barriers to Prosperity Act of 2018".

SEC. 8062. DRUG ABUSE MITIGATION INITIATIVE.

(a) IN GENERAL.—Chapter 145 of title 40, United States Code, is amended by inserting after section 14509 the following:

40 USC 14510.

"§ 14510. Drug abuse mitigation initiative

"(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities to address drug abuse, including opioid abuse, in the region, including projects and activities—

"(1) to facilitate the sharing of best practices among States, counties, and other experts in the region with respect to reducing such abuse;

"(2) to initiate or expand programs designed to eliminate or reduce the harm to the workforce and economic growth of the region that results from such abuse;

"(3) to attract and retain relevant health care services, businesses, and workers; and

"(4) to develop relevant infrastructure, including broadband infrastructure that supports the use of telemedicine.

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

"(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

"(2) notwithstanding paragraph (1)—

"(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

"(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

"(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

"(1) under any other Federal program (subject to the availability of subsequent appropriations); or

"(2) from any other source.

"(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14509 the following:

40 USC prec. 14501.

"14510. Drug abuse mitigation initiative.".

Subtitle F—Pilot Program to Help Individuals in Recovery From a Substance Use Disorder Become Stably Housed

SEC. 8071. PILOT PROGRAM TO HELP INDIVIDUALS IN RECOVERY FROM A SUBSTANCE USE DISORDER BECOME STABLY HOUSED.

42 USC 5301 note.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated under this section such sums as may be necessary for each of fiscal years 2019 through 2023 for assistance to States to provide individuals in recovery from a substance use disorder stable, temporary housing for a period of not more than 2 years or until the individual secures permanent housing, whichever is earlier.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (referred to in this section as the "Secretary") not later than 60 days after the date of enactment of this Act.

(2) CRITERIA.—

(A) IN GENERAL.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, according to the Centers for Disease Control and Prevention.

(B) PRIORITY.—

(i) IN GENERAL.—Among such States, priority shall be given to States with the greatest need, as such need is determined by the Secretary based on the following factors, and weighting such factors as described in clause (ii):

(I) The highest average rates of unemployment based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017.

(II) The lowest average labor force participation rates based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017.

(III) The highest age-adjusted rates of drug overdose deaths based on data from the Centers for Disease Control and Prevention.

(ii) WEIGHTING.—The factors described in clause (i) shall be weighted as follows:

(I) The rate described in clause (i)(I) shall be weighted at 15 percent.

(II) The rate described in clause (i)(II) shall be weighted at 15 percent.

(III) The rate described in clause (i)(III) shall be weighted at 70 percent.

(3) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives amounts pursuant to this section shall expend at least 30 percent of such funds within one year of the date funds become available to the grantee for obligation.

(2) PRIORITY.—Any State that receives amounts pursuant to this section shall distribute such amounts giving priority to entities with the greatest need and ability to deliver effective assistance in a timely manner.

(3) ADMINISTRATIVE COSTS.—Any State that receives amounts pursuant to this section may use up to 5 percent of any grant for administrative costs.

(d) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, or amounts otherwise made available to States under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State to receive any amounts under this section.

(e) AUTHORITY TO WAIVE OR SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may waive or specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) except for requirements related to fair housing, nondiscrimination, labor standards, the environment, and requirements that activities benefit persons of low- and moderate-income, upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds.

(2) NOTICE OF INTENT.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 15 business days before such exercise of authority occurs.

(3) NOTICE TO THE PUBLIC.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the public via notice, on the internet website of the Department of Housing and Urban Development, and by other appropriate means, not later than 15 business days before such exercise of authority occurs.

(f) TECHNICAL ASSISTANCE.—For the 2-year period following the date of enactment of this Act, the Secretary may use not more than 2 percent of the funds made available under this section for technical assistance to grantees.

(g) STATE.—For purposes of this section the term "State" includes any State as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) and the District of Columbia.

Subtitle G—Human Services

SEC. 8081. SUPPORTING FAMILY-FOCUSED RESIDENTIAL TREATMENT.

42 USC 290bb–11 note.

(a) DEFINITIONS.—In this section:

(1) FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAM.—The term "family-focused residential treatment program" means a trauma-informed residential program primarily for substance use disorder treatment for pregnant and postpartum women and parents and guardians that allows children to reside with such women or their parents or guardians during treatment to the extent appropriate and applicable.

(2) MEDICAID PROGRAM.—The term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) TITLE IV–E PROGRAM.—The term "title IV–E program" means the program for foster care, prevention, and permanency established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.).

(b) GUIDANCE ON FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with divisions of the Department of Health and Human Services administering substance use disorder or child welfare programs, shall develop and issue guidance to States identifying opportunities to support family-focused residential treatment programs for the provision of substance use disorder treatment. Before issuing such guidance, the Secretary shall solicit input from representatives of States, health care providers with expertise in addiction medicine, obstetrics and gynecology, neonatology, child trauma, and child development, health plans, recipients of family-focused treatment services, and other relevant stakeholders.

(2) ADDITIONAL REQUIREMENTS.—The guidance required under paragraph (1) shall include descriptions of the following:

(A) Existing opportunities and flexibilities under the Medicaid program, including under waivers authorized under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for States to receive Federal Medicaid funding for the provision of substance use disorder treatment for pregnant and postpartum women and parents and guardians and, to the extent applicable, their children, in family-focused residential treatment programs.

(B) How States can employ and coordinate funding provided under the Medicaid program, the title IV-E program, and other programs administered by the Secretary to support the provision of treatment and services provided by a family-focused residential treatment facility such as substance use disorder treatment and services, including medication-assisted treatment, family, group, and individual counseling, case management, parenting education and skills development, the provision, assessment, or coordination of care and services for children, including necessary assessments and appropriate interventions, nonemergency transportation for necessary care provided at or away from a program site, transitional services and supports for families leaving treatment, and other services.

(C) How States can employ and coordinate funding provided under the Medicaid program and the title IV–E program (including as amended by the Family First Prevention Services Act enacted under title VII of division E of Public Law 115–123, and particularly with respect to the authority under subsections (a)(2)(C) and (j) of section 472 and section 474(a)(1) of the Social Security Act (42 U.S.C. 672, 674(a)(1)) (as amended by section 50712 of Public Law 115–123) to provide foster care maintenance payments for a child placed with a parent who is receiving treatment in a licensed residential family-based treatment facility for a substance use disorder) to support placing children with their parents in family-focused residential treatment programs.

SEC. 8082. IMPROVING RECOVERY AND REUNIFYING FAMILIES.

(a) FAMILY RECOVERY AND REUNIFICATION PROGRAM REPLICATION PROJECT.—Section 435 of the Social Security Act (42 U.S.C. 629e) is amended by adding at the end the following:

"(e) FAMILY RECOVERY AND REUNIFICATION PROGRAM REPLICATION PROJECT.—

"(1) PURPOSE.—The purpose of this subsection is to provide resources to the Secretary to support the conduct and evaluation of a family recovery and reunification program replication project (referred to in this subsection as the 'project') and to determine the extent to which such programs may be appropriate for use at different intervention points (such as when a child is at risk of entering foster care or when a child is living with a guardian while a parent is in treatment). The family recovery and reunification program conducted under the project shall use a recovery coach model that is designed to help reunify families and protect children by working with parents or guardians with a substance use disorder who have temporarily lost custody of their children.

"(2) PROGRAM COMPONENTS.—The family recovery and reunification program conducted under the project shall adhere closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children and, consistent with such elements and protocol, shall provide such items and services as—

"(A) assessments to evaluate the needs of the parent or guardian;

"(B) assistance in receiving the appropriate benefits to aid the parent or guardian in recovery;

"(C) services to assist the parent or guardian in prioritizing issues identified in assessments, establishing goals for resolving such issues that are consistent with the goals of the treatment provider, child welfare agency, courts, and other agencies involved with the parent or guardian or their children, and making a coordinated plan for achieving such goals;

"(D) home visiting services coordinated with the child welfare agency and treatment provider involved with the parent or guardian or their children;

"(E) case management services to remove barriers for the parent or guardian to participate and continue in treatment, as well as to re-engage a parent or guardian who is not participating or progressing in treatment;

"(F) access to services needed to monitor the parent's or guardian's compliance with program requirements;

"(G) frequent reporting between the treatment provider, child welfare agency, courts, and other agencies involved with the parent or guardian or their children to ensure appropriate information on the parent's or guardian's status is available to inform decision-making; and

"(H) assessments and recommendations provided by a recovery coach to the child welfare caseworker responsible for documenting the parent's or guardian's progress in treatment and recovery as well as the status of other areas identified in the treatment plan for the parent or guardian, including a recommendation regarding the expected safety of the child if the child is returned to the custody of the parent or guardian that can be used by the caseworker and a court to make permanency decisions regarding the child.

"(3) RESPONSIBILITIES OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall, through a grant or contract with 1 or more entities, conduct and evaluate the family recovery and reunification program under the project.

"(B) REQUIREMENTS.—In identifying 1 or more entities to conduct the evaluation of the family recovery and reunification program, the Secretary shall—

"(i) determine that the area or areas in which the program will be conducted have sufficient substance use disorder treatment providers and other resources (other than those provided with funds made available to carry out the project) to successfully conduct the program;

"(ii) determine that the area or areas in which the program will be conducted have enough potential program participants, and will serve a sufficient number of parents or guardians and their children, so as to allow for the formation of a control group, evaluation results to be adequately powered, and preliminary results of the evaluation to be available within 4 years of the program's implementation;

"(iii) provide the entity or entities with technical assistance for the program design, including by

working with 1 or more entities that are or have been involved in recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children so as to make sure the program conducted under the project adheres closely to the elements and protocol determined to be most effective in such other recovery coaching programs;

"(iv) assist the entity or entities in securing adequate coaching, treatment, child welfare, court, and other resources needed to successfully conduct the family recovery and reunification program under the project; and

"(v) ensure the entity or entities will be able to monitor the impacts of the program in the area or areas in which it is conducted for at least 5 years after parents or guardians and their children are randomly assigned to participate in the program or to be part of the program's control group.

"(4) EVALUATION REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary, in consultation with the entity or entities conducting the family recovery and reunification program under the project, shall conduct an evaluation to determine whether the program has been implemented effectively and resulted in improvements for children and families. The evaluation shall have 3 components: a pilot phase, an impact study, and an implementation study.

"(B) PILOT PHASE.—The pilot phase component of the evaluation shall consist of the Secretary providing technical assistance to the entity or entities conducting the family recovery and reunification program under the project to ensure—

"(i) the program's implementation adheres closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

"(ii) random assignment of parents or guardians and their children to be participants in the program or to be part of the program's control group is being carried out.

"(C) IMPACT STUDY.—The impact study component of the evaluation shall determine the impacts of the family recovery and reunification program conducted under the project on the parents and guardians and their children participating in the program. The impact study component shall—

"(i) be conducted using an experimental design that uses a random assignment research methodology;

"(ii) consistent with previous studies of other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children, measure outcomes for parents and guardians and their children over multiple time periods, including for a period of 5 years; and

"(iii) include measurements of family stability and parent, guardian, and child safety for program participants and the program control group that are consistent with measurements of such factors for participants and control groups from previous studies of other recovery coaching programs so as to allow results of the impact study to be compared with the results of such prior studies, including with respect to comparisons between program participants and the program control group regarding—

"(I) safe family reunification;

"(II) time to reunification;

"(III) permanency (such as through measures of reunification, adoption, or placement with guardians);

"(IV) safety (such as through measures of subsequent maltreatment);

"(V) parental or guardian treatment persistence and engagement;

"(VI) parental or guardian substance use;

"(VII) juvenile delinquency;

"(VIII) cost; and

"(IX) other measurements agreed upon by the Secretary and the entity or entities operating the family recovery and reunification program under the project.

"(D) IMPLEMENTATION STUDY.—The implementation study component of the evaluation shall be conducted concurrently with the conduct of the impact study component and shall include, in addition to such other information as the Secretary may determine, descriptions and analyses of—

"(i) the adherence of the family recovery and reunification program conducted under the project to other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

"(ii) the difference in services received or proposed to be received by the program participants and the program control group.

"(E) REPORT.—The Secretary shall publish on an internet website maintained by the Secretary the following information:

"(i) A report on the pilot phase component of the evaluation.

"(ii) A report on the impact study component of the evaluation.

"(iii) A report on the implementation study component of the evaluation.

"(iv) A report that includes—

"(I) analyses of the extent to which the program has resulted in increased reunifications, increased permanency, case closures, net savings to the State or States involved (taking into account both costs borne by States and the Federal government), or other outcomes, or if the program did not produce such outcomes, an analysis of why

the replication of the program did not yield such results;

"(II) if, based on such analyses, the Secretary determines the program should be replicated, a replication plan; and

"(III) such recommendations for legislation and administrative action as the Secretary determines appropriate.

"(5) APPROPRIATION.—In addition to any amounts otherwise made available to carry out this subpart, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $15,000,000 for fiscal year 2019 to carry out the project, which shall remain available through fiscal year 2026.".

(b) CLARIFICATION OF PAYER OF LAST RESORT APPLICATION TO CHILD WELFARE PREVENTION AND FAMILY SERVICES.—Section 471(e)(10) of the Social Security Act (42 U.S.C. 671(e)(10)), as added by section 50711(a)(2) of division E of Public Law 115–123, is amended—

(1) in subparagraph (A), by inserting ", nor shall the provision of such services or programs be construed to permit the State to reduce medical or other assistance available to a recipient of such services or programs" after "under this Act"; and

(2) by adding at the end the following:

"(C) PAYER OF LAST RESORT.—In carrying out its responsibilities to ensure access to services or programs under this subsection, the State agency shall not be considered to be a legally liable third party for purposes of satisfying a financial commitment for the cost of providing such services or programs with respect to any individual for whom such cost would have been paid for from another public or private source but for the enactment of this subsection (except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by a child or family in a timely fashion, funds provided under section 474(a)(6) may be used to pay the provider of services or programs pending reimbursement from the public or private source that has ultimate responsibility for the payment).".

42 USC 671 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect as if included in section 50711 of division E of Public Law 115–123.

42 USC 290bb–11.

SEC. 8083. BUILDING CAPACITY FOR FAMILY-FOCUSED RESIDENTIAL TREATMENT.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State, county, local, or tribal health or child welfare agency, a private nonprofit organization, a research organization, a treatment service provider, an institution of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or another entity specified by the Secretary.

(2) FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAM.—The term "family-focused residential treatment program" means a trauma-informed residential program primarily for substance

use disorder treatment for pregnant and postpartum women and parents and guardians that allows children to reside with such women or their parents or guardians during treatment to the extent appropriate and applicable.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) SUPPORT FOR THE DEVELOPMENT OF EVIDENCE-BASED FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAMS.—

(1) AUTHORITY TO AWARD GRANTS.—The Secretary shall award grants to eligible entities for purposes of developing, enhancing, or evaluating family-focused residential treatment programs to increase the availability of such programs that meet the requirements for promising, supported, or well-supported practices specified in section 471(e)(4)(C) of the Social Security Act (42 U.S.C. 671(e)(4)(C))) (as added by the Family First Prevention Services Act enacted under title VII of division E of Public Law 115–123).

(2) EVALUATION REQUIREMENT.—The Secretary shall require any evaluation of a family-focused residential treatment program by an eligible entity that uses funds awarded under this section for all or part of the costs of the evaluation be designed to assist in the determination of whether the program may qualify as a promising, supported, or well-supported practice in accordance with the requirements of such section 471(e)(4)(C).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $20,000,000 for fiscal year 2019, which shall remain available through fiscal year 2023.

Subtitle H—Reauthorizing and Extending Grants for Recovery From Opioid Use Programs

Reauthorizing and Extending Grants for Recovery from Opioid Use Programs Act of 2018.
34 USC 10101 note.

SEC. 8091. SHORT TITLE.

This subtitle may be cited as the "Reauthorizing and Extending Grants for Recovery from Opioid Use Programs Act of 2018" or the "REGROUP Act of 2018".

SEC. 8092. REAUTHORIZATION OF THE COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.

Section 1001(a)(27) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(27)) is amended by striking "through 2021" and inserting "and 2018, and $330,000,000 for each of fiscal years 2019 through 2023".

Subtitle I—Fighting Opioid Abuse in Transportation

Fighting Opioid Abuse in Transportation Act.

SEC. 8101. SHORT TITLE.

49 USC 101 note.

This subtitle may be cited as the "Fighting Opioid Abuse in Transportation Act".

49 USC 20140 note.

SEC. 8102. ALCOHOL AND CONTROLLED SUBSTANCE TESTING OF MECHANICAL EMPLOYEES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall publish a rule in the Federal Register revising the regulations promulgated under section 20140 of title 49, United States Code, to cover all employees of railroad carriers who perform mechanical activities.

(b) DEFINITION OF MECHANICAL ACTIVITIES.—For the purposes of the rule under subsection (a), the Secretary shall define the term "mechanical activities" by regulation.

49 USC 329 note.

SEC. 8103. DEPARTMENT OF TRANSPORTATION PUBLIC DRUG AND ALCOHOL TESTING DATABASE.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Transportation shall—

(1) not later than March 31, 2019, establish and make publicly available on its website a database of the drug and alcohol testing data reported by employers for each mode of transportation; and

(2) update the database annually.

(b) CONTENTS.—The database under subsection (a) shall include, for each mode of transportation—

(1) the total number of drug and alcohol tests by type of substance tested;

(2) the drug and alcohol test results by type of substance tested;

(3) the reason for the drug or alcohol test, such as pre-employment, random, post-accident, reasonable suspicion or cause, return-to-duty, or follow-up, by type of substance tested; and

(4) the number of individuals who refused testing.

(c) COMMERCIALLY SENSITIVE DATA.—The Department of Transportation shall not release any commercially sensitive data or personally identifiable data furnished by an employer under this section unless the data is aggregated or otherwise in a form that does not identify the employer providing the data.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed as limiting or otherwise affecting the requirements of the Secretary of Transportation to adhere to requirements applicable to confidential business information and sensitive security information, consistent with applicable law.

SEC. 8104. GAO REPORT ON DEPARTMENT OF TRANSPORTATION'S COLLECTION AND USE OF DRUG AND ALCOHOL TESTING DATA.

(a) IN GENERAL.—Not later than 2 years after the date the Department of Transportation public drug and alcohol testing database is established under section 8103, the Comptroller General of the United States shall—

(1) review the Department of Transportation Drug and Alcohol Testing Management Information System; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the review, including recommendations under subsection (c).

(b) CONTENTS.—The report under subsection (a) shall include—

(1) a description of the process the Department of Transportation uses to collect and record drug and alcohol testing data submitted by employers for each mode of transportation;

(2) an assessment of whether and, if so, how the Department of Transportation uses the data described in paragraph (1) in carrying out its responsibilities; and

(3) an assessment of the Department of Transportation public drug and alcohol testing database under section 8103.

(c) RECOMMENDATIONS.—The report under subsection (a) may include recommendations regarding—

(1) how the Department of Transportation can best use the data described in subsection (b)(1);

(2) any improvements that could be made to the process described in subsection (b)(1);

(3) whether and, if so, how the Department of Transportation public drug and alcohol testing database under section 8103 could be made more effective; and

(4) such other recommendations as the Comptroller General considers appropriate.

SEC. 8105. TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAM; ADDITION OF FENTANYL AND OTHER SUBSTANCES.

5 USC 7301 note.

(a) MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(A) determine whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the opiate category on the list of authorized substance testing to include fentanyl is justified, based on the reliability and cost-effectiveness of available testing; and

(B) consider whether to include with the determination under subparagraph (A) a separate determination on whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized for testing to include any other drugs or other substances listed in schedule I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812) is justified based on the criteria described in subparagraph (A).

(2) REVISION OF GUIDELINES.—If an expansion of the substance list is determined to be justified under paragraph (1), the Secretary of Health and Human Services shall—

(A) notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination; and

(B) publish in the Federal Register, not later than 18 months after the date of the determination under that paragraph, a final notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized to be tested to include the substance or substances determined to be justified for inclusion.

(3) REPORT.—If an expansion of the substance list is determined not to be justified under paragraph (1), the Secretary of Health and Human Services shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining, in detail, the reasons the expansion of the list of authorized substances is not justified.

(b) DEPARTMENT OF TRANSPORTATION DRUG-TESTING PANEL.—If an expansion is determined to be justified under subsection (a)(1), the Secretary of Transportation shall publish in the Federal Register, not later than 18 months after the date the final notice is published under subsection (a)(2), a final rule revising part 40 of title 49, Code of Federal Regulations, to include such substances in the Department of Transportation's drug-testing panel, consistent with the Mandatory Guidelines for Federal Workplace Drug Testing Programs as revised by the Secretary of Health and Human Services under subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section may be construed as—

(1) delaying the publication of the notices described in sections 8106 and 8107 of this Act until the Secretary of Health and Human Services makes a determination or publishes a notice under this section; or

(2) limiting or otherwise affecting any authority of the Secretary of Health and Human Services or the Secretary of Transportation to expand the list of authorized substance testing to include an additional substance.

49 USC 31306 note.

SEC. 8106. STATUS REPORTS ON HAIR TESTING GUIDELINES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, and annually thereafter until the date that the Secretary of Health and Human Services publishes in the Federal Register a final notice of scientific and technical guidelines for hair testing in accordance with section 5402(b) of the Fixing America's Surface Transportation Act (Public Law 114-94; 129 Stat. 1312), the Secretary of Health and Human Services shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the status of the hair testing guidelines;

(2) an explanation for why the hair testing guidelines have not been issued; and

(3) an estimated date of completion of the hair testing guidelines.

(b) REQUIREMENT.—To the extent practicable and consistent with the objective of the hair testing described in subsection (a) to detect illegal or unauthorized use of substances by the individual being tested, the final notice of scientific and technical guidelines under that subsection, as determined by the Secretary of Health and Human Services, shall eliminate the risk of positive test results, of the individual being tested, caused solely by the drug use of others and not caused by the drug use of the individual being tested.

SEC. 8107. MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS USING ORAL FLUID. 5 USC 7301 note.

(a) DEADLINE.—Not later than December 31, 2018, the Secretary of Health and Human Services shall publish in the Federal Register a final notice of the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Oral Fluid, based on the notice of proposed mandatory guidelines published in the Federal Register on May 15, 2015 (94 FR 28054).

(b) REQUIREMENT.—To the extent practicable and consistent with the objective of the testing described in subsection (a) to detect illegal or unauthorized use of substances by the individual being tested, the final notice of scientific and technical guidelines under that subsection, as determined by the Secretary of Health and Human Services, shall eliminate the risk of positive test results, of the individual being tested, caused solely by the drug use of others and not caused by the drug use of the individual being tested.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring the Secretary of Health and Human Services to reissue a notice of proposed mandatory guidelines to carry out subsection (a).

SEC. 8108. ELECTRONIC RECORDKEEPING. 5 USC 7301 note.

(a) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) ensure that each certified laboratory that requests approval for the use of completely paperless electronic Federal Drug Testing Custody and Control Forms from the National Laboratory Certification Program's Electronic Custody and Control Form systems receives approval for those completely paperless electronic forms instead of forms that include any combination of electronic traditional handwritten signatures executed on paper forms; and

(2) establish a deadline for a certified laboratory to request approval under paragraph (1).

(b) SAVINGS CLAUSE.—Nothing in this section may be construed as limiting or otherwise affecting any authority of the Secretary of Health and Human Services to grant approval to a certified laboratory for use of completely paperless electronic Federal Drug Testing Custody and Control Forms, including to grant approval outside of the process under subsection (a).

(c) ELECTRONIC SIGNATURES.—Not later than 18 months after the date of the deadline under subsection (a)(2), the Secretary of Transportation shall issue a final rule revising part 40 of title 49, Code of Federal Regulations, to authorize, to the extent practicable, the use of electronic signatures or digital signatures executed to electronic forms instead of traditional handwritten signatures executed on paper forms. 49 USC 322 note.

SEC. 8109. STATUS REPORTS ON COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, and annually thereafter until the compliance date, the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a status report on implementation of the final rule for the Commercial Driver's License Drug and Alcohol Clearinghouse (81 FR 87686), including—

(1) an updated schedule, including benchmarks, for implementing the final rule as soon as practicable, but not later than the compliance date; and

(2) a description of each action the Federal Motor Carrier Safety Administration is taking to implement the final rule before the compliance date.

(b) DEFINITION OF COMPLIANCE DATE.—In this section, the term "compliance date" means the earlier of—

(1) January 6, 2020; or

(2) the date that the national clearinghouse required under section 31306a of title 49, United States Code, is operational.

Eliminating Kickbacks in Recovery Act of 2018.

Subtitle J—Eliminating Kickbacks in Recovery

18 USC 1 note.

SEC. 8121. SHORT TITLE.

This subtitle may be cited as the "Eliminating Kickbacks in Recovery Act of 2018".

SEC. 8122. CRIMINAL PENALTIES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following:

18 USC 220.

"§ 220. Illegal remunerations for referrals to recovery homes, clinical treatment facilities, and laboratories

"(a) OFFENSE.—Except as provided in subsection (b), whoever, with respect to services covered by a health care benefit program, in or affecting interstate or foreign commerce, knowingly and willfully—

"(1) solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind, in return for referring a patient or patronage to a recovery home, clinical treatment facility, or laboratory; or

"(2) pays or offers any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

"(A) to induce a referral of an individual to a recovery home, clinical treatment facility, or laboratory; or

"(B) in exchange for an individual using the services of that recovery home, clinical treatment facility, or laboratory,

shall be fined not more than $200,000, imprisoned not more than 10 years, or both, for each occurrence.

"(b) APPLICABILITY.—Subsection (a) shall not apply to—

"(1) a discount or other reduction in price obtained by a provider of services or other entity under a health care benefit program if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity;

"(2) a payment made by an employer to an employee or independent contractor (who has a bona fide employment or

contractual relationship with such employer) for employment, if the employee's payment is not determined by or does not vary by—

"(A) the number of individuals referred to a particular recovery home, clinical treatment facility, or laboratory;

"(B) the number of tests or procedures performed; or

"(C) the amount billed to or received from, in part or in whole, the health care benefit program from the individuals referred to a particular recovery home, clinical treatment facility, or laboratory;

"(3) a discount in the price of an applicable drug of a manufacturer that is furnished to an applicable beneficiary under the Medicare coverage gap discount program under section 1860D–14A(g) of the Social Security Act (42 U.S.C. 1395w–114a(g));

"(4) a payment made by a principal to an agent as compensation for the services of the agent under a personal services and management contract that meets the requirements of section 1001.952(d) of title 42, Code of Federal Regulations, as in effect on the date of enactment of this section;

"(5) a waiver or discount (as defined in section 1001.952(h)(5) of title 42, Code of Federal Regulations, or any successor regulation) of any coinsurance or copayment by a health care benefit program if—

"(A) the waiver or discount is not routinely provided; and

"(B) the waiver or discount is provided in good faith;

"(6) a remuneration described in section 1128B(b)(3)(I) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)(I));

"(7) a remuneration made pursuant to an alternative payment model (as defined in section 1833(z)(3)(C) of the Social Security Act) or pursuant to a payment arrangement used by a State, health insurance issuer, or group health plan if the Secretary of Health and Human Services has determined that such arrangement is necessary for care coordination or value-based care; or

"(8) any other payment, remuneration, discount, or reduction as determined by the Attorney General, in consultation with the Secretary of Health and Human Services, by regulation.

"(c) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, may promulgate regulations to clarify the exceptions described in subsection (b).

"(d) PREEMPTION.—

"(1) FEDERAL LAW.—This section shall not apply to conduct that is prohibited under section 1128B of the Social Security Act (42 U.S.C. 1320a–7b).

"(2) STATE LAW.—Nothing in this section shall be construed to occupy the field in which any provisions of this section operate to the exclusion of State laws on the same subject matter.

"(e) DEFINITIONS.—In this section—

"(1) the terms 'applicable beneficiary' and 'applicable drug' have the meanings given those terms in section 1860D–14A(g) of the Social Security Act (42 U.S.C. 1395w–114a(g));

"(2) the term 'clinical treatment facility' means a medical setting , other than a hospital, that provides detoxification,

risk reduction, outpatient treatment and care, residential treatment, or rehabilitation for substance use, pursuant to licensure or certification under State law;

"(3) the term 'health care benefit program' has the meaning given the term in section 24(b);

"(4) the term 'laboratory' has the meaning given the term in section 353 of the Public Health Service Act (42 U.S.C. 263a); and

"(5) the term 'recovery home' means a shared living environment that is, or purports to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by inserting after the item related to section 219 the following:

18 USC prec. 201.

"220. Illegal remunerations for referrals to recovery homes, clinical treatment facilities, and laboratories.".

Subtitle K—Substance Abuse Prevention

Substance Abuse Prevention Act of 2018.
21 USC 1701 note.

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the "Substance Abuse Prevention Act of 2018".

SEC. 8202. REAUTHORIZATION OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—

(1) IN GENERAL.—The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), as in effect on September 29, 2003, and as amended by the laws described in paragraph (2), is revived and restored.

21 USC 1701 and note, 1702–1708, 1710–1712, 1714.

(2) LAWS DESCRIBED.—The laws described in this paragraph are:

(A) The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3502).

(B) The Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112–166; 126 Stat. 1283).

(b) REAUTHORIZATION.—

(1) IN GENERAL.—Section 714 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1711) is amended by striking "such sums as may be necessary for each of fiscal years 2006 through 2010" and inserting "$18,400,000 for each of fiscal years 2018 through 2023".

(2) REPEAL OF TERMINATION.—The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) is amended by striking section 715 (21 U.S.C. 1712).

SEC. 8203. REAUTHORIZATION OF THE DRUG-FREE COMMUNITIES PROGRAM.

(a) REVIVAL OF NATIONAL NARCOTICS LEADERSHIP ACT OF 1988.—

(1) IN GENERAL.—Chapter 2 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.), except for subchapter II (21 U.S.C. 1541 et seq.), as in effect on September 29, 1997, and as amended by the laws described in paragraph (2), is revived and restored. 21 USC 1521 note.

(2) LAWS DESCRIBED.—The laws described in this paragraph are: 21 USC 1521 note.

(A) Public Law 107–82 (115 Stat. 814).

(B) The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469: 120 Stat. 3502), as amended by paragraph (4).

(3) AMENDMENT TO TERMINATION PROVISION.—Section 1009 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1056) is amended by inserting "and sections 1021 through 1035" after "section 1007". 21 USC 1506.

(4) TECHNICAL CORRECTION.—

(A) IN GENERAL.—Title VIII of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3535) is amended by striking "Drug-Free Communities Act of 1997" each place it appears and inserting "National Narcotics Leadership Act of 1988". 21 USC 1524, 1532 and note.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as though enacted as part of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3502). 21 USC 1524 note.

(b) AMENDMENT TO NATIONAL NARCOTICS LEADERSHIP ACT OF 1988.—Chapter 2 of subtitle A of title I of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.) is amended—

(1) in section 1022 (21 U.S.C. 1522), by striking "substance abuse" each place it appears and inserting "substance use and misuse";

(2) in section 1023 (21 U.S.C. 1523), by striking paragraph (9) and inserting the following:

"(9) SUBSTANCE USE AND MISUSE.—The term 'substance use and misuse' means—

"(A) the illegal use or misuse of drugs, including substances for which a listing is effect under any of schedules I through V under section 202 of the Controlled Substances Act (21 U.S.C. 812);

"(B) the misuse of inhalants or over-the-counter drugs; or

"(C) the use of alcohol, tobacco, or other related product as such use is prohibited by State or local law.";

(3) in section 1024 (21 U.S.C. 1524), by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter $99,000,000 for each of fiscal years 2018 through 2023.

"(b) ADMINISTRATIVE COSTS.—Not more than 8 percent of the funds appropriated to carry out this chapter may be used by the Office of National Drug Control Policy to pay administrative costs associated with the responsibilities of the Office under this chapter.";

(4) in subchapter I (21 U.S.C. 1531 et seq.)—

(A) by striking "substance abuse" each place it appears and inserting "substance use and misuse"; and 21 USC 1531–1533, 1535.

(B) in section 1032(b)(1)(A) (21 U.S.C. 1532(b)(1)(A)), by striking clause (iii) and inserting the following:

"(iii) RENEWAL GRANTS.—Subject to clause (iv), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year of the 4-fiscal-year period following the first fiscal year for which the initial additional grant is awarded in an amount not to exceed the following:

"(I) For the first and second fiscal years of the 4-fiscal-year period, the amount of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year is not less than 125 percent of the amount awarded.

"(II) For the third and fourth fiscal tears of the 4-fiscal-year period, the amount of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year is not less than 150 percent of the amount awarded."; and

21 USC 1541–1548.

(5) by striking subchapter II (21 U.S.C. 1541 et seq.).

SEC. 8204. REAUTHORIZATION OF THE NATIONAL COMMUNITY ANTI-DRUG COALITION INSTITUTE.

Section 4 of Public Law 107–82 (21 U.S.C. 1521 note) is amended to read as follows:

"SEC. 4. AUTHORIZATION FOR NATIONAL COMMUNITY ANTIDRUG COALITION INSTITUTE.

"(a) IN GENERAL.—The Director shall, using amounts authorized to be appropriated by subsection (d), make a competitive grant to provide for the continuation of the National Community Antidrug Coalition Institute.

"(b) ELIGIBLE ORGANIZATIONS.—An organization eligible for the grant under subsection (a) is any national nonprofit organization that represents, provides technical assistance and training to, and has special expertise and broad, national-level experience in community antidrug coalitions under this subchapter.

"(c) USE OF GRANT AMOUNT.—The organization that receives the grant under subsection (a) shall continue a National Community Anti-Drug Coalition Institute to—

"(1) provide education, training, and technical assistance for coalition leaders and community teams, with emphasis on the development of coalitions serving economically disadvantaged areas;

"(2) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes; and

"(3) bridge the gap between research and practice by translating knowledge from research into practical information.

"(d) AUTHORIZATION OF APPROPRIATIONS.—The Director shall, using amounts authorized to be appropriated by section 1032 of the National Narcotics Leadership Act of 1988 (15 U.S.C. 1532), make a grant of $2 million under subsection (a), for each of the fiscal years 2018 through 2023.".

SEC. 8205. REAUTHORIZATION OF THE HIGH-INTENSITY DRUG TRAFFICKING AREA PROGRAM.

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706) is amended—

(1) in subsection (f), by striking "no Federal" and all that follows through "programs." and inserting the following: "not more than a total of 5 percent of Federal funds appropriated for the Program are expended for substance use disorder treatment programs and drug prevention programs.";

(2) in subsection (p)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) $280,000,000 for each of fiscal years 2018 through 2023."; and

(3) in subsection (q)—

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

"(2) REQUIRED USES.—The funds used under paragraph (1) shall be used to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of witnesses of illegal drug distribution and related activities and the establishment of, or support for, programs that provide protection or assistance to witnesses in court proceedings."; and

(B) by adding at the end the following:

"(3) BEST PRACTICE MODELS.—The Director shall work with HIDTAs to develop and maintain best practice models to assist State, local, and Tribal governments in addressing witness safety, relocation, financial and housing assistance, or any other services related to witness protection or assistance in cases of illegal drug distribution and related activities. The Director shall ensure dissemination of the best practice models to each HIDTA.".

SEC. 8206. REAUTHORIZATION OF DRUG COURT PROGRAM.

Section 1001(a)(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(25)(A)) is amended by striking "Except as provided" and all that follows and inserting the following: "Except as provided in subparagraph (C), there is authorized to be appropriated to carry out part EE $75,000,000 for each of fiscal years 2018 through 2023.".

SEC. 8207. DRUG COURT TRAINING AND TECHNICAL ASSISTANCE.

Section 705 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1704) is amended by adding at the end the following:

"(e) DRUG COURT TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

"(1) GRANTS AUTHORIZED.—The Director may make a grant to a nonprofit organization for the purpose of providing training and technical assistance to drug courts.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2018 through 2023.".

SEC. 8208. DRUG OVERDOSE RESPONSE STRATEGY.

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706) is amended by adding at the end the following:

"(r) DRUG OVERDOSE RESPONSE STRATEGY IMPLEMENTATION.—The Director may use funds appropriated to carry out this section to implement a drug overdose response strategy in high intensity drug trafficking areas on a nationwide basis by—

"(1) coordinating multi-disciplinary efforts to prevent, reduce, and respond to drug overdoses, including the uniform reporting of fatal and non-fatal overdoses to public health and safety officials;

"(2) increasing data sharing among public safety and public health officials concerning drug-related abuse trends, including new psychoactive substances, and related crime; and

"(3) enabling collaborative deployment of prevention, intervention, and enforcement resources to address substance use addiction and narcotics trafficking.".

SEC. 8209. PROTECTING LAW ENFORCEMENT OFFICERS FROM ACCIDENTAL EXPOSURE.

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706), as amended by section 8208, is amended by adding at the end the following:

"(s) SUPPLEMENTAL GRANTS.—The Director is authorized to use not more than $10,000,000 of the amounts otherwise appropriated to carry out this section to provide supplemental competitive grants to high intensity drug trafficking areas that have experienced high seizures of fentanyl and new psychoactive substances for the purposes of—

"(1) purchasing portable equipment to test for fentanyl and other substances;

"(2) training law enforcement officers and other first responders on best practices for handling fentanyl and other substances; and

"(3) purchasing protective equipment, including overdose reversal drugs.".

SEC. 8210. COPS ANTI-METH PROGRAM.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended—

(1) by redesignating subsection (k) as subsection (l); and

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

"(k) COPS ANTI-METH PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section for a fiscal year (beginning with fiscal year 2019) to make competitive grants, in amounts of not less than $1,000,000 for such fiscal year, to State law enforcement agencies with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating or investigating illicit activities, such as precursor diversion, laboratories, or methamphetamine traffickers.".

SEC. 8211. COPS ANTI-HEROIN TASK FORCE PROGRAM.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended—

(1) by redesignating subsection (l), as so redesignated by section 8210, as subsection (m); and

(2) by inserting after subsection (k), as added by section 8210, the following:

"(l) COPS ANTI-HEROIN TASK FORCE PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section, or other amounts as appropriated, for a fiscal year (beginning with fiscal year 2019) to make competitive grants to State law enforcement agencies in States with high per capita rates of primary treatment admissions, for the purpose of locating or investigating illicit activities, through Statewide collaboration, relating to the distribution of heroin, fentanyl, or carfentanil or relating to the unlawful distribution of prescription opioids.".

SEC. 8212. COMPREHENSIVE ADDICTION AND RECOVERY ACT EDUCATION AND AWARENESS.

Title VII of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198; 130 Stat. 735) is amended by adding at the end the following:

"SEC. 709. SERVICES FOR FAMILIES AND PATIENTS IN CRISIS. 42 USC 290ee–9.

"(a) IN GENERAL.—The Secretary of Health and Human Services may make grants to entities that focus on addiction and substance use disorders and specialize in family and patient services, advocacy for patients and families, and educational information.

"(b) ALLOWABLE USES.—A grant awarded under this section may be used for nonprofit national, State, or local organizations that engage in the following activities:

"(1) Expansion of resource center services with professional, clinical staff that provide, for families and individuals impacted by a substance use disorder, support, access to treatment resources, brief assessments, medication and overdose prevention education, compassionate listening services, recovery support or peer specialists, bereavement and grief support, and case management.

"(2) Continued development of health information technology systems that leverage new and upcoming technology and techniques for prevention, intervention, and filling resource gaps in communities that are underserved.

"(3) Enhancement and operation of treatment and recovery resources, easy-to-read scientific and evidence-based education on addiction and substance use disorders, and other informational tools for families and individuals impacted by a substance use disorder and community stakeholders, such as law enforcement agencies.

"(4) Provision of training and technical assistance to State and local governments, law enforcement agencies, health care systems, research institutions, and other stakeholders.

"(5) Expanding upon and implementing educational information using evidence-based information on substance use disorders.

"(6) Expansion of training of community stakeholders, law enforcement officers, and families across a broad-range of addiction, health, and related topics on substance use disorders, local issues and community-specific issues related to the drug epidemic.

"(7) Program evaluation.".

SEC. 8213. REIMBURSEMENT OF SUBSTANCE USE DISORDER TREATMENT PROFESSIONALS.

Not later than January 1, 2020, the Comptroller General of the United States shall submit to Congress a report examining how substance use disorder services are reimbursed.

SEC. 8214. SOBRIETY TREATMENT AND RECOVERY TEAMS (START).

Title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

42 USC 290ee–10.

"SEC. 550. SOBRIETY TREATMENT AND RECOVERY TEAMS.

"(a) IN GENERAL.—The Secretary may make grants to States, units of local government, or tribal governments to establish or expand Sobriety Treatment And Recovery Team (referred to in this section as 'START') or other similar programs to determine the effectiveness of pairing social workers or mentors with families that are struggling with a substance use disorder and child abuse or neglect in order to help provide peer support, intensive treatment, and child welfare services to such families.

"(b) ALLOWABLE USES.—A grant awarded under this section may be used for one or more of the following activities:

"(1) Training eligible staff, including social workers, social services coordinators, child welfare specialists, substance use disorder treatment professionals, and mentors.

"(2) Expanding access to substance use disorder treatment services and drug testing.

"(3) Enhancing data sharing with law enforcement agencies, child welfare agencies, substance use disorder treatment providers, judges, and court personnel.

"(4) Program evaluation and technical assistance.

"(c) PROGRAM REQUIREMENTS.—A State, unit of local government, or tribal government receiving a grant under this section shall—

"(1) serve only families for which—

"(A) there is an open record with the child welfare agency; and

"(B) substance use disorder was a reason for the record or finding described in paragraph (1); and

"(2) coordinate any grants awarded under this section with any grant awarded under section 437(f) of the Social Security Act focused on improving outcomes for children affected by substance abuse.

"(d) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 5 percent of funds provided under this section to provide technical assistance on the establishment or expansion of programs funded under this section from the National Center on Substance Abuse and Child Welfare.".

SEC. 8215. PROVIDER EDUCATION.

Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall complete the plan related to medical registration coordination required by Senate Report 114–239, which accompanied the Veterans Care Financial Protection Act of 2017 (Public Law 115–131; 132 Stat. 334).

SEC. 8216. DEFINITIONS.

Section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701) is amended—

(1) by striking paragraphs (5), (12), and (13);

(2) by redesignating paragraph (11) as paragraph (17);

(3) by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively;

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(5) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (3), (4), (5), and (6), respectively;

(6) by inserting before paragraph (3), as so redesignated, the following:

"(1) AGENCY.—The term 'agency' has the meaning given the term 'executive agency' in section 102 of title 31, United States Code.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—

"(A) IN GENERAL.—The term 'appropriate congressional committees' means—

"(i) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

"(ii) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

"(B) SUBMISSION TO CONGRESS.—Any submission to Congress shall mean submission to the appropriate congressional committees.";

(7) by amending paragraph (3), as so redesignated, to read as follows:

"(3) DEMAND REDUCTION.—The term 'demand reduction' means any activity conducted by a National Drug Control Program Agency, other than an enforcement activity, that is intended to reduce or prevent the use of drugs or support, expand, or provide treatment and recovery efforts, including—

"(A) education about the dangers of illicit drug use;

"(B) services, programs, or strategies to prevent substance use disorder, including evidence-based education campaigns, community-based prevention programs, collection and disposal of unused prescription drugs, and services to at-risk populations to prevent or delay initial use of an illicit drug;

"(C) substance use disorder treatment;

"(D) support for long-term recovery from substance use disorders;

"(E) drug-free workplace programs;

"(F) drug testing, including the testing of employees;

"(G) interventions for illicit drug use and dependence;

"(H) expanding availability of access to health care services for the treatment of substance use disorders;

"(I) international drug control coordination and cooperation with respect to activities described in this paragraph;

"(J) pre- and post-arrest criminal justice interventions such as diversion programs, drug courts, and the provision of evidence-based treatment to individuals with substance

use disorders who are arrested or under some form of criminal justice supervision, including medication assisted treatment;

"(K) other coordinated and joint initiatives among Federal, State, local, and Tribal agencies to promote comprehensive drug control strategies designed to reduce the demand for, and the availability of, illegal drugs;

"(L) international illicit drug use education, prevention, treatment, recovery, research, rehabilitation activities, and interventions for illicit drug use and dependence; and

"(M) research related to illicit drug use and any of the activities described in this paragraph.";

(8) by inserting after paragraph (6), as so redesignated, the following:

"(7) EMERGING DRUG THREAT.—The term 'emerging drug threat' means the occurrence of a new and growing trend in the use of an illicit drug or class of drugs, including rapid expansion in the supply of or demand for such drug.

"(8) ILLICIT DRUG USE; ILLICIT DRUGS; ILLEGAL DRUGS.—The terms 'illicit drug use', 'illicit drugs', and 'illegal drugs' include the illegal or illicit use of prescription drugs.

"(9) LAW ENFORCEMENT.—The term 'law enforcement' or 'drug law enforcement' means all efforts by a Federal, State, local, or Tribal government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.";

(9) by amending paragraph (11), as so redesignated, to read as follows:

"(11) NATIONAL DRUG CONTROL PROGRAM AGENCY.—The term 'National Drug Control Program Agency' means any agency (or bureau, office, independent agency, board, division, commission, subdivision, unit, or other component thereof) that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the National Intelligence Program or the Joint Military Intelligence Program.";

(10) in paragraph (12), as so redesignated—

(A) by inserting "or 'Strategy'" before "means"; and

(B) by inserting ", including any report, plan, or strategy required to be incorporated into or issued concurrently with such strategy" before the period at the end;

(11) by inserting after paragraph (12), as so redesignated, the following:

"(13) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.";

(12) in paragraph (14), as so redesignated, by striking "Unless the context clearly indicates otherwise, the" and inserting "The";

(13) by inserting after paragraph (15), as so redesignated, the following:

"(16) SUBSTANCE USE DISORDER TREATMENT.—The term 'substance use disorder treatment' means an evidence-based,

professionally directed, deliberate, and planned regimen including evaluation, observation, medical monitoring, and rehabilitative services and interventions such as pharmacotherapy, behavioral therapy, and individual and group counseling, on an inpatient or outpatient basis, to help patients with substance use disorder reach recovery."; and

(14) in paragraph (17), as so redesignated—

(A) by redesignating subparagraphs (B), (C), (D), and (E), as subparagraphs (C), (D), (E), and (F), respectively;

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

"(B) domestic law enforcement;";

(C) in subparagraph (E), as so redesignated, by striking "and" at the end;

(D) in subparagraph (F), as so redesignated, by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(G) activities to prevent the diversion of drugs for their illicit use; and

"(H) research related to any of the activities described in this paragraph.".

SEC. 8217. AMENDMENTS TO ADMINISTRATION OF THE OFFICE.

(a) RESPONSIBILITIES OF OFFICE.—Section 703(a) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1702(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) lead the national drug control effort, including coordinating with the National Drug Control Program Agencies;";

(2) in paragraph (2), by inserting before the semicolon the following: ", including the National Drug Control Strategy";

(3) in paragraph (3), by striking "and" at the end; and

(4) by striking paragraph (4) and all that follows through "the National Academy of Sciences." and inserting the following:

"(4) evaluate the effectiveness of national drug control policy efforts, including the National Drug Control Program Agencies' program, by developing and applying specific goals and performance measurements and monitoring the agencies' program-level spending;

"(5) identify and respond to emerging drug threats related to illicit drug use;

"(6) administer the Drug-Free Communities Program, the High-Intensity Drug Trafficking Areas Program, and other grant programs directly authorized to be administered by the Office in furtherance of the National Drug Control Strategy; and

"(7) facilitate broad-scale information sharing and data standardization among Federal, State, and local entities to support the national drug control efforts.".

(b) ETHICS GUIDELINES.—Section 703(d) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1702(d)) is amended by adding at the end the following:

"(4) ETHICS GUIDELINES.—The Director shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this subsection because the acceptance of the gift or donation would—

"(A) reflect unfavorably upon the ability of the Director or the Office, or any employee of the Office, to carry out responsibilities or official duties under this chapter in a fair and objective manner; or

"(B) compromise the integrity or the appearance of integrity of programs or services provided under this chapter or of any official involved in those programs or services.

"(5) REGISTRY OF GIFTS.—The Director shall maintain a list of—

"(A) the source and amount of each gift or donation accepted by the Office; and

"(B) the source and amount of each gift or donation accepted by a contractor to be used in its performance of a contract for the Office.

"(6) REPORT TO CONGRESS.—The Director shall include in the annual assessment under section 706(g) a copy of the registry maintained under paragraph (5).".

(c) APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR.—Section 704(a) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A), (B), and (C), and inserting the following:

"(A) DIRECTOR.—

"(i) IN GENERAL.—There shall be at the head of the Office a Director who shall hold the same rank and status as the head of an executive department listed in section 101 of title 5, United States Code.

"(ii) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

"(B) DEPUTY DIRECTOR.—There shall be a Deputy Director who shall report directly to the Director, and who shall be appointed by the President, and shall serve at the pleasure of the President.

"(C) COORDINATORS.—The following coordinators shall be appointed by the Director:

"(i) Performance Budget Coordinator, as described in section 704(c)(4).

"(ii) Interdiction Coordinator, as described in section 711.

"(iii) Emerging and Continuing Threats Coordinator, as described in section 709.

"(iv) State, Local, and Tribal Affairs Coordinator, to carry out the activities described in section 704(j).

"(v) Demand Reduction Coordinator, as described in subparagraph (D).

"(D) DEMAND REDUCTION COORDINATOR.—The Director shall designate or appoint a United States Demand Reduction Coordinator to be responsible for the activities described in section 702(3). The Director shall determine whether the coordinator position is a noncareer appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).";

(2) in paragraph (5), by striking "such official" and inserting "such officer or employee"; and

(3) by adding at the end the following:

"(6) PROHIBITION ON THE USE OF FUNDS FOR BALLOT INITIATIVES.—No funds authorized under this title may be obligated for the purpose of expressly advocating the passage or defeat of a State or local ballot initiative.".

(d) CONSULTATION.—Section 704(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(b)) is amended—

(1) in paragraph (19), by striking "; and" and inserting a semicolon;

(2) in paragraph (20), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(21) in order to formulate the national drug control policies, goals, objectives, and priorities—

"(A) shall consult with and assist—

"(i) State and local governments;

"(ii) National Drug Control Program Agencies;

"(iii) each committee, working group, council, or other entity established under this chapter, as appropriate;

"(iv) the public;

"(v) appropriate congressional committees; and

"(vi) any other person in the discretion of the Director; and

"(B) may—

"(i) establish advisory councils;

"(ii) acquire data from agencies; and

"(iii) request data from any other entity.".

(e) NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "paragraph (1)(C);" and inserting the following: "paragraph (1)(C) and include—

"(i) the funding level for each National Drug Control Program agency; and

"(ii) alternative funding structures that could improve progress on achieving the goals fo the National Drug Control Strategy; and";

(B) in subparagraph (B), strike "the President; and" and inserting "the President and Congress."; and

(C) by striking subparagraph (C);

(2) in paragraph (3)(E), by striking clause (ii) and inserting the following:

"(ii) CERTIFICATION.—The Director shall—

"(I) review each budget submission submitted under subparagraph (A);

"(II) based on the review under clause (i), make a determination as to whether the budget submission of a National Drug Control Program agency includes the funding levels and initiatives described in subparagraph (B); and

"(III) submit to the appropriate congressional committees—

"(aa) a written statement that either—

"(AA) certifies that the budget submission includes sufficient funding; or

"(BB) decertifies the budget submission as not including sufficient funding;

"(bb) a copy of the description made under subparagraph (B); and

"(cc) the budget recommendations made under subsection (b)(8).''; and

(3) by adding at the end the following:

"(5) PERFORMANCE-BUDGET COORDINATOR.—

"(A) DESIGNATION.—The Director shall designate or appoint a United States Performance-Budget Coordinator to—

"(i) ensure the Director has sufficient information necessary to analyze the performance of each National Drug Control Program Agency, the impact Federal funding has had on the goals in the Strategy, and the likely contributions to the goals of the Strategy based on funding levels of each National Drug Control Program Agency, to make an independent assessment of the budget request of each agency under this subsection;

"(ii) advise the Director on agency budgets, performance measures and targets, and additional data and research needed to make informed policy decisions under this section and section 706; and

"(iii) other duties as may be determined by the Director with respect to measuring or assessing performance or agency budgets.

"(B) DETERMINATION OF POSITION.—The Director shall determine whether the coordinator position is a noncareer appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).

"(6) BUDGET ESTIMATE OR REQUEST SUBMISSION TO CONGRESS.—Whenever the Director submits any budget estimate or request to the President or the Office of Management and Budget, the Director shall concurrently transmit to the appropriate congressional committees a detailed statement of the budgetary needs of the Office to execute its mission based on the good-faith assessment of the Director.''.

(f) POWERS AND RESPONSIBILITIES OF THE DIRECTOR.—Section 704 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703) is amended—

(1) in subsection (d)(8)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E)—

(i) in clause (i)—

(I) by striking "Congress, including to the Committees on Appropriations of the Senate and the House of Representatives, the authorizing committees for the Office," and inserting "the appropriate congressional committees"; and

(II) by striking "or agencies";

(ii) in clause (ii)—

(I) by striking "Congress" and inserting "the appropriate congressional committees"; and

(II) by adding "and" at the end; and

(iii) by adding at the end the following:

"(iii) funds may only be used for—

"(I) expansion of demand reduction activities;

"(II) interdiction of illicit drugs on the high seas, in United States territorial waters, and at United States ports of entry by officers and employees of National Drug Control Program Agencies and domestic and foreign law enforcement officers;

"(III) accurate assessment and monitoring of international drug production and interdiction programs and policies;

"(IV) activities to facilitate and enhance the sharing of domestic and foreign intelligence information among National Drug Control Program Agencies related to the production and trafficking of drugs in the United States and foreign countries; and

"(V) research related to any of these activities.";

(2) in subsection (e)(2)(A), by striking "Notwithstanding any other provision of law" and inserting "Subject to the availability of appropriations"; and

(3) by adding at the end the following:

"(i) MODEL ACTS PROGRAM.—

"(1) IN GENERAL.—The Director shall provide for or shall enter into an agreement with a nonprofit organization to—

"(A) advise States on establishing laws and policies to address illicit drug use issues; and

"(B) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in illicit drug use issues in the State involved.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,250,000 for each of fiscal years 2018 through 2023.

"(j) STATE, LOCAL, AND TRIBAL AFFAIRS COORDINATOR.—The Director shall designate or appoint a United States State, Local, and Tribal Affairs Coordinator to perform the duties of the Office outlined in this section and 706 and such other duties as may be determined by the Director with respect to coordination of drug control efforts between agencies and State, local, and Tribal governments. The Director shall determine whether the coordinator position is a noncareer appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).

"(k) HARM REDUCTION PROGRAMS.—When developing the national drug control policy, any policy of the Director, including policies relating to syringe exchange programs for intravenous drug users, shall be based on the best available medical and scientific evidence regarding the effectiveness of such policy in promoting individual health and preventing the spread of infectious disease and the impact of such policy on drug addiction and use. In making any policy relating to harm reduction programs, the Director shall

consult with the National Institutes of Health and the National Academy of Sciences.".

(g) ACCOUNTING OF FUNDS EXPENDED.—Section 705 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1704(d)), as amended by section 8207 is further amended—

(1) by amending subsection (d) to read as follows:

"(d) ACCOUNTING OF FUNDS EXPENDED.—

"(1) IN GENERAL.—Not later than February 1 of each year, in accordance with guidance issued by the Director, the head of each National Drug Control Program Agency shall submit to the Director a detailed accounting of all funds expended by the agency for National Drug Control Program activities during the previous fiscal year and shall ensure such detailed accounting is authenticated for the previous fiscal year by the Inspector General for such agency prior to the submission to the Director as frequently as determined by the Inspector General but not less frequently that every 3 years.

"(2) SUBMISSION TO CONGRESS.—The Director shall submit to Congress not later than April 1 of each year the information submitted to the Director under paragraph (1)."; and

(2) by adding at the end the following:

"(f) TRACKING SYSTEM FOR FEDERALLY FUNDED GRANT PROGRAMS.—

"(1) ESTABLISHMENT.—The Director, or the head of an agency designated by the Director, in coordination with the Secretary of Health and Human Services, shall track federally-funded grant programs to—

"(A) ensure the public has electronic access to information identifying:

"(i) all drug control grants and pertinent identifying information for each grant;

"(ii) any available performance metrics, evaluations, or other information indicating the effectiveness of such programs;

"(B) facilitate efforts to identify duplication, overlap, or gaps in funding to provide increased accountability of Federally-funded grants for substance use disorder treatment, prevention, and enforcement; and

"(C) identify barriers in the grant application process impediments that applicants currently have in the grant application process with applicable agencies.

"(2) NATIONAL DRUG CONTROL AGENCIES.—The head of each National Drug Control Program Agency shall provide to the Director a complete list of all drug control program grant programs and any other relevant information for inclusion in the system developed under paragraph (1) and annually update such list.

"(3) UPDATING EXISTING SYSTEMS.—The Director may meet the requirements of this subsection by utilizing, updating, or improving existing Federal information systems to ensure they meet the requirements of this subsection.

"(4) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report examining implementation of this subsection.".

(h) TECHNICAL AND CONFORMING AMENDMENT.—Section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note) is repealed.

SEC. 8218. EMERGING THREATS COMMITTEE, PLAN, AND MEDIA CAMPAIGN.

(a) IN GENERAL.—Section 709 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is amended to read as follows:

"SEC. 709. EMERGING THREATS COMMITTEE, PLAN, AND MEDIA CAMPAIGN.

"(a) EMERGING THREATS COORDINATOR.—The Director shall designate or appoint a United States Emerging and Continuing Threats Coordinator to perform the duties of that position described in this section and such other duties as may be determined by the Director. The Director shall determine whether the coordinator position is a noncareer appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).

"(b) EMERGING THREATS COMMITTEE.—

"(1) IN GENERAL.—The Emerging Threats Committee shall—

"(A) monitor evolving and emerging drug threats in the United States;

"(B) identify and discuss evolving and emerging drug trends in the United States using the criteria required to be established under paragraph (6);

"(C) assist in the formulation of and oversee implementation of any plan described in subsection (d);

"(D) provide such other advice to the Coordinator and Director concerning strategy and policies for emerging drug threats and trends as the Committee determines to be appropriate; and

"(E) disseminate and facilitate the sharing with Federal, State, local, and Tribal officials and other entities as determined by the Director of pertinent information and data relating to—

"(i) recent trends in drug supply and demand;

"(ii) fatal and nonfatal overdoses;

"(iii) demand for and availability of evidence-based substance use disorder treatment, including the extent of the unmet treatment need, and treatment admission trends;

"(iv) recent trends in drug interdiction, supply, and demand from State, local, and Tribal law enforcement agencies; and

"(v) other subject matter as determined necessary by the Director.

"(2) CHAIRPERSON.—The Director shall designate one of the members of the Emerging Threats Committee to serve as Chairperson.

"(3) MEMBERS.—The Director shall appoint other members of the Committee, which shall include—

"(A) representatives from National Drug Control Program Agencies or other agencies;

"(B) representatives from State, local, and Tribal governments; and

"(C) representatives from other entities as designated by the Director.

"(4) MEETINGS.—The members of the Emerging Threats Committee shall meet, in person and not through any delegate or representative, not less frequently than once per calendar year, before June 1. At the call of the Director or the Chairperson, the Emerging Threats Committee may hold additional meetings as the members may choose.

"(5) CONTRACT, AGREEMENT, AND OTHER AUTHORITY.—The Director may award contracts, enter into interagency agreements, manage individual projects, and conduct other activities in support of the identification of emerging drug threats and in support of the development, implementation, and assessment of any Emerging Threat Response Plan.

"(6) CRITERIA TO IDENTIFY EMERGING DRUG THREATS.—Not later than 180 days after the date on which the Committee first meets, the Committee shall develop and recommend to the Director criteria to be used to identify an emerging drug threat or the termination of an emerging drug threat designation based on information gathered by the Committee, statistical data, and other evidence.

"(c) DESIGNATION.—

"(1) IN GENERAL.—The Director, in consultation with the Coordinator, the Committee, and the head of each National Drug Control Program Agency, may designate an emerging drug threat in the United States.

"(2) STANDARDS FOR DESIGNATION.—The Director, in consultation with the Coordinator, shall promulgate and make publicly available standards by which a designation under paragraph (1) and the termination of such designation may be made. In developing such standards, the Director shall consider the recommendations of the committee and other criteria the Director considers to be appropriate.

"(3) PUBLIC STATEMENT REQUIRED.—The Director shall publish a public written statement on the portal of the Office explaining the designation of an emerging drug threat or the termination of such designation and shall notify the appropriate congressional committees of the availability of such statement when a designation or termination of such designation has been made.

"(d) PLAN.—

"(1) PUBLIC AVAILABILITY OF PLAN.—Not later than 90 days after making a designation under subsection (c), the Director shall publish and make publicly available an Emerging Threat Response Plan and notify the President and the appropriate congressional committees of such plan's availability.

"(2) TIMING.—Concurrently with the annual submissions under section 706(g), the Director shall update the plan and report on implementation of the plan, until the Director issues the public statement required under subsection (c)(3) to terminate the emerging drug threat designation.

"(3) CONTENTS OF AN EMERGING THREAT RESPONSE PLAN.—The Director shall include in the plan required under this subsection—

"(A) a comprehensive strategic assessment of the emerging drug threat, including the current availability

of, demand for, and effectiveness of evidence-based prevention, treatment, and enforcement programs and efforts to respond to the emerging drug threat;

"(B) comprehensive, research-based, short- and long-term, quantifiable goals for addressing the emerging drug threat, including for reducing the supply of the drug designated as the emerging drug threat and for expanding the availability and effectiveness of evidence-based substance use disorder treatment and prevention programs to reduce the demand for the emerging drug threat;

"(C) performance measures pertaining to the plan's goals, including quantifiable and measurable objectives and specific targets;

"(D) the level of funding needed to implement the plan, including whether funding is available to be reprogrammed or transferred to support implementation of the plan or whether additional appropriations are necessary to implement the plan;

"(E) an implementation strategy for the media campaign under subsection (f), including goals as described under subparagraph (B) of this paragraph and performance measures, objectives, and targets, as described under subparagraph (C) of this paragraph; and

"(F) any other information necessary to inform the public of the status, progress, or response of an emerging drug threat.

"(4) IMPLEMENTATION.—

"(A) IN GENERAL.—Not later than 120 days after the date on which a designation is made under subsection (c), the Director, in consultation with the President, the appropriate congressional committees, and the head of each National Drug Control Program Agency, shall issue guidance on implementation of the plan described in this subsection to the National Drug Control Program Agencies and any other relevant agency determined to be necessary by the Director.

"(B) COORDINATOR'S RESPONSIBILITIES.—The Coordinator shall—

"(i) direct the implementation of the plan among the agencies identified in the plan, State, local, and Tribal governments, and other relevant entities;

"(ii) facilitate information-sharing between agencies identified in the plan, State, local, and Tribal governments, and other relevant entities; and

"(iii) monitor implementation of the plan by coordinating the development and implementation of collection and reporting systems to support performance measurement and adherence to the plan by agencies identified in plan, where appropriate.

"(C) REPORTING.—Not later than 180 days after the date on which a designation is made under subsection (c) and in accordance with subparagraph (A), the head of each agency identified in the plan shall submit to the Coordinator a report on implementation of the plan.

"(e) EVALUATION OF MEDIA CAMPAIGN.—Upon designation of an emerging drug threat, the Director shall evaluate whether a media campaign would be appropriate to address that threat.

"(f) NATIONAL ANTI-DRUG MEDIA CAMPAIGN.—

"(1) IN GENERAL.—The Director shall, to the extent feasible and appropriate, conduct a national anti-drug media campaign (referred to in this subtitle as the 'national media campaign') in accordance with this subsection for the purposes of—

"(A) preventing substance abuse among people in the United States;

"(B) educating the public about the dangers and negative consequences of substance use and abuse, including patient and family education about the characteristics and hazards of substance abuse and methods to safeguard against substance use, to include the safe disposal of prescription medications;

"(C) supporting evidence-based prevention programs targeting the attitudes, perception, and beliefs of persons concerning substance use and intentions to initiate or continue such use;

"(D) encouraging individuals affected by substance use disorders to seek treatment and providing such individuals with information on—

"(i) how to recognize addiction issues;

"(ii) what forms of evidence-based treatment options are available; and

"(iii) how to access such treatment;

"(E) combating the stigma of addiction and substance use disorders, including the stigma of treating such disorders with medication-assisted treatment therapies; and

"(F) informing the public about the dangers of any drug identified by the Director as an emerging drug threat as appropriate.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Amounts made available to carry out this subsection for the national media campaign may only be used for the following:

"(i) The purchase of media time and space, including the strategic planning for, tracking, and accounting of, such purchases.

"(ii) Creative and talent costs, consistent with subparagraph (B)(i).

"(iii) Advertising production costs, which may include television, radio, internet, social media, and other commercial marketing venues.

"(iv) Testing and evaluation of advertising.

"(v) Evaluation of the effectiveness of the national media campaign.

"(vi) Costs of contracts to carry out activities authorized by this subsection.

"(vii) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national media campaign.

"(viii) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

"(ix) Operational and management expenses.

"(B) SPECIFIC REQUIREMENTS.—

"(i) CREATIVE SERVICES.—In using amounts for creative and talent costs under subparagraph (A)(ii), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

"(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

"(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

"(ii) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under subparagraph (A)(iv), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective with the target audience and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this subsection in a fiscal year and no more than 10 percent of the advertising space purchased under this subsection in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

"(iii) CONSULTATION.—For the planning of the campaign under paragraph (1), the Director may consult with—

"(I) the head of any appropriate National Drug Control Program Agency;

"(II) experts on the designated drug;

"(III) State, local, and Tribal government officials and relevant agencies;

"(IV) communications professionals;

"(V) the public; and

"(VI) appropriate congressional committees.

"(iv) EVALUATION OF EFFECTIVENESS OF NATIONAL MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the national media campaign under subparagraph (A)(v), the Director shall—

"(I) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from—

"(aa) the Monitoring the Future Study published by the Department of Health and Human Services;

"(bb) the National Survey on Drug Use and Health; and

"(cc) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

"(II) ensure that the effectiveness of the national media campaign is evaluated in a manner

that enables consideration of whether the national media campaign has contributed to changes in attitude or behaviors among the target audience with respect to substance use and such other measures of evaluation as the Director determines are appropriate.

"(3) ADVERTISING.—In carrying out this subsection, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

"(4) RESPONSIBILITIES AND FUNCTIONS UNDER THE PROGRAM.—

"(A) IN GENERAL.—The Director shall determine the overall purposes and strategy of the national media campaign.

"(B) DIRECTOR.—

"(i) IN GENERAL.—The Director shall approve—

"(I) the strategy of the national media campaign;

"(II) all advertising and promotional material used in the national media campaign; and

"(III) the plan for the purchase of advertising time and space for the national media campaign.

"(ii) IMPLEMENTATION.—The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in paragraph (1) and shall ensure—

"(I) information disseminated through the campaign is accurate and scientifically valid; and

"(II) the campaign is designed using strategies demonstrated to be the most effective at achieving the goals and requirements of paragraph (1), which may include—

"(aa) a media campaign, as described in paragraph (2);

"(bb) local, regional, or population specific messaging;

"(cc) the development of websites to publicize and disseminate information;

"(dd) conducting outreach and providing educational resources for parents;

"(ee) collaborating with law enforcement agencies; and

"(ff) providing support for school-based public health education classes to improve teen knowledge about the effects of substance use.

"(5) PROHIBITIONS.—None of the amounts made available under paragraph (2) may be obligated or expended for any of the following:

"(A) To supplant current anti-drug community-based coalitions.

"(B) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

"(C) For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(D) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

"(E) To fund advertising that does not contain a primary message intended to reduce or prevent substance use.

"(F) To fund advertising containing a primary message intended to promote support for the national media campaign or private sector contributions to the national media campaign.

"(6) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—Amounts made available under paragraph (2) for media time and space shall be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions of the same value.

"(B) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that not less than 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign.

"(C) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention consistent with the purposes of the national media campaign includes a clear anti-drug message. Such message is not required to be the primary message of the match advertising.

"(7) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

"(A) audits and reviews of costs of the national media campaign pursuant to section 4706 of title 41, United States Code; and

"(B) an audit to determine whether the costs of the national media campaign are allowable under chapter 43 of title 41, United States Code.

"(8) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

"(A) the strategy of the national media campaign and whether specific objectives of the national media campaign were accomplished;

"(B) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

"(C) plans to purchase advertising time and space;

"(D) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

"(E) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;

"(F) the results of any financial audit of the national media campaign;

"(G) a description of any evidence used to develop the national media campaign;

"(H) specific policies and steps implemented to ensure compliance with this section;

"(I) a detailed accounting of the amount of funds obligated during the previous fiscal year for carrying out the national media campaign, including each recipient of funds, the purpose of each expenditure, the amount of each expenditure, any available outcome information, and any other information necessary to provide a complete accounting of the funds expended; and

"(J) a review and evaluation of the effectiveness of the national media campaign strategy for the past year.

"(9) REQUIRED NOTICE FOR COMMUNICATION FROM THE OFFICE.—Any communication, including an advertisement, paid for or otherwise disseminated by the Office directly or through a contract awarded by the Office shall include a prominent notice informing the audience that the communication was paid for by the Office.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, $25,000,000 for each of fiscal years 2018 through 2023.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Subsection (a) of section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is repealed.

SEC. 8219. DRUG INTERDICTION.

(a) REPEAL.—This first section 711 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1710) is repealed.

(b) AMENDMENTS.—Section 711 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1710), as added by Public Law 109–469 (120 Stat. 3507), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "The United" and inserting "The Director shall designate or appoint an appointee in the Senior Executive Service or an appointee in a position at level 15 of the General Schedule (or equivalent) as the United"; and

(ii) by striking "shall" and inserting "to";

(B) in paragraph (2)(B)—

(i) by striking "March 1" and inserting "September 1"; and

(ii) by striking "paragraph (3)" and inserting "paragraph (4)";

(C) in paragraph (3)—

(i) by striking "also, at his discretion,"; and

(ii) by striking "the Office of Supply Reduction for that purpose" and inserting "assist in carrying out such responsibilities"; and

(D) in paragraph (4)—

(i) in subparagraph (B), by striking "The United" and inserting "Before submission of the National Drug Control Strategy or annual assessment required under section 706, as applicable, the United";

(ii) by striking subparagraphs (C) and (E);

(iii) by redesignating subparagraph (D) as subparagraph (C);

(iv) in subparagraph (C), as so redesignated—

(I) in the matter preceding clause (i)—

(aa) by striking "March 1" and inserting "September 1";

(bb) by inserting "the Director, acting through" before "the United States";

(cc) by inserting a comma after "Coordinator";

(dd) by striking "a report on behalf of the Director"; and

(ee) by striking ", which shall include" and inserting "a report that";

(II) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), and adjusting the margins accordingly;

(III) by inserting before subclause (I), as so redesignated, the following:

"(i) includes—";

(IV) in clause (i), as so redesignated—

(aa) in subclause (I), as so redesignated, by inserting ", including information about how each National Drug Control Program agency conducting drug interdiction activities is engaging with relevant international partners" after "Plan";

(bb) in subclause (II), as so redesignated, by striking ", as well as" and inserting "and";

(cc) in subclause III, as so redesignated—

(AA) by striking ", as well as" and inserting "and"; and

(BB) by striking the period at the end and inserting "; and"; and

(V) by adding at the end the following:

"(ii) may include recommendations for changes to existing agency authorities or laws governing interagency relationships."; and

(v) by adding at the end the following:

"(D) CLASSIFIED ANNEX.—Each report required to be submitted under subparagraph (C) shall be in unclassified form, but may include a classified annex.";

(2) in subsection (b)—

(A) in paragraph (1)(B), by inserting "and how to strengthen international partnerships to better achieve the goals of that plan" after "that plan";

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "CHAIRMAN" and inserting "CHAIRPERSON"; and

(ii) by striking "chairman" and inserting "Chairperson";

(C) in paragraph (3)—

(i) by striking "prior to March 1" and inserting "before June 1";

(ii) by striking "either" each place it appears;

(iii) by striking "current chairman" and inserting "Chairperson"; and

(iv) by striking "they" and inserting "the members"; and

(D) in paragraph (4)—

(i) by striking "chairman" each place it appears and inserting "Chairperson";

(ii) in the first sentence, by striking "a report";

(iii) by inserting "a report" after "committees"; and

(iv) by striking the second sentence and inserting the following: "The report required under this paragraph shall be in unclassified form, but may include a classified annex."; and

(3) by adding at the end the following:

"(c) INTERNATIONAL COORDINATION.—The Director may facilitate international drug control coordination efforts.".

21 USC 1715.

SEC. 8220. GAO AUDIT.

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct an audit relating to the programs and operations of—

(A) the Office; and

(B) certain programs within the Office, including—

(i) the High Intensity Drug Trafficking Areas Program;

(ii) the Drug-Free Communities Program; and

(iii) the campaign under section 709(f) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708(f)); and

(2) submit to the Director and the appropriate congressional committees a report containing an evaluation of and recommendations on the—

(A) policies and activities of the programs and operations subject to the audit;

(B) economy, efficiency, and effectiveness in the administration of the reviewed programs and operations; and

(C) policy or management changes needed to prevent and detect fraud and abuse in such programs and operations.

SEC. 8221. NATIONAL DRUG CONTROL STRATEGY.

(a) IN GENERAL.—Section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705) is amended to read as follows:

"SEC. 706. NATIONAL DRUG CONTROL STRATEGY.

"(a) IN GENERAL.—

"(1) STATEMENT OF DRUG POLICY PRIORITIES.—The Director shall release a statement of drug control policy priorities in the calendar year of a Presidential inauguration following the inauguration, but not later than April 1.

"(2) NATIONAL DRUG CONTROL STRATEGY SUBMITTED BY THE PRESIDENT.—Not later than the first Monday in February following the year in which the term of the President commences, and every 2 years thereafter, the President shall submit to Congress a National Drug Control Strategy.

"(b) DEVELOPMENT OF THE NATIONAL DRUG CONTROL STRATEGY.—

"(1) PROMULGATION.—The Director shall promulgate the National Drug Control Strategy, which shall set forth a comprehensive plan to reduce illicit drug use and the consequences of such illicit drug use in the United States by limiting the availability of and reducing the demand for illegal drugs and promoting prevention, early intervention, treatment, and recovery support for individuals with substance use disorders.

"(2) STATE AND LOCAL COMMITMENT.—The Director shall seek the support and commitment of State, local, and Tribal officials in the formulation and implementation of the National Drug Control Strategy.

"(3) STRATEGY BASED ON EVIDENCE.—The Director shall ensure the National Drug Control Strategy is based on the best available evidence regarding the policies that are most effective in reducing the demand for and supply of illegal drugs.

"(4) PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—In developing and effectively implementing the National Drug Control Strategy, the Director—

"(A) shall consult with—

"(i) the heads of the National Drug Control Program Agencies;

"(ii) each Coordinator listed in section 704;

"(iii) the Interdiction Committee and the Emerging Threats Committee;

"(iv) the appropriate congressional committees and any other committee of jurisdiction;

"(v) State, local, and Tribal officials;

"(vi) private citizens and organizations, including community and faith-based organizations, with experience and expertise in demand reduction;

"(vii) private citizens and organizations with experience and expertise in supply reduction; and

"(viii) appropriate representatives of foreign governments; and

"(B) in satisfying the requirements of subparagraph (A), shall ensure, to the maximum extent possible, that State, local, and Tribal officials and relevant private organizations commit to support and take steps to achieve the goals and objectives of the National Drug Control Strategy.

"(c) CONTENTS OF THE NATIONAL DRUG CONTROL STRATEGY.—

"(1) IN GENERAL.—The National Drug Control Strategy submitted under subsection (a)(2) shall include the following:

"(A) A mission statement detailing the major functions of the National Drug Control Program.

"(B) Comprehensive, research-based, long-range, quantifiable goals for reducing illicit drug use, and the consequences of illicit drug use in the United States.

"(C) Annual quantifiable and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each year beginning on the date on which the National Drug Control Strategy is submitted.

"(D) A 5-year projection for the National Drug Control Program and budget priorities.

"(E) A review of international, State, local, and private sector drug control activities to ensure that the United States pursues coordinated and effective drug control at all levels of government.

"(F) A description of how each goal established under subparagraph (B) will be achieved, including for each goal—

"(i) a list of each relevant National Drug Control Program Agency and each such agency's related programs, activities, and available assets and the role of each such program, activity, and asset in achieving such goal;

"(ii) a list of relevant stakeholders and each such stakeholder's role in achieving such goal;

"(iii) an estimate of Federal funding and other resources needed to achieve such goal;

"(iv) a list of each existing or new coordinating mechanism needed to achieve such goal; and

"(v) a description of the Office's role in facilitating the achievement of such goal.

"(G) For each year covered by the Strategy, a performance evaluation plan for each goal established under subparagraph (B) for each National Drug Control Program Agency, including—

"(i) specific performance measures for each National Drug Control Program Agency;

"(ii) annual and, to the extent practicable, quarterly objectives and targets for each performance measure; and

"(iii) an estimate of Federal funding and other resources needed to achieve each performance objective and target.

"(H) A list identifying existing data sources or a description of data collection needed to evaluate performance, including a description of how the Director will obtain such data.

"(I) A list of any anticipated challenges to achieving the National Drug Control Strategy goals and planned actions to address such challenges.

"(J) A description of how each goal established under subparagraph (B) was determined, including—

"(i) a description of each required consultation and a description of how such consultation was incorporated; and

"(ii) data, research, or other information used to inform the determination to establish the goal.

"(K) A description of the current prevalence of illicit drug use in the United States, including both the availability of illicit drugs and the prevalence of substance use disorders.

"(L) Such other statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use (including the effects on children), supply reduction, demand reduction, drug-related

law enforcement, and the implementation of the National Drug Control Strategy.

"(M) A systematic plan for increasing data collection to enable real time surveillance of drug control threats, developing analysis and monitoring capabilities, and identifying and addressing policy questions related to the National Drug Control Strategy and Program, which shall include—

"(i) a list of policy-relevant questions for which the Director and each National Drug Control Program Agency intends to develop evidence to support the National Drug Control Program and Strategy;

"(ii) a list of data the Director and each National Drug Control Program Agency intends to collect, use, or acquire to facilitate the use of evidence in drug control policymaking and monitoring;

"(iii) a list of methods and analytical approaches that may be used to develop evidence to support the National Drug Control Program and Strategy and related policy;

"(iv) a list of any challenges to developing evidence to support policymaking, including any barriers to accessing, collecting, or using relevant data;

"(v) a description of the steps the Director and the head of each National Drug Control Program Agency will take to effectuate the plan; and

"(vi) any other relevant information as determined by the Director.

"(N) A plan to expand treatment of substance use disorders, which shall—

"(i) identify unmet needs for treatment for substance use disorders and a strategy for closing the gap between available and needed treatment;

"(ii) describe the specific roles and responsibilities of the relevant National Drug Control Programs for implementing the plan;

"(iii) identify the specific resources required to enable the relevant National Drug Control Agencies to implement that strategy; and

"(iv) identify the resources, including private sources, required to eliminate the unmet need for evidence-based substance use disorder treatment.

"(2) CONSULTATION.—In developing the plan required under paragraph (1), the Director shall consult with the following:

"(A) The public.

"(B) Any evaluation or analysis units and personnel of the Office.

"(C) Office officials responsible for implementing privacy policy.

"(D) Office officials responsible for data governance.

"(E) The appropriate congressional committees.

"(F) Any other individual or entity as determined by the Director.

"(3) ADDITIONAL STRATEGIES.—

"(A) IN GENERAL.—The Director shall include in the National Drug Control Strategy the additional strategies

described under this paragraph and shall comply with the following:

"(i) Provide a copy of the additional strategies to the appropriate congressional committees and to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

"(ii) Issue the additional strategies in consultation with the head of each relevant National Drug Control Program Agency, any relevant official of a State, local, or Tribal government, and the government of other relevant countries.

"(iii) Not change any existing agency authority or construe any strategy described under this paragraph to amend or modify any law governing interagency relationship but may include recommendations about changes to such authority or law.

"(iv) Present separately from the rest of any strategy described under this paragraph any information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program Agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or Tribal agency.

"(B) REQUIREMENT FOR SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY.—

"(i) PURPOSES.—The Southwest Border Counternarcotics Strategy shall—

"(I) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;

"(II) state the specific roles and responsibilities of the relevant National Drug Control Program Agencies for implementing that strategy; and

"(III) identify the specific resources required to enable the relevant National Drug Control Program Agencies to implement that strategy.

"(ii) SPECIFIC CONTENT RELATED TO DRUG TUNNELS BETWEEN THE UNITED STATES AND MEXICO.—The Southwest Border Counternarcotics Strategy shall include—

"(I) a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

"(II) recommendations for criminal penalties for persons who construct or use such a tunnel or subterranean passage for such a purpose.

"(C) REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY.—

"(i) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

"(I) set forth the strategy of the Federal Government for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through ports of entry and between ports of entry on the border;

"(II) state the specific roles and responsibilities of each relevant National Drug Control Program Agency for implementing the strategy;

"(III) identify the specific resources required to enable the relevant National Drug Control Program Agencies to implement the strategy;

"(IV) be designed to promote, and not hinder, legitimate trade and travel; and

"(V) reflect the unique nature of small communities along the international border between the United States and Canada, ongoing cooperation and coordination with Canadian law, enforcement authorities, and variations in the volumes of vehicles and pedestrians crossing through ports of entry along the international border between the United States and Canada.

"(ii) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

"(I) a strategy to end the illegal trafficking of drugs to or through Indian reservations on or near the international border between the United States and Canada; and

"(II) recommendations for additional assistance, if any, needed by Tribal law enforcement agencies relating to the strategy, including an evaluation of Federal technical and financial assistance, infrastructure capacity building, and interoperability deficiencies.

"(4) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

"(5) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion in the Strategy, the Director shall ensure—

"(A) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

"(B) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

"(d) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

"(1) at any time, upon a determination of the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

"(2) if a new President or Director takes office.

"(e) FAILURE OF DIRECTOR TO SUBMIT NATIONAL DRUG CONTROL STRATEGY.—If the Director does not submit a National Drug Control Strategy to Congress in accordance with subsection (a)(2), not later than five days after the first Monday in February following the year in which the term of the President commences, the Director shall send a notification to the appropriate congressional committees—

"(1) explaining why the Strategy was not submitted; and

"(2) specifying the date by which the Strategy will be submitted.

"(f) DRUG CONTROL DATA DASHBOARD.—

"(1) IN GENERAL.—The Director shall collect and disseminate, as appropriate, such information as the Director determines is appropriate, but not less than the information described in this subsection. The data shall be publicly available in a machine-readable format on the online portal of the Office, and to the extent practicable on the Drug Control Data Dashboard.

"(2) ESTABLISHMENT.—The Director shall publish to the online portal of the office in a machine-readable, sortable, and searchable format, or to the extent practicable, establish and maintain a data dashboard on the online portal of the Office to be known as the 'Drug Control Data Dashboard'. To the extent practicable, when establishing the Drug Control Dashboard, the Director shall ensure the user interface of the dashboard is constructed with modern design standards. To the extent practicable, the data made available on the dashboard shall be publicly available in a machine-readable format and searchable by year, agency, drug, and location.

"(3) DATA.—The data included in the Drug Control Data Dashboard shall be updated quarterly to the extent practicable, but not less frequently than annually and shall include, at a minimum, the following:

"(A) For each substance identified by the Director as having a significant impact on the prevalence of illicit drug use—

"(i) data sufficient to show the quantities of such substance available in the United States, including—

"(I) the total amount seized and disrupted in the calendar year and each of the previous 3 calendar years, including to the extent practicable the amount seized by State, local, and Tribal governments;

"(II) the known and estimated flows into the United States from all sources in the calendar year and each of the previous 3 calendar years;

"(III) the total amount of known flows that could not be interdicted or disrupted in the calendar year and each of the previous 3 calendar years;

"(IV) the known and estimated levels of domestic production in the calendar year and each of the previous three calendar years, including the levels of domestic production if the drug is a prescription drug, as determined under the Federal Food, Drug, and Cosmetic Act, for which a listing

is in effect under section 202 of the Controlled Substances Act (21 U.S.C. 812);

"(V) the average street price for the calendar year and the highest known street price during the preceding 10-year period; and

"(VI) to the extent practicable, related prosecutions by State, local, and Tribal governments;

"(ii) data sufficient to show the frequency of use of such substance, including—

"(I) use of such substance in the workplace and productivity lost by such use;

"(II) use of such substance by arrestees, probationers, and parolees;

"(III) crime and criminal activity related to such substance;

"(IV) to the extent practicable, related prosecutions by State, local, and Tribal governments;

"(B) For the calendar year and each of the previous three years data sufficient to show, disaggregated by State and, to the extent feasible, by region within a State, county, or city, the following:

"(i) The number of fatal and non-fatal overdoses caused by each drug identified under subparagraph (A)(i).

"(ii) The prevalence of substance use disorders.

"(iii) The number of individuals who have received substance use disorder treatment, including medication assisted treatment, for a substance use disorder, including treatment provided through publicly-financed health care programs.

"(iv) The extent of the unmet need for substance use disorder treatment, including the unmet need for medication-assisted treatment.

"(C) Data sufficient to show the extent of prescription drug diversion, trafficking, and misuse in the calendar year and each of the previous 3 calendar years.

"(D) Any quantifiable measures the Director determines to be appropriate to detail progress toward the achievement of the goals of the National Drug Control Strategy.

"(g) DEVELOPMENT OF AN ANNUAL NATIONAL DRUG CONTROL ASSESSMENT.—

"(1) TIMING.—Not later than the first Monday in February of each year, the Director shall submit to the President, Congress, and the appropriate congressional committees, a report assessing the progress of each National Drug Control Program Agency toward achieving each goal, objective, and target contained in the National Drug Control Strategy applicable to the prior fiscal year.

"(2) PROCESS FOR DEVELOPMENT OF THE ANNUAL ASSESSMENT.—Not later than November 1 of each year, the head of each National Drug Control Program Agency shall submit, in accordance with guidance issued by the Director, to the Director an evaluation of progress by the agency with respect to the National Drug Control Strategy goals using the performance measures for the agency developed under this title, including progress with respect to—

"(A) success in achieving the goals of the National Drug Control Strategy;

"(B) success in reducing domestic and foreign sources of illegal drugs;

"(C) success in expanding access to and increasing the effectiveness of substance use disorder treatment;

"(D) success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

"(E) success in reducing crime associated with drug use in the United States;

"(F) success in reducing the negative health and social consequences of drug use in the United States;

"(G) implementation of evidence-based substance use disorder treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs; and

"(H) success in increasing the prevention of illicit drug use.

"(3) CONTENTS OF THE ANNUAL ASSESSMENT.—The Director shall include in the annual assessment required under paragraph (1)—

"(A) a summary of each evaluation received by the Director under paragraph (2);

"(B) a summary of the progress of each National Drug Control Program Agency toward the National Drug Control Strategy goals of the agency using the performance measures for the agency developed under this chapter;

"(C) an assessment of the effectiveness of each National Drug Control Program Agency and program in achieving the National Drug Control Strategy for the previous year, including a specific evaluation of whether the applicable goals, measures, objectives, and targets for the previous year were met; and

"(D) the assessments required under this subsection shall be based on the Performance Measurement System.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 704(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(b)) is amended—

(A) by striking paragraphs (13) and (17); and

(B) in paragraph (14)(A), by striking "paragraph (13)" and inserting "section 706(g)(2)".

21 USC 1705 notes.

(2) The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3502) is amended by striking sections 1110 and 1110A.

SEC. 8222. TECHNICAL AND CONFORMING AMENDMENTS TO THE OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.

The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) is amended—

(1) by striking section 703(b) (21 U.S.C. 1702(b));

(2) in section 704 (21 U.S.C. 1703)—

(A) in subsection (c)—

(i) in paragraph (3)(C)—

(I) in the matter before clause (i), by inserting "requests a level of funding that will not enable achievement of the goals of the National Drug Control Strategy, including" after "request that";

(II) in clause (iii)—

(aa) by striking "drug treatment" and inserting "substance use disorder prevention and treatment"; and

(bb) by striking the semicolon at the end and inserting "; and";

(III) by striking clauses (iv), (vi), and (vii);

(IV) by redesignating clause (v) as clause (iv); and

(V) in clause (iv), as so redesignated, by striking the semicolon and inserting a period;

(ii) in paragraph (4)(A), by striking "$1,000,000" and inserting "$5,000,000 or 10 percent of a specific program or account"; and

(B) in subsection (f)—

(i) by striking the first paragraph (5); and

(ii) by striking the second paragraph (4); and

(3) by striking section 708 (21 U.S.C. 1707).

Subtitle L—Budgetary Effects

SEC. 8231. BUDGETARY EFFECT.

(a) IN GENERAL.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

Approved October 24, 2018.

LEGISLATIVE HISTORY—H.R. 6:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 22, considered and passed House.
Sept. 17, considered and passed Senate, amended.
Sept. 28, House concurred in Senate amendment with an amendment pursuant to H. Res. 1099.
Oct. 3, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 24, Presidential remarks and statement.

Public Law 115–272
115th Congress

An Act

Oct. 25, 2018
[S. 1595]

To amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hizballah International Financing Prevention Amendments Act of 2018.
50 USC 1701 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hizballah International Financing Prevention Amendments Act of 2018".

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

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF ACCESS BY HIZBALLAH TO INTERNATIONAL FINANCIAL AND OTHER INSTITUTIONS

Sec. 101. Mandatory sanctions with respect to fundraising and recruitment activities for Hizballah.
Sec. 102. Modification of report with respect to financial institutions that engage in certain transactions.
Sec. 103. Sanctions against certain agencies and instrumentalities of foreign states.
Sec. 104. Diplomatic initiatives to prevent hostile activities by Iran and disrupt and degrade Hizballah's illicit networks.

TITLE II—NARCOTICS TRAFFICKING AND TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH

Sec. 201. Imposition of sanctions with respect to affiliated networks of Hizballah for transnational criminal activities.
Sec. 202. Report on racketeering activities engaged in by Hizballah.
Sec. 203. Modification of report on activities of foreign governments to disrupt activities of Hizballah; reports on membership in Hizballah.

TITLE III—GENERAL PROVISIONS

Sec. 301. Regulatory authority.
Sec. 302. Implementation; penalties; judicial review; exemptions; rule of construction; exception relating to importation of goods.
Sec. 303. Report consolidation and modification.

TITLE I—PREVENTION OF ACCESS BY HIZBALLAH TO INTERNATIONAL FINANCIAL AND OTHER INSTITUTIONS

SEC. 101. MANDATORY SANCTIONS WITH RESPECT TO FUNDRAISING AND RECRUITMENT ACTIVITIES FOR HIZBALLAH.

(a) IN GENERAL.—Section 101 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

"SEC. 101. MANDATORY SANCTIONS WITH RESPECT TO FUNDRAISING AND RECRUITMENT ACTIVITIES FOR HIZBALLAH. President.

"(a) IN GENERAL.—The President shall, on or after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, impose the sanctions described in subsection (b) with respect to any foreign person that the President determines knowingly provides significant financial, material, or technological support for or to— Effective date. Determinations.

"(1) Bayt al-Mal, Jihad al-Bina, the Islamic Resistance Support Association, the Foreign Relations Department of Hizballah, the External Security Organization of Hizballah, or any successor or affiliate thereof as designated by the President;

"(2) al-Manar TV, al Nour Radio, or the Lebanese Media Group, or any successor or affiliate thereof as designated by the President;

"(3) a foreign person determined by the President to be engaged in fundraising or recruitment activities for Hizballah; or

"(4) a foreign person owned or controlled by a person described in paragraph (1), (2), or (3).

"(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

"(1) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

"(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.— Determinations.

"(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or designee of one of such Secretaries) determines is subject to subsection (a) is—

"(i) inadmissible to the United States;

"(ii) ineligible to receive a visa or other documentation to enter the United States; and

"(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(B) CURRENT VISAS REVOKED.—

"(i) IN GENERAL.—The Secretary of State or the Secretary of Homeland Security (or designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who the President determines is subject to subsection (a), regardless of when issued.

"(ii) EFFECT OF REVOCATION.—A revocation under clause (i) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the possession of the alien.

"(c) WAIVER.— Time periods.

Certification.

"(1) IN GENERAL.—The President may, for periods not to exceed 180 days, waive the imposition of sanctions under this section if the President certifies to the appropriate congressional committees that such waiver is in the national security interests of the United States.

Deadline.

"(2) BRIEFING.—Not later than 30 days after the issuance of a waiver under paragraph (1) with respect to a foreign person, and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the status of the involvement of the foreign person in activities described in subsection (a).

"(d) DEFINITIONS.—In this section:

"(1) ADMITTED; ALIEN.—The terms 'admitted' and 'alien' have meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

"(3) ENTITY.—The term 'entity' means a partnership, association, corporation, or other organization, group, or subgroup.

"(4) FOREIGN PERSON.—The term 'foreign person' means any person that is not a United States person.

"(5) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).

"(6) PERSON.—The term 'person' means an individual or entity.

"(7) UNITED STATES PERSON.—The term 'United States person' means a United States citizen, an alien lawfully admitted for permanent residence, an entity organized under the laws of the United States (including foreign branches), or a person in the United States.".

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by striking the item relating to section 101 and inserting the following new item:

"Sec. 101. Mandatory sanctions with respect to fundraising and recruitment activities for Hizballah.".

SEC. 102. MODIFICATION OF REPORT WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

Section 102(d) of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

"(d) REPORT ON FINANCIAL INSTITUTIONS ORGANIZED UNDER THE LAWS OF STATE SPONSORS OF TERRORISM.—

Time period. President.

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Hizballah International Financing

Prevention Amendments Act of 2018, and every 2 years thereafter for a period not to exceed 4 years, the President shall submit to the appropriate congressional committees a report that—

"(A) identifies each foreign financial institution described in paragraph (2) that the President determines engages in one or more activities described in subsection (a)(2); and

"(B) provides a detailed description of each such activity.

"(2) FOREIGN FINANCIAL INSTITUTION DESCRIBED.—

"(A) IN GENERAL.—A foreign financial institution described in this paragraph is a foreign financial institution—

"(i) that, wherever located, is—

"(I) organized under the laws of a state sponsor of terrorism or any jurisdiction within a state sponsor of terrorism;

"(II) owned or controlled by the government of a state sponsor of terrorism;

"(III) located in the territory of a state sponsor of terrorism; or

"(IV) owned or controlled by a foreign financial institution described in subclause (I), (II), or (III); and

"(ii) the capitalization of which exceeds $10,000,000.

"(B) STATE SPONSOR OF TERRORISM DEFINED.—In this paragraph, the term 'state sponsor of terrorism' means a country the government of which the Secretary of State has determined is a government that has repeatedly provided support for acts of international terrorism for purposes of—

"(i) section 1754(c) of the Export Control Reform Act of 2018;

"(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

"(iii) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

"(iv) any other provision of law.".

SEC. 103. SANCTIONS AGAINST CERTAIN AGENCIES AND INSTRUMENTALITIES OF FOREIGN STATES.

(a) IN GENERAL.—Title I of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended by adding at the end the following:

"SEC. 103. SANCTIONS AGAINST CERTAIN AGENCIES AND INSTRUMENTALITIES OF FOREIGN STATES.

"(a) SANCTIONS.—

President.

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, and as appropriate thereafter, the President shall impose the sanctions described in paragraph (3) with respect to an agency or instrumentality of a foreign state described in paragraph (2).

Deadline.

"(2) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE DESCRIBED.—An agency or instrumentality of a foreign state

Determination.
Effective date.

is described in this paragraph if the President determines that the agency or instrumentality has, on or after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, knowingly—

"(A) conducted significant joint combat operations with, or significantly supported combat operations of, Hizballah; or

"(B) provided significant financial support for or to, or significant arms or related materiel to, Hizballah.

"(3) SANCTIONS DESCRIBED.—The sanctions described in this paragraph are the exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of an agency or instrumentality of a foreign state if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

President.
Time periods.
Certification.

"(b) WAIVER.—

"(1) IN GENERAL.—The President may, for periods not to exceed 180 days, waive the imposition of sanctions under this section with respect to an agency or instrumentality of a foreign state if the President certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

Deadline.

"(2) BRIEFING.—Not later than 30 days after the issuance of a waiver under paragraph (1) with respect to an agency or instrumentality of a foreign state, and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the status of the involvement of the agency or instrumentality in activities described in subsection (a)(2).

Certification.

"(c) SPECIAL RULE.—The President shall not be required to impose sanctions under this section with respect to an agency or instrumentality of a foreign state if the Secretary certifies in writing to the appropriate congressional committees that—

"(1) the agency or instrumentality—

"(A) is no longer engaging in activities described in subsection (a)(2); or

"(B) has taken and is continuing to take significant verifiable steps toward terminating such activities; and

"(2) the President has received reliable assurances from the government of the foreign state that the agency or instrumentality will not engage in any activity described in subsection (a)(2) in the future.

"(d) DEFINITIONS.—In this section:

"(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term 'agency or instrumentality of a foreign state' has the meaning given the term in section 1603(b) of title 28, United States Code.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means,

the Committee on the Judiciary, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, Committee on Finance, Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

"(3) ARMS OR RELATED MATERIEL.—The term 'arms or related materiel' means—

"(A) nuclear, biological, chemical, or radiological weapons or materials or components of such weapons;

"(B) ballistic or cruise missile weapons or materials or components of such weapons; and

"(C) destabilizing numbers and types of advanced conventional weapons.

"(4) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).

"(5) UNITED STATES PERSON.—The term 'United States person' has the meaning given such term in section 101(d).".

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by inserting after the item relating to section 102 the following new item:

"Sec. 103. Sanctions against certain agencies and instrumentalities of foreign states.".

SEC. 104. DIPLOMATIC INITIATIVES TO PREVENT HOSTILE ACTIVITIES BY IRAN AND DISRUPT AND DEGRADE HIZBALLAH'S ILLICIT NETWORKS.

(a) DIPLOMATIC ENGAGEMENT.—Title I of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 129 Stat. 2206; 50 U.S.C. 1701 note), as amended by section 103 of this Act, is further amended by adding at the end the following:

"SEC. 104. DIPLOMATIC INITIATIVES TO PREVENT HOSTILE ACTIVITIES BY IRAN AND DISRUPT AND DEGRADE HIZBALLAH'S ILLICIT NETWORKS.

Deadline. President. Consultation.

"Not later than 180 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, the President shall instruct the Secretary of State, in consultation with the Secretary of the Treasury, to increase cooperation with foreign governments to assist in strengthening the capacity of such governments to prevent hostile activity by Iran and disrupt and degrade Hizballah's illicit activities, including diplomatic engagement that involves—

"(1) efforts to target and expose illicit finance networks, arrest perpetrators, freeze assets, and address Iran and Hizballah's use of illicit financial networks using international trade and banking systems;

"(2) efforts to assist willing governments with the development of counter-organized crime legislation, the strengthening of financial investigative capacity, and a fully-vetted counter-organized crime judicial model in jurisdictions plagued with corruption; and

"(3) efforts to persuade governments to list Hizballah as a terrorist organization.".

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by inserting after the item related to section 103, as added by section 103(b) of this Act, the following new item:

"Sec. 104. Diplomatic initiatives to prevent hostile activities by Iran and disrupt and degrade Hizballah's illicit networks.".

TITLE II—NARCOTICS TRAFFICKING AND TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH

SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO AFFILIATED NETWORKS OF HIZBALLAH FOR TRANSNATIONAL CRIMINAL ACTIVITIES.

50 USC 1701 note.

(a) STATEMENT OF POLICY.—It is the policy of the United States to determine if individuals and entities that are designated by the United States Government on or after the date of the enactment of this Act as being associated with Hizballah are engaged in transnational organized crime or related activities on or after such date of enactment.

(b) IN GENERAL.—Section 201 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

"SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO AFFILIATED NETWORKS OF HIZBALLAH FOR TRANSNATIONAL CRIMINAL ACTIVITIES.

President. Effective date.

"(a) IN GENERAL.—The President shall, on or after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, impose the sanctions described in subsection (b) with respect to affiliated networks of Hizballah, including, as appropriate, by reason of significant transnational criminal activities engaged in by such networks.

"(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are sanctions applicable with respect to Hizballah pursuant to any provision of law, including Executive Order 13581 (50 U.S.C. 1701 note; relating to blocking property of transnational criminal organizations) (as such Executive Order was in effect on the day before the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018).

President. Time period. Certification.

"(c) WAIVER.—The President may, for periods not to exceed 180 days, waive the imposition of sanctions under this section if the President certifies to the appropriate congressional committees that such waiver is in the national security interests of the United States.

"(d) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Appropriations, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

"(2) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).".

(c) CONFORMING AMENDMENT.—The title heading for title II of the Hizballah International Financing Prevention Act of 2015 is amended to read as follows: 50 USC 1701 note.

"TITLE II—SANCTIONS AND REPORTS RELATING TO NARCOTICS TRAFFICKING AND SIGNIFICANT TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH".

(d) CLERICAL AMENDMENTS.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended—

(1) by striking the item relating to title II and inserting the following:

"TITLE II—SANCTIONS AND REPORTS RELATING TO NARCOTICS TRAFFICKING AND SIGNIFICANT TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH"; AND

(2) by striking the item relating to section 201 and inserting the following:

"Sec. 201. Imposition of sanctions with respect to affiliated networks of Hizballah for transnational criminal activities.".

SEC. 202. REPORT ON RACKETEERING ACTIVITIES ENGAGED IN BY HIZBALLAH.

(a) IN GENERAL.—Section 202 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

"SEC. 202. REPORT ON RACKETEERING ACTIVITIES ENGAGED IN BY HIZBALLAH.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, the President shall submit to the appropriate congressional committees a report on information regarding activities that Hizballah, and agents and affiliates of Hizballah, have engaged in that are racketeering activities, including any patterns regarding such racketeering activities. President.

"(b) FORM OF REPORT.—Each report required under subsection (a) shall be submitted in an unclassified form but may contain a classified annex.

"(c) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate.

"(2) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).

"(3) RACKETEERING ACTIVITY.—The term 'racketeering activity' means any activity that would be considered a racketeering activity (as defined in section 1961(1) of title 18, United States Code) if the activity were engaged in the United States or by a United States person.

"(4) UNITED STATES PERSON.—The term 'United States person' has the meaning given such term in section 101(d).".

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by striking the item relating to section 202 and inserting the following:

"Sec. 202. Report on racketeering activities engaged in by Hizballah.".

SEC. 203. MODIFICATION OF REPORT ON ACTIVITIES OF FOREIGN GOVERNMENTS TO DISRUPT ACTIVITIES OF HIZBALLAH; REPORTS ON MEMBERSHIP IN HIZBALLAH.

(a) IN GENERAL.—Section 204 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking "this Act" and inserting "the Hizballah International Financing Prevention Amendments Act of 2018, and once every 2 years thereafter for the following 4 years";

(B) in subparagraph (D)(ii)(II), by striking "and" at the end;

(C) in subparagraph (E), by striking "and free-trade zones." and inserting "free-trade zones, business partnerships and joint ventures, and other investments in small and medium-sized enterprises;"; and

(D) by adding at the end the following:

Lists.
Reviews.

"(F) a list of jurisdictions outside of Lebanon that expressly consent to, or with knowledge allow, the use of their territory by Hizballah to carry out terrorist activities, including training, financing, and recruitment;

"(G) a description of the total aggregate revenues and remittances that Hizballah receives from the global logistics networks of Hizballah;

Iran.

"(H) a list of Hizballah's sources of revenue, including sources of revenue based on illicit activity, revenues from Iran, charities, and other business activities;

"(I) a list of Hizballah's expenditures, including expenditures for ongoing military operations, social networks, and external operations;

"(J) a description of steps to be taken by Federal agencies to combat the illicit tobacco trafficking networks used by Hizballah;

Assessment.
Lebanon.
Syria.

"(K) an assessment of Hizballah's financial operations in areas under its operational or political control in Lebanon and Syria and available measures to target Hizballah's financial operations in those areas;

"(L) a review of Hizballah's international operational capabilities, including in the United States;

"(M) a review of—

"(i) the total number and value of Hizballah-related assets seized and forfeited; and

"(ii) the total number of indictments, prosecutions, and extraditions of Hizballah members or affiliates; and

"(N) a review of efforts by the United States to prevent hostile activities by Iran and disrupt and degrade Hizballah's illicit networks in the Western Hemisphere, including interagency coordination to ensure that information-sharing, interdictions, arrests, investigations, indictments, sanctions, and designations related to Hizballah individuals or networks in the Western Hemisphere are integrated, coordinated, and publicly communicated by the United States in a manner that supports United States interests.";

Iran. Coordination.

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) ENHANCED DUE DILIGENCE.—

President.

"(1) IN GENERAL.—The President is authorized to require each financial institution in the United States that knowingly maintains a correspondent account or a payable-through account in the United States for a foreign financial institution described in paragraph (2) to establish enhanced due diligence policies, procedures, and controls in accordance with section 5318(i)(2)(B) of title 31, United States Code, and regulations to implement such section with respect to such accounts.

"(2) FOREIGN FINANCIAL INSTITUTION DESCRIBED.—A foreign financial institution described in this paragraph is a foreign financial institution that the President determines provides significant financial services to persons operating in a jurisdiction identified in unclassified form in the list required under subsection (a)(1)(F).

Determination.

"(3) DEFINITIONS.—In this subsection, the terms 'correspondent account' and 'payable-through account' have the meanings given those terms in section 5318A of title 31, United States Code."; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) by striking "this Act, and every 180 days thereafter," and inserting "the Hizballah International Financing Prevention Amendments Act of 2018, and every 180 days thereafter for the following 4 years,"; and

(B) by adding before the period at the end the following: "and on any requirements for enhanced due diligence prescribed under subsection (b)".

(b) REPORT ON ESTIMATED NET WORTH OF SENIOR HIZBALLAH MEMBERS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains—

President.

(A) the estimated total net worth of each individual described in paragraph (2); and

Estimates.

(B) to the extent feasible, a description of how funds of each individual described in paragraph (2) were acquired, and how such funds have been used or employed.

President. Determinations.

(2) INDIVIDUALS DESCRIBED.—The individuals described in this paragraph are the following:

(A) The Secretary General of Hizballah.

(B) Members of Hizballah's senior leadership or senior associates of Hizballah that the President determines materially assist or support Hizballah.

(C) Any other individual that the President determines is a senior foreign political figure of Hizballah.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the report required under paragraph (1) shall be made available to the public in precompressed, easily downloadable versions that are made available in all appropriate formats.

(4) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(i) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

(B) FUNDS.—The term "funds" means—

(i) cash;

(ii) equity;

(iii) any other intangible asset the value of which is derived from a contractual claim, including bank deposits, bonds, stocks, a security (as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a))), or a security or an equity security (as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); and

(iv) anything else of value that the Secretary of the Treasury determines to be appropriate.

(C) SENIOR FOREIGN POLITICAL FIGURE.—The term "senior foreign political figure" has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any successor regulation).

(c) REPORT ON INDIVIDUALS WHO ARE MEMBERS OF THE LEBANESE PARLIAMENT AND WHO IDENTIFY AS MEMBERS OF HIZBALLAH.—

President.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains the following:

Lists.

(A) A list of individuals who are members of the Lebanese Parliament and who identify as members of Hizballah.

(B) A description of any significant conduct of individuals on the list required under subparagraph (A) that the President determines may be grounds for designation

pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

TITLE III—GENERAL PROVISIONS

SEC. 301. REGULATORY AUTHORITY.

President. Deadlines. 50 USC 1701 note.

(a) IN GENERAL.—The President shall, not later than 180 days after the date of the enactment of this Act, prescribe regulations as necessary for the implementation of this Act and the amendments made by this Act.

(b) NOTIFICATION TO CONGRESS.—Not later than 10 days before the prescription of regulations under subsection (a), the President shall notify the appropriate congressional committees regarding the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 302. IMPLEMENTATION; PENALTIES; JUDICIAL REVIEW; EXEMPTIONS; RULE OF CONSTRUCTION; EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—Title I of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note), as amended by sections 103 and 104 of this Act, is further amended by adding at the end the following:

"SEC. 105. IMPLEMENTATION; PENALTIES; JUDICIAL REVIEW; EXEMPTIONS; RULE OF CONSTRUCTION.

"(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out sections 101, 102, 103, and 201 of this Act.

"(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of

Applicability.

regulations prescribed to carry out section 101, 102, 103, or 201 of this Act to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

"(c) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

"(1) IN GENERAL.—If a finding under section 101, 102, 103, or 201 of this Act, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court ex parte and in camera.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under section 101, 102, 103, or 201 of this Act, or any prohibition, condition, or penalty imposed as a result of any such finding.

"(d) EXEMPTIONS.—The following activities shall be exempt from sections 101, 102, 103, and 201 of this Act:

"(1) Any authorized intelligence, law enforcement, or national security activities of the United States.

"(2) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United States, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or any other United States international agreement.

"(e) RULE OF CONSTRUCTION.—Nothing in section 101, 102, 103, or 201 of this Act shall be construed to limit the authority of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or under any other provision of law.

"(f) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

"(1) IN GENERAL.—The authorities and requirements to impose sanctions under this Act shall not include the authority or requirement to impose sanctions on the importation of goods.

"(2) DEFINITION.—In this subsection, the term 'good' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.".

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015, as amended by this Act, is further amended by inserting after the item relating to section 104, as added by section 104(b) of this Act, the following new item:

"Sec. 105. Implementation; penalties; judicial review; exemptions; rule of construction.".

(c) CONFORMING AMENDMENTS.—Section 102 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking paragraphs (3) and (4);

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

SEC. 303. REPORT CONSOLIDATION AND MODIFICATION.

(a) IN GENERAL.—Any and all reports required to be submitted to Congress under this Act or the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to Congress pursuant to such deadline.

(b) MATTERS TO BE INCLUDED.—Any report that is consolidated into a single report as described in subsection (a) shall contain all information required under this Act or the Hizballah International Financing Prevention Act of 2015 in addition to all other elements required by previous law.

(c) REPORTS MODIFICATION.—The North Korea Sanctions and Policy Enhancement Act of 2016 is amended as follows:

(1) In section 209(a)(3)(A) (22 U.S.C. 9229(a)(3)(A)), by striking "not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter" and inserting "not later than 90 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, and every 180 days thereafter for 5 years".

(2) In section 302(a) (22 U.S.C. 9241(a)), by striking "Not later than 180 days after the date of the enactment of this Act" and inserting "Not later than 120 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, and periodically thereafter".

Approved October 25, 2018.

LEGISLATIVE HISTORY—S. 1595 (H.R. 3329):

HOUSE REPORTS: No. 115–366, Pt. 1 (Comm. on Foreign Affairs) accompanying H.R. 3329.

CONGRESSIONAL RECORD:

Vol. 163 (2017): Oct. 5, considered and passed Senate.

Vol. 164 (2018): Sept. 25, considered and passed House, amended.
Oct. 11, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 25, Presidential statement.

Public Law 115–273
115th Congress

An Act

To direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes.

Oct. 31, 2018
[H.R. 6758]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018.
15 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018" or the "SUCCESS Act".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Patents and other forms of intellectual property are important engines of innovation, invention, and economic growth.

(2) Many innovative small businesses, which create over 20 percent of the total number of new jobs created in the United States each year, depend on patent protections to commercialize new technologies.

(3) Universities and their industry partners also rely on patent protections to transfer innovative new technologies from the laboratory or classroom to commercial use.

(4) Recent studies have shown that there is a significant gap in the number of patents applied for and obtained by women and minorities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States has the responsibility to work with the private sector to close the gap in the number of patents applied for and obtained by women and minorities to harness the maximum innovative potential and continue to promote United States leadership in the global economy.

SEC. 3. REPORT.

(a) STUDY.—The Director, in consultation with the Administrator and any other head of an appropriate agency, shall conduct a study that—

(1) identifies publicly available data on the number of patents annually applied for and obtained by, and the benefits of increasing the number of patents applied for and obtained

by women, minorities, and veterans and small businesses owned by women, minorities, and veterans; and

(2) provides legislative recommendations for how to—

(A) promote the participation of women, minorities, and veterans in entrepreneurship activities; and

(B) increase the number of women, minorities, and veterans who apply for and obtain patents.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Committees on the Judiciary and Small Business of the House of Representatives and the Committees on the Judiciary and Small Business and Entrepreneurship of the Senate a report on the results of the study conducted under subsection (a).

SEC. 4. EXTENSION OF FEE-SETTING AUTHORITY.

Section 10(i)(2) of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 319; 35 U.S.C. 41 note) is amended by striking "7-year" and inserting "15-year".

SEC. 5. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration.

(2) AGENCY.—The term "agency" means a department, agency, or instrumentality of the United States Government.

(3) DIRECTOR.—The term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Approved October 31, 2018.

LEGISLATIVE HISTORY—H.R. 6758:

HOUSE REPORTS: No. 115–966 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed House.
Oct. 11, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Oct. 31, Presidential statement.

Public Law 115–274
115th Congress

An Act

Oct. 31, 2018
[H.R. 6896]

To provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States Parole Commission Extension Act of 2018.
34 USC 10101 note.
18 USC 3551 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Parole Commission Extension Act of 2018".

SEC. 2. AMENDMENT OF SENTENCING REFORM ACT OF 1984.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "31 years" or "31-year period" shall be deemed a reference to "33 years" or "33-year period", respectively.

SEC. 3. PAROLE COMMISSION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the United States Parole Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the following for fiscal year 2018:

(1) The number of offenders in each type of case over which the Commission has jurisdiction, including the number of Sexual or Violent Offender Registry offenders and Tier Levels offenders.

(2) The number of hearings, record reviews and National Appeals Board considerations conducted by the Commission in each type of case over which the Commission has jurisdiction.

(3) The number of hearings conducted by the Commission by type of hearing in each type of case over which the Commission has jurisdiction.

(4) The number of record reviews conducted by the Commission by type of consideration in each type of case over which the Commission has jurisdiction.

(5) The number of warrants issued and executed compared to the number requested in each type of case over which the Commission has jurisdiction.

(6) The number of revocation determinations by the Commission in each type of case over which the Commission has jurisdiction.

(7) The distribution of initial offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction.

(8) The distribution of subsequent offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction.

(9) The percentage of offenders paroled or re-paroled compared with the percentage of offenders continued to expiration of sentence (less any good time) in each type of case over which the Commission has jurisdiction.

(10) The percentage of cases (except probable cause hearings and hearings in which a continuance was ordered) in which the primary and secondary examiner disagreed on the appropriate disposition of the case (the amount of time to be served before release), the release conditions to be imposed, or the reasons for the decision in each type of case over which the Commission has jurisdiction.

(11) The percentage of decisions within, above, or below the Commission's decision guidelines for Federal initial hearings (28 CFR 2.20) and Federal and D.C. Code revocation hearings (28 CFR 2.21).

(12) The percentage of revocation and non-revocation hearings in which the offender is accompanied by a representative in each type of case over which the Commission has jurisdiction.

(13) The number of administrative appeals and the action of the National Appeals Board in relation to those appeals in each type of case over which the Commission has jurisdiction.

(14) The projected number of Federal offenders that will be under the Commission's jurisdiction as of October 31, 2021.

(15) An estimate of the date on which no Federal offenders will remain under the Commission's jurisdiction.

(16) The Commission's annual expenditures for offenders in each type of case over which the Commission has jurisdiction.

(17) The annual expenditures of the Commission, including travel expenses and the annual salaries of the members and staff of the Commission.

(b) SUCCEEDING FISCAL YEARS.—For each of fiscal years 2019 through 2021, not later than 90 days after the end of the fiscal year, the United States Parole Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the items in paragraphs (1) through (17) of subsection (a), for the fiscal year.

(c) DISTRICT OF COLUMBIA PAROLE FAILURE RATE REPORT.—Not later than 180 days after the date of enactment of this Act, the United States Parole Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the following:

(1) The parole failure rate for the District of Columbia for the last full fiscal year immediately preceding the date of the report.

(2) The factors that cause that parole failure rate.

(3) Remedial measures that might be undertaken to reduce that parole failure rate.

SEC. 4. PRISON RAPE ELIMINATION STANDARDS AUDITORS.

Section 8(e)(8) of the Prison Rape Elimination Act of 2003 (34 U.S.C. 30307(e)(8)) is amended to read as follows:

"(8) STANDARDS FOR AUDITORS.—

"(A) IN GENERAL.—

"(i) BACKGROUND CHECKS FOR AUDITORS.—An individual seeking certification by the Department of Justice to serve as an auditor of prison compliance with the national standards described in subsection (a) shall, upon request, submit fingerprints in the manner determined by the Attorney General for criminal history record checks of the applicable State and Federal Bureau of Investigation repositories.

"(ii) CERTIFICATION AGREEMENTS.—Each auditor certified under this paragraph shall sign a certification agreement that includes the provisions of, or provisions that are substantially similar to, the Bureau of Justice Assistance's Auditor Certification Agreement in use in April 2018.

"(iii) AUDITOR EVALUATION.—The PREA Management Office of the Bureau of Justice Assistance shall evaluate all auditors based on the criteria contained in the certification agreement. In the case that an auditor fails to comply with a certification agreement or to conduct audits in accordance with the PREA Auditor Handbook, audit methodology, and instrument approved by the PREA Management Office, the Office may take remedial or disciplinary action, as appropriate, including decertifying the auditor in accordance with subparagraph (B).

"(B) AUDITOR DECERTIFICATION.—

"(i) IN GENERAL.—The PREA Management Office may suspend an auditor's certification during an evaluation of an auditor's performance under subparagraph (A)(iii). The PREA Management Office shall promptly publish the names of auditors who have been decertified, and the reason for decertification. Auditors who have been decertified or are on suspension may not participate in audits described in subsection (a), including as an agent of a certified auditor.

"(ii) NOTIFICATION.—In the case that an auditor is decertified, the PREA Management Office shall inform each facility or agency at which the auditor performed an audit during the relevant 3-year audit cycle, and may recommend that the agency repeat any affected audits, if appropriate.

"(C) AUDIT ASSIGNMENTS.—The PREA Management Office shall establish a system, to be administered by the Office, for assigning certified auditors to Federal, State, and local facilities.

Compliance.

"(D) DISCLOSURE OF DOCUMENTATION.—The Director of the Bureau of Prisons shall comply with each request for documentation necessary to conduct an audit under subsection (a), which is made by a certified auditor in accordance with the provisions of the certification agreement described in subparagraph (A)(ii). The Director of the Bureau of Prisons may require an auditor to sign a confidentiality agreement or other agreement designed to address the auditor's use of personally identifiable information, except that such an agreement may not limit an auditor's ability to provide all such documentation to

the Department of Justice, as required under section 115.401(j) of title 28, Code of Federal Regulations.".

Approved October 31, 2018.

LEGISLATIVE HISTORY—H.R. 6896:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 28, considered and passed House.
Oct. 11, considered and passed Senate.

Public Law 115–275
115th Congress

An Act

Nov. 3, 2018
[H.R. 1037]

To authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

40 USC 8903 note.

SECTION 1. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) IN GENERAL.—The National Emergency Medical Services Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the commitment and service represented by emergency medical services.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL FOUNDATION.—The National Emergency Medical Services Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If upon payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) ON EXPIRATION OF AUTHORITY.—If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Foundation shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator (as appropriate) following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts

established under 8906(b)(2) or (3) of title 40, United States Code.

Approved November 3, 2018.

LEGISLATIVE HISTORY—H.R. 1037 (S. 1692):

HOUSE REPORTS: No. 115–669 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–249 (Comm. on Energy and Natural Resources) accompanying S. 1692.
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 17, 18, considered and passed House.
Oct. 11, considered and passed Senate.

Public Law 115–276
115th Congress

An Act

Nov. 3, 2018
[H.R. 3834]

To provide that members of public safety agencies who died of 9/11-related health conditions are eligible for the Presidential 9/11 Heroes Medal of Valor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

9/11 Heroes Medal of Valor Act of 2017.
31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "9/11 Heroes Medal of Valor Act of 2017".

SEC. 2. MEMBERS OF PUBLIC SAFETY AGENCIES WHO SUBSEQUENTLY DIED OF 9/11-RELATED HEALTH CONDITIONS ELIGIBLE FOR PRESIDENTIAL 9/11 HEROES MEDAL OF VALOR.

An individual who was a public safety officer (as defined in section 5 of the Public Safety Officer Medal of Valor Act of 2001) who—

(1) participated in the response at any point during the period beginning on September 11, 2001, and ending on July 31, 2002, to the terrorist attacks on the World Trade Center, the terrorist attack on the Pentagon, or the terrorist attack that resulted in the crash of the fourth airplane in Pennsylvania; and

(2) died as a result of such participation thereafter as a result of a WTC-related health condition (which term shall have the meaning given such term in section 3312 of the Public Health Service Act (42 U.S.C. 300mm–22) with respect to a WTC responder),

shall be eligible for the 9/11 Heroes Medal of Valor referred to in subsection (a) of section 124 of the Consolidated Appropriations Act, 2005, in the same manner and to the same extent as any individual who is otherwise eligible under such section, except that no requirement under such section pertaining to the death of that individual shall apply.

Approved November 3, 2018.

LEGISLATIVE HISTORY—H.R. 3834:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed House.
Oct. 11, considered and passed Senate.

Public Law 115–277
115th Congress

An Act

To rename the Stop Trading on Congressional Knowledge Act of 2012 in honor of Representative Louise McIntosh Slaughter.

Nov. 3, 2018
[H.R. 6870]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING.

5 USC app. 101 note.

(a) SHORT TITLE.—Section 1 of the Stop Trading on Congressional Knowledge Act of 2012 is amended by striking "Stop Trading on Congressional Knowledge Act of 2012" and inserting "Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act".

(b) CONFORMING AMENDMENT.—Section 103(i)(2) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(i)(2)) is amended by striking "Stop Trading on Congressional Knowledge Act of 2012" and inserting "STOCK Act".

Approved November 3, 2018.

LEGISLATIVE HISTORY—H.R. 6870:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 28, considered and passed House.
Oct. 11, considered and passed Senate.

Public Law 115–278
115th Congress

An Act

Nov. 16, 2018
[H.R. 3359]

To amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Cybersecurity and Infrastructure Security Agency Act of 2018.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cybersecurity and Infrastructure Security Agency Act of 2018".

SEC. 2. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

"Subtitle A—Cybersecurity and Infrastructure Security

6 USC 651.

"SEC. 2201. DEFINITIONS.

"In this subtitle:

"(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' has the meaning given the term in section 2222.

"(2) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given the term in section 2209.

"(3) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 102(5) of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501)).

"(4) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

"(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

"(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

"(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

"(D) facilitating information sharing and operational coordination with threat response; and

"(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

"(5) SECTOR-SPECIFIC AGENCY.—The term 'Sector-Specific Agency' means a Federal department or agency, designated by law or presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

"(6) SHARING.—The term 'sharing' has the meaning given the term in section 2209.

"SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

6 USC 652.

"(a) REDESIGNATION.—

"(1) IN GENERAL.—The National Protection and Programs Directorate of the Department shall, on and after the date of the enactment of this subtitle, be known as the 'Cybersecurity and Infrastructure Security Agency' (in this subtitle referred to as the 'Agency').

"(2) REFERENCES.—Any reference to the National Protection and Programs Directorate of the Department in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Cybersecurity and Infrastructure Security Agency of the Department.

"(b) DIRECTOR.—

"(1) IN GENERAL.—The Agency shall be headed by a Director of Cybersecurity and Infrastructure Security (in this subtitle referred to as the 'Director'), who shall report to the Secretary.

"(2) REFERENCE.—Any reference to an Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and any other related program of the Department as described in section 103(a)(1)(H) as in effect on the day before the date of enactment of this subtitle in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Director of Cybersecurity and Infrastructure Security of the Department.

"(c) RESPONSIBILITIES.—The Director shall— Coordination.

"(1) lead cybersecurity and critical infrastructure security programs, operations, and associated policy for the Agency, including national cybersecurity asset response activities;

"(2) coordinate with Federal entities, including Sector-Specific Agencies, and non-Federal entities, including international entities, to carry out the cybersecurity and critical infrastructure activities of the Agency, as appropriate;

"(3) carry out the responsibilities of the Secretary to secure Federal information and information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained

in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113));

"(4) coordinate a national effort to secure and protect against critical infrastructure risks, consistent with subsection (e)(1)(E);

"(5) upon request, provide analyses, expertise, and other technical assistance to critical infrastructure owners and operators and, where appropriate, provide those analyses, expertise, and other technical assistance in coordination with Sector-Specific Agencies and other Federal departments and agencies;

Collaboration.

"(6) develop and utilize mechanisms for active and frequent collaboration between the Agency and Sector-Specific Agencies to ensure appropriate coordination, situational awareness, and communications with Sector-Specific Agencies;

Consultation.
Collaboration.

"(7) maintain and utilize mechanisms for the regular and ongoing consultation and collaboration among the Divisions of the Agency to further operational coordination, integrated situational awareness, and improved integration across the Agency in accordance with this Act;

"(8) develop, coordinate, and implement—

Strategic plans.

"(A) comprehensive strategic plans for the activities of the Agency; and

Risk assessments.

"(B) risk assessments by and for the Agency;

"(9) carry out emergency communications responsibilities, in accordance with title XVIII;

"(10) carry out cybersecurity, infrastructure security, and emergency communications stakeholder outreach and engagement and coordinate that outreach and engagement with critical infrastructure Sector-Specific Agencies, as appropriate; and

"(11) carry out such other duties and powers prescribed by law or delegated by the Secretary.

"(d) DEPUTY DIRECTOR.—There shall be in the Agency a Deputy Director of Cybersecurity and Infrastructure Security who shall—

"(1) assist the Director in the management of the Agency; and

"(2) report to the Director.

"(e) CYBERSECURITY AND INFRASTRUCTURE SECURITY AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The responsibilities of the Secretary relating to cybersecurity and infrastructure security shall include the following:

"(A) To access, receive, and analyze law enforcement information, intelligence information, and other information from Federal Government agencies, State, local, tribal, and territorial government agencies, including law enforcement agencies, and private sector entities, and to integrate that information, in support of the mission responsibilities of the Department, in order to—

"(i) identify and assess the nature and scope of terrorist threats to the homeland;

"(ii) detect and identify threats of terrorism against the United States; and

"(iii) understand those threats in light of actual and potential vulnerabilities of the homeland.

Assessments.

"(B) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of

risk assessments to determine the risks posed by particular types of terrorist attacks within the United States, including an assessment of the probability of success of those attacks and the feasibility and potential efficacy of various countermeasures to those attacks. At the discretion of the Secretary, such assessments may be carried out in coordination with Sector-Specific Agencies.

"(C) To integrate relevant information, analysis, and vulnerability assessments, regardless of whether the information, analysis, or assessments are provided or produced by the Department, in order to make recommendations, including prioritization, for protective and support measures by the Department, other Federal Government agencies, State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities regarding terrorist and other threats to homeland security. Recommendations.

"(D) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this title, including obtaining that information from other Federal Government agencies.

"(E) To develop, in coordination with the Sector-Specific Agencies with available expertise, a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency communications systems, and the physical and technological assets that support those systems. Coordination. Plan.

"(F) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other Federal Government agencies, including Sector-Specific Agencies, and in cooperation with State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities. Recommendations.

"(G) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information relating to homeland security within the Federal Government and between Federal Government agencies and State, local, tribal, and territorial government agencies and authorities. Review. Analysis. Recommendations.

"(H) To disseminate, as appropriate, information analyzed by the Department within the Department to other Federal Government agencies with responsibilities relating to homeland security and to State, local, tribal, and territorial government agencies and private sector entities with those responsibilities in order to assist in the deterrence, prevention, or preemption of, or response to, terrorist attacks against the United States.

"(I) To consult with State, local, tribal, and territorial government agencies and private sector entities to ensure appropriate exchanges of information, including law Consultation.

enforcement-related information, relating to threats of terrorism against the United States.

"(J) To ensure that any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties.

"(K) To request additional information from other Federal Government agencies, State, local, tribal, and territorial government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain such information.

"(L) To establish and utilize, in conjunction with the Chief Information Officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

Coordination.

"(M) To coordinate training and other support to the elements and personnel of the Department, other Federal Government agencies, and State, local, tribal, and territorial government agencies that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

Coordination.

"(N) To coordinate with Federal, State, local, tribal, and territorial law enforcement agencies, and the private sector, as appropriate.

"(O) To exercise the authorities and oversight of the functions, personnel, assets, and liabilities of those components transferred to the Department pursuant to section 201(g).

"(P) To carry out the functions of the national cybersecurity and communications integration center under section 2209.

"(Q) To carry out the requirements of the Chemical Facility Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium nitrate program established under subtitle J of title VIII, or any successor programs.

Certification.
Briefing.
Public information.
Time period.

"(2) REALLOCATION.—The Secretary may reallocate within the Agency the functions specified in sections 2203(b) and 2204(b), consistent with the responsibilities provided in paragraph (1), upon certifying to and briefing the appropriate congressional committees, and making available to the public, at least 60 days prior to the reallocation that the reallocation is necessary for carrying out the activities of the Agency.

"(3) STAFF.—

"(A) IN GENERAL.—The Secretary shall provide the Agency with a staff of analysts having appropriate expertise and experience to assist the Agency in discharging the responsibilities of the Agency under this section.

"(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

"(C) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

"(4) DETAIL OF PERSONNEL.—

"(A) IN GENERAL.—In order to assist the Agency in discharging the responsibilities of the Agency under this section, personnel of the Federal agencies described in subparagraph (B) may be detailed to the Agency for the performance of analytic functions and related duties.

"(B) AGENCIES.—The Federal agencies described in this subparagraph are—

"(i) the Department of State;

"(ii) the Central Intelligence Agency;

"(iii) the Federal Bureau of Investigation;

"(iv) the National Security Agency;

"(v) the National Geospatial-Intelligence Agency;

"(vi) the Defense Intelligence Agency;

"(vii) Sector-Specific Agencies; and

"(viii) any other agency of the Federal Government that the President considers appropriate.

"(C) INTERAGENCY AGREEMENTS.—The Secretary and the head of a Federal agency described in subparagraph (B) may enter into agreements for the purpose of detailing personnel under this paragraph.

"(D) BASIS.—The detail of personnel under this paragraph may be on a reimbursable or non-reimbursable basis.

"(f) COMPOSITION.—The Agency shall be composed of the following divisions:

"(1) The Cybersecurity Division, headed by an Assistant Director.

"(2) The Infrastructure Security Division, headed by an Assistant Director.

"(3) The Emergency Communications Division under title XVIII, headed by an Assistant Director.

"(g) CO-LOCATION.—

"(1) IN GENERAL.—To the maximum extent practicable, the Director shall examine the establishment of central locations in geographical regions with a significant Agency presence.

"(2) COORDINATION.—When establishing the central locations described in paragraph (1), the Director shall coordinate with component heads and the Under Secretary for Management to co-locate or partner on any new real property leases, renewing any occupancy agreements for existing leases, or agreeing to extend or newly occupy any Federal space or new construction.

"(h) PRIVACY.—

"(1) IN GENERAL.—There shall be a Privacy Officer of the Agency with primary responsibility for privacy policy and compliance for the Agency.

"(2) RESPONSIBILITIES.—The responsibilities of the Privacy Officer of the Agency shall include— Personal information.

"(A) assuring that the use of technologies by the Agency sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

"(B) assuring that personal information contained in systems of records of the Agency is handled in full compliance as specified in section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974');

Evaluation.

"(C) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Agency; and

Assessment.

"(D) conducting a privacy impact assessment of proposed rules of the Agency on the privacy of personal information, including the type of personal information collected and the number of people affected.

"(i) SAVINGS.—Nothing in this title may be construed as affecting in any manner the authority, existing on the day before the date of enactment of this title, of any other component of the Department or any other Federal department or agency, including the authority provided to the Sector-Specific Agency specified in section 61003(c) of division F of the Fixing America's Surface Transportation Act (6 U.S.C. 121 note; Public Law 114–94).

6 USC 653.

"SEC. 2203. CYBERSECURITY DIVISION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established in the Agency a Cybersecurity Division.

"(2) ASSISTANT DIRECTOR.—The Cybersecurity Division shall be headed by an Assistant Director for Cybersecurity (in this section referred to as the 'Assistant Director'), who shall—

"(A) be at the level of Assistant Secretary within the Department;

Appointment.
President.

"(B) be appointed by the President without the advice and consent of the Senate; and

"(C) report to the Director.

"(3) REFERENCE.—Any reference to the Assistant Secretary for Cybersecurity and Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Cybersecurity.

"(b) FUNCTIONS.—The Assistant Director shall—

"(1) direct the cybersecurity efforts of the Agency;

"(2) carry out activities, at the direction of the Director, related to the security of Federal information and Federal information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113));

"(3) fully participate in the mechanisms required under section 2202(c)(7); and

"(4) carry out such other duties and powers as prescribed by the Director.

6 USC 654.

"SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established in the Agency an Infrastructure Security Division.

"(2) ASSISTANT DIRECTOR.—The Infrastructure Security Division shall be headed by an Assistant Director for Infrastructure Security (in this section referred to as the 'Assistant Director'), who shall—

"(A) be at the level of Assistant Secretary within the Department;

"(B) be appointed by the President without the advice and consent of the Senate; and Appointment. President.

"(C) report to the Director.

"(3) REFERENCE.—Any reference to the Assistant Secretary for Infrastructure Protection in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Infrastructure Security.

"(b) FUNCTIONS.—The Assistant Director shall—

"(1) direct the critical infrastructure security efforts of the Agency;

"(2) carry out, at the direction of the Director, the Chemical Facilities Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium nitrate program established under subtitle J of title VIII, or any successor programs;

"(3) fully participate in the mechanisms required under section 2202(c)(7); and

"(4) carry out such other duties and powers as prescribed by the Director.".

(b) TREATMENT OF CERTAIN POSITIONS.—

(1) UNDER SECRETARY.—The individual serving as the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Director of Cybersecurity and Infrastructure Security of the Department on and after such date. 6 USC 652 note.

(2) DIRECTOR FOR EMERGENCY COMMUNICATIONS.—The individual serving as the Director for Emergency Communications of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Emergency Communications of the Department on and after such date. 6 USC 571 note.

(3) ASSISTANT SECRETARY FOR CYBERSECURITY AND COMMUNICATIONS.—The individual serving as the Assistant Secretary for Cybersecurity and Communications on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Cybersecurity on and after such date. 6 USC 653 note.

(4) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—The individual serving as the Assistant Secretary for Infrastructure Protection on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Infrastructure Security on and after such date. 6 USC 654 note.

(c) REFERENCE.—Any reference to— 6 USC 571 note.

(1) the Office of Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Emergency Communications Division; and

(2) the Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Emergency Communications.

(d) OVERSIGHT.—The Director of Cybersecurity and Infrastructure Security of the Department of Homeland Security shall provide Deadlines.

to Congress, in accordance with the deadlines specified in paragraphs (1) through (6), information on the following:

Briefing.

(1) Not later than 60 days after the date of enactment of this Act, a briefing on the activities of the Agency relating to the development and use of the mechanisms required pursuant to section 2202(c)(6) of the Homeland Security Act of 2002 (as added by subsection (a)).

Briefing.

(2) Not later than 1 year after the date of the enactment of this Act, a briefing on the activities of the Agency relating to the use and improvement by the Agency of the mechanisms required pursuant to section 2202(c)(6) of the Homeland Security Act of 2002 and how such activities have impacted coordination, situational awareness, and communications with Sector-Specific Agencies.

(3) Not later than 90 days after the date of the enactment of this Act, information on the mechanisms of the Agency for regular and ongoing consultation and collaboration, as required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002 (as added by subsection (a)).

(4) Not later than 1 year after the date of the enactment of this Act, information on the activities of the consultation and collaboration mechanisms of the Agency as required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002, and how such mechanisms have impacted operational coordination, situational awareness, and integration across the Agency.

(5) Not later than 180 days after the date of enactment of this Act, information, which shall be made publicly available and updated as appropriate, on the mechanisms and structures of the Agency responsible for stakeholder outreach and engagement, as required under section 2202(c)(10) of the Homeland Security Act of 2002 (as added by subsection (a)).

Coordination.
Reports.

(e) CYBER WORKFORCE.—Not later than 90 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in coordination with the Director of the Office of Personnel Management, shall submit to Congress a report detailing how the Agency is meeting legislative requirements under the Cybersecurity Workforce Assessment Act (Public Law 113–246; 128 Stat. 2880) and the Homeland Security Cybersecurity Workforce Assessment Act (enacted as section 4 of the Border Patrol Agent Pay Reform Act of 2014; Public Law 113–277) to address cyber workforce needs.

Reports.

(f) FACILITY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall report to Congress on the most efficient and effective methods of consolidating Agency facilities, personnel, and programs to most effectively carry out the Agency's mission.

(g) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 103(a)(1)(H) (6 U.S.C. 113(a)(1)(H)) to read as follows:

"(H) A Director of the Cybersecurity and Infrastructure Security Agency.";

(2) in title II (6 U.S.C. 121 et seq.)—

(A) in the title heading, by striking "**AND INFRASTRUCTURE PROTECTION**";

(B) in the subtitle A heading, by striking "**and Infrastructure Protection**";

(C) in section 201 (6 U.S.C. 121)—

(i) in the section heading, by striking "**AND INFRASTRUCTURE PROTECTION**";

(ii) in subsection (a)—

(I) in the subsection heading, by striking "AND INFRASTRUCTURE PROTECTION"; and

(II) by striking "and an Office of Infrastructure Protection";

(iii) in subsection (b)—

(I) in the subsection heading, by striking "AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION"; and

(II) by striking paragraph (3);

(iv) in subsection (c)—

(I) by striking "and infrastructure protection"; and

(II) by striking "or the Assistant Secretary for Infrastructure Protection, as appropriate";

(v) in subsection (d)—

(I) in the subsection heading, by striking "AND INFRASTRUCTURE PROTECTION";

(II) in the matter preceding paragraph (1), by striking "and infrastructure protection";

(III) by striking paragraphs (5), (6), and (25);

(IV) by redesignating paragraphs (7) through (24) as paragraphs (5) through (22), respectively;

(V) by redesignating paragraph (26) as paragraph (23); and

(VI) in paragraph (23)(B)(i), as so redesignated, by striking "section 319" and inserting "section 320";

(vi) in subsection (e)(1), by striking "and the Office of Infrastructure Protection"; and

(vii) in subsection (f)(1), by striking "and the Office of Infrastructure Protection";

(D) in section 202 (6 U.S.C. 122)—

(i) in subsection (c), in the matter preceding paragraph (1), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(ii) in subsection (d)(2), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(E) in section 204 (6 U.S.C. 124a)—

(i) in subsection (c)(1), in the matter preceding subparagraph (A), by striking "Assistant Secretary for Infrastructure Protection" and inserting "Director of the Cybersecurity and Infrastructure Security Agency"; and

(ii) in subsection (d)(1), in the matter preceding subparagraph (A), by striking "Assistant Secretary for Infrastructure Protection" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(F) in section 210A(c)(2)(B) (6 U.S.C. 124h(c)(2)(B)), by striking "Office of Infrastructure Protection" and

inserting "Cybersecurity and Infrastructure Security Agency";

(G) by redesignating section 210E (6 U.S.C. 124l) as section 2214 and transferring such section to appear after section 2213 (as redesignated by subparagraph (I)); 6 USC 664.

(H) in subtitle B, by redesignating sections 211 through 215 (6 U.S.C. 101 note, and 131 through 134) as sections 2221 through 2225, respectively, and transferring such subtitle, including the enumerator and heading of subtitle B and such sections, to appear after section 2214 (as redesignated by subparagraph (G)); 6 USC 671–674.

(I) by redesignating sections 223 through 230 (6 U.S.C. 143 through 151) as sections 2205 through 2213, respectively, and transferring such sections to appear after section 2204, as added by this Act; 6 USC 655–663.

(J) by redesignating section 210F as section 210E; and 6 USC 124m.

(K) by redesignating subtitles C and D as subtitles B and C, respectively;

(3) in title III (6 U.S.C. 181 et seq.)—

(A) in section 302 (6 U.S.C. 182)—

(i) by striking "biological,," each place that term appears and inserting "biological,"; and

(ii) in paragraph (3), by striking "Assistant Secretary for Infrastructure Protection" and inserting "Director of the Cybersecurity and Infrastructure Security Agency";

(B) by redesignating the second section 319 (6 U.S.C. 195f) (relating to EMP and GMD mitigation research and development) as section 320; and

(C) in section 320(c)(1), as so redesignated, by striking "Section 214" and inserting "Section 2224";

(4) in title V (6 U.S.C. 311 et seq.)—

(A) in section 508(d)(2)(D) (6 U.S.C. 318(d)(2)(D)), by striking "The Director of the Office of Emergency Communications of the Department of Homeland Security" and inserting "The Assistant Director for Emergency Communications";

(B) in section 514 (6 U.S.C. 321c)—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b); and

(C) in section 523 (6 U.S.C. 321l)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "Assistant Secretary for Infrastructure Protection" and inserting "Director of Cybersecurity and Infrastructure Security"; and

(ii) in subsection (c), by striking "Assistant Secretary for Infrastructure Protection" and inserting "Director of Cybersecurity and Infrastructure Security";

(5) in title VIII (6 U.S.C. 361 et seq.)—

(A) in section 884(d)(4)(A)(ii) (6 U.S.C. 464(d)(4)(A)(ii)), by striking "Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department" and inserting "Director of Cybersecurity and Infrastructure Security"; and

(B) in section 899B(a) (6 U.S.C. 488a(a)), by adding at the end the following: "Such regulations shall be carried out by the Cybersecurity and Infrastructure Security Agency.";

(6) in title XVIII (6 U.S.C. 571 et seq.)—

(A) in section 1801 (6 U.S.C. 571)—

(i) in the section heading, by striking "**OFFICE OF EMERGENCY COMMUNICATIONS**" and inserting "**EMERGENCY COMMUNICATIONS DIVISION**";

(ii) in subsection (a)—

(I) by striking "Office of Emergency Communications" and inserting "Emergency Communications Division"; and

(II) by adding at the end the following: "The Division shall be located in the Cybersecurity and Infrastructure Security Agency.";

(iii) by amending subsection (b) to read as follows:

"(b) ASSISTANT DIRECTOR.—The head of the Division shall be the Assistant Director for Emergency Communications. The Assistant Director shall report to the Director of Cybersecurity and Infrastructure Security. All decisions of the Assistant Director that entail the exercise of significant authority shall be subject to the approval of the Director of Cybersecurity and Infrastructure Security.";

(iv) in subsection (c)—

(I) in the matter preceding paragraph (1), by inserting "Assistant" before "Director";

(II) in paragraph (14), by striking "and" at the end;

(III) in paragraph (15), by striking the period at the end and inserting "; and"; and

(IV) by inserting after paragraph (15) the following:

"(16) fully participate in the mechanisms required under section 2202(c)(7).";

(v) in subsection (d), in the matter preceding paragraph (1), by inserting "Assistant" before "Director"; and

(vi) in subsection (e), in the matter preceding paragraph (1), by inserting "Assistant" before "Director";

(B) in sections 1802 through 1805 (6 U.S.C. 572 through 575), by striking "Director for Emergency Communications" each place that term appears and inserting "Assistant Director for Emergency Communications";

(C) in section 1809 (6 U.S.C. 579)—

(i) by striking "Director of Emergency Communications" each place that term appears and inserting "Assistant Director for Emergency Communications";

(ii) in subsection (b)—

(I) by striking "Director for Emergency Communications" and inserting "Assistant Director for Emergency Communications"; and

(II) by striking "Office of Emergency Communications" and inserting "Emergency Communications Division";

(iii) in subsection (e)(3), by striking "the Director" and inserting "the Assistant Director"; and

(iv) in subsection (m)(1)—

(I) by striking "The Director" and inserting "The Assistant Director";

(II) by striking "the Director determines" and inserting "the Assistant Director determines"; and

(III) by striking "Office of Emergency Communications" and inserting "Cybersecurity and Infrastructure Security Agency";

(D) in section 1810 (6 U.S.C. 580)—

(i) in subsection (a)(1), by striking "Director of the Office of Emergency Communications (referred to in this section as the 'Director')" and inserting "Assistant Director for Emergency Communications (referred to in this section as the 'Assistant Director')";

(ii) in subsection (c), by striking "Office of Emergency Communications" and inserting "Emergency Communications Division"; and

(iii) by striking "Director" each place that term appears and inserting "Assistant Director";

(7) in title XX (6 U.S.C. 601 et seq.)—

(A) in paragraph (4)(A)(iii)(II) of section 2001 (6 U.S.C. 601), by striking "section 210E(a)(2)" and inserting "section 2214(a)(2)";

(B) in section 2008(a)(3) (6 U.S.C. 609(a)(3)), by striking "section 210E(a)(2)" and inserting "section 2214(a)(2)"; and

(C) in section 2021 (6 U.S.C. 611)—

(i) by striking subsection (c); and

(ii) by redesignating subsection (d) as subsection (c);

(8) in title XXI (6 U.S.C. 621 et seq.)—

(A) in section 2102(a)(1) (6 U.S.C. 622(a)(1)), by inserting ", which shall be located in the Cybersecurity and Infrastructure Security Agency" before the period at the end; and

(B) in section 2104(c)(2) (6 U.S.C. 624(c)(2)), by striking "Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department appointed under section 103(a)(1)(H)" and inserting "Director of Cybersecurity and Infrastructure Security"; and

(9) in title XXII, as added by this Act—

(A) in subtitle A—

(i) in section 2205, as so redesignated—

(I) in the matter preceding paragraph (1)—

(aa) by striking "section 201" and inserting "section 2202"; and

(bb) by striking "Under Secretary appointed under section 103(a)(1)(H)" and inserting "Director of Cybersecurity and Infrastructure Security"; and

(II) in paragraph (1)(B), by striking "and" at the end;

(ii) in section 2206, as so redesignated, by striking "Assistant Secretary for Infrastructure Protection" and inserting "Director of Cybersecurity and Infrastructure Security";

(iii) in section 2209, as so redesignated—

(I) by striking "Under Secretary appointed under section 103(a)(1)(H)" each place that term appears and inserting "Director";

(II) in subsection (a)(4), by striking "section 212(5)" and inserting "section 2222(5)";

(III) in subsection (b), by adding at the end the following: "The Center shall be located in the Cybersecurity and Infrastructure Security Agency. The head of the Center shall report to the Assistant Director for Cybersecurity."; and

(IV) in subsection (c)(11), by striking "Office of Emergency Communications" and inserting "Emergency Communications Division";

(iv) in section 2210, as so redesignated—

(I) by striking "section 227" each place that term appears and inserting "section 2209"; and

(II) in subsection (c)—

(aa) by striking "Under Secretary appointed under section 103(a)(1)(H)" and inserting "Director of Cybersecurity and Infrastructure Security"; and

(bb) by striking "section 212(5)" and inserting "section 2222(5)";

(v) in section 2211(b)(2)(A), as so redesignated, by striking "the section 227" and inserting "section 2209";

(vi) in section 2212, as so redesignated, by striking "section 212(5)" and inserting "section 2222(5)";

(vii) in section 2213(a), as so redesignated—

(I) in paragraph (3), by striking "section 228" and inserting "section 2210"; and

(II) in paragraph (4), by striking "section 227" and inserting "section 2209"; and

(viii) in section 2214, as so redesignated—

(I) by striking subsection (e); and

(II) by redesignating subsection (f) as subsection (e); and

(B) in subtitle B—

(i) in section 2222(8), as so redesignated, by striking "section 227" and inserting "section 2209"; and

(ii) in section 2224(h), as so redesignated, by striking "section 213" and inserting "section 2223";

(h) TECHNICAL AND CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) CYBERSECURITY ACT OF 2015.—The Cybersecurity Act of 2015 (6 U.S.C. 1501 et seq.) is amended—

(A) in section 202(2) (6 U.S.C. 131 note)—

(i) by striking "section 227" and inserting "section 2209"; and

(ii) by striking ", as so redesignated by section 223(a)(3) of this division";

(B) in section 207(2) (Public Law 114–113; 129 Stat. 2962)—

(i) by striking "section 227" and inserting "section 2209"; and

(ii) by striking ", as redesignated by section 223(a) of this division,";

(C) in section 208 (Public Law 114–113; 129 Stat. 2962), by striking "Under Secretary appointed under section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))" and inserting "Director of Cybersecurity and Infrastructure Security of the Department";

(D) in section 222 (6 U.S.C. 1521)—

(i) in paragraph (2)—

(I) by striking "section 228" and inserting "section 2210"; and

(II) by striking ", as added by section 223(a)(4) of this division"; and

(ii) in paragraph (4)—

(I) by striking "section 227" and inserting "section 2209"; and

(II) by striking ", as so redesignated by section 223(a)(3) of this division";

(E) in section 223(b) (6 U.S.C. 151 note)—

(i) by striking "section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a)" each place that term appears and inserting "section 2213(b)(1) of the Homeland Security Act of 2002"; and

(ii) in paragraph (1)(B), by striking "section 230(b)(2) of the Homeland Security Act of 2002, as added by subsection (a)" and inserting "section 2213(b)(2) of the Homeland Security Act of 2002";

(F) in section 226 (6 U.S.C. 1524)—

(i) in subsection (a)—

(I) in paragraph (1)—

(aa) by striking "section 230" and inserting "section 2213"; and

(bb) by striking ", as added by section 223(a)(6) of this division";

(II) in paragraph (4)—

(aa) by striking "section 228(b)(1)" and inserting "section 2210(b)(1)"; and

(bb) by striking ", as added by section 223(a)(4) of this division"; and

(III) in paragraph (5)—

(aa) by striking "section 230(b)" and inserting "section 2213(b)"; and

(bb) by striking ", as added by section 223(a)(6) of this division"; and

(ii) in subsection (c)(1)(A)(vi)—

(I) by striking "section 230(c)(5)" and inserting "section 2213(c)(5)"; and

(II) by striking ", as added by section 223(a)(6) of this division";

(G) in section 227 (6 U.S.C. 1525)—

(i) in subsection (a)—

(I) by striking "section 230" and inserting "section 2213"; and

(II) by striking ", as added by section 223(a)(6) of this division,"; and

(ii) in subsection (b)—

(I) by striking "section 230(d)(2)" and inserting "section 2213(d)(2)"; and

(II) by striking ", as added by section 223(a)(6) of this division,"; and

(H) in section 404 (6 U.S.C. 1532)—

(i) by striking "Director for Emergency Communications" each place that term appears and inserting "Assistant Director for Emergency Communications"; and

(ii) in subsection (a)—

(I) by striking "section 227" and inserting "section 2209"; and

(II) by striking ", as redesignated by section 223(a)(3) of this division,".

(2) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking "section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a))" and inserting "section 2209(a) of the Homeland Security Act of 2002".

(3) TITLE 5.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(A) in section 5314, by inserting after "Under Secretaries, Department of Homeland Security." the following:

"Director, Cybersecurity and Infrastructure Security Agency."; and

(B) in section 5315, by inserting after "Assistant Secretaries, Department of Homeland Security." the following:

"Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.

"Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency.".

(i) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by striking the item relating to title II and inserting the following:

"TITLE II—INFORMATION ANALYSIS";

(2) by striking the item relating to subtitle A of title II and inserting the following:

"Subtitle A—Information and Analysis; Access to Information";

(3) by striking the item relating to section 201 and inserting the following:

"Sec. 201. Information and analysis.";

(4) by striking the items relating to sections 210E and 210F and inserting the following:

"Sec. 210E. Classified Information Advisory Officer.";

(5) by striking the items relating to subtitle B of title II and sections 211 through 215;

(6) by striking the items relating to section 223 through section 230;

(7) by striking the item relating to subtitle C and inserting the following:

"Subtitle B—Information Security";

(8) by striking the item relating to subtitle D and inserting the following:

"Subtitle C—Office of Science and Technology";

(9) by striking the items relating to sections 317, 319, 318, and 319 and inserting the following:

"Sec. 317. Promoting antiterrorism through international cooperation program.
"Sec. 318. Social media working group.
"Sec. 319. Transparency in research and development.
"Sec. 320. EMP and GMD mitigation research and development.";

(10) by striking the item relating to section 1801 and inserting the following:

"Sec. 1801. Emergency Communications Division."; and

(11) by adding at the end the following:

"TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

"Subtitle A—Cybersecurity and Infrastructure Security

"Sec. 2201. Definitions.
"Sec. 2202. Cybersecurity and Infrastructure Security Agency.
"Sec. 2203. Cybersecurity Division.
"Sec. 2204. Infrastructure Security Division.
"Sec. 2205. Enhancement of Federal and non-Federal cybersecurity.
"Sec. 2206. Net guard.
"Sec. 2207. Cyber Security Enhancement Act of 2002.
"Sec. 2208. Cybersecurity recruitment and retention.
"Sec. 2209. National cybersecurity and communications integration center.
"Sec. 2210. Cybersecurity plans.
"Sec. 2211. Cybersecurity strategy.
"Sec. 2212. Clearances.
"Sec. 2213. Federal intrusion detection and prevention system.
"Sec. 2214. National Asset Database.

"Subtitle B—Critical Infrastructure Information

"Sec. 2221. Short title.
"Sec. 2222. Definitions.
"Sec. 2223. Designation of critical infrastructure protection program.
"Sec. 2224. Protection of voluntarily shared critical infrastructure information.
"Sec. 2225. No private right of action.".

6 USC 452 note.

SEC. 3. TRANSFER OF OTHER ENTITIES.

Effective date.

(a) OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—The Office of Biometric Identity Management of the Department of Homeland Security located in the National Protection and Programs Directorate of the Department of Homeland Security on the day before the date of enactment of this Act is hereby transferred to the Management Directorate of the Department.

(b) FEDERAL PROTECTIVE SERVICE.—

Deadline. Determination.

(1) IN GENERAL.—Not later than 90 days after the completion of the Government Accountability Office review of the organizational placement of the Federal Protective Service (authorized under section 1315 of title 40, United States Code), the Secretary of Homeland Security shall determine the appropriate placement of the Service within the Department of Homeland Security and commence the transfer of the Service to such component, directorate, or other office of the Department that the Secretary so determines appropriate.

Determination. Deadlines.

(2) EXCEPTION.—If the Secretary of Homeland Security determines pursuant to paragraph (1) that no component, directorate, or other office of the Department of Homeland Security

is an appropriate placement for the Federal Protective Service, the Secretary shall—

(A) provide to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and the Office of Management and Budget a detailed explanation, in writing, of the reason for such determination that includes—

(i) information on how the Department considered the Government Accountability Office review described in such paragraph;

(ii) a list of the components, directorates, or other offices of the Department that were considered for such placement; and — Lists.

(iii) information on why each such component, directorate, or other office of the Department was determined to not be an appropriate placement for the Service;

(B) not later than 120 days after the completion of the Government Accountability Office review described in such paragraph, develop and submit to the committees specified in subparagraph (A) and the Office of Management and Budget a plan to coordinate with other appropriate Federal agencies, including the General Services Administration, to determine a more appropriate placement for the Service; and — Coordination plan. Determination.

(C) not later than 180 days after the completion of such Government Accountability Office review, submit to such committees and the Office of Management and Budget a recommendation regarding the appropriate placement of the Service within the executive branch of the Federal Government. — Recommendations.

SEC. 4. DHS REPORT ON CLOUD-BASED CYBERSECURITY.

(a) DEFINITION.—In this section, the term "Department" means the Department of Homeland Security.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Homeland Security of the House of Representatives a report on the leadership role of the Department in cloud-based cybersecurity deployments for civilian Federal departments and agencies, which shall include— — Coordination.

(1) information on the plan of the Department for ensuring access to a security operations center as a service capability in accordance with the December 19, 2017 Report to the President on Federal IT Modernization issued by the American Technology Council;

(2) information on what service capabilities under paragraph (1) the Department will prioritize, including—

(A) criteria the Department will use to evaluate capabilities offered by the private sector; and — Criteria.

(B) how Federal government- and private sector-provided capabilities will be integrated to enable visibility and consistency of such capabilities across all cloud and on premise environments, as called for in the report described in paragraph (1); and

(3) information on how the Department will adapt the current capabilities of, and future enhancements to, the intrusion detection and prevention system of the Department and the Continuous Diagnostics and Mitigation Program of the Department to secure civilian Federal government networks in a cloud environment.

6 USC 651 note.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act may be construed as—

(1) conferring new authorities to the Secretary of Homeland Security, including programmatic, regulatory, or enforcement authorities, outside of the authorities in existence on the day before the date of enactment of this Act;

(2) reducing or limiting the programmatic, regulatory, or enforcement authority vested in any other Federal agency by statute; or

(3) affecting in any manner the authority, existing on the day before the date of enactment of this Act, of any other Federal agency or component of the Department of Homeland Security.

SEC. 6. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act. This Act and the amendments made by this Act shall be carried out using amounts otherwise authorized.

Approved November 16, 2018.

LEGISLATIVE HISTORY—H.R. 3359:

HOUSE REPORTS: No. 115–454, Pt. 1 (Comm. on Homeland Security).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 11, considered and passed House.
Vol. 164 (2018): Oct. 3, considered and passed Senate, amended.
Nov. 13, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Nov. 16, Presidential remarks.

Public Law 115–279
115th Congress

An Act

To authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, and for other purposes.

Nov. 20, 2018
[H.R. 2615]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Gulf Islands National Seashore Land Exchange Act. 16 USC 459h–1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Islands National Seashore Land Exchange Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the parcel of approximately 1.542 acres of land that is located within the Gulf Islands National Seashore in Jackson County, Mississippi, and identified as "NPS Exchange Area" on the Map.

(2) MAP.—The term "Map" means the map entitled "Gulf Islands National Seashore, Proposed Land Exchange with VFW, Davis Bayou Area—Jackson County, MS", numbered 635/133309, and dated June 2016.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means the parcel of approximately 2.161 acres of land that is located in Jackson County, Mississippi, and identified as "VFW Exchange Area" on the Map.

(4) POST.—The term "Post" means the Veterans of Foreign Wars Post 5699.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE.

(a) IN GENERAL.—The Secretary may convey to the Post all right, title, and interest of the United States in and to the Federal land in exchange for the conveyance by the Post to the Secretary of all right, title, and interest of the Post in and to the non-Federal land.

(b) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The values of the Federal land and non-Federal land to be exchanged under this section shall be equal, as determined by an appraisal conducted— Appraisal.

(A) by a qualified and independent appraiser; and

(B) in accordance with nationally recognized appraisal standards.

(2) EQUALIZATION.—If the values of the Federal land and non-Federal land to be exchanged under this section are not equal, the values shall be equalized through—

(A) a cash payment; or

(B) adjustments to the acreage of the Federal land or non-Federal land to be exchanged, as applicable.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

Reimbursement.

(1) PAYMENT REQUIRED.—As a condition of the exchange authorized under this section, the Secretary shall require the Post to pay the costs to be incurred by the Secretary, or to reimburse the Secretary for the costs incurred by the Secretary, to carry out the exchange, including—

(A) survey costs;

(B) any costs relating to environmental documentation; and

(C) any other administrative costs relating to the land exchange.

(2) REFUND.—If the Secretary collects amounts from the Post under paragraph (1) before the Secretary incurs the actual costs and the amount collected by the Secretary exceeds the costs actually incurred by the Secretary to carry out the land exchange under this section, the Secretary shall provide to the Post a refund of the excess amount paid by the Post.

(3) TREATMENT OF CERTAIN AMOUNTS RECEIVED.—Amounts received by the Secretary from the Post as reimbursement for costs incurred under paragraph (1) shall be—

(A) credited to the fund or account from which amounts were used to pay the costs incurred by the Secretary in carrying out the land exchange;

(B) merged with amounts in the fund or account to which the amounts were credited under subparagraph (A); and

(C) available for the same purposes as, and subject to the same conditions and limitations applicable to, amounts in the fund or account to which the amounts were credited under subparagraph (A).

Surveys.
Determination.

(d) DESCRIPTION OF FEDERAL LAND AND NON-FEDERAL LAND.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under this section shall be determined by surveys that are determined to be satisfactory by the Secretary and the Post.

(e) CONVEYANCE AGREEMENT.—The exchange of Federal land and non-Federal land under this section shall be—

(1) carried out through a quitclaim deed or other legal instrument; and

(2) subject to such terms and conditions as are mutually satisfactory to the Secretary and the Post, including such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

(f) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land authorized under this section shall be subject to valid existing rights.

(g) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a form acceptable to the Secretary.

(h) TREATMENT OF ACQUIRED LAND.—Any non-Federal land and interests in non-Federal land acquired by the United States

under this section shall be administered by the Secretary as part of the Gulf Islands National Seashore.

(i) MODIFICATION OF BOUNDARY.—On completion of the exchange of Federal land and non-Federal land under this section, the Secretary shall modify the boundary of the Gulf Islands National Seashore to reflect the exchange of Federal land and non-Federal land.

Approved November 20, 2018.

LEGISLATIVE HISTORY—H.R. 2615:

HOUSE REPORTS: No. 115–302 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–228 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 28, considered and passed House.
Vol. 164 (2018): Oct. 11, considered and passed Senate, amended.
Nov. 13, House concurred in Senate amendment.

Public Law 115–280
115th Congress

An Act

Nov. 29, 2018
[S. 3554]

To extend the effective date for the sunset for collateral requirements for Small Business Administration disaster loans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUNSET FOR COLLATERAL REQUIREMENTS FOR SBA DISASTER LOANS.

Section 2102(b) of the RISE After Disaster Act of 2015 (15 U.S.C. 636 note) is amended, in the matter preceding paragraph (1), by striking "3 years" and inserting "4 years".

Approved November 29, 2018.

LEGISLATIVE HISTORY—S. 3554:

SENATE REPORTS: No. 115–453 (Comm. on Small Business and Entrepreneurship).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 15, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 115–281
115th Congress

An Act

To extend the National Flood Insurance Program until December 7, 2018.

Dec. 1, 2018
[H.R. 7187]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Flood Insurance Program Further Extension Act of 2018.
42 USC 4001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Further Extension Act of 2018".

SEC. 2. PROGRAM EXTENSION.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "November 30, 2018" and inserting "December 7, 2018".

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "November 30, 2018" and inserting "December 7, 2018".

Approved December 1, 2018.

LEGISLATIVE HISTORY—H.R. 7187:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House and Senate.

Public Law 115–282
115th Congress

An Act

Dec. 4, 2018
[S. 140]

To authorize appropriations for the Coast Guard, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Frank LoBiondo Coast Guard Authorization Act of 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Frank LoBiondo Coast Guard Authorization Act of 2018".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

Sec. 101. Initial matter.
Sec. 102. Subtitle I.
Sec. 103. Chapter 1.
Sec. 104. Chapter 3.
Sec. 105. Chapter 5.
Sec. 106. Chapter 7.
Sec. 107. Chapter 9.
Sec. 108. Chapter 11.
Sec. 109. Subtitle II.
Sec. 110. Chapter 19.
Sec. 111. Part II.
Sec. 112. Chapter 21.
Sec. 113. Chapter 23.
Sec. 114. Chapter 25.
Sec. 115. Part III.
Sec. 116. Chapter 27.
Sec. 117. Chapter 29.
Sec. 118. Subtitle III and chapter 37.
Sec. 119. Chapter 39.
Sec. 120. Chapter 41.
Sec. 121. Subtitle IV and chapter 49.
Sec. 122. Chapter 51.
Sec. 123. References.
Sec. 124. Rule of construction.

TITLE II—AUTHORIZATIONS

Sec. 201. Amendments to title 14, United States Code, as amended by title I of this Act.
Sec. 202. Authorizations of appropriations.
Sec. 203. Authorized levels of military strength and training.
Sec. 204. Authorization of amounts for Fast Response Cutters.
Sec. 205. Authorization of amounts for shoreside infrastructure.
Sec. 206. Authorization of amounts for aircraft improvements.

TITLE III—COAST GUARD

Sec. 301. Amendments to title 14, United States Code, as amended by title I of this Act.

Sec. 302. Primary duties.
Sec. 303. National Coast Guard Museum.
Sec. 304. Unmanned aircraft.
Sec. 305. Coast Guard health-care professionals; licensure portability.
Sec. 306. Training; emergency response providers.
Sec. 307. Incentive contracts for Coast Guard yard and industrial establishments.
Sec. 308. Confidential investigative expenses.
Sec. 309. Regular captains; retirement.
Sec. 310. Conversion, alteration, and repair projects.
Sec. 311. Contracting for major acquisitions programs.
Sec. 312. Officer promotion zones.
Sec. 313. Cross reference.
Sec. 314. Commissioned service retirement.
Sec. 315. Leave for birth or adoption of child.
Sec. 316. Clothing at time of discharge.
Sec. 317. Unfunded priorities list.
Sec. 318. Safety of vessels of the Armed Forces.
Sec. 319. Air facilities.

TITLE IV—PORTS AND WATERWAYS SAFETY

Sec. 401. Codification of Ports and Waterways Safety Act.
Sec. 402. Conforming amendments.
Sec. 403. Transitional and savings provisions.
Sec. 404. Rule of construction.
Sec. 405. Advisory committee: repeal.
Sec. 406. Regattas and marine parades.
Sec. 407. Regulation of vessels in territorial waters of United States.
Sec. 408. Port, harbor, and coastal facility security.

TITLE V—MARITIME TRANSPORTATION SAFETY

Sec. 501. Consistency in marine inspections.
Sec. 502. Uninspected passenger vessels in St. Louis County, Minnesota.
Sec. 503. Engine cut-off switch requirements.
Sec. 504. Exception from survival craft requirements.
Sec. 505. Safety standards.
Sec. 506. Fishing safety grants.
Sec. 507. Fishing, fish tender, and fish processing vessel certification.
Sec. 508. Deadline for compliance with alternate safety compliance program.
Sec. 509. Termination of unsafe operations; technical correction.
Sec. 510. Technical corrections: Licenses, certificates of registry, and merchant mariner documents.
Sec. 511. Clarification of logbook entries.
Sec. 512. Certificates of documentation for recreational vessels.
Sec. 513. Numbering for undocumented barges.
Sec. 514. Backup national timing system.
Sec. 515. Scientific personnel.
Sec. 516. Transparency.

TITLE VI—ADVISORY COMMITTEES

Sec. 601. National maritime transportation advisory committees.
Sec. 602. Maritime Security Advisory Committees.

TITLE VII—FEDERAL MARITIME COMMISSION

Sec. 701. Short title.
Sec. 702. Authorization of appropriations.
Sec. 703. Reporting on impact of alliances on competition.
Sec. 704. Definition of certain covered services.
Sec. 705. Reports filed with the Commission.
Sec. 706. Public participation.
Sec. 707. Ocean transportation intermediaries.
Sec. 708. Common carriers.
Sec. 709. Negotiations.
Sec. 710. Injunctive relief sought by the Commission.
Sec. 711. Discussions.
Sec. 712. Transparency.
Sec. 713. Study of bankruptcy preparation and response.
Sec. 714. Agreements unaffected.

TITLE VIII—MISCELLANEOUS

Sec. 801. Repeal of obsolete reporting requirement.

Sec. 802. Corrections to provisions enacted by Coast Guard Authorization Acts.
Sec. 803. Officer evaluation report.
Sec. 804. Extension of authority.
Sec. 805. Coast Guard ROTC program.
Sec. 806. Currency detection canine team program.
Sec. 807. Center of expertise for Great Lakes oil spill search and response.
Sec. 808. Public safety answering points and maritime search and rescue coordination.
Sec. 809. Ship shoal lighthouse transfer: repeal.
Sec. 810. Land exchange, Ayakulik Island, Alaska.
Sec. 811. Use of Tract 43.
Sec. 812. Coast Guard maritime domain awareness.
Sec. 813. Monitoring.
Sec. 814. Reimbursements for non-Federal construction costs of certain aids to navigation.
Sec. 815. Towing safety management system fees.
Sec. 816. Oil spill disbursements auditing and report.
Sec. 817. Fleet requirements assessment and strategy.
Sec. 818. National Security Cutter.
Sec. 819. Acquisition plan for inland waterway and river tenders and bay-class icebreakers.
Sec. 820. Great Lakes icebreaker acquisition.
Sec. 821. Polar icebreakers.
Sec. 822. Strategic assets in the Arctic.
Sec. 823. Arctic planning criteria.
Sec. 824. Vessel response plan audit.
Sec. 825. Waters deemed not navigable waters of the United States for certain purposes.
Sec. 826. Documentation of recreational vessels.
Sec. 827. Equipment requirements; exemption from throwable personal flotation devices requirement.
Sec. 828. Visual distress signals and alternative use.
Sec. 829. Radar refresher training.
Sec. 830. Commercial fishing vessel safety national communications plan.
Sec. 831. Atlantic Coast port access route study recommendations.
Sec. 832. Drawbridges.
Sec. 833. Waiver.
Sec. 834. Fire-retardant materials.
Sec. 835. Vessel waiver.
Sec. 836. Temporary limitations.
Sec. 837. Transfer of Coast Guard property in Jupiter Island, Florida, for inclusion in Hobe Sound National Wildlife Refuge.
Sec. 838. Emergency response.
Sec. 839. Drawbridges consultation.

TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

Sec. 901. Short title.
Sec. 902. Purposes; findings.
Sec. 903. Standards for discharges incidental to normal operation of vessels.

TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

Sec. 1001. Reauthorization of Hydrographic Services Improvement Act of 1998.
Sec. 1002. System for tracking and reporting all-inclusive cost of hydrographic surveys.
Sec. 1003. Homeport of certain research vessels.

TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

SEC. 101. INITIAL MATTER.

14 USC prec. 1.

Title 14, United States Code, is amended by striking the title designation, the title heading, and the table of parts at the beginning and inserting the following:

14 USC prec. 101.

"TITLE 14—COAST GUARD

"Subtitle Sec.
"I. Establishment, Powers, Duties, and Administration 101

"II. Personnel **1901**
"III. Coast Guard Reserve and Auxiliary **3701**
"IV. Coast Guard Authorizations and Reports to Congress ..... **4901".**

SEC. 102. SUBTITLE I.

Part I of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning and inserting the following: 14 USC prec. 1.

"Subtitle I—Establishment, Powers, Duties, and Administration

14 USC prec. 101.

"Chap. Sec.
"1. Establishment and Duties **101**
"3. Composition and Organization **301**
"5. Functions and Powers **501**
"7. Cooperation **701**
"9. Administration **901**
"11. Acquisitions ..... **1101".**

SEC. 103. CHAPTER 1.

(a) INITIAL MATTER.—Chapter 1 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following: 14 USC prec. 1.

"CHAPTER 1—ESTABLISHMENT AND DUTIES

14 USC prec. 101.

"Sec.
"101. Establishment of Coast Guard.
"102. Primary duties.
"103. Department in which the Coast Guard operates.
"104. Removing restrictions.
"105. Secretary defined.
"106. Commandant defined.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 1 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
1	Establishment of Coast Guard	101

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2	Primary duties	102
3	Department in which the Coast Guard operates	103
652	Removing restrictions	104
4	Secretary defined	105
5	Commandant defined	106

SEC. 104. CHAPTER 3.

14 USC prec. 41.

(a) INITIAL MATTER.—Chapter 3 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

14 USC prec. 301.

"CHAPTER 3—COMPOSITION AND ORGANIZATION

"Sec.
"301. Grades and ratings.
"302. Commandant; appointment.
"303. Retirement of Commandant or Vice Commandant.
"304. Vice Commandant; appointment.
"305. Vice admirals.
"306. Retirement.
"307. Vice admirals and admiral, continuity of grade.
"308. Chief Acquisition Officer.
"309. Office of the Coast Guard Reserve; Director.
"310. Chief of Staff to President: appointment.
"311. Captains of the port.
"312. Prevention and response workforces.
"313. Centers of expertise for Coast Guard prevention and response.
"314. Marine industry training program.
"315. Training course on workings of Congress.
"316. National Coast Guard Museum.
"317. United States Coast Guard Band; composition; director.
"318. Environmental Compliance and Restoration Program.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 3 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
41	Grades and ratings	301
44	Commandant; appointment	302
46	Retirement of Commandant or Vice Commandant	303
47	Vice Commandant; appointment	304
50	Vice admirals	305
51	Retirement	306
52	Vice admirals and admiral, continuity of grade	307
56	Chief Acquisition Officer	308
53	Office of the Coast Guard Reserve; Director	309
54	Chief of Staff to President: appointment	310
57	Prevention and response workforces	312
58	Centers of expertise for Coast Guard prevention and response	313
59	Marine industry training program	314
60	Training course on workings of Congress	315
98	National Coast Guard Museum	316
336	United States Coast Guard Band; composition; director	317

(c) ADDITIONAL CHANGES.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended—

(A) by inserting after section 310 (as so redesignated and transferred under subsection (b)) the following:

14 USC 311.

"§ 311. Captains of the port

"Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties."; and

(B) by inserting after section 317 (as so redesignated and transferred under subsection (b)) the following:

14 USC 318.

"§ 318. Environmental Compliance and Restoration Program

"(a) DEFINITIONS.—For the purposes of this section—

"(1) 'environment', 'facility', 'person', 'release', 'removal', 'remedial', and 'response' have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

"(2) 'hazardous substance' has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given 'oil' in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

"(3) 'pollutant' has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

"(b) PROGRAM.—

"(1) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

"(2) Program goals include:

"(A) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

"(B) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

"(C) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

"(D) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

"(3)(A) The Secretary shall respond to releases of hazardous substances and pollutants—

"(i) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

"(ii) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

"(iii) on each vessel the Coast Guard owns or operates.

"(B) Subparagraph (A) of this paragraph does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

"(C) The Secretary shall pay a fee or charge imposed by a State authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This subparagraph does not apply

to a payment that is the responsibility of a lessee, contractor, or other private person.

"(4) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary's responsibilities under this section. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary's responsibilities under this section. Services that may be obtained under this paragraph include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

"(5) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this section. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor's reasonable, potential, long-term liability.

"(c) AMOUNTS RECOVERED FOR RESPONSE ACTIONS.—

"(1) All sums appropriated to carry out the Coast Guard's environmental compliance and restoration functions under this section or another law shall be credited or transferred to an appropriate Coast Guard account, as determined by the Commandant and remain available until expended.

"(2) Funds may be obligated or expended from such account to carry out the Coast Guard's environmental compliance and restoration functions under this section or another law.

"(3) In proposing the budget for any fiscal year under section 1105 of title 31, the President shall set forth separately the amount requested for the Coast Guard's environmental compliance and restoration activities under this section or another law.

"(4) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary's response actions at current and former Coast Guard facilities shall be credited to an appropriate Coast Guard account, as determined by the Commandant.

"(d) ANNUAL LIST OF PROJECTS TO CONGRESS.—The Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President's budget submission for that fiscal year.".

(2) CONFORMING REPEALS.—Sections 634, 690, 691, 692, and 693 of title 14, United States Code, are repealed.

SEC. 105. CHAPTER 5.

(a) INITIAL MATTER.—Chapter 5 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

14 USC prec. 81.

14 USC prec. 501.

"CHAPTER 5—FUNCTIONS AND POWERS

"SUBCHAPTER I—GENERAL POWERS

"Sec.
"501. Secretary; general powers.
"502. Delegation of powers by the Secretary.
"503. Regulations.
"504. Commandant; general powers.
"505. Functions and powers vested in the Commandant.
"506. Prospective payment of funds necessary to provide medical care.
"507. Appointment of judges.

"SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

"521. Saving life and property.
"522. Law enforcement.
"523. Enforcement authority.
"524. Enforcement of coastwise trade laws.
"525. Special agents of the Coast Guard Investigative Service law enforcement authority.
"526. Stopping vessels; indemnity for firing at or into vessel.
"527. Safety of naval vessels.
"528. Protecting against unmanned aircraft.

"SUBCHAPTER III—AIDS TO NAVIGATION

"541. Aids to navigation authorized.
"542. Unauthorized aids to maritime navigation; penalty.
"543. Interference with aids to navigation; penalty.
"544. Aids to maritime navigation; penalty.
"545. Marking of obstructions.
"546. Deposit of damage payments.
"547. Rewards for apprehension of persons interfering with aids to navigation.

"SUBCHAPTER IV—MISCELLANEOUS

"561. Icebreaking in polar regions.
"562. Appeals and waivers.
"563. Notification of certain determinations.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 5 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
92	Secretary; general powers	501
631	Delegation of powers by the Secretary	502
633	Regulations	503

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
93	Commandant; general powers	504
632	Functions and powers vested in the Commandant	505
520	Prospective payment of funds necessary to provide medical care	506
153	Appointment of judges	507
88	Saving life and property	521
89	Law enforcement	522
99	Enforcement authority	523
100	Enforcement of coastwise trade laws	524
95	Special agents of the Coast Guard Investigative Service law enforcement authority	525
637	Stopping vessels; indemnity for firing at or into vessel	526
91	Safety of naval vessels	527
104	Protecting against unmanned aircraft	528
81	Aids to navigation authorized	541
83	Unauthorized aids to maritime navigation; penalty	542
84	Interference with aids to navigation; penalty	543
85	Aids to maritime navigation; penalty	544
86	Marking of obstructions	545

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
642	Deposit of damage payments	546
643	Rewards for apprehension of persons interfering with aids to navigation	547
87	Icebreaking in polar regions	561
101	Appeals and waivers	562
103	Notification of certain determinations	563

(c) ADDITIONAL CHANGES.—Chapter 5 of title 14, United States Code, is further amended—

(1) by inserting before section 501 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 501.

"SUBCHAPTER I—GENERAL POWERS";

(2) by inserting before section 521 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 521.

"SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES";

(3) by inserting before section 541 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 541.

"SUBCHAPTER III—AIDS TO NAVIGATION";

and

(4) by inserting before section 561 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 561.

"SUBCHAPTER IV—MISCELLANEOUS".

SEC. 106. CHAPTER 7.

14 USC prec. 141.

(a) INITIAL MATTER.—Chapter 7 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

14 USC prec. 701.

"CHAPTER 7—COOPERATION

"Sec.
"701. Cooperation with other agencies, States, territories, and political subdivisions.
"702. State Department.
"703. Treasury Department.
"704. Department of the Army and Department of the Air Force.
"705. Navy Department.

"706. United States Postal Service.
"707. Department of Commerce.
"708. Department of Health and Human Services.
"709. Maritime instruction.
"710. Assistance to foreign governments and maritime authorities.
"711. Coast Guard officers as attachés to missions.
"712. Contracts with Government-owned establishments for work and material.
"713. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.
"714. Arctic maritime domain awareness.
"715. Oceanographic research.
"716. Arctic maritime transportation.
"717. Agreements.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 7 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
141	Cooperation with other agencies, States, territories, and political subdivisions	701
142	State Department	702
143	Treasury Department	703
144	Department of the Army and Department of the Air Force	704
145	Navy Department	705
146	United States Postal Service	706
147	Department of Commerce	707
147a	Department of Health and Human Services	708
148	Maritime instruction	709

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
149	Assistance to foreign governments and maritime authorities	710
150	Coast Guard officers as attachés to missions	711
151	Contracts with Government-owned establishments for work and material	712
152	Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services	713
154	Arctic maritime domain awareness	714
94	Oceanographic research	715
90	Arctic maritime transportation	716
102	Agreements	717

SEC. 107. CHAPTER 9.

14 USC prec. 181.

(a) INITIAL MATTER.—Chapter 9 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

14 USC prec. 901.

"CHAPTER 9—ADMINISTRATION

"SUBCHAPTER I—REAL AND PERSONAL PROPERTY

"Sec.
"901. Disposal of certain material.
"902. Employment of draftsmen and engineers.
"903. Use of certain appropriated funds.
"904. Local hire.
"905. Procurement authority for family housing.
"906. Air Station Cape Cod Improvements.
"907. Long-term lease of special purpose facilities.
"908. Long-term lease authority for lighthouse property.
"909. Small boat station rescue capability.
"910. Small boat station closures.
"911. Search and rescue center standards.
"912. Air facility closures.
"913. Turnkey selection procedures.
"914. Disposition of infrastructure related to E–LORAN.

"SUBCHAPTER II—MISCELLANEOUS

"931. Oaths required for boards.

"932. Administration of oaths.
"933. Coast Guard ensigns and pennants.
"934. Penalty for unauthorized use of words 'Coast Guard'.
"935. Coast Guard band recordings for commercial sale.
"936. Confidentiality of medical quality assurance records; qualified immunity for participants.
"937. Admiralty claims against the United States.
"938. Claims for damage to property of the United States.
"939. Accounting for industrial work.
"940. Supplies and equipment from stock.
"941. Coast Guard Supply Fund.
"942. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services.
"943. Arms and ammunition; immunity from taxation.
"944. Confidential investigative expenses.
"945. Assistance to film producers.
"946. User fees.
"947. Vessel construction bonding requirements.
"948. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.
"949. Telephone installation and charges.
"950. Designation, powers, and accountability of deputy disbursing officials.
"951. Aircraft accident investigations.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 9 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
641	Disposal of certain material	901
653	Employment of draftsmen and engineers	902
656	Use of certain appropriated funds	903
666	Local hire	904
670	Procurement authority for family housing	905
671	Air Station Cape Cod Improvements	906
672	Long-term lease of special purpose facilities	907

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
672a	Long-term lease authority for lighthouse property	908
674	Small boat station rescue capability	909
675	Small boat station closures	910
676	Search and rescue center standards	911
676a	Air facility closures	912
677	Turnkey selection procedures	913
681	Disposition of infrastructure related to E–LORAN	914
635	Oaths required for boards	931
636	Administration of oaths	932
638	Coast Guard ensigns and pennants	933
639	Penalty for unauthorized use of words “Coast Guard”	934
640	Coast Guard band recordings for commercial sale	935
645	Confidentiality of medical quality assurance records; qualified immunity for participants	936
646	Admiralty claims against the United States	937
647	Claims for damage to property of the United States	938
648	Accounting for industrial work	939
649	Supplies and equipment from stock	940

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
650	Coast Guard Supply Fund	941
654	Public and commercial vessels and other watercraft; sale of fuel, supplies, and services	942
655	Arms and ammunition; immunity from taxation	943
658	Confidential investigative expenses	944
659	Assistance to film producers	945
664	User fees	946
667	Vessel construction bonding requirements	947
668	Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care	948
669	Telephone installation and charges	949
673	Designation, powers, and accountability of deputy disbursing officials	950
678	Aircraft accident investigations	951

(c) ADDITIONAL CHANGES.—Chapter 9 of title 14, United States Code, is further amended—

(1) by inserting before section 901 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER I—REAL AND PERSONAL PROPERTY"; 14 USC prec. 901.

and

(2) by inserting before section 931 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER II—MISCELLANEOUS". 14 USC prec. 931.

SEC. 108. CHAPTER 11.

(a) INITIAL MATTER.—Chapter 11 of title 14, United States Code, is amended by striking the chapter designation, the chapter 14 USC prec. 211.

heading, and the table of sections at the beginning and inserting the following:

14 USC prec. 1101.

"CHAPTER 11—ACQUISITIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"1101. Acquisition directorate.
"1102. Improvements in Coast Guard acquisition management.
"1103. Role of Vice Commandant in major acquisition programs.
"1104. Recognition of Coast Guard personnel for excellence in acquisition.
"1105. Prohibition on use of lead systems integrators.
"1106. Required contract terms.
"1107. Extension of major acquisition program contracts.
"1108. Department of Defense consultation.
"1109. Undefinitized contractual actions.
"1110. Mission need statement.

"SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

"1131. Identification of major system acquisitions.
"1132. Acquisition.
"1133. Preliminary development and demonstration.
"1134. Acquisition, production, deployment, and support.
"1135. Acquisition program baseline breach.
"1136. Acquisition approval authority.

"SUBCHAPTER III—PROCUREMENT

"1151. Restriction on construction of vessels in foreign shipyards.
"1152. Advance procurement funding.
"1153. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.
"1154. Procurement of buoy chain.
"1155. Contract termination.

"SUBCHAPTER IV—DEFINITIONS

"1171. Definitions.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 11 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
561	Acquisition directorate	1101
562	Improvements in Coast Guard acquisition management	1102

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
578	Role of Vice Commandant in major acquisition programs	1103
563	Recognition of Coast Guard personnel for excellence in acquisition	1104
564	Prohibition on use of lead systems integrators	1105
565	Required contract terms	1106
579	Extension of major acquisition program contracts	1107
566	Department of Defense consultation	1108
567	Undefinitized contractual actions	1109
569	Mission need statement	1110
571	Identification of major system acquisitions	1131
572	Acquisition	1132
573	Preliminary development and demonstration	1133
574	Acquisition, production, deployment, and support	1134
575	Acquisition program baseline breach	1135
576	Acquisition approval authority	1136
665	Restriction on construction of vessels in foreign shipyards	1151
577	Advance procurement funding	1152

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
96	Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards	1153
97	Procurement of buoy chain	1154
657	Contract termination	1155
581	Definitions	1171

(c) ADDITIONAL CHANGES.—Chapter 11 of title 14, United States Code, is further amended—

14 USC prec. 211, prec. 251, prec. 271, prec. 281, prec. 321, prec. 331, prec. 350, prec. 421, prec. 432.

(1) by striking all subdivision designations and headings in such chapter, except for—

(A) the chapter designation and heading added by subsection (a);

(B) the subchapter designations and headings added by this subsection; and

(C) any designation or heading of a section or a subdivision of a section;

(2) by inserting before section 1101 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 1101.

"SUBCHAPTER I—GENERAL PROVISIONS";

(3) by inserting before section 1131 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 1131.

"SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES";

(4) by inserting before section 1151 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 1151.

"SUBCHAPTER III—PROCUREMENT";

and

(5) by inserting before section 1171 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 1171.

"SUBCHAPTER IV—DEFINITIONS".

SEC. 109. SUBTITLE II.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by inserting after chapter 11 (as amended by section 108) the following:

"Subtitle II—Personnel

14 USC prec. 1901.

"Chap. Sec.
"19. Coast Guard Academy 1901
"21. Personnel; Officers 2101
"23. Personnel; Enlisted 2301
"25. Personnel; General Provisions 2501
"27. Pay, Allowances, Awards, and Other Rights and Benefits 2701
"29. Coast Guard Family Support, Child Care, and Housing ..... 2901".

(b) RESERVED CHAPTER NUMBERS.—

(1) CHAPTER 13.—Chapter 13 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning. 14 USC prec. 461.

(2) CHAPTER 14.—Chapter 14 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and 14 USC prec. 531.

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter. 14 USC prec. 531, prec. 541, prec. 551.

(3) CHAPTER 15.—Chapter 15 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and 14 USC prec. 561.

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter. 14 USC prec. 561, prec. 571, prec. 581.

(4) CHAPTER 17.—Chapter 17 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning. 14 USC prec. 631.

(5) CHAPTER 18.—Chapter 18 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning. 14 USC prec. 680.

SEC. 110. CHAPTER 19.

(a) INITIAL MATTER.—Chapter 19 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following: 14 USC prec. 690.

"CHAPTER 19—COAST GUARD ACADEMY

14 USC prec. 1901.

"SUBCHAPTER I—ADMINISTRATION

"Sec.
"1901. Administration of Academy.
"1902. Policy on sexual harassment and sexual violence.
"1903. Annual Board of Visitors.
"1904. Participation in Federal, State, or other educational research grants.

"SUBCHAPTER II—CADETS

"1921. Corps of Cadets authorized strength.
"1922. Appointments.
"1923. Admission of foreign nationals for instruction; restrictions; conditions.
"1924. Conduct.
"1925. Agreement.
"1926. Cadet applicants; preappointment travel to Academy.
"1927. Cadets; initial clothing allowance.
"1928. Cadets; degree of bachelor of science.
"1929. Cadets; appointment as ensign.
"1930. Cadets: charges and fees for attendance; limitation.

"SUBCHAPTER III—FACULTY

"1941. Civilian teaching staff.
"1942. Permanent commissioned teaching staff; composition.
"1943. Appointment of permanent commissioned teaching staff.
"1944. Grade of permanent commissioned teaching staff.
"1945. Retirement of permanent commissioned teaching staff.
"1946. Credit for service as member of civilian teaching staff.
"1947. Assignment of personnel as instructors.
"1948. Marine safety curriculum.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 19 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
181	Administration of Academy	1901
200	Policy on sexual harassment and sexual violence	1902
194	Annual Board of Visitors	1903
196	Participation in Federal, State, or other educational research grants	1904
195	Admission of foreign nationals for instruction; restrictions; conditions	1923
181a	Cadet applicants; preappointment travel to Academy	1926
183	Cadets; initial clothing allowance	1927
184	Cadets; degree of bachelor of science	1928
185	Cadets; appointment as ensign	1929
197	Cadets: charges and fees for attendance; limitation	1930

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
186	Civilian teaching staff	1941
187	Permanent commissioned teaching staff; composition	1942
188	Appointment of permanent commissioned teaching staff	1943
189	Grade of permanent commissioned teaching staff	1944
190	Retirement of permanent commissioned teaching staff	1945
191	Credit for service as member of civilian teaching staff	1946
192	Assignment of personnel as instructors	1947
199	Marine safety curriculum	1948

(c) ADDITIONAL CHANGES.—

(1) IN GENERAL.—Chapter 19 of title 14, United States Code, is further amended—

(A) by inserting before section 1901 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER I—ADMINISTRATION"; 14 USC prec. 1901.

(B) by inserting before section 1923 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER II—CADETS 14 USC prec. 1921.

"§ 1921. Corps of Cadets authorized strength 14 USC 1921.

"The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred.

"§ 1922. Appointments 14 USC 1922.

"Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. In the administration of this section, the Secretary shall take such action as may be necessary and appropriate to insure that female

individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.";

(C) by inserting before section 1926 (as so redesignated and transferred under subsection (b)) the following:

14 USC 1924.

"§ 1924. Conduct

"The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

14 USC 1925.

"§ 1925. Agreement

"(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

"(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

"(2) That upon graduation from the Coast Guard Academy the cadet—

"(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Guard; and

"(B) will serve on active duty for at least five years immediately after such appointment.

"(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet—

"(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

"(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

"(b)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

"(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

"(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

"(c) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include—

"(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

"(2) procedures for determining whether such a breach has occurred; and

"(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

"(d) In this section, 'commissioned service obligation', with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

"(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

"(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of the parent or guardian.

"(f) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37."; and

(D) by inserting before section 1941 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER III—FACULTY". 14 USC prec. 1941.

(2) CONFORMING REPEAL.—Section 182 of title 14, United States Code, is repealed.

SEC. 111. PART II.

Part II of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning. 14 USC prec. 701.

SEC. 112. CHAPTER 21.

(a) INITIAL MATTER.—Chapter 21 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following: 14 USC prec. 701.

"CHAPTER 21—PERSONNEL; OFFICERS 14 USC prec. 2101.

"SUBCHAPTER I—APPOINTMENT AND PROMOTION

"Sec.
"2101. Original appointment of permanent commissioned officers.
"2102. Active duty promotion list.
"2103. Number and distribution of commissioned officers on active duty promotion list.
"2104. Appointment of temporary officers.
"2105. Rank of warrant officers.
"2106. Selection boards; convening of boards.
"2107. Selection boards; composition of boards.
"2108. Selection boards; notice of convening; communication with board.
"2109. Selection boards; oath of members.
"2110. Number of officers to be selected for promotion.
"2111. Promotion zones.
"2112. Promotion year; defined.
"2113. Eligibility of officers for consideration for promotion.
"2114. United States Deputy Marshals in Alaska.

"2115. Selection boards; information to be furnished boards.
"2116. Officers to be recommended for promotion.
"2117. Selection boards; reports.
"2118. Selection boards; submission of reports.
"2119. Failure of selection for promotion.
"2120. Special selection boards; correction of errors.
"2121. Promotions; appointments.
"2122. Removal of officer from list of selectees for promotion.
"2123. Promotions; acceptance; oath of office.
"2124. Promotions; pay and allowances.
"2125. Wartime temporary service promotions.
"2126. Promotion of officers not included on active duty promotion list.
"2127. Recall to active duty during war or national emergency.
"2128. Recall to active duty with consent of officer.
"2129. Aviation cadets; appointment as Reserve officers.

"SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE

"2141. Revocation of commissions during first five years of commissioned service.
"2142. Regular lieutenants (junior grade); separation for failure of selection for promotion.
"2143. Regular lieutenants; separation for failure of selection for promotion; continuation.
"2144. Regular Coast Guard; officers serving under temporary appointments.
"2145. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.
"2146. Discharge in lieu of retirement; separation pay.
"2147. Regular warrant officers: separation pay.
"2148. Separation for failure of selection for promotion or continuation; time of.
"2149. Regular captains; retirement.
"2150. Captains; continuation on active duty; involuntary retirement.
"2151. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement.
"2152. Voluntary retirement after twenty years' service.
"2153. Voluntary retirement after thirty years' service.
"2154. Compulsory retirement.
"2155. Retirement for physical disability after selection for promotion; grade in which retired.
"2156. Deferment of retirement or separation for medical reasons.
"2157. Flag officers.
"2158. Review of records of officers.
"2159. Boards of inquiry.
"2160. Boards of review.
"2161. Composition of boards.
"2162. Rights and procedures.
"2163. Removal of officer from active duty; action by Secretary.
"2164. Officers considered for removal; retirement or discharge; separation benefits.
"2165. Relief of retired officer promoted while on active duty.

"SUBCHAPTER III—GENERAL PROVISIONS

"2181. Physical fitness of officers.
"2182. Multirater assessment of certain personnel.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 21 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
211	Original appointment of permanent commissioned officers	2101
41a	Active duty promotion list	2102
42	Number and distribution of commissioned officers on active duty promotion list	2103
214	Appointment of temporary officers	2104
215	Rank of warrant officers	2105
251	Selection boards; convening of boards	2106
252	Selection boards; composition of boards	2107
253	Selection boards; notice of convening; communication with board	2108
254	Selection boards; oath of members	2109
255	Number of officers to be selected for promotion	2110
256	Promotion zones	2111
256a	Promotion year; defined	2112
257	Eligibility of officers for consideration for promotion	2113
258	Selection boards; information to be furnished boards	2115
259	Officers to be recommended for promotion	2116
260	Selection boards; reports	2117

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
261	Selection boards; submission of reports	2118
262	Failure of selection for promotion	2119
263	Special selection boards; correction of errors	2120
271	Promotions; appointments	2121
272	Removal of officer from list of selectees for promotion	2122
273	Promotions; acceptance; oath of office	2123
274	Promotions; pay and allowances	2124
275	Wartime temporary service promotions	2125
276	Promotion of officers not included on active duty promotion list	2126
331	Recall to active duty during war or national emergency	2127
332	Recall to active duty with consent of officer	2128
373	Aviation cadets; appointment as Reserve officers	2129
281	Revocation of commissions during first five years of commissioned service	2141
282	Regular lieutenants (junior grade); separation for failure of selection for promotion	2142

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
283	Regular lieutenants; separation for failure of selection for promotion; continuation	2143
284	Regular Coast Guard; officers serving under temporary appointments	2144
285	Regular lieutenant commanders and commanders; retirement for failure of selection for promotion	2145
286	Discharge in lieu of retirement; separation pay	2146
286a	Regular warrant officers: separation pay	2147
287	Separation for failure of selection for promotion or continuation; time of	2148
288	Regular captains; retirement	2149
289	Captains; continuation on active duty; involuntary retirement	2150
290	Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement	2151
291	Voluntary retirement after twenty years' service	2152
292	Voluntary retirement after thirty years' service	2153
293	Compulsory retirement	2154
294	Retirement for physical disability after selection for promotion; grade in which retired	2155

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
295	Deferment of retirement or separation for medical reasons	2156
296	Flag officers	2157
321	Review of records of officers	2158
322	Boards of inquiry	2159
323	Boards of review	2160
324	Composition of boards	2161
325	Rights and procedures	2162
326	Removal of officer from active duty; action by Secretary	2163
327	Officers considered for removal; retirement or discharge; separation benefits	2164
333	Relief of retired officer promoted while on active duty	2165
335	Physical fitness of officers	2181
429	Multirater assessment of certain personnel	2182

(c) ADDITIONAL CHANGES.—Chapter 21 of title 14, United States Code, is further amended—

14 USC prec. 701, prec. 720.

(1) by striking all subchapter designations and headings in such chapter, except for the subchapter designations and headings added by this subsection;

(2) by inserting before section 2101 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 2101.

"SUBCHAPTER I—APPOINTMENT AND PROMOTION";

(3) by inserting before section 2115 (as so redesignated and transferred under subsection (b)) the following:

"§ 2114. United States Deputy Marshals in Alaska 14 USC 2114.

"Commissioned officers may be appointed as United States Deputy Marshals in Alaska.";

(4) by inserting before section 2141 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE"; 14 USC prec. 2141.

and

(5) by inserting before section 2181 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER III—GENERAL PROVISIONS". 14 USC prec. 2181.

SEC. 113. CHAPTER 23.

(a) INITIAL MATTER.—Chapter 23 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following: 14 USC prec. 821.

"CHAPTER 23—PERSONNEL; ENLISTED 14 USC prec. 2301.

"Sec.
"2301. Recruiting campaigns.
"2302. Enlistments; term, grade.
"2303. Promotion.
"2304. Compulsory retirement at age of sixty-two.
"2305. Voluntary retirement after thirty years' service.
"2306. Voluntary retirement after twenty years' service.
"2307. Retirement of enlisted members: increase in retired pay.
"2308. Recall to active duty during war or national emergency.
"2309. Recall to active duty with consent of member.
"2310. Relief of retired enlisted member promoted while on active duty.
"2311. Retirement in cases where higher grade or rating has been held.
"2312. Extension of enlistments.
"2313. Retention beyond term of enlistment in case of disability.
"2314. Detention beyond term of enlistment.
"2315. Inclusion of certain conditions in enlistment contract.
"2316. Discharge within three months before expiration of enlistment.
"2317. Aviation cadets; procurement; transfer.
"2318. Aviation cadets; benefits.
"2319. Critical skill training bonus.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 23 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
350	Recruiting campaigns	2301
351	Enlistments; term, grade	2302
352	Promotion	2303
353	Compulsory retirement at age of sixty-two	2304
354	Voluntary retirement after thirty years' service	2305
355	Voluntary retirement after twenty years' service	2306
357	Retirement of enlisted members: increase in retired pay	2307
359	Recall to active duty during war or national emergency	2308
360	Recall to active duty with consent of member	2309
361	Relief of retired enlisted member promoted while on active duty	2310
362	Retirement in cases where higher grade or rating has been held	2311
365	Extension of enlistments	2312
366	Retention beyond term of enlistment in case of disability	2313
367	Detention beyond term of enlistment	2314
369	Inclusion of certain conditions in enlistment contract	2315
370	Discharge within three months before expiration of enlistment	2316

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
371	Aviation cadets; procurement; transfer	2317
372	Aviation cadets; benefits	2318
374	Critical skill training bonus	2319

SEC. 114. CHAPTER 25.

(a) INITIAL MATTER.—Chapter 25 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following: 14 USC prec. 891.

"CHAPTER 25—PERSONNEL; GENERAL PROVISIONS 14 USC prec. 2501.

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"2501. Grade on retirement.
"2502. Retirement.
"2503. Status of recalled personnel.
"2504. Computation of retired pay.
"2505. Limitations on retirement and retired pay.
"2506. Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution.
"2507. Board for Correction of Military Records deadline.
"2508. Emergency leave retention authority.
"2509. Prohibition of certain involuntary administrative separations.
"2510. Sea service letters.
"2511. Investigations of flag officers and Senior Executive Service employees.
"2512. Leave policies for the Coast Guard.
"2513. Computation of length of service.

"SUBCHAPTER II—LIGHTHOUSE SERVICE

"2531. Personnel of former Lighthouse Service.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 25 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
334	Grade on retirement	2501
421	Retirement	2502
422	Status of recalled personnel	2503
423	Computation of retired pay	2504
424	Limitations on retirement and retired pay	2505
424a	Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution	2506
425	Board for Correction of Military Records deadline	2507
426	Emergency leave retention authority	2508
427	Prohibition of certain involuntary administrative separations	2509
428	Sea service letters	2510
430	Investigations of flag officers and Senior Executive Service employees	2511
431	Leave policies for the Coast Guard	2512
467	Computation of length of service	2513
432	Personnel of former Lighthouse Service	2531

(c) ADDITIONAL CHANGES.—Chapter 25 of title 14, United States Code, is further amended—

(1) by inserting before section 2501 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 2501.

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(2) by inserting before section 2531 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER II—LIGHTHOUSE SERVICE". 14 USC prec. 2531.

SEC. 115. PART III.

Part III of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning. 14 USC prec. 2701.

SEC. 116. CHAPTER 27.

(a) INITIAL MATTER.—Chapter 27 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following: 14 USC prec. 2701.

"CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS 14 USC prec. 2701.

"SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

"Sec.
"2701. Procurement of personnel.
"2702. Training.
"2703. Contingent expenses.
"2704. Equipment to prevent accidents.
"2705. Clothing at time of discharge for good of service.
"2706. Right to wear uniform.
"2707. Protection of uniform.
"2708. Clothing for officers and enlisted personnel.
"2709. Procurement and sale of stores to members and civilian employees.
"2710. Disposition of effects of decedents.
"2711. Deserters; payment of expenses incident to apprehension and delivery; penalties.
"2712. Payment for the apprehension of stragglers.

"SUBCHAPTER II—AWARDS

"2731. Delegation of powers to make awards; rules and regulations.
"2732. Medal of honor.
"2733. Medal of honor: duplicate medal.
"2734. Medal of honor: presentation of Medal of Honor Flag.
"2735. Coast Guard cross.
"2736. Distinguished service medal.
"2737. Silver star medal.
"2738. Distinguished flying cross.
"2739. Coast Guard medal.
"2740. Insignia for additional awards.
"2741. Time limit on award; report concerning deed.
"2742. Honorable subsequent service as condition to award.
"2743. Posthumous awards.
"2744. Life-saving medals.
"2745. Replacement of medals.
"2746. Award of other medals.
"2747. Awards and insignia for excellence in service or conduct.
"2748. Presentation of United States flag upon retirement.

"SUBCHAPTER III—PAYMENTS

"2761. Persons discharged as result of court-martial; allowances to.
"2762. Shore patrol duty; payment of expenses.
"2763. Compensatory absence from duty for military personnel at isolated duty stations.
"2764. Monetary allowance for transportation of household effects.
"2765. Retroactive payment of pay and allowances delayed by administrative error or oversight.
"2766. Travel card management.
"2767. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.

"2768. Annual audit of pay and allowances of members undergoing permanent change of station.
"2769. Remission of indebtedness.
"2770. Special instruction at universities.
"2771. Attendance at professional meetings.
"2772. Education loan repayment program.
"2773. Rations or commutation therefor in money.
"2774. Sales of ration supplies to messes.
"2775. Flight rations.
"2776. Payments at time of discharge for good of service.
"2777. Clothing for destitute shipwrecked persons.
"2778. Advancement of public funds to personnel.
"2779. Transportation to and from certain places of employment.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 27 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
468	Procurement of personnel	2701
469	Training	2702
476	Contingent expenses	2703
477	Equipment to prevent accidents	2704
482	Clothing at time of discharge for good of service	2705
483	Right to wear uniform	2706
484	Protection of uniform	2707
485	Clothing for officers and enlisted personnel	2708
487	Procurement and sale of stores to members and civilian employees	2709
507	Disposition of effects of decedents	2710

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
508	Deserters; payment of expenses incident to apprehension and delivery; penalties	2711
644	Payment for the apprehension of stragglers	2712
499	Delegation of powers to make awards; rules and regulations	2731
491	Medal of honor	2732
504	Medal of honor: duplicate medal	2733
505	Medal of honor: presentation of Medal of Honor Flag	2734
491a	Coast Guard cross	2735
492	Distinguished service medal	2736
492a	Silver star medal	2737
492b	Distinguished flying cross	2738
493	Coast Guard medal	2739
494	Insignia for additional awards	2740
496	Time limit on award; report concerning deed	2741
497	Honorable subsequent service as condition to award	2742
498	Posthumous awards	2743
500	Life-saving medals	2744
501	Replacement of medals	2745
502	Award of other medals	2746

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
503	Awards and insignia for excellence in service or conduct	2747
516	Presentation of United States flag upon retirement	2748
509	Persons discharged as result of court-martial; allowances to	2761
510	Shore patrol duty; payment of expenses	2762
511	Compensatory absence from duty for military personnel at isolated duty stations	2763
512	Monetary allowance for transportation of household effects	2764
513	Retroactive payment of pay and allowances delayed by administrative error or oversight	2765
517	Travel card management	2766
518	Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States	2767
519	Annual audit of pay and allowances of members undergoing permanent change of station	2768
461	Remission of indebtedness	2769
470	Special instruction at universities	2770
471	Attendance at professional meetings	2771
472	Education loan repayment program	2772

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
478	Rations or commutation therefor in money	2773
479	Sales of ration supplies to messes	2774
480	Flight rations	2775
481	Payments at time of discharge for good of service	2776
486	Clothing for destitute shipwrecked persons	2777
488	Advancement of public funds to personnel	2778
660	Transportation to and from certain places of employment	2779

(c) ADDITIONAL CHANGES.—Chapter 27 of title 14, United States Code, is further amended—

(1) by inserting before section 2701 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS"; 14 USC prec. 2701.

(2) by inserting before section 2731 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER II—AWARDS"; 14 USC prec. 2731.

and

(3) by inserting before section 2761 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER III—PAYMENTS". 14 USC prec. 2761.

SEC. 117. CHAPTER 29.

(a) INITIAL MATTER.—Chapter 29 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following: 14 USC prec. 2901.

14 USC prec. 2901.

"CHAPTER 29—COAST GUARD FAMILY SUPPORT, CHILD CARE, AND HOUSING

"SUBCHAPTER I—COAST GUARD FAMILIES

"Sec.
"2901. Work-life policies and programs.
"2902. Surveys of Coast Guard families.
"2903. Reimbursement for adoption expenses.
"2904. Education and training opportunities for Coast Guard spouses.
"2905. Youth sponsorship initiatives.
"2906. Dependent school children.

"SUBCHAPTER II—COAST GUARD CHILD CARE

"2921. Definitions.
"2922. Child development services.
"2923. Child development center standards and inspections.
"2924. Child development center employees.
"2925. Parent partnerships with child development centers.

"SUBCHAPTER III—HOUSING

"2941. Definitions.
"2942. General authority.
"2943. Leasing and hiring of quarters; rental of inadequate housing.
"2944. Retired service members and dependents serving on advisory committees.
"2945. Conveyance of real property.
"2946. Coast Guard Housing Fund.
"2947. Reports.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 29 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
531	Work-life policies and programs	2901
532	Surveys of Coast Guard families	2902
541	Reimbursement for adoption expenses	2903
542	Education and training opportunities for Coast Guard spouses	2904
543	Youth sponsorship initiatives	2905

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
544	Dependent school children	2906
551	Definitions	2921
552	Child development services	2922
553	Child development center standards and inspections	2923
554	Child development center employees	2924
555	Parent partnerships with child development centers	2925
680	Definitions	2941
681	General authority	2942
475	Leasing and hiring of quarters; rental of inadequate housing	2943
680	Retired service members and dependents serving on advisory committees	2944
685	Conveyance of real property	2945
687	Coast Guard Housing Fund	2946
688	Reports	2947

(c) ADDITIONAL CHANGES.—Chapter 29 of title 14, United States Code, is further amended—

(1) by inserting before section 2901 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER I—COAST GUARD FAMILIES"; 14 USC prec. 2901.

(2) by inserting before section 2921 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER II—COAST GUARD CHILD CARE"; 14 USC prec. 2921.

and

(3) by inserting before section 2941 (as so redesignated and transferred under subsection (b)) the following:

"SUBCHAPTER III—HOUSING".

SEC. 118. SUBTITLE III AND CHAPTER 37.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 29 (as amended by section 117) the following:

14 USC prec. 3701.

"Subtitle III—Coast Guard Reserve and Auxiliary

"Chap.		Sec.
"37.	**Coast Guard Reserve**	**3701**
"39.	**Coast Guard Auxiliary**	**3901**
"41.	**General Provisions for Coast Guard Reserve and Auxiliary**	**4101**

14 USC prec. 3701.

"CHAPTER 1—COAST GUARD RESERVE

"SUBCHAPTER I—ADMINISTRATION

"Sec.
"3701. Organization.
"3702. Authorized strength.
"3703. Coast Guard Reserve Boards.
"3704. Grades and ratings; military authority.
"3705. Benefits.
"3706. Temporary members of the Reserve; eligibility and compensation.
"3707. Temporary members of the Reserve; disability or death benefits.
"3708. Temporary members of the Reserve; certificate of honorable service.
"3709. Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade.
"3710. Reserve student pre-commissioning assistance program.
"3711. Appointment or wartime promotion; retention of grade upon release from active duty.
"3712. Exclusiveness of service.
"3713. Active duty for emergency augmentation of regular forces.
"3714. Enlistment of members engaged in schooling.

"SUBCHAPTER II—PERSONNEL

"3731. Definitions.
"3732. Applicability of this subchapter.
"3733. Suspension of this subchapter in time of war or national emergency.
"3734. Effect of this subchapter on retirement and retired pay.
"3735. Authorized number of officers.
"3736. Precedence.
"3737. Running mates.
"3738. Constructive credit upon initial appointment.
"3739. Promotion of Reserve officers on active duty.
"3740. Promotion; recommendations of selection boards.
"3741. Selection boards; appointment.
"3742. Establishment of promotion zones under running mate system.
"3743. Eligibility for promotion.
"3744. Recommendation for promotion of an officer previously removed from an active status.
"3745. Qualifications for promotion.
"3746. Promotion; acceptance; oath of office.
"3747. Date of rank upon promotion; entitlement to pay.
"3748. Type of promotion; temporary.
"3749. Effect of removal by the President or failure of consent of the Senate.
"3750. Failure of selection for promotion.
"3751. Failure of selection and removal from an active status.
"3752. Retention boards; removal from an active status to provide a flow of promotion.

"3753. Maximum ages for retention in an active status.
"3754. Rear admiral and rear admiral (lower half); maximum service in grade.
"3755. Appointment of a former Navy or Coast Guard officer.
"3756. Grade on entry upon active duty.
"3757. Recall of a retired officer; grade upon release.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 37 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
701	Organization	3701
702	Authorized strength	3702
703	Coast Guard Reserve Boards	3703
704	Grades and ratings; military authority	3704
705	Benefits	3705
706	Temporary members of the Reserve; eligibility and compensation	3706
707	Temporary members of the Reserve; disability or death benefits	3707
708	Temporary members of the Reserve; certificate of honorable service	3708
709	Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade	3709
709a	Reserve student pre-commissioning assistance program	3710

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
710	Appointment or wartime promotion; retention of grade upon release from active duty	3711
711	Exclusiveness of service	3712
712	Active duty for emergency augmentation of regular forces	3713
713	Enlistment of members engaged in schooling	3714
720	Definitions	3731
721	Applicability of this subchapter	3732
722	Suspension of this subchapter in time of war or national emergency	3733
723	Effect of this subchapter on retirement and retired pay	3734
724	Authorized number of officers	3735
725	Precedence	3736
726	Running mates	3737
727	Constructive credit upon initial appointment	3738
728	Promotion of Reserve officers on active duty	3739
729	Promotion; recommendations of selection boards	3740
730	Selection boards; appointment	3741
731	Establishment of promotion zones under running mate system	3742

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
732	Eligibility for promotion	3743
733	Recommendation for promotion of an officer previously removed from an active status	3744
734	Qualifications for promotion	3745
735	Promotion; acceptance; oath of office	3746
736	Date of rank upon promotion; entitlement to pay	3747
737	Type of promotion; temporary	3748
738	Effect of removal by the President or failure of consent of the Senate	3749
739	Failure of selection for promotion	3750
740	Failure of selection and removal from an active status	3751
741	Retention boards; removal from an active status to provide a flow of promotion	3752
742	Maximum ages for retention in an active status	3753
743	Rear admiral and rear admiral (lower half); maximum service in grade	3754
744	Appointment of a former Navy or Coast Guard officer	3755
745	Grade on entry upon active duty	3756
746	Recall of a retired officer; grade upon release	3757

(c) ADDITIONAL CHANGES.—Chapter 37 of title 14, United States Code, is further amended—

(1) by inserting before section 3701 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 3701.

"SUBCHAPTER I—ADMINISTRATION";

and

(2) by inserting before section 3731 (as so redesignated and transferred under subsection (b)) the following:

14 USC prec. 3731.

"SUBCHAPTER II—PERSONNEL".

SEC. 119. CHAPTER 39.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 37 (as added by section 118) the following:

14 USC prec. 3901.

"CHAPTER 39—COAST GUARD AUXILIARY

"Sec.
"3901. Administration of the Coast Guard Auxiliary.
"3902. Purpose of the Coast Guard Auxiliary.
"3903. Eligibility; enrollments.
"3904. Members of the Auxiliary; status.
"3905. Disenrollment.
"3906. Membership in other organizations.
"3907. Use of member's facilities.
"3908. Vessel deemed public vessel.
"3909. Aircraft deemed public aircraft.
"3910. Radio station deemed government station.
"3911. Availability of appropriations.
"3912. Assignment and performance of duties.
"3913. Injury or death in line of duty.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 39 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
821	Administration of the Coast Guard Auxiliary	3901
822	Purpose of the Coast Guard Auxiliary	3902

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
823	Eligibility; enrollments	3903
823a	Members of the Auxiliary; status	3904
824	Disenrollment	3905
825	Membership in other organizations	3906
826	Use of member's facilities	3907
827	Vessel deemed public vessel	3908
828	Aircraft deemed public aircraft	3909
829	Radio station deemed government station	3910
830	Availability of appropriations	3911
831	Assignment and performance of duties	3912
832	Injury or death in line of duty	3913

SEC. 120. CHAPTER 41.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 39 (as added by section 119) the following:

"CHAPTER 41—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

14 USC prec. 4101.

"Sec.
"4101. Flags; pennants; uniforms and insignia.
"4102. Penalty.
"4103. Limitation on rights of members of the Auxiliary and temporary members of the Reserve.
"4104. Availability of facilities and appropriations.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter

41 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
891	Flags; pennants; uniforms and insignia	4101
892	Penalty	4102
893	Limitation on rights of members of the Auxiliary and temporary members of the Reserve	4103
894	Availability of facilities and appropriations	4104

SEC. 121. SUBTITLE IV AND CHAPTER 49.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 41 (as added by section 120) the following:

14 USC prec. 4901.

"Subtitle IV—Coast Guard Authorizations and Reports to Congress

"Chap. Sec.
"49. Authorizations 4901
"51. Reports 5101

14 USC prec. 4901.

"CHAPTER 49—AUTHORIZATIONS

"Sec.
"4901. Requirement for prior authorization of appropriations.
"4902. Authorization of appropriations.
"4903. Authorization of personnel end strengths.
"4904. Authorized levels of military strength and training.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 49 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2701	Requirement for prior authorization of appropriations	4901
2702	Authorization of appropriations	4902
2703	Authorization of personnel end strengths	4903
2704	Authorized levels of military strength and training	4904

SEC. 122. CHAPTER 51.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 49 (as added by section 121) the following:

"CHAPTER 51—REPORTS

14 USC prec. 5101.

"Sec.
"5101. Transmission of annual Coast Guard authorization request.
"5102. Capital investment plan.
"5103. Major acquisitions.
"5104. Manpower requirements plan.
"5105. Inventory of real property.
"5106. Annual performance report.
"5107. Major acquisition risk assessment.".

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 51 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2901	Transmission of annual Coast Guard authorization request	5101
2902	Capital investment plan	5102
2903	Major acquisitions	5103
2904	Manpower requirements plan	5104
679	Inventory of real property	5105
2905	Annual performance report	5106
2906	Major acquisition risk assessment	5107

SEC. 123. REFERENCES.

14 USC 101 note.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) REDESIGNATED SECTION.—The term "redesignated section" means a section of title 14, United States Code, that is redesignated by this title, as that section is so redesignated.

(2) SOURCE SECTION.—The term "source section" means a section of title 14, United States Code, that is redesignated by this title, as that section was in effect before the redesignation.

(b) REFERENCE TO SOURCE SECTION.—

14 USC 101 note.

(1) TREATMENT OF REFERENCE.—A reference to a source section, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding redesignated section.

(2) TITLE 14.—In title 14, United States Code, each reference in the text of such title to a source section is amended by striking such reference and inserting a reference to the appropriate, as determined using the tables located in this title, redesignated section.

49 USC 303–305, 308, 313, 317, 504, 528, 543, 717, 908, 1106, 1107, 1110, 1133, 1171, 1904, 1945, 2107–2110, 2113, 2115–2125, 2142–2146, 2148–2151, 2159–2164, 2307, 2311, 2315, 2734, 2922, 2945, 2946, 3711, 3731, 3734, 3735, 3737, 3740, 3742, 3743, 3747, 3749, 3752, 3901, 3902, 3908, 3909, 3911, 5101, 5103, 5104, 5107.

(c) OTHER CONFORMING AMENDMENTS.—

(1) REFERENCE TO SECTION 182.—Section 1923(c) of title 14, United States Code, as so redesignated by this title, is further amended by striking "section 182" and inserting "section 1922".

(2) REFERENCES TO CHAPTER 11.—Title 14, United States Code, is further amended—

(A) in section 2146(d), as so redesignated by this title, by striking "chapter 11 of this title" and inserting "this chapter"; and

(B) in section 3739, as so redesignated by this title, by striking "chapter 11" each place that it appears and inserting "chapter 21".

(3) REFERENCE TO CHAPTER 13.—Section 3705(b) of title 14, United States Code, as so redesignated by this title, is further amended by striking "chapter 13" and inserting "chapter 27".

(4) REFERENCE TO CHAPTER 15.—Section 308(b)(3) of title 14, United States Code, as so redesignated by this title, is further amended by striking "chapter 15" and inserting "chapter 11".

(5) REFERENCES TO CHAPTER 19.—Title 14, United States Code, is further amended—

(A) in section 4901(4), as so redesignated by this title, by striking "chapter 19" and inserting "section 318"; and

(B) in section 4902(4), as so redesignated by this title, by striking "chapter 19" and inserting "section 318".

(6) REFERENCE TO CHAPTER 23.—Section 701(a) of title 14, United States Code, as so redesignated by this title, is further amended by striking "chapter 23" and inserting "chapter 39".

SEC. 124. RULE OF CONSTRUCTION.

14 USC note prec. 101.

This title, including the amendments made by this title, is intended only to reorganize title 14, United States Code, and may not be construed to alter—

(1) the effect of a provision of title 14, United States Code, including any authority or requirement therein;

(2) a department or agency interpretation with respect to title 14, United States Code; or

(3) a judicial interpretation with respect to title 14, United States Code.

TITLE II—AUTHORIZATIONS

SEC. 201. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Section 4902 of title 14, United States Code, is amended to read as follows:

"§ 4902. Authorizations of appropriations

"(a) FISCAL YEAR 2018.—Funds are authorized to be appropriated for fiscal year 2018 for necessary expenses of the Coast Guard as follows:

"(1) For the operation and maintenance of the Coast Guard, not otherwise provided for, $7,210,313,000 for fiscal year 2018.

"(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, $2,694,745,000 for fiscal year 2018.

"(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services, $114,875,000 for fiscal year 2018.

"(4) For the environmental compliance and restoration functions of the Coast Guard under chapter 3 of this title, $13,397,000 for fiscal year 2018.

"(5) To the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, $29,141,000 for fiscal year 2018.

"(b) FISCAL YEAR 2019.—Funds are authorized to be appropriated for fiscal year 2019 for necessary expenses of the Coast Guard as follows:

"(1)(A) For the operation and maintenance of the Coast Guard, not otherwise provided for, $7,914,195,000 for fiscal year 2019.

"(B) Of the amount authorized under subparagraph (A)—

"(i) $16,701,000 shall be for environmental compliance and restoration; and

"(ii) $199,360,000 shall be for the Coast Guard's Medicare-eligible retiree health care fund contribution to the Department of Defense.

"(2) For the procurement, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, $2,694,745,000 for fiscal year 2019.

"(3) To the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, $29,141,000 for fiscal year 2019.".

14 USC 4902 note.

(b) REPEAL.—On October 1, 2018—

(1) section 4902(a) of title 14, United States Code, as amended by subsection (a), shall be repealed; and

(2) subsection 4902(b) of title 14, United States Code, as amended by subsection (a), shall be amended by striking "(b) FISCAL YEAR 2019.—".

SEC. 203. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a), by striking "for each of fiscal years 2016 and 2017" and inserting "for fiscal year 2018 and 44,500 for fiscal year 2019"; and

(2) in subsection (b), by striking "fiscal years 2016 and 2017" and inserting "fiscal years 2018 and 2019".

SEC. 204. AUTHORIZATION OF AMOUNTS FOR FAST RESPONSE CUTTERS.

(a) IN GENERAL.—Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to $167,500,000 is authorized for the acquisition of 3 Fast Response Cutters.

(b) TREATMENT OF ACQUIRED CUTTERS.—Any cutters acquired pursuant to subsection (a) shall be in addition to the 58 cutters approved under the existing acquisition baseline.

SEC. 205. AUTHORIZATION OF AMOUNTS FOR SHORESIDE INFRASTRUCTURE.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to $167,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund the acquisition, construction, rebuilding, or improvement of Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

SEC. 206. AUTHORIZATION OF AMOUNTS FOR AIRCRAFT IMPROVEMENTS.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to $3,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund analysis and program development for improvements to or the replacement of rotary-wing aircraft.

TITLE III—COAST GUARD

SEC. 301. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

SEC. 302. PRIMARY DUTIES.

Section 102(7) of title 14, United States Code, is amended to read as follows:

"(7) maintain a state of readiness to assist in the defense of the United States, including when functioning as a specialized service in the Navy pursuant to section 103.".

SEC. 303. NATIONAL COAST GUARD MUSEUM.

Section 316 of title 14, United States Code, is amended to read as follows:

"§ 316. National Coast Guard Museum

"(a) ESTABLISHMENT.—The Commandant may establish a National Coast Guard Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

"(b) LIMITATION ON EXPENDITURES.—

"(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

"(2) The Secretary shall fund the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

"(3) The Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a National Coast Guard Museum.

"(c) FUNDING PLAN.—Before the date on which the Commandant establishes a National Coast Guard Museum under subsection (a), the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such a museum, including—

"(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

"(2) the extent to which appropriated, nonappropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction; and

"(3) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

"(d) AUTHORITY.—The Commandant may not establish a National Coast Guard museum except as set forth in this section.".

SEC. 304. UNMANNED AIRCRAFT.

(a) LAND-BASED UNMANNED AIRCRAFT SYSTEM PROGRAM.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

14 USC 319.

"§ 319. Land-based unmanned aircraft system program

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a land-based unmanned aircraft system program under the control of the Commandant.

"(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term 'unmanned aircraft system' has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).".

(b) LIMITATION ON UNMANNED AIRCRAFT SYSTEMS.—Chapter 11 of title 14, United States Code, is amended by inserting after section 1155 the following:

14 USC 1156.

"§ 1156. Limitation on unmanned aircraft systems

"(a) IN GENERAL.—During any fiscal year for which funds are appropriated for the design or construction of an Offshore Patrol Cutter, the Commandant—

"(1) may not award a contract for design of an unmanned aircraft system for use by the Coast Guard; and

"(2) may lease, acquire, or acquire the services of an unmanned aircraft system only if such system—

"(A) has been part of a program of record of, procured by, or used by a Federal entity (or funds for research, development, test, and evaluation have been received from a Federal entity with regard to such system) before the date on which the Commandant leases, acquires, or acquires the services of the system; and

"(B) is leased, acquired, or utilized by the Commandant through an agreement with a Federal entity, unless such an agreement is not practicable or would be less cost-effective than an independent contract action by the Coast Guard.

"(b) SMALL UNMANNED AIRCRAFT EXEMPTION.—Subsection (a)(2) does not apply to small unmanned aircraft.

"(c) DEFINITIONS.—In this section, the terms 'small unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).".

(c) CLERICAL AMENDMENTS.—

(1) CHAPTER 3.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following: 14 USC prec. 301.

"319. Land-based unmanned aircraft system program.".

(2) CHAPTER 11.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1155 the following: 14 USC prec. 1101.

"1156. Limitation on unmanned aircraft systems.".

(d) CONFORMING AMENDMENT.—Subsection (c) of section 1105 of title 14, United States Code, is repealed.

SEC. 305. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 507 the following:

"§ 508. Coast Guard health-care professionals; licensure portability 14 USC 508.

"(a) IN GENERAL.—Notwithstanding any other provision of law regarding the licensure of health-care providers, a health-care professional described in subsection (b) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of where such health-care professional or the patient is located, if the practice is within the scope of the authorized Federal duties of such health-care professional.

"(b) DESCRIBED INDIVIDUALS.—A health-care professional described in this subsection is an individual—

"(1) who is—

"(A) a member of the Coast Guard;

"(B) a civilian employee of the Coast Guard;

"(C) a member of the Public Health Service who is assigned to the Coast Guard; or

"(D) any other health-care professional credentialed and privileged at a Federal health-care institution or location specially designated by the Secretary; and

"(2) who—

"(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

"(B) is performing authorized duties for the Coast Guard.

"(c) DEFINITIONS.—In this section, the terms 'license' and 'health-care professional' have the meanings given those terms in section 1094(e) of title 10.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 507 the following:

14 USC prec. 501.

"508. Coast Guard health-care professionals; licensure portability.".

14 USC 504 note.

(c) ELECTRONIC HEALTH RECORDS.—

(1) SYSTEM.—The Commandant of the Coast Guard is authorized to procure for the Coast Guard an electronic health record system that—

(A) has been competitively awarded by the Department of Defense; and

(B) ensures full integration with the Department of Defense electronic health record systems.

(2) SUPPORT SERVICES.—

(A) IN GENERAL.—The Commandant is authorized to procure support services for the electronic health record system procured under paragraph (1) necessary to ensure full integration with the Department of Defense electronic health record systems.

(B) SCOPE.—Support services procured pursuant to this paragraph may include services for the following:

(i) System integration support.

(ii) Hosting support.

(iii) Training, testing, technical, and data migration support.

(iv) Hardware support.

(v) Any other support the Commandant considers appropriate.

(3) AUTHORIZED PROCUREMENT ACTIONS.—The Commandant is authorized to procure an electronic health record system under this subsection through the following:

(A) A task order under the Department of Defense electronic health record contract.

(B) A sole source contract award.

(C) An agreement made pursuant to sections 1535 and 1536 of title 31, United States Code.

(D) A contract or other procurement vehicle otherwise authorized.

(4) COMPETITION IN CONTRACTING; EXEMPTION.—Procurement of an electronic health record system and support services pursuant to this subsection shall be exempt from the competition requirements of section 2304 of title 10, United States Code.

SEC. 306. TRAINING; EMERGENCY RESPONSE PROVIDERS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"§ 718. Training; emergency response providers

14 USC 718.

"(a) IN GENERAL.—The Commandant may, on a reimbursable or a non-reimbursable basis, make a training available to emergency response providers whenever the Commandant determines that—

"(1) a member of the Coast Guard, who is scheduled to participate in such training, is unable or unavailable to participate in such training;

"(2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard who is unable or unavailable to participate in such training is assigned, is able or available to participate in such training; and

"(3) such training, if made available to such emergency response providers, would further the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

"(b) EMERGENCY RESPONSE PROVIDERS DEFINED.—In this section, the term 'emergency response providers' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

"(c) TREATMENT OF REIMBURSEMENT.—Any reimbursements for a training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

"(d) STATUS; LIMITATION ON LIABILITY.—

"(1) STATUS.—Any individual to whom, as an emergency response provider, training is made available under this section, who is not otherwise a Federal employee, shall not, because of that training, be considered a Federal employee for any purpose (including the purposes of chapter 81 of title 5 (relating to compensation for injury) and sections 2671 through 2680 of title 28 (relating to tort claims)).

"(2) LIMITATION ON LIABILITY.—The United States shall not be liable for actions taken by an individual in the course of training made available under this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 701.

"718. Training; emergency response providers.".

SEC. 307. INCENTIVE CONTRACTS FOR COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.

Section 939 of title 14, United States Code, is amended—

(1) by inserting before "The Secretary may" the following: "(a) IN GENERAL.—";

(2) in subsection (a), as so designated by paragraph (1) of this section, by striking the period at the end of the last sentence and inserting "or in accordance with subsection (b).";

and

(3) by adding at the end the following:

"(b) INCENTIVE CONTRACTS.—

"(1) The parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment designated under subsection (a) may enter into an order or a cost-plus-incentive-fee order in accordance with this subsection.

"(2) If such parties enter into such an order or a cost-plus-incentive-fee order, an agreed-upon amount of any adjustment described in subsection (a) may be distributed as an incentive to the wage-grade industrial employees who complete the order.

"(3) Before entering into such an order or cost-plus-incentive-fee order such parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order for industrial work to which such parties initially agreed.

"(4) Notwithstanding any other provision of law, if the industrial workforce of the Coast Guard Yard or Coast Guard industrial establishment satisfies the performance target established in such an order or cost-plus-incentive-fee order—

"(A) the adjustment to be made pursuant to subsection (a) shall be reduced by an agreed-upon amount and distributed to such wage-grade industrial employees; and

"(B) the remainder of the adjustment shall be credited to the appropriation for such order current at that time.".

SEC. 308. CONFIDENTIAL INVESTIGATIVE EXPENSES.

Section 944 of title 14, United States Code, is amended by striking "$45,000" and inserting "$250,000".

SEC. 309. REGULAR CAPTAINS; RETIREMENT.

Section 2149(a) of title 14, United States Code, is amended—

(1) by striking "zone is" and inserting "zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title, is"; and

(2) by striking the period at the end and inserting "or placed at the top of the list of selectees, as applicable.".

SEC. 310. CONVERSION, ALTERATION, AND REPAIR PROJECTS.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 951 the following:

14 USC 952.

"§ 952. Construction of Coast Guard vessels and assignment of vessel projects

"The assignment of Coast Guard vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 951 the following:

14 USC prec. 901.

"952. Construction of Coast Guard vessels and assignment of vessel projects.".

SEC. 311. CONTRACTING FOR MAJOR ACQUISITIONS PROGRAMS.

(a) GENERAL ACQUISITION AUTHORITY.—Section 501(d) of title 14, United States Code, is amended by inserting "aircraft, and systems," after "vessels,".

(b) CONTRACTING AUTHORITY.—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 1136 the following:

"§ 1137. Contracting for major acquisitions programs 14 USC 1137.

"(a) IN GENERAL.—In carrying out authorities provided to the Secretary to design, construct, accept, or otherwise acquire assets and systems under section 501(d), the Secretary, acting through the Commandant or the head of an integrated program office established for a major acquisition program, may enter into contracts for a major acquisition program.

"(b) AUTHORIZED METHODS.—Contracts entered into under subsection (a)—

"(1) may be block buy contracts;

"(2) may be incrementally funded;

"(3) may include combined purchases, also known as economic order quantity purchases, of—

"(A) materials and components; and

"(B) long lead time materials; and

"(4) as provided in section 2306b of title 10, may be multiyear contracts.

"(c) SUBJECT TO APPROPRIATIONS.—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of amounts specifically provided in advance for that purpose in subsequent appropriations Acts.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 1136 the following: 14 USC prec. 1101.

"1137. Contracting for major acquisitions programs.".

(d) CONFORMING AMENDMENTS.—The following provisions are repealed:

(1) Section 223 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (14 U.S.C. 1152 note), and the item relating to that section in the table of contents in section 2 of such Act. 14 USC 577 note.

(2) Section 221(a) of the Coast Guard and Maritime Transportation Act of 2012 (14 U.S.C. 1133 note). 14 USC 573.

(3) Section 207(a) of the Coast Guard Authorization Act of 2016 (14 U.S.C. 561 note). 14 USC 87.

(e) INTERNAL REGULATIONS AND POLICY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish the internal regulations and policies necessary to exercise the authorities provided under this section, including the amendments made in this section. 14 USC 1137 note.

(f) MULTIYEAR CONTRACTS.—The Secretary of the department in which the Coast Guard is operating is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment. 14 USC 1133 note.

SEC. 312. OFFICER PROMOTION ZONES.

Section 2111(a) of title 14, United States Code, is amended by striking "six-tenths." and inserting "one-half.".

SEC. 313. CROSS REFERENCE.

Section 2129(a) of title 14, United States Code, is amended by inserting "designated under section 2317" after "cadet".

SEC. 314. COMMISSIONED SERVICE RETIREMENT.

For Coast Guard officers who retire in fiscal year 2018 or 2019, the President may reduce the period of active commissioned service required under section 2152 of title 14, United States Code, to a period of not less than 8 years.

SEC. 315. LEAVE FOR BIRTH OR ADOPTION OF CHILD.

(a) POLICY.—Section 2512 of title 14, United States Code, is amended—

(1) by striking "Not later than 1 year" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), not later than 1 year"; and

(2) by adding at the end the following:

"(b) LEAVE ASSOCIATED WITH BIRTH OR ADOPTION OF CHILD.—Notwithstanding subsection (a), sections 701 and 704 of title 10, or any other provision of law, all officers and enlisted members of the Coast Guard shall be authorized leave associated with the birth or adoption of a child during the 1-year period immediately following such birth or adoption and, at the discretion of the Commanding Officer, such officer or enlisted member shall be permitted—

"(1) to take such leave in increments; and

"(2) to use flexible work schedules (pursuant to a program established by the Secretary in accordance with chapter 61 of title 5).".

14 USC 2512 note.

(b) FLEXIBLE WORK SCHEDULES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall ensure that a flexible work schedule program under chapter 61 of title 5, United States Code, is in place for officers and enlisted members of the Coast Guard.

SEC. 316. CLOTHING AT TIME OF DISCHARGE.

Section 2705 of title 14, United States Code, and the item relating to that section in the analysis for chapter 27 of that title, are repealed.

14 USC prec. 2701.

SEC. 317. UNFUNDED PRIORITIES LIST.

(a) IN GENERAL.—Section 5102 of title 14, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

"(1) the proposed appropriations included in the budget;

"(2) the total estimated cost of completion based on the proposed appropriations included in the budget;

"(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

"(4) an estimated completion date based on the proposed appropriations included in the budget;

"(5) an acquisition program baseline, as applicable; and

"(6) projected commissioning and decommissioning dates for each asset."; and

(2) by striking subsection (c) and inserting the following:

"(c) DEFINITIONS.—In this section, the term 'new capital asset' means—

"(1) an acquisition program that does not have an approved acquisition program baseline; or

"(2) the acquisition of a capital asset in excess of the number included in the approved acquisition program baseline.".

(b) UNFUNDED PRIORITIES.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

"§ 5108. Unfunded priorities list

14 USC 5108.

"(a) IN GENERAL.—Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a list of each unfunded priority for the Coast Guard.

"(b) PRIORITIZATION.—The list required under subsection (a) shall present the unfunded priorities in order from the highest priority to the lowest, as determined by the Commandant.

"(c) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority' means a program or mission requirement that—

"(1) has not been selected for funding in the applicable proposed budget;

"(2) is necessary to fulfill a requirement associated with an operational need; and

"(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 510.

"5108. Unfunded priorities list.".

SEC. 318. SAFETY OF VESSELS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 527 of title 14, United States Code, is amended—

(1) in the heading, by striking "**naval vessels**" and inserting "**vessels of the Armed Forces**";

(2) in subsection (a), by striking "United States naval vessel" and inserting "vessel of the Armed Forces";

(3) in subsection (b)—

(A) by striking "senior naval officer present in command" and inserting "senior officer present in command"; and

(B) by striking "United States naval vessel" and inserting "vessel of the Armed Forces"; and

(4) by adding at the end the following:

"(e) For purposes of this title, the term 'vessel of the Armed Forces' means—

"(1) any vessel owned or operated by the Department of Defense or the Coast Guard, other than a time- or voyage-chartered vessel; and

"(2) any vessel owned and operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in paragraph (1).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is further amended by striking the item relating to section 527 and inserting the following:

14 USC prec. 501.

"527. Safety of vessels of the Armed Forces.".

(c) CONFORMING AMENDMENTS.—Section 2510(a)(1) of title 14, United States Code, is amended—

(1) by striking "armed forces" and inserting "Armed Forces"; and

(2) by striking "section 101(a) of title 10" and inserting "section 527(e)".

SEC. 319. AIR FACILITIES.

Section 912 of title 14, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) in subsection (a) as redesignated—

(A) by amending paragraph (3) to read as follows:

"(3) PUBLIC NOTICE AND COMMENT.—

"(A) IN GENERAL.—Prior to closing an air facility, the Secretary shall provide opportunities for public comment, including the convening of public meetings in communities in the area of responsibility of the air facility with regard to the proposed closure or cessation of operations at the air facility.

"(B) PUBLIC MEETINGS.—Prior to convening a public meeting under subparagraph (A), the Secretary shall notify each congressional office representing any portion of the area of responsibility of the air station that is the subject to such public meeting of the schedule and location of such public meeting.";

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A) by striking "2015" and inserting "2017"; and

(ii) by amending subparagraph (A) to read as follows:

"(A) submit to the Congress a proposal for such closure, cessation, or reduction in operations along with the budget of the President submitted to Congress under section 1105(a) of title 31 that includes—

"(i) a discussion of the determination made by the Secretary pursuant to paragraph (2); and

"(ii) a report summarizing the public comments received by the Secretary under paragraph (3)"; and

(C) by adding at the end the following:

"(5) CONGRESSIONAL REVIEW.—The Secretary may not close, cease operations, or significantly reduce personnel and use of a Coast Guard air facility for which a written notice is provided under paragraph (4)(A) until a period of 18 months

beginning on the date on which such notice is provided has elapsed.".

TITLE IV—PORTS AND WATERWAYS SAFETY

SEC. 401. CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.

(a) CODIFICATION.—Subtitle VII of title 46, United States Code, is amended by inserting before chapter 701 the following:

"CHAPTER 700—PORTS AND WATERWAYS SAFETY

46 USC prec. 70001.

"SUBCHAPTER A—VESSEL OPERATIONS

"70001. Vessel traffic services.
"70002. Special powers.
"70003. Port access routes.
"70004. Considerations by Secretary.
"70005. International agreements.

"SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

"70011. Waterfront safety.
"70012. Navigational hazards.
"70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

"SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

"70021. Conditions for entry to ports in the united states.

"SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

"70031. Definitions.
"70032. Saint Lawrence Seaway.
"70033. Limitation on application to foreign vessels.
"70034. Regulations.
"70035. Investigatory powers.
"70036. Enforcement.

"SUBCHAPTER I—VESSEL OPERATIONS

46 USC prec. 70001.

"§ 70001. Vessel traffic services

46 USC 70001.

"(a) Subject to the requirements of section 70004, the Secretary—

"(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

"(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;

"(3)(A) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety.

"(B) Notwithstanding subparagraph (A), the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

"(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by—

"(A) specifying times of entry, movement, or departure;

"(B) establishing vessel traffic routing schemes;

"(C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and

"(D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances;

"(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and

"(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

"(b) COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

"(2) LIMITATION.—

"(A) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

"(B) As used in this paragraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

"(c) LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—

"(1) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot, acting in the course and scope of his or her duties while

at a Coast Guard Vessel Traffic Service, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

"(2) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.

"§ 70002. Special powers

46 USC 70002.

"The Secretary may order any vessel, in a port or place subject to the jurisdiction of the United States or in the navigable waters of the United States, to operate or anchor in a manner the Secretary directs if—

"(1) the Secretary has reasonable cause to believe such vessel does not comply with any regulation issued under section 70034 or any other applicable law or treaty;

"(2) the Secretary determines such vessel does not satisfy the conditions for port entry set forth in section 70021 of this title; or

"(3) by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the Secretary is satisfied such direction is justified in the interest of safety.

"§ 70003. Port access routes

46 USC 70003.

"(a) AUTHORITY TO DESIGNATE.—Except as provided in subsection (b) and subject to the requirements of subsection (c), in order to provide safe access routes for the movement of vessel traffic proceeding to or from ports or places subject to the jurisdiction of the United States, the Secretary shall designate necessary fairways and traffic separation schemes for vessels operating in the territorial sea of the United States and in high seas approaches, outside the territorial sea, to such ports or places. Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses.

"(b) LIMITATION.—

"(1) IN GENERAL.—No designation may be made by the Secretary under this section if—

"(A) the Secretary determines such a designation, as implemented, would deprive any person of the effective exercise of a right granted by a lease or permit executed or issued under other applicable provisions of law; and

"(B) such right has become vested before the time of publication of the notice required by paragraph (1) of subsection (c).

"(2) CONSULTATION REQUIRED.—The Secretary shall make the determination under paragraph (1)(A) after consultation with the head of the agency responsible for executing the lease or issuing the permit.

"(c) CONSIDERATION OF OTHER USES.—Before making a designation under subsection (a), and in accordance with the requirements of section 70004, the Secretary shall—

"(1) undertake a study of the potential traffic density and the need for safe access routes for vessels in any area for which fairways or traffic separation schemes are proposed or that may otherwise be considered and publish notice of such undertaking in the Federal Register;

"(2) in consultation with the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, the Secretary of the Army, and the Governors of affected States, as their responsibilities may require, take into account all other uses of the area under consideration, including, as appropriate, the exploration for, or exploitation of, oil, gas, or other mineral resources, the construction or operation of deepwater ports or other structures on or above the seabed or subsoil of the submerged lands or the Outer Continental Shelf of the United States, the establishment or operation of marine or estuarine sanctuaries, and activities involving recreational or commercial fishing; and

"(3) to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved.

"(d) STUDY.—In carrying out the Secretary's responsibilities under subsection (c), the Secretary shall—

"(1) proceed expeditiously to complete any study undertaken; and

"(2) after completion of such a study, promptly—

"(A) issue a notice of proposed rulemaking for the designation contemplated; or

"(B) publish in the Federal Register a notice that no designation is contemplated as a result of the study and the reason for such determination.

"(e) IMPLEMENTATION OF DESIGNATION.—In connection with a designation made under this section, the Secretary—

"(1) shall issue reasonable rules and regulations governing the use of such designated areas, including rules and regulations regarding the applicability of rules 9 and 10 of the International Regulations for Preventing Collisions at Sea, 1972, relating to narrow channels and traffic separation schemes, respectively, in waters where such regulations apply;

"(2) to the extent that the Secretary finds reasonable and necessary to effectuate the purposes of the designation, make the use of designated fairways and traffic separation schemes mandatory for specific types and sizes of vessels, foreign and domestic, operating in the territorial sea of the United States and for specific types and sizes of vessels of the United States operating on the high seas beyond the territorial sea of the United States;

"(3) may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes in order to accommodate the needs of other uses that cannot be reasonably accommodated otherwise, except that such an adjustment may not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which continues; and

"(4) shall, through appropriate channels—

"(A) notify cognizant international organizations of any designation, or adjustment thereof; and

"(B) take action to seek the cooperation of foreign States in making it mandatory for vessels under their control to use, to the same extent as required by the Secretary for vessels of the United States, any fairway or traffic separation scheme designated under this section in any area of the high seas.

"§ 70004. Considerations by Secretary

46 USC 70004.

"In carrying out the duties of the Secretary under sections 70001, 70002, and 70003, the Secretary shall—

"(1) take into account all relevant factors concerning navigation and vessel safety, protection of the marine environment, and the safety and security of United States ports and waterways, including—

"(A) the scope and degree of the risk or hazard involved;

"(B) vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

"(C) port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

"(D) the need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

"(E) the proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

"(F) environmental factors;

"(G) economic impact and effects;

"(H) existing vessel traffic services; and

"(I) local practices and customs, including voluntary arrangements and agreements within the maritime community; and

"(2) at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, ports and harbor authorities or associations, environmental groups, and other persons who may be affected by the proposed actions.

"§ 70005. International agreements

46 USC 70005.

"(a) TRANSMITTAL OF REGULATIONS.—The Secretary shall transmit, via the Secretary of State, to appropriate international bodies or forums, any regulations issued under this subchapter, for consideration as international standards.

"(b) AGREEMENTS.—The President is authorized and encouraged to—

"(1) enter into negotiations and conclude and execute agreements with neighboring nations, to establish compatible vessel standards and vessel traffic services, and to establish, operate, and maintain international vessel traffic services, in areas and under circumstances of mutual concern; and

"(2) enter into negotiations, through appropriate international bodies, and conclude and execute agreements to establish vessel traffic services in appropriate areas of the high seas.

"(c) OPERATIONS.—The Secretary, pursuant to any agreement negotiated under subsection (b) that is binding upon the United States in accordance with constitutional requirements, may—

"(1) require vessels operating in an area of a vessel traffic service to utilize or to comply with the vessel traffic service, including the carrying or installation of equipment and devices as necessary for the use of the service; and

"(2) waive, by order or regulation, the application of any United States law or regulation concerning the design, construction, operation, equipment, personnel qualifications, and manning standards for vessels operating in waters over which the United States exercises jurisdiction if such vessel is not en route to or from a United States port or place, and if vessels en route to or from a United States port or place are accorded equivalent waivers of laws and regulations of the neighboring nation, when operating in waters over which that nation exercises jurisdiction.

"(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, may implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean:

"(1) Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39′ N., 70 deg. 37′ W; then northeast to 42 deg. 45′ N., 70 deg. 13′ W; then southeast to 42 deg. 10′ N., 68 deg. 31′ W, then south to 41 deg. 00′ N., 68 deg. 31′ W; then west to 41 deg. 00′ N., 69 deg. 17′ W; then northeast to 42 deg. 05′ N., 70 deg. 02′ W, then west to 42 deg. 04′ N., 70 deg. 10′ W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39′ N., 70 deg. 37′ W).

"(2) In the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6′ W with the southern and northern boundary at latitudes 30 deg. 00′ N., 31 deg. 27′ N., respectively).

46 USC prec. 70011.

"SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

46 USC 70011.

"§ 70011. Waterfront safety

"(a) IN GENERAL.—The Secretary may take such action as is necessary to—

"(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

"(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

"(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

"(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

"(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

"(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

"(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

"(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

"§ 70012. Navigational hazards

46 USC 70012.

"(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

"(b) SECRETARY'S RESPONSE.—

"(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline's vicinity.

"(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline's vicinity, and the owner and operator of the pipeline.

"(c) PIPELINE DEFINED.—For purposes of this section, the term 'pipeline' has the meaning given the term 'pipeline facility' in section 60101(a)(18) of title 49.

"§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

46 USC 70013.

"(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

"(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

46 USC prec. 70021.

"SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

46 USC 70021.

"§ 70021. Conditions for entry to ports in the United States

"(a) IN GENERAL.—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

"(1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;

"(2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;

"(3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;

"(4) does not comply with any applicable vessel traffic service requirements;

"(5) is manned by one or more officers who are licensed by a certificating State that the Secretary has determined, pursuant to section 9101 of title 46, does not have standards for licensing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;

"(6) is not manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel; or

"(7) while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—The Secretary may allow provisional entry of a vessel that is not in compliance with subsection (a), if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is not unsafe or a threat to the marine environment, and if such entry is necessary for the safety of the vessel or persons aboard.

"(2) PROVISIONS NOT APPLICABLE.—Paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall not apply to a vessel allowed provisional entry under paragraph (1) if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is no longer unsafe or a threat to the marine environment, and is no longer in violation of any applicable law, treaty, regulation, or condition, as appropriate.

"SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

46 USC prec. 70031.

"§ 70031. Definitions

46 USC 70031.

"As used in subchapters A through C and this subchapter, unless the context otherwise requires:

"(1) The term 'marine environment' means—

"(A) the navigable waters of the United States and the land and resources therein and thereunder;

"(B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;

"(C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and

"(D) the recreational, economic, and scenic values of such waters and resources.

"(2) The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.

"(3) The term 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

"§ 70032. Saint Lawrence Seaway

46 USC 70032.

"The authority granted to the Secretary under sections 70001, 70002, 70003, 70004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters A through C and this subchapter shall be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

"§ 70033. Limitation on application to foreign vessels

46 USC 70033.

"Except pursuant to international treaty, convention, or agreement, to which the United States is a party, subchapters A through C and this subchapter shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

"(1) innocent passage through the territorial sea of the United States; or

"(2) transit through the navigable waters of the United States that form a part of an international strait.

"§ 70034. Regulations

46 USC 70034.

"(a) IN GENERAL.—In accordance with section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement subchapters A through C and this subchapter.

"(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters A through C and this subchapter, the Secretary shall consult with, and receive and consider the views of all interested persons, including—

"(1) interested Federal departments and agencies;
"(2) officials of State and local governments;
"(3) representatives of the maritime community;
"(4) representatives of port and harbor authorities or associations;
"(5) representatives of environmental groups;
"(6) any other interested persons who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment; and
"(7) advisory committees consisting of all interested segments of the public when the establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

46 USC 70035.

"§ 70035. Investigatory powers

"(a) SECRETARY.—The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to subchapters A through C and this subchapter, or that affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States.

"(b) POWERS.—In an investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

46 USC 70036.

"§ 70036. Enforcement

"(a) CIVIL PENALTY.—
"(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters A through C or this subchapter or a regulation issued under subchapters A through C or this subchapter shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary's designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.
"(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.
"(3) FAILURE TO PAY PENALTY.—If any person fails to pay an assessment of a civil penalty after it has become final,

the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

"(b) CRIMINAL PENALTY.—

"(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters A through C or this subchapter or any regulation issued thereunder commits a class D felony.

"(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters A through C or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

"(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters A, B, or C or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

"(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter A, B, or C or this subchapter or of regulations issued under such subchapter, for cause shown.

"(e) DENIAL OF ENTRY.—Except as provided in section 70021, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter A, B, or C or this subchapter or the regulations issued under such subchapter—

"(1) into the navigable waters of the United States; or

"(2) to any port or place under the jurisdiction of the United States.

"(f) WITHHOLDING OF CLEARANCE.—

"(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

"(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such subtitle is amended by inserting before the item relating to chapter 701 the following:

46 USC prec. 70001.

"700. Ports and Waterways Safety ..... 70001.".

SEC. 402. CONFORMING AMENDMENTS.

(a) ELECTRONIC CHARTS.—

(1) TRANSFER OF PROVISION.—Section 4A of the Ports and Waterways Safety Act (33 U.S.C. 1223a)—

(A) is redesignated as section 3105 of title 46, United States Code, and transferred to appear after section 3104 of that title; and

(B) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

"(1) innocent passage through the territorial sea of the United States; or

"(2) transit through the navigable waters of the United States that form a part of an international strait.".

(2) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 31 of such title is amended by adding at the end the following:

46 USC prec. 3101.

"3105. Electronic charts.".

(b) PORT, HARBOR, AND COASTAL FACILITY SECURITY.—

(1) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70116 of title 46, United States Code, and transferred to section 70116 of that title.

(2) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70116 of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

"(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.".

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by striking the item relating to section 70116 and inserting the following:

46 USC prec. 70101.

"70116. Port, harbor, and coastal facility security.".

(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking "this Act" and inserting "this chapter".

(d) REPEAL.—Section 2307 of title 46, United States Code, and the item relating to that section in the analysis at the beginning of chapter 23 of that title, are repealed.

46 USC prec. 2301.

(e) REPEAL.—The Ports and Waterways Safety Act (33 U.S.C. 1221–1231, 1232–1232b), as amended by this Act, is repealed.

46 USC note prec. 101.

SEC. 403. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term "source provision" means a provision of law that is replaced by a title 46 provision under this title.

(2) TITLE 46 PROVISION.—The term "title 46 provision" means a provision of title 46, United States Code, that is enacted by section 402.

(b) CUTOFF DATE.—The title 46 provisions replace certain provisions of law enacted before the date of the enactment of this Act. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 46 provision. If a law enacted after that date is otherwise inconsistent with a title 46 provision or a provision of this title, that law supersedes the title 46 provision or provision of this title to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 46 provision is deemed to have been enacted on the date of enactment of the source provision that the title 46 provision replaces.

(d) REFERENCES TO TITLE 46 PROVISIONS.—A reference to a title 46 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 46 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 46 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 46 provision.

SEC. 404. RULE OF CONSTRUCTION.

46 USC note prec. 101.

This title, including the amendments made by this title, is intended only to transfer provisions of the Ports and Waterways Safety Act to title 46, United States Code, and may not be construed to alter—

(1) the effect of a provision of the Ports and Waterways Safety Act, including any authority or requirement therein;

(2) a department or agency interpretation with respect to the Ports and Waterways Safety Act; or

(3) a judicial interpretation with respect to the Ports and Waterways Safety Act.

SEC. 405. ADVISORY COMMITTEE: REPEAL.

Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is repealed.

SEC. 406. REGATTAS AND MARINE PARADES.

(a) IN GENERAL.—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

"SUBCHAPTER V—REGATTAS AND MARINE PARADES

46 USC prec. 70041.

"§ 70041. Regattas and marine parades

46 USC 70041.

"(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations to promote the safety of life on navigable waters during regattas or marine parades.

"(b) DETAIL AND USE OF VESSELS.—To enforce regulations issued under this section—

"(1) the Commandant may detail any public vessel in the service of the Coast Guard and make use of any private vessel tendered gratuitously for that purpose; and

"(2) upon the request of the Commandant, the head of any other Federal department or agency may enforce the regulations by means of any public vessel of such department and any private vessel tendered gratuitously for that purpose.

"(c) TRANSFER OF AUTHORITY.—The authority of the Commandant under this section may be transferred by the President for any special occasion to the head of another Federal department or agency whenever in the President's judgment such transfer is desirable.

"(d) PENALTIES.—

"(1) IN GENERAL.—For any violation of regulations issued pursuant to this section the following penalties shall be incurred:

"(A) A licensed officer shall be liable to suspension or revocation of license in the manner prescribed by law for incompetency or misconduct.

"(B) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of $5,000.

"(C) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of $5,000, unless the violation of regulations occurred without the owner's knowledge.

"(D) Any other person shall be liable to a penalty of $2,500.

"(2) MITIGATION OR REMISSION.—The Commandant may mitigate or remit any penalty provided for in this subsection in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

46 USC prec. 70001.

"SUBCHAPTER E—REGATTAS AND MARINE PARADES

"70041. Regattas and marine parades.".

(c) REPEAL.—The Act of April 28, 1908 (35 Stat. 69, chapter 151; 33 U.S.C. 1233 et seq.), is repealed.

33 USC 1233–1236.

SEC. 407. REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES.

(a) ESTABLISHMENT OF SUBCHAPTER F.—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

46 USC prec. 70051.

"SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

46 USC prec. 70054.

"§ 70054. Definitions

"In this subchapter:

"(1) UNITED STATES.—The term 'United States' includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

"(2) TERRITORIAL WATERS.—The term 'territorial waters of the United States' includes all waters of the territorial sea

of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(b) REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS DURING NATIONAL EMERGENCY.—Section 1 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 191), is amended—

(1) by striking the section designation and all that follows before "by proclamation" and inserting the following:

"§ 70051. Regulation of anchorage and movement of vessels during national emergency 46 USC 70051.

"Whenever the President";

(2) by striking "of the Treasury";

(3) by striking "of the department in which the Coast Guard is operating";

(4) by striking "this title" and inserting "this subchapter"; and

(5) by transferring the section so that the section appears before section 70054 of title 46, United States Code (as added by subsection (a) of this section).

(c) SEIZURE AND FORFEITURE OF VESSEL; FINE AND IMPRISONMENT.—Section 2 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192), is amended—

(1) by striking the section designation and all that follows before "agent," and inserting the following:

"§ 70052. Seizure and forfeiture of vessel; fine and imprisonment 46 USC 70052.

"(a) IN GENERAL.—If any owner,";

(2) by striking "this title" each place it appears and inserting "this subchapter"; and

(3) by transferring the section so that the section appears after section 70051 of title 46, United States Code (as transferred by subsection (b) of this section).

(d) ENFORCEMENT PROVISIONS.—Section 4 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 194), is amended—

(1) by striking all before "may employ" and inserting the following:

"§ 70053. Enforcement provisions 46 USC 70053.

"The President";

(2) by striking "the purpose of this title" and inserting "this subchapter"; and

(3) by transferring the section so that the section appears after section 70052 of title 46, United States Code (as transferred by subsection (c) of this section).

(e) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following: 46 USC prec. 70001.

"SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

"70051. Regulation of anchorage and movement of vessels during national emergency.

"70052. Seizure and forfeiture of vessel; fine and imprisonment.

"70053. Enforcement provisions.

"70054. Definitions.".

SEC. 408. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

46 USC 70102a.

(a) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70102a of title 46, United States Code, and transferred so as to appear after section 70102 of that title.

(b) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70102a of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

"(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.".

46 USC prec. 70101.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by inserting after the item relating to section 70102 the following:

"70102a. Port, harbor, and coastal facility security.".

(d) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking "this Act" and inserting "this chapter".

TITLE V—MARITIME TRANSPORTATION SAFETY

SEC. 501. CONSISTENCY IN MARINE INSPECTIONS.

(a) IN GENERAL.—Section 3305 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) The Commandant of the Coast Guard shall ensure that Officers in Charge, Marine Inspections consistently interpret regulations and standards under this subtitle and chapter 700 to avoid disruption and undue expense to industry.

"(2)(A) Subject to subparagraph (B), in the event of a disagreement regarding the condition of a vessel or the interpretation of a regulation or standard referred to in subsection (a) between a local Officer in Charge, Marine Inspection conducting an inspection of the vessel and the Officer in Charge, Marine Inspection that issued the most recent certificate of inspection for the vessel, such Officers shall seek to resolve such disagreement.

"(B) If a disagreement described in subparagraph (A) involves vessel design or plan review, the Coast Guard marine safety center shall be included in all efforts to resolve such disagreement.

"(C) If a disagreement described in subparagraph (A) or (B) cannot be resolved, the local Officer in Charge, Marine Inspection shall submit to the Commandant of the Coast Guard, through the cognizant Coast Guard district commander, a request for a final agency determination of the matter in disagreement.

"(3) The Commandant of the Coast Guard shall—

"(A) provide to each person affected by a decision or action by an Officer in Charge, Marine Inspection or by the Coast

Guard marine safety center all information necessary for such person to exercise any right to appeal such decision or action; and

"(B) if such an appeal is filed, process such appeal under parts 1 through 4 of title 46, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017.

"(4) In this section, the term 'Officer in Charge, Marine Inspection' means any person from the civilian or military branch of the Coast Guard who—

"(A) is designated as such by the Commandant; and

"(B) under the superintendence and direction of the cognizant Coast Guard district commander, is in charge of an inspection zone for the performance of duties with respect to the inspections under, and enforcement and administration of, subtitle II, chapter 700, and regulations under such laws.".

(b) REPORT ON MARINE INSPECTOR TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training, experience, and qualifications required for assignment as a marine inspector under section 312 of title 14, United States Code, including—

(1) a description of any continuing education requirement, including a specific list of the required courses;

(2) a description of the training, including a specific list of the included courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise;

(3) a description of any training that was offered in the 15-year period before the date of the enactment of this Act, but is no longer required or offered, including a specific list of the included courses, including the senior marine inspector course and any plan review courses;

(4) a justification for why a course described in paragraph (3) is no longer required or offered; and

(5) a list of the course content the Commandant considers necessary to promote consistency among marine inspectors in an environment of increasingly complex vessels and vessel systems.

SEC. 502. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS COUNTY, MINNESOTA.

Section 4105 of title 46, United States Code, amended—

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

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

"(c) In applying this title with respect to an uninspected vessel of less than 25 feet overall in length that carries passengers on Crane Lake or waters contiguous to such lake in St. Louis County, Minnesota, the Secretary shall substitute '12 passengers' for '6 passengers' each place it appears in section 2101(51).".

SEC. 503. ENGINE CUT-OFF SWITCH REQUIREMENTS.

(a) IN GENERAL.—Chapter 43 of title 46, United States Code, is amended by adding at the end the following:

46 USC 4312.

"§ 4312. Engine cut-off switches

"(a) INSTALLATION REQUIREMENT.—A manufacturer, distributor, or dealer that installs propulsion machinery and associated starting controls on a covered recreational vessel shall equip such vessel with an engine cut-off switch and engine cut-off switch link that meet American Boat and Yacht Council Standard A–33, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2017.

"(b) EDUCATION ON CUT-OFF SWITCHES.—The Commandant of the Coast Guard, through the National Boating Safety Advisory Committee established under section 15105, may initiate a boating safety program on the use and benefits of cut-off switches for recreational vessels.

"(c) AVAILABILITY OF STANDARD FOR INSPECTION.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Commandant shall transmit American Boat and Yacht Council Standard A–33, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017, to—

"(A) the Committee on Transportation and Infrastructure of the House of Representatives;

"(B) the Committee on Commerce, Science, and Transportation of the Senate; and

"(C) the Coast Guard Office of Design and Engineering Standards; and

"(D) the National Archives and Records Administration.

"(2) AVAILABILITY.—The standard submitted under paragraph (1) shall be kept on file and available for public inspection at such Coast Guard office and the National Archives and Records Administration.

"(d) DEFINITIONS.—In this section:

"(1) COVERED RECREATIONAL VESSEL.—The term 'covered recreational vessel' means a recreational vessel that is—

"(A) less than 26 feet overall in length; and

"(B) capable of developing 115 pounds or more of static thrust.

"(2) DEALER.—The term 'dealer' means any person who is engaged in the sale and distribution of recreational vessels or associated equipment to purchasers whom the seller in good faith believes to be purchasing any such vessel or associated equipment for purposes other than resale.

"(3) DISTRIBUTOR.—The term 'distributor' means any person engaged in the sale and distribution of recreational vessels and associated equipment for the purposes of resale.

"(4) MANUFACTURER.—The term 'equipment manufacturer' means any person engaged in the manufacture, construction, or assembly of recreational vessels or associated equipment, or the importation of recreational vessels into the United States for subsequent sale.

"(5) PROPULSION MACHINERY.—The term 'propulsion machinery' means a self-contained propulsion system, and includes, but is not limited to, inboard engines, outboard motors, and sterndrive engines.

"(6) STATIC THRUST.—The term 'static thrust' means the forward or backwards thrust developed by propulsion machinery while stationary.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following: 46 USC prec. 4301.

"4312. Engine cut-off switches.".

(c) EFFECTIVE DATE.—Section 4312 of title 46, United States Code, as amended by this section, shall take effect one year after the date of the enactment of this Act. 46 USC 4312 note.

SEC. 504. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.

Section 4502(b) of title 46, United States Code, is amended—

(1) in paragraph (2)(B), by striking "a survival craft" and inserting "subject to paragraph (3), a survival craft";

(2) by adding at the end the following:

"(3) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

"(A) necessary for normal fishing operations;

"(B) readily accessible during an emergency; and

"(C) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary."; and

(3) by adding at the end the following:

"(k) For the purposes of this section, the term 'auxiliary craft' means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.".

SEC. 505. SAFETY STANDARDS.

Section 4502(f) of title 46, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) if requested by the owner or operator; and

"(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2).".

SEC. 506. FISHING SAFETY GRANTS.

Section 4502 of title 46, United States Code, is amended—

(1) in subsections (i) and (j), by striking "Secretary" each place it appears and inserting "Secretary of Health and Human Services";

(2) in subsection (i)(2), as amended by paragraph (1), by inserting ", in consultation with and based on criteria established by the Commandant of the Coast Guard" after "Health and Human Services";

(3) in subsection (i)(3), by striking "75" and inserting "50";

(4) in subsection (i)(4), by striking "$3,000,000 for each of fiscal years 2015 through 2017" and inserting "$3,000,000 for each of fiscal years 2018 through 2019";

(5) in subsection (j)(2), as amended by paragraph (1), by inserting ", in consultation with and based on criteria established by the Commandant of the Coast Guard," after "Health and Human Services";

(6) in subsection (j)(3), by striking "75" and inserting "50"; and

(7) in subsection (j)(4), by striking "$3,000,000 for each fiscal years 2015 through 2017" and inserting "$3,000,000 for each of fiscal years 2018 through 2019".

SEC. 507. FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.

(a) NONAPPLICATION.—Section 4503(c)(2)(A) of title 46, United States Code, is amended by striking "79" and inserting "180".

(b) DETERMINING WHEN KEEL IS LAID.—Section 4503(f) of title 46, United States Code, as redesignated by section 508 of this Act, is further amended to read as follows:

"(f)(1) For purposes of this section and section 4503a, the term 'built' means, with respect to a vessel, that the vessel's construction has reached any of the following stages:

"(A) The vessel's keel is laid.

"(B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

"(2) In the case of a vessel greater than 79 feet overall in length, for purposes of paragraph (1)(A) a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.".

SEC. 508. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

46 USC 4503a.

(a) IN GENERAL.—Section 4503(d) of title 46, United States Code, is redesignated as section 4503a and transferred to appear after section 4503 of such title.

(b) FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.—Section 4503 of title 46, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(2) in subsection (b), by striking "subsection (d)" and inserting "section 4503a";

(3) in subsection (c)(2)(B)(ii)(I), by striking "subsection (e)" and inserting "subsection (d)";

(4) in subsection (c)(2)(B)(ii)(II), by striking "subsection (f)" and inserting "subsection (e)";

(5) in subsection (e)(1), as amended by paragraph (1) of this subsection, by striking "subsection (e)" each place it appears and inserting "subsection (d)"; and

(6) in subsection (e)(2), as amended by paragraph (1) of this subsection, by striking "subsection (e)" each place it appears and inserting "subsection (d)";

(c) ALTERNATE SAFETY COMPLIANCE PROGRAM.—Section 4503a of title 46, United States Code, as redesignated and transferred by subsection (a) of this section, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as subsections (a), (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (a), as so redesignated, the following:

"§ 4503a. Alternate safety compliance program";

(3) in subsection (a), as redesignated by paragraph (1) of this subsection, by striking "After January 1, 2020," and

all that follows through "the Secretary, if" and inserting "Subject to subsection (c), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with such an alternate safety compliance program, if";

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(5) in subsection (b), as so redesignated, by striking "establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary" and inserting "prescribes an alternate safety compliance program under subsection (a), shall comply with such an alternate safety compliance program";

(6) by amending subsection (c), as so redesignated, to read as follows:

"(c) For purposes of subsection (a), a separate alternate safety compliance program may be developed for a specific region or specific fishery.";

(7) in subsection (d), as so redesignated—

(A) by striking "paragraph (1)" and inserting "subsection (a)"; and

(B) by striking "that paragraph" each place it appears and inserting "that subsection";

(8) in subsection (e), as so redesignated, by—

(A) inserting "is not eligible to participate in an alternative safety compliance program prescribed under subsection (a) and" after "July 1, 2012"; and

(B) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(9) by adding at the end the following:

"(f) For the purposes of this section, the term 'built' has the meaning given that term in section 4503(f).".

(d) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 45 of such title is amended by inserting after the item relating to section 4503 the following

46 USC prec. 4501.

"4503a. Alternate safety compliance program.".

(e) CONFORMING AMENDMENT.—Section 3104 of title 46, United States Code, is amended by striking "section 4503(e)" and inserting "section 4503(d)".

(f) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the requirements enumerated in section 4503(d) of title 46, as amended by subsection (b)(1) of this section.

46 USC 4503 note.

(g) ALTERNATE SAFETY COMPLIANCE PROGRAM STATUS REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a

report on the status of the development of the alternate safety compliance program directed by section 4503a of title 46, United States Code, as redesignated by subsection (c).

(2) CONTENTS.—The report required under paragraph (1) shall include discussion of—

(A) steps taken in the rulemaking process to establish the alternate safety compliance program;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and the commercial fishing vessel industry regarding the development of the alternate safety compliance program;

(C) consideration given to developing alternate safety compliance programs for specific regions and fisheries, as authorized in section 4503a(c) of such title, as redesignated by subsection (c);

(D) any identified legislative changes necessary to implement an effective alternate safety compliance program; and

(E) the timeline and planned actions that will be taken to implement regulations necessary to fully establish an alternate safety compliance program before January 1, 2020.

SEC. 509. TERMINATION OF UNSAFE OPERATIONS; TECHNICAL CORRECTION.

Section 4505(2) of title 46, United States Code, is amended—

(1) by striking "4503(1)" and inserting "4503(a)(2)"; and

(2) by inserting before the period the following: ", except that this paragraph shall not apply with respect to a vessel to which section 4503a applies".

SEC. 510. TECHNICAL CORRECTIONS: LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.

Title 46, United States Code, is amended—

(1) in section 7106(b), by striking "merchant mariner's document," and inserting "license,";

(2) in section 7107(b), by striking "merchant mariner's document," and inserting "certificate of registry,";

(3) in section 7507(b)(1), by striking "licenses or certificates of registry" and inserting "merchant mariner documents"; and

(4) in section 7507(b)(2) by striking "merchant mariner's document." and inserting "license or certificate of registry.".

SEC. 511. CLARIFICATION OF LOGBOOK ENTRIES.

(a) IN GENERAL.—Section 11304 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "an official logbook, which" and inserting "a logbook, which may be in any form, including electronic, and"; and

(2) in subsection (b), by amending paragraph (3) to read as follows:

"(3) Each illness of, and injury to, a seaman of the vessel, the nature of the illness or injury, and the medical treatment provided for the injury or illness.".

(b) TECHNICAL AMENDMENT.—Section 11304(b) is amended by striking "log book" and inserting "logbook".

SEC. 512. CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(e) EFFECTIVE PERIOD.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a certificate of documentation issued under this part is valid for a 1-year period and may be renewed for additional 1-year periods.

"(2) RECREATIONAL VESSELS.—

"(A) IN GENERAL.—A certificate of documentation for a recreational vessel and the renewal of such a certificate shall be effective for a 5-year period.

"(B) PHASE-IN PERIOD.—During the period beginning January 1, 2019, and ending December 31, 2021, the owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for such a certificate of documentation for such vessel or the renewal thereof.

"(C) FEES.—

"(i) REQUIREMENT.—The Secretary shall assess and collect a fee—

"(I) for the issuance of a certificate of documentation for a recreational vessel that is equivalent to the fee established for the issuance of a certificate of documentation under section 2110; and

"(II) for the renewal of a certificate of documentation for a recreational vessel that is equivalent to the number of years of effectiveness of the certificate of documentation multiplied by the fee established for the renewal of a certificate of documentation under section 2110.

"(ii) TREATMENT.—Fees collected under this subsection—

"(I) shall be credited to the account from which the costs of such issuance or renewal were paid; and

"(II) may remain available until expended.

"(3) NOTICE OF CHANGE IN INFORMATION.—

"(A) REQUIREMENT.—The owner of a vessel shall notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation for the vessel is based that occurs before the expiration of the certificate under this subsection, by not later than 30 days after such change.

"(B) TERMINATION OF CERTIFICATE.—The certificate of documentation for a vessel shall terminate upon the expiration of such 30-day period if the owner has not notified the Coast Guard of such change before the end of such period.

"(4) STATE AND LOCAL AUTHORITY TO REMOVE ABANDONED AND DERELICT VESSELS.—Nothing in this section shall be construed to limit the authority of a State or local authority from taking action to remove an abandoned or derelict vessel.".

SEC. 513. NUMBERING FOR UNDOCUMENTED BARGES.

Section 12301(b) of title 46, United States Code, is amended—
(1) by striking "shall" and inserting "may"; and
(2) by inserting "of" after "barge".

National Timing Resilience and Security Act of 2018.
49 USC 101 note.

SEC. 514. BACKUP NATIONAL TIMING SYSTEM.

(a) SHORT TITLE.—This section may be cited as the "National Timing Resilience and Security Act of 2018".

(b) IN GENERAL.—Chapter 30 of title 49, United States Code, is amended by adding at the end the following:

49 USC 312.

"§ 312. Alternative timing system

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall provide for the establishment, sustainment, and operation of a land-based, resilient, and reliable alternative timing system—

"(1) to reduce critical dependencies and provide a complement to and backup for the timing component of the Global Positioning System (referred to in this section as 'GPS'); and

"(2) to ensure the availability of uncorrupted and non-degraded timing signals for military and civilian users in the event that GPS timing signals are corrupted, degraded, unreliable, or otherwise unavailable.

"(b) ESTABLISHMENT OF REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall establish requirements for the procurement of the system required by subsection (a) as a complement to and backup for the timing component of GPS in accordance with the timing requirements study required by section 1618 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2595).

"(2) REQUIREMENTS.—The Secretary of Transportation shall ensure, to the maximum extent practicable, that the system established under subsection (a) will—

"(A) be wireless;

"(B) be terrestrial;

"(C) provide wide-area coverage;

"(D) be synchronized with coordinated universal time;

"(E) be resilient and extremely difficult to disrupt or degrade;

"(F) be able to penetrate underground and inside buildings;

"(G) be capable of deployment to remote locations;

"(H) be developed, constructed, and operated incorporating applicable private sector expertise;

"(I) work in concert with and complement any other similar positioning, navigation, and timing systems, including enhanced long-range navigation systems and Nationwide Differential GPS systems;

"(J) be available for use by Federal and non-Federal government agencies for public purposes at no net cost to the Federal Government within 10 years of initiation of operation;

"(K) be capable of adaptation and expansion to provide position and navigation capabilities;

"(L) incorporate the recommendations from any GPS back-up demonstration program initiated and completed by the Secretary, in coordination with other Federal agencies, before the date specified in subsection (c)(1); and

"(M) incorporate such other elements as the Secretary considers appropriate.

"(c) IMPLEMENTATION PLAN.—

"(1) PLAN REQUIRED.—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the following:

"(A) A plan to develop, construct, and operate the system required by subsection (a).

"(B) A description and assessment of the advantages of a system to provide a follow-on complementary and backup positioning and navigation capability to the timing component of GPS.

"(2) DEADLINE FOR COMMENCEMENT OF OPERATION.—The system required by subsection (a) shall be in operation by not later than 2 years after the date of enactment of the National Timing Resilience and Security Act of 2018.

"(3) MINIMUM DURATION OF OPERATIONAL CAPABILITY.—The system required by subsection (a) shall be designed to be fully operational for not less than 20 years.

"(d) LORAN FACILITIES.—

"(1) IN GENERAL.—If the Secretary of Transportation determines that any LORAN infrastructure, including the underlying real property and any spectrum associated with LORAN, in the possession of the Coast Guard is required by the Department of Transportation for the purpose of establishing the system required by subsection (a), the Commandant shall transfer such property, spectrum, and equipment to the Secretary.

"(2) CERCLA NOT AFFECTED.—This subsection shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the Federal Government facilities described in paragraph (1).

"(e) COOPERATIVE AGREEMENT.—

"(1) IN GENERAL.—The Secretary of Transportation may enter into a cooperative agreement (as that term is described in section 6305 of title 31) with an entity upon such terms and conditions as the Secretary of Transportation determines will fulfill the purpose and requirements of this section and be in the public interest.

"(2) REQUIREMENTS.—The cooperative agreement under paragraph (1) shall, at a minimum, require the Secretary of Transportation to—

"(A) authorize the entity to sell timing and other services to commercial and non-commercial third parties, subject to any national security requirements determined by the Secretary, in consultation with the Secretary of Defense;

"(B) require the entity to develop, construct, and operate at private expense the backup timing system in accordance with this section;

"(C) allow the entity to make any investments in technologies necessary over the life of such agreement to meet future requirements for advanced timing resilience and technologies;

"(D) require the entity to share 25 percent of the gross proceeds received by the entity from the sale of timing services to third parties with the Secretary for at least 10 years after the date upon which the Secretary enters into the cooperative agreement;

"(E) require the entity—

"(i) to assume all financial risk for the completion and operational capability of the system, after the Secretary provides any LORAN facilities necessary for the system under subsection (d), if required for the alternative timing system; and

"(ii) to furnish performance and payment bonds in connection with the system in a reasonable amount as determined by the Secretary; and

"(F) require the entity to make any investments in technologies necessary over the life of the agreement to meet future requirements for advanced timing resiliency.

"(3) COMPETITION REQUIRED.—The Secretary shall use competitive procedures similar to those authorized under section 2667 of title 10 in selecting an entity to enter into a cooperative agreement pursuant to this subsection.

"(4) AUTHORIZATION TO PURCHASE SERVICES.—The Secretary may not purchase timing system services from the entity for use by the Department of Transportation or for provision to other Federal and non-Federal governmental agencies until the system achieves operational status, and then only if the necessary funds for such purchases are provided for in subsequent yearly appropriations acts made available to the Secretary for each and every year in which such purchases are made.

"(5) DETERMINATION REQUIREMENT.—The Secretary may not enter into a cooperative agreement under this subsection unless the Secretary determines that the cooperative agreement is in the best financial interest of the Federal Government. The Secretary shall notify the Committee on Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such determination not later than 30 days after the date of the determination.

"(6) DEFINITION.—In this subsection the term 'entity' means a non-Federal entity with the demonstrated technical expertise and requisite administrative and financial resources to meet any terms and conditions established by the Secretary for purposes of this subsection.".

(c) TABLE OF CONTENTS.—The table of contents for chapter 3 of title 49, United States Code, is amended by adding at the end the following:

49 USC prec. 301.

"312. Alternative timing system.".

SEC. 515. SCIENTIFIC PERSONNEL.

Section 2101(41) of title 46, United States Code, is amended—

(1) by inserting "(A) Subject to subparagraph (B)," before the text; and

(2) by adding at the end the following:

"(B)(i) Such term includes an individual who is on board an oceanographic research vessel only to—

"(I) engage in scientific research;

"(II) instruct in oceanography or limnology; or

"(III) receive instruction in oceanography or limnology.

"(ii) For purposes of clause (i), the age of an individual may not be considered in determining whether the individual is described in such clause.".

SEC. 516. TRANSPARENCY.

46 USC note prec. 12101.

(a) IN GENERAL.—The Commandant of the Coast Guard shall publish any letter of determination issued by the Coast Guard National Vessel Documentation Center after the date of the enactment of this Act on the National Vessel Documentation Center website not later than 30 days after the date of issuance of such letter of determination.

(b) AUDIT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit, the results of which shall be made publicly available, of—

(A) the method or process by which the Coast Guard National Vessel Documentation Center develops policy for and documents compliance with the requirements of section 67.97 of title 46, Code of Federal Regulations, for the purpose of issuing endorsements under section 12112 and 12113 of title 46, United States Code;

(B) the coordination between the Coast Guard and U.S. Customs and Border Protection with respect to the enforcement of such requirements; and

(C) the extent to which the Secretary of the department in which the Coast Guard is operating and the Secretary of Transportation, through the Maritime Administration, have published and disseminated information to promote compliance with applicable vessel construction requirements.

(2) REPORT.—Not later than 90 days after the audit under paragraph (1) is complete, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the results of and recommendations made pursuant to such audit.

(c) OUTLINE.—Not later than 180 days after the date of the submission of the Comptroller General of the United States report required under subsection (b), the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an outline of plans—

(1) to enhance the transparency of the documentation process, and communications with the maritime industry regarding such process over the next 5 years; and

(2) to implement the recommendations made by the Comptroller General of the United States in the report required under subsection (b)(2).

TITLE VI—ADVISORY COMMITTEES

SEC. 601. NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES.

(a) IN GENERAL.—Subtitle II of title 46, United States Code, is amended by adding at the end the following:

46 USC prec. 15101.

"PART K—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

46 USC prec. 15101.

"CHAPTER 151—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

"Sec.
"15101. National Chemical Transportation Safety Advisory Committee.
"15102. National Commercial Fishing Safety Advisory Committee.
"15103. National Merchant Marine Personnel Advisory Committee.
"15104. National Merchant Mariner Medical Advisory Committee.
"15105. National Boating Safety Advisory Committee.
"15106. National Offshore Safety Advisory Committee.
"15107. National Navigation Safety Advisory Committee.
"15108. National Towing Safety Advisory Committee.
"15109. Administration.

46 USC 15101.

"§ 15101. National Chemical Transportation Safety Advisory Committee

"(a) ESTABLISHMENT.—There is established a National Chemical Transportation Safety Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to the safe and secure marine transportation of hazardous materials.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of not more than 25 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Each member of the Committee shall represent 1 of the following:

"(A) Chemical manufacturing entities.

"(B) Entities related to marine handling or transportation of chemicals.

"(C) Vessel design and construction entities.

"(D) Marine safety or security entities.

"(E) Marine environmental protection entities.

"(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

"§ 15102. National Commercial Fishing Safety Advisory Committee 46 USC 15102.

"(a) ESTABLISHMENT.—There is established a National Commercial Fishing Safety Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall—

"(1) advise the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including the matters of—

"(A) navigation safety;

"(B) safety equipment and procedures;

"(C) marine insurance;

"(D) vessel design, construction, maintenance, and operation; and

"(E) personnel qualifications and training; and

"(2) review regulations proposed under chapter 45 of this title (during preparation of the regulations).

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

"(A) 10 members shall represent the commercial fishing industry and—

"(i) as a group, shall together reflect a regional and representational balance; and

"(ii) as individuals, shall each have experience—

"(I) in the operation of vessels to which chapter 45 of this title applies; or

"(II) as a crew member or processing line worker on a fish processing vessel.

"(B) 1 member shall represent naval architects and marine engineers.

"(C) 1 member shall represent manufacturers of equipment for vessels to which chapter 45 of this title applies.

"(D) 1 member shall represent education and training professionals related to fishing vessel, fish processing vessel, and fish tender vessel safety and personnel qualifications.

"(E) 1 member shall represent underwriters that insure vessels to which chapter 45 of this title applies.

"(F) 1 member shall represent owners of vessels to which chapter 45 of this title applies.

"(G) 3 members shall represent the general public and, to the extent possible, shall include—

"(i) an independent expert or consultant in maritime safety;

"(ii) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; and

"(iii) a person familiar with issues affecting fishing communities and the families of fishermen.

46 USC 15103.

"§ 15103. National Merchant Marine Personnel Advisory Committee

"(a) ESTABLISHMENT.—There is established a National Merchant Marine Personnel Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to personnel in the United States merchant marine, including the training, qualifications, certification, documentation, and fitness of mariners.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 19 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

"(A) 9 members shall represent mariners and, of the 9—

"(i) each shall—

"(I) be a citizen of the United States; and

"(II) hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title;

"(ii) 3 shall be deck officers who represent merchant marine deck officers and, of the 3—

"(I) 2 shall be licensed for oceans any gross tons;

"(II) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

"(III) 2 shall have a master's license or a master of towing vessels license;

"(IV) 1 shall have significant tanker experience; and

"(V) to the extent practicable—

"(aa) 1 shall represent labor; and

"(bb) 1 shall represent management;

"(iii) 3 shall be engineering officers who represent merchant marine engineering officers and, of the 3—

"(I) 2 shall be licensed as chief engineer any horsepower;

"(II) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

"(III) to the extent practicable—

"(aa) 1 shall represent labor; and

"(bb) 1 shall represent management;

"(iv) 2 shall be unlicensed seamen who represent merchant marine unlicensed seaman and, of the 2—

"(I) 1 shall represent able-bodied seamen; and

"(II) 1 shall represent qualified members of the engine department; and

"(v) 1 shall be a pilot who represents merchant marine pilots.

"(B) 6 members shall represent marine educators and, of the 6—

"(i) 3 shall be marine educators who represent maritime academies and, of the 3—

"(I) 2 shall represent State maritime academies (and are jointly recommended by such academies); and

"(II) 1 shall represent either State maritime academies or the United States Merchant Marine Academy; and

"(ii) 3 shall be marine educators who represent other maritime training institutions and, of the 3, 1 shall represent the small vessel industry.

"(C) 2 members shall represent shipping companies employed in ship operation management.

"(D) 2 members shall represent the general public.

"§ 15104. National Merchant Mariner Medical Advisory Committee

46 USC 15104.

"(a) ESTABLISHMENT.—There is established a National Merchant Mariner Medical Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to—

"(1) medical certification determinations for the issuance of licenses, certification of registry, and merchant mariners' documents with respect to merchant mariners;

"(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

"(3) medical examiner education; and

"(4) medical research.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 14 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

"(A) 9 shall represent health-care professionals and have particular expertise, knowledge, and experience regarding the medical examinations of merchant mariners or occupational medicine.

"(B) 5 shall represent professional mariners and have particular expertise, knowledge, and experience in occupational requirements for mariners.

"§ 15105. National Boating Safety Advisory Committee

46 USC 15105.

"(a) ESTABLISHMENT.—There is established a National Boating Safety Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to national boating safety.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

"(A) 7 members shall represent State officials responsible for State boating safety programs.

"(B) 7 members shall represent recreational vessel and associated equipment manufacturers.

"(C) 7 members shall represent the general public or national recreational boating organizations and, of the 7, at least 5 shall represent national recreational boating organizations.

46 USC 15106.

"§ 15106. National Offshore Safety Advisory Committee

"(a) ESTABLISHMENT.—There is established a National Offshore Safety Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the Coast Guard.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 15 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

"(A) 2 members shall represent entities engaged in the production of petroleum.

"(B) 2 members shall represent entities engaged in offshore drilling.

"(C) 2 members shall represent entities engaged in the support, by offshore supply vessels or other vessels, of offshore mineral and oil operations, including geophysical services.

"(D) 1 member shall represent entities engaged in the construction of offshore exploration and recovery facilities.

"(E) 1 member shall represent entities engaged in diving services related to offshore construction, inspection, and maintenance.

"(F) 1 member shall represent entities engaged in safety and training services related to offshore exploration and construction.

"(G) 1 member shall represent entities engaged in pipelaying services related to offshore construction.

"(H) 2 members shall represent individuals employed in offshore operations and, of the 2, 1 shall have recent practical experience on a vessel or offshore unit involved in the offshore mineral and energy industry.

"(I) 1 member shall represent national environmental entities.

"(J) 1 member shall represent deepwater ports.

"(K) 1 member shall represent the general public (but not a specific environmental group).

"§ 15107. National Navigation Safety Advisory Committee 46 USC 15107.

"(a) ESTABLISHMENT.—There is established a National Navigation Safety Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to maritime collisions, rammings, and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of not more than 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Each member of the Committee shall represent 1 of the following:

"(A) Commercial vessel owners or operators.

"(B) Professional mariners.

"(C) Recreational boaters.

"(D) The recreational boating industry.

"(E) State agencies responsible for vessel or port safety.

"(F) The Maritime Law Association.

"(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

"§ 15108. National Towing Safety Advisory Committee 46 USC 15108.

"(a) ESTABLISHMENT.—There is established a National Towing Safety Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

"(A) 7 members shall represent the barge and towing industry, reflecting a regional geographic balance.

"(B) 1 member shall represent the offshore mineral and oil supply vessel industry.

"(C) 1 member shall represent masters and pilots of towing vessels who hold active licenses and have experience on the Western Rivers and the Gulf Intracoastal Waterway.

"(D) 1 member shall represent masters of towing vessels in offshore service who hold active licenses.

"(E) 1 member shall represent masters of active ship-docking or harbor towing vessels.

"(F) 1 member shall represent licensed and unlicensed towing vessel engineers with formal training and experience.

"(G) 2 members shall represent port districts, authorities, or terminal operators.

"(H) 2 members shall represent shippers and, of the 2, 1 shall be engaged in the shipment of oil or hazardous materials by barge.

"(I) 2 members shall represent the general public.

46 USC 15109.

"§ 15109. Administration

"(a) MEETINGS.—Each committee established under this chapter shall, at least once each year, meet at the call of the Secretary or a majority of the members of the committee.

"(b) EMPLOYEE STATUS.—A member of a committee established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee, except for the purposes of the following:

"(1) Chapter 81 of title 5.

"(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

"(c) COMPENSATION.—Notwithstanding subsection (b), a member of a committee established under this chapter, when actually engaged in the performance of the duties of such committee, may—

"(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5; or

"(2) if not compensated in accordance with paragraph (1)—

"(A) be reimbursed for actual and reasonable expenses incurred in the performance of such duties; or

"(B) be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of a committee established under this chapter may serve on such committee on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

"(e) STATUS OF MEMBERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of a committee established under this chapter whom the Secretary appoints to represent an entity or group—

"(A) the member is authorized to represent the interests of the applicable entity or group; and

"(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

"(2) EXCEPTION.—Notwithstanding subsection (b), a member of a committee established under this chapter shall

be treated as a special Government employee for purposes of the committee service of the member if—

"(A) the Secretary appointed the member to represent the general public; or

"(B) the member, without regard to service on the committee, is a special Government employee.

"(f) SERVICE ON COMMITTEE.—

"(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of a committee established under this chapter, the Secretary shall publish, in the Federal Register, a timely notice soliciting nominations for membership on such committee.

"(2) APPOINTMENTS.—

"(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Secretary may, as necessary, appoint a member to the applicable committee established under this chapter.

"(B) PROHIBITION.—The Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to any committee established under this chapter.

"(3) SERVICE AT PLEASURE OF THE SECRETARY.—

"(A) IN GENERAL.—Each member of a committee established under this chapter shall serve at the pleasure of the Secretary.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), a member of the committee established under section 15102 may only be removed prior to the end of the term of that member for just cause.

"(4) SECURITY BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this chapter.

"(5) PROHIBITION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal employee may not be appointed as a member of a committee established under this chapter.

"(B) SPECIAL RULE FOR NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—The Secretary may appoint a Federal employee to serve as a member of the National Merchant Marine Personnel Advisory Committee to represent the interests of the United States Merchant Marine Academy and, notwithstanding paragraphs (1) and (2), may do so without soliciting, receiving, or considering nominations for such appointment.

"(6) TERMS.—

"(A) IN GENERAL.—The term of each member of a committee established under this chapter shall expire on December 31 of the third full year after the effective date of the appointment.

"(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of a committee established under this chapter ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

"(7) VACANCIES.—A vacancy on a committee established under this chapter shall be filled in the same manner as the original appointment.

"(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Secretary may reappoint a member of a committee established under this chapter for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

"(g) STAFF SERVICES.—The Secretary shall furnish to each committee established under this chapter any staff and services considered by the Secretary to be necessary for the conduct of the committee's functions.

"(h) CHAIRMAN; VICE CHAIRMAN.—

"(1) IN GENERAL.—Each committee established under this chapter shall elect a Chairman and Vice Chairman from among the committee's members.

"(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

"(i) SUBCOMMITTEES AND WORKING GROUPS.—

"(1) IN GENERAL.—The Chairman of a committee established under this chapter may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the committee.

"(2) PARTICIPANTS.—Subject to conditions imposed by the Chairman, members of a committee established under this chapter and additional persons drawn from entities or groups designated by this chapter to be represented on the committee or the general public may be assigned to subcommittees and working groups established under paragraph (1).

"(3) CHAIR.—Only committee members may chair subcommittees and working groups established under paragraph (1).

"(j) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

"(1) CONSULTATION.—

"(A) IN GENERAL.—Before taking any significant action, the Secretary shall consult with, and consider the information, advice, and recommendations of, a committee established under this chapter if the function of the committee is to advise the Secretary on matters related to the significant action.

"(B) INCLUSION.—For purposes of this paragraph, regulations proposed under chapter 45 of this title are significant actions.

"(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—Each committee established under this chapter shall submit, in writing, to the Secretary its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the committee.

"(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Secretary receives recommendations from a committee under paragraph (2), the Secretary shall—

"(A) publish the recommendations on a website accessible at no charge to the public;

"(B) if the recommendations are from the committee established under section 15102, establish a mechanism for the submission of public comments on the recommendations; and

"(C) respond, in writing, to the committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

"(4) SUBMISSION TO CONGRESS.—

"(A) IN GENERAL.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from committees under paragraph (2).

"(B) ADDITIONAL SUBMISSION.—With respect to a committee established under section 70112 and to which this section applies, the Secretary shall submit the advice, reports, and recommendations received from the committee under paragraph (2) to the Committee on Homeland Security of the House of Representatives in addition to the committees specified in subparagraph (A).

"(k) OBSERVERS.—Any Federal agency with matters under such agency's administrative jurisdiction related to the function of a committee established under this chapter may designate a representative to—

"(1) attend any meeting of such committee; and

"(2) participate as an observer at meetings of such committee that relate to such a matter.

"(l) TERMINATION.—Each committee established under this chapter shall terminate on September 30, 2027.".

(b) CLERICAL AMENDMENT.—The analysis for subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 147 the following:

"Part K–National Maritime Transportation Advisory Committees

"151. National Maritime Transportation Advisory Committees .....15101".

(c) CONFORMING AMENDMENTS.—

(1) COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, and the item relating to that section in the analysis for chapter 45 of that title, are repealed.

46 USC prec. 4501.

(2) MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.—Section 7115 of title 46, United States Code, and the item relating to that section in the analysis for chapter 71 of that title, are repealed.

46 USC prec. 7101.

(3) MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—

(A) REPEAL.—Section 8108 of title 46, United States Code, and the item relating to that section in the analysis for chapter 81 of that title, are repealed.

46 USC prec. 8101.

(B) CONFORMING AMENDMENT.—Section 7510(c)(1)(C) of title 46, United States Code, is amended by inserting "National" before "Merchant Marine".

(4) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—

(A) REPEAL.—Section 13110 of title 46, United States Code, and the item relating to that section in the analysis for chapter 131 of that title, are repealed.

46 USC prec. 13101.

(B) CONFORMING AMENDMENTS.—

(i) REGULATIONS.—Section 4302(c)(4) of title 46, United States Code, is amended by striking "Council established under section 13110 of this title" and inserting "Committee established under section 15105 of this title".

(ii) REPAIR AND REPLACEMENT OF DEFECTS.—Section 4310(f) of title 46, United States Code, is amended by striking "Advisory Council" and inserting "Advisory Committee".

(5) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is repealed.

(6) TOWING SAFETY ADVISORY COMMITTEE.—

(A) REPEAL.—Public Law 96–380 (33 U.S.C. 1231a) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) REDUCTION OF OIL SPILLS FROM SINGLE HULL NON-SELF-PROPELLED TANK VESSELS.—Section 3719 of title 46, United States Code, is amended by inserting "National" before "Towing Safety".

(ii) SAFETY EQUIPMENT.—Section 4102(f)(1) of title 46, United States Code, is amended by inserting "National" before "Towing Safety".

46 USC note prec. 15101.

(d) TREATMENT OF EXISTING COUNCILS AND COMMITTEES.—Notwithstanding any other provision of law—

(1) an advisory council or committee substantially similar to an advisory committee established under chapter 151 of title 46, United States Code, as added by this Act, and that was in force or in effect on the day before the date of enactment of this section, including a council or committee the authority for which was repealed under subsection (c), may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the council or committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the applicable advisory committee established under chapter 151 of title 46, United States Code, shall be treated as satisfied by the substantially similar advisory council or committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such council or committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such council or committee; or

(iii) to bar the members of such council or committee from meeting.

SEC. 602. MARITIME SECURITY ADVISORY COMMITTEES.

(a) IN GENERAL.—Section 70112 of title 46, United States Code, is amended to read as follows:

"§ 70112. Maritime Security Advisory Committees

"(a) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a National Maritime Security Advisory Committee (in this subsection referred to as the 'Committee').

"(2) FUNCTION.—The Committee shall advise the Secretary on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

"(A) State, local, and tribal governments;

"(B) relevant public safety and emergency response agencies;

"(C) relevant law enforcement and security organizations;

"(D) maritime industry;

"(E) port owners and operators; and

"(F) terminal owners and operators.

"(3) MEMBERSHIP.—

"(A) IN GENERAL.—The Committee shall consist of at least 8 members, but not more than 21 members, appointed by the Secretary in accordance with this subsection and section 15109 of this title.

"(B) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(C) REPRESENTATION.—Each of the following shall be represented by at least 1 member of the Committee:

"(i) Port authorities.

"(ii) Facilities owners and operators.

"(iii) Terminal owners and operators.

"(iv) Vessel owners and operators.

"(v) Maritime labor organizations.

"(vi) The academic community.

"(vii) State and local governments.

"(viii) The maritime industry.

"(D) DISTRIBUTION.—If the Committee consists of at least 8 members who, together, satisfy the minimum representation requirements of subparagraph (C), the Secretary shall, based on the needs of the Coast Guard, determine the number of additional members of the Committee who represent each entity specified in that subparagraph. Neither this subparagraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in subparagraph (C).

"(4) ADMINISTRATION.—For purposes of section 15109 of this title, the Committee shall be treated as a committee established under chapter 151 of such title.

"(b) AREA MARITIME SECURITY ADVISORY COMMITTEES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—The Secretary may—

"(i) establish an Area Maritime Security Advisory Committee for any port area of the United States; and

"(ii) request such a committee to review the proposed Area Maritime Transportation Security Plan

developed under section 70103(b) and make recommendations to the Secretary that the committee considers appropriate.

"(B) ADDITIONAL FUNCTIONS AND MEETINGS.—A committee established under this subsection for an area—

"(i) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;

"(ii) may make available to the Congress recommendations that the committee makes to the Secretary; and

"(iii) shall meet at the call of—

"(I) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(II) a majority of the committee.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—Each committee established under this subsection shall consist of at least 7 members appointed by the Secretary, each of whom has at least 5 years practical experience in maritime security operations.

"(B) TERMS.—The term of each member of a committee established under this subsection shall be for a period of not more than 5 years, specified by the Secretary.

"(C) NOTICE.—Before appointing an individual to a position on a committee established under this subsection, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the committee.

"(D) BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this subsection.

"(E) REPRESENTATION.—Each committee established under this subsection shall be composed of individuals who represent the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.

"(3) CHAIRPERSON AND VICE CHAIRPERSON.—

"(A) IN GENERAL.—Each committee established under this subsection shall elect 1 of the committee's members as the Chairperson and 1 of the committee's members as the Vice Chairperson.

"(B) VICE CHAIRPERSON ACTING AS CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

"(4) OBSERVERS.—

"(A) IN GENERAL.—The Secretary shall, and the head of any other interested Federal agency may, designate a representative to participate as an observer with a committee established under this subsection.

"(B) ROLE.—The Secretary's designated representative to a committee established under this subsection shall act as the executive secretary of the committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

"(5) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of each committee established under this subsection in formulating policy regarding matters affecting maritime security.

"(6) COMPENSATION AND EXPENSES.—

"(A) IN GENERAL.—A member of a committee established under this subsection, when attending meetings of the committee or when otherwise engaged in the business of the committee, is entitled to receive—

"(i) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–15 of the General Schedule under section 5332 of title 5 including travel time; and

"(ii) travel or transportation expenses under section 5703 of title 5.

"(B) STATUS.—A member of a committee established under this subsection shall not be considered to be an officer or employee of the United States for any purpose based on the receipt of any payment under this paragraph.

"(7) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a committee established under this subsection.".

(b) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law— 46 USC 70112 note.

(1) an advisory committee substantially similar to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, and that was in force or in effect on the day before the date of enactment of this section, may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, shall be treated as satisfied by the substantially similar advisory committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such committee; or

(iii) to bar the members of such committee from meeting.

TITLE VII—FEDERAL MARITIME COMMISSION

Federal Maritime Commission Authorization Act of 2017.

SEC. 701. SHORT TITLE.

This title may be cited as the "Federal Maritime Commission Authorization Act of 2017".

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is amended by striking "$24,700,000 for each of fiscal years 2016 and 2017" and inserting "$28,012,310 for fiscal year 2018 and $28,544,543 for fiscal year 2019".

SEC. 703. REPORTING ON IMPACT OF ALLIANCES ON COMPETITION.

Section 306 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "; and" and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) an analysis of the impacts on competition for the purchase of certain covered services by alliances of ocean common carriers acting pursuant to an agreement under this part between or among ocean common carriers, including a summary of actions, including corrective actions, taken by the Commission to promote such competition."; and

(2) by adding at the end the following:

"(c) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term 'certain covered services' has the meaning given the term in section 40102.".

SEC. 704. DEFINITION OF CERTAIN COVERED SERVICES.

Section 40102 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (25) as paragraphs (6) through (26), respectively; and

(2) by inserting after paragraph (4), the following:

"(5) CERTAIN COVERED SERVICES.—For purposes of sections 41105 and 41307, the term 'certain covered services' means, with respect to a vessel—

"(A) the berthing or bunkering of the vessel;

"(B) the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal;

"(C) the positioning, removal, or replacement of buoys related to the movement of the vessel; and

"(D) with respect to injunctive relief under section 41307, towing vessel services provided to such a vessel.".

SEC. 705. REPORTS FILED WITH THE COMMISSION.

Section 40104(a) of title 46, United States Code, is amended to read as follows:

"(a) REPORTS.—

"(1) IN GENERAL.—The Federal Maritime Commission may require a common carrier or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee of the common carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as applicable.

"(2) REQUIREMENTS.—Any report, account, record, rate, charge, or memorandum required to be filed under paragraph (1) shall—

"(A) be made under oath if the Commission requires; and

"(B) be filed in the form and within the time prescribed by the Commission.

"(3) LIMITATION.—The Commission shall—

"(A) limit the scope of any filing ordered under this section to fulfill the objective of the order; and

"(B) provide a reasonable period of time for respondents to respond based upon their capabilities and the scope of the order.".

SEC. 706. PUBLIC PARTICIPATION.

(a) NOTICE OF FILING.—Section 40304(a) of title 46, United States Code, is amended to read as follows:

"(a) NOTICE OF FILING.—Not later than 7 days after the date an agreement is filed, the Federal Maritime Commission shall—

"(1) transmit a notice of the filing to the Federal Register for publication; and

"(2) request interested persons to submit relevant information and documents.".

(b) REQUEST FOR INFORMATION AND DOCUMENTS.—Section 40304(d) of title 46, United States Code, is amended by striking "section" and inserting "part".

(c) SAVING CLAUSE.—Nothing in this section, or the amendments made by this section, may be construed— 46 USC 40304 note.

(1) to prevent the Federal Maritime Commission from requesting from a person, at any time, any additional information or documents the Commission considers necessary to carry out chapter 403 of title 46, United States Code;

(2) to prescribe a specific deadline for the submission of relevant information and documents in response to a request under section 40304(a)(2) of title 46, United States Code; or

(3) to limit the authority of the Commission to request information under section 40304(d) of title 46, United States Code.

SEC. 707. OCEAN TRANSPORTATION INTERMEDIARIES.

(a) LICENSE REQUIREMENT.—Section 40901(a) of title 46, United States Code, is amended by inserting "advertise, hold oneself out, or" after "may not".

(b) APPLICABILITY.—Section 40901 of title 46, United States Code, is amended by adding at the end the following:

"(c) APPLICABILITY.—Subsection (a) and section 40902 do not apply to a person that performs ocean transportation intermediary services on behalf of an ocean transportation intermediary for which it is a disclosed agent.".

(c) FINANCIAL RESPONSIBILITY.—Section 40902(a) of title 46, United States Code, is amended by inserting "advertise, hold oneself out, or" after "may not".

SEC. 708. COMMON CARRIERS.

(a) Section 41104 of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "(a) IN GENERAL.—" before "A common carrier";

(2) in subsection (a), as designated—

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

"(11) knowingly and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that does not have a tariff as required by section 40501 of this title, or an ocean transportation intermediary that does

not have a bond, insurance, or other surety as required by section 40902 of this title;";

(B) in paragraph (12), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(13) continue to participate simultaneously in a rate discussion agreement and an agreement to share vessels, in the same trade, if the interplay of the authorities exercised by the specified agreements is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost."; and

(3) by adding at the end the following:

"(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, there is no private right of action to enforce the prohibition under subsection (a)(13).

"(c) AGREEMENT VIOLATION.—Participants in an agreement found by the Commission to violate subsection (a)(13) shall have 90 days from the date of such Commission finding to withdraw from the agreement as necessary to comply with that subsection.".

46 USC 41104 note.

(b) APPLICATION.—Section 41104(a)(13) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act.

SEC. 709. NEGOTIATIONS.

(a) CONCERTED ACTION.—Section 41105 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) negotiate with a tug or towing vessel service provider on any matter relating to rates or services provided within the United States by those tugs or towing vessels;

"(6) with respect to a vessel operated by an ocean common carrier within the United States, negotiate for the purchase of certain covered services, unless the negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this part, except that this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or association of ocean common carriers;".

(b) AUTHORITY.—Chapter 411 of title 46, United States Code, is amended—

(1) by inserting after section 41105 the following:

46 USC 41105A.

"§ 41105A. Authority

"Nothing in section 41105, as amended by the Federal Maritime Commission Authorization Act of 2017, shall be construed to limit the authority of the Department of Justice regarding antitrust matters."; and

46 USC prec. 41101.

(2) in the analysis at the beginning of chapter 411, by inserting after the item relating to section 41105 the following:

"41105A. Authority.".

(c) EXEMPTION.—Section 40307(b)(1) of title 46, United States Code, is amended by inserting "tug operators," after "motor carriers,".

SEC. 710. INJUNCTIVE RELIEF SOUGHT BY THE COMMISSION.

(a) IN GENERAL.—Section 41307(b) of title 46, United States Code is amended—

(1) in paragraph (1) by inserting "or to substantially lessen competition in the purchasing of certain covered services" after "transportation cost"; and

(2) by adding at the end the following:

"(4) COMPETITION FACTORS.—In making a determination under this subsection regarding whether an agreement is likely to substantially lessen competition in the purchasing of certain covered services, the Commission may consider any relevant competition factors in affected markets, including, without limitation, the competitive effect of agreements other than the agreement under review.".

(b) APPLICATION.—Section 41307(b) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act. 46 USC 41307 note.

SEC. 711. DISCUSSIONS.

(a) IN GENERAL.—Section 303 of title 46, United States Code, is amended to read as follows:

"§ 303. Meetings

"(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

"(b) RECORD.—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

"(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

"(1) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

"(A) no formal or informal vote or other official agency action is taken at the meeting;

"(B) each individual present at the meeting is a Commissioner or an employee of the Commission;

"(C) at least 1 Commissioner from each political party is present at the meeting, if applicable; and

"(D) the General Counsel of the Commission is present at the meeting.

"(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

"(A) a list of the individuals present at the meeting; and

"(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

"(3) EXCEPTION.—If the Commission properly determines matters may be withheld from the public under section 555b(c) of title 5, the Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

"(4) ONGOING PROCEEDINGS.—If a meeting under paragraph (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission decision.

"(5) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

"(6) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed—

"(A) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

"(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.".

(b) TABLE OF CONTENTS.—The analysis at the beginning of chapter 3 of title 46, United States Code, is amended by amending the item relating to section 303 to read as follows:

46 USC prec. 301.

"303. Meetings.".

46 USC 305 note.

SEC. 712. TRANSPARENCY.

(a) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives biannual reports that describe the Commission's progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify for each unfinished regulatory proceeding—

(1) the popular title;

(2) the current stage of the proceeding;

(3) an abstract of the proceeding;

(4) what prompted the action in question;

(5) any applicable statutory, regulatory, or judicial deadline;

(6) the associated docket number;

(7) the date the rulemaking was initiated;

(8) a date for the next action; and

(9) if a date for next action identified in the previous report is not met, the reason for the delay.

SEC. 713. STUDY OF BANKRUPTCY PREPARATION AND RESPONSE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study that examines the immediate aftermath of a major ocean carrier bankruptcy and its impact through the supply chain.

The study shall consider any financial mechanisms that could be used to mitigate the impact of any future bankruptcy events on the supply chain.

(b) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations, if any, from the study required under subsection (a).

SEC. 714. AGREEMENTS UNAFFECTED.

46 USC 40102 note.

Nothing in this Act may be construed—

(1) to limit or amend the definition of "agreement" in section 40102(1) of title 46, United States Code, with respect to the exclusion of maritime labor agreements; or

(2) to apply to a maritime labor agreement (as defined in section 40102(15) of that title).

TITLE VIII—MISCELLANEOUS

SEC. 801. REPEAL OF OBSOLETE REPORTING REQUIREMENT.

Subsection (h) of section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468) is repealed.

SEC. 802. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.

Section 604(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3061) is amended by inserting "and fishery endorsement" after "endorsement".

SEC. 803. OFFICER EVALUATION REPORT.

14 USC note prec. 2101.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Commandant of the Coast Guard shall reduce lieutenant junior grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

(b) SURVEYS.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall conduct surveys of—

(1) outgoing promotion board members and assignment officers to determine, at a minimum—

(A) which sections of the officer evaluation report were most useful;

(B) which sections of the officer evaluation report were least useful;

(C) how to better reflect high performers; and

(D) any recommendations for improving the officer evaluation report; and

(2) at least 10 percent of the officers from each grade of officers from O1 to O6 to determine how much time each member of the rating chain spends on that member's portion of the officer evaluation report.

(c) REVISIONS.—

(1) IN GENERAL.—Not later than 4 years after the date of the completion of the surveys required by subsection (b),

the Commandant of the Coast Guard shall revise the officer evaluation report, and provide corresponding directions, taking into account the requirements under paragraph (2).

(2) REQUIREMENTS.—In revising the officer evaluation report under paragraph (1), the Commandant shall—

(A) consider the findings of the surveys under subsection (b);

(B) improve administrative efficiency;

(C) reduce and streamline performance dimensions and narrative text;

(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

(i) to minimize any impact to officer duties; and

(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

(d) REPORT.—

(1) IN GENERAL.—Not later than 545 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the surveys under subsection (b).

(2) FORMAT.—The report under paragraph (1) shall be formatted by each rank, type of board, and position, as applicable.

SEC. 804. EXTENSION OF AUTHORITY.

14 USC 1102 note.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

(1) in subsection (a), in the text preceding paragraph (1), by striking "sections 3304, 5333, and 5753" and inserting "section 3304"; and

(2) by striking subsection (b), and redesignating subsection (c) as subsection (b).

SEC. 805. COAST GUARD ROTC PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the costs and benefits of creating a Coast Guard Reserve Officers' Training Corps Program based on the other Armed Forces programs.

14 USC 522 note.

SEC. 806. CURRENCY DETECTION CANINE TEAM PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CANINE CURRENCY DETECTION TEAM.—The term "canine currency detection team" means a canine and a canine handler that are trained to detect currency.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement, including underway vessel boardings.

(c) OPERATION.—The Secretary may cooperate with, or enter into an agreement with, the head of another Federal agency to meet the requirements under subsection (b).

SEC. 807. CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL SEARCH AND RESPONSE. 14 USC 313 note.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response (referred to in this section as the "Center of Expertise") in accordance with section 313 of title 14, United States Code, as amended by this Act.

(b) LOCATION.—The Center of Expertise shall be located in close proximity to—

(1) critical crude oil transportation infrastructure on and connecting the Great Lakes, such as submerged pipelines and high-traffic navigation locks; and

(2) an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

(c) FUNCTIONS.—The Center of Expertise shall—

(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(2) identify any significant gaps in Great Lakes oil spill research, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

(4) educate and train Federal, State, and local first responders located in Coast Guard District 9 in—

(A) the incident command system structure;

(B) Great Lakes oil spill response techniques and strategies; and

(C) public affairs; and

(5) work with academic and private sector response training centers to develop and standardize maritime oil spill response training and techniques for use on the Great Lakes.

(d) DEFINITION.—In this section, the term "Great Lakes" means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario.

SEC. 808. PUBLIC SAFETY ANSWERING POINTS AND MARITIME SEARCH AND RESCUE COORDINATION.

Not later than 180 days after the date of the enactment of this Act—

(1) the Secretary of the department in which the Coast Guard is operating acting through the Commandant of the

Coast Guard shall review Coast Guard policies and procedures for public safety answering points and search-and-rescue coordination with State and local law enforcement entities in order to—

(A) further minimize the possibility of maritime 911 calls being improperly routed; and

(B) assure the Coast Guard is able to effectively carry out the Coast Guard's maritime search and rescue mission; and

(2) the Commandant shall—

(A) formulate a national maritime public safety answering points policy; and

(B) submit a report to the Congress on such assessment and policy, which shall include an update to the report submitted in accordance with section 233 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

SEC. 809. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.

Effective January 1, 2021, section 27 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2218) is repealed.

SEC. 810. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.

(a) LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 10 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant;

(2) within 90 days after receiving the notice under paragraph (1), the Commandant shall develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to—

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate one or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions;

(3) within 90 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island; and

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(b) BOUNDARY REVISIONS.—The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) PUBLIC LAND ORDER.—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force

or effect with respect to submerged lands that are part of the Tract.

(d) FAILURE TO TIMELY RESPOND TO NOTICE.—If the Commandant does not transmit proposed operational restrictions to the Secretary within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) CERCLA NOT AFFECTED.—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term "Commandant" means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRACT.—The term "Tract" means the land (including submerged land) depicted as "PROPOSED PROPERTY EXCHANGE AREA" on the survey titled "PROPOSED PROPERTY EXCHANGE PARCEL" and dated 3/22/17.

SEC. 811. USE OF TRACT 43.

Section 524(e)(2) of the Pribilof Island Transition Completion Act of 2016 (Public Law 114–120), as amended by section 3533 of the Pribilof Island Transition Completion Amendments Act of 2016 (subtitle B of title XXXV of Public Law 114–328), is amended by—

(1) striking "each month" and inserting "each April and October"; and

(2) striking "previous month" and inserting "previous six months".

SEC. 812. COAST GUARD MARITIME DOMAIN AWARENESS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of available unmanned, autonomous, or remotely controlled maritime domain awareness technologies for use by the Coast Guard.

(b) ASSESSMENT.—The assessment shall—

(1) describe the potential limitations of current and emerging unmanned technologies used in the maritime domain for—

(A) ocean observation;

(B) vessel monitoring and identification;

(C) weather observation;

(D) to the extent practicable for consideration by the Academy, intelligence gathering, surveillance, and reconnaissance; and

(E) communications;

(2) examine how technologies described in paragraph (1) can help prioritize Federal investment by examining;

(A) affordability, including acquisition, operations, and maintenance;

(B) reliability;

(C) versatility;

(D) efficiency; and

(E) estimated service life and persistence of effort; and

(3) analyze whether the use of new and emerging maritime domain awareness technologies can be used to—

(A) carry out Coast Guard missions at lower costs;

(B) expand the scope and range of Coast Guard maritime domain awareness;

(C) allow the Coast Guard to more efficiently and effectively allocate Coast Guard vessels, aircraft, and personnel; and

(D) identify adjustments that would be necessary in Coast Guard policies, procedures, and protocols to incorporate unmanned technologies to enhance efficiency.

(c) REPORT TO CONGRESS.—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit the assessment prepared under this section to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) USE OF INFORMATION.—In formulating costs pursuant to subsection (b), the National Academy of Sciences may utilize information from other Coast Guard reports, assessments, or analyses regarding existing Coast Guard manpower requirements or other reports, assessments, or analyses for the acquisition of unmanned, autonomous, or remotely controlled technologies by the Federal Government.

SEC. 813. MONITORING.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities, including illegal, unreported, and unregulated fishing, in the Western Pacific region.

(b) REQUIREMENTS.—The pilot program shall—

(1) consider the use of light aircraft-based detection systems that can identify potential illegal activity from high altitudes and produce enforcement-quality evidence at low altitudes; and

(2) be directed at detecting and deterring illegal maritime activities, including illegal, unreported, and unregulated fishing, and enhancing maritime domain awareness.

SEC. 814. REIMBURSEMENTS FOR NON-FEDERAL CONSTRUCTION COSTS OF CERTAIN AIDS TO NAVIGATION.

(a) IN GENERAL.—Subject to the availability of amounts specifically provided in advance in subsequent appropriations Acts and in accordance with this section, the Commandant of the Coast Guard may reimburse a non-Federal entity for costs incurred by the entity for a covered project.

(b) CONDITIONS.—The Commandant may not provide reimbursement under subsection (a) with respect to a covered project unless—

(1) the need for the project is a result of the completion of construction with respect to a federally authorized navigation channel;

(2) the Commandant determines, through an appropriate navigation safety analysis, that the project is necessary to ensure safe marine transportation;

(3) the Commandant approves the design of the project to ensure that it meets all applicable Coast Guard aids-to-navigation standards and requirements;

(4) the non-Federal entity agrees to transfer the project upon completion to the Coast Guard for operation and maintenance by the Coast Guard as a Federal aid to navigation;

(5) the non-Federal entity carries out the project in accordance with the same laws and regulations that would apply to the Coast Guard if the Coast Guard carried out the project, including obtaining all permits required for the project under Federal and State law; and

(6) the Commandant determines that the project satisfies such additional requirements as may be established by the Commandant.

(c) LIMITATIONS.—Reimbursements under subsection (a) may not exceed the following:

(1) For a single covered project, $5,000,000.

(2) For all covered projects in a single fiscal year, $5,000,000.

(d) EXPIRATION.—The authority granted under this section shall expire on the date that is 4 years after the date of enactment of this section.

(e) COVERED PROJECT DEFINED.—In this section, the term "covered project" means a project carried out—

(1) by a non-Federal entity to construct and establish an aid to navigation that facilitates safe and efficient marine transportation on a Federal navigation project authorized by title I of the Water Resources Development Act of 2007 (Public Law 110–114); and

(2) in an area that was affected by Hurricane Harvey.

SEC. 815. TOWING SAFETY MANAGEMENT SYSTEM FEES.

14 USC 946 note.

(a) REVIEW.—The Commandant of the Coast Guard shall—

(1) review and compare the costs to the Government of—

(A) towing vessel inspections performed by the Coast Guard; and

(B) such inspections performed by a third party; and

(2) based on such review and comparison, determine whether the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard.

(b) REVISION OF FEES.—If the Commandant determines under subsection (a) that the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard, then the Commandant shall revise the fee assessed by the Coast Guard for such inspections as necessary to conform to the requirements under section 9701 of title 31, United States Code, that such fee be based on the cost to the Government of such inspections and accurately reflect such costs.

SEC. 816. OIL SPILL DISBURSEMENTS AUDITING AND REPORT.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by repealing subsection (g);

(2) in subsection (l)(1), by striking "Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter," and inserting "Each year, on the date on which the President submits to Congress a budget under section 1105 of title 31, United States Code,"; and

(3) by amending subsection (l)(2) to read as follows:

"(2) CONTENTS.—The report shall include—

"(A) a list of each incident that—

"(i) occurred in the preceding fiscal year; and

"(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling $500,000 or more;

"(B) a list of each incident that—

"(i) occurred in the fiscal year preceding the preceding fiscal year; and

"(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling $500,000 or more; and

"(C) an accounting of any amounts reimbursed to the Fund in the preceding fiscal year that were recovered from a responsible party for an incident that resulted in disbursements from the Fund, for removal costs and damages, totaling $500,000 or more.".

SEC. 817. FLEET REQUIREMENTS ASSESSMENT AND STRATEGY.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with interested Federal and non-Federal stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report including—

(1) an assessment of Coast Guard at-sea operational fleet requirements to support its statutory missions established in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.); and

(2) a strategic plan for meeting the requirements identified under paragraph (1).

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an assessment of—

(A) the extent to which the Coast Guard at-sea operational fleet requirements referred to in subsection (a)(1) are currently being met;

(B) the Coast Guard's current fleet, its operational lifespan, and how the anticipated changes in the age and distribution of vessels in the fleet will impact the ability to meet at-sea operational requirements;

(C) fleet operations and recommended improvements to minimize costs and extend operational vessel life spans; and

(D) the number of Fast Response Cutters, Offshore Patrol Cutters, and National Security Cutters needed to meet at-sea operational requirements as compared to planned acquisitions under the current programs of record;

(2) an analysis of—

(A) how the Coast Guard at-sea operational fleet requirements are currently met, including the use of the

Coast Guard's current cutter fleet, agreements with partners, chartered vessels, and unmanned vehicle technology; and

(B) whether existing and planned cutter programs of record (including the Fast Response Cutter, Offshore Patrol Cutter, and National Security Cutter) will enable the Coast Guard to meet at-sea operational requirements; and

(3) a description of—

(A) planned manned and unmanned vessel acquisition; and

(B) how such acquisitions will change the extent to which the Coast Guard at-sea operational requirements are met.

(c) CONSULTATION AND TRANSPARENCY.—

(1) CONSULTATION.—In consulting with the Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—

(A) provide the stakeholders with opportunities for input—

(i) prior to initially drafting the report, including the assessment and strategic plan; and

(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan, for submission; and

(B) document the input and its disposition in the report.

(2) TRANSPARENCY.—All input provided under paragraph (1) shall be made available to the public.

(d) ENSURING MARITIME COVERAGE.—In order to meet Coast Guard mission requirements for search and rescue, ports, waterways, and coastal security, and maritime environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.

SEC. 818. NATIONAL SECURITY CUTTER.

14 USC 1133 note.

(a) STANDARD METHOD FOR TRACKING.—The Commandant of the Coast Guard may not certify an eighth National Security Cutter as Ready for Operations before the date on which the Commandant provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a notification of a new standard method for tracking operational employment of Coast Guard major cutters that does not include time during which such a cutter is away from its homeport for maintenance or repair; and

(2) a report analyzing cost and performance for different approaches to achieving varied levels of operational employment using the standard method required by paragraph (1) that, at a minimum—

(A) compares over a 30-year period the average annualized baseline cost and performances for a certified National Security Cutter that operated for 185 days away from homeport or an equivalent alternative measure of operational tempo—

(i) against the cost of a 15 percent increase in days away from homeport or an equivalent alternative

measure of operational tempo for a National Security Cutter; and

(ii) against the cost of the acquisition and operation of an additional National Security Cutter; and

(B) examines the optimal level of operational employment of National Security Cutters to balance National Security Cutter cost and mission performance.

(b) CONFORMING AMENDMENTS.—

(1) Section 221(b) of the Coast Guard and Maritime Transportation Act of 2012 (126 Stat. 1560) is repealed.

14 USC 573 note.

(2) Section 204(c)(1) of the Coast Guard Authorization Act of 2016 (130 Stat. 35) is repealed.

14 USC 504 note.

SEC. 819. ACQUISITION PLAN FOR INLAND WATERWAY AND RIVER TENDERS AND BAY-CLASS ICEBREAKERS.

(a) ACQUISITION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to replace or extend the life of the Coast Guard fleet of inland waterway and river tenders, and the Bay-class icebreakers.

(b) CONTENTS.—The plan under subsection (a) shall include—

(1) an analysis of the work required to extend the life of vessels described in subsection (a);

(2) recommendations for which, if any, such vessels it is cost effective to undertake a ship-life extension or enhanced maintenance program;

(3) an analysis of the aids to navigation program to determine if advances in navigation technology may reduce the needs for physical aids to navigation;

(4) recommendations for changes to physical aids to navigation and the distribution of such aids that reduce the need for the acquisition of vessels to replace the vessels described in subsection (a);

(5) a schedule for the acquisition of vessels to replace the vessels described in subsection (a), including the date on which the first vessel will be delivered;

(6) the date such acquisition will be complete;

(7) a description of the order and location of replacement vessels;

(8) an estimate of the cost per vessel and of the total cost of the acquisition program of record; and

(9) an analysis of whether existing vessels can be used.

SEC. 820. GREAT LAKES ICEBREAKER ACQUISITION.

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2018 and 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by this Act, for the construction of an icebreaker that is at least as capable as the Coast Guard Cutter *Mackinaw* to enhance icebreaking capacity on the Great Lakes.

(b) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act, the Commandant shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115–31) will be allocated to support the acquisition activities referred to in paragraph (1).

SEC. 821. POLAR ICEBREAKERS.

(a) ENHANCED MAINTENANCE PROGRAM FOR THE *POLAR STAR*.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall conduct an enhanced maintenance program on Coast Guard Cutter *Polar Star* (WAGB–10) to extend the service life of such vessel until at least December 31, 2025.

(2) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of the Coast Guard Authorization Act of 2017, the Secretary of the department in which the Coast Guard is operating, in consultation with Naval Sea Systems Command, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives a detailed report describing a plan to extend the service life of the Coast Guard Cutter *Polar Star* (WAGB–10) until at least December 31, 2025, through an enhanced maintenance program.

(3) CONTENT.—The report required by paragraph (2) shall include the following:

(A) An assessment and discussion of the enhanced maintenance program recommended by the National Academies of Sciences, Engineering, and Medicine's Committee on Polar Icebreaker Cost Assessment in the letter report "Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation's Needs".

(B) An assessment and discussion of the Government Accountability Office's concerns and recommendations regarding service life extension work on Coast Guard Cutter *Polar Star* (WAGB–10) in the report "Status of the Coast Guard's Polar Icebreaking Fleet Capability and Recapitalization Plan".

(C) Based upon a materiel condition assessment of the Coast Guard Cutter *Polar Star* (WAGB–10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the amount needed to be appropriated to complete the enhanced maintenance program.

(D) A plan to ensure the vessel will maintain seasonally operational status during the enhanced maintenance program.

(4) AUTHORIZATION OF APPROPRIATIONS.—The Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended

by section 202 of this Act, for the enhanced maintenance program described in the report required by subsection (a).

(b) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012; AMENDMENT.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213), as amended, is further amended as follows:

(1) by striking subsections (a) through (d);

(2) by redesignating subsections (e) through (g) as subsections (a) through (c), respectively;

(3) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (1), by striking "Except as provided in subsection (c), the Commandant" and inserting "The Commandant";

(B) in paragraph (1) by striking "Polar Sea or";

(C) in paragraph (2) by striking "either of the vessels" and inserting "the Polar Star or the Polar Sea"; and

(D) in paragraph (3) by striking "either of the vessels" each place it appears and inserting "the Polar Star".

SEC. 822. STRATEGIC ASSETS IN THE ARCTIC.

(a) DEFINITION OF ARCTIC.—In this section, the term "Arctic" has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Arctic continues to grow in significance to both the national security interests and the economic prosperity of the United States; and

(2) the Coast Guard must ensure it is positioned to respond to any accident, incident, or threat with appropriate assets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Secretary of Defense and taking into consideration the Department of Defense 2016 Arctic Strategy, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

(d) CONTENTS.—The report under subsection (c) shall include—

(1) a description of the Coast Guard's progress toward each strategic objective identified in the United States Coast Guard Arctic Strategy dated May 2013;

(2) an assessment of the assets and infrastructure necessary to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy dated May 2013 based on factors such as—

(A) response time;

(B) coverage area;

(C) endurance on scene;

(D) presence; and

(E) deterrence;

(3) an analysis of the sufficiency of the distribution of National Security Cutters, Offshore Patrol Cutters, and Fast Response Cutters both stationed in various Alaskan ports and in other locations to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy, dated May 2013;

(4) plans to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety and mitigate close calls, collisions, and other dangerous interactions between the shipping industry and subsistence hunters;

(5) plans to prevent marine casualties, when possible, by ensuring vessels avoid environmentally sensitive areas and permanent security zones;

(6) an explanation of—

(A) whether it is feasible to establish a vessel traffic service, using existing resources or otherwise; and

(B) whether an Arctic Response Center of Expertise is necessary to address the gaps in experience, skills, equipment, resources, training, and doctrine to prepare, respond to, and recover spilled oil in the Arctic; and

(7) an assessment of whether sufficient agreements are in place to ensure the Coast Guard is receiving the information it needs to carry out its responsibilities.

SEC. 823. ARCTIC PLANNING CRITERIA.

33 USC 1321 note.

(a) ALTERNATIVE PLANNING CRITERIA.—

(1) IN GENERAL.—For purposes of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), the Commandant of the Coast Guard may approve a vessel response plan under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for a vessel operating in any area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic, if the Commandant verifies that—

(A) equipment required to be available for response under the plan has been tested and proven capable of operating in the environmental conditions expected in the area in which it is intended to be operated; and

(B) the operators of such equipment have conducted training on the equipment within the area covered by such Captain of the Port Zone.

(2) POST-APPROVAL REQUIREMENTS.—In approving a vessel response plan under paragraph (1), the Commandant shall—

(A) require that the oil spill removal organization identified in the vessel response plan conduct regular exercises and drills using the response resources identified in the plan in the area covered by the Captain of the Port Zone that includes the Arctic; and

(B) allow such oil spill removal organization to take credit for a response to an actual spill or release in the area covered by such Captain of the Port Zone, instead of conducting an exercise or drill required under subparagraph (A), if the oil spill removal organization—

(i) documents which exercise or drill requirements were met during the response; and

(ii) submits a request for credit to, and receives approval from, the Commandant.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a

report on the oil spill prevention and response capabilities for the area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of equipment and assets available for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone, including details on any providers of such equipment and assets.

(B) A description of the location of such equipment and assets, including an estimate of the time to deploy the equipment and assets.

(C) A determination of how effectively such equipment and assets are distributed throughout the area covered by the Captain of the Port Zone.

(D) A statement regarding whether the ability to maintain and deploy such equipment and assets is taken into account when measuring the equipment and assets available throughout the area covered by the Captain of the Port Zone.

(E) A validation of the port assessment visit process and response resource inventory for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone.

(F) A determination of the compliance rate with Federal vessel response plan regulations in the area covered by the Captain of the Port Zone during the previous 3 years.

(G) A description of the resources needed throughout the area covered by the Captain of the Port Zone to conduct port assessments, exercises, response plan reviews, and spill responses.

(c) DEFINITION OF ARCTIC.—In this section, the term "Arctic" has the meaning given the term under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 824. VESSEL RESPONSE PLAN AUDIT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive review of the processes and resources used by the Coast Guard to implement vessel response plan requirements under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(b) REQUIRED ELEMENTS OF REVIEW.—The review required under subsection (a) shall, at a minimum, include—

(1) a study, or an audit if appropriate, of the processes the Coast Guard uses—

(A) to approve the vessel response plans referred to in subsection (a);

(B) to approve alternate planning criteria used in lieu of National Planning Criteria in approving such plans;

(C) to verify compliance with such plans; and

(D) to act in the event of a failure to comply with the requirements of such plans;

(2) an examination of all Federal and State agency resources used by the Coast Guard in carrying out the processes identified under paragraph (1), including—

(A) the current staffing model and organization;

(B) data, software, simulators, systems, or other technology, including those pertaining to weather, oil spill trajectory modeling, and risk management;

(C) the total amount of time per fiscal year expended by Coast Guard personnel to approve and verify compliance with vessel response plans; and

(D) the average amount of time expended by the Coast Guard for approval of, and verification of compliance with, a single vessel response plan;

(3) an analysis of how, including by what means or methods, the processes identified under paragraph (1)—

(A) ensure compliance with applicable law;

(B) are implemented by the Coast Guard, including at the district and sector levels;

(C) are informed by public comment and engagement with States, Indian Tribes, and other regional stakeholders;

(D) ensure availability and adequate operational capability and capacity of required assets and equipment, including in cases in which contractual obligations may limit the availability of such assets and equipment for response;

(E) provide for adequate asset and equipment mobilization time requirements, particularly with respect to—

(i) calculation and establishment of such requirements;

(ii) verifying compliance with such requirements; and

(iii) factoring in weather, including specific regional adverse weather as defined in section 155.1020 of title 33, Code of Federal Regulations, in calculating, establishing, and verifying compliance with such requirements;

(F) ensure response plan updates and vessel compliance when changes occur in response planning criteria, asset and equipment mobilization times, or regional response needs, such as trends in transportation of high gravity oils or changes in vessel traffic volume; and

(G) enable effective action by the Coast Guard in the event of a failure to comply with response plan requirements;

(4) a determination regarding whether asset and equipment mobilization time requirements under approved vessel response plans can be met by the vessels to which they apply; and

(5) recommendations for improving the processes identified under paragraph (1), including recommendations regarding the sufficiency of Coast Guard resources dedicated to those processes.

SEC. 825. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

For purposes of the application of subtitle II of title 46, United States Code, to the Volunteer (Hull Number CCA4108), the Illinois and Michigan Canal is deemed to not be navigable waters of the United States.

46 USC 12114 note.

SEC. 826. DOCUMENTATION OF RECREATIONAL VESSELS.

Coast Guard personnel performing nonrecreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform recreational vessel documentation under section 12114 of such title in any fiscal year in which—

(1) funds available for Coast Guard operating expenses may not be used for expenses incurred for recreational vessel documentation;

(2) fees collected from owners of yachts and credited to such use are insufficient to pay expenses of recreational vessel documentation; and

(3) there is a backlog of applications for recreational vessel documentation.

46 USC 4302 note.

SEC. 827. EQUIPMENT REQUIREMENTS; EXEMPTION FROM THROWABLE PERSONAL FLOTATION DEVICES REQUIREMENT.

Not later than one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) prescribe regulations in part 160 of title 46, Code of Federal Regulations, that treat a marine throw bag, as that term is commonly used in the commercial whitewater rafting industry, as a type of lifesaving equipment; and

(2) revise section 175.17 of title 33, Code of Federal Regulations, to exempt rafts that are 16 feet or more overall in length from the requirement to carry an additional throwable personal flotation device when such a marine throw bag is onboard and accessible.

46 USC 4302 note.

SEC. 828. VISUAL DISTRESS SIGNALS AND ALTERNATIVE USE.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall develop a performance standard for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) REGULATIONS.—Not later than 180 days after the performance standard for alternative use and possession of visual distress alerting and locating signals is finalized, the Secretary shall revise part 175 of title 33, Code of Federal Regulations, to allow for carriage of such alternative signal devices.

46 USC 7302.

SEC. 829. RADAR REFRESHER TRAINING.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating the requirement that a mariner actively using the mariner's credential complete an approved refresher or recertification course to maintain a radar

observer endorsement. This rulemaking shall be exempt from chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563.

SEC. 830. COMMERCIAL FISHING VESSEL SAFETY NATIONAL COMMUNICATIONS PLAN.

46 USC 4502 note.

(a) REQUIREMENT FOR PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a national communications plan for the purposes of—

(1) disseminating information to the commercial fishing vessel industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing vessel industry; and

(4) releasing information collected under section 15102 of title 46, United States Code, as added by this Act, to the commercial fishing vessel industry.

(b) CONTENT.—The plan required by subsection (a), and each annual update, shall—

(1) identify staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

(2) include a means to document all communication and outreach conducted with the commercial fishing vessel industry; and

(3) include a mechanism to measure effectiveness of such plan.

(c) IMPLEMENTATION.—Not later than one year after submission of the initial plan, the Secretary of the department in which the Coast Guard is operating shall implement the plan and shall at a minimum—

(1) leverage Coast Guard staff, resources, and systems available;

(2) monitor implementation nationwide to ensure adherence to plan contents;

(3) allow each Captain of the Port to adopt the most effective strategy and means to communicate with commercial fishing vessel industry in that Captain of the Port Zone;

(4) document communication and outreach; and

(5) solicit feedback from the commercial fishing vessel industry.

(d) REPORT AND UPDATES.—The Secretary of the department in which the Coast Guard is operating shall—

(1) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effectiveness of the plan to date and any updates to ensure maximum impact of the plan one year after the date of enactment of this Act, and every 4 years thereafter; and

(2) include in such report input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry.

SEC. 831. ATLANTIC COAST PORT ACCESS ROUTE STUDY RECOMMENDATIONS.

Not later than 30 days after the date of the enactment of the Act, the Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of action taken to carry out the recommendations contained in the final report issued by the Atlantic Coast Port Access Route Study (ACPARS) workgroup for which notice of availability was published March 14, 2016 (81 Fed. Reg. 13307).

SEC. 832. DRAWBRIDGES.

Section 5 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following:

"(d) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Notwithstanding section 553 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

"(1) is approved—

"(A) the Secretary of the department in which the Coast Guard is operating shall—

"(i) issue a deviation approval letter to the bridge owner; and

"(ii) announce the temporary change in—

"(I) the Local Notice to Mariners;

"(II) a broadcast notice to mariners and through radio stations; or

"(III) such other local media as the Secretary considers appropriate; and

"(B) the bridge owner, except a railroad bridge owner, shall notify—

"(i) the public by publishing notice of the temporary change in a newspaper of general circulation published in the place where the bridge is located;

"(ii) the department, agency, or office of transportation with jurisdiction over the roadway that abuts the approaches to the bridge; and

"(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; or

"(2) is denied, the Secretary of the department in which the Coast Guard is operating shall—

"(A) not later than 10 days after the date of receipt of the request, provide the bridge owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

"(B) provide the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

"(e) DRAWBRIDGE MOVEMENTS.—The Secretary of the department in which the Coast Guard is operating—

"(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;

"(2) may inspect the logbook to ensure drawbridge movement is in accordance with the posted operating schedule;

"(3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and

"(4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

"(f) REQUIREMENTS.—

"(1) LOGBOOKS.—An operator of a drawbridge built across a navigable river or other water of the United States—

"(A) that opens the draw of such bridge for the passage of a vessel, shall record in a logbook—

"(i) the bridge identification and date of each opening;

"(ii) the bridge tender or operator for each opening;

"(iii) each time it is opened for navigation;

"(iv) each time it is closed for navigation;

"(v) the number and direction of vessels passing through during each opening;

"(vi) the types of vessels passing through during each opening;

"(vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;

"(viii) for each vessel, the vessel name and registration number if easily observable; and

"(ix) all maintenance openings, malfunctions, or other comments; and

"(B) that remains open to navigation but closes to allow for trains to cross, shall record in a logbook—

"(i) the bridge identification and date of each opening and closing;

"(ii) the bridge tender or operator;

"(iii) each time it is opened to navigation;

"(iv) each time it is closed to navigation; and

"(v) all maintenance openings, closings, malfunctions, or other comments.

"(2) MAINTENANCE OF LOGBOOKS.—A drawbridge operator shall maintain logbooks required under paragraph (1) for not less than 5 years.

"(3) SUBMISSION OF LOGBOOKS.—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary the logbook required under paragraph (1) as the Secretary considers necessary to carry out this section.

"(4) EXEMPTION.—The requirements under paragraph (1) shall be exempt from sections 3501 to 3521 of title 44, United States Code.".

SEC. 833. WAIVER.

Section 8902 of title 46, United States Code, shall not apply to the chain ferry DIANE (United States official number CG002692)

when such vessel is operating on the Kalamazoo River in Saugatuck, Michigan.

SEC. 834. FIRE-RETARDANT MATERIALS.

Section 3503 of title 46, United States Code, is amended to read as follows:

"§ 3503. Fire-retardant materials

"(a)(1) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if—

"(A) the vessel is constructed of fire-retardant materials; and

"(B) the vessel—

"(i) is operating engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators that meet current Coast Guard regulations; and

"(ii) is operating boilers and main electrical generators that are contained within noncombustible enclosures equipped with fire suppression systems.

"(2) Before December 1, 2028, this subsection does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

"(b)(1) The owner or managing operator of an exempted vessel described in subsection (a)(2) shall—

"(A) notify in writing prospective passengers, prior to purchase, and each crew member that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

"(B) display in clearly legible font prominently throughout the vessel, including in each state room the following: 'THIS VESSEL FAILS TO COMPLY WITH SAFETY RULES AND REGULATIONS OF THE U.S. COAST GUARD.';

"(C) acquire prior to the vessel entering service, and maintain, liability insurance in an amount to be prescribed by the Federal Maritime Commission;

"(D) make annual structural alteration to not less than 10 percent of the areas of the vessel that are not constructed of fire retardant materials;

"(E) prioritize alterations in galleys, engineering areas of the vessel, including all spaces and compartments containing, or adjacent to spaces and compartments containing, engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators;

"(F) ensure, to the satisfaction of the Secretary, that the combustible fire-load has been reduced pursuant to subparagraph (D) during each annual inspection for certification;

"(G) ensure the vessel has multiple forms of egress off the vessel's bow and stern;

"(H) provide advance notice to the Coast Guard regarding the structural alterations made pursuant to subparagraph (D) and comply with any noncombustible material requirements prescribed by the Coast Guard;

"(I) annually notify all ports of call and State emergency management offices of jurisdiction that the vessel does not comply with the requirement under subsection (a)(1);

"(J) provide crewmembers manning such vessel shipboard training that—

"(i) is specialized for exempted vessels;

"(ii) exceeds requirements related to standards for firefighting training under chapter I of title 46, Code of Federal Regulations, as in effect on October 1, 2017; and

"(iii) is approved by the Coast Guard; and

"(K) to the extent practicable, take all steps to retain previously trained crew knowledgeable of such vessel or to hire crew trained in operations aboard exempted vessels.

"(2) The owner or managing operator of an exempted vessel described in subsection (a)(2) may not disclaim liability to a passenger or crew member of such vessel for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator.

"(3) The Secretary shall—

"(A) conduct an annual audit and inspection of each exempted vessel described in subsection (a)(2);

"(B) in implementing subparagraph (b)(1)(F), consider, to the extent practicable, the goal of preservation of the historic integrity of such vessel in areas carrying or accessible to passengers or generally visible to the public; and

"(C) prescribe regulations to carry out this section, including to prescribe the manner in which prospective passengers are to be notified under paragraph (1)(A).

"(4) The penalties provided in section 3504(c) of this title shall apply to a violation of this subsection.

"(c) In addition to otherwise applicable penalties, the Secretary may immediately withdraw a certificate of inspection for an exempted vessel described in subsection (a)(2) that does not comply with any requirement under subsection (b).".

SEC. 835. VESSEL WAIVER.

(a) IN GENERAL.—Upon the date of enactment of this Act and notwithstanding sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, the Secretary shall issue a certificate of documentation with coastwise and fishery endorsements to the certificated vessel.

(b) REPLACEMENT VESSEL.—The certificated vessel shall qualify as a replacement vessel for the vessel "AMERICA NO.1" (United States official number 610654) and not be precluded from operating as an Amendment 80 replacement vessel under the provisions of part 679 of title 50, Code of Federal Regulations.

(c) COAST GUARD REVIEW AND DETERMINATION.—

(1) REVIEW.—Not later than 30 days after the date of enactment of this Act, the Secretary shall conduct a review of the use of certain foreign fabricated steel components in the hull or superstructure of the certificated vessel.

(2) DETERMINATION.—Based on the review conducted under paragraph (1), the Secretary shall determine whether the shipyard that constructed the certificated vessel or the purchaser of the certificated vessel knew before such components were

procured or installed that the use of such components would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code.

(3) REVOCATION.—If the Secretary determines under paragraph (2) that the shipyard that constructed the certificated vessel or the purchaser of the certificated vessel knew before such components were procured or installed that the use of such components would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, the Secretary shall immediately revoke the certificate of documentation issued under subsection (a).

(4) USE OF DOCUMENTS.—In conducting the review required under paragraph (1), the Secretary may request and review any information, correspondence, or documents related to the construction of the certificated vessel, including from the shipyard that constructed the certificated vessel and the purchaser of the certificated vessel.

(d) TERMINATION.—If the contract for purchase of the certificated vessel that is in effect on the date of enactment of this Act is terminated, the purchasing party to that contract shall be prohibited from entering into a subsequent contract or agreement for purchase of such vessel.

(e) DEFINITIONS.—In this section:

(1) CERTIFICATED VESSEL.—The term "certificated vessel" means the vessel America's Finest (United States official number 1276760).

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

SEC. 836. TEMPORARY LIMITATIONS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Upon the Coast Guard issuing a certificate of documentation with coastwise and fishery endorsements for the vessel "AMERICA'S FINEST" (United States official number 1276760) and during any period such certificate is in effect, and subject to subsection (b), the total amount of groundfish harvested with respect to subparagraph (A) or the total amount of deliveries processed from other vessels with respect to subparagraph (B) by the vessels described in paragraph (2) shall not collectively exceed—

(A) the percentage of the harvest available in any Gulf of Alaska groundfish fisheries (other than fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council) that is equivalent to the total harvest by the vessels described in paragraph (2) in those fisheries in the calendar years that a vessel described in paragraph (2) had harvest from 2012 through 2017 relative to the total allowable catch available to such vessels in the calendar years 2012 through 2017; or

(B) the percentage of processing of deliveries from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries (including fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council, or community development quotas as described in section 305(i) of the

Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i))) that is equivalent to the total processing of such deliveries by the vessels described in paragraph (2) in those fisheries in the calendar years 2012 through 2017 relative to the total allowable catch available in the calendar years 2012 through 2017.

(2) APPLICABLE VESSELS.—The limitations described in paragraph (1) shall apply, in the aggregate, to—

(A) the vessel AMERICA'S FINEST (United States official number 1276760);

(B) the vessel US INTREPID (United States official number 604439);

(C) the vessel AMERICAN NO. 1 (United States official number 610654);

(D) any replacement of a vessel described in subparagraph (A), (B), or (C); and

(E) any vessel assigned license number LLG3217 under the license limitation program under part 679 of title 50, Code of Federal Regulations.

(b) EXPIRATION.—The limitations described in subsection (a) shall apply to a groundfish species in Bering Sea, Aleutian Islands, and Gulf of Alaska only until the earlier of—

(1) the end of the 6-year period beginning on the date of enactment of this Act; or

(2) the date on which the Secretary of Commerce issues a final rule, based on recommendations developed by the North Pacific Fishery Management Council consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), that limits processing deliveries of that groundfish species from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries that are not subject to conservation and management measures under section 206 of the American Fisheries Act (16 U.S.C. 1851 note).

(c) EXISTING AUTHORITY.—Except for the measures required by this section, nothing in this title shall be construed to limit the authority of the North Pacific Fishery Management Council or the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 837. TRANSFER OF COAST GUARD PROPERTY IN JUPITER ISLAND, FLORIDA, FOR INCLUSION IN HOBE SOUND NATIONAL WILDLIFE REFUGE.

16 USC 668dd note.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is transferred to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property described in this subsection is real property administered by the Coast Guard in the Town of Jupiter Island, Florida, comprising Parcel #35–38–42–004–000–02590–6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35–38–42–004–000–02610–2 (Bon Air Beach lots 261 to 267), including any improvements thereon that are not authorized or required by another provision of law to be conveyed to another person.

(c) ADMINISTRATION.—The property described in subsection (b) is included in Hobe Sound National Wildlife Refuge, and shall

be administered by the Secretary of the Interior acting through the United States Fish and Wildlife Service.

SEC. 838. EMERGENCY RESPONSE.

Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall request the National Offshore Safety Advisory Committee to examine whether there are unnecessary regulatory barriers to the use of small passenger vessels, crewboats, and offshore supply vessels in disaster response and provide recommendations, as appropriate, to reduce such barriers.

SEC. 839. DRAWBRIDGES CONSULTATION.

(a) CONSULTATION.—In addition and subsequent to any rulemaking conducted under section 117.8 of title 33, Code of Federal Regulations, related to permanent changes to drawbridge openings that result from Amtrak service between New Orleans, Louisiana and Orlando, Florida, the Commandant shall consult with owners or operators of rail lines used for Amtrak passenger service between New Orleans, Louisiana and Orlando, Florida and affected waterway users on changes to drawbridge operating schedules necessary to facilitate the On Time Performance of passenger trains. These changes to schedules shall not impact Coast Guard response times to operational missions.

(b) TIMING.—Consultation in subsection (a) shall occur after commencement of Amtrak passenger service on the rail lines between New Orleans, Louisiana and Orlando, Florida at the following intervals:

(1) Not less than 3 months following the commencement of Amtrak passenger service.

(2) Not less than 6 months following the commencement of Amtrak passenger service.

(c) REPORT.—If after conducting the consultations required by subsection (b)(2), the Commandant finds that permanent changes to drawbridge operations are necessary to mitigate delays in the movement of trains described in subsection (a) and that those changes do not unreasonably obstruct the navigability of the affected waterways, then the Commandant shall submit those findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Vessel Incidental Discharge Act of 2018.

TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

33 USC 1251 note.

SEC. 901. SHORT TITLE.

This title may be cited as the "Vessel Incidental Discharge Act of 2018".

33 USC 1322 note.

SEC. 902. PURPOSES; FINDINGS.

(a) PURPOSES.—The purposes of this title are—

(1) to provide for the establishment of uniform, environmentally sound standards and requirements for the management of discharges incidental to the normal operation of a vessel;

(2) to charge the Environmental Protection Agency with primary responsibility for establishing standards relating to the discharge of pollutants from vessels;

(3) to charge the Coast Guard with primary responsibility for prescribing, administering, and enforcing regulations, consistent with the discharge standards established by the Environmental Protection Agency, for the design, construction, installation, and operation of the equipment and management practices required onboard vessels; and

(4) to preserve the flexibility of States, political subdivisions, and certain regions with respect to the administration and enforcement of standards relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(b) FINDINGS.—Congress finds that—

(1) the Environmental Protection Agency is the principal Federal authority charged under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with regulating through the issuance of permits for the discharge of pollutants into the navigable waters of the United States;

(2) the Coast Guard is the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels; and

(3) during the period of 1973 to 2010—

(A) the Environmental Protection Agency promulgated regulations exempting certain discharges incidental to the normal operation of vessels from otherwise applicable permitting requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) Congress enacted laws on numerous occasions governing the regulation of discharges incidental to the normal operation of vessels, including—

(i) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.);

(ii) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(iii) the National Invasive Species Act of 1996 (16 U.S.C. 4701 note; Public Law 104–332);

(iv) section 415 of the Coast Guard Authorization Act of 1998 (Public Law 105–383; 112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note; Public Law 108–293), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(v) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–315), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(vi) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings; and

(vii) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for

the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

SEC. 903. STANDARDS FOR DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) UNIFORM NATIONAL STANDARDS.—

(1) IN GENERAL.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

"(p) UNIFORM NATIONAL STANDARDS FOR DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.—

"(1) DEFINITIONS.—In this subsection:

"(A) AQUATIC NUISANCE SPECIES.—The term 'aquatic nuisance species' means a nonindigenous species that threatens—

"(i) the diversity or abundance of a native species;

"(ii) the ecological stability of—

"(I) waters of the United States; or

"(II) waters of the contiguous zone; or

"(iii) a commercial, agricultural, aquacultural, or recreational activity that is dependent on—

"(I) waters of the United States; or

"(II) waters of the contiguous zone.

"(B) BALLAST WATER.—

"(i) IN GENERAL.—The term 'ballast water' means any water, suspended matter, and other materials taken onboard a vessel—

"(I) to control or maintain trim, draught, stability, or stresses of the vessel, regardless of the means by which any such water or suspended matter is carried; or

"(II) during the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the vessel.

"(ii) EXCLUSION.—The term 'ballast water' does not include any substance that is added to the water described in clause (i) that is directly related to the operation of a properly functioning ballast water management system.

"(C) BALLAST WATER DISCHARGE STANDARD.—The term 'ballast water discharge standard' means—

"(i) the numerical ballast water discharge standard established by section 151.1511 or 151.2030 of title 33, Code of Federal Regulations (or successor regulations); or

"(ii) if a standard referred to in clause (i) is superseded by a numerical standard of performance under this subsection, that superseding standard.

"(D) BALLAST WATER EXCHANGE.—The term 'ballast water exchange' means the replacement of water in a ballast water tank using 1 of the following methods:

"(i) Flow-through exchange, in which ballast water is flushed out by pumping in midocean water at the bottom of the tank if practicable, and continuously overflowing the tank from the top, until 3 full volumes

of water have been changed to minimize the number of original organisms remaining in the tank.

"(ii) Empty and refill exchange, in which ballast water taken on in ports, estuarine waters, or territorial waters is pumped out until the pump loses suction, after which the ballast tank is refilled with midocean water.

"(E) BALLAST WATER MANAGEMENT SYSTEM.—The term 'ballast water management system' means any marine pollution control device (including all ballast water treatment equipment, ballast tanks, pipes, pumps, and all associated control and monitoring equipment) that processes ballast water—

"(i) to kill, render nonviable, or remove organisms; or

"(ii) to avoid the uptake or discharge of organisms.

"(F) BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE.—The term 'best available technology economically achievable' means—

"(i) best available technology economically achievable (within the meaning of section 301(b)(2)(A));

"(ii) best available technology (within the meaning of section 304(b)(2)(B)); and

"(iii) best available technology, as determined in accordance with section 125.3(d)(3) of title 40, Code of Federal Regulations (or successor regulations).

"(G) BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY.—The term 'best conventional pollutant control technology' means—

"(i) best conventional pollutant control technology (within the meaning of section 301(b)(2)(E));

"(ii) best conventional pollutant control technology (within the meaning of section 304(b)(4)); and

"(iii) best conventional pollutant control technology, as determined in accordance with section 125.3(d)(2) of title 40, Code of Federal Regulations (or successor regulations).

"(H) BEST MANAGEMENT PRACTICE.—

"(i) IN GENERAL.—The term 'best management practice' means a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of—

"(I) the waters of the United States; or

"(II) the waters of the contiguous zone.

"(ii) INCLUSIONS.—The term 'best management practice' includes any treatment requirement, operating procedure, or practice to control—

"(I) vessel runoff;

"(II) spillage or leaks;

"(III) sludge or waste disposal; or

"(IV) drainage from raw material storage.

"(I) BEST PRACTICABLE CONTROL TECHNOLOGY CURRENTLY AVAILABLE.—The term 'best practicable control technology currently available' means—

"(i) best practicable control technology currently available (within the meaning of section 301(b)(1)(A));

"(ii) best practicable control technology currently available (within the meaning of section 304(b)(1)); and

"(iii) best practicable control technology currently available, as determined in accordance with section 125.3(d)(1) of title 40, Code of Federal Regulations (or successor regulations).

"(J) CAPTAIN OF THE PORT ZONE.—The term 'Captain of the Port Zone' means a Captain of the Port Zone established by the Secretary pursuant to sections 92, 93, and 633 of title 14, United States Code.

"(K) EMPTY BALLAST TANK.—The term 'empty ballast tank' means a tank that—

"(i) has previously held ballast water that has been drained to the limit of the functional or operational capabilities of the tank (such as loss of suction);

"(ii) is recorded as empty on a vessel log; and

"(iii) contains unpumpable residual ballast water and sediment.

"(L) GREAT LAKES COMMISSION.—The term 'Great Lakes Commission' means the Great Lakes Commission established by article IV A of the Great Lakes Compact to which Congress granted consent in the Act of July 24, 1968 (Public Law 90–419; 82 Stat. 414).

"(M) GREAT LAKES STATE.—The term 'Great Lakes State' means any of the States of—

"(i) Illinois;

"(ii) Indiana;

"(iii) Michigan;

"(iv) Minnesota;

"(v) New York;

"(vi) Ohio;

"(vii) Pennsylvania; and

"(viii) Wisconsin.

"(N) GREAT LAKES SYSTEM.—The term 'Great Lakes System' has the meaning given the term in section 118(a)(3).

"(O) INTERNAL WATERS.—The term 'internal waters' has the meaning given the term in section 2.24 of title 33, Code of Federal Regulations (or a successor regulation).

"(P) MARINE POLLUTION CONTROL DEVICE.—The term 'marine pollution control device' means any equipment or management practice (or combination of equipment and a management practice), for installation or use onboard a vessel, that is—

"(i) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

"(ii) determined by the Administrator and the Secretary to be the most effective equipment or management practice (or combination of equipment and a management practice) to reduce the environmental impacts of the discharge, consistent with the factors for consideration described in paragraphs (4) and (5).

"(Q) NONINDIGENOUS SPECIES.—The term 'nonindigenous species' means an organism of a species that enters an ecosystem beyond the historic range of the species.

"(R) ORGANISM.—The term 'organism' includes—

"(i) an animal, including fish and fish eggs and larvae;

"(ii) a plant;

"(iii) a pathogen;

"(iv) a microbe;

"(v) a virus;

"(vi) a prokaryote (including any archean or bacterium);

"(vii) a fungus; and

"(viii) a protist.

"(S) PACIFIC REGION.—

"(i) IN GENERAL.—The term 'Pacific Region' means any Federal or State water—

"(I) adjacent to the State of Alaska, California, Hawaii, Oregon, or Washington; and

"(II) extending from shore.

"(ii) INCLUSION.—The term 'Pacific Region' includes the entire exclusive economic zone (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) adjacent to each State described in clause (i)(I).

"(T) PORT OR PLACE OF DESTINATION.—The term 'port or place of destination' means a port or place to which a vessel is bound to anchor or moor.

"(U) RENDER NONVIABLE.—The term 'render nonviable', with respect to an organism in ballast water, means the action of a ballast water management system that renders the organism permanently incapable of reproduction following treatment.

"(V) SALTWATER FLUSH.—

"(i) IN GENERAL.—The term 'saltwater flush' means—

"(I)(aa) the addition of as much midocean water into each empty ballast tank of a vessel as is safe for the vessel and crew; and

"(bb) the mixing of the flushwater with residual ballast water and sediment through the motion of the vessel; and

"(II) the discharge of that mixed water, such that the resultant residual water remaining in the tank—

"(aa) has the highest salinity possible; and

"(bb) is at least 30 parts per thousand.

"(ii) MULTIPLE SEQUENCES.—For purposes of clause (i), a saltwater flush may require more than 1 fill-mix-empty sequence, particularly if only small quantities of water can be safely taken onboard a vessel at 1 time.

"(W) SECRETARY.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

"(X) SMALL VESSEL GENERAL PERMIT.—The term 'Small Vessel General Permit' means the permit that is the subject of the notice of final permit issuance entitled 'Final National Pollutant Discharge Elimination System (NPDES) Small Vessel General Permit for Discharges Incidental to

the Normal Operation of Vessels Less Than 79 Feet' (79 Fed. Reg. 53702 (September 10, 2014)).

"(Y) SMALL VESSEL OR FISHING VESSEL.—The term 'small vessel or fishing vessel' means a vessel that is—

"(i) less than 79 feet in length; or

"(ii) a fishing vessel, fish processing vessel, or fish tender vessel (as those terms are defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

"(Z) VESSEL GENERAL PERMIT.—The term 'Vessel General Permit' means the permit that is the subject of the notice of final permit issuance entitled 'Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel' (78 Fed. Reg. 21938 (April 12, 2013)).

"(2) APPLICABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection applies to—

"(i) any discharge incidental to the normal operation of a vessel; and

"(ii) any discharge incidental to the normal operation of a vessel (such as most graywater) that is commingled with sewage, subject to the conditions that—

"(I) nothing in this subsection prevents a State from regulating sewage discharges; and

"(II) any such commingled discharge shall comply with all applicable requirements of—

"(aa) this subsection; and

"(bb) any law applicable to discharges of sewage.

"(B) EXCLUSION.—This subsection does not apply to any discharge incidental to the normal operation of a vessel—

"(i) from—

"(I) a vessel of the Armed Forces subject to subsection (n);

"(II) a recreational vessel subject to subsection (o);

"(III) a small vessel or fishing vessel, except that this subsection shall apply to any discharge of ballast water from a small vessel or fishing vessel; or

"(IV) a floating craft that is permanently moored to a pier, including a 'floating' casino, hotel, restaurant, or bar;

"(ii) of ballast water from a vessel—

"(I) that continuously takes on and discharges ballast water in a flow-through system, if the Administrator determines that system cannot materially contribute to the spread or introduction of an aquatic nuisance species into waters of the United States;

"(II) in the National Defense Reserve Fleet that is scheduled for disposal, if the vessel does not have an operable ballast water management system;

"(III) that discharges ballast water consisting solely of water taken onboard from a public or commercial source that, at the time the water is taken onboard, meets the applicable requirements or permit requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(IV) that carries all permanent ballast water in sealed tanks that are not subject to discharge; or

"(V) that only discharges ballast water into a reception facility; or

"(iii) that results from, or contains material derived from, an activity other than the normal operation of the vessel, such as material resulting from an industrial or manufacturing process onboard the vessel.

"(3) CONTINUATION IN EFFECT OF EXISTING REQUIREMENTS.—

"(A) VESSEL GENERAL PERMIT.—Notwithstanding the expiration date of the Vessel General Permit or any other provision of law, all provisions of the Vessel General Permit shall remain in force and effect, and shall not be modified, until the applicable date described in subparagraph (C).

"(B) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT REGULATIONS.—Notwithstanding section 903(a)(2)(A) of the Vessel Incidental Discharge Act of 2018, all regulations promulgated by the Secretary pursuant to section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection), including the regulations contained in subparts C and D of part 151 of title 33, Code of Federal Regulations, and subpart 162.060 of part 162 of title 46, Code of Federal Regulations (as in effect on the day before that date of enactment), shall remain in force and effect until the applicable date described in subparagraph (C).

"(C) REPEAL ON EXISTENCE OF FINAL, EFFECTIVE, AND ENFORCEABLE REQUIREMENTS.—Effective beginning on the date on which the requirements promulgated by the Secretary under subparagraphs (A), (B), and (C) of paragraph (5) with respect to every discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection are final, effective, and enforceable, the requirements of the Vessel General Permit and the regulations described in subparagraph (B) shall have no force or effect.

"(4) NATIONAL STANDARDS OF PERFORMANCE FOR MARINE POLLUTION CONTROL DEVICES AND WATER QUALITY ORDERS.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator, in concurrence with the Secretary (subject to clause (ii)), and in consultation with interested Governors (subject to clause (iii)), shall promulgate Federal standards of performance for marine pollution control devices for each type of discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection.

"(ii) CONCURRENCE WITH SECRETARY.—

"(I) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to a proposed standard of performance under clause (i).

"(II) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under clause (i) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under subclause (I) shall not prevent the Administrator from promulgating the relevant standard of performance in accordance with the deadline under clause (i), subject to the condition that the Administrator shall include in the administrative record of the promulgation—

"(aa) documentation of the request submitted under subclause (I); and

"(bb) the response of the Administrator to any written objections received from the Secretary relating to the proposed standard of performance during the 60-day period beginning on the date of submission of the request.

"(iii) CONSULTATION WITH GOVERNORS.—

"(I) IN GENERAL.—The Administrator, in promulgating a standard of performance under clause (i), shall develop the standard of performance—

"(aa) in consultation with interested Governors; and

"(bb) in accordance with the deadlines under that clause.

"(II) PROCESS.—The Administrator shall develop a process for soliciting input from interested Governors, including information sharing relevant to such process, to allow interested Governors to inform the development of standards of performance under clause (i).

"(III) OBJECTION BY GOVERNORS.—

"(aa) SUBMISSION.—An interested Governor that objects to a proposed standard of performance under clause (i) may submit to the Administrator in writing a detailed objection to the proposed standard of performance, describing the scientific, technical, or operational factors that form the basis of the objection.

"(bb) RESPONSE.—Before finalizing a standard of performance under clause (i) that is subject to an objection under item (aa) from 1 or more interested Governors, the Administrator shall provide a written response to each interested Governor that submitted an objection under that item that details the scientific, technical, or operational factors that form the basis for that standard of performance.

"(cc) JUDICIAL REVIEW.—A response of the Administrator under item (bb) shall not be subject to judicial review.

"(iv) PROCEDURE.—The Administrator shall promulgate the standards of performance under this subparagraph in accordance with—

"(I) this paragraph; and

"(II) section 553 of title 5, United States Code.

"(B) STRINGENCY.—

"(i) IN GENERAL.—Subject to clause (iii), the standards of performance promulgated under this paragraph shall require—

"(I) with respect to conventional pollutants, toxic pollutants, and nonconventional pollutants (including aquatic nuisance species), the application of the best practicable control technology currently available;

"(II) with respect to conventional pollutants, the application of the best conventional pollutant control technology; and

"(III) with respect to toxic pollutants and nonconventional pollutants (including aquatic nuisance species), the application of the best available technology economically achievable for categories and classes of vessels, which shall result in reasonable progress toward the national goal of eliminating discharges of all pollutants.

"(ii) BEST MANAGEMENT PRACTICES.—The Administrator shall require the use of best management practices to control or abate any discharge incidental to the normal operation of a vessel if—

"(I) numeric standards of performance are infeasible under clause (i); or

"(II) the best management practices are reasonably necessary—

"(aa) to achieve the standards of performance; or

"(bb) to carry out the purpose and intent of this subsection.

"(iii) MINIMUM REQUIREMENTS.—Subject to subparagraph (D)(ii)(II), the combination of any equipment or best management practice comprising a marine pollution control device shall not be less stringent than the following provisions of the Vessel General Permit:

"(I) All requirements contained in parts 2.1 and 2.2 (relating to effluent limits and related requirements), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes.

"(II) All requirements contained in part 5 (relating to vessel class-specific requirements) that concern effluent limits and authorized discharges (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes.

"(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may distinguish—

"(i) among classes, types, and sizes of vessels; and

"(ii) between new vessels and existing vessels.

"(D) REVIEW AND REVISION.—

"(i) IN GENERAL.—Not less frequently than once every 5 years, the Administrator, in consultation with the Secretary, shall—

"(I) review the standards of performance in effect under this paragraph; and

"(II) if appropriate, revise those standards of performance—

"(aa) in accordance with subparagraphs (A) through (C); and

"(bb) as necessary to establish requirements for any discharge that is subject to regulation under this subsection.

"(ii) MAINTAINING PROTECTIVENESS.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Administrator shall not revise a standard of performance under this subsection to be less stringent than an applicable existing requirement.

"(II) EXCEPTIONS.—The Administrator may revise a standard of performance to be less stringent than an applicable existing requirement—

"(aa) if information becomes available that—

"(AA) was not reasonably available when the Administrator promulgated the initial standard of performance or comparable requirement of the Vessel General Permit, as applicable (including the subsequent scarcity or unavailability of materials used to control the relevant discharge); and

"(BB) would have justified the application of a less-stringent standard of performance at the time of promulgation; or

"(bb) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating the existing standard of performance or comparable requirement of the Vessel General Permit, as applicable.

"(E) BEST MANAGEMENT PRACTICES FOR AQUATIC NUISANCE SPECIES EMERGENCIES AND FURTHER PROTECTION OF WATER QUALITY.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, the Administrator, in concurrence with the Secretary (subject to clause (ii)), and in consultation with States, may require, by order, the use of an emergency best management practice for any region or category of vessels in any case in

which the Administrator determines that such a best management practice—

"(I) is necessary to reduce the reasonably foreseeable risk of introduction or establishment of an aquatic nuisance species; or

"(II) will mitigate the adverse effects of a discharge that contributes to a violation of a water quality requirement under section 303, other than a requirement based on the presence of an aquatic nuisance species.

"(ii) CONCURRENCE WITH SECRETARY.—

"(I) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to an order under clause (i).

"(II) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under clause (i) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under subclause (I) shall not prevent the Administrator from issuing the relevant order, subject to the condition that the Administrator shall include in the administrative record of the issuance—

"(aa) documentation of the request submitted under subclause (I); and

"(bb) the response of the Administrator to any written objections received from the Secretary relating to the proposed order during the 60-day period beginning on the date of submission of the request.

"(iii) DURATION.—An order issued by the Administrator under clause (i) shall expire not later than the date that is 4 years after the date of issuance.

"(iv) EXTENSIONS.—The Administrator may reissue an order under clause (i) for such subsequent periods of not longer than 4 years as the Administrator determines to be appropriate.

"(5) IMPLEMENTATION, COMPLIANCE, AND ENFORCEMENT REQUIREMENTS.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date on which the Administrator promulgates any new or revised standard of performance under paragraph (4) with respect to a discharge, the Secretary, in consultation with States, shall promulgate the regulations required under this paragraph with respect to that discharge.

"(ii) MINIMUM REQUIREMENTS.—Subject to subparagraph (C)(ii)(II), the regulations promulgated under this paragraph shall not be less stringent with respect to ensuring, monitoring, and enforcing compliance than—

"(I) the requirements contained in part 3 of the Vessel General Permit (relating to corrective actions);

"(II) the requirements contained in part 4 of the Vessel General Permit (relating to inspections, monitoring, reporting, and recordkeeping), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes;

"(III) the requirements contained in part 5 of the Vessel General Permit (relating to vessel class-specific requirements) regarding monitoring, inspection, and educational and training requirements (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes; and

"(IV) any comparable, existing requirements promulgated under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) (including section 1101 of that Act (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection)) applicable to that discharge.

"(iii) COORDINATION WITH STATES.—The Secretary, in coordination with the Governors of the States, shall develop, publish, and periodically update inspection, monitoring, data management, and enforcement procedures for the enforcement by States of Federal standards and requirements under this subsection.

"(iv) EFFECTIVE DATE.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall take into consideration the period of time necessary—

"(I) to communicate to affected persons the applicability of the regulation; and

"(II) for affected persons reasonably to comply with the regulation.

"(v) PROCEDURE.—The Secretary shall promulgate the regulations under this subparagraph in accordance with—

"(I) this paragraph; and

"(II) section 553 of title 5, United States Code.

"(B) IMPLEMENTATION REGULATIONS FOR MARINE POLLUTION CONTROL DEVICES.—The Secretary shall promulgate such regulations governing the design, construction, testing, approval, installation, and use of marine pollution control devices as are necessary to ensure compliance with the standards of performance promulgated under paragraph (4).

"(C) COMPLIANCE ASSURANCE.—

"(i) IN GENERAL.—The Secretary shall promulgate requirements (including requirements for vessel owners and operators with respect to inspections, monitoring, reporting, sampling, and recordkeeping) to ensure, monitor, and enforce compliance with—

"(I) the standards of performance promulgated by the Administrator under paragraph (4); and

"(II) the implementation regulations promulgated by the Secretary under subparagraph (B).

"(ii) MAINTAINING PROTECTIVENESS.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall not revise a requirement under this subparagraph or subparagraph (B) to be less stringent with respect to ensuring, monitoring, or enforcing compliance than an applicable existing requirement.

"(II) EXCEPTIONS.—The Secretary may revise a requirement under this subparagraph or subparagraph (B) to be less stringent than an applicable existing requirement—

"(aa) in accordance with this subparagraph or subparagraph (B), as applicable;

"(bb) if information becomes available that—

"(AA) the Administrator determines was not reasonably available when the Administrator promulgated the existing requirement of the Vessel General Permit, or that the Secretary determines was not reasonably available when the Secretary promulgated the existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or the applicable existing requirement under this subparagraph, as applicable (including subsequent scarcity or unavailability of materials used to control the relevant discharge); and

"(BB) would have justified the application of a less-stringent requirement at the time of promulgation; or

"(cc) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating an existing requirement of the Vessel General Permit, or if the Secretary determines that a material mistake or misinterpretation of law occurred when promulgating an existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or this subsection.

"(D) DATA AVAILABILITY.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall provide to the Governor of a State, on request by the Governor, access to Automated Identification System arrival data for inbound vessels to specific ports or places of destination in the State.

"(6) ADDITIONAL PROVISIONS REGARDING BALLAST WATER.—

"(A) IN GENERAL.—In addition to the other applicable requirements of this subsection, the requirements of this paragraph shall apply with respect to any discharge incidental to the normal operation of a vessel that is a discharge of ballast water.

"(B) EMPTY BALLAST TANKS.—

"(i) REQUIREMENTS.—Except as provided in clause (ii), the owner or operator of a vessel with empty

ballast tanks bound for a port or place of destination subject to the jurisdiction of the United States shall, prior to arriving at that port or place of destination, conduct a ballast water exchange or saltwater flush—

"(I) not less than 200 nautical miles from any shore for a voyage originating outside the United States or Canadian exclusive economic zone; or

"(II) not less than 50 nautical miles from any shore for a voyage originating within the United States or Canadian exclusive economic zone.

"(ii) EXCEPTIONS.—Clause (i) shall not apply—

"(I) if the unpumpable residual waters and sediments of an empty ballast tank were subject to treatment, in compliance with applicable requirements, through a type-approved ballast water management system approved by the Secretary;

"(II) except as otherwise required under this subsection, if the unpumpable residual waters and sediments of an empty ballast tank were sourced within—

"(aa) the same port or place of destination; or

"(bb) contiguous portions of a single Captain of the Port Zone;

"(III) if complying with an applicable requirement of clause (i)—

"(aa) would compromise the safety of the vessel; or

"(bb) is otherwise prohibited by any Federal, Canadian, or international law (including regulations) pertaining to vessel safety;

"(IV) if design limitations of the vessel prevent a ballast water exchange or saltwater flush from being conducted in accordance with clause (i); or

"(V) if the vessel is operating exclusively within the internal waters of the United States or Canada.

"(C) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), a vessel shall be deemed to be in compliance with a standard of performance for a marine pollution control device that is a ballast water management system if the ballast water management system—

"(I) is maintained in proper working condition, as determined by the Secretary;

"(II) is maintained and used in accordance with manufacturer specifications;

"(III) continues to meet the ballast water discharge standard applicable to the vessel at the time of installation, as determined by the Secretary; and

"(IV) has in effect a valid type-approval certificate issued by the Secretary.

"(ii) LIMITATION.—Clause (i) shall cease to apply with respect to any vessel on, as applicable—

"(I) the expiration of the service life, as determined by the Secretary, of—

"(aa) the ballast water management system; or

"(bb) the vessel;

"(II) the completion of a major conversion (as defined in section 2101 of title 46, United States Code) of the vessel; or

"(III) a determination by the Secretary that there are other type-approved systems for the vessel or category of vessels, with respect to the use of which the environmental, health, and economic benefits would exceed the costs.

"(D) REVIEW OF BALLAST WATER MANAGEMENT SYSTEM TYPE-APPROVAL TESTING METHODS.—

"(i) DEFINITION OF LIVE; LIVING.—Notwithstanding any other provision of law (including regulations), for purposes of section 151.1511 of title 33, and part 162 of title 46, Code of Federal Regulations (or successor regulations), the terms 'live' and 'living' shall not—

"(I) include an organism that has been rendered nonviable; or

"(II) preclude the consideration of any method of measuring the concentration of organisms in ballast water that are capable of reproduction.

"(ii) DRAFT POLICY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in coordination with the Administrator, shall publish a draft policy letter, based on the best available science, describing type-approval testing methods and protocols for ballast water management systems, if any, that—

"(I) render nonviable organisms in ballast water; and

"(II) may be used in addition to the methods established under subpart 162.060 of title 46, Code of Federal Regulations (or successor regulations)—

"(aa) to measure the concentration of organisms in ballast water that are capable of reproduction;

"(bb) to certify the performance of each ballast water management system under this subsection; and

"(cc) to certify laboratories to evaluate applicable treatment technologies.

"(iii) PUBLIC COMMENT.—The Secretary shall provide a period of not more than 60 days for public comment regarding the draft policy letter published under clause (ii).

"(iv) FINAL POLICY.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Administrator, shall publish a final policy letter describing type-approval testing methods, if any, for ballast water management systems that render nonviable organisms in ballast water.

"(II) METHOD OF EVALUATION.—The ballast water management systems under subclause (I) shall be evaluated by measuring the concentration of organisms in ballast water that are capable of reproduction based on the best available science that may be used in addition to the methods established under subpart 162.060 of title 46, Code of Federal Regulations (or successor regulations).

"(III) REVISIONS.—The Secretary shall revise the final policy letter under subclause (I) in any case in which the Secretary, in coordination with the Administrator, determines that additional testing methods are capable of measuring the concentration of organisms in ballast water that have not been rendered nonviable.

"(v) FACTORS FOR CONSIDERATION.—In developing a policy letter under this subparagraph, the Secretary, in coordination with the Administrator—

"(I) shall take into consideration a testing method that uses organism grow-out and most probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

"(II) shall not take into consideration a testing method that relies on a staining method that measures the concentration of—

"(aa) organisms greater than or equal to 10 micrometers; and

"(bb) organisms less than or equal to 50 micrometers.

"(E) INTERGOVERNMENTAL RESPONSE FRAMEWORK.—

"(i) IN GENERAL.—The Secretary, in consultation with the Administrator and acting in coordination with, or through, the Aquatic Nuisance Species Task Force established by section 1201(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(a)), shall establish a framework for Federal and intergovernmental response to aquatic nuisance species risks from discharges from vessels subject to ballast water and incidental discharge compliance requirements under this subsection, including the introduction, spread, and establishment of aquatic nuisance species populations.

"(ii) BALLAST DISCHARGE RISK RESPONSE.—The Administrator, in coordination with the Secretary and taking into consideration information from the National Ballast Information Clearinghouse developed under section 1102(f) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)), shall establish a risk assessment and response framework using ballast water discharge data and aquatic nuisance species monitoring data for the purposes of—

"(I) identifying and tracking populations of aquatic invasive species;

"(II) evaluating the risk of any aquatic nuisance species population tracked under subclause

(I) establishing and spreading in waters of the United States or waters of the contiguous zone; and

"(III) establishing emergency best management practices that may be deployed rapidly, in a local or regional manner, to respond to emerging aquatic nuisance species threats.

"(7) PETITIONS BY GOVERNORS FOR REVIEW.—

"(A) IN GENERAL.—The Governor of a State (or a designee) may submit to the Administrator or the Secretary a petition—

"(i) to issue an order under paragraph (4)(E); or

"(ii) to review any standard of performance, regulation, or policy promulgated under paragraph (4), (5), or (6), respectively, if there exists new information that could reasonably result in a change to—

"(I) the standard of performance, regulation, or policy; or

"(II) a determination on which the standard of performance, regulation, or policy was based.

"(B) INCLUSION.—A petition under subparagraph (A) shall include a description of any applicable scientific or technical information that forms the basis of the petition.

"(C) DETERMINATION.—

"(i) TIMING.—The Administrator or the Secretary, as applicable, shall grant or deny—

"(I) a petition under subparagraph (A)(i) by not later than the date that is 180 days after the date on which the petition is submitted; and

"(II) a petition under subparagraph (A)(ii) by not later than the date that is 1 year after the date on which the petition is submitted.

"(ii) EFFECT OF GRANT.—If the Administrator or the Secretary determines under clause (i) to grant a petition—

"(I) in the case of a petition under subparagraph (A)(i), the Administrator shall immediately issue the relevant order under paragraph (4)(E); or

"(II) in the case of a petition under subparagraph (A)(ii), the Administrator or Secretary shall publish in the Federal Register, by not later than 30 days after the date of that determination, a notice of proposed rulemaking to revise the relevant standard, requirement, regulation, or policy under paragraph (4), (5), or (6), as applicable.

"(iii) NOTICE OF DENIAL.—If the Administrator or the Secretary determines under clause (i) to deny a petition, the Administrator or Secretary shall publish in the Federal Register, by not later than 30 days after the date of that determination, a detailed explanation of the scientific, technical, or operational factors that form the basis of the determination.

"(iv) REVIEW.—A determination by the Administrator or the Secretary under clause (i) to deny a petition shall be—

"(I) considered to be a final agency action; and

"(II) subject to judicial review in accordance with section 509, subject to clause (v).

"(v) EXCEPTIONS.—

"(I) VENUE.—Notwithstanding section 509(b), a petition for review of a determination by the Administrator or the Secretary under clause (i) to deny a petition submitted by the Governor of a State under subparagraph (A) may be filed in any United States district court of competent jurisdiction.

"(II) DEADLINE FOR FILING.—Notwithstanding section 509(b), a petition for review of a determination by the Administrator or the Secretary under clause (i) shall be filed by not later than 180 days after the date on which the justification for the determination is published in the Federal Register under clause (iii).

"(8) PROHIBITION.—

"(A) IN GENERAL.—It shall be unlawful for any person to violate—

"(i) a provision of the Vessel General Permit in force and effect under paragraph (3)(A);

"(ii) a regulation promulgated pursuant to section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection) in force and effect under paragraph (3)(B); or

"(iii) an applicable requirement or regulation under this subsection.

"(B) COMPLIANCE WITH REGULATIONS.—Effective beginning on the effective date of a regulation promulgated under paragraph (4), (5), (6), or (10), as applicable, it shall be unlawful for the owner or operator of a vessel subject to the regulation—

"(i) to discharge any discharge incidental to the normal operation of the vessel into waters of the United States or waters of the contiguous zone, except in compliance with the regulation; or

"(ii) to operate in waters of the United States or waters of the contiguous zone, if the vessel is not equipped with a required marine pollution control device that complies with the requirements established under this subsection, unless—

"(I) the owner or operator of the vessel denotes in an entry in the official logbook of the vessel that the equipment was not operational; and

"(II) either—

"(aa) the applicable discharge was avoided; or

"(bb) an alternate compliance option approved by the Secretary as meeting the applicable standard was employed.

"(C) AFFIRMATIVE DEFENSE.—No person shall be found to be in violation of this paragraph if—

"(i) the violation was in the interest of ensuring the safety of life at sea, as determined by the Secretary; and

"(ii) the applicable emergency circumstance was not the result of negligence or malfeasance on the part of—

"(I) the owner or operator of the vessel;

"(II) the master of the vessel; or

"(III) the person in charge of the vessel.

"(D) TREATMENT.—Each day of continuing violation of an applicable requirement of this subsection shall constitute a separate offense.

"(E) IN REM LIABILITY.—A vessel operated in violation of this subsection is liable in rem for any civil penalty assessed for the violation.

"(F) REVOCATION OF CLEARANCE.—The Secretary shall withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner or operator of the vessel is in violation of this subsection.

"(9) EFFECT ON OTHER LAWS.—

"(A) STATE AUTHORITY.—

"(i) IN GENERAL.—Except as provided in clauses (ii) through (v) and paragraph (10), effective beginning on the date on which the requirements promulgated by the Secretary under subparagraphs (A), (B), and (C) of paragraph (5) with respect to every discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection are final, effective, and enforceable, no State, political subdivision of a State, or interstate agency may adopt or enforce any law, regulation, or other requirement of the State, political subdivision, or interstate agency with respect to any such discharge.

"(ii) IDENTICAL OR LESSER STATE LAWS.—Clause (i) shall not apply to any law, regulation, or other requirement of a State, political subdivision of a State, or interstate agency in effect on or after the date of enactment of this subsection—

"(I) that is identical to a Federal requirement under this subsection applicable to the relevant discharge; or

"(II) compliance with which would be achieved concurrently in achieving compliance with a Federal requirement under this subsection applicable to the relevant discharge.

"(iii) STATE ENFORCEMENT OF FEDERAL REQUIREMENTS.—A State may enforce any standard of performance or other Federal requirement of this subsection in accordance with subsection (k) or other applicable Federal authority.

"(iv) EXCEPTION FOR CERTAIN FEES.—

"(I) IN GENERAL.—Subject to subclauses (II) and (III), a State that assesses any fee pursuant to any State or Federal law relating to the regulation of a discharge incidental to the normal operation of a vessel before the date of enactment of this subsection may assess or retain a fee to

cover the costs of administration, inspection, monitoring, and enforcement activities by the State to achieve compliance with the applicable requirements of this subsection.

"(II) MAXIMUM AMOUNT.—

"(aa) IN GENERAL.—Except as provided in item (bb), a State may assess a fee for activities under this clause equal to not more than $1,000 against the owner or operator of a vessel that—

"(AA) has operated outside of that State; and

"(BB) arrives at a port or place of destination in the State (excluding movement entirely within a single port or place of destination).

"(bb) VESSELS ENGAGED IN COASTWISE TRADE.—A State may assess against the owner or operator of a vessel registered in accordance with applicable Federal law and lawfully engaged in the coastwise trade not more than $5,000 in fees under this clause per vessel during a calendar year.

"(III) ADJUSTMENT FOR INFLATION.—

"(aa) IN GENERAL.—A State may adjust the amount of a fee authorized under this clause not more frequently than once every 5 years to reflect the percentage by which the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October immediately preceding the date of adjustment exceeds the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October that immediately precedes the date that is 5 years before the date of adjustment.

"(bb) EFFECT OF SUBCLAUSE.—Nothing in this subclause prevents a State from adjusting a fee in effect before the date of enactment of this subsection to the applicable maximum amount under subclause (II).

"(cc) APPLICABILITY.—This subclause applies only to increases in fees to amounts greater than the applicable maximum amount under subclause (II).

"(v) ALASKA GRAYWATER.—Clause (i) shall not apply with respect to any discharge of graywater (as defined in section 1414 of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–323)) from a passenger vessel (as defined in section 2101 of title 46, United States Code) in the State of Alaska (including all waters in the Alexander Archipelago) carrying 50 or more passengers.

"(vi) PRESERVATION OF AUTHORITY.—Nothing in this subsection preempts any State law, public initiative, referendum, regulation, requirement, or other

State action, except as expressly provided in this subsection.

"(B) ESTABLISHED REGIMES.—Except as expressly provided in this subsection, nothing in this subsection affects the applicability to a vessel of any other provision of Federal law, including—

"(i) this section;

"(ii) section 311;

"(iii) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.); and

"(iv) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.).

"(C) PERMITTING.—Effective beginning on the date of enactment of this subsection—

"(i) the Small Vessel General Permit is repealed; and

"(ii) the Administrator, or a State in the case of a permit program approved under section 402, shall not require, or in any way modify, a permit under that section for—

"(I) any discharge that is subject to regulation under this subsection;

"(II) any discharge incidental to the normal operation of a vessel from a small vessel or fishing vessel, regardless of whether that discharge is subject to regulation under this subsection; or

"(III) any discharge described in paragraph (2)(B)(ii).

"(D) NO EFFECT ON CIVIL OR CRIMINAL ACTIONS.—Nothing in this subsection, or any standard, regulation, or requirement established under this subsection, modifies or otherwise affects, preempts, or displaces—

"(i) any cause of action; or

"(ii) any provision of Federal or State law establishing a remedy for civil relief or criminal penalty.

"(E) NO EFFECT ON CERTAIN SECRETARIAL AUTHORITY.—Nothing in this subsection affects the authority of the Secretary of Commerce or the Secretary of the Interior to administer any land or waters under the administrative control of the Secretary of Commerce or the Secretary of the Interior, respectively.

"(F) NO LIMITATION ON STATE INSPECTION AUTHORITY.—Nothing in this subsection limits the authority of a State to inspect a vessel pursuant to paragraph (5)(A)(iii) in order to monitor compliance with an applicable requirement of this section.

"(10) ADDITIONAL REGIONAL REQUIREMENTS.—

"(A) MINIMUM GREAT LAKES SYSTEM REQUIREMENTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the owner or operator of a vessel entering the St. Lawrence Seaway through the mouth of the St. Lawrence River shall conduct a complete ballast water exchange or saltwater flush—

"(I) not less than 200 nautical miles from any shore for a voyage originating outside the United States or Canadian exclusive economic zone; or

"(II) not less than 50 nautical miles from any shore for a voyage originating within the United States or Canadian exclusive economic zone.

"(ii) EXCEPTIONS.—Clause (i) shall not apply to a vessel if—

"(I) complying with an applicable requirement of clause (i)—

"(aa) would compromise the safety of the vessel; or

"(bb) is otherwise prohibited by any Federal, Canadian, or international law (including regulations) pertaining to vessel safety;

"(II) design limitations of the vessel prevent a ballast water exchange from being conducted in accordance with an applicable requirement of clause (i);

"(III) the vessel—

"(aa) is certified by the Secretary as having no residual ballast water or sediments onboard; or

"(bb) retains all ballast water while in waters subject to the requirement; or

"(IV) empty ballast tanks on the vessel are sealed and certified by the Secretary in a manner that ensures that—

"(aa) no discharge or uptake occurs; and

"(bb) any subsequent discharge of ballast water is subject to the requirement.

"(B) ENHANCED GREAT LAKES SYSTEM REQUIREMENTS.—

"(i) PETITIONS BY GOVERNORS FOR PROPOSED ENHANCED STANDARDS AND REQUIREMENTS.—

"(I) IN GENERAL.—The Governor of a Great Lakes State (or a State employee designee) may submit a petition in accordance with subclause (II) to propose that other Governors of Great Lakes States endorse an enhanced standard of performance or other requirement with respect to any discharge that—

"(aa) is subject to regulation under this subsection; and

"(bb) occurs within the Great Lakes System.

"(II) SUBMISSION.—A Governor shall submit a petition under subclause (I), in writing, to—

"(aa) the Executive Director of the Great Lakes Commission, in such manner as may be prescribed by the Great Lakes Commission;

"(bb) the Governor of each other Great Lakes State; and

"(cc) the Director of the Great Lakes National Program Office established by section 118(b).

"(III) PRELIMINARY ASSESSMENT BY GREAT LAKES COMMISSION.—

"(aa) IN GENERAL.—After the date of receipt of a petition under subclause (II)(aa), the Great Lakes Commission (acting through

the Great Lakes Panel on Aquatic Nuisance Species, to the maximum extent practicable) may develop a preliminary assessment regarding each enhanced standard of performance or other requirement described in the petition.

"(bb) PROVISIONS.—The preliminary assessment developed by the Great Lakes Commission under item (aa)—

"(AA) may be developed in consultation with relevant experts and stakeholders;

"(BB) may be narrative in nature;

"(CC) may include the preliminary views, if any, of the Great Lakes Commission on the propriety of the proposed enhanced standard of performance or other requirement;

"(DD) shall be submitted, in writing, to the Governor of each Great Lakes State and the Director of the Great Lakes National Program Office and published on the internet website of the Great Lakes National Program Office; and

"(EE) except as provided in clause (iii), shall not be taken into consideration, or provide a basis for review, by the Administrator or the Secretary for purposes of that clause.

"(ii) PROPOSED ENHANCED STANDARDS AND REQUIREMENTS.—

"(I) PUBLICATION IN FEDERAL REGISTER.—

"(aa) REQUEST BY GOVERNOR.—Not earlier than the date that is 90 days after the date on which the Executive Director of the Great Lakes Commission receives from a Governor of a Great Lakes State a petition under clause (i)(II)(aa), the Governor may request the Director of the Great Lakes National Program Office to publish, for a period requested by the Governor of not less than 30 days, and the Director shall so publish, in the Federal Register for public comment—

"(AA) a copy of the petition; and

"(BB) if applicable as of the date of publication, any preliminary assessment of the Great Lakes Commission developed under clause (i)(III) relating to the petition.

"(bb) REVIEW OF PUBLIC COMMENTS.—On receipt of a written request of a Governor of a Great Lakes State, the Director of the Great Lakes National Program Office shall make available all public comments received in response to the notice under item (aa).

"(cc) NO RESPONSE REQUIRED.—Notwithstanding any other provision of law, a Governor of a Great Lakes State or the Director of the Great Lakes National Program Office shall not be required to provide a response to any comment received in response to the publication of a petition or preliminary assessment under item (aa).

"(dd) PURPOSE.—Any public comments received in response to the publication of a petition or preliminary assessment under item (aa) shall be used solely for the purpose of providing information and feedback to the Governor of each Great Lakes State regarding the decision to endorse the proposed standard or requirement.

"(ee) EFFECT OF PETITION.—A proposed standard or requirement developed under subclause (II) may differ from the proposed standard or requirement described in a petition published under item (aa).

"(II) COORDINATION TO DEVELOP PROPOSED STANDARD OR REQUIREMENT.—After the expiration of the public comment period for the petition under subclause (I), any interested Governor of a Great Lakes State may work in coordination with the Great Lakes Commission to develop a proposed standard of performance or other requirement applicable to a discharge referred to in the petition.

"(III) REQUIREMENTS.—A proposed standard of performance or other requirement under subclause (II)—

"(aa) shall be developed—

"(AA) in consultation with representatives from the Federal and provincial governments of Canada;

"(BB) after notice and opportunity for public comment on the petition published under subclause (I); and

"(CC) taking into consideration the preliminary assessment, if any, of the Great Lakes Commission under clause (i)(III);

"(bb) shall be specifically endorsed in writing by—

"(AA) the Governor of each Great Lakes State, if the proposed standard or requirement would impose any additional equipment requirement on a vessel; or

"(BB) not fewer than 5 Governors of Great Lakes States, if the proposed standard or requirement would not impose any additional equipment requirement on a vessel; and

"(cc) in the case of a proposed requirement to prohibit 1 or more types of discharge regulated under this subsection, whether treated

or not treated, into waters within the Great Lakes System, shall not apply outside the waters of the Great Lakes States of the Governors endorsing the proposed requirement under item (bb).

"(iii) PROMULGATION BY ADMINISTRATOR AND SECRETARY.—

"(I) SUBMISSION.—

"(aa) IN GENERAL.—The Governors endorsing a proposed standard or requirement under clause (ii)(III)(bb) may jointly submit to the Administrator and the Secretary for approval each proposed standard of performance or other requirement developed and endorsed pursuant to clause (ii).

"(bb) INCLUSION.—Each submission under item (aa) shall include an explanation regarding why the applicable standard of performance or other requirement is—

"(AA) at least as stringent as a comparable standard of performance or other requirement under this subsection;

"(BB) in accordance with maritime safety; and

"(CC) in accordance with applicable maritime and navigation laws and regulations.

"(cc) WITHDRAWAL.—

"(AA) IN GENERAL.—The Governor of any Great Lakes State that endorses a proposed standard or requirement under clause (ii)(III)(bb) may withdraw the endorsement by not later than the date that is 90 days after the date on which the Administrator and the Secretary receive the proposed standard or requirement.

"(BB) EFFECT ON FEDERAL REVIEW.—If, after the withdrawal of an endorsement under subitem (AA), the proposed standard or requirement does not have the applicable number of endorsements under clause (ii)(III)(bb), the Administrator and the Secretary shall terminate the review under this clause.

"(dd) DISSENTING OPINIONS.—The Governor of a Great Lakes State that does not endorse a proposed standard or requirement under clause (ii)(III)(bb) may submit to the Administrator and the Secretary any dissenting opinions of the Governor.

"(II) JOINT NOTICE.—On receipt of a proposed standard of performance or other requirement under subclause (I), the Administrator and the Secretary shall publish in the Federal Register a joint notice that, at minimum—

"(aa) states that the proposed standard or requirement is publicly available; and

"(bb) provides an opportunity for public comment regarding the proposed standard or requirement during the 90-day period beginning on the date of receipt by the Administrator and the Secretary of the proposed standard or requirement.

"(III) REVIEW.—

"(aa) IN GENERAL.—As soon as practicable after the date of publication of a joint notice under subclause (II)—

"(AA) the Administrator shall commence a review of each proposed standard of performance or other requirement covered by the notice to determine whether that standard or requirement is at least as stringent as comparable standards and requirements under this subsection; and

"(BB) the Secretary shall commence a review of each proposed standard of performance or other requirement covered by the notice to determine whether that standard or requirement is in accordance with maritime safety and applicable maritime and navigation laws and regulations.

"(bb) CONSULTATION.—In carrying out item (aa), the Administrator and the Secretary—

"(AA) shall consult with the Governor of each Great Lakes State and representatives from the Federal and provincial governments of Canada;

"(BB) shall take into consideration any relevant data or public comments received under subclause (II)(bb); and

"(CC) shall not take into consideration any preliminary assessment by the Great Lakes Commission under clause (i)(III), or any dissenting opinion under subclause (I)(dd), except to the extent that such an assessment or opinion is relevant to the criteria for the applicable determination under item (aa).

"(IV) APPROVAL OR DISAPPROVAL.—Not later than 180 days after the date of receipt of each proposed standard of performance or other requirement under subclause (I), the Administrator and the Secretary shall—

"(aa) determine, as applicable, whether each proposed standard or other requirement satisfies the criteria under subclause (III)(aa);

"(bb) approve each proposed standard or other requirement, unless the Administrator or the Secretary, as applicable, determines under item (aa) that the proposed standard

or other requirement does not satisfy the criteria under subclause (III)(aa); and

"(cc) submit to the Governor of each Great Lakes State, and publish in the Federal Register, a notice of the determination under item (aa).

"(V) ACTION ON DISAPPROVAL.—

"(aa) RATIONALE AND RECOMMENDATIONS.—If the Administrator and the Secretary disapprove a proposed standard of performance or other requirement under subclause (IV)(bb), the notices under subclause (IV)(cc) shall include—

"(AA) a description of the reasons why the standard or requirement is, as applicable, less stringent than a comparable standard or requirement under this subsection, inconsistent with maritime safety, or inconsistent with applicable maritime and navigation laws and regulations; and

"(BB) any recommendations regarding changes the Governors of the Great Lakes States could make to conform the disapproved portion of the standard or requirement to the requirements of this subparagraph.

"(bb) REVIEW.—Disapproval of a proposed standard or requirement by the Administrator and the Secretary under this subparagraph shall be considered to be a final agency action subject to judicial review under section 509.

"(VI) ACTION ON APPROVAL.—On approval by the Administrator and the Secretary of a proposed standard of performance or other requirement under subclause (IV)(bb)—

"(aa) the Administrator shall establish, by regulation, the proposed standard or requirement within the Great Lakes System in lieu of any comparable standard or other requirement promulgated under paragraph (4); and

"(bb) the Secretary shall establish, by regulation, any requirements necessary to implement, ensure compliance with, and enforce the standard or requirement under item (aa), or to apply the proposed requirement, within the Great Lakes System in lieu of any comparable requirement promulgated under paragraph (5).

"(VII) NO JUDICIAL REVIEW FOR CERTAIN ACTIONS.—An action or inaction of a Governor of a Great Lakes State or the Great Lakes Commission under this subparagraph shall not be subject to judicial review.

"(VIII) GREAT LAKES COMPACT.—Nothing in this subsection limits, alters, or amends the Great Lakes Compact to which Congress granted consent

in the Act of July 24, 1968 (Public Law 90–419; 82 Stat. 414).

"(IX) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Great Lakes Commission $5,000,000, to be available until expended.

"(C) MINIMUM PACIFIC REGION REQUIREMENTS.—

"(i) DEFINITION OF COMMERCIAL VESSEL.—In this subparagraph, the term 'commercial vessel' means a vessel operating between—

"(I) 2 ports or places of destination within the Pacific Region; or

"(II) a port or place of destination within the Pacific Region and a port or place of destination on the Pacific Coast of Canada or Mexico north of parallel 20 degrees north latitude, inclusive of the Gulf of California.

"(ii) BALLAST WATER EXCHANGE.—

"(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel shall conduct a complete ballast water exchange in waters more than 50 nautical miles from shore.

"(II) EXEMPTIONS.—Subclause (I) shall not apply to a commercial vessel—

"(aa) using, in compliance with applicable requirements, a type-approved ballast water management system approved by the Secretary; or

"(bb) voyaging—

"(AA) between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from the commercial vessel originated solely from waters located between the parallel 46 degrees north latitude, including the internal waters of the Columbia River, and the internal waters of Canada south of parallel 50 degrees north latitude, including the waters of the Strait of Georgia and the Strait of Juan de Fuca;

"(BB) between ports or places of destination in the State of Oregon, if the ballast water to be discharged from the commercial vessel originated solely from waters located between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude;

"(CC) between ports or places of destination in the State of California within the San Francisco Bay area east of the Golden Gate Bridge, including the Port of Stockton and the Port of Sacramento, if the ballast water to be discharged from the commercial vessel originated solely from ports or places within that area;

"(DD) between the Port of Los Angeles, the Port of Long Beach, and the El Segundo offshore marine oil terminal, if the ballast water to be discharged from the commercial vessel originated solely from the Port of Los Angeles, the Port of Long Beach, or the El Segundo offshore marine oil terminal;

"(EE) between a port or place of destination in the State of Alaska within a single Captain of the Port Zone;

"(FF) between ports or places of destination in different counties of the State of Hawaii, if the vessel may conduct a complete ballast water exchange in waters that are more than 10 nautical miles from shore and at least 200 meters deep; or

"(GG) between ports or places of destination within the same county of the State of Hawaii, if the vessel does not transit outside State marine waters during the voyage.

"(iii) LOW-SALINITY BALLAST WATER.—

"(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel that transports ballast water sourced from waters with a measured salinity of less than 18 parts per thousand and voyages to a Pacific Region port or place of destination with a measured salinity of less than 18 parts per thousand shall conduct a complete ballast water exchange—

"(aa) not less than 50 nautical miles from shore, if the ballast water was sourced from a Pacific Region port or place of destination; or

"(bb) more than 200 nautical miles from shore, if the ballast water was not sourced from a Pacific Region port or place of destination.

"(II) EXCEPTION.—Subclause (I) shall not apply to a commercial vessel voyaging to a port or place of destination in the Pacific Region that is using, in compliance with applicable requirements, a type-approved ballast water management system approved by the Secretary to achieve standards of performance of—

"(aa) less than 1 organism per 10 cubic meters, if that organism—

"(AA) is living, or has not been rendered nonviable; and

"(BB) is 50 or more micrometers in minimum dimension;

"(bb) less than 1 organism per 10 milliliters, if that organism—

"(AA) is living, or has not been rendered nonviable; and

"(BB) is more than 10, but less than 50, micrometers in minimum dimension;

"(cc) concentrations of indicator microbes that are less than—

"(AA) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

"(BB) 126 colony-forming units of escherichia coli per 100 milliliters; and

"(CC) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

"(dd) concentrations of such additional indicator microbes and viruses as may be specified in the standards of performance established by the Administrator under paragraph (4).

"(iv) GENERAL EXCEPTIONS.—The requirements of clauses (ii) and (iii) shall not apply to a commercial vessel if—

"(I) complying with the requirement would compromise the safety of the commercial vessel;

"(II) design limitations of the commercial vessel prevent a ballast water exchange from being conducted in accordance with clause (ii) or (iii), as applicable;

"(III) the commercial vessel—

"(aa) is certified by the Secretary as having no residual ballast water or sediments onboard; or

"(bb) retains all ballast water while in waters subject to those requirements; or

"(IV) empty ballast tanks on the commercial vessel are sealed and certified by the Secretary in a manner that ensures that—

"(aa) no discharge or uptake occurs; and

"(bb) any subsequent discharge of ballast water is subject to those requirements.

"(D) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

"(i) STATE PROHIBITION.—Subject to clause (ii), after the effective date of regulations promulgated by the Secretary under paragraph (5), if any State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more types of discharge regulated under this subsection, whether treated or not treated, into such waters.

"(ii) APPLICABILITY.—A prohibition by a State under clause (i) shall not apply until the date on which the Administrator makes the applicable determinations described in clause (iii).

"(iii) PROHIBITION BY ADMINISTRATOR.—

"(I) DETERMINATION.—On application of a State, the Administrator, in concurrence with the

Secretary (subject to subclause (II)), shall, by regulation, prohibit the discharge from a vessel of 1 or more discharges subject to regulation under this subsection, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

"(aa) prohibition of the discharge would protect and enhance the quality of the specified waters within the State;

"(bb) adequate facilities for the safe and sanitary removal and treatment of the discharge are reasonably available for the water and all vessels to which the prohibition would apply;

"(cc) the discharge can be safely collected and stored until a vessel reaches a discharge facility or other location; and

"(dd) in the case of an application for the prohibition of discharges of ballast water in a port (or in any other location where cargo, passengers, or fuel are loaded and unloaded)—

"(AA) the adequate facilities described in item (bb) are reasonably available for commercial vessels, after considering, at a minimum, water depth, dock size, pumpout facility capacity and flow rate, availability of year-round operations, proximity to navigation routes, and the ratio of pumpout facilities to the population and discharge capacity of commercial vessels operating in those waters; and

"(BB) the prohibition will not unreasonably interfere with the safe loading and unloading of cargo, passengers, or fuel.

"(II) CONCURRENCE WITH SECRETARY.—

"(aa) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to a prohibition under subclause (I).

"(bb) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under subclause (I) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under item (aa) shall not prevent the Administrator from prohibiting the relevant discharge in accordance with subclause (III), subject to the condition that the Administrator shall include in the administrative record of the promulgation—

"(AA) documentation of the request submitted under item (aa); and

"(BB) the response of the Administrator to any written objections received from the Secretary relating to the proposed standard of performance during the

60-day period beginning on the date of submission of the request.

"(III) TIMING.—The Administrator shall approve or disapprove an application submitted under subclause (I) by not later than 90 days after the date on which the application is submitted to the Administrator.

"(E) MAINTENANCE IN EFFECT OF MORE-STRINGENT STANDARDS.—In any case in which a requirement established under this paragraph is more stringent or environmentally protective than a comparable requirement established under paragraph (4), (5), or (6), the more-stringent or more-protective requirement shall control.".

(2) REPEALS.—

16 USC 4711 note.

(A) IN GENERAL.—Effective beginning on the date of enactment of this Act, the following provisions of law are repealed:

(i) Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711).

(ii) Public Law 110–299 (33 U.S.C. 1342 note).

(B) CONFORMING AMENDMENTS.—Section 1102 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712) is amended—

(i) in subsection (c)(1), by inserting "(as in effect on the day before the date of enactment of the Vessel Incidental Discharge Act of 2018)" after "section 1101(b)"; and

(ii) in subsection (f)(1)(B), by inserting "(as in effect on the day before the date of enactment of the Vessel Incidental Discharge Act of 2018)" after "section 1101(c)".

(b) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended—

(1) by striking the section designation and heading and all that follows through "For the purpose of" in subsection (a) and inserting the following:

"SEC. 312. MARINE SANITATION DEVICES; DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF VESSELS.

"(a) DEFINITIONS.—In";

(2) in subsection (a)—

(A) in paragraph (7), by striking "devices or of vessels" and inserting "devices, marine pollution control device equipment, or vessels"; and

(B) in paragraph (13), in the matter preceding subparagraph (A), by inserting ", except as provided in subsection (p)," after "means";

(3) in subsection (g)—

(A) by inserting "or marine pollution control device equipment" after "marine sanitation device" each place it appears;

(B) in paragraph (1)—

(i) by inserting "or equipment" after "such device"; and

(ii) by inserting "or equipment" after "test device"; and

(C) in paragraph (2)—

(i) by inserting "or equipment" after "the device" each place it appears; and

(ii) in the fourth sentence, by inserting "or equipment" after "device" each place it appears; and

(4) in subsection (h)—

(A) in paragraph (1), by inserting "and marine pollution control device equipment" after "marine sanitation device";

(B) in paragraph (2), by inserting "or any certified marine pollution control device equipment or element of design of such equipment" after "such device";

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(D) by striking "(h) After" and inserting the following:

"(h) SALE AND RESALE OF PROPERLY EQUIPPED VESSELS; OPERABILITY OF CERTIFIED MARINE SANITATION DEVICES.—

"(1) IN GENERAL.—Subject to paragraph (2), after"; and

(E) by adding at the end the following:

"(2) EFFECT OF SUBSECTION.—Nothing in this subsection requires certification of a marine pollution control device for use on any vessel of the Armed Forces.".

(c) ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—Section 312(k) of the Federal Water Pollution Control Act (33 U.S.C. 1322(k)) is amended—

(A) by striking the second sentence and inserting the following:

"(3) STATES.—

"(A) IN GENERAL.—This section may be enforced by a State or political subdivision of a State (including the attorney general of a State), including by filing a civil action in an appropriate Federal district court to enforce any violation of subsection (p).

"(B) JURISDICTION.—The appropriate Federal district court shall have jurisdiction with respect to a civil action filed pursuant to subparagraph (A), without regard to the amount in controversy or the citizenship of the parties—

"(i) to enforce the requirements of this section; and

"(ii) to apply appropriate civil penalties under this section or section 309(d), as appropriate.";

(B) by striking "(k) The provisions of this" and inserting the following:

"(k) ENFORCEMENT AUTHORITY.—

"(1) ADMINISTRATOR.—This section shall be enforced by the Administrator, to the extent provided in section 309.

"(2) SECRETARY.—

"(A) IN GENERAL.—This"; and

(C) in paragraph (2) (as so designated)—

(i) in subparagraph (A), by striking "operating and he may utilize by agreement" and inserting "operating, who may use, by agreement"; and

(ii) by adding at the end the following:

"(B) INSPECTIONS.—For purposes of ensuring compliance with this section, the Secretary—

"(i) may carry out an inspection (including the taking of ballast water samples) of any vessel at any time; and

"(ii) shall—

"(I) establish procedures for—

"(aa) reporting violations of this section; and

"(bb) accumulating evidence regarding those violations; and

"(II) use appropriate and practicable measures of detection and environmental monitoring of vessels.

"(C) DETENTION.—The Secretary may detain a vessel if the Secretary—

"(i) has reasonable cause to believe that the vessel—

"(I) has failed to comply with an applicable requirement of this section; or

"(II) is being operated in violation of such a requirement; and

"(ii) the Secretary provides to the owner or operator of the vessel a notice of the intent to detain.".

(2) PRESERVATION OF FEDERAL ENFORCEMENT AUTHORITY.—Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(A) in subsection (a)(3), by striking "318" and inserting "312(p), 318";

(B) in subsection (c), by striking "318" each place it appears and inserting "312(p), 318";

(C) in subsection (d), in the first sentence—

(i) by striking "318" and inserting "312(p), 318,"; and

(ii) by striking "State,," and inserting "State,"; and

(D) in subsection (g)(1)(A), by striking "318" and inserting "312(p), 318".

(3) PRESERVATION OF PUBLIC ENFORCEMENT AUTHORITY.—Section 505(f) of the Federal Water Pollution Control Act (33 U.S.C. 1365(f)) is amended by striking "(5) certification" and all that follows through the period at the end and inserting the following: "(5) a standard of performance or requirement under section 312(p); (6) a certification under section 401; (7) a permit or condition of a permit issued under section 402 that is in effect under this Act (including a requirement applicable by reason of section 313); or (8) a regulation under section 405(d).".

(4) REVIEW.—Section 509(b) of the Federal Water Pollution Control Act (33 U.S.C. 1369(b)) is amended by adding at the end the following:

"(4) DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any interested person may file a petition for review of a final agency action under section 312(p) of the Administrator or the Secretary of the department in which the Coast Guard is operating in accordance with the requirements of this subsection.

"(B) VENUE EXCEPTION.—Subject to section 312(p)(7)(C)(v), a petition for review of a final agency action under section 312(p) of the Administrator or the Secretary of the department in which the Coast Guard is operating may be filed only in the United States Court of Appeals for the District of Columbia Circuit.".

(d) LOGBOOK REQUIREMENTS.—Section 11301(b) of title 46, United States Code, is amended by adding at the end the following:

"(13) when a vessel fails to carry out ballast water management requirements as applicable and pursuant to regulations promulgated by the Secretary, including when the vessel fails to carry out ballast water management requirements due to an allowed safety exemption, a statement regarding the failure to comply and the circumstances under which the failure occurred, made immediately after the failure, when practicable to do so.".

(e) QUAGGA MUSSEL.—Section 42(a)(1) of title 18, United States Code, is amended, in the first sentence, by inserting "of the quagga mussel of the species Dreissena rostriformis or Dreissena bugensis;" after "Dreissena polymorpha;".

(f) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.— 16 USC 4729.

(1) DEFINITIONS.—In this subsection:

(A) COASTAL ZONE.—The term "coastal zone" has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(B) ELIGIBLE ENTITY.—The term "eligible entity" means—

(i) a State;

(ii) a unit of local government;

(iii) an Indian Tribe;

(iv) a nongovernmental organization; and

(v) an institution of higher education.

(C) EXCLUSIVE ECONOMIC ZONE.—The term "Exclusive Economic Zone" means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030, dated March 10, 1983 (16 U.S.C. 1453 note).

(D) FOUNDATION.—The term "Foundation" means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(E) FUND.—The term "Fund" means the Coastal Aquatic Invasive Species Mitigation Fund established by paragraph (3)(A).

(F) PROGRAM.—The term "Program" means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2)(A).

(G) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(2) GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary and the Foundation shall establish a program, to be known as the "Coastal Aquatic Invasive Species Mitigation Grant Program", under which the Secretary and the Foundation shall award grants to eligible entities in accordance with this paragraph.

(B) PURPOSES.—The purposes of the Program are—

(i) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in—

(I) the coastal zone; and

(II) the Exclusive Economic Zone;

(ii) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone; and

(iii) to support the restoration of Pacific Island habitats, marine, estuarine, and Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(C) USE OF GRANTS.—

(i) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(I) to develop and implement procedures and programs, including permissible State ballast water inspection programs, to prevent, detect, control, mitigate, and rapidly or progressively eradicate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(II) to restore habitat impacted by an aquatic invasive species;

(III) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;

(IV) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(V) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(ii) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any matter.

(D) ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Foundation, in consultation with the Secretary, shall establish the following:

(i) Application and review procedures for awarding grants under the Program.

(ii) Approval procedures for awarding grants under the Program, including a requirement for consultation with—

(I) the Secretary of the Interior; and

(II) the Administrator.

(iii) Performance accountability and monitoring measures for activities funded by a grant awarded under the Program.

(iv) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of recordkeeping.

(E) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under the Program shall provide, in cash or through in-kind contributions from non-Federal sources, matching funds to carry out the activities funded by the grant in an amount equal to not less than 25 percent of the cost of the activities.

(F) FUNDING.—The Secretary and the Foundation are authorized to use the amounts available in the Fund to award grants under the Program.

(3) MITIGATION FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Coastal Aquatic Invasive Species Mitigation Fund", consisting of such amounts as are appropriated or credited to the Fund in accordance with this paragraph or section 9602 of the Internal Revenue Code of 1986.

(B) TRANSFERS TO FUND.—

(i) APPROPRIATION.—There is authorized to be appropriated from the Treasury to the Fund, for each fiscal year, an amount equal to the amount of penalties assessed for violations of subsection (p) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) during the preceding fiscal year.

(ii) ADDITIONAL AUTHORIZATION.—In addition to the amounts transferred to the Fund under clause (i), there is authorized to be appropriated to the Fund $5,000,000 for each fiscal year.

(C) USE OF FUND.—Subject to appropriations, the amounts in the Fund shall be available to the Secretary and the Foundation to award grants under the Program.

(g) GREAT LAKES AND LAKE CHAMPLAIN INVASIVE SPECIES PROGRAM.— 16 USC 4730.

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(B) AQUATIC NUISANCE SPECIES.—The term "aquatic nuisance species" has the meaning given that term in subsection (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(C) DIRECTOR.—The term "Director" means the Director of the Great Lakes National Program Office established by section 118(b) of the Federal Water Pollution Control Act (33 U.S.C. 1268(b)).

(D) GREAT LAKES AND LAKE CHAMPLAIN SYSTEMS.—The term "Great Lakes and Lake Champlain Systems" includes—

(i) Lake Champlain; and

(ii) all bodies of water (including wetlands) within—

(I) the Great Lakes System (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))); or

(II) the Lake Champlain drainage basin (as defined in section 120(g) of the Federal Water Pollution Control Act (33 U.S.C. 1270(g))).

(E) PROGRAM.—The term "Program" means the Great Lakes and Lake Champlain Invasive Species Program established under paragraph (2)(A).

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish within the Great Lakes National Program Office a program, to be known as the "Great Lakes and Lake Champlain Invasive Species Program"—

(i) in collaboration with—

(I) the Director of the United States Fish and Wildlife Service;

(II) the Administrator of the National Oceanic and Atmospheric Administration;

(III) the Director of the United States Geological Survey; and

(IV) the Secretary of the department in which the Coast Guard is operating; and

(ii) in consultation with—

(I) the head of Great Lakes Aquatic Nonindigenous Species Information System of the National Oceanic and Atmospheric Administration; and

(II) the head of Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration.

(B) PURPOSES.—The purposes of the Program shall be—

(i) to monitor for the introduction and spread of aquatic nuisance species into or within the Great Lakes and Lake Champlain Systems;

(ii) to detect newly introduced aquatic nuisance species prior to the establishment of the aquatic nuisance species in the Great Lakes and Lake Champlain Systems;

(iii) to inform, and assist with, management and response actions to prevent or stop the establishment or spread of an aquatic nuisance species;

(iv) to establish a watch list of candidate aquatic nuisance species that may be introduced or spread, and that may survive and establish, within the Great Lakes and Lake Champlain Systems;

(v) to monitor vectors likely to be contributing to the introduction or spread of aquatic nuisance species, including ballast water operations;

(vi) to work collaboratively with the Federal, State, local, and Tribal agencies to develop criteria for prioritizing and distributing monitoring efforts;

(vii) to develop, achieve type approval for, and pilot shipboard or land-based ballast water management systems installed on, or available for use by, commercial vessels operating solely within the Great Lakes and Lake Champlain Systems to prevent the spread of aquatic nuisance species populations within the Great Lakes and Lake Champlain Systems; and

(viii) to facilitate meaningful Federal and State implementation of the regulatory framework in this subsection, including monitoring, shipboard education, inspection, and compliance conducted by States.

(3) METHODOLOGY.—The Program shall seek—

(A) to build on—

(i) existing aquatic nuisance species monitoring efforts; and

(ii) efforts to develop criteria for prioritizing and distributing monitoring efforts, geographically and among taxa, in the Great Lakes and Lake Champlain Systems;

(B) to advance early detection and monitoring, and capacity to control the establishment and spread, of aquatic nuisance species within the Great Lakes and Lake Champlain Systems;

(C) to identify opportunities to interdict the introduction and spread of aquatic nuisance species through sound science and technological advancements;

(D) to assess the risk of aquatic nuisance species introduction and spread via the range of vectors active within the Great Lakes and Lake Champlain Systems;

(E) to advance the development of type-approved ballast water management system (as defined in subsection (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) equipment for commercial, non-seagoing vessels that operate solely within the Great Lakes System (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)));

(F) to immediately make available to the public information regarding—

(i) the detection of new aquatic nuisance species within the Great Lakes and Lake Champlain Systems; or

(ii) the spread of aquatic nuisance species within the Great Lakes and Lake Champlain Systems;

(G) to annually submit to appropriate individuals and entities in each affected region a report describing the findings and activities of the Program;

(H) to identify roles and responsibilities of Federal agencies in aquatic nuisance species monitoring and response; and

(I) to provide resource assistance to States implementing State-level programs to enter into partnerships with Federal agencies in enforcing the requirements under subsection (p) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(4) COLLABORATION.—In carrying out and developing the Program, the Director shall collaborate with—

(A) applicable Federal, State, local, and Tribal agencies; and

(B) such other research entities or stakeholders as the Director determines to be appropriate.

(5) DATA AVAILABILITY.—The Director shall—

(A) make the data collected under the Program available on a publicly accessible internet website, including in an annual summary report; and

(B) in coordination with the entities identified under paragraph (4), develop communication and notification protocols for the purpose of communicating the range of aquatic nuisance species and any identification of a new

aquatic nuisance species introduced to the Great Lakes and Lake Champlain Systems.

(6) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than December 31, 2019, the Director shall submit to Congress a report summarizing the outcomes of activities carried out under the Program.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) a description of activities carried out under the Program, including an explanation of how those activities help to achieve the purposes described in paragraph (2)(B);

(ii) an analysis of Federal, State, and local efforts to enhance multidisciplinary approaches to achieve the purposes described in paragraph (2)(B);

(iii) recommendations relating to activities that would contribute to achievement of the purposes described in paragraph (2)(B); and

(iv) recommendations to improve the efficiency and effectiveness of the Program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Program $50,000,000 for each of fiscal years 2019 through 2023.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1102(f) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)) is amended by striking paragraph (2) and inserting the following:

"(2) BALLAST WATER REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—The owner or operator of a vessel subject to this title shall submit to the National Ballast Information Clearinghouse, by not later than 6 hours after the arrival of the vessel at a United States port or place of destination, the ballast water management report form approved by the Office of Management and Budget numbered OMB 1625–0069 (or a successor form), unless the vessel is operating exclusively on a voyage between ports or places within contiguous portions of a single Captain of the Port Zone.

"(B) MULTIPLE DISCHARGES.—The owner or operator of a vessel subject to this title may submit a single report under subparagraph (A) for multiple ballast water discharges within a single port or place of destination during the same voyage.

"(C) ADVANCE REPORT TO STATES.—A State may require the owner or operator of a vessel subject to this title to submit directly to the State, or to an appropriate regional forum, a ballast water management report form—

"(i) not later than 24 hours prior to arrival at a United States port or place of destination in the State, if the voyage of the vessel is anticipated to exceed 24 hours; or

"(ii) before departing the port or place of departure, if the voyage of the vessel to the United States port or place of destination is not anticipated to exceed 24 hours.

"(3) VESSEL REPORTING DATA.—

"(A) DISSEMINATION TO STATES.—On receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall—

"(i) in the case of a form submitted electronically, immediately disseminate the report to interested States; or

"(ii) in the case of a form submitted by means other than electronically, disseminate the report to interested States as soon as practicable.

"(B) AVAILABILITY TO PUBLIC.—Not later than 30 days after the date of receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall make the data in the report fully and readily available to the public in a searchable and fully retrievable electronic format.

"(4) REPORT.—

"(A) IN GENERAL.—Not later than July 1, 2019, and annually thereafter, the Secretary shall prepare and submit a report in accordance with this paragraph.

"(B) CONTENTS.—Each report under this paragraph shall synthesize and analyze the data described in paragraph (1) for the preceding 2-year period to evaluate nationwide status and trends relating to—

"(i) ballast water delivery and management; and

"(ii) invasions of aquatic nuisance species resulting from ballast water.

"(C) DEVELOPMENT.—The Secretary shall prepare each report under this paragraph in consultation and cooperation with—

"(i) the Task Force; and

"(ii) the Smithsonian Institution (acting through the Smithsonian Environmental Research Center).

"(D) SUBMISSION.—The Secretary shall—

"(i) submit each report under this paragraph to—

"(I) the Task Force;

"(II) the Committee on Commerce, Science, and Transportation of the Senate; and

"(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(ii) make each report available to the public.

"(5) WORKING GROUP.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish a working group, including members from the National Ballast Information Clearinghouse and States with ballast water management programs, to establish a process for compiling and readily sharing Federal and State commercial vessel reporting and enforcement data regarding compliance with this Act.".

(2) Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended—

(A) in the third sentence, by striking "Compliance" and inserting the following:

"(c) EFFECT OF COMPLIANCE.—Compliance";

(B) in the second sentence, by striking "Nothing" and inserting the following:

"(b) EFFECT OF TITLE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing";

(C) in the first sentence, by striking "All actions" and inserting the following:

"(a) CONSISTENCY WITH ENVIRONMENTAL LAWS.—All actions"; and

(D) in subsection (b) (as so designated), by adding at the end the following:

"(2) EXCEPTION.—Any discharge incidental to the normal operation of a vessel, including any discharge of ballast water (as those terms are defined in subsections (a) and (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322)), shall be regulated in accordance with that section.".

TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

SEC. 1001. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking "There are" and inserting the following:

"(a) IN GENERAL.—There are";

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking "surveys—" and all that follows through the end of the paragraph and inserting "surveys, $70,814,000 for each of fiscal years 2019 through 2023.";

(B) in paragraph (2), by striking "vessels—" and all that follows through the end of the paragraph and inserting "vessels, $25,000,000 for each of fiscal years 2019 through 2023.";

(C) in paragraph (3), by striking "Administration—" and all that follows through the end of the paragraph and inserting "Administration, $29,932,000 for each of fiscal years 2019 through 2023.";

(D) in paragraph (4), by striking "title—" and all that follows through the end of the paragraph and inserting "title, $26,800,000 for each of fiscal years 2019 through 2023."; and

(E) in paragraph (5), by striking "title—" and all that follows through the end of the paragraph and inserting "title, $30,564,000 for each of fiscal years 2019 through 2023."; and

(3) by adding at the end the following:

"(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for each fiscal year—

"(1) $10,000,000 is authorized for use in the Arctic—

"(A) to acquire hydrographic data;

"(B) to provide hydrographic services;

"(C) to conduct coastal change analyses necessary to ensure safe navigation;

"(D) to improve the management of coastal change; and

"(E) to reduce risks of harm to subsistence and coastal communities associated with increased international maritime traffic; and

"(2) $2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.".

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

"(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.".

SEC. 1002. SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS.

33 USC 892 note.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall—

(1) develop and implement a system to track and report the full cost to the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure data;

(2) evaluate measures for comparing cost per unit effort in addition to measures of cost per nautical square mile; and

(3) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on which additional measures for comparing cost per unit effort the Secretary intends to use and the rationale for such use.

(b) DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act (Public Law 111–11; 33 U.S.C. 3501 et seq.).

SEC. 1003. HOMEPORT OF CERTAIN RESEARCH VESSELS.

(a) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of the R/V FAIRWEATHER in accordance with title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 775) at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(b) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop

and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a strategic plan for implementing subsection (a).

(c) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of a new, existing, or reactivated research vessel in the city of St. Petersburg, Florida, at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(d) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for construction or acquisition of the facilities needed to allow for an oceanographic research vessel to be homeported in St. Petersburg, Florida. The strategic plan shall include an estimate of funding needed to construct such facilities.

Approved December 4, 2018.

LEGISLATIVE HISTORY—S. 140:

HOUSE REPORTS: No. 115–441 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–7 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): May 8, considered and passed Senate.
Vol. 164 (2018): Jan. 10, considered and passed House, amended.
Apr. 12, 16, 18, Oct. 11, Nov. 13, 14, Senate considered and concurred in House amendment with an amendment.
Nov. 27, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 4, Presidential statement.

Public Law 115–283
115th Congress

An Act

To designate the facility of the United States Postal Service located at 1025 Nevin Avenue in Richmond, California, as the "Harold D. McCraw, Sr., Post Office Building".

Dec. 6, 2018
[H.R. 606]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HAROLD D. MCCRAW, SR., POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1025 Nevin Avenue in Richmond, California, shall be known and designated as the "Harold D. McCraw, Sr., Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Harold D. McCraw, Sr., Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 606:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–284
115th Congress

An Act

Dec. 6, 2018
[H.R. 1209]

To designate the facility of the United States Postal Service located at 901 N. Francisco Avenue, Mission, Texas, as the "Mission Veterans Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MISSION VETERANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 901 N. Francisco Avenue, Mission, Texas, shall be known and designated as the "Mission Veterans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mission Veterans Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 1209:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 5, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–285
115th Congress

An Act

To designate the facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, as the "Jack H. Brown Post Office Building".

Dec. 6, 2018
[H.R. 2979]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JACK H. BROWN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, shall be known and designated as the "Jack H. Brown Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jack H. Brown Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 2979:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–286
115th Congress

An Act

Dec. 6, 2018
[H.R. 3230]

To designate the facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, as the "Harmon Killebrew Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HARMON KILLEBREW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, shall be known and designated as the "Harmon Killebrew Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Harmon Killebrew Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 3230:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–287
115th Congress

An Act

To designate the facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro, Maryland, as the "Wayne K. Curry Post Office Building".

Dec. 6, 2018
[H.R. 4890]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAYNE K. CURRY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro, Maryland, shall be known and designated as the "Wayne K. Curry Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Wayne K. Curry Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 4890:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–288
115th Congress

An Act

Dec. 6, 2018
[H.R. 4913]

To designate the facility of the United States Postal Service located at 816 East Salisbury Parkway in Salisbury, Maryland, as the "Sgt. Maj. Wardell B. Turner Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SGT. MAJ. WARDELL B. TURNER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 816 East Salisbury Parkway in Salisbury, Maryland, shall be known and designated as the "Sgt. Maj. Wardell B. Turner Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sgt. Maj. Wardell B. Turner Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 4913:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–289
115th Congress

An Act

To designate the facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, as the "Specialist Trevor A. Win'E Post Office".

Dec. 6, 2018
[H.R. 4946]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST TREVOR A. WIN'E POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, shall be known and designated as the "Specialist Trevor A. Win'E Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Trevor A. Win'E Post Office".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 4946:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–290
115th Congress

An Act

Dec. 6, 2018
[H.R. 4960]

To designate the facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, as the "Spc. Sterling William Wyatt Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPC. STERLING WILLIAM WYATT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, shall be known and designated as the "Spc. Sterling William Wyatt Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Spc. Sterling William Wyatt Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 4960:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–291
115th Congress

An Act

To designate the facility of the United States Postal Service located at 1325 Autumn Avenue in Memphis, Tennessee, as the "Judge Russell B. Sugarmon Post Office Building".

Dec. 6, 2018
[H.R. 5349]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDGE RUSSELL B. SUGARMON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1325 Autumn Avenue in Memphis, Tennessee, shall be known and designated as the "Judge Russell B. Sugarmon Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Judge Russell B. Sugarmon Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 5349:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–292
115th Congress

An Act

Dec. 6, 2018
[H.R. 5504]

To designate the facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, as the "Sergeant Dietrich Schmieman Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT DIETRICH SCHMIEMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, shall be known and designated as the "Sergeant Dietrich Schmieman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Dietrich Schmieman Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 5504:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–293
115th Congress

An Act

To designate the facility of the United States Postal Service located at 108 West D Street in Alpha, Illinois, as the "Captain Joshua E. Steele Post Office".

Dec. 6, 2018
[H.R. 5737]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN JOSHUA E. STEELE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 108 West D Street in Alpha, Illinois, shall be known and designated as the "Captain Joshua E. Steele Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Joshua E. Steele Post Office".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 5737:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–294
115th Congress

An Act

Dec. 6, 2018
[H.R. 5784]

To designate the facility of the United States Postal Service located at 2650 North Doctor Martin Luther King Jr. Drive in Milwaukee, Wisconsin, shall be known and designated as the "Vel R. Phillips Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VEL R. PHILLIPS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2650 North Doctor Martin Luther King Jr. Drive in Milwaukee, Wisconsin, shall be known and designated as the "Vel R. Phillips Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Vel R. Phillips Post Office Building".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 5784:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–295
115th Congress

An Act

To designate the facility of the United States Postal Service located at 530 Claremont Avenue in Ashland, Ohio, as the "Bill Harris Post Office".

Dec. 6, 2018
[H.R. 5868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BILL HARRIS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 530 Claremont Avenue in Ashland, Ohio, shall be known and designated as the "Bill Harris Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Bill Harris Post Office".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 5868:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–296
115th Congress

An Act

Dec. 6, 2018
[H.R. 5935]

To designate the facility of the United States Postal Service located at 1355 North Meridian Road in Harristown, Illinois, as the "Logan S. Palmer Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOGAN S. PALMER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1355 North Meridian Road in Harristown, Illinois, shall be known and designated as the "Logan S. Palmer Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Logan S. Palmer Post Office".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 5935:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–297
115th Congress

An Act

To designate the facility of the United States Postal Service located at 362 North Ross Street in Beaverton, Michigan, as the "Colonel Alfred Asch Post Office".

Dec. 6, 2018
[H.R. 6116]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLONEL ALFRED ASCH POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 362 North Ross Street in Beaverton, Michigan, shall be known and designated as the "Colonel Alfred Asch Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Colonel Alfred Asch Post Office".

Approved December 6, 2018.

LEGISLATIVE HISTORY—H.R. 6116:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–298
115th Congress

Joint Resolution

Dec. 7, 2018
[H.J. Res. 143]

Making further continuing appropriations for fiscal year 2019, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That division C of Public Law 115–245 is amended—

Ante, p. 3124.

(1) by striking the date specified in section 105(3) and inserting "December 21, 2018"; and

(2) by adding at the end (before the short title) the following:

Applicability.

"SEC. 136. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 105(3) of this Act for 'December 7, 2018'.".

Approved December 7, 2018.

LEGISLATIVE HISTORY—H.J. Res. 143:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 6, considered and passed House and Senate.

Public Law 115–299
115th Congress

An Act

To amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

Dec. 7, 2018
[S. 2152]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018.
18 USC 1 note.
18 USC 2259 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The demand for child pornography harms children because it drives production, which involves severe child sexual abuse and exploitation.

(2) The harms caused by child pornography begin, but do not end, with child sex assault because child pornography is a permanent record of that abuse and trafficking in those images compounds the harm to the child.

(3) In Paroline v. United States (2014), the Supreme Court recognized that "every viewing of child pornography is a repetition of the victim's abuse".

(4) The American Professional Society on the Abuse of Children has stated that for victims of child pornography, "the sexual abuse of the child, the memorialization of that abuse which becomes child pornography, and its subsequent distribution and viewing become psychologically intertwined and each compound the harm suffered by the child-victim".

(5) Victims suffer continuing and grievous harm as a result of knowing that a large, indeterminate number of individuals have viewed and will in the future view images of their childhood sexual abuse. Harms of this sort are a major reason that child pornography is outlawed.

(6) The unlawful collective conduct of every individual who reproduces, distributes, or possesses the images of a victim's childhood sexual abuse plays a part in sustaining and aggravating the harms to that individual victim.

(7) It is the intent of Congress that victims of child pornography be compensated for the harms resulting from every perpetrator who contributes to their anguish. Such an aggregate causation standard reflects the nature of child pornography and the unique ways that it actually harms victims.

SEC. 3. DETERMINING RESTITUTION.

(a) DETERMINING RESTITUTION.—Section 2259(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "The order" and inserting "Except as provided in paragraph (2), the order"; and

(B) by striking "as determined by the court pursuant to paragraph (2)" after "of the victim's losses";

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following:

Courts.

"(2) RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.—If the defendant was convicted of trafficking in child pornography, the court shall order restitution under this section in an amount to be determined by the court as follows:

"(A) DETERMINING THE FULL AMOUNT OF A VICTIM'S LOSSES.—The court shall determine the full amount of the victim's losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography depicting the victim.

"(B) DETERMINING A RESTITUTION AMOUNT.—After completing the determination required under subparagraph (A), the court shall order restitution in an amount that reflects the defendant's relative role in the causal process that underlies the victim's losses, but which is no less than $3,000.

"(C) TERMINATION OF PAYMENT.—A victim's total aggregate recovery pursuant to this section shall not exceed the full amount of the victim's demonstrated losses. After the victim has received restitution in the full amount of the victim's losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may require the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.".

(b) ADDITIONAL DEFINITIONS.—Section 2259(c) of title 18, United States Code, is amended—

(1) in the heading, by striking "DEFINITION" and inserting "DEFINITIONS";

(2) by striking "For purposes" and inserting the following: "(4) VICTIM.—For purposes";

(3) by striking "under this chapter, including, in the case" and inserting "under this chapter. In the case";

(4) by inserting after "or any other person appointed as suitable by the court," the following: "may assume the crime victim's rights under this section,"; and

(5) by inserting before paragraph (4), as so designated, the following:

"(1) CHILD PORNOGRAPHY PRODUCTION.—For purposes of this section and section 2259A, the term 'child pornography production' means conduct proscribed by subsections (a) through (c) of section 2251, section 2251A, section 2252A(g) (in cases in which the series of felony violations involves at

least 1 of the violations listed in this subsection), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of child pornography (as such term is defined in section 2256).

"(2) FULL AMOUNT OF THE VICTIM'S LOSSES.—For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred, or that are reasonably projected to be incurred in the future, by the victim, as a proximate result of the offenses involving the victim, and in the case of trafficking in child pornography offenses, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) reasonable attorneys' fees, as well as other costs incurred; and

"(F) any other relevant losses incurred by the victim.

"(3) TRAFFICKING IN CHILD PORNOGRAPHY.—For purposes of this section and section 2259A, the term 'trafficking in child pornography' means conduct proscribed by section 2251(d), 2252, 2252A(a)(1) through (5), 2252A(g)(in cases in which the series of felony violations exclusively involves violations of section 2251(d), 2252, 2252A(a)(1) through (5), or 2260(b)), or 2260(b).".

(c) CLERICAL AMENDMENT.—Section 1593(b)(3) of title 18, United States Code, is amended by striking "section 2259(b)(3)" and inserting "section 2259(c)(2)".

SEC. 4. DEFINED MONETARY ASSISTANCE.

Section 2259 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEFINED MONETARY ASSISTANCE.— Courts.

"(1) DEFINED MONETARY ASSISTANCE MADE AVAILABLE AT VICTIM'S ELECTION.—

"(A) ELECTION TO RECEIVE DEFINED MONETARY ASSISTANCE.—Subject to paragraphs (2) and (3), when a defendant is convicted of trafficking in child pornography, any victim of that trafficking in child pornography may choose to receive defined monetary assistance from the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)).

"(B) FINDING.—To be eligible for defined monetary assistance under this subsection, a court shall determine whether the claimant is a victim of the defendant who was convicted of trafficking in child pornography.

"(C) ORDER.—If a court determines that a claimant is a victim of trafficking in child pornography under subparagraph (B) and the claimant chooses to receive defined monetary assistance, the court shall order payment in accordance with subparagraph (D) to the victim from the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

"(D) AMOUNT OF DEFINED MONETARY ASSISTANCE.—The amount of defined monetary assistance payable under this subparagraph shall be equal to—

"(i) for the first calendar year after the date of enactment of this subsection, $35,000; and

"(ii) for each calendar year after the year described in clause (i), $35,000 multiplied by the ratio (not less than one) of—

"(I) the Consumer Price Index for all Urban Consumers (CPI–U, as published by the Bureau of Labor Statistics of the Department of Labor) for the calendar year preceding such calendar year; to

"(II) the CPI–U for the calendar year 2 years before the calendar year described in clause (i).

"(2) LIMITATIONS ON DEFINED MONETARY ASSISTANCE.—

"(A) IN GENERAL.—A victim may only obtain defined monetary assistance under this subsection once.

"(B) EFFECT ON RECOVERY OF OTHER RESTITUTION.—A victim who obtains defined monetary assistance under this subsection shall not be barred or limited from receiving restitution against any defendant for any offenses not covered by this section.

"(C) DEDUCTION.—If a victim who received defined monetary assistance under this subsection subsequently seeks restitution under this section, the court shall deduct the amount the victim received in defined monetary assistance when determining the full amount of the victim's losses.

"(3) LIMITATIONS ON ELIGIBILITY.—A victim who has collected payment of restitution pursuant to this section in an amount greater than the amount provided for under paragraph (1)(D) shall be ineligible to receive defined monetary assistance under this subsection.

"(4) ATTORNEY FEES.—

"(A) IN GENERAL.—An attorney representing a victim seeking defined monetary assistance under this subsection may not charge, receive, or collect, and the court may not approve, any payment of fees and costs that in the aggregate exceeds 15 percent of any payment made under this subsection.

"(B) PENALTY.—An attorney who violates subparagraph (A) shall be fined under this title, imprisoned not more than 1 year, or both.".

SEC. 5. ASSESSMENTS IN CHILD PORNOGRAPHY CASES.

(a) ASSESSMENTS IN CHILD PORNOGRAPHY CASES.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259 the following:

18 USC 2259A.

"§ 2259A. Assessments in child pornography cases

"(a) IN GENERAL.—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

"(1) not more than $17,000 on any person convicted of an offense under section 2252(a)(4) or 2252A(a)(5);

"(2) not more than $35,000 on any person convicted of any other offense for trafficking in child pornography; and

"(3) not more than $50,000 on any person convicted of a child pornography production offense.

"(b) ANNUAL ADJUSTMENT.—The dollar amounts in subsection (a) shall be adjusted annually in conformity with the Consumer Price Index.

"(c) FACTORS CONSIDERED.—In determining the amount of the assessment under subsection (a), the court shall consider the factors set forth in sections 3553(a) and 3572. Courts.

"(d) IMPOSITION AND IMPLEMENTATION.—

"(1) IN GENERAL.—The provisions of subchapter C of chapter 227 (other than section 3571) and subchapter B of chapter 229 (relating to fines) apply to assessments under this section, except that paragraph (2) applies in lieu of any contrary provisions of law relating to fines or disbursement of money received from a defendant. Applicability.

"(2) EFFECT ON OTHER PENALTIES.—Imposition of an assessment under this section does not relieve a defendant of, or entitle a defendant to reduce the amount of any other penalty by the amount of the assessment. Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

"(A) A special assessment under section 3013.

"(B) Restitution to victims of any child pornography production or trafficking offense that the defendant committed.

"(C) An assessment under this section.

"(D) Other orders under any other section of this title.

"(E) All other fines, penalties, costs, and other payments required under the sentence.".

(b) CHILD PORNOGRAPHY VICTIMS RESERVE.—Section 1402(d) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) is amended by adding at the end the following:

"(6)(A) The Director may set aside up to $10,000,000 of the amounts remaining in the Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18, United States Code.

"(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed $10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.".

(c) CHILD PORNOGRAPHY VICTIMS RESERVE.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259A, as added by subsection (a), the following:

"§ 2259B. Child pornography victims reserve 18 USC 2259B.

"(a) DEPOSITS INTO THE RESERVE.—Notwithstanding any other provision of law, there shall be deposited into the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) all assessments collected

under section 2259A and any gifts, bequests, or donations to the Child Pornography Victims Reserve from private entities or individuals.

"(b) AVAILABILITY FOR DEFINED MONETARY ASSISTANCE.—Amounts in the Child Pornography Victims Reserve shall be available for payment of defined monetary assistance pursuant to section 2259(d). If at any time the Child Pornography Victims Reserve has insufficient funds to make all of the payments ordered under section 2259(d), the Child Pornography Victims Reserve shall make such payments as it can satisfy in full from available funds. In determining the order in which such payments shall be made, the Child Pornography Victims Reserve shall make payments based on the date they were ordered, with the earliest-ordered payments made first.

Guidelines. Regulations.

"(c) ADMINISTRATION.—The Attorney General shall administer the Child Pornography Victims Reserve and shall issue guidelines and regulations to implement this section.

"(d) SENSE OF CONGRESS.—It is the sense of Congress that individuals who violate this chapter prior to the date of the enactment of the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, but who are sentenced after such date, shall be subject to the statutory scheme that was in effect at the time the offenses were committed.".

18 USC prec. 2251.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2259 the following:

"2259A. Assessments in child pornography cases
"2259B. Child pornography victims reserve".

SEC. 6. CHILD PORNOGRAPHY VICTIM'S RIGHT TO EVIDENCE.

Section 3509(m) of title 18, United States Code, is amended by adding at the end the following:

"(3) In any criminal proceeding, a victim, as defined under section 2259(c)(4), shall have reasonable access to any property or material that constitutes child pornography, as defined under section 2256(8), depicting the victim, for inspection, viewing, and examination at a Government facility or court, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony, but under no circumstances may such child pornography be copied, photographed, duplicated, or otherwise reproduced. Such property or material may be redacted to protect the privacy of third parties.".

SEC. 7. CLERICAL AMENDMENTS.

(a) EXPANSION OF CIVIL REMEDIES FOR SATISFACTION OF AN UNPAID FINE.—Section 3613(c) of title 18, United States Code, is amended by inserting "an assessment imposed pursuant to section 2259A of this title," after "pursuant to the provisions of subchapter C of chapter 227 of this title,".

(b) CLARIFICATION OF INTERSTATE OR FOREIGN COMMERCE PROVISION REGARDING CERTAIN ACTIVITIES PERTAINING TO CHILD PORNOGRAPHY.—Section 2252A (a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "using any means or facility of interstate or foreign commerce" and inserting "has been"; and

(B) by inserting "using any means or facility of interstate or foreign commerce or" after "child pornography"; and

(2) in subparagraph (B)—

(A) by striking "using any means or facility of interstate or foreign commerce" and inserting "has been"; and

(B) by inserting "using any means or facility of interstate or foreign commerce or" after "child pornography".

(c) CLARIFICATION OF THE DEFINITION OF "SEXUALLY EXPLICIT CONDUCT".—Section 2256(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)(v)—

(A) by inserting "anus," before "genitals"; and

(B) by inserting a comma after "genitals"; and

(2) in subparagraph (B)(iii)—

(A) by inserting "anus," before "genitals"; and

(B) by inserting a comma after "genitals".

SEC. 8. REPORTS.

Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the progress of the Department of Justice in implementing the amendments made by sections 3 through 5, and shall include an assessment of the funding levels for the Child Pornography Victims Reserve.

Approved December 7, 2018.

LEGISLATIVE HISTORY—S. 2152:

CONGRESSIONAL RECORD, Vol. 164 (2018):

Jan. 23, considered and passed Senate.

Sept. 28, considered and passed House, amended.

Nov. 15, Senate concurred in House amendment.

Public Law 115–300
115th Congress

An Act

Dec. 11, 2018
[H.R. 390]

To provide relief for victims of genocide, crimes against humanity, and war crimes who are members of religious and ethnic minority groups in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Iraq and Syria Genocide Relief and Accountability Act of 2018.
22 USC 2656 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraq and Syria Genocide Relief and Accountability Act of 2018".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Secretary of State of State declared on March 17, 2016, and on August 15, 2017, that Daesh (also known as the Islamic State of Iraq and Syria or ISIS) is responsible for genocide, crimes against humanity, and other atrocity crimes against religious and ethnic minority groups in Iraq and Syria, including Christians, Yezidis, and Shia, among other religious and ethnic groups.

(2) According to the Department of State's annual reports on international religious freedom—

(A) the number of Christians living in Iraq has dropped from an estimated 800,000 to 1,400,000 in 2002 to fewer than 250,000 in 2017; and

(B) the number of Yezidis living in Iraq has fluctuated from 500,000 in 2013, to between 350,000 and 400,000 in 2016, and between 600,000 and 750,000 in 2017.

(3) The annual reports on international religious freedom further suggest that—

(A) Christian communities living in Syria, which had accounted for between 8 and 10 percent of Syria's total population in 2010, are now "considerably" smaller as a result of the civil war, and

(B) there was a population of approximately 80,000 Yezidis before the commencement of the conflict in Syria.

(4) Local communities and entities have sought to mitigate the impact of violence directed against religious and ethnic minorities in Iraq and Syria, including the Chaldean Catholic Archdiocese of Erbil (Kurdistan Region of Iraq), which has used predominantly private funds to provide assistance to internally displaced Christians, Yezidis, and Muslims throughout the greater Erbil region, while significant needs and diminishing resources have made it increasingly difficult to continue these efforts.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on the Judiciary of the Senate;

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

(D) the Committee on Appropriations of the Senate;

(E) the Select Committee on Intelligence of the Senate;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives;

(H) the Committee on Homeland Security of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

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

(2) FOREIGN TERRORIST ORGANIZATION.—The term "foreign terrorist organization" mean an organization designated by the Secretary of State as a foreign terrorist organization pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(3) HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS.—The term "humanitarian, stabilization, and recovery needs", with respect to an individual, includes water, sanitation, hygiene, food security and nutrition, shelter and housing, reconstruction, medical, education, psychosocial needs, and other assistance to address basic human needs, including stabilization assistance (as defined by the Stabilization Assistance Review in "A Framework for Maximizing the Effectiveness of U.S. Government Efforts to Stabilize Conflict-Affected Areas, 2018).

(4) HYBRID COURT.—The term "hybrid court" means a court with a combination of domestic and international lawyers, judges, and personnel.

(5) INTERNATIONALIZED DOMESTIC COURT.—The term "internationalized domestic court" means a domestic court with the support of international advisers.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to ensure that assistance for humanitarian, stabilization, and recovery needs of individuals who are or were nationals and residents of Iraq or Syria, and of communities in and from those countries, is directed toward those individuals and communities with the greatest need, including those individuals from communities of religious and ethnic minorities, and communities of religious and ethnic minorities, that the Secretary of State declared were targeted for genocide, crimes against humanity, or war crimes, and have been identified as being at risk of persecution, forced migration, genocide, crimes against humanity, or war crimes.

SEC. 5. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ FOR GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES.

(a) ASSISTANCE.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance, as necessary and appropriate, to support the efforts of entities, including nongovernmental organizations with expertise in international criminal investigations and law, to address genocide, crimes against humanity, or war crimes, and their constituent crimes by ISIS in Iraq by—

(1) conducting criminal investigations;

(2) developing indigenous investigative and judicial skills, including by partnering, directly mentoring, and providing necessary equipment and infrastructure to effectively adjudicating cases consistent with due process and respect for the rule of law; and

(3) collecting and preserving evidence and the chain of evidence, including for use in prosecutions in domestic courts, hybrid courts, and internationalized domestic courts, consistent with the activities described in subsection (b).

Consultation.

(b) ACTIONS BY FOREIGN GOVERNMENTS.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries—

(1) to include information in appropriate security databases and security screening procedures of such countries to identify suspected ISIS members for whom credible evidence exists of having committed genocide, crimes against humanity, or war crimes, and their constituent crimes, in Iraq; and

(2) to apprehend and prosecute such ISIS members for genocide, crimes against humanity, or war crimes, as appropriate.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with and consider credible information from entities described in such subsection.

SEC. 6. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.

Consultation.

(a) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary of Defense, the Administrator of the United States Agency for International Development, and Director of National Intelligence, shall seek to identify—

(1) threats of persecution and other early-warning indicators of genocide, crimes against humanity, and war crimes against individuals who are or were nationals and residents of Iraq or Syria, are members of religious or ethnic minority groups in such countries, and against whom the Secretary of State has determined ISIS has committed genocide, crimes against humanity, or war crimes;

(2) the religious and ethnic minority groups in Iraq or Syria identified pursuant to paragraph (1) that are at risk of forced migration, within or across the borders of Iraq, Syria, or a country of first asylum, and the primary reasons for such risk;

(3)(A) the humanitarian, stabilization, and recovery needs of individuals described in paragraphs (1) and (2), including the assistance provided by the United States and by the United Nations, respectively—

(i) to address the humanitarian, stabilization, and recovery needs of such individuals; and

(ii) to mitigate the risks of forced migration of such individuals; and

(B) assistance provided through the Funding Facility for Immediate Stabilization and Funding Facility for Expanded Stabilization; and

(4) to the extent practicable and appropriate—

(A) the entities, including faith-based entities, that are providing assistance to address the humanitarian, stabilization, and recovery needs of individuals described in paragraphs (1) and (2); and

(B) the extent to which the United States is providing assistance to or through the entities referred to in subparagraph (A).

(b) ADDITIONAL CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from—

(1) individuals described in paragraphs (1) and (2) of such subsection; and

(2) the entities described in paragraph (4)(A) of such subsection.

(c) ASSISTANCE.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance as necessary and appropriate, to support the entities described in subsection (a)(4)(A).

SEC. 7. REPORT.

(a) IMPLEMENTATION REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken, and efforts proposed to be taken, to implement the provisions of this Act;

(2) an assessment of— Assessments.

(A) the feasibility and advisability of prosecuting ISIS members for whom credible evidence exists of having committed genocide, crimes against humanity, or war crimes in Iraq, including in domestic courts in Iraq, hybrid courts, and internationalized domestic courts; and

(B) the measures needed—

(i) to ensure effective criminal investigations of such individuals; and

(ii) to effectively collect and preserve evidence, and preserve the chain of evidence, for prosecution; and

(3) recommendations for legislative remedies and administrative actions to facilitate the implementation of this Act. Recommendations.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex, if necessary.

Approved December 11, 2018.

LEGISLATIVE HISTORY—H.R. 390:

CONGRESSIONAL RECORD:
Vol. 163 (2017): June 6, considered and passed House.
Vol. 164 (2018): Oct. 11, considered and passed Senate, amended.
Nov. 27, House concurred in Senate amendments.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 11, Presidential remarks and statement.

Public Law 115–301
115th Congress

An Act

To repeal the Act entitled "An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation".

Dec. 11, 2018
[H.R. 1074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 30, 1948, entitled "An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation" (62 Stat. 1161, chapter 759) is repealed.

Approved December 11, 2018.

LEGISLATIVE HISTORY—H.R. 1074:

HOUSE REPORTS: No. 115–279 (Comm. on Natural Resources).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 1, considered and passed House.
Vol. 164 (2018): Nov. 27, considered and passed Senate.

Public Law 115–302
115th Congress

An Act

Dec. 11, 2018
[H.R. 2422]

To amend the Public Health Service Act to improve essential oral health care for low-income and other underserved individuals by breaking down barriers to care, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Action for Dental Health Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the Action for Dental Health Act of 2018.

SEC. 2. ORAL HEALTH EDUCATION.

(a) IN GENERAL.—Section 399LL of the Public Health Service Act (42 U.S.C. 280k) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "OF ORAL HEALTH EDUCATION CAMPAIGN" after "ESTABLISHMENT"; and

(B) by striking "focused on oral healthcare prevention and education" and inserting "focused on oral health education";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "campaign" and inserting "campaign under subsection (a)"; and

(3) by striking subsection (c) and inserting the following:

"(c) ACTION FOR DENTAL HEALTH PROGRAM.—

Consultation.
Grants.
Contracts.

"(1) IN GENERAL.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Administrator of the Health Resources and Services Administration, may award grants, contracts, or cooperative agreements to eligible entities to collaborate with State or local public health officials, tribal health officials, oral health professional organizations, and others, as appropriate, to develop and implement initiatives to improve oral health, including activities to prevent dental disease and reduce barriers to the provision of dental services, including—

"(A) through community-wide dental disease prevention programs; and

"(B) by increasing public awareness and education related to oral health and dental disease prevention.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall be—

"(A) a dental association;

"(B) a State or tribal health department or State or tribal oral health program;

"(C) an accredited dental education, dental hygiene, or postdoctoral dental education program; or

"(D) a non-profit community-based organization that partners with public and private non-profit entities, such as an academic institution, to facilitate the provision of dental services to underserved populations.";

(b) TECHNICAL AMENDMENT.—Section 399LL–1(d) of the Public Health Service Act (42 U.S.C. 280k–1(d)) is amended—

(1) by striking "shall" and inserting "shall, as practicable and appropriate," before "utilize"; and

(2) by striking "public education campaign" and inserting "oral health education campaign and action for dental health program".

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the outcomes and effectiveness of programs and activities conducted under sections 399LL and 399LL–1 of the Public Health Service Act (42 U.S.C. 280k and 280k–1).

SEC. 3. GRANTS FOR INNOVATIVE PROGRAMS.

Section 340G of the Public Health Service Act (42 U.S.C. 256g) is amended—

(1) in subsection (b)(5)—

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

(B) by adding at the end the following:

"(D) the establishment or development of models for the provision of dental services to children and adults, such as dental homes, including for the elderly, blind, individuals with disabilities, and individuals living in long-term care facilities; and

"(E) the establishment of initiatives to reduce the use of emergency departments by individuals who seek dental services more appropriately delivered in a dental primary care setting;"; and

Time periods.

(2) in subsection (f), by striking "$25,000,000 for the 5-fiscal year period beginning with fiscal year 2008" and inserting "$13,903,000 for each of fiscal years 2019 through 2023".

Approved December 11, 2018.

LEGISLATIVE HISTORY—H.R. 2422 (S. 3016):

HOUSE REPORTS: No. 115–328 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 26, considered and passed House.
Oct. 11, considered and passed Senate, amended.
Nov. 28, House concurred in Senate amendment.

Public Law 115–303
115th Congress

An Act

To amend the National Science Foundation Authorization Act of 2002 to strengthen the aerospace workforce pipeline by the promotion of Robert Noyce Teacher Scholarship Program and National Aeronautics and Space Administration internship and fellowship opportunities to women, and for other purposes.

Dec. 11, 2018
[H.R. 4254]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Women in Aerospace Education Act. 42 USC 1861 note.

This Act may be cited as the "Women in Aerospace Education Act".

SEC. 2. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM FELLOWSHIP OPPORTUNITIES.

(a) IN GENERAL.—The National Science Foundation Authorization Act of 2002 (Public Law 107–368; 42 U.S.C. 1862n et seq.) is amended—

(1) in section 10(a)(3)(A)(iv), by inserting ", including research experiences at national laboratories and NASA centers" before the semicolon; and 42 USC 1862n–1.

(2) in section 10A(c)(4)— 42 USC 1862n–1a.

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) providing internship opportunities for fellows, including research experiences at national laboratories and NASA Centers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to grants awarded on or after October 1, 2018. 42 USC 1862n–1 note.

SEC. 3. NASA INTERNSHIP AND FELLOWSHIP OPPORTUNITIES.

Deadline. 51 USC note prec. 40901.

Not later than October 1, 2018, the Administrator of the National Aeronautics and Space Administration (in this section referred to as "NASA") shall institute a process to encourage the recruitment of qualified candidates who are women or individuals who are underrepresented in the fields of science, technology, engineering, and mathematics (STEM) and computer science for

internships and fellowships at NASA with relevance to the aerospace sector and related fields.

Approved December 11, 2018.

LEGISLATIVE HISTORY—H.R. 4254:

HOUSE REPORTS: No. 115–472 (Comm. on Science, Space, and Technology).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 18, 19, considered and passed House.
Vol. 164 (2018): Sept. 27, considered and passed Senate, amended.
Nov. 27, House concurred in Senate amendment.

Public Law 115–304
115th Congress

An Act

To repeal section 2141 of the Revised Statutes to remove the prohibition on certain alcohol manufacturing on Indian lands.

Dec. 11, 2018
[H.R. 5317]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF PROHIBITION ON CERTAIN ALCOHOL MANUFACTURING ON INDIAN LANDS.

Section 2141 of the Revised Statutes (25 U.S.C. 251) is repealed.

SEC. 2. NO EFFECT ON TAXATION OR STATE AUTHORITY TO REGULATE ALCOHOL WITHIN STATE BORDERS.

25 USC 251 note.

(a) NO EFFECT ON TAXATION.—Nothing in section 1 or the repeal made by section 1 shall affect State or Federal taxation.

(b) STATE AUTHORITY UNAFFECTED.—Nothing in section 1 or the repeal made by section 1 shall diminish, enlarge, or otherwise affect a State's authority to regulate the importation and sale of alcoholic beverages within its own borders, including State authority over the manufacture, distribution, transportation, or sale of intoxicating liquors.

Approved December 11, 2018.

LEGISLATIVE HISTORY—H.R. 5317:

HOUSE REPORTS: No. 115–703 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–363 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 115–305
115th Congress

An Act

Dec. 11, 2018
[H.R. 6651]

To extend certain authorities relating to United States efforts to combat HIV/AIDS, tuberculosis, and malaria globally, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PEPFAR Extension Act of 2018.
22 USC 7601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "PEPFAR Extension Act of 2018".

SEC. 2. INSPECTORS GENERAL AND ANNUAL STUDY.

Section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611) is amended—

(1) in subsection (f)(1)—

(A) in subparagraph (A), by striking "2018" and inserting "2023"; and

(B) in subparagraph (C)(iv)—

(i) by striking "four" and inserting "nine"; and

(ii) by striking "2018" and inserting "2023"; and

(2) in subsection (g)—

(A) in paragraph (1), by striking "2019" and inserting "2024"; and

(B) in paragraph (2)—

(i) in the heading, by striking "2018" and inserting "2024"; and

(ii) by striking "September 30, 2018" and inserting "September 30, 2024".

SEC. 3. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

Section 202(d) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "fiscal years 2009 through 2018" and inserting "fiscal years 2004 through 2023";

(ii) in clause (ii), by striking "2018" and inserting "2023"; and

(iii) by striking clause (vi); and

(B) in subparagraph (B)—

(i) by striking clause (ii);

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively;

(iii) in clause (ii) (as redesignated by clause (ii) of this subparagraph)—

(I) in the first sentence, by adding at the end before the period the following: "or section 104B or 104C of such Act"; and

(II) in the second sentence, by striking "for HIV/AIDS assistance"; and

(iv) in clause (iii) (as redesignated by clause (ii) of this subparagraph), by striking "2018" and inserting "2023"; and

(2) in paragraph (5), by striking "2018" and inserting "2023".

SEC. 4. ALLOCATION OF FUNDS.

Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

(1) in subsection (b), by striking "2018" and inserting "2023"; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking "2018" and inserting "2023".

Approved December 11, 2018.

LEGISLATIVE HISTORY—H.R. 6651:

HOUSE REPORTS: No. 115–1014 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 13, considered and passed House.
Nov. 28, considered and passed Senate.

Public Law 115–306
115th Congress

An Act

Dec. 11, 2018
[S. 440]

To establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means Dickinson Parks & Recreation in Dickinson, North Dakota.

(2) DICKINSON RESERVOIR.—The term "Dickinson Reservoir" means the Dickinson Reservoir constructed as part of the Dickinson Unit, Heart Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665).

(3) GAME AND FISH HEADQUARTERS.—The term "game and fish headquarters" means the approximately 10 acres of land depicted as "Game and Fish Headquarters" on the Map.

(4) MANAGEMENT AGREEMENT.—The term "Management Agreement" means the management agreement entitled "Management Agreement between the Bureau of Reclamation, et al., for the Development, Management, Operation, and Maintenance of Lands and Recreation Facilities at Dickinson Reservoir", MA No. 07AG602222, Modification No. 1 and dated March 15, 2017.

(5) MAP.—The term "Map" means the map prepared by the Bureau of Reclamation, entitled "Dickinson Reservoir", and dated May 2018.

(6) PERMITTED CABIN LAND.—The term "permitted cabin land" means the land depicted as "Permitted Cabin Land" on the Map.

(7) PROPERTY.—The term "property" means any cabin site located on permitted cabin land for which a permit is in effect on the date of enactment of this Act.

(8) RECREATION LAND.—The term "recreation land" means the land depicted as "Recreation and Public Purpose Lands" on the Map.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(10) STATE.—The term "State" means the State of North Dakota, acting through the North Dakota Game and Fish Department.

SEC. 2. CONVEYANCES TO DICKINSON DEPARTMENT OF PARKS AND RECREATION.

(a) CONVEYANCES TO DICKINSON DEPARTMENT OF PARKS AND RECREATION.—

(1) IN GENERAL.—Subject to the management requirements of paragraph (3) and the easements and reservations under section 4, not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the Department all right, title, and interest of the United States in and to— Deadline.

(A) the recreation land; and

(B) the permitted cabin land.

(2) COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall convey the land described in paragraph (1) at no cost.

(B) TITLE TRANSFER; LAND SURVEYS.—As a condition of the conveyances under paragraph (1), the Department shall agree to pay all survey and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) MANAGEMENT.—

(A) RECREATION LAND.—The Department shall manage the recreation land conveyed under paragraph (1)—

(i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);

(ii) for public access;

(iii) for fish and wildlife habitat; or

(iv) to preserve the natural character of the recreation land.

(B) PERMITTED CABIN LAND.—The Department shall manage the permitted cabin land conveyed under paragraph (1)—

(i) for cabins or recreational residences in existence as of the date of enactment of this Act; or

(ii) for any of the recreation land management purposes described in subparagraph (A).

(4) HAYING AND GRAZING.—With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Department may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) REVERSION.—If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(c) SALE OF PERMITTED CABIN LAND BY DEPARTMENT.—

(1) IN GENERAL.—If the Department sells any parcel of permitted cabin land conveyed under subsection (a)(1)(B), the parcel shall be sold at fair market value, as determined by Determination.

a third-party appraiser in accordance with the Uniform Standards of Professional Appraisal Practice, subject to paragraph (2).

(2) IMPROVEMENTS.—For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by the permit holder shall not be included in the appraised value of the land.

(3) PROCEEDS FROM THE SALE OF LAND BY THE DEPARTMENT.—If the Department sells a parcel of permitted cabin land conveyed under subsection (a)(1)(B), the Department shall pay to the Secretary the amount of any proceeds of the sale that exceed the costs of preparing the sale by the Department.

(d) AVAILABILITY OF FUNDS TO THE SECRETARY.—Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, subject to the availability of appropriations made in advance, for activities relating to the operation of the Dickinson Dam and Reservoir.

SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS TO THE STATE.

Deadline.

(a) CONVEYANCE OF GAME AND FISH HEADQUARTERS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish headquarters continue to be used as a game and fish headquarters or substantially similar purposes.

(b) REVERSION.—If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUTSTANDING RIGHTS.

(a) IN GENERAL.—Each conveyance to the Department or the State pursuant to this Act shall be made subject to—

(1) valid existing rights;

(2) operational requirements of the Pick-Sloan Missouri River Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665), including the Dickinson Reservoir;

(3) any flowage easement reserved by the United States to allow full operation of Dickinson Reservoir for authorized purposes;

(4) reservations described in the Management Agreement;

(5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;

(6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable property or Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;

(7) a deed restriction that prohibits building any new permanent structure on property below an elevation of 2,430.6 feet; and

(8) the granting of applicable easements for—

(A) vehicular access to the property; and

(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access is provided in the permit for use of the property as of the date of enactment of this Act.

(b) LIABILITY; TAKING.—

(1) LIABILITY.—The United States shall not be liable for flood damage to a property subject to a permit, the Department, or the State, or for damages arising out of any act, omission, or occurrence relating to a permit holder, the Department, or the State, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) TAKING.—Any temporary flooding or flood damage to the property of a permit holder, the Department, or the State, shall not be considered to be a taking by the United States.

SEC. 5. INTERIM REQUIREMENTS.

Time period.

During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

Approved December 11, 2018.

LEGISLATIVE HISTORY—S. 440:

SENATE REPORTS: No. 115–313 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Oct. 4, considered and passed Senate.
Nov. 13, considered and passed House, amended.
Nov. 27, Senate concurred in House amendment.

Public Law 115–307
115th Congress

An Act

Dec. 11, 2018
[S. 1768]

To reauthorize and amend the National Earthquake Hazards Reduction Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Earthquake Hazards Reduction Program Reauthorization Act of 2018.
42 USC 7701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Earthquake Hazards Reduction Program Reauthorization Act of 2018".

SEC. 2. MODIFICATION OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701) is amended—

(1) in paragraph (1)—

(A) by inserting ", and the Commonwealth of Puerto Rico," after "States";

(B) by inserting "Oregon," after "New York,"; and

(C) by inserting "Tennessee," after "South Carolina";

(2) in paragraph (2), by striking "prediction techniques and";

(3) by striking paragraph (4) and inserting the following:

"(4) A well-funded seismological research program could provide the scientific understanding needed to fully implement an effective earthquake early warning system.";

(4) in paragraphs (6) and (7), by striking "lifelines" each place it appears and inserting "lifeline infrastructure"; and

(5) by adding at the end the following:

"(12) The built environment has generally been constructed and maintained to meet the needs of the users under normal conditions. When earthquakes occur, the built environment is generally designed to prevent severe injuries or loss of human life and is not expected to remain operational or able to recover under any specified schedule.

"(13) The National Research Council published a study on reducing hazards and risks associated with earthquakes based on the goals and objectives for achieving national earthquake resilience described in the strategic plan entitled 'Strategic Plan for the National Earthquake Hazards Reduction Program'. The study and an accompanying report called for work in 18 tasks focused on research, preparedness, and mitigation and annual funding of approximately $300,000,000 per year for 20 years.".

(b) PURPOSE.—Section 3 of such Act (42 U.S.C. 7702) is amended—

(1) in the matter preceding paragraph (1), in the first sentence, by inserting "and increase the resilience of communities" after "future earthquakes";

(2) in paragraph (1), by inserting "to individuals and the communities" after "an earthquake";

(3) in paragraph (2), by striking "in time of disaster" and inserting "to facilitate community-wide post-earthquake recovery and in times of disaster";

(4) in paragraph (3), by striking "for predicting damaging earthquakes and";

(5) in paragraph (4), by inserting "and planning" after "model building"; and

(6) in paragraph (5), by striking "reconstruction" and inserting "re-occupancy, recovery, reconstruction,".

(c) DEFINITIONS.—

(1) LIFELINE INFRASTRUCTURE.—

(A) IN GENERAL.—Section 4(6) of such Act (42 U.S.C. 7703(6)) is amended by striking "lifelines" and inserting "lifeline infrastructure".

(B) CONFORMING AMENDMENT.—Such Act (42 U.S.C. 7701 et seq.) is amended by striking "lifelines" each place it appears and inserting "lifeline infrastructure".

(2) COMMUNITY RESILIENCE.—Section 4 of such Act (42 U.S.C. 7703) is amended by adding at the end the following:

"(10) The term 'community resilience' means the ability of a community to prepare and plan for, absorb, recover from, and more successfully adapt to adverse seismic events.".

SEC. 3. MODIFICATION OF NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.

(a) MODIFICATION OF PROGRAM ACTIVITIES.—Subsection (a)(2) of section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) in subparagraph (B)—

(A) in clause (iii), by inserting ", community resilience," after "seismic risk"; and

(B) by adding at the end the following:

"(iv) publishing a systematic set of maps of active faults and folds, liquefaction susceptibility, susceptibility for earthquake induced landslides, and other seismically induced hazards; and"; and

Publication. Maps.

(2) in subparagraph (D), by striking "develop, operate" and all that follows through "7708)," and inserting "continue the development of the Advanced National Seismic System, including earthquake early warning capabilities".

(b) AMENDMENTS RELATING TO INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

(1) CLARIFICATION REGARDING MEMBERSHIP.—Subparagraph (B) of subsection (a)(3) of such section is amended, in the matter preceding clause (i), by striking "The committee" and inserting "In addition to the Director, the committee".

(2) REDUCTION IN MINIMUM FREQUENCY OF MEETINGS OF INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—Subparagraph (C) of such subsection is amended by striking "not less than 3 times a year" and inserting "not less frequently than once each year".

(3) EXPANSION OF DUTIES.—Subparagraph (D) of such subsection is amended to read as follows:

"(D) DUTIES.—

"(i) GENERAL DUTY.—The Interagency Coordinating Committee shall oversee the planning, management, and coordination of the Program.

"(ii) SPECIFIC DUTIES.—The duties of the Interagency Coordinating Committee include the following:

Deadline.
Plans.

"(I) Developing, not later than 6 months after the date of the enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2004 and updating periodically—

"(aa) a strategic plan that establishes goals and priorities for the Program activities described under subsection (a)(2); and

"(bb) a detailed management plan to implement such strategic plan.

"(II) Developing a coordinated interagency budget for the Program that will ensure appropriate balance among the Program activities described under subsection (a)(2), and, in accordance with the plans developed under subclause (I), submitting such budget to the Director of the Office of Management and Budget at the time designated by the Director for agencies to submit biennial budgets.

Memorandums.

"(III) Developing interagency memorandums of understanding with any relevant Federal agencies on data sharing and resource commitment in the event of an earthquake disaster.

"(IV) Coordinating with the Interagency Coordinating Committee on Windstorm Impact Reduction and other natural hazards coordination committees as the Director determines appropriate to share data and best practices.

"(V) Coordinating with the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Oceanic and Atmospheric Administration on data sharing and resource allocation to ensure judicious use of Government resources and the free-flowing exchange of information related to earthquakes.

"(VI) Coordinating with the Secretary of Agriculture and the Secretary of the Interior on the use of public lands for earthquake monitoring and research stations, and related data collection.

"(VII) Coordinating with the Secretary of Transportation and the Secretary of Housing and Urban Development on the effects of earthquakes on transportation and housing stocks.

"(iii) ASSISTANCE FROM SECRETARY OF AGRICULTURE AND SECRETARY OF THE INTERIOR.—To the extent practicable, the Secretary of Agriculture and the Secretary of the Interior shall expedite any request for a permit to use public land under clause (ii)(VI).".

(4) REDUCTION IN FREQUENCY OF REPORTING BY INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

(A) IN GENERAL.—Subsection (a)(4) of such section is amended—

(i) in the paragraph heading, by striking "ANNUAL" and inserting "BIENNIAL";

(ii) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and adjusting the indentation of the margin of such clauses, as so redesignated, two ems to the right;

(iii) in clause (v), as so redesignated, by striking "; and" and inserting a semicolon;

(iv) in clause (vi), as so redesignated, by striking the period at the end and inserting "; and";

(v) by inserting after clause (vi), as so redesignated, the following:

"(vii) a statement regarding whether the Administrator of the Federal Emergency Management Agency has lowered or waived the cost share requirement for assistance provided under subsection (b)(2)(A)(i).";

(vi) in the matter preceding clause (i), as so redesignated, by striking "The Interagency" and all that follows through "Senate" and inserting the following:

"(A) IN GENERAL.—Not less frequently than once every two years, the Interagency Coordinating Committee shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Homeland Security of the House of Representatives a report on the Program"; and

(vii) by adding at the end the following:

"(B) SUPPORT FOR PREPARATION OF REPORT.—Each head of a Program agency shall submit to the Director of the National Institute of Standards and Technology such information as the Director may request for the preparation of a report under subparagraph (A) not later than 90 days after the date on which the Director requests such information.". Deadline.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act. 42 USC 7704 note.

(c) MODIFICATION OF RESPONSIBILITIES OF NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and constructing," and inserting "constructing, evaluating, and retrofitting"; and

(B) in subparagraph (D), by inserting "provide new and" after "research to"; and

(2) in paragraph (5), in the matter preceding subparagraph (A), in the first sentence, by inserting "community resilience through" after "improve".

(d) MODIFICATION OF RESPONSIBILITIES OF FEDERAL EMERGENCY MANAGEMENT AGENCY.—Paragraph (2) of subsection (b) of such section is amended to read as follows:

"(2) DEPARTMENT OF HOMELAND SECURITY; FEDERAL EMERGENCY MANAGEMENT AGENCY.—

"(A) PROGRAM RESPONSIBILITIES.—The Administrator of the Federal Emergency Management Agency—

Grants.

"(i) shall operate a program of grants and assistance to enable States to develop mitigation, preparedness, and response plans, purchase necessary instrumentation, prepare inventories and conduct seismic safety inspections of critical structures and lifeline infrastructure, update building, land use planning, and zoning codes and ordinances to enhance seismic safety, increase earthquake awareness and education, and provide assistance to multi-State groups for such purposes;

"(ii) shall support the implementation of a comprehensive earthquake education, outreach, and public awareness program, including development of materials and their wide dissemination to all appropriate audiences and support public access to locality-specific information that may assist the public in preparing for, mitigating against, responding to and recovering from earthquakes and related disasters;

Guidelines.

"(iii) shall, in conjunction with the Director of the National Institute of Standards and Technology, other Federal agencies, and private sector groups, use research results to support the preparation, maintenance, and wide dissemination of seismic resistant design guidance and related information on building codes, standards, and practices for new and existing buildings, structures, and lifeline infrastructure, aid in the development of performance-based design guidelines and methodologies, and support model codes that are cost effective and affordable in order to promote better practices within the design and construction industry and reduce losses from earthquakes;

Contracts.

"(iv) shall enter into cooperative agreements or contracts with States and local jurisdictions and other Federal agencies to establish demonstration projects on earthquake hazard mitigation, to link earthquake research and mitigation efforts with emergency management programs, or to prepare educational materials for national distribution; and

"(v) shall support the Director of the National Institute of Standards and Technology in the completion of programmatic goals.

"(B) STATE ASSISTANCE PROGRAM CRITERIA.—In order to qualify for assistance under subparagraph (A)(i), a State must—

"(i) demonstrate that the assistance will result in enhanced seismic safety in the State;

"(ii) provide 25 percent of the costs of the activities for which assistance is being given, except that the Administrator may lower or waive the cost-share requirement for these activities for a small impoverished community, as defined in section 203 of the Disaster Relief Act of 1974 (42 U.S.C. 5133(a)); and

"(iii) meet such other requirements as the Administrator shall prescribe.".

(e) MODIFICATION OF RESPONSIBILITIES OF UNITED STATES GEOLOGICAL SURVEY.—Subsection (b)(3) of such section is amended—

(1) in the matter preceding subparagraph (A), in the first sentence—

(A) by inserting "report on significant domestic and international earthquakes and" after "Survey shall"; and

(B) by striking "predictions." and inserting "forecasts.";

(2) in subparagraph (C), by striking "predictions, including aftershock advisories" and inserting "alerts and early warnings";

(3) by striking subparagraph (D) and inserting the following:

"(D) issue when necessary and feasible, and notify the Administrator of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, and State and local officials, an alert and an earthquake warning;"; Notification.

(4) in subparagraph (E), in the matter preceding clause (i), by striking "using" and inserting "including";

(5) in subparagraph (I), by striking "; and" and inserting a semicolon;

(6) in subparagraph (J)—

(A) by inserting "and data" after "hazard maps"; and

(B) by striking the period at the end and inserting "; and"; and

(7) by adding at the end the following:

"(K) support the Director of the National Institute of Standards and Technology in the completion of programmatic goals.".

(f) MODIFICATION OF RESPONSIBILITIES OF NATIONAL SCIENCE FOUNDATION.—Subsection (b)(4) of such section is amended—

(1) in subparagraph (B), by inserting ", State agencies, State geological surveys," after "consortia";

(2) in subparagraph (C), by inserting "to support applied science in the production of a systematic series of earthquake-related geologic hazard maps, and" after "Survey";

(3) in subparagraph (D), by striking "large-scale experimental and computational facilities of the George E. Brown Jr. Network for Earthquake Engineering Simulation and other institutions engaged in research and the implementation of the National Earthquake Hazards Reduction Program" and inserting "experimental and computational facilities";

(4) in subparagraph (G), by striking "; and" and inserting a semicolon;

(5) in subparagraph (H), by striking the period at the end and inserting "; and";

(6) by adding at the end the following:

"(I) support the Director of the National Institute of Standards and Technology in the completion of programmatic goals.";

(7) by redesignating subparagraphs (A) through (I) as clauses (i) through (ix), respectively, and indenting such clauses accordingly;

(8) in the matter before clause (i), as redesignated by paragraph (7), in the first sentence, by striking "The National Science Foundation" and inserting the following:

"(A) IN GENERAL.—The National Science Foundation"; and

(9) by adding at the end the following:

"(B) IDENTIFICATION OF FUNDING.—The National Science Foundation shall—

"(i) to the extent practicable, note in any notice of Program funding or other funding possibilities under the Program that the funds are part of the Program;

"(ii) to the extent practicable, track the awarding of Federal funds through the Program; and

Reports.

"(iii) not less frequently than once every 2 years, submit to the director of the Program a report specifying the amount of Federal funds awarded to conduct research that enhances the understanding of earthquake science.".

SEC. 4. REVIEW OF THE NATIONAL EARTHQUAKE HAZARD REDUCTION PROGRAM.

Deadline.

(a) IN GENERAL.—As soon as practicable, but not later than such date as is necessary for the Comptroller General of the United States to submit the report required by subsection (c) in accordance with such subsection, the Comptroller General shall complete a review of Federal earthquake hazard risk reduction efforts.

(b) ELEMENTS.—The review conducted under subsection (a) shall include the following:

Assessment.

(1) A comprehensive assessment of—

(A) the extent to which the United States Geological Survey has identified the risks and hazards to the United States posed by earthquakes, including risks and hazards resulting from tsunamis and landslides that are generated by earthquakes;

(B) the efforts of the Federal Emergency Management Agency and the National Institute of Standards and Technology to improve the resilience of the United States to earthquakes and to identify important gaps in the resilience of the United States to earthquakes;

(C) the progress made by the National Institute of Standards and Technology and the Interagency Coordinating Committee (as defined in section 4 the Earthquake Hazards Reduction Act of 1977 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703)) to coordinate effectively the budget and activities of the Program agencies (as defined in such section 4) in advancing the plans and goals of the Program (as defined in such section 4) and how coordination among the Program agencies may be improved;

(D) the extent to which the results of research in earthquake risk and hazards reduction supported by the

National Science Foundation during the 40 years of the Program has been effectively disseminated to Federal, State, local, and private sector stakeholders; and

(E) the extent to which the research done during the 40 years of the Program has been applied to both public and private earthquake risk and hazards reduction.

(2) Recommendations to improve the Program and the resiliency of the United States to earthquake risks. Recommendations.

(c) REPORT.—As soon as practicable, but not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Space, and Technology, the Committee on Natural Resources, and the Committee on Homeland Security of the House of Representatives a report on the findings of the Comptroller General with respect to the review completed under subsection (a).

SEC. 5. SEISMIC STANDARDS.

Section 8 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705b) is amended to read as follows:

"SEC. 8. SEISMIC STANDARDS.

"(a) ASSESSMENT AND RECOMMENDATIONS.—Not later than December 1, 2019, the Director of the National Institute of Standards and Technology and the Administrator of the Federal Emergency Management Agency shall jointly convene a committee of experts from Federal agencies, nongovernmental organizations, private sector entities, disaster management professional associations, engineering professional associations, and professional construction and homebuilding industry associations, to assess and recommend options for improving the built environment and critical infrastructure to reflect performance goals stated in terms of post-earthquake reoccupancy and functional recovery time. Deadline.

"(b) REPORT TO CONGRESS.—Not later than June 30, 2020, the committee convened under paragraph (1) shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Space, and Technology, the Committee on Natural Resources, and the Committee on Homeland Security of the House of Representatives a report on recommended options for improving the built environment and critical infrastructure to reflect performance goals stated in terms of post-earthquake reoccupancy and functional recovery time.".

SEC. 6. MANAGEMENT PLAN FOR ADVANCED NATIONAL SEISMIC SYSTEM.

(a) PLAN REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the United States Geological Survey shall submit to Congress a 5-year management plan for the continued operation of the Advanced National Seismic System. Deadline.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Strategies to continue the development of an earthquake early warning system. Strategies.

(2) A mechanism for securing the participation of State and regional level earthquake monitoring entities, including those defunded by the Advanced National Seismic System in the last five years.

(3) A plan to encourage and support the integration of geodetic and geospatial data products into earthquake monitoring in regions experiencing large earthquakes.

(4) A plan to identify and evaluate existing data sets available across commercial, civil, and defense entities to determine if there are additional data sources to inform the development and deployment of the Advanced National Seismic System and an earthquake early warning system.

(5) A plan to ensure that there is an active, geographically diverse, management and advisory structure for the Advanced National Seismic System.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(8)—

(A) in subparagraph (D), by striking "and" at the end; and

(B) by inserting before the language following subparagraph (E) the following:

"(F) $8,758,000 for fiscal year 2019,

"(G) $8,758,000 for fiscal year 2020,

"(H) $8,758,000 for fiscal year 2021,

"(I) $8,758,000 for fiscal year 2022, and

"(J) $8,758,000 for fiscal year 2023,";

(2) in subsection (b)(2)—

(A) in subparagraph (D), by striking "; and" and inserting a semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(F) $83,403,000 for fiscal year 2019, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic System established under section 7707 of this title;

"(G) $83,403,000 for fiscal year 2020, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic System established under section 7707 of this title;

"(H) $83,403,000 for fiscal year 2021, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic System established under section 7707 of this title;

"(I) $83,403,000 for fiscal year 2022, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic System established under section 7707 of this title; and

"(J) $83,403,000 for fiscal year 2023, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic System established under section 7707 of this title.";

(3) in subsection (c)(2)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(F) $54,000,000 for fiscal year 2019,

"(G) $54,000,000 for fiscal year 2020,

"(H) $54,000,000 for fiscal year 2021,

"(I) $54,000,000 for fiscal year 2022, and

"(J) $54,000,000 for fiscal year 2023."; and

(4) in subsection (d)(2)—

(A) in subparagraph (D), by striking "and" at the end; and

(B) by inserting before the language following subparagraph (E) the following:

"(F) $5,900,000 for fiscal year 2019,

"(G) $5,900,000 for fiscal year 2020,

"(H) $5,900,000 for fiscal year 2021,

"(I) $5,900,000 for fiscal year 2022, and

"(J) $5,900,000 for fiscal year 2023.".

SEC. 8. TECHNICAL CORRECTIONS.

(a) CORRECTION OF TITLE OF ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended—

(1) in section 5 (42 U.S.C. 7704)—

(A) in subsection (a)(3)(B), as amended by section 3(b)(1) of this Act—

(i) in the matter preceding clause (i), by striking "the directors of";

(ii) in clause (i), by inserting "the Administrator of" before "the"; and

(iii) in clauses (ii) through (v), by inserting "the Director of" before "the" each place it appears; and

(B) in subsection (b)(3)(C), as amended by section 3(e), by striking "Director of the Federal" and inserting "Administrator of the Federal"; and

(2) in section 9 (42 U.S.C. 7705c), by striking "Director of the Agency" and inserting "Administrator of the Federal Emergency Management Agency" each place it appears.

(b) REFERENCES TO THE ADVANCED NATIONAL SEISMIC SYSTEM.—Such Act is amended—

(1) in section 13 (42 U.S.C. 7707), in the section heading, by striking "**ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM**" and inserting "**ADVANCED NATIONAL SEISMIC SYSTEM**"; and

(2) by striking "Advanced National Seismic Research and Monitoring System" each place it appears and inserting "Advanced National Seismic System".

(c) INCORRECT CROSS-REFERENCES.—Paragraph (4) of section 5(a) of such Act (42 U.S.C. 7704(a)), as amended by section 3(b)(4)(A) of this Act, is amended—

(1) in clauses (i) and (ii) of subparagraph (A), as redesignated by such section 3(b)(4)(A), by striking "subparagraph (3)(A)" both places it appears and inserting "paragraph (3)(D)(i)(I)"; and

(2) in clause (iii), as so redesignated, by striking "under (3)(A)" and inserting "under paragraph (3)(D)(i)(I)".

Approved December 11, 2018.

LEGISLATIVE HISTORY—S. 1768:

SENATE REPORTS: No. 115–336 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 27, considered and passed Senate.
Nov. 27, considered and passed House.

Public Law 115–308
115th Congress

An Act

To establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes.

Dec. 11, 2018
[S. 2074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the Stutsman County Park Board in Jamestown, North Dakota.

(2) GAME AND FISH HEADQUARTERS.—The term "game and fish headquarters" means the land depicted as "Game and Fish Headquarters" on the Map.

(3) JAMESTOWN RESERVOIR.—The term "Jamestown Reservoir" means the Jamestown Reservoir constructed as a unit of the Missouri-Souris Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665).

(4) MANAGEMENT AGREEMENT.—The term "Management Agreement" means the management agreement entitled "Management Agreement between the United States of America and Stutsman County Park Board for the Management, Development, Operation and Maintenance of Recreation and Related Improvements and Facilities at Jamestown Reservoir Stutsman County, North Dakota", numbered 15–LM–60–2255, and dated February 17, 2015.

(5) MAP.—The term "Map" means the map prepared by the Bureau of Reclamation, entitled "Jamestown Reservoir", and dated May 2018.

(6) PERMITTED CABIN LAND.—The term "permitted cabin land" means the land depicted as "Permitted Cabin Lands" on the Map.

(7) PROPERTY.—The term "property" means any cabin site located on permitted cabin land for which a permit is in effect on the date of enactment of this Act.

(8) RECREATION LAND.—The term "recreation land" means the land depicted as "Recreation and Public Purpose Lands" on the Map.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(10) STATE.—The term "State" means the State of North Dakota, acting through the North Dakota Game and Fish Department.

SEC. 2. CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.

(a) CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.—

Deadline.

(1) IN GENERAL.—Subject to the management requirements of paragraph (3) and the easements and reservations under section 4, not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the Board all right, title, and interest of the United States in and to—

(A) the recreation land; and

(B) the permitted cabin land.

(2) COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall convey the land described in paragraph (1) at no cost.

(B) TITLE TRANSFER; LAND SURVEYS.—As a condition of the conveyances under paragraph (1), the Board shall agree to pay all survey and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) MANAGEMENT.—

(A) RECREATION LAND.—The Board shall manage the recreation land conveyed under paragraph (1)—

(i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);

(ii) for public access;

(iii) for fish and wildlife habitat; or

(iv) to preserve the natural character of the recreation land.

(B) PERMITTED CABIN LAND.—The Board shall manage the permitted cabin land conveyed under paragraph (1)—

(i) for cabins or recreational residences in existence as of the date of enactment of this Act; or

(ii) for any of the recreation land management purposes described in subparagraph (A).

(4) HAYING AND GRAZING.—With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Board may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) REVERSION.—If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(c) SALE OF PERMITTED CABIN LAND BY BOARD.—

Determination.

(1) IN GENERAL.—If the Board sells any parcel of permitted cabin land conveyed under subsection (a)(1)(B), the parcel shall be sold at fair market value, as determined by a third-party appraiser in accordance with the Uniform Standards of Professional Appraisal Practice, subject to paragraph (2).

(2) IMPROVEMENTS.—For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by a permit holder shall not be included in the appraised value of the land.

(3) PROCEEDS FROM THE SALE OF LAND BY THE BOARD.—If the Board sells a parcel of permitted cabin land conveyed under subsection (a)(1)(B), the Board shall pay to the Secretary the amount of any proceeds of the sale that exceed the costs of preparing the sale by the Board.

(d) AVAILABILITY OF FUNDS TO THE SECRETARY.—Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, subject to the availability of appropriations made in advance, for activities relating to the operation of the Jamestown Dam and Reservoir.

SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS TO THE STATE.

(a) CONVEYANCE OF GAME AND FISH HEADQUARTERS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish headquarters continue to be used as a game and fish headquarters or substantially similar purposes. Deadline.

(b) REVERSION.—If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUTSTANDING RIGHTS.

(a) IN GENERAL.—Each conveyance to the Board or the State pursuant to this Act shall be made subject to—

(1) valid existing rights;

(2) operational requirements of the Pick-Sloan Missouri River Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665), including the Jamestown Reservoir;

(3) any flowage easement reserved by the United States to allow full operation of the Jamestown Reservoir for authorized purposes;

(4) reservations described in the Management Agreement;

(5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;

(6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable property or Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;

(7) a deed restriction that prohibits building any new permanent structure on property below an elevation of 1,454 feet; and

(8) the granting of applicable easements for—

(A) vehicular access to the property; and

(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access

is provided in the permit for use of the property as of the date of enactment of this Act.

(b) LIABILITY; TAKING.—

(1) LIABILITY.—The United States shall not be liable for flood damage to a property subject to a permit, the Board, or the State, or for damages arising out of any act, omission, or occurrence relating to a permit holder, the Board, or the State, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) TAKING.—Any temporary flooding or flood damage to the property of a permit holder, the Board, or the State, shall not be considered to be a taking by the United States.

Time period. Effective date.

SEC. 5. INTERIM REQUIREMENTS.

During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

Approved December 11, 2018.

LEGISLATIVE HISTORY—S. 2074 (H.R. 6039):

HOUSE REPORTS: No. 115–901 (Comm. on Natural Resources) accompanying H.R. 6039.

SENATE REPORTS: No. 115–314 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 164 (2018):

Oct. 4, considered and passed Senate.

Nov. 13, considered and passed House, amended.

Nov. 27, Senate concurred in House amendment.

Public Law 115–309
115th Congress

An Act

To redesignate a facility of the National Aeronautics and Space Administration.

Dec. 11, 2018
[S. 3389]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF NASA INDEPENDENT VERIFICATION AND VALIDATION FACILITY.

(a) REDESIGNATION.—The National Aeronautics and Space Administration Independent Verification and Validation Facility in Fairmont, West Virginia, is hereby redesignated as the "Katherine Johnson Independent Verification and Validation Facility".

(b) REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Katherine Johnson Independent Verification and Validation Facility".

Approved December 11, 2018.

LEGISLATIVE HISTORY—S. 3389:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed Senate.
Nov. 27, considered and passed House.

Public Law 115–310
115th Congress

An Act

Dec. 13, 2018
[H.R. 754]

To award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anwar Sadat Centennial Celebration Act.
31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anwar Sadat Centennial Celebration Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Anwar Sadat was born on December 25, 1918, in Mit Abu al-Kum, al-Minufiyah, Egypt, as 1 of 13 children in a poor Egyptian family.

(2) In 1938, Sadat graduated from the Royal Military Academy in Cairo and was appointed to the Signal Corps.

(3) Sadat entered the Army as a second lieutenant and was posted to Sudan where he met Gamal Abdel Nasser and fellow junior officers who became the "Free Officers" who led the Egyptian revolution of 1952.

(4) Sadat held various high positions during Nasser's presidency, assuming the role of President of the National Assembly in 1960 and Vice President in 1964.

(5) President Nasser died of a heart attack on September 28, 1970, at which point Sadat became acting President. Sadat was subsequently elected as the third President of Egypt.

(6) On October 6, 1973, President Sadat, along with his Syrian counterparts, launched an offensive against Israel. A permanent cease-fire was reached on October 25, 1973.

(7) In 1974, after talks facilitated by Secretary of State Henry Kissinger, Egypt and Israel signed an agreement allowing Egypt to formally retrieve land in the Sinai. President Sadat later wrote in his memoirs that his meetings with Kissinger "marked the beginning of a relationship of mutual understanding with the United States culminating and crystallizing in what we came to describe as a 'peace process'. Together we started that process and the United States still supports our joint efforts to this day".

(8) Months of diplomacy between Egypt and Israel followed the signing of this initial agreement and a second disengagement agreement, the Sinai Interim Agreement, was signed in September of 1975.

(9) President Sadat addressed a joint session of Congress on November 5, 1975, during which he underscored the shared

values between the United States and Egypt. In this speech, President Sadat addressed the path to peace, saying, "We are faced, together with other nations, with one of the greatest challenges of our time, namely the task of convincing this generation, and those to follow, that we can finally build a viable international system capable of meeting the demands of tomorrow and solving the problems of the coming age".

(10) On November 19, 1977, President Sadat became the first Arab leader to visit Israel, meeting with the Israeli Prime Minister, Menachem Begin. President Sadat spoke before the Israeli Knesset in Jerusalem about his views on how to achieve comprehensive peace in the Arab-Israeli conflict.

(11) Before commencing negotiations, President Sadat courageously announced to the Knesset, "I have come to you so that together we might build a durable peace based on justice, to avoid the shedding of 1 single drop of blood from an Arab or an Israeli. It is for this reason that I have proclaimed my readiness to go to the farthest corner of the world". President Sadat further poignantly stated that "any life lost in war is a human life, irrespective of its being that of an Israeli or an Arab. * * * When the bells of peace ring, there will be no hands to beat the drums of war".

(12) On September 17, 1978, President Jimmy Carter hosted President Sadat and Prime Minister Begin at Camp David where the 3 leaders engaged in 13 days of negotiations that resulted in the "Framework for Peace in the Middle East" (commonly known as the "Camp David Accords").

(13) Following negotiations, President Sadat and Prime Minister Begin signed the Egypt-Israel Peace Treaty (in this section referred to as the "Peace Treaty") at the White House on March 26, 1979. Addressing President Sadat at the signing of the Peace Treaty, which remains an important anchor for peace in the region today, Prime Minister Begin commended President Sadat by saying, "In the face of adversity and hostility, you have demonstrated the human value that can change history—civil courage".

(14) The Peace Treaty featured mutual recognition of each country by the other and ultimately the cessation of the state of war that had existed between Israel and Egypt since the 1948 Arab-Israeli War. Israel completely withdrew its armed forces and civilians from the rest of the Sinai.

(15) In 1978, both President Sadat and Prime Minister Begin were awarded the Nobel Peace Prize for signing the Peace Treaty, which made Egypt the first Arab country to officially recognize Israel.

(16) While presenting the Nobel Peace Prize to President Sadat, Aase Lionaes, Chairman of the Norwegian Nobel Committee, said, "During the 30 preceding years, the peoples of the Middle East have, on 4 separate occasions, been the victims of warfare and there seemed no prospect of peace. President Sadat's great contribution to peace was that he had sufficient courage and foresight to break away from this vicious circle. His decision to accept Prime Minister Menachem Begin's invitation of November 17, 1977, to attend a meeting of the Israeli parliament on November 19 was an act of great courage, both from a personal and from a political point of view. This was

a dramatic break with the past and a courageous step forward into a new age".

(17) During his Nobel lecture, President Sadat remarked, "I made my trip because I am convinced that we owe it to this generation and the generations to come not to leave a stone unturned in our pursuit of peace".

(18) In remarks to the People's Assembly in Cairo on March 10, 1979, President Carter praised President Sadat, telling the Assembly, "Your President has demonstrated the power of human courage and human vision to create hope where there had been only despair.". President Carter also said that the Peace Treaty would "strengthen cooperation between Egypt and the United States" and underscored the support of the United States for the agreement, saying, "I fully share and will support President Sadat's belief that stability must be maintained in this part of the world * * * He and I recognize that the security of this vital region is being challenged. I applaud his determination to meet that challenge, and my Government will stand with him".

(19) The signing of the Peace Treaty enraged many individuals who opposed normalized relations with Israel. President Sadat was assassinated on October 6, 1981, by Khalid Islambouli, a member of Egyptian Islamic Jihad. President Sadat was well aware of the controversy to which his actions would lead, but pushed for peace anyway.

(20) Upon the death of President Sadat, President Ronald Reagan proclaimed, "President Sadat was a courageous man whose vision and wisdom brought nations and people together. In a world filled with hatred, he was a man of hope. In a world trapped in the animosities of the past, he was a man of foresight, a man who sought to improve a world tormented by malice and pettiness".

(21) President Sadat is recognized in the United States and throughout the world as a respected leader and champion of peace whose vision provided a roadmap for the peaceful resolution of conflict that endures nearly 40 years after its inception.

(22) President Sadat bravely reached out to Israel and dedicated himself to peace, furthering the national security of Egypt and the stability of the Middle East.

(23) On the 30th anniversary of the Peace Treaty, President Barack Obama praised the enduring legacy of the Camp David Accords and the "courage and foresight of these leaders, who stood together in unity to change the course of our shared history". President Obama closed by saying, "Today, as we seek to expand the circle of peace among Arabs and Israelis, we take inspiration from what Israel and Egypt achieved 3 decades ago, knowing that the destination is worthy of the struggle".

(24) The Camp David Accords and the Peace Treaty continue to serve the interests of the United States by preserving peace and serving as a foundation for partnership and dialogue in a region fraught with conflict and division.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall

make appropriate arrangements for the posthumous award, on behalf of Congress, of a gold medal of appropriate design to Anwar Sadat in recognition of his achievements and heroic actions to attain comprehensive peace in the Middle East.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) PRESENTATION.— Jehan Sadat.

(1) IN GENERAL.—The gold medal referred to in subsection (a) shall be presented to—

(A)(i) the widow of Anwar Sadat, Jehan Sadat; or

(ii) if Jehan Sadat is unavailable, the next of kin of Jehan Sadat; and

(B) a representative of the Government of Egypt.

(2) AWARD OF MEDAL.—Following the presentation described in paragraph (1), the gold medal shall be given to—

(A) Jehan Sadat; or

(B) if Jehan Sadat is unavailable, the next of kin of Jehan Sadat.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved December 13, 2018.

LEGISLATIVE HISTORY—H.R. 754 (S. 266):

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed House.
Dec. 4, considered and passed Senate.

Public Law 115–311
115th Congress

An Act

Dec. 13, 2018
[H.R. 1207]

To designate the facility of the United States Postal Service located at 306 River Street in Tilden, Texas, as the "Tilden Veterans Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TILDEN VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 306 River Street in Tilden, Texas, shall be known and designated as the "Tilden Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tilden Veterans Post Office".

Approved December 13, 2018.

LEGISLATIVE HISTORY—H.R. 1207:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, considered and passed House.
Vol. 164 (2018): Mar. 7, considered and passed Senate, amended.
Nov. 29, House concurred in Senate amendment.

Public Law 115–312
115th Congress

An Act

To designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Walter H. Rice Federal Building and United States Courthouse".

Dec. 13, 2018
[S. 2377]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WALTER H. RICE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) IN GENERAL.—The Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, shall be known and designated as the "Walter H. Rice Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Walter H. Rice Federal Building and United States Courthouse".

Approved December 13, 2018.

LEGISLATIVE HISTORY—S. 2377:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 7, considered and passed Senate.
Nov. 30, considered and passed House.

Public Law 115–313
115th Congress

An Act

Dec. 13, 2018
[S. 3414]

To designate the facility of the United States Postal Service located at 20 Ferry Road in Saunderstown, Rhode Island, as the "Captain Matthew J. August Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN MATTHEW J. AUGUST POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 20 Ferry Road in Saunderstown, Rhode Island, shall be known and designated as the "Captain Matthew J. August Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Matthew J. August Post Office".

Approved December 13, 2018.

LEGISLATIVE HISTORY—S. 3414:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 15, considered and passed Senate.
Nov. 29, considered and passed House.

Public Law 115–314
115th Congress

An Act

To designate the facility of the United States Postal Service located at 105 Duff Street in Macon, Missouri, as the "Arla W. Harrell Post Office".

Dec. 13, 2018
[S. 3442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARLA W. HARRELL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 105 Duff Street in Macon, Missouri, shall be known and designated as the "Arla W. Harrell Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Arla W. Harrell Post Office".

Approved December 13, 2018.

LEGISLATIVE HISTORY—S. 3442:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 15, considered and passed Senate.
Nov. 29, considered and passed House.

Public Law 115–315
115th Congress

An Act

Dec. 14, 2018
[H.R. 3946]

To name the Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, the Ray Hendrix Department of Veterans Affairs Clinic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, STATESBORO, GEORGIA.

The Department of Veterans Affairs community-based outpatient clinic in Statesboro, Georgia, shall after the date of the enactment of this Act be known and designated as the "Ray Hendrix Department of Veterans Affairs Clinic" or the "Ray Hendrix VA Clinic". Any reference to such clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ray Hendrix Department of Veterans Affairs Clinic.

Approved December 14, 2018.

LEGISLATIVE HISTORY—H.R. 3946:

CONGRESSIONAL RECORD, Vol. 164 (2018):
May 21, considered and passed House.
Nov. 27, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendments.

Public Law 115–316
115th Congress

An Act

To designate the facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, as the "Corporal Jeffrey Allen Williams Post Office Building".

Dec. 14, 2018
[H.R. 4407]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORAL JEFFREY ALLEN WILLIAMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, shall be known and designated as the "Corporal Jeffrey Allen Williams Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Jeffrey Allen Williams Post Office Building".

Approved December 14, 2018.

LEGISLATIVE HISTORY—H.R. 4407:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Nov. 15, considered and passed Senate, amended.
Dec. 11, House concurred in Senate amendments.

Public Law 115–317
115th Congress

An Act

Dec. 14, 2018
[H.R. 5238]

To designate the facility of the United States Postal Service located at 1234 Saint Johns Place in Brooklyn, New York, as the "Major Robert Odell Owens Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR ROBERT ODELL OWENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1234 Saint Johns Place in Brooklyn, New York, shall be known and designated as the "Major Robert Odell Owens Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Robert Odell Owens Post Office".

Approved December 14, 2018.

LEGISLATIVE HISTORY—H.R. 5238:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Dec. 6, considered and passed Senate.

Public Law 115–318
115th Congress

An Act

To designate the facility of the United States Postal Service located at 413 Washington Avenue in Belleville, New Jersey, as the "Private Henry Svehla Post Office Building".

Dec. 14, 2018
[S. 3209]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE HENRY SVEHLA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 413 Washington Avenue in Belleville, New Jersey, shall be known and designated as the "Private Henry Svehla Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private Henry Svehla Post Office Building".

Approved December 14, 2018.

LEGISLATIVE HISTORY—S. 3209:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 15, considered and passed Senate.
Dec. 11, considered and passed House.

Public Law 115–319
115th Congress

An Act

Dec. 14, 2018
[S. 3237]

To designate the facility of the United States Postal Service located at 120 12th Street Lobby in Columbus, Georgia, as the "Richard W. Williams, Jr., Chapter of the Triple Nickles (555th P.I.A.) Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD W. WILLIAMS, JR., CHAPTER OF THE TRIPLE NICKLES (555TH P.I.A.) POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 12th Street Lobby in Columbus, Georgia, shall be known and designated as the "Richard W. Williams, Jr., Chapter of the Triple Nickles (555th P.I.A.) Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Richard W. Williams, Jr., Chapter of the Triple Nickles (555th P.I.A.) Post Office".

Approved December 14, 2018.

LEGISLATIVE HISTORY—S. 3237:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 15, considered and passed Senate.
Dec. 11, considered and passed House.

Public Law 115–320
115th Congress

An Act

To amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.

Dec. 17, 2018
[H.R. 315]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Improving Access to Maternity Care Act.
42 USC 201 note.

This Act may be cited as the "Improving Access to Maternity Care Act".

SEC. 2. MATERNITY CARE HEALTH PROFESSIONAL TARGET AREAS.

Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following new subsection:

"(k)(1) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall identify, based on the data collected under paragraph (3), maternity care health professional target areas that satisfy the criteria described in paragraph (2) for purposes of, in connection with receipt of assistance under this title, assigning to such identified areas maternity care health professionals who, without application of this subsection, would otherwise be eligible for such assistance. The Secretary shall distribute maternity care health professionals within health professional shortage areas using the maternity care health professional target areas so identified.

"(2) For purposes of paragraph (1), the Secretary shall establish criteria for maternity care health professional target areas that identify geographic areas within health professional shortage areas that have a shortage of maternity care health professionals.

Criteria.

"(3) For purposes of this subsection, the Secretary shall collect and publish in the Federal Register data comparing the availability and need of maternity care health services in health professional shortage areas and in areas within such health professional shortage areas.

Federal Register, publication.

"(4) In carrying out paragraph (1), the Secretary shall seek input from relevant provider organizations, including medical societies, organizations representing medical facilities, and other organizations with expertise in maternity care.

"(5) For purposes of this subsection, the term 'full scope maternity care health services' includes during labor care, birthing, prenatal care, and postpartum care.

Definition.

"(6) Nothing in this subsection shall be construed as—

"(A) requiring the identification of a maternity care health professional target area in an area not otherwise already designated as a health professional shortage area; or

"(B) affecting the types of health professionals, without application of this subsection, otherwise eligible for assistance, including a loan repayment or scholarship, pursuant to the application of this section.".

Approved December 17, 2018.

LEGISLATIVE HISTORY—H.R. 315:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Jan. 9, considered and passed House.
Vol. 164 (2018): Dec. 6, considered and passed Senate.

Public Law 115–321
115th Congress

An Act

To amend the National Law Enforcement Museum Act to allow the Museum to acquire, receive, possess, collect, ship, transport, import, and display firearms, and for other purposes.

Dec. 17, 2018
[H.R. 1417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Law Enforcement Museum Exhibits Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Museum Exhibits Act".

SEC. 2. AUTHORITY OF NATIONAL LAW ENFORCEMENT MUSEUM TO ACQUIRE, RECEIVE, POSSESS, COLLECT, SHIP, TRANSPORT, IMPORT, AND DISPLAY FIREARMS.

The National Law Enforcement Museum Act (Public Law 106–492) is amended by adding at the end the following:

"SEC. 5. AUTHORITY OF MUSEUM TO ACQUIRE, RECEIVE, POSSESS, COLLECT, SHIP, TRANSPORT, IMPORT, AND DISPLAY FIREARMS.

"(a) IN GENERAL.—Notwithstanding any other provision of Federal law, or any law or any rule or regulations of a State or any political subdivision thereof, the Museum may acquire, receive, possess, collect, ship, transport, import, and display firearms (as defined in section 921(a)(3) of title 18, United States Code, or section 5845(a) of the Internal Revenue Code of 1986) in fulfilling the purposes of the Museum.

"(b) DEFINITION OF STATE.—In subsection (a), the term 'State' means the several States, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the possessions of the United States.".

Approved December 17, 2018.

LEGISLATIVE HISTORY—H.R. 1417:

HOUSE REPORTS: No. 115–548 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
May 15, considered and passed House.
Dec. 6, considered and passed Senate.

Public Law 115–322
115th Congress

An Act

Dec. 17, 2018
[H.R. 1861]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Larry Doby Congressional Gold Medal Act.
31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Larry Doby Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Larry Doby was born in Camden, South Carolina, on December 13, 1923, and moved to Paterson, New Jersey, in 1938, where he became a standout four-sport athlete at Paterson Eastside High School;

(2) Larry Doby attended Long Island University on a basketball scholarship before enlisting in the United States Navy during World War II;

(3) upon his honorable discharge from the Navy in 1946, Larry Doby played baseball in the Negro National League for the Newark Eagles;

(4) after playing the 1946 season, Larry Doby's contract was purchased by the Cleveland Indians of the American League on July 3, 1947;

(5) on July 5, 1947, Larry Doby became the first African-American to play in the American League;

(6) Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 970 runs batted in;

(7) Larry Doby was voted to seven All-Star teams, led the American League in home runs twice, and played in two World Series;

(8) in 1948, Larry Doby helped lead the Cleveland Indians to a World Series Championship over the Boston Braves and became the first African-American player to hit a home run in a World Series game;

(9) after his stellar playing career ended, Larry Doby continued to make a significant contribution to his community;

(10) Larry Doby was a pioneer in the cause of civil rights and received honorary doctorate degrees from Long Island University, Princeton University, and Fairfield University;

(11) in 1978, Larry Doby became the manager of the Chicago White Sox, only the second African-American manager of a Major League Baseball team;

(12) Larry Doby was the Director of Community Relations for the New Jersey Nets of the National Basketball Association, where he was deeply involved in a number of inner-city youth programs; and

(13) Larry Doby was inducted to the National Baseball Hall of Fame in 1998.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, in honor of Larry Doby and in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) TRANSFER OF MEDAL AFTER PRESENTATION.—Following the presentation of the gold medal in honor of Larry Doby pursuant to subsection (a), the gold medal shall be given to his son, Larry Doby, Jr. Larry Doby, Jr.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved December 17, 2018.

LEGISLATIVE HISTORY—H.R. 1861:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 10, considered and passed House.
Dec. 6, considered and passed Senate.

Public Law 115–323
115th Congress

An Act

To amend the Real ID Act of 2005 to permit Freely Associated States to meet identification requirements under such Act, and for other purposes.

Dec. 17, 2018
[H.R. 3398]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REAL ID Act Modification for Freely Associated States Act.
49 USC 30101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "REAL ID Act Modification for Freely Associated States Act".

SEC. 2. AMENDMENT.

(a) DEFINITION OF STATE.—Section 201(5) of the Real ID Act of 2005 (49 U.S.C. 30301 note; Public Law 109–13) is amended by striking "the Trust Territory of the Pacific Islands,".

(b) EVIDENCE OF LAWFUL STATUS.—Section 202(c)(2)(B) of the REAL ID Act of 2005 (49 U.S.C. 30301 note; Public Law 109–13) is amended—

(1) in clause (viii), by striking "or" at the end;

(2) in clause (ix), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(x) is a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau who has been admitted to the United States as a nonimmigrant pursuant to a Compact of Free Association between the United States and the Republic or Federated States.".

Approved December 17, 2018.

LEGISLATIVE HISTORY—H.R. 3398:

HOUSE REPORTS: No. 115–945 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed House.
Dec. 6, considered and passed Senate.

Public Law 115–324
115th Congress

An Act

Dec. 17, 2018
[H.R. 6330]

To amend the Small Business Act to modify the method for prescribing size standards for business concerns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business Runway Extension Act of 2018.
15 USC 631 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Runway Extension Act of 2018".

SEC. 2. MODIFICATION TO METHOD FOR PRESCRIBING SIZE STANDARDS FOR BUSINESS CONCERNS.

Section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II)) is amended by striking "3 years" and inserting "5 years".

Approved December 17, 2018.

LEGISLATIVE HISTORY—H.R. 6330:

HOUSE REPORTS: No. 115–939 (Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed House.
Dec. 6, considered and passed Senate.

Public Law 115–325
115th Congress

An Act

To amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes.

Dec. 18, 2018
[S. 245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Indian Tribal Energy Development and Self-Determination Act Amendments of 2017.
25 USC 3101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Energy Development and Self-Determination Act Amendments of 2017".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS

Sec. 101. Indian tribal energy resource development.
Sec. 102. Indian tribal energy resource regulation.
Sec. 103. Tribal energy resource agreements.
Sec. 104. Technical assistance for Indian tribal governments.
Sec. 105. Conforming amendments.
Sec. 106. Report.

TITLE II—MISCELLANEOUS AMENDMENTS

Sec. 201. Issuance of preliminary permits or licenses.
Sec. 202. Tribal biomass demonstration project.
Sec. 203. Weatherization program.
Sec. 204. Appraisals.
Sec. 205. Leases of restricted lands for Navajo Nation.
Sec. 206. Extension of tribal lease period for the Crow Tribe of Montana.
Sec. 207. Trust status of lease payments.

TITLE I—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS

SEC. 101. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

Consultation.

"(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe."; and

(2) by adding at the end the following:

"(4) PLANNING.—

"(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

"(i) plans for electrification;

"(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission planning, water planning, and other planning relating to energy issues;

"(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

"(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

"(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.".

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ", intertribal organization," after "Indian tribe";

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following:

"(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;".

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting "or a tribal energy development organization" after "Indian tribe";

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "guarantee" and inserting "guaranteed";

(B) in subparagraph (A), by striking "or";

(C) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(C) a tribal energy development organization, from funds of the tribal energy development organization."; and

Deadline.

(3) in paragraph (5), by striking "The Secretary of Energy may" and inserting "Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, the Secretary of Energy shall".

SEC. 102. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by striking "on the request of an Indian tribe, the Indian tribe" and inserting "on the request of an Indian tribe or a tribal energy development organization, the Indian tribe or tribal energy development organization"; and

(2) in paragraph (2)(B), by inserting "or tribal energy development organization" after "Indian tribe".

SEC. 103. TRIBAL ENERGY RESOURCE AGREEMENTS.

(a) AMENDMENT.—Section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "or" after the semicolon at the end;

(ii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

"(i) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land; or"; and

(II) in clause (ii)—

(aa) by inserting ", at least a portion of which have been" after "energy resources";

(bb) by inserting "or produced from" after "developed on"; and

(cc) by striking "and" after the semicolon at the end and inserting "or"; and

(iii) by adding at the end the following:

"(C) pooling, unitization, or communitization of the energy mineral resources of the Indian tribe located on tribal land with any other energy mineral resource (including energy mineral resources owned by the Indian tribe or an individual Indian in fee, trust, or restricted status or by any other persons or entities) if the owner, or, if appropriate, lessee, of the resources has consented or consents to the pooling, unitization, or communitization of the other resources under any lease or agreement; and"; and

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

"(2) a lease or business agreement described in paragraph (1) shall not require review by, or the approval of, the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law (including regulations), if the lease or business agreement—

"(A) was executed—

"(i) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

"(ii) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

Time periods.

"(B) has a term that does not exceed—

"(i) 30 years; or

"(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities.";

(2) by striking subsection (b) and inserting the following:

"(b) RIGHTS-OF-WAY.—An Indian tribe may grant a right-of-way over tribal land without review or approval by the Secretary if the right-of-way—

"(1) serves—

"(A) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land;

"(B) a facility located on tribal land that extracts, produces, processes, or refines energy resources; or

"(C) the purposes, or facilitates in carrying out the purposes, of any lease or agreement entered into for energy resource development on tribal land;

"(2) was executed—

"(A) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

"(B) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

Time period.

"(3) has a term that does not exceed 30 years.";

(3) by striking subsection (d) and inserting the following:

"(d) VALIDITY.—No lease or business agreement entered into, or right-of-way granted, pursuant to this section shall be valid unless the lease, business agreement, or right-of-way is authorized by subsection (a) or (b).";

(4) in subsection (e)—

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

"(1) IN GENERAL.—

Effective date.

"(A) AUTHORIZATION.—On or after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, a qualified Indian tribe may submit to the Secretary a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

Deadline.

"(B) NOTICE OF COMPLETE PROPOSED AGREEMENT.—Not later than 60 days after the date on which the tribal energy resource agreement is submitted under subparagraph (A), the Secretary shall—

"(i) notify the Indian tribe as to whether the agreement is complete or incomplete;

"(ii) if the agreement is incomplete, notify the Indian tribe of what information or documentation is needed to complete the submission; and

"(iii) identify and notify the Indian tribe of the financial assistance, if any, to be provided by the Secretary to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the environmental review of individual projects.

"(C) EFFECT.—Nothing in this paragraph precludes the Secretary from providing any financial assistance at any time to the Indian tribe to assist in the implementation of the tribal energy resource agreement.";

(B) in paragraph (2)—

(i) by striking "(2)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(2) PROCEDURE.—

"(A) EFFECTIVE DATE.—

"(i) IN GENERAL.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the tribal energy resource agreement shall take effect, unless the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

"(ii) REVISED TRIBAL ENERGY RESOURCE AGREEMENT.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from a qualified Indian tribe under paragraph (4)(B), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).";

(ii) in subparagraph (B)—

(I) by striking "(B)" and all that follows through clause (ii) and inserting the following:

"(B) DISAPPROVAL.—The Secretary shall disapprove a tribal energy resource agreement submitted pursuant to paragraph (1) or (4)(B) only if—

"(i) a provision of the tribal energy resource agreement violates applicable Federal law (including regulations) or a treaty applicable to the Indian tribe;

"(ii) the tribal energy resource agreement does not include one or more provisions required under subparagraph (D); or"; and

(II) in clause (iii)—

(aa) in the matter preceding subclause (I), by striking "includes" and all that follows through "section—" and inserting "does not include provisions that, with respect to any lease, business agreement, or right-of-way to which the tribal energy resource agreement applies—";

(bb) by striking subclauses (I), (II), (V), (VIII), and (XV);

(cc) by redesignating clauses (III), (IV), (VI), (VII), (IX) through (XIV), and (XVI) as

clauses (I), (II), (III), (IV), (V) through (X), and (XI), respectively;

(dd) in item (bb) of subclause (XI) (as redesignated by item (cc))—

(AA) by striking "or tribal"; and

(BB) by striking the period at the end and inserting a semicolon; and

(ee) by adding at the end the following:

Certification.

"(XII) include a certification by the Indian tribe that the Indian tribe has—

Time period.

"(aa) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

"(bb) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe; and

"(XIII) at the option of the Indian tribe, identify which functions, if any, authorizing any operational or development activities pursuant to a lease, right-of-way, or business agreement approved by the Indian tribe, that the Indian tribe intends to conduct.";

(iii) in subparagraph (C)—

(I) by striking clauses (i) and (ii);

(II) by redesignating clauses (iii) through (v) as clauses (ii) through (iv), respectively; and

(III) by inserting before clause (ii) (as redesignated by subclause (II)) the following:

Public information.

"(i) a process for ensuring that—

"(I) the public is informed of, and has reasonable opportunity to comment on, any significant environmental impacts of the proposed action; and

"(II) the Indian tribe provides responses to relevant and substantive public comments on any impacts described in subclause (I) before the Indian tribe approves the lease, business agreement, or right-of-way;";

(iv) in subparagraph (D)(ii), by striking "subparagraph (B)(iii)(XVI)" and inserting "subparagraph (B)(iv)(XI)"; and

(v) by adding at the end the following:

"(F) EFFECTIVE PERIOD.—A tribal energy resource agreement that takes effect pursuant to this subsection shall remain in effect to the extent any provision of the tribal energy resource agreement is consistent with

applicable Federal law (including regulations), unless the tribal energy resource agreement is—

"(i) rescinded by the Secretary pursuant to paragraph (7)(D)(iii)(II); or

"(ii) voluntarily rescinded by the Indian tribe pursuant to the regulations promulgated under paragraph (8)(B) (or successor regulations).";

(C) in paragraph (4), by striking "date of disapproval" and all that follows through the end of subparagraph (C) and inserting the following: "date of disapproval, provide the Indian tribe with—

"(A) a detailed, written explanation of—

"(i) each reason for the disapproval; and

"(ii) the revisions or changes to the tribal energy resource agreement necessary to address each reason; and

"(B) an opportunity to revise and resubmit the tribal energy resource agreement.";

(D) in paragraph (6)—

(i) in subparagraph (B)—

(I) by striking "(B) Subject to" and inserting the following:

"(B) Subject only to"; and

(II) by striking "subparagraph (D)" and inserting "subparagraphs (C) and (D)";

(ii) in subparagraph (C), in the matter preceding clause (i), by inserting "to perform the obligations of the Secretary under this section and" before "to ensure"; and

(iii) in subparagraph (D), by adding at the end the following:

"(iii) Nothing in this section absolves, limits, or otherwise affects the liability, if any, of the United States for any—

"(I) term of any lease, business agreement, or right-of-way under this section that is not a negotiated term; or

"(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an obligation of the Secretary under this section.";

(E) in paragraph (7)—

(i) in subparagraph (A), by striking "has demonstrated" and inserting "the Secretary determines has demonstrated with substantial evidence"; Determination.

(ii) in subparagraph (B), by striking "any tribal remedy" and inserting "all remedies (if any) provided under the laws of the Indian tribe";

(iii) in subparagraph (D)—

(I) in clause (i), by striking "determine" and all that follows through the end of the clause and inserting the following: "determine—

"(I) whether the petitioner is an interested party; and

"(II) if the petitioner is an interested party, whether the Indian tribe is not in

compliance with the tribal energy resource agreement as alleged in the petition.";

(II) in clause (ii), by striking "determination" and inserting "determinations"; and

(III) in clause (iii), in the matter preceding subclause (I) by striking "agreement" the first place it appears and all that follows through ", including" and inserting "agreement pursuant to clause (i), the Secretary shall only take such action as the Secretary determines necessary to address the claims of noncompliance made in the petition, including";

(iv) in subparagraph (E)(i), by striking "the manner in which" and inserting ", with respect to each claim made in the petition, how"; and

(v) by adding at the end the following:

"(G) Notwithstanding any other provision of this paragraph, the Secretary shall dismiss any petition from an interested party that has agreed with the Indian tribe to a resolution of the claims presented in the petition of that party.";

(F) in paragraph (8)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (A) (as redesignated by clause (ii))—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by adding "and" after the semicolon; and

(III) by adding at the end the following:

"(iii) amend an approved tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of another energy resource that is not included in an approved tribal energy resource agreement without being required to apply for a new tribal energy resource agreement;" and

(G) by adding at the end the following:

"(9) EFFECT.—Nothing in this section authorizes the Secretary to deny a tribal energy resource agreement or any amendment to a tribal energy resource agreement, or to limit the effect or implementation of this section, due to lack of promulgated regulations.";

(5) by redesignating subsection (g) as subsection (j); and

(6) by inserting after subsection (f) the following:

"(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES BY THE SECRETARY.—

"(1) IN GENERAL.—Any amounts that the Secretary would otherwise expend to operate or carry out any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Department that, as a result of an Indian tribe carrying out activities under a tribal energy resource agreement, the Secretary does not expend, the Secretary shall, at the request of the Indian tribe, make available to the Indian tribe in accordance with this subsection.

"(2) ANNUAL FUNDING AGREEMENTS.—The Secretary shall make the amounts described in paragraph (1) available to an Indian tribe through an annual written funding agreement that is negotiated and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

"(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

"(A) the provision of amounts to an Indian tribe under this subsection is subject to the availability of appropriations; and

"(B) the Secretary shall not be required to reduce amounts for programs, functions, services, or activities that serve any other Indian tribe to make amounts available to an Indian tribe under this subsection.

"(4) DETERMINATION.—

"(A) IN GENERAL.—The Secretary shall calculate the amounts under paragraph (1) in accordance with the regulations adopted under section 103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017.

"(B) APPLICABILITY.—The effective date or implementation of a tribal energy resource agreement under this section shall not be delayed or otherwise affected by—

"(i) a delay in the promulgation of regulations under section 103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017;

"(ii) the period of time needed by the Secretary to make the calculation required under paragraph (1); or

"(iii) the adoption of a funding agreement under paragraph (2).

"(h) CERTIFICATION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—

"(1) IN GENERAL.—Not later than 90 days after the date on which an Indian tribe submits an application for certification of a tribal energy development organization in accordance with regulations promulgated under section 103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, the Secretary shall approve or disapprove the application. Deadline.

"(2) REQUIREMENTS.—The Secretary shall approve an application for certification if—

"(A)(i) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

"(ii) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application, the contract or compact— Time period.

"(I) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that were not corrected within the 3-year period); and

"(II) has included programs or activities relating to the management of tribal land; and

"(B)(i) the tribal energy development organization is organized under the laws of the Indian tribe;

"(ii)(I) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and one or more other Indian tribes) the tribal land of which is being developed; and

"(II) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

"(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and one or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and

"(iv) the organizing document of the tribal energy development organization includes a statement that the organization shall be subject to the jurisdiction, laws, and authority of the Indian tribe.

Deadline. Certification.

"(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall, not more than 10 days after making the determination—

"(A) issue a certification stating that—

"(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction, laws, and authority of the Indian tribe;

"(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and one or more other Indian tribes) the tribal land of which is being developed;

"(iii) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

"(iv) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and one or more other Indian tribes the tribal land of which is being developed) own and control at all times a majority of the interest in the tribal energy development organization; and

"(v) the certification is issued pursuant this subsection;

"(B) deliver a copy of the certification to the Indian tribe; and

Federal Register, publication.

"(C) publish the certification in the Federal Register.

"(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.".

Deadline. 25 USC 3504 note.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, the Secretary shall promulgate

or update any regulations that are necessary to implement this section, including provisions to implement—

(1) section 2604(e)(8) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)(8)), including the process to be followed by an Indian tribe amending an existing tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of an energy resource that is not included in the tribal energy resource agreement;

(2) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the manner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would have otherwise expended to operate or carry out each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) provide to the Indian tribe a list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B); and Lists.

(3) section 2604(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria and documentation required for, an Indian tribe to request and obtain the certification described in that section.

SEC. 104. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.". Collaboration.

SEC. 105. CONFORMING AMENDMENTS.

(a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—Section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively;

(2) by inserting after paragraph (8) the following:

"(9) The term 'qualified Indian tribe' means an Indian tribe that has—

"(A) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

"(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe."; and

(3) by striking paragraph (12) (as redesignated by paragraph (1)) and inserting the following:

"(12) The term 'tribal energy development organization' means—

"(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17 of the Act of June 18, 1934 (25 U.S.C. 5124) (commonly known as the "Indian Reorganization Act") or section 3 of the Act of June 26, 1936 (49 Stat. 1967, chapter 831) (commonly known as the 'Oklahoma Indian Welfare Act')); and

"(B) any organization of two or more entities, at least one of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.".

(b) INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.—Section 2602 of the Energy Policy Act of 1992 (25 U.S.C. 3502) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "tribal energy resource development organizations" and inserting "tribal energy development organizations"; and

(B) in paragraph (2), by striking "tribal energy resource development organizations" each place the term appears and inserting "tribal energy development organizations"; and

(2) in subsection (b)(2), by striking "tribal energy resource development organization" and inserting "tribal energy development organization".

(c) WIND AND HYDROPOWER FEASIBILITY STUDY.—Section 2606(c)(3) of the Energy Policy Act of 1992 (25 U.S.C. 3506(c)(3)) is amended by striking "energy resource development" and inserting "energy development".

(d) CONFORMING AMENDMENTS.—Section 2604(e) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is amended—

(1) in paragraph (3)—

(A) by striking "(3) The Secretary" and inserting the following:

"(3) NOTICE AND COMMENT; SECRETARIAL REVIEW.—The Secretary"; and

(B) by striking "for approval";

(2) in paragraph (4), by striking "(4) If the Secretary" and inserting the following:

"(4) ACTION IN CASE OF DISAPPROVAL.—If the Secretary";

(3) in paragraph (5)—

(A) by striking "(5) If an Indian tribe" and inserting the following:

"(5) PROVISION OF DOCUMENTS TO SECRETARY.—If an Indian tribe"; and

(B) in the matter preceding subparagraph (A), by striking "approved" and inserting "in effect";

(4) in paragraph (6)—

(A) by striking "(6)(A) In carrying out" and inserting the following:

"(6) SECRETARIAL OBLIGATIONS AND EFFECT OF SECTION.—

"(A) In carrying out";

(B) in subparagraph (A), by indenting clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking "approved" and inserting "in effect"; and

(D) in subparagraph (D)—

(i) in clause (i), by striking "an approved tribal energy resource agreement" and inserting "a tribal energy resource agreement in effect under this section"; and

(ii) in clause (ii), by striking "approved by the Secretary" and inserting "in effect"; and

(5) in paragraph (7)—

(A) by striking "(7)(A) In this paragraph" and inserting the following:

"(7) PETITIONS BY INTERESTED PARTIES.—

"(A) In this paragraph";

(B) in subparagraph (A), by striking "approved by the Secretary" and inserting "in effect";

(C) in subparagraph (B), by striking "approved by the Secretary" and inserting "in effect"; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking "approved"; and

(ii) in subclause (II)—

(I) by striking "approval of" in the first place it appears; and

(II) by striking "subsection (a) or (b)" and inserting "subsection (a)(2)(A)(i) or (b)(2)(A)".

SEC. 106. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that details with respect to activities for energy development on Indian land, how the Department of the Interior—

(1) processes and completes the reviews of energy-related documents in a timely and transparent manner;

(2) monitors the timeliness of agency review for all energy-related documents;

(3) maintains databases to track and monitor the review and approval process for energy-related documents associated with conventional and renewable Indian energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permission to survey;

(C) archeological and cultural surveys;

(D) access permits;

(E) environmental assessments;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) communitization agreements;

(4) identifies in the databases—

(A) the date lease applications and permits are received by the agency;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the start and end dates for any significant delays in the review process;

(5) tracks in the databases, for all energy-related leases, agreements, applications, and permits that involve multiple agency review—

(A) the dates documents are transferred between agencies;

(B) the status of the review;

(C) the date the required reviews are completed; and

(D) the date interim or final decisions are issued.

(b) INCLUSIONS.—The report under subsection (a) shall include—

(1) a description of any intermediate and final deadlines for agency action on any Secretarial review and approval required for Indian conventional and renewable energy exploration and development activities;

(2) a description of the existing geographic database established by the Bureau of Indian Affairs, explaining—

(A) how the database identifies—

(i) the location and ownership of all Indian oil and gas resources held in trust;

(ii) resources available for lease; and

(iii) the location of—

(I) any lease of land held in trust or restricted fee on behalf of any Indian tribe or individual Indian; and

(II) any rights-of-way on that land in effect;

(B) how the information from the database is made available to—

(i) the officials of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

TITLE II—MISCELLANEOUS AMENDMENTS

SEC. 201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking "States and municipalities" and inserting "States, Indian tribes, and municipalities".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect— 16 USC 800 note.

(1) any preliminary permit or original license issued before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017; or

(2) an application for an original license, if the Commission has issued a notice accepting that application for filing pursuant to section 4.32(d) of title 18, Code of Federal Regulations (or successor regulations), before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017.

(c) DEFINITION OF INDIAN TRIBE.—For purposes of section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) (as amended by subsection (a)), the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304). 16 USC 800 note.

SEC. 202. TRIBAL BIOMASS DEMONSTRATION PROJECT. 25 USC 3104 note.

(a) PURPOSE.—The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.

(b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—The Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.) is amended—

(1) in section 2(a), by striking "In this section" and inserting "In this Act"; and

(2) by adding at the end the following:

"SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT. 25 USC 3104 note.

"(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

"(b) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that

meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

"(c) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this section, an Indian tribe shall submit to the Secretary an application—

"(1) containing such information as the Secretary may require; and

"(2) that includes a description of—

"(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

"(B) the demonstration project proposed to be carried out by the Indian tribe.

"(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

"(1) take into consideration—

"(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

"(B) whether a proposed project would—

"(i) increase the availability or reliability of local or regional energy;

"(ii) enhance the economic development of the Indian tribe;

"(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

"(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

"(v) demonstrate new investments in infrastructure; or

"(vi) otherwise promote the use of woody biomass; and

"(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

"(e) IMPLEMENTATION.—The Secretary shall—

Public information. Deadline.

"(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

Consultation.

"(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

"(f) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

"(1) each individual tribal application received under this section; and

"(2) each contract and agreement entered into pursuant to this section.

"(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

"(h) TERM.—A contract or agreement entered into under this section—

"(1) shall be for a term of not more than 20 years; and

"(2) may be renewed in accordance with this section for not more than an additional 10 years.".

(c) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.— 25 USC 3104 note.

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term "Federal land" means—

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(B) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(C) SECRETARY.—The term "Secretary" means—

(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(D) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) AGREEMENTS.—For each of fiscal years 2017 through 2021, the Secretary shall enter into an agreement or contract with an Indian tribe or a tribal organization to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) by providing reliable supplies of woody biomass from Federal land.

(3) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 1 new demonstration project that meets the eligibility criteria described in paragraph (4) shall be carried out under contracts or agreements described in paragraph (2).

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Indian tribe or tribal organization shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and

(B) that includes a description of the demonstration project proposed to be carried out by the Indian tribe or tribal organization.

(5) SELECTION.—In evaluating the applications submitted under paragraph (4), the Secretary shall—

(A) take into consideration whether a proposed project would—

(i) increase the availability or reliability of local or regional energy;

(ii) enhance the economic development of the Indian tribe;

(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

(iv) improve the forest health or watersheds of Federal land or non-Federal land;

(v) demonstrate new investments in infrastructure; or

(vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

Public information. Deadline.

(A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and

Consultation.

(B) to the maximum extent practicable, consult with Indian tribes and appropriate tribal organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2019, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

(A) each individual application received under this subsection; and

(B) each contract and agreement entered into pursuant to this subsection.

(8) TERM.—A contract or agreement entered into under this subsection—

(A) shall be for a term of not more than 20 years; and

(B) may be renewed in accordance with this subsection for not more than an additional 10 years.

SEC. 203. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) RESERVATION OF AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

"(B) RESTRICTIONS.—Subparagraph (A) shall apply only if—

"(i) the tribal organization serving the low-income members of the applicable Indian tribe requests that the Secretary make a grant directly; and

"(ii) the Secretary determines that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly than a grant made to the State in which the low-income members reside. Determination.

"(C) PRESUMPTION.—If the tribal organization requesting the grant is a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that has operated without material audit exceptions (or without any material audit exceptions that were not corrected within a 3-year period), the Secretary shall presume that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly to the tribal organization than by a grant made to the State in which the low-income members reside.";

(2) in paragraph (2)—

(A) by striking "The sums" and inserting "ADMINISTRATION.—The amounts";

(B) by striking "on the basis of his determination";

(C) by striking "individuals for whom such a determination has been made" and inserting "low-income members of the Indian tribe"; and

(D) by striking "he" and inserting "the Secretary"; and

(3) in paragraph (3), by striking "In order" and inserting "APPLICATION.—In order".

SEC. 204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

"SEC. 2607. APPRAISALS. 25 USC 3507.

"(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, any appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

"(1) the Secretary;

"(2) the affected Indian tribe; or

"(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

"(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall— Deadline.

"(1) review the appraisal; and

"(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d). Deadline.

"(c) NOTICE OF DISAPPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should Determination.

be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

"(1) each reason for the disapproval; and

"(2) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d).

"(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section, including standards the Secretary shall use for approving or disapproving the appraisal described in subsection (a).".

SEC. 205. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) IN GENERAL.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the "Long-Term Leasing Act") (25 U.S.C. 415(e)(1)), is amended—

(1) by striking ", except a lease for" and inserting ", including a lease for";

(2) by striking subparagraph (A) and inserting the following:

"(A) in the case of a business or agricultural lease, 99 years;";

(3) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(C) in the case of a lease for the exploration, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

"(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

"(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.".

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a).

SEC. 206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE CROW TRIBE OF MONTANA.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting ", land held in trust for the Crow Tribe of Montana" after "Devils Lake Sioux Reservation".

25 USC 167.

SEC. 207. TRUST STATUS OF LEASE PAYMENTS.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means the Secretary of the Interior.

(b) TREATMENT OF LEASE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and at the request of the Indian tribe or individual Indian, any advance payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance

of any interest in any trust or restricted land of any Indian tribe or individual Indian shall, upon receipt and prior to Secretarial approval of the contract or conveyance instrument, be held in the trust fund system for the benefit of the Indian tribe and individual Indian from whose land the funds were generated.

(2) RESTRICTION.—If the advance payment, bid deposit, or other earnest money received by the Secretary results from competitive bidding, upon selection of the successful bidder, only the funds paid by the successful bidder shall be held in the trust fund system.

(c) USE OF FUNDS.—

(1) IN GENERAL.—On the approval of the Secretary of a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1), the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be disbursed to the Indian tribe or individual Indian landowners.

(2) ADMINISTRATION.—If a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1) is not approved by the Secretary, the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be paid to the party identified in, and in such amount and on such terms as set out in, the applicable regulations, advertisement, or other notice governing the proposed conveyance of the interest in the land at issue.

(d) APPLICABILITY.—This section shall apply to any advance payment, bid deposit, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian on or after the date of enactment of this Act.

Approved December 18, 2018.

LEGISLATIVE HISTORY—S. 245:

HOUSE REPORTS: No. 115–1057, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–84 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 29, considered and passed Senate.
Vol. 164 (2018): Dec. 10, considered and passed House.

Public Law 115–326
115th Congress

An Act

Dec. 18, 2018
[S. 825]

To provide for the conveyance of certain property to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Southeast Alaska Regional Health Consortium Land Transfer Act of 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Alaska Regional Health Consortium Land Transfer Act of 2017".

SEC. 2. CONVEYANCE OF PROPERTY.

Deadline.

(a) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall convey to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska (referred to in this Act as the "Consortium"), all right, title, and interest of the United States in and to the property described in section 3 for use in connection with health and social services programs.

(b) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deeds under this section shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in section 3 executed by the Secretary and the Consortium.

(c) CONDITIONS.—The conveyance of the property under this Act—

(1) shall be made by warranty deed; and

(2) shall not—

(A) require any consideration from the Consortium for the property;

(B) impose any obligation, term, or condition on the Consortium; or

(C) allow for any reversionary interest of the United States in the property.

SEC. 3. PROPERTY DESCRIBED.

The property, including all land and appurtenances, described in this section is the property included in U.S. Survey 1496, Lots 3, 5, 6, 9, 10, 11A, 11A Parcel A, and 11B, partially surveyed Township 55 South, Range 63 East of the Copper River Meridian, containing 19.07 acres, in Sitka, Alaska.

SEC. 4. ENVIRONMENTAL LIABILITY.

(a) LIABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Consortium shall not be liable for any soil, surface

water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in section 3 on or before the date on which the property is conveyed to the Consortium, except that the Secretary shall not be liable for any contamination that occurred after the date on which the Consortium controlled, occupied, and used such property.

(2) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in paragraph (1) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this Act as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this Act, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)). Compliance.

Approved December 18, 2018.

LEGISLATIVE HISTORY—S. 825:

HOUSE REPORTS: No. 115–619, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–173 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 29, considered and passed Senate.
Vol. 164 (2018): Dec. 10, 11, considered and passed House.

Public Law 115–327
115th Congress

An Act

Dec. 18, 2018
[S. 2465]

To amend the Public Health Service Act to reauthorize a sickle cell disease prevention and treatment demonstration program and to provide for sickle cell disease research, surveillance, prevention, and treatment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sickle Cell Disease and Other Heritable Blood Disorders Research, Surveillance, Prevention, and Treatment Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sickle Cell Disease and Other Heritable Blood Disorders Research, Surveillance, Prevention, and Treatment Act of 2018".

SEC. 2. DATA COLLECTION ON CERTAIN BLOOD DISORDERS.

Part A of title XI of the Public Health Service Act is amended by inserting after section 1105 (42 U.S.C. 300b–4) the following:

42 USC 300b–5.

"SEC. 1106. SICKLE CELL DISEASE AND OTHER HERITABLE BLOOD DISORDERS RESEARCH, SURVEILLANCE, PREVENTION, AND TREATMENT.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary may award grants related to heritable blood disorders, including sickle cell disease, for one or more of the following purposes:

"(A) To collect and maintain data on such diseases and conditions, including subtypes as applicable, and their associated health outcomes and complications, including for the purpose of—

"(i) improving national incidence and prevalence data;

"(ii) identifying health disparities, including the geographic distribution, related to such diseases and conditions;

Assessment.

"(iii) assessing the utilization of therapies and strategies to prevent complications; and

Evaluation.

"(iv) evaluating the effects of genetic, environmental, behavioral, and other risk factors that may affect such individuals.

"(B) To conduct public health activities with respect to such conditions, which may include—

Strategies.

"(i) developing strategies to improve health outcomes and access to quality health care for the screening for, and treatment and management of, such diseases and conditions, including through public-private partnerships;

"(ii) providing support to community-based organizations and State and local health departments in conducting education and training activities for patients, communities, and health care providers concerning such diseases and conditions;

"(iii) supporting State health departments and regional laboratories, including through training, in testing to identify such diseases and conditions, including specific forms of sickle cell disease, in individuals of all ages; and

"(iv) the identification and evaluation of best practices for treatment of such diseases and conditions, and prevention and management of their related complications. Evaluation.

"(2) POPULATION INCLUDED.—The Secretary shall, to the extent practicable, award grants under this subsection to eligible entities across the United States to improve data on the incidence and prevalence of heritable blood disorders, including sickle cell disease, and the geographic distribution of such diseases and conditions.

"(3) APPLICATION.—To seek a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(4) PRIORITY.—In awarding grants under this subsection, the Secretary may give priority, as appropriate, to eligible entities that have a relationship with a community-based organization that has experience in, or is capable of, providing services to individuals with heritable blood disorders, including sickle cell disease.

"(5) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of Marshall Islands, the Republic of Palau, Indian tribes, a State or local health department, an institution of higher education, or a nonprofit entity with appropriate experience to conduct the activities under this subsection.". Definition.

SEC. 3. SICKLE CELL DISEASE PREVENTION AND TREATMENT.

(a) REAUTHORIZATION.—Section 712(c) of the American Jobs Creation Act of 2004 (Public Law 108–357; 42 U.S.C. 300b–1 note) is amended—

(1) by striking "Sickle Cell Disease" each place it appears and inserting "sickle cell disease";

(2) in paragraph (1)(A), by striking "shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease" and inserting "shall continue efforts, including by awarding grants, to develop or establish mechanisms to improve the treatment of sickle cell disease, and to improve the prevention and treatment of complications of sickle cell disease, in populations with a high proportion of individuals with sickle cell disease";

(3) in paragraph (1)(B)—

(A) by striking clause (ii) (relating to priority); and

(B) by striking "GRANT AWARD REQUIREMENTS" and all that follows through "The Administrator shall" and inserting "GEOGRAPHIC DIVERSITY.—The Administrator shall";

(4) in paragraph (2), by adding the following new subparagraph at the end:

"(E) To provide or coordinate services for adolescents with sickle cell disease making the transition to adult health care."; and

(5) in paragraph (6), by striking "$10,000,000 for each of fiscal years 2005 through 2009" and inserting "$4,455,000 for each of fiscal years 2019 through 2023".

(b) TECHNICAL CHANGES.—Subsection (c) of section 712 of the American Jobs Creation Act of 2004 (Public Law 108–357; 42 U.S.C. 300b–1 note), as amended by subsection (a), is—

(1) transferred to the Public Health Service Act (42 U.S.C. 201 et seq.);

(2) redesignated as subsection (b); and

(3) inserted at the end of section 1106 of such Act, as added by section 2 of this Act.

SEC. 4. SENSE OF THE SENATE.

It is the Sense of the Senate that further research should be undertaken to expand the understanding of the causes of, and to find cures for, heritable blood disorders, including sickle cell disease.

Approved December 18, 2018.

LEGISLATIVE HISTORY—S. 2465 (H.R. 2410):

HOUSE REPORTS: No. 115–354 (Comm. on Energy and Commerce) accompanying H.R. 2410.

CONGRESSIONAL RECORD, Vol. 164 (2018):

Oct. 11, considered and passed Senate.

Dec. 11, considered and passed House.

Public Law 115–328
115th Congress

An Act

To revise and extend the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (PREEMIE Act).

Dec. 18, 2018
[S. 3029]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act of 2018" or the "PREEMIE Reauthorization Act of 2018".

SEC. 2. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

Section 2 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking "clinical, biological, social, environmental, genetic, and behavioral factors relating" and inserting "factors relating to prematurity, such as clinical, biological, social, environmental, genetic, and behavioral factors, and other determinants that contribute to health disparities and are related"; and

(B) in paragraph (2), by striking " concerning the progress and any results of studies conducted under paragraph (1)" and inserting "regarding activities and studies conducted under paragraph (1), including any applicable analyses of preterm birth. Such report shall be posted on the Internet website of the Department of Health and Human Services.";

Reports.
Web posting.

(2) by striking subsection (c) and inserting the following:

"(c) PREGNANCY RISK ASSESSMENT MONITORING SURVEY.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(1) continue systems for the collection of maternal-infant clinical and biomedical information, including electronic health records, electronic databases, and biobanks, to link with the Pregnancy Risk Assessment Monitoring System (PRAMS) and other epidemiological studies of prematurity in order to track, to the extent practicable, all pregnancy outcomes and prevent preterm birth; and

"(2) provide technical assistance, as appropriate, to support States in improving the collection of information pursuant to this subsection."; and

(3) in subsection (e), by striking "except for subsection (c), $1,880,000 for each of fiscal years 2014 through 2018" and inserting "$2,000,000 for each of fiscal years 2019 through 2023".

SEC. 3. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Section 399Q of the Public Health Service Act (42 U.S.C. 280g–5) is amended—

(1) in subsection (a)—

(A) by striking "conduct demonstration projects" and inserting "conduct activities, which may include demonstration projects"; and

(B) by striking "for babies born preterm" and inserting "mothers of infants born preterm, and infants born preterm, as appropriate"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "under the demonstration project";

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "programs to test and evaluate various strategies to provide" and inserting "programs, including those to test and evaluate strategies, which, in collaboration with States, localities, tribes, and community organizations, support the provision of";

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively;

(iii) by inserting after subparagraph (A), the following:

"(B) evidence-based strategies to prevent preterm birth and associated outcomes;";

(iv) in subparagraph (C), as so redesignated, by inserting ", and the risks of non-medically indicated deliveries before full term" before the semicolon;

(v) in subparagraph (D), as so redesignated—

(I) in clause (ii), by inserting "intake" before the semicolon;

(II) in clause (iii), by striking "and" at the end;

(III) by redesignating clause (iv) as clause (vii); and

(IV) by inserting after clause (iii), the following:

"(iv) screening for and treatment of substance use disorders;

"(v) screening for and treatment of maternal depression;

"(vi) maternal immunization; and";

(vi) in subparagraph (E), as so redesignated, by adding "and" after the semicolon;

(vii) in subparagraph (F), as so redesignated, by striking "; and" and inserting a period; and

(viii) by striking subparagraph (G), as so redesignated; and

(C) in paragraph (2), by inserting ", as well as prevention of a future preterm birth" before the semicolon.

SEC. 4. ADVISORY COMMITTEE ON MATERNAL AND INFANT HEALTH.

Section 104(b) of the PREEMIE Reauthorization Act (42 U.S.C. 247b–4f note) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "and recommendations to the Secretary concerning the following activities" and inserting ", recommendations, or information to the Secretary as may be necessary to improve activities and programs to reduce severe maternal morbidity, maternal mortality, infant mortality, and preterm birth, which may include recommendations, advice, or information related to the following";

(B) in subparagraph (A), by striking "and improving the health status of pregnant women and infants" and inserting ", preterm birth, and improving the health status of pregnant women and infants, and information on cost-effectiveness and outcomes of such programs";

(C) in subparagraph (C), by striking "Implementation of the" and inserting "The"; and

(D) by striking subparagraph (D) and inserting the following:

"(D) Implementation of Healthy People objectives related to maternal and infant health.

"(E) Strategies to reduce racial, ethnic, geographic, and other health disparities in birth outcomes, including by increasing awareness of Federal programs related to appropriate access to, or information regarding, prenatal care to address risk factors for preterm labor and delivery.

"(F) Strategies, including the implementation of such strategies, to address gaps in Federal research, programs, and education efforts related to the prevention of severe maternal morbidity, maternal mortality, infant mortality, and other adverse birth outcomes.";

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(3) by adding at the end the following:

"(4) BIENNIAL REPORT.—Not later than 1 year after the date of enactment of the PREEMIE Reauthorization Act of 2018, and every 2 years thereafter, the Advisory Committee shall—

"(A) publish a report summarizing activities and recommendations of the Advisory Committee since the publication of the previous report;

"(B) submit such report to the Secretary and the appropriate Committees of Congress; and

"(C) post such report on the Internet website of the Department of Health and Human Services.". Web posting.

SEC. 5. INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—The Secretary of Health and Human Services, in collaboration with other departments, as appropriate, may establish an interagency working group in order to improve coordination of programs and activities to prevent preterm birth, infant mortality, and related adverse birth outcomes.

(b) DUTIES.—The working group established under subsection (a) shall— Assessments.

(1) identify gaps, unnecessary duplication, and opportunities for improved coordination in Federal programs and activities related to preterm birth and infant mortality;

(2) assess the extent to which the goals and metrics of relevant programs and activities within the Department of Health and Human Services, and, as applicable, those in other departments, are aligned; and

(3) assess the extent to which such programs are coordinated across agencies within such Department; and

Recommendations.

(4) make specific recommendations, as applicable, to reduce or minimize gaps and unnecessary duplication, and improve coordination of goals, programs, and activities across agencies within such Department.

(c) REPORT.—Not later than 1 year after the date on which the working group is established under subsection (a), the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the findings of the working group under subsection (b) and the specific recommendations to improve Federal programs at the Department of Health and Human Services under subsection (b)(4).

Approved December 18, 2018.

LEGISLATIVE HISTORY—S. 3029:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed Senate.
Dec. 11, considered and passed House.

Public Law 115–329
115th Congress

An Act

To allow for the taking of sea lions on the Columbia River and its tributaries to protect endangered and threatened species of salmon and other nonlisted fish species.

Dec. 18, 2018
[S. 3119]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Endangered Salmon Predation Prevention Act. 16 USC 1361 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Endangered Salmon Predation Prevention Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) preventing predation by sea lions, recovery of listed salmonid stocks, and preventing future listings of fish stocks in the Columbia River under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is a vital priority; and

(2) the Federal Government should continue to fund lethal and nonlethal removal, and deterrence, measures for preventing such predation.

SEC. 3. TAKING OF SEA LIONS ON THE COLUMBIA RIVER AND ITS TRIBUTARIES TO PROTECT ENDANGERED AND THREATENED SPECIES OF SALMON AND OTHER NONLISTED FISH SPECIES.

Section 120(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389(f)) is amended to read as follows:

"(f) TEMPORARY MARINE MAMMAL REMOVAL AUTHORITY ON THE WATERS OF THE COLUMBIA RIVER OR ITS TRIBUTARIES.—

"(1) REMOVAL AUTHORITY.—Notwithstanding any other provision of this Act, the Secretary may issue a permit to an eligible entity to authorize the intentional lethal taking on the waters of the Columbia River and its tributaries of individually identifiable sea lions that are part of a population or stock that is not categorized under this Act as depleted or strategic for the purpose of protecting—

"(A) species of salmon, steelhead, or eulachon that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(B) species of lamprey or sturgeon that are not so listed as endangered or threatened but are listed as a species of concern.

"(2) PERMIT PROCESS.—

"(A) IN GENERAL.—An eligible entity may apply to the Secretary for a permit under this subsection.

"(B) TIMELINES AND PROCEDURES OF APPLICATION.—The timelines and procedures described in subsection (c) shall apply to applications for permits under this subsection in the same manner such timelines apply to applications under subsection (b).

"(C) COORDINATION.—The Secretary shall establish procedures to coordinate issuance of permits under this subsection, including application procedures and timelines, delegation and revocation of permits to and between eligible entities, monitoring, periodic review, and geographic, seasonal take, and species-specific considerations.

"(D) DURATION OF PERMIT.—A permit under this subsection shall be effective for a period of not more than 5 years, and may be renewed by the Secretary.

Determinations.

"(3) LIMITATIONS ON ANNUAL TAKINGS.—The Secretary shall apply the process for determining limitations on annual take of sea lions under subsection (c) to determinations on limitations under this subsection, and the cumulative number of sea lions authorized to be taken each year under all permits in effect under this subsection shall not exceed 10 percent of the annual potential biological removal level for sea lions.

"(4) QUALIFIED INDIVIDUALS.—Intentional lethal takings under this subsection shall—

"(A) be humane within the meaning of such term under section 3(4);

"(B) require that capture, husbandry, transportation, and euthanasia protocols are based on standards propagated by an Institutional Animal Care and Use Committee and that primary euthanasia be limited to humane chemical methods; and

"(C) be implemented by agencies or qualified individuals described in subsection (c)(4), or by individuals employed by the eligible entities described in paragraph (6).

Time period.
Consultation.
Determination.

"(5) SUSPENSION OF PERMITTING AUTHORITY.—If, 5 years after the date of the enactment of the Endangered Salmon Predation Prevention Act, the Secretary, after consulting with State and tribal fishery managers, determines that lethal removal authority is no longer necessary to protect salmonid and other fish species from sea lion predation, the Secretary shall suspend the issuance of permits under this subsection.

Washington.
Oregon.
Idaho.
Native Americans.

"(6) ELIGIBLE ENTITY DEFINED.—

"(A) DEFINITION.—In this subsection, the term 'eligible entity' means—

"(i) with respect to removal in the mainstem of the Columbia River, from river mile 112 to the McNary Dam and its tributaries in the State of Washington, and its tributaries in the State of Oregon above Bonneville Dam, the State of Washington, the State of Oregon, and the State of Idaho;

"(ii) with respect to removal in the mainstem Columbia River from river mile 112 to the McNary Dam and its tributaries within the State of Washington and in any of its tributaries above Bonneville Dam within the State of Oregon, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs

Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation; and

"(iii) with respect to removal in the Willamette River and other tributaries of the Columbia River within the State of Oregon below Bonneville Dam, a committee recognized by the Secretary under subparagraph (D).

"(B) DELEGATION AUTHORITY.—The Secretary may allow eligible entities described in clause (i) or (ii) of subparagraph (A) to delegate their authority under a permit under this subsection to the Columbia River Intertribal Fish Commission for removal in the mainstem of the Columbia River above river mile 112 and below McNary Dam, in the Columbia River tributaries in the State of Washington, or in tributaries within the State of Oregon above Bonneville Dam and below McNary Dam.

"(C) ADDITIONAL DELEGATION AUTHORITY.—The Secretary may allow an eligible entity described in subparagraph (A)(i) to delegate its authority under a permit under this subsection to any entity described in subclause (i) or (ii) of subparagraph (A) with respect to removal in the mainstem of the Columbia River above river mile 112 and below McNary Dam, in the Columbia River tributaries in the State of Washington, or in tributaries in the State of Oregon above Bonneville Dam and below McNary Dam.

"(D) COMMITTEE REQUIREMENTS.—

"(i) IN GENERAL.—The Secretary shall recognize a committee established in accordance with this subparagraph as being eligible for a permit under this subsection, for purposes of subparagraph (A)(iii).

"(ii) MEMBERSHIP.—A committee established under this subparagraph shall consist of the State of Oregon and each of the following:

"(I) The Confederated Tribes of Siletz Indians or the Confederated Tribes of the Grand Ronde Community, or both.

"(II) The Confederated Tribes of the Warm Springs or the Confederated Tribes of the Umatilla Reservation, or both.

"(iii) MAJORITY AGREEMENT REQUIRED.—A committee established under this subparagraph may take action with respect to a permit application and removal under this subsection only with majority agreement by the committee members.

"(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a committee established under this subparagraph.

"(7) INDIVIDUAL EXCEPTION.—For purposes of this subsection, any sea lion located upstream of river mile 112 and downstream of McNary Dam, or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead is deemed to be individually identifiable.

"(8) SIGNIFICANT NEGATIVE IMPACT EXCEPTION.—For purposes of this subsection, any sea lion located in the mainstem of the Columbia River upstream of river mile 112 and downstream of McNary Dam, or in any tributary to the Columbia

River that includes spawning habitat of threatened or endangered salmon or steelhead is deemed to be having a significant negative impact, within the meaning of subsection (b)(1).

"(9) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).".

16 USC 1389 note.

SEC. 4. TREATY RIGHTS OF FEDERALLY RECOGNIZED INDIAN TRIBES.

Nothing in this Act or the amendments made by this Act shall be construed to enlarge, confirm, adjudicate, affect, or modify any treaty or other right of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

Study.

SEC. 5. REPORT.

Not later than 3 years after the date of the enactment of this Act, the Secretary of Commerce shall study and report to Congress on the effects of deterrence and the lethal taking of sea lions on the recovery of endangered and threatened salmon and steelhead stocks in the waters of the Columbia River and the tributaries of the Columbia River subject to section 120(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389(f)), as amended by this Act.

Approved December 18, 2018.

LEGISLATIVE HISTORY—S. 3119 (H.R. 2083):

HOUSE REPORTS: No. 115–289 (Comm. on Natural Resources) accompanying H.R. 2083.

SENATE REPORTS: No. 115–400 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 6, considered and passed Senate.
Dec. 11, considered and passed House.

Public Law 115–330
115th Congress

An Act

To promote access for United States diplomats and other officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes.

Dec. 19, 2018
[H.R. 1872]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Reciprocal Access to Tibet Act of 2018.
8 USC 1182 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reciprocal Access to Tibet Act of 2018".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Government of the People's Republic of China does not grant United States diplomats and other officials, journalists, and other citizens access to China on a basis that is reciprocal to the access that the Government of the United States grants Chinese diplomats and other officials, journalists, and citizens.

(2) The Government of China imposes greater restrictions on travel to Tibetan areas than to other areas of China.

(3) Officials of China have stated that Tibet is open to foreign visitors.

(4) The Government of China is promoting tourism in Tibetan areas, and at the Sixth Tibet Work Forum in August 2015, Premier Li Keqiang called for Tibet to build "major world tourism destinations".

(5) The Government of China requires foreigners to obtain permission from the Tibet Foreign and Overseas Affairs Office or from the Tibet Tourism Bureau to enter the Tibet Autonomous Region, a restriction that is not imposed on travel to any other provincial-level jurisdiction in China.

(6) The Department of State reports that—

(A) officials of the Government of the United States submitted 39 requests for diplomatic access to the Tibet Autonomous Region between May 2011 and July 2015, but only four were granted; and

(B) when such requests are granted, diplomatic personnel are closely supervised and given few opportunities to meet local residents not approved by authorities.

(7) The Government of China delayed United States consular access for more than 48 hours after an October 28, 2013, bus crash in the Tibet Autonomous Region, in which three citizens of the United States died and more than a dozen others, all from Walnut, California, were injured, undermining

the ability of the Government of the United States to provide consular services to the victims and their families, and failing to meet China's obligations under the Convention on Consular Relations, done at Vienna April 24, 1963 (21 UST 77).

(8) Following a 2015 earthquake that trapped dozens of citizens of the United States in the Tibet Autonomous Region, the United States Consulate General in Chengdu faced significant challenges in providing emergency consular assistance due to a lack of consular access.

(9) The Country Reports on Human Rights Practices for 2015 of the Department of State stated "With the exception of a few highly controlled trips, the Chinese government also denied multiple requests by foreign diplomats for permission to visit the TAR.".

(10) Tibetan-Americans, attempting to visit their homeland, report having to undergo a discriminatory visa application process, different from what is typically required, at the Chinese embassy and consulates in the United States, and often find their requests to travel denied.

(11) The Country Reports on Human Rights Practices for 2016 of the Department of State stated "The few visits to the TAR by diplomats and journalists that were allowed were tightly controlled by local authorities.".

(12) A September 2016 article in the Washington Post reported that "The Tibet Autonomous Region . . . is harder to visit as a journalist than North Korea.".

(13) The Government of China has failed to respond positively to requests from the Government of the United States to open a consulate in Lhasa, Tibet Autonomous Region.

(14) The Foreign Correspondents Club of China reports that—

(A) 2008 rules prevent foreign reporters from visiting the Tibet Autonomous Region without prior permission from the Government of such Region;

(B) such permission has only rarely been granted; and

(C) although the 2008 rules allow journalists to travel freely in other parts of China, Tibetan areas outside such Region remain "effectively off-limits to foreign reporters".

(15) The Department of State reports that in addition to having to obtain permission to enter the Tibet Autonomous Region, foreign tourists—

(A) must be accompanied at all times by a government-designated tour guide;

(B) are rarely granted permission to enter the region by road;

(C) are largely barred from visiting around the March anniversary of a 1959 Tibetan uprising; and

(D) are banned from visiting the area where Larung Gar, the world's largest center for the study of Tibetan Buddhism, and the site of a large-scale campaign to expel students and demolish living quarters, is located.

(16) Foreign visitors also face restrictions in their ability to travel freely in Tibetan areas outside the Tibet Autonomous Region.

(17) The Government of the United States generally allows journalists and other citizens of China to travel freely within the United States. The Government of the United States

requires diplomats from China to notify the Department of State of their travel plans, and in certain situations, the Government of the United States requires such diplomats to obtain approval from the Department of State before travel. However, where approval is required, it is almost always granted expeditiously.

(18) The United States regularly grants visas to Chinese diplomats and other officials, scholars, and others who travel to the United States to discuss, promote, and display the perspective of the Government of China on the situation in Tibetan areas, even as the Government of China restricts the ability of citizens of the United States to travel to Tibetan areas to gain their own perspective.

(19) Chinese diplomats based in the United States generally avail themselves of the freedom to travel to United States cities and lobby city councils, mayors, and governors to refrain from passing resolutions, issuing proclamations, or making statements of concern on Tibet.

(20) The Government of China characterizes statements made by officials of the United States about the situation in Tibetan areas as inappropriate interference in the internal affairs of China.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(2) TIBETAN AREAS.—The term "Tibetan areas" includes—

(A) the Tibet Autonomous Region; and

(B) the areas that the Chinese Government designates as Tibetan Autonomous, as follows:

(i) Kanlho (Gannan) Tibetan Autonomous Prefecture, and Pari (Tianzhu) Tibetan Autonomous County located in Gansu Province.

(ii) Golog (Guoluo) Tibetan Autonomous Prefecture, Malho (Huangnan) Tibetan Autonomous Prefecture, Tsojang (Haibei) Tibetan Autonomous Prefecture, Tsolho (Hainan) Tibetan Autonomous Prefecture, Tsonub (Haixi) Mongolian and Tibetan Autonomous Prefecture, and Yulshul (Yushu) Tibetan Autonomous Prefecture, located in Qinghai Province.

(iii) Garze (Ganzi) Tibetan Autonomous Prefecture, Ngawa (Aba) Tibetan and Qiang Autonomous Prefecture, and Muli (Mili) Tibetan Autonomous County, located in Sichuan Province.

(iv) Dechen (Diqing) Tibetan Autonomous Prefecture, located in Yunnan Province.

SEC. 4. ANNUAL REPORT ON ACCESS TO TIBETAN AREAS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following five years, the Secretary of State shall submit to the appropriate congressional committees, and make available to the public on the website of the Department of State, a report that includes

Time period. Public information. Web posting. Assessment.

an assessment of the level of access Chinese authorities granted diplomats and other officials, journalists, and tourists from the United States to Tibetan areas, including—

(1) a comparison with the level of access granted to other areas of China;

(2) a comparison between the levels of access granted to Tibetan and non-Tibetan areas in relevant provinces;

(3) a comparison of the level of access in the reporting year and the previous reporting year; and

(4) a description of the required permits and other measures that impede the freedom to travel in Tibetan areas.

(b) CONSOLIDATION.—After the issuance of the first report required by subsection (a), the Secretary of State is authorized to incorporate subsequent reports required by subsection (a) into other publicly available, annual reports produced by the Department of State, provided they are submitted to the appropriate congressional committees in a manner specifying that they are being submitted in fulfillment of the requirements of this Act.

SEC. 5. INADMISSIBILITY OF CERTAIN ALIENS.

Determination.

(a) INELIGIBILITY FOR VISAS.—No individual whom the Secretary of State has determined to be substantially involved in the formulation or execution of policies related to access for foreigners to Tibetan areas may be eligible to receive a visa to enter the United States or be admitted to the United States if the Secretary of State determines that—

(1)(A) the requirement for specific official permission for foreigners to enter the Tibetan Autonomous Region remains in effect; or

(B) such requirement has been replaced by a regulation that has a similar effect and requires foreign travelers to gain a level of permission to enter the Tibet Autonomous Region that is not required for travel to other provinces in China; and

(2) restrictions on travel by diplomats and other officials, journalists, and citizens of the United States to areas designated as "Tibetan Autonomous" in the provinces of Sichuan, Qinghai, Yunnan, and Gansu of China are greater than any restrictions on travel by such officials and citizens to areas in such provinces that are not so designated.

(b) CURRENT VISAS REVOKED.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation to enter or be present in the United States issued for an alien who would be ineligible to receive such a visa or documentation under subsection (a).

Time period.
List.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the following five years, the Secretary of State shall provide to the appropriate congressional committees a report identifying the individuals who have had visas denied or revoked pursuant to this section during the preceding year and, to the extent practicable, a list of Chinese officials who were substantially involved in the formulation or execution of policies to restrict access of United States diplomats and other officials, journalists, and citizens of the United States to Tibetan areas. The report required by this

subsection shall be submitted in unclassified form, but may include a classified annex.

(d) WAIVER FOR NATIONAL INTEREST.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if the Secretary determines that such a waiver— Determination.

(A) is necessary to permit the United States to comply with the Agreement Regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947 (TIAS 1676), or any other applicable international obligation of the United States; or

(B) is in the national interest of the United States.

(2) NOTIFICATION.—Upon granting a waiver under paragraph (1), the Secretary of State shall submit to the appropriate congressional committees a document detailing the evidence and justification for the necessity of such waiver, including, if such waiver is granted pursuant to paragraph (1)(B), how such waiver relates to the national interest of the United States.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of State, when granting diplomats and other officials from China access to parts of the United States, including consular access, should take into account the extent to which the Government of China grants diplomats and other officials from the United States access to parts of China, including the level of access afforded to such diplomats and other officials to Tibetan areas.

Approved December 19, 2018.

LEGISLATIVE HISTORY—H.R. 1872:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 115–331
115th Congress

An Act

Dec. 19, 2018
[H.R. 2454]

To direct the Secretary of Homeland Security to establish a data framework to provide access for appropriate personnel to law enforcement and other information of the Department, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Homeland Security Data Framework Act of 2018.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Data Framework Act of 2018".

6 USC 126.

SEC. 2. DEPARTMENT OF HOMELAND SECURITY DATA FRAMEWORK.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Secretary of Homeland Security shall develop a data framework to integrate existing Department of Homeland Security datasets and systems, as appropriate, for access by authorized personnel in a manner consistent with relevant legal authorities and privacy, civil rights, and civil liberties policies and protections.

(2) REQUIREMENTS.—In developing the framework required under paragraph (1), the Secretary of Homeland Security shall ensure, in accordance with all applicable statutory and regulatory requirements, the following information is included:

(A) All information acquired, held, or obtained by an office or component of the Department of Homeland Security that falls within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence.

(B) Any information or intelligence relevant to priority mission needs and capability requirements of the homeland security enterprise, as determined appropriate by the Secretary.

(b) DATA FRAMEWORK ACCESS.—

Determination.

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the data framework required under this section is accessible to employees of the Department of Homeland Security who the Secretary determines—

(A) have an appropriate security clearance;

(B) are assigned to perform a function that requires access to information in such framework; and

(C) are trained in applicable standards for safeguarding and using such information.

(2) GUIDANCE.—The Secretary of Homeland Security shall—

(A) issue guidance for Department of Homeland Security employees authorized to access and contribute to the data framework pursuant to paragraph (1); and

(B) ensure that such guidance enforces a duty to share between offices and components of the Department when accessing or contributing to such framework for mission needs.

(3) EFFICIENCY.—The Secretary of Homeland Security shall promulgate data standards and instruct components of the Department of Homeland Security to make available information through the data framework required under this section in a machine-readable standard format, to the greatest extent practicable. Standards.

(c) EXCLUSION OF INFORMATION.—The Secretary of Homeland Security may exclude information from the data framework required under this section if the Secretary determines inclusion of such information may— Determination.

(1) jeopardize the protection of sources, methods, or activities;

(2) compromise a criminal or national security investigation;

(3) be inconsistent with other Federal laws or regulations; or

(4) be duplicative or not serve an operational purpose if included in such framework.

(d) SAFEGUARDS.—The Secretary of Homeland Security shall incorporate into the data framework required under this section systems capabilities for auditing and ensuring the security of information included in such framework. Such capabilities shall include the following:

(1) Mechanisms for identifying insider threats.

(2) Mechanisms for identifying security risks.

(3) Safeguards for privacy, civil rights, and civil liberties.

(e) DEADLINE FOR IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security shall ensure the data framework required under this section has the ability to include appropriate information in existence within the Department of Homeland Security to meet the critical mission operations of the Department of Homeland Security.

(f) NOTICE TO CONGRESS.—

(1) STATUS UPDATES.—The Secretary of Homeland Security shall submit to the appropriate congressional committees regular updates on the status of the data framework until the framework is fully operational.

(2) OPERATIONAL NOTIFICATION.—Not later than 60 days after the date on which the data framework required under this section is fully operational, the Secretary of Homeland Security shall provide notice to the appropriate congressional committees that the data framework is fully operational. Deadline.

(3) VALUE ADDED.—The Secretary of Homeland Security shall annually brief Congress on component use of the data framework required under this section to support operations that disrupt terrorist activities and incidents in the homeland. Briefing.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE; HOMELAND.—The terms "appropriate congressional committee" and "homeland" have the meaning given those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) HOMELAND SECURITY INFORMATION.—The term "homeland security information" has the meaning given such term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).

(3) NATIONAL INTELLIGENCE.—The term "national intelligence" has the meaning given such term in section 3(5) of the National Security Act of 1947 (50 U.S.C. 3003(5)).

(4) TERRORISM INFORMATION.—The term "terrorism information" has the meaning given such term in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

Approved December 19, 2018.

LEGISLATIVE HISTORY—H.R. 2454 (S. 2397):

SENATE REPORTS: No. 115–380 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 2397.

CONGRESSIONAL RECORD:

Vol. 163 (2017): Sept. 12, considered and passed House.

Vol. 164 (2018): Dec. 6, considered and passed Senate, amended.
Dec. 12, House concurred in Senate amendment.

Public Law 115–332
115th Congress

An Act

To amend title 28, United States Code, to permit other courts to transfer certain cases to United States Tax Court.

Dec. 19, 2018
[H.R. 3996]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Access to the Courts for Taxpayers Act.
28 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Access to the Courts for Taxpayers Act".

SEC. 2. TRANSFER OF CERTAIN CASES.

Section 1631 of title 28, United States Code, is amended by inserting "(or, for cases within the jurisdiction of the United States Tax Court, to that court)" after "any other such court".

Approved December 19, 2018.

LEGISLATIVE HISTORY—H.R. 3996:

HOUSE REPORTS: No. 115–598 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 14, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 115–333
115th Congress

An Act

Dec. 19, 2018
[H.R. 4111]

To amend the Small Business Investment Act of 1958 to improve the number of small business investment companies in underlicensed States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Spurring Business in Communities Act of 2017.
15 USC 661 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spurring Business in Communities Act of 2017".

SEC. 2. IMPROVING THE NUMBER OF SMALL BUSINESS INVESTMENT COMPANIES IN UNDERLICENSED STATES.

The Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended—

(1) in section 103 (15 U.S.C. 662)—

(A) in paragraph (18)(E), by striking "and" at the end;

(B) in paragraph (19), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

Definition.

"(20) the term 'underlicensed State' means a State in which the number of licensees per capita is less than the median number of licensees per capita for all States, as calculated by the Administrator.";

(2) in section 301(c) (15 U.S.C. 681(c))—

(A) in paragraph (3)—

(i) in subparagraph (B)(iii), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

Determination.

"(D) shall give first priority to an applicant that is located in an underlicensed State with below median financing, as determined by the Administrator."; and

(B) in paragraph (4)(B)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(iii) by amending clause (i), as so redesignated, to read as follows:

"(i) is located in a State that—

"(I) is not served by a licensee; or

"(II) is an underlicensed State; and"; and

(3) in section 308(g) (15 U.S.C. 687(g))—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting "and licensing" after "financing";

(ii) by redesignating subparagraphs (C) through (J) as subparagraphs (E) through (L), respectively; and

(iii) by inserting after subparagraph (B) the following:

"(C) Steps taken by the Administration to improve the number of licensees in underlicensed States.

"(D) The Administration's plans to support States that seek to increase the number of licensees in the State."; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(E) the geographic dispersion of licensees in each State compared to the population of the State, identifying underlicensed States.".

Approved December 19, 2018.

LEGISLATIVE HISTORY—H.R. 4111 (S. 1995):

SENATE REPORTS: No. 115–449 (Comm. on Small Business and Entrepreneurship) accompanying S. 1995.

CONGRESSIONAL RECORD, Vol. 164 (2018):

May 8, considered and passed House.

Dec. 6, considered and passed Senate.

Public Law 115–334
115th Congress

An Act

Dec. 20, 2018
[H.R. 2]

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Agriculture Improvement Act of 2018.

7 USC 9001 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agriculture Improvement Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—COMMODITIES

Subtitle A—Commodity Policy

Sec. 1101. Definition of effective reference price.
Sec. 1102. Base acres.
Sec. 1103. Payment yields.
Sec. 1104. Payment acres.
Sec. 1105. Producer election.
Sec. 1106. Price loss coverage.
Sec. 1107. Agriculture risk coverage.
Sec. 1108. Repeal of transition assistance for producers of upland cotton.

Subtitle B—Marketing Loans

Sec. 1201. Extensions.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Economic adjustment assistance for textile mills.
Sec. 1204. Special competitive provisions for extra long staple cotton.
Sec. 1205. Availability of recourse loans.

Subtitle C—Sugar

Sec. 1301. Sugar policy.

Subtitle D—Dairy Margin Coverage and Other Dairy Related Provisions

Sec. 1401. Dairy margin coverage.
Sec. 1402. Reauthorizations.
Sec. 1403. Class I skim milk price.
Sec. 1404. Dairy product donation.

Subtitle E—Supplemental Agricultural Disaster Assistance

Sec. 1501. Supplemental agricultural disaster assistance.

Subtitle F—Noninsured Crop Assistance

Sec. 1601. Noninsured crop assistance program.

Subtitle G—Administration

Sec. 1701. Regulations.
Sec. 1702. Suspension of permanent price support authority.

Sec. 1703. Payment limitations.
Sec. 1704. Adjusted gross income limitations.
Sec. 1705. Farm Service Agency accountability.
Sec. 1706. Implementation.
Sec. 1707. Exemption from certain reporting requirements for certain producers.

TITLE II—CONSERVATION

Subtitle A—Wetland Conservation

Sec. 2101. Wetland conversion.
Sec. 2102. Wetland conservation.
Sec. 2103. Mitigation banking.

Subtitle B—Conservation Reserve Program

Sec. 2201. Conservation reserve.
Sec. 2202. Conservation reserve enhancement program.
Sec. 2203. Farmable wetland program.
Sec. 2204. Pilot programs.
Sec. 2205. Duties of owners and operators.
Sec. 2206. Duties of the Secretary.
Sec. 2207. Payments.
Sec. 2208. Contracts.
Sec. 2209. Eligible land; State law requirements.

Subtitle C—Environmental Quality Incentives Program and Conservation Stewardship Program

Sec. 2301. Repeal of conservation programs.
Sec. 2302. Purposes of environmental quality incentives program.
Sec. 2303. Definitions under environmental quality incentives program.
Sec. 2304. Establishment and administration of environmental quality incentives program.
Sec. 2305. Environmental quality incentives program plan.
Sec. 2306. Limitation on payments under environmental quality incentives program.
Sec. 2307. Conservation innovation grants and payments.
Sec. 2308. Conservation stewardship program.
Sec. 2309. Grassland conservation initiative.

Subtitle D—Other Conservation Programs

Sec. 2401. Watershed protection and flood prevention.
Sec. 2402. Soil and water resources conservation.
Sec. 2403. Emergency conservation program.
Sec. 2404. Conservation of private grazing land.
Sec. 2405. Grassroots source water protection program.
Sec. 2406. Voluntary public access and habitat incentive program.
Sec. 2407. Wildlife management.
Sec. 2408. Feral swine eradication and control pilot program.
Sec. 2409. Report on small wetlands.
Sec. 2410. Sense of Congress relating to increased watershed-based collaboration.

Subtitle E—Funding and Administration

Sec. 2501. Commodity Credit Corporation.
Sec. 2502. Delivery of technical assistance.
Sec. 2503. Administrative requirements for conservation programs.
Sec. 2504. Temporary administration of conservation programs.

Subtitle F—Agricultural Conservation Easement Program

Sec. 2601. Establishment and purposes.
Sec. 2602. Definitions.
Sec. 2603. Agricultural land easements.
Sec. 2604. Wetland reserve easements.
Sec. 2605. Administration.

Subtitle G—Regional Conservation Partnership Program

Sec. 2701. Establishment and purposes.
Sec. 2702. Definitions.
Sec. 2703. Regional conservation partnerships.
Sec. 2704. Assistance to producers.
Sec. 2705. Funding.
Sec. 2706. Administration.

Sec. 2707. Critical conservation areas.

Subtitle H—Repeals and Technical Amendments

PART I—REPEALS

Sec. 2811. Repeal of Conservation Corridor Demonstration Program.
Sec. 2812. Repeal of cranberry acreage reserve program.
Sec. 2813. Repeal of National Natural Resources Foundation.
Sec. 2814. Repeal of flood risk reduction.
Sec. 2815. Repeal of study of land use for expiring contracts and extension of authority.
Sec. 2816. Repeal of Integrated Farm Management Program Option.
Sec. 2817. Repeal of clarification of definition of agricultural lands.

PART II—TECHNICAL AMENDMENTS

Sec. 2821. Technical amendments.
Sec. 2822. State technical committees.

TITLE III—TRADE

Subtitle A—Food for Peace Act

Sec. 3101. Labeling requirements.
Sec. 3102. Food aid quality assurance.
Sec. 3103. Local sale and barter of commodities.
Sec. 3104. Minimum levels of assistance.
Sec. 3105. Food aid consultative group.
Sec. 3106. Issuance of regulations.
Sec. 3107. Oversight, monitoring, and evaluation.
Sec. 3108. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.
Sec. 3109. Consideration of impact of provision of agricultural commodities and other assistance on local farmers and economy.
Sec. 3110. Allowance for distribution costs.
Sec. 3111. Prepositioning of agricultural commodities.
Sec. 3112. Annual report regarding food aid programs and activities.
Sec. 3113. Deadline for agreements to finance sales or to provide other assistance.
Sec. 3114. Minimum level of nonemergency food assistance.
Sec. 3115. Termination date for micronutrient fortification programs.
Sec. 3116. John Ogonowski and Doug Bereuter Farmer-to-Farmer program.

Subtitle B—Agricultural Trade Act of 1978

Sec. 3201. Agricultural trade promotion and facilitation.

Subtitle C—Other Agricultural Trade Laws

Sec. 3301. Growing American Food Exports.
Sec. 3302. Food for Progress Act of 1985.
Sec. 3303. Bill Emerson Humanitarian Trust Act.
Sec. 3304. Promotion of agricultural exports to emerging markets.
Sec. 3305. Cochran fellowship program.
Sec. 3306. Borlaug International Agricultural Science and Technology Fellowship program.
Sec. 3307. International Agricultural Education Fellowship program.
Sec. 3308. International food security technical assistance.
Sec. 3309. McGovern-Dole International Food for Education and Child Nutrition program.
Sec. 3310. Global Crop Diversity Trust.
Sec. 3311. Local and regional food aid procurement projects.
Sec. 3312. Foreign trade missions.

TITLE IV—NUTRITION

Subtitle A—Supplemental Nutrition Assistance Program

Sec. 4001. Requirements for online acceptance of benefits.
Sec. 4002. Re-evaluation of thrifty food plan.
Sec. 4003. Food distribution program on Indian reservations.
Sec. 4004. Simplified homeless housing costs.
Sec. 4005. Employment and training for supplemental nutrition assistance program.
Sec. 4006. Improvements to electronic benefit transfer system.
Sec. 4007. Review of supplemental nutrition assistance program operations.
Sec. 4008. Retail incentives.

Sec. 4009. Required action on data match information.
Sec. 4010. Incentivizing technology modernization.
Sec. 4011. Interstate data matching to prevent multiple issuances.
Sec. 4012. Requirement of live-production environments for certain pilot projects relating to cost sharing for computerization.
Sec. 4013. Quality control improvements.
Sec. 4014. Evaluation of child support enforcement cooperation requirements.
Sec. 4015. Longitudinal data for research.
Sec. 4016. Authorization of appropriations.
Sec. 4017. Assistance for community food projects.
Sec. 4018. Emergency food assistance program.
Sec. 4019. Nutrition education.
Sec. 4020. Retail food store and recipient trafficking.
Sec. 4021. Public-private partnerships.
Sec. 4022. Technical corrections.

Subtitle B—Commodity Distribution Programs

Sec. 4101. Commodity distribution program.
Sec. 4102. Commodity supplemental food program.
Sec. 4103. Distribution of surplus commodities to special nutrition projects.
Sec. 4104. Food donation standards.

Subtitle C—Miscellaneous

Sec. 4201. Seniors farmers' market nutrition program.
Sec. 4202. Purchase of fresh fruits and vegetables for distribution to schools and service institutions.
Sec. 4203. Service of traditional foods in public facilities.
Sec. 4204. Healthy food financing initiative.
Sec. 4205. The Gus Schumacher nutrition incentive program.
Sec. 4206. Micro-grants for food security.
Sec. 4207. Buy American requirements.
Sec. 4208. Healthy fluid milk incentives projects.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

Sec. 5101. Modification of the 3-year experience eligibility requirement for farm ownership loans.
Sec. 5102. Conservation loan and loan guarantee program.
Sec. 5103. Limitations on amount of farm ownership loans.
Sec. 5104. Relending program to resolve ownership and succession on farmland.

Subtitle B—Operating Loans

Sec. 5201. Limitations on amount of operating loans.
Sec. 5202. Microloans.
Sec. 5203. Cooperative lending pilot projects.

Subtitle C—Administrative Provisions

Sec. 5301. Beginning farmer and rancher individual development accounts pilot program.
Sec. 5302. Loan authorization levels.
Sec. 5303. Loan fund set-asides.
Sec. 5304. Use of additional funds for direct operating microloans under certain conditions.
Sec. 5305. Equitable relief.
Sec. 5306. Socially disadvantaged farmers and ranchers; qualified beginning farmers and ranchers.
Sec. 5307. Emergency loan eligibility.

Subtitle D—Miscellaneous

Sec. 5401. Technical corrections to the Consolidated Farm and Rural Development Act.
Sec. 5402. State agricultural mediation programs.
Sec. 5403. Compensation of bank directors.
Sec. 5404. Sharing of privileged and confidential information.
Sec. 5405. Facility headquarters.
Sec. 5406. Removal and prohibition authority; industry-wide prohibition.
Sec. 5407. Jurisdiction over institution-affiliated parties.
Sec. 5408. Definition of institution-affiliated party.
Sec. 5409. Prohibition on use of funds.

Sec. 5410. Expansion of acreage exception to loan amount limitation.
Sec. 5411. Repeal of obsolete provisions; technical corrections.
Sec. 5412. Corporation as conservator or receiver; certain other powers.
Sec. 5413. Reporting.
Sec. 5414. Study on loan risk.
Sec. 5415. GAO report on ability of the Farm Credit System to meet the agricultural credit needs of Indian tribes and their members.
Sec. 5416. GAO report on credit service to socially disadvantaged farmers and ranchers.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Improving Health Outcomes in Rural America

Sec. 6101. Combating substance use disorder in rural America; prioritizations.
Sec. 6102. Distance learning and telemedicine.
Sec. 6103. Refinancing of certain rural hospital debt.

Subtitle B—Connecting Rural Americans to High Speed Broadband

Sec. 6201. Access to broadband telecommunications services in rural areas.
Sec. 6202. Expansion of middle mile infrastructure into rural areas.
Sec. 6203. Modifications to the Rural Gigabit Program.
Sec. 6204. Community Connect Grant Program.
Sec. 6205. Outdated broadband systems.
Sec. 6206. Default and deobligation; deferral.
Sec. 6207. Public notice, assessments, and reporting requirements.
Sec. 6208. Environmental reviews.
Sec. 6209. Use of loan proceeds to refinance loans for deployment of broadband service.
Sec. 6210. Smart utility authority for broadband.
Sec. 6211. Refinancing of telephone loans.
Sec. 6212. Federal broadband program coordination.
Sec. 6213. Transition rule.
Sec. 6214. Rural broadband integration working group.

Subtitle C—Miscellaneous

Sec. 6301. Exclusion of certain populations from definition of rural area.
Sec. 6302. Establishment of technical assistance program.
Sec. 6303. Rural energy savings program.
Sec. 6304. Northern Border Regional Commission reauthorization.
Sec. 6305. Definition of rural area for purposes of the Housing Act of 1949.
Sec. 6306. Council on Rural Community Innovation and Economic Development.

Subtitle D—Additional Amendments to the Consolidated Farm and Rural Development Act

Sec. 6401. Strategic economic and community development.
Sec. 6402. Expanding access to credit for rural communities.
Sec. 6403. Water, waste disposal, and wastewater facility grants.
Sec. 6404. Rural water and wastewater technical assistance and training programs.
Sec. 6405. Rural water and wastewater circuit rider program.
Sec. 6406. Tribal college and university essential community facilities.
Sec. 6407. Emergency and imminent community water assistance grant program.
Sec. 6408. Water systems for rural and native villages in Alaska.
Sec. 6409. Rural decentralized water systems.
Sec. 6410. Solid waste management grants.
Sec. 6411. Rural business development grants.
Sec. 6412. Rural cooperative development grants.
Sec. 6413. Locally or regionally produced agricultural food products.
Sec. 6414. Appropriate technology transfer for rural areas program.
Sec. 6415. Rural economic area partnership zones.
Sec. 6416. Intemediary relending program.
Sec. 6417. Access to information to verify income for participants in certain rural housing programs.
Sec. 6418. Providing for additional fees for guaranteed loans under the Consolidated Farm and Rural Development Act.
Sec. 6419. Rural Business-Cooperative Service programs technical assistance and training.
Sec. 6420. National Rural Development Partnership.
Sec. 6421. Grants for NOAA weather radio transmitters.
Sec. 6422. Rural microentrepreneur assistance program.
Sec. 6423. Health care services.
Sec. 6424. Rural innovation stronger economy grant program.

Sec. 6425. Delta Regional Authority.
Sec. 6426. Rural business investment program.
Sec. 6427. Rural business investment program.

Subtitle E—Additional Amendments to the Rural Electrification Act of 1936

Sec. 6501. Amendments to section 2 of the Rural Electrification Act of 1936.
Sec. 6502. Loans for telephone service.
Sec. 6503. Cushion of credit payments program.
Sec. 6504. Extension of the rural economic development loan and grant program.
Sec. 6505. Guarantees for bonds and notes issued for electrification or telephone purposes.
Sec. 6506. Expansion of 911 access.
Sec. 6507. Cybersecurity and grid security improvements.

Subtitle F—Program Repeals

Sec. 6601. Elimination of unfunded programs.
Sec. 6602. Repeal of Rural Telephone Bank.
Sec. 6603. Amendments to LOCAL TV Act.

Subtitle G—Technical Corrections

Sec. 6701. Corrections relating to the Consolidated Farm and Rural Development Act.
Sec. 6702. Corrections relating to the Rural Electrification Act of 1936.

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

Sec. 7101. Purposes of agricultural research, extension, and education.
Sec. 7102. Matters related to certain school designations and declarations.
Sec. 7103. National Agricultural Research, Extension, Education, and Economics Advisory Board.
Sec. 7104. Specialty crop committee.
Sec. 7105. Renewable energy committee discontinued.
Sec. 7106. Veterinary services grant program.
Sec. 7107. Grants and fellowships for food and agriculture sciences education.
Sec. 7108. Agricultural and food policy research centers.
Sec. 7109. Education grants to Alaska Native serving institutions and Native Hawaiian serving institutions.
Sec. 7110. Next generation agriculture technology challenge.
Sec. 7111. Land-grant designation.
Sec. 7112. Nutrition education program.
Sec. 7113. Continuing animal health and disease research programs.
Sec. 7114. Carryover of funds for extension at 1890 land-grant colleges, including Tuskegee University.
Sec. 7115. Extension and agricultural research at 1890 land-grant colleges, including Tuskegee University.
Sec. 7116. Reports on disbursement of funds for agricultural research and extension at 1862 and 1890 land-grant colleges, including Tuskegee University.
Sec. 7117. Scholarships for students at 1890 institutions.
Sec. 7118. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.
Sec. 7119. Grants to upgrade agriculture and food sciences facilities and equipment at insular area land-grant institutions.
Sec. 7120. New Beginning for Tribal Students.
Sec. 7121. Hispanic-serving institutions.
Sec. 7122. Binational agricultural research and development.
Sec. 7123. Partnerships to build capacity in international agricultural research, extension, and teaching.
Sec. 7124. Competitive grants for international agricultural science and education programs.
Sec. 7125. Limitation on indirect costs for agricultural research, education, and extension programs.
Sec. 7126. Research equipment grants.
Sec. 7127. University research.
Sec. 7128. Extension service.
Sec. 7129. Supplemental and alternative crops; hemp.
Sec. 7130. New Era Rural Technology program.
Sec. 7131. Capacity building grants for NLGCA Institutions.
Sec. 7132. Agriculture advanced research and development authority pilot.

Sec. 7133. Aquaculture assistance programs.
Sec. 7134. Rangeland research programs.
Sec. 7135. Special authorization for biosecurity planning and response.
Sec. 7136. Distance education and resident instruction grants program for insular area institutions of higher education.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 7201. Best utilization of biological applications.
Sec. 7202. Integrated management systems.
Sec. 7203. Sustainable agriculture technology development and transfer program.
Sec. 7204. National training program.
Sec. 7205. National strategic germplasm and cultivar collection assessment and utilization plan.
Sec. 7206. National Genetics Resources Program.
Sec. 7207. National Agricultural Weather Information System.
Sec. 7208. Agricultural genome to phenome initiative.
Sec. 7209. High-priority research and extension initiatives.
Sec. 7210. Organic agriculture research and extension initiative.
Sec. 7211. Farm business management.
Sec. 7212. Urban, indoor, and other emerging agricultural production research, education, and extension initiative.
Sec. 7213. Centers of excellence at 1890 Institutions.
Sec. 7214. Clarification of veteran eligibility for assistive technology program for farmers with disabilities.
Sec. 7215. National Rural Information Center Clearinghouse.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

Sec. 7301. National food safety training, education, extension, outreach, and technical assistance program.
Sec. 7302. Integrated research, education, and extension competitive grants program.
Sec. 7303. Support for research regarding diseases of wheat, triticale, and barley caused by Fusarium graminearum or by Tilletia indica.
Sec. 7304. Grants for youth organizations.
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7 USC 9001 note.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture.

TITLE I—COMMODITIES

Subtitle A—Commodity Policy

SEC. 1101. DEFINITION OF EFFECTIVE REFERENCE PRICE.

Section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011) is amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) EFFECTIVE REFERENCE PRICE.—The term 'effective reference price', with respect to a covered commodity for a crop year, means the lesser of the following:

"(A) An amount equal to 115 percent of the reference price for such covered commodity.

"(B) An amount equal to the greater of—

"(i) the reference price for such covered commodity; or

"(ii) 85 percent of the average of the marketing year average price of the covered commodity for the

most recent 5 crop years, excluding each of the crop years with the highest and lowest marketing year average price.".

SEC. 1102. BASE ACRES.

(a) TECHNICAL CORRECTIONS.—Section 1112(c)(2) of the Agricultural Act of 2014 (7 U.S.C. 9012(c)(2)) is amended by striking subparagraph (A) and inserting the following:

"(A) Any acreage on the farm enrolled in—

"(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); or

"(ii) a wetland reserve easement under section 1265C of the Food Security Act of 1985 (16 U.S.C. 3865c).".

(b) REDUCTION IN BASE ACRES.—Section 1112(d) of the Agricultural Act of 2014 (7 U.S.C. 9012(d)) is amended by adding at the end the following:

"(3) TREATMENT OF BASE ACRES ON FARMS ENTIRELY PLANTED TO GRASS OR PASTURE.—

"(A) IN GENERAL.—In the case of a farm on which all of the cropland was planted to grass or pasture (including cropland that was idle or fallow), as determined by the Secretary, during the period beginning on January 1, 2009, and ending on December 31, 2017, the Secretary shall maintain all base acres and payment yields for the covered commodities on the farm, except that no payment shall be made with respect to those base acres under section 1116 or 1117 for the 2019 through 2023 crop years.

"(B) INELIGIBILITY.—The producers on a farm for which all of the base acres are maintained under subparagraph (A) shall be ineligible for the option to change the election applicable to the producers on the farm under section 1115(h).

"(4) PROHIBITION ON RECONSTITUTION OF FARM.—The Secretary shall ensure that producers on a farm do not reconstitute the farm to void or change the treatment of base acres under this section.".

SEC. 1103. PAYMENT YIELDS.

(a) TREATMENT OF DESIGNATED OILSEEDS.—Section 1113(b) of the Agricultural Act of 2014 (7 U.S.C. 9013(b)) is amended—

(1) in paragraph (1), by striking "designated oilseeds" and inserting "oilseeds designated before the date of enactment of the Agriculture Improvement Act of 2018";

(2) in paragraphs (2) and (3), by striking "a designated oilseed" each place it appears and inserting "an oilseed designated before the date of enactment of the Agriculture Improvement Act of 2018"; and

(3) by adding at the end the following:

"(4) TREATMENT OF OILSEEDS DESIGNATED AFTER CERTAIN DATE.—In the case of oilseeds designated on or after the date of enactment of the Agriculture Improvement Act of 2018, the payment yield shall be equal to 90 percent of the average of the yield per planted acre for the most recent 5 crop years, as determined by the Secretary, excluding any crop year in which the acreage planted to the covered commodity was zero.".

(b) SINGLE OPPORTUNITY TO UPDATE YIELDS.—Section 1113 of the Agricultural Act of 2014 (7 U.S.C. 9013) is amended by striking subsection (d) and inserting the following:

"(d) SINGLE OPPORTUNITY TO UPDATE YIELDS.—

"(1) ELECTION TO UPDATE.—At the sole discretion of the owner of a farm, the owner of a farm shall have a 1-time opportunity to update, on a covered-commodity-by-covered-commodity basis, the payment yield that would otherwise be used in calculating any price loss coverage payment for each covered commodity on the farm for which the election is made.

"(2) METHOD OF UPDATING YIELDS FOR COVERED COMMODITIES.—If the owner of a farm elects to update yields under paragraph (1), the payment yield for a covered commodity on the farm, for the purpose of calculating price loss coverage payments only, shall be equal to the product obtained by multiplying—

"(A) 90 percent;

"(B) the average of the yield per planted acre for the crop of covered commodities on the farm for the 2013 through 2017 crop years, as determined by the Secretary, excluding any crop year in which the acreage planted to the covered commodity was zero; and

"(C) subject to paragraph (3), the ratio obtained by dividing—

"(i) the average of the 2008 through 2012 national average yield per planted acre for the covered commodity, as determined by the Secretary; by

"(ii) the average of the 2013 through 2017 national average yield per planted acre for the covered commodity, as determined by the Secretary.

"(3) LIMITATION.—In no case shall the ratio obtained under paragraph (2)(C) be less than 90 percent or greater than 100 percent.

"(4) USE OF COUNTY AVERAGE YIELD.—For the purposes of determining the average yield per planted acre under paragraph (2)(B), if the yield per planted acre for a crop of a covered commodity for a farm for any of the crop years described in that subparagraph was less than 75 percent of the average of county yields for those crop years for that commodity, the Secretary shall assign a yield for that crop year equal to 75 percent of the average of the 2013 through 2017 county yield for the covered commodity.

"(5) UPLAND COTTON CONVERSION.—In the case of seed cotton, for purposes of determining the average of the yield per planted acre under this subsection, the average yield for seed cotton per planted acre shall be equal to 2.4 times the average yield for upland cotton per planted acre.

"(6) TIME FOR ELECTION.—An election under this subsection shall be made at a time and manner so as to be in effect beginning with the 2020 crop year, as determined by the Secretary.".

SEC. 1104. PAYMENT ACRES.

Section 1114 of the Agricultural Act of 2014 (7 U.S.C. 9014) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by inserting ", unless the sum of the base acres on the farm, when combined with the base acres of other farms in which the producer has an interest, is more than 10 acres" before the period at the end; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) a beginning farmer or rancher (as defined in subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)); or

"(D) a veteran farmer or rancher (as defined in subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279))."; and

(2) in subsection (e), by adding at the end the following:

"(5) EFFECT OF REDUCTION.—For each crop year for which fruits, vegetables (other than mung beans and pulse crops), or wild rice are planted to base acres on a farm for which a reduction in payment acres is made under this subsection, the Secretary shall consider such base acres to be planted, or prevented from being planted, to a covered commodity for purposes of any adjustment or reduction of base acres for the farm under section 1112.".

SEC. 1105. PRODUCER ELECTION.

Section 1115 of the Agricultural Act of 2014 (7 U.S.C. 9015) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "Except as provided in subsection (g), for the 2014 through 2018 crop years" and inserting "For the 2014 through 2018 crop years (except as provided in subsection (g)) and for the 2019 through 2023 crop years (subject to subsection (h))";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "subsection (a), the producers on a farm that elect under paragraph (2) of such subsection to obtain agriculture risk coverage under section 1117" and inserting "subsection (a) or (h), as applicable, the producers on a farm that elect to obtain agriculture risk coverage";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting "or the 2019 crop year, as applicable" after "2014 crop year";

(B) in paragraph (1), by inserting "or the 2019 crop year, as applicable," after "2014 crop year"; and

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

"(2) subject to subsection (h), the producers on the farm shall be deemed to have elected, as applicable—

"(A) price loss coverage for all covered commodities on the farm for the 2015 through 2018 crop years; and

"(B) the same coverage for each covered commodity on the farm for the 2020 through 2023 crop years as was applicable for the 2015 through 2018 crop years.";

(4) in subsection (g)(1), by inserting "for the 2018 crop year," before "all of the producers"; and

(5) by adding at the end the following:

"(h) OPTION TO CHANGE ELECTION.—

"(1) IN GENERAL.—For the 2021 crop year and each crop year thereafter, all of the producers on a farm may change the election under subsection (a), subsection (c), or this subsection, as applicable, to price loss coverage or agriculture risk coverage, as applicable.

"(2) APPLICABILITY.—An election change under paragraph (1) shall apply to—

"(A) the crop year for which the election change is made; and

"(B) each crop year thereafter until another election change is made under that paragraph.".

SEC. 1106. PRICE LOSS COVERAGE.

Section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated)—

(i) by inserting "or (h)" after "subsection (a)"; and

(ii) by striking "determines that, for any of the 2014 through 2018 crop years—" and inserting "determines that—

"(1) for any of the 2014 through 2018 crop years—";

(C) in paragraph (1)(B) (as so redesignated), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(2) for any of the 2019 through 2023 crop years—

"(A) the effective price for the covered commodity for the crop year; is less than

"(B) the effective reference price for the covered commodity for the crop year.";

(2) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) in the matter preceding clause (i) (as so redesignated), by striking "The payment rate" and inserting the following:

"(1) IN GENERAL.—

"(A) 2014 THROUGH 2018 CROP YEARS.—For the 2014 through 2018 crop years, the payment rate";

(C) in paragraph (1) (as so designated), by adding at the end the following:

"(B) 2019 THROUGH 2023 CROP YEARS.—For the 2019 through 2023 crop years, the payment rate shall be equal to the difference between—

"(i) the effective reference price for the covered commodity; and

"(ii) the effective price determined under subsection (b) for the covered commodity."; and

(D) by adding at the end the following:

"(2) ANNOUNCEMENT.—Not later than 30 days after the end of each applicable 12-month marketing year for each covered commodity, the Secretary shall publish the payment rate determined under paragraph (1).

"(3) INSUFFICIENT DATA.—In the case of a covered commodity, such as temperate japonica rice, for which the Secretary cannot determine the payment rate for the most recent 12-month marketing year by the date described in paragraph (2) due to insufficient reporting of timely pricing data by 1 or more nongovernmental entities, including a marketing cooperative for the covered commodity, the Secretary shall publish the payment rate as soon as practicable after the marketing year data are made available."; and

(3) by striking subsection (g) and inserting the following:

"(g) REFERENCE PRICE FOR TEMPERATE JAPONICA RICE.—In order to reflect price premiums, the Secretary shall provide a reference price with respect to temperate japonica rice in an amount equal to the amount established under subparagraph (F) of section 1111(19), as adjusted by paragraph (8) of such section, multiplied by the ratio obtained by dividing—

"(1) the simple average of the marketing year average price of medium grain rice from the 2012 through 2016 crop years; by

"(2) the simple average of the marketing year average price of all rice from the 2012 through 2016 crop years.".

SEC. 1107. AGRICULTURE RISK COVERAGE.

Section 1117 of the Agricultural Act of 2014 (7 U.S.C. 9017) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting "(beginning with the 2019 crop year, based on the physical location of the farm)" after "payments"; and

(B) by inserting "or the 2019 through 2023 crop years, as applicable" after "2014 through 2018 crop years";

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4) and (5)"; and

(ii) in subparagraph (B), by striking "(5)" and inserting "(6)";

(B) in paragraph (3)—

(i) in subparagraph (A)(ii), by striking "(5)" and inserting "(6)"; and

(ii) in subparagraph (C), by striking "2018" and inserting "2023";

(C) in paragraph (4)—

(i) by striking "If" and inserting the following:

"(A) 2014 THROUGH 2018 CROP YEARS.—Effective for the 2014 through 2018 crop years, if"; and

(ii) by adding at the end the following:

"(B) 2019 THROUGH 2023 CROP YEARS.—Effective for the 2019 through 2023 crop years, if the yield per planted acre for the covered commodity or historical county yield per planted acre for the covered commodity for any of

the 5 most recent crop years, as determined by the Secretary, is less than 80 percent of the transitional yield, as determined by the Secretary, the amounts used for any of those years in paragraph (2)(A) or (3)(A)(i) shall be 80 percent of the transitional yield.";

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

"(5) TREND-ADJUSTED YIELD.—The Secretary shall calculate and use a trend-adjusted yield factor to adjust the yield determined under paragraph (2)(A) and subsection (b)(1)(A), taking into consideration, but not exceeding, the trend-adjusted yield factor that is used to increase yield history under the endorsement under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for that crop and county."; and

(F) in paragraph (6) (as so redesignated)—

(i) by striking "REFERENCE PRICE.—If the national average market price" and inserting the following: "LOW NATIONAL AVERAGE MARKET PRICE.—

"(A) REFERENCE PRICE.—For the 2014 through 2018 crop years, if the national average market price"; and

(ii) by adding at the end the following:

"(B) EFFECTIVE REFERENCE PRICE.—For the 2019 through 2023 crop years, if the national average market price received by producers during the 12-month marketing year for any of the 5 most recent crop years is lower than the effective reference price for the covered commodity, the Secretary shall use the effective reference price for any of those years for the amounts in paragraph (2)(B) or (3)(A)(ii).";

(3) in subsection (d)—

(A) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) in the matter preceding subparagraph (A) (as so redesignated), by striking "The payment" and inserting the following:

"(1) IN GENERAL.—The payment"; and

(D) by adding at the end the following:

"(2) ANNOUNCEMENT.—Not later than 30 days after the end of each applicable 12-month marketing year for each covered commodity, the Secretary shall publish the payment rate determined under paragraph (1) for each county.";

(4) in subsection (e), in the matter preceding paragraph (1), by striking "2018" and inserting "2023";

(5) in subsection (g)—

(A) in paragraph (2), by striking "to the maximum extent practicable,";

(B) in paragraph (3), by striking "and" after the semicolon at the end;

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting "effective for the 2014 through 2018 crop years," before "in the case of"; and

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(5) effective for the 2019 through 2023 crop years, in the case of county coverage, assign an actual or benchmark county yield for each planted acre for the crop year for the covered commodity—

"(A) for a county for which county data collected by the Risk Management Agency are sufficient for the Secretary to offer a county-wide insurance product, using the actual average county yield determined by the Risk Management Agency; or

"(B) for a county not described in subparagraph (A), using—

"(i) other sources of yield information, as determined by the Secretary; or

"(ii) the yield history of representative farms in the State, region, or crop reporting district, as determined by the Secretary."; and

(6) by adding at the end the following:

"(h) PUBLICATIONS.—

"(1) COUNTY GUARANTEE.—

"(A) IN GENERAL.—For each crop year for a covered commodity, the Secretary shall publish information describing, for that crop year for the covered commodity in each county—

"(i) the agriculture risk coverage guarantee for county coverage determined under subsection (c)(1);

"(ii) the average historical county yield determined under subsection (c)(2)(A); and

"(iii) the national average market price determined under subsection (c)(2)(B).

"(B) TIMING.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), not later than 30 days after the end of each applicable 12-month marketing year, the Secretary shall publish the information described in subparagraph (A).

"(ii) INSUFFICIENT DATA.—In the case of a covered commodity, such as temperate japonica rice, for which the Secretary cannot determine the national average market price for the most recent 12-month marketing year by the date described in clause (i) due to insufficient reporting of timely pricing data by 1 or more nongovernmental entities, including a marketing cooperative for the covered commodity, as soon as practicable after the pricing data are made available, the Secretary shall publish information describing—

"(I) the agriculture risk coverage guarantee under subparagraph (A)(i); and

"(II) the national average market price under subparagraph (A)(iii).

"(iii) TRANSITION.—Not later than 60 days after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall publish the information described in clauses (i) and (ii) of subparagraph (A) for the 2018 crop year.

"(2) ACTUAL AVERAGE COUNTY YIELD.—As soon as practicable after each crop year, the Secretary shall determine and publish each actual average county yield for each covered commodity, as determined under subsection (b)(1)(A).

"(3) DATA SOURCES FOR COUNTY YIELDS.—For the 2018 crop year and each crop year thereafter, the Secretary shall make publicly available information describing, for the most recent crop year—

"(A) the sources of data used to calculate county yields under subsection (c)(2)(A) for each covered commodity—

"(i) by county; and

"(ii) nationally; and

"(B) the number and outcome of occurrences in which the Farm Service Agency reviewed, changed, or determined not to change a source of data used to calculate county yields under subsection (c)(2)(A).

"(i) ADMINISTRATIVE UNITS.—

"(1) IN GENERAL.—For purposes of agriculture risk coverage payments in the case of county coverage, a county may be divided into not greater than 2 administrative units in accordance with this subsection.

"(2) ELIGIBLE COUNTIES.—A county that may be divided into administrative units under this subsection is a county that—

"(A) is larger than 1,400 square miles; and

"(B) contains more than 190,000 base acres.

"(3) ELECTIONS.—Before making any agriculture risk coverage payments for the 2019 crop year, the Farm Service Agency State committee, in consultation with the Farm Service Agency county or area committee of a county described in paragraph (2), may make a 1-time election to divide the county into administrative units under this subsection along a boundary that better reflects differences in weather patterns, soil types, or other factors.

"(4) LIMITATION.—The Secretary shall—

"(A) limit the number of counties that may be divided into administrative units under paragraph (3) to 25 counties; and

"(B) give preference to the division of counties that have greater variation in climate, soils, and expected productivity between the proposed administrative units.

"(5) ADMINISTRATION.—For purposes of providing agriculture risk coverage payments in the case of county coverage, the Secretary shall consider an administrative unit elected under paragraph (3) to be a county for the 2019 through 2023 crop years.".

SEC. 1108. REPEAL OF TRANSITION ASSISTANCE FOR PRODUCERS OF UPLAND COTTON.

Section 1119 of the Agricultural Act of 2014 (7 U.S.C. 9019) is repealed.

Subtitle B—Marketing Loans

SEC. 1201. EXTENSIONS.

(a) IN GENERAL.—Section 1201(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9031(b)(1)) is amended by striking "2018" and inserting "2023".

(b) REPAYMENT.—Section 1204 of the Agricultural Act of 2014 (7 U.S.C. 9034) is amended—

(1) in subsection (e)(2)(B), in the matter preceding clause (i), by striking "2019"and inserting "2024"; and

(2) in subsection (g), by striking "2018" and inserting "2023".

(c) LOAN DEFICIENCY PAYMENTS.—

(1) EXTENSION.—Section 1205(a)(2)(B) of the Agricultural Act of 2014 (7 U.S.C. 9035(a)(2)(B)) is amended by striking "2018" and inserting "2023".

(2) PAYMENTS IN LIEU OF LDPS.—Section 1206 of the Agricultural Act of 2014 (7 U.S.C. 9036) is amended in subsections (a) and (d) by striking "2018" each place it appears and inserting "2023".

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) IN GENERAL.—Section 1202 of the Agricultural Act of 2014 (7 U.S.C. 9032) is amended—

(1) in subsection (a), by striking the subsection heading and inserting "**2014 THROUGH 2018 CROP YEARS**";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) 2019 THROUGH 2023 CROP YEARS.—For purposes of each of the 2019 through 2023 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

"(1) In the case of wheat, $3.38 per bushel.

"(2) In the case of corn, $2.20 per bushel.

"(3) In the case of grain sorghum, $2.20 per bushel.

"(4) In the case of barley, $2.50 per bushel.

"(5) In the case of oats, $2.00 per bushel.

"(6)(A) Subject to subparagraphs (B) and (C), in the case of base quality of upland cotton, the simple average of the adjusted prevailing world price for the 2 immediately preceding marketing years, as determined by the Secretary and announced October 1 preceding the next domestic planting.

"(B) Except as provided in subparagraph (C), the loan rate determined under subparagraph (A) may not equal less than an amount equal to 98 percent of the loan rate for base quality of upland cotton for the preceding year.

"(C) The loan rate determined under subparagraph (A) may not be equal to an amount—

"(i) less than $0.45 per pound; or

"(ii) more than $0.52 per pound.

"(7) In the case of extra long staple cotton, $0.95 per pound.

"(8) In the case of long grain rice, $7.00 per hundredweight.

"(9) In the case of medium grain rice, $7.00 per hundredweight.

"(10) In the case of soybeans, $6.20 per bushel.

"(11) In the case of other oilseeds, $10.09 per hundredweight for each of the following kinds of oilseeds:

"(A) Sunflower seed.

"(B) Rapeseed.

"(C) Canola.

"(D) Safflower.

"(E) Flaxseed.

"(F) Mustard seed.

"(G) Crambe.

"(H) Sesame seed.

"(I) Other oilseeds designated by the Secretary.

"(12) In the case of dry peas, $6.15 per hundredweight.

"(13) In the case of lentils, $13.00 per hundredweight.

"(14) In the case of small chickpeas, $10.00 per hundredweight.

"(15) In the case of large chickpeas, $14.00 per hundredweight.

"(16) In the case of graded wool, $1.15 per pound.

"(17) In the case of nongraded wool, $0.40 per pound.

"(18) In the case of mohair, $4.20 per pound.

"(19) In the case of honey, $0.69 per pound.

"(20) In the case of peanuts, $355 per ton."; and

(4) in subsection (c) (as so redesignated), by striking "subsection (a)(11)" and inserting "subsections (a)(11) and (b)(11)".

(b) CONFORMING AMENDMENT.—Section 1204(h)(1) of the Agricultural Act of 2014 (7 U.S.C. 9034(h)(1)) is amended by striking "section 1202(a)(20)" and inserting "subsection (a)(20) or (b)(20), as applicable, of section 1202".

SEC. 1203. ECONOMIC ADJUSTMENT ASSISTANCE FOR TEXTILE MILLS.

(a) 2008 AUTHORITY.—Section 1207 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8737) is amended by striking subsection (c).

(b) 2014 AUTHORITY.—Section 1207(c) of the Agricultural Act of 2014 (7 U.S.C. 9037(c)) is amended by striking the subsection heading and inserting "ECONOMIC ADJUSTMENT ASSISTANCE FOR TEXTILE MILLS".

SEC. 1204. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) IN GENERAL.—Section 1208(a) of the Agricultural Act of 2014 (7 U.S.C. 9038(a)) is amended in the matter preceding paragraph (1) by striking "2019" and inserting "2024".

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Section 1208(b)(2) of the Agricultural Act of 2014 (7 U.S.C. 9038(b)(2)) is amended by striking "134 percent" and inserting "113 percent".

SEC. 1205. AVAILABILITY OF RECOURSE LOANS.

(a) IN GENERAL.—Section 1209 of the Agricultural Act of 2014 (7 U.S.C. 9039) is amended in subsections (a)(2) and (b) by striking "2018" each place it appears and inserting "2023".

(b) RECOURSE LOANS AVAILABLE FOR CONTAMINATED COMMODITIES.—Section 1209 of the Agricultural Act of 2014 (7 U.S.C. 9039) is amended—

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

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

"(c) RECOURSE LOANS AVAILABLE FOR CONTAMINATED COMMODITIES.—In the case of a loan commodity that is ineligible for 100 percent of the nonrecourse marketing loan rate in the county due to a determination that the commodity is contaminated yet still merchantable, for each of the 2019 through 2023 crops of such loan commodity, the Secretary shall make available recourse commodity loans, at the rate provided under section 1202, on any production.".

Subtitle C—Sugar

SEC. 1301. SUGAR POLICY.

(a) SUGAR PROGRAM.—

(1) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) 19.75 cents per pound for raw cane sugar for each of the 2019 through 2023 crop years.".

(2) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking "2018" and inserting "2023".

(3) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking "2018" and inserting "2023".

(b) FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—

(1) SUGAR ESTIMATES.—Section 359b(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)(1)) is amended by striking "2018" and inserting "2023".

(2) EFFECTIVE PERIOD.—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking "2018" and inserting "2023".

Subtitle D—Dairy Margin Coverage and Other Dairy Related Provisions

SEC. 1401. DAIRY MARGIN COVERAGE.

(a) REVIEW OF DATA USED IN CALCULATION OF AVERAGE FEED COST.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the extent to which the average cost of feed used by a dairy operation to produce a hundredweight of milk calculated by the Secretary as required by section 1402(a) of the Agricultural Act of 2014 (7 U.S.C. 9052(a)) is representative of actual dairy feed costs.

(b) CORN SILAGE REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the

Senate a report detailing the costs incurred by dairy operations in the use of corn silage as feed, and the difference between the feed cost of corn silage and the feed cost of corn.

7 USC 9052 note.

(c) COLLECTION OF ALFALFA HAY DATA.—Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the National Agricultural Statistics Service, shall revise monthly price survey reports to include prices for high-quality alfalfa hay in the top five milk producing States, as measured by volume of milk produced during the previous month.

(d) REGISTRATION OF MULTIPRODUCER DAIRY OPERATIONS.—Section 1404(b) of the Agricultural Act of 2014 (7 U.S.C. 9054(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by striking paragraph (3) and inserting the following:

"(3) ELECTION PERIOD FOR 2019 CALENDAR YEAR.—For the 2019 calendar year, the Secretary shall—

"(A) open the election period not later than 60 days after the effective date described in section 1401(m) of the Agriculture Improvement Act of 2018; and

"(B) hold that election period open for not less than 90 days.

"(4) TREATMENT OF MULTIPRODUCER DAIRY OPERATION.—

"(A) IN GENERAL.—If a participating dairy operation is operated by more than 1 dairy producer, the dairy producers of the dairy operation who elect to participate shall be treated as a single dairy operation for purposes of participating in dairy margin coverage.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to allow a producer to adjust the proportion of their share covered under tier I or tier II premiums from the proportion covered for the operation.".

(e) RELATION TO LIVESTOCK GROSS MARGIN FOR DAIRY PROGRAM.—

(1) IN GENERAL.—Section 1404 of the Agricultural Act of 2014 (7 U.S.C. 9054) is amended by striking subsection (d).

(2) RETROACTIVE PROGRAM OPTION.—Section 1404(b)(2) of the Agricultural Act of 2014 (7 U.S.C. 9054(b)(2)) is amended—

(A) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(B) RETROACTIVE PROGRAM OPTION.—In the case of a dairy operation that, by operation of subsection (d) (as in effect on the day before the date of enactment of the Agriculture Improvement Act of 2018), was ineligible to participate in the margin protection program for any part of calendar year 2018, the Secretary shall establish a new election period for that calendar year that ends on a date that is not less than 90 days after the date of enactment of the Agriculture Improvement Act of 2018 and the Secretary determines is necessary for dairy operations to make new elections to participate in the margin protection program (as in effect on the day before the date of enactment of the Agriculture Improvement Act of 2018) for that calendar year, including dairy operations that elected to participate in the livestock gross margin for dairy program under the Federal Crop Insurance Act (7 U.S.C. 1501 et

seq.) before the date of enactment of the Bipartisan Budget Act of 2018 (Public Law 115–123).".

(f) PRODUCTION HISTORY OF PARTICIPATING DAIRY OPERATORS.—

(1) ADJUSTMENT.—Section 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "In subsequent years" and inserting "In the subsequent calendar years ending before January 1, 2019"; and

(ii) in paragraph (3), by inserting ", as applicable" after "paragraph (2)"; and

(B) in subsection (b)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(ii) in the matter preceding subparagraph (A) (as so redesignated), by striking "In the case" and inserting the following:

"(1) DAIRY OPERATIONS WITH LESS THAN 1 YEAR OF PRODUCTION HISTORY.—In the case"; and

(iii) by adding at the end the following:

"(2) DAIRY OPERATIONS WITH 1 YEAR OR MORE OF PRODUCTION HISTORY.—In the case of a participating dairy operation that was not in operation prior to January 1, 2014, that has not established a production history, and that has been in operation for equal to or longer than 1 year, the participating dairy operation shall elect the annual milk marketings during any 1 calendar year to determine the production history of the participating dairy operation.

"(3) ADJUSTMENT.—The Secretary shall adjust the production history of a participating dairy operation determined under paragraph (1) or (2) to reflect any increase or decrease in the national average milk production relative to calendar year 2017.".

(2) LIMITATION ON CHANGES TO BUSINESS STRUCTURE.—Section 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON CHANGES TO BUSINESS STRUCTURE.—The Secretary may not make dairy margin coverage payments to a participating dairy operation if the Secretary determines that the participating dairy operation has reorganized the structure of such operation solely for the purpose of qualifying as a new operation under subsection (b).".

(g) COVERAGE LEVEL THRESHOLD AND COVERAGE PERCENTAGE.—Section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) is amended by striking subsection (a) and inserting the following:

"(a) COVERAGE LEVEL THRESHOLD AND COVERAGE PERCENTAGE.—

"(1) COVERAGE LEVEL THRESHOLD.—

"(A) IN GENERAL.—For purposes of receiving dairy margin coverage payments for a month, a participating dairy operation shall annually elect a coverage level threshold that is equal to $4.00, $4.50, $5.00, $5.50, $6.00, $6.50, $7.00, $7.50, $8.00, $8.50, $9.00, or $9.50.

"(B) APPLICABILITY.—Except as provided in subparagraph (C), the coverage level threshold elected under

subparagraph (A) shall apply to the covered production elected by the participating dairy operation under paragraph (2).

"(C) SECOND COVERAGE ELECTION FOR TIER II.—In the case of a participating dairy operation that elects a coverage level threshold of $8.50, $9.00, or $9.50 under subparagraph (A)—

"(i) that coverage level threshold shall apply to the first 5,000,000 pounds of milk marketings included in the covered production elected by the participating dairy operation; and

"(ii) the participating dairy operation shall elect a coverage level threshold that is equal to $4.00, $4.50, $5.00, $5.50, $6.00, $6.50, $7.00, $7.50, or $8.00 to apply to milk marketings in excess of 5,000,000 pounds included in the covered production elected by the participating dairy operation.

"(2) COVERAGE PERCENTAGE.—For purposes of receiving dairy margin coverage payments for a month, a participating dairy operation shall annually elect a percentage of coverage, in 5-percent increments, not exceeding 95 percent of the production history of the participating dairy operation.".

(h) PRODUCER PREMIUMS.—Section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9057) is amended—

(1) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

"(2) PRODUCER PREMIUMS.—Except as provided in subsection (g), the following annual premiums apply:

"Coverage Level	Premium per Cwt.
$4.00	None
$4.50	$0.0025
$5.00	$0.005
$5.50	$0.030
$6.00	$0.050
$6.50	$0.070
$7.00	$0.080
$7.50	$0.090
$8.00	$0.100
$8.50	$0.105
$9.00	$0.110
$9.50	$0.150"; and

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) PRODUCER PREMIUMS.—Except as provided in subsection (g), the following annual premiums apply:

"Coverage Level	Premium per Cwt.
$4.00	None

"Coverage Level	Premium per Cwt.
$4.50	$0.0025
$5.00	$0.005
$5.50	$0.100
$6.00	$0.310
$6.50	$0.650
$7.00	$1.107
$7.50	$1.413
$8.00	$1.813".

(i) REPAYMENT OF PREMIUMS.—Section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9057) is amended by adding at the end the following:

"(f) REPAYMENT OF PREMIUMS.—

"(1) IN GENERAL.—Each dairy operation described in paragraph (2) shall be eligible to receive a repayment from the Secretary in an amount equal to the difference between—

"(A) the total amount of premiums paid by the participating dairy operation under this section for each applicable calendar year; and

"(B) the total amount of payments made to the participating dairy operation under section 1406 for that calendar year.

"(2) ELIGIBILITY.—A dairy operation that is eligible to receive a repayment under paragraph (1) is a dairy operation that—

"(A) participated in the margin protection program, as in effect for any of calendar years 2014 through 2017; and

"(B) submits to the Secretary an application for the repayment at such time, in such manner, and containing such information as the Secretary may require.

"(3) METHOD OF REPAYMENT.—A dairy operation that is eligible to receive a repayment under paragraph (1) shall elect to receive the repayment—

"(A) in an amount equal to 75 percent of the repayment calculated under that paragraph as credit that may be used by the dairy operation for dairy margin coverage premiums; or

"(B) in an amount equal to 50 percent of the repayment calculated under that paragraph as a direct cash repayment.

"(4) APPLICABILITY.—Paragraph (1) shall only apply to a calendar year during the period of calendar years 2014 through 2017 for which the amount described in subparagraph (A) of that paragraph is greater than the amount described in subparagraph (B) of that paragraph.".

(j) PREMIUM DISCOUNT.—Section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9057) (as amended by subsection (i)) is amended by adding at the end the following:

"(g) PREMIUM DISCOUNT.—The premium per hundredweight specified in the tables contained in subsections (b) and (c) for each coverage level shall be reduced by 25 percent in accordance with the following:

"(1) IN GENERAL.—For each of calendar years 2019 through 2023, for a participating dairy operation that makes a 1-time election of coverage level in a tier and of a percentage of coverage under section 1406(a) for the 5-year period beginning in January 2019.

"(2) NEW DAIRY OPERATIONS.—For each applicable calendar year through 2023, for a participating dairy operation that—

"(A) establishes a production history pursuant to section 1405(b); and

"(B) makes a 1-time election of coverage level in a tier and of a percentage of coverage under section 1406(a) for the period beginning with the first available calendar year and ending in December 2023.

"(3) FULL PARTICIPATION REQUIRED.—Notwithstanding the annual elections under section 1406(a)—

"(A) a 1-time enrollment under this subsection shall remain in effect for the full duration applicable to a participating dairy operation in accordance with paragraph (1) or (2)(B), as applicable; and

"(B) a participating dairy operation that makes a 1-time enrollment under this subsection and is noncompliant under section 1408 shall be subject to that section.".

(k) CONFORMING AMENDMENTS RELATED TO PROGRAM NAME.—

(1) HEADING.—The heading of part I of subtitle D of title I of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 688) is amended to read as follows:

"PART I—DAIRY MARGIN COVERAGE".

(2) DEFINITIONS.—Section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051) is amended—

(A) by striking paragraphs (5) and (6) and inserting the following new paragraphs:

"(5) DAIRY MARGIN COVERAGE.—The term 'dairy margin coverage' means the dairy margin coverage program required by section 1403.

"(6) DAIRY MARGIN COVERAGE PAYMENT.—The term 'dairy margin coverage payment' means a payment made to a participating dairy operation under dairy margin coverage pursuant to section 1406."; and

(B) in paragraphs (7) and (8), by striking "the margin protection program" both places it appears and inserting "dairy margin coverage".

(3) CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—Section 1402(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9052(b)(1)) is amended in the matter preceding subparagraph (A) by striking "the margin protection program" and inserting "dairy margin coverage".

(4) PROGRAM OPERATION.—Section 1403 of the Agricultural Act of 2014 (7 U.S.C. 9053) is amended—

(A) by striking the section heading and inserting "**DAIRY MARGIN COVERAGE**";

(B) by striking "Not later than September 1, 2014, the Secretary shall establish and administer a margin protection program" and inserting the following:

"(a) IN GENERAL.—The Secretary shall continue to administer a dairy margin coverage program";

(C) in subsection (a) (as so designated), by striking "margin protection payment" both places it appears and inserting "dairy margin coverage payment"; and

(D) by adding at the end the following:

"(b) REGULATIONS.—Subpart A of part 1430 of title 7, Code of Federal Regulations (as in effect on the date of enactment of the Agriculture Improvement Act of 2018), shall remain in effect for dairy margin coverage beginning with the 2019 calendar year, except to the extent that the regulations are inconsistent with any provision of this Act.".

(5) PARTICIPATION.—Section 1404 of the Agricultural Act of 2014 (7 U.S.C. 9054) is amended—

(A) in the section heading, by striking "**MARGIN PROTECTION PROGRAM**" and inserting "**DAIRY MARGIN COVERAGE**";

(B) in subsection (a), by striking "the margin protection program to receive margin protection payments" and inserting "dairy margin coverage to receive dairy margin coverage payments"; and

(C) in subsections (b) and (c), by striking "the margin protection program" each place it appears and inserting "dairy margin coverage".

(6) PRODUCTION HISTORY.—Section 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055) is amended in subsections (a)(1) and (c) by striking "the margin protection program" each place it appears and inserting "dairy margin coverage".

(7) PAYMENTS.—Section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) is amended—

(A) in the section heading, by striking "**MARGIN PROTECTION**" and inserting "**DAIRY MARGIN COVERAGE**";

(B) by striking "margin protection" each place it appears and inserting "dairy margin coverage"; and

(C) in the heading of subsection (c), by striking "MARGIN PROTECTION".

(8) PREMIUMS.—Section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9057) is amended—

(A) in the section heading, by striking "**MARGIN PROTECTION PROGRAM**" and inserting "**DAIRY MARGIN COVERAGE**";

(B) in subsection (a), in the matter preceding paragraph (1), by striking "the margin protection program" and inserting "dairy margin coverage";

(C) in subsection (d), by striking "program" and inserting "dairy margin coverage"; and

(D) in subsection (e)—

(i) by striking "the margin protection program" both places it appears and inserting "dairy margin coverage"; and

(ii) in paragraph (2), by striking "integrity of the program" and inserting "integrity of dairy margin coverage".

(9) FAILURE TO PAY ADMINISTRATIVE FEES OR PREMIUMS.—Section 1408 of the Agricultural Act of 2014 (7 U.S.C. 9058) is amended—

(A) in subsection (a)(2), by striking "margin protection" and inserting "dairy margin coverage"; and

(B) in subsection (b), by striking "the margin protection program" and inserting "dairy margin coverage".

(10) ADMINISTRATION AND ENFORCEMENT.—Section 1410 of the Agricultural Act of 2014 (7 U.S.C. 9060) is amended—

(A) in subsections (a) and (c), by striking "the margin protection program" each place it appears and inserting "dairy margin coverage"; and

(B) in subsection (b), by striking "margin protection" and inserting "dairy margin coverage".

(l) DURATION.—Section 1409 of the Agricultural Act of 2014 (7 U.S.C. 9059) is amended—

(1) by striking "The margin protection program" and inserting "Dairy margin coverage"; and

(2) by striking "2018" and inserting "2023".

7 USC 9051 note.

(m) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2019.

SEC. 1402. REAUTHORIZATIONS.

(a) FORWARD PRICING.—Section 1502(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8772(e)) is amended—

(1) in paragraph (1), by striking "2018" and inserting "2023"; and

(2) in paragraph (2), by striking "2021" and inserting "2026".

(b) INDEMNITY PROGRAM.—Section 3 of Public Law 90–484 (7 U.S.C. 4553) is amended by striking "2018" and inserting "2023".

(c) PROMOTION AND RESEARCH.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking "2018" and inserting "2023".

SEC. 1403. CLASS I SKIM MILK PRICE.

(a) CLASS I SKIM MILK PRICE.—Section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking "Throughout" in the third sentence and all that follows through the period at the end of the fourth sentence and inserting "Throughout the 2-year period beginning on the effective date of this sentence (and subsequent to such 2-year period unless modified by amendment to the order involved), for purposes of determining prices for milk of the highest use classification, the Class I skim milk price per hundredweight specified in section 1000.50(b) of title 7, Code of Federal Regulations (or successor regulations), shall be the sum of the adjusted Class I differential specified in section 1000.52 of such title 7 (or successor regulations), plus the adjustment to Class I prices specified in sections 1005.51(b), 1006.51(b), and 1007.51(b) of such title 7 (or successor regulations), plus the simple average of the advanced pricing factors computed in sections 1000.50(q)(1) and 1000.50(q)(2) of such title 7 (or successor regulations), plus $0.74.".

7 USC 608c note.

(b) EFFECTIVE DATE AND IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 120 days after the date of enactment of this Act.

(2) IMPLEMENTATION.—Implementation of the amendment made by subsection (a) shall not be subject to any of the following:

(A) The notice and comment provisions of section 553 of title 5, United States Code.

(B) The notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(C) The order amendment requirements of section 8c(17) of that Act (7 U.S.C. 608c(17)).

(D) A referendum under section 8c(19) of that Act (7 U.S.C. 608c(19)).

SEC. 1404. DAIRY PRODUCT DONATION.

(a) REPEAL OF DAIRY PRODUCT DONATION PROGRAM.—Section 1431 of the Agricultural Act of 2014 (7 U.S.C. 9071) is repealed.

(b) MILK DONATION PROGRAM.—

(1) IN GENERAL.—Part III of subtitle D of title I of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 695) is amended to read as follows:

"PART III—MILK DONATION PROGRAM

"SEC. 1431. MILK DONATION PROGRAM. 7 USC 9071.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE DAIRY ORGANIZATION.—The term 'eligible dairy organization' means a dairy farmer (either individually or as part of a cooperative), or a dairy processor, who—

"(A) accounts to a Federal milk marketing order marketwide pool; and

"(B) incurs qualified expenses under subsection (e).

"(2) ELIGIBLE DISTRIBUTOR.—The term 'eligible distributor' means a public or private nonprofit organization that distributes donated eligible milk.

"(3) ELIGIBLE MILK.—The term 'eligible milk' means Class I fluid milk products produced and processed in the United States.

"(4) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership between an eligible dairy organization and an eligible distributor.

"(5) PARTICIPATING PARTNERSHIP.—The term 'participating partnership' means an eligible partnership for which the Secretary has approved a donation and distribution plan for eligible milk under subsection (c)(2).

"(b) PROGRAM REQUIRED; PURPOSES.—Not later than 180 days after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall establish and administer a milk donation program for the purposes of—

"(1) encouraging the donation of eligible milk;

"(2) providing nutrition assistance to individuals in low-income groups; and

"(3) reducing food waste.

"(c) DONATION AND DISTRIBUTION PLANS.—

"(1) IN GENERAL.—To be eligible to receive reimbursement under subsection (d), an eligible partnership shall submit to the Secretary a donation and distribution plan that—

"(A) describes the process that the eligible partnership will use for the donation, processing, transportation, temporary storage, and distribution of eligible milk;

"(B) includes an estimate of the quantity of eligible milk that the eligible partnership will donate each year, based on—

"(i) preplanned donations; and

"(ii) contingency plans to address unanticipated donations; and

"(C) describes the rate at which the eligible partnership will be reimbursed, which shall be based on a percentage of the limitation described in subsection (e)(2), not to exceed 100 percent.

"(2) REVIEW AND APPROVAL.—Not less frequently than annually, the Secretary shall—

"(A) review donation and distribution plans submitted under paragraph (1); and

"(B) determine whether to approve or disapprove each of those donation and distribution plans.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—On receipt of appropriate documentation under paragraph (2), the Secretary shall reimburse an eligible dairy organization that is a member of a participating partnership on a regular basis for qualified expenses described in subsection (e).

"(2) DOCUMENTATION.—

"(A) IN GENERAL.—An eligible dairy organization shall submit to the Secretary such documentation as the Secretary may require to demonstrate the qualified expenses described in subsection (e) of the eligible dairy organization.

"(B) VERIFICATION.—The Secretary may verify the accuracy of documentation submitted under subparagraph (A) by spot checks and audits.

"(3) RETROACTIVE REIMBURSEMENT.—In providing reimbursements under paragraph (1), the Secretary may provide reimbursements for qualified expenses incurred before the date on which the donation and distribution plan for the applicable participating partnership was approved by the Secretary.

"(e) QUALIFIED EXPENSES.—

"(1) IN GENERAL.—The amount of a reimbursement under subsection (d) shall be an amount equal to the product of—

"(A) the quantity of eligible milk donated by the eligible dairy organization under a donation and distribution plan approved by the Secretary under subsection (c); and

"(B) subject to the limitation under paragraph (2), the rate described in that donation and distribution plan under subsection (c)(1)(C).

"(2) LIMITATION.—Expenses eligible for reimbursement under subsection (d) shall not exceed the value that an eligible dairy organization incurred by accounting to the Federal milk marketing order pool at the difference in the Class I milk value and the lowest classified price for the applicable month (either Class III milk or Class IV milk).

"(f) PREAPPROVAL.—

"(1) IN GENERAL.—The Secretary shall—

"(A) establish a process for an eligible partnership to apply for preapproval of donation and distribution plans under subsection (c); and

"(B) not less frequently than annually, preapprove an amount for qualified expenses described in subsection (e) that the Secretary will allocate for reimbursement under each donation and distribution plan preapproved under subparagraph (A), based on an assessment of—

"(i) the feasibility of the plan; and

"(ii) the extent to which the plan advances the purposes described in subsection (b).

"(2) PREFERENCE.—In preapproving amounts for reimbursement under paragraph (1)(B), the Secretary shall give preference to eligible partnerships that will provide funding and in-kind contributions in addition to the reimbursements.

"(3) ADJUSTMENTS.—

"(A) IN GENERAL.—The Secretary shall adjust or increase amounts preapproved for reimbursement under paragraph (1)(B) based on performance and demand.

"(B) REQUESTS FOR INCREASE.—

"(i) IN GENERAL.—The Secretary shall establish a procedure for a participating partnership to request an increase in the amount preapproved for reimbursement under paragraph (1)(B) based on changes in conditions.

"(ii) INTERIM APPROVAL; INCREMENTAL INCREASE.—The Secretary may provide an interim approval of an increase requested under clause (i) and an incremental increase in the amount of reimbursement to the applicable participating partnership to allow time for the Secretary to review the request without interfering with the donation and distribution of eligible milk by the participating partnership.

"(g) PROHIBITION ON RESALE OF PRODUCTS.—

"(1) IN GENERAL.—An eligible distributor that receives eligible milk donated under this section may not sell the products back into commercial markets.

"(2) PROHIBITION ON FUTURE PARTICIPATION.—An eligible distributor that the Secretary determines has violated paragraph (1) shall not be eligible for any future participation in the program established under this section.

"(h) ADMINISTRATION.—The Secretary shall publicize opportunities to participate in the program established under this section.

"(i) REVIEWS.—The Secretary shall conduct appropriate reviews or audits to ensure the integrity of the program established under this section.

"(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $9,000,000 for fiscal year 2019, and $5,000,000 for each fiscal year thereafter, to remain available until expended.".

(2) CONFORMING AMENDMENT.—Section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051) is amended, in the matter preceding paragraph (1), by striking "and part III".

Subtitle E—Supplemental Agricultural Disaster Assistance

SEC. 1501. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) MEMBERS OF INDIAN TRIBES.—Section 1501(a)(1)(B) of the Agricultural Act of 2014 (7 U.S.C. 9081(a)(1)(B)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following:

"(iii) an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));".

(b) COVERED LIVESTOCK LOSSES FOR LIVESTOCK INDEMNITY PAYMENTS.—Section 1501(b) of the Agricultural Act of 2014 (7 U.S.C. 9081(b)) is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) in subparagraph (B), by striking "cold." and inserting "cold, on the condition that in the case of the death loss of unweaned livestock due to that adverse weather, the Secretary may disregard any management practice, vaccination protocol, or lack of vaccination by the eligible producer on a farm; or"; and

(C) by adding at the end the following new subparagraph:

"(C) disease that, as determined by the Secretary—

"(i) is caused or transmitted by a vector; and

"(ii) is not susceptible to control by vaccination or acceptable management practices."; and

(2) in paragraph (4), by striking "A payment" and inserting "PAYMENT REDUCTIONS.—A payment".

(c) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

(1) IN GENERAL.—Section 1501(d)(2) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)(2)) is amended by inserting ", including inspections of cattle tick fever" before the period at the end.

7 USC 9081 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to inspections of cattle tick fever conducted on or after the date of enactment of this Act.

(d) TREE ASSISTANCE PROGRAM.—Section 1501(e) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4) and (5)"; and

(2) by adding at the end the following:

"(5) PAYMENT RATE FOR BEGINNING AND VETERAN PRODUCERS.—Subject to paragraph (4), in the case of a beginning farmer or rancher or a veteran farmer or rancher (as those terms are defined in subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) that is eligible to receive assistance under this subsection, the Secretary shall provide reimbursement of 75 percent of the costs under subparagraphs (A)(i) and (B) of paragraph (3).".

(e) PAYMENT LIMITATION.—Section 1501(f)(2) of the Agricultural Act of 2014 (7 U.S.C. 9081(f)(2)) is amended by striking "this section (excluding payments received under subsections (b) and (e))" and inserting "subsection (c)".

Subtitle F—Noninsured Crop Assistance

SEC. 1601. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end the following:

"(C) DATA COLLECTION AND SHARING.—The Secretary shall coordinate with the Administrator of the Risk Management Agency on the type and format of data received under the noninsured crop disaster assistance program that—

"(i) best facilitates the use of that data in developing policies or plans of insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

"(ii) ensures the availability of that data on a regular basis.

"(D) COORDINATION.—The Secretary shall coordinate between the agencies of the Department that provide programs or services to farmers and ranchers that are potentially eligible for the noninsured crop disaster assistance program under this section—

"(i) to make available coverage under—

"(I) the fee waiver under subsection (k)(2); or

"(II) the premium discount under subsection (l)(3); and

"(ii) to share eligibility information to reduce paperwork and avoid duplication.";

(B) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), in this section, the term 'eligible crop' means each commercial crop or other agricultural commodity that is produced for food or fiber (except livestock) for which catastrophic risk protection under subsection (b) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) and additional coverage under subsections (c) and (h) of such section are not available or, if such coverage is available, it is only available under a policy that provides coverage for specific intervals based on weather indexes or under a whole farm plan of insurance."; and

(C) in paragraph (4)(B)—

(i) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—

"(I) AGRICULTURAL ACT OF 2014.—During the first 4 crop years of planting, as determined by the Secretary, native sod acreage that has been tilled for the production of an annual crop during the period beginning on February 8, 2014, and ending on the date of enactment of the Agriculture

Improvement Act of 2018 shall be subject to a reduction in benefits under this section as described in this subparagraph.

"(II) SUBSEQUENT YEARS.—Native sod acreage that has been tilled for the production of an eligible crop after the date of enactment of the Agriculture Improvement Act of 2018 shall be subject to a reduction in benefits under this section as described in this subparagraph for not more than any 4 crop years—

"(aa) during the first 10 crop years after the initial tillage; and

"(bb) during which a crop on that acreage is enrolled under subsection (*l*)(2) or (k).";

(ii) in clause (iii)(I), by striking "transitional yield of the producer" and inserting "county expected yield";

(2) in subsection (b)—

(A) in paragraph (1), by striking "not later than 30 days" and inserting "by an appropriate deadline"; and

(B) by adding at the end the following:

"(4) STREAMLINED SUBMISSION PROCESS.—The Secretary shall establish a streamlined process for the submission of records and acreage reports under paragraphs (2) and (3) for diverse production systems such as those typical of urban production systems, other small-scale production systems, and direct-to-consumer production systems.";

(3) in subsection (d)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) the producer's share of the total acres devoted to the eligible crop; by"; and

(C) in paragraph (2) (as so redesignated), by striking "established yield for the crop" and inserting "approved yield for the crop, as determined by the Secretary";

(4) in subsection (e)—

(A) in paragraph (1), by striking "farm" and inserting "approved";

(B) in paragraph (2)—

(i) in the second sentence—

(I) by inserting "approved" before "yield"; and

(II) by striking "Subject" and inserting the following:

"(B) CALCULATION.—Subject"; and

(ii) in the matter preceding subparagraph (B) (as so designated)—

(I) by striking "yield coverage" and inserting "an approved yield"; and

(II) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(C) in paragraph (3), by striking "transitional yield of the producer" and inserting "county expected yield";

(5) in subsection (i)(2), by striking "exceed $125,000" and inserting the following: "exceed—

"(A) in the case of catastrophic coverage under subsection (c), $125,000; and

"(B) in the case of additional coverage under subsection (l), $300,000";

(6) in subsection (k)(1)—

(A) in subparagraph (A), by striking "$250" and inserting "$325"; and

(B) in subparagraph (B)—

(i) by striking "$750" and inserting "$825"; and

(ii) by striking "$1,875" and inserting "$1,950"; and

(7) in subsection (l)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(ii) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) the producer's share of the total acres devoted to the crop;"; and

(iii) in subparagraph (C) (as so redesignated), by inserting ", contract price, or other premium price (such as a local, organic, or direct market price, as elected by the producer)" after "price";

(B) in paragraph (2)(B)(i)—

(i) in subclause (IV), by striking "and" at the end;

(ii) in subclause (V), by striking "or" at the end and inserting "and"; and

(iii) by adding at the end the following:

"(VI) the producer's share of the crop; or";

(C) by striking paragraphs (3) and (5); and

(D) by redesignating paragraph (4) as paragraph (3).

Subtitle G—Administration

SEC. 1701. REGULATIONS.

Section 1601(c)(2) of the Agricultural Act of 2014 (7 U.S.C. 9091(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "title and sections 11003 and 11017" and inserting "title, sections 11003 and 11017, title I of the Agriculture Improvement Act of 2018 and the amendments made by that title, and section 10109 of that Act";

(2) in subparagraph (A), by adding "and" at the end;

(3) in subparagraph (B), by striking "; and" and inserting a period; and

(4) by striking subparagraph (C).

SEC. 1702. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

Section 1602 of the Agricultural Act of 2014 (7 U.S.C. 9092) is amended by striking "2018" each place it appears and inserting "2023".

SEC. 1703. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "section 1001 of the Food, Conservation, and Energy Act of 2008" and inserting "section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011)"; and

(B) in paragraph (2), by inserting "first cousin, niece, nephew," after "sibling,";

(2) in subsections (b) and (c), by striking "and as marketing loan gains or loan deficiency payments under subtitle B of title I of the Agricultural Act of 2014" each place it appears and inserting "of the Agricultural Act of 2014 (7 U.S.C. 9016, 9017)"; and

(3) in subsection (f), by adding at the end the following:

"(9) ADMINISTRATION OF REDUCTION.—The Secretary shall apply any order described in section 1614(d)(1) of the Agricultural Act of 2014 (7 U.S.C. 9097(d)(1)) to payments under sections 1116 and 1117 of that Act (7 U.S.C. 9016, 9017) prior to applying payment limitations under this section.".

7 USC 1308 note.

(b) APPLICATION.—The amendments made by this section shall apply beginning with the 2019 crop year.

SEC. 1704. ADJUSTED GROSS INCOME LIMITATIONS.

(a) WAIVER.—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)) is amended—

(1) in paragraph (2)(C), by inserting "title II of the Agriculture Improvement Act of 2018," after "under"; and

(2) by adding at the end the following:

"(3) WAIVER.—The Secretary may waive the limitation established by paragraph (1) with respect to a payment pursuant to a covered benefit described in paragraph (2)(C), on a case-by-case basis, if the Secretary determines that environmentally sensitive land of special significance would be protected as a result of such waiver.".

(b) CONFORMING AMENDMENT.—Section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)) is amended by inserting "subject to paragraph (3)," after "of law,".

7 USC 1308–3a note.

(c) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on the day before the date of enactment of this Act, shall apply with respect to the 2018 crop, fiscal, or program year, as appropriate, for each program described in subsection (b)(2) of that section (as so in effect on that day).

7 USC 6932 note.

SEC. 1705. FARM SERVICE AGENCY ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish policies, procedures, and plans to improve program accountability and integrity through targeted and coordinated activities, including utilizing data mining to identify and reduce errors, waste, fraud, and abuse in programs administered by the Farm Service Agency.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the progress and results of the activities conducted under subsection (a).

SEC. 1706. IMPLEMENTATION.

(a) MAINTENANCE OF BASE ACRES AND PAYMENT YIELDS.—Section 1614(a) of the Agricultural Act of 2014 (7 U.S.C. 9097(a)) is amended by inserting ", and as adjusted pursuant to sections 1112 and 1113" before the period at the end.

(b) STREAMLINING.—Section 1614 of the Agricultural Act of 2014 (7 U.S.C. 9097) is amended by striking subsection (b) and inserting the following:

"(b) STREAMLINING.—In implementing this title and the amendments made by this title, the Secretary shall—

"(1) continue to reduce administrative burdens and costs to producers by streamlining and reducing paperwork, forms, and other administrative requirements, to ensure that—

"(A) a producer (or an agent of a producer) may report information, electronically (including geospatial data) or conventionally, to the Department of Agriculture, subject to the Secretary—

"(i) establishing reasonable levels of tolerance that reflect the differences in accuracy between measures of common land units and geospatial data; and

"(ii) ensuring that discrepancies that occur within the levels of tolerance established under clause (i) shall not be used to penalize a producer (or an agent of a producer) under any program administered by the Department of Agriculture;

"(B) on the request of a producer (or an agent of a producer), the Department of Agriculture electronically shares with the producer (or agent) in real time and without cost to the producer (or agent) the common land unit data, related farm level data, conservation practices, and other information of the producer through a single Department of Agriculture-wide login;

"(C) not later than September 30, 2020, the Administrator of the Risk Management Agency and the Administrator of the Farm Service Agency shall implement a consistent method for determining crop acreage, acreage yields, farm acreage, property descriptions, and other common informational requirements, including measures of common land units;

"(D) except in the case of misrepresentation, fraud, or scheme and device, no crop insurance agent, approved insurance provider, or employee or contractor of a crop insurance agency or approved insurance provider bears responsibility or liability under the Acreage Crop Reporting and Streamlining Initiative (or any successor or similar initiative) for the eligibility of a producer for a program administered by the Department of Agriculture, not including a policy or plan of insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

"(E) on request of a crop insurance agent or approved insurance provider required to deliver policies and plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) the crop insurance agent or approved insurance provider receives, in a timely manner, any information held by the Farm Service Agency that is necessary to ensure effective crop insurance coverage for farmer customers;

"(2) continue to improve coordination, information sharing, and administrative work among the Farm Service Agency, Risk Management Agency, Natural Resources Conservation Service, and other agencies, as determined by the Secretary;

"(3) continue to take advantage of new technologies to enhance the efficiency and effectiveness of the delivery of Department of Agriculture programs to producers, including by developing and making publicly available data standards and security procedures to allow third-party providers to develop applications that use or feed data (including geospatial and precision agriculture data) into the datasets and analyses of the Department of Agriculture; and

"(4) reduce administrative burdens on producers participating in price loss coverage or agriculture risk coverage by offering—

"(A) those producers an option to remotely and electronically sign annual contracts for that coverage; and

"(B) to the maximum extent practicable, an option to sign a multiyear contract for that coverage.".

(c) IMPLEMENTATION.—Section 1614(c) of the Agricultural Act of 2014 (7 U.S.C. 9097(c)) is amended by adding at the end the following:

"(4) AGRICULTURE IMPROVEMENT ACT OF 2018.—The Secretary shall make available to the Farm Service Agency to carry out title I of the Agriculture Improvement Act of 2018 and the amendments made by that title $15,500,000.".

(d) LOAN IMPLEMENTATION.—Section 1614(d)(1) of the Agricultural Act of 2014 (7 U.S.C. 9097(d)(1)) is amended by striking "under subtitles" and all that follows through "except" and inserting "under subtitle B or C, under the amendments made by subtitle B or C, or under the amendments made by subtitle B or C of the Agriculture Improvement Act of 2018, except".

(e) DEOBLIGATION OF UNLIQUIDATED OBLIGATIONS.—Section 1614 of the Agricultural Act of 2014 (7 U.S.C. 9097) is amended by adding at the end the following:

"(e) DEOBLIGATION OF UNLIQUIDATED OBLIGATIONS.—

"(1) IN GENERAL.—Subject to paragraph (3), any payment obligated or otherwise made available by the Secretary under this title on or after the date of enactment of the Agriculture Improvement Act of 2018 that is not disbursed to the recipient by the date that is 5 years after the date on which the payment is obligated or otherwise made available shall—

"(A) be deobligated; and

"(B) revert to the Treasury.

"(2) OUTSTANDING PAYMENTS.—

"(A) IN GENERAL.—Subject to paragraph (3), any payment obligated or otherwise made available by the Farm Service Agency (or any predecessor agency of the Department of Agriculture) under the laws described in subparagraph (B) before the date of enactment of the Agriculture Improvement Act of 2018, that is not disbursed by the date that is 5 years after the date on which the payment is obligated or otherwise made available shall—

"(i) be deobligated; and

"(ii) revert to the Treasury.

"(B) LAWS DESCRIBED.—The laws referred to in subparagraph (A) are any of the following:

"(i) This title.

"(ii) Title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.).

"(iii) Title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.).

"(iv) The Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

"(v) Titles I through XI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3374) and the amendments made by those titles.

"(vi) Titles I through X of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1362) and the amendments made by those titles.

"(vii) Titles I through XI of the Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1218) and the amendments made by those titles.

"(viii) Titles I through X of the Food and Agriculture Act of 1977 (Public Law 95–113; 91 Stat. 917) and the amendments made by those titles.

"(3) WAIVER.—The Secretary may delay the date of the deobligation and reversion under paragraph (1) or (2) of any payment—

"(A) that is the subject of—

"(i) ongoing administrative review or appeal;

"(ii) litigation; or

"(iii) the settlement of an estate; or

"(B) for which the Secretary otherwise determines that the circumstances are such that the delay is equitable.".

(f) REPORT.—Section 1614 of the Agricultural Act of 2014 (7 U.S.C. 9097) (as amended by subsection (e)) is amended by adding at the end the following:

"(f) REPORT.—Not later than January 1, 2020, and each January 1 thereafter through January 1, 2023, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the tilled native sod acreage that was subject to a reduction in benefits under section 196(a)(4)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(4)(B) and section 508(o)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)(2))—

"(1) as of the date of submission of the report; and

"(2) by State and county, relative to the total acres of cropland in the State or county.".

SEC. 1707. EXEMPTION FROM CERTAIN REPORTING REQUIREMENTS FOR CERTAIN PRODUCERS.

31 USC 6101 note.

(a) DEFINITION OF EXEMPTED PRODUCER.—In this section, the term "exempted producer" means an individual or entity that is eligible to participate in—

(1) a conservation program under title II or a law amended by title II;

(2) an indemnity or disease control program under the Animal Health Protection Act (7 U.S.C. 8301 et seq.) or the Plant Protection Act (7 U.S.C. 7701 et seq.); or

(3) a commodity program under title I of the Agricultural Act of 2014 (7 U.S.C. 9011 et seq.), excluding the assistance

provided to users of cotton under sections 1207(c) and 1208 of that Act (7 U.S.C. 9037(c), 9038).

(b) EXEMPTION.—Notwithstanding the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note), the requirements of parts 25 and 170 of title 2, Code of Federal Regulations (or successor regulations), shall not apply with respect to assistance received by an exempted producer from the Secretary, acting through the Chief of the Natural Resources Conservation Service, the Administrator of the Animal and Plant Health Inspection Service, or the Administrator of the Farm Service Agency.

TITLE II—CONSERVATION

Subtitle A—Wetland Conservation

SEC. 2101. WETLAND CONVERSION.

Section 1221(d) of the Food Security Act of 1985 (16 U.S.C. 3821(d)) is amended—

(1) by striking "Except as" and inserting the following: "(1) IN GENERAL.—Except as"; and

(2) by adding at the end the following:

"(2) DUTY OF THE SECRETARY.—No person shall become ineligible under paragraph (1) if the Secretary determines that an exemption under section 1222(b) applies to that person.".

SEC. 2102. WETLAND CONSERVATION.

Section 1222(c) of the Food Security Act of 1985 (16 U.S.C. 3822(c)) is amended—

(1) by striking "No program" and inserting the following: "(1) IN GENERAL.—No program";

(2) in paragraph (1) (as so designated), by inserting ", which, except as provided in paragraph (2), shall be conducted in the presence of the affected person" before the period at the end; and

(3) by adding at the end the following:

"(2) EXCEPTION.—The Secretary may conduct an on-site visit under paragraph (1) without the affected person present if the Secretary has made a reasonable effort to include the presence of the affected person at the on-site visit.".

SEC. 2103. MITIGATION BANKING.

Section 1222(k)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3822(k)(1)(B)) is amended to read as follows:

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $5,000,000 for each of fiscal years 2019 through 2023.".

Subtitle B—Conservation Reserve Program

SEC. 2201. CONSERVATION RESERVE.

(a) IN GENERAL.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking "2018" and inserting "2023".

(b) ELIGIBLE LAND.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B), by striking "Agricultural Act of 2014 (except for land enrolled in the conservation reserve program as of that date)" and inserting "Agriculture Improvement Act of 2018, on the condition that the Secretary shall consider to be planted cropland enrolled in the conservation reserve program";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(3) by inserting after paragraph (3) the following:

"(4) cropland, marginal pasture land, and grasslands that will have a positive impact on water quality and will be devoted to—

"(A) a grass sod waterway;

"(B) a contour grass sod strip;

"(C) a prairie strip;

"(D) a filterstrip;

"(E) a riparian buffer;

"(F) a wetland or a wetland buffer;

"(G) a saturated buffer;

"(H) a bioreactor; or

"(I) another similar water quality practice, as determined by the Secretary;";

(4) in paragraph (5) (as so redesignated)—

(A) in subparagraph (C), by striking "or filterstrips or riparian buffers devoted to trees, shrubs, or grasses" and inserting "salt tolerant vegetation, field borders, or practices to benefit State or federally identified wellhead protection areas"; and

(B) in subparagraph (E), by striking "or" after the semicolon;

(5) in paragraph (6) (as so redesignated), in subparagraph (B)(ii), by striking the period at the end and inserting "; or"; and

(6) by adding at the end the following:

"(7) as determined by the Secretary, land—

"(A) that was enrolled in the conservation reserve program under a 15-year contract that expired on September 30, 2017, or September 30, 2018;

"(B) for which there was no opportunity for additional enrollment in that program; and

"(C) on which the conservation practice under the expired contract under subparagraph (A) is maintained.".

(c) ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (E) and inserting the following:

"(A) fiscal year 2019, not more than 24,000,000 acres;

"(B) fiscal year 2020, not more than 24,500,000 acres;

"(C) fiscal year 2021, not more than 25,000,000 acres;

"(D) fiscal year 2022, not more than 25,500,000 acres; and

"(E) fiscal year 2023, not more than 27,000,000 acres.";

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

"(A) LIMITATION.—For purposes of applying the limitations in paragraph (1)—

"(i) the Secretary shall enroll and maintain in the conservation reserve not fewer than 2,000,000 acres of the land described in subsection (b)(3) by September 30, 2023; and

"(ii) in carrying out clause (i), to the maximum extent practicable, the Secretary shall maintain in the conservation reserve at any one time during—

"(I) fiscal year 2019, 1,000,000 acres;

"(II) fiscal year 2020, 1,500,000 acres; and

"(III) fiscal years 2021 through 2023, 2,000,000 acres.

"(B) PRIORITY.—In enrolling acres under subparagraph (A), the Secretary may give priority to land, as determined by the Secretary—

"(i) with expiring conservation reserve contracts;

"(ii) at risk of conversion or development; or

"(iii) of ecological significance, including land that—

"(I) may assist in the restoration of threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(II) may assist in preventing a species from being listed as a threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

"(III) improves or creates wildlife habitat corridors.";

(B) in subparagraph (C)—

(i) by striking "In enrolling" and inserting the following:

"(i) IN GENERAL.—In enrolling";

(ii) in clause (i) (as so designated), by striking "a continuous" and inserting "an annual"; and

(iii) by adding at the end the following:

"(ii) TIMING OF GRASSLAND RANKING PERIOD.—For purposes of grasslands described in subsection (b)(3), the Secretary shall announce at least 1 ranking period subsequent to the announcement of general enrollment offers."; and

(C) by adding at the end the following:

"(D) RESERVATION OF UNENROLLED ACRES.—If the Secretary is unable in a fiscal year to enroll enough acres of land described in subsection (b)(3) to meet the number of acres described in clause (ii) or (iii) of subparagraph (A) for the fiscal year—

"(i) the Secretary shall reserve the remaining number of acres for that fiscal year for the enrollment of land described in subsection (b)(3); and

"(ii) that number of acres shall not be available for the enrollment of any other type of eligible land."; and

(3) by adding at the end the following:

"(3) WATER QUALITY PRACTICES TO FOSTER CLEAN LAKES, ESTUARIES, AND RIVERS (CLEAR INITIATIVE).—

"(A) IN GENERAL.—The Secretary shall give priority within continuous enrollment under paragraph (6) to the enrollment of land described in subsection (b)(4).

"(B) SEDIMENT AND NUTRIENT LOADINGS.—In carrying out subparagraph (A), the Secretary shall give priority to the implementation of practices on land that, if enrolled, will help reduce sediment loadings, nutrient loadings, and harmful algal blooms, as determined by the Secretary.

"(C) ACREAGE.—

"(i) IN GENERAL.—Of the acres maintained in the conservation reserve in accordance with paragraph (1), to the maximum extent practicable, not less than 40 percent of acres enrolled in the conservation reserve using continuous enrollment under paragraph (6) shall be of land described in subsection (b)(4).

"(ii) LIMITATION.—The acres described in clause (i) shall not include grasslands described in subsection (b)(3).

"(D) REPORT.—The Secretary shall—

"(i) in the monthly publication of the Secretary describing conservation reserve program statistics, include a description of enrollments through the priority under this paragraph; and

"(ii) publish on the website of the Farm Service Agency an annual report describing a summary of, with respect to the enrollment priority under this paragraph—

"(I) new enrollments;

"(II) expirations;

"(III) geographic distribution; and

"(IV) estimated water quality benefits.

"(4) STATE ENROLLMENT RATES.—At the beginning of each of fiscal years 2019 through 2023, to the maximum extent practicable, the Secretary shall allocate to the States proportionately 60 percent of the available number of acres each year for enrollment in the conservation reserve, in accordance with historical State enrollment rates, taking into consideration—

"(A) the average number of acres of all land enrolled in the conservation reserve in each State during each of fiscal years 2007 through 2016;

"(B) the average number of acres of all land enrolled in the conservation reserve nationally during each of fiscal years 2007 through 2016; and

"(C) the acres available for enrollment during each of fiscal years 2019 through 2023, excluding acres described in paragraph (2).

"(5) FREQUENCY.—In carrying out this subchapter, for contracts that are not available on a continuous enrollment basis, the Secretary shall hold a signup and enrollment not less often than once each year.

"(6) CONTINUOUS ENROLLMENT PROCEDURE.—

"(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall allow producers to submit applications on a continuous basis for enrollment in—

"(i) the conservation reserve of—

"(I) marginal pasture land described in subsection (b)(2);

"(II) land described in subsection (b)(4); and

"(III) cropland described in subsection (b)(5); and

"(ii) the conservation reserve enhancement program under section 1231A.

"(B) LIMITATION.—For purposes of applying the limitations in paragraph (1)—

"(i) the Secretary shall, to the maximum extent practicable, enroll and maintain not fewer than 8,600,000 acres of land under subparagraph (A) by September 30, 2023; and

"(ii) in carrying out clause (i), to the maximum extent practicable, the Secretary shall maintain in the conservation reserve at any one time during—

"(I) fiscal year 2019, 8,000,000 acres;

"(II) fiscal year 2020, 8,250,000 acres;

"(III) fiscal year 2021, 8,500,000 acres; and

"(IV) fiscal years 2022 and 2023, 8,600,000 acres.".

(d) ELIGIBILITY FOR CONSIDERATION.—Section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) is amended—

(1) by striking "On the expiration" and inserting the following:

"(1) IN GENERAL.—On the expiration"; and

(2) by adding at the end the following:

"(2) REENROLLMENT LIMITATION FOR CERTAIN LAND.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), land subject to a contract entered into under this subchapter shall be eligible for only one reenrollment in the conservation reserve under paragraph (1) if the land is devoted to hardwood trees.

"(B) EXCLUSIONS.—Subparagraph (A) shall not apply to—

"(i) riparian forested buffers;

"(ii) forested wetlands enrolled under subsection (d)(3) or the conservation reserve enhancement program under section 1231A; and

"(iii) shelterbelts.".

SEC. 2202. CONSERVATION RESERVE ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1231 (16 U.S.C. 3831) the following:

16 USC 3831a.

"SEC. 1231A. CONSERVATION RESERVE ENHANCEMENT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) CREP.—The term 'CREP' means a conservation reserve enhancement program carried out under subsection (b)(1).

"(2) ELIGIBLE LAND.—The term 'eligible land' means land that is eligible to be included in the program established under this subchapter.

"(3) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(A) a State;

"(B) a political subdivision of a State;

"(C) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); or

"(D) a nongovernmental organization.

"(4) MANAGEMENT.—The term 'management' means an activity conducted by an owner or operator under a contract entered into under this subchapter after the establishment of a conservation practice on eligible land, to regularly maintain or enhance the vegetative cover established by the conservation practice—

"(A) throughout the term of the contract; and

"(B) consistent with the conservation plan that covers the eligible land.

"(b) AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into an agreement with an eligible partner to carry out a conservation reserve enhancement program—

"(A) to assist in enrolling eligible land in the program established under this subchapter; and

"(B) that the Secretary determines will advance the purposes of this subchapter.

"(2) CONTENTS.—An agreement entered into under paragraph (1) shall—

"(A) describe—

"(i) 1 or more specific State or nationally significant conservation concerns to be addressed by the agreement;

"(ii) quantifiable environmental goals for addressing the concerns under clause (i);

"(iii) a suitable acreage goal for enrollment of eligible land under the agreement, as determined by the Secretary;

"(iv) the location of eligible land to be enrolled in the project area identified under the agreement;

"(v) the payments to be offered by the Secretary and eligible partner to an owner or operator; and

"(vi) an appropriate list of conservation reserve program conservation practices that are appropriate to meeting the concerns described under clause (i), as determined by the Secretary in consultation with eligible partners;

"(B) subject to subparagraph (C), require the eligible partner to provide matching funds—

"(i) in an amount determined during a negotiation between the Secretary and 1 or more eligible partners, if the majority of the matching funds to carry out the agreement are provided by 1 or more eligible partners that are not nongovernmental organizations; or

"(ii) in an amount not less than 30 percent of the cost required to carry out the conservation measures and practices described in the agreement, if a majority of the matching funds to carry out the agreement are provided by 1 or more nongovernmental organizations; and

"(C) include procedures to allow for a temporary waiver of the matching requirements under subparagraph (B), or

continued enrollment with a temporary suspension of incentives or eligible partner contributions for new agreements, during a period when an eligible partner loses the authority or ability to provide matching contributions, if the Secretary determines that the temporary waiver or continued enrollment with a temporary suspension will advance the purposes of this subchapter.

"(3) EFFECT ON EXISTING AGREEMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), an agreement under this subsection shall not affect, modify, or interfere with existing agreements under this subchapter.

"(B) MODIFICATION OF EXISTING AGREEMENTS.—To implement this section, the signatories to an agreement under this subsection may mutually agree to a modification of an agreement entered into before the date of enactment of this section under the Conservation Reserve Enhancement Program established by the Secretary under this subchapter.

"(c) PAYMENTS.—

"(1) MATCHING REQUIREMENT.—Funds provided by an eligible partner may be in cash, in-kind contributions, or technical assistance, as determined by the Secretary.

"(2) MARGINAL PASTURELAND COST-SHARE PAYMENTS.—The Secretary shall ensure that cost-share payments to an owner or operator to install stream fencing, crossings, and alternative water development on marginal pastureland under a CREP reflect the fair market value of the cost of installation.

"(3) COST-SHARE AND PRACTICE INCENTIVE PAYMENTS.—

"(A) IN GENERAL.—On request of an owner or operator, the Secretary shall provide cost-share payments when a major component of a conservation practice is completed under a CREP, as determined by the Secretary.

"(B) EXEMPTION.—For purposes of implementing conservation practices on land enrolled under a CREP, the Secretary may waive the contribution limitation described in section 1234(b)(2)(A).

"(4) RIPARIAN BUFFER MANAGEMENT PAYMENTS.—

"(A) IN GENERAL.—In the case of an agreement under subsection (b)(1) that includes riparian buffers as an eligible practice, the Secretary shall make cost-share payments to encourage the regular management of the riparian buffer throughout the term of the agreement, consistent with the conservation plan that covers the eligible land.

"(B) LIMITATION.—The amount of payments received by an owner or operator under subparagraph (A) shall not be greater than 100 percent of the normal and customary projected management cost, as determined by the Secretary, in consultation with the applicable State technical committee established under section 1261(a).

"(d) FORESTED RIPARIAN BUFFER PRACTICE.—

"(1) FOOD-PRODUCING WOODY PLANTS.—In the case of an agreement under subsection (b)(1) that includes forested riparian buffers as an eligible practice, the Secretary shall allow an owner or operator—

"(A) to plant food-producing woody plants in the forested riparian buffers, on the conditions that—

"(i) the plants shall contribute to the conservation of soil, water quality, and wildlife habitat; and

"(ii) the planting shall be consistent with—

"(I) recommendations of the applicable State technical committee established under section 1261(a); and

"(II) technical guide standards of the applicable field office of the Natural Resources Conservation Service; and

"(B) to harvest from plants described in subparagraph (A), on the conditions that—

"(i) the harvesting shall not damage the conserving cover or otherwise have a negative impact on the conservation concerns targeted by the CREP;

"(ii) only native plant species appropriate to the region shall be used within 35 feet of the watercourse; and

"(iii) the producer shall be subject to a reduction in the rental rate commensurate to the value of the crop harvested.

"(2) TECHNICAL ASSISTANCE.—For the purpose of enrolling forested riparian buffers in a CREP, the Administrator of the Farm Service Agency shall coordinate with the applicable State forestry agency.

"(e) DROUGHT AND WATER CONSERVATION AGREEMENTS.—In the case of an agreement under subsection (b)(1) to address regional drought concerns, in accordance with the conservation purposes of the CREP, the Secretary, in consultation with the applicable State technical committee established under section 1261(a), may—

"(1) notwithstanding subsection (a)(2), enroll other agricultural land on which the resource concerns identified in the agreement can be addressed if the enrollment of the land is critical to the accomplishment of the purposes of the agreement;

"(2) permit dryland agricultural uses with the adoption of best management practices on enrolled land if the agreement involves the significant long-term reduction of consumptive water use and dryland production is compatible with the agreement; and

"(3) calculate annual rental payments consistent with existing administrative practice for similar drought and water conservation agreements under this subtitle and ensure regional consistency in those rates.

"(f) STATUS REPORT.—Not later than 180 days after the end of each fiscal year, the Secretary shall submit to Congress a report that describes, with respect to each agreement entered into under subsection (b)(1)—

"(1) the status of the agreement;

"(2) the purposes and objectives of the agreement;

"(3) the Federal and eligible partner commitments made under the agreement; and

"(4) the progress made in fulfilling those commitments.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1240R(c)(3) of the Food Security Act of 1985 (16 U.S.C. 3839bb–5(c)(3)) is amended by striking "a special conservation reserve enhancement program described in section 1234(f)(4)" and inserting "a conservation reserve enhancement program under section 1231A".

(2) Section 1244(f)(3) of the Food Security Act of 1985 (16 U.S.C. 3844(f)(3)) is amended by striking "subsection (d)(2)(A)(ii) or (g)(2) of section 1234" and inserting "section 1231A".

SEC. 2203. FARMABLE WETLAND PROGRAM.

Section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended—

(1) in subsection (a)(1), by striking "2018" and inserting "2023"; and

(2) in subsection (f)(2), by striking "1234(d)(2)(A)(ii)" and inserting "1234(d)".

SEC. 2204. PILOT PROGRAMS.

Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1231B (16 U.S.C. 3831b) the following:

16 USC 3831c.

"SEC. 1231C. PILOT PROGRAMS.

"(a) CLEAR 30.—

"(1) IN GENERAL.—

"(A) ENROLLMENT.—The Secretary shall establish a pilot program to enroll land in the conservation reserve program through a 30-year conservation reserve contract (referred to in this subsection as a 'CLEAR 30 contract') in accordance with this subsection.

"(B) INCLUSION OF ACREAGE LIMITATION.—For purposes of applying the limitations in section 1231(d)(1), the Secretary shall include acres of land enrolled under this subsection.

"(2) EXPIRED CONSERVATION CONTRACT ELECTION.—

"(A) DEFINITION OF COVERED CONTRACT.—In this paragraph, the term 'covered contract' means a contract entered into under this subchapter that—

"(i) expires on or after the date of enactment of the Agriculture Improvement Act of 2018; and

"(ii) covers land enrolled in the conservation reserve program under the clean lakes, estuaries, and rivers priority described in section 1231(d)(3) (or the predecessor practices that constitute the priority, as determined by the Secretary).

"(B) ELECTION.—On the expiration of a covered contract, an owner or operator party to the covered contract shall elect—

"(i) not to reenroll the land under the contract;

"(ii) to offer to reenroll the land under the contract if the land remains eligible under the terms in effect as of the date of expiration; or

"(iii) not to reenroll the land under the contract and to enroll that land through a CLEAR 30 contract under this subsection.

"(3) ELIGIBLE LAND.—Only land that is subject to an expired covered contract shall be eligible for enrollment through a CLEAR 30 contract under this subsection.

"(4) TERM.—The term of a CLEAR 30 contract shall be 30 years.

"(5) AGREEMENTS.—To be eligible to enroll land in the conservation reserve program through a CLEAR 30 contract,

the owner of the land shall enter into an agreement with the Secretary—

"(A) to implement a conservation reserve plan developed for the land;

"(B) to comply with the terms and conditions of the contract and any related agreements; and

"(C) to temporarily suspend the base history for the land covered by the contract.

"(6) TERMS AND CONDITIONS OF CLEAR 30 CONTRACTS.—

"(A) IN GENERAL.—A CLEAR 30 contract shall include terms and conditions that—

"(i) permit—

"(I) repairs, improvements, and inspections on the land that are necessary to maintain existing public drainage systems; and

"(II) owners to control public access on the land while identifying access routes to be used for restoration activities and management and contract monitoring;

"(ii) prohibit—

"(I) the alteration of wildlife habitat and other natural features of the land, unless specifically authorized by the Secretary as part of the conservation reserve plan;

"(II) the spraying of the land with chemicals or the mowing of the land, except where the spraying or mowing is authorized by the Secretary or is necessary—

"(aa) to comply with Federal or State noxious weed control laws;

"(bb) to comply with a Federal or State emergency pest treatment program; or

"(cc) to meet habitat needs of specific wildlife species;

"(III) any activity to be carried out on the land of the owner or successor that is immediately adjacent to, and functionally related to, the land that is subject to the contract if the activity will alter, degrade, or otherwise diminish the functional value of the land; and

"(IV) the adoption of any other practice that would tend to defeat the purposes of the conservation reserve program, as determined by the Secretary; and

"(iii) include any additional provision that the Secretary determines is appropriate to carry out this section or facilitate the practical administration of this section.

"(B) VIOLATION.—On the violation of a term or condition of a CLEAR 30 contract, the Secretary may require the owner to refund all or part of any payments received by the owner under the conservation reserve program, with interest on the payments, as determined appropriate by the Secretary.

"(C) COMPATIBLE USES.—Land subject to a CLEAR 30 contract may be used for compatible economic uses,

including hunting and fishing, managed timber harvest, or periodic haying or grazing, if the use—

"(i) is specifically permitted by the conservation reserve plan developed for the land; and

"(ii) is consistent with the long-term protection and enhancement of the conservation resources for which the contract was established.

"(7) COMPENSATION.—

"(A) AMOUNT OF PAYMENTS.—The Secretary shall provide payment under this subsection to an owner of land enrolled through a CLEAR 30 contract using 30 annual payments in an amount equal to the amount that would be used if the land were to be enrolled in the conservation reserve program under section 1231(d)(3).

"(B) FORM OF PAYMENT.—Compensation for a CLEAR 30 contract shall be provided by the Secretary in the form of a cash payment in an amount determined under subparagraph (A).

"(C) TIMING.—The Secretary shall provide any annual payment obligation under subparagraph (A) as early as practicable in each fiscal year.

"(D) PAYMENTS TO OTHERS.—The Secretary shall make a payment, in accordance with regulations prescribed by the Secretary, in a manner as the Secretary determines is fair and reasonable under the circumstances, if an owner who is entitled to a payment under this section—

"(i) dies;

"(ii) becomes incompetent;

"(iii) is succeeded by another person or entity who renders or completes the required performance; or

"(iv) is otherwise unable to receive the payment.

"(8) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The Secretary shall assist owners in complying with the terms and conditions of a CLEAR 30 contract.

"(B) CONTRACTS OR AGREEMENTS.—The Secretary may enter into 1 or more contracts with private entities or agreements with a State, nongovernmental organization, or Indian Tribe to carry out necessary maintenance of a CLEAR 30 contract if the Secretary determines that the contract or agreement will advance the purposes of the conservation reserve program.

"(9) ADMINISTRATION.—

"(A) CONSERVATION RESERVE PLAN.—The Secretary shall develop a conservation reserve plan for any land subject to a CLEAR 30 contract, which shall include practices and activities necessary to maintain, protect, and enhance the conservation value of the enrolled land.

"(B) DELEGATION OF CONTRACT ADMINISTRATION.—

"(i) FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES.—The Secretary may delegate any of the management, monitoring, and enforcement responsibilities of the Secretary under this subsection to other Federal, State, or local government agencies that have the appropriate authority, expertise, and resources necessary to carry out those delegated responsibilities.

"(ii) CONSERVATION ORGANIZATIONS.—The Secretary may delegate any management responsibilities of the Secretary under this subsection to conservation organizations if the Secretary determines the conservation organization has similar expertise and resources.

"(b) SOIL HEALTH AND INCOME PROTECTION PILOT PROGRAM.—

"(1) DEFINITION OF ELIGIBLE LAND.—In this subsection:

"(A) IN GENERAL.—The term 'eligible land' means cropland that—

"(i) is selected by the owner or operator of the land for proposed enrollment in the pilot program under this subsection; and

"(ii) as determined by the Secretary—

"(I) is located within 1 or more States that are part of the prairie pothole region, as selected by the Secretary based on consultation with State Committees of the Farm Service Agency and State technical committees established under section 1261(a) from that region;

"(II) had a cropping history or was considered to be planted during each of the 3 crop years preceding enrollment; and

"(III) is verified to be less-productive land, as compared to other land on the applicable farm.

"(B) EXCLUSION.—The term 'eligible land' does not include any land that was enrolled in a conservation reserve program contract in any of the 3 crop years preceding enrollment in the pilot program under this subsection.

"(2) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a voluntary soil health and income protection pilot program under which eligible land is enrolled through the use of contracts to assist owners and operators of eligible land to conserve and improve the soil, water, and wildlife resources of the eligible land.

"(B) DEADLINE FOR PARTICIPATION.—Eligible land may be enrolled in the program under this section through December 31, 2020.

"(3) CONTRACTS.—

"(A) REQUIREMENTS.—A contract described in paragraph (2) shall—

"(i) be entered into by the Secretary, the owner of the eligible land, and (if applicable) the operator of the eligible land; and

"(ii) provide that, during the term of the contract—

"(I) the lowest practicable cost perennial conserving use cover crop for the eligible land, as determined by the applicable State conservationist after considering the advice of the applicable State technical committee, shall be planted on the eligible land;

"(II) except as provided in subparagraph (E), the owner or operator of the eligible land shall pay the cost of planting the conserving use cover crop under subclause (I);

"(III) subject to subparagraph (F), the eligible land may be harvested for seed, hayed, or grazed outside the primary nesting season established for the applicable county;

"(IV) the eligible land may be eligible for a walk-in access program of the applicable State, if any; and

"(V) a nonprofit wildlife organization may provide to the owner or operator of the eligible land a payment in exchange for an agreement by the owner or operator not to harvest the conserving use cover.

"(B) PAYMENTS.—Except as provided in subparagraphs (E) and (F)(ii)(II), the annual rental rate for a payment under a contract described in paragraph (2) shall be equal to 50 percent of the average rental rate for the applicable county under section 1234(d), as determined by the Secretary.

"(C) LIMITATION ON ENROLLED LAND.—Not more than 15 percent of the eligible land on a farm may be enrolled in the pilot program under this subsection.

"(D) TERM.—

"(i) IN GENERAL.—Except as provided in clause (ii), each contract described in paragraph (2) shall be for a term of 3, 4, or 5 years, as determined by the parties to the contract.

"(ii) EARLY TERMINATION.—

"(I) SECRETARY.—The Secretary may terminate a contract described in paragraph (2) before the end of the term described in clause (i) if the Secretary determines that the early termination of the contract is necessary.

"(II) OWNERS AND OPERATORS.—An owner and (if applicable) an operator of eligible land enrolled in the pilot program under this subsection may terminate a contract described in paragraph (2) before the end of the term described in clause (i) if the owner and (if applicable) the operator pay to the Secretary an amount equal to the amount of rental payments received under the contract.

"(E) BEGINNING, LIMITED RESOURCE, SOCIALLY DISADVANTAGED, OR VETERAN FARMERS AND RANCHERS.—With respect to a beginning, limited resource, socially disadvantaged, or veteran farmer or rancher, as determined by the Secretary—

"(i) a contract described in paragraph (2) shall provide that, during the term of the contract, of the actual cost of establishment of the conserving use cover crop under subparagraph (A)(ii)(I)—

"(I) using the funds of the Commodity Credit Corporation, the Secretary shall pay 50 percent; and

"(II) the beginning, limited resource, socially disadvantaged, or veteran farmer or rancher shall pay 50 percent; and

"(ii) the annual rental rate for a payment under a contract described in paragraph (2) shall be equal to 75 percent of the average rental rate for the applicable county under section 1234(d), as determined by the Secretary.

"(F) HARVESTING, HAYING, AND GRAZING OUTSIDE APPLICABLE PERIOD.—The harvesting for seed, haying, or grazing of eligible land under subparagraph (A)(ii)(III) outside of the primary nesting season established for the applicable county shall be subject to the conditions that—

"(i) with respect to eligible land that is so hayed or grazed, adequate stubble height shall be maintained to protect the soil on the eligible land, as determined by the applicable State conservationist after considering the advice of the applicable State technical committee; and

"(ii) with respect to eligible land that is so harvested for seed—

"(I) the eligible land shall not be eligible to be insured or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

"(II) the rental payment otherwise applicable to the eligible land under this subsection shall be reduced by 25 percent.

"(4) ACREAGE LIMITATION.—Of the number of acres available for enrollment in the conservation reserve under section 1231(d)(1), not more than 50,000 total acres of eligible land may be enrolled under the pilot program under this subsection.

"(5) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the eligible land enrolled in the pilot program under this subsection, including—

"(A) the estimated conservation value of the land; and

"(B) estimated savings from reduced commodity payments, crop insurance indemnities, and crop insurance premium subsidies.".

SEC. 2205. DUTIES OF OWNERS AND OPERATORS.

Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) on land devoted to hardwood or other trees, excluding windbreaks and shelterbelts, to carry out proper thinning and other practices—

"(A) to enhance the conservation benefits and wildlife habitat resources addressed by the conservation practice under which the land is enrolled; and

"(B) to promote forest management;".

SEC. 2206. DUTIES OF THE SECRETARY.

(a) COST-SHARE AND RENTAL PAYMENTS.—Section 1233(a) of the Food Security Act of 1985 (16 U.S.C. 3833(a)) is amended—

(1) in paragraph (1), by inserting ", including the cost of fencing and other water distribution practices, if applicable" after "interest"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "in an amount necessary to compensate" and inserting ", in accordance with section 1234(d),";

(B) in subparagraph (A)—

(i) by inserting ", marginal pastureland," after "cropland"; and

(ii) by adding "or" at the end;

(C) by striking subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B).

(b) SPECIFIED ACTIVITIES PERMITTED.—Section 1233 of the Food Security Act of 1985 (16 U.S.C. 3833) is amended by striking subsection (b) and inserting the following:

"(b) SPECIFIED ACTIVITIES PERMITTED.—

"(1) IN GENERAL.—The Secretary, in coordination with the applicable State technical committee established under section 1261(a), shall permit certain activities or commercial uses of established cover on land that is subject to a contract under the conservation reserve program if—

"(A) those activities or uses—

"(i) are consistent with the conservation of soil, water quality, and wildlife habitat;

"(ii) are subject to appropriate restrictions during the primary nesting season for birds in the local area that are economically significant, in significant decline, or conserved in accordance with Federal or State law;

"(iii) contribute to the health and vigor of the established cover; and

"(iv) are consistent with a site-specific plan, including vegetative management requirements, stocking rates, and frequency and duration of activity, taking into consideration regional differences, such as climate, soil type, and natural resources; and

"(B) the Secretary, in coordination with the State technical committee, includes contract modifications—

"(i) without any reduction in the rental rate for—

"(I) emergency haying, emergency grazing, or other emergency use of the forage in response to a localized or regional drought, flooding, wildfire, or other emergency, on all practices, outside the primary nesting season, when—

"(aa) the county is designated as D2 (severe drought) or greater according to the United States Drought Monitor;

"(bb) there is at least a 40 percent loss in forage production in the county; or

"(cc) the Secretary, in coordination with the State technical committee, determines that the program can assist in the response to a natural disaster event without permanent damage to the established cover;

"(II) emergency grazing on all practices during the primary nesting season if payments are authorized for a county under the livestock forage disaster program under clause (ii) of section 1501(c)(3)(D) of the Agricultural Act of 2014 (7

U.S.C. 9081(c)(3)(D)), at 50 percent of the normal carrying capacity determined under clause (i) of that section, adjusted to the site-specific plan;

"(III) emergency haying on certain practices, outside the primary nesting season, if payments are authorized for a county under the livestock forage disaster program under clause (ii) of section 1501(c)(3)(D) of the Agricultural Act of 2014 (7 U.S.C. 9081(c)(3)(D)), on not more than 50 percent of contract acres, as identified in the site-specific plan;

"(IV) grazing of all practices, outside the primary nesting season, if included as a mid-contract management practice under section 1232(a)(5);

"(V) the intermittent and seasonal use of vegetative buffer established under paragraphs (4) and (5) of section 1231(b) that are incidental to agricultural production on land adjacent to the buffer such that the permitted use—

"(aa) does not destroy the permanent vegetative cover; and

"(bb) retains suitable vegetative structure for wildlife cover and shelter outside the primary nesting season; or

"(VI) grazing on all practices, outside the primary nesting season, if conducted by a beginning farmer or rancher; or

"(ii) with a 25 percent reduction in the annual rental rate for the acres covered by the authorized activity, including—

"(I) grazing not more frequently than every other year on the same land, except that during the primary nesting season, grazing shall be subject to a 50 percent reduction in the stocking rate specified in the site-specific plan;

"(II) grazing of all practices during the primary nesting season, with a 50 percent reduction in the stocking rate specified in the site-specific plan;

"(III) haying and other commercial use (including the managed harvesting of biomass and excluding the harvesting of vegetative cover), on the condition that the activity—

"(aa) is completed outside the primary nesting season;

"(bb) occurs not more than once every 3 years; and

"(cc) maintains 25 percent of the total contract acres unharvested, in accordance with a site-specific plan that provides for wildlife cover and shelter;

"(IV) annual grazing outside the primary nesting season if consistent with a site-specific plan that is authorized for the control of invasive species; and

"(V) the installation of wind turbines and associated access, except that in permitting the installation of wind turbines, the Secretary shall

determine the number and location of wind turbines that may be installed, taking into account—

"(aa) the location, size, and other physical characteristics of the land;

"(bb) the extent to which the land contains threatened or endangered wildlife and wildlife habitat; and

"(cc) the purposes of the conservation reserve program under this subchapter.

"(2) CONDITIONS ON HAYING AND GRAZING.—

"(A) IN GENERAL.—The Secretary may permit haying or grazing in accordance with paragraph (1) on any land or practice subject to a contract under the conservation reserve program.

"(B) EXCEPTIONS.—

"(i) DAMAGE TO VEGETATIVE COVER.—Haying or grazing described in paragraph (1) shall not be permitted on land subject to a contract under the conservation reserve program, or under a particular practice, if haying or grazing for that year under that practice, as applicable, would cause long-term damage to vegetative cover on that land.

"(ii) SPECIAL AGREEMENTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), haying or grazing described in paragraph (1) shall not be permitted on—

"(aa) land covered by a contract enrolled under the State acres for wildlife enhancement program established by the Secretary; or

"(bb) land covered by a contract enrolled under a conservation reserve enhancement program established under section 1231A or the Conservation Reserve Enhancement Program established by the Secretary under this subchapter.

"(II) EXCEPTION.—Subclause (I) shall not apply to land on which haying or grazing is specifically permitted under the applicable conservation reserve enhancement program agreement or other partnership agreement entered into under this subchapter.".

(c) NATURAL DISASTER OR ADVERSE WEATHER AS MID-CONTRACT MANAGEMENT.—Section 1233 of the Food Security Act of 1985 (16 U.S.C. 3833) is amended by adding at the end the following:

"(e) NATURAL DISASTER OR ADVERSE WEATHER AS MID-CONTRACT MANAGEMENT.—In the case of a natural disaster or adverse weather event that has the effect of a management practice consistent with the conservation plan, the Secretary shall not require further management practices pursuant to section 1232(a)(5) that are intended to achieve the same effect.".

SEC. 2207. PAYMENTS.

(a) COST SHARING PAYMENTS.—Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3834(b)) is amended—

(1) by striking paragraphs (2) through (4) and inserting the following:

"(2) LIMITATIONS.—

"(A) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that cost sharing payments to an owner or operator under this subchapter, when combined with the sum of payments from all other funding sources for measures and practices described in paragraph (1), do not exceed 100 percent of the total actual cost of establishing those measures and practices, as determined by the Secretary.

"(B) MID-CONTRACT MANAGEMENT GRAZING.—The Secretary may not make any cost sharing payment to an owner or operator under this subchapter pursuant to section 1232(a)(5).

"(C) SEED COST.—In the case of seed costs related to the establishment of cover, cost sharing payments under this subchapter shall not exceed 50 percent of the actual cost of the seed mixture, as determined by the Secretary.";

(2) by redesignating paragraph (5) as paragraph (3);

(3) in paragraph (3) (as so redesignated), by striking "An owner" and inserting "Except in the case of incentive payments that are related to the cost of the establishment of a practice and received from eligible partners under the conservation reserve enhancement program under section 1231A, an owner"; and

(4) by adding at the end the following:

"(4) PRACTICE INCENTIVES FOR CONTINUOUS PRACTICES.—In addition to the cost sharing payment described in this subsection, the Secretary shall make an incentive payment to an owner or operator of land enrolled under section 1231(d)(6) in an amount not to exceed 50 percent of the actual cost of establishing all measures and practices described in paragraph (1), including seed costs related to the establishment of cover, as determined by the Secretary.".

(b) INCENTIVE PAYMENTS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended—

(1) in the subsection heading, by striking "INCENTIVE" and inserting "FOREST MANAGEMENT INCENTIVE";

(2) in paragraph (1), by striking "The Secretary" and inserting "Using funds made available under section 1241(a)(1)(A), the Secretary"; and

(3) in paragraph (2), by striking "150 percent" and inserting "100 percent".

(c) ANNUAL RENTAL PAYMENTS.—Section 1234(d) of the Food Security Act of 1985 (16 U.S.C. 3834(d)) is amended—

(1) in paragraph (1)—

(A) by striking "the Secretary may consider, among other things, the amount" and inserting the following: "the Secretary shall consider—

"(A) the amount";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(B) the impact on the local farmland rental market; and

"(C) such other factors as the Secretary determines to be appropriate.";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "; or" and inserting a period;

(ii) by striking clause (ii); and

(iii) by striking "determined through—" in the matter preceding clause (i) and all that follows through "the submission of bids" in clause (i) and inserting "determined through the submission of applications";

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

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

"(B) MULTIPLE ENROLLMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), if land subject to a contract entered into under this subchapter is reenrolled under section 1231(h)(1) or has been previously enrolled in the conservation reserve, the annual rental payment shall be in an amount that is not more than 85 percent in the case of general enrollment contacts, or 90 percent in the case of continuous enrollment contracts, of the applicable estimated average county rental rate published pursuant to paragraph (4) for the year in which the reenrollment occurs.

"(ii) CONSERVATION RESERVE ENHANCEMENT PROGRAM.—The reduction in annual rental payments under clause (i) may be waived as part of the negotiation between the Secretary and an eligible partner to enter into a conservation reserve enhancement program agreement under section 1231A.";

(D) in subparagraph (C) (as so redesignated), by striking "In the case" and inserting "Notwithstanding subparagraph (A), in the case"; and

(E) by adding at the end the following:

"(D) CONTINUOUS SIGN-UP INCENTIVES.—The Secretary shall make an incentive payment to the owner or operator of land enrolled under section 1231(d)(6) at the time of initial enrollment in an amount equal to 32.5 percent of the amount of the first annual rental payment under subparagraph (A).";

(3) by striking paragraph (4);

(4) by redesignating paragraph (5) as paragraph (4); and

(5) in paragraph (4) (as so redesignated)—

(A) in subparagraph (A)—

(i) by striking ", not less frequently than once every other year," and inserting "annually"; and

(ii) by inserting ", and shall publish the estimates derived from the survey not later than September 15 of each year" before the period at the end;

(B) in subparagraph (B), by inserting "and the average current and previous soil rental rates for each county" after "subparagraph (A)";

(C) in subparagraph (C), by striking "may use" and inserting "shall consider"; and

(D) by adding at the end the following:

"(D) SUBMISSION OF ADDITIONAL INFORMATION BY STATE FSA OFFICES AND CREP PARTNERS.—

"(i) IN GENERAL.—The Secretary shall provide an opportunity for State Committees of the Farm Service Agency or eligible partners (as defined in section

1231A(a)) in conservation reserve enhancement programs under section 1231A to propose an alternative soil rental rate prior to finalizing new rates, on the condition that documentation described in clause (ii) is provided to support the proposed alternative.

"(ii) ACCEPTABLE DOCUMENTATION.—Documentation referred to in clause (i) includes—

"(I) an average of cash rents from a random sample of lease agreements;

"(II) cash rent estimates from a published survey;

"(III) neighboring county estimate comparisons from the National Agricultural Statistics Service;

"(IV) an average of cash rents from Farm Service Agency farm business plans;

"(V) models that estimate cash rents, such as models that use returns to estimate crop production or land value data; or

"(VI) other documentation, as determined by the Secretary.

"(iii) NOTIFICATION.—Not less than 14 days prior to the announcement of new or revised soil rental rates, the Secretary shall offer a briefing to the Chairman and Ranking Member of the Committee on Agriculture of the House of Representatives and the Chairman and Ranking Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate, including information on and the rationale for the alternative rates proposed under clause (i) that were accepted or rejected.

"(E) RENTAL RATE LIMITATION.—Notwithstanding forest management incentive payments described in subsection (c), the county average soil rental rate (before any adjustments relating to specific practices, wellhead protection, or soil productivity) shall not exceed—

"(i) 85 percent of the estimated rental rate determined under this paragraph for general enrollment; or

"(ii) 90 percent of the estimated rental rate determined under this paragraph for continuous enrollment.".

(d) PAYMENT LIMITATION FOR RENTAL PAYMENTS.—Section 1234(g) of the Food Security Act of 1985 (16 U.S.C. 3834(g)) is amended—

(1) in paragraph (1), by striking "The total" and inserting "Except as provided in paragraph (2), the total"; and

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

"(2) WELLHEAD PROTECTION.—Paragraph (1) and section 1001D(b) shall not apply to rental payments received by a rural water district or association for land that is enrolled under this subchapter for the purpose of protecting a wellhead.".

SEC. 2208. CONTRACTS.

(a) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—Section 1235(f) of the Food Security Act of 1985 (16 U.S.C. 3835(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "retired farmer or rancher" and inserting "contract holder";

(B) by striking "retired or retiring owner or operator" each place it appears and inserting "contract holder";

(C) in subparagraph (A), in the matter preceding clause (i), by striking "1 year" and inserting "2 years";

(D) in subparagraph (B), by inserting ", including a lease with a term of less than 5 years and an option to purchase" after "option to purchase";

(E) in subparagraph (D), by striking "; and" and inserting a semicolon;

(F) by redesignating subparagraph (E) as subparagraph (F); and

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

"(E) give priority to the enrollment of the land covered by the contract in—

"(i) the environmental quality incentives program established under subchapter A of chapter 4;

"(ii) the conservation stewardship program established under subchapter B of chapter 4; or

"(iii) the agricultural conservation easement program established under subtitle H; and"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "The Secretary" and inserting "To the extent that the maximum number of acres permitted to be enrolled under the conservation reserve program has not been met, the Secretary"; and

(B) by striking subparagraph (A) and inserting the following:

"(A)(i) is carried out on land described in paragraph (4) or (5) of section 1231(b); and

"(ii) is eligible for continuous enrollment under section 1231(d)(6); and".

(b) END OF CONTRACT CONSIDERATIONS.—Section 1235(g) of the Food Security Act of 1985 (16 U.S.C. 3835(g)) is amended to read as follows:

"(g) END OF CONTRACT CONSIDERATIONS.—The Secretary shall not consider an owner or operator to be in violation of a term or condition of the conservation reserve contract if—

"(1) during the year prior to expiration of the contract, the owner or operator—

"(A)(i) enters into a contract under the environmental quality incentives program established under subchapter A of chapter 4; and

"(ii) begins the establishment of a practice under that contract; or

"(B)(i) enters into a contract under the conservation stewardship program established under subchapter B of chapter 4; and

"(ii) begins the establishment of a practice under that contract; or

"(2) during the 3 years prior to the expiration of the contract, the owner or operator begins the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

SEC. 2209. ELIGIBLE LAND; STATE LAW REQUIREMENTS.

16 USC 3831 note.

The Secretary shall revise paragraph (4) of section 1410.6(d) of title 7, Code of Federal Regulations, to provide that land enrolled under a Conservation Reserve Enhancement Program agreement initially established before January 1, 2014 (including an amended or successor Conservation Reserve Enhancement Program agreement, as determined by the Secretary), shall not be ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) under that paragraph if the Deputy Administrator (as defined in section 1410.2(b) of title 7, Code of Federal Regulations (or successor regulations)), on recommendation from and in consultation with the applicable State technical committee established under section 1261(a) of the Food Security Act of 1985 (16 U.S.C. 3861(a)) determines, under such terms and conditions as the Deputy Administrator, in consultation with the State technical committee, determines to be appropriate, that making that land eligible for enrollment in that program is not contrary to the purposes of that program.

Subtitle C—Environmental Quality Incentives Program and Conservation Stewardship Program

SEC. 2301. REPEAL OF CONSERVATION PROGRAMS.

(a) IN GENERAL.—Chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) is amended—

(1) by striking the chapter designation and heading and inserting the following:

"CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM AND CONSERVATION STEWARDSHIP PROGRAM

"Subchapter A—Environmental Quality Incentives Program"; and

(2) by inserting after section 1240H the following:

"Subchapter B—Conservation Stewardship Program".

(b) CONSERVATION STEWARDSHIP PROGRAM.—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is amended—

(1) by redesignating sections 1238D through 1238G as sections 1240I through 1240L, respectively; and

16 USC 3838d–3838g.

(2) by moving sections 1240I through 1240L (as so redesignated) so as to appear after the subchapter heading for subchapter B of chapter 4 of subtitle D of title XII of that Act (as added by subsection (a)(2)).

16 USC 3839aa–21—3839aa–24.

(c) REPEAL.—

(1) IN GENERAL.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) (as amended by subsection (b)) is repealed.

16 USC 3838–3838c.

16 USC 3838d note.

(2) TERMINATION OF CONSERVATION STEWARDSHIP PROGRAM.—Effective on the date of enactment of this Act, the conservation stewardship program under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act) shall cease to be effective.

16 USC 3839aa–21 note.

(3) TRANSITIONAL PROVISIONS.—

(A) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The cessation of effectiveness under paragraph (2) shall not affect—

(i) the validity or terms of any contract entered into by the Secretary under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) before the date of enactment of this Act, or any payments, modifications, or technical assistance required to be made in connection with the contract; or

(ii) subject to subparagraph (D), any agreement entered into by the Secretary under the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 (16 U.S.C. 3871 et seq.) on or before September 30, 2018, under which conservation stewardship program acres and associated funding have been allocated to the agreement for the purpose of entering into a contract under subchapter B of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act).

(B) EXTENSION PERMITTED.—Notwithstanding paragraph (2), the Secretary may extend for 1 year a contract described in subparagraph (A)(i) if that contract expires on or before December 31, 2019, under the terms and payment rate of the existing contract and in accordance with subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act).

(C) RENEWAL NOT PERMITTED.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), and subject to clause (ii), the Secretary may not renew a contract or agreement described in that subparagraph.

(ii) EXCEPTION.—The Secretary may renew a contract described in subparagraph (A)(i)—

(I) if that contract expires on or after December 31, 2019;

(II) under the terms of the conservation stewardship program under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (as added by subsections (a)(2) and (b)); and

(III) subject to the limitation on funding for that subchapter under section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841).

(D) RCPP CONTRACTS.—

(i) TREATMENT OF ACREAGE.—In the case of an agreement described in subparagraph (A)(ii), the Secretary may provide an amount of funding that is equivalent to the value of any acres covered by the agreement.

(ii) FUNDS AND ACRES NOT OBLIGATED.—In the case of an agreement described in subparagraph (A)(ii) to which program acres and associated funding have been allocated but not yet obligated to enter into a contract under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act)—

(I) the Secretary shall modify the agreement to authorize the entrance into a contract under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (as added by subsections (a)(2) and (b)); and

(II) the funds associated with the conservation stewardship program acres allocated under that agreement, on modification under subclause (I), may be used to enter into conservation stewardship program contracts with producers under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (as added by subsections (a)(2) and (b)).

(4) CONTRACT ADMINISTRATION.—Subject to paragraphs (3)(C) and (3)(D)(ii)(II), the Secretary shall administer each contract and agreement described in clauses (i) and (ii) of paragraph (3)(A) until the expiration of the contract or agreement in accordance with the regulations to carry out the conservation stewardship program under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act) that are in effect on the day before that date of enactment. 16 USC 3839aa–21 note.

(5) FUNDING.—Notwithstanding paragraphs (1) and (2), any funds made available from the Commodity Credit Corporation under section 1241(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(4)) for fiscal years 2014 through 2018 shall be available to carry out— 16 USC 3839aa–21 note.

(A) any contract or agreement described in paragraph (3)(A)(i) for fiscal year 2019;

(B) any contract or agreement described in paragraph (3)(A)(ii);

(C) any contract extended under paragraph (3)(B); and

(D) any contract or agreement under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (as added by subsections (a)(2) and (b)).

(d) CONFORMING AMENDMENTS.—

(1) FOOD SECURITY ACT OF 1985.—

(A) Section 1211(a)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(3)(A)) is amended by inserting "subchapter A of" before "chapter 4".

(B) Section 1221(b)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3821(b)(3)(A)) is amended by inserting "subchapter A of" before "chapter 4".

(C) Section 1240J(b)(1) of the Food Security Act of 1985 (as redesignated by subsection (b)(1)) is amended by striking subparagraph (C).

(D) Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended in the matter preceding paragraph (1) by striking "chapter" and inserting "subchapter".

(E) Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended by striking "chapter" each place it appears and inserting "subchapter".

(F) Section 1240B(i)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(i)(2)(B)) is amended by striking "chapter" and inserting "subchapter".

(G) Section 1240C(b) of the Food Security Act of 1985 (16 U.S.C. 3839aa–3(b)) is amended in the matter preceding paragraph (1) by striking "chapter" and inserting "subchapter".

(H) Section 1240E(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(b)(2)) is amended by striking "chapter" and inserting "subchapter".

(I) Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended by striking "chapter" each place it appears and inserting "subchapter".

(J) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking "chapter" each place it appears and inserting "subchapter".

(K) Section 1244(c)(3) of the Food Security Act of 1985 (16 U.S.C. 3844(c)(3)) is amended by inserting "subchapter A of" before "chapter 4".

(L) Section 1244(l) of the Food Security Act of 1985 (16 U.S.C. 3844(l)) is amended—

(i) by striking "chapter 2" and inserting "chapter 4"; and

(ii) by inserting "subchapter A of" after "incentives program under".

(2) OTHER LAWS.—

(A) Section 344(f)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(8)) is amended by inserting "subchapter A of" before "chapter 4".

(B) Section 377 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1377) is amended by inserting "subchapter A of" before "chapter 4".

(C) Paragraph (1) of the last proviso of the matter under the heading "CONSERVATION RESERVE PROGRAM" under the heading "SOIL BANK PROGRAMS" of title I of the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959 (7 U.S.C. 1831a), is amended by inserting "subchapter A of" before "chapter 4".

(D) Section 8(b)(1) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(1)) is amended by inserting "subchapter A of" before "chapter 4".

(E) Section 1271(c)(3)(C) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(C)) is amended by inserting "subchapter A of" before "chapter 4".

(F) Section 304(a)(1) of the Lake Champlain Special Designation Act of 1990 (33 U.S.C. 1270 note; Public Law 101–596) is amended by inserting "subchapter A of" before "chapter 4".

(G) Section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)) is amended by inserting "subchapter A of" before "chapter 4".

SEC. 2302. PURPOSES OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended by striking paragraph (4) and inserting the following:

"(4) assisting producers to make beneficial, cost-effective changes to production systems, including addressing identified, new, or expected resource concerns related to organic production, grazing management, fuels management, forest management, nutrient management associated with crops and livestock, pest management, irrigation management, adapting to, and mitigating against, increasing weather volatility, drought resiliency measures, or other practices on agricultural and forested land.".

SEC. 2303. DEFINITIONS UNDER ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4) and (5) as paragraphs (2), (4), (5), (6), and (8), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) CONSERVATION PLANNING ASSESSMENT.—The term 'conservation planning assessment' means a report, as determined by the Secretary, that—

"(A) is developed by—

"(i) a State or unit of local government (including a conservation district);

"(ii) a Federal agency; or

"(iii) a third-party provider certified under section 1242(e) (including a certified rangeland professional);

"(B) assesses rangeland or cropland function and describes conservation activities to enhance the economic and ecological management of that land; and

"(C) can be incorporated into a comprehensive planning document required by the Secretary for enrollment in a conservation program of the Department of Agriculture.";

(3) in paragraph (2) (as so redesignated), in subparagraph (B)(vi)—

(A) by inserting "environmentally sensitive areas," after "marshes,"; and

(B) by inserting "identified or expected" before "resource concerns";

(4) by inserting after paragraph (2) (as so redesignated) the following:

"(3) INCENTIVE PRACTICE.—The term 'incentive practice' means a practice or set of practices approved by the Secretary that, when implemented and maintained on eligible land, address 1 or more priority resource concerns.";

(5) in paragraph (6) (as so redesignated)—

(A) in subparagraph (A)—

(i) in clause (iv), by striking "and" at the end;

(ii) by redesignating clause (v) as clause (vii); and

(iii) by inserting after clause (iv) the following:

"(v) soil testing;

"(vi) soil remediation to be carried out by the producer; and"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "and" at the end;

(ii) by redesignating clause (ii) as clause (vi); and

(iii) by inserting after clause (i) the following:

"(ii) planning for resource-conserving crop rotations (as defined in section 1240L(d)(1));

"(iii) soil health planning, including increasing soil organic matter and the use of cover crops;

"(iv) a conservation planning assessment;

"(v) precision conservation management planning; and";

(6) by inserting after paragraph (6) (as so redesignated) the following:

"(7) PRIORITY RESOURCE CONCERN.—The term 'priority resource concern' means a natural resource concern or problem, as determined by the Secretary, that—

"(A) is identified at the national, State, or local level as a priority for a particular area of a State; and

"(B) represents a significant concern in a State or region."; and

(7) by adding at the end the following:

"(9) SOIL REMEDIATION.—The term 'soil remediation' means scientifically based practices that—

"(A) ensure the safety of producers from contaminants in soil;

"(B) limit contaminants in soil from entering agricultural products for human or animal consumption; and

"(C) regenerate and sustain the soil.

"(10) SOIL TESTING.—The term 'soil testing' means the evaluation of soil health, including testing for—

"(A) the optimal level of constituents in the soil, such as organic matter, nutrients, and the potential presence of soil contaminants, including heavy metals, volatile organic compounds, polycyclic aromatic hydrocarbons, or other contaminants; and

"(B) the biological and physical characteristics indicative of proper soil functioning.".

SEC. 2304. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) ESTABLISHMENT.—Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is amended by striking "2019" and inserting "2023".

(b) PAYMENTS.—Section 1240B(d) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(d)) is amended—

(1) in paragraph (4)(B)—

(A) in clause (i)—

(i) by striking "Not more than" and inserting "On an election by a producer described in subparagraph (A), the Secretary shall provide at least";

(ii) by striking "may be provided"; and

(iii) by striking "the purpose of" and inserting "all costs related to"; and

(B) by adding at the end the following:

"(iii) NOTIFICATION AND DOCUMENTATION.—The Secretary shall—

"(I) notify each producer described in subparagraph (A), at the time of enrollment in the program, of the option to receive advance payments under clause (i); and

"(II) document the election of each producer described in subparagraph (A) to receive advance payments under clause (i) with respect to each practice that has costs described in that clause."; and

(2) by adding at the end the following:

"(7) INCREASED PAYMENTS FOR HIGH-PRIORITY PRACTICES.—

"(A) STATE DETERMINATION.—Each State, in consultation with the State technical committee established under section 1261(a) for the State, may designate not more than 10 practices to be eligible for increased payments under subparagraph (B), on the condition that the practice, as determined by the Secretary—

"(i) addresses specific causes of impairment relating to excessive nutrients in groundwater or surface water;

"(ii) addresses the conservation of water to advance drought mitigation and declining aquifers;

"(iii) meets other environmental priorities and other priority resource concerns identified in habitat or other area restoration plans; or

"(iv) is geographically targeted to address a natural resource concern in a specific watershed.

"(B) INCREASED PAYMENTS.—Notwithstanding paragraph (2), in the case of a practice designated under subparagraph (A), the Secretary may increase the amount that would otherwise be provided for a practice under this subsection to not more than 90 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training.".

(c) ALLOCATION OF FUNDING.—Section 1240B(f) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)) is amended—

(1) in paragraph (1)—

(A) by striking "2014 through 2018" and inserting "2019 through 2023";

(B) by striking "60" and inserting "50"; and

(C) by striking "production." and inserting "production, including grazing management practices."; and

(2) in paragraph (2)—

(A) by striking "For each" and inserting the following:

"(A) FISCAL YEARS 2014 THROUGH 2018.—For each"; and

(B) by adding at the end the following:

"(B) FISCAL YEARS 2019 THROUGH 2023.—For each of fiscal years 2019 through 2023, at least 10 percent of the funds made available for payments under the program

shall be targeted at practices benefitting wildlife habitat under subsection (g).".

(d) WILDLIFE HABITAT INCENTIVE PROGRAM.—Section 1240B(g) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(g)) is amended by adding at the end the following:

"(3) MAXIMUM TERM.—In the case of a contract under the program entered into solely for the establishment of 1 or more annual management practices for the benefit of wildlife as described in paragraph (1), notwithstanding any maximum contract term established by the Secretary, the contract shall have a term that does not exceed 10 years.

"(4) INCLUDED PRACTICES.—For the purpose of providing seasonal wetland habitat for waterfowl and migratory birds, a practice that is eligible for payment under paragraph (1) and targeted for funding under subsection (f) may include—

"(A) a practice to carry out postharvest flooding; or

"(B) a practice to maintain the hydrology of temporary and seasonal wetlands of not more than 2 acres to maintain waterfowl and migratory bird habitat on working cropland.".

(e) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRACTICE.—Section 1240B(h) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(h)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) AVAILABILITY OF PAYMENTS.—The Secretary may provide water conservation and system efficiency payments under this subsection to an entity described in paragraph (2) or a producer for—

"(A) water conservation scheduling, water distribution efficiency, soil moisture monitoring, or an appropriate combination thereof;

"(B) irrigation-related structural or other measures that conserve surface water or groundwater, including managed aquifer recovery practices; or

"(C) a transition to water-conserving crops, water-conserving crop rotations, or deficit irrigation.";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) ELIGIBILITY OF CERTAIN ENTITIES.—

"(A) IN GENERAL.—Notwithstanding section 1001(f)(6), the Secretary may enter into a contract under this subsection with a State, irrigation district, groundwater management district, acequia, land-grant mercedes, or similar entity under a streamlined contracting process to implement water conservation or irrigation practices under a watershed-wide project that will effectively conserve water, provide fish and wildlife habitat, or provide for drought-related environmental mitigation, as determined by the Secretary.

"(B) IMPLEMENTATION.—Water conservation or irrigation practices that are the subject of a contract entered into under subparagraph (A) shall be implemented on—

"(i) eligible land of a producer; or

"(ii) land that is—

"(I) under the control of an irrigation district, groundwater management district, acequia, land-grant mercedes, or similar entity; and

"(II) adjacent to eligible land described in clause (i), as determined by the Secretary.

"(C) WAIVER AUTHORITY.—The Secretary may waive the applicability of the limitations in section 1001D(b) or section 1240G for a payment made under a contract entered into under this paragraph if the Secretary determines that the waiver is necessary to fulfill the objectives of the project.

"(D) CONTRACT LIMITATIONS.—If the Secretary grants a waiver under subparagraph (C), the Secretary may impose a separate payment limitation for the contract with respect to which the waiver applies.";

(4) in paragraph (3) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking "to a producer" and inserting "under this subsection";

(B) in subparagraph (A), by striking "the eligible land of the producer is located, there is a reduction in water use in the operation of the producer" and inserting "the land on which the practices will be implemented is located, there is a reduction in water use in the operation on that land"; and

(C) in subparagraph (B), by inserting "except in the case of an application under paragraph (2)," before "the producer agrees"; and

(5) by adding at the end the following:

"(4) EFFECT.—Nothing in this subsection authorizes the Secretary to modify the process for determining the annual allocation of funding to States under the program.".

(f) PAYMENTS FOR CONSERVATION PRACTICES RELATED TO ORGANIC PRODUCTION.—Section 1240B(i)(3) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(i)(3)) is amended—

(1) in the first sentence, by striking "Payments" and inserting the following:

"(A) IN GENERAL.—Payments";

(2) in the second sentence, by striking "In applying these limitations" and inserting the following:

"(B) TECHNICAL ASSISTANCE.—In applying the limitations under subparagraph (A)"; and

(3) in subparagraph (A) (as so designated)—

(A) by striking "aggregate, $20,000 per year or $80,000 during any 6-year period." and inserting the following: "aggregate—

"(i) through fiscal year 2018—

"(I) $20,000 per year; or

"(II) $80,000 during any 6-year period; and"; and

(B) by adding at the end the following:

"(ii) during the period of fiscal years 2019 through 2023, $140,000.".

(g) CONSERVATION INCENTIVE CONTRACTS.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended by adding at the end the following:

"(j) CONSERVATION INCENTIVE CONTRACTS.—

"(1) IDENTIFICATION OF ELIGIBLE PRIORITY RESOURCE CONCERNS FOR STATES.—

"(A) IN GENERAL.—The Secretary, in consultation with the applicable State technical committee established under section 1261(a), shall identify watersheds (or other appropriate regions or areas within a State) and the corresponding priority resource concerns for those watersheds or other regions or areas that are eligible to be the subject of an incentive contract under this subsection.

"(B) LIMITATION.—For each of the relevant land uses within the watersheds, regions, or other areas identified under subparagraph (A), the Secretary shall identify not more than 3 eligible priority resource concerns.

"(2) CONTRACTS.—

"(A) AUTHORITY.—

"(i) IN GENERAL.—The Secretary shall enter into contracts with producers under this subsection that require the implementation, adoption, management, and maintenance of incentive practices that effectively address at least 1 eligible priority resource concern identified under paragraph (1) for the term of the contract.

"(ii) INCLUSIONS.—Through a contract entered into under clause (i), the Secretary may provide—

"(I) funding, through annual payments, for certain incentive practices to attain increased levels of conservation on eligible land; or

"(II) assistance, through a practice payment, to implement an incentive practice.

"(B) TERM.—A contract under this subsection shall have a term of not less than 5, and not more than 10, years.

"(C) PRIORITIZATION.—Notwithstanding section 1240C, the Secretary shall develop criteria for evaluating incentive practice applications that—

"(i) give priority to applications that address eligible priority resource concerns identified under paragraph (1); and

"(ii) evaluate applications relative to other applications for similar agriculture and forest operations.

"(3) INCENTIVE PRACTICE PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall provide payments to producers through contracts entered into under paragraph (2) for—

"(i) adopting and installing incentive practices; and

"(ii) managing, maintaining, and improving the incentive practices for the duration of the contract, as determined appropriate by the Secretary.

"(B) PAYMENT AMOUNTS.—In determining the amount of payments under subparagraph (A), the Secretary shall consider, to the extent practicable—

"(i) the level and extent of the incentive practice to be installed, adopted, completed, maintained, managed, or improved;

"(ii) the cost of the installation, adoption, completion, management, maintenance, or improvement of the incentive practice;

"(iii) income foregone by the producer, including payments, as appropriate, to address—

"(I) increased economic risk;

"(II) loss in revenue due to anticipated reductions in yield; and

"(III) economic losses during transition to a resource-conserving cropping system or resource-conserving land use; and

"(iv) the extent to which compensation would ensure long-term continued maintenance, management, and improvement of the incentive practice.

"(C) DELIVERY OF PAYMENTS.—In making payments under subparagraph (A), the Secretary shall, to the extent practicable—

"(i) in the case of annual payments under paragraph (2)(A)(ii)(I), make those payments as soon as practicable after October 1 of each fiscal year for which increased levels of conservation are maintained during the term of the contract; and

"(ii) in the case of practice payments under paragraph (2)(A)(ii)(II), make those payments as soon as practicable on the implementation of an incentive practice.".

SEC. 2305. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

Section 1240E(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)(3)) is amended by inserting "progressive" before "implementation".

SEC. 2306. LIMITATION ON PAYMENTS UNDER ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) by striking "A person" and inserting "Not including payments made under section 1240B(j), a person"; and

(2) by inserting "or the period of fiscal years 2019 through 2023," after "2018,".

SEC. 2307. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

(a) COMPETITIVE GRANTS FOR INNOVATIVE CONSERVATION APPROACHES.—Section 1240H(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(a)(2)) is amended—

(1) in subparagraph (A), by striking "program;" and inserting "program or community colleges (as defined in section 1473E(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e(a))) carrying out demonstration projects on land of the community college;";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

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

"(E) partner with farmers to develop innovative practices for urban, indoor, or other emerging agricultural operations;

"(F) utilize edge-of-field and other monitoring practices on farms—

"(i) to quantify the impacts of practices implemented under the program; and

"(ii) to assist producers in making the best conservation investments for the operations of the producers;".

(b) AIR QUALITY CONCERNS FROM AGRICULTURAL OPERATIONS.—Section 1240H(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(b)(2)) is amended by striking "$25,000,000 for each of fiscal years 2009 through 2018" and inserting "$37,500,000 for each of fiscal years 2019 through 2023".

(c) ON-FARM CONSERVATION INNOVATION TRIALS; REPORTING AND DATABASE.—Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking subsection (c) and inserting the following:

"(c) ON-FARM CONSERVATION INNOVATION TRIALS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means, as determined by the Secretary—

"(i) a third-party private entity the primary business of which is related to agriculture;

"(ii) a nongovernmental organization with experience working with agricultural producers; or

"(iii) a governmental organization.

"(B) NEW OR INNOVATIVE CONSERVATION APPROACH.—The term 'new or innovative conservation approach' means—

"(i) new or innovative—

"(I) precision agriculture technologies;

"(II) enhanced nutrient management plans, nutrient recovery systems, and fertilization systems;

"(III) soil health management systems, including systems to increase soil carbon levels;

"(IV) water management systems;

"(V) resource-conserving crop rotations (as defined in section 1240L(d)(1));

"(VI) cover crops; and

"(VII) irrigation systems; and

"(ii) any other conservation approach approved by the Secretary as new or innovative.

"(2) TESTING NEW OR INNOVATIVE CONSERVATION APPROACHES.—Using $25,000,000 of the funds made available to carry out this subchapter for each of fiscal years 2019 through 2023, the Secretary shall carry out on-farm conservation innovation trials, on eligible land of producers, to test new or innovative conservation approaches—

"(A) directly with producers; or

"(B) through eligible entities.

"(3) INCENTIVE PAYMENTS.—

"(A) AGREEMENTS.—In carrying out paragraph (2), the Secretary shall enter into agreements with producers (either directly or through eligible entities) on whose land an on-farm conservation innovation trial is being carried out to provide payments (including payments to compensate for foregone income, as appropriate to address the increased economic risk potentially associated with new or innovative conservation approaches) to the producers to assist with adopting and evaluating new or innovative conservation approaches to achieve conservation benefits.

"(B) ADJUSTED GROSS INCOME REQUIREMENTS.—

"(i) IN GENERAL.—Adjusted gross income requirements under section 1001D(b)(1) shall—

"(I) apply to producers receiving payments under this subsection; and

"(II) be enforced by the Secretary.

"(ii) REPORTING.—An eligible entity participating in an on-farm conservation innovation trial under this subsection shall report annually to the Secretary on the amount of payments made to individual farm operations under this subsection.

"(C) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available to carry out this subsection may be used to pay for the administrative expenses of an eligible entity.

"(D) LENGTH OF AGREEMENTS.—An agreement entered into under subparagraph (A) shall be for a period determined by the Secretary that is—

"(i) not less than 3 years; and

"(ii) if appropriate, more than 3 years, including if such a period is appropriate to support—

"(I) adaptive management over multiple crop years; and

"(II) adequate data collection and analysis by a producer or eligible entity to report the natural resource and agricultural production benefits of the new or innovative conservation approaches to the Secretary.

"(4) FLEXIBLE ADOPTION.—The scale of adoption of a new or innovative conservation approach under an on-farm conservation innovation trial under an agreement under paragraph (2) may include multiple scales on an operation, including whole farm, field-level, or sub-field scales.

"(5) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance—

"(A) to each producer or eligible entity participating in an on-farm conservation innovation trial under paragraph (2) with respect to the design, installation, and management of the new or innovative conservation approaches; and

"(B) to each eligible entity participating in an on-farm conservation innovation trial under paragraph (2) with respect to data analyses of the on-farm conservation innovation trial.

"(6) GEOGRAPHIC SCOPE.—The Secretary shall identify a diversity of geographic regions of the United States in which to establish on-farm conservation innovation trials under paragraph (2), taking into account factors such as soil type, cropping history, and water availability.

"(7) SOIL HEALTH DEMONSTRATION TRIAL.—Using funds made available to carry out this subsection, the Secretary shall carry out a soil health demonstration trial under which the Secretary coordinates with eligible entities—

"(A) to provide incentives to producers to implement conservation practices that—

"(i) improve soil health;

"(ii) increase carbon levels in the soil; or

"(iii) meet the goals described in clauses (i) and (ii);

"(B) to establish protocols for measuring carbon levels in the soil and testing carbon levels on land where conservation practices described in subparagraph (A) were applied to evaluate gains in soil health as a result of the practices implemented by the producers in the soil health demonstration trial; and

"(C)(i) not later than September 30, 2020, to initiate a study regarding changes in soil health and, if feasible, economic outcomes, generated as a result of the conservation practices described in subparagraph (A) that were applied by producers through the soil health demonstration trial; and

"(ii) to submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate annual reports on the progress and results of the study under clause (i).

"(d) REPORTING AND DATABASE.—

"(1) REPORT REQUIRED.—Not later than September 30, 2019, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the status of activities funded under this section, including—

"(A) funding awarded;

"(B) results of the activities, including, if feasible, economic outcomes;

"(C) incorporation of findings from the activities, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary; and

"(D) on completion of the study required under subsection (c)(7)(C), the findings of the study.

"(2) CONSERVATION PRACTICE DATABASE.—

"(A) IN GENERAL.—The Secretary shall use the data reported under paragraph (1) to establish and maintain a publicly available conservation practice database that provides—

"(i) a compilation and analysis of effective conservation practices for soil health, nutrient management, and source water protection in varying soil compositions, cropping systems, slopes, and landscapes; and

"(ii) a list of recommended new and effective conservation practices.

"(B) PRIVACY.—Information provided under subparagraph (A) shall be transformed into a statistical or aggregate form so as to not include any identifiable or personal information of individual producers.".

SEC. 2308. CONSERVATION STEWARDSHIP PROGRAM.

(a) DEFINITIONS.—Section 1240I of the Food Security Act of 1985 (as redesignated by section 2301(b)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) development of a comprehensive conservation plan, as defined in section 1240L(e)(1);

"(iv) soil health planning, including planning to increase soil organic matter; and

"(v) activities that will assist a producer to adapt to, or mitigate against, increasing weather volatility."; and

(2) in paragraph (7), by striking the period at the end and inserting the following: "through the use of—

"(A) quality criteria under a resource management system;

"(B) predictive analytics tools or models developed or approved by the Natural Resources Conservation Service;

"(C) data from past and current enrollment in the program; and

"(D) other methods that measure conservation and improvement in priority resource concerns, as determined by the Secretary.".

(b) CONSERVATION STEWARDSHIP PROGRAM.—

(1) ESTABLISHMENT.—Subsection (a) of section 1240J of the Food Security Act of 1985 (as redesignated by section 2301(b)) is amended in the matter preceding paragraph (1) by striking "2014 through 2018" and inserting "2019 through 2023".

(2) EXCLUSIONS.—Subsection (b)(2) of section 1240J of the Food Security Act of 1985 (as redesignated by section 2301(b)) is amended in the matter preceding paragraph (1) by striking "the Agricultural Act of 2014" and inserting the "Agriculture Improvement Act of 2018".

(c) STEWARDSHIP CONTRACTS.—Section 1240K of the Food Security Act of 1985 (as redesignated by section 2301(b)) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) RANKING OF APPLICATIONS.—

"(A) IN GENERAL.—In evaluating contract offers submitted under subsection (a) and contract renewals under subsection (e), the Secretary shall rank applications based on—

"(i) the natural resource conservation and environmental benefits that result from the conservation treatment on all applicable priority resource concerns at the time of submission of the application;

"(ii) the degree to which the proposed conservation activities increase natural resource conservation and environmental benefits; and

"(iii) other consistent criteria, as determined by the Secretary.

"(B) ADDITIONAL CRITERION.—If 2 or more applications receive the same ranking under subparagraph (A), the Secretary shall rank those contracts based on the extent to which the actual and anticipated conservation benefits from each contract are provided at the lowest cost relative to other similarly beneficial contract offers.";

(2) in subsection (c)—

(A) by striking "the program under subsection (a)" and inserting "a contract or contract renewal under this section";

(B) by inserting "or contract renewal" before "offer ranks";

(C) by inserting "or contract renewal" after "stewardship contract"; and

(D) by adding "or contract renewal" before the period at the end;

(3) in subsection (d)(2)(A), by striking "1238G(d)" and inserting "1240L(c)"; and

(4) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking "At the end" and all that follows through "period" the second place it appears and inserting the following: "The Secretary may provide the producer an opportunity to renew an existing contract in the first half of the fifth year of the contract period";

(B) in paragraph (1), by striking "initial" and inserting "existing";

(C) in paragraph (2)—

(i) by inserting "new or improved" after "integrate"; and

(ii) by inserting "demonstrating continued improvement during the additional 5-year period," after "operation,"; and

(D) in paragraph (3)(B), by striking "to exceed the stewardship threshold of" and inserting "to adopt or improve conservation activities, as determined by the Secretary, to achieve higher levels of performance with respect to not less than".

(d) DUTIES OF SECRETARY.—Section 1240L of the Food Security Act of 1985 (as redesignated by section 2301(b)) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking "acres" and inserting "funding";

(2) by striking subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(4) in subsection (c) (as so redesignated), by adding at the end the following:

"(5) PAYMENT FOR COVER CROP ACTIVITIES.—The amount of a payment under this subsection for cover crop activities shall be not less than 125 percent of the annual payment amount determined by the Secretary under paragraph (2).";

(5) in subsection (d) (as so redesignated)—

(A) in the subsection heading, by inserting "AND ADVANCED GRAZING MANAGEMENT" after "ROTATIONS";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (1) and (4) as paragraphs (2) and (1), respectively, and moving the paragraphs so as to appear in numerical order;

(D) in paragraph (1) (as so redesignated)—

(i) by redesignating subparagraphs (A) through (D) and (E) as clauses (i) through (iv) and (vi), respectively, and indenting appropriately;

(ii) by striking the paragraph designation and all that follows through "the term" in the matter preceding clause (i) (as so redesignated) and inserting the following:

"(1) DEFINITIONS.—In this subsection:

"(A) ADVANCED GRAZING MANAGEMENT.—The term 'advanced grazing management' means the use of a combination of grazing practices (as determined by the Secretary), which may include management-intensive rotational grazing, that provide for—

"(i) improved soil health and carbon sequestration;

"(ii) drought resilience;

"(iii) wildlife habitat;

"(iv) wildfire mitigation;

"(v) control of invasive plants; and

"(vi) water quality improvement.

"(B) MANAGEMENT-INTENSIVE ROTATIONAL GRAZING.—The term 'management-intensive rotational grazing' means a strategic, adaptively managed multipasture grazing system in which animals are regularly and systematically moved to fresh pasture in a manner that—

"(i) maximizes the quantity and quality of forage growth;

"(ii) improves manure distribution and nutrient cycling;

"(iii) increases carbon sequestration from greater forage harvest;

"(iv) improves the quality and quantity of cover for wildlife;

"(v) provides permanent cover to protect the soil from erosion; and

"(vi) improves water quality.

"(C) RESOURCE-CONSERVING CROP ROTATION.—The term"; and

(iii) in subparagraph (C) (as so designated)—

(I) in clause (iv) (as so redesignated), by striking "and" at the end; and

(II) by inserting after clause (iv) (as so redesignated) the following:

"(v) builds soil organic matter; and";

(E) in paragraph (2) (as so redesignated), by striking "improve resource-conserving" and all that follows through the period at the end and inserting the following: "improve, manage, and maintain—

"(A) resource-conserving crop rotations; or

"(B) advanced grazing management.";

(F) in paragraph (3)—

(i) by striking "paragraph (1)" and inserting "paragraph (2)"; and

(ii) by striking "and maintain" and all that follows through the period at the end and inserting "or improve, manage, and maintain resource-conserving crop rotations or advanced grazing management for the term of the contract."; and

(G) by adding at the end the following:

"(4) AMOUNT OF PAYMENT.—An additional payment provided under paragraph (2) shall be not less than 150 percent of the annual payment amount determined by the Secretary under subsection (c)(2).";

(6) by inserting after subsection (d) (as so redesignated) the following:

"(e) PAYMENT FOR COMPREHENSIVE CONSERVATION PLAN.—

"(1) DEFINITION OF COMPREHENSIVE CONSERVATION PLAN.—In this subsection, the term 'comprehensive conservation plan' means a conservation plan that meets or exceeds the stewardship threshold for each priority resource concern identified by the Secretary under subsection (a)(2).

"(2) PAYMENT FOR COMPREHENSIVE CONSERVATION PLAN.—The Secretary shall provide a 1-time payment to a producer that develops a comprehensive conservation plan.

"(3) AMOUNT OF PAYMENT.—The Secretary shall determine the amount of payment under paragraph (2) based on—

"(A) the number of priority resource concerns addressed in the comprehensive conservation plan; and

"(B) the number of types of land uses included in the comprehensive conservation plan.";

(7) in subsection (f), by striking "2014 through 2018" and inserting "2019 through 2023";

(8) in subsection (h)—

(A) by striking the subsection designation and heading and all that follows through "The Secretary" and inserting the following:

"(h) ORGANIC CERTIFICATION.—

"(1) COORDINATION.—The Secretary"; and

(B) by adding at the end the following:

"(2) ALLOCATION.—

"(A) IN GENERAL.—Using funds made available for the program for each of fiscal years 2019 through 2023, the Secretary shall allocate funding to States to support organic production and transition to organic production through paragraph (1).

"(B) DETERMINATION.—The Secretary shall determine the allocation to a State under subparagraph (A) based on—

"(i) the number of certified and transitioning organic operations within the State; and

"(ii) the number of acres of certified and transitioning organic production within the State."; and

(9) by adding at the end the following:

"(j) STREAMLINING AND COORDINATION.—To the maximum extent feasible, the Secretary shall provide for streamlined and coordinated procedures for the program and the environmental quality incentives program under subchapter A, including applications, contracting, conservation planning, conservation practices, and related administrative procedures.

"(k) SOIL HEALTH.—To the maximum extent feasible, the Secretary shall manage the program to enhance soil health.

"(l) ANNUAL REPORT.—Each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the payment rates for conservation activities offered to producers under the program and an analysis of whether payment rates can be reduced for the most expensive conservation activities.".

SEC. 2309. GRASSLAND CONSERVATION INITIATIVE.

Subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (as added by subsections (a)(2) and (b) of section 2301) is amended by adding at the end the following:

"SEC. 1240L–1. GRASSLAND CONSERVATION INITIATIVE.

16 USC 3839aa–25.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE LAND.—Notwithstanding sections 1240I(4) and 1240J(b)(2), the term 'eligible land' means cropland on a farm for which base acres have been maintained by the Secretary under section 1112(d)(3) of the Agricultural Act of 2014 (7 U.S.C. 9012(d)(3)).

"(2) INITIATIVE.—The term 'initiative' means the grassland conservation initiative established under subsection (b).

"(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish within the program a grassland conservation initiative for the purpose of assisting producers in protecting grazing uses, conserving and improving soil, water, and wildlife resources, and achieving related conservation values by conserving eligible land through grassland conservation contracts under subsection (e).

"(c) ELECTION.—Beginning in fiscal year 2019, the Secretary shall provide a 1-time election to enroll eligible land in the initiative under a contract described in subsection (e).

"(d) METHOD OF ENROLLMENT.—The Secretary shall—

"(1) notwithstanding subsection (b) of section 1240K, determine under subsection (c) of that section that eligible land ranks sufficiently high under the evaluation criteria described in subsection (b) of that section; and

"(2) enroll the eligible land in the initiative under a contract described in subsection (e).

"(e) GRASSLAND CONSERVATION CONTRACT.—

"(1) IN GENERAL.—Notwithstanding section 1240K(a)(1), to enroll eligible land in the initiative under a grassland conservation contract, a producer shall agree—

"(A) to meet or exceed the stewardship threshold for not less than 1 priority resource concern by the date on which the contract expires; and

"(B) to comply with the terms and conditions of the contract.

"(2) TERMS.—A grassland conservation contract entered into under this section shall—

"(A)(i) be for a single 5-year term; and

"(ii) not be subject to renewal or reenrollment under section 1240K(e); and

"(B) be subject to section 1240K(d).

"(3) EARLY TERMINATION.—The Secretary shall allow a producer that enters into a grassland conservation contract under this section—

"(A) to terminate the contract at any time; and

"(B) to retain payments already received under the contract.

"(f) GRASSLAND CONSERVATION PLAN.—The grassland conservation plan developed for eligible land shall be limited to—

"(1) eligible land; and

"(2) resource concerns and activities relating to grassland.

"(g) PAYMENTS.—

"(1) IN GENERAL.—Beginning in fiscal year 2019, of the funds made available for this subchapter under section 1241(a)(3)(B), and notwithstanding any payment under title I of the Agriculture Improvement Act of 2018, an amendment made by that title, or section 1240L(c), the Secretary shall make annual grassland conservation contract payments to the

producer of any eligible land that is the subject of a grassland conservation contract under this section.

"(2) PAYMENT NONELIGIBILITY.—A grassland conservation contract under this section shall not be—

"(A) eligible for payments under section 1240L(d); or

"(B) subject to the payment limitations under this subchapter.

"(3) LIMITATION.—The amount of an annual payment under this subsection shall be $18 per acre, not to exceed the number of base acres on a farm.

"(h) CONSIDERED PLANTED.—The Secretary shall consider land enrolled under a grassland conservation contract under this section during a crop year to be planted or considered planted to a covered commodity (as defined in section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011)) during that crop year.

"(i) OTHER CONTRACTS.—A producer with an agricultural operation that contains land eligible under this section and land eligible under section 1240K—

"(1) may enroll the land eligible under this section through a contract under this section or under section 1240K; and

"(2) shall not be prohibited from enrolling the land eligible under section 1240K through a contract under section 1240K.".

Subtitle D—Other Conservation Programs

SEC. 2401. WATERSHED PROTECTION AND FLOOD PREVENTION.

(a) ASSISTANCE TO LOCAL ORGANIZATIONS.—Section 3 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003) is amended—

(1) by striking the section designation and all that follows through "In order to assist" and inserting the following:

"SEC. 3. ASSISTANCE TO LOCAL ORGANIZATIONS.

"(a) IN GENERAL.—In order to assist"; and

(2) by adding at the end the following:

"(b) WAIVER.—The Secretary may waive the watershed plan for works of improvement if the Secretary determines that—

"(1) the watershed plan is unnecessary or duplicative; and

"(2) the works of improvement are otherwise consistent with applicable requirements under section 4.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking "2018" and inserting "2023".

(c) FUNDS OF COMMODITY CREDIT CORPORATION.—The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following:

16 USC 1012a.

"SEC. 15. FUNDING.

"In addition to any other funds made available by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this Act $50,000,000 for fiscal year 2019 and each fiscal year thereafter.".

SEC. 2402. SOIL AND WATER RESOURCES CONSERVATION.

The Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001 et seq.) is amended—

(1) in section 5(e) (16 U.S.C. 2004(e)), by striking "and December 31, 2015" and inserting "December 31, 2015, and December 31, 2022";

(2) in section 6(d) (16 U.S.C. 2005(d)), by striking ", respectively" and inserting ", and a program update shall be completed by December 31, 2023";

(3) in section 7 (16 U.S.C. 2006)—

(A) in subsection (a), by striking "and 2016" and inserting ", 2016, and 2022"; and

(B) in subsection (b), in the matter preceding paragraph (1), by striking "and 2017" and inserting ", 2017, and 2023"; and

(4) in section 10 (16 U.S.C. 2009), by striking "2018" and inserting "2023".

SEC. 2403. EMERGENCY CONSERVATION PROGRAM.

(a) REPAIR OR REPLACEMENT OF FENCING.—

(1) IN GENERAL.—Section 401 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) is amended—

(A) by inserting "wildfires," after "hurricanes,";

(B) by striking the section designation and all that follows through "The Secretary of Agriculture" and inserting the following:

"SEC. 401. EMERGENCY CONSERVATION PROGRAM.

"(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the 'Secretary')"; and

(C) by adding at the end the following:

"(b) REPAIR OR REPLACEMENT OF FENCING.—

"(1) IN GENERAL.—With respect to a payment to an agricultural producer under subsection (a) for the repair or replacement of fencing, the Secretary shall give the agricultural producer the option of receiving not more than 25 percent of the payment, determined by the Secretary based on the applicable percentage of the fair market value of the cost of the repair or replacement, before the agricultural producer carries out the repair or replacement.

"(2) RETURN OF FUNDS.—If the funds provided under paragraph (1) are not expended by the end of the 60-day period beginning on the date on which the agricultural producer receives those funds, the funds shall be returned within a reasonable timeframe, as determined by the Secretary.".

(2) CONFORMING AMENDMENTS.—

(A) Sections 402, 403, 404, and 405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2202, 2203, 2204, 2205) are amended by striking "Secretary of Agriculture" each place it appears and inserting "Secretary".

(B) Section 407(a) of the Agricultural Credit Act of 1978 (16 U.S.C. 2206(a)) is amended by striking paragraph (4).

(b) COST SHARE PAYMENTS.—Title IV of the Agricultural Credit Act of 1978 is amended by inserting after section 402 (16 U.S.C. 2202) the following:

"SEC. 402A. COST-SHARE REQUIREMENT. 16 USC 2202a.

"(a) COST-SHARE RATE.—Subject to subsections (b) and (c), the maximum cost-share payment under sections 401 and 402 shall

not exceed 75 percent of the total allowable cost, as determined by the Secretary.

"(b) EXCEPTION.—Notwithstanding subsection (a), a payment to a limited resource farmer or rancher, a socially disadvantaged farmer or rancher (as defined in subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), or a beginning farmer or rancher under section 401 or 402 shall not exceed 90 percent of the total allowable cost, as determined by the Secretary.

"(c) LIMITATION.—The total payment under sections 401 and 402 for a single event may not exceed 50 percent of the agriculture value of the land, as determined by the Secretary.".

(c) PAYMENT LIMITATIONS.—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended by inserting after section 402A (as added by subsection (b)) the following:

16 USC 2202b.

"SEC. 402B. PAYMENT LIMITATION.

"The maximum payment made under the emergency conservation program to an agricultural producer under sections 401 and 402 shall not exceed $500,000.".

(d) WATERSHED PROTECTION PROGRAM.—Section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) is amended—

(1) by striking the section heading and inserting "**EMERGENCY WATERSHED PROGRAM**"; and

(2) in subsection (a), by inserting "watershed protection" after "emergency".

(e) FUNDING AND ADMINISTRATION.—Section 404 of the Agricultural Credit Act of 1978 (16 U.S.C. 2204) is amended—

(1) in the fourth sentence, by striking "The Corporation" and inserting the following:

"(d) LIMITATION.—The Commodity Credit Corporation";

(2) in the third sentence (as amended by subsection (a)(2)(A)), by striking "In implementing the provisions of" and inserting the following:

"(c) USE OF COMMODITY CREDIT CORPORATION.—In implementing";

(3) by striking the second sentence;

(4) by striking the section designation and all that follows through "There are authorized" in the first sentence and inserting the following:

"SEC. 404. FUNDING AND ADMINISTRATION.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized";

(5) in subsection (a) (as so designated), by inserting ", to remain available until expended" before the period at the end; and

(6) by inserting after subsection (a) (as so designated) the following:

"(b) SET-ASIDE FOR FENCING.—Of the amounts made available under subsection (a) for a fiscal year, 25 percent shall be set aside until April 1 of that fiscal year for the repair or replacement of fencing.".

SEC. 2404. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb) is amended—

(1) in subsection (c)(2), by adding at the end the following:

"(C) PARTNERSHIPS.—In carrying out the program under this section, the Secretary shall provide education and outreach activities through partnerships with—

"(i) land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

"(ii) nongovernmental organizations."; and

(2) in subsection (e), by striking "2018" and inserting "2023".

SEC. 2405. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1240O(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)(1)) is amended by striking "2018" and inserting "2023".

(b) AVAILABILITY OF FUNDS.—Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)) is amended by adding at the end the following:

"(3) ADDITIONAL FUNDING.—In addition to any other funds made available under this subsection, of the funds of the Commodity Credit Corporation, the Secretary shall use $5,000,000 beginning in fiscal year 2019, to remain available until expended.".

SEC. 2406. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb–5) is amended—

(1) in subsections (a) and (c), by striking "grants" each place it appears and inserting "funding";

(2) in subsections (b) and (d)(2), by striking "a grant" each place it appears and inserting "funding";

(3) in subsection (c)(3) (as amended by section 2202(b)(1)), by inserting "or on land covered by a wetland reserve easement under section 1265C" before "by providing"; and

(4) in subsection (f)—

(A) in paragraph (1)—

(i) by striking "2012 and" and inserting "2012,"; and

(ii) by inserting ", and $50,000,000 for the period of fiscal years 2019 through 2023" before the period at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) ENHANCED PUBLIC ACCESS TO WETLAND RESERVE EASEMENTS.—To the maximum extent practicable, of the funds made available under paragraph (1), the Secretary shall use $3,000,000 for the period of fiscal years 2019 through 2023 to encourage public access to land covered by wetland reserve easements under section 1265C through agreements with States and tribal governments under this section.".

SEC. 2407. WILDLIFE MANAGEMENT.

16 USC 1531 note.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior shall continue to carry out the Working Lands for Wildlife model of conservation on working landscapes, as implemented on

the day before the date of enactment of this Act, in accordance with—

(1) the document entitled "Partnership Agreement Between the United States Department of Agriculture Natural Resources Conservation Service and the United States Department of the Interior Fish and Wildlife Service", numbered A–3A7516–937, and formalized by the Chief of the Natural Resources Conservation Service on September 15, 2016, and by the Director of the United States Fish and Wildlife Service on August 4, 2016, as in effect on September 15, 2016; and

(2) United States Fish and Wildlife Service Director's Order No. 217, dated August 9, 2016, as in effect on August 9, 2016.

(b) EXPANSION OF MODEL.—The Secretary and the Secretary of the Interior may expand the conservation model described in subsection (a) through a new partnership agreement between the Farm Service Agency and the United States Fish and Wildlife Service for the purpose of carrying out conservation activities for species conservation.

(c) EXTENSION OF PERIOD OF REGULATORY PREDICTABILITY.—

(1) DEFINITION OF PERIOD OF REGULATORY PREDICTABILITY.—In this subsection, the term "period of regulatory predictability" means the period of regulatory predictability under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) initially determined in accordance with the document and order described in paragraphs (1) and (2), respectively, of subsection (a).

(2) EXTENSION.—After the period of regulatory predictability, on request of the Secretary, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may provide additional consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), or additional conference under section 7(a)(4) of that Act (16 U.S.C. 1536(a)(4)), as applicable, with the Chief of the Natural Resources Conservation Service or the Administrator of the Farm Service Agency, as applicable, to extend the period of regulatory predictability.

7 USC 8351 note.

SEC. 2408. FERAL SWINE ERADICATION AND CONTROL PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a feral swine eradication and control pilot program to respond to the threat feral swine pose to agriculture, native ecosystems, and human and animal health.

(b) DUTIES OF THE SECRETARY.—In carrying out the pilot program, the Secretary shall—

(1) study and assess the nature and extent of damage to the pilot areas caused by feral swine;

(2) develop methods to eradicate or control feral swine in the pilot areas;

(3) develop methods to restore damage caused by feral swine; and

(4) provide financial assistance to agricultural producers in pilot areas.

(c) ASSISTANCE.—The Secretary may provide financial assistance to agricultural producers under the pilot program to implement methods to—

(1) eradicate or control feral swine in the pilot areas; and

(2) restore damage caused by feral swine.

(d) COORDINATION.—The Secretary shall ensure that the Natural Resources Conservation Service and the Animal and Plant Health Inspection Service coordinate for purposes of this section through State technical committees established under section 1261(a) of the Food Security Act of 1985 (16 U.S.C. 3861(a)).

(e) PILOT AREAS.—The Secretary shall carry out the pilot program in areas of States in which feral swine have been identified as a threat to agriculture, native ecosystems, or human or animal health, as determined by the Secretary.

(f) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of activities under the pilot program may not exceed 75 percent of the total costs of such activities.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of activities under the pilot program may be provided in the form of in-kind contributions of materials or services.

(g) FUNDING.—

(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $75,000,000 for the period of fiscal years 2019 through 2023.

(2) DISTRIBUTION OF FUNDS.—Of the funds made available under paragraph (1)—

(A) 50 percent shall be allocated to the Natural Resources Conservation Service to carry out the pilot program, including the provision of financial assistance to producers for on-farm trapping and technology related to capturing and confining feral swine; and

(B) 50 percent shall be allocated to the Animal and Plant Health Inspection Service to carry out the pilot program, including the use of established, and testing of innovative, population reduction methods.

(3) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of funds made available under this section may be used for administrative expenses of the pilot program.

SEC. 2409. REPORT ON SMALL WETLANDS.

(a) IN GENERAL.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the number of wetlands with an area not more than 1 acre that have been delineated in each of the States of North Dakota, South Dakota, Minnesota, and Iowa during fiscal years 2014 through 2018.

(b) REQUIREMENT.—In the report under subsection (a), the Secretary, acting through the Chief of the Natural Resources Conservation Service, shall list the number of wetlands acres in each State described in the report by tenths of an acre, and ensure the report is based on the best available science.

SEC. 2410. SENSE OF CONGRESS RELATING TO INCREASED WATERSHED-BASED COLLABORATION.

It is the sense of Congress that the Federal Government should recognize and encourage partnerships at the watershed level between nonpoint sources and regulated point sources to advance the goals of the Federal Water Pollution Control Act (33 U.S.C.

1251 et seq.) and provide benefits to farmers, landowners, and the public.

Subtitle E—Funding and Administration

SEC. 2501. COMMODITY CREDIT CORPORATION.

(a) ANNUAL FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2018 (and fiscal year 2019 in the case of the program specified in paragraph (5))" and inserting "2023";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "$10,000,000 for the period of fiscal years 2014 through 2018" and inserting "$12,000,000 for the period of fiscal years 2019 through 2023"; and

(B) in subparagraph (B)—

(i) by striking "$33,000,000 for the period of fiscal years 2014 through 2018" and inserting "$50,000,000 for the period of fiscal years 2019 through 2023, including not more than $5,000,000 to provide outreach and technical assistance,"; and

(ii) by striking "retired or retiring owners and operators" and inserting "contract holders";

(3) in paragraph (2)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) $450,000,000 for each of fiscal years 2019 through 2023.";

(4) by striking paragraph (3) and inserting the following:

"(3) The programs under chapter 4, using, to the maximum extent practicable—

"(A) for the environmental quality incentives program under subchapter A of that chapter—

"(i) $1,750,000,000 for fiscal year 2019;

"(ii) $1,750,000,000 for fiscal year 2020;

"(iii) $1,800,000,000 for fiscal year 2021;

"(iv) $1,850,000,000 for fiscal year 2022; and

"(v) $2,025,000,000 for fiscal year 2023; and

"(B) for the conservation stewardship program under subchapter B of that chapter—

"(i) $700,000,000 for fiscal year 2019;

"(ii) $725,000,000 for fiscal year 2020;

"(iii) $750,000,000 for fiscal year 2021;

"(iv) $800,000,000 for fiscal year 2022; and

"(v) $1,000,000,000 for fiscal year 2023.";

(5) in paragraph (4), by inserting "(as in effect on the day before the date of enactment of the Agriculture Improvement Act of 2018), using such sums as are necessary to administer contracts entered into before that date of enactment" before the period at the end; and

(6) by striking paragraph (5).

(b) AVAILABILITY OF FUNDS.—Section 1241(b) of the Food Security Act of 1985 (16 U.S.C. 3841(b)) is amended by striking "2018

(and fiscal year 2019 in the case of the program specified in subsection (a)(5))" and inserting "2023".

(c) REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.—Section 1241(i) of the Food Security Act of 1985 (16 U.S.C. 3841(i)) is amended to read as follows:

"(i) REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.—Not later than December 15 of each of calendar years 2019 through 2023, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report containing statistics by State related to enrollments in conservation programs under this title, as follows:

"(1) The annual and current cumulative activity reflecting active agreement and contract enrollment statistics.

"(2) Secretarial exceptions, waivers, and significant payments, including—

"(A) payments made under the agricultural conservation easement program for easements valued at $250,000 or greater;

"(B) payments made under the regional conservation partnership program subject to the waiver of adjusted gross income limitations pursuant to section 1271C(c)(3);

"(C) waivers granted by the Secretary under section 1001D(b)(3);

"(D) exceptions and activity associated with section 1240B(h)(2); and

"(E) exceptions provided by the Secretary under section 1265B(b)(2)(B)(ii).".

(d) ALLOCATIONS REVIEW AND UPDATE.—Section 1241(g) of the Food Security Act of 1985 (16 U.S.C. 3841(g)) is amended—

(1) in paragraph (1)—

(A) by striking "January" and all that follows through "shall" and inserting "1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary, acting through the Chief of the Natural Resources Conservation Service and the Administrator of the Farm Service Agency, shall";

(B) by inserting "annual" after "utilize"; and

(C) by inserting "relevant data on local natural resource concerns, resource inventories, evaluations and reports, recommendations from State technical committees established under section 1261(a)," after "accounting for"; and

(2) in paragraph (2)—

(A) by striking "that the formulas" and inserting the following: "that—

"(A) the formulas";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(B) to the maximum extent practicable, local natural resource concerns are considered a leading factor in determining annual funding allocation to States;

"(C) the process used at the national level to evaluate State budget proposals and to allocate funds is reviewed annually to assess the effect of allocations in addressing identified natural resource priorities and objectives; and

"(D) the allocation of funds to States addresses priority natural resource concerns and objectives.".

(e) ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.—Section 1241(h) of the Food Security Act of 1985 (16 U.S.C. 3841(h)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) in the matter preceding clause (i) (as so redesignated), by striking "Of the funds" and inserting the following:

"(A) FISCAL YEARS 2009 THROUGH 2018.—Of the funds"; and

(C) by adding at the end the following:

"(B) FISCAL YEARS 2019 THROUGH 2023.—Of the funds made available for each of fiscal years 2019 through 2023 to carry out the environmental quality incentives program under subchapter A of chapter 4 of subtitle D and the conservation stewardship program under subchapter B of chapter 4 of subtitle D, the Secretary shall use, to the maximum extent practicable—

"(i) 5 percent to assist beginning farmers or ranchers; and

"(ii) 5 percent to assist socially disadvantaged farmers or ranchers.";

(2) in paragraph (2), by inserting "and, in the case of fiscal years 2019 through 2023, under the conservation stewardship program under subchapter B of chapter 4 of subtitle D" before the period at the end;

(3) in paragraph (3), by striking "year, acres not obligated under paragraph (1)" and inserting "year through fiscal year 2018, acres not obligated under paragraph (1)(A)"; and

(4) in paragraph (4), by striking "subparagraph (A) or (B) of paragraph (1)" and inserting ", as applicable, clause (i) or (ii) of paragraph (1)(A) or clause (i) or (ii) of paragraph (1)(B)".

(f) CONSERVATION STANDARDS AND REQUIREMENTS.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by adding at the end the following:

"(j) CONSERVATION STANDARDS AND REQUIREMENTS.—

"(1) IN GENERAL.—Subject to the requirements of this title, the Natural Resources Conservation Service shall serve as the lead agency in developing and establishing technical standards and requirements for conservation programs carried out under this title, including—

"(A) standards for conservation practices under this title;

"(B) technical guidelines for implementing conservation practices under this title, including the location of the conservation practices; and

"(C) standards for conservation plans.

"(2) CONSISTENCY OF FARM SERVICE AGENCY TECHNICAL STANDARDS AND PAYMENT RATES.—The Administrator of the Farm Service Agency shall ensure that—

"(A) technical standards of programs administered by the Farm Service Agency are consistent with the technical

standards established by the Natural Resources Conservation Service under paragraph (1); and

"(B) payment rates, to the extent practicable, are consistent between the Farm Service Agency and the Natural Resources Conservation Service.".

SEC. 2502. DELIVERY OF TECHNICAL ASSISTANCE.

(a) DEFINITIONS.—Section 1242(a) of the Food Security Act of 1985 (16 U.S.C. 3842(a)) is amended to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means a producer, landowner, or entity that is participating in, or seeking to participate in, programs in which the producer, landowner, or entity is otherwise eligible to participate under this title or the agricultural management assistance program under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

"(2) THIRD-PARTY PROVIDER.—The term 'third-party provider' means a commercial entity (including a farmer cooperative, agriculture retailer, or other commercial entity (as defined by the Secretary)), a nonprofit entity, a State or local government (including a conservation district), or a Federal agency, that has expertise in the technical aspect of conservation planning, including nutrient management planning, watershed planning, or environmental engineering.".

(b) CERTIFICATION PROCESS.—Section 1242(e) of the Food Security Act of 1985 (16 U.S.C. 3842(e)) is amended by adding at the end the following:

"(4) CERTIFICATION PROCESS.—The Secretary shall certify a third-party provider through—

"(A) a certification process administered by the Secretary, acting through the Chief of the Natural Resources Conservation Service; or

"(B) a non-Federal entity approved by the Secretary to perform the certification.

"(5) STREAMLINED CERTIFICATION.—The Secretary shall provide a streamlined certification process for a third-party provider that has an appropriate specialty certification, including a sustainability certification.".

(c) EXPEDITED REVISION OF STANDARDS.—Section 1242(h) of the Food Security Act of 1985 (16 U.S.C. 3842(h)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

"(A) not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, complete a review of each conservation practice standard, including engineering design specifications, in effect on the day before the date of enactment of that Act;";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) evaluate opportunities to increase flexibility in conservation practice standards in a manner that ensures equivalent natural resource benefits.";

(2) in paragraph (2), by inserting "State technical committees established under section 1261(a)," before "crop consultants"; and

(3) by striking paragraph (3) and inserting the following:

"(3) EXPEDITED REVISION OF STANDARDS.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall develop for the programs under this title an administrative process for—

"(A) expediting the establishment and revision of conservation practice standards;

"(B) considering conservation innovations and scientific and technological advancements with respect to any establishment or revision under subparagraph (A);

"(C) allowing local flexibility in the creation of—

"(i) interim practice standards and supplements to existing practice standards to address the considerations described in subparagraph (B); and

"(ii) partnership-led proposals for new and innovative techniques to facilitate implementing agreements and grants under this title; and

"(D) soliciting regular input from State technical committees established under section 1261(a) for recommendations that identify innovations or advancements described in subparagraph (B).

"(4) REPORT.—Not later than 2 years after the date of enactment of the Agriculture Improvement Act of 2018, and every 2 years thereafter, the Secretary shall submit to Congress a report on—

"(A) the administrative process developed under paragraph (3);

"(B) conservation practice standards that were established or revised under that process; and

"(C) conservation innovations that were considered under that process.".

SEC. 2503. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

(a) ACREAGE LIMITATIONS.—Section 1244(f) of the Food Security Act of 1985 (16 U.S.C. 3844(f)) is amended—

(1) in paragraph (1)(B), by striking "10" and inserting "15"; and

(2) in paragraph (5), by striking "the Agricultural Act of 2014" and inserting "the Agriculture Improvement Act of 2018".

(b) REQUIREMENTS FOR CONSERVATION PROGRAMS.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) by striking subsection (m);

(2) by redesignating subsections (j) through (l) as subsections (k) through (m), respectively; and

(3) by inserting after subsection (i) the following:

"(j) REVIEW AND GUIDANCE FOR PRACTICE COSTS AND PAYMENT RATES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, and not later than October 1 of each year thereafter, the Secretary shall—

"(A) review the estimates for practice costs and rates of payments made to producers for practices on eligible land under this title; and

"(B) evaluate whether those costs and rates reflect a payment that—

"(i) encourages participation in a conservation program administered by the Secretary;

"(ii) encourages implementation of the most effective practices to address local natural resource concerns on eligible land; and

"(iii) accounts for regional, State, and local variability relating to the complexity, implementation, and adoption of practices on eligible land.

"(2) GUIDANCE; REVIEW.—The Secretary shall—

"(A) issue guidance to States to annually review and adjust the estimates for practice costs and rates of payments made to producers to reflect the evaluation factors described in paragraph (1)(B); and

"(B) determine the appropriate practice costs and rates of payments for each State by—

"(i) annually reviewing each conservation program payment schedule and payment rate used in the State; and

"(ii) consulting with the State technical committee established under section 1261(a) in that State.".

(c) FUNDING FOR INDIAN TRIBES.—Section 1244(m) of the Food Security Act of 1985 (as redesignated by subsection (b)(2)) is amended—

(1) by striking "may" and inserting "shall";

(2) by striking "that the goals" and inserting the following: "that—

"(1) the goals";

(3) in paragraph (1) (as so designated), by striking "arrangements, and that statutory" and inserting the following: "arrangements;

"(2) a sufficient number of eligible participants will be aggregated under the alternative funding arrangement to accomplish the underlying purposes and objectives of the applicable program; and

"(3) statutory"; and

(4) in paragraph (3) (as so designated), by striking the period at the end and inserting ", except that the Secretary may approve a waiver if the Secretary is authorized to approve a waiver under the statutory authority of the applicable program.".

(d) SOURCE WATER PROTECTION THROUGH TARGETING OF AGRICULTURAL PRACTICES.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) (as amended by subsection (b)) is amended by adding at the end the following:

"(n) SOURCE WATER PROTECTION THROUGH TARGETING OF AGRICULTURAL PRACTICES.—

"(1) IN GENERAL.—In carrying out any conservation program administered by the Secretary, the Secretary shall encourage practices that relate to water quality and water quantity that protect source water for drinking water (including protecting against public health threats) while also benefitting agricultural producers.

"(2) COLLABORATION WITH WATER SYSTEMS AND INCREASED INCENTIVES.—

"(A) IN GENERAL.—In encouraging practices under paragraph (1), the Secretary shall—

"(i) work collaboratively with community water systems and State technical committees established under section 1261(a) to identify, in each State, local priority areas for the protection of source waters for drinking water; and

"(ii) subject to subparagraph (B), for practices described in paragraph (1), offer to producers increased incentives and higher payment rates than are otherwise statutorily authorized by the applicable conservation program administered by the Secretary.

"(B) LIMITATION.—An increased payment under subparagraph (A)(ii) shall not exceed 90 percent of practice costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training.

"(3) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—In each of fiscal years 2019 through 2023, the Secretary shall use to carry out this subsection not less than 10 percent of any funds available for conservation programs administered by the Secretary under this title (other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D).

"(B) LIMITATION.—Funds available for a specific conservation program shall not be transferred to fund a different conservation program under this title.".

(e) ENVIRONMENTAL SERVICES MARKET.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) (as amended by subsection (d)) is amended by adding at the end the following:

"(o) ENVIRONMENTAL SERVICES MARKET.—The Secretary may not prohibit, through a contract, easement, or agreement under this title, a participant in a conservation program administered by the Secretary under this title from participating in, and receiving compensation from, an environmental services market if 1 of the purposes of the market is the facilitation of additional conservation benefits that are consistent with the purposes of the conservation program administered by the Secretary.".

(f) REGULATORY CERTAINTY.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) (as amended by subsection (e)) is amended by adding at the end the following:

"(p) REGULATORY CERTAINTY.—

"(1) IN GENERAL.—In addition to technical and programmatic information that the Secretary is otherwise authorized to provide, on request of a Federal agency, a State, an Indian tribe, or a unit of local government, the Secretary may provide technical and programmatic information—

"(A) subject to paragraph (2), to the Federal agency, State, Indian tribe, or unit of local government to support specifically the development of mechanisms that would provide regulatory certainty, regulatory predictability, safe harbor protection, or other similar regulatory assurances to a farmer, rancher, or private nonindustrial forest landowner under a regulatory requirement—

"(i) that relates to soil, water, or wildlife; and

"(ii) over which that Federal agency, State, Indian tribe, or unit of local government has authority; and

"(B) relating to conservation practices or activities that could be implemented by a farmer, rancher, or private nonindustrial forest landowner to address a targeted soil, water, or wildlife resource concern that is the direct subject of a regulatory requirement enforced by that Federal agency, State, Indian tribe, or unit of local government, as applicable.

"(2) MECHANISMS.—The Secretary shall only provide additional technical and programmatic information under paragraph (1) if the mechanisms to be developed by the Federal agency, State, Indian tribe, or unit of local government, as applicable, under paragraph (1)(A) are anticipated to include, at a minimum—

"(A) the implementation of 1 or more conservation practices or activities that effectively addresses the soil, water, or wildlife resource concern identified under paragraph (1);

"(B) the on-site confirmation that the applicable conservation practices or activities identified under subparagraph (A) have been implemented;

"(C) a plan for a periodic audit, as appropriate, of the continued implementation or maintenance of each of the conservation practices or activities identified under subparagraph (A); and

"(D) notification to a farmer, rancher, or private nonindustrial forest landowner of, and an opportunity to correct, any noncompliance with a requirement to obtain regulatory certainty, regulatory predictability, safe harbor protection, or other similar regulatory assurance.

"(3) CONTINUING CURRENT COLLABORATION ON SOIL, WATER, OR WILDLIFE CONSERVATION PRACTICES.—The Secretary shall—

"(A) continue collaboration with Federal agencies, States, Indian tribes, or local units of government on existing regulatory certainty, regulatory predictability, safe harbor protection, or other similar regulatory assurances in accordance with paragraph (2); and

"(B) continue collaboration with the Secretary of the Interior on consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or conference under section 7(a)(4) of that Act (16 U.S.C. 1536(a)(4)), as applicable, for wildlife conservation efforts, including the Working Lands for Wildlife model of conservation on working landscapes, as implemented on the day before the date of enactment of the Agriculture Improvement Act of 2018, in accordance with—

"(i) the document entitled 'Partnership Agreement Between the United States Department of Agriculture Natural Resources Conservation Service and the United States Department of the Interior Fish and Wildlife Service', numbered A–3A75–16–937, and formalized by the Chief of the Natural Resources Conservation Service on September 15, 2016, and by the Director of the United States Fish and Wildlife Service on August 4, 2016, as in effect on September 15, 2016; and

"(ii) United States Fish and Wildlife Service Director's Order No. 217, dated August 9, 2016, as in effect on August 9, 2016.

"(4) SAVINGS CLAUSE.—Nothing in this subsection—

"(A) preempts, displaces, or supplants any authority or right of a Federal agency, a State, an Indian tribe, or a unit of local government;

"(B) modifies or otherwise affects, preempts, or displaces—

"(i) any cause of action; or

"(ii) a provision of Federal or State law establishing a remedy for a civil or criminal cause of action; or

"(C) applies to a case in which the Department of Agriculture is the originating agency requesting a consultation or other technical and programmatic information or assistance from another Federal agency in assisting farmers, ranchers, or nonindustrial private forest landowners participating in a conservation program administered by the Secretary.".

16 USC 3801 note.

SEC. 2504. TEMPORARY ADMINISTRATION OF CONSERVATION PROGRAMS.

(a) INTERIM ADMINISTRATION.—Subject to subsection (d), the Secretary shall use the applicable regulations in effect on the day before the date of enactment of this Act, to the extent that the terms and conditions of those regulations are consistent with the amendments made by this title, to carry out the programs under laws as amended by this title, including—

(1) the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) (as amended by subtitle B);

(2) the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq) (as added by section 2301(a)(1) and amended by subtitle C);

(3) the conservation stewardship program under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (as added by subsections (a)(2) and (b) of section 2301 and amended by subtitle C); and

(4) the agricultural conservation easement program established under subtitle H of title XII of the Food Security Act of 1985 (16 U.S.C. 3865 et seq.) (as amended by subtitle F).

(b) REGIONAL CONSERVATION PARTNERSHIP PROGRAM.—Notwithstanding subsection (e) of section 1271E of the Food Security Act of 1985 (16 U.S.C. 3871e) (as amended by section 2706), and subject to subsection (d), for fiscal year 2019, the Secretary may use an availability of program funding announcement consistent with the amendments made by subtitle G to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 (16 U.S.C. 3871 et seq.) without issuing a regulation.

(c) FUNDING.—The Secretary may only use funds authorized to be made available by this title or the amendments made by this title for the specific programs described in paragraphs (1) through (4) of subsection (a) and subsection (b), in accordance

with any restrictions on the use of those funds, for the purposes described in subsections (a) and (b).

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out subsections (a) and (b) shall terminate on September 30, 2019.

(e) PERMANENT ADMINISTRATION.—Effective beginning on the termination date described in subsection (d), the Secretary shall carry out this title and the amendments made by this title in accordance with such final regulations as the Secretary considers necessary to carry out this title and the amendments made by this title.

Subtitle F—Agricultural Conservation Easement Program

SEC. 2601. ESTABLISHMENT AND PURPOSES.

Section 1265(b) of the Food Security Act of 1985 (16 U.S.C. 3865(b)) is amended—

(1) in paragraph (3), by inserting "that negatively affect the agricultural uses and conservation values" after "that land"; and

(2) in paragraph (4), by striking "restoring and" and inserting "restoring or".

SEC. 2602. DEFINITIONS.

Section 1265A of the Food Security Act of 1985 (16 U.S.C. 3865a) is amended—

(1) in paragraph(1)(B), by striking "subject to an agricultural land easement plan, as approved by the Secretary";

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (6), and (7), respectively;

(3) by inserting after paragraph (1) the following:

"(2) BUY-PROTECT-SELL TRANSACTION.—

"(A) IN GENERAL.—The term 'buy-protect-sell transaction' means a legal arrangement—

"(i) between an eligible entity and the Secretary relating to land that an eligible entity owns or is going to purchase prior to acquisition of an agricultural land easement;

"(ii) under which the eligible entity certifies to the Secretary that the eligible entity shall—

"(I)(aa) hold an agricultural land easement on that land, but transfer ownership of the land to a farmer or rancher that is not an eligible entity prior to or on acquisition of the agricultural land easement; or

"(bb) hold an agricultural land easement on that land, but transfer ownership of the land to a farmer or rancher that is not an eligible entity in a timely manner and, subject to subparagraph (B), not later than 3 years after the date of acquisition of the agricultural land easement; and

"(II) make an initial sale of the land subject to the agricultural land easement to a farmer or rancher at not more than agricultural value, plus any reasonable holding and transaction costs

incurred by the eligible entity, as determined by the Secretary; and

"(iii) under which the Secretary shall be reimbursed for the entirety of the Federal share of the cost of the agricultural land easement by the eligible entity if the eligible entity fails to transfer ownership under item (aa) or (bb), as applicable, of clause (ii)(I).

"(B) TIME EXTENSION.—Under subparagraph (A)(ii)(I)(bb), an eligible entity may transfer land later than 3 years after the date of acquisition of the agricultural land easement if the Secretary determines an extension of time is justified.";

(4) in paragraph (4) (as so redesignated)—

(A) in subparagraph (A)(i)—

(i) by striking "to a" and inserting the following: "to—

"(I) a";

(ii) in subclause (I) (as so designated), by adding "or" at the end; and

(iii) by adding at the end the following:

"(II) a buy-protect-sell transaction;"; and

(B) in subparagraph (B)(i)(II), by striking ", as determined by the Secretary in consultation with the Secretary of the Interior at the local level"; and

(5) by inserting after paragraph (4) (as so redesignated) the following:

"(5) MONITORING REPORT.—The term 'monitoring report' means a report, the contents of which are formulated and prepared by the holder of an agricultural land easement, that accurately documents whether the land subject to the agricultural land easement is in compliance with the terms and conditions of the agricultural land easement.".

SEC. 2603. AGRICULTURAL LAND EASEMENTS.

(a) AVAILABILITY OF ASSISTANCE.—Section 1265B(a) of the Food Security Act of 1985 (16 U.S.C. 3865b(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking "provide for the conservation of natural resources pursuant to an agricultural land easement plan." and inserting "implement the program, including technical assistance for the development of a conservation plan under subsection (b)(4)(C)(iv); and"; and

(3) by adding at the end the following:

"(3) buy-protect-sell transactions.".

(b) COST-SHARE ASSISTANCE.—

(1) SCOPE OF ASSISTANCE AVAILABLE.—Section 1265B(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3865b(b)(2)) is amended—

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

"(ii) GRASSLANDS EXCEPTION.—In the case of grassland of special environmental significance, as determined by the Secretary, the Secretary may provide an amount not to exceed 75 percent of the fair market value of the agricultural land easement.

"(iii) PERMISSIBLE FORMS.—The non-Federal share provided by an eligible entity under this subparagraph may comprise—

"(I) cash resources;

"(II) a charitable donation or qualified conservation contribution (as defined in section 170(h) of the Internal Revenue Code of 1986) from the private landowner from which the agricultural land easement will be purchased;

"(III) costs associated with securing a deed to the agricultural land easement, including the cost of appraisal, survey, inspection, and title; and

"(IV) other costs, as determined by the Secretary."; and

(B) by striking subparagraph (C).

(2) EVALUATION AND RANKING OF APPLICATIONS.—Section 1265B(b)(3) of the Food Security Act of 1985 (16 U.S.C. 3865b(b)(3)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

"(C) ACCOUNTING FOR GEOGRAPHIC DIFFERENCES.—The Secretary may adjust the criteria established under subparagraph (A) to account for geographic differences, if the adjustments—

"(i) meet the purposes of the program; and

"(ii) continue to maximize the benefit of the Federal investment under the program.

"(D) PRIORITY.—In evaluating applications under the program, the Secretary may give priority to an application for the purchase of an agricultural land easement that, as determined by the Secretary, maintains agricultural viability.".

(3) AGREEMENTS WITH ELIGIBLE ENTITIES.—Section 1265B(b)(4) of the Food Security Act of 1985 (16 U.S.C. 3865b(b)(4)) is amended—

(A) in subparagraph (C), by striking clauses (iii) and (iv) and inserting the following:

"(iii) include a right of enforcement for the Secretary that—

"(I) may be used only if the terms and conditions of the easement are not enforced by the eligible entity; and

"(II) does not extend to a right of inspection unless—

"(aa)(AA) the holder of the easement fails to provide monitoring reports in a timely manner; or

"(BB) the Secretary has a reasonable and articulable belief that the terms and conditions of the easement have been violated; and

"(bb) prior to the inspection, the Secretary notifies the eligible entity and the landowner of the inspection and provides a reasonable opportunity for the eligible entity and the landowner to participate in the inspection;

"(iv) include a conservation plan only for any portion of the land subject to the agricultural land easement that is highly erodible cropland; and";

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(C) by inserting after subparagraph (C) the following:

"(D) ADDITIONAL PERMITTED TERMS AND CONDITIONS.—An eligible entity may include terms and conditions for an agricultural land easement that—

"(i) are intended to keep the land subject to the agricultural land easement under the ownership of a farmer or rancher, as determined by the Secretary;

"(ii) allow subsurface mineral development on the land subject to the agricultural land easement and in accordance with applicable State law if, as determined by the Secretary—

"(I) the subsurface mineral development—

"(aa) has a limited and localized impact;

"(bb) does not harm the agricultural use and conservation values of the land subject to the easement;

"(cc) does not materially alter or affect the existing topography;

"(dd) shall comply with a subsurface mineral development plan that—

"(AA) includes a plan for the remediation of impacts to the agricultural use and conservation values of the land subject to the easement; and

"(BB) is approved by the Secretary prior to the initiation of mineral development activity;

"(ee) is not accomplished by any surface mining method;

"(ff) is within the impervious surface limits of the easement under subparagraph (C)(v); and

"(gg) uses practices and technologies that minimize the duration and intensity of impacts to the agricultural use and conservation values of the land subject to the easement; and

"(II) each area impacted by the subsurface mineral development shall be reclaimed and restored by the holder of the mineral rights at cessation of operation; and

"(iii) include other relevant activities relating to the agricultural land easement, as determined by the Secretary.".

(4) CERTIFICATION OF ELIGIBLE ENTITIES.—Section 1265B(b)(5) of the Food Security Act of 1985 (16 U.S.C. 3865b(b)(5)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking "; and" and inserting a semicolon;

(ii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iv) allow a certified eligible entity to use its own terms and conditions, notwithstanding paragraph (4)(C), as long as the terms and conditions are consistent with the purposes of the program."; and

(B) in subparagraph (B)—

(i) in clause (iii), by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and indenting appropriately;

(ii) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(iii) in the matter preceding subclause (I) (as so redesignated), by striking "entity will" and inserting the following: "eligible entity—

"(i) will";

(iv) in clause (i)(III)(cc) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

"(ii) has—

"(I) been accredited by the Land Trust Accreditation Commission, or by an equivalent accrediting body, as determined by the Secretary;

"(II) acquired not fewer than 10 agricultural land easements under the program or any predecessor program; and

"(III) successfully met the responsibilities of the eligible entity under the applicable agreements with the Secretary, as determined by the Secretary, relating to agricultural land easements that the eligible entity has acquired under the program or any predecessor program; or

"(iii) is a State department of agriculture or other State agency with statutory authority for farm and ranchland protection that has—

"(I) acquired not fewer than 10 agricultural land easements under the program or any predecessor program; and

"(II) successfully met the responsibilities of the eligible entity under the applicable agreements with the Secretary, as determined by the Secretary, relating to agricultural land easements that the eligible entity has acquired under the program or any predecessor program.".

(5) TECHNICAL ASSISTANCE.—Section 1265B of the Food Security Act of 1985 (16 U.S.C. 3865b) is amended by striking subsection (d) and inserting the following:

"(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance, if requested, to assist in compliance with the terms and conditions of easements.".

SEC. 2604. WETLAND RESERVE EASEMENTS.

Section 1265C of the Food Security Act of 1985 (16 U.S.C. 3865c) is amended—

(1) in subsection (b)—

(A) in paragraph (3)(C), by inserting "or improving water quality" before the period at the end; and

(B) in paragraph (5)—

(i) in subparagraph (C)—

(I) by striking "Land subject" and inserting the following:

"(i) IN GENERAL.—Land subject";

(II) in clause (i) (as so designated), by inserting "water management," after "timber harvest,"; and

(III) by adding at the end the following:

"(ii) COMPATIBLE USE AUTHORIZATION.—In evaluating and authorizing a compatible economic use under clause (i), the Secretary shall—

"(I) request and consider the advice of the applicable State technical committee established under section 1261(a) about the 1 or more types of uses that may be authorized to be conducted on land subject to a wetland reserve easement, including the frequency, timing, and intensity of those uses;

"(II) consider the ability of an authorized use to facilitate the practical administration and management of that land; and

"(III) ensure that an authorized use furthers the functions and values for which the wetland reserve easement was established."; and

(ii) in subparagraph (D)(i)(III), by inserting after "under subsection (f)" the following: "or a grazing management plan that is consistent with the wetland reserve easement plan and has been reviewed, and modified as necessary, at least every 5 years"; and

(2) in subsection (f)—

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

"(1) WETLAND RESERVE EASEMENT PLAN.—

"(A) IN GENERAL.—The Secretary shall develop a wetland reserve easement plan—

"(i) for any eligible land subject to a wetland reserve easement; and

"(ii) that restores, protects, enhances, manages, maintains, and monitors the eligible land subject to the wetland reserve easements acquired under this section.

"(B) PRACTICES AND ACTIVITIES.—A wetland reserve easement plan under subparagraph (A) shall include practices and activities, including repair or replacement, that are necessary to restore and maintain the enrolled land and the functions and values of the wetland subject to a wetland reserve easement.";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) ALTERNATIVE PLANT COMMUNITIES.—The Secretary, in coordination with State technical committees established under section 1261(a) and pursuant to State-specific criteria and guidelines, may authorize the establishment or restoration of a hydrologically appropriate native community or alternative naturalized vegetative community as part of a wetland reserve easement plan on land subject to a wetland reserve easement

if that hydrologically appropriate native or alternative naturalized vegetative community shall—

"(A) substantially support or benefit migratory waterfowl or other wetland wildlife; or

"(B) meet local resource concerns or needs (including as an element of a regional, State, or local wildlife initiative or plan).".

SEC. 2605. ADMINISTRATION.

Section 1265D of the Food Security Act of 1985 (16 U.S.C. 3865d) is amended—

(1) in paragraph (a)(4), by striking "proposed" and inserting "permitted";

(2) by striking subsection (c) and inserting the following:

"(c) SUBORDINATION, EXCHANGE, MODIFICATION, AND TERMINATION.—

"(1) SUBORDINATION.—The Secretary may subordinate any interest in land, or portion of such interest, administered by the Secretary (including for the purposes of utilities and energy transmission services) either directly or on behalf of the Commodity Credit Corporation under the program if the Secretary determines that the subordination—

"(A) increases conservation values or has a limited negative effect on conservation values;

"(B) minimally affects the acreage subject to the interest in land; and

"(C) is in the public interest or furthers the practical administration of the program.

"(2) MODIFICATION AND EXCHANGE.—

"(A) AUTHORITY.—The Secretary may approve a modification or exchange of any interest in land, or portion of such interest, administered by the Secretary, either directly or on behalf of the Commodity Credit Corporation under the program if the Secretary determines that—

"(i) no reasonable alternative exists and the effect on the interest in land is avoided or minimized to the extent practicable; and

"(ii) the modification or exchange—

"(I) results in equal or increased conservation values;

"(II) results in equal or greater economic value to the United States;

"(III) is consistent with the original intent of the easement;

"(IV) is consistent with the purposes of the program; and

"(V) is in the public interest or furthers the practical administration of the program.

"(B) LIMITATION.—In modifying or exchanging an interest in land, or portion of such interest, under this paragraph, the Secretary may not increase any payment to an eligible entity.

"(3) TERMINATION.—The Secretary may approve a termination of any interest in land, or portion of such interest, administered by the Secretary, directly or on behalf of the Commodity Credit Corporation under the program if the Secretary determines that—

"(A) termination is in the interest of the Federal Government;

"(B) the United States will be fully compensated for—

"(i) the fair market value of the interest in land;

"(ii) any costs relating to the termination; and

"(iii) any damages determined appropriate by the Secretary; and

"(C) the termination will—

"(i) address a compelling public need for which there is no practicable alternative even with avoidance and minimization; and

"(ii) further the practical administration of the program.

"(4) CONSENT.—The Secretary shall obtain consent from the landowner and eligible entity, if applicable, for any subordination, exchange, modification, or termination of interest in land, or portion of such interest, under this subsection.

"(5) NOTICE.—At least 90 days before taking any termination action described in paragraph (3), the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "transferred into the program" and inserting "enrolled in an easement under section 1265C(b)"; and

(B) by adding at the end the following:

"(3) AGRICULTURAL LAND EASEMENTS.—A farmer or rancher who owns eligible land subject to an agricultural land easement may enter into a contract under subchapter B of chapter 1 of subtitle D.".

Subtitle G—Regional Conservation Partnership Program

SEC. 2701. ESTABLISHMENT AND PURPOSES.

Section 1271 of the Food Security Act of 1985 (16 U.S.C. 3871) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", including partnership agreements funded through alternative funding arrangements or grant agreements under section 1271C(d)," after "partnership agreements"; and

(B) in paragraph (2), by striking "contracts with producers" and inserting "program contracts with producers"; and

(2) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "use covered programs" and inserting "carry out eligible activities";

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

"(2) To further the conservation, protection, restoration, and sustainable use of soil, water (including sources of drinking water and groundwater), wildlife, agricultural land, and related

natural resources on eligible land on a regional or watershed scale.";

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting ", including through alignment of partnership projects with other national, State, and local agencies and programs addressing similar natural resource or environmental concerns" after "eligible land"; and

(ii) in subparagraph (B), by striking "installation" and inserting "adoption, installation,"; and

(D) by adding at the end the following:

"(4) To encourage the flexible and streamlined delivery of conservation assistance to producers through partnership agreements.

"(5) To engage producers and eligible partners in conservation projects to achieve greater conservation outcomes and benefits for producers than would otherwise be achieved.".

SEC. 2702. DEFINITIONS.

Section 1271A of the Food Security Act of 1985 (16 U.S.C. 3871a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by inserting ", not including the grassland conservation initiative under section 1240L–1" before the period at the end; and

(B) by adding at the end the following:

"(E) The conservation reserve program established under subchapter B of chapter 1 of subtitle D.

"(F) The programs established by the Secretary to carry out the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), except for any program established by the Secretary to carry out section 14 (16 U.S.C. 1012) of that Act.";

(2) by striking paragraphs (2) and (3) and inserting the following:

"(2) ELIGIBLE ACTIVITY.—The term 'eligible activity' means a practice, activity, agreement, easement, or related conservation measure that is available under the statutory authority for a covered program.

"(3) ELIGIBLE LAND.—The term 'eligible land' means any agricultural or nonindustrial private forest land or associated land on which the Secretary determines an eligible activity would help achieve conservation benefits.";

(3) in paragraph (4)—

(A) in subparagraph (E), by inserting "acequia," after "irrigation district,"; and

(B) by adding at the end the following:

"(I) An organization described in section 1265A(3)(B).

"(J) A conservation district.";

(4) by striking paragraph (5) and inserting the following:

"(5) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means the programmatic agreement entered into between the Secretary and an eligible partner, subject to the terms and conditions under section 1271B."; and

(5) by adding at the end the following:

"(7) PROGRAM CONTRACT.—

"(A) IN GENERAL.—The term 'program contract' means the contract between the Secretary and a producer entered into under this subtitle.

"(B) EXCLUSION.—The term 'program contract' does not include a contract under a covered program.".

SEC. 2703. REGIONAL CONSERVATION PARTNERSHIPS.

Section 1271B of the Food Security Act of 1985 (16 U.S.C. 3871b) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) LENGTH.—

"(1) IN GENERAL.—A partnership agreement shall be—

"(A) for a period not to exceed 5 years; or

"(B) for a period that is longer than 5 years, if the longer period is necessary to meet the objectives of the program, as determined by the Secretary.

"(2) RENEWAL.—A partnership agreement may be renewed under subsection (e)(5) for a period not to exceed 5 years.

"(3) EXTENSION.—A partnership agreement, or any renewal of a partnership agreement, may each be extended 1 time for a period not longer than 12 months, as determined by the Secretary.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(II) by striking clauses (i) and (ii) and inserting the following:

"(i) 1 or more conservation benefits that the project shall achieve;

"(ii) the eligible activities on eligible land to be conducted under the project to achieve conservation benefits;

"(iii) the implementation timeline for carrying out the project, including any interim milestones;";

(ii) in subparagraph (D), by striking "funds" and inserting "contributions"; and

(iii) in subparagraph (E), by striking "of the project's effects; and" and inserting the following: "of—

"(i) the progress made by the project in achieving each conservation benefit defined in the partnership agreement, including in a quantified form to the extent practicable; and

"(ii) as appropriate, other outcomes of the project; and"; and

(B) in paragraph (2)—

(i) by striking "An eligible" and inserting the following:

"(A) IN GENERAL.—An eligible"; and

(ii) by adding at the end the following:

"(B) FORM.—A contribution of an eligible partner under this paragraph may be in the form of—

"(i) direct funding;

"(ii) in-kind support; or

"(iii) a combination of direct funding and in-kind support.

"(C) TREATMENT.—Any amounts expended during the period beginning on the date on which the Secretary announces the approval of an application under subsection (e) and ending on the day before the effective date of the partnership agreement by an eligible partner for staff salaries or development of the partnership agreement may be considered to be a part of the contribution of the eligible partner under this paragraph.";

(3) by redesignating subsection (d) as subsection (e);

(4) by inserting after subsection (c) the following:

"(d) DUTIES OF SECRETARY.—The Secretary shall—

"(1) establish a timeline for carrying out the duties of the Secretary under a partnership agreement, including—

"(A) entering into program contracts with producers;

"(B) providing financial assistance to producers; and

"(C) in the case of a partnership agreement that is funded through an alternative funding arrangement or grant agreement under section 1271C(d), providing the payments to the eligible partner for carrying out eligible activities;

"(2) identify in each State a program coordinator for the State, who shall be responsible for providing assistance to eligible partners under the program;

"(3) establish guidance to assist eligible partners with carrying out the assessment required under subsection (c)(1)(E);

"(4) provide to each eligible partner that has entered into a partnership agreement that is not funded through an alternative funding arrangement or grant agreement under section 1271C(d)—

"(A) a semiannual report describing the status of each pending and obligated contract under the project of the eligible partner; and

"(B) an annual report describing how the Secretary used amounts reserved by the Secretary for that year for technical assistance under section 1271D(f); and

"(5) ensure that any eligible activity effectively achieves the conservation benefits identified in the partnership agreement under subsection (c)(1)(A)(i).";

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) in paragraph (1), by inserting "simplified" after "conduct a";

(B) in paragraph (3)—

(i) by striking the paragraph designation and heading and all that follows through "description of—" and inserting the following:

"(3) CONTENTS.—The Secretary shall develop a simplified application that includes a description of—";

(ii) in subparagraph (C), by striking ", including the covered programs to be used"; and

(iii) in subparagraph (D), by striking "financial";

(C) in paragraph (4)—

(i) by striking subparagraph (D);

(ii) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(iii) by inserting after subparagraph (C) the following:

"(D) build new partnerships with local, State, and private entities to include a diversity of stakeholders in the project;

"(E) deliver a high percentage of applied conservation—

"(i) to achieve conservation benefits; or

"(ii) in the case of a project in a critical conservation area under section 1271F, to address the priority resource concern for that critical conservation area;

"(F) implement the project consistent with existing watershed, habitat, or other area restoration plans;"; and

(D) by adding at the end the following:

"(5) RENEWALS.—If the Secretary determines that a project that is the subject of a partnership agreement has met or exceeded the objectives of the project, the Secretary may renew the partnership agreement through an expedited noncompetitive process if the 1 or more eligible partners that are parties to the partnership agreement request the renewal in order—

"(A) to continue to implement the project under a renewal of the partnership agreement; or

"(B) to expand the scope of the project under a renewal of the partnership agreement, as long as the expansion is within the objectives and purposes of the original partnership agreement."; and

(6) by adding at the end the following:

"(f) NONAPPLICABILITY OF ADJUSTED GROSS INCOME LIMITATION.—The adjusted gross income limitation described in section 1001D(b)(1) shall not apply to an eligible partner under the program.".

SEC. 2704. ASSISTANCE TO PRODUCERS.

Section 1271C of the Food Security Act of 1985 (16 U.S.C. 3871c) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—A producer may receive financial or technical assistance to conduct eligible activities on eligible land through a program contract entered into with the Secretary.

"(b) PROGRAM CONTRACTS.—

"(1) IN GENERAL.—The Secretary shall establish a program contract to be entered into with a producer to conduct eligible activities on eligible land, subject to such terms and conditions as the Secretary may establish.

"(2) APPLICATION BUNDLES.—

"(A) IN GENERAL.—An eligible partner may submit to the Secretary, on behalf of producers, a bundle of applications for assistance under the program through program contracts to address a substantial portion of the conservation benefits to be achieved by the project, as defined in the partnership agreement.

"(B) PRIORITY.—The Secretary may give priority to applications described in subparagraph (A).";

(2) in subsection (c)—

(A) in paragraph (1), by striking "In accordance with statutory requirements of the covered programs involved, the Secretary may make payments to a producer" and inserting "Subject to section 1271D, the Secretary may make payments to a producer"; and

(B) in paragraph (3), by striking "participating"; and

(3) by adding at the end the following:

"(d) FUNDING THROUGH ALTERNATIVE FUNDING ARRANGEMENTS OR GRANT AGREEMENTS.—

"(1) IN GENERAL.—A partnership agreement entered into with an eligible partner may be funded through an alternative funding arrangement or grant in accordance with this subsection.

"(2) DUTIES OF THE SECRETARY.—The Secretary shall—

"(A) under a funding agreement under paragraph (1)—

"(i) use funding made available to carry out this subtitle to provide funding directly to the eligible partner; and

"(ii) provide technical and administrative assistance, as mutually agreed by the parties; and

"(B) enter into not more than 15 alternative funding arrangements or grant agreements with 1 or more eligible partners each fiscal year.

"(3) DUTIES OF ELIGIBLE PARTNERS.—Under a funding agreement under paragraph (1), the eligible partner shall—

"(A) carry out eligible activities on eligible land in agreement with producers to achieve conservation benefits on a regional or watershed scale, such as—

"(i) infrastructure investments relating to agricultural or nonindustrial private forest production that would—

"(I) benefit multiple producers; and

"(II) address natural resource concerns such as drought, wildfire, or water quality impairment on the land covered by the project;

"(ii) projects addressing natural resources concerns in coordination with producers, including the development and implementation of watershed, habitat, or other area restoration plans;

"(iii) projects that use innovative approaches to leveraging the Federal investment in conservation with private financial mechanisms, in conjunction with agricultural production or forest resource management, such as—

"(I) the provision of performance-based payments to producers; and

"(II) support for an environmental market; or

"(iv) other projects for which the Secretary determines that the goals and objectives of the program would be easier to achieve through the funding agreement under paragraph (1); and

"(B) submit to the Secretary, in addition to any information that the Secretary requires to prepare the report under section 1271E(b), an annual report that describes the status of the project, including a description of—

"(i) the use of the funds awarded under paragraph (1);

"(ii) any subcontracts awarded;

"(iii) the producers receiving funding through the funding agreement under paragraph (1);

"(iv)(I) the progress made by the project in addressing each natural resource concern defined in the funding agreement under paragraph (1), including in a quantified form to the extent practicable; and

"(II) as appropriate, other outcomes of the project; and

"(v) any other reporting data the Secretary determines are necessary to ensure compliance with the program rules.".

SEC. 2705. FUNDING.

Section 1271D of the Food Security Act of 1985 (16 U.S.C. 3871d) is amended—

(1) in subsection (a)—

(A) by striking "$100,000,000" and inserting "$300,000,000"; and

(B) by striking "2014 through 2018" and inserting "2019 through 2023";

(2) by striking subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(4) in subsection (c) (as so redesignated)—

(A) in the matter preceding paragraph (1)—

(i) by striking "and acres"; and

(ii) by striking "and reserved for the program under subsection (c)";

(B) in paragraph (1)—

(i) by striking "25 percent of the funds and acres to projects based on a State competitive process administered by the State Conservationist, with the advice of the State technical committee" and inserting "50 percent of the funds to projects based on a State or multistate competitive process administered by the Secretary at the local level with the advice of the applicable State technical committees"; and

(ii) by adding "and" after the semicolon;

(C) by striking paragraph (2);

(D) by redesignating paragraph (3) as paragraph (2); and

(E) in paragraph (2) (as so redesignated), by striking "35 percent of the funds and acres" and inserting "50 percent of the funds";

(5) in subsection (d) (as so redesignated)—

(A) by striking "None of the funds made available or reserved for the program" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds made available for the program, including for a partnership agreement funded through an alternative funding arrangement or grant agreement under section 1271C(d),"; and

(B) by adding at the end the following:

"(2) PROJECT DEVELOPMENT AND OUTREACH.—Under a partnership agreement that is not funded through an alternative funding arrangement or grant agreement under section 1271C(d), the Secretary may advance reasonable amounts of funding for not longer than 90 days for technical assistance

to eligible partners to conduct project development and outreach activities in a project area, including—

"(A) providing outreach and education to producers for potential participation in the project;

"(B) establishing baseline metrics to support the development of the assessment required under section 1271B(c)(1)(E); or

"(C) providing technical assistance to producers."; and

(6) by adding at the end the following:

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—At the time of project selection, the Secretary shall identify and make publicly available the amount that the Secretary shall use to provide technical assistance under the terms of the partnership agreement.

"(2) LIMITATION.—The Secretary shall limit costs of the Secretary for technical assistance to costs specific and necessary to carry out the objectives of the program.

"(3) THIRD-PARTY PROVIDERS.—The Secretary shall develop and implement strategies to encourage third-party technical service providers to provide technical assistance to eligible partners pursuant to a partnership agreement.".

SEC. 2706. ADMINISTRATION.

Section 1271E of the Food Security Act of 1985 (16 U.S.C. 3871e) is amended—

(1) in subsection (a), by striking "1271B(d)" each place it appears and inserting "1271B(e)";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "December 31, 2014" and inserting "December 31, 2019";

(B) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(C) by inserting before paragraph (2) (as so redesignated) the following:

"(1) a summary of—

"(A) the progress made towards achieving the conservation benefits defined for the projects; and

"(B) any other related outcomes of the projects;";

(D) in paragraph (4) (as so redesignated), by striking "and" at the end;

(E) in paragraph (5) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "1271C(b)(2)" and inserting "1271C(d)"; and

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(6) in the case of a project within a critical conservation area under section 1271F, the status of each priority resource concern for each designated critical conservation area, including—

"(A) the priority resource concerns for which each critical conservation area is designated;

"(B) conservation goals and outcomes sufficient to demonstrate that progress is being made to address the priority resource concerns;

"(C) the partnership agreements selected to address each conservation goal and outcome; and

"(D) the extent to which each conservation goal and outcome is being addressed by the partnership agreements."; and

(3) by adding at the end the following:

"(c) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The Secretary may not provide assistance under the program to a producer unless the producer agrees, during the program year for which the assistance is provided—

"(1) to comply with applicable conservation requirements under subtitle B; and

"(2) to comply with applicable wetland protection requirements under subtitle C.

"(d) HISTORICALLY UNDERSERVED PRODUCERS.—To the maximum extent practicable, in carrying out the program, the Secretary and eligible partners shall conduct outreach to beginning farmers and ranchers, veteran farmers and ranchers, socially disadvantaged farmers and ranchers, and limited resource farmers and ranchers to encourage participation by those producers in a project subject to a partnership agreement or funding agreement under 1271C(d).

"(e) REGULATIONS.—The Secretary shall issue regulations to carry out the program.".

SEC. 2707. CRITICAL CONSERVATION AREAS.

Section 1271F of the Food Security Act of 1985 (16 U.S.C. 3871f) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a) DEFINITIONS.—In this section:

"(1) CRITICAL CONSERVATION AREA.—The term 'critical conservation area' means a geographical area that contains a critical conservation condition that can be addressed through the program.

"(2) PRIORITY RESOURCE CONCERN.—The term 'priority resource concern' means a natural resource concern located in a critical conservation area that can be addressed through—

"(A) water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

"(B) water quantity improvement, including improvement relating to—

"(i) drought;

"(ii) groundwater, surface water, aquifer, or other water sources; or

"(iii) water retention and flood prevention;

"(C) wildlife habitat restoration to address species of concern at a Federal, State, or local level; and

"(D) other natural resource improvements, as determined by the Secretary, within the critical conservation area.";

(3) in subsection (b) (as so redesignated)—

(A) by striking "(b) IN GENERAL.—" and inserting the following:

"(b) APPLICATIONS.—";

(B) by striking "1271D(d)(3)" and inserting "1271D(d)(2)";

(C) by striking "producer" and inserting "program"; and

(D) by inserting "that address 1 or more priority resource concerns for which the critical conservation area is designated" before the period at the end;

(4) in subsection (c) (as so redesignated)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) IN GENERAL.—The Secretary shall identify 1 or more priority resource concerns that apply to each critical conservation area designated under this section after the date of enactment of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 649), including the conservation goals and outcomes sufficient to demonstrate that progress is being made to address the priority resource concern.";

(C) in paragraph (2) (as so redesignated)—

(i) by striking subparagraphs (C) and (D) and inserting the following:

"(C) contains 1 or more priority resource concerns; or"; and

(ii) by redesignating subparagraph (E) as subparagraph (D); and

(D) by striking paragraph (3) (as so redesignated) and inserting the following:

"(3) REVIEW AND WITHDRAWAL.—The Secretary may—

"(A) review designations of critical conservation areas under this section not more frequently than once every 5 years; and

"(B) withdraw designation of a critical conservation area only if the Secretary determines that the area is no longer a critical conservation area.";

(5) by inserting after subsection (c) (as so redesignated) the following:

"(d) OUTREACH TO ELIGIBLE PARTNERS AND PRODUCERS.—The Secretary shall provide outreach and education to eligible partners and producers in critical conservation areas designated under this section to encourage the development of projects to address each priority resource concern identified by the Secretary for that critical conservation area."; and

(6) in subsection (e) (as so redesignated)—

(A) in paragraph (1), by striking "producer" and inserting "program"; and

(B) by striking paragraph (3).

Subtitle H—Repeals and Technical Amendments

PART I—REPEALS

SEC. 2811. REPEAL OF CONSERVATION CORRIDOR DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; Public Law 107–171) is repealed.

(b) CONFORMING AMENDMENT.—Section 5059 of the Water Resources Development Act of 2007 (16 U.S.C. 3801 note; Public Law 110–114) is repealed.

SEC. 2812. REPEAL OF CRANBERRY ACREAGE RESERVE PROGRAM.

Section 10608 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; Public Law 107–171) is repealed.

SEC. 2813. REPEAL OF NATIONAL NATURAL RESOURCES FOUNDATION.

16 USC 5801 and note, 5802–5809.

Subtitle F of title III of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 5801 et seq.) is repealed.

SEC. 2814. REPEAL OF FLOOD RISK REDUCTION.

Section 385 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7334) is repealed.

SEC. 2815. REPEAL OF STUDY OF LAND USE FOR EXPIRING CONTRACTS AND EXTENSION OF AUTHORITY.

Section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 3831 note; Public Law 101–624) is repealed.

SEC. 2816. REPEAL OF INTEGRATED FARM MANAGEMENT PROGRAM OPTION.

Section 1451 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5822) is repealed.

SEC. 2817. REPEAL OF CLARIFICATION OF DEFINITION OF AGRICULTURAL LANDS.

Section 325 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 992) is repealed.

PART II—TECHNICAL AMENDMENTS

SEC. 2821. TECHNICAL AMENDMENTS.

(a) WATERSHED PROTECTION AND FLOOD PREVENTION ACT.—Section 5(4) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005(4)) is amended—

(1) by striking "goodwater" and inserting "floodwater"; and

(2) by striking "Secretary of Health, Education, and Welfare" each place it appears and inserting "Secretary of Health and Human Services".

(b) DELINEATION OF WETLANDS; EXEMPTIONS.—Section 1222(j) of the Food Security Act of 1985 (16 U.S.C. 3822(j)) is amended by striking "National Resources Conservation Service" and inserting "Natural Resources Conservation Service".

(c) FARMABLE WETLAND PROGRAM.—Section 1231B(b)(2)(A)(i) of the Food Security Act of 1985 (16 U.S.C. 3831b(b)(2)(A)(i)) is amended by adding a semicolon at the end.

(d) TERMINAL LAKES ASSISTANCE.—Section 2507 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3839bb–6) is amended—

(1) in subsection (e)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1); and

(C) by adding at the end the following:

"(2) NO ADDITIONAL FUNDS.—

"(A) IN GENERAL.—Nothing in this section authorizes any additional funds to carry out this section.

"(B) AVAILABILITY OF FUNDS.—Any funds made available to carry out this section before the date of enactment of the Agriculture Improvement Act of 2018 may remain available until expended."; and

(2) by adding at the end the following:

"(f) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on October 1, 2023.".

(e) DELIVERY OF TECHNICAL ASSISTANCE.—Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended by striking "third party" each place it appears and inserting "third-party".

(f) ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.—Section 1244(b)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3844(b)(4)(B)) is amended by striking "General Accounting Office" and inserting "Government Accountability Office".

SEC. 2822. STATE TECHNICAL COMMITTEES.

(a) STANDARDS.—Section 1261(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3861(b)(2)) is amended by striking "under section 1262(b)".

(b) COMPOSITION.—Section 1261(c) of the Food Security Act of 1985 (16 U.S.C. 3861(c)) is amended by adding at the end the following:

"(14) The State Cooperative Extension Service and land grant university in the State.".

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3101. LABELING REQUIREMENTS.

Section 202(g) of the Food for Peace Act (7 U.S.C. 1722(g)) is amended to read as follows:

"(g) LABELING OF ASSISTANCE.—Agricultural commodities and other assistance provided under this title shall, to the extent practicable, be clearly identified with appropriate markings on the package or container of such agricultural commodities or food procured outside of the United States, or on printed material that accompanies other assistance, in the language of the locality in which such commodities and other assistance are distributed, as being furnished by the people of the United States of America.".

SEC. 3102. FOOD AID QUALITY ASSURANCE.

Section 202(h)(3) of the Food for Peace Act (7 U.S.C. 1722(h)(3)) is amended by striking "2018" and inserting "2023".

SEC. 3103. LOCAL SALE AND BARTER OF COMMODITIES.

Section 203 of the Food for Peace Act (7 U.S.C. 1723) is amended—

(1) in subsection (a), by inserting "to generate proceeds to be used as provided in this section" before the period at the end;

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 3104. MINIMUM LEVELS OF ASSISTANCE.

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended in paragraphs (1) and (2) by striking "2018" both places it appears and inserting "2023".

SEC. 3105. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Food for Peace Act (7 U.S.C. 1725) is amended—

(1) in subsection (d)(1), in the first sentence, by striking "45" and inserting "30"; and

(2) in subsection (f), by striking "2018" and inserting "2023".

SEC. 3106. ISSUANCE OF REGULATIONS.

Section 207(c)(1) of the Food for Peace Act (7 U.S.C. 1726a(c)(1)) is amended by striking "the Agricultural Act of 2014"and inserting "the Agriculture Improvement Act of 2018".

SEC. 3107. OVERSIGHT, MONITORING, AND EVALUATION.

Section 207(f)(4) of the Food for Peace Act (7 U.S.C. 1726a(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "$17,000,000" and inserting "1.5 percent, but not less than $17,000,000,"; and

(B) by striking "2018" each place it appears and inserting "2023"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "2018" and inserting "2023"; and

(B) in clause (ii), by striking "chapter 1 of part I of".

SEC. 3108. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208 of the Food for Peace Act (7 U.S.C. 1726b) is amended—

(1) by amending the section heading to read as follows: "**INTERNATIONAL FOOD RELIEF PARTNERSHIP**."; and

(2) in subsection (f), by striking "2018" and inserting "2023".

SEC. 3109. CONSIDERATION OF IMPACT OF PROVISION OF AGRICULTURAL COMMODITIES AND OTHER ASSISTANCE ON LOCAL FARMERS AND ECONOMY.

(a) INCLUSION OF ALL MODALITIES.—Section 403(a) of the Food for Peace Act (7 U.S.C. 1733(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting ", food procured outside of the United States, food voucher, or cash transfer for food" after "agricultural commodity";

(2) in paragraph (1), by inserting "in the case of the provision of an agricultural commodity," before "adequate"; and

(3) in paragraph (2), by striking "commodity" and inserting "agricultural commodity or use of the food procured outside of the United States, food voucher, or cash transfer for food".

(b) AVOIDANCE OF DISRUPTIVE IMPACT.—Section 403(b) of the Food for Peace Act (7 U.S.C. 1733(b)) is amended—

(1) in the first sentence, by inserting ", the use of food procured outside of the United States, food vouchers, and cash transfers for food," after "agricultural commodities"; and

(2) in the second sentence, by striking "of sales of agricultural commodities".

SEC. 3110. ALLOWANCE FOR DISTRIBUTION COSTS.

Section 406(b)(6) of the Food for Peace Act (7 U.S.C. 1736(b)(6)) is amended by striking "and distribution costs" and inserting ", distribution, and program implementation costs to use the commodities".

SEC. 3111. PREPOSITIONING OF AGRICULTURAL COMMODITIES.

Section 407(c)(4)(A) of the Food for Peace Act (7 U.S.C. 1736a(c)(4)(A)) is amended by striking "2018" each place it appears and inserting "2023".

SEC. 3112. ANNUAL REPORT REGARDING FOOD AID PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Section 407(f) of the Food for Peace Act (7 U.S.C. 1736a(f)) is amended to read as follows:

"(f) ANNUAL REPORT REGARDING FOOD AID PROGRAMS AND ACTIVITIES.—

"(1) ANNUAL REPORT.—Not later than April 1 of each fiscal year, the Administrator and the Secretary shall jointly, or each separately, prepare and submit to the appropriate committees of Congress a report regarding each program and activity carried out under this Act by the Administrator, the Secretary, or both, as applicable, during the prior fiscal year.

"(2) CONTENTS.—An annual report described in paragraph (1) shall include, with respect to the prior fiscal year, the following:

"(A) A list that contains a description of each country and organization that receives food and other assistance under this Act (including the quantity of food and assistance provided to each country and organization).

"(B) A general description of each project and activity implemented under this Act (including each activity funded through the use of local currencies) and the total number of beneficiaries of the project.

"(C) A statement describing the quantity of agricultural commodities made available to, and the total number of beneficiaries in, each country pursuant to—

"(i) this Act;

"(ii) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b));

"(iii) the Food for Progress Act of 1985 (7 U.S.C. 1736o); and

"(iv) the McGovern-Dole International Food for Education and Child Nutrition Program established by section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

"(D) An assessment of the progress made through programs under this Act towards reducing food insecurity in the populations receiving food assistance from the United States.

"(E) A description of efforts undertaken by the Food Aid Consultative Group under section 205 to achieve an integrated and effective food assistance program.

"(F) An assessment of—

"(i) each program oversight, monitoring, and evaluation system implemented under section 207(f); and

"(ii) the impact of each program oversight, monitoring, and evaluation system on the effectiveness and efficiency of assistance provided under this title.

"(G) An assessment of the progress made by the Administrator in addressing issues relating to quality with respect to the provision of food assistance.

"(H) A statement of the amount of funds (including funds for administrative costs, indirect cost recovery, internal transportation, storage and handling, and associated distribution costs) provided to each eligible organization that received assistance under this Act, that further describes the following:

"(i) How such funds were used by the eligible organization.

"(ii) The actual rate of return for each commodity made available under this Act, including factors that influenced the rate of return, and, for the commodity, the costs of bagging or further processing, ocean transportation, inland transportation in the recipient country, storage costs, and any other information that the Administrator and the Secretary determine to be necessary.

"(iii) For each instance in which a commodity was made available under this Act at a rate of return less than 70 percent, the reasons for the rate of return realized.

"(I) For funds expended for purposes of section 202(e), 406(b)(6), and 407(c)(1)(B), a detailed accounting of the expenditures and purposes of such expenditures with respect to each such section.

"(3) RATE OF RETURN DESCRIBED.—For purposes of applying subparagraph (H) of paragraph (2), the rate of return for a commodity shall be equal to the proportion that—

"(A) the proceeds the implementing partners generate through monetization; bears to

"(B) the cost to the Federal Government to procure and ship the commodity to a recipient country for monetization.".

(b) CONFORMING REPEAL.—Subsection (m) of section 403 of the Food for Peace Act (7 U.S.C. 1733) is repealed.

SEC. 3113. DEADLINE FOR AGREEMENTS TO FINANCE SALES OR TO PROVIDE OTHER ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking "2018" and inserting "2023".

SEC. 3114. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412(e) of the Food for Peace Act (7 U.S.C. 1736f(e)) is amended to read as follows:

"(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

"(1) IN GENERAL.—For each of fiscal years 2019 through 2023, not less than $365,000,000 of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, nor more than 30 percent of such amounts, shall be expended for nonemergency food assistance programs under such title.

"(2) COMMUNITY DEVELOPMENT FUNDS.—Funds appropriated each year to carry out part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) that are made available through grants or cooperative agreements to strengthen food security in developing countries and that are consistent with section 202(e)(1)(C) may be considered amounts expended for nonemergency food assistance programs for purposes of paragraph (1).

"(3) FARMER-TO-FARMER PROGRAM.—In determining the amount expended for a fiscal year for nonemergency food assistance programs under paragraph (1), amounts expended for that year to carry out programs under section 501 may be considered amounts expended for nonemergency food assistance programs.".

SEC. 3115. TERMINATION DATE FOR MICRONUTRIENT FORTIFICATION PROGRAMS.

Section 415(c) of the Food for Peace Act (7 U.S.C. 1736g–2(c)) is amended by striking "2018" and inserting "2023".

SEC. 3116. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

Section 501 of the Food for Peace Act (7 U.S.C. 1737) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "section 1342 of title 31, United States Code, or" after "Notwithstanding";

(B) in paragraph (1) by inserting "technical" before "assistance"; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "employees or staff of a State cooperative institution (as such term is defined in paragraph 18 of section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103), except that subparagraphs (E), (F), and (G) of such paragraph shall not apply)," after "private corporations,"; and

(ii) in subparagraph (A)—

(I) by striking "; and" at the end of clause (viii); and

(II) by striking clause (ix) and inserting the following:

"(ix) agricultural education and extension;

"(x) selection of seed varieties and plant stocks;

"(xi) knowledge of insecticide and sanitation procedures to prevent crop destruction;

"(xii) use and maintenance of agricultural equipment and irrigation systems; and

"(xiii) selection of fertilizers and methods of soils treatment; and";

(2) in subsection (d), in the matter preceding paragraph (1), by striking "2018" and inserting "2023";

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by striking "2018" and inserting "2023"; and

(4) by adding at the end the following:

"(f) GRANT PROGRAM TO CREATE NEW PARTNERS AND INNOVATION.—

"(1) IN GENERAL.—The Administrator of the Agency for International Development shall develop a grant program to be carried out in fiscal years 2019 through 2023 to facilitate new and innovative partnerships and activities under this title.

"(2) USE OF FUNDS.—A grant recipient under this subsection shall use funds received under this subsection to—

"(A) prioritize new implementing partners;

"(B) develop innovative volunteer models;

"(C) develop, improve, or maintain strategic partnerships with other United States development programs; and

"(D) expand the footprint and impact of the programs and activities under this title, and diversity among program participants, including land-grant colleges and universities and cooperative extension services (as such terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).".

Subtitle B—Agricultural Trade Act of 1978

SEC. 3201. AGRICULTURAL TRADE PROMOTION AND FACILITATION.

(a) IN GENERAL.—Section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) is amended to read as follows:

"SEC. 203. AGRICULTURAL TRADE PROMOTION AND FACILITATION.

"(a) ESTABLISHMENT.—The Secretary shall carry out activities under this section—

"(1) to access, develop, maintain, and expand markets for United States agricultural commodities; and

"(2) to promote cooperation and the exchange of information.

"(b) MARKET ACCESS PROGRAM.—

"(1) DEFINITION OF ELIGIBLE TRADE ORGANIZATION.—In this subsection, the term 'eligible trade organization' means—

"(A) a United States agricultural trade organization or regional State-related organization that promotes the export and sale of United States agricultural commodities and that does not stand to profit directly from specific sales of United States agricultural commodities;

"(B) a cooperative organization or State agency that promotes the sale of United States agricultural commodities; or

"(C) a private organization that promotes the export and sale of United States agricultural commodities if the Secretary determines that such organization would significantly contribute to United States export market development.

"(2) IN GENERAL.—The Commodity Credit Corporation shall establish and carry out a program, to be known as the 'Market Access Program', to encourage the development, maintenance, and expansion of commercial export markets for United States agricultural commodities (including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502))) through cost-share assistance to eligible trade organizations that implement a foreign market development program.

"(3) PARTICIPATION REQUIREMENTS.—

"(A) MARKETING PLAN AND OTHER REQUIREMENTS.—To be eligible for cost-share assistance under this subsection, an eligible trade organization shall—

"(i) prepare and submit a marketing plan to the Secretary that meets the guidelines governing such a marketing plan specified in this paragraph or otherwise established by the Secretary;

"(ii) meet any other requirements established by the Secretary; and

"(iii) enter into an agreement with the Secretary.

"(B) PURPOSE OF MARKETING PLAN.—A marketing plan submitted under this paragraph shall describe the advertising or other market oriented export promotion activities to be carried out by the eligible trade organization with respect to which assistance under this subsection is being requested.

"(C) SPECIFIC ELEMENTS.—To be approved by the Secretary, a marketing plan submitted under this paragraph shall—

"(i) specifically describe the manner in which assistance received by the eligible trade organization, in conjunction with funds and services provided by the eligible trade organization, will be expended in implementing the marketing plan;

"(ii) establish specific market goals to be achieved under the marketing plan; and

"(iii) contain whatever additional requirements are determined by the Secretary to be necessary.

"(D) BRANDED PROMOTION.—A marketing plan approved by the Secretary may provide for the use of branded advertising to promote the sale of United States agricultural commodities in a foreign country under such terms and conditions as may be established by the Secretary.

"(E) AMENDMENTS.—An approved marketing plan may be amended by the eligible trade organization at any time, subject to the approval of the amendment by the Secretary.

"(4) LEVEL OF ASSISTANCE AND COST-SHARE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall justify in writing the level of assistance to be provided to an eligible trade organization under this subsection and the level of cost sharing required of the organization.

"(B) LIMITATION ON BRANDED PROMOTION.—Assistance provided under this subsection for activities described in paragraph (3)(D) shall not exceed 50 percent of the cost of implementing the marketing plan, except that the Secretary may determine not to apply such limitation in the case of United States agricultural commodities with respect to which there has been a favorable decision by the United States Trade Representative under section 301 of the Trade Act of 1974 (19 U.S.C. 2411). Criteria used by the Secretary for determining that the limitation shall not apply shall be consistent and documented.

"(5) OTHER TERMS AND CONDITIONS.—

"(A) MULTIYEAR BASIS.—The Secretary may provide assistance under this subsection on a multiyear basis, subject to annual review by the Secretary for compliance with the approved marketing plan.

"(B) TERMINATION OF ASSISTANCE.—The Secretary may terminate any assistance made, or to be made, available under this subsection if the Secretary determines that—

"(i) the eligible trade organization is not adhering to the terms and conditions applicable to the provision of the assistance;

"(ii) the eligible trade organization is not implementing the approved marketing plan or is not adequately meeting the established goals of the plan;

"(iii) the eligible trade organization is not adequately contributing its own resources to the implementation of the plan; or

"(iv) the Secretary determines that termination of assistance in a particular instance is in the best interests of the Market Access Program.

"(C) EVALUATIONS.—Beginning not later than 15 months after the initial provision of assistance under this subsection to an eligible trade organization, the Secretary shall monitor the expenditures by the eligible trade organization of such assistance, including the following:

"(i) An evaluation of the effectiveness of the marketing plan of the eligible trade organization in developing or maintaining markets for United States agricultural commodities.

"(ii) An evaluation of whether assistance provided under this subsection is necessary to maintain such markets.

"(iii) A thorough accounting of the expenditure by the eligible trade organization of the assistance provided under this subsection.

"(6) RESTRICTIONS ON USE OF FUNDS.—Assistance provided under this subsection to an eligible trade organization may not be used—

"(A) to provide direct assistance to any foreign for-profit corporation for the corporation's use in promoting foreign-produced products; or

"(B) to provide direct assistance to any for-profit corporation that is not recognized as a small business concern (as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a))), excluding—

"(i) a cooperative;

"(ii) an association described in the first section of the Act entitled 'An Act To authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291); or

"(iii) a nonprofit trade association.

"(7) PERMISSIVE USE OF FUNDS.—Assistance provided under this subsection to a United States agricultural trade association, cooperative, or small business may be used for individual branded promotional activity related to a United States branded product, if the beneficiaries of the activity have provided funds for the activity in an amount that is at least equivalent to the amount of such assistance.

"(8) PRIORITY.—In providing assistance for branded promotion, the Secretary should give priority to small-sized entities.

"(9) CONTRIBUTION LEVEL.—

"(A) IN GENERAL.—The Secretary should require a minimum contribution level of 10 percent from an eligible trade organization that receives assistance for nonbranded promotion.

"(B) INCREASES IN CONTRIBUTION LEVEL.—The Secretary may increase the contribution level in any subsequent year that an eligible trade organization receives assistance for nonbranded promotion.

"(10) ADDITIONALITY.—The Secretary should require each participant in the Market Access Program to certify that any Federal funds received supplement, but do not supplant, private or third party participant funds or other contributions to Program activities.

"(11) INDEPENDENT AUDITS.—If as a result of an evaluation or audit of activities of a participant under the Market Access Program, the Secretary determines that a further review is justified in order to ensure compliance with the requirements of the Program, the Secretary should require the participant to contract for an independent audit of the Program activities, including activities of any subcontractor.

"(12) TOBACCO.—No funds made available under the Market Access Program may be used for activities to develop, maintain, or expand foreign markets for tobacco.

"(c) FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.—

"(1) DEFINITION OF ELIGIBLE TRADE ORGANIZATION.—In this subsection, the term 'eligible trade organization' means a United States trade organization that—

"(A) promotes the export of 1 or more United States agricultural commodities; and

"(B) does not have a business interest in or receive remuneration from specific sales of agricultural commodities.

"(2) ESTABLISHMENT.—The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a program to be known as the 'Foreign Market Development

Cooperator Program' to maintain and develop foreign markets for United States agricultural commodities.

"(3) USE OF FUNDS.—Funds made available to carry out this subsection shall be used only to provide—

"(A) cost-share assistance to an eligible trade organization under a contract or agreement with the eligible trade organization; and

"(B) assistance for other costs that are appropriate to carry out the Foreign Market Development Cooperator Program, including contingent liabilities that are not otherwise funded.

"(d) E (KIKA) DE LA GARZA EMERGING MARKETS PROGRAM.—

"(1) DEFINITION OF EMERGING MARKET.—In this subsection, the term 'emerging market' means any country, foreign territory, customs union, or other economic market that the Secretary determines—

"(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of its economy; and

"(B) has the potential to provide a viable and significant market for United States agricultural commodities.

"(2) ESTABLISHMENT.—The Secretary shall establish and carry out a program, to be known as the 'E (Kika) de la Garza Emerging Markets Program'—

"(A) to develop agricultural markets in emerging markets; and

"(B) to promote cooperation and exchange of information between agricultural institutions and agribusinesses in the United States and emerging markets.

"(3) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION.—To develop, maintain, or expand markets for exports of United States agricultural commodities, the Secretary shall make available to emerging markets the expertise of the United States—

"(I) to make assessments of food and rural business systems needs;

"(II) to make recommendations on measures necessary to enhance the effectiveness of the food and rural business systems described in subclause (I), including potential reductions in trade barriers; and

"(III) to identify and carry out specific opportunities and projects to enhance the effectiveness of the food and rural business systems described in subclause (I).

"(ii) EXTENT OF PROGRAM.—The Secretary shall implement this subparagraph with respect to at least 3 emerging markets in each fiscal year.

"(B) EXPERTS FROM THE UNITED STATES.—The Secretary may implement subparagraph (A) by providing—

"(i) assistance to teams (consisting primarily of agricultural consultants, agricultural producers, other persons from the private sector, and government officials expert in assessing the food and rural business systems of other countries) to enable those teams to

conduct the assessments, make the recommendations, and identify the opportunities and projects described in subparagraph (A)(i) in emerging markets;

"(ii) for necessary subsistence and transportation expenses of—

"(I) United States food and rural business system experts, including United States agricultural producers and other United States individuals knowledgeable in agricultural and agribusiness matters, to enable such United States food and rural business system experts to assist in transferring knowledge and expertise to entities from emerging markets; and

"(II) individuals designated by emerging markets to enable such designated individuals to consult with such United States experts to enhance food and rural business systems of such emerging markets and to transfer knowledge and expertise to such emerging markets.

"(C) COST-SHARING.—The Secretary shall encourage the nongovernmental experts described in subparagraph (B) to share the costs of, and otherwise assist in, the participation of those experts in the E (Kika) de la Garza Emerging Markets Program.

"(D) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance (including the establishment of extension services) to enable individuals or other entities to carry out recommendations, projects, and opportunities in emerging markets, including recommendations, projects, and opportunities described in subclauses (II) and (III) of subparagraph (A)(i).

"(E) REPORTS TO SECRETARY.—A team that receives assistance under subparagraph (B)(i) shall prepare and submit to the Secretary such reports as the Secretary may require.

"(F) ADVISORY COMMITTEE.—To provide the Secretary with information that may be useful to the Secretary in carrying out this subsection, the Secretary may establish an advisory committee composed of representatives of the various sectors of the food and rural business systems of the United States.

"(G) EFFECT.—The authority provided under this subsection shall be in addition to and not in place of any other authority of the Secretary or the Commodity Credit Corporation.

"(e) TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.—

"(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish an export assistance program, in this subsection referred to as the 'program', to address existing or potential unique barriers that prohibit or threaten the export of United States specialty crops.

"(2) PURPOSE.—The program shall provide direct assistance through public and private sector projects and technical assistance, including through the program under section 2(e) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(e)), to remove, resolve, or mitigate existing or

potential sanitary, phytosanitary, and technical barriers to trade.

"(3) PRIORITY.—The program shall address time sensitive and strategic market access projects based on—

"(A) trade effect on market retention, market access, and market expansion; and

"(B) trade impact.

"(4) MULTIYEAR PROJECTS.—The Secretary may provide assistance under the program to a project for longer than a 5-year period if the Secretary determines that further assistance would effectively support the purpose described in paragraph (2).

"(5) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall—

"(A) conduct outreach to inform eligible organizations of the requirements of the program and the process by which such organizations may submit proposals for funding;

"(B) provide technical assistance to eligible organizations to assist in developing proposals and complying with the requirements of the program; and

"(C) solicit input from eligible organizations on improvements to streamline and facilitate the provision of assistance under this subsection.

"(6) REGULATIONS AND PROCEDURES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall review program regulations, procedures, and guidelines for assistance under this subsection and make revisions to streamline, improve, and clarify the application, approval and compliance processes for such assistance, including revisions to implement the requirements of paragraph (5).

"(B) CONSIDERATIONS.—In reviewing and making revisions under subparagraph (A), the Secretary shall consider—

"(i) establishing accountability standards that are appropriate for the size and scope of a project; and

"(ii) establishing streamlined application and approval processes, including for smaller-scale projects or projects to address time-sensitive trade barriers.

"(7) ANNUAL REPORT.—Each year, the Secretary shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of—

"(A) each factor that affects the export of specialty crops, including each factor relating to any—

"(i) significant sanitary or phytosanitary issue;

"(ii) trade barrier; or

"(iii) emerging sanitary or phytosanitary issue or trade barrier; and

"(B)(i) any funds provided under subsection (f)(3)(A)(iv) that were not obligated in a fiscal year; and

"(ii) the reason such funds were not obligated.

"(f) FUNDING AND ADMINISTRATION.—

"(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) FUNDING AMOUNT.—For each of fiscal years 2019 through 2023, of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation, the Secretary shall use to carry out this section $255,000,000, to remain available until expended.

"(3) ALLOCATION.—

"(A) IN GENERAL.—For each of fiscal years 2019 through 2023, the Secretary shall allocate funds to carry out this section in accordance with the following:

"(i) MARKET ACCESS PROGRAM.—For market access activities authorized under subsection (b), of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation, not less than $200,000,000 for each fiscal year.

"(ii) FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.—To carry out subsection (c), of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation, not less than $34,500,000 for each fiscal year.

"(iii) E (KIKA) DE LA GARZA EMERGING MARKETS PROGRAM.—To provide assistance under subsection (d), of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation, not more than $8,000,000 for each fiscal year.

"(iv) TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.—To carry out subsection (e), of the funds of, or an equal value of the commodities owned by, the Commodity Credit Corporation, $9,000,000 for each fiscal year.

"(v) PRIORITY TRADE FUND.—

"(I) IN GENERAL.—In addition to the amounts allocated under clauses (i) through (iv), and notwithstanding any limitations in those clauses, as determined by the Secretary, for 1 or more programs under this section for authorized activities to access, develop, maintain, and expand markets for United States agricultural commodities, $3,500,000 for each fiscal year.

"(II) CONSIDERATIONS.—In allocating funds made available under subclause (I), the Secretary may consider providing a greater allocation to 1 or more programs under this section for which the amounts requested under applications exceed available funding for the 1 or more programs.

"(B) REALLOCATION.—Any funds allocated under clauses (i) through (iv) of subparagraph (A) that remain unobligated one year after the end of the fiscal year in which they are first made available shall be reallocated to the priority trade fund under subparagraph (A)(v). To the maximum extent practicable, the Secretary shall allocate such reallocated funds to support exports of those types of United States agricultural commodities eligible for assistance under the program for which the funds were originally allocated under subparagraph (A).

"(4) CUBA.—Notwithstanding section 908 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207) or any other provision of law, funds made available under this section may be used to carry out the programs authorized under subsections (b) and (c) in Cuba. Funds may not be used as described in the previous sentence in contravention with directives set forth under the National Security Presidential Memorandum entitled 'Strengthening the Policy of the United States Toward Cuba' issued by the President on June 16, 2017, during the period in which that memorandum is in effect.

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts provided under this subsection, there are authorized to be appropriated such sums as are necessary to carry out the programs and authorities under paragraph (3)(A)(v) and subsections (b) through (e).".

(b) CONFORMING AMENDMENTS.—

(1) MARKET ACCESS PROGRAM.—

(A) Section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended by striking subsection (c).

(B) Section 402(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)(1)) is amended by striking "203" and inserting "203(b)".

(C) Section 282(f)(2)(C) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a(f)(2)(C)) is amended by striking "section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623)" and inserting "section 203(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(b))".

(D) Section 718 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 5623 note; Public Law 105–277) is amended by striking "section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623)" and inserting "section 203(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(b)".

(E) Section 1302 of the Omnibus Budget Reconciliation Act of 1993 is repealed.

7 USC 5623 note.

(2) FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.—Title VII of the Agricultural Trade Act of 1978 (7 U.S.C. 5721 et seq.) is repealed.

7 USC 5721–5723.

(3) E (KIKA) DE LA GARZA EMERGING MARKETS PROGRAM.—

(A) Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C 5622 note; Public Law 101–624) is amended—

(i) by striking subsection (d);

(ii) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(iii) in subsection (e) (as so redesignated)—

(I) in the matter preceding paragraph (1), by striking "country" and inserting "country, foreign territory, customs union, or other economic market"; and

(II) in paragraph (1), by striking "the economy of the country" and inserting "its economy".

(B) Section 1543(b)(5) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293(b)(5))

is amended by striking "section 1542(f)" and inserting "section 1542(e)".

(C) Section 1543A(c)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5679(c)(2)) is amended by inserting "and section 203(d) of the Agricultural Trade Act of 1978" after "section 1542".

(4) TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.—Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is repealed.

Subtitle C—Other Agricultural Trade Laws

SEC. 3301. GROWING AMERICAN FOOD EXPORTS.

Section 1543A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5679) is amended—

(1) in subsection (b)(1)(A), by inserting "or new agricultural production technologies" after "biotechnology"; and

(2) in subsection (d), by striking "$6,000,000" and all that follows through the period at the end and inserting "$2,000,000 for each of fiscal years 2019 through 2023.".

SEC. 3302. FOOD FOR PROGRESS ACT OF 1985.

Section 1110 of the Food Security Act of 1985 (also known as the Food for Progress Act of 1985 (7 U.S.C. 1736o)) is amended—

(1) by striking "President" each place it appears and inserting "Secretary";

(2) in subsection (b)—

(A) in paragraph (5)—

(i) by striking "and" at the end of subparagraph (E);

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following new subparagraph:

"(F) a college or university (as such terms are defined in section 1404(4) of the Food and Agriculture Act of 1977 (7 U.S.C. 3103(4)); and"; and

(B) by adding at the end the following new paragraphs:

"(10) RATE OF RETURN.—For purposes of applying subsection (j)(3), the rate of return for an eligible commodity shall be equal to the proportion that—

"(A) the proceeds eligible entities generate through monetization of such commodity, bears to

"(B) the cost to the Federal Government to procure and ship the commodity to the country where it is monetized.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.";

(3) in subsection (f)(3), by striking "2018" and inserting "2023";

(4) in subsection (g), by striking "2018" and inserting "2023";

(5) in subsection (j)(3)—

(A) by striking "December 1" and inserting "April 1";

(B) by striking "of the Senate a list of programs" and inserting "of the Senate—

"(A) a list of programs";

(C) by striking "approved to date for the fiscal year" and inserting "approved during the prior fiscal year";

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new subparagraphs:

"(B) a description of the actual rate of return for each commodity made available under this section for the previous fiscal year including—

"(i) factors that influenced the rate of return; and

"(ii) with respect to the commodity, the costs of bagging or further processing, ocean transportation, inland transportation, storage costs, and any other information that the Secretary determines to be necessary; and

"(C) for each instance in which a commodity was made available under this section at a rate of return less than 70 percent, an explanation for the rate of return realized.".

(6) in subsection (k), by striking "2018" and inserting "2023";

(7) in subsection (l)(1), by striking "2018" and inserting "2023";

(8) in the heading of subsection (m), by striking "PRESIDENTIAL" and inserting "SECRETARIAL";

(9) in subsection (o), by striking "(acting through the Secretary)";

(10) in subsection (o)(1), by striking "subparagraphs (C) and (F)" and inserting "subparagraphs (C) and (G)"; and

(11) by adding at the end the following new subsection:.

"(p) PILOT AGREEMENTS.—

"(1) IN GENERAL.—For each of fiscal years 2019 through 2023, subject to the availability of appropriations pursuant to the authorization in paragraph (3), the Secretary shall enter into 1 or more pilot agreements with 1 or more eligible entities through which the Secretary shall provide financial assistance to the eligible entities to carry out activities consistent with subsection (l)(4)(A).

"(2) REPORT REQUIRED.—In each of fiscal years 2020 through 2024, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing, with respect to the previous fiscal year—

"(A) the amount provided to eligible entities under each pilot agreement pursuant to paragraph (1) and how the funds were used;

"(B) the activities carried out under each pilot agreement;

"(C) the number of direct and indirect beneficiaries of those activities; and

"(D) the effectiveness of the pilot agreements, including as applicable the impact on food security and agricultural productivity.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out pilot agreements pursuant to this subsection $10,000,000 for each of fiscal years 2019 through 2023.".

SEC. 3303. BILL EMERSON HUMANITARIAN TRUST ACT.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)(2)(B)(i), by striking "2018" each place it appears and inserting "2023"; and

(2) in subsection (h), by striking "2018" each place it appears and inserting "2023".

SEC. 3304. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.

Section 1542(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended by striking "2018" and inserting "2023".

SEC. 3305. COCHRAN FELLOWSHIP PROGRAM.

Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in subsection (a), by striking "for study in the United States." and inserting the following: "for study—

"(1) in the United States; or

"(2) at a college or university located in an eligible country that the Secretary determines—

"(A) has sufficient scientific and technical facilities;

"(B) has established a partnership with at least one college or university in the United States; and

"(C) has substantial participation by faculty members of the United States college or university in the design of the fellowship curriculum and classroom instruction under the fellowship.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting "(which may include agricultural extension services)" after "systems"; and

(B) in paragraph (2)—

(i) by striking "enhance trade" and inserting the following: "enhance—

"(A) trade";

(ii) in subparagraph (A) (as so designated) by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(B) linkages between agricultural interests in the United States and regulatory systems governing sanitary and phytosanitary standards for agricultural products that—

"(i) may enter the United States; and

"(ii) may pose risks to human, animal, or plant life or health."; and

(3) in subsection (f)—

(A) in paragraph (1), by striking "$3,000,000" and inserting "$4,000,000";

(B) in paragraph (2), by striking "$2,000,000" and inserting "$3,000,000"; and

(C) in paragraph (3), by striking "$5,000,000" and inserting "$6,000,000".

SEC. 3306. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

Section 1473G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319j) is amended—

(1) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A), by striking "shall support" and inserting "support";

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(E) the development of agricultural extension services in eligible countries."; and

(2) in subsection (f)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) LEVERAGING ALUMNI ENGAGEMENT.—In carrying out the purposes and programs under this section, the Secretary shall encourage ongoing engagement with fellowship recipients who have completed training under the program to provide advice regarding, and participate in, new or ongoing agricultural development projects, with a priority for capacity-building projects.".

7 USC 3295.

SEC. 3307. INTERNATIONAL AGRICULTURAL EDUCATION FELLOWSHIP PROGRAM.

(a) FELLOWSHIP PROGRAM ESTABLISHMENT.—The Secretary shall establish a fellowship program to be known as the International Agricultural Education Fellowship Program to provide fellowships to citizens of the United States to assist eligible countries in developing school-based agricultural education and youth extension programs.

(b) ELIGIBLE COUNTRY DESCRIBED.—For purposes of this section, an eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

(c) PURPOSE OF FELLOWSHIPS.—The goals of providing a fellowship under this section are to—

(1) develop globally minded United States agriculturists with experience living abroad;

(2) focus on meeting the food and fiber needs of the domestic population of eligible countries; and

(3) strengthen and enhance trade linkages between eligible countries and the United States agricultural industry.

(d) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships to citizens of the United States who—

(1) hold at least a bachelors degree in an agricultural related field of study; and

(2) have an understanding of United States school-based agricultural education and youth extension programs, as determined by the Secretary.

(e) CANDIDATE IDENTIFICATION.—The Secretary shall consult with the National FFA Organization, the National 4–H Council, and other entities as the Secretary determines are appropriate to identify candidates for fellowships.

(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Fellowship Program, except that the Secretary may contract out the management of the fellowship program to an outside organization with experience in implementing fellowship programs focused on building capacity for school-based agricultural education and youth extension programs in developing countries.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $5,000,000 to carry out this section for each of fiscal years 2019 through 2023.

(2) DURATION.—Any funds made available under this subsection shall remain available until expended.

SEC. 3308. INTERNATIONAL FOOD SECURITY TECHNICAL ASSISTANCE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1543A (7 U.S.C. 5679) the following:

"SEC. 1543B. INTERNATIONAL FOOD SECURITY TECHNICAL ASSISTANCE. 7 USC 1736dd.

"(a) DEFINITION OF INTERNATIONAL FOOD SECURITY.—In this section, the term 'international food security' means access by any person at any time to food and nutrition that is sufficient for a healthy and productive life.

"(b) COLLECTION OF INFORMATION.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall compile information from appropriate mission areas of the Department of Agriculture (including the Food, Nutrition, and Consumer Services mission area) relating to the improvement of international food security.

"(c) PUBLIC AVAILABILITY.—To benefit programs for the improvement of international food security, the Secretary shall organize the information described in subsection (b) and make the information available in a format suitable for—

"(1) public education; and

"(2) use by—

"(A) a Federal, State, or local agency;

"(B) an agency or instrumentality of the government of a foreign country;

"(C) a domestic or international organization, including a domestic or international nongovernmental organization; and

"(D) an intergovernmental organization.

"(d) TECHNICAL ASSISTANCE.—On request by an entity described in subsection (c)(2), the Secretary may provide technical assistance to the entity to implement a program for the improvement of international food security.

"(e) PROGRAM PRIORITY.—In carrying out this section, the Secretary shall give priority to programs relating to the development of food and nutrition safety net systems with a focus on food insecure countries.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2019 through 2023.".

SEC. 3309. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1) is amended—

(1) in subsection (a)—

(A) by striking "that is" and inserting the following: "that—

"(1) is";

(B) in paragraph (1) (as so designated), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(2)(A) is produced in and procured from—

"(i) a developing country that is a recipient country; or

"(ii) a developing country in the same region as a recipient country; and

"(B) at a minimum, meets each nutritional, quality, and labeling standard of the recipient country, as determined by the Secretary.";

(2) in subsection (c)(2)(A)—

(A) in clause (v)(IV), by striking "and" at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

"(vi) the costs associated with transporting the commodities described in subsection (a)(2) from a developing country described in subparagraph (A)(ii) of that subsection to any designated point of entry within the recipient country; and";

(3) in subsection (f)(1)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

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

"(E) ensure to the maximum extent practicable that assistance—

"(i) is provided under this section in a timely manner; and

"(ii) is available when needed throughout the applicable school year;"; and

(4) in subsection (l)—

(A) in paragraph (2), by striking "2018" and inserting "2023"; and

(B) by adding at the end the following:

"(4) PURCHASE OF COMMODITIES.—Of the funds made available to carry out this section, not more than 10 percent shall be used to purchase agricultural commodities described in subsection (a)(2).".

SEC. 3310. GLOBAL CROP DIVERSITY TRUST.

Section 3202 of the Food, Conservation, and Energy Act of 2008 (22 U.S.C. 2220a note; Public Law 110–246) is amended—

(1) by amending subsection (b) to read as follows:

"(b) UNITED STATES CONTRIBUTION LIMIT.—

"(1) IN GENERAL.—The aggregate contributions of funds of the Federal Government provided to the Trust shall not exceed—

"(A) for the period of fiscal years 2014 through 2018, 25 percent of the total amount of funds contributed to the Trust from all sources; and

"(B) subject to paragraph (2), effective beginning with fiscal year 2019, 33 percent of the total amount of funds contributed to the Trust from all sources.

"(2) ANNUAL LIMITATION.—The contributions of funds of the Federal Government provided to the Trust shall not exceed $5,500,000 for each of fiscal years 2019 through 2023."; and

(2) in subsection (c), by striking "2018" and inserting "2023".

SEC. 3311. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

Section 3206(e)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c(e)(1)) is amended—

(1) by inserting "to the Secretary" after "appropriated"; and

(2) by striking "2014 through 2018" and inserting "2019 through 2023".

SEC. 3312. FOREIGN TRADE MISSIONS. 7 USC 5608.

(a) TRIBAL REPRESENTATION ON TRADE MISSIONS.—

(1) IN GENERAL.—The Secretary, in consultation with the Tribal Advisory Committee established under subsection (b)(2) of section 309 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6921(b)(2)) (as added by section 12303(2)) (referred to in this section as the "Advisory Committee"), shall seek—

(A) to support the greater inclusion of Tribal agricultural and food products in Federal trade-related activities; and

(B) to increase the collaboration between Federal trade promotion efforts and other Federal trade-related activities in support of the greater inclusion sought under subparagraph (A).

(2) INTERDEPARTMENTAL COORDINATION.—In carrying out activities to increase the collaboration described in paragraph (1)(B), the Secretary shall coordinate with—

(A) the Secretary of Commerce;

(B) the Secretary of State;

(C) the Secretary of the Interior; and

(D) the heads of any other relevant Federal agencies.

(b) REPORT; GOALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report describing the efforts of the Department of Agriculture and other Federal agencies under this section to—

(A) the Advisory Committee;

(B) the Committee on Agriculture of the House of Representatives;

(C) the Committee on Energy and Commerce of the House of Representatives;

(D) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(E) the Committee on Commerce, Science, and Transportation of the Senate; and

(F) the Committee on Indian Affairs of the Senate.

(2) GOALS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish goals for measuring, in an objective and quantifiable format, the extent to which Indian Tribes and Tribal agricultural and food products are included in the trade-related activities of the Department of Agriculture.

TITLE IV—NUTRITION

Subtitle A—Supplemental Nutrition Assistance Program

SEC. 4001. REQUIREMENTS FOR ONLINE ACCEPTANCE OF BENEFITS.

(a) DEFINITION.—Section 3(o)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(o)(1)) is amended by striking "or house-to-house trade route" and inserting ", house-to-house trade route, or online entity".

(b) ACCEPTANCE OF BENEFITS.—Section 7(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(k)) is amended—

(1) by striking the heading and inserting "ACCEPTANCE OF PROGRAM BENEFITS THROUGH ONLINE TRANSACTIONS",

(2) in paragraph (4) by striking subparagraph (C), and

(3) by striking paragraph (5).

SEC. 4002. RE-EVALUATION OF THRIFTY FOOD PLAN.

Section 3(u) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(u)) is amended by inserting after the 1st sentence the following:

"By 2022 and at 5-year intervals thereafter, the Secretary shall re-evaluate and publish the market baskets of the thrifty food plan based on current food prices, food composition data, consumption patterns, and dietary guidance.".

SEC. 4003. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall pay not less than 80 percent of administrative costs and distribution costs on Indian reservations as the Secretary determines necessary for effective administration of such distribution by a State agency or tribal organization.

"(B) WAIVER.—The Secretary shall waive up to 100 percent of the non-Federal share of the costs described in subparagraph (A) if the Secretary determines that—

"(i) the tribal organization is financially unable to provide a greater non-Federal share of the costs; or

"(ii) providing a greater non-Federal share of the costs would be a substantial burden for the tribal organization.

"(C) LIMITATION.—The Secretary may not reduce any benefits or services under the food distribution program on Indian reservations under this subsection to any tribal

organization that is granted a waiver under subparagraph (B).

"(D) TRIBAL CONTRIBUTION.—The Secretary may allow a tribal organization to use funds provided to the tribal organization through a Federal agency or other Federal benefit to satisfy all or part of the non-Federal share of the costs described in subparagraph (A) if that use is otherwise consistent with the purpose of the funds.",

(2) in paragraph (6)—

(A) in the heading by striking "LOCALLY-GROWN" and inserting "LOCALLY- AND REGIONALLY-GROWN",

(B) in subparagraph (A) by striking "locally-grown" and inserting "locally- and regionally-grown",

(C) in subparagraph (C)—

(i) in the heading by striking "LOCALLY GROWN" and inserting "LOCALLY- AND REGIONALLY-GROWN", and

(ii) by striking "locally-grown" and inserting "locally- and regionally-grown",

(D) by amending subparagraph (D) to read as follows:

"(D) PURCHASE OF FOODS.—In carrying out this paragraph, the Secretary shall purchase or offer to purchase those traditional foods that may be procured cost-effectively.",

(E) by striking subparagraph (E), and

(F) in subparagraph (F)—

(i) by striking "(F)" and inserting "(E)", and

(ii) by striking "2018" and inserting "2023", and

(3) by adding at the end the following:

"(7) AVAILABILITY OF FUNDS.—

"(A) IN GENERAL.—Funds made available for a fiscal year to carry out this subsection shall remain available for obligation for a period of 2 fiscal years.

"(B) ADMINISTRATIVE COSTS.—Funds made available for a fiscal year to carry out paragraph (4) shall remain available for obligation by the State agency or tribal organization for a period of 2 fiscal years.".

(b) DEMONSTRATION PROJECT FOR TRIBAL ORGANIZATIONS.— 7 USC 2013 note.

(1) DEFINITIONS.—In this subsection:

(A) DEMONSTRATION PROJECT.—The term "demonstration project" means the demonstration project established under paragraph (2).

(B) FOOD DISTRIBUTION PROGRAM.—The term "food distribution program" means the food distribution program on Indian reservations carried out under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)).

(C) INDIAN RESERVATION.—The term "Indian reservation" has the meaning given the term "reservation" in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012).

(D) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(E) SELF-DETERMINATION CONTRACT.—The term "self-determination contract" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(F) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given the term in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012).

(2) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish a demonstration project under which 1 or more tribal organizations may enter into self-determination contracts to purchase agricultural commodities under the food distribution program for the Indian reservation of that tribal organization.

(3) ELIGIBILITY.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of the Interior and Indian tribes to determine the process and criteria under which a tribal organization may participate in the demonstration project.

(B) CRITERIA.—The Secretary shall select for participation in the demonstration project tribal organizations that—

(i) are successfully administering the food distribution program of the tribal organization under section 4(b)(2)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)(2)(B)),

(ii) have the capacity to purchase agricultural commodities in accordance with paragraph (4) for the food distribution program of the tribal organization, and

(iii) meet any other criteria determined by the Secretary, in consultation with the Secretary of the Interior and Indian tribes.

(4) PROCUREMENT OF AGRICULTURAL COMMODITIES.—Any agricultural commodities purchased by a tribal organization under the demonstration project shall—

(A) be domestically produced,

(B) supplant, not supplement, the type of agricultural commodities in existing food packages for that tribal organization,

(C) be of similar or higher nutritional value as the type of agricultural commodities that would be supplanted in the existing food package for that tribal organization, and

(D) meet any other criteria determined by the Secretary.

(5) REPORT.—Not later than 1 year after the date on which funds are appropriated under paragraph (6) and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities carried out under the demonstration project during the preceding year.

(6) FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $5,000,000, to remain available until expended.

(B) APPROPRIATIONS IN ADVANCE.—Only funds appropriated under subparagraph (A) in advance specifically to carry out this subsection shall be available to carry out this subsection.

(c) CONFORMING AMENDMENT.—Section 3(v) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(v)) is amended by striking "the Indian Self-Determination Act (25 U.S.C. 450b(b))" and inserting "section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)".

SEC. 4004. SIMPLIFIED HOMELESS HOUSING COSTS.

Section 5(e)(6)(D) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6)(D)) is amended—

(1) by redesignating clause (ii) as clause (iii), and

(2) by striking clause (i) and inserting the following:

"(i) ALTERNATIVE DEDUCTION.—The State agency shall allow a deduction of $143 a month for households—

"(I) in which all members are homeless individuals;

"(II) that are not receiving free shelter throughout the month; and

"(III) that do not opt to claim an excess shelter expense deduction under subparagraph (A).

"(ii) ADJUSTMENT.—For fiscal year 2019 and each subsequent fiscal year the amount of the homeless shelter deduction specified in clause (i) shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

SEC. 4005. EMPLOYMENT AND TRAINING FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) EMPLOYMENT AND TRAINING PROGRAMS THAT MEET STATE AND LOCAL WORKFORCE NEEDS.—Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by inserting ", in consultation with the State workforce development board, or, if the State demonstrates that consultation with private employers or employer organizations would be more effective or efficient, in consultation with private employers or employer organizations," after "designed by the State agency", and

(ii) by striking "that will increase their ability to obtain regular employment." and inserting the following: "that will—

"(I) increase the ability of the household members to obtain regular employment; and

"(II) meet State or local workforce needs.", and

(B) in clause (ii) by inserting "and implemented to meet the purposes of clause (i)" after "under this paragraph",

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "case management services such as comprehensive intake

assessments, individualized service plans, progress monitoring, or coordination with service providers and" after "contains",

(B) in clause (iv) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately,

(C) by redesignating clauses (i) through (vii) and clause (viii) as subclauses (I) through (VII) and subclause (IX), respectively, and indenting appropriately,

(D) by striking subclause (I), as so redesignated, and inserting the following:

"(I) Supervised job search programs that occur at State-approved locations at which the activities of participants shall be directly supervised and the timing and activities of participants tracked in accordance with guidelines issued by the State.",

(E) in subclause (II), as so redesignated, by striking "jobs skills assessments, job finding clubs, training in techniques for" and inserting "employability assessments, training in techniques to increase",

(F) in subclause (IV), as so redesignated, in the first sentence, by inserting ", including subsidized employment and apprenticeships" before the period at the end,

(G) in subclause (VII), as so redesignated, by inserting "not less than 30 days but" after "period of",

(H) by inserting after subclause (VII), as so redesignated, the following:

"(VIII) Programs and activities under clause (iv) of section 16(h)(1)(F) that the Secretary determines, based on results from the independent evaluations conducted under clause (vii)(I) of such section, have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance.",

(I) in the matter preceding subclause (I), as so redesignated—

(i) by striking "this subparagraph" and inserting "this clause", and

(ii) by striking "(B) For purposes of this Act, an" and inserting the following:

"(B) DEFINITIONS.—In this Act:

"(i) EMPLOYMENT AND TRAINING PROGRAM.—The term", and

(J) by adding at the end the following:

"(ii) WORKFORCE PARTNERSHIP.—

"(I) IN GENERAL.—The term 'workforce partnership' means a program that—

"(aa) is operated by—

"(AA) a private employer, an organization representing private employers, or a nonprofit organization providing services relating to workforce development; or

"(BB) an entity identified as an eligible provider of training services under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d));

"(bb) the Secretary certifies, or the State agency certifies to the Secretary—

"(AA) subject to subparagraph (N)(ii), would assist participants who are members of households participating in the supplemental nutrition assistance program in gaining high-quality, work-relevant skills, training, work, or experience that will increase the ability of the participants to obtain regular employment;

"(BB) subject to subparagraph (N)(ii), would provide participants with not less than 20 hours per week of training, work, or experience under subitem (AA);

"(CC) would not use any funds authorized to be appropriated by this Act;

"(DD) would provide sufficient information, on request by the State agency, for the State agency to determine that participants who are members of households participating in the supplemental nutrition assistance program are fulfilling any applicable work requirement under this subsection or subsection (o);

"(EE) would be willing to serve as a reference for participants who are members of households participating in the supplemental nutrition assistance program for future employment or work-related programs; and

"(FF) meets any other criteria established by the Secretary, on the condition that the Secretary shall not establish any additional criteria that would impose significant paperwork burdens on the workforce partnership; and

"(cc) is in compliance with the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), if applicable.

"(II) INCLUSION.—The term 'workforce partnership' includes a multistate program.",

(3) in subparagraph (E)—

(A) in the second sentence, by striking "Such requirements" and inserting the following:

"(ii) VARIATION.—The requirements under clause (i)",

(B) by striking "(E) Each State" and inserting the following:

"(E) REQUIREMENTS FOR PARTICIPATION FOR CERTAIN INDIVIDUALS.—

"(i) IN GENERAL.—Each State", and

(C) by adding at the end the following:

"(iii) APPLICATION TO WORKFORCE PARTNERSHIPS.—To the extent that a State agency requires an individual to participate in an employment and training program, the State agency shall consider an individual participating in a workforce partnership to be in

compliance with the employment and training requirements.",

(4) in subparagraph (H), by striking "(B)(v)" and inserting "(B)(i)(V)", and

(5) by adding at the end the following:

"(N) WORKFORCE PARTNERSHIPS.—

"(i) CERTIFICATION.—In certifying that a program meets the requirements of subitems (AA) and (BB) of subparagraph (B)(ii)(I)(bb) to be certified as a workforce partnership, the Secretary or the State agency shall require that the program submit to the Secretary or State agency sufficient information that describes—

"(I) the services and activities of the program that would provide participants with not less than 20 hours per week of training, work, or experience under those subitems; and

"(II) how the program would provide services and activities described in subclause (I) that would directly enhance the employability or job readiness of the participant.

"(ii) SUPPLEMENT, NOT SUPPLANT.—A State agency may use a workforce partnership to supplement, not to supplant, the employment and training program of the State agency.

"(iii) PARTICIPATION.—A State agency—

"(I) shall—

"(aa) maintain a list of workforce partnerships certified under subparagraph (B)(ii)(I)(bb); and

"(bb) not less frequently than at certification and recertification, provide to a household member subject to work requirements under subsection (d)(1) or subsection (o), electronically or by other means, the list described in item (aa); but

"(II) may not require any member of a household participating in the supplemental nutrition assistance program to participate in a workforce partnership.

"(iv) EFFECT.—

"(I) IN GENERAL.—A workforce partnership shall not replace the employment or training of an individual not participating in the workforce partnership.

"(II) SELECTION.—Nothing in this subsection or subsection (o) affects the criteria or screening process for selecting participants by a workforce partnership.

"(v) LIMITATION ON REPORTING REQUIREMENTS.—In carrying out this subparagraph, the Secretary and each applicable State agency shall limit the reporting requirements of a workforce partnership to—

"(I) on notification that an individual is receiving supplemental nutrition assistance program benefits, notifying the applicable State

agency that the individual is participating in the workforce partnership;

"(II) identifying participants who have completed or are no longer participating in the workforce partnership;

"(III) identifying changes to the workforce partnership that result in the workforce partnership no longer meeting the certification requirements of the Secretary or the State agency under subparagraph (B)(ii)(I)(bb); and

"(IV) providing sufficient information, on request by the State agency, for the State agency to verify that a participant is fulfilling any applicable work requirements under this subsection or subsection (o).

"(O) REFERRAL OF CERTAIN INDIVIDUALS.—

"(i) IN GENERAL.—In accordance with such regulations as may be issued by the Secretary, with respect to any individual who is not eligible for an exemption under paragraph (2) and who is determined by the operator of an employment and training program component to be ill-suited to participate in that employment and training program component, the State agency shall—

"(I) refer the individual to an appropriate employment and training program component;

"(II) refer the individual to an appropriate workforce partnership, if available;

"(III) reassess the physical and mental fitness of the individual under paragraph (1)(A); or

"(IV) to the maximum extent practicable, coordinate with other Federal, State, or local workforce or assistance programs to identify work opportunities or assistance for the individual.

"(ii) PROCESS.—In carrying out clause (i), the State agency shall ensure that an individual undergoing and complying with the process established under that clause shall not be found to have refused without good cause to participate in an employment and training program.".

(b) WORK REQUIREMENTS.—Section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking "and" at the end,

(B) in subparagraph (C) by striking "job search program or a job search training program." and inserting "supervised job search program or job search training program;", and

(C) by adding at the end the following:

"(D) a program of employment and training for veterans operated by the Department of Labor or the Department of Veterans Affairs, and approved by the Secretary; and

"(E) a workforce partnership under subsection (d)(4)(N).",

(2) in paragraph (4)(A) by inserting "and with the support of the chief executive officer of the State" after "agency", and

(3) in paragraph (6)—

(A) in the heading by striking "15-PERCENT EXEMPTION" and inserting "EXEMPTIONS",

(B) in subparagraph (B) by striking "(G)" and inserting "(H)",

(C) in subparagraph (C) by striking "(E) and (G)" and inserting "(F) and (H)" ,

(D) in subparagraph (D)—

(i) in the heading by striking "SUBSEQUENT FISCAL YEARS" and inserting "FISCAL YEARS 1999 THROUGH 2019",

(ii) by striking "(E) through (G)" and inserting "(F) through (H)", and

(iii) by striking "year," and inserting "year through fiscal year 2019,",

(E) in subparagraph (E) by striking "or (D)" and inserting ", (D), or (E)",

(F) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively, and

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

"(E) SUBSEQUENT FISCAL YEARS.—Subject to subparagraphs (F) through (H), for fiscal year 2020 and each subsequent fiscal year, a State agency may provide a number of exemptions such that the average monthly number of exemptions in effect during the fiscal year does not exceed 12 percent of the number of covered individuals in the State, as estimated by the Secretary under subparagraph (C), adjusted by the Secretary to reflect changes in the State's caseload and the Secretary's estimate of changes in the proportion of members of households that receive supplemental nutrition assistance program benefits covered by waivers granted under paragraph (4).".

(c) STATE PLANS.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(1) in subsection (e)(19) by inserting "the extent to which such programs will be carried out in coordination with the activities carried out under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq.)," before "and the basis,", and

(2) by adding at the end the following:

"(w) For households containing at least one adult, with no elderly or disabled members and with no earned income at their last certification or required report, a State agency shall, at the time of recertification, be required to advise members of the household not exempt under section 6(d)(2) regarding available employment and training services.".

(d) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "$90,000,000" and inserting "$103,900,000",

(B) in subparagraph (C)—

(i) in clause (i) by inserting ", subject to clauses (ii) through (v)," after "(B), the Secretary", and

(ii) by adding at the end the following:

"(iv) PRIORITY.—The Secretary shall reallocate funds under this subparagraph as follows:

"(I)(aa) Subject to items (bb) and (cc), not less than 50 percent shall be reallocated to State agencies requesting such funds to conduct employment and training programs and activities for which such State agencies had previously received funding under subparagraph (F)(viii) that the Secretary determines have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance.

"(bb) The Secretary shall base the determination under item (aa) on—

"(AA) project results from the independent evaluations conducted under subparagraph (F)(vii)(I); or

"(BB) if the project results from the independent evaluations conducted under subparagraph (F)(vii)(I) are not yet available, the reports under subparagraph (F)(vii)(II) or other information relating to performance of the programs and activities funded under subparagraph (F)(viii).

"(cc) Employment and training activities funded under this subclause are not subject to subparagraph (F)(vii), but are subject to monitoring under paragraph (h)(5).

"(II) Not less than 30 percent shall be reallocated to State agencies requesting such funds to implement or continue employment and training programs and activities under section 6(d)(4)(B)(i) that the Secretary determines have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance, including programs and activities that are targeted to—

"(aa) individuals 50 years of age or older;

"(bb) formerly incarcerated individuals;

"(cc) individuals participating in a substance abuse treatment program;

"(dd) homeless individuals;

"(ee) people with disabilities seeking to enter the workforce;

"(ff) other individuals with substantial barriers to employment; or

"(gg) households facing multi-generational poverty, to support employment and workforce participation through an integrated and family-focused approach in providing supportive services.

"(III) The Secretary shall reallocate any remaining funds available under this subparagraph, to State agencies requesting such funds to use for employment and training programs and

activities that the Secretary determines have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance under section 6(d)(4)(B)(i).

"(v) CONSIDERATION.—In reallocating funds under this subparagraph, a State agency that receives reallocated funds under clause (iv)(I) may also be considered for reallocated funding under clause (iv)(II).", and

(C) in subparagraph (D) by striking "$50,000" and inserting "$100,000", and

(2) in paragraph (5)(B) by adding at the end the following:

"(v) STATE OPTION.—The State agency may report relevant data from a workforce partnership carried out under section 6(d)(4)(N) to demonstrate the number of program participants served by the workforce partnership.".

(e) EXPIRED AUTHORITY.—Section 17(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)) is amended—

(1) by striking paragraph (2), and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 4006. IMPROVEMENTS TO ELECTRONIC BENEFIT TRANSFER SYSTEM.

(a) EBT PORTABILITY.—Section 7(f)(5) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(f)(5)) is amended by adding at the end the following:

"(C) OPERATION OF INDIVIDUAL POINT OF SALE DEVICE BY FARMERS' MARKETS AND DIRECT MARKETING FARMERS.—A farmers' market or direct marketing farmer that is exempt under paragraph (2)(B)(i) shall be allowed to operate an individual electronic benefit transfer point of sale device at more than 1 location under the same supplemental nutrition assistance program authorization, if—

"(i) the farmers' market or direct marketing farmer provides to the Secretary information on location and hours of operation at each location; and

"(ii)(I) the point of sale device used by the farmers' market or direct marketing farmer is capable of providing location information of the device through the electronic benefit transfer system; or

"(II) if the Secretary determines that the technology is not available for a point of sale device to meet the requirement under subclause (I), the farmers' market or direct marketing farmer provides to the Secretary any other information, as determined by the Secretary, necessary to ensure the integrity of transactions processed using the point of sale device.".

(b) MODERNIZATION OF ELECTRONIC BENEFIT TRANSFER REGULATIONS.—The 1st sentence of section 7(h)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(2)) is amended by inserting "and shall periodically review such regulations and modify such regulations to take into account evolving technology and comparable industry standards" before the period at the end.

(c) BENEFIT RECOVERY.—Section 7(h)(12) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(12)) is amended—

(1) in subparagraph (A) by inserting ", or due to the death of all members of the household" after "inactivity", and

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) BENEFIT STORAGE.—

"(i) IN GENERAL.—A State agency may store recovered electronic benefits off-line in accordance with clause (ii), if the household has not accessed the account after 3 months.

"(ii) NOTICE OF BENEFIT STORAGE.—A State agency shall—

"(I) send notice to a household the benefits of which are stored under clause (i); and

"(II) not later than 48 hours after request by the household, make the stored benefits available to the household.

"(C) BENEFIT EXPUNGING.—

"(i) IN GENERAL.—Subject to clause (ii), a State agency shall expunge benefits that have not been accessed by a household after a period of 9 months, or upon verification that all members of the household are deceased.

"(ii) NOTICE OF BENEFIT EXPUNGING.—Not later than 30 days before benefits are to be expunged under clause (i), a State agency shall—

"(I) provide sufficient notice to the household that benefits will be expunged due to inactivity, and the date upon which benefits will be expunged;

"(II) for benefits stored off-line in accordance with subparagraph (B), provide the household an opportunity to request that such benefits be restored to the household; and

"(III) not later than 48 hours after request by the household, make the benefits available to the household.".

(d) PROHIBITED FEES.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(1) by amending subsection (h)(13) to read as follows:

"(13) FEES.—

"(A) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.

"(B) OTHER FEES.—Effective through fiscal year 2023, neither a State, nor any agent, contractor, or subcontractor of a State who facilitates the provision of supplemental nutrition assistance program benefits in such State may impose a fee for switching (as defined in subsection (j)(1)(H)) or routing such benefits.", and

(2) by amending subsection (j)(1)(H) to read as follows:

"(H) SWITCHING.—The term 'switching' means the routing of an intrastate or interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in one State to the issuer of the card that may be in the same or different State.".

(e) MOBILE TECHNOLOGIES.—Section 7(h)(14) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(14)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall authorize the use of mobile technologies for the purpose of accessing supplemental nutrition assistance program benefits.",

(2) in subparagraph (B)—

(A) by striking the heading and inserting "DEMONSTRATION PROJECTS ON ACCESS OF BENEFITS THROUGH MOBILE TECHNOLOGIES",

(B) by amending clause (i) to read as follows:

"(i) DEMONSTRATION PROJECTS.—Before authorizing implementation of subparagraph (A) in all States, the Secretary shall approve not more than 5 demonstration project proposals submitted by State agencies that will pilot the use of mobile technologies for supplemental nutrition assistance program benefits access.",

(C) in clause (ii)—

(i) in the heading by striking "DEMONSTRATION PROJECTS" and inserting "PROJECT REQUIREMENTS",

(ii) by striking "retail food store" the first place it appears and inserting "State agency",

(iii) by striking "includes",

(iv) by striking subclauses (I), (II), (III), and (IV), and inserting the following:

"(I) provides recipient protections regarding privacy, ease of use, household access to benefits, and support similar to the protections provided under existing methods;

"(II) ensures that all recipients, including those without access to mobile payment technology and those who shop across State borders, have a means of benefit access;

"(III) requires retail food stores, unless exempt under section 7(f)(2)(B), to bear the costs of acquiring and arranging for the implementation of point-of-sale equipment and supplies for the redemption of benefits that are accessed through mobile technologies;

"(IV) requires that foods purchased with benefits issued under this section through mobile technologies are purchased at a price not higher than the price of the same food purchased by other methods used by the retail food store, as determined by the Secretary;

"(V) ensures adequate documentation for each authorized transaction, adequate security measures to deter fraud, and adequate access to retail food stores that accept benefits accessed through mobile technologies, as determined by the Secretary;

"(VI) provides for an evaluation of the demonstration project, including, but not limited to, an evaluation of household access to benefits;

"(VII) requires that the State demonstration projects are voluntary for all retail food stores

and that all recipients are able to use benefits in non-participating retail food stores; and

"(VIII) meets other criteria as established by the Secretary.",

(D) by amending clause (iii) to read as follows:

"(iv) DATE OF PROJECT APPROVAL.—The Secretary shall solicit and approve the qualifying demonstration projects required under subparagraph (B)(i) not later than January 1, 2021.", and

(E) by inserting after clause (ii) the following:

"(iii) PRIORITY.—The Secretary may prioritize demonstration project proposals that would—

"(I) reduce fraud;

"(II) encourage positive nutritional outcomes; and

"(III) meet such other criteria as determined by the Secretary.", and

(3) in subparagraph (C)(i)—

(A) by striking "2017" and inserting "2022", and

(B) by inserting "requires further study by way of an extended pilot period or" after "States" the 2d place it appears.

(f) APPROVAL OF RETAIL FOOD STORES.—Section 9 of the Food and Nutrition Act (7 U.S.C. 2018) is amended—

(1) in subsection (a)(1)—

(A) in the 4th sentence by striking "No retail food store" and inserting the following:

"(D) VISIT REQUIRED.—No retail food store",

(B) in the 3d sentence by striking "Approval" and inserting the following:

"(C) CERTIFICATE.—Approval",

(C) in the 2d sentence—

(i) by striking "food; and (D) the" and inserting the following: "food;

"(iv) any information, if available, about the ability of the anticipated or existing electronic benefit transfer equipment and service provider of the applicant to provide sufficient information through the electronic benefit transfer system to minimize the risk of fraudulent transactions; and

"(v) the",

(ii) by striking "concern; (C) whether" and inserting the following: "concern;

"(iii) whether",

(iii) by striking "applicant; (B) the" and inserting the following: "applicant;

"(ii) the",

(iv) by striking "following: (A) the nature" and inserting the following: "following:

"(i) the nature", and

(v) in the matter preceding clause (i), as so designated, by striking "In determining" and inserting the following:

"(B) FACTORS FOR CONSIDERATION.—In determining", and

(D) in the 1st sentence by striking "(a)(1) Regulations" and inserting the following:

"(a) AUTHORIZATION TO ACCEPT AND REDEEM BENEFITS.—

"(1) APPLICATIONS.—

"(A) IN GENERAL.—Regulations",

(2) in subsection (a) by adding at the end the following:

"(4) ELECTRONIC BENEFIT TRANSFER EQUIPMENT AND SERVICE PROVIDERS.—Before implementing clause (iv) of paragraph (1)(B), the Secretary shall issue guidance for retail food stores on how to select electronic benefit transfer equipment and service providers that are able to meet the requirements of that clause.", and

(3) in the 1st sentence of subsection (c) by inserting "records relating to electronic benefit transfer equipment and related services, transaction and redemption data provided through the electronic benefit transfer system," after "purchase invoices,".

SEC. 4007. REVIEW OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM OPERATIONS.

Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended by adding at the end the following:

"(i) REVIEW OF PROGRAM OPERATIONS.—

"(1) REVIEW BY THE SECRETARY.—The Secretary—

"(A) shall review a representative sample of currently authorized facilities referred to in section 3(k)(3) to determine whether benefits are properly used by or on behalf of participating households residing in such facilities and whether such facilities are using more than 1 source of Federal or State funding to meet the food needs of residents;

"(B) may carry out similar reviews for currently participating residential drug and alcohol treatment and rehabilitation programs, and group living arrangements for the blind and disabled, referred to in section 3(k);

"(C) shall gather information, and such facilities, programs, and arrangements shall be required to submit information deemed necessary for a full and thorough review; and

"(D) shall report the results of these reviews to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than 18 months after the date of the enactment of the Agriculture Improvement Act of 2018, along with recommendations regarding—

"(i) any additional requirements or oversight that would be appropriate for such facilities, programs, and arrangements; and

"(ii) whether such facilities, programs, and arrangements should continue to be authorized to participate in the supplemental nutrition assistance program.

"(2) LIMITATION.—Nothing in this subsection shall authorize the Secretary to deny any application for continued authorization, any application for authorization, or any request to withdraw the authorization of any such facility, program, or arrangement based on a determination that residents of any such facility or entity are residents of an institution for

a period of 18 months from the date of enactment of the Agriculture Improvement Act of 2018.".

SEC. 4008. RETAIL INCENTIVES.

Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018), as amended by section 4007, is amended by adding at the end the following:

"(j) INCENTIVES.—

"(1) DEFINITION OF ELIGIBLE INCENTIVE FOOD.—In this subsection, the term 'eligible incentive food' means—

"(A) a staple food that is identified for increased consumption, consistent with the most recent dietary recommendations; and

"(B) a fruit, vegetable, dairy, whole grain, or product thereof.

"(2) GUIDANCE.—

"(A) IN GENERAL.—The Secretary shall issue guidance to clarify the process by which an approved retail food store may seek a waiver to offer an incentive, which may be used only for the purchase of an eligible incentive food at the point of purchase, to a household purchasing food with benefits issued under this Act.

"(B) GUIDANCE.—The guidance under subparagraph (A) shall establish a process under which an approved retail food store, prior to carrying out an incentive program under this subsection, shall provide to the Secretary information describing the incentive program, including—

"(i) the types of incentives that will be offered;

"(ii) the types of foods that will be incentivized for purchase; and

"(iii) an explanation of how the incentive program intends to support meeting dietary intake goals.

"(3) NO LIMITATION ON BENEFITS.—A waiver granted under this subsection shall not be used to carry out any activity that limits the use of benefits under this Act or any other Federal nutrition law.

"(4) EFFECT.—Guidance provided under this subsection shall not affect any requirements under section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517), including the eligibility of a retail food store to participate in a project funded under such section.

"(5) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the types of incentives approved under this subsection.".

SEC. 4009. REQUIRED ACTION ON DATA MATCH INFORMATION.

Section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (24) by striking "and" after the semicolon,

(2) in paragraph (25) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(26) that for a household participating in the supplemental nutrition assistance program, the State agency shall pursue clarification and verification, if applicable, of information relating to the circumstances of the household received from

data matches for the purpose of ensuring an accurate eligibility and benefit determination, only if the information—

"(A) appears to present significantly conflicting information from the information that was used by the State agency at the time of certification of the household;

"(B) is obtained from data matches carried out under subsection (q), (r), or (x); or

"(C)(i) is less than 60 days old relative to the current month of participation of the household; and

"(ii) if accurate, would have been required to be reported by the household based on the reporting requirements assigned to the household by the State agency under section 6(c).".

SEC. 4010. INCENTIVIZING TECHNOLOGY MODERNIZATION.

Section 11(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(t)) is amended—

(1) by striking the heading and inserting "GRANTS FOR SIMPLIFIED APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS",

(2) in paragraph (1) by striking "implement—" and all that follows through the period at the end, and inserting "implement supplemental nutrition assistance program simplified application and eligibility determination systems.", and

(3) in paragraph (2)—

(A) by amending subparagraph (B) to read as follows:

"(B) establishing enhanced technological methods that improve the administrative infrastructure used in processing applications and determining eligibility; or",

(B) by striking subparagraphs (C) and (D), and

(C) by redesignating subparagraph (E) as subparagraph (C).

SEC. 4011. INTERSTATE DATA MATCHING TO PREVENT MULTIPLE ISSUANCES.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020), as amended by section 4005(c), is amended by adding at the end the following:

"(x) NATIONAL ACCURACY CLEARINGHOUSE.—

"(1) DEFINITION OF INDICATION OF MULTIPLE ISSUANCE.—In this subsection, the term 'indication of multiple issuance' means an indication, based on a computer match, that supplemental nutrition assistance program benefits are being issued to an individual by more than 1 State agency simultaneously.

"(2) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish an interstate data system, to be known as the 'National Accuracy Clearinghouse', to prevent multiple issuances of supplemental nutrition assistance program benefits to an individual by more than 1 State agency simultaneously.

"(B) DATA MATCHING.—The Secretary shall require that State agencies make available to the National Accuracy Clearinghouse only such information as is necessary for the purpose described in subparagraph (A).

"(C) DATA PROTECTION.—The information made available by State agencies under subparagraph (B)—

"(i) shall be used only for the purpose described in subparagraph (A);

"(ii) shall be exempt from the disclosure requirements of section 552(a) of title 5 of the United States Code pursuant to section 552(b)(3) of title 5 of the United States Code, to the extent such information is obtained or received by the Secretary;

"(iii) shall not be retained for longer than is necessary to accomplish the purpose in subparagraph (A);

"(iv) shall be used in a manner that protects the identity and location of a vulnerable individual (including a victim of domestic violence) that is an applicant for, or recipient of, supplemental nutrition assistance program benefits; and

"(v) shall meet security standards as determined by the Secretary.

"(3) ISSUANCE OF INTERIM FINAL REGULATIONS.—Not later than 18 months after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall promulgate regulations (which shall include interim final regulations) to carry out this subsection that—

"(A) incorporate best practices and lessons learned from the pilot program under section 4032(c) of the Agricultural Act of 2014 (7 U.S.C. 2036c(c));

"(B) require a State agency to take appropriate action, as determined by the Secretary, with respect to each indication of multiple issuance of supplemental nutrition assistance program benefits, or each indication that an individual receiving such benefits in 1 State has applied to receive such benefits in another State, while ensuring timely and fair service to applicants for, and recipients of, such benefits;

"(C) establish standards to limit and protect the information submitted through or retained by the National Accuracy Clearinghouse consistent with paragraph (2)(C);

"(D) establish safeguards to protect—

"(i) the information submitted through or retained by the National Accuracy Clearinghouse, including by limiting the period of time that information is retained to the period necessary to accomplish the purpose described in paragraph (2)(A); and

"(ii) the privacy of information that is submitted through or retained by the National Accuracy Clearinghouse consistent with subsection (e)(8); and

"(E) include such other rules and standards the Secretary determines appropriate to carry out this subsection.

"(4) TIMING.—The initial match and corresponding actions required by paragraph (3)(B) shall occur within 3 years after the date of the enactment of the Agriculture Improvement Act of 2018.".

SEC. 4012. REQUIREMENT OF LIVE-PRODUCTION ENVIRONMENTS FOR CERTAIN PILOT PROJECTS RELATING TO COST SHARING FOR COMPUTERIZATION.

Section 16(g)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(g)(1)) is amended—

(1) in subparagraph (F) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(2) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(3) in the matter preceding clause (i), as so redesignated—

(A) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)"; and

(B) by striking "in the planning" and inserting the following: "in the—

"(A) planning",

(4) in clause (v), as so redesignated, of subparagraph (A), as so designated, by striking "implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which" and inserting the following: "implementation, including a requirement that—

"(I) such testing shall be accomplished through pilot projects in limited areas for major systems changes (as determined under rules promulgated by the Secretary);

"(II) each pilot project described in subclause (I) that is carried out before the implementation of a system shall be conducted in a live-production environment; and

"(III) the data resulting from each pilot project carried out under this clause";

(5) in clause (vi), as so redesignated, by striking the period at end and inserting "; and", and

(6) by adding at the end the following:

"(B) operation of 1 or more automatic data processing and information retrieval systems that the Secretary determines may continue to be operated in accordance with clauses (i) through (vii) of subparagraph (A).".

SEC. 4013. QUALITY CONTROL IMPROVEMENTS.

(a) RECORDS.—Section 11(a)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(a)(3)(B)) is amended—

(1) by striking "Records described" and inserting "All records, and the entire information systems in which records are contained, that are covered", and

(2) by amending clause (i) to read as follows:

"(i) be made available for inspection and audit by the Secretary, subject to data and security protocols agreed to by the State agency and Secretary;".

(b) QUALITY CONTROL SYSTEM.—Section 16(c)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(1)(B)) is amended to read as follows:

"(B) QUALITY CONTROL SYSTEM INTEGRITY.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall issue interim final regulations that—

"(I) ensure that the quality control system established under this subsection produces valid statistical results;

"(II) provide for oversight of contracts entered into by a State agency for the purpose of improving payment accuracy;

"(III) ensure the accuracy of data collected under the quality control system established under this subsection; and

"(IV) for each fiscal year, to the maximum extent practicable, provide for the evaluation of the integrity of the quality control process of not fewer than 2 State agencies, selected in accordance with criteria determined by the Secretary.

"(ii) DEBARMENT.—In accordance with the nonprocurement debarment procedures under part 417 of title 2, Code of Federal Regulations, or successor regulations, the Secretary shall debar any person that, in carrying out the quality control system established under this subsection, knowingly submits, or causes to be submitted, false information to the Secretary.".

(c) REPORTING REQUIREMENTS.—The 1st sentence of section 16(c)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(4)) is amended by inserting ", including providing access to applicable State records and the entire information systems in which the records are contained," after "necessary".

(d) STATE PERFORMANCE INDICATORS.—Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended—

(1) by striking the heading and inserting "STATE PERFORMANCE INDICATORS",

(2) in paragraph (2)—

(A) in the heading by striking "AND THEREAFTER" and inserting "THROUGH 2017",

(B) in subparagraph (A) by striking "and each fiscal year thereafter" and inserting "through fiscal year 2017", and

(C) in subparagraph (B) by striking "and each fiscal year thereafter" and inserting "through fiscal year 2017", and

(3) by adding at the end the following:

"(6) FISCAL YEAR 2018 AND FISCAL YEARS THEREAFTER.—

"(A) With respect to fiscal year 2018 and each fiscal year thereafter, the Secretary shall establish, by regulation, performance criteria relating to—

"(i) actions taken to correct errors, reduce rates of error, and improve eligibility determinations; and

"(ii) other indicators of effective administration determined by the Secretary.

"(B) The Secretary shall not award performance bonus payments to State agencies in fiscal year 2019 for fiscal year 2018 performance.".

(e) COST SHARING FOR COMPUTERIZATION.—Section 16(g)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(g)(1)(A)), as amended by section 4012, is amended—

(1) in clause (v)(III) by striking "and", and

(2) by adding at the end the following:

"(vii) would be accessible by the Secretary for inspection and audit under section 11(a)(3)(B); and".

SEC. 4014. EVALUATION OF CHILD SUPPORT ENFORCEMENT COOPERATION REQUIREMENTS.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

"(m) EVALUATION OF CHILD SUPPORT ENFORCEMENT COOPERATION REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall conduct an independent evaluation of a representative sample of States—

"(A) to assess the implementation and impact of the eligibility requirements described in subsections (l) through (n) of section 6 in States that have formerly implemented or continue to implement those requirements, and the feasibility of implementing those requirements in other States;

"(B) to assess the factors that contributed to the decision of States that formerly implemented the eligibility requirements described in each of subsections (l) through (n) of section 6 to cease such implementation;

"(C) to review alternatives to the eligibility requirements described in each of subsections (l) through (n) of section 6 that are used by other States to assist participants in the supplemental nutrition assistance program to make or receive child support payments and the effectiveness of those alternatives; and

"(D) to evaluate the costs and benefits to households and to State agencies, of requiring State agencies to implement each of the eligibility requirements described in subsections (l) through (n) of section 6.

"(2) EVALUATION.—The evaluation under paragraph (1) shall include, to the maximum extent practicable, an assessment of—

"(A) the manner in which applicable State agencies implement and enforce the eligibility requirements described in subparagraph (A) of such paragraph, including—

"(i) the procedures used by each State to determine cooperation, to sanction participants for failure to cooperate, and to determine good cause for noncooperation under each of subsections (l) through (n) of section 6; and

"(ii) the manner in which each State aligns the procedures for implementing those eligibility requirements with procedures for implementing other Federal programs that require cooperation with child support enforcement, including the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.);

"(B) the Federal, State, and local costs associated with implementing those eligibility requirements, including costs incurred under this Act and by child support enforcement agencies for personnel, technology upgrades, and other costs;

"(C) the effect of those eligibility requirements on the establishment of new child support orders, the establishment of paternity, changes in child support payments to

custodial households, and changes in arrears owed on child support orders;

"(D) with respect to the eligibility requirements under each of subsections (l) through (n) of section 6—

"(i) the number of individuals subject to those requirements;

"(ii) the number of individuals in each State who meet those requirements; and

"(iii) the number of individuals in each State who fail to meet those requirements;

"(E) the number of individuals in each State for whom good cause for noncooperation has been found under section 6(l)(2);

"(F) the impact of those eligibility requirements on the supplemental nutrition assistance program eligibility, benefit levels, food security, income, and economic stability of—

"(i) individuals subject to those requirements;

"(ii) the household members of those individuals, including children; and

"(iii) households with nontraditional family structures, including a household in which a grandparent is the primary caretaker of a grandchild of the grandparent.

"(3) STATE AGENCY COOPERATION.—Each State agency selected under paragraph (1) shall provide information to the Secretary necessary to conduct the evaluation under such paragraph.

"(4) REPORT.—Not later than 3 years after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings from the evaluation conducted under paragraph (1).".

SEC. 4015. LONGITUDINAL DATA FOR RESEARCH.

(a) LONGITUDINAL DATA.—Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026), as amended by section 4014, is amended by adding at the end the following:

"(n) LONGITUDINAL DATA FOR RESEARCH.—

"(1) IN GENERAL.—Subject to paragraphs (3) through (5), a State agency may, on approval by the Secretary, establish a longitudinal database that contains information about households and members of households that receive benefits under the supplemental nutrition assistance program in the State.

"(2) PURPOSE.—Each longitudinal database established under paragraph (1) shall be used solely to conduct research on participation in and the operation of the supplemental nutrition assistance program, including duration of participation in the program.

"(3) REQUIREMENTS FOR DATABASES.—Prior to the approval of State agencies to establish longitudinal databases under paragraph (1), the Secretary shall—

"(A) identify features that shall be standard across States such as database format to facilitate use of longitudinal databases established under paragraph (1) for research purposes;

"(B) identify features of longitudinal databases established under paragraph (1) that may vary across States;

"(C) identify a procedure for States operating longitudinal databases under paragraph (1) to use a unique identifier to provide relevant information on household members who receive benefits under the supplemental nutrition assistance program for the purpose of comparing participation data in multiple participating States over time while protecting participant privacy;

"(D) establish the manner in which data security and privacy protections, as required by Federal law and consistent with other appropriate practices, shall be implemented and maintained;

"(E) provide direction to State agencies on the responsibilities of and funding arrangements for State agencies and any State contractors (including entities providing technical assistance) relating to the establishment and operation of a longitudinal database;

"(F) provide a description of the documentation that States shall submit to the Secretary prior to allowing researchers access to a longitudinal database;

"(G) consult with other Federal research agencies, including the Bureau of the Census;

"(H) consult with States that have already established databases used for purposes similar to the purposes outlined in this subsection; and

"(I) identify any other requirements determined appropriate by the Secretary.

"(4) INCLUDED DATA.—

"(A) IN GENERAL.—Subject to subparagraph (B), each longitudinal database established under paragraph (1)—

"(i) shall include monthly information about households and members of households that receive benefits under the supplemental nutrition assistance program in the participating State taken from existing information collected by the State agency including, if available,—

"(I) demographic characteristics;

"(II) income and financial resources (as described in section 5(g));

"(III) employment status;

"(IV) household circumstances, such as deductible expenses; and

"(V) the amount of the monthly allotment received under the supplemental nutrition assistance program; and

"(ii) may include information from other State data sources such as—

"(I) earnings and employment data from the State department of labor;

"(II) health insurance program data; or

"(III) data from participation in other programs administered by the State.

"(B) DATA PROTECTION.—Any State that establishes a longitudinal database under paragraph (1) shall, in accordance with all applicable Federal and State privacy standards and requirements—

"(i) protect the privacy of information about each member of each household that receives benefits under the supplemental nutrition assistance program in such State by ensuring that no personally identifiable information (including social security number, home address, or contact information) is included in the longitudinal database; and

"(ii) make the data under this paragraph available to researchers and the Secretary.

"(5) APPROVAL.—The Secretary shall approve the establishment of longitudinal databases under paragraph (1) in States that—

"(A) meet the requirements for databases under paragraph (3) and (4)(B);

"(B) reflect a range of participant numbers, demographics, operational structures, and geographic regions; and

"(C) have the capacity to provide on a periodic and ongoing basis household and participant data derived from the eligibility system and other data sources of the State.

"(6) GRANTS.—

"(A) IN GENERAL.—In carrying out this subsection, the Secretary may provide grants to States that have been approved by the Secretary in accordance with paragraph (5) out of funds made available under paragraph (9).

"(B) METHOD OF AWARDING GRANTS.—Grants awarded under this paragraph shall be made in such amounts and under such terms and conditions as the Secretary determines necessary to carry out the purposes of this subsection.

"(7) REPORT.—

"(A) IN GENERAL.—Not later than 4 years after the effective date of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the feasibility of expanding implementation of longitudinal databases to every State.

"(B) CONTENTS.—The report required under subparagraph (A) shall describe—

"(i) the cost of expanding implementation of longitudinal databases with consistent data to every State;

"(ii) the challenges and benefits of using State longitudinal databases with consistent data; and

"(iii) alternatives to expanding implementation of longitudinal databases with consistent data to every State that may achieve similar research outcomes and the advantages and disadvantages of those alternatives.

"(8) EFFECT.—Nothing in this subsection shall be construed to prevent or limit the ability of State agencies to establish

or continue operating databases used for purposes similar to the purposes outlined in this subsection.

"(9) FUNDING.—Of the funds made available under section 18, the Secretary shall use to carry out this subsection—

"(A) $20,000,000 for fiscal year 2019 to remain available through fiscal year 2021; and

"(B) $5,000,000 for fiscal year 2022 and each fiscal year thereafter.".

(b) CONFORMING AMENDMENT.—The 1st sentence of section 16(a) of the Food and Nutrition Act of 2008 is amended—

(1) by striking "and (8)" and inserting "(8)"; and

(2) by inserting ", and (9) establishing and operating a longitudinal database in accordance with section 17(n)" before ": *Provided*".

SEC. 4016. AUTHORIZATION OF APPROPRIATIONS.

The 1st sentence of section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended by striking "2018" and inserting "2023".

SEC. 4017. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25(b)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2034(b)(2)) is amended—

(1) in subparagraph (B) by striking "and" at the end,

(2) in subparagraph (C) by striking "fiscal year 2015 and each fiscal year thereafter." and inserting "each of fiscal years 2015 through 2018; and", and

(3) by adding at the end the following:

"(D) $5,000,000 for fiscal year 2019 and each fiscal year thereafter.".

SEC. 4018. EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) STATE PLAN.—Section 202A(b) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) at the option of the State agency, describe a plan of operation for 1 or more projects in partnership with 1 or more emergency feeding organizations located in the State to harvest, process, package, or transport donated commodities received under section 203D(d); and

"(6) describe a plan, which may include the use of a State advisory board established under subsection (c), that provides emergency feeding organizations or eligible recipient agencies within the State an opportunity to provide input on the commodity preferences and needs of the emergency feeding organization or eligible recipient agency.".

(b) STATE AND LOCAL SUPPLEMENTATION OF COMMODITIES.—Section 203D of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507) is amended by adding at the end the following:

"(d) PROJECTS TO HARVEST, PROCESS, PACKAGE, OR TRANSPORT DONATED COMMODITIES.—

"(1) DEFINITION OF PROJECT.—In this subsection, the term 'project' means the harvesting, processing, packaging, or transportation of unharvested, unprocessed, or unpackaged commodities donated by agricultural producers, processors, or

distributors for use by emergency feeding organizations under subsection (a).

"(2) FEDERAL FUNDING FOR PROJECTS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and paragraph (3), using funds made available under paragraph (5), the Secretary may provide funding to States to pay for the costs of carrying out a project.

"(B) FEDERAL SHARE.—The Federal share of the cost of a project under subparagraph (A) shall not exceed 50 percent of the total cost of the project.

"(C) ALLOCATION.—

"(i) IN GENERAL.—Each fiscal year, the Secretary shall allocate the funds made available under subparagraph (A), based on a formula determined by the Secretary, to States that have submitted a State plan describing a plan of operation for a project under section 202A(b)(5).

"(ii) REALLOCATION.—If the Secretary determines that a State will not expend all of the funds allocated to the State for a fiscal year under clause (i), the Secretary shall reallocate the unexpended funds to other States that have submitted under section 202A(b)(5) a State plan describing a plan of operation for a project during that fiscal year or the subsequent fiscal year, as the Secretary determines appropriate.

"(iii) REPORTS.—Each State to which funds are allocated for a fiscal year under this subparagraph shall, on a regular basis, submit to the Secretary financial reports describing the use of the funds.

"(3) PROJECT PURPOSES.—A State may only use Federal funds received under paragraph (2) for a project the purposes of which are—

"(A) to reduce food waste at the agricultural production, processing, or distribution level through the donation of food;

"(B) to provide food to individuals in need; and

"(C) to build relationships between agricultural producers, processors, and distributors and emergency feeding organizations through the donation of food.

"(4) COOPERATIVE AGREEMENTS.—The Secretary may encourage a State agency that carries out a project using Federal funds received under paragraph (2) to enter into cooperative agreements with State agencies of other States under section 203B(d) to maximize the use of commodities donated under the project.

"(5) FUNDING.—Out of funds not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $4,000,000 for each of fiscal years 2019 through 2023, to remain available until the end of the subsequent fiscal year.".

(c) FOOD WASTE.—Section 203D of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507), as amended by subsection (b), is amended by adding at the end the following:

"(e) FOOD WASTE.—The Secretary shall issue guidance outlining best practices to minimize the food waste of the commodities donated under subsection (a).".

(d) EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.—Section 209(d) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7511a(d)) is amended by striking "2018" and inserting "2023".

(e) AVAILABILITY OF COMMODITIES FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended—

(1) in paragraph (1), by striking "2018" and inserting "2023"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking "2018" and inserting "2023";

(B) in subparagraph (D)—

(i) in the matter preceding clause (i), by striking "2018" and inserting "2023";

(ii) in clause (iii), by striking "and" after the semicolon;

(iii) in clause (iv), by striking "and" after the semicolon;

(iv) by adding at the end the following:

"(v) for fiscal year 2019, $23,000,000;

"(vi) for fiscal year 2020, $35,000,000;

"(vii) for fiscal year 2021, $35,000,000;

"(viii) for fiscal year 2022, $35,000,000; and

"(ix) for fiscal year 2023, $35,000,000; and"; and

(C) in subparagraph (E)—

(i) by striking "2019" and inserting "2024";

(ii) by striking "(D)(iv)" and inserting "(D)(ix)"; and

(iii) by striking "June 30, 2017" and inserting "June 30, 2023".

SEC. 4019. NUTRITION EDUCATION.

Section 28(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking "Except as provided in subparagraph (C), a" and inserting "A",

(ii) in clause (ii) by striking "and" after the semicolon,

(iii) by redesignating clause (iii) as clause (iv), and

(iv) by inserting after clause (ii) the following:

"(iii) describe how the State agency shall use an electronic reporting system to—

"(I) measure and evaluate the projects; and

"(II) account for the allowable State agency administrative costs including for—

"(aa) salaries and benefits of State agency personnel;

"(bb) office supplies and equipment;

"(cc) travel costs;

"(dd) development and production of nutrition education materials;

"(ee) memberships, subscriptions, and professional activities;

"(ff) lease or rental costs;
"(gg) maintenance and repair expenses;
"(hh) indirect costs; and
"(ii) cost of using publicly-owned building space; and", and

(B) by striking subparagraph (C),

(2) in paragraph (3)(B) in the matter preceding clause (i), by inserting ", the Director of the National Institute of Food and Agriculture," before "and outside stakeholders",

(3) in paragraph (5) by inserting "the expanded food and nutrition education program or" before "other health promotion", and

(4) by adding at the end the following:

"(6) INFORMATION CLEARINGHOUSE.—The Secretary shall establish an online clearinghouse that makes available to State agencies, local agencies, institutions of higher education, and community organizations best practices for planning, implementing, and evaluating nutrition education and obesity prevention services to ensure that projects carried out with funds received under this section are appropriate for the target population.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to a State agency in developing and implementing a nutrition education State plan, including—

"(A) by identifying common challenges faced by entities described in paragraph (6) that participate in projects carried out with funds received under this section;

"(B) by coordinating efforts to address those common challenges;

"(C) by collecting and disseminating information on evidence-based practices relating to nutrition education and obesity prevention;

"(D) by facilitating communication between and among grantees and subgrantees of funds received under this section;

"(E) by assisting State agencies in creating or maintaining systems to compile program data; and

"(F) by performing or assisting with other activities, as determined by the Secretary.

"(8) ANNUAL STATE REPORT.—Each State agency that delivers nutrition education and obesity prevention services under this subsection shall submit to the Secretary an annual report, which shall be made publicly available by the Secretary, that includes—

"(A) the use of funds on the State agency's program, including for each category of allowable State agency administrative costs identified in paragraph (2)(B)(iii)(II);

"(B) a description of each project carried out by that agency under this subsection, including, with respect to the project, the target population, interventions, educational materials used, key performance indicators used, and evaluations made;

"(C) a comprehensive analysis of the impacts and outcomes—

"(i) of the project, including with respect to the elements described in subparagraph (A); and

"(ii) to the extent practicable, of completed multiyear projects; and

"(D) the status of any ongoing multiyear project.

"(9) ANNUAL FEDERAL REPORT.—The Administrator of the Food and Nutrition Service, in consultation with the Director of the National Institute of Food and Agriculture, shall annually submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

"(A) evaluates the level of coordination between—

"(i) the nutrition education and obesity prevention grant program under this section;

"(ii) the expanded food and nutrition education program under section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175); and

"(iii) any other nutrition education program administered by the Department of Agriculture; and

"(B) includes the use of funds on such programs including State agency administrative costs reported by States under paragraph (8)(A).".

SEC. 4020. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

Section 29(c)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036b(c)(1)) is amended by striking "2018" and inserting "2023".

SEC. 4021. PUBLIC-PRIVATE PARTNERSHIPS.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

7 USC 2036d.

"SEC. 30. PILOT PROJECTS TO ENCOURAGE THE USE OF PUBLIC-PRIVATE PARTNERSHIPS COMMITTED TO ADDRESSING FOOD INSECURITY.

"(a) IN GENERAL.—The Secretary may, on application of eligible entities, approve not more than 10 pilot projects to support public-private partnerships that address food insecurity and poverty.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'eligible entity' means—

"(A) a nonprofit organization;

"(B) a community-based organization;

"(C) an institution of higher education; or

"(D) a private entity, as determined by the Secretary; and

"(2) the term 'public agency' means a department, agency, other unit, or instrumentality of Federal, State, or local government.

"(c) PROJECT REQUIREMENTS.—Projects approved under this section shall—

"(1) be limited to 2 years in length; and

"(2) include a collaboration between one or more public agencies and one or more eligible entities that—

"(A) improves the effectiveness and impact of the supplemental nutrition assistance program;

"(B) develops food security solutions that are specific to the needs of a community or region; and

"(C) strengthens the capacity of communities to address food insecurity and poverty.

"(d) EVALUATION.—The Secretary shall provide for an independent evaluation of pilot projects approved under this section that includes—

"(1) a summary of the activities conducted under the pilot projects;

"(2) an assessment of the effectiveness of the pilot projects; and

"(3) best practices regarding the use of public-private partnerships to improve the effectiveness of public benefit programs to address food insecurity and poverty.

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 to remain available until expended.

"(2) APPROPRIATION IN ADVANCE.—Only funds appropriated under paragraph (1) in advance specifically to carry out this section shall be available to carry out this section.".

SEC. 4022. TECHNICAL CORRECTIONS.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended—

(1) in section 3—

(A) in subsections (d) and (i) by striking "7(i)" and inserting "7(h)", and

(B) in subsection (o)(1)(A) by striking "(r)(1)" and inserting "(q)(1)",

(2) in section 5(a) by striking "and section" each place it appears and all that follows through "households" the respective next place it appears, and inserting "and section 3(m)(4), households",

(3) in subsections (e)(1) and (f)(1)(A)(i) of section 8 by striking "3(n)(5)" and inserting "3(m)(5)",

(4) in the 1st sentence of section 10—

(A) by striking "or the Federal Savings and Loan Insurance Corporation" each place it appears, and

(B) by striking "3(p)(4)" and inserting "3(o)(4)",

(5) in section 11—

(A) in subsection (a)(2) by striking "3(t)(1)" and inserting "3(s)(1)", and

(B) in subsection (d)—

(i) by striking "3(t)(1)" each place it appears and inserting "3(s)(1)", and

(ii) by striking "3(t)(2)" each place it appears and inserting "3(s)(2)", and

(C) in subsection (e)—

(i) in paragraph (17) by striking "3(t)(1)" inserting "3(s)(1)", and

(ii) in paragraph (23) by striking "Simplified Supplemental Nutrition Assistance Program" and inserting "simplified supplemental nutrition assistance program",

(6) in section 15(e) by striking "exchange" and all that follows through "anything", and inserting "exchange for benefits, or anything",

(7) in section 17(b)(1)(B)(iv)(III)(aa) by striking "3(n)" and inserting "3(m)",

(8) in section 25(a)(1)(B)(i)(I) by striking the 2d semicolon at the end, and

(9) in section 26(b) by striking "out" and all that follows through "(referred", and inserting "out a simplified supplemental nutrition assistance program (referred".

Subtitle B—Commodity Distribution Programs

SEC. 4101. COMMODITY DISTRIBUTION PROGRAM.

The 1st sentence of section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking "2018" and inserting "2023".

SEC. 4102. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "2018" and inserting "2023", and

(B) in paragraph (2)(B), in the matter preceding clause (i), by striking "2018" and inserting "2023",

(2) in subsection (d)(2), in the 1st sentence, by striking "2018" and inserting "2023", and

(3) in subsection (g)—

(A) by striking "Except" and inserting the following: "(1) IN GENERAL.—Except", and

(B) by adding at the end the following:

"(2) CERTIFICATION.—

"(A) DEFINITION OF CERTIFICATION PERIOD.—In this paragraph, the term 'certification period' means the period during which a participant in the commodity supplemental food program in a State may continue to receive benefits under the commodity supplemental food program without a formal review of the eligibility of the participant.

"(B) MINIMUM CERTIFICATION PERIOD.—Subject to subparagraphs (C) and (D), a State shall establish for the commodity supplemental food program of the State a certification period of—

"(i) not less than 1 year; but

"(ii) not more than 3 years.

"(C) TEMPORARY CERTIFICATION.—An eligible applicant for the commodity supplemental food program in a State may be provided with a temporary monthly certification to fill any caseload slot resulting from nonparticipation by certified participants.

"(D) APPROVALS.—A certification period of more than 1 year established by a State under subparagraph (B) shall be subject to the approval of the Secretary, who shall approve such a certification period on the condition that, with respect to each participant receiving benefits under the commodity supplemental food program of the State, the local agency in the State administering the commodity supplemental food program, on an annual basis during the certification period applicable to the participant—

"(i) verifies the address and continued interest of the participant; and

"(ii) has sufficient reason to determine that the participant still meets the income eligibility standards under paragraph (1), which may include a determination that the participant has a fixed income.".

SEC. 4103. DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.

Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)(A)) is amended by striking "2018" and inserting "2023".

SEC. 4104. FOOD DONATION STANDARDS.

Section 203D of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507), as amended by section 4018(c), is amended by adding at the end the following:

"(f) FOOD DONATION STANDARDS.—

"(1) DEFINITIONS.—In this subsection:

"(A) APPARENTLY WHOLESOME FOOD.—The term 'apparently wholesome food' has the meaning given the term in section 22(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1791(b)).

"(B) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(C) QUALIFIED DIRECT DONOR.—The term 'qualified direct donor' means a retail food store, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education.

"(2) GUIDANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall issue guidance to promote awareness of donations of apparently wholesome food protected under section 22(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1791(c)) by qualified direct donors in compliance with applicable State and local health, food safety, and food handling laws (including regulations).

"(B) ISSUANCE.—The Secretary shall encourage State agencies and emergency feeding organizations to share the guidance issued under subparagraph (A) with qualified direct donors.".

Subtitle C—Miscellaneous

SEC. 4201. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

Section 4402(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007(a)) is amended by striking "2018" and inserting "2023".

SEC. 4202. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4(b)) is amended by striking "2018" and inserting "2023".

SEC. 4203. SERVICE OF TRADITIONAL FOODS IN PUBLIC FACILITIES.

Section 4033(d)(1) of the Agricultural Act of 2014 (128 Stat. 818) is amended—

(1) by striking "and" the 1st place it appears,

(2) by inserting ", a State, a county or county equivalent, a local educational agency, and an entity or person authorized to facilitate the donation, storage, preparation, or serving of traditional food by the operator of a food service program" after "organization", and

(3) by inserting "storage, preparation, or" after "donation to or".

SEC. 4204. HEALTHY FOOD FINANCING INITIATIVE.

Section 243 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6953) is amended—

(1) in subsection (a), by inserting "and enterprises" after "retailers";

(2) in subsection (b)(3)(B)(iii), by inserting "and enterprises" after "retailers"; and

(3) in subsection (c)(2)(B)(ii), by inserting "as applicable," before "to accept".

SEC. 4205. THE GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

(a) AMENDMENT TO PROGRAM.—Section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517) is amended—

(1) by striking the heading and inserting "**THE GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM**",

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a governmental agency or nonprofit organization.",

(B) in paragraph (3) by striking "means the" and all that follows through the period at the end, and inserting the following:

"means—

"(A) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and

"(B) the programs for nutrition assistance under section 19 of such Act (7 U.S.C. 2028).", and

(C) by adding at the end the following:

"(4) HEALTHCARE PARTNER.—The term 'healthcare partner' means a healthcare provider, including—

"(A) a hospital;

"(B) a Federally-qualified health center (as defined in section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)));

"(C) a hospital or clinic operated by the Secretary of Veterans Affairs; or

"(D) a healthcare provider group.

"(5) MEMBER.—The term 'member' means, as determined by the applicable eligible entity or healthcare partner carrying out a project under subsection (c) in accordance with procedures established by the Secretary—

"(A) an individual eligible for—

"(i) benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

"(ii) medical assistance under a State plan or a waiver of such a plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and enrolled under such plan or waiver; and

"(B) a member of a low-income household that suffers from, or is at risk of developing, a diet-related health condition.",

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking "The" and inserting "Except as provided in subparagraph (D)(iii), the",

(ii) in subparagraph (C) by adding at the end the following:

"(iii) TRIBAL AGENCIES.—The Secretary may allow a Tribal agency to use funds provided to the Indian Tribe of the Tribal agency through a Federal agency (including the Indian Health Service) or other Federal benefit to satisfy all or part of the non-Federal share described in clause (i) if such use is otherwise consistent with the purpose of such funds.",

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), and

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

"(B) PARTNERS AND COLLABORATORS.—An eligible entity that receives a grant under this subsection may partner with, or make subgrants to, public, private, nonprofit, or for-profit entities, including—

"(i) an emergency feeding organization;

"(ii) an agricultural cooperative;

"(iii) a producer network or association;

"(iv) a community health organization;

"(v) a public benefit corporation;

"(vi) an economic development corporation;

"(vii) a farmers' market;

"(viii) a community-supported agriculture program;

"(ix) a buying club;

"(x) a retail food store participating in the supplemental nutrition assistance program;

"(xi) a State, local, or tribal agency;

"(xii) another eligible entity that receives a grant under this subsection; and

"(xiii) any other entity the Secretary designates.",

(B) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall—

"(i) meet the application criteria set forth by the Secretary; and

"(ii) propose a project that, at a minimum—

"(I) has the support of the State agency administering the supplemental nutrition assistance program;

"(II) would increase the purchase of fruits and vegetables by low-income households participating

in the supplemental nutrition assistance program by providing an incentive for the purchase of fruits and vegetables at the point of purchase to a household purchasing food with supplemental nutrition assistance program benefits;

"(III) except in the case of projects receiving $100,000 or less over 1 year, would measure the purchase of fruits and vegetables by low-income households participating in the supplemental nutrition assistance program;

"(IV) ensures that the same terms and conditions apply to purchases made by individuals with benefits issued under the Food and Nutrition Act of 2008 and incentives provided for in this subsection as apply to purchases made by individuals who are not members of households receiving benefits, such as provided for in section 278.2(b) of title 7, Code of Federal Regulations (or a successor regulation);

"(V) has adequate plans to collect data for reporting and agrees to provide that information for the report described in subsection (e)(2)(B)(iii); and

"(VI) would share information with the Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers established under subsection (e).",

(ii) in subparagraph (B)—

(I) by striking clause (v),

(II) by redesignating clause (vi) as clause (x), and

(III) by inserting after clause (iv) the following:

"(v) include a project design—

"(I) that provides incentives when fruits or vegetables are purchased using supplemental nutrition assistance program benefits; and

"(II) in which the incentives earned may be used only to purchase fruits or vegetables;

"(vi) have demonstrated the ability to provide services to underserved communities;

"(vii) include coordination with multiple stakeholders, such as farm organizations, nutrition education programs, cooperative extension services, public health departments, health providers, private and public health insurance agencies, cooperative grocers, grocery associations, and community-based and nongovernmental organizations;

"(viii) offer supplemental services in high-need communities, including online ordering, transportation between home and store, and delivery services;

"(ix) include food retailers that are open—

"(I) for extended hours; and

"(II) most or all days of the year; or", and

(C) by striking paragraphs (3) and (4),

(4) in subsection (c)—

(A) in paragraph (1) by striking "subsection (b) $5,000,000 for each of fiscal years 2014 through 2018"

and inserting "this section $5,000,000 for each of fiscal years 2014 through 2023", and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "subsection (b)" and inserting "this section",

(ii) in subparagraph (B) by striking "and" at the end,

(iii) in subparagraph (C) by striking the period at the end and inserting a semicolon, and

(iv) by adding at the end the following:

"(C) $45,000,000 for fiscal year 2019;

"(D) $48,000,000 for fiscal year 2020;

"(E) $48,000,000 for fiscal year 2021;

"(F) $53,000,000 for fiscal year 2022; and

"(G) $56,000,000 for fiscal year 2023 and each fiscal year thereafter.

"(3) USE OF FUNDS.—With respect to funds made available under this section for fiscal years 2019 through 2023—

"(A) for each fiscal year the Secretary shall use not more than 10 percent of such funds available for such fiscal year for the produce prescription program described in subsection (c);

"(B) for each fiscal year not more than 8 percent of such funds available for such fiscal year shall be used by the National Institute of Food and Agriculture and the Food and Nutrition Service for administration; and

"(C) the Secretary shall use for the Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers established under subsection (e) not more than—

"(i) $17,000,000 in the aggregate for fiscal years 2019 and 2020; and

"(ii) $7,000,000 for each of the fiscal years 2021 through 2023.",

(5) by redesignating subsection (c) as subsection (f), and

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

"(c) PRODUCE PRESCRIPTION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a grant program under which the Secretary shall award grants to eligible entities to conduct projects that demonstrate and evaluate the impact of the projects on—

"(A) the improvement of dietary health through increased consumption of fruits and vegetables;

"(B) the reduction of individual and household food insecurity; and

"(C) the reduction in healthcare use and associated costs.

"(2) HEALTHCARE PARTNERS.—In carrying out a project using a grant received under paragraph (1), an eligible entity shall partner with 1 or more healthcare partners.

"(3) GRANT APPLICATIONS.—

"(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an eligible entity—

"(i) shall—

"(I) prescribe fresh fruits and vegetables to members;

"(II) submit to the Secretary an application containing such information as the Secretary may require, including the information described in subparagraph (B); and

"(ii) may—

"(I) provide financial or non-financial incentives for members to purchase or procure fresh fruits and vegetables;

"(II) provide educational resources on nutrition to members; and

"(III) establish additional accessible locations for members to procure fresh fruits and vegetables.

"(B) APPLICATION.—An application shall—

"(i) identify the 1 or more healthcare partners with which the eligible entity is partnering under paragraph (2); and

"(ii) include—

"(I) a description of the methods by which an eligible entity shall—

"(aa) screen and verify eligibility for members for participation in a produce prescription project, in accordance with procedures established under subsection (a)(5);

"(bb) implement an effective produce prescription project, including the role of each healthcare partner in implementing the produce prescription project;

"(cc) evaluate members participating in a produce prescription project with respect to the matters described in subparagraphs (A) through (C) of paragraph (1);

"(dd) provide educational opportunities relating to nutrition to members participating in a produce prescription project; and

"(ee) inform members of the availability of the produce prescription project, including locations at which produce prescriptions may be redeemed;

"(II) a description of any additional nonprofit or emergency feeding organizations that shall be involved in the project and the role of each additional nonprofit or emergency feeding organization in implementing and evaluating an effective produce prescription project;

"(III) documentation of a partnership agreement with a relevant State Medicaid agency or other appropriate entity, as determined by the Secretary, to evaluate the effectiveness of the produce prescription project in reducing healthcare use and associated costs;

"(IV) adequate plans to collect data for reporting and agreement to provide that information for the report described in subsection (e)(2)(B)(iii); and

"(V) agreement to share information with the Nutrition Incentive Program Training, Technical

Assistance, Evaluation, and Information Centers established under subsection (e).

"(4) COORDINATION.—In carrying out the grant program established under paragraph (1), the Secretary shall coordinate with the Secretary of Health and Human Services and the heads of other appropriate Federal agencies that carry out activities relating to healthcare partners.

"(5) PARTNERSHIPS.—

"(A) IN GENERAL.—In carrying out the grant program under paragraph (1), the Secretary may enter into 1 or more memoranda of understanding with a Federal agency, a State, or a private entity to ensure the effective implementation and evaluation of each project.

"(B) MEMORANDUM OF UNDERSTANDING.—A memorandum of understanding entered into under subparagraph (A) shall include—

"(i) a description of a plan to provide educational opportunities relating to nutrition to members participating in produce prescription projects;

"(ii) a description of the role of the Federal agency, State, or private entity, as applicable, in implementing and evaluating an effective produce prescription project; and

"(iii) documentation of a partnership agreement with a relevant State Medicaid agency or other appropriate entity, as determined by the Secretary.

"(d) APPLICABILITY.—

"(1) IN GENERAL.—The value of any benefit provided to a participant in any activity funded under subsections (b) or (c) shall be treated as supplemental nutrition benefits under section 8(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(b)).

"(2) PROHIBITION ON COLLECTION OF SALES TAXES.—Each State shall ensure that no State or local tax is collected on a purchase of food with assistance provided under subsections (b) and (c).

"(3) NO LIMITATION ON BENEFITS.—Grants made available under subsections (b) and (c) shall not be used to carry out any project that limits the use of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any other Federal nutrition law.

"(4) HOUSEHOLD ALLOTMENT.—Assistance provided under subsections (b) and (c) to households receiving benefits under the supplemental nutrition assistance program shall not—

"(A) be considered part of the supplemental nutrition assistance program benefits of the household; or

"(B) be used in the collection or disposition of claims under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022).

"(e) NUTRITION INCENTIVE PROGRAM TRAINING, TECHNICAL ASSISTANCE, EVALUATION, AND INFORMATION CENTERS.—

"(1) IN GENERAL.—The Secretary shall—

"(A) establish 1 or more Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers, in consultation with the Director of the National Institute of Food and Agriculture; and

"(B) to the extent practicable, consult on the design and scope of such Centers with grocers, farmers, health professionals, researchers, incentive program managers, and employees of the Department of Agriculture with direct experience with implementation of existing incentive programs or projects.

"(2) ESTABLISHMENT.—The Centers shall be capable of providing services related to grants under subsections (b) and (c), including—

"(A) offering incentive program training and technical assistance to applicants and grantees to the extent practicable, including—

"(i) collecting and providing information on best practices that may include communications, signage, record-keeping, incentive instruments, development and integration of point of sale systems, and reporting;

"(ii) disseminating information and assisting with collaboration among grantee projects, applicable State agencies, and nutrition education programs;

"(iii) facilitating communication between grantees and the Department of Agriculture and applicable State agencies; and

"(iv) providing support for the development of best practices for produce prescription projects and the sharing of information among eligible entities and healthcare providers that participate in a produce prescription project under subsection (c); and

"(v) other services identified by the Secretary; and

"(B) creating a system to collect and compile core data sets from eligible entities that—

"(i) uses standard metrics with consideration of outcome measures for existing projects;

"(ii) includes to the extent practicable grocers, farmers, health professionals, researchers, incentive program managers, and employees of the Department of Agriculture with direct experience with implementation of existing incentive programs in the design of the instrument through which data will be collected and the mechanism for reporting;

"(iii) compiles project data from grantees, and beginning in fiscal year 2020 generates an annual report to Congress on grant outcomes, including—

"(I) the results of the project; and

"(II) the amount of grant funds used for the project; and

"(iv) creates and maintains a publicly accessible online site that makes annual reports and incentive program information available in an anonymized format that protects confidential, personal, or other sensitive data.

"(3) COOPERATIVE AGREEMENT.—

"(A) IN GENERAL.—To carry out paragraph (1), the Secretary may, on a competitive basis, enter into 1 or more cooperative agreements with 1 or more organizations with expertise in developing outcome-based reporting, at

least 1 of which has expertise in the food insecurity nutrition incentive program and at least 1 of which has expertise in produce prescription projects.

"(B) INCLUSION.—The organizations referred to in subparagraph (A) may include—

"(i) nongovernmental organizations;

"(ii) State cooperative extension services;

"(iii) regional food system centers;

"(iv) Federal, State, or Tribal agencies;

"(v) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

"(vi) other appropriate entities as determined by the Secretary.".

(b) CONFORMING AMENDMENT.—The table of contents of the Food, Conservation, and Energy Act of 2008 (Public Law 113–188) is amended by striking the item relating to section 4405 and inserting the following:

"Sec. 4405. The Gus Schumacher nutrition incentive program.".

SEC. 4206. MICRO-GRANTS FOR FOOD SECURITY. 7 USC 7518.

(a) PURPOSE.—The purpose of this section is to increase the quantity and quality of locally grown food through small-scale gardening, herding, and livestock operations in food insecure communities in areas of the United States that have significant levels of food insecurity and import a significant quantity of food.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that—

(A) is—

(i) an individual;

(ii) an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304);

(iii) a nonprofit organization engaged in increasing food security, as determined by the Secretary, including—

(I) a religious organization;

(II) a food bank; or

(III) a food pantry;

(iv) a federally funded educational facility, including—

(I) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(II) a public elementary school or public secondary school;

(III) a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(IV) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))); or

(V) a job training program; or

(v) a local or Tribal government that may not levy local taxes under State or Federal law; and

(B) is located in an eligible State.

(2) ELIGIBLE STATE.—The term "eligible State" means—
(A) the State of Alaska;
(B) the State of Hawaii;
(C) American Samoa;
(D) the Commonwealth of the Northern Mariana Islands;
(E) the Commonwealth of Puerto Rico;
(F) the Federated States of Micronesia;
(G) Guam;
(H) the Republic of the Marshall Islands;
(I) the Republic of Palau; and
(J) the United States Virgin Islands.

(c) ESTABLISHMENT.—The Secretary shall distribute funds to the agricultural department or agency of each eligible State for the competitive distribution of subgrants to eligible entities to increase the quantity and quality of locally grown food in food insecure communities, including through small-scale gardening, herding, and livestock operations.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Of the amount made available under subsection (g), the Secretary shall distribute—
(A) 40 percent to the State of Alaska;
(B) 40 percent to the State of Hawaii; and
(C) 2.5 percent to each eligible State described in any of subparagraphs (C) through (J) of subsection (b)(2).

(2) CARRYOVER OF FUNDS.—Funds distributed under paragraph (1) shall remain available until expended.

(3) ADMINISTRATIVE FUNDS.—An eligible State that receives funds under paragraph (1) may use not more than 3 percent of those funds—
(A) to administer the competition for providing subgrants to eligible entities in that eligible State;
(B) to provide oversight of the subgrant recipients in that eligible State; and
(C) to collect data and submit a report to the Secretary under subsection (f)(2).

(e) SUBGRANTS TO ELIGIBLE ENTITIES.—

(1) AMOUNT OF SUBGRANTS.—

(A) IN GENERAL.—The amount of a subgrant to an eligible entity under this section shall be—
(i) in the case of an eligible entity that is an individual, not greater than $5,000 per year; and
(ii) in the case of an eligible entity described in any of clauses (ii) through (v) of subsection (b)(1)(A), not greater than $10,000 per year.

(B) MATCHING REQUIREMENT.—As a condition of receiving a subgrant under this section, an eligible entity shall provide funds equal to 10 percent of the amount received by the eligible entity under the subgrant, to be derived from non-Federal sources. A State may waive the matching requirement for an individual who otherwise meets the requirements to receive a subgrant by the eligible State.

(C) PROJECT PERIOD.—Funds received by an eligible entity that is awarded a subgrant under this section shall remain available for expenditure not later than 3 years after the date the funds are received.

(2) PRIORITY.—In carrying out the competitive distribution of subgrants under subsection (c), an eligible State may give priority to an eligible entity that—

(A) has not previously received a subgrant under this section; or

(B) is located in a community or region in that eligible State with the highest degree of food insecurity, as determined by the agricultural department or agency of the eligible State.

(3) PROJECTS.—An eligible State may provide subgrants to 2 or more eligible entities to carry out the same project.

(4) USE OF SUBGRANT FUNDS BY ELIGIBLE ENTITIES.—An eligible entity that receives a subgrant under this section shall use the funds to engage in activities that will increase the quantity and quality of locally grown food for food insecure individuals, families, neighborhoods, and communities, including by—

(A) purchasing gardening tools or equipment, soil, soil amendments, seeds, plants, animals, canning equipment, refrigeration, or other items necessary to grow and store food;

(B) purchasing or building composting units;

(C) purchasing or building towers designed to grow leafy green vegetables;

(D) expanding an area under cultivation or engaging in other activities necessary to be eligible to receive funding under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) for a high tunnel;

(E) engaging in an activity that extends the growing season;

(F) starting or expanding hydroponic and aeroponic farming of any scale;

(G) building, buying, erecting, or repairing fencing for livestock, poultry, or reindeer;

(H) purchasing and equipping a slaughter and processing facility approved by the Secretary;

(I) traveling to participate in agricultural education provided by—

(i) a State cooperative extension service;

(ii) a land-grant college or university (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103));

(iii) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)));

(iv) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as such terms are defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b))); or

(v) a Federal or State agency;

(J) paying for shipping of purchased items relating to growing or raising food for local consumption or purchase;

(K) creating or expanding avenues for—

(i) the sale of food commodities, specialty crops, and meats that are grown by the eligible entity for sale in the local community; or

(ii) increasing the availability of fresh, locally grown, and nutritious food; and

(L) engaging in other activities relating to increasing food security (including subsistence), as determined by the Secretary.

(5) ELIGIBILITY FOR OTHER FINANCIAL ASSISTANCE.—An eligible entity shall not be ineligible to receive financial assistance under another program administered by the Secretary as a result of receiving a subgrant under this section.

(f) REPORTING REQUIREMENT.—

(1) SUBGRANT RECIPIENTS.—As a condition of receiving a subgrant under this section, an eligible entity shall agree to submit to the eligible State in which the eligible entity is located a report—

(A) not later than 60 days after the end of the project funded by the subgrant; and

(B) that describes the use of the subgrants by eligible entities, the quantity of food grown through small-scale gardening, herding, and livestock operations, and the number of food insecure individuals fed as a result of the subgrant.

(2) REPORT TO THE SECRETARY.—Not later than 120 days after the date on which an eligible State receives a report from each eligible entity in that State under paragraph (1), the eligible State shall submit to the Secretary a report that describes, in the aggregate, the information and data contained in the reports received from those eligible entities.

(g) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for fiscal year 2019 and each fiscal year thereafter, to remain available until expended.

(2) APPROPRIATIONS IN ADVANCE.—Only funds appropriated under paragraph (1) in advance specifically to carry out this section shall be available to carry out this section.

42 USC 1760 note.

SEC. 4207. BUY AMERICAN REQUIREMENTS.

(a) ENFORCEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) enforce full compliance with the requirements of section 12(n) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(n)) for purchases of agricultural commodities, including fish, meats, vegetables, and fruits, and the products thereof, and

(2) ensure that States and school food authorities fully understand their responsibilities under such Act.

(b) REQUIREMENT.—The products of the agricultural commodities described in subsection (a)(1) shall be processed in the United States and substantially contain—

(1) meats, vegetables, fruits, and other agricultural commodities produced in—

(A) a State,

(B) the District of Columbia,

(C) the Commonwealth of Puerto Rico, or

(D) any territory or possession of the United States, or

(2) fish harvested—

(A) within the Exclusive Economic Zone of the United States, as described in Presidential Proclamation 5030 (48 Fed. Reg. 10605; March 10, 1983), or

(B) by a United States flagged vessel.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions the Secretary has taken, and plans to take, to comply with this section.

SEC. 4208. HEALTHY FLUID MILK INCENTIVES PROJECTS.

7 USC 2026a note.

(a) DEFINITION OF FLUID MILK.—In this section the term "fluid milk" means all varieties of pasteurized cow's milk that—

(1) is without flavoring or sweeteners,

(2) is consistent with the most recent dietary recommendations,

(3) is packaged in liquid form, and

(4) contains vitamins A and D at levels consistent with the Food and Drug Administration, State, and local standards for fluid milk.

(b) PROJECTS.—The Secretary of Agriculture shall carry out, under such terms and conditions as the Secretary considers to be appropriate, healthy fluid milk incentive projects to develop and test methods to increase the purchase and consumption of fluid milk by members of households that receive supplemental nutrition assistance program benefits by providing an incentive for the purchase of fluid milk at the point of purchase to members of households purchasing food with supplemental nutrition assistance program benefits.

(c) GRANTS OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry out this section, the Secretary, on a competitive basis, shall enter into cooperative agreements with, or provide grants to, governmental entities or nonprofit organizations for projects that meet the purpose and selection criteria specified in this subsection.

(2) APPLICATION.—To be eligible to enter into a cooperative agreement or receive a grant under this subsection, a government entity or nonprofit organization shall submit to the Secretary an application containing such information as the Secretary may require.

(3) SELECTION CRITERIA.—Projects proposed in applications shall be evaluated against publicly disseminated criteria that shall incorporate a scientifically based strategy that is designed to improve diet quality and nutritional outcomes through the increased purchase of fluid milk by members of households that participate in the supplemental nutrition assistance program.

(4) USE OF FUNDS.—Funds made available to carry out this section shall not be used for any project that limits the use of benefits provided under the Food and Nutrition Act of 2008.

(d) EVALUATION AND REPORTING.—

(1) EVALUATION.—

(A) INDEPENDENT EVALUATION.—

(i) IN GENERAL.—The Secretary shall provide for an independent evaluation of projects selected under this section that measures, to the maximum extent practicable, the impact on health and nutrition.

(ii) REQUIREMENT.—The independent evaluation under this subparagraph shall use rigorous methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective.

(B) COSTS.—The Secretary may use funds not to exceed 7 percent of the funding provided to carry out this section to pay costs associated with evaluating the outcomes of the healthy fluid milk incentive projects.

(2) REPORTING.—Not later than December 31 of 2020, and biennially thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

(A) the status of each healthy fluid milk incentives project, and

(B) the results of any completed evaluation that—

(i) include, to the maximum extent practicable, the impact of the healthy fluid milk incentive projects on health and nutrition outcomes among households participating in such projects, and

(ii) have not been submitted in a previous report under this paragraph.

(3) PUBLIC DISSEMINATION.—In addition to the reporting requirements under paragraph (2), evaluation results shall be shared publicly to promote wide use of successful strategies.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out and evaluate the outcomes of projects under this section, to remain available until expended.

(2) APPROPRIATIONS IN ADVANCE.—Only funds appropriated under paragraph (1) in advance specifically to carry out this section shall be available to carry out this section.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5101. MODIFICATION OF THE 3-YEAR EXPERIENCE ELIGIBILITY REQUIREMENT FOR FARM OWNERSHIP LOANS.

Section 302(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(b)) is amended by adding at the end the following:

"(4) WAIVER AUTHORITY.—In the case of a qualified beginning farmer or rancher, the Secretary may—

"(A) reduce the 3-year requirement in paragraph (1) to 1 or 2 years, if the farmer or rancher has—

"(i) not less than 16 credit hours of post-secondary education in a field related to agriculture;

"(ii) successfully completed a farm management curriculum offered by a cooperative extension service,

a community college, an adult vocational agriculture program, a nonprofit organization, or a land-grant college or university;

"(iii) at least 1 year of experience as hired farm labor with substantial management responsibilities;

"(iv) successfully completed a farm mentorship, apprenticeship, or internship program with an emphasis on management requirements and day-to-day farm management decisions;

"(v) significant business management experience;

"(vi) been honorably discharged from the armed forces of the United States;

"(vii) successfully repaid a youth loan made under section 311(b); or

"(viii) an established relationship with an individual who has experience in farming or ranching, or is a retired farmer or rancher, and is participating as a counselor in a Service Corps of Retired Executives program authorized under section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), or with a local farm or ranch operator or organization, approved by the Secretary, that is committed to mentoring the farmer or rancher; or

"(B) waive the 3-year requirement in paragraph (1) if the farmer or rancher meets the requirements of clauses (iii) and (viii) of subparagraph (A).".

SEC. 5102. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(h)) is amended by striking "2018" and inserting "2023".

SEC. 5103. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) in subsection (a)(2)—

(A) by striking "$300,000" and inserting "$600,000";

(B) by striking "$700,000" and inserting "$1,750,000"; and

(C) by striking "2000" and inserting "2019"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "August" and inserting "July"; and

(B) in paragraph (2), by striking "ending on August 31, 1996" and inserting "that immediately precedes the 12-month period described in paragraph (1)".

SEC. 5104. RELENDING PROGRAM TO RESOLVE OWNERSHIP AND SUCCESSION ON FARMLAND.

Subtitle A of title III of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) is amended by adding at the end the following:

"SEC. 310I. RELENDING PROGRAM TO RESOLVE OWNERSHIP AND SUCCESSION ON FARMLAND. 7 USC 1936c.

"(a) IN GENERAL.—The Secretary may make loans to eligible entities described in subsection (b) so that the eligible entities

may relend the funds to individuals and entities for the purposes described in subsection (c).

"(b) ELIGIBLE ENTITIES.—Entities eligible for loans described in subsection (a) are cooperatives, credit unions, and nonprofit organizations with—

"(1) certification under section 1805.201 of title 12, Code of Federal Regulations (or successor regulations), to operate as a lender;

"(2) experience assisting socially disadvantaged farmers and ranchers (as defined in subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) or limited resource or new and beginning farmers and ranchers, rural businesses, cooperatives, or credit unions, including experience in making and servicing agricultural and commercial loans; and

"(3) the ability to provide adequate assurance of the repayment of a loan.

"(c) ELIGIBLE PURPOSES.—The proceeds from loans made by the Secretary pursuant to subsection (a) shall be re-lent by eligible entities for projects that assist heirs with undivided ownership interests to resolve ownership and succession on farmland that has multiple owners.

"(d) PREFERENCE.—In making loans under subsection (a), the Secretary shall give preference to eligible entities—

"(1) with not less than 10 years of experience serving socially disadvantaged farmers and ranchers; and

"(2) in States that have adopted a statute consisting of an enactment or adoption of the Uniform Partition of Heirs Property Act, as approved and recommended for enactment in all States by the National Conference of Commissioners on Uniform State Laws in 2010, that relend to owners of heirs property (as defined in that Act).

"(e) LOAN TERMS AND CONDITIONS.—The following terms and conditions shall apply to loans made under this section:

"(1) The interest rate at which intermediaries may borrow funds under this section shall be determined by the Secretary.

"(2) The rates, terms, and payment structure for borrowers to which intermediaries lend shall be—

"(A) determined by the intermediary in an amount sufficient to cover the cost of operating and sustaining the revolving loan fund; and

"(B) clearly and publicly disclosed to qualified ultimate borrowers.

"(3) Borrowers to which intermediaries lend shall be—

"(A) required to complete a succession plan as a condition of the loan; and

"(B) be offered the opportunity to borrow sufficient funds to cover costs associated with the succession plan under subparagraph (A) and other associated legal and closing costs.

"(f) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the operation and outcomes of the program under this section, with recommendations on how to strengthen the program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 through 2023.".

Subtitle B—Operating Loans

SEC. 5201. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended—

(1) in subsection (a)(1)—

(A) by striking "$300,000" and inserting "$400,000";

(B) by striking "$700,000" and inserting "$1,750,000"; and

(C) by striking "2000" and inserting "2019"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "August" and inserting "July"; and

(B) in paragraph (2), by striking "ending on August 31, 1996" and inserting "that immediately precedes the 12-month period described in paragraph (1)".

SEC. 5202. MICROLOANS.

Section 313(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(c)(2)) is amended by striking "title" and inserting "subsection".

SEC. 5203. COOPERATIVE LENDING PILOT PROJECTS.

Section 313(c)(4)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(c)(4)(A)) is amended by striking "2018" and inserting "2023".

Subtitle C—Administrative Provisions

SEC. 5301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Section 333B(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b(h)) is amended by striking "2018" and inserting "2023".

SEC. 5302. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "$4,226,000,000 for each of fiscal years 2008 through 2018" and inserting "$10,000,000,000 for each of fiscal years 2019 through 2023"; and

(2) by striking subparagraphs (A) and (B) and inserting the following:

"(A) $3,000,000,000 shall be for direct loans, of which—

"(i) $1,500,000,000 shall be for farm ownership loans under subtitle A; and

"(ii) $1,500,000,000 shall be for operating loans under subtitle B; and

"(B) $7,000,000,000 shall be for guaranteed loans, of which—

"(i) $3,500,000,000 shall be for farm ownership loans under subtitle A; and

"(ii) $3,500,000,000 shall be for operating loans under subtitle B.".

SEC. 5303. LOAN FUND SET-ASIDES.

Section 346(b)(2)(A)(ii)(III) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)(ii)(III)) is amended by striking "2018" and inserting "2023".

SEC. 5304. USE OF ADDITIONAL FUNDS FOR DIRECT OPERATING MICROLOANS UNDER CERTAIN CONDITIONS.

Section 346(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)) is amended by adding at the end the following:

"(5) USE OF ADDITIONAL FUNDS FOR DIRECT OPERATING MICROLOANS UNDER CERTAIN CONDITIONS.—

"(A) IN GENERAL.—If the Secretary determines that the amount needed for a fiscal year for direct operating loans (including microloans) under subtitle B is greater than the aggregate principal amount authorized for that fiscal year by this Act, an appropriations Act, or any other provision of law, the Secretary shall make additional microloans under subtitle B using amounts made available under subparagraph (C).

"(B) NOTICE.—Not later than 15 days before the date on which the Secretary uses the authority under subparagraph (A), the Secretary shall submit a notice of the use of that authority to—

"(i) the Committee on Appropriations of the House of Representatives;

"(ii) the Committee on Appropriations of the Senate;

"(iii) the Committee on Agriculture of the House of Representatives; and

"(iv) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2019 through 2023.".

SEC. 5305. EQUITABLE RELIEF.

The Consolidated Farm and Rural Development Act is amended by inserting after section 365 (7 U.S.C. 2008) the following:

7 USC 2008a.

"SEC. 366. EQUITABLE RELIEF.

"(a) IN GENERAL.—Subject to subsection (b), the Secretary may provide a form of relief described in subsection (c) to any farmer or rancher who—

"(1) received a direct farm ownership, operating, or emergency loan under this title; and

"(2) the Secretary determines is not in compliance with the requirements of this title with respect to the loan.

"(b) LIMITATION.—The Secretary may only provide relief to a farmer or rancher under subsection (a) if the Secretary determines that the farmer or rancher—

"(1) acted in good faith; and

"(2) relied on an action of, or the advice of, the Secretary (including any authorized representative of the Secretary) to the detriment of the farming or ranching operation of the farmer or rancher.

"(c) FORMS OF RELIEF.—The Secretary may provide to a farmer or rancher under subsection (a) any of the following forms of relief:

"(1) The farmer or rancher may retain loans or other benefits received in association with the loan with respect to which the farmer or rancher was determined to be noncompliant under subsection (a)(2).

"(2) The farmer or rancher may receive such other equitable relief as the Secretary determines to be appropriate.

"(d) CONDITION.—As a condition of receiving relief under this section, the Secretary may require the farmer or rancher to take actions designed to remedy the noncompliance.

"(e) ADMINISTRATIVE APPEAL; JUDICIAL REVIEW.—A determination or action of the Secretary under this section—

"(1) shall be final; and

"(2) shall not be subject to administrative appeal or judicial review under chapter 7 of title 5, United States Code.".

SEC. 5306. SOCIALLY DISADVANTAGED FARMERS AND RANCHERS; QUALIFIED BEGINNING FARMERS AND RANCHERS.

The Consolidated Farm and Rural Development Act is amended by inserting after section 366 (as added by section 5305) the following:

"SEC. 367. SOCIALLY DISADVANTAGED FARMERS AND RANCHERS; QUALIFIED BEGINNING FARMERS AND RANCHERS. 7 USC 2008b.

"In the case of a loan guaranteed by the Secretary under subtitle A or B to a socially disadvantaged farmer or rancher (as defined in section 355(e)) or a qualified beginning farmer or rancher, the Secretary may provide for a standard guarantee plan, which shall cover an amount equal to 95 percent of the outstanding principal of the loan.".

SEC. 5307. EMERGENCY LOAN ELIGIBILITY.

Section 373(b)(2)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h(b)(2)(B)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(2) in the matter preceding subclause (I) (as so redesignated), by striking "The Secretary" and inserting the following:

"(i) IN GENERAL.—The Secretary"; and

(3) by adding at the end the following:

"(ii) RESTRUCTURED LOANS.—For purposes of clause (i), a borrower who was restructured with a write-down or restructuring under section 353 shall not be considered to have received debt forgiveness on a loan made or guaranteed under this title.".

Subtitle D—Miscellaneous

SEC. 5401. TECHNICAL CORRECTIONS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a)(1) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended in the second sentence by striking "and limited liability companies" and inserting "limited liability companies, and such other legal entities".

7 USC 1961 note.

(2) The amendment made by this subsection shall take effect as if included in the enactment of section 5201(2)(C) of the Agricultural Act of 2014 (Public Law 113–79) in lieu of the amendment made by such section.

(b)(1) Section 331D(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981d(e)) is amended by inserting after "within 60 days after receipt of the notice required in this section" the following: "or, in extraordinary circumstances as determined by the applicable State director, after the 60-day period".

7 USC 1981d note.

(2) The amendment made by this subsection shall take effect as if included in the enactment of section 10 of the Agricultural Credit Improvement Act of 1992 (Public Law 102–554).

(c)(1) Section 333A(f)(1)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(f)(1)(A)) is amended by striking "114" and inserting "339".

7 USC 1983a note.

(2) The amendment made by this subsection shall take effect as if included in the enactment of section 14 of the Agricultural Credit Improvement Act of 1992 (Public Law 102–554).

(d) Section 339(d)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C.1989(d)(3)) is amended by striking "preferred certified lender" and inserting "Preferred Certified Lender".

(e)(1) Section 343(a)(11)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(C)) is amended by striking "or joint operators" and inserting "joint operator, or owners".

7 USC 1991 note.

(2) The amendment made by this subsection shall take effect as of the effective date of section 5303(a)(2) of the Agricultural Act of 2014 (Public Law 113–79).

(f)(1) Section 343(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(b)) is amended by striking "307(e)" and inserting "307(d)".

7 USC 1901 note.

(2) The amendment made by paragraph (1) shall take effect as of the date of enactment of the Agricultural Act of 2014 (Public Law 113–79).

(g) Section 346(a) of the Consolidated Farm and Rural Development Act (7 U.S.C.1994(a)) is amended by striking the last comma.

SEC. 5402. STATE AGRICULTURAL MEDIATION PROGRAMS.

(a) ISSUES COVERED BY STATE MEDIATION PROGRAMS.—Section 501(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking "under the jurisdiction of the Department of Agriculture";

(ii) in clause (ii), by inserting "and the national organic program established under the Organic Foods

Production Act of 1990 (7 U.S.C. 6501 et seq.)" before the period at the end; and

(iii) by striking clause (vii) and inserting the following:

"(vii) Lease issues, including land leases and equipment leases.

"(viii) Family farm transition.

"(ix) Farmer-neighbor disputes.

"(x) Such other issues as the Secretary or the head of the department of agriculture of each participating State considers appropriate for better serving the agricultural community and persons eligible for mediation."; and

(B) by adding at the end the following:

"(C) MEDIATION SERVICES.—Funding provided for the mediation program of a qualifying State may also be used to provide credit counseling to persons described in paragraph (2)—

"(i) prior to the initiation of any mediation involving the Department of Agriculture; or

"(ii) unrelated to any ongoing dispute or mediation in which the Department of Agriculture is a party.";

(2) in paragraph (2)(A)—

(A) in clause (ii), by striking "and" after the semicolon;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) any other persons involved in an issue for which mediation services are provided by a mediation program described in paragraph (1)(B)."; and

(3) in paragraph (3)(F), by striking "that persons" and inserting the following: "that—

"(i) the Department of Agriculture receives adequate notification of those issues; and

"(ii) persons".

(b) REPORT REQUIRED.—Section 505 of the Agricultural Credit Act of 1987 (7 U.S.C. 5105) is amended to read as follows:

"SEC. 505. REPORT.

"Not later than 2 years after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall submit to Congress a report describing—

"(1) the effectiveness of the State mediation programs receiving matching grants under this subtitle;

"(2) recommendations for improving the delivery of mediation services to producers;

"(3) the steps being taken to ensure that State mediation programs receive timely funding under this subtitle; and

"(4) the savings to the States as a result of having a mediation program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2018" and inserting "2023".

SEC. 5403. COMPENSATION OF BANK DIRECTORS.

Section 4.21 of the Farm Credit Act of 1971 (12 U.S.C. 2209) is repealed.

SEC. 5404. SHARING OF PRIVILEGED AND CONFIDENTIAL INFORMATION.

Section 5.19 of the Farm Credit Act of 1971 (12 U.S.C. 2254) is amended by adding at the end the following:

"(e) SHARING OF PRIVILEGED AND CONFIDENTIAL INFORMATION.—A System institution shall not be considered to have waived the confidentiality of a privileged communication with an attorney or an accountant if the System institution provides the content of the communication to the Farm Credit Administration pursuant to the supervisory or regulatory authorities of the Farm Credit Administration.".

SEC. 5405. FACILITY HEADQUARTERS.

Section 5.16 of the Farm Credit Act of 1971 (12 U.S.C. 2251) is amended by striking all that precedes "to the rental of quarters" and inserting the following:

"SEC. 5.16. QUARTERS AND FACILITIES FOR THE FARM CREDIT ADMINISTRATION.

"(a) The Farm Credit Administration shall maintain its principal office within the Washington D.C.-Maryland-Virginia standard metropolitan statistical area, and such other offices within the United States as in its judgment are necessary.

"(b) As an alternate".

SEC. 5406. REMOVAL AND PROHIBITION AUTHORITY; INDUSTRY-WIDE PROHIBITION.

Part C of title V of the Farm Credit Act of 1971 is amended by inserting after section 5.29 (12 U.S.C. 2265) the following:

12 USC 2265a.

"SEC. 5.29A. REMOVAL AND PROHIBITION AUTHORITY; INDUSTRY-WIDE PROHIBITION.

"(a) DEFINITION OF PERSON.—In this section, the term 'person' means—

"(1) an individual; and

"(2) in the case of a specific determination by the Farm Credit Administration, a legal entity.

"(b) INDUSTRY-WIDE PROHIBITION.—Except as provided in subsection (c), any person who, pursuant to an order issued under section 5.28 or 5.29, has been removed or suspended from office at a System institution or prohibited from participating in the conduct of the affairs of a System institution shall not, during the period of effectiveness of the order, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of—

"(1) any insured depository institution subject to section 8(e)(7)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(7)(A)(i));

"(2) any institution subject to section 8(e)(7)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(7)(A)(ii));

"(3) any insured credit union under the Federal Credit Union Act (12 U.S.C. 1751 et seq.);

"(4) any Federal home loan bank;

"(5) any institution chartered under this Act;

"(6) any appropriate Federal financial institutions regulatory agency (as defined in section 8(e)(7)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(7)(D)));

"(7) the Federal Housing Finance Agency; or

"(8) the Farm Credit Administration.

"(c) EXCEPTION FOR INSTITUTION-AFFILIATED PARTY THAT RECEIVES WRITTEN CONSENT.—

"(1) IN GENERAL.—

"(A) AFFILIATED PARTIES.—If, on or after the date on which an order described in subsection (b) is issued that removes or suspends an institution-affiliated party from office at a System institution or prohibits an institution-affiliated party from participating in the conduct of the affairs of a System institution, that party receives written consent described in subparagraph (B), subsection (b) shall not apply to that party—

"(i) to the extent provided in the written consent received; and

"(ii) with respect to the institution described in each written consent.

"(B) WRITTEN CONSENT DESCRIBED.—The written consent referred to in subparagraph (A) is written consent received from—

"(i) the Farm Credit Administration; and

"(ii) each appropriate Federal financial institutions regulatory agency (as defined in section 8(e)(7)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(7)(D))) of the applicable institution described in any of paragraphs (1), (2), (3), or (4) of subsection (b) with respect to which the party proposes to be become an affiliated party.

"(2) DISCLOSURE.—Any agency described in clause (i) or (ii) of paragraph (1)(B) that provides a written consent under that paragraph shall—

"(A) report the action to the Farm Credit Administration; and

"(B) publicly disclose the action.

"(3) CONSULTATION BETWEEN AGENCIES.—The agencies described in clauses (i) and (ii) of paragraph (1)(B) shall consult with each other before providing any written consent under that paragraph.

"(d) VIOLATIONS.—A violation of subsection (b) by any person who is subject to an order described in that subsection shall be treated as violation of that order.".

SEC. 5407. JURISDICTION OVER INSTITUTION-AFFILIATED PARTIES.

Part C of title V of the Farm Credit Act of 1971 is amended by inserting after section 5.31 (12 U.S.C. 2267) the following:

"SEC. 5.31A. JURISDICTION OVER INSTITUTION-AFFILIATED PARTIES. 12 USC 2267a.

"(a) IN GENERAL.—For purposes of sections 5.25, 5.26, and 5.32, the jurisdiction of the Farm Credit Administration over parties, and the authority of the Farm Credit Administration to initiate actions, shall include enforcement authority over institution-affiliated parties.

"(b) EFFECT OF SEPARATION ON JURISDICTION AND AUTHORITY.—Subject to subsection (c), the resignation, termination of employment or participation, or separation of an institution-affiliated party (including a separation caused by the merger, consolidation, conservatorship, or receivership of a Farm Credit System institution) shall not affect the jurisdiction and authority of the Farm Credit

Administration to issue any notice or order and proceed under this part against that party.

"(c) LIMITATION.—To proceed against a party under subsection (b), the notice or order described in that subsection shall be served not later than 6 years after the date on which the party ceased to be an institution-affiliated party with respect to the applicable Farm Credit System institution.

"(d) APPLICABILITY.—The date on which a party ceases to be an institution-affiliated party described in subsection (c) may occur before, on, or after the date of enactment of this section.".

SEC. 5408. DEFINITION OF INSTITUTION-AFFILIATED PARTY.

Section 5.35 of the Farm Credit Act of 1971 (12 U.S.C. 2271) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) the term 'institution-affiliated party' means—

"(A) a director, officer, employee, shareholder, or agent of a System institution;

"(B) an independent contractor (including an attorney, appraiser, or accountant) who knowingly or recklessly participates in—

"(i) a violation of law (including regulations) that is associated with the operations and activities of 1 or more System institutions;

"(ii) a breach of fiduciary duty; or

"(iii) an unsafe practice that causes or is likely to cause more than a minimum financial loss to, or a significant adverse effect on, a System institution; and

"(C) any other person, as determined by the Farm Credit Administration (by regulation or on a case-by-case basis) who participates in the conduct of the affairs of a System institution; and".

SEC. 5409. PROHIBITION ON USE OF FUNDS.

Section 5.65 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–14) is amended by adding at the end the following:

"(e) PROHIBITION ON USES OF FUNDS RELATED TO FEDERAL AGRICULTURAL MORTGAGE CORPORATION.—No funds from administrative accounts or from the Farm Credit System Insurance Fund may be used by the Corporation to provide assistance to the Federal Agricultural Mortgage Corporation or to support any activities related to the Federal Agricultural Mortgage Corporation.".

SEC. 5410. EXPANSION OF ACREAGE EXCEPTION TO LOAN AMOUNT LIMITATION.

(a) IN GENERAL.—Section 8.8(c)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–8(c)(2)) is amended by striking "1,000" and inserting "2,000".

12 USC 2279aa–8 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date a report submitted in accordance with section 5414 of this Act indicates that it is feasible to increase the acreage limitation in section 8.8(c)(2) of the Farm Credit Act of 1971 to 2,000 acres.

SEC. 5411. REPEAL OF OBSOLETE PROVISIONS; TECHNICAL CORRECTIONS.

(1) Section 1.1(c) of the Farm Credit Act of 1971 (12 U.S.C. 2001(c)) is amended in the first sentence by striking "including any costs of defeasance under section 4.8(b),".

(2) Section 1.2 of the Farm Credit Act of 1971 (12 U.S.C. 2002) is amended by striking subsection (a) and inserting the following:

"(a) COMPOSITION.—The Farm Credit System shall include the Farm Credit Banks, the bank for cooperatives, Agricultural Credit Banks, the Federal Land Bank Associations, the Federal Land Credit Associations, the Production Credit Associations, the agricultural credit associations, the Federal Farm Credit Banks Funding Corporation, the Federal Agricultural Mortgage Corporation, service corporations established pursuant to section 4.25, and such other institutions as may be made a part of the Farm Credit System, all of which shall be chartered by and subject to regulation by the Farm Credit Administration.".

(3) Section 2.4 of the Farm Credit Act of 1971 (12 U.S.C. 2075) is amended by striking subsection (d).

(4) Section 3.0(a) of the Farm Credit Act of 1971 (12 U.S.C. 2121(a)) is amended—

(A) in the third sentence, by striking "and a Central Bank for Cooperatives"; and

(B) by striking the fifth sentence.

(5) Section 3.2 of the Farm Credit Act of 1971 (12 U.S.C. 2123) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "not merged into the United Bank for Cooperatives or the National Bank for Cooperatives"; and

(ii) in paragraph (2)(A), in the matter preceding clause (i), by striking "(other than the National Bank for Cooperatives)";

(B) by striking subsection (b);

(C) in subsection (a)—

(i) by striking "(a)(1) Each bank" and inserting the following:

"(a) IN GENERAL.—Each bank"; and

(ii) by striking "(2)(A) If approved" and inserting the following:

"(b) NOMINATION AND ELECTION.—

"(1) IN GENERAL.—If approved";

(D) in subsection (b)(1) (as so designated)—

(i) in subparagraph (B), by striking "(B) The total" and inserting the following:

"(2) NUMBER OF VOTES.—The total"; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(E) in paragraph (2) (as so designated), by striking "paragraph" and inserting "subsection".

(6) Section 3.5 of the Farm Credit Act of 1971 (12 U.S.C. 2126) is amended in the third sentence by striking "district".

(7) Section 3.7(a) of the Farm Credit Act of 1971 (12 U.S.C. 2128(a)) is amended by striking the second sentence.

(8) Section 3.8(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(A)) is amended by inserting "(or any successor agency)" after "Rural Electrification Administration".

(9) Section 3.9(a) of the Farm Credit Act of 1971 (12 U.S.C. 2130(a)) is amended by striking the third sentence.

(10) Section 3.10 of the Farm Credit Act of 1971 (12 U.S.C. 2131) is amended—

(A) in subsection (c), by striking the second sentence; and

(B) in subsection (d)—

(i) by striking "district" each place it appears; and

(ii) by inserting "for cooperatives (or any successor bank)" before "on account".

(11) Section 3.11 of the Farm Credit Act of 1971 (12 U.S.C. 2132) is amended—

(A) in subsection (a), in the first sentence, by striking "subsections (b) and (c) of this section" and inserting "subsection (b)";

(B) in subsection (b)—

(i) in the first sentence, by striking "district"; and

(ii) in the second sentence, by striking "Except as provided in subsection (c) below, all" and inserting "All";

(C) by striking subsection (c); and

(D) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively.

(12) Part B of title III of the Farm Credit Act of 1971 (12 U.S.C. 2141 et seq.) is amended in the part heading by striking "UNITED AND".

(13) Section 3.20 of the Farm Credit Act of 1971 (12 U.S.C. 2141) is amended—

(A) in subsection (a), by striking "or the United Bank for Cooperatives, as the case may be"; and

(B) in subsection (b), by striking "the district banks for cooperatives and the Central Bank for Cooperatives" and inserting "the constituent banks described in section 413(b) of the Agricultural Credit Act of 1987 (12 U.S.C. 2121 note; Public Law 100–233)".

(14) Section 3.21 of the Farm Credit Act of 1971 (12 U.S.C. 2142) is repealed.

(15) Section 3.28 of the Farm Credit Act of 1971 (12 U.S.C. 2149) is amended by striking "a district bank for cooperatives and the Central Bank for Cooperatives" and inserting "the constituent banks described in section 413(b) of the Agricultural Credit Act of 1987 (12 U.S.C. 2121 note; Public Law 100–233)".

(16) Section 3.29 of the Farm Credit Act of 1971 (12 U.S.C. 2149a) is repealed.

(17) Section 4.0 of the Farm Credit Act of 1971 (12 U.S.C. 2151) is repealed.

(18) Section 4.8 of the Farm Credit Act of 1971 (12 U.S.C. 2159) is amended—

(A) by striking the section designation and heading and all that follows through "Each bank" in subsection (a) and inserting the following:

"SEC. 4.8. PURCHASE AND SALE OF OBLIGATIONS.

"Each bank"; and

(B) by striking subsection (b).

(19) Section 4.9 of the Farm Credit Act of 1971 (12 U.S.C. 2160) is amended—

(A) in subsection (d)—

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

"(3) REPRESENTATION OF BOARD.—The Farm Credit System Insurance Corporation shall not have representation on the board of directors of the Corporation.";

(ii) in the undesignated matter following paragraph (1)(D), by striking "In selecting" and inserting the following:

"(2) CONSIDERATIONS.—In selecting"; and

(iii) in paragraph (2) (as so designated), by inserting "of paragraph (1)" after "(A) and (B)";

(B) by striking subsection (e); and

(C) by redesignating subsection (f) as subsection (e).

(20) Section 4.9A(c) of the Farm Credit Act of 1971 (12 U.S.C. 2162(c)) is amended—

(A) by striking "institution, and—" in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting "institution.";

(B) by striking "If an institution" and inserting the following:

"(1) IN GENERAL.—If an institution";

(C) in paragraph (1) (as so designated), by striking "the receiver of the institution" and inserting "the Farm Credit System Insurance Corporation, acting as receiver,"; and

(D) by adding at the end the following:

"(2) FUNDING.—The Farm Credit System Insurance Corporation shall use such funds from the Farm Credit Insurance Fund as are sufficient to carry out this section.".

(21) Section 4.12A(a) of the Farm Credit Act of 1971 (12 U.S.C. 2184(a)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A Farm Credit System bank or association shall provide to a stockholder of the bank or association a current list of stockholders of the bank or association not later than 7 calendar days after the date on which the bank or association receives a written request for the stockholder list from the stockholder.".

(22) Section 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2202a) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting "and section 4.36" before the colon at the end; and

(ii) in paragraph (5)(B)(ii)(I), by striking "4.14C,";

(B) by striking subsection (h);

(C) by redesignating subsections (i) through (l) as subsections (h) through (k), respectively; and

(D) in subsection (k) (as so redesignated), by striking "production credit".

(23) Section 4.14C of the Farm Credit Act of 1971 (12 U.S.C. 2202c) is repealed.

(24) Section 4.17 of the Farm Credit Act of 1971 (12 U.S.C. 2205) is amended in the third sentence by striking "Federal intermediate credit banks and".

(25) Section 4.19(a) of the Farm Credit Act of 1971 (12 U.S.C. 2207(a)) is amended—

(A) in the first sentence—

(i) by striking "district"; and

(ii) by striking "Federal land bank association and production credit"; and

(B) in the second sentence, by striking "units" and inserting "institutions".

(26) Section 4.38 of the Farm Credit Act of 1971 (12 U.S.C. 2219c) is amended by striking "The Assistance Board established under section 6.0 and all" and inserting "All".

(27) Section 4.39 of the Farm Credit Act of 1971 (12 U.S.C. 2219d) is amended by striking "8.0(7))" and inserting "8.0)".

(28) Section 5.16 of the Farm Credit Act of 1971 (12 U.S.C. 2251) is amended in the undesignated matter following paragraph (5) of subsection (b) (as designated by section 5405)—

(A) in the fifth sentence, by striking "In actions undertaken by the banks pursuant to the foregoing provisions of this section" and inserting the following:

"(5) AGENT FOR BANKS.—In actions undertaken by the banks pursuant to this section";

(B) in the fourth sentence, by striking "The plans" and inserting the following:

"(4) APPROVAL OF BOARD.—The plans";

(C) in the third sentence, by striking "The powers" and inserting the following:

"(3) POWERS OF BANKS.—The powers";

(D) in the second sentence, by striking "Such advances" and inserting the following:

"(2) ADVANCES.—The advances of funds described in paragraph (1)"; and

(E) in the first sentence, by striking "The Board" and inserting the following:

"(c) FINANCING.—

"(1) IN GENERAL.—The Board".

(29) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended by striking the second and third sentences.

(30) Section 5.18 of the Farm Credit Act of 1971 (12 U.S.C. 2253) is repealed.

(31) Section 5.19 of the Farm Credit Act of 1971 (12 U.S.C. 2254) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "Except for Federal land bank associations, each" and inserting "Each"; and

(ii) by striking the second sentence; and

(B) in subsection (b)—

(i) by striking "(b)(1) Each" and inserting "(b) Each";

(ii) in the matter preceding paragraph (2) (as so designated)—

(I) in the second sentence, by striking ", except with respect to any actions taken by any banks of the System under section 4.8(b),"; and

(II) by striking the third sentence; and

(iii) by striking paragraphs (2) and (3).

(32) Section 5.31 of the Farm Credit Act of 1971 (12 U.S.C. 2267) is amended in the second sentence by striking "4.14A(i)" and inserting "4.14A(h)".

(33) Section 5.32(h) of the Farm Credit Act of 1971 (12 U.S.C. 2268(h)) is amended by striking "4.14A(i)" and inserting "4.14A(h)".

(34) Section 5.35 of the Farm Credit Act of 1971 (12 U.S.C. 2271) is amended in paragraph (5) (as redesignated by section 5408(2))—

(A) in subparagraph (A), by adding "and" at the end;

(B) by striking subparagraph (B);

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

(D) in subparagraph (B) (as so redesignated)—

(i) by striking "after December 31, 1992,"; and

(ii) by striking "by the Farm Credit System Assistance Board under section 6.6 or".

(35) Section 5.38 of the Farm Credit Act of 1971 (12 U.S.C. 2274) is amended by striking "a farm" and all that follows through "land bank" and inserting "a Farm Credit Bank board, officer, or employee shall not remove any director or officer of any".

(36) Section 5.44 of the Farm Credit Act of 1971 (12 U.S.C. 2275) is repealed.

(37) Section 5.58(2) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–7(2)) is amended by striking the second sentence.

(38) Section 5.60 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–9) is amended—

(A) in subsection (b), by striking the subsection designation and heading and all that follows through "The Corporation" in paragraph (2) and inserting the following: "(b) AMOUNTS IN FUND.—The Corporation"; and

(B) in subsection (c)(2), by striking "Insurance Fund to—" in the matter preceding subparagraph (A) and all that follows through "ensure" in subparagraph (B) and inserting "Insurance Fund to ensure".

(39) Title VI of the Farm Credit Act of 1971 (12 U.S.C. 2278a et seq.) is repealed.

12 USC 2278a—2278a–13, 2278b–2—2278b–11.

(40) Section 7.9 of the Farm Credit Act of 1971 (12 U.S.C. 2279c–2) is amended by striking subsection (c).

(41) Section 7.10(a) of the Farm Credit Act of 1971 (12 U.S.C. 2279d(a)) is amended by striking paragraph (4) and inserting the following:

"(4) the institution pays to the Farm Credit Insurance Fund the amount by which the total capital of the institution exceeds 6 percent of the assets;".

(42) Section 8.0 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa) is amended—

(A) in paragraph (2), by striking "means—" in the matter preceding subparagraph (A) and all that follows through the period at the end of the undesignated matter

following subparagraph (B) and inserting "means the board of directors established under section 8.2.";

(B) by striking paragraphs (6) and (8);

(C) by redesignating paragraphs (7), (9), and (10) as paragraphs (6), (7), and (8), respectively; and

(D) in subparagraph (B)(i) of paragraph (7) (as so redesignated), by striking "(b) through (d)" and inserting "(b) and (c)".

(43) Section 8.2 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–2) is amended—

(A) by striking subsection (a);

(B) in subsection (b), by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Corporation shall be under the management of the board of directors.";

(C) in subsection (a) (as so designated)—

(i) by striking "permanent board" each place it appears and inserting "Board";

(ii) by striking paragraph (3);

(iii) by redesignating paragraphs (4) through (10) as paragraphs (3) through (9), respectively; and

(iv) in paragraph (3)(A) (as so redesignated), by striking "(6)" and inserting "(5)"; and

(D) by redesignating subsection (c) as subsection (b).

(44) Section 8.4(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–4(a)(1)) is amended—

(A) in the sixth sentence—

(i) by striking "Class B" and inserting the following:

"(iii) CLASS B STOCK.—Class B"; and

(ii) by striking "8.2(b)(2)(B)" and inserting "8.2(a)(2)(B)";

(B) in the fifth sentence—

(i) by striking "Class A" and inserting the following:

"(ii) CLASS A STOCK.—Class A"; and

(ii) by striking "8.2(b)(2)(A)" and inserting "8.2(a)(2)(A)";

(C) in the fourth sentence, by striking "The stock" and inserting the following:

"(D) CLASSES OF STOCK.—

"(i) IN GENERAL.—The stock";

(D) by striking the third sentence and inserting the following:

"(C) OFFERS.—

"(i) IN GENERAL.—The Board shall offer the voting common stock to banks, other financial institutions, insurance companies, and System institutions under such terms and conditions as the Board may adopt.

"(ii) REQUIREMENTS.—The voting common stock shall be fairly and broadly offered to ensure that—

"(I) no institution or institutions acquire a disproportionate share of the total quantity of the

voting common stock outstanding of a class of stock; and

"(II) capital contributions and issuances of voting common stock for the contributions are fairly distributed between entities eligible to hold class A stock and class B stock.";

(E) in the second sentence, by striking "Each share" and inserting the following:

"(B) NUMBER OF VOTES.—Each share"; and

(F) in the first sentence, by striking "The Corporation" and inserting the following:

"(A) IN GENERAL.—The Corporation".

(45) Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–6) is amended—

(A) by striking subsection (d);

(B) by redesignating subsection (e) as subsection (d); and

(C) in paragraph (2) of subsection (d) (as so redesignated), by striking "8.0(9))" and inserting "8.0)".

(46) Section 8.9 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–9) is amended by striking "4.14C," each place it appears.

(47) Section 8.11(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–11(e)) is amended by striking "8.0(7))" and inserting "8.0)".

(48) Section 8.32(a) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–1(a)) is amended—

(A) in the first sentence of the matter preceding paragraph (1), by striking "Not sooner than the expiration of the 3-year period beginning on the date of enactment of the Farm Credit System Reform Act of 1996, the" and inserting "The"; and

(B) in paragraph (1)(B), by striking "8.0(9)(C)" and inserting "8.0(7)(C)".

(49) Section 8.33(b)(2)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–2(b)(2)(A)) is amended by striking "8.6(e)" and inserting "8.6(d)".

(50) Section 8.35 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–4) is amended by striking subsection (e).

(51) Section 8.38 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb–7) is repealed.

(52) Section 4 of the Agricultural Marketing Act (12 U.S.C. 1141b) is repealed.

(53) Section 5 of the Agricultural Marketing Act (12 U.S.C. 1141c) is repealed.

(54) Section 6 of the Agricultural Marketing Act (12 U.S.C. 1141d) is repealed.

(55) Section 7 of the Agricultural Marketing Act (12 U.S.C. 1141e) is repealed.

(56) Section 8 of the Agricultural Marketing Act (12 U.S.C. 1141f) is repealed.

(57) Section 14 of the Agricultural Marketing Act (12 U.S.C. 1141i) is repealed.

(58) The Act of June 22, 1939 (53 Stat. 853, chapter 239; 12 U.S.C. 1141d–1), is repealed.

(59) Section 201(e) of the Emergency Relief and Construction Act of 1932 (12 U.S.C. 1148) is repealed.

(60) Section 2 of the Act of July 14, 1953 (67 Stat. 150, chapter 192; 12 U.S.C. 1148a–4), is repealed.

(61) Section 32 of the Farm Credit Act of 1937 (12 U.S.C. 1148b) is repealed.

(62) Section 33 of the Farm Credit Act of 1937 (12 U.S.C. 1148c) is repealed.

(63) Section 34 of the Farm Credit Act of 1937 (12 U.S.C. 1148d) is repealed.

(64) The Joint Resolution of March 3, 1932 (47 Stat. 60, chapter 70; 12 U.S.C. 1401 et seq.), is repealed.

12 USC 2277a–10c.

SEC. 5412. CORPORATION AS CONSERVATOR OR RECEIVER; CERTAIN OTHER POWERS.

Part E of title V of the Farm Credit Act of 1971 is amended by inserting after section 5.61B (12 U.S.C. 2277a–10b) the following:

"SEC. 5.61C. CORPORATION AS CONSERVATOR OR RECEIVER; CERTAIN OTHER POWERS.

"(a) DEFINITION OF INSTITUTION.—In this section, the term 'institution' includes any System institution for which the Corporation has been appointed as conservator or receiver.

"(b) CERTAIN POWERS AND DUTIES OF CORPORATION AS CONSERVATOR OR RECEIVER.—In addition to the powers inherent in the express grant of corporate authority under section 5.58(9), and other powers exercised by the Corporation under this part, the Corporation shall have the following express powers to act as a conservator or receiver:

"(1) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such regulations as the Corporation determines to be appropriate regarding the conduct of conservatorships or receiverships.

"(2) GENERAL POWERS.—

"(A) SUCCESSOR TO SYSTEM INSTITUTION.—The Corporation shall, as conservator or receiver, and by operation of law, succeed to—

"(i) all rights, titles, powers, and privileges of the System institution, and of any stockholder, member, officer, or director of such System institution with respect to the System institution and the assets of the System institution; and

"(ii) title to the books, records, and assets of any previous conservator or other legal custodian of such System institution.

"(B) OPERATE THE SYSTEM INSTITUTION.—The Corporation may, as conservator or receiver—

"(i) take over the assets of and operate the System institution with all the powers of the stockholders or members, the directors, and the officers of the System institution and conduct all business of the System institution;

"(ii) collect all obligations and money due the System institution;

"(iii) perform all functions of the System institution in the name of the System institution which are consistent with the appointment as conservator or receiver;

"(iv) preserve and conserve the assets and property of such System institution; and

"(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Corporation as conservator or receiver.

"(C) FUNCTIONS OF SYSTEM INSTITUTION'S OFFICERS, DIRECTORS, MEMBERS, AND STOCKHOLDERS.—The Corporation may, by regulation or order, provide for the exercise of any function by any stockholder, member, director, or officer of any System institution for which the Corporation has been appointed conservator or receiver.

"(D) POWERS AS CONSERVATOR.—Subject to any Farm Credit Administration approvals required under this Act, the Corporation may, as conservator, take such action as may be—

"(i) necessary to put the System institution in a sound and solvent condition; and

"(ii) appropriate to carry on the business of the System institution and preserve and conserve the assets and property of the System institution.

"(E) ADDITIONAL POWERS AS RECEIVER.—The Corporation may, as receiver, liquidate the System institution and proceed to realize upon the assets of the System institution, in such manner as the Corporation determines to be appropriate.

"(F) ORGANIZATION OF NEW SYSTEM BANK.—The Corporation may, as receiver with respect to any System bank, organize a bridge System bank under subsection (h).

"(G) MERGER; TRANSFER OF ASSETS AND LIABILITIES.—

"(i) IN GENERAL.—Subject to clause (ii), the Corporation may, as conservator or receiver—

"(I) merge the System institution with another System institution; and

"(II) transfer or sell any asset or liability of the System institution in default without any approval, assignment, or consent with respect to such transfer.

"(ii) APPROVAL.—No merger or transfer under clause (i) may be made to another System institution (other than a bridge System bank under subsection (h)) without the approval of the Farm Credit Administration.

"(H) PAYMENT OF VALID OBLIGATIONS.—The Corporation, as conservator or receiver, shall, to the extent that proceeds are realized from the performance of contracts or the sale of the assets of a System institution, pay all valid obligations of the System institution in accordance with the prescriptions and limitations of this section.

"(I) INCIDENTAL POWERS.—

"(i) IN GENERAL.—The Corporation may, as conservator or receiver—

"(I) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section and such incidental powers as shall be necessary to carry out such powers; and

"(II) take any action authorized by this section, which the Corporation determines is in the best interests of—

"(aa) the System institution in receivership or conservatorship;

"(bb) System institutions;

"(cc) System institution stockholders or investors; or

"(dd) the Corporation.

"(ii) TERMINATION OF RIGHTS AND CLAIMS.—

"(I) IN GENERAL.—Except as provided in subclause (II), notwithstanding any other provision of law, the appointment of the Corporation as receiver for a System institution and the succession of the Corporation, by operation of law, to the rights, titles, powers, and privileges described in subparagraph (A) shall terminate all rights and claims that the stockholders and creditors of the System institution may have, arising as a result of their status as stockholders or creditors, against the assets or charter of the System institution or the Corporation.

"(II) EXCEPTIONS.—Subclause (I) shall not terminate the right to payment, resolution, or other satisfaction of the claims of stockholders and creditors described in that subclause, as permitted under paragraphs (10) and (11) and subsection (d).

"(iii) CHARTER.—Notwithstanding any other provision of law, for purposes of this section, the charter of a System institution shall not be considered to be an asset of the System institution.

"(J) UTILIZATION OF PRIVATE SECTOR.—In carrying out its responsibilities in the management and disposition of assets from System institutions, as conservator, receiver, or in its corporate capacity, the Corporation may utilize the services of private persons, including real estate and loan portfolio asset management, property management, auction marketing, legal, and brokerage services, if the Corporation determines utilization of such services is practicable, efficient, and cost effective.

"(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

"(A) IN GENERAL.—The Corporation may, as receiver, determine claims in accordance with the requirements of this subsection and regulations prescribed under paragraph (4).

"(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed System institution, shall—

"(i) promptly publish a notice to the System institution's creditors to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

"(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

"(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph

(B)(i) at the time of such publication to any creditor shown on the System institution's books—

"(i) at the creditor's last address appearing in such books; or

"(ii) upon discovery of the name and address of a claimant not appearing on the System institution's books within 30 days after the discovery of such name and address.

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—The Corporation may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

"(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

"(A) DETERMINATION PERIOD.—

"(i) IN GENERAL.—Before the end of the 180-day period beginning on the date any claim against a System institution is filed with the Corporation as receiver, the Corporation shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

"(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Corporation.

"(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

"(I) on the System institution's books;

"(II) in the claim filed by the claimant; or

"(III) in documents submitted in proof of the claim.

"(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

"(I) a statement of each reason for the disallowance; and

"(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

"(B) ALLOWANCE OF PROVEN CLAIMS.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

"(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—

"(i) IN GENERAL.—Except as provided in clause (ii), claims filed after the date specified in the notice published under paragraph (3)(B)(i) shall be disallowed and such disallowance shall be final.

"(ii) CERTAIN EXCEPTIONS.—Clause (i) shall not apply with respect to any claim filed by any claimant after the date specified in the notice published under paragraph (3)(B)(i) and such claim may be considered by the receiver if—

"(I) the claimant did not receive notice of the appointment of the receiver in time to file such claim before such date; and

"(II) such claim is filed in time to permit payment of such claim.

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a System institution which is secured by any property or other asset of such System institution, any receiver appointed for any System institution—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the System institution; and

"(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the System institution.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

"(I) any extension of credit from any Federal Reserve bank or the United States Treasury to any System institution; or

"(II) any security interest in the assets of the System institution securing any such extension of credit.

"(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the Corporation's determination pursuant to subparagraph (D) to disallow a claim.

"(F) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (12) and the determination of claims by a receiver, the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the appointment of the receiver.

"(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—Before the end of the 60-day period beginning on the earlier of—

"(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a System institution for which the Corporation is receiver; or

"(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i),

the claimant may request administrative review of the claim in accordance with paragraph (7) or file suit on such claim (or continue an action commenced before the

appointment of the receiver) in the district or territorial court of the United States for the district within which the System institution's principal place of business is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim).

"(B) STATUTE OF LIMITATIONS.—If any claimant fails to file suit on such claim (or continue an action commenced before the appointment of the receiver), before the end of the 60-day period described in subparagraph (A), the claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver) as of the end of such period, such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(7) REVIEW OF CLAIMS; ADMINISTRATIVE HEARING.—If any claimant requests review under this paragraph in lieu of filing or continuing any action under paragraph (6) and the Corporation agrees to such request, the Corporation shall consider the claim after opportunity for a hearing on the record. The final determination of the Corporation with respect to such claim shall be subject to judicial review under chapter 7 of title 5, United States Code.

"(8) EXPEDITED DETERMINATION OF CLAIMS.—

"(A) ESTABLISHMENT REQUIRED.—The Corporation shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

"(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any System institution for which the Corporation has been appointed receiver; and

"(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

"(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established pursuant to subparagraph (A), the Corporation shall—

"(i) determine—

"(I) whether to allow or disallow such claim; or

"(II) whether such claim should be determined pursuant to the procedures established pursuant to paragraph (5); and

"(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

"(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the claimant's rights with respect to such security interest after the earlier of—

"(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

"(ii) the date the Corporation denies the claim.

"(D) STATUTE OF LIMITATIONS.—If an action described in subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed in accordance with subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(E) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (12), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the appointment of the receiver.

"(9) AGREEMENT AS BASIS OF CLAIM.—

"(A) REQUIREMENTS.—Except as provided in subparagraph (B), any agreement which does not meet the requirements set forth in section 5.61(d) shall not form the basis of, or substantially comprise, a claim against the receiver or the Corporation.

"(B) EXCEPTION TO CONTEMPORANEOUS EXECUTION REQUIREMENT.—Notwithstanding section 5.61(d), any agreement relating to an extension of credit between a Federal Reserve bank or the United States Treasury and any System institution which was executed before such extension of credit to such System institution shall be treated as having been executed contemporaneously with such extension of credit for purposes of subparagraph (A).

"(10) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the receiver's discretion and to the extent funds are available from the assets of the System institution, pay creditor claims which are allowed by the receiver, approved by the Corporation pursuant to a final determination pursuant to paragraph (7) or (8), or determined by the final judgment of any court of competent jurisdiction in such manner and amounts as are authorized under this Act.

"(B) LIQUIDATION PAYMENTS.—The receiver may, in the receiver's sole discretion, pay from the assets of the System institution portions of proved claims at any time, and no liability shall attach to the Corporation (in such Corporation's corporate capacity or as receiver), by reason of any such payment, for failure to make payments to a claimant whose claim is not proved at the time of any such payment.

"(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims

against the receivership estates of System institutions following satisfaction by the receiver of the principal amount of all creditor claims.

"(11) PRIORITY OF EXPENSES AND CLAIMS.—

"(A) IN GENERAL.—Amounts realized from the liquidation or other resolution of any System institution by any receiver appointed for such System institution shall be distributed to pay claims (other than secured claims to the extent of any such security) in the following order of priority:

"(i) Administrative expenses of the receiver.

"(ii) If authorized by the Corporation, wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual—

"(I) in an amount that is not more than $11,725 for each individual (as indexed for inflation, by regulation of the Corporation); and

"(II) that is earned 180 days or fewer before the date of appointment of the Corporation as receiver.

"(iii) In the case of the resolution of a System bank, all claims of holders of consolidated and System-wide bonds and all claims of the other System banks arising from the payments of the System banks pursuant to—

"(I) section 4.4 on consolidated and System-wide bonds issued under subsection (c) or (d) of section 4.2; or

"(II) an agreement, in writing and approved by the Farm Credit Administration, among the System banks to reallocate the payments.

"(iv) In the case of the resolution of a production credit association or other association making direct loans under section 7.6, all claims of a System bank based on the financing agreement between the association and the System bank—

"(I) including interest accrued before and after the appointment of the receiver; and

"(II) not including any setoff for stock or other equity of that System bank owned by the association, on that condition that, prior to making that setoff, that System bank shall obtain the approval of the Farm Credit Administration Board for the retirement of that stock or equity.

"(v) Any general or senior liability of the System institution (which is not a liability described in clause (vi) or (vii)).

"(vi) Any obligation subordinated to general creditors (which is not an obligation described in clause (vii)).

"(vii) Any obligation to stockholders or members arising as a result of their status as stockholders or members.

"(B) PAYMENT OF CLAIMS.—

"(i) IN GENERAL.—

"(I) PAYMENT.—All claims of each priority described in clauses (i) through (vii) of subparagraph (A) shall be paid in full, or provisions shall be made for that payment, prior to the payment of any claim of a lesser priority.

"(II) INSUFFICIENT FUNDS.—If there are insufficient funds to pay in full all claims in any priority described clauses (i) through (vii) of subparagraph (A), distribution on that priority of claims shall be made on a pro rata basis.

"(ii) DISTRIBUTION OF REMAINING ASSETS.—Following the payment of all claims in accordance with subparagraph (A), the receiver shall distribute the remainder of the assets of the System institution to the owners of stock, participation certificates, and other equities in accordance with the priorities for impairment under the bylaws of the System institution.

"(iii) ELIGIBLE BORROWER STOCK.—Notwithstanding subparagraph (C) or any other provision of this section, eligible borrower stock shall be retired in accordance with section 4.9A.

"(C) EFFECT OF STATE LAW.—

"(i) IN GENERAL.—The provisions of subparagraph (A) shall not supersede the law of any State except to the extent such law is inconsistent with the provisions of such subparagraph, and then only to the extent of the inconsistency.

"(ii) PROCEDURE FOR DETERMINATION OF INCONSISTENCY.—Upon the Corporation's own motion or upon the request of any person with a claim described in subparagraph (A) or any State which is submitted to the Corporation in accordance with procedures which the Corporation shall prescribe, the Corporation shall determine whether any provision of the law of any State is inconsistent with any provision of subparagraph (A) and the extent of any such inconsistency.

"(iii) JUDICIAL REVIEW.—The final determination of the Corporation under clause (ii) shall be subject to judicial review under chapter 7 of title 5, United States Code.

"(D) ACCOUNTING REPORT.—Any distribution by the Corporation in connection with any claim described in subparagraph (A)(vii) shall be accompanied by the accounting report required under paragraph (15)(B).

"(12) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for a System institution, the conservator or receiver may request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver,

in any judicial action or proceeding to which such System institution is or becomes a party.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver pursuant to subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action

or proceeding, the court shall grant such stay as to all parties.

"(13) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Corporation shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Corporation as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Corporation as conservator or receiver shall—

"(i) have all the rights and remedies available to the System institution (before the appointment of such conservator or receiver) and the Corporation in its corporate capacity, including removal to Federal court and all appellate rights; and

"(ii) not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court on—

"(i) assets in the possession of the receiver; or

"(ii) the charter of a System institution for which the Corporation has been appointed receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any System institution for which the Corporation has been appointed receiver, including assets which the Corporation may acquire from itself as such receiver; or

"(ii) any claim relating to any act or omission of such System institution or the Corporation as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as receiver in connection with any sale or disposition of assets of any System institution for which the Corporation is acting as receiver, the Corporation shall, to the maximum extent practicable, conduct its operations in a manner which—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases;

"(iii) ensures adequate competition and fair and consistent treatment of offerors;

"(iv) prohibits discrimination on the basis of race, sex, or ethnic groups in the solicitation and consideration of offers; and

"(v) mitigates the potential for serious adverse effects to the rest of the System.

"(14) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with

regard to any action brought by the Corporation as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Corporation as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(C) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(i) IN GENERAL.—In the case of any tort claim described in clause (ii) for which the statute of limitation applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Corporation as conservator or receiver, the Corporation may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the System institution.

"(15) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Corporation as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Corporation, maintain a full accounting of each conservatorship and receivership or other disposition of System institutions in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership to which the Corporation was appointed, the Corporation shall make an annual accounting or report, as appropriate, available to the Farm Credit Administration Board.

"(C) AVAILABILITY OF REPORTS.—Any report prepared pursuant to subparagraph (B) shall be made available by the Corporation upon request to any stockholder of the System institution for which the Corporation was appointed conservator or receiver or any other member of the public.

"(D) RECORDKEEPING REQUIREMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period beginning on the date the Corporation is appointed as receiver of a System institution, the Corporation may destroy any

records of such System institution which the Corporation, in the Corporation's discretion, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(ii) OLD RECORDS.—Notwithstanding clause (i), the Corporation may destroy records of a System institution which are at least 10 years old as of the date on which the Corporation is appointed as the receiver of such System institution in accordance with clause (i) at any time after such appointment is final, without regard to the 6-year period of limitation contained in clause (i).

"(16) FRAUDULENT TRANSFERS.—

"(A) IN GENERAL.—The Corporation, as conservator or receiver for any System institution, may avoid a transfer of any interest of a System institution-affiliated party, or any person who the Corporation determines is a debtor of the System institution, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Corporation was appointed conservator or receiver if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the System institution, the Farm Credit Administration, or the Corporation.

"(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the Corporation may recover, for the benefit of the System institution, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the System institution-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The Corporation may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the Corporation shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(17) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (18), any court of competent jurisdiction may, at the request of the Corporation (in the Corporation's capacity as conservator or receiver for any System institution or in the Corporation's corporate capacity with respect to any asset acquired or liability assumed by the Corporation under section 5.61), issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the

Corporation under the control of the court and appointing a trustee to hold such assets.

"(18) STANDARDS.—

"(A) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (17) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(B) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to such party's right to due process as Rule 65 (as modified with respect to such proceeding by subparagraph (A)), the relief sought by the Corporation pursuant to paragraph (17) may be requested under the laws of such State.

"(19) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for a System institution for the breach of an agreement executed or approved by such receiver or conservator after the date of its appointment shall be paid as an administrative expense of the receiver or conservator. Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including terminating, breaching, canceling, or otherwise discontinuing such agreement.

"(c) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for a System institution may disaffirm or repudiate any contract or lease—

"(A) to which such System institution is a party;

"(B) the performance of which the conservator or receiver, in the conservator's or receiver's discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in the conservator's or receiver's discretion, will promote the orderly administration of the System institution's affairs.

"(2) TIMING OF REPUDIATION.—The Corporation as conservator or receiver for any System institution shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided in subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' does not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (j), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE SYSTEM INSTITUTION IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the System institution was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined pursuant to subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which such subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease; and

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (j).

"(5) LEASES UNDER WHICH THE SYSTEM INSTITUTION IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the System institution under which the System institution is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described in subparagraph (A) remains in possession of a leasehold interest pursuant to clause (ii) of such subparagraph—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, any damages which accrue after such date due to the nonperformance of any obligation of the System institution under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract that meets the requirements of paragraphs (1) through (4) of section 5.61(d) for the sale of real property, and the purchaser of such real property under such contract is in possession and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described in subparagraph (A) remains in possession of such property pursuant to clause (ii) of such subparagraph—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the System institution under the contract; and

"(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after that date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the contract; and

"(III) have no obligation under the contract, other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described in subparagraph (A) and sell the property subject to the contract and this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described in clause (i) is consummated, the Corporation, acting as conservator or receiver, shall have no further liability under the applicable contract described in subparagraph (A) or with respect to the real property which was the subject of such contract.

"(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any System institution for which the Corporation has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (d); and

"(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described in subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to in subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver, to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(ii) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including a repurchase or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a repurchase agreement), consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I) through (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(iii) PERSON.—The term 'person'—

"(I) has the meaning given the term in section 1 of title 1, United States Code; and

"(II) includes any governmental entity.

"(iv) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Corporation determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(v) REPURCHASE AGREEMENT.—

"(I) IN GENERAL.—The term 'repurchase agreement' (including with respect to a reverse repurchase agreement)—

"(aa) means—

"(AA) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances,

securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(BB) any combination of agreements or transactions referred to in subitems (AA) and (CC);

"(CC) any option to enter into any agreement or transaction referred to in subitem (AA) or (BB);

"(DD) a master agreement that provides for an agreement or transaction referred to in subitem (AA), (BB), or (CC), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this item, except that the master agreement shall be considered to be a repurchase agreement under this item only with respect to each agreement or transaction under the master agreement that is referred to in subitem (AA), (BB), or (CC); and

"(EE) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in any of subitems (AA) through (DD), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subitem; and

"(bb) does not include any repurchase obligation under a participation in a commercial mortgage, loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term.

"(II) RELATED DEFINITION.—For purposes of subclause (I)(aa), the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

"(vi) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means—

"(aa) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests

therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not the repurchase or reverse repurchase transaction is a repurchase agreement);

"(bb) any option entered into on a national securities exchange relating to foreign currencies;

"(cc) the guarantee (including by novation) by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not the settlement is in connection with any agreement or transaction referred to in any of items (aa), (bb), and (dd) through (kk));

"(dd) any margin loan;

"(ee) any extension of credit for the clearance or settlement of securities transactions;

"(ff) any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;

"(gg) any other agreement or transaction that is similar to any agreement or transaction referred to in this subclause;

"(hh) any combination of the agreements or transactions referred to in this subclause;

"(ii) any option to enter into any agreement or transaction referred to in this subclause;

"(jj) a master agreement that provides for an agreement or transaction referred to in any of items (aa) through (ii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subclause, except that the master agreement shall be considered to be a securities contract under this subclause only with respect to each agreement or transaction under the master agreement that is referred

to in item (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), or (ii); and

"(kk) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subclause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this subclause; and

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term.

"(vii) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, that is—

"(aa) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

"(bb) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange precious metals or other commodity agreement;

"(cc) a currency swap, option, future, or forward agreement;

"(dd) an equity index or equity swap, option, future, or forward agreement;

"(ee) a debt index or debt swap, option, future, or forward agreement;

"(ff) a total return, credit spread or credit swap, option, future, or forward agreement;

"(gg) a commodity index or commodity swap, option, future, or forward agreement;

"(hh) a weather swap, option, future, or forward agreement;

"(ii) an emissions swap, option, future, or forward agreement; or

"(jj) an inflation swap, option, future, or forward agreement;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap or other derivatives markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, option or spot transaction on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or

contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in any of subclauses (I) through (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of a System institution.

"(ix) TREATMENT OF MASTER AGREEMENT AS 1 AGREEMENT.—For purposes of this subparagraph—

"(I) any master agreement for any contract or agreement described in this subparagraph (or any master agreement for such a master agreement or agreements), together with all supplements to the master agreement, shall be treated as a single agreement and a single qualified financial contact; and

"(II) if a master agreement contains provisions relating to agreements or transactions that are not qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(B) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this Act (other than subsection (b)(9) and section 5.61(d)) or any other Federal or State law, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a System institution which arises upon the appointment of the Corporation as

receiver for such System institution at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i); or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under, or in connection with, 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

"(C) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(12) shall apply in the case of any judicial action or proceeding brought against any receiver referred to in subparagraph (A), or the System institution for which such receiver was appointed, by any party to a contract or agreement described in subparagraph (B)(i) with such System institution.

"(D) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Corporation, whether acting as such or as conservator or receiver of a System institution, may not avoid any transfer of money or other property in connection with any qualified financial contract with a System institution.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a System institution if the Corporation determines that the transferee had actual intent to hinder, delay, or defraud such System institution, the creditors of such System institution, or any conservator or receiver appointed for such System institution.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than subparagraph (G), paragraph (10), subsection (b)(9), and section 5.61(d)) or any other Federal or State law, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a System institution in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i); and

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) or to disaffirm or repudiate any such contract in accordance with paragraph (1).

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) DEFINITION OF WALKAWAY CLAUSE.—In this subparagraph, the term 'walkaway clause' means any provision in a qualified financial contract that suspends, conditions, or extinguishes a payment obligation of a party, in whole or in part, or does not create a payment obligation of a party that would otherwise exist—

"(I) solely because of—

"(aa) the status of the party as a non-defaulting party in connection with the insolvency of a System institution that is a party to the contract; or

"(bb) the appointment of, or the exercise of rights or powers by, the Corporation as a conservator or receiver of the System institution; and

"(II) not as a result of the exercise by a party of any right to offset, setoff, or net obligations that exist under—

"(aa) the contract;

"(bb) any other contract between those parties; or

"(cc) applicable law.

"(ii) TREATMENT.—Notwithstanding the provisions of subparagraphs (B) and (E), no walkaway clause shall be enforceable in a qualified financial contract of a System institution in default.

"(iii) LIMITED SUSPENSION OF CERTAIN OBLIGATIONS.—In the case of a qualified financial contract referred to in clause (ii), any payment or delivery obligations otherwise due from a party pursuant to the qualified financial contract shall be suspended from the time the receiver is appointed until the earlier of—

"(I) the time such party receives notice that such contract has been transferred pursuant to subparagraph (B); or

"(II) 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver.

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the Farm Credit Administration, may prescribe regulations requiring more detailed recordkeeping by any System institution with respect to qualified financial contracts (including market valuations), only if such System institution is subject to subclause (I), (III), or (IV) of section 5.61B(a)(1)(A)(ii).

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) CLEARING ORGANIZATION.—The term 'clearing organization' has the meaning given the term in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402).

"(ii) FINANCIAL INSTITUTION.—The term 'financial institution' means a System institution, a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution.

"(B) REQUIREMENT.—In making any transfer of assets or liabilities of a System institution in default which includes any qualified financial contract, the conservator or receiver for such System institution shall either—

"(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or that is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the System institution in default;

"(II) all claims of such person or any affiliate of such person against such System institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such System institution);

"(III) all claims of such System institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(C) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (B)(i), the conservator or receiver for the System institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(D) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (B)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(10) NOTIFICATION OF TRANSFER.—

"(A) DEFINITION OF BUSINESS DAY.—In this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(B) NOTIFICATION.—If—

"(i) the conservator or receiver for a System institution in default makes any transfer of the assets and liabilities of such System institution; and

"(ii) the transfer includes any qualified financial contract, the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

"(C) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a System institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(B) of this subsection, solely by reason of or incidental to the appointment of a receiver for the System institution (or the insolvency or financial condition of the System institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(B).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a System institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection, solely by reason of or incidental to the appointment of a conservator for the System institution (or the insolvency or financial condition of the System institution for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of a System institution shall be deemed to have notified a person who is a party to a qualified financial contract with such System institution if the Corporation has taken

steps reasonably calculated to provide notice to such person by the time specified in subparagraph (B).

"(D) TREATMENT OF BRIDGE SYSTEM INSTITUTIONS.—The following System institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge System bank.

"(ii) A System institution organized by the Corporation or the Farm Credit Administration, for which a conservator is appointed either—

"(I) immediately upon the organization of the System institution; or

"(II) at the time of a purchase and assumption transaction between the System institution and the Corporation as receiver for a System institution in default.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a System institution is a party, the conservator or receiver for such System institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the System institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any System institution except where such an interest is taken in contemplation of the System institution's insolvency or with the intent to hinder, delay, or defraud the System institution or the creditors of such System institution.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—The conservator or receiver may enforce any contract, other than a director's or officer's liability insurance contract or a System institution bond, entered into by the System institution notwithstanding any provision of the contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of or the exercise of rights or powers by a conservator or receiver.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or institution bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided by this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the System institution is a party, or to obtain possession of or exercise control over any property of the System institution or affect any contractual rights of the System institution, without the consent of the conservator or receiver, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator, or during the 90-day period beginning on the date of the appointment of the receiver, as applicable.

"(ii) CERTAIN EXCEPTIONS.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or an institution bond, to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or shall be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contract.

"(14) EXCEPTION FOR FEDERAL RESERVE AND THE UNITED STATES TREASURY.—No provision of this subsection shall apply with respect to—

"(A) any extension of credit from any Federal Reserve bank or the United States Treasury to any System institution; or

"(B) any security interest in the assets of the System institution securing any such extension of credit.

"(15) SAVINGS CLAUSE.—The meanings of terms used in this subsection—

"(A) are applicable for purposes of this subsection only; and

"(B) shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other law, regulation, or rule, including—

"(i) the Gramm-Leach-Bliley Act (12 U.S.C. 1811 note; Public Law 106–102);

"(ii) the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.);

"(iii) the securities laws (as that term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); and

"(iv) the Commodity Exchange Act (7 U.S.C. 1 et seq.).

"(d) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State and regardless of the method which the Corporation determines to utilize with respect to a System institution in default or in danger of default, including transactions authorized under subsection (h) and section 5.61(a), this subsection shall govern the rights of the creditors of such System institution.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Corporation, acting as receiver or in any other capacity, to any person having a claim against the receiver or the System institution for which such receiver is appointed shall equal

the amount such claimant would have received if the Corporation had liquidated the assets and liabilities of such System institution without exercising the Corporation's authority under subsection (h) or section 5.61(a).

"(3) ADDITIONAL PAYMENTS AUTHORIZED.—

"(A) IN GENERAL.—The Corporation may, in its discretion and in the interests of minimizing its losses, use its own resources to make additional payments or credit additional amounts to or with respect to or for the account of any claimant or category of claimants. Notwithstanding any other provision of Federal or State law, or the constitution of any State, the Corporation shall not be obligated, as a result of having made any such payment or credited any such amount to or with respect to or for the account of any claimant or category of claimants, to make payments to any other claimant or category of claimants.

"(B) MANNER OF PAYMENT.—The Corporation may make the payments or credit the amounts specified in subparagraph (A) directly to the claimants or may make such payments or credit such amounts to an open System institution to induce such System institution to accept liability for such claims.

"(e) LIMITATION ON COURT ACTION.—Except as provided in this section, no court may take any action, except at the written request of the Board of Directors, to restrain or affect the exercise of powers or functions of the Corporation as a conservator or a receiver.

"(f) LIABILITY OF DIRECTORS AND OFFICERS.—

"(1) IN GENERAL.—A director or officer of a System institution may be held personally liable for monetary damages in any civil action—

"(A) brought by, on behalf of, or at the request or direction of the Corporation;

"(B) prosecuted wholly or partially for the benefit of the Corporation—

"(i) acting as conservator or receiver of that System institution;

"(ii) acting based on a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by that receiver or conservator; or

"(iii) acting based on a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed in whole or in part by a System institution or an affiliate of a System institution in connection with assistance provided under section 5.61(a); and

"(C) for, as determined under the applicable State law—

"(i) gross negligence; or

"(ii) any similar conduct, including conduct that demonstrates a greater disregard of a duty of care than gross negligence, such as intentional tortious conduct.

"(2) EFFECT.—Nothing in paragraph (1) impairs or affects any right of the Corporation under any other applicable law.

"(g) DAMAGES.—In any proceeding related to any claim against a System institution's director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing

services to a System institution, recoverable damages determined to result from the improvident or otherwise improper use or investment of any System institution's assets shall include principal losses and appropriate interest.

"(h) BRIDGE FARM CREDIT SYSTEM BANKS.—

"(1) ORGANIZATION.—

"(A) PURPOSE.—

"(i) IN GENERAL.—When 1 or more System banks are in default, or when the Corporation anticipates that 1 or more System banks may become in default, the Corporation may, in its discretion, organize, and the Farm Credit Administration may, in its discretion, charter, 1 or more System banks, with the powers and attributes of System banks, subject to the provisions of this subsection, to be referred to as 'bridge System banks'.

"(ii) INTENT OF CONGRESS.—It is the intent of the Congress that, in order to prevent unnecessary hardship or losses to the customers of any System bank in default with respect to which a bridge System bank is chartered, the Corporation should—

"(I) continue to honor commitments made by the System bank in default to creditworthy customers; and

"(II) not interrupt or terminate adequately secured loans which are transferred under this subsection and are being repaid by the debtor in accordance with the terms of the loan instrument.

"(B) AUTHORITIES.—Once chartered by the Farm Credit Administration, the bridge System bank may—

"(i) assume such liabilities of the System bank or banks in default or in danger of default as the Corporation may, in its discretion, determine to be appropriate;

"(ii) purchase such assets of the System bank or banks in default or in danger of default as the Corporation may, in its discretion, determine to be appropriate; and

"(iii) perform any other temporary function which the Corporation may, in its discretion, prescribe in accordance with this Act.

"(C) ARTICLES OF ASSOCIATION.—The articles of association and organization certificate of a bridge System bank as approved by the Corporation shall be executed by 3 representatives designated by the Corporation.

"(D) INTERIM DIRECTORS.—A bridge System bank shall have an interim board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Corporation.

"(2) CHARTERING.—

"(A) CONDITIONS.—The Farm Credit Administration may charter a bridge System bank only if the Board of Directors determines that—

"(i) the amount which is reasonably necessary to operate such bridge System bank will not exceed the amount which is reasonably necessary to save the cost of liquidating 1 or more System banks in default or

in danger of default with respect to which the bridge System bank is chartered;

"(ii) the continued operation of such System bank or banks in default or in danger of default with respect to which the bridge System bank is chartered is essential to provide adequate farm credit services in the 1 or more communities where each such System bank in default or in danger of default is or was providing those farm credit services; or

"(iii) the continued operation of such System bank or banks in default or in danger of default with respect to which the bridge System bank is chartered is in the best interest of the Farm Credit System or the public.

"(B) BRIDGE SYSTEM BANK TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A bridge System bank shall be treated as being in default at such times and for such purposes as the Corporation may, in its discretion, determine.

"(C) MANAGEMENT.—A bridge System bank, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Corporation, in consultation with the Farm Credit Administration.

"(D) BYLAWS.—The board of directors of a bridge System bank shall adopt such bylaws as may be approved by the Corporation.

"(3) TRANSFER OF ASSETS AND LIABILITIES.—

"(A) TRANSFER UPON GRANT OF CHARTER.—Upon the granting of a charter to a bridge System bank pursuant to this subsection, the Corporation, as receiver, may transfer any assets and liabilities of the System bank to the bridge System bank in accordance with paragraph (1).

"(B) SUBSEQUENT TRANSFERS.—At any time after a charter is granted to a bridge System bank, the Corporation, as receiver, may transfer any assets and liabilities of such System bank in default as the Corporation may, in its discretion, determine to be appropriate in accordance with paragraph (1).

"(C) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a System bank in default or danger of default transferred to a bridge System bank shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

"(4) POWERS OF BRIDGE SYSTEM BANKS.—Each bridge System bank chartered under this subsection shall, to the extent described in the charter of the System bank in default with respect to which the bridge System bank is chartered, have all corporate powers of, and be subject to the same provisions of law as, any System bank, except that—

"(A) the Corporation may—

"(i) remove the interim directors and directors of a bridge System bank;

"(ii) fix the compensation of members of the interim board of directors and the board of directors and senior

management, as determined by the Corporation in its discretion, of a bridge System bank; and

"(iii) waive any requirement established under Federal or State law which would otherwise be applicable with respect to directors of a bridge System bank, on the condition that the waiver of any requirement established by the Farm Credit Administration shall require the concurrence of the Farm Credit Administration;

"(B) the Corporation may indemnify the representatives for purposes of paragraph (1)(B) and the interim directors, directors, officers, employees, and agents of a bridge System bank on such terms as the Corporation determines to be appropriate;

"(C) no requirement under any provision of law relating to the capital of a System institution shall apply with respect to a bridge System bank;

"(D) the Farm Credit Administration Board may establish a limitation on the extent to which any person may become indebted to a bridge System bank without regard to the amount of the bridge System bank's capital or surplus;

"(E)(i) the board of directors of a bridge System bank shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Corporation; and

"(ii) the board of directors of a bridge System bank may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Corporation;

"(F) the Farm Credit Administration may waive any requirement for a fidelity bond with respect to a bridge System bank at the request of the Corporation;

"(G) any judicial action to which a bridge System bank becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a System bank in default shall be stayed from further proceedings for a period of up to 45 days at the request of the bridge System bank;

"(H) no agreement which tends to diminish or defeat the right, title or interest of a bridge System bank in any asset of a System bank in default acquired by it shall be valid against the bridge System bank unless such agreement—

"(i) is in writing;

"(ii) was executed by such System bank in default and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by such System bank in default;

"(iii) was approved by the board of directors of such System bank in default or its loan committee, which approval shall be reflected in the minutes of said board or committee; and

"(iv) has been, continuously from the time of its execution, an official record of such System bank in default;

"(I) notwithstanding subsection 5.61(d)(2), any agreement relating to an extension of credit between a System bank, Federal Reserve bank, or the United States Treasury and any System institution which was executed before the extension of credit by such lender to such System institution shall be treated as having been executed contemporaneously with such extension of credit for purposes of subparagraph (H); and

"(J) except with the prior approval of the Corporation and the concurrence of the Farm Credit Administration, a bridge System bank may not, in any transaction or series of transactions, issue capital stock or be a party to any merger, consolidation, disposition of substantially all of the assets or liabilities of the bridge System bank, sale or exchange of capital stock, or similar transaction, or change its charter.

"(5) CAPITAL.—

"(A) NO CAPITAL REQUIRED.—The Corporation shall not be required to—

"(i) issue any capital stock on behalf of a bridge System bank chartered under this subsection; or

"(ii) purchase any capital stock of a bridge System bank, except that notwithstanding any other provision of Federal or State law, the Corporation may purchase and retain capital stock of a bridge System bank in such amounts and on such terms as the Corporation, in its discretion, determines to be appropriate.

"(B) OPERATING FUNDS IN LIEU OF CAPITAL.—Upon the organization of a bridge System bank, and thereafter, as the Corporation may, in its discretion, determine to be necessary or advisable, the Corporation may make available to the bridge System bank, upon such terms and conditions and in such form and amounts as the Corporation may in its discretion determine, funds for the operation of the bridge System bank in lieu of capital.

"(C) AUTHORITY TO ISSUE CAPITAL STOCK.—Whenever the Farm Credit Administration Board determines it is advisable to do so, the Corporation shall cause capital stock of a bridge System bank to be issued and offered for sale in such amounts and on such terms and conditions as the Corporation may, in its discretion, determine.

"(6) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(C), interim directors, directors, officers, employees, or agents of a bridge System bank are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Corporation, the Farm Credit Administration, or any Federal instrumentality who serves at the request of the Corporation as a representative for purposes of paragraph (1)(C), interim director, director, officer, employee, or agent of a bridge System bank shall not—

"(A) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of any provision of law; or

"(B) receive any salary or benefits for service in any such capacity with respect to a bridge System bank in addition to such salary or benefits as are obtained through employment with the Corporation or such Federal instrumentality.

"(7) ASSISTANCE AUTHORIZED.—The Corporation may, in its discretion, provide assistance under section 5.61(a) to facilitate any merger or consolidation of a bridge System bank in the same manner and to the same extent as such assistance may be provided to a qualifying insured System bank (as defined in section 5.61(a)(2)(B)) or to facilitate a bridge System bank's acquisition of any assets or the assumption of any liabilities of a System bank in default or in danger of default.

"(8) DURATION OF BRIDGE SYSTEM BANKS.—Subject to paragraphs (10) and (11), the status of a bridge System bank as such shall terminate at the end of the 2-year period following the date it was granted a charter. The Farm Credit Administration Board may, in its discretion, extend the status of the bridge System bank as such for 3 additional 1-year periods.

"(9) TERMINATION OF BRIDGE SYSTEM BANKS STATUS.—The status of any bridge System bank as such shall terminate upon the earliest of—

"(A) the merger or consolidation of the bridge System bank with a System institution that is not a bridge System bank, on the condition that the merger or consolidation shall be subject to the approval of the Farm Credit Administration;

"(B) at the election of the Corporation and with the approval of the Farm Credit Administration, the sale of a majority or all of the capital stock of the bridge System bank to a System institution or another bridge System bank;

"(C) at the election of the Corporation, and with the approval of the Farm Credit Administration, either the assumption of all or substantially all of the liabilities of the bridge System bank, or the acquisition of all or substantially all of the assets of the bridge System bank, by a System institution that is not a bridge System bank or other entity as permitted under applicable law; and

"(D) the expiration of the period provided in paragraph (8), or the earlier dissolution of the bridge System bank as provided in paragraph (11).

"(10) EFFECT OF TERMINATION EVENTS.—

"(A) MERGER OR CONSOLIDATION.—A bridge System bank that participates in a merger or consolidation as provided in paragraph (9)(A) shall be for all purposes a System institution, with all the rights, powers, and privileges thereof, and such merger or consolidation shall be conducted in accordance with, and shall have the effect provided in, the provisions of applicable law.

"(B) CHARTER CONVERSION.—Following the sale of a majority or all of the capital stock of the bridge System bank as provided in paragraph (9)(B), the Farm Credit Administration Board may amend the charter of the bridge System bank to reflect the termination of the status of the bridge System bank as such, whereupon the System bank shall remain a System bank, with all of the rights,

powers, and privileges thereof, subject to all laws and regulations applicable thereto.

"(C) ASSUMPTION OF LIABILITIES AND SALE OF ASSETS.—Following the assumption of all or substantially all of the liabilities of the bridge System bank, or the sale of all or substantially all of the assets of the bridge System bank, as provided in paragraph (9)(C), at the election of the Corporation, the bridge System bank may retain its status as such for the period provided in paragraph (8).

"(D) AMENDMENTS TO CHARTER.—Following the consummation of a transaction described in subparagraph (A), (B), or (C) of paragraph (9), the charter of the resulting System institution shall be amended by the Farm Credit Administration to reflect the termination of bridge System bank status, if appropriate.

"(11) DISSOLUTION OF BRIDGE SYSTEM BANK.—

"(A) IN GENERAL.—Notwithstanding any other provision of State or Federal law, if the bridge System bank's status as such has not previously been terminated by the occurrence of an event specified in subparagraph (A), (B), or (C) of paragraph (9)—

"(i) the Corporation, after consultation with the Farm Credit Administration, may, in its discretion, dissolve a bridge System bank in accordance with this paragraph at any time; and

"(ii) the Corporation, after consultation with the Farm Credit Administration, shall promptly commence dissolution proceedings in accordance with this paragraph upon the expiration of the 2-year period following the date the bridge System bank was chartered, or any extension thereof, as provided in paragraph (8).

"(B) PROCEDURES.—The Farm Credit Administration Board shall appoint the Corporation as receiver for a bridge System bank upon determining to dissolve the bridge System bank. The Corporation as such receiver shall wind up the affairs of the bridge System bank in conformity with the provisions of law relating to the liquidation of closed System banks. With respect to any such bridge System bank, the Corporation as such receiver shall have all the rights, powers, and privileges and shall perform the duties related to the exercise of such rights, powers, or privileges granted by law to a receiver of any insured System bank and, notwithstanding any other provision of law in the exercise of such rights, powers, and privileges, the Corporation shall not be subject to the direction or supervision of any State agency or other Federal agency.

"(12) MULTIPLE BRIDGE SYSTEM BANKS.—The Corporation may, in the Corporation's discretion, organize, and the Farm Credit Administration may, in its discretion, charter, 2 or more bridge System banks under this subsection to assume any liabilities and purchase any assets of a single System institution in default.

"(i) CERTAIN SALES OF ASSETS PROHIBITED.—

"(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, SYSTEM INSTITUTIONS.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit

the sale of assets of a failed System institution by the Corporation to—

"(A) any person who—

"(i) has defaulted, or was a member of a partnership or an officer or director of a corporation that has defaulted, on 1 or more obligations the aggregate amount of which exceed $1,000,000, to such failed System institution;

"(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

"(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any System institution for which the Corporation has been appointed as conservator or receiver;

"(B) any person who participated, as an officer or director of such failed System institution or of any affiliate of such System institution, in a material way in transactions that resulted in a substantial loss to such failed System institution;

"(C) any person who has been removed from, or prohibited from participating in the affairs of, such failed System institution pursuant to any final enforcement action by the Farm Credit Administration;

"(D) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such failed System institution; or

"(E) any person who is in default on any loan or other extension of credit from such failed System institution which, if not paid, will cause substantial loss to the System institution or the Corporation.

"(2) DEFAULTED DEBTORS.—Except as provided in paragraph (3), any person who is in default on any loan or other extension of credit from the System institution, which, if not paid, will cause substantial loss to the System institution or the Corporation, may not purchase any asset from the conservator or receiver.

"(3) SETTLEMENT OF CLAIMS.—Paragraph (1) shall not apply to the sale or transfer by the Corporation of any asset of any System institution to any person if the sale or transfer of the asset resolves or settles, or is part of the resolution or settlement, of—

"(A) 1 or more claims that have been, or could have been, asserted by the Corporation against the person; or

"(B) obligations owed by the person to any System institution, or the Corporation.

"(4) DEFINITION OF DEFAULT.—For purposes of this subsection, the term 'default' means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon.

"(j) EXPEDITED PROCEDURES FOR CERTAIN CLAIMS.—

"(1) TIME FOR FILING NOTICE OF APPEAL.—The notice of appeal of any order, whether interlocutory or final, entered in any case brought by the Corporation against a System institution's director, officer, employee, agent, attorney, accountant, or appraiser or any other person employed by or

providing services to a System institution shall be filed not later than 30 days after the date of entry of the order. The hearing of the appeal shall be held not later than 120 days after the date of the notice of appeal. The appeal shall be decided not later than 180 days after the date of the notice of appeal.

"(2) SCHEDULING.—A court of the United States shall expedite the consideration of any case brought by the Corporation against a System institution's director, officer, employee, agent, attorney, accountant, or appraiser or any other person employed by or providing services to a System institution. As far as practicable the court shall give such case priority on its docket.

"(3) JUDICIAL DISCRETION.—The court may modify the schedule and limitations stated in paragraphs (1) and (2) in a particular case, based on a specific finding that the ends of justice that would be served by making such a modification would outweigh the best interest of the public in having the case resolved expeditiously.

"(k) BOND NOT REQUIRED; AGENTS; FEE.—The Corporation as conservator or receiver of a System institution shall not be required to furnish bond and may appoint an agent or agents to assist in its duties as such conservator or receiver. All fees, compensation, and expenses of liquidation and administration shall be fixed by the Corporation and may be paid by it out of funds coming into its possession as such conservator or receiver.

"(l) CONSULTATION REGARDING CONSERVATORSHIPS AND RECEIVERSHIPS.—To the extent practicable—

"(1) the Farm Credit Administration shall consult with the Corporation prior to taking a preresolution action concerning a System institution that may result in a conservatorship or receivership; and

"(2) the Corporation, acting in the capacity of the Corporation as a conservator or receiver, shall consult with the Farm Credit Administration prior to taking any significant action impacting System institutions or service to System borrowers.

"(m) APPLICABILITY.—This section shall become applicable with respect to the power of the Corporation to act as a conservator or receiver on the date on which the Farm Credit Administration appoints the Corporation as a conservator or receiver under section 4.12 or 8.41.".

7 USC 2008w.

SEC. 5413. REPORTING.

(a) DEFINITION OF FARM LOAN.—In this section, the term "farm loan" means—

(1) a farm ownership loan under subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.); and

(2) an operating loan under subtitle B of that Act (7 U.S.C. 1941 et seq.).

(b) REPORTS.—

(1) PREPARATION.—For each fiscal year, the Secretary shall prepare a report that includes—

(A) aggregate data based on a review of each outstanding farm loan made or guaranteed by the Secretary describing, for the United States and for each State and county in the United States—

(i) the age of the recipient producer;

(ii) the duration that the recipient producer has engaged in agricultural production;

(iii) the size of the farm or ranch of the recipient producer;

(iv) the race, ethnicity, and gender of the recipient producer;

(v) the agricultural commodity or commodities, or type of enterprise, for which the loan was secured;

(vi) the amount of the farm loan made or guaranteed;

(vii) the type of the farm loan made or guaranteed; and

(viii) the default rate of the farm loan made or guaranteed;

(B) for each State and county in the United States, data demonstrating the number of outstanding farm loans made or guaranteed, according to loan size cohort; and

(C) an assessment of actual loans made or guaranteed as measured against target participation rates for beginning and socially disadvantaged farmers, broken down by State, as described in sections 346(b)(2) and 355 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2), 2003).

(2) SUBMISSION OF REPORT.—The report described in paragraph (1) shall be—

(A) submitted—

(i) to—

(I) the Committee on Agriculture of the House of Representatives;

(II) the Committee on Appropriations of the House of Representatives;

(III) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(IV) the Committee on Appropriations of the Senate; and

(ii) not later than December 30, 2019, and annually thereafter; and

(B) made publicly available not later than 90 days after the date described in subparagraph (A)(ii).

(c) COMPREHENSIVE REVIEW.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act (and every 5 years thereafter), the Secretary shall—

(A) prepare a comprehensive review of all reports submitted under subsection (b)(2);

(B) identify trends within data outlined in subsection (b)(1), including the extent to which target annual participation rates for beginning and socially disadvantaged farmers (as defined by the Secretary) are being met for each loan type; and

(C) provide specific actions the Department will take to improve the performance of direct and guaranteed loans with respect to underserved producers and any recommendations the Secretary may make for further congressional action.

(2) SUBMISSION OF COMPREHENSIVE REVIEW.—The comprehensive review described in paragraph (1) shall be—

(A) submitted to—

(i) the Committee on Agriculture of the House of Representatives;

(ii) the Committee on Appropriations of the House of Representatives;

(iii) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(iv) the Committee on Appropriations of the Senate; and

(B) made publicly available not later than 90 days after the date of submission under subparagraph (A).

(d) PRIVACY.—In preparing any report or review under this section, the Secretary shall aggregate or de-identify the data in a manner sufficient to ensure that the identity of a recipient producer associated with the data cannot be ascertained.

SEC. 5414. STUDY ON LOAN RISK.

(a) STUDY.—The Farm Credit Administration shall conduct a study that—

(1) analyzes and compares the financial risks inherent in loans made, held, securitized, or purchased by Farm Credit banks, associations, and the Federal Agricultural Mortgage Corporation and how such risks are required to be capitalized under statute and regulations in effect as of the date of the enactment of this Act; and

(2) assesses the feasibility of increasing the acreage exception provided in section 8.8(c)(2) of the Farm Credit Act of 1971 to 2,000 acres.

(b) TIMELINE.—The Farm Credit Administration shall provide the results of the study required by subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than 180 days after the date of the enactment of this Act.

SEC. 5415. GAO REPORT ON ABILITY OF THE FARM CREDIT SYSTEM TO MEET THE AGRICULTURAL CREDIT NEEDS OF INDIAN TRIBES AND THEIR MEMBERS.

(a) IN GENERAL.—The Comptroller General of the United States shall—

(1) study the agricultural credit needs of farms, ranches, and related agricultural businesses that are owned or operated by—

(A) Indian tribes on tribal lands; or

(B) enrolled members of Indian tribes on Indian allotments; and

(2) determine whether the institutions of the Farm Credit System have sufficient authority and resources to meet the needs.

(b) DEFINITION OF INDIAN TRIBE.—In subsection (a), the term "Indian tribe" means an Indian tribal entity that is eligible for funding and services from the Bureau of Indian Affairs by virtue of the status of the entity as an Indian tribe.

(c) REPORT TO THE CONGRESS.—Within 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committees on Agriculture and on Natural Resources of the House of Representatives a written report that contains the findings of the study conducted under subsection (a). If the Comptroller General finds that the institutions

of the Farm Credit System do not have sufficient authority or resources to meet the needs referred to in subsection (a), the report shall include such legislative and other recommendations as the Comptroller General determines would result in a system under which the needs are met in an equitable and effective manner.

SEC. 5416. GAO REPORT ON CREDIT SERVICE TO SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL CREDIT PROVIDER.—The term "agricultural credit provider" means—

(A) a Farm Credit System institution;

(B) a commercial bank;

(C) the Federal Agricultural Mortgage Corporation;

(D) a life insurance company; and

(E) any other individual or entity, as determined by the Comptroller General of the United States.

(2) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term "socially disadvantaged farmer or rancher" has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

(b) STUDY.—The Comptroller General of the United States shall—

(1) conduct a study—

(A) to assess the credit and related services provided by agricultural credit providers to socially disadvantaged farmers and ranchers;

(B) to review the overall participation of socially disadvantaged farmers and ranchers in the services described in subparagraph (A); and

(C) to identify barriers that limit the availability of agricultural credit to socially disadvantaged farmers and ranchers; and

(2) provide recommendations on how agricultural credit providers may improve outreach to socially disadvantaged farmers and ranchers relating to the availability of credit and related services.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings of the study conducted under subsection (b)(1) and the recommendations described in subsection (b)(2).

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Improving Health Outcomes in Rural America

SEC. 6101. COMBATING SUBSTANCE USE DISORDER IN RURAL AMERICA; PRIORITIZATIONS.

(a) COMBATING SUBSTANCE USE DISORDER IN RURAL AMERICA.—

(1) PRIORITIZATIONS.—The Secretary shall make the following prioritizations and set asides for fiscal years 2019 through 2025:

(A) DISTANCE LEARNING AND TELEMEDICINE.—

(i) SUBSTANCE USE DISORDER SET-ASIDE.—Subject to clause (ii), the Secretary shall make available not less than 20 percent of amounts made available under section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-2) for financial assistance under chapter 1 of subtitle D of title XXIII of such Act for telemedicine projects that provide substance use disorder treatment services.

(ii) EXCEPTION.—In the case of a fiscal year for which the Secretary determines that there are not sufficient qualified applicants to receive financial assistance for projects providing substance use disorder treatment services to reach the 20-percent requirement under clause (i), the Secretary may make available less than 20 percent of amounts made available under such section 2335A for those services.

(B) COMMUNITY FACILITIES DIRECT LOANS AND GRANTS.—

(i) SUBSTANCE USE DISORDER SELECTION PRIORITY.—In selecting recipients of direct loans or grants for the development of essential community facilities under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), the Secretary shall give priority to entities eligible for those direct loans or grants—

(I) to develop facilities to provide substance use disorder (including opioid substance use disorder)—

(aa) prevention services;

(bb) treatment services;

(cc) recovery services; or

(dd) any combination of those services; and

(II) that employ staff that have appropriate expertise and training in how to identify and treat individuals with substance use disorders.

(ii) USE OF FUNDS.—An eligible entity described in clause (i) that receives a direct loan or grant described in that clause may use the direct loan or grant funds for the development of telehealth facilities and systems to provide telehealth services for substance use disorder treatment.

(C) RURAL HEALTH AND SAFETY EDUCATION PROGRAMS; SUBSTANCE USE DISORDER SELECTION PRIORITY.—In making grants under section 502(i) of the Rural Development Act of 1972 (7 U.S.C. 2662(i)), the Secretary shall give priority to an applicant that will use the grant for substance use disorder education and treatment and the prevention of substance use disorder.

(2) LIMITATION ON OTHER REPRIORITIZATIONS.—For fiscal years 2019 through 2025, the Secretary shall not make any national reprioritizations within the Rural Health and Safety Education Programs, the Community Facilities direct loan and

grant programs, or the Distance Learning and Telemedicine programs under section 608 of the Rural Development Act of 1972.

(3) TECHNICAL AMENDMENTS.—Title V of the Rural Development Act of 1972 (7 U.S.C. 2661 et seq.) is amended—

(A) in section 502, in the matter preceding subsection (a), by inserting "(referred to in this title as the 'Secretary')" after "Agriculture"; and 7 USC 2662.

(B) by striking "Secretary of Agriculture" each place it appears (other than in section 502 in the matter preceding subsection (a)) and inserting "Secretary". 7 USC 2662.

(b) TEMPORARY PRIORITIZATION OF RURAL HEALTH ASSISTANCE.—Title VI of the Rural Development Act of 1972 (7 U.S.C. 2204a–2204b) is amended by adding at the end the following:

"SEC. 608. TEMPORARY PRIORITIZATION OF RURAL HEALTH ASSISTANCE. 7 USC 2204b–2.

"(a) AUTHORITY TO TEMPORARILY PRIORITIZE CERTAIN RURAL DEVELOPMENT APPLICATIONS.—Notwithstanding any other provision of law, the Secretary, after consultation with such public health officials as may be necessary, may announce through a Federal Register notice pursuant to section 553(b)(3)(B) of title 5, United States Code, a temporary reprioritization, on a national or multistate basis, for certain rural development loan and grant applications to assist rural communities in responding to a significant public health disruption.

"(b) PUBLIC HEALTH DISRUPTION.—For the purposes of this section, the term 'public health disruption' means an unanticipated increase in mortality or morbidity in rural communities, when compared to non-rural communities, caused by identifiable events, actions, or behavioral trends, which can be remediated by the programs of the Rural Development mission area. When measuring a public health disruption, the Secretary may analyze data on a national or multi-state basis.

"(c) CONTENT OF ANNOUNCEMENT.—In the announcement, the Secretary shall—

"(1) describe the nature of the public health disruption, including the causes, effects, affected populations, and affected States;

"(2) explain how the programs of the Department of Agriculture will work in remedying the public health disruption;

"(3) identify the services, treatments, or infrastructure best suited to address the public health disruption;

"(4) establish—

"(A) the start and end dates of the reprioritization;

"(B) the programs subject to reprioritization and the modifications to the application process;

"(C) the process for making reprioritizations for applicable programs;

"(D) the amount of funds set-aside for applicable programs, except that a set-aside for such a program shall not be greater than 20 percent of the amounts appropriated for the program for the fiscal year involved; and

"(E) the region in which the reprioritization is in effect; and

"(5) instruct program administrators to implement the reprioritization during the application window or announcement after the announcement takes effect.

"(d) LIMITATIONS ON REPRIORITIZATIONS.—When announcing the reprioritization, the Secretary shall—

"(1) establish an initial total time period of less than 4 years, except as provided for in subsection (e);

"(2) implement only 1 nationally applicable reprioritization at a time;

"(3) implement only 1 regionally applicable reprioritization per State at a time; and

"(4) not use reprioritizations to allocate additional funds to an affected State.

"(e) EXTENSION.—The Secretary may extend an announcement under subsection (a) for no more than 6 years in total, except that nothing shall prevent the Secretary from renewing reprioritizations by making a new announcement under subsection (a).

"(f) RESCINDING THE ANNOUNCEMENT.—The Secretary may rescind a reprioritization announcement made under subsection (a) at any time the Secretary determines that the temporary reprioritizations are no longer needed or effective.

"(g) NOTICE.—Not later than 48 hours after making, extending, or rescinding an announcement under this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and transmit to the Secretary of Health and Human Services, a written notice of the declaration, extension, or rescission.".

SEC. 6102. DISTANCE LEARNING AND TELEMEDICINE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking "$75,000,000 for each of fiscal years 2014 through 2018" and inserting "$82,000,000 for each of fiscal years 2019 through 2023".

(b) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note) is amended by striking "2018" and inserting "2023".

SEC. 6103. REFINANCING OF CERTAIN RURAL HOSPITAL DEBT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by inserting after section 341 the following:

7 USC 1990a.

"SEC. 342. REFINANCING OF CERTAIN RURAL HOSPITAL DEBT.

"Assistance under section 306(a) for a community facility, or under section 310B, may include the refinancing of a debt obligation of a rural hospital as an eligible loan or loan guarantee purpose if the assistance would help preserve access to a health service in a rural community, meaningfully improve the financial position of the hospital, and otherwise meet the financial feasibility and adequacy of security requirements of the Rural Development Agency.".

Subtitle B—Connecting Rural Americans to High Speed Broadband

SEC. 6201. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking "provide loans and loan guarantees" and inserting "provide grants, provide loans, and provide loan guarantees";

(2) in subsection (b)(3)(A)(ii), by inserting "in the case of a grant or direct loan," before "a city";

(3) in subsection (c)—

(A) in the subsection heading, by striking "LOANS AND" and inserting "GRANTS, LOANS, AND";

(B) in paragraph (1), by striking "shall make or guarantee loans" and inserting "shall make grants, shall make loans, and shall guarantee loans";

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

"(2) PRIORITY.—

"(A) IN GENERAL.—In making grants, making loans, and guaranteeing loans under paragraph (1), the Secretary shall—

"(i) give the highest priority to applications for projects to provide broadband service to unserved rural communities that do not have any residential broadband service of at least—

"(I) a 10-Mbps downstream transmission capacity; and

"(II) a 1-Mbps upstream transmission capacity;

"(ii) give priority to applications for projects to provide the maximum level of broadband service to the greatest proportion of rural households in the proposed service area identified in the application;

"(iii) provide equal consideration to all eligible entities, including those that have not previously received grants, loans, or loan guarantees under paragraph (1); and

"(iv) with respect to 2 or more applications that are given the same priority under clause (i), give priority to an application that requests less grant funding than loan funding.

"(B) OTHER.—After giving priority to the applications described in clauses (i) and (ii) of subparagraph (A), the Secretary shall then give priority to applications—

"(i) for projects to provide broadband service to rural communities—

"(I) with a population of less than 10,000 permanent residents;

"(II) that are experiencing outmigration and have adopted a strategic community investment plan under section 379H(d) that includes considerations for improving and expanding broadband service;

"(III) with a high percentage of low income families or persons (as defined in section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471(b));

"(IV) that are isolated from other significant population centers; or

"(V) that provide rapid and expanded deployment of fixed and mobile broadband on cropland and ranchland within a service territory for use in various applications of precision agriculture; and

"(ii) that were developed with the participation of, and will receive a substantial portion of the funding for the project from, 2 or more stakeholders, including—

"(I) State, local, and tribal governments;

"(II) nonprofit institutions;

"(III) community anchor institutions, such as—

"(aa) public libraries;

"(bb) elementary schools and secondary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

"(cc) institutions of higher education; and

"(dd) health care facilities;

"(IV) private entities;

"(V) philanthropic organizations; and

"(VI) cooperatives.

"(3) GRANT AMOUNTS.—

"(A) DEFINITION OF DEVELOPMENT COSTS.—In this paragraph, the term 'development costs' means costs of—

"(i) construction, including labor and materials;

"(ii) project applications; and

"(iii) other development activities, as determined by the Secretary.

"(B) ELIGIBILITY.—To be eligible for a grant under this section, in addition to the requirements of subsection (d), the project that is the subject of the grant shall—

"(i) be carried out in a proposed service territory in which not less than 90 percent of the households are unserved; and

"(ii) not concurrently receive any other broadband grant administered by the Rural Utilities Service.

"(C) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed—

"(i) 75 percent of the total project cost with respect to an area with a density of fewer than 7 people per square mile;

"(ii) 50 percent of the total project cost with respect to an area with a density of 7 or more and fewer than 12 people per square mile; and

"(iii) 25 percent of the total project cost with respect to an area with a density of 12 or more and 20 or fewer people per square mile.

"(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may—

"(i) make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves—

"(I) an area of rural households described in paragraph (2)(A)(i); or

"(II) a rural community described in any of subclauses (I) through (IV) of paragraph (2)(B)(i); and

"(ii) make modifications of the density thresholds described in subparagraph (C), in order to ensure that funds provided under this section are best utilized to provide broadband service in communities that are the most rural in character.

"(E) APPLICATIONS.—The Secretary shall establish an application process for grants under this section that—

"(i) permits a single application for a grant and a loan under title I, II, or this title that is associated with such grant; and

"(ii) provides a single decision to award such grant and such loan.

"(F) DENSITY DETERMINATIONS.—When determining population density under this section, the Secretary shall prescribe a calculation method which—

"(i) utilizes publicly available data; and

"(ii) includes only those areas in which the applicant is able to meet the service requirements under this section, as determined by the Secretary.

"(4) FEES.—In the case of loan guarantees issued or modified under this section, the Secretary shall charge and collect from the lender fees in such amounts as to bring down the costs of subsidies for guaranteed loans, except that such fees shall not act as a bar to participation in the programs nor be inconsistent with current practices in the marketplace.";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "loan or" and inserting "grant, loan, or";

(II) by striking clause (i) and inserting the following:

"(i) demonstrate the ability to furnish or improve service in order to meet the broadband buildout requirements established under subsection (e)(4) in all or part of an unserved or underserved rural area;".

(III) in clause (ii), by striking "a loan application" and inserting "an application"; and

(IV) in clause (iii)—

(aa) by striking "service" and inserting "infrastructure";

(bb) by striking "loan" the first place it appears;

(cc) by striking "3" and inserting "5"; and

(dd) by striking "proceeds from the loan made or guaranteed under this section are" and inserting "assistance under this section is"; and

(ii) in subparagraph (B), by striking "(k)" and inserting "(j)"; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i)—

(I) by striking "the proceeds of a loan made or guaranteed" and inserting "assistance"; and

(II) by striking "for the loan or loan guarantee" and inserting "of the eligible entity"; and

(ii) in clause (i)—

(I) by striking "15 percent" and inserting "50 percent (in the case of loans or loan guarantees provided in accordance with subsection (g)(1)(A))"; and

(II) by striking "level of broadband service" and inserting "level of fixed broadband service, whether terrestrial or wireless,";

(C) in paragraph (3)(A), by striking "loan or" and inserting "grant, loan, or";

(D) in paragraph (4), by striking "a loan or loan guarantee" and inserting "assistance"; and

(E) by striking paragraphs (5) through (10) and inserting the following:

"(5) TECHNICAL ASSISTANCE AND TRAINING.—

"(A) IN GENERAL.—The Secretary may provide to eligible entities described in paragraph (1) that are applying for assistance under this section for a project described in subsection (c)(2)(A)(i) technical assistance and training—

"(i) to prepare reports and surveys necessary to request grants, loans, and loan guarantees under this section for broadband deployment;

"(ii) to improve management, including financial management, relating to the proposed broadband deployment;

"(iii) to prepare applications for grants, loans, and loan guarantees under this section; or

"(iv) to assist with other areas of need identified by the Secretary.

"(B) FUNDING.—Not less than 3 percent and not more than 5 percent of amounts appropriated to carry out this section for a fiscal year shall be used for technical assistance and training under this paragraph.";

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "4-Mbps" and inserting "25-Mbps"; and

(ii) in subparagraph (B), by striking "1-Mbps" and inserting "3-Mbps";

(B) in paragraph (2)—

(i) by—

(I) striking the following:

"(2) ADJUSTMENTS.—

"(A) IN GENERAL.—At"; and

(II) inserting the following:

"(2) ADJUSTMENTS.—At";

(ii) by inserting "and broadband buildout requirements under paragraph (4)" after "(1)"; and

(iii) by striking subparagraph (B); and

(C) by adding at the end the following:

"(4) BROADBAND BUILDOUT REQUIREMENTS.—

"(A) IN GENERAL.—The term 'broadband buildout requirement' means the level of internet service an applicant receiving assistance under this section must agree, at the time the application is finalized, to provide for the duration of any project-related agreement between the applicant and the Department.

"(B) BROADBAND BUILDOUT REQUIREMENTS FURTHER DEFINED.—Subject to subparagraph (C), the Secretary shall establish broadband buildout requirements for projects with agreement lengths of—

"(i) 5 to 10 years;

"(ii) 11 to 15 years;

"(iii) 16 to 20 years; and

"(iv) more than 20 years.

"(C) REQUIREMENTS.—In establishing the broadband buildout requirements under subparagraph (B), the Secretary shall—

"(i) utilize the same metrics used to define the minimum acceptable level of broadband service under paragraph (1);

"(ii) establish such requirements to reasonably ensure—

"(I) the repayment of all loans and loan guarantees; and

"(II) the financed network is technically capable of providing broadband service for the lifetime of any project-related agreement.

"(D) SUBSTITUTE SERVICE STANDARDS FOR UNIQUE SERVICE TERRITORIES.—If an applicant shows that it would be cost prohibitive to meet the broadband buildout requirements established under this paragraph for the entirety of a proposed service territory due to the unique characteristics of the proposed service territory, the Secretary and the applicant may agree to utilize substitute standards for any unserved portion of the project. Any substitute service standards should continue to consider the best technology available to meet the needs of the residents in the unserved area.";

(6) in subsection (f), by striking "make a loan or loan guarantee" and inserting "provide assistance";

(7) in subsection (g), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(8) by striking subsections (i) and (j) and inserting the following:

"(i) PAYMENT ASSISTANCE FOR CERTAIN LOAN AND GRANT RECIPIENTS.—

"(1) USE OF GRANT FUNDS.—The Secretary may use the funds appropriated for a grant under this title for the cost (as defined by section 502 of the Congressional Budget Act of 1974) of providing assistance under paragraph (2).

"(2) PAYMENT ASSISTANCE.—When providing a grant under this title, the Secretary, at the sole discretion of the Secretary, may make—

"(A) a subsidized loan, which shall bear a reduced interest rate at such a rate as the Secretary determines appropriate to meet the objectives of the program; or

"(B) a payment assistance loan, which shall—

"(i) require no interest and principal payments while the borrower is—

"(I) in material compliance with the loan agreement; and

"(II) meeting the milestones and objectives of the project agreed to under paragraph (3); and

"(ii) require such nominal periodic payments as the Secretary determines to be appropriate.

"(3) AGREEMENT ON MILESTONES AND OBJECTIVES.—With respect to payment assistance provided under paragraph (2), before entering into the agreement under which the payment assistance will be provided, the applicant and the Secretary shall agree to milestones and objectives of the project.

"(4) AMENDMENT OF MILESTONES AND OBJECTIVES.—The Secretary and the applicant may jointly agree to amend the milestones and objectives agreed to under paragraph (3).

"(5) CONSIDERATIONS.—When deciding to utilize the payment assistance authority under paragraph (2) the Secretary shall consider whether or not the payment assistance will—

"(A) improve the compliance of the grantee with any commitments made through the grant agreement;

"(B) promote the completion of the broadband project;

"(C) protect taxpayer resources; and

"(D) support the integrity of the broadband programs administered by the Secretary.

"(6) LIMITATIONS ON PAYMENT ASSISTANCE.—The Secretary may not make a payment assistance loan under paragraph (2)(B) to an entity receiving a grant under this section that is also the recipient of a loan under title I or II that is associated with such grant.";

(9) in subsection (k)(1)—

(A) by striking "$25,000,000" and inserting "$350,000,000"; and

(B) by striking "2008 through 2018" and inserting "2019 through 2023";

(10) in subsection (l)—

(A) by striking "loan or" and inserting "grant, or loan, or"; and

(B) by striking "2018" and inserting "2023"; and

(11) by redesignating subsections (k) and (l) as subsections (j) and (k), respectively.

SEC. 6202. EXPANSION OF MIDDLE MILE INFRASTRUCTURE INTO RURAL AREAS.

Section 602 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb–1) is amended to read as follows:

"SEC. 602. EXPANSION OF MIDDLE MILE INFRASTRUCTURE INTO RURAL AREAS.

"(a) PURPOSE.—The purpose of this section is to encourage the expansion and extension of middle mile broadband infrastructure to connect underserved rural areas to the backbone of the Internet.

"(b) MIDDLE MILE INFRASTRUCTURE.—For the purposes of this section, the term 'middle mile infrastructure' means any broadband infrastructure that does not connect directly to end-user locations (including anchor institutions) and may include interoffice transport, backhaul, Internet connectivity, data centers, or special access transport to rural areas.

"(c) GRANTS, LOANS, AND LOAN GUARANTEES.—The Secretary shall make grants, loans, and loan guarantees to eligible applicants described in subsection (d) to provide funds for the construction, improvement, or acquisition of middle mile infrastructure to serve rural areas.

"(d) ELIGIBILITY.—

"(1) ELIGIBLE APPLICANTS.—

"(A) IN GENERAL.—To be eligible to obtain assistance under this section, an eligible entity shall—

"(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(ii) agree to complete build-out of the middle mile infrastructure described in the application by not later than 5 years after the initial date on which proceeds from the assistance provided under this section are made available; and

"(iii) submit to the Secretary a plan to ensure the viability of the project by—

"(I) connecting, assisting with connecting, or enabling the connection of retail broadband systems that serve rural areas within the proposed service territory to the middle mile infrastructure project in an affordable and economically competitive manner;

"(II) leasing or selling sufficient capacity prior to project approval; and

"(III) complying with any other requirements imposed by the Secretary.

"(B) ADDITIONAL END USER BROADBAND PROGRAMS.—Entities that receive assistance to construct, improve, or acquire middle mile infrastructure under this section shall be eligible to apply for additional funds under this title to provide for retail broadband service to end users.

"(2) ELIGIBLE SERVICE TERRITORIES.—The proceeds of assistance provided under this section may be used to carry out a project in a proposed service territory only if, as of the date the application for assistance under this section is submitted, there is not adequate middle mile infrastructure available to support broadband service for eligible rural communities that would be provided access to the middle mile infrastructure.

"(3) ELIGIBLE PROJECTS.—A project shall be eligible for assistance under this section if at the time of the application—

"(A) at least 75 percent of the interconnection points serve such eligible rural areas; and

"(B) the Secretary determines that the proposed middle mile network will be capable of supporting retail broadband service meeting the maximum broadband buildout requirement established under section 601(e)(4) for the residents within the proposed service territory.

"(e) LIMITATION ON GRANTS.—In making grants under this section, the Secretary shall—

"(1) not provide any grant in excess of 20 percent of the total project cost; and

"(2) provide grants only to those projects which serve rural areas where population density or geographic characteristics make it infeasible to construct middle mile broadband systems without grant assistance.

"(f) TERMS, CONDITIONS, AND ADEQUACY OF SECURITY.—All loans and loan guarantees provided under this section shall be made subject to such terms, conditions, and adequacy of security requirements as may be imposed by the Secretary. If the middle mile infrastructure would not provide adequate security due to long-term leasing arrangements, the Secretary shall require substitute security in such form and substance as are acceptable to the Secretary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2018 through 2023.".

SEC. 6203. MODIFICATIONS TO THE RURAL GIGABIT PROGRAM.

Section 603 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb–2) is amended—

(1) in the section heading, by striking "**RURAL GIGABIT NETWORK PILOT**" and inserting "**INNOVATIVE BROADBAND ADVANCEMENT**";

(2) in subsection (d), by striking "2014 through 2018" and inserting "2019 through 2023";

(3) by redesignating subsection (d) as subsection (e); and

(4) by striking subsections (a) through (c) and inserting the following:

"(a) IN GENERAL.—The Secretary shall establish a program to be known as the 'Innovative Broadband Advancement Program', under which the Secretary may provide a grant, a loan, or both to an eligible entity for the purpose of demonstrating innovative broadband technologies or methods of broadband deployment that significantly decrease the cost of broadband deployment, and provide substantially faster broadband speeds than are available, in a rural area.

"(b) RURAL AREA.—In this section, the term 'rural area' has the meaning provided in section 601(b)(3).

"(c) ELIGIBILITY.—To be eligible to obtain assistance under this section for a project, an entity shall—

"(1) submit to the Secretary an application—

"(A) that describes a project designed to decrease the cost of broadband deployment, and substantially increase broadband speed to not less than the maximum broadband buildout requirements established under section 601(e)(4), in a rural area to be served by the project; and

"(B) at such time, in such manner, and containing such other information as the Secretary may require;

"(2) demonstrate that the entity is able to carry out the project; and

"(3) agree to complete the project build-out within 5 years after the date the assistance is first provided for the project.

"(d) PRIORITIZATION.—In awarding assistance under this section, the Secretary shall give priority to proposals for projects that—

"(1) involve partnerships between or among multiple entities;

"(2) would provide broadband service to the greatest number of rural entities at or above the broadband requirements referred to in subsection (c)(1)(A); and

"(3) the Secretary determines could be replicated in rural areas described in paragraph (2).".

SEC. 6204. COMMUNITY CONNECT GRANT PROGRAM.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

"SEC. 604. COMMUNITY CONNECT GRANT PROGRAM. 7 USC 950bb–3.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE BROADBAND SERVICE.—The term 'eligible broadband service' means broadband service that has the capability to transmit data at a speed specified by the Secretary, which may not be less than the applicable minimum download and upload speeds established by the Federal Communications Commission in defining the term 'advanced telecommunications capability' for purposes of section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

"(2) ELIGIBLE SERVICE AREA.—The term 'eligible service area' means an area in which broadband service capacity is less than—

"(A) a 10-Mbps downstream transmission capacity; and

"(B) a 1-Mbps upstream transmission capacity.

"(3) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means a legally organized entity that—

"(i) is—

"(I) an incorporated organization;

"(II) an Indian Tribe or Tribal organization;

"(III) a State;

"(IV) a unit of local government; or

"(V) any other legal entity, including a cooperative, a private corporation, or a limited liability company, that is organized on a for-profit or a not-for-profit basis; and

"(ii) has the legal capacity and authority to enter into a contract, to comply with applicable Federal laws, and to own and operate broadband facilities, as proposed in the application submitted by the entity for a grant under the Program.

"(B) EXCLUSIONS.—The term 'eligible entity' does not include—

"(i) an individual; or

"(ii) a partnership.

"(4) RURAL AREA.—The term 'rural area' has the meaning given the term in section 601(b)(3)(A).

"(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'Community Connect Grant Program', to provide grants to eligible entities to finance broadband transmission in rural areas.

"(c) ELIGIBLE PROJECTS.—An eligible entity that receives a grant under the Program shall use the grant to carry out a project that—

"(1) provides eligible broadband service to, within the proposed eligible service area described in the application submitted by the eligible entity—

"(A) each essential community facility as defined pursuant to section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)); and

"(B) any required facilities necessary to offer that eligible broadband service to each residential and business customer within such proposed eligible service area; and

"(2) for not less than 2 years—

"(A) furnishes free eligible broadband service to a community center described in subsection (d)(1)(B);

"(B) provides not fewer than 2 computer access points for that free eligible broadband service; and

"(C) covers the cost of bandwidth to provide free eligible broadband service to each essential community facility that requests broadband services within the proposed eligible service area described in the application submitted by the eligible entity.

"(d) USES OF GRANT FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives a grant under the Program may use the grant for—

"(A) the construction, acquisition, or leasing of facilities (including spectrum), land, or buildings to deploy eligible broadband service; and

"(B) the improvement, expansion, construction, or acquisition of a community center within the proposed eligible service area described in the application submitted by the eligible entity.

"(2) INELIGIBLE USES.—An eligible entity that receives a grant under the Program shall not use the grant for—

"(A) the duplication of any existing eligible broadband service provided by another entity in the eligible service area; or

"(B) operating expenses, except as provided in—

"(i) subsection (c)(2)(C) with respect to free eligible broadband service; and

"(ii) paragraph (1)(A) with respect to spectrum.

"(3) FREE ACCESS FOR COMMUNITY CENTERS.—Of the amounts provided to an eligible entity under a grant under the Program, the eligible entity shall use to carry out paragraph (1)(B) not greater than the lesser of—

"(A) 10 percent; and

"(B) $150,000.

"(e) MATCHING FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives a grant under the Program shall provide a cash contribution in an amount that is not less than 15 percent of the amount of the grant.

"(2) REQUIREMENTS.—A cash contribution described in paragraph (1)—

"(A) shall be used solely for the project for which the eligible entity receives a grant under the Program; and

"(B) shall not include any Federal funds, unless a Federal statute specifically provides that those Federal funds may be considered to be from a non-Federal source.

"(f) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant under the Program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) REQUIREMENT.—An application submitted by an eligible entity under paragraph (1) shall include documentation sufficient to demonstrate the availability of funds to satisfy the requirement of subsection (e).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2019 through 2023.".

SEC. 6205. OUTDATED BROADBAND SYSTEMS.

(a) IN GENERAL.—Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is further amended by adding at the end the following:

"SEC. 605. OUTDATED BROADBAND SYSTEMS. 7 USC 950bb–4.

"(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall consider any portion of a service territory that is subject to an outstanding grant agreement between the Secretary and a broadband provider to be unserved for the purposes of all broadband assistance programs under this Act, if the broadband service in that portion of a service territory is less than 10 Mbps downstream transmission capacity or less than 1 Mbps upstream transmission capacity.

"(b) EXCEPTION.—The Secretary shall not consider a portion of a service territory described in subsection (a) to be unserved if the broadband service provider has constructed or begun to construct broadband facilities that meet the minimum acceptable level of service established under section 601(e), in that portion of the service territory.".

(b) EFFECTIVE DATE.—The amendment made by this section shall not take effect until October 1, 2020. 7 USC 950bb–4 note.

SEC. 6206. DEFAULT AND DEOBLIGATION; DEFERRAL.

Title VI of such Act (7 U.S.C. 950bb et seq.) is further amended by adding at the end the following:

"SEC. 606. DEFAULT AND DEOBLIGATION; DEFERRAL. 7 USC 950bb–5.

"(a) DEFAULT AND DEOBLIGATION.—In addition to other authority under applicable law, the Secretary shall establish written procedures for all broadband programs so that, to the maximum extent practicable, the programs are administered to—

"(1) recover funds from loan and grant defaults;

"(2) deobligate any awards, less allowable costs that demonstrate an insufficient level of performance (including metrics determined by the Secretary) or fraudulent spending, to the extent funds with respect to the award are available in the account relating to the program established by this title;

"(3) award those funds, on a competitive basis, to new or existing applicants consistent with this title; and

"(4) minimize overlap among the programs.

"(b) DEFERRAL PERIOD.—In determining the terms and conditions of assistance provided under this title, the Secretary may establish a deferral period of not shorter than the buildout period established for the project involved in order to support the financial feasibility and long-term sustainability of the project.".

SEC. 6207. PUBLIC NOTICE, ASSESSMENTS, AND REPORTING REQUIREMENTS.

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following new title:

"TITLE VII—GENERAL AND ADMINISTRATIVE PROVISIONS

7 USC 950cc.

"SEC. 701. PUBLIC NOTICE, ASSESSMENTS, AND REPORTING REQUIREMENTS.

"(a) NOTICE REQUIREMENTS.—The Secretary shall promptly make available to the public, a fully searchable database on the website of the Rural Utilities Service that contains information on all retail broadband projects provided assistance or for which assistance is sought that are administered by the Secretary, including, at a minimum—

"(1) notice of each application for assistance describing the application, including—

"(A) the identity of the applicant;

"(B) a description of each application, including—

"(i) a map of the proposed service area of the applicant; and

"(ii) the amount and type of support requested by each applicant;

"(C) the status of each application; and

"(D) the estimated number and proportion of service points in the proposed service territory without fixed broadband service, whether terrestrial or wireless;

"(2) notice of each entity receiving assistance administered by the Secretary, including—

"(A) the name of the entity;

"(B) the type of assistance being received;

"(C) the purpose for which the entity is receiving the assistance; and

"(D) each annual report submitted under subsection (c) (redacted to protect any proprietary information in the report); and

"(3) such other information as is sufficient to allow the public to understand assistance provided.

"(b) SERVICE AREA ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall, with respect to a retail broadband application for assistance, which is outside an area in which the applicant receives Federal universal service support—

"(A) after giving notice required by subsection (a)(1), afford service providers not less than 45 days to voluntarily submit information required by the Secretary onto the agency's online mapping tool with respect to areas that are coterminous with the proposed service area of the application (or any parts thereof), such that the Secretary

may assess whether the application submitted meets the eligibility requirements under this title; and

"(B) if no broadband service provider submits information under paragraph (1), consider the number of providers in the proposed service area to be established by using any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts.

"(2) ASSESSMENT OF UNSERVED COMMUNITIES.—In the case of an application given the highest priority under section 601(c)(2)(A)(i), the Secretary shall confirm that each unserved rural community identified in the application is eligible for funding by—

"(A) conferring with, and obtaining data from, the Chair of the Federal Communications Commission and the Administrator of the National Telecommunications and Information Administration with respect to the service level in the service area proposed in the application;

"(B) reviewing any other source that is relevant to service data validation, as determined by the Secretary; and

"(C) performing site-specific testing to verify the unavailability of any retail broadband service.

"(3) FOIA EXEMPTION.—For purposes of section 552 of title 5, United States Code, information received by the Secretary pursuant to paragraph (1)(A) of this subsection shall be exempt from disclosure pursuant to subsection (b)(2)(B) of such section 552.

"(c) REPORTING BROADBAND IMPROVEMENTS TO USDA.—

"(1) IN GENERAL.—The Secretary shall require any entity receiving assistance for a project which provides retail broadband service to submit an annual report for 3 years after completion of the project, in a format specified by the Secretary, that describes—

"(A) the use by the entity of the assistance, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

"(B) the progress towards fulfilling the objectives for which the assistance was granted, including—

"(i) the number of service points that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

"(ii) the speed of broadband service;

"(iii) the average price of the most subscribed tier of broadband service in a proposed service area;

"(iv) new subscribers generated from the project; and

"(v) any metrics the Secretary determines to be appropriate.

"(2) ADDITIONAL REPORTING.—

"(A) BROADBAND BUILDOUT DATA.—As a condition of receiving assistance under section 601, a recipient of assistance shall provide to the Secretary complete, reliable, and precise geolocation information that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee not later than 30 days after the earlier of—

"(i) the date of completion of any project milestone established by the Secretary; or

"(ii) the date of completion of the project.

"(B) REPORTING FOR MIDDLE MILE PROJECTS.—The Secretary shall require any entity receiving assistance under section 602 to submit a semiannual report for 5 years after completion of the project, in a format specified by the Secretary, that describes—

"(i) the use by the entity of the assistance to construct, improve, or acquire middle mile infrastructure;

"(ii) the progress towards meeting the end-user connection plan submitted under section 602(d)(1)(A)(iii); and

"(iii) any additional metrics the Secretary determines to be appropriate.

"(C) ADDITIONAL REPORTING.—The Secretary may require any additional reporting and information by any recipient of any broadband assistance under this act so as to ensure compliance with this section.

"(d) ANNUAL REPORT ON BROADBAND PROJECTS AND SERVICE TO CONGRESS.—Each year, the Secretary shall submit to the Congress a report that describes the extent of participation in the broadband assistance programs administered by the Secretary for the preceding fiscal year, including a description of—

"(1) the number of applications received and accepted, including any special loan terms or conditions for which the Secretary provided additional assistance to unserved areas;

"(2)(A) the communities proposed to be served in each application submitted for the fiscal year; and

"(B) the communities served by projects funded by broadband assistance programs;

"(3) the period of time required to approve each loan application under broadband programs;

"(4) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this Act;

"(5) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-quality voice, data, graphics, and video for purposes of providing broadband service under this Act;

"(6) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this Act; and

"(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

"(A) the number of residences and businesses receiving new broadband services;

"(B) network improvements, including facility upgrades and equipment purchases;

"(C) average broadband speeds and prices on a local and statewide basis;

"(D) any changes in broadband adoption rates; and

"(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.

"(e) LIMITATIONS ON RESERVATION OF FUNDS.—Not less than 3 but not more than 5 percent of program level amounts available pursuant to amounts appropriated to carry out title VI shall be set aside to be used for—

"(1) conducting oversight under such title;

"(2) implementing accountability measures and related activities authorized under such title; and

"(3) carrying out this section.".

SEC. 6208. ENVIRONMENTAL REVIEWS.

Title VII of the Rural Electrification Act of 1936, as added by section 6207 of this Act, is amended by adding at the end the following:

"SEC. 702. ENVIRONMENTAL REVIEWS. 7 USC 950cc–1.

"The Secretary may obligate, but not disperse, funds under this Act before the completion of otherwise required environmental, historical, or other types of reviews if the Secretary determines that a subsequent site-specific review shall be adequate and easily accomplished for the location of towers, poles, or other broadband facilities in the service area of the borrower without compromising the project or the required reviews.".

SEC. 6209. USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE.

Title VII of the Rural Electrification Act of 1936, as added by section 6207 and amended by section 6208 of this Act, is amended by adding at the end the following:

"SEC. 703. USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE. 7 USC 950cc–2.

"Notwithstanding any other provision of this Act, the proceeds of any loan made or guaranteed by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this Act, or on any other loan if that loan would have been for an eligible telecommunications purpose under this Act.".

SEC. 6210. SMART UTILITY AUTHORITY FOR BROADBAND.

(a) Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by adding at the end the following:

"(e)(1) Except as provided in paragraph (2), the Secretary may allow a recipient of a grant, loan, or loan guarantee provided by the Office of Rural Development under this title to use not more than 10 percent of the amount so provided—

"(A) for any activity for which assistance may be provided under section 601 of the Rural Electrification Act of 1936; or

"(B) to construct other broadband infrastructure.

"(2) Paragraph (1) of this subsection shall not apply to a recipient who is seeking to provide retail broadband service in any area where retail broadband service is available at the minimum broadband speeds, as defined under section 601(e) of the Rural Electrification Act of 1936.

"(3) The Secretary shall not provide funding under paragraph (1) if the funding would result in competitive harm to any grant, loan, or loan guarantee provided under the Rural Electrification Act of 1936.".

(b) Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901–918a) is amended by inserting after section 7 the following:

7 USC 908.

"SEC. 8. LIMITATIONS ON USE OF ASSISTANCE.

"(a) Subject to subsections (b) and (c) of this section, the Secretary may allow a recipient of a grant, loan, or loan guarantee under this title to set aside not more than 10 percent of the amount so received to provide retail broadband service.

"(b) A recipient who sets aside funds under subsection (a) of this section may use the funds only in an area that is not being provided with the minimum acceptable level of broadband service established under section 601(e), unless the recipient meets the requirements of section 601(d).

"(c) Nothing in this section shall be construed to limit the ability of any borrower to finance or deploy services authorized under this Act.

"(d) The Secretary shall not provide funding under subsection (a) if the funding would result in competitive harm to any grant, loan, or loan guarantee referred to in subsection (a).".

SEC. 6211. REFINANCING OF TELEPHONE LOANS.

Section 201 of the Rural Electrification Act of 1936 (7 U.S.C. 922) is amended, in the fifth sentence, by striking "furnishing telephone service in rural areas:" and all that follows through "40 per centum of any loan made under this title." and inserting "furnishing telephone service in rural areas, including indebtedness of recipients on another telecommunications loan made under this Act.".

7 USC 950bb–6.

SEC. 6212. FEDERAL BROADBAND PROGRAM COORDINATION.

(a) CONSULTATION BETWEEN USDA AND NTIA.—The Secretary shall consult with the Assistant Secretary to assist in the verification of eligibility of the broadband loan and grant programs of the Department of Agriculture. In providing assistance under the preceding sentence, the Assistant Secretary shall make available the broadband assessment and mapping capabilities of the National Telecommunications and Information Administration.

(b) CONSULTATION BETWEEN USDA AND FCC.—

(1) BY USDA.—The Secretary shall consult with the Commission before providing broadband assistance for a project to serve an area with respect to which another entity is receiving Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(2) BY FCC.—The Commission shall consult with the Secretary before offering or providing Connect America Fund or Mobility Fund support under the Federal universal service

support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) to serve an area with respect to which another entity has received broadband assistance under a loan or grant program of the Department of Agriculture.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, the Commission, and the Assistant Secretary shall submit to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate a report on how best to coordinate federally supported broadband programs and activities in order to achieve the following objectives:

(1) Promote high-quality broadband service that meets the long-term needs of rural residents and businesses, by evaluating the broadband service needs in rural areas for each decade through 2050.

(2) Support the long-term viability, sustainability, and utility of federally supported rural broadband infrastructure, by analyzing the technical capabilities of the technologies currently available and reasonably expected to be available by 2035 to meet the broadband service needs of rural residents identified under paragraph (1), including by analyzing the following:

(A) The real-world performance of such technologies, including data rates, latency, data usage restrictions, and other aspects of service quality, as defined by the Commission.

(B) The suitability of each such technology for residential, agricultural, educational, healthcare, commercial, and industrial purposes in rural areas.

(C) The cost to deploy and support such technologies in several rural geographies.

(D) The costs associated with online platforms, specifically the resulting constraints on rural network bandwidth.

(3) Identify and quantify the availability of broadband service and ongoing broadband deployment in rural areas, including ways to do the following:

(A) Harmonize broadband notification and reporting requirements and develop common verification procedures across all federally supported broadband programs.

(B) Consolidate and utilize the existing broadband service data.

(C) Collect and share data on those projects in rural areas where Federal programs are currently supporting broadband deployment, including areas with respect to which an entity is receiving—

(i) support under a broadband assistance program of the Department of Agriculture; or

(ii) Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(D) Leverage support technologies and services from online platforms for providers of broadband service in rural areas.

(d) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) RURAL AREA.—The term "rural area" has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936.

7 USC 950bb note.

SEC. 6213. TRANSITION RULE.

For the period beginning on the date of the enactment of this Act and ending on the date that is one year after such date of enactment, with respect to the implementation of the rural broadband access program under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) and the Community Connect Grant Program under section 604 of such Act, as added by section 6204 of this Act, the Secretary shall use the regulations in existence as of the day before the date of enactment of this Act that are applicable to the program involved, until the Secretary issues a final rule implementing the provisions of, and amendments made by, this title that apply to that program.

SEC. 6214. RURAL BROADBAND INTEGRATION WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the Rural Broadband Integration Working Group (referred to in this subsection as the "Working Group").

(2) MEMBERSHIP.—The membership of the Working Group shall be composed of the heads, or their designees, of—

(A) the Department of Agriculture, acting through the Administrator of the Rural Utilities Service;

(B) the Department of Commerce, acting through the Assistant Secretary for Communications and Information;

(C) the Department of Defense;

(D) the Department of State;

(E) the Department of the Interior;

(F) the Department of Labor;

(G) the Department of Health and Human Services;

(H) the Department of Homeland Security;

(I) the Department of Housing and Urban Development;

(J) the Department of Justice;

(K) the Department of Transportation;

(L) the Department of the Treasury;

(M) the Department of Energy;

(N) the Department of Education;

(O) the Department of Veterans Affairs;

(P) the Environmental Protection Agency;

(Q) the General Services Administration;

(R) the Small Business Administration;

(S) the Institute of Museum and Library Services;

(T) the National Science Foundation;

(U) the Council on Environmental Quality;

(V) the Office of Science and Technology Policy;

(W) the Office of Management and Budget;

(X) the Council of Economic Advisers;

(Y) the Domestic Policy Council;

(Z) the National Economic Council; and

(AA) such other Federal agencies or entities as are determined appropriate by the co-chairs.

(3) CO-CHAIRS.—The following individuals, or their designees, shall serve as co-chairs of the Working Group:

(A) The Administrator of the Rural Utilities Service.

(B) The Assistant Secretary for Communications and Information.

(C) The Director of the National Economic Council.

(D) The Director of the Office of Science and Technology Policy.

(4) CONSULTATION; COORDINATION.—The Working Group shall consult, as appropriate, with other relevant agencies, including the Federal Communications Commission. The Working Group shall coordinate with existing Federal working groups and committees involved with broadband.

(5) MEMBERSHIP CHANGES.—The Director of the National Economic Council and the Director of the Office of Science and Technology Policy shall review, on a periodic basis, the membership of the Working Group to ensure that the Working Group—

(A) includes necessary Federal Government entities; and

(B) is an effective mechanism for coordinating among agencies on the policy described in subsection (b).

(b) FUNCTIONS OF WORKING GROUP.—

(1) CONSULTATION.—The Working Group shall consult with State, local, Tribal, and territorial governments, telecommunications companies, utilities, trade associations, philanthropic entities, policy experts, and other interested parties to identify, assess, and determine possible actions relating to barriers and opportunities for broadband deployment in rural areas.

(2) POINT OF CONTACT.—Not later than 15 days after the date of enactment of this Act, each member of the Working Group shall—

(A) designate a representative to serve as the main point of contact for matters relating to the Working Group; and

(B) notify the co-chairs of the Working Group of that designee.

(3) SURVEY.—Not later than 60 days after the date of enactment of this Act, based on information provided by the members of the Working Group, the Working Group shall publish a comprehensive survey of—

(A) Federal programs, including the allocated funding amounts, that currently support or could reasonably be modified to support broadband deployment and adoption; and

(B) all Federal agency-specific policies and rules with the direct or indirect effect of facilitating or regulating investment in, or deployment of, wired and wireless broadband networks.

(4) LIST OF ACTIONS.—Not later than 120 days after the date of enactment of this Act, the members of the Working Group shall submit to the Working Group an initial list of actions that each of the agencies could take to identify and

address regulatory barriers to, incentivize investment in, promote best practices within, align funding decisions with respect to, and otherwise support, wired broadband deployment and adoption.

(5) REPORT.—Not later than 150 days after the date of enactment of this Act, the Working Group shall submit to the President an agreed-to and prioritized list of recommendations of the Working Group on actions that Federal agencies can take to support broadband deployment and adoption, including—

(A) a list of priority actions and rulemakings; and

(B) timelines to complete the priority actions and rulemakings.

Subtitle C—Miscellaneous

SEC. 6301. EXCLUSION OF CERTAIN POPULATIONS FROM DEFINITION OF RURAL AREA.

(a) IN GENERAL.—Section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)) is amended—

(1) in subparagraph (A), by striking "(G)" and inserting "(I)"; and

(2) by adding at the end the following:

"(H) EXCLUSION OF INCARCERATED POPULATIONS.—Populations of individuals incarcerated on a long-term or regional basis shall not be included in determining whether an area is 'rural' or a 'rural area'.

"(I) LIMITED EXCLUSION OF MILITARY BASE POPULATIONS.—The first 1,500 individuals who reside in housing located on a military base shall not be included in determining whether an area is 'rural' or a 'rural area'.".

(b) BROADBAND.—Section 601(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)(3)) is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN POPULATIONS.—Such term does not include any population described in subparagraph (H) or (I) of section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)).".

(c) DISTANCE LEARNING AND TELEMEDICINE LOANS AND GRANTS.—Section 2332 of the Food Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–1) is amended by adding at the end the following:

"(4) RURAL AREA.—The term 'rural area' has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936.".

7 USC 2671.

SEC. 6302. ESTABLISHMENT OF TECHNICAL ASSISTANCE PROGRAM.

(a) DEFINITION.—In this section, the term `tribally designated housing entity' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(b) IN GENERAL.—The Secretary shall, in coordination with the Office of Tribal Relations established under section 309 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6921), provide technical assistance to improve access by Tribal entities to rural development programs funded by the Department

of Agriculture through available cooperative agreement authorities of the Secretary.

(c) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (b) shall address the unique challenge of Tribal governments, Tribal producers, Tribal businesses, Tribal business entities, and tribally designated housing entities in accessing Department of Agriculture-supported rural infrastructure, rural cooperative development, rural business and industry, rural housing, and other rural development activities.

SEC. 6303. RURAL ENERGY SAVINGS PROGRAM.

Section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a) is amended—

(1) in subsection (b)(2), by striking "efficiency." and inserting "efficiency (including cost-effective on- or off-grid renewable energy or energy storage systems).";

(2) in subsection (c)—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(B) by inserting after paragraph (3) the following:

"(4) ELIGIBILITY FOR OTHER LOANS.—The Secretary shall not include any debt incurred by a borrower under this section in the calculation of the debt-equity ratio of the borrower for purposes of eligibility for loans under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).";

(C) in subparagraph (B) of paragraph (5) (as so redesignated), by striking "(6)" and inserting "(7)"; and

(D) by adding at the end the following:

"(9) ACCOUNTING.—The Secretary shall take appropriate steps to streamline the accounting requirements on borrowers under this section while maintaining adequate assurances of the repayment of the loans.";

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking "3 percent" and inserting "5 percent"; and

(B) in subparagraph (D), by striking "electric" and inserting "recurring service";

(4) by redesignating subsection (h) as subsection (i);

(5) by inserting after subsection (g) the following:

"(h) PUBLICATION.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a description of—

"(1) the number of applications received under this section for that fiscal year;

"(2) the number of loans made to eligible entities under this section for that fiscal year; and

"(3) the recipients of the loans described in paragraph (2)."; and

(6) in subsection (i) (as so redesignated), by striking "2018" and inserting "2023".

SEC. 6304. NORTHERN BORDER REGIONAL COMMISSION REAUTHORIZATION.

(a) ADMINISTRATIVE EXPENSES OF REGIONAL COMMISSIONS.—Section 15304(c)(3)(A) of title 40, United States Code, is amended by striking "unanimous" and inserting "majority".

(b) ECONOMIC AND INFRASTRUCTURE DEVELOPMENT GRANTS.—Section 15501 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (7), by striking "and" at the end;

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

"(8) to grow the capacity for successful community economic development in its region; and";

(2) in subsection (b), by striking "paragraphs (1) through (3)" and inserting "paragraph (1), (2), (3), or (7)"; and

(3) in subsection (f), by striking the period at the end and inserting ", except that financial assistance may be used as otherwise authorized by this subtitle to attract businesses to the region from outside the United States.".

40 USC 15501 note.

(c) STATE CAPACITY BUILDING GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term "Commission" means the Northern Border Regional Commission established by section 15301(a)(3) of title 40, United States Code.

(B) COMMISSION STATE.—The term "Commission State" means each of the States of Maine, New Hampshire, New York, and Vermont.

(C) ELIGIBLE COUNTY.—The term "eligible county" means a county described in section 15733 of title 40, United States Code.

(D) PROGRAM.—The term "program" means the State capacity building grant program established under paragraph (2).

(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall establish a State capacity building grant program to provide grants to Commission States to carry out the purpose under paragraph (3).

(3) PURPOSE.—The purpose of the program is to support the efforts of the Commission—

(A) to better support business retention and expansion in eligible counties;

(B) to create programs to encourage job creation and workforce development in eligible counties;

(C) to prepare economic and infrastructure plans for eligible counties;

(D) to expand access to high-speed broadband in eligible counties;

(E) to provide technical assistance that results in Commission investments in transportation, water, wastewater, and other critical infrastructure;

(F) to create initiatives to increase the effectiveness of local development districts in eligible counties; and

(G) to implement new or innovative economic development practices that will better position the eligible counties of Commission States to compete in the global economy.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Funds from a grant under the program may be used to support a project, program, or related expense of the Commission State in an eligible county.

(B) LIMITATION.—Funds from a grant under the program shall not be used for—

(i) the purchase of furniture, fixtures, or equipment;

(ii) the compensation of—

(I) any State member of the Commission (as described in section 15301(b)(1)(B) of title 40, United States Code); or

(II) any State alternate member of the Commission (as described in section 15301(b)(2)(B) of title 40, United States Code); or

(iii) the cost of supplanting existing State programs.

(5) ANNUAL WORK PLAN.—

(A) IN GENERAL.—For each fiscal year, before providing a grant under the program, each Commission State shall provide to the Commission an annual work plan that includes the proposed use of the grant.

(B) APPROVAL.—No grant under the program shall be provided to a Commission State unless the Commission has approved the annual work plan of the State.

(6) AMOUNT OF GRANT.—

(A) IN GENERAL.—The amount of a grant provided to a Commission State under the program for a fiscal year shall be based on the proportion that—

(i) the amount paid by the Commission State (including any amounts paid on behalf of the Commission State by a nonprofit organization) for administrative expenses for the applicable fiscal year (as determined under section 15304(c) of title 40, United States Code); bears to

(ii) the amount paid by all Commission States (including any amounts paid on behalf of a Commission State by a nonprofit organization) for administrative expenses for that fiscal year (as determined under that section).

(B) REQUIREMENT.—To be eligible to receive a grant under the program for a fiscal year, a Commission State (or a nonprofit organization on behalf of the Commission State) shall pay the amount of administrative expenses of the Commission State for the applicable fiscal year (as determined under section 15304(c) of title 40, United States Code).

(C) APPROVAL.—For each fiscal year, a grant provided under the program shall be approved and made available as part of the approval of the annual budget of the Commission.

(7) GRANT AVAILABILITY.—Funds from a grant under the program shall be available only during the fiscal year for which the grant is provided.

(8) REPORT.—Each fiscal year, each Commission State shall submit to the Commission and make publicly available a report that describes the use of the grant funds and the impact of the program in the State.

(9) FUNDING.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2019 through 2023.

(B) SUPPLEMENT, NOT SUPPLANT.—Funds made available to carry out this subsection shall supplement and

not supplant funds made available for the Commission and other activities of the Commission.

(d) NORTHERN BORDER REGIONAL COMMISSION.—Section 15733 of title 40, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "Belknap," before "Carroll,"; and

(B) by inserting "Cheshire," before "Coos,";

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Rensselaer, Saratoga, Schenectady, Seneca, St. Lawrence, Sullivan, Washington, Warren, Wayne, and Yates in the State of New York."; and

(3) in paragraph (4)—

(A) by inserting "Addison, Bennington," before "Caledonia,";

(B) by inserting "Chittenden," before "Essex,";

(C) by striking "and" and inserting "Orange," and

(D) by inserting ", Rutland, Washington, Windham, and Windsor" after "Orleans".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 15751(a) of title 40, United States Code, is amended by striking "$30,000,000 for each of fiscal years 2008 through 2018" and inserting "$33,000,000 for each of fiscal years 2019 through 2023".

(f) VACANCIES.—Section 15301 of title 40, United States Code, is amended by adding at the end the following:

"(f) SUCCESSION.—Subject to the time limitations under section 3346 of title 5, the Federal Cochairperson may designate a Federal employee of the Commission to perform the functions and duties of the office of the Federal Cochairperson temporarily in an acting capacity if both the Federal Cochairperson and the alternate Federal Cochairperson die, resign, or otherwise are unable to perform the functions and duties of their offices.".

40 USC prec. 15101, prec. 15301, prec. 15501, prec. 15701.

(g) TECHNICAL AMENDMENTS.—Chapters 1, 2, 3, and 4 of subtitle V of title 40, United States Code, are redesignated as chapters 151, 153, 155, and 157, respectively.

SEC. 6305. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking "or 2010 decennial census" and inserting "2010, or 2020 decennial census";

(2) by striking "December 31, 2010," and inserting "December 31, 2020," ; and

(3) by striking "year 2020" and inserting "year 2030".

7 USC 2204b–3.

SEC. 6306. COUNCIL ON RURAL COMMUNITY INNOVATION AND ECONOMIC DEVELOPMENT.

(a) PURPOSE.—The purpose of this section is to enhance the efforts of the Federal Government to address the needs of rural areas in the United States by—

(1) establishing a council to better coordinate Federal programs directed to rural communities;

(2) maximizing the impact of Federal investment to promote economic prosperity and quality of life in rural communities in the United States; and

(3) using innovation to resolve local and regional challenges faced by rural communities.

(b) ESTABLISHMENT.—

(1) There is established a Council on Rural Community Innovation and Economic Development (referred to in this section as the "Council").

(2) The Council shall be the successor to the Interagency Task Force on Agriculture and Rural Prosperity established by Executive Order 13790.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The membership of the Council shall be composed of the heads of the following executive branch departments, agencies, and offices:

(A) The Department of Agriculture.
(B) The Department of the Treasury.
(C) The Department of Defense.
(D) The Department of Justice.
(E) The Department of the Interior.
(F) The Department of Commerce.
(G) The Department of Labor.
(H) The Department of Health and Human Services.
(I) The Department of Housing and Urban Development.
(J) The Department of Transportation.
(K) The Department of Energy.
(L) The Department of Education.
(M) The Department of Veterans Affairs.
(N) The Department of Homeland Security.
(O) The Environmental Protection Agency.
(P) The Federal Communications Commission.
(Q) The Office of Management and Budget.
(R) The Office of Science and Technology Policy.
(S) The Office of National Drug Control Policy.
(T) The Council of Economic Advisers.
(U) The Domestic Policy Council.
(V) The National Economic Council.
(W) The Small Business Administration.
(X) The Council on Environmental Quality.
(Y) The White House Office of Public Engagement.
(Z) The White House Office of Cabinet Affairs.
(AA) Such other executive branch departments, agencies, and offices as the President or the Secretary may, from time to time, designate.

(2) CHAIR.—The Secretary shall serve as the Chair of the Council.

(3) DESIGNEES.—A member of the Council may designate, to perform the Council functions of the member, a senior-level official who is—

(A) part of the department, agency, or office of the member; and

(B) a full-time officer or employee of the Federal Government.

(4) ADMINISTRATION.—The Council shall coordinate policy development through the rural development mission area.

(d) FUNDING.—The Secretary shall provide funding and administrative support for the Council to the extent permitted by law and within existing appropriations.

(e) MISSION AND FUNCTION OF THE COUNCIL.—The Council shall work across executive departments, agencies, and offices to coordinate development of policy recommendations—

(1) to maximize the impact of Federal investment on rural communities;

(2) to promote economic prosperity and quality of life in rural communities; and

(3) to use innovation to resolve local and regional challenges faced by rural communities.

(f) DUTIES.—The Council shall—

(1) make recommendations to the President, acting through the Director of the Domestic Policy Council and the Director of the National Economic Council, on streamlining and leveraging Federal investments in rural areas, where appropriate, to increase the impact of Federal dollars and create economic opportunities to improve the quality of life in rural areas in the United States;

(2) coordinate and increase the effectiveness of Federal engagement with rural stakeholders, including agricultural organizations, small businesses, education and training institutions, health-care providers, telecommunications services providers, electric service providers, transportation providers, research and land grant institutions, law enforcement, State, local, and tribal governments, and nongovernmental organizations regarding the needs of rural areas in the United States;

(3) coordinate Federal efforts directed toward the growth and development of rural geographic regions that encompass both metropolitan and nonmetropolitan areas;

(4) identify and facilitate rural economic opportunities associated with energy development, outdoor recreation, and other conservation related activities; and

(5) identify common economic and social challenges faced by rural communities that could be served through—

(A) better coordination of existing Federal and non-Federal resources; and

(B) innovative solutions utilizing governmental and nongovernmental resources.

(g) EXECUTIVE DEPARTMENTS AND AGENCIES.—

(1) IN GENERAL.—The heads of executive departments and agencies shall assist and provide information to the Council, consistent with applicable law, as may be necessary to carry out the functions of the Council.

(2) EXPENSES.—Each executive department or agency shall be responsible for paying any expenses of the executive department or agency for participating in the Council.

(h) COUNCIL WORKING GROUPS.—

(1) IN GENERAL.—The Council may establish, in addition to the working groups established under paragraph (3), such other working groups as necessary.

(2) MEMBERSHIP.—The Secretary shall include as members of each working group such Council members, other heads of Federal agencies (or their designees as defined in (d)(3)), and non-Federal partners as determined appropriate to the subject matter.

(3) REQUIRED WORKING GROUPS.—The working groups specified in this paragraph are each of the following:

(A) THE RURAL SMART COMMUNITIES WORKING GROUP.—

(i) ESTABLISHMENT.—The Council shall establish a Rural Smart Communities Working Group.

(ii) DUTIES.—The Rural Smart Communities Working Group shall—

(I) not later than 1 year after the establishment of such Working Group, submit to Congress a report describing efforts of rural areas to integrate smart technology into their communities to solve challenges relating to governance, economic development, quality of life, or other relevant rural issues, as determined by the Secretary; and

(II) create, publish, and maintain a resource guide designed to assist States and other rural communities in developing and implementing rural smart community programs.

(iii) SMART COMMUNITY DEFINED.—For the purposes of this subparagraph, the term "smart community" means a community that has the ability to integrate multiple technological solutions, in a secure fashion, to manage a community's assets, including local government information systems, schools, libraries, transportation systems, hospitals, power plants, law enforcement, and other community services with the goal of promoting quality of life through the use of technology in ways that improve the efficiency of services and meet residents' needs.

(B) JOBS ACCELERATOR WORKING GROUP.—

(i) ESTABLISHMENT.—The Council shall establish a Jobs Accelerator Working Group.

(ii) GOALS.—The Jobs Accelerator Working Group shall support rural jobs accelerators (as defined in section 379I(a)(4) of the Consolidated Farm and Rural Development Act)—

(I) to improve the ability of rural communities to create high-wage jobs, accelerate the formation of new businesses with high-growth potential, and strengthen regional economies, including by helping to build capacity in the applicable region to achieve those goals; and

(II) to help rural communities identify and maximize local assets and connect to regional opportunities, networks, and industry clusters that demonstrate high growth potential.

(iii) DUTIES.—The Jobs Accelerator Working Group shall—

(I) provide the public with available information and technical assistance on Federal resources relevant to a project and region;

(II) establish a Federal support team comprised of staff from participating agencies in the working group that shall provide coordinated and dedicated support services to rural jobs accelerators; and

(III) provide opportunities for rural jobs accelerators to share best practices and further collaborate with one another.

Subtitle D—Additional Amendments to the Consolidated Farm and Rural Development Act

SEC. 6401. STRATEGIC ECONOMIC AND COMMUNITY DEVELOPMENT.

Section 379H of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008v) is amended to read as follows:

"SEC. 379H. STRATEGIC ECONOMIC AND COMMUNITY DEVELOPMENT.

"(a) IN GENERAL.—In the case of any program under this title or administered by the Secretary, acting through the rural development mission area, as determined by the Secretary (referred to in this section as a 'covered program'), the Secretary shall give priority to an application for a project that, as determined and approved by the Secretary—

"(1) meets the applicable eligibility requirements of this title or the other applicable authorizing law;

"(2) will be carried out in a rural area; and

"(3) supports the implementation of a strategic community investment plan described in subsection (d) on a multisectoral and multijurisdictional basis, to include considerations for improving and expanding broadband services as needed.

"(b) RESERVE.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall reserve not more than 15 percent of the funds made available for a fiscal year for covered programs for projects that support the implementation of a strategic community investment plan described in subsection (d) on a multisectoral and multijurisdictional basis.

"(2) PERIOD.—Any funds reserved under paragraph (1) shall only be reserved for the 1-year period beginning on the date on which the funds were first made available, as determined by the Secretary.

"(c) APPROVED APPLICATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), any applicant who submitted an application under a covered program that was approved before the date of enactment of this section may amend the application to qualify for the funds reserved under subsection (b).

"(2) RURAL UTILITIES.—Any applicant who submitted an application under paragraph (2), (14), or (24) of section 306(a), or section 306A or 310B(b), that was approved by the Secretary before the date of enactment of this section shall be eligible for the funds reserved under subsection (b)—

"(A) on the same basis as an application submitted under this section; and

"(B) until September 30, 2019.

"(d) STRATEGIC COMMUNITY INVESTMENT PLANS.—

"(1) IN GENERAL.—The Secretary shall provide assistance to rural communities in developing strategic community investment plans.

"(2) PLANS.—A strategic community investment plan described in paragraph (1) shall include—

"(A) a variety of activities designed to facilitate the vision of a rural community for the future, including considerations for improving and expanding broadband services as needed;

"(B) participation by multiple stakeholders, including local and regional partners;

"(C) leverage of applicable regional resources;

"(D) investment from strategic partners, such as—

"(i) private organizations;

"(ii) cooperatives;

"(iii) other government entities;

"(iv) Indian Tribes; and

"(v) philanthropic organizations;

"(E) clear objectives with the ability to establish measurable performance metrics;

"(F) action steps for implementation; and

"(G) any other elements necessary to ensure that the plan results in a comprehensive and strategic approach to rural economic development, as determined by the Secretary.

"(3) COORDINATION.—The Secretary shall coordinate with Indian Tribes and local, State, regional, and Federal partners to develop strategic community investment plans under this subsection.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.".

SEC. 6402. EXPANDING ACCESS TO CREDIT FOR RURAL COMMUNITIES.

(a) CERTAIN PROGRAMS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)) is amended—

(1) in subparagraph (B)—

(A) in the heading, by striking "AND GUARANTEED"; and

(B) in the text—

(i) by striking "and guaranteed"; and

(ii) by striking "(1), (2), and (24)" and inserting "(1) and (2)"; and

(2) in subparagraph (C)—

(A) by striking "and guaranteed"; and

(B) by striking "(21), and (24)" and inserting "and (21)".

(b) POPULATION CAPS FOR GUARANTEED LENDING.—Section 306(a)(24) of such Act (7 U.S.C. 1926(a)(24)) is amended by adding at the end the following:

"(D) PRIORITY.—

"(i) WATER OR WASTE FACILITY.—The Secretary shall prioritize water and waste facility projects under this paragraph in rural areas with a population of not more than 10,000 people.

"(ii) COMMUNITY FACILITY.—Of the funds made available to carry out this paragraph for community

facility loan guarantees for a fiscal year the following amounts shall be reserved for projects in rural areas with a population of not more than 20,000 inhabitants:

"(I) 100 percent of the first $200,000,000 so made available;

"(II) 50 percent of the next $200,000,000 so made available; and

"(III) 25 percent of all amounts exceeding $400,000,000 so made available,

except that, to the extent that the Secretary demonstrates that the funds so reserved are not needed to finance a community facility project in such a rural area, the Secretary may use the funds for other community facility projects in accordance with this paragraph.".

SEC. 6403. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)) is amended—

(1) in clause (iii), by striking "$100,000" each place it appears and inserting "$200,000"; and

(2) in clause (vii), by striking "$30,000,000 for each of fiscal years 2008 through 2018" and inserting "$15,000,000 for each of fiscal years 2019 through 2023".

SEC. 6404. RURAL WATER AND WASTEWATER TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

Section 306(a)(14) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(14)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(iv) identify options to enhance the long-term sustainability of rural water and waste systems, including operational practices, revenue enhancements, partnerships, consolidation, regionalization, or contract services; and

"(v) address the contamination of drinking water and surface water supplies by emerging contaminants, including per- and polyfluoroalkyl substances."; and

(2) in subparagraph (C)—

(A) by striking "1 nor more than 3" and inserting "3 percent and not more than 5"; and

(B) by striking "1 per centum" and inserting "3 percent".

SEC. 6405. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)(B)) is amended by striking "$20,000,000 for fiscal year 2014 and each fiscal year thereafter" and inserting "$25,000,000 for each of fiscal years 2019 through 2023".

SEC. 6406. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)(C)) is amended by striking "2018" and inserting "2023".

SEC. 6407. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a) is amended—

(1) in subsection (b)(1), by striking "; and" and inserting the following: ", particularly to projects to address contamination that—

"(A) poses a threat to human health or the environment; and

"(B) was caused by circumstances beyond the control of the applicant for a grant, including circumstances that occurred over a period of time; and";

(2) in subsection (d)(1)(D), by inserting ", other than those covered above for not to exceed 120 days when a more permanent solution is not feasible in a shorter time frame. Where drinking water supplies are inadequate due to an event, as determined by the Secretary, including drought, severe weather, or contamination, the Secretary may provide potable water for an additional period of time not to exceed an additional 120 days in order to protect public health" before the period;

(3) in subsection (e)(1)(B), by striking "according to the most recent decennial census of the United States";

(4) in subsection (f)(1), by striking "$500,000" and inserting "$1,000,000"; and

(5) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "3 nor more than 5" and inserting "5 percent and not more than 7"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) RELEASE.—

"(i) IN GENERAL.—Funds reserved under subparagraph (A) for a fiscal year shall be reserved only until July 1 of the fiscal year.

"(ii) EXCEPTION.—Notwithstanding clause (i), in response to an eligible community where the drinking water supplies are inadequate, as determined by the Secretary, due to an event, including drought, severe weather, or contamination, the Secretary may use funds described in subparagraph (A) from July 1 through September 30 each fiscal year to provide potable water under this section in order to protect public health."; and

(B) in paragraph (2), by striking "$35,000,000 for each of fiscal years 2008 through 2018" and inserting "$50,000,000 for each of fiscal years 2019 through 2023".

(b) INTERAGENCY TASK FORCE ON RURAL WATER QUALITY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall coordinate

an interagency task force to examine drinking water and surface water contamination in rural communities, particularly rural communities that are in close proximity to active or decommissioned military installations in the United States.

(2) MEMBERSHIP.—The interagency task force shall consist of—

(A) the Secretary;

(B) the Secretary of the Army, acting through the Chief of Engineers;

(C) the Secretary of Health and Human Services, acting through—

(i) the Director of the Agency for Toxic Substances and Disease Registry; and

(ii) the Director of the Centers for Disease Control and Prevention;

(D) the Secretary of Housing and Urban Development;

(E) the Secretary of the Interior, acting through—

(i) the Director of the United States Fish and Wildlife Service; and

(ii) the Director of the United States Geological Survey;

(F) the Administrator of the Environmental Protection Agency; and

(G) representatives from rural drinking and wastewater entities, State and community regulators, and appropriate scientific experts that reflect a diverse cross-section of the rural communities described in paragraph (1).

(3) REPORT.—

(A) IN GENERAL.—Not later than 360 days after the date of enactment of this section, the task force shall submit to the committees described in subparagraph (B) a report that—

(i) examines, and identifies issues relating to, water contamination in rural communities, particularly rural communities that are in close proximity to active or decommissioned military installations in the United States;

(ii) reviews the extent to which Federal, State, and local government agencies coordinate with one another to address the issues identified under clause (i);

(iii) recommends how Federal, State, and local government agencies can work together in the most effective, efficient, and cost-effective manner practicable, to address the issues identified under clause (i); and

(iv) recommends changes to existing statutory requirements, regulatory requirements, or both, to improve interagency coordination and responsiveness to address the issues identified under clause (i).

(B) COMMITTEES DESCRIBED.—The committees referred to in subparagraph (A) are—

(i) the Committee on Agriculture of the House of Representatives;

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(iii) the Committee on Energy and Commerce of the House of Representatives;

(iv) the Committee on Environment and Public Works of the Senate;

(v) the Committee on Armed Services of the House of Representatives; and

(vi) the Committee on Armed Services of the Senate.

SEC. 6408. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) is amended—

(1) in subsection (a), by striking "Alaska for" and inserting "Alaska, a consortium formed pursuant to section 325 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83; 111 Stat. 1597), and Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) for";

(2) in subsection (b), by inserting "for any grant awarded under subsection (a)" before the period at the end; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "2018" and inserting "2023"; and

(B) in paragraph (2), by striking "Alaska" and inserting "Alaska, and not more than 2 percent of the amount made available under paragraph (1) for a fiscal year may be used by a consortium formed pursuant to section 325 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83; 111 Stat. 1597),".

SEC. 6409. RURAL DECENTRALIZED WATER SYSTEMS.

Section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) is amended—

(1) by striking the section heading and inserting "**RURAL DECENTRALIZED WATER SYSTEMS**";

(2) in subsection (a), by striking "100" and inserting "60";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "and subgrants" after "loans"; and

(ii) by inserting "and individually owned household decentralized wastewater systems" after "well systems";

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

"(2) TERMS AND AMOUNTS.—

"(A) TERMS OF LOANS.—A loan made with grant funds under this section—

"(i) shall have an interest rate of 1 percent; and

"(ii) shall have a term not to exceed 20 years.

"(B) AMOUNTS.—A loan or subgrant made with grant funds under this section shall not exceed $15,000 for each water well system or decentralized wastewater system described in paragraph (1)."; and

(C) by adding at the end the following:

"(4) GROUND WELL WATER CONTAMINATION.—In the event of ground well water contamination, the Secretary shall allow a loan or subgrant to be made with grant funds under this

section for the installation of water treatment where needed beyond the point of entry, with or without the installation of a new water well system.";

(4) in subsection (c), by striking "productive use of individually-owned household water well systems" and inserting "effective use of individually owned household water well systems, individually owned household decentralized wastewater systems,"; and

(5) in subsection (d)—

(A) by striking "$5,000,000" and inserting "$20,000,000"; and

(B) by striking "2014 through 2018" and inserting "2019 through 2023".

SEC. 6410. SOLID WASTE MANAGEMENT GRANTS.

Section 310B(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(b)(2)) is amended by striking "2018" and inserting "2023".

SEC. 6411. RURAL BUSINESS DEVELOPMENT GRANTS.

Section 310B(c)(4)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)(4)(A)) is amended by striking "2018" and inserting "2023".

SEC. 6412. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) IN GENERAL.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) in paragraph (10), by inserting "(including research and analysis based on data from the latest available Economic Census conducted by the Bureau of the Census)" after "conduct research"; and

(2) in paragraph (13), by striking "2018" and inserting "2023".

(b) TECHNICAL CORRECTION.—Section 310B(e)(11)(B)(i) of such Act (7 U.S.C. 1932(e)(11)(B)(i)) is amended by striking "(12)" and inserting "(13)".

SEC. 6413. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.

Section 310B(g)(9)(B)(iv)(I) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(9)(B)(iv)(I)) is amended by striking "2018" and inserting "2023".

SEC. 6414. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.

Section 310B(i)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)(4)) is amended by striking "2018" and inserting "2023".

SEC. 6415. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

Section 310B(j) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(j)) is amended by striking "2018" and inserting "2023".

SEC. 6416. INTEMEDIARY RELENDING PROGRAM.

Section 310H of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936b) is amended—

(1) by redesignating subsection (e) as subsection (i);

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

"(e) LIMITATION ON LOAN AMOUNTS.—The maximum amount of a loan by an eligible entity described in subsection (b) to individuals and entities for a project under subsection (c), including the unpaid balance of any existing loans, shall be the lesser of—

"(1) $400,000; and

"(2) 50 percent of the loan to the eligible entity under subsection (a).

"(f) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a loan or loan guarantee under subsection (a), an eligible entity described in subsection (b) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) EVALUATION.—In evaluating applications submitted under paragraph (1), the Secretary shall—

"(A)(i) take into consideration the previous performance of an eligible entity in carrying out projects under subsection (c); and

"(ii) in the case of satisfactory performance under clause (i), require the eligible entity to contribute less equity for subsequent loans without modifying the priority given to subsequent applications; and

"(B) in assigning priorities to applications, require an eligible entity to demonstrate that it has a governing or advisory board made up of business, civic, and community leaders who are representative of the communities of the service area, without limitation to the size of the service area.

"(g) RETURN OF EQUITY.—The Secretary shall establish a schedule that is consistent with the amortization schedules of the portfolio of loans made or guaranteed under subsection (a) for the return of any equity contribution made under this section by an eligible entity described in subsection (b), if the eligible entity is—

"(1) current on all principal and interest payments; and

"(2) in compliance with loan covenants.

"(h) REGULATIONS.—The Secretary shall promulgate regulations and establish procedures reducing the administrative requirements on eligible entities described in subsection (b), including regulations to carry out the amendments made to this section by the Agriculture Improvement Act of 2018."; and

(3) in subsection (i) (as so redesignated), by striking "2018" and inserting "2023".

SEC. 6417. ACCESS TO INFORMATION TO VERIFY INCOME FOR PARTICIPANTS IN CERTAIN RURAL HOUSING PROGRAMS.

Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981), as amended by section 6210(a) of this Act, is amended by adding at the end the following:

"(f) ACCESS TO INFORMATION TO VERIFY INCOME FOR PARTICIPANTS IN CERTAIN RURAL HOUSING PROGRAMS.—The Secretary and the designees of the Secretary are hereby granted the same access to information and subject to the same requirements applicable to the Secretary of Housing and Urban Development as provided in section 453 of the Social Security Act (42 U.S.C. 653) and section 6103(l)(7)(D)(ix) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(7)(D)(ix)) to verify income for individuals participating in

sections 502, 504, 521, and 542 of the Housing Act of 1949 (42 U.S.C. 1472, 1474, 1490a, and 1490r), notwithstanding section 453(l) of the Social Security Act.".

SEC. 6418. PROVIDING FOR ADDITIONAL FEES FOR GUARANTEED LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) in the case of an insured or guaranteed loan issued or modified under section 306(a), charge and collect from the lender fees in such amounts as to bring down the costs of subsidies for the insured or guaranteed loan, except that the fees shall not act as a bar to participation in the programs nor be inconsistent with current practices in the marketplace.".

SEC. 6419. RURAL BUSINESS-COOPERATIVE SERVICE PROGRAMS TECHNICAL ASSISTANCE AND TRAINING.

The Consolidated Farm and Rural Development Act is amended by inserting after section 367, as added by section 5306 of this Act, the following:

7 USC 2008c.

"SEC. 368. RURAL BUSINESS-COOPERATIVE SERVICE PROGRAMS TECHNICAL ASSISTANCE AND TRAINING.

"(a) IN GENERAL.—The Secretary may make grants to public bodies, private nonprofit corporations, economic development authorities, institutions of higher education, federally recognized Indian Tribes, and rural cooperatives for the purpose of providing or obtaining technical assistance and training to support funding applications for programs carried out by the Secretary, acting through the Administrator of the Rural Business-Cooperative Service.

"(b) PURPOSES.—A grant under subsection (a) may be used—

"(1) to assist communities in identifying and planning for business and economic development needs;

"(2) to identify public and private resources to finance business and small and emerging business needs;

"(3) to prepare reports and surveys necessary to request financial assistance for businesses in rural communities; and

"(4) to prepare applications for financial assistance.

"(c) SELECTION PRIORITY.—In selecting recipients of grants under this section, the Secretary shall give priority to grants serving persistent poverty counties and high poverty communities, as determined by the Secretary.

"(d) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.

"(2) AVAILABILITY.—Any amounts authorized to be appropriated under paragraph (1) for any fiscal year that are not appropriated for that fiscal year may be appropriated for the immediately succeeding fiscal year.".

SEC. 6420. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended in each of subsections (g)(1) and (h), by striking "2018" and inserting "2023" each place it appears.

SEC. 6421. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking "2018" and inserting "2023".

SEC. 6422. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

Section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s) is amended—

(1) in subsection (b)(4)(B)(ii)—

(A) in the clause heading, by striking "MAXIMUM AMOUNT" and inserting "AMOUNT";

(B) by inserting "not less than 20 percent and" before "not more than 25 percent"; and

(C) by striking the period at the end and inserting the following: ", subject to—

"(I) satisfactory performance by the microenterprise development organization under this section, and

"(II) the availability of funding."; and

(2) by striking subsection (d) and inserting the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2019 through 2023.".

SEC. 6423. HEALTH CARE SERVICES.

Section 379G(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008u(e)) is amended by striking "2018" and inserting "2023".

SEC. 6424. RURAL INNOVATION STRONGER ECONOMY GRANT PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 379I. RURAL INNOVATION STRONGER ECONOMY GRANT PROGRAM. 7 USC 2008w.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a rural jobs accelerator partnership established after the date of enactment of this section that—

"(A) organizes key community and regional stakeholders into a working group that—

"(i) focuses on the shared goals and needs of the industry clusters that are objectively identified as existing, emerging, or declining;

"(ii) represents a region defined by the partnership in accordance with subparagraph (B);

"(iii) includes 1 or more representatives of—

"(I) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

"(II) a private entity; or

"(III) a government entity; and

"(iv) has, as a lead applicant—

"(I) a District Organization (as defined in section 300.3 of title 13, Code of Federal Regulations (or a successor regulation));

"(II) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or a consortium of Indian tribes;

"(III) a State or a political subdivision of a State, including a special purpose unit of a State or local government engaged in economic development activities, or a consortium of political subdivisions;

"(IV) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a consortium of institutions of higher education; or

"(V) a public or private nonprofit organization; and

"(B) subject to approval by the Secretary, may—

"(i) serve a region that is—

"(I) a single jurisdiction; or

"(II) if the region is a rural area, multijurisdictional; and

"(ii) define the region that the partnership represents, if the region—

"(I) is large enough to contain critical elements of the industry cluster prioritized by the partnership;

"(II) is small enough to enable close collaboration among members of the partnership;

"(III) includes a majority of communities that are located in—

"(aa) a nonmetropolitan area that qualifies as a low-income community (as defined in section 45D(e) of the Internal Revenue Code of 1986); and

"(bb) an area that has access to or has a plan to achieve broadband service (within the meaning of title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.)); and

"(IV)(aa) has a population of 50,000 or fewer inhabitants; or

"(bb) for a region with a population of more than 50,000 inhabitants, is the subject of a positive determination by the Secretary with respect to a rural-in-character petition, including such a petition submitted concurrently with the application of the partnership for a grant under this section.

"(2) INDUSTRY CLUSTER.—The term 'industry cluster' means a broadly defined network of interconnected firms and supporting institutions in related industries that accelerate innovation, business formation, and job creation by taking advantage of assets and strengths of a region in the business environment.

"(3) HIGH-WAGE JOB.—The term 'high-wage job' means a job that provides a wage that is greater than the median wage for the applicable region, as determined by the Secretary.

"(4) JOBS ACCELERATOR.—The term 'jobs accelerator' means a jobs accelerator center or program located in or serving a low-income rural community that may provide co-working space, in-demand skills training, entrepreneurship support, and any other services described in subsection (d)(1)(B).

"(5) SMALL AND DISADVANTAGED BUSINESS.—The term 'small and disadvantaged business' has the meaning given the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a grant program under which the Secretary shall award grants, on a competitive basis, to eligible entities to establish jobs accelerators, including related programming, that—

"(A) improve the ability of distressed rural communities to create high-wage jobs, accelerate the formation of new businesses with high-growth potential, and strengthen regional economies, including by helping to build capacity in the applicable region to achieve those goals; and

"(B) help rural communities identify and maximize local assets and connect to regional opportunities, networks, and industry clusters that demonstrate high growth potential.

"(2) COST-SHARING.—

"(A) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant made under paragraph (1) shall be not greater than 80 percent.

"(B) IN-KIND CONTRIBUTIONS.—The non-Federal share of the total cost of any activity carried out using a grant made under paragraph (1) may be in the form of donations or in-kind contributions of goods or services fairly valued.

"(3) SELECTION CRITERIA.—In selecting eligible entities to receive grants under paragraph (1), the Secretary shall consider—

"(A) the commitment of participating core stakeholders in the jobs accelerator partnership, including a demonstration that—

"(i) investment organizations, including venture development organizations, venture capital firms, revolving loan funders, angel investment groups, community lenders, community development financial institutions, rural business investment companies, small business investment companies (as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)), philanthropic organizations, and other institutions focused on expanding access to capital, are committed partners in the jobs accelerator partnership and willing to potentially invest in projects emerging from the jobs accelerator; and

"(ii) institutions of higher education, applied research institutions, workforce development entities, and community-based organizations are willing to partner with the jobs accelerator to provide workers

with skills relevant to the industry cluster needs of the region, with an emphasis on the use of on-the-job training, registered apprenticeships, customized training, classroom occupational training, or incumbent worker training;

"(B) the ability of the eligible entity to provide the non-Federal share as required under paragraph (2);

"(C) the identification of a targeted industry cluster;

"(D) the ability of the partnership to link rural communities to markets, networks, industry clusters, and other regional opportunities and assets;

"(E) other grants or loans of the Secretary and other Federal agencies that the jobs accelerator would be able to leverage; and

"(F) prospects for the proposed center and related programming to have sustainability beyond the full maximum length of assistance under this subsection, including the maximum number of renewals.

"(4) GRANT TERM AND RENEWALS.—

"(A) TERM.—The initial term of a grant under paragraph (1) shall be 4 years.

"(B) RENEWAL.—The Secretary may extend the term of a grant under paragraph (1) for an additional period of not longer than 2 years if the Secretary is satisfied, using the evaluation under subsection (e)(2), that the grant recipient has successfully established a jobs accelerator and related programming.

"(5) GEOGRAPHIC DISTRIBUTION.—To the maximum extent practicable, the Secretary shall provide grants under paragraph (1) for jobs accelerators and related programming in not fewer than 25 States at any time.

"(c) GRANT AMOUNT.—A grant awarded under subsection (b) may be in an amount equal to—

"(1) not less than $500,000; and

"(2) not more than $2,000,000.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds from a grant awarded under subsection (b) may be used—

"(A) to construct, purchase, or equip a building to serve as an innovation center;

"(B) to support programs to be carried out at, or in direct partnership with, the jobs accelerator that support the objectives of the jobs accelerator, including—

"(i) linking rural communities and entrepreneurs to markets, networks, industry clusters, and other regional opportunities to support high-wage job creation, new business formation, business expansion, and economic growth;

"(ii) integrating small businesses into a supply chain;

"(iii) creating or expanding commercialization activities for new business formation;

"(iv) identifying and building assets in rural communities that are crucial to supporting regional economies;

"(v) facilitating the repatriation of high-wage jobs to the United States;

"(vi) supporting the deployment of innovative processes, technologies, and products;

"(vii) enhancing the capacity of small businesses in regional industry clusters, including small and disadvantaged businesses;

"(viii) increasing United States exports and business interaction with international buyers and suppliers;

"(ix) developing the skills and expertise of local workforces, entrepreneurs, and institutional partners to meet the needs of employers and prepare workers for high-wage jobs in the identified industry clusters, including the upskilling of incumbent workers;

"(x) ensuring rural communities have the capacity and ability to carry out projects relating to housing, community facilities, infrastructure, or community and economic development to support regional industry cluster growth; or

"(xi) any other activities that the Secretary may determine to be appropriate.

"(2) REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), not more than 10 percent of a grant awarded under subsection (b) shall be used for indirect costs associated with administering the grant.

"(B) INCREASE.—The Secretary may increase the percentage described in subparagraph (A) on a case-by-case basis.

"(e) ANNUAL ACTIVITY REPORT AND EVALUATION.—Not later than 1 year after receiving a grant under this section, and annually thereafter for the duration of the grant, an eligible entity shall—

"(1) report to the Secretary on the activities funded with the grant; and

"(2)(A) evaluate the progress that the eligible entity has made toward the strategic objectives identified in the application for the grant; and

"(B) measure that progress using performance measures during the project period, which may include—

"(i) high-wage jobs created;

"(ii) high-wage jobs retained;

"(iii) private investment leveraged;

"(iv) businesses improved;

"(v) new business formations;

"(vi) new products or services commercialized;

"(vii) improvement of the value of existing products or services under development;

"(viii) regional collaboration, as measured by such metrics as—

"(I) the number of organizations actively engaged in the industry cluster;

"(II) the number of symposia held by the industry cluster, including organizations that are not located in the immediate region defined by the partnership; and

"(III) the number of further cooperative agreements;

"(ix) the number of education and training activities relating to innovation;

"(x) the number of jobs relocated from outside of the United States to the region;

"(xi) the amount and number of new equity investments in industry cluster firms;

"(xii) the amount and number of new loans to industry cluster firms;

"(xiii) the dollar increase in exports resulting from the project activities;

"(xiv) the percentage of employees for which training was provided;

"(xv) improvement in sales of participating businesses;

"(xvi) improvement in wages paid at participating businesses;

"(xvii) improvement in income of participating workers; or

"(xviii) any other measure the Secretary determines to be appropriate.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 through 2023.".

SEC. 6425. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking "2008 through 2018" and inserting "2019 through 2023".

(b) TERMINATION OF AUTHORITY.—Section 382N of such Act (7 U.S.C. 2009aa–13) is amended by striking "2018" and inserting "2023".

SEC. 6426. RURAL BUSINESS INVESTMENT PROGRAM.

(a) DEFINITIONS.—Section 384A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc) is amended—

(1) in paragraph (2)—

(A) in the paragraph heading, by striking "VENTURE"; and

(B) by striking "venture"; and

(2) by striking paragraph (4) and inserting the following:

"(4) EQUITY CAPITAL.—The term 'equity capital' means—

"(A) common or preferred stock or a similar instrument, including subordinated debt with equity features; and

"(B) any other type of equity-like financing that might be necessary to facilitate the purposes of this Act, excluding financing such as senior debt or other types of financing that competes with routine loanmaking of commercial lenders.".

(b) PURPOSES.—Section 384B of such Act (7 U.S.C. 2009cc–1) is amended—

(1) in paragraph (1), by striking "venture"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "venture"; and

(B) in subparagraph (B), by striking "venture".

(c) SELECTION OF RURAL BUSINESS INVESTMENT COMPANIES.—Section 384D(b)(1) of such Act (7 U.S.C. 2009cc–3(b)(1)) is amended by striking "developmental venture" and inserting "developmental".

(d) FEES.—Section 384G of such Act (7 U.S.C. 2009cc–6) is amended—

(1) in subsections (a) and (b), by striking "a fee that does not exceed $500" each place it appears and inserting "such fees as the Secretary considers appropriate, so long as those fees are proportionally equal for each rural business investment company,"; and

(2) in subsection (c)(2)—

(A) in subparagraph (B), by striking "solely to cover the costs of licensing examinations" and inserting "as the Secretary considers appropriate"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) shall be in such amounts as the Secretary considers appropriate.".

(e) LIMITATION ON RURAL BUSINESS INVESTMENT COMPANIES CONTROLLED BY FARM CREDIT SYSTEM INSTITUTIONS.—Section 384J(c) of such Act (7 U.S.C. 2009cc–9(c)) is amended by striking "25" and inserting "50".

(f) FLEXIBILITY ON SOURCES OF INVESTMENT OR CAPITAL.—Section 384J(a) of such Act (7 U.S.C. 2009cc–9(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking the subsection designation and heading and all that follows through "Except as" in the matter preceding subparagraph (A) (as so redesignated) and inserting the following:

"(a) INVESTMENT.—

"(1) IN GENERAL.—Except as"; and

(3) by adding at the end the following:

"(2) LIMITATION ON REQUIREMENTS.—The Secretary may not require that an entity described in paragraph (1) provide investment or capital that is not required of other companies eligible to apply to operate as a rural business investment company under section 384D(a).".

SEC. 6427. RURAL BUSINESS INVESTMENT PROGRAM.

Section 384S of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–18) is amended by striking "2018" and inserting "2023".

Subtitle E—Additional Amendments to the Rural Electrification Act of 1936

SEC. 6501. AMENDMENTS TO SECTION 2 OF THE RURAL ELECTRIFICATION ACT OF 1936.

(a) ELECTRIC LOAN REFINANCING.—Section 2(a) of the Rural Electrification Act of 1936 (7 U.S.C. 902(a)) is amended by striking "loans in" and inserting "loans, or refinance loans made by the Secretary under this Act, in".

(b) TECHNICAL ASSISTANCE FOR RURAL ELECTRIFICATION LOANS.—Section 2 of such Act (7 U.S.C. 902) is amended by adding at the end the following:

"(c) TECHNICAL ASSISTANCE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Secretary of Energy

under which the Secretary of Energy shall provide technical assistance to the Rural Utilities Service on loans to be made under subsection (a) of this section and section 4(a).".

SEC. 6502. LOANS FOR TELEPHONE SERVICE.

Section 201 of the Rural Electrification Act of 1936 (7 U.S.C. 922) is amended—

(1) by striking the section designation and all that follows through "From such sums" and inserting the following:

"SEC. 201. LOANS FOR TELEPHONE SERVICE.

"From such sums";

(2) in the second sentence, by striking "associations:" and all that follows through "same subscribers." and inserting "associations."; and

(3) in the sixth sentence, by striking ", nor shall such loan be made in any State" and all that follows through "writing)" in the seventh sentence and inserting the following: "and".

SEC. 6503. CUSHION OF CREDIT PAYMENTS PROGRAM.

Section 313(a) of the Rural Electrification Act of 1936 (7 U.S.C. 940c(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) IN GENERAL.—The" and inserting the following:

"(1) IN GENERAL.—

"(A) DEVELOPMENT AND PROMOTION OF PROGRAM.—The"; and

(B) by adding after and below the end the following:

"(B) TERMINATION.—Effective on the date of enactment of this subparagraph, no deposits may be made under subparagraph (A).";

(2) in paragraph (2)—

(A) by striking "(2) INTEREST.—Amounts" and inserting the following:

"(2) INTEREST.—

"(A) IN GENERAL.—Amounts"; and

(B) by adding after and below the end the following:

"(B) REDUCTION.—Notwithstanding subparagraph (A), amounts in each cushion of credit account shall accrue interest to the borrower at a rate equal to—

"(i) 4 percent per annum in fiscal year 2021; and

"(ii) the then applicable 1-year Treasury rate thereafter."; and

(3) in paragraph (3)—

(A) by striking "(3) BALANCE.—A" and inserting the following:

"(3) BALANCE.—

"(A) IN GENERAL.—A"; and

(B) by after and below the end the following:

"(B) PREPAYMENT.—Notwithstanding subparagraph (A) and subject to subparagraph (C), beginning on the date of the enactment of this subparagraph and ending with September 30, 2020, a borrower may, at the sole discretion of the borrower, reduce the balance of its cushion of credit account if the amount obtained from the reduction is used to prepay loans made or guaranteed under this Act.

"(C) NO PREPAYMENT PREMIUM.—Notwithstanding any other provision of this Act, no prepayment premium shall be imposed or collected with respect to that portion of a loan that is prepaid by a borrower in accordance with subparagraph (B).

"(D) MANDATORY FUNDING.—Notwithstanding section 504 of the Federal Credit Reform Act of 1990, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall make available such sums as necessary to cover any loan modification costs as defined in section 502 of such Act.".

SEC. 6504. EXTENSION OF THE RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM.

(a) Section 12(b)(3)(D) of the Rural Electrification Act of 1936 (7 U.S.C. 912(b)(3)(D)) is amended by striking "313(b)(2)(A)" and inserting "313(b)(2)".

(b) Section 313(b)(2) of such Act (7 U.S.C. 940c(b)(2)) is amended—

(1) by striking all that precedes "shall maintain" and inserting the following:

"(2) RURAL ECONOMIC DEVELOPMENT SUBACCOUNT.—The Secretary"; and

(2) by striking "the 5 percent" and all that follows through subparagraph (E) and inserting "5 percent.".

(c) Title III of such Act (7 U.S.C. 931–940h) is amended by inserting after section 313A the following:

"SEC. 313B. RURAL DEVELOPMENT LOANS AND GRANTS. 7 USC 940c–2.

"(a) IN GENERAL.—The Secretary shall provide grants or zero interest loans to borrowers under this Act for the purpose of promoting rural economic development and job creation projects, including funding for project feasibility studies, start-up costs, incubator projects, and other reasonable expenses for the purpose of fostering rural development.

"(b) REPAYMENTS.—In the case of zero interest loans, the Secretary shall establish such reasonable repayment terms as will encourage borrower participation.

"(c) PROCEEDS.—All proceeds from the repayment of such loans made under this section shall be returned to the subaccount that the Secretary shall maintain in accordance with sections 313(b)(2) and 313B(f).

"(d) NUMBER OF GRANTS.—Loans and grants required under this section shall be made to the full extent of the amounts made available under subsection (e).

"(e) FUNDING.—

"(1) DISCRETIONARY FUNDING.—In addition to other funds that are available to carry out this section, there is authorized to be appropriated not more than $10,000,000 for each of fiscal years 2019 through 2023 to carry out this section, to remain available until expended.

"(2) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall credit to the subaccount to use for the cost of grants and loans under this section $5,000,000 for each of fiscal years 2022 and 2023, to remain available until expended.

"(3) OTHER FUNDS.—In addition to the funds described in paragraphs (1) and (2), the Secretary shall use, without

fiscal year limitation, to provide grants and loans under this section—

"(A) the interest differential sums credited to the subaccount described in subsection (c); and

"(B) subject to section 313A(e)(2), the fees described in subsection (c)(4) of such section.

"(f) MAINTENANCE OF ACCOUNT.—The Secretary shall maintain the subaccount described in section 313(b)(2), as in effect in fiscal year 2017, for purposes of carrying out this section.".

(d) Section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) is amended—

(1) in subsection (c)(4)—

(A) in subparagraph (A), by striking "maintained under section 313(b)(2)(A)" and inserting "that shall be maintained as required by sections 313(b)(2) and 313B(f)"; and

(B) in subparagraph (B), by striking "313(b)(2)(B)" and inserting "313(b)(2)"; and

(2) in subsection (e)(2), by striking "maintained under section 313(b)(2)(A)" and inserting "required to be maintained by sections 313(b)(2) and 313B(f)".

7 USC 940c–2 note.

(e)(1) Subject to section 313B(e) of the Rural Electrification Act of 1936 (as added by this section), the Secretary of Agriculture shall carry out the loan and grant program required under such section in the same manner as the loan and grant program under section 313(b)(2) of such Act is carried out on the day before the date of the enactment of this Act, until such time as any regulations necessary to carry out the amendments made by this section are fully implemented.

(2) Paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 6505. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

(a) IN GENERAL.—Section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) is amended—

(1) in subsection (a)—

(A) by striking "Subject to" and inserting the following: "(1) GUARANTEES.—Subject to";

(B) in paragraph (1) (as so designated), by striking "basis" and all that follows through the period at the end and inserting "basis, if the proceeds of the bonds or notes are used to make utility infrastructure loans, or refinance bonds or notes issued for those purposes, to a borrower that has at any time received, or is eligible to receive, a loan under this Act."; and

(C) by adding at the end the following:

"(2) TERMS.—A bond or note guaranteed under this section shall, by agreement between the Secretary and the borrower—

"(A) be for a term of 30 years (or another term of years that the Secretary determines is appropriate); and

"(B) be repaid by the borrower—

"(i) in periodic installments of principal and interest;

"(ii) in periodic installments of interest and, at the end of the term of the bond or note, as applicable, by the repayment of the outstanding principal; or

"(iii) through a combination of the methods described in clauses (i) and (ii).";

(2) in subsection (b)—

(A) in paragraph (1), by striking "electrification" and all that follows through the period at the end and inserting "purposes described in subsection (a)(1).";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(D) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), by striking "for electrification or telephone purposes" and inserting "for eligible purposes described in subsection (a)(1)"; and

(ii) in subparagraph (C), by striking "subsection (a)" and inserting "subsection (a)(1)"; and

(3) in subsection (f), by striking "2018" and inserting "2023".

(b) ADMINISTRATION.—Beginning on the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall continue to carry out section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) (as amended by subsection (a)) under a Notice of Solicitation of Applications until the date on which any regulations necessary to carry out the amendments made by subsection (a) are fully implemented. 7 USC 940c–1 note.

SEC. 6506. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e) is amended—

(1) in subsection (a)(2), by striking "commercial or transportation" and inserting "critical transportation-related"; and

(2) in subsection (d), by striking "2018" and inserting "2023".

SEC. 6507. CYBERSECURITY AND GRID SECURITY IMPROVEMENTS.

Title III of the Rural Electrification Act of 1936 (7 U.S.C. 931 et seq.) is amended by adding at the end the following:

"SEC. 319. CYBERSECURITY AND GRID SECURITY IMPROVEMENTS. 7 USC 940i.

"(a) DEFINITION OF CYBERSECURITY AND GRID SECURITY IMPROVEMENTS.—In this section, the term 'cybersecurity and grid security improvements' means investment in the development, expansion, and modernization of rural utility infrastructure that addresses known cybersecurity and grid security risks.

"(b) LOANS AND LOAN GUARANTEES.—The Secretary may make or guarantee loans under this title and title I for cybersecurity and grid security improvements.".

Subtitle F—Program Repeals

SEC. 6601. ELIMINATION OF UNFUNDED PROGRAMS.

(a) CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) REPEALERS.—The following provisions of the Consolidated Farm and Rural Development Act are hereby repealed:

(A) Section 306(a)(23) (7 U.S.C. 1926(a)(23)).

(B) Section 310B(f) (7 U.S.C. 1932(f)).

(C) Section 379 (7 U.S.C. 2008n).

(D) Section 379A (7 U.S.C. 2008o).

(E) Section 379C (7 U.S.C. 2008q).

(F) Section 379D (7 U.S.C. 2008r).

(G) Section 379F (7 U.S.C. 2008t).

(H) Subtitle I (7 U.S.C. 2009dd–2009dd–7).

(2) CONFORMING AMENDMENT.—Section 333A(h) of such Act (7 U.S.C. 1983a(h)) is amended by striking "310B(f),".

(b) RURAL ELECTRIFICATION ACT OF 1936.—Section 314 of the Rural Electrification Act of 1936 (7 U.S.C. 940d) is hereby repealed.

SEC. 6602. REPEAL OF RURAL TELEPHONE BANK.

(a) REPEAL.—Title IV of the Rural Electrification Act of 1936 (7 U.S.C. 941–950b) is repealed.

7 USC 941–950b.

(b) CONFORMING AMENDMENTS.—

(1) Section 18 of such Act (7 U.S.C. 918) is amended in each of subsections (a) and (b) by striking "and the Governor of the telephone bank".

(2) Section 204 of such Act (7 U.S.C. 925) is amended by striking "and the Governor of the telephone bank".

(3) Section 205(a) of such Act (7 U.S.C. 926) is amended—

(A) in the matter preceding paragraph (1), by striking "and the Governor of the telephone bank"; and

(B) in paragraph (2), by striking "or the Governor of the telephone bank".

(4) Section 206(a) of such Act (7 U.S.C. 927(a)) is amended—

(A) in the matter preceding paragraph (1), by striking "and the Governor of the telephone bank";

(B) by striking paragraph (1);

(C) in paragraph (4), by striking "or 408"; and

(D) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(5) Section 206(b) of such Act (7 U.S.C. 927(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "and the Governor of the telephone bank";

(B) in paragraph (1), by striking ", or a Rural Telephone Bank loan,"; and

(C) in paragraph (2), by striking ", the Rural Telephone Bank,".

(6) Section 207(1) of such Act (7 U.S.C. 928(1)) is amended—

(A) by striking "305," and inserting "305 or"; and

(B) by striking ", or a loan under section 408,".

(7) Section 301 of such Act (7 U.S.C. 931) is amended—

(A) in paragraph (3), by striking "except for net collection proceeds previously appropriated for the purchase of class A stock in the Rural Telephone Bank,";

(B) by adding "or" at the end of paragraph (4);

(C) by striking "; and" at the end of paragraph (5) and inserting a period; and

(D) by striking paragraph (6).

(8) Section 305(d)(2)(B) of such Act (7 U.S.C. 935(d)(2)(B)) is amended—

(A) in clause (i), by striking "and a loan under section 408"; and

(B) in clause (ii), by striking "and under section 408" each place it appears.

(9) Section 305(d)(3)(C) of such Act (7 U.S.C. 935(d)(3)(C)) is amended by striking "and section 408(b)(4)(C), the Secretary and the Governor of the telephone bank" and inserting "the Secretary".

(10) Section 306 of such Act (7 U.S.C. 936) is amended by striking "the Rural Telephone Bank, National Rural Utilities Cooperative Finance Corporation," and inserting "the National Rural Utilities Cooperative Finance Corporation".

(11) Section 309 of such Act (7 U.S.C. 739) is amended by striking the last sentence.

(12) Section 2352(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 901 note) is amended by striking "the Rural Telephone Bank and".

(13) The first section of Public Law 92–12 (7 U.S.C. 921a) is repealed.

(14) The first section of Public Law 92–324 (7 U.S.C. 921b) is repealed.

(15) Section 1414 of the Omnibus Budget Reconciliation Act of 1987 (7 U.S.C. 944a) is repealed.

(16) Section 1411 of the Omnibus Budget Reconciliation Act of 1987 (7 U.S.C. 948 notes) is amended by striking subsections (a) and (b).

(17) Section 3.8(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(A)) is amended by striking "or a loan or loan commitment from the Rural Telephone Bank,".

(18) Section 105(d) of the National Consumer Cooperative Bank Act (12 U.S.C. 3015(d)) is amended by striking "the Rural Telephone Bank,".

(19) Section 9101 of title 31, United States Code, is amended—

(A) in paragraph (2), by striking subparagraph (H) and redesignating subparagraphs (I), (J), and (K) as subparagraphs (H), (I), and (J), respectively; and

(B) in paragraph (3), by striking subparagraphs (K) and (O) and redesignating subparagraphs (L) through (N) and (P) through (R) as subparagraphs (K) through (P), respectively.

(20) Section 9108(d)(2) of title 31, United States Code, is amended by striking "the Rural Telephone Bank (when the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a))),".

SEC. 6603. AMENDMENTS TO LOCAL TV ACT.

The Launching Our Communities' Access to Local Television Act of 2000 (title X of H.R. 5548 of the 106th Congress, as enacted by section 1(a)(2) of Public Law 106–553; 114 Stat. 2762A–128) is amended—

(1) by striking the title heading and inserting the following:

"TITLE X—SATELLITE CARRIER RETRANSMISSION ELIGIBILITY";

(2) by striking sections 1001 through 1007 and 1009 through 1012; and

(3) by redesignating section 1008 as section 1001.

47 USC 1101 and note, 1102–1110.

Subtitle G—Technical Corrections

SEC. 6701. CORRECTIONS RELATING TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a)(1) Section 306(a)(19)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)(A)) is amended by inserting after "nonprofit corporations" the following: ", Indian Tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act)".

7 USC 1926 note.

(2) The amendment made by this subsection shall take effect as if included in section 773 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (H.R. 5426 of the 106th Congress, as enacted by Public Law 106–387 (114 Stat. 1549A–45)) in lieu of the amendment made by such section.

(b)(1) Section 309A(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a(b)) is amended by striking "and section 308".

7 USC 1929a note.

(2) The amendment made by this subsection shall take effect as if included in the enactment of section 661(c)(2) of the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104–127).

(c) Section 310B(c)(3)(A)(v) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)(3)(A)(v)) is amended by striking "and" after the semicolon and inserting "or".

(d)(1) Section 310B(e)(5)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)(F)) is amended by inserting ", except that the Secretary shall not require non-Federal financial support in an amount that is greater than 5 percent in the case of a 1994 institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382))" before the period at the end.

7 USC 1932 note.

(2) The amendment made by this subsection shall take effect as if included in the enactment of section 6015 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171).

(e)(1) Section 381E(d)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(3)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

7 USC 2009d note.

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 6012(b) of the Agricultural Act of 2014 (Public Law 113–79).

(f)(1) Section 382A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa) is amended by adding at the end the following:

> "(4) Notwithstanding any other provision of law, the State of Alabama shall be a full member of the Delta Regional Authority and shall be entitled to all rights and privileges that said membership affords to all other participating States in the Delta Regional Authority.".

7 USC 2009aa note.

(2) The amendment made by this subsection shall take effect as if included in the enactment of section 153(b) of division B of H.R. 5666, as introduced in the 106th Congress, and as enacted by section 1(4) of the Consolidated Appropriations Act, 2001 (Appendix D of Public Law 106–554; 114 Stat. 2763A–252).

(g) Section 382E(a)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C.2009aa-4(a)(1)(B)) is amended by moving clause (iv) 2 ems to the right.

(h) Section 383G(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb-5(c)) is amended—

(1) in the subsection heading by striking "TELECOMMUNICATION RENEWABLE ENERGY,," and inserting "TELECOMMUNICATION, RENEWABLE ENERGY,"; and

(2) in the text, by striking ",," and inserting a comma.

SEC. 6702. CORRECTIONS RELATING TO THE RURAL ELECTRIFICATION ACT OF 1936.

Section 201 of the Rural Electrification Act of 1936 (7 U.S.C. 922) is amended—

(1) in the 3rd sentence by striking "wildest" and inserting "widest"; and

(2) in the 6th sentence, by striking "centifies" and inserting "certifies".

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7101. PURPOSES OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) support international collaboration that leverages resources and advances priority food and agricultural interests of the United States, such as—

"(A) addressing emerging plant and animal diseases;

"(B) improving crop varieties and animal breeds; and

"(C) developing safe, efficient, and nutritious food systems.".

SEC. 7102. MATTERS RELATED TO CERTAIN SCHOOL DESIGNATIONS AND DECLARATIONS.

(a) IN GENERAL.—Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—

"(i) DEFINITION.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' mean a public college or university offering a baccalaureate or higher degree in the study of agricultural sciences, forestry, or both in any area of study specified in clause (ii).

"(ii) CLARIFICATION.—For purposes of clause (i), an area of study specified in this clause is any of the following:

"(I) Agriculture.

"(II) Agricultural business and management.

"(III) Agricultural economics.

"(IV) Agricultural mechanization.

"(V) Agricultural production operations.

"(VI) Aquaculture.

"(VII) Agricultural and food products processing.

"(VIII) Agricultural and domestic animal services.

"(IX) Equestrian or equine studies.

"(X) Applied horticulture or horticulture operations.

"(XI) Ornamental horticulture.

"(XII) Greenhouse operations and management.

"(XIII) Turf and turfgrass management.

"(XIV) Plant nursery operations and management.

"(XV) Floriculture or floristry operations and management.

"(XVI) International agriculture.

"(XVII) Agricultural public services.

"(XVIII) Agricultural and extension education services.

"(XIX) Agricultural communication or agricultural journalism.

"(XX) Animal sciences.

"(XXI) Food science.

"(XXII) Plant sciences.

"(XXIII) Soil sciences.

"(XXIV) Forestry.

"(XXV) Forest sciences and biology.

"(XXVI) Natural resources or conservation.

"(XXVII) Natural resources management and policy.

"(XXVIII) Natural resource economics.

"(XXIX) Urban forestry.

"(XXX) Wood science and wood products or pulp or paper technology.

"(XXXI) Range science and management.

"(XXXII) Agricultural engineering.

"(XXXIII) Any other area, as determined appropriate by the Secretary."; and

(2) in subparagraph (C)—

(A) in the matter preceding clause (i), by inserting "any institution designated under" after "include";

(B) by striking clause (i); and

(C) in clause (ii)—

(i) by striking "(ii) any institution designated under—";

(ii) by striking subclause (IV);

(iii) in subclause (II), by adding "or" at the end;

(iv) in subclause (III), by striking "; or" at the end and inserting a period; and

(v) by redesignating subclauses (I), (II), and (III) (as so amended) as clauses (i), (ii), and (iii), respectively, and by moving the margins of such clauses (as so redesignated) two ems to the left.

(b) DESIGNATION REVIEW.— 7 USC 3103 note.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish a process to review each designated NLGCA Institution (as defined in section 1404(14)(A) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)(A))) to ensure compliance with such section, as amended by this subsection.

(2) REVOCATION.—An NLGCA Institution that the Secretary determines under subparagraph (A) to be not in compliance shall have the designation of such institution revoked.

SEC. 7103. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "25" and inserting "15"; and

(B) by amending paragraph (3) to read as follows:

"(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:

"(A) 3 members representing national farm or producer organizations, which may include members—

"(i) representing farm cooperatives;

"(ii) who are producers actively engaged in the production of a food animal commodity and who are recommended by a coalition of national livestock organizations;

"(iii) who are producers actively engaged in the production of a plant commodity and who are recommended by a coalition of national crop organizations; or

"(iv) who are producers actively engaged in aquaculture and who are recommended by a coalition of national aquacultural organizations.

"(B) 2 members representing academic or research societies, which may include members representing—

"(i) a national food animal science society;

"(ii) a national crop, soil, agronomy, horticulture, plant pathology, or weed science society;

"(iii) a national food science organization;

"(iv) a national human health association; or

"(v) a national nutritional science society.

"(C) 5 members representing agricultural research, extension, and education, which shall include each of the following:

"(i) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

"(ii) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

"(iii) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

"(iv) 1 member representing NLGCA Institutions or Hispanic-serving institutions.

"(v) 1 member representing American colleges of veterinary medicine.

"(D) 5 members representing industry, consumer, or rural interests, including members representing—

"(i) entities engaged in transportation of food and agricultural products to domestic and foreign markets;

"(ii) food retailing and marketing interests;

"(iii) food and fiber processors;

"(iv) rural economic development interests;

"(v) a national consumer interest group;

"(vi) a national forestry group;

"(vii) a national conservation or natural resource group;

"(viii) a national social science association;

"(ix) private sector organizations involved in international development; or

"(x) a national association of agricultural economists.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "review and" and inserting "make recommendations, review, and";

(ii) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) long-term and short-term national policies and priorities consistent with the—

"(i) purposes specified in section 1402 for agricultural research, extension, education, and economics; and

"(ii) priority areas of the Agriculture and Food Research Initiative specified in subsection (b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b)(2));"; and

(iii) by amending subparagraph (B) to read as follows:

"(B) the annual establishment of national priorities that are in accordance with the priority areas of the Agriculture and Food Research Initiative specified in subsection (b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b)(2)).";

(B) in paragraph (2), by inserting "and make recommendations to the Secretary based on such evaluation" after "priorities"; and

(C) in paragraph (4), by inserting "and make recommendations on" after "review"; and

(3) in subsection (h), by striking "2018" and inserting "2023".

SEC. 7104. SPECIALTY CROP COMMITTEE.

Section 1408A(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(a)(2)) is amended—

(1) in subparagraph (A), by striking "speciality" and inserting "specialty";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "9" and inserting "11"; and

(B) in clause (i), by striking "Three" and inserting "Five"; and

(3) in subparagraph (D), by striking "2018" and inserting "2023".

SEC. 7105. RENEWABLE ENERGY COMMITTEE DISCONTINUED.

Subtitle B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121 et seq.) is amended by striking section 1408B. 7 USC 3123b.

SEC. 7106. VETERINARY SERVICES GRANT PROGRAM.

Section 1415B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151b) is amended—

(1) in subsection (d)(1), by adding at the end the following:

"(F) To expose students in grades 11 and 12 to education and career opportunities in food animal medicine."; and

(2) in subsection (h)—

(A) by striking the subsection designation and heading and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—"; and

(B) by adding at the end the following:

"(2) PRIORITY.—From amounts made available for grants under this section, the Secretary shall prioritize grant awards for programs or activities with a focus on the practice of food animal medicine. ".

SEC. 7107. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURE SCIENCES EDUCATION.

Section 1417(m)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(m)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7108. AGRICULTURAL AND FOOD POLICY RESEARCH CENTERS.

Section 1419A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(e)) is amended by striking "2018" and inserting "2023".

SEC. 7109. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS.

Section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156) is amended—

(1) in subsection (a)(3), by striking "2018" and inserting "2023"; and

(2) in subsection (b)(3), by striking "2018" and inserting "2023".

SEC. 7110. NEXT GENERATION AGRICULTURE TECHNOLOGY CHALLENGE.

Subtitle C of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151 et seq.) is amended by adding at the end the following:

7 USC 3158.

"SEC. 1419C. NEXT GENERATION AGRICULTURE TECHNOLOGY CHALLENGE.

"(a) IN GENERAL.—The Secretary shall establish a next generation agriculture technology challenge competition to provide an incentive for the development of innovative mobile technology that removes barriers to entry in the marketplace for beginning farmers and ranchers (as defined in subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)).

"(b) AMOUNT.—The Secretary may award not more than $1,000,000 in the aggregate to 1 or more winners of the competition under subsection (a).".

SEC. 7111. LAND-GRANT DESIGNATION.

Subtitle C of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151 et seq.), as amended by section 7110, is further amended by adding at the end the following new section:

7 USC 3159.

"SEC. 1419D. LAND-GRANT DESIGNATION.

"(a) PROHIBITION ON DESIGNATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraphs (2) and (3), beginning on the date of the enactment of this section, no additional entity may be designated as eligible to receive funds under a covered program.

"(2) 1994 INSTITUTIONS.—The prohibition under paragraph (1) with respect to the designation of an entity eligible to receive funds under a covered program shall not apply in the case of the certification of a 1994 Institution under section 2 of Public Law 87–788 (commonly known as the "McIntire-Stennis Cooperative Forestry Act") (16 U.S.C. 582a–1).

"(3) EXTRAORDINARY CIRCUMSTANCES.—In the case of extraordinary circumstances or a situation that would lead to an inequitable result, as determined by the Secretary, the Secretary may determine that an entity designated after the date of enactment of this section is eligible to receive funds under a covered program.

"(b) STATE FUNDING.—No State shall receive an increase in funding under a covered program as a result of the State's designation of additional entities as eligible to receive such funding.

"(c) COVERED PROGRAM DEFINED.—For purposes of this section, the term 'covered program' means agricultural research, extension, education, and related programs or grants established or available under any of the following:

"(1) Subsections (b), (c), and (d) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

"(2) The Hatch Act of 1887 (7 U.S.C. 361a et seq.).

"(3) Sections 1444, 1445, and 1447.

"(4) Public Law 87–788 (commonly known as the McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a et seq.).

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting eligibility for a capacity and infrastructure program specified in section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C)) that is not a covered program.".

SEC. 7112. NUTRITION EDUCATION PROGRAM.

Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended—

(1) by redesignating subsection (f) as subsection (g);

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

"(f) COORDINATION.—Projects carried out with funds made available under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), to carry out the program established under subsection (b) may be coordinated with the nutrition education and obesity prevention grant program under section 28 of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a) or another health promotion or nutrition improvement strategy, whether publicly or privately funded, as determined by the Secretary."; and

(3) in subsection (g) (as so redesignated), by striking "2018" and inserting "2023".

SEC. 7113. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(c)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(c)(1)) is amended by striking "2018" and inserting "2023".

SEC. 7114. CARRYOVER OF FUNDS FOR EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1444(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)) is amended by striking paragraph (4).

SEC. 7115. EXTENSION AND AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

(a) EXTENSION.—Section 1444(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(b)) is amended—

(1) in the undesignated matter following paragraph (2)(B)—

(A) by striking "paragraph (2) of this subsection" and inserting "this paragraph"; and

(B) by striking "In computing" and inserting the following:

"(C) In computing";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "Of the remainder" and inserting "Except as provided in paragraph (4), of the remainder"; and

(B) by striking "(2) any funds" and inserting the following:

"(3) ADDITIONAL AMOUNT.—Any funds";

(3) in paragraph (1)—

(A) by striking "are allocated" and inserting "were allocated"; and

(B) by striking "; and" and inserting ", as so designated as of that date.";

(4) by striking "(b) Beginning" in the matter preceding paragraph (1) and all that follows through "any funds" in paragraph (1) and inserting the following:

"(b) DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—Funds made available under this section shall be distributed among eligible institutions in accordance with this subsection.

"(2) BASE AMOUNT.—Any funds"; and

(5) by adding at the end the following:

"(4) SPECIAL AMOUNTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) COVERED FISCAL YEAR.—The term 'covered fiscal year' means the fiscal year for which the qualified eligible institution first received an allocation of $3,000,000 under subparagraph (B)(i).

"(ii) OTHER ELIGIBLE INSTITUTION.—The term 'other eligible institution' means an eligible institution, other than the qualified eligible institution, receiving an allocation of funds under this section.

"(iii) QUALIFIED ELIGIBLE INSTITUTION.—The term 'qualified eligible institution' means the eligible institution described in subparagraph (B)(i).

"(B) FISCAL YEAR 2019, 2020, 2021, OR 2022.—

"(i) IN GENERAL.—Subject to clause (ii), for 1 of fiscal year 2019, 2020, 2021, or 2022, if the calculation under paragraph (3)(B) would result in a distribution for a fiscal year of less than $3,000,000 to an eligible institution that first received funds under this section on a date occurring after the date of enactment of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 649) and before September 30, 2018, that institution shall receive an allocation of $3,000,000 for that fiscal year.

"(ii) LIMITATION.—Clause (i) shall apply only if amounts are appropriated under this section in an amount sufficient to provide that each other eligible institution receiving an allocation of funds under this section for fiscal year 2019, 2020, 2021, or 2022, as applicable, receives not less than the amount of funds received by that other eligible institution under this section for the preceding fiscal year.

"(C) SUBSEQUENT FISCAL YEARS.—

"(i) MINIMUM ADDITIONAL FUNDING AMOUNTS.—Subject to clauses (ii) and (iii), for each fiscal year following the covered fiscal year—

"(I) the qualified eligible institution shall receive an allocation under this subsection of at least $3,000,000; and

"(II) each other eligible institution shall receive an allocation under this subsection of at least the amount received by such other eligible institution under this subsection for the covered fiscal year.

"(ii) SHORTFALL OF SPECIAL AMOUNTS.—

"(I) APPLICABILITY.—This clause shall apply to any fiscal year following the covered fiscal year and for which the total amount appropriated under

this section is insufficient to provide for the minimum additional funding amounts described in clause (i).

"(II) REDUCTIONS IN ALLOCATIONS.—In the case of a fiscal year to which this clause applies, reductions in allocations shall be made proportionally from the qualified eligible institution and from each other eligible institution based on the increased amounts (if any) that the qualified eligible institution and each other eligible institution were allocated for the covered fiscal year as compared to the fiscal year immediately preceding the covered fiscal year.

"(iii) EFFECT OF CENSUS.—Clauses (i) and (ii) shall not apply in any fiscal year for which a shortfall in the minimum additional funding amounts described in clause (i) is attributable to the incorporation of new census data into the calculation under paragraph (3), as determined by the Secretary.".

(b) RESEARCH.—Section 1445(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(b)) is amended—

(1) in paragraph (2)—

(A) by adding at the end the following:

"(D) SPECIAL AMOUNTS.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) COVERED FISCAL YEAR.—The term 'covered fiscal year' means the fiscal year for which the qualified eligible institution first received an allocation of $3,000,000 under clause (ii)(I).

"(II) OTHER ELIGIBLE INSTITUTION.—The term 'other eligible institution' means an eligible institution, other than the qualified eligible institution, receiving an allocation of funds under this section.

"(III) QUALIFIED ELIGIBLE INSTITUTION.—The term 'qualified eligible institution' means the eligible institution described in clause (ii)(I).

"(ii) FISCAL YEAR 2019, 2020, 2021, OR 2022.—

"(I) IN GENERAL.—Subject to subclause (II), for 1 of fiscal year 2019, 2020, 2021, or 2022, if the calculation under subparagraph (C) would result in a distribution for a fiscal year of less than $3,000,000 to an eligible institution that first received funds under this section on a date occurring after the date of enactment of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 649) and before September 30, 2018, that institution shall receive an allocation of $3,000,000 for that fiscal year.

"(II) LIMITATION.—Subclause (I) shall apply only if amounts are appropriated under this section in an amount sufficient to provide that each other eligible institution receiving an allocation of funds under this section for fiscal year 2019, 2020, 2021, or 2022, as applicable, receives not less than the amount of funds received by that other eligible

institution under this section for the preceding fiscal year.

"(iii) SUBSEQUENT FISCAL YEARS.—

"(I) MINIMUM ADDITIONAL FUNDING AMOUNTS.—Subject to subclauses (II) and (III), for each fiscal year following the covered fiscal year—

"(aa) the qualified eligible institution shall receive an allocation under this paragraph of at least $3,000,000; and

"(bb) each other eligible institution shall receive an allocation under this paragraph of at least the amount received by such other eligible institution under this subsection for the covered fiscal year.

"(II) SHORTFALL OF SPECIAL AMOUNTS.—

"(aa) APPLICABILITY.—This subclause shall apply to any fiscal year following the covered fiscal year and for which the total amount appropriated under this subsection is insufficient to provide for the minimum additional funding amounts described in subclause (I).

"(bb) REDUCTIONS IN ALLOCATIONS.—In the case of a fiscal year to which this subclause applies, reductions in allocations shall be made proportionally from the qualified eligible institution and from each other eligible institution based on the increased amounts (if any) that the qualified eligible institution and each other eligible institution were allocated for the covered fiscal year as compared to the fiscal year immediately preceding the covered fiscal year.

"(III) EFFECT OF CENSUS.—Subclauses (I) and (II) shall not apply in any fiscal year for which a shortfall in the minimum additional funding amounts described in subclause (I) is attributable to the incorporation of new census data into the calculation under paragraph (3)(C), as determined by the Secretary.";

(B) in subparagraph (B), by striking "(B) Of funds" and inserting the following:

"(C) ADDITIONAL AMOUNT.—Except as provided in subparagraph (D), of funds";

(C) in subparagraph (A)—

(i) by striking "are allocated" and inserting "were allocated";

(ii) by inserting ", as so designated as of that date" before the period at the end; and

(iii) by striking "(A) Funds" and inserting the following:

"(B) BASE AMOUNT.—Funds"; and

(D) in the matter preceding subparagraph (B) (as so designated), by striking "(2) The" and all that follows through "follows:" and inserting the following:

"(3) DISTRIBUTIONS.—

"(A) IN GENERAL.—After allocating amounts under paragraph (2), the remainder shall be allotted among the eligible institutions in accordance with this paragraph.";

(2) in paragraph (1), by striking "(1) Three per centum" and inserting the following:

"(2) ADMINISTRATION.—3 percent"; and

(3) in the matter preceding paragraph (2) (as so designated), by striking "(b) Beginning" and all that follows through "follows:" and inserting the following:

"(b) DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—Funds made available under this section shall be distributed among eligible institutions in accordance with this subsection.".

SEC. 7116. REPORTS ON DISBURSEMENT OF FUNDS FOR AGRICULTURAL RESEARCH AND EXTENSION AT 1862 AND 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

7 USC 2207d.

Not later than September 30, 2019, and each year thereafter, the Secretary shall annually submit to Congress a report describing the allocations made to, and matching funds received by, 1890 Institutions and 1862 Institutions (as those terms are defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601) for each of the agricultural research, extension, education, and related programs established under—

(1) section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221);

(2) section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222);

(3) subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343); and

(4) the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

SEC. 7117. SCHOLARSHIPS FOR STUDENTS AT 1890 INSTITUTIONS.

Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1445 (7 U.S.C. 3222) the following new section:

"SEC. 1446. SCHOLARSHIPS FOR STUDENTS AT 1890 INSTITUTIONS.

7 USC 3222a.

"(a) IN GENERAL.—

"(1) SCHOLARSHIP GRANT PROGRAM ESTABLISHED.—The Secretary shall make grants to each college or university eligible to receive funds under the Act of August 30, 1890 (commonly known as the Second Morrill Act; 7 U.S.C. 322 et seq.), including Tuskegee University, for purposes of awarding scholarships to individuals who—

"(A) have been accepted for admission at such college or university;

"(B) will be enrolled at such college or university not later than one year after the date of such acceptance; and

"(C) intend to pursue a career in the food and agricultural sciences, including a career in—

"(i) agribusiness;

"(ii) energy and renewable fuels; or

"(iii) financial management.

"(2) CONDITION.—The Secretary may only award a grant under this subsection to a college or university described in paragraph (1) if the Secretary determines that such college or university has established a competitive scholarship awards process for the award of scholarships to individuals described in such paragraph.

"(3) ANNUAL LIMITATION.—Of the funds made available under subsection (b)(1), the Secretary may use not more than $10,000,000 to award grants under this subsection for the academic year beginning on July 1, 2020, and each of the three succeeding academic years.

"(4) AMOUNT OF GRANT.—Each grant made under this section shall be in an amount of not less than $500,000.

"(b) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $40,000,000 not later than October 1, 2019, to remain available until expended.

"(2) DISCRETIONARY FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2020 through 2023.

"(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraphs (1) and (2) to carry out this section for a fiscal year, not more than 4 percent may be used for expenses related to administering the program under this section.

"(c) REPORT.—Beginning on the date that is two years after the date on which the first grant is awarded under subsection (a), and every two years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report detailing—

"(1) the amount of funds provided to each eligible college or university under this section;

"(2) the number of scholarships awarded under each grant each fiscal year; and

"(3) the amount of each such scholarship.".

SEC. 7118. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "2018" and inserting "2023".

SEC. 7119. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

Section 1447B(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b–2(d)) is amended by striking "2018" and inserting "2023".

SEC. 7120. NEW BEGINNING FOR TRIBAL STUDENTS.

Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221 et seq.) is amended by adding at the end the following:

"SEC. 1450. NEW BEGINNING FOR TRIBAL STUDENTS. 7 USC 3222e.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

"(2) LAND-GRANT COLLEGE OR UNIVERSITY.—The term 'land-grant college or university' includes a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)).

"(3) TRIBAL STUDENT.—The term 'Tribal student' means a student at a land-grant college or university that is a member of an Indian tribe.

"(b) NEW BEGINNING INITIATIVE.—

"(1) AUTHORIZATION.—The Secretary may make competitive grants to land-grant colleges and universities to provide identifiable support specifically targeted for Tribal students.

"(2) APPLICATION.—A land-grant college or university that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(3) USE OF FUNDS.—A land-grant college or university that receives a grant under this section shall use the grant funds to support Tribal students through—

"(A) recruiting;

"(B) tuition and related fees;

"(C) experiential learning; and

"(D) student services, including—

"(i) tutoring;

"(ii) counseling;

"(iii) academic advising; and

"(iv) other student services that would increase the retention and graduation rate of Tribal students enrolled at the land-grant college or university, as determined by the Secretary.

"(4) MATCHING FUNDS.—A land-grant college or university that receives a grant under this section shall provide matching funds toward the cost of carrying out the activities described in this section in an amount equal to not less than 100 percent of the grant award.

"(5) MAXIMUM AMOUNT PER STATE.—No State shall receive, through grants made under this section to land-grant colleges and universities located in the State, more than $500,000 per year.

"(c) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Indian Affairs of the Senate a report that includes an itemized list of grant funds distributed under this section, including the specific form of assistance provided under subsection (b)(3), and the number of Tribal students assisted and the graduation rate of Tribal students at land-grant colleges and universities receiving grants under this section.

"(d) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7121. HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking "2018" and inserting "2023".

SEC. 7122. BINATIONAL AGRICULTURAL RESEARCH AND DEVELOPMENT.

Section 1458(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(e)) is amended—

(1) in the subsection heading, by striking "FULL PAYMENT OF FUNDS MADE AVAILABLE FOR CERTAIN" and inserting "CERTAIN" ;

(2) by striking "Notwithstanding" and inserting the following:

"(1) FULL PAYMENT OF FUNDS.—Notwithstanding";

(3) in paragraph (1) (as so designated)—

(A) by striking "Israel-United States" and inserting "United States-Israel"; and

(B) by inserting "(referred to in this subsection as the 'BARD Fund')" after "Development Fund"; and

(4) by adding at the end the following:

"(2) ACTIVITIES.—Activities under the BARD Fund to promote and support agricultural research and development that are of mutual benefit to the United States and Israel shall—

"(A) accelerate the demonstration, development, and application of agricultural solutions resulting from or relating to BARD Fund programs, including BARD Fund-sponsored research and innovations in drip irrigation, pesticides, aquaculture, livestock, poultry, disease control, and farm equipment; and

"(B) encourage research carried out by governmental, nongovernmental, and private entities, including through collaboration with colleges and universities, research institutions, and the private sector.".

SEC. 7123. PARTNERSHIPS TO BUILD CAPACITY IN INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1458 (7 U.S.C. 3291) the following:

7 USC 3292.

"SEC. 1458A. PARTNERSHIPS TO BUILD CAPACITY IN INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING.

"(a) DEFINITIONS.—In this section:

"(1) 1862 INSTITUTION; 1890 INSTITUTION; 1994 INSTITUTION.—The terms '1862 Institution', '1890 Institution', and '1994 Institution' have the meanings given the terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

"(2) COVERED INSTITUTION.—The term 'covered Institution' means—

"(A) an 1862 Institution;

"(B) an 1890 Institution;

"(C) a 1994 Institution;

"(D) an NLGCA Institution;

"(E) a Hispanic-serving agricultural college or university; and

"(F) a cooperating forestry school.

"(3) DEVELOPING COUNTRY.—The term 'developing country' means a country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

"(4) INTERNATIONAL PARTNER INSTITUTION.—The term 'international partner institution' means an agricultural higher education institution in a developing country that is performing, or desiring to perform, activities similar to agricultural research, extension, and teaching activities carried out through covered Institutions in the United States.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary may promote cooperation and coordination between covered Institutions and international partner institutions through—

"(1) improving extension by—

"(A) encouraging the exchange of research materials and results between covered Institutions and international partner institutions;

"(B) facilitating the broad dissemination of agricultural research through extension; and

"(C) assisting with efforts to plan and initiate extension services in developing countries;

"(2) improving agricultural research by—

"(A) in partnership with international partner institutions, encouraging research that addresses problems affecting food production and security, human nutrition, agriculture, forestry, livestock, and fisheries, including local challenges; and

"(B) supporting and strengthening national agricultural research systems in developing countries;

"(3) supporting the participation of covered Institutions in programs of international organizations, such as the United Nations, the World Bank, regional development banks, and international agricultural research centers;

"(4) improving agricultural teaching and education by—

"(A) in partnership with international partner institutions, supporting education and teaching relating to food and agricultural sciences, including technical assistance, degree training, research collaborations, classroom instruction, workforce training, and education programs; and

"(B) assisting with efforts to increase student capacity, including to encourage equitable access for women and other underserved populations, at international partner institutions by promoting partnerships with, and improving the capacity of, covered Institutions;

"(5) assisting covered Institutions in strengthening their capacity for food, agricultural, and related research, extension, and teaching programs relevant to agricultural development activities in developing countries to promote the application of new technology to improve education delivery;

"(6) providing support for the internationalization of resident instruction programs of covered Institutions;

"(7) establishing a program, to be coordinated by the Director of the National Institute of Food and Agriculture and the Administrator of the Foreign Agricultural Service, to place interns from covered Institutions in, or in service to benefit, developing countries; and

"(8) establishing a program to provide fellowships to students at covered Institutions to study at foreign agricultural colleges and universities.

"(c) ENHANCING LINKAGES.—The Secretary shall enhance the linkages among covered Institutions, the Federal Government, international research centers, counterpart research, extension, and teaching agencies and institutions in developed countries and developing countries—

"(1) to carry out the activities described in subsection (b); and

"(2) to make a substantial contribution to the cause of improved food and agricultural progress throughout the world.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7124. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7125. LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.

Section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310) is amended—

(1) in subsection (a), by striking "22 percent" and inserting "30 percent";

(2) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (c)"; and

(3) by adding at the end the following:

"(c) TREATMENT OF SUBGRANTS.—In the case of a grant described in subsection (a), the limitation on indirect costs specified in such subsection shall be applied to both the initial grant award and any subgrant of the Federal funds provided under the initial grant award so that the total of all indirect costs charged against the total of the Federal funds provided under the initial grant award does not exceed such limitation.".

SEC. 7126. RESEARCH EQUIPMENT GRANTS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1462 (7 U.S.C. 3310) the following new section:

7 USC 3310a.

"SEC. 1462A. RESEARCH EQUIPMENT GRANTS.

"(a) IN GENERAL.—The Secretary may make competitive grants for the acquisition of special purpose scientific research equipment for use in the food and agricultural sciences programs of eligible institutions.

"(b) MAXIMUM AMOUNT.—The amount of a grant made to an eligible institution under this section may not exceed $500,000.

"(c) PROHIBITION ON CHARGE OR EQUIPMENT AS INDIRECT COSTS.—The cost of acquisition or depreciation of equipment purchased with a grant under this section shall not be—

"(1) charged as an indirect cost against another Federal grant; or

"(2) included as part of the indirect cost pool for purposes of calculating the indirect cost rate of an eligible institution.

"(d) ELIGIBLE INSTITUTIONS DEFINED.—In this section, the term 'eligible institution' means—

"(1) a college or university; or

"(2) a State cooperative institution.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7127. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking "2018" each place it appears in subsections (a) and (b) and inserting "2023".

SEC. 7128. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "2018" and inserting "2023".

SEC. 7129. SUPPLEMENTAL AND ALTERNATIVE CROPS; HEMP.

Section 1473D of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d) is amended—

(1) in subsection (a)—

(A) by striking "2018" and inserting "2023"; and

(B) by striking "crops," and inserting "crops (including canola),";

(2) in subsection (b)—

(A) by inserting "for agronomic rotational purposes and as a habitat for honey bees and other pollinators" after "alternative crops"; and

(B) by striking "commodities whose" and all that follows through the period at the end and inserting "commodities.";

(3) in subsection (c)(3)(E), by inserting "(including hemp (as defined in section 297A of the Agricultural Marketing Act of 1946))" after "material"; and

(4) in subsection (e)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) $2,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7130. NEW ERA RURAL TECHNOLOGY PROGRAM.

Section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e) is amended—

(1) in subsection (b)(1)(B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) precision agriculture."; and

(2) in subsection (d), by striking "2008 through 2012" and inserting "2019 through 2023".

SEC. 7131. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Section 1473F(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319i(b)) is amended by striking "2018" and inserting "2023".

SEC. 7132. AGRICULTURE ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY PILOT.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) is amended by adding at the end the following:

7 USC 3319k.

"SEC. 1473H. AGRICULTURE ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY PILOT.

"(a) DEFINITIONS.—In this section:

"(1) ADVANCED RESEARCH AND DEVELOPMENT.—The term 'advanced research and development' means research and development activities used to address research challenges in agriculture and food through—

"(A) targeted acceleration of novel, early stage innovative agricultural research with promising technology applications and products; or

"(B) development of qualified products and projects, agricultural technologies, or innovative research tools, which may include—

"(i) prototype testing, preclinical development, or field experimental use;

"(ii) assessing and assisting with product approval, clearance, or need for a license under an applicable law, as determined by the Director; or

"(iii) manufacturing and commercialization of a product.

"(2) AGRICULTURAL TECHNOLOGY.—The term 'agricultural technology' means machinery and other equipment engineered for an applicable and novel use in agriculture, natural resources, and food relating to the research and development of qualified products and projects.

"(3) DIRECTOR.—The term 'Director' means the Director of the Agriculture Advanced Research and Development Authority established under subsection (b)(1).

"(4) OTHER TRANSACTION.—The term 'other transaction' means a transaction other than a procurement contract, grant, or cooperative agreement, including a transaction described in subsection (b)(6)(A).

"(5) PERSON.—The term 'person' means—

"(A) an individual;

"(B) a partnership;

"(C) a corporation;

"(D) an association;

"(E) an entity;

"(F) a public or private corporation;

"(G) a Federal, State, or local government agency or department; and

"(H) an institution of higher education, including a land-grant college or university and a non-land-grant college of agriculture.

"(6) QUALIFIED PRODUCT OR PROJECT.—The term 'qualified product or project' means—

"(A) engineering, mechanization, or technology improvements that will address challenges relating to growing, harvesting, handling, processing, storing, packing, and distribution of agricultural products;

"(B) plant disease or plant pest recovery countermeasures to intentional or unintentional biological threats (including naturally occurring threats), including—

"(i) replacement or resistant plant cultivars or varieties;

"(ii) other enhanced management strategies, including novel chemical, biological, or cultural approaches; or

"(iii) diagnostic or surveillance technology; and

"(C) veterinary countermeasures to intentional or unintentional biological threats (including naturally occurring threats), including—

"(i) animal vaccine or therapeutic products (including anti-infective products); or

"(ii) diagnostic or surveillance technology.

"(7) RESEARCH TOOL.—The term 'research tool' means a device, technology, procedure, biological material, reagent, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of a qualified product or project.

"(b) AGRICULTURE ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

"(1) ESTABLISHMENT.—There is established within the Department of Agriculture a pilot program that shall be known as the Agriculture Advanced Research and Development Authority (referred to in this section as the 'AGARDA') to carry out advanced research and development.

"(2) GOALS.—The goals of the AGARDA are—

"(A) to develop and deploy advanced solutions to prevent, prepare, and protect against unintentional and intentional threats to agriculture and food in the United States;

"(B) to overcome barriers in the development of agricultural technologies, research tools, and qualified products and projects that enhance export competitiveness, environmental sustainability, and resilience to extreme weather;

"(C) to ensure that the United States maintains and enhances its position as a leader in developing and deploying agricultural technologies, research tools, and qualified projects and products that increase economic opportunities and security for farmers, ranchers, and rural communities; and

"(D) to undertake advanced research and development in areas in which industry by itself is not likely to do so because of the technological or financial uncertainty.

"(3) LEADERSHIP.—

"(A) IN GENERAL.—The AGARDA shall be a component of the Office of the Chief Scientist.

"(B) DIRECTOR.—

"(i) IN GENERAL.—The AGARDA shall be headed by a Director, who shall be appointed by the Chief Scientist.

"(ii) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is exceptionally qualified to advise the Chief Scientist on, and manage advanced research and development programs and other matters pertaining to—

"(I) qualified products and projects;

"(II) agricultural technologies;

"(III) research tools; and

"(IV) challenges relating to the matters described in subclauses (I) through (III).

"(iii) RELATIONSHIP WITHIN THE DEPARTMENT OF AGRICULTURE.—The Director shall report to the Chief Scientist.

"(4) DUTIES.—To achieve the goals described in paragraph (2), the Secretary, acting through the Director, shall accelerate advanced research and development by—

"(A) identifying and promoting advances in basic sciences;

"(B) translating scientific discoveries and inventions into technological innovations;

"(C) collaborating with other agencies, relevant industries, academia, international agencies, the Foundation for Food and Agriculture Research, and other relevant persons to carry out the goals described in paragraph (2), including convening, at a minimum, annual meetings or working groups to demonstrate the operation and effectiveness of advanced research and development of qualified products and projects, agricultural technologies, and research tools;

"(D) conducting ongoing searches for, and support calls for, potential advanced research and development of agricultural technologies, qualified products and projects, and research tools;

"(E) awarding grants and entering into contracts, cooperative agreements, or other transactions under paragraph (6) for advanced research and development of agricultural technology, qualified products and projects, and research tools;

"(F) establishing issue-based multidisciplinary teams to reduce the time and cost of solving specific problems that—

"(i) are composed of representatives from Federal and State agencies, professional groups, academia, and industry;

"(ii) seek novel and effective solutions; and

"(iii) encourage data sharing and translation of research to field use; and

"(G) serving as a resource for interested persons regarding requirements under relevant laws that impact the development, commercialization, and technology transfer of qualified products and projects, agricultural technologies, and research tools.

"(5) PRIORITY.—In awarding grants and entering into contracts, cooperative agreements, or other transactions under

paragraph (4)(E), the Secretary shall give priority to projects that accelerate the advanced research and development of qualified products and projects that—

"(A) address critical research and development needs for technology for specialty crops; or

"(B) prevent, protect, and prepare against intentional and unintentional threats to agriculture and food.

"(6) OTHER TRANSACTION AUTHORITIES.—

"(A) IN GENERAL.—In carrying out the pilot program under this section, the Secretary shall have the authority to enter into other transactions in the same manner and subject to the same terms and conditions as transactions that the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

"(B) SCOPE.—The authority of the Secretary to enter into contracts, cooperative agreements, and other transactions under this subsection shall be in addition to the authorities under this Act and title I of the Department of Agriculture and Related Agencies Appropriation Act, 1964 (7 U.S.C. 3318a), to use contracts, cooperative agreements, and grants in carrying out the pilot program under this section.

"(C) GUIDELINES.—The Secretary shall establish guidelines regarding the use of the authority under subparagraph (A).

"(D) TECHNOLOGY TRANSFER.—In entering into other transactions, the Secretary may negotiate terms for technology transfer in the same manner as a Federal laboratory under paragraphs (1) through (4) of section 12(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)).

"(7) AVAILABILITY OF DATA.—

"(A) IN GENERAL.—The Secretary shall require that, as a condition of being awarded a contract or grant or entering into a cooperative agreement or other transaction under paragraph (4)(E), a person shall make available to the Secretary on an ongoing basis, and submit to the Secretary on request of the Secretary, all data relating to or resulting from the activities carried out by the person pursuant to this section.

"(B) EXEMPTION FROM DISCLOSURE.—

"(i) IN GENERAL.—This subparagraph shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

"(ii) EXEMPTION.—The following information shall be exempt from disclosure under section 552 of title 5, United States Code, and withheld from the public:

"(I) Specific technical data or scientific information that is created or obtained under this section that reveals significant and not otherwise publicly known vulnerabilities of existing agriculture and food defenses against biological, chemical, nuclear, or radiological threats.

"(II) Trade secrets or commercial or financial information that is privileged or confidential (within the meaning of section 552(b)(4) of title 5, United States Code) and obtained in the conduct

of research or as a result of activities under this section from a non-Federal party participating in a contract, grant, cooperative agreement, or other transaction under this section.

"(iii) LIMITATION.—Information that results from research and development activities conducted under this section and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative agreement or other transaction shall be withheld from disclosure under subchapter II of chapter 5 of title 5, United States Code, for 5 years.

"(8) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts and grants and entering into cooperative agreements or other transactions under paragraph (4)(E), the Secretary may—

"(A) use milestone-based awards and payments; and

"(B) terminate a project for not meeting technical milestones.

"(9) USE OF EXISTING PERSONNEL AUTHORITIES.—In carrying out this subsection, the Secretary may appoint highly qualified individuals to scientific or professional positions on the same terms and conditions as provided in subsections (b)(3), (b)(4), (c), (d), (e), and (f) of section 620 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7657).

"(10) REPORT AND EVALUATION.—

"(A) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report examining the actions undertaken and results generated by the AGARDA.

"(B) EVALUATION.—After the date on which the AGARDA has been in operation for 3 years, the Comptroller General of the United States shall conduct an evaluation—

"(i) to be completed and submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than 1 year after the date on which the Comptroller General began conducting the evaluation;

"(ii) describing the extent to which the AGARDA is achieving the goals described in paragraph (2); and

"(iii) including a recommendation on whether the AGARDA should be continued, terminated, or expanded.

"(c) STRATEGIC PLAN.—

"(1) IN GENERAL.—Not later than 360 days after the date of enactment of this section, the Secretary shall develop and make publicly available a strategic plan describing the strategic vision that the AGARDA shall use—

"(A) to make determinations for future investments during the period of effectiveness of this section; and

"(B) to achieve the goals described in subsection (b)(2).

"(2) DISSEMINATION.—The Secretary shall disseminate the information contained in the strategic plan under paragraph

(1) to persons who may have the capacity to substantially contribute to the activities described in that strategic plan.

"(3) COORDINATION; CONSULTATION.—The Secretary shall—

"(A) update and coordinate the strategic coordination plan under section 221(d)(7) of the Department of Agriculture Reorganization Act of 1994 with the strategic plan developed under paragraph (1) for activities relating to agriculture and food defense countermeasure development and procurement; and

"(B) in developing the strategic plan under paragraph (1), consult with—

"(i) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408(a);

"(ii) the specialty crops committee established under section 1408A(a)(1);

"(iii) relevant agriculture research agencies of the Federal Government;

"(iv) the National Academies of Sciences, Engineering, and Medicine;

"(v) the National Veterinary Stockpile Intra-Government Advisory Committee for Strategic Steering; and

"(vi) other appropriate parties, as determined by the Secretary.

"(d) FUNDS.—

"(1) ESTABLISHMENT.—There is established in the Treasury the Agriculture Advanced Research and Development Fund, which shall be administered by the Secretary, acting through the Director—

"(A) for the purpose of carrying out this section; and

"(B) in the same manner and subject to the same terms and conditions as are applicable to the Secretary of Defense under section 2371 of title 10, United States Code.

"(2) DEPOSITS INTO FUND.—

"(A) IN GENERAL.—The Secretary, acting through the Director, may accept and deposit into the Fund monies received pursuant to cost recovery, contribution, or royalty payments under a contract, grant, cooperative agreement, or other transaction under this section.

"(B) AVAILABILITY OF AMOUNTS IN FUND.—Amounts deposited into the fund shall remain available until expended, without further appropriation, and may be used to carry out the purposes of this section.

"(C) CLARIFICATION.—Nothing in this paragraph authorizes the use of the funds of the Commodity Credit Corporation to carry out this section.

"(3) FUNDING.—In addition to funds otherwise deposited in the Fund under paragraph (1) or (2), there is authorized to be appropriated to the Fund $50,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.

"(e) TERMINATION OF EFFECTIVENESS.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the authority provided by this section terminates on the date that is 5 years after the date of the enactment of the Agriculture Improvement Act of 2018.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to—

"(A) subsection (b)(7)(B); and

"(B) grants awarded or contracts, cooperative agreements, or other transactions entered into before the end of the 5-year period referred to in such clause.".

SEC. 7133. AQUACULTURE ASSISTANCE PROGRAMS.

Section 1477(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324(a)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7134. RANGELAND RESEARCH PROGRAMS.

Section 1483(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7135. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) $30,000,000 for each of fiscal years 2019 through 2023."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "and cooperative agreements" after "competitive grants";

(B) in paragraph (3), by striking "make competitive grants" and inserting "award competitive grants and cooperative agreements"; and

(C) by adding at the end the following new paragraph:

"(5) To coordinate the tactical science activities of the Research, Education, and Economics mission area of the Department that protect the integrity, reliability, sustainability, and profitability of the food and agricultural system of the United States against biosecurity threats from pests, diseases, contaminants, and disasters.".

SEC. 7136. DISTANCE EDUCATION AND RESIDENT INSTRUCTION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—Section 1490(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)(2)) is amended by striking "2018" and inserting "2023".

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491(c)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363(c)(2)) is amended by striking "2018" and inserting "2023".

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. BEST UTILIZATION OF BIOLOGICAL APPLICATIONS.

Section 1624 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5814) is amended in the first sentence by striking "2018" and inserting "2023".

SEC. 7202. INTEGRATED MANAGEMENT SYSTEMS.

Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended by striking "2018" and inserting "2023".

SEC. 7203. SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM.

Section 1628(f)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831(f)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7204. NATIONAL TRAINING PROGRAM.

Section 1629(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832(i)) is amended by striking "2018" and inserting "2023".

SEC. 7205. NATIONAL STRATEGIC GERMPLASM AND CULTIVAR COLLECTION ASSESSMENT AND UTILIZATION PLAN.

(a) IN GENERAL.—Section 1632(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5841(d)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) develop and implement a national strategic germplasm and cultivar collection assessment and utilization plan that takes into consideration the resources and research necessary to address the significant backlog of characterization and maintenance of existing accessions considered to be critical to preserve the viability of, and public access to, germplasm and cultivars; and".

(b) PLAN PUBLICATION.—Section 1633 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5842) is amended by adding at the end the following:

"(f) PLAN PUBLICATION.—On completion of the development of the plan described in section 1632(d)(6), the Secretary shall make the plan available to the public.".

SEC. 7206. NATIONAL GENETICS RESOURCES PROGRAM.

(a) ADVISORY COUNCIL.—Section 1634 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5843) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(B) in the second sentence of paragraph (1) (as so designated), by striking "The advisory" and inserting the following:

"(2) MEMBERSHIP.—The advisory";

(C) in paragraph (2) (as so designated), by striking "nine" and inserting "13"; and

(D) by adding at the end the following:

"(3) RECOMMENDATIONS.—

"(A) IN GENERAL.—In making recommendations under paragraph (1), the advisory council shall include recommendations on—

"(i) the state of public cultivar development, including—

"(I) an analysis of existing cultivar research investments;

"(II) the research gaps relating to the development of cultivars across a diverse range of crops; and

"(III) an assessment of the state of commercialization of federally funded cultivars;

"(ii) the training and resources needed to meet future breeding challenges;

"(iii) the appropriate levels of Federal funding for cultivar development for underserved crops and geographic areas; and

"(iv) the development of the plan described in section 1632(d)(6)."; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Two-thirds" and inserting "6"; and

(ii) by inserting "economics and policy," after "agricultural sciences,";

(B) in paragraph (2)—

(i) by striking "One-third" and inserting "3"; and

(ii) by inserting "community development," after "public policy,"; and

(C) by adding at the end the following:

"(3) 4 of the members shall be appointed from among individuals with expertise in public cultivar and animal breed development.

"(4) 4 of the members shall be appointed from among individuals representing—

"(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

"(B) 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

"(C) Hispanic-serving institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

"(D) 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382))."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1635(b)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7207. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking "2018" and inserting "2023".

SEC. 7208. AGRICULTURAL GENOME TO PHENOME INITIATIVE.

Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) in the section heading, by inserting "**TO PHENOME**" after "**GENOME**";

(2) by striking subsection (a) and inserting the following:

"(a) GOALS.—The goals of this section are—

"(1) to expand knowledge concerning genomes and phenomes of crops and animals of importance to the agriculture sector of the United States;

"(2) to understand how variable weather, environments, and production systems impact the growth and productivity of specific varieties of crops and species of animals in order to provide greater accuracy in predicting crop and animal performance under variable conditions;

"(3) to support research that leverages plant and animal genomic information with phenotypic and environmental data through an interdisciplinary framework, leading to a novel understanding of plant and animal processes that affect growth, productivity, and the ability to predict performance, which will result in the deployment of superior varieties and species to producers and improved crop and animal management recommendations for farmers and ranchers;

"(4) to catalyze and coordinate research that links genomics and predictive phenomics at different sites across the United States to achieve advances in crops and animals that generate societal benefits;

"(5) to combine fields such as genetics, genomics, plant physiology, agronomy, climatology, and crop modeling with computation and informatics, statistics, and engineering;

"(6) to combine fields such as genetics, genomics, animal physiology, meat science, animal nutrition, and veterinary science with computation and informatics, statistics, and engineering;

"(7) to focus on crops and animals that will yield scientifically important results that will enhance the usefulness of many other crops and animals;

"(8) to build on genomic research, such as the Plant Genome Research Project and the National Animal Genome Research Program, to understand gene function in production environments that is expected to have considerable returns for crops and animals of importance to the agriculture of the United States;

"(9) to develop improved data analytics to enhance understanding of the biological function of genes;

"(10) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

"(11) to encourage international partnerships with each partner country responsible for financing its own research.";

(3) by striking subsection (b) and inserting the following:

"(b) DUTIES OF SECRETARY.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall conduct a research initiative, to be known as the 'Agricultural Genome to Phenome Initiative', for the purpose of—

"(1) studying agriculturally significant crops and animals in production environments to achieve sustainable and secure agricultural production;

"(2) ensuring that current gaps in existing knowledge of agricultural crop and animal genetics and phenomics are filled;

"(3) identifying and developing a functional understanding of relevant genes from animals and agronomically relevant genes from crops that are of importance to the agriculture sector of the United States;

"(4) ensuring future genetic improvement of crops and animals of importance to the agriculture sector of the United States;

"(5) studying the relevance of diverse germplasm as a source of unique genes that may be of importance in the future;

"(6) enhancing genetics to reduce the economic impact of pathogens on crops and animals of importance to the agriculture sector of the United States;

"(7) disseminating findings to relevant audiences; and

"(8) otherwise carrying out this section.";

(4) in subsection (c)(1), by inserting ", acting through the National Institute of Food and Agriculture," after "The Secretary";

(5) in subsection (e), by inserting "to Phenome" after "Genome"; and

(6) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7209. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in subsection (d)—

(A) in paragraph (8)—

(i) in the heading, by striking "ALFALFA AND FORAGE" and inserting "ALFALFA SEED AND ALFALFA FORAGE SYSTEMS";

(ii) by striking "alfalfa and forage" and inserting "alfalfa seed and alfalfa forage systems"; and

(iii) by striking "alfalfa and other forages, and" and inserting "alfalfa seed and other alfalfa forage"; and

(B) by adding at the end the following new paragraphs:

"(11) MACADAMIA TREE HEALTH INITIATIVE.—Research and extension grants may be made under this section for the purposes of—

"(A) developing and disseminating science-based tools and treatments to combat the macadamia felted coccid (*Eriococcus ironsidei*); and

"(B) establishing an areawide integrated pest management program in areas affected by, or areas at risk of being affected by, the macadamia felted coccid.

"(12) NATIONAL TURFGRASS RESEARCH INITIATIVE.—Research and extension grants may be made under this section for the purposes of—

"(A) carrying out or enhancing research related to turfgrass and sod issues;

"(B) enhancing production and uses of turfgrass for the general public;

"(C) identifying new turfgrass varieties with superior drought, heat, cold, and pest tolerance to reduce water, fertilizer, and pesticide use;

"(D) selecting genetically superior turfgrasses and developing improved technologies for managing commercial, residential, and recreational turfgrass areas;

"(E) producing turfgrasses that—

"(i) aid in mitigating soil erosion;

"(ii) protect against pollutant runoff into waterways; or

"(iii) provide other environmental benefits;

"(F) investigating, preserving, and protecting native plant species, including grasses not currently utilized in turfgrass systems;

"(G) creating systems for more economical and viable turfgrass seed and sod production throughout the United States; and

"(H) investigating the turfgrass phytobiome and developing biologic products to enhance soil, enrich plants, and mitigate pests.

"(13) FERTILIZER MANAGEMENT INITIATIVE.—

"(A) IN GENERAL.—Research and extension grants may be made under this section for the purpose of carrying out research to improve fertilizer use efficiency in crops—

"(i) to maximize crop yield; and

"(ii) to minimize nutrient losses to surface and groundwater and the atmosphere.

"(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to research examining the impact of the source, rate, timing, and placement of plant nutrients.

"(14) CATTLE FEVER TICK PROGRAM.—Research and extension grants may be made under this section to study cattle fever ticks—

"(A) to facilitate the understanding of the role of wildlife in the persistence and spread of cattle fever ticks;

"(B) to develop advanced methods for eradication of cattle fever ticks, including—

"(i) alternative treatment methods for cattle and other susceptible species;

"(ii) field treatment for premises, including corral pens and pasture loafing areas;

"(iii) methods for treatment and control on infested wildlife;

"(iv) biological control agents; and

"(v) new and improved vaccines;

"(C) to evaluate rangeland vegetation that impacts the survival of cattle fever ticks;

"(D) to improve management of diseases relating to cattle fever ticks that are associated with wildlife, livestock, and human health;

"(E) to improve diagnostic detection of tick-infested or infected animals and pastures; and

"(F) to conduct outreach to impacted ranchers, hunters, and landowners to integrate tactics and document sustainability of best practices.

"(15) LAYING HEN AND TURKEY RESEARCH PROGRAM.—Research grants may be made under this section for the purpose of improving the efficiency and sustainability of laying hen and turkey production through integrated, collaborative research and technology transfer. Emphasis may be placed on laying hen and turkey disease prevention, antimicrobial resistance, nutrition, gut health, and alternative housing systems under extreme seasonal weather conditions.

"(16) CHRONIC WASTING DISEASE.—Research and extension grants may be made under this section for the purposes of supporting research projects at land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) with established deer research programs for the purposes of treating, mitigating, or eliminating chronic wasting disease.

"(17) ALGAE AGRICULTURE RESEARCH PROGRAM.—Research and extension grants may be made under this section for the development and testing of algae and algae systems (including micro- and macro-algae systems).

"(18) NUTRIENT MANAGEMENT.—Research and extension grants may be made under this section for the purposes of examining nutrient management based on the source, rate, timing, and placement of crop nutrients.

"(19) DRYLAND FARMING AGRICULTURAL SYSTEMS.—Research and extension grants may be made under this section for the purposes of carrying out or enhancing research on the utilization of big data for more precise management of dryland farming agricultural systems.

"(20) HOP PLANT HEALTH INITIATIVE.—Research and extension grants may be made under this section for the purposes of developing and disseminating science-based tools and treatments to combat diseases of hops caused by the plant pathogens *Podosphaera macularis* and *Pseudoperonospora humuli*.";

(2) in subsection (e)(5), by striking "2018" and inserting "2023";

(3) in subsection (f)(5), by striking "2018" and inserting "2023";

(4) in subsection (g)—

(A) in paragraphs (1)(B), (2)(B), and (3), by striking "2018" each place it appears and inserting "2023";

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) ENHANCED COORDINATION OF HONEYBEE AND POLLINATOR RESEARCH.—

"(A) IN GENERAL.—The Chief Scientist of the Department of Agriculture shall coordinate research, extension, education, and economic activities in the Department of

Agriculture relating to native and managed pollinator health and habitat.

"(B) DUTIES.—In carrying out subparagraph (A), the Chief Scientist shall—

"(i) assign an individual to serve in the Office of the Chief Scientist as a Honeybee and Pollinator Research Coordinator who shall be responsible for leading the efforts of the Chief Scientist in carrying out such subparagraph;

"(ii) implement and coordinate pollinator health research efforts of the Department, as recommended by the Pollinator Health Task Force;

"(iii) establish annual strategic priorities and goals for the Department for native and managed pollinator research;

"(iv) communicate such priorities and goals to each agency or office of the Department of Agriculture, the managed pollinator industry, and relevant grant recipients under programs administered by the Secretary; and

"(v) coordinate and identify all research on native and managed pollinator health needed and conducted by the Department of Agriculture and relevant grant recipients under programs administered by the Secretary to ensure consistency and reduce unintended duplication of effort.

"(C) RESEARCH.—In coordinating research activities under subparagraph (A), the Chief Scientist shall ensure that such research—

"(i) identifies and addresses the multiple stressors on pollinator health, including pests and pathogens, reduced habitat, lack of nutritional resources, and exposure to pesticides;

"(ii) evaluates stewardship and management practices of managed pollinators that would impact managed pollinator health;

"(iii) documents the prevalence of major pests, such as *varroa destructor* (commonly referred to as the varroa mite), and diseases that are transported between States through practices involving managed pollinators;

"(iv) evaluates the impact of overcrowding of colonies for pollination services and the impact of such overcrowding on pollinator health status and pollinator health recovery;

"(v) evaluates and reports on the health differences of managed pollinators in—

"(I) crops not requiring contract pollination;

"(II) crops requiring contract pollination; and

"(III) native habitat;

"(vi) evaluates the impact of horticultural and agricultural pest management practices on native and managed pollinator colonies in diverse agroecosystems;

"(vii) documents pesticide residues that are—

"(I) found in native and managed pollinator colonies; and

"(II) associated with typical localized commercial crop pest management practices;

"(viii) with respect to native and managed pollinator colonies visiting crops for crop pollination or honey production purposes, documents—

"(I) the strength and health of such colonies;

"(II) the survival, growth, reproduction, and production of such colonies;

"(III) pests, pathogens, and viruses that affect such colonies;

"(IV) environmental conditions of such colonies;

"(V) beekeeper practices; and

"(VI) any other relevant information, as determined by the Chief Scientist;

"(ix) documents, with respect to healthy populations of managed pollinators, best management practices and other practices for managed pollinators and crop managers;

"(x) evaluates the effectiveness of—

"(I) conservation practices that target the specific needs of native and managed pollinator habitats;

"(II) incentives that allow for the expansion of native and managed pollinator forage acreage; and

"(III) managed pollinator breeding practices and efforts to, with respect to managed pollinators, avoid creating a genetic bottleneck and improve genetic diversity;

"(xi) in the case of commercially managed pollinator colonies, continues to gather data—

"(I) on an annual basis with respect to losses of such colonies, splits of such colonies, and the total number of pollinator colonies;

"(II) on rising input costs; and

"(III) overall economic value to the food economy; and

"(xii) addresses any other issue relating to native and managed pollinators, as determined by the Chief Scientist, in consultation with scientific experts.

"(D) PUBLICATION.—The Chief Scientist, to the maximum extent practicable, shall—

"(i) make publicly available the results of the research described in subparagraph (C); and

"(ii) in the case of the research described in subparagraph (C)(vi), publish any data or reports that were produced by the Department of Agriculture but not made publicly available during the period beginning on January 1, 2008, and ending on the date of the enactment of the Agriculture Improvement Act of 2018."; and

(5) in subsection (h), by striking "2018" and inserting "2023".

SEC. 7210. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "using funds made available under subsection (e)," after "Board,"; and

(ii) by inserting "in each of fiscal years 2019 through 2023" after "grants"; and

(B) in paragraph (7), by inserting ", soil health," after "conservation"; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraphs:

"(D) $20,000,000 for each of fiscal years 2019 through 2020;

"(E) $25,000,000 for fiscal year 2021;

"(F) $30,000,000 for fiscal year 2022; and

"(G) $50,000,000 for fiscal year 2023 and each fiscal year thereafter."; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "FOR FISCAL YEARS 2014 THROUGH 2018"; and

(ii) by striking "2018" and inserting "2023".

SEC. 7211. FARM BUSINESS MANAGEMENT.

Section 1672D of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925f) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—The Secretary may make competitive research and extension grants for the purpose of improving the farm management knowledge and skills of agricultural producers by maintaining and expanding a national, publicly available farm financial management database to support improved farm management.";

(2) in subsection (b)—

(A) in paragraph (2), by striking "and producer" and inserting "educational programs and"; and

(B) in paragraph (4), by striking "use and support" and inserting "contribute data to"; and

(3) in subsection (d)(2), by striking "2018" and inserting "2023".

SEC. 7212. URBAN, INDOOR, AND OTHER EMERGING AGRICULTURAL PRODUCTION RESEARCH, EDUCATION, AND EXTENSION INITIATIVE.

(a) IN GENERAL.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672D (7 U.S.C. 5925f) the following:

7 USC 5925g.

"SEC. 1672E. URBAN, INDOOR, AND OTHER EMERGING AGRICULTURAL PRODUCTION RESEARCH, EDUCATION, AND EXTENSION INITIATIVE.

"(a) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In consultation with the Urban Agriculture and Innovative Production Advisory Committee established under section 222(b) of the Department of Agriculture Reorganization Act of 1994, the Secretary may make competitive grants to support research, education, and extension activities for the purposes of facilitating the development of urban, indoor, and other emerging agricultural production, harvesting, transportation, aggregation, packaging, distribution, and markets, including by—

"(1) assessing and developing strategies to remediate contaminated sites;

"(2) determining and developing the best production management and integrated pest management practices;

"(3) identifying and promoting the horticultural, social, and economic factors that contribute to successful urban, indoor, and other emerging agricultural production;

"(4) analyzing the means by which new agricultural sites are determined, including an evaluation of soil quality, condition of a building, or local community needs;

"(5) exploring new technologies that minimize energy, lighting systems, water, and other inputs for increased food production;

"(6) examining building material efficiencies and structural upgrades for the purpose of optimizing growth of agricultural products;

"(7) developing new crop varieties and agricultural products to connect to new markets; or

"(8) examining the impacts of crop exposure to urban elements on environmental quality and food safety.

"(b) GRANT TYPES AND PROCESS.—Subparagraphs (A) through (E) of paragraph (4), paragraph (7), and paragraph (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157) shall apply with respect to the making of grants under this section.

"(c) PRIORITY.—The Secretary may give priority to grant proposals that involve—

"(1) the cooperation of multiple entities; or

"(2) States or regions with a high concentration of or significant interest in urban farms, rooftop farms, and indoor production facilities.

"(d) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $10,000,000 for fiscal year 2019, to remain available until expended.

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 through 2023.".

(b) DATA COLLECTION ON URBAN, INDOOR, AND EMERGING AGRICULTURAL PRODUCTION.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall conduct as a follow-on study to the census of agriculture conducted in the

calendar year 2017 under section 2 of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g) a census of urban, indoor, and other emerging agricultural production, including information about—

(A) community gardens and farms located in urban areas, suburbs, and urban clusters;

(B) rooftop farms, outdoor vertical production, and green walls;

(C) indoor farms, greenhouses, and high-tech vertical technology farms;

(D) hydroponic, aeroponic, and aquaponic farm facilities; and

(E) other innovations in agricultural production, as determined by the Secretary.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $14,000,000 for the period of fiscal years 2019 through 2021.

SEC. 7213. CENTERS OF EXCELLENCE AT 1890 INSTITUTIONS.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is amended by adding at the end the following:

"(d) CENTERS OF EXCELLENCE AT 1890S INSTITUTIONS.—

"(1) RECOGNITION.—The Secretary shall recognize not less than 3 centers of excellence, each led by an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), to focus on 1 or more of the areas described in paragraph (2).

"(2) AREAS OF FOCUS.—

"(A) STUDENT SUCCESS AND WORKFORCE DEVELOPMENT.—A center of excellence established under paragraph (1) may engage in activities to ensure that students have the skills and education needed to work in agriculture and food industries, agriculture science, technology, engineering, mathematics, and related fields of study.

"(B) NUTRITION, HEALTH, WELLNESS, AND QUALITY OF LIFE.—A center of excellence established under paragraph (1) may carry out research, education, and extension programs that increase access to healthy food, improve nutrition, mitigate preventive disease, and develop strategies to assist limited resource individuals in accessing health and nutrition resources.

"(C) FARMING SYSTEMS, RURAL PROSPERITY, AND ECONOMIC SUSTAINABILITY.—A center of excellence established under paragraph (1) may share best practices with farmers to improve agricultural production, processing, and marketing, reduce urban food deserts, examine new uses for traditional and nontraditional crops, animals, and natural resources, and continue activities carried out by the Center for Innovative and Sustainable Small Farms, Ranches, and Forest Lands.

"(D) GLOBAL FOOD SECURITY AND DEFENSE.—A center of excellence established under paragraph (1) may engage in international partnerships that strengthen agricultural development in developing countries, partner with international researchers regarding new and emerging animal

and plant pests and diseases, engage in agricultural disaster recovery, and continue activities carried out by the Center for International Engagement.

"(E) NATURAL RESOURCES, ENERGY, AND ENVIRONMENT.—A center of excellence established under paragraph (1) may focus on protecting and managing domestic natural resources for current and future production of food and agricultural products.

"(F) EMERGING TECHNOLOGIES.—A center of excellence established under paragraph (1) may focus on the development of emerging technologies to increase agricultural productivity, enhance small farm economic viability, and improve rural communities by developing genetic and sensor technologies for food and agriculture and providing technology training to farmers.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2019 through 2023.

"(4) REPORT.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, and every year thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

"(A) the resources invested in the centers of excellence established under paragraph (1); and

"(B) the work being done by those centers of excellence.".

SEC. 7214. CLARIFICATION OF VETERAN ELIGIBILITY FOR ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(7) CLARIFICATION OF APPLICATION OF PROVISIONS TO VETERANS WITH DISABILITIES.—This subsection shall apply with respect to veterans with disabilities, and their families, who—

"(A) are engaged in farming or farm-related occupations; or

"(B) are pursuing new farming opportunities.";

(2) in subsection (b)—

(A) by inserting "(including veterans)" after "individuals"; and

(B) by inserting "or, in the case of veterans with disabilities, who are pursuing new farming opportunities" before the period at the end; and

(3) in subsection (c)(1)(B), by striking "2018" and inserting "2023".

SEC. 7215. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "2018" and inserting "2023".

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.

(a) ENDING LIMITATION ON FUNDING.—Section 405(e)(3) of the Agricultural Research, Extension, And Education Reform Act of 1998 (7 U.S.C. 7625(e)(3)) is amended to read as follows:

"(3) TERM OF GRANT.—A grant under this section shall have a term that is not more than 3 years.".

(b) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—Section 405(j) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625(j)) is amended by striking "there are authorized" and all that follows through the period at the end and inserting "there is authorized to be appropriated $10,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7302. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(e)) is amended by striking "2018" and inserting "2023".

SEC. 7303. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628) is amended—

(1) in subsection (e)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) $15,000,000 for each of fiscal years 2019 through 2023."; and

(2) by adding at the end the following new subsection:

"(f) LIMITATION ON INDIRECT COSTS.—A recipient of a grant under this section may not use more than 10 percent of the funds provided by the grant for the indirect costs of carrying out the initiatives described in subsection (a).".

SEC. 7304. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410(d)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(d)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7305. SPECIALTY CROP RESEARCH INITIATIVE.

(a) INDUSTRY NEEDS.—Section 412(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(b)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F); and

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

"(B) size-controlling rootstock systems for perennial crops;";

(2) in paragraph (2), by striking "including threats to specialty crop pollinators;" and inserting the following: "including—

"(A) threats to specialty crop pollinators;

"(B) emerging and invasive species; and

"(C) a more effective understanding and utilization of existing natural enemy complexes;";

(3) in paragraph (3)—

(A) by striking "efforts to improve" and inserting the following: "efforts—

"(A) to improve";

(B) in subparagraph (A) (as so designated), by adding "and" at the end; and

(C) by adding at the end the following:

"(B) to achieve a better understanding of—

"(i) the soil rhizosphere microbiome;

"(ii) pesticide application systems and certified drift-reduction technologies; and

"(iii) systems to improve and extend the storage life of specialty crops;"; and

(4) in paragraph (4), by striking "including improved mechanization and technologies that delay or inhibit ripening; and" and inserting the following: "including—

"(A) mechanization and automation of labor-intensive tasks in production and processing;

"(B) technologies that delay or inhibit ripening;

"(C) decision support systems driven by phenology and environmental factors;

"(D) improved monitoring systems for agricultural pests; and

"(E) effective systems for preharvest and postharvest management of quarantine pests; and".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(k)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(k)(2)) is amended—

(1) in the subsection heading, by striking "2018" and inserting "2023"; and

(2) by striking "2018" and inserting "2023".

SEC. 7306. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642(e)) is amended by striking "2018" and inserting "2023".

SEC. 7307. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7308. FORESTRY PRODUCTS ADVANCED UTILIZATION RESEARCH.

Section 617(f)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7655b(f)(1)) is amended by striking "2018" and inserting "2023".

Subtitle D—Food, Conservation, and Energy Act of 2008

PART I—AGRICULTURAL SECURITY

SEC. 7401. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

Section 14112(c)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8912(c)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7402. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPARATION, AND RESPONSE.

Section 14113 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8913) is amended—

(1) in subsection (a)(2)(B), by striking "2018" and inserting "2023"; and

(2) in subsection (b)(2)(B), by striking "2018" and inserting "2023".

SEC. 7403. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

Section 14121(b)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8921(b)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7404. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

Section 14122(e)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8922(e)(2)) is amended by striking "2018" and inserting "2023".

PART II—MISCELLANEOUS

SEC. 7411. GRAZINGLANDS RESEARCH LABORATORY.

Section 7502 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2019) is amended by striking "10-year period" and inserting "15-year period".

SEC. 7412. FARM AND RANCH STRESS ASSISTANCE NETWORK.

Section 7522 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5936) is amended—

(1) in subsection (a), by striking "to support cooperative programs between State cooperative extension services and nonprofit organizations" and inserting "to eligible entities described in subsection (c)";

(2) in subsection (b)—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(C) by striking subparagraph (B) (as so redesignated) and inserting the following:

"(B) training, including training programs and workshops, for—

"(i) advocates for individuals who are engaged in farming, ranching, and other occupations relating to agriculture; and

"(ii) other individuals and entities that may assist individuals who—

"(I) are engaged in farming, ranching, and other occupations relating to agriculture; and

"(II) are in crisis;";

(D) in subparagraph (C) (as so redesignated), by adding "and" after the semicolon at the end;

(E) in subparagraph (D) (as so redesignated), by striking "activities; and" and inserting "activities, including the dissemination of information and materials; or";

(F) in the matter preceding subparagraph (A) (as so redesignated), by striking "be used to initiate" and inserting the following: "be used—

"(1) to initiate"; and

(G) by adding at the end the following:

"(2) to enter into contracts, on a multiyear basis, with community-based, direct-service organizations to initiate, expand, or sustain programs described in paragraph (1) and subsection (a)."; and

(3) by striking subsections (c) and (d) and inserting the following:

"(c) ELIGIBLE RECIPIENTS.—The Secretary may award a grant under this section to—

"(1) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

"(2) a State department of agriculture;

"(3) a State cooperative extension service;

"(4) a qualified nonprofit organization, as determined by the Secretary;

"(5) an entity providing appropriate services, as determined by the Secretary, in 1 or more States; or

"(6) a partnership carried out by 2 or more entities described in paragraphs (1) through (5).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2019 through 2023.

"(e) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Secretary of Health and Human Services, shall submit to Congress and any other relevant Federal department or agency, and make publicly available, a report describing the state of behavioral and mental health of individuals who are engaged in farming, ranching, and other occupations relating to agriculture.

"(2) CONTENTS.—The report under paragraph (1) shall include—

"(A) an inventory and assessment of efforts to support the behavioral and mental health of individuals who are engaged in farming, ranching, and other occupations relating to agriculture by—

"(i) the Federal Government, States, and units of local government;

"(ii) communities comprised of those individuals;

"(iii) health care providers;

"(iv) State cooperative extension services; and

"(v) other appropriate entities, as determined by the Secretary;

"(B) a description of the challenges faced by individuals who are engaged in farming, ranching, and other occupations relating to agriculture that may impact the behavioral and mental health of farmers and ranchers;

"(C) a description of how the Department of Agriculture can improve coordination and cooperation with Federal health departments and agencies, including the Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the National Institutes of Health, to best address the behavioral and mental health of individuals who are engaged in farming, ranching, and other occupations relating to agriculture;

"(D) a long-term strategy for responding to the challenges described under subparagraph (B) and recommendations based on best practices for further action to be carried out by appropriate Federal departments or agencies to improve Federal Government response and seek to prevent suicide among individuals who are engaged in farming, ranching, and other occupations relating to agriculture; and

"(E) an evaluation of the impact that behavioral and mental health challenges and outcomes (including suicide) among individuals who are engaged in farming, ranching, and other agriculture related occupations have on—

"(i) the agricultural workforce;

"(ii) agricultural production;

"(iii) rural families and communities; and

"(iv) succession planning.

"(f) STATE DEFINED.—For purposes of this section, the term 'State' has the meaning given such term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).".

SEC. 7413. NATURAL PRODUCTS RESEARCH PROGRAM.

Section 7525(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5937(e)) is amended by striking "2018" and inserting "2023".

SEC. 7414. SUN GRANT PROGRAM.

Section 7526(g) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114(g)) is amended by striking "2018" and inserting "2023".

Subtitle E—Amendments to Other Laws

SEC. 7501. CRITICAL AGRICULTURAL MATERIALS ACT.

(a) HEMP RESEARCH.—Section 5(b)(9) of the Critical Agricultural Materials Act (7 U.S.C. 178c(b)(9)) is amended by inserting ", and including hemp (as defined in section 297A of the Agricultural Marketing Act of 1946)" after "hydrocarbon-containing plants".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 16(a)(2) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)(2)) is amended by striking "2018" and inserting "2023".

SEC. 7502. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) 1994 INSTITUTION DEFINED.—

(1) IN GENERAL.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended to read as follows:

"SEC. 532. DEFINITION OF 1994 INSTITUTION.

"In this part, the term '1994 Institution' means any of the following colleges:

"(1) Aaniiih Nakoda College.
"(2) Bay Mills Community College.
"(3) Blackfeet Community College.
"(4) Cankdeska Cikana Community College.
"(5) Chief Dull Knife College.
"(6) College of Menominee Nation.
"(7) College of the Muscogee Nation.
"(8) D–Q University.
"(9) Dine College.
"(10) Fond du Lac Tribal and Community College.
"(11) Fort Peck Community College.
"(12) Haskell Indian Nations University.
"(13) Ilisagvik College.
"(14) Institute of American Indian and Alaska Native Culture and Arts Development.
"(15) Keweenaw Bay Ojibwa Community College.
"(16) Lac Courte Oreilles Ojibwa Community College.
"(17) Leech Lake Tribal College.
"(18) Little Big Horn College.
"(19) Little Priest Tribal College.
"(20) Navajo Technical University.
"(21) Nebraska Indian Community College.
"(22) Northwest Indian College.
"(23) Nueta Hidatsa Sahnish College.
"(24) Oglala Lakota College.
"(25) Red Lake Nation College.
"(26) Saginaw Chippewa Tribal College.
"(27) Salish Kootenai College.
"(28) Sinte Gleska University.
"(29) Sisseton Wahpeton College.
"(30) Sitting Bull College.
"(31) Southwestern Indian Polytechnic Institute.
"(32) Stone Child College.
"(33) Tohono O'odham Community College.
"(34) Turtle Mountain Community College.
"(35) United Tribes Technical College.
"(36) White Earth Tribal and Community College.".

7 USC 301 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking "2018" and inserting "2023".

(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "2018"

each place it appears in subsections (b)(1) and (c) and inserting "2023".

(d) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking "2018" and inserting "2023".

SEC. 7503. RESEARCH FACILITIES ACT.

(a) AGRICULTURAL RESEARCH FACILITY DEFINED.—The Research Facilities Act is amended—

(1) in section 2(1) (7 U.S.C. 390(1)) by striking "a college, university, or nonprofit institution" and inserting "an entity eligible to receive funds under a capacity and infrastructure program (as defined in section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C)))"; and

(2) in section 3(c)(2)(D) (7 U.S.C. 390a(c)(2)(D)), by striking "recipient college, university, or nonprofit institution" and inserting "recipient entity".

(b) LONG-TERM SUPPORT.—Section 3(c)(2)(D) of the Research Facilities Act (7 U.S.C. 390a(c)(2)(D)), as amended by subsection (a), is further amended by striking "operating costs" and inserting "operating and maintenance costs".

(c) COMPETITIVE GRANT PROGRAM.—The Research Facilities Act is amended by inserting after section 3 (7 U.S.C. 390a) the following new section:

"SEC. 4. COMPETITIVE GRANT PROGRAM. 7 USC 390b.

"The Secretary shall establish a program to make competitive grants to assist in the construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities.".

(d) AUTHORIZATION OF APPROPRIATIONS AND FUNDING LIMITATIONS.—Section 6 of the Research Facilities Act (7 U.S.C. 390d) is amended—

(1) in subsection (a)—

(A) by striking "subsection (b)," and inserting "subsections (b), (c), and (d),";

(B) by striking "2018" and inserting "2023"; and

(C) by adding at the end the following new sentence: "Funds appropriated pursuant to the preceding sentence shall be available until expended."; and

(2) by adding at the end the following new subsections:

"(c) MAXIMUM AMOUNT.—Not more than 25 percent of the funds made available pursuant to subsection (a) for any fiscal year shall be used for any single agricultural research facility project.

"(d) PROJECT LIMITATION.—An entity eligible to receive funds under this Act may receive funds for only one project at a time.".

SEC. 7504. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

(i) by redesignating clauses (iii) through (vii) as clauses (iv) through (viii), respectively; and

(ii) by inserting after clause (ii) the following new clause:

"(iii) soil health;";

(B) in subparagraph (E)—

(i) in clause (iii), by striking "and" at the end;

(ii) in clause (iv), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(v) tools that accelerate the use of automation or mechanization for labor-intensive tasks in the production and distribution of crops."; and

(C) in subparagraph (F)—

(i) in clause (vi), by striking "and" at the end;

(ii) in clause (vii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(viii) barriers and bridges to entry and farm viability for young, beginning, socially disadvantaged, veteran, and immigrant farmers and ranchers, including farm succession, transition, transfer, entry, and profitability issues.";

(2) in paragraph (6)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) to an institution to carry out collaboration in biomedical and agricultural research using existing research models."; and

(3) in paragraph (11)(A)—

(A) in the matter preceding clause (i), by striking "2018" and inserting "2023"; and

(B) in clause (ii), by striking "4" and inserting "5".

SEC. 7505. EXTENSION DESIGN AND DEMONSTRATION INITIATIVE.

(a) IN GENERAL.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157) is amended by inserting after subsection (c) the following:

"(d) EXTENSION DESIGN AND DEMONSTRATION INITIATIVE.—

"(1) PURPOSE.—The purpose of this subsection is to encourage the design of adaptive prototype systems for improving extension and education that seek to advance the application, translation, and demonstration of scientific discoveries and other agricultural research for the adoption and understanding of food, agricultural, and natural resources practices, techniques, methods, and technologies using digital or other novel platforms.

"(2) GRANTS.—The Secretary shall award grants each fiscal year on a competitive basis—

"(A) for the design of 1 or more extension and education prototype systems—

"(i) that leverage digital platforms or other novel means of translating, delivering, or demonstrating agricultural research; and

"(ii) to adapt, apply, translate, or demonstrate scientific findings, data, technology, and other research outcomes to producers, the agricultural industry, and other interested persons or organizations; and

"(B) to demonstrate, by incorporating analytics and specific metrics, the value, impact, and return on the Federal investment of a prototype system designed under subparagraph (A) as a model for use by other eligible entities described in paragraph (3) for improving, modernizing, and adapting applied research, demonstration, and extension services.

"(3) ELIGIBLE ENTITIES.—An entity that is eligible to receive a grant under paragraph (2) is—

"(A) a State agricultural experiment station (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103));

"(B) a cooperative extension service (as defined in such section); and

"(C) a land-grant college or university (as defined in such section) .

"(4) REQUIREMENT.—The Secretary shall award grants under paragraph (2) to not fewer than 2 and not more than 5 eligible entities described in paragraph (3) that represent a diversity of regions, commodities, and agricultural or food production issues.

"(5) TERM.—The term of a grant awarded under paragraph (2) shall be not longer than 5 years.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157) is amended—

(1) in subsection (c)(2), in the matter preceding subparagraph (A), by striking "subsection—" and all that follows through "for the planning" in subparagraph (B) and inserting "subsection for the planning"; and

(2) in subsection (h), by inserting ", (d)," after "subsections (b)".

SEC. 7506. REPEAL OF REVIEW OF AGRICULTURAL RESEARCH SERVICE.

Section 7404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; Public Law 107–171) is repealed.

SEC. 7507. BIOMASS RESEARCH AND DEVELOPMENT.

Section 9008 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) carbon dioxide that—

"(i) is intended for permanent sequestration or utilization; and

"(ii) is a byproduct of the production of the products described in subparagraphs (A) and (B).";

(2) in subsection (d)(2)(A)—

(A) in clause (xii), by striking "and" at the end;

(B) by redesignating clause (xiii) as clause (xiv); and
(C) by inserting after clause (xii) the following:
"(xiii) an individual with expertise in carbon dioxide capture, utilization, and sequestration; and";
(3) in subsection (e)—
(A) in paragraph (2)(B)—
(i) in clause (ii), by striking "and" at the end; and
(ii) by adding at the end the following:
"(iv) to permanently sequester or utilize carbon dioxide described in subsection (a)(1)(C); and"; and
(B) in paragraph (3)(B)—
(i) in clause (i), by striking "and" at the end;
(ii) in clause (ii), by striking the period at the end and inserting "; and"; and
(iii) by adding at the end the following:
"(iii) the development of technologies to permanently sequester or utilize carbon dioxide described in subsection (a)(1)(C)."; and
(4) in subsection (h)(2), by striking "2018" and inserting "2023".

SEC. 7508. REINSTATEMENT OF MATCHING REQUIREMENT FOR FEDERAL FUNDS USED IN EXTENSION WORK AT THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 209(c) of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; sec. 38–1202.09(c), D.C. Official Code) is amended by inserting after the first sentence the following: "Such sums may be used to pay not more than ½ of the total cost of providing such extension work.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 7509. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking "2018" and inserting "2023".

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking "2018" and inserting "2023".

SEC. 7510. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking "2018" each place it appears and inserting "2023".

SEC. 7511. FEDERAL AGRICULTURE RESEARCH FACILITIES.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (title XIV of Public Law 99–198; 99 Stat. 1556) is amended by striking "2018" and inserting "2023".

Subtitle F—Other Matters

SEC. 7601. ENHANCED USE LEASE AUTHORITY PROGRAM.

(a) TRANSITION TO PERMANENT PROGRAM.—Section 308 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 3125a note) is amended—

(1) in the section heading, by striking "**PILOT**"; and

(2) in subsection (a), by striking "pilot".

(b) TERMINATION OF AUTHORITY EXTENDED.—Section 308(b)(6)(A) of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 3125a note) is amended by striking "on the date that is 10 years after the date of enactment of this section" and inserting "on September 30, 2023".

(c) REPORTS.—Section 308(d)(2) of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 3125a note) is amended by striking "Not later than 6, 8, and 10 years after the date of enactment of this section" and inserting "Not later than September 30, 2021".

SEC. 7602. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER PORTION OF HENRY A. WALLACE BELTSVILLE AGRICULTURAL RESEARCH CENTER, BELTSVILLE, MARYLAND.

(a) TRANSFER AUTHORIZED.—Subject to subsection (e), the Secretary may transfer to the Secretary of the Treasury administrative jurisdiction over a parcel of real property at the Henry A. Wallace Beltsville Agricultural Research Center consisting of approximately 100 acres, which was originally acquired by the United States through land acquisitions in 1910 and 1925, and is generally located off of Poultry Road lying between Powder Mill Road and Odell Road in Beltsville, Maryland, for the purpose of facilitating the establishment of Bureau of Engraving and Printing facilities on the parcel.

(b) LEGAL DESCRIPTION AND MAP.—

(1) PREPARATION.—The Secretary shall prepare a legal description and map of the parcel of real property to be transferred under subsection (a).

(2) FORCE OF LAW.—The legal description and map prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the legal description and map.

(c) TERMS AND CONDITIONS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements, valid existing rights, and such other reservations, terms, and conditions as the Secretary considers to be necessary.

(d) WAIVER.—The parcel of real property under subsection (a) is exempt from Federal screening for other possible use due to an identified Federal need for the parcel as the site of Bureau of Engraving and Printing facilities.

(e) CONDITIONS FOR TRANSFER.—As a condition of the transfer of administrative jurisdiction under subsection (a) with respect to the parcel described in such subsection—

(1) the Secretary of the Treasury shall agree to pay the Secretary the costs incurred to carry out such transfer, including the costs for—

(A) any environmental or administrative analysis required by law with respect to the parcel to be so transferred;

(B) a survey of such parcel, if necessary; and

(C) any hazardous substances assessment of the parcel to be so transferred; and

(2) except as provided in subsection (d), the Secretary shall enter into a binding memorandum of agreement with the Secretary of the Treasury regarding the responsibilities, including financial responsibilities, of each party for evaluating and, if necessary, remediating or otherwise addressing hazardous substances, pollutants, or contaminants found at the parcel described in subsection (a).

(f) HAZARDOUS MATERIALS.—Nothing in this section, or the amendments made by this section, amends, alters, or affects the relevant Federal and State environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), or the application of such laws to the parcel of real property transferred under subsection (a).

SEC. 7603. FOUNDATION FOR FOOD AND AGRICULTURE RESEARCH.

Section 7601 of the Agricultural Act of 2014 (7 U.S.C. 5939) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "conflicts;" and inserting "conflicts, specifically at the Department of Agriculture; and"; and

(ii) by adding at the end the following new clause:

"(iii) document the consultation process and include a summary of the results in the annual report required in subsection (f)(3)(B)"; and

(B) in subparagraph (D), by inserting "and agriculture stakeholders" after "community";

(2) in subsection (e)—

(A) in paragraph (2)(C)(ii)(I), by inserting "agriculture or" before "agricultural research"; and

(B) in paragraph (4)(A)—

(i) in clause (iii), by striking "and" at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following:

"(iv) actively solicit and accept funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including from private entities; and";

(3) in subsection (f)—

(A) in paragraph (2)(A)(iii), by striking "any"; and

(B) in paragraph (3)(B)—

(i) in clause (i)(I)—

(I) in the matter preceding item (aa), by inserting "and post online" before "a report";

(II) in item (aa), by striking "accomplishments; and" and inserting "accomplishments and how those activities align to the challenges identified in the strategic plan under clause (iv);";

(III) in item (bb), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(cc) a description of available agricultural research programs and priorities for the upcoming fiscal year."; and

(ii) by adding at the end the following:

"(iii) STAKEHOLDER NOTICE.—The Foundation shall publish an annual notice with a description of agricultural research priorities under this section for the upcoming fiscal year, including—

"(I) a schedule for funding competitions;

"(II) a discussion of how applications for funding will be evaluated; and

"(III) how the Foundation will communicate information about funded awards to the public to ensure that grantees and partners understand the objectives of the Foundation.

"(iv) STRATEGIC PLAN.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Foundation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a strategic plan describing a path for the Foundation to become self-sustaining, including—

"(I) a forecast of major agricultural challenge opportunities identified by the scientific advisory councils of the Foundation and approved by the Board, including short- and long-term objectives;

"(II) an overview of the efforts that the Foundation will take to be transparent in each of the processes of the Foundation, including—

"(aa) processes relating to grant awards, including the selection, review, and notification processes;

"(bb) communication of past, current, and future research priorities; and

"(cc) plans to solicit and respond to public input on the opportunities identified in the strategic plan;

"(III) a description of financial goals and benchmarks for the next 10 years, including a detailed plan for—

"(aa) raising funds in amounts greater than the amounts required under subsection (g)(1)(B);

"(bb) soliciting additional resources pursuant to subsections (e)(4)(A)(iv) and (f)(2)(A)(iii); and

"(cc) managing and leveraging such resources pursuant to subsection (f)(2)(A)(vii); and

"(IV) other related issues, as determined by the Board."; and

(4) in subsection (g)(1)—

(A) in the paragraph heading, by striking "MANDATORY FUNDING" and inserting "FUNDING";

(B) in subparagraph (A)—

(i) by striking "On the date" and inserting the following:

"(i) ESTABLISHMENT FUNDING.—On the date"; and

(ii) by adding at the end the following:

"(ii) ENHANCED FUNDING.—On the date on which the strategic plan described in subsection (f)(3)(B)(iv) is submitted, of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Foundation to carry out this section $185,000,000, to remain available until expended."; and

(C) in subparagraph (B)—

(i) by striking "The Foundation" and inserting the following:

"(i) IN GENERAL.—The Foundation";

(ii) in clause (i) (as so designated)—

(I) by striking "purposes" and inserting "purposes, duties, and powers"; and

(II) by striking "non-Federal matching funds for each expenditure" and inserting "matching funds from a non-Federal source, including an agricultural commodity promotion, research, and information program"; and

(iii) by adding at the end the following:

"(ii) EFFECT.—Nothing in this section requires the Foundation to require a matching contribution from an individual grantee as a condition of receiving a grant under this section.".

SEC. 7604. ASSISTANCE FOR FORESTRY RESEARCH UNDER THE MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

Section 2 of Public Law 87–788 (commonly known as the "McIntire-Stennis Cooperative Forestry Act") (16 U.S.C. 582a–1) is amended in the second sentence—

(1) by striking "and" before "1890 Institutions"; and

(2) by inserting "and 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)) that offer an associate's degree or a baccalaureate degree in forestry," before "and (b)".

SEC. 7605. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.

(a) IN GENERAL.—Section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (a), respectively, and moving the subsections so as to appear in alphabetical order;

(2) in subsection (a) (as so redesignated)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) STATE.—The term 'State' has the meaning given such term in section 297A of the Agricultural Marketing Act of 1946.";

(3) in subsection (b) (as so redesignated), in the subsection heading, by striking "IN GENERAL" and inserting "INDUSTRIAL HEMP RESEARCH"; and

(4) by adding at the end the following:

"(c) STUDY AND REPORT.—

"(1) IN GENERAL.—The Secretary shall conduct a study of agricultural pilot programs—

"(A) to determine the economic viability of the domestic production and sale of industrial hemp; and

"(B) that shall include a review of—

"(i) each agricultural pilot program; and

"(ii) any other agricultural or academic research relating to industrial hemp.

"(2) REPORT.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing the results of the study conducted under paragraph (1).".

(b) REPEAL.—Effective on the date that is 1 year after the date on which the Secretary establishes a plan under section 297C of the Agricultural Marketing Act of 1946, section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is repealed. 7 USC 5940 note.

SEC. 7606. COLLECTION OF DATA RELATING TO BARLEY AREA PLANTED AND HARVESTED.

For all acreage reports published after the date of enactment of this Act, the Secretary, acting through the Administrator of the National Agricultural Statistics Service, shall include the State of New York in the States surveyed to produce the table entitled "Barley Area Planted and Harvested" in those reports.

SEC. 7607. COLLECTION OF DATA RELATING TO THE SIZE AND LOCATION OF DAIRY FARMS.

(a) IN GENERAL.—Not later than 60 days after the date on which the 2017 Census of Agriculture is released, the Secretary, acting through the Administrator of the Economic Research Service, shall update the report entitled "Changes in the Size and Location of US Dairy Farms" contained in the report of the Economic Research Service entitled "Profits, Costs, and the Changing Structure of Dairy Farming" and published in September 2007.

(b) REQUIREMENT.—In updating the report described in subsection (a), the Secretary shall, to the maximum extent practicable, use the same unit of measurement for reporting the full range of herd sizes in Table 1 and Table 2 of the report while maintaining confidentiality of individual producers.

SEC. 7608. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1632b) is amended—

(1) in subsection (d)(2)—

(A) in the matter preceding subparagraph (A), by striking "representatives of each of the following groups" and inserting "a diverse group of representatives of public and private entities, including the following:";

(B) in subparagraph (A), by striking "The 2" and inserting "Two";

(C) in subparagraph (B), by inserting "or a State legislator," after "agency,"; and

(D) by amending subparagraph (C) to read as follows:

"(C) Four entities representing commodities produced in the State.";

(2) in subsection (e)(1), by striking "subsection (i)" and inserting "subsection (g)"; and

(3) by striking subsections (g), (h), and (i) and inserting the following new subsection:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.".

SEC. 7609. SMITH-LEVER COMMUNITY EXTENSION PROGRAM.

(a) IN GENERAL.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) is amended by adding at the end the following new sentence: "A 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)) may compete for and receive funds directly from the Secretary of Agriculture for the Children, Youth, and Families at Risk funding program and the Federally Recognized Tribes Extension Program.".

(b) CONFORMING AMENDMENT.—Section 533(a)(2)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking clause (ii) and inserting the following:

"(ii) the Smith-Lever Act (7 U.S.C. 341 et seq.), except as provided under—

"(I) section 3(b)(3) of that Act (7 U.S.C. 343(b)(3)); or

"(II) the third sentence of section 3(d) of that Act (7 U.S.C. 343(d)); or".

7 USC 7632 note.

SEC. 7610. MECHANIZATION AND AUTOMATION FOR SPECIALTY CROPS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a review of the programs of the Department of Agriculture that affect the production or processing of specialty crops.

(b) REQUIREMENTS.—The review under subsection (a) shall identify—

(1) programs that currently are, or previously have been, effectively used to accelerate the development and use of automation or mechanization in the production or processing of specialty crops; and

(2) programs that may be more effectively used to accelerate the development and use of automation or mechanization in the production or processing of specialty crops.

(c) STRATEGY.—With respect to programs identified under subsection (b), the Secretary shall develop and implement a strategy to accelerate the development and use of automation and mechanization in the production or processing of specialty crops.

SEC. 7611. EXPERIENCED SERVICES PROGRAM.

Section 1252 of the Food Security Act of 1985 (16 U.S.C. 3851) is amended—

(1) in the section heading, by striking "**AGRICULTURE CONSERVATION**";

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking "a conservation" and inserting "an";

(ii) by striking "(in this section referred to as the 'ACES Program')" and inserting "(referred to in this section as the 'program')"; and

(iii) by striking "provide technical" and inserting the following: "provide—

"(1) technical"; and

(B) in paragraph (1) (as so designated)—

(i) by striking "Secretary. Such technical services may include" and inserting "Secretary, including";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(2) technical, professional, and administrative services to support the research, education, and economics mission area of the Department of Agriculture (including the Agricultural Research Service, the Economic Research Service, the National Agricultural Library, the National Agricultural Statistics Service, the Office of the Chief Scientist, and the National Institute of Food and Agriculture), including—

"(A) supporting agricultural research and information;

"(B) advancing scientific knowledge relating to agriculture;

"(C) enhancing access to agricultural information;

"(D) providing statistical information and research results to farmers, ranchers, agribusiness, and public officials; and

"(E) assisting research, education, and extension programs in land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).";

(3) by striking "ACES" each place it appears;

(4) by striking "technical services" each place it appears (other than in subsection (a)) and inserting "technical, professional, or administrative services, as applicable,"; and

(5) in subsection (c)—

(A) in paragraph (1)—

(i) by striking the paragraph heading and inserting "CONSERVATION TECHNICAL SERVICES.—"; and

(ii) by inserting "with respect to subsection (a)(1)," before "the Secretary"; and

(B) by adding at the end the following new paragraph:

"(3) RESEARCH, EDUCATION, AND ECONOMICS SERVICES.—With respect to services referred to in subsection (a)(2), the Secretary may carry out the program under the mission area referred to in such subsection to the extent that funds are specifically appropriated to provide such services under such mission area.".

SEC. 7612. SIMPLIFIED PLAN OF WORK.

(a) SMITH-LEVER ACT.—The Smith-Lever Act is amended—

(1) in section 3(h)(2) (7 U.S.C. 343(h)(2)), by striking subparagraph (D); and

(2) in section 4(c) (7 U.S.C. 344(c)), by striking paragraphs (1) through (5) and inserting the following new paragraphs:

"(1) A summary of planned projects or programs in the State using formula funds.

"(2) A description of the manner in which the State will meet the requirements of section 3(h).

"(3) A description of the manner in which the State will meet the requirements of section 3(i)(2) of the Hatch Act of 1887 (7 U.S.C. 361c(i)(2)).

"(4) A description of matching funds provided by the State with respect to the previous fiscal year.".

(b) HATCH ACT.—The Hatch Act of 1887 is amended—

(1) in section 3 (7 U.S.C. 361c)—

(A) by amending subsection (h) to read as follows:

"(h) PEER REVIEW.—Research carried out under subsection (c)(3) shall be subject to scientific peer review. The review of a project conducted under this subsection shall be considered to satisfy the merit review requirements of section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(e)).''; and

(B) in subsection (i)(2), by striking subparagraph (D); and

(2) in section 7(e) (7 U.S.C. 361g(e)), by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) A summary of planned projects or programs in the State using formula funds.

"(2) A description of the manner in which the State will meet the requirements of subsections (c)(3) and (i)(2) of section 3.

"(3) A description of matching funds provided by the State with respect to the previous fiscal year.".

(c) EXTENSION AND RESEARCH AT 1890 INSTITUTIONS.—

(1) EXTENSION.—Section 1444(d)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d)(3)) is amended by striking subparagraphs (A) through (E) and inserting the following new subparagraphs:

"(A) A summary of planned projects or programs in the State using formula funds.

"(B) A description of matching funds provided by the State with respect to the previous fiscal year.".

(2) RESEARCH.—Section 1445(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(c)(3)) is amended by striking subparagraphs (A) through (E) and inserting the following new subparagraphs:

"(A) A summary of planned projects or programs in the State using formula funds.

"(B) A description of matching funds provided by the State with respect to the previous fiscal year.".

7 USC 343 note.

SEC. 7613. REVIEW OF LAND-GRANT TIME AND EFFORT REPORTING REQUIREMENTS.

(a) IN GENERAL.—The Secretary, in consultation with the Office of Management and Budget, shall review and revise current reporting requirements related to compensation charges, documentation of personnel expenses, and other requirements that are commonly referred to as time and effort reporting for entities that receive funds under a program referred to in clause (iii), (iv), (vii), (viii), or (xii) of section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C)).

(b) REVISIONS.—The Secretary shall ensure that any revision made pursuant to subsection (a)—

(1) is developed in collaboration with entities described in subsection (a); and

(2) reduces the amount of paperwork and time required by the requirements referred to in such subsection, as such requirements are in effect on the date of the enactment of this Act.

SEC. 7614. MATCHING FUNDS REQUIREMENT.

(a) REPEAL.—Subtitle P of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3371) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—

(A) GRANTS TO ENHANCE RESEARCH CAPACITY IN SCHOOLS OF VETERINARY MEDICINE.—Section 1415(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151(a)) is amended—

(i) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(2) MATCHING REQUIREMENT.—A State receiving a grant under paragraph (1) shall provide State matching funds equal to not less than the amount of the grant.".

(B) AQUACULTURE ASSISTANCE GRANT PROGRAM.—Section 1475(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(b)) is amended by striking "The Secretary" and all that follows through the period at the end and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (3), the Secretary may make competitive grants to entities eligible for grants under paragraph (2) for research and extension to facilitate or expand promising advances in the production and marketing of aquacultural food species and products and to enhance the safety and wholesomeness of those species and products, including the development of reliable supplies of seed stock and therapeutic compounds.

"(2) ELIGIBLE ENTITIES.—The Secretary may make a competitive grant under paragraph (1) to—

"(A) a land-grant or seagrant college or university;

"(B) a State agricultural experiment station;

"(C) a college, university, or Federal laboratory having a demonstrable capacity to conduct aquacultural research, as determined by the Secretary; or

"(D) a nonprofit private research institution.

"(3) MATCHING STATE GRANTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not make a grant under paragraph (1) unless the State in which the grant recipient is located makes a grant to that recipient in an amount equal to not less than the amount of the grant under paragraph (1) (of which State amount an in-kind contribution shall not exceed 50 percent).

"(B) FEDERAL LABORATORIES.—Subparagraph (A) shall not apply to a grant to a Federal laboratory.".

(C) RANGELAND RESEARCH.—Section 1480 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3333) is amended—

(i) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following new subsection:

"(b) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this grant program shall be based on a matching formula of 50 percent Federal and 50 percent non-Federal funding (including funding from an agricultural commodity promotion, research, and information program).

"(2) EXCEPTION.—Paragraph (1) shall not apply to a grant to a Federal laboratory or a grant under subsection (a)(2).".

(2) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—

(A) FEDERAL-STATE MATCHING GRANT PROGRAM.—Section 1623(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5813(d)(2)) is amended by striking the second sentence.

(B) AGRICULTURAL GENOME INITIATIVE.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) (as amended by section 7208) is amended—

(i) by redesignating subsection (f) as subsection (g); and

(ii) by inserting after subsection (e) the following:

"(f) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—Subject to paragraph (3), with respect to a grant or cooperative agreement under this section that provides a particular benefit to a specific agricultural commodity, the recipient of funds under the grant or cooperative agreement shall provide non-Federal matching funds (including funds from an agricultural commodity promotion, research, and information program) equal to not less than the amount provided under the grant or cooperative agreement.

"(2) IN-KIND SUPPORT.—Non-Federal matching funds described in paragraph (1) may include in-kind support.

"(3) WAIVER.—The Secretary may waive the matching funds requirement under paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project are of a particular benefit to a specific agricultural commodity, but those results are likely to be applicable to agricultural commodities generally; or

"(B)(i) the project—

"(I) involves a minor commodity; and

"(II) deals with scientifically important research; and

"(ii) the recipient is unable to satisfy the matching funds requirement.".

(C) HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.—Section 1672(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(a)) is amended—

(i) by striking "The Secretary of Agriculture" and inserting the following:

"(1) IN GENERAL.—The Secretary of Agriculture";

(ii) in paragraph (1) (as so designated), in the second sentence, by striking "The Secretary shall" and inserting the following:

"(3) CONSULTATION.—The Secretary shall"; and

(iii) by inserting after paragraph (1) the following:

"(2) MATCHING FUNDS REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (C), an entity receiving a grant under paragraph (1) shall provide non-Federal matching funds (including funds from an agricultural commodity promotion, research, and information program) equal to not less than the amount of the grant.

"(B) IN-KIND SUPPORT.—Non-Federal matching funds described in subparagraph (A) may include in-kind support.

"(C) WAIVER.—The Secretary may waive the matching funds requirement under subparagraph (A) with respect to a research project if the Secretary determines that—

"(i) the results of the project are of a particular benefit to a specific agricultural commodity, but those results are likely to be applicable to agricultural commodities generally; or

"(ii)(I) the project—

"(aa) involves a minor commodity; and

"(bb) deals with scientifically important research; and

"(II) the recipient is unable to satisfy the matching funds requirement.".

(D) ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.—Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7210) is amended—

(i) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

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

"(c) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Subject to paragraph (3), an entity receiving a grant under subsection (a) shall provide non-Federal matching funds (including funds from an agricultural commodity promotion, research, and information program) equal to not less than the amount of the grant.

"(2) IN-KIND SUPPORT.—Non-Federal matching funds described in paragraph (1) may include in-kind support.

"(3) WAIVER.—The Secretary may waive the matching funds requirement under paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project are of a particular benefit to a specific agricultural commodity, but those results are likely to be applicable to agricultural commodities generally; or

"(B)(i) the project—

"(I) involves a minor commodity; and

"(II) deals with scientifically important research; and

"(ii) the recipient is unable to satisfy the matching funds requirement.".

(3) AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.—

(A) INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.—Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) is amended—

(i) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(ii) by inserting after subsection (c) the following:

"(d) MATCHING FUNDS REQUIREMENT.—

"(1) IN GENERAL.—Subject to paragraph (3), with respect to a grant under this section that provides a particular benefit to a specific agricultural commodity, the recipient of the grant shall provide non-Federal matching funds (including funds from an agricultural commodity promotion, research, and information program) equal to not less than the amount of the grant.

"(2) IN-KIND SUPPORT.—Non-Federal matching funds described in paragraph (1) may include in-kind support.

"(3) WAIVER.—The Secretary may waive the matching funds requirement under paragraph (1) with respect to a grant if the Secretary determines that—

"(A) the results of the grant are of a particular benefit to a specific agricultural commodity, but those results are likely to be applicable to agricultural commodities generally; or

"(B)(i) the grant—

"(I) involves a minor commodity; and

"(II) deals with scientifically important research; and

"(ii) the recipient is unable to satisfy the matching funds requirement.".

(B) SPECIALTY CROP RESEARCH INITIATIVE.—Section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(g)) is amended—

(i) by redesignating paragraph (3) as paragraph (4); and

(ii) by inserting after paragraph (2) the following:

"(3) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—An entity receiving a grant under this section shall provide non-Federal matching funds (including funds from an agricultural commodity promotion, research, and information program) equal to not less than the amount of the grant.

"(B) IN-KIND SUPPORT.—Non-Federal matching funds described in subparagraph (A) may include in-kind support.".

(4) OTHER LAWS.—

(A) SUN GRANT PROGRAM.—Section 7526(c)(1)(C)(iv) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114(c)(1)(C)(iv)) is amended by striking subclause (IV).

(B) AGRICULTURE AND FOOD RESEARCH INITIATIVE.—Subsection (b)(9) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b)(9)) is amended—

(i) in subparagraph (A), by striking clause (iii);

(ii) in subparagraph (B)—

(I) in clause (i), by striking "clauses (ii) and (iii)," and inserting "clause (ii),"; and

(II) by striking clause (iii); and

(iii) by adding at the end the following:

"(C) APPLIED RESEARCH.—An entity receiving a grant under paragraph (5)(B) for applied research that is commodity-specific and not of national scope shall provide non-Federal matching funds equal to not less than the amount of the grant.".

(c) APPLICATION OF AMENDMENTS.— 7 USC 3151 note.

(1) AWARDS MADE AFTER DATE OF ENACTMENT.—The amendments made by subsections (a) and (b) shall apply with respect to grants, cooperative agreements, or other awards described in subsection (b) that are made after the date of the enactment of this Act.

(2) AWARDS MADE ON OR BEFORE DATE OF ENACTMENT.—Notwithstanding the amendments made by subsections (a) and (b), a matching funds requirement in effect on the day before the date of enactment of this Act under a provision of law amended by subsection (a) or (b) shall continue to apply to a grant, cooperative agreement, or other award described in subsection (b) that is made on or before the date of the enactment of this Act.

TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

SEC. 8101. SUPPORT FOR STATE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

Section 2A(f)(1) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(f)(1)) is amended by striking "2018" and inserting "2023".

SEC. 8102. STATE AND PRIVATE FOREST LANDSCAPE-SCALE RESTORATION PROGRAM.

(a) IN GENERAL.—Section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) is amended to read as follows:

"SEC. 13A. STATE AND PRIVATE FOREST LANDSCAPE-SCALE RESTORATION PROGRAM.

"(a) PURPOSE.—The purpose of this section is to encourage collaborative, science-based restoration of priority forest landscapes.

"(b) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(2) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means land that—

"(A) is rural, as determined by the Secretary;

"(B) has existing tree cover or is suitable for growing trees; and

"(C) is owned by any private individual, group, association, corporation, Indian tribe, or other private legal entity.

"(3) STATE FOREST LAND.—The term 'State forest land' means land that—

"(A) is rural, as determined by the Secretary; and

"(B) is under State or local governmental ownership and considered to be non-Federal forest land.

"(c) ESTABLISHMENT.—The Secretary, in consultation with State foresters or appropriate State agencies, shall establish a competitive grant program to provide financial and technical assistance to encourage collaborative, science-based restoration of priority forest landscapes.

"(d) ELIGIBILITY.—To be eligible to receive a grant under this section, an applicant shall submit to the Secretary, through the State forester or appropriate State agency, a State and private forest landscape-scale restoration proposal based on a restoration strategy that—

"(1) is complete or substantially complete;

"(2) is for a multiyear period;

"(3) covers nonindustrial private forest land or State forest land;

"(4) is accessible by wood-processing infrastructure; and

"(5) is based on the best available science.

"(e) PLAN CRITERIA.—A State and private forest landscape-scale restoration proposal submitted under this section shall include plans—

"(1) to reduce the risk of uncharacteristic wildfires;

"(2) to improve fish and wildlife habitats, including the habitats of threatened and endangered species;

"(3) to maintain or improve water quality and watershed function;

"(4) to mitigate invasive species, insect infestation, and disease;

"(5) to improve important forest ecosystems;

"(6) to measure ecological and economic benefits, including air quality and soil quality and productivity; and

"(7) to take other relevant actions, as determined by the Secretary.

"(f) PRIORITIES.—In making grants under this section, the Secretary shall give priority to plans that—

"(1) further a statewide forest assessment and resource strategy;

"(2) promote cross boundary landscape collaboration; and

"(3) leverage public and private resources.

"(g) COLLABORATION AND CONSULTATION.—The Chief of the Forest Service, the Chief of the Natural Resources Conservation Service, and relevant stakeholders shall collaborate and consult on an ongoing basis regarding—

"(1) administration of the program established under this section; and

"(2) identification of other applicable resources for landscape-scale restoration.

"(h) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount of Federal funds.

"(i) COORDINATION AND PROXIMITY ENCOURAGED.—In making grants under this section, the Secretary may consider coordination with and proximity to other landscape-scale projects on other land under the jurisdiction of the Secretary, the Secretary of the Interior, or a Governor of a State, including under—

"(1) the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303);

"(2) landscape areas designated for insect and disease treatments under section 602 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591a);

"(3) good neighbor authority under section 19;

"(4) stewardship end result contracting projects authorized under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c);

"(5) appropriate State-level programs; and

"(6) other relevant programs, as determined by the Secretary.

"(j) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines necessary to carry out this section.

"(k) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on—

"(1) the status of development, execution, and administration of selected projects;

"(2) the accounting of program funding expenditures; and

"(3) specific accomplishments that have resulted from landscape-scale projects.

"(l) FUND.—

"(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the 'State and Private Forest Landscape-Scale Restoration Fund' (referred to in this subsection as the 'Fund'), to be used by the Secretary to make grants under this section.

"(2) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (3).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $20,000,000 for each fiscal year beginning with the first full fiscal year after the date of enactment of this subsection through fiscal year 2023, to remain available until expended.".

(b) CONFORMING AMENDMENTS.—

(1) Section 13B of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109b) is repealed.

(2) Section 19(a)(4)(C) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(a)(4)(C)) is amended by striking "sections 13A and 13B" and inserting "section 13A".

Subtitle B—Forest and Rangeland Renewable Resources Research Act of 1978

SEC. 8201. REPEAL OF RECYCLING RESEARCH.

Section 9 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1648) is repealed.

SEC. 8202. REPEAL OF FORESTRY STUDENT GRANT PROGRAM.

Section 10 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1649) is repealed.

Subtitle C—Global Climate Change Prevention Act of 1990

SEC. 8301. REPEALS RELATING TO BIOMASS.

(a) BIOMASS ENERGY DEMONSTRATION PROJECTS.—Section 2410 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6708) is repealed.

(b) INTERAGENCY COOPERATION TO MAXIMIZE BIOMASS GROWTH.—Section 2411 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6709) is amended in the matter preceding paragraph (1) by striking "to—" and all that follows through "such forests and lands" in paragraph (2) and inserting "to develop a program to manage forests and land on Department of Defense military installations".

Subtitle D—Healthy Forests Restoration Act of 2003

SEC. 8401. PROMOTING CROSS-BOUNDARY WILDFIRE MITIGATION.

Section 103 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6513) is amended by adding at the end the following:

"(e) CROSS-BOUNDARY HAZARDOUS FUEL REDUCTION PROJECTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) HAZARDOUS FUEL REDUCTION PROJECT.—The term 'hazardous fuel reduction project' means a hazardous fuel reduction project described in paragraph (2).

"(B) NON-FEDERAL LAND.—The term 'non-Federal land' includes—

"(i) State land;

"(ii) county land;

"(iii) Tribal land;

"(iv) private land; and

"(v) other non-Federal land.

"(2) GRANTS.—The Secretary may make grants to State foresters to support hazardous fuel reduction projects that incorporate treatments in landscapes across ownership boundaries on Federal and non-Federal land, particularly in areas identified as priorities in applicable State-wide forest resource assessments or strategies under section 2A(a) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(a)), as mutually agreed to by the State forester and the Regional Forester.

"(3) LAND TREATMENTS.—To conduct and fund treatments for hazardous fuel reduction projects carried out by State foresters using grants under paragraph (2), the Secretary may use the authorities of the Secretary relating to cooperation and technical and financial assistance, including the good neighbor authority under—

"(A) section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a); and

"(B) section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (16 U.S.C. 1011 note; Public Law 106–291).

"(4) COOPERATION.—In carrying out a hazardous fuel reduction project using a grant under paragraph (2) on non-Federal land, the State forester, in consultation with the Secretary—

"(A) shall consult with any applicable owners of the non-Federal land; and

"(B) shall not implement the hazardous fuel reduction project on non-Federal land without the consent of the owner of the non-Federal land.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2019 through 2023.".

SEC. 8402. AUTHORIZATION OF APPROPRIATIONS FOR HAZARDOUS FUEL REDUCTION ON FEDERAL LAND.

Section 108 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6518) is amended by striking "$760,000,000 for each fiscal year" and inserting "$660,000,000 for each of fiscal years 2019 through 2023".

SEC. 8403. REPEAL OF BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.

(a) IN GENERAL.—Section 203 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6531) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 note; Public Law 108–148) is amended by striking the item relating to section 203.

SEC. 8404. WATER SOURCE PROTECTION PROGRAM.

(a) IN GENERAL.—Title III of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6541 et seq.) is amended by adding at the end the following:

"SEC. 303. WATER SOURCE PROTECTION PROGRAM. 16 USC 6542.

"(a) DEFINITIONS.—In this section:

"(1) END WATER USER.—The term 'end water user' means a non-Federal entity, including—

"(A) a State;

"(B) a political subdivision of a State;

"(C) an Indian tribe;

"(D) a utility;

"(E) a municipal water system;

"(F) an irrigation district;

"(G) a nonprofit organization; and

"(H) a corporation.

"(2) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' means a project carried out by the Secretary on National Forest System land.

"(3) FOREST PLAN.—The term 'forest plan' means a land management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

"(4) NON-FEDERAL PARTNER.—The term 'non-Federal partner' means an end water user with whom the Secretary has entered into a partnership agreement under subsection (c)(1).

"(5) PROGRAM.—The term 'Program' means the Water Source Protection Program established under subsection (b).

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(7) WATER SOURCE MANAGEMENT PLAN.—The term 'water source management plan' means the water source management plan developed under subsection (d)(1).

"(b) ESTABLISHMENT.—The Secretary shall establish and maintain a program, to be known as the 'Water Source Protection Program', to carry out watershed protection and restoration projects on National Forest System land.

"(c) WATER SOURCE INVESTMENT PARTNERSHIPS.—

"(1) IN GENERAL.—In carrying out the Program, the Secretary may enter into water source investment partnership agreements with end water users to protect and restore the condition of National Forest watersheds that provide water to the end water users.

"(2) FORM.—A partnership agreement described in paragraph (1) may take the form of—

"(A) a memorandum of understanding;

"(B) a cost-share or collection agreement;

"(C) a long-term funding matching commitment; or

"(D) another appropriate instrument, as determined by the Secretary.

"(d) WATER SOURCE MANAGEMENT PLAN.—

"(1) IN GENERAL.—In carrying out the Program, the Secretary, in cooperation with the non-Federal partners and applicable State, local, and Tribal governments, may develop a water source management plan that describes the proposed implementation of watershed protection and restoration projects under the Program.

"(2) REQUIREMENT.—A water source management plan shall be conducted in a manner consistent with the forest plan applicable to the National Forest System land on which the watershed protection and restoration project is carried out.

"(3) ENVIRONMENTAL ANALYSIS.—The Secretary may conduct a single environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

"(A) for each watershed protection and restoration project included in the water source management plan; or

"(B) as part of the development of, or after the finalization of, the water source management plan.

"(e) FOREST MANAGEMENT ACTIVITIES.—

"(1) IN GENERAL.—To the extent that forest management activities are necessary to protect, maintain, or enhance water quality, and in accordance with paragraph (2), the Secretary shall carry out forest management activities as part of watershed protection and restoration projects carried out on National Forest System land, with the primary purpose of—

"(A) protecting a municipal water supply system;

"(B) restoring forest health from insect infestations and disease; or

"(C) any combination of the purposes described in subparagraphs (A) and (B).

"(2) COMPLIANCE.—The Secretary shall carry out forest management activities under paragraph (1) in accordance with—

"(A) this Act;

"(B) the applicable water source management plan;

"(C) the applicable forest plan; and

"(D) other applicable laws.

"(f) ENDANGERED SPECIES ACT OF 1973.—In carrying out the Program, the Secretary may use the Manual on Adaptive Management of the Department of the Interior, including any associated guidance, to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(g) FUNDS AND SERVICES.—

"(1) IN GENERAL.—In carrying out the Program, the Secretary may accept and use funding, services, and other forms of investment and assistance from non-Federal partners to implement the water source management plan.

"(2) MATCHING FUNDS REQUIRED.—The Secretary shall require the contribution of funds or in-kind support from non-Federal partners to be in an amount that is at least equal to the amount of Federal funds.

"(3) MANNER OF USE.—The Secretary may accept and use investments described in paragraph (1) directly or indirectly through the National Forest Foundation.

"(4) WATER SOURCE PROTECTION FUND.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a Water Source Protection Fund to match funds or in-kind support contributed by non-Federal partners under paragraph (1).

"(B) USE OF APPROPRIATED FUNDS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 through 2023.

"(C) PARTNERSHIP AGREEMENTS.—The Secretary may make multiyear commitments, if necessary, to implement 1 or more partnership agreements under subsection (c).".

(b) CONFORMING AMENDMENT.—The table of contents for the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 note; Public Law 108–148) is amended by striking the item relating to section 303 and inserting the following:

"Sec. 303. Water Source Protection Program.".

SEC. 8405. WATERSHED CONDITION FRAMEWORK.

(a) IN GENERAL.—Title III of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6541 et seq.) (as amended by section 8404(a)) is amended by adding at the end the following:

"SEC. 304. WATERSHED CONDITION FRAMEWORK. 16 USC 6543.

"(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary'), may establish and maintain a Watershed Condition Framework for National Forest System land—

"(1) to evaluate and classify the condition of watersheds, taking into consideration—

"(A) water quality and quantity;

"(B) aquatic habitat and biota;

"(C) riparian and wetland vegetation;

"(D) the presence of roads and trails;

"(E) soil type and condition;

"(F) groundwater-dependent ecosystems;

"(G) relevant terrestrial indicators, such as fire regime, risk of catastrophic fire, forest and rangeland vegetation, invasive species, and insects and disease; and

"(H) other significant factors, as determined by the Secretary;

"(2) to identify for protection and restoration up to 5 priority watersheds in each National Forest, and up to 2 priority watersheds in each national grassland, taking into consideration the impact of the condition of the watershed condition on—

"(A) wildfire behavior;

"(B) flood risk;

"(C) fish and wildlife;

"(D) drinking water supplies;

"(E) irrigation water supplies;

"(F) forest-dependent communities; and

"(G) other significant impacts, as determined by the Secretary;

"(3) to develop a watershed protection and restoration action plan for each priority watershed that—

"(A) takes into account existing restoration activities being implemented in the watershed; and

"(B) includes, at a minimum—

"(i) the major stressors responsible for the impaired condition of the watershed;

"(ii) a set of essential projects that, once completed, will address the identified stressors and improve watershed conditions;

"(iii) a proposed implementation schedule;

"(iv) potential partners and funding sources; and

"(v) a monitoring and evaluation program;

"(4) to prioritize protection and restoration activities for each watershed restoration action plan;

"(5) to implement each watershed protection and restoration action plan; and

"(6) to monitor the effectiveness of protection and restoration actions and indicators of watershed health.

"(b) COORDINATION.—In carrying out subsection (a), the Secretary shall—

"(1) coordinate with interested non-Federal landowners and State, Tribal, and local governments within the relevant watershed; and

"(2) provide for an active and ongoing public engagement process.

"(c) EMERGENCY DESIGNATION.—Notwithstanding paragraph (2) of subsection (a), the Secretary may identify a watershed as a priority for rehabilitation in the Watershed Condition Framework without using the process described in that subsection if a Forest Supervisor determines that—

"(1) a wildfire has significantly diminished the condition of the watershed; and

"(2) the emergency stabilization activities of the Burned Area Emergency Response Team are insufficient to return the watershed to proper function.".

(b) CONFORMING AMENDMENT.—The table of contents for the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 note;

Public Law 108–148) (as amended by section 8404(b)) is amended by inserting after the item relating to section 303 the following:

"Sec. 304. Watershed Condition Framework.".

SEC. 8406. AUTHORIZATION OF APPROPRIATIONS TO COMBAT INSECT INFESTATIONS AND RELATED DISEASES.

(a) IN GENERAL.—Section 406 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6556) is amended to read as follows:

"SEC. 406. TERMINATION OF EFFECTIVENESS.

"The authority provided by this title terminates effective October 1, 2023.".

(b) CONFORMING AMENDMENT.—The table of contents for the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 note; Public Law 108–148) is amended by striking the item relating to section 406 and inserting the following:

"Sec. 406. Termination of effectiveness.".

SEC. 8407. HEALTHY FORESTS RESTORATION ACT OF 2003 AMENDMENTS.

(a) HEALTHY FORESTS RESERVE PROGRAM.—

(1) ADDITIONAL PURPOSE OF PROGRAM.—Section 501(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571(a)) is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) to conserve forest land that provides habitat for species described in section 502(b); and".

(2) ELIGIBILITY FOR ENROLLMENT.—Subsection (b) of section 502 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572) is amended to read as follows:

"(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be private forest land, or private land being restored to forest land, the enrollment of which will maintain, restore, enhance, or otherwise measurably—

"(1) increase the likelihood of recovery of a species that is listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); or

"(2) improve the well-being of a species that—

"(A) is—

"(i) not listed as endangered or threatened under such section; and

"(ii) a candidate for such listing, a State-listed species, or a special concern species; or

"(B) is deemed a species of greatest conservation need by a State wildlife action plan.".

(3) OTHER ENROLLMENT CONSIDERATIONS.—Section 502(c) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(c)) is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) conserve forest land that provides habitat for species described in subsection (b); and".

(4) ELIMINATION OF LIMITATION ON USE OF EASEMENTS.—Section 502(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(e)) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(5) ENROLLMENT OF ACREAGE OWNED BY AN INDIAN TRIBE.—Paragraph (2) of section 502(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(e)) (as redesignated by paragraph (4)) is amended, in subparagraph (B), by striking clauses (ii) and (iii) and inserting the following new clauses:

"(ii) a 10-year cost-share agreement;

"(iii) a permanent easement; or

"(iv) any combination of the options described in clauses (i) through (iii).".

(6) ENROLLMENT PRIORITY.—Section 502(f)(1)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(f)(1)(B)) is amended by striking clause (ii) and inserting the following:

"(ii)(I) are candidates for such listing, State-listed species, or special concern species; or

"(II) are deemed a species of greatest conservation need under a State wildlife action plan.".

(7) RESTORATION PLANS.—Subsection (b) of section 503 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6573) is amended to read as follows:

"(b) PRACTICES.—The restoration plan shall require such restoration practices and measures as are necessary to restore and enhance habitat for species described in section 502(b), including the following:

"(1) Land management practices.

"(2) Vegetative treatments.

"(3) Structural practices and measures.

"(4) Practices to increase carbon sequestration.

"(5) Practices to improve biological diversity.

"(6) Other practices and measures.".

(8) FUNDING.—Section 508(b) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578(b)) is amended—

(A) in the subsection heading, by striking "FISCAL YEARS 2014 THROUGH 2018" and inserting "AUTHORIZATION OF APPROPRIATIONS"; and

(B) by striking "2018" and inserting "2023".

(9) TECHNICAL CORRECTION.—Section 503(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6573(a)) is amended by striking "Secretary of Interior" and inserting "Secretary of the Interior".

(b) INSECT AND DISEASE INFESTATION.—

(1) TREATMENT OF AREAS.—Section 602(d)(1) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591a(d)(1)) is amended by striking "subsection (b) to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in the areas." and inserting the following: "subsection (b)—

"(A) to reduce the risk or extent of, or increase the resilience to, insect or disease infestation; or

"(B) to reduce hazardous fuels.".

(2) EXTENSION OF AUTHORITY.—Section 602(d)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591a(d)(2)) is amended by striking "2018" and inserting "2023".

SEC. 8408. AUTHORIZATION OF APPROPRIATIONS FOR DESIGNATION OF TREATMENT AREAS.

Section 602 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591a) is amended by striking subsection (f).

Subtitle E—Repeal or Reauthorization of Miscellaneous Forestry Programs

SEC. 8501. REPEAL OF REVISION OF STRATEGIC PLAN FOR FOREST INVENTORY AND ANALYSIS.

Section 8301 of the Agricultural Act of 2014 (16 U.S.C. 1642 note; Public Law 113–79) is repealed.

SEC. 8502. SEMIARID AGROFORESTRY RESEARCH CENTER.

Section 1243(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended by striking "annually" and inserting "for each of fiscal years 2019 through 2023".

SEC. 8503. NATIONAL FOREST FOUNDATION ACT.

(a) MATCHING FUNDS.—Section 405(b) of the National Forest Foundation Act (16 U.S.C. 583j–3(b)) is amended by striking "2018" and inserting "2023".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 410(b) of the National Forest Foundation Act (16 U.S.C. 583j–8(b)) is amended by striking "2018" and inserting "2023".

SEC. 8504. CONVEYANCE OF FOREST SERVICE ADMINISTRATIVE SITES.

Section 503(f) of the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109–54) is amended by striking "2016" and inserting "2023".

Subtitle F—Forest Management

SEC. 8601. DEFINITION OF NATIONAL FOREST SYSTEM.

16 USC 580d note.

In this subtitle, the term "National Forest System" has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

PART I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

SEC. 8611. CATEGORICAL EXCLUSION FOR GREATER SAGE-GROUSE AND MULE DEER HABITAT.

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591 et seq.) is amended by adding at the end the following:

16 USC 6591e.

"SEC. 606. CATEGORICAL EXCLUSION FOR GREATER SAGE-GROUSE AND MULE DEER HABITAT.

"(a) DEFINITIONS.—In this section:

"(1) COVERED VEGETATION MANAGEMENT ACTIVITY.—

"(A) IN GENERAL.—The term 'covered vegetation management activity' means any activity described in subparagraph (B) that—

"(i)(I) is carried out on National Forest System land administered by the Forest Service; or

"(II) is carried out on public land administered by the Bureau of Land Management;

"(ii) with respect to public land, meets the objectives of the order of the Secretary of the Interior numbered 3336 and dated January 5, 2015;

"(iii) conforms to an applicable forest plan or land use plan;

"(iv) protects, restores, or improves greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—

"(I) Circular 1416 of the United States Geological Survey entitled 'Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration' (2015); or

"(II) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies;

"(v) will not permanently impair—

"(I) the natural state of the treated area;

"(II) outstanding opportunities for solitude;

"(III) outstanding opportunities for primitive, unconfined recreation;

"(IV) economic opportunities consistent with multiple-use management; or

"(V) the identified values of a unit of the National Landscape Conservation System;

"(vi)(I) restores native vegetation following a natural disturbance;

"(II) prevents the expansion into greater sage-grouse or mule deer habitat of—

"(aa) juniper, pinyon pine, or other associated conifers; or

"(bb) nonnative or invasive vegetation;

"(III) reduces the risk of loss of greater sage-grouse or mule deer habitat from wildfire or any other natural disturbance; or

"(IV) provides emergency stabilization of soil resources after a natural disturbance; and

"(vii) provides for the conduct of restoration treatments that—

"(I) maximize the retention of old-growth and large trees, as appropriate for the forest type;

"(II) consider the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity;

"(III) are developed and implemented through a collaborative process that—

"(aa) includes multiple interested persons representing diverse interests; and

"(bb)(AA) is transparent and nonexclusive; or

"(BB) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125); and

"(IV) may include the implementation of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

"(B) DESCRIPTION OF ACTIVITIES.—An activity referred to in subparagraph (A) is—

"(i) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

"(ii) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

"(iii) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;

"(iv) collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method;

"(v) seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization;

"(vi) targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;

"(vii) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;

"(viii) temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met;

"(ix) in coordination with the affected permit holder, modification or adjustment of permissible usage under an annual plan of use of a grazing permit issued by the Secretary concerned to achieve restoration treatment objectives;

"(x) installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or

"(xi) necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.

"(C) EXCLUSIONS.—The term 'covered vegetation management activity' does not include—

"(i) any activity conducted in a wilderness area or wilderness study area;

"(ii) any activity for the construction of a permanent road or permanent trail;

"(iii) any activity conducted on Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

"(iv) any activity conducted in an area in which activities under subparagraph (B) would be inconsistent with the applicable land and resource management plan; or

"(v) any activity conducted in an inventoried roadless area.

"(2) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture, with respect to National Forest System land; and

"(B) the Secretary of the Interior, with respect to public land.

"(3) TEMPORARY ROAD.—The term 'temporary road' means a road that is—

"(A) authorized—

"(i) by a contract, permit, lease, other written authorization; or

"(ii) pursuant to an emergency operation;

"(B) not intended to be part of the permanent transportation system of a Federal department or agency;

"(C) not necessary for long-term resource management;

"(D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—

"(i) safety;

"(ii) the cost of transportation; and

"(iii) impacts to land and resources; and

"(E) managed to minimize—

"(i) erosion; and

"(ii) the introduction or spread of invasive species.

"(b) CATEGORICAL EXCLUSION.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary concerned shall develop a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse or mule deer.

"(2) ADMINISTRATION.—In developing and administering the categorical exclusion under paragraph (1), the Secretary concerned shall—

"(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(B) with respect to National Forest System land, apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion;

"(C) with respect to public land, apply the extraordinary circumstances procedures under section 46.215 of

title 43, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion; and

"(D) consider—

"(i) the relative efficacy of landscape-scale habitat projects;

"(ii) the likelihood of continued declines in the populations of greater sage-grouse and mule deer in the absence of landscape-scale vegetation management; and

"(iii) the need for habitat restoration activities after wildfire or other natural disturbances.

"(c) IMPLEMENTATION OF COVERED VEGETATIVE MANAGEMENT ACTIVITIES WITHIN THE RANGE OF GREATER SAGE-GROUSE AND MULE DEER.—If the categorical exclusion developed under subsection (b) is used to implement a covered vegetative management activity in an area within the range of both greater sage-grouse and mule deer, the covered vegetative management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.

"(d) LONG-TERM MONITORING AND MAINTENANCE.—Before commencing any covered vegetation management activity that is covered by the categorical exclusion under subsection (b), the Secretary concerned shall develop a long-term monitoring and maintenance plan, covering at least the 20-year period beginning on the date of commencement, to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.

"(e) DISPOSAL OF VEGETATIVE MATERIAL.—Subject to applicable local restrictions, any vegetative material resulting from a covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may be—

"(1) used for—

"(A) fuel wood; or

"(B) other products; or

"(2) piled or burned, or both.

"(f) TREATMENT FOR TEMPORARY ROADS.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(1)(B)(xi), any temporary road constructed in carrying out a covered vegetation management activity that is covered by the categorical exclusion under subsection (b)—

"(A) shall be used by the Secretary concerned for the covered vegetation management activity for not more than 2 years; and

"(B) shall be decommissioned by the Secretary concerned not later than 3 years after the earlier of the date on which—

"(i) the temporary road is no longer needed; and

"(ii) the project is completed.

"(2) REQUIREMENT.—A treatment under paragraph (1) shall include reestablishing native vegetative cover—

"(A) as soon as practicable; but

"(B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

"(g) LIMITATIONS.—

"(1) PROJECT SIZE.—A covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may not exceed 4,500 acres.

"(2) LOCATION.—A covered vegetation management activity carried out on National Forest System land that is covered by the categorical exclusion under subsection (b) shall be limited to areas designated under section 602(b), as of the date of enactment of this section.".

(b) CONFORMING AMENDMENTS.—The table of contents for the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 note; Public Law 108–148) is amended by adding at the end of the items relating to title VI the following:

"Sec. 602. Designation of treatment areas.
"Sec. 603. Administrative review.
"Sec. 604. Stewardship end result contracting projects.
"Sec. 605. Wildfire resilience projects.
"Sec. 606. Categorical exclusion for greater sage-grouse and mule deer habitat.".

PART II—MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES

SEC. 8621. ADDITIONAL AUTHORITY FOR SALE OR EXCHANGE OF SMALL PARCELS OF NATIONAL FOREST SYSTEM LAND.

(a) INCREASE IN MAXIMUM VALUE OF SMALL PARCELS.—Section 3 of Public Law 97–465 (commonly known as the "Small Tract Act of 1983") (16 U.S.C. 521e) is amended in the matter preceding paragraph (1) by striking "$150,000" and inserting "$500,000".

(b) ADDITIONAL CONVEYANCE PURPOSES.—Section 3 of Public Law 97–465 (16 U.S.C. 521e) (as amended by subsection (a)) is amended—

(1) in paragraph (2), by striking "; or" and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) parcels of 40 acres or less that are determined by the Secretary—

"(A) to be physically isolated from other Federal land;

"(B) to be inaccessible; or

"(C) to have lost National Forest character;

"(5) parcels of 10 acres or less that are not eligible for conveyance under paragraph (2) but are encroached on by a permanent habitable improvement for which there is no evidence that the encroachment was intentional or negligent; or

"(6) parcels used as a cemetery (including a parcel of not more than 1 acre adjacent to the parcel used as a cemetery), a landfill, or a sewage treatment plant under a special use authorization issued or otherwise authorized by the Secretary.".

(c) DISPOSITION OF PROCEEDS.—Section 2 of Public Law 97–465 (16 U.S.C. 521d) is amended—

(1) in the matter preceding paragraph (1), by striking "The Secretary is authorized" and inserting the following:

"(a) CONVEYANCE AUTHORITY; CONSIDERATION.—The Secretary is authorized";

(2) in paragraph (2), in the second sentence, by striking "The Secretary shall insert" and inserting the following:

"(b) INCLUSION OF TERMS, COVENANTS, CONDITIONS, AND RESERVATIONS.—

"(1) IN GENERAL.—The Secretary shall insert";

(3) in subsection (b) (as so designated)—

(A) by striking "convenants" and inserting "covenants"; and

(B) in the second sentence by striking "The preceding sentence shall not" and inserting the following:

"(2) LIMITATION.—Paragraph (1) shall not"; and

(4) by adding at the end the following:

"(c) DISPOSITION OF PROCEEDS.—

"(1) DEPOSIT IN SISK FUND.—The net proceeds derived from any sale or exchange conducted under paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established under Public Law 90–171 (commonly known as the 'Sisk Act') (16 U.S.C. 484a).

"(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended for—

"(A) the acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived;

"(B) the acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land that enhance opportunities for recreational access; or

"(C) the reimbursement of the Secretary for costs incurred in preparing a sale conducted under the authority of section 3 if the sale is a competitive sale.".

SEC. 8622. FOREST SERVICE PARTICIPATION IN ACES PROGRAM.

Section 8302 of the Agricultural Act of 2014 (16 U.S.C. 3851a) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) TERMINATION OF EFFECTIVENESS.—The authority provided to the Secretary to carry out this section terminates effective October 1, 2023.".

SEC. 8623. AUTHORIZATION FOR LEASE OF FOREST SERVICE SITES.

16 USC 580d note.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE SITE.—

(A) IN GENERAL.—The term "administrative site" means—

(i) any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;

(ii) any Federal land that—

(I) is associated with a facility or improvement described in clause (i) that was acquired or is used specifically for purposes of administration of Forest Service activities; and

(II) underlies or abuts the facility or improvement; and

(iii) for each fiscal year, not more than 10 isolated, undeveloped parcels of not more than 40 acres each.

(B) EXCLUSIONS.—The term "administrative site" does not include—

(i) any land within a unit of the National Forest System that is exclusively designated for natural area or recreational purposes;

(ii) any land within—

(I) a component of the National Wilderness Preservation System;

(II) a component of the National Wild and Scenic Rivers System; or

(III) a National Monument; or

(iii) any Federal land that the Secretary determines—

(I) is needed for resource management purposes or to provide access to other land or water; or

(II) would be in the public interest not to lease.

(2) FACILITY OR IMPROVEMENT.—The term "facility or improvement" includes—

(A) a forest headquarters;

(B) a ranger station;

(C) a research station or laboratory;

(D) a dwelling;

(E) a warehouse;

(F) a scaling station;

(G) a fire-retardant mixing station;

(H) a fire-lookout station;

(I) a guard station;

(J) a storage facility;

(K) a telecommunication facility; and

(L) any other administrative installation for conducting Forest Service activities.

(3) MARKET ANALYSIS.—The term "market analysis" means the identification and study of the market for a particular economic good or service.

(b) AUTHORIZATION.—The Secretary may lease an administrative site that is under the jurisdiction of the Secretary in accordance with this section.

(c) IDENTIFICATION OF ELIGIBLE SITES.—A regional forester, in consultation with forest supervisors in the region, may submit to the Secretary a recommendation for administrative sites in the region that the regional forester considers eligible for leasing under this section.

(d) CONSULTATION WITH LOCAL GOVERNMENT AND PUBLIC NOTICE.—Before making an administrative site available for lease under this section, the Secretary shall—

(1) consult with government officials of the community and of the State in which the administrative site is located; and

(2) provide public notice of the proposed lease.

(e) LEASE REQUIREMENTS.—

(1) SIZE.—An administrative site or compound of administrative sites under a single lease under this section may not exceed 40 acres.

(2) CONFIGURATION OF ADMINISTRATIVE SITES.—

(A) IN GENERAL.—To facilitate the lease of an administrative site under this section, the Secretary may configure the administrative site—

(i) to maximize the marketability of the administrative site; and

(ii) to achieve management objectives.

(B) SEPARATE TREATMENT OF FACILITY OR IMPROVEMENT.—A facility or improvement on an administrative site to be leased under this section may be severed from the land and leased under a separate lease under this section.

(3) CONSIDERATION.—

(A) IN GENERAL.—A person to which a lease of an administrative site is made under this section shall provide to the Secretary consideration described in subparagraph (B) in an amount that is not less than the market value of the administrative site, as determined in accordance with subparagraph (C).

(B) FORM OF CONSIDERATION.—The consideration referred to in subparagraph (A) may be—

(i) cash;

(ii) in-kind, including—

(I) the construction of new facilities or improvements, the title to which shall be transferred by the lessee to the Secretary;

(II) the maintenance, repair, improvement, or restoration of existing facilities or improvements; and

(III) other services relating to activities that occur on the administrative site, as determined by the Secretary; or

(iii) any combination of the consideration described in clauses (i) and (ii).

(C) DETERMINATION OF MARKET VALUE.—

(i) IN GENERAL.—The Secretary shall determine the market value of an administrative site to be leased under this section—

(I) by conducting an appraisal in accordance with—

(aa) the Uniform Appraisal Standards for Federal Land Acquisitions established in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(bb) the Uniform Standards of Professional Appraisal Practice; or

(II) by competitive lease.

(ii) IN-KIND CONSIDERATION.—The Secretary shall determine the market value of any in-kind consideration under subparagraph (B)(ii).

(4) CONDITIONS.—The lease of an administrative site under this section shall be subject to such conditions, including bonding, as the Secretary determines to be appropriate.

(5) RIGHT OF FIRST REFUSAL.—Subject to terms and conditions that the Secretary determines to be necessary, the Secretary shall offer to lease an administrative site to the municipality or county in which the administrative site is located before seeking to lease the administrative site to any other person.

(f) RELATION TO OTHER LAWS.—

(1) FEDERAL PROPERTY DISPOSAL.—Chapter 5 of title 40, United States Code, shall not apply to the lease of an administrative site under this section.

(2) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—

(A) IN GENERAL.—Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials, the Secretary shall not be required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to an administrative site to be leased under this section.

(B) PROCEDURES.—With respect to an administrative site to be leased under this section that has lead-based paint or asbestos-containing building materials, the Secretary shall—

(i) provide notice to the person to which the administrative site will be leased of the presence of the lead-based paint or asbestos-containing building material; and

(ii) obtain written assurance from that person that the person will comply with applicable Federal, State, and local laws relating to the management of lead-based paint and asbestos-containing building materials.

(3) ENVIRONMENTAL REVIEW.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the lease of an administrative site under this section, except that, in any environmental review or analysis required under that Act for the lease of an administrative site under this section, the Secretary shall be required only—

(A) to analyze the most reasonably foreseeable use of the administrative site, as determined through a market analysis;

(B) to determine whether to include any conditions under subsection (e)(4); and

(C) to evaluate the alternative of not leasing the administrative site in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COMPLIANCE WITH LOCAL LAWS.—A person that leases an administrative site under this section shall comply with all applicable State and local zoning laws, building codes, and permit requirements for any construction activities that occur on the administrative site.

(g) PROHIBITION.—No agency of the Federal Government shall make any cash payments to a leaseholder relating to the use or occupancy of any administrative site or facility that has been improved under this section.

(h) CONGRESSIONAL NOTIFICATIONS.—

(1) ANTICIPATED USE OF AUTHORITY.—As part of the annual budget justification documents provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Secretary shall include—

(A) a list of the anticipated leases to be made, including the anticipated revenue that may be obtained, under this section;

(B) a description of the intended use of any revenue obtained under a lease under this section, including a list of any projects that cost more than $500,000; and

(C) a description of accomplishments during previous years using the authority of the Secretary under this section.

(2) CHANGES TO LEASE LIST.—If the Secretary desires to lease an administrative site under this section that is not included on a list provided under paragraph (1)(A), the Secretary shall submit to the congressional committees described in paragraph (3) a notice of the proposed lease, including the anticipated revenue that may be obtained from the lease.

(3) USE OF AUTHORITY.—Not less frequently than once each year, the Secretary shall submit to the Committee on Agriculture, the Committee on Appropriations, and the Committee on Natural Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate a report describing each lease made by the Secretary under this section during the period covered by the report.

(i) EXPIRATION OF AUTHORITY.—

(1) IN GENERAL.—The authority of the Secretary to make a lease of an administrative site under this section expires on October 1, 2023.

(2) EFFECT ON LEASE AGREEMENT.—Paragraph (1) shall not affect the authority of the Secretary to carry out this section in the case of any lease agreement that was entered into by the Secretary before October 1, 2023.

SEC. 8624. GOOD NEIGHBOR AUTHORITY.

(a) INCLUSION OF INDIAN TRIBES.—Section 8206(a) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) is amended—

(1) in paragraph (1)(A), by striking "land and non-Federal land" and inserting "land, non-Federal land, and land owned by an Indian tribe";

(2) in paragraph (5), by inserting "or Indian tribe" after "affected State";

(3) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following:

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).".

(b) INCLUSION OF COUNTIES.—Section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting "or county, as applicable," after "Governor";

(B) by redesignating paragraphs (2) through (9) (as amended by subsection (a)) as paragraphs (3) through (10), respectively;

(C) by inserting after paragraph (1) the following:

"(2) COUNTY.—The term 'county' means—

"(A) the appropriate executive official of an affected county; or

"(B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties."; and

(D) in paragraph (5) (as so redesignated), by inserting "or county, as applicable," after "Governor"; and

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting "or county" after "Governor";

(B) in paragraph (2)(A), by striking "cooperative agreement or contract entered into under subsection (a)" and inserting "good neighbor agreement";

(C) in paragraph (3), by inserting "or county" after "Governor"; and

(D) by adding at the end the following:

"(4) RECEIPTS.—Notwithstanding any other provision of law, any payment made by a county to the Secretary under a project conducted under a good neighbor agreement shall not be considered to be monies received from National Forest System land or Bureau of Land Management land, as applicable.".

(c) TREATMENT OF REVENUE FROM TIMBER SALE CONTRACTS.—Section 8206(b)(2) of the Agricultural Act of 2014 (16 U.S.C. 2113a(b)(2)) is amended by adding at the end the following:

"(C) TREATMENT OF REVENUE.—

"(i) IN GENERAL.—Funds received from the sale of timber by a Governor of a State under a good neighbor agreement shall be retained and used by the Governor—

"(I) to carry out authorized restoration services on Federal land under the good neighbor agreement; and

"(II) if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services on Federal land within the State under other good neighbor agreements.

"(ii) TERMINATION OF EFFECTIVENESS.—The authority provided by this subparagraph terminates effective October 1, 2023.".

SEC. 8625. CHATTAHOOCHEE-OCONEE NATIONAL FOREST LAND ADJUSTMENT.

(a) FINDINGS.—Congress finds that—

(1) certain National Forest System land in the State of Georgia consists of isolated tracts that are inefficient to manage or have lost their principal value for National Forest purposes;

(2) the disposal of that National Forest System land would be in the public interest; and

(3) proceeds from the sale of National Forest System land under subsection (b)(1) would be used best by the Forest Service to purchase land for National Forest purposes in the State of Georgia.

(b) LAND CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Under such terms and conditions as the Secretary may prescribe, the Secretary may sell or exchange any or all rights, title, and interest of the United States in and to the National Forest System land described in paragraph (2)(A).

(2) LAND AUTHORIZED FOR DISPOSAL.—

(A) IN GENERAL.—The National Forest System land referred to in paragraph (1) is the 30 tracts of land totaling approximately 3,841 acres that are generally depicted on the 2 maps entitled "Priority Land Adjustments, State of Georgia, U.S. Forest Service–Southern Region, Oconee and Chattahoochee National Forests, U.S. Congressional Districts–8, 9, 10 & 14" and dated September 24, 2013.

(B) MAPS.—The maps described in subparagraph (A) shall be on file and available for public inspection in the Office of the Forest Supervisor, Chattahoochee-Oconee National Forest, until such time as the land is sold or exchanged.

(C) MODIFICATION OF BOUNDARIES.—The Secretary may modify the boundaries of the National Forest System land described in subparagraph (A) based on land management considerations.

(3) FORM OF CONVEYANCE.—

(A) QUITCLAIM DEED.—The Secretary shall convey National Forest System land sold or exchanged under paragraph (1) by quitclaim deed.

(B) RESERVATIONS.—The Secretary may reserve any rights-of-way or other rights or interests in National Forest System land sold or exchanged under paragraph (1) that the Secretary considers necessary for management purposes or to protect the public interest.

(4) VALUATION.—

(A) MARKET VALUE.—The Secretary may not sell or exchange National Forest System land under paragraph (1) for less than market value, as determined by appraisal or through competitive bid.

(B) APPRAISAL REQUIREMENTS.—Any appraisal under subparagraph (A) shall be—

(i) consistent with the Uniform Appraisal Standards for Federal Land Acquisitions or the Uniform Standards of Professional Appraisal Practice; and

(ii) subject to the approval of the Secretary.

(5) CONSIDERATION.—

(A) CASH.—Consideration for a sale of National Forest System land or equalization of an exchange under paragraph (1) shall be paid in cash.

(B) EXCHANGE.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any National Forest System land exchanged under paragraph (1).

(6) METHOD OF SALE.—

(A) OPTIONS.—The Secretary may sell National Forest System land under paragraph (1) at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines are in the best interest of the United States.

(B) SOLICITATIONS.—The Secretary may—

(i) make public or private solicitations for the sale or exchange of National Forest System land under paragraph (1); and

(ii) reject any offer that the Secretary determines is not adequate or not in the public interest.

(7) BROKERS.—The Secretary may—

(A) use brokers or other third parties in the sale or exchange of National Forest System land under paragraph (1); and

(B) from the proceeds of a sale, pay reasonable commissions or fees.

(c) TREATMENT OF PROCEEDS.—

(1) DEPOSIT.—Subject to subsection (b)(7)(B), the Secretary shall deposit the proceeds of a sale or a cash equalization payment received from the sale or exchange of National Forest System land under subsection (b)(1) in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(2) AVAILABILITY.—Subject to paragraph (3), amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for the acquisition of land for National Forest purposes in the State of Georgia.

(3) PRIVATE PROPERTY PROTECTION.—Nothing in this section authorizes the use of funds deposited under paragraph (1) to be used to acquire land without the written consent of the owner of the land.

SEC. 8626. TENNESSEE WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "Map" means the map entitled "Proposed Wilderness Areas and Additions-Cherokee National Forest" and dated January 20, 2010.

(2) STATE.—The term "State" means the State of Tennessee.

(b) ADDITIONS TO CHEROKEE NATIONAL FOREST.—

16 USC 1132 note.

(1) DESIGNATION OF WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of Federal land in the Cherokee National Forest in the State are designated as wilderness and as additions to the National Wilderness Preservation System:

(A) Certain land comprising approximately 9,038 acres, as generally depicted as the "Upper Bald River Wilderness" on the Map and which shall be known as the "Upper Bald River Wilderness".

(B) Certain land comprising approximately 348 acres, as generally depicted as the "Big Frog Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Big Frog Wilderness.

(C) Certain land comprising approximately 630 acres, as generally depicted as the "Little Frog Mountain Addition NW" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Little Frog Mountain Wilderness.

(D) Certain land comprising approximately 336 acres, as generally depicted as the "Little Frog Mountain Addition NE" on the Map and which shall be incorporated in, and

shall be considered to be a part of, the Little Frog Mountain Wilderness.

(E) Certain land comprising approximately 2,922 acres, as generally depicted as the "Sampson Mountain Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Sampson Mountain Wilderness.

(F) Certain land comprising approximately 4,446 acres, as generally depicted as the "Big Laurel Branch Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Big Laurel Branch Wilderness.

(G) Certain land comprising approximately 1,836 acres, as generally depicted as the "Joyce Kilmer-Slickrock Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Joyce Kilmer-Slickrock Wilderness.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas designated by paragraph (1) with the appropriate committees of Congress.

(B) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under subparagraph (A) shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Cherokee National Forest.

(C) FORCE OF LAW.—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and descriptions.

(3) ADMINISTRATION.—

(A) IN GENERAL.—Subject to valid existing rights, the Federal land designated as wilderness by paragraph (1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be deemed to be a reference to the date of enactment of this Act.

(B) FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by paragraph (1).

SEC. 8627. KISATCHIE NATIONAL FOREST LAND CONVEYANCE.

(a) FINDING.—Congress finds that it is in the public interest to authorize the conveyance of certain Federal land in the Kisatchie National Forest in the State of Louisiana for market value consideration.

(b) DEFINITIONS.—In this section:

(1) COLLINS CAMP PROPERTIES.—The term "Collins Camp Properties" means Collins Camp Properties, Inc., a corporation incorporated under the laws of the State.

(2) STATE.—The term "State" means the State of Louisiana.

(c) AUTHORIZATION OF CONVEYANCES, KISATCHIE NATIONAL FOREST, LOUISIANA.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Secretary may convey the Federal land described in subparagraph (B) by quitclaim deed at public or private sale, including competitive sale by auction, bid, or other methods.

(B) DESCRIPTION OF LAND.—The Federal land referred to in subparagraph (A) consists of—

(i) all Federal land within sec. 9, T. 10 N., R. 5 W., Winn Parish, Louisiana; and

(ii) a 2.16-acre parcel of Federal land located in the SW¼ of sec. 4, T. 10 N., R. 5 W., Winn Parish, Louisiana, as depicted on a certificate of survey dated March 7, 2007, by Glen L. Cannon, P.L.S. 4436.

(2) FIRST RIGHT OF PURCHASE.—Subject to valid existing rights and subsection (e), during the 1-year period beginning on the date of enactment of this Act, on the provision of consideration by the Collins Camp Properties to the Secretary, the Secretary shall convey, by quitclaim deed, to Collins Camp Properties all right, title, and interest of the United States in and to—

(A) the not more than 47.92 acres of Federal land comprising the Collins Campsites within sec. 9, T. 10 N., R. 5 W., in Winn Parish, Louisiana, as generally depicted on a certificate of survey dated February 28, 2007, by Glen L. Cannon, P.L.S. 4436; and

(B) the parcel of Federal land described in paragraph (1)(B)(ii).

(3) TERMS AND CONDITIONS.—The Secretary may—

(A) configure the Federal land to be conveyed under this section—

(i) to maximize the marketability of the conveyance; or

(ii) to achieve management objectives; and

(B) establish any terms and conditions for the conveyances under this section that the Secretary determines to be in the public interest.

(4) CONSIDERATION.—Consideration for a conveyance of Federal land under this section shall be—

(A) in the form of cash; and

(B) in an amount equal to the market value of the Federal land being conveyed, as determined under paragraph (5).

(5) MARKET VALUE.—The market value of the Federal land conveyed under this section shall be determined—

(A) in the case of Federal land conveyed under paragraph (2), by an appraisal that is—

(i) conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) approved by the Secretary; or

(B) if conveyed by a method other than the methods described in paragraph (2), by competitive sale.

(6) HAZARDOUS SUBSTANCES.—

(A) IN GENERAL.—In any conveyance of Federal land under this section, the Secretary shall meet disclosure requirements for hazardous substances, but shall otherwise not be required to remediate or abate the substances.

(B) EFFECT.—Except as provided in subparagraph (A), nothing in this subsection affects the application of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) to the conveyances of Federal land.

(d) PROCEEDS FROM THE SALE OF LAND.—The Secretary shall deposit the proceeds of a conveyance of Federal land under subsection (c) in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(e) ADMINISTRATION.—

(1) COSTS.—As a condition of a conveyance of Federal land to Collins Camp Properties under subsection (c), the Secretary shall require Collins Camp Properties to pay at closing—

(A) reasonable appraisal costs; and

(B) the cost of any administrative and environmental analyses required by law (including regulations).

(2) PERMITS.—

(A) IN GENERAL.—An offer by Collins Camp Properties for the acquisition of the Federal land under subsection (c) shall be accompanied by a written statement from each holder of a Forest Service special use authorization with respect to the Federal land that specifies that the holder agrees to relinquish the special use authorization on the conveyance of the Federal land to Collins Camp Properties.

(B) SPECIAL USE AUTHORIZATIONS.—If any holder of a special use authorization described in subparagraph (A) fails to provide a written authorization in accordance with that subparagraph, the Secretary shall require, as a condition of the conveyance, that Collins Camp Properties administer the special use authorization according to the terms of the special use authorization until the date on which the special use authorization expires.

SEC. 8628. PURCHASE OF NATURAL RESOURCES CONSERVATION SERVICE PROPERTY, RIVERSIDE COUNTY, CALIFORNIA.

(a) FINDINGS.—Congress finds as follows:

(1) Since 1935, the United States has owned a parcel of land in Riverside, California, consisting of approximately 8.75 acres, more specifically described in subsection (b)(1) (in this section referred to as the "property").

(2) The property is under the jurisdiction of the Department of Agriculture and has been variously used for research and plant materials purposes.

(3) Since 1998, the property has been administered by the Natural Resources Conservation Service of the Department of Agriculture.

(4) Since 2002, the property has been co-managed under a cooperative agreement between the Natural Resources Conservation Service and the Riverside Corona Resource Conservation District, which is a legal subdivision of the State of California under section 9003 of the California Public Resources Code.

(5) The Conservation District wishes to purchase the property and use it for conservation, environmental, and related educational purposes.

(6) As provided in subsection (b), the purchase of the property by the Conservation District would promote the conservation education and related activities of the Conservation District and result in savings to the Federal Government.

(b) LAND PURCHASE, NATURAL RESOURCES CONSERVATION SERVICE PROPERTY, RIVERSIDE COUNTY, CALIFORNIA.—

(1) PURCHASE AUTHORIZED.—The Secretary shall sell and quitclaim to the Riverside Corona Resource Conservation District (in this section referred to as the "Conservation District") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 4500 Glenwood Drive in Riverside, California, consists of approximately 8.75 acres, and is administered by the Natural Resources Conservation Service of the Department of Agriculture. As necessary or desirable to facilitate the purchase of the property under this subsection, the Secretary or the Conservation District may survey all or portions of the property.

(2) CONSIDERATION.—As consideration for the purchase of the property under this subsection, the Conservation District shall pay to the Secretary an amount equal to the appraised value of the property.

(3) PROHIBITION ON RESERVATION OF INTEREST.—The Secretary shall not reserve any future interest in the property to be conveyed under this subsection, except such interest as may be acceptable to the Conservation District.

(4) HAZARDOUS SUBSTANCES.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), in the case of the property purchased by the Conservation District under this subsection, the Secretary shall be only required to meet the disclosure requirements for hazardous substances, pollutants, or contaminants, but shall otherwise not be required to remediate or abate any such releases of hazardous substances, pollutants, or contaminants, including petroleum and petroleum derivatives.

(5) COOPERATIVE AUTHORITY.—

(A) LEASES, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—In conjunction with, or in addition to, the purchase of the property by the Conservation District under this subsection, the Secretary may enter into leases, contracts and cooperative agreements with the Conservation District.

(B) SOLE SOURCE.—Notwithstanding sections 3105, 3301, and 3303 to 3305 of title 41, United States Code, or any other provision of law, the Secretary may lease real property from the Conservation District on a non-competitive basis.

(C) NON-EXCLUSIVE AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Secretary.

SEC. 8629. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) WAIVER AUTHORITY.—Section 4003(d) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(d)) is amended by adding at the end the following:

"(4) WAIVER.—

"(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the advisory panel established under subsection (e), if the Secretary determines that a proposal that has been selected under paragraph (1) and is being carried out continues to meet the eligibility criteria established by subsection (b), the Secretary, on a case-by-case basis, may issue for the proposal a 1-time extension of the 10-year period requirement under paragraph (1)(B) of that subsection.

"(B) LIMITATION.—The extension described in subparagraph (A)—

"(i) shall be for the shortest period of time practicable to complete implementation of the proposal, as determined by the Secretary; and

"(ii) shall not exceed 10 years.".

(b) WAIVER LIMITATION.—Section 4003(f)(4) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(4)) is amended by adding at the end the following:

"(C) EXCEPTION.—The limitation described in subparagraph (B)(i) shall not apply to a proposal for which a 1-time extension is granted under subsection (d)(4).".

(c) REAUTHORIZATION.—Section 4003(f)(6) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(6)) is amended by striking "$40,000,000 for each of fiscal years 2009 through 2019" and inserting "$80,000,000 for each of fiscal years 2019 through 2023".

(d) REPORTING REQUIREMENTS.—Section 4003(h) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(h)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting "; and";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

"(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;"; and

(5) by adding at the end the following:

"(6) the Committee on Agriculture of the House of Representatives.".

SEC. 8630. UTILITY INFRASTRUCTURE RIGHTS-OF-WAY VEGETATION MANAGEMENT PILOT PROGRAM.

43 USC 1772 note.

(a) DEFINITIONS.—In this section:

(1) NATIONAL FOREST SYSTEM LAND.—

(A) IN GENERAL.—The term "National Forest System land" means land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(B) EXCLUSIONS.—The term "National Forest System land" does not include—

(i) a National Grassland; or

(ii) a land utilization project on land designated as a National Grassland and administered pursuant to sections 31, 32, and 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010, 1011, 1012).

(2) PASSING WILDFIRE.—The term "passing wildfire" means a wildfire that originates outside of a right-of-way.

(3) PILOT PROGRAM.—The term "pilot program" means the pilot program established by the Secretary under subsection (b).

(4) RIGHT-OF-WAY.—The term "right-of-way" means a special use authorization issued by the Forest Service allowing the placement of utility infrastructure.

(5) UTILITY INFRASTRUCTURE.—The term "utility infrastructure" means electric transmission lines, natural gas infrastructure, or related structures.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—To encourage owners or operators of rights-of-way on National Forest System land to partner with the Forest Service to voluntarily conduct vegetation management projects on a proactive basis to better protect utility infrastructure from potential passing wildfires, the Secretary may establish a limited, voluntary pilot program, in the manner described in this section, to conduct vegetation management projects on National Forest System land adjacent to those rights-of-way.

(2) APPLICATION.—The pilot program shall not apply in a right-of-way described in paragraph (1).

(c) ELIGIBLE PARTICIPANTS.—

(1) IN GENERAL.—A participant in the pilot program shall be the owner or operator of a right-of-way on National Forest System land.

(2) SELECTION PRIORITY.—In selecting participants for the pilot program, the Secretary shall give priority to an owner or operator of a right-of-way that has developed the utility infrastructure protection prescriptions of the owner or operator in coordination with Forest Service fire scientists or fire managers.

(d) VEGETATION MANAGEMENT PROJECTS.—

(1) IN GENERAL.—A vegetation management project conducted under the pilot program shall involve only limited vegetation management activities that—

(A) shall create the least ground disturbance and least disturbance to wildlife reasonably necessary to protect utility infrastructure from passing wildfires based on applicable models, including Forest Service fuel models;

(B) may include thinning and treatment of surface fuels, ladder fuels, and activity fuels to create or maintain shaded fuel breaks or other appropriate measures recommended by Forest Service fire scientists or fire managers;

(C)(i) shall only be conducted on National Forest System land; and

(ii) shall not—

(I) extend for more than 150 feet from the electric transmission line for which the applicable participant has a right-of-way; or

(II) comprise an overall width, for both sides of that electric transmission line, that totals more than 200 feet; and

(D) shall not be conducted on—

(i) a component of the National Wilderness Preservation System;

(ii) a designated wilderness study area;

(iii) an inventoried roadless area; or

(iv) Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited.

(2) APPROVAL.—Each vegetation management project described in paragraph (1) shall be subject to approval by the Forest Service in accordance with this section.

(3) FIRE PREVENTION.—In carrying out a vegetation management project under the pilot program, a participant shall adhere to—

(A) Forest Service regulations relating to spark arresting devices;

(B) Forest Service regulations limiting and prohibiting certain activities conducted by contractors in an area, based on weather conditions and fire danger;

(C) Forest Service regulations that apply to contractors removing vegetation on National Forest System land pursuant to a timber sale or stewardship contract, including regulations relating to—

(i) protection of residual trees and timber damaged by contractors;

(ii) protection measures needed for plants, animals, cultural resources, and cave resources;

(iii) streamcourse protection and erosion control;

(iv) fire plans, precautions, and precautionary periods;

(v) fire suppression costs; and

(vi) employment of eligible workers; and

(D) State regulations relating to the prevention of wildfires and contractors removing vegetation.

(4) TREATMENT OF SLASH.—In carrying out a vegetation management project under the pilot program, a participant shall treat any activity fuels in a manner that—

(A) is satisfactory to the Forest Service;

(B) does not result in a fire hazard; and

(C) reduces the risk of an insect or disease outbreak.

(e) PROJECT COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (f)(2), a participant in the pilot program shall be responsible for all costs, as determined by the Secretary, incurred in participating in the pilot program.

(2) FEDERAL FUNDING.—The Secretary may contribute funds for a vegetation management project conducted under the pilot program if the Secretary determines that the contribution is in the public interest.

(f) LIABILITY.—

(1) ACTIVITIES WITHIN RIGHTS-OF-WAY.—Participation in the pilot program shall not affect any legal obligations or liability standards that arise under the right-of-way for activities in the right-of-way.

(2) WILDFIRES.—

(A) OPERATIONS FIRES.—

(i) IN GENERAL.—With respect to fire suppression costs for a wildfire caused by the operations of a participant in the pilot program (other than an operation or activity of a participant described in subparagraph (B) or (C)), the participant shall reimburse the Forest Service for those costs, subject to a maximum dollar amount to which the Forest Service and the participant shall agree prior to the commencement of the project.

(ii) CREDIT FOR ACTIONS BY PARTICIPANTS.—

(I) IN GENERAL.—If a participant in the pilot program provides actions, supplies, or equipment for use to suppress a wildfire described in clause (i) or at the request of the Forest Service, the cost of those actions, supplies, or equipment shall be credited toward the maximum dollar amount described in that clause.

(II) REIMBURSEMENT.—If the actual cost of a participant described in subclause (I) exceeds the maximum dollar amount described in clause (i), the Forest Service shall reimburse the participant for the excess.

(B) NEGLIGENT FIRES.—

(i) IN GENERAL.—Subject to clause (ii), if a wildfire is caused by the negligence of a participant in the pilot program, or an agent of the participant, including a wildfire caused by smoking by persons engaged in the operations of the participant, the participant shall bear the cost of damages to Forest Service resources and the fire suppression costs resulting from the wildfire.

(ii) LIMITATION.—Except as provided in clause (iii), the costs borne by a participant under clause (i) shall not exceed $500,000.

(iii) FAILURE TO COMPLY.—If the start or spread of a wildfire described in clause (i) is caused by the failure of the participant to comply with specific safety requirements expressly imposed by the Forest Service as a condition of conducting a vegetation management project under the pilot program or by this section, the participant shall bear the cost of damages to Forest Service resources and the fire suppression costs resulting from the wildfire.

(C) EXCEPTIONS.—This paragraph shall not apply in the case of a wildfire caused by the felling of a tree by a participant in the pilot program, or an agent of the participant, onto an electric transmission line.

(3) EFFECT.—Nothing in this subsection relieves a participant in the pilot program of any liabilities to which the participant is subject—

(A) under State laws; or

(B) with regard to damages to property other than Forest Service property.

(g) IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall use the authority of the Secretary under other laws (including regulations) to carry out the pilot program.

(2) COMPLIANCE WITH EXISTING LAWS.—Except as provided in paragraph (3), a vegetation management project under the pilot program shall be—

(A) consistent with the applicable land management plan for the area in which the project is located; and

(B) carried out in accordance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MODIFICATION OF REGULATIONS.—In order to implement the pilot program in an efficient and expeditious manner, the Secretary may waive or modify specific provisions of the Federal Acquisition Regulation, including waivers or modifications to allow for the formation of contracts or agreements on a non-competitive basis.

(h) TREATMENT OF PROCEEDS.—Notwithstanding any other provision of law, the Secretary may—

(1) retain any funds provided to the Forest Service by a participant in the pilot program; and

(2) use funds retained under paragraph (1), in such amounts as may be appropriated, to carry out the pilot program.

(i) REPORT TO CONGRESS.—Not later than December 31, 2020, and 2 years thereafter, the Secretary shall submit a report describing the status of the pilot program and vegetation management projects conducted under the pilot program to—

(1) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate; and

(2) the Committees on Agriculture and Natural Resources of the House of Representatives.

(j) DURATION.—The authority to carry out the pilot program, including any vegetation management project conducted under the pilot program, expires on October 1, 2023.

SEC. 8631. OKHISSA LAKE RURAL ECONOMIC DEVELOPMENT LAND CONVEYANCE.

(a) DEFINITION OF ALLIANCE.—In this section, the term "Alliance" means the Scenic Rivers Development Alliance.

(b) REQUEST.—Subject to the requirements of this section, if the Alliance submits a written request for conveyance by not later than 180 days after the date of enactment of this Act and the Secretary determines that it is in the public interest to convey the National Forest System Land described in subsection (c), the Secretary shall convey to the Alliance all right, title, and interest of the United States in and to the National Forest System land described in subsection (c) by quitclaim deed through a public or private sale, including a competitive sale by auction or bid.

(c) DESCRIPTION OF NATIONAL FOREST SYSTEM LAND.—

(1) IN GENERAL.—Subject to paragraph (2), the National Forest System land referred to in subsection (b) is the approximately 150 acres of real property located in sec. 6, T. 5 N. R. 4 E., Franklin County, Mississippi, and further described as—

(A) the portion of the NW¼ NW¼ lying south of the south boundary of Berrytown Road;

(B) the portion of the W½ NE¼ NW¼ lying south of the south boundary of Berrytown Road;

(C) the portion of the SW¼ NW¼ lying east of the east boundary of U.S. Highway 98;

(D) the W½ SE¼ NW¼;

(E) the portion of the NW¼ SW¼ lying east of the east boundary of U.S. Highway 98;

(F) the portion of the NE¼ SW¼ commencing at the southwest corner of the NE¼ SW¼, said point being the point of beginning, thence running east 330 feet along the south boundary of the NE¼ SW¼ to a point in Lake Okhissa, thence running northeasterly to a point in Lake Okhissa on the east boundary of the NE¼ SW¼ 330 feet south of the northeast corner thereof, thence running north 330 feet along the east boundary of the NE¼ SW¼ to the northeast corner thereof, thence running west along the north boundary of the NE¼ SW¼ to the NW corner thereof; thence running south along the west boundary of the NE¼ SW¼ to the point of beginning; and

(G) the portion of the SE¼ SE¼ NW¼ commencing at the southeast corner of the SE¼ NW¼, said point being the point of beginning, and running northwesterly to the northwest corner of the SE¼ SE1¼ NW¼, thence running south along the west boundary of the SE¼ SE¼ NW¼ to the southwest corner thereof, thence running east along the south boundary of the SE¼ SE¼ NW¼ to the point of beginning.

(2) SURVEY.—The exact acreage and legal description of the National Forest System land to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(d) CONSIDERATION.—

(1) IN GENERAL.—The consideration for the conveyance of any National Forest System land under this section shall be—

(A) provided in the form of cash; and

(B) in an amount equal to the fair market value of the National Forest System land being conveyed, as determined under paragraph (2).

(2) FAIR MARKET VALUE DETERMINATION.—The fair market value of the National Forest System land conveyed under this section shall be determined—

(A) in the case of a method of conveyance described in subsection (b), by an appraisal that is—

(i) conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) approved by the Secretary; or

(B) in the case of a conveyance by a method other than a method described in subsection (b), by competitive sale.

(e) TERMS AND CONDITIONS.—The conveyance under this section shall be subject to—

(1) valid existing rights; and

(2) such other terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

(f) PROCEEDS FROM SALE.—The Secretary shall deposit the proceeds of the conveyance of any National Forest System land under this section in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(g) COSTS.—As a condition for the conveyance under this section, the Secretary shall require the Alliance to pay at closing—

(1) any reasonable appraisal costs; and

(2) the costs of any administrative or environmental analysis required by applicable law (including regulations).

SEC. 8632. REMOTE SENSING TECHNOLOGIES.

16 USC 1642 note.

The Chief of the Forest Service shall—

(1) continue to find efficiencies in the operations of the forest inventory and analysis program under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) through the improved use and integration of advanced remote sensing technologies to provide estimates for State- and national-level inventories, where appropriate; and

(2) partner with States and other interested stakeholders to carry out the program described in paragraph (1).

PART III—TIMBER INNOVATION

SEC. 8641. DEFINITIONS.

7 USC 7655c note.

In this part:

(1) INNOVATIVE WOOD PRODUCT.—The term "innovative wood product" means a type of building component or system that uses large panelized wood construction, including mass timber.

(2) MASS TIMBER.—The term "mass timber" includes—

(A) cross-laminated timber;

(B) nail laminated timber;

(C) glue laminated timber;

(D) laminated strand lumber; and

(E) laminated veneer lumber.

(3) SECRETARY.—The term "Secretary" means the Secretary, acting through the Research and Development deputy area and the State and Private Forestry deputy area of the Forest Service.

(4) TALL WOOD BUILDING.—The term "tall wood building" means a building designed to be—

(A) constructed with mass timber; and

(B) more than 85 feet in height.

SEC. 8642. CLARIFICATION OF RESEARCH AND DEVELOPMENT PROGRAM FOR WOOD BUILDING CONSTRUCTION.

7 USC 7655c.

(a) IN GENERAL.—The Secretary shall conduct performance-driven research and development, education, and technical assistance for the purpose of facilitating the use of innovative wood products in wood building construction in the United States.

(b) ACTIVITIES.—In carrying out subsection (a), the Secretary shall—

(1) after receipt of input and guidance from, and collaboration with, the wood products industry, conservation organizations, and institutions of higher education, conduct research and development, education, and technical assistance at the Forest Products Laboratory or through the State and Private Forestry deputy area that meets measurable performance goals for the achievement of the priorities described in subsection (c); and

(2) after coordination and collaboration with the wood products industry and conservation organizations, make competitive grants to institutions of higher education to conduct research and development, education, and technical assistance that meets measurable performance goals for the achievement of the priorities described in subsection (c).

(c) PRIORITIES.—The research and development, education, and technical assistance conducted under subsection (a) shall give priority to—

(1) ways to improve the commercialization of innovative wood products;

(2) analyzing the safety of tall wood building materials;

(3) calculations by the Forest Products Laboratory of the lifecycle environmental footprint, from extraction of raw materials through the manufacturing process, of tall wood building construction;

(4) analyzing methods to reduce the lifecycle environmental footprint of tall wood building construction;

(5) analyzing the potential implications of the use of innovative wood products in building construction on wildlife; and

(6) 1 or more other research areas identified by the Secretary, in consultation with conservation organizations, institutions of higher education, and the wood products industry.

(d) TIMEFRAME.—To the maximum extent practicable, the measurable performance goals for the research and development, education, and technical assistance conducted under subsection (a) shall be achievable within a 5-year timeframe.

7 USC 7655d.

SEC. 8643. WOOD INNOVATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an individual;

(B) a public or private entity (including a center of excellence that consists of 1 or more partnerships between forestry, engineering, architecture, or business schools at 1 or more institutions of higher education); or

(C) a State, local, or Tribal government.

(2) SECRETARY.—The term "Secretary" means the Secretary, acting through the Chief of the Forest Service.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, in carrying out the wood innovation grant program of the Secretary described in the notice of the Secretary entitled "Request for Proposals: 2016 Wood Innovations Funding Opportunity" (80 Fed. Reg. 63498 (October 20, 2015)), may make a wood innovation grant to 1 or more eligible entities each year for the purpose of advancing the use of innovative wood products.

(2) PROPOSALS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary

a proposal at such time, in such manner, and containing such information as the Secretary may require.

(c) INCENTIVIZING USE OF EXISTING MILLING CAPACITY.—In selecting among proposals of eligible entities under subsection (b)(2), the Secretary shall give priority to proposals that include the use or retrofitting (or both) of existing sawmill facilities located in counties in which the average annual unemployment rate exceeded the national average unemployment rate by more than 1 percent in the previous calendar year.

(d) MATCHING REQUIREMENT.—As a condition of receiving a grant under subsection (b), an eligible entity shall provide funds equal to the amount received by the eligible entity under the grant, to be derived from non-Federal sources.

SEC. 8644. COMMUNITY WOOD ENERGY AND WOOD INNOVATION PROGRAM.

Section 9013 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113) is amended to read as follows:

"SEC. 9013. COMMUNITY WOOD ENERGY AND WOOD INNOVATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COMMUNITY WOOD ENERGY SYSTEM.—

"(A) IN GENERAL.—The term 'community wood energy system' means an energy system that—

"(i) produces thermal energy or combined thermal energy and electricity where thermal is the primary energy output;

"(ii) services public facilities owned or operated by State or local governments (including schools, town halls, libraries, and other public buildings) or private or nonprofit facilities (including commercial and business facilities, such as hospitals, office buildings, apartment buildings, and manufacturing and industrial buildings); and

"(iii) uses woody biomass, including residuals—

"(I) that have not been adulterated with glue or other chemical treatments from wood processing facilities, as the primary fuel; and

"(II) for which the use of that biomass for energy production does not cause conversion of forests to nonforest use.

"(B) INCLUSIONS.—The term 'community wood energy system' includes single-facility central heating, district heating systems serving multiple buildings, combined heat and electric systems where thermal energy is the primary energy output, and other related biomass energy systems.

"(2) INNOVATIVE WOOD PRODUCT FACILITY.—The term 'innovative wood product facility' means a manufacturing or processing plant or mill that produces—

"(A) building components or systems that use large panelized wood construction, including mass timber;

"(B) wood products derived from nanotechnology or other new technology processes, as determined by the Secretary; or

"(C) other innovative wood products that use low-value, low-quality wood, as determined by the Secretary.

"(3) MASS TIMBER.—The term 'mass timber' includes—

"(A) cross-laminated timber;
"(B) nail-laminated timber;
"(C) glue-laminated timber;
"(D) laminated strand lumber; and
"(E) laminated veneer lumber.

"(4) PROGRAM.—The term 'Program' means the Community Wood Energy and Wood Innovation Program established under subsection (b).

"(b) COMPETITIVE GRANT PROGRAM.—The Secretary, acting through the Chief of the Forest Service, shall establish a competitive grant program to be known as the 'Community Wood Energy and Wood Innovation Program'.

"(c) MATCHING GRANTS.—

"(1) IN GENERAL.—Under the Program, the Secretary shall make grants to cover not more than 35 percent of the capital cost for installing a community wood energy system or building an innovative wood product facility.

"(2) SPECIAL CIRCUMSTANCES.—The Secretary may establish special circumstances, such as in the case of a community wood energy system project or innovative wood product facility project involving a school or hospital in a low-income community, under which grants under the Program may cover up to 50 percent of the capital cost.

"(3) SOURCE OF MATCHING FUNDS.—Matching funds required pursuant to this subsection from a grant recipient shall be derived from non-Federal funds.

"(d) PROJECT CAP.—The total amount of grants under the Program for a community wood energy system project or innovative wood product facility project may not exceed—

"(1) in the case of grants under the general authority provided under subsection (c)(1), $1,000,000; and

"(2) in the case of grants for which the special circumstances apply under subsection (c)(2), $1,500,000.

"(e) SELECTION CRITERIA.—In selecting applicants for grants under the Program, the Secretary shall consider the following:

"(1) The energy efficiency of the proposed community wood energy system or innovative wood product facility.

"(2) The cost effectiveness of the proposed community wood energy system or innovative wood product facility.

"(3) The extent to which the proposed community wood energy system or innovative wood product facility represents the best available commercial technology.

"(4) The extent to which the proposed community wood energy system uses the most stringent control technology that has been required or achieved in practice for a wood-fired boiler of similar size and type.

"(5)(A) The extent to which the proposed community wood energy system will displace conventional fossil fuel generation.

"(B) Whether the proposed community wood energy system minimizes emission increases to the greatest extent possible.

"(6) The extent to which the proposed community wood energy system will increase delivered thermal efficiency of the systems replaced.

"(7) The extent to which the applicant has demonstrated a high likelihood of project success by completing detailed engineering and design work in advance of the grant application.

"(8) Other technical, economic, conservation, and environmental criteria that the Secretary considers appropriate.

"(f) GRANT PRIORITIES.—In selecting applicants for grants under the Program, the Secretary shall give priority to proposals that use the most stringent control technology that has been required or achieved in practice for a wood-fired boiler and—

"(1) would be carried out in a location where markets are needed for the low-value, low-quality wood;

"(2) would be carried out in a location with limited access to natural gas pipelines;

"(3) would include the use or retrofitting (or both) of existing sawmill facilities located in a location where the average annual unemployment rate exceeded the national average unemployment rate by more than 1 percent during the previous calendar year; or

"(4) would be carried out in a location where the project will aid with forest restoration.

"(g) LIMITATIONS.—

"(1) CAPACITY OF COMMUNITY WOOD ENERGY SYSTEMS.—A community wood energy system acquired with grant funds under the Program shall not exceed nameplate capacity of 5 megawatts of thermal energy or combined thermal and electric energy.

"(2) FUNDING FOR INNOVATIVE WOOD PRODUCT FACILITIES.—Not more than 25 percent of funds provided as grants under the Program for a fiscal year may go to applicants proposing innovative wood product facilities, unless the Secretary has received an insufficient number of qualified proposals for community wood energy systems.

"(h) FUNDING.—There is authorized to be appropriated to carry out the Program $25,000,000 for each of fiscal years 2019 through 2023.".

Subtitle G—Other Matters

SEC. 8701. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking "2018" and inserting "2023".

SEC. 8702. RESOURCE ADVISORY COMMITTEES.

Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "Each" and inserting "Except as provided in paragraph (6), each";

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "Committee" and inserting "Except as provided in paragraph (6), committee"; and

(C) by adding at the end the following:

"(6) COMMITTEE COMPOSITION WAIVER AUTHORITY.—

"(A) NOTICE.—On notice from the applicable regional forester that an adequate number of qualified candidates are not interested or available to serve on a resource advisory committee, the Secretary concerned shall publish

a notice in the Federal Register seeking candidates for the resource advisory committee.

"(B) MODIFICATION OF MEMBERSHIP REQUIREMENTS.—If, by the date that is 30 days after the date of publication of notice under subparagraph (A), an inadequate number of qualified candidates have applied to serve on a resource advisory committee, the Secretary concerned may reduce—

"(i) the membership requirement under paragraph (1) to not fewer than 9; and

"(ii) the membership requirements under subparagraphs (A), (B), and (C) of paragraph (2) to 3 in each category described in that paragraph, except that where a vacancy exists on a resource advisory committee, the Secretary concerned may not reject a qualified applicant from any category.

"(C) TERMINATION OF AUTHORITY.—The authority provided under this paragraph terminates on October 1, 2023."; and

(2) by adding at the end the following:

"(g) REGIONAL APPOINTMENT PILOT PROGRAM.—

"(1) DEFINITION OF APPLICABLE DESIGNEE.—In this subsection, the term 'applicable designee' means the applicable regional forester.

"(2) PILOT PROGRAM.—The Secretary concerned shall carry out a pilot program (referred to in this subsection as the 'pilot program') to allow an applicable designee to appoint members of resource advisory committees.

"(3) GEOGRAPHIC LIMITATION.—The pilot program shall only apply to resource advisory committees chartered in—

"(A) the State of Montana; and

"(B) the State of Arizona.

"(4) RESPONSIBILITIES OF APPLICABLE DESIGNEE.—

"(A) REVIEW.—Before appointing a member of a resource advisory committee under the pilot program, an applicable designee shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

"(B) SAVINGS CLAUSE.—Nothing in this subsection relieves an applicable designee from any requirement developed by the Secretary concerned for making an appointment to a resource advisory committee that is in effect on the date of enactment of this subsection, including any requirement for advertising a vacancy.

"(5) TERMINATION OF EFFECTIVENESS.—The authority provided under this subsection terminates on October 1, 2023.

"(6) REPORT TO CONGRESS.—Not later than the date that is 180 days after the date described in paragraph (5), the Secretary concerned shall submit to Congress a report that includes—

"(A) with respect to appointments made under the pilot program compared to appointments to resource advisory committees not made under the pilot program, a description of the extent to which—

"(i) appointments were faster or slower; and

"(ii) the requirements described in paragraph (4) differ; and

"(B) a recommendation with respect to whether Congress should terminate, continue, modify, or expand the pilot program.".

SEC. 8703. TRIBAL FOREST MANAGEMENT DEMONSTRATION PROJECT. 25 USC 3115b.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary may carry out demonstration projects by which federally recognized Indian Tribes or Tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.) through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.).

(b) REQUIREMENTS.—With respect to any contract or project carried out under subsection (a)—

(1) on National Forest System land, the Secretary shall carry out all functions delegated to the Secretary of the Interior under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.);

(2) the Secretary or the Secretary of the Interior, as applicable, shall make any decisions required to be made under—

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

(B) the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.); and

(3) the contract or project shall be entered into under, and in accordance with, section 403(b)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363(b)(2)).

SEC. 8704. TECHNICAL CORRECTIONS.

(a) WILDFIRE SUPPRESSION FUNDING AND FOREST MANAGEMENT ACTIVITIES ACT.—

(1) IN GENERAL.—The Wildfire Suppression Funding and Forest Management Activities Act (Public Law 115–141) is amended—

(A) in section 102(a)(2), by striking "the date of enactment" and inserting "the date of the enactment"; and *Ante*, p. 1059.

(B) in section 401(a)(1), by inserting "of 2000" after "Self-Determination Act". *Ante*, p. 1076.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted as part of the Wildfire Suppression Funding and Forest Management Activities Act (Public Law 115–141). 2 USC 901 note.

(b) AGRICULTURAL ACT OF 2014.—Section 8206(a) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) (as amended by section 8624(b)) is amended—

(1) in paragraph (4)(B)(i)(II), by striking "Good Neighbor Authority Improvement Act" and inserting "Wildfire Suppression Funding and Forest Management Activities Act"; and

(2) in paragraph (8), by striking "Good Neighbor Authority Improvement Act" and inserting "Wildfire Suppression Funding and Forest Management Activities Act".

43 USC 1761a.

SEC. 8705. STREAMLINING THE FOREST SERVICE PROCESS FOR CONSIDERATION OF COMMUNICATIONS FACILITY LOCATION APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COMMUNICATIONS FACILITY.—The term "communications facility" includes—

(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

(B) any antenna or apparatus that—

(i) is designed for the purpose of emitting radio frequency;

(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission or is using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, or other structure.

(2) COMMUNICATIONS SITE.—The term "communications site" means an area of covered land designated for communications uses.

(3) COMMUNICATIONS USE.—The term "communications use" means the placement and operation of a communications facility.

(4) COMMUNICATIONS USE AUTHORIZATION.—The term "communications use authorization" means an easement, right-of-way, lease, license, or other authorization to locate or modify a communications facility on covered land by the Forest Service for the primary purpose of authorizing the occupancy and use of the covered land for communications use.

(5) COVERED LAND.—The term "covered land" means National Forest System land.

(6) FOREST SERVICE.—The term "Forest Service" means the United States Forest Service of the Department of Agriculture.

(7) ORGANIZATIONAL UNIT.—The term "organizational unit" means, within the Forest Service—

(A) a regional office;

(B) the headquarters;

(C) a management unit; or

(D) a ranger district office.

(b) REGULATIONS.—Notwithstanding section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) or section 606 of the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (Public Law 115–141), not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations—

(1) to streamline the process for considering applications to locate or modify communications facilities on covered land;

(2) to ensure, to the maximum extent practicable, that the process is uniform and standardized across the organizational units of the Forest Service; and

(3) to require that the applications described in paragraph (1) be considered and granted on a competitively neutral, technology neutral, and non-discriminatory basis.

(c) REQUIREMENTS.—The regulations issued under subsection (b) shall include the following:

(1) Procedures for the tracking of applications described in subsection (b)(1), including—

(A) identifying the number of applications—

(i) received;

(ii) approved; and

(iii) denied;

(B) in the case of an application that is denied, describing the reasons for the denial; and

(C) describing the amount of time between the receipt of an application and the issuance of a final decision on an application.

(2) Provision for minimum lease terms of not less than 15 years for leases with respect to the location of communications facilities on covered land.

(3) A structure of fees for—

(A) submitting an application described in subsection (b)(1), based on the cost to the Forest Service of considering such an application; and

(B) issuing communications use authorizations, based on the cost to the Forest Service of any maintenance or other activities required to be performed by the Forest Service as a result of the location or modification of the communications facility.

(4) Provision for prioritization or streamlining of the consideration of applications to locate or modify communications facilities on covered land in a previously disturbed right-of-way.

(d) ADDITIONAL CONSIDERATIONS.—In issuing regulations under subsection (b), the Secretary shall consider—

(1) how discrete reviews in considering an application described in subsection (b)(1) can be conducted simultaneously, rather than sequentially, by any organizational units of the Forest Service that must approve the location or modification; and

(2) how to eliminate overlapping requirements among the organizational units of the Forest Service with respect to the location or modification of a communications facility on covered land administered by those organizational units.

(e) COMMUNICATION OF STREAMLINED PROCESS TO ORGANIZATIONAL UNITS.—The Secretary shall, with respect to the regulations issued under subsection (b)—

(1) communicate the regulations to the organizational units of the Forest Service; and

(2) ensure that the organizational units of the Forest Service follow the regulations.

(f) DEPOSIT AND AVAILABILITY OF FEES.—

(1) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for the Forest Service for the deposit of fees collected by the Forest Service under subsection (c)(3) for communications use authorizations on covered land granted, issued, or executed by the Forest Service.

(2) REQUIREMENTS FOR FEES COLLECTED.—Fees collected by the Forest Service under subsection (c)(3) shall be—

(A) based on the costs described in subsection (c)(3); and

(B) competitively neutral, technology neutral, and nondiscriminatory with respect to other users of the communications site.

(3) DEPOSIT OF FEES.—Fees collected by the Forest Service under subsection (c)(3) shall be deposited in the special account established for the Forest Service under paragraph (1).

(4) AVAILABILITY OF FEES.—Amounts deposited in the special account for the Forest Service shall be available, to the extent and in such amounts as are provided in advance in appropriation Acts, to the Secretary to cover costs incurred by the Forest Service described in subsection (c)(3), including the following:

(A) Preparing needs assessments or other programmatic analyses necessary to designate communications sites and issue communications use authorizations.

(B) Developing management plans for communications sites.

(C) Training for management of communications sites.

(D) Obtaining or improving access to communications sites.

(5) NO ADDITIONAL APPROPRIATIONS AUTHORIZED.—Except as provided in paragraph (4), no other amounts are authorized to be appropriated to carry out this section.

(g) SAVINGS PROVISIONS.—

(1) REAL PROPERTY AUTHORITIES.—Nothing in this section, or the amendments made by this section, shall be construed as providing any executive agency with any new leasing or other real property authorities not existing prior to the date of enactment of this Act.

(2) EFFECT ON OTHER LAWS.—Nothing in this section, or the amendments made by this section, and no actions taken pursuant to this section, or the amendments made by this section, shall impact a decision or determination by any executive agency to sell, dispose of, declare excess or surplus, lease, reuse, or redevelop any Federal real property pursuant to title 40, United States Code, the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287), or any other law governing real property activities of the Federal Government. No agreement entered into pursuant to this section, or the amendments made by this section, may obligate the Federal Government to hold, control, or otherwise retain or use real property that may otherwise be deemed as excess, surplus, or that could otherwise be sold, leased, or redeveloped.

43 USC 1748d.

SEC. 8706. REPORT ON WILDFIRE, INSECT INFESTATION, AND DISEASE PREVENTION ON FEDERAL LAND.

Not later than 180 days after the date of the enactment of this Act and every year thereafter, the Secretary and the Secretary of Interior shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Natural Resources of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Energy and Natural Resources of the Senate a jointly written report on—

(1) the number of acres of Federal land treated by the Secretary or the Secretary of the Interior for wildfire, insect infestation, or disease prevention;

(2) the number of acres of Federal land categorized as a high or extreme fire risk;

(3) the total timber production from Federal land;

(4) the number of acres and average fire intensity of wildfires affecting Federal land treated for wildfire, insect infestation, or disease prevention;

(5) the number of acres and average fire intensity of wildfires affecting Federal land not treated for wildfire, insect infestation, or disease prevention;

(6) the Federal response time for each fire on greater than 25,000 acres;

(7) the number of miles of roads and trails on Federal land in need of maintenance;

(8) the number of miles of roads on Federal land in need of decommissioning;

(9) the maintenance backlog, as of the date of the report, for roads, trails, and recreational facilities on Federal land;

(10) other measures needed to maintain, improve, or restore water quality on Federal land; and

(11) other measures needed to improve ecosystem function or resiliency on Federal land.

SEC. 8707. WEST FORK FIRE STATION.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Dolores County, Colorado.

(2) WEST FORK FIRE STATION CONVEYANCE PARCEL.—The term "West Fork Fire Station Conveyance Parcel" means the parcel of approximately 3.61 acres of National Forest System land in the County, as depicted on the map entitled "Map for West Fork Fire Station Conveyance Parcel" and dated November 21, 2017.

(b) CONVEYANCE OF WEST FORK FIRE STATION CONVEYANCE PARCEL, DOLORES COUNTY, COLORADO.—

(1) IN GENERAL.—On receipt of a request from the County and subject to such terms and conditions as are mutually satisfactory to the Secretary and the County, including such additional terms as the Secretary determines to be necessary, the Secretary shall convey to the County without consideration all right, title, and interest of the United States in and to the West Fork Fire Station Conveyance Parcel.

(2) COSTS.—Any costs relating to the conveyance under paragraph (1), including processing and transaction costs, shall be paid by the County.

(3) USE OF LAND.—The land conveyed to the County under paragraph (1) shall be used by the County only for a fire station, related infrastructure, and roads to facilitate access to and through the West Fork Fire Station Conveyance Parcel.

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) is used in a manner that is inconsistent with the use described in paragraph (3), the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 8708. COMPETITIVE FORESTRY, NATURAL RESOURCES, AND ENVIRONMENTAL GRANTS PROGRAM.

Section 1232 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 582a–8) is amended—

(1) in subsection (a) by inserting "or forest restoration" after "research"; and

(2) by amending subsection (c) to read as follows:

"(c) PRIORITIES.—

"(1) RESEARCH.—In awarding the initial grants under subsection (a) the Secretary shall give priority to applicants who will use such grants for research concerning—

"(A) the biology of forest organisms, including physiology, genetic mechanisms, and biotechnology;

"(B) ecosystem function and management, including forest ecosystem research, biodiversity, forest productivity, pest management, water resources, and alternative silvicultural systems;

"(C) wood as a raw material, including forest products and harvesting;

"(D) human forest interactions, including outdoor recreation, public policy formulation, economics, sociology, and administrative behavior;

"(E) international trade, competition, and cooperation related to forest products;

"(F) alternative native crops, products, and services that can be produced from renewable natural resources associated with privately held forest lands;

"(G) viable economic production and marketing systems for alternative natural resource products and services;

"(H) economic and environmental benefits of various conservation practices on forest lands;

"(I) genetic tree improvement; and

"(J) market expansion.

"(2) FOREST RESTORATION.—Grants may be used to support programs that restore forest tree species native to American forests that may have suffered severe levels of mortality caused by non-native insects, plant pathogens, or others pests.

"(A) REQUIRED COMPONENT OF FOREST RESTORATION STRATEGY.—To receive a grant under this subsection, an eligible institution shall demonstrate that it offers a program with a forest restoration strategy that incorporates not less than one of the following components:

"(i) Collection and conservation of native tree genetic material.

"(ii) Production of propagules of native trees in numbers large enough for landscape scale restoration.

"(iii) Site preparation of former of native tree habitat.

"(iv) Planting of native tree seedlings.

"(v) Post-planting maintenance of native trees.

"(B) AWARD OF GRANTS.—The Secretary shall award competitive grants under this subsection based on the degree to which the applicant addresses the following criteria:

"(i) Risk posed to the forests of that State by non-native pests, as measured by such factors as the number of such pests present in the State.

"(ii) The proportion of the State's forest composed of species vulnerable to non-native pests present in the United States.

"(iii) The pests' rate of spread via natural or human-assisted means.".

TITLE IX—ENERGY

SEC. 9001. DEFINITIONS.

Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) in paragraph (4)(A), by striking "agricultural materials" and inserting "agricultural materials, renewable chemicals,";

(2) in paragraph (7)(A), by striking "into biofuels and biobased products; and" and inserting the following: "or an intermediate ingredient or feedstock of renewable biomass into any 1 or more, or a combination, of—

"(i) biofuels;

"(ii) renewable chemicals; or

"(iii) biobased products; and"; and

(3) in paragraph (16)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "(B)" and inserting "(C)"; and

(ii) by striking "that—" in the matter preceding clause (i) and all that follows through the period at the end of clause (ii) and inserting "that produces usable energy from a renewable energy source.";

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

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

"(B) INCLUSIONS.—The term 'renewable energy system' includes—

"(i) distribution components necessary to move energy produced by a system described in subparagraph (A) to the initial point of sale; and

"(ii) other components and ancillary infrastructure of a system described in subparagraph (A), such as a storage system.".

SEC. 9002. BIOBASED MARKETS PROGRAM.

Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(1) in subsection (b)(2)(A), by adding at the end the following:

"(iii) RENEWABLE CHEMICALS.—Not later than 180 days after the date of enactment of this clause, the Secretary shall update the criteria issued under clause (i) to provide criteria for determining which renewable chemicals may qualify to receive the label under paragraph (1).";

(2) by amending subsection (f) to read as follows:

"(f) MANUFACTURERS OF RENEWABLE CHEMICALS AND BIOBASED PRODUCTS.—

"(1) NAICS CODES.—The Secretary and the Secretary of Commerce shall jointly develop North American Industry Classification System codes for—

"(A) renewable chemicals manufacturers; and

"(B) biobased products manufacturers.

"(2) NATIONAL TESTING CENTER REGISTRY.—The Secretary shall establish a national registry of testing centers for biobased products that will serve biobased product manufacturers.";

(3) by redesignating subsections (h) through (j) as subsections (j) through (l), respectively;

(4) by inserting after subsection (g) the following:

"(h) STREAMLINING.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish guidelines for an integrated process under which biobased products may be, in 1 expedited approval process—

"(A) determined to be eligible for a Federal procurement preference under subsection (a); and

"(B) approved to use the 'USDA Certified Biobased Product' label under subsection (b).

"(2) INITIATION.—The Secretary shall ensure that a review of a biobased product under the integrated qualification process established pursuant to paragraph (1) may be initiated on receipt of a recommendation or petition from a manufacturer, vendor, or other interested party.

"(3) PRODUCT DESIGNATIONS.—The Secretary may issue a product designation pursuant to subsection (a)(3)(B), or approve the use of the 'USDA Certified Biobased Product' label under subsection (b), through streamlined procedures, which shall not be subject to chapter 7 of title 5, United States Code.

"(i) REQUIREMENT OF PROCURING AGENCIES.—A procuring agency (as defined in subsection (a)(1)) shall not establish regulations, guidance, or criteria regarding the procurement of biobased products, pursuant to this section or any other law, that impose limitations on that procurement that are more restrictive than the limitations established by the Secretary under the regulations to implement this section.";

(5) in subsection (k) (as so redesignated)—

(A) in paragraph (1), by striking "2018" and inserting "2023"; and

(B) in paragraph (2), by striking "$2,000,000 for each of fiscal years 2014 through 2018" and inserting "$3,000,000 for each of fiscal years 2019 through 2023"; and

(6) by adding at the end the following:

"(m) RURAL DEVELOPMENT MISSION AREA.—In carrying out this section, except as provided in subsection (g), the Secretary shall act through the rural development mission area.".

SEC. 9003. BIOREFINERY ASSISTANCE.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A), by striking "produces an advanced biofuel; and" and inserting the following: "produces any 1 or more, or a combination, of—

"(i) an advanced biofuel;

"(ii) a renewable chemical; or

"(iii) a biobased product; and"; and

(B) in subparagraph (B), by striking "produces an advanced biofuel." and inserting the following: "produces any 1 or more, or a combination, of—

"(i) an advanced biofuel;

"(ii) a renewable chemical; or

"(iii) a biobased product."; and

(2) in subsection (g)—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(iii) $50,000,000 for fiscal year 2019; and

"(iv) $25,000,000 for fiscal year 2020."; and

(B) in paragraph (2), by striking "2018" and inserting "2023".

SEC. 9004. REPOWERING ASSISTANCE PROGRAM.

Section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) is repealed.

SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

Section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) is amended—

(1) in subsection (e)—

(A) by striking "The Secretary may" and inserting the following new paragraph:

"(1) AMOUNT.—The Secretary shall"; and

(B) by adding at the end the following new paragraph:

"(2) FEEDSTOCK.—The total amount of payments made in a fiscal year under this section to one or more eligible producers for the production of advanced biofuels derived from a single eligible commodity, including intermediate ingredients of that single commodity or use of that single commodity and its intermediate ingredients in combination with another commodity, shall not exceed one-third of the total amount of funds made available under subsection (g)."; and

(2) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(F) $7,000,000 for each of fiscal years 2019 through 2023."; and

(B) in paragraph (2), by striking "2014 through 2018" and inserting "2019 through 2023".

SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

Section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2019 through 2023.".

SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

Section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) is amended—

(1) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—

"(A) ASSISTANCE.—In addition to any similar authority, the Secretary shall provide—

"(i) loan guarantees and grants to agricultural producers and rural small businesses—

"(I) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and

"(II) to make energy efficiency improvements; and

"(ii) loan guarantees to agricultural producers to purchase and install energy efficient equipment or systems for agricultural production or processing that exceed—

"(I) energy efficiency building codes, if applicable;

"(II) Federal or State energy efficiency standards, if applicable; and

"(III) other energy efficiency standards determined appropriate by the Secretary.

"(B) LIMITATIONS.—With respect to loan guarantees under subparagraph (A)(ii)—

"(i) if no codes or standards described in such subparagraph apply to the energy efficient equipment or system to be purchased or installed pursuant to such subparagraph, the Secretary shall require, to the maximum extent practicable, such equipment or system to meet the same efficiency measurements as the most efficient available equipment or system in the market; and

"(ii) the Secretary shall not provide such a loan guarantee for the purchase or installation of any energy efficient equipment or system unless more than one type of such equipment or system is available in the market."; and

(B) in paragraph (3), by adding at the end the following:

"(D) LOAN GUARANTEES FOR ENERGY EFFICIENT EQUIPMENT TO AGRICULTURAL PRODUCERS.—Using funds made available under paragraphs (1) and (3) of subsection (f), in each fiscal year the Secretary may use for loan guarantees under paragraph (1)(A)(ii) an amount that does not exceed 15 percent of such funds.";

(2) in subsection (e), by striking "subsection (g)" each place it appears and inserting "subsection (f)";

(3) by striking subsection (f) and redesignating subsection (g) as subsection (f); and

(4) in subsection (f)(3) (as so redesignated), by striking "2014 through 2018" and inserting "2019 through 2023".

SEC. 9008. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

Section 9009 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109) is repealed.

SEC. 9009. FEEDSTOCK FLEXIBILITY.

Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended—

(1) in paragraph (1)(A), by striking "2018" and inserting "2023"; and

(2) in paragraph (2)(A), by striking "2018" and inserting "2023".

SEC. 9010. BIOMASS CROP ASSISTANCE PROGRAM.

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is amended—

(1) in subsection (a)(6)—

(A) in subparagraph (B)—

(i) in clause (ii)(II), by striking "and" at the end;

(ii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iv) algae."; and

(B) in subparagraph (C)—

(i) by striking clause (iv); and

(ii) by redesignating clauses (v) through (vii) as clauses (iv) through (vi), respectively; and

(2) in subsection (f)—

(A) by amending paragraph (1) to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2019 through 2023."; and

(B) by amending paragraph (3) to read as follows:

"(3) TECHNICAL ASSISTANCE.—Effective for fiscal year 2014 and each subsequent fiscal year, funds made available under this subsection shall be available for the provision of technical assistance with respect to activities authorized under this section.".

SEC. 9011. CARBON UTILIZATION AND BIOGAS EDUCATION PROGRAM.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding at the end the following:

"SEC. 9014. CARBON UTILIZATION AND BIOGAS EDUCATION PROGRAM. 7 USC 8115.

"(a) DEFINITIONS.—In this section:

"(1) CARBON DIOXIDE.—The term 'carbon dioxide' means carbon dioxide that is produced as a byproduct of the production of a biobased product.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that—

"(A) is—

"(i) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

"(ii) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

"(B) has demonstrated knowledge about—

"(i) sequestration and utilization of carbon dioxide; or

"(ii) aggregation of organic waste from multiple sources into a single biogas system; and

"(C) has a demonstrated ability to conduct educational and technical support programs.

"(b) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, shall make competitive grants to eligible entities—

"(1) to provide education to the public about the economic and emissions benefits of permanent sequestration or utilization of carbon dioxide with a primary objective of providing benefits and opportunities for rural businesses, rural communities, and utilities serving rural communities; or

"(2) to provide education to agricultural producers and other stakeholders about opportunities for aggregation of organic waste from multiple sources into a single biogas system.

"(c) FUNDING.—There are authorized to be appropriated for each of fiscal years 2019 through 2023—

"(1) $1,000,000 to carry out subsection (b)(1); and

"(2) $1,000,000 to carry out subsection (b)(2).".

TITLE X—HORTICULTURE

SEC. 10101. SPECIALTY CROPS MARKET NEWS ALLOCATION.

Section 10107(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622b(b)) is amended by striking "2018" and inserting "2023".

7 USC 1627c note.

SEC. 10102. LOCAL AGRICULTURE MARKET PROGRAM.

(a) PURPOSE.—The purpose of this section is to combine the purposes and coordinate the functions, as in effect on the day before the date of enactment of this Act, of—

(1) the Farmers' Market and Local Food Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005); and

(2) the value-added agricultural product market development grants under section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)).

(b) LOCAL AGRICULTURE MARKET PROGRAM.—Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

7 USC 1627c.

"SEC. 210A. LOCAL AGRICULTURE MARKET PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

"(2) DIRECT PRODUCER-TO-CONSUMER MARKETING.—The term 'direct producer-to-consumer marketing' has the meaning given the term 'direct marketing from farmers to consumers' in section 3 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3002).

"(3) FAMILY FARM.—The term 'family farm' has the meaning given the term in section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(a)).

"(4) FOOD COUNCIL.—The term 'food council' means a food policy council or food and farm system network, as determined by the Secretary, that—

"(A) represents—

"(i) multiple organizations involved in the production, processing, and consumption of food; and

"(ii) local, Tribal, or State governments; and

"(B) addresses food and farm-related issues and needs within city, county, State, Tribal region, multicounty region, or other region designated by the food council or food system network.

"(5) MAJORITY-CONTROLLED PRODUCER-BASED BUSINESS VENTURE.—

"(A) IN GENERAL.—The term 'majority-controlled producer-based business venture' means a venture greater than 50 percent of the ownership and control of which is held by—

"(i) 1 or more producers; or

"(ii) 1 or more entities, 100 percent of the ownership and control of which is held by 1 or more producers.

"(B) ENTITY DESCRIBED.—For purposes of subparagraph (A), the term 'entity' means—

"(i) a partnership;

"(ii) a limited liability corporation;

"(iii) a limited liability partnership; and

"(iv) a corporation.

"(6) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means a local or regional supply network that links independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

"(A) targets and strengthens the profitability and competitiveness of small and medium-sized farms and ranches that are structured as a family farm; and

"(B) obtains agreement from an eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

"(7) PARTNERSHIP.—The term 'partnership' means a partnership entered into under an agreement between—

"(A) 1 or more eligible partners (as defined in subsection (e)(1)); and

"(B) 1 or more eligible entities (as defined in subsection (e)(1)).

"(8) PROGRAM.—The term 'Program' means the Local Agriculture Market Program established under subsection (b).

"(9) REGIONAL FOOD CHAIN COORDINATION.—The term 'regional food chain coordination' means coordination and collaboration along the supply chain to increase connections between producers and markets.

"(10) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(11) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

"(12) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product that—

"(A)(i) has undergone a change in physical state;

"(ii) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

"(iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

"(iv) is a source of farm- or ranch-based renewable energy, including E–85 fuel; or

"(v) is aggregated and marketed as a locally produced agricultural food product; and

"(B) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

"(i) the customer base for the agricultural commodity or product is expanded; and

"(ii) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

"(13) VETERAN FARMER OR RANCHER.—The term 'veteran farmer or rancher' has the meaning given the term in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)).

"(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a program, to be known as the 'Local Agriculture Market Program', that—

"(1) supports the development, coordination, and expansion of—

"(A) direct producer-to-consumer marketing;

"(B) local and regional food markets and enterprises; and

"(C) value-added agricultural products;

"(2) connects and cultivates regional food economies through public-private partnerships;

"(3) supports the development of business plans, feasibility studies, and strategies for value-added agricultural production and local and regional food system infrastructure;

"(4) strengthens capacity and regional food system development through community collaboration and expansion of mid-tier value chains;

"(5) improves income and economic opportunities for producers and food businesses through job creation; and

"(6) simplifies the application processes and the reporting processes for the Program.

"(c) ADMINISTRATION.—In administering the Program, the Secretary shall—

"(1) streamline the Program to better support the activities carried out by the recipient of a grant under the Program;

"(2) connect producers with local food markets and value-added agricultural product opportunities;

"(3) partner with cooperative extension services, as appropriate, to provide Program technical assistance and outreach to Program stakeholders; and

"(4) ensure that the Rural Business-Cooperative Service and Agricultural Marketing Service provide Program technical assistance and outreach to Program stakeholders.

"(d) GRANTS.—

"(1) IN GENERAL.—Under the Program, the Secretary may, using funds made available under subsection (i), provide grants for each of fiscal years 2019 through 2023, in accordance with the purposes of the Program described in subsection (b), for the conduct of activities described in paragraph (2).

"(2) ELIGIBLE ACTIVITIES.—The recipient of a grant may use a grant provided under paragraph (1)—

"(A) to support and promote—

"(i) domestic direct producer-to-consumer marketing;

"(ii) farmers' markets;

"(iii) roadside stands;

"(iv) agritourism activities,

"(v) community-supported agriculture programs; or

"(vi) online sales;

"(B) to support local and regional food business enterprises that engage as intermediaries in indirect producer-to-consumer marketing;

"(C) to support the processing, aggregation, distribution, and storage of—

"(i) local and regional food products that are marketed locally or regionally; and

"(ii) value-added agricultural products;

"(D) to encourage the development of value-added agricultural products;

"(E) to assist with business development plans and feasibility studies;

"(F) to develop marketing strategies for producers of local food products and value-added agricultural products in new and existing markets;

"(G) to facilitate regional food chain coordination and mid-tier value chain development;

"(H) to promote new business opportunities and marketing strategies to reduce on-farm food waste;

"(I) to respond to changing technology needs in direct producer-to-consumer marketing; or

"(J) to cover expenses relating to costs incurred in—

"(i) obtaining food safety certification; and

"(ii) making changes and upgrades to practices and equipment to improve food safety.

"(3) CRITERIA AND GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under paragraph (1) as the Secretary determines are appropriate.

"(B) PRODUCER OR FOOD BUSINESS BENEFITS.—

"(i) IN GENERAL.—Except as provided in clause (ii), an application submitted for a grant under paragraph (1) shall include a description of the direct or indirect producer or food business benefits intended by the applicant to result from the proposed project within a reasonable period of time after the receipt of the grant.

"(ii) EXCEPTION.—Clause (i) shall not apply to a planning or feasibility project.

"(4) AMOUNT.—Unless otherwise determined by the Secretary, the amount of a grant under this subsection shall be not more than $500,000.

"(5) VALUE-ADDED PRODUCER GRANTS.—In the case of a grant provided under paragraph (1) to an eligible entity described in subparagraph (B), the following shall apply:

"(A) ADMINISTRATION.—The Secretary shall carry out this subsection through the Administrator of the Rural Business-Cooperative Service, in coordination with the Administrator of the Agricultural Marketing Service.

"(B) ELIGIBLE ENTITIES.—An entity shall be eligible for a grant under this paragraph if the entity is—

"(i) an independent producer (as determined by the Secretary) of a value-added agricultural product; or

"(ii) an agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture (as determined by the Secretary).

"(C) PRIORITIES.—The Secretary shall give priority to applications—

"(i) in the case of an application submitted by a producer, that are submitted by, or serve—

"(I) beginning farmers or ranchers;

"(II) socially disadvantaged farmers or ranchers;

"(III) operators of small or medium sized farms or ranches that are structured as family farms; or

"(IV) veteran farmers or ranchers; and

"(ii) in the case of an application submitted by an eligible entity described in subparagraph (B)(ii), that provide the greatest contribution to creating or increasing marketing opportunities for producers described in subclauses (I) through (IV) of clause (i).

"(D) LIMITATION ON USE OF FUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), an eligible entity described in subparagraph (B) may not use a grant for the purchase or construction of a building, general purpose equipment, or structure.

"(ii) EXCEPTION.—An eligible entity described in subparagraph (B) may use not more than $6,500 of the amount of a grant for an eligible activity described in paragraph (2)(J) to purchase or upgrade equipment to improve food safety.

"(E) MATCHING FUNDS.—An eligible entity described in subparagraph (B) receiving a grant shall contribute an amount of non-Federal funds that is at least equal to the amount of Federal funds received.

"(6) FARMERS' MARKETS AND LOCAL FOOD PROMOTION PROGRAM.—In the case of a grant provided under paragraph (1) to an eligible entity described in subparagraph (B), the following shall apply:

"(A) ADMINISTRATION.—The Secretary shall carry out this subsection through the Administrator of the Agricultural Marketing Service, in coordination with the Administrator of the Rural Business-Cooperative Service.

"(B) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this paragraph if the entity is—

"(i) an agricultural cooperative or other agricultural business entity or a producer network or association, including a community-supported agriculture network or association;

"(ii) a local or Tribal government;

"(iii) a nonprofit corporation;

"(iv) a public benefit corporation;

"(v) an economic development corporation;

"(vi) a regional farmers' market authority;

"(vii) a food council; or

"(viii) such other entity as the Secretary may designate.

"(C) PRIORITIES.—The Secretary shall give priority to applications that—

"(i) benefit underserved communities, including communities that are located in areas of concentrated poverty with limited access to fresh locally or regionally grown food; or

"(ii) are used to carry out eligible activities under a partnership agreement under subsection (e) and have not received benefits from the Program in the recent past.

"(D) LIMITATION ON USE OF FUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), an eligible entity described in subparagraph (B) may not use a grant for the purchase or construction of a building, general purpose equipment, or structure.

"(ii) EXCEPTION.—An eligible entity described in subparagraph (B) may use not more than $6,500 of the amount of a grant for an eligible activity described in paragraph (2)(J) to purchase or upgrade equipment to improve food safety.

"(E) MATCHING FUNDS.—An eligible entity described in subparagraph (B) receiving a grant shall provide matching funds in the form of cash or an in-kind contribution in an amount that is equal to 25 percent of the total amount of the Federal portion of the grant.

"(e) PARTNERSHIPS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(i) a producer;

"(ii) a producer network or association;

"(iii) a farmer or rancher cooperative;

"(iv) a majority-controlled producer-based business venture;

"(v) a food council;

"(vi) a local or Tribal government;

"(vii) a nonprofit corporation;

"(viii) an economic development corporation;

"(ix) a public benefit corporation;

"(x) a community-supported agriculture network or association; and

"(xi) a regional farmers' market authority.

"(B) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(i) a State agency or regional authority;

"(ii) a philanthropic organization;

"(iii) a private corporation;

"(iv) an institution of higher education;

"(v) a commercial, Federal, or Farm Credit System lending institution; and

"(vi) another entity, as determined by the Secretary.

"(2) GRANTS TO SUPPORT PARTNERSHIPS.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Agricultural Marketing Service, in accordance with the purposes of the Program described in subsection (b), shall, using funds made available under subsection (i), provide grants for each of fiscal years 2019 through 2023 to support partnerships to plan and develop a local or regional food system.

"(B) GEOGRAPHICAL DIVERSITY.—To the maximum extent practicable, the Secretary shall ensure geographical diversity in selecting partnerships to receive grants under subparagraph (A).

"(3) AUTHORITIES OF PARTNERSHIPS.—A partnership receiving a grant under paragraph (2) may—

"(A) determine the scope of the regional food system to be developed, including goals, outreach objectives, and eligible activities to be carried out;

"(B) determine the local, regional, State, multi-State, or other geographic area covered;

"(C) create and conduct a feasibility study, implementation plan, and assessment of eligible activities under the partnership agreement;

"(D) conduct outreach and education to other eligible entities and eligible partners for potential participation in the partnership agreement and eligible activities;

"(E) describe measures to be taken through the partnership agreement to obtain funding for the eligible activities to be carried out under the partnership agreement;

"(F) at the request of a producer or eligible entity desiring to participate in eligible activities under the partnership agreement, act on behalf of the producer or eligible entity in applying for a grant under subsection (d);

"(G) monitor, evaluate, and periodically report to the Secretary on progress made toward achieving the objectives of eligible activities under the partnership agreement; or

"(H) at the conclusion of the partnership agreement, submit to the Secretary a report describing—

"(i) the results and effects of the partnership agreement; and

"(ii) funds provided under paragraph (4).

"(4) CONTRIBUTION.—A partnership receiving a grant under paragraph (2) shall provide funding in an amount equal to not less than 25 percent of the total amount of the Federal portion of the grant.

"(5) APPLICATIONS.—

"(A) IN GENERAL.—To be eligible to receive a grant under paragraph (2), a partnership shall submit to the

Secretary an application at such time, in such manner, and containing such information as the Secretary considers necessary to evaluate and select applications.

"(B) COMPETITIVE PROCESS.—The Secretary—

"(i) shall conduct a competitive process to select applications submitted under subparagraph (A);

"(ii) may assess and rank applications with similar purposes as a group; and

"(iii) shall make public the criteria to be used in evaluating applications prior to accepting applications.

"(C) PRIORITY TO CERTAIN APPLICATIONS.—The Secretary may give priority to applications submitted under subparagraph (A) that—

"(i)(I) leverage significant non-Federal financial and technical resources; and

"(II) coordinate with other local, State, Tribal, or national efforts;

"(ii) cover an area that includes distressed low-income rural or urban communities, including areas with persistent poverty; or

"(iii) have multiple entities and partners in a partnership.

"(D) PRODUCER OR FOOD BUSINESS BENEFITS.—

"(i) IN GENERAL.—Except as provided in clause (ii), an application submitted under subparagraph (A) shall include a description of the direct or indirect producer or food business benefits intended by the eligible entity to result from the proposed project within a reasonable period of time after the receipt of a grant.

"(ii) EXCEPTION.—Clause (i) shall not apply to a planning or feasibility project.

"(6) TECHNICAL ASSISTANCE.—On request of an eligible entity, an eligible partner, or a partnership, the Secretary may provide technical assistance in carrying out a partnership agreement.

"(f) SIMPLIFICATION OF APPLICATION AND REPORTING PROCESSES.—

"(1) APPLICATIONS.—The Secretary shall establish a simplified application form for eligible entities that—

"(A) request less than $50,000 under subsection (d); or

"(B) apply for grants under subsection (d) under a single application through partnership agreements under subsection (e).

"(2) REPORTING.—The Secretary shall—

"(A) streamline and simplify the reporting process for eligible entities; and

"(B) obtain from eligible entities and maintain such information as the Secretary determines is necessary to administer and evaluate the Program.

"(g) INTERDEPARTMENTAL COORDINATION.—In carrying out the Program, to the maximum extent practicable, the Secretary shall ensure coordination among Federal agencies.

"(h) EVALUATION.—

"(1) IN GENERAL.—Using amounts made available under subsection (i)(3)(E), the Secretary shall conduct an evaluation of the Program that—

"(A) measures the economic impact of the Program on new and existing market outcomes;

"(B) measures the effectiveness of the Program in improving and expanding—

"(i) the regional food economy through public and private partnerships;

"(ii) the production of value-added agricultural products;

"(iii) producer-to-consumer marketing, including direct producer-to-consumer marketing;

"(iv) local and regional food systems, including regional food chain coordination and business development;

"(v) new business opportunities and marketing strategies to reduce on-farm food waste;

"(vi) the use of new technologies in producer-to-consumer marketing, including direct producer-to-consumer marketing; and

"(vii) the workforce and capacity of regional food systems; and

"(C) provides a description of—

"(i) each partnership agreement; and

"(ii) each grant provided under subsection (d).

"(2) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the evaluation conducted under paragraph (1), including a thorough analysis of the outcomes of the evaluation.

"(i) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $50,000,000 for fiscal year 2019 and each fiscal year thereafter, to remain available until expended.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2019 and each fiscal year thereafter, to remain available until expended.

"(3) ALLOCATION OF FUNDS.—

"(A) VALUE-ADDED PRODUCER GRANTS.—

"(i) IN GENERAL.—Subject to clause (ii), of the funds made available to carry out this section for a fiscal year, 35 percent shall be used for grants under subsection (d)(5).

"(ii) RESERVATION OF FUNDS.—

"(I) MAJORITY-CONTROLLED PRODUCER-BASED BUSINESS VENTURES.—The total amount of grants under subsection (d)(5) provided to majority-controlled producer-based business ventures for a fiscal year shall not exceed 10 percent of the amount allocated under clause (i).

"(II) BEGINNING, VETERAN, AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—Of the

funds made available for grants under subsection (d)(5), 10 percent shall be reserved for grants provided to beginning, veteran, and socially disadvantaged farmers or ranchers.

"(III) MID-TIER VALUE CHAINS.—Of the funds made available for grants under subsection (d)(5), 10 percent shall be reserved for grants to develop mid-tier value chains.

"(IV) FOOD SAFETY ASSISTANCE.—Of the funds made available for grants under subsection (d)(5), not more than 25 percent shall be reserved for grants for eligible activities described in subsection (d)(2)(J).

"(B) FARMERS' MARKET AND LOCAL FOOD PROMOTION GRANTS.—Of the funds made available to carry out this section for a fiscal year, 47 percent shall be used for grants under subsection (d)(6).

"(C) REGIONAL PARTNERSHIPS.—Of the funds made available to carry out this section for a fiscal year, 10 percent shall be used to provide grants to support partnerships under subsection (e).

"(D) UNOBLIGATED FUNDS.—Any funds under subparagraph (A), (B), or (C) that are not obligated for the uses described in that subparagraph, as applicable, by September 30 of the fiscal year for which the funds were made available—

"(i) shall be available to the agency carrying out the Program with the unobligated funds to carry out any function of the Program, as determined by the Secretary; and

"(ii) may carry over to the next fiscal year.

"(E) ADMINISTRATIVE EXPENSES.—Not greater than 8 percent of amounts made available to provide grants under subsections (d) and (e) for a fiscal year may be used for administrative expenses.".

(c) CONFORMING AMENDMENTS.—

(1) AGRICULTURAL MARKETING RESOURCE CENTER PILOT PROJECT.—Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a) is amended—

(A) by striking the section heading and inserting "agricultural marketing resource center pilot project.";

(B) by striking subsections (a), (b), (d), and (e);

(C) in subsection (c)—

(i) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively, and indenting appropriately; and

(ii) by striking the subsection designation and heading;

(D) in subsection (a) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "Notwithstanding" and all that follows through "paragraph (2)" and inserting the following: "The Secretary shall not use more than 2.5 percent of the funds made available to carry out the Local Agriculture Market Program established under section 210A of the Agricultural Marketing Act of 1946 to establish

a pilot project (to be known as the 'Agricultural Marketing Resource Center') at an eligible institution described in subsection (b)"; and

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(E) in subsection (b) (as so redesignated)—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting appropriately; and

(ii) in paragraph (1) (as so redesignated), by striking "paragraph (1)(A)" and inserting "subsection (a)(1)".

(2) AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.—Section 6402(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1632b(f)) is amended in the matter preceding paragraph (1) by striking "section 231(d) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224))" and inserting "section 210A(d)(2) of the Agricultural Marketing Act of 1946".

(3) LOCAL FOOD PRODUCTION AND PROGRAM EVALUATION.—Section 10016(b)(3)(B) of the Agricultural Act of 2014 (7 U.S.C. 2204h(b)(2)(B)) is amended by striking "Farmers' Market and Local Food Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005)" and inserting "Local Agriculture Market Program established under section 210A of the Agricultural Marketing Act of 1946".

(4) PROGRAM METRICS.—Section 6209(a) of the Agricultural Act of 2014 (7 U.S.C. 2207b(a)) is amended by striking paragraph (1) and inserting the following:

"(1) section 210A of the Agricultural Marketing Act of 1946;".

(5) FARMER-TO-CONSUMER DIRECT MARKETING ACT OF 1976.—

(A) Section 4 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3003) is amended—

(i) by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(B) Sections 6, 7, and 8 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005, 3006; 90 Stat. 1983) are repealed.

SEC. 10103. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

Section 7407(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(d)) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking "THROUGH FISCAL YEAR 2012"; and

(B) by striking "$5,000,000, to remain available until expended." and inserting the following: ", to remain available until expended—

"(A) $5,000,000 for each of the periods of fiscal years 2008 through 2012 and 2014 through 2018; and

"(B) $5,000,000 for the period of fiscal years 2019 through 2023.";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2) (as so redesignated)—

(A) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(B) by striking "2018" and inserting "2023".

SEC. 10104. ORGANIC CERTIFICATION.

7 USC 6503 note.

(a) EXCLUSIONS FROM CERTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to limit the type of organic operations that are excluded from certification under section 205.101 of title 7, Code of Federal Regulations, and from certification under any other related sections under part 205 of title 7, Code of Federal Regulations.

(b) DEFINITIONS.—Section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502) is amended—

(1) in paragraph (3)—

(A) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(B) by adding at the end the following:

"(B) FOREIGN OPERATIONS.—When used in the context of a certifying agent operating in a foreign country, the term 'certifying agent' includes any person (including a private entity)—

"(i) accredited in accordance with section 2115(d); or

"(ii) accredited by a foreign government that acted under an equivalency agreement negotiated between the United States and the foreign government from which the agricultural product is imported.";

(2) by redesignating paragraphs (13) through (21) as paragraphs (14) through (22), respectively; and

(3) by inserting after paragraph (12) the following:

"(13) NATIONAL ORGANIC PROGRAM IMPORT CERTIFICATE.—The term 'national organic program import certificate' means a form developed for purposes of the program under this title—

"(A) to provide documentation sufficient to verify that an agricultural product imported for sale in the United States satisfies the requirement under section 2115(c);

"(B) which shall include, at a minimum, information sufficient to indicate, with respect to the agricultural product—

"(i) the origin;

"(ii) the destination;

"(iii) the certifying agent issuing the national organic program import certificate;

"(iv) the harmonized tariff code, if a harmonized tariff code exists for the agricultural product;

"(v) the total weight; and

"(vi) the organic standard to which the agricultural product is certified; and

"(C) that is not more than otherwise required under an equivalency agreement negotiated between the United States and the foreign government.".

(c) ACCREDITATION PROGRAM.—Section 2115 of the Organic Foods Production Act of 1990 (7 U.S.C. 6514) is amended by striking subsection (c) and inserting the following:

"(c) ADDITIONAL DOCUMENTATION AND VERIFICATION.—The Secretary, acting through the Deputy Administrator of the national organic program established under this title, has the authority, and shall grant a certifying agent the authority, to require producers and handlers to provide additional documentation or verification before granting a certification under section 2104, in the case of a compliance risk with respect to meeting the national standards for organic production established under section 2105, as determined by the Secretary or the certifying agent.

"(d) ACCREDITATION OF FOREIGN ORGANIC CERTIFICATION PROGRAM.—

"(1) IN GENERAL.—For an agricultural product being imported into the United States to be represented as organically produced, the Secretary shall require the agricultural product to be accompanied by a complete and valid national organic import certificate, which shall be available as an electronic record.

"(2) TRACKING SYSTEM.—

"(A) IN GENERAL.—The Secretary shall establish a system to track national organic import certificates.

"(B) INTEGRATION.—In establishing the system under subparagraph (A), the Secretary may integrate the system into any existing information tracking systems for imports of agricultural products.

"(e) DURATION OF ACCREDITATION.—An accreditation made under this section—

"(1) subject to paragraph (2), shall be for a period of not more than 5 years, as determined appropriate by the Secretary;

"(2) in the case of a certifying agent operating in a foreign country, shall be for a period of time that is consistent with the certification of a domestic certifying agent, as determined appropriate by the Secretary; and

"(3) may be renewed.".

(d) REQUIREMENTS OF CERTIFYING AGENTS.—Section 2116 of the Organic Foods Production Act of 1990 (7 U.S.C. 6515) is amended—

(1) in subsection (i)—

(A) in paragraph (1), by inserting "or an entity acting as an agent of the certifying agent" after "a certifying agent";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) OVERSIGHT OF CERTIFYING OFFICES AND FOREIGN OPERATIONS.—

"(A) IN GENERAL.—If the Secretary determines that an office of a certifying agent or entity described in paragraph (1) is not complying with the provisions of this title, the Secretary may suspend the operations of the certifying agent or the noncompliant office, including—

"(i) an office operating in a foreign country; and

"(ii) an office operating in the United States, including an office acting on behalf of a foreign-domiciled entity.

"(B) PROCESS FOR RESUMING OPERATIONS FOLLOWING SUSPENSION.—The Secretary shall provide for a process that is otherwise consistent with this section that authorizes a suspended office to resume operations."; and

(2) by adding at the end the following:

"(j) NOTICE.—Not later than 90 days after the date on which a new certifying office performing certification activities opens, an accredited certifying agent shall notify the Secretary of the opening.".

(e) CERTAIN EMPLOYEES ELIGIBLE TO SERVE AS NATIONAL ORGANIC STANDARDS BOARD MEMBERS.—Section 2119(b) of the Organic Foods Production Act of 1990 (7 U.S.C. 6518(b)) is amended—

(1) in paragraph (1), by inserting ", or employees of such individuals" after "operation";

(2) in paragraph (2), by inserting ", or employees of such individuals" after "operation"; and

(3) in paragraph (3), by inserting ", or an employee of such individual" after "products".

(f) NATIONAL ORGANIC STANDARDS BOARD.—Section 2119(i) of the Organic Foods Production Act of 1990 (7 U.S.C. 6518(i)) is amended—

(1) by striking "Two-thirds" and inserting the following: "(1) IN GENERAL.—⅔"; and

(2) by adding at the end the following:

"(2) NATIONAL LIST.—Any vote on a motion proposing to amend the national list shall be considered to be a decisive vote that requires ⅔ of the votes cast at a meeting of the Board at which a quorum is present to prevail.".

(g) INVESTIGATIONS.—Section 2120(b) of the Organic Foods Production Act (7 U.S.C. 6519(b)) is amended by adding at the end the following:

"(3) INFORMATION SHARING DURING ACTIVE INVESTIGATION.—In carrying out this title, all parties to an active investigation (including certifying agents, State organic certification programs, and the national organic program) shall share confidential business information with Federal Government officers and employees involved in the investigation as necessary to fully investigate and enforce potential violations of this title.".

(h) DATA ORGANIZATION AND ACCESS.—Section 2122 of the Organic Foods Production Act of 1990 (7 U.S.C. 6521) is amended by adding at the end the following:

"(c) ACCESS TO DATA DOCUMENTATION SYSTEMS.—The Secretary shall have access to available data from cross-border documentation systems administered by other Federal agencies, including the Automated Commercial Environment system of U.S. Customs and Border Protection.

"(d) REPORTS.—

"(1) IN GENERAL.—Not later than March 1, 2020, and annually thereafter through March 1, 2023, the Secretary shall submit to Congress, and make publicly available on the website of the Department of Agriculture, a report describing national organic program activities with respect to all domestic and

overseas investigations and compliance actions taken pursuant to this title during the preceding year.

"(2) REQUIREMENTS.—The data described in paragraph (1) shall be broken down by agricultural product, quantity, value, and month.

"(3) EXCEPTION.—Any data determined by the Secretary to be confidential business information shall not be provided in the report under paragraph (1).".

(i) ORGANIC AGRICULTURAL PRODUCT IMPORTS INTERAGENCY WORKING GROUP.—The Organic Foods Production Act of 1990 is amended by inserting after section 2122 (7 U.S.C. 6521) the following:

7 USC 6521a.

"SEC. 2122A. ORGANIC AGRICULTURAL PRODUCT IMPORTS INTERAGENCY WORKING GROUP.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary and the Secretary of Homeland Security shall jointly establish a working group to facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection relating to imports of organically produced agricultural products (referred to in this section as the 'working group').

"(2) MEMBERS.—The working group—

"(A) shall include—

"(i) the Secretary (or a designee); and

"(ii) the Secretary of Homeland Security (or a designee); and

"(B) shall not include any non-Federal officer or employee.

"(3) DUTIES.—The working group shall facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection for the purposes of—

"(A) identifying imports of organically produced agricultural products;

"(B) verifying the authenticity of organically produced agricultural product import documentation, such as national organic program import certificates;

"(C) ensuring imported agricultural products represented as organically produced meet the requirements under this title;

"(D) collecting and organizing quantitative data on imports of organically produced agricultural products; and

"(E) requesting feedback from stakeholders on how to improve the oversight of imports of organically produced agricultural products.

"(4) DESIGNATED EMPLOYEES AND OFFICIALS.—An employee or official designated to carry out the duties of the Secretary or the Secretary of Homeland Security on the working group under subparagraph (A) or (B) of paragraph (2) shall be an employee or official compensated at a rate of pay not less than the minimum annual rate of basic pay for GS–12 under section 5332 of title 5, United States Code.

"(b) REPORTS.—On an annual basis, the working group shall submit to Congress and make publicly available on the websites

of the Department of Agriculture and U.S. Customs and Border Protection the following reports:

"(1) ORGANIC TRADE ENFORCEMENT INTERAGENCY COORDINATION REPORT.—A report—

"(A) identifying existing barriers to cooperation between the agencies involved in agricultural product import inspection, trade data collection and organization, and organically produced agricultural product trade enforcement, including—

"(i) U.S. Customs and Border Protection;

"(ii) the Agricultural Marketing Service; and

"(iii) the Animal and Plant Health Inspection Service;

"(B) assessing progress toward integrating organic trade enforcement into import inspection procedures of U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service, including an assessment of—

"(i) the status of the development of systems for—

"(I) tracking the fumigation of imports of organically produced agricultural products into the United States; and

"(II) electronically verifying national organic program import certificate authenticity; and

"(ii) training of U.S. Customs and Border Protection personnel on—

"(I) the use of the systems described in clause (i); and

"(II) requirements and protocols under this title;

"(C) establishing methodology for ensuring imports of agricultural products represented as organically produced meet the requirements under this title;

"(D) recommending steps to improve the documentation and traceability of imported organically produced agricultural products;

"(E) recommending and describing steps for—

"(i) improving compliance with the requirements of this title for all agricultural products imported into the United States and represented as organically produced; and

"(ii) ensuring accurate labeling and marketing of imported agricultural products represented as organically produced by the exporter; and

"(F) describing staffing needs and additional resources at U.S. Customs and Border Protection and the Department of Agriculture needed to ensure compliance.

"(2) REPORT ON ENFORCEMENT ACTIONS TAKEN ON ORGANIC IMPORTS.—A report—

"(A) providing detailed quantitative data (broken down by agricultural product, quantity, value, month, and origin) on imports of agricultural products represented as organically produced found to be fraudulent or lacking any documentation required under this title at the port of entry during the report year;

"(B) providing data on domestic enforcement actions taken on imported agricultural products represented as organically produced, including the number and type of

actions taken by United States officials at ports of entry in response to violations of this title;

"(C) providing data on fumigation of agricultural products represented as organically produced at ports of entry and notifications of fumigation actions to shipment owners, broken down by product variety and country of origin; and

"(D) providing information on enforcement activities under this title involving overseas investigations and compliance actions taken within that year, including—

"(i) the number of investigations by country; and

"(ii) a descriptive summary of compliance actions taken by certifying agents in each country.".

(j) AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ORGANIC PROGRAM.—Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking the section heading and inserting "**FUNDING**";

(2) in subsection (b), by striking paragraphs (1) through (7) and inserting the following:

"(1) $15,000,000 for fiscal year 2018;

"(2) $16,500,000 for fiscal year 2019;

"(3) $18,000,000 for fiscal year 2020;

"(4) $20,000,000 for fiscal year 2021;

"(5) $22,000,000 for fiscal year 2022; and

"(6) $24,000,000 for fiscal year 2023."; and

(3) by striking subsection (c) and inserting the following:

"(c) MODERNIZATION AND IMPROVEMENT OF INTERNATIONAL TRADE TECHNOLOGY SYSTEMS AND DATA COLLECTION.—

"(1) IN GENERAL.—The Secretary shall establish a new system or modify an existing data collection and organization system to collect and organize in a single system quantitative data on imports of each organically produced agricultural product accepted into the United States.

"(2) ACTIVITIES.—In carrying out paragraph (1), the Secretary shall modernize trade and transaction certificates to ensure full traceability to the port of entry without unduly hindering trade or commerce, such as through an electronic trade document exchange system.

"(3) ACCESS.—The single system established under paragraph (1) shall be accessible by any agency with the direct authority to engage in—

"(A) inspection of imports of agricultural products;

"(B) trade data collection and organization; or

"(C) enforcement of trade requirements for organically produced agricultural products.

"(4) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $5,000,000 for fiscal year 2019 for the purposes of—

"(A) carrying out this subsection; and

"(B) maintaining the database and technology upgrades previously carried out under this subsection, as in effect on the day before the date of enactment of the Agriculture Improvement Act of 2018.

"(5) AVAILABILITY.—The amounts made available under paragraph (4) are in addition to any other funds made available

for the purposes described in that paragraph and shall remain available until expended.".

(k) TRADE SAVINGS PROVISION.—The amendments made by subsection (i) shall be carried out in a manner consistent with United States obligations under international agreements. 7 USC 6521a note.

SEC. 10105. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

(a) ELIMINATION OF DIRECTED DELEGATION.—Section 10606(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523(a)) is amended by striking "(acting through the Agricultural Marketing Service)".

(b) FUNDING.—Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended by striking subsection (d) and inserting the following:

"(d) MANDATORY FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(A) $2,000,000 for each of fiscal years 2019 and 2020;

"(B) $4,000,000 for fiscal year 2021; and

"(C) $8,000,000 for each of fiscal years 2022 and 2023.

"(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.".

SEC. 10106. FOOD SAFETY EDUCATION INITIATIVES.

Section 10105(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7655a(c)) is amended by striking "2018" and inserting "2023".

SEC. 10107. SPECIALTY CROP BLOCK GRANTS.

Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended—

(1) in subsection (a)—

(A) by striking "2018" and inserting "2023"; and

(B) by striking "solely to enhance the competitiveness of specialty crops." and inserting the following: "to enhance the competitiveness of specialty crops, including—

"(1) by leveraging efforts to market and promote specialty crops;

"(2) by assisting producers with research and development relevant to specialty crops;

"(3) by expanding availability and access to specialty crops;

"(4) by addressing local, regional, and national challenges confronting specialty crop producers; and

"(5) for such other purposes determined to be appropriate by the Secretary of Agriculture, in consultation with specialty crop stakeholders and relevant State departments of agriculture.";

(2) in subsection (j)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later"; and

(C) by adding at the end the following:

"(2) ADMINISTRATION OF MULTISTATE PROJECTS FROM NONPARTICIPATING STATES.—The Secretary of Agriculture may directly administer all aspects of multistate projects under this subsection for applicants in a nonparticipating State.";

(3) in subsection (k), by adding at the end the following:

"(3) EVALUATION.—

"(A) PERFORMANCE MEASURES AND REVIEW.—

"(i) DEVELOPMENT.—The Secretary of Agriculture and the State departments of agriculture, in consultation with specialty crop stakeholders, shall develop performance measures to be used as the sole means of performing any evaluation of the grant program established under this section.

"(ii) REVIEW.—The Secretary of Agriculture, in consultation with the State departments of agriculture, shall periodically evaluate the performance of the grant program established under this section.

"(B) COOPERATIVE AGREEMENTS.—The Secretary of Agriculture may enter into cooperative agreements—

"(i) to develop the performance measures under subparagraph (A)(i); or

"(ii) to evaluate the overall performance of the grant program established under this section."; and

(4) in subsection (l)(2)(E), by inserting "and each fiscal year thereafter" after "2018".

SEC. 10108. AMENDMENTS TO THE PLANT VARIETY PROTECTION ACT.

(a) ASEXUALLY REPRODUCED DEFINED.—Section 41(a) of the Plant Variety Protection Act (7 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) ASEXUALLY REPRODUCED.—The term 'asexually reproduced' means produced by a method of plant propagation using vegetative material (other than seed) from a single parent, including cuttings, grafting, tissue culture, and propagation by root division.".

(b) RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.—Section 42(a) of the Plant Variety Protection Act (7 U.S.C. 2402(a)) is amended by striking "or tuber propagated" and inserting ", tuber propagated, or asexually reproduced".

(c) INFRINGEMENT OF PLANT VARIETY PROTECTION.—Section 111(a)(3) of the Plant Variety Protection Act (7 U.S.C. 2541(a)(3)) is amended by inserting "or asexually" after "sexually".

(d) FALSE MARKETING; CEASE AND DESIST ORDERS.—Section 128(a) of the Plant Variety Protection Act (7 U.S.C. 2568(a)) is amended, in the matter preceding paragraph (1), by inserting "or asexually" after "sexually".

SEC. 10109. MULTIPLE CROP AND PESTICIDE USE SURVEY.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Pest Management Policy, shall conduct a multiple crop and pesticide use survey of farmers to collect data for risk assessment modeling and mitigation for an active ingredient.

(b) SUBMISSION.—The Secretary shall submit to the Administrator of the Environmental Protection Agency and make publicly available the survey described in subsection (a).

(c) FUNDING.—

(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $500,000 for fiscal year 2019, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000, to remain available until expended.

(d) CONFIDENTIALITY OF INFORMATION.—Section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) is amended—

(1) in subsection (a)—

(A) by striking "(a) In the case" and inserting the following:

"(a) IN GENERAL.—In the case"; and

(B) in paragraph (3), by striking "subsection (d)(12)" and inserting "paragraph (12) or (13) of subsection (d)"; and

(2) in subsection (d)—

(A) by striking "(d) For purposes" and inserting the following:

"(d) PROVISIONS OF LAW REFERENCES.—For purposes";

(B) in paragraph (11), by striking "or" at the end;

(C) in paragraph (12), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(13) section 10109 of the Agriculture Improvement Act of 2018.".

SEC. 10110. REPORT ON THE ARRIVAL IN THE UNITED STATES OF FOREST PESTS THROUGH RESTRICTIONS ON THE IMPORTATION OF CERTAIN PLANTS FOR PLANTING.

Not later than March 1, 2021, the Secretary shall submit to Congress a report—

(1) evaluating the effectiveness of the Federal Government in intercepting pests in international shipping and on plants for planting;

(2) describing the geographic sources of intercepted pests and the commodities or plant species most often associated with infested shipments;

(3) quantifying the detection of forest pests in the national surveillance networks, including the Cooperative Agricultural Pest Survey and the Early Detection and Rapid Response network of the Forest Service;

(4) describing new outbreaks of forest pests in the United States and the spread of existing infestations;

(5) describing how the numbers of such interceptions, detections, and outbreaks described in a preceding paragraph have changed since January 1, 2018;

(6) containing proposed additional actions to further reduce the rate of arrival for forest pests across the borders of the United States;

(7) identifying current challenges with intercepting, detecting, and addressing outbreaks of tree and wood pests, as well as challenges in achieving compliance with the Plant

Protection Act (7 U.S.C. 7701 et seq.) and recommendations with respect to such challenges; and

(8) describing the coordination and collaboration occurring between the Animal and Plant Health Inspection Service and the Forest Service with respect to—

(A) identifying and prioritizing critical detection, surveillance, and eradication needs for tree and wood pests; and

(B) identifying the actions each agency takes within their respective missions to address identified priorities.

SEC. 10111. REPORT ON PLANT BIOSTIMULANTS.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the President and Congress that identifies any potential regulatory, non-regulatory, and legislative recommendations, including the appropriateness of any definitions for plant biostimulant, to ensure the efficient and appropriate review, approval, uniform national labeling, and availability of plant biostimulant products to agricultural producers.

(b) CONSULTATION.—The Secretary shall prepare the report required by subsection (a) in consultation with the Administrator of the Environmental Protection Agency, the several States, industry stakeholders, and such other stakeholders as the Secretary determines necessary.

(c) PLANT BIOSTIMULANT.—For the purposes of the report under subsection (a), the Secretary—

(1) shall consider "plant biostimulant" to be a substance or micro-organism that, when applied to seeds, plants, or the rhizosphere, stimulates natural processes to enhance or benefit nutrient uptake, nutrient efficiency, tolerance to abiotic stress, or crop quality and yield; and

(2) may modify the description of plant biostimulant, as appropriate.

SEC. 10112. CLARIFICATION OF USE OF FUNDS FOR TECHNICAL ASSISTANCE.

Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) is amended in the last sentence by inserting after "activities" the following: "but excluding any amounts used to provide technical assistance under title X of the Agriculture Improvement Act of 2018 or an amendment made by that title".

SEC. 10113. HEMP PRODUCTION.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle G—Hemp Production

7 USC 1639o.

"SEC. 297A. DEFINITIONS.

"In this subtitle:

"(1) HEMP.—The term 'hemp' means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(4) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(5) STATE DEPARTMENT OF AGRICULTURE.—The term 'State department of agriculture' means the agency, commission, or department of a State government responsible for agriculture in the State.

"(6) TRIBAL GOVERNMENT.—The term 'Tribal government' means the governing body of an Indian tribe.

"SEC. 297B. STATE AND TRIBAL PLANS. 7 USC 1639p.

"(a) SUBMISSION.—

"(1) IN GENERAL.—A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production as described in paragraph (2).

"(2) CONTENTS.—A State or Tribal plan referred to in paragraph (1)—

"(A) shall only be required to include—

"(i) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;

"(ii) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;

"(iii) a procedure for the effective disposal of—

"(I) plants, whether growing or not, that are produced in violation of this subtitle; and

"(II) products derived from those plants;

"(iv) a procedure to comply with the enforcement procedures under subsection (e);

"(v) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subtitle;

"(vi) a procedure for submitting the information described in section 297C(d)(2), as applicable, to the Secretary not more than 30 days after the date on which the information is received; and

"(vii) a certification that the State or Indian tribe has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi); and

"(B) may include any other practice or procedure established by a State or Indian tribe, as applicable, to the extent that the practice or procedure is consistent with this subtitle.

"(3) RELATION TO STATE AND TRIBAL LAW.—

"(A) NO PREEMPTION.—Nothing in this subsection preempts or limits any law of a State or Indian tribe that—

"(i) regulates the production of hemp; and

"(ii) is more stringent than this subtitle.

"(B) REFERENCES IN PLANS.—A State or Tribal plan referred to in paragraph (1) may include a reference to a law of the State or Indian tribe regulating the production of hemp, to the extent that law is consistent with this subtitle.

"(b) APPROVAL.—

"(1) IN GENERAL.—Not later than 60 days after receipt of a State or Tribal plan under subsection (a), the Secretary shall—

"(A) approve the State or Tribal plan if the State or Tribal plan complies with subsection (a); or

"(B) disapprove the State or Tribal plan only if the State or Tribal plan does not comply with subsection (a).

"(2) AMENDED PLANS.—If the Secretary disapproves a State or Tribal plan under paragraph (1)(B), the State, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, may submit to the Secretary an amended State or Tribal plan that complies with subsection (a).

"(3) CONSULTATION.—The Secretary shall consult with the Attorney General in carrying out this subsection.

"(c) AUDIT OF STATE COMPLIANCE.—

"(1) IN GENERAL.—The Secretary may conduct an audit of the compliance of a State or Indian tribe with a State or Tribal plan approved under subsection (b).

"(2) NONCOMPLIANCE.—If the Secretary determines under an audit conducted under paragraph (1) that a State or Indian tribe is not materially in compliance with a State or Tribal plan—

"(A) the Secretary shall collaborate with the State or Indian tribe to develop a corrective action plan in the case of a first instance of noncompliance; and

"(B) the Secretary may revoke approval of the State or Tribal plan in the case of a second or subsequent instance of noncompliance.

"(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to a State or Indian tribe in the development of a State or Tribal plan under subsection (a).

"(e) VIOLATIONS.—

"(1) IN GENERAL.—A violation of a State or Tribal plan approved under subsection (b) shall be subject to enforcement solely in accordance with this subsection.

"(2) NEGLIGENT VIOLATION.—

"(A) IN GENERAL.—A hemp producer in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b) shall be subject to subparagraph (B) of this paragraph if the State department of agriculture or Tribal government, as applicable, determines that the hemp producer has negligently violated the State or Tribal plan, including by negligently—

"(i) failing to provide a legal description of land on which the producer produces hemp;

"(ii) failing to obtain a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or

"(iii) producing Cannabis sativa L. with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

"(B) CORRECTIVE ACTION PLAN.—A hemp producer described in subparagraph (A) shall comply with a plan established by the State department of agriculture or Tribal government, as applicable, to correct the negligent violation, including—

"(i) a reasonable date by which the hemp producer shall correct the negligent violation; and

"(ii) a requirement that the hemp producer shall periodically report to the State department of agriculture or Tribal government, as applicable, on the compliance of the hemp producer with the State or Tribal plan for a period of not less than the next 2 calendar years.

"(C) RESULT OF NEGLIGENT VIOLATION.—A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) shall not as a result of that violation be subject to any criminal enforcement action by the Federal Government or any State government, Tribal government, or local government.

"(D) REPEAT VIOLATIONS.—A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) 3 times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.

"(3) OTHER VIOLATIONS.—

"(A) IN GENERAL.—If the State department of agriculture or Tribal government in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b), as applicable, determines that a hemp producer in the State or territory has violated the State or Tribal plan with a culpable mental state greater than negligence—

"(i) the State department of agriculture or Tribal government, as applicable, shall immediately report the hemp producer to—

"(I) the Attorney General; and

"(II) the chief law enforcement officer of the State or Indian tribe, as applicable; and

"(ii) paragraph (1) of this subsection shall not apply to the violation.

"(B) FELONY.—

"(i) IN GENERAL.—Except as provided in clause (ii), any person convicted of a felony relating to a controlled substance under State or Federal law before, on, or after the date of enactment of this subtitle shall be ineligible, during the 10-year period following the date of the conviction—

"(I) to participate in the program established under this section or section 297C; and

"(II) to produce hemp under any regulations or guidelines issued under section 297D(a).

"(ii) EXCEPTION.—Clause (i) shall not apply to any person growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) before the date of enactment of this subtitle.

"(C) FALSE STATEMENT.—Any person who materially falsifies any information contained in an application to participate in the program established under this section shall be ineligible to participate in that program.

"(f) EFFECT.—Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe—

"(1) for which a State or Tribal plan is not approved under this section, if the production of hemp is in accordance with section 297C or other Federal laws (including regulations); and

"(2) if the production of hemp is not otherwise prohibited by the State or Indian tribe.

7 USC 1639q.

"SEC. 297C. DEPARTMENT OF AGRICULTURE.

"(a) DEPARTMENT OF AGRICULTURE PLAN.—

"(1) IN GENERAL.—In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 297B, the production of hemp in that State or the territory of that Indian tribe shall be subject to a plan established by the Secretary to monitor and regulate that production in accordance with paragraph (2).

"(2) CONTENT.—A plan established by the Secretary under paragraph (1) shall include—

"(A) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;

"(B) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;

"(C) a procedure for the effective disposal of—

"(i) plants, whether growing or not, that are produced in violation of this subtitle; and

"(ii) products derived from those plants;

"(D) a procedure to comply with the enforcement procedures under subsection (c)(2);

"(E) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subtitle; and

"(F) such other practices or procedures as the Secretary considers to be appropriate, to the extent that the practice or procedure is consistent with this subtitle.

"(b) LICENSING.—The Secretary shall establish a procedure to issue licenses to hemp producers in accordance with a plan established under subsection (a).

"(c) VIOLATIONS.—

"(1) IN GENERAL.—In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 297B, it shall be unlawful to produce hemp in that State or the territory of that Indian tribe without a license issued by the Secretary under subsection (b).

"(2) NEGLIGENT AND OTHER VIOLATIONS.—A violation of a plan established under subsection (a) shall be subject to enforcement in accordance with paragraphs (2) and (3) of section 297B(e), except that the Secretary shall carry out that enforcement instead of a State department of agriculture or Tribal government.

"(3) REPORTING TO ATTORNEY GENERAL.—In the case of a State or Indian tribe covered by paragraph (1), the Secretary shall report the production of hemp without a license issued by the Secretary under subsection (b) to the Attorney General.

"(d) INFORMATION SHARING FOR LAW ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary shall—

"(A) collect the information described in paragraph (2); and

"(B) make the information collected under subparagraph (A) accessible in real time to Federal, State, territorial, and local law enforcement.

"(2) CONTENT.—The information collected by the Secretary under paragraph (1) shall include—

"(A) contact information for each hemp producer in a State or the territory of an Indian tribe for which—

"(i) a State or Tribal plan is approved under section 297B(b); or

"(ii) a plan is established by the Secretary under this section;

"(B) a legal description of the land on which hemp is grown by each hemp producer described in subparagraph (A); and

"(C) for each hemp producer described in subparagraph (A)—

"(i) the status of—

"(I) a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or

"(II) a license from the Secretary; and

"(ii) any changes to the status.

"SEC. 297D. REGULATIONS AND GUIDELINES; EFFECT ON OTHER LAW. 7 USC 1639r.

"(a) PROMULGATION OF REGULATIONS AND GUIDELINES; REPORT.—

"(1) REGULATIONS AND GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall promulgate regulations and guidelines to implement this subtitle as expeditiously as practicable.

"(B) CONSULTATION WITH ATTORNEY GENERAL.—The Secretary shall consult with the Attorney General on the promulgation of regulations and guidelines under subparagraph (A).

"(2) REPORT.—The Secretary shall annually submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing updates on the implementation of this subtitle.

"(b) AUTHORITY.—Subject to subsection (c)(3)(B), the Secretary shall have sole authority to promulgate Federal regulations and guidelines that relate to the production of hemp, including Federal regulations and guidelines that relate to the implementation of sections 297B and 297C.

"(c) EFFECT ON OTHER LAW.—Nothing in this subtitle shall affect or modify—

"(1) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

"(2) section 351 of the Public Health Service Act (42 U.S.C. 262); or

"(3) the authority of the Commissioner of Food and Drugs and the Secretary of Health and Human Services—

"(A) under—

"(i) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

"(ii) section 351 of the Public Health Service Act (42 U.S.C. 262); or

"(B) to promulgate Federal regulations and guidelines that relate to the production of hemp under the Act described in subparagraph (A)(i) or the section described in subparagraph (A)(ii).

7 USC 1639s.

"SEC. 297E. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this subtitle.".

7 USC 1639o note.

SEC. 10114. INTERSTATE COMMERCE.

(a) RULE OF CONSTRUCTION.—Nothing in this title or an amendment made by this title prohibits the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (as added by section 10113)) or hemp products.

(b) TRANSPORTATION OF HEMP AND HEMP PRODUCTS.—No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113) through the State or the territory of the Indian Tribe, as applicable.

SEC. 10115. FIFRA INTERAGENCY WORKING GROUP.

Section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 13a(c)) is amended by adding at the end the following:

"(11) INTERAGENCY WORKING GROUP.—

"(A) DEFINITION OF COVERED AGENCY.—In this paragraph, the term 'covered agency' means any of the following:

"(i) The Department of Agriculture.

"(ii) The Department of Commerce.

"(iii) The Department of the Interior.

"(iv) The Council on Environmental Quality.

"(v) The Environmental Protection Agency.

"(B) ESTABLISHMENT.—The Administrator shall establish an interagency working group, to be comprised of representatives from each covered agency, to provide recommendations regarding, and to implement a strategy for improving, the consultation process required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) for pesticide registration and registration review.

"(C) DUTIES.—The interagency working group established under subparagraph (B) shall—

"(i) analyze relevant Federal law (including regulations) and case law for purposes of providing an outline of the legal and regulatory framework for the consultation process referred to in that subparagraph, including—

"(I) requirements under this Act and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(II) Federal case law regarding the intersection of this Act and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(III) Federal regulations relating to the pesticide consultation process;

"(ii) provide advice regarding methods of—

"(I) defining the scope of actions of the covered agencies that are subject to the consultation requirement referred to in subparagraph (B); and

"(II) properly identifying and classifying effects of actions of the covered agencies with respect to that consultation requirement;

"(iii) identify the obligations and limitations under Federal law of each covered agency for purposes of providing a legal and regulatory framework for developing the recommendations referred to in subparagraph (B);

"(iv) review practices for the consultation referred to in subparagraph (B) to identify problem areas, areas for improvement, and best practices for conducting that consultation among the covered agencies;

"(v) develop scientific and policy approaches to increase the accuracy and timeliness of the process for that consultation, in accordance with requirements of this Act and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including—

"(I) processes to efficiently share data and coordinate analyses among the Department of Agriculture, the Department of Commerce, the Department of the Interior, and the Environmental Protection Agency;

"(II) a streamlined process for identifying which actions require no consultation, informal consultation, or formal consultation;

"(III) an approach that will provide clarity with respect to what constitutes the best scientific

and commercial data available in the fields of pesticide use and ecological risk assessment, pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)); and

"(IV) approaches that enable the Environmental Protection Agency to better assist the Department of the Interior and the Department of Commerce in carrying out obligations under that section in a timely and efficient manner; and

"(vi) propose and implement a strategy to implement approaches to consultations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and document that strategy in a memorandum of understanding, revised regulations, or another appropriate format to promote durable cooperation among the covered agencies.

"(D) REPORTS.—

"(i) PROGRESS REPORTS.—

"(I) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the Administrator, in coordination with the head of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the progress of the working group in developing the recommendations under subparagraph (B).

"(II) REQUIREMENTS.—The report under this clause shall—

"(aa) reflect the perspectives of each covered agency; and

"(bb) identify areas of new consensus and continuing topics of disagreement and debate.

"(ii) RESULTS.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator, in coordination with the head of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

"(aa) the recommendations developed under subparagraph (B); and

"(bb) plans for implementation of those recommendations.

"(II) REQUIREMENTS.—The report under this clause shall—

"(aa) reflect the perspectives of each covered agency; and

"(bb) identify areas of consensus and continuing topics of disagreement and debate, if any.

"(iii) IMPLEMENTATION.—Not later than 1 year after the date of submission of the report under clause (i), the Administrator, in coordination with the head

of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

"(I) the implementation of the recommendations referred to in that clause;

"(II) the extent to which that implementation improved the consultation process referred to in subparagraph (B); and

"(III) any additional recommendations for improvements to the process described in subparagraph (B).

"(iv) OTHER REPORTS.—Not later than the date that is 180 days after the date of submission of the report under clause (iii), and not less frequently than once every 180 days thereafter during the 5-year period beginning on that date, the Administrator, in coordination with the head of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

"(I) the implementation of the recommendations referred to in that clause;

"(II) the extent to which that implementation improved the consultation process referred to in subparagraph (B); and

"(III) any additional recommendations for improvements to the process described in subparagraph (B).

"(E) CONSULTATION WITH PRIVATE SECTOR.—In carrying out the duties under this paragraph, the working group shall, as appropriate—

"(i) consult with, representatives of interested industry stakeholders and nongovernmental organizations; and

"(ii) take into consideration factors, such as actual and potential differences in interest between, and the views of, those stakeholders and organizations.

"(F) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this paragraph.

"(G) SAVINGS CLAUSE.—Nothing in this paragraph supersedes any provision of—

"(i) this Act; or

"(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including the requirements under section 7 of that Act (16 U.S.C. 1536).".

SEC. 10116. STUDY ON METHYL BROMIDE USE IN RESPONSE TO AN EMERGENCY EVENT.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY EVENT.—The term "emergency event" means a situation—

(A) that occurs at a location on which a plant or commodity is grown or produced or facility providing for the

storage of, or other services with respect to, a plant or commodity;

(B) for which the lack of availability of methyl bromide for a particular use would result in significant economic loss to the owner, lessee, or operator of the location or facility or the owner, grower, or purchaser of the plant or commodity; and

(C) that, in light of the specific agricultural, meteorological, or other conditions presented, requires the use of methyl bromide to control a pest or disease in the location or facility because there are no technically feasible alternatives to methyl bromide easily accessible by an entity referred to in subparagraph (B) at the time and location of the event that—

(i) are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) for the intended use or pest to be so controlled; and

(ii) would adequately control the pest or disease presented at the location or facility.

(2) PEST.—The term "pest" has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, shall complete a study on the potential use of methyl bromide in response to an emergency event.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) a risk-benefit analysis of authorizing State, local, or Tribal authorities, in accordance with appropriate requirements and criteria, such as the recommendations developed under subparagraph (E)—

(i) to determine when the use of methyl bromide is required; and

(ii) to authorize such use;

(B) a risk-benefit analysis of authorizing the Secretary, in accordance with appropriate requirements and criteria, such as the recommendations developed under subparagraph (E)—

(i) to determine when the use of methyl bromide is required; and

(ii) to authorize such use;

(C) a historic estimate of situations occurring on or after September 15, 1997, that could have been deemed emergency events;

(D) a detailed assessment of the adherence of the United States to international obligations of the United States with respect to the prevention of ozone depletion; and

(E) an assessment and recommendations on appropriate requirements and criteria to be met to authorize the use of methyl bromide in response to an emergency event (including any recommendations for revising the definition of the term "emergency event" in subsection (a)) in a manner that fully complies with the Montreal Protocol on Substances that Deplete the Ozone Layer, including

Decision IX/7 of the Ninth Meeting of the Conference of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report on the study under subsection (b) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Forestry, and Nutrition of the Senate.

TITLE XI—CROP INSURANCE

SEC. 11101. DEFINITIONS.

Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (7), (8), (10), (11), (12), and (13) respectively;

(2) by inserting after paragraph (5) the following:

"(6) COVER CROP TERMINATION.—The term 'cover crop termination' means a practice that historically and under reasonable circumstances results in the termination of the growth of a cover crop."; and

(3) by inserting after paragraph (8) (as so redesignated) the following:

"(9) HEMP.—The term 'hemp' has the meaning given the term in section 297A of the Agricultural Marketing Act of 1946.".

SEC. 11102. DATA COLLECTION.

Section 506(h)(2) of the Federal Crop Insurance Act (7 U.S.C. 1506(h)(2)) is amended—

(1) by striking "The Corporation" and inserting the following:

"(A) IN GENERAL.—The Corporation"; and

(2) by adding at the end the following:

"(B) NATIONAL AGRICULTURAL STATISTICS SERVICE.—Data collected by the National Agricultural Statistics Service, whether published or unpublished, shall be—

"(i) provided in an aggregate form to the Corporation for the purpose of providing insurance under this subtitle; and

"(ii) kept confidential by the Corporation in the same manner and to the same extent as is required under—

"(I) section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276); and

"(II) the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).

"(C) NONINSURED CROP DISASTER ASSISTANCE PROGRAM.—In collecting data under this subsection, the Secretary shall ensure that—

"(i) appropriate data are collected through the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

"(ii) not less frequently than annually, the Farm Service Agency shares, and the Corporation considers, the data described in clause (i).".

SEC. 11103. SHARING OF RECORDS.

Section 506(h)(3) of the Federal Crop Insurance Act (7 U.S.C. 1506(h)(3)) is amended by inserting "applicants who have received payment under section 522(b)(2)(E)," after "divisions,".

SEC. 11104. USE OF RESOURCES.

Section 507(f) of the Federal Crop Insurance Act (7 U.S.C. 1507(f)) is amended—

(1) by striking paragraphs (3) and (4) and inserting the following:

"(3) the Farm Service Agency, in assisting the Board in—

"(A) the determination of individual producer yields;

"(B) sharing information on beginning farmers and ranchers and veteran farmers and ranchers;

"(C) investigating potential waste, fraud, or abuse;

"(D) sharing information to support the transition of crops and counties from the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) to insurance under this subtitle; and

"(E) serving as a local point of contact for the dissemination of information on risk management options available to farmers and ranchers; and

"(4) other Federal agencies, in assisting the Board in any way the Board determines is necessary in carrying out this subtitle.";

(2) in paragraph (2), by striking "(2) the" and inserting the following:

"(2) the"; and

(3) by striking "(f) The Board" in the matter preceding paragraph (1) and all that follows through the semicolon at the end of paragraph (1) and inserting the following:

"(f) USE OF RESOURCES, DATA, BOARDS, AND COMMITTEES OF FEDERAL AGENCIES.—If the Board determines it is necessary, the Board shall use, to the maximum extent practicable, the resources, data, boards, and the committees of—

"(1) the Natural Resources Conservation Service, in assisting the Board in—

"(A) the classification of land as to risk and production capability; and

"(B) the consideration of acceptable conservation practices, including good farming practices with respect to conservation (such as cover crop termination);".

SEC. 11105. SPECIALTY CROPS.

(a) SPECIALTY CROPS COORDINATOR.—Section 507(g) of the Federal Crop Insurance Act (7 U.S.C. 1507(g)) is amended—

(1) by striking the subsection designation and all that follows through "The Corporation" in paragraph (1) and inserting the following:

"(g) SPECIALTY CROPS COORDINATOR.—

"(1) IN GENERAL.—The Corporation"; and

(2) by adding at the end the following:

"(4) SPECIALTY CROP LIAISONS.—The Specialty Crops Coordinator shall—

"(A) designate a Specialty Crops Liaison in each regional field office; and

"(B) share the contact information of the Specialty Crops Liaisons with specialty crop producers.

"(5) WEBSITE.—The Specialty Crops Coordinator shall establish a website focused on the efforts of the Corporation to provide and expand crop insurance for specialty crop producers.".

(b) ADDITION OF SPECIALTY CROPS AND OTHER VALUE-ADDED CROPS.—Section 508(a)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(6)) is amended—

(1) in the paragraph heading, by adding at the end the following: "(INCLUDING VALUE-ADDED CROPS)";

(2) by striking subparagraph (A) and inserting the following:

"(A) ANNUAL REVIEW.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, and annually thereafter, the manager of the Corporation shall prepare, to the maximum extent practicable, based on data shared from the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), written agreements, or other data, and present to the Board not less than 1 of each of the following:

"(i) Research and development for a policy or plan of insurance for a commodity for which there is no existing policy or plan of insurance.

"(ii) Expansion of an existing policy or plan of insurance to additional counties or States, including malting barley endorsements or contract options.

"(iii) Research and development for a new policy or plan of insurance, or endorsement, for commodities with existing policies or plans of insurance, such as dollar plans.";

(3) in subparagraph (B), in the subparagraph heading, by striking "ADDITION OF NEW CROPS" and inserting "REPORT"; and

(4) by striking subparagraphs (C) and (D).

SEC. 11106. INSURANCE PERIOD.

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by striking "and sweet potatoes" and inserting "sweet potatoes, and hemp".

SEC. 11107. COVER CROPS.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended—

(1) in paragraph (3)(B), in the subparagraph heading, by inserting "DETERMINATION REVIEW" after "PRACTICES"; and

(2) by adding at the end the following:

"(11) COVER CROPS.—

"(A) IN GENERAL.—The voluntary practice of cover cropping shall be considered a good farming practice under paragraph (3)(A)(iii) if the cover crop is terminated in accordance with subparagraph (B).

"(B) TERMINATION.—

"(i) IN GENERAL.—The termination of a cover crop shall be carried out according to—

"(I) guidelines established by the Secretary; or

"(II) an exception to the guidelines approved under clause (ii).

"(ii) EXCEPTION TO GUIDELINES.—The Corporation shall approve an exception to the guidelines under clause (i)(I) if that exception is recommended by—

"(I) the Natural Resources Conservation Service; or

"(II) an agricultural expert, as determined by the Corporation, unless the exception is determined to be unreasonable by the Corporation.

"(C) INSURABILITY OF SUBSEQUENT CROP.—Cover crop termination shall not affect the insurability of a subsequently planted insurable crop if the cover crop is terminated in accordance with subparagraph (B).

"(D) SUMMER FALLOW.—In a county in which summer fallow is an insurable practice, a cover crop in that county that is terminated in accordance with subparagraph (B) shall be considered as summer fallow for the purpose of insurability.".

SEC. 11108. UNDERSERVED PRODUCERS.

Section 508(a)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(7)) is amended—

(1) in the paragraph heading, by inserting "AND UNDERSERVED PRODUCERS" after "STATES";

(2) in subparagraph (A)—

(A) by striking the designation and heading and all that follows through "the term" and inserting the following:

"(A) DEFINITIONS.—In this paragraph:

"(i) ADEQUATELY SERVED.—The term";

(B) in clause (i) (as so designated), by striking "participation rate" and inserting "participation rate, by crop,"; and

(C) by adding at the end the following:

"(ii) UNDERSERVED PRODUCER.—The term 'underserved producer' means an individual (including a member of an Indian Tribe) that is—

"(I) a beginning farmer or rancher;

"(II) a veteran farmer or rancher; or

"(III) a socially disadvantaged farmer or rancher.";

(3) in subparagraph (B)—

(A) by striking "The Board" and inserting "Using resources and information available to the Board or the Secretary, the Board"; and

(B) by striking "subtitle" and inserting "subtitle, including policies and plans of insurance for underserved producers,"; and

(4) by striking subparagraph (C) and inserting the following:

"(C) REPORT.—

"(i) IN GENERAL.—Not later than 30 days after completion of the review under subparagraph (B), and

not less frequently than once every 3 years thereafter, the Board shall make publicly available and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the review.

"(ii) RECOMMENDATIONS.—The report under clause (i) shall include recommendations to increase participation in States and among underserved producers that are not adequately served by the policies and plans of insurance, including any plans for administrative action or recommendations for Congressional action.".

SEC. 11109. TREATMENT OF FORAGE AND GRAZING.

(a) AVAILABILITY OF CATASTROPHIC RISK PROTECTION FOR CROPS AND GRASSES USED FOR GRAZING.—Section 508(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(1)) is amended—

(1) by striking "(A) IN GENERAL.—Except as provided in subparagraph (B), the" and inserting "The"; and

(2) by striking subparagraph (B).

(b) COVERAGE FOR FORAGE AND GRAZING.—The Federal Crop Insurance Act is amended by inserting after section 508C (7 U.S.C. 1508c) the following new section:

"SEC. 508D. COVERAGE FOR FORAGE AND GRAZING. 7 USC 1508d.

"Notwithstanding section 508A, and in addition to any other available coverage, for crops that can be both grazed and mechanically harvested on the same acres during the same growing season, producers shall be allowed to purchase separate policies for each intended use, as determined by the Corporation, and any indemnity paid under those policies for each intended use shall not be considered to be for the same loss for the purposes of section 508(n).".

SEC. 11110. ADMINISTRATIVE BASIC FEE.

Section 508(b)(5)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(A)) is amended by striking "$300" and inserting "$655".

SEC. 11111. ENTERPRISE UNITS.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by adding at the end the following:

"(E) ENTERPRISE UNITS ACROSS COUNTY LINES.—The Corporation may allow a producer to establish a single enterprise unit by combining an enterprise unit with—

"(i) 1 or more other enterprise units in 1 or more other counties; or

"(ii) all basic units and all optional units in 1 or more other counties.".

SEC. 11112. CONTINUED AUTHORITY.

Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following new paragraph:

"(6) CONTINUED AUTHORITY.—

"(A) IN GENERAL.—The Corporation shall establish—

"(i) underwriting rules that limit the decrease in the actual production history of a producer, at the election of the producer, to not more than 10 percent of the actual production history of the previous crop

year provided that the production decline was the result of drought, flood, natural disaster, or other insurable loss (as determined by the Corporation); and

"(ii) actuarially sound premiums to cover additional risk.

"(B) OTHER AUTHORITY.—The authority provided under subparagraph (A) is in addition to any other authority that adjusts the actual production history of the producer under this Act.

"(C) EFFECT.—Nothing in this paragraph shall be construed to require a change in the administration of any provision of this Act as the Act was administered for the 2018 reinsurance year.".

SEC. 11113. SUBMISSION OF POLICIES AND MATERIALS TO BOARD.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(B) in the matter preceding subclause (I) (as so redesignated), by striking "The Corporation shall" and inserting the following:

"(i) IN GENERAL.—The Corporation shall";

(C) in clause (i)(I) (as so redesignated), by inserting "subject to clause (ii)," before "will likely"; and

(D) by adding at the end the following:

"(ii) WAIVER FOR HEMP.—The Corporation may waive the viability and marketability requirement under clause (i)(I) in the case of a policy or pilot program relating to the production of hemp."; and

(2) in paragraph (3)(C)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) in the case of reviewing policies and other materials relating to the production of hemp, may waive the viability and marketability requirement under subparagraph (A)(ii)(I).".

SEC. 11114. CROP PRODUCTION ON NATIVE SOD.

Section 508(o)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)(2)(A)) is amended—

(1) by striking "During the" and inserting the following:

"(i) FIRST 4 CROP YEARS.—During the";

(2) in clause (i) (as so designated), by striking "after the date of enactment of the Agricultural Act of 2014" and inserting "beginning on February 8, 2014, and ending on the date of enactment of the Agriculture Improvement Act of 2018"; and

(3) by adding at the end the following:

"(ii) SUBSEQUENT CROP YEARS.—Native sod acreage that has been tilled for the production of an insurable crop after the date of enactment of the Agriculture Improvement Act of 2018 shall be subject to a reduction in benefits under this subtitle as described in this paragraph for not more than 4 cumulative years—

"(I) during the first 10 years after initial tillage; and

"(II) during each of which a crop on that acreage is insured under subsection (c).".

SEC. 11115. USE OF NATIONAL AGRICULTURAL STATISTICS SERVICE DATA TO COMBAT WASTE, FRAUD, AND ABUSE.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(1) in subsection (d)(1)—

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

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) using published aggregate data from the National Agricultural Statistics Service or any other data source to—

"(i) detect yield disparities or other data anomalies that indicate potential fraud; and

"(ii) target the relevant counties, crops, regions, companies, or agents associated with that potential fraud for audits and other enforcement actions."; and

(2) in subsection (f)(2)(A), by striking "pursuant to" each place it appears and inserting "under".

SEC. 11116. SUBMISSION OF INFORMATION TO CORPORATION.

Section 515(g) of the Federal Crop Insurance Act (7 U.S.C. 1515(g)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(D) The actual production history to be used to establish insurable yields."; and

(2) in paragraph (2)—

(A) by striking "The information required by paragraph (1)" and inserting the following:

"(A) IN GENERAL.—The information required to be submitted under subparagraphs (A) through (C) of paragraph (1)"; and

(B) by adding at the end the following:

"(B) ACTUAL PRODUCTION HISTORY.—

"(i) IN GENERAL.—The information required to be submitted under paragraph (1)(D) with respect to an applicable policy or plan of insurance for a covered commodity (as defined in section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011)) shall be submitted so as to ensure receipt by the Corporation not later than the Saturday of the week containing the calendar day that is 30 days after the applicable production reporting date for the crop to be insured.

"(ii) CORRECTION OF ERRORS.—Nothing in clause (i) limits the ability of an approved insurance provider to correct any error in the information submitted under paragraph (1)(D) after receipt of the information by the Corporation in accordance with clause (i).".

SEC. 11117. CONTINUING EDUCATION FOR LOSS ADJUSTERS AND AGENTS.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(1) by redesignating subsection (k) as subsection (l); and

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

"(k) CONTINUING EDUCATION FOR LOSS ADJUSTERS AND AGENTS.—

"(1) IN GENERAL.—The Corporation shall establish requirements for continuing education for loss adjusters and agents of approved insurance providers.

"(2) REQUIREMENTS.—The requirements for continuing education described in paragraph (1) shall ensure that loss adjusters and agents of approved insurance providers are familiar with—

"(A) the policies and plans of insurance available under this Act, including the regulations promulgated to carry out this Act;

"(B) efforts to promote program integrity through the elimination of waste, fraud, and abuse; and

"(C) other aspects of adjusting, delivering, and servicing policies and plans of insurance by adjustors and agents, as determined by the Secretary, including conservation activities and agronomic practices (including organic and sustainable practices) that are common and appropriate to the area in which the insured crop being inspected is produced.".

SEC. 11118. PROGRAM ADMINISTRATION.

Section 516(b)(2)(C)(i) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)(C)(i)) is amended by striking "$9,000,000" and inserting "$7,000,000".

SEC. 11119. AGRICULTURAL COMMODITY.

Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by inserting "hemp," before "aquacultural species".

SEC. 11120. MAINTENANCE OF POLICIES.

(a) IN GENERAL.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) REIMBURSEMENT.—

"(i) IN GENERAL.—An applicant who submits a policy under section 508(h) shall be eligible for the reimbursement of reasonable research and development costs if the policy is approved by the Board for sale to producers.

"(ii) REASONABLE COSTS.—For the purpose of reimbursing research and development and maintenance costs under this section, costs of the applicant shall be considered reasonable costs if the costs are based on—

"(I) for any employees or contracted personnel, wage rates equal to not more than 2 times the hourly wage rate plus benefits, as provided by the Bureau of Labor Statistics for the year in which such costs are incurred, calculated using the formula applied to an applicant by the Corporation in reviewing proposed project budgets under this section on October 1, 2016; and

"(II) other actual documented costs incurred by the applicant."; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking "approved insurance provider" and inserting "applicant"; and

(B) in subparagraph (D)—

(i) in clause (i), by striking "determined by the approved insurance provider" and inserting "determined by the applicant"; and

(ii) by adding at the end the following:

"(iii) REVIEW.—After the Board approves the amount of a fee under clause (ii), the fee shall remain in effect and not be reviewed by the Board unless—

"(I) the applicant petitions the Board for reconsideration of the fee;

"(II) a substantial change is made to the policy, as determined by the Board; or

"(III) there is substantial evidence that the fee is inhibiting sales or use of the policy, as determined by the Board.".

(b) APPLICABILITY.— 7 USC 1522 note.

(1) IN GENERAL.—The amendments made by this section shall apply to reimbursement requests made on or after October 1, 2016.

(2) RESUBMISSION OF DENIED REQUEST.—An applicant that was denied all or a portion of a reimbursement request under paragraph (1) of section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) during the period between October 1, 2016, and the date of the enactment of this Act shall be given an opportunity to resubmit such request.

SEC. 11121. REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.

Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(K) WAIVER FOR HEMP.—The Board may waive the viability and marketability requirements under this paragraph in the case of research and development relating to a policy to insure the production of hemp."; and

(2) in paragraph (3)—

(A) by striking "The Corporation" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), the Corporation"; and

(B) by adding at the end the following:

"(B) WAIVER FOR HEMP.—The Corporation may waive the marketability requirement under subparagraph (A) in the case of research and development relating to a policy to insure the production of hemp.".

SEC. 11122. RESEARCH AND DEVELOPMENT AUTHORITY.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

(1) by striking paragraphs (7) through (18) and (20) through (23);

(2) by redesignating paragraphs (19) and (24) as paragraphs (7) and (8), respectively;

(3) in paragraph (7) (as so redesignated) (entitled "Whole farm diversified risk management insurance plan"), by adding at the end the following:

"(E) REVIEW OF MODIFICATIONS TO IMPROVE EFFECTIVENESS.—

"(i) IN GENERAL.—Not later than 18 months after the date of enactment of the Agriculture Improvement Act of 2018—

"(I) the Corporation shall hold stakeholder meetings to solicit producer and agent feedback; and

"(II) the Board shall—

"(aa) review procedures and paperwork requirements on agents and producers; and

"(bb) modify procedures and requirements, as appropriate, to decrease burdens and increase flexibility and effectiveness.

"(ii) FACTORS.—In carrying out items (aa) and (bb) of subclause (i)(II), the Board shall consider—

"(I) removing caps on nursery and livestock production;

"(II) allowing a waiver to expand operations, especially for small and beginning farmers;

"(III) minimizing paperwork for producers and agents;

"(IV) implementing an option for producers with less than $1,000,000 in gross revenue that requires significantly less paperwork and record-keeping;

"(V) developing and using alternative records such as time-stamped photographs or technology applications to document planting and production history;

"(VI) treating the different growth stages of aquaculture species as separate crops to recognize the difference in perils at different phases of growth;

"(VII) moderating the impacts of disaster years on historic revenue, such as—

"(aa) using an average of the historic and projected revenue;

"(bb) counting indemnities as historic revenue for loss years;

"(cc) counting payments under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) as historic revenue for loss years; or

"(dd) using an assigned yield floor similar to the limitation described in section 508(g)(6)(A)(i), as determined by the Secretary;

"(VIII) improving agent training and outreach to underserved regions and sectors such as small dairy farms; and

"(IX) providing coverage and indemnification of insurable losses—

"(aa) after the losses exceed the deductible; and

"(bb) up to the maximum amount of total coverage.

"(F) BEGINNING FARMER OR RANCHER DEFINED.—Notwithstanding section 502(b)(3), with respect to plans described under this paragraph, the term 'beginning farmer or rancher' means a farmer or rancher who has not actively operated and managed a farm or ranch with a bona fide insurable interest in a crop or livestock as an owner-operator, landlord, tenant, or sharecropper for more than 10 crop years."; and

(4) by inserting after paragraph (8) (as so redesignated) the following:

"(9) TROPICAL STORM OR HURRICANE INSURANCE.—

"(A) IN GENERAL.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development, regarding a policy to insure crops (including tomatoes, peppers, and citrus) against losses due to a tropical storm or hurricane.

"(B) RESEARCH AND DEVELOPMENT.—Research and development under subparagraph (A) shall—

"(i) evaluate the effectiveness of risk management tools for a low frequency and catastrophic loss weather event; and

"(ii) result in a policy that provides protection for at least 1 of the following:

"(I) Production loss.

"(II) Revenue loss.

"(C) REPORT.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under this paragraph; and

"(ii) any recommendations with respect to those results.

"(10) QUALITY LOSS.—

"(A) IN GENERAL.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development, regarding the establishment of each of the following alternative methods of adjusting for quality losses:

"(i) A method that does not impact the actual production history of a producer.

"(ii) A method that provides that, in circumstances in which a producer has suffered a quality loss to the insured crop of the producer that is insufficient to trigger an indemnity payment, the producer may elect to exclude that quality loss from the actual production history of the producer.

"(iii) 1 or more methods that combine the methods described in clauses (i) and (ii).

"(B) REQUIREMENTS.—Notwithstanding subsections (g) and (m) of section 508, any method developed under

subparagraph (A) that is used by the Corporation shall be—

"(i) optional for a producer to use; and

"(ii) offered at an actuarially sound premium rate.

"(C) REPORT.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under subparagraph (A); and

"(ii) any recommendations with respect to those results.

"(11) CITRUS.—

"(A) IN GENERAL.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development, regarding the insurance of citrus fruit commodities and commodity types, including research and development of—

"(i) improvements to 1 or more existing policies, including the whole-farm revenue protection pilot policy;

"(ii) alternative methods of insuring revenue for citrus fruit commodities and commodity types; and

"(iii) the development of new, or expansion of existing, revenue policies for citrus fruit commodities and commodity types.

"(B) REPORT.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under subparagraph (A); and

"(ii) any recommendations with respect to those results.

"(12) HOPS.—

"(A) IN GENERAL.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development, regarding a policy to insure the production of hops or revenue derived from the production of hops.

"(B) REPORT.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under subparagraph (A); and

"(ii) any recommendations with respect to those results.

"(13) SUBSURFACE IRRIGATION PRACTICES.—

"(A) IN GENERAL.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development, regarding the creation of a separate practice for subsurface irrigation, including the establishment of a separate transitional yield within a county that is reflective of the average gain in productivity and yield associated with the installation of a subsurface irrigation system.

"(B) REPORT.—Not later than 18 months after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under subparagraph (A); and

"(ii) any recommendations with respect to those results.

"(14) GRAIN SORGHUM.—

"(A) IN GENERAL.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development—

"(i) regarding improvements to 1 or more policies to insure irrigated grain sorghum;

"(ii) regarding alternative methods for producers with not more than 4 years of production history to insure irrigated grain sorghum; and

"(iii) to assess, by county, the difference in the rate, average yield, and coverage level of grain sorghum policies compared to policies for other feed grains in that county.

"(B) REPORT.—Not later than 18 months after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under subparagraph (A); and

"(ii) any recommendations with respect to those results.

"(15) LIMITED IRRIGATION PRACTICES.—

"(A) AUTHORITY.—The Corporation shall—

"(i) consider expanding the availability of the limited irrigation insurance program to neighboring and similarly situated States (such as the States of Colorado and Nebraska), as determined by the Secretary;

"(ii) carry out research, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research, on the marketability of the existing limited irrigation insurance program; and

"(iii) make recommendations on how to improve participation in that program.

"(B) RESEARCH.—In carrying out research under subparagraph (A), a qualified person shall—

"(i) collaborate with researchers on the subjects of—

"(I) reduced irrigation practices or limited irrigation practices; and

"(II) expected yield reductions following the application of reduced irrigation;

"(ii) collaborate with State and Federal officials responsible for the collection of water and the regulation of water use for the purpose of irrigation;

"(iii) provide recommendations to encourage producers to carry out limited irrigation practices or reduced irrigation and water conservation practices; and

"(iv) develop web-based applications that will streamline access to coverage for producers electing to conserve water use on irrigated crops.

"(C) REPORT.—Not later than 18 months after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research carried out under subparagraphs (A) and (B);

"(ii) any recommendations to encourage producers to carry out limited irrigation practices or reduced irrigation and water conservation practices; and

"(iii) the actions taken by the Corporation to carry out the recommendations described in clause (ii).

"(16) INSURABLE IRRIGATION PRACTICES FOR RICE.—

"(A) IN GENERAL.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development, to include new and innovative irrigation practices under the current rice policy or the development of a distinct policy endorsement rated for rice produced using—

"(i) alternate wetting and drying practices (also referred to as 'intermittent flooding'); and

"(ii) furrow irrigation practices.

"(B) REPORT.—Not later than 18 months after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under paragraph (1); and

"(ii) any recommendations with respect to those results.

"(17) GREENHOUSE POLICY.—

"(A) IN GENERAL.—

"(i) RESEARCH AND DEVELOPMENT.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development,

regarding a policy to insure in a controlled environment such as a greenhouse—

"(I) the production of floriculture, nursery, and bedding plants;

"(II) the establishment of cuttings or tissue culture in a growing medium; or

"(III) other similar production, as determined by the Secretary.

"(ii) AVAILABILITY OF POLICY.—Notwithstanding the last sentence of section 508(a)(1), and section 508(a)(2), the Corporation shall make a policy described in clause (i) available if the requirements of section 508(h) are met.

"(B) RESEARCH AND DEVELOPMENT DESCRIBED.—Research and development described in subparagraph (A)(i) shall evaluate the effectiveness of policies for the production of plants in a controlled environment, including policies that—

"(i) are based on the risk of—

"(I) plant diseases introduced from the environment;

"(II) contaminated cuttings, seedlings, or tissue culture; or

"(III) Federal or State quarantine or destruction orders associated with the contaminated items described in subclause (II);

"(ii) consider other causes of loss applicable to a controlled environment, such as a loss of electricity due to weather;

"(iii) consider appropriate best practices to minimize the risk of loss;

"(iv) consider whether to provide coverage for various types of plants under 1 policy or to provide coverage for 1 species or type of plant per policy;

"(v) have streamlined reporting and paperwork requirements that take into account short propagation schedules, variable crop years, and the variety of plants that may be produced in a single facility; and

"(vi) provide protection for revenue losses.

"(C) REPORT.—Not later than 2 years after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(i) the results of the research and development carried out under subparagraphs (A)(i) and (B); and

"(ii) any recommendations with respect to those results.

"(18) LOCAL FOODS.—

"(A) IN GENERAL.—

"(i) FEASIBILITY STUDY.—The Corporation shall carry out a study to determine the feasibility of, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out a study to determine the feasibility of, a policy to insure production—

"(I) of floriculture, fruits, vegetables, poultry, livestock, or the products of floriculture, fruits, vegetables, poultry, or livestock; and

"(II) that is targeted toward local consumers and markets.

"(ii) AVAILABILITY OF POLICY.—Notwithstanding the last sentence of section 508(a)(1), and section 508(a)(2), the Corporation shall make available a policy described in clause (i) if—

"(I) the results of the feasibility study under clause (i) are viable; and

"(II) the requirements of section 508(h) are met.

"(B) FEASIBILITY STUDY DESCRIBED.—The feasibility study described in subparagraph (A)(i) shall evaluate the effectiveness of policies for production targeted toward local consumers and markets, including policies that—

"(i) consider small-scale production in various areas, including urban, suburban, and rural areas;

"(ii) consider a variety of marketing strategies;

"(iii) allow for production in soil and in alternative systems such as vertical systems, greenhouses, rooftops, or hydroponic systems;

"(iv) consider the price premium when accounting for production or revenue losses;

"(v) consider whether to provide coverage—

"(I) for various types of production under 1 policy; and

"(II) for 1 species or type of plant per policy; and

"(vi) have streamlined reporting and paperwork requirements.

"(C) REPORT.—Not later than 2 years after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

"(i) examines whether a version of existing policies such as the whole-farm revenue protection insurance plan may be tailored to provide improved coverage for producers of local foods;

"(ii) describes the results of the feasibility study carried out under subparagraph (A)(i); and

"(iii) includes any recommendations with respect to those results.

"(19) HIGH-RISK, HIGHLY PRODUCTIVE BATTURE LAND POLICY.—

"(A) IN GENERAL.—

"(i) RESEARCH AND DEVELOPMENT.—The Corporation shall carry out research and development, or offer to enter into 1 or more contracts with 1 or more qualified persons to carry out research and development, regarding a policy to insure producers of corn, cotton, and soybeans—

"(I) with operations on highly productive batture land within the Lower Mississippi River Valley;

"(II) that have a history of production of not less than 5 years; and

"(III) that have been impacted by more frequent flooding over the past 10 years due to sedimentation or federally constructed engineering improvements.

"(ii) AVAILABILITY OF POLICY.—Notwithstanding the last sentence of section 508(a)(1), and section 508(a)(2), the Corporation shall make a policy described in clause (i) available if the requirements of section 508(h) are met.

"(B) RESEARCH AND DEVELOPMENT DESCRIBED.—Research and development described in subparagraph (A)(i) shall evaluate the feasibility of less cost-prohibitive policies for batture-land producers in high risk areas, including policies that—

"(i) consider premium rate adjustments;

"(ii) consider automatic yield exclusion for consecutive-year losses; and

"(iii) allow for flexibility of final plant dates and prevent plant regulations.

"(C) REPORT.—Not later than 2 years after the date of enactment of the Agriculture Improvement Act of 2018, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

"(i) examines whether a version of existing policies may be tailored to provide improved coverage for batture-land producers;

"(ii) describes the results of the research and development carried out under subparagraphs (A) and (B); and

"(iii) includes any recommendations with respect to those results.".

SEC. 11123. FUNDING FOR RESEARCH AND DEVELOPMENT.

Section 522(e)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)(2)(A)) is amended—

(1) by striking "not more than $12,500,000 for fiscal year 2008 and each subsequent fiscal year." and inserting the following: "not more than—

"(i) $12,500,000 for each of fiscal years 2008 through 2018; and"; and

(2) by adding at the end the following:

"(ii) $8,000,000 for fiscal year 2019 and each fiscal year thereafter.".

SEC. 11124. TECHNICAL AMENDMENT TO PILOT PROGRAMS.

Section 523(i)(3)(A) of the Federal Crop Insurance Act (7 U.S.C. 1523(i)(3)(A)) is amended by adding a period at the end.

SEC. 11125. EDUCATION AND RISK MANAGEMENT ASSISTANCE.

(a) EDUCATION ASSISTANCE.—Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "paragraph (5)" and all that follows through "the Secretary" in subparagraph (B) and inserting "paragraph (4), the Secretary"; and

(B) by striking "paragraph (3)" and inserting "paragraph (2)";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in paragraph (2) (as so redesignated), in subparagraph (A)—

(A) by striking "about the full range of" and inserting "and providing technical assistance to agricultural producers on a full range of farm viability and";

(B) by inserting "business planning, enterprise analysis, transfer and succession planning, management coaching, market assessment, cash flow analysis," after "insurance,"; and

(C) by inserting "conservation activities," after "benchmarking,";

(5) in paragraph (3) (as so redesignated)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "programs established under paragraphs (2) and (3)" and inserting "program established under paragraph (2)";

(ii) by inserting "farm viability and" after "emphasis on"; and

(iii) by inserting ", business planning and technical assistance, market assessment, transfer and succession planning, and crop insurance participation" after "benchmarking";

(B) in subparagraph (D)(i), by striking "and" at the end; and

(C) by striking subparagraph (E) and inserting the following:

"(iii) are converting production and marketing systems to pursue new markets; and

"(E) producers that are underserved by the Federal crop insurance program established under this subtitle, as determined by the Corporation."; and

(6) in paragraph (4) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking "transferred" and all that follows through "for the partnerships" in subparagraph (B) and inserting "transferred for the partnerships";

(B) by striking "paragraph (3), $5,000,000 for fiscal year 2001" and inserting "paragraph (2), $10,000,000 for fiscal year 2019"; and

(C) by striking the period at the end and inserting ", of which not less than $5,000,000 shall be used to carry out paragraph (3)(E).".

(b) CONFORMING AMENDMENTS.—Section 251(f)(1)(D)(ii) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(D)(ii)) is amended—

(1) by striking "section 524(a)(3)" and inserting "section 524(a)"; and

(2) by striking "(7 U.S.C. 1524(a)(3))" and inserting "(7 U.S.C. 1524(a))".

SEC. 11126. REPEAL OF CROPLAND REPORT ANNUAL UPDATES.

Section 11014 of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 963) is amended by striking subsection (c).

TITLE XII—MISCELLANEOUS

Subtitle A—Livestock

SEC. 12101. ANIMAL DISEASE PREVENTION AND MANAGEMENT.

(a) DEFINITION.—Section 10403 of the Animal Health Protection Act (7 U.S.C. 8302) is amended by adding at the end the following:

"(18) VETERINARY COUNTERMEASURE.—The term 'veterinary countermeasure' means any biological product (including an animal vaccine or diagnostic), pharmaceutical product (including a therapeutic), non-pharmaceutical product (including a disinfectant), or other product or equipment to prevent, detect, respond to, or mitigate harm to public or animal health resulting from, animal pests or diseases.".

(b) ANIMAL DISEASE PREPAREDNESS AND RESPONSE.—Section 10409A of the Animal Health Protection Act (7 U.S.C. 8308A) is amended—

(1) by striking the section heading and inserting "**ANIMAL DISEASE PREVENTION AND MANAGEMENT**";

(2) in subsection (a), by striking "(a) DEFINITION OF ELIGIBLE LABORATORY.—In this section," and inserting the following:

"(a) NATIONAL ANIMAL HEALTH LABORATORY NETWORK.—

"(1) DEFINITION OF ELIGIBLE LABORATORY.—In this subsection,";

(3) in subsection (b)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively, and moving the margins of such clauses (as so redesignated) 2 ems to the right;

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving the margins of such subparagraphs (as so redesignated) 2 ems to the right;

(4) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively, and moving the margins of such paragraphs (as so redesignated) 2 ems to the right; and

(5) by adding at the end the following:

"(b) NATIONAL ANIMAL DISEASE PREPAREDNESS AND RESPONSE PROGRAM.—

"(1) PROGRAM REQUIRED.—The Secretary shall establish a program, to be known as the National Animal Disease Preparedness and Response Program (referred to in this section as 'the Program'), to address the increasing risk of the introduction and spread within the United States of animal pests and diseases affecting the economic interests of the livestock and related industries of the United States, including the maintenance and expansion of export markets.

"(2) PROGRAM ACTIVITIES.—Activities under the Program shall include, to the extent practicable, the following:

"(A) Enhancing animal pest and disease analysis and surveillance.

"(B) Expanding outreach and education.

"(C) Targeting domestic inspection activities at vulnerable points in the safeguarding continuum.

"(D) Enhancing and strengthening threat identification technology.

"(E) Improving biosecurity.

"(F) Enhancing emergency preparedness and response capabilities, including training additional emergency response personnel.

"(G) Conducting technology development to enhance electronic sharing of animal health data for risk analysis between State and Federal animal health officials.

"(H) Enhancing the development and effectiveness of animal health technologies to treat and prevent animal disease, including—

"(i) veterinary biologics and diagnostics;

"(ii) animal drugs for minor uses and minor species;

"(iii) animal medical devices; and

"(iv) emerging veterinary countermeasures.

"(I) Such other activities as determined appropriate by the Secretary, in consultation with eligible entities specified in paragraph (3).

"(3) ELIGIBLE ENTITIES.—To carry out the Program, the Secretary shall offer to enter into cooperative agreements or other legal instruments, as authorized under section 10413 (referred to in this section as 'agreements') with eligible entities, to be selected by the Secretary, which may include any of the following entities, either individually or in combination:

"(A) A State department of agriculture.

"(B) The office of the chief animal health official of a State.

"(C) An entity eligible to receive funds under a capacity and infrastructure program (as defined in section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C))).

"(D) A college of veterinary medicine, including a veterinary emergency team at such college.

"(E) A State or national livestock producer organization with direct and significant economic interest in livestock production.

"(F) A State emergency agency.

"(G) A State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association.

"(H) An Indian Tribe.

"(I) A Federal agency.

"(4) SPECIAL FUNDING CONSIDERATIONS.—In entering into agreements under this subsection, the Secretary shall give priority to applications submitted by—

"(A) a State department of agriculture or an office of the chief animal health official of a State; or

"(B) an eligible entity that will carry out program activities in a State or region in which—

"(i) an animal pest or disease is a Federal concern; or

"(ii) the Secretary determines a potential exists for the spread of an animal pest or disease after taking into consideration—

"(I) the agricultural industries in the State or region;

"(II) factors contributing to animal pest or disease in the State or region, such as the climate, natural resources, and geography of, and native and exotic wildlife species and other disease vectors in, the State or region; and

"(III) the movement of animals in the State or region.

"(5) CONSULTATION.—For purposes of setting priorities under this subsection, the Secretary shall consult with eligible entities specified in paragraph (3). The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultation carried out under this paragraph.

"(6) APPLICATION.—

"(A) IN GENERAL.—An eligible entity specified in paragraph (3) seeking to enter into an agreement under the Program shall submit to the Secretary an application containing such information as the Secretary may require.

"(B) NOTIFICATION.—The Secretary shall notify each applicant of—

"(i) the requirements to be imposed on the eligible entity that is the recipient of funds under the Program for auditing of, and reporting on, the use of such funds; and

"(ii) the criteria to be used to ensure activities supported using such funds are based on sound scientific data or thorough risk assessments.

"(C) NON-FEDERAL CONTRIBUTIONS.—When deciding whether to enter into an agreement under the Program with an eligible entity described in paragraph (3), the Secretary—

"(i) may take into consideration an eligible entity's ability to contribute non-Federal funds to carry out such an agreement; and

"(ii) shall not require such an eligible entity to make such a contribution as a condition to enter into an agreement.

"(7) USE OF FUNDS.—

"(A) USE CONSISTENT WITH TERMS OF COOPERATIVE AGREEMENT.—The recipient of funds under the Program shall use the funds for the purposes and in the manner provided in the agreement under which the funds are provided.

"(B) SUB-AGREEMENT.—Nothing in this section prevents an eligible entity from using funds received under the Program to enter into sub-agreements with another eligible entity or with a political subdivision of a State that has legal responsibilities relating to animal disease prevention, surveillance, or rapid response.

"(8) REPORTING REQUIREMENT.—Not later than 90 days after the date of completion of an activity conducted using funds provided under the Program, the recipient of such funds shall submit to the Secretary a report that describes the purposes and results of the activities.".

(c) NATIONAL ANIMAL VACCINE AND VETERINARY COUNTERMEASURES BANK.—Section 10409A of the Animal Health Protection Act (7 U.S.C. 8308A), as amended by subsection (b), is further amended by inserting after subsection (b) (as added by subsection (b)(5) of this section) the following:

"(c) NATIONAL ANIMAL VACCINE BANK.—

"(1) ESTABLISHMENT.—The Secretary shall establish a national animal vaccine and veterinary countermeasures bank (to be known as the National Animal Vaccine and Veterinary Countermeasures Bank and referred to in this subsection as the 'Vaccine Bank') to benefit the domestic interests of the United States.

"(2) ELEMENTS OF VACCINE BANK.—Through the Vaccine Bank, the Secretary shall—

"(A) maintain sufficient quantities of veterinary countermeasures to appropriately and rapidly respond to the most damaging animal diseases affecting or with potential to affect human health or the economy of the United States; and

"(B) leverage, when appropriate, the mechanisms and infrastructure that have been developed for the management, storage, and distribution of the National Veterinary Stockpile.

"(3) PRIORITY FOR RESPONSE TO FOOT AND MOUTH DISEASE.—The Secretary shall prioritize the acquisition and maintenance of sufficient quantities of foot and mouth disease vaccine and accompanying diagnostic products for the Vaccine Bank. As part of such prioritization, the Secretary may offer to enter into one or more contracts with one or more entities that are capable of producing foot and mouth disease vaccine and that have surge production capacity of the vaccine.".

(d) FUNDING.—Section 10409A of the Animal Health Protection Act (7 U.S.C. 8308A), as amended by subsections (b) and (c), is further amended by striking subsection (d) and inserting the following:

"(d) FUNDING.—

"(1) MANDATORY FUNDING.—

"(A) FISCAL YEARS 2019 THROUGH 2022.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $120,000,000 for the period of fiscal years 2019 through 2022, of which not less than $5,000,000 shall be made available for each of those fiscal years to carry out subsection (b).

"(B) SUBSEQUENT FISCAL YEARS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $30,000,000 for fiscal year 2023 and each fiscal year thereafter, of which not less than $18,000,000 shall be made available for each of those fiscal years to carry out subsection (b).

"(2) AUTHORIZATION OF APPROPRIATIONS.—

"(A) NATIONAL ANIMAL HEALTH LABORATORY NETWORK.—In addition to the funds made available under

paragraph (1), there is authorized to be appropriated $30,000,000 for each of fiscal years 2019 through 2023 to carry out subsection (a).

"(B) NATIONAL ANIMAL DISEASE PREPAREDNESS AND RESPONSE PROGRAM; NATIONAL ANIMAL VACCINE AND VETERINARY COUNTERMEASURES BANK.—In addition to the funds made available under paragraph (1), there is authorized to be appropriated such sums as are necessary for each of fiscal years 2019 through 2023 to carry out subsections (b) and (c).

"(C) ADDITIONALITY.—The funds authorized for appropriation under this paragraph are in addition to any funds authorized or otherwise made available under this section or section 10417.

"(3) ADMINISTRATIVE COSTS.—

"(A) SECRETARY.—Of the funds made available under this section or section 10417 to carry out the National Animal Health Laboratory Network under subsection (a) and the National Animal Disease Preparedness and Response Program under subsection (b), not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary.

"(B) ELIGIBLE ENTITIES.—Of the funds made available under this section or section 10417 to carry out the National Animal Disease Preparedness and Response Program under subsection (b), not more than 10 percent may be retained by an eligible entity that receives funds under any agreement entered into under such subsection, including any sub-agreement under paragraph (7)(B) of such subsection to pay administrative costs incurred by the eligible entity to carry out activities under the Program.

"(4) DURATION OF AVAILABILITY.—Funds made available under this subsection, including any proceeds credited under paragraph (5), shall remain available until expended.

"(5) PROCEEDS FROM VETERINARY COUNTERMEASURES SALES.—Any proceeds of a sale of veterinary countermeasures from the Vaccine Bank shall be—

"(A) deposited into the Treasury of the United States; and

"(B) credited to the account for the operation of the Vaccine Bank to be made available for expenditure without further appropriation.

"(6) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—Funds made available under the National Animal Health Laboratory Network, the National Animal Disease Preparedness and Response Program, and the Vaccine Bank shall not be used for the construction of a new building or facility or the acquisition or expansion of an existing building or facility, including site grading and improvement and architect fees.

"(e) AVAILABILITY AND PURPOSE OF FUNDING.—

"(1) IN GENERAL.—Using the funds made available under subsection (d), the Secretary of Agriculture shall offer to enter into contracts, grants, cooperative agreements, or other legal instruments under subsections (a) through (c) during each of the fiscal years 2019 through 2023.

"(2) EFFECT.—Nothing in paragraph (1) shall be construed to terminate a contract, grant, cooperative agreement, or other legal instrument entered into during the period specified in such paragraph.".

SEC. 12102. SHEEP PRODUCTION AND MARKETING GRANT PROGRAM.

Section 209(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1627a(c)) is amended by striking "$1,500,000 for fiscal year 2014" and inserting "$2,000,000 for fiscal year 2019".

SEC. 12103. FEASIBILITY STUDY ON LIVESTOCK DEALER STATUTORY TRUST.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of establishing a livestock dealer statutory trust.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) analyze how the establishment of a livestock dealer statutory trust would affect buyer and seller behavior in markets for livestock (as defined in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182));

(2) examine how the establishment of a livestock dealer statutory trust would affect seller recovery in the event of a livestock dealer payment default;

(3) consider what potential effects a livestock dealer statutory trust would have on credit availability, including impacts on lenders and lending behavior and other industry participants;

(4) examine unique circumstances common to livestock dealers and how those circumstances could impact the functionality of a livestock dealer statutory trust;

(5) study the feasibility of the industry-wide adoption of electronic funds transfer or another expeditious method of payment to provide sellers of livestock protection from nonsufficient funds payments;

(6) assess the effectiveness of statutory trusts in other segments of agriculture, whether similar effects could be experienced under a livestock dealer statutory trust, and whether authorizing the Secretary to appoint an independent trustee under the livestock dealer statutory trust would improve seller recovery;

(7) consider the effects of exempting dealers with average annual purchases under a de minimis threshold from being subject to the livestock dealer statutory trust; and

(8) analyze how the establishment of a livestock dealer statutory trust would affect the treatment of sellers of livestock as it relates to preferential transfer in bankruptcy.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the study conducted under subsection (a).

SEC. 12104. DEFINITION OF LIVESTOCK.

Section 602(2) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471(2)) is amended in the matter preceding subparagraph (A) by striking "fish" and all that follows through

"that—" and inserting "llamas, alpacas, live fish, crawfish, and other animals that—".

SEC. 12105. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

Section 11013 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8322) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 12106. VETERINARY TRAINING.

Section 10504 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8318) is amended—

(1) by inserting "and veterinary teams, including those based at colleges of veterinary medicine," after "veterinarians"; and

(2) by inserting before the period at the end the following: "and who are capable of providing effective services before, during, and after emergencies".

SEC. 12107. REPORT ON FSIS GUIDANCE AND OUTREACH TO SMALL MEAT PROCESSORS.

(a) IN GENERAL.—The Secretary shall offer to enter into a contract with a land-grant college or university or a non-land-grant college of agriculture (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101)) to review the effectiveness of existing Food Safety and Inspection Service guidance materials and other tools used by small and very small establishments, as defined by regulations issued by the Food Safety and Inspection Service, operating under Federal inspection, as in effect on the date of enactment of this Act, including—

(1) the effectiveness of the outreach conducted by the Food Safety and Inspection Service to small and very small establishments;

(2) the effectiveness of the guidance materials and other tools used by the Food Safety and Inspection Service to assist small and very small establishments; and

(3) the responsiveness of Food Safety and Inspection Service personnel to inquiries and issues from small and very small establishments.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) the results of the review conducted under subsection (a); and

(2) recommendations on measures the Food Safety and Inspection Service should take to improve regulatory clarity and consistency and ensure all guidance materials and other tools take into account small and very small establishments.

SEC. 12108. REGIONAL CATTLE AND CARCASS GRADING CORRELATION AND TRAINING CENTERS.

7 USC 1622 note.

(a) IN GENERAL.—The Secretary shall establish not more than 3 regional centers, to be known as Cattle and Carcass Grading Correlation and Training Centers (referred to in this section as the "Centers"), to provide education and training for cattle and

carcass beef graders of the Agricultural Marketing Service, cattle producers, and other professionals involved in the reporting, delivery, and grading of feeder cattle, live cattle, and carcasses—

(1) to limit the subjectivity in the application of beef grading standards;

(2) to provide producers with greater confidence in the price of the producers' cattle; and

(3) to provide investors with both long and short positions more assurance in the cattle delivery system.

(b) LOCATION.—The Centers shall be located near cattle feeding and slaughter populations and areas shall be strategically identified in order to capture regional variances in cattle production.

(c) ADMINISTRATION.—Each Center shall be organized and administered by offices of the Department of Agriculture in operation on the date on which the respective Center is established, or in coordination with other appropriate Federal agencies or academic institutions.

(d) TRAINING PROGRAM.—The Centers shall offer intensive instructional programs involving classroom and field training work for individuals described in subsection (a).

(e) COORDINATION OF RESOURCES.—Each Center, in carrying out the functions of the Center, shall make use of information generated by the Department of Agriculture, the State agricultural extension and research stations, relevant designated contract markets, and the practical experience of area cattle producers, especially cattle producers cooperating in on-farm demonstrations, correlations, and research projects.

(f) PROHIBITION ON CONSTRUCTION.—Funds made available to carry out this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees). Notwithstanding the preceding sentence, the Secretary may use funds made available to carry out this section to provide a Center with payment for the cost of the rental of a space determined to be necessary by the Center for conducting training under this section and may accept donations (including in-kind contributions) to cover such cost.

Subtitle B—Agriculture and Food Defense

SEC. 12201. REPEAL OF OFFICE OF HOMELAND SECURITY.

Section 14111 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8911) is repealed.

SEC. 12202. OFFICE OF HOMELAND SECURITY.

Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6911 et seq.) is amended by adding at the end the following:

7 USC 6922.

"SEC. 221. OFFICE OF HOMELAND SECURITY.

"(a) DEFINITION OF AGRICULTURE AND FOOD DEFENSE.—In this section, the term 'agriculture and food defense' means any action to prevent, protect against, mitigate the effects of, respond to, or recover from a naturally occurring, unintentional, or intentional threat to the agriculture and food system.

"(b) AUTHORIZATION.—The Secretary shall establish in the Department the Office of Homeland Security.

"(c) EXECUTIVE DIRECTOR.—The Office of Homeland Security shall be headed by an Executive Director, who shall be known as the Executive Director of Homeland Security.

"(d) DUTIES.—The Executive Director of Homeland Security shall—

"(1) serve as the principal advisor to the Secretary on homeland security, including emergency management and agriculture and food defense;

"(2) coordinate activities of the Department, including policies, processes, budget needs, and oversight relating to homeland security, including emergency management and agriculture and food defense;

"(3) act as the primary liaison on behalf of the Department with other Federal departments and agencies in activities relating to homeland security, including emergency management and agriculture and food defense, and provide for interagency coordination and data sharing;

"(4)(A) coordinate in the Department the gathering of information relevant to early warning and awareness of threats and risks to the food and agriculture critical infrastructure sector; and

"(B) share that information with, and provide assistance with interpretation and risk characterization of that information to, the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and State fusion centers (as defined in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j));

"(5) liaise with the Director of National Intelligence to assist in the development of periodic assessments and intelligence estimates, or other intelligence products, that support the defense of the food and agriculture critical infrastructure sector;

"(6) coordinate the conduct, evaluation, and improvement of exercises to identify and eliminate gaps in preparedness and response;

"(7) produce a Department-wide centralized strategic coordination plan to provide a high-level perspective of the operations of the Department relating to homeland security, including emergency management and agriculture and food defense; and

"(8) carry out other appropriate duties, as determined by the Secretary.

"(e) AGRICULTURE AND FOOD THREAT AWARENESS PARTNERSHIP PROGRAM.—

"(1) INTERAGENCY EXCHANGE PROGRAM.—The Secretary, in partnership with the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) and fusion centers (as defined in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)) that have analysis and intelligence capabilities relating to the defense of the food and agriculture critical infrastructure sector, shall establish and carry out an interagency exchange program of personnel and information to improve communication and analysis for

the defense of the food and agriculture critical infrastructure sector.

"(2) COLLABORATION WITH FEDERAL, STATE, AND LOCAL AUTHORITIES.—To carry out the program established under paragraph (1), the Secretary may—

"(A) enter into 1 or more cooperative agreements or contracts with Federal, State, or local authorities that have analysis and intelligence capabilities and expertise relating to the defense of the food and agriculture critical infrastructure sector; and

"(B) carry out any other activity under any other authority of the Secretary that is appropriate to engage the authorities described in subparagraph (A) for the defense of the food and agriculture critical infrastructure sector, as determined by the Secretary.".

7 USC 8914.

SEC. 12203. AGRICULTURE AND FOOD DEFENSE.

(a) DEFINITIONS.—In this section:

(1) ANIMAL.—The term "animal" has the meaning given the term in section 10403 of the Animal Health Protection Act (7 U.S.C. 8302).

(2) DISEASE OR PEST OF CONCERN.—The term "disease or pest of concern" means a plant or animal disease or pest that—

(A) is—

(i) a transboundary disease; or

(ii) an established disease; and

(B) is likely to pose a significant risk to the food and agriculture critical infrastructure sector that warrants efforts at prevention, protection, mitigation, response, and recovery.

(3) ESTABLISHED DISEASE.—The term "established disease" means a plant or animal disease or pest that—

(A)(i) if it becomes established, poses an imminent threat to agriculture in the United States; or

(ii) has become established, as defined by the Secretary, within the United States; and

(B) requires management.

(4) HIGH-CONSEQUENCE PLANT TRANSBOUNDARY DISEASE.—The term "high-consequence plant transboundary disease" means a transboundary disease that is—

(A)(i) a plant disease; or

(ii) a plant pest; and

(B) of high consequence, as determined by the Secretary.

(5) PEST.—The term "pest"—

(A) with respect to a plant, has the meaning given the term "plant pest" in section 403 of the Plant Protection Act (7 U.S.C. 7702); and

(B) with respect to an animal, has the meaning given the term in section 10403 of the Animal Health Protection Act (7 U.S.C. 8302).

(6) PLANT.—The term "plant" has the meaning given the term in section 403 of the Plant Protection Act (7 U.S.C. 7702).

(7) PLANT HEALTH MANAGEMENT STRATEGY.—The term "plant health management strategy" means a strategy to timely control and eradicate a plant disease or plant pest outbreak,

including through mitigation (such as chemical control), surveillance, the use of diagnostic products and procedures, and the use of existing resistant seed stock.

(8) TRANSBOUNDARY DISEASE.—

(A) IN GENERAL.—The term "transboundary disease" means a plant or animal disease or pest that is within 1 or more countries outside of the United States.

(B) INCLUSION.—The term "transboundary disease" includes a plant or animal disease or pest described in subparagraph (A) that—

(i) has emerged within the United States; or

(ii) has been introduced within the United States.

(9) VETERINARY COUNTERMEASURE.—The term "veterinary countermeasure" has the meaning given such term in section 10403 of the Animal Health Protection Act (7 U.S.C. 8302).

(b) DISEASE OR PEST OF CONCERN RESPONSE PLANNING.—

(1) IN GENERAL.—The Secretary shall—

(A) establish a list of diseases or pests of concern by—

(i) developing a process to solicit and receive expert opinion and evidence relating to the diseases or pests of concern entered on the list; and

(ii) reviewing all available evidence relating to the diseases or pests of concern entered on the list, including classified information; and

(B) periodically update the list established under subparagraph (A).

(2) RESPONSE PLANS.—

(A) COMPREHENSIVE STRATEGIC RESPONSE PLAN OR PLANS.—The Secretary shall develop, in collaboration with appropriate Federal, State, regional, and local officials, a comprehensive strategic response plan or plans, as appropriate, for the diseases or pests of concern that are entered on the list established under paragraph (1).

(B) STATE OR REGION RESPONSE PLAN OR PLANS.—The Secretary shall provide information to a State or region to assist in producing a response plan or plans that shall include a concept of operations for a disease or pest of concern or a platform concept of operations for responses to similar diseases or pests of concern that are determined to be a priority to the State or region that shall, as appropriate—

(i) describe the appropriate interactions among, and roles of—

(I) Federal, State, Tribal, and units of local government; and

(II) plant or animal industry partners;

(ii) include a decision matrix or dynamic decision modeling tools that, as appropriate, include—

(I) information and timing requirements necessary for the use of veterinary countermeasures;

(II) plant health management strategies;

(III) deployment of other key materials and resources; and

(IV) parameters for transitioning from outbreak response to disease management;

(iii) identify key response performance metrics to establish—

(I) benchmarking to provide assessments of capabilities, capacity, and readiness to achieve response goals and objectives;

(II) progressive exercise evaluation; and

(III) continuing improvement of a response plan, including by providing for—

(aa) ongoing exercises;

(bb) improvement planning and the implementation of corrective actions to enhance a response plan over time; and

(cc) strategic information to guide investment in any appropriate research to mitigate the risk of a disease or pest of concern; and

(iv) be updated periodically, including in response to—

(I) an exercise evaluation; or

(II) new risk information becoming available regarding a disease or pest of concern.

(3) COORDINATION OF PLANS.—Pursuant to section 221(d)(6) of the Department of Agriculture Reorganization Act of 1994, as added by section 12202, the Secretary shall, as appropriate, assist in coordinating with other appropriate Federal, State, regional, or local officials in the exercising of the plans developed under paragraph (2).

(c) NATIONAL PLANT DIAGNOSTIC NETWORK.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Agriculture a National Plant Diagnostic Network to monitor and surveil through diagnostics threats to plant health from diseases or pests of concern in the United States.

(2) REQUIREMENTS.—The National Plant Diagnostic Network established under paragraph (1) shall—

(A) provide for increased awareness, surveillance, early identification, rapid communication, warning, and diagnosis of a threat to plant health from a disease or pest of concern to protect natural and agricultural plant resources;

(B) coordinate and collaborate with agencies of the Department of Agriculture and State agencies and authorities involved in plant health;

(C) establish diagnostic laboratory standards;

(D) establish regional hubs throughout the United States that provide expertise, leadership, and support to diagnostic labs relating to the agricultural crops and plants in the covered regions of those hubs; and

(E) establish a national repository for records of endemic or emergent diseases and pests of concern.

(3) HEAD OF NETWORK.—

(A) IN GENERAL.—The Director of the National Institute of Food and Agriculture shall serve as the head of the National Plant Diagnostic Network.

(B) DUTIES.—The head of the National Plant Diagnostic Network shall—

(i) coordinate and collaborate with land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and

Teaching Policy Act of 1977 (7 U.S.C. 3103)) in carrying out the requirements under paragraph (2), including through cooperative agreements described in paragraph (4);

(ii) partner with the Administrator of the Animal and Plant Health Inspection Service for assistance with plant health regulation and inspection; and

(iii) coordinate with other Federal agencies, as appropriate, in carrying out activities relating to the National Plant Diagnostic Network, including the sharing of biosurveillance information.

(4) COLLABORATION WITH LAND-GRANT COLLEGES AND UNIVERSITIES.—The Secretary shall seek to establish cooperative agreements with land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) that have the appropriate level of skill, experience, and competence with plant diseases or pests of concern.

(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized to carry out this subtitle under section 12205, there is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2019 through 2023.

(d) NATIONAL PLANT DISEASE RECOVERY SYSTEM.—

(1) RECOVERY SYSTEM.—The Secretary shall establish in the Department of Agriculture a National Plant Disease Recovery System to engage in strategic long-range planning to recover from high-consequence plant transboundary diseases.

(2) REQUIREMENTS.—The National Plant Disease Recovery System established under paragraph (1) shall—

(A) coordinate with disease or pest of concern concept of operations response plans;

(B) make long-range plans for the initiation of future research projects relating to high-consequence plant transboundary diseases;

(C) establish research plans for long-term recovery;

(D) plan for the identification and use of specific genotypes, cultivars, breeding lines, and other disease-resistant materials necessary for crop stabilization or improvement; and

(E) establish a watch list of high-consequence plant transboundary diseases for the purpose of making long-range plans under subparagraph (B).

SEC. 12204. BIOLOGICAL AGENTS AND TOXINS LIST.

Section 212(a)(1)(B)(i) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401(a)(1)(B)(i)) is amended—

(1) in subclause (III), by striking "and" at the end;

(2) by redesignating subclause (IV) as subclause (V); and

(3) by inserting after subclause (III) the following:

"(IV)(aa) whether such inclusion would have a substantial negative impact on the research and development of solutions for the animal or plant disease caused by the agent or toxin; and

"(bb) whether the negative impact described in item (aa) would substantially outweigh the risk

posed by the agent or toxin to animal or plant health if it is not included on the list; and".

SEC. 12205. AUTHORIZATION OF APPROPRIATIONS.

In addition to other amounts made available under this subtitle, there is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2019 through 2023.

Subtitle C—Historically Underserved Producers

SEC. 12301. FARMING OPPORTUNITIES TRAINING AND OUTREACH.

(a) REPEAL.—

(1) IN GENERAL.—Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 226B(e)(2)(B) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(e)(2)(B)) is amended by striking "the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f)." and inserting "the beginning farmer and rancher development grant program established under subsection (d) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279).".

(B) Section 251(f)(1)(D) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(D)) is amended by striking clause (iv) and inserting the following:

"(iv) The beginning farmer and rancher development grant program established under subsection (d) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279).".

(C) Section 7506(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614c(e)) is amended—

(i) in paragraph (2)(C)—

(I) by striking clause (v);

(II) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(III) by inserting before clause (ii) (as so redesignated) the following:

"(i) each grant and cooperative agreement awarded under subsection (d) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);";

(IV) in clause (ii) (as so redesignated), by striking "450i(b)(2));" and inserting "3157(b)(2));"; and

(V) in clause (iv) (as so redesignated), by adding "and" at the end; and

(ii) in paragraph (4)—

(I) by striking subparagraph (E);

(II) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(III) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) subsection (d) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);";

(IV) in subparagraph (B) (as so redesignated), by striking "450i(b));" and inserting "3157(b));";

(V) in subparagraph (D) (as so redesignated), by adding "or" at the end; and

(VI) in subparagraph (E) (as so redesignated), by striking "; or" and inserting a period.

(b) OUTREACH AND EDUCATION FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS, VETERAN FARMERS AND RANCHERS, AND BEGINNING FARMERS AND RANCHERS.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) by striking the section heading and inserting "**FARMING OPPORTUNITIES TRAINING AND OUTREACH**";

(2) by redesignating subsection (i) as paragraph (5) (and moving the margins of such paragraph 2 ems to the right) and moving such paragraph (as so redesignated) so as to follow subsection (a)(4);

(3) by redesignating subsections (a) (as amended by paragraph (2)), (b), (c), (d), (e), (g), and (h) as subsections (c), (g), (k), (h), (a), (i), and (j), respectively, and moving the subsections so as to appear in alphabetical order;

(4) by moving paragraph (5) of subsection (a) (as so redesignated) so as to appear at the end of subsection (c) (as so redesignated) and redesignating such paragraph as paragraph (6);

(5) in subsection (a) (as so redesignated)—

(A) by striking the subsection designation and heading and inserting the following:

"(a) DEFINITIONS.—In this section:";

(B) by redesignating paragraphs (1), (2), (3), (4), and (6) as paragraphs (6), (5), (1), (3), and (4), respectively, and moving the paragraphs so as to appear in numerical order;

(C) in paragraphs (1), (5), and (6) (as so redesignated), by striking "As used in this section, the" each place it appears and inserting "The";

(D) in paragraph (1) (as so redesignated)—

(i) in the paragraph heading, by striking "AGRICULTURE" and inserting "AGRICULTURAL"; and

(ii) in the matter preceding subparagraph (A), by striking "agriculture" and inserting "agricultural"; and

(E) by inserting after paragraph (1) (as so redesignated) the following:

"(2) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' means a person that—

"(A)(i) has not operated a farm or ranch; or

"(ii) has operated a farm or ranch for not more than 10 years; and

"(B) meets such other criteria as the Secretary may establish.";

(6) by inserting after subsection (a) (as so redesignated) the following:

"(b) FARMING OPPORTUNITIES TRAINING AND OUTREACH.—The Secretary shall carry out this section to encourage and assist socially disadvantaged farmers and ranchers, veteran farmers and ranchers, and beginning farmers and ranchers in the ownership and operation of farms and ranches through—

"(1) education and training; and

"(2) equitable participation in all agricultural programs of the Department.";

(7) in subsection (c) (as so redesignated and as amended by paragraph (4))—

(A) in the subsection heading, by inserting "FOR SOCIALLY DISADVANTAGED AND VETERAN FARMERS AND RANCHERS" after "ASSISTANCE";

(B) by striking paragraph (4);

(C) by redesignating paragraphs (1), (2), (3), and (6) as paragraphs (2), (3), (4), and (1), respectively, and moving the paragraphs so as to appear in numerical order;

(D) in paragraph (1) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "The term" and inserting "In this subsection, the term";

(ii) in subparagraph (A)(ii), by striking "subsection (a)" and inserting "this subsection"; and

(iii) in subparagraph (F), by striking "450b))" and inserting "5304))";

(E) in paragraph (2) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "The Secretary of Agriculture shall carry out" and inserting "Using funds made available under subsection (l), the Secretary of Agriculture shall, for the period of fiscal years 2019 through 2023, carry out"; and

(ii) in subparagraph (B), by striking "agricultural" and inserting "agricultural, forestry, and related";

(iii) by striking "agricultural" and inserting "agricultural, forestry, and related";

(F) in paragraph (3) (as so redesignated), by striking "(1)" in the matter preceding subparagraph (A) and inserting "(2)"; and

(G) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A)—

(I) by striking the subparagraph heading and inserting "OUTREACH AND TECHNICAL ASSISTANCE.—";

(II) by striking "(2)" and inserting "(3)"; and

(III) by inserting "to socially disadvantaged farmers and ranchers and veteran farmers and ranchers" after "assistance";

(ii) in subparagraph (C), by striking "(1)" and inserting "(2)";

(iii) in subparagraph (D), by adding at the end the following:

"(v) The number of farms or ranches started, maintained, or improved as a result of funds made available under the program.

"(vi) Actions taken by the Secretary in partnership with eligible entities to enhance participation in agricultural programs by veteran farmers or ranchers and socially disadvantaged farmers or ranchers.

"(vii) The effectiveness of the actions described in clause (vi)."; and

(iv) by adding at the end the following:

"(E) MAXIMUM TERM AND AMOUNT OF GRANT, CONTRACT, OR AGREEMENT.—A grant, contract, or agreement entered into under subparagraph (A) shall be—

"(i) for a term of not longer than 3 years; and

"(ii) in an amount that is not more than $250,000 for each year of the grant, contract, or agreement.

"(F) PRIORITY.—In making grants and entering into contracts and other agreements under subparagraph (A), the Secretary shall give priority to nongovernmental and community-based organizations with an expertise in working with socially disadvantaged farmers and ranchers or veteran farmers and ranchers.

"(G) REGIONAL BALANCE.—To the maximum extent practicable, the Secretary shall ensure the geographical diversity of eligible entities to which grants are made and contracts and other agreements are entered into under subparagraph (A).

"(H) PROHIBITION.—A grant, contract, or other agreement under subparagraph (A) may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

"(I) PEER REVIEW.—The Secretary shall establish a fair and efficient external peer review process that—

"(i) the Secretary shall use in making grants and entering into contracts and other agreements under subparagraph (A); and

"(ii) shall include a broad representation of peers of the eligible entity.

"(J) INPUT FROM ELIGIBLE ENTITIES.—The Secretary shall seek input from eligible entities providing technical assistance under this subsection not less than once each year to ensure that the program is responsive to the eligible entities providing that technical assistance.";

(8) by inserting after subsection (c) (as so redesignated) the following:

"(d) BEGINNING FARMER AND RANCHER DEVELOPMENT GRANT PROGRAM.—

"(1) IN GENERAL.—Using funds made available under subsection (l), the Secretary, acting through the Director of the National Institute of Food and Agriculture, shall, for the period of fiscal years 2019 through 2023, make competitive grants or enter into cooperative agreements to support new and established local and regional training, education, outreach, and technical assistance initiatives to increase opportunities for beginning farmers and ranchers.

"(2) INCLUDED PROGRAMS AND SERVICES.—Initiatives described in paragraph (1) may include programs or services, as appropriate, relating to—

"(A) basic livestock, forest management, and crop farming practices;

"(B) innovative farm, ranch, and private, nonindustrial forest land transfer and succession strategies;

"(C) entrepreneurship and business training;

"(D) technical assistance to help beginning farmers or ranchers acquire land from retiring farmers and ranchers;

"(E) financial and risk management training, including the acquisition and management of agricultural credit;

"(F) natural resource management and planning;

"(G) diversification and marketing strategies;

"(H) curriculum development;

"(I) mentoring, apprenticeships, and internships;

"(J) resources and referral;

"(K) farm financial benchmarking;

"(L) agricultural rehabilitation and vocational training for veteran farmers and ranchers;

"(M) farm safety and awareness;

"(N) food safety and recordkeeping; and

"(O) other similar subject areas of use to beginning farmers and ranchers.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—To be eligible to receive a grant or enter into a cooperative agreement under this subsection, the recipient of the grant or participant in the cooperative agreement shall be a collaborative State, Tribal, local, or regionally-based network or partnership of public or private entities.

"(B) INCLUSIONS.—A recipient of a grant or a participant that enters into a cooperative agreement described in subparagraph (A) may include—

"(i) a State cooperative extension service;

"(ii) a Federal, State, municipal, or Tribal agency;

"(iii) a community-based or nongovernmental organization;

"(iv) a college or university (including an institution awarding an associate's degree) or foundation maintained by a college or university; or

"(v) any other appropriate partner, as determined by the Secretary.

"(4) TERMS OF GRANTS OR COOPERATIVE AGREEMENT.—A grant or cooperative agreement under this subsection shall—

"(A) be for a term of not longer than 3 years; and

"(B) provide not more than $250,000 for each year.

"(5) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible to receive a grant or enter into a cooperative agreement under this subsection, a recipient or participant shall provide a match in the form of cash or in-kind contributions in an amount equal to 25 percent of the funds provided by the grant or cooperative agreement.

"(B) EXCEPTION.—The Secretary may waive or reduce the matching requirement in subparagraph (A) if the Secretary determines such a waiver or modification is necessary to effectively reach an underserved area or population.

"(6) EVALUATION CRITERIA.—In making grants or entering into cooperative agreements under this subsection, the Secretary shall evaluate, with respect to applications for the grants or cooperative agreements—

"(A) relevancy;

"(B) technical merit;

"(C) achievability;

"(D) the expertise and track record of 1 or more applicants;

"(E) the consultation of beginning farmers and ranchers in design, implementation, and decisionmaking relating to an initiative described in paragraph (1);

"(F) the adequacy of plans for—

"(i) a participatory evaluation process;

"(ii) outcome-based reporting; and

"(iii) the communication of findings and results beyond the immediate target audience; and

"(G) other appropriate factors, as determined by the Secretary.

"(7) REGIONAL BALANCE.—To the maximum extent practicable, the Secretary shall ensure the geographical diversity of recipients of grants or participants in cooperative agreements under this subsection.

"(8) PRIORITY.—In making grants or entering into cooperative agreements under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental, community-based organizations and school-based educational organizations with expertise in new agricultural producer training and outreach.

"(9) PROHIBITION.—A grant made or cooperative agreement entered into under this subsection may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

"(10) COORDINATION PERMITTED.—A recipient of a grant or participant in a cooperative agreement under this subsection may coordinate with a recipient of a grant or cooperative agreement under section 1680 in addressing the needs of veteran farmers and ranchers with disabilities.

"(11) CONSECUTIVE AWARDS.—A grant or cooperative agreement under this subsection may be made to a recipient or participant for consecutive years.

"(12) PEER REVIEW.—

"(A) IN GENERAL.—The Secretary shall establish a fair and efficient external peer review process, which the Secretary shall use in making grants or entering into cooperative agreements under this subsection.

"(B) REQUIREMENT.—The peer review process under subparagraph (A) shall include a review panel composed of a broad representation of peers of the applicant for the grant or cooperative agreement that are not applying for a grant or cooperative agreement under this subsection.

"(13) PARTICIPATION BY OTHER FARMERS AND RANCHERS.—Nothing in this subsection prohibits the Secretary from allowing a farmer or rancher who is not a beginning farmer or rancher (including an owner or operator that has ended, or expects to end within 5 years, active labor in a farming or ranching operation as a producer, retiring farmers, and non-farming

landowners) from participating in a program or service under this subsection, to the extent that the Secretary determines that such participation—

"(A) is appropriate; and

"(B) will not detract from the primary purpose of increasing opportunities for beginning farmers and ranchers.

"(14) EDUCATION TEAMS.—

"(A) IN GENERAL.—The Secretary shall establish beginning farmer and rancher education teams to develop curricula, conduct educational programs and workshops for beginning farmers and ranchers in diverse geographical areas of the United States, or provide training and technical assistance initiatives for beginning farmers or ranchers or for trainers and service providers that work with beginning farmers or ranchers.

"(B) CURRICULUM.—In promoting the development of curricula, educational programs and workshops, or training and technical assistance initiatives under subparagraph (A), the Secretary shall, to the maximum extent practicable, include content tailored to specific audiences of beginning farmers and ranchers, based on crop diversity or regional diversity.

"(C) COMPOSITION.—In establishing an education team under subparagraph (A) for a specific program or workshop, the Secretary shall, to the maximum extent practicable—

"(i) obtain the short-term services of specialists with knowledge and expertise in programs serving beginning farmers and ranchers; and

"(ii) use officers and employees of the Department with direct experience in programs of the Department that may be taught as part of the curriculum for the program or workshop.

"(D) COOPERATION.—

"(i) IN GENERAL.—In carrying out this subsection, the Secretary shall cooperate, to the maximum extent practicable, with—

"(I) State cooperative extension services;

"(II) Federal, State, and Tribal agencies;

"(III) community-based and nongovernmental organizations;

"(IV) colleges and universities (including an institution awarding an associate's degree) or foundations maintained by a college or university; and

"(V) other appropriate partners, as determined by the Secretary.

"(ii) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement to reflect the terms of any cooperation under subparagraph (A).

"(15) CURRICULUM AND TRAINING CLEARINGHOUSE.—The Secretary shall establish an online clearinghouse that makes available to beginning farmers and ranchers education curricula and training materials and programs, which may include online courses for direct use by beginning farmers and ranchers.

"(e) APPLICATION REQUIREMENTS.—In making grants and entering into contracts and other agreements, as applicable, under

subsections (c) and (d), the Secretary shall make available a simplified application process for an application for a grant that requests less than $50,000.";

(9) by striking subsection (f) and inserting the following:

"(f) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall seek stakeholder input from—

"(1) beginning farmers and ranchers;

"(2) socially disadvantaged farmers and ranchers;

"(3) veteran farmers and ranchers;

"(4) national, State, Tribal, and local organizations and other persons with expertise in operating programs for—

"(A) beginning farmers and ranchers;

"(B) socially disadvantaged farmers and ranchers; or

"(C) veteran farmers and ranchers;

"(5) the Advisory Committee on Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102–554);

"(6) the Advisory Committee on Minority Farmers established under section 14008 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2279 note; Public Law 110–246); and

"(7) the Tribal Advisory Committee established under subsection (b) of section 309 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6921).";

(10) in paragraph (3) of subsection (h) (as so redesignated), by inserting "and not later than March 1, 2020," after "1991,"; and

(11) by adding at the end the following:

"(l) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) $30,000,000 for each of fiscal years 2019 and 2020;

"(B) $35,000,000 for fiscal year 2021;

"(C) $40,000,000 for fiscal year 2022; and

"(D) $50,000,000 for fiscal year 2023 and each fiscal year thereafter.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2019 through 2023.

"(3) RESERVATION OF FUNDS.—Of the amounts made available to carry out this section—

"(A) 50 percent shall be used to carry out subsection (c); and

"(B) 50 percent shall be used to carry out subsection (d).

"(4) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—Not less than 5 percent of the amounts made available to carry out subsection (d) for a fiscal year shall be used to support programs and services that address the needs of—

"(i) limited resource beginning farmers and ranchers, as defined by the Secretary;

"(ii) socially disadvantaged farmers and ranchers that are beginning farmers and ranchers; and

"(iii) farmworkers desiring to become farmers or ranchers.

"(B) VETERAN FARMERS AND RANCHERS.—Not less than 5 percent of the amounts made available to carry out subsection (d) for a fiscal year shall be used to support programs and services that address the needs of veteran farmers and ranchers.

"(5) INTERAGENCY FUNDING.—Any agency of the Department may participate in any grant, contract, or agreement entered into under this section by contributing funds, if the contributing agency determines that the objectives of the grant, contract, or agreement will further the authorized programs of the contributing agency.

"(6) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available to carry out this section for a fiscal year may be used for expenses relating to the administration of this section.

"(7) LIMITATION ON INDIRECT COSTS.—A recipient of a grant or a party to a contract or other agreement under subsection (c) or (d) may not use more than 10 percent of the funds received for the indirect costs of carrying out a grant, contract, or other agreement.".

SEC. 12302. URBAN AGRICULTURE.

Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6911 et seq.) (as amended by section 12202) is amended by adding at the end the following:

7 USC 6923.

"SEC. 222. OFFICE OF URBAN AGRICULTURE AND INNOVATIVE PRODUCTION.

"(a) OFFICE.—

"(1) IN GENERAL.—The Secretary shall establish in the Department an Office of Urban Agriculture and Innovative Production.

"(2) DIRECTOR.—The Secretary shall appoint a senior official to serve as the Director of the Office of Urban Agriculture and Innovative Production (referred to in this section as the 'Director').

"(3) MISSION.—The mission of the Office of Urban Agriculture and Innovative Production shall be to encourage and promote urban, indoor, and other emerging agricultural practices, including—

"(A) community gardens and farms located in urban areas, suburbs, and urban clusters;

"(B) rooftop farms, outdoor vertical production, and green walls;

"(C) indoor farms, greenhouses, and high-tech vertical technology farms;

"(D) hydroponic, aeroponic, and aquaponic farm facilities; and

"(E) other innovations in agricultural production, as determined by the Secretary.

"(4) RESPONSIBILITIES.—The Director shall be responsible for engaging in activities to carry out the mission described in paragraph (3), including by—

"(A) managing programs, including for community gardens, urban farms, rooftop agriculture, and indoor vertical production;

"(B) advising the Secretary;

"(C) coordinating with the agencies and officials of the Department to update relevant programs;

"(D) engaging in stakeholder relations and developing external partnerships;

"(E) identifying common State and municipal best practices for navigating local policies;

"(F) coordinating networks of community gardens and facilitating connections to local food banks, in partnership with the Food and Nutrition Service; and

"(G) collaborating with other Federal agencies.

"(b) URBAN AGRICULTURE AND INNOVATIVE PRODUCTION ADVISORY COMMITTEE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish an Urban Agriculture and Innovative Production Advisory Committee (referred to in this subsection as the 'Committee') to advise the Secretary on—

"(A) the development of policies and outreach relating to urban, indoor, and other emerging agricultural production practices; and

"(B) any other aspects of the implementation of this section.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Committee shall be composed of 12 members, of whom—

"(i) 4 shall be individuals who are agricultural producers, of whom—

"(I) 2 individuals shall be agricultural producers located in an urban area or urban cluster; and

"(II) 2 individuals shall be farmers that use innovative technology;

"(ii) 2 shall be representatives from an institution of higher education or extension program;

"(iii) 1 shall be an individual who represents a nonprofit organization, which may include a public health, environmental, or community organization;

"(iv) 1 shall be an individual who represents business and economic development, which may include a business development entity, a chamber of commerce, a city government, or a planning organization;

"(v) 1 shall be an individual with supply chain experience, which may include a food aggregator, wholesale food distributor, food hub, or an individual who has direct-to-consumer market experience;

"(vi) 1 shall be an individual from a financing entity; and

"(vii) 2 shall be individuals with related experience or expertise in urban, indoor, and other emerging agriculture production practices, as determined by the Secretary.

"(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the members of the Committee not later than 180 days after the date of enactment of this section.

"(3) PERIOD OF APPOINTMENT; VACANCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Committee shall be appointed for a term of 3 years.

"(B) INITIAL APPOINTMENTS.—Of the members first appointed to the Committee—

"(i) 4 of the members, as determined by the Secretary, shall be appointed for a term of 3 years;

"(ii) 4 of the members, as determined by the Secretary, shall be appointed for a term of 2 years; and

"(iii) 4 of the members, as determined by the Secretary, shall be appointed for a term of 1 year.

"(C) VACANCIES.—Any vacancy in the Committee—

"(i) shall not affect the powers of the Committee; and

"(ii) shall be filled as soon as practicable in the same manner as the original appointment.

"(D) CONSECUTIVE TERMS.—An initial appointee of the committee may serve an additional consecutive term if the member is reappointed by the Secretary.

"(4) MEETINGS.—

"(A) FREQUENCY.—The Committee shall meet not fewer than 3 times per year.

"(B) INITIAL MEETING.—Not later than 180 days after the date on which the members are appointed under paragraph (2)(B), the Committee shall hold the first meeting of the Committee.

"(5) DUTIES.—

"(A) IN GENERAL.—The Committee shall—

"(i) develop recommendations and advise the Director on policies, initiatives, and outreach administered by the Office of Urban Agriculture and Innovative Production;

"(ii) evaluate and review ongoing research and extension activities relating to urban, indoor, and other innovative agricultural practices;

"(iii) identify new and existing barriers to successful urban, indoor, and other emerging agricultural production practices; and

"(iv) provide additional assistance and advice to the Director as appropriate.

"(B) REPORTS.—Not later than 1 year after the date on which the Committee is established, and every 2 years through 2023, the Committee shall submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the recommendations developed under subparagraph (A).

"(6) PERSONNEL MATTERS.—

"(A) COMPENSATION.—A member of the Committee shall serve without compensation.

"(B) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

"(7) TERMINATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Committee shall terminate on the date that is 5 years

after the date on which the members are appointed under paragraph (2)(B).

"(B) EXTENSIONS.—Before the date on which the Committee terminates, the Secretary may renew the Committee for 1 or more 2-year periods.

"(c) GRANTS.—The Director shall award competitive grants to support the development of urban agriculture and innovative production to any of the following eligible entities:

"(1) A nonprofit organization.

"(2) A unit of local government.

"(3) A Tribal government.

"(4) Any school that serves any of grades kindergarten through grade 12.

"(d) PILOT PROJECTS.—

"(1) URBAN AND SUBURBAN COUNTY COMMITTEES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a pilot program for not fewer than 5 years that establishes 10 county committees in accordance with section 8(b)(5)(B)(ii)(II) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(ii)(II)) to operate in counties located in urban or suburban areas with a high concentration of urban or suburban farms.

"(B) EFFECT.—Nothing in this paragraph requires or precludes the establishment of a Farm Service Agency office in a county in which a county committee is established under subparagraph (A).

"(C) REPORT.—For fiscal year 2019 and each fiscal year thereafter through fiscal year 2023, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing a summary of—

"(i) the status of the pilot program under subparagraph (A);

"(ii) meetings and other activities of the committees established under that subparagraph; and

"(iii) the types and volume of assistance and services provided to farmers in counties in which county committees are established under that subparagraph.

"(2) INCREASING COMMUNITY COMPOST AND REDUCING FOOD WASTE.—

"(A) IN GENERAL.—The Secretary, acting through the Director, shall carry out pilot projects under which the Secretary shall offer to enter into cooperative agreements with local or municipal governments in not fewer than 10 States to develop and test strategies for planning and implementing municipal compost plans and food waste reduction plans.

"(B) ELIGIBLE ENTITIES AND PURPOSES OF PILOT PROJECTS.—Under a cooperative agreement entered into under this paragraph, the Secretary shall provide assistance to municipalities, counties, local governments, or city planners, as appropriate, to carry out planning and implementing activities that will—

"(i) generate compost;

"(ii) increase access to compost for agricultural producers;

"(iii) reduce reliance on, and limit the use of, fertilizer;

"(iv) improve soil quality;

"(v) encourage waste management and permaculture business development;

"(vi) increase rainwater absorption;

"(vii) reduce municipal food waste; and

"(viii) divert food waste from landfills.

"(C) EVALUATION AND RANKING OF APPLICATIONS.—

"(i) CRITERIA.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish criteria for the selection of pilot projects under this paragraph.

"(ii) CONSIDERATION.—In selecting, undertaking, or funding pilot projects under this paragraph, the Secretary shall consider any commonly known significant impact on existing food waste recovery and disposal by commercial, marketing, or business relationships.

"(iii) PRIORITY.—In selecting a pilot project under this paragraph, the Secretary shall give priority to an application for a pilot project that—

"(I) anticipates or demonstrates economic benefits;

"(II) incorporates plans to make compost easily accessible to agricultural producers, including community gardeners;

"(III) integrates other food waste strategies, including food recovery efforts; and

"(IV) provides for collaboration with multiple partners.

"(D) MATCHING REQUIREMENT.—The recipient of assistance for a pilot project under this paragraph shall provide funds, in-kind contributions, or a combination of both from sources other than funds provided through the grant in an amount equal to not less than 25 percent of the amount of the grant.

"(E) EVALUATION.—The Secretary shall conduct an evaluation of the pilot projects funded under this paragraph to assess different solutions for increasing access to compost and reducing municipal food waste, including an evaluation of—

"(i) the amount of Federal funds used for each project; and

"(ii) a measurement of the outcomes of each project.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and the amendments made by this section $25,000,000 for each of fiscal years 2019 through 2023.".

SEC. 12303. TRIBAL ADVISORY COMMITTEE.

Section 309 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6921) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) TRIBAL ADVISORY COMMITTEE.—

"(1) DEFINITIONS.—In this subsection:

"(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(B) RELEVANT COMMITTEES OF CONGRESS.—The term 'relevant committees of Congress' means—

"(i) the Committee on Agriculture of the House of Representatives;

"(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

"(iii) the Committee on Indian Affairs of the Senate.

"(C) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(2) ESTABLISHMENT OF COMMITTEE.—

"(A) IN GENERAL.—The Secretary shall establish an advisory committee, to be known as the Tribal Advisory Committee (referred to in this subsection as the 'Committee') to provide advice and guidance to the Secretary on matters relating to Tribal and Indian affairs.

"(B) FACILITATION.—The Committee shall facilitate, but not supplant, government-to-government consultation between the Department of Agriculture (referred to in this subsection as the 'Department') and Indian tribes.

"(3) MEMBERSHIP.—

"(A) COMPOSITION.—The Committee shall be composed of 11 members, of whom—

"(i) 3 shall be appointed by the Secretary;

"(ii) 1 shall be appointed by the chairperson of the Committee on Indian Affairs of the Senate;

"(iii) 1 shall be appointed by the ranking member of the Committee on Indian Affairs of the Senate;

"(iv) 1 shall be appointed by the chairperson of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(v) 1 shall be appointed by the ranking member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(vi) 2 shall be appointed by the chairperson of the Committee on Agriculture of the House of Representatives; and

"(vii) 2 shall be appointed by the ranking member of the Committee on Agriculture of the House of Representatives.

"(B) NOMINATIONS.—The Secretary shall accept nominations for members of the Committee from any of the following:

"(i) An Indian tribe.

"(ii) A tribal organization.

"(iii) A national or regional organization with expertise in issues relating to the duties of the Committee described in paragraph (4).

"(C) DIVERSITY.—To the maximum extent feasible, the Secretary shall ensure that the members of the Committee represent a diverse set of expertise on issues relating to geographic regions, Indian tribes, and the agricultural industry.

"(D) LIMITATION.—No member of the Committee shall be an officer or employee of the Federal Government.

"(E) PERIOD OF APPOINTMENT; VACANCIES.—

"(i) IN GENERAL.—Each member of the Committee—

"(I) subject to clause (ii), shall be appointed to a 3-year term; and

"(II) may be reappointed to not more than 3 consecutive terms.

"(ii) INITIAL STAGGERING.—The first 3 appointments by the Secretary under paragraph (3)(A)(i) shall be for a 2-year term.

"(iii) VACANCIES.—Any vacancy in the Committee shall be filled in the same manner as the original appointment not more than 90 days after the date on which the position becomes vacant.

"(F) MEETINGS.—

"(i) IN GENERAL.—The Committee shall meet in person not less than twice each year.

"(ii) OFFICE OF TRIBAL RELATIONS REPRESENTATIVE.—Not fewer than 1 representative from the Office of Tribal Relations of the Department shall be present at each meeting of the Committee.

"(iii) DEPARTMENT OF INTERIOR REPRESENTATIVE.—The Assistant Secretary for Indian Affairs of the Department of the Interior (or a designee) shall be present at each meeting of the Committee.

"(iv) NONVOTING REPRESENTATIVES.—The individuals described in clauses (ii) and (iii) shall be nonvoting representatives at meetings of the Committee.

"(4) DUTIES OF COMMITTEE.—The Committee shall—

"(A) identify evolving issues of relevance to Indian tribes relating to programs of the Department;

"(B) communicate to the Secretary the issues identified under subparagraph (A);

"(C) submit to the Secretary recommendations for, and solutions to—

"(i) the issues identified under subparagraph (A);

"(ii) issues raised at the Tribal, regional, or national level; and

"(iii) issues relating to any Tribal consultation carried out by the Department;

"(D) discuss issues and proposals for changes to the regulations, policies, and procedures of the Department that impact Indian tribes;

"(E) identify priorities and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional, or national level regarding the Department;

"(F) ensure that pertinent issues of the Department are brought to the attention of an Indian tribe in a timely

manner so that timely feedback from an Indian tribe can be obtained; and

"(G) identify and propose solutions to any interdepartmental barrier between the Department and other Federal agencies.

"(5) REPORTS.—

"(A) IN GENERAL.—Not less frequently than once each year, the Committee shall submit to the Secretary and the relevant committees of Congress a report that describes—

"(i) the activities of the Committee during the previous year; and

"(ii) recommendations for legislative or administrative action for the following year.

"(B) RESPONSE FROM SECRETARY.—Not more than 45 days after the date on which the Secretary receives a report under subparagraph (A), the Secretary shall submit a written response to that report to—

"(i) the Committee; and

"(ii) the relevant committees of Congress.

"(6) COMPENSATION OF MEMBERS.—Members of the Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

"(7) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.".

SEC. 12304. BEGINNING FARMER AND RANCHER COORDINATION.

Subtitle D of title VII of the Farm Security and Rural Investment Act of 2002 (as amended by sections 7506 and 12301(a)(1)) is further amended by inserting after section 7403 (7 U.S.C. 3119b note; Public Law 107–171) the following:

"SEC. 7404. BEGINNING FARMER AND RANCHER COORDINATION. 7 USC 6934a.

"(a) DEFINITIONS.—In this section:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given such term in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)).

"(2) NATIONAL COORDINATOR.—The term 'National Coordinator' means the National Beginning Farmer and Rancher Coordinator established under subsection (b)(1).

"(3) STATE COORDINATOR.—The term 'State coordinator' means a State beginning farmer and rancher coordinator designated under subsection (c)(1)(A).

"(4) STATE OFFICE.—The term 'State office' means—

"(A) a State office of—

"(i) the Farm Service Agency;

"(ii) the Natural Resources Conservation Service;

"(iii) the Rural Business-Cooperative Service; or

"(iv) the Rural Utilities Service; or

"(B) a regional office of the Risk Management Agency.

"(b) NATIONAL BEGINNING FARMER AND RANCHER COORDINATOR.—

"(1) ESTABLISHMENT.—The Secretary shall establish in the Department the position of National Beginning Farmer and Rancher Coordinator.

"(2) DUTIES.—

"(A) IN GENERAL.—The National Coordinator shall—

"(i) advise the Secretary and coordinate activities of the Department on programs, policies, and issues relating to beginning farmers and ranchers; and

"(ii) in consultation with the applicable State food and agriculture council, determine whether to approve a plan submitted by a State coordinator under subsection (c)(3)(B).

"(B) DISCRETIONARY DUTIES.—Additional duties of the National Coordinator may include—

"(i) developing and implementing new strategies—

"(I) for outreach to beginning farmers and ranchers; and

"(II) to assist beginning farmers and ranchers with connecting to owners or operators that have ended, or expect to end within 5 years, actively owning or operating a farm or ranch; and

"(ii) facilitating interagency and interdepartmental collaboration on issues relating to beginning farmers and ranchers.

"(3) REPORTS.—Not less frequently than once each year, the National Coordinator shall distribute within the Department and make publicly available a report describing the status of steps taken to carry out the duties described in subparagraphs (A) and (B) of paragraph (2).

"(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out the duties under paragraph (2), the National Coordinator may enter into a contract or cooperative agreement with an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), cooperative extension services (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), or a nonprofit organization—

"(A) to conduct research on the profitability of new farms in operation for not less than 5 years in a region;

"(B) to develop educational materials;

"(C) to conduct workshops, courses, training, or certified vocational training; or

"(D) to conduct mentoring activities.

"(c) STATE BEGINNING FARMER AND RANCHER COORDINATORS.—

"(1) IN GENERAL.—

"(A) DESIGNATION.—The National Coordinator, in consultation with State food and agriculture councils and directors of State offices, shall designate in each State a State beginning farmer and rancher coordinator from among employees of State offices.

"(B) REQUIREMENTS.—To be designated as a State coordinator, an employee shall—

"(i) be familiar with issues relating to beginning farmers and ranchers; and

"(ii) have the ability to coordinate with other Federal departments and agencies.

"(2) TRAINING.—The Secretary shall develop a training plan to provide to each State coordinator knowledge of programs and services available from the Department for beginning farmers and ranchers, taking into consideration the needs of all production types and sizes of agricultural operations.

"(3) DUTIES.—A State coordinator shall—

"(A) coordinate technical assistance at the State level to assist beginning farmers and ranchers in accessing programs of the Department;

"(B) develop and submit to the National Coordinator for approval under subsection (b)(2)(A)(ii) a State plan to improve the coordination, delivery, and efficacy of programs of the Department to beginning farmers and ranchers, taking into consideration the needs of all types of production methods and sizes of agricultural operation, at each county and area office in the State;

"(C) oversee implementation of an approved State plan described in subparagraph (B);

"(D) work with outreach coordinators in the State offices to ensure appropriate information about technical assistance is available at outreach events and activities; and

"(E) coordinate partnerships and joint outreach efforts with other organizations and government agencies serving beginning farmers and ranchers.".

SEC. 12305. AGRICULTURAL YOUTH ORGANIZATION COORDINATOR.

Subtitle D of title VII of the Farm Security and Rural Investment Act of 2002 (as amended by sections 7506, section 12301(a)(1), and 12304) is further amended by inserting after section 7404, as added by section 12304, the following:

"SEC. 7405. AGRICULTURAL YOUTH ORGANIZATION COORDINATOR. 7 USC 6934b.

"(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Agricultural Youth Organization Coordinator.

"(b) DUTIES.—The Agricultural Youth Organization Coordinator shall—

"(1) promote the role of youth-serving organizations and school-based agricultural education in motivating and preparing young people to pursue careers in the agriculture, food, and natural resources systems;

"(2) work to help build youth awareness of the reach and importance of agriculture, across a diversity of fields and disciplines;

"(3) identify short-term and long-term interests of the Department and provide opportunities, resources, input, and coordination with programs and agencies of the Department to youth-serving organizations and school-based agricultural education, including the development of internship opportunities;

"(4) share, internally and externally, the extent to which active steps are being taken to encourage collaboration with, and support of, youth-serving organizations and school-based agricultural education;

"(5) provide information to youth involved in food and agriculture organizations concerning the availability of, and

eligibility requirements for, participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

"(6) serve as a resource for assisting youth involved in food and agriculture organizations in applying for participation in agriculture; and

"(7) advocate on behalf of youth involved in food and agriculture organizations in interactions with employees of the Department.

"(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Agricultural Youth Organization Coordinator shall consult with the cooperative extension and the land-grant university systems, and may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, cooperative extension and the land-grant university systems, non-land-grant colleges of agriculture, or nonprofit organizations for—

"(1) the conduct of regional research on the profitability of small farms;

"(2) the development of educational materials;

"(3) the conduct of workshops, courses, and certified vocational training;

"(4) the conduct of mentoring activities; or

"(5) the provision of internship opportunities.".

SEC. 12306. AVAILABILITY OF DEPARTMENT OF AGRICULTURE PROGRAMS FOR VETERAN FARMERS AND RANCHERS.

(a) DEFINITION OF VETERAN FARMER OR RANCHER.—Paragraph (7) of subsection (a) (as redesignated by section 12301(b)(3)) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

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

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) is a veteran (as defined in section 101 of that title) who has first obtained status as a veteran (as so defined) during the most recent 10-year period.".

(b) FEDERAL CROP INSURANCE.—

(1) DEFINITION OF VETERAN FARMER OR RANCHER.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) (as amended by section 11101) is amended by adding at the end the following:

"(14) VETERAN FARMER OR RANCHER.—The term 'veteran farmer or rancher' means a farmer or rancher who—

"(A) has served in the Armed Forces (as defined in section 101 of title 38, United States Code); and

"(B)(i) has not operated a farm or ranch;

"(ii) has operated a farm or ranch for not more than 5 years; or

"(iii) is a veteran (as defined in section 101 of that title) who has first obtained status as a veteran (as so defined) during the most recent 5-year period.".

(2) CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(A) in subsection (b)(5)(E)—

(i) by striking "The Corporation" and inserting the following:

"(i) IN GENERAL.—The Corporation"; and

(ii) in clause (i) (as so designated), by striking the period at the end and inserting the following: ", and veteran farmers or ranchers.

"(ii) COORDINATION.—The Corporation shall coordinate with other agencies of the Department that provide programs or services to farmers and ranchers described in clause (i) to make available coverage under the waiver under that clause and to share eligibility information to reduce paperwork and avoid duplication.";

(B) in subsection (e)(8)—

(i) in the paragraph heading, by inserting "AND VETERAN" after "BEGINNING"; and

(ii) by inserting "or veteran farmer or rancher" after "beginning farmer or rancher" each place it appears; and

(C) in subsection (g)—

(i) in paragraph (2)(B)(iii), in the matter preceding subclause (I), by inserting "or veteran farmer or rancher" after "beginning farmer or rancher" each place it appears; and

(ii) in paragraph (4)(B)(ii)(II), by inserting "and veteran farmers or ranchers" after "beginning farmers or ranchers".

(3) EDUCATION AND RISK MANAGEMENT ASSISTANCE.—Paragraph (3) of section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)), as redesignated by section 11125(a)(3), is amended—

(A) in subparagraph (D)(ii), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) veteran farmers or ranchers.".

(c) DOWN PAYMENT LOAN PROGRAM.—Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by striking "qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers" and inserting "eligible farmers or ranchers";

(2) in subsection (d)—

(A) in paragraph (2)(A), by striking "recipients of the loans" and inserting "farmers or ranchers";

(B) by striking paragraph (3) and inserting the following:

"(3) encourage retiring farmers and ranchers to assist in the sale of their farms and ranches to eligible farmers or ranchers by providing seller financing;";

(C) in paragraph (4), by striking "for beginning farmers or ranchers or socially disadvantaged farmers or ranchers" and inserting the following: "for—

"(A) beginning farmers or ranchers;

"(B) socially disadvantaged farmers or ranchers, as defined in section 355(e); or

"(C) veteran farmers or ranchers, as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)); and"; and

(D) in paragraph (5), by striking "a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher" and inserting "an eligible farmer or rancher"; and

(3) by striking subsection (e) and inserting the following:

"(e) DEFINITION OF ELIGIBLE FARMER OR RANCHER.—In this section, the term 'eligible farmer or rancher' means—

"(1) a qualified beginning farmer or rancher;

"(2) a socially disadvantaged farmer or rancher, as defined in section 355(e); and

"(3) a veteran farmer or rancher, as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)).".

(d) INTEREST RATE REDUCTION PROGRAM.—Section 351(e)(2)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999(e)(2)(B)) is amended—

(1) in the subparagraph heading, by inserting "AND VETERAN" after "BEGINNING";

(2) in clause (i), by inserting "or veteran farmers and ranchers (as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)))" before the period at the end; and

(3) in clause (ii), by striking "beginning".

(e) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—Section 405(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625(c)) is amended by inserting "veteran farmers or ranchers (as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)))," after "socially disadvantaged farmers,".

(f) ADMINISTRATION AND OPERATION OF NONINSURED CROP ASSISTANCE PROGRAM.—Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (k)(2), by inserting ", or a veteran farmer or rancher (as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)))" before the period at the end; and

(2) in subsection (l), in paragraph (3) (as redesignated by section 1601(7)(D))—

(A) in the paragraph heading, by inserting "VETERAN," before "AND SOCIALLY"; and

(B) by inserting "and veteran farmers or ranchers (as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)))" before "in exchange".

(g) FUNDING FOR TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—Section 1241(a)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(1)(B)) is amended by striking "beginning farmers or ranchers and socially disadvantaged farmers or ranchers" and inserting "covered farmers or ranchers, as defined in section 1235(f)(1)".

(h) SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.—

(1) DEFINITION OF COVERED PRODUCER.—Section 1501(a) of the Agricultural Act of 2014 (7 U.S.C. 9081(a)) is amended—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) COVERED PRODUCER.—The term 'covered producer' means an eligible producer on a farm that is—

"(A) as determined by the Secretary—

"(i) a beginning farmer or rancher;

"(ii) a socially disadvantaged farmer or rancher; or

"(iii) a limited resource farmer or rancher; or

"(B) a veteran farmer or rancher, as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)).".

(2) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—Section 1501(d) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)) is amended by adding at the end the following:

"(4) PAYMENT RATE FOR COVERED PRODUCERS.—In the case of a covered producer that is eligible to receive assistance under this subsection, the Secretary shall provide reimbursement of 90 percent of the cost of losses described in paragraph (1) or (2).".

Subtitle D—Department of Agriculture Reorganization Act of 1994 Amendments

SEC. 12401. OFFICE OF CONGRESSIONAL RELATIONS AND INTERGOVERNMENTAL AFFAIRS.

(a) ASSISTANT SECRETARIES OF AGRICULTURE.—Section 218(a)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918(a)(1)) is amended by striking "Relations" and inserting "Relations and Intergovernmental Affairs".

(b) SUCCESSION.—Any official who is serving as the Assistant Secretary of Agriculture for Congressional Relations on the date of enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed as a result of the change made to the name of that position under the amendment made by subsection (a). 7 USC 6918 note.

SEC. 12402. MILITARY VETERANS AGRICULTURAL LIAISON.

Section 219 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6919) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(5) establish and periodically update the website described in subsection (d); and

"(6) in carrying out the duties described in paragraphs (1) through (5), consult with and provide technical assistance to any Federal agency, including the Department of Defense, the Department of Veterans Affairs, the Small Business Administration, and the Department of Labor."; and

(2) by adding at the end the following:

"(d) WEBSITE REQUIRED.—

"(1) IN GENERAL.—The website required under subsection (b)(5) shall include the following:

"(A) Positions identified within the Department of Agriculture that are available to veterans for apprenticeships.

"(B) Apprenticeships, programs of training on the job, and programs of education that are approved for purposes of chapter 36 of title 38, United States Code.

"(C) Employment skills training programs for members of the Armed Forces carried out pursuant to section 1143(e) of title 10, United States Code.

"(D) Information designed to assist businesses, nonprofit entities, educational institutions, and farmers interested in developing apprenticeships, on-the-job training, educational, or entrepreneurial programs for veterans in navigating the process of having a program approved by a State approving agency for purposes of chapter 36 of title 38, United States Code, including—

"(i) contact information for relevant offices in the Department of Defense, Department of Veterans Affairs, Department of Labor, and Small Business Administration;

"(ii) basic requirements for approval by each State approving agency;

"(iii) recommendations with respect to training and coursework to be used during apprenticeships or on-the-job training that will enable a veteran to be eligible for agricultural programs; and

"(iv) examples of successful programs and curriculums that have been approved for purposes of chapter 36 of title 38, United States Code (with consent of the organization and without any personally identifiable information).

"(2) REVIEW OF WEBSITE.—

"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and once every 5 years thereafter, the Secretary shall conduct a study to determine if the website required under subsection (b)(5) is effective in providing veterans the information required under paragraph (1).

"(B) INEFFECTIVE WEBSITE.—If the Secretary determines that the website is not effective under subparagraph (A), the Secretary shall—

"(i) notify the agriculture and veterans committees described in subparagraph (C) of that determination; and

"(ii) not earlier than 180 days after the date on which the Secretary provides notice under clause (i), terminate the website.

"(C) AGRICULTURE AND VETERANS COMMITTEES.—The agriculture and veterans committees referred to in subparagraph (B)(i) are—

"(i) the Committee on Agriculture of the House of Representatives;

"(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(iii) the Committee on Veterans' Affairs of the House of Representatives; and

"(iv) the Committee on Veterans' Affairs of the Senate.

"(e) CONSULTATION REQUIRED.—In carrying out this section, the Secretary shall consult with organizations that serve veterans.

"(f) REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Military Veterans Agricultural Liaison shall submit a report on beginning farmer training for veterans and agricultural vocational and rehabilitation programs for veterans to—

"(A) the Committee on Agriculture of the House of Representatives;

"(B) the Committee on Veterans' Affairs of the House of Representatives;

"(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

"(D) the Committee on Veterans' Affairs of the Senate.

"(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

"(A) a summary of the measures taken to carry out subsections (b) and (c);

"(B) a description of the information provided to veterans under paragraphs (1) and (2) of subsection (b);

"(C) recommendations for best informing veterans of the programs described in paragraphs (1) and (2) of subsection (b);

"(D) a summary of the contracts or cooperative agreements entered into under subsection (c);

"(E) a description of the programs implemented under subsection (c);

"(F) a summary of the employment outreach activities directed to veterans;

"(G) recommendations for how opportunities for veterans in agriculture should be developed or expanded;

"(H) a summary of veteran farm lending data and a summary of shortfalls, if any, identified by the Military Veterans Agricultural Liaison in collecting data with respect to veterans engaged in agriculture; and

"(I) recommendations, if any, on how to improve activities under subsection (b).

"(g) PUBLIC DISSEMINATION OF INFORMATION.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Military Veterans Agricultural Liaison shall make publicly available and share broadly, including by posting on the website of the Department—

"(A) the report of the Military Veterans Agricultural Liaison on beginning farmer training for veterans and agricultural vocational and rehabilitation programs; and

"(B) the information disseminated under paragraphs (1) and (2) of subsection (b).

"(2) FURTHER DISSEMINATION.—Not later than the day before the date on which the Military Veterans Agricultural

Liaison makes publicly available the information under paragraph (1), the Military Veterans Agricultural Liaison shall provide that information to the Department of Defense, the Department of Veterans Affairs, the Small Business Administration, and the Department of Labor.".

SEC. 12403. CIVIL RIGHTS ANALYSES.

(a) IN GENERAL.—The Secretary shall conduct civil rights impact analyses in accordance with Departmental Regulation 4300-004 issued by the Department of Agriculture on October 17, 2016, with respect to the Department of Agriculture's employment, federally-conducted programs and activities, and federally-assisted programs and activities.

(b) STUDY; REPORT.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the "Comptroller General") shall conduct a study describing—

(A) the effectiveness of the Department of Agriculture in processing and resolving civil rights complaints;

(B) minority participation rates in farm programs, including a comparison of overall farmer and rancher participation with minority farmer and rancher participation by considering particular aspects of the programs of the Department of Agriculture for producers, such as ownership status, program participation, usage of permits, and waivers;

(C) the realignment of the civil rights functions of the Department of Agriculture, as outlined in Secretarial Memorandum 1076–023 (March 9, 2018), including an analysis of whether that realignment has any negative implications on the civil rights functions of the Department;

(D) efforts of the Department of Agriculture to identify actions, programs, or activities of the Department of Agriculture that may adversely affect employees, contractors, or beneficiaries (including participants) of the action, program, or activity based on the membership of the employees, contractors, or beneficiaries in a group that is protected under Federal law from discrimination in employment, contracting, or provision of an action, program, or activity, as applicable; and

(E) efforts of the Department of Agriculture to strategically plan actions to decrease discrimination and civil rights complaints within the Department of Agriculture or in the carrying out of the programs and authorities of the Department of Agriculture.

(2) REPORT.—Not later than 60 days after the date of completion of the study under paragraph (1), the Comptroller General shall submit a report describing the results of the study to—

(A) the Committee on Agriculture of the House of Representatives; and

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 12404. FARM SERVICE AGENCY.

(a) IN GENERAL.—Section 226 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6932) is amended—

(1) in the section heading, by striking "**CONSOLIDATED FARM**" and inserting "**FARM**";

(2) in subsection (b), in the subsection heading, by striking "OF CONSOLIDATED FARM SERVICE AGENCY"; and

(3) by striking "Consolidated Farm" each place it appears and inserting "Farm".

(b) CONFORMING AMENDMENTS.—

(1) Section 246 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962) is amended—

(A) in subsection (c), by striking "Consolidated Farm" each place it appears and inserting "Farm"; and

(B) in subsection (e)(2), by striking "Consolidated Farm" each place it appears and inserting "Farm".

(2) Section 271(2)(A) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991(2)(A)) is amended by striking "Consolidated Farm" each place it appears and inserting "Farm".

(3) Section 275(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6995(b)) is amended by striking "Consolidated Farm" each place it appears and inserting "Farm".

SEC. 12405. UNDER SECRETARY OF AGRICULTURE FOR FARM PRODUCTION AND CONSERVATION.

(a) OFFICE OF RISK MANAGEMENT.—Section 226A(d)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933(d)(1)) is amended by striking "Under Secretary of Agriculture for Farm and Foreign Agricultural Services" and inserting "Under Secretary of Agriculture for Farm Production and Conservation".

(b) MULTIAGENCY TASK FORCE.—Section 242(b)(3) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6952(b)(3)) is amended by striking "Under Secretary for Farm and Foreign Agricultural Services" and inserting "Under Secretary of Agriculture for Farm Production and Conservation".

(c) FOOD AID CONSULTATIVE GROUP.—Section 205(b)(2) of the Food for Peace Act (7 U.S.C. 1725(b)(2)) is amended by striking "Under Secretary of Agriculture for Farm and Foreign Agricultural Services" and inserting "Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs".

(d) INTERAGENCY COMMITTEE ON MINORITY CAREERS IN INTERNATIONAL AFFAIRS.—Section 625(c)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1131c(c)(1)(A)) is amended by striking "Under Secretary" and all that follows through "designee" and inserting "Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs, or the designee of that Under Secretary".

SEC. 12406. OFFICE OF PARTNERSHIPS AND PUBLIC ENGAGEMENT.

(a) CHANGING NAME OF OFFICE.—

(1) IN GENERAL.—Section 226B of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934) is amended—

(A) in the section heading, by striking "**ADVOCACY AND OUTREACH**" and inserting "**PARTNERSHIPS AND PUBLIC ENGAGEMENT**"; and

(B) by striking "Advocacy and Outreach" each place it appears in subsections (a)(2), (b)(1), and (d)(4)(B) and inserting "Partnerships and Public Engagement".

7 USC 6934 note.

(2) REFERENCES.—Beginning on the date of the enactment of this Act, any reference to the Office of Advocacy and Outreach established under section 226B of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934) in any provision of Federal law shall be deemed to be a reference to the Office of Partnerships and Public Engagement.

(b) INCREASING OUTREACH.—Section 226B of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934), as amended by subsection (a), is further amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B)—

(i) in clause (ii), by striking "and" at the end;

(ii) in clause (iii), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new clauses:

"(iv) limited resource producers; and

"(v) veteran farmers and ranchers; and"; and

(C) by adding at the end the following new subparagraph:

"(C) to promote youth outreach."; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting "veteran farmers and ranchers," after "beginning farmers or ranchers,";

(B) in paragraph (1), by striking "or socially disadvantaged" and inserting "socially disadvantaged, or veteran"; and

(C) in paragraph (5), by inserting "veteran farmers or ranchers," after "beginning farmers or ranchers,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 226B(f)(3)(B) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(f)(3)(B)) is amended by striking "2018" and inserting "2023".

SEC. 12407. UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

Section 231 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6941) is amended—

(1) in subsection (a), by striking "is authorized to" and inserting "shall"; and

(2) in subsection (b), by striking "If the Secretary" and all that follows through "the Under Secretary shall" and inserting "The Under Secretary of Agriculture for Rural Development shall".

SEC. 12408. ADMINISTRATOR OF THE RURAL UTILITIES SERVICE.

(a) RATE OF PAY.—

(1) IN GENERAL.—Section 232(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(b)) is amended to read as follows:

"(b) ADMINISTRATOR.—

"(1) APPOINTMENT.—The Rural Utilities Service shall be headed by an Administrator who shall be appointed by the President.

"(2) COMPENSATION.—The Administrator of the Rural Utilities Service shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member

of the Senior Executive Service under subsection (b) of section 5382 of title 5, United States Code.".

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "Administrator, Rural Utilities Service, Department of Agriculture.".

(b) OTHER AMENDMENT RELATING TO ADMINISTRATOR.—Section 748 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 918b) is amended by inserting "the Secretary of Agriculture, acting through" before "the Administrator of the Rural Utilities Service".

SEC. 12409. RURAL HEALTH LIAISON.

Subtitle C of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 236. RURAL HEALTH LIAISON. 7 USC 6946.

"(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Rural Health Liaison.

"(b) DUTIES.—The Rural Health Liaison shall—

"(1) in consultation with the Secretary of Health and Human Services, coordinate the role of the Department with respect to rural health;

"(2) integrate across the Department the strategic planning and activities relating to rural health;

"(3) improve communication relating to rural health within the Department and between Federal agencies;

"(4) advocate on behalf of the health care and relevant infrastructure needs in rural areas;

"(5) provide to stakeholders, potential grant applicants, Federal agencies, State agencies, Indian Tribes, private organizations, and academic institutions relevant data and information, including the eligibility requirements for, and availability and outcomes of, Department programs applicable to the advancement of rural health;

"(6) maintain communication with public health, medical, occupational safety, and telecommunication associations, research entities, and other stakeholders to ensure that the Department is aware of current and upcoming issues relating to rural health;

"(7) consult on programs, pilot projects, research, training, and other affairs relating to rural health at the Department and other Federal agencies;

"(8) provide expertise on rural health to support the activities of the Secretary as Chair of the Council on Rural Community Innovation and Economic Development; and

"(9) provide technical assistance and guidance with respect to activities relating to rural health to the outreach, extension, and county offices of the Department.".

SEC. 12410. NATURAL RESOURCES CONSERVATION SERVICE.

(a) FIELD OFFICES.—Section 246 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962) (as amended by section 12404(b)(1)) is amended by adding at the end the following:

"(g) FIELD OFFICES.—

"(1) IN GENERAL.—The Secretary shall not close any field office of the Natural Resources Conservation Service unless,

not later than 30 days before the date of the closure, the Secretary submits to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a notification of the closure.

"(2) EMPLOYEES.—The Secretary shall not permanently relocate any field-based employees of the Natural Resources Conservation Service or the rural development mission area if doing so would result in a field office of the Natural Resources Conservation Service or the rural development mission area with 2 or fewer employees, unless, not later than 30 days before the date of the permanent relocation, the Secretary submits to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a notification of the permanent relocation.

"(3) SUNSET.—The requirements under paragraphs (1) and (2) shall cease to be effective on September 30, 2023.".

(b) TECHNICAL CORRECTIONS.—Section 246 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962) (as amended by subsection (a)) is further amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(C) in paragraph (4) (as so redesignated), by inserting "; Public Law 101–624" after "note"; and

(D) in paragraph (5) (as so redesignated), by striking "3831–3836" and inserting "3831 et seq."; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking "paragraphs (1), (2), and (4) of subsection (b) and the program under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837–3837f)" and inserting "paragraphs (1) and (3) of subsection (b)".

(c) RELOCATION IN ACT.—

(1) IN GENERAL.—Section 246 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962) (as amended by subsections (a) and (b)) is—

(A) redesignated as section 228; and

(B) moved so as to appear at the end of subtitle B of title II (7 U.S.C. 6931 et seq.).

(2) CONFORMING AMENDMENTS.—

(A) Section 226 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6932) (as amended by section 12404(a)) is amended—

(i) in subsection (b)(5), by striking "section 246(b)" and inserting "section 228(b)"; and

(ii) in subsection (g)(2), by striking "section 246(b)" and inserting "section 228(b)".

(B) Section 271(2)(F) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991(2)(F)) is amended by striking "section 246(b)" and inserting "section 228(b)".

SEC. 12411. OFFICE OF THE CHIEF SCIENTIST.

(a) IN GENERAL.—Section 251(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(e)) is amended—

(1) in the subsection heading, by striking "RESEARCH, EDUCATION, AND EXTENSION OFFICE" and inserting "OFFICE OF THE CHIEF SCIENTIST";

(2) in paragraph (1), by striking "Research, Education, and Extension Office" and inserting "Office of the Chief Scientist";

(3) in paragraph (2), in the matter preceding subparagraph (A), by striking "Research, Education, and Extension Office" and inserting "Office of the Chief Scientist";

(4) in paragraph (3)(C), by striking "subparagraph (A) shall not exceed 4 years" and inserting "clauses (i) and (iii) of subparagraph (A) shall be for not less than 3 years";

(5) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(6) by inserting after paragraph (3) the following:

"(4) ADDITIONAL LEADERSHIP DUTIES.—In addition to selecting the Division Chiefs under paragraph (3), using available personnel authority under title 5, United States Code, the Under Secretary shall select personnel—

"(A) to oversee implementation, training, and compliance with the scientific integrity policy of the Department;

"(B)(i) to integrate strategic program planning and evaluation functions across the programs of the Department; and

"(ii) to help prepare the annual report to Congress on the relevance and adequacy of programs under the jurisdiction of the Under Secretary;

"(C) to assist the Chief Scientist in coordinating the international engagements of the Department with the Department of State and other international agencies and offices of the Federal Government; and

"(D) to oversee other duties as may be required by Federal law or Department policy.";

(7) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "Notwithstanding" and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to fund the costs of Division personnel.

"(ii) ADDITIONAL FUNDING.—In addition to amounts made available under clause (i), notwithstanding"; and

(B) in subparagraph (C)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) provides strong staff continuity to the Office of the Chief Scientist."; and

(8) in paragraph (6) (as so redesignated), by striking "Research, Education and Extension Office" and inserting "Office of the Chief Scientist".

(b) CONFORMING AMENDMENTS.—

(1) Section 251(f)(5)(B) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(5)(B)) is amended by striking "Research, Education and Extension Office" and inserting "Office of the Chief Scientist".

(2) Section 296(b)(6)(B) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)(6)(B)) is amended by striking "Research, Education, and Extension Office" and inserting "Office of the Chief Scientist".

SEC. 12412. APPOINTMENT OF NATIONAL APPEALS DIVISION HEARING OFFICERS.

Section 272(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6992(e)) is amended to read as follows:

"(e) DIVISION PERSONNEL.—

"(1) IN GENERAL.—The Director shall recommend to the Secretary persons for appointment as hearing officers as are necessary for the conduct of hearings under section 277. The Director shall appoint such other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this subtitle. Each position of the Division shall be filled by an individual who is not a political appointee.

"(2) POLITICAL APPOINTEE.—In this subsection, the term 'political appointee' means an individual occupying—

"(A) a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

"(B) a noncareer position in the Senior Executive Service, as described under section 3132(a)(7) of that title;

"(C) a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; or

"(D) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.".

SEC. 12413. TRADE AND FOREIGN AGRICULTURAL AFFAIRS.

The Department of Agriculture Reorganization Act of 1994 is amended—

(1) by redesignating subtitle J (7 U.S.C. 7011 et seq.) as subtitle K; and

(2) by inserting after subtitle I (7 U.S.C. 7005 et seq.) the following:

"Subtitle J—Trade and Foreign Agricultural Affairs

7 USC 7007.

"SEC. 287. UNDER SECRETARY OF AGRICULTURE FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS.

"(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.

"(b) APPOINTMENT.—The Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) FUNCTIONS.—

"(1) PRINCIPAL FUNCTIONS.—The Secretary shall delegate to the Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs those functions and duties under the jurisdiction of the Department that are related to trade and foreign agricultural affairs.

"(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs shall perform such other functions and duties as may be—

"(A) required by law; or

"(B) prescribed by the Secretary.".

SEC. 12414. REPEALS.

(a) DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994.—The following provisions of the Department of Agriculture Reorganization Act of 1994 are repealed:

(1) Section 211 (7 U.S.C. 6911).

(2) Section 213 (7 U.S.C. 6913).

(3) Section 214 (7 U.S.C. 6914).

(4) Section 217 (7 U.S.C. 6917).

(5) Section 247 (7 U.S.C. 6963).

(6) Section 252 (7 U.S.C. 6972).

(7) Section 295 (7 U.S.C. 7013).

(b) OTHER PROVISION.—Section 3208 of the Agricultural Act of 2014 (7 U.S.C. 6935) is repealed.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as affecting— 7 USC 6911 note.

(1) the authority of the Secretary to continue to carry out a function vested in, and performed by, the Secretary as of the date of enactment of this Act under any provision of Federal law other than the provisions repealed by subsections (a) and (b); or

(2) the authority of an agency, office, officer, or employee of the Department of Agriculture to continue to perform all functions delegated or assigned to the agency, office, officer, or employee as of the date of enactment of this Act any provision of Federal law other than the provisions repealed by subsections (a) and (b).

SEC. 12415. TECHNICAL CORRECTIONS.

(a) OFFICE OF RISK MANAGEMENT.—Section 226A(a) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933(a)) is amended by striking "Subject to subsection (e), the Secretary" and inserting "The Secretary".

(b) CORRECTION OF ERROR.—

(1) ASSISTANT SECRETARIES OF AGRICULTURE.—Section 218 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918) (as in effect on the day before the effective date of the amendments made by section 2(a)(1) of the Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112–166; 126 Stat. 1283, 1295)) is amended by striking "Senate." in subsection (b) and all that follows through "responsibility for—" in the matter preceding paragraph (1) of subsection (d) and inserting the following: "Senate.

"(c) DUTIES OF ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.—The Secretary may delegate to the Assistant Secretary for Civil Rights responsibility for—".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the effective date described in section 6(a) 7 USC 6918 note.

of the Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112–166; 126 Stat. 1295).

SEC. 12416. TERMINATION OF AUTHORITY.

Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by adding at the end the following:

"(9) The authority of the Secretary to carry out the amendments made to this title by section 772 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018.

"(10) The authority of the Secretary to carry out the amendments made to this title by the Agriculture Improvement Act of 2018.".

Subtitle E—Other Miscellaneous Provisions

PART I—MISCELLANEOUS AGRICULTURE PROVISIONS

SEC. 12501. ACER ACCESS AND DEVELOPMENT PROGRAM.

Section 12306(f) of the Agricultural Act of 2014 (7 U.S.C. 1632c(f)) is amended by striking "2018" and inserting "2023".

SEC. 12502. PROTECTING ANIMALS WITH SHELTER.

(a) CRIMES RELATED TO DOMESTIC VIOLENCE AND STALKING TARGETING PETS.—

(1) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended—

(A) in paragraph (1)(A)—

(i) in clause (ii), by striking "or" at the end; and

(ii) by inserting after clause (iii) the following:

"(iv) the pet, service animal, emotional support animal, or horse of that person; or"; and

(B) in paragraph (2)(A)—

(i) by inserting after "to a person" the following: ", a pet, a service animal, an emotional support animal, or a horse"; and

(ii) by striking "or (iii)" and inserting "(iii), or (iv)".

(2) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting after "another person" the following: "or the pet, service animal, emotional support animal, or horse of that person"; and

(ii) in paragraph (2), by inserting after "proximity to, another person" the following "or the pet, service animal, emotional support animal, or horse of that person"; and

(B) in subsection (b)(5), by inserting after "in any other case," the following: "including any case in which the offense is committed against a pet, service animal, emotional support animal, or horse,".

(3) RESTITUTION TO INCLUDE VETERINARY SERVICES.—Section 2264 of title 18, United States Code, is amended in subsection (b)(3)—

(A) by redesignating subparagraph (F) as subparagraph (G);

(B) in subparagraph (E), by striking "and" at the end; and

(C) by inserting after subparagraph (E) the following:

"(F) veterinary services relating to physical care for the victim's pet, service animal, emotional support animal, or horse; and".

(4) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by inserting after paragraph (10) the following:

"(11) PET.—The term 'pet' means a domesticated animal, such as a dog, cat, bird, rodent, fish, turtle, or other animal that is kept for pleasure rather than for commercial purposes.

"(12) EMOTIONAL SUPPORT ANIMAL.—The term 'emotional support animal' means an animal that is covered by the exclusion specified in section 5.303 of title 24, Code of Federal Regulations (or a successor regulation), and that is not a service animal.

"(13) SERVICE ANIMAL.—The term 'service animal' has the meaning given the term in section 36.104 of title 28, Code of Federal Regulations (or a successor regulation).".

(b) EMERGENCY AND TRANSITIONAL PET SHELTER AND HOUSING ASSISTANCE GRANT PROGRAM.— 34 USC 20127.

(1) GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary, acting in consultation with the Office of the Violence Against Women of the Department of Justice, the Secretary of Housing and Urban Development, and the Secretary of Health and Human Services, shall award grants under this subsection to eligible entities to carry out programs to provide the assistance described in paragraph (3) with respect to victims of domestic violence, dating violence, sexual assault, or stalking and the pets, service animals, emotional support animals, or horses of such victims.

(B) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the head of another Department or agency, as appropriate, to carry out any of the authorities provided to the Secretary under this section.

(2) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(i) a description of the activities for which a grant under this subsection is sought;

(ii) such assurances as the Secretary determines to be necessary to ensure compliance by the entity with the requirements of this subsection; and

(iii) a certification that the entity, before engaging with any individual domestic violence victim, will disclose to the victim any mandatory duty of the entity

to report instances of abuse and neglect (including instances of abuse and neglect of pets, service animals, emotional support animals, or horses).

(B) ADDITIONAL REQUIREMENTS.—In addition to the requirements of subparagraph (A), each application submitted by an eligible entity under that subparagraph shall—

(i) not include proposals for any activities that may compromise the safety of a domestic violence victim, including—

(I) background checks of domestic violence victims; or

(II) clinical evaluations to determine the eligibility of such a victim for support services;

(ii) not include proposals that would require mandatory services for victims or that a victim obtain a protective order in order to receive proposed services; and

(iii) reflect the eligible entity's understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking.

(C) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require—

(i) domestic violence victims to participate in the criminal justice system in order to receive services; or

(ii) eligible entities receiving a grant under this subsection to breach client confidentiality.

(3) USE OF FUNDS.—Grants awarded under this subsection may only be used for programs that provide—

(A) emergency and transitional shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to any construction or operating expenses of newly developed or existing emergency and transitional pet, service animal, emotional support animal, or horse shelter and housing (regardless of whether such shelter and housing is co-located at a victim service provider or within the community);

(B) short-term shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to expenses incurred for the temporary shelter, housing, boarding, or fostering of the pets, service animals, emotional support animals, or horses of domestic violence victims and other expenses that are incidental to securing the safety of such a pet, service animal, emotional support animal, or horse during the sheltering, housing, or relocation of such victims;

(C) support services designed to enable a domestic violence victim who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(i) locate and secure—

(I) safe housing with the victim's pet, service animal, emotional support animal, or horse; or

(II) safe accommodations for the victim's pet, service animal, emotional support animal, or horse; or

(ii) provide the victim with pet, service animal, emotional support animal, or horse related services, such as transportation, care services, and other assistance; or

(D) for the training of relevant stakeholders on—

(i) the link between domestic violence, dating violence, sexual assault, or stalking and the abuse and neglect of pets, service animals, emotional support animals, and horses;

(ii) the needs of domestic violence victims;

(iii) best practices for providing support services to such victims;

(iv) best practices for providing such victims with referrals to victims' services; and

(v) the importance of confidentiality.

(4) GRANT CONDITIONS.—An eligible entity that receives a grant under this subsection shall, as a condition of such receipt, agree—

(A) to be bound by the nondisclosure of confidential information requirements of section 40002(b)(2) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(2)); and

(B) that the entity shall not condition the receipt of support, housing, or other benefits provided pursuant to this subsection on the participation of domestic violence victims in any or all of the support services offered to such victims through a program carried out by the entity using grant funds.

(5) DURATION OF ASSISTANCE PROVIDED TO VICTIMS.—

(A) IN GENERAL.—Subject to subparagraph (B), assistance provided with respect to a pet, service animal, emotional support animal, or horse of a domestic violence victim using grant funds awarded under this subsection shall be provided for a period of not more than 24 months.

(B) EXTENSION.—An eligible entity that receives a grant under this subsection may extend the 24-month period referred to in subparagraph (A) for a period of not more than 6 months in the case of a domestic violence victim who—

(i) has made a good faith effort to acquire permanent housing for the victim and the victim's pet, service animal, emotional support animal, or horse during that 24-month period; and

(ii) has been unable to acquire such permanent housing within that period.

(6) REPORT TO THE SECRETARY.—Not later than 1 year after the date on which an eligible entity receives a grant under this subsection and each year thereafter in which the grant funds are used, the entity shall submit to the Secretary a report that contains, with respect to assistance provided by the entity to domestic violence victims with pets, service animals, emotional support animals, or horses using grant funds received under this subsection, information on—

(A) the number of domestic violence victims with pets, service animals, emotional support animals, or horses provided such assistance; and

(B) the purpose, amount, type of, and duration of such assistance.

(7) REPORT TO CONGRESS.—

(A) REPORTING REQUIREMENT.—Not later than November 1 of each even-numbered fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains a compilation of the information contained in the reports submitted under paragraph (6).

(B) AVAILABILITY OF REPORT.—The Secretary shall transmit a copy of the report submitted under subparagraph (A) to—

(i) the Office on Violence Against Women of the Department of Justice;

(ii) the Office of Community Planning and Development of the Department of Housing and Urban Development; and

(iii) the Administration for Children and Families of the Department of Health and Human Services.

(8) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $3,000,000 for each of fiscal years 2019 through 2023.

(B) LIMITATION.—Of the amount made available under subparagraph (A) in any fiscal year, not more than 5 percent may be used for evaluation, monitoring, salaries, and administrative expenses.

(9) DEFINITIONS.—In this subsection:

(A) DOMESTIC VIOLENCE VICTIM DEFINED.—The term "domestic violence victim" means a victim of domestic violence, dating violence, sexual assault, or stalking.

(B) ELIGIBLE ENTITY.—The term "eligible entity" means—

(i) a State;

(ii) a unit of local government;

(iii) an Indian tribe; or

(iv) any other organization that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (as determined by the Secretary), including—

(I) a domestic violence and sexual assault victim service provider;

(II) a domestic violence and sexual assault coalition;

(III) a community-based and culturally specific organization;

(IV) any other nonprofit, nongovernmental organization; and

(V) any organization that works directly with pets, service animals, emotional support animals, or horses and collaborates with any organization referred to in clauses (i) through (iv), including—

(aa) an animal shelter; and

(bb) an animal welfare organization.

(C) EMOTIONAL SUPPORT ANIMAL.—The term "emotional support animal" means an animal that is covered by the exclusion specified in section 5.303 of title 24, Code of Federal Regulations (or a successor regulation), and that is not a service animal.

(D) PET.—The term "pet" means a domesticated animal, such as a dog, cat, bird, rodent, fish, turtle, or other animal that is kept for pleasure rather than for commercial purposes.

(E) SERVICE ANIMAL.—The term "service animal" has the meaning given the term in section 36.104 of title 28, Code of Federal Regulations (or a successor regulation).

(F) OTHER TERMS.—Except as otherwise provided in this subsection, terms used in this section shall have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

(c) SENSE OF CONGRESS.—It is the sense of Congress that States should encourage the inclusion of protections against violent or threatening acts against the pet, service animal, emotional support animal, or horse of a person in domestic violence protection orders.

SEC. 12503. MARKETING ORDERS.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by inserting "cherries, pecans," after "walnuts,".

SEC. 12504. ESTABLISHMENT OF FOOD LOSS AND WASTE REDUCTION LIAISON.

Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6901 et seq.), as amended by sections 12202, 12302, and 12403, is further amended by adding at the end the following:

"SEC. 224. FOOD LOSS AND WASTE REDUCTION LIAISON. 7 USC 6924.

"(a) ESTABLISHMENT.—The Secretary shall establish a Food Loss and Waste Reduction Liaison to coordinate Federal, State, local, and nongovernmental programs, and other efforts, to measure and reduce the incidence of food loss and waste in accordance with this section.

"(b) IN GENERAL.—The Food Loss and Waste Reduction Liaison shall—

"(1) coordinate food loss and waste reduction efforts within the Department of Agriculture and with other Federal agencies, including the Environmental Protection Agency and the Food and Drug Administration;

"(2) support and promote Federal programs to measure and reduce the incidence of food loss and waste and increase food recovery;

"(3) provide information to, and serve as a resource for, entities engaged in food loss and waste reduction and food recovery, including information about the availability of, and eligibility requirements for, participation in Federal, State, local, and nongovernmental programs;

"(4) raise awareness of the liability protections afforded under the Bill Emerson Good Samaritan Food Donation Act

(42 U.S.C. 1791) to persons engaged in food loss and waste reduction and food recovery; and

"(5) make recommendations with respect to expanding innovative food recovery models and reducing the incidence of food loss and waste.

"(c) COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Food Loss and Waste Reduction Liaison may enter into contracts or cooperative agreements with the research centers of the Research, Education, and Economics mission area, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or nonprofit organizations for—

"(1) the development of educational materials;

"(2) the conduct of workshops and courses; or

"(3) the conduct of research on best practices with respect to food loss and waste reduction and food recovery.

"(d) STUDY ON FOOD WASTE.—The Secretary shall conduct a study, in consultation with the Food Loss and Waste Reduction Liaison, to evaluate and determine—

"(1) methods of measuring food waste;

"(2) standards for the volume of food waste;

"(3) factors that contribute to food waste;

"(4) the cost and volume of food loss;

"(5) the effectiveness of existing liability protections afforded under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791); and

"(6) measures to ensure that programs contemplated, undertaken, or funded by the Department of Agriculture do not disrupt existing food waste recovery and disposal efforts by commercial, marketing, or business relationships.

"(e) REPORTS.—

"(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this section, the Food Loss and Waste Liaison shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (d).

"(2) REPORT.—Not later than 1 year after the date of the submission of the report under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains, with respect to the preceding year—

"(A) an estimate of the quantity of food waste during such year; and

"(B) the results of the food waste reduction and loss prevention activities carried out or led by the Department of Agriculture.".

SEC. 12505. REPORT ON BUSINESS CENTERS.

(a) IN GENERAL.—Not later than 365 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating each business center established in the Department of Agriculture.

(b) INCLUSIONS.—The report under subsection (a) shall include—

(1) an examination of the effectiveness of each business center in carrying out its mission, including any recommendations to improve the operation of and function of any of those business centers; and

(2) an evaluation of—

(A) the impact the business centers have on customer service of the Department of Agriculture;

(B) the impact on the annual budget for agencies the budget offices of which have been relocated to the business center, and the effectiveness of funds used to support the business centers, including an accounting of all discretionary and mandatory funding provided to the business center for conservation and farm services from—

(i) the Natural Resources Conservation Service;

(ii) the Farm Service Agency; and

(iii) the Risk Management Agency;

(C) funding described in subparagraph (B) spent on information technology modernizations;

(D) the impact that the business centers have had on the human resources of the Department of Agriculture, including hiring;

(E) any concerns or problems with the business centers; and

(F) any positive or negative impact that the business centers have had on the functionality of the Department of Agriculture.

SEC. 12506. REPORT ON PERSONNEL.

For the period of fiscal years 2019 through 2023, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a biannual report describing the number of staff years and employees of each agency of the Department of Agriculture.

SEC. 12507. REPORT ON ABSENT LANDLORDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the effects of absent landlords on the long-term economic health of agricultural production, including the effect of absent landlords on—

(1) land valuation;

(2) soil health; and

(3) the economic stability of rural communities.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) a description of the positive and negative effects of an absent landlord on the land owned by the landlord, including—

(A) the effect of an absent landlord on the long-term value of the land; and

(B) the environmental and economic impact of an absent landlord on the surrounding community; and

(2) recommendations to policymakers concerning how to mitigate those effects when necessary.

7 USC 2266a.

SEC. 12508. CENTURY FARMS PROGRAM.

The Secretary shall establish a program under which the Secretary recognizes any farm that—

(1) a State department of agriculture or similar statewide agricultural organization recognizes as a Century Farm; or

(2)(A) is defined as a farm or ranch under section 4284.902 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act);

(B) has been in continuous operation for at least 100 years; and

(C) has been owned by the same family for at least 100 consecutive years, as verified through deeds, wills, abstracts, tax statements, or other similar legal documents considered appropriate by the Secretary.

SEC. 12509. REPORT ON IMPORTATION OF LIVE DOGS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the importation of live dogs into the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall include, with respect to the importation of live dogs into the United States for each of the 3 most recent calendar years for which data are available—

(1) the total number of live dogs imported;

(2) the number of live dogs imported as personal pets;

(3) the number of live dogs imported for resale (as defined in section 18(a) of the Animal Welfare Act (7 U.S.C. 2148(a));

(4) the number of live dogs for which importation was requested but denied due to the proposed importation failing to meet the requirements under—

(A) section 18 of the Animal Welfare Act (7 U.S.C. 2148);

(B) section 71.51 of title 42, Code of Federal Regulations (or any successor regulations); or

(C) any other Federal law; and

(5) any recommendations of the Secretary for modifications to Federal law (including regulations) relating to the importation of live dogs, including for the protection of public health.

(c) PROVISION OF INFORMATION.—To facilitate the preparation of the report submitted under subsection (a), not later than 180 days after the date of enactment of this Act, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall each provide to the Secretary of Agriculture all available data and information relating to the importation of live dogs into the United States, including—

(1) the data described in paragraphs (1) through (4) of subsection (b) for each of the 3 most recent calendar years for which data is available; and

(2) any recommendations for modifications to Federal law (including regulations) relating to the importation of live dogs, including for the protection of public health.

25 USC 4301 note.

SEC. 12510. TRIBAL PROMISE ZONES.

(a) IN GENERAL.—In this section, the term "Tribal Promise Zone" means an area that—

(1) is nominated by 1 or more Indian tribes (as defined in section 4(13) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(13))) for designation as a Tribal Promise Zone (in this section referred to as a "nominated zone");

(2) has a continuous boundary; and

(3) the Secretary designates as a Tribal Promise Zone, after consultation with the Secretary of Commerce, the Secretary of Education, the Attorney General, the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Treasury, the Secretary of Transportation, and other agencies as appropriate.

(b) AUTHORIZATION AND NUMBER OF DESIGNATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall nominate a minimum number of nominated zones, as determined by the Secretary in consultation with Indian tribes, to be designated as Tribal Promise Zones.

(c) PERIOD OF DESIGNATIONS.—

(1) IN GENERAL.—The Secretary shall designate nominated zones as Tribal Promise Zones before January 1, 2020.

(2) EFFECTIVE DATES OF DESIGNATIONS.—The designation of any Tribal Promise Zone shall take effect—

(A) for purposes of priority consideration in Federal grant programs and initiatives (other than this section), upon execution of the Tribal Promise Zone agreement with the Secretary; and

(B) for purposes of this section, on January 1 of the first calendar year beginning after the date of the execution of the Tribal Promise Zone agreement.

(3) TERMINATION OF DESIGNATIONS.—The designation of any Tribal Promise Zone shall end on the earlier of—

(A)(i) with respect to a Tribal Promise Zone not described in paragraph (4), the end of the 10-year period beginning on the date that such designation takes effect; or

(ii) with respect to a Tribal Promise Zone described in paragraph (4), the end of the 10-year period beginning on the date the area was designated as a Tribal Promise Zone before the date of the enactment of this Act; or

(B) the date of the revocation of such designation.

(4) APPLICATION TO CERTAIN ZONES ALREADY DESIGNATED.—In the case of any area designated as a Tribal Promise Zone by the Secretary before the date of the enactment of this Act, such area shall be deemed a Tribal Promise Zone designated under this section (notwithstanding whether any such designation has been revoked before the date of the enactment of this Act) and shall reduce the number of Tribal Promise Zones remaining to be designated under paragraph (1).

(d) LIMITATIONS ON DESIGNATIONS.—No area may be designated under this section unless—

(1) the entities nominating the area have the authority to nominate the area of designation under this section;

(2) such entities provide written assurances satisfactory to the Secretary that the competitiveness plan described in the application under subsection (e) for such area will be implemented and that such entities will provide the Secretary with

such data regarding the economic conditions of the area (before, during, and after the area's period of designation as a Tribal Promise Zone) as the Secretary may require; and

(3) the Secretary determines that any information furnished is reasonably accurate.

(e) APPLICATION.—No area may be designated under this section unless the application for such designation—

(1) demonstrates that the nominated zone satisfies the eligibility criteria described in subsection (a); and

(2) includes a competitiveness plan that—

(A) addresses the need of the nominated zone to attract investment and jobs and improve educational opportunities;

(B) leverages the nominated zone's economic strengths and outlines targeted investments to develop competitive advantages;

(C) demonstrates collaboration across a wide range of stakeholders;

(D) outlines a strategy that connects the nominated zone to drivers of regional economic growth; and

(E) proposes a strategy for focusing on increased access to high quality affordable housing and improved public safety.

(f) SELECTION CRITERIA.—

(1) IN GENERAL.—From among the nominated zones eligible for designation under this section, the Secretary shall designate Tribal Promise Zones on the basis of—

(A) the effectiveness of the competitiveness plan submitted under subsection (e) and the assurances made under subsection (d);

(B) unemployment rates, poverty rates, vacancy rates, crime rates, and such other factors as the Secretary may identify, including household income, labor force participation, and educational attainment; and

(C) other criteria as determined by the Secretary.

(2) MINIMAL STANDARDS.—The Secretary may set minimal standards for the levels of unemployment and poverty that must be satisfied for designation as a Tribal Promise Zone.

SEC. 12511. PRECISION AGRICULTURE CONNECTIVITY.

(a) FINDINGS.—Congress finds the following:

(1) Precision agriculture technologies and practices allow farmers to significantly increase crop yields, eliminate overlap in operations, and reduce inputs such as seed, fertilizer, pesticides, water, and fuel.

(2) These technologies allow farmers to collect data in real time about their fields, automate field management, and maximize resources.

(3) Studies estimate that precision agriculture technologies can reduce agricultural operation costs by up to 25 dollars per acre and increase farm yields by up to 70 percent by 2050.

(4) The critical cost savings and productivity benefits of precision agriculture cannot be realized without the availability of reliable broadband Internet access service delivered to the agricultural land of the United States.

(5) The deployment of broadband Internet access service to unserved agricultural land is critical to the United States

economy and to the continued leadership of the United States in global food production.

(6) Despite the growing demand for broadband Internet access service on agricultural land, broadband Internet access service is not consistently available where needed for agricultural operations.

(7) The Federal Communications Commission has an important role to play in the deployment of broadband Internet access service on unserved agricultural land to promote precision agriculture.

(b) TASK FORCE.—

(1) DEFINITIONS.—In this subsection:

(A)(i) The term "broadband Internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including any capabilities that are incidental to, and enable the operation of, the communications service, but excluding dial up internet access service.

(ii) Such term includes any service the Commission finds to be providing a functional equivalent of the service described in clause (i).

(B) The term "Commission" means the Federal Communications Commission.

(C) The term "Department" means the Department of Agriculture.

(D) The term "Secretary" means the Secretary of Agriculture.

(E) The term "Task Force" means the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States established under paragraph (2).

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Commission shall establish the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States.

(3) DUTIES.—

(A) IN GENERAL.—The Task Force shall consult with the Secretary, or a designee of the Secretary, and collaborate with public and private stakeholders in the agriculture and technology fields to—

(i) identify and measure current gaps in the availability of broadband Internet access service on agricultural land;

(ii) develop policy recommendations to promote the rapid, expanded deployment of broadband Internet access service on unserved agricultural land, with a goal of achieving reliable capabilities on 95 percent of agricultural land in the United States by 2025;

(iii) promote effective policy and regulatory solutions that encourage the adoption of broadband Internet access service on farms and ranches and promote precision agriculture;

(iv) recommend specific new rules or amendments to existing rules of the Commission that the Commission should issue to achieve the goals and purposes of the policy recommendations described in clause (ii);

(v) recommend specific steps that the Commission should take to obtain reliable and standardized data measurements of the availability of broadband Internet access service as may be necessary to target funding support, from future programs of the Commission dedicated to the deployment of broadband Internet access service, to unserved agricultural land in need of broadband Internet access service; and

(vi) recommend specific steps that the Commission should consider to ensure that the expertise of the Secretary and available farm data are reflected in future programs of the Commission dedicated to the infrastructure deployment of broadband Internet access service and to direct available funding to unserved agricultural land where needed.

(B) NO DUPLICATE DATA REPORTING.—In performing the duties of the Commission under subparagraph (A), the Commission shall ensure that no provider of broadband Internet access service is required to report data to the Commission that is, on the day before the date of enactment of this Act, required to be reported by the provider of broadband Internet access service.

(C) HOLD HARMLESS.—The Task Force and the Commission shall not interpret the phrase "future programs of the Commission", as used in clauses (v) and (vi) of subparagraph (A), to include the universal service programs of the Commission established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(D) CONSULTATION.—The Secretary, or a designee of the Secretary, shall explain and make available to the Task Force the expertise, data mapping information, and resources of the Department that the Department uses to identify cropland, ranchland, and other areas with agricultural operations that may be helpful in developing the recommendations required under subparagraph (A).

(E) LIST OF AVAILABLE FEDERAL PROGRAMS AND RESOURCES.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Commission shall jointly submit to the Task Force a list of all Federal programs or resources available for the expansion of broadband Internet access service on unserved agricultural land to assist the Task Force in carrying out the duties of the Task Force.

(4) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall be—

(i) composed of not more than 15 voting members who shall—

(I) be selected by the Chairman of the Commission, in consultation with the Secretary; and

(II) include—

(aa) agricultural producers representing diverse geographic regions and farm sizes, including owners and operators of farms of less than 100 acres;

(bb) an agricultural producer representing tribal agriculture;

(cc) Internet service providers, including regional or rural fixed and mobile broadband Internet access service providers and telecommunications infrastructure providers;

(dd) representatives from the electric cooperative industry;

(ee) representatives from the satellite industry;

(ff) representatives from precision agriculture equipment manufacturers, including drone manufacturers, manufacturers of autonomous agricultural machinery, and manufacturers of farming robotics technologies;

(gg) representatives from State and local governments; and

(hh) representatives with relevant expertise in broadband network data collection, geospatial analysis, and coverage mapping; and

(ii) fairly balanced in terms of technologies, points of view, and fields represented on the Task Force.

(B) PERIOD OF APPOINTMENT; VACANCIES.—

(i) IN GENERAL.—A member of the Committee appointed under subparagraph (A)(i) shall serve for a single term of 2 years.

(ii) VACANCIES.—Any vacancy in the Task Force—

(I) shall not affect the powers of the Task Force; and

(II) shall be filled in the same manner as the original appointment.

(C) EX-OFFICIO MEMBER.—The Secretary, or a designee of the Secretary, shall serve as an ex-officio, nonvoting member of the Task Force.

(5) REPORTS.—Not later than 1 year after the date on which the Commission establishes the Task Force, and annually thereafter, the Task Force shall submit to the Chairman of the Commission a report, which shall be made public not later than 30 days after the date on which the Chairman receives the report, that details—

(A) the status of fixed and mobile broadband Internet access service coverage of agricultural land;

(B) the projected future connectivity needs of agricultural operations, farmers, and ranchers; and

(C) the steps being taken to accurately measure the availability of broadband Internet access service on agricultural land and the limitations of current, as of the date of the report, measurement processes.

(6) TERMINATION.—The Commission shall renew the Task Force every 2 years until the Task Force terminates on January 1, 2025.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds is authorized to be appropriated to carry out this section. This section shall be carried out using amounts otherwise authorized.

SEC. 12512. IMPROVEMENTS TO UNITED STATES DROUGHT MONITOR. 7 USC 5856.

(a) IN GENERAL.—The Secretary shall coordinate with the Director of the National Drought Mitigation Center and the

Administrator of the National Oceanic and Atmospheric Administration to enhance the collection of data to improve the accuracy of the United States Drought Monitor.

(b) UTILIZATION.—To the maximum extent practicable, the Secretary shall utilize a consistent source or sources of data for programs that are based on drought or precipitation indices, such as the livestock forage disaster program established under section 1501(c) of the Agricultural Act of 2014 (7 U.S.C. 9081(c)) or policies or plans of insurance established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(c) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a review of—

(1) the types of data currently utilized by the United States Drought Monitor;

(2) the geographic coverage and density of existing data collection sites; and

(3) other meteorological or climatological data that is being collected by other Federal agencies, State and local governments, and non-Federal entities that could be utilized by the United States Drought Monitor.

(d) IMPROVEMENTS.—

(1) IN GENERAL.—Upon the completion of the review prescribed in subsection (c), the Secretary shall—

(A) seek to expand the collection of relevant data in States or geographic areas where coverage is currently lacking as compared to other States or geographic areas; and

(B) to the maximum extent practicable, develop standards to allow the integration of meteorological or climatological data into the United States Drought Monitor derived from—

(i) in-situ soil moisture profile measuring devices;

(ii) citizen science (as defined in the Crowdsourcing and Citizen Science Act (15 U.S.C. 3724)), including data from the Cooperative Observer Program of the National Weather Service; and

(iii) other Federal agencies, State and local governments, and non-Federal entities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is to be authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each of fiscal years 2019 through 2023.

7 USC 1632d.

SEC. 12513. DAIRY BUSINESS INNOVATION INITIATIVES.

(a) DEFINITIONS.—In this section:

(1) DAIRY BUSINESS.—The term "dairy business" means a business that develops, produces, markets, or distributes dairy products.

(2) INITIATIVE.—The term "initiative" means a dairy product and business innovation initiative established under subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish not less than 3 regionally-located dairy product and business innovation initiatives for the purposes of—

(1) diversifying dairy product markets to reduce risk and develop higher-value uses for dairy products;

(2) promoting business development that diversifies farmer income through processing and marketing innovation; and

(3) encouraging the use of regional milk production.

(c) SELECTION OF INITIATIVES.—An initiative—

(1) shall be positioned to draw on existing dairy industry resources, including activities conducted by the National Dairy Promotion and Research Board and other dairy promotion entities, research capacity, academic and industry expertise, a density of dairy farms or farmland suitable for dairying, and dairy businesses; and

(2) may serve a certain product niche, such as specialty cheese, or serve dairy businesses with dairy products derived from the milk of a specific type of dairy animal, including dairy products made from cow milk, sheep milk, and goat milk.

(d) ENTITIES ELIGIBLE TO HOST INITIATIVE.—

(1) IN GENERAL.—Subject to paragraph (2), any of the following entities may submit to the Secretary an application to host an initiative:

(A) A State department of agriculture or other State entity.

(B) A nonprofit organization.

(C) An institution of higher education.

(D) A cooperative extension service.

(2) CAPACITY OF ELIGIBLE ENTITY.—Any entity described in subparagraphs (A) through (D) of paragraph (1) shall be eligible to submit an application under that paragraph if the entity has—

(A) a capacity to provide consultation and expertise necessary to advance the purpose and activities of the proposed initiative; and

(B) expertise in grant distribution and tracking.

(3) INELIGIBLE ENTITY.—A dairy promotion program shall not be eligible to host an initiative under this section.

(e) PARTNERS.—

(1) IN GENERAL.—An entity described in subsection (d)(1) may establish as a partner an organization or entity described in paragraph (2)—

(A) prior to the submission of the application under that subsection; or

(B) after approval of the application, in consultation with the Secretary.

(2) PARTNER DESCRIBED.—A partner under paragraph (1) shall be an organization or entity with expertise or experience in dairy, including the marketing, research, education, or promotion of dairy.

(f) ACTIVITIES OF INITIATIVES.—

(1) DIRECT ASSISTANCE TO DAIRY BUSINESSES.—An initiative shall provide nonmonetary assistance directly to dairy businesses through private consultation or widely available distribution—

(A) by the entity that hosts the initiative under subsection (d)(1);

(B) through contracting with industry experts;

(C) through the provision of technical assistance, such as informational websites, webinars, conferences, trainings, plant tours, and field days; or

(D) through research institutions, including cooperative extension services.

(2) TYPES OF ASSISTANCE.—Eligible forms of assistance include—

(A) business consulting, including business plan development for processed dairy products, strategic planning assistance, and distribution and supply chain innovation;

(B) marketing and branding assistance, including market messaging, packaging innovation, consumer assessments, innovation in emerging market opportunities, and evaluation of regional, national, and international markets;

(C) assistance in product innovation, including the development of value-added products, innovation in byproduct reprocessing and use maximization, and dairy product production training, including in new, rare, or innovative techniques; and

(D) other nonmonetary assistance, as determined by the Secretary.

(3) GRANTS TO DAIRY BUSINESSES.—

(A) IN GENERAL.—An initiative shall provide grants on a competitive basis to new and existing dairy businesses for the purposes of—

(i) modernization, specialization, and grazing transition on dairy farms;

(ii) value chain and commodity innovation and facility and process updates for dairy processors; and

(iii) product development, packaging, and marketing of dairy products.

(B) GRANTS TO CERTAIN ENTITIES.—An initiative may provide a grant on a noncompetitive basis to an entity that receives assistance under paragraph (1) to advance the business activities recommended as a result of that assistance.

(C) GRANT AMOUNTS.—Grants provided under this paragraph shall not exceed $500,000, unless a greater amount is approved by the Secretary.

(4) CONSULTATION.—An entity that hosts an initiative shall consult with the National Dairy Promotion and Research Board, the Secretary, and the Administrator of the Agricultural Marketing Service in carrying out the initiative.

(5) CONFLICT OF INTEREST.—

(A) IN GENERAL.—The Secretary shall establish guidelines and procedures to prevent any conflict of interest or the appearance of a conflict of interest by an initiative (including a partner of the initiative) during the allocation of direct assistance under paragraph (1) or grant funding under paragraph (3).

(B) PENALTY.—The Secretary may suspend or terminate an initiative if the initiative (including a partner of the initiative) is found to be in violation of the guidelines and procedures established under subparagraph (A).

(g) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Using the funds made available to carry out this section, the Secretary—

(A) shall provide not less than 3 awards to eligible entities described in subsection (d) for the purposes of carrying out the activities under subsection (f); and

(B) is encouraged to award funds under subparagraph (A) in multiyear funding allocations.

(2) USE OF FUNDS.—Not less than 50 percent of the funds made available under subsection (i) shall be allocated to grants under subsection (f)(3).

(3) PRIORITY.—An entity hosting an initiative shall give priority to the provision of direct assistance under subsection (f)(1) and grants under subsection (f)(3) to—

(A) dairy farms and dairy businesses with limited access to other forms of assistance;

(B) employee-owned dairy businesses;

(C) cooperatives; and

(D) dairy businesses that seek to create dairy products that add substantial value in processing or marketing, such as specialty cheeses.

(4) REQUIREMENT.—Assistance or a grant shall not be made available to a foreign person making direct investment (as those terms are defined in section 801.2 of title 15, Code of Federal Regulations (or successor regulations)) in the United States in the case of—

(A) direct assistance under subsection (f)(1) that is provided to a specific dairy business and is not publicly available, as determined by the Secretary; or

(B) a grant under subsection (f)(3).

(5) SUPPLEMENTATION.—To the extent practicable, the Secretary shall ensure that funds provided to an initiative supplement, and do not duplicate or replace, existing dairy product research, development, and promotion activities.

(h) REPORT.—Not later than January 31, 2022, the Secretary shall submit to Congress a report on the outcomes of the program under this section and any related activities and opportunities to further increase dairy innovation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each fiscal year.

SEC. 12514. REPORT ON FUNDING FOR THE NATIONAL INSTITUTE OF FOOD AND AGRICULTURE AND OTHER EXTENSION PROGRAMS.

(a) IN GENERAL.—Not later than 2 years after the date on which the census of agriculture required to be conducted in calendar year 2017 under section 2 of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g) is released, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the funding necessary to adequately address the needs of the National Institute of Food and Agriculture, activities carried out under the Smith-Lever Act (7 U.S.C. 341 et seq.), and research and extension programs carried out at an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)) or an institution designated under the Act of July 2, 1862 (commonly known as the "First Morrill Act") (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), to provide adequate services for the

growth and development of the economies of rural communities based on the changing demographic in the rural and farming communities in the various States.

(b) REQUIREMENTS.—In preparing the report under subsection (a), the Secretary shall focus on the funding needs of the programs described in subsection (a) with respect to carrying out activities relating to small and diverse farms and ranches, veteran farmers and ranchers, value-added agriculture, direct-to-consumer sales, and specialty crops.

7 USC 2160.

SEC. 12515. PROHIBITION ON SLAUGHTER OF DOGS AND CATS FOR HUMAN CONSUMPTION.

(a) IN GENERAL.—Except as provided in subsection (c), no person may—

(1) knowingly slaughter a dog or cat for human consumption; or

(2) knowingly ship, transport, move, deliver, receive, possess, purchase, sell, or donate—

(A) a dog or cat to be slaughtered for human consumption; or

(B) a dog or cat part for human consumption.

(b) SCOPE.—Subsection (a) shall apply only with respect to conduct—

(1) in or affecting interstate commerce or foreign commerce; or

(2) within the special maritime and territorial jurisdiction of the United States.

(c) EXCEPTION FOR INDIAN TRIBES.—The prohibition in subsection (a) shall not apply to an Indian (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) carrying out any activity described in subsection (a) for the purpose of a religious ceremony.

(d) PENALTY.—Any person who violates subsection (a) shall be subject to a fine in an amount not greater than $5,000 for each violation.

(e) EFFECT ON STATE LAW.—Nothing in this section—

(1) limits any State or local law or regulation protecting the welfare of animals; or

(2) prevents a State or unit of local government from adopting and enforcing an animal welfare law or regulation that is more stringent than this section.

21 USC 343 note.

SEC. 12516. LABELING EXEMPTION FOR SINGLE INGREDIENT FOODS AND PRODUCTS.

The food labeling requirements under section 403(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)) shall not require that the nutrition facts label of any single-ingredient sugar, honey, agave, or syrup, including maple syrup, that is packaged and offered for sale as a single-ingredient food bear the declaration "Includes X g Added Sugars.".

SEC. 12517. SOUTH CAROLINA INCLUSION IN VIRGINIA/CAROLINA PEANUT PRODUCING REGION.

Section 1308(c)(2)(B)(iii) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7958(c)(2)(B)(iii)) is amended by striking "Virginia and North Carolina" and inserting "Virginia, North Carolina, and South Carolina".

SEC. 12518. FOREST SERVICE HIRE AUTHORITY. 16 USC 1725b.

(a) IN GENERAL.—The Secretary of Agriculture may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described in subsection (b) directly to a position with the Department of Agriculture, Forest Service for which the candidate meets Office of Personnel Management qualification standards.

(b) QUALIFICATIONS.—Subsection (a) applies to a former resource assistant (as defined in section 203 of the Public Land Corps Act (16 U.S.C. 1722)) who—

(1) completed a rigorous internship with a land managing agency, such as the Forest Service Resource Assistant Program;

(2) successfully fulfilled the requirements of the internship program; and

(3) earned an undergraduate or graduate degree from an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(c) LIMITATION.—The direct hire authority under this section may not be exercised with respect to a specific qualified candidate after the end of the 2-year period beginning on the date on which the candidate completed the undergraduate or graduate degree, as the case may be, or has successfully fulfilled the requirements of the internship program, whichever is later.

SEC. 12519. CONVERSION AUTHORITY. 7 USC 2279j.

The Secretary may, notwithstanding subchapter I of chapter 33 of title 5, United States Code, governing appointments in the competitive or excepted service, noncompetitively convert to an appointment in the competitive service, in an agency or office within the Department of Agriculture, a recent graduate or student who is a United States citizen and has been awarded and successfully completed a scholarship program granted to the individual by the Department through the 1890 National Scholars Program or the 1994 Tribal Scholars Program carried out by the Department, provided the individual meets the requirements for such conversion and meets Office of Personnel Management qualification standards, as determined by the Secretary. Nothing in the preceding sentence shall be construed as requiring the Secretary to convert an individual under the authority under such sentence.

SEC. 12520. AUTHORIZATION OF PROTECTION OPERATIONS FOR THE SECRETARY OF AGRICULTURE AND OTHERS. 7 USC 2279k.

(a) IN GENERAL.—The Department of Agriculture is authorized to employ qualified law enforcement officers or special agents to provide—

(1) protection for the Secretary and the Deputy Secretary during the performance of official duties by each such officer and during any activity that is preliminary or postliminary to the performance of official duties by each such officer;

(2) protection, incidental to the protection provided pursuant to paragraph (1), to an individual accompanying each such officer who is participating in an activity or event relating to the official duties of each such officer when there is an articulable threat to such individual;

(3) continuous protection to the Secretary and Deputy Secretary (including during periods not described in paragraph

(1)) if there is an articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

(4) protection of another senior officer representing the Secretary (including a person nominated to be the Secretary during the pendency of such nomination) if there is an articulable threat of physical harm, in accordance with guidelines established by the Secretary.

(b) AUTHORITIES OF THE PROTECTIVE OPERATION.—

(1) IN GENERAL.—The Secretary may authorize officers or special agents employed pursuant to subsection (a)—

(A) to carry firearms;

(B) to conduct criminal investigations into potential threats to the security of persons protected under this section;

(C) to make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

(D) to perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events; and

(E) to coordinate with local law enforcement agencies.

(2) GUIDELINES.—The authority conveyed under this section shall be exercised in accordance with any—

(A) guidelines issued by the Attorney General; and

(B) such additional guidelines as may be issued by the Secretary.

(c) EXCEPTION.—The authorities granted under this section may be exercised notwithstanding section 1343(b)(1) of title 31, United States Code.

(d) REPORT.—Not later than September 30, 2019, and each September 30 through 2024, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the protection provided, and accounting for the expenditures made, pursuant to this section.

PART II—NATIONAL OILHEAT RESEARCH ALLIANCE

SEC. 12531. NATIONAL OILHEAT RESEARCH ALLIANCE.

(a) IN GENERAL.—Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by striking "18 years" and inserting "28 years".

(b) LIMITATION ON OBLIGATIONS OF FUNDS.—The National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by inserting after section 707 the following:

"SEC. 708. LIMITATION ON OBLIGATION OF FUNDS.

"(a) IN GENERAL.—In each calendar year of the covered period, the Alliance may not obligate an amount greater than the sum of—

"(1) 75 percent of the amount of assessments estimated to be collected under section 707 in that calendar year;

"(2) 75 percent of the amount of assessments actually collected under section 707 in the most recent calendar year

for which an audit report has been submitted under section 706(f)(2)(B) as of the beginning of the calendar year for which the amount that may be obligated is being determined, less the estimate made pursuant to paragraph (1) for that most recent calendar year; and

"(3) amounts permitted in preceding calendar years to be obligated pursuant to this subsection that have not been obligated.

"(b) EXCESS AMOUNTS DEPOSITED IN ESCROW ACCOUNT.—Assessments collected under section 707 in excess of the amount permitted to be obligated under subsection (a) in a calendar year shall be deposited in an escrow account for the duration of the covered period.

"(c) TREATMENT OF AMOUNTS IN ESCROW ACCOUNT.—

"(1) IN GENERAL.—During the covered period, the Alliance may not obligate, expend, or borrow against amounts required under subsection (b) to be deposited in the escrow account.

"(2) INTEREST.—Any interest earned on amounts described in paragraph (1) shall be—

"(A) deposited in the escrow account; and

"(B) unavailable for obligation for the duration of the covered period.

"(d) RELEASE OF AMOUNTS IN ESCROW ACCOUNT.—Beginning on October 1, 2028, the Alliance may withdraw and obligate any amount in the escrow account.

"(e) COVERED PERIOD DEFINED.—In this section, the term 'covered period' means the period that begins on February 6, 2019, and ends on September 30, 2028.".

(c) CONFORMING AMENDMENTS.—The National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended—

(1) in section 706(d)(1), by striking "not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments" and inserting "not exceed 7 percent of the amount of assessments collected in any calendar year that are permitted to be obligated in that calendar year"; and

(2) in section 707—

(A) in subsection (e), by inserting "that are permitted to be obligated" after "amount of assessments collected in the State" each place it appears; and

(B) in subsection (f), by inserting "and permitted to be obligated" after "assessments collected" each place it appears.

Subtitle F—General Provisions

SEC. 12601. BAITING OF MIGRATORY GAME BIRDS. 16 USC 704 note.

(a) DEFINITIONS.—In this section:

(1) NORMAL AGRICULTURAL OPERATION.—The term "normal agricultural operation" has the meaning given the term in section 20.11 of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) POST-DISASTER FLOODING.—The term "post-disaster flooding" means the destruction of a crop through flooding

in accordance with practices required by the Federal Crop Insurance Corporation for agricultural producers to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) on land on which a crop was not harvestable due to a natural disaster (including any hurricane, storm, tornado, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, snowstorm, or other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)) in the crop year—

(A) in which the natural disaster occurred; or

(B) immediately preceding the crop year in which the natural disaster occurred.

(3) RICE RATOONING.—The term "rice ratooning" means the agricultural practice of harvesting rice by cutting the majority of the aboveground portion of the rice plant but leaving the roots and growing shoot apices intact to allow the plant to recover and produce a second crop yield.

(b) REGULATIONS TO EXCLUDE RICE RATOONING AND POST-DISASTER FLOODING.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall revise part 20 of title 50, Code of Federal Regulations, to clarify that rice ratooning and post-disaster flooding, when carried out as part of a normal agricultural operation, do not constitute baiting.

(c) REPORTS.—Not less frequently than once each year—

(1) the Secretary of Agriculture shall submit to the Secretary of the Interior a report that describes any changes to normal agricultural operations across the range of crops grown by agricultural producers in each region of the United States in which the official recommendations described in section 20.11(h) of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act), are provided to agricultural producers; and

(2) the Secretary of the Interior, in consultation with the Secretary of Agriculture and after seeking input from the heads of State departments of fish and wildlife or the Regional Migratory Bird Flyway Councils of the United States Fish and Wildlife Service, shall publicly post a report on the impact that rice ratooning and post-disaster flooding have on the behavior of migratory game birds that are hunted in the area in which rice ratooning and post-disaster flooding, respectively, have occurred.

SEC. 12602. PIMA AGRICULTURE COTTON TRUST FUND.

Section 12314 of the Agricultural Act of 2014 (7 U.S.C. 2101 note; Public Law 113–79) is amended—

(1) by striking "2018" each place it appears and inserting "2023";

(2) by striking "calendar year 2013" each place it appears and inserting "the prior calendar year";

(3) in subsection (b)(2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) in the matter preceding clause (i) (as so redesignated), by striking "(2) Twenty-five" and inserting the following:

"(2)(A) Except as provided in subparagraph (B), twenty-five";

(C) in subparagraph (A)(ii) (as so designated), by striking "subparagraph (A)" and inserting "clause (i)"; and

(D) by adding at the end the following:

"(B)(i) A yarn spinner shall not receive an amount under subparagraph (A) that exceeds the cost of pima cotton that—

"(I) was purchased during the prior calendar year; and

"(II) was used in spinning any cotton yarns.

"(ii) The Secretary shall reallocate any amounts reduced by reason of the limitation under clause (i) to spinners using the ratio described in subparagraph (A), disregarding production of any spinner subject to that limitation.";

(4) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "(b)(2)(A)" and inserting "(b)(2)(A)(i)";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) the dollar amount of pima cotton purchased during the prior calendar year—

"(A) that was used in spinning any cotton yarns; and

"(B) for which the producer maintains supporting documentation.";

(5) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking "by the Secretary—" and inserting "by the Secretary not later than March 15 of the applicable calendar year."; and

(B) by striking paragraphs (1) and (2); and

(6) in subsection (f), by striking "subsection (b)—" in the matter preceding paragraph (1) and all that follows through "not later than" in paragraph (2) and inserting "subsection (b) not later than".

SEC. 12603. AGRICULTURE WOOL APPAREL MANUFACTURERS TRUST FUND.

Section 12315 of the Agricultural Act of 2014 (7 U.S.C. 7101 note; Public Law 113–79) is amended—

(1) by striking "2019" each place it appears and inserting "2023";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "the payment—" and inserting "the payment, payments in amounts authorized under that paragraph."; and

(II) by striking clauses (i) and (ii); and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "4002(c)—" and inserting "4002(c), payments in amounts authorized under that paragraph."; and

(II) by striking clauses (i) and (ii); and

(B) in paragraph (2), by striking "submitted—" in the matter preceding subparagraph (A) and all that follows through "to the Secretary" in subparagraph (B) and inserting "submitted to the Secretary"; and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)—" and inserting "subsection (b) not later than April 15 of the year of the payment."; and

(B) by striking paragraphs (1) and (2).

SEC. 12604. WOOL RESEARCH AND PROMOTION.

Section 12316(a) of the Agricultural Act of 2014 (7 U.S.C. 7101 note; Public Law 113–79) is amended by striking "2015 through 2019" and inserting "2019 through 2023".

7 USC 7632 note.

SEC. 12605. EMERGENCY CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

(a) DEFINITION OF CITRUS.—In this section, the term "citrus" means edible fruit of the family Rutaceae, including any hybrid of that fruit and any product of that hybrid that is produced for commercial purposes in the United States.

(b) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund, to be known as the Emergency Citrus Disease Research and Development Trust Fund (referred to in this section as the "Citrus Trust Fund"), consisting of such amounts as shall be transferred to the Citrus Trust Fund pursuant to subsection (d).

(c) USE OF FUND.—From amounts in the Citrus Trust Fund, the Secretary shall, beginning in fiscal year 2019, carry out the Emergency Citrus Disease Research and Extension Program in section 412(j) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(j)).

(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Citrus Trust Fund $25,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.

SEC. 12606. EXTENSION OF MERCHANDISE PROCESSING FEES.

Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking "February 24, 2027" and inserting "May 26, 2027".

7 USC 2204i.

SEC. 12607. REPORTS ON LAND ACCESS AND FARMLAND OWNERSHIP DATA COLLECTION.

(a) LAND ACCESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Chief Economist, shall submit to Congress and make publicly available a report identifying—

(1) the barriers that prevent or hinder the ability of beginning farmers and ranchers (as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a))) and socially disadvantaged farmers and

ranchers (as defined in such section) to acquire or access farmland;

(2) the extent to which Federal programs, including agricultural conservation easement programs, land transition programs, and financing programs, are improving—

(A) farmland access and tenure for beginning farmers and ranchers and socially disadvantaged farmers and ranchers; and

(B) farmland transition and succession; and

(3) the regulatory, operational, or statutory changes that are necessary to improve—

(A) the ability of beginning farmers and ranchers and socially disadvantaged farmers and ranchers to acquire or access farmland;

(B) farmland tenure for beginning farmers and ranchers and socially disadvantaged farmers and ranchers; and

(C) farmland transition and succession.

(b) FARMLAND OWNERSHIP.—The Secretary shall collect and, not less frequently than once every 3 years report, data and analysis on farmland ownership, tenure, transition, and entry of beginning farmers and ranchers and socially disadvantaged farmers and ranchers (as those terms are defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a))). In carrying out this subsection, the Secretary shall, at a minimum—

(1) collect and distribute comprehensive reporting of trends in farmland ownership, tenure, transition, barriers to entry, profitability, and viability of beginning farmers and ranchers and socially disadvantaged farmers and ranchers;

(2) develop surveys and report statistical and economic analysis on farmland ownership, tenure, transition, barriers to entry, profitability, and viability of beginning farmers and ranchers, including a regular follow-on survey to each Census of Agriculture with results of the follow-on survey made public not later than 3 years after the previous Census of Agriculture; and

(3) require the National Agricultural Statistics Service to include in the Tenure, Ownership, and Transition of Agricultural Land survey questions relating to—

(A) the extent to which non-farming landowners are purchasing and holding onto farmland for the sole purpose of real estate investment;

(B) the impact of these farmland ownership trends on the successful entry and viability of beginning farmers and ranchers and socially disadvantaged farmers and ranchers;

(C) the extent to which farm and ranch land with undivided interests and no administrative authority identified have farms or ranches operating on that land; and

(D) the impact of land tenure patterns, categorized by—

(i) race, gender, and ethnicity; and

(ii) region.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each fiscal years 2019 through 2023, to remain available until expended.

SEC. 12608. REAUTHORIZATION OF RURAL EMERGENCY MEDICAL SERVICES TRAINING AND EQUIPMENT ASSISTANCE PROGRAM.

Section 330J of the Public Health Service Act (42 U.S.C. 254c–15) is amended—

(1) in subsection (a), by striking "in rural areas" and inserting "in rural areas or to residents of rural areas";

(2) by striking subsections (b) through (f) and inserting the following:

"(b) ELIGIBILITY; APPLICATION.—To be eligible to receive grant under this section, an entity shall—

"(1) be—

"(A) an emergency medical services agency operated by a local or tribal government (including fire-based and non-fire based); or

"(B) an emergency medical services agency that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(2) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—An entity—

"(1) shall use amounts received through a grant under subsection (a) to—

"(A) train emergency medical services personnel as appropriate to obtain and maintain licenses and certifications relevant to service in an emergency medical services agency described in subsection (b)(1);

"(B) conduct courses that qualify graduates to serve in an emergency medical services agency described in subsection (b)(1) in accordance with State and local requirements;

"(C) fund specific training to meet Federal or State licensing or certification requirements; and

"(D) acquire emergency medical services equipment; and

"(2) may use amounts received through a grant under subsection (a) to—

"(A) recruit and retain emergency medical services personnel, which may include volunteer personnel;

"(B) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods; or

"(C) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration.

"(d) GRANT AMOUNTS.—Each grant awarded under this section shall be in an amount not to exceed $200,000.

"(e) DEFINITIONS.—In this section:

"(1) The term 'emergency medical services'—

"(A) means resources used by a public or private nonprofit licensed entity to deliver medical care outside of a medical facility under emergency conditions that occur as a result of the condition of the patient; and

"(B) includes services delivered (either on a compensated or volunteer basis) by an emergency medical services provider or other provider that is licensed or certified by the State involved as an emergency medical technician, a paramedic, or an equivalent professional (as determined by the State).

"(2) The term 'rural area' means—

"(A) a nonmetropolitan statistical area;

"(B) an area designated as a rural area by any law or regulation of a State; or

"(C) a rural census tract of a metropolitan statistical area (as determined under the most recent rural urban commuting area code as set forth by the Office of Management and Budget).

"(f) MATCHING REQUIREMENT.—The Secretary may not award a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 10 percent of the amount received under the grant."; and

(3) in subsection (g)(1), by striking "2002 through 2006" and inserting "2019 through 2023".

SEC. 12609. COMMISSION ON FARM TRANSITIONS—NEEDS FOR 2050.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Farm Transitions–Needs for 2050 (referred to in this section as the "Commission").

(b) STUDY.—The Commission shall conduct a study on issues impacting the transition of agricultural operations from established farmers and ranchers to the next generation of farmers and ranchers, including—

(1) access to, and availability of—

(A) quality land and necessary infrastructure;

(B) affordable credit;

(C) adequate risk management tools; and

(D) apprenticeship and mentorship programs;

(2) agricultural asset transfer strategies in use as of the date of the enactment of this Act and improvements to such strategies;

(3) incentives that may facilitate agricultural asset transfers to the next generation of farmers and ranchers, including an assessment of, and recommendations for, how existing and new Federal tax policies—

(A) facilitate lifetime and estate transfers; and

(B) impact individuals seeking to farm who do not have family farm lineage or access to farmland;

(4) the causes of the failures of such transitions, if any; and

(5) the effectiveness of programs and incentives providing assistance with respect to such transitions in effect on the date of the enactment of this Act and opportunities for the revision or improvement of such programs.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 10 members, as follows:

(A) 3 members appointed by the Secretary.

(B) 3 members appointed by the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(C) 3 members appointed by the Committee on Agriculture of the House of Representatives.

(D) The Chief Economist of the Department of Agriculture.

(2) FEDERAL GOVERNMENT EMPLOYMENT.—In addition to the Chief Economist of the Department of Agriculture, the membership of the Commission may include 1 or more employees of the Department of Agriculture or other Federal agencies.

(3) DATE OF APPOINTMENTS.—The appointment of all members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(4) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

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

(5) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(e) CHAIRPERSON.—The Secretary shall appoint 1 of the members of the Commission to serve as Chairperson of the Commission.

(f) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study required by subsection (b), including such recommendations as the Commission considers appropriate.

(g) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(h) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section. On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(i) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(j) ASSISTANCE FROM SECRETARY.—The Secretary may provide to the Commission appropriate office space and such reasonable administrative and support services as the Commission may request.

(k) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(3) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(l) FEDERAL ADVISORY COMMITTEE ACT.—Sections 9 and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission or any proceeding of the Commission.

(m) TERMINATION.—The Commission shall terminate on September 30, 2023.

SEC. 12610. EXCEPTIONS UNDER UNITED STATES GRAIN STANDARDS ACT.

(a) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (iii), and (iv), respectively, and indenting appropriately;

(B) in the matter preceding clause (i) (as so redesignated), by striking "Not more" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), not more";

(C) in subparagraph (A) (as so designated), in the matter preceding clause (i) (as so redesignated), by striking "Secretary, except that, if" and inserting the following: "Secretary.

"(B) EXCEPTIONS.—Subject to subsection (g)(4)(A), if";

(D) in subparagraph (B) (as so designated), by inserting after clause (i) the following:

"(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area;"; and

(E) by adding at the end the following:

"(C) TERMINATION OF NONUSE OF SERVICE EXCEPTION.—The exception under subparagraph (B)(ii) may only be terminated if all parties to that exception jointly agree on the termination, unless terminated according to subsection (g)(4)(A).

"(D) RESTORATION OF CERTAIN EXCEPTIONS.—

"(i) DEFINITION OF ELIGIBLE GRAIN HANDLING FACILITY.—In this subparagraph, the term 'eligible grain handling facility' means a grain handling facility that—

"(I) was granted an exception under the final rule entitled 'Exceptions to Geographic Areas for Official Agencies Under the USGSA' (68 Fed. Reg. 19137 (April 18, 2003)); and

"(II) had that exception revoked between September 30, 2015, and the date of enactment of the Agriculture Improvement Act of 2018.

"(ii) RESTORATION OF EXCEPTIONS.—Within 90 days of notification from an eligible grain handling facility, the Secretary shall restore an exception described in clause (i)(I) with an official agency if—

"(I) the eligible grain handling facility and the former excepted official agency agree to restore that exception; and

"(II) the eligible grain handling facility notifies the Secretary of the preferred date for restoration of the exception within 90 days of enactment of the Agriculture Improvement Act of 2018."; and

(2) in subsection (g), by adding at the end the following:

"(4) EFFECT ON EXCEPTIONS.—

"(A) IN GENERAL.—The exceptions under clauses (ii) and (iv) of subsection (f)(2)(B) shall not apply if the designation of an official agency is terminated, pursuant to paragraph (1).

"(B) DESIGNATION RENEWED OR RESTORED.—If the designation of an official agency is renewed or restored after being terminated under paragraph (1), the Secretary may renew or restore the exceptions under subsection (f)(2)(B) in accordance with that subsection.".

(b) UNAUTHORIZED WEIGHING PROHIBITED.—Section 7A(i)(2) of the United States Grain Standards Act (7 U.S.C. 79a(i)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (iii), respectively, and indenting appropriately;

(2) in the matter preceding clause (i) (as so redesignated), by striking "Not more" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), not more";

(3) in subparagraph (A) (as so designated), in the matter preceding clause (i) (as so redesignated), by striking "Secretary, except that, if" and inserting the following: "Secretary.

"(B) EXCEPTIONS.—If";

(4) in subparagraph (B) (as so designated)—

(A) in clause (i), by striking "or" at the end; and

(B) by inserting after clause (i) the following:

"(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area; or"; and

(5) by adding after subparagraph (B) (as so designated)—

"(C) RESTORATION OF CERTAIN EXCEPTIONS.—

"(i) DEFINITION OF ELIGIBLE GRAIN HANDLING FACILITY.—In this subparagraph, the term 'eligible

grain handling facility' means a grain handling facility that—

"(I) was granted an exception under the final rule entitled 'Exceptions to Geographic Areas for Official Agencies Under the USGSA' (68 Fed. Reg. 19137 (April 18, 2003)); and

"(II) had that exception revoked between September 30, 2015 and the date of enactment of the Agriculture Improvement Act of 2018.

"(ii) RESTORATION OF EXCEPTIONS.—Within 90 days of notification from an eligible grain handling facility, the Secretary shall restore an exception described in clause (i)(I) with an official agency if—

"(I) the eligible grain handling facility and the former excepted official agency agree to restore that exception; and

"(II) the eligible grain handling facility notifies the Secretary of the preferred date for restoration of the exception within 90 days of enactment of the Agriculture Improvement Act of 2018.".

(c) TECHNICAL CORRECTION.—Section 7(f)(1) of the United States Grain Standards Act (7 U.S.C. 79(f)(1)) is amended by indenting subparagraph (C) appropriately.

SEC. 12611. CONFERENCE REPORT REQUIREMENT THRESHOLD.

Section 14209(a)(3)(A) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2255b(a)(3)(A)) is amended by striking "$10,000" and inserting "$50,000".

SEC. 12612. NATIONAL AGRICULTURE IMAGERY PROGRAM.

7 USC 2204j.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Administrator of the Farm Service Agency, shall carry out a national agriculture imagery program to annually acquire aerial imagery during agricultural growing seasons from the continental United States.

(b) DATA.—The aerial imagery acquired under this section shall—

(1) consist of high resolution processed digital imagery;

(2) be made available in a format that can be provided to Federal, State, and private sector entities;

(3) be technologically compatible with geospatial information technology; and

(4) be consistent with the standards established by the Federal Geographic Data Committee.

(c) SUPPLEMENTAL SATELLITE IMAGERY.—The Secretary of Agriculture may supplement the aerial imagery collected under this section with satellite imagery.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for fiscal year 2019 and each fiscal year thereafter.

SEC. 12613. REPORT ON INCLUSION OF NATURAL STONE PRODUCTS IN COMMODITY PROMOTION, RESEARCH, AND INFORMATION ACT OF 1996.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report

examining the effect the establishment of a Natural Stone Research and Promotion Board pursuant to the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7401 et seq.) would have on the natural stone industry, including how such a program would effect—

(1) research conducted on, and the promotion of, natural stone;

(2) the development and expansion of domestic markets for natural stone;

(3) economic activity of the natural stone industry subject to such a Board;

(4) economic development in rural areas; and

(5) benefits to consumers in the United States of natural stone products.

SEC. 12614. ESTABLISHMENT OF FOOD ACCESS LIAISON.

(a) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6901 et seq.), as amended by sections 12202, 12302, 12403, and 12504, is amended by adding at the end the following:

7 USC 6925.

"SEC. 225. FOOD ACCESS LIAISON.

"(a) ESTABLISHMENT.—The Secretary shall establish the position of Food Access Liaison to coordinate Department programs to reduce barriers to food access and monitor and evaluate the progress of such programs in accordance with this section.

"(b) DUTIES.—The Food Access Liaison shall—

"(1) coordinate the efforts of the Department, including regional offices, to experiment and consider programs and policies aimed at reducing barriers to food access for consumers, including but not limited to participants in nutrition assistance programs;

"(2) provide outreach to entities engaged in activities to reduce barriers to food access in accordance with the statutory authorization for each program;

"(3) provide outreach to entities engaged in activities to reduce barriers to food access, including retailers, markets, producers, and others involved in food production and distribution, with respect to the availability of, and eligibility for, Department programs;

"(4) raise awareness of food access issues in interactions with employees of the Department;

"(5) make recommendations to the Secretary with respect to efforts to reduce barriers to food access; and

"(6) submit to Congress an annual report with respect to the efforts of the Department to reduce barriers to food access.".

7 USC 6925 note.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to entities that are participants, or seek to participate, in Department of Agriculture programs related to reduction of barriers to food access.

7 USC 6622b.

SEC. 12615. ELIGIBILITY FOR OPERATORS ON HEIRS PROPERTY LAND TO OBTAIN A FARM NUMBER.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE DOCUMENTATION.—The term "eligible documentation", with respect to land for which a farm operator

seeks assignment of a farm number under subsection (b)(1), includes—

(A) in States that have adopted a statute consisting of an enactment or adoption of the Uniform Partition of Heirs Property Act, as approved and recommended for enactment in all States by the National Conference of Commissioners on Uniform State Laws in 2010—

(i) a court order verifying the land meets the definition of heirs property (as defined in that Act); or

(ii) a certification from the local recorder of deeds that the recorded owner of the land is deceased and not less than 1 heir of the recorded owner of the land has initiated a procedure to retitle the land in the name of the rightful heir;

(B) a fully executed, unrecorded tenancy-in-common agreement that sets out ownership rights and responsibilities among all of the owners of the land that—

(i) has been approved by a majority of the ownership interests in that property;

(ii) has given a particular owner the right to manage and control any portion or all of the land for purposes of operating a farm or ranch; and

(iii) was validly entered into under the authority of the jurisdiction in which the land is located;

(C) the tax return of a farm operator farming a property with undivided interests for each of the 5 years preceding the date on which the farm operator submits the tax returns as eligible documentation under subsection (b);

(D) self-certification that the farm operator has control of the land for purposes of operating a farm or ranch; and

(E) any other documentation identified by the Secretary under subsection (c).

(2) FARM NUMBER.—The term "farm number" has the meaning given the term in section 718.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) FARM NUMBER.—

(1) IN GENERAL.—The Secretary shall provide for the assignment of a farm number to any farm operator who provides any form of eligible documentation for purposes of demonstrating that the farm operator has control of the land for purposes of defining that land as a farm.

(2) ELIGIBILITY.—Any farm number provided under paragraph (1) shall be sufficient to satisfy any requirement of the Secretary to have a farm number to participate in a program of the Secretary.

(c) ELIGIBLE DOCUMENTATION.—The Secretary shall identify alternative forms of eligible documentation that a farm operator may provide in seeking the assignment of a farm number under subsection (b)(1).

SEC. 12616. EXTENDING PROHIBITION ON ANIMAL FIGHTING TO THE TERRITORIES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "Except as provided in paragraph (3), it" and inserting "It"; and

(B) by striking paragraph (3);

(2) by striking subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), (h), and (i), respectively.

(b) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITIES.—Section 26(c) of the Animal Welfare Act (7 U.S.C. 2156(c)) is amended by striking "(e)" and inserting "(d)".

(c) CRIMINAL PENALTIES.—Subsection (i) of section 26 of the Animal Welfare Act (7 U.S.C. 2156), as redesignated by section 2(3), is amended by striking "(e)" and inserting "(d)".

(d) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49(a) of title 18, United States Code, is amended by striking "(e)" and inserting "(d)".

7 USC 2156 note.

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

16 USC 1538 note.

SEC. 12617. EXEMPTION OF EXPORTATION OF CERTAIN ECHINODERMS FROM PERMISSION AND LICENSING REQUIREMENTS.

(a) DEFINITIONS.—In this section:

(1) CONSERVATION AND MANAGEMENT.—The term "conservation and management" has the meaning given the term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(2) MARINE FISHERIES COMMISSION.—The term "Marine Fisheries Commission" means an interstate commission (as that term is used in the Interjurisdictional Fisheries Act of 1986 (16 USC 4101 et seq.)).

(3) STATE JURISDICTION.—The term "State jurisdiction" means areas under the jurisdiction and authority of a State as described in section 306(a)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(a)(2)).

(b) EXEMPTION.—Not later than 90 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service shall amend section 14.92 of title 50, Code of Federal Regulations, to clarify that—

(1) except as provided in paragraph (2) and subsection (d)(2)—

(A) fish and wildlife described in subsection (c) are fishery products exempt from the export permission requirements of section 9(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(d)(1)); and

(B) any person may engage in business as an exporter of fish or wildlife described in subsection (c) without procuring—

(i) permission under section 9(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(d)(1)); or

(ii) an export license under subpart I of part 14 of title 50, Code of Federal Regulations (or successor regulations); and

(2) notwithstanding paragraph (1), unless the person has qualified for and obtained an export license described in paragraph (1)(B)(ii), any person that has been convicted of 1 or more violations of a Federal law relating to the importation,

transportation, or exportation of wildlife shall not be permitted, during the 5-year period beginning on the date of the most recent conviction, to engage in business as an exporter of fish or wildlife described in subsection (c).

(c) COVERED FISH OR WILDLIFE.—The fish or wildlife referred to in subsection (b) are members of the species *Strongylocentrotus droebachiensis* (commonly known as the "green sea urchin"), including any products of that species, that—

(1) do not require a permit under part 16, 17, or 23 of title 50, Code of Federal Regulations (or successor regulations);

(2)(A) are harvested in waters under State jurisdiction; or

(B) are imported for processing in the United States pursuant to an import license as required under section 14.91 of title 50, Code of Federal Regulations (or a successor regulation), and not exempt from import license requirements under section 14.92 of that title (as in effect on the day before the date of enactment of this Act); and

(3) are exported for purposes of human or animal consumption.

(d) INFORMATION COLLECTION ON EXPORTS.—

(1) IN GENERAL.—The State agency that regulates or otherwise oversees a State fishery in which the fish and wildlife described in subsection (c) are harvested shall annually transmit the conservation and management data (as defined in subsection (a)) to the Interstate Fisheries Management Program Policy Board of the applicable Marine Fisheries Commission.

(2) PRIVACY.—Such data thereafter shall not be released and shall be maintained as confidential by such applicable Marine Fisheries Commission, including data requested under the section 552 of title 5, United States Code, unless disclosure is required under court order or unless the data is essential for an enforcement action under Federal wildlife management laws.

(3) EXCLUSION.—The exemption under subsection (b)(1) shall not apply in a State if—

(A) the State fails to transmit the data required under paragraph (1); or

(B) the applicable Marine Fisheries Commission determines, in consultation with the primary research agency of such Commission, after notice and an opportunity to comment, that the data required under paragraph (1) fails to prove that the State agency or official is engaged in conservation and management of the fish or wildlife described in subsection (c).

SEC. 12618. DATA ON CONSERVATION PRACTICES.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following:

"SEC. 1247. DATA ON CONSERVATION PRACTICES. 16 USC 3847.

"(a) DATA ON CONSERVATION PRACTICES.—The Secretary shall identify available data sets within the Department of Agriculture regarding the use of conservation practices and the effect of such practices on farm and ranch profitability (including such effects relating to crop yields, soil health, and other risk-related factors).

"(b) REPORT.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

"(1) a summary of the data sets identified under subsection (a);

"(2) a summary of the steps the Secretary would have to take to provide access to such data sets by university researchers, including taking into account any technical, privacy, or administrative considerations;

"(3) a summary of safeguards the Secretary employs when providing access to data to university researchers;

"(4) a summary of appropriate procedures to maximize the potential for research benefits while preventing any violations of privacy or confidentiality; and

"(5) recommendations for any necessary authorizations or clarifications of Federal law to allow access to such data sets to maximize the potential for research benefits.".

SEC. 12619. CONFORMING CHANGES TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)) is amended—

(1) by striking "(16) The" and inserting "(16)(A) Subject to subparagraph (B), the"; and

(2) by striking "Such term does not include the" and inserting the following:

"(B) The term 'marihuana' does not include—

"(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946; or

"(ii) the".

(b) TETRAHYDROCANNABINOL.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)), is amended in subsection (c)(17) by inserting after "Tetrahydrocannabinols" the following: ", except for tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946)".

Approved December 20, 2018.

LEGISLATIVE HISTORY—H.R. 2:

HOUSE REPORTS: Nos. 115–661 (Comm. on Agriculture) and 115–1072 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 164 (2018):

May 16–18, considered and failed House.

June 21, considered and passed House.

June 27, 28, considered and passed Senate, amended.

Dec. 11, Senate agreed to the conference report.

Dec. 12, House agreed to the conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):

Dec. 20, Presidential remarks and statement.

Public Law 115–335
115th Congress

An Act

To oppose loans at international financial institutions for the Government of Nicaragua unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes.

Dec. 20, 2018
[H.R. 1918]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nicaragua Human Rights and Anticorruption Act of 2018. 50 USC 1701 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nicaragua Human Rights and Anticorruption Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. Sense of Congress on advancing a negotiated solution to Nicaragua's crisis.
Sec. 3. Statement of policy.
Sec. 4. Restrictions on international financial institutions relating to Nicaragua.
Sec. 5. Imposition of targeted sanctions with respect to Nicaragua.
Sec. 6. Annual certification and waiver.
Sec. 7. Report on human rights violations and corruption in Nicaragua.
Sec. 8. Civil society engagement strategy.
Sec. 9. Reform of Western Hemisphere Drug Policy Commission.
Sec. 10. Termination.
Sec. 11. Definitions.

SEC. 2. SENSE OF CONGRESS ON ADVANCING A NEGOTIATED SOLUTION TO NICARAGUA'S CRISIS.

It is the sense of Congress that—

(1) credible negotiations between the Government of Nicaragua and representatives of Nicaragua's civil society, student movement, private sector, and political opposition, mediated by the Catholic Church in Nicaragua, represent the best opportunity to reach a peaceful solution to the current political crisis that includes—

(A) a commitment to hold early elections that meet democratic standards and permit credible international electoral observation;

(B) the cessation of the violence perpetrated against civilians by the National Police of Nicaragua and by armed groups supported by the Government of Nicaragua; and

(C) independent investigations into the killings of protesters; and

(2) negotiations between the Government of Nicaragua and representatives of Nicaragua's civil society, student movement, private sector, and political opposition, mediated by the Catholic Church in Nicaragua, have not resulted in an agreement as of the date of the enactment of this Act because the Government of Nicaragua has failed to credibly participate in the process.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to support—

(1) the rule of law and an independent judiciary and electoral council in Nicaragua;

(2) democratic governance in Nicaragua;

(3) free and fair elections overseen by credible domestic and international observers in Nicaragua; and

(4) anti-corruption and transparency efforts in Nicaragua.

SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL INSTITUTIONS RELATING TO NICARAGUA.

(a) RESTRICTIONS.—The Secretary of the Treasury shall—

(1) instruct the United States Executive Director at each international financial institution of the World Bank Group to use the voice, vote, and influence of the United States to oppose the extension by the International Finance Corporation of any loan or financial or technical assistance to the Government of Nicaragua for a project in Nicaragua;

(2) instruct the United States Executive Director of the Inter-American Development Bank to use the voice, vote, and influence of the United States to oppose the extension by the Bank of any loan or financial or technical assistance to the Government of Nicaragua for a project in Nicaragua; and

(3) instruct the United States Executive Director of each other international financial institution, including the International Monetary Fund, to work with other key donor countries to develop a coherent policy approach to future engagements with and lending to the Government of Nicaragua, in a manner that will advance human rights, including the full restoration of the rights guaranteed to the people of Nicaragua through the commitments made by the Government of Nicaragua as a signatory of the International Covenant on Civil and Political Rights.

(b) EXCEPTIONS FOR BASIC HUMAN NEEDS AND DEMOCRACY PROMOTION.—The restrictions under paragraphs (1) and (2) of subsection (a) shall not apply with respect to any loan or financial or technical assistance provided to address basic human needs or to promote democracy in Nicaragua.

Deadline.

(c) BRIEFING BY THE SECRETARY OF THE TREASURY.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall brief the appropriate congressional committees on the effectiveness of international financial institutions in enforcing applicable program safeguards in Nicaragua.

SEC. 5. IMPOSITION OF TARGETED SANCTIONS WITH RESPECT TO NICARAGUA.

President. Determination.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (c) with respect to any foreign person, including any current or former official of the Government of Nicaragua or any person acting on behalf of that Government, that the President determines—

(1) to be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have knowingly participated in, directly or indirectly, any activity described in subsection (b);

(2) to be a leader of—

(A) an entity that has, or whose members have, engaged in any activity described in subsection (b); or

(B) an entity whose property and interests in property are blocked under subsection (c)(1)(A) as a result of activities related to the tenure of the leader;

(3) to have knowingly materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of—

(A) an activity described in subsection (b); or

(B) a person whose property and interests in property are blocked under subsection (c)(1)(A); or

(4) to be owned or controlled by, or to have knowingly acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked under subsection (c)(1)(A).

(b) ACTIVITIES DESCRIBED.—An activity described in this subsection is any of the following in or in relation to Nicaragua on or after April 18, 2018: Effective date.

(1) Significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated with the protests in Nicaragua that began on April 18, 2018.

(2) Significant actions or policies that undermine democratic processes or institutions.

(3) Acts of significant corruption by or on behalf of the Government of Nicaragua or a current or former official of the Government of Nicaragua, including—

(A) the expropriation of private or public assets for personal gain or political purposes;

(B) corruption related to government contracts;

(C) bribery; or

(D) the facilitation or transfer of the proceeds of corruption.

(4) The arrest or prosecution of a person, including an individual or media outlet disseminating information to the public, primarily because of the legitimate exercise by such person of the freedom of speech, assembly, or the press.

(c) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person. Determination. President.

(B) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien. Determination. President.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of a measure imposed pursuant to paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

President.

(d) IMPLEMENTATION; REGULATORY AUTHORITY.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

SEC. 6. ANNUAL CERTIFICATION AND WAIVER.

Deadline.
Reports.

(a) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report certifying whether the Government of Nicaragua is taking effective steps—

(1) to strengthen the rule of law and democratic governance, including the independence of the judicial system and electoral council;

(2) to combat corruption, including by investigating and prosecuting cases of public corruption;

(3) to protect civil and political rights, including the rights of freedom of the press, speech, and association, for all people of Nicaragua, including political opposition parties, journalists, trade unionists, human rights defenders, indigenous peoples, and other civil society activists;

(4) to investigate and hold accountable officials of the Government of Nicaragua and other persons responsible for the killings of individuals associated with the protests in Nicaragua that began on April 18, 2018; and

(5) to hold free and fair elections overseen by credible domestic and international observers

President.
Time period.

(b) WAIVER.—

(1) TEMPORARY GENERAL WAIVER.—If the Secretary certifies to the appropriate congressional committees under subsection (a) that the Government of Nicaragua is taking effective steps

as described in that subsection, the President may waive the application of the restrictions under section 4 and sanctions under section 5 for a period of not more than one year beginning on the date of the certification.

(2) NATIONAL INTEREST WAIVER.—The President may waive the application of the restrictions under section 4 and sanctions under section 5 if the President—

(A) determines that such a waiver is in the national interest of the United States; and Determination.

(B) submits to the appropriate congressional committees a notice of and justification for the waiver. Notice.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President should exercise the waiver authority provided under paragraph (1) if the Secretary of State certifies under subsection (a) that the Government of Nicaragua is taking effective steps as described in that subsection.

(c) CONSULTATION.—In preparing a certification required by subsection (a), the Secretary shall consult with the appropriate congressional committees.

(d) ANNUAL BRIEFING.—The Secretary shall annually brief the appropriate congressional committees on whether the Government of Nicaragua is taking effective steps as described in subsection (a).

SEC. 7. REPORT ON HUMAN RIGHTS VIOLATIONS AND CORRUPTION IN NICARAGUA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of State for Intelligence and Research, and in coordination with the Secretary of the Treasury and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on— Coordination.

(1) the involvement of senior officials of the Government of Nicaragua, including members of the Supreme Electoral Council, the National Assembly, and the judicial system, in human rights violations, acts of significant corruption, and money laundering; and

(2) persons that transfer, or facilitate the transfer of, goods or technologies for use in or with respect to Nicaragua, that are used by the Government of Nicaragua to commit serious human rights violations against the people of Nicaragua.

(b) FORM.—The report required by subsection (a) may be classified.

SEC. 8. CIVIL SOCIETY ENGAGEMENT STRATEGY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on a strategy— Deadline. Briefing.

(1) for engaging relevant elements of civil society in Nicaragua, including independent media, human rights, and anti-corruption organizations, to strengthen rule of law and increase accountability for human rights abuses and corruption in Nicaragua; and

(2) setting forth measures to support the protection of human rights and anti-corruption advocates in Nicaragua.

SEC. 9. REFORM OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

Section 603(f)(1) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323; 130 Stat. 1938) is amended by striking "Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement" and inserting "At the initial meeting of the Commission, the Commission shall develop and implement".

SEC. 10. TERMINATION.

The provisions of this Act (other than section 9) shall terminate on December 31, 2023.

SEC. 11. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(2) GOOD.—The term "good" means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(3) PERSON.—The term "person" means an individual or entity.

(4) UNITED STATES PERSON.—The term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity), or any person in the United States.

Approved December 20, 2018.

LEGISLATIVE HISTORY—H.R. 1918:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 3, considered and passed House.
Vol. 164 (2018): Nov. 27, considered and passed Senate, amended.
Dec. 11, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 20, Presidential statement.

Public Law 115–336
115th Congress

An Act

To improve executive agency digital services, and for other purposes.

Dec. 20, 2018
[H.R. 5759]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

21st Century Integrated Digital Experience Act. 44 USC 3501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Integrated Digital Experience Act" or the "21st Century IDEA".

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code.

SEC. 3. WEBSITE MODERNIZATION.

(a) REQUIREMENTS FOR NEW WEBSITES AND DIGITAL SERVICES.—Not later than 180 days after the date of enactment of this Act, an executive agency that creates a website or digital service that is intended for use by the public, or conducts a redesign of an existing legacy website or digital service that is intended for use by the public, shall ensure to the greatest extent practicable that any new or redesigned website, web-based form, web-based application, or digital service— Deadline.

(1) is accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d);

(2) has a consistent appearance;

(3) does not overlap with or duplicate any legacy websites and, if applicable, ensure that legacy websites are regularly reviewed, eliminated, and consolidated;

(4) contains a search function that allows users to easily search content intended for public use;

(5) is provided through an industry standard secure connection;

(6) is designed around user needs with data-driven analysis influencing management and development decisions, using qualitative and quantitative data to determine user goals, needs, and behaviors, and continually test the website, web-based form, web-based application, or digital service to ensure that user needs are addressed;

(7) provides users of the new or redesigned website, web-based form, web-based application, or digital service with the

option for a more customized digital experience that allows users to complete digital transactions in an efficient and accurate manner; and

(8) is fully functional and usable on common mobile devices.

(b) REQUIREMENTS FOR EXISTING EXECUTIVE AGENCY WEBSITES AND DIGITAL SERVICES.—Not later than 1 year after the date of enactment of this Act, the head of each executive agency that maintains a website or digital service that is made available to the public shall— Deadline.

(1) review each website or digital service; and

(2) submit to Congress a report that includes— Reports.

(A) a list of the websites and digital services maintained by the executive agency that are most viewed or utilized by the public or are otherwise important for public engagement; Lists.

(B) from among the websites and digital services listed under subparagraph (A), a prioritization of websites and digital services that require modernization to meet the requirements under subsection (a); and

(C) an estimation of the cost and schedule of modernizing the websites and digital services prioritized under subparagraph (B). Cost estimate.

(c) INTERNAL DIGITAL SERVICES.—The head of each executive agency shall ensure, to the greatest extent practicable, that any Intranet established after the date of enactment of this Act conforms to the requirements described in subsection (a).

(d) PUBLIC REPORTING.—Not later than 1 year after the date of enactment of this Act and every year thereafter for 4 years, the head of each executive agency shall—

(1) report annually to the Director on the progress of the executive agency in implementing the requirements described in this section for the previous year; and

(2) include the information described in paragraph (1) in a publicly available report that is required under another provision of law.

(e) COMPLIANCE WITH UNITED STATES WEBSITE STANDARDS.—Any website of an executive agency that is made available to the public after the date of enactment of this Act shall be in compliance with the website standards of the Technology Transformation Services of the General Services Administration.

SEC. 4. DIGITIZATION OF GOVERNMENT SERVICES AND FORMS.

(a) NON-DIGITAL SERVICES.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance to the head of each executive agency that establishes a process for the executive agency to— Deadline. Guidance.

(1) identify public non-digital, paper-based, or in-person Government services; and

(2) include in the budget request of the executive agency—

(A) a list of non-digital services with the greatest impact that could be made available to the public through an online, mobile-friendly, digital service option in a manner that decreases cost, increases digital conversion rates, and improves customer experience; and Lists.

(B) an estimation of the cost and schedule associated with carrying out the modernization described in subparagraph (A). Cost estimate.

(b) SERVICES REQUIRED TO BE DIGITAL.—The head of each executive agency shall regularly review public-facing applications and services to ensure that those applications and services are, to the greatest extent practicable, made available to the public in a digital format.

(c) FORMS REQUIRED TO BE DIGITAL.—Not later than 2 years after the enactment of this Act, the head of each executive agency shall ensure that any paper based form that is related to serving the public is made available in a digital format that meets the requirements described in section 3(a). Deadline.

(d) NON-DIGITIZABLE PROCESSES.—If the head of an executive agency cannot make available in a digital format under this section an in-person Government service, form, or paper-based process, the head of the executive agency shall document—

(1) the title of the in-person Government service, form, or paper-based process;

(2) a description of the in-person Government service, form, or paper-based process;

(3) each unit responsible for the in-person Government service, form, or paper-based process and the location of each unit in the organizational hierarchy of the executive agency;

(4) any reasons why the in-person Government service, form, or paper-based process cannot be made available under this section; and

(5) any potential solutions that could allow the in-person Government service, form, or paper-based process to be made available under this section, including the implementation of existing technologies, procedural changes, regulatory changes, and legislative changes.

(e) PHYSICAL AVAILABILITY.—Each executive agency shall maintain an accessible method of completing digital services through in-person, paper-based, or other means, such that individuals without the ability to use digital services are not deprived of or impeded in access to those digital services.

SEC. 5. ELECTRONIC SIGNATURES. Deadline. Plan.

Not later than 180 days after the date of the enactment of this Act, the head of each executive agency shall submit to the Director and the appropriate congressional committees a plan to accelerate the use of electronic signatures standards established under the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

SEC. 6. CUSTOMER EXPERIENCE AND DIGITAL SERVICE DELIVERY. Coordination.

The Chief Information Officer of each executive agency, or a designee, shall—

(1) coordinate and ensure alignment of the internal and external customer experience programs and strategy of the executive agency;

(2) coordinate with the management leaders of the executive agency, including the head of the executive agency, the Chief Financial Officer, and any program manager, to ensure proper funding to support the implementation of this Act;

(3) continually examine the digital service delivery strategy of the executive agency to the public and submit recommendations to the head of the executive agency providing guidance and best practices suitable to the mission of the executive agency; Recommendations.

(4) using qualitative and quantitative data obtained from across the executive agency relating to the experience and satisfaction of customers, identify areas of concern that need improvement and improve the delivery of customer service;

(5) coordinate and ensure, with the approval of the head of the executive agency, compliance by the executive agency with section 3559 of title 44, United States Code; and

(6) to the extent practicable, coordinate with other agencies and seek to maintain as much standardization and commonality with other agencies as practicable in implementing the requirements of this Act, to best enable future transitions to centralized shared services.

SEC. 7. STANDARDIZATION.

(a) DESIGN AND IMPLEMENTATION.—Each executive agency shall, to the extent practicable, seek to maintain as much standardization and commonality with other executive agencies as practicable in implementing the requirements of this Act to best enable future transitions to centralized shared services.

(b) COORDINATION.—The Chief Information Officer of each executive agency, or a designee, shall coordinate the implementation of the requirements of this Act, including the development of standards and commonalities.

(c) FEDERAL SUPPLY SCHEDULE.—

(1) IN GENERAL.—The General Services Administration shall make available under a Federal Supply Schedule the systems and services necessary to fulfill the requirements of this Act.

(2) REQUIREMENTS.—The Federal Supply Schedule described in paragraph (1) shall, to the extent practicable, ensure interoperability between executive agencies, compliance with industry standards, and adherence to best practices for design, accessibility, and information security.

Approved December 20, 2018.

LEGISLATIVE HISTORY—H.R. 5759 (S. 3050):

HOUSE REPORTS: No. 115–1055 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 115–418 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 3050.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 115–337
115th Congress

An Act

To award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

Dec. 20, 2018
[S. 1050]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chinese-American World War II Veteran Congressional Gold Medal Act. 31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chinese-American World War II Veteran Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Chinese Americans served the United States in every conflict since the Civil War, and distinguished themselves in World War II, serving in every theater of war and every branch of service, earning citations for their heroism and honorable service, including the Medal of Honor;

(2) Chinese nationals and Chinese Americans faced institutional discrimination in the United States since before World War II, limiting the size of their population and their ability to build thriving communities in the United States;

(3) the Act entitled "An Act to execute certain treaty stipulations relating to Chinese", approved May 6, 1882 (commonly known as the "Chinese Exclusion Act of 1882") (22 Stat. 58, chapter 126), was the first Federal law that broadly restricted immigration and a specific nationality, making it illegal for Chinese laborers to immigrate to the United States and limiting the Chinese population in the United States for over 60 years;

(4) major court decisions such as the decisions in Lum v. Rice, 275 U.S. 78 (1927), and People v. Hall, 4 Cal. 399 (1854), found "yellow" races to be equal to African Americans with regard to "separate but equal" school facilities, and prohibited Chinese Americans, along with "Black, mulatto, or Indian" persons, from testifying against White men;

(5) Chinese Americans were harassed, beaten, and murdered because of their ethnicity, including the Chinese Massacre of 1871, where 17 Chinese immigrants in Los Angeles, California, were tortured and murdered, the Rock Springs Massacre of 1885 where White rioters killed 28 Chinese miners and burned 75 of their homes in Rock Springs, Wyoming, and the Hells Canyon Massacre of 1887 where 34 Chinese gold miners were ambushed and murdered in Hells Canyon, Oregon;

(6) there were only 78,000 Chinese Americans living on the United States mainland, with 29,000 living in Hawaii,

at the start of World War II as result of Federal and State legislation and judicial decisions;

(7) despite the anti-Chinese discrimination at the time, as many as 20,000 Chinese Americans served in the Armed Forces during World War II, of whom, approximately 40 percent were not United States citizens due to the laws that denied citizenship to persons of Chinese descent;

(8) Chinese Americans, although small in numbers, made important contributions to the World War II effort;

(9) of the total Chinese Americans serving, approximately 25 percent served in the United States Army Air Force, with some sent to the China-Burma-India Theater with the 14th Air Service Group;

(10) the remainder of Chinese Americans who served in World War II served in all branches of the Armed Forces in all 4 theaters of war;

(11) the first all Chinese-American group was the 14th Air Service Group in the China-Burma-India Theater which enabled extensive and effective operations against the Japanese military in China;

(12) Chinese Americans are widely acknowledged for their role in the 14th Air Force, widely known as the Flying Tigers;

(13) Chinese Americans assigned to the China-Burma-India Theater made transoceanic journeys through hostile territories and were subject to enemy attack while at sea and in the air;

(14) in the Pacific Theater, Chinese Americans were in ground, air, and ocean combat and support roles throughout the Pacific including New Guinea, Guadalcanal, Solomon Islands, Iwo Jima, Okinawa, Philippines, Mariana Islands, and Aleutian Islands;

(15) throughout the Pacific and China-Burma-India theaters, Chinese Americans performed vital functions in translating, coordinating Nationalist Chinese and United States combat operations, servicing and repairing aircraft and armaments, training Nationalist Chinese troops and sailors, delivering medical care, providing signal and communication support, gathering and analyzing intelligence, participating in ground and air combat, and securing and delivering supplies;

(16) Chinese Americans also served in combat and support roles in the European and African theaters, serving in North Africa, Sicily, Italy, the Normandy D–Day invasion, which liberated Western Europe, and the Battle of the Bulge, occupying Western Germany while helping to liberate Central Europe;

(17) Chinese Americans flew bomber missions, served in infantry units and combat ships in the Battle of the Atlantic, including aboard Merchant Marines convoys vulnerable to submarine and air attacks;

(18) many Chinese-American women served in the Women's Army Corps, the Army Air Forces, and the United States Naval Reserve Women's Reserve, and some became pilots, air traffic controllers, flight trainers, weather forecasters, occupational therapists, and nurses;

(19) Captain Francis B. Wai is the only Chinese American who served in World War II to have been awarded the Medal of Honor, the highest military award given by the United States

(20) Chinese Americans also earned Combat Infantry Badges, Purple Hearts, Bronze Stars, Silver Stars, Distinguished Service Cross, and Distinguished Flying Cross;

(21) units of the Armed Forces with Chinese Americans were also awarded unit citations for valor and bravery;

(22) the United States remains forever indebted to the bravery, valor, and dedication that the Chinese-American Veterans of World War II displayed; and

(23) the commitment and sacrifice of Chinese Americans demonstrates a highly uncommon and commendable sense of patriotism and honor in the face of discrimination.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "Chinese-American Veterans of World II" includes individuals of Chinese ancestry who served—

(A) honorably at any time during the period December 7, 1941, and ending December 31, 1946; and

(B) in an active duty status under the command of the Armed Forces; and

(2) the term "Secretary" means the Secretary of the Treasury.

SEC. 4. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary shall strike the gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTE.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Chinese-American Veterans of World War II, the gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other locations associated with the Chinese-American Veterans of World II or with World War II.

(d) DUPLICATE MEDALS.—Under regulations that the Secretary may promulgate, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the cost of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDAL.

(a) NATIONAL MEDAL.—The gold medal struck under this Act shall be a national medal for the purposes of chapter 51 of title 31, Unites States Code.

(b) NUMISMATIC ITEMS.—For purpose of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved December 20, 2018.

LEGISLATIVE HISTORY—S. 1050:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed Senate.
Dec. 12, considered and passed House.

Public Law 115–338
115th Congress

An Act

To award a Congressional Gold Medal, collectively, to the crew of the USS Indianapolis, in recognition of their perseverance, bravery, and service to the United States.

Dec. 20, 2018
[S. 2101]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

USS Indianapolis Congressional Gold Medal Act. 31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "USS Indianapolis Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Portland-class heavy cruiser USS Indianapolis received 10 battle stars between February 1942 and April 1945 while participating in major battles of World War II from the Aleutian Islands to Okinawa.

(2) The USS Indianapolis, commanded by Captain Charles Butler McVay III, carried 1,195 personnel when it set sail for the island of Tinian on July 16, 1945, to deliver components of the atomic bomb "Little Boy". The USS Indianapolis set a speed record during the portion of the trip from California to Pearl Harbor and successfully delivered the cargo on July 26, 1945. The USS Indianapolis then traveled to Guam and received further orders to join Task Group 95.7 in the Leyte Gulf in the Philippines for training. During the length of the trip, the USS Indianapolis went unescorted.

(3) On July 30, 1945, minutes after midnight, the USS Indianapolis was hit by 2 torpedoes fired by the I–58, a Japanese submarine. The resulting explosions severed the bow of the ship, sinking the ship in about 12 minutes. Of 1,195 personnel, about 900 made it into the water. While a few life rafts were deployed, most men were stranded in the water with only a kapok life jacket.

(4) At 10:25 a.m. on August 2, 1945, 4 days after the sinking of the USS Indianapolis, Lieutenant Wilbur Gwinn was piloting a PV–1 Ventura bomber and accidentally noticed men in the water who were later determined to be survivors of the sinking of the USS Indianapolis. Lieutenant Gwinn alerted a PBY aircraft, under the command of Lieutenant Adrian Marks, about the disaster. Lieutenant Marks made a dangerous open-sea landing to begin rescuing the men before any surface vessels arrived. The USS Cecil J. Doyle was the first surface ship to arrive on the scene and took considerable risk in using a searchlight as a beacon, which gave hope to survivors in the water and encouraged them to make it through

another night. The rescue mission continued well into August 3, 1945, and was well-coordinated and responsive once launched. The individuals who participated in the rescue mission conducted a thorough search, saved lives, and undertook the difficult job of identifying the remains of, and providing a proper burial for, those individuals who had died.

(5) Only 316 men survived the ordeal and the survivors had to deal with severe burns, exposure to the elements, extreme dehydration, and shark attacks.

(6) During World War II, the USS Indianapolis frequently served as the flagship for the commander of the Fifth Fleet, Admiral Raymond Spruance, survived a bomb released during a kamikaze attack (which badly damaged the ship and killed 9 members of the crew), earned a total of 10 battle stars, and accomplished a top secret mission that was critical to ending the war. The sacrifice, perseverance, and bravery of the crew of the USS Indianapolis should never be forgotten.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the crew of the USS Indianapolis, in recognition of their perseverance, bravery, and service to the United States.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) INDIANA WAR MEMORIAL MUSEUM.—

(1) IN GENERAL.—Following the award of the gold medal referred to in subsection (a), the gold medal shall be given to the Indiana War Memorial Museum in Indianapolis, Indiana, where it will be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Indiana War Memorial Museum should make the gold medal received under this Act available for display elsewhere, particularly at other locations and events associated with the USS Indianapolis.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—Medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved December 20, 2018.

LEGISLATIVE HISTORY—S. 2101:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Aug. 1, considered and passed Senate.
Dec. 12, considered and passed House.

Public Law 115–339
115th Congress

An Act

Dec. 21, 2018
[H.R. 1162]

To direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

No Hero Left Untreated Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Hero Left Untreated Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Magnetic EEG/EKG-guided resonance therapy has successfully treated more than 400 veterans with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, chronic pain, and opiate addiction.

(2) Recent clinical trials and randomized, placebo-controlled, double-blind studies have produced promising measurable outcomes in the evolution of magnetic EEG/EKG-guided resonance therapy.

(3) The outcomes described in paragraph (2) have resulted in escalating demand from returning members of the Armed Forces and veterans who are seeking access to magnetic EEG/EKG-guided resonance therapy.

(4) Congress recognizes the importance of initiating innovative pilot programs that demonstrate the use and effectiveness of new treatment options for post-traumatic stress disorder, traumatic brain injury, military sexual trauma, chronic pain, and opiate addiction.

SEC. 3. MAGNETIC EEG/EKG-GUIDED RESONANCE THERAPY PILOT PROGRAM.

Deadline.

(a) PILOT PROGRAM.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to treat veterans suffering from post-traumatic stress disorder, traumatic brain injury, military sexual trauma, chronic pain, or opiate addiction.

(b) LOCATIONS.—The Secretary shall carry out the pilot program under subsection (a) at not more than two facilities of the Department of Veterans Affairs.

(c) PARTICIPANTS.—In carrying out the pilot program under subsection (a), the Secretary shall provide access to magnetic EEG/EKG-guided resonance therapy to not more than 50 veterans.

(d) DURATION.—The Secretary shall carry out the pilot program under subsection (a) for a 1-year period.

(e) REPORT.—Not later than 90 days after the termination of the pilot program under subsection (d), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(f) NO AUTHORIZATION OF APPROPRIATIONS.—No additional amounts are authorized to be appropriated to carry out the requirements of this section. Such requirements shall be carried out using amounts authorized under provisions of law other than this section.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1162:

HOUSE REPORTS: No. 115–147 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): May 23, considered and passed House.
Vol. 164 (2018): Dec. 19, considered and passed Senate.

Public Law 115–340
115th Congress

An Act

Dec. 21, 2018
[H.R. 1210]

To designate the facility of the United States Postal Service located at 122 W. Goodwin Street, Pleasanton, Texas, as the "Pleasanton Veterans Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLEASANTON VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 W. Goodwin Street, Pleasanton, Texas, shall be known and designated as the "Pleasanton Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Pleasanton Veterans Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1210:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–341
115th Congress

An Act

To designate the facility of the United States Postal Service located at 400 N. Main Street, Encinal, Texas, as the "Encinal Veterans Post Office".

Dec. 21, 2018
[H.R. 1211]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENCINAL VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 400 N. Main Street, Encinal, Texas, shall be known and designated as the "Encinal Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Encinal Veterans Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1211:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–342
115th Congress

An Act

Dec. 21, 2018
[H.R. 1222]

To amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Congenital Heart Futures Reauthorization Act of 2017.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congenital Heart Futures Reauthorization Act of 2017".

SEC. 2. NATIONAL CONGENITAL HEART DISEASE RESEARCH, SURVEILLANCE, AND AWARENESS.

Section 399V–2 of the Public Health Service Act (42 U.S.C. 280g–13) is amended to read as follows:

"SEC. 399V–2. NATIONAL CONGENITAL HEART DISEASE RESEARCH, SURVEILLANCE, AND AWARENESS.

"(a) IN GENERAL.—The Secretary shall, as appropriate—

"(1) enhance and expand research and data collection efforts related to congenital heart disease, including to study and track the epidemiology of congenital heart disease to understand health outcomes for individuals with congenital heart disease across all ages;

"(2) conduct activities to improve public awareness of, and education related to, congenital heart disease, including care of individuals with such disease; and

Grants.

"(3) award grants to entities to undertake the activities described in this section.

"(b) ACTIVITIES.—

"(1) IN GENERAL.—The Secretary shall carry out activities, including, as appropriate, through a national cohort study and a nationally-representative, population-based surveillance system, to improve the understanding of the epidemiology of congenital heart disease in all age groups, with particular attention to—

"(A) the incidence and prevalence of congenital heart disease in the United States;

"(B) causation and risk factors associated with, and natural history of, congenital heart disease;

"(C) health care utilization by individuals with congenital heart disease;

"(D) demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family

history of individuals who are diagnosed with the disease; and

"(E) evidence-based practices related to care and treatment for individuals with congenital heart disease.

"(2) PERMISSIBLE CONSIDERATIONS.—In carrying out the activities under this section, the Secretary may, as appropriate—

"(A) collect data on the health outcomes, including behavioral and mental health outcomes, of a diverse population of individuals of all ages with congenital heart disease, such that analysis of the outcomes will inform evidence-based practices for individuals with congenital heart disease; and

"(B) consider health disparities among individuals with congenital heart disease, which may include the consideration of prenatal exposures.

"(c) AWARENESS CAMPAIGN.—The Secretary may carry out awareness and educational activities related to congenital heart disease in individuals of all ages, which may include information for patients, family members, and health care providers, on topics such as the prevalence of such disease, the effect of such disease on individuals of all ages, and the importance of long-term, specialized care for individuals with such disease.

"(d) PUBLIC ACCESS.—The Secretary shall ensure that, subject to subsection (e), information collected under this section is made available, as appropriate, to the public, including researchers.

"(e) PATIENT PRIVACY.—The Secretary shall ensure that the data and information collected under this section are made available in a manner that, at a minimum, protects personal privacy to the extent required by applicable Federal and State law.

"(f) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant under subsection (a)(3), an entity shall—

"(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and

"(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $10,000,000 for each of fiscal years 2020 through 2024.".

SEC. 3. REPORT.

Summary.

Not later than 3 years after the date of enactment of the Congenital Heart Futures Reauthorization Act of 2017, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing any activities carried out pursuant to section 399V–2 of the Public Health Service Act (as amended by section 2), including planned activities, and a summary of any research findings and ongoing research efforts, gaps, and areas

of greatest need within the Department of Health and Human Services regarding congenital heart disease in patients of all ages.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1222:

HOUSE REPORTS: No. 115–329 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 26, considered and passed House.
Dec. 12, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendment.

Public Law 115–343
115th Congress

An Act

To require the Secretary of the Treasury to mint coins in recognition of the 60th Anniversary of the Naismith Memorial Basketball Hall of Fame.

Dec. 21, 2018
[H.R. 1235]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Naismith Memorial Basketball Hall of Fame Commemorative Coin Act. 31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Naismith Memorial Basketball Hall of Fame Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On December 21, 1891, a young physical education instructor named James Naismith, introduced the game of "basket ball" to his physical education class, in Springfield, Massachusetts.

(2) In 1959, the Naismith Memorial Basketball Hall of Fame was founded and dedicated to the game's creator Dr. James Naismith, in Springfield, MA, "The Birthplace of Basketball" and became the first and only museum to honor the game at all levels around the world.

(3) The Naismith Memorial Basketball Hall of Fame honors players who have achieved greatness, exemplary coaches, referees and other major contributors to the sport of basketball. The Inaugural Hall of Fame Class of 1959 had seventeen honorees who were inducted, including Dr. James Naismith, George Mikan, Forrest C. Allen, Angelo Luisetti, Original Celtics and First Team.

(4) The Naismith Memorial Basketball Hall of Fame is recognized throughout the world as the premier institution entrusted with recording and disseminating the history of the game of basketball and recognizing and honoring the achievements of its greatest players, coaches, and contributors.

(5) The Naismith Memorial Basketball Hall of Fame provides an entertaining, enriching experience and is known for its educational outreach programs and celebrates and promotes positive core values demonstrated by basketball's hallowed heroes and its founder.

(6) Basketball is one of America's national treasures, with its fast pace which reflects the freedom of expression and the modern experience of life in the 21st century.

(7) Since its opening in 1959, the Naismith Memorial Basketball Hall of Fame is home to the largest collection of basketball memorabilia in the world, including more than

30,000 three-dimensional objects, 800,000 photographs, and 1.5 million documents.

(8) The Naismith Memorial Basketball Hall of Fame welcomes more than 6 million visitors interested in discovering the rich history of the game through its stories, its personalities, and its most celebrated moments.

(9) The Naismith Memorial Basketball Hall of Fame reaches over 7 million Americans through its educational programs, events, exhibits, social media, and its interactive website.

(10) The Naismith Memorial Basketball Hall of Fame's customized educational programs use basketball to teach young students around the world the important lessons on a variety of topics including: financial literacy, mathematics, civil rights, leadership of character, women's and men's history, and geography.

(11) The Naismith Memorial Basketball Hall of Fame will lead the celebration of the 60th Anniversary of Basketball and will partner with a select group of constituents including the National Basketball Association, the National Collegiate Athletic Association, and USA Basketball in commemorating the game throughout the 2019–2020 basketball season.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the Naismith Memorial Basketball Hall of Fame, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) be struck on a planchet having a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) be struck on a planchet having a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) be struck on a planchet having a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) DOME SHAPE.—The coins minted under this Act shall be in the shape of a dome.

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and Consultation.

(2) reviewed by the Citizens Coinage Advisory Committee.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year "2020"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION AND APPROVAL PROCESS FOR OBVERSE DESIGN.—

(1) IN GENERAL.—The Secretary shall hold a competition to determine the design of the common obverse of the coins minted under this Act, with such design being emblematic of the game of basketball. Determination.

(2) SELECTION AND APPROVAL.—Proposals for the design of coins minted under this Act may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

(3) PROPOSALS.—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers and other employees of the United States Mint, other Government employees, and members of the general public.

(4) COMPENSATION.—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than $5,000. The Secretary shall take into account this compensation amount when determining the sale price described in section 6(a). Determination.

(d) REVERSE DESIGN.—The design on the common reverse of the coins minted under this Act shall depict a basketball.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2020. Effective date.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Naismith Memorial Basketball Hall of Fame to fund an endowment that will enable increased operations and educational programming of the Naismith Memorial Basketball Hall of Fame.

(c) AUDITS.—The Naismith Memorial Basketball Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1235:

CONGRESSIONAL RECORD:

Vol. 163 (2017): Sept. 25, considered and passed House.

Vol. 164 (2018): Dec. 18, considered and passed Senate.

Public Law 115–344
115th Congress

An Act

To support States in their work to save and sustain the health of mothers during pregnancy, childbirth, and in the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

Dec. 21, 2018
[H.R. 1318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Preventing Maternal Deaths Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Maternal Deaths Act of 2018".

SEC. 2. SAFE MOTHERHOOD.

Section 317K of the Public Health Service Act (42 U.S.C. 247b–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "purpose of this subsection is to develop" and inserting "purposes of this subsection are to establish or continue a Federal initiative to support State and tribal maternal mortality review committees, to improve data collection and reporting around maternal mortality, and to develop or support";

(ii) by striking "population at risk of death and" and inserting "populations at risk of death and severe"; and

(B) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

"(A) The Secretary may continue and improve activities related to a national maternal mortality data collection and surveillance program to identify and support the review of pregnancy-associated deaths and pregnancy-related deaths that occur during, or within 1 year following, pregnancy."; and

Time period.

(ii) by inserting after subparagraph (C) the following:

"(D) The Secretary may, in cooperation with States, Indian tribes, and tribal organizations, develop a program to support States, Indian tribes, and tribal organizations in establishing or operating maternal mortality review committees, in accordance with subsection (d).";

Cooperation.

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking "encouraging preconception" and inserting "prepregnancy"; and

(ii) by striking "diabetics" and inserting "women with diabetes and women with substance use disorder" before the semicolon;

(B) in subparagraph (H)—

(i) by inserting "the identification of the determinants of disparities in maternal care, health risks, and health outcomes, including" before "an examination"; and

(ii) by inserting "and other groups of women with disproportionately high rates of maternal mortality" before the semicolon;

(C) in subparagraph (I), by striking "domestic" and inserting "interpersonal";

(D) by redesignating subparagraphs (I) through (L) as subparagraphs (J) through (M), respectively;

(E) by inserting after subparagraph (H) the following:

"(I) activities to reduce disparities in maternity services and outcomes;"; and

(F) in subparagraph (K), as so redesignated, by striking ", alcohol and illegal drug use" and inserting "and substance abuse and misuse";

(3) in subsection (c)—

(A) by striking "(1) IN GENERAL—The Secretary" and inserting "The Secretary";

(B) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and adjusting the margins accordingly;

(C) in paragraph (1), as so redesignated, by striking "and the building of partnerships with outside organizations concerned about safe motherhood";

(D) in paragraph (2), as so redesignated, by striking "; and" and inserting a semicolon;

(E) in paragraph (3), as so redesignated, by striking the period and inserting "; and"; and

(F) by adding at the end the following:

Time period.

"(4) activities to promote physical, mental, and behavioral health during, and up to 1 year following, pregnancy, with an emphasis on prevention of, and treatment for, mental health disorders and substance use disorder.";

(4) by redesignating subsection (d) as subsection (f);

(5) by inserting after subsection (c) the following:

"(d) MATERNAL MORTALITY REVIEW COMMITTEES.—

"(1) IN GENERAL.—In order to participate in the program under subsection (a)(2)(D), the applicable maternal mortality review committee of the State, Indian tribe, or tribal organization shall—

"(A) include multidisciplinary and diverse membership that represents a variety of clinical specialties, State, tribal, or local public health officials, epidemiologists, statisticians, community organizations, geographic regions within the area covered by such committee, and individuals or organizations that represent the populations in the area covered by such committee that are most affected by pregnancy-related deaths or pregnancy-associated deaths and lack of access to maternal health care services; and

"(B) demonstrate to the Centers for Disease Control and Prevention that such maternal mortality review committee's methods and processes for data collection and review, as required under paragraph (3), use best practices to reliably determine and include all pregnancy-associated deaths and pregnancy-related deaths, regardless of the outcome of the pregnancy.

"(2) PROCESS FOR CONFIDENTIAL REPORTING.—States, Indian tribes, and tribal organizations that participate in the program described in this subsection shall, through the State maternal mortality review committee, develop a process that—

"(A) provides for confidential case reporting of pregnancy-associated and pregnancy-related deaths to the appropriate State or tribal health agency, including such reporting by—

"(i) health care professionals;

"(ii) health care facilities;

"(iii) any individual responsible for completing death records, including medical examiners and medical coroners; and

"(iv) other appropriate individuals or entities; and

"(B) provides for voluntary and confidential case reporting of pregnancy-associated deaths and pregnancy-related deaths to the appropriate State or tribal health agency by family members of the deceased, and other appropriate individuals, for purposes of review by the applicable maternal mortality review committee; and

"(C) shall include—

"(i) making publicly available contact information of the committee for use in such reporting; and

Public information.

"(ii) conducting outreach to local professional organizations, community organizations, and social services agencies regarding the availability of the review committee.

"(3) DATA COLLECTION AND REVIEW.—States, Indian tribes, and tribal organizations that participate in the program described in this subsection shall—

"(A) annually identify pregnancy-associated deaths and pregnancy-related deaths—

"(i) through the appropriate vital statistics unit by—

"(I) matching each death record related to a pregnancy-associated death or pregnancy-related death in the State or tribal area in the applicable year to a birth certificate of an infant or fetal death record, as applicable;

"(II) to the extent practicable, identifying an underlying or contributing cause of each pregnancy-associated death and each pregnancy-related death in the State or tribal area in the applicable year; and

"(III) collecting data from medical examiner and coroner reports, as appropriate;

"(ii) using other appropriate methods or information to identify pregnancy-associated deaths and pregnancy-related deaths, including deaths from pregnancy outcomes not identified through clause (i)(I);

Recommendations.

"(B) through the maternal mortality review committee, review data and information to identify adverse outcomes that may contribute to pregnancy-associated death and pregnancy-related death, and to identify trends, patterns, and disparities in such adverse outcomes to allow the State, Indian tribe, or tribal organization to make recommendations to individuals and entities described in paragraph (2)(A), as appropriate, to improve maternal care and reduce pregnancy-associated death and pregnancy-related death;

"(C) identify training available to the individuals and entities described in paragraph (2)(A) for accurate identification and reporting of pregnancy-associated and pregnancy-related deaths;

"(D) ensure that, to the extent practicable, the data collected and reported under this paragraph is in a format that allows for analysis by the Centers for Disease Control and Prevention; and

Public information.

"(E) publicly identify the methods used to identify pregnancy-associated deaths and pregnancy-related deaths in accordance with this section.

"(4) CONFIDENTIALITY.—States, Indian tribes, and tribal organizations participating in the program described in this subsection shall establish confidentiality protections to ensure, at a minimum, that—

"(A) there is no disclosure by the maternal mortality review committee, including any individual members of the committee, to any person, including any government official, of any identifying information about any specific maternal mortality case; and

"(B) no information from committee proceedings, including deliberation or records, is made public unless specifically authorized under State and Federal law.

"(5) REPORTS TO CDC.—For fiscal year 2019, and each subsequent fiscal year, each maternal mortality review committee participating in the program described in this subsection shall submit to the Director of the Centers for Disease Control and Prevention a report that includes—

Recommendations.

"(A) data, findings, and any recommendations of such committee; and

"(B) as applicable, information on the implementation during such year of any recommendations submitted by the committee in a previous year.

"(6) STATE PARTNERSHIPS.—States may partner with one or more neighboring States to carry out the activities under this subparagraph. With respect to the States in such a partnership, any requirement under this subparagraph relating to the reporting of information related to such activities shall be deemed to be fulfilled by each such State if a single such report is submitted for the partnership.

Consultation.

"(7) APPROPRIATE MECHANISMS FOR INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary, in consultation with Indian tribes, shall identify and establish appropriate mechanisms for Indian tribes and tribal organizations to demonstrate, report data, and conduct the activities as required for participation in the program described in this subsection. Such mechanisms may include technical assistance with respect to grant

application and submission procedures, and award management activities.

"(8) RESEARCH AVAILABILITY.—The Secretary shall develop a process to ensure that data collected under paragraph (5) is made available, as appropriate and practicable, for research purposes, in a manner that protects individually identifiable or potentially identifiable information and that is consistent with State and Federal privacy law.

"(e) DEFINITIONS.—In this section—

"(1) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act;

"(2) the term 'pregnancy-associated death' means a death of a woman, by any cause, that occurs during, or within 1 year following, her pregnancy, regardless of the outcome, duration, or site of the pregnancy; and

"(3) the term 'pregnancy-related death' means a death of a woman that occurs during, or within 1 year following, her pregnancy, regardless of the outcome, duration, or site of the pregnancy—

"(A) from any cause related to, or aggravated by, the pregnancy or its management; and

"(B) not from accidental or incidental causes."; and

(6) in subsection (f), as so redesignated, by striking "such sums as may be necessary for each of the fiscal years 2001 through 2005" and inserting "$58,000,000 for each of fiscal years 2019 through 2023".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1318:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 13, considered and passed Senate.

Public Law 115–345
115th Congress

An Act

Dec. 21, 2018
[H.R. 1733]

To direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Deadline.
Cooperation.

SECTION 1. ENERGY SAVINGS FROM LUBRICATING OIL.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget, shall—

(1) review and update the report prepared pursuant to section 1838 of the Energy Policy Act of 2005;

Consultation.
Data.

(2) after consultation with relevant Federal, State, and local agencies and affected industry and stakeholder groups, update data that was used in preparing that report; and

Strategy.

(3) prepare and submit to Congress a coordinated Federal strategy to increase the beneficial reuse of used lubricating oil, that—

(A) is consistent with national policy as established pursuant to section 2 of the Used Oil Recycling Act of 1980 (Public Law 96–463); and

(B) addresses measures needed to—

(i) increase the responsible collection of used oil;

Public information.

(ii) disseminate public information concerning sustainable reuse options for used oil; and

(iii) promote sustainable reuse of used oil by Federal agencies, recipients of Federal grant funds, entities contracting with the Federal Government, and the general public.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1733:

HOUSE REPORTS: No. 115–457 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Dec. 12, considered and passed House.
Vol. 164 (2018): Dec. 20, considered and passed Senate.

Public Law 115–346
115th Congress

An Act

To designate the facility of the United States Postal Service located at 907 Fourth Avenue in Lake Odessa, Michigan, as the "Donna Sauers Besko Post Office".

Dec. 21, 2018
[H.R. 1850]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DONNA SAUERS BESKO POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 907 Fourth Avenue in Lake Odessa, Michigan, shall be known and designated as the "Donna Sauers Besko Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Donna Sauers Besko Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 1850:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–347
115th Congress

An Act

Dec. 21, 2018
[H.R. 3184]

To designate the facility of the United States Postal Service located at 180 McCormick Road in Charlottesville, Virginia, as the "Captain Humayun Khan Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN HUMAYUN KHAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 180 McCormick Road in Charlottesville, Virginia, shall be known and designated as the "Captain Humayun Khan Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Humayun Khan Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 3184:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–348
115th Congress

An Act

To impose sanctions with respect to foreign persons that are responsible for using civilians as human shields, and for other purposes.

Dec. 21, 2018
[H.R. 3342]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sanctioning the Use of Civilians as Defenseless Shields Act.
50 USC 1701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sanctioning the Use of Civilians as Defenseless Shields Act".

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to officially and publicly condemn the use of innocent civilians as human shields.

President.

SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT ARE RESPONSIBLE FOR THE USE OF CIVILIANS AS HUMAN SHIELDS.

(a) IMPOSITION OF SANCTIONS.—

(1) MANDATORY SANCTIONS.—The President shall impose sanctions described in subsection (d) with respect to each person on the list required under subsection (b).

(2) PERMISSIVE SANCTIONS.—The President may impose sanctions described in subsection (d) with respect to each person on the list described in subsection (c).

Deadline.
Determinations.

(b) MANDATORY SANCTIONS LIST.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a list of the following:

(1) Each foreign person that the President determines, on or after the date of the enactment of this Act—

(A) is a member of Hizballah or is knowingly acting on behalf of Hizballah; and

(B) knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack.

(2) Each foreign person that the President determines, on or after the date of the enactment of this Act—

(A) is a member of Hamas or is knowingly acting on behalf of Hamas; and

(B) knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack.

(3) Each foreign person or agency or instrumentality of a foreign state that the President determines, on or after the

date of the enactment of this Act, knowingly and materially supports, orders, controls, directs, or otherwise engages in—

(A) any act described in subparagraph (B) of paragraph (1) by a person described in that paragraph; or

(B) any act described in subparagraph (B) of paragraph (2) by a person described in that paragraph.

Deadline. Determination.

(c) PERMISSIVE SANCTIONS LIST.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President should submit to the appropriate congressional committees a list of each foreign person that the President determines, on or after the date of the enactment of this Act, knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack, excluding foreign persons included in the most recent list under subsection (b).

(d) SANCTIONS DESCRIBED.—The sanctions to be imposed on a foreign person or an agency or instrumentality of a foreign state under this subsection are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person or agency or instrumentality of a foreign state if such property or interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

Determination.

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security determines is subject to sanctions under subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—Any visa or other documentation issued to an alien who is subject to sanctions under subsection (a), regardless of when such visa or other documentation was issued, shall be revoked and such alien shall be denied admission to the United States.

(C) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND OTHER INTERNATIONAL OBLIGATIONS.—The sanctions under this paragraph shall not be imposed on an individual if admitting such individual to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or with other applicable international obligations.

Applicability.

(e) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that knowingly

violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed to carry out this section to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of such Act.

(f) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under this section, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under this section or any prohibition, condition, or penalty imposed as a result of any such finding.

(g) WAIVER.—The President may waive the application of sanctions under this section if the President determines and reports to the appropriate congressional committees that such waiver is in the national security interest of the United States. Determination. Report.

(h) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The President may exercise all authorities under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

(2) ISSUANCE OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall prescribe such regulations as may be necessary to implement this section. Deadline.

(i) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to limit the authorities of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other relevant provision of law; or

(2) to apply with respect to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMITTED; ALIEN.—The terms "admitted" and "alien" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

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

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(4) FOREIGN PERSON.—The term "foreign person" means—

(A) any citizen or national of a foreign state, wherever located; or

(B) any entity not organized solely under the laws of the United States or existing solely in the United States.

(5) HAMAS.—The term "Hamas" means—

(A) the entity known as Hamas and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) any person identified as an agent or instrumentality of Hamas on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury, the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(6) HIZBALLAH.—The term "Hizballah" means—

(A) the entity known as Hizballah and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) any person identified as an agent or instrumentality of Hizballah on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury, the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(7) UNITED STATES PERSON.—The term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 5. SUNSET.

This Act shall cease to be effective on December 31, 2023.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 3342:

HOUSE REPORTS: No. 115–367, Pt. 1 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Oct. 25, considered and passed House.
Vol. 164 (2018): Oct. 11, considered and passed Senate, amended.
Dec. 11, House concurred in Senate amendments.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 21, Presidential statement.

Public Law 115–349
115th Congress

An Act

To designate the flood control project in Sedgwick County, Kansas, commonly known as the Wichita-Valley Center Flood Control Project, as the "M.S. 'Mitch' Mitchell Floodway".

Dec. 21, 2018
[H.R. 3383]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The flood control project in Sedgwick County, Kansas, commonly known as the Wichita–Valley Center Flood Control Project, shall be known and designated as the "M.S. 'Mitch' Mitchell Floodway".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the flood control project referred to in section 1 shall be deemed to be a reference to the "M.S. 'Mitch' Mitchell Floodway".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 3383:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–350
115th Congress

An Act

To confirm undocumented Federal rights-of-way or easements on the Gila River Indian Reservation, clarify the northern boundary of the Gila River Indian Community's Reservation, to take certain land located in Maricopa County and Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes.

Dec. 21, 2018
[H.R. 4032]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) establish, ratify, document, and confirm the Federal electrical, irrigation, and road rights-of-way and easements that exist within the exterior boundaries of the Reservation as of the date of the enactment of this Act;

(2) establish a fixed location of the northern boundary of the Reservation and to provide for the Secretary of the Interior to ensure that the northern boundary is resurveyed and marked in conformance with the public system of surveys;

(3) authorize and direct the Secretary to place certain lands into trust for the benefit of the Community;

(4) substitute the benefits provided under this Act to the Community, its members and allottees for any claims that the Community, its members and allottees may have had in connection with alleged failures relating to the northern boundary of the Reservation and the documentation and management of Federal rights-of-way on the Reservation; and

(5) authorize the funds necessary for the United States to meet the obligations under this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLOTTEE.—The term "allottee" means a person who holds a beneficial real property interest in an Indian allotment that is—

(A) located within the exterior boundaries of the Reservation; and

(B) held in trust by the United States.

(2) COMMUNITY.—The term "Community" means the Gila River Indian Community, a government composed of members of the Pima Tribe and the Maricopa Tribe and organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 5123).

(3) DISPUTED AREA.—The term "Disputed Area" means the land north of the Harrington Survey line and south of the middle of the Salt River (as it currently flows).

(4) EXECUTIVE ORDER.—The term "Executive Order" means the Executive order executed by President R.B. Hayes on June 14, 1879.

(5) FEDERAL AND TRIBAL FACILITIES.—The term "Federal and Tribal Facilities" means any and all structures, improvements, and appurtenances associated with roadways, canals, power lines, and other projects constructed for the benefit of the Community and its members. Thus, "Federal and Tribal Facilities" refers to—

(A) Indian Reservation Road (IRR) transportation facilities, including public roads, bridges, drainage structures, culverts, ferry routes, marine terminals, transit facilities, boardwalks, pedestrian paths, trails, and their appurtenances, and other transportation facilities, as designated by the Community and the Secretary and defined in section 170.5 of title 25, Code of Federal Regulations;

(B) Federal irrigation facilities included in the San Carlos Irrigation Project, the irrigation project authorized under the Act of June 7, 1924 (43 Stat. 475), including all structures and appurtenant works within the San Carlos Irrigation Project for the delivery, diversion, and storage of irrigation water, as defined in section 171.100 of title 25, Code of Federal Regulations; and

(C) Federal electric distribution facilities included in the San Carlos Irrigation Project—Electric Services, including all structures and appurtenant works for the delivery of electric power on the Reservation that are part of that project.

(6) LOWER SONORAN LANDS.—The term "Lower Sonoran Lands" means the approximately 3,400 acres of land—

(A) owned by the United States and administered by the Secretary through the Bureau of Land Management that have been identified and designated for disposal by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) in the Lower Sonoran Resource Management Plan (September 2012);

(B) located in Sections 1, 2, 3, 11, and 12, Township 2 South, Range 1 West, contiguous to the northwest boundary of the Community's existing Reservation; and portions of Sections 16 and 17, Township 5 South, Range 5 East, contiguous to the southern boundary of the Community's existing Reservation; and

(C) that the Community shall acquire pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(7) HARRINGTON SURVEY.—The term "Harrington Survey" means the Dependent Resurvey of a Portion of Township 1 North, Range 1 East, Gila and Salt River Meridian, Arizona, Gila River Indian Reservation, conducted by Guy P. Harrington, as shown on the plat and described in the field notes at Book 3384, approved September 2, 1920, and officially filed on November 3, 1920, on file with the Bureau of Land Management.

(8) RESERVATION.—The term "Reservation" means the land located within the exterior boundaries of the reservation created under sections 3 and 4 of the Act of February 28, 1859 (11 Stat. 401, chapter LXVI), and Executive orders of August 31, 1876, June 14, 1879, May 5, 1882, November 15, 1883, July 31, 1911, June 2, 1913, August 27, 1914, and July 19, 1915, and any other lands placed in trust for the benefit of the Community.

(9) ROW, EASEMENTS, AND FEDERAL AND TRIBAL FACILITIES MAP.—The term "ROW, Easements, and Federal and Tribal Facilities Map" means the map depicting the Federal rights-of-way, easements, and Federal and Tribal facilities that exist within the exterior boundaries of the Reservation on the date of enactment of this Act, which map is submitted to Congress as part of the Congressional record accompanying this Act.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LAND INTO TRUST FOR BENEFIT OF THE COMMUNITY.

(a) IN GENERAL.—The Secretary shall take the Lower Sonoran Lands into trust for the benefit of the Community, after the Community—

(1) conveys to the Secretary all right, title, and interest of the Community in and to the Lower Sonoran Lands;

(2) submits to the Secretary a request to take the Lower Sonoran Lands into trust for the benefit of the Community;

Survey.
Determinations.

(3) conducts a survey (to the satisfaction of the Secretary) to determine the exact acreage and legal description of the Lower Sonoran Lands, if the Secretary determines a survey is necessary; and

(4) pays all costs of any survey conducted under paragraph (3).

Deadline.
Public inspection.

(b) AVAILABILITY OF LOWER SONORAN LANDS MAP.—Not later than 180 days after the Lower Sonoran Lands are taken into trust under subsection (a), the map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) LANDS TAKEN INTO TRUST AS PART OF RESERVATION.—After the date on which the Lower Sonoran Lands are taken into trust under subsection (a), those lands shall be treated as part of the Reservation.

(d) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust under subsection (a).

Deadline.
Federal Register, publication.

(e) DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall cause the full metes-and-bounds description of the Lower Sonoran Lands to be published in the Federal Register. The description shall, on publication, constitute the official description of the Lower Sonoran Lands.

SEC. 5. ESTABLISHMENT OF FIXED NORTHERN BOUNDARY.

(a) IN GENERAL.—The Northern boundary of the Reservation created by the Executive Order is hereby modified in accordance with this section and shall be fixed, permanent, and not ambulatory.

(b) MODIFICATION OF NORTH BOUNDARY.—That portion of the Reservation boundary created by the Executive Order as along the middle of the Salt River shall be modified to be a fixed and permanent boundary as established by the Harrington Survey of

the north boundary of the Reservation, as shown on the plat and described in the field notes.

(c) RESURVEY AND MARKING.—Subject to available appropriations, the Secretary shall ensure that the modified Reservation boundary as described in subsection (b) is surveyed and clearly marked in conformance with the public system of surveys.

(d) EFFECT.—The Reservation boundary as modified and resurveyed by subsections (b) and (c) shall become the north boundary of the Reservation in all respects and upon all the same terms as if such lands had been included in the Executive Order. No other portion of the Reservation boundary shall be affected by this Act except as specifically set forth in this Act.

(e) PUBLICATION.—The Secretary shall publish in the Federal Register this modification and the resurvey of the Community's reservation boundary, as set forth in subsections (b) and (c), which shall constitute the fixed northern boundary of the Reservation. Federal Register, publication.

SEC. 6. SATISFACTION AND SUBSTITUTION OF CLAIMS.

(a) INTENT OF CONGRESS.—It is the intent of Congress to provide to the Community, its members, and allottees benefits that are equivalent to or exceed the claims the Community, its members, and allottees may possess as of the date of the enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation;

(2) the cultural and historic significance of the Lower Sonoran Lands to the Community, its members, and allottees;

(3) the benefit to the Community, its members, and allottees associated with having a fixed northern boundary of the Reservation;

(4) the benefits that will accrue to the Community, its members, and allottees resulting from the legal confirmation of Federal electrical, irrigation, and road rights-of-way as provided under this Act; and

(5) the availability of appropriations under this Act.

(b) IN GENERAL.—The benefits realized by the Community, its members, and allottees under this Act shall be in complete replacement of and substitution for, and full satisfaction of all claims that the Community, its members, and allottees may have had against the United States—

(1) relating to the United States alleged failure to legally establish and document Federal rights-of-way on the Reservation through the date of enactment of this Act; and

(2) for the United States alleged failure to establish, maintain and defend the Community's northern boundary of the Reservation through the date of the enactment of this Act.

(c) EFFECTIVE DATE.—This section shall become effective on the later of the date on which the Secretary—

(1) publishes in the Federal Register the notice required under section 4(e);

(2) publishes in the Federal Register the notice required under section 5(e); and

(3) completes the surveys for the Federal rights-of-way required under this Act.

SEC. 7. FEDERAL RIGHTS-OF-WAY.

(a) ESTABLISHED, RATIFIED, AND CONFIRMED.—All of the rights-of-way depicted in the ROW, Easements, and Federal and Tribal

Determination.

Facilities Map accompanying this Act are hereby established, ratified, and confirmed. The specific position and dimensions of such rights-of-way are to be determined following a survey conducted in accordance with section 8.

(b) RECORDATION.—All of the rights-of-way established, ratified, and confirmed in subsection (a) shall be recorded with the Land Titles and Records Office following each survey conducted in accordance with section 8.

(c) GRANTEE OR APPLICANT.—The Federal Government shall be considered the grantee or applicant for any and all rights-of-way established pursuant to this Act.

(d) CANCELLATION.—Any rights-of-way established by this Act may be cancelled pursuant to sections 404–409 of title 25, Federal Code of Regulations, or upon written request by the Community to the Secretary to remove the rights-of-way from the ROW, Easements, and Federal and Tribal Facilities Map subject to otherwise applicable law regarding rights-of-way on the Reservation. Any request for cancellation action by the Community shall be formally documented by tribal resolution.

(e) OTHER INTERESTS IN LAND.—Notwithstanding any law, the granting of any rights-of-way or easement other than those depicted in the ROW, Easements, and Federal and Tribal Facilities Map accompanying this Act, or any future additions, expansions or modifications of any of the rights-of-way or easement established, ratified, and confirmed in subsection (a), may only be done in accordance with all applicable laws and regulations. All other rights-of-ways or easements on the Reservation shall be valid only to the extent that they have been established in accordance with applicable Federal statute and regulation specifically governing rights-of-ways or easements on Indian lands.

SEC. 8. SURVEY.

Deadline.

(a) COMPLETION AND PUBLICATION.—Not later than 6 years after the date of the enactment of this Act, the Bureau of Indian Affairs shall undertake and complete a survey of each of the Federal rights-of-way established under this Act. A retroactive grant of easement shall be required upon completion of each survey of each of the Federal rights-of-way established under this Act. The Bureau of Indian Affairs shall cause the surveys undertaken pursuant to this Act to be published in the Federal Register.

Federal Register, publication.

(b) CONTRACT.—The Bureau of Indian Affairs is authorized, subject to appropriations, to contract for the survey of all Federal rights-of-way established pursuant to this Act to the Community or a third party.

(c) DELETIONS.—Upon completion of the surveys authorized and undertaken pursuant to subsection (a), the Community and the Bureau of Indian Affairs may determine that anomalies exist with respect to certain Federal rights-of-way such that deletion of such Federal right-of-way from the ROW, Easements, and Federal and Tribal Facilities Map is appropriate and such Federal right-of-way may be removed from the ROW, Easements, and Federal Tribal Facilities Map.

SEC. 9. HUNT HIGHWAY.

Nothing in this Act shall establish, terminate, or otherwise impact any right-of-way or easement associated with Hunt Highway

in Pinal County, Arizona, including the portion of Hunt Highway that traverses the Reservation.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 4032:

HOUSE REPORTS: No. 115–817 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–399 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 17, considered and passed House.
Dec. 13, considered and passed Senate.

Public Law 115–351
115th Congress

An Act

Dec. 21, 2018
[H.R. 4326]

To designate the facility of the United States Postal Service located at 200 West North Street in Normal, Illinois, as the "Sgt. Josh Rodgers Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SGT. JOSH RODGERS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 West North Street in Normal, Illinois, shall be known and designated as the "Sgt. Josh Rodgers Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sgt. Josh Rodgers Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 4326:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–352
115th Congress

An Act

To amend title 5, United States Code, to provide for interest payments by agencies in the case of administrative error in processing certain annuity deposits for prior military service or certain volunteer service, and for other purposes.

Dec. 21, 2018
[H.R. 4431]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Correcting Miscalculations in Veterans' Pensions Act.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Correcting Miscalculations in Veterans' Pensions Act".

SEC. 2. ERROR IN PROCESSING OF ANNUITY DEPOSIT FOR FORMER MEMBERS OF THE UNIFORMED SERVICES.

(a) CSRS.—Section 8334(j) of title 5, United States Code, is amended by adding at the end the following:

"(6)(A) In calculating and processing the deposit under paragraph (1) with respect to an employee, Member, or annuitant, if the employing agency of such employee, Member, or annuitant makes an administrative error, such employing agency may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

"(B) For purposes of subparagraph (A), the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate, shall be considered the employing agency of a Member or Congressional employee.

"(C) The Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out this paragraph.". Regulations.

(b) FERS.—Section 8422(e) of title 5, United States Code, is amended by adding at the end the following:

"(7)(A) In calculating and processing the deposit under paragraph (1) with respect to an employee, Member, or annuitant, if the employing agency of such employee, Member, or annuitant makes an administrative error, such employing agency may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

"(B) For purposes of subparagraph (A), the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate, shall be considered the employing agency of a Member or Congressional employee.

"(C) The Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out this paragraph.". Regulations.

SEC. 3. ERROR IN PROCESSING OF ANNUITY DEPOSIT FOR CERTAIN VOLUNTEERS.

(a) CSRS.—Section 8334(l) of title 5, United States Code, is amended by adding at the end of the following:

"(5)(A) In calculating and processing the deposit under paragraph (1) with respect to an employee, Member, or annuitant, if an employing agency of such employee, Member, or annuitant makes an administrative error that causes additional interest assessed to accrue on the deposit, the employing agency may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

"(B) In calculating and processing the deposit under paragraph (1) with respect to an employee, Member, or annuitant, if the Office of Personnel Management makes an administrative error that causes additional interest assessed to accrue on the deposit, the Office of Personnel Management may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

"(C) For purposes of subparagraph (A), the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate, shall be considered the employing agency of a Member or congressional employee.

Regulations.

"(D) The Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out this paragraph.".

(b) FERS.—Section 8422(f) of title 5, United States Code, is amended by adding at the end of the following:

"(5)(A) In calculating and processing the deposit under paragraph (1) with respect to an employee, Member, or annuitant, if an employing agency of such employee, Member, or annuitant makes an administrative error that causes additional interest assessed to accrue on the deposit, the employee, Member, or annuitant's employing agency may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

"(B) In calculating and processing the deposit under paragraph (1) with respect to an employee, Member, or annuitant, if the Office of Personnel Management makes an administrative error that causes additional interest assessed to accrue on the deposit, the Office of Personnel Management may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

"(C) For purposes of subparagraph (A), the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate, shall be considered the employing agency of a Member or congressional employee.

Regulations.

"(D) The Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out this paragraph.".

5 USC 8334 note.

(c) AUTHORIZATION OF PAYMENTS.—All payments from the Office of Personnel Management authorized by subsections (a) and (b) shall be paid from the Civil Service Retirement and Disability Fund, and together with administrative expenses incurred by the Office in administering these subsections, shall be deemed to have

been authorized to be paid from that Fund, which is appropriated for the payment thereof.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 4431:

HOUSE REPORTS: No. 115–946, Pt. 1 (Comm. on Oversight and Government Reform).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 26, considered and passed House.
Dec. 13, considered and passed Senate.

Public Law 115–353
115th Congress

An Act

Dec. 21, 2018
[H.R. 4819]

To promote inclusive economic growth through conservation and biodiversity programs that facilitate transboundary cooperation, improve natural resource management, and build local capacity to protect and preserve threatened wildlife species in the greater Okavango River Basin of southern Africa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Defending Economic Livelihoods and Threatened Animals Act. 22 USC 2151p note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defending Economic Livelihoods and Threatened Animals Act" or the "DELTA Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The greater Okavango River Basin, which ranges from the highland plateau of Angola to northeastern Namibia and northern Botswana, and also provides critical natural resources that sustain wildlife in Zambia and Zimbabwe, is the largest freshwater watershed in southern Africa.

(2) The greater Okavango River Basin is the main source of water and livelihoods for over 1 million people, and the effective management and protection of this critical watershed will help advance important conservation and economic growth objectives for Angola, Botswana, Namibia, local communities, and the broader region.

(3) The greater Okavango River Basin is home to the largest remaining elephant population in the world, as well as other threatened wildlife species.

(4) Poaching and trafficking of threatened wildlife species in the greater Okavango River Basin has increased in recent years, and has the potential to undermine regional stability by disrupting local governance and management of resources, and supplanting key economic opportunities for community members.

(5) Governments in the region have taken important steps to coordinate through existing conservation frameworks to combat trafficking, ensure responsible resource management, support local livelihoods, and protect threatened wildlife species.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that it is in the interest of the United States to engage, as appropriate, with the Governments of Angola, Botswana, Namibia, and neighboring countries, and in partnership with donors, regional organizations, nongovernmental organizations, local communities, and the private sector, to advance

conservation efforts and promote economic growth and stability in the greater Okavango River Basin and neighboring watersheds and conservation areas.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to promote inclusive economic growth through conservation and biodiversity programs that facilitate transboundary cooperation, improve water and natural resource management, and build local capacity to protect and preserve threatened wildlife species in the greater Okavango River Basin and neighboring watersheds and conservation areas.

SEC. 5. STRATEGY.

Angola.
Botswana.
Namibia.
Coordination.

(a) IN GENERAL.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall seek, as appropriate, to work with the Governments of Angola, Botswana, Namibia, and neighboring countries, and in partnership with donors, regional organizations, nongovernmental organizations, local communities, and the private sector, to develop a strategy to—

(1) create and advance a cooperative framework to promote responsible natural resource, water, and wildlife management practices in the greater Okavango River Basin;

(2) protect traditional migration routes of elephants and other threatened wildlife species;

(3) combat wildlife poaching and trafficking;

(4) address human health and development needs of local communities; and

(5) catalyze economic growth in such countries and across the broader region.

(b) ELEMENTS.—The strategy established pursuant to subsection (a) shall—

(1) promote cooperative and responsible water, natural resource, and wildlife management policies and practices within and among the countries of Angola, Botswana, and Namibia, with a particular focus on the greater Okavango River Basin and the critical headwaters located in Angola;

(2) protect and restore wildlife habitats and traditional migratory patterns of elephants and other threatened species;

Zambia.
Zimbabwe.

(3) combat wildlife poaching and trafficking in Angola, Botswana, Namibia, and those areas of Zambia and Zimbabwe that border Angola, Botswana, or Namibia, including within regional and national parks and reserves, by building the capacity of the governments of such countries, local law enforcement, community leaders, and park rangers to detect, disrupt, and prosecute poachers and traffickers;

(4) promote conservation as a foundation for inclusive economic growth and development within a comprehensive assistance strategy that places Angola, Botswana, and Namibia on a trajectory toward graduation from the need for United States foreign assistance;

(5) identify opportunities and mechanisms to leverage regional organizations, nongovernmental organizations, and public-private partnerships to contribute to support the implementation of the strategy;

(6) establish monitoring and evaluation mechanisms, including measurable goals, objectives, and benchmarks of success, that are included in grants, contracts, and cooperative

agreements to ensure the effective use of United States foreign assistance; and

Coordination.

(7) coordinate with and build the capacity of regional conservation frameworks in order to advance regional conservation objectives.

SEC. 6. UNITED STATES SUPPORT.

Coordination.

(a) IN GENERAL.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, are authorized to prioritize and advance ongoing efforts to—

(1) promote inclusive economic growth and development through responsible water and natural resource management and wildlife protection activities in the greater Okavango River Basin;

Angola.
Botswana.
Namibia.

(2) provide technical assistance to governments and local communities in Angola, Botswana, and Namibia to create a policy-enabling environment for such responsible water and natural resource management and wildlife protection activities; and

(3) build the capacity of local law enforcement, park rangers, and community leaders to combat wildlife poaching and trafficking.

(b) COORDINATION AND INTEGRATION WITH REGIONAL CONSERVATION FRAMEWORKS.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall coordinate assistance provided by Department of State, the United States Agency for International Development, and such other relevant Federal agencies with existing regional conservation frameworks in order to ensure regional integration of conservation, wildlife trafficking, and water management initiatives, to prevent duplication of efforts, and to advance regional conservation objectives.

(c) COORDINATION WITH PRIVATE SECTOR.—The Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, are authorized to work with the private sector and nongovernmental organizations to leverage public and private capital to promote responsible resource management, combat wildlife poaching and trafficking, and support inclusive economic growth and local livelihoods in the greater Okavango River Basin.

(d) MONITORING AND EVALUATION.—The Secretary and the Administrator shall establish monitoring and evaluation mechanisms, to include measurable goals, objectives, and benchmarks, to ensure the effective use of United States foreign assistance to achieve the objectives of this section.

SEC. 7. REPORT.

Coordination.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator, in coordination with the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees a report on the implementation of this Act.

Angola.
Botswana.
Namibia.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the strategy required by section 5, including—

(1) the monitoring and evaluation plans and indicators used to measure performance under the strategy;

(2) any legislative impediments to meeting the objectives of such strategy;

(3) the extent to which Angola, Botswana, and Namibia have demonstrated a commitment and willingness to cooperate to advance efforts described in section 5(b);

(4) progress made to date in meeting the objectives of such strategy;

(5) efforts to coordinate, deconflict, and streamline conservation programs in order to maximize resource effectiveness;

(6) the extent to which Angola, Botswana, and Namibia and other government in the region are investing resources to advance conservation initiatives; and

(7) the extent to which other funding sources, including through private sector investment and other investment by Angola, Botswana, and Namibia, have been identified to advance conservation initiatives.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) SECRETARY.—The term "Secretary" means the Secretary of State.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 4819:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 17, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–354
115th Congress

An Act

Dec. 21, 2018
[H.R. 5205]

To designate the facility of the United States Postal Service located at 701 6th Street in Hawthorne, Nevada, as the "Sergeant Kenneth Eric Bostic Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT KENNETH ERIC BOSTIC POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 701 6th Street in Hawthorne, Nevada, shall be known and designated as the "Sergeant Kenneth Eric Bostic Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Kenneth Eric Bostic Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5205:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–355
115th Congress

An Act

To designate the facility of the United States Postal Service located at 116 Main Street in Dansville, New York, as the "Staff Sergeant Alexandria Gleason-Morrow Post Office Building".

Dec. 21, 2018
[H.R. 5395]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFF SERGEANT ALEXANDRIA GLEASON-MORROW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 116 Main Street in Dansville, New York, shall be known and designated as the "Staff Sergeant Alexandria Gleason-Morrow Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Alexandria Gleason-Morrow Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5395:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–356
115th Congress

An Act

Dec. 21, 2018
[H.R. 5412]

To designate the facility of the United States Postal Service located at 25 2nd Avenue in Brentwood, New York, as the "Army Specialist Jose L. Ruiz Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY SPECIALIST JOSE L. RUIZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 25 2nd Avenue in Brentwood, New York, shall be known and designated as the "Army Specialist Jose L. Ruiz Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army Specialist Jose L. Ruiz Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5412:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–357
115th Congress

An Act

To designate the facility of the United States Postal Service located at 108 North Macon Street in Bevier, Missouri, as the "SO2 Navy SEAL Adam Olin Smith Post Office".

Dec. 21, 2018
[H.R. 5475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SO2 NAVY SEAL ADAM OLIN SMITH POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 108 North Macon Street in Bevier, Missouri, shall be known and designated as the "SO2 Navy SEAL Adam Olin Smith Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "SO2 Navy SEAL Adam Olin Smith Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5475:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–358
115th Congress

An Act

Dec. 21, 2018
[H.R. 5787]

To amend the Coastal Barrier Resources Act to give effect to more accurate maps of units of the John H. Chafee Coastal Barrier Resources System that were produced by digital mapping of such units, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strengthening Coastal Communities Act of 2018.
16 USC 3501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Coastal Communities Act of 2018".

SEC. 2. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS.

16 USC 3503 note.

(a) IN GENERAL.—Subject to subsection (c), each map included in the set of maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) that relates to a Unit of such System referred to in subsection (b) of this section is replaced in such set with the map described in subsection (b) with respect to that Unit.

16 USC 3503 note.

(b) REPLACEMENT MAPS DESCRIBED.—The replacement maps referred to in subsection (a) are the following:

(1) The map entitled "Delaware Seashore Unit DE–07/DE–07P North Bethany Beach Unit H01" and dated March 18, 2016, with respect to Unit DE–07, Unit DE–07P, and Unit H01.

(2) The map entitled "Pine Island Bay Unit NC–01/NC–01P" and dated March 18, 2016, with respect to Unit NC–01 and Unit NC–01P.

(3) The map entitled "Roosevelt Natural Area Unit NC–05P" and dated March 18, 2016, with respect to Unit NC–05P.

(4) The map entitled "Hammocks Beach Unit NC–06/NC–06P (2 of 2) Onslow Beach Complex L05 (1 of 2)" and dated March 18, 2016, with respect to Unit L05.

(5) The map entitled "Onslow Beach Complex L05 (2 of 2) Topsail Unit L06 (1 of 2)" and dated November 20, 2013, with respect to Unit L05 and Unit L06.

(6) The map entitled "Topsail Unit L06 (2 of 2)" and dated November 20, 2013, with respect to Unit L06.

(7) The map entitled "Litchfield Beach Unit M02 Pawleys Inlet Unit M03" and dated March 18, 2016, with respect to Unit M02 and Unit M03.

(8) The map entitled "Fort Clinch Unit FL–01/FL–01P" and dated March 18, 2016, with respect to Unit FL–01 and Unit FL–01P.

(9) The map entitled "Usina Beach Unit P04A Conch Island Unit P05/P05P" and dated March 18, 2016, with respect to Unit P04A, Unit P05, and Unit P05P.

(10) The map entitled "Ponce Inlet Unit P08/P08P" and dated March 18, 2016, with respect to Unit P08 and Unit P08P.

(11) The map entitled "Spessard Holland Park Unit FL–13P Coconut Point Unit P09A/P09AP" and dated March 18, 2016, with respect to Unit FL–13P, Unit P09A, and Unit P09AP.

(12) The map entitled "Blue Hole Unit P10A Pepper Beach Unit FL–14P" and dated March 18, 2016, with respect to Unit P10A and Unit FL–14P.

(13) The map entitled "Hutchinson Island Unit P11/P11P (1 of 2)" and dated March 18, 2016, with respect to Unit P11 and Unit P11P.

(14) The map entitled "Hutchinson Island Unit P11 (2 of 2)" and dated March 18, 2016, with respect to Unit P11.

(15) The map entitled "Blowing Rocks Unit FL–15 Jupiter Beach Unit FL–16P Carlin Unit FL–17P" and dated March 18, 2016, with respect to Unit FL–15, Unit FL–16P, and Unit FL–17P.

(16) The map entitled "MacArthur Beach Unit FL–18P" and dated March 18, 2016, with respect to Unit FL–18P.

(17) The map entitled "Birch Park Unit FL–19P" and dated March 18, 2016, with respect to Unit FL–19P.

(18) The map entitled "Lloyd Beach Unit FL–20P North Beach Unit P14A" and dated March 18, 2016, with respect to Unit FL–20P and Unit P14A.

(19) The map entitled "Tavernier Key Unit FL–39 Snake Creek Unit FL–40" and dated March 18, 2016, with respect to Unit FL–39 and Unit FL–40.

(20) The map entitled "Channel Key Unit FL–43 Toms Harbor Keys Unit FL–44 Deer/Long Point Keys Unit FL–45" and dated March 18, 2016, with respect to Unit FL–43, Unit FL–44, and FL–45.

(21) The map entitled "Boot Key Unit FL–46" and dated March 18, 2016, with respect to Unit FL–46.

(22) The map entitled "Bowditch Point Unit P17A Bunche Beach Unit FL–67/FL–67P Sanibel Island Complex P18P (1 of 2)" and dated March 18, 2016, with respect to Unit P17A, Unit FL–67, and Unit FL–67P.

(23) The map entitled "Bocilla Island Unit P21/P21P" and dated March 18, 2016, with respect to Unit P21 and Unit P21P.

(24) The map entitled "Venice Inlet Unit FL–71P Casey Key Unit P22" and dated March 18, 2016, with respect to Unit P22.

(25) The map entitled "Lido Key Unit FL–72P" and dated March 18, 2016, with respect to Unit FL–72P.

(26) The map entitled "De Soto Unit FL–73P Rattlesnake Key Unit FL–78 Bishop Harbor Unit FL–82" and dated March 18, 2016, with respect to Unit FL–73P, Unit FL–78, and Unit FL–82.

(27) The map entitled "Passage Key Unit FL–80P Egmont Key Unit FL–81/FL–81P The Reefs Unit P24P (1 of 2)" and

dated March 18, 2016, with respect to Unit FL–80P, Unit FL–81, and Unit FL–81P.

(28) The map entitled "Cockroach Bay Unit FL–83" and dated March 18, 2016, with respect to Unit FL–83.

(29) The map entitled "Sand Key Unit FL–85P" and dated March 18, 2016, with respect to Unit FL–85P.

(30) The map entitled "Pepperfish Keys Unit P26" and dated March 18, 2016, with respect to Unit P26.

(31) The map entitled "Peninsula Point Unit FL–89" and dated March 18, 2016, with respect to Unit FL–89.

(32) The map entitled "Phillips Inlet Unit FL–93/FL–93P Deer Lake Complex FL–94" and dated March 18, 2016, with respect to Unit FL–93, Unit FL–93P, and Unit FL–94.

(33) The map entitled "St. Andrew Complex P31 (1 of 3)" and dated October 7, 2016, with respect to Unit P31.

(34) The map entitled "St. Andrew Complex P31 (2 of 3)" and dated October 7, 2016, with respect to Unit P31.

(35) The map entitled "St. Andrew Complex P31/P31P (3 of 3)" and dated October 7, 2016, with respect to Unit P31 and Unit P31P.

16 USC 3503 note.

(c) LIMITATIONS.—For purposes of subsection (a)—

(1) nothing in this section affects the boundaries of any of Units NC–06 and NC–06P;

(2) the occurrence in subsection (b) of the name of a Unit solely in the title of a map shall not be construed to be a reference to such Unit; and

(3) the depiction of boundaries of any of Units P18P, FL–71P, and P24P in a map referred to in paragraph (22), (24), or (27) of subsection (b) shall not be construed to affect the boundaries of such Unit.

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "replaced," after "may be"; and

(2) in paragraph (3), by inserting "replaces such a map or" after "that specifically".

SEC. 3. DIGITAL MAPS OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS.

Section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)) is amended—

(1) by inserting before the first sentence the following: "(1) IN GENERAL.—"; and

(2) by adding at the end the following:

"(2) DIGITAL MAPS.—

Public information. Web posting.

"(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

"(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

"(C) REPORT.—No later than 180 days after the date of the enactment of the Strengthening Coastal Communities Act of 2018, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps and a timetable for completion of the digitization of all maps related to the System.".

SEC. 4. REPEAL OF REPORT.

16 USC 3503 note.

Section 3 of Public Law 109–226 is repealed.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5787:

HOUSE REPORTS: No. 115–997 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 13, 16, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–359
115th Congress

An Act

Dec. 21, 2018
[H.R. 5791]

To designate the facility of the United States Postal Service located at 9609 South University Boulevard in Highlands Ranch, Colorado, as the "Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPUTY SHERIFF ZACKARI SPURLOCK PARRISH, III, POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9609 South University Boulevard in Highlands Ranch, Colorado, shall be known and designated as the "Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5791:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 28, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–360
115th Congress

An Act

To designate the facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, as the "Detective Heath McDonald Gumm Post Office".

Dec. 21, 2018
[H.R. 5792]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETECTIVE HEATH MCDONALD GUMM POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, shall be known and designated as the "Detective Heath McDonald Gumm Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Detective Heath McDonald Gumm Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5792:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 28, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–361
115th Congress

An Act

Dec. 21, 2018
[H.R. 5923]

To direct the Secretary of Agriculture to exchange certain public lands in Ouachita National Forest, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Walnut Grove Land Exchange Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Walnut Grove Land Exchange Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CHURCH.—The term "Church" means the Walnut Grove Church in Garland County, Arkansas.

(2) OFFERED TRACT.—The term "Offered Tract" means all right, title, and interest of the Church in and to approximately 6.3 acres of non-Federal land identified as "Offered Tract 5742" on the Detail Map of the Walnut Grove Exchange, Ouachita National Forest map (printed date May 11, 2017).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) SELECTED TRACT.—The term "Selected Tract" means all right, title, and interest of the United States in and to approximately 4 acres identified as "Selected Tract 5743" on the Detail Map of the Walnut Grove Exchange, Ouachita National Forest map (printed date May 11, 2017), subject to the reservation of a road easement by the Secretary.

SEC. 3. EXCHANGE OF LAND; EQUALIZATION OF VALUE.

Deadline.

(a) EXCHANGE AUTHORIZED.—Subject to the provisions of this Act, not later than 2 years after the date of the enactment of this Act, if the Church offers to convey the Offered Tract to the United States, the Secretary shall—

(1) convey to the Church all right, title, and interest of the United States in and to the Selected Tract; and

(2) accept from the Church a conveyance of all right, title, and interest of the Church in and to the Offered Tract.

(b) REQUIREMENTS.—The exchange under subsection (a) shall be—

(1) subject to valid existing rights;

(2) conditioned on an equalization payment made by the Church in accordance with subsection (c); and

(3) conditioned on the payment of the costs described in subsection (g).

(c) EQUAL VALUE AND CASH EQUALIZATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the exchange under subsection (a) shall be for equal value or the values shall be equalized by a cash payment.

(2) EXCEPTION.—If the value of the Offered Tract exceeds the Selected Tract, an equalization payment shall not be required.

(d) APPRAISALS.—

(1) IN GENERAL.—The value of the land to be exchanged under this Act shall be determined by appraisals conducted by one or more independent and qualified appraisers.

(2) APPRAISAL STANDARDS.—The Secretary shall complete an appraisal of the land to be exchanged under this Act in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(e) FORMAT.—Title and valuation to the land to be exchanged under this Act shall be in a format acceptable to the Secretary and the Church.

(f) MAP AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall finalize a map and legal descriptions of all land to be conveyed under this Act.

(2) CORRECTIONS.—The Secretary may correct any minor errors in the map or in the legal descriptions.

(3) MAP ON FILE.—The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the United States Forest Service.

(g) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the Church.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 5923:

HOUSE REPORTS: No. 115–922 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–362
115th Congress

An Act

Dec. 21, 2018
[H.R. 6020]

To designate the facility of the United States Postal Service located at 325 South Michigan Avenue in Howell, Michigan, as the "Sergeant Donald Burgett Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT DONALD BURGETT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 325 South Michigan Avenue in Howell, Michigan, shall be known and designated as the "Sergeant Donald Burgett Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Donald Burgett Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6020:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–363
115th Congress

An Act

To designate the facility of the United States Postal Service located at 51 Willow Street in Lynn, Massachusetts, as the "Thomas P. Costin, Jr. Post Office Building".

Dec. 21, 2018
[H.R. 6059]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THOMAS P. COSTIN, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 51 Willow Street in Lynn, Massachusetts, shall be known and designated as the "Thomas P. Costin, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Thomas P. Costin, Jr. Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6059:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–364
115th Congress

An Act

Dec. 21, 2018
[H.R. 6160]

To amend title 5, United States Code, to clarify the sources of the authority to issue regulations regarding certifications and other criteria applicable to legislative branch employees under Wounded Warriors Federal Leave Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF SOURCES OF AUTHORITY TO ISSUE REGULATIONS REGARDING CERTIFICATIONS AND OTHER CRITERIA APPLICABLE TO LEGISLATIVE BRANCH EMPLOYEES UNDER WOUNDED WARRIORS FEDERAL LEAVE ACT.

(a) IN GENERAL.—Section 6329(c) of title 5, United States Code, is amended—

(1) by striking "In order" and inserting "(1) In order"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an employee of an office of the legislative branch, the certification described in paragraph (1) shall be prescribed—

"(A) in the case of an employee of the House of Representatives, by the Committee on House Administration of the House of Representatives;

"(B) in the case of an employee of the Senate, by the Committee on Rules and Administration of the Senate; or

"(C) in the case of an employee of any other office of the legislative branch, by the head of the office.".

Deadline.
5 USC 6329 note.

(b) REGULATIONS.—Not later than 9 months after the date of the enactment of this Act, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the head of each other office of the legislative branch shall prescribe regulations governing the application of section 6329 of title 5, United States Code, including the certification requirement under subsection (c) of such section, to employees of the House of Representatives, employees of the Senate, and employees of such office, respectively.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6160:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 28, considered and passed House.
Dec. 13, considered and passed Senate.

Public Law 115–365
115th Congress

An Act

To designate the facility of the United States Postal Service located at 5707 South Cass Avenue in Westmont, Illinois, as the "James William Robinson Jr. Memorial Post Office Building".

Dec. 21, 2018
[H.R. 6167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES WILLIAM ROBINSON JR. MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5707 South Cass Avenue in Westmont, Illinois, shall be known and designated as the "James William Robinson Jr. Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "James William Robinson Jr. Memorial Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6167:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–366
115th Congress

An Act

Dec. 21, 2018
[H.R. 6216]

To designate the facility of the United States Postal Service located at 3025 Woodgate Road in Montrose, Colorado, as the "Sergeant David Kinterknecht Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT DAVID KINTERKNECHT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3025 Woodgate Road in Montrose, Colorado, shall be known and designated as the "Sergeant David Kinterknecht Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant David Kinterknecht Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6216:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–367
115th Congress

An Act

To designate the facility of the United States Postal Service located at 241 N 4th Street in Grand Junction, Colorado, as the "Deputy Sheriff Derek Geer Post Office Building".

Dec. 21, 2018
[H.R. 6217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPUTY SHERIFF DEREK GEER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 241 N 4th Street in Grand Junction, Colorado, shall be known and designated as the "Deputy Sheriff Derek Geer Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Deputy Sheriff Derek Geer Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6217:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–368
115th Congress

An Act

Dec. 21, 2018
[H.R. 6227]

To provide for a coordinated Federal program to accelerate quantum research and development for the economic and national security of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Quantum Initiative Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

15 USC 8801 note.

(a) SHORT TITLE.—This Act may be cited as the "National Quantum Initiative Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Purposes.

TITLE I—NATIONAL QUANTUM INITIATIVE

Sec. 101. National Quantum Initiative Program.
Sec. 102. National Quantum Coordination Office.
Sec. 103. Subcommittee on Quantum Information Science.
Sec. 104. National Quantum Initiative Advisory Committee.
Sec. 105. Sunset.

TITLE II—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY QUANTUM ACTIVITIES

Sec. 201. National Institute of Standards and Technology activities and quantum consortium.

TITLE III—NATIONAL SCIENCE FOUNDATION QUANTUM ACTIVITIES

Sec. 301. Quantum information science research and education program.
Sec. 302. Multidisciplinary Centers for Quantum Research and Education.

TITLE IV—DEPARTMENT OF ENERGY QUANTUM ACTIVITIES

Sec. 401. Quantum Information Science Research program.
Sec. 402. National Quantum Information Science Research Centers.

15 USC 8801.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the National Quantum Initiative Advisory Committee established under section 104(a).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Science, Space, and Technology of the House of Representatives.

(3) COORDINATION OFFICE.—The term "Coordination Office" means the National Quantum Coordination Office established under section 102(a).

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) PROGRAM.—The term "Program" means the National Quantum Initiative Program implemented under section 101(a).

(6) QUANTUM INFORMATION SCIENCE.—The term "quantum information science" means the use of the laws of quantum physics for the storage, transmission, manipulation, computing, or measurement of information.

(7) SUBCOMMITTEE.—The term "Subcommittee" means the Subcommittee on Quantum Information Science of the National Science and Technology Council established under section 103(a).

SEC. 3. PURPOSES. 15 USC 8802.

The purpose of this Act is to ensure the continued leadership of the United States in quantum information science and its technology applications by—

(1) supporting research, development, demonstration, and application of quantum information science and technology—

(A) to expand the number of researchers, educators, and students with training in quantum information science and technology to develop a workforce pipeline;

(B) to promote the development and inclusion of multidisciplinary curriculum and research opportunities for quantum information science at the undergraduate, graduate, and postdoctoral level;

(C) to address basic research knowledge gaps, including computational research gaps;

(D) to promote the further development of facilities and centers available for quantum information science and technology research, testing and education; and

(E) to stimulate research on and promote more rapid development of quantum-based technologies;

(2) improving the interagency planning and coordination of Federal research and development of quantum information science and technology;

(3) maximizing the effectiveness of the Federal Government's quantum information science and technology research, development, and demonstration programs;

(4) promoting collaboration among the Federal Government, Federal laboratories, industry, and universities; and

(5) promoting the development of international standards for quantum information science and technology security—

(A) to facilitate technology innovation and private sector commercialization; and

(B) to meet economic and national security goals.

TITLE I—NATIONAL QUANTUM INITIATIVE

President.
15 USC 8811.

SEC. 101. NATIONAL QUANTUM INITIATIVE PROGRAM.

(a) IN GENERAL.—The President shall implement a National Quantum Initiative Program.

(b) REQUIREMENTS.—In carrying out the Program, the President, acting through Federal agencies, councils, working groups, subcommittees, and the Coordination Office, as the President considers appropriate, shall—

(1) establish the goals, priorities, and metrics for a 10-year plan to accelerate development of quantum information science and technology applications in the United States;

(2) invest in fundamental Federal quantum information science and technology research, development, demonstration, and other activities to achieve the goals established under paragraph (1);

(3) invest in activities to develop a quantum information science and technology workforce pipeline;

(4) provide for interagency planning and coordination of Federal quantum information science and technology research, development, demonstration, standards engagement, and other activities under the Program;

(5) partner with industry and universities to leverage knowledge and resources; and

(6) leverage existing Federal investments efficiently to advance Program goals and priorities established under paragraph (1).

15 USC 8812.

SEC. 102. NATIONAL QUANTUM COORDINATION OFFICE.

(a) ESTABLISHMENT.—

President.

(1) IN GENERAL.—The President shall establish a National Quantum Coordination Office.

(2) ADMINISTRATION.—The Coordination Office shall have—

Appointment.
Consultation.

(A) a Director appointed by the Director of the Office of Science and Technology Policy, in consultation with the Secretary of Commerce, the Director of the National Science Foundation, and the Secretary of Energy; and

(B) staff comprised of employees detailed from the Federal departments and agencies described in section 103(b).

(b) RESPONSIBILITIES.—The Coordination Office shall—

(1) provide technical and administrative support to—

(A) the Subcommittee; and

(B) the Advisory Committee;

(2) oversee interagency coordination of the Program, including by encouraging and supporting joint agency solicitation and selection of applications for funding of activities under the Program;

(3) serve as the point of contact on Federal civilian quantum information science and technology activities for Federal departments and agencies, industry, universities professional societies, State governments, and such other persons as the Coordination Office considers appropriate to exchange technical and programmatic information;

(4) ensure coordination among the collaborative ventures or consortia established under section 201(a), Multidisciplinary

Centers for Quantum Research and Education established under section 302(a), and the National Quantum Information Science Research Centers established under section 402(a);

(5) conduct public outreach, including the dissemination of findings and recommendations of the Advisory Committee, as appropriate;

(6) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government, and to industry, including startup companies; and

(7) promote access, through appropriate Federal Government agencies, and an open and competitive merit-reviewed process, to existing quantum computing and communication systems developed by industry, universities, and Federal laboratories to the general user community in pursuit of discovery of the new applications of such systems.

(c) FUNDING.—Funds necessary to carry out the activities of the Coordination Office shall be made available each fiscal year by the Federal departments and agencies described in section 103(b), as determined by the Director of the Office of Science and Technology Policy.

SEC. 103. SUBCOMMITTEE ON QUANTUM INFORMATION SCIENCE. 15 USC 8813.

(a) ESTABLISHMENT.—The President shall establish, through the National Science and Technology Council, the Subcommittee on Quantum Information Science. President.

(b) MEMBERSHIP.—The Subcommittee shall include a representative of—

(1) the National Institute of Standards and Technology;

(2) the National Science Foundation;

(3) the Department of Energy;

(4) the National Aeronautics and Space Administration;

(5) the Department of Defense;

(6) the Office of the Director of National Intelligence;

(7) the Office of Management and Budget;

(8) the Office of Science and Technology Policy; and

(9) such other Federal department or agency as the President considers appropriate.

(c) CHAIRPERSONS.—The Subcommittee shall be jointly chaired by the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, and the Secretary of Energy.

(d) RESPONSIBILITIES.—The Subcommittee shall— Assessments. Coordination.

(1) coordinate the quantum information science and technology research, information sharing about international standards development and use, and education activities and programs of the Federal agencies;

(2) establish goals and priorities of the Program, based on identified knowledge and workforce gaps and other national needs;

(3) assess and recommend Federal infrastructure needs to support the Program; Recommendations.

(4) assess the status, development, and diversity of the United States quantum information science workforce;

(5) assess the global outlook for quantum information science research and development efforts;

Evaluation.

(6) evaluate opportunities for international cooperation with strategic allies on research and development in quantum information science and technology; and

Budget.

(7) propose a coordinated interagency budget for the Program to the Office of Management and Budget to ensure the maintenance of a balanced quantum information science research portfolio and an appropriate level of research effort.

Deadlines.

(e) STRATEGIC PLANS.—In order to guide the activities of the Program and meet the goals, priorities, and anticipated outcomes of the Federal departments and agencies described in subsection (b), the Subcommittee shall—

(1) not later than 1 year after the date of enactment of this Act, develop a 5-year strategic plan;

(2) not later than 6 years after the date of enactment of this Act, develop a subsequent 5-year strategic plan; and

(3) periodically update each plan, as necessary.

(f) SUBMITTAL TO CONGRESS.—The chairpersons of the Subcommittee shall submit to the President, the Advisory Committee, and the appropriate committees of Congress each strategic plan developed under subsection (e) and any updates thereto.

(g) ANNUAL PROGRAM BUDGET REPORT.—

(1) IN GENERAL.—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, the chairpersons of the Subcommittee shall submit to the appropriate committees of Congress and such other committees of Congress as the chairpersons deem appropriate a report on the budget for the Program.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The budget of the Program for the current fiscal year, for each Federal department and agency described in subsection (b).

(B) The budget proposed for the Program for the next fiscal year, for each Federal department and agency described in subsection (b).

Analysis.

(C) An analysis of the progress made toward achieving the goals and priorities established under subsection (d)(2).

15 USC 8814.

SEC. 104. NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE.

President.

(a) IN GENERAL.—The President shall establish a National Quantum Initiative Advisory Committee.

Appointments.
President.

(b) QUALIFICATIONS.—The Advisory Committee shall consist of members, appointed by the President, who are representative of industry, universities, and Federal laboratories and are qualified to provide advice and information on quantum information science and technology research, development, demonstrations, standards, education, technology transfer, commercial application, or national security and economic concerns.

President.

(c) MEMBERSHIP CONSIDERATION.—In selecting the members of the Advisory Committee, the President may seek and give consideration to recommendations from the Congress, industry, the scientific community (including the National Academy of Sciences, scientific professional societies, and universities), the defense community, and other appropriate organizations.

(d) DUTIES.—

(1) IN GENERAL.—The Advisory Committee shall advise the President and the Subcommittee and make recommendations for the President to consider when reviewing and revising the Program. Recommendations.

(2) INDEPENDENT ASSESSMENTS.—The Advisory Committee shall conduct periodic, independent assessments of—

(A) any trends or developments in quantum information science and technology;

(B) the progress made in implementing the Program;

(C) the management, coordination, implementation, and activities of the Program;

(D) whether the Program activities and the goals and priorities established under section 103(d)(2) are helping to maintain United States leadership in quantum information science and technology;

(E) whether a need exists to revise the Program;

(F) whether opportunities exist for international cooperation with strategic allies on research and development in, and the development of open standards for, quantum information science and technology; and

(G) whether national security, societal, economic, legal, and workforce concerns are adequately addressed by the Program.

(e) REPORTS.—Not later than 180 days after the date of enactment of this Act, and at least biennially thereafter, the Advisory Committee shall submit to the President, the appropriate committees of Congress, and such other committees of Congress as the Advisory Committee deems appropriate a report on the findings of the independent assessment under subsection (d), including any recommendations for improvements to the Program. Recommendations.

(f) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—Non-Federal members of the Advisory Committee, while attending meetings of the Advisory Committee or while otherwise serving at the request of the head of the Advisory Committee away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay. Nothing in this subsection shall be construed to prohibit members of the Advisory Committee who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

(g) FACA EXEMPTION.—The Advisory Committee shall be exempt from section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 105. SUNSET. 15 USC 8815.

(a) IN GENERAL.—Except as provided in subsection (b), the authority to carry out sections 101, 102, 103, and 104 shall terminate on the date that is 11 years after the date of enactment of this Act.

(b) EXTENSION.—The President may continue the activities under such sections if the President determines that such activities are necessary to meet national economic or national security needs. President. Determination.

TITLE II—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY QUANTUM ACTIVITIES

15 USC 8831.

SEC. 201. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES AND QUANTUM CONSORTIUM.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.—As part of the Program, the Director of the National Institute of Standards and Technology—

(1) shall continue to support and expand basic and applied quantum information science and technology research and development of measurement and standards infrastructure necessary to advance commercial development of quantum applications;

Collaboration.

(2) shall use the existing programs of the National Institute of Standards and Technology, in collaboration with other Federal departments and agencies, as appropriate, to train scientists in quantum information science and technology to increase participation in the quantum fields;

(3) shall establish or expand collaborative ventures or consortia with other public or private sector entities, including industry, universities, and Federal laboratories for the purpose of advancing the field of quantum information science and engineering; and

Contracts.
Grants.

(4) may enter into and perform such contracts, including cooperative research and development arrangements and grants and cooperative agreements or other transactions, as may be necessary in the conduct of the work of the National Institute of Standards and Technology and on such terms as the Director considers appropriate, in furtherance of the purposes of this Act.

(b) QUANTUM CONSORTIUM.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall convene a consortium of stakeholders to identify the future measurement, standards, cybersecurity, and other appropriate needs for supporting the development of a robust quantum information science and technology industry in the United States.

(2) GOALS.—The goals of the consortium shall be—

Assessment.

(A) to assess the current research on the needs identified in paragraph (1);

(B) to identify any gaps in the research necessary to meet the needs identified in paragraph (1); and

Recommendations.

(C) to provide recommendations on how the National Institute of Standards and Technology and the Program can address the gaps in the necessary research identified in subparagraph (B).

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report summarizing the findings of the consortium.

(c) FUNDING.—The Director of the National Institute of Standards and Technology shall allocate up to $80,000,000 to carry out the activities under this section for each of fiscal years 2019 through 2023, subject to the availability of appropriations. Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Institute of Standards and Technology.

TITLE III—NATIONAL SCIENCE FOUNDATION QUANTUM ACTIVITIES

SEC. 301. QUANTUM INFORMATION SCIENCE RESEARCH AND EDUCATION PROGRAM. 15 USC 8841.

(a) IN GENERAL.—The Director of the National Science Foundation shall carry out a basic research and education program on quantum information science and engineering, including the competitive award of grants to institutions of higher education or eligible nonprofit organizations (or consortia thereof). Grants.

(b) PROGRAM COMPONENTS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Director of the National Science Foundation shall carry out activities that—

(A) support basic interdisciplinary quantum information science and engineering research; and

(B) support human resources development in all aspects of quantum information science and engineering.

(2) REQUIREMENTS.—The activities described in paragraph (1) shall include—

(A) using the existing programs of the National Science Foundation, in collaboration with other Federal departments and agencies, as appropriate— Collaboration.

(i) to improve the teaching and learning of quantum information science and engineering at the undergraduate, graduate, and postgraduate levels; and

(ii) to increase participation in the quantum fields, including by individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b);

(B) formulating goals for quantum information science and engineering research and education activities to be supported by the National Science Foundation;

(C) leveraging the collective body of knowledge from existing quantum information science and engineering research and education activities;

(D) coordinating research efforts funded through existing programs across the directorates of the National Science Foundation; and Coordination.

(E) engaging with other Federal departments and agencies, research communities, and potential users of information produced under this section.

(c) GRADUATE TRAINEESHIPS.—The Director of the National Science Foundation may establish a program to provide traineeships to graduate students at institutions of higher education within the United States who are citizens of the United States and who choose to pursue masters or doctoral degrees in quantum information science.

15 USC 8842.

SEC. 302. MULTIDISCIPLINARY CENTERS FOR QUANTUM RESEARCH AND EDUCATION.

Consultation.
Grants.

(a) IN GENERAL.—The Director of the National Science Foundation, in consultation with other Federal departments and agencies, as appropriate, shall award grants to institutions of higher education or eligible nonprofit organizations (or consortia thereof) to establish at least 2, but not more than 5, Multidisciplinary Centers for Quantum Research and Education (referred to in this section as "Centers").

(b) COLLABORATIONS.—A collaboration receiving an award under this subsection may include institutions of higher education, nonprofit organizations, and private sector entities.

(c) PURPOSE.—The purpose of the Centers shall be to conduct basic research and education activities in support of the goals and priorities established under section 103(d)(2), including by—

(1) continuing to advance quantum information science and engineering;

(2) supporting curriculum and workforce development in quantum information science and engineering; and

(3) fostering innovation by bringing industry perspectives to quantum research and workforce development, including by leveraging industry knowledge and resources.

(d) REQUIREMENTS.—

(1) IN GENERAL.—An institution of higher education or an eligible nonprofit organization (or a consortium thereof) seeking funding under this section shall submit an application to the Director of the National Science Foundation at such time, in such manner, and containing such information as the Director may require.

(2) APPLICATIONS.—Each application under paragraph (1) shall include a description of—

(A) how the Center will work with other research institutions and industry partners to leverage expertise in quantum science, education and curriculum development, and technology transfer;

(B) how the Center will promote active collaboration among researchers in multiple disciplines involved in quantum research, including physics, engineering, mathematics, computer science, chemistry, and material science;

(C) how the Center will support long-term and short-term workforce development in the quantum field;

(D) how the Center can support an innovation ecosystem to work with industry to translate Center research into applications; and

(E) a long-term plan to become self-sustaining after the expiration of funding under this section.

(e) SELECTION AND DURATION.—

(1) IN GENERAL.—Each Center established under this section is authorized to carry out activities for a period of 5 years.

(2) REAPPLICATION.—An awardee may reapply for additional, subsequent periods of 5 years on a competitive, merit-reviewed basis.

(3) TERMINATION.—Consistent with the authorities of the National Science Foundation, the Director of the National Science Foundation may terminate an underperforming Center for cause during the performance period.

(f) FUNDING.—The Director of the National Science Foundation shall allocate up to $10,000,000 for each Center established under this section for each of fiscal years 2019 through 2023, subject to the availability of appropriations. Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Science Foundation.

TITLE IV—DEPARTMENT OF ENERGY QUANTUM ACTIVITIES

SEC. 401. QUANTUM INFORMATION SCIENCE RESEARCH PROGRAM. 15 USC 8851.

(a) IN GENERAL.—The Secretary of Energy shall carry out a basic research program on quantum information science.

(b) PROGRAM COMPONENTS.—In carrying out the program under subsection (a), the Secretary of Energy shall—

(1) formulate goals for quantum information science research to be supported by the Department of Energy;

(2) leverage the collective body of knowledge from existing quantum information science research;

(3) provide research experiences and training for additional undergraduate and graduate students in quantum information science, including in the fields of—

(A) quantum information theory;

(B) quantum physics;

(C) quantum computational science;

(D) applied mathematics and algorithm development;

(E) quantum networking;

(F) quantum sensing and detection; and

(G) materials science and engineering;

(4) coordinate research efforts funded through existing programs across the Department of Energy, including— Coordination.

(A) the Nanoscale Science Research Centers;

(B) the Energy Frontier Research Centers;

(C) the Energy Innovation Hubs;

(D) the National Laboratories;

(E) the Advanced Research Projects Agency; and

(F) the National Quantum Information Science Research Centers; and

(5) coordinate with other Federal departments and agencies, research communities, and potential users of information produced under this section. Coordination.

SEC. 402. NATIONAL QUANTUM INFORMATION SCIENCE RESEARCH CENTERS. 15 USC 8852.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Energy, acting through the Director of the Office of Science (referred to in this section as the "Director"), shall ensure that the Office of Science carries out a program, in consultation with other Federal departments and agencies, as appropriate, to establish and operate at least 2, but not more than 5, National Quantum Information Science Research Centers (referred to in this section as "Centers") to conduct basic research to accelerate scientific breakthroughs in quantum information science and technology and to support research conducted under section 401. Consultation.

(2) REQUIREMENTS.—

(A) COMPETITIVE, MERIT-REVIEWED PROCESS.—The Centers shall be established through a competitive, merit-reviewed process.

(B) APPLICATIONS.—An eligible applicant under this subsection shall submit to the Director an application at such time, in such manner, and containing such information as the Director determines to be appropriate.

(C) ELIGIBLE APPLICANTS.—The Director shall consider applications from National Laboratories, institutions of higher education, research centers, multi-institutional collaborations, and any other entity that the Secretary of Energy determines to be appropriate.

(b) COLLABORATIONS.—A collaboration that receives an award under this section may include multiple types of research institutions and private sector entities.

(c) REQUIREMENTS.—To the maximum extent practicable, the Centers developed, constructed, operated, or maintained under this section shall serve the needs of the Department of Energy, industry, the academic community, and other relevant entities to create and develop processes for the purpose of advancing basic research in quantum information science and improving the competitiveness of the United States.

(d) COORDINATION.—The Secretary of Energy shall ensure the coordination, and avoid unnecessary duplication, of the activities of each Center with the activities of—

(1) other research entities of the Department of Energy, including—

(A) the Nanoscale Science Research Centers;

(B) the Energy Frontier Research Centers;

(C) the Energy Innovation Hubs; and

(D) the National Laboratories;

(2) institutions of higher education; and

(3) industry.

(e) DURATION.—

(1) IN GENERAL.—Each Center established under this section is authorized to carry out activities for a period of 5 years.

(2) REAPPLICATION.—An awardee may reapply for additional, subsequent periods of 5 years. The Director shall approve or disapprove of each reapplication on a competitive, merit-reviewed basis.

(3) TERMINATION.—Consistent with the authorities of the Department of Energy, the Secretary of Energy may terminate an underperforming Center for cause during the performance period.

(f) FUNDING.—The Secretary of Energy shall allocate up to $25,000,000 for each Center established under this section for each of fiscal years 2019 through 2023, subject to the availability of appropriations. Amounts made available to carry out this section

shall be derived from amounts appropriated or otherwise made available to the Department of Energy.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6227 (S. 3143):

HOUSE REPORTS: No. 115–950 (Comm. on Science, Space, and Technology).
SENATE REPORTS: No. 115–389 (Comm. on Commerce, Science, and Transportation) accompanying S. 3143.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 13, considered and passed House.
Dec. 13, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendment.

Public Law 115–369
115th Congress

An Act

Dec. 21, 2018
[H.R. 6335]

To designate the facility of the United States Postal Service located at 322 Main Street in Oakville, Connecticut, as the "Oakville Veterans Memorial Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OAKVILLE VETERANS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 322 Main Street in Oakville, Connecticut, shall be known and designated as the "Oakville Veterans Memorial Post Office".

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Oakville Veterans Memorial Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6335:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–370
115th Congress

An Act

To adjust the real estate appraisal thresholds under the 7(a) program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes.

Dec. 21, 2018
[H.R. 6347]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

7(a) Real Estate Appraisal Harmonization Act.
15 USC 631 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "7(a) Real Estate Appraisal Harmonization Act".

SEC. 2. APPRAISAL THRESHOLDS.

Section 7(a)(29) of the Small Business Act (15 U.S.C. 636(a)(29)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins of such clauses accordingly;

(2) by striking "With respect to" and inserting the following:

"(A) IN GENERAL.—With respect to";

(3) in clause (i), as so redesignated, by striking "for more than $250,000" and inserting ", if such loan is in an amount greater than the Federal banking regulator appraisal threshold";

(4) in clause (ii), as so redesignated, by striking "for $250,000 or less" and inserting ", if such loan is in an amount equal to or less than the Federal banking regulator appraisal threshold"; and

(5) by adding at the end the following:

"(B) FEDERAL BANKING REGULATOR APPRAISAL THRESHOLD DEFINED.—For purposes of this paragraph, the term 'Federal banking regulator appraisal threshold' means the lesser of the threshold amounts set by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation for when a federally related transaction that is a commercial real estate transaction requires an appraisal prepared by a State licensed or certified appraiser.".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6347 (S. 3552):

HOUSE REPORTS: No. 115–940 (Comm. on Small Business).
SENATE REPORTS: No. 115–437 (Comm. on Small Business and Entrepreneurship) accompanying S. 3552.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–371
115th Congress

An Act

Dec. 21, 2018
[H.R. 6348]

To adjust the real estate appraisal thresholds under the section 504 program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business Access to Capital and Efficiency Act.
15 USC 661 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Access to Capital and Efficiency Act" or the "Small Business ACE Act".

SEC. 2. APPRAISAL THRESHOLDS.

Section 502(3)(E)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(E)(ii)) is amended—

(1) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and adjusting the margins of such items accordingly;

(2) by striking "With respect to" and inserting the following:

"(I) IN GENERAL.—With respect to";

(3) in item (aa), as so redesignated, by striking "is more than $250,000" and inserting "is more than the Federal banking regulator appraisal threshold";

(4) in item (bb), as so redesignated, by striking "is $250,000 or less" and inserting "is equal to or less than the Federal banking regulator appraisal threshold"; and

(5) by adding at the end the following:

"(II) FEDERAL BANKING REGULATOR APPRAISAL THRESHOLD DEFINED.—For purposes of this clause, the term 'Federal banking regulator appraisal threshold' means the lesser of the threshold amounts set by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation for when a federally related transaction that is a commercial real estate transaction requires an appraisal prepared by a State licensed or certified appraiser.".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6348 (S. 3553):

HOUSE REPORTS: No. 115–941 (Comm. on Small Business).
SENATE REPORTS: No. 115–438 (Comm. on Small Business and Entrepreneurship) accompanying S. 3553.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–372
115th Congress

An Act

To require the Secretary of Homeland Security to conduct a threat and operational analysis of ports of entry, and for other purposes.

Dec. 21, 2018
[H.R. 6400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States Ports of Entry Threat and Operational Review Act.
6 USC 211 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Ports of Entry Threat and Operational Review Act".

SEC. 2. PORTS OF ENTRY THREAT AND OPERATIONAL ANALYSIS.

(a) IN GENERAL.—

Deadline.

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a threat and operational analysis of ports of entry.

Assessment.

(2) CONTENTS.—The threat and operational analysis required under paragraph (1) shall include an assessment of the following:

(A) Current and potential threats posed by individuals and organized groups seeking—

(i) to exploit security vulnerabilities at ports of entry; or

(ii) to unlawfully enter the United States through such ports of entry.

(B) Methods and pathways used to exploit security vulnerabilities at ports of entry.

(C) Improvements needed at ports of entry to prevent the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States.

(D) Improvements needed to enhance travel and trade facilitation and reduce wait times at ports of entry, including—

(i) security vulnerabilities associated with prolonged wait times;

(ii) current technology at ports of entry that can be adapted to handle more volume, increase efficiency, and improve accuracy of detection efforts; and

(iii) infrastructure additions and upgrades.

(E) Processes conducted at ports of entry that do not require law enforcement training and could be—

(i) filled with—

(I) non-law enforcement staff; or

(II) the private sector, for processes or activities determined to not be inherently governmental (as such term is defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270)); or

(ii) automated.

Cost estimates.

(3) ANALYSIS REQUIREMENTS.—In compiling the threat and operational analysis required under paragraph (1), the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall consider and examine the following:

(A) Personnel needs, including K–9 Units, and estimated costs, at each port of entry, including such needs and challenges associated with recruitment and hiring.

(B) Technology needs, including radiation portal monitors and non-intrusive inspection technology, and estimated costs at each port of entry.

(C) Infrastructure needs and estimated costs at each port of entry.

(b) PORTS OF ENTRY STRATEGY AND IMPLEMENTATION PLAN.—

Deadlines.
Time period.

(1) IN GENERAL.—Not later than 270 days after the submission of the threat and operational analysis required under subsection (a) and every 5 years thereafter for 10 years, the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection (CBP), shall provide to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a ports of entry strategy and implementation plan.

(2) CONTENTS.—The ports of entry strategy and implementation plan required under paragraph (1) shall include a consideration of the following:

(A) The ports of entry threat and operational analysis required under subsection (a), with an emphasis on efforts to mitigate threats and challenges identified in such analysis.

(B) Efforts to reduce wait times at ports of entry and standards against which the effectiveness of such efforts may be determined.

(C) Efforts to prevent the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States at the earliest possible point at ports of entry and standards against which the effectiveness of such efforts may be determined.

(D) Efforts to focus intelligence collection and information analysis to disrupt transnational criminal organizations attempting to exploit vulnerabilities at ports of entry and standards against which the effectiveness of such efforts may be determined.

(E) Efforts to verify that any new port of entry technology acquisition can be operationally integrated with existing technologies in use by the Department of Homeland Security.

(F) Lessons learned from reports on the business transformation initiative under section 802(i)(1) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125).

(G) CBP staffing requirements for all ports of entry.

(H) Efforts to identify and detect fraudulent documents at ports of entry and standards against which the effectiveness of such efforts may be determined.

(I) Efforts to prevent, detect, investigate, and mitigate corruption at ports of entry and standards against which the effectiveness of such efforts may be determined.

(c) PORTS OF ENTRY DESCRIBED.—In this section, the term "ports of entry" means United States air, land, and sea ports of entry.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6400:

HOUSE REPORTS: No. 115–914, Pt. 1 (Comm. on Homeland Security).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 4, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–373
115th Congress

An Act

Dec. 21, 2018
[H.R. 6405]

To designate the facility of the United States Postal Service located at 2801 Mitchell Road in Ceres, California, as the "Lance Corporal Juana Navarro Arellano Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL JUANA NAVARRO ARELLANO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2801 Mitchell Road in Ceres, California, shall be known and designated as the "Lance Corporal Juana Navarro Arellano Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Juana Navarro Arellano Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6405:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–374
115th Congress

An Act

To designate the facility of the United States Postal Service located at 332 Ramapo Valley Road in Oakland, New Jersey, as the "Frank Leone Post Office".

Dec. 21, 2018
[H.R. 6428]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Frank Leone Post Office Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Frank Leone Post Office Act".

SEC. 2. FRANK LEONE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 332 Ramapo Valley Road in Oakland, New Jersey, shall be known and designated as the "Frank Leone Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Frank Leone Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6428:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–375
115th Congress

An Act

Dec. 21, 2018
[H.R. 6513]

To designate the facility of the United States Postal Service located at 1110 West Market Street in Athens, Alabama, as the "Judge James E. Horton, Jr. Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDGE JAMES E. HORTON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1110 West Market Street in Athens, Alabama, shall be known and designated as the "Judge James E. Horton, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Judge James E. Horton, Jr. Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6513:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–376
115th Congress

An Act

To designate the facility of the United States Postal Service located at 501 South Kirkman Road in Orlando, Florida, as the "Napoleon 'Nap' Ford Post Office Building".

Dec. 21, 2018
[H.R. 6591]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAPOLEON "NAP" FORD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 501 South Kirkman Road in Orlando, Florida, shall be known and designated as the "Napoleon 'Nap' Ford Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Napoleon 'Nap' Ford Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6591:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 28, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–377
115th Congress

An Act

Dec. 21, 2018
[H.R. 6615]

To reauthorize the Traumatic Brain Injury program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Traumatic Brain Injury Program Reauthorization Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traumatic Brain Injury Program Reauthorization Act of 2018".

SEC. 2. PREVENTION AND CONTROL OF INJURIES.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) in section 393C (42 U.S.C. 280b–1d) by adding at the end the following:

Determination.

"(c) NATIONAL CONCUSSION DATA COLLECTION AND ANALYSIS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may implement concussion data collection and analysis to determine the prevalence and incidence of concussion.";

(2) in section 394A(b)(42 U.S.C. 280b–3(b)), by striking "$6,564,000 for each of fiscal years 2015 through 2019" and inserting "$11,750,000 for each of fiscal years 2020 through 2024"; and

(3) by striking section 393C–1 (42 U.S.C. 280b–1e).

SEC. 3. STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a), by inserting ", acting through the Administrator for the Administration for Community Living," after "The Secretary";

(2) by striking subsection (e);

(3) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively; and

(4) in subsection (i), as so redesignated, by striking "$5,500,000 for each of the fiscal years 2015 through 2019" and inserting "$7,321,000 for each of fiscal years 2020 through 2024".

SEC. 4. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsection (a), by inserting ", acting through the Administrator for the Administration for Community Living," after "The Secretary"; and

(2) in subsection (l), by striking "$3,100,000 for each of the fiscal years 2015 through 2019" and inserting "$4,000,000 for each of fiscal years 2020 through 2024".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6615 (S. 3657):

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 18, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendment.

Public Law 115–378
115th Congress

An Act

Dec. 21, 2018
[H.R. 6621]

To designate the facility of the United States Postal Service located at 530 East Main Street in Johnson City, Tennessee, as the "Major Homer L. Pease Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR HOMER L. PEASE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 530 East Main Street in Johnson City, Tennessee, shall be known and designated as the "Major Homer L. Pease Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Homer L. Pease Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6621:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–379
115th Congress

An Act

To designate the facility of the United States Postal Service located at 4301 Northeast 4th Street in Renton, Washington, as the "James Marshall 'Jimi' Hendrix Post Office Building".

Dec. 21, 2018
[H.R. 6628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES MARSHALL "JIMI" HENDRIX POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4301 Northeast 4th Street in Renton, Washington, shall be known and designated as the "James Marshall 'Jimi' Hendrix Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "James Marshall 'Jimi' Hendrix Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6628:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–380
115th Congress

An Act

Dec. 21, 2018
[H.R. 6655]

To designate the facility of the United States Postal Service located at 44160 State Highway 299 East Suite 1 in McArthur, California, as the "Janet Lucille Oilar Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JANET LUCILLE OILAR POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 44160 State Highway 299 East Suite 1 in McArthur, California, shall be known and designated as the "Janet Lucille Oilar Post Office".

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Janet Lucille Oilar Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6655:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–381
115th Congress

An Act

To designate the facility of the United States Postal Service located at 7521 Paula Drive in Tampa, Florida, as the "Major Andreas O'Keeffe Post Office Building".

Dec. 21, 2018
[H.R. 6780]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR ANDREAS O'KEEFFE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7521 Paula Drive in Tampa, Florida, shall be known and designated as the "Major Andreas O'Keeffe Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Andreas O'Keeffe Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6780:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 28, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–382
115th Congress

An Act

Dec. 21, 2018
[H.R. 6831]

To designate the facility of the United States Postal Service located at 35 West Main Street in Frisco, Colorado, as the "Patrick E. Mahany, Jr., Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATRICK E. MAHANY, JR., POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 35 West Main Street in Frisco, Colorado, shall be known and designated as the "Patrick E. Mahany, Jr., Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Patrick E. Mahany, Jr., Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6831:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–383
115th Congress

An Act

To amend the Overtime Pay for Protective Services Act of 2016 to extend the Secret Service overtime pay exception through 2020, and for other purposes.

Dec. 21, 2018
[H.R. 6893]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Secret Service Overtime Pay Extension Act.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secret Service Overtime Pay Extension Act".

SEC. 2. EXTENSION OF OVERTIME PAY EXCEPTION THROUGH 2020 FOR PROTECTIVE SERVICES.

(a) IN GENERAL.—Section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as amended by Public Law 115–160, is further amended—

(1) in the section heading, by striking "**2018**" and inserting "**2020**";

(2) in subsection (a), by striking "or 2018" and inserting "2018, 2019, or 2020"; and

(3) in subsection (b)(1), by striking "and 2018" and inserting "2018, 2019, and 2020".

(b) REPORT ON EXTENSIONS.—Not later than January 30 of each of calendar years 2020 and 2021, the Director of the Secret Service shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the effects of the amendments made by subsection (a). The report shall include, with respect to the previous calendar year, the information described under paragraphs (1) through (7) of section 2(c) of Public Law 115–160.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6893:

HOUSE REPORTS: No. 115–1069 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 10, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–384
115th Congress

An Act

Dec. 21, 2018
[H.R. 6930]

To designate the facility of the United States Postal Service located at 10 Miller Street in Plattsburgh, New York, as the "Ross Bouyea Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROSS BOUYEA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10 Miller Street in Plattsburgh, New York, shall be known and designated as the "Ross Bouyea Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ross Bouyea Post Office Building".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 6930:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–385
115th Congress

An Act

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Dec. 21, 2018
[H.R. 6964]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Juvenile Justice Reform Act of 2018.
34 USC 10101 note.

This Act may be cited as the "Juvenile Justice Reform Act of 2018".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Application of amendments.

TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS

Sec. 101. Purposes.
Sec. 102. Definitions.

TITLE II—CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM

Sec. 201. Concentration of Federal efforts.
Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 203. Annual report.
Sec. 204. Allocation of funds.
Sec. 205. State plans.
Sec. 206. Repeal of juvenile delinquency prevention block grant program.
Sec. 207. Research and evaluation; statistical analyses; information dissemination.
Sec. 208. Training and technical assistance.
Sec. 209. Administrative authority.

TITLE III—INCENTIVE GRANTS FOR PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT, AND EDUCATION

Sec. 301. Short Title.
Sec. 302. Definitions.
Sec. 303. Duties and functions of the administrator.
Sec. 304. Grants for delinquency prevention programs.
Sec. 305. Grants for tribal delinquency prevention and response programs.
Sec. 306. Evaluation by Government Accountability Office.
Sec. 307. Technical amendment.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Evaluation by Government Accountability Office.
Sec. 402. Authorization of appropriations; accountability and oversight.

SEC. 3. APPLICATION OF AMENDMENTS.

34 USC 11102 note.

The amendments made by this Act shall not apply with respect to funds appropriated for any fiscal year that begins before the date of the enactment of this Act.

TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS

SEC. 101. PURPOSES.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11102) is amended—

(1) in paragraph (1), by inserting ", tribal," after "State";

(2) in paragraph (2)—

(A) by inserting ", tribal," after "State"; and

(B) by striking "and" at the end;

(3) by amending paragraph (3) to read as follows:

"(3) to assist State, tribal, and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of current and relevant information on effective and evidence-based programs and practices for combating juvenile delinquency; and"; and

(4) by adding at the end the following:

"(4) to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health, behavioral health and substance abuse treatment, family services, and services for children exposed to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth and youth who come into contact with the justice system.".

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11103) is amended—

(1) in paragraph (8)—

(A) in subparagraph (B)(ii), by adding "or" at the end;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (18)—

(A) by inserting "for purposes of title II," before "the term"; and

Determination.
Consultation.

(B) by adding at the end the following:

"that has a law enforcement function, as determined by the Secretary of the Interior in consultation with the Attorney General;";

(3) by amending paragraph (22) to read as follows:

"(22) the term 'jail or lockup for adults' means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates;";

(4) by amending paragraph (25) to read as follows:

"(25) the term 'sight or sound contact' means any physical, clear visual, or verbal contact that is not brief and inadvertent;";

(5) by amending paragraph (26) to read as follows:

"(26) the term 'adult inmate'—

"(A) means an individual who—

"(i) has reached the age of full criminal responsibility under applicable State law; and

"(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and

"(B) does not include an individual who—

"(i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

"(ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;";

(6) in paragraph (28), by striking "and" at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

"(30) the term 'core requirements'—

"(A) means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a); and

"(B) does not include the data collection requirements described in subparagraphs (A) through (K) of section 207(1);

"(31) the term 'chemical agent' means a spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

"(32) the term 'isolation'—

"(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

"(B) does not include—

"(i) confinement during regularly scheduled sleeping hours;

"(ii) separation based on a treatment program approved by a licensed medical or mental health professional;

"(iii) confinement or separation that is requested by the youth; or

"(iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;

"(33) the term 'restraints' has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

"(34) the term 'evidence-based' means a program or practice that—

"(A) is demonstrated to be effective when implemented with fidelity;

"(B) is based on a clearly articulated and empirically supported theory;

"(C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and

"(D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;

"(35) the term 'promising' means a program or practice that—

"(A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from one or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and

"(B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);

"(36) the term 'dangerous practice' means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;

"(37) the term 'screening' means a brief process—

"(A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and

"(B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;

"(38) the term 'assessment' includes, at a minimum, an interview and review of available records and other pertinent information—

"(A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and

"(B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth's confinement;

"(39) for purposes of section 223(a)(15), the term 'contact' means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;

"(40) the term 'trauma-informed' means—

"(A) understanding the impact that exposure to violence and trauma have on a youth's physical, psychological, and psychosocial development;

"(B) recognizing when a youth has been exposed to violence and trauma and is in need of help to recover from the adverse impacts of trauma; and

"(C) responding in ways that resist retraumatization;

"(41) the term 'racial and ethnic disparity' means minority youth populations are involved at a decision point in the juvenile justice system at disproportionately higher rates than nonminority youth at that decision point;

"(42) the term 'status offender' means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult;

"(43) the term 'rural' means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget;

"(44) the term 'internal controls' means a process implemented to provide reasonable assurance regarding the achievement of objectives in—

"(A) effectiveness and efficiency of operations, such as grant management practices;

"(B) reliability of reporting for internal and external use; and

"(C) compliance with applicable laws and regulations, as well as recommendations of the Office of Inspector General and the Government Accountability Office; and

"(45) the term 'tribal government' means the governing body of an Indian Tribe.".

TITLE II—CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM

SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11114) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence—

(i) by striking "a long-term plan, and implement" and inserting the following: "a long-term plan to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents, and shall implement"; and

(ii) by striking "research, and improvement of the juvenile justice system in the United States" and inserting "and research"; and

(B) in paragraph (2)(B), by striking "Federal Register" and all that follows and inserting "Federal Register during the 30-day period ending on October 1 of each year."; and

Time period.

(2) in subsection (b)—

(A) by striking paragraph (7);

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (4), the following:

"(5) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018, in consultation with Indian Tribes, develop a policy for the Office of Juvenile Justice and Delinquency Prevention to collaborate with representatives of Indian Tribes with a criminal justice function on the implementation of the provisions of this Act relating to Indian Tribes;";

Deadline. Consultation. Policy.

(D) in paragraph (6), as so redesignated, by adding "and" at the end; and

(E) in paragraph (7), as so redesignated—

(i) by striking "monitoring";

(ii) by striking "section 223(a)(15)" and inserting "section 223(a)(14)"; and

(iii) by striking "to review the adequacy of such systems; and" and inserting "for monitoring compliance.".

SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11116) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "the Assistant Secretary for Mental Health and Substance Use, the Secretary of the Interior," after "the Secretary of Health and Human Services,"; and

(ii) by striking "Commissioner of Immigration and Naturalization" and inserting "Assistant Secretary for Immigration and Customs Enforcement"; and

(B) in paragraph (2), by striking "United States" and inserting "Federal Government"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "paragraphs (12)(A), (13), and (14) of section 223(a) of this title" and inserting "the core requirements"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ", on an annual basis" after "collectively"; and

(ii) by striking subparagraph (B) and inserting the following:

Deadline. Reports.

"(B) not later than 120 days after the completion of the last meeting of the Council during any fiscal year, submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate a report that—

Recommendations.

"(i) contains the recommendations described in subparagraph (A);

"(ii) includes a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Council to conduct operations in accordance with this section;

Web posting.

"(iii) is published on the websites of the Office of Juvenile Justice and Delinquency Prevention, the Council, and the Department of Justice; and

"(iv) is in addition to the annual report required under section 207.".

SEC. 203. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11117) is amended—

(1) in the matter preceding paragraph (1), by striking "a fiscal year" and inserting "each fiscal year";

(2) in paragraph (1)—

(A) in subparagraph (B), by striking "and gender" and inserting ", gender, and ethnicity, as such term is defined by the Bureau of the Census,";

(B) in subparagraph (E), by striking "and" at the end;

(C) in subparagraph (F)—

(i) by inserting "and other" before "disabilities,"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government; Summary.

"(H) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;

"(I) the number of juveniles released from custody and the type of living arrangement to which they are released;

"(J) the number of juveniles whose offense originated on school grounds, during school-sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and

"(K) the number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local or tribal government who report being pregnant."; and

(3) by adding at the end the following:

"(5) A description of the criteria used to determine what programs qualify as evidence-based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria in both rural and urban areas. Criteria. Lists.

"(6) A description of funding provided to Indian Tribes under this Act or for a juvenile delinquency or prevention program under the Tribal Law and Order Act of 2010 (Public Law 111–211; 124 Stat. 2261), including direct Federal grants and funding provided to Indian Tribes through a State or unit of local government.

"(7) An analysis and evaluation of the internal controls at the Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of the Office of Juvenile Justice and Delinquency Prevention grant programs and what remedial action the Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances— Analysis. Evaluation.

"(A) in which supporting documentation was not provided for cost reports;

"(B) where unauthorized expenditures occurred; or

"(C) where subrecipients of grant funds were not compliant with program requirements.

"(8) An analysis and evaluation of the total amount of payments made to grantees that the Office of Juvenile Justice and Delinquency Prevention recouped from grantees that were found to be in violation of policies and procedures of the Office of Juvenile Justice and Delinquency Prevention grant programs, including— Analysis. Evaluation.

"(A) the full name and location of the grantee;

"(B) the violation of the program found;

"(C) the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention; and

"(D) the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention.".

SEC. 204. ALLOCATION OF FUNDS.

(a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11131(b)(1)) is amended by striking "2 percent" and inserting "5 percent".

(b) OTHER ALLOCATIONS.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11132) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "age eighteen" and inserting "18 years of age, based on the most recent data available from the Bureau of the Census"; and

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2)(A) If the aggregate amount appropriated for a fiscal year to carry out this title is less than $75,000,000, then—

"(i) the amount allocated to each State other than a State described in clause (ii) for that fiscal year shall be not less than $400,000; and

"(ii) the amount allocated to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for that fiscal year shall be not less than $75,000.

"(B) If the aggregate amount appropriated for a fiscal year to carry out this title is not less than $75,000,000, then—

"(i) the amount allocated to each State other than a State described in clause (ii) for that fiscal year shall be not less than $600,000; and

"(ii) the amount allocated to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for that fiscal year shall be not less than $100,000.";

Coordination. Certification.

(2) in subsection (c), by striking "efficient administration, including monitoring, evaluation, and one full-time staff position" and inserting "effective and efficient administration of funds, including the designation of not less than one individual who shall coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the State is in compliance with such requirements"; and

(3) in subsection (d), by striking "5 per centum of the minimum" and inserting "not more than 5 percent of the".

(c) CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM.—Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11131 et seq.) is amended—

(1) in the part heading, by striking "FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS" and inserting "CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM"; and

(2) by inserting before section 221 the following:

"SHORT TITLE

"SEC. 220. This part may be cited as the 'Charles Grassley Juvenile Justice and Delinquency Prevention Program'.". 34 USC 10101 note.

SEC. 205. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11133) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "and shall describe the status of compliance with State plan requirements." and inserting "and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website."; Deadline. Public information. Web posting.

(B) in paragraph (1), by striking "described in section 299(c)(1)" and inserting "as designated by the chief executive officer of the State";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting "adolescent development," after "concerning";

(II) in clause (ii)—

(aa) in subclause (III), by striking "mental health, education, special education" and inserting "child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities";

(bb) in subclause (V), by striking "delinquents or potential delinquents" and inserting "delinquent youth or youth at risk of delinquency";

(cc) in subclause (VI), by striking "youth workers involved with" and inserting "representatives of";

(dd) in subclause (VII), by striking "and" at the end;

(ee) by striking subclause (VIII) and inserting the following:

"(VIII) persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;

"(IX) representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and

trauma before entering the juvenile justice system; and

"(X) for a State in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;";

(III) in clause (iv), by striking "24 at the time of appointment" and inserting "28 at the time of initial appointment"; and

(IV) in clause (v) by inserting "or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system" after "juvenile justice system";

(ii) in subparagraph (C), by striking "30 days" and inserting "45 days";

(iii) in subparagraph (D)—

(I) in clause (i), by striking "and" at the end; and

(II) in clause (ii), by striking "at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13)" and inserting "at least every 2 years a report and necessary recommendations regarding State compliance with the core requirements"; and

(iv) in subparagraph (E)—

(I) in clause (i), by adding "and" at the end; and

(II) in clause (ii), by striking the period at the end and inserting a semicolon;

(D) in paragraph (5)(C), by striking "Indian tribes" and all that follows through "applicable to the detention and confinement of juveniles" and inserting "Indian Tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles";

(E) in paragraph (7)—

(i) in subparagraph (A), by striking "performs law enforcement functions" and inserting "has jurisdiction"; and

(ii) in subparagraph (B)—

(I) in clause (iii), by striking "and" at the end; and

(II) by striking clause (iv) and inserting the following:

"(iv) a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

"(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

"(vi) a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement;

"(vii) a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system;

"(viii) a plan to promote evidence-based and trauma-informed programs and practices; and

"(ix) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018, a plan which shall be implemented not later than 2 years after the date of enactment of the Juvenile Justice Reform Act of 2018, to— Deadlines.

"(I) eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and

"(II) eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—

"(aa) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or

"(bb) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method;";

(F) in paragraph (8), by striking "existing" and inserting "evidence-based and promising";

(G) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by inserting ", with priority in funding given to entities meeting the criteria for evidence-based or promising programs" after "used for";

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting "status offenders and other" before "youth who need"; and

(bb) by striking "and" at the end;

(II) in clause (ii) by adding "and" at the end; and

(III) by inserting after clause (ii) the following:

"(iii) for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs;";

(iii) in subparagraph (B)(i)—

(I) by striking "parents and other family members" and inserting "status offenders, other youth, and the parents and other family members of such offenders and youth"; and

(II) by striking "be retained" and inserting "remain";

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking "delinquent" and inserting "at-risk or delinquent youth"; and

(II) in clause (i), by inserting ", including for truancy prevention and reduction" before the semicolon;

(v) in subparagraph (F), in the matter preceding clause (i), by striking "expanding" and inserting "programs to expand";

(vi) by redesignating subparagraphs (G) through (S) as subparagraphs (H) through (T), respectively;

(vii) by inserting after subparagraph (F), the following:

"(G) programs—

"(i) to ensure youth have access to appropriate legal representation; and

"(ii) to expand access to publicly supported, court-appointed legal counsel who are trained to represent juveniles in adjudication proceedings,

except that the State may not use more than 2 percent of the funds received under section 222 for these purposes;";

(viii) in subparagraph (H), as so redesignated, by striking "State," each place the term appears and inserting "State, tribal,";

(ix) in subparagraph (M), as so redesignated—

(I) in clause (i)—

(aa) by inserting "pre-adjudication and" before "post-adjudication";

(bb) by striking "restraints" and inserting "alternatives"; and

(cc) by inserting "specialized or problem-solving courts," after "(including"; and

(II) in clause (ii)—

(aa) by striking "by the provision by the Administrator"; and

(bb) by striking "to States";

(x) in subparagraph (N), as so redesignated—

(I) by inserting "and reduce the risk of recidivism" after "families"; and

(II) by striking "so that such juveniles may be retained in their homes";

(xi) in subparagraph (S), as so redesignated, by striking "and" at the end;

(xii) in subparagraph (T), as so redesignated—

(I) by inserting "or co-occurring disorder" after "mental health";

(II) by inserting "court-involved or" before "incarcerated";

(III) by striking "suspected to be";

(IV) by striking "and discharge plans" and inserting "provision of treatment, and development of discharge plans"; and

(V) by striking the period at the end and inserting a semicolon; and

(xiii) by inserting after subparagraph (T) the following:

"(U) programs and projects designed—

"(i) to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and

"(ii) to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications;

except that the State may not use more than 2 percent of the funds received under section 222 for these purposes;

"(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian Tribe; and

"(W) monitoring for compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities;";

(H) by striking paragraph (11) and inserting the following:

"(11)(A) in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

"(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

"(I) a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

"(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

"(ii) the juvenile—

"(I) is not charged with any offense; and

"(II)(aa) is an alien; or

"(bb) is alleged to be dependent, neglected, or abused; and

"(B) require that—

"(i) not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility— Deadline.

"(I) shall not have sight or sound contact with adult inmates; and

"(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

"(ii) in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

"(I) the age of the juvenile;

"(II) the physical and mental maturity of the juvenile;

"(III) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

"(IV) the nature and circumstances of the alleged offense;

"(V) the juvenile's history of prior delinquent acts;

"(VI) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

"(VII) any other relevant factor; and

Determinations.
Time periods.

"(iii) if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

"(I) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

"(II) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;".

(I) in paragraph (12)(A), by striking "contact" and inserting "sight or sound contact";

(J) in paragraph (13), by striking "contact" each place it appears and inserting "sight or sound contact";

(K) in paragraph (14)—

(i) by striking "adequate system" and inserting "effective system";

(ii) by inserting "lock-ups," after "monitoring jails,";

(iii) by inserting "and" after "detention facilities,";

(iv) by striking ", and non-secure facilities";

(v) by striking "insure" and inserting "ensure";

(vi) by striking "requirements of paragraphs (11), (12), and (13)" and inserting "core requirements"; and

(vii) by striking ", in the opinion of the Administrator,";

(L) by striking paragraphs (22) and (27);

(M) by redesignating paragraph (28) as paragraph (27);

(N) by redesignating paragraphs (15) through (21) as paragraphs (16) through (22), respectively;

(O) by inserting after paragraph (14) the following:

"(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

"(A) establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the State, local, or tribal levels, to advise efforts by States, units of local government, and Indian Tribes to reduce racial and ethnic disparities;

"(B) identifying and analyzing data on race and ethnicity at decision points in State, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and Data analysis.

"(C) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B);"; Plan.

(P) in paragraph (16), as so redesignated, by inserting "ethnicity," after "race,";

(Q) in paragraph (21), as so redesignated, by striking "local," each place the term appears and inserting "local, tribal,";

(R) in paragraph (23)—

(i) in subparagraphs (A), (B), and (C), by striking "juvenile" each place it appears and inserting "status offender";

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

(iii) in subparagraph (C)—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by adding "and" at the end; and

(III) by adding at the end the following:

"(iii) if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order— Determination.

"(I) the court shall issue a written order that—

"(aa) identifies the valid court order that has been violated;

"(bb) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

"(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

"(dd) specifies the length of time, not to exceed 7 days, that the status offender may Time period.

remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and

"(ee) may not be renewed or extended; and

"(II) the court may not issue a second or subsequent order described in subclause (I) relating to a status offender unless the status offender violates a valid court order after the date on which the court issues an order described in subclause (I); and"; and

(iv) by adding at the end the following:

Time period.

"(D) there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;";

(S) in paragraph (26)—

(i) by inserting "and in accordance with confidentiality concerns," after "maximum extent practicable,"; and

(ii) by striking the semicolon at the end and inserting the following: ", so as to provide for—

Data.

"(A) data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and

Plan.

"(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of child abuse or neglect;";

(T) in paragraph (27), as so redesignated, by striking the period at the end and inserting a semicolon; and

(U) by adding at the end the following:

"(28) provide for the coordinated use of funds provided under this title with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

"(29) describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

"(30) describe—

"(A) the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—

"(i) request a screening;

"(ii) show signs of needing a screening; or

"(iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and

"(B) how the State will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment;

"(31) describe how reentry planning by the State for juveniles will include—

"(A) a written case plan based on an assessment of needs that includes—

"(i) the pre-release and post-release plans for the juveniles;

"(ii) the living arrangement to which the juveniles are to be discharged; and

"(iii) any other plans developed for the juveniles based on an individualized assessment; and

"(B) review processes;

"(32) provide an assurance that the agency of the State receiving funds under this title collaborates with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

"(A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;

"(B) the credits of adjudicated juveniles are transferred; and

"(C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

"(33) describe policies and procedures to—

"(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

"(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.";

(2) by amending subsection (c) to read as follows:

"(c)(1) If a State fails to comply with any of the core requirements in any fiscal year, then—

"(A) subject to subparagraph (B), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 20 percent for each core requirement with respect to which the failure occurs; and

"(B) the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

"(i) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such core requirement with respect to which the State is in noncompliance; or

"(ii) the Administrator determines that the State— Determination.

"(I) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(II) has made, through appropriate executive or legislative action, an unequivocal commitment to

achieving full compliance with such applicable requirements within a reasonable time.

"(2) Of the total amount of funds not allocated for a fiscal year under paragraph (1)—

"(A) 50 percent of the unallocated funds shall be reallocated under section 222 to States that have not failed to comply with the core requirements; and

"(B) 50 percent of the unallocated funds shall be used by the Administrator to provide additional training and technical assistance to States for the purpose of promoting compliance with the core requirements.";

(3) in subsection (d)—

(A) by striking "described in paragraphs (11), (12), (13), and (22) of subsection (a)" and inserting "described in the core requirements"; and

(B) by striking "the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)" and inserting "the core requirements";

(4) in subsection (f)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(5) by adding at the end the following:

"(g) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—For each fiscal year, the Administrator shall make a determination regarding whether each State receiving a grant under this title is in compliance or out of compliance with respect to each of the core requirements.

"(2) REPORTING.—The Administrator shall—

Public information. Summary.

"(A) issue an annual public report—

"(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

"(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

Web posting.

"(B) make the report described in subparagraph (A) available on a publicly available website.

"(3) DETERMINATIONS REQUIRED.—The Administrator may not—

"(A) determine that a State is 'not out of compliance', or issue any other determination not described in paragraph (1), with respect to any core requirement; or

"(B) otherwise fail to make the compliance determinations required under paragraph (1).".

SEC. 206. REPEAL OF JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Part C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11141 et seq.) is repealed.

SEC. 207. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11161) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "may" and inserting "shall";

(ii) in subparagraph (A), by striking "plan and identify" and inserting "annually publish a plan to identify"; and

(iii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

"(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the juvenile justice and criminal justice systems;";

(II) by striking clause (vii) and inserting the following:

"(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement in the juvenile justice system, including an examination of the effects of secure detention in a correctional facility;";

(III) by redesignating clauses (ix), (x), and (xi) as clauses (xvi), (xvii), and (xviii), respectively; and

(IV) by inserting after clause (viii) the following:

"(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

"(x) methods to improve the recruitment, selection, training, and retention of professional personnel who are focused on the prevention, identification, and treatment of delinquency;

"(xi) methods to improve the identification and response to victims of domestic child sex trafficking within the juvenile justice system;

"(xii) identifying positive outcome measures, such as attainment of employment and educational degrees, that States and units of local government should use to evaluate the success of programs aimed at reducing recidivism of youth who have come in contact with the juvenile justice system or criminal justice system;

"(xiii) evaluating the impact and outcomes of the prosecution and sentencing of juveniles as adults;

"(xiv) successful and cost-effective efforts by States and units of local government to reduce recidivism through policies that provide for consideration of appropriate alternative sanctions to incarceration of youth facing nonviolent charges, while ensuring that public safety is preserved;"; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "date of enactment of this paragraph, the" and inserting "date of enactment of the Juvenile Justice Reform Act of 2018, the"; and

(II) by inserting "in accordance with applicable confidentiality requirements" after "wards of the State"; and

(ii) in subparagraph (D), by inserting "and Indian Tribes" after "State";

(iii) in subparagraph (F), by striking "and" at the end;

(iv) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

"(H) a description of the best practices in discharge planning; and

"(I) an assessment of living arrangements for juveniles who, upon release from confinement in a State correctional facility, cannot return to the residence they occupied prior to such confinement.";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "may" and inserting "shall"; and

(3) by adding at the end the following:

Consultation. Data.

"(f) NATIONAL RECIDIVISM MEASURE.—The Administrator, in accordance with applicable confidentiality requirements and in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—

"(1) establish a uniform method of data collection and technology that States may use to evaluate data on juvenile recidivism on an annual basis;

"(2) establish a common national juvenile recidivism measurement system; and

Public information.

"(3) make cumulative juvenile recidivism data that is collected from States available to the public.".

SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11162) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "may";

(B) in paragraph (1)—

(i) by inserting "shall" before "develop and carry out projects"; and

(ii) by striking "and" after the semicolon;

(C) in paragraph (2)—

(i) by inserting "may" before "make grants to and contracts with"; and

(ii) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(3) shall provide periodic training for States regarding implementation of the core requirements, current protocols and best practices for achieving and monitoring compliance, and information sharing regarding relevant Office resources on evidence-based and promising programs or practices that promote the purposes of this Act.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "may";

(B) in paragraph (1)—

(i) by inserting "shall" before "develop and implement projects";

(ii) by inserting ", including compliance with the core requirements" after "this title"; and

(iii) by striking "and" at the end;

(C) in paragraph (2)—

(i) by inserting "may" before "make grants to and contracts with"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments to the core requirements and State Plans made by the Juvenile Justice Reform Act of 2018, including training and technical assistance and, when appropriate, pilot or demonstration projects intended to develop and replicate best practices for achieving sight and sound separation in facilities or portions of facilities that are open and available to the general public and that may or may not contain a jail or a lock-up; and

"(4) shall provide technical assistance to States in support of efforts to establish partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, the judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.";

(3) in subsection (c)—

(A) by inserting "prosecutors," after "public defenders,"; and

(B) by inserting "status offenders and" after "needs of"; and

(4) by adding at the end the following:

"(d) BEST PRACTICES REGARDING LEGAL REPRESENTATION OF CHILDREN.—In consultation with experts in the field of juvenile defense, the Administrator shall— Consultation.

"(1) share best practices that may include sharing standards of practice developed by recognized entities in the profession, for attorneys representing children; and

"(2) provide a State, if it so requests, technical assistance to implement any of the best practices shared under paragraph (1).

"(e) BEST PRACTICES FOR STATUS OFFENDERS.—Based on the available research and State practices, the Administrator shall—

"(1) disseminate best practices for the treatment of status offenders with a focus on reduced recidivism, improved long-term outcomes, and limited usage of valid court orders to place status offenders in secure detention; and

"(2) provide a State, on request, technical assistance to implement any of the best practices shared under paragraph (1).

"(f) TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.—The Administrator shall coordinate training and technical assistance

programs with juvenile detention and corrections personnel of States and units of local government—

"(1) to promote methods for improving conditions of juvenile confinement, including methods that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation and methods responsive to cultural differences; and

"(2) to encourage alternative behavior management techniques based on positive youth development approaches that may include methods responsive to cultural differences.

"(g) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT INCLUDING HOME-BASED OR COMMUNITY-BASED CARE.—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition and management of cases for youth who enter the juvenile justice system about the appropriate services and placement for youth with mental health or substance abuse needs, including—

"(1) juvenile justice intake personnel;

"(2) probation officers;

"(3) juvenile court judges and court services personnel;

"(4) prosecutors and court-appointed counsel; and

"(5) family members of juveniles and family advocates.

Consultation. Grants. Contracts.

"(h) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT JUVENILE COURT JUDGES AND PERSONNEL.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs in consultation with entities in the profession, shall provide directly, or through grants or contracts, training and technical assistance to enhance the capacity of State and local courts, judges, and related judicial personnel to—

"(1) improve the lives of children currently involved in or at risk of being involved in the juvenile court system; and

"(2) carry out the requirements of this Act.

Consultation. Guidance.

"(i) FREE AND REDUCED PRICE SCHOOL LUNCHES FOR INCARCERATED JUVENILES.—The Attorney General, in consultation with the Secretary of Agriculture, shall provide guidance to States relating to existing options for school food authorities in the States to apply for reimbursement for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) for juveniles who are incarcerated and would, if not incarcerated, be eligible for free or reduced price lunches under that Act.".

SEC. 209. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11182) is amended—

(1) in subsection (d)—

(A) by inserting "(1)" before "The Administrator";

(B) by striking ", after appropriate consultation with representatives of States and units of local government,";

(C) by inserting "guidance," after "regulations,"; and

Guidance. Procedures. Consultation.

(D) by adding at the end the following: "In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this Act and compliance with the core requirements.

"(2) The Administrator shall ensure that—

"(A) reporting, compliance reporting, State plan requirements, and other similar documentation as may be required from States is requested in a manner that respects confidentiality, encourages efficiency and reduces the duplication of reporting efforts; and

"(B) States meeting all the core requirements are encouraged to experiment with offering innovative, data-driven programs designed to further improve the juvenile justice system."; and

(2) in subsection (e), by striking "requirements described in paragraphs (11), (12), and (13) of section 223(a)" and inserting "core requirements".

TITLE III—INCENTIVE GRANTS FOR PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT, AND EDUCATION

SEC. 301. SHORT TITLE.

34 USC 10101 note.

Section 501 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11101 note) is amended—

(1) by inserting "Youth Promise" before "Grants"; and

(2) by striking "2002" and inserting "2018".

SEC. 302. DEFINITIONS.

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11281) is amended to read as follows:

"SEC. 502. DEFINITIONS.

"In this title—

"(1) the term 'at-risk' has the meaning given that term in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472);

"(2) the term 'eligible entity' means—

"(A) a unit of local government that is in compliance with the requirements of part B of title II; or

"(B) a nonprofit organization in partnership with a unit of local government described in subparagraph (A);

"(3) the term 'delinquency prevention program' means a delinquency prevention program that is evidence-based or promising and that may include—

"(A) alcohol and substance abuse prevention or treatment services;

"(B) tutoring and remedial education, especially in reading and mathematics;

"(C) child and adolescent health and mental health services;

"(D) recreation services;

"(E) leadership and youth development activities;

"(F) the teaching that individuals are and should be held accountable for their actions;

"(G) assistance in the development of job training skills;

"(H) youth mentoring programs;

"(I) after-school programs;

"(J) coordination of a continuum of services that may include—

"(i) early childhood development services;

"(ii) voluntary home visiting programs;

"(iii) nurse-family partnership programs;

"(iv) parenting skills training;

"(v) child abuse prevention programs;

"(vi) family stabilization programs;

"(vii) child welfare services;

"(viii) family violence intervention programs;

"(ix) adoption assistance programs;

"(x) emergency, transitional and permanent housing assistance;

"(xi) job placement and retention training;

"(xii) summer jobs programs;

"(xiii) alternative school resources for youth who have dropped out of school or demonstrate chronic truancy;

"(xiv) conflict resolution skill training;

"(xv) restorative justice programs;

"(xvi) mentoring programs;

"(xvii) targeted gang prevention, intervention and exit services;

"(xviii) training and education programs for pregnant teens and teen parents; and

"(xix) pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community; and

"(K) other data-driven evidence-based or promising prevention programs;

"(4) the term 'local policy board', when used with respect to an eligible entity, means a policy board that the eligible entity will engage in the development of the eligible entity's plan described in section 504(e)(5), and that includes—

"(A) not fewer than 15 and not more than 21 members; and

"(B) a balanced representation of—

"(i) public agencies and private nonprofit organizations serving juveniles and their families; and

"(ii) business and industry;

"(C) at least one representative of the faith community, one adjudicated youth, and one parent of an adjudicated youth; and

"(D) in the case of an eligible entity described in paragraph (1)(B), a representative of the nonprofit organization of the eligible entity;

Time period.

"(5) the term 'mentoring' means matching 1 adult with 1 or more youths for the purpose of providing guidance, support, and encouragement through regularly scheduled meetings for not less than 9 months;

"(6) the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a); and

"(7) the term 'State entity' means the State agency designated under section 223(a)(1) or the entity receiving funds under section 223(d).".

SEC. 303. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

Section 503 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11282) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 304. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.

Section 504 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11281 et seq.) is amended to read as follows:

"SEC. 504. GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

"(a) PURPOSE.—The purpose of this section is to enable local communities to address the unmet needs of at-risk or delinquent youth, including through a continuum of delinquency prevention programs for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system.

"(b) PROGRAM AUTHORIZED.—The Administrator shall—

"(1) for each fiscal year for which less than $25,000,000 is appropriated under section 506, award grants to not fewer than 3 State entities, but not more than 5 State entities, that apply under subsection (c) and meet the requirements of subsection (d); or

"(2) for each fiscal year for which $25,000,000 or more is appropriated under section 506, award grants to not fewer than 5 State entities that apply under subsection (c) and meet the requirements of subsection (d).

"(c) STATE APPLICATION.—To be eligible to receive a grant under this section, a State entity shall submit an application to the Administrator that includes the following:

"(1) An assurance the State entity will use—

"(A) not more than 10 percent of such grant, in the aggregate—

"(i) for the costs incurred by the State entity to carry out this section, except that not more than 3 percent of such grant may be used for such costs; and

"(ii) to provide technical assistance to eligible entities receiving a subgrant under subsection (e) in carrying out delinquency prevention programs under the subgrant; and

"(B) the remainder of such grant to award subgrants to eligible entities under subsection (e).

"(2) An assurance that such grant will supplement, and not supplant, State and local efforts to prevent juvenile delinquency.

"(3) An assurance the State entity will evaluate the capacity of eligible entities receiving a subgrant under subsection (e) to fulfill the requirements under such subsection.

Consultation.

"(4) An assurance that such application was prepared after consultation with, and participation by, the State advisory group, units of local government, community-based organizations, and organizations that carry out programs, projects, or activities to prevent juvenile delinquency in the local juvenile justice system served by the State entity.

"(d) APPROVAL OF STATE APPLICATIONS.—In awarding grants under this section for a fiscal year, the Administrator may not award a grant to a State entity for a fiscal year unless—

"(1)(A) the State that will be served by the State entity submitted a plan under section 223 for such fiscal year; and

"(B) such plan is approved by the Administrator for such fiscal year; or

"(2) after finding good cause for a waiver, the Administrator waives the plan required under subparagraph (A) for such State for such fiscal year.

"(e) SUBGRANT PROGRAM.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—Each State entity receiving a grant under this section shall award subgrants to eligible entities in accordance with this subsection.

"(B) PRIORITY.—In awarding subgrants under this subsection, the State shall give priority to eligible entities that demonstrate ability in—

"(i) plans for service and agency coordination and collaboration including the collocation of services;

"(ii) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;

"(iii) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness;

"(iv) identifying under the plan submitted under paragraph (5) potential savings and efficiencies associated with successful implementation of such plan; and

"(v) describing how such savings and efficiencies may be used to carry out delinquency prevention programs and be reinvested in the continuing implementation of such programs after the end of the subgrant period.

"(C) SUBGRANT PROGRAM PERIOD AND DIVERSITY OF PROJECTS.—

"(i) PROGRAM PERIOD.—A subgrant awarded to an eligible entity by a State entity under this section shall be for a period of not more than 5 years, of which the eligible entity—

"(I) may use not more than 18 months for completing the plan submitted by the eligible entity under paragraph (5); and

"(II) shall use the remainder of the subgrant period, after planning period described in subclause (I), for the implementation of such plan.

"(ii) DIVERSITY OF PROJECTS.—In awarding subgrants under this subsection, a State entity shall ensure, to the extent practicable and applicable, that such subgrants are distributed throughout different areas, including urban, suburban, and rural areas.

"(2) LOCAL APPLICATION.—An eligible entity that desires a subgrant under this subsection shall submit an application to the State entity in the State of the eligible entity, at such time and in such manner as determined by the State entity, and that includes—

"(A) a description of—

"(i) the local policy board and local partners the eligible entity will engage in the development of the plan described in paragraph (5);

"(ii) the unmet needs of at-risk or delinquent youth in the community;

"(iii) available resources in the community to meet the unmet needs identified in the needs assessment described in paragraph (5)(A);

"(iv) potential costs to the community if the unmet needs are not addressed;

"(B) a specific time period for the planning and subsequent implementation of its continuum of local delinquency prevention programs;

"(C) the steps the eligible entity will take to implement the plan under subparagraph (A); and

"(D) a plan to continue the grant activity with non-Federal funds, if proven successful according to the performance evaluation process under paragraph (5)(D), after the grant period.

"(3) MATCHING REQUIREMENT.—An eligible entity desiring a subgrant under this subsection shall agree to provide a 50 percent match of the amount of the subgrant that may include the value of in-kind contributions.

"(4) SUBGRANT REVIEW.—

"(A) REVIEW.—Not later than the end of the second year of a subgrant period for a subgrant awarded to an eligible entity under this subsection and before awarding the remaining amount of the subgrant to the eligible entity, the State entity shall— Deadline. Time period.

"(i) ensure that the eligible entity has completed the plan submitted under paragraph (2) and that the plan meets the requirements of such paragraph; and

"(ii) verify that the eligible entity will begin the implementation of its plan upon receiving the next installment of its subgrant award. Verification.

"(B) TERMINATION.—If the State entity finds through the review conducted under subparagraph (A) that the eligible entity has not met the requirements of clause (i) of such subparagraph, the State entity shall reallocate the amount remaining on the subgrant of the eligible entity to other eligible entities receiving a subgrant under this subsection or award the amount to an eligible entity during the next subgrant competition under this subsection.

"(5) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this subsection shall use the funds to implement a plan to carry out delinquency prevention programs

in the community served by the eligible entity in a coordinated manner with other delinquency prevention programs or entities serving such community, which includes—

Analysis.

"(A) an analysis of the unmet needs of at-risk or delinquent youth in the community—

"(i) which shall include—

"(I) the available resources in the community to meet the unmet needs; and

"(II) factors present in the community that may contribute to delinquency, such as homelessness, food insecurity, teen pregnancy, youth unemployment, family instability, lack of educational opportunity; and

"(ii) may include an estimate—

"(I) for the most recent year for which reliable data is available, the amount expended by the community and other entities for delinquency adjudication for juveniles and the incarceration of adult offenders for offenses committed in such community; and

"(II) of potential savings and efficiencies that may be achieved through the implementation of the plan;

Time period.
Strategy.
Estimate.

"(B) a minimum 3-year comprehensive strategy to address the unmet needs and an estimate of the amount or percentage of non-Federal funds that are available to carry out the strategy;

"(C) a description of how delinquency prevention programs under the plan will be coordinated;

"(D) a description of the performance evaluation process of the delinquency prevention programs to be implemented under the plan, which shall include performance measures to assess efforts to address the unmet needs of youth in the community analyzed under subparagraph (A);

"(E) the evidence or promising evaluation on which such delinquency prevention programs are based; and

"(F) if such delinquency prevention programs are proven successful according to the performance evaluation process under subparagraph (D), a strategy to continue such programs after the subgrant period with non-Federal funds, including a description of how any estimated savings or efficiencies created by the implementation of the plan may be used to continue such programs.".

SEC. 305. GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.

The Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11281 et seq.) is amended by redesignating section 505 as section 506, and by inserting after section 504 the following:

42 USC 5784.

34 USC 11314.

"SEC. 505. GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.

"(a) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian Tribes (or consortia of Indian Tribes) as described in subsection (b)—

"(1) to support and enhance—

"(A) tribal juvenile delinquency prevention services; and

"(B) the ability of Indian Tribes to respond to, and care for, at-risk or delinquent youth upon release; and

"(2) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency, and responding to, and caring for, juvenile offenders.

"(b) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this section, an Indian Tribe or consortium of Indian Tribes shall submit to the Administrator an application in such form as the Administrator may require.

"(c) CONSIDERATIONS.—In providing grants under this section, the Administrator shall take into consideration, with respect to the Indian Tribe to be served, the—

"(1) juvenile delinquency rates;

"(2) school dropout rates; and

"(3) number of youth at risk of delinquency.

"(d) AVAILABILITY OF FUNDS.—Of the amount available for a fiscal year to carry out this title, 11 percent shall be available to carry out this section.".

SEC. 306. EVALUATION BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) EVALUATION.—Not later than 2 years after the end of the 5th fiscal year for which funds are appropriated to carry out the Incentive Grants for Local Delinquency Prevention Programs Act of 2002, the Comptroller General of the United States shall conduct an evaluation of a sample of subgrantees selected by the Comptroller General in accordance with subsection (b)) that received funds under section 504(e) of such Act and shall submit a report of such evaluation to the Committee on the Judiciary of the United States Senate and the Committee on Education and the Workforce of the United States House of Representatives. Deadline. Reports.

(b) CONSIDERATIONS FOR EVALUATION.—For purposes of subsection (a), the Comptroller General shall—

(1) ensure that the sample to be evaluated is made up of subgrantees in States that are diverse geographically and economically; and

(2) include in such sample subgrantees that proposed different delinquency prevention programs.

(c) RECOMMENDATIONS AND FINDINGS.—In conducting the evaluation required by subsection (a), the Comptroller General shall take into consideration whether—

(1) the delinquency prevention programs for which subgrantees received funds under section 504(e) of Incentive Grants for Local Delinquency Prevention Programs Act of 2002 achieved the outcomes and results anticipated by the particular State involved;

(2) in the case of outcomes and results of delinquency prevention programs defined by the State or a local entity, unanticipated improved outcomes or results for juveniles occurred;

(3) the number of subgrantees that continue after the expenditure of such funds to provide such delinquency prevention programs;

(4) such delinquency prevention programs replaced existing or planned programs or activities in the State; and

(5) the evidence-base information used to justify such delinquency prevention programs was used with fidelity by local entities in accordance with the approach used to find the evidence;

SEC. 307. TECHNICAL AMENDMENT.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 as enacted by Public Law 93–415 (88 Stat. 1133) (relating to miscellaneous and conforming amendments) is repealed.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EVALUATION BY GOVERNMENT ACCOUNTABILITY OFFICE.

Deadline.

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

Analysis.

(1) conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as "the agency"), its functions, its programs, and its grants;

Audit.

(2) conduct a comprehensive audit and evaluation of a selected, sample of grantees (as determined by the Comptroller General) that receive Federal funds under grant programs administered by the agency including a review of internal controls (as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11103), as amended by this Act) to prevent fraud, waste, and abuse of funds by grantees; and

Reports.

(3) submit a report in accordance with subsection (d).

(b) CONSIDERATIONS FOR EVALUATION.—In conducting the analysis and evaluation under subsection (a)(1), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.), the Comptroller General shall take into consideration—

(1) the outcome and results of the programs carried out by the agency and those programs administered through grants by the agency;

(2) the extent to which the agency has complied with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285);

(3) the extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies;

(4) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating those programs;

(5) whether less restrictive or alternative methods exist to carry out the functions of the agency and whether current functions or operations are impeded or enhanced by existing statutes, rules, and procedures;

(6) the number and types of beneficiaries or persons served by programs carried out by the agency;

(7) the manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency;

(8) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

(9) whether greater oversight is needed of programs developed with grants made by the agency; and

(10) the extent to which changes are necessary in the authorizing statutes of the agency in order for the functions of the agency to be performed in a more efficient and effective manner.

(c) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under subsection (a)(2), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.), the Comptroller General shall take into consideration—

(1) whether grantees timely file Financial Status Reports;

(2) whether grantees have sufficient internal controls to ensure adequate oversight of grant fund received;

(3) whether disbursements were accompanied with adequate supporting documentation (including invoices and receipts);

(4) whether expenditures were authorized;

(5) whether subrecipients of grant funds were complying with program requirements;

(6) whether salaries and fringe benefits of personnel were adequately supported by documentation;

(7) whether contracts were bid in accordance with program guidelines; and

(8) whether grant funds were spent in accordance with program goals and guidelines.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) submit a report regarding the evaluation conducted under subsection (a) and audit under subsection (b), to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

(B) make the report described in subparagraph (A) available to the public.

Public information.

(2) CONTENTS.—The report submitted in accordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall include the name and location of any selected grantee as well as any findings required by subsection (a)(2).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS; ACCOUNTABILITY AND OVERSIGHT.

34 USC 11321.

(a) IN GENERAL.—The Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) is amended by adding at the end the following:

"TITLE VI—AUTHORIZATION OF APPROPRIATIONS; ACCOUNTABILITY AND OVERSIGHT

34 USC 11321.

"SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act, except for titles III and IV, $176,000,000 for each of fiscal years 2019 through 2023, of which not more than $96,053,401 shall be used to carry out title V for each such fiscal year.

34 USC 11322.

"SEC. 602. ACCOUNTABILITY AND OVERSIGHT.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to ensure that at-risk youth, and youth who come into contact with the juvenile justice system or the criminal justice system, are treated fairly and that the outcome of that contact is beneficial to the Nation—

"(1) the Department of Justice, through its Office of Juvenile Justice and Delinquency Prevention, must restore meaningful enforcement of the core requirements in title II; and

"(2) States, which are entrusted with a fiscal stewardship role if they accept funds under title II must exercise vigilant oversight to ensure full compliance with the core requirements for juveniles provided for in title II.

"(b) ACCOUNTABILITY.—

"(1) AGENCY PROGRAM REVIEW.—

"(A) PROGRAMMATIC AND FINANCIAL ASSESSMENT.—

Deadline.
Evaluations.

"(i) IN GENERAL.—Not later than 60 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Director of the Office of Audit, Assessment, and Management of the Office of Justice Programs at the Department of Justice (referred to in this section as the 'Director') shall—

Analysis.

"(I) conduct a comprehensive analysis and evaluation of the internal controls of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as the 'agency') to determine if States and Indian Tribes receiving grants are following the requirements of the agency grant programs and what remedial action the agency has taken to recover any grant funds that are expended in violation of grant programs, including instances where—

"(aa) supporting documentation was not provided for cost reports;

"(bb) unauthorized expenditures occurred; and

"(cc) subrecipients of grant funds were not in compliance with program requirements;

Audit.

"(II) conduct a comprehensive audit and evaluation of a selected statistically significant sample of States and Indian Tribes (as determined by the Director) that have received Federal funds under title II, including a review of internal controls to prevent fraud, waste, and abuse of funds by grantees; and

"(III) submit a report in accordance with clause (iv). Reports.

"(ii) CONSIDERATIONS FOR EVALUATIONS.—In conducting the analysis and evaluation under clause (i)(I), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration the extent to which—

"(I) greater oversight is needed of programs developed with grants made by the agency;

"(II) changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner; and

"(III) the agency has implemented recommendations issued by the Comptroller General or Office of Inspector General relating to the grant making and grant monitoring responsibilities of the agency.

"(iii) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under clause (i)(II), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration—

"(I) whether grantees timely file Financial Status Reports;

"(II) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

"(III) whether grantees' assertions of compliance with the core requirements were accompanied with adequate supporting documentation;

"(IV) whether expenditures were authorized;

"(V) whether subrecipients of grant funds were complying with program requirements; and

"(VI) whether grant funds were spent in accordance with the program goals and guidelines.

"(iv) REPORT.—The Director shall—

"(I) submit to the Congress a report outlining the results of the analysis, evaluation, and audit conducted under clause (i), including supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

"(II) shall make such report available to the public online, not later than 1 year after the date of enactment of this section. Web posting.

"(B) ANALYSIS OF INTERNAL CONTROLS.—

"(i) IN GENERAL.—Not later than 30 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Administrator shall initiate a comprehensive analysis and evaluation of the internal controls of the agency to determine whether, and to what extent, States and Indian Tribes that receive grants under titles II and V are following the requirements of the grant programs authorized under titles II and V. Deadline. Evaluation. Determination.

"(ii) REPORT.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Administrator shall submit to Congress a report containing—

"(I) the findings of the analysis and evaluation conducted under clause (i);

"(II) a description of remedial actions, if any, that will be taken by the Administrator to enhance the internal controls of the agency and recoup funds that may have been expended in violation of law, regulations, or program requirements issued under titles II and V; and

"(III) a description of—

"(aa) the analysis conducted under clause (i);

"(bb) whether the funds awarded under titles II and V have been used in accordance with law, regulations, program guidance, and applicable plans; and

"(cc) the extent to which funds awarded to States and Indian Tribes under titles II and V enhanced the ability of grantees to fulfill the core requirements.

"(C) REPORT BY THE ATTORNEY GENERAL.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Attorney General shall submit to the appropriate committees of the Congress a report on the estimated amount of formula grant funds disbursed by the agency since fiscal year 2010 that did not meet the requirements for awards of formula grants to States under title II.

"(2) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—

"(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered under this Act (excluding title IV) and to prevent waste, fraud, and abuse of funds by grantees, the Inspector General of the Department of Justice shall annually conduct audits of grantees that receive funds under this Act.

Deadline. Determination.

"(B) ASSESSMENT.—Not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018 and annually thereafter, the Inspector General shall conduct a risk assessment to determine the appropriate number of grantees to be audited under subparagraph (A) in the year involved.

Summary.

"(C) PUBLIC AVAILABILITY ON WEBSITE.—The Attorney General shall make the summary of each review conducted under this section available on the website of the Department of Justice, subject to redaction as the Attorney General determines necessary to protect classified and other sensitive information.

Time period.

"(D) MANDATORY EXCLUSION.—A recipient of grant funds under this Act (excluding title IV) that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act (excluding title IV) during the first 2 fiscal years beginning after the 12-month

period beginning on the date on which the audit report is issued.

"(E) PRIORITY.—In awarding grants under this Act (excluding title IV), the Administrator shall give priority to a State or Indian Tribe that did not have an unresolved audit finding during the 3 fiscal years prior to the date on which the State or Indian Tribe submits an application for a grant under this Act. Time period.

"(F) REIMBURSEMENT.—If a State or an Indian Tribe is awarded a grant under this Act (excluding title IV) during the 2-fiscal-year period in which the recipient is barred from receiving grants under subparagraph (D), the Attorney General shall— Time period.

"(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the general fund of the Treasury; and

"(ii) seek to recoup the costs of the repayment to the general fund under clause (i) from the grantee that was erroneously awarded grant funds.

"(G) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General—

"(i) that the audited State or Indian Tribe has used grant funds for an unauthorized expenditure or otherwise unallowable cost; and

"(ii) that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued.

"(3) NONPROFIT ORGANIZATION REQUIREMENTS.—

"(A) DEFINITION.—For purposes of this paragraph and the grant programs described in this Act (excluding title IV), the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this Act (excluding title IV) to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

"(C) DISCLOSURE.—

"(i) IN GENERAL.—Each nonprofit organization that is awarded a grant under a grant program described in this Act (excluding title IV) and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including—

"(I) the independent persons involved in reviewing and approving such compensation;

"(II) the comparability data used; and

"(III) contemporaneous substantiation of the deliberation and decision.

"(ii) PUBLIC INSPECTION UPON REQUEST.—Upon request, the Administrator shall make the information disclosed under clause (i) available for public inspection.

"(4) CONFERENCE EXPENDITURES.—

"(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

Cost estimate.

"(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and entertainment.

"(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives on all conference expenditures approved under this paragraph.

"(5) PROHIBITION ON LOBBYING ACTIVITY.—

"(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any recipient of a grant made using such amounts—

"(i) to lobby any representative of the Department of Justice regarding the award of grant funding; or

"(ii) to lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

Determination.

"(B) PENALTY.—If the Attorney General determines that any recipient of a grant made using amounts authorized to be appropriated under this Act has violated subparagraph (A), the Attorney General shall—

"(i) require the recipient to repay the grant in full; and

Time period.

"(ii) prohibit the recipient to receive another grant under this Act for not less than 5 years.

"(C) CLARIFICATION.—For purposes of this paragraph, submitting an application for a grant under this Act shall not be considered lobbying activity in violation of subparagraph (A).

Effective date.

"(6) ANNUAL CERTIFICATION.—Beginning in the 1st fiscal year that begins after the effective date of this section, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives, an annual certification that—

"(A) all audits issued by the Inspector General of the Department of Justice under paragraph (2) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

"(B) all mandatory exclusions required under paragraph (2)(D) have been issued;

"(C) all reimbursements required under paragraph (2)(F)(i) have been made; and

"(D) includes a list of any grant recipients excluded under paragraph (2) during the then preceding fiscal year.

"(c) PREVENTING DUPLICATIVE GRANTS.—

"(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

"(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that includes—

"(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and Lists.

"(B) the reason the Attorney General awarded the duplicative grant.

"(d) COMPLIANCE WITH AUDITING STANDARDS.—The Administrator shall comply with the Generally Accepted Government Auditing Standards, published by the General Accountability Office (commonly known as the 'Yellow Book'), in the conduct of fiscal, compliance, and programmatic audits of States.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Juvenile Justice and Delinquency Prevention Act (34 U.S.C. 11280(a)) is amended—

(1) in paragraph (1)—

(A) by striking "section 345 and"; and

(B) by striking "$140,000,000 for fiscal year 2009, and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013" and inserting "$127,421,000 for each of fiscal years 2019 through 2020";

(2) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) PERIODIC ESTIMATE.—Of the amount authorized to be appropriated under paragraph (1), such sums as may be necessary shall be made available to carry out section 345 for each of fiscal years 2019 through 2020."; and

(3) in paragraph (4), by striking "fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013" and inserting "each of fiscal years 2019 through 2020".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) is amended by striking—

34 USC 11181.
42 USC 5784.

(1) section 299 (34 U.S.C. 11171); and

(2) section 505.

Approved December 21, 2018.

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CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 28, considered and passed House.
Dec. 11, considered and passed Senate, amended.
Dec. 13, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 21, Presidential remarks.

Public Law 115–386
115th Congress

An Act

To amend the Federal Election Campaign Act of 1971 to extend through 2023 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

Dec. 21, 2018
[H.R. 7120]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY OF FEDERAL ELECTION COMMISSION THROUGH 2023.

(a) EXTENSION OF AUTHORITY.—Section 309(a)(4)(C)(v) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by striking "December 31, 2018" and inserting "December 31, 2023".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the earlier of— 52 USC 30109 note.

(1) December 31, 2018; or

(2) the date of the enactment of this Act.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 7120:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 27, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 115–387
115th Congress

An Act

Dec. 21, 2018
[H.R. 7213]

To amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Countering Weapons of Mass Destruction Act of 2018.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Countering Weapons of Mass Destruction Act of 2018".

SEC. 2. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended—

(1) in the title heading, by striking "**DOMESTIC NUCLEAR DETECTION OFFICE**" and inserting "**COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE**";

6 USC 591.

(2) by striking section 1901 and inserting the following:

6 USC 590.

"SEC. 1900. DEFINITIONS.

"In this title:

"(1) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

"(2) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(3) OFFICE.—The term 'Office' means the Countering Weapons of Mass Destruction Office established under section 1901(a).

"(4) WEAPON OF MASS DESTRUCTION.—The term 'weapon of mass destruction' has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"Subtitle A—Countering Weapons of Mass Destruction Office

6 USC 591.

"SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

"(a) ESTABLISHMENT.—There is established in the Department a Countering Weapons of Mass Destruction Office.

Appointment.
President.

"(b) ASSISTANT SECRETARY.—The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

"(c) RESPONSIBILITIES.—The Assistant Secretary shall serve as the Secretary's principal advisor on—

"(1) weapons of mass destruction matters and strategies; and

"(2) coordinating the efforts of the Department to counter weapons of mass destruction. Coordination.

"(d) DETAILS.—The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the heads of other Federal agencies, including elements of the intelligence community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

"(e) TERMINATION.—The Office shall terminate on the date that is 5 years after the date of the enactment of the Countering Weapons of Mass Destruction Act of 2018.";

(3) by adding at the end the following:

"Subtitle B—Mission of the Office

"SEC. 1921. MISSION OF THE OFFICE. Coordination. 6 USC 591g.

"The Office shall be responsible for coordinating with other Federal efforts and developing a strategy and policy for the Department to plan for, detect, and protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical, biological, radiological, or nuclear materials, devices, or agents in the United States and to protect against an attack using such materials, devices, or agents against the people, territory, or interests of the United States.

"SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT COMPONENTS AND FEDERAL AGENCIES. 6 USC 591h.

"(a) IN GENERAL.—The authority of the Assistant Secretary under this title shall not affect or diminish the authority or the responsibility of any officer of the Department or any officer of any other Federal agency with respect to the command, control, or direction of the functions, personnel, funds, assets, or liabilities of any component of the Department or any other Federal agency.

"(b) OFFICE FOR STRATEGY, POLICY, AND PLANS.—Not later than one year after the date of the enactment of the Countering Weapons of Mass Destruction Act of 2018, the Assistant Secretary shall, in coordination with the Under Secretary for Strategy, Policy, and Plans, submit to the appropriate congressional committees a strategy and implementation plan to direct programs within the Office and to integrate those programs with other programs and activities of the Department. Deadline. Coordination.

"(c) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Nothing in this title or any other provision of law may be construed to affect or reduce the responsibilities of the Federal Emergency Management Agency or the Administrator of the Agency, including the diversion of any asset, function, or mission of the Agency or the Administrator of the Agency.";

(4) by striking section 1905; 6 USC 595.

(5) by redesignating sections 1902, 1903, 1904, 1906, and 1907 as sections 1923, 1924, 1925, 1926, and 1927, respectively, and transferring such sections to appear after section 1922, as added by paragraph (3); 6 USC 592–594, 596, 596a.

6 USC 592.

(6) in section 1923, as redesignated—

(A) in the section heading, by striking "**MISSION OF OFFICE**" and inserting "**RESPONSIBILITIES**"; and

(B) in subsection (a)(11), by striking "Domestic Nuclear Detection Office" and inserting "Office";

6 USC 595.

(7) in section 1925, as redesignated, in subsection (a), in the first sentence, by striking "section 1902" and inserting "section 1923";

6 USC 596.

(8) in section 1926, as redesignated—

(A) in the matter preceding paragraph (1)—

(i) by striking "Director for Domestic Nuclear Detection" and inserting "Assistant Secretary"; and

(ii) by striking "paragraphs (6) and (7) of section 1902(a)" and inserting "section 1923"; and

(B) in paragraph (2), by striking "paragraphs (6) and (7) of section 1902(a)" and inserting "section 1923";

6 USC 596a.

(9) in section 1927, as redesignated—

(A) in subsection (a)(1)(C), in the matter preceding clause (i), by striking "Director of the Domestic Nuclear Detection Office" and inserting "Assistant Secretary"; and

(B) in subsection (c), by striking "section 1902" and inserting "section 1923"; and

(10) by inserting after section 1927, as redesignated, the following:

6 USC 596b.

"SEC. 1928. SECURING THE CITIES PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, through the Assistant Secretary, shall establish a program, to be known as the 'Securing the Cities' or 'STC' program, to enhance the ability of the United States to detect and prevent terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas.

"(b) ELEMENTS.—Through the STC program the Secretary shall—

"(1) assist State, local, Tribal, and territorial governments in designing and implementing, or enhancing existing, architectures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

"(2) support the development of an operating capability to detect and report on nuclear and other radiological materials out of regulatory control;

"(3) provide resources to enhance detection, analysis, communication, and coordination to better integrate State, local, Tribal, and territorial assets into Federal operations;

"(4) facilitate alarm adjudication and provide subject matter expertise and technical assistance on concepts of operations, training, exercises, and alarm response protocols;

"(5) communicate with, and promote sharing of information about the presence or detection of nuclear or other radiological materials among appropriate Federal, State, local, Tribal, and territorial government agencies, in a manner that ensures transparency with the jurisdictions designated under subsection (c);

"(6) provide augmenting resources, as appropriate, to enable State, local, Tribal, and territorial governments to sustain and refresh their capabilities developed under the STC program;

"(7) monitor expenditures under the STC program and track performance in meeting the goals of the STC program; and

"(8) provide any other assistance the Secretary determines appropriate.

"(c) DESIGNATION OF JURISDICTIONS.—

"(1) IN GENERAL.—In carrying out the STC program under subsection (a), the Secretary shall designate jurisdictions from among high-risk urban areas under section 2003.

"(2) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than 3 days before the designation of a new jurisdiction under paragraph (1) or any change to a jurisdiction previously designated under that paragraph. Deadline.

"(d) ACCOUNTABILITY.—

"(1) IMPLEMENTATION PLAN.—

"(A) IN GENERAL.—The Secretary shall develop, in consultation with relevant stakeholders, an implementation plan for carrying out the STC program that includes— Consultation.

"(i) a discussion of the goals of the STC program and a strategy to achieve those goals;

"(ii) performance metrics and milestones for the STC program;

"(iii) measures for achieving and sustaining capabilities under the STC program; and

"(iv) costs associated with achieving the goals of the STC program. Costs.

"(B) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of the Countering Weapons of Mass Destruction Act of 2018, the Secretary shall submit to the appropriate congressional committees and the Comptroller General of the United States the implementation plan required by subparagraph (A). Deadline.

"(2) REPORT REQUIRED.—Not later than one year after the submission of the implementation plan under paragraph (1)(B), the Secretary shall submit to the appropriate congressional committees and the Comptroller General a report that includes—

"(A) an assessment of the effectiveness of the STC program, based on the performance metrics and milestones required by paragraph (1)(A)(ii); and Assessment.

"(B) proposals for any changes to the STC program, including an explanation of how those changes align with the strategy and goals of the STC program and, as appropriate, address any challenges faced by the STC program. Proposals.

"(3) COMPTROLLER GENERAL REVIEW.—Not later than 18 months after the submission of the report required by paragraph (2), the Comptroller General of the United States shall submit to the appropriate congressional committees a report evaluating the implementation plan required by paragraph (1) Deadline. Assessment.

and the report required by paragraph (2), including an assessment of progress made with respect to the performance metrics and milestones required by paragraph (1)(A)(ii) and the sustainment of the capabilities of the STC program.

"(4) BRIEFING AND SUBMISSION REQUIREMENTS.—Before making any changes to the structure or requirements of the STC program, the Assistant Secretary shall—

Consultation.

"(A) consult with the appropriate congressional committees; and

"(B) provide to those committees—

"(i) a briefing on the proposed changes, including a justification for the changes;

"(ii) documentation relating to the changes, including plans, strategies, and resources to implement the changes; and

Assessment.

"(iii) an assessment of the effect of the changes on the capabilities of the STC program, taking into consideration previous resource allocations and stakeholder input.".

6 USC 591 note.

(b) REFERENCES AND CONSTRUCTION.—

(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to—

(A) the Domestic Nuclear Detection Office shall be deemed to be a reference to the Countering Weapons of Mass Destruction Office; and

(B) the Director for Domestic Nuclear Detection shall be deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(2) CONSTRUCTION.—Sections 1923 through 1927 of the Homeland Security Act of 2002, as redesignated by subsection (a), shall be construed to cover the chemical and biological responsibilities of the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(3) AUTHORITY.—The authority of the Director of the Domestic Nuclear Detection Office to make grants or enter into cooperative agreements is transferred to the Assistant Secretary for the Countering Weapons of Mass Destruction Office, and such authority shall be construed to include grants for all purposes of title XIX of the Homeland Security Act of 2002, as amended by this Act.

(c) CHIEF MEDICAL OFFICER.—

(1) REPEAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by striking section 516.

6 USC 321e.

(2) AMENDMENT.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

"Subtitle C—Chief Medical Officer

6 USC 597.

"SEC. 1931. CHIEF MEDICAL OFFICER.

Appointment. President.

"(a) IN GENERAL.—There is in the Office a Chief Medical Officer, who shall be appointed by the President. The Chief Medical Officer shall report to the Assistant Secretary.

"(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health.

"(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

"(1) serving as the principal advisor on medical and public health issues to the Secretary, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials;

"(2) providing operational medical support to all components of the Department;

"(3) as appropriate, providing medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on operational medical issues;

"(4) coordinating with Federal, State, local, and Tribal governments, the medical community, and others within and outside the Department, including the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response of the Department of Health and Human Services, with respect to medical and public health matters; and Coordination.

"(5) performing such other duties relating to such responsibilities as the Secretary may require.".

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 516.

(d) WORKFORCE HEALTH AND MEDICAL SUPPORT.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 710. WORKFORCE HEALTH AND MEDICAL SUPPORT. 6 USC 350.

"(a) IN GENERAL.—The Under Secretary for Management shall be responsible for workforce-focused health and medical activities of the Department. The Under Secretary for Management may further delegate responsibility for those activities, as appropriate.

"(b) RESPONSIBILITIES.—The Under Secretary for Management, in coordination with the Chief Medical Officer, shall— Coordination.

"(1) provide oversight and coordinate the medical and health activities of the Department for the human and animal personnel of the Department;

"(2) establish medical, health, veterinary, and occupational health exposure policy, guidance, strategies, and initiatives for the human and animal personnel of the Department; Policy. Guidance. Strategies.

"(3) as deemed appropriate by the Under Secretary, provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on occupational medical and public health issues;

"(4) serve as the primary representative for the Department on agreements regarding the detail of Commissioned Corps officers of the Public Health Service of the Department of Health and Human Services to the Department, except that components of the Department shall retain authority for funding, determination of specific duties, and supervision of such detailed Commissioned Corps officers; and

"(5) perform such other duties relating to the responsibilities described in this subsection as the Secretary may require.".

(e) TRANSFERS; ABOLISHMENT.— 6 USC 591 note.

(1) TRANSFERS.—The Secretary of Homeland Security shall transfer to—

(A) the Countering Weapons of Mass Destruction Office all functions, personnel, budget authority, and assets of—

(i) the Domestic Nuclear Detection Office, as in existence on the day before the date of the enactment of this Act; and

(ii) the Office of Health Affairs, as in existence on the day before the date of the enactment of this Act, except for the functions, personnel, budget authority, and assets of such office necessary to perform the functions specified in section 710 of the Homeland Security Act of 2002 (relating to workforce health and medical support), as added by this Act; and

(B) the Management Directorate of the Department of Homeland Security all functions, personnel, budget authority, and assets of the Office of Health Affairs, as in existence on the day before the date of the enactment of this Act, that are necessary to perform the functions of such section 710.

(2) ABOLISHMENT.—Upon completion of all transfers pursuant to paragraph (1)—

(A) the Domestic Nuclear Detection Office of the Department of Homeland Security and the Office of Health Affairs of the Department of Homeland Security are abolished; and

(B) the positions of Assistant Secretary for Health Affairs and Director for Domestic Nuclear Detection are abolished.

(f) CONFORMING AMENDMENTS.—

(1) OTHER OFFICERS.—Paragraph (4) of section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by striking "A Director for Domestic Nuclear Detection" and inserting "An Assistant Secretary for the Countering Weapons of Mass Destruction Office".

(2) NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.—Section 316(a) of the Homeland Security Act of 2002 (6 U.S.C. 195b(a)) is amended by striking "Secretary shall" and inserting "Secretary, acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall".

(3) INTERNATIONAL COOPERATION.—Section 317(f) of the Homeland Security Act of 2002 (6 U.S.C. 195c(f)) is amended by striking "the Chief Medical Officer," and inserting "the Assistant Secretary for the Countering Weapons of Mass Destruction Office,".

(4) FUNCTIONS TRANSFERRED.—Section 505(b) of the Homeland Security Act of 2002 (6 U.S.C. 315(b)) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraph (5) as paragraph (4); and

(C) in paragraph (4), as so redesignated, by striking "through (4)" and inserting "through (3)".

(5) COORDINATION OF DEPARTMENT OF HOMELAND SECURITY EFFORTS RELATED TO FOOD, AGRICULTURE, AND VETERINARY DEFENSE AGAINST TERRORISM.—Section 528(a) of the Homeland Security Act of 2002 (6 U.S.C. 321q(a)) is amended by striking

"Health Affairs," and inserting "the Countering Weapons of Mass Destruction Office,".

(g) DEPARTMENT OF HOMELAND SECURITY CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ACTIVITIES.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall provide a briefing and report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) on— Deadline. Briefing. Reports. 6 USC 591 note.

(1) the organization and management of the chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities, and the location of each activity under the organizational structure of the Countering Weapons of Mass Destruction Office;

(2) a comprehensive inventory of chemical, biological, radiological, and nuclear activities, including research and development activities, of the Department of Homeland Security, highlighting areas of collaboration between components, coordination with other agencies, and the effectiveness and accomplishments of consolidated chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities;

(3) information relating to how the organizational structure of the Countering Weapons of Mass Destruction Office will enhance the development of chemical, biological, radiological, and nuclear priorities and capabilities across the Department of Homeland Security;

(4) a discussion of any resulting cost savings and efficiencies gained through activities described in paragraphs (1) and (2);

(5) information on how the Assistant Secretary for the Countering Weapons of Mass Destruction Office is coordinating with the Under Secretary of Science and Technology of the Department of Homeland Security on research and development activities; and

(6) recommendations for any necessary statutory changes, or, if no statutory changes are necessary, an explanation of why no statutory or organizational changes are necessary. Recommendations.

(h) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(1) by striking the item relating to section 516;

(2) inserting after the item relating to section 709 the following:

"Sec. 710. Workforce health and medical support.";

and

(3) by striking the items relating to title XIX (including items relating to section 1901 through section 1907) and inserting the following:

"TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

"Sec. 1900. Definitions.

"Subtitle A—Countering Weapons of Mass Destruction Office

"Sec. 1901. Countering Weapons of Mass Destruction Office.

"Subtitle B—Mission of the Office

"Sec. 1921. Mission of the Office.

"Sec. 1922. Relationship to other Department components and Federal agencies.
"Sec. 1923. Responsibilities.
"Sec. 1924. Hiring authority.
"Sec. 1925. Testing authority.
"Sec. 1926. Contracting and grant making authorities.
"Sec. 1927. Joint annual interagency review of global nuclear detection architecture.
"Sec. 1928. Securing the Cities program.

"Subtitle C—Chief Medical Officer

"Sec. 1931. Chief Medical Officer.".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 7213:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 10, considered and passed House.
Dec. 18, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 21, Presidential statement.

Public Law 115–388
115th Congress

An Act

To designate the facility of the United States Postal Service located at 226 West Main Street in Lake City, South Carolina, as the "Postmaster Frazier B. Baker Post Office".

Dec. 21, 2018
[H.R. 7230]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POSTMASTER FRAZIER B. BAKER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 226 West Main Street in Lake City, South Carolina, shall be known and designated as the "Postmaster Frazier B. Baker Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Postmaster Frazier B. Baker Post Office".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 7230:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–389
115th Congress

An Act

Dec. 21, 2018
[H.R. 7243]

To amend Public Law 115–217 to change the address of the postal facility designated by such Public Law in honor of Sergeant First Class Alwyn Crendall Cashe, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO CHANGE ADDRESS OF POSTAL FACILITY DESIGNATED BY PUBLIC LAW 115-217.

Ante, p. 1546.

In section 1(a) of Public Law 115–217, strike "567 East Franklin Street" and insert "83 Geneva Drive".

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 7243:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 115–390
115th Congress

An Act

To require the Secretary of Homeland Security to establish a security vulnerability disclosure policy, to establish a bug bounty program for the Department of Homeland Security, to amend title 41, United States Code, to provide for Federal acquisition supply chain security, and for other purposes.

Dec. 21, 2018
[H.R. 7327]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strengthening and Enhancing Cyber-capabilities by Utilizing Risk Exposure Technology Act. 41 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Strengthening and Enhancing Cyber-capabilities by Utilizing Risk Exposure Technology Act" or the "SECURE Technology Act".

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

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HOMELAND SECURITY INFORMATION SECURITY AND OTHER MATTERS

Sec. 101. Department of Homeland Security disclosure of security vulnerabilities.
Sec. 102. Department of Homeland Security bug bounty pilot program.
Sec. 103. Congressional submittal of reports relating to certain special access programs and similar programs.

TITLE II—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

Sec. 201. Short title.
Sec. 202. Federal acquisition supply chain security.
Sec. 203. Authorities of executive agencies relating to mitigating supply chain risks in the procurement of covered articles.
Sec. 204. Federal Information Security Modernization Act.
Sec. 205. Effective date.

TITLE I—DEPARTMENT OF HOMELAND SECURITY INFORMATION SECURITY AND OTHER MATTERS

SEC. 101. DEPARTMENT OF HOMELAND SECURITY DISCLOSURE OF SECURITY VULNERABILITIES.

6 USC 663 note.

(a) VULNERABILITY DISCLOSURE POLICY.—The Secretary of Homeland Security shall establish a policy applicable to individuals, organizations, and companies that report security vulnerabilities on appropriate information systems of Department of Homeland Security. Such policy shall include each of the following:

(1) The appropriate information systems of the Department that individuals, organizations, and companies may use to discover and report security vulnerabilities on appropriate information systems.

Criteria.

(2) The conditions and criteria under which individuals, organizations, and companies may operate to discover and report security vulnerabilities.

(3) How individuals, organizations, and companies may disclose to the Department security vulnerabilities discovered on appropriate information systems of the Department.

(4) The ways in which the Department may communicate with individuals, organizations, and companies that report security vulnerabilities.

(5) The process the Department shall use for public disclosure of reported security vulnerabilities.

(b) REMEDIATION PROCESS.—The Secretary of Homeland Security shall develop a process for the Department of Homeland Security to address the mitigation or remediation of the security vulnerabilities reported through the policy developed in subsection (a).

(c) CONSULTATION.—

(1) IN GENERAL.—In developing the security vulnerability disclosure policy under subsection (a), the Secretary of Homeland Security shall consult with each of the following:

(A) The Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the requirements of the policy developed under subsection (a) are protected from prosecution under section 1030 of title 18, United States Code, civil lawsuits, and similar provisions of law with respect to specific activities authorized under the policy.

(B) The Secretary of Defense and the Administrator of General Services regarding lessons that may be applied from existing vulnerability disclosure policies.

(C) Non-governmental security researchers.

(2) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any consultation under this section.

(d) PUBLIC AVAILABILITY.—The Secretary of Homeland Security shall make the policy developed under subsection (a) publicly available.

(e) SUBMISSION TO CONGRESS.—

Deadline.
Records.

(1) DISCLOSURE POLICY AND REMEDIATION PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a copy of the policy required under subsection (a) and the remediation process required under subsection (b).

(2) REPORT AND BRIEFING.—

(A) REPORT.—Not later than one year after establishing the policy required under subsection (a), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on such policy and the remediation process required under subsection (b).

(B) ANNUAL BRIEFINGS.—One year after the date of the submission of the report under subparagraph (A), and annually thereafter for each of the next three years, the

Secretary of Homeland Security shall provide to the appropriate congressional committees a briefing on the policy required under subsection (a) and the process required under subsection (b).

(C) MATTERS FOR INCLUSION.—The report required under subparagraph (A) and the briefings required under subparagraph (B) shall include each of the following with respect to the policy required under subsection (a) and the process required under subsection (b) for the period covered by the report or briefing, as the case may be:

(i) The number of unique security vulnerabilities reported.

(ii) The number of previously unknown security vulnerabilities mitigated or remediated.

(iii) The number of unique individuals, organizations, and companies that reported security vulnerabilities.

(iv) The average length of time between the reporting of security vulnerabilities and mitigation or remediation of such vulnerabilities.

(f) DEFINITIONS.—In this section:

(1) The term "security vulnerability" has the meaning given that term in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)), in information technology.

(2) The term "information system" has the meaning given that term by section 3502 of title 44, United States Code.

(3) The term "appropriate information system" means an information system that the Secretary of Homeland Security selects for inclusion under the vulnerability disclosure policy required by subsection (a).

(4) The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate.

SEC. 102. DEPARTMENT OF HOMELAND SECURITY BUG BOUNTY PILOT PROGRAM. 6 USC 663 note.

(a) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

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

(B) the Select Committee on Intelligence of the Senate;

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

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

(2) The term "bug bounty program" means a program under which—

(A) individuals, organizations, and companies are temporarily authorized to identify and report vulnerabilities of appropriate information systems of the Department; and

(B) eligible individuals, organizations, and companies receive compensation in exchange for such reports.

6 USC 651 note.

(3) The term "Department" means the Department of Homeland Security.

(4) The term "eligible individual, organization, or company" means an individual, organization, or company that meets such criteria as the Secretary determines in order to receive compensation in compliance with Federal laws.

(5) The term "information system" has the meaning given the term in section 3502 of title 44, United States Code.

(6) The term "pilot program" means the bug bounty pilot program required to be established under subsection (b)(1).

(7) The term "Secretary" means the Secretary of Homeland Security.

(b) BUG BOUNTY PILOT PROGRAM.—

Deadline.

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, within the Office of the Chief Information Officer, a bug bounty pilot program to minimize vulnerabilities of appropriate information systems of the Department.

(2) RESPONSIBILITIES OF SECRETARY.—In establishing and conducting the pilot program, the Secretary shall—

(A) designate appropriate information systems to be included in the pilot program;

(B) provide compensation to eligible individuals, organizations, and companies for reports of previously unidentified security vulnerabilities within the information systems designated under subparagraph (A);

Criteria.

(C) establish criteria for individuals, organizations, and companies to be considered eligible for compensation under the pilot program in compliance with Federal laws;

Consultation.

(D) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law, and civil lawsuits for specific activities authorized under the pilot program;

Consultation.

(E) consult with the Secretary of Defense and the heads of other departments and agencies that have implemented programs to provide compensation for reports of previously undisclosed vulnerabilities in information systems, regarding lessons that may be applied from such programs; and

(F) develop an expeditious process by which an individual, organization, or company can register with the Department, submit to a background check as determined by the Department, and receive a determination as to eligibility; and

(G) engage qualified interested persons, including non-government sector representatives, about the structure of the pilot program as constructive and to the extent practicable.

(3) CONTRACT AUTHORITY.—In establishing the pilot program, the Secretary, subject to the availability of appropriations, may award 1 or more competitive contracts to an entity, as necessary, to manage the pilot program.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date on which the pilot program is completed, the Secretary shall submit to the appropriate congressional committees a report on the pilot program, which shall include—

(1) the number of individuals, organizations, or companies that participated in the pilot program, broken down by the number of individuals, organizations, or companies that—

(A) registered;

(B) were determined eligible;

(C) submitted security vulnerabilities; and

(D) received compensation;

(2) the number and severity of vulnerabilities reported as part of the pilot program;

(3) the number of previously unidentified security vulnerabilities remediated as a result of the pilot program;

(4) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(5) the average length of time between the reporting of security vulnerabilities and remediation of the vulnerabilities;

(6) the types of compensation provided under the pilot program; and

(7) the lessons learned from the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department $250,000 for fiscal year 2019 to carry out this section.

SEC. 103. CONGRESSIONAL SUBMITTAL OF REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

The National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 3348) is amended—

(1) by striking "Congress" each place it appears and inserting "the congressional oversight committees";

(2) in subsection (f)(1), by striking "appropriate oversight committees" and inserting "congressional oversight committees"; and

(3) in subsection (g)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) CONGRESSIONAL OVERSIGHT COMMITTEES.—The term 'congressional oversight committees' means— Definition.

"(A) congressional leadership and authorizing and appropriations congressional committees with jurisdiction or shared jurisdiction over a department or agency;

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

"(C) the Committee on Oversight and Government Reform of the House of Representatives.".

TITLE II—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

Federal Acquisition Supply Chain Security Act of 2018.
41 USC 101 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Acquisition Supply Chain Security Act of 2018".

SEC. 202. FEDERAL ACQUISITION SUPPLY CHAIN SECURITY.

41 USC prec. 1321.

(a) IN GENERAL.—Chapter 13 of title 41, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

41 USC 1321.

"§ 1321. Definitions

"In this subchapter:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

"(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

"(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

"(2) COUNCIL.—The term 'Council' means the Federal Acquisition Security Council established under section 1322(a) of this title.

"(3) COVERED ARTICLE.—The term 'covered article' has the meaning given that term in section 4713 of this title.

"(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' has the meaning given that term in section 4713 of this title.

"(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' has the meaning given that term in section 4713 of this title.

"(6) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(7) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given that term in section 3552 of title 44.

"(8) SUPPLY CHAIN RISK.—The term 'supply chain risk' has the meaning given that term in section 4713 of this title.

41 USC 1322.

"§ 1322. Federal Acquisition Security Council establishment and membership

"(a) ESTABLISHMENT.—There is established in the executive branch a Federal Acquisition Security Council.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The following agencies shall be represented on the Council:

"(A) The Office of Management and Budget.

"(B) The General Services Administration.

"(C) The Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency.

"(D) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.

"(E) The Department of Justice, including the Federal Bureau of Investigation.

"(F) The Department of Defense, including the National Security Agency.

"(G) The Department of Commerce, including the National Institute of Standards and Technology.

"(H) Such other executive agencies as determined by the Chairperson of the Council.

"(2) LEAD REPRESENTATIVES.—

"(A) DESIGNATION.—

"(i) IN GENERAL.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council. Deadline.

"(ii) REQUIREMENTS.—The representative of an agency designated under clause (i) shall have expertise in supply chain risk management, acquisitions, or information and communications technology.

"(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

"(c) CHAIRPERSON.—

"(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council. Deadline.

"(2) FUNCTIONS.—The Chairperson shall perform functions that include—

"(A) subject to subsection (d), developing a schedule for meetings of the Council;

"(B) designating executive agencies to be represented on the Council under subsection (b)(1)(H);

"(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and Consultation.

"(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees and leadership. Deadline.

"(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Federal Acquisition Supply Deadline.

Chain Security Act of 2018 and not less frequently than quarterly thereafter.

41 USC 1323.

"§ 1323. Functions and authorities

"(a) IN GENERAL.—The Council shall perform functions that include the following:

Recommendations.

"(1) Identifying and recommending development by the National Institute of Standards and Technology of supply chain risk management standards, guidelines, and practices for executive agencies to use when assessing and developing mitigation strategies to address supply chain risks, particularly in the acquisition and use of covered articles under section 1326(a) of this title.

Criteria.

"(2) Identifying or developing criteria for sharing information with executive agencies, other Federal entities, and non-Federal entities with respect to supply chain risk, including information related to the exercise of authorities provided under this section and sections 1326 and 4713 of this title. At a minimum, such criteria shall address—

"(A) the content to be shared;

"(B) the circumstances under which sharing is mandated or voluntary; and

"(C) the circumstances under which it is appropriate for an executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities provided under this section and section 4713 of this title.

"(3) Identifying an appropriate executive agency to—

"(A) accept information submitted by executive agencies based on the criteria established under paragraph (2);

"(B) facilitate the sharing of information received under subparagraph (A) to support supply chain risk analyses under section 1326 of this title, recommendations under this section, and covered procurement actions under section 4713 of this title;

"(C) share with the Council information regarding covered procurement actions by executive agencies taken under section 4713 of this title; and

"(D) inform the Council of orders issued under this section.

"(4) Identifying, as appropriate, executive agencies to provide—

"(A) shared services, such as support for making risk assessments, validation of products that may be suitable for acquisition, and mitigation activities; and

"(B) common contract solutions to support supply chain risk management activities, such as subscription services or machine-learning-enhanced analysis applications to support informed decision making.

Guidance.

"(5) Identifying and issuing guidance on additional steps that may be necessary to address supply chain risks arising in the course of executive agencies providing shared services, common contract solutions, acquisitions vehicles, or assisted acquisitions.

"(6) Engaging with the private sector and other nongovernmental stakeholders in performing the functions described in

paragraphs (1) and (2) and on issues relating to the management of supply chain risks posed by the acquisition of covered articles.

"(7) Carrying out such other actions, as determined by the Council, that are necessary to reduce the supply chain risks posed by acquisitions and use of covered articles.

"(b) PROGRAM OFFICE AND COMMITTEES.—The Council may establish a program office and any committees, working groups, or other constituent bodies the Council deems appropriate, in its sole and unreviewable discretion, to carry out its functions.

"(c) AUTHORITY FOR EXCLUSION OR REMOVAL ORDERS.—

"(1) CRITERIA.—To reduce supply chain risk, the Council shall establish criteria and procedures for— Procedures.

"(A) recommending orders applicable to executive agencies requiring the exclusion of sources or covered articles from executive agency procurement actions (in this section referred to as 'exclusion orders');

"(B) recommending orders applicable to executive agencies requiring the removal of covered articles from executive agency information systems (in this section referred to as 'removal orders');

"(C) requesting and approving exceptions to an issued exclusion or removal order when warranted by circumstances, including alternative mitigation actions or other findings relating to the national interest, including national security reviews, national security investigations, or national security agreements; and

"(D) ensuring that recommended orders do not conflict with standards and guidelines issued under section 11331 of title 40 and that the Council consults with the Director of the National Institute of Standards and Technology regarding any recommended orders that would implement standards and guidelines developed by the National Institute of Standards and Technology.

"(2) RECOMMENDATIONS.—The Council shall use the criteria established under paragraph (1), information made available under subsection (a)(3), and any other information the Council determines appropriate to issue recommendations, for application to executive agencies or any subset thereof, regarding the exclusion of sources or covered articles from any executive agency procurement action, including source selection and consent for a contractor to subcontract, or the removal of covered articles from executive agency information systems. Such recommendations shall include—

"(A) information necessary to positively identify the sources or covered articles recommended for exclusion or removal;

"(B) information regarding the scope and applicability of the recommended exclusion or removal order;

"(C) a summary of any risk assessment reviewed or conducted in support of the recommended exclusion or removal order; Summary.

"(D) a summary of the basis for the recommendation, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk; Summary.

"(E) a description of the actions necessary to implement the recommended exclusion or removal order; and

"(F) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding a recommendation.

"(3) NOTICE OF RECOMMENDATION AND REVIEW.—A notice of the Council's recommendation under paragraph (2) shall be issued to any source named in the recommendation advising—

"(A) that a recommendation has been made;

"(B) of the criteria the Council relied upon under paragraph (1) and, to the extent consistent with national security and law enforcement interests, of information that forms the basis for the recommendation;

Deadline.

"(C) that, within 30 days after receipt of notice, the source may submit information and argument in opposition to the recommendation;

"(D) of the procedures governing the review and possible issuance of an exclusion or removal order pursuant to paragraph (5); and

"(E) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding the recommendation.

"(4) CONFIDENTIALITY.—Any notice issued to a source under paragraph (3) shall be kept confidential until—

"(A) an exclusion or removal order is issued pursuant to paragraph (5); and

"(B) the source has been notified pursuant to paragraph (6).

"(5) EXCLUSION AND REMOVAL ORDERS.—

"(A) ORDER ISSUANCE.—Recommendations of the Council under paragraph (2), together with any information submitted by a source under paragraph (3) related to such a recommendation, shall be reviewed by the following officials, who may issue exclusion and removal orders based upon such recommendations:

"(i) The Secretary of Homeland Security, for exclusion and removal orders applicable to civilian agencies, to the extent not covered by clause (ii) or (iii).

"(ii) The Secretary of Defense, for exclusion and removal orders applicable to the Department of Defense and national security systems other than sensitive compartmented information systems.

"(iii) The Director of National Intelligence, for exclusion and removal orders applicable to the intelligence community and sensitive compartmented information systems, to the extent not covered by clause (ii).

"(B) DELEGATION.—The officials identified in subparagraph (A) may not delegate any authority under this subparagraph to an official below the level one level below the Deputy Secretary or Principal Deputy Director, except that the Secretary of Defense may delegate authority for removal orders to the Commander of the United States Cyber Command, who may not redelegate such authority

to an official below the level one level below the Deputy Commander.

"(C) FACILITATION OF EXCLUSION ORDERS.—If officials identified under this paragraph from the Department of Homeland Security, the Department of Defense, and the Office of the Director of National Intelligence issue orders collectively resulting in a governmentwide exclusion, the Administrator for General Services and officials at other executive agencies responsible for management of the Federal Supply Schedules, governmentwide acquisition contracts and multi-agency contracts shall help facilitate implementation of such orders by removing the covered articles or sources identified in the orders from such contracts.

"(D) REVIEW OF EXCLUSION AND REMOVAL ORDERS.—The officials identified under this paragraph shall review all exclusion and removal orders issued under subparagraph (A) not less frequently than annually pursuant to procedures established by the Council.

"(E) RESCISSION.—Orders issued pursuant to subparagraph (A) may be rescinded by an authorized official from the relevant issuing agency.

"(6) NOTIFICATIONS.—Upon issuance of an exclusion or removal order pursuant to paragraph (5)(A), the official identified under that paragraph who issued the order shall—

"(A) notify any source named in the order of—

"(i) the exclusion or removal order; and

"(ii) to the extent consistent with national security and law enforcement interests, information that forms the basis for the order;

"(B) provide classified or unclassified notice of the exclusion or removal order to the appropriate congressional committees and leadership; and

"(C) provide the exclusion or removal order to the agency identified in subsection (a)(3).

"(7) COMPLIANCE.—Executive agencies shall comply with exclusion and removal orders issued pursuant to paragraph (5).

"(d) AUTHORITY TO REQUEST INFORMATION.—The Council may request such information from executive agencies as is necessary for the Council to carry out its functions.

"(e) RELATIONSHIP TO OTHER COUNCILS.—The Council shall consult and coordinate, as appropriate, with other relevant councils and interagency committees, including the Chief Information Officers Council, the Chief Acquisition Officers Council, the Federal Acquisition Regulatory Council, and the Committee on Foreign Investment in the United States, with respect to supply chain risks posed by the acquisition and use of covered articles. Consultation. Coordination.

"(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to limit the authority of the Office of Federal Procurement Policy to carry out the responsibilities of that Office under any other provision of law; or

"(2) to authorize the issuance of an exclusion or removal order based solely on the fact of foreign ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

41 USC 1324.

"§ 1324. Strategic plan

Deadline.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Council shall develop a strategic plan for addressing supply chain risks posed by the acquisition of covered articles and for managing such risks that includes—

Criteria.

"(1) the criteria and processes required under section 1323(a) of this title, including a threshold and requirements for sharing relevant information about such risks with all executive agencies and, as appropriate, with other Federal entities and non-Federal entities;

"(2) an identification of existing authorities for addressing such risks;

"(3) an identification and promulgation of best practices and procedures and available resources for executive agencies to assess and mitigate such risks;

Recommendations.

"(4) recommendations for any legislative, regulatory, or other policy changes to improve efforts to address such risks;

Recommendations.

"(5) recommendations for any legislative, regulatory, or other policy changes to incentivize the adoption of best practices for supply chain risk management by the private sector;

Evaluation.

"(6) an evaluation of the effect of implementing new policies or procedures on existing contracts and the procurement process;

"(7) a plan for engaging with executive agencies, the private sector, and other nongovernmental stakeholders to address such risks;

"(8) a plan for identification, assessment, mitigation, and vetting of supply chain risks from existing and prospective information and communications technology made available by executive agencies to other executive agencies through common contract solutions, shared services, acquisition vehicles, or other assisted acquisition services; and

"(9) plans to strengthen the capacity of all executive agencies to conduct assessments of—

"(A) the supply chain risk posed by the acquisition of covered articles; and

"(B) compliance with the requirements of this subchapter.

Deadline.

"(b) SUBMISSION TO CONGRESS.—Not later than 7 calendar days after completion of the strategic plan required by subsection (a), the Chairperson of the Council shall submit the plan to the appropriate congressional committees and leadership.

41 USC 1325.

"§ 1325. Annual report

"Not later than December 31 of each year, the Chairperson of the Council shall submit to the appropriate congressional committees and leadership a report on the activities of the Council during the preceding 12-month period.

41 USC 1326.

"§ 1326. Requirements for executive agencies

"(a) IN GENERAL.—The head of each executive agency shall be responsible for—

Assessment.

"(1) assessing the supply chain risk posed by the acquisition and use of covered articles and avoiding, mitigating, accepting, or transferring that risk, as appropriate and consistent with

the standards, guidelines, and practices identified by the Council under section 1323(a)(1); and

"(2) prioritizing supply chain risk assessments conducted under paragraph (1) based on the criticality of the mission, system, component, service, or asset.

"(b) INCLUSIONS.—The responsibility for assessing supply chain risk described in subsection (a) includes—

Strategy. Plan. Policy. Processes.

"(1) developing an overall supply chain risk management strategy and implementation plan and policies and processes to guide and govern supply chain risk management activities;

"(2) integrating supply chain risk management practices throughout the life cycle of the system, component, service, or asset;

"(3) limiting, avoiding, mitigating, accepting, or transferring any identified risk;

"(4) sharing relevant information with other executive agencies as determined appropriate by the Council in a manner consistent with section 1323(a) of this title;

"(5) reporting on progress and effectiveness of the agency's supply chain risk management consistent with guidance issued by the Office of Management and Budget and the Council; and

"(6) ensuring that all relevant information, including classified information, with respect to acquisitions of covered articles that may pose a supply chain risk, consistent with section 1323(a) of this title, is incorporated into existing processes of the agency for conducting assessments described in subsection (a) and ongoing management of acquisition programs, including any identification, investigation, mitigation, or remediation needs.

"(c) INTERAGENCY ACQUISITIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in the case of an interagency acquisition, subsection (a) shall be carried out by the head of the executive agency whose funds are being used to procure the covered article.

Determination.

"(2) ASSISTED ACQUISITIONS.—In an assisted acquisition, the parties to the acquisition shall determine, as part of the interagency agreement governing the acquisition, which agency is responsible for carrying out subsection (a).

"(3) DEFINITIONS.—In this subsection, the terms 'assisted acquisition' and 'interagency acquisition' have the meanings given those terms in section 2.101 of title 48, Code of Federal Regulations (or any corresponding similar regulation or ruling).

"(d) ASSISTANCE.—The Secretary of Homeland Security may—

"(1) assist executive agencies in conducting risk assessments described in subsection (a) and implementing mitigation requirements for information and communications technology; and

"(2) provide such additional guidance or tools as are necessary to support actions taken by executive agencies.

"§ 1327. Judicial review procedures

41 USC 1327.

"(a) IN GENERAL.—Except as provided in subsection (b) and chapter 71 of this title, and notwithstanding any other provision of law, an action taken under section 1323 or 4713 of this title, or any action taken by an executive agency to implement such an action, shall not be subject to administrative review or judicial

review, including bid protests before the Government Accountability Office or in any Federal court.

"(b) PETITIONS.—

Deadline.

"(1) IN GENERAL.—Not later than 60 days after a party is notified of an exclusion or removal order under section 1323(c)(6) of this title or a covered procurement action under section 4713 of this title, the party may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit claiming that the issuance of the exclusion or removal order or covered procurement action is unlawful.

"(2) STANDARD OF REVIEW.—The Court shall hold unlawful a covered action taken under sections 1323 or 4713 of this title, in response to a petition that the court finds to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

"(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (3); or

"(E) not in accord with procedures required by law.

"(3) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over claims arising under sections 1323(c)(5) or 4713 of this title against the United States, any United States department or agency, or any component or official of any such department or agency, subject to review by the Supreme Court of the United States under section 1254 of title 28.

"(4) ADMINISTRATIVE RECORD AND PROCEDURES.—

Applicability.

"(A) IN GENERAL.—The procedures described in this paragraph shall apply to the review of a petition under this section.

"(B) ADMINISTRATIVE RECORD.—

"(i) FILING OF RECORD.—The United States shall file with the court an administrative record, which shall consist of the information that the appropriate official relied upon in issuing an exclusion or removal order under section 1323(c)(5) or a covered procurement action under section 4713 of this title.

"(ii) UNCLASSIFIED, NONPRIVILEGED INFORMATION.—All unclassified information contained in the administrative record that is not otherwise privileged or subject to statutory protections shall be provided to the petitioner with appropriate protections for any privileged or confidential trade secrets and commercial or financial information.

"(iii) IN CAMERA AND EX PARTE.—The following information may be included in the administrative record and shall be submitted only to the court ex parte and in camera:

"(I) Classified information.

"(II) Sensitive security information, as defined by section 1520.5 of title 49, Code of Federal Regulations.

"(III) Privileged law enforcement information.

"(IV) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

"(V) Information subject to privilege or protections under any other provision of law.

"(iv) UNDER SEAL.—Any information that is part of the administrative record filed ex parte and in camera under clause (iii), or cited by the court in any decision, shall be treated by the court consistent with the provisions of this subparagraph and shall remain under seal and preserved in the records of the court to be made available consistent with the above provisions in the event of further proceedings. In no event shall such information be released to the petitioner or as part of the public record.

"(v) RETURN.—After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States.

"(C) EXCLUSIVE REMEDY.—A determination by the court under this subsection shall be the exclusive judicial remedy for any claim described in this section against the United States, any United States department or agency, or any component or official of any such department or agency. Determination.

"(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, superseding, or preventing the invocation of, any privileges or defenses that are otherwise available at law or in equity to protect against the disclosure of information.

"(c) DEFINITION.—In this section, the term 'classified information'—

"(1) has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.); and

"(2) includes—

"(A) any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation to require protection against unauthorized disclosure for reasons of national security; and

"(B) any restricted data, as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

41 USC 1328.

"§ 1328. Termination

"This subchapter shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.".

41 USC prec. 1301.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of such title is amended by adding at the end the following new items:

"SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

"Sec.
"1321. Definitions.
"1322. Federal Acquisition Security Council establishment and membership.
"1323. Functions and authorities.
"1324. Strategic plan.
"1325. Annual report.
"1326. Requirements for executive agencies.
"1327. Judicial review procedures.
"1328. Termination.".

Applicability. 41 USC 1321 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

Deadlines. 41 USC 1321 note.

(d) IMPLEMENTATION.—

(1) INTERIM FINAL RULE.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Security Council shall prescribe an interim final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

Public comments.

(2) FINAL RULE.—Not later than one year after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Council shall prescribe a final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(3) FAILURE TO ACT.—

Reports. Estimate.

(A) IN GENERAL.—If the Council does not issue a final rule in accordance with paragraph (2) on or before the last day of the one-year period referred to in that paragraph, the Council shall submit to the appropriate congressional committees and leadership, not later than 10 days after such last day and every 90 days thereafter until the final rule is issued, a report explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this paragraph, the term "appropriate congressional committees and leadership" has the meaning given that term in section 1321 of title 41, United States Code, as added by subsection (a).

SEC. 203. AUTHORITIES OF EXECUTIVE AGENCIES RELATING TO MITIGATING SUPPLY CHAIN RISKS IN THE PROCUREMENT OF COVERED ARTICLES.

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

"§ 4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles

41 USC 4713.

"(a) AUTHORITY.—Subject to subsection (b), the head of an executive agency may carry out a covered procurement action.

"(b) DETERMINATION AND NOTIFICATION.—Except as authorized by subsection (c) to address an urgent national security interest, the head of an executive agency may exercise the authority provided in subsection (a) only after—

Recommendations. Review.

"(1) obtaining a joint recommendation, in unclassified or classified form, from the chief acquisition officer and the chief information officer of the agency, or officials performing similar functions in the case of executive agencies that do not have such officials, which includes a review of any risk assessment made available by the executive agency identified under section 1323(a)(3) of this title, that there is a significant supply chain risk in a covered procurement;

"(2) providing notice of the joint recommendation described in paragraph (1) to any source named in the joint recommendation advising—

"(A) that a recommendation is being considered or has been obtained;

"(B) to the extent consistent with the national security and law enforcement interests, of information that forms the basis for the recommendation;

Deadline.

"(C) that, within 30 days after receipt of the notice, the source may submit information and argument in opposition to the recommendation; and

"(D) of the procedures governing the consideration of the submission and the possible exercise of the authority provided in subsection (a);

Consultation.

"(3) making a determination in writing, in unclassified or classified form, after considering any information submitted by a source under paragraph (2) and in consultation with the chief information security officer of the agency, that—

"(A) use of the authority under subsection (a) is necessary to protect national security by reducing supply chain risk;

"(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

"(C) the use of such authorities will apply to a single covered procurement or a class of covered procurements, and otherwise specifies the scope of the determination; and

Summaries.

"(4) providing a classified or unclassified notice of the determination made under paragraph (3) to the appropriate congressional committees and leadership that includes—

"(A) the joint recommendation described in paragraph (1);

"(B) a summary of any risk assessment reviewed in support of the joint recommendation required by paragraph (1); and

"(C) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk.

"(c) PROCEDURES TO ADDRESS URGENT NATIONAL SECURITY INTERESTS.—In any case in which the head of an executive agency

determines that an urgent national security interest requires the immediate exercise of the authority provided in subsection (a), the head of the agency—

"(1) may, to the extent necessary to address such national security interest, and subject to the conditions in paragraph (2)—

"(A) temporarily delay the notice required by subsection (b)(2);

"(B) make the determination required by subsection (b)(3), regardless of whether the notice required by subsection (b)(2) has been provided or whether the notified source has submitted any information in response to such notice;

"(C) temporarily delay the notice required by subsection (b)(4); and

Deadline.

"(D) exercise the authority provided in subsection (a) in accordance with such determination within 60 calendar days after the day the determination is made; and

"(2) shall take actions necessary to comply with all requirements of subsection (b) as soon as practicable after addressing the urgent national security interest, including—

"(A) providing the notice required by subsection (b)(2);

"(B) promptly considering any information submitted by the source in response to such notice, and making any appropriate modifications to the determination based on such information;

"(C) providing the notice required by subsection (b)(4), including a description of the urgent national security interest, and any modifications to the determination made in accordance with subparagraph (B); and

Notice.
Deadline.

"(D) providing notice to the appropriate congressional committees and leadership within 7 calendar days of the covered procurement actions taken under this section.

"(d) CONFIDENTIALITY.—The notice required by subsection (b)(2) shall be kept confidential until a determination with respect to a covered procurement action has been made pursuant to subsection (b)(3).

"(e) DELEGATION.—The head of an executive agency may not delegate the authority provided in subsection (a) or the responsibility identified in subsection (f) to an official below the level one level below the Deputy Secretary or Principal Deputy Director.

"(f) ANNUAL REVIEW OF DETERMINATIONS.—The head of an executive agency shall conduct an annual review of all determinations made by such head under subsection (b) and promptly amend any covered procurement action as appropriate.

"(g) REGULATIONS.—The Federal Acquisition Regulatory Council shall prescribe such regulations as may be necessary to carry out this section.

"(h) REPORTS REQUIRED.—Not less frequently than annually, the head of each executive agency that exercised the authority provided in subsection (a) or (c) during the preceding 12-month period shall submit to the appropriate congressional committees and leadership a report summarizing the actions taken by the agency under this section during that 12-month period.

"(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the head of an executive agency to carry out a covered procurement action based solely on the fact of foreign

ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

"(j) TERMINATION.—The authority provided under subsection (a) shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.

"(k) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

"(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

"(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

"(2) COVERED ARTICLE.—The term 'covered article' means—

"(A) information technology, as defined in section 11101 of title 40, including cloud computing services of all types;

"(B) telecommunications equipment or telecommunications service, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(C) the processing of information on a Federal or non-Federal information system, subject to the requirements of the Controlled Unclassified Information program; or

"(D) hardware, systems, devices, software, or services that include embedded or incidental information technology.

"(3) COVERED PROCUREMENT.—The term 'covered procurement' means—

"(A) a source selection for a covered article involving either a performance specification, as provided in subsection (a)(3)(B) of section 3306 of this title, or an evaluation factor, as provided in subsection (b)(1)(A) of such section, relating to a supply chain risk, or where supply chain risk considerations are included in the agency's determination of whether a source is a responsible source as defined in section 113 of this title;

"(B) the consideration of proposals for and issuance of a task or delivery order for a covered article, as provided in section 4106(d)(3) of this title, where the task or delivery order contract includes a contract clause establishing a requirement relating to a supply chain risk;

"(C) any contract action involving a contract for a covered article where the contract includes a clause establishing requirements relating to a supply chain risk; or

"(D) any other procurement in a category of procurements determined appropriate by the Federal Acquisition

Regulatory Council, with the advice of the Federal Acquisition Security Council.

"(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

"(A) The exclusion of a source that fails to meet qualification requirements established under section 3311 of this title for the purpose of reducing supply chain risk in the acquisition or use of covered articles.

"(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

"(C) The determination that a source is not a responsible source as defined in section 113 of this title based on considerations of supply chain risk.

"(D) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor to exclude a particular source from consideration for a subcontract under the contract.

"(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' means—

"(A) information technology, as defined in section 11101 of title 40;

"(B) information systems, as defined in section 3502 of title 44; and

"(C) telecommunications equipment and telecommunications services, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

"(6) SUPPLY CHAIN RISK.—The term 'supply chain risk' means the risk that any person may sabotage, maliciously introduce unwanted function, extract data, or otherwise manipulate the design, integrity, manufacturing, production, distribution, installation, operation, maintenance, disposition, or retirement of covered articles so as to surveil, deny, disrupt, or otherwise manipulate the function, use, or operation of the covered articles or information stored or transmitted on the covered articles.

"(7) EXECUTIVE AGENCY.—Notwithstanding section 3101(c)(1), this section applies to the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

41 USC prec. 4701.

"4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles.".

41 USC 4713 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

SEC. 204. FEDERAL INFORMATION SECURITY MODERNIZATION ACT.

(a) IN GENERAL.—Title 44, United States Code, is amended—

(1) in section 3553(a)(5), by inserting "and section 1326 of title 41" after "compliance with the requirements of this subchapter"; and

(2) in section 3554(a)(1)(B)—

(A) by inserting ", subchapter III of chapter 13 of title 41," after "complying with the requirements of this subchapter";

(B) in clause (iv), by striking "; and" and inserting a semicolon; and

(C) by adding at the end the following new clause:

"(vi) responsibilities relating to assessing and avoiding, mitigating, transferring, or accepting supply chain risks under section 1326 of title 41, and complying with exclusion and removal orders issued under section 1323 of such title; and".

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to alter or impede any authority or responsibility under section 3553 of title 44, United States Code. 44 USC 3553 note.

SEC. 205. EFFECTIVE DATE. 41 USC 1321 note.

This title shall take effect on the date that is 90 days after the date of the enactment of this Act.

Approved December 21, 2018.

LEGISLATIVE HISTORY—H.R. 7327:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 19, considered and passed House and Senate.

Public Law 115–391
115th Congress

An Act

Dec. 21, 2018
[S. 756]

To reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

First Step Act of 2018.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

18 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the "First Step Act of 2018".

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

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM REDUCTION

Sec. 101. Risk and needs assessment system.
Sec. 102. Implementation of system and recommendations by Bureau of Prisons.
Sec. 103. GAO report.
Sec. 104. Authorization of appropriations.
Sec. 105. Rule of construction.
Sec. 106. Faith-based considerations.
Sec. 107. Independent Review Committee.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

Sec. 201. Short title.
Sec. 202. Secure firearms storage.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

Sec. 301. Use of restraints on prisoners during the period of pregnancy and postpartum recovery prohibited.

TITLE IV—SENTENCING REFORM

Sec. 401. Reduce and restrict enhanced sentencing for prior drug felonies.
Sec. 402. Broadening of existing safety valve.
Sec. 403. Clarification of section 924(c) of title 18, United States Code.
Sec. 404. Application of Fair Sentencing Act.

TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

Sec. 501. Short title.
Sec. 502. Improvements to existing programs.
Sec. 503. Audit and accountability of grantees.
Sec. 504. Federal reentry improvements.
Sec. 505. Federal interagency reentry coordination.
Sec. 506. Conference expenditures.
Sec. 507. Evaluation of the Second Chance Act program.
Sec. 508. GAO review.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

Sec. 601. Placement of prisoners close to families.
Sec. 602. Home confinement for low-risk prisoners.
Sec. 603. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.

Sec. 604. Identification for returning citizens.
Sec. 605. Expanding inmate employment through Federal Prison Industries.
Sec. 606. De-escalation training.
Sec. 607. Evidence-Based treatment for opioid and heroin abuse.
Sec. 608. Pilot programs.
Sec. 609. Ensuring supervision of released sexually dangerous persons.
Sec. 610. Data collection.
Sec. 611. Healthcare products.
Sec. 612. Adult and juvenile collaboration programs.
Sec. 613. Juvenile solitary confinement.

TITLE I—RECIDIVISM REDUCTION

SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Chapter 229 of title 18, United States Code, is amended by inserting after subchapter C the following: 18 USC prec. 3631.

"SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

"Sec.
"3631. Duties of the Attorney General.
"3632. Development of risk and needs assessment system.
"3633. Evidence-based recidivism reduction program and recommendations.
"3634. Report.
"3635. Definitions.

"§ 3631. Duties of the Attorney General 18 USC 3631.

"(a) IN GENERAL.—The Attorney General shall carry out this subchapter in consultation with— Consultation.

"(1) the Director of the Bureau of Prisons;

"(2) the Director of the Administrative Office of the United States Courts;

"(3) the Director of the Office of Probation and Pretrial Services;

"(4) the Director of the National Institute of Justice;

"(5) the Director of the National Institute of Corrections; and

"(6) the Independent Review Committee authorized by the First Step Act of 2018

"(b) DUTIES.—The Attorney General shall—

"(1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this subchapter; Review.

"(2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with section 3633; Recommendations.

"(3) conduct ongoing research and data analysis on— Analysis.

"(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

"(B) the most effective and efficient uses of such programs;

"(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

"(D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without

reducing job opportunities for other workers in the United States;

Review. Public information. Web posting. Assessment.

"(4) on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include—

"(A) any subsequent changes to the risk and needs assessment system made after the date of enactment of this subchapter;

"(B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);

Evaluation.

"(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;

"(D) statistical validation of any tools that the risk and needs assessment system uses; and

Evaluation.

"(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;

Determination.

"(5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and

"(6) report to Congress in accordance with section 3634.

18 USC 3632.

"§ 3632. Development of risk and needs assessment system

Deadline. Consultation. Public information. Web posting. Determinations.

"(a) IN GENERAL.—Not later than 210 days after the date of enactment of this subchapter, the Attorney General, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, shall develop and release publicly on the Department of Justice website a risk and needs assessment system (referred to in this subchapter as the 'System'), which shall be used to—

"(1) determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk for recidivism;

"(2) assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner;

"(3) determine the type and amount of evidence-based recidivism reduction programming that is appropriate for each prisoner and assign each prisoner to such programming accordingly, and based on the prisoner's specific criminogenic needs, and in accordance with subsection (b);

"(4) reassess the recidivism risk of each prisoner periodically, based on factors including indicators of progress, and of regression, that are dynamic and that can reasonably be expected to change while in prison;

"(5) reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that—

"(A) all prisoners at each risk level have a meaningful opportunity to reduce their classification during the period of incarceration;

"(B) to address the specific criminogenic needs of the prisoner; and

"(C) all prisoners are able to successfully participate in such programs;

"(6) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities in accordance with subsection (e);

"(7) determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with section 3624; and

"(8) determine the appropriate use of audio technology for program course materials with an understanding of dyslexia.

In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate.

"(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS.—The System shall provide guidance on the type, amount, and intensity of evidence-based recidivism reduction programming and productive activities that shall be assigned for each prisoner, including— Guidance.

"(1) programs in which the Bureau of Prisons shall assign the prisoner to participate, according to the prisoner's specific criminogenic needs; and

"(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to most effectively lower each prisoner's risk of recidivism.

"(c) HOUSING AND ASSIGNMENT DECISIONS.—The System shall provide guidance on program grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk level be grouped together in housing and assignment decisions to the extent practicable. Guidance.

"(d) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

"(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

"(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

"(B) additional time for visitation at the prison, as determined by the warden of the prison.

"(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

"(A) bed availability at the transfer facility;

"(B) the prisoner's security designation; and

"(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request. Recommendations.

"(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming. The incentives shall include not less than 2 of the following:

"(A) Increased commissary spending limits and product offerings.

"(B) Extended opportunities to access the email system.

"(C) Consideration of transfer to preferred housing units (including transfer to different prison facilities).

"(D) Other incentives solicited from prisoners and determined appropriate by the Director.

"(4) TIME CREDITS.—

"(A) IN GENERAL.—A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

"(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

Determination.

"(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

"(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed—

"(i) prior to the date of enactment of this subchapter; or

"(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a).

"(C) APPLICATION OF TIME CREDITS TOWARD PRERELEASE CUSTODY OR SUPERVISED RELEASE.—Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release.

Determination.

"(D) INELIGIBLE PRISONERS.—A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

"(i) Section 32, relating to destruction of aircraft or aircraft facilities.

"(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

"(iii) Section 36, relating to drive-by shootings.

"(iv) Section 81, relating to arson within special maritime and territorial jurisdiction.

"(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

"(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

"(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

"(viii) Section 116, relating to female genital mutilation.

"(ix) Section 117, relating to domestic assault by a habitual offender.

"(x) Any section of chapter 10, relating to biological weapons.

"(xi) Any section of chapter 11B, relating to chemical weapons.

"(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

"(xiii) Section 521, relating to criminal street gangs.

"(xiv) Section 751, relating to prisoners in custody of an institution or officer.

"(xv) Section 793, relating to gathering, transmitting, or losing defense information.

"(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

"(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

"(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

"(xix) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

"(xx) Section 871, relating to threats against the President and successors to the Presidency.

"(xxi) Section 879, relating to threats against former Presidents and certain other persons.

"(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

"(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

"(xxiv) Section 1091, relating to genocide.

"(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter),

1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

"(xxvi) Any section of chapter 55, relating to kidnapping.

"(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

"(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

"(xxix) Section 1791, relating to providing or possessing contraband in prison.

"(xxx) Section 1792, relating to mutiny and riots.

"(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

"(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

"(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

"(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

"(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

"(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

"(xxxvii) Any section of chapter 109A, relating to sexual abuse.

"(xxxviii) Section 2250, relating to failure to register as a sex offender.

"(xxxix) Section 2251, relating to the sexual exploitation of children.

"(xl) Section 2251A, relating to the selling or buying of children.

"(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

"(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

"(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

"(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

"(xlv) Section 2284, relating to the transportation of terrorists.

"(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct

that led to the conviction involved a substantial risk of death or serious bodily injury.

"(xlvii) Any section of chapter 113B, relating to terrorism.

"(xlviii) Section 2340A, relating to torture.

"(xlix) Section 2381, relating to treason.

"(l) Section 2442, relating to the recruitment or use of child soldiers.

"(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

"(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

"(liii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

"(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

"(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

"(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

"(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

"(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

"(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

"(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

"(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

"(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

"(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

"(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

"(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

"(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

Determination. Guidelines.

"(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

"(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act

(21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

"(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

"(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

Determination.
Guidelines.

"(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

"(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

"(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early as practicable during the prisoner's incarceration.

Consultation.

"(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

Update.
Determination.

"(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

"(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

Guidelines.

"(1) general levels of violations and resulting reductions;

"(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

Notice.

Procedures.

"(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

"(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

"(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

"(2) continuing education;

"(3) periodic training updates; and

"(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

Audits.

"(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

"(h) DYSLEXIA SCREENING.—

"(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

"(A) the intake process; and

"(B) each periodic risk reassessment of a prisoner.

"(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

18 USC 3633.

"§ 3633. Evidence-based recidivism reduction program and recommendations

Consultation.
Reviews.

"(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

"(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

"(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

"(3) identify the most effective evidence-based recidivism reduction programs;

"(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

"(5) direct the Bureau of Prisons regarding—

"(A) evidence-based recidivism reduction programs;

"(B) the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

"(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

"(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

"(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

"(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

"§ 3634. Report

18 USC 3634.

"Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

Effective date. Time period.

"(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

"(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

Assessment.

"(A) evidence about which programs have been shown to reduce recidivism;

"(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

"(C) identification of any gaps or shortages in capacity of such programs and activities.

"(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

"(A) The primary offense of conviction.

"(B) The length of the sentence imposed and served.

"(C) The Bureau of Prisons facility or facilities in which the prisoner's sentence was served.

"(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

"(E) The prisoner's assessed and reassessed risk of recidivism.

"(F) The productive activities that the prisoner successfully completed, if any.

"(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

"(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau

Strategy.

of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

Assessment.

"(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

"(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

Assessment.

"(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

Assessment.

"(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

"(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

"(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

Assessment.

"(7) An assessment of budgetary savings resulting from this subchapter, including—

"(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

"(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

Strategy.

"(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

"(i) Federal, State, and local law enforcement activities; and

"(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

"(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter are currently being used and will be used to—

"(i) increase investment in law enforcement and crime prevention to combat gangs of national significance and high-level drug traffickers through the High Intensity Drug Trafficking Areas Program and other task forces;

"(ii) hire, train, and equip law enforcement officers and prosecutors; and

"(iii) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

"(8) Statistics on—

"(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

"(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

"§ 3635. Definitions

18 USC 3635.

"In this subchapter the following definitions apply:

"(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

"(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

"(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

"(B) efficient and low-cost; and

"(C) readily available.

"(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

"(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

"(B) is designed to help prisoners succeed in their communities upon release from prison; and

"(C) may include—

"(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

"(ii) family relationship building, structured parent-child interaction, and parenting skills;

"(iii) classes on morals or ethics;

"(iv) academic classes;

"(v) cognitive behavioral treatment;

"(vi) mentoring;

"(vii) substance abuse treatment;

"(viii) vocational training;

"(ix) faith-based classes or services;

"(x) civic engagement and reintegrative community services;

"(xi) a prison job, including through a prison work program;

"(xii) victim impact classes or other restorative justice programs; and

"(xiii) trauma counseling and trauma-informed support programs.

"(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

"(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

"(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

"(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

"(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

"(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.".

18 USC prec. 3601.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"D. Risk and Needs Assessment ..... 3631".

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

"(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

Deadline.

"(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

"(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

"(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

"(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and

completing the effective evidence-based recidivism reduction programs and productive activities.

"(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

Time period.

"(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

"(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

"(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

"(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

Effective date.

"(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

Policies.

"(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

"(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

"(C) Private entities that will—

"(i) deliver vocational training and certifications;

"(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

"(iii) employ prisoners; or

"(iv) assist prisoners in prerelease custody or supervised release in finding employment.

"(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

"(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate

in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

"(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.".

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking ", beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term," and inserting "of up to 54 days for each year of the prisoner's sentence imposed by the court,"; and

(ii) by striking "credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence" and inserting "credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment"; and

(B) by adding at the end the following:

"(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

Applicability.

"(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

"(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

"(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

"(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

Determinations.

"(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

"(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

"(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

"(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

"(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

"(cc) the prisoner is unlikely to recidivate; or

"(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

"(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

Determinations.

"(A) HOME CONFINEMENT.—

"(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

"(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

"(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

"(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

"(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

"(cc) perform community service;

"(dd) participate in crime victim restoration activities;

"(ee) receive medical treatment;

"(ff) attend religious activities; or

"(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

"(III) comply with such other conditions as the Director determines appropriate.

"(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

"(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

"(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

"(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

"(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

"(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

"(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

Consultation. Determination.

"(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

"(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

"(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

"(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

"(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

"(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

"(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

"(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner. Waiver authority. Notice.

"(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

"(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act. 18 USC 3624 note.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987. 18 USC 3624 note.

SEC. 103. GAO REPORT.

Time period. Audit. Analysis. 18 USC 3621 note.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

18 USC 3621 note.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

18 USC 3621 note.

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are

offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

18 USC 3631 note.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

Consultation.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

Deadline.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

Recommendations.

(3) conducting research and data analysis on—

Data analysis.

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and

the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a report that includes—

List.

(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

Recommendations.

(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 2 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2018.
18 USC 1 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2018".

SEC. 202. SECURE FIREARMS STORAGE.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

18 USC 4050.

"§ 4050. Secure firearms storage

"(a) DEFINITIONS.—In this section—

"(1) the term 'employee' means a qualified law enforcement officer employed by the Bureau of Prisons; and

"(2) the terms 'firearm' and 'qualified law enforcement officer' have the meanings given those terms under section 926B.

"(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

"(1)(A) provides a secure storage area located outside of the secure perimeter of the institution for employees to store firearms; or

"(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

"(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following: 18 USC prec. 4041.

"4050. Secure firearms storage.".

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE PERIOD OF PREGNANCY AND POSTPARTUM RECOVERY PROHIBITED.

(a) IN GENERAL.—Chapter 317 of title 18, United States Code, is amended by inserting after section 4321 the following:

"§ 4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited 18 USC 4322.

"(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if— Determinations.

"(A) an appropriate corrections official, or a United States marshal, as applicable, makes a determination that the prisoner—

"(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

"(ii) poses an immediate and serious threat of harm to herself or others that cannot reasonably be prevented by other means; or

"(B) a healthcare professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

"(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

"(3) APPLICATION.—

"(A) IN GENERAL.—The exceptions under paragraph (1) may not be applied—

"(i) to place restraints around the ankles, legs, or waist of a prisoner;

"(ii) to restrain a prisoner's hands behind her back;

"(iii) to restrain a prisoner using 4-point restraints; or

"(iv) to attach a prisoner to another prisoner.

"(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or shall remove restraints used on the prisoner.

"(c) REPORTS.—

"(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report that describes the facts and circumstances surrounding the use of restraints, and includes—

"(A) the reasoning upon which the determination to use restraints was made;

"(B) the details of the use of restraints, including the type of restraints used and length of time during which restraints were used; and

"(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

"(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under paragraph (1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

"(3) REPORT TO JUDICIARY COMMITTEES.—

Certification.

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

"(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

"(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a healthcare professional, that prisoner shall be notified by an appropriate healthcare professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section. Deadline.

"(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section. Consultation.

"(f) TRAINING.—

"(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include— Guidelines.

"(A) how to identify certain symptoms of pregnancy that require immediate referral to a healthcare professional;

"(B) circumstances under which the exceptions under subsection (b) would apply;

"(C) in the case that an exception under subsection (b) applies, how to apply restraints in a way that does not harm the prisoner, the fetus, or the neonate;

"(D) the information required to be reported under subsection (c); and

"(E) the right of a healthcare professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

"(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with healthcare professionals with expertise in caring for women during the period of pregnancy and postpartum recovery. Consultation.

"(g) DEFINITIONS.—For purposes of this section:

"(1) POSTPARTUM RECOVERY.—The term 'postpartum recovery' means the 12-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

"(2) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.

"(3) RESTRAINTS.—The term 'restraints' means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.".

18 USC prec. 4321.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 317 of title 18, United States Code, is amended by adding after the item relating to section 4321 the following:

"4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.".

TITLE IV—SENTENCING REFORM

SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING FOR PRIOR DRUG FELONIES.

(a) CONTROLLED SUBSTANCES ACT AMENDMENTS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

Definitions.

(1) in section 102 (21 U.S.C. 802), by adding at the end the following:

"(57) The term 'serious drug felony' means an offense described in section 924(e)(2) of title 18, United States Code, for which—

"(A) the offender served a term of imprisonment of more than 12 months; and

"(B) the offender's release from any term of imprisonment was within 15 years of the commencement of the instant offense.

"(58) The term 'serious violent felony' means—

"(A) an offense described in section 3559(c)(2) of title 18, United States Code, for which the offender served a term of imprisonment of more than 12 months; and

"(B) any offense that would be a felony violation of section 113 of title 18, United States Code, if the offense were committed in the special maritime and territorial jurisdiction of the United States, for which the offender served a term of imprisonment of more than 12 months."; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—

(A) in subparagraph (A), in the matter following clause (viii)—

(i) by striking "If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years" and inserting the following: "If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years"; and

(ii) by striking "after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release" and inserting the following: "after 2 or more prior convictions for a serious drug felony or serious violent felony have become final, such person shall be sentenced to a term of imprisonment of not less than 25 years"; and

(B) in subparagraph (B), in the matter following clause (viii), by striking "If any person commits such a violation after a prior conviction for a felony drug offense has become final" and inserting the following: "If any person commits

such a violation after a prior conviction for a serious drug felony or serious violent felony has become final".

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT AMENDMENTS.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the matter following subparagraph (H), by striking "If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not less than 20 years" and inserting "If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years"; and

(2) in paragraph (2), in the matter following subparagraph (H), by striking "felony drug offense" and inserting "serious drug felony or serious violent felony".

(c) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment. 21 USC 802 note.

SEC. 402. BROADENING OF EXISTING SAFETY VALVE.

(a) AMENDMENTS.—Section 3553 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by striking "or section 1010" and inserting ", section 1010"; and

(ii) by inserting ", or section 70503 or 70506 of title 46" after "963)";

(B) by striking paragraph (1) and inserting the following:

"(1) the defendant does not have—

"(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

"(B) a prior 3-point offense, as determined under the sentencing guidelines; and

"(C) a prior 2-point violent offense, as determined under the sentencing guidelines;"; and

(C) by adding at the end the following:

"Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense."; and

(2) by adding at the end the following:

"(g) DEFINITION OF VIOLENT OFFENSE.—As used in this section, the term 'violent offense' means a crime of violence, as defined in section 16, that is punishable by imprisonment.".

(b) APPLICABILITY.—The amendments made by this section shall apply only to a conviction entered on or after the date of enactment of this Act. 18 USC 3553 note.

SEC. 403. CLARIFICATION OF SECTION 924(c) OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c)(1)(C) of title 18, United States Code, is amended, in the matter preceding clause (i), by striking "second or subsequent conviction under this subsection" and

inserting "violation of this subsection that occurs after a prior conviction under this subsection has become final".

18 USC 924 note.

(b) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

Courts.
21 USC 841 note.

SEC. 404. APPLICATION OF FAIR SENTENCING ACT.

(a) DEFINITION OF COVERED OFFENSE.—In this section, the term "covered offense" means a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010.

(b) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

(c) LIMITATIONS.—No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) or if a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

Second Chance Reauthorization Act of 2018.

TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

34 USC 10101 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Second Chance Reauthorization Act of 2018".

SEC. 502. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL DEMONSTRATION PROJECTS.—Section 2976 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to States, local governments, territories, or Indian tribes, or any combination thereof (in this section referred to as an 'eligible entity'), in partnership with interested persons (including Federal corrections and supervision agencies), service providers, and non-profit organizations for the purpose of strategic planning and implementation of adult and juvenile offender reentry projects.";

(2) in subsection (b)—

(A) in paragraph (3), by inserting "or reentry courts," after "community,";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(8) promoting employment opportunities consistent with the Transitional Jobs strategy (as defined in section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502)).''; and

(3) by striking subsections (d), (e), and (f) and inserting the following:

"(d) COMBINED GRANT APPLICATION; PRIORITY CONSIDERATION.—

"(1) IN GENERAL.—The Attorney General shall develop a procedure to allow applicants to submit a single application for a planning grant under subsection (e) and an implementation grant under subsection (f). Procedures.

"(2) PRIORITY CONSIDERATION.—The Attorney General shall give priority consideration to grant applications under subsections (e) and (f) that include a commitment by the applicant to partner with a local evaluator to identify and analyze data that will—

"(A) enable the grantee to target the intended offender population; and

"(B) serve as a baseline for purposes of the evaluation.

"(e) PLANNING GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Attorney General may make a grant to an eligible entity of not more than $75,000 to develop a strategic, collaborative plan for an adult or juvenile offender reentry demonstration project as described in subsection (h) that includes—

"(A) a budget and a budget justification;

"(B) a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health;

"(C) the activities proposed;

"(D) a schedule for completion of the activities described in subparagraph (C); and

"(E) a description of the personnel necessary to complete the activities described in subparagraph (C).

"(2) MAXIMUM TOTAL GRANTS AND GEOGRAPHIC DIVERSITY.—

"(A) MAXIMUM AMOUNT.—The Attorney General may not make initial planning grants and implementation grants to 1 eligible entity in a total amount that is more than a $1,000,000.

"(B) GEOGRAPHIC DIVERSITY.—The Attorney General shall make every effort to ensure equitable geographic distribution of grants under this section and take into consideration the needs of underserved populations, including rural and tribal communities.

"(3) PERIOD OF GRANT.—A planning grant made under this subsection shall be for a period of not longer than 1 year, beginning on the first day of the month in which the planning grant is made.

"(f) IMPLEMENTATION GRANTS.—

"(1) APPLICATIONS.—An eligible entity desiring an implementation grant under this subsection shall submit to the Attorney General an application that—

"(A) contains a reentry strategic plan as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including

the plans of the applicant to fund the program after Federal funding is discontinued;

"(B) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

"(C) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this subsection, and specifically explains how such measurements will provide valid measures of the impact of that program; and

"(D) describes how the project could be broadly replicated if demonstrated to be effective.

"(2) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this subsection only if the application—

"(A) reflects explicit support of the chief executive officer, or their designee, of the State, unit of local government, territory, or Indian tribe applying for a grant under this subsection;

"(B) provides discussion of the role of Federal corrections, State corrections departments, community corrections agencies, juvenile justice systems, and tribal or local jail systems in ensuring successful reentry of offenders into their communities;

"(C) provides evidence of collaboration with State, local, or tribal government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

Plan.

"(D) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community;

"(E) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant;

Plan.

"(F) provides a plan for continued collaboration with a local evaluator as necessary to meeting the requirements under subsection (h); and

"(G) demonstrates that the applicant participated in the planning grant process or engaged in comparable planning for the reentry project.

"(3) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this subsection that best—

"(A) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

"(B) include—

"(i) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

Consultation.

"(ii) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities;

Coordination.

"(iii) coordination with families of offenders;

"(iv) input, where appropriate, from the juvenile justice coordinating council of the region;

"(v) input, where appropriate, from the reentry coordinating council of the region; or

"(vi) input, where appropriate, from other interested persons;

"(C) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

"(i) planning for prerelease transitional housing and community release that begins upon admission for juveniles and jail inmates, and, as appropriate, for prison inmates, depending on the length of the sentence;

"(ii) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal, tribal, or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services, including assistance identifying and securing suitable housing; or

"(iii) delivery of continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, vocational services, and any other service or support needed for reentry;

"(D) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law); Reviews.

"(E) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; Evaluation.

"(F) target moderate and high-risk offenders for reentry programs through validated assessment tools; or

"(G) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.

"(4) PERIOD OF GRANT.—A grant made under this subsection shall be effective for a 2-year period— Effective date.

"(A) beginning on the date on which the planning grant awarded under subsection (e) concludes; or

"(B) in the case of an implementation grant awarded to an eligible entity that did not receive a planning grant, beginning on the date on which the implementation grant is awarded.";

(4) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by striking paragraph (1) and inserting the following:

Strategic plan.

"(1) IN GENERAL.—As a condition of receiving financial assistance under subsection (f), each application shall develop a comprehensive reentry strategic plan that—

Assessment.

"(A) contains a plan to assess inmate reentry needs and measurable annual and 3-year performance outcomes;

"(B) uses, to the maximum extent possible, randomly assigned and controlled studies, or rigorous quasi-experimental studies with matched comparison groups, to determine the effectiveness of the program funded with a grant under subsection (f); and

"(C) includes as a goal of the plan to reduce the rate of recidivism for offenders released from prison, jail or a juvenile facility with funds made available under subsection (f).

Time period.
Effective date.

"(2) LOCAL EVALUATOR.—A partnership with a local evaluator described in subsection (d)(2) shall require the local evaluator to use the baseline data and target population characteristics developed under a subsection (e) planning grant to derive a target goal for recidivism reduction during the 3-year period beginning on the date of implementation of the program.";

(5) in subsection (i)(1)—

(A) in the matter preceding subparagraph (A), by striking "under this section" and inserting "under subsection (f)"; and

(B) in subparagraph (B), by striking "subsection (e)(4)" and inserting "subsection (f)(2)(D)";

(6) in subsection (j)—

(A) in paragraph (1), by inserting "for an implementation grant under subsection (f)" after "applicant";

(B) in paragraph (2)—

(i) in subparagraph (E), by inserting ", where appropriate" after "support"; and

(ii) by striking subparagraphs (F), (G), and (H), and inserting the following:

"(F) increased number of staff trained to administer reentry services;

"(G) increased proportion of individuals served by the program among those eligible to receive services;

"(H) increased number of individuals receiving risk screening needs assessment, and case planning services;

"(I) increased enrollment in, and completion of treatment services, including substance abuse and mental health services among those assessed as needing such services;

"(J) increased enrollment in and degrees earned from educational programs, including high school, GED, vocational training, and college education;

"(K) increased number of individuals obtaining and retaining employment;

"(L) increased number of individuals obtaining and maintaining housing;

"(M) increased self-reports of successful community living, including stability of living situation and positive family relationships;

"(N) reduction in drug and alcohol use; and

"(O) reduction in recidivism rates for individuals receiving reentry services after release, as compared to either baseline recidivism rates in the jurisdiction of the grantee or recidivism rates of the control or comparison group.";

(C) in paragraph (3), by striking "facilities." and inserting "facilities, including a cost-benefit analysis to determine the cost effectiveness of the reentry program.";

(D) in paragraph (4), by striking "this section" and inserting "subsection (f)"; and

(E) in paragraph (5), by striking "this section" and inserting "subsection (f)";

(7) in subsection (k)(1), by striking "this section" each place the term appears and inserting "subsection (f)";

(8) in subsection (l)—

(A) in paragraph (2), by inserting "beginning on the date on which the most recent implementation grant is made to the grantee under subsection (f)" after "2-year period"; and

(B) in paragraph (4), by striking "over a 2-year period" and inserting "during the 2-year period described in paragraph (2)";

(9) in subsection (o)(1), by striking "appropriated" and all that follows and inserting the following: "appropriated $35,000,000 for each of fiscal years 2019 through 2023."; and

(10) by adding at the end the following:

"(p) DEFINITION.—In this section, the term 'reentry court' means a program that—

"(1) monitors juvenile and adult eligible offenders reentering the community;

"(2) provides continual judicial supervision;

"(3) provides juvenile and adult eligible offenders reentering the community with coordinated and comprehensive reentry services and programs, such as—

"(A) drug and alcohol testing and assessment for treatment;

"(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

"(C) substance abuse treatment, including medication-assisted treatment, from a provider that is approved by the State or Indian tribe, and licensed, if necessary, to provide medical and other health services;

"(D) health (including mental health) services and assessment;

"(E) aftercare and case management services that—

"(i) facilitate access to clinical care and related health services; and

"(ii) coordinate with such clinical care and related health services; and

"(F) any other services needed for reentry;

"(4) convenes community impact panels, victim impact panels, or victim impact educational classes;

"(5) provides and coordinates the delivery of community services to juvenile and adult eligible offenders, including—

"(A) housing assistance;

"(B) education;

"(C) job training;

"(D) conflict resolution skills training;

"(E) batterer intervention programs; and

"(F) other appropriate social services; and

"(6) establishes and implements graduated sanctions and incentives.".

(b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.—Part DD of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10591 et seq.) is amended—

(1) in section 2921 (34 U.S.C. 10591), in the matter preceding paragraph (1), by inserting "nonprofit organizations," before "and Indian";

(2) in section 2923 (34 U.S.C. 10593), by adding at the end the following:

"(c) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority consideration to grant applications for grants under section 2921 that are submitted by a nonprofit organization that demonstrates a relationship with State and local criminal justice agencies, including—

"(1) within the judiciary and prosecutorial agencies; or

"(2) with the local corrections agencies, which shall be documented by a written agreement that details the terms of access to facilities and participants and provides information on the history of the organization of working with correctional populations."; and

34 USC 10595a.

(3) by striking section 2926(a) and inserting the following:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2019 through 2023.".

(c) GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the second part designated as part JJ, as added by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 677), relating to grants to evaluate and improve educational methods at prisons, jails, and juvenile facilities;

34 USC 10681.

(2) by adding at the end the following:

"PART NN—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

34 USC 10741 note.

"SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

"(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

"(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; Evaluation.

"(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1); Recommendations.

"(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities; and

"(4) implement methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities consistent with the best practices identified in subsection (c).

"(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

"(c) BEST PRACTICES.—Not later than 180 days after the date of enactment of the Second Chance Reauthorization Act of 2018, the Attorney General shall identify and publish best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities. The best practices shall consider the evaluations performed and recommendations made under grants made under subsection (a) before the date of enactment of the Second Chance Reauthorization Act of 2018. Deadline. Publication.

"(d) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part."; and Evaluation.

(3) in section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)), by adding at the end the following:

"(28) There are authorized to be appropriated to carry out section 3031(a)(4) of part NN $5,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.". Appropriation authorization.

(d) CAREERS TRAINING DEMONSTRATION GRANTS.—Section 115 of the Second Chance Act of 2007 (34 U.S.C. 60511) is amended—

(1) in the heading, by striking "**TECHNOLOGY CAREERS**" and inserting "**CAREERS**";

(2) in subsection (a)—

(A) by striking "and Indian" and inserting "nonprofit organizations, and Indian"; and

(B) by striking "technology career training to prisoners" and inserting "career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults";

(3) in subsection (b)—

(A) by striking "technology careers training";

(B) by striking "technology-based"; and

(C) by inserting ", as well as upon transition and reentry into the community" after "facility";

(4) by striking subsection (e);

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

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

"(c) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

Assessment.

"(1) provides assessment of local demand for employees in the geographic areas to which offenders are likely to return;

"(2) conducts individualized reentry career planning upon the start of incarceration or post-release employment planning for each offender served under the grant;

"(3) demonstrates connections to employers within the local community; or

"(4) tracks and monitors employment outcomes."; and

(7) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.".

(e) OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section 201(f)(1) of the Second Chance Act of 2007 (34 U.S.C. 60521(f)(1)) is amended to read as follows:

Appropriation authorization.

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.".

(f) COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Section 211 of the Second Chance Act of 2007 (34 U.S.C. 60531) is amended—

(A) in the header, by striking "**MENTORING GRANTS TO NONPROFIT ORGANIZATIONS**" and inserting "**COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS**";

(B) in subsection (a), by striking "mentoring and other";

(C) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) transitional services to assist in the reintegration of offenders into the community, including—

"(A) educational, literacy, and vocational, services and the Transitional Jobs strategy;

"(B) substance abuse treatment and services;

"(C) coordinated supervision and services for offenders, including physical health care and comprehensive housing and mental health care;

"(D) family services; and

"(E) validated assessment tools to assess the risk factors of returning inmates; and"; and

(D) in subsection (f), by striking "this section" and all that follows and inserting the following: "this section $15,000,000 for each of fiscal years 2019 through 2023.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 211 and inserting the following:

"Sec. 211. Community-based mentoring and transitional service grants.".

(g) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502) is amended to read as follows:

"SEC. 4. DEFINITIONS.

"In this Act—

"(1) the term 'exoneree' means an individual who—

"(A) has been convicted of a Federal, tribal, or State offense that is punishable by a term of imprisonment of more than 1 year;

"(B) has served a term of imprisonment for not less than 6 months in a Federal, tribal, or State prison or correctional facility as a result of the conviction described in subparagraph (A); and

"(C) has been determined to be factually innocent of the offense described in subparagraph (A);

"(2) the term 'Indian tribe' has the meaning given in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251);

"(3) the term 'offender' includes an exoneree; and

"(4) the term 'Transitional Jobs strategy' means an employment strategy for youth and adults who are chronically unemployed or those that have barriers to employment that—

"(A) is conducted by State, tribal, and local governments, State, tribal, and local workforce boards, and nonprofit organizations;

"(B) provides time-limited employment using individual placements, team placements, and social enterprise placements, without displacing existing employees;

"(C) pays wages in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, which are subsidized, in whole or in part, by public funds;

"(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

"(E) places participants into unsubsidized employment; and

"(F) provides job retention, re-employment services, and continuing and vocational education to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 4 and inserting the following:

"Sec. 4. Definitions.".

(h) EXTENSION OF THE LENGTH OF SECTION 2976 GRANTS.—Section 6(1) of the Second Chance Act of 2007 (34 U.S.C. 60504(1)) is amended by inserting "or under section 2976 of the Omnibus

Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631)" after "and 212".

34 USC 60505.

SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEES.

(a) DEFINITIONS.—In this section—

(1) the term "covered grant program" means grants awarded under section 115, 201, or 211 of the Second Chance Act of 2007 (34 U.S.C. 60511, 60521, and 60531), as amended by this title;

(2) the term "covered grantee" means a recipient of a grant from a covered grant program;

(3) the term "nonprofit", when used with respect to an organization, means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code; and

(4) the term "unresolved audit finding" means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during a 12-month period prior to the date on which the final audit report is issued.

Effective date.

(b) AUDIT REQUIREMENT.—Beginning in fiscal year 2019, and annually thereafter, the Inspector General of the Department of Justice shall conduct audits of covered grantees to prevent waste, fraud, and abuse of funds awarded under covered grant programs.

Determination.

The Inspector General shall determine the appropriate number of covered grantees to be audited each year.

(c) MANDATORY EXCLUSION.—A grantee that is found to have an unresolved audit finding under an audit conducted under subsection (b) may not receive grant funds under a covered grant program in the fiscal year following the fiscal year to which the finding relates.

Time period.

(d) REIMBURSEMENT.—If a covered grantee is awarded funds under the covered grant program from which it received a grant award during the 1-fiscal-year period during which the covered grantee is ineligible for an allocation of grant funds under subsection (c), the Attorney General shall—

(1) deposit into the General Fund of the Treasury an amount that is equal to the amount of the grant funds that were improperly awarded to the covered grantee; and

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was improperly awarded the grant funds.

Time period.

(e) PRIORITY OF GRANT AWARDS.—The Attorney General, in awarding grants under a covered grant program shall give priority to eligible entities that during the 2-year period preceding the application for a grant have not been found to have an unresolved audit finding.

(f) NONPROFIT REQUIREMENTS.—

(1) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax described in section 511(a) of the Internal Revenue Code of 1986, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(2) DISCLOSURE.—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied on to determine such compensation.

(g) PROHIBITION ON LOBBYING ACTIVITY.—

(1) IN GENERAL.—Amounts made available under a covered grant program may not be used by any covered grantee to—

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) PENALTY.—If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall— Determination.

(A) require the covered grantee to repay the grant in full; and

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation. Time period. Effective date.

SEC. 504. FEDERAL REENTRY IMPROVEMENTS.

(a) RESPONSIBLE REINTEGRATION OF OFFENDERS.—Section 212 of the Second Chance Act of 2007 (34 U.S.C. 60532) is repealed. Repeal.

(b) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (434 U.S.C. 60541) is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking "carried out during fiscal years 2009 and 2010" and inserting "carried out during fiscal years 2019 through 2023"; and

(B) in paragraph (5)(A)(ii), by striking "the greater of 10 years or";

(2) by striking subsection (h);

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h), as so redesignated, by striking "2009 and 2010" and inserting "2019 through 2023".

(c) ENHANCING REPORTING REQUIREMENTS PERTAINING TO COMMUNITY CORRECTIONS.—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (5), in the second sentence, by inserting ", and number of prisoners not being placed in community corrections facilities for each reason set forth" before ", and any other information"; and

(2) in paragraph (6), by striking "the Second Chance Act of 2007" and inserting "the Second Chance Reauthorization Act of 2018".

(d) TERMINATION OF STUDY ON EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.—Section 244 of the Second Chance Act of 2007 (34 U.S.C. 60554) is repealed. Repeal.

(e) AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.—Section 245 of the Second Chance Act of 2007 (34 U.S.C. 60555) is amended—

(1) by striking "243, and 244" and inserting "and 243"; and

(2) by striking "$10,000,000 for each of the fiscal years 2009 and 2010" and inserting "$5,000,000 for each of the fiscal years 2019, 2020, 2021, 2022, and 2023".

(f) FEDERAL PRISONER RECIDIVISM REDUCTION PROGRAMMING ENHANCEMENT.—

(1) IN GENERAL.—Section 3621 of title 18, United States Code, as amended by section 102(a) of this Act, is amended—

(A) by redesignating subsection (g) as subsection (i); and

(B) by inserting after subsection (f) the following:

"(g) PARTNERSHIPS TO EXPAND ACCESS TO REENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.—

"(1) DEFINITION.—The term 'demonstrated to reduce recidivism' means that the Director of Bureau of Prisons has determined that appropriate research has been conducted and has validated the effectiveness of the type of program on recidivism.

"(2) ELIGIBILITY FOR RECIDIVISM REDUCTION PARTNERSHIP.—A faith-based or community-based nonprofit organization that provides mentoring or other programs that have been demonstrated to reduce recidivism is eligible to enter into a recidivism reduction partnership with a prison or community-based facility operated by the Bureau of Prisons.

Policies.

"(3) RECIDIVISM REDUCTION PARTNERSHIPS.—The Director of the Bureau of Prisons shall develop policies to require wardens of prisons and community-based facilities to enter into recidivism reduction partnerships with faith-based and community-based nonprofit organizations that are willing to provide, on a volunteer basis, programs described in paragraph (2).

"(4) REPORTING REQUIREMENT.—The Director of the Bureau of Prisons shall submit to Congress an annual report on the last day of each fiscal year that—

"(A) details, for each prison and community-based facility for the fiscal year just ended—

"(i) the number of recidivism reduction partnerships under this section that were in effect;

"(ii) the number of volunteers that provided recidivism reduction programming; and

"(iii) the number of recidivism reduction programming hours provided; and

"(B) explains any disparities between facilities in the numbers reported under subparagraph (A).".

18 USC 3621 note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 180 days after the date of enactment of this Act.

(g) REPEALS.—

(1) Section 2978 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10633) is repealed.

(2) Part CC of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10581 et seq.) is repealed.

Consultation. 34 USC 60506.

SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINATION.

(a) REENTRY COORDINATION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other agencies

of the Federal Government as the Attorney General considers appropriate, and in collaboration with interested persons, service providers, nonprofit organizations, and State, tribal, and local governments, shall coordinate on Federal programs, policies, and activities relating to the reentry of individuals returning from incarceration to the community, with an emphasis on evidence-based practices and protection against duplication of services.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General, in consultation with the Secretaries listed in subsection (a), shall submit to Congress a report summarizing the achievements under subsection (a), and including recommendations for Congress that would further reduce barriers to successful reentry.

SEC. 506. CONFERENCE EXPENDITURES.

(a) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this title, or any amendments made by this title, may be used by the Attorney General, or by any individual or organization awarded discretionary funds under this title, or any amendments made by this title, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference. A conference that uses more than $20,000 in such funds, but less than an average of $500 in such funds for each attendee of the conference, shall not be subject to the limitations of this section.

(b) WRITTEN APPROVAL.—Written approval under subsection (a) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment. Estimate.

(c) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this section.

SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PROGRAM. 34 USC 60501 note.

(a) EVALUATION OF THE SECOND CHANCE ACT GRANT PROGRAM.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall evaluate the effectiveness of grants used by the Department of Justice to support offender reentry and recidivism reduction programs at the State, local, Tribal, and Federal levels. The National Institute of Justice shall evaluate the following: Deadline.

(1) The effectiveness of such programs in relation to their cost, including the extent to which the programs improve reentry outcomes, including employment, education, housing, reductions in recidivism, of participants in comparison to comparably situated individuals who did not participate in such programs and activities.

(2) The effectiveness of program structures and mechanisms for delivery of services.

(3) The impact of such programs on the communities and participants involved.

(4) The impact of such programs on related programs and activities.

(5) The extent to which such programs meet the needs of various demographic groups.

(6) The quality and effectiveness of technical assistance provided by the Department of Justice to grantees for implementing such programs.

(7) Such other factors as may be appropriate.

(b) AUTHORIZATION OF FUNDS FOR EVALUATION.—Not more than 1 percent of any amounts authorized to be appropriated to carry out the Second Chance Act grant program shall be made available to the National Institute of Justice each year to evaluate the processes, implementation, outcomes, costs, and effectiveness of the Second Chance Act grant program in improving reentry and reducing recidivism. Such funding may be used to provide support to grantees for supplemental data collection, analysis, and coordination associated with evaluation activities.

(c) TECHNIQUES.—Evaluations conducted under this section shall use appropriate methodology and research designs. Impact evaluations conducted under this section shall include the use of intervention and control groups chosen by random assignment methods, to the extent possible.

Deadlines.
Consultation.

(d) METRICS AND OUTCOMES FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Institute of Justice shall consult with relevant stakeholders and identify outcome measures, including employment, housing, education, and public safety, that are to be achieved by programs authorized under the Second Chance Act grant program and the metrics by which the achievement of such outcomes shall be determined.

(2) PUBLICATION.—Not later than 30 days after the date on which the National Institute of Justice identifies metrics and outcomes under paragraph (1), the Attorney General shall publish such metrics and outcomes identified.

(e) DATA COLLECTION.—As a condition of award under the Second Chance Act grant program (including a subaward under section 3021(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701(b))), grantees shall be required to collect and report to the Department of Justice data based upon the metrics identified under subsection (d). In accordance with applicable law, collection of individual-level data under a pledge of confidentiality shall be protected by the National Institute of Justice in accordance with such pledge.

Deadline.

(f) DATA ACCESSIBILITY.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall—

(1) make data collected during the course of evaluation under this section available in de-identified form in such a manner that reasonably protects a pledge of confidentiality to participants under subsection (e); and

(2) make identifiable data collected during the course of evaluation under this section available to qualified researchers for future research and evaluation, in accordance with applicable law.

(g) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The National Institute of Justice shall—

(1) not later than 365 days after the date on which the enrollment of participants in an impact evaluation is completed, publish an interim report on such evaluation;

(2) not later than 90 days after the date on which any evaluation is completed, publish and make publicly available such evaluation; and

Public information.

(3) not later than 60 days after the completion date described in paragraph (2), submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on such evaluation.

(h) SECOND CHANCE ACT GRANT PROGRAM DEFINED.—In this section, the term "Second Chance Act grant program" means any grant program reauthorized under this title and the amendments made by this title.

SEC. 508. GAO REVIEW.

Deadline. Evaluations.

Not later than 3 years after the date of enactment of the First Step Act of 2018 the Comptroller General of the United States shall conduct a review of all of the grant awards made under this title and amendments made by this title that includes—

(1) an evaluation of the effectiveness of the reentry programs funded by grant awards under this title and amendments made by this title at reducing recidivism, including a determination of which reentry programs were most effective;

(2) recommendations on how to improve the effectiveness of reentry programs, including those for which prisoners may earn time credits under the First Step Act of 2018; and

Recommendations.

(3) an evaluation of the effectiveness of mental health services, drug treatment, medical care, job training and placement, educational services, and vocational services programs funded under this title and amendments made by this title.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.

Section 3621(b) of title 18, United States Code, is amended—

(1) by striking "shall designate the place of the prisoner's imprisonment." and inserting "shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence."; and

(2) by adding at the end the following: "Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.".

SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.

Section 3624(c)(2) of title 18, United States Code, is amended by adding at the end the following: "The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph.".

SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION; MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.

(a) FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION.—Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1)—

(A) by inserting "and eligible terminally ill offenders" after "elderly offenders" each place the term appears;

(B) in subparagraph (A), by striking "a Bureau of Prisons facility" and inserting "Bureau of Prisons facilities";

(C) in subparagraph (B)—

(i) by striking "the Bureau of Prisons facility" and inserting "Bureau of Prisons facilities"; and

(ii) by inserting ", upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender" after "to home detention"; and

(D) in subparagraph (C), by striking "the Bureau of Prisons facility" and inserting "Bureau of Prisons facilities";

(2) in paragraph (2), by inserting "or eligible terminally ill offender" after "elderly offender";

(3) in paragraph (3), as amended by section 504(b)(1)(A) of this Act, by striking "at least one Bureau of Prisons facility" and inserting "Bureau of Prisons facilities"; and

(4) in paragraph (4)—

(A) by inserting "or eligible terminally ill offender" after "each eligible elderly offender"; and

(B) by inserting "and eligible terminally ill offenders" after "eligible elderly offenders"; and

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking "65 years of age" and inserting "60 years of age"; and

(ii) in clause (ii), as amended by section 504(b)(1)(B) of this Act, by striking "75 percent" and inserting "⅔"; and

(B) by adding at the end the following:

Definition.

"(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term 'eligible terminally ill offender' means an offender in the custody of the Bureau of Prisons who—

"(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;

"(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and

"(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—

"(I) in need of care at a nursing home, intermediate care facility, or assisted living facility, as those terms are defined in section 232 of the National Housing Act (12 U.S.C. 1715w); or

"(II) diagnosed with a terminal illness.".

(b) INCREASING THE USE AND TRANSPARENCY OF COMPASSIONATE RELEASE.—Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A), in the matter preceding clause (i), by inserting after "Bureau of Prisons," the following: "or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,"; Time period.

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) NOTIFICATION REQUIREMENTS.—

"(1) TERMINAL ILLNESS DEFINED.—In this subsection, the term 'terminal illness' means a disease or condition with an end-of-life trajectory.

"(2) NOTIFICATION.—The Bureau of Prisons shall, subject to any applicable confidentiality requirements—

"(A) in the case of a defendant diagnosed with a terminal illness— Deadlines.

"(i) not later than 72 hours after the diagnosis notify the defendant's attorney, partner, and family members of the defendant's condition and inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

"(ii) not later than 7 days after the date of the diagnosis, provide the defendant's partner and family members (including extended family) with an opportunity to visit the defendant in person;

"(iii) upon request from the defendant or his attorney, partner, or a family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

"(iv) not later than 14 days of receipt of a request for a sentence reduction submitted on the defendant's behalf by the defendant or the defendant's attorney, partner, or family member, process the request;

"(B) in the case of a defendant who is physically or mentally unable to submit a request for a sentence reduction pursuant to subsection (c)(1)(A)—

"(i) inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

"(ii) accept and process a request for sentence reduction that has been prepared and submitted on the defendant's behalf by the defendant's attorney, partner, or family member under clause (i); and

"(iii) upon request from the defendant or his attorney, partner, or family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

"(C) ensure that all Bureau of Prisons facilities regularly and visibly post, including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities, and make available to prisoners upon demand, notice of—

"(i) a defendant's ability to request a sentence reduction pursuant to subsection (c)(1)(A);

"(ii) the procedures and timelines for initiating and resolving requests described in clause (i); and

"(iii) the right to appeal a denial of a request described in clause (i) after all administrative rights to appeal within the Bureau of Prisons have been exhausted.

"(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, and once every year thereafter, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on requests for sentence reductions pursuant to subsection (c)(1)(A), which shall include a description of, for the previous year—

"(A) the number of prisoners granted and denied sentence reductions, categorized by the criteria relied on as the grounds for a reduction in sentence;

"(B) the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as the grounds for a reduction in sentence;

"(C) the number of requests that Bureau of Prisons employees assisted prisoners in drafting, preparing, or submitting, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

"(D) the number of requests that attorneys, partners, or family members submitted on a defendant's behalf, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

"(E) the number of requests approved by the Director of the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

"(F) the number of requests denied by the Director of the Bureau of Prisons and the reasons given for each denial, categorized by the criteria relied on as the grounds for a reduction in sentence;

"(G) for each request, the time elapsed between the date the request was received by the warden and the

final decision, categorized by the criteria relied on as the grounds for a reduction in sentence;

"(H) for each request, the number of prisoners who died while their request was pending and, for each, the amount of time that had elapsed between the date the request was received by the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

"(I) the number of Bureau of Prisons notifications to attorneys, partners, and family members of their right to visit a terminally ill defendant as required under paragraph (2)(A)(ii) and, for each, whether a visit occurred and how much time elapsed between the notification and the visit;

"(J) the number of visits to terminally ill prisoners that were denied by the Bureau of Prisons due to security or other concerns, and the reasons given for each denial; and

"(K) the number of motions filed by defendants with the court after all administrative rights to appeal a denial of a sentence reduction had been exhausted, the outcome of each motion, and the time that had elapsed between the date the request was first received by the Bureau of Prisons and the date the defendant filed the motion with the court.".

SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.

(a) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—Section 231(b) of the Second Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

(1) in paragraph (1)—

(A) by striking "(including" and inserting "prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including"; and

(B) by striking "or birth certificate) prior to release" and inserting "and a birth certificate"; and

(2) by adding at the end the following:

"(4) DEFINITION.—In this subsection, the term 'community confinement' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.".

(b) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (D) and (E) as paragraphs (6) and (7), respectively;

(2) in paragraph (6) (as so redesignated)—

(A) in clause (i)—

(i) by striking "Social Security Cards,"; and

(ii) by striking "and" at the end;

(B) by redesignating clause (ii) as clause (iii);

(C) by inserting after clause (i) the following:

"(ii) obtain identification, including a social security card, driver's license or other official photo identification, and a birth certificate; and";

(D) in clause (iii) (as so redesignated), by inserting after "prior to release" the following: "from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement"; and

(E) by redesignating clauses (i), (ii), and (iii) (as so amended) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly; and

(3) in paragraph (7) (as so redesignated), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly.

SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH FEDERAL PRISON INDUSTRIES.

(a) NEW MARKET AUTHORIZATIONS.—Chapter 307 of title 18, United States Code, is amended by inserting after section 4129 the following:

18 USC 4130.

"§ 4130. Additional markets

"(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, Federal Prison Industries may sell products to—

"(1) public entities for use in penal or correctional institutions;

"(2) public entities for use in disaster relief or emergency response;

"(3) the government of the District of Columbia; and

"(4) any organization described in subsection (c)(3), (c)(4), or (d) of section 501 of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

"(b) OFFICE FURNITURE.—Federal Prison Industries may not sell office furniture to the organizations described in subsection (a)(4).

"(c) DEFINITIONS.—In this section:

"(1) The term 'office furniture' means any product or service offering intended to meet the furnishing needs of the workplace, including office, healthcare, educational, and hospitality environments.

"(2) The term 'public entity' means a State, a subdivision of a State, an Indian tribe, and an agency or governmental corporation or business of any of the foregoing.

"(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4129 the following:

18 USC prec. 4121.

"4130. Additional markets.".

(c) DEFERRED COMPENSATION.—Section 4126(c)(4) of title 18, United States Code, is amended by inserting after "operations," the following: "not less than 15 percent of such compensation for any inmate shall be reserved in the fund or a separate account

and made available to assist the inmate with costs associated with release from prison,".

(d) GAO REPORT.—Beginning not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of Federal Prison Industries that includes the following: Audit. Evaluations.

(1) An evaluation of Federal Prison Industries's effectiveness in reducing recidivism compared to other rehabilitative programs in the prison system.

(2) An evaluation of the scope and size of the additional markets made available to Federal Prison Industries under this section and the total market value that would be opened up to Federal Prison Industries for competition with private sector providers of products and services.

(3) An evaluation of whether the following factors create an unfair competitive environment between Federal Prison Industries and private sector providers of products and services which would be exacerbated by further expansion:

(A) Federal Prison Industries's status as a mandatory source of supply for Federal agencies and the requirement that the buying agency must obtain a waiver in order to make a competitive purchase from the private sector if the item to be acquired is listed on the schedule of products and services published by Federal Prison Industries.

(B) Federal Prison Industries's ability to determine that the price to be paid by Federal Agencies is fair and reasonable, rather than such a determination being made by the buying agency. Determination.

(C) An examination of the extent to which Federal Prison Industries is bound by the requirements of the generally applicable Federal Acquisition Regulation pertaining to the conformity of the delivered product with the specified design and performance specifications and adherence to the delivery schedule required by the Federal agency, based on the transactions being categorized as interagency transfers. Examination.

(D) An examination of the extent to which Federal Prison Industries avoids transactions that are little more than pass through transactions where the work provided by inmates does not create meaningful value or meaningful work opportunities for inmates. Examination.

(E) The extent to which Federal Prison Industries must comply with the same worker protection, workplace safety and similar regulations applicable to, and enforceable against, Federal contractors. Compliance.

(F) The wages Federal Prison Industries pays to inmates, taking into account inmate productivity and other factors such as security concerns associated with having a facility in a prison.

(G) The effect of any additional cost advantages Federal Prison Industries has over private sector providers of goods and services, including—

(i) the costs absorbed by the Bureau of Prisons such as inmate medical care and infrastructure expenses including real estate and utilities; and

(ii) its exemption from Federal and State income taxes and property taxes.

(4) An evaluation of the extent to which the customers of Federal Prison Industries are satisfied with quality, price, and timely delivery of the products and services provided it provides, including summaries of other independent assessments such as reports of agency inspectors general, if applicable.

Effective date. Deadline. 18 USC 4042 note.

SEC. 606. DE-ESCALATION TRAINING.

Beginning not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act); and

(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

18 USC 3621 note.

SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.

Assessment.

(a) REPORT ON EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and the capacity of the Bureau of Prisons to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment where appropriate. In preparing the report, the Director shall consider medication-assisted treatment as a strategy to assist in treatment where appropriate and not as a replacement for holistic and other drug-free approaches. The report shall include a description of plans to expand access to evidence-based treatment for heroin and opioid abuse for prisoners, including access to medication-assisted treatment in appropriate cases. Following submission, the Director shall take steps to implement these plans.

Asssessment.

(b) REPORT ON THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE, AND IMPLEMENTATION THEREOF.—Not later than 120 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication-assisted treatment for heroin and opioid abuse whenever appropriate among prisoners under supervised release. Following submission, the Director will take steps to implement these plans.

SEC. 608. PILOT PROGRAMS.

18 USC 4042 note.
Time period.

(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 5 years, in at least 20 facilities:

(1) MENTORSHIP FOR YOUTH.—A program to pair youth with volunteers from faith-based or community organizations, which may include formerly incarcerated offenders, that have relevant experience or expertise in mentoring, and a willingness to serve as a mentor in such a capacity.

(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

(b) REPORTING REQUIREMENT.—Not later than 1 year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

(c) DEFINITION.—In this title, the term "youth" means a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

SEC. 609. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

34 USC 10132 note.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking "or 4246" and inserting ", 4246, or 4248".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking "or 4246" and inserting ", 4246, or 4248".

SEC. 610. DATA COLLECTION.

Effective date.
Deadline.

(a) NATIONAL PRISONER STATISTICS PROGRAM.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director of the Bureau of Justice Statistics, with information that shall be provided by the Director of the Bureau of Prisons, shall include in the National Prisoner Statistics Program the following:

(1) The number of prisoners (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who are veterans of the Armed Forces of the United States.

(2) The number of prisoners who have been placed in solitary confinement at any time during the previous year.

(3) The number of female prisoners known by the Bureau of Prisons to be pregnant, as well as the outcomes of such pregnancies, including information on pregnancies that result in live birth, stillbirth, miscarriage, abortion, ectopic pregnancy, maternal death, neonatal death, and preterm birth.

(4) The number of prisoners who volunteered to participate in a substance abuse treatment program, and the number of prisoners who have participated in such a program.

(5) The number of prisoners provided medication-assisted treatment with medication approved by the Food and Drug Administration while in custody in order to treat substance use disorder.

(6) The number of prisoners who were receiving medication-assisted treatment with medication approved by the Food and Drug Administration prior to the commencement of their term of imprisonment.

(7) The number of prisoners who are the parent or guardian of a minor child.

(8) The number of prisoners who are single, married, or otherwise in a committed relationship.

(9) The number of prisoners who have not achieved a GED, high school diploma, or equivalent prior to entering prison.

(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

(11) The numbers of prisoners for whom English is a second language.

(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

(13) The vacancy rate for medical and healthcare staff positions, and average length of such a vacancy.

(14) The number of facilities that operated, at any time during the previous year, without at least 1 clinical nurse, certified paramedic, or licensed physician on site.

(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

(16) The number and type of recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, as added by section 102(a) of this Act, entered into by each facility.

(17) The number of facilities with remote learning capabilities.

(18) The number of facilities that offer prisoners video conferencing.

(19) Any changes in costs related to legal phone calls and visits following implementation of section 3632(d)(1) of title 18, United States Code, as added by section 101(a) of this Act.

(20) The number of aliens in prison during the previous year.

(21) For each Bureau of Prisons facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation, and the demographic breakdown of the prisoners who have received such reductions.

(22) The number of assaults on Bureau of Prisons staff by prisoners and the number of criminal prosecutions of prisoners for assaulting Bureau of Prisons staff.

(23) The capacity of each recidivism reduction program and productive activity to accommodate eligible inmates at each Bureau of Prisons facility.

(24) The number of volunteers who were certified to volunteer in a Bureau of Prisons facility, broken down by level (level I and level II), and by each Bureau of Prisons facility.

(25) The number of prisoners enrolled in recidivism reduction programs and productive activities at each Bureau of Prisons facility, broken down by risk level and by program, and the number of those enrolled prisoners who successfully completed each program.

(26) The breakdown of prisoners classified at each risk level by demographic characteristics, including age, sex, race, and the length of the sentence imposed.

(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (26) of subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

Effective date. Time period.

SEC. 611. HEALTHCARE PRODUCTS.

18 USC 4042 note.

(a) AVAILABILITY.—The Director of the Bureau of Prisons shall make the healthcare products described in subsection (c) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

(b) QUALITY PRODUCTS.—The Director shall ensure that the healthcare products provided under this section conform with applicable industry standards.

(c) PRODUCTS.—The healthcare products described in this subsection are tampons and sanitary napkins.

SEC. 612. ADULT AND JUVENILE COLLABORATION PROGRAMS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651) is amended—

(1) in subsection (b)(4)—

(A) by striking subparagraph (D); and

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

(2) in subsection (e), by striking "may use up to 3 percent" and inserting "shall use not less than 6 percent"; and

(3) by amending subsection (g) to read as follows:

"(g) COLLABORATION SET-ASIDE.—The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this part to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).".

SEC. 613. JUVENILE SOLITARY CONFINEMENT.

(a) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by adding at the end the following:

"§ 5043. Juvenile solitary confinement

18 USC 5043.

"(a) DEFINITIONS.—In this section—

"(1) the term 'covered juvenile' means—

"(A) a juvenile who—

"(i) is being proceeded against under this chapter for an alleged act of juvenile delinquency; or

"(ii) has been adjudicated delinquent under this chapter; or

"(B) a juvenile who is being proceeded against as an adult in a district court of the United States for an alleged criminal offense;

"(2) the term 'juvenile facility' means any facility where covered juveniles are—

"(A) committed pursuant to an adjudication of delinquency under this chapter; or

"(B) detained prior to disposition or conviction; and

"(3) the term 'room confinement' means the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.

"(b) PROHIBITION ON ROOM CONFINEMENT IN JUVENILE FACILITIES.—

"(1) IN GENERAL.—The use of room confinement at a juvenile facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.

"(2) JUVENILES POSING RISK OF HARM.—

"(A) REQUIREMENT TO USE LEAST RESTRICTIVE TECHNIQUES.—

"(i) IN GENERAL.—Before a staff member of a juvenile facility places a covered juvenile in room confinement, the staff member shall attempt to use less restrictive techniques, including—

"(I) talking with the covered juvenile in an attempt to de-escalate the situation; and

"(II) permitting a qualified mental health professional to talk to the covered juvenile.

"(ii) EXPLANATION.—If, after attempting to use less restrictive techniques as required under clause (i), a staff member of a juvenile facility decides to place a covered juvenile in room confinement, the staff member shall first—

"(I) explain to the covered juvenile the reasons for the room confinement; and

"(II) inform the covered juvenile that release from room confinement will occur—

"(aa) immediately when the covered juvenile regains self-control, as described in subparagraph (B)(i); or

"(bb) not later than after the expiration of the time period described in subclause (I) or (II) of subparagraph (B)(ii), as applicable.

"(B) MAXIMUM PERIOD OF CONFINEMENT.—If a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, the covered juvenile shall be released—

"(i) immediately when the covered juvenile has sufficiently gained control so as to no longer engage

in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or

"(ii) if a covered juvenile does not sufficiently gain control as described in clause (i), not later than—

"(I) 3 hours after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm to others; or

"(II) 30 minutes after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm only to himself or herself.

"(C) RISK OF HARM AFTER MAXIMUM PERIOD OF CONFINEMENT.—If, after the applicable maximum period of confinement under subclause (I) or (II) of subparagraph (B)(ii) has expired, a covered juvenile continues to pose a serious and immediate risk of physical harm described in that subclause—

"(i) the covered juvenile shall be transferred to another juvenile facility or internal location where services can be provided to the covered juvenile without relying on room confinement; or

"(ii) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the juvenile facility shall initiate a referral to a location that can meet the needs of the covered juvenile.

"(D) SPIRIT AND PURPOSE.—The use of consecutive periods of room confinement to evade the spirit and purpose of this subsection shall be prohibited.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

18 USC prec. 5031.

"5043. Juvenile solitary confinement.".

Approved December 21, 2018.

LEGISLATIVE HISTORY—S. 756:

SENATE REPORTS: No. 115–135 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 163 (2017): Aug. 3, considered and passed Senate.

Vol. 164 (2018): July 25, considered and passed House, amended.

Dec. 13, 17, 18, Senate considered and concurred in House amendment with an amendment.

Dec. 20, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):

Dec. 21, Presidential remarks and statement.

Public Law 115–392
115th Congress

An Act

Dec. 21, 2018
[S. 1311]

To provide assistance in abolishing human trafficking in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Abolish Human Trafficking Act of 2017.

18 USC 1 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Abolish Human Trafficking Act of 2017".

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

Sec. 1. Short title; table of contents.
Sec. 2. Preserving Domestic Trafficking Victims' Fund.
Sec. 3. Mandatory restitution for victims of commercial sexual exploitation.
Sec. 4. Victim-witness assistance in sexual exploitation cases.
Sec. 5. Victim protection training for the Department of Homeland Security.
Sec. 6. Direct services for child victims of human trafficking.
Sec. 7. Holistic training for Federal law enforcement officers and prosecutors.
Sec. 8. Best practices in delivering justice for victims of trafficking.
Sec. 9. Improving the national strategy to combat human trafficking.
Sec. 10. Specialized human trafficking training and technical assistance for service providers.
Sec. 11. Enhanced penalties for human trafficking, child exploitation, and repeat offenders.
Sec. 12. Targeting organized human trafficking perpetrators.
Sec. 13. Investigating complex human trafficking networks.
Sec. 14. Combating sex tourism.
Sec. 15. Human Trafficking Justice Coordinators.
Sec. 16. Interagency Task Force to Monitor and Combat Human Trafficking.
Sec. 17. Additional reporting on crime.
Sec. 18. Strengthening the national human trafficking hotline.
Sec. 19. Ending Government partnerships with the commercial sex industry.
Sec. 20. Understanding the effects of severe forms of trafficking in persons.
Sec. 21. Combating trafficking in persons.
Sec. 22. Grant accountability.
Sec. 23. HERO Act improvements.

SEC. 2. PRESERVING DOMESTIC TRAFFICKING VICTIMS' FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Domestic Trafficking Victims' Fund established under section 3014 of title 18, United States Code—

(1) is intended to supplement, and not supplant, any other funding for domestic trafficking victims; and

(2) has achieved the objective described in paragraph (1) since the establishment of the Fund.

(b) ENSURING FULL FUNDING.—Section 3014 of title 18, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "September 30, 2019" and inserting "September 30, 2021";

(2) in subsection (e)(1), in the matter preceding subparagraph (A), by striking "2019" and inserting "2023";

(3) in subsection (f), by inserting ", including the mandatory imposition of civil remedies for satisfaction of an unpaid fine as authorized under section 3613, where appropriate" after "criminal cases"; and

(4) in subsection (h)(3), by inserting "and child victims of a severe form of trafficking (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102))" after "child pornography victims".

SEC. 3. MANDATORY RESTITUTION FOR VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION.

(a) AMENDMENT.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2429. Mandatory restitution

18 USC 2429.

"(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

Courts.

"(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3), and shall additionally require the defendant to pay the greater of the gross income or value to the defendant of the victim's services, if the services constitute commercial sex acts as defined under section 1591.

Determination.

"(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

"(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3).

Definition.

"(c) The forfeiture of property under this section shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

"(d) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.".

Definition.

(b) TABLE OF SECTIONS.—The table of sections for chapter 117 of title 18, United States Code, is amended by inserting after the item relating to section 2428 the following:

18 USC prec. 2421.

"2429. Mandatory restitution.".

SEC. 4. VICTIM-WITNESS ASSISTANCE IN SEXUAL EXPLOITATION CASES.

(a) AVAILABILITY OF DOJ APPROPRIATIONS.—Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting ", chapter 110 of title 18" after "chapter 77 of title 18".

(b) AMENDMENT TO TITLE 31.—Section 9705(a)(2)(B)(v) of title 31, United States Code, is amended by inserting ", chapter 109A of title 18 (relating to sexual abuse), chapter 110 of title 18 (relating to child sexual exploitation), or chapter 117 of title 18 (relating

to transportation for illegal sexual activity and related crimes)" after "(relating to human trafficking)".

SEC. 5. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title IX of the Justice for Victims of Trafficking Act of 2015 (6 U.S.C. 641 et seq.) is amended by adding at the end the following:

6 USC 645.

"SEC. 906. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.

"(a) DIRECTIVE TO DHS LAW ENFORCEMENT OFFICIALS AND TASK FORCES.—

Deadline.

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue a directive to—

"(A) all Federal law enforcement officers and relevant personnel employed by the Department who may be involved in the investigation of human trafficking offenses; and

"(B) members of all task forces led by the Department that participate in the investigation of human trafficking offenses.

"(2) REQUIRED INSTRUCTIONS.—The directive required to be issued under paragraph (1) shall include instructions on—

"(A) the investigation of individuals who patronize or solicit human trafficking victims as being engaged in severe trafficking in persons and how such individuals should be investigated for their roles in severe trafficking in persons; and

"(B) how victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

"(b) VICTIM SCREENING PROTOCOL.—

Deadline.

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department is involved.

"(2) REQUIREMENTS.—The protocol required to be issued under paragraph (1) shall—

"(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts, child labor that is a violation of law, or work in violation of labor standards to determine whether each individual screened is a victim of human trafficking;

"(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

Consultation.

"(C) be developed in consultation with relevant interagency partners and nongovernmental organizations that specialize in the prevention of human trafficking or in the identification and support of victims of human trafficking and survivors of human trafficking; and

"(D) include—

"(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and Procedures.

"(ii) guidelines on assisting victims of human trafficking in identifying and receiving restorative services. Guidelines.

"(c) MANDATORY TRAINING.—The training described in sections 902 and 904 shall include training necessary to implement—

"(1) the directive required under subsection (a); and

"(2) the protocol required under subsection (b).".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227) is amended by inserting after the item relating to section 905 the following:

"Sec. 906. Victim protection training for the Department of Homeland Security.".

SEC. 6. DIRECT SERVICES FOR CHILD VICTIMS OF HUMAN TRAFFICKING.

Section 214(b) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20304(b)) is amended—

(1) in the heading by inserting "CHILD VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS AND" before "VICTIMS OF CHILD PORNOGRAPHY"; and

(2) by inserting "victims of a severe form of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))) who were under the age of 18 at the time of the offense and" before "victims of child pornography".

SEC. 7. HOLISTIC TRAINING FOR FEDERAL LAW ENFORCEMENT OFFICERS AND PROSECUTORS. 34 USC 20709a.

All training required under the Combat Human Trafficking Act of 2015 (34 U.S.C. 20709) and section 105(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) shall—

(1) emphasize that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense;

(2) develop specific curriculum for—

(A) under appropriate circumstances, arresting and prosecuting buyers of commercial sex, child labor that is a violation of law, or forced labor as a form of primary prevention; and

(B) investigating and prosecuting individuals who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking; and

(3) specify that any comprehensive approach to eliminating human trafficking shall include a demand reduction component.

SEC. 8. BEST PRACTICES IN DELIVERING JUSTICE FOR VICTIMS OF TRAFFICKING. 37 USC 20701 note.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue guidance to all offices and components of the Department of Justice— Deadline. Guidance.

(1) emphasizing that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a severe form of trafficking in persons, as that term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9));

(2) recommending and implementing best practices for the collection of special assessments under section 3014 of title 18, United States Code, as added by section 101 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 228), including a directive that civil liens are an authorized collection method and remedy under section 3613 of title 18, United States Code; and

(3) clarifying that commercial sexual exploitation is a form of gender-based violence.

SEC. 9. IMPROVING THE NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING.

Section 606(b) of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20711(b)) is amended by adding at the end the following:

"(6) A national strategy to prevent human trafficking and reduce demand for human trafficking victims.".

SEC. 10. SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS.

(a) IN GENERAL.—Section 111 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20708) is amended—

(1) in the heading, by striking "**LAW ENFORCEMENT TRAINING PROGRAMS**" and inserting "**SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS**";

(2) in subsection (a)(2), by striking "means a State or a local government." and inserting the following: "means—

"(A) a State or unit of local government;

"(B) a federally recognized Indian tribal government, as determined by the Secretary of the Interior;

"(C) a victim service provider;

"(D) a nonprofit or for-profit organization (including a tribal nonprofit or for-profit organization);

"(E) a national organization; or

"(F) an institution of higher education (including tribal institutions of higher education).";

(3) by striking subsection (b) and inserting the following: "(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to—

"(1) provide training to identify and protect victims of trafficking;

"(2) improve the quality and quantity of services offered to trafficking survivors; and

"(3) improve victim service providers' partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities."; and

(4) in subsection (c)—

(A) in paragraph (2), by striking "or" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (3) the following:

"(4) provide technical assistance on the range of services available to victim service providers who serve trafficking victims;

"(5) develop and distribute materials, including materials identifying best practices in accordance with Federal law and policies, to support victim service providers working with human trafficking victims;

"(6) identify and disseminate other publicly available materials in accordance with Federal law to help build capacity of service providers;

"(7) provide training at relevant conferences, through webinars, or through other mechanisms in accordance with Federal law; or

"(8) assist service providers in developing additional resources such as partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities in order to access a range of available services in accordance with Federal law.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 2 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) is amended by striking the item relating to section 111 and inserting the following:

"Sec. 111. Grants for specialized human trafficking training and technical assistance for service providers.".

SEC. 11. ENHANCED PENALTIES FOR HUMAN TRAFFICKING, CHILD EXPLOITATION, AND REPEAT OFFENDERS.

Part I of title 18, United States Code, is amended—

(1) in chapter 77—

(A) in section 1583(a), in the flush text following paragraph (3), by striking "not more than 20 years" and inserting "not more than 30 years";

(B) in section 1587, by striking "four years" and inserting "10 years"; and

(C) in section 1591(d), by striking "20 years" and inserting "25 years"; and

(2) in section 2426—

(A) in subsection (a), by striking "twice" and inserting "3 times"; and

(B) in subsection (b)(1)(B) by striking "paragraph (1)" and inserting "subparagraph (A)".

SEC. 12. TARGETING ORGANIZED HUMAN TRAFFICKING PERPETRATORS.

Section 521(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

"(3) a Federal offense involving human trafficking, sexual abuse, sexual exploitation, or transportation for prostitution or any illegal sexual activity; and"; and

(4) in paragraph (4), as so redesignated, by striking "(1) or (2)" and inserting "(1), (2), or (3)".

SEC. 13. INVESTIGATING COMPLEX HUMAN TRAFFICKING NETWORKS.

Section 2516 of title 18, United States Code, is amended—

(1) in subsection (1)(c)—

(A) by inserting "section 1582 (vessels for slave trade), section 1583 (enticement into slavery)," after "section 1581 (peonage),"; and

(B) by inserting "section 1585 (seizure, detention, transportation or sale of slaves), section 1586 (service on vessels in slave trade), section 1587 (possession of slaves aboard vessel), section 1588 (transportation of slaves from United States)," after "section 1584 (involuntary servitude),"; and

(2) in subsection (2)—

(A) by striking "kidnapping human" and inserting "kidnapping, human"; and

(B) by striking "production, ," and inserting "production, prostitution,".

SEC. 14. COMBATING SEX TOURISM.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "for the purpose" and inserting "with a motivating purpose"; and

(2) in subsection (d), by striking "for the purpose of engaging" and inserting "with a motivating purpose of engaging".

SEC. 15. HUMAN TRAFFICKING JUSTICE COORDINATORS.

Section 606 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20711) is amended—

(1) in subsection (b)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(2) by adding at the end the following:

Designation.

"(c) HUMAN TRAFFICKING JUSTICE COORDINATORS.—The Attorney General shall designate in each Federal judicial district not less than 1 assistant United States attorney to serve as the Human Trafficking Coordinator for the district who, in addition to any other responsibilities, works with a human trafficking victim-witness specialist and shall be responsible for—

"(1) implementing the National Strategy with respect to all forms of human trafficking, including labor trafficking and sex trafficking;

"(2) prosecuting, or assisting in the prosecution of, human trafficking cases;

"(3) conducting public outreach and awareness activities relating to human trafficking;

"(4) ensuring the collection of data required to be collected under clause (viii) of section 105(d)(7)(Q) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)), as added by section 17 of the Abolish Human Trafficking Act of 2017, is sought;

"(5) coordinating with other Federal agencies, State, tribal, and local law enforcement agencies, victim service providers, and other relevant non-governmental organizations to build partnerships on activities relating to human trafficking; and

"(6) ensuring the collection of restitution for victims is sought as required to be ordered under section 1593 of title 18, United States Code, and section 2429 of such title, as added by section 3 of the Abolish Human Trafficking Act of 2017.

"(d) DEPARTMENT OF JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of the Abolish Human Trafficking Act of 2017, the Attorney General shall designate an official who shall coordinate human trafficking efforts within the Department of Justice who, in addition to any other responsibilities, shall be responsible for— Deadline. Designation.

"(1) coordinating, promoting, and supporting the work of the Department of Justice relating to human trafficking, including investigation, prosecution, training, outreach, victim support, grant-making, and policy activities;

"(2) in consultation with survivors of human trafficking, or anti-human trafficking organizations, producing and disseminating, including making publicly available when appropriate, replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult and child protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with human trafficking regarding how to— Consultation.

"(A) identify signs of human trafficking;

"(B) conduct investigations in human trafficking cases;

"(C) address evidentiary issues and other legal issues; and

"(D) appropriately assess, respond to, and interact with victims and witnesses in human trafficking cases, including in administrative, civil, and criminal judicial proceedings; and

"(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, human trafficking.".

SEC. 16. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT HUMAN TRAFFICKING.

Section 105(d)(7)(Q) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)) is amended—

(1) in clause (vi), by striking "and" at the end; and

(2) by adding at the end the following:

"(viii) the number of convictions obtained under chapter 77 of title 18, United States Code, aggregated separately by the form of offense committed with respect to the victim, including recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a human trafficking victim; and".

SEC. 17. ADDITIONAL REPORTING ON CRIME.

Section 237(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (28 U.S.C. 534 note) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) incidents of assisting or promoting prostitution, child labor that is a violation of law, or forced labor of an individual under the age of 18 as described in paragraph (1); and

"(5) incidents of purchasing or soliciting commercial sex acts, child labor that is a violation of law, or forced labor with an individual under the age of 18 as described in paragraph (2).".

SEC. 18. STRENGTHENING THE NATIONAL HUMAN TRAFFICKING HOTLINE.

(a) REPORTING REQUIREMENT.—Section 105(d)(3) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)(3)) is amended—

(1) by inserting "and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies" after "international trafficking"; and

(2) by inserting "and reporting requirements" after "Any data collection procedures".

(b) HOTLINE INFORMATION.—Section 107(b)(1)(B)(ii) of such Act (22 U.S.C. 7105(b)(1)(B)(ii)) is amended by adding at the end the following: "The number of the national human trafficking hotline described in this clause shall be posted in a visible place in all Federal buildings.".

34 USC 20701 note.

SEC. 19. ENDING GOVERNMENT PARTNERSHIPS WITH THE COMMERCIAL SEX INDUSTRY.

No Federal funds or resources may be used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that—

(1) has the primary purpose of providing adult entertainment; and

(2) derives profits from the commercial sex trade.

SEC. 20. UNDERSTANDING THE EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Title VI of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 258) is amended by adding at the end the following:

"SEC. 607. UNDERSTANDING THE PHYSICAL AND PSYCHOLOGICAL EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.

Study.

"(a) IN GENERAL.—The National Institute of Justice and the Centers for Disease Control and Prevention shall jointly conduct a study on the short-term and long-term physical and psychological effects of serious harm (as that term is defined in section 1589(c)(2) and section 1591(e)(4) of title 18, United States Code, as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457; 122 Stat. 5044)) in order to determine the most effective types of services for individuals who are identified as victims of these crimes, including victims in cases that were not investigated or prosecuted by any law enforcement agency, and how new or current treatment and programming

options should be tailored to address the unique needs and barriers associated with these victims.

"(b) REPORT.—Not later than 3 years after the date of enactment of the Abolish Human Trafficking Act of 2017, the National Institute of Justice and the Centers for Disease Control and Prevention shall make available to the public the results, including any associated recommendations, of the study conducted under subsection (a).". Public information. Recommendations.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227) is amended by inserting after the item relating to section 606 the following:

"Sec. 607. Understanding the physical and psychological effects of severe forms of trafficking in persons.".

SEC. 21. COMBATING TRAFFICKING IN PERSONS.

Section 113 of the Trafficking Victims Prevention Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (b)(2), by striking "2014 through 2017" and inserting "2018 through 2021"; and

(2) in subsection (i), by striking "2014 through 2017" and inserting "2018 through 2021".

SEC. 22. GRANT ACCOUNTABILITY. 34 USC 20704 note.

(a) DEFINITIONS.—In this section—

(1) the term "covered agency" means an agency authorized to award grants under this Act;

(2) the term "covered grant" means a grant authorized to be awarded under this Act; and

(3) the term "covered official" means the head of a covered agency.

(b) ACCOUNTABILITY.—All covered grants shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.— Time periods.

(A) DEFINITION.—In this paragraph, the term "unresolved audit finding" means a finding in the final audit report of the Inspector General of a covered agency that the audited grantee has utilized funds under a covered grant for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of a covered agency shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year. Effective date. Determination.

(C) MANDATORY EXCLUSION.—A recipient of funds under a covered grant that is found to have an unresolved audit finding shall not be eligible to receive funds under a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY.—In awarding covered grants, a covered official shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal

years before submitting an application for the covered grant.

(E) REIMBURSEMENT.—If an entity is awarded funds under a covered grant during the 2-fiscal-year period during which the entity is barred from receiving covered grants under subparagraph (C), a covered official shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the recipient of the covered grant that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and each covered grant program, the term "nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—A covered grant may not be awarded to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the applicable covered official, in the application for the covered grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, a covered official shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts made available to a covered agency to carry out a covered grant program may be used by a covered official, or by any individual or entity awarded discretionary funds through a cooperative agreement under a covered grant program, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the covered agency, unless the covered official provides prior written authorization that the funds may be expended to host the conference.

Cost estimate.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—

(i) DEPARTMENT OF JUSTICE.—The Deputy Attorney General shall submit an annual report to the appropriate committees of Congress on all conference expenditures approved under this paragraph.

(ii) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Deputy Secretary of Health and Human Services shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(iii) DEPARTMENT OF HOMELAND SECURITY.—The Deputy Secretary of Homeland Security shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this Act, each covered official shall submit to the appropriate committees of Congress an annual certification— Effective date.

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General of the applicable covered agency under paragraph (1) have been completed and reviewed by the appropriate official;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any recipients of a covered grant excluded under paragraph (1) from the previous year.

(c) PREVENTING DUPLICATIVE GRANTS.—

(1) IN GENERAL.—Before a covered official awards a covered grant, the covered official shall compare potential awards under the covered grant program with other covered grants awarded to determine if duplicate grant awards are awarded for the same purpose.

(2) REPORT.—If a covered official awards duplicate covered grants to the same applicant for the same purpose the covered official shall submit to the appropriate committees of Congress a report that includes—

(A) a list of all duplicate covered grants awarded, including the total dollar amount of any duplicate covered grants awarded; and List.

(B) the reason the covered official awarded the duplicate covered grants.

SEC. 23. HERO ACT IMPROVEMENTS.

(a) IN GENERAL.—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "Homeland Security Investigations," after "Customs Enforcement,"; and

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

"(2) PURPOSE.—The Center shall provide investigative assistance, training, and equipment to support domestic and international investigations of cyber-related crimes by the Department.";

(2) in subsection (b)—

(A) in paragraph (2)(C), by inserting after "personnel" the following: ", which shall include participating in training for Homeland Security Investigations personnel

conducted by Internet Crimes Against Children Task Forces"; and

(B) in paragraph (3)—

(i) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "in child exploitation investigations" after "Enforcement"; and

(II) in clause (i), by inserting "child" before "victims";

(ii) in subparagraph (C), by inserting "child exploitation" after "number of"; and

(iii) in subparagraph (D), by inserting "child exploitation" after "number of"; and

(3) in subsection (c)(2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting "and administer the Digital Forensics and Document and Media Exploitation program" after "forensics";

(B) in subparagraph (C), by inserting "and emerging technologies" after "forensics"; and

(C) in subparagraph (D), by striking "and the National Association to Protect Children" and inserting ", the National Association to Protect Children, and other governmental entities".

(b) HERO CHILD-RESCUE CORPS.—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) by redesignating subsection (e) as subsection (g);

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

"(e) HERO CHILD-RESCUE CORPS.—

"(1) ESTABLISHMENT.—

Collaboration.

"(A) IN GENERAL.—There is established within the Center a Human Exploitation Rescue Operation Child-Rescue Corps Program (referred to in this section as the 'HERO Child-Rescue Corps Program'), which shall be a Department-wide program, in collaboration with the Department of Defense and the National Association to Protect Children.

"(B) PRIVATE SECTOR COLLABORATION.—As part of the HERO Child-Rescue Corps Program, the National Association to Protect Children shall provide logistical support for program participants.

"(2) PURPOSE.—The purpose of the HERO Child-Rescue Corps Program shall be to recruit, train, equip, and employ members of the Armed Forces on active duty and wounded, ill, and injured veterans to combat and prevent child exploitation, including in investigative, intelligence, analyst, inspection, and forensic positions or any other positions determined appropriate by the employing agency.

"(3) FUNCTIONS.—The HERO Child-Rescue Program shall—

"(A) provide, recruit, train, and equip participants of the Program in the areas of digital forensics, investigation, analysis, intelligence, and victim identification, as determined by the Center and the needs of the Department; and

"(B) ensure that during the internship period, participants of the Program are assigned to investigate and analyze—

"(i) child exploitation;
"(ii) child pornography;
"(iii) unidentified child victims;
"(iv) human trafficking;
"(v) traveling child sex offenders; and
"(vi) forced child labor, including the sexual exploitation of minors.

"(f) PAID INTERNSHIP AND HIRING PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a paid internship and hiring program for the purpose of placing participants of the HERO Child-Rescue Corps Program (in this subsection referred to as 'participants') into paid internship positions, for the subsequent appointment of the participants to permanent positions, as described in the guidelines promulgated under paragraph (3).

"(2) INTERNSHIP POSITIONS.—Under the paid internship and hiring program required to be established under paragraph (1), the Secretary shall assign or detail participants to positions within United States Immigration and Customs Enforcement or any other Federal agency in accordance with the guidelines promulgated under paragraph (3).

"(3) PLACEMENT.—

"(A) IN GENERAL.—The Secretary shall promulgate guidelines for assigning or detailing participants to positions within United States Immigration and Customs Enforcement and other Federal agencies, which shall include requirements for internship duties and agreements regarding the subsequent appointment of the participants to permanent positions. Guidelines.

"(B) PREFERENCE.—The Secretary shall give a preference to Homeland Security Investigations in assignments or details under the guidelines promulgated under subparagraph (A).

"(4) TERM OF INTERNSHIP.—An appointment to an internship position under this subsection shall be for a term not to exceed 12 months.

"(5) RATE AND TERM OF PAY.—After completion of initial group training and upon beginning work at an assigned office, a participant appointed to an internship position under this subsection who is not receiving monthly basic pay as a member of the Armed Forces on active duty shall receive compensation at a rate that is—

"(A) not less than the minimum rate of basic pay payable for a position at level GS–5 of the General Schedule; and

"(B) not more than the maximum rate of basic pay payable for a position at level GS–7 of the General Schedule.

"(6) ELIGIBILITY.—In establishing the paid internship and hiring program required under paragraph (1), the Secretary shall ensure that the eligibility requirements for participation in the internship program are the same as the eligibility requirements for participation in the HERO Child-Rescue Corps Program.

"(7) HERO CORPS HIRING.—The Secretary shall establish within Homeland Security Investigations positions, which shall be in addition to any positions in existence on the date of

enactment of this subsection, for the hiring and permanent employment of graduates of the paid internship program required to be established under paragraph (1).''; and

(3) in subsection (g), as so redesignated—

(A) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(B) by adding at the end the following:

''(2) ALLOCATION.—Of the amount made available pursuant to paragraph (1) in each of fiscal years 2019 through 2022, not more than $10,000,000 shall be used to carry out subsection (e) and not less than $2,000,000 shall be used to carry out subsection (f).''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 302 of the HERO Act of 2015 (Public Law 114–22; 129 Stat. 255) is amended— 6 USC 187.

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Approved December 21, 2018.

LEGISLATIVE HISTORY—S. 1311:

CONGRESSIONAL RECORD:
Vol. 163 (2017): Sept. 11, considered and passed Senate.
Vol. 164 (2018): Sept. 28, considered and passed House, amended.
Dec. 17, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 21, Presidential statement.

Public Law 115–393
115th Congress

An Act

To prioritize the fight against human trafficking in the United States.

Dec. 21, 2018
[S. 1312]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Trafficking Victims Protection Act of 2017.
34 USC 10101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trafficking Victims Protection Act of 2017".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; sense of Congress.

TITLE I—FREDERICK DOUGLASS TRAFFICKING PREVENTION ACT OF 2017

Sec. 101. Training of school resource officers to recognize and respond to signs of human trafficking.
Sec. 102. Training for school personnel.

TITLE II—JUSTICE FOR TRAFFICKING VICTIMS

Sec. 201. Injunctive relief.
Sec. 202. Improving support for missing and exploited children.
Sec. 203. Forensic and investigative assistance.

TITLE III—SERVICES FOR TRAFFICKING SURVIVORS

Sec. 301. Extension of anti-trafficking grant programs.
Sec. 302. Implementing a victim-centered approach to human trafficking.
Sec. 303. Improving victim screening.

TITLE IV—IMPROVED DATA COLLECTION AND INTERAGENCY COORDINATION

Sec. 401. Promoting data collection on human trafficking.
Sec. 402. Crime reporting.
Sec. 403. Human trafficking assessment.

TITLE V—TRAINING AND TECHNICAL ASSISTANCE

Sec. 501. Encouraging a victim-centered approach to training of Federal law enforcement personnel.
Sec. 502. Victim screening training.
Sec. 503. Judicial training.
Sec. 504. Training of tribal law enforcement and prosecutorial personnel.

TITLE VI—ACCOUNTABILITY

Sec. 601. Grant accountability.

TITLE VII—PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING

Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Public-Private Partnership Advisory Council to End Human Trafficking.
Sec. 704. Reports.
Sec. 705. Sunset.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The crime of human trafficking involves the exploitation of adults through force, fraud, or coercion, and children for such purposes as forced labor or commercial sex.

(2) Reliable data on the prevalence of human trafficking in the United States is not available, but cases have been reported in all 50 States, the territories of the United States, and the District of Columbia.

(3) Each year, thousands of individuals may be trafficked within the United States, according to recent estimates from victim advocates.

(4) More accurate and comprehensive data on the prevalence of human trafficking is needed to properly combat this form of modern slavery in the United States.

(5) Victims of human trafficking can include men, women, and children who are diverse with respect to race, ethnicity, and nationality, among other factors.

(6) Since the enactment of the Trafficking Victims Protection Act of 2000 (Public Law 106–386; 114 Stat. 1464), human traffickers have launched increasingly sophisticated schemes to increase the scope of their activities and the number of their victims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress supports additional efforts to raise awareness of and oppose human trafficking.

TITLE I—FREDERICK DOUGLASS TRAFFICKING PREVENTION ACT OF 2017

SEC. 101. TRAINING OF SCHOOL RESOURCE OFFICERS TO RECOGNIZE AND RESPOND TO SIGNS OF HUMAN TRAFFICKING.

Section 1701(b)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(12)) is amended by inserting ", including the training of school resource officers in the prevention of human trafficking offenses" before the semicolon at the end.

SEC. 102. TRAINING FOR SCHOOL PERSONNEL.

Section 41201(f) of the Violence Against Women Act of 1994 (42 U.S.C. 14043c(f)) is amended by striking "2014 through 2018" and inserting "2019 through 2022".

TITLE II—JUSTICE FOR TRAFFICKING VICTIMS

SEC. 201. INJUNCTIVE RELIEF.

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by inserting after section 1595 the following:

18 USC 1595A.

"§ 1595A. Civil injunctions

"(a) IN GENERAL.—Whenever it shall appear that any person is engaged or is about to engage in any act that constitutes or will constitute a violation of this chapter, chapter 110, or chapter

117, or a conspiracy under section 371 to commit a violation of this chapter, chapter 110, or chapter 117, the Attorney General may bring a civil action in a district court of the United States seeking an order to enjoin such act.

"(b) ACTION BY COURT.—The court shall proceed as soon as practicable to the hearing and determination of a civil action brought under subsection (a), and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the civil action is brought. Hearings. Determinations.

"(c) PROCEDURE.—

"(1) IN GENERAL.—A proceeding under this section shall be governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery shall be governed by the Federal Rules of Criminal Procedure.

"(2) SEALED PROCEEDINGS.—If a civil action is brought under subsection (a) before an indictment is returned against the respondent or while an indictment against the respondent is under seal—

"(A) the court shall place the civil action under seal; and

"(B) when the indictment is unsealed, the court shall unseal the civil action unless good cause exists to keep the civil action under seal.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 18, United States Code, is amended by inserting after the item relating to section 1595 the following: 18 USC prec. 1581.

"1595A. Civil injunctions.".

SEC. 202. IMPROVING SUPPORT FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;";

(2) by striking paragraphs (4) and (5);

(3) in paragraph (6) by inserting ", including child sex trafficking and sextortion" after "exploitation";

(4) in paragraph (8) by adding "and" at the end;

(5) by striking paragraph (9);

(6) by amending paragraph (10) to read as follows:

"(10) a key component of such programs is the National Center for Missing and Exploited Children that—

"(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

"(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, U.S. Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

"(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly."; and

(7) by redesignating paragraphs (6), (7), (8), and (10), as amended by this subsection, as paragraphs (4), (5), (6), and (7), respectively.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) the term 'missing child' means any individual less than 18 years of age whose whereabouts are unknown to such individual's parent;";

(2) in paragraph (2) by striking "and" at the end;

(3) in paragraph (3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) the term 'parent' includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (34 U.S.C. 11293) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking "telephone line" and inserting "hotline"; and

(B) in paragraph (6)(E)—

(i) by striking "telephone line" and inserting "hotline";

(ii) by striking "(b)(1)(A) and" and inserting "(b)(1)(A),"; and

(iii) by inserting ", and the number and types of reports to the tipline established under subsection (b)(1)(K)(i)" before the semicolon at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking "telephone line" each place it appears and inserting "hotline"; and

(ii) by striking "legal custodian" and inserting "parent";

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "restaurant" and inserting "food"; and

(II) by striking "and" at the end;

(ii) in clause (ii) by adding "and" at the end; and

(iii) by adding at the end the following:

"(iii) innovative and model programs, services, and legislation that benefit missing and exploited children;";

(C) by striking subparagraphs (E), (F), and (G);

(D) by amending subparagraph (H) to read as follows:

"(H) provide technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public—

"(i) in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

"(ii) to respond to foster children missing from the State child welfare system in coordination with child welfare agencies and courts handling juvenile justice and dependency matters; and Coordination.

"(iii) in the identification, location, and recovery of victims of, and children at risk for, child sex trafficking;";

(E) by amending subparagraphs (I), (J), and (K) to read as follows:

"(I) provide assistance to families, law enforcement agencies, State and local governments, nongovernmental agencies, child-serving professionals, and other individuals involved in the location and recovery of missing and abducted children nationally and, in cooperation with the Department of State, internationally; Cooperation.

"(J) provide support and technical assistance to child-serving professionals involved in helping to recover missing and exploited children by searching public records databases to help in the identification, location, and recovery of such children, and help in the location and identification of potential abductors and offenders;

"(K) provide forensic and direct on-site technical assistance and consultation to families, law enforcement agencies, child-serving professionals, and nongovernmental organizations in child abduction and exploitation cases, including facial reconstruction of skeletal remains and similar techniques to assist in the identification of unidentified deceased children;"; Consultation.

(F) by striking subparagraphs (L) and (M);

(G) by amending subparagraph (N) to read as follows:

"(N) provide training, technical assistance, and information to nongovernmental organizations relating to non-compliant sex offenders and to law enforcement agencies in identifying and locating such individuals;";

(H) by striking subparagraph (P);

(I) by amending subparagraph (Q) to read as follows:

"(Q) work with families, law enforcement agencies, electronic service providers, electronic payment service providers, technology companies, nongovernmental organizations, and others on methods to reduce the existence and distribution of online images and videos of sexually exploited children—

"(i) by operating a tipline to—

"(I) provide to individuals and electronic service providers an effective means of reporting Internet-related and other instances of child sexual exploitation in the areas of—

"(aa) possession, manufacture, and distribution of child pornography;

"(bb) online enticement of children for sexual acts;

"(cc) child sex trafficking;

"(dd) sex tourism involving children;

"(ee) extra familial child sexual molestation;

"(ff) unsolicited obscene material sent to a child;

"(gg) misleading domain names; and

"(hh) misleading words or digital images on the Internet; and

"(II) make reports received through the tipline available to the appropriate law enforcement agency for its review and potential investigation;

"(ii) by operating a child victim identification program to assist law enforcement agencies in identifying victims of child pornography and other sexual crimes to support the recovery of children from sexually exploitative situations; and

"(iii) by utilizing emerging technologies to provide additional outreach and educational materials to parents and families;";

(J) by striking subparagraph (R);

(K) by amending subparagraphs (S) and (T) to read as follows:

"(S) develop and disseminate programs and information to families, child-serving professionals, law enforcement agencies, State and local governments, nongovernmental organizations, schools, local educational agencies, child-serving organizations, and the general public on—

"(i) the prevention of child abduction and sexual exploitation;

"(ii) Internet safety, including tips for social media and cyberbullying; and

"(iii) sexting and sextortion; and

"(T) provide technical assistance and training to local educational agencies, schools, State and local law enforcement agencies, individuals, and other nongovernmental organizations that assist with finding missing and abducted children in identifying and recovering such children;"; and

(L) by redesignating subparagraphs (H), (I), (J), (K), (N), (O), (Q), (S), (T), (U), and (V), as amended by this subsection, as subparagraphs (E) through (O), respectively.

(d) GRANTS.—Section 405 of the Missing Children's Assistance Act (34 U.S.C. 11294) is amended—

(1) in subsection (a)—

(A) in paragraph (7) by striking "(as defined in section 403(1)(A))"; and

(B) in paragraph (8)—

(i) by striking "legal custodians" and inserting "parents"; and

(ii) by striking "custodians'" and inserting "parents'"; and

(2) in subsection (b)(1)(A) by striking "legal custodians" and inserting "parents".

(e) REPORTING.—The Missing Children's Assistance Act (34 U.S.C. 11291 et seq.) is amended— 34 USC 11296, 11297.

(1) by redesignating sections 407 and 408 as section 408 and 409, respectively; and

(2) by inserting after section 406 the following:

"SEC. 407. REPORTING. 34 USC 11295a.

"(a) REQUIRED REPORTING.—As a condition of receiving funds under section 404(b), the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate— Public information.

"(1) the number of children nationwide who are reported to the grantee as missing;

"(2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;

"(3) the number of children nationwide who are reported to the grantee as victims of family abductions; and

"(4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

"(b) INCIDENCE OF ATTEMPTED CHILD ABDUCTIONS.—As a condition of receiving funds under section 404(b), the grant recipient shall—

"(1) track the incidence of attempted child abductions in order to identify links and patterns;

"(2) provide such information to law enforcement agencies; and

"(3) make such information available to the general public, as appropriate.". Public information.

SEC. 203. FORENSIC AND INVESTIGATIVE ASSISTANCE.

Section 3056(f) of title 18, United States Code, is amended—

(1) by inserting "in conjunction with an investigation" after "local law enforcement agency"; and

(2) by striking "in support of any investigation involving missing or exploited children".

TITLE III—SERVICES FOR TRAFFICKING SURVIVORS

SEC. 301. EXTENSION OF ANTI-TRAFFICKING GRANT PROGRAMS.

(a) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended—

(1) in section 112A(b)(4) (22 U.S.C. 7109a(b)(4)), by striking "2014 through 2017" and inserting "2018 through 2021";

(2) in section 113(d) (22 U.S.C. 7110(d))—

(A) in the paragraph (1), by striking "$11,000,000 for each of fiscal years 2014 through 2017" and inserting "$77,000,000 for each of fiscal years 2018 through 2021"; and

(B) in paragraph (3), by striking "2014 through 2017" and inserting "2018 through 2021"; and

(b) ANNUAL TRAFFICKING CONFERENCE.—Section 201(c)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(c)(2)) is amended by striking "2017" and inserting "2021".

(c) GRANTS TO STATE AND LOCAL LAW ENFORCEMENT FOR ANTI-TRAFFICKING PROGRAMS.—Section 204(e) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c(e)) is amended by striking "2017" and inserting "2021".

(d) CHILD ADVOCATES FOR UNACCOMPANIED MINORS.—Section 235(c)(6)(F) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)(F)) is amended—

(1) in the matter preceding clause (i), by striking "Secretary and Human Services" and inserting "Secretary of Health and Human Services"; and

(2) in clause (ii), by striking "the fiscal years 2016 and 2017" and inserting "fiscal years 2018 through 2021".

(e) REINSTATEMENT AND REAUTHORIZATION OF GRANTS TO COMBAT CHILD SEX TRAFFICKING.—

(1) REINSTATEMENT OF EXPIRED PROVISION.—

(A) IN GENERAL.—Section 202 of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20702) is amended to read as such section read on March 6, 2017.

Repeal.

(B) CONFORMING AMENDMENT.—Section 1241(b) of the Violence Against Women Reauthorization Act of 2013 (34 U.S.C. 20702 note) is repealed.

34 USC 20702 note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as though enacted on March 6, 2017.

(3) REAUTHORIZATION.—Section 202(i) of the Trafficking Victims Protection Reauthorization Act of 2005, as amended by paragraph (1), is amended by striking "2014 through 2017" and inserting "2018 through 2021".

SEC. 302. IMPLEMENTING A VICTIM-CENTERED APPROACH TO HUMAN TRAFFICKING.

Section 107(b)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)) is amended—

(1) in subparagraph (B)(ii), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(D) PRIORITY.—In selecting recipients of grants under this paragraph that are only available for law enforcement operations or task forces, the Attorney General may give priority to any applicant that files an attestation with the Attorney General stating that—

"(i) the grant funds awarded under this paragraph—

"(I) will be used to assist in the prevention of severe forms of trafficking in persons;

"(II) will be used to strengthen efforts to investigate and prosecute those who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking;

"(III) will be used to take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization; and

"(IV) will not be used to require a victim of human trafficking to collaborate with law enforcement officers as a condition of access to any shelter or restorative services; and

"(ii) the applicant will provide dedicated resources for anti-human trafficking law enforcement officers for a period that is longer than the duration of the grant received under this paragraph.".

SEC. 303. IMPROVING VICTIM SCREENING.

(a) IN GENERAL.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 107A (22 U.S.C. 7105a) the following:

"SEC. 107B. IMPROVING DOMESTIC VICTIM SCREENING PROCEDURES. 22 USC 7105b.

"(a) VICTIM SCREENING TOOLS.—Not later than October 1, 2018, the Attorney General shall compile and disseminate, to all grantees who are awarded grants to provide victims' services under subsection (b) or (f) of section 107, information about reliable and effective tools for the identification of victims of human trafficking. Deadline.

"(b) USE OF SCREENING PROCEDURES.—Beginning not later than October 1, 2018, the Attorney General, in consultation with the Secretary of Health and Human Services, shall identify recommended practices for the screening of human trafficking victims and shall encourage the use of such practices by grantees receiving a grant to provide victim services to youth under subsection (b) or (f) of section 107.". Effective date. Consultation.

(b) CLERICAL AMENDMENT.—The table of contents for the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) is amended by inserting after the item relating to section 107A the following:

"Sec. 107B. Improving domestic victim screening procedures.".

(c) AMENDMENT TO TITLE 18.—Section 1593A of title 18, United States Code, is amended by striking "section 1581(a), 1592, or 1595(a)" and inserting "this chapter".

TITLE IV—IMPROVED DATA COLLECTION AND INTERAGENCY COORDINATION

SEC. 401. PROMOTING DATA COLLECTION ON HUMAN TRAFFICKING. Reports.

(a) PREVALENCE OF HUMAN TRAFFICKING.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the efforts of the National Institute of Justice to develop a methodology to assess the prevalence of human trafficking in the United States, including a timeline for completion of the methodology.

(b) INNOCENCE LOST NATIONAL INITIATIVE.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate

and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the status of the Innocence Lost National Initiative, which shall include, for each of the last 5 fiscal years, information on—

(1) the number of human traffickers who were arrested, disaggregated by—

(A) the number of individuals arrested for patronizing or soliciting an adult;

(B) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining an adult;

(C) the number of individuals arrested for patronizing or soliciting a minor; and

(D) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining a minor;

(2) the number of adults who were arrested on charges of prostitution;

(3) the number of minor victims who were identified;

(4) the number of minor victims who were arrested and formally petitioned by a juvenile court or criminally charged; and

(5) the placement of and social services provided to each such minor victim as part of each State operation.

Web posting.

(c) AVAILABILITY OF REPORTS.—The reports required under subsections (a) and (b) shall be posted on the website of the Department of Justice.

SEC. 402. CRIME REPORTING.

Section 7332(c) of the Uniform Federal Crime Reporting Act of 1988 (28 U.S.C. 534 note) is amended—

(1) in paragraph (3), by striking "in the form of annual Uniform Crime Reports for the United States" and inserting "not less frequently than annually"; and

(2) by adding at the end the following:

"(4) INTERAGENCY COORDINATION.—

Deadline.

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Director of the Federal Bureau of Investigation shall coordinate with the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) for the purpose of ensuring successful implementation of paragraph (2).

Determination.

"(B) FOR REPORT.—Not later than 6 months after the date of enactment of this paragraph, the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) shall provide the Director of the Federal Bureau of Investigation such information as the Director determines is necessary to complete the first report required under paragraph (5).

"(5) ANNUAL REPORT BY FEDERAL BUREAU OF INVESTIGATION.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Director of the Federal Bureau of Investigation shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the efforts of the departments and agencies within the Federal Government to come into compliance with

paragraph (2). The report shall contain a list of all departments and agencies within the Federal Government subject to paragraph (2) and whether each department or agency is in compliance with paragraph (2).". List.

SEC. 403. HUMAN TRAFFICKING ASSESSMENT. Reports. 6 USC 645a.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Executive Associate Director of Homeland Security Investigations shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on human trafficking investigations undertaken by Homeland Security Investigations that includes—

(1) the number of confirmed human trafficking investigations by category, including labor trafficking, sex trafficking, and transnational and domestic human trafficking;

(2) the number of victims by category, including—

(A) whether the victim is a victim of sex trafficking or a victim of labor trafficking; and

(B) whether the victim is a minor or an adult; and

(3) an analysis of the data described in paragraphs (1) and (2) and other data available to Homeland Security Investigations that indicates any general human trafficking or investigatory trends. Analysis.

TITLE V—TRAINING AND TECHNICAL ASSISTANCE

SEC. 501. ENCOURAGING A VICTIM-CENTERED APPROACH TO TRAINING OF FEDERAL LAW ENFORCEMENT PERSONNEL.

(a) TRAINING CURRICULUM IMPROVEMENTS.—The Attorney General, Secretary of Homeland Security, and Secretary of Labor shall periodically, but not less frequently than once every 2 years, implement improvements to the training programs on human trafficking for employees of the Department of Justice, Department of Homeland Security, and Department of Labor, respectively, after consultation with survivors of human trafficking, or trafficking victims service providers, and Federal law enforcement agencies responsible for the prevention, deterrence, and prosecution of offenses involving human trafficking (such as individuals serving as, or who have served as, investigators in a Federal agency and who have expertise in identifying human trafficking victims and investigating human trafficking cases). Time period. Consultation. 34 USC 20709b.

(b) ADVANCED TRAINING CURRICULUM.— 34 USC 20709b.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Homeland Security shall develop an advanced training curriculum, to supplement the basic curriculum for investigative personnel of the Department of Justice and the Department of Homeland Security, respectively, that— Deadline.

(A) emphasizes a multidisciplinary, collaborative effort by law enforcement officers who provide a broad range of investigation and prosecution options in response to perpetrators, and victim service providers, who offer services and resources for victims;

(B) provides guidance about the recruitment techniques employed by human traffickers to clarify that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense; and

(C) explains that—

(i) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization; and

(ii) a comprehensive approach to eliminating human trafficking should include demand reduction as a component.

(2) USE OF CURRICULUM.—The Attorney General and the Secretary of Homeland Security shall provide training using the curriculum developed under paragraph (1) to—

(A) all law enforcement officers employed by the Department of Justice and the Department of Homeland Security, respectively, who may be involved in the investigation of human trafficking offenses; and

(B) members of task forces that participate in the investigation of human trafficking offenses.

(c) TRAINING COMPONENTS.—Section 107(c)(4)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)(B)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iv) a discussion clarifying that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense.".

SEC. 502. VICTIM SCREENING TRAINING.

Section 114 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20709) is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (i), by striking the "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) individually screening all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking; and

"(iv) how—

"(I) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons; and

"(II) such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization."; and

(2) by adding at the end the following:

"(f) DEPARTMENT OF JUSTICE VICTIM SCREENING PROTOCOL.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department of Justice is involved. Deadline.

"(2) REQUIREMENTS.—The protocol required to be issued under paragraph (1) shall—

"(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking;

"(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

"(C) require all Federal law enforcement officers and relevant department personnel who participate in human trafficking investigations to receive training on enforcement of the protocol;

"(D) be developed in consultation with State and local law enforcement agencies, the Department of Health and Human Services, survivors of human trafficking, and non-governmental organizations that specialize in the identification, prevention, and restoration of victims of human trafficking; and Consultation.

"(E) include—

"(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

"(ii) guidelines on assisting victims of human trafficking in identifying and receiving victim services.". Guidelines.

SEC. 503. JUDICIAL TRAINING.

Section 223(b)(2) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20333(b)(2)) is amended—

(1) in subparagraph (B) by striking "and" at the end;

(2) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) procedures for improving the judicial response to children who are vulnerable to human trafficking, to the extent an appropriate screening tool exists.".

SEC. 504. TRAINING OF TRIBAL LAW ENFORCEMENT AND PROSECUTORIAL PERSONNEL. 34 USC 20709c.

The Attorney General, in consultation with the Director of the Office of Tribal Justice, shall carry out a program under which Consultation.

tribal law enforcement officials may receive technical assistance and training to pursue a victim-centered approach to investigating and prosecuting severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

TITLE VI—ACCOUNTABILITY

SEC. 601. GRANT ACCOUNTABILITY.

Section 1236 of the Violence Against Women Reauthorization Act of 2013 (22 U.S.C. 7113) is amended—

(1) in the matter preceding paragraph (1), by striking "All grants" and inserting the following:

"(a) IN GENERAL.—For fiscal year 2013, and each fiscal year thereafter, all grants"; and

(2) by adding at the end the following:

"(b) APPLICATION TO ADDITIONAL GRANTS.—For purposes of subsection (a), for fiscal year 2018, and each fiscal year thereafter, the term 'grant awarded by the Attorney General under this title or an Act amended by this title' includes a grant under any of the following:

"(1) Section 223 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20333).

"(2) The program under section 504 of the Trafficking Victims Protection Act of 2017.".

Public-Private Partnership Advisory Council to End Human Trafficking Act.

TITLE VII—PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING

SEC. 701. SHORT TITLE.

This title may be cited as the "Public-Private Partnership Advisory Council to End Human Trafficking Act".

SEC. 702. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the Public-Private Partnership Advisory Council to End Human Trafficking.

(2) GROUP.—The term "Group" means the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)).

(3) TASK FORCE.—The term "Task Force" means the President's Interagency Task Force to Monitor and Combat Trafficking established under section 105(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(a)).

SEC. 703. PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING.

Recommendations.

(a) ESTABLISHMENT.—There is established the Public-Private Partnership Advisory Council to End Human Trafficking, which shall provide advice and recommendations to the Group and the Task Force.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of not fewer than 8 and not more than 14 representatives of nongovernmental organizations, academia, and nonprofit groups who have significant knowledge and experience in human trafficking prevention and eradication, identification of human trafficking, and services for human trafficking victims.

(2) REPRESENTATION OF NONPROFIT AND NONGOVERNMENTAL ORGANIZATIONS.—To the extent practicable, members of the Council shall be representatives of nonprofit groups, academia, and nongovernmental organizations who accurately reflect the diverse backgrounds related to work in the prevention, eradication, and identification of human trafficking and services for human trafficking victims in the United States and internationally.

(3) APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall appoint— Deadline. President. Consultations.

(A) 1 member of the Council, after consultation with the President Pro Tempore of the Senate;

(B) 1 member of the Council, after consultation with the Minority Leader of the Senate;

(C) 1 member of the Council, after consultation with the Speaker of the House of Representatives;

(D) 1 member of the Council, after consultation with the Minority Leader of the House of Representatives; and

(E) the remaining members of the Council.

(4) TERM; REAPPOINTMENT.—Each member of the Council—

(A) shall serve for a term of 2 years; and

(B) may be reappointed by the President to serve 1 additional 2-year term. President.

(5) EMPLOYEE STATUS.—Members of the Council—

(A) shall not be considered employees of the Federal Government for any purpose; and

(B) shall not receive compensation.

(c) FUNCTIONS.—The Council shall—

(1) be a nongovernmental advisory body to the Group;

(2) meet, at its own discretion or at the request of the Group, not less frequently than annually, to review Federal Government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims;

(3) serve as a point of contact, with the United States Advisory Council on Human Trafficking, for Federal agencies reaching out to human trafficking nonprofit groups and nongovernmental organizations for input on programming and policies relating to human trafficking in the United States;

(4) formulate assessments and recommendations to ensure that the policy and programming efforts of the Federal Government conform, to the extent practicable, to the best practices in the field of human trafficking prevention and rehabilitation and aftercare of human trafficking victims; and Assessments. Recommendations.

(5) meet with the Group not less frequently than annually, and not later than 45 days before a meeting with the Task Force, to formally present the findings and recommendations of the Council. Time period. Deadline.

(d) NONAPPLICABILITY OF FACA.—The Council shall not be subject to the requirements under the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 704. REPORTS.

Coordination.

Not later than 1 year after the date of the enactment of this Act and annually thereafter until the date described in section 705, the Council, in coordination with the United States Advisory Council on Human Trafficking, shall submit a report containing the findings derived from the reviews conducted pursuant to section 703(c)(2) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Relations of the Senate;

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

(4) the Committee on the Judiciary of the Senate;

(5) the Committee on Appropriations of the House of Representatives;

(6) the Committee on Foreign Affairs of the House of Representatives;

(7) the Committee on Homeland Security of the House of Representatives;

(8) the Committee on the Judiciary of the House of Representatives;

(9) the chair of the Task Force; and

(10) the members of the Group.

SEC. 705. SUNSET.

The Council shall terminate on September 30, 2020.

Approved December 21, 2018.

LEGISLATIVE HISTORY—S. 1312 (H.R. 1808):

HOUSE REPORTS: No. 115–110 (Comm. on Education and the Workforce) accompanying H.R. 1808.

CONGRESSIONAL RECORD:

Vol. 163 (2017): Sept. 11, considered and passed Senate.

Vol. 164 (2018): Sept. 28, considered and passed House, amended.

Dec. 17, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):

Dec. 21, Presidential statement.

Public Law 115–394
115th Congress

An Act

To require the Under Secretary of Commerce for Oceans and Atmosphere to carry out a program on coordinating the assessment and acquisition by the National Oceanic and Atmospheric Administration of unmanned maritime systems, to make available to the public data collected by the Administration using such systems, and for other purposes.

Dec. 21, 2018
[S. 2511]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Commercial Engagement Through Ocean Technology Act of 2018.
33 USC 4101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commercial Engagement Through Ocean Technology Act of 2018" or the "CENOTE Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Coordination regarding assessment and acquisition by National Oceanic and Atmospheric Administration of unmanned maritime systems.
Sec. 4. Regular assessment of unmanned maritime systems to support National Oceanic and Atmospheric Administration missions.
Sec. 5. Acquisition of unmanned maritime systems.
Sec. 6. Reports on unmanned maritime systems and usage for mission of the National Oceanic and Atmospheric Administration.
Sec. 7. Funding and additional authorities.

SEC. 2. DEFINITIONS.

33 USC 4101.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) COOPERATIVE ACTIVITIES OF THE ADMINISTRATION.—The terms "cooperative activities of the Administration" means cooperative activities between the Administration and an external entity, such as the Cooperative Institutes, Sea Grant Colleges, National Estuarine Research Reserves, the National Oceanographic Partnership Program established under chapter 665 of title 10, United States Code, and regional associations of the Integrated Ocean Observing System.

(4) DATA SPECIFICATIONS.—The term "data specifications" shall refer to the type, resolution, periodicity, and quality of data required by an program of the Administration.

(5) TEST OR TRAINING RANGE.—

(A) IN GENERAL.—The term "test or training range" means an area designated for operating unmanned maritime systems and other types of systems for the purpose of—

(i) evaluating the performance of such systems; or

(ii) training personnel on operating procedures for such systems.

(B) INCLUSIONS.—The term "test or training range" may include specialized fixed or portable instrumentation for the operation of unmanned maritime systems and other types of systems.

(6) UNMANNED MARITIME SYSTEMS.—

(A) IN GENERAL.—The term "unmanned maritime systems" means remotely operated or autonomous vehicles produced by the commercial sector—

(i) designed to function without an on-board human presence; and

(ii) that may include associated components such as control and communications, instrumentation, data transmission, and processing systems.

(B) EXAMPLES.—The term "unmanned maritime systems" includes the following:

(i) Unmanned undersea vehicles.

(ii) Unmanned surface vehicles.

(iii) Autonomous underwater vehicles.

(iv) Autonomous surface vehicles.

(C) TREATMENT OF AERIAL VEHICLES.—The term "unmanned maritime systems" includes unmanned aerial vehicles and autonomous aerial vehicles that are used to address maritime issues to the extent the Administrator determines it is necessary and appropriate to achieve the purposes of this Act.

33 USC 4102.

SEC. 3. COORDINATION REGARDING ASSESSMENT AND ACQUISITION BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OF UNMANNED MARITIME SYSTEMS.

(a) ESTABLISHMENT.—The Administrator shall direct the Office of Oceanic and Atmospheric Research (in this Act referred to as "OAR") and the Office of Marine and Aviation Operations (in this Act referred to as "OMAO")—

(1) to coordinate the Administration's research, assessment, and acquisition of unmanned maritime systems; and

(2) to consider the use of unmanned maritime systems in cooperative activities of the Administration.

(b) COORDINATION WITHIN THE ADMINISTRATION.—

(1) UNMANNED SYSTEMS EXECUTIVE OVERSIGHT BOARD.—In meeting the requirements described in subsection (a), the Administrator shall—

(A) utilize the Unmanned Systems Executive Oversight Board (in this Act referred to as the "USEOB") as the coordinating mechanism; and

(B) ensure that OAR and OMAO address requirements throughout the Administration.

(2) INCLUDED.—In utilizing the USEOB under paragraph (1), the Administrator shall ensure that representation on the USEOB is included from the following:

(A) The Office of Ocean Exploration (OER).

(B) The program office of the Integrated Ocean Observing System.

(C) Such other offices of the Administration as the Administrator determines are actively engaged with unmanned maritime systems. Determination.

(c) COORDINATION WITH THE NAVY.—

(1) IN GENERAL.—In carrying out this Act, the Administrator shall—

(A) make efforts to coordinate with the Secretary of the Navy to leverage expertise in the development and operational transition of unmanned maritime systems;

(B) align with, utilize, and inform the Deputy Under Secretary of Commerce for Operations and the Oceanographer of the Navy's strategic and operational priorities, particularly for missions and geography within the Administration's purview;

(C) seek to utilize Naval unmanned systems test or training ranges, such as the Gulf of Mexico Unmanned Systems Test and Training Range of the Naval Meteorology and Oceanography Command, and maximize interagency cooperation and sharing of best practices; and

(D) to formalize coordination, execute a memorandum of understanding with the Secretary of the Navy that includes— Memorandum.

(i) incorporating consideration of priorities and requirements of the Administration into research and development activities conducted by the Secretary of the Navy;

(ii) consultation intended to encourage and facilitate efforts by the Administration to partner with the Navy to procure unmanned maritime systems and to establish, instrument, and operate test or training ranges and related facilities; Consultation.

(iii) adopting procedures defined by the Secretary of the Navy for the Administration to access and utilize test or training ranges or related Naval facilities for purposes identified in paragraph (2)(B); and Procedures.

(iv) such other topics as the Administrator considers necessary or advisable, including mapping, bathymetry, observations, and ocean exploration.

(2) LOCATION.—The Administrator shall, if practicable, carry out the activities authorized by this Act at a facility where the Navy and the Administration are co-located, for the following purposes:

(A) Gaining efficiencies through collaboration.

(B) Advancing development of unmanned maritime systems, including—

(i) systems research and development;

(ii) systems testing;

(iii) systems modifications; and

(iv) systems integration.

(C) Accelerating transition from concept to manufacturing and acquisition.

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this Act, the Administrator and the Secretary of the Navy may utilize the National Oceanographic Partnership Program,

established under chapter 665 of title 10, United States Code, as a mechanism for providing interagency coordination for the advancement of unmanned maritime systems.

Consultation.

(e) COORDINATION WITH ACADEMIC SECTOR.—In carrying out this Act, the Administrator, in consultation with the Secretary of the Navy, may coordinate and co-locate with an academic research institution, or consortium of academic research institutions, for the following purposes:

(1) Maximizing opportunities for research and development of unmanned maritime systems.

(2) Providing training in unmanned maritime systems as part of an accredited certificate or degree program of education.

(3) Facilitating the commercialization of unmanned maritime systems through public-private partnerships that includes academic research institutions, private industry, and public safety agencies.

(4) Arranging access to and use of additional facilities that support testing and assessment of or training with respect to unmanned maritime systems under environmental conditions of interest, increasing operational tolerance under such conditions, certifying operational capacity under such conditions, whether real or simulated, and training operators of unmanned maritime systems in real or simulated environments.

(5) Facilitating engagement with other academic institutions with interest or relevant expertise in unmanned maritime systems.

(6) Promoting information sharing between the academic, environmental, and military institutions to lead to more robust, mission-oriented unmanned maritime systems.

Consultations.

(f) ENGAGEMENT WITH THE PRIVATE SECTOR.—Other than as described in subsection (e), the Administrator, in consultation with the Secretary of the Navy, may, in carrying out this Act, to the extent practicable, coordinate and consult with the private sector—

(1) to support the commercialization of unmanned maritime systems; and

(2) to assist with their assessment of commercially available unmanned maritime systems to support the missions and goals of the Navy, the Administration, and cooperative activities of the Administration.

33 USC 4103.

SEC. 4. REGULAR ASSESSMENT OF UNMANNED MARITIME SYSTEMS TO SUPPORT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MISSIONS.

(a) IN GENERAL.—The Administrator, acting through the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the Office of Marine and Aviation Operations and the National Oceanic and Atmospheric Administration Commissioned Officer Corps, shall regularly assess publicly and commercially available unmanned maritime systems for potential use to support missions of the Administration.

(b) SCIENCE-BASED ASSESSMENTS.—The Administrator shall carry out subsection (a) through the Assistant Administrator for all matters relating to assessment of the suitability, feasibility, and cost-effectiveness of unmanned maritime systems to meet data specifications required by programs of the Administration.

(c) ASSESSMENT OF OPERATIONAL UTILITY.—The Administrator shall carry out subsection (a) through the Director for all matters

relating to assessment of whether unmanned maritime systems are operationally reliable, feasible, and cost effective enough to make observations required by programs of the Administration.

(d) ENGAGEMENT.—The Assistant Administrator and the Director shall jointly— Consultations.

(1) convene and consult the Unmanned Maritime Systems Ocean Technology Coordinating Committee established under section 3(b); and

(2) consult with the heads of other offices of the Administration, the academic sector, and developers and manufacturers of unmanned maritime systems to conduct the assessments under subsection (a).

SEC. 5. ACQUISITION OF UNMANNED MARITIME SYSTEMS. 33 USC 4104.

(a) IN GENERAL.—The Administrator shall coordinate and centralize the acquisition by the Administration of unmanned maritime systems to meet the prioritized list of data requirements identified by OAR and OMAO in carrying out this Act in their regular assessments and approved by the USEOB.

(b) MEMORANDA OF UNDERSTANDING.—In order to realize greater savings and efficiency, the Administrator may develop and execute a memorandum of agreement with the Secretary of the Navy to—

(1) participate in procurements conducted by the signatories to the memorandum of understanding;

(2) accept decommissioned unmanned maritime systems from the Navy;

(3) develop policies and procedures to share unmanned maritime systems; or Policies. Procedures.

(4) provide for other means of creating efficiency and savings in Federal acquisition of unmanned maritime systems.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to modify Federal procurement law.

SEC. 6. REPORTS ON UNMANNED MARITIME SYSTEMS AND USAGE FOR MISSION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. 33 USC 4105.

(a) IN GENERAL.—In carrying out this Act, the Administrator shall, not later than one year after the date of the enactment of this Act, and every 4 years thereafter, submit to the appropriate committees of Congress a report on the usage of unmanned maritime systems for the mission of the Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) An inventory of current unmanned maritime systems used by programs of the Administration, a summary of the data they have returned, and the benefits realized from having such data. Inventory. Summary.

(2) A prioritized list of data requirements of the Administration that could be met with unmanned maritime systems, and the commercially available unmanned maritime systems with the operational capabilities to collect such data. Lists.

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

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Natural Resources, and the Committee on Science, Space, and Technology of the House of Representatives.

33 USC 4106.

SEC. 7. FUNDING AND ADDITIONAL AUTHORITIES.

(a) FUNDING.—The Administrator shall carry out this Act using existing amounts appropriated or otherwise made available to the Administration.

(b) ADDITIONAL AUTHORITIES.—In carrying out this Act, the Administrator may—

Contracts.

(1) enter into contracts, cooperative agreements, and other transactions with any domestic or foreign government;

(2) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

(3) accept funds from other Federal departments and agencies;

Contracts.
Grants.

(4) utilize the National Oceanographic Partnership Program established under chapter 665 of title 10, United States Code, to accept funds from other Federal departments and agencies, to accept donations, and to enter into contracts and award grants;

(5) under an agreement entered into under paragraph (1), transfer funds appropriated to carry our this Act to any organization; and

(6) use, with their consent, with or without reimbursement, and subject to the availability of appropriations, the land, services, equipment, personnel, and facilities of—

(A) any department, agency, or instrumentality of the United States;

(B) any State or local government or tribal government; or

(C) any foreign government or international organization.

Approved December 21, 2018.

LEGISLATIVE HISTORY—S. 2511:

SENATE REPORTS: No. 115–291 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 164 (2018):

Aug. 23, considered and passed Senate.

Dec. 10, considered and passed House, amended.

Dec. 17, Senate concurred in House amendment.

Public Law 115–395
115th Congress

An Act

To amend title 18, United States Code, to make certain changes to the reporting requirement of certain service providers regarding child sexual exploitation visual depictions, and for other purposes.

Dec. 21, 2018
[S. 3170]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CyberTipline Modernization Act of 2018.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "CyberTipline Modernization Act of 2018".

SEC. 2. ALTERATIONS TO REPORTING REQUIREMENTS FOR ELECTRONIC SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

Section 2258A of title 18, United States Code, is amended—

(1) in the heading, by striking "**electronic communication service providers and remote computing service providers**" and inserting "**providers**";

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—

"(A) DUTY.—In order to reduce the proliferation of online child sexual exploitation and to prevent the online sexual exploitation of children, a provider—

"(i) shall, as soon as reasonably possible after obtaining actual knowledge of any facts or circumstances described in paragraph (2)(A), take the actions described in subparagraph (B); and

"(ii) may, after obtaining actual knowledge of any facts or circumstances described in paragraph (2)(B), take the actions described in subparagraph (B).

"(B) ACTIONS DESCRIBED.—The actions described in this subparagraph are—

"(i) providing to the CyberTipline of NCMEC, or any successor to the CyberTipline operated by NCMEC, the mailing address, telephone number, facsimile number, electronic mailing address of, and individual point of contact for, such provider; and

"(ii) making a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by NCMEC."; and

(B) by amending paragraph (2) to read as follows:

"(2) FACTS OR CIRCUMSTANCES.—

"(A) APPARENT VIOLATIONS.—The facts or circumstances described in this subparagraph are any facts

or circumstances from which there is an apparent violation of section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography.

"(B) IMMINENT VIOLATIONS.—The facts or circumstances described in this subparagraph are any facts or circumstances which indicate a violation of any of the sections described in subparagraph (A) involving child pornography may be planned or imminent.";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking "To the extent" and inserting "In an effort to prevent the future sexual victimization of children, and to the extent";

(ii) by striking "an electronic communication service provider or a remote computing service provider" and inserting "a provider"; and

(iii) by striking "may include" and inserting "may, at the sole discretion of the provider, include";

(B) in paragraph (1)—

(i) by inserting "or plans to violate" after "who appears to have violated"; and

(ii) by inserting "payment information (excluding personally identifiable information)," after "uniform resource locator,";

(C) in paragraph (2)—

(i) by striking "an electronic communication service or a remote computing service" and inserting "a provider";

(ii) by striking "apparent child pornography" each place it appears and inserting "content relating to the report"; and

(iii) by striking "the electronic communication service provider or remote computing service provider" and inserting "the provider";

(D) by amending paragraph (3) to read as follows:

"(3) GEOGRAPHIC LOCATION INFORMATION.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified address, or, if not reasonably available, at least one form of geographic identifying information, including area code or zip code, provided by the customer or subscriber, or stored or obtained by the provider.";

(E) in paragraph (4)—

(i) in the heading by striking "IMAGES" and inserting "VISUAL DEPICTIONS";

(ii) by striking "image" and inserting "visual depiction"; and

(iii) by inserting "or other content" after "apparent child pornography"; and

(F) in paragraph (5)—

(i) by striking "image" and inserting "visual depiction";

(ii) by inserting "or other content" after "apparent child pornography"; and

(iii) by striking "images" and inserting "visual depictions";

(4) by amending subsection (c) to read as follows:

"(c) FORWARDING OF REPORT TO LAW ENFORCEMENT.—Pursuant to its clearinghouse role as a private, nonprofit organization, and at the conclusion of its review in furtherance of its nonprofit mission, NCMEC shall make available each report made under subsection (a)(1) to one or more of the following law enforcement agencies:

"(1) Any Federal law enforcement agency that is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

"(2) Any State or local law enforcement agency that is involved in the investigation of child sexual exploitation.

"(3) A foreign law enforcement agency designated by the Attorney General under subsection (d)(3) or a foreign law enforcement agency that has an established relationship with the Federal Bureau of Investigation, Immigration and Customs Enforcement, or INTERPOL, and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.";

(5) in subsection (d)—

(A) in paragraph (2), by striking "shall designate promptly the" and inserting "may designate a";

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "shall promptly" and inserting "may"; and

(ii) in subparagraph (A), by striking "designate the" and inserting "designate";

(C) in paragraph (4)—

(i) by striking "shall" and inserting "may";

(ii) by striking "the National Center for Missing and Exploited Children" and inserting "NCMEC"; and

(iii) by striking "electronic communication service providers, remote computing service providers" and inserting "providers";

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

"(5) NOTIFICATION TO PROVIDERS.—

"(A) IN GENERAL.—NCMEC may notify a provider of the information described in subparagraph (B), if—

"(i) a provider notifies NCMEC that the provider is making a report under this section as the result of a request by a foreign law enforcement agency; and

"(ii) NCMEC forwards the report described in clause (i) to—

"(I) the requesting foreign law enforcement agency; or

"(II) another agency in the same country designated by the Attorney General under paragraph (3) or that has an established relationship with the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, or INTERPOL and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

"(B) INFORMATION DESCRIBED.—The information described in this subparagraph is—

"(i) the identity of the foreign law enforcement agency to which the report was forwarded; and

"(ii) the date on which the report was forwarded.

"(C) NOTIFICATION OF INABILITY TO FORWARD REPORT.—If a provider notifies NCMEC that the provider is making a report under this section as the result of a request by a foreign law enforcement agency and NCMEC is unable to forward the report as described in subparagraph (A)(ii), NCMEC shall notify the provider that NCMEC was unable to forward the report.";

(6) in subsection (e), by striking "An electronic communication service provider or remote computing service provider" and inserting "A provider";

(7) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking "an electronic communication service provider or a remote computing service provider" and inserting "a provider"; and

(B) in paragraph (3), by striking "seek" and inserting "search, screen, or scan for";

(8) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A)(vi), by striking "an electronic communication service provider or remote computing service provider" and inserting "a provider"; and

(ii) by amending subparagraph (B) to read as follows:

"(B) LIMITATION.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide visual depictions of apparent child pornography to a provider.";

(B) in paragraph (3)—

(i) in the paragraph heading, by striking "THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN" and inserting "NCMEC";

(ii) in the matter preceding subparagraph (A)—

(I) by striking "The National Center for Missing and Exploited Children" and inserting "NCMEC";

(II) by inserting after "may disclose" the following: "by mail, electronic transmission, or other reasonable means,"; and

(III) by striking "only" and inserting "only to";

(iii) in subparagraph (A)—

(I) by striking " to any Federal law enforcement agency" and inserting "any Federal law enforcement agency"; and

(II) by inserting before the semicolon at the end the following: "or that is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes";

(iv) in subparagraph (B)—

(I) by striking "to any State" and inserting "any State"; and

(II) by striking "child pornography, child exploitation" and inserting "child sexual exploitation";

(v) in subparagraph (C)—

(I) by striking "to any foreign law enforcement agency" and inserting "any foreign law enforcement agency"; and

(II) by striking "; and" and inserting "or that has an established relationship with the Federal Bureau of Investigation, Immigration and Customs Enforcement, or INTERPOL, and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes;";

(vi) in subparagraph (D)—

(I) by striking "to an electronic communication service provider or remote computing service provider" and inserting "a provider"; and

(II) by striking the period at the end and inserting "; and"; and

(vii) by adding after subparagraph (D) the following:

"(E) respond to legal process, as necessary."; and

(C) by adding at the end the following:

"(4) PERMITTED DISCLOSURE BY A PROVIDER.—A provider that submits a report under subsection (a)(1) may disclose by mail, electronic transmission, or other reasonable means, information, including visual depictions contained in the report, in a manner consistent with permitted disclosures under paragraphs (3) through (8) of section 2702(b) only to a law enforcement agency described in subparagraph (A), (B), or (C) of paragraph (3), to NCMEC, or as necessary to respond to legal process."; and

(9) in subsection (h)—

(A) in paragraph (1)—

(i) by striking "the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report" and inserting "a completed submission by a provider of a report to the CyberTipline"; and

(ii) by striking ", as if such request was made pursuant to section 2703(f)" and inserting "the contents provided in the report for 90 days after the submission to the CyberTipline";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(D) in paragraph (2), as so redesignated—

(i) in the heading, by striking "IMAGES" and inserting "CONTENT";

(ii) by striking "an electronic communication service provider or a remote computing service" and inserting "a provider";

(iii) by striking "images" and inserting "visual depictions"; and

(iv) by striking "commingled or interspersed among the images of apparent child pornography within a particular communication or user created folder or

directory" and inserting "reasonably accessible and may provide context or additional information about the reported material or person"; and

(E) in paragraph (3), as so redesignated, by striking "An electronic communication service or remote computing service" and inserting "A provider".

SEC. 3. LIMITED LIABILITY FOR PROVIDERS OR DOMAIN NAME REGISTRARS.

Section 2258B of title 18, United States Code, is amended—

(1) in the heading—

(A) by striking "**electronic communication service providers, remote computing service providers,**" and inserting "**providers**"; and

(B) by striking "**registrar**" and inserting "**registrars**";

(2) in subsection (a)—

(A) by striking "an electronic communication service provider, a remote computing service provider," and inserting "a provider"; and

(B) by striking "such electronic communication service provider, remote computing service provider," each place it appears and inserting "such provider";

(3) in subsection (b), by striking "electronic communication service provider, remote computing service provider," each place it appears and inserting "provider"; and

(4) in subsection (c)—

(A) by striking "image" each place it appears and inserting "visual depiction"; and

(B) in the matter preceding paragraph (1), by striking "An electronic communication service provider, a remote computing service provider," and inserting "A provider".

SEC. 4. USE TO COMBAT CHILD PORNOGRAPHY OF TECHNICAL ELEMENTS RELATING TO REPORTS MADE TO CYBERTIPLINE.

Section 2258C of title 18, United States Code, is amended—

(1) in the heading, by striking "**to images reported to**" and inserting "**to reports made to**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "The National Center for Missing and Exploited Children" and inserting "NCMEC";

(ii) by striking "apparent child pornography image of an identified child" and inserting "CyberTipline report";

(iii) by striking "an electronic communication service provider or a remote computing service provider" and inserting "a provider";

(iv) by striking "that electronic communication service provider or remote computing service provider" and inserting "that provider"; and

(v) by striking "further transmission of images" and inserting "online sexual exploitation of children";

(B) in paragraph (2), by striking "specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography" and inserting "specific visual depiction, including an Internet location and any other elements provided in a CyberTipline report that can be used to

identify, prevent, curtail, or stop the transmission of child pornography and prevent the online sexual exploitation of children"; and

(C) in paragraph (3), by striking "actual images" and inserting "actual visual depictions of apparent child pornography";

(3) in subsection (b)—

(A) in the heading, by striking "ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS" and inserting "PROVIDERS";

(B) by striking "electronic communication service provider or remote computing service provider" each place it appears and inserting "provider";

(C) by striking "apparent child pornography image of an identified child from the National Center for Missing and Exploited Children" and inserting "CyberTipline report from NCMEC";

(D) by striking "shall not relieve that" and inserting "shall not relieve the"; and

(E) by striking "its reporting obligations" and inserting "reporting";

(4) in subsection (c)—

(A) by striking "electronic communication service providers or remote computing service providers" and inserting "providers";

(B) by striking "apparent child pornography image of an identified child from the National Center for Missing and Exploited Children" and inserting "CyberTipline report from NCMEC"; and

(C) by striking "further transmission of the images" and inserting "online sexual exploitation of children";

(5) in subsection (d)—

(A) by striking "The National Center for Missing and Exploited Children shall" and inserting "NCMEC may";

(B) by inserting after "local law enforcement" the following: ", and to foreign law enforcement agencies described in section 2258A(c)(3),";

(C) by striking "investigation of child pornography" and inserting "investigation of child sexual exploitation";

(D) by striking "image of an identified child" and inserting "visual depiction"; and

(E) by striking "reported to the National Center for Missing and Exploited Children" and inserting "reported to the CyberTipline"; and

(6) in subsection (e)—

(A) by inserting before "Federal" the following: "foreign,";

(B) by striking "image of an identified child from the National Center for Missing and Exploited Children under section (d)" and inserting "visual depiction from NCMEC under subsection (d)";

(C) by striking "child pornography crimes" and inserting "child sexual exploitation crimes,"; and

(D) by inserting before the period at the end the following: "and prevent future sexual victimization of children".

SEC. 5. LIMITED LIABILITY FOR NCMEC.

Section 2258D of title 18, United States Code, is amended—

(1) in the heading, by striking "**the National Center for Missing and Exploited Children**" and inserting "**NCMEC**";

(2) in subsection (a)—

(A) by striking "Except as provided" and inserting "Pursuant to its clearinghouse role as a private, nonprofit organization and its mission to help find missing children, reduce online sexual exploitation of children and prevent future victimization, and except as provided";

(B) by striking "the National Center for Missing and Exploited Children" and inserting "NCMEC";

(C) by striking "(42 U.S.C. 5773)" and inserting "(34 U.S.C. 11293)";

(D) by striking "such center" each place it appears and inserting "NCMEC"; and

(E) by striking "from the effort" and inserting "from the efforts";

(3) in subsection (b)—

(A) by striking "the National Center for Missing and Exploited Children" and inserting "NCMEC";

(B) by striking "such center" and inserting "NCMEC"; and

(C) by striking "(42 U.S.C. 5773)" and inserting "(34 U.S.C. 11293)"; and

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "The National Center for Missing and Exploited Children" and inserting "NCMEC"; and

(B) by striking "image" each place it appears and inserting "visual depiction".

SEC. 6. DEFINITIONS.

Section 2258E of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "2258D" and inserting "2258E";

(2) in paragraph (5), by striking "and" at the end;

(3) by redesignating paragraph (6) as paragraph (8); and

(4) by inserting after paragraph (5) the following:

"(6) the term 'provider' means an electronic communication service provider or remote computing service;

"(7) the term 'NCMEC' means the National Center for Missing & Exploited Children; and".

SEC. 7. TECHNICAL AND CONFORMING AMENDMENT.

18 USC prec. 2251.

The table of sections for chapter 110 of title 18, United States Code, is amended by striking the items relating to sections 2258A, 2258B, 2258C, and 2258D and inserting the following:

"2258A. Reporting requirements of providers.

"2258B. Limited liability for providers or domain name registrars.

"2258C. Use to combat child pornography of technical elements relating to reports made to the CyberTipline.
"2258D. Limited liability for NCMEC.".

Approved December 21, 2018.

LEGISLATIVE HISTORY—S. 3170:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 27, considered and passed Senate.
Dec. 12, considered and passed House.

Public Law 115–396
115th Congress

An Act

Dec. 21, 2018
[S. 3628]

To reauthorize the National Flood Insurance Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Flood Insurance Program Extension Act.
42 USC 4001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Extension Act".

SEC. 2. REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "December 7, 2018" and inserting "May 31, 2019".

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "December 7, 2018" and inserting "May 31, 2019".

42 USC 4016 note.

(c) RETROACTIVE EFFECTIVE DATE.—If this Act is enacted after December 7, 2018, the amendments made by subsections (a) and (b) shall take effect as if enacted on December 7, 2018.

Approved December 21, 2018.

LEGISLATIVE HISTORY—S. 3628:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 29, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–397
115th Congress

An Act

To amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, review, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes.

Dec. 21, 2018
[S. 3749]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Congressional Accountability Act of 1995 Reform Act.
2 USC 1301 note.

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Accountability Act of 1995 Reform Act".

(b) REFERENCES IN ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.

TITLE I—REFORM OF DISPUTE RESOLUTION PROCEDURES

Subtitle A—Reform of Procedures for Initiation, Preliminary Review, and Resolution of Claims

Sec. 101. Description of procedures available for consideration of alleged violations.
Sec. 102. Reform of process for initiation of procedures.
Sec. 103. Preliminary review of claims by hearing officer.
Sec. 104. Availability of mediation during process.

Subtitle B—Other Reforms

Sec. 111. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards in cases of acts by Members.
Sec. 112. Automatic referral to Congressional Ethics Committees of disposition of certain claims alleging violations of Congressional Accountability Act of 1995 involving Members of Congress and senior staff.
Sec. 113. Availability of remote work assignment or paid leave of absence during pendency of procedures.
Sec. 114. Modification of rules on confidentiality of proceedings.
Sec. 115. Reimbursement by other employing offices of legislative branch of payments of certain awards and settlements.

TITLE II—IMPROVING OPERATIONS OF OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Sec. 201. Reports on awards and settlements.
Sec. 202. Workplace climate surveys of employing offices.
Sec. 203. Record retention.
Sec. 204. Confidential advisors.
Sec. 205. GAO study of management practices.

Sec. 206. GAO audit of cybersecurity.

TITLE III—MISCELLANEOUS REFORMS

Sec. 301. Application of Genetic Information Nondiscrimination Act of 2008.
Sec. 302. Extension to unpaid staff of rights and protections against employment discrimination.
Sec. 303. Clarification of treatment of Library of Congress visitors.
Sec. 304. Notices.
Sec. 305. Clarification of coverage of employees of Helsinki and China Commissions.
Sec. 306. Training and education programs of other employing offices.
Sec. 307. Support for out-of-area covered employees.
Sec. 308. Renaming Office of Compliance as Office of Congressional Workplace Rights.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—REFORM OF DISPUTE RESOLUTION PROCEDURES

Subtitle A—Reform of Procedures for Initiation, Preliminary Review, and Resolution of Claims

SEC. 101. DESCRIPTION OF PROCEDURES AVAILABLE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

(a) PROCEDURES DESCRIBED.—Section 401 (2 U.S.C. 1401) is amended to read as follows:

"SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

"(a) FILING AND REVIEW OF CLAIMS.—Except as otherwise provided, the procedure for consideration of an alleged violation of part A of title II consists of—

"(1) the filing of a claim by the covered employee alleging the violation, as provided in section 402;

"(2) the preliminary review of the claim, to be conducted by a hearing officer as provided in section 403;

"(3) mediation as provided in section 404, if requested and agreed to by the parties under that section; and

Hearing.

"(4) a formal hearing as provided in section 405, subject to Board review as provided in section 406 and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407.

"(b) RIGHT OF EMPLOYEE TO FILE CIVIL ACTION.—

"(1) CIVIL ACTION.—Only a covered employee who has filed a claim timely as provided in section 402 and who has not submitted a request for a hearing on the claim pursuant to section 405(a) may, during the period described in paragraph (3), file a civil action in a District Court of the United States with respect to the violation alleged in the claim, as provided in section 408.

"(2) EFFECT OF FILING CIVIL ACTION.—Notwithstanding paragraph (2), (3), or (4) of subsection (a), if the covered employee files such a civil action—

"(A) the preliminary review of the claim by the hearing officer as provided in section 403 shall terminate upon the filing of the action by the covered employee; and

"(B) the procedure for consideration of the alleged violation shall not include any further review of the claim by the hearing officer as provided in section 403.

"(3) PERIOD FOR FILING CIVIL ACTION.—The period described in this paragraph with respect to a claim is the 70-day period which begins on the date the covered employee files the claim under section 402.

Deadline.

"(4) SPECIAL RULE FOR EMPLOYEES WHO FAIL TO STATE A CLAIM FOR WHICH RELIEF MAY BE GRANTED.—Notwithstanding paragraph (3), if a covered employee receives a written notice from the hearing officer under section 403(d)(2) that the employee has the right to file a civil action with respect to the claim in accordance with section 408, the covered employee may file the civil action not later than 90 days after receiving such written notice.

"(c) SPECIAL RULE FOR ARCHITECT OF THE CAPITOL AND CAPITOL POLICE.—In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Office, after receiving a claim filed under section 402, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time. Any deadline in this Act relating to a claim for which the employee is using the grievance procedures, that has not already passed by the first day of that specific period, shall be stayed during that specific period.

"(d) ELECTION OF REMEDIES FOR LIBRARY OF CONGRESS.—

"(1) DEFINITIONS.—In this subsection:

"(A) DIRECT ACT.—The term 'direct Act' means an Act (other than this Act), or provision of the Revised Statutes, that is specified in section 201, 202, or 203.

"(B) DIRECT PROVISION.—The term 'direct provision' means a provision (including a definitional provision) of a direct Act that applies the rights or protections of a direct Act (including rights and protections relating to nonretaliation or noncoercion) to a Library claimant.

"(C) LIBRARY CLAIMANT.—The term 'Library claimant' means, with respect to a direct provision, an employee of the Library of Congress who is covered by that direct provision.

Time period.

"(2) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER THIS ACT.—A Library claimant who initially files a claim for an alleged violation as provided in section 402 may, at any time before the date that is 10 days after a hearing officer submits the report on the preliminary review of the claim under section 403(c), elect to bring the claim for a proceeding before the corresponding Federal agency under the corresponding direct provision, instead of continuing with the procedures applicable to the claim under this title or filing a civil action in accordance with section 408.

"(3) ELECTION AFTER PROCEEDINGS INITIALLY BROUGHT UNDER OTHER CIVIL RIGHTS OR LABOR LAW.—A Library claimant who initially brings a claim, complaint, or charge under a direct provision for a proceeding before a Federal agency may,

prior to requesting a hearing under the agency's procedures, elect to—

"(A) continue with the agency's procedures and preserve the option (if any) to bring any civil action relating to the claim, complaint, or charge, that is available to the Library claimant; or

"(B) file a claim with the Office under section 402 and continue with the corresponding procedures of this title available and applicable to a covered employee.

"(4) TIMING.—A Library claimant who meets the initial deadline under section 402(d) for filing a claim under this title, or any initial deadline for bringing a claim, complaint, or charge under the applicable direct provision, and then elects to change to alternative procedures as described in paragraph (2) or (3)(B), shall be considered to meet any initial deadline for the alternative procedures.

"(5) APPLICATION.—This subsection shall take effect and shall apply as described in section 153(c) of the Legislative Branch Appropriations Act, 2018 (Public Law 115–141) (except to the extent such section applies to any violation of section 210 or a provision of an Act specified in section 210).

"(e) RIGHTS OF PARTIES TO RETAIN PRIVATE COUNSEL.—Nothing in this Act may be construed to limit the authority of any individual (including a covered employee, the head of an employing office, or an individual who is alleged to have committed personally an act which consists of a violation of part A of title II) to retain counsel to protect the interests of the individual at any point during any of the procedures provided under this title for the consideration of an alleged violation of part A of title II, including as provided under section 415(d)(8) with respect to individuals subject to a reimbursement requirement of section 415(d).

"(f) STANDARDS FOR ASSERTIONS MADE BY PARTIES.—Any party in any of the procedures provided under this title, as well as any counsel or other person representing a party in any of such procedures, shall have an obligation to ensure that, to the best of the party's knowledge, information, and belief, as formed after an inquiry which is reasonable under the circumstances, each of the following is correct:

"(1) No pleading, written motion, or other paper is presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of resolution of the matter.

"(2) The claims, defenses, and other legal contentions the party advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.

"(3) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further review or discovery.

"(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

"(g) PROCEDURE.—Nothing in this Act shall be construed to supersede or limit section 225(d)(2).".

(b) CONFORMING AMENDMENT RELATING TO CIVIL ACTION.—Section 408(a) (2 U.S.C. 1408(a)) is amended—

(1) by striking "section 404" and inserting "section 401";

(2) by striking "who has completed counseling under section 402 and mediation under section 403"; and

(3) by striking the second sentence.

(c) OTHER CONFORMING AMENDMENTS TO TITLE IV.—Title IV is amended—

(1) by striking section 404 (2 U.S.C. 1404); and

(2) by redesignating section 403 (2 U.S.C. 1403) as section 404.

(d) MISCELLANEOUS CONFORMING AMENDMENT.—Section 225 (2 U.S.C. 1361) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(e) CLERICAL AMENDMENTS.—The table of contents is amended—

(1) by striking the item relating to section 404; and

(2) by redesignating the item relating to section 403 as relating to section 404.

SEC. 102. REFORM OF PROCESS FOR INITIATION OF PROCEDURES.

(a) INITIATION OF PROCEDURES.—Section 402 (2 U.S.C. 1402) is amended to read as follows:

"SEC. 402. INITIATION OF PROCEDURES.

"(a) CLAIM.—

"(1) FILING OF CLAIM.—To commence a proceeding under this title, a covered employee alleging a violation of law made applicable under part A of title II shall file a claim with the Office. The Office shall not accept a claim which is filed after the deadline applicable under subsection (d).

"(2) CONTENTS OF CLAIM.—The claim filed under this section shall be made in writing under oath or affirmation, shall describe the facts that form the basis of the claim and the violation that is being alleged, shall identify the employing office alleged to have committed the violation or in which the violation is alleged to have occurred, and shall be in such form as the Office requires.

"(3) NO EFFECT ON ABILITY OF COVERED EMPLOYEE TO SEEK INFORMATION FROM OFFICE OR PURSUE RELIEF.—Nothing in paragraph (2), or subsection (b) or (c), may be construed to limit the ability of a covered employee—

"(A) to contact the Office or any other appropriate office prior to filing a claim under this section to seek information regarding the employee's rights under this Act and the procedures available under this Act;

"(B) in the case of a covered employee of an employing office of the House of Representatives or Senate, to refer information regarding an alleged violation of part A of title II to the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate (as the case may be); or

"(C) to file a civil action in accordance with section 401(b).

"(b) INITIAL PROCESSING OF CLAIM.—

"(1) INTAKE AND RECORDING; NOTIFICATION TO EMPLOYING OFFICE.—Upon the filing of a claim by a covered employee under subsection (a), the Office shall take such steps as may be necessary for the initial intake and recording of the claim, including providing each party with all relevant information

with respect to the rights of the party under this Act, and shall transmit immediately a copy of the claim to the head of the employing office and the designated representative of that office.

"(2) SPECIAL NOTIFICATION REQUIREMENTS FOR CLAIMS BASED ON ACTS BY MEMBERS OF CONGRESS.—

Reimbursements.

"(A) IN GENERAL.—In the case of a claim alleging a violation described in subparagraph (B) which consists of a violation described in section 415(d)(1)(A) by an individual, upon the filing of the claim under subsection (a), the Office shall notify immediately such individual of the claim, the possibility that the individual may be required to reimburse the account described in section 415(a) for the reimbursable portion of any award or settlement in connection with the claim, and the right of the individual under section 415(d)(8) to intervene in any mediation, hearing, or civil action under this title with respect to the claim.

"(B) VIOLATIONS DESCRIBED.—A violation described in this subparagraph is—

"(i) harassment that is unlawful under section 201(a) or 206(a); or

"(ii) intimidation, reprisal, or discrimination that is unlawful under section 207 and is taken against a covered employee because of a claim alleging a violation described in clause (i).

"(c) USE OF SECURE ELECTRONIC REPORTING AND TRACKING SYSTEM.—

"(1) ESTABLISHMENT AND OPERATION OF SECURE SYSTEM.—The Office shall establish and operate a secure electronic reporting system through which a covered employee may initiate a proceeding under this title, and which will keep an electronic record of the date and time at which the proceeding is initiated and will track all subsequent actions or proceedings occurring with respect to the proceeding under this title.

"(2) ACCESSIBILITY TO ALL PARTIES.—The system shall be accessible to all parties to such actions or proceedings, but only until the completion of such actions or proceedings.

Reports.

"(3) ASSESSMENT OF EFFECTIVENESS OF PROCEDURES.—The Office shall use the information contained in the system to make regular assessments of the effectiveness of the procedures under this title in providing for the timely resolution of claims, and shall submit semi-annual reports on such assessments each year to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

"(d) DEADLINE.—A covered employee may not file a claim under this section with respect to an allegation of a violation of law after the expiration of the 180-day period which begins on the date of the alleged violation.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 402 to read as follows:

"Sec. 402. Initiation of procedures.".

SEC. 103. PRELIMINARY REVIEW OF CLAIMS BY HEARING OFFICER.

(a) PRELIMINARY REVIEW DESCRIBED.—Title IV (2 U.S.C. 1401 et seq.), as amended by section 101(c), is further amended by inserting after section 402 the following new section:

"SEC. 403. PRELIMINARY REVIEW OF CLAIMS. 2 USC 1402a.

"(a) PRELIMINARY REVIEW BY HEARING OFFICER.—

"(1) APPOINTMENT.—Not later than 7 days after transmission to the employing office of a claim pursuant to section 402(b), the Executive Director shall appoint a hearing officer to conduct a preliminary review of the claim. Deadline.

"(2) PROCESS FOR APPOINTMENT.—The Executive Director shall appoint a hearing officer under this subsection in the same manner and in accordance with the same requirements and procedures applicable to the appointment of a hearing officer under section 405(c).

"(b) ASSESSMENTS REQUIRED.—In conducting a preliminary review of a claim under this section, the hearing officer shall assess each of the following:

"(1) Whether the claimant is a covered employee authorized to obtain relief relating to the claim under this title.

"(2) Whether the office which is the subject of the claim is an employing office under this Act.

"(3) Whether the individual filing the claim has met the applicable deadlines for filing the claim under this title.

"(4) The identification of factual and legal issues involved with respect to the claim.

"(5) The specific relief sought by the individual.

"(6) Whether, on the basis of the assessments made under paragraphs (1) through (5), the individual filing the claim is a covered employee who has stated a claim for which, if the allegations contained in the claim are true, relief may be granted under this title.

"(7) The potential for the settlement of the claim without a formal hearing as provided under section 405 or a civil action as provided under section 408.

"(c) REPORT ON REVIEW.—

"(1) REPORT.—Not later than 30 days after a claim is filed under section 402, the hearing officer shall submit to the individual filing the claim and the office which is the subject of the claim a report on the preliminary review conducted under this section, and shall include in the report the hearing officer's determination as to whether the individual is a covered employee who has stated a claim for which relief may be granted under this title (as described in paragraph (6) of subsection (b)). The submission of the report shall conclude the preliminary review.

"(2) EXTENSION OF DEADLINE.—The hearing officer may (upon notice to the individual filing the claim and the employing office which is the subject of the claim) use an additional period of not to exceed 30 days to conclude the preliminary review. Notice.

"(d) EFFECT OF DETERMINATION OF FAILURE TO STATE CLAIM FOR WHICH RELIEF MAY BE GRANTED.—If the hearing officer's report on the preliminary review of a claim under subsection (c) includes the determination that the individual filing the claim

is not a covered employee or has not stated a claim for which relief may be granted under this title—

"(1) the individual (including an individual who is a Library claimant, as defined in section 401(d)(1)) may not obtain a formal hearing with respect to the claim as provided under section 405; and

Notice.

"(2) the hearing officer shall provide the individual and the Executive Director with a written notice that the individual may file a civil action with respect to the claim in accordance with section 408.

"(e) TRANSMISSION OF REPORT ON PRELIMINARY REVIEW OF CERTAIN CLAIMS TO CONGRESSIONAL ETHICS COMMITTEES.—In the case of a hearing officer's report under subsection (c) on the preliminary review of a claim alleging a violation described in section 415(d)(1)(A), the hearing officer shall transmit the report to—

"(1) the Committee on Ethics of the House of Representatives, in the case of such an act by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress); or

"(2) the Select Committee on Ethics of the Senate, in the case of such an act by a Senator.".

(b) DEADLINE FOR REQUESTING HEARING AFTER PRELIMINARY REVIEW.—Section 405(a) (2 U.S.C. 1405(a)) is amended to read as follows:

"(a) REQUIREMENT FOR HEARINGS TO COMMENCE IN OFFICE.—

"(1) HEARING REQUIRED UPON REQUEST.—If, not later than 10 days after a hearing officer submits the report on the preliminary review of a claim under section 403(c), a covered employee submits a request to the Executive Director for a hearing under this section, the Executive Director shall appoint an independent hearing officer pursuant to subsection (c) to consider the claim and render a decision, and a hearing shall be commenced in the Office.

"(2) EXCEPTIONS.—Paragraph (1) does not apply with respect to the claim if—

"(A) the hearing officer's report on the preliminary review of the claim under section 403(c) includes the determination that the individual filing the claim is not a covered employee who has stated a claim for which relief may be granted under this title (as described in section 403(d)); or

"(B) the covered employee files a civil action as provided in section 408 with respect to the claim.".

(c) PROHIBITING HEARING OFFICER CONDUCTING PRELIMINARY REVIEW FROM CONDUCTING HEARING.—Section 405(c) (2 U.S.C. 1405(c)) is amended by adding at the end the following new paragraph:

"(3) PROHIBITING HEARING OFFICER CONDUCTING PRELIMINARY REVIEW FROM CONDUCTING HEARING.—The Executive Director may not appoint a hearing officer to conduct a hearing under this section with respect to a claim if the hearing officer conducted the preliminary review with respect to the claim under section 403.".

(d) DEADLINE FOR COMMENCEMENT OF HEARING; PERMITTING ADDITIONAL TIME.—Section 405(d) (2 U.S.C. 1405(d)) is amended by striking paragraph (2) and inserting the following:

"(2) commenced no later than 90 days after the Executive Director receives the covered employee's request for the hearing under subsection (a), except that, upon mutual agreement of the parties or for good cause, the Office shall extend the time for commencing a hearing for not more than an additional 30 days; and".

(e) OTHER CONFORMING AMENDMENTS RELATING TO HEARINGS CONDUCTED BY OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS.—Section 405 (2 U.S.C. 1405) is amended as follows:

(1) In the heading, by striking "**COMPLAINT AND**".

(2) In subsection (c)(1), by striking "complaint" and inserting "request for a hearing under subsection (a)".

(3) In subsection (d) in the matter preceding paragraph (1), by striking "complaint" and inserting "claim".

(4) In subsection (g), by striking "complaint" and inserting "claim".

(f) OTHER CONFORMING AMENDMENT.—The heading of section 414 (2 U.S.C. 1414) is amended by striking "**OF COMPLAINTS**".

(g) CLERICAL AMENDMENTS.—The table of contents, as amended by section 101(e), is further amended as follows:

(1) By inserting after the item relating to section 402 the following new item:

"Sec. 403. Preliminary review of claims.".

(2) By amending the item relating to section 405 to read as follows:

"Sec. 405. Hearing.".

(3) By amending the item relating to section 414 to read as follows:

"Sec. 414. Settlement.".

SEC. 104. AVAILABILITY OF MEDIATION DURING PROCESS.

(a) AVAILABILITY OF MEDIATION.—Section 404(a) (2 U.S.C. 1403(a)), as redesignated by section 101(c), is amended to read as follows:

"(a) AVAILABILITY OF MEDIATION.—

"(1) NOTIFICATION REGARDING MEDIATION.—

"(A) COVERED EMPLOYEE.—Upon receipt of a claim under section 402, the Office shall notify the covered employee who filed the claim about the process for mediation under this section and the deadlines applicable to such mediation.

"(B) EMPLOYING OFFICE.—Upon transmission to the employing office of the claim pursuant to section 402(b), the Office shall notify the employing office about the process for mediation under this section and the deadlines applicable to such mediation.

"(2) INITIATION.—

"(A) IN GENERAL.—During the period described in subparagraph (B), either the covered employee who filed a claim under section 402 or the employing office named in the claim may file a request for mediation with the Office, which shall promptly notify the other party. If the other party agrees to the request, the Office shall promptly assign a mediator to the claim, and conduct mediation under this section.

"(B) TIMING.—A covered employee or an employing office may file a request for mediation under subparagraph (A) during the period beginning on the date that the covered employee or employing office, respectively, receives a notification under paragraph (1) regarding a claim under section 402 and ending on the date on which a hearing officer issues a written decision relating to the claim under section 405(g) or the covered employee files a civil action with respect to the claim in accordance with section 408, as applicable.

"(3) FAILURE TO REQUEST OR ACCEPT MEDIATION TO HAVE NO EFFECT ON TREATMENT OF CLAIM.—The failure of a party to request mediation under this section with respect to a claim, or the failure of a party to agree to a request for mediation under this section, may not be taken into consideration under any procedure under this title with respect to the claim, including a preliminary review under section 403, a formal hearing under section 405, or a civil action under section 408.".

(b) REQUIRING PARTIES TO BE SEPARATED DURING MEDIATION AT REQUEST OF EMPLOYEE.—Section 404(b)(2) (2 U.S.C. 1403(b)(2)), as redesignated by section 101(c), is amended by striking "meetings with the parties separately or jointly" and inserting "meetings with the parties during which, at the request of any of the parties, the parties shall be separated,".

(c) PERIOD OF MEDIATION.—Section 404(c) (2 U.S.C. 1403(c)), as redesignated by section 101(c), is amended by striking the first 2 sentences and inserting the following: "The mediation period shall be 30 days, beginning on the first day after the second party agrees to the request for the mediation. The mediation period may be extended for one additional period of 30 days at the joint request of the covered employee and employing office. Any deadline in this Act relating to a claim for which mediation has been agreed to in this section, that has not already passed by the first day of the mediation period, shall be stayed during the mediation period.".

Subtitle B—Other Reforms

SEC. 111. REQUIRING MEMBERS OF CONGRESS TO REIMBURSE TREASURY FOR AMOUNTS PAID AS SETTLEMENTS AND AWARDS IN CASES OF ACTS BY MEMBERS.

(a) MANDATING REIMBURSEMENT OF AMOUNTS PAID.—Section 415 (2 U.S.C. 1415) is amended by adding at the end the following new subsection:

"(d) REIMBURSEMENT BY MEMBERS OF CONGRESS OF AMOUNTS PAID AS SETTLEMENTS AND AWARDS.—

"(1) REIMBURSEMENT REQUIRED FOR CERTAIN VIOLATIONS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (D), if a payment is made from the account described in subsection (a) for an award or settlement in connection with a claim alleging a violation described in subparagraph (C) committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, the individual

shall reimburse the account for the amount of the award or settlement for the claim involved.

Applicability.

"(B) CONDITIONS.—In the case of an award made pursuant to a decision of a hearing officer under section 405, or a court in a civil action, subparagraph (A) shall apply only if the hearing officer or court makes a separate finding that a violation described in subparagraph (C) occurred which was committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, and such individual shall reimburse the account for the amount of compensatory damages included in the award as would be available if awarded under section 1977A(b)(3) of the Revised Statutes (42 U.S.C. 1981a(b)(3)) irrespective of the size of the employing office. In the case of a settlement for a claim described in section 416(d)(3), subparagraph (A) shall apply only if the conditions specified in section 416(d)(3) for requesting reimbursement are met.

"(C) VIOLATIONS DESCRIBED.—A violation described in this subparagraph is—

"(i) harassment that is unlawful under section 201(a) or 206(a); or

"(ii) intimidation, reprisal, or discrimination that is unlawful under section 207 and is taken against a covered employee because of a claim alleging a violation described in clause (i).

"(D) MULTIPLE CLAIMS.—If an award or settlement is made for multiple claims, some of which do not require reimbursement under this subsection, the individual described in subparagraph (A) shall only be required to reimburse for the amount (referred to in this Act as the 'reimbursable portion') that is—

"(i) described in subparagraph (A), subject to subparagraph (B); and

"(ii) included in the portion of the award or settlement attributable to a claim requiring reimbursement.

"(2) WITHHOLDING AMOUNTS FROM COMPENSATION.—

"(A) ESTABLISHMENT OF TIMETABLE AND PROCEDURES BY COMMITTEES.—For purposes of carrying out subparagraph (B), the applicable Committee shall establish a timetable and procedures for the withholding of amounts from the compensation of an individual who is a Member of the House of Representatives or a Senator.

"(B) DEADLINE.—The payroll administrator shall withhold from an individual's compensation and transfer to the account described in subsection (a) (after making any deposit required under section 8432(f) of title 5, United States Code) such amounts as may be necessary to reimburse the account described in subsection (a) for the reimbursable portion of the award or settlement described in paragraph (1) if the individual has not reimbursed the account as required under paragraph (1) prior to the expiration of the 90-day period which begins on the date a payment is made from the account for such an award or settlement.

"(C) APPLICABLE COMMITTEE DEFINED.—In this paragraph, the term 'applicable Committee' means—

"(i) the Committee on House Administration of the House of Representatives, in the case of an individual who, at the time of the withholding, is a Member of the House; or

"(ii) the Committee on Rules and Administration of the Senate, in the case of an individual who, at the time of the withholding, is a Senator.

"(3) USE OF AMOUNTS IN THRIFT SAVINGS FUND AS SOURCE OF REIMBURSEMENT.—

Deadline.

"(A) IN GENERAL.—If, by the expiration of the 180-day period that begins on the date a payment is made from the account described in subsection (a) for an award or settlement described in paragraph (1), an individual who is subject to a reimbursement requirement of this subsection has not reimbursed the account for the entire reimbursable portion as required under paragraph (1), withholding and transfers of amounts shall continue under paragraph (2) if the individual remains employed in the same position, and the Executive Director of the Federal Retirement Thrift Investment Board shall make a transfer described in subparagraph (B).

"(B) TRANSFERS.—The transfer by such Executive Director is a transfer, from the account of the individual in the Thrift Savings Fund to the account described in subsection (a), of an amount equal to the amount of that reimbursable portion of the award or settlement, reduced by—

"(i) any amount the individual has reimbursed, taking into account any amounts withheld under paragraph (2); and

"(ii) if the individual remains employed in the same position, any amount that the individual is scheduled to reimburse, taking into account any amounts to be withheld under the individual's timetable under paragraph (2).

"(C) INITIATION OF TRANSFER.—Notwithstanding section 8435 of title 5, United States Code, the Executive Director described in subparagraph (A) shall make the transfer under subparagraph (A) upon receipt of a written request to the Executive Director from the Secretary of the Treasury, in the form and manner required by the Executive Director.

"(D) COORDINATION BETWEEN PAYROLL ADMINISTRATOR AND THE EXECUTIVE DIRECTOR.—The payroll administrator and the Executive Director described in subparagraph (A) shall carry out this paragraph in a manner that ensures the coordination of the withholding and transferring of amounts under this paragraph, in accordance with regulations promulgated by the Board under section 303 and such Executive Director.

"(4) ADMINISTRATIVE WAGE GARNISHMENT OR OTHER COLLECTION OF WAGES FROM A SUBSEQUENT POSITION.—

Deadline.

"(A) INDIVIDUAL SUBJECT TO GARNISHMENT OR OTHER COLLECTION.—Subparagraph (B) shall apply to an individual who is subject to a reimbursement requirement of

this subsection if, at any time after the expiration of the 270-day period that begins on the date a payment is made from the account described in subsection (a) for an award or settlement described in paragraph (1), the individual—

"(i) has not reimbursed the account for the entire reimbursable portion as required under paragraph (1), through withholdings or transfers under paragraphs (2) and (3);

"(ii) is not serving in a position as a Member of the House of Representatives or a Senator; and

"(iii) is employed in a subsequent non-Federal position.

"(B) GARNISHMENT OR OTHER COLLECTION OF WAGES.— Deadline.
On the expiration of that 270-day period, the amount of the reimbursable portion of an award or settlement described in paragraph (1) (reduced by any amount the individual has reimbursed, taking into account any amounts withheld or transferred under paragraph (2) or (3)) shall be treated as a claim of the United States and transferred to the Secretary of the Treasury for collection. Upon that transfer, the Secretary of the Treasury shall collect the claim, in accordance with section 3711 of title 31, United States Code, including by administrative wage garnishment of the wages of the individual described in subparagraph (A) from the position described in subparagraph (A)(iii). The Secretary of the Treasury shall transfer the collected amount to the account described in subsection (a).

"(5) NOTIFICATION TO OFFICE OF PERSONNEL MANAGEMENT AND SECRETARY OF THE TREASURY.—

"(A) INDIVIDUAL SUBJECT TO ANNUITY OR SOCIAL SECURITY WITHHOLDING.—Subparagraph (B) shall apply to an individual subject to a reimbursement requirement of this subsection if, at any time after the expiration of the 270-day period described in paragraph (4)(A), the individual— Applicability.

"(i) has not served in a position as a Member of the House of Representatives or a Senator during the preceding 90 days; and

"(ii) is not employed in a subsequent non-Federal position.

"(B) ANNUITY OR SOCIAL SECURITY WITHHOLDING.—If, at any time after the 270-day period described in paragraph (4)(A), the individual described in subparagraph (A) has not reimbursed the account described in subsection (a) for the entire reimbursable portion of the award or settlement described in paragraph (1) (as determined by the Secretary of the Treasury), through withholdings, transfers, or collections under paragraphs (2) through (4), the Secretary of the Treasury (after consultation with the payroll administrator)— Determination. Consultation.

"(i) shall notify the Director of the Office of Personnel Management, who shall take such actions as the Director considers appropriate to withhold from any annuity payable to the individual under chapter 83 or chapter 84 of title 5, United States Code, and transfer to the account described in subsection (a), such amounts as may be necessary to reimburse the Notification.

account for the remainder of the reimbursable portion of an award or settlement described in paragraph (1); and

"(ii) shall (if necessary), notwithstanding section 207 of the Social Security Act (42 U.S.C. 407), take such actions as the Secretary of the Treasury considers appropriate to withhold from any payment to the individual under title II of the Social Security Act (42 U.S.C. 401 et seq.) and transfer to the account described in subsection (a), such amounts as may be necessary to reimburse the account for the remainder of the reimbursable portion of an award or settlement described in paragraph (1).

"(6) COORDINATION BETWEEN OPM AND TREASURY.—The Director of the Office of Personnel Management and the Secretary of the Treasury shall carry out paragraph (5) in a manner that ensures the coordination of the withholding and transferring of amounts under such paragraph, in accordance with regulations promulgated by the Director and the Secretary.

Determination.

"(7) CERTIFICATION.—Once the Executive Director determines that an individual who is subject to a reimbursement requirement of this subsection has reimbursed the account described in subsection (a) for the entire reimbursable portion, the Executive Director shall prepare a certification that the individual has completed that reimbursement, and submit the certification to—

"(A) the Committees on House Administration and Ethics of the House of Representatives, in the case of an individual who, at the time of committing the act involved, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress); and

"(B) the Select Committee on Ethics of the Senate, in the case of an individual who, at the time of committing the act involved, was a Senator.

"(8) RIGHT TO INTERVENE.—An individual who is subject to a reimbursement requirement of this subsection shall have the unconditional right to intervene in any mediation, hearing, or civil action under this title to protect the interests of the individual in the determination of whether an award or settlement described in paragraph (1) should be made, and the amount of any such award or settlement, except that nothing in this paragraph may be construed to require the covered employee who filed the claim to be deposed by counsel for the individual in a deposition that is separate from any other deposition taken from the employee in connection with the hearing or civil action.

"(9) DEFINITIONS.—In this subsection:

"(A) NON-FEDERAL POSITION.—The term 'non-Federal position' means a position other than the position of an employee, as defined in section 2105(a) of title 5, United States Code.

"(B) PAYROLL ADMINISTRATOR.—The term 'payroll administrator' means—

"(i) in the case of an individual who is a Member of the House of Representatives, the Chief Administrative Officer of the House of Representatives, or an

employee of the Office of the Chief Administrative Officer who is designated by the Chief Administrative Officer to carry out this subsection; or

"(ii) in the case of an individual who is a Senator, the Secretary of the Senate, or an employee of the Office of the Secretary of the Senate who is designated by the Secretary to carry out this subsection.".

(b) CONFORMING AMENDMENT.—Section 8437(e)(3) of title 5, United States Code, is amended by inserting "an obligation of the Executive Director to make a transfer under section 415(d)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(d)(3))," before "or an obligation".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to claims made on or after the date of the enactment of this Act.

Applicability.
2 USC 1415 note.

SEC. 112. AUTOMATIC REFERRAL TO CONGRESSIONAL ETHICS COMMITTEES OF DISPOSITION OF CERTAIN CLAIMS ALLEGING VIOLATIONS OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 INVOLVING MEMBERS OF CONGRESS AND SENIOR STAFF.

Section 416(e) (2 U.S.C. 1416(e)) is amended to read as follows:

"(e) AUTOMATIC REFERRAL TO CONGRESSIONAL ETHICS COMMITTEE OF DISPOSITIONS OF CLAIMS INVOLVING MEMBERS OF CONGRESS AND SENIOR STAFF.—

"(1) REFERRAL.—Upon the final disposition under this title (as described in paragraph (6)) of a claim alleging a violation described in section 415(d)(1)(C) committed personally by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, or by a senior staff of the House of Representatives or Senate, the Executive Director shall refer the claim to—

"(A) the Committee on Ethics of the House of Representatives, in the case of a Member or senior staff of the House; or

"(B) the Select Committee on Ethics of the Senate, in the case of a Senator or senior staff of the Senate.

"(2) ACCESS TO RECORDS AND INFORMATION.—If the Executive Director refers a claim to a Committee under paragraph (1), the Executive Director shall provide the Committee with access to the records of any preliminary reviews, hearings, or decisions of the hearing officers and the Board under this Act, and any information relating to an award or settlement paid, in response to such claim.

"(3) REVIEW BY SENATE ETHICS COMMITTEE OF SETTLEMENTS OF CERTAIN CLAIMS.—After the receipt of a settlement agreement for a claim that includes an allegation of a violation described in section 415(d)(1)(C) committed personally by a Senator, the Select Committee on Ethics of the Senate shall—

"(A) not later than 90 days after that receipt, review the settlement agreement; Deadline.

"(B) determine whether an investigation of the claim is warranted; and Determination.

"(C) if the Select Committee determines, after the investigation, that the claim that resulted in the settlement involved an actual violation described in section 415(d)(1)(C) committed personally by the Senator, then the Notification.

Select Committee shall notify the Executive Director to request the reimbursement described in section 415(d) and include the settlement in the report required by section 301(l).

"(4) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—If a Committee to which a claim is referred under paragraph (1) issues a report with respect to the claim, the Committee shall ensure that the report does not directly disclose the identity or position of the individual who filed the claim.

"(5) COMMITTEE AUTHORITY TO PROTECT IDENTITY OF A CLAIMANT.—

"(A) AUTHORITY.—If a Committee to which a claim is referred under paragraph (1) issues a report as described in paragraph (4) concerning a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, or a senior staff of the House of Representatives or Senate, the Committee may make an appropriate redaction to the information or data included in the report if the Chairman and Vice Chairman of the Committee reach agreement—

"(i) that including the information or data considered for redaction may lead to the unintentional disclosure of the identity or position of a claimant; and

"(ii) on the precise information or data to be redacted.

"(B) NOTATION AND STATEMENT.—The report including any such redaction shall note each redaction and include a statement that the redaction was made solely for the purpose of avoiding such an unintentional disclosure of the identity or position of a claimant.

"(C) RETENTION OF REPORTS.—The Committee making a redaction in accordance with this paragraph shall retain a copy of the report, without a redaction.

"(6) FINAL DISPOSITION DESCRIBED.—In this subsection, the 'final disposition' of a claim means any of the following:

"(A) An order or agreement to pay an award or settlement, including an agreement reached pursuant to mediation under section 404.

"(B) A final decision of a hearing officer under section 405(g) that is no longer subject to review by the Board under section 406.

"(C) A final decision of the Board under section 406(e) that is no longer subject to appeal to the United States Court of Appeals for the Federal Circuit under section 407.

"(D) A final decision in a civil action under section 408 that is no longer subject to appeal.

"(7) SENIOR STAFF DEFINED.—In this subsection, the term 'senior staff' means any individual who, at the time a violation occurred, was required to file a report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).".

SEC. 113. AVAILABILITY OF REMOTE WORK ASSIGNMENT OR PAID LEAVE OF ABSENCE DURING PENDENCY OF PROCEDURES.

(a) IN GENERAL.—Title IV (2 U.S.C. 1401 et seq.) is amended by adding at the end the following new section:

"SEC. 417. OPTION TO REQUEST REMOTE WORK ASSIGNMENT OR PAID LEAVE OF ABSENCE DURING PENDENCY OF PROCEDURES. 2 USC 1417.

"(a) OPTIONS FOR EMPLOYEES.—

"(1) REMOTE WORK ASSIGNMENT.—At the request of a covered employee who files a claim alleging a violation of part A of title II by the covered employee's employing office, during the pendency of any of the procedures available under this title for consideration of the claim, the employing office may permit the covered employee to carry out the employee's responsibilities from a remote location (referred to in this section as 'permitting a remote work assignment') where such relocation would have the effect of materially reducing interactions between the covered employee and any person alleged to have committed the violation, instead of from a location of the employing office.

"(2) EXCEPTION FOR WORK ASSIGNMENTS REQUIRED TO BE CARRIED OUT ONSITE.—If, in the determination of the covered employee's employing office, a covered employee who makes a request under this subsection cannot carry out the employee's responsibilities from a remote location or such relocation would not have the effect described in paragraph (1), the employing office may during the pendency of the procedures described in paragraph (1)—

"(A) grant a paid leave of absence to the covered employee;

"(B) permit a remote work assignment and grant a paid leave of absence to the covered employee; or

"(C) make another workplace adjustment, or permit a remote work assignment, that would have the effect of reducing interactions between the covered employee and any person alleged to have committed the violation described in paragraph (1).

"(3) ENSURING NO RETALIATION.—An employing office may not grant a covered employee's request under this subsection in a manner which would constitute a violation of section 207.

"(4) NO IMPACT ON VACATION OR PERSONAL LEAVE.—In granting leave for a paid leave of absence under this section, an employing office shall not require the covered employee to substitute, for that leave, any of the accrued paid vacation or personal leave of the covered employee.

"(b) EXCEPTION FOR ARRANGEMENTS SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS.—Subsection (a) does not apply to the extent that it is inconsistent with the terms and conditions of any collective bargaining agreement which is in effect with respect to an employing office.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by adding at the end of the items relating to title IV the following new item:

"Sec. 417. Option to request remote work assignment or paid leave of absence during pendency of procedures.".

SEC. 114. MODIFICATION OF RULES ON CONFIDENTIALITY OF PROCEEDINGS.

(a) MEDIATION.—Section 416(b) (2 U.S.C. 1416(b)) is amended by striking "All mediation" and inserting "All information discussed or disclosed in the course of any mediation".

(b) CLAIMS.—Section 416 (2 U.S.C. 1416), as amended by section 112 and subsection (a) of this section, is further amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "subsections (d), (e), and (f)" and inserting "subsections (c), (d), and (e)"; and

(4) by adding at the end the following:

"(f) CLAIMS.—Nothing in this section may be construed to prohibit a covered employee from disclosing the factual allegations underlying the covered employee's claim, or to prohibit an employing office from disclosing the factual allegations underlying the employing office's defense to the claim, in the course of any proceeding under this title.".

SEC. 115. REIMBURSEMENT BY OTHER EMPLOYING OFFICES OF LEGISLATIVE BRANCH OF PAYMENTS OF CERTAIN AWARDS AND SETTLEMENTS.

(a) REQUIRING REIMBURSEMENT.—Section 415 (2 U.S.C. 1415), as amended by section 111, is further amended by adding at the end the following new subsection:

"(e) REIMBURSEMENT BY EMPLOYING OFFICES.—

"(1) NOTIFICATION OF PAYMENTS MADE FROM ACCOUNT.—As soon as practicable after the Executive Director is made aware that a payment of an award or settlement under this Act has been made from the account described in subsection (a) in connection with a claim alleging a violation of section 201(a) or 206(a) by an employing office (other than an employing office of the House of Representatives or an employing office of the Senate), the Executive Director shall notify the head of the employing office that the payment has been made, and shall include in the notification a statement of the amount of the payment.

Deadline.

"(2) REIMBURSEMENT BY OFFICE.—Not later than 180 days after receiving a notification from the Executive Director under paragraph (1), the head of the employing office involved shall transfer to the account described in subsection (a), out of any funds available for operating expenses of the office, a payment equal to the amount specified in the notification.

"(3) TIMETABLE AND PROCEDURES FOR REIMBURSEMENT.—The head of an employing office shall transfer a payment under paragraph (2) in accordance with such timetable and procedures as may be established under regulations promulgated by the Office.".

Applicability.
2 USC 1415 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments made under section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415) for claims filed on or after the date of the enactment of this Act.

TITLE II—IMPROVING OPERATIONS OF OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

SEC. 201. REPORTS ON AWARDS AND SETTLEMENTS.

(a) ANNUAL REPORTS ON AWARDS AND SETTLEMENTS.—

(1) REQUIRING SUBMISSION AND PUBLICATION OF REPORTS.—Section 301 (2 U.S.C. 1381) is amended—

(A) in subsection (h)(3), by striking "complaint" each place it appears and inserting "claim"; and

(B) by adding at the end the following new subsection:

"(l) ANNUAL REPORTS ON AWARDS AND SETTLEMENTS.—

"(1) IN GENERAL.—Subject to the rules issued by the applicable committee pursuant to paragraph (2):

"(A) REQUIREMENT.—The Office shall prepare and submit to Congress, and publish on the public website of the Office, an annual report regarding payments from the account described in section 415(a) that were the result of claims alleging a violation of part A of title II (referred to in this subsection as 'covered payments'). Web posting.

"(B) REPORTING.—The reporting required under this paragraph shall—

"(i) for a covered payment, or the reimbursable portion of a covered payment, described in paragraph (2), conform to the requirements of the rules issued by the applicable committee under such paragraph; and

"(ii) for a covered payment, or the portion of a covered payment, not described in paragraph (2)—

"(I) include the amount of the covered payment or portion of the covered payment and information on the employing office involved; and

"(II) identify each provision of part A of title II that was the subject of a claim resulting in the covered payment or portion of the covered payment.

"(C) REPORTING PERIODS AND DATES.—The reporting required under this paragraph—

"(i) for 2019, shall be submitted by the 60th day after the date on which the committees described in paragraph (2) issue the rules described in paragraph (2) and shall reflect covered payments made in calendar year 2019; and

"(ii) for 2020 and each subsequent calendar year, shall be submitted by January 31 of that year and shall reflect covered payments made in the previous calendar year.

"(2) RULES REGARDING REPORTING OF COVERED PAYMENTS FOR EMPLOYING OFFICES OF THE HOUSE AND EMPLOYING OFFICES OF THE SENATE.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Deadline.

Senate shall each issue rules establishing the content, format, and other requirements for the reporting required under paragraph (1)(B)(i) with respect to—

"(i) any covered payment made for claims involving an employing office described in any of subparagraphs (A) through (C) of section 101(a)(9) of the House of Representatives or of the Senate, respectively; and

"(ii) the reimbursable portion of any such covered payment for which there is a finding requiring reimbursement under section 415(d)(1)(B) from a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, respectively.

"(B) APPLICABILITY.—The rules issued under subparagraph (A)—

"(i) by the Committee on House Administration of the House of Representatives shall apply to covered payments made for claims involving employing offices described in subparagraph (A)(i) of the House; and

"(ii) by the Committee on Rules and Administration of the Senate shall apply to covered payments made for claims involving employing offices described in subparagraph (A)(i) of the Senate.

"(3) PROTECTION OF IDENTITY OF INDIVIDUALS RECEIVING AWARDS AND SETTLEMENTS.—In preparing, submitting, and publishing the reports required under paragraph (1), the Office shall ensure that the identity or position of any claimant is not disclosed.

"(4) AUTHORITY TO PROTECT THE IDENTITY OF A CLAIMANT.—

Consultations.

"(A) IN GENERAL.—In carrying out paragraph (3), the Executive Director, in consultation with the Board, may make an appropriate redaction to the data included in the report described in paragraph (1) if the Executive Director, in consultation with the Board, determines that including the data considered for redaction may lead to the identity or position of a claimant unintentionally being disclosed. The report shall note each redaction and include a statement that the redaction was made solely for the purpose of avoiding such an unintentional disclosure of the identity or position of a claimant.

"(B) RECORDKEEPING.—The Executive Director shall retain a copy of the report described in paragraph (1), without redactions.

"(5) DEFINITION.—In this subsection, the term 'claimant' means an individual who received an award or settlement, or who made an allegation of a violation against an employing office, under part A of title II.".

2 USC 1381 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) shall take effect on January 1, 2019.

(b) REPORT ON AMOUNTS PREVIOUSLY PAID.—

Web posting.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Office of Congressional Workplace Rights shall submit to Congress and make available to the public on the Office's public website a report on all payments made with public funds (to include funds paid from the account described in section 415(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)), an account of

the House of Representatives or Senate, or any other account of the Federal Government) prior to the date of the enactment of this Act for awards and settlements in connection with violations of section 201(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)), or section 207 of such Act (2 U.S.C. 1317), and shall include in the report the following information:

(A) The amount paid for each such award or settlement.

(B) The source of the public funds used for the award or settlement.

(2) RULE OF CONSTRUCTION REGARDING IDENTIFICATION OF HOUSE AND SENATE ACCOUNTS.—Nothing in paragraph (1)(B) may be construed to require or permit the Office of Congressional Workplace Rights to report the account of any specific office of the House of Representatives or Senate as the source of funds used for an award or settlement.

(c) RULEMAKING POWERS.—Section 501 (2 U.S.C. 1431) is amended in the matter preceding paragraph (1) by inserting ", section 301(l)," before "and 304(c)".

SEC. 202. WORKPLACE CLIMATE SURVEYS OF EMPLOYING OFFICES. 2 USC 1388.

(a) REQUIRING SURVEYS.—Title III (2 U.S.C. 1381 et seq.) is amended by adding at the end the following new section:

"SEC. 307. WORKPLACE CLIMATE SURVEYS OF EMPLOYING OFFICES.

"(a) REQUIREMENT TO CONDUCT SECURE SURVEYS.—Not later than 1 year after the date of the enactment of this section, and every 2 years thereafter, the Office shall conduct a secure survey of employing offices under this Act regarding the workplace environment of such offices. Employee responses to the survey shall be voluntary. Deadline.

"(b) SPECIAL INCLUSION OF INFORMATION ON SEXUAL HARASSMENT.—In each survey conducted under this section, the Office shall survey respondents on attitudes regarding sexual harassment.

"(c) METHODOLOGY.—

"(1) IN GENERAL.—The Office shall conduct each survey under this section in accordance with methodologies established by the Office.

"(2) CONFIDENTIALITY.—Under the methodologies established under paragraph (1), all responses to all portions of the survey shall be anonymous and confidential, and each respondent shall be told throughout the survey that all responses shall be anonymous and confidential.

"(3) SURVEY FORM.—The Office shall limit the use of any information code or information on the survey form that makes a respondent to the survey, or the respondent's employing office, individually identifiable.

"(d) USE OF RESULTS OF SURVEYS.—The Office shall furnish the information obtained from the surveys conducted under this section to the Committee on House Administration of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Rules and Administration of the Senate.

"(e) CONSULTATION WITH COMMITTEES.—The Office shall carry out this section, including establishment of methodologies and procedures under subsection (c), in consultation with the Committee on House Administration of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Rules and Administration of the Senate.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by adding at the end of the items relating to title III the following new item:

"Sec. 307. Workplace climate surveys of employing offices.".

SEC. 203. RECORD RETENTION.

Section 301 (2 U.S.C. 1381), as amended by section 201(a), is further amended by adding at the end the following new subsection:

"(m) RECORD RETENTION.—The Office shall establish and maintain a program for the permanent retention of its records, including the records of preliminary reviews, mediations, hearings, and other proceedings conducted under title IV.".

SEC. 204. CONFIDENTIAL ADVISORS.

Section 302 (2 U.S.C. 1382) is amended—

(1) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

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

"(d) CONFIDENTIAL ADVISORS.—

"(1) IN GENERAL.—The Executive Director shall—

Appointment.

"(A) appoint, and fix the compensation of, and may remove, 1 or more confidential advisors to carry out the duties described in this subsection; or

Designation.

"(B) designate 1 or more employees of the Office to serve as a confidential advisor.

"(2) DUTIES.—

"(A) VOLUNTARY SERVICES.—A confidential advisor appointed or designated under paragraph (1) shall offer to provide to covered employees described in paragraph (4) the services described in subparagraph (B), which a covered employee may accept or decline.

"(B) SERVICES.—The services referred to in subparagraph (A) are—

"(i) informing, on a privileged and confidential basis, a covered employee who has been subject to a practice that may be a violation of part A of title II about the employee's rights under this Act;

"(ii) consulting, on a privileged and confidential basis, with a covered employee who has been subject to a practice that may be a violation of part A of title II regarding—

"(I) the roles, responsibilities, and authority of the Office; and

"(II) the relative merits of securing private counsel, designating a non-attorney representative, or proceeding without representation for proceedings before the Office;

"(iii) advising and consulting with, on a privileged and confidential basis, a covered employee who has been subject to a practice that may be a violation of part A of title II regarding any claims the covered employee may have under title IV, the factual allegations that support each such claim, and the relative merits of the procedural options available to the employee for each such claim;

"(iv) assisting, on a privileged and confidential basis, a covered employee who seeks consideration under title IV of an allegation of a violation of part A of title II in understanding the procedures, and the significance of the procedures, described in title IV, including—

"(I) assisting or consulting with the covered employee regarding the drafting of a claim to be filed under section 402(a); and

"(II) consulting with the covered employee regarding the procedural options available to the covered employee after a claim is filed, and the relative merits of each option; and

"(v) informing, on a privileged and confidential basis, a covered employee who has been subject to a practice that may be a violation of part A of title II about the option of pursuing, in appropriate circumstances, a complaint with the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate.

"(C) CONTINUITY OF SERVICE.—Once a covered employee has accepted and received any services offered under this section from a confidential advisor appointed or designated under paragraph (1), any other services requested under this subsection by the covered employee shall be provided, to the extent practicable, by the same confidential advisor.

"(3) QUALIFICATIONS.—A confidential advisor appointed or designated under paragraph (1) shall be a lawyer who—

"(A) is admitted to practice before, and is in good standing with, the bar of a State of the United States, the District of Columbia, or a territory of the United States; and

"(B) has experience representing clients in cases involving the workplace laws incorporated by part A of title II.

"(4) INDIVIDUALS COVERED.—The services described in paragraph (2) are available to any covered employee (which, for purposes of this subsection, shall include any staff member described in section 201(d) and any former covered employee (including any such former staff member)), except that—

"(A) a former covered employee may only request such services if the practice that may be a violation of part A of title II occurred during the employment or service of the employee; and

"(B) a covered employee described in this paragraph may only request such services before the expiration of the 180-day period described in section 402(d). Deadline.

"(5) RESTRICTIONS.—A confidential advisor appointed or designated under paragraph (1)—

"(A) shall not act as the designated representative for any covered employee in connection with the covered employee's participation in any proceeding, including any proceeding under this Act, any judicial proceeding, or any proceeding before any committee of Congress;

"(B) shall not offer or provide services described in paragraph (2)(B) to a covered employee if the covered

employee has designated an attorney representative in connection with the covered employee's participation in any proceeding under this Act, except that a confidential advisor may provide general assistance and information to such attorney representative regarding this Act and the role of the Office as the confidential advisor determines appropriate; and

"(C) shall not serve as a mediator in any mediation conducted pursuant to section 404.".

SEC. 205. GAO STUDY OF MANAGEMENT PRACTICES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the management practices of the Office of Congressional Workplace Rights.

Recommendations.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), and shall include in the report such recommendations as the Comptroller General considers appropriate for improvements to the management practices of the Office of Congressional Workplace Rights.

SEC. 206. GAO AUDIT OF CYBERSECURITY.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit of the cybersecurity systems and practices of the Office of Congressional Workplace Rights.

Recommendations.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the audit conducted under subsection (a), and shall include in the report such recommendations as the Comptroller General considers appropriate for improvements to the cybersecurity systems and practices of the Office of Congressional Workplace Rights.

TITLE III—MISCELLANEOUS REFORMS

SEC. 301. APPLICATION OF GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008.

Section 102 (2 U.S.C. 1302) is amended by adding at the end the following:

"(c) GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008.—

"(1) IN GENERAL.—The provisions of this Act that apply to a violation of section 201(a)(1) shall be considered to apply to a violation of title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.), consistent with section 207(c) of that Act (42 U.S.C. 2000ff–6(c)).

"(2) CONSTRUCTION.—

"(A) NO LIMITATION ON OTHER LAWS.—Nothing in this section limits the provisions of this Act that apply to a violation of a law described in subparagraph (B).

"(B) OTHER LAWS.—A law described in this subparagraph is a law (even if not listed in subsection (a) or this subsection) that explicitly applies one or more provisions of this Act to a violation.".

SEC. 302. EXTENSION TO UNPAID STAFF OF RIGHTS AND PROTECTIONS AGAINST EMPLOYMENT DISCRIMINATION.

(a) EXTENSION.—Section 201 (2 U.S.C. 1311) is amended—

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

(2) by inserting after subsection (c) the following new subsection:

"(d) APPLICATION TO UNPAID STAFF.—

"(1) IN GENERAL.—Subsections (a) and (b) shall apply with respect to—

"(A) any staff member of an employing office who carries out official duties of the employing office but who is not paid by the employing office for carrying out such duties (referred to in this subsection as an 'unpaid staff member'), including an intern, an individual detailed to an employing office, and an individual participating in a fellowship program, in the same manner and to the same extent as such subsections apply with respect to a covered employee; and

"(B) a former unpaid staff member, if the act that may be a violation of subsection (a) occurred during the service of the former unpaid staffer for the employing office.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to extend liability for a violation of subsection (a) to an employing office on the basis of an action taken by any person who is not under the supervision or control of the employing office.

"(3) INTERN DEFINED.—For purposes of this subsection, the term 'intern' means an individual who performs service for an employing office which is uncompensated by the United States to earn credit awarded by an educational institution or to learn a trade or occupation, and includes any individual participating in a page program operated by any House of Congress.".

(b) TECHNICAL CORRECTION RELATING TO OFFICE RESPONSIBLE FOR DISBURSEMENT OF PAY TO HOUSE EMPLOYEES.—Section 101(7) (2 U.S.C. 1301(7)) is amended by striking "disbursed by the Clerk of the House of Representatives" and inserting "disbursed by the Chief Administrative Officer of the House of Representatives".

SEC. 303. CLARIFICATION OF TREATMENT OF LIBRARY OF CONGRESS VISITORS.

(a) CLARIFICATION.—Section 210 (2 U.S.C. 1331) is amended—

(1) by redesignating subsection (h) as subsection (i); and

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

"(h) ELECTION OF REMEDIES RELATING TO RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS FOR LIBRARY VISITORS.—

"(1) DEFINITION OF LIBRARY VISITOR.—In this subsection, the term 'Library visitor' means an individual who is eligible to bring a claim for a violation under title II or III of the Americans with Disabilities Act of 1990 (other than a violation for which the exclusive remedy is under section 201) against the Library of Congress.

"(2) ELECTION OF REMEDIES.—

"(A) IN GENERAL.—A Library visitor who alleges a violation of subsection (b) by the Library of Congress may, subject to subparagraph (B)—

"(i) file a charge against the Library of Congress under subsection (d); or

"(ii) use the remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16), as provided under section 510 (other than paragraph (5)) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209).

"(B) TIMING.—A Library visitor that has initiated proceedings under clause (i) or (ii) of subparagraph (A) may elect to change and initiate a proceeding under the other clause—

"(i) in the case of a Library visitor who first filed a charge pursuant to subparagraph (A)(i), before the General Counsel files a complaint under subsection (d)(3); or

"(ii) in the case of a Library visitor who first initiated a proceeding under subparagraph (A)(ii), before the Library visitor requests a hearing under the procedures of the Library of Congress described in such subparagraph.".

(b) CONFORMING AMENDMENT.—Section 210(d)(2) (2 U.S.C. 1331(d)(2)) is amended by striking "section 403" and inserting "section 404".

2 USC 1331 note.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect as if such amendments were included in the enactment of section 153 of the Legislative Branch Appropriations Act, 2018 (Public Law 115-141), and shall apply as specified in section 153(c) of such Act.

SEC. 304. NOTICES.

(a) REQUIRING EMPLOYING OFFICES TO POST NOTICES.—Part E of title II (2 U.S.C. 1361) is amended by adding at the end the following:

2 USC 1362.

"SEC. 226. NOTICES.

"(a) IN GENERAL.—Every employing office shall post and keep posted (in conspicuous places upon its premises where notices to covered employees are customarily posted) a notice provided by the Office that—

"(1) describes the rights, protections, and procedures applicable to covered employees of the employing office under this Act, concerning violations described in subsection (b); and

"(2) includes contact information for the Office.

"(b) VIOLATIONS.—A violation described in this subsection is—

"(1) discrimination prohibited by section 201(a) (including, in accordance with section 102(c), discrimination prohibited by title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.)) or 206(a); and

"(2) a violation of section 207 that is related to discrimination described in paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of contents is amended by adding at the end of the items relating to part E of title II the following new item:

"Sec. 226. Notices.".

SEC. 305. CLARIFICATION OF COVERAGE OF EMPLOYEES OF HELSINKI AND CHINA COMMISSIONS.

(a) CLARIFICATION OF COVERAGE.—Section 101 (2 U.S.C. 1301), as amended by section 302(b), is further amended—

(1) by striking "Except as otherwise" and inserting "(a) IN GENERAL.—Except as otherwise"; and

(2) by adding at the end the following new subsection:

"(b) CLARIFICATION OF COVERAGE OF EMPLOYEES OF CERTAIN COMMISSIONS.—

"(1) COVERAGE.—With respect to the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission—

"(A) any individual who is an employee of such Commission shall be considered a covered employee for purposes of this Act; and

"(B) the Commission shall be considered an employing office for purposes of this Act.

"(2) AUTHORITY TO PROVIDE LEGAL ASSISTANCE AND REPRESENTATION.—Subject to paragraph (3), legal assistance and representation under this Act, including assistance and representation with respect to the proposal or acceptance of the disposition of a claim under this Act, shall be provided to the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission—

"(A) by the Office of House Employment Counsel of the House of Representatives, in the case of assistance and representation in connection with a claim filed under title IV (including all subsequent proceedings under such title in connection with the claim) at a time when the chair of the Commission is a Member of the House, and in the case of assistance and representation in connection with any subsequent claim under title IV related to the initial claim where the subsequent claim involves the same parties; or

"(B) by the Office of Senate Chief Counsel for Employment of the Senate, in the case of assistance and representation in connection with a claim filed under title IV (including all subsequent proceedings under such title in connection with the claim) at a time when the chair of the Commission is a Senator, and in the case of assistance and representation in connection with any subsequent claim under title IV related to the initial claim where the subsequent claim involves the same parties.

"(3) DEFINITIONS.—In this subsection—

"(A) the term 'China Review Commission' means the United States-China Economic and Security Review Commission established under section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as enacted into law by section 1 of Public Law 106–398;

"(B) the term 'Congressional-Executive China Commission' means the Congressional–Executive Commission on the People's Republic of China established under title III of the U.S.–China Relations Act of 2000 (Public Law 106–286; 22 U.S.C. 6911 et seq.); and

"(C) the term 'Helsinki Commission' means the Commission on Security and Cooperation in Europe established under the Act entitled 'An Act to establish a Commission on Security and Cooperation in Europe', approved June 3, 1976 (Public Law 94–304; 22 U.S.C. 3001 et seq.).".

(b) COVERAGE OF STENNIS CENTER.—

(1) TREATMENT OF EMPLOYEES AS COVERED EMPLOYEES.—Section 101(a)(3) (2 U.S.C. 1301(a)(3)) is amended—

(A) by striking "or" at the end of subparagraph (I);

(B) by striking the period at the end of subparagraph (J) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(K) the John C. Stennis Center for Public Service Training and Development.".

(2) TREATMENT OF CENTER AS EMPLOYING OFFICE.—Section 101(a)(9)(D) (2 U.S.C. 1301(a)(9)(D)) is amended by striking "and the Office of Technology Assessment" and inserting the following: "the Office of Technology Assessment, and the John C. Stennis Center for Public Service Training and Development".

(c) CONFORMING AMENDMENTS.—Paragraphs (7) and (8) of section 101(a) (2 U.S.C. 1301(a)) are each amended by striking "subparagraphs (C) through (I)" and inserting "subparagraphs (C) through (K)".

2 USC 1301 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Congressional Accountability Act of 1995.

2 USC 1438.

SEC. 306. TRAINING AND EDUCATION PROGRAMS OF OTHER EMPLOYING OFFICES.

(a) REQUIRING OFFICES TO DEVELOP AND IMPLEMENT PROGRAMS.—Title V (2 U.S.C. 1431 et seq.) is amended—

(1) by redesignating section 509 as section 510; and

(2) by inserting after section 508 the following new section:

2 USC 1437a.

"SEC. 509. TRAINING AND EDUCATION PROGRAMS OF EMPLOYING OFFICES.

"(a) REQUIRING OFFICES TO DEVELOP AND IMPLEMENT PROGRAMS.—Each employing office shall develop and implement a program to train and educate covered employees of the office in the rights and protections provided under this Act, including the procedures available under title IV to consider alleged violations of this Act.

"(b) REPORT TO COMMITTEES.—

Effective date.

"(1) IN GENERAL.—Not later than 45 days after the beginning of each Congress (beginning with the One Hundred Seventeenth Congress), each employing office shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the implementation of the program required under subsection (a).

"(2) SPECIAL RULE FOR FIRST REPORT.—Not later than 180 days after the date of the enactment of the Congressional Accountability Act of 1995 Reform Act, each employing office shall submit the report described in paragraph (1) to the Committees described in such paragraph.

"(c) EXCEPTION FOR OFFICES OF CONGRESS.—This section does not apply to an employing office of the House of Representatives or an employing office of the Senate.".

(b) CLERICAL AMENDMENT.—The table of contents is amended—

(1) by redesignating the item relating to section 509 as relating to section 510; and

(2) by inserting after the item relating to section 508 the following new item:

"Sec. 509. Training and education programs of employing offices.".

SEC. 307. SUPPORT FOR OUT-OF-AREA COVERED EMPLOYEES.

(a) IN GENERAL.—Title V (2 U.S.C. 1431 et seq.), as amended by section 306(a), is further amended— 2 USC 1438.

(1) by redesignating section 510 as section 511; and

(2) by inserting after section 509, as inserted by section 306(a), the following:

"SEC. 510. SUPPORT FOR OUT-OF-AREA COVERED EMPLOYEES. 2 USC 1437b.

"(a) IN GENERAL.—All covered employees whose location of employment is outside of the Washington, DC area (referred to in this section as 'out-of-area covered employees') shall have equitable access to the resources and services provided by the Office and under this Act as is provided to covered employees who work in the Washington, DC area.

"(b) OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS.—The Office shall—

"(1) establish a method by which out-of-area covered employees may communicate securely with the Office, which shall include an option for real-time audiovisual communication; and

"(2) provide guidance to employing offices regarding how each office can facilitate equitable access to the resources and services provided under this Act for its out-of-area covered employees, including information regarding the communication methods described in paragraph (1). Guidance.

"(c) EMPLOYING OFFICES.—It is the sense of Congress that each employing office with out-of-area covered employees should use its best efforts to facilitate equitable access to the resources and services provided under this Act for those employees.".

(b) CLERICAL AMENDMENT.—The table of contents, as amended by section 306(b), is amended— 2 USC 1381.

(1) by redesignating the item relating to section 510 as relating to section 511; and

(2) by inserting after the item relating to section 509, as inserted by section 306(b), the following new item:

"Sec. 510. Support for out-of-area covered employees.".

SEC. 308. RENAMING OFFICE OF COMPLIANCE AS OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS.

(a) RENAMING.—Section 301 (2 U.S.C. 1381) is amended—

(1) in the section heading, by striking "**OFFICE OF COMPLIANCE**" and inserting "**OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS**"; and

(2) in subsection (a), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(b) CONFORMING AMENDMENTS TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The Congressional Accountability Act of 1995, as amended by section 305(a), is further amended as follows:

(1) In section 101(a)(1) (2 U.S.C. 1301(a)(1)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(2) In section 101(a)(2) (2 U.S.C. 1301(a)(2)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(3) In section 101(a)(3)(H) (2 U.S.C. 1301(a)(3)(H)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(4) In section 101(a)(9)(D) (2 U.S.C. 1301(a)(9)(D)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(5) In section 101(a)(10) (2 U.S.C. 1301(a)(10)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(6) In section 101(a)(11) (2 U.S.C. 1301(a)(11)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(7) In section 101(a)(12) (2 U.S.C. 1301(a)(12)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(8) In section 210(a)(9) (2 U.S.C. 1331(a)(9)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(9) In section 215(e)(1) (2 U.S.C. 1341(e)(1)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(10) In section 220(e)(2)(G) (2 U.S.C. 1351(e)(2)(G)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(11) In the title heading of title III, by striking "**OFFICE OF COMPLIANCE**" and inserting "**OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS**".

(12) In section 304(c)(4) (2 U.S.C. 1384(c)(4)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(13) In section 304(c)(5) (2 U.S.C. 1384(c)(5)), by striking "Office of Compliance" and inserting "Office of Congressional Workplace Rights".

(c) CLERICAL AMENDMENTS.—The table of contents is amended—

(1) by amending the item relating to the heading of title III to read as follows:

"TITLE III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS"; AND

(2) by amending the item relating to section 301 to read as follows:

"Sec. 301. Establishment of Office of Congressional Workplace Rights.".

2 USC 1381 note.

(d) EFFECTIVE DATE; REFERENCES IN OTHER LAWS, RULES, AND REGULATIONS.—The amendments made by this section shall take effect on the date of the enactment of this Act. Any reference to the Office of Compliance in any law, rule, regulation, or other

official paper in effect as of such date shall be considered to refer and apply to the Office of Congressional Workplace Rights.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect upon the expiration of the 180-day period which begins on the date of the enactment of this Act. 2 USC 1301 note.

(b) NO EFFECT ON PENDING PROCEEDINGS.—Nothing in this Act or the amendments made by this Act may be construed to affect any proceeding or payment of an award or settlement relating to a claim under title IV of the Congressional Accountability Act of 1995 (2 U.S.C. 1401 et seq.) which is pending as of the date after that 180-day period. If, as of that date, an employee has begun any of the proceedings under that title that were available to the employee prior to that date, the employee may complete, or initiate and complete, all such proceedings, and such proceedings shall remain in effect with respect to, and provide the exclusive proceedings for, the claim involved until the completion of all such proceedings. 2 USC 1301 note.

Approved December 21, 2018.

LEGISLATIVE HISTORY—S. 3749:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 13, considered and passed Senate and House.

Public Law 115–398
115th Congress

An Act

Dec. 31, 2018
[H.R. 767]

To establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Stop, Observe, Ask, and Respond to Health and Wellness Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop, Observe, Ask, and Respond to Health and Wellness Act of 2018" or the "SOAR to Health and Wellness Act of 2018".

SEC. 2. PROGRAM ESTABLISHMENT.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d–51 et seq.) is amended by adding at the end the following:

42 USC 300d–54.

"SEC. 1254. STOP, OBSERVE, ASK, AND RESPOND TO HEALTH AND WELLNESS TRAINING PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a program to be known as the Stop, Observe, Ask, and Respond to Health and Wellness Training Program or the SOAR to Health and Wellness Training Program (in this section referred to as the 'Program') to provide training to health care and social service providers on human trafficking in accordance with this section.

"(b) ACTIVITIES.—

"(1) IN GENERAL.—The Program shall include the Stop, Observe, Ask, and Respond to Health and Wellness Training Program's activities existing on the day before the date of enactment of this section and the authorized initiatives described in paragraph (2).

"(2) AUTHORIZED INITIATIVES.—The authorized initiatives of the Program shall include—

"(A) engaging stakeholders, including victims of human trafficking and Federal, State, local, and tribal partners, to develop a flexible training module—

"(i) for supporting activities under subsection (c); and

"(ii) that adapts to changing needs, settings, health care providers, and social service providers;

"(B) providing technical assistance to grantees related to implementing activities described in subsection (c) and reporting on any best practices identified by the grantees;

Data.

"(C) developing a reliable methodology for collecting data, and reporting such data, on the number of human trafficking victims identified and served by grantees in a manner that, at a minimum, prevents disclosure of

individually identifiable information consistent with all applicable privacy laws and regulations; and

"(D) integrating, as appropriate, the training described in paragraphs (1) through (4) of subsection (c) with training programs, in effect on the date of enactment of this section, for health care and social service providers for victims of intimate partner violence, sexual assault, stalking, child abuse, child neglect, child maltreatment, and child sexual exploitation.

"(c) GRANTS.—The Secretary may award grants to appropriate entities to train health care and social service providers to—

"(1) identify potential human trafficking victims;

"(2) implement best practices for working with law enforcement to report and facilitate communication with human trafficking victims, in accordance with all applicable Federal, State, local, and tribal laws, including legal confidentiality requirements for patients and health care and social service providers;

"(3) implement best practices for referring such victims to appropriate health care, social, or victims service agencies or organizations; and

"(4) provide such victims with coordinated, age-appropriate, culturally relevant, trauma-informed, patient-centered, and evidence-based care.

"(d) CONSIDERATION IN AWARDING GRANTS.—The Secretary, in making awards under this section, shall give consideration to—

"(1) geography;

"(2) the demographics of the population to be served;

"(3) the predominant types of human trafficking cases involved; and

"(4) health care and social service provider profiles.

"(e) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—The Secretary shall collect data and report on the following:

"(A) The total number of entities that received a grant under this section.

"(B) The total number and geographic distribution of health care and social service providers trained through the Program.

"(2) INITIAL REPORT.—In addition to the data required to be collected under paragraph (1), for purposes of the initial report to be submitted under paragraph (3), the Secretary shall collect data on the total number of facilities and health care professional organizations that were operating under, and the total number of health care and social service providers trained through, the Stop, Observe, Ask, and Respond to Health and Wellness Training Program existing prior to the establishment of the Program under this section.

"(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit an annual report to Congress on the data collected under this subsection in a manner that, at a minimum, prevents the disclosure of individually identifiable information consistent with all applicable privacy laws and regulations.

"(f) SHARING BEST PRACTICES.—The Secretary shall make available, on the Internet website of the Department of Health and Human Services, a description of the best practices and procedures

Web posting.

used by entities that receive a grant for carrying out activities under this section.

"(g) DEFINITION.—In this section, the term 'human trafficking' has the meaning given the term 'severe forms of trafficking in persons' as defined in section 103 of the Trafficking Victims Protection Act of 2000.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act, $4,000,000 for each of fiscal years 2020 through 2024.".

Approved December 31, 2018.

LEGISLATIVE HISTORY—H.R. 767:

HOUSE REPORTS: No. 115–327 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Feb. 26, considered and passed House.
Dec. 19, considered and passed Senate, amended.
Dec. 20, House concurred in Senate amendment.

Public Law 115–399
115th Congress

An Act

To amend the Act of August 4, 1947 (commonly known as the Stigler Act), with respect to restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and for other purposes.

Dec. 31, 2018
[H.R. 2606]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Stigler Act Amendments of 2018.
25 USC 331 note.

This Act may be cited as the "Stigler Act Amendments of 2018".

SEC. 2. IN GENERAL.

25 USC 355 note.

The first section of the Act of August 4, 1947 (61 Stat. 731, chapter 458), is amended—

(1) in the matter before subsection (a), by striking "That all restrictions" and all that follows through subsection (a) and inserting the following:

"SEC. 1. (a) All restrictions against alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances upon all lands, including oil and gas or other mineral interests, in Oklahoma belonging to a lineal descendant by blood of an original enrollee whose name appears on the Final Indian Rolls of the Five Civilized Tribes in Indian Territory, whether acquired by allotment, inheritance, devise, gift, purchase, exchange, partition, partition sale, or by purchase with restricted funds, of whatever degree of Indian blood, and whether enrolled or unenrolled, shall be and are hereby, extended until an Act of Congress determines otherwise.

"(b) The extension of restrictions described in subsection (a) shall include without limitation, those interests in the estate of a decedent Indian who died before the date of enactment of the Stigler Act Amendments of 2018—

"(1) if such interests were acquired by an heir or devisee of one-half or more degree of Indian blood, as computed from the nearest enrolled lineal ancestors of Indian blood enrolled on the Final Rolls described in subsection (a), by final order issued by an Oklahoma district court or a United States district court determining the decedent's heirs or devisees or otherwise determining the ownership of said interests before said date; or

"(2) if such interests were, immediately prior to the decedent's death, subject to restrictions and had not, as of the date of enactment of the Stigler Act Amendments of 2018, been—

"(A) the subject of a final order issued by an Oklahoma district court or a United States district court determining

the decedent's heirs or devisees or otherwise determining the ownership of said interests;

"(B) conveyed by the decedent's undetermined heirs or devisees by deed approved by an Oklahoma district court; or

"(C) conveyed by the decedent's undetermined heirs or devisees of less than one-half degree of Indian blood with or without Oklahoma district court approval.

"SEC. 2. (a) Except as provided in subsection (f), subsection (g), subsection (h), and subsection (i), no conveyance, including an oil and gas or mineral lease, of any interest in the restricted lands described in this section shall be valid unless approved in open court by the district court of the county in Oklahoma in which the land is situated;";

(2) in subsection (b)—

(A) by striking "county judge" and inserting "district judge"; and

(B) by striking "Proceedings for approval of conveyances by restricted heirs or devisees" and inserting "Proceedings for approval of conveyances";

(3) in subsection (c), by striking "best interest of the Indian" and inserting "best interest of the grantor"; and

(4) by adding before the period at the end the following: "; (h) nothing contained in this section shall limit or affect the right of an Indian owner of restricted lands described in this Act to seek and obtain Secretarial removal of restrictions on all or any portion of said restricted lands in accordance with any applicable Federal law; (i) nothing contained in this section shall invalidate the alienation, conveyance, lease, including oil and gas or other mineral leases, mortgage, creation of liens, or other encumbrance of any lands, if such action was effective before the date of enactment of the Stigler Act Amendments of 2018 and valid under the law then in effect; and (j) in determining the quantum of Indian blood of any Indian heir or devisee, the Final Indian Rolls of the Five Civilized Tribes in Indian Territory as to such heir or devisee, if enrolled, shall be conclusive of his or her quantum of Indian blood. If unenrolled, his or her degree of Indian blood shall be computed from the nearest enrolled lineal ancestors of Indian blood enrolled on the Final Indian Rolls of the Five Civilized Tribes in Indian Territory".

25 USC 355 note.

SEC. 3. TECHNICAL AMENDMENTS.

The Act of August 4, 1947 (61 Stat. 731, chapter 458), is amended—

(1) in section 5, by striking "of one-half or more Indian blood,";

(2) in section 6(c)—

(A) by inserting "purchase, partition sale," after "gift," each place it appears; and

(B) by striking "of one-half or more Indian blood"; and

(3) in section 8, by striking "of one-half or more Indian blood,".

25 USC 355 note.

SEC. 4. REPEALS.

The following are repealed:

(1) The first section of the Act of August 11, 1955 (69 Stat. 666, chapter 768).

(2) Section 2 of the Act of August 4, 1947 (61 Stat. 731, chapter 458).

SEC. 5. RULE OF CONSTRUCTION PROVIDING FOR NO RETROACTIVITY. 25 USC 355 note.

Nothing in this Act, or the amendments made by this Act, shall be construed to revise or extend the restricted status of any lands under the Act of August 4, 1947 (61 Stat. 731, chapter 458) that lost restricted status under such Act before the date of enactment of this Act.

Approved December 31, 2018.

LEGISLATIVE HISTORY—H.R. 2606:

HOUSE REPORTS: No. 115–902 (Comm. on Natural Resources).
SENATE REPORTS: No. 115–398 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed House.
Dec. 13, considered and passed Senate, amended.
Dec. 19, 20, House considered and concurred in Senate amendments.

Public Law 115–400
115th Congress

An Act

Dec. 31, 2018
[H.R. 4227]

To require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Vehicular Terrorism Prevention Act of 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vehicular Terrorism Prevention Act of 2018".

SEC. 2. STRATEGY ON VEHICULAR TERRORISM.

Deadline.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) assess the activities the Department of Homeland Security is undertaking to support emergency response providers and the private sector to prevent, mitigate, and respond to the threat of vehicular terrorism; and

(2) based on such assessment, develop and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a strategy to improve the Department's efforts to support the efforts of emergency response providers and the private sector to prevent, mitigate, and respond to such threat.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

Examination.

(1) An examination of the current threat of vehicular terrorism.

Methodologies.

(2) Methods to improve Department of Homeland Security information sharing activities with emergency response providers and the private sector regarding best practices to prevent, mitigate, and respond to the increasing threat of vehicular terrorism.

(3) Training activities the Department can provide, including possible exercises, for emergency response providers to prevent and respond to the threat of vehicular terrorism.

(4) Any additional activities the Secretary of Homeland Security recommends to prevent, mitigate, and respond to the threat of vehicular terrorism.

(c) DEFINITIONS.—In this section:

(1) EMERGENCY RESPONSE PROVIDERS.—The term "emergency response providers" has the meaning given such term

in section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(2) VEHICULAR TERRORISM.—The term "vehicular terrorism" means an action that utilizes automotive transportation to commit terrorism (as defined in section 2(18) of the Homeland Security Act of 2002 (6 U.S.C. 101(18))).

Approved December 31, 2018.

LEGISLATIVE HISTORY—H.R. 4227:

HOUSE REPORTS: No. 115–609 (Comm. on Homeland Security).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 19, 22, considered and passed House.
Dec. 18, considered and passed Senate, amended.
Dec. 20, House concurred in Senate amendments.

Public Law 115–401
115th Congress

An Act

Dec. 31, 2018
[H.R. 5075]

To encourage, enhance, and integrate Ashanti Alert plans throughout the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ashanti Alert Act of 2018.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ashanti Alert Act of 2018".

SEC. 2. ESTABLISHMENT OF ASHANTI ALERT COMMUNICATIONS NETWORK.

Kristen's Act (Public Law 106–468; 114 Stat. 2027) is amended—

(1) by inserting before section 2 (34 U.S.C. 40504) the following:

"TITLE I—GRANTS";

(2) by redesignating sections 2 (34 U.S.C. 40504) and 3 (34 U.S.C. 40504 note) as sections 101 and 102, respectively;

(3) in section 101(b), as so redesignated, by striking "this Act" and inserting "this title";

(4) in section 102, as so redesignated, by striking "this Act" and inserting "this title"; and

(5) by adding at the end the following:

"TITLE II—ASHANTI ALERT COMMUNICATIONS NETWORK

34 USC 21901.

"SEC. 201. DEFINITIONS.

"In this title:

"(1) AMBER ALERT COMMUNICATIONS NETWORK.—The term 'AMBER Alert communications network' means the AMBER Alert communications network established under subtitle A of title III of the PROTECT Act (34 U.S.C. 20501 et seq.).

"(2) ASHANTI ALERT.—The term 'Ashanti Alert' means an alert issued through the Ashanti Alert communications network, related to a missing adult.

"(3) ASHANTI ALERT COMMUNICATIONS NETWORK.—The term 'Ashanti Alert communications network' means the national communications network established by the Attorney General under section 202(a).

"(4) ASHANTI ALERT COORDINATOR OF THE DEPARTMENT OF JUSTICE; COORDINATOR.—The term 'Ashanti Alert Coordinator of the Department of Justice' or 'Coordinator' means the employee designated by the Attorney General to act as the national coordinator of the Ashanti Alert communications network under section 203(a).

"(5) ASHANTI ALERT PLAN.—The term 'Ashanti Alert plan' means a local element of the Ashanti Alert communications network.

"(6) INDIAN TRIBE.—The term 'Indian Tribe' means a federally recognized Indian Tribe or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

"(7) MISSING ADULT.—The term 'missing adult' means an individual who—

"(A) is older than the age for which an alert may be issued through the AMBER Alert communications network in the State or territory of an Indian Tribe in which the individual is identified as a missing individual;

"(B) is identified by a law enforcement agency as a missing individual; and

"(C) meets the requirements to be designated as a missing adult, as determined by the State in which, or the Indian Tribe in the territory of which, the individual is identified as a missing individual.

"(8) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 202. ASHANTI ALERT COMMUNICATIONS NETWORK.

Coordination.
34 USC 21902.

"(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, establish a national communications network within the Office of Justice Programs of the Department of Justice to provide assistance to regional and local search efforts for missing adults through the initiation, facilitation, and promotion of local elements of the network, in coordination with States, Indian Tribes, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to adults.

"(b) INTEGRATION WITH EXISTING COMMUNICATIONS NETWORK.—In establishing the Ashanti Alert communications network under subsection (a), the Attorney General shall coordinate, when advisable, with missing person alert systems in existence as of the date of enactment of this title, such as the AMBER Alert communications network and Silver Alert communications networks.

"SEC. 203. ASHANTI ALERT COORDINATOR.

34 USC 21903.

"(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an employee of the Office of Justice Programs of the Department of Justice to act as the national coordinator of the Ashanti Alert communications network.

Designation.

"(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the Ashanti Alert communications network, the Coordinator shall—

"(1) work with States and Indian Tribes to encourage the development of additional Ashanti Alert plans in the network;

Guidelines.

"(2) establish voluntary guidelines for States and Indian Tribes to use in developing Ashanti Alert plans that will promote compatible and integrated Ashanti Alert plans throughout the United States, including—

Lists.

"(A) a list of the resources necessary to establish an Ashanti Alert plan;

Criteria.

"(B) criteria for evaluating whether a situation warrants issuing an Ashanti Alert, taking into consideration the need for the use of Ashanti Alerts to be limited in scope because the effectiveness of the Ashanti Alert communications network may be affected by overuse, including criteria to determine—

"(i) whether the mental capacity of an adult who is missing, and the circumstances of his or her disappearance, including any history of domestic violence, sexual assault, child abuse, or human trafficking, warrant the issuance of an Ashanti Alert; and

"(ii) whether the individual who reports that an adult is missing is an appropriate and credible source on which to base the issuance of an Ashanti Alert;

"(C) a description of the appropriate uses of the Ashanti Alert name to readily identify the nature of search efforts for missing adults; and

Recommendations.

"(D) recommendations on how to protect the privacy, dignity, independence, autonomy, and safety of any missing adult who may be the subject of an Ashanti Alert;

Protocols. Procedures.

"(3) develop proposed protocols for efforts to recover missing adults and to reduce the number of adults who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the adult is missing through the time of the return of the adult to family, guardian, or domicile, as appropriate, including—

"(A) public safety communications protocol;

"(B) case management protocol;

"(C) command center operations;

"(D) reunification protocol;

"(E) incident review, evaluation, debriefing, and public information procedures; and

"(F) protocols for declining to issue an Ashanti Alert;

Coordination.

"(4) work with States and Indian Tribes to ensure appropriate regional coordination of various elements of the network;

"(5) establish an advisory group to assist States, Indian Tribes, units of local government, law enforcement agencies, and other entities involved in the Ashanti Alert communications network with initiating, facilitating, and promoting Ashanti Alert plans, which shall include—

"(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

"(B) members who are—

"(i) representatives of adult citizen advocacy groups, law enforcement agencies, victim service providers (as defined in section 40002(a) of the Violence

Against Women Act of 1994 (34 U.S.C. 12291(a)), and public safety communications;

"(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

"(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Ashanti Alert communications network; and

"(6) act as the nationwide point of contact for—

"(A) the development of the network; and

"(B) regional coordination of alerts for missing adults through the network.

"(c) COORDINATION.— Consultation.

"(1) COORDINATION WITH OTHER AGENCIES.—The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, and other appropriate offices of the Department of Justice, including the Office on Violence Against Women, in carrying out activities under this title.

"(2) STATE, TRIBAL, AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State, Tribal, and local law enforcement agencies in establishing minimum standards under section 204 and in carrying out other activities under this title, as appropriate.

"(d) ANNUAL REPORTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Coordinator shall submit to Congress a report on—

"(A) the activities of the Coordinator; and

"(B) the effectiveness and status of the Ashanti Alert plan of each State or Indian Tribe that has established or is in the process of establishing such a plan.

"(2) CONTENTS.—Each report under paragraph (1) shall include—

"(A) a list of each State or Indian Tribe that has established an Ashanti Alert plan; Lists.

"(B) a list of each State or Indian Tribe that is in the process of establishing an Ashanti Alert plan; Lists.

"(C) for each State or Indian Tribe that has established an Ashanti Alert plan, to the extent the data is available—

"(i) the number of Ashanti Alerts issued;

"(ii) the number of missing adults located successfully;

"(iii) the average period of time between the issuance of an Ashanti Alert and the location of the missing adult for whom the Alert was issued;

"(iv) the State or Tribal agency or authority issuing Ashanti Alerts, and the process by which Ashanti Alerts are disseminated;

"(v) the cost of establishing and operating the Ashanti Alert plan;

"(vi) the criteria used by the State or Indian Tribe to determine whether to issue an Ashanti Alert; and

"(vii) the extent to which missing adults for whom Ashanti Alerts were issued crossed State lines or territorial borders of an Indian Tribe;

"(D) actions States and Indian Tribes have taken to protect the privacy and dignity of the missing adults for whom Ashanti Alerts are issued;

"(E) ways that States and Indian Tribes have facilitated and improved communication about missing adults between families, caregivers, law enforcement officials, and other authorities; and

"(F) any other information the Coordinator determines to be appropriate.

34 USC 21904.

"SEC. 204. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH ASHANTI ALERT COMMUNICATIONS NETWORK.

"(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

"(1) the issuance of alerts through the Ashanti Alert communications network; and

"(2) the extent of the dissemination of alerts issued through the Ashanti Alert communications network.

"(b) LIMITATIONS.—

Determination. Consultation.

"(1) DISSEMINATION OF INFORMATION.—The minimum standards established under subsection (a) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, Tribal, and local law enforcement agencies), provide for the dissemination of appropriate information relating to the special needs of a missing adult (including health care needs) to the appropriate law enforcement, public health, and other public officials.

Determination. Consultation.

"(2) GEOGRAPHIC AREAS.—The minimum standards established under subsection (a) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, Tribal, and local law enforcement agencies), provide that the dissemination of an alert through the Ashanti Alert communications network shall be limited to the geographic areas that the missing adult could reasonably reach, considering—

"(A) the circumstances and physical and mental condition of the missing adult;

"(B) the modes of transportation available to the missing adult; and

"(C) the circumstances of the disappearance.

"(3) OTHER REQUIREMENTS.—The minimum standards established under subsection (a) shall require that, in order for an Ashanti Alert to be issued for a missing adult, the missing adult—

"(A) suffers from a proven mental or physical disability, as documented by a source determined credible by an appropriate law enforcement agency; or

"(B) be missing under circumstances that indicate, as determined by an appropriate law enforcement agency—

"(i) that the physical safety of the missing adult may be endangered; or

"(ii) that the disappearance of the missing adult may not have been voluntary, including an abduction or kidnapping.

"(4) SAFETY, PRIVACY, AND CIVIL LIBERTIES PROTECTIONS.—The minimum standards established under subsection (a) shall—

"(A) ensure that alerts issued through the Ashanti Alert communications network comply with all applicable Federal, State, Tribal, and local privacy laws and regulations;

"(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing adults; and

"(C) include standards requiring, as appropriate, a review of relevant court records, prior contacts with law enforcement, and other information relevant to the missing adult or the individual reporting, in order to provide protections against domestic violence.

"(5) STATE, TRIBAL, AND LOCAL VOLUNTARY COORDINATION.—In establishing minimum standards under subsection (a), the Coordinator may not interfere with the system of voluntary coordination between local broadcasters and State, Tribal, and local law enforcement agencies for purposes of regional and local search efforts for missing adults that was in effect on the day before the date of enactment of this title.

"SEC. 205. VOLUNTARY PARTICIPATION. 34 USC 21905.

"The minimum standards established under section 204(a), and any other guidelines and programs established under section 203, shall be adoptable on a voluntary basis only.

"SEC. 206. TRAINING AND EDUCATIONAL PROGRAMS. 34 USC 21906.

"The Coordinator shall make available to States, Indian Tribes, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Ashanti Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

"(1) training and educational programs related to the Ashanti Alert communications network and the capabilities, limitations, and anticipated behaviors of missing adults, which the Coordinator shall update regularly to encourage the use of new tools, technologies, and resources in Ashanti Alert plans; and

"(2) informational materials, including brochures, videos, posters, and websites to support and supplement the training and educational programs described in paragraph (1).

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS. 34 USC 21907.

"There is authorized to be appropriated to the Attorney General $3,000,000 to carry out the Ashanti Alert communications network as authorized under this title for each of fiscal years 2019 through 2022.".

SEC. 3. EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609Y(a) of the Justice Assistance Act of 1984 (34 U.S.C. 50112(a)) is amended by striking "September 30, 2021" and inserting "September 30, 2022".

Approved December 31, 2018.

LEGISLATIVE HISTORY—H.R. 5075:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed House.
Dec. 6, considered and passed Senate, amended.
Dec. 20, House concurred in Senate amendment.

Public Law 115–402
115th Congress

An Act

To direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes.

Dec. 31, 2018
[H.R. 5509]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Innovations in Mentoring, Training, and Apprenticeships Act.
42 USC 1861 note.
42 USC 1862i note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innovations in Mentoring, Training, and Apprenticeships Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) To remain competitive in the global economy, foster greater innovation, and provide a foundation for shared prosperity, the United States needs a workforce with the right mix of skills to meet the diverse needs of the economy.

(2) Evidence indicates that the returns on investments in technical skills in the labor market are strong when students successfully complete their education and gain credentials sought by employers.

(3) The responsibility for developing and sustaining a skilled technical workforce is fragmented across many groups, including educators, students, workers, employers, Federal, State, and local governments, civic associations, and other stakeholders. Such groups need to be able to coordinate and cooperate successfully with each other.

(4) Coordination among students, community colleges, secondary and post-secondary institutions, and employers would improve educational outcomes.

(5) Promising experiments currently underway may guide innovation and reform, but scalability of some of those experiments has not yet been tested.

(6) Evidence suggests that integration of academic education, technical skills development, and hands-on work experience improves outcomes and return on investment for students in secondary and post-secondary education and for skilled technical workers in different career stages.

(7) Outcomes show that mentoring can increase STEM student engagement and the rate of completion of STEM post-secondary degrees.

SEC. 3. NATIONAL SCIENCE FOUNDATION STEM INNOVATION AND APPRENTICESHIP GRANTS.

Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) by redesignating subsections (d) through (g) as subsections (g) through (j), respectively;

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

"(d) GRANTS FOR ASSOCIATE DEGREE PROGRAMS IN STEM FIELDS.—

"(1) IN-DEMAND WORKFORCE GRANTS.—The Director shall award grants to junior or community colleges to develop or improve associate degree or certificate programs in STEM fields, with respect to the region in which the respective college is located, and an in-demand industry sector or occupation.

"(2) APPLICATIONS.—In considering applications for grants under paragraph (1), the Director shall prioritize—

"(A) applications that consist of a partnership between the applying junior or community college and individual employers or an employer consortia, or industry or sector partnerships, and may include a university or other organization with demonstrated expertise in academic program development;

"(B) applications that demonstrate current and future workforce demand in occupations directly related to the proposed associate degree or certificate program;

"(C) applications that include commitments by the partnering employers or employer consortia, or industry or sector partnerships, to offer apprenticeships, internships, or other applied learning opportunities to students enrolled in the proposed associate degree or certificate program;

"(D) applications that include outreach plans and goals for recruiting and enrolling women and other underrepresented populations in STEM fields in the proposed associate degree or certificate program; and

"(E) applications that describe how the applying junior or community college will support the collection of information and data for purposes of evaluation of the proposed associate degree or certificate program.

"(e) GRANTS FOR STEM DEGREE APPLIED LEARNING OPPORTUNITIES.—

"(1) IN GENERAL.—The Director shall award grants to institutions of higher education partnering with private sector employers or private sector employer consortia, or industry or sector partnerships, that commit to offering apprenticeships, internships, research opportunities, or applied learning experiences to enrolled students in identified STEM baccalaureate degree programs.

"(2) PURPOSES.—Awards under this subsection may be used—

"(A) to develop curricula and programs for apprenticeship, internships, research opportunities, or applied learning experiences; or

"(B) to provide matching funds to incentivize partnership and participation by private sector employers and industry.

"(3) APPLICATIONS.—In considering applications for grants under paragraph (1), the Director shall prioritize—

"(A) applicants that consist of a partnership between—

"(i) the applying institution of higher education; and

"(ii) individual employers or an employer consortia, or industry or sector partnerships;

"(B) applications that demonstrate current and future workforce demand in occupations directly related to the identified STEM fields;

"(C) applications that include outreach plans and goals for recruiting and enrolling women and other underrepresented populations in STEM fields; and

"(D) applications that describe how the institution of higher education will support the collection and information of data for purposes of the evaluation of identified STEM degree programs.

"(f) GRANTS FOR COMPUTER-BASED AND ONLINE STEM EDUCATION COURSES.—

"(1) IN GENERAL.—The Director of the National Science Foundation shall award competitive grants to institutions of higher education or nonprofit organizations to conduct research on student outcomes and determine best practices for STEM education and technical skills education through distance learning or in a simulated work environment.

"(2) RESEARCH AREAS.—The research areas eligible for funding under this subsection may include—

"(A) post-secondary courses for technical skills development for STEM occupations;

"(B) improving high-school level career and technical education in STEM subjects;

"(C) encouraging and sustaining interest and achievement levels in STEM subjects among women and other populations historically underrepresented in STEM studies and careers; and

"(D) combining computer-based and online STEM education and skills development with traditional mentoring and other mentoring arrangements, apprenticeships, internships, and other applied learning opportunities.";

(3) in subsection (a)(3)(A), by striking the comma and inserting a semicolon;

(4) in subsection (c)(1)(B)(iv), by striking "subsection (f)(3)" and inserting "subsection (i)(3)";

(5) in subsection (h), as redesignated—

(A) in the heading, by striking "LIMITATION ON FUNDING" and inserting "FUNDING";

(B) by inserting "(3) LIMITATION ON FUNDING.—" before "To qualify" and indenting appropriately; and

(C) by inserting before paragraph (3), as redesignated, the following:

"(1) FUNDING.—The Director shall allocate out of amounts made available for the Education and Human Resources Directorate—

"(A) up to $5,000,000 to carry out the activities under subsection (d) for each of fiscal years 2019 through 2022, subject to the availability of appropriations;

"(B) up to $2,500,000 to carry out the activities under subsection (e) for each of fiscal years 2019 through 2022, subject to the availability of appropriations; and

"(C) up to $2,500,000 to carry out the activities under subsection (f) for each of fiscal years 2019 through 2022, subject to the availability of appropriations.

"(2) LIMITATION ON FUNDING.—Amounts made available to carry out subsections (d), (e), and (f) shall be derived from amounts appropriated or otherwise made available to the National Science Foundation."; and

(6) in subsection (j), as redesignated—

(A) in paragraph (4), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (5) as paragraph (7); and

Definitions.

(C) by inserting after paragraph (4) the following:

"(5) the term 'in-demand industry sector or occupation' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102);

"(6) the term 'junior or community college' has the meaning given the term in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058);"; and

(D) by adding at the end the following:

"(8) the term 'region' means a labor market area, as that term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

"(9) the terms 'mathematics, science, engineering, or technology' or 'STEM' mean science, technology, engineering, and mathematics, including computer science.".

42 USC 1862p note.

SEC. 4. RESEARCH ON EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.

Coordination.

(a) EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.—The Director of the National Science Foundation, working through the Directorate of Social, Behavioral & Economic Sciences, in coordination with the Secretary of Labor, shall support research on labor market analysis innovations, data and information sciences, electronic information tools and methodologies, and metrics.

(b) SKILLED TECHNICAL WORKFORCE.—

Consultation. Coordination.

(1) REVIEW.—The National Center for Science and Engineering Statistics of the National Science Foundation shall consult and coordinate with other relevant Federal statistical agencies, including the Institute of Education Sciences of the Department of Education, and the Committee on Science, Technology, Engineering, and Mathematics Education of the National Science and Technology Council established under section 101 of the America COMPETES Act of 2010 (Public Law 111–358), to explore the feasibility of expanding its surveys to include the collection of objective data on the skilled technical workforce.

Plan.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall submit to Congress a report on the progress made in expanding the National Center for Science and Engineering Statistics surveys to include the skilled technical workforce, including a plan for multi-agency collaboration to improve data collection and reporting of data on the skilled technical workforce.

(3) DEFINITION OF SKILLED TECHNICAL WORKFORCE.—The term "'skilled technical workforce'" means workers with high

school diplomas and two-year technical training or certifications who employ significant levels of STEM knowledge in their jobs.

SEC. 5. EVALUATION AND REPORT.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall evaluate the grant programs established under subsections (d), (e), and (f) of section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i), as amended by this Act. Deadline.

(2) REQUIREMENTS.—In conducting the evaluation under paragraph (1), the Director shall— Assessments.

(A) use a common set of benchmarks and assessment tools to identify best practices and materials developed or demonstrated by the research conducted pursuant to such grants and programs under subsection (f) of that section;

(B) include an assessment of the effectiveness of the grant programs in expanding apprenticeships, internships, and other applied learning opportunities offered by employers in conjunction with junior or community colleges, or institutions of higher education, as applicable;

(C) assess the number of students who participated in the grant programs; and

(D) assess the percentage of students participating in the grant programs who successfully complete their education programs.

(b) REPORT ON EVALUATIONS.—Not later than 180 days after the date the evaluation under subsection (a) is complete, the Director of the National Science Foundation shall submit to Congress and the Secretary of Education, and make widely available to the public, a report on the results of the evaluation, including any recommendations for legislative action that could optimize the effectiveness of the grant programs. Public information. Recommendations.

Approved December 31, 2018.

LEGISLATIVE HISTORY—H.R. 5509:

HOUSE REPORTS: No. 115–975 (Comm. on Science, Space, and Technology).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 25, considered and passed House.
Dec. 19, considered and passed Senate, amended.
Dec. 20, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 31, Presidential statement.

Public Law 115–403
115th Congress

An Act

Dec. 31, 2018
[S. 7]

To amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

NASA Enhanced Use Leasing Extension Act of 2018.
51 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "NASA Enhanced Use Leasing Extension Act of 2018".

SEC. 2. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF NON-EXCESS PROPERTY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

Section 20145(g) of title 51, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2019".

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 7:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 6, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–404
115th Congress

An Act

To direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes.

Dec. 31, 2018
[S. 943]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Johnson-O'Malley Supplemental Indian Education Program Modernization Act.
25 USC 5301 note.

This Act may be cited as the "Johnson-O'Malley Supplemental Indian Education Program Modernization Act".

SEC. 2. INDIAN EDUCATION PROGRAM STUDENT COUNT UPDATE.

The Act of April 16, 1934 (25 U.S.C. 5342 et seq.) (commonly referred to as the Johnson-O'Malley Act) is amended by adding at the end the following:

"SEC. 7. COMPUTATION OF STUDENT COUNT.

25 USC 5348.

"(a) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

"(1) CONTRACTING PARTY.—The term 'contracting party' means an entity that has a contract through a program authorized under this Act.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that is eligible to apply for a contract for a supplemental or operational support program under this Act, as outlined in section 1.

"(3) EXISTING CONTRACTING PARTY.—The term 'existing contracting party' means a contracting party that has a contract under this Act that is in effect on the date of enactment of the JOM Modernization Act.

"(4) JOM MODERNIZATION ACT.—The term 'JOM Modernization Act' means the Johnson-O'Malley Supplemental Indian Education Program Modernization Act.

"(5) NEW CONTRACTING PARTY.—The term 'new contracting party' means an entity that enters into a contract under this Act after the date of enactment of the JOM Modernization Act.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(b) DETERMINATION OF THE NUMBER OF ELIGIBLE INDIAN STUDENTS.—

"(1) INITIAL DETERMINATIONS.—

"(A) IN GENERAL.—The Secretary shall make an initial determination of the number of eligible Indian students

served or potentially served by each eligible entity in accordance with subparagraph (B).

"(B) PROCESS FOR MAKING THE INITIAL DETERMINATION.—

Publication. Consultation.

"(i) PRELIMINARY REPORT.—Not later than 180 days after the date of enactment of the JOM Modernization Act, the Secretary shall publish a preliminary report describing the number of eligible Indian students served or potentially served by each eligible entity, using the most applicable and accurate data (as determined by the Secretary in consultation with eligible entities) from the fiscal year preceding the fiscal year for which the initial determination is to be made from—

"(I) the Bureau of the Census;

"(II) the National Center for Education Statistics; or

"(III) the Office of Indian Education of the Department of Education.

"(ii) DATA RECONCILIATION.—To improve the accuracy of the preliminary report described in clause (i) prior to publishing, the Secretary shall reconcile the data described in the preliminary report with—

"(I) each existing contracting party's data regarding the number of eligible Indian students served by the existing contracting party for the fiscal year preceding the fiscal year for which the initial determination is made; and

"(II) identifiable tribal enrollment information.

"(iii) COMMENT PERIOD.—After publishing the preliminary report under clause (i) in accordance with clause (ii), the Secretary shall establish a 60-day comment period to gain feedback about the preliminary report from eligible entities, which the Secretary shall take into consideration in preparing the final report described in clause (iv).

"(iv) FINAL REPORT.—Not later than 120 days after concluding the consultation described in clause (iii), the Secretary shall publish a final report on the initial determination of the number of eligible Indian students served or potentially served by each eligible entity, including justification for not including any feedback gained during such consultation, if applicable.

"(2) SUBSEQUENT ACADEMIC YEARS.—For each academic year following the fiscal year for which an initial determination is made under paragraph (1) to determine the number of eligible Indian students served or potentially served by a contracting party, the Secretary shall determine the number of eligible Indian students served by the contracting party based on the reported eligible Indian student count numbers identified through the reporting process described in subsection (c).

"(c) CONTRACTING PARTY STUDENT COUNT REPORTING COMPLIANCE.—

"(1) IN GENERAL.—For each academic year following the fiscal year for which an initial determination is made under subsection (b) to determine the number of eligible Indian students served or potentially served by a contracting party, the

contracting party shall submit to the Secretary a report describing the number of eligible Indian students who were served using amounts allocated to such party under this Act during the previous fiscal year. The report shall also include an accounting of the amounts and purposes for which the contract funds were expended.

"(2) FAILURE TO COMPLY.—A contracting party that fails to submit a report under paragraph (1) shall receive no amounts under this Act for the fiscal year following the academic year for which the report should have been submitted.

"(3) NOTICE.—The Secretary shall provide contracting parties with timely information relating to—

"(A) initial and final reporting deadlines; and

"(B) the consequences of failure to comply outlined in paragraph (2).

"(4) TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Bureau of Indian Education, shall provide technical assistance and training on compliance with the reporting requirements of this subsection to contracting parties.

"(d) ANNUAL REPORT.—

"(1) IN GENERAL.—The Secretary shall prepare an annual report, including the most recent determination of the number of eligible Indian students served by each contracting party, recommendations on appropriate funding levels for the program based on such determination, and an assessment of the contracts under this Act that the Secretary— Recommendations. Assessment.

"(A) may include in the budget request of the Department of the Interior for each fiscal year;

"(B) shall submit to—

"(i) the Committee on Indian Affairs of the Senate;

"(ii) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate;

"(iii) the Committee on Education and the Workforce of the House of Representatives; and

"(iv) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

"(C) shall make publicly available.

"(2) MANNER OF PREPARATION.—The Secretary shall prepare the report under paragraph (1) in a manner so as to prevent or minimize new administrative burdens on contracting parties receiving funds under this Act.

"(e) HOLD HARMLESS.—

"(1) INITIAL HOLD HARMLESS.—

"(A) IN GENERAL.—Except as provided under subparagraph (B) and subject to subparagraphs (C) and (D), for a fiscal year, an existing contracting party shall not receive an amount under this Act that is less than the amount that such existing contracting party received under this Act for the fiscal year preceding the date of enactment of the JOM Modernization Act.

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—An existing contracting party shall receive an amount under this Act for a fiscal year that is less than the amount that the existing

contracting party received under this Act for the fiscal year preceding the date of enactment of the JOM Modernization Act, if one or more of the following conditions is met:

"(I) FAILURE TO REPORT.—The existing contracting party failed to submit a complete report described in subsection (c) that was most recently due from the date of the determination.

"(II) VIOLATIONS OF CONTRACT OR LAW.—The Secretary has found that the existing contracting party has violated the terms of a contract entered into under this Act or has otherwise violated Federal law.

"(III) STUDENT COUNT DECREASE.—The number of eligible Indian students reported by such existing contracting party under subsection (c) has decreased below the number of eligible Indian students served by the existing contracting party in the fiscal year preceding the date of enactment of the JOM Modernization Act.

"(ii) AMOUNT OF FUNDING REDUCTION FOR EXISTING CONTRACTING PARTIES REPORTING DECREASED STUDENT COUNTS.—A reduction in an amount pursuant to clause (i)(III) shall not be done in such a manner that the existing contracting party receives an amount of funding per eligible Indian student that is less than the amount of funding per eligible Indian student such party received for the fiscal year preceding the date of enactment of the JOM Modernization Act.

"(C) RATABLE REDUCTIONS IN APPROPRIATIONS.—If the funds available under this Act for a fiscal year are insufficient to pay the full amounts that all existing contracting parties are eligible to receive under subparagraph (A) for the fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

"(D) SUNSET.—This paragraph shall cease to be effective 4 years after the date of enactment of the JOM Modernization Act.

"(2) MAXIMUM DECREASE AFTER 4 YEARS.—Beginning 4 years after the date of enactment of the JOM Modernization Act, no contracting party shall receive for a fiscal year more than a 10 percent decrease in funding per eligible Indian student from the previous fiscal year.

"(f) FUNDING ALLOCATION AND REFORM.—

Recommendations.

"(1) FUNDING REFORM.—The Secretary may make recommendations for legislation to increase the amount of funds available per eligible Indian student through contracts under this Act to equal to or greater than the amount of funds that were available per eligible Indian student through contracts under this Act for fiscal year 1995, and attempt to identify additional sources of funding that do not reallocate existing funds otherwise utilized by Indian students served—

"(A) by the Bureau of Indian Education; or

"(B) under title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.).

"(2) INCREASES IN PROGRAM FUNDING.—

"(A) IN GENERAL.—Subject to subsection (e) and subparagraph (B), for any fiscal year for which the amount appropriated to carry out this Act exceeds the amount appropriated to carry out this Act for the preceding fiscal year, the excess amounts shall—

"(i) be allocated only to those contracting parties that did not receive their full per student funding allocation for the previous fiscal year; and

"(ii) be allocated first to new contracting parties that did not receive their full per student funding allocation for the previous fiscal year.

"(B) PARITY IN FUNDING.—Subparagraph (A) shall have no effect after the first fiscal year for which each contracting party receives their full per student funding allocation.

"(g) INCREASED GEOGRAPHICAL AND TRIBAL PARTICIPATION IN THE JOHNSON-O'MALLEY SUPPLEMENTARY EDUCATION PROGRAM.— Consultation. To the maximum extent practicable, the Secretary shall consult with Indian tribes and contact State educational agencies, local educational agencies, and Alaska Native organizations that have not previously entered into a contract under this Act—

"(1) to determine the interest of the Indian tribes, State educational agencies, local educational agencies, and Alaska Native organizations, in entering into such contracts; and

"(2) to share information relating to the process for entering into a contract under this Act.

"(h) RULEMAKING.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the JOM Modernization Act, the Secretary, acting through the Director of the Bureau of Indian Education, shall undertake and complete a rulemaking process, following the provisions of subchapter II of chapter 5 of title 5, United States Code, to— Deadline. Determinations.

"(A) determine how the regulatory definition of 'eligible Indian student' may be revised to clarify eligibility requirements for contracting parties under this Act;

"(B) determine, as necessary, how the funding formula described in section 273.31 of title 25, Code of Federal Regulations (as in effect on the day before the date of enactment of the JOM Modernization Act) may be clarified and revised to ensure full participation of contracting parties and provide clarity on the funding process under this Act; and

"(C) otherwise reconcile and modernize the rules to comport with the activities of the contracting parties under this Act as of the date of enactment of the JOM Modernization Act.

"(2) REPORT.—Not later than 30 days after the date the rulemaking under paragraph (1) is complete, the Secretary shall submit a report to Congress describing the results of such rulemaking and necessary recommendations to ensure the full implementation of such rulemaking. Recommendations.

"(i) STUDENT PRIVACY.—The Secretary shall ensure that data is collected and each report is prepared under this section in a manner that protects the rights of eligible Indian students in accordance with section 444 of the General Education Provisions Act

(commonly referred to as the Family Educational Rights and Privacy Act of 1974) (20 U.S.C. 1232g).

"(j) GAO REPORT.—Not later than 18 months after the final report described in subsection (b)(1)(B)(iv) is published, the Comptroller General shall—

Review.
Time period.

"(1) conduct a review of the implementation of this section during the preceding 2-year period, including any factors impacting—

"(A) the accuracy of the determinations of the number of eligible Indian students under this section;

"(B) the communication between the Bureau of Indian Education and contracting parties; and

"(C) the efforts by the Bureau of Indian Education to ensure accurate and sufficient distribution of funding for Indian students;

"(2) submit a report describing the results of the review under paragraph (1) to—

"(A) the Committee on Indian Affairs of the Senate;

"(B) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate;

"(C) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources of the House of Representatives; and

"(D) the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

Public information.

"(3) make such report publicly available.

"(k) EFFECT.—Nothing in this section—

"(1) creates a new program or duplicates program activities under this Act; or

"(2) replaces or diminishes the effect of regulations to carry out this Act existing on the day before the date of enactment of the JOM Modernization Act, unless expressly provided in this section.".

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 943:

SENATE REPORTS: No. 115–201 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Mar. 22, considered and passed Senate.
Dec. 11, considered and passed House, amended.
Dec. 19, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 31, Presidential statement.

Public Law 115–405
115th Congress

An Act

To expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes.

Dec. 31, 2018
[S. 1520]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Modernizing Recreational Fisheries Management Act of 2018. 16 USC 1801 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Modernizing Recreational Fisheries Management Act of 2018".

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Process for allocation review for South Atlantic and Gulf of Mexico mixed-use fisheries.
Sec. 102. Fishery management measures.
Sec. 103. Study of limited access privilege programs for mixed-use fisheries.

TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

Sec. 201. Cooperative data collection.
Sec. 202. Recreational data collection.

TITLE III—RULE OF CONSTRUCTION

Sec. 301. Rule of construction.

(c) REFERENCES TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 2. FINDINGS.

Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

"(13) While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.".

SEC. 3. DEFINITIONS.

16 USC 1801 note.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) COUNCIL.—The term "Council" means any Regional Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

(3) LIMITED ACCESS PRIVILEGE PROGRAM.—The term "limited access privilege program" means a program that meets the requirements of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a).

(4) MIXED-USE FISHERY.—The term "mixed-use fishery" means a Federal fishery in which 2 or more of the following occur:

(A) Recreational fishing.

(B) Charter fishing.

(C) Commercial fishing.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. PROCESS FOR ALLOCATION REVIEW FOR SOUTH ATLANTIC AND GULF OF MEXICO MIXED-USE FISHERIES.

Deadline. Reports.

(a) STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate committees of Congress a report on mixed-use fisheries in each applicable Council's jurisdiction, which shall include—

Recommendations. Criteria.

(1) recommendations on criteria that could be used by such Councils for allocating or reallocating fishing privileges in the preparation of a fishery management plan or plan amendment, including consideration of the ecological, conservation, economic, and social factors of each component of a mixed-use fishery;

(2) identification of the sources of information that could reasonably support the use of such criteria in allocation decisions;

Assessment.

(3) an assessment of the budgetary requirements for performing periodic allocation reviews for each applicable Council; and

(4) developing recommendations of procedures for allocation reviews and potential adjustments in allocation.

(b) CONSULTATION WITH STAKEHOLDERS.—The Comptroller General of the United States shall consult with the National Oceanic and Atmospheric Administration, the applicable Councils, the Science and Statistical Committees of such Councils, the applicable State fisheries management commissions, the recreational fishing sector, the commercial fishing sector, the charter fishing sector, and other stakeholders, to the extent practicable, in conducting the study required under subsection (a).

(c) DEFINITION OF APPLICABLE COUNCIL.—In this section, the term "applicable Council" means—

(1) the South Atlantic Fishery Management Council; or
(2) the Gulf of Mexico Fishery Management Council.

SEC. 102. FISHERY MANAGEMENT MEASURES.

(a) MANAGEMENT.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) in paragraph (7)(C), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

"(8) in addition to complying with the standards and requirements under paragraph (6), sections 301(a), 303(a)(15), and 304(e), and other applicable provisions of this Act, have the authority to use fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing a fishery management plan, plan amendment, or proposed regulations, such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities in such fishery or fishery component; and".

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report that describes any actions pursuant to paragraph (8) of section 302(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(h)), as added by subsection (a).

(c) OTHER FISHERIES.—Nothing in paragraph (8) of section 302(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(h)), as added by subsection (a), shall be construed to affect management of any fishery not described in such paragraph (8). 16 USC 1852 note.

SEC. 103. STUDY OF LIMITED ACCESS PRIVILEGE PROGRAMS FOR MIXED-USE FISHERIES.

(a) STUDY ON LIMITED ACCESS PRIVILEGE PROGRAMS.—Not later than 2 years after the date of enactment of this Act, the Ocean Studies Board of the National Academies of Sciences, Engineering, and Medicine shall— Deadline. Assessments.

(1) complete a study on the use of limited access privilege programs in mixed-use fisheries, including—

(A) an assessment of progress in meeting the goals of the program and this Act;

(B) an assessment of the social, economic, and ecological effects of the program, considering each sector of a mixed-use fishery and related businesses, coastal communities, and the environment;

(C) an assessment of any impacts to stakeholders in a mixed-use fishery caused by a limited access privilege program;

(D) recommendations of policies to address any impacts identified under subparagraph (C); Recommendations.

(E) identification of and recommendation of the different factors and information that should be considered when designing, establishing, or maintaining a limited access privilege program in a mixed-use fishery to mitigate any impacts identified in subparagraph (C), to the extent practicable; and Recommendations.

Review.

(F) a review of best practices and challenges faced in the design and implementation of limited access privilege programs under the jurisdiction of each of the 8 Regional Fishery Management Councils; and

Reports.

(2) submit to the appropriate committees of Congress a report on the study under paragraph (1), including the recommendations under subparagraphs (D) and (E) of paragraph (1).

(b) EXCLUSION.—Except as provided in subsection (a)(1)(F), the study described in this section shall not include the areas covered by the Pacific Fishery Management Council and the North Pacific Fishery Management Council.

TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

SEC. 201. COOPERATIVE DATA COLLECTION.

(a) IMPROVING DATA COLLECTION AND ANALYSIS.—Section 404 (16 U.S.C. 1881c) is amended by adding at the end the following:

"(e) IMPROVING DATA COLLECTION AND ANALYSIS.—

Consultation. Reports.

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Modernizing Recreational Fisheries Management Act of 2017, the Secretary shall develop, in consultation with the science and statistical committees of the Councils established under section 302(g) and the Marine Fisheries Commissions, and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on facilitating greater incorporation of data, analysis, stock assessments, and surveys from State agencies and nongovernmental sources described in paragraph (2), to the extent such information is consistent with section 301(a)(2), into fisheries management decisions.

"(2) CONTENT.—In developing the report under paragraph (1), the Secretary shall—

"(A) identify types of data and analysis, especially concerning recreational fishing, that can be used for purposes of this Act as the basis for establishing conservation and management measures as required by section 303(a)(1), including setting standards for the collection and use of that data and analysis in stock assessments and surveys and for other purposes;

Recommendations.

"(B) provide specific recommendations for collecting data and performing analyses identified as necessary to reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by nongovernmental sources; and

"(C) consider the extent to which the acceptance and use of data and analyses identified in the report in fishery management decisions is practicable and compatible with the requirements of section 301(a)(2).".

Evaluations. 16 USC 1881 note.

(b) NAS REPORT RECOMMENDATIONS.—The Secretary of Commerce shall take into consideration and, to the extent feasible, implement the recommendations of the National Academy of

Sciences in the report entitled "Review of the Marine Recreational Information Program (2017)", and shall submit, every 2 years following the date of enactment of this Act, a report to the appropriate committees of Congress detailing progress made implementing those recommendations. Recommendations considered shall include—

(1) prioritizing the evaluation of electronic data collection, including smartphone applications, electronic diaries for prospective data collection, and an internet website option for panel members or for the public; Website.

(2) evaluating whether the design of the Marine Recreational Information Program for the purposes of stock assessment and the determination of stock management reference points is compatible with the needs of in-season management of annual catch limits; and

(3) if the Marine Recreational Information Program is incompatible with the needs of in-season management of annual catch limits, determining an alternative method for in-season management. Determination.

SEC. 202. RECREATIONAL DATA COLLECTION.

Section 401 (16 U.S.C. 1881) is amended—

(1) in subsection (g)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

"(4) FEDERAL-STATE PARTNERSHIPS.—

"(A) ESTABLISHMENT.—The Secretary shall establish a partnership with a State to develop best practices for implementing the State program established under paragraph (2).

"(B) GUIDANCE.—The Secretary shall develop guidance, in cooperation with the States, that details best practices for administering State programs pursuant to paragraph (2), and provide such guidance to the States. Cooperation.

"(C) BIENNIAL REPORT.—The Secretary shall submit to the appropriate committees of Congress and publish biennial reports that include—

"(i) the estimated accuracy of— Estimates.

"(I) the information provided under subparagraphs (A) and (B) of paragraph (1) for each registry program established under that paragraph; and

"(II) the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures under paragraph (2);

"(ii) priorities for improving recreational fishing data collection; and

"(iii) an explanation of any use of information collected by such State programs and by the Secretary.

"(D) STATES GRANT PROGRAM.—

"(i) IN GENERAL.—The Secretary may make grants to States to—

"(I) improve implementation of State programs consistent with this subsection; and

"(II) assist such programs in complying with requirements related to changes in recreational data collection under paragraph (3).

"(ii) USE OF FUNDS.—Any funds awarded through such grants shall be used to support data collection, quality assurance, and outreach to entities submitting such data. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs."; and

(2) by adding at the end the following:

Deadlines.
Evaluation.
Reports.

"(h) ACTION BY SECRETARY.—The Secretary shall—

"(1) within 90 days after the date of the enactment of the Modernizing Recreational Fisheries Management Act of 2018, enter into an agreement with the National Academy of Sciences to evaluate, in the form of a report—

"(A) how the design of the Marine Recreational Information Program, for the purposes of stock assessment and the determination of stock management reference points, can be improved to better meet the needs of in-season management of annual catch limits under section 303(a)(15); and

"(B) what actions the Secretary, Councils, and States could take to improve the accuracy and timeliness of data collection and analysis to improve the Marine Recreational Information Program and facilitate in-season management; and

Recommendations.

"(2) within 6 months after receiving the report under paragraph (1), submit to Congress recommendations regarding—

"(A) changes to be made to the Marine Recreational Information Program to make the program better meet the needs of in-season management of annual catch limits and other requirements under such section; and

"(B) alternative management approaches that could be applied to recreational fisheries for which the Marine Recreational Information Program is not meeting the needs of in-season management of annual catch limits, consistent with other requirements of this Act, until such time as the changes in subparagraph (A) are implemented.".

TITLE III—RULE OF CONSTRUCTION

16 USC 1801 note.

SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying the requirements of sections 301(a), 302(h)(6), 303(a)(15), or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a), 1852(h)(6), 1853(a)(15), and 1854(e)), or the equal application of such requirements and other standards and requirements under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to commercial, charter,

and recreational fisheries, including each component of mixed-use fisheries.

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 1520:

SENATE REPORTS: No. 115–264 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 17, considered and passed Senate.
Dec. 19, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 31, Presidential statement.

Public Law 115–406
115th Congress

An Act

Dec. 31, 2018
[S. 2076]

To amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Building Our Largest Dementia Infrastructure for Alzheimer's Act.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Building Our Largest Dementia Infrastructure for Alzheimer's Act" or the "BOLD Infrastructure for Alzheimer's Act".

SEC. 2. PROMOTION OF PUBLIC HEALTH KNOWLEDGE AND AWARENESS OF ALZHEIMER'S DISEASE, COGNITIVE DECLINE, AND BRAIN HEALTH UNDER THE ALZHEIMER'S DISEASE AND HEALTHY AGING PROGRAM.

Part K of title III of the Public Health Service Act (42 U.S.C. 280c et seq.) is amended—

(1) in the part heading, by adding "**AND PUBLIC HEALTH PROGRAMS FOR DEMENTIA**" at the end; and

(2) in subpart II—

(A) by striking the subpart heading and inserting the following:

"Subpart II—Programs With Respect to Alzheimer's Disease and Related Dementias"; and

(B) by striking section 398A (42 U.S.C. 280c–4) and inserting the following:

"SEC. 398A. PROMOTION OF PUBLIC HEALTH KNOWLEDGE AND AWARENESS OF ALZHEIMER'S DISEASE AND RELATED DEMENTIAS.

"(a) ALZHEIMER'S DISEASE AND RELATED DEMENTIAS PUBLIC HEALTH CENTERS OF EXCELLENCE.—

Coordination.
Grants.
Contracts.

"(1) IN GENERAL.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and the heads of other agencies as appropriate, shall award grants, contracts, or cooperative agreements to eligible entities, such as institutions of higher education, State, tribal, and local health departments, Indian tribes, tribal organizations, associations, or other appropriate entities for the establishment or support of regional centers to address Alzheimer's disease and related dementias by—

"(A) advancing the awareness of public health officials, health care professionals, and the public, on the most current information and research related to Alzheimer's disease and related dementias, including cognitive decline, brain health, and associated health disparities;

"(B) identifying and translating promising research findings, such as findings from research and activities conducted or supported by the National Institutes of Health, including Alzheimer's Disease Research Centers authorized by section 445, into evidence-based programmatic interventions for populations with Alzheimer's disease and related dementias and caregivers for such populations; and

"(C) expanding activities, including through public-private partnerships related to Alzheimer's disease and related dementias and associated health disparities.

"(2) REQUIREMENTS.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including a description of how the entity will— Application.

"(A) coordinate, as applicable, with existing Federal, State, and tribal programs related to Alzheimer's disease and related dementias;

"(B) examine, evaluate, and promote evidence-based interventions for individuals with Alzheimer's disease and related dementias, including underserved populations with such conditions, and those who provide care for such individuals; and

"(C) prioritize activities relating to—

"(i) expanding efforts, as appropriate, to implement evidence-based practices to address Alzheimer's disease and related dementias, including through the training of State, local, and tribal public health officials and other health professionals on such practices;

"(ii) supporting early detection and diagnosis of Alzheimer's disease and related dementias;

"(iii) reducing the risk of potentially avoidable hospitalizations of individuals with Alzheimer's disease and related dementias;

"(iv) reducing the risk of cognitive decline and cognitive impairment associated with Alzheimer's disease and related dementias;

"(v) enhancing support to meet the needs of caregivers of individuals with Alzheimer's disease and related dementias;

"(vi) reducing health disparities related to the care and support of individuals with Alzheimer's disease and related dementias;

"(vii) supporting care planning and management for individuals with Alzheimer's disease and related dementias; and

"(viii) supporting other relevant activities identified by the Secretary or the Director of the Centers for Disease Control and Prevention, as appropriate.

"(3) CONSIDERATIONS.—In awarding grants, contracts, and cooperative agreements under this subsection, the Secretary shall consider, among other factors, whether the entity—

"(A) provides services to rural areas or other underserved populations;

"(B) is able to build on an existing infrastructure of services and public health research; and

"(C) has experience with providing care or caregiver support, or has experience conducting research related to Alzheimer's disease and related dementias.

"(4) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, or cooperative agreements under this subsection, the Secretary, to the extent practicable, shall ensure equitable distribution of awards based on geographic area, including consideration of rural areas, and the burden of the disease within sub-populations.

Deadline.

"(5) DATA REPORTING AND PROGRAM OVERSIGHT.—With respect to a grant, contract, or cooperative agreement awarded under this subsection, not later than 90 days after the end of the first year of the period of assistance, and annually thereafter for the duration of the grant, contract, or agreement (including the duration of any renewal period as provided for under paragraph (5)), the entity shall submit data, as appropriate, to the Secretary regarding—

"(A) the programs and activities funded under the grant, contract, or agreement; and

"(B) outcomes related to such programs and activities.

"(b) IMPROVING DATA ON STATE AND NATIONAL PREVALENCE OF ALZHEIMER'S DISEASE AND RELATED DEMENTIAS.—

Analysis.

"(1) IN GENERAL.—The Secretary shall, as appropriate, improve the analysis and timely reporting of data on the incidence and prevalence of Alzheimer's disease and related dementias. Such data may include, as appropriate, information on cognitive decline, caregiving, and health disparities experienced by individuals with cognitive decline and their caregivers. The Secretary may award grants, contracts, or cooperative agreements to eligible entities for activities under this paragraph.

Application.

"(2) ELIGIBILITY.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall be a public or nonprofit private entity, including institutions of higher education, State, local, and tribal health departments, and Indian tribes and tribal organizations, and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(3) DATA SOURCES.—The analysis, timely public reporting, and dissemination of data under this subsection may be carried out using data sources such as the following:

"(A) The Behavioral Risk Factor Surveillance System.

"(B) The National Health and Nutrition Examination Survey.

"(C) The National Health Interview Survey.

"(c) IMPROVED COORDINATION.—The Secretary shall ensure that activities and programs related to dementia under this section do not unnecessarily duplicate activities and programs of other agencies and offices within the Department of Health and Human Services.".

SEC. 3. SUPPORTING STATE PUBLIC HEALTH PROGRAMS RELATED TO ALZHEIMER'S DISEASE AND RELATED DEMENTIAS.

Section 398 of the Public Health Service Act (42 U.S.C. 280c–3) is amended—

(1) in the section heading, by striking "**ESTABLISHMENT OF PROGRAM**" and inserting "**COOPERATIVE AGREEMENTS TO STATES AND PUBLIC HEALTH DEPARTMENTS FOR ALZHEIMER'S DISEASE AND RELATED DEMENTIAS**";

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and the heads of other agencies, as appropriate, shall award cooperative agreements to health departments of States, political subdivisions of States, and Indian tribes and tribal organizations, to address Alzheimer's disease and related dementias, including by reducing cognitive decline, helping meet the needs of caregivers, and addressing unique aspects of Alzheimer's disease and related dementias to support the development and implementation of evidence-based interventions with respect to— Coordination.

"(1) educating and informing the public, based on evidence-based public health research and data, about Alzheimer's disease and related dementias;

"(2) supporting early detection and diagnosis;

"(3) reducing the risk of potentially avoidable hospitalizations for individuals with Alzheimer's disease and related dementias;

"(4) reducing the risk of cognitive decline and cognitive impairment associated with Alzheimer's disease and related dementias;

"(5) improving support to meet the needs of caregivers of individuals with Alzheimer's disease and related dementias;

"(6) supporting care planning and management for individuals with Alzheimer's disease and related dementias.

"(7) supporting other relevant activities identified by the Secretary or the Director of the Centers for Disease Control and Prevention, as appropriate".; and

(3) by striking subsection (b);

(4) by redesignating subsection (c) as subsection (g);

(5) by inserting after subsection (a), the following:

"(b) PREFERENCE.—In awarding cooperative agreements under this section, the Secretary shall give preference to applications that focus on addressing health disparities, including populations and geographic areas that have the highest prevalence of Alzheimer's disease and related dementias.

"(c) ELIGIBILITY.—To be eligible to receive a cooperative agreement under this section, an eligible entity (pursuant to subsection (a)) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan that describes— Application. Plan.

"(1) how the applicant proposes to develop or expand, programs to educate individuals through partnership engagement, workforce development, guidance and support for programmatic efforts, and evaluation with respect to Alzheimer's disease and related dementias, and in the case of a cooperative agreement under this section, how the applicant proposes to support other relevant activities identified by the Secretary or Director of the Centers for Disease Control and Prevention, as appropriate.

"(2) the manner in which the applicant will coordinate with Federal, tribal, and State programs related to Alzheimer's disease and related dementias, and appropriate State, tribal, and local agencies, as well as other relevant public and private organizations or agencies; and

"(3) the manner in which the applicant will evaluate the effectiveness of any program carried out under the cooperative agreement.

"(d) MATCHING REQUIREMENT.—Each health department that is awarded a cooperative agreement under subsection (a) shall provide, from non-Federal sources, an amount equal to 30 percent of the amount provided under such agreement (which may be provided in cash or in-kind) to carry out the activities supported by the cooperative agreement.

Determination.

"(e) WAIVER AUTHORITY.—The Secretary may waive all or part of the matching requirement described in subsection (d) for any fiscal year for a health department of a State, political subdivision of a State, or Indian tribe and tribal organization (including those located in a rural area or frontier area), if the Secretary determines that applying such matching requirement would result in serious hardship or an inability to carry out the purposes of the cooperative agreement awarded to such health department of a State, political subdivision of a State, or Indian tribe and tribal organization.";

(6) in subsection (f) (as so redesignated), by striking "grant" and inserting "cooperative agreement"; and

(7) by adding at the end the following:

"(f) NON-DUPLICATION OF EFFORT.—The Secretary shall ensure that activities under any cooperative agreement awarded under this subpart do not unnecessarily duplicate efforts of other agencies and offices within the Department of Health and Human Services related to—

"(1) activities of centers of excellence with respect to Alzheimer's disease and related dementias described in section 398A; and

"(2) activities of public health departments with respect to Alzheimer's disease and related dementias described in this section.".

SEC. 4. ADDITIONAL PROVISIONS.

Section 398B of the Public Health Service Act (42 U.S.C. 280c–5) is amended—

(1) in subsection (a)—

(A) by inserting "or cooperative agreement" after "grant" each place that such appears;

(B) by striking "section 398(a) to a State unless the State" and inserting "sections 398 or 398A to an entity unless the entity"; and

(C) by striking "10" and inserting "5";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as so redesignated)—

(A) in the matter preceding paragraph (1), by striking "section 398(a) to a State unless the State" and inserting "sections 398 or 398A to an entity unless the entity";

(B) in paragraph (1), by striking "expenditures required in subsection (b);" and inserting "expenditures;";

(5) in subsection (c) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "each demonstration project for which a grant" and inserting "the activities for which an award"; and

(ii) by striking "section 398(a)" and inserting "sections 398 or 398A"; and

(B) in paragraph (2), by striking "6 months" and inserting "1 year";

(6) by inserting after subsection (c) (as so redesignated), the following:

"(d) DEFINITION.—In this subpart, the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act."; and

(7) in subsection (e), by striking "$5,000,000 for each of the fiscal years 1988 through 1990" and all that follows through "2002" and inserting "$20,000,000 for each of fiscal years 2020 through 2024".

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 2076:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 12, considered and passed Senate.
Dec. 19, considered and passed House.

Public Law 115–407
115th Congress

An Act

Dec. 31, 2018
[S. 2248]

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide certain burial benefits for spouses and children of veterans who are buried in tribal cemeteries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Benefits and Transition Act of 2018.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits and Transition Act of 2018".

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

Sec. 1. Short title; table of contents.

TITLE I—EDUCATION

Sec. 101. Inclusion of certain additional periods of active duty service for purposes of suspension of charges to entitlement during periods of suspended participation in Department of Veterans Affairs vocational rehabilitation programs.
Sec. 102. Provision of monthly housing stipend information under Post-9/11 Educational Assistance Program.
Sec. 103. Disapproval for purposes of educational assistance programs of Department of Veterans Affairs of certain courses of education that do not permit individuals to attend or participate in courses pending payment.
Sec. 104. Provision of information on required additional actions to allow individuals to stay enrolled in courses of education pending receipt of educational assistance from department of veterans affairs.
Sec. 105. Calculation of monthly housing stipend under high technology pilot program based on location of campus where veteran attends classes.
Sec. 106. Clarification regarding applicability of authority to use educational assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.

TITLE II—MEMORIAL AFFAIRS

Sec. 201. Eligibility of spouses and children of veterans buried in tribal cemeteries for certain Department of Veterans Affairs burial benefits.
Sec. 202. Department of Veterans Affairs provision of headstones and markers for, and interment in national cemeteries of, spouses and dependent children of members of the Armed Forces serving on active duty.

TITLE III—CIVIL RELIEF

Sec. 301. Termination of leases of premises of deceased servicemembers who die while in military service.
Sec. 302. Residence of spouses of servicemembers for tax purposes.
Sec. 303. Residence of spouses of servicemembers for voting.
Sec. 304. Termination of multichannel video programming and internet access service contracts.

TITLE IV—TRANSITION ASSISTANCE

Sec. 401. Study of community-based transition assistance programs for members of the Armed Forces after separation, retirement, or discharge.

TITLE V—DEPARTMENTAL ADMINISTRATION

Sec. 501. Misuse of Department of Veterans Affairs purchase cards by Department employees.
Sec. 502. Updating dependent information.
Sec. 503. Oversight of Electronic Health Record Modernization Program.
Sec. 504. Department of Veterans Affairs notice relating to debt collection activities.

TITLE VI—MEDICAL FACILITIES

Sec. 601. Authorization of major medical facility projects for fiscal year 2019.
Sec. 602. Plans to improve medical facilities of the Department of Veterans Affairs.

TITLE VII—OTHER MATTERS

Sec. 701. Homeless veterans reintegration programs.
Sec. 702. Technical corrections.
Sec. 703. Medical Surgical Prime Vendor program.
Sec. 704. Report on expanding access to dental care for veterans eligible for health care from the Department of Veterans Affairs.

TITLE I—EDUCATION

SEC. 101. INCLUSION OF CERTAIN ADDITIONAL PERIODS OF ACTIVE DUTY SERVICE FOR PURPOSES OF SUSPENSION OF CHARGES TO ENTITLEMENT DURING PERIODS OF SUSPENDED PARTICIPATION IN DEPARTMENT OF VETERANS AFFAIRS VOCATIONAL REHABILITATION PROGRAMS.

Section 3105(e)(2) of title 38, United States Code, is amended by striking "or 12304" and inserting "12304, 12304a, or 12304b".

SEC. 102. PROVISION OF MONTHLY HOUSING STIPEND INFORMATION UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

Section 3313 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(k) PROVISION OF HOUSING STIPEND PAYMENT INFORMATION.—

"(1) IN GENERAL.—The Secretary shall furnish to individuals receiving educational assistance under this chapter documentation that verifies the amount of the monthly housing stipend the individual receives under this section.

"(2) MANNER.—The Secretary shall make such documentation available to the individual using an internet website in the same manner the Secretary provides documentation verifying compensation and other benefits furnished by the Secretary to individuals.". Web posting.

SEC. 103. DISAPPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS OF CERTAIN COURSES OF EDUCATION THAT DO NOT PERMIT INDIVIDUALS TO ATTEND OR PARTICIPATE IN COURSES PENDING PAYMENT.

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this chapter, beginning on August 1, 2019, a State approving agency, or the Secretary when acting in the role of the State approving agency, shall disapprove a course of education provided by an educational institution that has in effect a policy that is inconsistent with any of the following: Effective date.

"(A) A policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to Termination dates.

the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31 or 33 of this title and ending on the earlier of the following dates:

"(i) The date on which the Secretary provides payment for such course of education to such institution.

"(ii) The date that is 90 days after the date on which the educational institution certifies for tuition and fees following receipt from the student such certificate of eligibility.

"(B) A policy that ensures that the educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual's inability to meet his or her financial obligations to the institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31 or 33 of this title.

"(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under chapter 31 or 33 of this title.

Waiver authority.

"(3) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

"(4) It shall not be inconsistent with a policy described in paragraph (1) for an educational institution to require a covered individual to take the following additional actions:

Deadline.

"(A) Submit a certificate of eligibility for entitlement to educational assistance not later than the first day of a course of education for which the individual has indicated the individual wishes to use the individual's entitlement to educational assistance.

"(B) Submit a written request to use such entitlement.

"(C) Provide additional information necessary to the proper certification of enrollment by the educational institution.".

38 USC 3680 note.

(b) PROMPT PAYMENTS.—

Deadline.

(1) IN GENERAL.—The Secretary of Veterans Affairs shall take such actions as may be necessary to ensure that the Secretary makes a payment to an educational institution on behalf of an individual, who is entitled to educational assistance under chapter 31 or 33 of title 38, United States Code, and who is using such assistance to pursue a program of education at the educational institution, not later than 60 days after the date on which the educational institution certifies to the Secretary the applicable tuition and fees for the individual.

(2) SEMIANNUAL REPORTS.—Not later than May 1 and October 1 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a semiannual report summarizing any cases in which the Secretary failed to make a payment described in paragraph (1) within the period set forth in such paragraph and an explanation for each delayed disbursement of payment.

38 USC 3679 note.

(c) RULE OF CONSTRUCTION.—In a case in which an individual is unable to meet a financial obligation to an educational institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31 or 33 of such title and the amount of such disbursement is less than anticipated, nothing

in section 3679(e) of such title, as added by subsection (a), shall be construed to prohibit an educational institution from requiring additional payment or imposing a fee for the amount that is the difference between the amount of the financial obligation and the amount of the disbursement.

SEC. 104. PROVISION OF INFORMATION ON REQUIRED ADDITIONAL ACTIONS TO ALLOW INDIVIDUALS TO STAY ENROLLED IN COURSES OF EDUCATION PENDING RECEIPT OF EDUCATIONAL ASSISTANCE FROM DEPARTMENT OF VETERANS AFFAIRS.

Section 3698(c)(1)(C) of title 38, United States Code, is amended—

(1) in clause (x), by striking "; and" and inserting a semicolon;

(2) in clause (xi), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xii) information on whether the institution requires a covered individual to take additional action pursuant to section 3679(e)(4) of this title to stay enrolled in a course pending receipt of educational assistance under a law administered by the Secretary.".

SEC. 105. CALCULATION OF MONTHLY HOUSING STIPEND UNDER HIGH TECHNOLOGY PILOT PROGRAM BASED ON LOCATION OF CAMPUS WHERE VETERAN ATTENDS CLASSES.

Section 116(d)(1) of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48, 38 U.S.C. 3001 (note)), is amended—

(1) in subparagraph (A), by striking "the institution at which the individual is enrolled" and inserting "the campus of the institution where the individual physically participates in a majority of classes"; and

(2) in subparagraph (B), by striking "the amount payable" and all that follows through "subparagraph (A)" and inserting "the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37, United States Code, for a member with dependents in pay grade E–5".

SEC. 106. CLARIFICATION REGARDING APPLICABILITY OF AUTHORITY TO USE EDUCATIONAL ASSISTANCE TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.

The section heading for section 302 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 131 Stat. 990) is amended to read as follows (and the table of contents for such Act is conformed accordingly):

"SEC. 302. AUTHORIZATION FOR USE OF EDUCATIONAL ASSISTANCE UNDER ANY OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.".

TITLE II—MEMORIAL AFFAIRS

SEC. 201. ELIGIBILITY OF SPOUSES AND CHILDREN OF VETERANS BURIED IN TRIBAL CEMETERIES FOR CERTAIN DEPARTMENT OF VETERANS AFFAIRS BURIAL BENEFITS.

Section 2306 of title 38, United States Code, is amended—

(1) in subsection (a)(4), by inserting "or a veterans' cemetery owned by a tribal organization or on land owned by or held in trust for a tribal organization" after "State";

(2) in subsection (b)(1), by inserting ", a veterans' cemetery of a tribal organization or on land owned by or held in trust for a tribal organization" after "owned by a State";

(3) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking "The Secretary" and inserting "(1) The Secretary";

(C) by striking "a national cemetery or in a veterans cemetery of a State or tribal organization for which the Department has provided a grant under section 2408 of this title" and inserting "a covered cemetery"; and

(D) by adding at the end the following:

Definition.

"(2) The term 'covered cemetery' means any of the following:

"(A) A national cemetery.

"(B) A veterans' cemetery of a State for which the Department has provided a grant under section 2408 of this title.

"(C) A veterans' cemetery of a tribal organization or on land owned by or held in trust for a tribal organization for which the Department has provided a grant under subsection (f) of such section."; and

(4) by adding at the end the following new subsection:

Definition.

"(i) In this section, the term 'tribal organization' has the meaning given such term in section 3765 of this title.".

Effective dates.

SEC. 202. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF HEADSTONES AND MARKERS FOR, AND INTERMENT IN NATIONAL CEMETERIES OF, SPOUSES AND DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY.

(a) HEADSTONES AND MARKERS.—Section 2306(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (B), by inserting ", or the spouse of a member of the Armed Forces serving on active duty under conditions other than dishonorable, as shown by a statement from a general court-martial convening authority, at the time of the spouse's death if such death occurs before October 1, 2024" after "veteran"; and

(2) in subparagraph (C), by inserting ", or the eligible dependent child of a member of the Armed Forces serving on active duty under conditions other than dishonorable, as

shown by a statement from a general court-martial convening authority, at the time of the child's death if such death occurs before October 1, 2024" after "veteran".

(b) INTERMENT IN NATIONAL CEMETERIES.—Section 2402(a)(5) of such title is amended by inserting ", and the spouse, minor child, and, in the discretion of the Secretary, unmarried adult child of a member of the Armed Forces serving on active duty under conditions other than dishonorable, as shown by a statement from a general court-martial convening authority, at the time of the spouse's or child's death if such death occurs before October 1, 2024" after "paragraph (7)".

TITLE III—CIVIL RELIEF

SEC. 301. TERMINATION OF LEASES OF PREMISES OF DECEASED SERVICEMEMBERS WHO DIE WHILE IN MILITARY SERVICE.

Section 305(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(1) in the subsection heading, by striking "BY LESSEE";

(2) in the heading for paragraph (1), by striking "IN GENERAL" and inserting "TERMINATION BY LESSEE"; and

(3) by adding at the end the following new paragraph:

"(3) DEATH OF LESSEE.—The spouse of the lessee on a lease described in subsection (b)(1) may terminate the lease during the one-year period beginning on the date of the death of the lessee, if the lessee dies while in military service or while performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).".

Time period.
Effective date.

SEC. 302. RESIDENCE OF SPOUSES OF SERVICEMEMBERS FOR TAX PURPOSES.

(a) RESIDENCE FOR TAX PURPOSES.—Section 511(a)(2) of the Servicemembers Civil Relief Act (50 U.S.C. 4001(a)(2)) is amended—

(1) by striking "A spouse" and inserting the following:

"(A) IN GENERAL.—A spouse"; and

(2) by adding at the end the following new subparagraph:

"(B) ELECTION.—For any taxable year of the marriage, the spouse of a servicemember may elect to use the same residence for purposes of taxation as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

50 USC 4001 note.

SEC. 303. RESIDENCE OF SPOUSES OF SERVICEMEMBERS FOR VOTING.

(a) IN GENERAL.—Section 705(b) of the Servicemembers Civil Relief Act (50 U.S.C. 4025(b)) is amended—

(1) by striking "State or local office" and all that follows through the period at the end of paragraph (3) and inserting "State or local office—"; and

(2) by adding at the end the following new paragraphs:

"(1) a person who is absent from a State because the person is accompanying the person's spouse who is absent

from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

"(A) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(B) be deemed to have acquired a residence or domicile in any other State; or

"(C) be deemed to have become a resident in or a resident of any other State; and

"(2) the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.".

50 USC 4025 note.

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

SEC. 304. TERMINATION OF MULTICHANNEL VIDEO PROGRAMMING AND INTERNET ACCESS SERVICE CONTRACTS.

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. 3956) is amended—

(1) in the section heading, by inserting "**, MULTICHANNEL VIDEO PROGRAMMING, AND INTERNET ACCESS**" after "**TELEPHONE**";

(2) in subsection (b), by striking "cellular telephone service or telephone exchange service" and inserting "commercial mobile service, telephone exchange service, internet access service, or multichannel video programming service";

(3) in subsection (c), by inserting "for commercial mobile service or telephone exchange service" before "terminated";

(4) in subsection (d), in the matter preceding paragraph (1), by striking "cellular telephone service" and inserting "commercial mobile service";

(5) in subsection (e)—

(A) by striking "For any" and inserting the following: "(1) IN GENERAL.—For any";

(B) by striking "If the" and inserting the following: "(2) REINSTATEMENT OF SERVICE.—If the"; and

(C) by adding at the end the following:

Deadline.

"(3) RETURN OF PROVIDER-OWNED EQUIPMENT.—If a servicemember terminates a contract under subsection (a), the servicemember shall return any provider-owned consumer premises equipment to the service provider not later than 10 days after the date on which service is disconnected."; and

(6) in subsection (g)—

(A) by redesignating paragraph (2) as paragraph (4); and

Definitions.

(B) by striking paragraph (1) and inserting the following:

"(1) The term 'commercial mobile service' has the meaning given that term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

"(2) The term 'multichannel video programming service' means a subscription video service offered by a multichannel video programming distributor, as that term is defined in section 602 of the Communications Act of 1934 (47 U.S.C. 522), over a system the distributor owns or controls.

"(3) The term 'provider-owned consumer premises equipment' means any equipment that a provider of internet access service or multichannel video programming service rents or loans to a customer during the provision of that service, including gateways, routers, cable modems, voice-capable modems, CableCARDs, converters, digital adapters, remote controls, and any other equipment provided.".

(b) CLERICAL AMENDMENTS.—

(1) TITLE HEADING.—The heading for title III of the Servicemembers Civil Relief Act is amended by striking "**TELEPHONE**" and inserting "**COMMUNICATIONS**".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Servicemembers Civil Relief Act is amended—

(A) by striking the item relating to title III and inserting the following new item:

"TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, COMMUNICATIONS SERVICE CONTRACTS";

and

(B) by striking the item relating to section 305A and inserting the following new item:

"Sec. 305A. Termination of telephone, multichannel video programming, and internet access service contracts.".

TITLE IV—TRANSITION ASSISTANCE

SEC. 401. STUDY OF COMMUNITY-BASED TRANSITION ASSISTANCE PROGRAMS FOR MEMBERS OF THE ARMED FORCES AFTER SEPARATION, RETIREMENT, OR DISCHARGE.

(a) STUDY.—The Secretary of Veterans Affairs, in consultation with State entities that serve members of the Armed Forces who are retired, separated, or discharged from the Armed Forces, shall enter into an agreement with an appropriate non-Federal entity to carry out a study to identify community-based programs— Consultation.

(1) that provide transition assistance to such members; and

(2) operated by nonprofit entities.

(b) TRANSMISSION TO MEMBERS.—The Secretary of Veterans Affairs shall transmit the list of programs identified under this section to the Secretary of Defense so the Secretaries of the military departments may provide information in the list to members of the Armed Forces who participate in the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code. Lists.

(c) ONLINE PUBLICATION.—The Secretary of Veterans Affairs shall publish the most recent version of the list of programs identified under this section on a public website of the Department of Veterans Affairs.

TITLE V—DEPARTMENTAL ADMINISTRATION

SEC. 501. MISUSE OF DEPARTMENT OF VETERANS AFFAIRS PURCHASE CARDS BY DEPARTMENT EMPLOYEES.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is further amended by adding at the end the following new section:

38 USC 728.

"§ 728. Misuse of Department purchase cards

Determination.

"(a) IN GENERAL.—(1) The Secretary shall prohibit any employee of the Department who the Secretary or the Inspector General of the Department determines has knowingly misused a purchase card from serving as a purchase card holder or approving official.

"(2) Such a prohibition shall be in addition to any other applicable penalty.

Definition.

"(b) MISUSE.—For purposes of this section, the term 'misuse' means—

"(1) splitting purchases;

"(2) exceeding applicable purchase card limits or purchase thresholds;

"(3) purchasing any unauthorized item;

"(4) using a purchase card without being an authorized purchase card holder; or

"(5) violating ethics standards.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 728 the following new item:

38 USC prec. 701.

"728. Misuse of Department purchase cards.".

38 USC note prec. 5701.

SEC. 502. UPDATING DEPENDENT INFORMATION.

The Secretary of Veterans Affairs shall make such changes to such information technology systems of the Department of Veterans Affairs, including the eBenefits system or successor system, as may be necessary so that whenever the Secretary records in such systems information about a dependent of a person, the person is able to review and revise such information.

38 USC note prec. 5701.

SEC. 503. OVERSIGHT OF ELECTRONIC HEALTH RECORD MODERNIZATION PROGRAM.

Deadline. Plans. Cost estimates.

(a) PROGRAM DOCUMENTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees the following documents concerning the Electronic Health Record Modernization Program:

(1) Integrated Master Plan.

(2) Integrated Master Schedule.

(3) Program Management Plan.

(4) Annual and lifecycle cost estimates, including, at a minimum, cost elements relating to—

(A) Federal Government labor;

(B) contractor labor;

(C) hardware;

(D) software; and

(E) testing and evaluation.

(5) Cost baseline.
(6) Risk Management Plan.
(7) Health IT Strategic Architecture Plan.
(8) Transition Plan for implementing updated architecture.
(9) Data Migration Plan.
(10) System and Data Security Plan.
(11) Application Implementation Plan.
(12) System Design Documents.
(13) Legacy Veterans Information Systems and Technology Architecture Standardization, Security Enhancement, and Consolidation Project Plan.
(14) Health Data Interoperability Management Plan.
(15) Community Care Vision and Implementation Plan, including milestones and a detailed description of how complete interoperability with non-Department health care providers will be achieved.

(b) QUARTERLY UPDATES.—Not later than 30 days after the end of each fiscal quarter during the period beginning with the fiscal quarter in which this Act is enacted and ending on the date on which the Electronic Health Record Modernization Program is completed, the Secretary shall submit to the appropriate congressional committees the most recent updated versions, if any exist, of the following documents: Deadline. Time periods.

(1) Integrated Master Schedule.
(2) Program Management Plan, including any written Program Management Review material developed for the Program Management Plan during the fiscal quarter covered by the submission.
(3) Each document described in subsection (a)(4).
(4) Performance Baseline Report for the fiscal quarter covered by the submission or for the fiscal quarter ending the fiscal year prior to the submission.
(5) Budget Reconciliation Report.
(6) Risk Management Plan and Risk Register.

(c) CONTRACTS.—Not later than 5 days after awarding a contract, order, or agreement, including any modifications thereto, under the Electronic Health Record Modernization Program, the Secretary shall submit to the appropriate congressional committees a copy of the entire such contract, order, agreement, or modification. Deadline.

(d) NOTIFICATION.—

(1) REQUIREMENT.—Not later than 10 days after an event described in paragraph (2) occurs, the Secretary shall notify the appropriate congressional committees of such occurrence, including a description of the event and an explanation for why such event occurred. Deadline.

(2) EVENT DESCRIBED.—An event described in this paragraph is any of the following events regarding the Electronic Health Record Modernization Program:

(A) The delay of any milestone or deliverable by 30 or more days.

(B) A request for equitable adjustment, equitable adjustment, or change order exceeding $1,000,000 (as such terms are defined in the Federal Acquisition Regulation).

(C) The submission of any protest, claim, or dispute, and the resolution of any protest, claim, or dispute (as such terms are defined in the Federal Acquisition Regulation).

(D) A loss of clinical or other data.

(E) A breach of patient privacy, including any—

(i) disclosure of protected health information that is not permitted under regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 42 U.S.C. 1320d–2 note); and

(ii) breach of sensitive personal information (as defined in section 5727 of title 38, United States Code).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committees on Veterans' Affairs of the House of Representatives and the Senate; and

(B) the Committees on Appropriations of the House of Representatives and the Senate.

(2) The term "Electronic Health Record Modernization Program" means—

(A) any activities by the Department of Veterans Affairs to procure or implement an electronic health or medical record system to replace any or all of the Veterans Information Systems and Technology Architecture, the Computerized Patient Record System, the Joint Legacy Viewer, or the Enterprise Health Management Platform; and

(B) any contracts or agreements entered into by the Secretary of Veterans Affairs to carry out, support, or analyze the activities under subparagraph (A).

SEC. 504. DEPARTMENT OF VETERANS AFFAIRS NOTICE RELATING TO DEBT COLLECTION ACTIVITIES.

Determination. 38 USC note prec. 5301.

(a) DEBT NOTIFICATION LETTER FORMATS.—The Secretary of Veterans Affairs shall collaborate with veterans service organizations to develop a standard format for any letter provided to an individual who the Secretary determines is indebted to the United States by virtue of such individual's participation in a benefits program administered by the Secretary. Such letter shall be written in plain language and shall include a notice of the debt and a clear explanation of—

(1) why the individual is indebted to the United States by virtue of such person's participation in a benefits program administered by the Secretary; and

(2) the options available to the individual.

38 USC note prec. 5301.

(b) DELIVERY OF DEBT NOTICES BY STANDARD MAIL AND ELECTRONIC MEANS.—The Secretary shall develop a method by which individuals may elect to receive notice of debt by electronic means and shall ensure, to the extent practicable, that the letter developed under subsection (a) is delivered—

(1) by both standard mail and by electronic means to intended recipients who have made such an election; and

(2) only by standard mail to intended recipients who have not made such an election.

38 USC note prec. 5301.

(c) NOTICE TO CONGRESS.—

(1) NOTICES OF COMPLETION.—Upon completion of the development of the standard letter format required under subsection (a) and upon completion of development of the method by which individuals may elect to receive notice of debt by

electronic means under subsection (b), the Secretary shall submit to Congress notice of the completion of the respective development.

(2) PROGRESS REPORTS.—If the Secretary has not submitted each notice required by paragraph (1) by the date that is 90 days after the date of the enactment of this Act, the Secretary shall— Effective date.

(A) submit to Congress a report describing the progress of the Secretary toward implementing subsections (a) and (b) and an explanation for why the respective development has not been completed; and

(B) every 30 days thereafter until all of the notices required by paragraph (1) have been submitted, submit to Congress an update to the report under subparagraph (A) that includes an additional explanation for the failure to complete the respective development.

(d) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Veterans Affairs, in coordination with the Secretary of the Treasury, shall conduct a study on the process by which individuals who are indebted to the United States by virtue of their participation in a benefits program administered by the Secretary of Veterans Affairs are notified of debt collection efforts relating to such indebtedness. Coordination.

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

(A) An analysis of the scope of the problem of individuals who are indebted to the United States by virtue of their participation in a benefits program administered by the Secretary of Veterans Affairs not receiving debt collection notices relating to such indebtedness.

(B) Identification of administrative actions the Secretary of Veterans Affairs and the Secretary of the Treasury can carry out to reduce the number of incorrect or unknown addresses of such individuals in the databases of the Department Veterans Affairs and the Department of the Treasury and a timeline for carrying out such actions. Timeline.

(C) An estimate of the costs associated with sending debt collection notices to such individuals by certified mail. Cost estimate.

(D) An analysis of whether, or to what extent, sending debt collection notices to such individuals by certified mail would address the problem analyzed under subparagraph (A).

(E) An analysis of the requirements and resources that would be necessary for the Secretary of Veterans Affairs to establish a method for the Secretary to display in one consolidated document the details regarding all of the debts of an individual to the United States by virtue of such individual's participation in a benefits program administered by the Secretary.

(F) An analysis of the extent to which such individuals are so indebted by reason of actions by the Secretary or by actions of the individual, including any trends relating to whether the actions of the individual may be by reason of error, misrepresentation, or fraud.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, Coordination.

in coordination with the Secretary of the Treasury, shall submit to Congress a report on the findings of the Secretaries with respect to the study conducted under paragraph (1).

TITLE VI—MEDICAL FACILITIES

SEC. 601. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR FISCAL YEAR 2019.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2019 at the locations specified and in an amount for each project not to exceed the amount specified for such location:

New York. (1) Construction of a community living center and renovation of domiciliary and outpatient facilities in Canandaigua, New York, in an amount not to exceed $351,980,000 (an increase of $193,000,000 as compared to the previous authorization for such project).

Illinois. (2) Renovation of space for a simulation training education center in North Chicago, Illinois, in an amount not to exceed $15,980,000.

Oklahoma. (3) Construction of a surgical intensive care unit and renovation to expand the operating room suite in Oklahoma City, Oklahoma, in an amount not to exceed $29,461,000.

Kentucky. (4) Construction of a new medical facility in Louisville, Kentucky, in an amount not to exceed $450,000,000 (an increase of $300,000,000 as compared to the previous authorization for such project).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2019 or the year in which funds are appropriated for the Construction, Major Projects account, $847,421,000 for the projects authorized in subsection (a).

38 USC 1701 note.

SEC. 602. PLANS TO IMPROVE MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

Deadlines.

(a) PLANS REQUIRED.—

(1) PLANS OF DIRECTORS OF MEDICAL FACILITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall require each director of a medical facility of the Department of Veterans Affairs to submit to the director of the Veterans Integrated Service Network that covers the facility a plan to improve such facility.

(2) PLANS OF DIRECTORS OF VETERANS INTEGRATED SERVICE NETWORKS.—The Secretary shall require each director of a Veterans Integrated Service Network to submit to the Secretary, not later than 60 days after receiving all of the plans under paragraph (1), a plan, based on the plans received under paragraph (1), to improve the facilities within that Veterans Integrated Service Network in such a fashion that would improve the ability of all facilities within that network to provide the best and most efficient care to patients.

(b) REGULAR REPORTS.—The Secretary shall ensure that each director of a Veterans Integrated Service Network submits to the Secretary, not later than two years after the date of the enactment of this Act and not less frequently than once every two years thereafter, a report on the actions taken by the director to improve

the facilities within that Veterans Integrated Service Network and what further such actions might be necessary.

(c) SENSE OF CONGRESS ON USE OF AUTHORITIES TO INVESTIGATE MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.—It is the sense of Congress that the Secretary of Veterans Affairs should make full use of the authorities provided by section 2 of the Enhancing Veteran Care Act (Public Law 115–95; 38 U.S.C. 1701 note).

TITLE VII—OTHER MATTERS

SEC. 701. HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(a) of title 38, United States Code, is amended—

(1) by striking "reintegration of homeless veterans into the labor force." and inserting the following: "reintegration into the labor force of—"; and

(2) by adding at the end the following new paragraphs:

"(1) homeless veterans (including veterans who were homeless but found housing during the 60-day period preceding the date on which the veteran begins to participate in a program under this section);

"(2) veterans participating in the Department of Veterans Affairs supported housing program for which rental assistance is provided pursuant to section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) or the Tribal HUD–VA Supportive Housing (Tribal HUD–VASH) program;

"(3) Indians who are veterans and receiving assistance under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 et seq.);

"(4) veterans described in section 2023(e) of this title or any other veterans who are transitioning from being incarcerated; and

"(5) veterans participating in the Department of Veterans Affairs rapid rehousing and prevention program authorized in section 2044 of this title.".

SEC. 702. TECHNICAL CORRECTIONS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) In the table of sections at the beginning of chapter 55, by inserting a period at the end of the item relating to section 5501A. 38 USC prec. 5501.

(2) In section 7463(c)(2)(B), by striking "to answer to answer" and inserting "to answer".

(b) VETERANS' BENEFITS IMPROVEMENTS ACT OF 1996.—Section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note) is amended by redesignating the second subsection (c) as subsection (d).

SEC. 703. MEDICAL SURGICAL PRIME VENDOR PROGRAM. 38 USC 8125 note.

(a) VENDORS.—In procuring certain medical, surgical, and dental supplies or laboratory supplies for medical centers of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall carry out the Medical Surgical Prime Vendor program, or successor program, in a manner that—

Contracts.

(1) requires the Secretary to award contracts to multiple regional prime vendors instead of a single nationwide prime vendor; and

(2) prohibits a prime vendor from solely designing the formulary of such supplies.

(b) CLINICALLY DRIVEN SOURCING.—

(1) EXPERTISE.—In carrying out the formulary of supplies under the Medical Surgical Prime Vendor program, or successor program, the Secretary shall ensure that each employee of the Department of Veterans Affairs who conducts formulary analyses or makes decisions with respect to including items on the formulary has medical expertise relevant to the items for which the employee conducts such analyses or makes such decisions.

Deadline.

(2) LISTS.—Not later than 30 days after the date of the enactment of this Act, and every six months thereafter with respect to any updates, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a list of each employee described in paragraph (1) and the relevant medical expertise of the employee, listed by the categories of items in the formulary described in such paragraph.

SEC. 704. REPORT ON EXPANDING ACCESS TO DENTAL CARE FOR VETERANS ELIGIBLE FOR HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility and advisability of expanding access to dental care for eligible veterans.

Analyses.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of access to dental care for eligible veterans outside of the Department, including—

(A) the percentage of eligible veterans currently enrolled in dental insurance through a third-party payer, including—

(i) the dental insurance plan for veterans and survivors and dependents of veterans under section 1712C of title 38, United States Code;

(ii) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(iii) employer-sponsored dental insurance;

(B) the affordability of dental insurance described in subparagraph (A); and

(C) the comprehensiveness of benefits of dental insurance described in subparagraph (A).

(2) An analysis of the current oral health needs of eligible veterans, including an estimate of the number of eligible veterans who—

(A) experience untreated cavities or decay;

(B) require dentures, implants, or other restorative dental services; or

(C) have not received regular dental cleanings within the two-year period preceding the report.

(3) An analysis of the financial impact to the Department of Veterans Affairs of providing dental care to eligible veterans, including—

(A) whether the provision of such services would result in a reduction in total health care costs;

(B) a cost-benefit analysis that indicates potential cost savings to the Department over a 5-, 10-, and 20-year period; and

(C) projected cost savings to the Department and across the broader health care system.

(4) An analysis of the number and types of dental providers necessary to treat eligible veterans, including—

(A) dentists;

(B) hygienists;

(C) dental technicians; and

(D) dental therapists.

(c) CATEGORIES OF ELIGIBLE VETERANS.—The report required by subsection (a) shall be disaggregated by each of the following categories of eligible veterans:

(1) Veterans enrolled in the system of annual patient enrollment of the Department pursuant to the priority group under subsection (a)(6) of section 1705 of such title.

(2) Veterans enrolled in such system pursuant to the priority group under subsection (a)(5) of such section.

(3) Veterans enrolled in such system pursuant to a priority group under any of subsections (a)(1) through (a)(4) of such section.

(4) Veterans enrolled in such system pursuant to a priority group under subsection (a)(7) or (a)(8) of such section.

(d) ELIGIBLE VETERANS DEFINED.—In this section, the term "eligible veterans" means veterans enrolled in the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705 of title 38, United States Code.

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 2248 (H.R. 3657):

HOUSE REPORTS: No. 115–388 (Comm. on Veterans' Affairs) accompanying H.R. 3657.

CONGRESSIONAL RECORD, Vol. 164 (2018):

Mar. 1, considered and passed Senate.

Dec. 10, considered and passed House, amended.

Dec. 19, Senate concurred in House amendment.

Public Law 115–408
115th Congress

An Act

Dec. 31, 2018
[S. 2278]

To amend the Public Health Service Act to provide grants to improve health care in rural areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

State Offices of Rural Health Reauthorization Act of 2018.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Offices of Rural Health Reauthorization Act of 2018".

SEC. 2. STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended to read as follows:

"SEC. 338J. GRANTS TO STATE OFFICES OF RURAL HEALTH.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Federal Office of Rural Health Policy (established under section 711 of the Social Security Act), shall make grants to each State Office of Rural Health for the purpose of improving health care in rural areas.

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may not make a grant under subsection (a) unless the State office of rural health involved agrees, with respect to the costs to be incurred in carrying out the purpose described in such subsection, to provide non-Federal contributions toward such costs in an amount equal to $3 for each $1 of Federal funds provided in the grant.

Determination.

"(2) WAIVER OR REDUCTION.—The Secretary may waive or reduce the non-Federal contribution if the Secretary determines that requiring matching funds would limit the State office of rural health's ability to carry out the purpose described in subsection (a).

"(3) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(c) CERTAIN REQUIRED ACTIVITIES.—Recipients of a grant under subsection (a) shall use the grant funds for purposes of—

"(1) maintaining within the State office of rural health a clearinghouse for collecting and disseminating information on—

"(A) rural health care issues;

"(B) research findings relating to rural health care; and

"(C) innovative approaches to the delivery of health care in rural areas;

"(2) coordinating the activities carried out in the State that relate to rural health care, including providing coordination for the purpose of avoiding redundancy in such activities; and

"(3) identifying Federal and State programs regarding rural health, and providing technical assistance to public and nonprofit private entities regarding participation in such programs.

"(d) REQUIREMENT REGARDING ANNUAL BUDGET FOR OFFICE.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that, for any fiscal year for which the State office of rural health receives such a grant, the office operated pursuant to subsection (a) of this section will be provided with an annual budget of not less than $150,000.

"(e) CERTAIN USES OF FUNDS.—

"(1) RESTRICTIONS.—The Secretary may not make a grant under subsection (a) unless the State office of rural health involved agrees that the grant will not be expended—

"(A) to provide health care (including providing cash payments regarding such care);

"(B) to conduct activities for which Federal funds are expended—

"(i) within the State to provide technical and other nonfinancial assistance under section 330A(f);

"(ii) under a memorandum of agreement entered into with the State office of rural health under section 330A(h); or

"(iii) under a grant under section 338I;

"(C) to purchase medical equipment, to purchase ambulances, aircraft, or other vehicles, or to purchase major communications equipment;

"(D) to purchase or improve real property; or

"(E) to carry out any activity regarding a certificate of need.

"(2) AUTHORITIES.—Activities for which a State office of rural health may expend a grant under subsection (a) include—

"(A) paying the costs of maintaining an office of rural health for purposes of subsection (a);

"(B) subject to paragraph (1)(B)(iii), paying the costs of any activity carried out with respect to recruiting and retaining health professionals to serve in rural areas of the State; and

"(C) providing grants and contracts to public and nonprofit private entities to carry out activities authorized in this section.

"(3) LIMIT ON INDIRECT COSTS.—The Secretary may impose a limit of no more than 15 percent on indirect costs claimed by the recipient of the grant.

"(f) REPORTS.—The Secretary may not make a grant under subsection (a) unless the State office of rural health involved agrees—

"(1) to submit to the Secretary reports or performance data containing such information as the Secretary may require regarding activities carried out under this section; and

"(2) to submit such a report or performance data not later than September 30 of each fiscal year immediately following any fiscal year for which the State office of rural health has received such a grant.

"(g) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

Determination.

"(h) NONCOMPLIANCE.—The Secretary may not make payments under subsection (a) to a State office of rural health for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the State office of rural health has complied with each of the agreements made by the State office of rural health under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $12,500,000 for each of fiscal years 2018 through 2022.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.".

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 2278:

CONGRESSIONAL RECORD, Vol. 164 (2018):
July 24, considered and passed Senate.
Dec. 19, considered and passed House.

Public Law 115–409
115th Congress

An Act

To develop a long-term strategic vision and a comprehensive, multifaceted, and principled United States policy for the Indo-Pacific region, and for other purposes.

Dec. 31, 2018
[S. 2736]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Asia Reassurance Initiative Act of 2018.

22 USC 2651 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Asia Reassurance Initiative Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—UNITED STATES POLICY AND DIPLOMATIC STRATEGY IN THE INDO-PACIFIC REGION

Sec. 101. Policy.
Sec. 102. Diplomatic strategy.

TITLE II—PROMOTING UNITED STATES SECURITY INTERESTS IN THE INDO-PACIFIC REGION

Sec. 201. Authorization of appropriations.
Sec. 202. Treaty alliances in the Indo-Pacific region.
Sec. 203. United States-China relationship.
Sec. 204. United States-India strategic partnership.
Sec. 205. United States-ASEAN strategic partnership.
Sec. 206. United States-Republic of Korea-Japan trilateral security partnership.
Sec. 207. Quadrilateral security dialogue.
Sec. 208. Enhanced security partnerships in Southeast Asia.
Sec. 209. Commitment to Taiwan.
Sec. 210. North Korea strategy.
Sec. 211. New Zealand.
Sec. 212. The Pacific Islands.
Sec. 213. Freedom of navigation and overflight; promotion of international law.
Sec. 214. Combating terrorism in Southeast Asia.
Sec. 215. Cybersecurity cooperation.
Sec. 216. Nonproliferation and arms control in the Indo-Pacific region.

TITLE III—PROMOTING UNITED STATES ECONOMIC INTERESTS IN THE INDO-PACIFIC REGION

Sec. 301. Findings; sense of Congress.
Sec. 302. Trade negotiations, multilateral agreements, and regional economic summits.
Sec. 303. United States-ASEAN economic partnership.
Sec. 304. Trade capacity building and trade facilitation.
Sec. 305. Intellectual property protection.
Sec. 306. Energy programs and initiatives.
Sec. 307. Lower Mekong initiative.
Sec. 308. Sense of Congress on economic growth and natural resource conservation.
Sec. 309. Sense of Congress in support of women's economic rights.

TITLE IV—PROMOTING UNITED STATES VALUES IN THE INDO-PACIFIC REGION

Sec. 401. Findings.
Sec. 402. Trafficking-in-persons.
Sec. 403. Freedom of the press.
Sec. 404. Democracy, human rights, and labor personnel.
Sec. 405. Bilateral and regional dialogues; people-to-people engagement.
Sec. 406. Association of Southeast Asian Nations Human Rights Strategy.
Sec. 407. Freedom of information to North Korea.
Sec. 408. Sense of Congress on imposition of sanctions and suspension of United States assistance.
Sec. 409. Authorization of appropriations.
Sec. 410. Indo-Pacific human rights defenders.
Sec. 411. Young leaders people-to-people initiatives.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Indo-Pacific region—

(A) represents nearly 50 percent of the global population;

(B) is home to some of the most dynamic economies in the world; and

(C) poses security challenges that threaten to undermine United States national security interests, regional peace, and global stability.

(2) The core tenets of the United States-backed international system are being challenged, including by—

(A) China's illegal construction and militarization of artificial features in the South China Sea and coercive economic practices;

(B) North Korea's acceleration of its nuclear and ballistic missile capabilities; and

(C) the increased presence throughout Southeast Asia of the Islamic State (referred to in this Act as "ISIS") and other international terrorist organizations that threaten the United States.

(3) The economic order in the Indo-Pacific region continues to transform, presenting opportunities and challenges to United States economic interests.

(4) The United States has a fundamental interest in defending human rights and promoting the rule of law in the Indo-Pacific region. Although many countries in the region have improved the treatment of their citizens, several Indo-Pacific governments continue to commit human rights abuses and place restrictions on basic human rights and political and civil liberties.

(5) Without strong leadership from the United States, the international system, fundamentally rooted in the rule of law, may wither, to the detriment of United States, regional, and global interests. It is imperative that the United States continue to play a leading role in the Indo-Pacific region by—

(A) defending peace and security;

(B) advancing economic prosperity; and

(C) promoting respect for fundamental human rights.

(6) In 2017, the Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy of the Committee on Foreign Relations of the Senate held a series of hearings on United States leadership in the Indo-Pacific region, in which—

(A) experts, including Representative Randy Forbes, Ambassador Robert Gallucci, Ms. Tami Overby, Dr. Robert

Orr, Ambassador Derek Mitchell, Ambassador Robert King, Mr. Murray Hiebert, and others detailed the security challenges, economic opportunities, and imperatives of promoting the rule of law, human rights, and democracy, in the Indo-Pacific region; and

(B) Dr. Graham Allison, the Douglas Dillon Professor of Government at the John F. Kennedy School of Government at Harvard University, testified, "As realistic students of history, Chinese leaders recognize that the role the United States has played since World War II as the architect and underwriter of regional stability and security has been essential to the rise of Asia, including China itself. But they believe that as the tide that brought the United States to Asia recedes, America must leave with it. Much as Britain's role in the Western Hemisphere faded at the beginning of the twentieth century, so must America's role in Asia as the region's historic superpower resumes its place.".

(7) The United States National Security Strategy (referred to in this Act as the "National Security Strategy"), which was released in December 2017, states—

(A) "A geopolitical competition between free and repressive visions of world order is taking place in the Indo-Pacific region. The region, which stretches from the west coast of India to the western shores of the United States, represents the most populous and economically dynamic part of the world. The United States interest in a free and open Indo-Pacific extends back to the earliest days of our republic."; and

(B) "Our vision for the Indo-Pacific excludes no nation. We will redouble our commitment to established alliances and partnerships, while expanding and deepening relationships with new partners that share respect for sovereignty, fair and reciprocal trade, and the rule of law. We will reinforce our commitment to freedom of the seas and the peaceful resolution of territorial and maritime disputes in accordance with international law. We will work with allies and partners to achieve complete, verifiable, and irreversible denuclearization on the Korean Peninsula and preserve the non-proliferation regime in Northeast Asia.".

TITLE I—UNITED STATES POLICY AND DIPLOMATIC STRATEGY IN THE INDO-PACIFIC REGION

SEC. 101. POLICY.

22 USC 2656 note.

It is the policy of the United States to develop and commit to a long-term strategic vision and a comprehensive, multifaceted, and principled United States policy for the Indo-Pacific region that—

(1) secures the vital national security interests of the United States and our allies and partners;

(2) promotes American prosperity and economic interests by advancing economic growth and development of a rules-based Indo-Pacific economic community;

(3) advances American influence by reflecting the values of the American people and universal human rights;

(4) supports functional problem-solving regional architecture; and

(5) accords with and supports the rule of law and international norms.

22 USC 2656 note.

SEC. 102. DIPLOMATIC STRATEGY.

It is the diplomatic strategy of the United States—

(1) to work with United States allies—

(A) to confront common challenges;

(B) to improve information sharing;

(C) to increase defense investment and trade;

(D) to ensure interoperability; and

(E) to strengthen shared capabilities;

(2) to strengthen relationships with partners who—

(A) share mutual respect for the rule of law;

(B) agree with fair and reciprocal trade; and

(C) understand the importance of civil society, the rule of law, the free and reliable flow of information, and transparent governance;

(3) to support functional problem-solving regional architecture, including through the Association of Southeast Asian Nations, Asia-Pacific Economic Cooperation, and the East Asia Summit;

(4) to emphasize the commitment of the United States—

(A) to freedom of navigation under international law;

(B) to promote peaceful resolutions of maritime and territorial disputes; and

(C) to expand security and defense cooperation with allies and partners, as appropriate;

(5) to pursue diplomatic measures to achieve complete, verifiable, and irreversible denuclearization of North Korea;

(6) to improve civil society, strengthen the rule of law, and advocate for transparent governance;

(7) to develop and grow the economy through private sector partnerships between the United States and Indo-Pacific partners;

(8) to pursue multilateral and bilateral trade agreements in a free, fair, and reciprocal manner and build a network of partners in the Indo-Pacific committed to free markets;

(9) to work with and encourage Indo-Pacific countries—

(A) to pursue high-quality and transparent infrastructure projects;

(B) to maintain unimpeded commerce, open sea lines or air ways, and communication; and

(C) to seek the peaceful resolution of disputes; and

(10) to sustain a strong military presence in the Indo-Pacific region and strengthen security relationships with allies and partners throughout the region.

TITLE II—PROMOTING UNITED STATES SECURITY INTERESTS IN THE INDO-PACIFIC REGION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) DEFINED TERM.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Finance of the Senate;

(4) the Committee on Appropriations of the House of Representatives;

(5) the Committee on Foreign Affairs of the House of Representatives; and

(6) the Committee on Ways and Means of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State, the United States Agency for International Development, and, as appropriate, the Department of Defense, $1,500,000,000 for each of the fiscal years 2019 through 2023, which shall be used—

(1) to advance United States foreign policy interests and objectives in the Indo-Pacific region in recognition of the value of diplomatic initiatives and programs in the furtherance of United States strategy;

(2) to improve the defense capacity and resiliency of partner nations to resist coercion and deter and defend against security threats, including through foreign military financing and international military education and training programs;

(3) to conduct regular bilateral and multilateral engagements, particularly with the United States' most highly-capable allies and partners, to meet strategic challenges, including—

(A) certain destabilizing activities of the People's Republic of China; and

(B) emerging threats, such as the nuclear and ballistic missile programs of the Democratic People's Republic of Korea;

(4) to build new counterterrorism partnership programs in Southeast Asia to combat the growing presence of ISIS and other terrorist organizations that pose a significant threat to the United States, its allies, and its citizens' interests abroad;

(5) to help partner countries strengthen their democratic systems, with a focus on good governance;

(6) to ensure that the regulatory environments for trade, infrastructure, and investment in partner countries are transparent, open, and free of corruption;

(7) to encourage responsible natural resource management in partner countries, which is closely associated with economic growth; and

(8) to increase maritime domain awareness programs in South Asia and Southeast Asia—

(A) by expanding the scope of naval and coast guard training efforts with Southeast Asian countries;

(B) by expanding cooperation with democratic partners in South Asia, including Bangladesh, Nepal, and Sri Lanka;

(C) through intelligence sharing and other information-sharing efforts; and

(D) through multilateral engagements, including by involving Japan, Australia, and India in such efforts.

(c) COUNTERING CHINA'S INFLUENCE TO UNDERMINE THE INTERNATIONAL SYSTEM.—Amounts appropriated pursuant to subsection (b) shall be made available for United States Government efforts to counter the strategic influence of the People's Republic of China, in accordance with the strategy required under section 7043(e)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76; 128 Stat. 536) and in consultation with the appropriate committees of Congress.

(d) BURMA.—None of the amounts appropriated pursuant to subsection (b) may be made available for International Military Education and Training and Foreign Military Financing Programs for the armed forces of the Republic of the Union of Myanmar (historically known as "Burma").

Drugs and drug abuse.
Determination.
Reports.

(e) PHILIPPINES.—

(1) IN GENERAL.—None of the amounts appropriated pursuant to subsection (b) may be made available for counternarcotics assistance for the Philippine National Police unless the Secretary of State determines and reports to the appropriate committees of Congress that the Government of the Philippines has adopted and is implementing a counternarcotics strategy that is consistent with international human rights standards, including investigating and prosecuting individuals who are credibly alleged to have ordered, committed, or covered up extrajudicial killings and other gross violations of human rights in the conduct of counternarcotics operations.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds made available—

(A) for drug demand reduction, maritime programs, or transnational interdiction programs; or

Consultation.

(B) to support for the development of such counternarcotics strategy, after consultation with the appropriate committees of Congress.

Certification.
Reports.

(f) CAMBODIA.—None of the amounts authorized to be appropriated pursuant to subsection (b) may be made available for United States assistance programs that benefit the Government of Cambodia unless the Secretary of State certifies and reports to the appropriate congressional committees that the requirements under section 7043(b)(1) of division K of the Consolidated Appropriations Act, 2018 (Public Law 115–141) have been met.

SEC. 202. TREATY ALLIANCES IN THE INDO-PACIFIC REGION.

(a) UNITED STATES-JAPAN ALLIANCE.—The United States Government—

(1) is committed to the Treaty of Mutual Cooperation and Security between the United States and Japan, done at Washington, January 19, 1960, and all related and subsequent bilateral security agreements and arrangements concluded on or before the date of the enactment of this Act;

(2) recognizes the vital role of the alliance between the United States and Japan in promoting peace and security in the Indo-Pacific region; and

(3) calls for the strengthening and broadening of diplomatic, economic, and security ties between the United States and Japan.

(b) UNITED STATES-REPUBLIC OF KOREA ALLIANCE.—The United States Government—

(1) is committed to the Mutual Defense Treaty Between the United States and the Republic of Korea, done at Washington October 1, 1953, and all related and subsequent bilateral security agreements and arrangements concluded on or before the date of the enactment of this Act;

(2) recognizes the vital role of the alliance between the United States and South Korea in promoting peace and security in the Indo-Pacific region; and

(3) calls for the strengthening and broadening of diplomatic, economic, and security ties between the United States and the Republic of Korea.

(c) UNITED STATES-AUSTRALIA ALLIANCE.—The United States Government—

(1) is committed to the Security Treaty Between Australia and the United States of America, done at San Francisco September 1, 1951, and all related and subsequent bilateral security agreements and arrangements concluded on or before the date of the enactment of this Act;

(2) recognizes the vital role of the alliance between the United States and Australia in promoting peace and security in the Indo-Pacific region; and

(3) calls for the strengthening and broadening of diplomatic, economic, and security ties between the United States and Australia.

(d) UNITED STATES-PHILIPPINES ALLIANCE.—The United States Government is committed to the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, done at Washington August 30, 1951, and all related and subsequent bilateral security agreements and arrangements concluded on or before the date of the enactment of this Act, including the Enhanced Defense Cooperation Agreement, done at Manila April 28, 2014.

(e) THAILAND.—The United States Government is committed to—

(1) the Agreement Respecting Military Assistance Between the Government of the United States of America and the Government of Thailand, done at Bangkok October 17, 1950;

(2) the Southeast Asia Collective Defense Treaty, done at Manila September 8, 1954; and

(3) all related and subsequent bilateral security agreements and arrangements concluded on or before the date of the enactment of this Act, including the Joint Vision Statement for the Thai-United States Defense Alliance, issued in Bangkok November 15, 2012.

SEC. 203. UNITED STATES-CHINA RELATIONSHIP.

(a) IN GENERAL.—The United States Government—

(1) expresses grave concerns with Chinese actions that seek—

(A) to further constrain space for civil society and religion within China; and

(B) to undermine a rules-based order in the Indo-Pacific region;

(2) encourages China to play a constructive role in world affairs by demonstrating consistent respect for the rule of law and international norms;

(3) seeks to build a positive, cooperative, and comprehensive relationship with China—

(A) by expanding areas of cooperation; and

(B) by addressing areas of disagreement, including over human rights, economic policies, and maritime security; and

(4) is committed to working with China on shared regional and global challenges, especially—

(A) upholding and strengthening the rules-based international system; and

(B) the denuclearization of North Korea.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) welcome a decision by China to change course and pursue a responsible results-oriented relationship with the United States and engagement on global issues;

(2) encourage China to play a constructive role in the Indo-Pacific region and globally; and

(3) continue to call out Chinese actions that undermine the rules-based international system.

SEC. 204. UNITED STATES-INDIA STRATEGIC PARTNERSHIP.

(a) IN GENERAL.—The United States Government—

(1) recognizes the vital role of the strategic partnership between the United States and India in promoting peace and security in the Indo-Pacific region;

(2) calls for the strengthening and broadening of diplomatic, economic, and security ties between the United States and India; and

(3) is committed to—

(A) the New Framework for the United States-India Defense Relationship, done at Arlington, Virginia on June 28, 2005;

(B) the United States-India Defense Technology and Trade Initiative, launched in 2012;

(C) the Joint Strategic Vision for the Indo-Pacific and Indian Ocean Region, announced on January 25, 2015;

(D) the United States-India Joint Statement on Prosperity Through Partnership, issued on June 26, 2017; and

(E) all related and subsequent bilateral and security agreements and arrangements concluded as of the date of the enactment of this Act.

(b) INDIA AS MAJOR DEFENSE PARTNER.—Congress makes the following findings:

(1) Section 1292(a)(1)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2559; 22 U.S.C. 2751 note) requires the recognition of India as a major defense partner.

(2) The designation of India as a major defense partner, which is unique to India—

(A) institutionalizes the progress made to facilitate defense trade and technology sharing between the United States and India;

(B) elevates defense trade and technology cooperation between the United States and India to a level commensurate with the closest allies and partners of the United States;

(C) facilitates technology sharing between the United States and India, including license-free access to a wide range of dual-use technologies, after taking into account national security concerns; and

(D) facilitates joint exercises, coordination on defense strategy and policy, military exchanges, and port calls in support of defense cooperation between the United States and India.

SEC. 205. UNITED STATES-ASEAN STRATEGIC PARTNERSHIP.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) support and reaffirm the elevation of the United States-Association of Southeast Asian Nations (referred to in this section as "ASEAN") relationship to a strategic partnership;

(2) recommit to ASEAN centrality by helping build a strong, stable, politically cohesive, economically integrated, and socially responsible community of nations that has common rules, norms, procedures, and standards which are consistent with international law and the principles of a rules-based Indo-Pacific community;

(3) urge ASEAN to continue its efforts to foster greater integration among its members;

(4) recognize the value of—

(A) ASEAN engagement with economic, political, and security partners within Asia and elsewhere, including Australia, Canada, the European Union, India, Japan, New Zealand, Norway, the Republic of Korea, and Taiwan; and

(B) strategic economic initiatives, such as activities under the United States–ASEAN Trade and Investment Framework Arrangement and the United States-ASEAN Connect, which demonstrate a commitment to ASEAN and the ASEAN Economic Community and build upon economic relationships in the Indo-Pacific region;

(5) support efforts by the nations comprising ASEAN—

(A) to address maritime and territorial disputes in a constructive manner; and

(B) to pursue claims through peaceful, diplomatic, and legitimate regional and international arbitration mechanisms, consistent with international law, including through the adoption of a code of conduct in the South China Sea to further promote peace and stability in the Indo-Pacific region;

(6) support efforts by United States partners and allies in ASEAN—

(A) to enhance maritime capability and maritime domain awareness;

(B) to protect unhindered access to, and use of, international waterways in the Asia-Pacific region that are critical to ensuring the security and free flow of commerce;

(C) to counter piracy;

(D) to disrupt illicit maritime trafficking activities such as the trafficking of persons, goods, and drugs; and

(E) to enhance the maritime capabilities of countries or regional organizations to respond to emerging threats to maritime security in the Asia-Pacific region; and

(7) urge ASEAN member states to develop a common approach to reaffirm the decision of the Permanent Court of Arbitration's ruling with respect to the case between the Republic of the Philippines and the People's Republic of China.

(b) REPORT ON STRATEGIC FRAMEWORK FOR ENGAGEMENT WITH ASEAN.—

Time periods. Consultation. Effective date.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in consultation with other Federal agencies, shall submit a report to the appropriate congressional committees on a strategic framework to administer programs, projects, and activities of the United States to support diplomatic and economic engagement between the United States and ASEAN member countries for the 10-year period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The report required under paragraph (1) shall address the following elements of United States strategy:

(A) Promoting commercial engagement between the United States and member countries of ASEAN.

(B) Helping member countries of ASEAN use sustainable, efficient, and innovative technologies in their respective energy sectors.

(C) Supporting economic conditions in member countries of ASEAN that promote innovation, the creation of new businesses, sustainable growth, and the education of the region's future innovators, entrepreneurs, and business leaders.

(D) Working with member countries of ASEAN to improve the policy and regulatory environment for growth, trade, innovation, and investment.

(E) Supporting the regional integration objectives of member countries of ASEAN under the ASEAN Economic Community.

(F) Partnership opportunities with the governments of other countries friendly to the United States that have committed to a high set of standards for investment and development with ASEAN, as determined by the Secretary of State.

SEC. 206. UNITED STATES-REPUBLIC OF KOREA-JAPAN TRILATERAL SECURITY PARTNERSHIP.

It is the sense of Congress that the President should develop a strategy to deepen the trilateral security cooperation between the United States, South Korea, and Japan, including missile defense, intelligence-sharing, and other defense-related initiatives.

SEC. 207. QUADRILATERAL SECURITY DIALOGUE.

It is the sense of Congress that—

(1) the security dialogue between the United States, Australia, India, and Japan is vital to address pressing security challenges in the Indo-Pacific region in order to promote—

(A) a rules-based order;

(B) respect for international law; and

(C) a free and open Indo-Pacific; and

(2) such a dialogue is intended to augment, rather than to replace, current mechanisms.

SEC. 208. ENHANCED SECURITY PARTNERSHIPS IN SOUTHEAST ASIA.

(a) INDONESIA.—The United States Government is committed to—

(1) the United States-Indonesia Comprehensive Partnership, done in Washington November 9, 2010;

(2) the Joint Statement on Comprehensive Defense Cooperation, done in Washington October 26, 2015; and

(3) all related and subsequent bilateral and security agreements and arrangements between the United States and Indonesia concluded on or before the date of the enactment of this Act.

(b) MALAYSIA.—The United States Government is committed to—

(1) the United States-Malaysia Comprehensive Partnership, done at Putrajaya April 27, 2014;

(2) the Joint Statement for Enhancing the Comprehensive Partnership between the United States of America and Malaysia, done in Washington September 13, 2017; and

(3) all related and subsequent bilateral and security agreements and arrangements between the United States and Malaysia concluded on or before the date of the enactment of this Act.

(c) SINGAPORE.—The United States Government is committed to—

(1) the Strategic Framework Agreement Between the United States of America and the Republic of Singapore for a Closer Cooperation Partnership in Defense and Security, done at Washington July 12, 2005;

(2) the Enhanced Defense Cooperation Agreement, done at Arlington, Virginia December 7, 2015; and

(3) all related and subsequent bilateral and security agreements and arrangements between the United States and Singapore concluded on or before the date of the enactment of this Act.

(d) VIETNAM.—The United States Government is committed to—

(1) the United States-Vietnam Comprehensive Partnership, done at Washington December 16, 2013;

(2) the United StatesVietnam Joint Vision Statement on Defense Relations, done at Hanoi on June 1, 2015;

(3) the United StatesVietnam Joint Vision Statement, done at Washington May 31, 2017; and

(4) all related and subsequent bilateral and security agreements and arrangements between the United States and Vietnam concluded on or before the date of the enactment of this Act.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the United States should deepen diplomatic, economic, and security cooperation, especially in the areas of maritime security and counterterrorism, with Indonesia, Malaysia, Singapore, and Vietnam.

22 USC 3301 note.

SEC. 209. COMMITMENT TO TAIWAN.

(a) UNITED STATES COMMITMENT TO TAIWAN.—It is the policy of the United States—

(1) to support the close economic, political, and security relationship between Taiwan and the United States;

(2) to faithfully enforce all existing United States Government commitments to Taiwan, consistent with the Taiwan Relations Act of 1979 (Public Law 96–8), the 3 joint communiques, and the Six Assurances agreed to by President Ronald Reagan in July 1982; and

(3) to counter efforts to change the status quo and to support peaceful resolution acceptable to both sides of the Taiwan Strait.

(b) ARMS SALES TO TAIWAN.—The President should conduct regular transfers of defense articles to Taiwan that are tailored to meet the existing and likely future threats from the People's Republic of China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces.

(c) TRAVEL.—The President should encourage the travel of high-level United States officials to Taiwan, in accordance with the Taiwan Travel Act (Public Law 115–135).

22 USC 9203 note.

SEC. 210. NORTH KOREA STRATEGY.

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

(1) The Government of the Democratic People's Republic of Korea has flagrantly defied the international community by illicitly developing its nuclear and ballistic missile programs, in violation of United Nations Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2371 (2017), 2375 (2017), and 2397 (2017).

(2) The Government of the Democratic People's Republic of Korea engages in gross human rights abuses against its own people and citizens of other countries, including the United States, the Republic of Korea, and Japan.

(3) The United States is committed to pursuing a peaceful denuclearization of the Democratic People's Republic of Korea through a policy of maximum pressure and engagement, in close concert with its partners.

(b) POLICY OF THE UNITED STATES WITH RESPECT TO SANCTIONS AGAINST THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.—

(1) STATEMENT OF POLICY.—It is the policy of the United States to continue to impose sanctions with respect to activities of the Government of the Democratic People's Republic of Korea, persons acting for or on behalf of such government, or other persons in accordance with Executive Order No. 13551 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to North Korea), Executive Order No. 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions), Executive Order No. 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyberenabled activities), Executive Order No. 13722 (50 U.S.C. 1701 note; relating to blocking the property of the Government of North Korea and the Workers' Party of Korea, and prohibiting certain transactions with respect to North Korea), and Executive Order No. 13810 (82 Fed. Reg. 44705;

relating to imposing additional sanctions with respect to North Korea), as such Executive orders are in effect on the day before the date of the enactment of this Act, until the Democratic People's Republic of Korea is no longer engaged in the illicit activities described in such Executive orders, including actions in violation of the United Nations Security Council resolutions referred to in subsection (a)(1).

(2) REPORT.—Not later than 30 days after terminating any sanction with respect to the activities of the Government of the Democratic People's Republic of Korea, a person acting for or on behalf of such government, or any other person provided for in an Executive order listed in subsection (a), the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the appropriate congressional committees justifying the termination of the sanction and explaining the relationship between such termination and the cessation of any illicit activity that violates any of the United Nations Security Council resolutions referred to in subsection (a)(1) by such Government or person. The reporting requirement under this paragraph shall terminate on the date that is 5 years after the date of the enactment of this Act.

Consultation.

Termination date.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(c) POLICY OF THE UNITED STATES WITH RESPECT TO NEGOTIATION ON THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA'S NUCLEAR AND BALLISTIC MISSILE PROGRAMS.—It is the policy of the United States that the objective of negotiations with respect to the nuclear and ballistic missile programs of the Democratic People's Republic of Korea be the complete, verifiable, and irreversible dismantlement of such programs.

(d) REPORT ON A STRATEGY TO ADDRESS THE THREATS POSED BY, AND THE CAPABILITIES OF, THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for the following 5 years, the Secretary of State, or a designee of the Secretary, in consultation with the Secretary of the Treasury, shall submit a report to the appropriate congressional committees that describes actions taken by the United States to address the threats posed by, and the capabilities of, the Democratic People's Republic of Korea.

Consultation.

(2) ELEMENTS.—Each report required under paragraph (1) shall include—

Summaries. Assessments.

(A) a summary of ongoing efforts by the United States to identify strategies and policies, including an assessment of the strengths and weaknesses of such strategies and policies—

(i) to achieve peaceful denuclearization of the Democratic People's Republic of Korea; and

(ii) to eliminate the threat posed by the ballistic missile program of the Democratic People's Republic of Korea;

(B) an assessment of—

(i) potential road maps toward peaceful denuclearization of the Democratic People's Republic

of Korea and the elimination of the nuclear and ballistic missile threats posed by the Democratic People's Republic of Korea; and

(ii) specific actions that the Democratic People's Republic of Korea would need to take for each such roadmap to become viable;

(C) a summary of the United States strategy to increase international coordination and cooperation, whether unilaterally, bilaterally, or multilaterally, including sanctions enforcement and interdiction, to address the threat posed by the nuclear and ballistic missile programs of the Democratic People's Republic of Korea, which shall include—

(i) a description of the actions taken by the Secretary of State, or designees of the Secretary, to consult with governments around the world, with the purpose of inducing such governments to fully implement the United Nations Security Council resolutions referred to in subsection (a)(1);

(ii) a description of the actions taken by such governments to fully implement United Nations Security Council resolutions related to the Democratic People's Republic of Korea;

Lists. (iii) a list of countries with governments that the Secretary has determined are noncooperative with respect to implementing the United Nations Security Council resolutions referred to in subsection (a)(1); and

Plan. (iv) a plan of action to engage, and increase cooperation with respect to the Democratic People's Republic of Korea, with the governments of the countries on the list described in clause (iii);

(D) an assessment of the adequacy of the national export control regimes of countries that are members of the United Nations, and multilateral export control regimes, that are necessary to enforce sanctions imposed with respect to the Democratic People's Republic of Korea pursuant to the United Nations Security Council resolutions referred to in subsection (a)(1); and

Plan. (E) an action plan to encourage and assist countries in adopting and using authorities necessary to enforce export controls required by United Nations Security Council resolutions.

(3) FORM OF REPORT.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(e) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) representatives of the United States shall use the voice and vote of the United States in all international organizations, as appropriate, to advocate for the expulsion of the Democratic People's Republic of Korea from such organizations, until such time as the Democratic People's Republic of Korea meets its commitments under the United Nations Security Council resolutions referred to in subsection (a)(1); and

(2) the Secretary of State should work to induce countries to meet their commitments under the United Nations Security Council resolutions referred to in subsection (a)(1), including

by considering appropriate adjustments to the diplomatic posture and foreign assistance of the United States with governments that the Secretary has determined are noncooperative with respect to implementing the United Nations Security Council resolutions referred to in subsection (a)(1).

SEC. 211. NEW ZEALAND.

The United States Government is committed to—

(1) the Wellington Declaration, signed on November 5, 2010, which reaffirmed close ties and outlined future practical cooperation between the United States and New Zealand;

(2) the Washington Declaration, signed on June 19, 2012, which strengthened the defense relationship by providing a framework and strategic guidance for security cooperation and defense dialogues; and

(3) all related and subsequent bilateral and security agreements and arrangements between the United States and New Zealand concluded on or before the date of enactment of this Act.

SEC. 212. THE PACIFIC ISLANDS.

(a) IN GENERAL.—It is the sense of Congress that the United States should—

(1) support strong United States engagement with the nations of the South Pacific, including Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Palau, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu, and Vanuatu;

(2) deepen its cooperation with the nations of the South Pacific in areas of mutual interest, including—

(A) fisheries and marine resource conservation;

(B) environmental challenges and resilience;

(C) global health;

(D) development and trade; and

(E) people-to-people ties; and

(3) continue to provide assistance to the Pacific Islands, as appropriate, to support the rule of law, good governance, and economic development.

(b) UNITED STATES-COMPACTS OF FREE ASSOCIATION.—It is the sense of Congress that the Compacts of Free Association entered between the United States and the Freely Associated States (Republic of Marshall Islands, the Federated States of Micronesia, and the Republic of Palau)—

(1) enhance the strategic posture of the United States in the Western Pacific;

(2) reinforce United States regional commitment;

(3) preempt potential adversaries from establishing positional advantage; and

(4) further self-governance, economic development, and self-sufficiency of the Freely Associated States.

SEC. 213. FREEDOM OF NAVIGATION AND OVERFLIGHT; PROMOTION OF INTERNATIONAL LAW.

22 USC note prec. 1971.

(a) FREEDOM OF NAVIGATION.—It is the policy of the United States—

(1) to conduct, as part of its global Freedom of Navigation Program, regular freedom of navigation, and overflight operations in the Indo-Pacific region, in accordance with applicable international law; and

(2) to promote genuine multilateral negotiations to peacefully resolve maritime disputes in the South China Sea, in accordance with applicable international law.

(b) JOINT INDO-PACIFIC DIPLOMATIC STRATEGY.—It is the sense of Congress that the President should develop a diplomatic strategy that includes working with United States allies and partners to conduct joint maritime training and freedom of navigation operations in the Indo-Pacific region, including the East China Sea and the South China Sea, in support of a rules-based international system benefitting all countries.

SEC. 214. COMBATING TERRORISM IN SOUTHEAST ASIA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) ISIS.—The term "ISIS" means the Islamic State of Iraq and Syria.

Consultation. Assessment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of State, the Secretary of Defense, and other appropriate Federal officials, shall submit a report to the appropriate committees of Congress that contains an assessment of the current and future capabilities and activities of ISIS-linked, al-Qaeda-linked, and other violent extremist groups in Southeast Asia that pose a significant threat to the United States, its allies, and its citizens interests abroad.

(c) ELEMENTS.—The report required under subsection (b) shall include—

(1) the current number of ISIS-linked, al-Qaeda-linked, and other violent extremist group-affiliated fighters in Southeast Asia;

Estimate.

(2) an estimate of the number of ISIS-linked, al-Qaeda-linked, and other violent extremist group-affiliated fighters expected to return to Southeast Asia from fighting in the Middle East;

Analysis.

(3) an analysis of the amounts and sources of ISIS-linked, al Qaeda-linked, and other various extremist group affiliated-fighters in Southeast Asia;

(4) the current resources available to combat the threat of ISIS-linked, al-Qaeda-linked, and other violent extremist group-affiliated fighters in Southeast Asia, and the additional resources required to combat such threat;

Assessment.

(5) a detailed assessment of the capabilities of ISIS-linked, al-Qaeda-linked, and other violent extremist group-affiliated fighters to operate effectively in the Indo-Pacific region, including the Philippines, Indonesia, and Malaysia;

(6) a description of the capabilities and resources of governments in Southeast Asia to counter violent extremist groups; and

(7) a list of additional United States resources and capabilities that the Department of Defense and the Department of State recommend providing to governments in Southeast Asia to combat violent extremist groups. Lists.

SEC. 215. CYBERSECURITY COOPERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that there should be robust cybersecurity cooperation between the United States and nations in the Indo-Pacific region—

(1) to effectively respond to cybersecurity threats, including state-sponsored threats;

(2) to share best practices to combat such threats;

(3) to strengthen resilience against cyberattacks, misinformation, and propaganda; and

(4) to strengthen the resilience of critical infrastructure.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each of the fiscal years 2019 through 2023 to enhance cooperation between the United States and Indo-Pacific nations for the purposes of combatting cybersecurity threats.

SEC. 216. NONPROLIFERATION AND ARMS CONTROL IN THE INDO-PACIFIC REGION.

(a) IN GENERAL.—The United States Government—

(1) recognizes that the spread of nuclear and other weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security;

(2) seeks to peacefully address the unique challenge posed to regional and global stability by the illicit use, and the proliferation to and from North Korea, of sensitive nuclear and missile technologies, and other weapons of mass destruction;

(3) notes efforts by China and Russia—

(A) to expand and modernize their respective nuclear arsenals, including through significant research and development resources in hypersonic glide vehicles and other advanced technologies; and

(B) to pursue sales of commercial nuclear technologies; and

(4) recognizes the legitimate pursuit by many countries in the Indo-Pacific region of nuclear energy for a variety of peaceful applications.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should undertake all reasonable and appropriate efforts to pursue effective arms control and nonproliferation policies in the Indo-Pacific region to limit the further spread of weapons of mass destruction and their means of delivery.

TITLE III—PROMOTING UNITED STATES ECONOMIC INTERESTS IN THE INDO-PACIFIC REGION

SEC. 301. FINDINGS; SENSE OF CONGRESS.

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

(1) According to the United States Chamber of Commerce, by 2030—

(A) 66 percent of the global middle class population will be living in Asia; and

(B) 59 percent of middle class consumption will take place in Asia.

(2) According to the Asian Development Bank—

(A) Asian countries have signed 140 bilateral or regional trade agreements; and

(B) 75 more trade agreements with Asian countries are under negotiation or concluded and awaiting entry into force.

(3) Free trade agreements between the United States and 3 nations in the Indo-Pacific region (Australia, Singapore, and the Republic of Korea) have entered into force.

(4) The member states of the Association of Southeast Asian Nations (referred to in this section as "ASEAN"), as a group—

(A) represent the fifth largest economy in the world; and

(B) have a combined gross domestic product of $2,400,000,000,000.

(5) The economy comprised of ASEAN member states grew by 66 percent between 2006 and 2015, and the total value of bilateral trade between the United States and ASEAN member states has increased by 78 percent since 2004.

(6) In 2015, the trade surplus of goods sold by companies in ASEAN member states to consumers in the United States was $77,000,000,000, while the United States 2015 trade surplus of services provided to consumers in ASEAN member states was $8,000,000,000.

(7) According to US-ASEAN Business Council, goods and services exported from the United States to ASEAN member states support 550,000 jobs in the United States.

(8) According to the Business Roundtable—

(A) the United States, Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam were responsible for a combined 40 percent of global gross domestic product in 2017; and

(B) United States bilateral trade with the other nations referred to in subparagraph (A) supports 15,600,000 jobs in the United States.

(9) According to the United States National Security Strategy—

(A) ASEAN and Asia-Pacific Economic Cooperation "remain centerpieces of the Indo-Pacific's regional architecture and platforms for promoting an order based on freedom"; and

(B) the United States will "work with partners to build a network of states dedicated to free markets and protected from forces that would subvert their sovereignty.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that trade between the United States and the nations in the Indo-Pacific region is vitally important to the United States economy, United States exports, and jobs in the United States.

SEC. 302. INDO-PACIFIC TRADE NEGOTIATIONS, MULTILATERAL AGREEMENTS, AND REGIONAL ECONOMIC SUMMITS.

Congress supports—

(1) multilateral, bilateral, or regional trade agreements with partners that—

(A) comply with trade obligations and respect, promote, and strictly adhere to the rule of law; and

(B) increase United States employment and expand the economy;

(2) formal economic dialogues that include concrete, verifiable, and measured outcomes;

(3) negotiations under the auspices of the World Trade Organization, including negotiations to enter into appropriate plurilateral and sectoral agreements;

(4) full implementation of the World Trade Organization's Trade Facilitation Agreement by Indo-Pacific countries; and

(5) the proactive, strategic, and continuing high-level use of the Asia-Pacific Economic Cooperation forum, the East Asia Summit, and the Group of 20 to pursue United States economic objectives in the Indo-Pacific region.

SEC. 303. UNITED STATES-ASEAN ECONOMIC PARTNERSHIP.

The President should seek to develop to negotiate a comprehensive economic engagement framework with the Association of Southeast Asian Nations.

SEC. 304. TRADE CAPACITY BUILDING AND TRADE FACILITATION.

(a) IN GENERAL.—The President is encouraged to produce a robust and comprehensive trade capacity building and trade facilitation strategy, including leveling the playing field for American companies competing in the Indo-Pacific region.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary to carry out subsection (a).

SEC. 305. INTELLECTUAL PROPERTY PROTECTION.

(a) IN GENERAL.—The President should takes steps to strengthen the enforcement of United States intellectual property laws as a top priority, including taking all appropriate action to deter and punish commercial cyber-enabled theft of intellectual property.

(b) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the President shall submit a report to Congress that— President.

(1) describes the efforts of the United States Government to combat intellectual property violations and commercial cyber-enabled theft in the Indo-Pacific region, particularly the People's Republic of China; and China.

Assessment.

(2) includes a country-by-country assessment of priority areas for United States engagement and capacity building assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Trade Representative such amounts as may be necessary to sponsor bilateral and multilateral activities designed to build capacity in the identified priority areas described in the annual report required under subsection (b).

SEC. 306. ENERGY PROGRAMS AND INITIATIVES.

(a) INDO-PACIFIC ENERGY STRATEGY.—

Deadlines. President.

(1) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the President shall establish a comprehensive, integrated, multiyear strategy to encourage the efforts of Indo-Pacific countries to implement national power strategies and cooperation with United States energy companies and the Department of Energy national laboratories to develop an appropriate mix of power solutions to provide access to sufficient, reliable, and affordable power in order to reduce poverty, drive economic growth and job creation, and to increase energy security in the Indo-Pacific region.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of the fiscal years 2019 through 2023 to carry out paragraph (1).

(b) RELIABLE ENERGY PARTNERSHIPS.—It is the sense of Congress that the United States should explore opportunities to partner with the private sector and multilateral institutions, such as the World Bank and the Asian Development Bank, to promote universal access to reliable electricity in the Indo-Pacific region, including Myanmar (historically known as "Burma").

Cooperation.

SEC. 307. LOWER MEKONG INITIATIVE.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Administrator of the United States Agency for International Development, should increase regional engagement in the areas of environment, health, education, and infrastructure development with the Lower Mekong countries, including—

(1) assisting in the development of programs that focus on forecasting environmental challenges and resilience;

(2) assisting with transnational cooperation on sustainable uses of forest and water resources with the goal of preserving the biodiversity of the Mekong Basin and access to safe drinking water;

(3) assisting with education enrollment and broadband internet connectivity, particularly English training and connectivity in rural communities; and

(4) improving global health in the Lower Mekong countries, including—

(A) reducing the HIV/AIDS infection rate; and

(B) helping regional partners to track and treat malaria and tuberculosis.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2023, the Secretary of State, in cooperation with the Administrator of the United States Agency for International Development, shall submit a report to Congress that includes—

(1) a list and evaluation of Lower Mekong Initiative activities since its inception in 2009; Lists. Evaluation.

(2) a strategy for any increased regional engagement and measures of success for the activities described in paragraph (1); and Strategy.

(3) an accounting of funds used to execute Lower Mekong Initiative activities.

SEC. 308. SENSE OF CONGRESS ON ECONOMIC GROWTH AND NATURAL RESOURCE CONSERVATION.

It is the sense of Congress that the President should encourage the governments of countries in the Indo-Pacific region and United States private sector interests with operations and investments in the region to deploy agriculture practices that—

(1) conserve natural resources; and

(2) preserve culturally and ecological valuable lands and water bodies.

SEC. 309. SENSE OF CONGRESS IN SUPPORT OF WOMEN'S ECONOMIC RIGHTS.

It is the sense of the Congress that the United States should—

(1) support activities that secure private property rights and land tenure for women in developing countries in Asia, including—

(A) establishing legal frameworks to give women equal rights to own, register, use, profit from, and inherit land and property;

(B) improving legal literacy to enable women to exercise the rights described in subparagraph (A); and

(C) increasing the capacity of law enforcement and community leaders to enforce such rights;

(2) work with Asian civil society, governments, and multilateral organizations to increase the capability of disadvantaged women and girls in Asia—

(A) to realize their rights;

(B) to determine their life outcomes;

(C) to assume leadership roles; and

(D) to influence decision-making in their households, communities, and societies; and

(3) seek to expand access to appropriate financial products and services for women-owned micro, small, and medium-sized enterprises in Asia.

TITLE IV—PROMOTING UNITED STATES VALUES IN THE INDO-PACIFIC REGION

SEC. 401. FINDINGS.

Congress makes the following findings:

(1) The promotion of human rights and respect for democratic values in the Indo-Pacific region is in the United States' national security interest.

(2) Continued support for human rights, democratic values, and good governance is critical to a successful United States diplomatic strategy in the Indo-Pacific.

(3) Strong support for human rights and democracy in the Indo-Pacific region is critical to efforts to reduce poverty,

build rule of law, combat corruption, reduce the allure of extremism, and promote economic growth.

(4) There are serious concerns with the rule of law and civil liberties in Cambodia, China, North Korea, Laos, Thailand, and Vietnam, which have all been identified by Freedom House as "Not Free".

(5) There have been unacceptable human rights developments in—

(A) Burma (Myanmar), which has been identified by Freedom House as "Partly Free", and the Department of State has declared that the violence against the Rohingya constitutes ethnic cleansing;

(B) the Philippines, which has been identified by Freedom House as "Partly Free", and where there are continued disturbing reports of extra-judicial killings; and

(C) China, where forced disappearances, extralegal detentions, invasive and omnipresent surveillance, and lack of due process in judicial proceedings remain troublesome.

(6) according to the National Security Strategy, the United States—

(A) will "support, with our words and actions, those who live under oppressive regimes and who seek freedom, individual dignity, and the rule of law";

(B) "may use diplomacy, sanctions, and other tools to isolate states and leaders who threaten our interests and whose actions run contrary to our values"; and

(C) "will support efforts to advance women's equality, protect the rights of women and girls, and promote women and youth empowerment programs".

SEC. 402. TRAFFICKING-IN-PERSONS.

The President is encouraged to pursue additional efforts to combat trafficking in persons and human slavery in the Indo-Pacific region.

SEC. 403. FREEDOM OF THE PRESS.

It is the sense of Congress that—

(1) United States Government officials should lead by example—

(A) by continuing to advocate for freedom of the press in the Indo-Pacific region; and

(B) by engaging with the press corps at every appropriate opportunity; and

(2) the United States should advocate and support a Ministerial to Advance Press Freedom in the Indo-Pacific to convene government and civil society, including journalists, to discuss and address the challenges facing press freedom in the Indo-Pacific region.

SEC. 404. DEMOCRACY, HUMAN RIGHTS, AND LABOR PERSONNEL.

It is the sense of Congress that—

(1) United States embassies and consulates in the Indo-Pacific region should have personnel, as appropriate, who are dedicated to reporting on and advancing United States democracy, human rights, labor, anti-corruption, and good governance policy interests; and

(2) appropriate resources should be made available to carry out such activities.

SEC. 405. BILATERAL AND REGIONAL DIALOGUES; PEOPLE-TO-PEOPLE ENGAGEMENT.

The Secretary of State should, as appropriate—

(1) establish high-level bilateral and regional dialogues with nations in the Indo-Pacific region regarding human rights and religious freedom violations;

(2) establish or support robust, people-to-people exchange programs in the Indo-Pacific region, particularly programs engaging young leaders; and

(3) establish educational exchanges and capacity-building programs emphasizing civil society development.

SEC. 406. ASSOCIATION OF SOUTHEAST ASIAN NATIONS HUMAN RIGHTS STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to work with ASEAN to improve the capacity of ASEAN to address human rights, democracy, and good governance issues in Southeast Asia.

(b) STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, after consultation with the Administrator of the United States Agency for International Development, shall submit a strategy to the appropriate congressional committees to increase cooperation with ASEAN to promote human rights, democracy, and good governance in Southeast Asia.

Deadline. Consultation.

(c) CONTENTS.—The strategy submitted under subsection (b) should include—

Assessments.

(1) an assessment of the types of United States Government resources available to support increased cooperation; and

(2) an assessment to identify entities within ASEAN that the United States could potentially support or partner with to promote human rights, democracy, and good governance in Southeast Asia.

SEC. 407. FREEDOM OF INFORMATION TO NORTH KOREA.

The President is encouraged to continue efforts to enhance freedom of information access with regard to North Korea.

SEC. 408. SENSE OF CONGRESS ON IMPOSITION OF SANCTIONS AND SUSPENSION OF UNITED STATES ASSISTANCE.

(a) SANCTIONS.—It is the sense of Congress that the President should impose targeted financial penalties and visa ban sanctions, in accordance with applicable law and other relevant authorities, on any individual or entity that—

(1) violates human rights or religious freedoms; or

(2) engages in censorship activities.

(b) SUSPENSION OF FOREIGN ASSISTANCE.—It is the sense of Congress that the President should, in accordance with applicable law, terminate, suspend, or otherwise alter United States economic assistance to any country that has engaged in serious violations of human rights or religious freedoms.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) PROMOTION OF DEMOCRACY IN THE INDO-PACIFIC REGION.—

(1) IN GENERAL.—There is authorized to be appropriated $210,000,000, for each of the fiscal years 2019 through 2023, to promote democracy, strengthen civil society, human rights, rule of law, transparency, and accountability in the Indo-Pacific

region, including for universities, civil society, and multilateral institutions that are focusing on education awareness, training, and capacity building.

(2) DEMOCRACY IN CHINA.—Amounts appropriated pursuant to paragraph (1) shall be made available for United States Government efforts, led by the Assistant Secretary of State for Democracy, Human Rights, and Labor, to promote democracy, the rule of law, and human rights in the People's Republic of China.

(3) TIBET.—Amounts appropriated pursuant to paragraph (1) shall be made available for nongovernmental organizations to support activities preserving cultural traditions and promoting sustainable development, education, and environmental conservation in Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China, India, and Nepal.

SEC. 410. INDO-PACIFIC HUMAN RIGHTS DEFENDERS.

(a) DEFINED TERM.—In this section, the term "human rights defenders" means individuals, working alone or in groups, who nonviolently advocate for the promotion and protection of universally recognized human rights and fundamental freedoms if the advocacy of such issues may result in the risk of safety or life.

(b) SENSE OF CONGRESS.—It is the sense of Congress that human rights defenders in the Indo-Pacific region have been facing increased difficulties with the rise of unprecedented crackdowns and conflicts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of the fiscal years 2019 through 2023 to provide critical assistance to human rights defenders through the Department of State's Human Rights Defenders Fund.

Cooperation.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2023, the Secretary of State, in cooperation with the Administrator of the United States Agency for International Development, shall submit a report to Congress that includes—

Lists.
Evaluation.

(1) a list and evaluation of the Human Rights Defenders Fund activities since its inception;

Strategy.

(2) a strategy for any increased regional engagement and measures of success for the activities described in paragraph (1); and

(3) an accounting of funds used to execute the Human Rights Defender Fund activities.

Appropriations authorization.

SEC. 411. YOUNG LEADERS PEOPLE-TO-PEOPLE INITIATIVES.

There are authorized to be appropriated $25,000,000 for each of the fiscal years 2019 through 2023 to support Indo-Pacific young leaders initiatives, including the Young Southeast Asian Leaders Initiative, the ASEAN Youth Volunteers Program, and other people-to-people exchange programs that focus on building the capacity of democracy, human rights, and good governance activists in the Indo-Pacific region.

SEC. 412. SAVINGS PROVISION. 22 USC 656 note.

Nothing in this Act may be construed as authorizing the use of military force.

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 2736:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 4, considered and passed Senate.
Dec. 12, considered and passed House, amended.
Dec. 19, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Dec. 31, Presidential statement.

Public Law 115–410
115th Congress

An Act

Dec. 31, 2018
[S. 3530]

To reauthorize the Museum and Library Services Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Museum and Library Services Act of 2018.

20 USC 9101 note.

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Museum and Library Services Act of 2018".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Museum and Library Services Act (20 U.S.C. 9101 et seq.).

SEC. 2. GENERAL DEFINITIONS.

Section 202 (20 U.S.C. 9101) is amended—

(1) in paragraph (2), by striking "means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information." and inserting "means the skills associated with—

"(A) using technology to enable users to find, evaluate, organize, create, and communicate information; and

"(B) developing digital citizenship and the responsible use of technology."; and

(2) in paragraph (5), by striking "by the Secretary of the Interior".

SEC. 3. DIRECTOR OF THE INSTITUTE.

Section 204 (20 U.S.C. 9103) is amended—

(1) in subsection (a)(2), by inserting ", except that if a successor to the Director has not been appointed by the President, by and with the advice and consent of the Senate, as of the date of expiration of the Director's term, the Director may serve for not more than 1 additional year or until a successor is appointed and confirmed, whichever is earlier" before the period;

(2) in subsection (f)—

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

"(1) programs and activities under the Elementary and Secondary Education Act of 1965 (including programs and activities under subparts 2 and 3 of part B of title II, and parts A and B of title IV, of such Act);"; and

(B) by striking paragraph (4) and inserting the following:

"(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in supporting economic and community development, providing education and research, improving digital literacy skills, strengthening financial literacy and other types of literacy skills, and enhancing public safety and health awareness."; and

(3) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "Humanities, and the Director of the Office of Management and Budget," and inserting "Humanities, the Director of the Office of Management and Budget, the Secretary of Commerce, the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Agriculture, the Chief Executive Officer of the Corporation for National and Community Service, the Librarian of Congress, the Archivist of the United States, and the Director of the United States Government Publishing Office,";

(B) by striking paragraph (1) and inserting the following:

"(1) initiatives, materials, technology, or research to support education, workforce development, economic and business development, and related activities and services undertaken by libraries;"; and

(C) in paragraph (3), by striking "or technology" and inserting "technology, or research".

SEC. 4. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

Section 207(b) (20 U.S.C. 9105a(b)) is amended—

(1) in paragraph (2)(A)(i)(II), by inserting ", including rural communities" after "underserved communities";

(2) in paragraph (3), in the first sentence—

(A) by inserting ", and the needs of," after "persons from"; and

(B) by inserting ", including rural areas" after "United States";

(3) in paragraph (4), by striking "and the Deputy Director of the Office of Museum Services" and inserting "the Deputy Director of the Office of Museum Services, and the General Counsel of the Institute";

(4) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(5) by inserting after subsection (e) the following:

"(f) SECRETARY.—The General Counsel of the Institute shall serve as Secretary of the Museum and Library Services Board.".

SEC. 5. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.

Section 210 (20 U.S.C. 9108) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 210. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.";

(2) by redesignating subsection (f) as subsection (g);

(3) by striking subsections (a) through (e) and inserting the following:

"(a) IN GENERAL.—The Director shall regularly support and conduct, as appropriate, policy research, data collection, analysis and modeling, evaluation, and dissemination of information to extend and improve the Nation's museum, library, and information services.

"(b) OBJECTIVES.—The objectives of the policy research, data collection, analysis and modeling, evaluation, and dissemination of information carried out under this section include the following:

"(1) To enhance and expand the capacity of museums, libraries, and information services to anticipate, respond to, and meet the evolving needs of communities and the public, including by identifying trends and developments that may impact the need for and delivery of services.

"(2) To provide information and data on the role, value, and impact of museum, library, and information resources, including the identification of trends and potential gaps in the availability and use of museum and library services by their communities and the public.

"(3) To measure the effectiveness of museums, libraries, and information services throughout the United States, including the impact of Federal programs authorized under this Act.

"(4) To identify indicators and outcomes that can be used to create enhancements to the efficiency and efficacy of museum, library, and information services.

"(5) To promote advancement and growth in museum, library, and information services through sharing of best practices and effective strategies in order to better serve the people of the United States.

"(6) To facilitate planning for, and building of, institutional capacity in order to improve—

"(A) museum, library, and information services at the national, State, local, and regional levels; and

"(B) international communications and cooperative networks.

"(7) To support and enhance collaborative professional networks and consortia that use shared, meaningful, and actionable data analysis and modeling to advance museum, library, and information services and address community needs.

Grants.

"(c) AUTHORITY TO CONTRACT AND ENTER INTO OTHER ARRANGEMENTS.—The Director is authorized to enter into grants, contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise the Director determines appropriate, to further the objectives described in subsection (b) and to carry out the responsibilities under subsection (f).

"(d) CONSULTATION AND PUBLIC ENGAGEMENT.—In carrying out subsection (a) and in furtherance of the objectives described in subsection (b), the Director—

"(1) shall conduct ongoing collaboration (as determined appropriate by the Director) and consult with—

"(A) State library administrative agencies; and

"(B) National, State, tribal, and regional museum and library organizations; and

"(2) may also collaborate or consult with—

"(A) cooperative networks of geographic- or discipline-based museums and libraries; and

"(B) other applicable agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders.

"(e) ASSISTANCE TO MUSEUMS AND LIBRARIES.—The Director shall provide technical support and assistance (and other resources, to the extent practicable) to ensure consistency in data reporting and help the museum and library fields with meeting the objectives of this section.

"(f) DISSEMINATION.—

"(1) IN GENERAL.—Each year, the Director shall widely disseminate, as appropriate to further the objectives described in subsection (b)—

"(A) the results, data, reports, findings, studies, surveys, and other information obtained under this section;

"(B) the means and approaches by which the objectives described in subsection (b) were accomplished; and

"(C) information regarding the manner and extent to which collaboration and consultation were conducted, as required by subsection (d).

"(2) FORMATS TO BE USED.—The information described in paragraph (1) shall be shared in formats that facilitate access and ease of use and are searchable."; and

(4) in subsection (g)(1), as redesignated by paragraph (2)—

(A) by striking "fiscal year 2011" and inserting "each of the fiscal years 2020 through 2025"; and

(B) by striking "and such sums as may be necessary for each of the fiscal years 2012 through 2016".

SEC. 6. ADMINISTRATIVE FUNDS.

Section 210C (20 U.S.C. 9111) is amended—

(1) by striking "a total of 7 percent of the funds" and inserting "$17,000,000 of the total funds"; and

(2) by striking "sections 210(f), 214, and 275" and inserting "sections 210(g), 214, and 276".

SEC. 7. PURPOSE RELATING TO LIBRARY SERVICES AND TECHNOLOGY.

Section 212 (20 U.S.C. 9121) is amended—

(1) in paragraph (1), by inserting ", education," after "library";

(2) by striking paragraph (5) and inserting the following:

"(5) to promote literacy, education, and lifelong learning, including by building learning partnerships with school libraries in our Nation's schools, including tribal schools, and developing resources, capabilities, and programs in support of State, tribal, and local efforts to offer a well-rounded educational experience to all students;";

(3) by redesignating paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(4) by inserting after paragraph (5) the following:

"(6) to enable libraries to develop services that meet the needs of communities throughout the Nation, including people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers;

"(7) to enable libraries to serve as anchor institutions to support community revitalization through enhancing and expanding the services and resources provided by libraries, including those services and resources relating to workforce development, economic and business development, critical thinking skills, health information, digital literacy skills, financial literacy and other types of literacy skills, and new and emerging technology;";

(5) in paragraph (8), as redesignated by paragraph (3), by inserting ", including those from diverse and underrepresented backgrounds," after "professionals";

(6) in paragraph (10), as redesignated by paragraph (3), by striking "and" after the semicolon;

(7) in paragraph (11), as redesignated by paragraph (3), by striking the period at the end and inserting "; and"; and

(8) by adding at the end the following:

"(12) to encourage, support, and disseminate model programs of library and museum collaboration.".

SEC. 8. DEFINITION OF LIBRARY.

Section 213(1) (20 U.S.C. 9122(1)) is amended—

(1) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F); and

(2) by inserting after subparagraph (B) the following:

"(C) a tribal library;".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR LIBRARY SERVICES AND TECHNOLOGY.

Section 214(a) (20 U.S.C. 9123(a)) is amended—

(1) in paragraph (1), by striking "fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016" and inserting "each of the fiscal years 2020 through 2025"; and

(2) in paragraph (2), by striking "fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016" and inserting "each of the fiscal years 2020 through 2025".

SEC. 10. RESERVATIONS AND ALLOTMENTS.

Section 221 (20 U.S.C. 9131) is amended—

(1) in subsection (a)(1)(A), by striking "1.75" and inserting "2.25"; and

(2) in subsection (b)(3), by striking subparagraph (C) and inserting the following:

"(C) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2019—

"(I) the minimum allotment for each State otherwise receiving a minimum allotment of $680,000 under subparagraph (A) shall be increased to $1,000,000; and

"(II) the minimum allotment for each State otherwise receiving a minimum allotment of

$60,000 under subparagraph (A) shall be increased to $100,000.

"(ii) INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2019, yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $680,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $60,000.".

SEC. 11. STATE PLANS.

Section 224(b)(6) (20 U.S.C. 9134(b)(6)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) programs and activities under the Elementary and Secondary Education Act of 1965 (including programs and activities under subparts 2 and 3 of part B of title II, and parts A and B of title IV, of such Act);";

(2) in subparagraph (C)—

(A) in clause (i), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(iii) the activities carried out by the State in support of adult education and literacy under title II of such Act; and"; and

(3) in subparagraph (D)—

(A) by inserting ", business," after "economic"; and

(B) by striking "and health information" and inserting ", health information, critical thinking skills, digital literacy skills, financial literacy and other types of literacy skills".

SEC. 12. GRANTS TO STATES.

Section 231(a) (20 U.S.C. 9141(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "(including new and emerging technology)" after "formats"; and

(B) by striking "workforce development, and digital literacy skills" and inserting "workforce development, economic and business development, health information, critical thinking skills, digital literacy skills, and financial literacy and other types of literacy skills";

(2) in paragraph (3)(B), by inserting ", including those from diverse and underrepresented backgrounds," after "professionals"; and

(3) in paragraph (4), by inserting ", tribes," after "agencies".

SEC. 13. STATE ADVISORY COUNCILS.

Section 251 (20 U.S.C. 9151) is amended—

(1) by inserting "tribal," after "public,"; and

(2) by striking "and libraries serving individuals with disabilities" and inserting "and libraries serving people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers".

SEC. 14. NATIONAL LEADERSHIP ACTIVITIES.

Section 262 (20 U.S.C. 9162) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "of awarding grants or entering into contracts or cooperative agreements"; and

(ii) by striking "museums" and all that follows through "activities that may include—" and inserting "museums, including by carrying out activities such as—";

(B) in paragraph (2)(A), by inserting "and emerging" after "new";

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by striking paragraph (3) and inserting the following:

"(3) conserving, preserving, and digitizing library materials and resources, giving priority to projects emphasizing coordination, optimizing conditions for storage and future use, offering staff training, avoiding duplication, and providing access by researchers beyond the institution or library entity undertaking the project;

"(4) enhancing the ability of libraries to provide services to affected communities in the event of an emergency or disaster through—

"(A) the development of national, regional, statewide, or local emergency and disaster management plans that—

"(i) address communication and coordination of information and services for affected communities; and

"(ii) ensure the preservation of knowledge and library collections; and

"(B) the implementation of the emergency and disaster management plans described in subparagraph (A), or otherwise enabling libraries to provide services consistent with this Act to affected communities in the event of an emergency or disaster; and";

(2) in subsection (b)—

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

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by entering into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education, museums, and other entities that the Director determines appropriate."; and

(B) in paragraph (2), by striking "and cooperative agreements" and inserting "cooperative agreements, and other arrangements or forms of assistance"; and

(3) in subsection (c)—

(A) by striking "activities assisted under this section are administered" and inserting the following: "activities assisted under this section—

"(1) are administered";

(B) by striking "experts." and inserting "experts;"; and

(C) by adding at the end the following:

"(2) reflect and serve a range of library types and geographically diverse areas;

"(3) include evaluation, analysis, and dissemination components; and

"(4) to the extent practicable, actively involve, have direct impact on, or provide future application in, libraries.".

SEC. 15. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.

Section 264(a) (20 U.S.C. 9165) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "from diverse and underrepresented backgrounds" after "librarians"; and

(ii) by striking "middle" through "postsecondary" and inserting "at the middle school, high school, and postsecondary levels";

(B) in paragraph (2), by inserting "from diverse and underrepresented backgrounds" after "library leaders"; and

(C) by striking paragraph (3) and inserting the following:

"(3) enhancing the training and professional development of librarians and the library workforce to enable librarians and the library workforce to meet the needs of their communities, including those needs relating to education, lifelong learning, workforce development, economic and business development, health information, critical thinking skills, digital literacy skills, financial and other types of literacy skills, and new and emerging technology.".

SEC. 16. PURPOSE RELATING TO MUSEUM SERVICES.

Section 272 (20 U.S.C. 9171) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) by inserting after paragraph (1), as redesignated by paragraph (2), the following:

"(2) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our diverse heritage;";

(4) in paragraph (4), by inserting "diverse" before "cultural";

(5) in paragraph (5), by striking "as a result of their increasing use by the public" and inserting "as they serve their communities in new and different ways";

(6) in paragraph (8), by striking "and" after the semicolon;

(7) in paragraph (9)—

(A) by striking "State level" and inserting "State and regional levels"; and

(B) by striking the period at the end and inserting "; and"; and

(8) by adding at the end the following:

"(10) to assist museums in their civic engagement efforts to ensure that every person in the United States has access to high-quality museum services.".

SEC. 17. MUSEUM SERVICES DEFINITIONS.

Section 273(1) (20 U.S.C. 9172(1)) is amended—

(1) by inserting ", tribal," after "public"; and

(2) by inserting ", cultural heritage," after "educational".

SEC. 18. MUSEUM SERVICES ACTIVITIES.

(a) IN GENERAL.—Section 274(a) (20 U.S.C. 9173(a)) is amended—

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

"(2) supporting museums in building learning partnerships with the Nation's schools, including tribal schools, and developing museum resources, capabilities, and programs in support of State and local efforts to offer a well-rounded educational experience to all students;";

(2) in paragraph (3)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) curate, stabilize, and organize object-related information; and";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(5) by inserting after paragraph (4) the following:

"(5) creating shared technology tools and data resources, and developing museum staff training plans to improve and maximize museum services through organizations such as museum associations, professional networks, community-based organizations, and foundations, and through other collaborative mechanisms;";

(6) in paragraph (6), as redesignated by paragraph (4)—

(A) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(B) by inserting after subparagraph (B) the following:

"(C) institutions of higher education;";

(C) in subparagraph (D), as redesignated by subparagraph (A), by inserting "tribal," after "regional,";

(D) in subparagraph (E), as redesignated by subparagraph (A), by striking "and" after the semicolon;

(E) in subparagraph (F), as redesignated by subparagraph (A), by inserting "and" after the semicolon; and

(F) by adding at the end the following:

"(G) other relevant research and policy organizations;";

(7) by striking paragraph (7), as redesignated by paragraph (4), and inserting the following:

"(7) encouraging the use of new and emerging technologies and media, including new ways to disseminate information, engage varied audiences in experiential learning, and support teachers and students to enhance access to and engagement with museum collections, programs, and services;";

(8) by striking paragraph (8) and inserting the following:

"(8) supporting museums in developing, carrying out, and providing programs and services that meet the needs of communities throughout the Nation, including people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers, and for State institutions;";

(9) in paragraph (10), by striking "and" after the semicolon;

(10) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(11) by adding at the end the following:

"(12) enabling museums to serve as anchor institutions to support community revitalization and the creation of opportunities for advancement; and

"(13) developing public and private partnerships with other agencies and community-based organizations to expand and enhance museum services.".

(b) SERVICES FOR NATIVE AMERICANS.—Section 274(d) (20 U.S.C. 9173(d)) is amended by striking "1.75 percent" and inserting "2.25 percent".

(c) TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS.—Section 274 (20 U.S.C. 9173), as amended by subsections (a) and (b), is further amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting a period after "United States"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "technical" and all that follows through the period and inserting "technical assistance."; and

(ii) in subparagraph (B), by striking "subparagraph (A)" and all that follows through "awards" and inserting "subparagraph (A). Subsequent awards"; and

(2) in subsection (d), by striking "section 275" and inserting "section 276".

SEC. 19. 21ST CENTURY MUSEUM PROFESSIONAL PROGRAM.

Subtitle C (20 U.S.C. 9171 et seq.) is amended—

(1) by redesignating section 275 as section 276; and 20 USC 9176.

(2) by inserting after section 274 the following:

"SEC. 275. 21ST CENTURY MUSEUM PROFESSIONAL PROGRAM. 20 USC 9175.

"(a) PURPOSE.—It is the purpose of this section to develop and enhance the diverse workforce of museum professionals in order to best anticipate and serve the needs of their local communities and the public by—

"(1) recruiting and educating future museum professionals from diverse and underrepresented backgrounds, including through encouraging middle or high school students and post-secondary students to pursue careers and build skills in museum services;

"(2) developing museum leaders from diverse and underrepresented backgrounds, including by increasing the capacity of institutions that offer early career and mid-career professional development, specialized training, and leadership programs that directly relate to museum studies and management; and

"(3) supporting the professional development of current museum professionals and the museum workforce to enable them to meet identified needs of their communities.

"(b) ACTIVITIES.—From the amounts provided under section 276, the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums, museum consortia and associations, institutions of higher education (as defined in section 264(b)), and other entities that the Director determines appropriate, for projects that further the purpose of this section, such as projects that—

"(1) increase the number of students from diverse and underrepresented backgrounds enrolled in graduate and undergraduate museum-related programs as well as other relevant programs offered through other education-focused entities, such as State and local governments, associations, and nonprofit organizations, in order to effectively prepare the students for, and retain the students in, careers in museum services;

"(2) recruit future museum professionals from diverse and underrepresented backgrounds, including efforts to attract promising middle school, high school, or postsecondary students to consider careers in museum services such as through offering paid internships, mentoring, and fellowship opportunities;

"(3) develop new or enhance current professional development and retention programs for museum professionals and the museum workforce, including through mid-career skill-building, mentoring, and fellowships, and by supporting the development of local and regional networks for those who may not have easy access to such opportunities; and

"(4) support and conduct research, needs assessments, pilot programs, and evaluation of education and professional development programs to explore successful approaches that can successfully recruit, prepare, educate, and retain the next generation of museum professionals.

Procedures.

"(c) EVALUATION.—The Director shall establish procedures for reviewing and evaluating arrangements supported under this section.".

SEC. 20. AUTHORIZATION OF APPROPRIATIONS FOR MUSEUM SERVICES.

Section 276 (20 U.S.C. 9176), as redesignated by section 19(1), is amended—

(1) in subsection (a), by striking "fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016" and inserting "each of the fiscal years 2020 through 2025"; and

(2) in subsection (c) by striking "fiscal year 2011" and inserting "fiscal year 2020".

Approved December 31, 2018.

LEGISLATIVE HISTORY—S. 3530:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 4, considered and passed Senate.
Dec. 19, considered and passed House.

Public Law 115–411
115th Congress

An Act

Jan. 3, 2019
[H.R. 1660]

To direct the Administrator of the United States Agency for International Development to submit to Congress a report on the development and use of global health innovations in the programs, projects, and activities of the Agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Global Health Innovation Act of 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Health Innovation Act of 2017".

SEC. 2. ANNUAL REPORT.

Time period.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of 4 years, the Administrator of the United States Agency for International Development shall submit to Congress a report on the development and use of global health innovations in the programs, projects, and activities of the Agency.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of—

(A) the extent to which global health innovations described in subsection (a) include drugs, diagnostics, devices, vaccines, electronic and mobile health technologies, and related behavior change and service delivery innovations;

(B) how innovation has advanced the Agency's commitments to achieving an HIV/AIDS-free generation, ending preventable child and maternal deaths, and protecting communities from infectious diseases, as well as furthered by the Global Health Strategic Framework;

(C) how goals are set for health product development in relation to the Agency's health-related goals and how progress and impact are measured towards those goals;

(D) how the Agency's investments in innovation relate to its stated goals; and

(E) progress made towards health product development goals.

(2) How the Agency, both independently and with partners, donors, and public-private partnerships, is—

(A) leveraging United States investments to achieve greater impact in health innovation;

(B) engaging in activities to develop, advance, and introduce affordable, available, and appropriate global health products; and

(C) scaling up appropriate health innovations in the development pipeline.

(3) A description of collaboration and coordination with other Federal departments and agencies, including the Centers for Disease Control and Prevention, in support of global health product development, including a description of how the Agency is working to ensure critical gaps in product development for global health are being filled.

(4) A description of how the Agency is coordinating and aligning global health innovation activities between the Global Development Lab, the Center for Accelerating Innovation and Impact, and the Bureau for Global Health.

Approved January 3, 2019.

LEGISLATIVE HISTORY—H.R. 1660:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Jan. 17, 18, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 115–412
115th Congress

An Act

Jan. 3, 2019
[H.R. 3460]

To designate the United States courthouse located at 323 East Chapel Hill Street in Durham, North Carolina, as the "John Hervey Wheeler United States Courthouse".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN HERVEY WHEELER UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 323 East Chapel Hill Street in Durham, North Carolina, shall be known and designated as the "John Hervey Wheeler United States Courthouse" during the period in which the facility is used as a Federal courthouse.

(b) REFERENCES.—During the period in which the facility referred to in subsection (a) is used as a Federal courthouse, any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "John Hervey Wheeler United States Courthouse".

Approved January 3, 2019.

LEGISLATIVE HISTORY—H.R. 3460:

HOUSE REPORTS: No. 115–818 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 16, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 115–413
115th Congress

An Act

To provide competitive grants for the operation, security, and maintenance of certain memorials to victims of the terrorist attacks of September 11, 2001.

Jan. 3, 2019
[H.R. 6287]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

9/11 Memorial Act.
54 USC 320301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "9/11 Memorial Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED MEMORIAL.—The term "covered memorial" means a memorial located in the United States established to commemorate the events of, and honor the victims of, the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, at the site of the attacks.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means the official organization, as in existence on the date of enactment of this Act—

(A) the focus of which is the operations and preservation of a covered memorial; and

(B) which is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. COMPETITIVE GRANTS FOR COVERED MEMORIALS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall award to eligible entities competitive grants of varying amounts, as determined by the Secretary, to be used by the eligible entity solely for the purposes described in subsection (b). Determination.

(b) PURPOSES.—A grant awarded under subsection (a) shall be used by an eligible entity for the operation, security, and maintenance of a covered memorial.

(c) DEADLINE FOR AWARD.—If the Secretary, after review of an application from an eligible entity, determines to award a grant to the eligible entity, the Secretary shall award the grant not later than 60 days after the date of receipt of the completed application. Determination.

(d) AVAILABILITY.—Grant funds made available under this section shall remain available until expended.

(e) CRITERIA.—In awarding grants under this section, the Secretary shall give greatest weight in the selection of eligible entities using the following criteria:

(1) The needs of the eligible entity, and ability and commitment of the eligible entity to use grant funds, with respect to ensuring the security and safety of visitors of the covered memorial.

Determination.

(2) The ability of the eligible entity to match the amount of the grant, on at least a 1-to-1 basis, with non-Federal assets from non-Federal sources, including cash or durable goods and materials fairly valued, as determined by the Secretary.

(3) The greatest number of visitors that would benefit.

(4) The ability and commitment of an eligible entity to use grant funds—

(A) to preserve the grounds at the covered memorial; and

(B) to educate future generations.

(5) The ability and commitment of an eligible entity to use grant funds to increase the numbers of economically disadvantaged visitors to the covered memorial.

(f) LIMITATION.—No grant shall be awarded under this section—

(1) for use at a covered memorial that does not provide for—

(A) free admission to all facilities and museums associated with the covered memorial for active and retired members of the military, registered first responders to the attacks of September 11, 2001, and family members of victims of the attacks of September 11, 2001; and

(B) dedicated free admission hours for the general public at least once a week; or

Review. Public information.

(2) to an eligible entity that does not allow for annual Federal audits of the financial statements of the eligible entity, including revenues associated with ticket sales, charitable donations, grants, and all expenditures on salaries and operations, which shall be subject to review by the Secretary and made available to the public.

(g) REPORTS.—Not later than 90 days after the end of each calendar year for which an eligible entity obligates or expends any amounts made available under a grant under this section, the eligible entity shall submit to the Secretary and the appropriate committees of Congress a report that—

(1) specifies the amount of grant funds obligated or expended for the preceding fiscal year;

(2) specifies any purposes for which the funds were obligated or expended; and

(3) includes any other information that the Secretary may require to more effectively administer the grant program under this section.

Approved January 3, 2019.

LEGISLATIVE HISTORY—H.R. 6287:

HOUSE REPORTS: No. 115–930 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed House.
Dec. 20, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendment.

Public Law 115–414
115th Congress

An Act

Jan. 3, 2019
[S. 2276]

To require agencies to submit reports on outstanding recommendations in the annual budget justification submitted to Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Good Accounting Obligation in Government Act. 31 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Good Accounting Obligation in Government Act" or the "GAO–IG Act".

31 USC 1105 note.

SEC. 2. REPORTS ON OUTSTANDING GOVERNMENT ACCOUNTABILITY OFFICE AND INSPECTOR GENERAL RECOMMENDATIONS.

(a) DEFINITION.—In this section, the term "agency" means—

(1) a designated Federal entity, as defined in section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(2) an establishment, as defined in section 12(2) of the Inspector General Act of 1978 (5 U.S.C. App.); and

(3) legislative branch agencies, including the Government Publishing Office, the Library of Congress, the Office of the Architect of the Capitol, and the United States Capitol Police.

(b) REQUIRED REPORTS.—In the annual budget justification submitted to Congress, as submitted with the budget of the President under section 1105 of title 31, United States Code, each agency shall include—

Time period.

(1) a report listing each public recommendation of the Government Accountability Office that is designated by the Government Accountability Office as "open" or "closed, unimplemented" for a period of not less than 1 year preceding the date on which the annual budget justification is submitted;

(2) a report listing each public recommendation for corrective action from the Office of Inspector General of the agency that—

(A) was published not less than 1 year before the date on which the annual budget justification is submitted; and

(B) for which no final action was taken as of the date on which the annual budget justification is submitted; and

(3) a report on the implementation status of each public recommendation described in paragraphs (1) and (2), which shall include—

(A) with respect to a public recommendation that is designated by the Government Accountability Office as "open" or "closed, unimplemented"—

(i) that the agency has decided not to implement, a detailed justification for the decision; or

(ii) that the agency has decided to adopt, a timeline for full implementation, to the extent practicable, if the agency determines that the recommendation has clear budget implications;

(B) with respect to a public recommendation for corrective action from the Office of Inspector General of the agency for which no final action or action not recommended has been taken, an explanation of the reasons why no final action or action not recommended was taken with respect to each audit report to which the public recommendation for corrective action pertains;

(C) with respect to an outstanding unimplemented public recommendation from the Office of Inspector General of the agency that the agency has decided to adopt, a timeline for implementation;

(D) an explanation for any discrepancy between—

(i) the reports submitted under paragraphs (1) and (2);

(ii) the semiannual reports submitted by the Office of Inspector General of the agency under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.); and

(iii) reports submitted by the Government Accountability Office relating to public recommendations that are designated by the Government Accountability Office as "open" or "closed, unimplemented"; and

(E) for the first 12 months after a public recommendation is made, if the agency is determining whether to implement the public recommendation, a statement describing that the agency is doing so, which shall exempt the agency from the requirements under subparagraphs (B) and (C) with respect to that public recommendation. Time period.

(c) COPIES OF SUBMISSIONS.—Each agency shall provide a copy of the information submitted under subsection (b) to the Government Accountability Office and the Office of Inspector General of the agency.

SEC. 3. TIMELINE FOR AGENCY STATEMENTS.

Section 720(b) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "61st" and inserting "181st"; and

(2) in paragraph (2), by striking "60" and inserting "180".

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 2276 (H.R. 5415):

HOUSE REPORTS: No. 115–823 (Comm. on Oversight and Government Reform) accompanying H.R. 5415.

SENATE REPORTS: No. 115–331 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 164 (2018):

Dec. 6, considered and passed Senate.

Dec. 21, considered and passed House.

Public Law 115–415
115th Congress

An Act

To award a Congressional Gold Medal to Stephen Michael Gleason.

Jan. 3, 2019
[S. 2652]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Stephen Michael Gleason Congressional Gold Medal Act. 31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stephen Michael Gleason Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Stephen "Steve" Gleason was born March 19, 1977, in Spokane, Washington to Mike and Gail Gleason.

(2) Steve attended Gonzaga Preparatory School for high school where he excelled as both a football and baseball player.

(3) In 1995, Steve enrolled at Washington State University where he was a 2-sport athlete for the baseball and football teams and helped the Cougars football team advance to the 1997 Rose Bowl.

(4) In 2000, Steve signed a professional football contract with the Indianapolis Colts of the National Football League as an undrafted free agent but later joined the New Orleans Saints in November of that same season.

(5) Steve would go on to play 7 more seasons as a member of the New Orleans Saints.

(6) Steve will always be remembered for his blocked punt on September 25, 2006, against the Atlanta Falcons, the night the Louisiana Superdome reopened for the first time after Hurricane Katrina in a game the Saints would win 23 to 3.

(7) In January, 2011 Steve was diagnosed with amyotrophic lateral sclerosis or ALS, considered a terminal neuro-muscular disease.

(8) Following his diagnosis, Steve, with the loving support of his wife, Michel, began a mission to show that patients can not only live but thrive after a diagnosis of ALS and established The Gleason Initiative Foundation also known simply as "Team Gleason".

(9) At the time of his diagnosis, however, Steve said there will be "No White Flags", which has become the mantra of Team Gleason.

(10) The Gleason Initiative Foundation helps provide individuals with neuromuscular diseases or injuries with leading edge technology, equipment and services, raises global awareness about ALS to find solutions and an end to the

disease, and has helped hundreds of people with ALS experience life adventures they never thought possible after their diagnosis.

(11) Steve's story and mission have been told by the NFL Network, ESPN, HBO, ABC, CBS, CNN, and many local media outlets, as well as in a 2016 documentary titled "Gleason", which was heralded at the Sundance Film Festival and premiered across the country with Variety calling the production "an emotional powerhouse". The documentary won several awards, including the 2016 Washington, D.C. Area Film Critics Association Award for Best Documentary.

(12) Steve was named one of two Sports Illustrated's Inspirations of the Year in 2014, has been a keynote speaker for Microsoft and at two United Nations sponsored Social Innovation Summits, and received the 2015 George S. Halas Courage Award, given to a NFL player, coach or staff member who overcomes the most adversity to succeed.

(13) Steve helped advocate for the Steve Gleason Act of 2015 (Public Law 114–40; 129 Stat. 441), and the Steve Gleason Enduring Voices Act of 2017, H.R. 2465, 115th Congress (2017), which permanently ensures people living with diseases such ALS have access to speech generating devices regardless of their setting, whether at home or a healthcare institution.

(14) In 2014, Steve and Team Gleason hosted a global summit to bring together researchers, patients, caregivers, and all ALS stakeholders to create a plan to ultimately end ALS. That summit resulted in the single largest coordinated and collaborative ALS research project in the world, Answer ALS, which brings together nearly two dozen research institutions, 1,000 patients and 20,000,000,000,000 data points that are important to the project and that will define the unknown pathways that will lead to treatments or finally a cure.

(15) In 2015, Steve and Microsoft worked together to create a method for people who are completely paralyzed to navigate their power wheelchairs with their eyes. Today, Steve, Microsoft and all wheelchair manufacturers are working collaboratively to make it widely available to all who need this technology. In addition, Microsoft has also made eye tracking technology part of all Windows 10 products across the globe.

(16) In 2011, 10 months after his diagnosis, Steve and Michel made their most significant accomplishment, becoming parents to their son Rivers.

(17) Steve and Michel Gleason continue to fight to find a solution for ALS so they can share many years together and as parents to Rivers.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design to Stephen Michael Gleason.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 2652:

CONGRESSIONAL RECORD, Vol. 164 (2018):
June 14, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–416
115th Congress

An Act

Jan. 3, 2019
[S. 2679]

To provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Small Business Enhancement Act of 2018.
15 USC 631 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Small Business Enhancement Act of 2018".

SEC. 2. ACCESS TO SURPLUS PROPERTY FOR VETERAN-OWNED SMALL BUSINESSES.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(g) ACCESS TO SURPLUS PROPERTY FOR VETERAN-OWNED SMALL BUSINESSES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'foreign excess property' has the meaning given the term in section 102 of title 40, United States Code; and

"(B) the term 'state agency' has the meaning given the term, including the roles and responsibilities assigned, in section 549 of title 40, United States Code.

Coordination.

"(2) REQUIREMENT.—The Administrator, in coordination with the Administrator of General Services, shall provide access to and manage the distribution of surplus property, and foreign excess property returned to a State for handling as surplus property, owned by the United States under chapter 7 of title 40, United States Code, to small business concerns owned and controlled by veterans (as verified by the Secretary of Veterans Affairs under section 8127 of title 38, United States Code) pursuant to a memorandum of agreement between the Administrator, the Administrator of General Services, and the head

of the applicable state agency for surplus properties and in accordance with section 549 of title 40, United States Code.".

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 2679:

SENATE REPORTS: No. 115–414 (Comm. on Small Business and Entrepreneurship).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 6, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–417
115th Congress

An Act

Jan. 3, 2019
[S. 2765]

To amend the Investment Advisers Act of 1940 to exempt investment advisers who solely advise certain rural business investment companies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RBIC Advisers Relief Act of 2018.
15 USC 80b–20 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "RBIC Advisers Relief Act of 2018".

SEC. 2. ADVISERS OF RBICS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) in subsection (b)—

(A) in paragraph (6)(B)—

(i) by adjusting the margins accordingly; and

(ii) by striking the period at the end and inserting a semicolon;

(B) in paragraph (7)(C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(8) any investment adviser, other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53), who solely advises—

"(A) rural business investment companies (as defined in section 384A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc)); or

"(B) companies that have submitted to the Secretary of Agriculture an application in accordance with section 384D(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–3(b)) that—

"(i) have received from the Secretary of Agriculture a letter of conditions, which has not been revoked; or

"(ii) are affiliated with 1 or more rural business investment companies described in subparagraph (A).";

(2) in subsection (l), by adding at the end the following:

"(3) ADVISERS OF RBICS.—For purposes of this subsection, a venture capital fund includes an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53)).''; and

(3) in subsection (m), by adding at the end the following:

"(4) ADVISERS OF RBICS.—For purposes of this subsection, the assets under management of a private fund that is an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53)) shall be excluded from the limit set forth in paragraph (1).".

SEC. 3. RELATIONSHIP TO STATE LAW.

Section 203A(b)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(b)(1)) is amended—

(1) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following:

"(D) that is not registered under section 203 because that person is exempt from registration as provided in subsection (b)(8) of such section, or is a supervised person of such person.".

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 2765:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Oct. 11, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–418
115th Congress

An Act

Jan. 3, 2019
[S. 2896]

To require disclosure by lobbyists of convictions for bribery, extortion, embezzlement, illegal kickbacks, tax evasion, fraud, conflicts of interest, making false statements, perjury, or money laundering.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Justice Against Corruption on K Street Act of 2018.
2 USC 1601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice Against Corruption on K Street Act of 2018" or the "JACK Act".

SEC. 2. DISCLOSURE OF CORRUPT MALPRACTICE BY LOBBYISTS.

(a) REGISTRATION.—Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) for any listed lobbyist who was convicted in a Federal or State court of an offense involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict of interest, making a false statement, perjury, or money laundering, the date of the conviction and a description of the offense.".

(b) QUARTERLY REPORTS.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) for any listed lobbyist who was convicted in a Federal or State court of an offense involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict

of interest, making a false statement, perjury, or money laundering, the date of the conviction and a description of the offense.".

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 2896:

SENATE REPORTS: No. 115–317 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Aug. 23, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–419
115th Congress

An Act

Jan. 3, 2019
[S. 3031]

To amend chapter 5 of title 40, United States Code, to improve the management of Federal personal property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Personal Property Management Act of 2018.
40 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Personal Property Management Act of 2018".

SEC. 2. FEDERAL PERSONAL PROPERTY MANAGEMENT.

(a) INVENTORY ASSESSING AND IDENTIFYING EXCESS PERSONAL PROPERTY.—Section 524(a) of title 40, United States Code, is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

Guidance.
Evaluations.

"(13) in accordance with guidance from the Administrator of General Services—

"(A) on an annual basis, conduct an inventory and assessment of capitalized personal property to identify excess capitalized personal property under its control, including evaluating—

"(i) the age and condition of the personal property;

"(ii) the extent to which the executive agency utilizes the personal property;

"(iii) the extent to which the mission of the executive agency is dependent on the personal property; and

"(iv) any other aspect of the personal property that the Administrator determines is useful or necessary for the executive agency to evaluate; and

"(B) on a regular basis, conduct an inventory and assessment of accountable personal property under its control, including evaluating—

"(i) the age and condition of the personal property;

"(ii) the extent to which the executive agency utilizes the personal property;

"(iii) the extent to which the mission of the executive agency is dependent on the personal property; and

"(iv) any other aspect of the personal property that the Administrator determines is useful or necessary for the executive agency to evaluate.".

(b) THRESHOLDS FOR CAPITALIZATION AND ACCOUNTABILITY.—Section 506(a)(1) of title 40, United States Code, is amended by adding at the end the following:

"(E) CAPITALIZATION THRESHOLDS.—Establish thresholds for acquisitions of personal property for which executive agencies shall capitalize the personal property.

"(F) ACCOUNTABILITY THRESHOLDS.—Notwithstanding section 121(b), for the management and accountability of personal property, establish thresholds for acquisitions of personal property for which executive agencies shall establish and maintain property records in a centralized system.".

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 3031:

SENATE REPORTS: No. 115–343 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 12, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–420
115th Congress

An Act

Jan. 3, 2019
[S. 3367]

To amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Transportation Reports Harmonization Act.
49 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Transportation Reports Harmonization Act".

Web posting.

SEC. 2. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR ATTENDANCE AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51314(b) of title 46, United States Code, is amended by striking "shall notify Congress of" and inserting "shall present at the next meeting of the Board of Visitors, and post on a publicly available website,".

Web posting.

SEC. 3. PUBLIC AVAILABILITY OF INFORMATION ON ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

Section 310(f)(1) of title 49, United States Code, is amended by inserting ", and make publicly available on the Department of Transportation website," after "House of Representatives".

SEC. 4. REPORTING ON THE NORTHEAST CORRIDOR.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE REPORT.—Section 24905(e) of title 49, United States Code, is amended by striking paragraph (3).

(b) CONTENTS OF GRANT REQUESTS.—

(1) IN GENERAL.—Section 24319(c) of title 49, United States Code, is amended—

(A) in paragraph (2), by striking "; and" and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) describe the status of efforts to improve safety and security on the Northeast Corridor main line, including a description of any efforts to implement recommendations of relevant railroad safety advisory committees.".

49 USC 24319 note.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection or an amendment made by this subsection shall affect a grant request made under section 24319 of title 49, United States Code, before the date of enactment of this Act.

SEC. 5. HIGHWAY SAFETY PROGRAMS REPORT TO CONGRESS.

(a) DOT REPORTS.—Section 402 of title 23, United States Code, is amended by striking subsection (n) and inserting the following:

"(n) PUBLIC TRANSPARENCY.—The Secretary shall publicly release on its website information that contains each State's performance with respect to the State's highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State's highway safety plan.". Web posting. Deadline.

(b) GAO REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the highway safety programs under section 402 of title 23, United States Code. In carrying out the review, the Comptroller General shall review States' progress in achieving safety performance targets, including how States are utilizing grants and problems encountered in achieving such targets. Review.

(2) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under paragraph (1), including any recommendations for improvements to State activities and the Secretary of Transportation's administration of the highway safety programs. Recommendations.

SEC. 6. CESSATION OF CERTAIN ADVISORY COUNCILS AND ADVISORY COMMITTEES.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE.—Section 24905(e) of title 49, United States Code, as amended by this Act, is further amended by striking paragraph (2) and inserting the following:

"(2) SUNSET.—The Committee established under this subsection ceases to exist on the date that the Secretary determines positive train control, as required by section 20157, is fully implemented along the Northeast Corridor.". Determination.

(b) NATIONAL RAIL COOPERATIVE RESEARCH PROGRAM OVERSIGHT COMMITTEE.—Section 24910(c) of title 49, United States Code, is amended by adding at the end the following:

"(3) SUNSET.—The advisory board established under this subsection ceases to exist effective January 1, 2019.".

SEC. 7. TECHNICAL AMENDMENTS TO RAIL IMPROVEMENT GRANTS.

(a) REDESIGNATION.—Subtitle V of title 49, United States Code, is amended—

(1) by redesignating sections 24401 through 24408 as sections 22901 through 22908, respectively;

(2) by redesignating chapter 244 as chapter 229; 49 USC prec. 22901.

(3) by moving chapter 229, as redesignated, to appear at the end of part B; 49 USC prec. 22901.

(4) in the table of chapters— 49 USC prec. 20101.

(A) by striking the item relating to chapter 244; and

(B) by inserting after the item relating to chapter 227 the following:

"Chapter 229. Rail Improvement Grants ..... 22901";

and

(5) by amending the table of sections for chapter 229, as redesignated, to read as follows:

"CHAPTER 229—RAIL IMPROVEMENT GRANTS

"Sec.
"22901. Definitions.
"22902. Capital investment grants to support intercity passenger rail services.
"22903. Project management oversight.
"22904. Use of capital grants to finance first-dollar liability of grant project.
"22905. Grant conditions.
"22906. Authorization of appropriations.
"22907. Consolidated rail infrastructure and safety improvements.
"22908. Restoration and enhancement grants.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22902, as redesignated—

(i) in subsection (c)(3)(A)—

(I) in the matter preceding clause (i), by inserting "of" after "other modes"; and

(II) in clause (vi) by striking "environmentally" and inserting "environmental"; and

(ii) in subsection (k), by striking "state rail plan" and inserting "State rail plan"; and

(B) in section 22905(e)(1), as redesignated—

(i) by striking "government authority" and inserting "governmental authority"; and

(ii) by striking "section 5302(11) and (6), respectively, of this title" and inserting "section 5302".

(2) CONFORMING AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22901(2)(D), as redesignated, by striking "24404" and inserting "22904";

(B) in section 22904, as redesignated, by striking "24402" and inserting "22902";

(C) in section 22905(e)(1), as redesignated, by striking "24102(4) of this title" and inserting "24102";

(D) in section 22907, as redesignated—

(i) in subsection (c)(2), by striking "24401(2)" and inserting "22901(2)"; and

(ii) in subsection (k), by striking "of sections 24402, 24403, and 24404 and the definition contained in 24401(1)" and inserting "under sections 22902, 22903, and 22904, and the definition contained in section 22901(1)"; and

(E) in section 22908, as redesignated—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "24401(1)" and inserting "22901(1)"; and

(ii) in subsection (i)(3), by striking "24405" and inserting "22905".

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) SUBTITLE V.—Subtitle V of title 49, United States Code, is amended—

(i) in part C—

(I) in section 24102(7)(D)(ii), by striking "chapter 244" and inserting "chapter 229";

(II) in section 24103, by inserting "or chapter 229" after "this part" each place it appears;

(III) in section 24711(c)(3), by striking "24405" and inserting "22905"; and

(IV) in section 24911(i), by striking "24405" and inserting "22905"; and

(ii) in part D, in section 26106(e)(3), by striking "24405 of this title" and inserting "22905".

(B) RAILROAD SAFETY ENHANCEMENT ACT OF 2008.—The Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432) is amended—

(i) in section 301(c) (49 U.S.C. 24405 note), by striking "24405(a)" and inserting "22905(a)"; and

(ii) in section 502(a)(4)(I) (49 U.S.C. 26106 note), by striking "24405" and inserting "22905".

(C) FAST ACT.—The Fixing America's Surface Transportation Act (Public Law 114–94; 129 Stat. 1312) is amended—

(i) in section 11102, by adding at the end the following:

"(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24407 of such title shall be deemed to refer to grants or project management oversight under section 22907 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act."; Effective date.

(ii) in section 11104, by adding at the end the following:

"(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24408 of such title shall be deemed to refer to grants or project management oversight under section 22908 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act."; Effective date.

(iii) in section 11308(a)(4)(I), by striking "24405" and inserting "22905"; and

49 USC 24407 note.

(iv) in section 11401(b)(5), by striking "chapter 244" and inserting "chapter 229".

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 3367:

SENATE REPORTS: No. 115–390 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 18, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–421
115th Congress

An Act

To designate the community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, as the "Douglas Fournet Department of Veterans Affairs Clinic".

Jan. 3, 2019
[S. 3444]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DOUGLAS FOURNET DEPARTMENT OF VETERANS AFFAIRS CLINIC IN LAKE CHARLES, LOUISIANA.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, shall after the date of the enactment of this Act be known and designated as the "Douglas Fournet Department of Veterans Affairs Clinic" or the "Douglas Fournet VA Clinic".

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Douglas Fournet Department of Veterans Affairs Clinic.

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 3444:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 18, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–422
115th Congress

An Act

To require the Secretary of Veterans Affairs to establish a tiger team dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017.

Jan. 3, 2019
[S. 3777]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Forever GI Bill Housing Payment Fulfillment Act of 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forever GI Bill Housing Payment Fulfillment Act of 2018".

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) On August 16, 2017, the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) (known by some as the "Forever GI Bill") was enacted into law.

(2) Such Act makes certain improvements to the Post-9/11 Educational Assistance program for veterans, including improvements relating to how the Secretary of Veterans Affairs calculates the amount of payments for monthly housing stipends under that program.

(3) Section 107 of such Act (Public Law 115–48; 33 U.S.C. 3313 note) requires the Secretary to calculate the amount of payments for monthly housing stipends based on the location of the campus of the institution of higher learning where the individual attends classes, a change from the previous direction to make such calculation based on the location of the institution of higher learning.

(4) Section 501 of such Act (Public Law 115–48; 37 U.S.C. 403 note) repeals the inapplicability of a modification of the basic allowance for housing for members of the uniformed services to benefits administered by the Department of Veterans Affairs.

(5) The amendments made by section 107 and 501 of such Act became effective on August 1, 2018, and January 1, 2018, respectively.

(6) Representatives of the Department of Veterans Affairs have stated that the Department will not be able to determine proper payment amounts based on the amendment made by section 107 of such Act until December 1, 2019.

(7) Representatives of the Department have also stated that outdated information technology systems have stymied efforts to update necessary information that enable proper

housing payments as required by the provisions of law amended by sections 107 and 501 of such Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as soon as possible, the Secretary of Veterans Affairs should end the making of improper payment amounts for monthly stipends under section 3313 of title 38, United States Code;

(2) by January 1, 2020, the Secretary should make whole the individuals entitled to payments of monthly stipends under section 3313 of title 38, United States Code, who have been underpaid as a result of the difficulties encountered by the Department of Veterans Affairs in carrying out such section after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48); and

(3) no individuals entitled to payments of monthly stipend under section 3313 of title 38, United States Code, who have been overpaid as a result of the difficulties encountered by the Department in carrying out such section after the enactment of sections 107 and 501 of such Act should have overpayments recuperated by the Department.

SEC. 3. TIGER TEAM FOR HOUSING STIPENDS.

(a) ESTABLISHMENT.—Not later than one day after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a tiger team (in this section referred to as the "Tiger Team") dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note). Deadline.

(b) COMPOSITION.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall submit to Congress the names and titles of the employees of the Department who compose the Tiger Team established under subsection (a), including the name and title of the senior-level employee of the Department who serves as the lead accountable official of the Tiger Team. Deadline.

(c) DUTIES.—

(1) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Tiger Team shall submit to Congress the following: Deadline.

(A) A plan describing the following: Plan.

(i) How the Secretary will obtain the information necessary to determine the correct payment amounts for monthly stipends under section 3313 of title 38, United States Code, made after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), from officials responsible for the certification of payments of monthly stipends made under section 3313 of such title.

(ii) How the Secretary will modify the relevant information technology systems of the Department to correct the payment amounts for monthly stipends

under section 3313 of such title made after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note) that were deficient.

(iii) How the Secretary will identify all of the individuals who received payments of monthly stipends under section 3313 of such title that were not in compliance with such section, after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(iv) How the Secretary will notify the individuals described in clause (iii).

(v) The procedures the Secretary will use to correct the payments of monthly stipends under section 3313 of such title that were deficient as a result of the difficulties encountered by the Department of Veterans Affairs in carrying out such section after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

Timeline.

(B) A complete timeline for the implementation of the plan described in subparagraph (A).

(C) Any additional funding and personnel requirements necessary to support the implementation of the plan described in subparagraph (A), including any such requirements as may be necessary for staffing increases or relevant improvements to the information technology infrastructure of the Department.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall implement the plan submitted under paragraph (1)(A).

Deadlines.

(B) PERIODIC UPDATES.—Not less frequently than once every 90 days after submission of the items under paragraph (1), the Tiger Team shall submit to Congress an update on the implementation of the plan described in subparagraph (A) of such paragraph.

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than July 1, 2020, the Tiger Team shall submit to the appropriate congressional committees a final report on the activities and findings of the Tiger Team.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The number of individuals who were affected by payments of monthly stipends under section 3313 of title 38, United States Code, that were not in compliance with such section after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(ii) The number of individuals described in clause (i) who received deficient payments as a result of the difficulties encountered by the Department in carrying out section 3313 of such title after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), and the total amount of the deficiency for each individual, disaggregated by State.

(iii) The number of individuals described in clause (ii) who have not received the amount of monthly stipend to which such individuals are entitled under section 3313 of such title and an explanation of why such individuals have not received such amounts.

(iv) A certification of whether the Department is fully compliant with sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note). Certification.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term "appropriate congressional committees" means the following:

(i) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate.

(ii) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.

(d) TERMINATION.—On the date that is 60 days after the date on which the Tiger Team submits the final report required by subsection (c)(3), the Secretary shall terminate the Tiger Team established under subsection (a).

Approved January 3, 2019.

LEGISLATIVE HISTORY—S. 3777:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 18, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–423
115th Congress

An Act

Jan. 7, 2019
[S. 2200]

To reauthorize the National Integrated Drought Information System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Integrated Drought Information System Reauthorization Act of 2018.
15 USC 8501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Integrated Drought Information System Reauthorization Act of 2018".

SEC. 2. NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM PROGRAM.

(a) IN GENERAL.—Section 3 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking "in order to make usable, reliable, and timely forecasts of drought, including" and inserting ", including precipitation, soil moisture, and evaporative demand, in order to make usable, reliable, and timely forecasts of drought and";

(B) in paragraph (3), by inserting "watershed," after "regional,";

(C) in paragraph (4)—

(i) by inserting ", through interagency agreements" after "integrate"; and

(ii) by inserting "information" after "warning";

(D) by amending paragraph (5) to read as follows:

"(5) utilize existing forecasting and assessment programs and partnerships, including forecast communication coordinators and cooperative institutes, and improvements in seasonal precipitation and temperature, subseasonal precipitation and temperature, and low flow water prediction; and"; and

(E) in paragraph (6), by inserting "the prediction," after "relating to";

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

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

"(c) PARTNERSHIPS.—The National Integrated Drought Information System may—

"(1) engage with the private sector to improve drought monitoring, forecast, and communication if the Under Secretary determines the partnership is appropriate, cost-effective, and beneficial to the public and decisionmakers described in subsection (b)(2)(A);

"(2) facilitate the development of 1 or more academic cooperative partnerships to assist with National Integrated Drought Information System functions; and

"(3) utilize and support, as appropriate, monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration.";

(4) in subsection (d), as redesignated, by inserting "and sustainment" after "development"; and

(5) by striking subsection (f), as redesignated, and inserting the following:

"(f) SOIL MOISTURE.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, the Under Secretary, acting through the National Integrated Drought Information System, shall develop a strategy for a national coordinated soil moisture monitoring network.". Deadline. Strategy.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d note) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act—

"(1) $13,500,000 for fiscal year 2019;
"(2) $13,750,000 for fiscal year 2020;
"(3) $14,000,000 for fiscal year 2021;
"(4) $14,250,000 for fiscal year 2022; and
"(5) $14,500,000 for fiscal year 2023.".

SEC. 3. REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.

(a) REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.—Section 1762 of the Food Security Act of 1985 (15 U.S.C. 8521) is amended—

(1) by amending subsection (j) to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities under this section—

"(1) $26,500,000 for fiscal year 2019;
"(2) $27,000,000 for fiscal year 2020;
"(3) $27,500,000 for fiscal year 2021;
"(4) $28,000,000 for fiscal year 2022; and
"(5) $28,500,000 for fiscal year 2023."; and

(2) by adding at the end the following:

"(k) DERIVATION OF FUNDS.—Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Weather Service.".

(b) UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT.—Section 110 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8519) is amended to read as follows:

"SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Office of Oceanic and Atmospheric Research to carry out this title—

"(1) $136,516,000 for fiscal year 2019, of which—

"(A) $85,758,000 is authorized for weather laboratories and cooperative institutes;

"(B) $30,758,000 is authorized for weather and air chemistry research programs; and

"(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

"(2) $148,154,000 for fiscal year 2020, of which—

"(A) $87,258,000 is authorized for weather laboratories and cooperative institutes;

"(B) $40,896,000 is authorized for weather and air chemistry research programs; and

"(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

"(3) $150,154,000 for fiscal year 2021, of which—

"(A) $88,758,000 is authorized for weather laboratories and cooperative institutes;

"(B) $41,396,000 is authorized for weather and air chemistry research programs; and

"(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

"(4) $152,154,000 for fiscal year 2022, of which—

"(A) $90,258,000 is authorized for weather laboratories and cooperative institutes;

"(B) $41,896,000 is authorized for weather and air chemistry research programs; and

"(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4); and

"(5) $154,154,000 for fiscal year 2023, of which—

"(A) $91,758,000 is authorized for weather laboratories and cooperative institutes;

"(B) $42,396,000 is authorized for weather and air chemistry research programs; and

"(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4).

"(b) LIMITATION.—No additional funds are authorized to carry out this title and the amendments made by this title.".

SEC. 4. EARTH PREDICTION INNOVATION CENTER.

(a) WEATHER RESEARCH AND FORECASTING INNOVATION.—Section 102(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by adding at the end the following:

"(4) Advancing weather modeling skill, reclaiming and maintaining international leadership in the area of numerical weather prediction, and improving the transition of research into operations by—

"(A) leveraging the weather enterprise to provide expertise on removing barriers to improving numerical weather prediction;

"(B) enabling scientists and engineers to effectively collaborate in areas important for improving operational global numerical weather prediction skill, including model development, data assimilation techniques, systems architecture integration, and computational efficiencies;

"(C) strengthening the National Oceanic and Atmospheric Administration's ability to undertake research projects in pursuit of substantial advancements in weather forecast skill;

"(D) utilizing and leverage existing resources across the National Oceanic and Atmospheric Administration enterprise; and

"(E) creating a community global weather research modeling system that—

"(i) is accessible by the public;

"(ii) meets basic end-user requirements for running on public computers and networks located outside of secure National Oceanic and Atmospheric Administration information and technology systems; and

"(iii) utilizes, whenever appropriate and cost-effective, innovative strategies and methods, including cloud-based computing capabilities, for hosting and management of part or all of the system described in this subsection.".

(b) UNITED STATES WEATHER RESEARCH PROGRAM.—Section 108(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 8520(a)) is amended—

(1) in paragraph (10), by striking "; and" and inserting a semi-colon;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) carry out the activities of the Earth Prediction Innovation Center as described in section 102(b)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)(2)).".

SEC. 5. COMPUTING RESOURCES PRIORITIZATION.

(a) IN GENERAL.—Section 108 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8518) is amended to read as follows:

"SEC. 108. COMPUTING RESOURCE EFFICIENCY IMPROVEMENT AND ANNUAL REPORT.

"(a) COMPUTING RESOURCES.—

Assessments.
Contracts.

"(1) IN GENERAL.—In acquiring computing capabilities, including high performance computing technologies and supercomputing technologies, that enable the National Oceanic and Atmospheric Administration to meet its mission requirements, the Under Secretary shall, when appropriate and cost-effective, assess and prioritize options for entering into multi-year lease agreements for computing capabilities over options for purchasing computing hardware outright.

"(2) ACQUISITION.—In carrying out the requirements of paragraph (1), the Under Secretary shall structure multi-year lease agreements in such a manner that the expiration of the lease is set for a date on or around—

"(A) the expected degradation point of the computing resources; or

"(B) the point at which significantly increased computing capabilities are expected to be available for lease.

"(3) PILOT PROGRAMS.—

"(A) IN GENERAL.—In order to more efficiently and effectively meet the mission requirements of the National Oceanic and Atmospheric Administration, the Under Secretary may create 1 or more pilot programs for assessing

new or innovative information and technology capabilities and services.

"(B) PROGRAM REQUIREMENTS.—Any program created under paragraph (3) shall assess only those capabilities and services that—

"(i) meet or exceed the standards and requirements of the National Oceanic and Atmospheric Administration, including for processing speed, cybersecurity, and overall reliability; or

"(ii) meet or exceed, or are expected to meet or exceed, the performance of similar, in-house information and technology capabilities and services that are owned and operated by the National Oceanic and Atmospheric Administration prior to the establishment of the pilot program.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of funds appropriated to the National Environmental Satellite, Data, and Information Service, to carry out this paragraph $5,000,000 for fiscal year 2019, $10,000,000 for fiscal year 2020, and $5,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

Coordination. Public information.

"(b) REPORTS.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, and triennially thereafter until the date that is 6 years after the date on which the first report is submitted, the Under Secretary, acting through the Chief Information Officer of the National Oceanic and Atmospheric Administration and in coordination with the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service, shall produce and make publicly available a report that explains how the Under Secretary intends—

"(1) to continually support upgrades to pursue the fastest, most powerful, and cost-effective high performance computing technologies in support of its weather prediction mission;

"(2) to ensure a balance between the research to operations requirements to develop the next generation of regional and global models as well as highly reliable operational models;

"(3) to take advantage of advanced development concepts to, as appropriate, make next generation weather prediction models available in beta-test mode to operational forecasters, the United States weather industry, and partners in academic and Government research;

"(4) to use existing computing resources to improve advanced research and operational weather prediction;

"(5) to utilize non-Federal contracts to obtain the necessary expertise for advanced weather computing, if appropriate;

"(6) to utilize cloud computing; and

"(7) to create a long-term strategy to transition the programming language of weather model code to current and broadly-used coding language.".

(b) TABLE OF CONTENTS.—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25; 131 Stat. 91) is amended by striking the item relating to section 108 and inserting the following:

"Sec. 108. Computing resource efficiency improvement and annual report.".

SEC. 6. SATELLITE ARCHITECTURE PLANNING.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended by adding at the end the following:

"(c) NEXT GENERATION SATELLITE ARCHITECTURE.—

"(1) IN GENERAL.—The Under Secretary shall analyze, test, and plan the procurement of future data sources and satellite architectures, including respective ground system elements, identified in the National Oceanic and Atmospheric Administration's Satellite Observing System Architecture Study that— Analysis.

"(A) lower the cost of observations used to meet the National Oceanic and Atmospheric Administration's mission requirements;

"(B) disaggregate current satellite systems, where appropriate;

"(C) include new, value-adding technological advancements; and

"(D) improve weather forecasting and predictions.

"(2) QUANTITATIVE ASSESSMENTS AND PARTNERSHIP AUTHORITY.—In meeting the requirements described in paragraph (1), the Under Secretary—

"(A) may partner with the commercial and academic sectors, non-governmental and not-for-profit organizations, and other Federal agencies; and

"(B) shall, consistent with section 107 of this Act, undertake quantitative assessments for objective analyses, as the Under Secretary considers appropriate, to evaluate relative value and benefits of future data sources and satellite architectures described in paragraph (1). Analyses.

"(d) ADDITIONAL FORMS OF TRANSACTION AUTHORIZED.— Contracts.

"(1) IN GENERAL.—Subject to paragraph (2), in order to enhance the effectiveness of data and satellite systems used by the National Oceanic and Atmospheric Administration to meet its missions, the Under Secretary may enter into and perform such transaction agreements on such terms as the Under Secretary considers appropriate to carry out basic, applied, and advanced research projects to meet the objectives described in subparagraphs (A) through (D) subsection (c)(1).

"(2) METHOD AND SCOPE.—

"(A) IN GENERAL.—A transaction agreement under paragraph (1) shall be limited to research and development activities.

"(B) PERMISSIBLE USES.—A transaction agreement under paragraph (1) may be used—

"(i) for the construction, use, operation, or procurement of new, improved, innovative, or value-adding satellites, instrumentation, ground stations, and data;

"(ii) to make determinations on how to best use existing or planned data, systems, and assets of the National Oceanic and Atmospheric Administration; and

"(iii) only when the objectives of the National Oceanic and Atmospheric Administration cannot be met using a cooperative research and development agreement, grants procurement contract, or cooperative agreement.

"(3) TERMINATION OF EFFECTIVENESS.—The authority provided in this subsection terminates effective September 30, 2023.

Deadline. Public information. Web posting. Estimate.

"(e) TRANSPARENCY.—Not later than 60 days after the date that a transaction agreement is made under subsection (d), the Under Secretary shall make publicly available, in a searchable format, on the website of the National Oceanic and Atmospheric Administration all uses of the authority under subsection (d), including an estimate of committed National Oceanic and Atmospheric Administration resources and the expected benefits to National Oceanic and Atmospheric Administration objectives for the transaction agreement, with appropriate redactions for proprietary, sensitive, or classified information.

"(f) REPORTS.—

"(1) IN GENERAL.—Not later than 90 days after September 30 of each fiscal year through September 30, 2023, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the use of additional transaction authority by the National Oceanic and Atmospheric Administration during the previous fiscal year.

"(2) CONTENTS.—Each report shall include—

"(A) for each transaction agreement in effect during the fiscal year covered by the report—

"(i) an indication of whether the transaction agreement is a reimbursable, non-reimbursable, or funded agreement;

"(ii) a description of—

"(I) the subject and terms;

"(II) the parties;

"(III) the responsible National Oceanic and Atmospheric Administration line office;

"(IV) the value;

"(V) the extent of the cost sharing among Federal Government and non-Federal sources;

"(VI) the duration or schedule; and

"(VII) all milestones;

"(iii) an indication of whether the transaction agreement was renewed during the previous fiscal year;

"(iv) the technology areas in which research projects were conducted under that agreement;

"(v) the extent to which the use of that agreement—

"(I) has contributed to a broadening of the technology and industrial base available for meeting National Oceanic and Atmospheric Administration needs; and

"(II) has fostered within the technology and industrial base new relationships and practices that support the United States; and

"(vi) the total value received by the Federal Government under that agreement for that fiscal year; and

"(B) a list of all anticipated reimbursable, non-reimbursable, and funded transaction agreements for the upcoming fiscal year. List.

"(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the National Oceanic and Atmospheric Administration to use cooperative research and development agreements, grants, procurement contracts, or cooperative agreements.".

SEC. 7. INTEGRATION OF OCEAN AND COASTAL DATA FROM THE INTEGRATED OCEAN OBSERVING SYSTEM.

(a) IN GENERAL.—Section 301(a)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(a)(2)) is amended—

(1) in subparagraph (A), by striking "; and" and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) support increasing use of autonomous, mobile surface, sub-surface, and submarine vehicle ocean and fresh water sensor systems and the infrastructure necessary to share and analyze these data in real-time and feed them into predictive early warning systems.".

(b) COMMERCIAL WEATHER DATA; AUTHORIZATION OF APPROPRIATIONS.—Section 302(c)(3) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8532(c)(3)) is amended—

(1) by striking "2017 through 2020" and inserting "2019 through 2023"; and

(2) by inserting "the" before "National".

SEC. 8. IMPROVEMENTS TO COOPERATIVE OBSERVER PROGRAM OF NATIONAL WEATHER SERVICE. 15 USC 8550.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, acting through the National Weather Service, shall improve the Cooperative Observer Program by—

(1) providing support to—

(A) State-coordinated programs relating to the Program; and

(B) States and regions where observations provided through the Program are scarce;

(2) working with State weather service headquarters to increase participation in the Program and to add stations in States and regions described in paragraph (1)(B);

(3) where feasible, ensuring that data streams from stations that have been contributing data to the Program for more than 50 years are maintained and continually staffed by volunteers;

(4) prioritizing the recruitment of new volunteers for the Program;

(5) ensuring that opportunities exist for automated reporting to lessen the burden on volunteers to collect and report data by hand; and

(6) ensuring that integrated reporting is available for qualitative observations that cannot be automated, such as drought conditions, snow observations, and hazardous weather events, to ensure that volunteers in the Program can report and upload observations quickly and easily.

Time period.

(b) COORDINATION WITH STATES AND REGIONS.—Not less frequently than every 180 days, the National Weather Service shall coordinate with State and regional offices with respect to the status of Cooperative Observer Program stations.

(c) COORDINATION WITH FEDERAL AGENCIES.—The National Weather Service shall coordinate with other Federal agencies, including the Forest Service, the Department of Agriculture, and the United States Geological Survey, to leverage opportunities to grow the Cooperative Observer Program network and to more effectively use existing infrastructure, weather stations, and staff of the Program.

Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017. 33 USC 4001 note.

SEC. 9. HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017".

(b) REFERENCES TO THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.—Except as otherwise expressly provided, wherever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (33 U.S.C. 4001 et seq.).

(c) INTER-AGENCY TASK FORCE.—Section 603(a) (33 U.S.C. 4001(a)) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

"(13) the Army Corps of Engineers; and".

(d) SCIENTIFIC ASSESSMENTS OF FRESHWATER HARMFUL ALGAL BLOOMS.—Section 603 (33 U.S.C. 4001) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively; and

(3) by amending subsection (g) to read as follows:

Time period.

"(g) SCIENTIFIC ASSESSMENTS OF MARINE AND FRESHWATER HARMFUL ALGAL BLOOMS.—Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters and freshwater systems. Each assessment shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries, those in freshwater lakes and rivers, and those that originate in freshwater lakes or rivers and migrate to coastal waters.".

(e) NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.—

(1) PROGRAM DUTIES.—Section 603A(e) (33 U.S.C. 4002(e)) is amended—

(A) in paragraph (1), by inserting ", including to local and regional stakeholders through the establishment and maintenance of a publicly accessible Internet website that provides information as to Program activities completed under this section" after "Program";

(B) in paragraph (3)—

(i) in subparagraph (B), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (C), by inserting "and" after the semicolon at the end; and

(iii) by adding at the end the following:

"(D) to accelerate the utilization of effective methods of intervention and mitigation to reduce the frequency, severity, and impacts of harmful algal bloom and hypoxia events;";

(C) in paragraph (4), by striking "and work cooperatively with" and inserting ", and work cooperatively to provide technical assistance to,"; and

(D) in paragraph (7)—

(i) by inserting "and extension" after "existing education"; and

(ii) by inserting "intervention," after "awareness of the causes, impacts,".

(2) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—Section 603A(f) (33 U.S.C. 4002(f)) is amended—

(A) in paragraph (3), by inserting ", which shall include unmanned systems," after "infrastructure";

(B) in paragraph (5), by striking "and" at the end;

(C) in paragraph (6)(C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(7) use cost effective methods in carrying out this Act; and

"(8) develop contingency plans for the long-term monitoring of hypoxia.".

(f) CONSULTATION REQUIRED.—Section 102 of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (33 U.S.C. 4001a) is amended by striking "the amendments made by this title" and inserting "the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998".

(g) HYPOXIA OR HARMFUL ALGAL BLOOM OF NATIONAL SIGNIFICANCE.— 33 USC 4010.

(1) RELIEF.—

(A) IN GENERAL.—Upon a determination under paragraph (2) that there is an event of national significance, the appropriate Federal official is authorized to make sums available to the affected State or local government for the purposes of assessing and mitigating the detrimental environmental, economic, subsistence use, and public health effects of the event of national significance. Assessment.

(B) FEDERAL SHARE.—The Federal share of the cost of any activity carried out under this paragraph for the purposes described in subparagraph (A) may not exceed 50 percent of the cost of that activity.

(C) DONATIONS.—Notwithstanding any other provision of law, an appropriate Federal official may accept donations of funds, services, facilities, materials, or equipment that the appropriate Federal official considers necessary for the purposes described in subparagraph (A). Any funds donated to an appropriate Federal official under this paragraph may be expended without further appropriation and without fiscal year limitation.

(2) DETERMINATIONS.—

(A) IN GENERAL.—At the discretion of an appropriate Federal official, or at the request of the Governor of an affected State, an appropriate Federal official shall determine whether a hypoxia or harmful algal bloom event is an event of national significance.

(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the appropriate Federal official shall consider the toxicity of the harmful algal bloom, the severity of the hypoxia, its potential to spread, the economic impact, the relative size in relation to the past 5 occurrences of harmful algal blooms or hypoxia events that occur on a recurrent or annual basis, and the geographic scope, including the potential to affect several municipalities, to affect more than 1 State, or to cross an international boundary.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE FEDERAL OFFICIAL.—The term "appropriate Federal official" means—

(i) in the case of a marine or coastal hypoxia or harmful algal bloom event, the Under Secretary of Commerce for Oceans and Atmosphere; and

(ii) in the case of a freshwater hypoxia or harmful algal bloom event, the Administrator of the Environmental Protection Agency.

(B) EVENT OF NATIONAL SIGNIFICANCE.—The term "event of national significance" means a hypoxia or harmful algal bloom event that has had or will likely have a significant detrimental environmental, economic, subsistence use, or public health impact on an affected State.

(C) HYPOXIA OR HARMFUL ALGAL BLOOM EVENT.—The term "hypoxia or harmful algal bloom event" means the occurrence of hypoxia or a harmful algal bloom as a result of a natural, anthropogenic, or undetermined cause.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) (33 U.S.C. 4009(a)) is amended by inserting ", and $20,500,000 for each of fiscal years 2019 through 2023" before the period at the end.

Approved January 7, 2019.

LEGISLATIVE HISTORY—S. 2200:

SENATE REPORTS: No. 115–256 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 18, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–424
115th Congress

An Act

To reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

Jan. 7, 2019
[S. 2961]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Victims of Child Abuse Act Reauthorization Act of 2018.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Child Abuse Act Reauthorization Act of 2018".

SEC. 2. REAUTHORIZATION.

(a) FINDINGS.—Section 211 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20301) is amended—

(1) in paragraph (1), by striking "2,000,000" and inserting "3,300,000";

(2) in paragraph (6)—

(A) by inserting "improve positive outcomes for the child," before "and increase"; and

(B) by striking "; and" and inserting a semicolon;

(3) in paragraph (7), by striking "could be duplicated in many jurisdictions throughout the country." and inserting "have expanded dramatically throughout the United States; and"; and

(4) by adding at the end the following:

"(8) State chapters of children's advocacy center networks are needed to—

"(A) assist local communities in coordinating their multidisciplinary child abuse investigation, prosecution, and intervention services; and

"(B) provide oversight of, and training and technical assistance in, the effective delivery of evidence-informed programming.".

(b) DEFINITIONS.—Section 212 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20302) is amended—

(1) by striking paragraphs (3) and (6);

(2) by redesignating paragraphs (4), (5), (7), (8), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively;

(3) in paragraph (6), as so redesignated, by striking "and" at the end;

(4) in paragraph (7), as so redesignated, by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(8) the term 'State chapter' means a membership organization that provides technical assistance, training, coordination, grant administration, oversight, and support to local children's advocacy centers, multidisciplinary teams, and communities

working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.".

(c) REGIONAL CHILDREN'S ADVOCACY CENTERS.—Section 213 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20303) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "with the Director and"

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as so redesignated, by striking "and" at the end;

(E) in paragraph (3), as so redesignated—

(i) by inserting after "mental health care professionals" the following: ", law enforcement officers, child protective service workers, forensic interviewers, prosecutors, and victim advocates,";

(ii) by striking "medical" each place that term appears; and

(iii) by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(4) collaborate with State chapters to provide training, technical assistance, coordination, and oversight to—

"(A) local children's advocacy centers; and

"(B) communities that want to develop local children's advocacy centers.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ", in coordination with the Director,";

(ii) in subparagraph (A), by inserting "and" at the end;

(iii) in subparagraph (B), by striking "the prevention, judicial handling, and treatment of child abuse and neglect; and" and inserting "multidisciplinary team investigation, trauma-informed interventions, and evidence-informed treatment,"; and

(iv) by striking subparagraph (C); and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "communities" and inserting "communities, local children's advocacy centers, multidisciplinary teams, and State chapters";

(II) in clause (i), by inserting "and expanding" after "developing";

(III) by redesignating clauses (ii) through (x) as clauses (iii) through (xi), respectively;

(IV) by inserting after clause (i) the following:

"(ii) in promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in—

"(I) organizational support and development;
"(II) programmatic evaluation; and
"(III) financial oversight of Federal funding;";

(V) in clause (iii), as so redesignated, by striking "a freestanding facility where interviews of and services for abused children can be provided" and inserting "child-friendly facilities for the investigation of, assessment of, and intervention in abuse"; and

(VI) in clause (iv), as so redesignated, by striking "multiple" and inserting "duplicative"; and

(ii) in subparagraph (B), by inserting "and interested communities" after "advocacy centers";

(3) in subsection (c)—

(A) in paragraph (2)(C), by striking "remedial counseling to" and inserting "evidence-informed services for";

(B) in paragraph (3)(A)(ii), by striking "multidisciplinary child abuse program" and inserting "children's advocacy center"; and

(C) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking ", in coordination with the Director,";

(ii) by striking clause (iii); and

(iii) by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively;

(4) in subsection (d)—

(A) in paragraph (1), by striking ", in coordination with the Director,";

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "and the Director"; and

(C) in paragraph (3), by striking "DISCONTINUATION OF FUNDING.—" and all that follows through "Upon discontinuation" and inserting the following: "DISCONTINUATION OF FUNDING.—Upon discontinuation"; and

(5) by striking subsections (e) and (f).

(d) LOCAL CHILDREN'S ADVOCACY CENTERS.—Section 214 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20304) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Administrator, in coordination with the Director of the Office of Victims of Crime, shall make grants to— Coordination. Grants.

"(1) develop and enhance multidisciplinary child abuse investigations, intervention, and prosecution; and

"(2) promote the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.";

(2) in subsection (b)—

(A) in the subsection heading, by inserting "HUMAN TRAFFICKING AND" before "CHILD PORNOGRAPHY";

(B) by striking "with the Director and"; and

(C) by inserting "human trafficking and" before "child pornography";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Director" and inserting "Administrator"; and

(ii) by striking "this section" and inserting "subsections (a) and (b)"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "social service" and inserting "child protective service";

(ii) in subparagraph (B), by striking "the 'counseling center'" and inserting "a 'children's advocacy center'";

(iii) in subparagraph (C), by striking "sexual and serious physical abuse and neglect cases to the counseling center" and inserting "child abuse cases that meet designated referral criteria to the children's advocacy center";

(iv) in subparagraph (D)—

(I) by striking "investigative" and inserting "forensic"; and

(II) by striking "social service" and inserting "child protective service";

(v) by striking subparagraph (E);

(vi) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively;

(vii) in subparagraph (E), as so redesignated, by striking "counseling center" and inserting "children's advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services";

(viii) in subparagraph (F), as so redesignated, by striking "minimize the number of interviews that a child victim must attend" and inserting "eliminate duplicative forensic interviews with a child victim";

(ix) in subparagraph (G), as so redesignated, by striking "multidisciplinary program" and inserting "children's advocacy center";

(x) in subparagraph (H), as so redesignated, by inserting "intervention and" before "judicial proceedings"; and

(xi) in subparagraph (I), as so redesignated, by striking "Director" and inserting "Administrator";

(4) in subsection (d)—

(A) by striking "the Director" and inserting "the Administrator"; and

(B) by striking "both large and small States" and inserting "all States that are eligible for such grants, including large and small States,"; and

(5) by adding at the end the following:

"(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE TO LOCAL CHILDREN'S ADVOCACY CENTERS.—In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide technical assistance, training, coordination, and oversight to other recipients of grants under this section in providing evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.".

(e) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20305) is amended—

(1) in subsection (a), by striking "to attorneys" and all that follows and inserting the following: "to—

"(1) attorneys and other allied professionals instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases; and

"(2) child abuse professionals instrumental to the protection of children, intervention in child abuse cases, and treatment of victims of child abuse, for the purpose of—

"(A) improving the quality of such protection, intervention, and treatment; and

"(B) promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.";

(2) by striking subsection (b) and inserting the following: "(b) GRANTEE ORGANIZATIONS.—

"(1) PROSECUTORS.—An organization to which a grant is made for specific training and technical assistance for prosecutors under subsection (a)(1) shall be one that has—

"(A) a broad representation of attorneys who prosecute criminal cases in State courts; and

"(B) demonstrated experience in providing training and technical assistance for prosecutors.

"(2) CHILD ABUSE PROFESSIONALS.—An organization to which a grant is made for specific training and technical assistance for child abuse professionals under subsection (a)(2) shall be one that has—

"(A) a diverse portfolio of training and technical resources for the diverse professionals responding to child abuse, including a digital library to promote evidence-informed practice; and

"(B) demonstrated experience in providing training and technical assistance for child abuse professionals, especially law enforcement officers, child protective service workers, prosecutors, forensic interviewers, medical professionals, victim advocates, and mental health professionals."; and

(3) in subsection (c)(2), by inserting after "shall require" the following: ", in the case of a grant made under subsection (a)(1),".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 214B of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20306) is amended—

(1) in subsection (a), by striking "sections 213 and 214" and all that follows and inserting the following: "sections 213 and 214, $16,000,000 for each of fiscal years 2019 through 2023."; and

(2) in subsection (b), by striking "section 214A" and all that follows and inserting the following: "section 214A, $5,000,000 for each of fiscal years 2019 through 2023.".

(g) ACCOUNTABILITY.—Section 214C of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20307) is amended—

(1) by striking "All grants awarded" and inserting the following:

"(a) IN GENERAL.—All grants awarded"; and

(2) by adding at the end the following:

"(b) REPORTING.—Not later than March 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

"(1) summarizes the efforts of the Administrator to monitor and evaluate the regional children's advocacy program activities under section 213(d);

"(2) describes—

"(A) the method by which amounts are allocated to grantees and subgrantees under this subtitle, including to local children's advocacy centers, State chapters, and regional children's advocacy program centers; and

"(B) steps the Attorney General has taken to minimize duplication and overlap in the awarding of amounts under this subtitle; and

"(3) analyzes the extent to which both rural and urban populations are served under the regional children's advocacy program.".

(h) TECHNICAL AND CONFORMING AMENDMENTS RELATING TO TITLE 34, UNITED STATES CODE.—The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—

(1) in section 212(1) (34 U.S.C. 20302), by striking "(42 U.S.C. 5611(b))" and inserting "(34 U.S.C. 11111(b))";

(2) in section 214(c)(1) (34 U.S.C. 20304(c)(1)), by striking "(42 U.S.C. 5665 et seq.)" and inserting "(34 U.S.C. 11183, 11186)";

(3) in section 214A(c)(1) (34 U.S.C. 20305(c)(1)), by striking "(42 U.S.C. 5665 et seq.)" and inserting "(34 U.S.C. 11183, 11186)";

(4) in section 217(c)(1) (34 U.S.C. 20323(c)(1)), by striking "(42 U.S.C. 5665 et seq.)" and inserting "(34 U.S.C. 11183, 11186)"; and

(5) in section 223(c) (34 U.S.C. 20333(c)), by striking "(42 U.S.C. 5665 et seq.)" and inserting "(34 U.S.C. 11183, 11186)".

SEC. 3. IMMUNITY PROTECTIONS FOR REPORTERS OF CHILD ABUSE.

(a) STATE PLANS.—Section 106(b)(2)(B)(vii) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(vii)) is amended to read as follows:

"(vii) provisions for immunity from civil or criminal liability under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect;".

34 USC 20342.

(b) FEDERAL IMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any individual making a good faith report to appropriate authorities of a suspected or known instance of child abuse or neglect, or who otherwise, in good faith, provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention

pursuant to a good faith report of child abuse or neglect shall not be subject to civil liability or criminal prosecution, under any Federal law, rising from making such report or providing such information or assistance.

(2) PRESUMPTION OF GOOD FAITH.—In a Federal civil action or criminal prosecution brought against a person based on the person's reporting a suspected or known instance of child abuse or neglect, or providing information or assistance with respect to such a report, as described in paragraph (1), there shall be a presumption that the person acted in good faith.

(3) COSTS.—If the defendant prevails in a Federal civil action described in paragraph (2), the court may award costs and reasonable attorney's fees incurred by the defendant.

Approved January 7, 2019.

LEGISLATIVE HISTORY—S. 2961:

SENATE REPORTS: No. 115–432 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 11, considered and passed Senate.
Dec. 20, considered and passed House.

Public Law 115–425
115th Congress

An Act

Jan. 8, 2019
[H.R. 2200]

To reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018.
22 USC 7101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs to Support Victims and Persons Vulnerable to Human Trafficking

Sec. 101. Grants to assist in the recognition of trafficking.
Sec. 102. Preventing future trafficking in the United States through receipt of complaints abroad.
Sec. 103. Modification to grants for victims services.

Subtitle B—Governmental Efforts to Prevent Human Trafficking

Sec. 111. Required training to prevent human trafficking for certain contracting air carriers.
Sec. 112. Ensuring United States procurement does not fund human trafficking.
Sec. 113. Training course on human trafficking and government contracting.
Sec. 114. Modifications to the Advisory Council on Human Trafficking.
Sec. 115. Sense of Congress on the Senior Policy Operating Group.
Sec. 116. Best practices to prevent forced child labor trafficking.

Subtitle C—Preventing Trafficking in Persons in the United States

Sec. 121. Demand reduction strategies in the United States.
Sec. 122. Designation of a labor prosecutor to enhance State and local efforts to combat trafficking in persons.
Sec. 123. Preventing human trafficking in foreign missions and diplomatic households.
Sec. 124. Actions against significant traffickers in persons.

Subtitle D—Monitoring Child, Forced, and Slave Labor

Sec. 131. Sense of Congress.
Sec. 132. Report on the enforcement of section 307 of the Tariff Act of 1930.
Sec. 133. Modification to list of child-made and slavery-made goods.

TITLE II—FIGHTING HUMAN TRAFFICKING ABROAD

Subtitle A—Efforts to Combat Trafficking

Sec. 201. Including the Secretary of the Treasury and the United States Trade Representative as a member of the Interagency Task Force to Monitor and Combat Trafficking.
Sec. 202. Encouraging countries to maintain and share data on human trafficking efforts.

Sec. 203. Appropriate listing of governments involved in human trafficking.
Sec. 204. Requirements for strategies to prevent trafficking.
Sec. 205. Briefing on countries with primarily migrant workforces.
Sec. 206. Report on recipients of funding from the United States Agency for International Development.

Subtitle B—Child Soldier Prevention Act of 2018

Sec. 211. Findings.
Sec. 212. Amendments to the Child Soldiers Prevention Act of 2008.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations under the Trafficking Victims Protection Act of 2000.
Sec. 302. Authorization of appropriations under the International Megan's Law.
Sec. 303. Authorization of appropriations for airport personnel training to identify and report human trafficking victims.

TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs to Support Victims and Persons Vulnerable to Human Trafficking

SEC. 101. GRANTS TO ASSIST IN THE RECOGNITION OF TRAFFICKING.

(a) GRANTS TO ASSIST IN RECOGNITION OF TRAFFICKING.—Section 106(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(b)) is amended—

(1) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President"; and

(2) by adding at the end the following:

"(2) GRANTS TO ASSIST IN THE RECOGNITION OF TRAFFICKING.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ESEA TERMS.—The terms 'elementary school', 'local educational agency', 'other staff', and 'secondary school' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(ii) HIGH-INTENSITY CHILD SEX TRAFFICKING AREA.—The term 'high-intensity child sex trafficking area' means a metropolitan area designated by the Director of the Federal Bureau of Investigation as having a high rate of children involved in sex trafficking.

"(iii) LABOR TRAFFICKING.—The term 'labor trafficking' means conduct described in section 103(9)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(B)).

"(iv) SCHOOL STAFF.—The term 'school staff' means teachers, nurses, school leaders and administrators, and other staff at elementary schools and secondary schools.

"(v) SEX TRAFFICKING.—The term 'sex trafficking' means the conduct described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A)).

Consultation.

"(B) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Labor, may award grants to local educational agencies, in partnership with a nonprofit, nongovernmental agency, to establish, expand, and support programs—

"(i) to educate school staff to recognize and respond to signs of labor trafficking and sex trafficking; and

"(ii) to provide age-appropriate information to students on how to avoid becoming victims of labor trafficking and sex trafficking.

"(C) PROGRAM REQUIREMENTS.—Amounts awarded under this paragraph shall be used for—

"(i) education regarding—

"(I) avoiding becoming victims of labor trafficking and sex trafficking;

"(II) indicators that an individual is a victim or potential victim of labor trafficking or sex trafficking;

"(III) options and procedures for referring such an individual, as appropriate, to information on such trafficking and services available for victims of such trafficking;

"(IV) reporting requirements and procedures in accordance with applicable Federal and State law; and

"(V) how to carry out activities authorized under subparagraph (A)(ii); and

Plan.
Consultation.

"(ii) a plan, developed and implemented in consultation with local law enforcement agencies, to ensure the safety of school staff and students reporting such trafficking.

"(D) PRIORITY.—In awarding grants under this paragraph, the Secretary shall give priority to local educational agencies serving a high-intensity child sex trafficking area.".

(b) INCLUSION IN AUTHORIZATION OF APPROPRIATIONS.—Section 113(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(b)(1)) is amended by striking "section 107(b)" and inserting "sections 106(b) and 107(b)".

22 USC 7104e.

SEC. 102. PREVENTING FUTURE TRAFFICKING IN THE UNITED STATES THROUGH RECEIPT OF COMPLAINTS ABROAD.

(a) IN GENERAL.—The Secretary of State shall ensure that each diplomatic or consular post or other mission designates an employee to be responsible for receiving information from—

(1) any person who was a victim of a severe form of trafficking in persons (as such term is defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14))) while present in the United States; or

(2) any person who has information regarding a victim described in paragraph (1).

(b) PROVISION OF INFORMATION.—Any information received pursuant to subsection (a) shall be transmitted to the Department of Justice, the Department of Labor, the Department of Homeland Security, and to any other relevant Federal agency for appropriate

response. The Attorney General, the Secretary of Labor, the Secretary of Homeland Security, and the head of any other such relevant Federal agency shall establish a process to address any actions to be taken in response to such information.

(c) ASSISTANCE FROM FOREIGN GOVERNMENTS.—The employee designated for receiving information pursuant to subsection (a) should coordinate with foreign governments or civil society organizations in the countries of origin of victims of severe forms of trafficking in persons, with the permission of and without compromising the safety of such victims, to ensure that such victims receive any additional support available.

SEC. 103. MODIFICATION TO GRANTS FOR VICTIMS SERVICES.

Section 107(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)(A)) is amended by striking "programs for" and all that follows and inserting the following: "programs for victims of human trafficking, including programs that provide trauma-informed care or housing options to such victims who are—

"(i)(I) between 12 and 24 years of age; and

"(II) homeless, in foster care, or involved in the criminal justice system;

"(ii) transitioning out of the foster care system; or

"(iii) women or girls in underserved populations.".

Subtitle B—Governmental Efforts to Prevent Human Trafficking

SEC. 111. REQUIRED TRAINING TO PREVENT HUMAN TRAFFICKING FOR CERTAIN CONTRACTING AIR CARRIERS.

(a) IN GENERAL.—Section 40118 of title 49, United States Code, is amended by adding at the end the following:

"(g) TRAINING REQUIREMENTS.—The Administrator of General Services shall ensure that any contract entered into for provision of air transportation with a domestic carrier under this section requires that the contracting air carrier submits to the Administrator of General Services, the Secretary of Transportation, the Administrator of the Transportation Security Administration, the Secretary of Labor and the Commissioner of U.S. Customs and Border Protection an annual report regarding— Reports.

"(1) the number of personnel trained in the detection and reporting of potential human trafficking (as described in paragraphs (9) and (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), including the training required under section 44734(a)(4);

"(2) the number of notifications of potential human trafficking victims received from staff or other passengers; and

"(3) whether the air carrier notified the National Human Trafficking Hotline or law enforcement at the relevant airport of the potential human trafficking victim for each such notification of potential human trafficking, and if so, when the notification was made.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract entered into after the date of enactment of this Act except for contracts entered into by the Secretary of Defense. 49 USC 40118 note.

SEC. 112. ENSURING UNITED STATES PROCUREMENT DOES NOT FUND HUMAN TRAFFICKING.

Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following:

"(k) AGENCY ACTION TO PREVENT FUNDING OF HUMAN TRAFFICKING.—

Reports.

"(1) IN GENERAL.—At the end of each fiscal year, the Secretary of State, the Secretary of Labor, the Administrator of the United States Agency for International Development, and the Director of the Office of Management and Budget shall each submit a report to the Administrator of General Services that includes—

"(A) the name and contact information of the individual within the agency's Office of Legal Counsel or Office of Acquisition Policy who is responsible for overseeing the implementation of—

"(i) subsection (g);

"(ii) title XVII of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104a et seq.); and

"(iii) any regulation in the Federal Acquisition Regulation (48 C.F.R. 1 et seq.) that is related to any subject matter referred to in clause (i) or (ii);

"(B) agency action to ensure that contractors are educated on the applicable laws and regulations listed in subparagraph (A);

"(C) agency action to ensure that the acquisition workforce and agency officials understand implementation of the laws and regulations listed in subparagraph (A), including best practices for—

"(i) ensuring compliance with such laws and regulations;

"(ii) assessing the serious, repeated, willful, or pervasive nature of any violation of such laws or regulations; and

"(iii) evaluating steps contractors have taken to correct any such violation;

"(D)(i) the number of contracts containing language referring to the laws and regulations listed in subparagraph (A); and

"(ii) the number of contracts that did not contain any language referring to such laws and regulations;

"(E)(i) the number of allegations of severe forms of trafficking in persons received; and

"(ii) the source type of the allegation (such as contractor, subcontractor, employee of contractor or subcontractor, or an individual outside of the contract);

"(F)(i) the number of such allegations investigated by the agency;

Summary.

"(ii) a summary of any findings from such investigations; and

"(iii) any improvements recommended by the agency to prevent such conduct from recurring;

"(G)(i) the number of such allegations referred to the Attorney General for prosecution under section 3271 of title 18, United States Code; and

"(ii) the outcomes of such referrals;

"(H) any remedial action taken as a result of such investigation, including whether—

"(i) a contractor or subcontractor (at any tier) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons; or

"(ii) a contract was terminated pursuant to subsection (g) as a result of such violation;

"(I) any other assistance offered to agency contractors to ensure compliance with a law or regulation relating to severe forms of trafficking in persons;

"(J) any interagency meetings or data sharing regarding suspended or disbarred contractors or subcontractors (at any tier) for severe forms of trafficking in persons; and

"(K) any contract with a contractor or subcontractor (at any tier) located outside the United States and the country location, where safe to reveal location, for each such contractor or subcontractor.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term 'appropriate congressional committees' means— Definitions.

"(A) the Committee on Foreign Affairs of the House of Representatives;

"(B) the Committee on Armed Services of the House of Representatives;

"(C) the Committee on Education and the Workforce of the House of Representatives;

"(D) the Committee on the Judiciary of the House of Representatives;

"(E) the Committee on Oversight and Government Reform of the House of Representatives;

"(F) the Committee on Foreign Relations of the Senate;

"(G) the Committee on Armed Services of the Senate;

"(H) the Committee on the Judiciary of the Senate; and

"(I) the Committee on Health, Education, Labor, and Pensions of the Senate.".

SEC. 113. TRAINING COURSE ON HUMAN TRAFFICKING AND GOVERNMENT CONTRACTING. 41 USC 1201 note.

Any curriculum, including any continuing education curriculum, for the acquisition workforce used by the Federal Acquisition Institute established under section 1201 of title 41, United States Code, shall include at least 1 course, lasting at least 30 minutes, regarding the law and regulations relating to human trafficking and contracting with the Federal Government.

SEC. 114. MODIFICATIONS TO THE ADVISORY COUNCIL ON HUMAN TRAFFICKING.

The Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114–22; 129 Stat. 243) is amended—

(1) in subsection (f), by amending paragraph (2) to read as follows:

"(2) shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5, United States Code."; and

(2) in subsection (h), by striking "2020" and inserting "2021".

SEC. 115. SENSE OF CONGRESS ON THE SENIOR POLICY OPERATING GROUP.

It is the sense of Congress that the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)) should create a working group to examine the role of demand reduction, both domestically and internationally, in achieving the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) and the Justice for Victims of Trafficking Act (Public Law 114–22; 129 Stat. 227).

SEC. 116. BEST PRACTICES TO PREVENT FORCED CHILD LABOR TRAFFICKING.

It is the sense of the Congress that—

(1) the United States Government condemns, in the strongest terms, forced child labor, including in situations of trafficking; and

(2) the President should work with the private sector to develop best practices and guidance for preventing forced child labor and indentured servitude, including in situations of trafficking.

Subtitle C—Preventing Trafficking in Persons in the United States

SEC. 121. DEMAND REDUCTION STRATEGIES IN THE UNITED STATES.

(a) DEPARTMENT OF JUSTICE TASK FORCE.—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (Q)(vii), by striking "and" at the end;

(2) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(S) tactics and strategies employed by human trafficking task forces sponsored by the Department of Justice to reduce demand for trafficking victims.".

(b) REPORT ON STATE ENFORCEMENT.—Subsection (e)(1)(A) of the Combat Human Trafficking Act of 2015 (34 U.S.C. 20709(e)(1)(A)) is amended—

(1) in the matter preceding clause (i), by striking "rates" and inserting "number";

(2) by inserting ", noting the number of covered offenders" after "covered offense" each place such term appears;

(3) in clause (i), by striking "arrest" and inserting "arrests";

(4) in clause (ii), by striking "prosecution" and inserting "prosecutions"; and

(5) in clause (iii), by striking "conviction" and inserting "convictions".

SEC. 122. DESIGNATION OF A LABOR PROSECUTOR TO ENHANCE STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

Section 204(a)(1) of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20705(a)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) as appropriate, to designate at least 1 prosecutor for cases of severe forms of trafficking in persons (as such term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).".

SEC. 123. PREVENTING HUMAN TRAFFICKING IN FOREIGN MISSIONS AND DIPLOMATIC HOUSEHOLDS.

Section 203(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375c(a)) is amended—

(1) in paragraph (2)—

Time periods. Determination. Reports.

(A) by striking "for such period as the Secretary determines necessary" and inserting "for a period of at least 1 year, except if the Secretary determines and reports to the appropriate congressional committees, in advance, the reasons a shorter period is in the national interest,"; and

(B) by striking "the Secretary determines" and all that follows and inserting "there is an unpaid default or final civil judgement directly or indirectly related to human trafficking against the employer or a family member assigned to the embassy, or the diplomatic mission or international organization hosting the employer or family member has not responded affirmatively to a request to waive immunity within 6 weeks of the request in a case brought by the United States Government and the country that accredited the employer or family member or, in the case of international organizations, the country of citizenship, has not initiated prosecution against the employer or family member."; and

(2) in paragraph (3), by striking "a mechanism is in place" and inserting ", as applicable, the unpaid default judgment or final civil judgement has been resolved, the diplomatic mission or international organization hosting the employer or family member has waived immunity for the employer or family member or the country that accredited the employer or family member or the country of citizenship of the employer or family member completed the prosecution of the employer or family member, and the diplomatic mission or international organization hosting the employer or family member has a mechanism in place".

SEC. 124. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

Section 111(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ", or section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–

328; 22 U.S.C. 2656 note)," after "1701)" the second place it appears; and

(2) by adding at the end the following:

"(D) Officials of a foreign government who participate in, facilitate, or condone severe forms of trafficking in persons for significant financial gain.".

Subtitle D—Monitoring Child, Forced, and Slave Labor

SEC. 131. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign assistance that addresses poverty alleviation and humanitarian disasters reduces the vulnerability of men, women, and children to human trafficking and is a crucial part of the response of the United States to modern-day slavery;

(2) the Deputy Under Secretary of the Bureau of International Labor Affairs of the Department of Labor and the grant programs administered by the Deputy Under Secretary play a critical role in preventing and protecting children from the worst forms of child labor, including situations of trafficking, and in reducing the vulnerabilities of men and women to situations of forced labor and trafficking; and

(3) the Secretary of Labor also plays a critical role in helping other Federal departments and agencies to prevent goods made with forced and child labor from entering the United States by consulting with such departments and agencies to reduce forced and child labor internationally and ensuring that products made by forced labor and child labor in violation of international standards are not imported into the United States.

SEC. 132. REPORT ON THE ENFORCEMENT OF SECTION 307 OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the committees listed in subsection (b) that describes any obstacles or challenges to enforcing section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(b) COMMITTEES.—The committees listed in this subsection are—

(1) the Committee on Foreign Affairs of the House of Representatives;

(2) the Committee on Financial Services of the House of Representatives;

(3) the Committee on Energy and Commerce of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Ways and Means of the House of Representatives;

(6) the Committee on Foreign Relations of the Senate;

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

(8) the Committee on Commerce, Science, and Transportation of the Senate;

(9) the Committee on the Judiciary of the Senate; and

(10) the Committee on Finance of the Senate.

(c) REQUIREMENTS.—The report required under subsection (a) shall—

(1) describe the role and best practices of private sector employers in the United States in complying with the provisions of section 307 of the Tariff Act of 1930;

(2) describe any efforts or programs undertaken by relevant Federal, State, or local government agencies to encourage employers, directly or indirectly, to comply with such provisions;

(3) describe the roles of the relevant Federal departments and agencies in overseeing and regulating such provisions, and the oversight and enforcement mechanisms used by such departments or agencies;

(4) provide concrete, actual case studies or examples of how such provisions are enforced;

(5) identify the number of petitions received and cases initiated (whether by petition or otherwise) or investigated by each relevant Federal department or agency charged with implementing and enforcing such provisions, as well as the dates petitions were received or investigations were initiated, and their current statuses;

(6) identify any enforcement actions during the most recent 10 years, including— Time period.

(A) the issuance of Withhold Release Orders;

(B) the detention of shipments;

(C) the issuance of civil penalties; and

(D) the formal charging with criminal charges relating to the forced labor scheme taken as a result of petitions and investigations identified pursuant to paragraph (5), organized by type of action, date of action, commodity, and country of origin;

(7) with respect to any relevant petition filed during the 10-year period immediately preceding the date of the enactment of this Act with the relevant Federal departments and agencies tasked with implementing such provisions, list the specific products, country of origin, manufacturer, importer, end-user or retailer, and outcomes of any investigation; Time period.

(8) identify any gaps that may exist in enforcement of such provisions;

(9) describe the engagement of the relevant Federal departments and agencies with stakeholders, including the engagement of importers, forced labor experts, and nongovernmental organizations; and

(10) based on the information required under paragraphs (1) through (9)—

(A) identify any regulatory obstacles or challenges to enforcement of such provisions; and

(B) provide recommendations for actions that could be taken by the relevant Federal departments and agencies to overcome such obstacles. Recommendations.

SEC. 133. MODIFICATION TO LIST OF CHILD-MADE AND SLAVERY-MADE GOODS.

(a) IN GENERAL.—Section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)) is amended by inserting ", including, to the extent practicable,

goods that are produced with inputs that are produced with forced labor or child labor" after "international standards".

(b) INCLUSION IN AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations under section 113(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(f)), as amended by section 301, are authorized to be made available to carry out the purposes described in section 105(b)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)), as amended by subsection (a).

TITLE II—FIGHTING HUMAN TRAFFICKING ABROAD

Subtitle A—Efforts to Combat Trafficking

SEC. 201. INCLUDING THE SECRETARY OF THE TREASURY AND THE UNITED STATES TRADE REPRESENTATIVE AS A MEMBER OF THE INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting "the Secretary of the Treasury, the United States Trade Representative," after "the Secretary of Education,".

SEC. 202. ENCOURAGING COUNTRIES TO MAINTAIN AND SHARE DATA ON HUMAN TRAFFICKING EFFORTS.

Section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (1)—

(A) by striking "the capacity" and inserting "a demonstrably increasing capacity"; and

(B) by striking the last sentence; and

(2) in paragraph (7)—

(A) by striking "consistent with its resources" and inserting ", consistent with a demonstrably increasing capacity of such government to obtain such data,"; and

(B) by striking the last sentence.

SEC. 203. APPROPRIATE LISTING OF GOVERNMENTS INVOLVED IN HUMAN TRAFFICKING.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(iii)(I)—

(i) by striking "absolute" and inserting "estimated"; and

(ii) by inserting "and the country is not taking proportional concrete actions" before the semicolon at the end; and

(B) by adding at the end the following:

"(F) SPECIAL RULE FOR CERTAIN COUNTRIES ON SPECIAL WATCH LIST THAT ARE DOWNGRADED AND REINSTATED ON SPECIAL WATCH LIST.—Notwithstanding subparagraphs (D) and (E), a country may not be included on the special

Time periods.

watch list described in subparagraph (A)(iii) for more than 1 consecutive year after the country—

"(i) was included on the special watch list described in subparagraph (A)(iii) for—

"(I) 2 consecutive years after the date of the enactment of subparagraph (D); and

"(II) any additional years after such date of enactment as a result of the President exercising the waiver authority under subparagraph (D)(ii); and

"(ii) was subsequently included on the list of countries described in paragraph (1)(C).''; and

(2) in paragraph (3)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii) and moving such clauses 2 ems to the right;

(B) in the matter preceding clause (i), as redesignated, by striking "In determinations" and inserting the following:

"(A) IN GENERAL.—In determinations''; and

(C) by adding at the end the following:

"(B) PROOF OF FAILURE TO MAKE SIGNIFICANT EFFORTS.—In addition to the considerations described in clauses (i), (ii), and (iii) of subparagraph (A), in determinations under paragraph (1)(C) as to whether the government of a country is not making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider, as proof of failure to make significant efforts, a government policy or pattern of—

"(i) trafficking;

"(ii) trafficking in government-funded programs;

"(iii) forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors);

"(iv) sexual slavery in government camps, compounds, or outposts; or

"(v) employing or recruiting child soldiers.''.

SEC. 204. REQUIREMENTS FOR STRATEGIES TO PREVENT TRAFFICKING.

(a) REPORT ON NEW PRACTICES TO COMBAT TRAFFICKING.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 7 years, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that— Time period. Consultation.

(A) describes any practices adopted by the Department of State or the United States Agency for International Development to better combat trafficking in persons, in accordance with the report submitted under section 101(b)(4) of the Trafficking Victims Protection Reauthorization Act of 2005, in order to reduce the risk of trafficking in post-conflict or post-disaster areas; or

(B) if no practices referred to in subparagraph (A) have been adopted, includes a strategy to reduce the risk of trafficking in such areas.

(2) PUBLIC AVAILABILITY.—Each report submitted under paragraph (1) shall be posted on a publicly available internet website of the Department of State.

22 USC 7107 note.

(b) CHILD PROTECTION STRATEGIES IN WATCH LIST COUNTRIES.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall incorporate into the relevant country development cooperation strategy for each country on the list described in paragraph (1)(C) of section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) or the special watch list described in paragraph (2)(A)(iii) of such section, strategies for the protection of children and the reduction of the risk of trafficking.

(2) COMPONENTS.—The child protection and trafficking reduction strategies required under paragraph (1) shall—

(A) address the root causes of insecurity that leave children and youth vulnerable to trafficking; and

(B) include common metrics and indicators to monitor progress across Federal agencies to prevent, address, and end violence against children and youth globally in post-conflict and post-disaster areas.

SEC. 205. BRIEFING ON COUNTRIES WITH PRIMARILY MIGRANT WORKFORCES.

Deadline.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall provide a briefing to the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that includes, with respect to each country that has a domestic workforce of which more than 80 percent are third-country nationals—

Assessment.

(1) an assessment of the progress made by the government of such country toward implementing the recommendations with respect to such country contained in the most recent Trafficking in Persons Report submitted by the Secretary under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), as amended by section 203 of this Act; and

(2) a description of the efforts made by the United States to ensure that any domestic worker brought into the United States by an official of such country is not a victim of trafficking.

SEC. 206. REPORT ON RECIPIENTS OF FUNDING FROM THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

Not later than 90 days after the date of the enactment of this Act, and by October 1 of each of the following 4 years, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes, with respect to the prior fiscal year—

(1) each obligation or expenditure of Federal funds by the Agency for the purpose of combating human trafficking and forced labor; and

(2) with respect to each such obligation or expenditure, the program, project, activity, primary recipient, and any subgrantees or subcontractors.

Subtitle B—Child Soldier Prevention Act of 2018

SEC. 211. FINDINGS.

22 USC 2370c note.

Congress finds the following:

(1) The recruitment or use of children in armed conflict is unacceptable for any government or government-supported entity receiving United States assistance.

(2) The recruitment or use of children in armed conflict, including direct combat, support roles, and sexual slavery, occurred during 2016 or 2017 in Afghanistan, Iran, Mali, Niger, South Sudan, Sudan, Burma, the Democratic Republic of the Congo, Iraq, Nigeria, Rwanda, Somalia, Syria, and Yemen.

(3) Entities of the Government of Afghanistan, particularly the Afghan Local Police and Afghan National Police, continue to recruit children to serve as combatants or as servants, including as sex slaves.

(4) Police forces of the Government of Afghanistan participate in counterterrorism operations, direct and indirect combat, security operations, fight alongside regular armies, and are targeted for violence by the Taliban and other opposition groups.

(5) In February 2016, a 10-year-old boy was assassinated by the Taliban after he had been publicly honored by Afghan local police forces for his assistance in combat operations against the Taliban.

(6) Recruitment and use of children in armed conflict by government forces has continued in South Sudan with the return to hostilities.

(7) At least 19,000 children have been recruited since South Sudan's civil war began in 2013.

SEC. 212. AMENDMENTS TO THE CHILD SOLDIERS PREVENTION ACT OF 2008.

(a) DEFINITIONS.—Section 402(2) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c(2)) is amended—

(1) in subparagraph (A), by inserting ", police, or other security forces" after "governmental armed forces" each place such term appears; and

(2) in subparagraph (B), by striking "clauses" and inserting "clause".

(b) PROHIBITION.—Section 404 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1) is amended—

(1) in subsection (a)—

(A) by inserting ", police, or other security forces," after "governmental armed forces"; and

(B) by striking "recruit and use child soldiers" and inserting "recruit or use child soldiers";

(2) in subsection (b), by amending paragraph (2) to read as follows:

"(2) NOTIFICATION.—

Deadline.

"(A) IN GENERAL.—Not later than 45 days after the date on which each report is submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the Secretary of State shall formally notify each government included in the list under paragraph (1) that such government is included in such list.

"(B) CONGRESSIONAL NOTIFICATION.—As soon as practicable after making all of the notifications required under subparagraph (A) with respect to a report, the Secretary of State shall notify the appropriate congressional committees that the requirements of subparagraph (A) have been met.";

Certification.

(3) in subsection (c)(1), by inserting before the period at the end the following: "and certifies to the appropriate congressional committees that the government of such country is taking effective and continuing steps to address the problem of child soldiers"; and

(4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking "to a country" and all that follows through "subsection (a)" and inserting "under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) through the Defense Institute for International Legal Studies or the Center for Civil-Military Relations at the Naval Post-Graduate School, and may provide nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code), to a country subject to the prohibition under subsection (a)".

(c) REPORTS.—Section 405 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–2) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ", during any of the 5 years following the date of the enactment of this Act,"; and

(ii) by striking "wavier" and inserting "waiver";

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

"(2) a description and the amount of any assistance withheld under this title pursuant to the application to those countries of the prohibition in section 404(a);"; and

(D) in paragraph (5), as redesignated, by inserting "and the amount" after "a description"; and

(2) by adding at the end the following:

"(d) INFORMATION TO BE INCLUDED IN ANNUAL TRAFFICKING IN PERSONS REPORT.—If the Secretary of State notifies a country pursuant to section 404(b)(2), or the President grants a waiver pursuant to section 404(c)(1), the Secretary of State shall include, in each report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the information required to be included in the annual report to Congress under paragraphs (1) through (5) of subsection (c).".

(d) ELIMINATION OF CHILD SEXUAL ASSAULT BY AFGHAN SECURITY FORCES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State and the Department of Defense should

fully implement the recommendations in the Special Inspector General for Afghanistan Reconstruction's 2017 report on Child Sexual Assault in Afghanistan.

(2) REPORT ON STATUS OF IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall report to the appropriate congressional committees on the status of implementation, within their respective departments, of each recommendation included in the report referenced in paragraph (1).

(3) REPORT ON INTERAGENCY EFFORTS TO MONITOR ABUSES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall report to the appropriate congressional committees on the status of interagency efforts to establish effective, coherent, and discrete reporting by United States personnel on child sexual abuse by Afghan security forces with whom they train or advise or to whom they provide assistance.

(4) PRIORITIZATION AT MINISTERIAL CONFERENCE ON AFGHANISTAN.—The Department of State shall ensure that the issue of child sexual assault by Afghan security forces is incorporated and elevated as an issue of international concern and focus at the next Ministerial Conference on Afghanistan, scheduled for November 27-28, 2018, in Geneva, Switzerland, with the goal of ending the illegal but ongoing practice known as "bacha bazi".

(5) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS UNDER THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

Section 113 of the Trafficking Victims Prevention Act of 2000 (22 U.S.C. 7110) is amended—

(1) by amending subsection (a) to read as follows:

"(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.—There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, $13,822,000 for Diplomatic and Consular Programs of the Office to Monitor and Combat Trafficking in Persons, which shall be used to carry out sections 105(e), 105(f), and 110, including for additional personnel.";

(2) in subsection (b)(1), by striking "$14,500,000 for each of the fiscal years 2014 through 2017" and inserting "$19,500,000 for each of the fiscal years 2018 through 2021, of which $3,500,000 is authorized to be appropriated for each fiscal year for the National Human Trafficking Hotline.";

(3) in subsection (c), by amending paragraph (1) to read as follows:

"(1) ASSISTANCE TO COMBAT TRAFFICKING.—There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, $65,000,000, which shall be used—

"(A) to carry out sections 106 and 107(a);

"(B) to carry out section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d);

"(C) to assist countries in meeting the minimum standards described in section 108; and

"(D) for programs and activities on prevention, protection, and prosecution to combat all forms of trafficking in persons internationally, including training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies."; and

(4) in subsection (f), by striking "2014 through 2017" and inserting "2018 through 2021.".

SEC. 302. AUTHORIZATION OF APPROPRIATIONS UNDER THE INTERNATIONAL MEGAN'S LAW.

Section 11 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (34 U.S.C. 21509) is amended by striking "2017 and 2018" and inserting "2018 through 2021".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR AIRPORT PERSONNEL TRAINING TO IDENTIFY AND REPORT HUMAN TRAFFICKING VICTIMS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection $250,000 for each of the fiscal years 2018 through 2021 to expand outreach and live onsite anti-trafficking training for airport and airline personnel.

Approved January 8, 2019.

LEGISLATIVE HISTORY—H.R. 2200:

CONGRESSIONAL RECORD:
Vol. 163 (2017): July 12, considered and passed House.
Vol. 164 (2018): Dec. 17, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendment.

Public Law 115–426
115th Congress

An Act

To provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes.

Jan. 8, 2019
[S. 3191]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Civil Rights Cold Case Records Collection Act of 2018.
44 USC 2107 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Cold Case Records Collection Act of 2018".

SEC. 2. DEFINITIONS.

In this Act:

(1) ARCHIVIST.—The term "Archivist" means the Archivist of the United States.

(2) CIVIL RIGHTS COLD CASE.—The term "civil rights cold case" means any unsolved case—

(A) arising out of events which occurred during the period beginning on January 1, 1940 and ending on December 31, 1979; and

(B) related to—

(i) section 241 of title 18, United States Code (relating to conspiracy against rights);

(ii) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(iii) section 245 of title 18, United States Code (relating to federally protected activities);

(iv) sections 1581 and 1584 of title 18, United States Code (relating to peonage and involuntary servitude);

(v) section 901 of the Fair Housing Act (42 U.S.C. 3631); or

(vi) any other Federal law that was—

(I) in effect on or before December 31, 1979; and

(II) enforced by the criminal section of the Civil Rights Division of the Department of Justice before the date of enactment of this Act.

(3) CIVIL RIGHTS COLD CASE RECORD.—The term "civil rights cold case record" means a record that—

(A) is related to a civil rights cold case; and

(B) was created or made available for use by, obtained by, or otherwise came into the possession of—

(i) the Library of Congress;

(ii) the National Archives;

(iii) any executive agency;

(iv) any independent agency;

(v) any other entity of the Federal Government; or

(vi) any State or local government, or component thereof, that provided support or assistance or performed work in connection with a Federal inquiry into a civil rights cold case.

(4) COLLECTION.—The term "Collection" means the Civil Rights Cold Case Records Collection established under section 3.

(5) EXECUTIVE AGENCY.—The term "executive agency" means an agency, as defined in section 552(f) of title 5, United States Code.

(6) GOVERNMENT OFFICE.—The term "Government office" means any office of the Federal Government that has possession or control of 1 or more civil rights cold case records.

(7) GOVERNMENT OFFICIAL.—The term "Government official" means any officer or employee of the United States, including elected and appointed officials.

(8) NATIONAL ARCHIVES.—The term "National Archives" means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(9) OFFICIAL INVESTIGATION.—The term "official investigation" means the review of a civil rights cold case conducted by any entity of the Federal Government either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(10) ORIGINATING BODY.—The term "originating body" means the executive agency, Government commission, congressional committee, or other Governmental entity that created a record or particular information within a record.

(11) PUBLIC INTEREST.—The term "public interest" means the compelling interest in the prompt public disclosure of civil rights cold case records for historical and Governmental purposes and for the purpose of fully informing the people of the United States about the history surrounding all civil rights cold cases in the United States.

(12) RECORD.—The term "record" has the meaning given the term in section 3301 of title 44, United States Code.

(13) REVIEW BOARD.—The term "Review Board" means the Civil Rights Cold Case Records Review Board established under section 5.

Deadlines.

SEC. 3. CIVIL RIGHTS COLD CASE RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORD ADMINISTRATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF THE CIVIL RIGHTS COLD CASE RECORDS COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Archivist shall—

(A) commence establishing a collection of civil rights cold case records to be known as the "Civil Rights Cold Case Records Collection" that ensures the physical integrity and original provenance of all records in the Collection;

Publication.

(B) commence preparing and publishing the subject guidebook and index to the Collection; and

(C) establish criteria for Government offices to follow when transmitting copies of civil rights cold case records to the Archivist, to include required metadata. Criteria.

(2) CONTENTS OF COLLECTION.—The Collection shall include—

(A) a copy of each civil rights cold case record—

(i) that has not been transmitted to the Archivist, which shall be transmitted to the Archivist in accordance with section 2107 of title 44, United States Code, by the entity described in section 2(3)(B) in possession of the civil rights cold case record, except in the case of a State or local government;

(ii) that has been transmitted to the Archivist or disclosed to the public in an unredacted form before the date of the enactment of this Act;

(iii) that is required to be transmitted to the Archivist; or

(iv) the disclosure of which is postponed under this Act; and

(B) all Review Board records, as required under this Act.

(b) DISCLOSURE OF RECORDS.—All civil rights cold case records transmitted to the Archivist for disclosure to the public—

(1) shall be included in the Collection;

(2) not later than 60 days after the transmission of the record to the Archivist, shall be available to the public for inspection and copying at the National Archives; and Public inspection.

(3) shall be prioritized for digitization by the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) use efficient electronic means when possible;

(2) charge fees for copying civil rights cold case records; and

(3) grant waivers of such fees pursuant to the standard established under section 552(a)(4) of title 5, United States Code. Waiver authority.

(d) ADDITIONAL REQUIREMENTS.—The Archivist shall ensure the security of civil rights cold case records in the Collection for which disclosure is postponed.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—

(1) IN GENERAL.—Subject to paragraph (2), each Government office shall, in accordance with the criteria established by the Archivist under subsection (a)(1)(C)—

(A) as soon as is reasonably practicable, and in any event not later than 2 years after the date of the enactment of this Act, transmit to the Archivist, for the Archivist to make available to the public in accordance with subsection (b), a copy of each civil rights cold case record that can be publicly disclosed, including any such record that is publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(B) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, a copy of each civil rights cold case record for which public disclosure

has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

Certification.

(2) REOPENING OF CASES.—If, not later than 2 years after the date of enactment of this Act, the Attorney General submits to the Archivist a certification that the Attorney General intends to reopen and pursue prosecution of the civil rights cold case to which a civil rights cold case record relates, the Attorney General shall transmit to the Archivist the civil rights cold case record in accordance with paragraph (1)—

(A) not later than 90 days after—

(i) final judgment is entered in the proceedings relating to the civil rights cold case; or

(ii) proceedings relating to the civil rights cold case are dismissed with prejudice; or

(B) not later than the date that is 1 year after the date on which the Attorney General submits to the Archivist the certification, if an indictment or information has not been filed with respect to the civil rights cold case.

(f) PERIODIC REVIEW OF POSTPONED CIVIL RIGHTS COLD CASE RECORDS.—

(1) IN GENERAL.—Each civil rights cold case record that is redacted or for which public disclosure is postponed shall be reviewed not later than December 31 each year by the entity submitting the record and the Archivist, consistent with the recommendations of the Review Board under section 7(c)(3)(B).

(2) REQUIREMENTS OF PERIODIC REVIEW.—The periodic review under paragraph (1) shall address the public disclosure of additional civil rights cold case records in the Collection under the standards of this Act.

Web posting.

(3) UNCLASSIFIED WRITTEN DESCRIPTION.—Any civil rights cold case record for which postponement of public disclosure is continued shall include an unclassified written description of the reason for such continued postponement, which shall be provided to the Archivist and made available on a publicly accessible website upon the determination to continue the postponement.

(4) FULL DISCLOSURE OF CIVIL RIGHTS COLD CASE RECORD REQUIRED.—

(A) IN GENERAL.—Each civil rights cold case record that is not publicly disclosed in full as of the date on which the Review Board terminates under section 5(n) shall be publicly disclosed in full and available in the Collection not later than 25 years after the date of enactment of this Act unless—

Recommendations.

(i) the head of the originating body, an executive agency, or other Government office recommends in writing the exemption of the record or information, the release of which would clearly and demonstrably be expected to—

(I) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(II) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(ii) the written recommendation described in clause (i)—

(I) is provided to the Archivist not later than 180 days before the date that is 25 years after the date of enactment of this Act; and

(II) includes—

(aa) a justification of the recommendation to postpone disclosure; and

(bb) a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act; and

(iii) the Archivist agrees with the written recommendation described in clause (i).

(B) NOTIFICATION.—If the Archivist does not agree with the recommendation described in subparagraph (A)(i), the Archivist shall notify the head of the originating body, executive agency, or other Government office making the recommendation not later than 90 days before the date that is 25 years after the date of enactment of this Act.

(g) DIGITIZATION OF RECORDS.—Each executive agency shall make text searchable documents available to the Review Board pursuant to standards established under section 552(a)(3) of title 5, United States Code.

(h) NOTICE REGARDING PUBLIC DISCLOSURE.—

(1) FINDING.—Congress finds that the public release of case-related documents and information without notice may significantly affect the victims of the events to which the case relates and their next of kin.

Coordination.

(2) NOTICE.—Not later than 7 days before a civil rights cold case record is publicly disclosed, the executive agency releasing the civil rights cold case record, in coordination with the Government office that had possession or control of the civil rights cold case record, shall take all reasonable efforts to provide the civil rights cold case record to the victims of the events to which the civil rights cold case record relates, or their next of kin.

SEC. 4. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

Disclosure of civil rights cold case records or particular information within a civil rights cold case record to the public may be postponed subject to the limitations of this Act if disclosure would clearly and demonstrably be expected to—

(1)(A) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(B) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(2)(A) reveal the name or identity of a living individual who provided confidential information to the United States; and

(B) pose a substantial risk of harm to that individual;

(3) constitute an unwarranted invasion of personal privacy;

(4)(A) compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or group; and

(B) be so harmful that the understanding of confidentiality outweighs the public interest;

(5) endanger the life or physical safety of any individual; or

(6) interfere with ongoing law enforcement proceedings.

SEC. 5. ESTABLISHMENT AND POWERS OF THE CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established, as an independent agency, a board to be known as the Civil Rights Cold Case Records Review Board.

(b) APPOINTMENT.—

President.

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 individuals to serve as members of the Review Board, to ensure and facilitate the review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(2) INITIAL APPOINTMENT.—

Deadlines.

(A) IN GENERAL.—Initial appointments to the Review Board shall, so far as practicable, be made not later than 60 days after the date of enactment of this Act.

(B) RECOMMENDATIONS.—In making appointments to the Review Board, the President may consider any individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(C) EXTENSION.—If an organization described in subparagraph (B) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (3) within 60 days after the date of enactment of this Act, the deadline under subparagraph (A) shall be extended until the earlier of 60 days after the date on which such recommendations are made or 120 days after the date of enactment of this Act.

(D) ADDITIONAL RECOMMENDATIONS.—The President may request that any organization described in subparagraph (B) submit additional recommended nominees.

(3) QUALIFICATIONS.—Individuals nominated to the Review Board shall—

(A) not have had any previous involvement with any official investigation or inquiry conducted by the Federal Government, or any State or local government, relating to any civil rights cold case;

(B) be distinguished individuals of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to fulfill their role in ensuring and facilitating the review, transmission to the public, and public disclosure of files related to civil rights cold cases and who possess

an appreciation of the value of such material to the public, scholars, and government; and

(C) include at least 1 professional historian and 1 attorney.

(c) SECURITY CLEARANCES.—All Review Board nominees shall be processed for the necessary security clearances in an accelerated manner by the appropriate Federal agencies and subject to the standard procedures for granting such clearances.

(d) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as the original appointment within 60 days of the occurrence of the vacancy. Deadline.

(e) CHAIRPERSON.—The members of the Review Board shall elect 1 of the members as chairperson.

(f) REMOVAL OF REVIEW BOARD MEMBER.— President.

(1) IN GENERAL.—No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2) REPORT.—

(A) IN GENERAL.—If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal, the President shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) PUBLICATION.—The President shall publish in the Federal Register a report submitted under subparagraph (A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law. Federal Register, publication.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be reinstated or granted other appropriate relief by order of the court.

(g) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code,

while away from the member's home or regular place of business in the performance of services for the Review Board.

(h) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of civil rights cold case records.

(2) DECISIONS.—In carrying out paragraph (1), the Review Board shall consider and render decisions on—

(A) whether a record constitutes a civil rights cold case record; and

(B) whether a civil rights cold case record or particular information in a record qualifies for postponement of disclosure under this Act.

(i) POWERS.—

(1) IN GENERAL.—The Review Board shall have the authority to act in a manner prescribed under this Act including the authority to—

(A) obtain access to civil rights cold case records that have been identified and organized by a Government office;

(B) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act;

Subpoena.

(C) subpoena private persons to compel the production of documents and other records relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to civil rights cold cases;

(E) receive information from the public regarding the identification and public disclosure of civil rights cold case records; and

Hearings.
Subpoena.

(F) hold hearings, administer oaths, and subpoena documents and other records.

Courts.

(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under this subsection may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(j) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of chapter 601 of title 18, United States Code.

(k) OVERSIGHT.—

(1) IN GENERAL.—The Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) COOPERATION OF REVIEW BOARD.—The Review Board shall have a duty to cooperate with the exercise of the oversight jurisdiction described in paragraph (1).

(l) SUPPORT SERVICES.—The Administrator of General Services shall provide administrative services for the Review Board on a reimbursable basis.

(m) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(n) TERMINATION.—

(1) IN GENERAL.—The Review Board shall terminate not later than 4 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if the Review Board has not completed its work within that 4-year period. Extension.

(2) REPORTS.—Before its termination, the Review Board shall submit reports to the President and the Congress, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) TRANSFER OF RECORDS.—

(A) IN GENERAL.—Upon termination, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection.

(B) PRESERVATION OF RECORDS.—The records of the Review Board shall not be destroyed, except that the Archivist may destroy routine administrative records covered by a general records schedule following notification in the Federal Register and after considering comments. Notification. Federal Register, publication.

SEC. 6. REVIEW BOARD PERSONNEL.

(a) CHIEF OF STAFF.—

(1) APPOINTMENT.—Not later than 45 days after the initial meeting of the Review Board, and without regard to political affiliation, the Review Board shall appoint an individual to the position of Chief of Staff of the Review Board. Deadline.

(2) REQUIREMENTS.—The individual appointed as Chief of Staff—

(A) shall be a citizen of the United States of integrity and impartiality who is a distinguished professional; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) CANDIDATE TO HAVE CLEARANCES.—A candidate for Chief of Staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(4) APPROVAL CONTINGENT ON PRIOR CLEARANCE.—A candidate for Chief of Staff shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(5) DUTIES.—The Chief of Staff shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records; Coordination.

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record shall be disclosed to the public or postponed for disclosure.

(6) REMOVAL.—The Chief of Staff shall not be removed except upon a majority vote of the Review Board to remove

the Chief of Staff for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Chief of Staff or the employees of the Review Board.

(b) STAFF.—

Appointment.

(1) ADDITIONAL PERSONNEL.—The Review Board may, in accordance with the civil service laws but without regard to civil service laws and regulations for appointments in the competitive service under subchapter I of chapter 33 of title 5, United States Code, appoint and terminate additional employees as are necessary to enable the Review Board and its Chief of Staff to perform their duties.

(2) REQUIREMENTS.—An individual appointed as an employee of the Review Board—

(A) shall be a private citizen of integrity and impartiality; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) NOMINATIONS.—Before making an appointment pursuant to paragraph (1), the Review Board shall consider individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(4) SECURITY CLEARANCES.—A candidate shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Chief of Staff and other employees in accordance with title 5, United States Code, except that the rate of pay for the Chief of Staff and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) ADVISORY COMMITTEES.—The Review Board may create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

SEC. 7. REVIEW OF RECORDS BY THE REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY THE BOARD.—Pending the outcome of the Review Board's review activity, a Government office shall retain custody of a civil rights cold case record for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

Deadlines.
Schedule.
Federal Register, publication.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members of the Review Board are appointed, publish a schedule for review of all civil rights cold case records in the Federal Register; and

(2) not later than 180 days after the enactment of this Act, begin its review of civil rights cold case records under this Act.

(c) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that copies of all civil rights cold case records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not a civil rights cold case record; or

(B) a Government record or particular information within a civil rights cold case record qualifies for postponement of public disclosure under this Act, which shall include consideration by the Review Board of relevant laws and policies protecting criminal records of juveniles.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a civil rights cold case record, the Review Board shall work to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body: Consultation.

(i) Any reasonably segregable particular information in a civil rights cold case record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a civil rights cold case record. Summary.

(3) REPORT.—With respect to each civil rights cold case record or particular information in civil rights cold case records the public disclosure of which is postponed under section 4, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific civil rights cold case records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4) NOTICE.—Not later than 14 days after the Review Board makes a determination that a civil rights cold case record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register. Deadline. Determination. Federal Register, publication.

(5) OTHER NOTICE.—Contemporaneous notice shall be made to the President of Review Board determinations regarding executive branch civil rights cold case records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain an unclassified written justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards under section 4.

(d) PRESIDENTIAL AUTHORITY OVER REVIEW BOARD DETERMINATION.—

Certification. Deadline. Notice.

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch civil rights cold case record or information contained in a civil rights cold case record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section 4, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 4.

(2) PERIODIC REVIEW.—Any executive branch civil rights cold case record for which public disclosure is postponed by the President shall be subject to the requirements of periodic review and declassification of classified information and public disclosure in the Collection set forth in section 3.

Federal Register, publication.

(3) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, or other materials transmitted by or on behalf of the President with regard to postponement of the public disclosure of civil rights cold case records.

Time period. Web posting. Summary.

(e) NOTICE TO THE PUBLIC.—On each day that is on or after the date that is 60 days after the Review Board first approves the postponement of disclosure of a civil rights cold case record, the Review Board shall publish on a publicly available website a notice that summarizes the postponements approved by the Review Board or initiated by the President, including a description of the subject, originating body, length or other physical description, and each ground for postponement that is relied upon.

(f) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall report its activities to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) DEADLINES.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until termination of the Review Board, the Review Board shall issue a report under paragraph (1).

(3) CONTENTS.—Each report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its employees.

(B) The progress made on review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(C) The estimated time and volume of civil rights cold case records involved in the completion of the Review Board's performance under this Act. Estimate.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Recommendations and requests to Congress for additional authorization. Recommendations.

(G) An appendix containing copies of reports of postponed records to the Archivist required under subsection (c)(3) made since the date of the preceding report under this subsection.

(4) NOTICE OF TERMINATION.—Not later than 90 days before terminating, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date. Deadline.

SEC. 8. DISCLOSURE OF OTHER INFORMATION AND ADDITIONAL STUDY.

(a) MATERIALS UNDER THE SEAL OF THE COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to civil rights cold cases that is held under seal of court.

(2) GRAND JURY MATERIALS.—

(A) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to civil rights cold cases that is held under the injunction of secrecy of a grand jury.

(B) PARTICULARIZED NEED.—A request for disclosure of civil rights cold case records under this Act shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(3) DEADLINE.—

(A) IN GENERAL.—The Attorney General shall respond to any request that is subject to this subsection within 45 days.

(B) NONDISCLOSURE OF GRAND JURY INFORMATION.—If the Attorney General determines that information relevant to a civil rights cold case that is held under the injunction of secrecy of a grand jury should not be made public, the Attorney General shall set forth in the response to the request the reasons for the determination. Determination.

(b) COOPERATION WITH AGENCIES.—It is the sense of Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board

determines to be relevant and held under the seal by a court or under the injunction of secrecy of a grand jury; and

(2) all departments and agencies of the United States Government should cooperate in full with the Review Board to seek the disclosure of all information relevant to civil rights cold cases consistent with the public interest.

SEC. 9. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—

(1) IN GENERAL.—Subject to paragraph (2), when this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decisions construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(2) PERSONNEL AND MEDICAL FILES.—This Act shall not require the public disclosure of information that is exempt from disclosure under section 552(b)(6) of title 5, United States Code.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to eliminate or limit any right to file any requests with any executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) EXISTING AUTHORITY.—Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

President.

SEC. 10. FUNDING.

Until such time as funds are appropriated to carry out this Act, the President shall use such sums as are available for discretionary use to carry out this Act.

Approved January 8, 2019.

LEGISLATIVE HISTORY—S. 3191:

SENATE REPORTS: No. 115–424 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 164 (2018):

Dec. 17, considered and passed Senate.

Dec. 21, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Jan. 8, Presidential statement.

Public Law 115–427
115th Congress

An Act

To amend the Trafficking Victims Protection Act of 2000 to modify the criteria for determining whether countries are meeting the minimum standards for the elimination of human trafficking, and for other purposes.

Jan. 9, 2019
[S. 1862]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Trafficking Victims Protection Reauthorization Act of 2017.
22 USC 7101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trafficking Victims Protection Reauthorization Act of 2017".

SEC. 2. DEFINITIONS.

Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

(1) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) CONCRETE ACTIONS.—The term 'concrete actions' means actions that demonstrate increased efforts by the government of a country to meet the minimum standards for the elimination of trafficking, including any of the following:

"(A) Enforcement actions taken.

"(B) Investigations actively underway.

"(C) Prosecutions conducted.

"(D) Convictions attained.

"(E) Training provided.

"(F) Programs and partnerships actively underway.

"(G) Efforts to prevent severe forms of trafficking, including programs to reduce the vulnerability of particularly vulnerable populations, involving survivors of trafficking in community engagement and policy making, engagement with foreign migrants, ending recruitment fees, and other such measures.

"(H) Victim services offered, including immigration services and restitution.

"(I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

"(6) CREDIBLE INFORMATION.—The term 'credible information' includes all of the following:

"(A) Reports by the Department of State.

"(B) Reports of other Federal agencies, including the Department of Labor's List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.

"(C) Documentation provided by a foreign country, including—

"(i) copies of relevant laws, regulations, and policies adopted or modified; and

"(ii) an official record of enforcement actions taken, judicial proceedings, training conducted, consultations conducted, programs and partnerships launched, and services provided.

"(D) Materials developed by civil society organizations.

"(E) Information from survivors of human trafficking, vulnerable persons, and whistleblowers.

"(F) All relevant media and academic reports that, in light of reason and common sense, are worthy of belief.

"(G) Information developed by multilateral institutions.

"(H) An assessment of the impact of the actions described in subparagraphs (A) through (I) of paragraph (5) on the prevalence of human trafficking in the country.".

SEC. 3. SENSE OF CONGRESS.

(a) PRIVATE SECTOR SUPPORT TO STRENGTHEN LAW ENFORCEMENT AGENCIES AND THE ROLE OF PRIVATE BUSINESSES IN PREVENTING AND COMBATING CHILD SEX TRAFFICKING.—It is the sense of Congress that—

(1) the President should work with the private sector to explore, develop, and use technology that strengthens Federal law enforcement capabilities to combat traffickers and criminal networks; and

(2) private businesses, both domestic and international, should take every reasonable step to prevent and combat child sex trafficking.

(b) EFFORTS TO END MODERN SLAVERY.—It is the sense of Congress that any future authorization of appropriations to carry out the grant program authorized under section 1298 of the Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 7114) should simultaneously extend the accountability provisions under subsections (c), (d), and (e) of such section.

SEC. 4. PROHIBITION ON PLACEMENT OR RECRUITMENT FEES.

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended—

(1) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively, and moving such paragraphs 4 ems to the left; and

(2) in paragraph (4), as redesignated—

(A) by redesignating subclauses (I) through (V) as subparagraphs (A) through (E), respectively, and moving such subparagraphs 4 ems to the left;

(B) in subparagraph (B), as redesignated, by redesignating items (aa) and (bb) as clauses (i) and (ii), respectively, and moving such clauses 4 ems to the left; and

(C) in subparagraph (D), as redesignated, by striking "unreasonable placement or recruitment fees" and all that follows through the period at the end and inserting "placement or recruitment fees.".

SEC. 5. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(7)) is amended by inserting "or enable" after "condone".

SEC. 6. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended—

(1) in paragraph (1)—

(A) by striking "The report should" and inserting "The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should"; Time period.

(B) in subparagraph (A), by inserting "based only on concrete actions taken by the country that are recorded during the reporting period" after "such standards";

(C) in subparagraph (B) by inserting "based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period" after "compliance";

(D) in subparagraph (F), by striking "and" at the end;

(E) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(H) for each country included in a different list than the country had been placed in the previous annual report, a detailed explanation of how the concrete actions (or lack of such actions) undertaken (or not undertaken) by the country during the previous reporting period contributed to such change, including a clear linkage between such actions and the minimum standards enumerated in section 108.";

(2) in paragraph (2)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I), by adding "or" at the end;

(ii) in subclause (II), by striking "; or" and inserting a period; and

(iii) by striking subclause (III);

(B) in subparagraph (B), by striking "the last annual report" and inserting "April 1 of the previous year";

(C) in subparagraph (D)(ii), by striking "2 years" and inserting "1 year"; and

(D) in subparagraph (E)—

(i) in the subparagraph heading, by striking "PUBLIC" and inserting "CONGRESSIONAL"; and

(ii) by striking "shall provide" and all that follows and inserting the following: "shall—

"(i) provide a detailed description of the credible information supporting such determination on a publicly available website maintained by the Department of State; and

Briefing.

"(ii) offer to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on any written plan submitted by the country under subparagraph (D)(ii)(I), with an opportunity to review the written plan.";

(3) in paragraph (3)—

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

(B) in subparagraph (C), by striking the semicolon at the end and inserting a period; and

(C) by adding at the end the following:

"(D) the extent to which the government of the country is devoting sufficient budgetary resources—

"(i) to investigate and prosecute acts of severe trafficking in persons;

"(ii) to convict and sentence persons responsible for such acts; and

"(iii) to obtain restitution for victims of human trafficking;

"(E) the extent to which the government of the country is devoting sufficient budgetary resources—

"(i) to protect and support victims of trafficking in persons; and

"(ii) to prevent severe forms of trafficking in persons; and

"(F) the extent to which the government of the country has consulted with domestic and international civil society organizations that resulted in concrete actions to improve the provision of services to victims of trafficking in persons."; and

(4) by adding at the end the following:

"(4) ACTION PLANS FOR COUNTRIES UPGRADED TO TIER 2 WATCHLIST.—

Deadline.
Consultation.

"(A) IN GENERAL.—Not later than 180 days after the release of the annual Trafficking in Persons Report, the Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking and the Assistant Secretary of the appropriate regional bureau, in consultation with appropriate officials from the government of each country described in paragraph (2)(A)(ii), and with the assistance of the United States Ambassador or Charge d'Affaires in each country, shall—

"(i) prepare an action plan for each country upgraded from Tier 3 to Tier 2 Watchlist to further improve such country's tier ranking under this subsection; and

"(ii) present the relevant action plan to the government of each such country.

"(B) CONTENTS.—Each action plan prepared under this paragraph—

"(i) shall include specific concrete actions to be taken by the country to substantively address deficiencies preventing the country from meeting Tier 2 standards, based on credible information; and

"(ii) should be focused on short-term and multi-year goals.

"(C) BRIEFINGS.—The Ambassador-at-Large of the Office to Monitor and Combat Trafficking and all appropriate regional Assistant Secretaries shall make themselves available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of each action plan prepared under this paragraph.

"(D) SAVINGS PROVISION.—Nothing in this paragraph may be construed as modifying—

"(i) minimum standards for the elimination of trafficking under section 108; or

"(ii) the actions against governments failing to meet minimum standards under this section or the criteria for placement on the Special Watch List under paragraph (2).".

SEC. 7. COMMUNICATION WITH GOVERNMENTS OF COUNTRIES DESIGNATED AS TIER 2 WATCH LIST COUNTRIES ON THE TRAFFICKING IN PERSONS REPORT.

22 USC 7107 note.

(a) IN GENERAL.—Not less than annually, the Secretary of State shall provide, to the foreign minister of each country that has been downgraded to a "Tier 2 Watch List" country pursuant to the Trafficking in Persons report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b))—

(1) a copy of the annual Trafficking in Persons report; and

(2) information pertinent to that country's downgrade, including—

(A) confirmation of the country's designation to the Tier 2 Watch List;

(B) the implications associated with such designation and the consequences for the country of a downgrade to Tier 3;

(C) the factors that contributed to the downgrade; and

(D) the steps that the country must take to be considered for an upgrade in status of designation.

(b) SENSE OF CONGRESS REGARDING COMMUNICATIONS.—It is the sense of Congress that, given the gravity of a Tier 2 Watch List designation, the Secretary of State should communicate the information described in subsection (a) to the foreign minister of any country downgraded to the Tier 2 Watch List.

SEC. 8. UNITED STATES SUPPORT FOR INTEGRATION OF ANTI-TRAFFICKING INTERVENTIONS IN MULTILATERAL DEVELOPMENT BANKS.

22 USC 262d note.

Consultation.

(a) REQUIREMENTS.—The Secretary of the Treasury, in consultation with the Secretary of State, acting through the Ambassador at Large for Monitoring and Combating Trafficking in Persons, shall instruct the United States Executive Director of each multilateral development bank to initiate discussions with the other executive directors and management of the respective multilateral development bank to—

(1) further develop anti-human trafficking provisions in relevant project development, safeguards, procurement, and evaluation policies;

Assessments. Plans.
(2) employing a risk-based approach, require human trafficking risk assessments and integration plans as a routine part of developing projects through existing, forthcoming or new mechanisms and processes;

Analyses.
(3) support analyses of the impact of severe forms of trafficking in persons on key indicators of economic and social development and of the benefits of reducing human trafficking on economic and social development;

(4) support the proactive integration of effective anti-trafficking interventions into projects with the objectives of enhancing development outcomes and reducing the incidence of severe forms of trafficking in project areas;

Assessments.
(5) increase the capacity of multilateral development banks and of recipient governments to conduct human trafficking risk assessments and integrate anti-trafficking interventions into projects;

Policies. Regulations. Strategies.
(6) support the development of meaningful risk mitigation and reduction policies, regulations, and strategies within the multilateral development banks to reduce the incidence and prevalence of severe forms of trafficking in persons and enhance development outcomes that may be improved by reducing the incidence and prevalence of human trafficking; and

Analysis.
(7) support the inclusion of human trafficking risk analysis in the development of relevant country strategies by each multilateral development bank.

(b) BRIEFINGS.—The Secretary of the Treasury shall make relevant officials available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of this section.

Approved January 9, 2019.

LEGISLATIVE HISTORY—S. 1862:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 17, considered and passed Senate.
Dec. 21, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):
Jan. 9, Presidential remarks and statement.

Public Law 115–428
115th Congress

An Act

To improve programs and activities relating to women's entrepreneurship and economic empowerment that are carried out by the United States Agency for International Development, and for other purposes.

Jan. 9, 2019
[S. 3247]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Women's Entrepreneurship and Economic Empowerment Act of 2018.
22 USC 2151 note.
22 USC 2151–2 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Entrepreneurship and Economic Empowerment Act of 2018".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Because women make up the majority of the world's poor and gender inequalities prevail in incomes, wages, access to finance, ownership of assets, and control over the allocation of resources, women's entrepreneurship and economic empowerment is important to achieve inclusive economic growth at all levels of society.

(2) Research shows that when women exert greater influence over household finances, economic outcomes for families improve, and childhood survival rates, food security, and educational attainment increase. Women also tend to place a greater emphasis on household savings which improves family financial resiliency.

(3) A 2016 report by the McKinsey Global Institute estimated that achieving global gender parity in economic activity could add as much as $28,000,000,000,000 to annual global gross domestic product by 2025.

(4) Lack of access to financial services that address gender-specific constraints impedes women's economic inclusion. Roughly 1,000,000,000 women around the world are currently left out of the formal financial system, which causes many women to rely on informal means of saving and borrowing that are riskier and less reliable.

(5) Among other consequences, this lack of access hampers the success of women entrepreneurs, including women who are seeking to run or grow small and medium-sized enterprises. The International Finance Corporation has estimated that 70 percent of women-owned small and medium-sized enterprises in the formal sector are unserved or underserved in terms of access to financial services, resulting in a financing gap of $300,000,000,000 for women-owned small businesses.

(6) Women's economic empowerment is inextricably linked to a myriad of other women's human rights that are essential

to their ability to thrive as economic actors across the lifecycle, including—

(A) living lives free of violence and exploitation;

(B) achieving the highest possible standard of health and well-being;

(C) enjoying full legal and human rights, such as access to registration, identification, and citizenship documents;

(D) benefitting from formal and informal education;

(E) equal protection of and access to land and property rights;

(F) access to fundamental labor rights;

(G) policies to address disproportionate care burdens; and

(H) business and management skills and leadership opportunities.

(7) Discriminatory legal and regulatory systems and banking practices are obstacles to women's access to capital and assets, including land, machinery, production facilities, technology, and human resources. These barriers are often connected to a woman's marital status, which can determine whether she is able to inherit land or own property in her name. These constraints contribute to women frequently running smaller businesses, with fewer employees and lower asset values.

(8) Savings groups primarily comprised of women are recognized as a vital entry point, especially for poor and very poor women, to formal financial services. There is a high demand for such groups to protect and grow the savings of women with formal financial institutions.

(9) Evidence shows that, once a saving group is linked to a bank, the average savings per member increases between 40 to 100 percent and the average profit per member doubles. Investing in financial literacy, business leadership training, and mentorship are key elements to these outcomes.

(10) United States support for microenterprise and microfinance development programs, which seek to reduce poverty in low-income countries by giving small loans to small-scale entrepreneurs without collateral, have been a useful mechanism to help families weather economic shocks, but many microcredit borrowers largely remain in poverty.

(11) The vast majority of microcredit borrowers are women who would like to move up the economic ladder, but are held back by binding constraints that create a missing middle – large numbers of microenterprises, a handful of large firms or conglomerates, and very few small and medium-sized enterprises in between, which are critical to driving economic growth in developing countries.

(12) According to the World Bank, small and medium-sized enterprises create 4 out of 5 new positions in emerging markets, but approximately 50 percent of formal small and medium-sized enterprises lack access to formal credit. The financing gap is even larger when micro and informal enterprises are taken into account. Overall, approximately 70 percent of all micro, small, and medium-sized enterprises in emerging markets lack access to credit.

SEC. 3. ACTIONS TO IMPROVE THE INTERNATIONAL GENDER POLICY OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

22 USC 2151–2.

(a) GENDER ANALYSIS DEFINED.—In this section, the term "gender analysis"—

(1) means a socioeconomic analysis of available or gathered quantitative and qualitative information to identify, understand, and explain gaps between men and women which typically involves examining—

(A) differences in the status of women and men and their differential access to and control over assets, resources, education, opportunities, and services;

(B) the influence of gender roles, structural barriers, and norms on the division of time between paid employment, unpaid work (including the subsistence production and care for family members), and volunteer activities;

(C) the influence of gender roles, structural barriers, and norms on leadership roles and decision making; constraints, opportunities, and entry points for narrowing gender gaps and empowering women; and

(D) potential differential impacts of development policies and programs on men and women, including unintended or negative consequences; and

(2) includes conclusions and recommendations to enable development policies and programs to narrow gender gaps and improve the lives of women and girls.

(b) INTERNATIONAL DEVELOPMENT COOPERATION POLICY.—It shall be the international development cooperation policy of the United States—

(1) to reduce gender disparities with respect to economic, social, political, educational, and cultural resources, wealth, opportunities, and services;

(2) to strive to eliminate gender-based violence and mitigate its harmful effects on individuals and communities including through efforts to develop standards and capacity to reduce gender-based violence in the workplace and other places where women work;

(3) to support activities that secure private property rights and land tenure for women in developing countries, including—

(A) legal frameworks that give women equal rights to own, register, use, profit from, and inherit land and property;

(B) improving legal literacy to enable women to exercise the rights described in subparagraph (A); and

(C) improving the capacity of law enforcement and community leaders to enforce such rights;

(4) to increase the capability of women and girls to fully exercise their rights, determine their life outcomes, assume leadership roles, and influence decision-making in households, communities, and societies; and

(5) to improve the access of women and girls to education, particularly higher education opportunities in business, finance, and management, in order to enhance financial literacy and business development, management, and strategy skills.

(c) ACTIONS.—In order to advance the policy described in subsection (b), the Administrator of the United States Agency for International Development shall ensure that—

(1) strategies, projects, and activities of the Agency are shaped by a gender analysis;

(2) standard indicators are used to assess such strategies, projects, and activities, if applicable; and

(3) gender equality and female empowerment are integrated throughout the Agency's program cycle and related processes for purposes of strategic planning, project design and implementation, monitoring, and evaluation.

SEC. 4. DEVELOPMENT ASSISTANCE FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES.

(a) FINDINGS AND POLICY.—Section 251 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211) is amended—

(1) in paragraph (1)—

(A) by striking "microenterprise" and inserting "micro, small, and medium-sized enterprises";

(B) by striking "and in the development" and inserting ", in the development"; and

(C) by inserting ", and in the economic empowerment of the poor, especially women" before the period at the end;

(2) in paragraph (2)—

(A) by striking "microenterprise" and inserting "micro, small, and medium-sized enterprises"; and

(B) by inserting ", particularly enterprises owned, managed, and controlled by women" before the period at the end;

(3) in paragraph (3), by striking "microenterprises" and inserting "micro, small, and medium-sized enterprises";

(4) in paragraph (4), by striking "microenterprise" and inserting "micro, small, and medium-sized enterprise";

(5) in paragraph (5)—

(A) by striking "should continue" and inserting "should continue and be expanded"; and

(B) by striking "microenterprise and microfinance development assistance" and inserting "development assistance for micro, small, and medium-sized enterprises"; and

(6) in paragraph (6)—

(A) by striking "have been successful" and inserting "have had some success";

(B) by striking "microenterprise programs should" and inserting "development assistance for micro, small, and medium-sized enterprises should"; and

(C) by striking ", such as countries in Latin America".

(b) AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.—Section 252 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "credit, savings, and other services to microfinance and microenterprise clients" and inserting "credit, including the use of innovative credit scoring models, savings, financial technology, financial literacy, education, insurance, property rights, and other services to micro, small, and medium-sized enterprise clients";

(B) in paragraph (1), by striking "microfinance and microenterprise clients" and inserting "micro, small, and

medium-sized enterprise clients, particularly clients owned, managed, and controlled by women";

(C) in paragraph (2), by striking "microenterprises" and inserting "micro, small, and medium-sized enterprises";

(D) in paragraph (3)—

(i) by striking "microfinance and microenterprise institutions" and inserting "financial intermediaries";

(ii) by striking "microfinance and microenterprise clients" and inserting "micro, small, and medium-sized enterprises"; and

(iii) by striking "and" at the end;

(E) in paragraph (4)—

(i) by striking "microfinance and microenterprise clients and institutions" and inserting "micro, small, and medium-sized enterprises, financial intermediaries, and capital markets"; and

(ii) by striking "the poor and very poor." and inserting "the poor and very poor, especially women;"; and

(F) by adding at the end the following:

"(5) assistance for the purpose of promoting the economic empowerment of women, including through increased access to financial resources and improving property rights, inheritance rights, and other legal protections; and

"(6) assistance for the purpose of scaling up evidence-based graduation approaches, which include targeting the very poor and households in ultra-poverty, consumption support, promotion of savings, financial literacy, skills training, and asset transfers.";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—There is authorized to be established within the Agency an office to support the Agency's efforts to broaden and deepen local financial markets, expand access to appropriate financial products and services, and support the development of micro, small and medium-sized enterprises. The Office shall be headed by a Director who shall possess technical expertise and ability to offer leadership in the field of financial sector development.";

(B) in paragraph (2)—

(i) by amending subparagraph (B) to read as follows:

"(B) USE OF CENTRAL FUNDING MECHANISMS.—In order to ensure that assistance under this title is distributed effectively and efficiently, the office shall provide coordination and support for field-implemented programs, including through targeted core support for micro, small, and medium-sized enterprises and local financial markets."; and

Coordination.

(ii) in subparagraph (C), in the matter preceding clause (i)—

(I) by inserting ", particularly by protecting the use and funding of local organizations in countries in which the Agency invests," after "and sustainability"; and

(II) by inserting ", especially women" after "the poor and very poor"; and

(C) by striking paragraph (3); and

(3) in subsection (c), by striking "subsection (a), 50 percent of all microenterprise resources" and all that follows and inserting the following: "subsection (a)—

"(1) 50 percent of all micro, small, and medium-sized enterprise resources shall be targeted to activities that reach the very poor; and

"(2) 50 percent of all small and medium-sized enterprise resources shall be targeted to activities that reach enterprises owned, managed, and controlled by women.".

(c) MONITORING SYSTEM.—Section 253(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211b(b)) is amended—

(1) in paragraph (1), by inserting ", including goals on a gender disaggregated basis, such as improvements in employment, access to financial services, education, enterprise development, earnings and control over income, and property and land rights," after "performance goals";

(2) in paragraph (2), by striking "include performance indicators to be used in measuring or assessing the achievement" and inserting "incorporate Agency planning and reporting processes and indicators to measure or assess the achievement"; and

(3) by striking paragraph (4).

(d) POVERTY MEASUREMENT METHODS.—Section 254 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211c) is amended to read as follows:

"SEC. 254. POVERTY MEASUREMENT METHODS.

Consultation.

"The Administrator of the Agency, in consultation with financial intermediaries and other appropriate organizations, should have in place at least 1 method for implementing partners to use to assess poverty levels of their current incoming or prospective clients.".

(e) ADDITIONAL AUTHORITIES.—Section 255 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211d) is amended—

(1) by striking "assistance for microenterprise development assistance" and inserting "development assistance for micro, small, and medium-sized enterprises"; and

(2) by striking "and, to the extent applicable" and all that follows and inserting a period.

(f) MICROENTERPRISE DEVELOPMENT CREDITS.—Section 256 of the Foreign Assistance Act of 1961 (22 U.S.C. 2212) is amended—

(1) in the section heading, by striking "**MICROENTERPRISE DEVELOPMENT CREDITS**" and inserting "**DEVELOPMENT CREDITS FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES**";

(2) in subsection (a)—

(A) in paragraph (1), by striking "micro- and small enterprises" and inserting "micro, small, and medium-sized enterprises"; and

(B) in paragraph (2), by striking "microenterprises" and inserting "micro, small, and medium-sized enterprises";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "microenterprise households lacking full access to credit" and inserting "micro, small, and medium-sized enterprises and households lacking full access to credit and other financial services"; and

(B) in paragraphs (1) and (2), by striking "microfinance institutions" each place such term appears and inserting "financial intermediaries";

(4) in subsection (c), in the matter preceding paragraph (1), by striking "microfinance institutions" and inserting "financial intermediaries"; and

(5) in subsections (c) and (d), by striking "microenterprise households" each place such term appears and inserting "micro, small, and medium-sized enterprises and households".

(g) UNITED STATES MICROFINANCE LOAN FACILITY.—Section 257 of the Foreign Assistance Act of 1961 (22 U.S.C. 2213) is amended—

(1) in subsection (a)—

(A) by striking "Administrator" and inserting "President";

(B) by striking "United States-supported microfinance institutions" and inserting "United States-supported financial intermediaries"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "United States-supported microfinance institutions" each place such term appears and inserting "United States-supported financial intermediaries"; and

(B) in paragraph (2), by striking "microfinance institutions" and inserting "financial intermediaries".

(h) CONTENTS OF REPORT.—Section 258(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2214(b)) is amended to read as follows:

"(b) CONTENTS.—To the extent practicable, the report submitted under subsection (a) should contain the following:

"(1) Information about assistance provided under section 252, including—

"(A) the amount of each grant or other form of assistance;

"(B) the name and type of each intermediary and implementing partner organization receiving assistance;

"(C) the name of each country receiving assistance; and

"(D) the methodology used to ensure compliance with the targeted assistance requirements under subsection (c) of such section.

"(2) The percentage of assistance provided under section 252, disaggregated by income level, including for the very poor, and by gender.

"(3) The estimated number of individuals that received assistance under section 252, disaggregated by income level (or an appropriate proxy for income level, including for the very poor), by gender, and by type of assistance.

"(4) The results of the monitoring system required under section 253.

"(5) Information about any method in place to assess poverty levels under section 254.".

(i) DEFINITIONS.—Section 259 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214a) is amended—

(1) in paragraph (3), by striking "Committee on International Relations of the House of Representatives" and inserting "Committee on Foreign Affairs of the House of Representatives";

(2) in paragraph (4), by striking "microenterprises" and inserting "micro, small, and medium-sized enterprises";

(3) in paragraph (6)—

(A) in subparagraph (E), by striking "microenterprise institution" and inserting "micro, small, or medium-sized enterprise institution"; and

(B) in subparagraph (F), by striking "microfinance institution" and inserting "financial intermediary";

(4) by striking paragraphs (7) and (8) and inserting the following:

"(7) MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISE INSTITUTION.—The term 'micro, small, and medium-sized enterprise institution' means an entity that provides services, including finance, training, or business development services, for micro, small, and medium-sized enterprises in foreign countries.

"(8) FINANCIAL INTERMEDIARY.—The term 'financial intermediary' means the entity that acts as the intermediary between parties in a financial transaction, such as a bank, credit union, investment fund, a village savings and loan group, or an institution that provides financial services to a micro, small, or medium-sized enterprise.";

(5) by striking paragraph (9);

(6) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(7) in paragraph (9), as redesignated, by striking "of microenterprise development";

(8) by amending paragraph (10), as redesignated, to read as follows:

"(10) PRACTITIONER INSTITUTION.—The term 'practitioner institution' means a not-for-profit entity, a financial intermediary, an information and communications technology firm with a mobile money platform, a village and savings loan group, or any other entity that provides financial or business development services authorized under section 252 that benefits micro, small, and medium-sized enterprise clients.";

(9) in paragraph (12), as redesignated—

(A) in the paragraph heading, by striking "UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION" and inserting "UNITED STATES-SUPPORTED FINANCIAL INTERMEDIARY"; and

(B) by striking "United States-supported microfinance institution" and inserting "United States-supported financial intermediary"; and

(10) in paragraph (13), as redesignated, by amending subparagraph (B) to read as follows:

"(B) living below the international poverty line (as defined by the International Bank for Reconstruction and Development and the International Development Association (collectively referred to as the 'World Bank')).".

(j) TECHNICAL AND CONFORMING AMENDMENT.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.) is amended in the title heading by striking "MICROENTERPRISE DEVELOPMENT ASSISTANCE" and inserting "DEVELOPMENT ASSISTANCE FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES".

SEC. 5. REPORT AND BRIEFING BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall provide a briefing and submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the implementation of this Act and the amendments made by this Act, including actions to improve the gender policies of the United States Agency for International Development pursuant to section 3.

(b) PUBLIC AVAILABILITY.—The report required under subsection (a) shall be posted and made available on a text-based, searchable, and publicly-available internet website.

SEC. 6. REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding development assistance for micro, small, and medium-sized enterprises administered by the United States Agency for International Development.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include an assessment of the following: Assessment.

(1) What is known about the impact of such development assistance on the economies of developing countries.

(2) The extent to which such development assistance is targeting women and the very poor, including what is known about how such development assistance benefits women.

(3) The extent to which the United States Agency for International Development has developed a methodology to ensure compliance with the targeted assistance requirement under section 252(c) of the Foreign Assistance Act of 1961, as amended by section 4(b)(3), and the quality of such methodology.

(4) The monitoring system required under section 253(b) of the Foreign Assistance Act of 1961, as amended by section

4(c), including the quality, appropriateness, and feasibility of such monitoring system.

Approved January 9, 2019.

LEGISLATIVE HISTORY—S. 3247 (H.R. 5480):

HOUSE REPORTS: No. 115–718 (Comm. on Foreign Affairs) accompanying H.R. 5480.

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 19, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–429
115th Congress

An Act

To authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska.

Jan. 10, 2019
[H.R. 4689]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EARLY REPAYMENT OF CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the Northport Irrigation District in the State of Nebraska (referred to in this section as the "District") may repay, at any time, the construction costs of project facilities allocated to the landowner's land within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902, 32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Nebraska State law.

Approved January 10, 2019.

LEGISLATIVE HISTORY—H.R. 4689:

HOUSE REPORTS: No. 115–700 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed House.
Dec. 22, considered and passed Senate.

Public Law 115–430
115th Congress

An Act

Jan. 10, 2019
[H.R. 5636]

To designate additions to the Flatside Wilderness on the Ouachita National Forest, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Flatside Wilderness Enhancement Act.
16 USC 1132 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flatside Wilderness Enhancement Act".

SEC. 2. ADDITIONS TO FLATSIDE WILDERNESS.

Section 3(d) of Arkansas Wilderness Act of 1984 (Public Law 98–508; 98 Stat. 2349) is amended by inserting "and certain land in the Ouachita National Forest, which comprise approximately 640 acres, as generally depicted as 'Recommended Wilderness Area' on the map titled 'Flatside Wilderness, Recommended Wilderness Area', dated September 6, 2018" after "1984".

SEC. 3. DESIGNATION OF WILDERNESS ADDITION.

The wilderness addition created under section 2 shall be known as the Bethune Woods-Flatside Wilderness. Any reference in a law, map, regulation, document, paper, or other record of the United States to such portion of the Flatside Wilderness shall be deemed to be a reference to the Bethune Woods-Flatside Wilderness.

Approved January 10, 2019.

LEGISLATIVE HISTORY—H.R. 5636:

HOUSE REPORTS: No. 115–989 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 13, considered and passed House.
Dec. 22, considered and passed Senate.

Public Law 115–431
115th Congress

An Act

To reauthorize the New Jersey Coastal Heritage Trail Route, and for other purposes.

Jan. 10, 2019
[H.R. 6602]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.

(a) REAUTHORIZATION.—Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) in subsection (a) (as so redesignated by paragraph (2)), by striking "under subsection (a)" each place that it appears and inserting "to carry out this Act"; and

(4) in subsection (b) (as so redesignated by paragraph (2)), by striking "2011" and inserting "2025".

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—

(A) PLAN REQUIRED.—Not later than 3 years after the date on which funds are first made available after the date of enactment of this Act to carry out Public Law 100–515 (16 U.S.C. 1244 note), the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route. Deadline.

(B) CONTENTS.—The strategic plan shall describe—

(i) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(ii) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

(2) CONFORMING AMENDMENT.—Section 703(b) of the National Heritage Areas Act of 2006 (Public Law 109–338; 120 Stat. 1859) is repealed. Repeal.

Approved January 10, 2019.

LEGISLATIVE HISTORY—H.R. 6602:

HOUSE REPORTS: No. 115–1061 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 19, 20, considered and passed House.
Dec. 22, considered and passed Senate.

Public Law 115–432
115th Congress

An Act

Jan. 10, 2019
[S. 3456]

To redesignate Hobe Sound National Wildlife Refuge as the Nathaniel P. Reed Hobe Sound National Wildlife Refuge, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Florida.
16 USC 668dd note.

SECTION 1. REDESIGNATION OF THE HOBE SOUND NATIONAL WILDLIFE REFUGE.

(a) REDESIGNATION.—The Hobe Sound National Wildlife Refuge, located in the State of Florida, is redesignated as the "Nathaniel P. Reed Hobe Sound National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, paper, or other document of the United States to the Hobe Sound National Wildlife Refuge is deemed to refer to the Nathaniel P. Reed Hobe Sound National Wildlife Refuge.

Approved January 10, 2019.

LEGISLATIVE HISTORY—S. 3456:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 19, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–433
115th Congress

An Act

To provide for a program of the Department of Defense to commemorate the 75th anniversary of World War II.

Jan. 10, 2019
[S. 3661]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

75th Anniversary of World War II Commemoration Act.
36 USC note prec. 101.

SECTION 1. SHORT TITLE.

This Act may be cited as the "75th Anniversary of World War II Commemoration Act".

SEC. 2. PROGRAM TO COMMEMORATE 75TH ANNIVERSARY OF WORLD WAR II.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense shall conduct a program to commemorate the 75th anniversary of World War II. In conducting the commemorative program, the Secretary shall support and facilitate other programs and activities of the Federal Government, State and local governments, and not-for-profit organizations in commemoration of the 75th anniversary of World War II. The Secretary shall conduct the commemorative program in accordance with applicable Department of Defense policy and using resources available to the Secretary, including amounts in the Fund under subsection (d).

(b) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of World War II, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

(2) To educate the public about the history of World War II and highlight the service of the Armed Forces during World War II and the contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States during World War II.

(4) To recognize the contributions and sacrifices made by the allies of the United States during World War II.

(5) To remember the Holocaust, the annihilation of 6,000,000 Jews by the Nazi regime, and to pay tribute to the Allied troops who liberated Nazi concentration camps during World War II.

(c) NAMES AND SYMBOLS.—The Secretary of Defense shall have the sole and exclusive right to use the name "The United States

of America 75th Anniversary of World War II Commemoration", and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(d) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT AND ADMINISTRATION.—Upon the Secretary establishing the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the "Department of Defense World War II Commemoration Fund" (in this section referred to as the "Fund"). The Fund shall be administered by the Secretary of Defense.

Grants.
Regulations.

(2) USE OF FUND.—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program and providing grants to State and local governments and not-for-profit organizations for commemorative activities, and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) DEPOSITS.—The following shall be deposited into the Fund:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the Secretary's use of the exclusive rights described in subsection (c).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2019 and subsequent years for the Department of Defense.

(4) AVAILABILITY.—

(A) IN GENERAL.—Subject to subsection (g)(2) and except as provided in subparagraph (B), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

(B) EXCEPTION.—Amounts transferred to the Fund under paragraph (3)(D) from amounts appropriated for fiscal year 2019 may be obligated only during fiscal year 2019.

(5) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line, the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

Summary.

(C) present a summary of the fiscal status of the Fund.

(e) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program.

The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph. Determination.

(f) CONSULTATION WITH DIRECTOR OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM.—In designing the commemorative program conducted under this section, the Secretary of Defense shall consult with the Director of the United States Holocaust Memorial Museum.

(g) FINAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the end of the commemorative program established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of—

(A) all of the funds deposited into and expended from the Fund;

(B) any other funds expended under this section; and

(C) any unobligated funds remaining in the Fund.

(2) TREATMENT OF UNOBLIGATED FUNDS.—Unobligated amounts remaining in the Fund as of the end of the commemorative period shall be held in the Fund until transferred by law.

(h) LIMITATION ON EXPENDITURES.—Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed $5,000,000 for fiscal year 2019 or for any subsequent fiscal year to carry out the commemorative program.

(i) SUNSET.—

(1) COMMEMORATIVE PROGRAM.—The commemorative program shall terminate on December 31, 2021.

(2) FUND.—The Fund shall terminate 60 days after the termination of the commemorative program.

Approved January 10, 2019.

LEGISLATIVE HISTORY—S. 3661:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Nov. 27, considered and passed Senate.
Dec. 21, considered and passed House, amended.
Dec. 22, Senate concurred in House amendment.

Public Law 115–434
115th Congress

An Act

To require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

Jan. 14, 2019
[H.R. 672]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Combating European Anti-Semitism Act of 2017.
22 USC 6401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating European Anti-Semitism Act of 2017".

22 USC 6412 note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) During the past decade, there has been a steady increase in anti-Semitic incidents in Europe, resulting in European Jews being the targets of physical and verbal harassment and even lethal terrorist attacks, all of which has eroded personal and communal security and the quality of daily Jewish life.

(2) According to reporting by the European Union Agency for Fundamental Rights (FRA), between 2005 and 2014, anti-Semitic incidents increased in France from 508 to 851; in Germany from 60 to 173; in Belgium from 58 to 130; in Italy from 49 to 86; and in the United Kingdom from 459 to 1,168.

(3) Anti-Zionism has at times devolved into anti-Semitic attacks, prompting condemnation from many European leaders, including French Prime Minister Manuel Valls, British Prime Minister David Cameron, and German Chancellor Angela Merkel.

(4) Since 2010, the Department of State has adhered to the working definition of Anti-Semitism by the European Monitoring Center on Racism and Xenophobia (EUMC). Some contemporary examples of anti-Semitism include the following:

(A) Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).

(B) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such, or the power of Jews as a collective, especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.

(C) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or even for acts committed by non-Jews.

(D) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own countries.

(5) On October 16, 2004, the President signed into law the Global Anti-Semitism Review Act of 2004. This law provides the legal foundation for a reporting requirement provided by the Department of State annually on anti-Semitism around the world.

(6) In November 2015, the House of Representatives passed H. Res. 354 by a vote of 418–0, urging the Secretary of State to continue robust United States reporting on anti-Semitism by the Department of State and the Special Envoy to Combat and Monitor Anti-Semitism.

(7) In 2016, the International Holocaust Remembrance Alliance (IHRA), comprised of 31 member countries, adopted a working definition of anti-Semitism which stated: "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.".

(8) The IHRA further clarified that manifestations of anti-Semitism might also target the State of Israel, conceived of as a Jewish collectivity. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong". It is expressed in speech, writing, visual forms, and action, and employs sinister stereotypes and negative character traits.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the national interest of the United States to combat anti-Semitism at home and abroad;

(2) anti-Semitism is a challenge to the basic principles of tolerance, pluralism, and democracy, and the shared values that bind Americans and Europeans together;

(3) there is an urgent need to ensure the safety and security of European Jewish communities, including synagogues, schools, cemeteries, and other institutions;

(4) the United States should continue to emphasize the importance of combating anti-Semitism in multilateral bodies, including the United Nations, European Union institutions, and the Organization for Security and Cooperation in Europe;

(5) the Department of State should continue to thoroughly document acts of anti-Semitism and anti-Semitic incitement that occur around the world, and should continue to encourage other countries to do the same, and share their findings; and

(6) the Department of State should continue to work to encourage adoption by national government institutions and

multilateral institutions of a working definition of anti-Semitism similar to the one adopted in the International Holocaust Remembrance Alliance context.

SEC. 4. ANNUAL REPORTING ON THE STATE OF ANTI-SEMITISM IN EUROPE.

Paragraph (1) of section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412) is amended by adding at the end the following new subparagraph:

"(G) ANTI-SEMITISM IN EUROPE.—In addition to the information required under clause (vii) of subparagraph (A), with respect to each European country in which verbal or physical threats or attacks are particularly significant against Jewish persons, places of worship, schools, cemeteries, and other religious institutions, a description of—

"(i) the security challenges and needs of European Jewish communities and European law enforcement agencies in such countries to better protect such communities;

"(ii) to the extent practicable, the efforts of the United States Government over the reporting period to partner with European law enforcement agencies and civil society groups regarding the sharing of information and best practices to combat anti-Semitic incidents in Europe;

"(iii) European educational programming and public awareness initiatives that aim to collaborate on educational curricula and campaigns that impart shared values of pluralism and tolerance, and showcase the positive contributions of Jews in culture, scholarship, science, and art, with special attention to those segments of the population that exhibit a high degree of anti-Semitic animus; and

"(iv) efforts by European governments to adopt and apply a working definition of anti-Semitism.".

Approved January 14, 2019.

LEGISLATIVE HISTORY—H.R. 672:

CONGRESSIONAL RECORD:
Vol. 163 (2017): May 17, considered and passed House.
Vol. 164 (2018): Dec. 22, considered and passed Senate.

Public Law 115–435
115th Congress

An Act

To amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal data management, and for other purposes.

Jan. 14, 2019
[H.R. 4174]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foundations for Evidence-Based Policymaking Act of 2018.
5 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foundations for Evidence-Based Policymaking Act of 2018".

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

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL EVIDENCE–BUILDING ACTIVITIES

Sec. 101. Federal evidence-building activities.

TITLE II—OPEN GOVERNMENT DATA ACT

Sec. 201. Short title.
Sec. 202. OPEN Government data.

TITLE III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

Sec. 301. Short title.
Sec. 302. Confidential information protection and statistical efficiency.
Sec. 303. Increasing access to data for evidence.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Rule of construction.
Sec. 402. Use of existing resources.
Sec. 403. Effective date.

TITLE I—FEDERAL EVIDENCE–BUILDING ACTIVITIES

SEC. 101. FEDERAL EVIDENCE-BUILDING ACTIVITIES.

(a) IN GENERAL.—Chapter 3 of part I of title 5, United States Code, is amended—

(1) by inserting before section 301 the following:

"SUBCHAPTER I—GENERAL PROVISIONS"; AND

5 USC prec. 301.

(2) by adding at the end the following:

5 USC prec. 311.

"SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

5 USC 311.

"§ 311. Definitions

"In this subchapter:

"(1) AGENCY.—The term 'agency' means an agency referred to under section 901(b) of title 31.

"(2) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(3) EVALUATION.—The term 'evaluation' means an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.

"(4) EVIDENCE.—The term 'evidence' has the meaning given that term in section 3561 of title 44.

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized governing body of any Indian Tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(6) STATISTICAL ACTIVITIES; STATISTICAL AGENCY OR UNIT; STATISTICAL PURPOSE.—The terms 'statistical activities', 'statistical agency or unit', and 'statistical purpose' have the meanings given those terms in section 3561 of title 44.

5 USC 312.

"§ 312. Agency evidence-building plan

Lists.

"(a) REQUIREMENT.—The head of each agency shall include in the strategic plan required under section 306 a systematic plan for identifying and addressing policy questions relevant to the programs, policies, and regulations of the agency. Such plan shall contain the following:

"(1) A list of policy-relevant questions for which the agency intends to develop evidence to support policymaking.

"(2) A list of data the agency intends to collect, use, or acquire to facilitate the use of evidence in policymaking.

"(3) A list of methods and analytical approaches that may be used to develop evidence to support policymaking.

"(4) A list of any challenges to developing evidence to support policymaking, including any statutory or other restrictions to accessing relevant data.

"(5) A description of the steps the agency will take to accomplish paragraphs (1) and (2).

"(6) Any other information as required by guidance issued by the Director.

"(b) EVALUATION PLAN.—The head of each agency shall issue in conjunction with the performance plan required under section 1115(b) of title 31, an evaluation plan describing activities the agency plans to conduct pursuant to subsection (a) of this section during the fiscal year following the year in which the performance plan is submitted. Such plan shall—

"(1) describe key questions for each significant evaluation study that the agency plans to begin in the next fiscal year;

"(2) describe key information collections or acquisitions the agency plans to begin in the next fiscal year; and

"(3) any other information included in guidance issued by the Director under subsection (a)(6).

"(c) CONSULTATION.—In developing the plan required under subsection (a), the head of an agency shall consult with stakeholders, including the public, agencies, State and local governments, and representatives of non-governmental researchers.

"§ 313. Evaluation Officers

5 USC 313.

"(a) ESTABLISHMENT.—The head of each agency shall designate a senior employee of the agency as the Evaluation Officer of the agency.

Designation.

"(b) QUALIFICATIONS.—The Evaluation Officer of an agency shall be appointed or designated without regard to political affiliation and based on demonstrated expertise in evaluation methodology and practices and appropriate expertise to the disciplines of the agency.

"(c) COORDINATION.—The Evaluation Officer of an agency shall, to the extent practicable, coordinate activities with agency officials necessary to carry out the functions required under subsection (d).

"(d) FUNCTIONS.—The Evaluation Officer of each agency shall—

Assessments.

"(1) continually assess the coverage, quality, methods, consistency, effectiveness, independence, and balance of the portfolio of evaluations, policy research, and ongoing evaluation activities of the agency;

"(2) assess agency capacity to support the development and use of evaluation;

"(3) establish and implement an agency evaluation policy; and

"(4) coordinate, develop, and implement the plans required under section 312.

"§ 314. Statistical expertise

5 USC 314.

"(a) IN GENERAL.—The head of each agency shall designate the head of any statistical agency or unit within the agency, or in the case of an agency that does not have a statistical agency or unit, any senior agency official with appropriate expertise, as a statistical official to advise on statistical policy, techniques, and procedures. Agency officials engaged in statistical activities may consult with any such statistical official as necessary.

Designation.

"(b) MEMBERSHIP ON INTERAGENCY COUNCIL ON STATISTICAL POLICY.—Each statistical official designated under subsection (a) shall serve as a member of the Interagency Council on Statistical Policy established under section 3504(e)(8) of title 44.

"§ 315. Advisory Committee on Data for Evidence Building

5 USC 315.

"(a) ESTABLISHMENT.—The Director, or the head of an agency designated by the Director, shall establish an Advisory Committee on Data for Evidence Building (in this section referred to as the 'Advisory Committee') to review, analyze, and make recommendations on how to promote the use of Federal data for evidence building.

"(b) MEMBERSHIP.—The members of the Advisory Committee shall consist of the Chief Statistician of the United States, who shall serve as the Chair of the Advisory Committee, and other members appointed by the Director as follows:

Appointments.

"(1) One member who is an agency Chief Information Officer.

"(2) One member who is an agency Chief Privacy Officer.

"(3) One member who is an agency Chief Performance Officer.

"(4) Three members who are agency Chief Data Officers.

"(5) Three members who are agency Evaluation Officers.

"(6) Three members who are members of the Interagency Council for Statistical Policy established under section 3504(e)(8) of title 44.

"(7) At least 10 members who are representatives of State and local governments and nongovernmental stakeholders with expertise in government data policy, privacy, technology, transparency policy, evaluation and research methodologies, and other relevant subjects, of whom—

"(A) at least one shall have expertise in transparency policy;

"(B) at least one shall have expertise in privacy policy;

"(C) at least one shall have expertise in statistical data use;

"(D) at least one shall have expertise in information management;

"(E) at least one shall have expertise in information technology; and

"(F) at least one shall be from the research and evaluation community.

"(c) TERM OF SERVICE.—

"(1) IN GENERAL.—Each member of the Advisory Committee shall serve for a term of 2 years.

"(2) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(d) COMPENSATION.—Members of the Advisory Committee shall serve without compensation.

"(e) DUTIES.—The Advisory Committee shall—

"(1) assist the Director in carrying out the duties of the Director under part D of subchapter III of chapter 35 of title 44;

Recommendations.

"(2) evaluate and provide recommendations to the Director on how to facilitate data sharing, enable data linkage, and develop privacy enhancing techniques; and

Review.

"(3) review the coordination of data sharing or availability for evidence building across all agencies.

Public information.

"(f) REPORTS.—The Advisory Committee shall submit to the Director and make publicly available an annual report on the activities and findings of the Advisory Committee.

"(g) TERMINATION.—The Advisory Committee shall terminate not later than two years after the date of the first meeting.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 3 of part I of title 5, United States Code, is amended—

5 USC prec. 301.

(1) by inserting before the item relating to section 301 the following:

"SUBCHAPTER I—GENERAL PROVISIONS"; AND

(2) by adding at the end the following:

"SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

"311. Definitions.
"312. Agency evidence-building plan.
"313. Evaluation Officers.
"314. Statistical expertise.
"315. Advisory Committee on Data for Evidence Building.".

(c) AGENCY STRATEGIC PLANS.—Section 306(a) of title 5, United States Code, is amended—

(1) in paragraph (7), by striking "; and" at the end and inserting a semicolon;

(2) in paragraph (8), by—

(A) striking the period at the end; and

(B) inserting after "to be conducted" the following: ", and citations to relevant provisions of the plans required under section 312; and"; and

(3) by adding at the end the following:

"(9) an assessment of the coverage, quality, methods, effectiveness, and independence of the statistics, evaluation, research, and analysis efforts of the agency, including— Assessment.

"(A) a list of the activities and operations of the agency that are currently being evaluated and analyzed; Lists.

"(B) the extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency;

"(C) the extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability;

"(D) the extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches;

"(E) the extent to which evaluation and research capacity is present within the agency to include personnel and agency processes for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback; and

"(F) the extent to which the agency has the capacity to assist agency staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.".

(d) GAO REPORT.—Not later than 2 years after the date on which each strategic plan required under section 306(a) of title 5, United States Code, is published, the Comptroller General of the United States shall submit to Congress a report that— 5 USC 306 note.

(1) summarizes agency findings and highlights trends in the assessment conducted pursuant to subsection (a)(9) of section 306 of title 5, United States Code, as added by subsection (c); and Summary.

Recommendations.

(2) if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

5 USC 311 note.

(e) EVALUATION AND PERSONNEL STANDARDS.—

Deadline. Consultation.

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with any interagency council relating to evaluation, shall—

Guidance.

(A) issue guidance for program evaluation for agencies consistent with widely accepted standards for evaluation; and

(B) identify best practices for evaluation that would improve Federal program evaluation.

Deadline.

(2) GUIDANCE.—Not later than 90 days after the date on which the guidance under paragraph (1) is issued, the head of each agency shall oversee the implementation of such guidance.

Deadline. Consultation.

(3) OPM GUIDANCE.—Not later than 180 days after the date on which the guidance under paragraph (1) is issued, the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall—

(A) identify key skills and competencies needed for program evaluation in an agency;

(B) establish a new occupational series, or update and improve an existing occupational series, for program evaluation within an agency; and

(C) establish a new career path for program evaluation within an agency.

(4) DEFINITIONS.—In this Act:

(A) AGENCY.—Except as otherwise provided, the term "agency" has the meaning given the term "Executive agency" under section 105.

(B) EVALUATION.—The term "evaluation" has the meaning given that term in section 311 of title 5, United States Code, as added by subsection (a).

Open, Public, Electronic, and Necessary Government Data Act. 44 USC 101 note.

TITLE II—OPEN GOVERNMENT DATA ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Open, Public, Electronic, and Necessary Government Data Act" or the "OPEN Government Data Act".

SEC. 202. OPEN GOVERNMENT DATA.

(a) DEFINITIONS.—Section 3502 of title 44, United States Code, is amended—

(1) in paragraph (13), by striking "; and" at the end and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(15) the term 'comprehensive data inventory' means the inventory created under section 3511(a), but does not include any underlying data asset listed on the inventory;

"(16) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

"(17) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

"(18) the term 'machine-readable', when used with respect to data, means data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

"(19) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

"(20) the term 'open Government data asset' means a public data asset that is—

"(A) machine-readable;

"(B) available (or could be made available) in an open format;

"(C) not encumbered by restrictions, other than intellectual property rights, including under titles 17 and 35, that would impede the use or reuse of such asset; and

"(D) based on an underlying open standard that is maintained by a standards organization;

"(21) the term 'open license' means a legal guarantee that a data asset is made available—

"(A) at no cost to the public; and

"(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting such asset;

"(22) the term 'public data asset' means a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under section 552 of title 5; and

"(23) the term 'statistical laws' means subchapter III of this chapter and other laws pertaining to the protection of information collected for statistical purposes as designated by the Director.".

(b) GUIDANCE TO MAKE DATA OPEN BY DEFAULT.—Section 3504(b) of title 44, United States Code, is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) issue guidance for agencies to implement section 3506(b)(6) in a manner that takes into account—

"(A) risks and restrictions related to the disclosure of personally identifiable information, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

"(B) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

"(C) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

"(D) whether the application of the requirements described in such section to a data asset could result in legal liability;

"(E) a determination of whether a data asset—

"(i) is subject to intellectual property rights, including rights under titles 17 and 35;

"(ii) contains confidential business information, that could be withheld under section 552(b)(4) of title 5; or

"(iii) is otherwise restricted by contract or other binding, written agreement;

"(F) the requirement that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the 'Freedom of Information Act'); and

"(G) any other considerations that the Director determines to be relevant.".

(c) FEDERAL AGENCY RESPONSIBILITIES TO MAKE DATA OPEN BY DEFAULT.—

(1) AMENDMENTS.—Section 3506 of title 44, United States Code, is amended—

(A) in subsection (b)—

(i) by amending paragraph (2) to read as follows:

Strategic plan.

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that, to the extent practicable—

"(A) describes how information resources management activities help accomplish agency missions;

"(B) includes an open data plan for data that does not concern monetary policy that—

"(i) requires the agency to develop processes and procedures that—

"(I) require data collection mechanisms created on or after the date of the enactment of the OPEN Government Data Act to be available in an open format; and

"(II) facilitate collaboration with non-Government entities (including businesses), researchers, and the public for the purpose of understanding how data users value and use government data;

"(ii) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements within a reasonable period of time;

"(iii) develops and implements a process to evaluate and improve the timeliness, completeness, consistency, accuracy, usefulness, and availability of open Government data assets;

"(iv) includes requirements for meeting the goals of the agency open data plan, including the acquisition

of technology, provision of training for employees, and the implementation of procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from public and private sectors;

"(v) identifies as priority data assets any data asset for which disclosure would be in the public interest and establishes a plan to evaluate each priority data asset for disclosure on the Federal Data Catalogue under section 3511 and for a determination under 3511(a)(2)(A)(iii)(I)(bb), including an accounting of which priority data assets have not yet been evaluated; and

"(vi) requires the agency to comply with requirements under section 3511, including any standards established by the Director under such section, when disclosing a data asset pursuant to such section; and

"(C) is updated annually and made publicly available on the website of the agency not later than 5 days after each such update;";

Update. Public information. Web posting. Deadline.

(ii) in paragraph (4), by striking "; and" and inserting a semicolon;

(iii) in paragraph (5), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following new paragraph:

"(6) in accordance with guidance by the Director—

"(A) make each data asset of the agency available in an open format; and

"(B) make each public data asset of the agency available—

"(i) as an open Government data asset; and

"(ii) under an open license."; and

(B) in subsection (d)—

(i) in paragraph (3), by striking "and" at the end;

(ii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new paragraphs:

"(5) ensure that any public data asset of the agency is machine-readable; and

"(6) engage the public in using public data assets of the agency and encourage collaboration by—

"(A) publishing on the website of the agency, on a regular basis (not less than annually), information on the usage of such assets by non-Government users;

Web posting.

"(B) providing the public with the opportunity to request specific data assets to be prioritized for disclosure and to provide suggestions for the development of agency criteria with respect to prioritizing data assets for disclosure;

"(C) assisting the public in expanding the use of public data assets; and

"(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from public data assets of the agency.".

Deadline.
44 USC 3506 note.

(2) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of the enactment of this Act, the head of each agency (as defined in section 3502 of title 44, United States Code) shall ensure that any activity by the agency meets the requirements of section 3506 of title 44, United States Code, as amended by this subsection.

44 USC 3506 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 1 year after the date of the enactment of this Act.

(d) DATA INVENTORY AND FEDERAL DATA CATALOGUE.—

(1) AMENDMENT.—Section 3511 of title 44, United States Code, is amended to read as follows:

"§ 3511. Data inventory and Federal data catalogue

"(a) COMPREHENSIVE DATA INVENTORY.—

Consultation.

"(1) IN GENERAL.—In consultation with the Director and in accordance with the guidance established under paragraph (2), the head of each agency shall, to the maximum extent practicable, develop and maintain a comprehensive data inventory that accounts for all data assets created by, collected by, under the control or direction of, or maintained by the agency. The head of each agency shall ensure that such inventory provides a clear and comprehensive understanding of the data assets in the possession of the agency.

"(2) GUIDANCE.—The Director shall establish guidance for agencies to develop and maintain comprehensive data inventories under paragraph (1). Such guidance shall include the following:

"(A) A requirement for the head of an agency to include in the comprehensive data inventory metadata on each data asset of the agency, including, to the maximum extent practicable, the following:

"(i) A description of the data asset, including all variable names and definitions.

"(ii) The name or title of the data asset.

"(iii) An indication of whether or not the agency—

"(I) has determined or can determine if the data asset is—

"(aa) an open Government data asset;

"(bb) subject to disclosure or partial disclosure or exempt from disclosure under section 552 of title 5;

"(cc) a public data asset eligible for disclosure under subsection (b); or

"(dd) a data asset not subject to open format or open license requirements due to existing limitations or restrictions on government distribution of the asset; or

"(II) as of the date of such indication, has not made such determination.

"(iv) Any determination made under section 3582, if available.

"(v) A description of the method by which the public may access or request access to the data asset.

"(vi) The date on which the data asset was most recently updated.

"(vii) Each agency responsible for maintaining the data asset.

"(viii) The owner of the data asset.

"(ix) To the extent practicable, any restriction on the use of the data asset.

"(x) The location of the data asset.

"(xi) Any other metadata necessary to make the comprehensive data inventory useful to the agency and the public, or otherwise determined useful by the Director.

"(B) A requirement for the head of an agency to exclude from the comprehensive data inventory any data asset contained on a national security system, as defined in section 11103 of title 40.

Criteria. Determination. Public information.

"(C) Criteria for the head of an agency to use in determining which metadata required by subparagraph (A), if any, in the comprehensive data inventory may not be made publicly available, which shall include, at a minimum, a requirement to ensure all information that could not otherwise be withheld from disclosure under section 552 of title 5 is made public in the comprehensive data inventory.

Procedure. Inventory. Update.

"(D) A requirement for the head of each agency, in accordance with a procedure established by the Director, to submit for inclusion in the Federal data catalogue maintained under subsection (c) the comprehensive data inventory developed pursuant to subparagraph (C), including any real-time updates to such inventory, and data assets made available in accordance with subparagraph (E) or any electronic hyperlink providing access to such data assets.

Criteria. Determination.

"(E) Criteria for the head of an agency to use in determining whether a particular data asset should not be made publicly available in a manner that takes into account—

"(i) risks and restrictions related to the disclosure of personally identifiable information, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

"(ii) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

"(iii) the cost and benefits to the public of converting the data into a format that could be understood and used by the public;

"(iv) whether the public dissemination of the data asset could result in legal liability;

"(v) whether the data asset—

"(I) is subject to intellectual property rights, including rights under titles 17 and 35;

"(II) contains confidential business information, that could be withheld under section 552(b)(4) of title 5; or

"(III) is restricted by contract or other binding, written agreement;

"(vi) whether the holder of a right to such data asset has been consulted;

"(vii) the expectation that all data assets that would otherwise be made available under section 552 of title 5 be disclosed; and

"(viii) any other considerations that the Director determines to be relevant.

Criteria. Assessment. Determination.

"(F) Criteria for the head of an agency to use in assessing the indication of a determination under subparagraph (A)(iii) and how to prioritize any such subsequent determinations in the strategic information management plan under section 3506, in consideration of the existing resources available to the agency.

Deadline. Inventory.

"(3) REGULAR UPDATES REQUIRED.—With respect to each data asset created or identified by an agency, the head of the agency shall update the comprehensive data inventory of the agency not later than 90 days after the date of such creation or identification.

"(b) PUBLIC DATA ASSETS.—The head of each agency shall submit public data assets, or links to public data assets available online, as open Government data assets for inclusion in the Federal data catalogue maintained under subsection (c), in accordance with the guidance established under subsection (a)(2).

Public information.

"(c) FEDERAL DATA CATALOGUE.—

"(1) IN GENERAL.—The Administrator of General Services shall maintain a single public interface online as a point of entry dedicated to sharing agency data assets with the public, which shall be known as the 'Federal data catalogue'. The Administrator and the Director shall ensure that agencies can submit public data assets, or links to public data assets, for publication and public availability on the interface.

Publication.

"(2) REPOSITORY.—The Director shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices across the Federal Government, which shall—

"(A) include any definitions, regulations, policies, checklists, and case studies related to open data policy;

"(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices; and

"(C) be made available on the Federal data catalogue maintained under paragraph (1).

"(3) ACCESS TO OTHER DATA ASSETS.—The Director shall ensure the Federal data catalogue maintained under paragraph (1) provides information on how the public can access a data asset included in a comprehensive data inventory under subsection (a) that is not yet available on the Federal data catalogue, including information regarding the application process established under section 3583 of title 44.

Guidance.

"(d) DELEGATION.—The Director shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The item relating to section 3511 of the table of sections at the beginning of chapter 35 of title 44, United States Code, is amended to read as follows: 44 USC prec. 3501.

"3511. Data inventory and Federal data catalogue.".

(B) CROSS-REFERENCE.—Section 3504(b)(2)(A) of title 44, United States Code, is amended by striking "the use of the Government Information Locator Service" and inserting "the use of comprehensive data inventories and the Federal data catalogue under section 3511".

(e) CHIEF DATA OFFICERS.—

(1) AMENDMENT.—Section 3520 of title 44, United States Code, is amended to read as follows:

"§ 3520. Chief Data Officers

"(a) ESTABLISHMENT.—The head of each agency shall designate a nonpolitical appointee employee in the agency as the Chief Data Officer of the agency. Designation.

"(b) QUALIFICATIONS.—The Chief Data Officer of an agency shall be designated on the basis of demonstrated training and experience in data management, governance (including creation, application, and maintenance of data standards), collection, analysis, protection, use, and dissemination, including with respect to any statistical and related techniques to protect and de-identify confidential data.

"(c) FUNCTIONS.—The Chief Data Officer of an agency shall—

"(1) be responsible for lifecycle data management;

"(2) coordinate with any official in the agency responsible for using, protecting, disseminating, and generating data to ensure that the data needs of the agency are met; Coordination.

"(3) manage data assets of the agency, including the standardization of data format, sharing of data assets, and publication of data assets in accordance with applicable law;

"(4) in carrying out the requirements under paragraphs (3) and (5), consult with any statistical official of the agency (as designated under section 314 of title 5); Consultation.

"(5) carry out the requirements of the agency under subsections (b) through (d), (f), and (i) of section 3506, section 3507, and section 3511;

"(6) ensure that, to the extent practicable, agency data conforms with data management best practices;

"(7) engage agency employees, the public, and contractors in using public data assets and encourage collaborative approaches on improving data use;

"(8) support the Performance Improvement Officer of the agency in identifying and using data to carry out the functions described in section 1124(a)(2) of title 31;

"(9) support the Evaluation Officer of the agency in obtaining data to carry out the functions described in section 313(d) of title 5;

"(10) review the impact of the infrastructure of the agency on data asset accessibility and coordinate with the Chief Information Officer of the agency to improve such infrastructure to reduce barriers that inhibit data asset accessibility; Review. Coordination.

"(11) ensure that, to the extent practicable, the agency maximizes the use of data in the agency, including for the

production of evidence (as defined in section 3561), cybersecurity, and the improvement of agency operations;

"(12) identify points of contact for roles and responsibilities related to open data use and implementation (as required by the Director);

"(13) serve as the agency liaison to other agencies and the Office of Management and Budget on the best way to use existing agency data for statistical purposes (as defined in section 3561); and

Compliance.

"(14) comply with any regulation and guidance issued under subchapter III, including the acquisition and maintenance of any required certification and training.

"(d) DELEGATION OF RESPONSIBILITIES.—

"(1) IN GENERAL.—To the extent necessary to comply with statistical laws, the Chief Data Officer of an agency shall delegate any responsibility under subsection (c) to the head of a statistical agency or unit (as defined in section 3561) within the agency.

"(2) CONSULTATION.—To the extent permissible under law, the individual to whom a responsibility has been delegated under paragraph (1) shall consult with the Chief Data Officer of the agency in carrying out such responsibility.

"(3) DEFERENCE.—The Chief Data Officer of the agency shall defer to the individual to whom a responsibility has been delegated under paragraph (1) regarding the necessary delegation of such responsibility with respect to any data acquired, maintained, or disseminated by the agency under applicable statistical law.

"(e) REPORTS.—The Chief Data Officer of an agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the compliance of the agency with the requirements of this subchapter, including information on each requirement that the agency could not carry out and, if applicable, what the agency needs to carry out such requirement.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The item relating to section 3520 of the table of sections at the beginning of chapter 35 of title 44, United States Code, is amended to read as follows:

44 USC prec. 3501.

"3520. Chief Data Officers.".

(f) CHIEF DATA OFFICER COUNCIL.—

(1) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by inserting before section 3521 the following new section:

44 USC 3520A.

"§ 3520A. Chief Data Officer Council

"(a) ESTABLISHMENT.—There is established in the Office of Management and Budget a Chief Data Officer Council (in this section referred to as the 'Council').

"(b) PURPOSE AND FUNCTIONS.—The Council shall—

"(1) establish Governmentwide best practices for the use, protection, dissemination, and generation of data;

"(2) promote and encourage data sharing agreements between agencies;

"(3) identify ways in which agencies can improve upon the production of evidence for use in policymaking;

"(4) consult with the public and engage with private users of Government data and other stakeholders on how to improve access to data assets of the Federal Government; and Consultation.

"(5) identify and evaluate new technology solutions for improving the collection and use of data.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Chief Data Officer of each agency shall serve as a member of the Council.

"(2) CHAIR.—The Director shall select the Chair of the Council from among the members of the Council.

"(3) ADDITIONAL MEMBERS.—The Administrator of the Office of Electronic Government shall serve as a member of the Council.

"(4) EX OFFICIO MEMBER.—The Director shall appoint a representative for all Chief Information Officers and Evaluation Officers, and such representative shall serve as an ex officio member of the Council. Appointment.

"(d) REPORTS.—The Council shall submit to the Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a biennial report on the work of the Council.

"(e) EVALUATION AND TERMINATION.—

"(1) GAO EVALUATION OF COUNCIL.—Not later than 4 years after date of the enactment of this section, the Comptroller General shall submit to Congress a report on whether the additional duties of the Council improved the use of evidence and program evaluation in the Federal Government. Deadline.

"(2) TERMINATION OF COUNCIL.—The Council shall terminate and this section shall be repealed upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress.". Time period. Effective date.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, is amended by inserting before the item relating to section 3521 the following new item: 44 USC prec. 3501.

"3520A. Chief Data Officer Council.".

(g) REPORTS.—

(1) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies, to the extent practicable—

(A) the value of information made available to the public as a result of this Act and the amendments made by this Act;

(B) whether the public availability of any information that has not yet been made so available would be valuable to the public; and

(C) the completeness of each comprehensive data inventory developed under section 3511 of title 44, United States Code, as amended by subsection (d).

44 USC 3502 note.

(2) BIENNIAL OMB REPORT.—Not later than 1 year after date of the enactment of this Act, and biennially thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this Act and the amendments made by this Act.

Confidential Information Protection and Statistical Efficiency Act of 2018.

TITLE III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

44 USC 101 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Confidential Information Protection and Statistical Efficiency Act of 2018".

SEC. 302. CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY.

44 USC prec. 3561.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following new subchapter:

44 USC prec. 3561.

"SUBCHAPTER III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

"PART A—GENERAL

44 USC 3561.

"§ 3561. Definitions

"In this subchapter:

"(1) AGENCY.—The term 'agency' means any entity that falls within the definition of the term 'executive agency', as defined in section 102 of title 31, or 'agency', as defined in section 3502.

"(2) AGENT.—The term 'agent' means an individual—

"(A)(i) who is an employee of a private organization or a researcher affiliated with an institution of higher learning (including a person granted special sworn status by the Bureau of the Census under section 23(c) of title 13), and with whom a contract or other agreement is executed, on a temporary basis, by an executive agency to perform exclusively statistical activities under the control and supervision of an officer or employee of that agency;

"(ii) who is working under the authority of a government entity with which a contract or other agreement is executed by an executive agency to perform exclusively statistical activities under the control of an officer or employee of that agency;

"(iii) who is a self-employed researcher, a consultant, a contractor, or an employee of a contractor, and with whom a contract or other agreement is executed by an executive agency to perform a statistical activity under the control of an officer or employee of that agency; or

"(iv) who is a contractor or an employee of a contractor, and who is engaged by the agency to design or maintain the systems for handling or storage of data received under this subchapter; and

"(B) who agrees in writing to comply with all provisions of law that affect information acquired by that agency.

"(3) BUSINESS DATA.—The term 'business data' means operating and financial data and information about businesses, tax-exempt organizations, and government entities.

"(4) DATA ASSET.—The term 'data asset' has the meaning given that term in section 3502.

"(5) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(6) EVIDENCE.—The term 'evidence' means information produced as a result of statistical activities conducted for a statistical purpose.

"(7) IDENTIFIABLE FORM.—The term 'identifiable form' means any representation of information that permits the identity of the respondent to whom the information applies to be reasonably inferred by either direct or indirect means.

"(8) NONSTATISTICAL PURPOSE.—The term 'nonstatistical purpose'—

"(A) means the use of data in identifiable form for any purpose that is not a statistical purpose, including any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent; and

"(B) includes the disclosure under section 552 of title 5 of data that are acquired for exclusively statistical purposes under a pledge of confidentiality.

"(9) RESPONDENT.—The term 'respondent' means a person who, or organization that, is requested or required to supply information to an agency, is the subject of information requested or required to be supplied to an agency, or provides that information to an agency.

"(10) STATISTICAL ACTIVITIES.—The term 'statistical activities'—

"(A) means the collection, compilation, processing, or analysis of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or the natural environment; and

"(B) includes the development of methods or resources that support those activities, such as measurement methods, models, statistical classifications, or sampling frames.

"(11) STATISTICAL AGENCY OR UNIT.—The term 'statistical agency or unit' means an agency or organizational unit of the executive branch whose activities are predominantly the collection, compilation, processing, or analysis of information for statistical purposes, as designated by the Director under section 3562.

"(12) STATISTICAL PURPOSE.—The term 'statistical purpose'—

"(A) means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and

"(B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the purposes described in subparagraph (A).

44 USC 3562.

"§ 3562. Coordination and oversight of policies

"(a) IN GENERAL.—The Director shall coordinate and oversee the confidentiality and disclosure policies established by this subchapter. The Director may promulgate rules or provide other guidance to ensure consistent interpretation of this subchapter by the affected agencies. The Director shall develop a process by which the Director designates agencies or organizational units as statistical agencies and units. The Director shall promulgate guidance to implement such process, which shall include specific criteria for such designation and methods by which the Director will ensure transparency in the process.

Designation.

Guidance.
Criteria.

"(b) AGENCY RULES.—Subject to subsection (c), agencies may promulgate rules to implement this subchapter. Rules governing disclosures of information that are authorized by this subchapter shall be promulgated by the agency that originally collected the information.

"(c) REVIEW AND APPROVAL OF RULES.—The Director shall review any rules proposed by an agency pursuant to this subchapter for consistency with the provisions of this chapter and such rules shall be subject to the approval of the Director.

"(d) REPORTS.—

"(1) The head of each agency shall provide to the Director such reports and other information as the Director requests.

"(2) Each Designated Statistical Agency (as defined in section 3576(e)) shall report annually to the Director, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on the actions it has taken to implement section 3576. The report shall include copies of each written agreement entered into pursuant to section 3576(c)(1) for the applicable year.

Summary.

"(3) The Director shall include a summary of reports submitted to the Director under this subsection and actions taken by the Director to advance the purposes of this subchapter in the annual report to Congress on statistical programs prepared under section 3504(e)(2).

44 USC 3563.

"§ 3563. Statistical agencies

"(a) RESPONSIBILITIES.—

"(1) IN GENERAL.—Each statistical agency or unit shall—

"(A) produce and disseminate relevant and timely statistical information;

"(B) conduct credible and accurate statistical activities;

"(C) conduct objective statistical activities; and

"(D) protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses.

"(2) POLICIES, BEST PRACTICES, AND PROCEDURES.—Each statistical agency or unit shall adopt policies, best practices, and appropriate procedures to implement the responsibilities described in paragraph (1).

"(b) SUPPORT FROM OTHER AGENCIES.—The head of each agency shall enable, support, and facilitate statistical agencies or units in carrying out the responsibilities described in subsection (a)(1).

"(c) REGULATIONS.—The Director shall prescribe regulations to carry out this section.

"(d) DEFINITIONS.—In this section:

"(1) ACCURATE.—The term 'accurate', when used with respect to statistical activities, means statistics that consistently match the events and trends being measured.

"(2) CONFIDENTIALITY.—The term 'confidentiality' means a quality or condition accorded to information as an obligation not to disclose that information to an unauthorized party.

"(3) OBJECTIVE.—The term 'objective', when used with respect to statistical activities, means accurate, clear, complete, and unbiased.

"(4) RELEVANT.—The term 'relevant', when used with respect to statistical information, means processes, activities, and other such matters likely to be useful to policymakers and public and private sector data users.

"§ 3564. Effect on other laws

44 USC 3564.

"(a) TITLE 44, UNITED STATES CODE.—This subchapter does not diminish the authority under section 3510 of the Director to direct, and of an agency to make, disclosures that are not inconsistent with any applicable law.

"(b) TITLE 13 AND TITLE 44, UNITED STATES CODE.—This subchapter does not diminish the authority of the Bureau of the Census to provide information in accordance with sections 8, 16, 301, and 401 of title 13 and section 2108 of this title.

"(c) TITLE 13, UNITED STATES CODE.—This subchapter shall not be construed as authorizing the disclosure for nonstatistical purposes of demographic data or information collected by the Bureau of the Census pursuant to section 9 of title 13.

"(d) VARIOUS ENERGY STATUTES.—Data or information acquired by the Energy Information Administration under a pledge of confidentiality and designated by the Energy Information Administration to be used for exclusively statistical purposes shall not be disclosed in identifiable form for nonstatistical purposes under—

"(1) section 12, 20, or 59 of the Federal Energy Administration Act of 1974 (15 U.S.C. 771, 779, 790h);

"(2) section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796); or

"(3) section 205 or 407 of the Department of Energy Organization Act (42 U.S.C. 7135, 7177).

"(e) SECTION 201 OF CONGRESSIONAL BUDGET ACT OF 1974.—This subchapter shall not be construed to limit any authorities of the Congressional Budget Office to work (consistent with laws governing the confidentiality of information the disclosure of which would be a violation of law) with databases of Designated Statistical Agencies (as defined in section 3576(e)), either separately or, for data that may be shared pursuant to section 3576(c) or other authority, jointly in order to improve the general utility of these databases for the statistical purpose of analyzing pension and health care financing issues.

"(f) PREEMPTION OF STATE LAW.—Nothing in this subchapter shall preempt applicable State law regarding the confidentiality of data collected by the States.

"(g) STATUTES REGARDING FALSE STATEMENTS.—Notwithstanding section 3572, information collected by an agency for exclusively statistical purposes under a pledge of confidentiality may be provided by the collecting agency to a law enforcement agency for the prosecution of submissions to the collecting agency of false statistical information under statutes that authorize criminal penalties (such as section 221 of title 13) or civil penalties for the provision of false statistical information, unless such disclosure or use would otherwise be prohibited under Federal law.

"(h) CONSTRUCTION.—Nothing in this subchapter shall be construed as restricting or diminishing any confidentiality protections or penalties for unauthorized disclosure that otherwise apply to data or information collected for statistical purposes or nonstatistical purposes, including, but not limited to, section 6103 of the Internal Revenue Code of 1986.

"(i) AUTHORITY OF CONGRESS.—Nothing in this subchapter shall be construed to affect the authority of the Congress, including its committees, members, or agents, to obtain data or information for a statistical purpose, including for oversight of an agency's statistical activities.

44 USC prec. 3571.

"PART B—CONFIDENTIAL INFORMATION PROTECTION

44 USC 3571.

"§ 3571. Findings

"The Congress finds the following:

"(1) Individuals, businesses, and other organizations have varying degrees of legal protection when providing information to the agencies for strictly statistical purposes.

"(2) Pledges of confidentiality by agencies provide assurances to the public that information about individuals or organizations or provided by individuals or organizations for exclusively statistical purposes will be held in confidence and will not be used against such individuals or organizations in any agency action.

"(3) Protecting the confidentiality interests of individuals or organizations who provide information under a pledge of confidentiality for Federal statistical programs serves both the interests of the public and the needs of society.

"(4) Declining trust of the public in the protection of information provided under a pledge of confidentiality to the agencies adversely affects both the accuracy and completeness of statistical analyses.

"(5) Ensuring that information provided under a pledge of confidentiality for statistical purposes receives protection is essential in continuing public cooperation in statistical programs.

44 USC 3572.

"§ 3572. Confidential information protection

"(a) PURPOSES.—The purposes of this section are the following:

"(1) To ensure that information supplied by individuals or organizations to an agency for statistical purposes under a pledge of confidentiality is used exclusively for statistical purposes.

"(2) To ensure that individuals or organizations who supply information under a pledge of confidentiality to agencies for statistical purposes will neither have that information disclosed

in identifiable form to anyone not authorized by this subchapter nor have that information used for any purpose other than a statistical purpose.

"(3) To safeguard the confidentiality of individually identifiable information acquired under a pledge of confidentiality for statistical purposes by controlling access to, and uses made of, such information.

"(b) USE OF STATISTICAL DATA OR INFORMATION.—Data or information acquired by an agency under a pledge of confidentiality and for exclusively statistical purposes shall be used by officers, employees, or agents of the agency exclusively for statistical purposes and protected in accordance with such pledge.

"(c) DISCLOSURE OF STATISTICAL DATA OR INFORMATION.—

"(1) Data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes shall not be disclosed by an agency in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent.

"(2) A disclosure pursuant to paragraph (1) is authorized only when the head of the agency approves such disclosure and the disclosure is not prohibited by any other law.

"(3) This section does not restrict or diminish any confidentiality protections in law that otherwise apply to data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes.

"(d) RULE FOR USE OF DATA OR INFORMATION FOR NONSTATISTICAL PURPOSES.—A statistical agency or unit shall clearly distinguish any data or information it collects for nonstatistical purposes (as authorized by law) and provide notice to the public, before the data or information is collected, that the data or information could be used for nonstatistical purposes.

Notification. Public information.

"(e) DESIGNATION OF AGENTS.—A statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 3561(2) for treatment as an agent under that section, who may perform exclusively statistical activities, subject to the limitations and penalties described in this subchapter.

"(f) FINES AND PENALTIES.—Whoever, being an officer, employee, or agent of an agency acquiring information for exclusively statistical purposes, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by this section, comes into possession of such information by reason of his or her being an officer, employee, or agent and, knowing that the disclosure of the specific information is prohibited under the provisions of this subchapter, willfully discloses the information in any manner to a person or agency not entitled to receive it, shall be guilty of a class E felony and imprisoned for not more than 5 years, or fined not more than $250,000, or both.

"PART C—STATISTICAL EFFICIENCY

44 USC prec. 3575.

"§ 3575. Findings

44 USC 3575.

"The Congress finds the following:

"(1) Federal statistics are an important source of information for public and private decision-makers such as policymakers, consumers, businesses, investors, and workers.

"(2) Federal statistical agencies should continuously seek to improve their efficiency. Statutory constraints limit the ability of these agencies to share data and thus to achieve higher efficiency for Federal statistical programs.

"(3) The quality of Federal statistics depends on the willingness of businesses to respond to statistical surveys. Reducing reporting burdens will increase response rates, and therefore lead to more accurate characterizations of the economy.

"(4) Enhanced sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes will improve their ability to track more accurately the large and rapidly changing nature of United States business. In particular, the statistical agencies will be able to better ensure that businesses are consistently classified in appropriate industries, resolve data anomalies, produce statistical samples that are consistently adjusted for the entry and exit of new businesses in a timely manner, and correct faulty reporting errors quickly and efficiently.

"(5) Congress enacted the International Investment and Trade in Services Survey Act (Public Law 94–472), which allowed the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics to share data on foreign-owned companies. The Act not only expanded detailed industry coverage from 135 industries to over 800 industries with no increase in the data collected from respondents but also demonstrated how data sharing can result in the creation of valuable data products.

"(6) With part B of this subchapter, the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics continues to ensure the highest level of confidentiality for respondents to statistical surveys.

44 USC 3576.

"§ 3576. Designated statistical agencies

"(a) PURPOSES.—The purposes of this section are the following:

"(1) To authorize the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes.

"(2) To reduce the paperwork burdens imposed on businesses that provide requested information to the Federal Government.

"(3) To improve the comparability and accuracy of Federal economic statistics by allowing the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics to update sample frames, develop consistent classifications of establishments and companies into industries, improve coverage, and reconcile significant differences in data produced by the three agencies.

"(4) To increase understanding of the United States economy, especially for key industry and regional statistics, to develop more accurate measures of the impact of technology on productivity growth, and to enhance the reliability of the Nation's most important economic indicators, such as the National Income and Product Accounts.

"(b) RESPONSIBILITIES OF DESIGNATED STATISTICAL AGENCIES.—The head of each of the Designated Statistical Agencies shall—

"(1) identify opportunities to eliminate duplication and otherwise reduce reporting burden and cost imposed on the public in providing information for statistical purposes;

"(2) enter into joint statistical projects to improve the quality and reduce the cost of statistical programs; and

"(3) protect the confidentiality of individually identifiable information acquired for statistical purposes by adhering to safeguard principles, including—

"(A) emphasizing to their officers, employees, and agents the importance of protecting the confidentiality of information in cases where the identity of individual respondents can reasonably be inferred by either direct or indirect means;

"(B) training their officers, employees, and agents in their legal obligations to protect the confidentiality of individually identifiable information and in the procedures that must be followed to provide access to such information;

"(C) implementing appropriate measures to assure the physical and electronic security of confidential data;

"(D) establishing a system of records that identifies individuals accessing confidential data and the project for which the data were required; and

"(E) being prepared to document their compliance with safeguard principles to other agencies authorized by law to monitor such compliance.

"(c) SHARING OF BUSINESS DATA AMONG DESIGNATED STATISTICAL AGENCIES.—

"(1) IN GENERAL.—A Designated Statistical Agency may provide business data in an identifiable form to another Designated Statistical Agency under the terms of a written agreement among the agencies sharing the business data that specifies—

"(A) the business data to be shared;

"(B) the statistical purposes for which the business data are to be used;

"(C) the officers, employees, and agents authorized to examine the business data to be shared; and

"(D) appropriate security procedures to safeguard the confidentiality of the business data.

"(2) RESPONSIBILITIES OF AGENCIES UNDER OTHER LAWS.—The provision of business data by an agency to a Designated Statistical Agency under this section shall in no way alter the responsibility of the agency providing the data under other statutes (including sections 552 and 552b of title 5) with respect to the provision or withholding of such information by the agency providing the data.

"(3) RESPONSIBILITIES OF OFFICERS, EMPLOYEES, AND AGENTS.—Examination of business data in identifiable form shall be limited to the officers, employees, and agents authorized to examine the individual reports in accordance with written agreements pursuant to this section. Officers, employees, and agents of a Designated Statistical Agency who receive data pursuant to this section shall be subject to all provisions of law, including penalties, that relate—

"(A) to the unlawful provision of the business data that would apply to the officers, employees, and agents of the agency that originally obtained the information; and

"(B) to the unlawful disclosure of the business data that would apply to officers, employees, and agents of the agency that originally obtained the information.

Time period.

"(4) NOTICE.—Whenever a written agreement concerns data that respondents were required by law to report and the respondents were not informed that the data could be shared among the Designated Statistical Agencies, for exclusively statistical purposes, the terms of such agreement shall be described in a public notice issued by the agency that intends to provide the data. Such notice shall allow a minimum of 60 days for public comment.

"(d) LIMITATIONS ON USE OF BUSINESS DATA PROVIDED BY DESIGNATED STATISTICAL AGENCIES.—

"(1) GENERAL USE.—Business data provided by a Designated Statistical Agency pursuant to this section shall be used exclusively for statistical purposes.

"(2) PUBLICATION.—Publication of business data acquired by a Designated Statistical Agency shall occur in a manner whereby the data furnished by any particular respondent are not in identifiable form.

"(e) DESIGNATED STATISTICAL AGENCY DEFINED.—In this section, the term 'Designated Statistical Agency' means each of the following:

"(1) The Census Bureau of the Department of Commerce.

"(2) The Bureau of Economic Analysis of the Department of Commerce.

"(3) The Bureau of Labor Statistics of the Department of Labor.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, as amended by proceeding provisions of this Act, is further amended by adding at the end the following:

44 USC prec. 3501.

"SUBCHAPTER III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

"PART A—GENERAL

"3561. Definitions.
"3562. Coordination and oversight of policies.
"3563. Statistical agencies.
"3564. Effect on other laws.

"PART B—CONFIDENTIAL INFORMATION PROTECTION

"3571. Findings.
"3572. Confidential information protection.

"PART C—STATISTICAL EFFICIENCY

"3575. Findings.
"3576. Designated statistical agencies.".

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY ACT OF 2002.—Title V of the E–Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) is repealed (and the table of contents of such Act shall be conformed accordingly).

(2) TITLE 13, UNITED STATES CODE.—Section 402 of title 13, United States Code, is amended by striking "the Confidential Information Protection and Statistical Efficiency Act of 2002" and inserting "section 3576(e) of title 44".

(3) TITLE 49, UNITED STATES CODE.—Title 49, United States Code, is amended—

(A) in section 6302(d)(4), by striking "the Confidential Information" and all that follows through the period and inserting "section 3572 of title 44."; and

(B) in section 6314(d)(2), by striking "the Confidential Information" and all that follows through the period and inserting "section 3572 of title 44.".

(4) ACT OF JANUARY 27, 1938.—The first section of the Act of January 27, 1938, entitled "An Act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes" (52 Stat. 8, chapter 11; 15 U.S.C. 176a), is amended by striking "the Confidential Information Protection and Statistical Efficiency Act of 2002" and inserting "subchapter III of chapter 35 of title 44, United States Code".

(5) FIXING AMERICA'S SURFACE TRANSPORTATION ACT.—Section 7308(e)(2) of the Fixing America's Surface Transportation Act (Public Law 114–94; 49 U.S.C. 20155 note) is amended by striking "the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note)" and inserting "section 3572 of title 44, United States Code".

(d) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) CUTOFF DATE.—This title replaces certain provisions of law enacted on December 17, 2002. If a law enacted after that date amends or repeals a provision replaced by this title, that law is deemed to amend or repeal, as the case may be, the corresponding provision enacted by this title. If a law enacted after that date is otherwise inconsistent with this title, it supersedes this title to the extent of the inconsistency. 44 USC 3561 note.

(2) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, the date of the enactment of a provision enacted by this title is deemed to be the date of the enactment of the provision it replaced.

(3) REFERENCES TO PROVISIONS REPLACED.—A reference to a provision of law replaced by this title, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this title.

(4) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a provision of law replaced by this title continues in effect under the corresponding provision enacted by this title.

(5) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a provision of law replaced by this title is deemed to have been taken or committed under the corresponding provision enacted by this title.

SEC. 303. INCREASING ACCESS TO DATA FOR EVIDENCE.

(a) IN GENERAL.—Subchapter III of chapter 35 of title 44, United States Code, as added by section 302, is amended by adding at the end the following new part:

44 USC prec. 3581.

"PART D—ACCESS TO DATA FOR EVIDENCE

44 USC 3581.

"§ 3581. Presumption of accessibility for statistical agencies and units

"(a) ACCESSIBILITY OF DATA ASSETS.—The head of an agency shall, to the extent practicable, make any data asset maintained by the agency available, upon request, to any statistical agency or unit for purposes of developing evidence.

"(b) LIMITATIONS.—Subsection (a) does not apply to any data asset that is subject to a statute that—

"(1) prohibits the sharing or intended use of such asset in a manner as to leave no discretion on the issue; or

"(2) if enacted after the date of the enactment of this section, specifically cites to this paragraph.

"(c) REGULATIONS.—The Director shall prescribe regulations for agencies to carry out this section. Such regulations shall—

"(1) require the timely provision of data assets under subsection (a);

Lists.

"(2) provide a list of statutes that exempt agencies from the requirement under subsection (a) pursuant to subsection (b)(1);

"(3) establish clear and consistent standards, to the extent possible, for complying with section 552a of title 5 (commonly known as the 'Privacy Act of 1974') and any other applicable law requiring the protection and confidentiality of individually identifiable information; and

"(4) require a transparent process for statistical agencies and units to request data assets from agencies and for agencies to respond to such requests.

"(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed as altering existing intellectual property rights or the terms of any contract or other binding, written agreement.

44 USC 3582.

"§ 3582. Expanding secure access to CIPSEA data assets

"(a) STATISTICAL AGENCY RESPONSIBILITIES.—To the extent practicable, each statistical agency or unit shall expand access to data assets of such agency or unit acquired or accessed under this subchapter to develop evidence while protecting such assets from inappropriate access and use, in accordance with the regulations promulgated under subsection (b).

"(b) REGULATIONS FOR ACCESSIBILITY OF NONPUBLIC DATA ASSETS.—The Director shall promulgate regulations, in accordance with applicable law, for statistical agencies and units to carry out the requirement under subsection (a). Such regulations shall include the following:

Standards. Assessment. Criteria.

"(1) Standards for each statistical agency or unit to assess each data asset owned or accessed by the statistical agency or unit for purposes of categorizing the sensitivity level of each such asset and identifying the corresponding level of accessibility to each such asset. Such standards shall include—

"(A) common sensitivity levels and corresponding levels of accessibility that may be assigned to a data asset, including a requisite minimum and maximum number of sensitivity levels for each statistical agency or unit to use;

"(B) criteria for determining the sensitivity level and corresponding level of accessibility of each data asset; and

"(C) criteria for determining whether a less sensitive and more accessible version of a data asset can be produced.

"(2) Standards for each statistical agency or unit to improve access to a data asset pursuant to paragraph (1) or (3) by removing or obscuring information in such a manner that the identity of the data subject is less likely to be reasonably inferred by either direct or indirect means. Standards.

"(3) A requirement for each statistical agency or unit to conduct a comprehensive risk assessment of any data asset acquired or accessed under this subchapter prior to any public release of such asset, including standards for such comprehensive risk assessment and criteria for making a determination of whether to release the data. Risk assessment. Standards. Criteria.

"(4) Requirements for each statistical agency or unit to make any process or assessment established, produced, or conducted pursuant to this section transparent and easy to understand, including the following:

"(A) A requirement to make information on the assessment of the sensitivity level of each data asset conducted pursuant to paragraph (1) available on the Federal data catalogue established under section 3511(c)(1).

"(B) A requirement to make any comprehensive risk assessment, and associated determinations, conducted under paragraph (3) available on the Federal data catalogue established under section 3511(c)(1).

"(C) A requirement to make any standard or policy established by the statistical agency or unit to carry out this section and any assessment conducted under this section easily accessible on the public website of such agency or unit.

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall— Public information.

"(1) make public all standards and policies established under this section; and

"(2) ensure that statistical agencies and units have the ability to make information public on the Federal data catalogue established under section 3511(c)(1), in accordance with requirements established pursuant to subsection (b).

"§ 3583. Application to access data assets for developing evidence

44 USC 3583.

"(a) STANDARD APPLICATION PROCESS.—The Director shall establish a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply to access the data assets accessed or acquired under this subchapter by a statistical agency or unit for purposes of developing evidence. The process shall include the following:

"(1) Sufficient detail to ensure that each statistical agency or unit establishes an identical process.

"(2) A common application form.

"(3) Criteria for statistical agencies and units to determine whether to grant an applicant access to a data asset. Criteria. Determination.

"(4) Timeframes for prompt determinations by each statistical agency or unit. Timeframes.

"(5) An appeals process for adverse decisions and noncompliance with the process established under this subsection.

Standards.
Public information.

"(6) Standards for transparency, including requirements to make the following information publicly available:

"(A) Each application received.

"(B) The status of each application.

"(C) The determination made for each application.

"(D) Any other information, as appropriate, to ensure full transparency of the process established under this subsection.

"(b) CONSULTATION.—In establishing the process required under subsection (a), the Director shall consult with stakeholders, including the public, agencies, State and local governments, and representatives of non-governmental researchers.

"(c) IMPLEMENTATION.—The head of each statistical agency or unit shall implement the process established under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, as amended by preceding provisions of this Act, is further amended by adding at the end the following:

44 USC prec. 3501.

"PART D—ACCESS TO DATA FOR EVIDENCE

"3581. Presumption of accessibility for statistical agencies and units.

"3582. Expanding secure access to CIPSEA data assets.

"3583. Application to access data assets for developing evidence.".

Regulations.
44 USC 3561 note.

(c) DEADLINE FOR GUIDANCE AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall promulgate or issue any regulation or guidance required by subchapter III of title 44, United States Code, as amended by this section, with a requirement for such regulation or guidance to be implemented not later than 1 year after the date on which such regulation or guidance has been promulgated or issued.

TITLE IV—GENERAL PROVISIONS

5 USC 306 note.

SEC. 401. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed—

(1) to require the disclosure of information or records that are exempt from disclosure under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act");

(2) to create or expand an exemption from disclosure under such section;

(3) to override, limit, or otherwise affect intellectual property rights, including rights under titles 17 and 35, United States Code;

(4) to affect the authority of a Federal agency regarding the use, disclosure, or licensing of—

(A) confidential business information that could be withheld under section 552(b)(4) of title 5, United States Code; or

(B) data assets restricted from disclosure under a contract or other binding, written agreement; or

(5) to affect the independence, responsibilities, or work products of an Inspector General of any agency.

SEC. 402. USE OF EXISTING RESOURCES. 5 USC 306 note.

To the extent practicable, the head of each agency shall use existing procedures and systems to carry out agency requirements and shall select existing employees for appointments under this Act and the amendments made by this Act.

SEC. 403. EFFECTIVE DATE. 5 USC 306 note.

Except as otherwise provided, this Act, and the amendments made by this Act, shall take effect on the date that is 180 days after the date of the enactment of this Act.

Approved January 14, 2019.

LEGISLATIVE HISTORY—H.R. 4174:

HOUSE REPORTS: No. 115–411 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD:
Vol. 163 (2017): Nov. 15, considered and passed House.
Vol. 164 (2018): Dec. 19, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendment.

Public Law 115–436
115th Congress

An Act

Jan. 14, 2019
[H.R. 7279]

To amend the Federal Water Pollution Control Act to provide for an integrated planning process, to promote green infrastructure, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Water Infrastructure Improvement Act.
33 USC 1251 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Infrastructure Improvement Act".

42 USC 4370j note.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) MUNICIPALITY.—The term "municipality" has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

SEC. 3. INTEGRATED PLANS.

(a) INTEGRATED PLANS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(s) INTEGRATED PLANS.—

"(1) DEFINITION OF INTEGRATED PLAN.—In this subsection, the term 'integrated plan' means a plan developed in accordance with the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.

"(2) IN GENERAL.—The Administrator (or a State, in the case of a permit program approved by the Administrator) shall inform municipalities of the opportunity to develop an integrated plan that may be incorporated into a permit under this section.

"(3) SCOPE.—

"(A) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this section that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—

"(i) a combined sewer overflow;

"(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

"(iii) a municipal stormwater discharge;

"(iv) a municipal wastewater discharge; and

"(v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

"(B) INCLUSIONS IN INTEGRATED PLAN.—An integrated plan incorporated into a permit issued under this section may include the implementation of—

"(i) projects, including innovative projects, to reclaim, recycle, or reuse water; and

"(ii) green infrastructure.

"(4) COMPLIANCE SCHEDULES.—

"(A) IN GENERAL.—A permit issued under this section that incorporates an integrated plan may include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the schedule of compliance—

"(i) is authorized by State water quality standards; and

"(ii) meets the requirements of section 122.47 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

"(B) TIME FOR COMPLIANCE.—For purposes of subparagraph (A)(ii), the requirement of section 122.47 of title 40, Code of Federal Regulations, for compliance by an applicable statutory deadline under this Act does not prohibit implementation of an applicable water quality-based effluent limitation over more than 1 permit term.

"(C) REVIEW.—A schedule of compliance incorporated into a permit issued under this section may be reviewed at the time the permit is renewed to determine whether the schedule should be modified.

"(5) EXISTING AUTHORITIES RETAINED.—

"(A) APPLICABLE STANDARDS.—Nothing in this subsection modifies any obligation to comply with applicable technology and water quality-based effluent limitations under this Act.

"(B) FLEXIBILITY.—Nothing in this subsection reduces or eliminates any flexibility available under this Act, including the authority of a State to revise a water quality standard after a use attainability analysis under section 131.10(g) of title 40, Code of Federal Regulations (or a successor regulation), subject to the approval of the Administrator under section 303(c).

"(6) CLARIFICATION OF STATE AUTHORITY.—

"(A) IN GENERAL.—Nothing in section 301(b)(1)(C) precludes a State from authorizing in the water quality standards of the State the issuance of a schedule of compliance to meet water quality-based effluent limitations in permits that incorporate provisions of an integrated plan.

"(B) TRANSITION RULE.—In any case in which a discharge is subject to a judicial order or consent decree, as of the date of enactment of this subsection, resolving an enforcement action under this Act, any schedule of compliance issued pursuant to an authorization in a State water quality standard may not revise a schedule of compliance in that order or decree to be less stringent, unless

the order or decree is modified by agreement of the parties and the court.".

(b) IMPLEMENTATION OF INTEGRATED PLANS THROUGH ENFORCEMENT TOOLS.—Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

"(h) IMPLEMENTATION OF INTEGRATED PLANS.—

"(1) IN GENERAL.—In conjunction with an enforcement action under subsection (a) or (b) relating to municipal discharges, the Administrator shall inform a municipality of the opportunity to develop an integrated plan, as defined in section 402(s).

"(2) MODIFICATION.—Any municipality under an administrative order under subsection (a) or settlement agreement (including a judicial consent decree) under subsection (b) that has developed an integrated plan consistent with section 402(s) may request a modification of the administrative order or settlement agreement based on that integrated plan.".

Public information.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make publicly available, a report on each integrated plan developed and implemented through a permit, order, or judicial consent decree pursuant to the Federal Water Pollution Control Act since the date of publication of the "Integrated Municipal Stormwater and Wastewater Planning Approach Framework" issued by the Environmental Protection Agency and dated June 5, 2012, including a description of the control measures, levels of control, estimated costs, and compliance schedules for the requirements implemented through such an integrated plan.

42 USC 4370j.

SEC. 4. MUNICIPAL OMBUDSMAN.

(a) ESTABLISHMENT.—There is established within the Office of the Administrator an Office of the Municipal Ombudsman, to be headed by a Municipal Ombudsman.

(b) GENERAL DUTIES.—The duties of the Municipal Ombudsman shall include the provision of—

(1) technical assistance to municipalities seeking to comply with the Federal Water Pollution Control Act; and

(2) information to the Administrator to help the Administrator ensure that agency policies are implemented by all offices of the Environmental Protection Agency, including regional offices.

(c) ACTIONS REQUIRED.—The Municipal Ombudsman shall work with appropriate offices at the headquarters and regional offices of the Environmental Protection Agency to ensure that a municipality seeking assistance is provided information regarding—

(1) available Federal financial assistance for which the municipality is eligible;

(2) flexibility available under the Federal Water Pollution Control Act; and

(3) the opportunity to develop an integrated plan under section 402(s) of the Federal Water Pollution Control Act.

Web posting.

(d) INFORMATION SHARING.—The Municipal Ombudsman shall publish on the website of the Environmental Protection Agency—

(1) general information relating to—

(A) the technical assistance referred to in subsection (b)(1);

(B) the financial assistance referred to in subsection (c)(1);

(C) the flexibility referred to in subsection (c)(2); and

(D) any resources developed by the Administrator related to integrated plans under section 402(s) of the Federal Water Pollution Control Act; and

(2) a copy of each permit, order, or judicial consent decree that implements or incorporates such an integrated plan.

SEC. 5. GREEN INFRASTRUCTURE.

(a) DEFINITION.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(27) GREEN INFRASTRUCTURE.—The term 'green infrastructure' means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.".

(b) GREEN INFRASTRUCTURE PROMOTION.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following:

33 USC 1251 note.

"SEC. 519. GREEN INFRASTRUCTURE PROMOTION.

Coordination. 33 USC 1377a.

"(a) IN GENERAL.—The Administrator shall promote the use of green infrastructure in, and coordinate the integration of green infrastructure into, permitting and enforcement under this Act, planning efforts, research, technical assistance, and funding guidance of the Environmental Protection Agency.

"(b) COORDINATION OF EFFORTS.—The Administrator shall ensure that the Office of Water coordinates efforts to increase the use of green infrastructure with—

"(1) other Federal departments and agencies;

"(2) State, tribal, and local governments; and

"(3) the private sector.

"(c) REGIONAL GREEN INFRASTRUCTURE PROMOTION.—The Administrator shall direct each regional office of the Environmental Protection Agency, as appropriate based on local factors, and consistent with the requirements of this Act, to promote and integrate the use of green infrastructure within the region, including through—

"(1) outreach and training regarding green infrastructure implementation for State, tribal, and local governments, tribal communities, and the private sector; and

"(2) the incorporation of green infrastructure into permitting and other regulatory programs, codes, and ordinance development, including the requirements under consent decrees and settlement agreements in enforcement actions.

"(d) GREEN INFRASTRUCTURE INFORMATION-SHARING.—The Administrator shall promote green infrastructure information-sharing, including through an internet website, to share information with, and provide technical assistance to, State, tribal, and local governments, tribal communities, the private sector, and the public, regarding green infrastructure approaches for— Website.

"(1) reducing water pollution;

"(2) protecting water resources;
"(3) complying with regulatory requirements; and
"(4) achieving other environmental, public health, and community goals.".

Approved January 14, 2019.

LEGISLATIVE HISTORY—H.R. 7279:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 19, considered and passed House.
Dec. 22, considered and passed Senate.

Public Law 115–437
115th Congress

An Act

To amend the Federal Assets Sale and Transfer Act of 2016 to ensure that the Public Buildings Reform Board has adequate time to carry out the responsibilities of the Board, and for other purposes.

Jan. 14, 2019
[H.R. 7318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL ASSETS SALE.

(a) IN GENERAL.—Section 4(c)(2) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) by striking subparagraph (B);

(2) by striking the paragraph designation and heading and all that follows through "In selecting" in subparagraph (A) in the matter preceding clause (i) and inserting the following:

"(2) APPOINTMENTS.—In selecting"; and

(3) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting appropriately.

(b) TERMINATION.—Section 10 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended by striking "the date of enactment of this Act" and inserting "the date on which the Board members are appointed pursuant to section 4".

(c) ACCOUNTING SYSTEM.—Section 12(e) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended in the first sentence by striking "the date of enactment of this Act" and inserting "the date on which the Board members are appointed pursuant to section 4".

Approved January 14, 2019.

LEGISLATIVE HISTORY—H.R. 7318:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 21, considered and passed House.
Dec. 22, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):
Jan. 14, Presidential statement.

Public Law 115–438
115th Congress

An Act

Jan. 14, 2019
[H.R. 7319]

To amend the Federal Assets Sale and Transfer Act of 2016 to provide flexibility with respect to the leaseback of certain Federal real property, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASEBACK RESTRICTION.

Section 12(b)(4) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

Time period.

(1) by inserting "for a period of greater than 3 years" before the period at the end;

(2) by striking "None of the" and inserting the following:

"(A) IN GENERAL.—None of the"; and

(3) by adding at the end the following:

"(B) REQUIREMENTS.—A leaseback under this paragraph—

Expiration date.

"(i) shall expire on or before the last day of the 3-year period beginning on the date of the sale of the respective property;

"(ii) may not contain any options to extend or renew the leaseback;

"(iii) may only be entered into once for purposes of temporarily housing the Federal agency in the property at the time of the sale; and

"(iv) shall only be for the purpose of facilitating the sale of the respective property.".

Approved January 14, 2019.

LEGISLATIVE HISTORY—H.R. 7319:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 21, considered and passed House.
Dec. 22, considered and passed Senate.

Public Law 115–439
115th Congress

An Act

To modernize the regulation of nuclear energy.

Jan. 14, 2019
[S. 512]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nuclear Energy Innovation and Modernization Act.
42 USC 2011 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nuclear Energy Innovation and Modernization Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—ADVANCED NUCLEAR REACTORS AND USER FEES

Sec. 101. Nuclear Regulatory Commission user fees and annual charges through fiscal year 2020.
Sec. 102. Nuclear Regulatory Commission user fees and annual charges for fiscal year 2021 and each fiscal year thereafter.
Sec. 103. Advanced nuclear reactor program.
Sec. 104. Baffle-former bolt guidance.
Sec. 105. Evacuation report.
Sec. 106. Encouraging private investment in research and test reactors.
Sec. 107. Commission report on accident tolerant fuel.
Sec. 108. Report identifying best practices for establishment and operation of local community advisory boards.
Sec. 109. Report on study recommendations.

TITLE II—URANIUM

Sec. 201. Uranium recovery report.
Sec. 202. Pilot program for uranium recovery fees.

SEC. 2. PURPOSE.

42 USC 2215 note.

The purpose of this Act is to provide—

(1) a program to develop the expertise and regulatory processes necessary to allow innovation and the commercialization of advanced nuclear reactors;

(2) a revised fee recovery structure to ensure the availability of resources to meet industry needs without burdening existing licensees unfairly for inaccurate workload projections or premature existing reactor closures; and

(3) more efficient regulation of uranium recovery.

SEC. 3. DEFINITIONS.

42 USC 2215 note.

In this Act:

(1) ADVANCED NUCLEAR REACTOR.—The term "advanced nuclear reactor" means a nuclear fission or fusion reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (as in effect on

the date of enactment of this Act)), with significant improvements compared to commercial nuclear reactors under construction as of the date of enactment of this Act, including improvements such as—

(A) additional inherent safety features;

(B) significantly lower levelized cost of electricity;

(C) lower waste yields;

(D) greater fuel utilization;

(E) enhanced reliability;

(F) increased proliferation resistance;

(G) increased thermal efficiency; or

(H) ability to integrate into electric and nonelectric applications.

(2) ADVANCED NUCLEAR REACTOR FUEL.—The term "advanced nuclear reactor fuel" means fuel for use in an advanced nuclear reactor or a research and test reactor, including fuel with a low uranium enrichment level of not greater than 20 percent.

(3) AGREEMENT STATE.—The term "Agreement State" means any State with which the Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(5) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(6) CONCEPTUAL DESIGN ASSESSMENT.—The term "conceptual design assessment" means an early-stage review by the Commission that—

(A) assesses preliminary design information for consistency with applicable regulatory requirements of the Commission;

(B) is performed on a set of topic areas agreed to in the licensing project plan; and

(C) is performed at a cost and schedule agreed to in the licensing project plan.

(7) CORPORATE SUPPORT COSTS.—The term "corporate support costs" means expenditures for acquisitions, administrative services, financial management, human resource management, information management, information technology, policy support, outreach, and training, as those categories are described and calculated in Appendix A of the Congressional Budget Justification for Fiscal Year 2018 of the Commission.

(8) LICENSING PROJECT PLAN.—The term "licensing project plan" means a plan that describes—

(A) the interactions between an applicant and the Commission; and

(B) project schedules and deliverables in specific detail to support long-range resource planning undertaken by the Commission and an applicant.

(9) REGULATORY FRAMEWORK.—The term "regulatory framework" means the framework for reviewing requests for certifications, permits, approvals, and licenses for nuclear reactors.

(10) REQUESTED ACTIVITY OF THE COMMISSION.—The term "requested activity of the Commission" means—

(A) the processing of applications for—

(i) design certifications or approvals;

(ii) licenses;

(iii) permits;

(iv) license amendments;

(v) license renewals;

(vi) certificates of compliance; and

(vii) power uprates; and

(B) any other activity requested by a licensee or applicant.

(11) RESEARCH AND TEST REACTOR.—

(A) IN GENERAL.—The term "research and test reactor" means a reactor that—

(i) falls within the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842); and

(ii) is useful in the conduct of research and development activities as licensed under section 104 c. of the Atomic Energy Act (42 U.S.C. 2134(c)).

(B) EXCLUSION.—The term "research and test reactor" does not include a commercial nuclear reactor.

(12) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(13) STANDARD DESIGN APPROVAL.—The term "standard design approval" means the approval of a final standard design or a major portion of a final design standard as described in subpart E of part 52 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(14) TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—The term "technology-inclusive regulatory framework" means a regulatory framework developed using methods of evaluation that are flexible and practicable for application to a variety of reactor technologies, including, where appropriate, the use of risk-informed and performance-based techniques and other tools and methods.

(15) TOPICAL REPORT.—The term "topical report" means a document submitted to the Commission that addresses a technical topic related to nuclear reactor safety or design.

TITLE I—ADVANCED NUCLEAR REACTORS AND USER FEES

SEC. 101. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES THROUGH FISCAL YEAR 2020.

(a) IN GENERAL.—Section 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)(2)(A)) is amended—

(1) in clause (iii), by striking "and" at the end;

(2) in clause (iv), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(v) amounts appropriated to the Commission for the fiscal year for activities related to the development of regulatory infrastructure for advanced nuclear

reactor technologies, including activities required under section 103 of the Nuclear Energy Innovation and Modernization Act.".

42 USC 2214 note.

(b) REPEAL.—Effective October 1, 2020, section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is repealed.

42 USC 2215.

SEC. 102. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER.

(a) ANNUAL BUDGET JUSTIFICATION.—

(1) IN GENERAL.—In the annual budget justification submitted by the Commission to Congress, the Commission shall expressly identify anticipated expenditures necessary for completion of the requested activities of the Commission anticipated to occur during the applicable fiscal year.

(2) RESTRICTION.—Budget authority granted to the Commission for purposes of the requested activities of the Commission shall be used, to the maximum extent practicable, solely for conducting requested activities of the Commission.

(3) LIMITATION ON CORPORATE SUPPORT COSTS.—With respect to the annual budget justification submitted to Congress, corporate support costs, to the maximum extent practicable, shall not exceed the following percentages of the total budget authority of the Commission requested in the annual budget justification:

(A) 30 percent for each of fiscal years 2021 and 2022.

(B) 29 percent for each of fiscal years 2023 and 2024.

(C) 28 percent for fiscal year 2025 and each fiscal year thereafter.

(b) FEES AND CHARGES.—

(1) ANNUAL ASSESSMENT.—

(A) IN GENERAL.—Each fiscal year, the Commission shall assess and collect fees and charges in accordance with paragraphs (2) and (3) in a manner that ensures that, to the maximum extent practicable, the amount assessed and collected is equal to an amount that approximates—

(i) the total budget authority of the Commission for that fiscal year; less

(ii) the budget authority of the Commission for the activities described in subparagraph (B).

(B) EXCLUDED ACTIVITIES DESCRIBED.—The activities referred to in subparagraph (A)(ii) are the following:

(i) Any fee relief activity, as identified by the Commission.

(ii) Amounts appropriated for a fiscal year to the Commission—

(I) from the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c));

(II) for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2601 note; Public Law 108–375);

(III) for the homeland security activities of the Commission (other than for the costs of

fingerprinting and background checks required under section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) and the costs of conducting security inspections);

(IV) for the Inspector General services of the Commission provided to the Defense Nuclear Facilities Safety Board;

(V) for research and development at universities in areas relevant to the mission of the Commission; and

(VI) for a nuclear science and engineering grant program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

(iii) Costs for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, including activities required under section 103.

(C) EXCEPTION.—The exclusion described in subparagraph (B)(iii) shall cease to be effective on January 1, 2031.

(D) REPORT.—Not later than December 31, 2029, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the views of the Commission on the continued appropriateness and necessity of the funding described in subparagraph (B)(iii).

(2) FEES FOR SERVICE OR THING OF VALUE.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.

(3) ANNUAL CHARGES.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (D), the Commission may charge to any licensee or certificate holder of the Commission an annual charge in addition to the fees assessed and collected under paragraph (2).

(B) CAP ON ANNUAL CHARGES OF CERTAIN LICENSEES.—

(i) OPERATING REACTORS.—The annual charge under subparagraph (A) charged to an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the final rule of the Commission entitled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015" (80 Fed. Reg. 37432 (June 30, 2015)), as may be adjusted annually by the Commission to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(ii) WAIVER.—The Commission may waive, for a period of 1 year, the cap on annual charges described

Time period.
Determination.

in clause (i) if the Commission submits to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a written determination that the cap on annual charges may compromise the safety and security mission of the Commission.

(C) AMOUNT PER LICENSEE.—

Regulations.

(i) IN GENERAL.—The Commission shall establish by rule a schedule of annual charges fairly and equitably allocating the aggregate amount of charges described in subparagraph (A) among licensees and certificate holders.

(ii) REQUIREMENT.—The schedule of annual charges under clause (i)—

(I) to the maximum extent practicable, shall be reasonably related to the cost of providing regulatory services; and

(II) may be based on the allocation of the resources of the Commission among licensees or certificate holders or classes of licensees or certificate holders.

(D) EXEMPTION.—

(i) DEFINITION OF RESEARCH REACTOR.—In this subparagraph, the term "research reactor" means a nuclear reactor that—

(I) is licensed by the Commission under section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) for operation at a thermal power level of not more than 10 megawatts; and

(II) if licensed under subclause (I) for operation at a thermal power level of more than 1 megawatt, does not contain—

(aa) a circulating loop through the core in which the licensee conducts fuel experiments;

(bb) a liquid fuel loading; or

(cc) an experimental facility in the core in excess of 16 square inches in cross-section.

(ii) EXEMPTION.—Subparagraph (A) shall not apply to the holder of any license for a federally owned research reactor used primarily for educational training and academic research purposes.

Deadlines.

(c) PERFORMANCE AND REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall develop for the requested activities of the Commission—

(A) performance metrics; and

(B) milestone schedules.

(2) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION.—The Executive Director for Operations of the Commission shall inform the Commission of a delay in issuance of the final safety evaluation for a requested activity of the Commission by the completion date required by the performance metrics or milestone schedule under paragraph (1) by not later than 30 days after the completion date.

(3) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION EXCEEDING 180 DAYS.—If the final safety evaluation for the requested activity of the Commission described in paragraph (2) is not completed by the date that is 180 days after the completion date required by the performance metrics or milestone schedule under paragraph (1), the Commission shall submit to the appropriate congressional committees a timely report describing the delay, including a detailed explanation accounting for the delay and a plan for timely completion of the final safety evaluation.

(d) ACCURATE INVOICING.—With respect to invoices for fees described in subsection (b)(2), the Commission shall—

(1) ensure appropriate review and approval prior to the issuance of invoices;

(2) develop and implement processes to audit invoices to ensure accuracy, transparency, and fairness; and Audits.

(3) modify regulations to ensure fair and appropriate processes to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in invoices for those fees. Regulations.

(e) REPORT.—Not later than September 30, 2021, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the implementation of this section, including any impacts and recommendations for improvement. Recommendations.

(f) EFFECTIVE DATE.—Except as provided in subsection (c), this section takes effect on October 1, 2020.

SEC. 103. ADVANCED NUCLEAR REACTOR PROGRAM.

(a) LICENSING.—

(1) STAGED LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 270 days after the date of enactment of this Act, the Commission shall develop and implement, within the existing regulatory framework, strategies for— Deadlines. Strategies. 42 USC 2133 note.

(A) establishing stages in the licensing process for commercial advanced nuclear reactors; and

(B) developing procedures and processes for— Procedures.

(i) using a licensing project plan; and

(ii) optional use of a conceptual design assessment.

(2) RISK-INFORMED LICENSING.—Not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement, where appropriate, strategies for the increased use of risk-informed, performance-based licensing evaluation techniques and guidance for commercial advanced nuclear reactors within the existing regulatory framework, including evaluation techniques and guidance for the resolution of the following: Guidance.

(A) Applicable policy issues identified during the course of review by the Commission of a commercial advanced nuclear reactor licensing application.

(B) The issues described in SECY–93–092 and SECY–15–077, including—

(i) licensing basis event selection and evaluation;

(ii) source terms;

(iii) containment performance; and

(iv) emergency preparedness.

Guidance.

(3) RESEARCH AND TEST REACTOR LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement strategies within the existing regulatory framework for licensing research and test reactors, including the issuance of guidance.

Regulations.

(4) TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—Not later than December 31, 2027, the Commission shall complete a rulemaking to establish a technology-inclusive, regulatory framework for optional use by commercial advanced nuclear reactor applicants for new reactor license applications.

(5) TRAINING AND EXPERTISE.—As soon as practicable after the date of enactment of this Act, the Commission shall provide for staff training or the hiring of experts, as necessary—

(A) to support the activities described in paragraphs (1) through (4); and

(B) to support preparations—

(i) to conduct pre-application interactions; and

(ii) to review commercial advanced nuclear reactor license applications.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission to carry out this subsection $14,420,000 for each of fiscal years 2020 through 2024.

(b) REPORT TO ESTABLISH STAGES IN THE COMMERCIAL ADVANCED NUCLEAR REACTOR LICENSING PROCESS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for expediting and establishing stages in the licensing process for commercial advanced nuclear reactors that will allow implementation of the licensing process by not later than 2 years after the date of enactment of this Act (referred to in this subsection as the "report").

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATES.—The report shall include proposed cost estimates, budgets, and timeframes for implementing strategies to establish stages in the licensing process for commercial advanced nuclear reactor technologies.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A)(i) the unique aspects of commercial advanced nuclear reactor licensing, including the use of alternative coolants, operation at or near atmospheric pressure, and the use of passive safety strategies;

(ii) strategies for the qualification of advanced nuclear reactor fuel, including the use of computer modeling and simulation and experimental validation; and

(iii) for the purposes of predictable, efficient, and timely reviews, any associated legal, regulatory, and policy issues the Commission should address with regard to the licensing of commercial advanced nuclear reactor technologies;

(B) options for licensing commercial advanced nuclear reactors under the regulations of the Commission contained in title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act), including—

(i) the development and use under the regulatory framework of the Commission in effect on the date of enactment of this Act of a licensing project plan that could establish—

(I) milestones that—

(aa) correspond to stages of a licensing process for the specific situation of a commercial advanced nuclear reactor project; and

(bb) use knowledge of the ability of the Commission to review certain design aspects; and

(II) guidelines defining the roles and responsibilities between the Commission and the applicant at the onset of the interaction—

(aa) to provide the foundation for effective communication and effective project management; and

(bb) to ensure efficient progress;

(ii) the use of topical reports, standard design approval, and other appropriate mechanisms as tools to introduce stages into the commercial advanced nuclear reactor licensing process, including how the licensing project plan might structure the use of those mechanisms;

(iii) collaboration with standards-setting organizations to identify specific technical areas for which new or updated standards are needed and providing assistance if appropriate to ensure the new or updated standards are developed and finalized in a timely fashion;

(iv) the incorporation of consensus-based codes and standards developed under clause (iii) into the regulatory framework—

(I) to provide predictability for the regulatory processes of the Commission; and

(II) to ensure timely completion of specific licensing actions;

(v) the development of a process for, and the use of, conceptual design assessments; and

(vi) identification of any policies and guidance for staff that will be needed to implement clauses (i) and (ii);

(C) options for improving the efficiency, timeliness, and cost-effectiveness of licensing reviews of commercial advanced nuclear reactors, including opportunities to minimize the delays that may result from any necessary amendment or supplement to an application;

(D) options for improving the predictability of the commercial advanced nuclear reactor licensing process, including the evaluation of opportunities to improve the process by which application review milestones are established and met; and

(E) the extent to which Commission action or modification of policy is needed to implement any part of the report.

(c) REPORT TO INCREASE THE USE OF RISK-INFORMED AND PERFORMANCE-BASED EVALUATION TECHNIQUES AND REGULATORY GUIDANCE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for increasing, where appropriate, the use of risk-informed and performance-based evaluation techniques and regulatory guidance in licensing commercial advanced nuclear reactors within the existing regulatory framework (referred to in this subsection as the "report").

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATE.—The report shall include proposed cost estimates, budgets, and timeframes for implementing a strategy to increase the use of risk-informed and performance-based evaluation techniques and regulatory guidance in licensing commercial advanced nuclear reactors.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the ability of the Commission to develop and implement, where appropriate, risk-informed and performance-based licensing evaluation techniques and guidance for commercial advanced nuclear reactors within existing regulatory frameworks not later than 2 years after the date of enactment of this Act, including policies and guidance for the resolution of—

(i) issues relating to—

(I) licensing basis event selection and evaluation;

(II) use of mechanistic source terms;

(III) containment performance;

(IV) emergency preparedness; and

(V) the qualification of advanced nuclear reactor fuel; and

(ii) other policy issues previously identified; and

(B) the extent to which Commission action is needed to implement any part of the report.

(d) REPORT TO PREPARE THE RESEARCH AND TEST REACTOR LICENSING PROCESS.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report for preparing the licensing process for research and test reactors within the existing regulatory framework (referred to in this subsection as the "report").

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATES.—The report shall include proposed cost estimates, budgets, and timeframes for preparing the licensing process for research and test reactors.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the unique aspects of research and test reactor licensing and any associated legal, regulatory, and policy issues the Commission should address to prepare the licensing process for research and test reactors;

(B) the feasibility of developing guidelines for advanced reactor demonstrations and prototypes to support the review process for advanced reactors designs, including designs that use alternative coolants or alternative fuels, operate at or near atmospheric pressure, and use passive safety strategies; and

(C) the extent to which Commission action or modification of policy is needed to implement any part of the report.

(e) REPORT TO COMPLETE A RULEMAKING TO ESTABLISH A TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR OPTIONAL USE BY COMMERCIAL ADVANCED NUCLEAR REACTOR TECHNOLOGIES IN NEW REACTOR LICENSE APPLICATIONS AND TO ENHANCE COMMISSION EXPERTISE RELATING TO ADVANCED NUCLEAR REACTOR TECHNOLOGIES.—

(1) REPORT REQUIRED.—Not later than 30 months after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report (referred to in this subsection as the "report") for—

(A) completing a rulemaking to establish a technology-inclusive regulatory framework for optional use by applicants in licensing commercial advanced nuclear reactor technologies in new reactor license applications; and

(B) ensuring that the Commission has adequate expertise, modeling, and simulation capabilities, or access to those capabilities, to support the evaluation of commercial advanced reactor license applications, including the qualification of advanced nuclear reactor fuel.

(2) COORDINATION AND STAKEHOLDER INPUT.—In developing the report, the Commission shall seek input from the Secretary, the nuclear energy industry, a diverse set of technology developers, and other public stakeholders.

(3) COST AND SCHEDULE ESTIMATE.—The report shall include proposed cost estimates, budgets, and timeframes for developing and implementing a technology-inclusive regulatory framework for licensing commercial advanced nuclear reactor technologies, including completion of a rulemaking.

(4) REQUIRED EVALUATIONS.—Consistent with the role of the Commission in protecting public health and safety and common defense and security, the report shall evaluate—

(A) the ability of the Commission to complete a rulemaking to establish a technology-inclusive regulatory framework for licensing commercial advanced nuclear reactor technologies by December 31, 2027;

(B) the extent to which additional legislation, or Commission action or modification of policy, is needed to implement any part of the new regulatory framework;

(C) the need for additional Commission expertise, modeling, and simulation capabilities, or access to those capabilities, to support the evaluation of licensing applications for commercial advanced nuclear reactors and research and test reactors, including applications that use alternative coolants or alternative fuels, operate at or near atmospheric pressure, and use passive safety strategies; and

(D) the budgets and timeframes for acquiring or accessing the necessary expertise to support the evaluation of license applications for commercial advanced nuclear reactors and research and test reactors.

SEC. 104. BAFFLE-FORMER BOLT GUIDANCE.

Deadline. Publication.

(a) REVISIONS TO GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Commission shall publish any necessary revisions to the guidance on the baseline examination schedule and subsequent examination frequency for baffle-former bolts in pressurized water reactors with down-flow configurations.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees—

(1) a report explaining any revisions made to the guidance described in subsection (a); or

(2) if no revisions were made, a report explaining why the guidance, as in effect on the date of submission of the report, is sufficient.

SEC. 105. EVACUATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report describing the actions the Commission has taken, or plans to take, to consider lessons learned since September 11, 2001, Superstorm Sandy, Fukushima, and other recent natural disasters regarding directed or spontaneous evacuations in densely populated urban and suburban areas.

(b) INCLUSIONS.—The report under subsection (a) shall—

(1) describe the actions of the Commission—

(A) to consider the results from—

(i) the State-of-the-Art Reactor Consequence Analyses project; and

(ii) the current examination by the Commission of emergency planning zones for small modular reactors and advanced nuclear reactors; and

(B) to monitor international reviews, including reviews conducted by—

(i) the United Nations Scientific Committee on the Effects of Atomic Radiation;

(ii) the World Health Organization; and

(iii) the Fukushima Health Management Survey; and

(2) with respect to a disaster similar to a disaster described in subsection (a), include information about—

(A) potential shadow evacuations in response to the disaster; and

(B) what levels of self-evacuation should be expected during the disaster, including outside the 10-mile evacuation zone.

(c) CONSULTATION REQUIRED.—The report under subsection (a) shall be prepared after consultation with—

(1) the Federal Radiological Preparedness Coordinating Committee;

(2) State emergency planning officials from States that the Commission determines to be relevant to the report; and

(3) experts in analyzing human behavior and probable responses to a radiological emission event.

SEC. 106. ENCOURAGING PRIVATE INVESTMENT IN RESEARCH AND TEST REACTORS.

42 USC 2134 note.

(a) PURPOSE.—The purpose of this section is to encourage private investment in research and test reactors.

(b) RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) is amended—

(1) in the first sentence, by striking "and which are not facilities of the type specified in subsection 104 b." and inserting a period; and

(2) by adding at the end the following: "The Commission is authorized to issue licenses under this section for utilization facilities useful in the conduct of research and development activities of the types specified in section 31 in which the licensee sells research and testing services and energy to others, subject to the condition that the licensee shall recover not more than 75 percent of the annual costs to the licensee of owning and operating the facility through sales of nonenergy services, energy, or both, other than research and development or education and training, of which not more than 50 percent may be through sales of energy.".

Licensing.

SEC. 107. COMMISSION REPORT ON ACCIDENT TOLERANT FUEL.

(a) DEFINITION OF ACCIDENT TOLERANT FUEL.—In this section, the term "accident tolerant fuel" means a new technology that—

(1) makes an existing commercial nuclear reactor more resistant to a nuclear incident (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)); and

(2) lowers the cost of electricity over the licensed lifetime of an existing commercial nuclear reactor.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report describing the status of the licensing process of the Commission for accident tolerant fuel.

SEC. 108. REPORT IDENTIFYING BEST PRACTICES FOR ESTABLISHMENT AND OPERATION OF LOCAL COMMUNITY ADVISORY BOARDS.

(a) BEST PRACTICES REPORT.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to Congress, and make publicly available, a report identifying best practices with respect to the establishment and operation of a local community advisory board to foster communication and information exchange between a licensee planning for and involved in decommissioning activities and members of the community that decommissioning activities may affect, including lessons learned

Public information.

from any such board in existence before the date of enactment of this Act.

(b) CONTENTS.—The report described in subsection (a) shall include—

(1) a description of—

(A) the topics that could be brought before a local community advisory board;

(B) how such a board's input could be used to inform the decision-making processes of stakeholders for various decommissioning activities;

(C) what interactions such a board could have with the Commission and other Federal regulatory bodies to support the board members' overall understanding of the decommissioning process and promote dialogue between the affected stakeholders and the licensee involved in decommissioning activities; and

(D) how such a board could offer opportunities for public engagement throughout all phases of the decommissioning process;

(2) a discussion of the composition of a local community advisory board; and

(3) best practices relating to the establishment and operation of a local community advisory board, including—

(A) the time of establishment of such a board;

(B) the frequency of meetings of such a board;

(C) the selection of board members;

(D) the term of board members;

(E) the responsibility for logistics required to support such a board's meetings and other routine activities; and

(F) any other best practices relating to such a local community advisory board that are identified by the Commission.

(c) CONSULTATION.—In developing the report described under subsection (a), the Commission shall consult with any host State, any community within the emergency planning zone of an applicable nuclear power reactor, and any existing local community advisory board.

(d) PUBLIC MEETINGS.—

(1) IN GENERAL.—The consultation required under subsection (c) shall include public meetings.

(2) PUBLIC PARTICIPATION.—The public meetings under paragraph (1) shall be conducted under the requirements applicable to category 3 meetings under the policy statement of the Commission entitled "Enhancing Public Participation in NRC Meetings; Policy Statement" (67 Fed. Reg. 36920 (May 28, 2002)) (or a successor policy statement).

(3) NUMBER OF MEETINGS.—

(A) IN GENERAL.—The Commission shall conduct not less than 10 public meetings under paragraph (1) in locations that ensure geographic diversity across the United States.

(B) PRIORITY.—In determining locations in which to conduct a public meeting under subparagraph (A), the Commission shall give priority to States that—

(i) have a nuclear power reactor currently undergoing the decommissioning process; and

(ii) request a public meeting under this paragraph.

(4) WRITTEN SUMMARY.—The report under subsection (a) shall include a written summary of the public meetings conducted under paragraph (1).

SEC. 109. REPORT ON STUDY RECOMMENDATIONS.

Not later than 90 days after the date of enactment of this Act, the Commission shall submit to Congress a report describing the status of addressing and implementing the recommendations contained in the memorandum of the Executive Director of Operations of the Commission entitled "Tasking in Response to the Assessment of the Considerations Identified in a 'Study of Reprisal and Chilling Effect for Raising Mission-Related Concerns and Differing Views at the Nuclear Regulatory Commission'" and dated June 19, 2018 (ADAMS Accession No.: ML18165A296).

TITLE II—URANIUM

SEC. 201. URANIUM RECOVERY REPORT.

Not later than 90 days after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report describing—

(1) the duration of uranium recovery license issuance and amendment reviews; and

(2) recommendations to improve efficiency and transparency of uranium recovery license issuance and amendment reviews. Recommendations.

SEC. 202. PILOT PROGRAM FOR URANIUM RECOVERY FEES.

Not later than 1 year after the date of enactment of this Act, the Commission shall— Deadline.

(1) complete a voluntary pilot initiative to determine the feasibility of the establishment of a flat fee structure for routine licensing matters relating to uranium recovery; and

(2) provide to the appropriate congressional committees a report describing the results of the pilot initiative under paragraph (1). Reports.

Approved January 14, 2019.

LEGISLATIVE HISTORY—S. 512:

SENATE REPORTS: No. 115–86 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 20, considered and passed Senate.
Dec. 21, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):
Jan. 14, Presidential statement.

Public Law 115–440
115th Congress

An Act

Jan. 14, 2019
[S. 1023]

To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2021, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tropical Forest Conservation Reauthorization Act of 2018.
22 USC 2151 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tropical Forest Conservation Reauthorization Act of 2018".

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment to short title of Act to encompass modified scope.
Sec. 3. Protection of tropical forests and coral reefs.
Sec. 4. Change to name of facility.
Sec. 5. Eligibility for benefits.
Sec. 6. Reduction of debt owed to the United States as a result of credits extended under title I of Food for Peace Act.
Sec. 7. United States Government representation on oversight bodies for grants from debt-for-nature swaps and debt buybacks.
Sec. 8. Conservation agreements.
Sec. 9. Conservation Fund.
Sec. 10. Changes to due dates of annual reports to Congress.
Sec. 11. New authorization of appropriations for the reduction of debt and authorization for audit, evaluation, monitoring, and administration expenses.

SEC. 2. AMENDMENT TO SHORT TITLE OF ACT TO ENCOMPASS MODIFIED SCOPE.

(a) IN GENERAL.—Section 801 of the Tropical Forest Conservation Act of 1998 (part V of Public Law 87–195; 22 U.S.C. 2151 note) is amended by striking "Tropical Forest Conservation Act of 1998" and inserting "Tropical Forest and Coral Reef Conservation Act of 1998".

22 USC 2151 note.

(b) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the "Tropical Forest Conservation Act of 1998" shall be deemed to be a reference to the "Tropical Forest and Coral Reef Conservation Act of 1998".

SEC. 3. PROTECTION OF TROPICAL FORESTS AND CORAL REEFS.

(a) IN GENERAL.—Section 802 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431), as renamed by section 2(a), is amended—

(1) in subsections (a)(1), (a)(6), (b)(1), (b)(3), and (b)(4), by striking "tropical forests" each place it appears and inserting "tropical forests and coral reef ecosystems";

(2) in subsection (a)(2)(C), by striking "far-flung";

(3) in subsection (a)(7), by striking "tropical forests is critical to the protection of tropical forests" and inserting "tropical forests and coral reef ecosystems is critical to the protection of such areas"; and

(4) in subsection (b)(2)—

(A) by striking "tropical forests" the first place it appears and inserting "tropical forests and coral ecosystems";

(B) by striking "tropical forests" the second place it appears and inserting "areas"; and

(C) by striking "tropical forests" the third place it appears and inserting "tropical forests and coral reef ecosystems".

(b) AMENDMENTS RELATED TO DEFINITIONS.—Section 803 of such Act (22 U.S.C. 2431a) is amended—

(1) in paragraph (5)—

(A) in the heading, by striking "TROPICAL FOREST" and inserting "TROPICAL FOREST OR CORAL REEF";

(B) in the matter preceding subparagraph (A), by striking "tropical forest" and inserting "tropical forest or coral reef"; and

(C) in subparagraph (B)—

(i) by striking "tropical forest" and inserting "tropical forest or coral reef"; and

(ii) by striking "tropical forests" and inserting "tropical forests or coral reefs"; and

(2) by adding at the end the following new paragraphs:

"(10) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

"(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthoza; and

"(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

"(11) CORAL REEF.—The term 'coral reef' means any reef or shoal composed primarily of coral.

"(12) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means any coral reef and any coastal marine ecosystem surrounding, or directly related to, a coral reef and important to maintaining the ecological integrity of that coral reef, such as seagrasses, mangroves, sandy seabed communities, and immediately adjacent coastal areas.".

SEC. 4. CHANGE TO NAME OF FACILITY.

(a) IN GENERAL.—Section 804 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431b), as renamed by section 2(a), is amended by striking "Tropical Forest Facility" and inserting "Conservation Facility".

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(8) of such Act (22 U.S.C. 2431a(8)) is amended—

(1) in the heading, by striking "TROPICAL FOREST FACILITY" and inserting "CONSERVATION FACILITY"; and

(2) by striking "Tropical Forest Facility" both places it appears and inserting "Conservation Facility".

22 USC 2431b note.

(c) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the "Tropical Forest Facility" shall be deemed to be a reference to the "Conservation Facility".

SEC. 5. ELIGIBILITY FOR BENEFITS.

Section 805(a) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431c(a)), as renamed by section 2(a), is amended—

(1) by striking "tropical forest" and inserting "tropical forest or coral reef";

(2) by redesignating paragraph (2) as paragraph (7); and

(3) by striking paragraph (1) and inserting the following new paragraphs:

"(1) whose government is democratically elected;

"(2) whose government has not repeatedly provided support for acts of international terrorism;

"(3) whose government is not failing to cooperate on international narcotics control matters;

"(4) whose government (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights;

President. Determinations.

"(5) that has in effect, has received approval for, or is making significant progress toward—

"(A) an International Monetary Fund standby arrangement, extended Fund arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or a Fund monitored program, or is implementing sound macroeconomic policies, unless the President determines that such an arrangement or program could reasonably be expected to have significant adverse social or environmental effect; and

"(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association, unless the President determines that the resulting adjustment requirements could reasonably be expected to have significant adverse social or environmental effects;

"(6) if appropriate, has agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction; and".

SEC. 6. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF FOOD FOR PEACE ACT.

Section 807(a)(1) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431e(a)(1)), as renamed by section 2(a), is amended by striking "outstanding as of January 1, 1998," and inserting "outstanding as of the date of the enactment of the Tropical Forest Conservation Reauthorization Act of 2018".

SEC. 7. UNITED STATES GOVERNMENT REPRESENTATION ON OVERSIGHT BODIES FOR GRANTS FROM DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

Section 808(a)(5) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431f(a)(5)), as renamed by section 2(a), is amended by adding at the end the following new subparagraph:

"(C) UNITED STATES GOVERNMENT REPRESENTATION ON THE ADMINISTERING BODY.—One or more individuals appointed by the United States Government shall serve in an official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buyback regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.".

SEC. 8. CONSERVATION AGREEMENTS.

(a) RENAMING OF AGREEMENTS.—Section 809 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431g), as renamed by section 2(a), is amended—

(1) in the section heading, by striking "**TROPICAL FOREST AGREEMENT**" and inserting "**CONSERVATION AGREEMENT**"; and

(2) in subsection (a)—

(A) by striking "AUTHORITY" and all that follows through "(1) IN GENERAL.—The Secretary" and inserting "AUTHORITY.—The Secretary"; and

(B) by striking "Tropical Forest Agreement" and inserting "Conservation Agreement".

(b) ELIMINATION OF REQUIREMENT TO CONSULT WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—Such subsection is further amended by striking paragraph (2).

(c) ROLE OF BENEFICIARY COUNTRIES.—Such section is further amended—

(1) in subsection (e)(1)(C), by striking "in exceptional circumstances, the government of the beneficiary country" and inserting "in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)"; and

(2) by amending subsection (f) to read as follows:

"(f) REVIEW OF LARGER GRANTS.—Any grant of more than $250,000 from a Fund must be approved by the Government of the United States and the government of the beneficiary country.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2)(A)(i), by inserting "to serve in an official capacity" after "Government"; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "tropical forests" and inserting "tropical forests and coral reef ecosystems";

(B) in paragraph (5), by striking "tropical forest"; and

(C) in paragraph (6), by striking "living in or near a tropical forest in a manner consistent with protecting such tropical forest" and inserting "dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources".

(e) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(7) of such Act (22 U.S.C. 2431a(7)) is amended—

(1) in the heading, by striking "TROPICAL FOREST AGREEMENT" and inserting "CONSERVATION AGREEMENT"; and

(2) by striking "Tropical Forest Agreement" both places it appears and inserting "Conservation Agreement".

SEC. 9. CONSERVATION FUND.

(a) IN GENERAL.—Section 810 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431h), as renamed by section 2(a), is amended—

(1) in the section heading, by striking "**TROPICAL FOREST FUND**" and inserting "**CONSERVATION FUND**"; and

(2) in subsection (a)—

(A) by striking "Tropical Forest Agreement" and inserting "Conservation Agreement"; and

(B) by striking "Tropical Forest Fund" and inserting "Conservation Fund".

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Such Act is further amended—

(1) in section 803(9) (22 U.S.C. 2431a(9))—

(A) in the heading, by striking "TROPICAL FOREST FUND" and inserting "CONSERVATION FUND"; and

(B) by striking "Tropical Forest Fund" both places it appears and inserting "Conservation Fund";

(2) in section 806(c)(2) (22 U.S.C. 2431d(c)(2)), by striking "Tropical Forest Fund" and inserting "Conservation Fund"; and

(3) in section 807(c)(2) (22 U.S.C. 2431e(c)(2)), by striking "Tropical Forest Fund" and inserting "Conservation Fund".

SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO CONGRESS.

Section 813 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431k), as renamed by section 2(a), is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—Not later than December 31" and inserting "Not later than April 15"; and

(B) by striking "fiscal year" both places it appears and inserting "calendar year"; and

(2) by striking subsection (b).

SEC. 11. NEW AUTHORIZATION OF APPROPRIATIONS FOR THE REDUCTION OF DEBT AND AUTHORIZATION FOR AUDIT, EVALUATION, MONITORING, AND ADMINISTRATION EXPENSES.

Section 806 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d), as renamed by section 2(a), is amended—

(1) in subsection (d), by adding at the end the following new paragraphs:

"(7) $20,000,000 for fiscal year 2019.

"(8) $20,000,000 for fiscal year 2020."; and

(2) by amending subsection (e) to read as follows:

"(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Of the amounts made available to carry out this part for a fiscal year, $300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including

personnel costs associated with such audits, evaluations, monitoring and administration.".

Approved January 14, 2019.

LEGISLATIVE HISTORY—S. 1023:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 19, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–441
115th Congress

An Act

Jan. 14, 2019
[S. 1158]

To help prevent acts of genocide and other atrocity crimes, which threaten national and international security, by enhancing United States Government capacities to prevent, mitigate, and respond to such crises.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Elie Wiesel Genocide and Atrocities Prevention Act of 2018.
22 USC 2651 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elie Wiesel Genocide and Atrocities Prevention Act of 2018".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the United States Government's efforts at atrocity prevention and response through interagency coordination, such as the Atrocities Prevention Board (referred to in this Act as the "Board") or successor entity are critically important, and that appropriate officials of the United States Government should—

(1) meet regularly to monitor developments throughout the world that heighten the risk of atrocities;

(2) identify any gaps in United States foreign policy concerning regions or particular countries related to atrocity prevention and response;

(3) facilitate the development and implementation of policies to enhance the capacity of the United States to prevent and respond to atrocities worldwide;

(4) provide the President and Congress with recommendations to improve policies, programs, resources, and tools related to atrocity prevention and response;

(5) conduct outreach, including consultations, not less frequently than biannually, with representatives of nongovernmental organizations and civil society dedicated to atrocity prevention and response;

(6) operate with regular consultation and participation of designated interagency representatives of relevant Federal agencies, executive departments, or offices; and

(7) ensure resources are made available for the policies, programs, and tools related to atrocity prevention and response.

22 USC 2656 note.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) regard the prevention of atrocities as in its national interest;

(2) work with partners and allies, including to build their capacity, and enhance the capacity of the United States, to

identify, prevent, and respond to the causes of atrocities, including insecurity, mass displacement, violent conflict, and other conditions that may lead to such atrocities; and

(3) pursue a United States Government-wide strategy to identify, prevent, and respond to the risk of atrocities by—

(A) strengthening the diplomatic, risk analysis and monitoring, strategic planning, early warning, and response capacities of the Government;

(B) improving the use of foreign assistance to respond early, effectively, and urgently in order to address the causes of atrocities;

(C) strengthening diplomatic response and the effective use of foreign assistance to support appropriate transitional justice measures, including criminal accountability, for past atrocities;

(D) supporting and strengthening local civil society, including human rights defenders and others working to help prevent and respond to atrocities;

(E) promoting financial transparency and enhancing anti-corruption initiatives as part of addressing causes of conditions that may lead to atrocities; and

(F) employing a variety of unilateral, bilateral, and multilateral means to prevent and respond to atrocities by—

(i) placing a high priority on timely, preventive diplomatic efforts; and

(ii) exercising leadership in promoting international efforts to prevent atrocities.

SEC. 4. TRAINING OF FOREIGN SERVICE OFFICERS IN CONFLICT AND ATROCITIES PREVENTION.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended in subsection (a)(1)—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) for Foreign Service Officers who will be assigned to a country experiencing or at risk of mass atrocities, as determined by the Secretary of State, in consultation with the Director of National Intelligence and relevant civil society organizations, instruction on recognizing patterns of escalation and early warning signs of potential atrocities, and methods of preventing and responding to atrocities, including conflict assessment methods, peacebuilding, mediation for prevention, early action and response, and appropriate transitional justice measures to address atrocities.".

Determination.
Consultation.

SEC. 5. REPORTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for the following six years, the President shall transmit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report, with a classified annex if necessary, that includes—

President.

Review. Consultation.

(1) a review, in consultation with appropriate interagency representatives, including the Board, consisting of a detailed description of—

Analysis.

(A) current efforts to prevent and respond to atrocities, based on United States and locally identified indicators, including an analysis of capacities and constraints for interagency detection, early warning and response, information-sharing, contingency planning, and coordination;

Recommendations.

(B) recommendations to further strengthen United States capabilities described in subparagraph (A);

(C) funding expended by relevant Federal departments and agencies on atrocities prevention activities, including appropriate transitional justice measures and the legal, procedural, and resource constraints faced by the Department of State and the United States Agency for International Development throughout respective budgeting, strategic planning, and management cycles regarding support for atrocity prevention activities;

Assessment.

(D) a global assessment of ongoing atrocities, including the findings of such assessment and, where relevant, the efficacy of any steps taken by the Board or relevant Federal agency to respond to such atrocities;

(E) countries and regions at risk of atrocities, including a description of specific risk factors, at-risk groups, and likely scenarios in which atrocities would occur; and

(F) the atrocities prevention training for Foreign Service officers authorized under subparagraph (D) of section 708(a)(1) of the Foreign Service Act of 1980, as added by section 4;

Recommendations.

(2) recommendations to ensure shared responsibility by—

(A) enhancing multilateral mechanisms for preventing atrocities, including strengthening the role of international organizations and international financial institutions in conflict prevention, mitigation, and response; and

(B) strengthening relevant regional organizations;

(3) the implementation status of the recommendations contained in the previous review required by this section; and

(4) identification of the Federal agencies and civil society, academic, and nongovernmental organizations and institutions consulted for preparation of such report.

(b) CONSIDERATION OF RECOMMENDATIONS.—The preparation of the report required by subsection (a) shall include a consideration of analysis, reporting, and policy recommendations to prevent and respond to atrocities produced by civil society, academic, and other nongovernmental organizations and institutions.

(c) AVAILABILITY TO CONGRESS.—The report required by subsection (a) shall be made available to all members of Congress.

22 USC 2656 note.

SEC. 6. DEFINITIONS.

In this Act—

(1) the term "genocide" means an offense under subsection (a) of section 1091 of title 18, United States Code;

(2) the term "atrocities" means war crimes, crimes against humanity, and genocide;

(3) the term "transitional justice" means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed

conflict or repressive regimes to redress legacies of atrocities and to promote long-term, sustainable peace; and

(4) the term "war crime" has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 7. RULE OF CONSTRUCTION.

22 USC 2656 note.

Nothing in this Act shall be construed as authorizing the use of military force.

Approved January 14, 2019.

LEGISLATIVE HISTORY—S. 1158 (H.R. 3030):

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 12, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–442
115th Congress

An Act

Jan. 14, 2019
[S. 1580]

To enhance the transparency, improve the coordination, and intensify the impact of assistance to support access to primary and secondary education for displaced children and persons, including women and girls, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Girls' Access to Education in Vulnerable Settings Act.
22 USC 2151 note.
22 USC 2151c–1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Girls' Access to Education in Vulnerable Settings Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) As of June 2018, more than 68,000,000 people have been displaced by disasters and conflicts around the world, the highest number recorded since the end of World War II, of which more than 25,000,000 people are refugees.

(2) More than half of the population of refugees are children and, according to the United Nations High Commissioner for Refugees, nearly 4,000,000 school-aged refugee children lack access to primary education.

(3) Education offers socioeconomic opportunities, psychological stability, and physical protection for displaced people, particularly for women and girls, who might otherwise be vulnerable to severe forms of trafficking in persons (as such term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)), child marriage, sexual exploitation, or economic disenfranchisement.

(4) Displaced children face considerable barriers to accessing educational services and, because the duration of such displacement is, on average, 26 years, such children may spend the entirety of their childhood without access to such services.

(5) Despite the rising need for educational services, as of 2016, less than two percent of humanitarian aid was directed toward educational services.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is critical to ensure that children, particularly girls, displaced by conflicts overseas are able to access educational services because such access can combat extremism and reduce exploitation and poverty; and

(2) the educational needs of vulnerable women and girls should be considered in the design, implementation, and evaluation of related United States foreign assistance policies and programs.

SEC. 4. STATEMENT OF POLICY.

22 USC 2151c–1 note.

It is the policy of the United States to—

(1) partner with and encourage other countries, public and private multilateral institutions, and nongovernmental and civil society organizations, including faith-based organizations and organizations representing parents and children, to support efforts to ensure that displaced children have access to safe primary and secondary education;

(2) work with donors to enhance training and capacity-building for the governments of countries hosting significant numbers of displaced people to design, implement, and monitor programs to effectively address barriers to such education; and

(3) coordinate with the governments of countries hosting significant numbers of displaced people to— Coordination.

(A) promote the inclusion of displaced children into the educational systems of such countries; and

(B) in circumstances in which such inclusion is difficult, develop innovative approaches to providing safe primary and secondary educational opportunities, such as encouraging schools to permit children to be educated by extending the hours of schooling or expanding the number of teachers.

SEC. 5. UNITED STATES ASSISTANCE TO SUPPORT EDUCATIONAL SERVICES FOR DISPLACED CHILDREN.

22 USC 2151c–1.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to prioritize and advance ongoing efforts to support programs that—

(1) provide safe primary and secondary education for displaced children;

(2) build the capacity of institutions in countries hosting displaced people to prevent discrimination against displaced children, especially displaced girls, who seek access to such education; and

(3) help increase the access of displaced children, especially displaced girls, to educational, economic, and entrepreneurial opportunities, including through the governmental authorities responsible for educational or youth services in such host countries.

(b) COORDINATION WITH MULTILATERAL ORGANIZATIONS.—The Secretary and the Administrator are authorized to coordinate with the World Bank, appropriate agencies of the United Nations, and other relevant multilateral organizations to work with governments in other countries to collect relevant data, disaggregated by age and gender, on the ability of displaced people to access education and participate in economic activity, in order to improve the targeting, monitoring, and evaluation of related assistance efforts.

(c) COORDINATION WITH PRIVATE SECTOR AND CIVIL SOCIETY ORGANIZATIONS.—The Secretary and the Administrator are authorized to work with private sector and civil society organizations to promote safe primary and secondary education for displaced children.

22 USC 2151c note.

SEC. 6. REPORT.

The Secretary and the Administrator shall include in the report required under section 7 of the READ Act (division A of Public Law 115–56; 22 U.S.C. 2151c note) a description of any primary or secondary educational services supported by programs for natural or manmade disaster relief or response that specifically address the needs of displaced girls.

Approved January 14, 2019.

LEGISLATIVE HISTORY—S. 1580:

CONGRESSIONAL RECORD, Vol. 164 (2018):
Dec. 12, considered and passed Senate.
Dec. 21, considered and passed House.

PRIVATE LAWS

SECOND SESSION, ONE HUNDRED FIFTEENTH CONGRESS

Private Law 115–1
115th Congress

An Act

To authorize the President to award the Medal of Honor to John L. Canley for acts of valor during the Vietnam War while a member of the Marine Corps.

Jan. 29, 2018
[H.R. 4641]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO JOHN L. CANLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 6248 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 6241 of such title to John L. Canley for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Gunnery Sergeant John L. Canley during combat operations from January 31, 1968, to February 6, 1968, during the Vietnam War as a member of the Marine Corps, for which he was previously awarded the Navy Cross.

Approved January 29, 2018.

CONCURRENT RESOLUTIONS

SECOND SESSION, ONE HUNDRED FIFTEENTH CONGRESS

ENROLLMENT CORRECTION—S. 139

Jan. 18, 2018
[H. Con. Res. 98]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 139, the Secretary of the Senate shall make the following correction: Amend the long title so as to read: "An Act to amend the Foreign Intelligence Surveillance Act of 1978 to improve foreign intelligence collection and the safeguards, accountability, and oversight of acquisitions of foreign intelligence, to extend title VII of such Act, and for other purposes.".

Agreed to January 18, 2018.

ENROLLMENT CORRECTIONS—H.R. 195

Jan. 22, 2018
[S. Con. Res. 33]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 195, the Clerk of the House of Representatives shall make the following corrections:

(1) Insert before section 1 the following:

"DIVISION A—FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017".

(2) In section 1, strike "Act" and insert "division".

(3) Insert before section 2002 the following:

"SEC. 154 (a) Employees furloughed as a result of any lapse in appropriations which begins on or about January 20, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

"(b) For purposes of this section, 'employee' means:

"(1) a Federal employee;

"(2) an employee of the District of Columbia Courts;

"(3) an employee of the Public Defender Service for the District of Columbia; or

"(4) a District of Columbia Government employee.

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

"SEC. 155. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

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

"(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available,

including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

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

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

"(c) The authority under this section applies with respect to any period in fiscal year 2018 (not limited to periods beginning or ending after the date of the enactment of this division) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.".

(4) Insert after section 2002 the following:

"SEC. 2003. For the purposes of division D of Public Law 115–56, the time covered by such division shall be considered to include the period which began on or about January 20, 2018, during which there occurred a lapse in appropriations.".

(5) Amend the title so as to read: "Making further continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes".

Agreed to January 22, 2018.

Jan. 29, 2018
[H. Con. Res. 101]

JOINT SESSION

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 30, 2018, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to January 29, 2018.

FREDERICK DOUGLASS—200TH ANNIVERSARY OF BIRTH CELEBRATION—EMANCIPATION HALL AUTHORIZATION

Feb. 8, 2018
[H. Con. Res. 102]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE 200TH ANNIVERSARY OF BIRTH OF FREDERICK DOUGLASS.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on February 14, 2018, for an event to celebrate the 200th anniversary of the birth of Frederick Douglass.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to February 8, 2018.

ENROLLMENT CORRECTIONS—H.R. 1892

Feb. 9, 2018
[H. Con. Res. 104]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 1892, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike the first section 1 and section 2 immediately following the enacting clause and insert the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the "Bipartisan Budget Act of 2018".

"DIVISION A—HONORING HOMETOWN HEROES ACT

"SECTION 10101. SHORT TITLE.

"This division may be cited as the 'Honoring Hometown Heroes Act'.

"SEC. 10102. PERMITTING THE FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A FIRST RESPONDER SERVING IN THE LINE OF DUTY.

"(a) AMENDMENT.—The sixth sentence of section 7(m) of title 4, United States Code, is amended—

"(1) by striking 'or' after 'possession of the United States' and inserting a comma;

"(2) by inserting 'or the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty,' after 'while serving on active duty,';

"(3) by striking 'and' after 'former officials of the District of Columbia' and inserting a comma; and

"(4) by inserting before the period the following: ', and first responders working in the District of Columbia'.

"(b) FIRST RESPONDER DEFINED.—Such subsection is further amended—

"(1) in paragraph (2), by striking ', United States Code; and' and inserting a semicolon;

"(2) in paragraph (3), by striking the period at the end and inserting '; and'; and

"(3) by adding at the end the following new paragraph:

"'(4) the term "first responder" means a "public safety officer" as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).'.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.".

(2) Strike section 1 immediately preceding division B.

(3) In section 30422(b)(4), strike subparagraphs (A) and (B) and insert the following:

"(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, $500,000 to be allocated—

"(i) in total during the period October 1, 2017 through September 30, 2018; and

"(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

"(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.".

(4) In section 30422(b)(4)(I)(i), insert ", consistent with the rules and regulations of the Senate" before the period at the end.

(5) Strike section 30423 and insert the following:

"SEC. 30423. FUNDING.

"(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for 'Expenses of Inquiries and Investigations' of the Senate, not more than $500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

"(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

"(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.".

(6) In section 30442(b)(4), strike subparagraphs (A) and (B) and insert the following:

"(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date

of enactment of this Act through February 28, 2019, $500,000 to be allocated—

"(i) in total during the period October 1, 2017 through September 30, 2018; and

"(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

"(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.".

(7) In section 30442(b)(4)(I)(i), insert ", consistent with the rules and regulations of the Senate" before the period at the end.

(8) Strike section 30443 and insert the following:q03

"SEC. 30443. FUNDING.

"(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for 'Expenses of Inquiries and Investigations' of the Senate, not more than $500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

"(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

"(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.".

(9) Strike lines 4–8 on page 232 of the amendment and replace with the following:

"(II) a State false claims act, including a State false claims act with qui tam provisions, or".

(10) At the end of division G, strike the following: ".".

"(c) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.".

Agreed to February 9, 2018.

HOLOCAUST DAYS OF REMEMBRANCE CEREMONY—EMANCIPATION HALL AUTHORIZATION

Feb. 26, 2018
[H. Con. Res. 103]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 9, 2018, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to February 26, 2018.

Feb. 26, 2018
[H. Con. Res. 107]

BILLY GRAHAM—LYING IN HONOR—CAPITOL ROTUNDA AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING REVEREND BILLY GRAHAM TO LIE IN HONOR IN ROTUNDA OF CAPITOL.

(a) IN GENERAL.—Reverend Billy Graham shall be permitted to lie in honor in the Rotunda of the Capitol from February 28, 2018, to March 1, 2018.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction and supervision of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take the necessary steps to implement subsection (a).

Agreed to February 26, 2018.

Feb. 28, 2018
[H. Con. Res. 106]

MEMBERS OF THE OFFICE OF STRATEGIC SERVICES—CONGRESSIONAL GOLD MEDAL AWARD CEREMONY—EMANCIPATION HALL AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL TO THE OFFICE OF STRATEGIC SERVICES.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on March 21, 2018, for a ceremony to present the Congressional Gold Medal collectively to the members of the Office of Strategic Services (OSS), in recognition of their superior service and major contributions during World War II.

(b) PREPARATIONS.—Physical preparations for the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to February 28, 2018.

NATIONAL PEACE OFFICERS MEMORIAL SERVICE AND NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION—CAPITOL GROUNDS AUTHORIZATION

Apr. 19, 2018
[H. Con. Res. 115]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF THE CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 37th Annual National Peace Officers Memorial Service (in this resolution referred to as the "Memorial Service"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2017.

(b) DATE OF MEMORIAL SERVICE.—The Memorial Service shall be held on May 15, 2018, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate, with preparation for the event to begin on May 11, 2018, and takedown completed on May 16, 2018.

SEC. 2. USE OF THE CAPITOL GROUNDS FOR NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the National Honor Guard and Pipe Band Exhibition (in this resolution referred to as the "Exhibition"), on the Capitol Grounds, in order to allow law enforcement representatives to exhibit their ability to demonstrate Honor Guard programs and provide for a bagpipe exhibition.

(b) DATE OF EXHIBITION.—The Exhibition shall be held on May 14, 2018, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsors of the Memorial Service and Exhibition shall assume full responsibility for all expenses and liabilities incident to all activities associated with the events.

SEC. 4. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsors referred to in section 3(b) are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the Memorial Service and Exhibition.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the events.

Agreed to April 19, 2018.

KING KAMEHAMEHA I—BIRTHDAY CELEBRATION—EMANCIPATION HALL AUTHORIZATION

May 16, 2018
[H. Con. Res. 112]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA I.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 10, 2018, to celebrate the birthday of King Kamehameha I.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to May 16, 2018.

ENROLLMENT CORRECTION—S. 2372

May 23, 2018
[H. Con. Res. 121]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 2372, the Secretary of the Senate shall make the following correction: Amend the long title so as to read: "An Act to establish a permanent community care program for veterans, to establish a commission for the purpose of making recommendations regarding the modernization or realignment of facilities of the Veterans Health Administration, to improve construction of the Department of Veterans Affairs, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to the home loan program of the Department of Veterans Affairs, and for other purposes.".

Agreed to May 23, 2018.

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

June 5, 2018
[H. Con. Res. 113]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.

(a) IN GENERAL.—The Greater Washington Soap Box Derby Association (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the "event"), on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on June 16, 2018, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

Agreed to June 5, 2018.

2026 FIFA WORLD CUP—CANADA, MEXICO, AND THE UNITED STATES—UNITED BID COMMITTEE—RECOGNITION AND SUPPORT

June 12, 2018
[H. Con. Res. 111]

Whereas soccer is one of the fastest growing and most popular sports in the world and the FIFA World Cup competition is the single most important event in that sport;

Whereas the United States successfully hosted in nine cities throughout the Nation the 1994 FIFA World Cup competition, which was broadcast to billions of fans around the world and set an attendance record of nearly 3.6 million, which remains unbroken today;

Whereas the 1994 FIFA World Cup competition served as a catalyst for the increased popularity and development of the game throughout the United States, as well as the introduction of Major League Soccer, the United States national first division professional soccer league;

Whereas United States Soccer Federation and its counterparts in Canada and Mexico have established a United Bid Committee to prepare and submit an unprecedented joint bid to host the 2026 FIFA World Cup competition in North America;

Whereas Canada, the United States, and Mexico share core beliefs in justice, freedom, equality, and opportunity, and have a long history of partnership, innovation, and growth together on our shared continent;

Whereas for the first time in history the 2026 FIFA World Cup will include teams from 48 nations and presents an opportunity for Canada, Mexico, and the United States as host countries to demonstrate the highest achievable standards and serve as a benchmark for future organizers;

Whereas North America is home to one of the most competitive and advanced professional sports landscapes in the world that is continually updating to take advantage of the latest innovations and modernizations;

Whereas numerous American cities have been named by the United Bid Committee as candidates to serve as hosts to FIFA World Cup matches in 2026, with each of these cities embodying the diversity and enthusiasm shared by the entire Nation and guaranteeing each participating team and its followers a "home team" atmosphere;

Whereas the United States and its neighbors offer FIFA a valuable and receptive market within which to further develop the sport of soccer, which in turn will have significant impact on and off the field in both the United States and throughout the world;

Whereas the United States possesses all necessary state-of-the-art infrastructure in its stadiums and potential host cities to ensure that the competition sets a new standard of quality, comfort, security, and safety for players, officials, spectators, media, and sponsors alike;

Whereas hosting the 2026 FIFA World Cup in Canada, Mexico, and the United States promises record-setting attendance and financial performance, allowing revenues and tourism generated by the competition to be used for the further development of soccer, FIFA's objectives of positive social and environmental change, and further economic growth throughout our Nation;

Whereas hosting the 2026 FIFA World Cup competition in Canada, Mexico, and the United States would serve as a tremendous impetus to national and international goodwill, as the competition would bring people from many nations, along with a diverse public, together under one banner of peace, friendship, and spirited and fair competition;

Whereas the historical tradition of inclusivity in the United States is shared by Canada and Mexico and the three countries are eager to welcome the players, spectators, and visitors who may travel to North America for the 2026 FIFA World Cup games; and

Whereas pursuant to FIFA bidding procedures, the President of the United States and certain Federal agencies have been asked to issue guarantees that upon authorization or appropriation, would establish the conditions required to help make the 2026 FIFA World Cup competition the most successful in history: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and supports the efforts of the United Bid Committee to bring the 2026 FIFA World Cup competition to Canada, Mexico, and the United States;

(2) encourages the President of the United States and appropriate Federal agencies to support the United Bid Committee in its efforts to meet all requirements for the United States to jointly host with Canada and Mexico the 2026 FIFA World Cup competition; and

(3) stands prepared to give full consideration to legislative proposals or other requests by the President to provide support related to the 2026 FIFA World Cup competition, if Canada, Mexico, and the United States are selected to host this event.

Agreed to June 12, 2018.

JOHN SIDNEY MCCAIN III—FUNERAL SERVICES—CATAFALQUE AUTHORIZATION

Aug. 28, 2018
[S. Con. Res. 43]

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed to transfer the catafalque which is situated in the Exhibition Hall of the Capitol Visitor Center to the rotunda of the Capitol so that such catafalque may be used in connection with services to be conducted there for the Honorable John Sidney McCain, III, late a Senator from the State of Arizona and formerly a Representative from that State.

Agreed to August 28, 2018.

JOHN SIDNEY MCCAIN III—LYING IN STATE—CAPITOL ROTUNDA AUTHORIZATION

Aug. 28, 2018
[S. Con. Res. 44]

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by John Sidney McCain, III, a Senator from the State of Arizona and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on August 31 and September 1, 2018, and the Architect of the Capitol, under the direction of the President pro

tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

Agreed to August 28, 2018.

Sept. 13, 2018
[S. Con. Res. 46]

ENROLLMENT CORRECTION—H.R. 5895

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 5895, the Clerk of the House of Representatives shall make the following correction to the title so as to read: "Making consolidated appropriations for Energy and Water Development, the Legislative Branch, Military Construction, Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes.".

Agreed to September 13, 2018.

Sept. 25, 2018
[S. Con. Res. 48]

ENROLLMENT CORRECTIONS—H.R. 1551

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 1551, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: "An Act to modernize copyright law, and for other purposes.".

(2) In section 1(a), strike "Orrin G. Hatch" and insert "Orrin G. Hatch–Bob Goodlatte".

Agreed to September 25, 2018.

Sept. 26, 2018
[S. Con. Res. 47]

ENROLLMENT CORRECTIONS—H.R. 6157

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 6157, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: "Making consolidated appropriations for the Departments of Defense, Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes.".

(2) In section 101(4) of division C, strike "31" and insert "141".

Agreed to September 26, 2018.

ENROLLMENT CORRECTION—S. 2553

Oct. 2, 2018
[S. Con. Res. 49]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 2553, the Secretary of the Senate shall make the following correction:

Amend the title so as to read: "A bill to amend title XVIII of the Social Security Act to prohibit Medicare part D plans from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.".

Agreed to October 2, 2018.

ENROLLMENT CORRECTION—S. 140

Nov. 27, 2018
[S. Con. Res. 51]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of S. 140, an Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, the Secretary of the Senate shall amend the title so as to read: "A bill to authorize appropriations for the Coast Guard, and for other purposes.".

Agreed to November 27, 2018.

GEORGE HERBERT WALKER BUSH—LYING IN STATE—CAPITOL ROTUNDA AUTHORIZATION

Dec. 3, 2018
[S. Con. Res. 55]

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world, by the late George Herbert Walker Bush, the 41st President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from December 3, 2018 until December 5, 2018, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

Agreed to December 3, 2018.

GEORGE HERBERT WALKER BUSH—FUNERAL SERVICES—CATAFALQUE AUTHORIZATION

Dec. 3, 2018
[S. Con. Res. 56]

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed to transfer the catafalque which is situated in the Exhibition Hall of the Capitol Visitor Center to the rotunda of the Capitol so that such catafalque may be used in connection with services to be conducted there for the late George Herbert Walker Bush, 41st President of the United States.

Agreed to December 3, 2018.

Dec. 21, 2018
[H. Con. Res. 148]

ENROLLMENT CORRECTION—S. 3628

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 3628, the Secretary of the Senate shall make the following correction: Strike "November 30, 2018" each place such term appears and insert "December 7, 2018".

Agreed to December 21, 2018.

Dec. 22, 2018
[H. Con. Res. 149]

ENROLLMENT CORRECTIONS—H.R. 4174

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 4174, the Clerk of the House of Representatives shall make the following corrections:

(1) Page 2, beginning line 13, strike "has the meaning given the term 'Executive agency' under section 105" and insert "means an agency referred to under section 901(b) of title 31".

(2) Page 19, line 13, insert "for data that does not concern monetary policy" after "open data plan".

(3) Page 32, beginning line 6, strike "career" and all that follows through "title 5)" and insert "nonpolitical appointee employee".

Agreed to December 22, 2018.

PROCLAMATIONS

Proclamation 9689 of January 12, 2018

Martin Luther King, Jr., Federal Holiday, 2018

By the President of the United States of America
A Proclamation

The Reverend Dr. Martin Luther King, Jr., dedicated his life to a vision: that all Americans would live free from injustice and enjoy equal opportunity as children of God. His strong, peaceful, and lifelong crusade against segregation and discrimination brought our Nation closer to the founding ideals set forth in the Constitution and the Declaration of Independence. Today, as we come together to honor Dr. King, we know that America is stronger, more just, and more free because of his life and work.

This year marks the 50th anniversary of the death of Dr. King, who was tragically assassinated on April 4, 1968. As we approach this solemn milestone, we acknowledge our Nation's continuing debt to Dr. King's legacy. Dr. King advocated for the world we still demand—where the sacred rights of all Americans are protected, rural and urban communities are prosperous from coast to coast, and our limits and our opportunities are defined not by the color of our skin, but by the content of our character. We remember the immense promise of liberty that lies at the foundation of our great Republic, the responsibility it demands from all of us who claim its benefits, and the many sacrifices of those who have come before us.

Too often, however, we have neglected these ideals, and injustice has seeped into our politics and our society. Dr. King's peaceful crusade for justice and equality opened our Nation's eyes to the humbling truth that we were very far from fulfilling our obligation to the promises set forth by our forebearers.

The Reverend's devotion to fighting the injustice of segregation and discrimination ignited the American spirit of fraternity and reminded us of our higher purpose. Through his words and work, he compelled us to hold ourselves to standards of moral character and integrity that are worthy of our Nation and of our humanity.

Dr. King once said: ''We refuse to believe there are insufficient funds in the great vaults of opportunity of this Nation.''; We must work together to carry forward the American Dream, to ensure it is within reach not only for our children, but for future generations. As your President, I am committed to building and preserving a Nation where every American has opportunities to achieve a bright future. That is why we are expanding apprenticeship programs, preparing Americans for the jobs of our modernizing economy. We are also working every day to enhance access to capital and networks for minority and women entrepreneurs. With all we do, we aim to empower Americans to pursue their dreams.

Importantly, in paying tribute to Dr. King, we are reminded that the duty lies with each of us to fulfill the vision of his life's work. Let us use our time, talents, and resources to give back to our communities and help those less fortunate than us. Particularly today, let us not forget Dr. King's own tireless spirit and efforts, as we work, celebrate, and pray alongside people of all backgrounds. As one people, let us redis-

cover the bonds of love and loyalty that bring us together as Americans, and as people who share a common humanity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 15, 2018, as the Martin Luther King, Jr., Federal Holiday. I encourage all Americans to observe this day with appropriate civic, community, and service programs and activities in honor of Dr. King's life and legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9690 of January 16, 2018

Religious Freedom Day, 2018

By the President of the United States of America

A Proclamation

Faith is embedded in the history, spirit, and soul of our Nation. On Religious Freedom Day, we celebrate the many faiths that make up our country, and we commemorate the 232nd anniversary of the passing of a State law that has shaped and secured our cherished legacy of religious liberty.

Our forefathers, seeking refuge from religious persecution, believed in the eternal truth that freedom is not a gift from the government, but a sacred right from Almighty God. On the coattails of the American Revolution, on January 16, 1786, the Virginia General Assembly passed the Virginia Statute of Religious Freedom. This seminal bill, penned by Thomas Jefferson, states that, ''all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.''; Five years later, these principles served as the inspiration for the First Amendment, which affirms our right to choose and exercise faith without government coercion or reprisal.

Today, Americans from diverse ethnic and religious backgrounds remain steadfast in a commitment to the inherent values of faith, honesty, integrity, and patriotism. Our Constitution and laws guarantee Americans the right not just to believe as they see fit, but to freely exercise their religion. Unfortunately, not all have recognized the importance of religious freedom, whether by threatening tax consequences for particular forms of religious speech, or forcing people to comply with laws that violate their core religious beliefs without sufficient justification. These incursions, little by little, can destroy the fundamental freedom underlying our democracy. Therefore, soon after taking office, I addressed these issues in an Executive Order that helps ensure Americans are able to follow their consciences without undue Government interference and the Department of Justice has issued guidance to Federal agencies regarding their compliance with laws that protect reli-

gious freedom. No American—whether a nun, nurse, baker, or business owner—should be forced to choose between the tenets of faith or adherence to the law.

The United States is also the paramount champion for religious freedom around the world, because we do not believe that conscience rights are only for Americans. We will continue to condemn and combat extremism, terrorism, and violence against people of faith, including genocide waged by the Islamic State of Iraq and Syria against Yezidis, Christians, and Shia Muslims. We will be undeterred in our commitment to monitor religious persecution and implement policies that promote religious freedom. Through these efforts, we strive for the day when people of all faiths can follow their hearts and worship according to their consciences.

The free exercise of religion is a source of personal and national stability, and its preservation is essential to protecting human dignity. Religious diversity strengthens our communities and promotes tolerance, respect, understanding, and equality. Faith breathes life and hope into our world. We must diligently guard, preserve, and cherish this unalienable right.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2018, as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that remind us of our shared heritage of religious liberty and teach us to secure this blessing both at home and abroad.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9691 of January 19, 2018

National Sanctity of Human Life Day, 2018

By the President of the United States of America
A Proclamation

Today, we focus our attention on the love and protection each person, born and unborn, deserves regardless of disability, gender, appearance, or ethnicity. Much of the greatest suffering in our Nation's history—and, indeed, our planet's history—has been the result of disgracefully misguided attempts to dehumanize whole classes of people based on these immutable characteristics. We cannot let this shameful history repeat itself in new forms, and we must be particularly vigilant to safeguard the most vulnerable lives among us. This is why we observe National Sanctity of Human Life Day: to affirm the truth that all life is sacred, that every person has inherent dignity and worth, and that no class of people should ever be discarded as ''non-human.'';

Reverence for every human life, one of the values for which our Founding Fathers fought, defines the character of our Nation. Today, it moves us to promote the health of pregnant mothers and their unborn children. It animates our concern for single moms; the elderly, the infirm, and the disabled; and orphan and foster children. It compels us to address the opioid epidemic and to bring aid to those who struggle with mental illness. It gives us the courage to stand up for the weak and the powerless. And it dispels the notion that our worth depends on the extent to which we are planned for or wanted.

Science continues to support and build the case for life. Medical technologies allow us to see images of the unborn children moving their newly formed fingers and toes, yawning, and even smiling. Those images present us with irrefutable evidence that babies are growing within their mothers' wombs—precious, unique lives, each deserving a future filled with promise and hope. We can also now operate on babies in utero to stave off life-threatening diseases. These important medical advances give us an even greater appreciation for the humanity of the unborn.

Today, citizens throughout our great country are working for the cause of life and fighting for the unborn, driven by love and supported by both science and philosophy. These compassionate Americans are volunteers who assist women through difficult pregnancies, facilitate adoptions, and offer hope to those considering or recovering from abortions. They are medical providers who, often at the risk of their livelihood, conscientiously refuse to participate in abortions. And they are legislators who support health and safety standards, informed consent, parental notification, and bans on late-term abortions, when babies can feel pain. These undeterred warriors, many of whom travel to Washington, DC, every year for the March for Life, are changing hearts and saving lives through their passionate defense of and loving care for all human lives. Thankfully, the number of abortions, which has been in steady decline since 1980, is now at a historic low. Though the fight to protect life is not yet over, we commit to advocating each day for all who cannot speak for themselves.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 22, 2018, as National Sanctity of Human Life Day. I call on all Americans to reflect on the value of our lives; to respond to others in keeping with their inherent dignity; to act compassionately to those with disabilities, infirmities, or frailties; to look beyond external factors that might separate us; and to embrace the common humanity that unites us.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9692 of January 22, 2018

National School Choice Week, 2018

By the President of the United States of America
A Proclamation

All American children deserve the opportunity to achieve their dreams through hard work and personal integrity. Our Nation's education policies must support them on their journeys, recognizing the diverse career goals and academic needs of students in communities across our country. During National School Choice Week, we honor those dedicated educators, administrators, and State and local lawmakers, who promote student-focused academic options for all families, as we increase educational freedom for all Americans.

The United States is one of the most educated countries in the world. Almost 90 percent of American adults attain a high school diploma or GED. But our students deserve more than just a paper diploma. Indeed, they deserve access to an education that provides the tools needed to succeed in our ever-evolving world. To maintain our global leadership and strengthen our modern economy, America's education system must prepare students for the unforeseen challenges of the future. Communities that provide academic options—traditional public, public charter, private, magnet, parochial, virtual, and homeschooling—empower parents and guardians to select the best educational fit for their children.

School choice helps alleviate common hindrances to success and creates the space necessary for students' aspirations to flourish. Families that participate in school choice programs are not the only ones who benefit from expanded educational options. Children in traditional public schools benefit as well. In fact, 29 of the top 31 empirical studies on the topic find that freedom of school choice improves the performance of nearby public schools.

My Administration is refocusing education policy on students. We are committed to empowering those most affected by school choice decisions and best suited to direct taxpayer resources, including States, local school boards, and families. As part of my steadfast commitment to invest in America's students, I signed into law the Tax Cuts and Jobs Act last December. One of the bill's provisions includes an expansion of 529 education savings plans so that their funds can be allocated tax-free to K–12 public, private, and religious educational expenses. By giving parents more control over their children's education, we are making strides toward a future of unprecedented educational attainment and freedom of choice. Under the leadership of Secretary of Education Betsy DeVos, we will continue to advance school choice so that every child in America has access to the tools best suited to enabling them to achieve the American Dream.

During National School Choice Week, I encourage parents to explore innovative educational alternatives, and I challenge students to dream big and work hard for the futures they deserve. I also urge State and Federal lawmakers to embrace school choice and enact policies that empower families and strengthen communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 21 to January 27, 2018, as National School Choice Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9693 of January 23, 2018

To Facilitate Positive Adjustment to Competition From Imports of Certain Crystalline Silicon Photovoltaic Cells (Whether or Not Partially or Fully Assembled Into Other Products) and for Other Purposes

By the President of the United States of America
A Proclamation

1. On November 13, 2017, the United States International Trade Commission (ITC) transmitted to the President a report (the ''ITC Report'';) on its investigation under section 202 of the Trade Act of 1974, as amended (the ''Trade Act'';) (19 U.S.C. 2252), with respect to imports of certain crystalline silicon photovoltaic (CSPV) cells, whether or not partially or fully assembled into other products (including, but not limited to, modules, laminates, panels, and building-integrated materials) (''CSPV products'';). These products exclude certain products described in the ITC Notice of Institution, 82 *Fed. Reg.* 25331 (June 1, 2017), and listed in subdivision (c)(ii) of Note 18 in Annex I to this proclamation.

2. The ITC reached an affirmative determination under section 202(b) of the Trade Act (19 U.S.C. 2252(b)) that CSPV products are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat of serious injury, to the domestic industry producing a like or directly competitive article.

3. Pursuant to section 311(a) of the North American Free Trade Agreement Implementation Act (the ''NAFTA Implementation Act'';) (19 U.S.C. 3371(a)), the ITC made findings as to whether imports from Mexico and Canada, considered individually, account for a substantial share of total imports and contribute importantly to the serious injury, or threat thereof, caused by imports. The ITC made affirmative findings of contribution to injury with respect to imports of CSPV products from Mexico but made negative findings with respect to imports of CSPV products from Canada.

4. On November 27, 2017, the United States Trade Representative (USTR) requested additional information from the ITC under section 203(a)(5) of the Trade Act (19 U.S.C. 2253(a)(5)). On December 27, 2017, the ITC provided a response that identified unforeseen developments that led to the importation of CSPV products into the United

States in such increased quantities as to be a substantial cause of serious injury (the ''supplemental report'';).

5. The ITC commissioners transmitted to the President their individual recommendations with respect to the actions that each of them considered would address the serious injury, or threat of serious injury, to the domestic industry and be most effective in facilitating the efforts of the industry to make a positive adjustment to import competition. The ITC did not recommend an action within the meaning of section 202(e) of the Trade Act (19 U.S.C. 2252(e)).

6. Pursuant to section 203 of the Trade Act (19 U.S.C. 2253), and after taking into account the considerations specified in section 203(a)(2) of the Trade Act (19 U.S.C. 2253(a)(2)), the ITC Report, and the supplemental report, I have determined to implement action of a type described in section 203(a)(3) of the Trade Act (19 U.S.C. 2252(a)(3)) (a ''safeguard measure'';), with regard to the following CSPV products:

(a) solar cells, whether or not assembled into modules or made up into panels provided for in subheading 8541.40.60 in Annex I to this proclamation;

(b) parts or subassemblies of solar cells provided for in subheadings 8501.31.80, 8501.61.00, and 8507.20.80 in Annex I to this proclamation;

(c) inverters or batteries with CSPV cells attached provided for in subheadings 8501.61.00 and 8507.20.80 in Annex I to this proclamation; and

(d) DC generators with CSPV cells attached provided for in subheading 8501.31.80 in Annex I to this proclamation.

7. Pursuant to section 312(a) of the NAFTA Implementation Act (19 U.S.C. 3372(a)), I have determined after considering the ITC Report that imports of CSPV products from each of Mexico and Canada, considered individually, account for a substantial share of total imports and contribute importantly to the serious injury or threat of serious injury found by the ITC.

8. Pursuant to section 203 of the Trade Act, the action I have determined to take shall be a safeguard measure in the form of:

(a) a tariff-rate quota on imports of solar cells not partially or fully assembled into other products as described in paragraph 6 of this proclamation, imposed for a period of 4 years, with unchanging within-quota quantities and annual reductions in the rates of duty applicable to goods entered in excess of those quantities in the second, third, and fourth years, as provided in Annex I to this proclamation; and

(b) an increase in duties on imports of modules, imposed for a period of 4 years, with annual reductions in the rates of duty in the second, third, and fourth years, as provided in Annex I to this proclamation.

I have determined to exclude from this action the products listed in subdivision (c)(ii) and (c)(iii) of Note 18 in Annex I to this proclamation.

9. This safeguard measure shall apply to imports from all countries, except as provided in paragraph 10 of this proclamation.

10. This safeguard measure shall not apply to imports of any product described in paragraph 6 of this proclamation of a developing country

that is a Member of the World Trade Organization (WTO), as listed in subdivision (b) of Note 18 in Annex I to this proclamation, as long as such a country's share of total imports of the product, based on imports during a recent representative period, does not exceed 3 percent, provided that imports that are the product of all such countries with less than 3 percent import share collectively account for not more than 9 percent of total imports of the product. If I determine that a surge in imports of a product described in paragraph 6 of this proclamation of a developing country that is a WTO Member results in imports of that product from that developing country exceeding either of the thresholds described in this paragraph, the safeguard measure shall be modified to apply to such product from such country.

11. The in-quota quantity in each year under the tariff-rate quota described in paragraph 8 of this proclamation shall be allocated among all countries except those countries the products of which are excluded from such tariff-rate quota pursuant to paragraph 10 of this proclamation.

12. Pursuant to section 203(a)(1)(A) of the Trade Act (19 U.S.C. 2253(a)(1)(A)), I have determined that this safeguard measure will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs. If I determine that further action is appropriate and feasible to facilitate efforts by the domestic industry to make a positive adjustment to import competition and to provide greater economic and social benefits than costs, or if I determine that the conditions under section 204(b)(1) of the Trade Act (19 U.S.C. 2254(b)(1)) are met, I shall reduce, modify, or terminate the action established in this proclamation accordingly. In addition, if I determine within 30 days of the date of this proclamation, as a result of consultations between the United States and other WTO Members pursuant to Article 12.3 of the WTO Agreement on Safeguards, that it is necessary to reduce, modify, or terminate the safeguard measure, I shall proclaim the corresponding reduction, modification, or termination of the safeguard measure within 40 days.

13. Section 502 of the Trade Act (19 U.S.C. 2462) authorizes the President to designate countries as beneficiary developing countries for purposes of the Generalized System of Preferences (GSP).

14. Proclamation 9687 of December 22, 2017, ended the suspension of Argentina's designation as a GSP beneficiary developing country. That proclamation made corresponding modifications to the Harmonized Tariff Schedule of the United States (HTS). Those modifications included technical errors, and I have determined that modifications to the HTS are necessary to correct them.

15. Section 604 of the Trade Act (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 203, 502, and 604 of the Trade Act, and section 301 of title 3, United States Code, do proclaim that:

(1) In order to establish increases in duty and a tariff-rate quota on imports of the CSPV products described in paragraph 6 of this proclamation (other than excluded products), subchapter III of chapter 99 of the HTS is modified as provided in Annex I to this proclamation. Any merchandise subject to the safeguard measure that is admitted into U.S. foreign trade zones on or after 12:01 a.m. eastern standard time on February 7, 2018, must be admitted as ''privileged foreign status''; as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any quantitative restrictions or tariffs related to the classification under the applicable HTS subheading.

(2) Except as provided in clause (3) below, imports of CSPV products of WTO Member developing countries, as listed in subdivision (b) of Note 18 in Annex I to this proclamation, shall be excluded from the safeguard measure established in this proclamation. Imports of solar cells of those countries that are not partially or fully assembled into other products shall not be counted toward the tariff-rate quota limits that trigger the over-quota rates of duties.

(3) If, after the safeguard measure established in this proclamation takes effect, the USTR determines that:

(a) the share of total imports of the product of a country listed in subdivision (b) of Note 18 in Annex I to this proclamation exceeds 3 percent,

(b) imports of the product from all listed countries with less than 3 percent import share collectively account for more than 9 percent of total imports of the product, or

(c) a country listed in subdivision (b) of Note 18 in Annex I to this proclamation is no longer a developing country for purposes of this proclamation;

the USTR is authorized, upon publication of a notice in the *Federal Register,* to revise subdivision (b) of Note 18 in Annex I to this proclamation to remove the relevant country from the list or suspend operation of that subdivision, as appropriate.

(4) Within 30 days after the date of this proclamation, the USTR shall publish in the *Federal Register* procedures for requests for exclusion of a particular product from the safeguard measure established in this proclamation. If the USTR determines, after consultation with the Secretaries of Commerce and Energy, that a particular product should be excluded, the USTR is authorized, upon publishing a notice of such determination in the *Federal Register,* to modify the HTS provisions created by Annex I to this proclamation to exclude such particular product from the safeguard measure described in paragraph 8 of this proclamation.

(5) In order to make technical corrections necessary to reflect the end of the suspension of Argentina's designation as a GSP beneficiary developing country, the HTS is modified as set forth in Annex II to this proclamation.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

(7) Except as provided for in clause (8) of this proclamation, the modifications to the HTS made by this proclamation, including Annex

I, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 7, 2018, and shall continue in effect as provided in Annex I to this proclamation, unless such actions are earlier expressly reduced, modified, or terminated. Any modifications to the HTS made pursuant to clause (3) or (4) of this proclamation shall take effect as indicated in a *Federal Register* notice published in accordance with those clauses. One year from the termination of the safeguard measure established in this proclamation, the U.S. note and tariff provisions established in Annex I to this proclamation shall be deleted from the HTS.

(8) The modifications to the HTS set forth in Annex II to this proclamation shall be effective with respect to the articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annex II.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX I

MODIFICATIONS TO CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 7, 2018, and through 11:59 p.m. eastern standard time on February 6, 2022, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is hereby modified by inserting in numerical sequence the following new U.S. note and provisions:

"18. (a) Subheadings 9903.45.21 through 9903.45.25 and any superior texts thereto establish temporary modifications applicable to entries of goods described herein and classified in the enumerated provisions of chapter 85 of the tariff schedule. Whenever any such subheading specifies that the annual aggregate quantity of such goods shall not exceed the quantity established under the terms of this note, when such goods are not the product of a country enumerated in subdivision (b) of this note, any entry of such goods that is in excess of the quantity specified for such provision shall be entered under the over-quota subheading set forth herein for such goods. All such goods shall be subject to duty as provided herein; and such duties shall be cumulative and imposed in addition to the rate of duty established for any such goods in chapter 85 of the tariff schedule, except as may be specified for duties imposed under the Rates of Duty 2 column.

(b) For the purposes of this note and the application of subheadings 9903.45.21 through 9903.45.25, inclusive, the following developing countries that are members of the World Trade Organization shall not be subject to the rates of duty and tariff-rate quotas provided for therein:

Afghanistan, Albania, Algeria, Angola, Armenia, Azerbaijan, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burma, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Congo (Kinshasa), Côte d'Ivoire, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, The Gambia, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kosovo, Kyrgyzstan, Lebanon, Lesotho, Liberia, Macedonia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Moldova, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Niger, Nigeria, Pakistan, Papua New Guinea, Paraguay, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tomé and Principe, Senegal, Serbia, Sierra Leone, Solomon Island, Somalia, South Africa, South Sudan, Sri Lanka, Suriname, Swaziland, Tanzania, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, Uzbekistan, Vanuatu, Yemen (Republic of), Zambia and Zimbabwe.

(c) (i) For the purposes of subheadings 9903.45.21 and 9903.45.22, except as otherwise provided herein, the term "crystalline silicon photovoltaic cells" ("CSPV cells") means crystalline silicon photovoltaic cells of a thickness equal to or greater than 20 micrometers, having a p/n junction (or variant thereof)

formed by any means, whether or not the cell (or subassemblies thereof provided for in subheading 8541.40.60 and imported under statistical reporting number 8541.40.6030) has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell. Such cells include photovoltaic cells that contain crystalline silicon in addition to other photovoltaic materials. This includes, but is not limited to, passivated emitter rear contact cells, heterojunction with intrinsic thin-layer cells, and other so-called hybrid cells. Subheadings 9903.45.21 and 9903.45.22 include goods presented in cell form and which at the time of importation are not presented assembled into circuits, laminates or modules or made up into panels.

(ii) Subheadings 9903.45.21 and 9903.45.22 shall not cover—

(1) thin film photovoltaic products produced from amorphous silicon ("a-Si"), cadmium telluride ("CdTe"), or copper indium gallium selenide ("CIGS");

(2) CSPV cells, not exceeding 10,000 mm^2 in surface area, that are permanently integrated into a consumer good whose primary function is other than power generation and that consumes the electricity generated by the integrated CSPV cell. Where more than one CSPV cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all CSPV cells that are integrated into the consumer good; and

(3) CSPV cells, whether or not partially or fully assembled into other products, if such CSPV cells were manufactured in the United States.

(iii) Subheadings 9903.45.21 and 9903.45.22 shall likewise not cover the following goods, whether or not separate statistical reporting numbers therefor may appear in chapters 1 through 97 of the tariff schedule:

(1) 10 to 60 watt, inclusive, rectangular solar panels, where the panels have the following characteristics: (A) length of 250 mm or more but not over 482 mm or width of 400 mm or more but not over 635 mm, and (B) surface area of 1000 cm^2 or more but not over 3,061 cm^2), provided that no such panel with those characteristics shall contain an internal battery or external computer peripheral ports at the time of entry;

(2) 1 watt solar panels incorporated into nightlights that use rechargeable batteries and have the following dimensions: 58 mm or more but not over 64 mm by 126 mm or more but not over 140 mm;

(3) 2 watt solar panels incorporated into daylight dimmers, that may use rechargeable batteries, such panels with the following dimensions:

75 mm or more but not over 82 mm by 139 mm or more but not over 143 mm;

(4) off-grid and portable CSPV panels, whether in a foldable case or in rigid form containing a glass cover, where the panels have the following characteristics:

(A) a total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm^2 per panel;

(C) do not include a built-in inverter;

(D) where the panels have glass covers, such panels must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport);

(5) 3.19 watt or less solar panels, each with length of 75 mm or more but not over 266 mm and width of 46 mm or more but not over 127 mm, with surface area of 338 cm^2 or less, with one black wire and one red wire (each of type 22 AWG or 24 AWG) not more than 206 mm in length when measured from panel edge, provided that no such panel shall contain an internal battery or external computer peripheral ports;

(6) 27.1 watt or less solar panels, each with surface area less than 3,000 cm^2 and coated across the entire surface with a polyurethane doming resin, the foregoing joined to a battery charging and maintaining unit, such unit which is an acrylonitrile butadiene styrene ("ABS") box that incorporates a light emitting diode ("LED") by coated wires that include a connector to permit the incorporation of an extension cable.

(d) Any goods covered by this note may also be excluded from the application of relief if they are covered by a determination by the United States Trade Representative ("USTR") published in the *Federal Register* that such goods should be exempt from the application of any rate of duty or tariff-rate quota otherwise imposed on goods described in the provisions of this note. Such a determination by the USTR under this subdivision may exempt specific additional CSPV cells or modules when entered from all countries or when entered from enumerated countries only, or may modify the product descriptions in subdivision (c) of this note. The USTR is authorized to modify or terminate any such determination during the effective period of the subheadings specified in the first sentence of subdivision (a) of this note and to specify, subsequent to the effective date specified in this note, that such CSPV cells and modules will be considered "goods excluded from the application of relief" upon publication by the USTR of a notice in the *Federal Register*. Such "goods excluded from the application of relief" shall not be counted toward any tariff-rate quota quantities specified for any quota period.

(e) (i) For purposes of subheading 9903.45.21, the aggregate annual quantity of goods eligible to enter during any period enumerated herein shall not exceed the volume level set forth in such subheading, where 1 gigawatt equals 1,000 megawatts.

(ii) Any importer entering CSPV cells under subheading 9903.45.21 shall report the electricity power output attributable to such cells to the satisfaction of U.S. Customs and Border Protection ("Customs") and shall provide such information as Customs may require in order to permit the administration of this subheading. Such an entry shall constitute a certification by that importer of the power output attributable to the CSPV cells described therein. Importers are likewise directed to report the electricity power output attributable to CSPV cells entered under subheading 9903.45.22 to the extent that and in such form as Customs may require.

(f) For purposes of subheading 9903.45.22 to this subchapter, the duty rate in the Rates of Duty 1-General subcolumn and the Rates of Duty 2 column for all goods entered under such subheading, and not the product of a country enumerated in subdivision (b) of this note, shall be as follows, with the duty rates set forth herein applied in addition to those applicable under subheading 8541.40.60:

If entered during the period from
February 7, 2018 through February 6, 2019 ..... 30%

If entered during the period from
February 7, 2019 through February 6, 2020 ..... 25%

If entered during the period from
February 7, 2020 through February 6, 2021 ..... 20%

If entered during the period from
February 7, 2021 through February 6, 2022 ..... 15%.

(g) For purposes of subheading 9903.45.25 to this subchapter, the term "modules" shall include the following goods provided for in subheading 8541.40.60 of the tariff schedule: a module is a joined group of CSPV cells, as such cells are defined in subdivision (c) of this note, regardless of the number of cells or the shape of the joined group, that are capable of generating electricity. Also included as a "module" are goods each known as a "panel" comprising a CSPV cell that has undergone any processing, assembly, or interconnection (including, but not limited to, assembly into a laminate). Such CSPV cells assembled into modules or made up into panels include goods of a type reported for statistical purposes under statistical reporting number 8541.40.6020. Such goods also include (i) CSPV cells which are presented attached to inverters or batteries of subheading 8501.61.00 or 8507.20.80, respectively; and (ii) CSPV cells classifiable as DC generators of subheading 8501.31.80.

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(h) For purposes of subheading 9903.45.25 to this subchapter, the duty rate in the Rates of Duty 1-General subcolumn and the Rates of Duty 2 column in any of the periods enumerated below shall be as follows, with the duty rates set forth herein applied in addition to those applicable under subheading 8541.40.60:

If entered during the period from
February 7, 2018 through February 6, 2019 ..... 30%

If entered during the period from
February 7, 2019 through February 6, 2020 ..... 25%

If entered during the period from
February 7, 2020 through February 6, 2021 ..... 20%

If entered during the period from
February 7, 2021 through February 6, 2022 ..... 15%.

Such duty shall be imposed on the declared value of such modules, including the cost or value of the non-cell portions thereof (such as aluminum frames), as Customs in its regulations or instructions may require.

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	Crystalline silicon photovoltaic cells, as defined in note 18(c) to this subchapter, when the product or originating good of a country other than a country described in note 18(b) to this subchapter:			
9903.45.21	If entered in an annual aggregate quantity not exceeding 2.5 gigawatts, under the terms of such note.....	No change	No change	No change
9903.45.22	Other.....	The duty rate provided in note 18(f) to this sub-chapter		The duty rate provided in note 18(f) to this sub-chapter + 35%

graphic issue

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Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.45.25	Modules as defined in note 18(g) to this subchapter, when the product or originating good of a country other than a country described in note 18(b) to this subchapter.....	The duty rate provided in note 18(h) to this subchapter		The duty rate provided in note 18(h) to this subchapter".

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ANNEX II

MODIFICATIONS ON THE ELIGIBILITY OF CERTAIN ARTICLES THE PRODUCT OF ARGENTINA FOR PURPOSES OF THE GENERALIZED SYSTEM OF PREFERENCES

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2018, general note 4(d) to the HTS is modified by:

(1) adding, in numerical sequence, the following subheading numbers and country set out opposite such subheading numbers:

0202.30.10	Argentina	1901.20.45	Argentina
0711.20.18	Argentina	2007.99.48	Argentina
1007.10.00	Argentina	2008.30.37	Argentina
1007.90.00	Argentina	2305.00.00	Argentina
1202.30.40	Argentina	2306.30.00	Argentina
1202.42.40	Argentina	4107.11.80	Argentina
1702.60.22	Argentina		

(2) deleting from the numerical sequence, the following subheading number and country set out opposite such subheading number:

8523.29.50	Argentina

(3) adding, in alphabetical order, the country set out opposite the following subheadings:

1602.50.08	Argentina
1702.30.22	Argentina
2008.50.20	Argentina
3824.99.41	Argentina
3826.00.10	Argentina

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2018, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

0202.30.10	1901.20.45
0711.20.18	2007.99.48
1007.10.00	2008.30.37
1007.90.00	2305.00.00
1202.30.40	2306.30.00
1202.42.40	4107.11.80
1702.60.22	

Proclamation 9694 of January 23, 2018

To Facilitate Positive Adjustment to Competition From Imports of Large Residential Washers

By the President of the United States of America
A Proclamation

1. On December 4, 2017, the United States International Trade Commission (ITC) transmitted to the President a report (the "ITC Report";)

on its investigation under section 202 of the Trade Act of 1974, as amended (the ''Trade Act'';) (19 U.S.C. 2252), with respect to imports of large residential washers (''washers'';). The product subject to the ITC's investigation and determination excluded certain washers described in the ITC Notice of Institution, 82 *Fed. Reg.* 27075 (June 13, 2017), and listed in subdivision (c)(2) of Note 17 in the Annex to this proclamation.

2. The ITC reached an affirmative determination under section 202(b) of the Trade Act (19 U.S.C. 2252(b)) that the following products are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat of serious injury, to the domestic industries producing like or directly competitive articles:

(a) washers; and

(b) certain washer parts, including (i) all cabinets, or portions thereof, designed for use in washers; (ii) all assembled tubs designed for use in washers which incorporate, at a minimum, a tub and a seal; (iii) all assembled baskets designed for use in washers which incorporate, at a minimum, a side wrapper, a base, and a drive hub; and (iv) any combination of the foregoing parts or subassemblies.

3. Pursuant to section 311(a) of the North American Free Trade Agreement Implementation Act (the ''NAFTA Implementation Act'';) (19 U.S.C. 3371(a)), the ITC made findings as to whether imports from Canada and Mexico, considered individually, account for a substantial share of total imports and contribute importantly to the serious injury, or threat thereof, caused by imports. The ITC made negative findings of contribution to injury with respect to imports of washers from Canada and Mexico.

4. The ITC transmitted to the President its recommendations made pursuant to section 202(e) of the Trade Act (19 U.S.C. 2252(e)) with respect to the actions that, in its view, would address the serious injury, or threat of serious injury, to the domestic industry and be most effective in facilitating the efforts of the industry to make a positive adjustment to import competition.

5. Pursuant to section 203 of the Trade Act (19 U.S.C. 2253), and after taking into account the considerations specified in section 203(a)(2) of the Trade Act (19 U.S.C. 2253(a)(2)) and the ITC Report, I have determined to implement action of a type described in section 203(a)(3) of the Trade Act (19 U.S.C. 2252(a)(3)) (a ''safeguard measure'';), with regard to the following washers and covered washer parts:

(a) washers provided for in subheadings 8450.11.00 and 8450.20.00 in the Annex to this proclamation;

(b) all cabinets, or portions thereof, designed for use in washers, and all assembled baskets designed for use in washers that incorporate, at a minimum, a side wrapper, a base, and a drive hub, provided for in subheading 8450.90.60 in the Annex to this proclamation;

(c) all assembled tubs designed for use in washers that incorporate, at a minimum, a tub and a seal, provided for in subheading 8450.90.20 in the Annex to this proclamation;

(d) any combination of the foregoing parts or subassemblies, provided for in subheadings 8450.90.20 or 8450.90.60 in the Annex to this proclamation.

6. Pursuant to section 312(a) of the NAFTA Implementation Act (19 U.S.C. 3372(a)), I have determined after considering the ITC Report that (a) imports from Canada of washers and covered washer parts, considered individually, do not account for a substantial share of total imports and do not contribute importantly to the serious injury or threat of serious injury found by the ITC; and (b) imports from Mexico of washers and covered washer parts, considered individually, account for a substantial share of total imports and have contributed importantly to the serious injury or threat of serious injury found by the ITC. Accordingly, pursuant to section 312(b) of the NAFTA Implementation Act (19 U.S.C. 3372(b)), I have excluded washers and covered washer parts that are the product of Canada from the actions I am taking under section 203 of the Trade Act.

7. Pursuant to section 203 of the Trade Act, the action I have determined to take shall be a safeguard measure in the form of:

(a) a tariff-rate quota on imports of washers described in subparagraph (a) of paragraph 5 of this proclamation, imposed for a period of 3 years plus 1 day, with unchanging within-quota quantities, annual reductions in the rates of duties entered within those quantities in the second and third years, and annual reductions in the rates of duty applicable to goods entered in excess of those quantities in the second and third years; and

(b) a tariff-rate quota on imports of covered washer parts described in subparagraphs (b), (c), and (d) of paragraph 5 of this proclamation, imposed for a period of 3 years plus 1 day, with increasing within-quota quantities and annual reductions in the rates of duty applicable to goods entered in excess of those quantities in the second and third years.

8. This safeguard measure shall apply to imports from all countries, except for products of Canada and except as provided in paragraph 9 of this proclamation.

9. This safeguard measure shall not apply to imports of any product described in paragraph 5 of this proclamation of a developing country that is a Member of the World Trade Organization (WTO), as listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation, as long as such a country's share of total imports of the product, based on imports during a recent representative period, does not exceed 3 percent, provided that imports that are the product of all such countries with less than 3 percent import share collectively account for not more than 9 percent of total imports of the product. If I determine that a surge in imports of a product described in paragraph 5 of this proclamation of a developing country that is a WTO Member results in imports of that product from that developing country exceeding either of the thresholds described in this paragraph, the safeguard measure shall be modified to apply to such product from such country.

10. The in-quota quantity in each year under the tariff-rate quotas described in paragraph 7 of this proclamation shall be allocated among all countries except those countries the products of which are excluded from such tariff-rate quota pursuant to paragraphs 8 and 9 of this proclamation.

11. Pursuant to section 203(a)(1)(A) of the Trade Act (19 U.S.C. 2253(a)(1)(A)), I have determined that this safeguard measure will facilitate efforts by the domestic industry to make a positive adjustment

to import competition and provide greater economic and social benefits than costs. If I determine that further action is appropriate and feasible to facilitate efforts by the domestic industry to make a positive adjustment to import competition and to provide greater economic and social benefits than costs, or if I determine that the conditions under section 204(b)(1) of the Trade Act (19 U.S.C. 2254(b)(1)) are met, I shall reduce, modify, or terminate the action established in this proclamation accordingly. In addition, if I determine within 30 days of the date of this proclamation, as a result of consultations between the United States and other WTO Members pursuant to Article 12.3 of the WTO Agreement on Safeguards, that it is necessary to reduce, modify, or terminate the safeguard measure, I shall proclaim the corresponding reduction, modification, or termination of the safeguard measure within 40 days.

12. If I determine that a surge in imports of covered washer parts described in subparagraphs (b), (c), and (d) of paragraph 5 of this proclamation undermines the effectiveness of the safeguard measure, the safeguard measure shall be modified by imposing a quantitative restriction in lieu of the tariff-rate quota.

13. Section 604 of the Trade Act (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 203 and 604 of the Trade Act, section 312 of the NAFTA Implementation Act (19 U.S.C. 3372), and section 301 of title 3, United States Code, do proclaim that:

(1) In order to establish increases in duty and a tariff-rate quota on imports of the washers and covered washer parts described in paragraph 5 of this proclamation (other than excluded products), subchapter III of chapter 99 of the HTS is modified as provided in the Annex to this proclamation. Any merchandise subject to the safeguard measure that is admitted into U.S. foreign trade zones on or after 12:01 a.m. eastern standard time, on February 7, 2018, must be admitted as ''privileged foreign status''; as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any quantitative restrictions or tariffs related to the classification under the applicable HTS subheading.

(2) Imports of washers and covered washer parts that are the product of Canada shall be excluded from the safeguard measure established in this proclamation, and such imports shall not be counted toward the tariff-rate quota limits that trigger the over-quota rates of duty.

(3) Except as provided in clause (4) below, imports of washers and covered washer parts that are the product of WTO Member developing countries, as listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation, shall be excluded from the safeguard measure established in this proclamation, and such imports shall not be counted toward the tariff-rate quota limits that trigger the over-quota rates of duties.

(4) If, after the safeguard measure established in this proclamation takes effect, the United States Trade Representative (USTR) determines that:

(a) the share of total imports of the product of a country listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation exceeds 3 percent,

(b) imports of the product from all listed countries with less than 3 percent import share collectively account for more than 9 percent of total imports of the product, or

(c) a country listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation is no longer a developing country for purposes of this proclamation;

the USTR is authorized, upon publication of a notice in the *Federal Register,* to revise subdivision (b)(2) of Note 17 in the Annex to this proclamation to remove the relevant country from the list or suspend operation of that subdivision, as appropriate.

(5) If, after the safeguard measure established in this proclamation takes effect, the USTR determines that the out-of-quota quantity in units of covered washer parts entered under the tariff lines in chapter 99 enumerated in the Annex to this proclamation has increased by an unjustifiable amount and undermines the effectiveness of the safeguard measure, the USTR is authorized, upon publishing a notice of such determination in the *Federal Register,* to modify the HTS provisions created by the Annex to this proclamation so as to modify the tariff-rate quota on covered washer parts with a quantitative restriction on covered washer parts at a level that the USTR considers appropriate.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

(7) The modifications to the HTS made in this proclamation, including the Annex hereto, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 7, 2018, and shall continue in effect as provided in the Annex to this proclamation, unless such actions are earlier expressly reduced, modified, or terminated. One year from the termination of the safeguard measure established in this proclamation, the U.S. note and tariff provisions established in the Annex to this proclamation shall be deleted from the HTS.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX

MODIFICATIONS TO CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 7, 2018, and through 11:59 p.m. eastern standard time on February 7, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is hereby modified by inserting in numerical sequence the following new U.S. note and provisions:

"17. (a) Subheadings 9903.45.01 through 9903.45.06 and any superior texts thereto establish temporary modifications applicable to entries of goods described herein and classified in the enumerated provisions of chapter 84 of the tariff schedule. Whenever any such subheading specifies that the annual aggregate quantity of such goods shall not exceed the quantity established under the terms of this note, when such goods are not the product of a country enumerated in subdivision (b) of this note, any entry of such goods that is in excess of the quantity specified for such provision shall be entered under the over-quota subheading set forth herein for such goods. All such goods shall be subject to duty as provided herein, and such duties shall be cumulative and imposed in addition to the rate of duty established for any such goods in chapter 84 of the tariff schedule.

(b) For the purposes of this note and the application of subheadings 9903.45.01 through 9903.45.06, inclusive, the following countries shall not be subject to the rates of duty and tariff-rate quotas provided for herein:

(1) Canada; and

(2) the following developing countries that are members of the World Trade Organization:

Afghanistan, Albania, Algeria, Angola, Armenia, Azerbaijan, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burma, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Congo (Kinshasa), Côte d'Ivoire, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, The Gambia, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kosovo, Kyrgyzstan, Lebanon, Lesotho, Liberia, Macedonia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Moldova, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Niger, Nigeria, Pakistan, Papua New Guinea, Paraguay, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tomé and Principe, Senegal, Serbia, Sierra Leone, Solomon Island, Somalia, South Africa, South Sudan, Sri Lanka, Suriname, Swaziland, Tanzania, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, Uzbekistan, Vanuatu, Yemen (Republic of), Zambia and Zimbabwe.

(c) (1) For the purposes of subheadings 9903.45.01 and 9903.45.02 of this subchapter, "household-type (residential) washing machines, including machines which both wash and dry, whether or not with a dry linen capacity exceeding 10 kg" (such goods provided for in subheadings 8450.11.00 and 8450.20.00 and reported under statistical reporting numbers 8450.11.0040, 8450.11.0080, 8450.20.0040 and 8450.20.0080, respectively, on the effective date of this note) shall include the following goods: automatic clothes washing machines, regardless of the orientation of the rotational axis, each with a cabinet width (measured from its widest point) of at least 62.23 cm and no more than 81.28 cm, except as provided in this note.

(2) Subheadings 9903.45.01 and 9903.45.02 shall not apply to the washing machines specified below:

(A) all stacked washer-dryers and all commercial washers:

(i) The term "stacked washer-dryers" denotes distinct washing and drying machines that are built on a unitary frame and share a common console that controls both the washer and the dryer.

(ii) The term "commercial washer" denotes an automatic clothes washing machine designed for the "pay per use" segment meeting either of the following two definitions:

(aa) (I) it contains payment system electronics;

(II) it is configured with an externally mounted steel frame at least 15.24 cm high that is designed to house a coin/token operated payment system (whether or not the actual coin/token operated payment system is installed at the time of importation);

(III) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level or spin speed for a selected wash cycle setting; and

(IV) the console containing the user interface is made of steel and is assembled with security fasteners; or

(bb) (I) it contains payment system electronics;

(II) the payment system electronics are enabled (whether or not the payment acceptance device has been installed at the time of importation) such that, in normal operation, the unit cannot begin a wash cycle without first receiving a signal

from a bona fide payment acceptance device such as an electronic credit card reader;

(III) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level or spin speed for a selected wash cycle setting; and

(IV) the console containing the user interface is made of steel and is assembled with security fasteners.

(B) automatic clothes washing machines that meet all of the following conditions:

(i) they have a vertical rotational axis,

(ii) they are top loading; and

(iii) they have a drive train consisting, *inter alia*, of (aa) a permanent split capacitor motor, (bb) a belt drive and (cc) a flat wrap spring clutch.

(C) automatic clothes washing machines that meet all of the following conditions:

(i) they have a horizontal rotational axis;

(ii) they are front loading; and

(iii) they have a drive train consisting, *inter alia*, of (aa) a controlled induction motor and (bb) a belt drive.

(D) automatic clothes washing machines that meet all of the following conditions:

(i) they have a horizontal rotational axis;

(ii) they are front loading; and

(iii) they have cabinet width (measured from its widest point) of more than 72.39 cm.

(d) For purposes of subheading 9903.45.01 of this subchapter, the duty rate in the Rates of Duty 1-General subcolumn (and in the Rates of Duty 2 column, as provided therein) for goods entered under such subheading, and not the product of a country enumerated in subdivision (b) of this note, shall be as follows, with the duty rates set

forth herein applied in addition to those applicable under subheading 8450.11.00 or 8450.20.00:

If entered during the period from
February 7, 2018 through February 6, 2019 ..... 20%

If entered during the period from
February 7, 2019 through February 6, 2020 ..... 18%

If entered during the period from
February 7, 2020 through February 7, 2021 ..... 16%.

(e) For purposes of subheading 9903.45.02 of this subchapter, the duty rate in the Rates of Duty 1-General subcolumn (and in the Rates of Duty 2 column, as provided therein) for goods entered under such subheading, and not the product of a country enumerated in subdivision (b) of this note, shall be as follows, with the duty rates set forth herein applied in addition to those applicable under subheading 8450.11.00 or 8450.20.00:

If entered during the period from
February 7, 2018 through February 6, 2019 ..... 50%

If entered during the period from
February 7, 2019 through February 6, 2020 ..... 45%

If entered during the period from
February 7, 2020 through February 7, 2021 ..... 40%.

(f) For purposes of subheadings 9903.45.05 and 9903.45.06 of this subchapter, the term "parts of household-type (residential) washing machines" shall include the following goods provided for in subheading 8450.90.20 or 8450.90.60 of the tariff schedule:

(1) all cabinets, or portions thereof, provided for in subheading 8450.90.60 and designed for use in the washing machines defined in subdivision (c) of this note, the foregoing which incorporate, at a minimum, (A) a side wrapper, (B) a base and (C) a drive hub;

(2) all assembled tubs provided for in subheading 8450.90.20 and designed for use in such washing machines defined in such subdivision (c) which incorporate, at a minimum: (A) a tub and (B) a seal; and

(3) any combination of the foregoing parts or subassemblies, provided for in subheading 8450.90.20 or 8540.90.60.

(g) For the purposes of subheading 9903.45.05 of this subchapter, the annual aggregate quantity of all parts of household-type (residential) washing machines, as defined in subdivision (f) above, that is eligible to enter under such subheading in any of the periods enumerated below shall be as follows:

If entered during the period from
February 7, 2018 through February 6, 2019 .....50,000 units

If entered during the period from
February 7, 2019 through February 6, 2020 .....70,000 units

If entered during the period from
February 7, 2020 through February 7, 2021 .....90,000 units.

(h) For purposes of subheading 9903.45.06 of this subchapter, the duty rate in the Rates of Duty 1-General subcolumn (and in the Rates of Duty 2 column, as provided therein) for goods entered in any of the periods enumerated below shall be as follows, with the duty rates set forth herein applied in addition to those applicable under subheading 8450.90.20 or 8450.90.60, as appropriate:

If entered during the period from
February 7, 2018 through February 6, 2019 ..... 50%

If entered during the period from
February 7, 2019 through February 6, 2020 ..... 45%

If entered during the period from
February 7, 2020 through February 7, 2021 ..... 40%.

Annex, page 6

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	Household-type (residential) washing machines, including machines which both wash and dry, whether or not with a dry linen capacity exceeding 10 kg (as defined in note 17(c) to this subchapter and provided for in subheading 8450.11.00 or 8450.20.00), when entered from a country other than a country enumerated in note 17(b) to this subchapter:			
9903.45.01	If entered in an annual aggregate quantity not exceeding 1,200,000 units, under the terms of such note.....	The duty rate provided in note 17(d) to this subchapter		The duty rate provided in note 17(d) to this subchapter + 35%
9903.45.02	Other.....	The duty rate provided in note 17(e) to this subchapter		The duty rate provided in note 17(e) to this subchapter + 35%
	Parts of household-type (residential) washing machines (such machines described in subheading 9903.45.01 and 9903.45.02 and defined in note 17(c) to this subchapter), such parts provided for in subheading 8450.90.20 or 8450.90.60 and enumerated in note 17(f) to this subchapter, when entered from a country other than a country specified in note 17(b) to this subchapter:			
9903.45.05	If entered in an annual aggregate quantity not exceeding the quantity specified in note 17(g) to this subchapter, under the terms of such note.....	No change		No change
9903.45.06	Other.....	The duty rate set forth in note 17(h) to this subchapter		The duty rate set forth in note 17(h) to this subchapter + 40%".

Proclamation 9695 of January 31, 2018

American Heart Month, 2018

By the President of the United States of America
A Proclamation

More than 600,000 Americans die of heart disease each year, making it the leading cause of death for both men and women in the United States. In addition to remembering our lost loved ones, American Heart Month is a time to raise awareness about the risk factors, warning signs, and symptoms associated with this killer disease. This February, we renew our commitment to the battle against cardiovascular disease. With the help of our Nation's leading medical professionals and appropriate preventative measures, we hope for a future where heart disease no longer claims the lives of so many American men and women.

Thanks to ongoing advancements, medical procedures to treat heart conditions are now more precise and less invasive, recoveries are faster, and complications are fewer. We also now better understand conditions that increase the risk of heart disease among older adults—such as high blood pressure, high cholesterol, and type 2 diabetes—and more effective therapies and medications to prevent and treat them. And, we are better able to identify warning signs at an early stage.

Even with these encouraging developments, nearly half of all Americans between ages 45 and 65 have heart disease or a related condition. The risk of heart disease increases with age, so for most people, prevention is the best deterrent. People should also understand that they may be subject to unique risk factors, often based on family history, which may require them to take appropriate, targeted preventative measures. Whatever risk factors they may face, there are many steps people can take to make coronary disease less likely. The most effective are eating a healthy diet, staying physically active, maintaining a healthy body weight, controlling blood pressure and cholesterol, and not smoking.

During our observance of American Heart Month, we remember those we have lost to heart attacks and other cardiovascular diseases. We honor healthcare providers and medical researchers who strive to advance both the treatment and prevention of this epidemic. And we encourage all Americans to commit to taking charge of their heart health, this month and every month.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved on December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as American Heart Month.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim February 2018 as American Heart Month. The First Lady and I encourage all Americans to participate in National Wear Red Day on February 2, 2018, to raise awareness and reaffirm our commitment to fighting heart disease. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the

American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9696 of January 31, 2018

National African American History Month, 2018

By the President of the United States of America
A Proclamation

This February, we celebrate National African American History Month to honor the significant contributions African Americans have made to our great Nation—contributions that stand as a testament to their resolve, resilience, and courage. Over the course of our Nation's history, African Americans have endured egregious discrimination and bigotry. They have, nevertheless, always been determined to contribute their earnest efforts to America's greatness.

This annual observance is an opportunity to remember the challenges of our past, but also to honor countless African-American heroes who inspire us to shape our country's future. This year's theme, ''African Americans in Times of War,''; calls our attention to the heroic contributions of African Americans during our Nation's military conflicts, from the Revolutionary War to present-day operations.

Throughout our history, members of the Armed Forces have fought to secure freedom and liberty for all, defending our country both on our shores and in foreign lands. African Americans have shouldered an enormous share of the burden of battle in every American military engagement, donning our Nation's military uniforms to answer the call of duty. For far too long, African Americans bravely fought and died in the name of freedom, while at the same time struggling to attain equality, respect, and the full privileges of citizenship. Because of their love of country, these heroes insisted on serving and defending America despite racial prejudice, unequal treatment, diminished opportunities, and segregation. Their valorous acts in the face of grave injustice revealed the true meaning of American patriotism—service before self.

It was not until 1948 that President Harry S. Truman ordered desegregation of the military, providing ''equality of treatment and opportunity for all persons in the Armed Forces without regard to race, color, religion or national origin.''; It took another 5 years before the Secretary of Defense abolished the last segregated African-American military unit. These hard won victories for justice catalyzed other victories, as they cast a harsh light on aspects of our social and civic lives that remained segregated. Those who fought against and ended segregation in the military reminded the Nation of its obligation to the self-evident truth of equality written into the Declaration of Independence.

We remember soldiers like Sergeant Henry Johnson of the Harlem Hellfighters, the all-black National Guard unit that was among the first American forces to arrive in France during World War I. Johnson suffered 21 wounds during front-line combat and received France's highest award for valor. To acknowledge his exceeding bravery, he was posthumously awarded the Distinguished Service Cross and a Purple Heart. We remember pilot Benjamin O. Davis, Jr., who commanded the famed Tuskegee Airmen and became the first African American General in the United States Air Force. We remember soldiers like Major Charity Adams Earley, who was commander of the only all-African American Women's Army Corps unit that served overseas during World War II. She was a trailblazer in her efforts to recruit more women to military service in spite of rampant racism and segregation.

These and countless other African Americans triumphed over ignorance, oppression, and injustice to make indelible contributions, not only to our military history, but even more importantly to our American history. They are an integral part of our Nation's story. We are indebted to the individual and collective perseverance and patriotism of these outstanding men and women, as we are to all African Americans who have served, and continue to serve in the Armed Forces of this great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2018 as National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9697 of February 15, 2018

Honoring the Victims of the Tragedy in Parkland, Florida

By the President of the United States of America

A Proclamation

Our Nation grieves with those who have lost loved ones in the shooting at the Marjory Stoneman Douglas High School in Parkland, Florida. As a mark of solemn respect for the victims of the terrible act of violence perpetrated on February 14, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, February 19, 2018. I also direct that the flag shall

be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of February, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9698 of February 21, 2018

Death of Billy Graham

By the President of the United States of America
A Proclamation

As a mark of respect for the memory of Reverend Billy Graham, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that on the day of his interment, the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on such day. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9699 of February 22, 2018

Modifying and Continuing the National Emergency With Respect to Cuba and Continuing to Authorize the Regulation of the Anchorage and Movement of Vessels

By the President of the United States of America
A Proclamation

In order to modify and continue the ongoing national emergency declared in Proclamation 6867 of March 1, 1996, expanded by Proclamation 7757 of February 26, 2004, and modified by Proclamation 9398 of February 24, 2016, in light of the need to continue the national emergency based on a disturbance or threatened disturbance of the international relations of the United States related to Cuba, and,

WHEREAS it is the policy of the United States that a mass migration from Cuba would endanger our security by posing a disturbance or

threatened disturbance of the international relations of the United States;

WHEREAS the Cuban economy is in a relatively weak state, contributing to an outflow of its nationals toward the United States and neighboring countries;

WHEREAS the overarching objective of our policy is stability with our immediate neighboring countries and an outflow of Cuban nationals may have a destabilizing effect on the United States and its neighboring countries;

WHEREAS it is the policy of the United States to ensure that engagement between the United States and Cuba advances the interests of the United States and of the Cuban people as described in National Security Presidential Memorandum–5 of June 16, 2017 (Strengthening the Policy of the United States Toward Cuba);

WHEREAS the United States continues to maintain an embargo with respect to Cuba;

WHEREAS the unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of the law of the United States and contrary to the policy of the United States;

WHEREAS the unauthorized entry of United States-registered vessels into Cuban territorial waters is detrimental to the foreign policy of the United States and counter to the purpose of Executive Order 12807 of May 24, 1992, which is to ensure, among other things, safe, orderly, and legal migration;

WHEREAS the possibility of large-scale unauthorized entries of United States-registered vessels into Cuban territorial waters would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, in order to modify the scope of the national emergency declared in Proclamations 6867, 7757, and 9398, and to secure the observance of the rights and obligations of the United States, hereby continue the national emergency declared in Proclamations 6867, 7757, and 9398, and authorize and direct the Secretary of Homeland Security (the ''Secretary'';) to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and delegate to the Secretary my authority to approve such rules and regulations, as authorized by the Act of June 15, 1917. Accordingly, I hereby direct as follows:

Section 1. The Secretary may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, that may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions, or result in unauthorized transactions, thereby threatening a disturbance of international relations. A rule or regula-

tion issued pursuant to this proclamation may be effective immediately upon issuance if it involves a foreign affairs function of the United States.

Sec. 2. The Secretary is authorized, to the extent consistent with international law, to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew and all other persons not specifically authorized by the Secretary to go or remain on board the vessel, when necessary to secure the rights and obligations of the United States.

Sec. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities shall, consistent with other provisions of law and to the extent practicable, provide the assistance requested.

Sec. 4. The Secretary may seek assistance from State and local authorities in carrying out the purposes of this proclamation. Because State and local assistance may be essential for an effective response to this emergency, I urge all State and local officials to cooperate with Federal authorities and to take all actions within their lawful authority necessary to prevent the unauthorized departure of vessels intending to enter Cuban territorial waters.

Sec. 5. All powers and authorities delegated by this proclamation to the Secretary may be delegated by the Secretary to other officers and agents of the United States Government consistent with applicable law.

Sec. 6. Any provisions of Proclamations 6867, 7757, or 9398 that are inconsistent with the provisions of this proclamation are superseded to the extent of such inconsistency.

Sec. 7. This proclamation shall be immediately transmitted to the Congress and published in the *Federal Register*.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9700 of February 28, 2018

American Red Cross Month, 2018

By the President of the United States of America

A Proclamation

Since Clara Barton founded the American Red Cross in 1881, the organization has provided domestic disaster relief, assisted in international disaster relief, and supported the United States military in countless ways. Today, it is a renowned, life-saving force, supported by hundreds of thousands of volunteers and responsible for ensuring our Na-

tion's blood supply is always at safe and sufficient levels. The American Red Cross also provides training and preparedness programs for Americans in safety-related fields and helps to connect our Nation's military service members with their families. During American Red Cross Month, we honor the organization's humanitarian mission, as well as its hard-working staff, dedicated volunteers, and generous supporters, whose donations are vital to sustaining the organization's operations.

The American Red Cross plays an indispensable role in our Nation's healthcare system, including as the single largest supplier of blood and blood products in the United States. These blood products are vital for accident and burn victims, patients with conditions that require repeated transfusions, and patients undergoing advanced treatments like heart surgery and cancer therapy. On average, the American Red Cross collects nearly 4.9 million units of blood each year from more than 2.8 million donors. These donations help meet the needs of patients at approximately 2,600 hospitals and transfusion centers across the country.

In addition to its healthcare mission, last year, the American Red Cross assisted millions of people affected by disasters in the United States and around the world. During a 45-day span, the organization responded to six of our Nation's largest and most complex disasters of 2017, including back-to-back hurricanes, the deadliest wildfires in California history, and the mass shooting in Las Vegas, Nevada. Globally, the American Red Cross provided aid to 26 countries in the aftermath of multiple natural disasters, including a drought and food crisis in Africa, the floods and migration crisis in Bangladesh, two earthquakes that shook Mexico just weeks apart, and floods and landslides in Nepal. The American Red Cross helped nearly 9,400 people search for loved ones separated from their families during these and other international calamities.

Since its founding, the American Red Cross has also served as a vital conduit between our great men and women of the military and their families and support networks back home. To help caregivers meet the daily challenge of providing for our wounded, ill, and injured service members and veterans, the Military and Veteran Caregiver Network provides peer support through online resources and community-based groups. And last year alone, through its Hero Care Network, the American Red Cross relayed more than 304,000 urgent messages to more than 79,000 service members and their families.

The dedicated staff members and volunteers of the American Red Cross make tremendous, positive contributions to both our Nation and the world. Their tireless endeavors truly deserve our unwavering respect, support, and gratitude.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2018 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and to support the work of the American Red Cross and their local chapters.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand eighteen,

and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9701 of February 28, 2018

Irish-American Heritage Month, 2018

By the President of the United States of America
A Proclamation

During the month of St. Patrick's Day, we celebrate Irish-American Heritage Month and the tremendous role Irish immigrants and their descendants have played in the development of our great Nation. Irish-American Heritage Month is a great opportunity to celebrate the nearly 33 million Americans with Irish ancestry and their tremendous contributions to the betterment of our country. This month, and every month, we appreciate their efforts in helping usher in a new era of American prosperity.

Irish Americans have distinguished themselves in every sector of American life. Many have been among the key architects of our country's greatness. Nine of the men who signed our Declaration of Independence were of Irish origin. Presidents Andrew Jackson, John F. Kennedy, Ronald Reagan, and many others have traced their roots to the Emerald Isle. Businessman Henry Ford, founder of one of America's most iconic companies, was the son of an Irish immigrant.

For centuries, the tenacious Irish spirit, paired with American self-reliance, has helped Irish immigrants and their descendants realize incredible dreams. With religious devotion, strength rooted in the love of family, and confidence in the promise of America, Irish Americans have engaged in the American experience in robust and meaningful ways. Their neighborhoods, schools, churches, and workplaces have affirmed the importance of faith, industry, and learning. It is, therefore, no wonder that American art, business, and public life are marked by Irish names and symbols.

This month, Americans across the country will don the traditional green garb as we celebrate the patron saint of Ireland in an annual tribute to our shared and cherished heritage with that great country. As we spend this month honoring Irish Americans, we also pledge to further strengthen our relationship with the Emerald Isle itself, as we look forward to a bright future of greater friendship, cooperation, and commerce for centuries to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2018 as Irish-American Heritage Month. I call upon all Americans to celebrate the achievements and contributions of Irish Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand eighteen,

and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9702 of February 28, 2018

Women's History Month, 2018

By the President of the United States of America
A Proclamation

Our history is rich with amazing stories of strong, courageous, and brilliant women. Since America's founding, women have played an integral part in American innovation and productivity, while simultaneously raising generations of lively children and providing leadership in their local communities.

Time and time again, women have demonstrated resilience in the face of unprecedented challenges. America's women have readily tackled the disruptive forces and demands of wartime and embraced the technological and industrial advancements of the past 250 years. We have seen the incredible fortitude of women like Mary Katherine Goddard, who, in 1775, served as postmaster of the Baltimore post office and printed the second copy of the then-treasonous Declaration of Independence. We have followed the exceptional leadership of women like Olive Ann Beech, the first female head of a major aircraft company, which produced thousands of aircraft for the Allied effort during World War II. And, we have been transformed by women like Marva Collins, who was working as a full-time substitute teacher in Chicago when she founded a low-cost private school for low-income children being left behind by public schools.

We can find similar stories throughout women's endeavors today. Women are leaders in a range of fields, from business and medicine to government and the arts. And, my Administration is committed to creating conditions that empower women to achieve even more. Access to paid family leave and affordable, high-quality childcare can help enhance women's ability to participate in the labor force and improve the economic security of their families. The recently enacted Tax Cuts and Jobs Act provides new tax credits to businesses that offer paid family and medical leave to their employees. This landmark legislation also gives qualifying American families with children a significantly larger child tax credit and ensures that more families will be eligible to take advantage of this credit. When we support family-friendly policies, women have more freedom to explore opportunities and to thrive at work and at home.

My Administration is also supporting policies that promote women's economic empowerment. This is critical, as women now make up 40 percent of the entrepreneurs in the United States. Women business owners employ more than 8 million workers and provide them with more than $264 billion in wages and salaries. Just in the first year of my Administration, the Small Business Administration has increased lending to women-owned businesses by $128 million. We will also

continue promoting the next generation of women leaders through mentoring, training, and education initiatives.

Through these and other efforts, we will support women throughout our society, recognizing that the successes of women strengthen our families, our economy, and our Nation. As we reflect on the role of women throughout American history, we remember that women must always have access to all the opportunities that our Nation has to offer. Indeed, ensuring access to these opportunities is vital to our Nation's prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2018 as Women's History Month. I call upon all Americans to observe this month and to celebrate International Women's Day on March 8, 2018, with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9703 of March 2, 2018

National Consumer Protection Week, 2018

By the President of the United States of America

A Proclamation

A vibrant economy, fueled by consumer confidence, is at the heart of American prosperity. Fraudulent and deceptive practices erode the marketplace, cost consumers billions of dollars each year, and undermine the well-being of Americans and their families. During National Consumer Protection Week, we focus on the importance of safeguarding and strengthening our economic health through consumer education and fraud prevention.

American consumers must be alert for a broad range of scams and schemes, including identity theft, cybersecurity breaches, and charity fraud, all of which can destroy credit, diminish lifelong savings, and erode financial security and confidence. All consumers are vulnerable to financial exploitation, but depraved scammers often target the elderly. Such fraud can rob victims of their dignity and confidence, in addition to their resources. For this reason, I signed into law the Elder Abuse Prevention and Prosecution Act, which increases penalties for criminals who target older Americans.

Imposter fraud is one of the fastest-growing scams today. It takes many forms and affects Americans of all ages, but the goal is always the same: to steal money after gaining the trust of an unsuspecting consumer. Imposters pose as bank representatives, government organizations, State lottery officials, first responders, Internal Revenue Service agents, technical support personnel, and shamelessly and cruelly, loved ones in distress. A growing number of imposter fraudsters claim

affiliation with the military in an effort to trick service members or veterans into sharing sensitive personal or financial information. These con artists often convince people to send money or to provide access to their computers, which can turn out to be financially and personally devastating.

National Consumer Protection Week is an opportunity for Americans to learn about their consumer rights so they can make better-informed financial decisions, avoid predatory practices, and protect their families from fraud and abuse. The Federal Government, in conjunction with a network of national organizations and State and local partners, provides information and resources that help Americans avoid, report, or recover from fraud and identity theft. I encourage all Americans to take this week to learn about how they can protect themselves and their families and defend their personal information from the growing number of online threats. The best weapon against fraud and extortion is a well-informed consumer. Together, we can work toward preserving economic prosperity and protecting personal financial security.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 4 through March 10, 2018, as National Consumer Protection Week. I encourage individuals, businesses, organizations, government agencies, and community groups to take advantage of the broad array of online resources offered by the Federal Trade Commission, and to share this information through consumer education activities in communities across the country.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9704 of March 8, 2018

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. The Secretary found and advised me of his opinion that aluminum is being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. The Secretary found that the present quantities of aluminum imports and the circumstances of global excess capacity for producing aluminum are ''weakening our internal economy,''; leaving the United States ''almost totally reliant on foreign producers of primary aluminum''; and ''at risk of becoming completely reliant on foreign producers of high-purity aluminum that is essential for key mili-

tary and commercial systems.''; Because of these risks, and the risk that the domestic aluminum industry would become ''unable to satisfy existing national security needs or respond to a national security emergency that requires a large increase in domestic production,''; and taking into account the close relation of the economic welfare of the Nation to our national security, *see* 19 U.S.C. 1862(d), the Secretary concluded that the present quantities and circumstances of aluminum imports threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

3. In light of this conclusion, the Secretary recommended actions to adjust the imports of aluminum so that such imports will not threaten to impair the national security. Among those recommendations was a global tariff of 7.7 percent on imports of aluminum articles in order to reduce imports to a level that the Secretary assessed would enable domestic aluminum producers to use approximately 80 percent of existing domestic production capacity and thereby achieve long-term economic viability through increased production. The Secretary has also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those aluminum articles for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude aluminum articles from such restrictions for specific national security-based considerations.

4. I concur in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and I have considered his recommendations.

5. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

6. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

7. In the exercise of these authorities, I have decided to adjust the imports of aluminum articles by imposing a 10 percent ad valorem tariff on aluminum articles, as defined below, imported from all countries except Canada and Mexico. In my judgment, this tariff is necessary and appropriate in light of the many factors I have considered, including the Secretary's report, updated import and production numbers for 2017, the failure of countries to agree on measures to reduce global excess capacity, the continued high level of imports since the beginning of the year, and special circumstances that exist with respect to Canada and Mexico. This relief will help our domestic aluminum industry to revive idled facilities, open closed smelters and mills, preserve necessary skills by hiring new aluminum workers, and maintain or increase production, which will reduce our Nation's need to rely on foreign producers for aluminum and ensure that domestic producers can continue to supply all the aluminum necessary for critical industries

and national defense. Under current circumstances, this tariff is necessary and appropriate to address the threat that imports of aluminum articles pose to the national security.

8. In adopting this tariff, I recognize that our Nation has important security relationships with some countries whose exports of aluminum to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognize our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. Any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country. Should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, make any corresponding adjustments to the tariff as it applies to other countries as our national security interests require.

9. I conclude that Canada and Mexico present a special case. Given our shared commitment to supporting each other in addressing national security concerns, our shared commitment to addressing global excess capacity for producing aluminum, the physical proximity of our respective industrial bases, the robust economic integration between our countries, the export of aluminum produced in the United States to Canada and Mexico, and the close relation of the economic welfare of the United States to our national security, *see* 19 U.S.C. 1862(d), I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from Canada and Mexico is to continue ongoing discussions with these countries and to exempt aluminum articles imports from these countries from the tariff, at least at this time. I expect that Canada and Mexico will take action to prevent transshipment of aluminum articles through Canada and Mexico to the United States.

10. In the meantime, the tariff imposed by this proclamation is an important first step in ensuring the economic viability of our domestic aluminum industry. Without this tariff and satisfactory outcomes in ongoing negotiations with Canada and Mexico, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of aluminum to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. It is my judgment that the tariff imposed by this proclamation is necessary and appropriate to adjust imports of aluminum articles so that such imports will not threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, section 604 of the Trade Act of 1974, as amended, and section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim as follows:

(1) For the purposes of this proclamation, ''aluminum articles''; are defined in the Harmonized Tariff Schedule (HTS) as: (a) unwrought aluminum (HTS 7601); (b) aluminum bars, rods, and profiles (HTS 7604); (c) aluminum wire (HTS 7605); (d) aluminum plate, sheet, strip, and foil (flat rolled products) (HTS 7606 and 7607); (e) aluminum tubes and pipes and tube and pipe fitting (HTS 7608 and 7609); and (f) aluminum castings and forgings (HTS 7616.99.51.60 and 7616.99.51.70), including any subsequent revisions to these HTS classifications.

(2) In order to establish increases in the duty rate on imports of aluminum articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all imports of aluminum articles specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from all countries except Canada and Mexico.

(3) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any aluminum article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for an aluminum article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular aluminum article should be excluded, the Secretary shall, upon publishing a notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

(4) Within 10 days after the date of this proclamation, the Secretary shall issue procedures for the requests for exclusion described in clause 3 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

(5) (a) The modifications to the HTSUS made by the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(b) The Secretary shall continue to monitor imports of aluminum articles and shall, from time to time, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, the Director of the Office of Management and Budget, and such other senior Executive Branch officials as the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances that in the Secretary's opinion might indicate the need for further action by the President under section 232 of the Trade Expansion Act of 1962, as amended. The Secretary shall also inform the President of any circumstance that in the Secretary's opinion might indicate that the increase in duty rate provided for in this proclamation is no longer necessary.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX

TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new note and tariff provision, with the material in these provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", and "Rates of Duty 2", respectively:

"19. (a) Heading 9903.85.01 sets forth the ordinary customs duty treatment applicable to all entries of aluminum products from all countries, except products of Canada and of Mexico, classifiable in the headings or subheadings enumerated in this note. Such goods shall be subject to duty as provided herein. No special rates of duty shall be accorded to goods covered by heading 9903.85.01 under any tariff program enumerated in general note 3(c)(i) to the tariff schedule. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.

(b) The rates of duty set forth in heading 9903.85.01 apply to all imported products of aluminum classifiable in the provisions enumerated in this subdivision:

(i) unwrought aluminum provided for in heading 7601;

(ii) bars, rods and profiles provided for in heading 7604; wire provided for in heading 7605;

(iii) plates, sheets and strip provided for in 7606; foil provided for in heading 7607;

(iv) tubes, pipes and tube or pipe fittings provided for in heading 7608 and 7609; and

(v) castings and forgings of aluminum provided for in subheading 7616.99.51.

(c) The Secretary of Commerce may determine and announce any exclusions from heading 9903.85.01 that may be appropriate for individual aluminum products otherwise covered by subdivision (b) of this note or for individual shipments thereof, whether or not limited to particular quantities of any such goods or shipments, and shall immediately convey all such determinations to U.S. Customs and Border Protection ("CBP") for implementation by CBP at the earliest possible opportunity, but not later than five business days after the date on which CBP receives any such determination from Commerce.

(d) Any importer entering the aluminum products covered by this note under heading 9903.85.01 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of this subheading. Importers are likewise directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require.

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.85.01	"Products of aluminum provided for in the tariff headings or subheadings enumerated in note 19 to this subchapter, except products of Canada or of Mexico or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applic-able sub-heading + 10%		The duty provided in the applic-able sub-heading + 10%"

Proclamation 9705 of March 8, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles (steel articles) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. The Secretary found and advised me of his opinion that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. The Secretary found that the present quantities of steel articles imports and the circumstances of global excess capacity for producing steel are ''weakening our internal economy,''; resulting in the persistent threat of further closures of domestic steel production facilities and the ''shrinking [of our] ability to meet national security production requirements in a national emergency.''; Because of these risks and the risk that the United States may be unable to ''meet [steel] demands for national defense and critical industries in a national emergency,''; and taking into account the close relation of the economic welfare of the Nation to our national security, *see* 19 U.S.C. 1862(d), the Secretary concluded that the present quantities and circumstances of steel articles imports threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

3. In reaching this conclusion, the Secretary considered the previous U.S. Government measures and actions on steel articles imports and excess capacity, including actions taken under Presidents Reagan, George H.W. Bush, Clinton, and George W. Bush. The Secretary also considered the Department of Commerce's narrower investigation of iron ore and semi-finished steel imports in 2001, and found the recommendations in that report to be outdated given the dramatic changes in the steel industry since 2001, including the increased level of global excess capacity, the increased level of imports, the reduction in basic oxygen furnace facilities, the number of idled facilities despite increased demand for steel in critical industries, and the potential impact of further plant closures on capacity needed in a national emergency.

4. In light of this conclusion, the Secretary recommended actions to adjust the imports of steel articles so that such imports will not threaten to impair the national security. Among those recommendations was a global tariff of 24 percent on imports of steel articles in order to reduce imports to a level that the Secretary assessed would enable domestic steel producers to use approximately 80 percent of existing domestic production capacity and thereby achieve long-term economic viability through increased production. The Secretary has also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those steel articles for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude steel articles from such restrictions for specific national security-based considerations.

5. I concur in the Secretary's finding that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and I have considered his recommendations.

6. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

7. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

8. In the exercise of these authorities, I have decided to adjust the imports of steel articles by imposing a 25 percent ad valorem tariff on steel articles, as defined below, imported from all countries except Canada and Mexico. In my judgment, this tariff is necessary and appropriate in light of the many factors I have considered, including the Secretary's report, updated import and production numbers for 2017, the failure of countries to agree on measures to reduce global excess capacity, the continued high level of imports since the beginning of the year, and special circumstances that exist with respect to Canada and Mexico. This relief will help our domestic steel industry to revive idled facilities, open closed mills, preserve necessary skills by hiring new steel workers, and maintain or increase production, which will reduce our Nation's need to rely on foreign producers for steel and ensure that domestic producers can continue to supply all the steel necessary for critical industries and national defense. Under current circumstances, this tariff is necessary and appropriate to address the threat that imports of steel articles pose to the national security.

9. In adopting this tariff, I recognize that our Nation has important security relationships with some countries whose exports of steel articles to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognize our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. Any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country. Should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, make any corresponding adjustments to the tariff as it applies to other countries as our national security interests require.

10. I conclude that Canada and Mexico present a special case. Given our shared commitment to supporting each other in addressing national security concerns, our shared commitment to addressing global excess capacity for producing steel, the physical proximity of our respective industrial bases, the robust economic integration between our

countries, the export of steel articles produced in the United States to Canada and Mexico, and the close relation of the economic welfare of the United States to our national security, *see* 19 U.S.C. 1862(d), I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from Canada and Mexico is to continue ongoing discussions with these countries and to exempt steel articles imports from these countries from the tariff, at least at this time. I expect that Canada and Mexico will take action to prevent transshipment of steel articles through Canada and Mexico to the United States.

11. In the meantime, the tariff imposed by this proclamation is an important first step in ensuring the economic viability of our domestic steel industry. Without this tariff and satisfactory outcomes in ongoing negotiations with Canada and Mexico, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of steel to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. It is my judgment that the tariff imposed by this proclamation is necessary and appropriate to adjust imports of steel articles so that such imports will not threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, section 604 of the Trade Act of 1974, as amended, and section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim as follows:

(1) For the purposes of this proclamation, ''steel articles''; are defined at the Harmonized Tariff Schedule (HTS) 6-digit level as: 7206.10 through 7216.50, 7216.99 through 7301.10, 7302.10, 7302.40 through 7302.90, and 7304.10 through 7306.90, including any subsequent revisions to these HTS classifications.

(2) In order to establish increases in the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from all countries except Canada and Mexico.

(3) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any steel article determined not to be produced in the United States in a suffi-

cient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for a steel article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular steel article should be excluded, the Secretary shall, upon publishing a notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

(4) Within 10 days after the date of this proclamation, the Secretary shall issue procedures for the requests for exclusion described in clause 3 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

(5) (a) The modifications to the HTSUS made by the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(b) The Secretary shall continue to monitor imports of steel articles and shall, from time to time, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, the Director of the Office of Management and Budget, and such other senior Executive Branch officials as the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances that in the Secretary's opinion might indicate the need for further action by the President under section 232 of the Trade Expansion Act of 1962, as amended. The Secretary shall also inform the President of any circumstance that in the Secretary's opinion might indicate that the increase in duty rate provided for in this proclamation is no longer necessary.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX

TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new note and tariff provision, with the material in these provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", and "Rates of Duty 2", respectively:

"16. (a) Heading 9903.80.01 sets forth the ordinary customs duty treatment applicable to all entries of iron or steel products from all countries, except products of Canada and of Mexico, classifiable in the headings or subheadings enumerated in this note. Such goods shall be subject to duty as provided herein. No special rates of duty shall be accorded to goods covered by heading 9903.80.01 under any tariff program enumerated in general note 3(c)(i) to the tariff schedule. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.

(b) The rates of duty set forth in heading 9903.80.01 apply to all imported products of iron or steel classifiable in the provisions enumerated in this subdivision:

(i) flat-rolled products provided for in headings 7208, 7209, 7210, 7211, 7212, 7225 or 7226;

(ii) bars and rods provided for in headings 7213, 7214, 7215, 7227, or 7228, angles, shapes and sections of 7216 (except subheadings 7216.61.00, 7216.69.00 or 7216.91.00); wire provided for in headings 7217 or 7229; sheet piling provided for in subheading 7301.10.00; rails provided for in subheading 7302.10; fish-plates and sole plates provided for in subheading 7302.40.00; and other products of iron or steel provided for in subheading 7302.90.00;

(iii) tubes, pipes and hollow profiles provided for in heading 7304, or 7306; tubes and pipes provided for in heading 7305.

(iv) ingots, other primary forms and semi-finished products provided for in heading 7206, 7207 or 7224; and

(v) products of stainless steel provided for in heading 7218, 7219, 7220, 7221, 7222 or 7223.

(c) The Secretary of Commerce may determine and announce any exclusions from heading 9903.80.01 that may be appropriate for individual iron or steel products

otherwise covered by subdivision (b) of this note or for individual shipments thereof, whether or not limited to particular quantities of any such goods or shipments, and shall immediately convey all such determinations to U.S. Customs and Border Protection ("CBP") for implementation by CBP at the earliest possible opportunity, but not later than five business days after the date on which CBP receives any such determination from Commerce.

(d) Any importer entering the iron or steel products covered by this note under heading 9903.80.01 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of this subheading. Importers are likewise directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require.

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.01	"Products of iron or steel provided for in the tariff headings or subheadings enumerated in note 16 to this subchapter, except products of Canada or of Mexico or any exclusions that may be determined and announced by the Department of Commerce.....	25%		The duty provided in the applic-able sub-heading + 25%"

Proclamation 9706 of March 16, 2018

National Poison Prevention Week, 2018

By the President of the United States of America
A Proclamation

Poisoning remains the leading cause of injury death in the United States. By taking the proper precautions and preparing for emergency situations, however, we can ensure our families and our communities avoid poisoning tragedies. During National Poison Prevention Week, we strive to reduce the frequency of poisoning deaths and educate ourselves about how to prevent accidental poisoning.

Since 2000, the rate of accidental drug-poisoning deaths has more than quadrupled. Accidental poisoning due to drug overdose has taken immense tolls on families all across the country, and synthetic opioids continue to push the death count higher. In 2016 alone, we lost 116 people per day from opioid-related drug overdoses.

To address this devastating epidemic, I have mobilized my entire Administration to combat drug addiction and opioid abuse. In October 2017, my Administration declared the opioid addiction crisis a national public health emergency. My 2018 Budget proposes $3 billion in new funding this year to combat the opioid epidemic, including through providing additional support for mental health initiatives.

My Administration has also led multiple national ''Take Back Day'' events, during which Americans have had the opportunity to safely dispose of unneeded prescription medications, preventing them from falling into the wrong hands. During the most recent event last October, the Drug Enforcement Administration collected 456 tons of prescription drugs for disposal at more than 5,300 collection sites. We will continue to champion these initiatives, which help prevent future tragedies from accidental poisonings and drug overdoses.

This week, and every week, we warn all Americans about unintended exposure to poisons, so that we can reduce risks and prevent injuries and lost lives. We all can do our part by ensuring the products we bring into our homes, including medications, cleaning supplies, laundry detergents, small batteries, and other chemicals, are stored out of sight and out of reach of children. Accidental poisonings are preventable, and we must recommit ourselves to taking the necessary actions to protect our families, and improve the health, well-being, and prosperity of our Nation as a whole.

To encourage Americans to learn more about the dangers of unintentional poisonings and to take appropriate preventative measures, on September 26, 1961, the Congress, by joint resolution (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as ''National Poison Prevention Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim March 18, 2018, through March 24, 2018, to be National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to safeguard their families from poisonous products, chemicals, and medicines, and drugs found

in our homes, and to raise awareness of these dangers in order to prevent accidental injuries and deaths.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9707 of March 16, 2018

Vocational-Technical Education Week, 2018

By the President of the United States of America
A Proclamation

Across our great Nation, vocational-technical schools prepare Americans for careers in critical sectors of our economy, including manufacturing, construction, and technology fields. These industries are essential to our Nation's prosperity and security, as well as to our success in the competitive global marketplace. During Vocational-Technical Education Week, we highlight the important role that vocational and technical education plays in lifting up our communities and putting millions of Americans on the road to success.

As I said in the State of the Union Address, my Administration is focused on investing in workforce development, especially as the recent tax cuts spur major job creation across the country. Today, 5.9 million American jobs are unfilled, and more than 350,000 of them are in manufacturing. Our Nation needs skilled workers to fill these roles, but the cost of postsecondary education continues to rise while many colleges and universities fail to adequately equip students with skills that align with the jobs in demand. Businesses large and small routinely observe that they cannot find qualified applicants to fill their vacancies. Vocational-technical schools help students explore their passions and enter the workforce with the necessary competencies to secure well-paying, family-sustaining jobs.

My Administration recognizes the importance of increasing access to education, which is why my infrastructure proposal includes important reforms that will make it easier for Americans to access affordable, relevant, and high-quality education that leads to full-time work and long-term careers. It also includes initiatives related to workforce development. Specifically, my proposal would allow students to use Pell Grant funding to pay for cutting-edge, short-term programs that lead to quick and efficient transitions into the workforce. My proposal also calls on the Congress to reauthorize the Perkins Career and Technical Education program and to improve it by making it easier for schools to partner with local businesses to expand apprenticeships, other forms of skills-based learning, and dual-enrollment programs. Further, I have called for reforming the Federal Work-Study program so that more Federal dollars go toward helping students—especially lower-income students—have more meaningful workplace experiences. Through a combination of administrative and legislative actions, my Administration is

seeking to train the workforce of today for both the challenges and developments of tomorrow.

Vocational-Technical Education Week reminds us to consider how we can help all Americans achieve the American Dream, by providing opportunities for all of our citizens to secure employment, success, and fulfillment. American strength and prosperity truly rely upon the educational advancement opportunities we make available to our Nation's youth.

NOW, THERFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 18 through March 24, 2018, as Vocational-Technical Education Week. I call upon public officials, educators, librarians, and all Americans to observe this week with appropriate ceremonies and activities designed to highlight the benefits of quality vocational-technical education.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9708 of March 19, 2018

National Agriculture Day, 2018

By the President of the United States of America

A Proclamation

On National Agriculture Day, we acknowledge the tremendous work ethic, ingenuity, determination, and perseverance that define generations of American farmers. Because of their efforts, the United States produces an abundant supply of food, feed, and fuel for a growing global population. Our rich and abundant soil provides for more than just sustenance—it provides a beautiful and bountiful way of life for millions of Americans.

America's strong agricultural sector is a key component of our Nation's robust economy and trade. Every $1 of United States agricultural and food exports creates another $1.27 in business activity. Our country's agriculture exports are valued at more than $100 billion, and every $1 billion in exports supports approximately 8,000 American jobs. Moreover, agriculture contributes to at least 8.6 percent of our gross domestic product. The economic boost from our agriculture reaches beyond the fields our farmers tend, with unrivaled skill and diligence, to communities all across America.

America's farmers, growers, ranchers, foresters, and agricultural scientists and engineers are world-leading innovators, exploring new research and technologies like advancements in biotechnology and the use of automated vehicles that enable precision agriculture to maximize yields and minimize environmental impacts. My Administration proudly supports them in their pioneering endeavors. In this new era of American agriculture, the U.S. Department of Agriculture is invest-

ing in rural broadband access, roads, and bridges, and is supplying affordable, reliable power to those living on the outskirts of larger cities and towns. These investments in American infrastructure will improve the quality of life in rural America for years to come.

To help the American agricultural economy succeed in an increasingly competitive global market, I signed the Tax Cuts and Jobs Act, the largest tax cut and reform legislation in American history. This legislation is providing much needed relief to America's farmers, who can now expense 100 percent of their capital investments, including expenditures for farm equipment, over the next 4 years. Additionally, under this new legislation, the vast majority of family farms will now be exempt from the death tax.

American agriculture is an integral part of our success as a Nation, uniquely tied to both our country's culture and economy. Today, and every day, we cherish our Nation's rich agricultural history and celebrate the greatness of the American farmer.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 20, 2018, as National Agriculture Day. I encourage all Americans to observe this day by recognizing the preeminent role that agriculture plays in our daily lives, acknowledging agriculture's continuing importance to rural America and our country's economy, and expressing our deep appreciation of farmers, growers, ranchers, producers, national forest system stewards, private agricultural stewards, and those who work in the agriculture sector across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9709 of March 22, 2018

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2018

By the President of the United States of America
A Proclamation

On this celebration of Greek Independence Day, we reflect on the common bonds of history and heritage that connect the United States and Greece. Our nations share cultural, economic, and defense interests, but the foundation of our abiding friendship is our unwavering commitment to liberty and our shared love of democratic institutions.

As the cradle of Western civilization and the birthplace of democracy, Greece has a rich and glorious heritage, resplendent in its influential contributions to literature, philosophy, and science. The ancient Greeks fostered the timeless ideal of human liberty, which inspired our Nation's Founders as they drafted our Constitution and established our

Republic. The legacy of ancient Greece carries on today, as liberty continues to serve as a beacon of hope to all who long for a better life.

It was an honor to welcome Greek Prime Minister Alexis Tsipras to the White House last year. His visit underscored the importance of our bilateral relationship and our ongoing strategic cooperation on issues such as law enforcement, counterterrorism, and matters of defense, energy, commerce, and trade. Greece continues to meet its NATO obligations on defense spending and serves as a gracious host for our naval forces at Souda Bay. Our Greek-American partnership is strong, and we are grateful to have such a tremendous ally and friend in Greece.

Our nations continue to expand our economic and commercial ties, creating jobs and opportunities for investment and trade on both sides of the Atlantic. This year, the United States is proud to serve as the honored country at the 2018 Thessaloniki International Fair. This historic business and trade exhibition will showcase American technology, enterprise, and innovation, and will further enhance the partnership and cooperation between our great nations.

In 2018, we also celebrate 70 years of Fulbright Greece, a program of educational and cultural exchanges between the United States and Greece. Fulbright Greece, the oldest Fulbright program in Europe, is the flagship international exchange program sponsored by our Government. Since 1948, the program has awarded grants to more than 5,500 Greek and American citizens to study, teach, or conduct research, enriching both of our countries.

The United States and Greece have an enduring bond based on mutual respect, shared values, and an abiding commitment to freedom and sovereignty. More than 1.3 million Americans claim Greek origin. The Greek-American community has made countless positive contributions to our Nation and has played a vital role in maintaining our strong relationship with Greece. On this 197th anniversary celebration of Greek Independence Day, we honor Greece as a strong, faithful ally and valued partner in promoting peace, liberty, and prosperity around the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2018, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9710 of March 22, 2018

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America
A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704 (aluminum articles), by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico.

3. In proclaiming this tariff, I recognized that our Nation has important security relationships with some countries whose exports of aluminum articles to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognized our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. I further determined that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries as the national security interests of the United States require.

4. The United States is continuing discussions with Canada and Mexico, as well as the following countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of aluminum articles from those countries: the Commonwealth of Australia (Australia), the Argentine Republic (Argentina), the Republic of Korea (South Korea), the Federative Republic of Brazil (Brazil), and the European Union (EU) on behalf of its member countries. Each of these countries has an important security relationship with the United States and I have determined that the necessary and appropriate means to address the threat to the national security posed by imports from aluminum articles from these countries is to continue these discussions and to exempt aluminum articles imports from these countries from the tariff, at least at this time. Any country not listed in this proclamation with which we have a security relationship remains welcome to discuss with the United States alternative ways to address the

threatened impairment of the national security caused by imports of aluminum articles from that country.

5. The United States has an important security relationship with Australia, including our shared commitment to supporting each other in addressing national security concerns, particularly through our security, defense, and intelligence partnership; the strong economic and strategic partnership between our countries; our shared commitment to addressing global excess capacity in aluminum production; and the integration of Australian persons and organizations into the national technology and industrial base of the United States.

6. The United States has an important security relationship with Argentina, including our shared commitment to supporting each other in addressing national security concerns in Latin America, particularly the threat posed by instability in Venezuela; our shared commitment to addressing global excess capacity in aluminum production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

7. The United States has an important security relationship with South Korea, including our shared commitment to eliminating the North Korean nuclear threat; our decades-old military alliance; our shared commitment to addressing global excess capacity in aluminum production; and our strong economic and strategic partnership.

8. The United States has an important security relationship with Brazil, including our shared commitment to supporting each other in addressing national security concerns in Latin America; our shared commitment to addressing global excess capacity in aluminum production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

9. The United States has an important security relationship with the EU and its constituent member countries, including our shared commitment to supporting each other in national security concerns; the strong economic and strategic partnership between the United States and the EU, and between the United States and EU member countries; and our shared commitment to addressing global excess capacity in aluminum production.

10. In light of the foregoing, I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from these countries is to continue ongoing discussions and to increase strategic partnerships, including those with respect to reducing global excess capacity in aluminum production by addressing its root causes. In my judgment, discussions regarding measures to reduce excess aluminum production and excess aluminum capacity, measures that will increase domestic capacity utilization, and other satisfactory alternative means will be most productive if the tariff proclaimed in Proclamation 9704 on aluminum articles imports from these countries is removed at this time.

11. However, the tariff imposed by Proclamation 9704 remains an important first step in ensuring the economic viability of our domestic aluminum industry and removing the threatened impairment of the national security. Without this tariff and the adoption of satisfactory alternative means addressing long-term solutions in ongoing discussions with the countries listed as excepted in clause 1 of this proclamation,

the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of aluminum to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of aluminum articles from a particular country listed as excepted in clause 1 of this proclamation, the tariff set forth in clause 2 of Proclamation 9704 shall be effective May 1, 2018, for the countries listed as excepted in clause 1 of this proclamation. In the event that a satisfactory alternative means is reached such that I decide to exclude on a long-term basis a particular country from the tariff proclaimed in Proclamation 9704, I will also consider whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to the tariff set forth in clause 2 of Proclamation 9704 as it applies to other countries. Because the current tariff exemptions are temporary, however, I have determined that it is necessary and appropriate to maintain the current tariff level at this time.

12. In the meantime, to prevent transshipment, excess production, or other actions that would lead to increased exports of aluminum articles to the United States, the United States Trade Representative, in consultation with the Secretary and the Assistant to the President for Economic Policy, shall advise me on the appropriate means to ensure that imports from countries exempt from the tariff imposed in Proclamation 9704 do not undermine the national security objectives of such tariff. If necessary and appropriate, I will consider directing U.S. Customs and Border Protection (CBP) of the Department of Homeland Security to implement a quota as soon as practicable, and will take into account all aluminum articles imports since January 1, 2018, in setting the amount of such quota.

13. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

14. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all aluminum articles, as defined in clause 1 of Proclamation 9704, from the countries listed in this clause shall be exempt from the duty established in clause 2 of Proclamation 9704 until 12:01 a.m. eastern daylight time on May 1, 2018. Further, clause 2 of Proclamation 9704 is amended by striking the last two sentences and insert-

ing the following two sentences: ''Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all aluminum articles imports specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the European Union, and (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from each country as specified in the preceding sentence.'';.

(2) Paragraph (a) of U.S. note 19, added to subchapter III of chapter 99 of the HTSUS by the Annex to Proclamation 9704, is amended by replacing ''Canada and of Mexico''; with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, and of the member countries of the European Union'';.

(3) The ''Article description''; for heading 9903.85.01 of the HTSUS is amended by replacing ''Canada or of Mexico''; with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, or of the member countries of the European Union'';.

(4) The exemption afforded to aluminum articles from Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the EU shall apply only to aluminum articles of such countries entered, or withdrawn from warehouse for consumption, through the close of April 30, 2018, at which time Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the EU shall be deleted from paragraph (a) of U.S. note 19 to subchapter III of chapter 99 of the HTSUS and from the article description of heading 9903.85.01 of the HTSUS.

(5) Any aluminum article that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on March 23, 2018, may only be admitted as ''privileged foreign status''; as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading. Any aluminum article that was admitted into a U.S. foreign trade zone under ''privileged foreign status''; as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on March 23, 2018, will likewise be subject upon entry for consumption to any ad valorem rates of duty related to the classification under applicable HTSUS subheadings imposed by Proclamation 9704, as amended by this proclamation.

(6) Clause 3 of Proclamation 9704 is amended by inserting a new third sentence reading as follows: ''Such relief may be provided to directly affected parties on a party-by-party basis taking into account the regional availability of particular articles, the ability to transport articles within the United States, and any other factors as the Secretary deems appropriate.'';.

(7) Clause 3 of Proclamation 9704, as amended by clause 6 of this proclamation, is further amended by inserting a new fifth sentence as follows: ''For merchandise entered on or after the date the directly affected party submitted a request for exclusion, such relief shall be ret-

roactive to the date the request for exclusion was posted for public comment.'';.

(8) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(9) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9711 of March 22, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel mill articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of steel mill articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of this proclamation (steel articles), by imposing a 25 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico.

3. In proclaiming this tariff, I recognized that our Nation has important security relationships with some countries whose exports of steel articles to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognized our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. I further determined that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports

from that country and, if necessary, adjust the tariff as it applies to other countries as the national security interests of the United States require.

4. The United States is continuing discussions with Canada and Mexico, as well as the following countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of steel articles from those countries: the Commonwealth of Australia (Australia), the Argentine Republic (Argentina), the Republic of Korea (South Korea), the Federative Republic of Brazil (Brazil), and the European Union (EU) on behalf of its member countries. Each of these countries has an important security relationship with the United States and I have determined that the necessary and appropriate means to address the threat to the national security posed by imports from steel articles from these countries is to continue these discussions and to exempt steel articles imports from these countries from the tariff, at least at this time. Any country not listed in this proclamation with which we have a security relationship remains welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports of steel articles from that country.

5. The United States has an important security relationship with Australia, including our shared commitment to supporting each other in addressing national security concerns, particularly through our security, defense, and intelligence partnership; the strong economic and strategic partnership between our countries; our shared commitment to addressing global excess capacity in steel production; and the integration of Australian persons and organizations into the national technology and industrial base of the United States.

6. The United States has an important security relationship with Argentina, including our shared commitment to supporting each other in addressing national security concerns in Latin America, particularly the threat posed by instability in Venezuela; our shared commitment to addressing global excess capacity in steel production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

7. The United States has an important security relationship with South Korea, including our shared commitment to eliminating the North Korean nuclear threat; our decades-old military alliance; our shared commitment to addressing global excess capacity in steel production; and our strong economic and strategic partnership.

8. The United States has an important security relationship with Brazil, including our shared commitment to supporting each other in addressing national security concerns in Latin America; our shared commitment to addressing global excess capacity in steel production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

9. The United States has an important security relationship with the EU and its constituent member countries, including our shared commitment to supporting each other in national security concerns; the strong economic and strategic partnership between the United States and the EU, and between the United States and EU member countries; and our shared commitment to addressing global excess capacity in steel production.

10. In light of the foregoing, I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from these countries is to continue ongoing discussions and to increase strategic partnerships, including those with respect to reducing global excess capacity in steel production by addressing its root causes. In my judgment, discussions regarding measures to reduce excess steel production and excess steel capacity, measures that will increase domestic capacity utilization, and other satisfactory alternative means will be most productive if the tariff proclaimed in Proclamation 9705 on steel articles imports from these countries is removed at this time.

11. However, the tariff imposed by Proclamation 9705 remains an important first step in ensuring the economic viability of our domestic steel industry and removing the threatened impairment of the national security. Without this tariff and the adoption of satisfactory alternative means addressing long-term solutions in ongoing discussions with the countries listed as excepted in clause 1 of this proclamation, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of steel to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of steel articles from a particular country listed as excepted in clause 1 of this proclamation, the tariff set forth in clause 2 of Proclamation 9705 shall be effective May 1, 2018, for the countries listed as excepted in clause 1 of this proclamation. In the event that a satisfactory alternative means is reached such that I decide to exclude on a long-term basis a particular country from the tariff proclaimed in Proclamation 9705, I will also consider whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to the tariff set forth in clause 2 of Proclamation 9705 as it applies to other countries. Because the current tariff exemptions are temporary, however, I have determined that it is necessary and appropriate to maintain the current tariff level at this time.

12. In the meantime, to prevent transshipment, excess production, or other actions that would lead to increased exports of steel articles to the United States, the United States Trade Representative, in consultation with the Secretary and the Assistant to the President for Economic Policy, shall advise me on the appropriate means to ensure that imports from countries exempt from the tariff imposed in Proclamation 9705 do not undermine the national security objectives of such tariff. If necessary and appropriate, I will consider directing U.S. Customs and Border Protection (CBP) of the Department of Homeland Security to implement a quota as soon as practicable, and will take into account all steel articles imports since January 1, 2018, in setting the amount of such quota.

13. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

14. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of this proclamation, from the countries listed in this clause shall be exempt from the duty established in clause 2 of Proclamation 9705 until 12:01 a.m. eastern daylight time on May 1, 2018. Further, clause 2 of Proclamation 9705 is amended by striking the last two sentences and inserting the following two sentences: ''Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the European Union, and (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding sentence.'';.

(2) Paragraph (a) of U.S. note 16, added to subchapter III of chapter 99 of the HTSUS by the Annex to Proclamation 9705, is amended by replacing ''Canada and of Mexico''; with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, and of the member countries of the European Union'';.

(3) The ''Article description''; for heading 9903.80.01 of the HTSUS is amended by replacing ''Canada or of Mexico''; with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, or of the member countries of the European Union'';.

(4) The exemption afforded to steel articles from Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the EU shall apply only to steel articles of such countries entered, or withdrawn from warehouse for consumption, through the close of April 30, 2018, at which time Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the EU shall be deleted from paragraph (a) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS and from the article description of heading 9903.80.01 of the HTSUS.

(5) Any steel article that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on March 23, 2018, may only be admitted as ''privileged foreign status''; as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valo-

rem rates of duty related to the classification under the applicable HTSUS subheading. Any steel article that was admitted into a U.S. foreign trade zone under ''privileged foreign status''; as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on March 23, 2018, will likewise be subject upon entry for consumption to any ad valorem rates of duty related to the classification under applicable HTSUS subheadings imposed by Proclamation 9705, as amended by this proclamation.

(6) Clause 3 of Proclamation 9705 is amended by inserting a new third sentence reading as follows: ''Such relief may be provided to directly affected parties on a party-by-party basis taking into account the regional availability of particular articles, the ability to transport articles within the United States, and any other factors as the Secretary deems appropriate.'';.

(7) Clause 3 of Proclamation 9705, as amended by clause 6 of this proclamation, is further amended by inserting a new fifth sentence as follows: ''For merchandise entered on or after the date the directly affected party submitted a request for exclusion, such relief shall be retroactive to the date the request for exclusion was posted for public comment.'';.

(8) The reference to ''7304.10''; in clause 1 of Proclamation 9705, is amended to read ''7304.11'';.

(9) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(10) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9712 of March 27, 2018

Education and Sharing Day, U.S.A., 2018

By the President of the United States of America
A Proclamation

A quality education can give every child, regardless of his or her circumstances, the opportunity to grow, thrive, succeed, and achieve their version of the American Dream. On Education and Sharing Day, we acknowledge the power that a solid academic foundation, combined with the transformative power of time-honored values and ethics, can have in helping young people achieve lives of purpose and passion.

Today, we honor the life and legacy of Rabbi Menachem Mendel Schneerson. The Lubavitcher Rebbe was a widely respected scholar

and leader of faith who believed in the potential of all persons and sought to empower young people through education, character development, and civic pride. Throughout his long and distinguished life, Rabbi Schneerson inspired millions of people, across multiple generations, through his example of compassion, wisdom, and courage in the face of oppression. He recognized that access to education, paired with moral and spiritual development, could transform the world for good, and he devoted his life to these principles. His commitment to invest in the lives of the next generation led to the establishment of academic and outreach centers to help grow and engage young minds and provide them with spiritual and material assistance. Thanks to his drive and dedication, these educational and social service centers can be found in every State and throughout the world.

The Lubavitcher Rebbe believed that even in the darkest place, ''the light of a single candle can be seen far and wide.''; His life is an example of the power of one person to influence the lives of many. May we strive to be that light for future generations, instilling in them the value of education and the virtues of courage and compassion that can impact our communities and the world for the better.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 27, 2018, as ''Education and Sharing Day, U.S.A.''; I call upon government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9713 of March 29, 2018

Cancer Control Month, 2018

By the President of the United States of America

A Proclamation

During National Cancer Control Month, we remember the loved ones we have lost to cancer and recommit our support for the courageous individuals who are fighting this terrible disease. We also pause to thank the devoted healthcare professionals, scientists, and researchers who work tirelessly to discover a cure for cancer and whose combined efforts have contributed to an encouraging decline in the overall rate of deaths from cancer over the past two decades.

American innovators and entrepreneurs have made many incredible scientific breakthroughs during the past century. In the field of medicine, American scientists have been at the forefront of world-class research that has developed increasingly effective cancer prevention strategies and treatments. Through public- and private-sector partnerships, Americans have made critical advances to support and expand

precision medicine and immunotherapy approaches to cancer. These innovations have given us greater ability to prevent, detect, and treat cancer and have helped more than 15 million Americans beat this disease.

Despite these tremendous strides, we recognize the staggering number of Americans who have lost their battles with cancer. Last year alone, cancer took the lives of approximately 600,000 adults and 2,000 children in the United States, making it the second leading cause of death in our Nation. According to the National Cancer Institute, nearly 40 percent of all Americans will be diagnosed with cancer in their lifetime. Together, we must take action to prevent and combat cancer, including maintaining healthy diets and weight and making physical activity a part of each day. Regular screenings and physicals, as well as knowledge of family medical history, are also crucial to catching cancers in earlier, more treatable stages.

As we observe National Cancer Control Month, let us raise awareness of the measures we can take to prevent cancer and strengthen our resolve to find a cure for this horrible disease, which continues to cause so many families such great pain. Let us also honor the determination, courage, and strength of our cancer survivors. Their stories are an inspiration to all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as Cancer Control Month. I call upon the people of the United States to speak with their doctors and healthcare providers to learn more about preventative measures that can save lives. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Cancer Control Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9714 of March 29, 2018

National Child Abuse Prevention Month, 2018

By the President of the United States of America

A Proclamation

Every child is a precious and unique gift who deserves the security of a loving and nurturing home. When supported by encouraging families and safe, strong communities, all children have the chance to reach their full potential and access the unlimited opportunities that our great Nation has to offer. To realize this truth, we must dedicate ourselves to the noble cause of protecting and caring for our children.

National Child Abuse Prevention Month is an annual reminder that not every home is a haven of acceptance and unconditional love. Too often, childhood is marred with pain, violence, neglect, and abuse, which can have lifelong psychological, emotional, and physical consequences. At no fault of their own, some children are subjected to the most depraved forms of child abuse and neglect, without reprieve and, sometimes, without any knowledge that they are being maltreated. The statistics are shocking: a quarter of all children experience some form of child abuse or neglect in their lifetime. The financial consequences of this depravity are dire. By some estimates, the lifetime cost of child abuse and neglect is $124 billion per year. The human cost—measured in lost development, potential, and flourishing—is incalculable.

To improve the statistics and the well-being of our Nation's children, we must become more aware of the signs and symptoms of child abuse and take action as necessary. We should not allow pride or discomfort to prevent us from helping a child who is truly suffering. We must be a Nation committed to taking action in the face of adversity and uncertainty, particularly when done to enhance the safety or security of children.

The Child Welfare Information Gateway (CWIG) notes that children who show sudden changes in behavior, who have not received treatment for physical or medical problems brought to their parents' attention, or who are always watchful, as if preparing for something bad to happen, may be exhibiting signs of child abuse. Though the presence of one or some of these signs alone does not necessarily mean that a child has been the victim of child abuse or neglect, it is vital that we understand and remain vigilant for these indicators. As Americans we must do all that we can.

This month, we honor the professionals, volunteers, and organizations who work tirelessly to protect at-risk children and care for those who have experienced abuse or neglect. This difficult work is critical to ensuring the safety and protection of our children, to strengthening our communities, and to stopping cycles of violence harm. There are no substitutes for caring parents and guardians. But we recognize that friends, neighbors, educators, and places of worship have important roles to play in fostering the well-being of children. We are especially grateful to foster and adoptive parents, who open their lives to children in need of loving and caring homes. We can and should continue to work together to help provide healthy, happy, and safe environments for all children.

We must always remember that all children are blessings from our Creator. They are endowed from conception with value, purpose, and human dignity. They are a source of unmatched joy, and they represent our Nation's future. It is thus our civic and moral responsibility to help every child experience a childhood free from abuse and mistreatment, guiding them toward a future full of hope and promise. I encourage all Americans to nurture the children in their lives and to extend a hand to those in need of love, protection, or even just attention. Only together can we put an end to the tragedy of child abuse and neglect. I am confident that our combined efforts in combatting these evils will help create a world that is more tender, compassionate, and inviting to our children for centuries to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as National Child Abuse Prevention Month. I call upon all Americans to invest in the lives of our Nation's children, to be aware of their safety and well-being, and to support efforts that promote their psychological, physical, and emotional development.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9715 of March 29, 2018

National Donate Life Month, 2018

By the President of the United States of America
A Proclamation

Americans celebrate the blessing of life in many ways, but perhaps none is more transformative than their choice to donate organs or tissue to family members, friends, or to people they may not ever meet. During National Donate Life Month, we honor our Nation's organ and tissue donors for their decision to give the precious gift of life to someone in need. We also give thanks to the many remarkable medical professionals, scientists, and researchers who have dedicated themselves to improving the health of others.

My Administration supports efforts to raise awareness about the lifesaving power of organ donation. The Organ Procurement and Transplantation Network reports that, in 2017, there were nearly 35,000 transplants performed, a 3.4 percent increase from 2016, and the fifth consecutive record-setting year for transplants in the United States. Last year, more than 16,000 living and deceased individuals donated the gift of life to someone in need through an organ or tissue donation.

Every person, regardless of gender, age, race, ethnicity, or economic status, has the power and the potential to transform a life through organ and tissue donation. Despite record setting years, we are still working to overcome a gap between the availability of organs and people in need of an organ donation. Today, nearly 115,000 Americans are awaiting a lifesaving transplant, and a new name appears on the national transplant waiting list every 10 minutes. Amazingly, 1 donor can save up to 8 lives through organ donation and enhance the lives of up to 50 people through tissue donation. This month, I encourage all Americans to consider participating in the gift of life by becoming organ and tissue donors.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as National Donate Life Month. I call upon health professionals, volunteers, educators, government agencies, faith-based and commu-

nity groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9716 of March 30, 2018

National Fair Housing Month, 2018

By the President of the United States of America
A Proclamation

During April, America reaffirms its commitment to ending housing discrimination by celebrating National Fair Housing Month. This year, we mark a particularly important milestone in this effort. Fifty years ago this April 11—just 7 days after the assassination of Dr. Martin Luther King, Jr.—President Lyndon Johnson signed the Civil Rights Act of 1968 into law. The Fair Housing Act, which prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, or national origin, is Title VIII of that law.

Over the last 50 years, our Nation has made great strides toward ensuring Americans have access to fair and affordable housing free from discrimination. In addition to enforcement of the prohibitions in the original Fair Housing Act, the Congress has twice amended the law to expand and enhance its protections. In 1974, the Congress acted to prohibit housing discrimination based on sex, and in 1988, the Congress extended the law's protections to persons living with disabilities and to families with children. These actions have helped create a more fair and just market for housing throughout our Nation.

My Administration has continued to fight for the American people and for equal access to opportunity in America. That is why we are exploring and developing evidence-based reforms to enhance the development of affordable housing options, free from discrimination, that can alleviate poverty and promote opportunity. My Administration intends to deliver on the promise outlined by the Fair Housing Act, by ending prejudice and unlawful discriminatory practices in the sale, lease, and financing of housing, expanding the availability of affordable housing, promoting sustainable homeownership opportunities, encouraging economic mobility, and creating more vibrant communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, and in recognition of the 50th anniversary of the Fair Housing Act, do hereby proclaim April 2018 as National Fair Housing Month. I urge all Americans to learn more about their rights and responsibilities under the Fair Housing Act and reaffirm their commitment to making homeownership within reach, no matter one's background.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9717 of March 30, 2018

National Sexual Assault Awareness and Prevention Month, 2018

By the President of the United States of America

A Proclamation

During National Sexual Assault Awareness and Prevention Month, we remain steadfast in our efforts to stop crimes of sexual violence, provide care for victims, enforce the law, prosecute offenders, and raise awareness about the many forms of sexual assault. We must continue our work to eliminate sexual assault from our society and promote safe relationships, homes, and communities.

Sexual assault crimes remain tragically common in our society, and offenders too often evade accountability. These heinous crimes are committed indiscriminately: in intimate relationships, in public spaces, and in the workplace.

We must respond to sexual assault by identifying and holding perpetrators accountable. Too often, however, the victims of assault remain silent. They may fear retribution from their offender, lack faith in the justice system, or have difficulty confronting the pain associated with the traumatic experience. My Administration is committed to raising awareness about sexual assault and to empowering victims to identify perpetrators so that they can be held accountable. We must make it as easy as possible for those who have suffered from sexual assault to alert the authorities and to speak about the experience with their family and friends.

When victims seek help, responses must be carefully tailored to the context in which the sexual assault occurred and the unique needs of each victim. To better assist victims, the Department of Justice's Office on Violence Against Women has developed the Sexual Assault Victim Intervention Services Technical Assistance Center (SAVIS TAC). This new resource will help community officials and organizations appropriately respond to sexual assault by expanding their understanding of the type of support likely to be effective in each unique circumstance. Participants in the SAVIS TAC initiative will use available funds to provide intensive training and resources to service providers. With these resources, service providers, including rape crisis centers and other sexual assault and domestic violence organizations can build organizational and staff capacity for providing comprehensive sexual assault victim intervention services.

Together, during Sexual Assault Awareness Month, we recommit ourselves to doing our part to help stop sexual violence. We must not be afraid to talk about sexual assualt and sexual assult prevention with

our loved ones, in our communities, and with those who have experienced these tragedies. We must encourage victims to report sexual assault and law enforcement to hold offenders accountable, and we must support victims and survivors unremmittingly. Through a concerted effort to better educate ourselves, empower victims, and punish criminals, our Nation will move closer to ending the grief, fear, and suffering caused by sexual assult. The prevention of sexual violence is everyone's concern.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2018 as National Sexual Assault Awareness and Prevention Month. I urge all Americans, families, law enforcement, healthcare providers, community and faith-based organizations, and private organizations to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9718 of March 30, 2018

Second Chance Month, 2018

By the President of the United States of America
A Proclamation

During Second Chance Month, our Nation emphasizes the need to prevent crime on our streets, to respect the rule of law by prosecuting individuals who break the law, and to provide opportunities for people with criminal records to earn an honest second chance. Affording those who have been held accountable for their crimes an opportunity to become contributing members of society is a critical element of criminal justice that can reduce our crime rates and prison populations, decrease burdens to the American taxpayer, and make America safer.

According to the Bureau of Justice Statistics, each year, approximately 650,000 individuals complete prison sentences and rejoin society. Unfortunately, two-thirds of these individuals are re-arrested within 3 years of their release. We must do more—and use all the tools at our disposal—to break this vicious cycle of crime and diminish the rate of recidivism.

For the millions of American citizens with criminal records, the keys to successful re-entry are becoming employable and securing employment. Beyond the income earned from a steady paycheck, gainful employment teaches responsibility and commitment and affirms human dignity. As a Nation, we are stronger when more individuals have stable jobs that allow them to provide for both themselves and their loved ones.

I am committed to advancing reform efforts to prevent crime, improve reentry, and reduce recidivism. I expressed this commitment in my 2018 State of the Union Address and reinforced it by signing an Executive Order to reinvigorate the ''Federal Interagency Council on Crime Prevention and Improving Reentry.''; In the spirit of these efforts, I call on Federal, State, and local prison systems to implement evidence-based programs that will provide prisoners with the skills and preparation they need to succeed in society. This includes programs focused on mentorship and treatment for drug addiction and mental health issues, in addition to job training.

This month, we celebrate those who have exited the prison system and successfully reentered society. We encourage expanded opportunities for those who have worked to overcome bad decisions earlier in life and emphasize our belief in second chances for all who are willing to work hard to turn their lives around.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as Second Chance Month. I call on all Americans to commemorate this month with events and activities that raise public awareness about preventing crime and providing those who have completed their sentences an opportunity for an honest second chance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9719 of April 2, 2018

World Autism Awareness Day, 2018

By the President of the United States of America
A Proclamation

World Autism Awareness Day is an opportunity to recognize and support all children and adults with autism spectrum disorder (ASD). Today, millions of adults and an estimated 1 out of every 68 children in the United States have been diagnosed with some form of ASD. Notwithstanding these diagnoses, Americans with ASD make exceptional contributions across our Nation and around the world. On this day, we honor their accomplishments and recommit to ensuring that they enjoy the same opportunities to fulfill their potential that all Americans deserve.

To maximize the quality of life across the entire autism spectrum, we must ensure that ASD is accurately identified and diagnosed in both children and adults. We must also support access to effective care, critical resources, and support services. To further these important goals, I was pleased to sign into law the Recognize, Assist, Include, Support, and Engage (RAISE) Family Caregivers Act, which will provide a national framework to support families as they care for loved ones with ASD and other similar conditions.

My Administration also continues to focus on young adults with ASD. The Department of Health and Human Services, in accordance with the Autism CARES Act of 2014 and in coordination with other executive departments and agencies, has released a report that details services available for young people with ASD as they leave secondary education to help them transition to adulthood. In addition, the Department's Interagency Autism Coordinating Committee ensures robust engagement with people with ASD and their families to help inform policies and priorities. My Administration remains focused on this critical work and committed to advancing initiatives that improve the lives of those living with ASD.

On World Autism Awareness Day, let us renew our commitment to support the entire international ASD community, including children and adults with ASD, their families, and caregivers. Together, we can increase access to information, encourage heightened understanding of ASD, promote respect and dignity, and support the services that assist people with ASD to reach their full potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2, 2018, World Autism Awareness Day. I encourage all Americans to learn more about autism, and find ways to support people with autism and their families and caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9720 of April 3, 2018

50th Anniversary of the Assassination of Dr. Martin Luther King, Jr.

By the President of the United States of America

A Proclamation

Fifty years ago today, on April 4, 1968, the Reverend Dr. Martin Luther King, Jr., was tragically assassinated in Memphis, Tennessee. Though he was taken from this earth unjustly, he left us with his legacy of justice and peace. In remembrance of his profound and inspirational virtues, we look to do as Dr. King did while this world was privileged enough to still have him. We must learn to live together as brothers and sisters lest we perish together as fools. We must embrace the sanctity of life and love our neighbor as we love ourselves. As a united people, we must see Dr. King's life mission through and denounce racism, inhumanity, and all those things that seek to divide us.

It is not government that will achieve Dr. King's ideals, but rather the people of this great country who will see to it that our Nation represents all that is good and true, and embodies unity, peace, and justice. We must actively aspire to secure the dream of living together as

one people with a common purpose. President Abraham Lincoln sought to eradicate the senseless divisions of racial hierarchies when he issued the Emancipation Proclamation. Just over 100 years later, Dr. King continued this effort and called upon Americans to reject ugly impulses and prejudices, and to recognize the beauty and the humanity of all people, regardless of the color of their skin. Today, we remain steadfast in advancing their efforts, in hopes of hastening the day when all of God's children will join hands in freedom forever.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 4, 2018, to be a day to honor Dr. King's legacy. I urge all Americans to do their part to make Dr. King's dreams of peace, unity, and justice a reality.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9721 of April 6, 2018

National Crime Victims' Rights Week, 2018

By the President of the United States of America

A Proclamation

Year after year, millions of violent and property crimes occur in the United States. Each of these crimes has a victim. These victims can be left with serious physical and emotional wounds, and often with long-lasting, significant financial challenges. Even when victims receive assistance in the aftermath of these crimes, they may live in perpetual fear for their safety or continue to suffer ongoing financial setbacks. During National Crime Victims' Rights Week, we renew our determination to hold criminals accountable for their actions and to reassure all crime victims that they are not alone.

Across our Nation, thousands of dedicated advocates, healthcare professionals, private citizens, and criminal justice personnel strive to help victims as they move toward recovery and return to their lives. The Department of Justice (DOJ), through its Office for Victims of Crime (OVC), supports thousands of these local victim assistance programs. These programs provide many services, including mental health counseling and real-time crisis assistance, such as temporary housing, transportation, and civil legal assistance. OVC also supports State crime victim compensation programs, which help reimburse victims for medical, mental health, funeral, burial, and other expenses resulting from their experiences as victims of crime. Yet, according to the National Crime Victimization Survey, only 42 percent of the victims of violent crime report the offense to police, and only 12 percent of victims of serious violence received services to assist them in the aftermath. Appropriate victim services from trained and qualified providers can transform lives. All those who diligently endeavor to console, heal,

and support victims of crime deserve our gratitude and continued support.

My Administration will continue to take a strong stance against crime in the United States. For example, DOJ's Project Safe Neighborhoods initiative has helped coordinate our efforts with State and local jurisdictions to restore public safety to our communities. In addition, earlier this year, I signed the SAFER Act of 2017, which strengthens and reauthorizes efforts to eliminate the nationwide rape kit backlog. If we can prosecute violent crimes more quickly and efficiently, we can help the victims of crime overcome their experiences and prevent others from suffering in the future.

This week, we reaffirm our commitment to alleviate the burdens of crime victims, support those who serve these victims, and reduce the number of future victims by assisting law enforcement to keep our communities safe. Together, we can ensure a safe and prosperous future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 8 through 14, 2018, as National Crime Victims' Rights Week. I urge all Americans, families, law enforcement, community and faith-based organizations, and private organizations to work together to support victims of crime and protect their rights.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9722 of April 6, 2018

National Former Prisoner of War Recognition Day, 2018

By the President of the United States of America

A Proclamation

Since the days of the American Revolution, brave men and women have selflessly answered the call to protect and defend our great Nation. During the conflicts of the past two centuries, more than 500,000 United States service members have been captured and held as prisoners of war (POWs). National Former Prisoner of War Recognition Day honors these American patriots, who each paid an extraordinary price to help preserve our liberty.

This year commemorates several significant military anniversaries, including the centennial observance of the Armistice that ended World War I, the 75th anniversary of the Battle of Kasserine Pass in World War II, the 65th anniversary of the Korean Armistice Agreement, the 50th anniversary of the Vietnam War's Tet Offensive, and the 25th anniversary of the Battle of Mogadishu. Enemy forces captured and imprisoned American service members during each of these conflicts. During these battles, as with those throughout our Nation's history,

military personnel carried out their missions undaunted by risk of capture or loss of life, because of their love for each other and their devotion to the principles of duty, honor, and justice.

On this day, we pay homage to the courageous warriors who endured time in enemy hands and returned with honor to their families. During their capture, they faced loneliness, torture, hardship, separation from loved ones, and uncertainty about the future. In spite of unimaginable tribulations, these patriots persevered and survived. They are American heroes.

Former POWs remain actively engaged in communities throughout our country. Their efforts help fellow veterans and their families cope with life after military service. In addition, their stories are a source of inspiration for current and future generations. Former POWs and loved ones of military personnel who have not returned from past conflicts share a unique connection. Few people can comprehend the emotional toll, the loss, and the pain of uncertainty the families of the fallen or captured endure better than former POWs. Their encouragement, understanding, and outreach helps ensure that their fallen and unaccounted-for comrades are not forgotten.

As President, I remain committed to honoring and caring for former POWs. They have persevered through the harshest of conditions and, thankfully, have returned home to their loving families and a grateful Nation. They deserve our utmost reverence and respect.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2018, as National Former Prisoner of War Recognition Day. I call upon Americans to observe this day by honoring the service and sacrifice of all our former prisoners of war and to express our Nation's eternal gratitude for their sacrifice. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9723 of April 10, 2018

Maintaining Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats

By the President of the United States of America

A Proclamation

In Proclamation 9645 of September 24, 2017 (Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats), I recognized that the United States has ''developed a baseline for the kinds of informa-

tion required from foreign governments to support the United States Government's ability to confirm the identity of individuals seeking entry into the United States as immigrants and nonimmigrants, as well as individuals applying for any other benefit under the immigration laws, and to assess whether they are a security or public-safety threat.''; That baseline is designed to allow the United States to assess adequately whether foreign nationals from a particular country seeking to enter or apply for an immigration benefit from the United States pose a national security or public-safety threat. It also includes an assessment of any national security or public-safety risks that may emanate from a country's territory.

After evaluating a comprehensive worldwide assessment of the performance of more than 200 countries against the baseline criteria, I placed entry suspensions and limitations on nationals of countries that failed to meet the baseline or whose nationals otherwise posed a significant threat. I also directed the Secretary of Homeland Security (Secretary), in consultation with the Secretary of State, to develop and implement a process to review whether countries have met the baseline criteria described in Proclamation 9645; develop recommendations regarding whether the suspensions and limitations should be continued, modified, terminated, or supplemented; and submit to me a report detailing these recommendations every 180 days. I further directed the Secretary of State to engage with countries subject to these entry restrictions in order to improve their performance against the baseline criteria, as practicable and appropriate, and consistent with the foreign policy, national security, and public-safety objectives of the United States. In taking these steps, I strengthened U.S. immigration vetting capabilities and processes, making our country safer. More work remains to be done, especially in light of evolving modern global threats, but we have made important progress.

On March 30, 2018, the Secretary transmitted to me the first of the required reports. In the report, the Secretary recommended that the suspensions and limitations on the entry of foreign nationals from one country be terminated. The Secretary based this recommendation on the results of the review and engagement process developed with the Secretary of State. The review process consisted of three phases: (1) country data collection; (2) data review, analysis, and engagement; and (3) consultation with executive departments and agencies (agencies).

During the data collection phase, the Department of State (State) surveyed all U.S. diplomatic missions worldwide on the performance of each country in meeting the baseline. For countries with deficiencies previously identified in the summer of 2017, missions provided their perspective on any steps taken to improve. The Department of Homeland Security (DHS) simultaneously collected and reviewed relevant diplomatic, law enforcement, and intelligence reporting, along with data from other authoritative sources within the United States Government, intergovernmental organizations, and the public domain.

During the data review, analysis, and engagement phase, DHS and State reviewed the information gathered, including survey responses from missions covering more than 200 countries, to determine whether each country's performance against the baseline criteria had improved, worsened, or remained the same. The review focused on any observed changes during the review period in a country's cooperation with the United States, as well as any indicators of potential deficiencies in sat-

isfying the baseline. In cases in which survey responses from the U.S. missions required follow-up, DHS and State engaged with the missions and requested additional information. DHS and State also, as practicable and appropriate, verified each country's implementation of the criteria against other diplomatic, law enforcement, and intelligence reporting, and through authoritative sources of information external to the United States Government.

DHS and State prioritized and, as practicable and appropriate, actively engaged those countries currently subject to travel restrictions in an effort to address and correct any deficiencies. U.S. missions abroad routinely engaged with their host governments, and DHS and State engaged with the pertinent foreign embassies in Washington, D.C. When a foreign government expressed interest in cooperating with the United States to address deficiencies, such discussions were supplemented by high-level meetings with appropriate U.S. officials and subject-matter experts. Through this process, for example, DHS and State organized a site visit to the Republic of Chad (Chad) in December 2017 to discuss specific deficiencies and potential remedies with relevant officials. Additionally, DHS met with the Libyan Foreign Minister to discuss Libya's ongoing efforts to comply with the baseline.

Based on the information collected, DHS evaluated whether each country in the world is meeting the baseline criteria. If the information indicated a potential change in a country's performance, but the information was not sufficiently concrete, that country's compliance status was not adjusted. In such instances, DHS and State have treated such indicators as the basis for further evaluation during the next review period.

DHS and State also identified certain developments or contextual indicators that would trigger further review of a country's performance to assess whether the country continues to meet information-sharing and identity-management criteria in a manner that mitigates any emerging risk, threat, or vulnerability. The goal of this evaluation was to ensure any recommendation to adjust current travel restrictions, either positively or negatively, would be grounded in articulable information and observations that demonstrate improved or degraded performance.

The Secretary's review concluded that, while more work must be done, identity-management and information-sharing practices are improving globally. Countries have revived partnership negotiations with the United States that were long dormant; improved the fraud-deterring aspects of their passports; established new protocols for cooperating with U.S. visa-issuing consulates; and shared information on criminals, known or suspected terrorists, and lost and stolen passports.

In Proclamation 9645, I imposed entry suspensions and limitations on the nationals of Chad. The Secretary has concluded that Chad has made marked improvements in its identity-management and information-sharing practices. Shortly after I signed the Proclamation, Chad made additional efforts to cooperate with the United States to help it satisfy the baseline. The United States worked closely with Chad to discuss the identity-management and information-sharing criteria. This endeavor included U.S. officials engaging with the Government of Chad to understand its domestic operations in significant detail in order to develop advice and guidance on how Chad could satisfy the baseline.

Chad was receptive to this engagement and has made notable improvements. Specifically, Chad has improved its identity-management practices by taking concrete action to enhance travel document security for its nationals, including taking steps to issue more secure passports and sharing updated passport exemplars to help detect fraud. The Government of Chad also improved handling of lost and stolen passports, the sharing of which helps the United States and other nations prevent the fraudulent use of such documents. Additionally, the United States has confirmed that Chad shares information about known or suspected terrorists in a manner that makes that information available to our screening and vetting programs and has created a new, standardized process for processing requests for relevant criminal information. Chad has proven its commitment to sustaining cooperation with the United States through a regular review and coordination working group. This working group, which has met twice since Proclamation 9645 was issued, allows for regular tracking of the progress summarized above. In sum, Chad has made improvements and now sufficiently meets the baseline. I am therefore terminating the entry restrictions and limitations previously placed on the nationals of Chad.

The Secretary determined that, despite our engagement efforts, other countries currently subject to entry restrictions and limitations did not make notable or sufficient improvements in their identity-management and information-sharing practices. Though remaining deficient, the State of Libya (Libya) is taking initial steps to improve its practices. DHS and State are currently working with the Government of Libya, which has designated a senior official in its Ministry of Foreign Affairs to serve as a central focal point for working with the United States. DHS and State presented Libya with a list of measures it can implement to rectify its deficiencies, and it has committed to do so. Despite this progress, Libya remains deficient in its performance against the baseline criteria, and the Secretary recommends at this time against removal of the entry restrictions and limitations on that country and the other countries currently subject to them.

Finally, the Secretary found insufficient information that other countries' performance against the baseline criteria had degraded during the review period. In addition, DHS identified contextual indicators suggesting closer review of a country's practice was warranted in only one instance, and on closer examination, DHS determined that the country's practice did not warrant imposition of additional restrictions or limitations at this time.

During the interagency consultation and recommendation phase, the Secretary presented to the Secretary of State, the Attorney General, the Director of National Intelligence, and other appropriate heads of agencies a preliminary recommendation that the suspensions and limitations of entry of foreign nationals from Chad be terminated, while the other suspensions and limitations remain unaltered. Following this consultation, the Secretary finalized her recommendations and submitted the report to me.

I have decided, on the basis of the Secretary's recommendations, to modify Proclamation 9645.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8

U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, find that the entry into the United States of the nationals of Chad, as immigrants, and as nonimmigrants on business (B–1), tourist (B–2), and business/tourist (B–1/B–2) visas, no longer would be detrimental to the interests of the United States, and therefore hereby proclaim the following:

Section 1. *Removal of Restrictions and Limitations on Chad*. Section 2 of Proclamation 9645 is amended by striking subsection (a).

Sec. 2. *Effective Date*. This proclamation is effective at 12:01 a.m., eastern daylight time on April 13, 2018.

Sec. 3. *General Provisions*. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9724 of April 11, 2018

Days of Remembrance of Victims of the Holocaust, 2018

By the President of the United States of America

A Proclamation

On Yom HaShoah, or Holocaust Remembrance Day, and during this week of remembrance, we reflect on one of the darkest periods in the history of the world and honor the victims of Nazi persecution. This year marks the 75th anniversary of the Warsaw Ghetto Uprising, when the imprisoned Polish Jews mounted a courageous and extraordinary act of armed resistance against their Nazi guards.

The Holocaust, known in Hebrew as ''Shoah,''; was the culmination of the Nazi regime's ''Final Solution to the Jewish Question,''; an attempt to eradicate the Jewish population in Europe. Although spearheaded by one individual, this undertaking could not have happened without the participation of many others who recruited, persuaded, and coerced in their efforts to incite the worst of human nature and carry out the ugliest of depravity. The abject brutality of the Nazi regime, coupled with the failure of Western leaders to confront the Nazis early on, cre-

ated an environment that encouraged and enflamed anti-Semitic sentiment and drove people to engage in depraved, dehumanizing conduct.

By the end, the Nazis and their conspirators had murdered 6 million men, women, and children, simply because they were Jews. They also persecuted and murdered millions of other Europeans, including Roma and Sinti Gypsies, persons with mental and physical disabilities, Slavs and other minorities, Christians, Jehovah's Witnesses, gays, and political dissidents.

Let us continue to come together to remember all the innocent lives lost in the Holocaust, pay tribute to those intrepid individuals who resisted the Nazis in the Warsaw Ghetto, and recall those selfless heroes who risked their lives in order to help or save those of their persecuted neighbors. Their bravery inspires us to embrace all that is good about hope and resilience; their altruism reminds us of the importance of maintaining peace and unity, and of our civic duty never to remain silent or indifferent in the face of evil. We have a responsibility to convey the lessons of the Holocaust to future generations, and together as Americans, we have a moral obligation to combat antisemitism, confront hate, and prevent genocide. We must ensure that the history of the Holocaust remains forever relevant and that no people suffer these tragedies ever again.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby ask the people of the United States to observe the Days of Remembrance of Victims of the Holocaust, April 12 through April 19, 2018, and the solemn anniversary of the liberation of Nazi death camps, with appropriate study, prayers and commemoration, and to honor the memory of the victims of the Holocaust and Nazi persecution by internalizing the lessons of this atrocity so that it is never repeated.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9725 of April 12, 2018

Pan American Day and Pan American Week, 2018

By the President of the United States of America
A Proclamation

On Pan American Day and during Pan American Week, we commemorate the 128th anniversary of the First International Conference of American States, which concluded on April 14, 1890, and paved the way for the establishment of the Organization of American States in 1948. As the Organization of American States celebrates the 70th anniversary of its founding this year, the United States reaffirms our commitment to partner with the nations of the Americas to advance security, economic and energy prosperity, and democratic governance throughout the hemisphere.

This week, Vice President Pence will join with leaders in the Pan American region to address corruption and develop strategies to defeat transnational criminal organizations in our hemisphere. During the eighth Summit of the Americas, the United States will look to strengthen the region's collective commitment to representative democracy, to government accountability, and to confront threats to freedom.

Tragically, the core tenets of free society have been abandoned in Venezuela and Cuba. Our hemispheric community of democracies must support the Venezuelan people and their right to have a voice in their government through free, fair, and internationally validated elections. Furthermore, the United States will not cease in its efforts to secure a future of freedom, peace, and prosperity for the people of Cuba.

Under my Administration, the United States will continue to be a steady, enduring partner to Latin American and Caribbean countries. The United States will continue bilateral discussions on efforts to disrupt the organized crime organizations and trafficking routes that harm our citizens and drive irregular migration. My Administration supports ongoing regional security coordination through programs such as the Merida Initiative in Mexico, the Central American Regional Security Initiative, and the Caribbean Basin Security Initiative, as well as regular meetings, including our Strategic Dialogue to Disrupt Transnational Criminal Organizations with Mexico. At the heart of our engagement is the belief that by working together we can achieve a more prosperous and secure future for our region.

As we observe Pan American Day and Pan American Week, let us capitalize on this momentum and build on our common history with a mutual purpose to achieve hemispheric peace and prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2018, as Pan American Day and April 8 through April 14, 2018, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9726 of April 16, 2018

National Volunteer Week, 2018

By the President of the United States of America

A Proclamation

During National Volunteer Week, we recognize the millions of Americans who strengthen, enrich, and improve our communities through their tireless and selfless commitment to serving others. Those who

dedicate their time, talent, and resources to positively influence the lives of others continue a legacy and tradition of service that began with our Founding Fathers and remains firmly enshrined in our national character today.

Volunteers leave their mark on every facet of our neighborhoods and communities. Their work educates, equips, and empowers others. Some who volunteer as first responders risk rushing toward danger in order to help people during their times of greatest need. Others help children learn to read, tutor struggling students, provide services to the impoverished or elderly, and support our veterans and military families. Acting individually and through faith-based and other community organizations, volunteers help to bind us together as a Nation.

America's volunteers are exceptional citizens and tremendous role models who demonstrate some of the finest qualities of the American people. Time and again we have seen America's compassionate, serving heart through the volunteer efforts of our people. Last year, for example, we saw the dedication and generosity of volunteers during Hurricanes Harvey, Irma, and Maria, which harmed and displaced thousands of Americans. In the wake of such destruction and tragedy, heartening stories of unity, selflessness, and hope emerged. Americans from all walks of life put their lives on hold, and often on the line, to help people they had never met. They answered an urgent call and took action. These commendable individuals embody the very best of our country and our way of life. They remind us that even in our darkest days, goodness will prevail.

During National Volunteer Week, we honor America's outstanding volunteers and their invaluable contributions to our Nation and the world. Because of their compassion and dedication, they are transforming communities and lives all across the country. I salute the men and women of all ages who mobilize each day to serve others, and I encourage all citizens to seek out opportunities to engage in volunteer service within their communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 15 through April 21, 2018, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9727 of April 17, 2018

Death of Barbara Bush

By the President of the United States of America
A Proclamation

On this solemn day, we mourn the loss of Barbara Bush, an outstanding and memorable woman of character. As a wife, mother, grandmother, great-grandmother, military spouse, and former First Lady, Mrs. Bush was an advocate of the American family. Mrs. Bush lived a life that reminds us always to cherish our relationships with friends, family, and all acquaintances. In the spirit of the memory of Mrs. Bush, may we always remember to be kind to one another and to put the care of others first.

As a mark of respect for the memory of Barbara Bush, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9728 of April 20, 2018

National Park Week, 2018

By the President of the United States of America
A Proclamation

The magnificent coastlines, woodlands, plains, mountains, deserts, and historical and cultural monuments of our national parks inspire and exhilarate us. During National Park Week, we celebrate America's extraordinary landscapes and landmarks as we launch a new era of preservation to protect them for future generations.

Our national parks demonstrate the power of nature and tell the scenic story of America. Last year, more than 330 million people visited the 417 areas included in the national park system. From the steep red cliffs and heavenly valleys of Zion to the towering majesty of the Statue of Liberty, America's national parks have something for everyone. Families bond over campfires; adventurers test their courage ascending intense rock formations; veterans find serenity in healing vistas; stu-

dents watch history come to life at famous battle sites; and recreationists enjoy some of the most beautiful settings on earth.

America's special places bring out the freedom-loving, pioneering spirit of America, and they deserve our care and attention. My Administration is spearheading new initiatives to revitalize our national parks and to ensure that they continue to set the conservation standard for the rest of the world. We are working with the Congress to establish a Public Lands Infrastructure Fund, which would use revenues from certain energy production activities to help reduce the backlog of maintenance requirements in the national park system and in other programs administered by the Department of the Interior. My Administration is also enlisting park supporters, through public-private partnerships, to invest in significant upgrades to our Nation's most visible and visited public lands. Improving our trails, roads, bridges, buildings, campgrounds, and services will protect our natural and cultural heritage for many years to come.

Support for our national parks is strong and growing. Thousands of volunteers and partners work with the National Park Service to expand visitation, preserve sites, encourage the appropriate use of resources, and extend the economic benefits of parks into nearby communities. We must continue our efforts to preserve our natural and historic sites in order to maintain the splendor of our country for future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 21 through April 29, 2018, as National Park Week. I encourage all Americans to celebrate by visiting our national parks and learning more about the natural, cultural, and historical heritage that belongs to each and every citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9729 of April 26, 2018

World Intellectual Property Day, 2018

By the President of the United States of America
A Proclamation

On World Intellectual Property Day, we not only celebrate invention and innovation, but also we recognize how integral intellectual property rights are to our Nation's economic competitiveness. Intellectual property rights support the arts, sciences, and technology. They also create the framework for a competitive market that leads to higher wages and more jobs for everyone. The United States is committed to protecting the intellectual property rights of our companies and ensuring a level playing field in the world economy for our Nation's creators, inventors, and entrepreneurs.

Our country will no longer turn a blind eye to the theft of American jobs, wealth, and intellectual property through the unfair and unscrupulous economic practices of some foreign actors. These practices are harmful not only to our Nation's businesses and workers but to our national security as well. Intellectual property theft is estimated to cost our economy as much as $600 billion a year. To protect our economic and national security, I have directed Federal agencies to aggressively respond to the theft of American intellectual property. In combatting this intellectual property theft, and in enforcing fair and reciprocal trade policy, we will protect American jobs and promote global innovation.

While we continue to demand the protection of intellectual property rights abroad, my Administration will also take steps to strengthen our patent system here at home. A system that increases the reliability and enforceability of patents will encourage even more investment in creative and innovative industries, leading to job and wealth creation for all Americans. When the United States advances pro-growth policies of this form, we set an example of protecting economic competitiveness, promoting new engines of growth, and prioritizing the expansion of innovative and creative capacities overall.

This year's World Intellectual Property Day is dedicated to celebrating all of the industrious and brilliant women who have changed, and who continue to change, the world with their inventions, innovations, and other creative contributions to society. Our Nation's economic strength and prosperity would not be so without the over 75 million women in our country's workforce, whose ingenuity, initiative, and hard work have helped foster the growth and progress of America's economy since our formation. Over the past decade, the number of women-owned firms has grown five times faster than the national average for all firms. American women are assuming leading roles in health, business and finance, the arts, and the STEM fields. We must protect the intellectual property rights of these women creators, inventors, and entrepreneurs in order to promote further innovation for years to come.

A new era of American exceptionalism is dawning, in the form of sustained intellectual property rights and continued American entrepreneurship. The drive for excellence, advancement, and innovation in the United States has brought forth significant discoveries, developed life-saving research, and improved the quality of life for millions of Americans. On this World Intellectual Property Day, we celebrate the creative spirit and contributions of American men and women, and we acknowledge the necessity of maintaining intellectual property rights for all those enterprising individuals who dare to invent or create something new for the betterment of all people.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 26, 2018, as World Intellectual Property Day. I encourage Americans to observe this day with events and educational programs that celebrate the benefits of intellectual property to our economy and our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of April, in the year of our Lord two thousand eighteen, and

of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9730 of April 27, 2018

National Small Business Week, 2018

By the President of the United States of America
A Proclamation

During Small Business Week, we recognize the ingenuity of the American spirit and the renewed promise of the American Dream. America is a country of innovators, entrepreneurs, and builders. Our Nation's strength is derived from our people's initiative and desire to create a better tomorrow for our country through hard work and determination.

Small businesses are at the heart of our Nation. Our country's 30 million small businesses employ nearly 58 million Americans—48 percent of the labor force. Each year, small businesses create two-out-of-three net new, private-sector jobs in the United States. For this reason, my Administration worked with the Congress to enact a tax relief plan that provides small businesses with hundreds of billions in additional tax cuts. Moreover, we remain focused on eliminating unnecessary and unduly burdensome regulations, which hurt hardworking Americans. Across the Nation, we are enabling entrepreneurs to invest more of their time and hard-earned profits into growing their businesses and delivering better value for American consumers.

As we usher in a new era of American prosperity, my Administration will continue to implement a pro-growth agenda based on policies that champion small business creation and growth, giving more Americans the opportunity to start, scale, and succeed in businesses of their own. We will ensure trade deals are fair and reciprocal, cutting the barriers that prevent American producers from selling their products abroad. We are protecting our economic interests and intellectual property by investing in our Nation's cybersecurity, making sure our workforce has the education, skills, and training that small business owners demand, and investing in our country's infrastructure to improve productivity and the ability to transport goods and services.

This week, we celebrate all the entrepreneurs who have taken a risk to start and grow a small business. They are driven by a belief that they can do something better, smarter, and more efficient than what has been done before. They make our neighborhoods vibrant places to live and work. They invest in their neighbors and employ millions of Americans. When they succeed, we all succeed.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 29 through May 5, 2018, as Small Business Week. I call upon all Americans to recognize the critical contributions of America's entrepreneurs and small business owners as they grow our Nation's economy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9731 of April 30, 2018

Jewish American Heritage Month, 2018

By the President of the United States of America
A Proclamation

During Jewish American Heritage Month, we celebrate the profound contributions that the Jewish faith and its traditions have had on our Nation. Two hundred years ago, in April 1818, Mordecai Noah delivered his famous discourse before the members of America's first synagogue, Congregation Shearith Israel, upon the consecration of their new house of worship. Reflecting on Jewish history as well as on the unique rights and privileges afforded to American Jews, Noah proclaimed that, ''for the first time in eighteen centuries, it may be said that the Jew feels he was born equal, and is entitled to equal protection; he can now breathe freely.'';

Jewish Americans have helped guide the moral character of our Nation. They have maintained a strong commitment to engage deeply in American society while also preserving their historic values and traditions. Their passion for social justice and showing kindness to strangers is rooted in the beliefs that God created all people in his image and that we all deserve dignity and peace. These beliefs have inspired Jewish Americans to build mutual-support societies, hospitals, and educational institutions that have enabled them and their fellow Americans to advance American society. Jewish Americans marched for civil rights in Selma and fought for the freedom of their brethren behind the Iron Curtain. Through their actions, they have made the world a better place.

The contributions of the Jewish people to American society are innumerable, strengthening our Nation and making it more prosperous. American Jews have proudly served our country in all branches of government, from local to Federal, and they have defended our freedom while serving in the United States Armed Forces. The indelible marks that American Jews have left on literature, music, cinema, and the arts have enriched the American soul. In their enduring tradition of generosity, Jewish Americans have established some of the largest philanthropic and volunteer networks in the Nation, providing humanitarian aid and social services to those in need at home and abroad, acting as a ''light unto the nations.''; Universities and other institutions around the country proudly display Nobel prizes won by Jewish Americans in the fields of medicine, chemistry, physics, and economics.

In reaction to Mordecai Noah's 1818 discourse, Thomas Jefferson wrote that American laws protect ''our religious as they do our civil rights by putting all on an equal footing.''; The American Jewish community is a shining example of how enshrining freedom of religion and pro-

tecting the rights of minorities can strengthen a nation. Through their rich culture and heritage, the Jewish people have triumphed over adversity and enhanced our country. For this and many other reasons, the American Jewish community is deserving of our respect, recognition, and gratitude.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2018 as Jewish American Heritage Month. I call upon all Americans to celebrate the heritage and contributions of American Jews and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9732 of April 30, 2018

Law Day, U.S.A., 2018

By the President of the United States of America
A Proclamation

On Law Day, we celebrate our Nation's heritage of liberty, justice, and equality under the law. This heritage is embodied most powerfully in our Constitution, the longest surviving document of its kind. The Constitution established a unique structure of government that has ensured to our country the blessings of liberty through law for nearly 229 years.

The Framers of our Constitution created a government with distinct and independent branches—the Legislative, the Executive, and the Judicial—because they recognized the risks of concentrating power in one authority. As James Madison wrote, ''the accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny.''; By separating the powers of government into three co-equal branches and giving each branch certain powers to check the others, the Constitution provides a framework in which the rule of law has flourished.

The importance of the rule of law can be seen throughout our Nation's history. This year marks the 150th anniversary of the ratification of the Fourteenth Amendment to our Constitution. The Fourteenth Amendment prohibits States from denying persons the equal protection of the laws or depriving them of life, liberty, or property without due process of law. The commitment to the rule of law that led the country to ratify that Amendment was no less powerful than the commitment to the rule of law that led the country to ratify the original Constitution.

That commitment to the rule of law lives on today. It drives the debates we see around the country about the growth of the administrative state and regulatory authority, and about the unfortunate trend of district court rulings that exceed traditional limits on the judicial power.

We also see that commitment in the people's demand that their representatives comply with the Constitution, and in the Representatives and Senators themselves who take seriously their oaths to support and defend the Constitution of the United States.

President Dwight D. Eisenhower first commemorated Law Day in 1958 to celebrate our Nation's roots in the principles of liberty and guaranteed fundamental rights of individual citizens under the law. Law Day recognizes that we govern ourselves in accordance with the rule of law rather according to the whims of an elite few or the dictates of collective will. Through law, we have ensured liberty. We should not, and do not, take that success for granted. On this 60th annual observance of Law Day, let us rededicate ourselves to the rule of law as the best means to secure, as the Preamble to our Constitution so wisely states, ''the Blessings of Liberty to ourselves and our Posterity.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2018, as Law Day, U.S.A. I urge all Americans, including government officials, to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance; and I especially urge the legal profession, the press, and the radio, television, and media industries to promote and to participate in the observance of this day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9733 of April 30, 2018

Asian American and Pacific Islander Heritage Month, 2018

By the President of the United States of America

A Proclamation

Americans of Asian and Pacific Islander descent have contributed immeasurably to our Nation's development and diversity as a people. During Asian American and Pacific Islander Heritage Month, we recognize their tremendous contributions, which have helped strengthen our communities, industries, Armed Forces, national security, and institutions of governance. Through their industriousness and love of country, our Nation has enjoyed the privileges and enrichments of multiple innovations and societal advancements.

Indian American Kalpana Chawla was the first woman of Indian descent to fly in space, and became an American hero for her devotion to the Space Shuttle program and its various missions transporting cargo and crew to and from the International Space Station. For her achievements, the Congress posthumously awarded her the Congressional Space Medal of Honor, and the National Aeronautics and Space

Administration (NASA) posthumously awarded her the NASA Space Flight Medal and the NASA Distinguished Service Medal. Ms. Chawla's courage and passion continue to serve as an inspiration for millions of American girls who dream of one day becoming astronauts. Susan Ahn Cuddy, who was the daughter of the first Korean couple to immigrate to the United States, also uplifted the Nation through strong work ethic, an unwavering love of country, and a steadfast devotion to her life mission, even in the face of great adversity. She was the first Asian-American woman to join the U.S. Navy. During World War II, she excelled as a code breaker and became the first female aerial gunnery officer in the Naval Forces. Lieutenant Cuddy would go on to further serve her country as an intelligence analyst at the National Security Agency.

America is a country that values hard work, an honest living, and a commitment to the ideals of life, liberty, and the pursuit of happiness. For these reasons, America cherishes its connections with the Indo-Pacific region, which shares an appreciation for these principles. Americans of Asian and Pacific Islander heritage help to reinforce these relationships, which are stronger today than ever before. As President, I have visited and renewed ties with countries from which many proud Americans hail, including Japan, South Korea, China, Vietnam, and the Philippines. During my visits to these countries, I shared my vision for continued prosperity, peace, and security through a free and open Indo-Pacific region. It is clear that a renewed sense of our common purpose and goals has consolidated and strengthened our economic, cultural, and security relationships.

This month, and every month, we honor the more than 20 million Asian Americans and Pacific Islanders who call America home, including those living in Guam, American Samoa, and the Commonwealth of the Northern Marianas, and we salute those who have served and are currently serving our Nation in the Armed Forces. Together, we will continue to make our country more prosperous and secure for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2018 as Asian American and Pacific Islander Heritage Month. The Congress, by Public Law 102–450, as amended, has also designated the month of May each year as ''Asian/Pacific American Heritage Month.''; I encourage all Americans to learn more about those of Asian American, Native Hawaiian, and Pacific Islander heritage, and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9734 of April 30, 2018

National Foster Care Month, 2018

By the President of the United States of America
A Proclamation

During National Foster Care Month, we reflect on the dedication of foster and kinship caregivers, faith-based and community organizations, and child welfare professionals who are improving the lives of children and youth in foster care throughout the country. Our Nation is deeply indebted to these selfless and compassionate Americans. We also observe this month, with sadness, the plight of innocent children who are in foster care because their lives have been disrupted by neglect or abuse.

Providing a stable, secure, and nurturing home environment is one of the greatest gifts a foster parent or guardian can give a child. This critical investment in their well-being, safety, and sense of belonging brings precious hope to children in need. We acknowledge, with gratitude, the tremendous sacrifices made by our Nation's foster families as they open their hearts and lives and provide secure and supportive homes for the hundreds of thousands of infants, children, and youth in foster care.

We also take this opportunity to acknowledge that there is still much more we can do to prevent the abuse and neglect that forces children into foster care placements. For the fourth consecutive year, the number of children placed in foster care has increased, driven in part by the opioid crisis and drug abuse. My Administration is dedicated to bringing help and healing to families threatened by addiction so that parents and children can stay together in a safe and stable home environment.

In February, I signed into law the Family First Prevention Services Act, a law that aims to keep children at home and out of foster care by allowing States to use matching funds from the Federal Government for substance abuse prevention and treatment, mental health services, family counseling, and parenting-skills training. When it becomes necessary to place children or youth in foster care, this new law gives States incentives to reduce the placement of children in congregate care in favor of more desirable family atmospheres.

We are blessed that our country is filled with generous individuals and families who willingly welcome children in need into their homes so that they can experience loving guardianship and some of the joys of family life. Many of these heroic families provide foster care for children with complex medical and challenging psychological and behavioral needs. This month is an opportunity to raise awareness about the increasing number of children and youth entering foster care and to encourage Americans to invest in the lives of some of our Nation's most vulnerable children and families.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2018 as National Foster Care Month. I call upon all Americans to observe this month by taking time to help children and youth in foster

care, and to recognize the commitment of those who touch their lives, particularly celebrating their foster parents and other caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9735 of April 30, 2018

National Mental Health Awareness Month, 2018

By the President of the United States of America

A Proclamation

During the month of May, we observe National Mental Health Awareness Month and reaffirm our commitment to improving the overall health and well-being of our Nation. America has made tremendous strides in providing treatment and recovery support services for individuals who experience mental illnesses. Yet sadly, stigma and misconceptions about mental illness persist. The negative stereotypes surrounding mental illness deter people who may experience these disorders from getting help that can improve their lives and their ability to achieve their full potential.

Approximately one in five Americans experiences a mental illness, yet only about one third of them will access treatment. For this reason, my fiscal year 2019 budget request to the Congress includes $10 billion in new funding to combat the opioid epidemic and address serious mental illness. This funding will improve access to evidence-based treatment services for those who are seriously mentally ill. My budget also requests new funding for the Substance Abuse and Mental Health Services Administration to ensure more adults with serious mental illness receive Assertive Community Treatment, an evidence-based practice that provides a comprehensive array of services to reduce costly hospitalizations. Additionally, my budget maintains funding for the Community Mental Health Services Block Grant, which helps ensure that individuals with serious mental illness receive appropriate treatment in a timely manner. Further, it includes new targeted investments to help divert individuals with serious mental illnesses from the criminal justice system and into treatment. Finally, it funds important suicide prevention activities.

As part of an ongoing effort to improve the quality and availability of treatment for people with mental illnesses in our healthcare systems, I appointed the first Assistant Secretary of Mental Health and Substance Use to ensure that all agencies are working together to increase access to the best treatment and recovery services possible. This will accelerate research and innovation through the Department of Health and Human Services and other executive departments and agencies. Additionally, we have launched the inaugural Interdepartmental Serious Mental Illness Coordinating Committee, which will improve the lives of individuals and families who have been affected by serious mental illness. This Committee will coordinate services across multiple

agencies and will serve as a national model to improve access to evidence-based treatment and services most needed by persons with severe mental illness or those who are seriously disturbed emotionally.

This month, and always, we pledge to strive to eliminate the stigma of mental illness by increasing awareness for all Americans that these illnesses are common and treatable, and that recovery is possible. Through these efforts, our neighbors, co-workers, family, and friends affected by mental illness will know that there is hope for recovery and hope for healthier, more productive lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim May 2018 as National Mental Health Awareness Month. I call upon all Americans to support citizens suffering from mental illness, raise awareness of mental health conditions through appropriate programs and activities, and commit our Nation to innovative prevention, diagnosis, and treatment.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9736 of April 30, 2018

Older Americans Month, 2018

By the President of the United States of America
A Proclamation

During Older Americans Month, we recognize and celebrate those Americans who have spent decades providing for the next generation and building the greatness of our Nation. Our country and our communities are strong today because of the care and dedication of our elders. Their unique perspectives and experiences have endowed us with valuable wisdom and guidance, and we commit to learning from them and ensuring their safety and comfort.

Older Americans play critical roles in helping support their adult children, grandchildren, and extended families. They work and volunteer for businesses and organizations that drive our economy and serve our communities. Most importantly, our senior citizens mentor future generations and instill core American values in them. Their guidance preserves our heritage and the invaluable lessons of the past.

My Administration is focused on the priorities of our Nation's seniors. The Department of Justice, for example, is focused on protecting seniors from fraud and abuse. My Administration is also committed to protecting the Social Security system so that seniors who have contributed to the system can receive benefits from it. We are also dedicated to improving healthcare, including by increasing the quality of care our veterans receive through the Department of Veterans Affairs and by lowering prescription drug prices for millions of Americans.

As a Nation, we are grateful to older Americans for all they have done to build up and sustain our families and communities. Senior citizens deserve to be treated with respect, to have their needs met, and to age with dignity. This month, we recommit ourselves to ensure that older Americans are able to navigate financial and physical obstacles that could stand in the way of joyful and meaningful golden years.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2018 as Older Americans Month. I call upon all Americans to honor our elders, acknowledge their contributions, care for those in need, and reaffirm our country's commitment to older Americans this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9737 of April 30, 2018

National Physical Fitness and Sports Month, 2018

By the President of the United States of America
A Proclamation

During National Physical Fitness and Sports Month, we renew our commitment to living healthier and more active lifestyles, and acknowledge the positive difference that sports make in our society. Setting time aside each day to exercise improves both mental health and overall quality of life. In addition to the health benefits, participation in sports builds good character, teaches the value of teamwork, reinforces self-discipline, and promotes leadership.

Involvement in both team and individual sports offers countless benefits to the general well-being of children, allowing them to gain knowledge of the connection between effort and success, and enhancing their academic, economic, and social prospects. Studies have shown that children who are involved in sports have greater self-discipline, higher self-esteem, and are better at working with others. They are also more likely to attend college and less likely to commit a crime or suffer from mental or physical health problems. Similar research suggests that individuals who have participated in sports are more likely to excel in the workplace and earn higher wages than their peers who did not compete in athletics.

In recent years, unfortunately, America has seen a decline in youth sports participation, particularly among young girls and children from economically distressed areas. For this reason, in February, I signed an Executive Order regarding sports, fitness, and nutrition. The order establishes a Presidential council focused on the critical importance of sports in increasing the physical fitness and positive life outcomes of our Nation's youth. This council is charged with identifying ways to expand access to youth sports and ensuring American children from all

zip codes can compete if they desire. The Executive Order emphasizes my Administration's commitment to encouraging youth sports participation throughout the United States, so that we can strengthen the next generation of American leaders and lift up our communities.

Routine physical activity also offers extraordinary health benefits for individuals of all ages. Engaging in regular physical activity can reduce risk of developing heart disease, type 2 diabetes, and even certain types of cancers. It also builds bone and muscle strength, reducing the risk of injuries. In children six years and older, regular engagement in 60 minutes or more of physical activity per day has been shown to lower the risk of obesity, while improving heart, muscular, and bone health. A routine exercise plan can even assist in reducing symptoms of depression and improving mental health. Therefore, I encourage all Americans to develop and maintain a physical fitness plan that helps them fulfill their fitness goals and achieve a healthier overall lifestyle.

At the root of a healthy America are healthy citizens. This month, we celebrate and promote the benefits of physical activity and recognize those selfless individuals who volunteer their time and resources to make it possible for our Nation's youth to participate in sports programs. I encourage all Americans to find a sport or to adopt an exercise routine that allows them to reap the numerous benefits of an active lifestyle. Together, we can invest in a healthier and stronger America.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2018 as National Physical Fitness and Sports Month. I call upon the people of the United States to make physical activity and sports participation a priority in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9738 of April 30, 2018

Loyalty Day, 2018

By the President of the United States of America
A Proclamation

On Loyalty Day, we reflect with humility and gratitude upon the freedoms we hold dear, and we reaffirm our allegiance to our Nation and its founding principles. We cherish our system of self-government, whereby each American citizen is free to exercise their God-given and inalienable rights to life, liberty, and the pursuit of happiness. We honor and defend our Constitution, which constrains the power of government and allows us freely to exercise these rights. We also recognize the great responsibility that accompanies a free people and vow to preserve our hard-won liberty. For we know, as President Ronald Reagan once said, that ''freedom is never more than one generation away from extinction.'';

This Loyalty Day, we remember and honor the thousands of Americans who have laid down their lives to protect and defend our Nation's beautiful flag, from those who battled on Bunker Hill to those who sailed at Midway. These brave men and women fought and died to ensure that the United States of America continues to shine as a beacon of hope and freedom around the world. America's light will continue to shine because our Government is built on the propositions that government derives its just power from the consent of the governed and that government exists for the purpose of protecting the individual rights of its citizens. This makes our Nation exceptional. Through devotion and sacrifice, each new generation has preserved these rights for posterity. It now falls to us to continue this legacy.

As we have since our Nation's founding, Americans today continue to strengthen the fabric of our Nation. The men and women of our Armed Forces courageously confront our enemies, who seek to do us harm and to destroy our way of life. Our first responders valiantly rush toward danger to save lives and aid those in need, often at great personal risk. Parents and teachers prepare our youth to defend our unique heritage and our rights. Our Nation's entrepreneurs and business owners are rewarded by how well they serve others—a remarkable feature of our free market system. The valued virtue of selfless service that permeates American life exemplifies our proud loyalty to our country and fellow citizens.

To express our country's loyalty to individual liberties, to limited government, and to the inherent dignity of every human being, the Congress, by Public Law 85–529, as amended, has designated May 1 of each year as ''Loyalty Day.''; On this day, we honor the United States of America and those who uphold its values, particularly those who have fought and continue to fight to defend the freedom our Constitution affords us.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 1, 2018, as Loyalty Day. I call on all Americans to observe this day with appropriate ceremonies in our schools and other public places, including recitation of the Pledge of Allegiance to the Flag of the United States of America. I also call upon all Government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9739 of April 30, 2018

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America
A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of

aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9710 of March 22, 2018 (Adjusting Imports of Aluminum Into the United States), I noted the continuing discussions with the Argentine Republic (Argentina), the Commonwealth of Australia (Australia), the Federative Republic of Brazil (Brazil), Canada, Mexico, the Republic of Korea (South Korea), and the European Union (EU) on behalf of its member countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of aluminum articles from those countries. Recognizing that each of these countries and the EU has an important security relationship with the United States, I determined that the necessary and appropriate means to address the threat to national security posed by imports of aluminum articles from these countries was to continue the ongoing discussions and to exempt aluminum articles imports from these countries from the tariff proclaimed in Proclamation 9704 until May 1, 2018.

4. The United States has agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imported from these countries. I have determined that the necessary and appropriate means to address the threat to national security posed by imports of aluminum articles from Argentina, Australia, and Brazil is to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, in order to finalize the details of these satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imported from these countries. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9710, these discussions will be most productive if aluminum articles from Argentina, Australia, and Brazil remain exempt from the tariff proclaimed in Proclamation 9704, until the details can be finalized and implemented by proclamation. Because the United States has agreed in principle with these countries, in my judgment, it is unnecessary to set an expiration date for the exemptions.

Nevertheless, if the satisfactory alternative means are not finalized shortly, I will consider re-imposing the tariff.

5. The United States is continuing discussions with Canada, Mexico, and the EU. I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from these countries is to continue these discussions and to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, at least at this time. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9710, these discussions will be most productive if aluminum articles from these countries remain exempt from the tariff proclaimed in Proclamation 9704.

6. For the reasons I stated in paragraph 11 of Proclamation 9710, however, the tariff imposed by Proclamation 9704 remains an important first step in ensuring the economic stability of our domestic aluminum industry and removing the threatened impairment of the national security. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of aluminum articles from Canada, Mexico, and the member countries of the EU, the tariff set forth in clause 2 of Proclamation 9704 shall be effective June 1, 2018, for these countries.

7. I have determined that, in light of the ongoing discussions that may result in long-term exclusions from the tariff proclaimed in Proclamation 9704, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

8. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all aluminum articles from Argentina, Australia, and Brazil shall be exempt from the duty established in clause 2 of Proclamation 9704, as amended by clause 1 of Proclamation 9710. Imports of all aluminum articles from Canada, Mexico, and the member countries of the EU shall be exempt from the duty established in clause 2 of Proclamation 9704 until 12:01 a.m. eastern daylight time on June 1, 2018. Further, clause 2 of Proclamation 9704, as amended by clause 1 of Proclamation 9710, is also amended by striking the last two sentences and inserting in lieu thereof the following two sentences: ''Ex-

cept as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all aluminum articles imports specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union, (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and the member countries of the European Union, and (c) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, and Brazil. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from each country as specified in the preceding sentence.'';

(2) The exemption afforded to aluminum articles from Canada, Mexico, and the member countries of the EU shall apply only to aluminum articles of such countries entered for consumption, or withdrawn from warehouse for consumption, through the close of May 31, 2018, at which time such countries shall be deleted from the article description of heading 9903.85.01 of the HTSUS.

(3) Clause 5 of Proclamation 9710 is amended by inserting the phrase '', except those eligible for admission under ''domestic status''; as defined in 19 CFR 146.43, which is subject to the duty imposed pursuant to Proclamation 9704, as amended by Proclamation 9710,''; after the words ''Any aluminum article''; in the first and second sentences.

(4) Aluminum articles shall not be subject upon entry for consumption to the duty established in clause 2 of Proclamation 9704, as amended by clause 1 of this proclamation, merely by reason of manufacture in a U.S. foreign trade zone. However, aluminum articles admitted to a U.S. foreign trade zone in ''privileged foreign status''; pursuant to clause 5 of Proclamation 9710, as amended by clause 3 of this proclamation, shall retain that status consistent with 19 CFR 146.41(e).

(5) No drawback shall be available with respect to the duties imposed on any aluminum article pursuant to Proclamation 9704, as amended by clause 1 of this proclamation.

(6) The Secretary, in consultation with U.S. Customs and Border Protection of the Department of Homeland Security and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register.*

(7) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

A. Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is modified as set forth below, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively. The modifications made in item 3 of this part shall be effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 1, 2018. The modifications made in item 1 to subdivision (a) of U.S. note 19, as well as the modifications made in item 2 of this part, shall be effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018.

1. The text of subdivision (a) of U.S. note 19 to such subchapter is modified to read as follows:

"This note and the tariff provisions referred to herein set forth the ordinary customs duty treatment applicable to all entries of the aluminum products of all countries other than of the United States, when such aluminum products are classifiable in the headings or subheadings enumerated in subdivision (b) of this note. All anti-dumping or countervailing duties, or other duties and charges applicable to such goods shall continue to be imposed, except as may be expressly provided herein.

(i) Heading 9903.85.01 provides the ordinary customs duty treatment of aluminum products of all countries other than products of the United States and other than of countries expressly exempt therefrom, pursuant to the article description of such heading. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in this heading shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection ("CBP") regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the aluminum products enumerated in subdivision (b) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.01.

2. The text of subdivision (b) of U.S. note 19 is modified by adding below clause (b)(v) the sentence "Any reference above to aluminum products classifiable in any heading or subheading of chapter 76, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions."

3. The following new subheadings and superior text thereto are inserted in numerical sequence in subchapter III:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.85.01	Products of aluminum provided for in the tariff headings or subheadings enumerated in note 19 to this subchapter, except products of Argentina, of Australia, of Brazil, of Canada, of Mexico, or of the member countries of the European Union or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10% (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	The duty provided in the applicable subheading + 10%

Proclamation 9740 of April 30, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel mill articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of steel mill articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States) (steel articles), by imposing a 25 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9711, I noted the continuing discussions with the Argentine Republic (Argentina), the Commonwealth of Australia (Australia), the Federative Republic of Brazil (Brazil), Canada, Mexico, the Republic of Korea (South Korea), and the European Union (EU) on behalf of its member countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of steel articles from those countries. Recognizing that each of these countries and the EU has an important security relationship with the United States, I determined that the necessary and appropriate means to address the threat to national security posed by imports of steel articles from these countries was to continue the ongoing discussions and to exempt steel articles imports from these countries from the tariff proclaimed in Proclamation 9705 until May 1, 2018.

4. The United States has successfully concluded discussions with South Korea on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imports from South Korea. The United States and South Korea have agreed on a range of measures, including measures to reduce excess steel production and excess steel capacity, and measures that will contribute to increased capacity utilization in the United States, including a quota that restricts the quantity of steel articles imported into the United States from South Korea. In my judgment, these measures will provide an ef-

fective, long-term alternative means to address South Korea's contribution to the threatened impairment to our national security by restraining steel articles exports to the United States from South Korea, limiting transshipment, and discouraging excess capacity and excess steel production. In light of this agreement, I have determined that steel articles imports from South Korea will no longer threaten to impair the national security and have decided to exclude South Korea from the tariff proclaimed in Proclamation 9705. The United States will monitor the implementation and effectiveness of the quota and other measures agreed upon with South Korea in addressing our national security needs, and I may revisit this determination, as appropriate.

5. The United States has agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imported from these countries. I have determined that the necessary and appropriate means to address the threat to national security posed by imports of steel articles from Argentina, Australia, and Brazil is to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9705, in order to finalize the details of these satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imported from these countries. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9711, these discussions will be most productive if steel articles from Argentina, Australia, and Brazil remain exempt from the tariff proclaimed in Proclamation 9705, until the details can be finalized and implemented by proclamation. Because the United States has agreed in principle with these countries, in my judgment, it is unnecessary to set an expiration date for the exemptions. Nevertheless, if the satisfactory alternative means are not finalized shortly, I will consider re-imposing the tariff.

6. The United States is continuing discussions with Canada, Mexico, and the EU. I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from these countries is to continue these discussions and to extend the temporary exemption of these countries from the tariff proclaimed in Proclamation 9705, at least at this time. In my judgment, and for the reasons I stated in paragraph 10 of Proclamation 9711, these discussions will be most productive if steel articles from these countries remain exempt from the tariff proclaimed in Proclamation 9705.

7. For the reasons I stated in paragraph 11 of Proclamation 9711, however, the tariff imposed by Proclamation 9705 remains an important first step in ensuring the economic stability of our domestic steel industry and removing the threatened impairment of the national security. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of steel articles from Canada, Mexico, and the member countries of the EU, the tariff set forth in clause 2 of Proclamation 9705 shall be effective June 1, 2018, for these countries.

8. In light of my determination to exclude, on a long-term basis, South Korea from the tariff proclaimed in Proclamation 9705, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to the tariff

set forth in clause 2 of Proclamation 9705 as it applies to other countries. I have determined that, in light of the agreed-upon quota and other measures with South Korea, the measures being finalized with Argentina, Australia, and Brazil, and the ongoing discussions that may result in further long-term exclusions from the tariff proclaimed in Proclamation 9705, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

9. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

10. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all steel articles from Argentina, Australia, Brazil, and South Korea shall be exempt from the duty established in clause 2 of Proclamation 9705, as amended by clause 1 of Proclamation 9711. Imports of all steel articles from Canada, Mexico, and the member countries of the EU shall be exempt from the duty established in clause 2 of Proclamation 9705 until 12:01 a.m. eastern daylight time on June 1, 2018. Further, clause 2 of Proclamation 9705, as amended by clause 1 of Proclamation 9711, is also amended by striking the last two sentences and inserting in lieu thereof the following two sentences: ''Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union, and (b) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding sentence.'';.

(2) In order to provide the quota treatment referred to in paragraph 4 of this proclamation to steel articles imports from South Korea, U.S. Note 16 of subchapter III of chapter 99 of the HTSUS is amended as provided for in Part A of the Annex to this proclamation. U.S. Customs and Border Protection (CBP) of the Department of Homeland Security

shall implement this quota as soon as practicable, taking into account all steel articles imports from South Korea since January 1, 2018.

(3) The exemption afforded to steel articles from Canada, Mexico, and the member countries of the EU shall apply only to steel articles of such countries entered for consumption, or withdrawn from warehouse for consumption, through the close of May 31, 2018, at which time such countries shall be deleted from the article description of heading 9903.80.01 of the HTSUS.

(4) Clause 5 of Proclamation 9711 is amended by inserting the phrase ‘‘, except those eligible for admission under ‘‘domestic status’’; as defined in 19 CFR 146.43, which is subject to the duty imposed pursuant to Proclamation 9705, as amended by Proclamation 9711,’’; after the words ‘‘Any steel article’’; in the first and second sentences.

(5) Steel articles shall not be subject upon entry for consumption to the duty established in clause 2 of Proclamation 9705, as amended by clause 1 of this proclamation, merely by reason of manufacture in a U.S. foreign trade zone. However, steel articles admitted to a U.S. foreign trade zone in ‘‘privileged foreign status’’; pursuant to clause 5 of Proclamation 9711, as amended by clause 4 of this proclamation, shall retain that status consistent with 19 CFR 146.41(e).

(6) No drawback shall be available with respect to the duties imposed on any steel article pursuant to Proclamation 9705, as amended by clause 1 of this proclamation.

(7) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register.*

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

A. Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is modified below, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively. Except as provided in the superior text to subheadings 9903.80.05 through 9903.80.58 in item 4, the modifications made in items 1, 3 and 4 of this part shall be effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 1, 2018; except that the modifications in item 1 to the opening paragraph of subdivision (a) and to subdivision (a)(i) of U.S. note 16, as well as the modifications made in item 2 of this part, shall be effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018. Quota amounts are calculated beginning on January 1 of each calendar year, including for calendar year 2018.

1. The text of subdivision (a) of U.S. note 16 to such subchapter is modified to read as follows:

> "This note and the tariff provisions referred to herein set forth the ordinary customs duty treatment applicable to all entries of the iron or steel products of all countries other than of the United States, when such iron or steel products are classifiable in the headings or subheadings enumerated in subdivision (b) of this note. All anti-dumping or countervailing duties, or other duties and charges applicable to such goods shall continue to be imposed, except as may be expressly provided herein.
>
> (i) Heading 9903.80.01 provides the ordinary customs duty treatment of iron or steel products of all countries other than products of the United States and other than of countries expressly exempt therefrom, pursuant to the article description of such heading and the terms of subdivision (e) of this note. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in this heading shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection ("CBP") regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the iron or steel products enumerated in subdivision (b) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.80.01.

(ii) Subheadings 9903.80.05 through 9903.80.58, inclusive, provide the ordinary customs duty and quota treatment of such goods enumerated in subdivision (b) of this note when they are the product of any country enumerated in the superior text thereto and expressly exempt from the scope of heading 9903.80.01, subject to the limitations in subdivision (e) of this note.

2. The text of subdivision (b) of such U.S. note 16 is modified by adding below clause (b)(v) the sentence "Any reference above to iron or steel products classifiable in any heading or subheading of chapter 72 or 73, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions." The text of subdivisions (b), (c) and (d) of such U.S. note 16 are each modified by deleting "heading 9903.80.01" and by inserting in lieu thereof "heading 9903.80.01 and subheadings 9903.80.05 through 9903.80.58, inclusive,".

3. The following new subdivision (e) is hereby inserted at the end of such U.S. note 16:

"(e) Subheadings 9903.80.05 through 9903.80.58, inclusive, set forth the ordinary customs duty treatment for the iron or steel products (as enumerated in subdivision (b) of this note) of any country enumerated in the superior text to such subheadings, subject to the annual aggregate quantitative limitations proclaimed for these subheadings and as set forth on the Internet site of CBP at the following link: https://www.cbp.gov/trade/quota . Imports from any such country in an aggregate quantity under any such subheading during any of the periods January through March, April through June, July through September, or October through December in any year that is in excess of 30 percent of the total aggregate quantity provided for a calendar year for such country, as set forth on the Internet site of CBP, shall not be allowed."

4. The following new subheadings and superior text thereto are inserted in numerical sequence in subchapter III:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	Iron or steel products of South Korea enumerated in U.S. note 16(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e):			
9903.80.05	Hot-rolled sheet, provided for in subheading 7208.10.60, 7208.26.00, 7208.27.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7225.30.70 or 7225.40.70	Free		
9903.80.06	Hot-rolled strip, provided for in subheading 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, 7211.19.75, 7226.91.70 or 7226.91.80	Free		
9903.80.07	Hot-rolled plate, in coils, provided for in subheading 7208.10.15, 7208.10.30, 7208.25.30, 7208.25.60, 7208.36.00, 7208.37.00, 7211.14.00 (except for statistical reporting numbers 7211.14.0030 and 7211.14.0045) or 7225.30.30	Free		
9903.80.08	Cold-rolled sheet and other products, provided for in subheading 7209.15.00, 7209.16.00, 7209.17.00, 7209.18.15, 7209.18.60, 7209.25.00, 7209.26.00, 7209.27.00, 7209.28.00, 7209.90.00, 7210.70.30, 7225.50.70, 7225.50.80 or 7225.99.00	Free		
9903.80.09	Cold-rolled strip and other products, provided for in subheading 7211.23.15, 7211.23.20, 7211.23.30, 7211.23.45, 7211.23.60, 7211.29.20, 7211.29.45, 7211.29.60, 7211.90.00, 7212.40.10, 7212.40.50, 7226.92.50, 7226.92.70, 7226.92.80 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0130)	Free		
9903.80.10	Cold-rolled black plate, provided for in subheading 7209.18.25	Free		
9903.80.11	Plate in cut lengths, provided for in subheading 7208.40.30, 7208.51.00, 7208.52.00, 7210.90.10, 7211.13.00, 7211.14.00 (except for statistical reporting number 7211.14.0090), 7225.40.30, 7225.50.60 or 7226.91.50	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.12	Flat-rolled products, hot-dipped, provided for in subheading 7210.41.00, 7210.49.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6090), 7212.30.10, 7212.30.30, 7212.30.50, 7225.92.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0180)	Free		
9903.80.13	Flat-rolled products, coated, provided for in subheading 7210.20.00, 7210.61.00, 7210.69.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6060), 7210.90.60, 7210.90.90, 7212.50.00 or 7212.60.00	Free		
9903.80.14	Tin-free steel, provided for in subheading 7210.50.00	Free		
9903.80.15	Tin plate, provided for in subheading 7210.11.00, 7210.12.00 or 7212.10.00	Free		
9903.80.16	Silicon electrical steel sheets and strip, provided for in subheading 7225.11.00, 7225.19.00, 7226.11.10, 7226.11.90, 7226.19.10 or 7226.19.90	Free		
9903.80.17	Sheets and strip electrolytically coated or plated with zinc, provided for in subheading 7210.30.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6060 and 7210.70.6090), 7212.20.00, 7225.91.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0130 and 7226.99.0180)	Free		
9903.80.18	Oil country pipe and tube goods, provided for in subheading 7304.23.30, 7304.23.60, 7304.29.10, 7304.29.20, 7304.29.31, 7304.29.41, 7304.29.50, 7304.29.61, 7305.20.20, 7305.20.40, 7305.20.60, 7305.20.80, 7306.29.10, 7306.29.20, 7306.29.31, 7306.29.41, 7306.29.60 or 7306.29.81	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.19	Line pipe exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting numbers 7304.19.1020, 7304.19.1030, 7304.19.1045 and 7304.19.1060), 7304.19.50 (except for statistical reporting numbers 7304.19.5020 and 7304.19.5050), 7305.11.10, 7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10 or 7305.19.50	Free		
9903.80.20	Line pipe not exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1080), 7304.19.50 (except for statistical reporting number 7304.19.5080), 7306.19.10 (except for statistical reporting number 7306.19.1050) or 7306.19.51 (except for statistical reporting number 7306.19.5150)	Free		
9903.80.21	Other line pipe, provided for in subheading 7306.19.10 (except for statistical reporting number 7306.19.1010) or 7306.19.51 (except for statistical reporting number 7306.19.5110)	Free		
9903.80.22	Standard pipe, provided for in subheading 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0028, 7304.39.0032, 7304.39.0040, 7304.39.0044, 7304.39.0052, 7304.39.0056, 7304.39.0068 and 7304.39.0072), 7304.59.80 (except for statistical reporting numbers 7304.59.8020, 7304.59.8025, 7304.59.8035, 7304.59.8040, 7304.59.8050, 7304.59.8055, 7304.59.8065 and 7304.59.8070) or 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5015, 7306.30.5020 and 7306.30.5035)	Free		
9903.80.23	Structural pipe and tube, provided for in subheading 7304.90.10, 7304.90.30, 7305.31.20, 7305.31.40, 7305.31.60 (except for statistical reporting number 7305.31.6010), 7306.30.30, 7306.50.30, 7306.61.10, 7306.61.30, 7306.69.10 or 7306.69.30	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.24	Mechanical tubing and other products, provided for in subheading 7304.31.30, 7304.31.60 (except for statistical reporting number 7304.31.6010), 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.39.0076 and 7304.39.0080), 7304.51.10, 7304.51.50 (except for statistical reporting numbers 7304.51.5005, 7304.51.5015 and 7304.51.5045), 7304.59.10, 7304.59.60, 7304.59.80 (except for statistical reporting numbers 7304.59.8010, 7304.59.8015, 7304.59.8030, 7304.59.8045, 7304.59.8060 and 7304.59.8080), 7304.90.50, 7304.90.70, 7306.30.10, 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090), 7306.50.10, 7306.50.50 (except for statistical reporting number 7306.50.5010), 7306.61.50, 7306.61.70 (except for statistical reporting number 7306.61.7030), 7306.69.50 or 7306.69.70 (except for statistical reporting number 7306.69.7030).....	Free		
9903.80.25	Pressure tubing and other products, provided for in subheading 7304.31.60 (except for statistical reporting number 7304.31.6050), 7304.39.00 (except for statistical reporting numbers 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076 and 7304.39.0080), 7304.51.50 (except for statistical reporting numbers 7304.51.5005 and 7304.51.5060), 7304.59.20, 7306.30.50 (except for statistical reporting numbers 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5035, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090) or 7306.50.50 (except for statistical reporting numbers 7306.50.5030, 7306.50.5050 and 7306.50.5070).....	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.26	Tubes or pipes for piling and other products, provided for in subheading 7305.39.10 or 7305.39.50	Free		
9903.80.27	Pipes and tubes, not specially provided for, provided for in subheading 7304.51.50 (except for statistical reporting numbers 7304.51.5015, 7304.51.5045 and 7304.51.5060), 7305.90.10, 7305.90.50, 7306.90.10 or 7306.90.50	Free		
9903.80.28	Hot-rolled sheet of stainless steel, provided for in subheading 7219.13.00, 7219.14.00, 7319.23.00 or 7219.24.00	Free		
9903.80.29	Hot-rolled strip of stainless steel and other products, provided for in subheading 7220.12.10 or 7220.12.50	Free		
9903.80.30	Hot-rolled plate of stainless steel, in coils, and other products, provided for in subheading 7219.11.00 or 7219.12.00	Free		
9903.80.31	Cold-rolled sheet of stainless steel and other products, provided for in subheading 7219.32.00, 7219.33.00, 7219.34.00, 7219.35.00 or 7219.90.00	Free		
9903.80.32	Cold-rolled strip of stainless steel, provided for in subheading 7220.20.10, 7220.20.60, 7220.20.70, 7220.20.80, 7220.20.90 or 7220.90.00	Free		
9903.80.33	Cold-rolled plate of stainless steel, in coils, provided for in subheading 7219.31.00 (except for statistical reporting number 7219.31.0050)	Free		
9903.80.34	Wire of stainless steel, drawn, provided for in subheading 7223.00.10, 7223.00.50 or 7223.00.90	Free		
9903.80.35	Pipes and tubes of stainless steel, provided for in subheading 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except for statistical reporting number 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060)	Free		
9903.80.36	Line pipe of stainless steel, provided for in subheading 7304.11.00 or 7306.11.00	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.37	Bars and rods of stainless steel, cold finished, provided for in subheading 7222.20.00 or 7222.30.00	Free		
9903.80.38	Bars and rods of stainless steel, hot-rolled, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0017, 7221.00.0018 and 7221.00.0030) or subheading 7222.11.00, 7222.19.00 or 7222.40.30 (except for statistical reporting numbers 7222.40.3025 and 7222.40.3045)	Free		
9903.80.39	Blooms, billets and slabs of stainless steel and other products, provided for in subheading 7218.91.00 and 7218.99.00	Free		
9903.80.40	Oil country pipe and tube goods of stainless steel and other products, provided for in subheading 7304.22.00, 7304.24.30, 7304.24.40, 7304.24.60, 7306.21.30, 7306.21.40 or 7306.21.80	Free		
9903.80.41	Ingot and other primary forms of stainless steel, provided for in subheading 7218.10.00	Free		
9903.80.42	Flat-rolled products of stainless steel, provided for in subheading 7219.21.00, 7219.22.00, 7219.31.00 (except for statistical reporting number 7219.31.0010) or 7220.11.00	Free		
9903.80.43	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0005, 7221.00.0045 and 7221.00.0075)	Free		
9903.80.44	Angles, shapes and sections of stainless steel, provided for in subheading 7222.40.30 (except for statistical reporting numbers 7222.40.3065 and 7222.40.3085) or 7222.40.60	Free		
9903.80.45	Angles, shapes and sections, provided for in subheading 7216.31.00, 7216.32.00, 7216.33.00, 7216.40.00, 7216.50.00, 7216.99.00, 7228.70.30 (except for statistical reporting numbers 7228.70.3060 and 7228.70.3081) or 7228.70.60	Free		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.46	Bars and rods, hot-rolled, in irregularly wound coils, provided for in subheading 7213.91.30, 9213.91.45, 7213.91.60, 7213.99.00 (except for statistical reporting number 7213.99.0060), 7227.20.00 (except for statistical reporting number 7227.20.0080) or 7227.90.60 (except for statistical reporting numbers 7227.90.6005, 7227.90.6010, 7227.90.6040 and 7227.90.6090)	Free		
9903.80.47	Wire (other than of stainless steel), provided for in subheading 7217.10.10, 7217.10.20, 7217.10.30, 7217.10.40, 7217.10.50, 7217.10.60, 7217.10.70, 7217.10.80, 7217.10.90, 7217.20.15, 7217.20.30, 7217.20.45, 7217.20.60, 7217.20.75, 7217.30.15, 7217.30.30, 7217.30.45, 7217.30.60, 7217.30.75, 7217.90.10, 7217.90.50, 7229.20.00, 7229.90.10, 7229.90.50 or 7229.90.90	Free		
9903.80.48	Bars, hot-rolled, not of stainless steel, provided for in subheading 7213.20.00, 7213.99.00 (except for statistical reporting numbers 7213.99.0030 and 7213.99.0090), 7214.10.00, 7214.30.00, 7214.91.00, 7214.99.00, 7215.90.10, 7227.20.00 (except for statistical reporting number 7227.20.0030), 7227.90.60 (except for statistical reporting numbers 7227.90.6020, 7227.90.6030 and 7227.90.6035), 7228.20.10, 7228.30.80 (except for statistical reporting number 7228.30.8010), 7228.40.00, 7228.60.60 or 7228.80.00	Free		
9903.80.49	Bars, cold-finished, not of stainless steel, provided for in subheading 7215.10.00, 7215.50.00, 7215.90.30, 7215.90.50, 7228.20.50, 7228.50.50 or 7228.60.80	Free		
9903.80.50	Angles, shapes and sections of a type known as "light-shaped bars" and other products, provided for in subheading 7216.10.00, 7216.21.00, 7216.22.00 or 7228.70.30 (except for statistical reporting numbers 7228.70.3010, 7228.70.3020 and 7228.70.3041)	Free		
9903.80.51	Reinforcing bars, provided for in subheading 7213.10.00, 7214.20.00 or 7228.30.80 (except for			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	statistical reporting numbers 7228.30.8005, 7228.30.8015, 7228.30.8041, 7228.30.8045 and 7228.30.8070)	Free		
9903.80.52	Sheet piling, provided for in subheading 7301.10.00	Free		
9903.80.53	Nonumerated railroad goods, provided for in subheading 7302.40.00, 7302.90.10 and 7302.90.90	Free		
9903.80.54	Rails other than those known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1010, 7302.10.1035, 7302.10.1065 and 7302.10.1075)	Free		
9903.80.55	Rails known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1015, 7302.10.1025, 7302.10.1045 and 7302.10.1055) or 7302.10.50	Free		
9903.80.56	Products of tool steel and other products, provided for in subheading 7224.10.00 (except for statistical reporting numbers 7224.10.0005 and 7224.10.0075), 7224.90.00 (except for statistical reporting numbers 7224.90.0005, 7224.90.0045, 7224.90.0055, 7224.90.0065 and 7224.90.0075), 7225.30.11, 7225.30.51, 7225.40.11, 7225.40.51, 7225.50.11, 7226.20.00, 7226.91.05, 7226.91.15, 7226.91.25, 7226.92.10, 7226.92.30, 7227.10.00, 7227.90.10, 7227.90.20, 7228.10.00, 7228.30.20, 7228.30.40, 7228.30.60, 7228.50.10, 7228.60.10 or 7229.90.05	Free		
9903.80.57	Blooms, billets and slabs, semi-finished, provided for in subheading 7207.11.00, 7207.12.00, 7207.19.00, 7207.20.00 or 7224.90.00 (except for statistical reporting numbers 7224.90.0015, 7224.90.0025, and 7224.90.0035)	Free		
9903.80.58	Ingots, provided for in subheading 7206.10.00, 7206.90.00 or 7224.10.00 (except for statistical reporting number 7224.10.0045)	Free		

B. For the purposes of administering the quantitative limitations applicable to subheadings 9903.80.05 through 9903.80.58 (as created in part A of this annex), the following annual aggregate limits shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated:

SOUTH KOREA

Heading/ Subheading	Article description	Quantitative Limitation
	Iron or steel products of South Korea enumerated in U.S. note 16(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e):	
9903.80.05	Hot-rolled sheet, provided for in subheading 7208.10.60, 7208.26.00, 7208.27.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7225.30.70 or 7225.40.70	404,694,045 kg
9903.80.06	Hot-rolled strip, provided for in subheading 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, 7211.19.75, 7226.91.70 or 7226.91.80	249,173 kg
9903.80.07	Hot-rolled plate, in coils, provided for in subheading 7208.10.15, 7208.10.30, 7208.25.30, 7208.25.60, 7208.36.00, 7208.37.00, 7211.14.00 (except for statistical reporting numbers 7211.14.0030 and 7211.14.0045) or 7225.30.30	125,346,920 kg
9903.80.08	Cold-rolled sheet, and other products, provided for in subheading 7209.15.00, 7209.16.00, 7209.17.00, 7209.18.15, 7209.18.60, 7209.25.00, 7209.26.00, 7209.27.00, 7209.28.00, 7209.90.00, 7210.70.30, 7225.50.70, 7225.50.80 or 7225.99.00	90,336,230 kg
9903.80.09	Cold-rolled strip, and other products, provided for in subheading 7211.23.15, 7211.23.20, 7211.23.30, 7211.23.45, 7211.23.60, 7211.29.20, 7211.29.45, 7211.29.60, 7211.90.00, 7212.40.10, 7212.40.50, 7226.92.50, 7226.92.70, 7226.92.80 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0130)	3,207,110 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.10	Cold-rolled black plate, provided for in subheading 7209.18.25	34,385,821 kg
9903.80.11	Plate in cut lengths, provided for in subheading 7208.40.30, 7208.51.00, 7208.52.00, 7210.90.10, 7211.13.00, 7211.14.00 (except for statistical reporting number 7211.14.0090), 7225.40.30, 7225.50.60 or 7226.91.50	202,530,628 kg
9903.80.12	Flat-rolled products, hot-dipped, provided for in subheading 7210.41.00, 7210.49.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6090), 7212.30.10, 7212.30.30, 7212.30.50, 7225.92.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0180)	166,310,597 kg
9903.80.13	Flat-rolled products, coated, provided for in subheading 7210.20.00, 7210.61.00, 7210.69.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6060), 7210.90.60, 7210.90.90, 7212.50.00 or 7212.60.00	190,840,544 kg
9903.80.14	Tin-free steel, provided for in subheading 7210.50.00	18,374,353 kg
9903.80.15	Tin plate, provided for in subheading 7210.11.00, 7210.12.00 or 7212.10.00	54,749,093 kg
9903.80.16	Silicon electrical steel sheets and strip, provided for in subheading 7225.11.00, 7225.19.00, 7226.11.10, 7226.11.90, 7226.19.10 or 7226.19.90	7,505,976 kg
9903.80.17	Sheets and strip electrolytically coated or plated with zinc, provided for in subheading 7210.30.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6060 and 7210.70.6090), 7212.20.00, 7225.91.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0130 and 7226.99.0180)	13,094,743 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.18	Oil country pipe and tube goods, provided for in subheading 7304.23.30, 7304.23.60, 7304.29.10, 7304.29.20, 7304.29.31, 7304.29.41, 7304.29.50, 7304.29.61, 7305.20.20, 7305.20.40, 7305.20.60, 7305.20.80, 7306.29.10, 7306.29.20, 7306.29.31, 7306.29.41, 7306.29.60 or 7306.29.81	460,867,818 kg
9903.80.19	Line pipe exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting numbers 7304.19.1020, 7304.19.1030, 7304.19.1045 and 7304.19.1060), 7304.19.50 (except for statistical reporting numbers 7304.19.5020 and 7304.19.5050), 7305.11.10, 7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10 or 7305.19.50	125,646,499 kg
9903.80.20	Line pipe not exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1080), 7304.19.50 (except for statistical reporting number 7304.19.5080), 7306.19.10 (except for statistical reporting number 7306.19.1050) or 7306.19.51 (except for statistical reporting number 7306.19.5150)	51,383,847 kg
9903.80.21	Other line pipe, provided for in subheading 7306.19.10 (except for statistical reporting number 7306.19.1010) or 7306.19.51 (except for statistical reporting number 7306.19.5110)	250,007,048 kg
9903.80.22	Standard pipe, provided for in subheading 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0028, 7304.39.0032, 7304.39.0040, 7304.39.0044, 7304.39.0052, 7304.39.0056, 7304.39.0068 and 7304.39.0072), 7304.59.80 (except for statistical reporting numbers 7304.59.8020, 7304.59.8025, 7304.59.8035, 7304.59.8040, 7304.59.8050, 7304.59.8055, 7304.59.8065 and 7304.59.8070) or 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5015, 7306.30.5020 and 7306.30.5035)	69,469,685 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.23	Structural pipe and tube, provided for in subheading 7304.90.10, 7304.90.30, 7305.31.20, 7305.31.40, 7305.31.60 (except for statistical reporting number 7305.31.6010), 7306.30.30, 7306.50.30, 7306.61.10, 7306.61.30, 7306.69.10 or 7306.69.30	54,003,708 kg
9903.80.24	Mechanical tubing and other products, provided for in subheading 7304.31.30, 7304.31.60 (except for statistical reporting numbers 7304.31.6010), 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.39.0076 and 7304.39.0080), 7304.51.10, 7304.51.50 (except for statistical reporting numbers 7304.51.5005, 7304.51.5015 and 7304.51.5045), 7304.59.10, 7304.59.60, 7304.59.80 (except for statistical reporting numbers 7304.59.8010, 7304.59.8015, 7304.59.8030, 7304.59.8045, 7304.59.8060 and 7304.59.8080), 7304.90.50, 7304.90.70, 7306.30.10, 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090), 7306.50.10, 7306.50.50 (except for statistical reporting number 7306.50.5010), 7306.61.50, 7306.61.70 (except for statistical reporting number 7306.61.7030), 7306.69.50 or 7306.69.70 (except for statistical reporting number 7306.69.7030)	8,438,050 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.25	Pressure tubing and other products, provided for in subheading 7304.31.60 (except for statistical reporting number 7304.31.6050), 7304.39.00 (except for statistical reporting numbers 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076 and 7304.39.0080), 7304.51.50 (except for statistical reporting numbers 7304.51.5005 and 7304.51.5060), 7304.59.20, 7306.30.50 (except for statistical reporting numbers 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5035, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090) or 7306.50.50 (except for statistical reporting numbers 7306.50.5030, 7306.50.5050 and 7306.50.5070)	1,172,695 kg
9903.80.26	Tubes or pipes for piling and other products, provided for in subheading 7305.39.10 or 7305.39.50	4,807,122 kg
9903.80.27	Pipes and tubes, not specially provided for, provided for in subheading 7304.51.50 (except for statistical reporting numbers 7304.51.5015, 7304.51.5045 and 7304.51.5060), 7305.90.10, 7305.90.50, 7306.90.10 or 7306.90.50	449,740 kg
9903.80.28	Hot-rolled sheet of stainless steel, provided for in subheading 7219.13.00, 7219.14.00, 7319.23.00 or 7219.24.00	1,172,992 kg
9903.80.29	Hot-rolled strip of stainless steel and other products, provided for in subheading 7220.12.10 or 7220.12.50	13,346 kg
9903.80.30	Hot-rolled plate of stainless steel, in coils, and other products, provided for in subheading 7219.11.00 or 7219.12.00	218,649 kg
9903.80.31	Cold-rolled sheet of stainless steel and other products, provided for in subheading 7219.32.00, 7219.33.00, 7219.34.00, 7219.35.00 or 7219.90.00	13,460,008 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.32	Cold-rolled strip of stainless steel, provided for in subheading 7220.20.10, 7220.20.60, 7220.20.70, 7220.20.80, 7220.20.90 or 7220.90.00	1,649,722 kg
9903.80.33	Cold-rolled plate of stainless steel, in coils, provided for in subheading 7219.31.00 (except for statistical reporting number 7219.31.0050)	24,905 kg
9903.80.34	Wire of stainless steel, drawn, provided for in subheading 7223.00.10, 7223.00.50 or 7223.00.90	5,338,007 kg
9903.80.35	Pipes and tubes of stainless steel, provided for in subheading 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060)	12,602,387 kg
9903.80.36	Line pipe of stainless steel, provided for in subheading 7304.11.00 or 7306.11.00	1,254,097 kg
9903.80.37	Bars and rods of stainless steel, cold finished, provided for in subheading 7222.20.00 or 7222.30.00	224,622 kg
9903.80.38	Bars and rods of stainless steel, hot-rolled, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0017, 7221.00.0018 and 7221.00.0030) or subheading 7222.11.00, 7222.19.00 or 7222.40.30 (except for statistical reporting numbers 7222.40.3025 and 7222.40.3045)	45,391 kg
9903.80.39	Blooms, billets and slabs of stainless steel and other products, provided for in subheading 7218.91.00 and 7218.99.00	110,360 kg
9903.80.40	Oil country pipe and tube goods of stainless steel and other products, provided for in subheading 7304.22.00, 7304.24.30, 7304.24.40, 7304.24.60, 7306.21.30, 7306.21.40 or 7306.21.80	3,500 kg
9903.80.41	Ingot and other primary forms of stainless steel, provided for in subheading 7218.10.00	215,467 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.42	Flat-rolled products of stainless steel, provided for in subheading 7219.21.00, 7219.22.00, 7219.31.00 (except for statistical reporting number 7219.31.0010) or 7220.11.00	2,329,416 kg
9903.80.43	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0005, 7221.00.0045 and 7221.00.0075)	0 kg
9903.80.44	Angles, shapes and sections of stainless steel, provided for in subheading 7222.40.30 (except for statistical reporting numbers 7222.40.3065 and 7222.40.3085) or 7222.40.60	49 kg
9903.80.45	Angles, shapes and sections, provided for in subheading 7216.31.00, 7216.32.00, 7216.33.00, 7216.40.00, 7216.50.00, 7216.99.00, 7228.70.30 (except for statistical reporting numbers 7228.70.3060 and 7228.70.3081) or 7228.70.60	106,760,293 kg
9903.80.46	Bars and rods, hot-rolled, in irregularly wound coils, provided for in subheading 7213.91.30, 9213.91.45, 7213.91.60, 7213.99.00 (except for statistical reporting number 7213.99.0060), 7227.20.00 (except for statistical reporting number 7227.20.0080) or 7227.90.60 (except for statistical reporting numbers 7227.90.6005, 7227.90.6010, 7227.90.6040 and 7227.90.6090)	56,474,925 kg
9903.80.47	Wire (other than of stainless steel), provided for in subheading 7217.10.10, 7217.10.20, 7217.10.30, 7217.10.40, 7217.10.50, 7217.10.60, 7217.10.70, 7217.10.80, 7217.10.90, 7217.20.15, 7217.20.30, 7217.20.45, 7217.20.60, 7217.20.75, 7217.30.15, 7217.30.30, 7217.30.45, 7217.30.60, 7217.30.75, 7217.90.10, 7217.90.50, 7229.20.00, 7229.90.10, 7229.90.50 or 7229.90.90	40,508,288 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.48	Bars, hot-rolled, not of stainless steel, provided for in subheading 7213.20.00, 7213.99.00 (except for statistical reporting numbers 7213.99.0030 and 7213.99.0090), 7214.10.00, 7214.30.00, 7214.91.00, 7214.99.00, 7215.90.10, 7227.20.00 (except for statistical reporting number 7227.20.0030), 7227.90.60 (except for statistical reporting numbers 7227.90.6020, 7227.90.6030 and 7227.90.6035), 7228.20.10, 7228.30.80 (except for statistical reporting number 7228.30.8010), 7228.40.00, 7228.60.60 or 7228.80.00	32,914,618 kg
9903.80.49	Bars, cold-finished, not of stainless steel, provided for in subheading 7215.10.00, 7215.50.00, 7215.90.30, 7215.90.50, 7228.20.50, 7228.50.50 or 7228.60.80	9,535,366 kg
9903.80.50	Angles, shapes and sections of a type known as "light-shaped bars" and other products, provided for in subheading 7216.10.00, 7216.21.00, 7216.22.00 or 7228.70.30 (except for statistical reporting numbers 7228.70.3010, 7228.70.3020 and 7228.70.3041)	1,150,356 kg
9903.80.51	Reinforcing bars, provided for in subheading 7213.10.00, 7214.20.00 or 7228.30.80 (except for statistical reporting numbers 7228.30.8005, 7228.30.8015, 7228.30.8041, 7228.30.8045 and 7228.30.8070)	4,400,770 kg
9903.80.52	Sheet piling, provided for in subheading 7301.10.00	0 kg
9903.80.53	Nonumerated railroad goods, provided for in subheading 7302.40.00, 7302.90.10 and 7302.90.90	109,715 kg
9903.80.54	Rails other than those known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1010, 7302.10.1035, 7302.10.1065 and 7302.10.1075)	467 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.55	Rails known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1015, 7302.10.1025, 7302.10.1045 and 7302.10.1055) or 7302.10.50.....	770 kg
9903.80.56	Products of tool steel and other products, provided for in subheading 7224.10.00 (except for statistical reporting numbers 7224.10.0005 and 7224.10.0075), 7224.90.00 (except for statistical reporting numbers 7224.90.0005, 7224.90.0045, 7224.90.0055, 7224.90.0065 and 7224.90.0075), 7225.30.11, 7225.30.51, 7225.40.11, 7225.40.51, 7225.50.11, 7226.20.00, 7226.91.05, 7226.91.15, 7226.91.25, 7226.92.10, 7226.92.30, 7227.10.00, 7227.90.10, 7227.90.20, 7228.10.00, 7228.30.20, 7228.30.40, 7228.30.60, 7228.50.10, 7228.60.10 or 7229.90.05.....	849,004 kg
9903.80.57	Blooms, billets and slabs, semi-finished, provided for in subheading 7207.11.00, 7207.12.00, 7207.19.00, 7207.20.00 or 7224.90.00 (except for statistical reporting numbers 7224.90.0015, 7224.90.0025, and 7224.90.0035).....	1,697,955 kg
9903.80.58	Ingots, provided for in subheading 7206.10.00, 7206.90.00 or 7224.10.00 (except for statistical reporting number 7224.10.0045).....	74,667 kg

Proclamation 9741 of May 3, 2018

National Day of Prayer, 2018

By the President of the United States of America
A Proclamation

On this National Day of Prayer, we join together to offer gratitude for our many blessings and to acknowledge our need for divine wisdom, guidance, and protection. Prayer, by which we affirm our dependence on God, has long been fundamental to our pursuit of freedom, peace, unity, and prosperity. Prayer sustains us and brings us comfort, hope, peace, and strength. Therefore, we must cherish our spiritual foundation and uphold our legacy of faith.

Prayer has been a source of guidance, strength, and wisdom since the founding of our Republic. When the Continental Congress gathered in Philadelphia to contemplate freedom from Great Britain, the delegates prayed daily for guidance. Their efforts produced the Declaration of Independence and its enumeration of the self-evident truths that we all cherish today. We believe that all men and women are created equal and endowed by their Creator with certain inalienable rights, including life, liberty, and the pursuit of happiness. Prayer sustained us and gave us the strength to endure the sacrifices and suffering of the American Revolution and to temper the triumph of victory with humility and gratitude. Notably, as one of its first acts, our newly formed Congress appointed chaplains of the House of Representatives and Senate so that all proceedings would begin with prayer.

As a Nation, we have continued to seek God in prayer, including in times of conflict and darkness. At the height of World War II, President Franklin D. Roosevelt called for prayer ''for the vision to see our way clearly—to see the way that leads to a better life for ourselves and for all our fellow men—and to the achievement of His will to peace on earth.''; Decades later, following one of the darkest days in our Nation's history, President George W. Bush offered this prayer for our heartbroken country, mourning the precious souls who perished in the terrorist attacks on September 11, 2001: ''We ask Almighty God to watch over our Nation, and grant us patience and resolve in all that is to come. We pray that He will comfort and console those who now walk in sorrow. We thank Him for each life we now must mourn, and the promise of a life to come.'';

America has known peace, prosperity, war, and depression—and prayer has sustained us through it all. May our Nation and our people never forget the love, grace, and goodness of our Maker, and may our praise and gratitude never cease. On this National Day of Prayer, let us come together, all according to their faiths, to thank God for His many blessings and ask for His continued guidance and strength.

In 1988, the Congress, by Public Law 100–307, as amended, called on the President to issue each year a proclamation designating the first Thursday in May as a National Day of Prayer, ''on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 3 as a National Day of

Prayer. I encourage all Americans to observe this day, reflecting on the blessings our Nation has received and the importance of prayer, with appropriate programs, ceremonies, and activities in their houses of worship, communities, and places of work, schools, and homes.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9742 of May 4, 2018

National Charter Schools Week, 2018

By the President of the United States of America
A Proclamation

The first public charter school opened its doors in Saint Paul, Minnesota, 26 years ago. Wanting to offer families more high-quality education options, it was founded to promote accountability and innovation, and to advance academic achievement. Now, 44 States, the District of Columbia, and Puerto Rico have passed laws authorizing the creation of charter schools, which are responsible for educating millions of students nationwide. During National Charter Schools Week, we celebrate the more than 7,000 charter schools across our country, their teachers and administrators, and the students they serve.

My Administration has prioritized support for charter schools so that more students have access to this valuable academic option. In my fiscal year 2019 budget request, I called on the Congress to increase funding for the Federal Charter Schools Program to $500 million. This program strengthens State and local efforts to create and expand charter schools to help meet the growing demand for this educational option and increase charter schools' access to high-quality facilities.

Each child is blessed with unique talents and learns in different ways. Charter schools enhance educational options for families and empower teachers to explore innovative programs, alternative curricula, and creative approaches to education to ensure that they meet their students' individual needs. Charter schools provide educators the flexibility to equip students with knowledge and skills that give them the opportunity to achieve their academic goals and pursue successful careers.

This week, we acknowledge the critical role charter schools play in providing students with rigorous education that holds them to high standards. A great education is the foundation for a better future for students facing the demands and challenges of the 21st century. As a Nation, we should continue to support and address their dreams in their innovative efforts to help students reach their full potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 6 through May 12, 2018, as National Charter Schools Week. I commend our Nation's successful public charter schools, teachers, and adminis-

trators, and I call on States and communities to help students and empower parents and families by supporting high-quality charter schools as an important school choice option.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9743 of May 4, 2018

National Hurricane Preparedness Week, 2018

By the President of the United States of America
A Proclamation

During National Hurricane Preparedness Week, I encourage everyone in hurricane-prone areas to make all necessary preparations for the 2018 hurricane season, which starts this month in the Eastern Pacific and next month in the Atlantic and Central Pacific. Hurricanes threaten the lives of those in their paths and can cause serious damage to homes, businesses, and communities. Having just endured last year one of the most tragic and destructive hurricane seasons in our history, we know all too well the critical need to be prepared to prevent and mitigate hurricane-related harm.

Last year, three hurricanes of Category 4 or higher intensity tragically inflicted immense damage on our communities when they made landfall in the United States and its territories. These three landfalls occurred within less than a month of each other, claiming lives and affecting millions of Americans. Hurricane Harvey's record-breaking rainfall and flooding caused nearly $125 billion of damage to southeastern Texas and Louisiana, making it the second most costly storm on record. It was also the first Category 4 hurricane to strike the United States or its territories since 2004. Not long after, another Category 4 storm, Hurricane Irma slammed into Florida and Puerto Rico. Less than two weeks later, Hurricane Maria, the 10th most intense Atlantic hurricane on record, devastated Puerto Rico and the U.S. Virgin Islands. Federal support to those affected by the 2017 hurricane season was extensive, as the Government delivered the largest ever disaster relief package to States and territories in need.

The incredibly active hurricane season of 2017 showed us the various ways hurricanes can affect lives and property. Storm surges can spread miles inland from the coastline, claiming lives and destroying property. Torrential rainfall, from both hurricanes and storms surrounding them, can cause deadly and hazardous urban and river flooding that reaches far inland. Winds can likewise cause significant property damage over large areas. Other hurricane-related events, like tornadoes, can affect communities well beyond the storm's path. Even if those hurricanes stay hundreds of miles offshore, they can cause harm by generating dangerous waves and rip currents in coastal areas.

Being prepared is the key to minimizing hurricane-related harm. Everyone should take steps now to prepare for this hurricane season. This

includes developing plans to stay current about the latest weather developments. Last year, I signed the Weather Research and Forecasting Innovation Act, which strengthens our weather forecasting capabilities. I am proud that the National Oceanic and Atmospheric Administration is well underway in implementing this Act and on the path to producing the best weather forecasting model in the world.

As hurricane season begins, we must remind ourselves that there are no substitutes for having emergency supplies and a well-prepared emergency plan in place. Before this year's hurricane season begins, take the time to sign up for emergency alerts, make plans for shelter and evacuation, gather supplies for your emergency kit, check your insurance coverage and document your property, strengthen your financial preparedness, harden your home, and develop a plan to keep in touch with your loved ones. Hurricane preparedness information provided by the National Weather Service and the *Ready Campaign* led by the Federal Emergency Management Agency (FEMA) is available online and can help you to develop your plan today so that you can properly safeguard yourself, your family, pets, and property in the event of a hurricane.

My Administration continues to help the areas hit by last year's hurricanes recover and become more resilient against future storms. Yet, ensuring our Nation's resilience requires a commitment from all of us. Communities should come together now to take long-term actions to prepare for and reduce the economic, structural, social, and environmental effects of these storms. Preparedness is everyone's responsibility.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 6 through May 12, 2018, as National Hurricane Preparedness Week. I call upon everyone to take action this week by making use of the online resources provided by the National Weather Service and FEMA to safeguard your families, homes, and businesses from the dangers of hurricanes and severe storms. I also call upon Federal, State, local, tribal, and territorial emergency management officials to help inform our communities about hurricane preparedness and response in order to help prevent storm damage and save lives. Further, I recognize the ongoing National Level Exercise 2018, in which more than 250 organizations are participating to examine the ability of all levels of government, private industry, and nongovernmental organizations to protect against, respond to, and recover from a major mid-Atlantic hurricane.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9744 of May 4, 2018

Public Service Recognition Week, 2018

By the President of the United States of America
A Proclamation

During Public Service Recognition Week, we acknowledge our Nation's civil servants for their hard work and willingness to serve their fellow citizens. The contributions of these dedicated men and women strengthen our country and make a profound difference in the lives of all Americans.

Members of our Federal, State, and local workforces bring incredible skills, tireless dedication, and selfless service to a broad range of career fields. Our Nation's civil servants include teachers, mail carriers, first responders, transit workers, and law enforcement officers. Our Federal employees underpin nearly all the operations of our Government.

It is critical for Federal employees to provide excellent service and wise stewardship of taxpayer resources. In order to facilitate these goals, in March, I issued the President's Management Agenda, a long-term vision to modernize our Federal Government. Implementation of this comprehensive framework will enable employees to achieve the missions of their agencies in more efficient and secure manners. This Agenda leverages information technology, data, and our Federal workforce to accomplish transformational cross-agency goals. Through the Agenda, my Administration has established a transparent accountability structure, which includes quarterly reviews and public updates, to identify both successes and areas that need further attention.

We are duty-bound to the American people to operate at the highest levels of capability and competency. I am confident that, in keeping with the Agenda, our devoted civil servants will execute their missions so that our Government becomes more efficient and more productive for the benefit of all Americans.

Every day, our Nation's civil servants help make America better, safer, and stronger. This week, we honor their efforts and extend our gratitude for their exceptionalism and steadfast commitment to serving the American people.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 6 through May 12, 2018, as Public Service Recognition Week. I call upon Americans and all Federal, State, tribal, and local government agencies to recognize the dedication of our Nation's public servants and to observe this week through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9745 of May 7, 2018

Be Best Day, 2018

By the President of the United States of America
A Proclamation

On Be Best Day, we encourage and promote the well-being of children everywhere. In an increasingly complex and inter-connected world, nothing is more important than raising the next generation of Americans to be healthy, happy, productive, and morally responsible adults. This begins with educating our children about the many critical issues they must confront in our modern world that affect their ability to lead balanced and fulfilled lives.

Our Nation's children deserve certain knowledge that they are safe to grow, learn, and make mistakes. Adults must provide them with the tools they need to make positive contributions in their schools, with their friends, and in their communities.

From every corner of our great country, we hear inspiring stories of Americans rising up to meet the challenges of our time, many of which have an especially pronounced effect on our children. On the inaugural Be Best Day, we highlight two of these challenges: negative social media behavior and the opioid crisis.

Children who spend large amounts of time on social media are more likely to report mental health issues than those who spend time on non-screen activities. Technology, of course, plays a critical role in the economic and social development of our country. We must, however, recognize that it can also be used to harm. Be Best Day reminds us to emphasize the importance of using technology in positive ways.

Additionally, opioid dependence, addiction, and abuse are at a point of crisis in America today. We all share a moral imperative to confront this crisis, and to help those families and children affected by it. Be Best Day affords an opportunity to raise awareness about the importance of healthy children and pregnancies, including the risks neonatal abstinence syndrome poses to the long-term health of children.

Today, on Be Best Day, let us commit ourselves to the critical task of building a better future for our children. We redouble our efforts to promote well-being and acts of encouragement, kindness, and respect. We highlight the importance of responsible use of social media; and we confront the crisis of opioid misuse that is robbing so many of our children of their potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 7, 2018, as Be Best Day. I encourage Americans to take time to understand the many issues children face on a daily basis—both through personal interactions and through social media. I encourage parents to better understand the harmful effects of drug misuse on our youth, and also to find opportunities to support and celebrate our children. I encourage adults and parents to talk to children, and to get involved in programs that help educate our youth on the unique challenges related to growing up in today's world.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9746 of May 10, 2018

Military Spouse Day, 2018

By the President of the United States of America
A Proclamation

Since the founding of our Republic, military spouses have served alongside their loved ones and played vital roles in the defense of our country. Their selfless support, volunteer spirit, and significant contributions have left indelible marks on our military and communities. On Military Spouse Day, we pay tribute to these remarkable patriots, past and present, including the incredible women and men who currently serve, in steadfast support of America's Armed Forces, as our Nation's military spouses.

Military Spouse Day is an opportunity to thank the inspirational men and women who are the foundation of our Nation's military families. Their countless sacrifices and tireless devotion to this country, and to those who defend her, are invaluable and irreplaceable. Military spouses shoulder the burdens of a challenging and demanding lifestyle with pride, strength, and determination. They demonstrate uncommon grace and grit, and although most military spouses do not wear a uniform, they honorably serve our Nation—often times without their loved one standing beside them.

We ask so much of our military spouses: frequent moves; heartbreaking separations; parenting alone; incomplete celebrations; and weeks, months, and sometimes years of waiting for a loved one's safe return from harm's way. Time and time again, however, military spouses respond with resilience that defies explanation. Our service members are often praised as national heroes, but their spouses are equally worthy of that distinction.

My Administration is committed to taking care of our Armed Forces and ensuring that our military is equipped to defend our country and protect our way of life. This mission also includes caring for the unique needs of military spouses, whose service to our Nation cannot be overstated.

Too often, military life can interfere with the aspirations and dreams of our military spouses. For example, frequent and often unexpected moves can impair career and academic goals. Even as our economy prospers, military spouses continue to face an unemployment rate far higher than the national average, up to 16 percent in 2017. Further, data from the 2016 American Community Survey indicates that military spouses suffer from underemployment at a greater rate than Americans more broadly, at an estimated 31.4 percent compared to 19.6 percent overall. All of these are added and unnecessary burdens on military families.

We can and will do better, which is why my Administration will continue to focus on enhancing employment opportunities for military spouses. On May 9, I signed an Executive Order to enhance opportunities for military spouses looking for employment in the Federal Government. This action promotes the use of an existing hiring authority for military spouses and seeks to provide significantly greater opportunity for military spouses to be considered for Federal Government positions.

Beyond the Federal Government, I encourage every American business, large and small, to find ways to employ military spouses, and keep them employed as they relocate—sometimes every 2 or 3 years—to new duty stations. More than 360 employers with regional and national footprints have made this commitment through the Department of Defense's Military Spouse Employment Partnership. In less than 7 years, these patriotic partners have hired more than 112,000 military spouses. We are grateful for these employment opportunities and hope to see many more businesses participate in this important initiative.

In addition, many military spouses encounter unnecessary delays remaining in the workforce following a change in duty station. These spouses are more likely than other workers to face barriers to employment due to the impact of occupational licensing laws, since they frequently move across State lines and are disproportionately employed in occupations that require a license. Existing State laws regarding license portability are insufficient. States and occupational licensing boards can and must do more to improve the license portability to facilitate career continuity and ease financial burdens on our military families.

As we observe Military Spouse Day, we salute generations of military spouses for their leadership, courage, love, patriotism, and unwavering support for the courageous men and women of our Armed Forces. On this day, Melania and I offer our deepest respect and gratitude to every person who has embraced this noble calling in proud service to our Nation as a military spouse.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 11, 2018, as Military Spouse Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9747 of May 11, 2018

National Defense Transportation Day and National Transportation Week, 2018

By the President of the United States of America
A Proclamation

During National Defense Transportation Day and National Transportation Week, we celebrate the many forms of transportation and recognize the countless men and women who ensure that our transportation infrastructure systems operate effectively, efficiently, and, when needed, in support of our national defense. Since the early days of our Nation, the growth and expansion of the United States, as well as the strength of our country's national defense, have been inextricably linked to our investments into our transportation system.

In 1919, a young lieutenant colonel named Dwight D. Eisenhower embarked on the United States Army's first transcontinental convoy from Washington, DC, to San Francisco, California. Over a trip that lasted 62 days, covered 3,251 miles at a speed of 6 miles per hour, and overcame 230 accidents, Eisenhower witnessed firsthand the need for an efficient, reliable, and safe national transportation system. Nearly 40 years later, as President of the United States, he signed into law the Federal-Aid Highway Act of 1956, which created our Nation's landmark system of interstate highways.

In recent years, our country's infrastructure has fallen behind due to political inaction, poor resource allocation, and a broken permitting process. We must take bold action and renew our commitment to our transportation system through reforms, effective investments, and transformative technologies. I have proposed an infrastructure plan that will generate a $1.5 trillion infusion into our country's once-great infrastructure and help to build a more prosperous future for all Americans. These funds will help rebuild our roads and bridges and create incentives for new State and local investments in infrastructure, raising wages and improving the quality of life for American families for years to come. Additionally, my Administration is focused on eliminating the unnecessary redundancies and inefficiencies in the regulatory and permitting procedures that hold back American infrastructure development. Finally, we must take particular care to focus resources on rural America, whose infrastructure must be supported and modernized to promote economic growth and well-being.

Taken together, these policies will help ensure the efficient and free flow of commerce across our beautiful Nation and unleash a new era of prosperity. Every American depends on our roads, rails, airports, and waterways. But a highly functioning infrastructure network is especially critical to our men and women in uniform, who rely on it to facilitate the flow of the equipment and supplies they need to stay safe and protect America. By taking the appropriate and necessary actions, we will restore our infrastructure to greatness so that it serves all Americans, including those in our Nation's military.

To recognize the men and women who work in the transportation industry and who contribute to our Nation's well-being and defense, the Congress, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), has designated the third Friday in May of each year as

''National Defense Transportation Day,''; and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), has declared that the week during which that Friday falls be designated as ''National Transportation Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Friday, May 18, 2018, as National Defense Transportation Day and May 13 through May 19, 2018, as National Transportation Week. I encourage all Americans to celebrate these observances with appropriate ceremonies and activities to learn more about how our transportation system contributes to the security of our citizens and the prosperity of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9748 of May 11, 2018

Peace Officers Memorial Day and Police Week, 2018

By the President of the United States of America

A Proclamation

On Peace Officers Memorial Day and during Police Week, we acknowledge the incredible service and sacrifices law enforcement personnel make each day for their fellow Americans. The brave men and women of our Nation's law enforcement work long hours, often in dangerous situations, to protect our lives, liberty, and property. We also take this opportunity to pay tribute to law enforcement personnel who have been killed or disabled in the line of duty. We will never forget their courage.

In addition to expressing our appreciation for our dedicated law enforcement professionals, we must equip them to carry out the tremendous responsibility of keeping our communities safe. Through the Department of Justice, my Administration will continue to provide our Nation's law enforcement agencies with the resources they need and deserve to keep our citizens safe and our communities secure. This includes providing substantial funding for hiring additional police officers, training for active shooter situations, and improving the safety of our Nation's schools.

My Administration will also continue to advance the National Blue Alert Network, an emergency alert and early warning system that protects America's law enforcement officers and the communities they serve. The Department of Justice and the Federal Communications Commission worked together to establish a dedicated Emergency Alert System event code. This code facilitates rapid dissemination of critical information to law enforcement agencies and the public about violent offenders who have killed, seriously injured, or who pose an imminent and credible threat to law enforcement officers. The exceptional men and women of law enforcement work every day to protect our lives, and this code helps us protect theirs.

The safety and health of our officers must be a priority for all Americans. Every day, members of law enforcement risk their lives in service to those they have pledged to protect and defend. We must not take their devotion to duty for granted, and we must do everything in our power to ensure their physical and mental well-being. Earlier this year, I was pleased to sign into law the Law Enforcement Mental Health and Wellness Act of 2017, which helps provide police officers the resources they need to deal with job stress and trauma associated with their demanding career field.

The work of law enforcement officers is essential to preserving peace in our communities and to ensuring the safety of precious lives and personal property. My Administration proudly salutes the patriots in law enforcement who selflessly serve our Nation. We also solemnly acknowledge our debt to those who have lost their lives in the line of duty. These officers and their families have our prayers and unwavering gratitude.

By a joint resolution approved October 1, 1962, as amended (76 Stat. 676), and by Public Law 103–322, as amended (36 U.S.C. 136–137), the President has been authorized and requested to designate May 15 of each year as ''Peace Officers Memorial Day''; and the week in which it falls as ''Police Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 15, 2018, as Peace Officers Memorial Day and May 13 through May 19, 2018, as Police Week. In humble appreciation of our hardworking law enforcement officers, Melania and I will light the White House in blue on May 15. I call upon all Americans to observe Peace Officers Memorial Day and Police Week with appropriate ceremonies and activities. I also call on the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States, to direct that the flag be flown at half-staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag at half-staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9749 of May 11, 2018

Mother's Day, 2018

By the President of the United States of America

A Proclamation

Mother's Day is a very special occasion and opportunity to express our endless gratitude to the women who give their unyielding love and devotion to their families, and their unending sacrifices to guide, protect, and nurture the success of their children. Our country has long appreciated and benefited from the contributions women have made to em-

powering and inspiring not only those under their roofs, but those in our schools, communities, governments, and businesses.

Our Nation's mothers are steadfast during times of heartbreak and hardship, triumph and accomplishment. They are unwavering examples of strength and resilience. In times of uncertainty and despair, they are our steady compasses, providing wisdom and guidance along the way. In times of success and joy, they are our most ardent supporters, cheering us to ever-greater heights. Mothers are our tireless advocates, always recognizing our gifts and talents, and helping us achieve our full potential.

On Mother's Day, we also pause to remember the women who are no longer with us. Their indelible spirits live on in the character of the generations they helped shape. We can see this in the inspiring legacy of First Lady Barbara Pierce Bush. As a selfless wife, mother, grandmother, great-grandmother, military spouse, and First Lady, Mrs. Bush was a fierce advocate for the American family. Her resolute faith, love, and loyalty is forever etched into the heart of our Nation.

Today, and every day, let us express our utmost respect, admiration, and appreciation for our mothers who have given us the sacred gifts of life and unconditional love. In all that they do, mothers influence their families, their communities, our Nation, and our world. Whether we became their children through birth, adoption, or foster care, we know the unmatched power of the love, dedication, devotion, and wisdom of our mothers.

In recognition of the contributions of mothers to American families and to our Nation, the Congress, by joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as Mother's Day, and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 13, 2018, as Mother's Day. I encourage all Americans to express their love and respect for their mothers or beloved mother figures, whether with us in person or in spirit, and to reflect on the importance of motherhood to the prosperity of our families, communities, and Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9750 of May 18, 2018

National Safe Boating Week, 2018

By the President of the United States of America
A Proclamation

As summer approaches, Americans across the country will begin to enjoy time out on the water with their families and friends. Whether fishing, watching beautiful sunsets, learning how to navigate, or continuing family traditions, boating promises fun and lasting memories. Realizing the joy of boating, however, requires that we follow safe boating practices. During National Safe Boating Week, I urge all Americans to prepare for boating activities by becoming familiar with proper safety procedures.

Americans should take precautionary actions to ensure that everyone makes it home unharmed after fun on the water. Inspecting your boat thoroughly and participating in a free vessel safety check offered through the Coast Guard can help ensure both you and your boat are ready for the water. A pre-departure checklist can help remind you to monitor the weather and bring required equipment, and filing a float plan with a reliable person helps ensure that the Coast Guard is notified if you do not return as planned. Boaters should also wear life jackets and make sure there is always someone onboard who is unimpaired and capable of operating the boat. The Coast Guard and its Federal, State, and local partners estimate that avoiding alcohol and wearing a life jacket can prevent more than 80 percent of boating fatalities.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period before Memorial Day weekend as ''National Safe Boating Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 19 through May 25, 2018, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating safety education opportunities. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety through events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9751 of May 18, 2018

Emergency Medical Services Week, 2018

By the President of the United States of America
A Proclamation

During Emergency Medical Services Week, we recognize the outstanding contributions and lifesaving actions of our Nation's Emergency Medical Services (EMS) providers. With their unwavering courage, acute skill, and tireless efforts, career and volunteer first responders serve our communities throughout all hours of the day and night, providing emergency medical treatment in times of dire need. We also honor the memory and inspiring legacy of the EMS providers who have lost their lives as they helped save others.

Last year, as historic wildfires and devastating hurricanes swept through the country, EMS providers repeatedly came to the aid of their fellow Americans. They spent days on duty without pause, moving thousands of homebound residents out of harm's way, rescuing people from fires and floods, and providing medical care to individuals in shelters. Citizens from all backgrounds bravely volunteered to assist these first responders, reminding us that no challenge is too great for the American people.

On the front lines of the opioid crisis, EMS providers routinely face situations of tremendous danger. Recently, the Office of National Drug Control Policy issued guidance on how EMS personnel and other first responders can balance safety with mobility and efficiency when responding to scenes where the presence of heroin, fentanyl, or other highly toxic drugs is suspected. My Administration is committed to working with State and local partners to ensure first responders are adequately trained and equipped to respond to every crisis, safely and effectively.

This year marks the conclusion of *EMS Agenda 2050*—a collaborative effort led by the EMS community with support from the Department of Health and Human Services, the National Highway Traffic Safety Administration, and the Department of Homeland Security. *EMS Agenda 2050* will set forth a strategic vision for the future of EMS in America. We welcome this effort to empower EMS professionals to play a central role in the well-being of our communities through data-driven, evidence-based, innovative, and safe approaches to prevention, response, and clinical care.

This week, and throughout the year, we extend our sincere respect and gratitude to all EMS providers throughout our Nation. Despite danger, chaos, and daunting obstacles, they consistently protect the safety and health of others. For this, our country is deeply grateful.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 20 through May 26, 2018, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for local EMS professionals through appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9752 of May 18, 2018

World Trade Week, 2018

By the President of the United States of America
A Proclamation

America's trade relationships are critical to our economic vitality and world leadership. During World Trade Week, we reaffirm our Nation's unwavering commitment to trading regimes that are free, fair, and reciprocal.

Our Nation has entered a new era in trade policy that is based on the recognition that our economic security is critical to our national security. My trade agenda aims to accelerate American exports through policies that are focused on rebuilding our industries, strengthening the defense industrial base in the United States, and equipping our workforce with state-of-the-art skills. As part of this strategy, I will continue to renegotiate and modernize our trade agreements to meet the challenges of the 21st century. My Administration is also enforcing our well-established trade laws once again, as well as eliminating burdensome and unnecessary regulations and foreign barriers to our products and services. We are focused on promoting American industries and goods; as a result of vigorous tax, trade, and regulatory policies, we are attracting a new wave of investment into our Nation's commercial enterprises.

Over the past year, the United States has made tremendous strides in restoring our Nation's economy. American firms, however, are still vastly underrepresented in international markets. My Administration is taking concrete actions to restore America's capacity to compete in an increasingly international market. We are dedicated to a renewed and equitable North American Free Trade Agreement that promotes the export of American products rather than American jobs. The recent agreement in principle on the United States–Korea Free Trade Agreement offers an opportunity to rebalance an unfair trade relationship. By strongly enforcing trading rules, our Nation's businesses and manufacturers will be better positioned to gain strength domestically and in export markets throughout the world.

The United States will no longer tolerate any foreign nations gaining unfair advantages on American industries by stealing or forcing the transfer of our companies' technology or intellectual property, subsidizing their exporters, illegally dumping products into our markets, and building excessive and unnecessary capacity. These unfair and distortionary trade practices flood global markets, depress prices, and harm our companies and workers. We will not allow these practices to compromise our leadership in intellectual property, digital products,

innovative technology, manufacturing, agriculture, and numerous industrial sectors.

My Administration recognizes the importance of prioritizing the interests of American workers and businesses by promoting reciprocal trade based on open, fair, and competitive markets. By adhering to these fundamental principles of international trade, we will expand trade in a way that is fair for the United States and leads to a more effective and balanced world trading system.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 20 through May 26, 2018, as World Trade Week. I encourage Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of trade to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9753 of May 18, 2018

Armed Forces Day, 2018

By the President of the United States of America

A Proclamation

On Armed Forces Day, we pay tribute to the extraordinary men and women who serve our Nation with valor and distinction in all branches of the military. This annual observance honors their steadfast service in preserving our Nation's peace, preserving our freedom, and defending our founding principles.

Throughout our history, in times of war and peace, our service members have served with bravery, skill, and unwavering devotion to duty. There is no fighting force that rivals that of the United States military. The precious liberties all Americans enjoy are possible because, every day and without exception, our Armed Forces relentlessly and tirelessly carry out the critical mission of protecting our country, our freedoms, and our way of life.

Taking care of our Armed Forces is one of the highest priorities of my Administration. Our military has made tremendous gains against ISIS and al-Qa'ida in Syria and Iraq, with ISIS having lost nearly 100 percent of the territory it formerly occupied. These successes underscore the importance of continuing to support, grow, and modernize our military forces—we must ensure that our Armed Forces remain second to none. Earlier this year, I signed into law legislation that does just that, providing nearly $700 billion in funding for national defense. These funds will increase our military's capacity—investing billions in new equipment, maintenance, and troop readiness.

We will never be able to repay fully our heroes for their selfless service. We must, therefore, guarantee that we support them and their fam-

ilies here at home so that they can effectively execute their missions abroad. I was very pleased to sign into law legislation that gave our troops a 2.4 percent pay raise—their largest pay raise in 8 years. I was also proud to sign an Executive Order this month to enhance employment opportunities for the spouses of our service members. My Administration will not stop in our efforts to encourage all sectors of our country—private and public—to find ways to support our troops and their loved ones.

On this day, and every day, we owe a debt of gratitude to our service members stationed at home and those deployed around the world. All across America, we enjoy the blessings of liberty because our Nation's finest men and women willingly accept the call to service. We proudly salute our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, and recognize the families who serve alongside them for their courage and commitment.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the tradition of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I invite the Governors of the States and Territories and other areas subject to the jurisdiction of the United States to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 9615 of May 19, 2017, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9754 of May 18, 2018

Honoring the Victims of the Tragedy in Santa Fe, Texas

By the President of the United States of America

A Proclamation

Our Nation grieves with those affected by the shooting at Santa Fe High School in Texas. May God heal the injured and may God comfort the wounded, and may God be with the victims and with the victims' families. As a mark of solemn respect for the victims of the terrible act of violence perpetrated on May 18, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United

States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, May 22, 2018. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9755 of May 21, 2018

National Maritime Day, 2018

By the President of the United States of America
A Proclamation

On National Maritime Day, we recognize the critical role the United States Merchant Marine plays in bolstering national security and facilitating economic growth. We honor our merchant mariners for their contributions to connecting the States, supporting our military, and cementing ties among our allies.

Long known as the ''Fourth Arm of Defense,''; the United States Merchant Marine has served with valor and distinction in every American conflict. The important work of the Merchant Marine was never more evident than during World War II, when merchant mariners sailed dangerous seas and fought enemies as they connected our Armed Forces fighting abroad to vital supplies produced by hardworking Americans at home. In the course of their valiant efforts, they endured the loss of more than 730 large vessels, and more than 6,000 merchant mariners died at sea or as prisoners of war.

Today, American mariners facilitate the shipment of hundreds of billions of dollars of goods along maritime trade routes for American businesses and consumers. Merchant mariners are ambassadors of good will, projecting a peaceful United States presence along the sea lanes of the world and into regions of core strategic importance to our Nation. Often risking their lives by sailing into war zones, our merchant mariners continue to support our troops overseas by providing them with needed cargo and logistical support. They also advance humanitarian missions worldwide, including last year's effort to ship tens of thousands of containers of lifesaving supplies to Puerto Rico and the U.S. Virgin Islands after they had been devastated by hurricanes.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as ''National Maritime Day''; to commemorate the first transoceanic voyage by a steamship in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 22, 2018, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9756 of May 25, 2018

Prayer for Peace, Memorial Day, 2018

By the President of the United States of America
A Proclamation

On Memorial Day, we pause in solemn gratitude to pay tribute to the brave patriots who laid down their lives defending peace and freedom while in military service to our great Nation. We set aside this day to honor their sacrifice and to remind all Americans of the tremendous price of our precious liberty.

Throughout the history of our Republic, courageous Americans have purchased our cherished freedom with their lives. Our 151 national cemeteries serve as the final resting place for millions of people, including veterans from every war and conflict, many of whom died while serving our country. We remain duty bound to honor those who made the ultimate sacrifice on our behalf and to remember them with thankfulness and unwavering pride. The fallen—our treasured loved ones, friends, neighbors, and fellow citizens—deserve nothing less from a grateful Nation.

We must safeguard the legacies of our service members so that our children and our grandchildren will understand the sacrifices of our Armed Forces. As a part of this effort, the Department of Veterans Affairs (VA) is working to keep the memories of our fallen heroes from ever fading away. The National Cemetery Administration's Veterans Legacy Program challenges our youth, from elementary school through college, to research and share the stories and sacrifice of their hometown veterans, who are forever honored at VA National, State, and tribal veterans cemeteries. To further ensure that our veterans' legacies are remembered and celebrated, this program is developing an online memorialization platform that will amplify the voices of families, survivors, and Gold Star parents and spouses as they honor our beloved veterans and fallen service members.

Today, and every day, we revere those who have died in noble service to our country. I call upon all Americans to remember the selfless service members who have been laid to rest in flag-draped coffins and their families who have suffered the greatest loss. The sacrifices of our hallowed dead demand our Nation's highest honor and deepest gratitude. On this day, let us also unite in prayer for lasting peace in our troubled

world so that future generations will enjoy the blessings of liberty and independence.

In honor and recognition of all of our fallen heroes, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Memorial Day, May 28, 2018, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time when people might unite in prayer.

I further ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day.

I also request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9757 of May 30, 2018

Great Outdoors Month, 2018

By the President of the United States of America

A Proclamation

During Great Outdoors Month, we celebrate the unmatched magnificence of our Nation's mountains, waters, canyons, and coastlines. Spending time in the great outdoors, especially during summer, is an American tradition. Every American should take the opportunity to enjoy the beauty of our natural wonders, which stretch from coast to coast and beyond.

As Americans, we are blessed with many stunning lands and waters that surround each of our communities. Our numerous forests, wildlife refuges, and local parks offer endless opportunities for recreation, adventure, and renewal. Early morning fishing trips and the thrill of summiting mountain peaks with friends create lasting memories. The splendid beauty of a sunset can inspire, while the solitude of a weekend camping trip often brings long-sought tranquility.

My Administration has made access to public land a top priority. We have modified national monuments to enhance public use and enjoyment of nearly two million acres of public land in Utah, and opened or expanded hunting and fishing access at 10 national wildlife refuges across the country. The splendor of our country's treasured lands is a source of national pride, and Americans should be able to enjoy as many of our treasured outdoor spaces as possible, in as many ways as possible.

As summer approaches, I encourage all Americans to step outside and appreciate America's natural beauty and to practice good stewardship of our environment. By enjoying our great outdoors, we enhance our collective efforts to preserve our natural lands and waters, protecting them for future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2018 as Great Outdoors Month. I urge all Americans to explore the great outdoors while acting as stewards of our lands and waters.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9758 of May 31, 2018

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, as amended (aluminum articles), by imposing a 10 percent ad valorem tariff on such articles imported from most countries, beginning March 23, 2018. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum

articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9710 of March 22, 2018 (Adjusting Imports of Aluminum Into the United States), I noted the continuing discussions with the Argentine Republic (Argentina), the Commonwealth of Australia (Australia), the Federative Republic of Brazil (Brazil), Canada, Mexico, the Republic of Korea (South Korea), and the European Union (EU) on behalf of its member countries, on satisfactory alternative means to address the threatened impairment to the national security posed by imports of aluminum articles from those countries. Recognizing that each of these countries and the EU has an important security relationship with the United States, I determined that the necessary and appropriate means to address the threat to national security posed by imports of aluminum articles from these countries was to continue the ongoing discussions and to exempt aluminum articles imports from these countries from the tariff proclaimed in Proclamation 9704, as amended, until May 1, 2018.

4. In Proclamation 9739 of April 30, 2018 (Adjusting Imports of Aluminum Into the United States), I noted that the United States had agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imports from these countries and extended the temporary exemption of these countries from the tariff proclaimed in Proclamation 9704, as amended, in order to finalize the details.

5. The United States has agreed on a range of measures with Argentina and Australia, including measures to reduce excess aluminum production and excess aluminum capacity, measures that will contribute to increased capacity utilization in the United States, and measures to prevent the transshipment of aluminum articles and avoid import surges. In my judgment, these measures will provide effective, long-term alternative means to address these countries' contribution to the threatened impairment to our national security by restraining aluminum articles exports to the United States from each of them, limiting transshipment and surges, and discouraging excess aluminum capacity and excess aluminum production. In light of these agreements, I have determined that aluminum articles imports from these countries will no longer threaten to impair the national security and thus have decided to exclude these countries from the tariff proclaimed in Proclamation 9704, as amended. The United States will monitor the implementation and effectiveness of the measures agreed upon with these countries to address our national security needs, and I may revisit this determination, as appropriate.

6. In light of my determination to exclude, on a long-term basis, these countries from the tariff proclaimed in Proclamation 9704, as amended, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that, in light of the agreed-upon measures with these countries, and the fact that the tariff will now apply to imports of aluminum articles from additional countries, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

7. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Clause 2 of Proclamation 9704, as amended, is further amended by striking the last two sentences and inserting in lieu thereof the following two sentences: ''Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all aluminum articles imports specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union, (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and the member countries of the European Union, and (c) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina and Australia. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from each country as specified in the preceding sentence.'';.

(2) In order to implement a quota treatment on aluminum articles imports from Argentina, U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended as provided for in Part A of the Annex to this proclamation. U.S. Customs and Border Protection (CBP) of the Department of Homeland Security shall implement this quota as soon as practicable, taking into account all aluminum articles imports from this country since January 1, 2018.

(3) The ''Article description''; for heading 9903.85.01 of the HTSUS is amended by deleting ''of Brazil, of Canada, of Mexico, or of the member countries of the European Union'';.

(4) For the purposes of administering the quantitative limitations applicable to subheadings 9903.85.05 through 9903.85.06 for Argentina, the annual aggregate limits set out in Part B of the Annex to this proclamation shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated. The quantitative limitations applicable to subheadings 9903.85.05 through 9903.85.06 for Argentina, which for calendar year 2018 shall take into

account all aluminum articles imports from Argentina since January 1, 2018, shall be effective for aluminum articles entered for consumption, or withdrawn from warehouse for consumption, on or after June 1, 2018, and shall be implemented by CBP as soon as practicable, consistent with the superior text to subheadings 9903.85.05 through 9903.85.06. The Secretary of Commerce shall monitor the implementation of the quantitative limitations applicable to subheadings 9903.85.05 through 9903.85.06 and shall, in consultation with the Secretary of Defense, the United States Trade Representative, and such other senior Executive Branch officials as the Secretary deems appropriate, inform the President of any circumstance that in the Secretary's opinion might indicate that an adjustment of the quantitative limitations is necessary.

(5) The Secretary of Commerce, in consultation with CBP and with other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(6) Clause 5 of Proclamation 9710, as amended, is amended by striking the phrase ''as amended by Proclamation 9710,''; in the first and second sentences and inserting in lieu thereof the following phrase: ''as amended, or to the quantitative limitations established by proclamation,'';. Clause 5 of Proclamation 9710, as amended, is further amended by inserting the phrase ''or quantitative limitations''; after the words ''ad valorem rates of duty''; in the first and second sentences.

(7) Clause 4 of Proclamation 9739 is amended by striking the phrase ''as amended by clause 1 of this proclamation,''; and inserting in lieu thereof the following phrase: ''as amended, or to the quantitative limitations established by proclamation,''; in the first sentence. Clause 4 of Proclamation 9739 is further amended by striking the words ''by clause 3 of this proclamation''; from the second sentence.

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

A. Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is modified below, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively. Except as provided in the superior text to subheadings 9903.85.05 and 9903.85.06, the modifications shall be effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on June 1, 2018. Quota amounts are calculated beginning on January 1 of each calendar year, including for calendar year 2018.

1. The following new subdivision (a)(ii) is inserted in numerical sequence in U.S. note 19 to subchapter III:

> "(ii) Subheadings 9903.85.05 and 9903.85.06, inclusive, provide the ordinary customs duty and quota treatment of such goods enumerated in subdivision (b) of this note when they are the product of any country enumerated in the superior text thereto and expressly exempt from the scope of heading 9903.85.01, subject to the limitations in subdivision (e) of this note."

2. The text of subdivisions (b) and (d) of such U.S. note 19 are each modified by deleting "heading 9903.85.01" and by inserting in lieu thereof "heading 9903.85.01 and subheadings 9903.85.05 and 9903.85.06, inclusive,".

3. The following new subdivision (e) is hereby inserted at the end of such U.S. note 19:

> "(e) Subheadings 9903.85.05 and 9903.85.06, inclusive, set forth the ordinary customs duty treatment for the aluminum products (as enumerated in subdivision (b) of this note) of any country enumerated in the superior text to such subheadings, subject to the annual aggregate quantitative limitations proclaimed for these subheadings and as set forth on the Internet site of CBP at the following link: https://www.cbp.gov/trade/quota. Beginning on July 1, 2018, imports from any such country in an aggregate quantity under any such subheading during any of the periods January through March, April through June, July through September, or October through December in any year that is in excess of 500,000 kg and in excess of 30 percent of the total aggregate quantity provided for a calendar year for such country, as set forth on the Internet site of CBP, shall not be allowed."

4. The following new subheadings and superior text thereto are inserted in numerical sequence in subchapter III:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	Aluminum products of Argentina enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e):			
9903.85.05	Unwrought aluminum, provided for in heading 7601...	The duty provided in the applicable subheading	The duty provided in the applicable subheading (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	
9903.85.06	Wrought aluminum, provided for in headings 7604, 7605, 7606, 7607, 7606, 7607, 7608, 7609 and castings and forgings of aluminum provided for in subheading 7616.99.51.....	The duty provided in the applicable subheading	The duty provided in the applicable subheading (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	

B. For the purposes of administering the quantitative limitations applicable to subheadings 9903.85.05 and 9903.85.06 (as created in part A of this annex), the following annual aggregate limits shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated:

ARGENTINA

Heading/ Subheading	Article description	Quantitative Limitation
	Aluminum products of Argentina enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e):	
9903.85.05	Unwrought aluminum, provided for in heading 7601.....	169,658,877 kg
9903.85.06	Wrought aluminum, provided for in headings 7604, 7605, 7606, 7607, 7606, 7607, 7608, 7609 and castings and forgings of aluminum provided for in subheading 7616.99.51.....	11,279,691 kg

Proclamation 9759 of May 31, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel mill articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of steel mill articles, as defined in clause 1 of Proclamation 9705, as amended (steel articles), by imposing a 25 percent ad valorem tariff on such articles imported from most countries, beginning March 23, 2018. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), I noted the continuing discussions with the Argentine Republic (Argentina), the Commonwealth of Australia (Australia), the Federative Republic of Brazil (Brazil), Canada, Mexico, the Republic of Korea (South Korea), and the European Union (EU) on behalf of its member countries, on satisfactory alternative means to address the threatened impairment to the national security posed by imports of steel articles from those countries. Recognizing that each of these countries and the EU has an important security relationship with the United States, I determined that the necessary and appropriate means to address the threat to national security posed by imports of steel articles from these countries was to continue the ongoing discussions and to exempt steel articles imports from these countries from the tariff proclaimed in Proclamation 9705, as amended, until May 1, 2018.

4. In Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), I noted that the United States had agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imports from these countries and extended the temporary exemption of these countries from the tariff proclaimed in Proclamation 9705, as amended, in order to finalize the details.

5. The United States has agreed on a range of measures with these countries, including measures to reduce excess steel production and excess steel capacity, measures that will contribute to increased capacity utilization in the United States, and measures to prevent the transshipment of steel articles and avoid import surges. In my judgment, these measures will provide effective, long-term alternative means to address these countries' contribution to the threatened impairment to our national security by restraining steel articles exports to the United States from each of them, limiting transshipment and surges, and discouraging excess steel capacity and excess steel production. In light of these agreements, I have determined that steel articles imports from these countries will no longer threaten to impair the national security and thus have decided to exclude these countries from the tariff proclaimed in Proclamation 9705, as amended. The United States will monitor the implementation and effectiveness of the measures agreed upon with these countries to address our national security needs, and I may revisit this determination, as appropriate.

6. In light of my determination to exclude, on a long-term basis, these countries from the tariff proclaimed in Proclamation 9705, as amended, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that, in light of the agreed-upon measures with these countries, and the fact that the tariff will now apply to imports of steel articles from additional countries, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

7. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) The superior text to subheadings 9903.80.05 through 9903.80.58 of the HTSUS is amended by replacing ''South Korea''; with ''Argentina, of Brazil, or of South Korea'';.

(2) For the purposes of administering the quantitative limitations applicable to subheadings 9903.80.05 through 9903.80.58 for Argentina and Brazil, the annual aggregate limits for each country set out in the Annex to this proclamation shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated. The quantitative limitations applicable to subheadings 9903.80.05 through 9903.80.58 for these countries, which for calendar

year 2018 shall take into account all steel articles imports from each respective country since January 1, 2018, shall be effective for steel articles entered for consumption, or withdrawn from warehouse for consumption, on or after June 1, 2018, and shall be implemented by U.S. Customs and Border Protection (CBP) of the Department of Homeland Security as soon as practicable, consistent with the superior text to subheadings 9903.80.05 through 9903.80.58. The Secretary of Commerce shall monitor the implementation of the quantitative limitations applicable to subheadings 9903.80.05 through 9903.80.58 and shall, in consultation with the Secretary of Defense, the United States Trade Representative, and such other senior Executive Branch officials as the Secretary deems appropriate, inform the President of any circumstance that in the Secretary's opinion might indicate that an adjustment of the quantitative limitations is necessary.

(3) The text of subdivision (e) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS is amended by striking the last sentence and inserting in lieu thereof the following sentence: ''Beginning on July 1, 2018, imports from any such country in an aggregate quantity under any such subheading during any of the periods January through March, April through June, July through September, or October through December in any year that is in excess of 500,000 kg and 30 percent of the total aggregate quantity provided for a calendar year for such country, as set forth on the internet site of CBP, shall not be allowed.'';.

(4) The Secretary of Commerce, in consultation with CBP and with other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(5) Clause 5 of Proclamation 9711, as amended, is amended by striking the phrase ''as amended by Proclamation 9711,''; in the first and second sentences and inserting in lieu thereof the following phrase: ''as amended, or to the quantitative limitations established by proclamation,'';. Clause 5 of Proclamation 9711, as amended, is further amended by inserting the phrase ''or quantitative limitations''; after the words ''ad valorem rates of duty''; in the first and second sentences.

(6) Clause 5 of Proclamation 9740 is amended by striking the phrase ''as amended by clause 1 of this proclamation,''; and inserting in lieu thereof the following phrase: ''as amended, or to the quantitative limitations established by proclamation,''; in the first sentence. Clause 5 of Proclamation 9740 is further amended by striking the words ''by clause 4 of this proclamation''; from the second sentence.

(7) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX

For the purposes of administering the quantitative limitations applicable to subheadings 9903.80.05 through 9903.80.58 with respect to Argentina and Brazil, the following annual aggregate limits shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated:

ARGENTINA

Heading/ Subheading	Article description	Quantitative Limitation
	Iron or steel products of Argentina enumerated in U.S. note 16(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e):	
9903.80.05	Hot-rolled sheet, provided for in subheading 7208.10.60, 7208.26.00, 7208.27.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7225.30.70 or 7225.40.70	6,475,837 kg
9903.80.06	Hot-rolled strip, provided for in subheading 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, 7211.19.75, 7226.91.70 or 7226.91.80	0 kg
9903.80.07	Hot-rolled plate, in coils, provided for in subheading 7208.10.15, 7208.10.30, 7208.25.30, 7208.25.60, 7208.36.00, 7208.37.00, 7211.14.00 (except for statistical reporting numbers 7211.14.0030 and 7211.14.0045) or 7225.30.30	3,450,561 kg
9903.80.08	Cold-rolled sheet and other products, provided for in subheading 7209.15.00, 7209.16.00, 7209.17.00, 7209.18.15, 7209.18.60, 7209.25.00, 7209.26.00, 7209.27.00, 7209.28.00, 7209.90.00, 7210.70.30, 7225.50.70, 7225.50.80 or 7225.99.00	4,733,644 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.09	Cold-rolled strip and other products, provided for in subheading 7211.23.15, 7211.23.20, 7211.23.30, 7211.23.45, 7211.23.60, 7211.29.20, 7211.29.45, 7211.29.60, 7211.90.00, 7212.40.10, 7212.40.50, 7226.92.50, 7226.92.70, 7226.92.80 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0130)	0 kg
9903.80.10	Cold-rolled black plate, provided for in subheading 7209.18.25	0 kg
9903.80.11	Plate in cut lengths, provided for in subheading 7208.40.30, 7208.51.00, 7208.52.00, 7210.90.10, 7211.13.00, 7211.14.00 (except for statistical reporting number 7211.14.0090), 7225.40.30, 7225.50.60 or 7226.91.50	0 kg
9903.80.12	Flat-rolled products, hot-dipped, provided for in subheading 7210.41.00, 7210.49.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6090), 7212.30.10, 7212.30.30, 7212.30.50, 7225.92.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0180)	701 kg
9903.80.13	Flat-rolled products, coated, provided for in subheading 7210.20.00, 7210.61.00, 7210.69.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6060), 7210.90.60, 7210.90.90, 7212.50.00 or 7212.60.00	0 kg
9903.80.14	Tin-free steel, provided for in subheading 7210.50.00	0 kg
9903.80.15	Tin plate, provided for in subheading 7210.11.00, 7210.12.00 or 7212.10.00	0 kg
9903.80.16	Silicon electrical steel sheets and strip, provided for in subheading 7225.11.00, 7225.19.00, 7226.11.10, 7226.11.90, 7226.19.10 or 7226.19.90	0 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.17	Sheets and strip electrolytically coated or plated with zinc, provided for in subheading 7210.30.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6060 and 7210.70.6090), 7212.20.00, 7225.91.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0130 and 7226.99.0180)	0 kg
9903.80.18	Oil country pipe and tube goods, provided for in subheading 7304.23.30, 7304.23.60, 7304.29.10, 7304.29.20, 7304.29.31, 7304.29.41, 7304.29.50, 7304.29.61, 7305.20.20, 7305.20.40, 7305.20.60, 7305.20.80, 7306.29.10, 7306.29.20, 7306.29.31, 7306.29.41, 7306.29.60 or 7306.29.81	147,963,294 kg
9903.80.19	Line pipe exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting numbers 7304.19.1020, 7304.19.1030, 7304.19.1045 and 7304.19.1060), 7304.19.50 (except for statistical reporting numbers 7304.19.5020 and 7304.19.5050), 7305.11.10, 7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10 or 7305.19.50	0 kg
9903.80.20	Line pipe not exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1080), 7304.19.50 (except for statistical reporting number 7304.19.5080), 7306.19.10 (except for statistical reporting number 7306.19.1050) or 7306.19.51 (except for statistical reporting number 7306.19.5150)	4,988,957 kg
9903.80.21	Other line pipe, provided for in subheading 7306.19.10 (except for statistical reporting number 7306.19.1010) or 7306.19.51 (except for statistical reporting number 7306.19.5110)	0 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.22	Standard pipe, provided for in subheading 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0028, 7304.39.0032, 7304.39.0040, 7304.39.0044, 7304.39.0052, 7304.39.0056, 7304.39.0068 and 7304.39.0072), 7304.59.80 (except for statistical reporting numbers 7304.59.8020, 7304.59.8025, 7304.59.8035, 7304.59.8040, 7304.59.8050, 7304.59.8055, 7304.59.8065 and 7304.59.8070) or 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5015, 7306.30.5020 and 7306.30.5035)	2,378,183 kg
9903.80.23	Structural pipe and tube, provided for in subheading 7304.90.10, 7304.90.30, 7305.31.20, 7305.31.40, 7305.31.60 (except for statistical reporting number 7305.31.6010), 7306.30.30, 7306.50.30, 7306.61.10, 7306.61.30, 7306.69.10 or 7306.69.30	2,374 kg
9903.80.24	Mechanical tubing and other products, provided for in subheading 7304.31.30, 7304.31.60 (except for statistical reporting numbers 7304.31.6010), 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.39.0076 and 7304.39.0080), 7304.51.10, 7304.51.50 (except for statistical reporting numbers 7304.51.5005, 7304.51.5015 and 7304.51.5045), 7304.59.10, 7304.59.60, 7304.59.80 (except for statistical reporting numbers 7304.59.8010, 7304.59.8015, 7304.59.8030, 7304.59.8045, 7304.59.8060 and 7304.59.8080), 7304.90.50, 7304.90.70, 7306.30.10, 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090), 7306.50.10, 7306.50.50 (except for statistical reporting number 7306.50.5010), 7306.61.50, 7306.61.70 (except for statistical reporting number 7306.61.7030), 7306.69.50 or 7306.69.70 (except for statistical reporting number 7306.69.7030)	8,758,712 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.25	Pressure tubing and other products, provided for in subheading 7304.31.60 (except for statistical reporting number 7304.31.6050), 7304.39.00 (except for statistical reporting numbers 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076 and 7304.39.0080), 7304.51.50 (except for statistical reporting numbers 7304.51.5005 and 7304.51.5060), 7304.59.20, 7306.30.50 (except for statistical reporting numbers 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5035, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090) or 7306.50.50 (except for statistical reporting numbers 7306.50.5030, 7306.50.5050 and 7306.50.5070)	128,482 kg
9903.80.26	Tubes or pipes for piling and other products, provided for in subheading 7305.39.10 or 7305.39.50	0 kg
9903.80.27	Pipes and tubes, not specially provided for, provided for in subheading 7304.51.50 (except for statistical reporting numbers 7304.51.5015, 7304.51.5045 and 7304.51.5060), 7305.90.10, 7305.90.50, 7306.90.10 or 7306.90.50	3,743 kg
9903.80.28	Hot-rolled sheet of stainless steel, provided for in subheading 7219.13.00, 7219.14.00, 7319.23.00 or 7219.24.00	0 kg
9903.80.29	Hot-rolled strip of stainless steel and other products, provided for in subheading 7220.12.10 or 7220.12.50	0 kg
9903.80.30	Hot-rolled plate of stainless steel, in coils, and other products, provided for in subheading 7219.11.00 or 7219.12.00	0 kg
9903.80.31	Cold-rolled sheet of stainless steel and other products, provided for in subheading 7219.32.00, 7219.33.00, 7219.34.00, 7219.35.00 or 7219.90.00	0 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.32	Cold-rolled strip of stainless steel, provided for in subheading 7220.20.10, 7220.20.60, 7220.20.70, 7220.20.80, 7220.20.90 or 7220.90.00	0 kg
9903.80.33	Cold-rolled plate of stainless steel, in coils, provided for in subheading 7219.31.00 (except for statistical reporting number 7219.31.0050)	0 kg
9903.80.34	Wire of stainless steel, drawn, provided for in subheading 7223.00.10, 7223.00.50 or 7223.00.90	0 kg
9903.80.35	Pipes and tubes of stainless steel, provided for in subheading 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060)	0 kg
9903.80.36	Line pipe of stainless steel, provided for in subheading 7304.11.00 or 7306.11.00	0 kg
9903.80.37	Bars and rods of stainless steel, cold finished, provided for in subheading 7222.20.00 or 7222.30.00	0 kg
9903.80.38	Bars and rods of stainless steel, hot-rolled, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0017, 7221.00.0018 and 7221.00.0030) or subheading 7222.11.00, 7222.19.00 or 7222.40.30 (except for statistical reporting numbers 7222.40.3025 and 7222.40.3045)	0 kg
9903.80.39	Blooms, billets and slabs of stainless steel and other products, provided for in subheading 7218.91.00 and 7218.99.00	0 kg
9903.80.40	Oil country pipe and tube goods of stainless steel and other products, provided for in subheading 7304.22.00, 7304.24.30, 7304.24.40, 7304.24.60, 7306.21.30, 7306.21.40 or 7306.21.80	34,298 kg
9903.80.41	Ingot and other primary forms of stainless steel, provided for in subheading 7218.10.00	0 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.42	Flat-rolled products of stainless steel, provided for in subheading 7219.21.00, 7219.22.00, 7219.31.00 (except for statistical reporting number 7219.31.0010) or 7220.11.00	0 kg
9903.80.43	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0005, 7221.00.0045 and 7221.00.0075)	0 kg
9903.80.44	Angles, shapes and sections of stainless steel, provided for in subheading 7222.40.30 (except for statistical reporting numbers 7222.40.3065 and 7222.40.3085) or 7222.40.60	209 kg
9903.80.45	Angles, shapes and sections, provided for in subheading 7216.31.00, 7216.32.00, 7216.33.00, 7216.40.00, 7216.50.00, 7216.99.00, 7228.70.30 (except for statistical reporting numbers 7228.70.3060 and 7228.70.3081) or 7228.70.60	0 kg
9903.80.46	Bars and rods, hot-rolled, in irregularly wound coils, provided for in subheading 7213.91.30, 9213.91.45, 7213.91.60, 7213.99.00 (except for statistical reporting number 7213.99.0060), 7227.20.00 (except for statistical reporting number 7227.20.0080) or 7227.90.60 (except for statistical reporting numbers 7227.90.6005, 7227.90.6010, 7227.90.6040 and 7227.90.6090)	182,555 kg
9903.80.47	Wire (other than of stainless steel), provided for in subheading 7217.10.10, 7217.10.20, 7217.10.30, 7217.10.40, 7217.10.50, 7217.10.60, 7217.10.70, 7217.10.80, 7217.10.90, 7217.20.15, 7217.20.30, 7217.20.45, 7217.20.60, 7217.20.75, 7217.30.15, 7217.30.30, 7217.30.45, 7217.30.60, 7217.30.75, 7217.90.10, 7217.90.50, 7229.20.00, 7229.90.10, 7229.90.50 or 7229.90.90	2,076 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.48	Bars, hot-rolled, not of stainless steel, provided for in subheading 7213.20.00, 7213.99.00 (except for statistical reporting numbers 7213.99.0030 and 7213.99.0090), 7214.10.00, 7214.30.00, 7214.91.00, 7214.99.00, 7215.90.10, 7227.20.00 (except for statistical reporting number 7227.20.0030), 7227.90.60 (except for statistical reporting numbers 7227.90.6020, 7227.90.6030 and 7227.90.6035), 7228.20.10, 7228.30.80 (except for statistical reporting number 7228.30.8010), 7228.40.00, 7228.60.60 or 7228.80.00	896,377 kg
9903.80.49	Bars, cold-finished, not of stainless steel, provided for in subheading 7215.10.00, 7215.50.00, 7215.90.30, 7215.90.50, 7228.20.50, 7228.50.50 or 7228.60.80	0 kg
9903.80.50	Angles, shapes and sections of a type known as "light-shaped bars" and other products, provided for in subheading 7216.10.00, 7216.21.00, 7216.22.00 or 7228.70.30 (except for statistical reporting numbers 7228.70.3010, 7228.70.3020 and 7228.70.3041)	0 kg
9903.80.51	Reinforcing bars, provided for in subheading 7213.10.00, 7214.20.00 or 7228.30.80 (except for statistical reporting numbers 7228.30.8005, 7228.30.8015, 7228.30.8041, 7228.30.8045 and 7228.30.8070)	0 kg
9903.80.52	Sheet piling, provided for in subheading 7301.10.00	0 kg
9903.80.53	Nonumerated railroad goods, provided for in subheading 7302.40.00, 7302.90.10 and 7302.90.90	0 kg
9903.80.54	Rails other than those known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1010, 7302.10.1035, 7302.10.1065 and 7302.10.1075)	0 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.55	Rails known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1015, 7302.10.1025, 7302.10.1045 and 7302.10.1055) or 7302.10.50.....	0 kg
9903.80.56	Products of tool steel and other products, provided for in subheading 7224.10.00 (except for statistical reporting numbers 7224.10.0005 and 7224.10.0075), 7224.90.00 (except for statistical reporting numbers 7224.90.0005, 7224.90.0045, 7224.90.0055, 7224.90.0065 and 7224.90.0075), 7225.30.11, 7225.30.51, 7225.40.11, 7225.40.51, 7225.50.11, 7226.20.00, 7226.91.05, 7226.91.15, 7226.91.25, 7226.92.10, 7226.92.30, 7227.10.00, 7227.90.10, 7227.90.20, 7228.10.00, 7228.30.20, 7228.30.40, 7228.30.60, 7228.50.10, 7228.60.10 or 7229.90.05.....	0 kg
9903.80.57	Blooms, billets and slabs, semi-finished, provided for in subheading 7207.11.00, 7207.12.00, 7207.19.00, 7207.20.00 or 7224.90.00 (except for statistical reporting numbers 7224.90.0015, 7224.90.0025, and 7224.90.0035).....	0 kg
9903.80.58	Ingots, provided for in subheading 7206.10.00, 7206.90.00 or 7224.10.00 (except for statistical reporting number 7224.10.0045).....	0 kg

BRAZIL

Heading/ Subheading	Article description	Quantitative Limitation
	Iron or steel products of Brazil enumerated in U.S. note 16(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2018 and for any portion thereof as prescribed in such subdivision (e):	
9903.80.05	Hot-rolled sheet, provided for in subheading 7208.10.60, 7208.26.00, 7208.27.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7225.30.70 or 7225.40.70	108,453,546 kg
9903.80.06	Hot-rolled strip, provided for in subheading 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, 7211.19.75, 7226.91.70 or 7226.91.80	5,730 kg
9903.80.07	Hot-rolled plate, in coils, provided for in subheading 7208.10.15, 7208.10.30, 7208.25.30, 7208.25.60, 7208.36.00, 7208.37.00, 7211.14.00 (except for statistical reporting numbers 7211.14.0030 and 7211.14.0045) or 7225.30.30	21,645,653 kg
9903.80.08	Cold-rolled sheet and other products, provided for in subheading 7209.15.00, 7209.16.00, 7209.17.00, 7209.18.15, 7209.18.60, 7209.25.00, 7209.26.00, 7209.27.00, 7209.28.00, 7209.90.00, 7210.70.30, 7225.50.70, 7225.50.80 or 7225.99.00	51,717,234 kg
9903.80.09	Cold-rolled strip and other products, provided for in subheading 7211.23.15, 7211.23.20, 7211.23.30, 7211.23.45, 7211.23.60, 7211.29.20, 7211.29.45, 7211.29.60, 7211.90.00, 7212.40.10, 7212.40.50, 7226.92.50, 7226.92.70, 7226.92.80 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0130)	220,366 kg
9903.80.10	Cold-rolled black plate, provided for in subheading 7209.18.25	0 kg
9903.80.11	Plate in cut lengths, provided for in subheading 7208.40.30, 7208.51.00, 7208.52.00, 7210.90.10, 7211.13.00, 7211.14.00 (except for statistical reporting	

Heading/ Subheading	Article description	Quantitative Limitation
	number 7211.14.0090), 7225.40.30, 7225.50.60 or 7226.91.50	9,116,198 kg
9903.80.12	Flat-rolled products, hot-dipped, provided for in subheading 7210.41.00, 7210.49.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6090), 7212.30.10, 7212.30.30, 7212.30.50, 7225.92.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0110 and 7226.99.0180)	179,284,354 kg
9903.80.13	Flat-rolled products, coated, provided for in subheading 7210.20.00, 7210.61.00, 7210.69.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6030 and 7210.70.6060), 7210.90.60, 7210.90.90, 7212.50.00 or 7212.60.00	49,974,441 kg
9903.80.14	Tin-free steel, provided for in subheading 7210.50.00	2,428,916 kg
9903.80.15	Tin plate, provided for in subheading 7210.11.00, 7210.12.00 or 7212.10.00	11,315,455 kg
9903.80.16	Silicon electrical steel sheets and strip, provided for in subheading 7225.11.00, 7225.19.00, 7226.11.10, 7226.11.90, 7226.19.10 or 7226.19.90	2,186,384 kg
9903.80.17	Sheets and strip electrolytically coated or plated with zinc, provided for in subheading 7210.30.00, 7210.70.60 (except for statistical reporting numbers 7210.70.6060 and 7210.70.6090), 7212.20.00, 7225.91.00 or 7226.99.01 (except for statistical reporting numbers 7226.99.0130 and 7226.99.0180)	687,693 kg
9903.80.18	Oil country pipe and tube goods, provided for in subheading 7304.23.30, 7304.23.60, 7304.29.10, 7304.29.20, 7304.29.31, 7304.29.41, 7304.29.50, 7304.29.61, 7305.20.20, 7305.20.40, 7305.20.60, 7305.20.80, 7306.29.10, 7306.29.20, 7306.29.31, 7306.29.41, 7306.29.60 or 7306.29.81	56,857,548 kg
9903.80.19	Line pipe exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting numbers 7304.19.1020, 7304.19.1030, 7304.19.1045 and 7304.19.1060),	

Heading/ Subheading	Article description	Quantitative Limitation
	7304.19.50 (except for statistical reporting numbers 7304.19.5020 and 7304.19.5050), 7305.11.10, 7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10 or 7305.19.50	40,712 kg
9903.80.20	Line pipe not exceeding 406.4 mm in outside diameter, provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1080), 7304.19.50 (except for statistical reporting number 7304.19.5080), 7306.19.10 (except for statistical reporting number 7306.19.1050) or 7306.19.51 (except for statistical reporting number 7306.19.5150)	21,382,360 kg
9903.80.21	Other line pipe, provided for in subheading 7306.19.10 (except for statistical reporting number 7306.19.1010) or 7306.19.51 (except for statistical reporting number 7306.19.5110)	57,319 kg
9903.80.22	Standard pipe, provided for in subheading 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0028, 7304.39.0032, 7304.39.0040, 7304.39.0044, 7304.39.0052, 7304.39.0056, 7304.39.0068 and 7304.39.0072), 7304.59.80 (except for statistical reporting numbers 7304.59.8020, 7304.59.8025, 7304.59.8035, 7304.59.8040, 7304.59.8050, 7304.59.8055, 7304.59.8065 and 7304.59.8070) or 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5015, 7306.30.5020 and 7306.30.5035)	987,756 kg
9903.80.23	Structural pipe and tube, provided for in subheading 7304.90.10, 7304.90.30, 7305.31.20, 7305.31.40, 7305.31.60 (except for statistical reporting number 7305.31.6010), 7306.30.30, 7306.50.30, 7306.61.10, 7306.61.30, 7306.69.10 or 7306.69.30	642,480 kg
9903.80.24	Mechanical tubing and other products, provided for in subheading 7304.31.30, 7304.31.60 (except for statistical reporting numbers 7304.31.6010), 7304.39.00 (except for statistical reporting numbers 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0036, 7304.39.0048,	

Heading/ Subheading	Article description	Quantitative Limitation
	7304.39.0062, 7304.39.0076 and 7304.39.0080), 7304.51.10, 7304.51.50 (except for statistical reporting numbers 7304.51.5005, 7304.51.5015 and 7304.51.5045), 7304.59.10, 7304.59.60, 7304.59.80 (except for statistical reporting numbers 7304.59.8010, 7304.59.8015, 7304.59.8030, 7304.59.8045, 7304.59.8060 and 7304.59.8080), 7304.90.50, 7304.90.70, 7306.30.10, 7306.30.50 (except for statistical reporting numbers 7306.30.5010, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090), 7306.50.10, 7306.50.50 (except for statistical reporting number 7306.50.5010), 7306.61.50, 7306.61.70 (except for statistical reporting number 7306.61.7030), 7306.69.50 or 7306.69.70 (except for statistical reporting number 7306.69.7030)	1,611,145 kg
9903.80.25	Pressure tubing and other products, provided for in subheading 7304.31.60 (except for statistical reporting number 7304.31.6050), 7304.39.00 (except for statistical reporting numbers 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076 and 7304.39.0080), 7304.51.50 (except for statistical reporting numbers 7304.51.5005 and 7304.51.5060), 7304.59.20, 7306.30.50 (except for statistical reporting numbers 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5035, 7306.30.5040, 7306.30.5055, 7306.30.5085 and 7306.30.5090) or 7306.50.50 (except for statistical reporting numbers 7306.50.5030, 7306.50.5050 and 7306.50.5070)	1,728,024 kg
9903.80.26	Tubes or pipes for piling and other products, provided for in subheading 7305.39.10 or 7305.39.50	27 kg
9903.80.27	Pipes and tubes, not specially provided for, provided for in subheading 7304.51.50 (except for statistical reporting numbers 7304.51.5015, 7304.51.5045 and 7304.51.5060), 7305.90.10, 7305.90.50, 7306.90.10 or 7306.90.50	1,231 kg

Heading/ Subheading	Article description	Quantitative Limitation
9903.80.28	Hot-rolled sheet of stainless steel, provided for in subheading 7219.13.00, 7219.14.00, 7319.23.00 or 7219.24.00	1,051,455 kg
9903.80.29	Hot-rolled strip of stainless steel and other products, provided for in subheading 7220.12.10 or 7220.12.50	0 kg
9903.80.30	Hot-rolled plate of stainless steel, in coils, and other products, provided for in subheading 7219.11.00 or 7219.12.00	120,126 kg
9903.80.31	Cold-rolled sheet of stainless steel and other products, provided for in subheading 7219.32.00, 7219.33.00, 7219.34.00, 7219.35.00 or 7219.90.00	9,982,549 kg
9903.80.32	Cold-rolled strip of stainless steel, provided for in subheading 7220.20.10, 7220.20.60, 7220.20.70, 7220.20.80, 7220.20.90 or 7220.90.00	14,629 kg
9903.80.33	Cold-rolled plate of stainless steel, in coils, provided for in subheading 7219.31.00 (except for statistical reporting number 7219.31.0050)	0 kg
9903.80.34	Wire of stainless steel, drawn, provided for in subheading 7223.00.10, 7223.00.50 or 7223.00.90	63,219 kg
9903.80.35	Pipes and tubes of stainless steel, provided for in subheading 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060)	352,216 kg
9903.80.36	Line pipe of stainless steel, provided for in subheading 7304.11.00 or 7306.11.00	0 kg
9903.80.37	Bars and rods of stainless steel, cold finished, provided for in subheading 7222.20.00 or 7222.30.00	142,452 kg
9903.80.38	Bars and rods of stainless steel, hot-rolled, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0017, 7221.00.0018 and	

Heading/ Subheading	Article description	Quantitative Limitation
	7221.00.0030) or subheading 7222.11.00, 7222.19.00 or 7222.40.30 (except for statistical reporting numbers 7222.40.3025 and 7222.40.3045)	1,354,481 kg
9903.80.39	Blooms, billets and slabs of stainless steel and other products, provided for in subheading 7218.91.00 and 7218.99.00	186 kg
9903.80.40	Oil country pipe and tube goods of stainless steel and other products, provided for in subheading 7304.22.00, 7304.24.30, 7304.24.40, 7304.24.60, 7306.21.30, 7306.21.40 or 7306.21.80	11,284 kg
9903.80.41	Ingot and other primary forms of stainless steel, provided for in subheading 7218.10.00	0 kg
9903.80.42	Flat-rolled products of stainless steel, provided for in subheading 7219.21.00, 7219.22.00, 7219.31.00 (except for statistical reporting number 7219.31.0010) or 7220.11.00	522,098 kg
9903.80.43	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel, provided for in heading 7221.00.00 (except for statistical reporting numbers 7221.00.0005, 7221.00.0045 and 7221.00.0075)	0 kg
9903.80.44	Angles, shapes and sections of stainless steel, provided for in subheading 7222.40.30 (except for statistical reporting numbers 7222.40.3065 and 7222.40.3085) or 7222.40.60	0 kg
9903.80.45	Angles, shapes and sections, provided for in subheading 7216.31.00, 7216.32.00, 7216.33.00, 7216.40.00, 7216.50.00, 7216.99.00, 7228.70.30 (except for statistical reporting numbers 7228.70.3060 and 7228.70.3081) or 7228.70.60	785,743 kg
9903.80.46	Bars and rods, hot-rolled, in irregularly wound coils, provided for in subheading 7213.91.30, 9213.91.45, 7213.91.60, 7213.99.00 (except for statistical reporting number 7213.99.0060), 7227.20.00 (except for statistical reporting number 7227.20.0080) or 7227.90.60 (except for statistical reporting numbers 7227.90.6005, 7227.90.6010, 7227.90.6040 and	

Heading/ Subheading	Article description	Quantitative Limitation
	7227.90.6090).....	94,548,099 kg
9903.80.47	Wire (other than of stainless steel), provided for in subheading 7217.10.10, 7217.10.20, 7217.10.30, 7217.10.40, 7217.10.50, 7217.10.60, 7217.10.70, 7217.10.80, 7217.10.90, 7217.20.15, 7217.20.30, 7217.20.45, 7217.20.60, 7217.20.75, 7217.30.15, 7217.30.30, 7217.30.45, 7217.30.60, 7217.30.75, 7217.90.10, 7217.90.50, 7229.20.00, 7229.90.10, 7229.90.50 or 7229.90.90.....	5,683,988 kg
9903.80.48	Bars, hot-rolled, not of stainless steel, provided for in subheading 7213.20.00, 7213.99.00 (except for statistical reporting numbers 7213.99.0030 and 7213.99.0090), 7214.10.00, 7214.30.00, 7214.91.00, 7214.99.00, 7215.90.10, 7227.20.00 (except for statistical reporting number 7227.20.0030), 7227.90.60 (except for statistical reporting numbers 7227.90.6020, 7227.90.6030 and 7227.90.6035), 7228.20.10, 7228.30.80 (except for statistical reporting number 7228.30.8010), 7228.40.00, 7228.60.60 or 7228.80.00.....	19,466,296 kg
9903.80.49	Bars, cold-finished, not of stainless steel, provided for in subheading 7215.10.00, 7215.50.00, 7215.90.30, 7215.90.50, 7228.20.50, 7228.50.50 or 7228.60.80.....	892,811 kg
9903.80.50	Angles, shapes and sections of a type known as "light-shaped bars" and other products, provided for in subheading 7216.10.00, 7216.21.00, 7216.22.00 or 7228.70.30 (except for statistical reporting numbers 7228.70.3010, 7228.70.3020 and 7228.70.3041).....	160,604 kg
9903.80.51	Reinforcing bars, provided for in subheading 7213.10.00, 7214.20.00 or 7228.30.80 (except for statistical reporting numbers 7228.30.8005, 7228.30.8015, 7228.30.8041, 7228.30.8045 and 7228.30.8070).....	22,142,544 kg
9903.80.52	Sheet piling, provided for in subheading 7301.10.00.....	0 kg
9903.80.53	Nonumerated railroad goods, provided for in subheading 7302.40.00, 7302.90.10 and	

Heading/ Subheading	Article description	Quantitative Limitation
	7302.90.90.....	372,848 kg
9903.80.54	Rails other than those known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1010, 7302.10.1035, 7302.10.1065 and 7302.10.1075).....	1,089 kg
9903.80.55	Rails known as "standard rails," provided for in subheading 7302.10.10 (except for statistical reporting numbers 7302.10.1015, 7302.10.1025, 7302.10.1045 and 7302.10.1055) or 7302.10.50.....	939 kg
9903.80.56	Products of tool steel and other products, provided for in subheading 7224.10.00 (except for statistical reporting numbers 7224.10.0005 and 7224.10.0075), 7224.90.00 (except for statistical reporting numbers 7224.90.0005, 7224.90.0045, 7224.90.0055, 7224.90.0065 and 7224.90.0075), 7225.30.11, 7225.30.51, 7225.40.11, 7225.40.51, 7225.50.11, 7226.20.00, 7226.91.05, 7226.91.15, 7226.91.25, 7226.92.10, 7226.92.30, 7227.10.00, 7227.90.10, 7227.90.20, 7228.10.00, 7228.30.20, 7228.30.40, 7228.30.60, 7228.50.10, 7228.60.10 or 7229.90.05.....	9,426,132 kg
9903.80.57	Blooms, billets and slabs, semi-finished, provided for in subheading 7207.11.00, 7207.12.00, 7207.19.00, 7207.20.00 or 7224.90.00 (except for statistical reporting numbers 7224.90.0015, 7224.90.0025, and 7224.90.0035).....	3,505,707,831 kg
9903.80.58	Ingots, provided for in subheading 7206.10.00, 7206.90.00 or 7224.10.00 (except for statistical reporting number 7224.10.0045).....	8,719 kg

Proclamation 9760 of May 31, 2018

National Caribbean-American Heritage Month, 2018

By the President of the United States of America
A Proclamation

During Caribbean-American Heritage Month, we honor America's long-shared history with our neighbors in the Caribbean and celebrate the Caribbean Americans who have enriched our Nation.

Caribbean Americans embody the American spirit, with their talents and hard work contributing greatly to America's economy. They protect our citizens as law enforcement officers, serve our communities as public officials, and mentor our country's young people as educators. Through their tremendous athleticism and determination, they have brought pride to the hearts of the American people as members of numerous U.S. Olympic teams. Their leadership and resolve have made incredible contributions to our society.

As trailblazers, Americans with Caribbean roots have sewn their own unique thread into the fabric of our Nation. Dr. William Thornton, a native of the British Virgin Islands, designed the United States Capitol and is generally considered the first ''Architect of the Capitol'';. Jean Baptiste du Sable, the first permanent resident of Chicago, was born in Haiti. Widely recognized as the ''Founder of Chicago,''; his prosperous trade settlement has become one of the most iconic cities in the world.

This month, we acknowledge the numerous contributions of Caribbean Americans to our Nation, including those of the more than 4 million Caribbean Americans who live in the United States today. We are also deeply grateful to the many Caribbean Americans who have served or are currently serving our country as members of our Armed Forces.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2018 as National Caribbean-American Heritage Month. I encourage all Americans to join in celebrating the history, culture, and achievements of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9761 of May 31, 2018

National Homeownership Month, 2018

By the President of the United States of America
A Proclamation

During National Homeownership Month, we affirm the joy and benefits of homeownership. For millions of Americans, owning a home is an

important step toward financial security and achieving the American Dream. My Administration is committed to fostering an economic environment in which every family has the opportunity to enjoy the sense of pride and stability that can come with owning a home.

Our Nation's economy is experiencing tremendous growth. I signed into law historic tax reform that cut taxes for middle class Americans and small businesses. My Administration has also slashed unnecessary and burdensome regulations that stunted economic growth. As a result of these actions, Americans are keeping more of their hard-earned paychecks, unemployment rates are at historic lows, and more Americans are entering the workforce. Consequently, owning a home is becoming more attainable for many Americans.

Numerous benefits are associated with homeownership. Owning a home gives Americans a place to call their own, and a place of comfort and safety where they can raise their families. Homeowners also support local businesses, have a strong vested interest in their communities, and foster bonds of friendship with others who live and work in their neighborhoods. A home is more than a place to live—it is also an investment in family, in community, and in the long-term prosperity of our great country.

This month, we celebrate those Americans whose success and determination have helped make them homeowners. Their dedication to their families and communities, and to achieving a brighter and more secure future, is an inspiration to each person who is pursuing their own American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2018 as National Homeownership Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9762 of May 31, 2018

National Ocean Month, 2018

By the President of the United States of America

A Proclamation

The United States is a nation whose identity, wealth, and security are inextricably linked with the ocean and coastal waters. From sea to shining sea, Americans benefit from the ocean's bounty—from the industries it supports and the jobs it creates. During National Ocean Month, we celebrate this immense natural resource, and the millions of hardworking Americans employed by our ocean industries. We recognize the many ways our oceans and coasts enhance our lives. We acknowledge that our Nation can more effectively and responsibly harness its waters to the great benefit of its citizens.

Through the unique geography of its mainland and the strategic locations of Alaska, Hawaii, and its territories, the United States has the exclusive commercial rights to an oceanic area larger than the combined landmass of the 50 States. This invaluable national asset, called the United States Exclusive Economic Zone (EEZ), is currently underutilized. To harness the vast resources of the EEZ, we will develop and deploy new technologies in partnership with American academic institutions and innovators. We will streamline regulations and administrative practices to promote economic growth, while protecting our marine environment for current and future generations. We will also create new opportunities for American products in the global marketplace, including through continued support of our commercial fisheries and promotion of domestic aquaculture.

To advance America's economic, security, and environmental interests, it is also critical that we explore, map, and inventory our Nation's waters and pursue advanced observational technologies and forecasting capabilities. By exploring, developing, and conserving the ocean resources of our great Nation, we will augment our economic competitiveness, enhance our national security, and ensure American prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2018 as National Ocean Month. This month, I call upon Americans to reflect on the value and importance of oceans not only to our security and economy, but also as a source of recreation, enjoyment, and relaxation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9763 of June 1, 2018

African-American Music Appreciation Month, 2018

By the President of the United States of America
A Proclamation

During African-American Music Appreciation Month, we celebrate the tremendous achievements and contributions of African-American musicians. The musical ingenuity of talented African American artists laid the foundation for so many recognizable and cherished genres of music, including rock and roll, rhythm and blues, jazz, gospel, hip hop, and rap.

Throughout our history, African-American music has demonstrated its power to elicit comfort, healing, happiness, conviction, and inspiration—as well as its ability to unite people of all backgrounds. Today, it resonates in jazz quartets, rock and roll guitar solos, gospel choirs, and hip hop beats. The expression of these artistic and diverse styles

of music acts as a voice for freedom, justice, love, and the pursuit of happiness.

African-American music has played a significant role in shaping the American dream and instilling a sense of pride in being an ''American.''; The talent and creativity of pioneers like Miles Davis, Duke Ellington, Nat King Cole, Etta James, Whitney Houston, and many others have indelibly enriched our culture and our lives. As Etta James noted, ''I wanna show that gospel, country, blues, rhythm and blues, jazz, rock 'n'; roll are all just really one thing. Those are the American music and that is the American culture.''; Etta James recognized that the history and evolution of music in America reflects our country's cultural uniqueness and our country's commitment to protect and love every voice.

African-American music brings together people of all backgrounds—people who hum it, whistle it, and sing it—to enjoy blended tunes and hard-to-hit notes. Its contagious rhythm empowers its listeners to recall memories of the past and grow excited for the future. Our Nation is indebted to all the African-American artists whose music fills our airways and our homes, lifts our spirits, and compels us to think, dance, and sing. These musicians and their legacies ignite our imaginations and prove to us that the sky is the limit.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2018 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and appreciation of African-American music.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9764 of June 8, 2018

Flag Day and National Flag Week, 2018

By the President of the United States of America

A Proclamation

More than two centuries ago, on June 14, 1777, the Second Continental Congress formally adopted the Stars and Stripes as the official flag of our new Republic. Through the many triumphs and trials of our Nation, our flag has reflected our heritage of liberty and embodied the American virtues of bravery, justice, and loyalty. Each year, we celebrate Flag Day and National Flag Week to honor our timeless national emblem.

Our flag symbolizes our solemn pride and eternal gratitude to our service members, who willingly raise their hand in front of our Nation's colors and take an oath to support and defend the Constitution of the

United States. Our flag also serves as a final acknowledgement of our country's gratitude to the families of those soldiers, sailors, airmen, marines, and coastguardsmen who have given their last full measure of devotion to our country. After the echo of the last rifle volley and the final notes of ''Taps''; fade away, the flag is carefully folded and presented to the grieving families of our fallen heroes to serve as a source of comfort and strength in times of immense sorrow.

Our majestic flag flies during our country's most memorable occasions. In the early morning of May 10 of this year, a large American flag undulated in the breeze over the homecoming of three Americans released from captivity in North Korea. It also presided during our astronauts' many missions exploring the moon's surface, the heroic triumph of the Marines at the battle of Iwo Jima, and the recovery operations at New York City's ground zero and the Pentagon immediately following the attacks of September 11, 2001. Our country's colors—bold and brilliant—symbolize to the world those values we hold sacred, freedom and liberty, and our hope for a better world.

Today, we celebrate the ideals of our country's founding, which are represented so proudly by the broad stripes and bright stars—that all men are created equal and endowed by their Creator with unalienable rights, including life, liberty, and the pursuit of happiness. May we never forget the tremendous sacrifices required to secure and maintain our freedom. Let us proudly stand and remember our founding principles and our country's ever continuing march to achieve a more perfect Union. As we raise our flag, let us resolve always to cherish it with reverence and eternal gratitude so that the red, white, and blue may forever wave from sea to shining sea.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim June 14, 2018, as Flag Day, and the week starting June 10, 2018, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during this week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I also encourage the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of June, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9765 of June 15, 2018

Father's Day, 2018

By the President of the United States of America
A Proclamation

On Father's Day, we pay special tribute to the men who devote themselves to supporting and caring for their loved ones. We take this occasion to show our gratitude to our fathers, to thank them for inspiring us to be our best, and to appreciate the influence they have in shaping our character and guiding our futures.

Fathers across our country serve as role models for their children and families. Through their examples, they display the fundamental American values of hard work and dedication, which are so important to fulfilling our potential and achieving the American Dream. In each stage of our development, their unwavering support inspires us to take on the next big challenge and to pursue ambitious goals we might otherwise have thought beyond our reach. Their engagement in our communities, from the soccer field to Main Street to the town hall, enriches American life and encourages others to get involved.

As a Nation, we reaffirm our commitment to promoting fatherhood in our neighborhoods and communities. All fathers must know and harness their power to shape the future of their children. More and more, scientific studies show that fathers who actively invest in their children improve their lives emotionally, physically, academically, and economically. My Administration supports the continuation of grant funding to States and community organizations that educate men on the significance of active fatherhood and assist them with entering or staying in the workforce so they can contribute to the emotional and financial well-being of their children and families.

Today, and every day, we honor our fathers who serve their families with humble and giving hearts. Whether we became their children through birth, adoption, or foster care, the incredible fathers in our lives generously share with us the powerful gifts of love and care through their presence and dedication. We express our love and gratitude to our fathers for the countless ways they have improved our lives and acknowledge the tremendous importance of active fatherhood to our families, communities, and country.

NOW, THERFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 17, 2018, as Father's Day. I call on United States Government officials to display the flag of the United States on all Government buildings on Father's Day and invite State and local governments and the people of the United States to observe Father's Day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9766 of July 3, 2018

Honoring the Victims of the Tragedy in Annapolis, Maryland

By the President of the United States of America
A Proclamation

Our Nation shares the sorrow of those affected by the shooting at the Capital Gazette newspaper in Annapolis, Maryland. Americans across the country are united in calling upon God to be with the victims and to bring aid and comfort to their families and friends. As a mark of solemn respect for the victims of the terrible act of violence perpetrated on June 28, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, July 3, 2018. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of July, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9767 of July 13, 2018

Captive Nations Week, 2018

By the President of the United States of America
A Proclamation

Two hundred and forty-two years ago, America was founded on the fundamental principle that all men and women are created equal and share an inherent dignity that government must value, respect, and protect. The founding of our great country lit a spark of freedom that spread around the world, unleashing human potential and lifting billions out of poverty. Today, we continue this sacred legacy. We hold in common the responsibility to strengthen the bonds of liberty for future generations to inherit and carry forward.

At the same time, we recognize that many around the world continue to live under the dark shadow of oppression and despotism. During Captive Nations Week, we remember that the rights and privileges we enjoy in the United States are not held by all. We stand in solidarity with those who continue to suffer under governments that stifle basic freedoms and deny the opportunity to build a better life.

President Dwight D. Eisenhower proclaimed the first Captive Nations Week in 1959 during the height of the Cold War. At that time, the United States was locked in an enduring struggle to preserve and advance freedom for nations held captive by totalitarian communist regimes in Eastern Europe, Asia, and elsewhere. These regimes dismissed the very idea of individual rights. Then, as it does today, the United States blazed as a beacon of hope for the oppressed, for lovers of freedom and justice, and for those who strive for the rule of law.

When the citizens of East Germany tore down the Berlin Wall in 1989, it was a defining moment for freedom. But much work remains unfinished. In many countries today, people remain subject to unjust arrest, detention, and execution. Individual rights, such as freedom of expression, freedom of association, and freedom to assemble, which are necessary to hold governments accountable, are significantly circumvented or denied entirely. The United States stands with the repressed and continues to encourage despotic regimes to turn away from authoritarianism and respect the God-given rights of life and liberty.

As we observe Captive Nations Week, let us recall the words of President Ronald Reagan, declared on this occasion in 1983: ''Free people, if they are to remain free, must defend the liberty of others.''; Let us today resolve to continue the work of those who came before: to ensure that America remains the world's brightest example of liberty; to do justice; to respect the rule of law; and to never, ever give up on liberty.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as ''Captive Nations Week.'';

NOW, THERFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 15 through July 21, 2018, as Captive Nations Week. I call upon all Americans to reaffirm our commitment to those around the world striving for liberty, justice, and the rule of law.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9768 of July 13, 2018

Made in America Day and Made in America Week, 2018

By the President of the United States of America
A Proclamation

On Made in America Day and during Made in America Week, we celebrate the importance of American manufacturing, construction, agriculture, mining, and entrepreneurship to our Nation's prosperity and economic vitality. Made in America products represent the global gold

standard for quality, innovation, and craftsmanship and the output of a highly skilled workforce that is second to none.

American workers and job creators sustain and inspire the American Dream, while enhancing both our economic and national security, which are inextricably linked.

For far too long, the working men and women of our country have been ignored. That era is over.

Last year, I signed into law historic tax cuts and reform, which have unleashed a flow of investment and jobs back into America from overseas. Optimism among American manufacturers has hit all-time highs as American businesses across the country have paid bonuses, increased wages, and boosted contributions to employee retirement plans.

My Administration is also delivering on its promise to cut unnecessary and burdensome regulations that hamper economic growth.

I have consistently pledged to the American people that I will reinvigorate our workforce by instituting fair and reciprocal trade practices so that companies can compete, thrive, and grow. My trade agenda is focused on defending our workers and businesses from unfair trade practices and on removing barriers to our products and services, so that our Nation can compete and so that ''buy American and hire American''; once again becomes the best option in an increasingly international and competitive market. Accordingly, I will continue to negotiate and modernize our trade agreements to bring about free, fair, and reciprocal trade and thereby ensure open, fair, and competitive markets for America's products and services.

Our Nation continues to thrive due to the determination, imagination, skill, creativity, and excellence of our people. American industry reflects these qualities and evokes patriotism, pride, and the hope of a bright and prosperous future. We salute our Nation's workers, job creators, and inventors, and we pledge to continue creating an environment that makes the United States the most attractive place in the world to do business.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 17, 2018, as Made in America Day and this week, July 15 through July 21, 2018, as Made in America Week. I call upon all Americans to pay special tribute to the builders, the ranchers, the crafters, the entrepreneurs, and all those who work with their hands every day to make America great.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9769 of July 25, 2018

Anniversary of the Americans with Disabilities Act, 2018

By the President of the United States of America
A Proclamation

On the 28th anniversary of the Americans with Disabilities Act (ADA), we celebrate this historic legislation, which echoed our Nation's founding promise to recognize and secure the equal rights of all men and women. Today, we reaffirm our commitment to cultivate further opportunities for all Americans to live full and independent lives, and recognize the many contributions enabled by expanded participation of Americans with disabilities in our society.

President George H.W. Bush signed the ADA into law on July 26, 1990. It has transformed the lives of millions of Americans living with disabilities by promoting their equal access to employment, government services, public accommodations, commercial facilities, and public transportation. Today, people of all ages with disabilities are better able to thrive in the community, pursue careers, contribute to our economy, and fully participate in American society.

Our Nation must continue to build upon this foundation and continue to further the participation of the more than 56 million Americans living with disabilities. My Administration continues to encourage research that will lead to advancements in technology, medicine, and other fields and better enable independent living. We are also expanding and promoting equal education and employment opportunities for Americans with disabilities to live and work. In this regard, in June of last year, I signed an Executive Order to develop more apprenticeship programs for all people, including those with disabilities. Additional training will encourage better involvement from businesses and allow people with disabilities to contribute meaningfully to a wide variety of industries.

As we commemorate the anniversary of the ADA, we recommit ourselves to fostering an environment in which all Americans have the opportunity to pursue the American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2018, as a day in celebration of the 28th Anniversary of the Americans with Disabilities Act. I call upon all Americans to observe this day with appropriate ceremonies and activities that celebrate the contributions of Americans with disabilities and to renew our commitment to achieving the promise of our freedom for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9770 of July 26, 2018

National Korean War Veterans Armistice Day, 2018

By the President of the United States of America
A Proclamation

This year marks the 65th anniversary of the signing of the armistice that ended the fighting of the Korean War. For 3 brutal years, our Armed Forces and allies fought valiantly to stop the spread of communism and defend freedom on the Korean Peninsula. On National Korean War Veterans Armistice Day, we remember the bravery and sacrifices of those who fought and died for this noble cause.

On the Korean Peninsula, our brave Soldiers, Sailors, Marines, Airmen, and Coast Guardsmen fought with skill and resolve against tyranny and oppression. Justice, liberty, and democracy prevailed, but victory came at a tremendous cost. More than 33,000 Americans were killed in action during the Korean War, and more than 103,000 were wounded. Thousands more were captured and held as prisoners of war. Many are still missing in action. We will never forget these valiant patriots or their families, who have endured unimaginable loss.

More than six decades after the cease-fire on the Korean Peninsula, our relationship with South Korea continues to flourish. We have forged a powerful friendship built on respect, a mutual desire for economic prosperity, and an unwavering commitment to democratic values and peace through strength.

In contrast, our relationship with North Korea has been hostile, due to continued threats to our allies, their development of weapons of mass destruction and ballistic missile programs, and ongoing human rights violations. Last month's historic summit with Chairman Kim Jong Un in Singapore, however, has offered a renewed sense of hope for the future—including the promise of complete denuclearization of the Korean Peninsula. During this summit, I raised my concern for the many American families who have been unable to properly bury the loved ones they lost during the Korean War and bring closure to this chapter in their lives. As a result, Chairman Kim and I announced our commitment to the recovery and repatriation of the remains of Americans missing in action. My Administration will fulfill our Nation's solemn duty to bring our patriots home with dignity and honor.

Today, we honor our Korean War Veterans for their immeasurable contributions to the cause of liberty. We also salute members of the armed forces, past and present, who have maintained an allied presence on the Korean Peninsula since the 1953 armistice. Their efforts to stave off aggression are worthy of our highest respect and gratitude.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2018, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War Veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord two thousand eighteen, and

of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9771 of July 30, 2018

To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes

By the President of the United States of America

A Proclamation

1. In Proclamation 7350 of October 2, 2000, the President designated the Republic of Rwanda (''Rwanda'';) as a beneficiary sub-Saharan African country for purposes of section 506A(a)(1) of the Trade Act of 1974 (the ''1974 Act'';) (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (the ''AGOA'';).

2. Sections 506A(d)(4)(C) (19 U.S.C. 2466a(d)(4)(C)) and 506A(c)(1) (19 U.S.C. 2466a(c)(1)) of the 1974 Act authorize the President to suspend the application of duty-free treatment provided for any article described in section 506A(b)(1) of the 1974 Act (19 U.S.C. 2466a(b)(1)) or section 112 of the AGOA (19 U.S.C. 3721) with respect to a beneficiary sub-Saharan African country if the President determines that the beneficiary country is not meeting the requirements described in section 506A(a)(1) of the 1974 Act, and that suspending such duty-free treatment would be more effective in promoting compliance by the country with those requirements than terminating the designation of the country as a beneficiary sub-Saharan African country for purposes of section 506A of the 1974 Act.

3. Pursuant to section 506A(c)(1) of the 1974 Act, I have determined that Rwanda is not meeting the requirements described in section 506A(a)(1) of the 1974 Act and that suspending the application of duty-free treatment to certain goods would be more effective in promoting compliance by Rwanda with such requirements than terminating the designation of Rwanda as a beneficiary sub-Saharan African country. Accordingly, I have decided to suspend the application of duty-free treatment for all AGOA-eligible goods in the apparel sector from Rwanda for purposes of section 506A of the 1974 Act.

4. Proclamation 8039 of July 27, 2006, implemented the United States-Bahrain Free Trade Agreement (''USBFTA'';) with respect to the United States and, pursuant to section 101(a) of the United States-Bahrain Free Trade Agreement Implementation Act (the ''USBFTA Implementation Act'';) (19 U.S.C. 3805 note), incorporated in the Harmonized Tariff Schedule of the United States (HTS) the rules of origin necessary or appropriate to carry out the USBFTA.

5. Section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'';) (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the HTS based on the recommendations of the United States International Trade Commission (the ''Commission'';) under section 1205 of the 1988 Act (19 U.S.C. 3005) if he determines that the modifications are in conformity with United States obligations

under the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention'';) and do not run counter to the national economic interest of the United States.

6. In Proclamation 9549 of December 1, 2016, pursuant to the authority provided in section 1206(a) of the 1988 Act, the President modified the HTS to reflect amendments to the Convention. Bahrain is a party to the Convention and likewise implemented the amendments to the Convention in its tariff schedule.

7. Because of these changes in the national tariff schedules of the parties to the USBFTA, the rules of origin set out in Annexes 3–A and 4–A of the USBFTA must be changed to ensure that the tariff and certain other treatment accorded under the USBFTA to originating goods will continue to be provided under the tariff categories that were modified in Proclamation 9549. The USBFTA parties have agreed to make these changes in a protocol to the USBFTA that went into effect on November 30, 2017.

8. Section 202 of the USBFTA Implementation Act provides certain rules for determining whether a good is an originating good for purposes of implementing tariff treatment under the USBFTA. Section 202(j)(1) of the USBFTA Implementation Act authorizes the President to proclaim the rules of origin set out in the USBFTA and any subordinate categories necessary to carry out the USBFTA, subject to certain exceptions set out in section 202(j)(2)(A).

9. I have determined that modifications to the HTS proclaimed pursuant to section 1206(a) of the 1988 Act are necessary or appropriate to ensure the continuation of treatment accorded originating goods under tariff categories modified in Proclamation 9549.

10. Following the amendments to the Convention reflected by the modifications to the HTS made in Proclamation 9549, the World Customs Organization issued a small number of conforming amendments to the Convention that should have been included in the amendments that were implemented on January 1, 2017, pursuant to Proclamation 9549. The Commission then recommended additional modifications to the HTS pursuant to section 1205 of the 1988 Act to conform the HTS to these most recent amendments to the Convention. I have determined that these recommended modifications to the HTS proclaimed in this proclamation pursuant to section 1206(a) of the 1988 Act are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States.

11. Proclamation 9693 of January 23, 2018, implemented action in the form of a safeguard measure under section 203 of the 1974 Act (19 U.S.C. 2253) with respect to certain crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products (such as modules).

12. The safeguard measure imposed a tariff-rate quota, for a period of 4 years, on imports of solar cells that are not partially or fully assembled into other products, and an increase in duties on imports of modules, as defined by Note 18(g) in subchapter III of chapter 99 of the HTS, also for a period of 4 years.

13. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions

thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

14. Proclamation 9693 modified chapter 99 of the HTS to implement the safeguard measure described in paragraphs 11 and 12 of this proclamation. Those modifications included certain technical errors, and I have determined, pursuant to section 604 of the 1974 Act, that modifications to the HTS are necessary to correct them.

15. Section 1206(c) of the 1988 Act provides that modifications proclaimed by the President under section 1206(a) may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register*.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 506A(d)(4)(C) and 506A(c)(1) of the 1974 Act; section 1206(a) of the 1988 Act; and sections 203 and 604 of the 1974 Act, do proclaim that:

(1) The application of duty-free treatment for all AGOA-eligible goods in the apparel sector from Rwanda is suspended for purposes of section 506A of the 1974 Act, effective July 31, 2018.

(2) In order to reflect in the HTS that, beginning on July 31, 2018, the application of duty-free treatment for all AGOA-eligible goods in the apparel sector from Rwanda shall be suspended, the HTS is modified as set forth in Annex I to this proclamation.

(3) In order to reflect in the HTS the modifications to the rules of origin under the USBFTA, general note 30 to the HTS is modified as provided in Annex II to this proclamation.

(4) The modifications to the HTS set forth in Annex II shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after the date that is 30 days after the date of publication of this proclamation in the *Federal Register*.

(5) In order to conform the HTS to the most recent amendments to the Convention, the HTS is modified as set forth in Annex III to this proclamation.

(6) The modifications to the HTS set forth in Annex III shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after the later of (i) the date that is 30 days after the date of publication of this proclamation in the *Federal Register*, or (ii) the first day of the month that follows after such thirtieth day.

(7) In order to correct technical errors in the annex to Proclamation 9693, Note 18(c)(iii) in subchapter III of chapter 99 of the HTS is modified by deleting the phrase ''Subheadings 9903.45.21 and 9903.45.22 shall likewise''; and by inserting in lieu thereof the phrase ''Subheading 9903.45.25 shall'';; and Note 18(g) is modified by deleting ''For purposes of''; and by inserting in lieu thereof ''Subject to the provisions of subdivision (c)(iii) of this note, for purposes of'';.

(8) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of July, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

ANNEX I

TO MODIFY PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after July 31, 2018, subchapter XIX of chapter 98 of the Harmonized Tariff Schedule of the United States is modified as follows:

1. U.S. note 2(d) to subchapter XIX of chapter 98 is modified by deleting "Republic of Rwanda".

2. The article descriptions of subheadings 9819.11.03 through 9819.11.24, inclusive, and subheading 9819.11.30 are each modified by inserting after the first or the sole appearance (as the case may be) of the word "countries" the expression "(except the Republic of Rwanda)".

3. The article description of subheading 9819.11.27 is modified by inserting after the word "articles" the expression "(except apparel articles the product of the Republic of Rwanda)".

4. The superior text to subheadings 9819.15.10 through 9819.15.42 is modified by inserting after the word "countries" the expression "(except the Republic of Rwanda)".

ANNEX II

TO MODIFY PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods of Bahrain, under the terms of general note 30 to the Harmonized Tariff Schedule (HTS) of the United States, that are entered for consumption, or withdrawn from warehouse for consumption, on or after the date that is thirty days after the date of publication of this proclamation in the Federal Register, subdivision (h) of such general note 30 is hereby modified as follows:

1. Chapter rule 1 for chapter 61 is deleted and the following new chapter rule is inserted in lieu thereof:

"**Chapter Rule 1:** Except for fabrics classified in tariff items 5408.22.10, 5408.23.11, 5408.23.21 and 5408.24.10, the fabrics identified in the following subheadings and headings, when used as visible lining material in certain men's and women's suits, suit-type jackets, skirts, overcoats, carcoats, anoraks, windbreakers and similar articles, must be both formed from yarn and finished in the territory of Bahrain or of the United States:

5111 through 5112, 5208.31 through 5208.59, 5209.31 through 5209.59, 5210.31 through 5210.59, 5211.31 through 5211.59, 5212.13 through 5212.15, 5212.23 through 5212.25, 5407.42 through 5407.44, 5407.52 through 5407.54, 5407.61, 5407.72 through 5407.74, 5407.82 through 5407.84, 5407.92 through 5407.94, 5408.22 through 5408.24, 5408.32 through 5408.34, 5512.19, 5512.29, 5512.99, 5513.21 through 5513.49, 5514.21 through 5515.99, 5516.12 through 5516.14, 5516.22 through 5516.24, 5516.32 through 5516.34, 5516.42 through 5516.44, 5516.92 through 5516.94, 6001.10, 6001.92, 6005.35 through 6005.44 or 6006.10 through 6006.44."

2. Chapter rule 1 for chapter 62 is deleted and the following new chapter rule is inserted in lieu thereof:

"**Chapter Rule 1:** Except for fabrics classified in tariff items 5408.22.10, 5408.23.11, 5408.23.21 and 5408.24.10, the fabrics identified in the following subheadings and headings, when used as visible lining material in certain men's and women's suits, suit-type jackets, skirts, overcoats, carcoats, anoraks, windbreakers and similar articles, must be both formed from yarn

and finished in the territory of Bahrain or of the United States:

5111 through 5112, 5208.31 through 5208.59, 5209.31 through 5209.59, 5210.31 through 5210.59, 5211.31 through 5211.59, 5212.13 through 5212.15, 5212.23 through 5212.25, 5407.42 through 5407.44, 5407.52 through 5407.54, 5407.61, 5407.72 through 5407.74, 5407.82 through 5407.84, 5407.92 through 5407.94, 5408.22 through 5408.24, 5408.32 through 5408.34, 5512.19, 5512.29, 5512.99, 5513.21 through 5513.49, 5514.21 through 5515.99, 5516.12 through 5516.14, 5516.22 through 5516.24, 5516.32 through 5516.34, 5516.42 through 5516.44, 5516.92 through 5516.94, 6001.10, 6001.92, 6005.35 through 6005.44 or 6006.10 through 6006.44."

3. Tariff classification rule (TCR) 1 for chapter 21 is deleted and the following new TCR is inserted in lieu thereof:

"1. A change to concentrated juice of any single fruit or vegetable fortified with vitamins or minerals of subheading 2106.90 from any other chapter, except from heading 0805, subheadings 2009.11 through 2009.39, subheading 2202.91 or subheading 2202.99."

4. Following the TCR for chapter 94, a new designation for chapter 96 and accompanying heading rule and TCR are inserted as follows:

"Chapter 96

Heading Rule: For purposes of determining whether a good of this heading other than of textile wadding is originating, the rule applicable to that good shall only apply to the component that determines the tariff classification of the good and such component must satisfy the tariff change requirements set out in the rule for that good.

1. (A) A change to sanitary towels (pads) and tampons and similar articles of textile wadding of heading 9619 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311 or chapters 54 through 55; or

(B) A change to a good of textile materials other than of wadding, knitted or crocheted, of heading 9619 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311,

chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of Bahrain or of the United States, or both; or

(C) A change to a good of textile materials other than of wadding, not knitted or crocheted, of heading 9619 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Bahrain or of the United States; or both."

ANNEX III

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after the later of (1) the date that is thirty days after the date of publication of this proclamation in the Federal Register, or (2) the first day of the month that follows after such thirtieth day, chapters 44 and 63 of the Harmonized Tariff Schedule (HTS) of the United States are modified as set forth herein, with the material inserted in the HTS in the respective columns shown in each table below:

1. (a) Additional U.S. note 3 to chapter 44 is redesignated as note 4.

(b) Additional U.S. note 4 to chapter 44 is redesignated as note 5.

(c) New additional U.S. note 3 to chapter 44 is inserted as follows:

"3. Subheadings 4407.19.05 and 4407.19.06 cover combinations of the named species whose proportions are not readily identifiable."

2. Subheading 4401.10.00 is deleted and the following new subheadings and superior text are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4401	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; ...:] "Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:			
4401.11.00	Coniferous	Free		20%
4401.12.00	Nonconiferous	Free		20%"

3. (a) The superior text immediately preceding subheading 4401.31.00 is deleted and the following new superior text is inserted in lieu thereof:

"Sawdust and wood waste and scrap, agglomerated in logs, briquettes, pellets or similar forms:".

(b) Subheading 4401.39.40 is redesignated as subheading 4401.39.41.

4. New subheading 4401.40.00 is inserted in numerical sequence:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4401	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; ...:]			
"4401.40.00	Sawdust and wood waste and scrap, not agglomerated	Free		Free

5. Subheadings 4403.10.00 and 4403.20.00 are deleted and the following new subheadings and superior texts are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared:]			
	"Treated with paint, stain, creosote or other preservatives:			
4403.11.00	Coniferous	Free		Free
4403.12.00	Nonconiferous	Free		Free
	Other, coniferous:			
4403.21.00	Of pine (Pinus spp.), of which any cross-sectional dimension is 15 cm or more	Free		Free
4403.22.00	Of pine (Pinus spp.), other	Free		Free
4403.23.00	Of fir (Abies spp.) and spruce (Picea spp.), of which any cross-sectional dimension is 15 cm or more	Free		Free
4403.24.00	Of fir (Abies spp.) and spruce (Picea spp.), other	Free		Free
4403.25.00	Other, of which any cross-sectional dimension is 15 cm or more	Free		Free
4403.26.00	Other	Free		Free"

6. (a) Subheading 4403.92.00 is deleted and the following new subheadings are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared: Other:]			
"4403.93.00	Of beech (Fagus spp.), of which any cross-sectional dimension is 15 cm or more	Free		Free
4403.94.00	Of beech (Fagus spp.), other	Free		Free
4403.95.00	Of birch (Betula spp.), of which any cross-sectional dimension is 15 cm or more	Free		Free
4403.96.00	Of birch (Betula spp.), other	Free		Free
4403.97.00	Of poplar and aspen (Populus spp.)	Free		Free
4403.98.00	Of eucalyptus (Eucalyptus spp.)	Free		Free ".

(b) Subheading 4403.99.00 is redesignated as subheading 4403.99.01.

7. Subheadings 4406.10.00 and 4406.90.00 are deleted and the following new subheadings and superior texts are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4406	Railway or tramway sleepers (cross-ties) of wood:]			
	"Not impregnated:			
4406.11.00	Coniferous	Free		Free
4406.12.00	Nonconiferous	Free		Free
	Other:			
4406.91.00	Coniferous	Free		Free
4406.92.00	Nonconiferous	Free		Free
				".

8. Subheading 4407.10.01 is deleted and the following new subheadings and superior texts are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:]			
	"Coniferous:			
4407.11.00	Of pine (Pinus spp.)	Free		$1.70/m³
4407.12.00	Of fir (Abies spp.) and spruce (Picea spp.)	Free		$1.70/m³
4407.19.00	Other:			
4407.19.05	Mixtures of spruce, pine and fir ("S-P-F"), not treated with paint, stain, creosote or other preservative	Free		$1.70/m³
4407.19.06	Mixtures of western hemlock and amabilis fir ("hem-fir"), not treated with paint, stain, creosote or other preservative	Free		$1.70/m³
4407.19.10	Other	Free		$1.70/m³"

9. (a) New subheadings 4407.96.00 and 4407.97.00 are inserted in numerical order:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:			
	Other:]			
"4407.96.00	Of birch (Betula spp.)	Free		$1.27/m³
	.....			
4407.97.00	Of poplar and aspen (Populus spp.)	Free		$1.27/m³ ".
	.....			

(b) Subheading 4407.99.01 is redesignated as subheading 4407.99.02.

10. (a) Subheadings 4412.32 through 4412.32.57 are deleted and the following new subheadings and superior texts are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[4412	Plywood, veneered panels and similar laminated wood:			
	Other plywood consisting solely of sheets of wood (other than bamboo), each ply not exceeding 6 mm in thickness:			
4412.33	Other, with at least one outer ply of nonconiferous wood of the species alder (Alnus spp.), ash (Fraxinus spp.), beech (Fagus spp.), birch (Betula spp.), cherry (Prunus spp.), chestnut (Castanea spp.), elm (Ulmus spp.), eucalyptus (Eucalyptus spp.), hickory (Carya spp.), horse chestnut (Aesculus spp.), lime (Tilia spp.), maple (Acer spp.), oak (Quercus spp.), plane tree (Platanus spp.), poplar and aspen (Populus spp.),			

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	robinia (Robinia spp.), tulipwood (Liriodendron spp.) or walnut (Juglans spp.): Not surface covered, or surface covered with a clear or transparent material which does not obscure the grain, texture or markings of the face ply:			
4412.33.06	With a face ply of birch (Betula spp.)	Free		50%"
[4412	Plywood, veneered panels and similar laminated wood: Other plywood consisting solely of sheets of wood (other than bamboo), each ply not exceeding 6 mm in thickness:]			
"4412.33	Other, with at least one outer ply of nonconiferous wood of the species alder (Alnus spp.), ash (Fraxinus spp.), beech (Fagus spp.), birch (Betula spp.), cherry (Prunus spp.), chestnut (Castanea spp.), elm (Ulmus spp.), eucalyptus (Eucalyptus spp.), hickory (Carya spp.), horse chestnut (Aesculus spp.), lime (Tilia spp.), maple (Acer spp.), oak (Quercus spp.), plane tree (Platanus spp.), poplar and aspen (Populus spp.), robinia (Robinia spp.), tulipwood (Liriodendron spp.) or walnut (Juglans spp.): Not surface covered, or surface covered with a clear or transparent material which does not obscure the grain, texture or markings of the face ply:]			

4412.33.26	With a face ply of walnut (Juglans spp.)	5.1%	Free (A*,AU,BH, CA,CL,CO,D,E,IL, JO,MA,MX,OM, P,PA,PE, SG) 1.5% (KR)	40%
4412.33.32	Other	8%	Free (A*,AU,BH, CA,CL,CO,D,E,IL, JO,MA,MX,OM, P,PA,PE, SG) 2.4% (KR)	40%
4412.33.57	Other	8%	Free (A*,AU,BH, CA,CL,CO,D,E,IL, JO,MA,MX,OM, P,PA,PE, SG) 2.4% (KR)	40%"
[4412	Plywood, veneered panels and similar laminated wood: Other plywood consisting solely of sheets of wood (other than bamboo), each ply not exceeding 6 mm in thickness:]			
"4412.34	Other, with at least one outer ply of nonconiferous wood not specified under subheading 4412.33: Not surface covered, or surface covered with a clear or transparent material which does not obscure the grain, texture or markings of the face ply:			
4412.34.26	With a face ply of Spanish cedar	5.1%		40%

	(Cedrela spp.)		Free (A*,AU,BH, CA,CL,CO,D,E,IL, JO,MA,MX,OM, P,PA,PE, SG) 1.5% (KR)	
4412.34.32	Other	8%	Free (A*,AU,BH, CA,CL,CO,D,E,IL, JO,MA,MX,OM, P,PA,PE, SG) 2.4% (KR)	40%
4412.34.57	Other	8%	Free (A*,AU,BH, CA,CL,CO,D,E,IL, JO,MA,MX,OM, P,PA,PE, SG) 2.4% (KR)	40%".

(b) General note 4(d) to the HTS is modified by -

(i) deleting the following subheadings and the country set out opposite such subheadings:

4412.32.26	Brazil
4412.32.32	Brazil
4412.32.57	Brazil

(ii) adding, in numerical sequence, the following subheadings and the country set out opposite such subheadings:

4412.33.26	Brazil
4412.33.32	Brazil
4412.33.57	Brazil
4412.34.26	Brazil
4412.34.32	Brazil
4412.34.57	Brazil

11. New subheading note 1 to chapter 63 and a subheading note title are inserted after the chapter notes.

"Subheading Note

1. Subheading 6304.20 covers articles made from warp knit fabrics, impregnated or coated with alpha-cypermethrin (ISO), chlorfenapyr (ISO), deltamethrin (INN, ISO), lambda-cyhalothrin (ISO), permethrin (ISO) or pirimiphosmethyl (ISO).".

12. (a) New subheading 6304.20.00 is inserted in numerical order:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[6304	Other furnishing articles, excluding those of heading 9404:]			
"6304.20.00	Bed nets specified in subheading note 1 to this chapter	5.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%".

(b) Subheading 6304.91.00 is redesignated as subheading 6304.91.01.

Proclamation 9772 of August 10, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of these steel articles by imposing a 25 percent ad valorem tariff on such articles imported from most countries.

3. In Proclamation 9705, I also directed the Secretary to monitor imports of steel articles and inform me of any circumstances that in the Secretary's opinion might indicate the need for further action under section 232 with respect to such imports.

4. The Secretary has informed me that while capacity utilization in the domestic steel industry has improved, it is still below the target capacity utilization level the Secretary recommended in his report. Although imports of steel articles have declined since the imposition of the tariff, I am advised that they are still several percentage points greater than the level of imports that would allow domestic capacity utilization to reach the target level.

5. In light of the fact that imports have not declined as much as anticipated and capacity utilization has not increased to that target level, I have concluded that it is necessary and appropriate in light of our national security interests to adjust the tariff imposed by previous proclamations.

6. In the Secretary's January 2018 report, the Secretary recommended that I consider applying a higher tariff to a list of specific countries should I determine that all countries should not be subject to the same tariff. One of the countries on that list was the Republic of Turkey (Turkey). As the Secretary explained in that report, Turkey is among the major exporters of steel to the United States for domestic consumption. To further reduce imports of steel articles and increase domestic capacity utilization, I have determined that it is necessary and appropriate to impose a 50 percent ad valorem tariff on steel articles imported from Turkey, beginning on August 13, 2018. The Secretary has advised me that this adjustment will be a significant step toward ensuring the viability of the domestic steel industry.

7. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) In order to establish increases in the duty rate on imports of steel articles from Turkey, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Clause 2 of Proclamation 9705, as amended by clause 1 of Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), is further amended by striking the last two sentences and inserting in lieu thereof the following three sentences: ''Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union; (b) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea; and (c) on or after 12:01 a.m. eastern daylight time on August 13, 2018, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey. Further, except as otherwise provided in notices published pursuant to clause 3 of this proclamation, all steel articles imports from Turkey specified in the Annex shall be subject to a 50 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding two sentences.'';.

(2) The text of U.S. note 16(a)(i) to subchapter III of chapter 99 of the HTSUS is amended by deleting ''Heading 9903.80.01 provides''; and inserting the following in lieu thereof: ''Except as provided in U.S. note 16(a)(ii), which applies to products of Turkey that are provided for in heading 9903.80.02, heading 9903.80.01 provides'';.

(3) U.S. note 16(a)(ii) to subchapter III of chapter 99 of the HTSUS is re-designated as U.S. note 16(a)(iii) to subchapter III of chapter 99 of the HTSUS.

(4) The following new U.S. note 16(a)(ii) to subchapter III of chapter 99 of the HTSUS is inserted in numerical order: ''(ii) Heading 9903.80.02 provides the ordinary customs duty treatment of iron or steel products of Turkey, pursuant to the article description of such heading. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in this heading shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (''CBP'';) regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the iron or steel products enumerated in subdivision (b) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.80.02.'';.

(5) Paragraphs (b), (c), and (d) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS are each amended by replacing ''heading 9903.80.01''; with ''headings 9903.80.01 and 9903.80.02'';.

(6) The ''Article description''; for heading 9903.80.01 of the HTSUS is amended by replacing ''of Brazil''; with ''of Brazil, of Turkey'';.

(7) The modifications to the HTSUS made by clauses 2 through 6 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(8) The Secretary, in consultation with U.S. Customs and Border Protection of the Department of Homeland Security and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments directed by this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register.*

(9) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of August, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new tariff provision, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.02	Products of iron or steel that are the product of Turkey and provided for in the tariff headings or subheadings enumerated in note 16(b) to this subchapter, except any exclusions that may be determined and announced by the Department of Commerce.....	50%		

Proclamation 9773 of August 17, 2018

National Employer Support of the Guard and Reserve Week, 2018

By the President of the United States of America
A Proclamation

Since the founding of our great Nation, citizens have put their lives on hold to defend our liberty and protect their fellow Americans. Today, more than one million Americans proudly serve in the National Guard and Reserve. During National Employer Support of the Guard and Reserve Week, we take a moment to salute the employers and communities that support our citizen Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen.

Nearly half of our Nation's Armed Forces are comprised of National Guard and Reserve members. These dedicated patriots train throughout the year to be mission-ready at home and abroad. They balance the demands of civilian life with military duties and are a vital component of our national defense strategy. Our National Guardsmen and Reservists serve with distinction in uniform on all fronts—whether it be mitigating the effects of natural disasters and emergencies on our soil, protecting our border, or engaging in combat operations around the globe. And when they take the uniform off, they apply their leadership skills and desire to serve our communities throughout every sector of the civilian world.

Employers who understand and appreciate the critical mission of our National Guard and Reserve provide flexibility and unwavering support in the workplace that empowers Guardsmen and Reservists to make invaluable contributions to our all-volunteer force. We owe a tremendous debt of gratitude to the employers nationwide who understand the importance of a strong and ready military. Offices, organizations, and businesses nationwide accept the inconveniences of disruptive schedules, temporary personnel shortages, and financial burdens, because they know that they are helping sustain and advance something far more valuable than their bottom lines. Guardsmen and Reservists bring invaluable assets of professionalism, commitment, teamwork, and discipline to our Armed Forces and to America's businesses.

My Administration is committed to caring for our military members, veterans, and their families. Many civilian employers share this unwavering dedication and devotion, and they deserve our deepest gratitude. I encourage all Americans to support our brave Guardsmen, Reservists, and their families because of their incalculable sacrifices to secure and maintain our freedom. Let us remember that the generosity, flexibility, and selflessness of their civilian employers are critical to their ability to serve our country most effectively.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 19 through August 25, 2018, as National Employer Support of the Guard and Reserve Week. I call upon all Americans to join me in expressing our heartfelt thanks to the civilian employers who provide critical support to the men and women of the National Guard and Reserve. I also call on State and local officials, private organizations, and

all military commanders to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of August, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9774 of August 24, 2018

Women's Equality Day, 2018

By the President of the United States of America

A Proclamation

On Women's Equality Day, we commemorate the ratification of the 19th Amendment to the Constitution, which secured for women the right to vote. The anniversary of this milestone is an appropriate time to reflect on the remarkable accomplishments of women in every facet of American life. It is also an opportunity to honor women for their leadership in service to their families, their communities, and the Nation.

In the same spirit of the 19th Amendment, we must continue to seek an environment of opportunity for all women. My Administration, therefore, continues to support the advancement of women throughout our country. The economy is growing and increasing opportunities to work and thrive as a result of our economic policies, including the enactment of the Tax Cuts and Jobs Act and the elimination of unnecessary and burdensome regulations. The unemployment rate for women has recently reached a 65-year low. We also fought for working parents by securing a doubling of the child tax credit, the creation of the dependent care credit, and the largest ever expansion of the child and dependent care credit. These family-friendly reforms will give much-needed financial relief to hardworking parents. Additionally, my Administration recognizes the challenges faced by mothers in the workplace due to lack of paid leave and affordable, high-quality childcare. That is why my budget this year, as it did last year, includes a national paid parental leave program. We continue to call on the Congress to enact such a program into law to help women thrive in the labor force and provide for their families. Further, we are working to enhance access to education and training in science, technology, engineering, and mathematics for the next generation of women pursuing careers in these fields.

Today, we celebrate the passion and unwavering dedication of the women who struggled and persevered in the fight for suffrage, and we recognize the countless ways that women strengthen the fabric of the Nation. We all benefit from the leadership and ingenuity of women in education, medicine, government, law, business, military service, and every other field contributing to the greatness of this Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August

26, 2018, as Women's Equality Day. I call upon the people of the United States to celebrate the achievements of women and observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of August, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9775 of August 27, 2018

Death of Senator John Sidney McCain III

By the President of the United States of America
A Proclamation

As a mark of respect for the memory and longstanding service of Senator John Sidney McCain III, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of August, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9776 of August 29, 2018

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America
A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. In light of this conclusion, the Secretary recommended action to adjust the imports of aluminum articles so that such imports will not threaten to impair the national security.

The Secretary also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those aluminum articles for which the Secretary determines there is a lack of sufficient domestic production capacity of comparable products, or to exclude aluminum articles from such restrictions for specific national security-based considerations.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles, as defined in clause 1 of Proclamation 9704, are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of these aluminum articles by imposing a 10 percent ad valorem tariff on such articles imported from most countries. I further authorized the Secretary to provide relief from these additional duties for any aluminum article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and also to provide such relief based on specific national security considerations.

3. Consistent with the Secretary's recommendation that I authorize him to exclude from any adopted import restrictions those aluminum articles for which the Secretary determines there is a lack of sufficient domestic production of comparable products, or for specific national security-based considerations, I have determined to authorize the Secretary to provide relief from quantitative limitations on aluminum articles adopted pursuant to section 232 of the Trade Expansion Act of 1962, as amended, including those set forth in Proclamation 9758 of May 31, 2018 (Adjusting Imports of Aluminum Into the United States), on the same basis as the Secretary is currently authorized to provide relief from the duty established in clause 2 of Proclamation 9704.

4. In light of my determinations, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to the tariff or quotas imposed by previous proclamations. It is my judgment that it is necessary and appropriate, at this time, to maintain the current tariff and quota levels. As directed in Proclamation 9704, the Secretary shall continue to monitor imports of aluminum articles and inform me of any circumstances that, in his opinion, might indicate the need for further action under section 232 of the Trade Expansion Act of 1962, as amended.

5. The United States continues to hold discussions with countries on satisfactory alternative means to address the threatened impairment to our national security posed by aluminum articles imports. Should these discussions result in an agreement concerning such alternative means, I will take further action as appropriate.

6. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

7. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modifica-

tion, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the quantitative limitations applicable to aluminum articles described in subheadings 9903.85.05 and 9903.85.06 of subchapter III of chapter 99 of the HTSUS for any aluminum article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality, and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for an aluminum article only after a request for relief is made by a directly affected party located in the United States. Such relief may be provided to directly affected parties on a party-by-party basis taking into account the regional availability of particular articles, the ability to transport articles within the United States, and any other factors as the Secretary deems appropriate. If the Secretary determines that relief should be granted to a requesting party for the importation of a particular aluminum article, the Secretary shall publicly post such determination and notify U.S. Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the applicable quantitative limitation. Relief granted under this clause shall apply only to an article entered for consumption, or withdrawn from warehouse for consumption, on or after the date on which the request for relief is granted by the Secretary. Until such time as any applicable quantitative limitation for a particular article has been reached, CBP shall count any aluminum article for which relief is granted under this clause toward such quantitative limitation at the time when such aluminum article is entered for consumption or withdrawn from warehouse for consumption. Any aluminum article for which relief is granted under this clause shall not be subject to the additional rate of duty set forth in Proclamation 9704, as amended. Aluminum articles for which relief is granted under this clause shall be subject to the duty treatment provided in subheading 9903.85.11 of subchapter III of chapter 99 of the HTSUS, as established by the Annex to this proclamation.

(2) As soon as practicable, the Secretary shall issue procedures for the requests for exclusion described in clause 1 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs). CBP shall implement exclusions granted pursuant to clause 1 of this proclamation as soon as practicable.

(3) Clause 3 of Proclamation 9704, as amended by Proclamation 9710, is further amended by striking the fourth and fifth sentences and inserting in lieu thereof the following two sentences: ''If the Secretary

determines that a particular aluminum article should be excluded, the Secretary shall publicly post such determination and notify U.S. Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. For merchandise entered for consumption, or withdrawn from warehouse for consumption, on or after the date the duty established under this proclamation is effective and with respect to which liquidation is not final, such relief shall be retroactive to the date the request for relief was accepted by the Department of Commerce.'';.

(4) Where the government of a country identified in the superior text to subheadings 9903.85.05 and 9903.85.06 of subchapter III of chapter 99 of the HTSUS notifies the United States that it has established a mechanism for the certification of exports to the United States of products covered by the quantitative limitations applicable to these subheadings, and where such mechanism meets the operational requirements for participation in an export certification system administered by the United States, CBP, in consultation with the Secretary, USTR, and other relevant executive departments and agencies, may require that importers of these products furnish relevant export certification information in order to qualify for the treatment set forth in subheadings 9903.85.05 and 9903.85.06. Where CBP adopts such a requirement, it shall publish in the *Federal Register* notice of the requirement and procedures for the submission of relevant export certification information. No article that is subject to the export certification requirement announced in such notice may be entered for consumption, or withdrawn from warehouse for consumption, on or after the effective date specified in such notice, except upon presentation of a valid and properly executed certification, in accordance with the procedures set forth in the notice.

(5) Subdivision (c) of U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended by inserting at the end the following new sentence: ''Pursuant to subheading 9903.85.11 and superior text thereto, the Secretary may provide that any excluded product shall be granted entry into the customs territory of the United States when the applicable quantitative limitation has filled for the specified period for such good.'';.

(6) Subdivision (d) of U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended by inserting after ''9903.85.06''; the phrase ''and 9903.85.11'';.

(7) The superior text for subheadings 9903.85.05 and 9903.85.06 of the HTSUS is amended by deleting ''Aluminum''; and inserting in lieu thereof: ''Except as provided in subheading 9903.85.11, aluminum'';.

(8) To implement clause 1 of this proclamation, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation.

(9) The modifications to the HTSUS made by clauses 5 through 8 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 30, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(10) Clause 5 of Proclamation 9704 is amended by inserting ''for consumption''; after ''goods entered''; in the first sentence. Clause 5 of Proclamation 9710, as amended, is amended by striking ''by this proclamation''; from the end of the second sentence. Clause 5 of Proclamation 9739 is amended by striking ''by clause 1 of this proclamation'';.

(11) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments directed by this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(12) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 30, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new tariff provision, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	"Aluminum products of Argentina enumerated in U.S. note 19(b) to this subchapter, each covered by an exclusion granted by the Secretary of Commerce under note 19(c) to this subchapter:			
9903.85.11	Goods granted relief from the application of quantitative limitation otherwise imposed in relation to subheadings 9903.85.05 and 9903.85.06, for any aluminum article determined by the Secretary not to be produced in the United States in a sufficient and reasonably available amount, or of a satisfactory quality, or for specific national security reasons, provided that such goods shall be counted toward any quantitative limitation proclaimed by the President until such limitation has filled.....	The duty provided in the applicable subheading"		

Proclamation 9777 of August 29, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. In light of this conclusion, the Secretary recommended action to adjust the imports of steel articles so that such imports will not threaten to impair the national security. The Secretary also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those steel articles for which the Secretary determines there is a lack of sufficient domestic production capacity of comparable products, or to exclude steel articles from such restrictions for specific national security-based considerations.

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of these steel articles by imposing a 25 percent ad valorem tariff on such articles imported from most countries. I further authorized the Secretary to provide relief from these additional duties for any steel article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and also to provide such relief based on specific national security considerations.

3. Consistent with the Secretary's recommendation that I authorize him to exclude from any adopted import restrictions those steel articles for which the Secretary determines there is a lack of sufficient domestic production of comparable products, or for specific national security-based considerations, I have determined to authorize the Secretary to provide relief from quantitative limitations on steel articles adopted pursuant to section 232 of the Trade Expansion Act of 1962, as amended, including those set forth in Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), and Proclamation 9759 of May 31, 2018 (Adjusting Imports of Steel Into the United States), on the same basis as the Secretary is currently authorized to provide relief from the duty established in clause 2 of Proclamation 9705.

4. In addition, I have been informed that the quantitative limitations set forth in Proclamation 9740 and Proclamation 9759 have in some cases already filled for this year, and that projects in the United States employing thousands of workers may be significantly disrupted or de-

layed because imports of specific steel articles, which were contracted for purchase prior to my decision to adjust imports of these articles, cannot presently be entered into the United States because the quantitative limits have already been reached. In light of these circumstances, and after considering the impact on the economy and the national security objectives of section 232 of the Trade Expansion Act of 1962, as amended, I have determined to direct the Secretary to provide relief from the quantitative limitations set forth in Proclamation 9740 and Proclamation 9759 in limited circumstances.

5. In light of my determinations, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to the tariff or quotas imposed by previous proclamations. It is my judgment that it is necessary and appropriate, at this time, to maintain the current tariff and quota levels. As directed in Proclamation 9705, the Secretary shall continue to monitor imports of steel articles and inform me of any circumstances that, in his opinion, might indicate the need for further action under section 232 of the Trade Expansion Act of 1962, as amended.

6. The United States continues to hold discussions with countries on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imports. Should these discussions result in an agreement concerning such alternative means, I will take further action as appropriate.

7. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the quantitative limitations applicable to steel articles described in subheadings 9903.80.05 through 9903.80.58 of subchapter III of chapter 99 of the HTSUS for any steel article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality, and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for a steel article only after a request for relief is made by

a directly affected party located in the United States. Such relief may be provided to directly affected parties on a party-by-party basis taking into account the regional availability of particular articles, the ability to transport articles within the United States, and any other factors as the Secretary deems appropriate. If the Secretary determines that relief should be granted to a requesting party for the importation of a particular steel article, the Secretary shall publicly post such determination and notify U.S. Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the applicable quantitative limitation. Relief granted under this clause shall apply only to an article entered for consumption, or withdrawn from warehouse for consumption, on or after the date on which the request for relief is granted by the Secretary. Until such time as any applicable quantitative limitation for a particular article has been reached, CBP shall count any steel article for which relief is granted under this clause toward such quantitative limitation at the time when such steel article is entered for consumption or withdrawn from warehouse for consumption. Any steel article for which relief is granted under this clause shall not be subject to the additional rate of duty set forth in Proclamation 9705, as amended. Steel articles for which relief is granted under this clause shall be subject to the duty treatment provided in subheading 9903.80.60 of subchapter III of chapter 99 of the HTSUS, as established by the Annex to this proclamation.

(2) The Secretary shall, on an expedited basis, grant relief from the quantitative limitations set forth in Proclamation 9740 and Proclamation 9759 and their accompanying annexes for any steel article where (i) the party requesting relief entered into a written contract for production and shipment of such steel article before March 8, 2018; (ii) such contract specifies the quantity of such steel article that is to be produced and shipped to the United States consistent with a schedule contained in such contract; (iii) such steel article is to be used to construct a facility in the United States and such steel article cannot be procured from a supplier in the United States to meet the delivery schedule and specifications contained in such contract; (iv) the payments made pursuant to such contract constitute 10 percent or less of the cost of the facility under construction; and (v) lack of relief from the quantitative limitations on such steel article would significantly disrupt or delay completion of the facility being constructed in the United States with the steel article specified in such contract. Until such time as any applicable quantitative limitation for a particular article has been reached, CBP shall count any steel article for which relief is granted under this clause toward such quantitative limitation at the time when such steel article is entered for consumption or withdrawn from warehouse for consumption. Any steel article for which relief is granted under this clause shall be subject to the additional rate of duty set forth in clause 2 of Proclamation 9705, as amended by this proclamation, when such steel article is entered for consumption or withdrawn from warehouse for consumption. This rate of duty is in addition to any other duties, fees, exactions, and charges applicable to such steel article. Any steel article provided relief under this clause must be entered for consumption, or withdrawn from warehouse for consumption, on or before March 31, 2019, and may not be granted further relief by the Secretary under clause 3 of Proclamation 9705, as amended. Steel articles for which relief is granted under this clause shall be subject to the duty treatment provided in subheading 9903.80.61 of sub-

chapter III of chapter 99 of the HTSUS, as established by the Annex to this proclamation.

(3) The Secretary shall grant relief under clause 2 of this proclamation only upon receipt of a sworn statement signed by the chief executive officer and the chief legal officer of the party requesting relief. Such statement shall attest that (i) the steel article for which relief is sought and the associated contract meet all of the criteria for relief set forth in clause 2 of this proclamation; (ii) the party requesting relief will accurately report to CBP, in the manner that CBP prescribes, the quantity of steel articles entered for consumption, or withdrawn from warehouse for consumption, pursuant to any grant of relief; and (iii) the quantity of steel articles entered pursuant to a grant of relief will not exceed the quantity specified in such contract for delivery on or before March 31, 2019. Upon granting relief under clause 2 of this proclamation, the Secretary shall notify CBP and publish a notice of relief for the quantity of steel articles specified in such contract that are scheduled for delivery on or before March 31, 2019. The Secretary shall revoke any grant of relief under clause 2 of this proclamation if the Secretary determines at any time after such grant that the criteria for relief have not been met and may, if the Secretary deems it appropriate, notify the Attorney General of the facts that led to such revocation.

(4) As soon as practicable, the Secretary shall issue procedures for the requests for exclusion described in clause 1 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs). CBP shall implement exclusions granted pursuant to clause 1 or relief provided under clause 2 of this proclamation as soon as practicable.

(5) Clause 3 of Proclamation 9705, as amended by Proclamation 9711, is further amended by striking the fourth and fifth sentences and inserting in lieu thereof the following two sentences: ''If the Secretary determines that a particular steel article should be excluded, the Secretary shall publicly post such determination and notify U.S. Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. For merchandise entered for consumption, or withdrawn from warehouse for consumption, on or after the date the duty established under this proclamation is effective and with respect to which liquidation is not final, such relief shall be retroactive to the date the request for relief was accepted by the Department of Commerce.'';.

(6) In order to establish the duty rate on imports of steel articles for which relief is granted under clause 2 of this proclamation, clause 2 of Proclamation 9705, as amended, is further amended by striking the last sentence and inserting in lieu thereof the following two sentences: ''All steel articles imports covered by subheading 9903.80.61, in subchapter III of chapter 99 of the HTSUS, shall be subject to the additional 25 percent ad valorem rate of duty established herein with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on the date specified in a determination by the Secretary granting relief. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to

imports of steel articles from each country as specified in the preceding three sentences.'';.

(7) Where the government of a country identified in the superior text to subheadings 9903.80.05 through 9903.80.58 of subchapter III of chapter 99 of the HTSUS notifies the United States that it has established a mechanism for the certification of exports to the United States of products covered by the quantitative limitations applicable to these subheadings, and where such mechanism meets the operational requirements for participation in an export certification system administered by the United States, CBP, in consultation with the Secretary, USTR, and other relevant executive departments and agencies, may require that importers of these products furnish relevant export certification information in order to qualify for the treatment set forth in subheadings 9903.80.05 through 9903.80.58. Where CBP adopts such a requirement, it shall publish in the *Federal Register* notice of the requirement and procedures for the submission of relevant export certification information. No article that is subject to the export certification requirement announced in such notice may be entered for consumption, or withdrawn from warehouse for consumption, on or after the effective date specified in such notice, except upon presentation of a valid and properly executed certification, in accordance with the procedures set forth in the notice.

(8) Subdivision (c) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS is amended by inserting at the end the following new sentence: ''Pursuant to subheadings 9903.80.60 and 9903.80.61 and superior text thereto, the Secretary may provide that any excluded product shall be granted entry into the customs territory of the United States when the applicable quantitative limitation has filled for the specified period for such good.'';.

(9) Subdivision (d) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS is amended by inserting after ''9903.80.58''; the phrase ''and 9903.80.60 and 9903.80.61'';.

(10) The rate of duty specified in the HTSUS in the general column for heading 9903.80.01 is amended by striking ''25%''; and inserting in lieu thereof: ''The duty provided in the applicable subheading + 25%'';.

(11) The rate of duty specified in the HTSUS in the general column for heading 9903.80.02 is amended by striking ''50%''; and inserting in lieu thereof: ''The duty provided in the applicable subheading + 50%'';.

(12) The superior text for subheadings 9903.80.05 through 9903.80.58 of the HTSUS is amended by deleting ''Iron''; and inserting in lieu thereof: ''Except as provided in subheadings 9903.80.60 and 9903.80.61, iron'';.

(13) To implement clauses 1 and 2 of this proclamation, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation.

(14) The modifications to the HTSUS made by clauses 8 through 13 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight

time on August 30, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(15) Clause 5 of Proclamation 9705 is amended by inserting ''for consumption''; after ''goods entered''; in the first sentence. Clause 5 of Proclamation 9711, as amended, is amended by striking ''by this proclamation''; from the end of the second sentence. Clause 6 of Proclamation 9740 is amended by striking ''by clause 1 of this proclamation'';.

(16) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments directed by this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(17) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 30, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new tariff provision, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special," and "Rates of Duty 2", respectively:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
	"Iron or steel products of Argentina, of Brazil, or of South Korea enumerated in U.S. note 16(b) to this subchapter, each covered by an exclusion granted by the Secretary of Commerce under note 16(c) to this subchapter:			
9903.80.60	Goods granted relief from the application of quantitative limitation otherwise imposed in relation to subheadings 9903.80.05 through 9903.80.58, for any steel article determined by the Secretary not to be produced in the United States in a sufficient and reasonably available amount, or of a satisfactory qualify, or for specific national security reasons, provided that such goods shall be counted toward any quantitative limitation proclaimed by the President until such limitation has filled.....	The duty provided in the applicable subheading		
9903.80.61	Goods subject to a qualifying contract for which relief has been provided from the application of quantitative limitation otherwise imposed in relation to subheadings 9903.80.05 through 9903.80.58, provided that such goods shall be counted toward any quantitative limitation proclaimed by the President until such limitation has filled.....	The duty provided in the applicable subheading + 25%"		

Proclamation 9778 of August 31, 2018

National Alcohol and Drug Addiction Recovery Month, 2018

By the President of the United States of America
A Proclamation

During National Alcohol and Drug Addiction Recovery Month, we reaffirm our commitment to addressing the stigma of addiction and take the opportunity to remind all Americans that recovery is possible. We stand with those who are seeking treatment and provide our steadfast support to all who are suffering from and fighting addiction.

Addiction to alcohol and other drugs affects millions of Americans. We must aggressively work to end this crisis, which endangers the safety, security, and well-being of all Americans. Addiction threatens everything that is great about our country—it shatters relationships between family members, replaces self-sufficiency with dependency, depletes our workforce of talent, and riddles communities with violence and disorder. We cannot stand idle and allow those we love to suffer from alcohol or drug addiction; we must be leaders and help guide our friends and neighbors to live drug-free.

Every American has a role to play in stopping alcohol misuse and illicit drug use and in addressing their consequences. I am committed to taking action to keep drugs from pouring into our country and to help those who are affected by them. In March, I announced an Administration-wide Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand. The Initiative is designed to reduce the demand for drugs through education, awareness, and prevention of opioid overprescription; expand access to evidence-based treatment and recovery support services; and cut off the flow of illicit drugs across our borders and throughout American communities. Further, my Administration has worked with the Congress to secure more than $6 billion in new funding to help combat the drug abuse and opioid epidemic through prevention, treatment and recovery, interdiction, and law enforcement efforts.

This month, we express our gratitude to our Nation's first responders, healthcare providers, and all family, friends, and advocates striving against alcohol and drug addiction. We celebrate the millions of Americans who are in recovery and who contribute every day to our efforts to stop drug use and addiction. Their experiences and persistence reinforce the value and importance of remaining hopeful and resilient when faced with grave challenges. Finally, let us encourage all Americans who struggle with addiction to realize that recovery is possible.

NOW, THERFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2018 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand eighteen, and of

the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9779 of August 31, 2018

National Preparedness Month, 2018

By the President of the United States of America
A Proclamation

National Preparedness Month is a time to focus our attention on the importance of preparing our families, homes, businesses, and communities for disasters that threaten our lives, property, and homeland. During this time, we also honor the brave men and women who selflessly respond to crises and disasters, rendering aid to those in need. These first responders, who work tirelessly to safeguard our Nation and protect our citizens, deserve our utmost gratitude and appreciation.

Over the past year, communities nationwide and across the Territories have witnessed and endured damage from multiple hurricanes, wildfires, tornadoes, floods, volcanic eruptions, and other natural disasters. The historic hurricane season of 2017 included three catastrophic storms that made landfall within a month, and was followed by a destructive series of wildfires in California. Combined, these natural disasters affected 47 million people and tens of thousands were mobilized to provide aid, comfort, and assistance. We are also especially mindful of those currently affected by ongoing wildfires in California, Oregon, and Colorado. In spite of tremendous challenges, the resilience of the American people continues to prevail.

Tragedies are somber reminders that preparedness is a shared responsibility and that it is critical to maintain readiness. All Americans can prepare for potential disasters by developing and practicing a family emergency response plan, assembling a disaster supply kit, signing up for alerts on mobile devices, setting aside emergency savings, and maintaining adequate insurance policies for their homes and businesses. The Federal Emergency Management Agency's *Ready Campaign* outlines other important steps to best prepare for a major disaster.

This month, I encourage all Americans to take the opportunity to ensure they have an emergency response plan in place and ready to be properly executed. Emergencies and disasters test the resilience and strength of families, communities, and our Nation. It is impossible to avoid every challenge and threat, but we can and must prepare for them. By doing so, we can help protect our communities and save lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2018 as National Preparedness Month. I encourage all Americans, including Federal, State, and local officials, to take action to be prepared for disaster or emergency by making and practicing their emergency response plans. Each step we take to become better pre-

pared makes a real difference in how our families and communities will respond and persevere when faced with the unexpected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9780 of August 31, 2018

Labor Day, 2018

By the President of the United States of America

A Proclamation

On Labor Day, we celebrate the American worker: the bulwark of our national prosperity and the cornerstone of our national greatness. Since taking office, my Administration has sought to restore the obligation of loyalty and allegiance that this Nation's Government owes to its workers. In all economic decisions, we believe in our sovereign obligation to defend and protect our country's workforce, and to seek its economic interests above that of any other country. America's workers pay our taxes, support our values, serve in our military, raise our children, protect our Constitution, and build our communities. They deserve, in return, the unwavering fidelity of their Government.

Guided by this obligation, my Administration has taken historic action to advance prosperity for the American worker: cutting their taxes, eliminating regulations that threaten their jobs, unleashing American energy that powers their lives, restoring American manufacturing, and ending the transfer of wealth out of our country through disastrous trade deals that gutted our industries and our national strength. The result of our pro-America economic policies have been extraordinary: currently, in America, there are a record 162 million people working; initial claims for jobless benefits are at their lowest in half a century; and the unemployment rate of 3.9 percent is historically low.

We have also taken historic action to defend the American worker by upholding and enforcing the immigration laws enacted for their protection—and by seeking to reform our immigration system so that it protects the jobs, wages, and livelihoods of our Nation's workers. Further, as we honor the work of all those in our labor force, we are especially mindful of the dignity gained from a hard day's work. Thousands of Americans have found a renewed sense of purpose in our resurgent economy. The dedication, resolve, and pride of the American worker are the reason our Nation has achieved prosperity that was once thought unattainable.

My Administration is focused on investing in America's workers and ensuring all Americans are on a path to good paying jobs. In July, I signed an Executive Order establishing the President's National Council for the American Worker and the American Workforce Policy Advisory Board, harnessing the expertise of leaders in business and education to develop a holistic, national workforce strategy to promote access to affordable, relevant education and job training opportunities. I

have called on companies nationwide to sign our Pledge to America's Workers and commit to investing in their current and future workforce by expanding education and reskilling programs. Already, many companies have answered that call, pledging to train and retrain more than 4.2 million American students and workers for new career opportunities across the country. Earlier this summer, I signed into law a reauthorization of the Carl D. Perkins Career and Technical Education Act to provide students and workers with the skills necessary to succeed in a 21st century economy. I have also called for reforming the Federal Work-Study program, so that more Federal dollars go toward helping students—especially lower-income students—have more meaningful workplace experiences. And I have proposed to allow students to use Pell Grant funding to pay for cutting-edge, short-term programs that lead to quick and efficient transitions into the workforce.

We also recognize and honor the proud and historic role of our Nation's labor unions in advocating for the interests of the American worker and wage-earner—and we have kept our promise to always keep the White House door open to members and leaders of our country's labor organizations.

Further, as promised, I am renegotiating trade agreements to obtain fairer terms for American workers, farmers, ranchers, and businesses. For the past year, I have been negotiating with Canada and Mexico to fix the North American Free Trade Agreement. Earlier this week, I announced that my Administration has secured a preliminary deal between the United States and Mexico that modernizes and rebalances trade between our two countries in a way that greatly benefits American manufacturing, agriculture, services, and other sectors. I have also notified the Congress of my intent to sign a trade agreement with Mexico—and Canada, if it is willing. The deal I intend to sign will help create more reciprocal trade that grows our economy. It will also support high-paying jobs for American workers and protect the intellectual property of our Nation's businesses and workers. In addition to these improvements in our United States–Mexico trade relationship, we have also agreed with the European Commission to work toward achieving zero tariffs, increasing United States exports, and addressing unfair trade practices. And we secured key amendments to the trade agreement with South Korea that will strengthen the manufacturing sector of the economy, generating increased job opportunities for American workers. We are also protecting our economy from unfair trade practices that threaten our innovation and technology.

The dedication, resolve, and pride of the American worker built the greatest country in the history of the world—the envy of nations and the pride of countless millions—and now, we are bringing to life the next great chapter in the history of this magnificent Republic.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 3, 2018, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the contributions and resilience of working Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand eighteen, and of

the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9781 of September 7, 2018

National Days of Prayer and Remembrance, 2018

By the President of the United States of America
A Proclamation

During the National Days of Prayer and Remembrance, we pause to honor the memory of the nearly 3,000 innocent people who were murdered by radical Islamist terrorists in the brutal attacks of September 11, 2001. We come together to pray for those whose lives were forever changed by the loss of a loved one. We strengthen our resolve to stand together as one Nation.

Darkness, hatred, and death marred that fateful September morning, 17 years ago. Our Nation watched with stunned silence, tears, anger, and utter disbelief as multiple tragedies unfolded. Although shaken and heartbroken, we were not defeated. Even in the midst of the devastation and sorrow, the indomitable spirit of our country emerged, as first responders selflessly rushed into the heart of danger. The evil attacks, intended to warp our way of life, instead ignited a flame of national unity, strengthened our will, and mobilized our volunteer spirit. The faith of our Nation may have been tested in the avenues of New York City, on the shores of the Potomac, and in a field near Shanksville, Pennsylvania, but our strength never faltered and our resilience never wavered.

The passage of time cannot ever lessen our commitment to freedom, our heartbreak for those who perished, our compassion for those who lost a friend or loved one, and our gratitude for the first responders and other heroes who braved death to save so many. We must recommit ourselves to ensuring that future generations of Americans always understand this defining moment in our Nation's history. During these annual days of prayer and remembrance, we pray that all find peace in the love of God, courage to face the future, and comfort in the knowledge that those who were lost will never be forgotten. We pray for guidance, wisdom, and protection for the men and women in uniform who fight each day to protect America from terrorism, and we pray for the unity of our Nation, both in times of peril and peace.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Friday, September 7, through Sunday, September 9, 2018, as National Days of Prayer and Remembrance. I ask that the people of the United States mark these National Days of Prayer and Remembrance with prayer, contemplation, memorial services, the visiting of memorials, the ringing of bells, and evening candlelight remembrance vigils. I invite all people around the world to share in these Days of Prayer and Remembrance.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9782 of September 10, 2018

Patriot Day, 2018

By the President of the United States of America
A Proclamation

On Patriot Day, we honor the memories of the nearly 3,000 precious lives we lost on September 11, 2001, and of every hero who has given their life since that day to protect our safety and our freedom. We come together, today, to recall this timeless truth: When America is united, no force on Earth can break us apart. Our values endure; our people thrive; our Nation prevails; and the memory of our loved ones never fades.

Although that fateful Tuesday 17 years ago began like any other, it erupted into horror and anguish when radical Islamist terrorists carried out an unprecedented attack on our homeland. In New York, Virginia, and Pennsylvania, the enemies of liberty took aim on America, but their evil acts could not crush our spirit, overcome our will, or loosen our commitment to freedom. Through the dust and ashes, we emerged resilient and united—bruised but not broken.

On September 11, 2001, the world came to understand the true source of America's strength: A people of an indomitable will and a society rooted in the timeless values of liberty. Our love of country was made manifest through the examples of Americans engaging in countless acts of courage, grit, and selflessness. Their actions gave us hope and helped to sustain us in the days of healing that followed. We were moved by the heroism of the passengers and crew aboard United Flight 93, who sacrificed their lives to prevent further acts of terror. We were inspired by police and first responders as they rushed headlong into burning buildings to rescue the injured and trapped, and as they courageously braved fire, smoke, and debris, descending deep into piles of rubble, ash, and twisted iron to search for survivors. We were stirred to service by the deeds of those who labored in the ensuing days and months, often in dangerous conditions, to help our Nation rebuild and recover. The noble sacrifices of these true patriots are forged into the great history of America.

Today, we honor the memories of the souls we lost on September 11, 2001, and pay tribute to all of the patriots who have sacrificed their lives in defense of freedom. We pray for the Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen currently serving our Nation in harm's way. We thank the dedicated men and women who keep our homeland safe and secure. We applaud the unsung patriots in city halls, community centers, and places of worship across our country whose simple acts of kindness define the greatness of America.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as ''Patriot Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim September 11, 2018, as Patriot Day. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day in honor of the individuals who lost their lives on September 11, 2001. I invite the Governors of the United States and its Territories and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. Eastern Daylight Time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9783 of September 13, 2018

National Hispanic Heritage Month, 2018

By the President of the United States of America
A Proclamation

During National Hispanic Heritage Month, we honor all American citizens of Hispanic descent and celebrate their rich and vibrant traditions of faith, family, hard work, and patriotism. We are grateful for the innumerable contributions they make to our society, which are vital to our thriving Nation. We are especially grateful for the 1.2 million Hispanic-American men and women who have answered the call to serve in our Armed Forces, demonstrating remarkable loyalty, bravery, and dedication to duty.

My Administration is continuing to create an environment in which all our citizens have the opportunity to achieve the American Dream. We have enacted massive tax cuts for families and businesses, which means more jobs and better pay. We are eliminating unnecessary and burdensome regulations that constrain our entrepreneurial spirit. We are finally fixing our Nation's broken trade deals so that we have free, fair, and reciprocal trade. As a result of our efforts, our Nation's unemployment rate has reached its lowest level in 50 years, and the Hispanic-American unemployment and poverty rates have dropped to their lowest rates on record.

Hispanic Americans help reinforce our relationship with our Latin American neighbors as we work to bolster liberty in the region and achieve free and fair trade with our regional partners. In April, Vice President Mike Pence joined leaders from the Pan-American region at the Summit of the Americas to affirm our collective commitment to lib-

erty and government accountability and to confronting threats to freedom in places such as Cuba, Venezuela, and Nicaragua. We will continue to collaborate with Latin American and Caribbean countries to strengthen our trade relationships and to ensure a freer and more secure hemisphere.

For generations, Hispanic Americans have played a pivotal role in our country's strength and prosperity. Their spirit, energy, and leadership are woven into the culture of America, and enrich all our lives. To honor the achievements of Hispanic Americans, the Congress, by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as ''National Hispanic Heritage Month.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 15 through October 15, 2018, as National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9784 of September 13, 2018

National Farm Safety and Health Week, 2018

By the President of the United States of America
A Proclamation

During National Farm Safety and Health Week, we recognize the vital contributions farmers, ranchers, and foresters make to our thriving economy. My Administration is committed to ensuring that these hard-working Americans, who provide our Nation and the world with food, fiber, fuel, and other essential goods, work in safe environments. As harvest time approaches, it is important to focus on the safety and health of our Nation's farmers and their families, especially those in rural areas, and raise awareness to some of the risks that accompany farming life.

The men and women of our great Nation who work the land are among our country's greatest treasures, and we recognize that their labor is physically demanding and potentially dangerous. According to the Bureau of Labor Statistics, 417 agricultural workers died from a work-related injury in 2016, with transportation incidents as the leading cause of death. As American agriculture continues to lead the world in both innovation and production, we must maintain efforts to address the hazards of farming by following safe standard operating procedures and pursuing effective farm safety education and training.

Self-employed farm operators and their family members, as well as hired workers, manage and sustain our country's farm production operations. This healthy and productive workforce is critical to ensuring the long-term sustainability and success of family farms, ranches, and overall rural prosperity. This week, let us resolve to integrate safe practices and technologies into our agricultural production systems. Together, we can continue producing reliable food sources for a growing global market and population in a manner that keeps our farmers, ranchers, and foresters safe and healthy.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 16 through September 22, 2018, as National Farm Safety and Health Week. I call upon the people of the United States, including America's farmers and ranchers and agriculture-related institutions, organizations, and businesses to reaffirm their dedication to farm safety and health. I also urge all Americans to honor our agricultural heritage and to express their appreciation and gratitude to our farmers, ranchers, and foresters for their important contributions and tireless service to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9785 of September 14, 2018

National Gang Violence Prevention Week, 2018

By the President of the United States of America

A Proclamation

Too many of our Nation's communities are afflicted by terrible and senseless acts of violence committed by members of gangs and cartels. Horrendous, criminal acts have become increasingly common in our cities and towns where the notorious and savage MS–13 and other criminal gangs operate. During National Gang Violence Prevention Week, my Administration commits to continue its steadfast efforts to identify and eradicate the gangs that spread bloodshed, murder our youth, and lay siege to neighborhoods across our country.

While my Administration has successfully indicted and convicted countless gang members, gang violence still destroys families and threatens our liberty. When street gangs smuggle drugs into our communities, violence, addiction, overdoses, and other criminal activities follow. Extortion, sex trafficking, murder, robbery, and witness intimidation are only some of the evils that trail in the wake of gang activity.

Our brave law enforcement officers are fearlessly confronting gang violence. They routinely and courageously fight criminal organizations, even in the face of increasingly brazen, hateful attacks. The Department of Justice is partnering with State, local, and tribal law enforcement—including our Nation's 3,081 sheriffs—to bolster efforts to combat

criminal gangs through comprehensive violent crime reduction initiatives, such as Project Safe Neighborhoods. Additionally, it is increasing the number of Federal prosecutors focused on gang violence and is providing enhanced training on gang investigations to State and local law enforcement agencies. Because of these efforts, we have already seen tremendous success in prosecuting gang-based violent crime and reducing the influence of criminal gangs.

I have also instructed my Administration to aggressively address transnational criminal organizations, especially MS–13. Organized and led from Central America, MS–13 has entrenched its claws in communities from the East Coast to the West Coast. Its growing influence poses a serious risk to our country's youth and community safety. Through increased interagency efforts and the creation of collaborative task forces that include both Federal agencies and State and local law enforcement, we have made great strides in protecting our Nation's most vulnerable communities from MS–13's violence and greatly diminished its ability to recruit new members. Earlier this year, Operation Matador demonstrated the success of these efforts, resulting in the indictment of dozens of MS–13 gang members for Federal racketeering offenses.

While this progress is promising, the scourge of MS–13 and other transnational criminal organizations will not abate until our Nation's borders are fully secure and those who seek to harm us are no longer able to exploit loopholes in our broken immigration laws. In the past year, United States Immigration and Customs Enforcement (ICE) has arrested more than 4,800 criminal gang members, including nearly 796 arrests related to MS–13. We are grateful for the often dangerous work ICE conducts each day to enforce the law, secure our border, and keep us safe. The Congress must take action to protect public safety and national security by providing the necessary resources to secure our borders and close the dangerous loopholes in our laws that leave our borders open to dangerous exploitation.

This week, we rededicate ourselves to dismantling, and ultimately eradicating, criminal gang organizations, which threaten our way of life. Let us strengthen our resolve to protect our communities from gang violence and to ensure they are places where all Americans can live, work, and raise their families. We also reaffirm our duty to support members of law enforcement, who, every day, place their lives on the line to protect and save anyone in need—be it family members, friends, neighbors, or strangers.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of September 16 through September 22, 2018, as ''National Gang Violence Prevention Week.''; I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9786 of September 14, 2018

National Historically Black Colleges and Universities Week, 2018

By the President of the United States of America
A Proclamation

National Historically Black Colleges and Universities Week celebrates the extraordinary contributions of Historically Black Colleges and Universities (HBCUs) and pays tribute to their rich legacy of promoting equal opportunities for high-quality education. For more than 150 years, these pillars of higher education have opened doors to brighter futures for many Americans. Their continued leadership in providing educational opportunities to a broad and diverse range of students plays an important role in our Nation's academic successes, with their graduates influencing and enhancing every sector of our economy.

For decades after the Civil War, under the harsh inequality of segregation and racial prejudice, the overwhelming majority of institutions of higher learning excluded minority students. Despite these adversities, the visionary leaders of HBCUs empowered their students by providing them opportunities for academic success. These institutions have produced many leaders in business, law, government, academia, and the military, and the rigorous education they offer has contributed to our national economic competitiveness and shared prosperity.

My Administration is committed to investing in HBCUs to help ensure that they can educate future generations of American students. Earlier this year, after my Administration's bipartisan collaboration with the Congress, I signed into law legislation that increased Federal funding to important HBCU programs by more than 14 percent.

Today, there are more than 100 HBCUs in 19 States, the District of Columbia, and the U.S. Virgin Islands. Combined, they educate nearly 300,000 enrolled students who will contribute their talents to bolstering our economy and serving our communities. This week, we reaffirm our support for HBCUs and recognize the profound influence they have had, and will continue to have, on our Nation. We are proud to support the tireless dedication of these institutions to advancing their students' full potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 16 through September 22, 2018, as National Historically Black Colleges and Universities Week. I call upon educators, public officials, professional organizations, corporations, and all Americans to observe this week with appropriate programs, ceremonies, and activities that acknowledge the countless contributions these institutions and their alumni have made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9787 of September 14, 2018

Prescription Opioid and Heroin Epidemic Awareness Week, 2018

By the President of the United States of America
A Proclamation

During Prescription Opioid and Heroin Epidemic Awareness Week, we acknowledge the devastating toll the opioid epidemic has inflicted on our country and its people, and we pledge to raise awareness of the dangers of prescription and illicit opioid abuse. As we continue our work to end this terrible crisis, I encourage all Americans to provide our families, friends, coworkers, and neighbors with the love and support they need as they strive to overcome addiction.

Drug overdoses are now the leading cause of deaths resulting from injury in the United States. In 2017, approximately 134 Americans died every day from an opioid overdose, and more than two million Americans suffered from addiction to prescription or illicit opioids. Between 1999 and 2017, more than 400,000 Americans, including so many of our young people, have died from overdoses involving opioids. We must aggressively combat this epidemic affecting our communities.

I have tasked my Administration with strengthening our public health and safety response to the opioid overdose crisis. In March, I released my Administration's plan to address the epidemic by reducing drug demand, cutting off the flow of illicit drugs, expanding access to overdose prevention and evidence-based treatment for opioid use disorder, and conducting research to improve prevention and treatment in the future. This interagency effort is providing targeted funding to States and communities to help people in need. Additionally, in February, I secured $6 billion in new funding for combating the opioid epidemic.

As we continue to raise awareness regarding the opioid crisis, we must work to remove the harmful stigma and misconceptions surrounding both prescription and illicit opioid abuse. I encourage those whose lives have been affected by their own personal struggle with addiction or by the struggle of a loved one to share their stories. Through platforms such as *The Crisis Next Door,* which the White House launched earlier this year, we are building a dialogue that has the potential to save thousands of lives.

As we observe Prescription Opioid and Heroin Epidemic Awareness Week, we reaffirm our individual roles in creating a stronger, healthier, and drug-free society. In every community, there is someone who is either fighting opioid addiction or susceptible to falling victim to it. And in every community, there is someone who could lend a helping hand. To any American currently battling addiction, whether you are in treatment or long-term recovery: we stand with you. To any American who wants to help: we have resources available to support you. Together, as one Nation, we can—and will—win the battle against the opioid epidemic.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 16 through September 22, 2018, as Prescription Opioid and

Heroin Epidemic Awareness Week. I call upon my fellow Americans to observe this week with appropriate programs, ceremonies, religious services, and other activities that raise awareness about the prescription opioid and heroin epidemic and to consider concrete follow up activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9788 of September 14, 2018

Constitution Day, Citizenship Day, and Constitution Week, 2018

By the President of the United States of America
A Proclamation

On this day and during this week, we celebrate the signing of our Constitution, which has proved that Government established by the people through reflection and deliberate choice can thrive and endure, rather than devolve into chaos and upheaval. Our Nation began with the ''honorable determination,''; as James Madison put it, ''to rest all our political experiments on the capacity of mankind for self-government.''; We recognize the Constitution's role in securing for our country the blessings of liberty; we salute the service members, statesmen, and citizens who have defended it; and we commit ourselves to the active citizenship that self-government requires.

The Framers established a strong Federal Government able to provide the energy and stability its people require while simultaneously limiting its reach and reserving all powers not expressly assigned to the Federal Government to the States and the people. When the Federal Government acts, it must do so with accountability. We are a Nation of laws, and laws must be enacted by the people's elected representatives. The Constitution ensures that the Government acts only with the consent of the governed, as expressed by the representatives responsible to them. That vital safeguard is lost when obscure and unaccountable regulators impose unforeseen mandates on the American people or twist the plain meaning of statutes to regulate without authority from the Congress. Our constitutional system will be ''of little avail to the people,''; Madison said, when the law ''is little known, and less fixed.'';

In my Inaugural Address, I promised to return power to the American people. As President, I have instructed my Cabinet and all agency officials to regulate only when, and how, authorized by duly enacted statute. I have also instructed agencies to eliminate regulations that are ineffective, that fail to address real-world problems, that are needlessly burdensome, and that prevent Americans from designing their own innovative solutions. I call on Federal agencies to make room for States and local communities, for religious and civic organizations, and for

individual Americans to address problems with the ingenuity and determination that make our country great.

On this day and during this week, I once again call on all citizens to reflect on the original public meaning of our Constitution. And I call on Government officials to be mindful that laws must be clear and intelligible, and enacted through an open, constitutional process so that the American people can hold their Government accountable.

The Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as ''Constitution Day and Citizenship Day,''; and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as ''Constitution Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17, 2018, as Constitution Day and Citizenship Day, and September 17, 2018, through September 23, 2018, as Constitution Week. On this day and during this week, we celebrate the citizens and the Constitution that have made America the greatest Nation this world has ever known. In doing so, we recommit ourselves to the enduring principles of the Constitution and thereby ''secure the Blessings of Liberty to ourselves and our Posterity.'';

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9789 of September 20, 2018

National POW/MIA Recognition Day, 2018

By the President of the United States of America

A Proclamation

Throughout American history, the men and women of our Armed Forces have selflessly served our country, making tremendous sacrifices to defend our liberty. On National POW/MIA Recognition Day, we honor all American prisoners of war and express our deep gratitude for the courage and determination they exemplified while enduring terrible hardships. We also pay tribute to those who never returned from the battlefield and to their families, who live each day with uncertainty about the fate of their loved ones. These families are entitled to the knowledge that their loved ones still missing and unaccounted for will never be forgotten.

As a Nation, it is our solemn obligation to account for the remains of our fallen American service members and civilians and to bring them home whenever possible. We owe an incalculable debt of gratitude to these patriots who gave their last full measure of devotion for our country. For this reason, I have pledged my Administration's best efforts to account for our country's missing heroes. We continue to work

to account for the missing personnel from the Vietnam War. American and partner nation search teams are also working tirelessly in South Korea, Europe, the South Pacific, and elsewhere around the world to recover and identify those who served in World War II, the Korean War, the Cold War, and other past conflicts.

During my meeting with Chairman Kim Jong Un of the Democratic People's Republic of Korea in June, I raised my concern for the thousands of grieving American families whose loved ones remain missing from the Korean War uncertainty. As a result, I secured a commitment from Chairman Kim to recover and repatriate the remains of those Americans who were prisoners of war or killed in action. Last month, we repatriated the remains of some of those courageous service members to American soil. As a result of this homecoming, two of our missing fallen have already been identified, renewing our hope for the fullest possible accounting of the Americans who have yet to be recovered from the Korean War. These recovery efforts are vital to fulfilling our Nation's promise to leave no fellow American behind.

On September 21, 2018, the stark black and white banner symbolizing America's Missing in Action and Prisoners of War will again be flown over the White House; the United States Capitol; the Departments of State, Defense, and Veterans Affairs; the Selective Service System Headquarters; the World War II Memorial; the Korean War Veterans Memorial; the Vietnam Veterans Memorial; United States post offices; national cemeteries; and other locations across the country. We do this, each year, to recognize those who have suffered the horrors of enemy captivity, those who have still not returned from war, and the families who have yet to lay their loved ones to rest with the honor and dignity they deserve.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 21, 2018, as National POW/MIA Recognition Day. I call upon the people of the United States to join me in saluting all American POWs and those missing in action who valiantly served our country. I call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9790 of September 21, 2018

National Hunting and Fishing Day, 2018

By the President of the United States of America
A Proclamation

The United States is blessed with abundant resources and unrivaled natural beauty. Our wildlife has provided ample opportunities for gen-

erations of Americans to enjoy hunting and fishing with their family and friends. On National Hunting and Fishing Day, we recognize the important contributions that America's hunters and anglers make to our society, our thriving economy, and our continued conservation successes nationwide. We also encourage Americans to experience the wonders of the great outdoors and learn the responsibilities of hunting and fishing.

According to the United States Fish and Wildlife Service, more than 35 million Americans fished and more than 11 million hunted in 2016. These impressive numbers highlight our country's connection with the great outdoors, and also represent a tremendous boost to our Nation's economy. Hunters and anglers invest more than $70 billion each year on licenses, tags, equipment, travel, and more. From the waters of the gulf coast to the mountain ranges that reign over the West, American adventurers are supporting thousands of jobs and contributing to the revenue streams of all States.

Hunting and fishing provide Americans new experiences to explore, protect, and learn about the vast frontiers of our environment. Sportsmen and women are our Nation's most committed conservationists. This is the result of spending time connecting with the land, water, and wildlife, and understanding the link between healthy habitats and thriving sporting opportunities. Hunting and fishing are premised on respect for wildlife and the formidable beauty of the natural world, and increase our appreciation for the food we eat, prepare, and provide to others. Hunting and fishing also keep our waters stocked and our forests healthy, ensuring that our country's public and private lands continue to provide both sustenance and sport for future generations.

The traditions and ethics of hunting and fishing are inseparable from the American way of life and are at the foundation of our culture. My Administration is committed to keeping America's lands and waterways open for hunters and anglers to enjoy for years to come. We have already opened or expanded hunting or fishing opportunities on more than 380,000 acres. Today, we celebrate the rugged and enduring spirit of our Nation's hunters and anglers, and we acknowledge the countless benefits hunting and fishing bring to the United States of America.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 22, 2018, as National Hunting and Fishing Day. I call upon the people of the United States to join me in recognizing the contributions of America's hunters and anglers, and all those who work to conserve our Nation's fish and wildlife resources.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9791 of September 28, 2018

National Breast Cancer Awareness Month, 2018

By the President of the United States of America

A Proclamation

During National Breast Cancer Awareness Month, we recognize the women and men who courageously fight to survive, detect, treat, prevent, and support survivors of this devastating disease. Our Nation vows to honor the loving memory of those lost to this disease, and we pray for their grieving families. We reaffirm our ongoing commitment to defeat breast cancer through education, early detection, and innovative research.

In the United States this year, more than 260,000 women and approximately 2,600 men will likely be diagnosed with breast cancer. The statistics are frightening and staggering, yet we are encouraged to know that survival rates have drastically improved in recent years due to increased awareness and innovative advancements in early detection and treatment. The First Lady and I encourage all Americans to be proactive in the crusade against this deadly disease. This includes seeking the advice of healthcare providers, who can better educate patients of the importance of getting appropriate cancer screening tests at the right time, knowing their family history and other risk factors, and making lifestyle changes that may reduce the possibility of breast cancer.

My Administration is committed to supporting our Nation's dedicated researchers in their diligent efforts to advance medical breakthroughs that will save and improve lives. Earlier this year, I signed into law Federal ''Right to Try''; legislation, which provides those diagnosed with a terminal illness expanded options for treatment that could save their lives. Cutting-edge developments in the fight against breast cancer include interventions and treatments that are more effective and less debilitating. Recently, a groundbreaking national study found that most women with an early-stage diagnosis of the most common type of breast cancer can safely forgo chemotherapy. Such research will continue to assist medical professionals in devising optimal recommendations for their patients and help Americans make informed healthcare choices.

American physicians, researchers, public health professionals, and advocates have made tremendous progress in the fight against breast cancer, which is evident by the decline in mortality rates from this disease nationwide. Each life is precious. For this reason, we continue to pursue greater understanding of this disease, support pioneering research, promote effective prevention strategies, and ensure broad access to healthcare screenings. Together, we can usher in a new era of hope in the fight against breast cancer and anticipate the victorious day when this disease no longer plagues our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2018 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of how Amer-

icans can fight breast cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Breast Cancer Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9792 of September 28, 2018

National Cybersecurity Awareness Month, 2018

By the President of the United States of America
A Proclamation

During National Cybersecurity Awareness Month, we acknowledge the danger that cyber threats pose to our economy and public infrastructure, and raise awareness about steps we can take to mitigate and prevent future attacks. As these threats have continued to increase year after year, my Administration remains committed to bolstering our Nation's cyber defenses and strengthening our national security.

Under my Administration, our Nation's cybersecurity is a Government-wide effort. Collaboration among all United States Government departments and agencies, including the Departments of State, Defense, Justice, Commerce, and Homeland Security, have improved Federal network cybersecurity, enhanced coordination with the private sector to protect critical infrastructure, strengthened our ability to detect and deter cyber threats, and expanded efforts to build the world's best cybersecurity workforce. To advance these efforts, on September 20, 2018, I released the National Cyber Strategy, the first fully articulated cyber strategy for the United States in 15 years. This strategy makes clear that the Federal Government will use all means available to keep our country safe from cyber threats and to protect the American people in the digital domain.

While we are making great strides to help protect American businesses and individuals, the Government cannot secure cyberspace alone. The internet touches many aspects of our daily lives. Our ability to prevent and mitigate cyber threats will improve when all citizens adopt better cybersecurity practices to protect their systems and data. Each of us can contribute by requesting more security from the products and services we use; using multi-factor authentication on our digital accounts and devices; leveraging private, protected, and secure networks; limiting how much personal information and location data we share; and taking other actions to secure the applications we use every day. I also encourage every American to learn more about how to protect themselves and their businesses through the Department of Homeland Security's *STOP.THINK.CONNECT.* campaign and the Department of Commerce's NIST Cybersecurity Framework.

This month especially, I encourage all Americans to promote and improve online security. I also call on our industry and Government part-

ners to work together to share information, build greater trust, and lead the national effort to protect and enhance the resilience of the Nation's cyber infrastructure. I encourage and applaud industry efforts to produce products and services with full-lifecycle cybersecurity. Through continued cooperation between the public and private sectors, and by practicing personal risk-management, we can strengthen our Nation's cyberinfrastructure for ourselves and for future generations of Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2018 as National Cybersecurity Awareness Month. I call upon the people, companies, and institutions of the United States to recognize the importance of cybersecurity and to observe this month through events, training, and education to further our country's national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9793 of September 28, 2018

National Disability Employment Awareness Month, 2018

By the President of the United States of America
A Proclamation

During National Disability Employment Awareness Month, we recognize the achievements of Americans with disabilities whose contributions in the workforce help ensure the strength of our Nation. We also renew our commitment to creating an environment of opportunity for all Americans and educating people about disability employment issues.

The American economy is roaring back as a result of my Administration's economic policies, including the enactment of the Tax Cuts and Jobs Act and the elimination of unnecessary and burdensome regulations. More than 4 million jobs have been created since my election. On average, in 2018, more than 5.6 million men and women with disabilities have been employed each month, which is on pace to be the highest annual level ever recorded. Earlier this year, the unemployment rate for Americans with disabilities reached the lowest rate ever recorded. These are positive indicators, and ones that continue to highlight the incredible value that individuals with disabilities offer to the workforce.

To accelerate this momentum and build on my promise to America's workers, I signed an Executive Order establishing the National Council for the American Worker. This initiative will develop a national strategy that guarantees American workers have the ability to learn the skills needed to secure sustained employment, especially in high-demand industries, such as medicine, science, and technology. This na-

tional strategy will outline policies to provide all Americans, including Americans with disabilities, more opportunities to work, earn competitive wages, and connect with others worldwide.

My Administration has also taken action to address disability employment issues, which includes encouraging those with disabilities to engage in the workforce, providing greater opportunities for their involvement, and preventing workplace injuries from occurring. For example, in September, the Department of Labor awarded nearly $20 million in grants to eight States for Retaining Employment and Talent after Injury/Illness Network Demonstration (RETAIN) projects. These projects develop innovative strategies that enable Americans who are injured or ill to remain in or return to the workforce. Each year, more than 3.5 million nonfatal work-related injuries and illnesses occur at a cost of $170 billion to the economy. When an illness or injury forces workers to discontinue employment, the loss can be devastating to both the workers and their families. RETAIN projects work because timely, coordinated, and effective support can help hundreds of thousands of workers who have been injured or fallen ill remain in their jobs.

In addition to testing innovative policy solutions, this year, the Department of Labor helped 44 States adopt disability employment policies to meet their workforce needs, and the Department of Labor's Job Accommodation Network provided guidance on accommodations for workplace success to nearly 50,000 employers and to individuals with disabilities. To expand apprenticeship opportunities, the Department of Labor has created inclusive apprenticeship tools for job creators and more than 35,000 employers receive help with recruiting and retaining workers with disabilities through the Employer Assistance and Resource Network on Disability Inclusion.

My Administration will continue these efforts, and renews its commitment to creating more opportunities for Americans with disabilities who want to provide for themselves and their families and contribute to their communities by participating in the workforce. My Administration also reaffirms its support for all the employers who hire Americans with disabilities, providing opportunities for success. It is important that all our Nation's job seekers and creators are both empowered and motivated to partake in our booming economy, and apply their unique talents and skills to the growing workforce.

The Congress, by Joint Resolution approved August 11, 1945, as amended (36 U.S.C. 121), has designated October of each year as ''National Disability Employment Awareness Month.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim October 2018 as National Disability Employment Awareness Month. I call upon government and labor leaders, employers, and the great people of the United States to recognize the month with appropriate programs, ceremonies, and activities across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9794 of September 28, 2018

National Energy Awareness Month, 2018

By the President of the United States of America
A Proclamation

During National Energy Awareness Month, we recognize the remarkable role American energy plays in producing more abundant, affordable, and reliable power for our Nation and the world. My Administration is reducing regulatory burdens on the energy sector, developing innovative energy technologies, and building new energy-related infrastructure. Our agenda is fueling tremendous economic growth and forging a more secure future for our country and our allies.

The American energy renaissance is pressing forward with stunning speed. The United States is becoming both energy independent and energy dominant because of the entrepreneurial spirit of the American people and the application of innovative technologies to energy production, transmission, distribution, and use. Recently, United States crude oil production rose to roughly 11 million barrels a day, making our Nation the largest global producer. Additionally, the United States is the world's largest producer of natural gas, and, in 2017, our coal exports rose by roughly 60 percent over the previous year. American energy dominance means the end of our crippling dependence on foreign energy, and that our industries have access to reliable, affordable, and diverse energy supplies that enable them to compete in the global marketplace. Increasing energy security is also ushering in a new era of American leadership around the world as we export more of our energy bounty to friends and allies abroad, freeing them from hostile dependence.

Our Nation's increasingly innovative energy industry is proving that we can be responsible stewards of the environment while developing energy resources to grow the economy, lower costs, ignite job creation, and drive up incomes for American workers. From 2005 to 2017, the United States led the world in cutting energy-related carbon dioxide emissions, reducing them by about 860 million metric tons. Between 1970 and 2017, combined emissions from the six common pollutants dropped by 73 percent, all while our economy continued to grow. We are leading the world in the development of the next generation of energy technologies that will convert our abundant and diverse domestic energy resources, including coal, natural gas, nuclear, and renewables, into the useful energy services that power our economy. America's innovative minds and industrial might, not the mandates of international agreements, have made our Nation the world leader in producing energy more abundantly while simultaneously reducing emissions.

America's future has never been brighter, and American energy is leading the way in providing jobs, opportunity, and security for our Nation. This month, we recommit to strengthening our energy security and to responsibly using our energy resources so that we can continue on our path towards energy independence and dominance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2018 as National Energy Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9795 of September 28, 2018

National Substance Abuse Prevention Month, 2018

By the President of the United States of America
A Proclamation

During National Substance Abuse Prevention Month, we recognize the importance of ending and preventing substance abuse. We must remain vigilant in raising awareness about the harms posed by alcohol and drugs, including prescription opioids, and their high potential for addiction. We can—and we must—provide families with the information, skills, and resources to stay safe and strong. As a Nation, we renew our commitment to improving individual and community health through increased education on the risks of substance abuse. Our investment in prevention will help to further yield improved academic performance, healthier lifestyles, more successful citizens, and safer communities.

Our country is reeling from the enormity of an opioid epidemic that has resulted in huge numbers of overdose fatalities, an influx of children in foster care, and too many families forever changed by the addiction or death of a loved one. In 2017 alone, it is estimated that we lost approximately 72,000 Americans to an overdose, and approximately 49,000 of those deaths involved an opioid. Fueled by prescription pain medications, heroin, and illicit fentanyl, the severity of the current addiction crisis requires immediate action. We must go beyond simply raising awareness about the harms and risks of illicit drugs, which is one reason why, last October, my Administration declared a nationwide Public Health Emergency to continue comprehensively and proactively fighting the opioid epidemic on every front.

My Administration is committed to helping overcome addiction in our country. This past June, we launched a public awareness campaign directed toward our Nation's vulnerable young people, helping them ''know the truth''; and ''spread the truth''; about the risks of opioid abuse. In August, we awarded a record-breaking $90.9 million to 731 Drug-Free Communities coalitions across all 50 States to help prevent youth drug abuse. We are also encouraging adult individuals and family members to share their personal stories on how this epidemic has affected them through platforms such as *The Crisis Next Door.* Launched by the White House earlier this year, this initiative is helping to remove harmful stigmas surrounding opioid abuse and showing that this crisis can affect anyone from anywhere.

This month, we reaffirm our commitment to helping educate our loved ones on the devastating effects substance abuse can have on our families, our communities, and our Nation. I call on parents, educators, mentors, employers, healthcare professionals, law enforcement officials, faith and community leaders, and Americans to support evi-

dence-based prevention programs. Through our united advocacy and awareness efforts on the horrific dangers of substance abuse, we can cultivate a society focused on health, wellness, and prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2018 as National Substance Abuse Prevention Month. I call upon all Americans to engage in appropriate programs and activities to promote comprehensive substance abuse prevention efforts within their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9796 of September 28, 2018

Gold Star Mother's and Family's Day, 2018

By the President of the United States of America
A Proclamation

Courageous Americans of every generation have given their last full measure of devotion in defense of our country and our freedom. The families who stood alongside these heroes have paid a price no family should ever have to pay. Gold Star Mother's and Family's Day is a solemn reminder that these families—the families of our fallen service members—bear the burden of their loss forever.

A century ago, President Woodrow Wilson approved a recommendation by the Women's Committee of National Defenses for mothers to display a gold star on an armband of black cloth to enhance public recognition for the loss of their children in World War I. Since then, millions of families have tragically traded in blue stars for heroes fighting for America for gold stars of the fallen—a badge of honor they wished they would never have to hold.

Although they have suffered unimaginable sorrow, Gold Star families have charged forward with inspiring strength and determination, giving selflessly to their communities and our country. They support our men and women in uniform, our wounded warriors, and our veterans. Their unselfish leadership fosters patriotism and encourages us to consider what we can do to be better citizens.

We will never forget those who nobly gave their lives in service to our country. Today, we pay tribute to these brave men and women in uniform by honoring the mothers, fathers, wives, husbands, brothers, sisters, sons, and daughters who have wounds in their hearts that will never be fully healed. We will continue to support them as they supported our country by selflessly sharing their loved ones for the noble cause of freedom. Let us pledge our deep and everlasting respect and gratitude to our Gold Star families.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as ''Gold Star Mother's Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 30, 2018, as Gold Star Mother's and Family's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's gratitude and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9797 of September 28, 2018

Child Health Day, 2018

By the President of the United States of America
A Proclamation

On Child Health Day, we renew our commitment to ensuring the health and well-being of our young people, who are the future of our great country. All children deserve to grow up in loving homes with parents or guardians who are dedicated to empowering them to live healthy, safe, and successful lives.

My Administration is actively working to create environments in which families can grow stronger and children can realize their full potential. Earlier this year, I signed into law a 5-year authorization of the Maternal, Infant, and Early Childhood Home Visiting Program, which helps at-risk families get off to a better and healthier start with evidence-based home visiting programs. Home visiting programs help prevent child abuse and neglect, support positive parenting, improve maternal and child health, and promote child development and school readiness. Additionally, through the Be Best initiative, led by First Lady Melania Trump, we are helping to address some of the most prevalent challenges facing children, including destructive online habits, bullying, mental health, and alcohol and drug abuse. Further, we are strengthening our public health and safety response to the opioid crisis. One of the many tragic consequences of opioid addiction is neonatal abstinence syndrome, which poses risks to the long-term health of children.

Across our country, more than 15,000 children are diagnosed with pediatric cancer each year. Survival rates for most childhood cancers have improved in recent decades, but serious challenges remain. Children who survive cancer frequently struggle with significant complications later in life. For this reason, I signed into law the Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018, which

will provide more funding to research childhood cancers, explore effective treatments, and help enhance the quality of long-term care for children after active treatment and into remission.

Every child, both born and unborn, possesses inherent dignity. Today, let us rededicate ourselves to our shared goal of building a better future for each one of them. As parents and role models, we have a moral responsibility to nurture and care for our most vulnerable population. Together, we can ensure that our children are healthy, and grow up to be happy and productive adults.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, October 1, 2018, as Child Health Day. I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9798 of October 4, 2018

National Manufacturing Day, 2018

By the President of the United States of America
A Proclamation

On National Manufacturing Day, we renew our commitment to restoring America to its rightful place as a global leader in manufacturing. Revitalizing our Nation's manufacturing sector is a pillar of my Administration's economic agenda. Through clear-eyed economic and trade policies and advances made possible by cutting-edge research and development, American industry is thriving once again. Today, our country's manufacturers are more confident than ever before about investing in factories and workers right here at home.

My Administration is working tirelessly to create an environment wherein manufacturers and their workers have increased opportunities to grow and create jobs. Our economic policies, including the Tax Cuts and Jobs Act and the elimination of unnecessary and burdensome regulations, are delivering real results. Since my election, we have created nearly 400,000 manufacturing jobs. Last year alone, American manufacturers contributed $2.2 trillion to our economy; and in the past 12 months, the manufacturing sector has experienced one of the best job market performances in 23 years.

Against this background, we continue to champion a level playing field for American manufacturers and American workers. I delivered on my promise to renegotiate the North American Free Trade Agreement (NAFTA) when I recently announced the United States-Mexico-Canada Agreement (USMCA). For years, NAFTA incentivized the offshoring of American businesses, and many manufacturing jobs left the United States as a result. Once approved by the Congress, the USMCA will rebalance and modernize trade between the United States, Mexico, and Canada in a manner that greatly benefits American manufacturing, agriculture, and services—and so many other sectors of our robust economy. Additionally, earlier this year, we revised our bilateral trade agreement with South Korea to strengthen America's manufacturing sector and bring back high-paying manufacturing jobs for American workers. Furthermore, in July of 2017, I issued an Executive Order that directed the Secretary of Defense to assess how to strengthen the manufacturing and defense industrial base and supply chain resiliency of the United States. The Department of Defense has completed this assessment, and my Administration is committed to taking action in response to ensure that we can meet new and unforeseen challenges to our defense industrial base.

The credit for the success of these efforts rests with our great American workers. That is why I have pledged to invest in both students and workers by providing opportunities for education and training that will help more hardworking men and women thrive in the modern workplace. In July of 2018, I issued an Executive Order establishing the President's National Council for the American Worker and the American Workforce Policy Advisory Board. The order emphasizes our economy's high demand for workers with the technical acumen to fill open jobs in today's workforce. I also signed into law a reauthorization of the Carl D. Perkins Career and Technical Education Act, which provides students and workers with the critical skills sought by manufacturers. We will continue efforts to provide our students with access to high-quality education in science, technology, engineering, and mathematics so that they are better equipped to innovate and compete in today's economy.

On this National Manufacturing Day, we acknowledge the changes that have swept across our economy, including the widespread adoption of innovative technology, advances in artificial intelligence, and the application of the internet to everyday objects and appliances. We recognize that these changes bring new challenges for our workers in a technologically advanced, increasingly dynamic world. With the same determination and resourcefulness that has always defined America, we rise to meet these challenges, and we proudly stand with our manufacturers and their workers as they continue to set the global standard for quality and innovation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 5, 2018, as National Manufacturing Day. I call upon all Americans to celebrate the entrepreneurs, innovators, and workers in manufacturing who are making our communities strong.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord two thousand eighteen, and of the

Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9799 of October 5, 2018

German-American Day, 2018

By the President of the United States of America
A Proclamation

German Americans have helped build our Republic, shape our heritage, and enrich our culture since the arrival of the first German settlers in the New World on October 6, 1683. They brought with them and instilled in their descendants a desire for liberty and dreams of a better life. Our history is replete with examples of their commitment to civic engagement, hard work, and invention. On German-American Day, we proudly celebrate the invaluable contributions that Americans of German descent—the largest ancestry group in the United States—have made to every facet of our society.

More than 43 million Americans proudly claim German heritage, linked by the shared sense of entrepreneurship and tradition German-American pioneers have instilled in our great country. The industry and ingenuity of German Americans shaped and continue to impact our national landscape. They played a central role in establishing and building some of our great American cities, including Philadelphia, Pennsylvania; Cincinnati, Ohio; St. Louis, Missouri; Milwaukee, Wisconsin; and others. German Americans have made an indelible mark on business, agriculture, art, design, science, technology, and education. German Americans also have a proud history of military service, including the more than 200,000 who served in the Union Army during the Civil War.

The deep bond between our Nation and Germany, which predates our independence, continues today. Together, we are a cornerstone of the transatlantic alliance and champions of economic and personal freedom. As Germany launches its yearlong German-American friendship festival, *Wunderbar Together,* we proudly honor these strong historical ties and examine how we will build on our partnership in the years to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2018, as German-American Day. I call upon all Americans to celebrate the achievements and contributions of German Americans with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9800 of October 5, 2018

Fire Prevention Week, 2018

By the President of the United States of America

A Proclamation

During Fire Prevention Week, we renew our commitment to preparedness, fire safety awareness, and individual responsibility. We also honor our brave firefighters who have lost their lives in the line of duty and their families, as well as those firefighters who continue to put themselves in harm's way to safeguard our lives and property. Our Nation's firefighters are heroes, and they deserve our deepest respect and gratitude for the selfless service they provide to our communities.

Each year, an average of 1.4 million fires burn in the United States, resulting in thousands of deaths and injuries along with billions of dollars in direct property damage. This year, in the Western and Midwestern parts of the country, wildfires of unprecedented scale and scope have threatened local wildlife and the environment and have severely impacted local and regional economies through their devastating effect on agriculture and tourism industries. In many areas, I have declared the wildfires a major disaster and ordered Federal assistance to supplement State and local recovery efforts. My Administration remains committed to providing help to those affected.

As we mark Fire Prevention Week, all Americans must be vigilant and take precautionary measures to reduce the risk of fire and to protect their families and property. It is critical to look for places in the home where fires can start, identify potential hazards, and take the steps needed to prevent these devastating fires. It is also important to regularly check and maintain smoke alarms, as these devices can provide life-saving warnings if there is a fire in the home. If a smoke alarm rings, it is essential to respond quickly, as you may have only minutes to escape safely. Furthermore, you should at least identify two ways to exit every room, ensuring all doors and windows leading to the outside open easily and are free of clutter. The National Fire Protection Association's *''Look. Listen. Learn.'';* campaign reinforces these basic but essential practices that every American must follow to help ensure fire safety.

This week, we pray for all the Federal, State, local, tribal, and territorial responders who are fighting wildfires and helping our communities recover, as well as for all those who have lost their loved ones or their homes due to these disasters. We also recognize the importance of actively practicing fire safety to help prevent fire-related tragedies from occurring in the future.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 7 through October 13, 2018, as Fire Prevention Week. On Sunday, October 7, 2018, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9801 of October 5, 2018

Columbus Day, 2018

By the President of the United States of America
A Proclamation

In 1492, Christopher Columbus and his mighty three-ship fleet, the Niña, Pinta, and Santa Maria, first spotted the Americas. His historic achievement ushered in an Age of Discovery that expanded our knowledge of the world. Columbus's daring journey marked the beginning of centuries of transatlantic exploration that transformed the Western Hemisphere. On Columbus Day, we commemorate the achievements of this skilled Italian explorer and recognize his courage, will power, and ambition—all values we cherish as Americans.

Columbus's spirit of determination and adventure has provided inspiration to generations of Americans. On Columbus Day, we honor his remarkable accomplishments as a navigator, and celebrate his voyage into the unknown expanse of the Atlantic Ocean. His expedition formed the initial bond between Europe and the Americas, and changed the world forever. Today, in that spirit, we continue to seek new horizons for greater opportunity and further discovery on land, in sea, and in space.

Although Spain sponsored his voyage, Columbus was, in fact, a proud citizen of the Italian City of Genoa. As we celebrate the tremendous strides our Nation has made since his arrival, we acknowledge the important contributions of Italian Americans to our country's culture, business, and civic life. We are also thankful for our relationship with Italy, a great ally that shares our strong, unwavering commitment to peace and prosperity.

In commemoration of Christopher Columbus's historic voyage, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as ''Columbus Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 8, 2018, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand eighteen, and of the

Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9802 of October 8, 2018

Leif Erikson Day, 2018

By the President of the United States of America
A Proclamation

More than a millennium ago, Leif Erikson sailed across the frigid Atlantic and set foot on North America, likely becoming the first European to reach our continent. On Leif Erikson Day, we celebrate the extraordinary journey made by this son of Iceland and grandson of Norway with his crew and recognize the immeasurable contributions that generations of Nordic Americans have made to our Nation.

After converting to Christianity in Norway, ''Leif the Lucky''; set out to bring the Gospel to settlers in his native Greenland. During his extensive travels, he landed on the northern Atlantic coast, expanding mankind's knowledge of then-uncharted territory. Centuries later, many Nordic families followed his example and set sail for America with the same determination and grit. After much struggle and sacrifice, these intrepid men and women arrived on our shores with hope for a better life.

Today, we recognize the descendants of immigrants from Iceland, Norway, Denmark, Sweden, and Finland for the tremendous role they have played in developing the indomitable spirit that defines the American people. Nordic Americans have traveled in space, crisscrossed the globe by single-engine monoplane, and advanced knowledge in science and engineering. Nordic Americans have won Oscars, Grammy Awards, Pulitzer Prizes, and Nobel Prizes. They have fought—and died—in each of our Nation's wars.

We also reflect on the deep and enduring ties we have with the Nordic countries. They are among our greatest allies in the fight against terrorism, and they are important trading partners. We renew our commitment to continue strengthening these transatlantic relationships.

To honor Leif Erikson and celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President of the United States to proclaim October 9 of each year as ''Leif Erikson Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 9, 2018, as Leif Erikson Day. I call upon all Americans to celebrate the contributions of Nordic Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand eighteen, and of the

Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9803 of October 9, 2018

National Domestic Violence Awareness Month, 2018

By the President of the United States of America

A Proclamation

This Nation—founded on principles of liberty and justice—has no tolerance for domestic violence. Personal relationships should be a source of comfort and support—a solid foundation for each person's empowerment and achievement in his or her daily life. Domestic violence dissolves that foundation, affecting millions of women and men every year. During National Domestic Violence Awareness Month, we reassert our commitment to eradicating this devastating crime so that homes are places of refuge and love—not of fear or violence.

Horrific and criminal acts of domestic violence are unfortunately common in all areas of the world. While people of every race, sex, age, and socioeconomic status have suffered at the hands of abusers, the vast majority of domestic violence is perpetrated against women. Each of us has a moral obligation to speak up for those who suffer from physical, sexual, and emotional abuse. We pledge to advocate on behalf of those who have been assaulted at home, and to make every effort to prevent domestic violence from happening in the first place. We acknowledge the hard work of the many advocates, clergy, service providers, healthcare providers, educators, law enforcement officers, family members, and friends who assist and comfort those who have suffered physical or emotional trauma at the hands of an abuser.

My Administration, in partnership with State, local, and tribal governments as well as public and private organizations, is working to ensure that offenders are prosecuted and survivors get the support they need to live lives free from fear, torment, and violence. My fiscal year 2019 budget proposal includes a $5.5 million increase in funding for programs administered by the Department of Justice's Office on Violence Against Women, which would bring total funding to approximately $500 million. This office coordinates the efforts of diverse organizations to prevent and respond to abuse, and has awarded more than $7 billion in grants and cooperative agreements to State, local, and tribal governments, as well as private organizations since its inception. It also funds law enforcement efforts that hold domestic violence offenders accountable for their crimes. Each year, these officers respond to more than 150,000 calls for service, investigate more than 150,000 cases, and refer more than 70,000 cases to prosecutors.

In addition, the Department of Health and Human Services is supporting initiatives to train healthcare providers to assist those who have endured domestic violence and implement initiatives that prevent domestic violence in the first place. Through the Department's Project Catalyst, clinics are checking patients for signs of domestic violence and connecting people in need to local service providers. The Centers

for Disease Control and Prevention's DELTA IMPACT program is also providing funding to State health departments to implement community and societal-level strategies to reduce the incidence of domestic violence in our homes and communities.

This month, we recognize that, while our Nation has made strides in preventing domestic violence from first occurring and also prosecuting perpetrators who commit these horrible crimes, much work remains to be done. To ensure the protection of all Americans, especially women and children, we must strive to end domestic violence—in all its forms—from our society and help victims recover from abuse. And we must encourage Americans affected by domestic violence to seek help from those they trust and to never lose hope in the possibility of building a better life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2018 as National Domestic Violence Awareness Month. I call upon all Americans to stand firm in condemning domestic violence and supporting survivors of these crimes in finding the safety and recovery they need. I also call upon all Americans to support, recognize, and trust in the efforts of law enforcement, public health, and social service providers to hold offenders accountable, protect victims of crime and their communities, and prevent future violence.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9804 of October 10, 2018

General Pulaski Memorial Day, 2018

By the President of the United States of America

A Proclamation

Today, we pay tribute to the Polish immigrant and renowned military commander, General Casimir Pulaski, who gave his life for the cause of freedom during the American Revolutionary War. In the Continental Army, General Pulaski volunteered to serve alongside our Nation's forefathers in their cause for independence. His expertise on the battlefield, tactical insights, and creation of a highly effective corps of mounted infantry earned him the title of ''Father of the American Cavalry.''; On General Pulaski Memorial Day, we commemorate his legacy and draw inspiration from his stalwart commitment to liberty, the rule of law, and the sovereignty of the people.

As a younger man, Count Casimir Pulaski developed a reputation for tremendous bravery while fighting with his father to free his native Poland from Russian control. When Russia nevertheless prevailed, Pulaski faced exile and crossed Europe into France. There, in a fortuitous turn of events for America, Pulaski crossed paths with Benjamin Franklin, who urged him to join the cause of American independence. Rising

rapidly through the ranks of the Continental Army to the position of Brigadier General, Pulaski demonstrated uncommon and contagious courage on the battlefield, saving the life of General George Washington at the Battle of Brandywine and transforming a cavalry legion of Americans, Germans, Frenchman, Irishmen, and Poles into a lethal fighting force.

On October 9, 1779, General Pulaski was severely wounded during the Battle of Savannah. Two days later, he died. In his memory, General Washington wrote that ''[t]he Count's valor and active zeal on all occasions have done him great honor.''; Although General Pulaski did not live to see the Star-Spangled Banner fly victoriously over the field at Yorktown, his legacy of heroism and sacrifice is etched into our history, alongside that of heroes like Marquis de Lafayette and Bernardo de Gálvez, and has inspired Americans for generations. By giving his last full measure of devotion for our freedom and independence, General Pulaski embodied the special bond that the American and Polish people cherish to this day. Indeed, more than two centuries after the General's heroic death, and 100 years since Poland gained its own independence, the United States of America and Poland continue to share a kindred devotion to the cause of freedom and to strengthening the bilateral relationship between our two countries.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2018, as General Pulaski Memorial Day. I encourage all Americans to commemorate on this occasion those who have contributed to the furthering of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9805 of October 12, 2018

Minority Enterprise Development Week, 2018

By the President of the United States of America

A Proclamation

During Minority Enterprise Development Week, we celebrate the success of minority-owned businesses and recognize their contributions to our Nation's prosperity. These businesses are part of the bedrock of our economy, employing eight million people and contributing more than $1 trillion in economic output each year.

My Administration is committed to empowering minority business owners by creating an environment in which all businesses can expand and thrive. We have eliminated unnecessary and burdensome regulations and effected commonsense, pro-growth policies. The Tax Cuts and Jobs Act enacted the biggest tax cuts and reforms in American history. Importantly, it created the Opportunity Zones Program, through which we are rewarding businesses that invest in distressed commu-

nities and that create jobs for those who, all too often, are left behind. We are also leveling the playing field for American businesses by renegotiating and modernizing our trade agreements, including by replacing the North American Free Trade Agreement with the new United States-Mexico-Canada Agreement.

Taken together, these new policies are delivering real results for the American people. Our Nation's unemployment rate has reached its lowest level in 50 years. Minority unemployment rates have fallen to record lows, with the unemployment rate for African Americans falling below 6 percent for the first time in history. The unemployment rate for Hispanic Americans and Asian Americans has also reached historic lows.

As minority-owned businesses continue to benefit from our resurgent economy, my Administration is looking to take additional steps to support these key drivers of economic growth. The Department of Commerce's Minority Business Development Agency is expanding its focus to include policy analysis that will identify opportunities for minority business enterprises across our country. Additionally, the new National Council for the American Worker is developing a National Workforce Strategy. Given the historically tight labor market and recent technological change, our Nation needs a workforce strategy that champions effective, results-driven education and training to meet the needs of students, workers, and businesses.

In the United States of America, each person has the opportunity to achieve their dreams and to build a better future for themselves and their families. Minority business owners exemplify this fundamental truth about our great Nation. This week in particular, we are grateful for the minority business owners who dedicate their time, energy, and entrepreneurial skills each day to improving the economy and restoring the American spirit in every community across the Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 14 through October 20, 2018, as National Minority Enterprise Development Week. I call upon all Americans to celebrate this week with programs, ceremonies, and activities to recognize the many contributions of American minority business enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9806 of October 12, 2018

National School Lunch Week, 2018

By the President of the United States of America
A Proclamation

School meals help ensure that our children receive the nourishment they need to grow, develop, and learn. During National School Lunch Week, we acknowledge the benefits of school lunch programs, which provide millions of children the opportunity to enjoy nutritious meals, providing them with the fuel they need to achieve their full physical and mental potential.

The National School Lunch Program provides nearly 4.9 billion low-cost or free meals to approximately 30 million students each year. These meals are a dependable and consistent source of nutrition for many children in schools and childcare centers throughout our country.

My Administration understands that we have a responsibility to children and taxpayers alike to ensure that school meals are nutritious and enjoyable. The best way to do that is to return control back to the people on the ground who make these programs work. That is why we have lowered regulatory hurdles and restored flexibility to schools and communities with respect to the menus in their cafeterias. School nutrition specialists and food service professionals work tirelessly each day to provide students with the nourishment they need to succeed in the classroom and beyond. We are committed to supporting them, listening to their feedback, and equipping them with the tools and flexibility they need to serve our children well.

This week, we recognize the hard work of all the food service professionals, school administrators, community members, and parents across our Nation who help plan, prepare, and serve the meals that sustain millions of children. To emphasize the importance of the National School Lunch Program to our youth's nutrition, the Congress, by joint resolution of October 9, 1962 (Public Law 87–780), has designated the week beginning on the second Sunday in October each year as ''National School Lunch Week,''; and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 14 through October 20, 2018, as National School Lunch Week. I call upon all Americans to join the countless individuals who administer the National School Lunch Program in activities that support and promote awareness of the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9807 of October 12, 2018

Blind Americans Equality Day, 2018

By the President of the United States of America

A Proclamation

On Blind Americans Equality Day, we recognize the contributions that Americans who are blind and visually impaired make to our country, and the value of creating greater opportunities for all people to live full and independent lives. Despite facing challenges, Americans who are blind and visually impaired continue to achieve their dreams and strengthen our communities and our Nation. We remain committed to helping these individuals to be successful and achieve their goals in school, business, and civic life.

As a Nation, we want all our citizens to have the opportunity to achieve their goals. In keeping with this fundamental tenet of American society, I signed an Executive Order establishing the National Council for the American Worker, which will develop recommendations for a national strategy that empowers American workers to learn the skills needed to secure sustained employment. This national strategy will outline policies that provide all Americans, including those who are blind or visually impaired, with more opportunities to work, earn a living, and connect with others worldwide.

My Administration also supports Federal programs that help Americans who are blind and visually impaired obtain and maintain employment. The Randolph-Sheppard Vending Facilities Program, for example, has provided thousands of individuals who are blind with entrepreneurial opportunities to run their own businesses, generating millions of dollars in sales and substantial earnings. Under the Independent Living Services for Older Individuals Who Are Blind Program, the Department of Education has issued grants to States to support services for individuals 55 and older for whom independent living goals are feasible, but whose severe visual impairment makes competitive employment difficult to obtain. These grants fund independent living services for older individuals who are blind and visually impaired, activities that improve or expand services for these individuals, and raise public awareness of the challenges these individuals overcome.

By joint resolution approved on October 6, 1964 (Public Law 88–628), the Congress authorized the President to designate October 15 of each year as ''White Cane Safety Day''; to recognize the contributions of Americans who are blind or have impaired vision. As we celebrate the achievements of all those who are blind or visually impaired, I reaffirm my Administration's commitment to providing more opportunities for these Americans to enjoy freedom and independence. Today, we rededicate our efforts and continue working to ensure that all Americans, including those who are blind or visually impaired, have opportunities to achieve success.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2018, as a day to celebrate and recognize the accomplishments and contributions of Americans who are blind and visually impaired. I call upon all Americans to observe this day with appropriate ceremonies

and activities to reaffirm our commitment to achieving equality for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9808 of October 19, 2018

National Character Counts Week, 2018

By the President of the United States of America
A Proclamation

America is improved every day by men and women of great character and integrity who understand that a responsible citizenry is needed to ensure the independence and prosperity of our Nation. The Founders cherished opportunities to grow, including those that require one to experience, learn from, and overcome hardship. In difficult times, the American spirit is tested and defined by the character of its citizens and leaders. We have withstood this test time and time again. During National Character Counts Week, we recognize that our Nation's continued success depends on the American people's courageous resolve to remain united through times of both triumph and tragedy. We also pledge to foster good character in our communities and encourage children to form constructive habits.

Character is nurtured in our families and communities. Parents and guardians have the unique responsibility to teach young people valuable traits, such as perseverance, courage, respect, and hard work. Teachers as well as civic and church leaders also play an integral role in helping our children adopt habits of good behavior. Good examples set by mentors empower youth to make smart choices that ultimately define them as individuals and us as a Nation. Every American should strive to live by example and never stop improving their character.

Strong families, church communities, and civic organizations have a significant effect on the positive development of our youth. By empowering these strong networks, my Administration is encouraging them to help our youth to do their very best, learn from mistakes, and become leaders. First Lady Melania Trump's BE BEST initiative is improving the lives of young people by championing evidence-based programs that help our communities focus on the emotional, social, and physical well-being of our children. As social media and technology provide more opportunities for children to communicate with each other, their ability to influence others and be a force for good also expands.

This week, especially, we refocus our efforts to be good examples—to our Nation's youth and each other—and to promote acts of service and leadership. We also express our gratitude to parents, guardians, teachers, civic and church leaders, and mentors for their vital work in raising children of strong character and integrity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 21 through October 27, 2018, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9809 of October 19, 2018

National Forest Products Week, 2018

By the President of the United States of America

A Proclamation

Each day, Americans use and benefit from high-quality products generated from our Nation's bountiful forests. During National Forest Products Week, we recognize that strong, healthy, and well-managed forests are vital to our Nation's economic prosperity.

Forested lands make up one-third of America's total land base and allow for the production of paper and packaging materials; lumber for our homes, buildings, and bridges; renewable energy materials; and a myriad of goods for domestic and global markets. The forest products industry is one of the top 10 manufacturing sector employers in 45 States, producing more than $200 billion a year in sales and providing approximately $50 billion annually in payroll. Additionally, the industry's sustainable business practices and proper management of resources help us protect our abundant forests.

A strong forest products sector stimulates job growth and bolsters our national and rural economies. My Administration is working to support effective, active, science-based forest management to help boost America's competitiveness and success in this modern industry. We support the industry's efforts to develop innovative ways of using wood in modern-day construction and are working alongside States, local communities, private companies, and tribal entities to support wood initiatives in construction markets. These opportunities provide potential pathways to new products, more jobs, and a reemergence of rural timber communities in an industry that is ready to expand.

This week, we acknowledge the many ways our Nation's forests and woodlands contribute to our everyday lives through the raw materials they provide for numerous products, as well as the opportunities they offer for outdoor recreation. We also honor all the dedicated men and women who help to manage America's beautiful forests and ensure they remain among our Nation's greatest natural resources.

Recognizing the economic value of the products yielded in our Nation's forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as

amended, has designated the week beginning on the third Sunday in October of each year as ''National Forest Products Week''; and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 21 through October 27, 2018, as National Forest Products Week. I call upon all Americans to observe this week with appropriate ceremonies and activities and to reaffirm our commitment to our Nation's forests.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9810 of October 23, 2018

United Nations Day, 2018

By the President of the United States of America
A Proclamation

On United Nations Day, we recognize the many ways the United Nations has contributed to peace and security among nations. Since it was founded more than 70 years ago with the aim of breaking the cycle of global conflict, the United Nations has provided a forum for nations to resolve conflicts peacefully in an increasingly complex world. The United States is committed to the organization's future and is confident that responsibility more equally shared among member states will lead to greater effectiveness and efficiency.

The United States has, since the beginning, provided leadership and vision to the United Nations. Today, the United States continues to drive the United Nations forward, insisting on fundamental reforms that are needed to enable the organization to respond to the unique and evolving problems of the 21st century. Only when each country does its part can the highest aspirations of the United Nations be realized, and the financial responsibility for an organization like the United Nations must be equitably shared among its member states. Additionally, in recent months, the United States has pressed for crucial changes to improve the organization's performance, accountability, and responsiveness. The United States pursuit of reform, however, does not end there. Earlier this year, the United States sent a clear message about the need for change by withdrawing from the flawed United Nations Human Rights Council, which repeatedly rejected necessary reforms. We will not return until real reform is enacted, and we will not hesitate to take the measures necessary to protect America's interests or to better enable the United Nations to fulfill its purpose.

The United Nations is an important forum for addressing the international challenges we face today. In the past year, the United States has taken bold steps, with the support of the United Nations, to address the global threat of nuclear proliferation; worked with partners

to increase their capacity for sustained humanitarian response and with donors and implementing organizations to make humanitarian aid more efficient; supported United Nations Security Council action to improve the international response to regional conflicts; and brought attention to human rights abuses. The great progress achieved on these fronts harbingers the limitless potential of the United Nations to help confront these and other challenges.

When the United Nations lives up to its lofty ideals, it is an invaluable forum for cooperation among the peoples of the world. On this day, we celebrate the combined efforts of member states to achieve the United Nations' goals of international peace and security and developing friendly relations among nations. We also acknowledge all the men and women who are serving around the world in peacekeeping and humanitarian missions, and all those who work to keep our world safe from weapons of mass destruction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2018, as United Nations Day. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9811 of October 26, 2018

Establishment of the Camp Nelson National Monument

By the President of the United States of America
A Proclamation

Initially established as a Union Army supply depot and hospital, Camp Nelson, located in Jessamine County, Kentucky, was a key site of emancipation for African American soldiers and a refugee camp for their families during the Civil War. Camp Nelson was one of the largest Union Army recruitment centers for African American Union soldiers, then known as United States Colored Troops. During the war, thousands of enslaved African Americans risked their lives escaping to Camp Nelson, out of a deep desire for freedom and the right of self-determination. Today, the site is one of the best-preserved landscapes and archeological sites associated with United States Colored Troops recruitment and the refugee experiences of African American slaves seeking freedom during the Civil War.

Between 1863 and 1865, Camp Nelson served as a bustling Union Army encampment, hospital, and supply depot. From it, the Union Army dispatched soldiers, horses, and other supplies to support military operations at the Cumberland Gap and the frontlines in Tennessee and Virginia. During this time, enslaved individuals sought to gain

their freedom by fleeing to Camp Nelson and other Union military installations in Kentucky. They placed their hope in places like Camp Nelson even though slavery was then legal in Kentucky. The Emancipation Proclamation, issued by President Abraham Lincoln on January 1, 1863, to free slaves from bondage, applied only to jurisdictions in which the people were in rebellion against the United States. As a strategically important border State, Kentucky had remained loyal to the Union and, therefore, was not within the proclamation's scope.

Kentucky was the last State in the Union to allow the enlistment of African American men. Beginning in April of 1864, however, the State allowed free African American men and enslaved men who had the express permission of their owners to enlist. Notwithstanding these limited avenues to enlistment, hundreds of enslaved men risked their lives fleeing slavery and arrived at Camp Nelson during the spring of 1864, with the goal of enlisting in the Union Army in order to gain their freedom and to fight for the freedom of others.

As the pressure to meet recruitment demands grew, the Union Army was forced to allow all able-bodied men who were of age to join the Army. Kentucky, in particular, was unable to meet its draft quotas with only white soldiers. In the summer after enslaved men began to arrive at Camp Nelson, in June of 1864, more than 500 United States Colored Troops were mustered into service. In July, a record 1,370 new African American troops enlisted in the Union Army. On the single biggest recruitment day—July 25, 1864—322 African American men enlisted at Camp Nelson. By the end of the Civil War, more than 23,000 African Americans had joined the Union Army in Kentucky, making it the second largest contributor of United States Colored Troops of any State. More than 10,000 of these troops enlisted or were trained at Camp Nelson. Eight United States Colored Troop regiments were founded at Camp Nelson and five other such regiments were stationed there during the war.

Many enslaved men who arrived at Camp Nelson in 1864 were accompanied by their families. Although enlisting in the Union Army allowed men to gain their own freedom, it did not have the same effect for their family members, who often remained slaves in the eyes of the law and struggled to support and defend themselves. African Americans at Camp Nelson who did not enlist built refugee encampments. And as United States Colored Troop recruitment continued to climb, so did the population of freedom-seeking refugees at Camp Nelson, despite efforts by the Union Army to break them up and return the enslaved individuals to their owners.

The Union Army's efforts to remove refugees from Camp Nelson culminated in the tragic, forced expulsion of approximately 400 African American women and children during frigid weather in November of 1864, causing the deaths of 102 refugees. That tragedy brought national attention and public support to the plight of the refugees at Camp Nelson. In response, the Union Army established the Camp Nelson Home for Colored Refugees in January 1865, creating a safe haven for the wives and children of enlisted African American soldiers in Jessamine County, Kentucky. Influenced by these events, the Congress took action in March of 1865 by emancipating the wives and children of any enlisted member of the United States Colored Troops. This law protected the refugees at Camp Nelson. It also provided an additional incentive for African American men to enlist in the Union Army, and caused re-

cruitment to steadily climb through the end of the war. In fact, as of the spring of 1865, Camp Nelson and the refugee home were at their largest, with thousands of new recruits, Union troops, refugees, and civilians working and living in hundreds of structures.

In 1865, after the end of the war, the Department of War began the process of closing Camp Nelson. It took inventory of existing buildings and equipment and prepared to dismantle and abandon the camp. Many of Camp Nelson's military buildings, all of which were built as temporary structures to be used during wartime, were either sold and moved, or dismantled. Only a few structures, like the Oliver Perry house, which predated the camp's establishment, and the Camp Nelson Home for Colored Refugees, were left intact following the closure.

The Bureau of Refugees, Freedmen, and Abandoned Lands, more commonly referred to as the ''Freedmen's Bureau,''; assumed management of the Camp Nelson Home for Colored Refugees during the post-war transition. Many of the African Americans who lived at Camp Nelson had envisioned that the refugee home would be a center for a thriving post-war African American community. The policy of the Freedmen's Bureau, however, was to remove all refugees from military installations. By October of 1865, all of the former Civil War refugee camps in Kentucky and Tennessee had been closed, with the exception of Camp Nelson. While the refugee home officially closed in 1866, approximately 250 individuals stayed and sustained a community there, which today is known as Hall, Kentucky. And although no original buildings remain from the Camp Nelson Home for Colored Refugees, the descendants of refugees and soldiers maintain connections to Camp Nelson, and some still live in the Hall community.

The history of Camp Nelson is now told primarily through archival and military records, as well as rich archeological evidence from the site. The well-preserved in situ archeological resources associated with the military installation, recruitment camp, and refugee home provide robust opportunities for researchers to understand the African American experience during the Civil War. The broader Camp Nelson archeological record also provides opportunities for research and scholarship related to military history, race, identity, and gender during the Civil War—a pivotal chapter of the Nation's history. The preserved archeological resources at the sites of Camp Nelson and the Camp Nelson Home for Colored Refugees provide insight into what was once a place where formerly enslaved individuals experienced freedom and self-determination, and struggled to create a sense of home, amidst the chaos of war. Camp Nelson reminds us of the courage and determination possessed by formerly enslaved African Americans as they fought for their freedom.

WHEREAS, section 320301 of title 54, United States Code (the ''Antiquities Act'';), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, the Camp Nelson Historic and Archeological District was designated as a National Historic Landmark in 2016 for its national sig-

nificance as the site of one of the Nation's largest recruitment and training centers for African American soldiers during the Civil War, as well as a refugee camp for the families of those African American soldiers;

WHEREAS, Jessamine County, Kentucky, has donated to the American Battlefield Trust fee title to the Camp Nelson Civil War Heritage Park, located at 6614 Danville Road, Nicholasville, Kentucky, totaling approximately 373 acres, and the nearby property containing archeological evidence of the Camp Nelson Home for Colored Refugees, totaling approximately 7 acres (collectively, the Camp Nelson site);

WHEREAS, the American Battlefield Trust has relinquished fee title to these properties to the Federal Government;

WHEREAS, the designation of a national monument to be administered by the National Park Service (NPS) would recognize the historic significance of the Camp Nelson site, particularly the events that transpired at this location during and after the Civil War, and provide a national platform for preserving this history;

WHEREAS, the NPS intends to cooperate with Jessamine County, Kentucky, in the preservation, interpretation, operation, and maintenance of, and in educating about, the Camp Nelson site;

WHEREAS, it is in the public interest to preserve and protect the Camp Nelson site, in Jessamine County, Kentucky, and the objects of historic interest therein;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Camp Nelson National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map entitled ''Camp Nelson National Monument, Nicholasville, Kentucky,''; which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 380 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the NPS, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan with full and appropriate public involvement within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest within the monument, and (2) to interpret the objects, resources, and values related to the Camp Nelson site. The management plan shall also set forth the desired relationship of the monument to other related resources, programs, and organizations, both within and outside the National Park System.

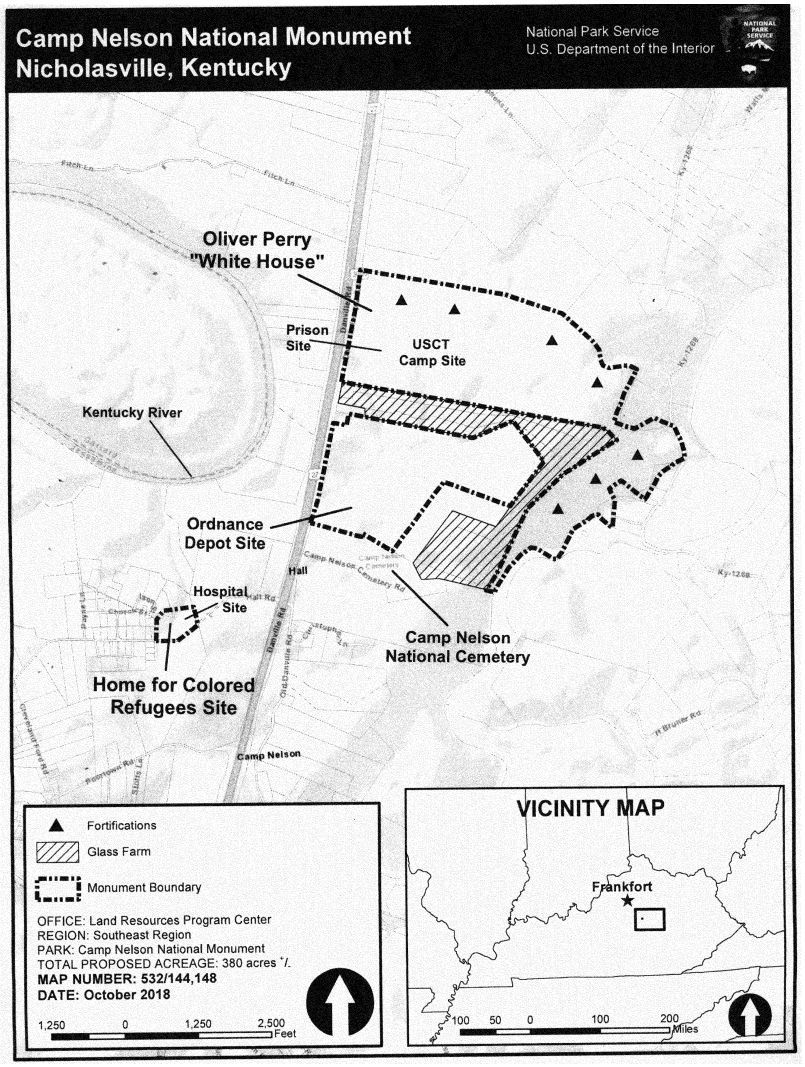
The NPS is directed to use applicable authorities to seek to enter into agreements with others, including Jessamine County, to address common interests and promote management efficiencies, including provision of visitor services, interpretation and education, establishment and care of museum collections, and preservation of historic objects.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given that no unauthorized persons shall appropriate, injure, destroy, or remove any feature of this monument, or locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP


Camp Nelson National Monument
Nicholasville, Kentucky
National Park Service
U.S. Department of the Interior
Oliver Perry
"White House"
Prison
Site
USCT
Camp Site
Kentucky River
Ordnance
Depot Site
Hall
Hospital
Site
Home for Colored
Refugees Site
Camp Nelson
National Cemetery
Camp Nelson
Fortifications
Glass Farm
Monument Boundary
OFFICE: Land Resources Program Center
REGION: Southeast Region
PARK: Camp Nelson National Monument
TOTAL PROPOSED ACREAGE: 380 acres +/-
MAP NUMBER: 532/144,148
DATE: October 2018
1,250 0 1,250 2,500
Feet
VICINITY MAP
Frankfort
100 50 0 100 200
Miles

Proclamation 9812 of October 27, 2018

Honoring the Victims of the Tragedy in Pittsburgh, Pennsylvania

By the President of the United States of America
A Proclamation

As a mark of solemn respect for the victims of the terrible act of violence perpetrated at The Tree of Life Synagogue in Pittsburgh, Pennsylvania, on October 27, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, October 31, 2018. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9813 of October 30, 2018

To Modify the List of Products Eligible for Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to section 503(c)(1) of the Trade Act of 1974, as amended (the ''1974 Act'';) (19 U.S.C. 2463(c)(1)), the President may withdraw, suspend, or limit application of the duty-free treatment that is accorded to specified articles under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries.

2. Pursuant to section 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)), I have determined to withdraw the application of the duty-free treatment accorded to a certain article.

3. Section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) subjects beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), to competitive-need limitations on the duty-free treatment accorded to eligible articles under the GSP.

4. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2017 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive-need limitations. I hereby terminate the duty-free treatment for such articles from such beneficiary developing countries.

5. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive-need limitations in section 503(c)(2) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.

6. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the United States International Trade Commission on whether any industry in the United States is likely to be adversely affected by such waivers of the competitive-need limitations provided in section 503(c)(2) of the 1974 Act. I have determined, based on that advice and the considerations described in sections 501 and 502(c) of the 1974 Act, and having given great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive-need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

7. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article, subject to the considerations set forth in sections 501 and 502 of the 1974 Act, if imports of such article from such country did not exceed the competitive-need limitations in section 503(c)(2)(A) of the 1974 Act during the preceding calendar year.

8. Pursuant to section 503(c)(2)(C) of the 1974 Act, and having taken into account the considerations set forth in sections 501 and 502 of the 1974 Act, I have determined to redesignate a certain country as a beneficiary developing country with respect to a certain eligible article that during the preceding calendar year had been imported in quantities not exceeding the competitive-need limitations of section 503(c)(2)(A) of the 1974 Act.

9. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of the 1974 Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and section 604 of the 1974 Act, do hereby proclaim that:

(1) In order to provide that several countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in sections A, B, C, and D of Annex I to this proclamation.

(2) In order to redesignate a certain article as an eligible article for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in sections E and F of Annex I to this proclamation.

(3) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the eligible articles in the HTS subheadings exported by the beneficiary developing countries as set forth in Annex II to this proclamation.

(4) The modifications to the HTS set forth in Annexes I and II of this proclamation shall be effective with respect to articles entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2018.

(5) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Annex I

Modifications to the Harmonized Tariff Schedule of the United States

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2018, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

Section A
The HTS is modified as provided herein, with the language in the new tariff provisions inserted in the HTS columns labeled *Heading/Subheading*, *Article Description*, *Rates of Duty 1-General*, *Rates of Duty 1-Special*, and *Rates of Duty 2*, respectively:

Subheading 2009.89.60 is deleted and the following new provisions are inserted in lieu thereof:

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
[2009]	[Fruit juices (including grape must) and vegetable juices, not fortified with vitamins or minerals, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:]			
	[Juice of any single fruit or vegetable:]			
[2009.89]	[Other:]			
	[Fruit Juice:]			
"2009.89.65	Cherry juice.....	0.5¢/liter	Free (A*, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	18¢/ liter
2009.89.70	Other.....	0.5¢/liter	Free (A*, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	18¢/ liter"

Section B

General note 4(d) to the HTS is modified by deleting, in numerical sequence, the following subheading number and the country set out opposite such subheading numbers:

"2009.89.60 Ukraine"

General note 4(d) to the HTS is modified by adding, in numerical sequence, the following subheading numbers and countries set out opposite such subheading numbers:

"2009.89.65 Turkey, Ukraine
2009.89.70 Ukraine"

Section C

For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

"0304.91.90
0304.92.90
0304.93.90
0305.20.20
0405.20.80
0603.13.00
0710.80.50
0711.40.00
0713.34.20
0713.60.60
0714.30.60
0714.50.60
0802.80.10
0810.60.00
0813.40.10
0813.40.80
1103.19.14
1202.41.40
1301.90.40
1602.50.05
1806.90.01
2001.90.45
2005.80.00
2006.00.70
2008.11.25
2008.99.50
2516.20.20
2827.39.25
2827.39.45
2828.10.00
2831.90.00
2833.29.40
2834.10.10
2840.11.00
2841.61.00
2841.70.50
2844.30.10
2903.83.00
2904.10.08
2904.99.04
2907.15.10
2907.29.25
2908.19.20
2909.19.18
2913.00.50
2914.31.00
2914.40.10
2915.50.20
2916.19.50
2918.13.50
2920.23.00
2921.42.21
2921.42.23
2922.29.26
2924.29.36
2924.29.43
2926.10.00
2930.90.30
2931.32.00
2931.34.00
2932.99.08
2933.19.35
2933.99.06
2933.99.85
2935.90.20
3301.13.00

3603.00.60	5209.41.30
3802.90.10	5607.90.35
3824.99.32	5702.92.10
3920.94.00	6802.99.00
4012.90.45	7113.20.25
4101.90.40	7202.11.10
4104.11.30	7403.19.00
4107.12.40	8112.19.00
4107.19.40	8410.13.00
4107.91.40	8443.11.10
4107.99.80	8450.20.00
4411.12.90	9205.90.14
4602.19.23	9614.00.26
5209.31.30	9620.00.15"

Section D

General note 4(d) to the HTS is modified by adding, for each of the subheading numbers set out below, the country set out opposite such subheading number in alphabetical sequence:

1702.90.10	"Argentina"
2906.19.30	"Brazil"
4418.73.30	"Thailand"

General note 4(d) to the HTS is modified by adding, in numerical sequence the following subheading numbers and the countries set out opposite such subheading numbers:

"0304.91.90	Ecuador	2001.90.45	India
0304.92.90	Falkland Islands (Islas Malvinas)	2005.80.00	Thailand
		2006.00.70	Thailand
0304.93.90	Suriname	2008.11.25	Argentina
0305.20.20	Pakistan	2008.99.50	Thailand
0405.20.80	India	2516.20.20	India
0603.13.00	Thailand	2827.39.25	India
0710.80.50	Turkey	2827.39.45	India
0711.40.00	India	2828.10.00	India
0713.34.20	Belize	2831.90.00	India
0713.60.60	India	2833.29.40	Turkey
0714.30.60	The Philippines	2834.10.10	India
0714.50.60	Ecuador	2840.11.00	Turkey
0802.80.10	India	2841.61.00	India
0810.60.00	Thailand	2841.70.50	India
0813.40.10	Thailand	2844.30.10	India
0813.40.80	Thailand	2903.83.00	India
1103.19.14	India	2904.10.08	India
1202.41.40	Ecuador	2904.99.04	India
1301.90.40	India	2907.15.10	India
1602.50.05	Brazil	2907.29.25	India
1806.90.01	Ecuador	2908.19.20	India

2909.19.18	Brazil
2913.00.50	India
2914.31.00	India
2914.40.10	Brazil
2915.50.20	India
2916.19.50	Indonesia
2918.13.50	India
2920.23.00	India
2921.42.21	India
2921.42.23	India
2922.29.26	India
2924.29.36	India
2924.29.43	India
2926.10.00	Brazil
2930.90.30	India
2931.32.00	India
2931.34.00	India
2932.99.08	India
2933.19.35	India
2933.99.06	India
2933.99.85	India
2935.90.20	India
3301.13.00	Argentina
3603.00.60	Bosnia and Herzegovina
3802.90.10	Brazil
3824.99.32	Brazil
3920.94.00	India
4012.90.45	Brazil
4101.90.40	Brazil
4104.11.30	India
4107.12.40	India
4107.19.40	India
4107.91.40	India
4107.99.80	Brazil
4411.12.90	Brazil
4602.19.23	The Philippines
5209.31.30	India
5209.41.30	India
5607.90.35	The Philippines
5702.92.10	India
6802.99.00	Brazil
7113.20.25	India
7202.11.10	Brazil
7403.19.00	Brazil
8112.19.00	Kazakhstan
8410.13.00	Brazil
8443.11.10	Thailand
8450.20.00	Thailand
9205.90.14	India
9614.00.26	Egypt
9620.00.15	Thailand"

Section E

For each of the following subheadings, the Rates of Duty 1-Special is modified by deleting the symbol "A*" and inserting the symbol "A" in lieu thereof:

"2841.90.20"

Section F

General note 4(d) to the HTS is modified by removing the following subheading numbers and the countries set out opposite such subheading numbers:

"2841.90.20 Kazakhstan"

Annex II

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2018, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

HTS Subheadings and Countries Granted a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act:

"0410.00.00	Indonesia
2836.91.00	Argentina
7202.50.00	Kazakhstan"

Proclamation 9814 of October 31, 2018

Critical Infrastructure Security and Resilience Month, 2018

By the President of the United States of America
A Proclamation

The world today relies on critical infrastructure, such as power grids, water and food supplies, election infrastructure, transportation systems, and communications networks, that is increasingly complex, interconnected, and interdependent. During Critical Infrastructure Security and Resilience Month, we emphasize the vital role of strong national infrastructure in the national and economic security of our Nation. By mitigating risks to our critical infrastructure, we can keep America safe, healthy, and prosperous.

Cyber actors who aim to compromise or disrupt networks—often for monetary and political gain—are an increasing threat to our critical infrastructure. In September, I released the first fully articulated National Cyber Strategy in 15 years. The implementation of this strategy will strengthen America's defenses against cyber threats, help to secure our critical infrastructure, and protect cyberspace as an engine of economic growth, innovation, and democratic security. A key aspect of the strategy is strengthening existing partnerships with the private sector to thwart any threat and to protect critical infrastructure. By improving engagement between the United States Government and the private sector, we are better able to leverage the resources and capabilities of those who own and operate the vast majority of our Nation's critical infrastructure. Safeguarding our democratic processes is an important part of my strategy, and an imperative this election season. The protection and security of our election infrastructure, which is critical infrastructure, must be a top priority of the Federal Government and its partners across the country.

We must also maintain our focus on other aspects of our critical infrastructure, which sustain our food supply, our fuel sources, and our means of trade. National disasters like the recent wildfires, floods, and hurricanes—as well as the activities of our adversaries—speak directly to the importance of continuing to enhance and protect it. Every day, the Department of Homeland Security is working with government and private sector stakeholders to assess and address risks of every type to our critical infrastructure.

As we mark Critical Infrastructure Security and Resilience Month, we express our gratitude for the increasing efforts throughout government and the private sector to keep our Nation safe, secure, and prosperous. And we reaffirm our commitment to using our collective skills, knowledge, and capabilities to protect our country from evolving man-made and natural threats by making the Nation's critical infrastructure more secure and resilient.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as Critical Infrastructure Security and Resilience Month. I call upon the people of the United States to recognize the importance of

protecting our Nation's infrastructure and to observe this month with appropriate measures to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9815 of October 31, 2018

National Adoption Month, 2018

By the President of the United States of America
A Proclamation

During National Adoption Month, we recognize the immeasurable love and support that adoptive parents and families provide to hundreds of thousands of children each year. We celebrate the life-changing act of adoption, bring attention to the millions of Americans who are eager to adopt, and express our gratitude to the families who have welcomed children into their lives and homes. My Administration also acknowledges the courage of those mothers and fathers who place their child for adoption. Our Nation grows stronger because of the love and sacrifice of parents, both birth and adoptive.

Adoption is a blessing for all involved. It provides needed relief to birth parents, who may not, for whatever reason, be in a position to raise a child. It fosters loving homes for children. It enables individuals to grow their families and share their love. And it fosters strong families, which are integral to ensuring strong communities and a resilient country. To secure the benefits of adoption, we must continue to assist families who are willing to adopt children in need of a permanent home and support the adoptive families already formed. We must also encourage all Americans to recognize that adoption is a powerful way to show women they are not alone in an unexpected pregnancy.

My Administration is dedicated to supporting the children in foster care who are seeking permanent homes. Unfortunately, many youth leave foster care at the age of 18 without lasting family connections. These children deserve a permanent family, which can provide them with love, stability, support, and encouragement as they pursue personal, educational, and employment goals and confront life's opportunities and challenges.

Adoption affirms the inherent value of human life and signals that every child—born or unborn—is wanted and loved. Children, regardless of race, sex, age, or disability, deserve a loving embrace into families they can call their own. This month, we honor the thousands of American families who have grown because of adoption. We also stand with those children in foster care, and we appeal to families, communities, and houses of worship across our great Nation to help these children find a permanent home.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim November 2018 as National Adoption Month. I encourage all Americans to observe this month by helping children in need of a permanent home secure a more promising future with a forever family, so they may enter adulthood with the love and support we all deserve.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9816 of October 31, 2018

National Entrepreneurship Month, 2018

By the President of the United States of America

A Proclamation

Since the founding of our Nation, generations of Americans have drawn upon every last measure of grit and determination to push the limits of human knowledge, invention, and capability. Our Nation thrives today because bold entrepreneurs and innovators had vision and drive, stopping at nothing to realize their dreams. This intrepid spirit, which burns in the heart of so many Americans, kept Edison working into the candlelit hours, lifted Earhart to new heights, and put a computer in every home. And under my Administration's policies, optimism among our Nation's small businesses and entrepreneurs recently reached the highest level ever recorded. During National Entrepreneurship Month, we celebrate the Americans who forge new frontiers of possibility and prosperity, and we reaffirm our commitment to creating an environment in which they can continue to drive our country's economic success.

My Administration is committed to policies that foster entrepreneurship and create jobs. For too long, an outdated and convoluted tax code discouraged investment and limited opportunity for millions of hardworking Americans. That is why, in December of 2017, I delivered on my promise to unleash the potential of America's economy by signing into law the Tax Cuts and Jobs Act. These unprecedented tax cuts and reforms eased the tax burden on entrepreneurs and expanded their access to capital, ushering in a new era of economic growth.

My Administration is also implementing historic regulatory reform, removing unnecessary and burdensome regulations, which have too often prevented our country's risk-takers from charting new paths of discovery. While working at every turn to protect consumers and the environment from harm, our deregulatory efforts have saved American families and business owners $33 billion. For the first time in modern history, Americans have experienced an overall decrease in regulatory burdens. We will not let up. Americans deserve a regulatory environment that facilitates innovation, rewards creativity, and allows the skills and dexterity of our entrepreneurs to shine.

Americans of every race, creed, and socioeconomic background are benefiting from my Administration's whole-of-government approach to

economic growth. For example, the Small Business Administration (SBA), through its Women's Business Center Program, is providing access to training and counseling specifically for women in business. The SBA is also embarking on an ambitious web-based effort to build awareness about resources available for Hispanic job creators. Additionally, the Tax Cuts and Jobs Act created new Opportunity Zones, which will attract billions of dollars in private-sector investments to revitalize distressed communities in America.

These efforts are yielding extraordinary dividends. The unemployment rate in September hit its lowest level in nearly half a century. The unemployment rate for Hispanic Americans is at the lowest level in recorded history. The unemployment rates for African Americans and Asian Americans have also hit all-time lows. The same is true of the unemployment rates for African-American women and African-American youth. And businesses owned by African-American and Hispanic-American women are growing at a faster rate than any other category of female owned businesses.

This month, we celebrate every American entrepreneur who continues in the proud tradition of taking risks and delivering remarkable new products and services. We continue to be inspired by those who bring their ideas to fruition, whether through ambitious business development, thrilling entertainment, or groundbreaking research. And we renew our commitment to removing obstacles to economic freedom so that our Nation's entrepreneurs are able to embrace their ingenuity and create the next generation of American prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 20, 2018, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9817 of October 31, 2018

National Family Caregivers Month, 2018

By the President of the United States of America
A Proclamation

During National Family Caregivers Month, we pay tribute to the millions of Americans across our Nation who selflessly care for family members who are chronically ill, elderly, or who have a disability. We recognize the challenges of caregiving and celebrate the joys of bringing support and comfort to a loved one. We express our gratitude to them for the work they do daily to ensure their loved ones are able to live in their homes and communities.

Family caregivers are the foundation of our country's long-term support system. Every year, nearly 44 million caregivers assist loved ones with a vast array of essential tasks, including eating, bathing, dressing, managing finances, childcare, administering medications, and arranging doctor visits and transportation. In performing these challenging duties with patience and compassion, family caregivers embody selfless service and sacrifice.

My Administration is strongly committed to ensuring that family caregivers have the support they need. Earlier this year, I was pleased to sign into law the RAISE Family Caregivers Act, which will help support the millions of family caregivers across our Nation and the individuals who rely on them. This bipartisan legislation directs the Secretary of Health and Human Services to develop and make available strategies for recognizing and supporting family caregivers. It also establishes an advisory council that will leverage expertise from across my Administration and our Nation to address topics such as respite services and options, workplace flexibility, and financial security. It will also help people navigate the healthcare system and produce further recommendations for supporting family caregivers. Similarly, the Supporting Grandparents Raising Grandchildren Act, which I signed on July 7, 2018, will help our Nation better address the needs of people who provide full-time care for their grandchildren. Sadly, the number of people caring for grandchildren is growing, as the opioid crisis continues to ravage families across our country. I was also pleased to sign into law the VA MISSION Act of 2018, which expands caregiver assistance to eligible veterans who served our country before September 11, 2001.

As anchors for their loved ones, our Nation's family caregivers promote a culture that values the dignity of life at all stages and the importance of family. This month, we acknowledge the dedication and compassion of all those who work to improve their family members' lives, and we renew our commitment to supporting them in their labor of love.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Family Caregivers Month. I encourage all Americans to acknowledge, and express our gratitude to, all who provide compassionate care to enhance the lives of their loved ones in need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9818 of October 31, 2018

National Native American Heritage Month, 2018

By the President of the United States of America
A Proclamation

During National Native American Heritage Month, we celebrate the legacy of the first people to call this land home. America's Native Americans have fortified our country with their traditions and values, making tremendous contributions to every aspect of our national life. We remain committed to preserving and protecting Native American cultures, languages, and history, while ensuring prosperity and opportunity for all Native Americans.

American Indians and Alaska Natives are both important components of the American mosaic. Native Americans are business owners creating good jobs for American workers, teachers educating our children, first responders assisting neighbors in need, and leaders serving their communities. This month, we especially recognize the immeasurable contribution of American Indians and Alaska Natives who serve in the Armed Forces at five times the national average. We also acknowledge the many American Indians and Alaska Natives who are members of Federal, State, local, and tribal law enforcement and who sacrifice their safety for the security of all.

My Administration is committed to the sovereignty of Indian nations—including the rights of self-determination and self-governance—and ensuring economic opportunity from Window Rock in Arizona to the Badger-Two Medicine region in Montana. By engaging with tribal leaders as representatives of sovereign nations, my Administration is working to find effective solutions to pernicious challenges, such as generational poverty. Our partnership is furthering economic development and advancing needed reforms.

My Administration has also embraced all Federal agencies—especially the Bureau of Indian Affairs, the Indian Health Service, and the Bureau of Indian Education—to improve the quality of services delivered to American Indian and Alaska Native communities. We are combating the destructive opioid epidemic, confronting human trafficking and violent crime, expanding educational opportunity, increasing collaborative homeland security approaches to border security, and improving infrastructure throughout Indian country.

Earlier this year, I was pleased to sign into law legislation giving Federal recognition to six American Indian Tribes. The formal recognition of these sovereign governments is a symbol of our ongoing effort to restore self-governance and economic vitality to Native American peoples, and we welcome these tribes into America's family of sovereign nations.

Our Nation is proud of and grateful for its Native American heritage and traditions, including a history of innovation and entrepreneurship. The essential contributions of Native Americans continue to strengthen our American family and brighten our future together. This month, I encourage all Americans to learn more about American Indian and Alaska Native cultures as we celebrate and honor the many Native peoples who have given so much to our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 23, 2018, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9819 of October 31, 2018

National Veterans and Military Families Month, 2018

By the President of the United States of America

A Proclamation

During National Veterans and Military Families Month, we salute the brave and dedicated patriots who have worn the uniform of the United States, and we celebrate the extraordinary military families whose selfless service and sacrifice make our military the finest in the world.

Our Nation's veterans represent the best of America. Generation after generation, men and women have answered the call to defend our country and our freedom, facing danger and uncertainty with uncommon courage. They make tremendous sacrifices by leaving their families to serve throughout the homeland and in combat, contingency, and humanitarian operations worldwide.

Our heroes have always relied on their families for strength and support. Serving alongside our men and women in uniform are spouses, siblings, parents, and children who personify the ideals of patriotism, pride, resilience, service above self, and honor. They endure the hardships and uncertainty of multiple relocations, extended trainings, and deployments because of their admirable devotion to our country and a loved one in uniform.

President Ronald Reagan said, ''America's debt to those who would fight for her defense doesn't end the day the uniform comes off.''; Our Nation's veterans fulfilled their duty to this country with brave and loyal service; it is our moral and solemn obligation to demonstrate to them our continuing gratitude, unwavering support, and meaningful encouragement.

I am steadfastly committed to ensuring our veterans and their families receive the care and support they deserve. I was pleased to sign into law the landmark VA MISSION Act of 2018, which revolutionizes the way veterans receive healthcare and other services vital to their lives. The Department of Veterans Affairs is continuing to raise its standard of service, including through the establishment of the first national center of excellence for veteran and caregiver research, which will improve services and outcomes for patients and their families. I have also

mandated greater collaboration across the Government to support veterans transitioning to civilian life. Additionally, Second Lady Karen Pence and I have collaborated on ways to elevate the career and educational opportunities for military spouses and children in partnership with State, local, and tribal officials.

It is most appropriate that in this season of gratitude we stop to recognize veterans, military families, and those who gave their lives in service to this great Nation. We are indebted to these heroes for the freedoms we enjoy every day. I ask all Americans to join me in offering our sincere thanks to our veterans and the families who love and support them.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Veterans and Military Families Month. I encourage all communities, all sectors of society, and all Americans to acknowledge and honor the service, sacrifices, and contributions of veterans and military families for what they have done and for what they do every day to support our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9820 of November 8, 2018

Honoring the Victims of the Tragedy in Thousand Oaks, California

By the President of the United States of America
A Proclamation

As a mark of solemn respect for the victims of the terrible act of violence perpetrated in Thousand Oaks, California, on November 7, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, November 10, 2018. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9821 of November 8, 2018

World Freedom Day, 2018

By the President of the United States of America
A Proclamation

The Berlin Wall stood as a harrowing barrier for nearly three decades, dividing East and West Germans from their families and friends, and symbolizing the suffocating oppression of Soviet-backed totalitarian regimes. On World Freedom Day, we remember the struggle and sacrifice of those who braved severe hardships under communism's brutal reign, and we celebrate November 9, 1989, as the day when freedom-loving people on both sides of the wall came together to begin tearing down this hated obstruction to liberty. We also honor the unwavering resolve of those who confronted the evils of corrupt despots and reaffirm our support for people around the world seeking to live in freedom and to enjoy the blessings of liberty.

As of this year, Germany has been reunified for longer than it was divided by the Berlin Wall, which imprisoned the people of East Germany for more than 28 years. While it stood, the Berlin Wall was both a physical barrier and a symbol of oppression. Few dared to dream of reunification. The courageous and unwavering determination of those who dared to confront it and those who guarded it day and night, however, inspired millions to prove that freedom prevails over tyranny. The fall of the Berlin Wall marked a major step in the disintegration of the Iron Curtain, paving the way to the liberation of Eastern and Central Europe from the grip of communism and marking a decisive victory for freedom-loving people across Europe. Many countries that lived under the shadow of communism emerged as new democracies and reclaimed their right to determine their own futures. Today, they continue to defend their cherished independence.

Unfortunately, we know freedom is repressed in too many places around the world, particularly where terrorism and extremism continue to pose grave threats. Americans have always held boldly and unapologetically to the truth that liberty is an inherent human right, and we reaffirm our commitment to keeping the light of freedom burning bright and shining out to the entire world.

Today, we pay tribute to the brave individuals who, despite all risks, have challenged injustice and fought for freedom, especially those who have made the ultimate sacrifice. We stand in solidarity with those who still live under tyrannical governments and emphasize that the world will be better off when all governments respect the right of all people to live in freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 9, 2018, as World Freedom Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand eighteen, and of

the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9822 of November 9, 2018

Addressing Mass Migration Through the Southern Border of the United States

By the President of the United States of America

A Proclamation

The United States expects the arrival at the border between the United States and Mexico (southern border) of a substantial number of aliens primarily from Central America who appear to have no lawful basis for admission into our country. They are traveling in large, organized groups through Mexico and reportedly intend to enter the United States unlawfully or without proper documentation and to seek asylum, despite the fact that, based on past experience, a significant majority will not be eligible for or be granted that benefit. Many entered Mexico unlawfully—some with violence—and have rejected opportunities to apply for asylum and benefits in Mexico. The arrival of large numbers of aliens will contribute to the overloading of our immigration and asylum system and to the release of thousands of aliens into the interior of the United States. The continuing and threatened mass migration of aliens with no basis for admission into the United States through our southern border has precipitated a crisis and undermines the integrity of our borders. I therefore must take immediate action to protect the national interest, and to maintain the effectiveness of the asylum system for legitimate asylum seekers who demonstrate that they have fled persecution and warrant the many special benefits associated with asylum.

In recent weeks, an average of approximately 2,000 inadmissible aliens have entered each day at our southern border. In Fiscal Year 2018 overall, 124,511 aliens were found inadmissible at ports of entry on the southern border, while 396,579 aliens were apprehended entering the United States unlawfully between such ports of entry. The great number of aliens who cross unlawfully into the United States through the southern border consumes tremendous resources as the Government seeks to surveil, apprehend, screen, process, and detain them.

Aliens who enter the United States unlawfully or without proper documentation and are subject to expedited removal may avoid being promptly removed by demonstrating, during an initial screening process, a credible fear of persecution or torture. Approximately 2 decades ago, most aliens deemed inadmissible at a port of entry or apprehended after unlawfully entering the United States through the southern border were single adults who were promptly returned to Mexico, and very few asserted a fear of return. Since then, however, there has been a massive increase in fear-of-persecution or torture claims by aliens who enter the United States through the southern border. The vast majority of such aliens are found to satisfy the credible-fear threshold, although only a fraction of the claimants whose claims are

adjudicated ultimately qualify for asylum or other protection. Aliens found to have a credible fear are often released into the interior of the United States, as a result of a lack of detention space and a variety of other legal and practical difficulties, pending adjudication of their claims in a full removal proceeding in immigration court. The immigration adjudication process often takes years to complete because of the growing volume of claims and because of the need to expedite proceedings for detained aliens. During that time, many released aliens fail to appear for hearings, do not comply with subsequent orders of removal, or are difficult to locate and remove.

Members of family units pose particular challenges. The Federal Government lacks sufficient facilities to house families together. Virtually all members of family units who enter the United States through the southern border, unlawfully or without proper documentation, and that are found to have a credible fear of persecution, are thus released into the United States. Against this backdrop of near-assurance of release, the number of such aliens traveling as family units who enter through the southern border and claim a credible fear of persecution has greatly increased. And large numbers of family units decide to make the dangerous and unlawful border crossing with their children.

The United States has a long and proud history of offering protection to aliens who are fleeing persecution and torture and who qualify under the standards articulated in our immigration laws, including through our asylum system and the Refugee Admissions Program. But our system is being overwhelmed by migration through our southern border. Crossing the border to avoid detection and then, if apprehended, claiming a fear of persecution is in too many instances an avenue to near-automatic release into the interior of the United States. Once released, such aliens are very difficult to remove. An additional influx of large groups of aliens arriving at once through the southern border would add tremendous strain to an already taxed system, especially if they avoid orderly processing by unlawfully crossing the southern border.

The entry of large numbers of aliens into the United States unlawfully between ports of entry on the southern border is contrary to the national interest, and our law has long recognized that aliens who seek to lawfully enter the United States must do so at ports of entry. Unlawful entry puts lives of both law enforcement and aliens at risk. By contrast, entry at ports of entry at the southern border allows for orderly processing, which enables the efficient deployment of law enforcement resources across our vast southern border.

Failing to take immediate action to stem the mass migration the United States is currently experiencing and anticipating would only encourage additional mass unlawful migration and further overwhelming of the system.

Other presidents have taken strong action to prevent mass migration. In Proclamation 4865 of September 29, 1981 (High Seas Interdiction of Illegal Aliens), in response to an influx of Haitian nationals traveling to the United States by sea, President Reagan suspended the entry of undocumented aliens from the high seas and ordered the Coast Guard to intercept such aliens before they reached United States shores and to return them to their point of origin. In Executive Order 12807 of May 24, 1992 (Interdiction of Illegal Aliens), in response to a dramatic

increase in the unlawful mass migration of Haitian nationals to the United States, President Bush ordered additional measures to interdict such Haitian nationals and return them to their home country. The Supreme Court upheld the legality of those measures in *Sale v. Haitian Centers Council, Inc.,* 509 U.S. 155 (1993).

I am similarly acting to suspend, for a limited period, the entry of certain aliens in order to address the problem of large numbers of aliens traveling through Mexico to enter our country unlawfully or without proper documentation. I am tailoring the suspension to channel these aliens to ports of entry, so that, if they enter the United States, they do so in an orderly and controlled manner instead of unlawfully. Under this suspension, aliens entering through the southern border, even those without proper documentation, may, consistent with this proclamation, avail themselves of our asylum system, provided that they properly present themselves for inspection at a port of entry. In anticipation of a large group of aliens arriving in the coming weeks, I am directing the Secretary of Homeland Security to commit additional resources to support our ports of entry at the southern border to assist in processing those aliens—and all others arriving at our ports of entry—as efficiently as possible.

But aliens who enter the United States unlawfully through the southern border in contravention of this proclamation will be ineligible to be granted asylum under the regulation promulgated by the Attorney General and the Secretary of Homeland Security that became effective earlier today. Those aliens may, however, still seek other forms of protection from persecution or torture. In addition, this limited suspension will facilitate ongoing negotiations with Mexico and other countries regarding appropriate cooperative arrangements to prevent unlawful mass migration to the United States through the southern border. Thus, this proclamation is also necessary to manage and conduct the foreign affairs of the United States effectively.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(f) and 1185(a), respectively) hereby find that, absent the measures set forth in this proclamation, the entry into the United States of persons described in section 1 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry of any alien into the United States across the international boundary between the United States and Mexico is hereby suspended and limited, subject to section 2 of this proclamation. That suspension and limitation shall expire 90 days after the date of this proclamation or the date on which an agreement permits the United States to remove aliens to Mexico in compliance with the terms of section 208(a)(2)(A) of the INA (8 U.S.C. 1158(a)(2)(A)), whichever is earlier.

Sec. 2. *Scope and Implementation of Suspension and Limitation on Entry.* (a) The suspension and limitation on entry pursuant to section 1 of this proclamation shall apply only to aliens who enter the United States after the date of this proclamation.

(b) The suspension and limitation on entry pursuant to section 1 of this proclamation shall not apply to any alien who enters the United States at a port of entry and properly presents for inspection, or to any lawful permanent resident of the United States.

(c) Nothing in this proclamation shall limit an alien entering the United States from being considered for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) or protection pursuant to the regulations promulgated under the authority of the implementing legislation regarding the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or limit the statutory processes afforded to unaccompanied alien children upon entering the United States under section 279 of title 6, United States Code, and section 1232 of title 8, United States Code.

(d) No later than 90 days after the date of this proclamation, the Secretary of State, the Attorney General, and the Secretary of Homeland Security shall jointly submit to the President, through the Assistant to the President for National Security Affairs, a recommendation on whether an extension or renewal of the suspension or limitation on entry in section 1 of this proclamation is in the interests of the United States.

Sec. 3. *Interdiction.* The Secretary of State and the Secretary of Homeland Security shall consult with the Government of Mexico regarding appropriate steps—consistent with applicable law and the foreign policy, national security, and public-safety interests of the United States—to address the approach of large groups of aliens traveling through Mexico with the intent of entering the United States unlawfully, including efforts to deter, dissuade, and return such aliens before they physically enter United States territory through the southern border.

Sec. 4. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the failure to follow certain procedures, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 5. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in eq-

uity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9823 of November 9, 2018

American Education Week, 2018

By the President of the United States of America

A Proclamation

During American Education Week, we reaffirm our commitment to ensuring that all Americans have access to an affordable, high-quality education. We also recognize the hard work of our Nation's dedicated parents, guardians, teachers, and school leaders to ensure that every child is prepared to join today's growing workforce. To maintain our country's competitiveness, our students deserve a good education that empowers them with the knowledge, skills, and character necessary to reach their full potential.

Education is a lifelong process of learning and discovery that begins at home. Parents are a child's first teacher. By actively engaging with educators, mentors, coaches, faith leaders, and community members, parents are best equipped to shape their child's education. My Administration has worked to empower States and local communities with greater control and flexibility over their schools. We are also protecting and expanding parents' access to a wide range of high-quality educational choices, including effective public, charter, magnet, private, parochial, online, and homeschool options.

Each student is unique, with their own distinct experiences, needs, learning styles, and dreams. Thus, education must be customized and individualized as there is no single approach to education that works for every student. My Administration encourages parents, guardians, educators, and school leaders to rethink the way students learn in America to ensure that every American receives a high-quality education that meets their needs. We empower teachers to create learning environments that are challenging, relevant, and engaging. When families are free to choose where and how their children learn, and when teachers are free to do their best work, students are able to grow and explore their talents and passions.

High-quality education also paves the way for a thriving workforce in America. My Administration acknowledges that our economy requires dynamic approaches to education and workforce development. Today's students will enter an economy that is stronger than ever before. With consumer confidence at a record high and unemployment at the lowest rate in almost 50 years, bringing our workforce development efforts into the 21st century is exceedingly critical. In July, I established the President's National Council for the American Worker and the American Workforce Policy Advisory Board to harness the expertise of the

education and business communities, and to allow private- and public-sector collaboration to resolve pressing issues related to workforce development. Additionally, I was pleased to sign a reauthorization of the Carl D. Perkins Career and Technical Education Act. This legislation increases access to programs that will help provide students with the skills they need to succeed in our 21st century economy while enabling more flexibility for States to meet the unique needs of their students, educators, and employers. My Administration is committed to ensuring that America's students and workers have access to education and job training that will equip them to compete and win in the global economy.

This week, we are reminded of our great responsibility to empower our Nation's students to develop the skills needed to pursue meaningful careers. We must continue our efforts to expand freedom and opportunity in education, with the knowledge that our country's future relies on today's students.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 11 through November 17, 2018, as American Education Week. I commend our Nation's schools, their teachers and leaders, and the parents of students across this land. And I call on States and communities to support high-quality education to meet the needs of all students.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9824 of November 9, 2018

National Apprenticeship Week, 2018

By the President of the United States of America

A Proclamation

Under my Administration's policies, our Nation's economy is booming and Americans have more opportunities than ever before. Men and women from all walks of life are moving off the sidelines and into the workforce. In this economic context, our country needs workers with world-class skills and abilities to fill vacant positions in the labor force. During National Apprenticeship Week, we recognize the importance of apprenticeships in helping our country's hardworking people develop the competencies that enable success in today's dynamic, 21st century economy.

As a lifelong businessman who has hired thousands of workers, I am a strong believer in the apprenticeship model, and my Administration is committed to expanding apprenticeship opportunities. Apprenticeship programs, when implemented effectively, provide workers with an opportunity to ''earn and learn''; on the job, and pair workplace education with classroom instruction, accelerating the learning process for participants and increasing their marketability. Since I took office,

American employers have hired over 400,000 apprentices. In 2018 alone, we committed $145 million to diversify and scale apprenticeship programs, and we provided an additional $150 million in grant opportunities to promote apprenticeships in industries where they have not traditionally existed, including advanced manufacturing, banking and finance, information technology, and healthcare. In addition, as a result of our Pledge to America's Workers, in just 3 months, we have secured commitments from more than 160 companies and associations to provide jobs, education, and workforce development opportunities to 6.4 million American workers.

In June of last year, I signed an Executive Order creating the Task Force on Apprenticeship Expansion, which focused on identifying proposals to cultivate apprenticeships across all sectors of the economy and reform ineffective education and workforce development programs. The Task Force was composed of representatives from business, the trades, labor and industry groups, and educational institutions; each participant contributed a unique set of insights and experiences. The Task Force helped my Administration map out a strategy for creating new, industry-recognized apprenticeship programs that will encourage employers and industries to adopt the apprenticeship model.

In addition to supporting apprenticeships, I am advancing tax and regulatory policies that are increasing opportunities for all Americans. Last month, the unemployment rate dropped to 3.7 percent, its lowest point in nearly 50 years, and more Americans are working today than ever before in our history. At the same time, right now, there are 7 million unfilled jobs in our country. By successfully deploying the apprenticeship model, the United States can build a workforce strong enough to quickly fill all of those jobs and better compete on the global stage. This week, I encourage all participants in our economy, from business leaders to government officials to educators, to join in our efforts to expand apprenticeship programs. Together, we can build and educate our Nation's workforce, securing American economic greatness for future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 12 through November 18, 2018, as National Apprenticeship Week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9825 of November 9, 2018

Veterans Day, 2018

By the President of the United States of America
A Proclamation

On November 11, 1918, the United States and its allies signed an armistice with Germany to end hostilities in World War I. The Great War

exacted a tremendous toll on our Nation. More than 100,000 American service members perished in the war, and the lives of countless others were forever altered. In 1919, to honor and memorialize these sacrifices, President Woodrow Wilson proclaimed November 11 as Armistice Day, the precursor to Veterans Day, expressing ''solemn pride in the heroism of those who died in the country's service.''; This year, as we commemorate the 100th anniversary of the Armistice, we again salute the generations upon generations of American heroes who have sacrificed so much to secure the blessings of freedom for their fellow Americans.

We will never be able to repay the debt we owe the brave men and women who have served in the Army, Navy, Air Force, Marines, and Coast Guard. To the 20 million veterans alive today: this Veterans Day, we recommit ourselves to providing you with the care you deserve. In June, I signed into law the VA MISSION Act of 2018, enacting some of the most substantial reforms to the Department of Veterans Affairs (VA) in a generation. This landmark legislation made Veterans Choice permanent, ensuring that our Nation's veterans have timely access to the highest quality of care possible and the flexibility to receive care either at the VA or at a private healthcare facility. The VA MISSION Act is removing barriers to telemedicine and expanding access to walk-in clinics. And it is giving veterans who were catastrophically injured in World War II, the Korean War, the Vietnam War, and the Gulf War the same access to caregiver assistance that veterans of more recent conflicts already enjoy. My Administration is also processing veteran claims and appeals more quickly than ever before, and veterans can now use their GI Bill benefits at any point in their lives. And, for the first time in history, the Department of Defense and the VA will share electronic health records, improving accessibility and easing the healthcare burden on our veterans.

For many service members, the transition into civilian life can be fraught with challenges. To enhance their access to critical resources and support, I signed an Executive Order that directs the Secretaries of Defense, Veterans Affairs, and Homeland Security to develop and implement a Joint Action Plan that provides seamless access to mental health treatment and suicide prevention resources for service members in the year following the conclusion of their military service.

As we mark the centennial of the Armistice, we remember the countless sacrifices that our country's heroic veterans have made throughout our history to preserve our liberty and prosperity. Our veterans embody the values and ideals of America and the timeless virtue of serving a greater cause. With respect for, and in recognition of, the contributions our service members have made to the advance of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans. As Commander in Chief of our heroic Armed Forces, I humbly thank our veterans and their families for their selflessness and love of country as we remember their service and their sacrifice. Today, and every day, we pay tribute to those who have worn the uniform, and we pray for the safety of all currently serving in harm's way.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim November 11, 2018, as Veterans Day. I encourage all Americans to recognize the fortitude and sacrifice

of our veterans through public ceremonies and private thoughts and prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9826 of November 16, 2018

National Family Week, 2018

By the President of the United States of America

A Proclamation

During National Family Week, we celebrate the immeasurable contributions, influence, and virtues of one of the greatest institutions—the family. Whether related by biology, marriage, or adoption, the family is a primary source of unconditional love and steadfast support. Strong families multiply joy, share challenges, and provide firm foundations for each member's growth and success in life. Families are central to learning values, and they enrich our neighborhoods, communities, and Nation.

My Administration is focused on creating an environment in which families can thrive. The Tax Cuts and Jobs Act has produced larger paychecks for workers, who are now keeping more of their hard-earned income. Due to this historic legislation and the elimination of unnecessary and burdensome regulations, the unemployment rate dropped to its lowest point in nearly 50 years last month, and more Americans are working today than ever before in our history. We have fought for and implemented more family-friendly policies like doubling the child tax credit and making it available to low-income working families; creating the dependent tax credit for taxpayers with children over the age of 16 and non-child dependents; and establishing an employer tax credit for paid family and medical leave. I also created, by Executive Order, the first ever National Council for the American Worker, to enhance Americans' access to the skills and support necessary to secure and retain a good paying job. In both of my budgets, I have also requested congressional funding for a national paid family leave program. All of these reforms are giving much-needed financial relief to hardworking parents. When Americans have greater opportunities to work and provide for their families, our Nation is stronger and more prosperous.

Every family, regardless of its social status or background, faces its own challenges. Tragically, many American family members are in the midst of a heart-wrenching and difficult battle against drug addiction. For this reason, I have tasked my Administration with strengthening our public health and safety response to the arising crisis of opioid and other drug addiction. In February, I secured $6 billion in new funding

for combating the opioid epidemic. In March, I released my Administration's plan to address the epidemic by reducing drug demand, cutting off the flow of illicit drugs, expanding access to overdose prevention and evidence-based treatment for opioid use disorder, and conducting research to improve prevention and treatment. And, last month, I signed the historic SUPPORT Act, which will reduce the length of time children spend in foster care due to a parent who is struggling with a substance use disorder. We will continue to remain firm in our commitment to provide help to families devastated by opioid addiction.

This week, we recognize in a special way that American families are integral to building and sustaining our great Nation, and we thank God for this precious gift. We must encourage and support the success of our families so that they can create loving and nurturing homes for all our children.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 18 through November 24, 2018, as National Family Week. I invite communities, churches, and individuals to observe this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9827 of November 20, 2018

Thanksgiving Day, 2018

By the President of the United States of America

A Proclamation

On Thanksgiving Day, we recall the courageous and inspiring journey of the Pilgrims who, nearly four centuries ago, ventured across the vast ocean to flee religious persecution and establish a home in the New World. They faced illness, harsh conditions, and uncertainty, as they trusted in God for a brighter future. The more than 100 Pilgrims who arrived at Plymouth, Massachusetts, on the Mayflower, instilled in our Nation a strong faith in God that continues to be a beacon of hope to all Americans. Thanksgiving Day is a time to pause and to reflect, with family and friends, on our heritage and the sacrifices of our forebearers who secured the blessings of liberty for an independent, free, and united country.

After surviving a frigid winter and achieving their first successful harvest in 1621, the Pilgrims set aside 3 days to feast and give thanks for God's abundant mercy and blessings. Members of the Wampanoag tribe—who had taught the Pilgrims how to farm in New England and helped them adjust and thrive in that new land—shared in the bounty and celebration. In recognition of that historic event, President George Washington, in 1789, issued a proclamation declaring the first national

day of thanksgiving. He called upon the people of the United States to unite in rendering unto God our sincere and humble gratitude ''for his kind care and protection of the People of this Country''; and ''the favorable interpositions of his Providence.''; President Abraham Lincoln revived this tradition as our fractured Nation endured the horrors of the Civil War. Ever since, we have set aside this day to give special thanks to God for the many blessings, gifts, and love he has bestowed on us and our country.

This Thanksgiving, as we gather in places of worship and around tables surrounded by loved ones, in humble gratitude for the bountiful gifts we have received, let us keep in close memory our fellow Americans who have faced hardship and tragedy this year. In the spirit of generosity and compassion, let us joyfully reach out in word and deed, and share our time and resources throughout our communities. Let us also find ways to give to the less fortunate—whether it be in the form of sharing a hearty meal, extending a helping hand, or providing words of encouragement.

We are especially reminded on Thanksgiving of how the virtue of gratitude enables us to recognize, even in adverse situations, the love of God in every person, every creature, and throughout nature. Let us be mindful of the reasons we are grateful for our lives, for those around us, and for our communities. We also commit to treating all with charity and mutual respect, spreading the spirit of Thanksgiving throughout our country and across the world.

Today, we particularly acknowledge the sacrifices of our service members, law enforcement personnel, and first responders who selflessly serve and protect our Nation. This Thanksgiving, more than 200,000 brave American patriots will spend the holiday overseas, away from their loved ones. Because of the men and women in uniform who volunteer to defend our liberty, we are able to enjoy the splendor of the American life. We pray for their safety, and for the families who await their return.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 22, 2018, as a National Day of Thanksgiving. I encourage all Americans to gather, in homes and places of worship, to offer a prayer of thanks to God for our many blessings.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9828 of November 30, 2018

National Impaired Driving Prevention Month, 2018

By the President of the United States of America
A Proclamation

During National Impaired Driving Prevention Month, we recommit ourselves to the fight against impaired driving. Every day, lives are needlessly lost and irreparably altered by collisions involving drugs or alcohol. These horrible tragedies are avoidable, and each of us must make responsible decisions to prevent them and keep our communities safe.

Operating a vehicle while under the influence of alcohol, illicit drugs, or certain medications can have devastating consequences. In 2017, more than 10,000 people died in alcohol-related crashes in the United States, accounting for 29 percent of all traffic fatalities. Drunk or drugged drivers experience diminished judgment and decreased motor coordination and reaction time, putting at grave risk passengers, pedestrians, and other drivers.

My Administration is committed to raising public awareness about the dangers of impaired driving, and to supporting innovative ways of reducing related fatalities. This month in particular, we recognize the public safety professionals and law enforcement officers who work to protect our communities by removing dangerously impaired drivers from the road. We also express our great appreciation for the emergency responders across America who save lives through rescue operations on our roads on a daily basis. We continue our efforts to eliminate outdated regulations that unnecessarily hamper the ability of American companies to help reduce instances of impaired driving through innovations such as ride hailing services and Advanced Vehicle Technology. Additionally, we are providing treatment for those suffering from alcohol and substance abuse, improving data collection and toxicology practices, and ensuring that our law enforcement professionals receive vital resources to help prevent impaired driving and to respond to the tragedies it causes.

Every American can take a few simple steps to make our roads safer. We hope every driver commits to making responsible and safe decisions when driving, including driving sober, finding a designated driver, and keeping loved ones from getting behind the wheel while impaired. By educating our communities on the importance of driving sober, we can help avoid loss of life, debilitating injuries, and unbearable heartache. We must act to protect our loved ones and eliminate fatalities that prevent our fellow Americans from enjoying full and happy lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2018 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand eighteen, and

of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9829 of November 30, 2018

World AIDS Day, 2018

By the President of the United States of America

A Proclamation

For more than three decades, our Nation and the world have confronted the challenges posed by the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS). Today, thanks to lifesaving medications, an HIV/AIDS diagnosis does not have to be a death sentence. On World AIDS Day, we remember the 35 million lives that have sadly been cut short by this terrible disease, and we renew our pledge to stand with those living with it until it is eliminated from our communities.

Medical advancements and procedures have transformed HIV from a disease that meant nearly certain death into a generally manageable, chronic condition. Antiretroviral drugs and therapies help control the virus so that people with HIV can experience healthy and productive lives with reduced risk of transmitting it to others. With these long-sought solutions now at our disposal, we have the ability to help alleviate the pain and needless suffering of our fellow Americans living with HIV, their family and friends, and the millions of others around the world living with this disease.

Our efforts to connect those affected by this disease with high-quality healthcare are dramatically improving many lives. The 2017 National HIV/AIDS Strategy (NHAS) progress report indicates a significant increase of Americans living with HIV. These people are now able to suppress the virus with medication. But we cannot rest on this progress. In recent years, opioids and other injected drugs have caused HIV outbreaks in communities rarely affected before the outbreak of the epidemic. We must continue to work to eliminate the stigma that surrounds HIV so that no one is afraid to learn their HIV status, treat their condition if HIV infected, and prevent infection if they are at risk.

My Administration remains steadfastly focused on achieving the NHAS goals for 2020. These goals are within our reach, but achieving them will require continued coordinated work with local and State governments, faith-based and charitable organizations, and many others. One such critical component of our domestic public health response is the Ryan White HIV/AIDS Program. Working with cities, counties, States, and local community-based programs, this program provides a comprehensive system of HIV care, lifesaving medications, and essential support services to more than half a million low-income people in the United States each year.

We also remain committed to collaborating with both national and international stakeholders through the U.S. President's Emergency Plan for AIDS Relief (PEPFAR). For 15 years, PEPFAR has devoted American resources to critical HIV prevention, treatment, and care to some

of the world's most vulnerable populations, helping to save more than 17 million lives. PEPFAR has continued to support a rapid acceleration of HIV prevention by using data to increase program performance, mobilize domestic resources, and support local partners for sustainable implementation. Through this program, we are supporting lifesaving HIV treatment for more than 14 million people and have enabled more than 2 million babies of HIV-infected mothers to be born HIV-free.

With American leadership, the HIV/AIDS pandemic has shifted from crisis toward control. Hope and life are prospering where death and despair once prevailed. A generation that could have been lost is instead thriving and building a brighter future. For the first time in modern history, we have the ability to sustainably control an epidemic, despite the absence of a vaccine or cure, and create a future of flourishing, stable communities in the United States and around the globe.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 1, 2018, as World AIDS Day. I urge the Governors of the States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and American people to join me in appropriate activities to remember those who have lost their lives to AIDS and to provide support and compassion to those living with HIV.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9830 of December 1, 2018

Announcing the Death of George Herbert Walker Bush

By the President of the United States of America
A Proclamation

TO THE PEOPLE OF THE UNITED STATES:

It is my sorrowful duty to announce officially the death of George Herbert Walker Bush, the forty-first President of the United States, on November 30, 2018.

President Bush led a great American life, one that combined and personified two of our Nation's greatest virtues: an entrepreneurial spirit and a commitment to public service. Our country will greatly miss his inspiring example.

On the day he turned 18, 6 months after the attack on Pearl Harbor, George H.W. Bush volunteered for combat duty in the Second World War. The youngest aviator in United States naval history at the time, he flew 58 combat missions, including one in which, after taking enemy fire, he parachuted from his burning plane into the Pacific Ocean. After the war, he returned home and started a business. In his

words, ''the big thing''; he learned from this endeavor was ''the satisfaction of creating jobs.'';

The same unselfish spirit that motivated his business pursuits later inspired him to resume the public service he began as a young man. First, as a member of Congress, then as Ambassador to the United Nations, Chief of the United States Liaison Office in China, Director of Central Intelligence, Vice President, and finally President of the United States, George H.W. Bush guided our Nation through the Cold War, to its peaceful and victorious end, and into the decades of prosperity that have followed. Through sound judgment, practical wisdom, and steady leadership, President Bush made safer the second half of a tumultuous and dangerous century.

Even with all he accomplished in service to our Nation, President Bush remained humble. He never believed that government—even when under his own leadership—could be the source of our Nation's strength or its greatness. America, he rightly told us, is illuminated by ''a thousand points of light,''; ''ethnic, religious, social, business, labor union, neighborhood, regional and other organizations, all of them varied, voluntary and unique''; in which Americans serve Americans to build and maintain the greatest Nation on the face of the Earth. President Bush recognized that these communities of people are the true source of America's strength and vitality.

It is with great sadness that we mark the passing of one of America's greatest points of light, the death of President George H.W. Bush.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, in honor and tribute to the memory of President George H.W. Bush, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for a period of 30 days from the day of his death. I also direct that, for the same length of time, the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

I hereby order that suitable honors be rendered by units of the Armed Forces under orders of the Secretary of Defense.

I do further appoint December 5, 2018, as a National Day of Mourning throughout the United States. I call on the American people to assemble on that day in their respective places of worship, there to pay homage to the memory of President George H.W. Bush. I invite the people of the world who share our grief to join us in this solemn observance.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9831 of December 6, 2018

National Pearl Harbor Remembrance Day, 2018

By the President of the United States of America
A Proclamation

Today, we honor those who perished 77 years ago at Pearl Harbor, and we salute every veteran who served in World War II over the 4 years that followed that horrific attack.

On December 7, 1941, America was attacked without warning at Pearl Harbor, Hawaii, by the air and naval forces of Imperial Japan. Just before 8:00 a.m., Japanese aircraft ripped through the sky, dropping bombs on ships of the United States Pacific Fleet and on nearby airfields and bases. The attack took the lives of more than 2,400 American service members and wounded another 1,100 American citizens. The brutal surprise attack halted only after nearly two hours of chaos, death, and destruction.

Despite the shock and confusion of the moment, American service members and first responders on the island of Oahu mounted an incredibly brave defense against insurmountable odds. American pilots took to the air to engage enemy aircraft, sailors took their battle stations, and medical personnel cared for the wounded. Many witnesses to the events of that day perished in the attacks, leaving countless acts of valor unrecorded. Nevertheless, 15 Medals of Honor were awarded—10 of them posthumously—to United States Navy personnel for acts of valor above and beyond the call of duty.

Although the United States Pacific Fleet at Pearl Harbor was badly impaired, America did not falter. One day after the attacks, President Franklin Delano Roosevelt declared to the Congress: ''No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory.''; And, in the weeks, months, and years that followed the brutal attack at Pearl Harbor, Americans united with a steadfast resolve to defend the freedoms upon which our great Nation was founded. Millions of brave men and women answered their country's call to service with unquestionable courage. These incredible patriots fought, bled, sacrificed, and ultimately triumphed for the cause of freedom.

We are blessed as a Nation to have as examples the incredible heroes of World War II, who fought so valiantly to preserve all that we hold dear. Earlier this year, I had the tremendous honor of meeting Mr. Ray Chavez, who was the oldest living Pearl Harbor veteran. Ray passed away only a few weeks ago at the incredible age of 106. But his legacy is forever etched into our country's rich history, along with the legacies of all our brave veterans. They tell of the mettle of the American spirit under fire and of the will of our people to stand up to any threat. The selfless bravery and dedication of these extraordinary Americans will never be forgotten.

Today, we remember all those killed on the island of Oahu on that fateful Sunday morning in 1941, and we honor the American patriots of the Greatest Generation who laid down their lives in the battles of World War II. America is forever blessed to have strong men and

women with exceptional courage who are willing and able to step forward to defend our homeland and our liberty.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as ''National Pearl Harbor Remembrance Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 7, 2018, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9832 of December 7, 2018

Human Rights Day, Bill of Rights Day, and Human Rights Week, 2018

By the President of the United States of America

A Proclamation

Our Nation was founded on the idea that our Creator endows each individual with certain unalienable rights. In the Declaration of Independence, Thomas Jefferson identified life, liberty, and the pursuit of happiness as among these fundamental human rights. Our Nation has enshrined these and other rights, which Americans continue to enjoy today, in the Bill of Rights.

On Bill of Rights Day, we recognize the key role of the Bill of Rights in protecting our individual liberties and limiting the power of government. The Founding Fathers understood the real threat government can pose to the rights of the people. James Madison, who introduced the Bill of Rights in the Congress, stated that the ''essence of Government is power; and power, lodged as it must be, in human hands, will ever be liable to abuse.''; That is why those first 10 Amendments to the Constitution, among others, protected the right to speak freely, the right to freely worship, the right to keep and bear arms, the right to be free from unreasonable searches and seizures, and the right to due process of law. As a part of the Constitution, the supreme law of the land, the Bill of Rights has protected our rights effectively against the abuse of government power for 227 years.

The Bill of Rights has served as a model for other countries in helping them develop their own safeguards for fundamental human rights. Seventy years ago, on December 10, 1948, as the world was emerging from the catastrophic destruction of World War II, the Bill of Rights inspired the United Nations General Assembly to adopt the Universal Declaration of Human Rights. Similar to the Bill of Rights, the Universal Dec-

laration of Human Rights enumerates many basic rights that are essential to preserving the dignity and liberty of all people. Today, the United States continues to respect the sovereign right of each country to chart its own social, economic, and cultural advancement. We also, however, recognize the universal truth that those countries that strive to honor and defend human rights are more likely to achieve long-term, sustainable prosperity and peace.

During Human Rights Day, Bill of Rights Day, and Human Rights Week, we vow to fiercely protect the eternal flame of liberty. Since there will always be a temptation for government to abuse its power, we reaffirm our commitment to defend the Bill of Rights and uphold the Constitution. We also remember all those around the world whose God-given rights have been violated and disregarded by authoritarian regimes, and we express our desire for the rule of law and liberty to one day triumph over all forms of oppression.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2018, as Human Rights Day; December 15, 2018, as Bill of Rights Day; and the week beginning December 9, 2018, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of December, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9833 of December 14, 2018

Wright Brothers Day, 2018

By the President of the United States of America
A Proclamation

On December 17, 1903, two American brothers from Dayton, Ohio, Orville and Wilbur Wright, launched the first manned, powered flight on a windy beach in Kitty Hawk, North Carolina. Their handcrafted biplane, though aloft a mere 12 seconds, ushered in the age of aviation and changed the course of history. On Wright Brothers Day, we commemorate this monumental achievement and look ahead to new chapters of American aviation in which new scientists, inventors, dreamers, and entrepreneurs will change history, fulfilling the human spirit's relentless quest for exploration and discovery.

In the 115 years since the Wright brothers achieved their groundbreaking flight, the United States has led the world in aviation innovation. We have developed supersonic jets, walked on the moon, placed increasingly advanced landers and rovers on Mars, and vaulted spacecraft into the far reaches of the universe to explore distant horizons. The aviation industry has transformed the way we live and communicate, strengthening our connections to other nations and continents, expanding the global marketplace, and extending the frontiers

of imagination and experimentation. These revolutionary achievements trace their origins back to the triumphs of Orville and Wilbur, two daring pioneers who, fueled by passion, undeterred by years of failure, and empowered by legendary American intrepidity, took mankind to new heights.

We reflect with pride on the historic successes of our Nation's aviation visionaries, and we look ahead to a future of limitless potential and even greater accomplishment. My Administration is working to build on America's heritage as aviation pioneers and the world's greatest space-faring nation. I have instructed Federal agencies to embrace aeronautics and space industries of the future by modernizing our outdated regulations and funding aerospace research and development. We will broaden America's leadership in aerospace technology, including through the return of civil supersonic flight, the growth of commercial unmanned aircraft systems, and continued innovation in space exploration and travel. As we continue our pursuits in flight, we are indebted to the Wright brothers for hazarding to dream and inspiring our Nation to look heavenward.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as ''Wright Brothers Day''; and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 17, 2018, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of December, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Proclamation 9834 of December 21, 2018

To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes

By the President of the United States of America

A Proclamation

1. In Proclamation 8468 of December 23, 2009, the President designated the Islamic Republic of Mauritania (Mauritania) as a beneficiary sub-Saharan African country for purposes of section 506A(a)(1) of the Trade Act of 1974, as amended (the ''Trade Act'';), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200, 114 Stat. 251).

2. Section 506A(a)(3) of the Trade Act (19 U.S.C. 2466a(a)(3)) authorizes the President to terminate the designation of a country as a beneficiary sub-Saharan African country for purposes of section 506A if he

determines that the country is not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act.

3. Pursuant to section 506A(a)(3) of the Trade Act, I have determined that Mauritania is not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act. Accordingly, I have decided to terminate the designation of Mauritania as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act, effective January 1, 2019.

4. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the ''USIFTA'';), which the Congress approved in section 3 of the United States-Israel Free Trade Area Implementation Act of 1985 (the ''USIFTA Act'';) (19 U.S.C. 2112 note).

5. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties, as the President determines to be required or appropriate to carry out the USIFTA.

6. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the ''2004 Agreement'';).

7. In Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, President Bush determined, pursuant to section 4(b) of the USIFTA Act, that, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, it was necessary to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

8. Each year from 2008 through 2017, the United States and Israel entered into agreements to extend the period that the 2004 Agreement was in force for 1-year periods to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement.

9. To carry out the extension agreements, the President in Proclamation 8334 of December 31, 2008; Proclamation 8467 of December 23, 2009; Proclamation 8618 of December 21, 2010; Proclamation 8770 of December 29, 2011; Proclamation 8921 of December 20, 2012; Proclamation 9072 of December 23, 2013; Proclamation 9223 of December 23, 2014; Proclamation 9383 of December 21, 2015; Proclamation 9555 of December 15, 2016; and Proclamation 9687 of December 22, 2017, modified the Harmonized Tariff Schedule of the United States (''HTS'';) to provide duty-free access into the United States for specified quantities of certain agricultural products of Israel, each time for an additional 1-year period.

10. On November 8, 2018, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force

through December 31, 2019, and to allow for further negotiations on an agreement to replace the 2004 Agreement.

11. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2019, for specified quantities of certain agricultural products of Israel, as provided in Annex I of this proclamation.

12. Section 915(b) of the Trade Facilitation and Trade Enforcement Act of 2015 (the ''TFTEA'';) (19 U.S.C. 4454(b)) authorizes the President to provide preferential treatment for eligible articles imported directly from Nepal into the customs territory of the United States.

13. In Proclamation 9555 of December 15, 2016, the President determined, taking into account the factors specified in section 915(b)(1)(B) of the TFTEA, that Nepal met the eligibility requirements of that section. Accordingly, and after receiving advice from the United States International Trade Commission (the ''Commission'';) in accordance with section 503(e) of the Trade Act (19 U.S.C. 2463(e)), the President determined to designate certain articles as eligible for duty-free treatment when imported from Nepal pursuant to section 915(c)(2)(A)(iv) of the TFTEA.

14. Pursuant to section 604 of the Trade Act (19 U.S.C. 2483), I have determined that it is appropriate to update the list of programs under which special tariff treatment may be provided, and the programs' corresponding symbols, found in general note 3(c)(i) of the HTS in order to reflect more clearly the tariff preference for certain products of Nepal and the symbol of that program.

15. Proclamation 8894 of October 29, 2012, implemented the United States-Panama Trade Promotion Agreement (the ''PATPA'';) with respect to the United States. Section 201(a) of the United States-Panama Trade Promotion Agreement Implementation Act (the ''PATPA Act'';) (Public Law 112–43, 125 Stat. 497, 501), authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply Article 3.28 of the PATPA, among other portions of that agreement.

16. Sections 500, 514, and 625 of the Tariff Act of 1930 (19 U.S.C. 1500, 1514, and 1625) grant U.S. Customs and Border Protection (''CBP'';) authority to determine the tariff classification of articles that have entered, or will enter, the commerce of the United States. In 2017, CBP changed the classification of certain guayabera-style shirts subject to Article 3.28 of the PATPA.

17. In order to ensure the continuation of duty-free treatment for originating guayabera-style shirts subject to Article 3.28 of the PATPA, and in accordance with section 201 of the PATPA Act, I have determined that it is necessary and appropriate to modify the HTS to carry out the duty reductions previously proclaimed.

18. Proclamation 6821 of September 12, 1995, established a tariff-rate quota on certain tobacco and eliminated tariffs on certain other tobacco by adding additional U.S. note 5 and various subheadings to chapter

24 of the HTS. Additional U.S. note 5 to chapter 24 of the HTS provides that the tariff-rate quota applies to the aggregate quantity of tobacco entered, or withdrawn from warehouse for consumption, under enumerated HTS subheadings from specified countries or areas, except that the tariff-rate quota does not apply to smoking tobacco unless it is manufactured for use in cigarettes.

19. Proclamation 8771 of December 29, 2011, pursuant to the authority provided in section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'';) (19 U.S.C. 3006(a)), modified the HTS to reflect amendments to the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention'';).

20. HTS subheading 2403.11.00, covering water pipe tobacco that is not used in cigarettes, was incorrectly added to the subheadings enumerated in additional U.S. note 5 to chapter 24. I have determined, in accordance with section 604 of the Trade Act, that a modification to the HTS is needed to correct this technical error.

21. In accordance with my direction, the United States Trade Representative announced in the *Federal Register* notice of September 21, 2018, 83 *FR* 47974 (the ''USTR Notice'';), his determination to modify the action taken in the Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation by imposing additional duties on products of China classified in the full and partial HTS subheadings set out in Annex A of that notice. The full and partial subheadings covered by the USTR Notice include HTS subheading 2009.89.60.

22. Subsequently, Proclamation 9813 of October 30, 2018, divided HTS subheading 2009.89.60 into two new subheadings, 2009.89.65 and 2009.89.70, in order to provide that several countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the Generalized System of Preferences. In order to maintain the scope of the modification to the Section 301 action announced in the USTR Notice, and in accordance with section 604 of the Trade Act, I have determined that it is necessary to modify U.S. note 20(f) to subchapter III of chapter 99 of the HTS.

23. The Miscellaneous Tariff Bill Act of 2018 (Public Law 115–239, 132 Stat. 2451), enacted on September 13, 2018, and effective October 13, 2018, created three headings in the HTS, 9902.01.15, 9902.01.16, and 9902.01.17, that refer to articles provided for in subheading 2009.89.60. As a result of the division of that subheading into two new subheadings in Proclamation 9813, those articles are now provided for in 2009.89.70. In accordance with section 604 of the Trade Act, I have determined that it is necessary to amend headings 9902.01.15, 9902.01.16, and 9902.01.17 of the HTS to reflect the correct new subheading.

24. On June 30, 2007, the United States signed the United States-Korea Free Trade Agreement (the ''KORUS'';). The Congress approved the KORUS in section 101(a) of the United States-Korea Free Trade Agreement Implementation Act (the ''KORUS Act'';) (Public Law 112–41, 125 Stat. 428).

25. Proclamation 8783 of March 6, 2012, implemented the KORUS with respect to the United States and, pursuant to section 201 of the KORUS Act, incorporated in the HTS the tariff modifications necessary or appropriate to carry out the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply Articles 2.3, 2.5, and 2.6 of the KORUS, and the schedule of duty reductions with respect to Korea set forth in Annex 2–B, Annex 4–B, and Annex 22–A of the KORUS.

26. Section 201(b) of the KORUS Act (125 Stat. 433) authorizes the President, subject to the consultation and layover requirements of section 104 (125 Stat. 431–32), to proclaim such modifications or continuation of any duty, such modifications as the United States may agree to with Korea regarding the staging of any duty treatment set forth in Annex 2–B of the KORUS, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Korea provided for by the KORUS.

27. The United States and Korea have agreed to modify the KORUS by modifying the staging of duty treatment for specific goods of Korea. I have determined that modification of the tariff treatment set forth in Proclamation 8783 is therefore necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Korea provided for by the KORUS, and to carry out the agreement with Korea modifying the staging of duty treatment for specific goods.

28. On June 13, 2018, in accordance with section 104 of the KORUS Act, the United States Trade Representative submitted a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that set forth the proposed modifications to the duties for specific goods of Korea under the KORUS. The consultation and layover period specified in section 104 expired on August 11, 2018.

29. Section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the HTS based on the recommendations of the Commission under section 1205 of the 1988 Act (19 U.S.C. 3005) if he determines that the modifications are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States.

30. In Proclamation 9771 of July 30, 2018, pursuant to the authority provided in section 1206(a) of the 1988 Act, the President modified the HTS to reflect a small number of amendments to the Convention.

31. In order to ensure the continuation of staged reductions in rates of duty for originating goods of Korea as provided in Proclamation 8783, under tariff categories that were modified in Proclamation 9771 to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate.

32. Proclamation 7971 of December 22, 2005, implemented the United States-Morocco Free Trade Agreement (the ''USMFTA'';) with respect to the United States and, pursuant to the United States-Morocco Free Trade Agreement Implementation Act (Public Law 108–302, 118 Stat. 1103) (the ''USMFTA Act'';), incorporated in the HTS the tariff modi-

fications and rules of origin necessary or appropriate to carry out the USMFTA.

33. Section 203 of the USMFTA Act (118 Stat. 1109–15) provides rules for determining whether goods imported into the United States originate in the territory of Morocco and thus are eligible for the tariff and other treatment contemplated under the USMFTA. Section 203(j)(2)(B)(i) of the USMFTA Act (118 Stat. 1115) authorizes the President to proclaim, as a part of the HTS, the rules of origin set out in the USMFTA, and to proclaim modifications to such previously proclaimed rules of origin, subject to the consultation and layover requirements of section 104 of the USMFTA Act (118 Stat. 1106).

34. The United States and Morocco have agreed to modify certain USMFTA rules of origin and to apply the modified rules to their bilateral trade. On November 21, 2017, in accordance with section 104 of USMFTA Act, the United States Trade Representative submitted a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that set forth the proposed modifications to specific textile and apparel rules of origin of the USMFTA incorporated in the HTS. The consultation and layover period specified in section 104 expired on January 20, 2018.

35. In order to reflect the agreement between the United States and Morocco related to USMFTA rules of origin, I have determined that it is necessary to modify the HTS.

36. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including section 506A(a)(3) of the Trade Act (19 U.S.C. 2466a(a)(3)); section 4(b) of the USIFTA Act (19 U.S.C. 2112 note); section 201(a) of the PATPA Act (125 Stat. 501); section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)); section 201(b) of the KORUS Act (125 Stat. 433); section 203(j) of the USMFTA Act (118 Stat. 1115); and section 604 of the Trade Act (19 U.S.C. 2483), do proclaim that:

(1) The designation of Mauritania as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act is terminated, effective January 1, 2019.

(2) In order to reflect in the HTS that beginning January 1, 2019, Mauritania shall no longer be designated as a beneficiary sub-Saharan African country, general note 16(a) to the HTS is modified by deleting ''Islamic Republic of Mauritania''; from the list of beneficiary sub-Saharan African countries.

(3) The modification to the HTS set forth in paragraphs (1) and (2) of this proclamation shall be effective with respect to articles that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019.

(4) In order to implement United States tariff commitments under the 2004 Agreement through December 31, 2019, the HTS is modified as provided in Annex I of this proclamation.

(5) The modifications to the HTS set forth in Annex I of this proclamation shall be effective with respect to eligible agricultural products of Israel that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019.

(6) The provisions of subchapter VIII of chapter 99 of the HTS, as modified by Annex I of this proclamation, shall continue in effect through December 31, 2019.

(7) In order to reflect the tariff preference for certain products from Nepal, the HTS is modified by adding ''Nepal Preference Program.....NP''; after ''United States-Panama Trade Promotion Agreement Implementation Act.....PA''; in general note 3(c)(i). The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019, and shall continue in effect through December 31, 2025.

(8) In order to provide for previously proclaimed duty-free treatment for originating guayabera-style shirts under the PATPA, the HTS is modified by deleting ''heading 6205 or 6206''; and by inserting in lieu thereof ''heading 6205, 6206, or 6211''; in U.S. note 41 to subchapter XXII of chapter 98. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019.

(9) In order to correct a technical error in the administration of a tobacco tariff-rate quota, additional U.S. note 5(a) to chapter 24 is modified by deleting ''2403.11.00'';. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019.

(10) In order to maintain the scope of the modification of the Section 301 action, U.S. note 20(f) to subchapter III of chapter 99 of the HTS is modified by deleting ''2009.89.60''; and inserting ''2009.89.65''; and ''2009.89.70''; in numerical sequence. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after November 1, 2018.

(11) In order to reflect modifications to certain HTS subheadings made in Proclamation 9813 and to provide the intended tariff treatment under the Miscellaneous Tariff Bill of 2018, headings 9902.01.15, 9902.01.16, and 9902.01.17 of the HTS are each amended by deleting ''subheading 2009.89.60''; and inserting ''subheading 2009.89.70''; in lieu thereof. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after November 1, 2018.

(12) In order to modify the staging of duty treatment for specific goods of Korea under the terms of general note 33 to the HTS:

(a) the tariff treatment set forth in Proclamation 8783 with respect to subheadings 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, and 8704.90.00 is terminated, effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019;

(b) in the Rates of Duty 1–Special subcolumn of column 1 for subheadings 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, and 8704.90.00, the rate of duty ''25% (KR)''; shall continue in effect through December 31, 2040; and

(c) effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2041, subheadings 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, and 8704.90.00 are hereby modified by inserting, in the Rates of Duty 1–Special subcolumn of column 1 in the parenthetical expression following the ''Free''; rate of duty, the symbol ''KR'';.

(13) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Korea under the KORUS that are classifiable in the provisions modified by Annex III of Proclamation 9771 and entered for consumption, or withdrawn from warehouse for consumption, on or after each of the dates specified in Proclamation 9771, the HTS is modified as follows:

(a) effective January 1, 2019, the rate of duty in the HTS set forth in the Rate of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in Annex II of this proclamation shall be modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column ''2019''; before the symbol ''KR''; in parentheses; and

(b) for each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol ''KR''; in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.

(14) In order to implement agreed amendments to certain textile rules of origin under the USMFTA, general note 27 to the HTS is modified as set forth in Annex III of this proclamation. The modifications set forth in Annex III of this proclamation shall enter into effect on the first day of the month following the date the United States Trade Representative announces in a notice published in the *Federal Register* that Morocco has completed its applicable domestic procedures to give effect to corresponding modifications to be applied to goods of the United States.

(15) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of December, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

ANNEX I

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to eligible agricultural products of Israel which are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019, and through the close of December 31, 2019, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by striking "December 31, 2018," and by inserting in lieu thereof "December 31, 2019".

2. U.S. note 3 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2019" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "466,000".

3. U.S. note 4 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2019" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,304,000".

4. U.S. note 5 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2019" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,534,000".

5. U.S. note 6 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2019" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "131,000".

6. U.S. note 7 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2019" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "707,000".

ANNEX II

TO PROVIDE STAGED REDUCTIONS IN CERTAIN RATES OF DUTY FOR PURPOSES OF THE UNITED STATES – KOREA FREE TRADE AGREEMENT

Effective with respect to goods of Korea, under the terms of general note 33 to the Harmonized Tariff Schedule of the United States (HTS), entered for consumption, or withdrawn from warehouse for consumption, as provided herein on January 1 of each of the successive years, for each of the enumerated subheadings of the HTS in the following table, the Rates of Duty 1-Special subcolumn is modified (i) by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column titled 2019 before the symbol "KR" in the parentheses, and (ii) for each of the subsequent dated table columns on January 1 in each year, the rates of duty in such subcolumn for such subheadings set forth before the symbol "KR" in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof:

Subheading	2019	2020	2021
4412.33.26	1%	0.5%	Free
4412.33.32	1.6%	0.8%	Free
4412.33.57	1.6%	0.8%	Free
4412.34.26	1%	0.5%	Free
4412.34.32	1.6%	0.8%	Free
4412.34.57	1.6%	0.8%	Free

ANNEX III

TO MODIFY CERTAIN RULES OF ORIGIN FOR PURPOSES OF THE UNITED STATES – MOROCCO FREE TRADE AGREEMENT

Effective the first day of the month following the date announced by the United States Trade Representative in a notice published in the *Federal Register*, with respect to goods originating in the territory of Morocco, under the terms of general note 27 to the Harmonized Tariff Schedule of the United States (HTS), that are entered for consumption, or withdrawn from warehouse for consumption, general note 27 to the HTS is modified as follows:

The product specific rules for chapter 62 set forth in general note 27(h) to the HTS are modified by inserting the following new chapter rule immediately after chapter rule 3:

"**Chapter rule 4**: The products listed in this rule are read in conjunction with the product - specific rules set out in this note. For purposes of determining whether a good is originating, a product listed in this rule shall be considered originating, notwithstanding the origin of the input mentioned in the rule, provided the good meets any specified requirement, including any end use requirement:

(a) Women's or girls' cotton corduroy skirts and divided skirts classified in subheading 6204.52, of cotton corduroy fabrics classified in subheading 5801.22;

(b) Women's or girls' man-made fiber blouses, shirts and shirt-blouses classified in subheading 6206.40, of polyester corduroy fabrics classified in subheading 5801.32;

(c) Women's trousers classified in subheading 6204, of synthetic bi-stretch fabric containing 45 to 52 percent by weight of polyester, 45 to 52 percent by weight of rayon and 1 to 7 percent by weight of spandex, classified in subheading 5515.11;

(d) Women's trousers classified in subheading 6204, of woven fabric containing 60 to 68 percent by weight of polyester, 29 to 37 percent by weight of rayon and 1 to 7 percent by weight of spandex, classified in subheading 5515.11;

(e) Women's trousers classified in subheading 6204, of woven herringbone fabric containing 31 to 37 percent by weight of viscose rayon, 17 to 23 percent by weight of polyester, 17 to 23 percent by weight of cotton, 13 to 19 percent by weight of wool, 5 to 11 percent by weight of nylon and 1 to 6 percent by weight of spandex, classified in subheading 5408.33".

Proclamation 9835 of December 31, 2018

National Slavery and Human Trafficking Prevention Month, 2019

By the President of the United States of America
A Proclamation

Human trafficking is a modern form of slavery. It is not enough merely to denounce this horrific assault on human dignity; we must actively work to prevent and end this barbaric exploitation of innocent victims. During National Slavery and Human Trafficking Prevention Month, we pledge to continue the battle to abolish modern slavery and restore the lives of those affected by human trafficking.

Human trafficking harms adults and children of all ages and demographics. Through force, fraud, and coercion, traffickers push their victims into demeaning forms of abuse, including domestic servitude and commercial sexual exploitation. These crimes often remain hidden because victims are reluctant to seek help for a variety of reasons, including language barriers, fear of traffickers and law enforcement, and lack of trust. Human trafficking destroys precious lives and threatens our Nation's security, public health, and the rule of law. It is a scourge on the global community.

We are morally obligated to confront and defeat the abhorrent practice of human trafficking, and I am keeping my pledge to take aggressive action. In February of 2017, I signed an Executive Order to dismantle transnational criminal organizations that traffic and exploit people. I have made it a top priority to fully secure our Nation's Southwest border, including through the continued construction of a physical wall, so that we can stop human trafficking and stem the flow of deadly drugs and criminals into our country. And my Administration is negotiating tough forced-labor provisions in our new trade agreements, including in the United States-Mexico-Canada Agreement, or USMCA.

In April of 2018, I was proud to sign into law the ''Allow States and Victims to Fight Online Sex Trafficking Act of 2017'';, landmark legislation to fight online sex trafficking. This legislation makes it easier to take legal action against individuals who use websites to facilitate sex trafficking, helping victims seek justice against the websites that profit from their exploitation. It also clarifies that those who benefit from knowingly assisting, supporting, or facilitating an act of sex trafficking are in violation of Federal law.

At my direction, Federal departments and agencies are ensuring full enforcement of our laws so that those who seek to exploit our people and break our laws receive the full measure of justice they deserve. In 2017 alone, the Department of Justice secured convictions against more than 500 defendants in human trafficking cases and the Federal Bureau of Investigation dismantled more than 42 criminal enterprises engaged in child sex trafficking. The Department of Homeland Security initiated more than 800 human trafficking cases, resulting in at least 1,500 arrests and 530 convictions. The Department of Health and Human Services modernized the National Human Trafficking Hotline. The Department of Transportation recently established an Advisory Committee on Human Trafficking to assist State and local transportation stakeholders in developing best practices for combating human traf-

ficking. And my Interagency Task Force to Monitor and Combat Trafficking in Persons is working tirelessly to prosecute traffickers and protect human trafficking victims. The task force has also enhanced collaboration with other nations, businesses, and survivors of human trafficking.

Under my Administration, the Federal Government will continue to play a leading role in the fight against human trafficking. But all Americans can help in this effort by recognizing key indicators that can potentially save a life. Public awareness and education are critical, especially for those most likely to encounter perpetrators of enslavement and their victims, such as healthcare professionals, law enforcement officers, social services providers, and educators. Through the Department of Homeland Security's Blue Campaign, citizens can learn to identify victims, report suspected instances of trafficking, and bring those who exploit others to justice.

As a Nation, we cherish and uphold the notion that all people are created with inherent dignity and entitled to life, liberty, and the pursuit of happiness. Human trafficking and enslavement robs victims of these God-given endowments. Modern slavery in all its manifestations is a blight on humanity and an affront to our fundamental values. We will not rest until we eradicate this evil.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2019 as National Slavery and Human Trafficking Prevention Month, culminating in the annual observation of National Freedom Day on February 1, 2019. I call upon industry associations, law enforcement, private businesses, faith-based and other organizations of civil society, schools, families, and all Americans to recognize our vital roles in ending all forms of modern slavery and to observe this month with appropriate programs and activities aimed at ending and preventing all forms of human trafficking.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

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